

### **CALL TO ORDER**

Mayor Procter called the meeting to order at 6:45 p.m. Reverend David McKeever offered the invocation, and Councilmember Luna led the Pledge of Allegiance to the Flag.

### **ROLL CALL**

Councilmember Richard C. Cook, Councilmember Mary Ann Krause, Councilmember Ray C. Luna, Vice Mayor Gabino Aguirre, and Mayor John T. Procter responded to roll call. City Manager Wally Bobkiewicz, Acting City Attorney Karl H. Berger, City Clerk Steven J. Salas, and Deputy City Clerk Josephine G. Herrera were also present.

### **PRESENTATION**

#### A. Introduction of New Employee

City Manager Wally Bobkiewicz introduced Public Works Director/City Engineer Clifford G. Finley, who previously worked for the City of Port Hueneme and Boyle Engineering. Mr. Finley stated that he looks forward to serving the City of Santa Paula.

#### B. Introduction of new Employees

Public Works Director/City Engineer Clifford G. Finley introduced Water Distribution Workers Gilbert Segovia, Jr. and Mathew Stewart, who were recently hired after having worked as Temporary Workers for the past year.

#### C. Introduction of New Employee

Police Chief Robert S. Gonzales introduced Police Officer Alan Macias, who previously worked as a Police Cadet for the City. Officer Macias stated that it was an honor and privilege to be back in Santa Paula.

#### D. Proclamation

Councilmember Cook presented a proclamation to Public Works Director/City Engineer Clifford G. Finley and Water Division staff in recognition of "Drinking Water Week." Water Operations Supervisor Sam Hutton invited everyone to tour the Water Treatment Facility this week. Water Maintenance Supervisor Ruben Gomez asked the staff present to introduce themselves: Roy Marsh, Ray Urrutia, Tim Martinez, Mathew Stewart, Jay Barry, and Gilbert Segovia, Jr.

E. Presentation

April Rogers, Chair of the Ventura County Alcohol and Drug Advisory Board, spoke regarding the misuse and abuse of the drug OxyContin, which has caused the death of 35 people in the past year.

**PUBLIC COMMENT**

Annie Ramirez, 140 W. Eliot, representing Santa Paula Girls Soccer Teams, expressed her concern with the lack of playing fields during the rehabilitation of Teague and Las Piedras Parks.

Miguel Rico, 150 Outer Drive, representing Men's Adult Soccer, distributed a list of adult soccer teams, and questioned whether any work has been done to Teague and Las Piedras Park. He also stated that the teams are unable to use the fields at local schools due to improper insurance, and expressed his concern with the lack of playing fields.

Martin de la Rosa, 430 Guiberson, representing Aguilas Soccer Teams, expressed his concern with the lack of sufficient amounts of playing fields, and noted that over 700 people in Santa Paula play soccer.

The City Council expressed concern to staff with the lack of signs posted to explain the reason for the park closures, and suggested that the soccer teams meet with the school board to express their concerns with the use of fields at the schools. City Manager Wally Bobkiewicz responded that staff would install the signs.

Public Works Director/City Engineer Clifford G. Finley provided a brief update on the project by explaining that the fields had been aerated and will have gypsum and amendments applied. He also noted that unseasonal rain had delayed the project, and that the project should be completed in six weeks.

Jeanette Maland, 811 Teague Drive, representing the Chamber of Commerce, read from her prepared statement thanking the City Council for granting \$1,500 to allow the Chamber to open on weekends. Mayor Procter presented Ms. Maland with a check in the amount of \$1,500, which was granted by the Redevelopment Agency.

**CITY COUNCIL, STAFF COMMUNICATIONS**

Councilmember Luna commented on the first meeting of the Santa Paula Creek Fish Ladder Authority and stated that he would provide an update.

Councilmember Krause acknowledged the Cinco de Mayo celebration held this weekend at the gazebo, which was organized by the Family Resource Center.

Mayor Procter wished everyone a happy Cinco de Mayo. He also acknowledged Martha Harris, who recently passed away and who regularly attended City Council Meetings. He stated that he would adjourn the meeting this evening in her honor.

**APPROVAL OF FINAL AGENDA**

City Manager Wally Bobkiewicz mentioned that he would ask to pull Items 9N and 9P for discussion.

**CONSENT CALENDAR**

City Manager Wally Bobkiewicz pulled Items 9N and 9P. Councilmember Luna pulled Items 9F and 9H. It was moved by Councilmember Cook, seconded by Councilmember Krause, to waive the reading of Ordinances and Resolutions appearing on the Consent Calendar; to waive the reading of all other Resolutions appearing on the Agenda; to read all other Ordinances appearing on the Agenda, in title only; and to adopt the Consent Calendar as amended. There was no opposition. The Consent Calendar was adopted.

- A. Waiver of Reading of Ordinances and Resolutions – Approved waiver of the reading of Ordinances and Resolutions appearing on the Consent Calendar; waiver of the reading of all other Resolutions appearing on the Agenda; and reading all other Ordinances appearing on the Agenda, in title only.
- B. Warrants and Certifications – Approved the Warrants and Certifications dated April 28, 2003. (88-2)

Wire Transfers	\$ 44,908.80
Salaries	\$300,039.08
Invoices	<u>\$535,266.78</u>
TOTAL	\$880,214.66

- C. Closed Session – Approved a Closed Session to discuss: Conference with Labor Negotiators. Agency designated representative: Wally Bobkiewicz. Unrepresented employees: (Executive Management). Pursuant to *Government Code §54957.6* (118-2).
- D. Minutes – Adopted the Minutes of the Regular City Council Meeting of April 7, 2003. (50-6)
- E. Minutes – Adopted the Minutes of the Special City Council Meeting of April 14, 2003.

- G. Surplus Property Disposal – 1) Declared the attached list of unusable vehicles, goods, and/or equipment as surplus property, authorizing the immediate sale using Ken Port Auction Company via the cooperative purchasing agreement with the County of Ventura; and 2) approved **RESOLUTION NO. 5577**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA PAULA DECLARING CERTAIN PROPERTY TO BE SURPLUS BY AUTHORIZING THE SALE OF SUCH SURPLUS PROPERTY, and authorizing the sale of such surplus property by authorizing the City Manager, or his designee, to enter into agreements for the disposal of such surplus property through negotiated sale, sealed bid, and/or contracted auction. Finance Director Alvertina Rivera's report dated April 25, 2003.
- F. Request from Gospel Lighthouse Pentecostal Church for a Temporary Use Permit to Sell Cherries as a Fundraiser (03-TIP-04) – Considered this a special circumstance and authorized approval of a Temporary Use Permit for the sale of cherries for a four and one-half week period from May 15 to June 15, 2003, as requested. Planning Director Thomas M. Bartlett's report dated April 21, 2003.
- G. Emergency Purchase of Dictation System Upgrade – Confirmed the emergency purchase of a Dictaphone dictation system upgrade to replace the previous system, which failed before it could be repaired by normal means. Police Chief Robert S. Gonzales' report dated April 23, 2003.
- H. Fund Transfer – Authorized the transfer of \$6,000 of asset forfeiture funds from Account No. 203.045.4502.8135 to General Fund Account #100.045.4502.8135 to replenish the Police Canine account from unanticipated expenses. Police Chief Robert S. Gonzales' report dated April 24, 2003.
- L. Adopt Administering Agency-State Master Agreement No. 000121 for State-funded Projects and Program Supplement Agreement No. 0916 Rev. 000 – Safe Routes to School, and Authorize the Mayor to Sign Resolution No. 5574 – Adopted the attached resolution authorizing the Mayor to sign the Administering Agency-State Master Agreement No. 000121 for the state funded Supplement Agreement No. 0916. **RESOLUTION NO. 5574**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA PAULA AUTHORIZING THE MAYOR TO SIGN ADMINISTERING AGENCY-STATE MASTER AGREEMENT NO. 000121 AND PROGRAM SUPPLEMENT AGREEMENT NO. 0916 REV. 000. Public Works Director/City Engineer Clifford G. Finley's report dated April 16, 2003.
- M. Contract Change Order for Preparation of Grant Application Package to Southern California Edison Company – 1) Approved a contract change order to the existing contract (for Design of the Proposed Santa Paula Wastewater Treatment Plant) with Parsons (an Engineering Firm) in the not-to-exceed amount of \$15,000 for the prepared and submitted grant (\$280,000) application package to the

Southern California Edison Company for the Proposed Wastewater Treatment Plant; and 2) appropriated \$15,000 from the Wastewater Enterprise Fund for the prepared and submitted grant (\$280,000) application to Southern California Edison. Interim Public Works Director/City Engineer Joseph R. Lopez's report dated April 21, 2003.

- O. Street Striping, Project No. 00.01.214 STR, Approval of Design and Plans – Adopted the attached resolution approving the design and plans for Street Striping within the city, Project No. 00.01.214 STR, and authorized the Public Works Director/City Engineer to advertise for bids. **RESOLUTION NO. 5576**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA PAULA APPROVING THE DESIGN AND PLANS FOR THE IMPROVEMENT TO PUBLIC PROPERTY THROUGH STREET STRIPING PURSUANT TO GOVERNMENT CODE SECTION 830.06. Interim Public Works Director/City Engineer Joseph R. Lopez's report dated April 24, 2003.

#### **CONSENT CALENDAR – SEPARATE ACTION ITEMS**

- F. Minutes

Councilmember Luna pulled this item in order to abstain as he was not present at the meeting.

It was moved by Councilmember Cook, seconded by Councilmember Krause, to adopt the Minutes of the Special City Council Meeting of April 21, 2003. There was no opposition, and the motion carried.

- G. Approval of Scope of Work for Biological Work Program and a Cultural Resources Study fo the Fagan Canyon Hillside Development Project

Planning Director Thomas M. Bartlett's report dated April 17, 2003.

A discussion ensued regarding the total amount on deposit from Centex Homes and reimbursement for staff time.

It was moved by Councilmember Krause, seconded by Vice Mayor Aguirre, to approve the scope of work for Biological Work Program and Cultural Resources Study for the Fagan Canyon Hillside Development Project, and authorized the City Manager to execute contractual documents, including notice to proceed. Councilmember Krause, Councilmember Luna, Vice Mayor Aguirre, and Mayor Procter were in favor. Councilmember Cook abstained. The motion carried.

N. Santa Paula Branch Line Bike Trail Project

Public Works Director/City Engineer Clifford G. Finley presented Interim Public Works Director/City Engineer Joseph R. Lopez's report dated April 16, 2003. He responded to concerns regarding placing the project in abeyance by stating that he had spoken with Ginger Gherardi from the Ventura County Transportation Commission (VCTC) who stated that it would be appropriate to delay the project, and that VCTC has other uses for their portion of the grant funding. Ms. Gherardi also indicated that VCTC would give high preference in allocating additional grant funding to Santa Paula to build this project. He further responded to a question regarding whether the grant could be used for another project which had not gone through the competitive grant process by stating that Ms. Gherardi indicated that it would be appropriate. He also explained that the grant was to be used as the City's match for the bike trail project, and that the grant may be used for local transportation projects.

A discussion ensued regarding the environmental impact report (EIR) for this project; the fact that Supervisor Kathy Long's office had negotiated an agreement with local farmers not to file suit against VCTC over the EIR, which was certified in order to assist Santa Paula in building the bike trail; and concerns whether the EIR would need to be updated. Public Works Director/City Engineer Clifford G. Finley responded to the concerns by stating that he could not comment on the EIR; however, Ms. Gherardi is responsible for reprogramming projects, and she had indicated that it would be acceptable to delay the bike trail project because of budget constraints.

City Manager Wally Bobkiewicz suggested returning this item to a future meeting with a more complete explanation. It was the consensus of the City Council to return this item on a future agenda.

P. Task Order for Design Services for 14-inch Water Main

Public Works Director/City Engineer Clifford G. Finley presented Interim Public Works Director/City Engineer Joseph R. Lopez's report dated April 22, 2003. He explained that the section of Santa Barbara Street between Seventh and Eighth Streets would have the water line installed prior to the Arterial Roadway Pavement Replacement Project which would occur this summer, and that this section of street would have the pavement grinded down to improve the pavement on an interim basis.

Acting City Attorney Karl H. Berger responded to a question regarding setting a time limit for excavation after a street repaving project by stating that he is preparing an amendment to the encroachment permit and process, which would be presented to the City Council at a future date.

It was moved by Vice Mayor Aguirre, seconded by Councilmember Krause, to approve a task order in the not-to-exceed amount of \$30,000 for design services to MNS

Engineers, Inc., and authorized the City Manager to sign the Task Order. There was no opposition, and the motion carried.

### **RECESS TO A HEALTH AND SAFETY BREAK**

Mayor Procter recessed the City Council to a Health and Safety Break at 7:42 p.m.

### **RECESS TO REGULAR MEETING**

Mayor Procter reconvened the City Council at 7:45 p.m.

### **ORDER OF BUSINESS**

A. Update on City Web Site (continued)

City Manager Wally Bobkiewicz provided an oral report and presentation on the improvements to the City's web site. He noted that staff continues to work with the high school on an improved design for the web site.

B. School Crossing Improvements, Project No. 00.02.212 SPC, Award of Contract

Public Works Director/City Engineer Clifford G. Finley's report dated April 30, 2003.

City Manager Wally Bobkiewicz recommended that this item be postponed until the issue with the Santa Paula Branch Line Bike Trail Project is resolved.

C. FY 2002/03 Third Quarter Statement of Revenues and Expenditures

Finance Director Alvertina Rivera's report dated April 27, 2003.

The report was received and filed.

D. Phase-in Program for Staffing Fire Station Two

Fire Chief Paul L. Skeels' report dated April 10, 2003. He responded to a question regarding the proposal to change the part-time, paid-call program to a volunteer reserve program by stating that it would be similar to the Police Reserves Program. He further responded to a question regarding any concerns from County Fire regarding paid-call staffing by stating that County Fire and their union are in favor of phasing out volunteer and part-time firefighters. He further responded to a question regarding the stance of the Santa Paula Professional Firefighters Association on staffing Fire Station 2 by stating that the union has expressed that they are in favor of staffing Fire Station 2 with full-time staff instead of using a combination of full-time and part-time staff.

City Manager Wally Bobkiewicz responded to a question regarding imposition of impact fees as the city develops by stating that impact fees may pay for capital improvements; however, the fees cannot pay for operating costs.

A discussion ensued regarding educating the public on the reason for staffing Fire Station 2, and adopting the phased-in program in concept subject to funding.

It was moved by Vice Mayor Aguirre, seconded by Mayor Procter, to authorize Fire Chief Paul L. Skeels to move forward with Phase I, and direct staff to come back with some creative ways of accommodating the rest of the phasing program after the budget deliberations and adoption. There was no opposition, and the motion carried.

E. Police Services Update

Police Chief Robert S. Gonzales provided a verbal update of community policing in the downtown area; noted that Santa Paula was recently recognized as the model city for its We Tip Program; provided an update on graffiti abatement; shared the graffiti hotline 921-1668; provided an update on the Special Enforcement Detail Program which was responsible for 24 recent arrests; and noted that the Police Department continues to search for grants for funding additional personnel. He also addressed a previous question from the City Council on what occurs to individuals after they are convicted of a crime.

A discussion ensued regarding the recent problems with graffiti throughout town, and asking the Police Chief or the City Manager to write a letter to the Presiding Judge requesting that the courts be more harsh toward graffiti perpetrators.

F. Request for Waiver of Capital Facilities Fees

City Manager Wally Bobkiewicz presented Public Works Director/City Engineer Clifford G. Finley's report dated April 18, 2003. He asked whether Mr. Timothy M. Finnigan or his representative were present in the audience; however, no response was received.

It was moved by Councilmember Cook, seconded by Councilmember Luna, to deny the waiver of capital facilities fees as requested by Mr. Timothy M. Finnigan. There was no opposition, and the motion carried.

G. Request for Proposals – Police Department Management Audit

City Manager Wally Bobkiewicz's report dated April 30, 2003.

A discussion ensued regarding amending the *Scope of Services - Organization* to include a review of all special assignment details such as detectives, narcotics and

gangs, K-9, and the Special Response Team; and identify the portion of the General Fund budget under *3.1 Background Information*.

It was moved by Councilmember Cook, seconded by Councilmember Luna, to approve the draft Request for Proposals for the Police Department Management Audit with the changes noted, and to send the Request for Proposals. There was no opposition, and the motion carried.

H. Grant Writing Strategies

City Manager Wally Bobkiewicz's report dated April 29, 2003.

A discussion ensued regarding the possibility of hiring a grant writer or grants coordinator.

It was the consensus of the City Council to have staff explore the possibility of hiring a Grants Writer/Coordinator, and include this in the budget.

I. Update on Proposed Traffic Impact Fees and General Facilities Impact Fees

Public Works Director/City Engineer Clifford G. Finley presented Interim Public Works Director/City Engineer Joseph R. Lopez's report dated April 21, 2003.

Acting City Attorney Karl H. Berger recommended scheduling a meeting to receive a perspective on how fees are calculated and how they are imposed upon developers seeking new development within the city so that they pay their fair share of their development's impact on public services.

A discussion ensued regarding whether to hold a community, City Council, or Planning Commission workshop, and suggestions for dates to schedule the workshop.

Acting City Attorney Karl H. Berger advised that the City Council could schedule a special meeting, and if a quorum is not present, the meeting could continue as a community workshop.

It was moved by Vice Mayor Aguirre, seconded by Mayor Procter, to receive the report and set June 17, 2003, at 6:30 in the evening as a Special City Council Meeting to deal with impact fees. There was no opposition, and the motion carried.

**COUNCIL CONSENSUS TO EXTEND THE MEETING**

As business had not concluded at 9:30 p.m., and pursuant to Section 11 of the City Council's Rules of Procedure, it was moved by Councilmember Cook, seconded by Vice Mayor Aguirre, to extend the meeting. There was no opposition, and the motion carried.

**RECESS TO A BREAK**

Mayor Procter recessed the City Council to a break at 9:30 p.m.

**RECONVENE TO REGULAR MEETING**

Mayor Procter reconvened the City Council at 9:39 p.m.

J. Status Report, Capital Improvement Program

City Manager Wally Bobkiewicz presented Interim Public Works Director/City Engineer Joseph R. Lopez's report dated April 18, 2003, and provided an update and general overview of several projects. He responded to a question regarding the project to abandon Well 6 by stating that staff would provide an update off agenda on this project. He further responded to a question regarding Public Works Office Space by stating that staff is looking at accommodating the utility staff, and that staff would provide proposals during the budget session. He also noted that communication had been received from the Latino Town Hall regarding the old Plumbing Store at 926 E. Main Street, which is in the midst of seismic retrofit. He also noted that it was the City Council's previous direction to move forward with completing the seismic retrofitting prior to making any decisions on future uses for this building.

The report was received and filed.

K. Agreement for Legal Services, Appointment of Interim Attorney, and Approve Request for Proposals for City Attorney Services

City Manager Wally Bobkiewicz's report dated April 30, 2003.

Acting City Attorney Karl H. Berger introduced Daniel Ballin, who was recently hired at Burke, Williams & Sorensen, and who will act as the Interim Assistant City Attorney.

Daniel Ballin provided a summary of his legal services experience, and stated that he looks forward to serving the City Council.

It was moved by Councilmember Cook, seconded by Councilmember Krause, to approve the agreement for legal services with Burke, Williams, Sorensen LLP for Interim City Attorney Services, and adopt a resolution appointing Karl H. Berger Interim City Attorney. There was no opposition, and the motion carried.

**RESOLUTION NO. 5578**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA PAULA  
APPOINTING KARL H. BERGER AS INTERIM CITY ATTORNEY

City Manager Wally Bobkiewicz proposed sending the Request for Proposals for City Attorney Services to the following firms: Richards, Watson & Gershon; Oilver, Vose &, Sandifer; Burke, Williams & Sorensen; Hatch & Parent; Myers, Widders, Gibson, Jones & Schneider; Philip Drescher from Norman, Cormany, Hair & Compton; and Best, Best & Krieger.

It was moved by Vice Mayor Aguirre, seconded by Councilmember Krause, to approve the submittal of the request for proposals for City Attorney Services, and authorize the Mayor to transmit those RFPs to the various firms. There was no opposition, and the motion carried.

**CITY COMMUNICATIONS**

City Manager Wally Bobkiewicz noted that a Special City Council Meeting has been scheduled for May 12, 2003, for a goal setting session, and mentioned that Adelphia will televise the meeting live. He also noted that the light fixtures in the Council Chambers would be replaced with more television-friendly bulbs. Also, a videotape from the League of California Cities would be presented at the meeting.

Interim City Attorney Karl H. Berger thanked the City Council for the opportunity to serve the City of Santa Paula, and noted that he looks forward to working for them.

Councilmember Krause mentioned that the Planning Commission will consider a 36-unit project before the ordinance on the fees will take effect, and noted her concern that the fees would not be applied to this project. Interim City Attorney Karl H. Berger stated that he would research the ordinance and report back to the City Council on an individual basis.

Councilmember Cook mentioned that he attended the California Association of Sanitation Conference where topics included press releases, drinking water, and water discharge.

Mayor Procter mentioned that he and Councilmember Luna would be attending the Southern California Edison workshop.

**FUTURE AGENDA ITEMS**

It was moved by Councilmember Luna, seconded by Councilmember Cook, to have the City Manager respond to the questions from Mr. Miguel Rico regarding the soccer fields, and to have public relations in regards to the park closures so that everyone can be aware of what is going on. There was no opposition, and the motion carried.

It was moved by Councilmember Krause, seconded by Mayor Procter, for a Future Agenda Item as a consent matter on the next agenda directing the Interim City Attorney to provide a conflict of interest memo with regards to Fagan Canyon, being as inclusive as possible for each Councilmember. There was no opposition, and the motion carried.

### **RECESS TO REDEVELOPMENT AGENCY MEETING**

Mayor Procter recessed the City Council to a Redevelopment Agency Meeting at 10:18 p.m.

### **RECONVENE TO REGULAR MEETING**

Mayor Procter reconvened the City Council at 10:31 p.m.

### **CLOSED SESSION**

Interim City Attorney Karl H. Berger announced that the Closed Session would be to discuss: Conference with Labor Negotiators. Agency designated representative: Wally Bobkiewicz. Unrepresented employees: (Executive Management). Pursuant to *Government Code §54957.6 (118-2)*.

Mayor Procter recessed the City Council to a Closed Session at 10:31 p.m. and reconvened into Open Session at 11:00 p.m.

No action was taken during the Closed Session.

### **ADJOURNMENT**

There being no further business to come before the City Council, Mayor Procter adjourned the meeting at 11:00 p.m.

ATTEST:

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Steven J. Salas  
City Clerk