

CALL TO ORDER

Mayor/Chair Aguirre called the meeting to order at 6:48 p.m. Deacon Al Guilin of St. Sebastian Church offered the invocation, and Mayor Aguirre led the Pledge of Allegiance to the Flag.

ROLL CALL

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

PRESENTATION

- A. Presentation of City Tile and Proclamation to Senior Center Coordinator Alma Ikeler

Mayor Aguirre presented a City Tile and Proclamation to Alma Ikeler in recognition of her 11 years of service to the City of Santa Paula. Mrs. Ikeler acknowledged the community for their generous assistance.

- B. Presentation by Port Hueneme Mayor Toni Young Representing the Southern California Association of Governments (SCAG) Regarding 2004 Regional Transportation Plan

City Manager Wally Bobkiewicz noted that Mayor Toni Young was unable to attend the meeting due to illness, and that the presentation would be rescheduled to February 2, 2004.

PUBLIC COMMENT

There was no Public Comment.

CITY COUNCIL/REDEVELOPMENT AGENCY, STAFF COMMUNICATIONS

Councilmember Procter commended the Chamber of Commerce and Latino Town Hall for the successful New Year's Eve celebration.

APPROVAL OF FINAL AGENDA

No changes were made to the agenda.

CONSENT CALENDAR

Deputy City Clerk Josie G. Herrera asked that Item 9B be pulled for discussion. It was moved by Councilmember Cook, seconded by Vice Mayor 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.
- C. Regular City Council Meeting Minutes – Adopted the Minutes of the Regular City Council Meeting of December 1, 2003.
- D. Special City Council Meeting Minutes – Adopted the Minutes of the Special City Council Meeting of December 15, 2003.
- E. Regular City Council Meeting Minutes – Adopted the Minutes of the Regular City Council Meeting of December 15, 2003.
- F. Redevelopment Agency Minutes – Adopted the Minutes of the Redevelopment Agency Meeting of December 15, 2003.
- G. Adoption of Ordinance No. 1084 – Adopted **ORDINANCE NO. 1084**, AN ORDINANCE SETTING THE AMOUNT OF WATER RATES AND CHARGES PURSUANT TO HEALTH AND SAFETY CODE 5471 AND THE SANTA PAULA MUNICIPAL CODE. Deputy City Clerk Josie G. Herrera's report dated December 29, 2003.
- H. Adoption of Ordinance No. 1091 – Adopted **ORDINANCE NO. 1091**, AN ORDINANCE AMENDING CHAPTER 50 OF THE SANTA PAULA MUNICIPAL CODE IN ITS ENTIRETY REGULATING SOLID WASTE MANAGEMENT. Deputy City Clerk Josie G. Herrera's report dated December 29, 2003.
- I. Amendment to an Agreement with Mogavero Notestine Associates for Additional Services – 1) Authorized the Executive Director of the Redevelopment Agency of Santa Paula to execute an amendment to Section I. Scope of Services and Exhibit A of the agreement with Mogavero Notestine Associates in the amount of \$6,655 for related new tasks; and 2) allocated \$3,000 from 850 Current Fund Balance to 850.085.9125.8215. Economic Development Director Charmaine Stouder's report dated December 24, 2003.

- J. Council Expense and City Manager Travel Monthly Report of Transactions – Reviewed and filed the attached monthly transaction reports for the months of October and November 2003. Finance Director Alvertina Rivera’s report dated December 10, 2003.
- K. Monthly Report of Transactions – Reviewed and filed the attached monthly transactions report. City Treasurer Sandra K. Easley’s report dated December 22, 2003.
- L. Second Reading Ordinance No. 1087 – Adopted **ORDINANCE NO. 1087**, AN ORDINANCE APPROVING A ZONE CHANGE FROM GENERAL COMMERCIAL (C-2) TO GENERAL COMMERCIAL WITH PLANNED DEVELOPMENT ADDITIVE (C-2-PD) AND LOT MERGE FOR PROPERTY LOCATED AT 320 WEST HARVARD BOULEVARD (APN 105-0-151-035 and 105-0-151-045). Planning Director Thomas M. Bartlett’s report dated December 17, 2003.
- M. Acceptance of Parcel Map 2002-33; 2-Lot Subdivision Located at 112-116 West Harvard Boulevard, West of Santa Anna Street – Approved Parcel Map 2002-33, for signature and recording. Public Works Director/City Engineer Clifford G. Finley’s report dated December 17, 2003.

CONSENT CALENDAR, SEPARATE ACTION ITEMS

- B. Special Joint City Council/Planning Commission Meeting Minutes –

Deputy City Clerk Josie G. Herrera noted a correction to Page 3 of the Minutes, second line of the third paragraph, which should read, “...Department is charged with *enforcing* the adopted regulations...”

It was moved by Councilmember Procter, seconded by Vice Mayor Krause, to adopt the Minutes of the Special Joint City Council/Planning Commission Meeting of November 24, 2003, as amended. There was no opposition, and the motion carried.

PUBLIC HEARING

- A. Urban Water Management Plan 2000 Update Adoption

Mayor Aguirre opened the Public Hearing at 6:58 p.m.

City Attorney Karl H. Berger noted that the development of the Urban Water Management Plan depends on the outcome of the case captioned *United Water*

Conservation District versus City of San Buenaventura, Ventura County Superior Court Case No. 115611. He noted that a judgment in that case was entered on or about March 7, 1996. He further noted that between 1997 and 2001, he was employed by the City of San Buenaventura as a City Attorney, and that the case occurred before he was employed by the City of San Buenaventura. Further, he did not believe there was any actual conflict that would arise by his representation as the City of Santa Paula's City Attorney; however, under the rules of professional conduct, he brought this potential conflict to the City Council's attention. Therefore, on the next Consent Calendar, he would ask for a written informed waiver.

Public Works Director/City Engineer Clifford G. Finley's report dated December 25, 2003.

There was no Public Comment.

It was moved by Vice Mayor Krause, seconded by Councilmember Cook, to adopt the Urban Water Management Plan 2000 Update. There was no opposition, and the motion carried.

Mayor Aguirre closed the Public Hearing at 7:02 p.m.

B. Tax Equity Fiscal Reform Act (TEFRA) Public Hearing for Harvard Place Apartments

Mayor Aguirre opened the Public Hearing at 7:02 p.m.

Economic Development Director Charmaine Stouder's report dated December 28, 2003. She noted a correction to Section 3 of Resolution No. 6049, which would be addressed by the Housing Authority's Counsel, Kevin Hale.

City Attorney Karl H. Berger responded to a question regarding the City's liability in the issuance of the revenue bonds by stating that the City and the Housing Authority are two separate legal entities. However, because the Housing Authority Commissioners are not elected representatives, it is left to the City Council to approve the issuance of the bonds. Further, this imposes no financial or other legal liability upon the City.

Ramsey Jay, Executive Director of the Housing Authority noted that the project is in collaboration among the Housing Authority, Partners in Housing, the City's Redevelopment Agency, and ARC-Ventura County. Further, as part of the collaboration, they are working on securing the necessary financing with the issuance of bonds, use of tax credits, use of private financing, use of HOME funds, the possible use of Community Development Block Grant funds, and use of California Housing Finance Agency Funds. He responded to a question regarding the use of bond counsel by

stating that the Housing Authority has secured the services of Kevin Hale from the Law Firm of Orrick and Harrington to act as bond counsel.

Kevin Hale, representing Orrick and Harrington, affirmed comments made by the City Attorney and the Economic Development Director regarding the ramifications of the hearing. He also submitted the correction to Section 3 of Resolution No. 6049, which identifies the *City* as the authorizing the body, rather than the *County*.

No Public Comment was received.

Mayor Aguirre closed the Public Hearing at 7:12 p.m.

It was moved by Vice Mayor Krause, seconded by Councilmember Procter, to approve Resolution No. 6049, with the correction to Section 3 identifying the City as the authorizing body, and approving the issuance by the Santa Paula Housing Authority of not to exceed \$2,000,000 Multifamily Housing Revenue Bonds. There was no opposition, and the motion carried.

RESOLUTION NO. 6049

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA PAULA
APPROVING THE ISSUANCE BY THE SANTA PAULA HOUSING AUTHORITY OF
MULTIFAMILY HOUSING REVENUE BONDS IN CONNECTION WITH THE
HARVARD PLACE APARTMENTS PROJECT.

ORDER OF BUSINESS

A. **Status Report, Options for Fire Service Delivery**

City Manager Wally Bobkiewicz's report dated December 29, 2003. He addressed the difference between the percentage of property tax an individual in a community would pay versus property tax rate.

Ventura County Fire Chief Bob Roper stated that he concurs with the City Manager's report, and noted that because the Fire Protection District has never gone through the process of annexing city services, the study will provide answers to issues. He responded to a question regarding whether he would provide a list of his concerns by stating that he would develop a set of questions, and noted that he would need to report back to the Board of Supervisors in order for them to support this concept.

City Manager Wally Bobkiewicz noted that there would likely be three sets of questions or criteria submitted from the Ventura County Fire Protection District, the City of Santa Paula, and the Local Agency Formation Commission (LAFCO).

Chief Bob Roper responded to a question regarding the use of paramedics at fire stations by stating that it is his direction to expand this program in the County.

Kevin Fildes, 752 Ernest Drive, stated that he and the Fire Department staff in the audience were in support of proceeding with the study.

It was moved by Councilmember Cook, seconded by Vice Mayor Krause, to continue to move forward with discussions with the Fire Protection District by commissioning a Fire Service Study for a cost not to exceed \$25,000; allocate \$25,000 from the City's Operating Reserve Account for preparation of the Study; and direct the City Manager to return to the City Council with a status report on March 1, 2004. There was no opposition, and the motion carried.

B. Agreement with Santa Paula Museum of Art for Use of Santa Paula Collection Art for Exhibition

City Manager Wally Bobkiewicz report dated December 30, 2003.

Councilmember Cook stepped out of the Council Chambers at 7:26 p.m. and returned at 7:32 p.m.

City Manager Wally Bobkiewicz responded to a question regarding the status of the art collection at the hospital by stating that 20 pieces of the art collection belongs to the City, and that Deputy City Clerk Josie G. Herrera is working with the Hospital Foundation to have the art collection moved.

Deputy City Clerk Josie G. Herrera stated that she is working with Marsha Rea from the Hospital Foundation, who is working on an agreement with Santa Barbara Bank and Trust to utilize their bank vault in Fillmore to store the hospital and City's art collection.

It was moved by Vice Mayor Krause, seconded by Councilmember Procter, to authorize the City Manager to execute an agreement with the Santa Paula Museum of Art for use of Santa Paula Collection art for exhibition, with a correction on the Agreement, which should indicate Karl H. Berger as the City Attorney rather than the Interim City Attorney. There was no opposition, and the motion carried.

C. Update of Housing Element

Economic Development Director Charmaine Stouder's report dated December 29, 2003. She briefly addressed a future Redevelopment Agency agenda item to approve a loan of up to \$150,000 from the Redevelopment Agency's low-income housing set-aside funds for the Harvard Place Apartments Project.

Planning Director Thomas M. Bartlett Bobkiewicz responded to a question regarding whether the Centex Homes project would be considered a "pending project" by stating that although Centex Homes has filed an application, the difference is that their project will require annexation. Further, the report identifies projects that are already inside the City.

Economic Development Director Charmaine Stouder responded to a question regarding whether the 52-unit project west of Seventh Street was included as infill and mixed-use housing in the downtown by stating that it was not included because it is west of the downtown. She further responded to a question regarding whether the City receives information from the County regarding Santa Paula residents benefiting from the Mortgage Credit Certification Program by stating that she would provide a copy of the County's annual report to the City Council.

City Manager Wally Bobkiewicz responded to a question regarding whether the City would provide infrastructure to island parcels once they are annexed into the City by stating that existing law would go into effect regarding infrastructure, and LAFCO requires that the City provide infrastructure to the annexed parcel.

Laura Espinosa, 233 Corte Linda, addressed several areas of concern. She stated that the City's Housing Element was conditionally approved by the California Department of Housing and Community Development (HCD), and that one condition was for an inclusionary housing ordinance. She also stated that it would be helpful if the chart attached to the staff report included actual properties rather than just numbers. She further questioned the loan of \$150,000 in housing set-aside funds for the Harvard Place Apartments Project when the criteria for the use of these funds should be to create additional housing.

City Manager Wally Bobkiewicz responded that the staff report refers to the Redevelopment Agency's agreement in concept to provide a grant of \$150,000, not a loan, to Partners in Housing for the Harvard Place Apartments Project. He responded to a question regarding the reference that the City's Housing Element was conditionally approved by stating that staff was not prepared to respond, but would provide the information off agenda or at a future meeting.

It was moved by Vice Mayor Krause, seconded by Councilmember Cook, to receive the report on the status of implementing City Council's Housing Creation Goals and Housing Element Priority Policies. There was no opposition, and the motion carried.

D. Status Report on Implementation of Customer Service Recommendations

Assistant to the City Manager Melissa Grisales and Planning Director Thomas M. Bartlett's reports dated December 5, 2003 and December 29, 2003.

City Manager Wally Bobkiewicz responded to a question regarding the City Council's ability to receive the outcome of customer complaints by stating that he could provide this information informally. He further responded to a question regarding fast track plan checks by stating that this is provided for an additional fee.

It was moved by Vice Mayor Krause, seconded by Councilmember Cook, to receive and file the reports. There was no opposition, and the motion carried.

E. Annual Refuse/Recycling Report

Public Works Director/City Engineer Clifford G. Finley's report dated December 27, 2003. He responded to a question regarding refuse pick-up during weeks with holidays by stating that refuse collection is delayed one day and is picked up the same week when the holiday occurs.

It was moved by Vice Mayor Krause, seconded by Councilmember Procter, to receive and file report. There was no opposition, and the motion carried.

F. Annual Audited Financial Statements

Finance Director Alvertina Rivera's report dated December 30, 2003. She responded to a question regarding whether this was the first year the City has employed the audit firm by responding yes, and that as part of their initial assessment, they were made aware of previous audit findings.

Ben Reyes, representing Mayer, Hoffman, McCann P.C., stated that the audit firm follows standard auditing procedures in terms of addressing internal control and reporting requirements. Further, they are required to address compliance with federal regulations and with reporting financial statements. He responded to a question regarding whether the audit firm evaluated the processes in operation within the Finance Department to ensure that checks and balances continue by stating that the processes were reviewed from the minute a check is received to it being entered in the general ledger. Further, they also reviewed how invoices are approved, how they are entered in the general ledger, and how they are reported in the financial statements.

City Manager/Executive Director Wally Bobkiewicz responded to a question regarding the reason the Weed and Seed grant was not included in the audit by stating that the audit report was for the fiscal year ended June 30, 2003, and the Weed and Seed grant was not received prior to that period. Finance Director Alvertina Rivera added that the City has not received formal notification of award of the Weed and Seed grant.

It was moved by Vice Mayor/Vice Chair Krause, seconded by Councilmember/Director Luna, to receive and place on file the Annual Financial Report for the Fiscal Year Ended

June 30, 2003, with congratulations to the Finance Department and the City Manager. There was no opposition, and the motion carried.

G. Administrative Citation Ordinance

City Attorney Karl H. Berger's report dated December 11, 2003. He noted a change to the recommendation to adopt the resolution on the Consent Calendar at the time of the second reading of Ordinance No. 1092.

City Manager Wally Bobkiewicz responded to a question regarding who would perform the initial review by stating that it would likely be done by the Building and Safety Director or Planning Director.

It was moved by Vice Mayor Krause, seconded by Councilmember Procter, to 1) introduce and waive first reading of Ordinance No. 1092 adding a new Chapter 12 to the Santa Paula Municipal Code regarding administrative citations; 2) schedule a second reading and adoption; and 3) at the time of the second reading and adoption of the ordinance, schedule adoption of Resolution No. 6048 establishing a fine schedule. There was no opposition, and the motion carried.

ORDINANCE NO. 1092

AN ORDINANCE REPEALING SANTA PAULA MUNICIPAL CODE SECTIONS 11.20 TO 11.33 AND ADDING A NEW CHAPTER 12 TO TITLE 1 OF THE SANTA PAULA MUNICIPAL CODE ESTABLISHING AN ADMINISTRATIVE CITATION PROCEDURE TO IMPOSE ADMINISTRATIVE FINES FOR VIOLATIONS OF THE SANTA PAULA MUNICIPAL CODE

H. Mayor's Standing Committees

City Manager Wally Bobkiewicz's report dated December 30, 2003. Mayor Aguirre noted that only three changes were proposed to the Mayor's Standing Committees as requested by the Councilmembers: Heritage Valley Tourism Bureau with John T. Procter as the Member; Ventura County Air Pollution Control District Advisory Committee with John T. Procter as the Member and Gabino Aguirre as the Alternate; and Economic Development Collaborative – Ventura County with Mary Ann Krause as the Member and John T. Procter as the Alternate.

It was moved by Vice Mayor Krause, seconded by Councilmember Luna, to receive the list of appointments to the Mayor's Standing Committees. There was no opposition, and the motion carried.

CITY/AGENCY COMMUNICATIONS

City Manager Wally Bobkiewicz noted that the City was informally notified last summer that it would receive a Weed and Seed grant at the conclusion of the federal fiscal year; however, official word has not yet been received. He also noted that the City Council would hold a Special Joint Meeting with the Blanchard/Santa Paula Library District Board of Trustees on January 12, 2004, at 6:30 p.m., in the Council Chambers. He further mentioned that a Special City Council Meeting was tentatively scheduled for January 26, 2004 to review the Police Management Audit; however, due to illness and a death in the family by the audit firm, the meeting would need to be rescheduled to February 9, 2004. The City Council expressed their desire to review the audit as soon as possible. City Manager Wally Bobkiewicz suggested that the review of the Police Management Audit could occur at the Regular City Council Meeting on February 2, 2004, and items originally scheduled for February 2, 2004 could be rescheduled for a Special City Council Meeting on February 9, 2004.

Vice Mayor Krause noted that a Farmworker Housing Summit would be held on January 29, 2004, from 8:00 a.m. to 1:30 p.m. at the Santa Paula Community Center.

FUTURE AGENDA ITEMS

There were no Future Agenda Items.

ADJOURNMENT

There being no further business to come before the City Council/Redevelopment Agency, Mayor/Chair Aguirre adjourned the meeting at 8:39 p.m.

ATTEST:

Steven J. Salas
City Clerk/Agency Secretary