

**CALL TO ORDER**

Vice Mayor Krause called the meeting to order at 6:04 p.m.

**ROLL CALL**

Councilmember Richard C. Cook, Councilmember Ray C. Luna, Councilmember John T. Procter, and Vice Mayor Mary Ann Krause responded to roll call. City Manager Wally Bobkiewicz, City Attorney Karl H. Berger, and Deputy City Clerk Josephine G. Herrera were also present. Mayor Gabino Aguirre arrived at 6:14 p.m. City Clerk Steven J. Salas was absent.

**PUBLIC COMMENT**

There was no Public Comment.

**CLOSED SESSION**

Vice Mayor Krause recessed the City Council to a Closed Session at 6:05 p.m., to discuss:

- A. Conference with Legal Counsel: Initiation of Litigation – Government Code §54956.9 (b). Initiation of Litigation. Number of potential cases: One.
- B. Conference with Legal Counsel, Existing Litigation. *Government Code Section §54956.9 (a).* Name of Case: City of Santa Paula v. Mohan Narula; VCSC Case No. CIV 201221.

Mayor Aguirre arrived at 6:14 p.m.

Mayor Aguirre reconvened the City Council into Open Session at 6:31 p.m. City Attorney Karl H. Berger reported that during the Closed Session regarding Initiation of Litigation, the City Council authorized the City Attorney to file suit against The Mill, Inc. No action was taken on the item regarding City of Santa Paula v. Mohan Narula.

Mayor Aguirre recessed the City Council at 6:31 p.m.

**RECONVENE AND CALL TO ORDER**

Mayor Aguirre reconvened the City Council at 6:39 p.m., and led the Flag Salute.

**ROLL CALL**

Councilmember Richard C. Cook, Councilmember Ray C. Luna, Councilmember John T. Procter, Vice Mayor Mary Ann Krause, and Mayor Gabino Aguirre responded to roll call. City Manager Wally Bobkiewicz, City Attorney Karl H. Berger, and Deputy City Clerk Josephine G. Herrera were also present. City Clerk Steven J. Salas arrived at 6:51 p.m.

**CLOSED SESSION REPORT**

City Attorney Karl H. Berger reported that during the Closed Session, the City Council directed the City Attorney to take legal action against The Mill, Inc.

**PRESENTATIONS**

A. Introduction of City of Santa Paula Fagan Canyon Project Manager

City Manager Wally Bobkiewicz introduced Ken Bell from RBF Consultants, who will take the role of Project Manager for the City for the Fagan Canyon project. Mr. Bell stated that he was pleased to work for the City. City Manager Wally Bobkiewicz also noted that the costs associated with Mr. Bell's efforts would be reimbursed by Centex Homes.

**PUBLIC COMMENT**

Delton Johnson, 14 McKeveett Heights, read from his prepared statement regarding his concerns with the traffic impacts of the Fagan Canyon project on existing city streets.

John Wisda, 550 Monte Vista, accompanied by Tricia Wisda and Jennifer Dumas, stated that he and his friends distributed flyers door to door to encourage people to attend the Fagan Canyon Scoping Meeting, where comments would be taken regarding traffic impacts and the environmental impact report. He addressed his concerns regarding traffic impacts and suggested that the project be downsized. He asked the City Council to place a referendum on the November 2004 election ballot so that the General Plan for Fagan Canyon would not exceed 1,200 houses, and to mitigate conflict of interest issues for Councilmembers.

City Manager Wally Bobkiewicz responded to a question regarding the purpose of the scoping meeting by stating that the California Environmental Quality Act (CEQA) requires that any large development project conduct an environmental impact report (EIR) and environmental impact study (EIS), which begins through a scoping session. This allows the City to measure the project and to have the community help identify what environmental impacts the project may have. Afterward, the City's consultants will prepare a draft EIR, a public hearing will be held on the EIR, the City will respond to

comments received, and a final EIR is prepared. City Attorney Karl H. Berger noted that the EIR is first considered by the Planning Commission, and then the City Council would certify the final EIR. City Manager Wally Bobkiewicz also noted that there would be many opportunities for the public to comment.

### **CITY COUNCIL, STAFF COMMUNICATIONS**

Councilmember Procter stated that Firefighter Mike Lambert continues to be in the intensive care unit at the hospital, and he asked everyone to send their prayers and thoughts.

### **APPROVAL OF FINAL AGENDA**

There were no changes to the agenda.

### **ORDER OF BUSINESS**

#### **A. Results of Public Opinion Poll - Proposed Public Safety Financing Initiative**

City Manager Wally Bobkiewicz introduced Josh Williams from Godbe Research, who presented a Power Point Presentation on the public opinion poll results for the proposed public safety financing initiative. He responded to questions regarding the polling process.

Flo Zakrajshek, 1000 Cadway, addressed her concern with the timing of placing the initiative on the ballot due to a number of tax increases also being placed on the ballot, and suggested that the initiative be placed on the 2006 ballot.

#### **B. Update on Proposed Annexation into Ventura County Fire Protection District**

City Manager Wally Bobkiewicz's report dated June 9, 2004.

Roger Brooks, 1100 Ojai Road, spoke in support of a ballot measure to support fire protection services, and suggested that if the Santa Paula Fire Department is kept, that the department be upgraded and a plan be put together on fire services.

Assistant Fire Chief Richard Araiza stated that it did not appear that the City could provide full-time fire service at the two fire stations at the cost proposed by the County; however, the City could improve fire protection services. He also stated that fire insurance rates might improve because the County's rating is better than the City's rating. He concluded his comments by stating that the worst thing would be to do nothing.

Kevin Fildes, 752 Ernest Drive, noted that call volume for fire protection services has increased. He expressed his concern with response from part-time firefighters and the inability of the Fire Department to meet training requirements and mandates from the State, such as the two-in/two-out rule, hazardous materials handling, and emergency medical services. He encouraged the City Council to continue exploring consolidation with the Ventura County Fire Protection District (VCFPD).

Kristi Viramontes, 760 Ernest Drive, spoke in support of consolidation with the Ventura County Fire Protection District.

Colleen Nix, 1452 Larkspur, addressed her concerns with the two in/two out rule, which affected her neighbor's house fire last year, and spoke in support of consolidation with the Ventura County Fire Protection District.

Chris Mahon, representing Ventura County Professional Firefighters Association (VCPFFA), stated that they support the option for consolidation with the Ventura County Fire Protection District, and recommended that this option continue to be explored. He further stated that the VCPFFA supports the consolidation based on the following: 1) all current Santa Paula VCPFFA members would be employed by the VCFPD; 2) all current Santa Paula VCPFFA members would be employed at their current permanent rank; and 3) all current Santa Paula VCPFFA members would be credited with an equivalent number of VCFPD seniority accrued as full-time members of the Santa Paula Fire Department. He also stated that the VCPFFA has not taken a position regarding the paid-call firefighters; however, they have offered to meet with them.

Ventura County Fire Chief Bob Roper stated for the record that Santa Paula Fire Department members are highly professional employees similar to fire district employees; however, the difference is that the Santa Paula Fire Department is the victim of economic situations that are beyond the City's control. He asked the City Council to consider the offer presented by the Ventura County Fire Protection District. He noted that incorporation of current personnel had not yet been negotiated. He also stated that staff and the County Auditor still need to discuss fiscal details. He also spoke regarding the advantages and disadvantages of consolidating with the VCFPD, and noted that the County's fire station at Olive and Telegraph could be relocated to the City. Lastly, he stated that there might be some revised costs depending on increased labor costs as contracts are renegotiated and the level of service the City will receive. He responded to a question regarding which body would approve the annexation by stating that the Local Agency Formation Commission (LAFCO) would need to prepare a fiscal and service report, which would then be reviewed by the City Council and the County Board of Supervisors for approval, and then returned to LAFCO to complete the process. He further responded to a question regarding a probation period for employees by stating that there will be some meet and confer issues with the intent that all Santa Paula firefighters would work within the Santa Paula city limits for the first year as part of a transition plan.

**RECESS TO A BREAK**

Mayor Aguirre recessed the City Council to a break at 8:40 p.m.

**RECONVENE REGULAR MEETING**

Mayor Aguirre reconvened the City Council at 8:53 p.m.

City Clerk Steven J. Salas departed from the meeting at 8:50 p.m.

Ventura County Fire Chief Bob Roper responded to a question regarding whether Limoneira Company donated the site of the Olive and Telegraph Fire Station by stating that the land was deeded for the purpose of a fire station; however, he was not sure if the land is deed restricted.

The City Council discussed concerns with the amount of property tax shift for the City to annex into the Ventura County Fire Protection District.

Douglas Lemons, 314 N. Palm, representing 90% of Santa Paula's Paid-call Firefighters, stated that the Paid-call Firefighters would like to have the opportunity to serve the City. He further spoke in favor of maintaining the Santa Paula Fire Department. He responded to a question regarding whether he would be willing to serve as a Reserve Firefighter with no pay by responding yes.

Fire Chief Paul L. Skeels stated that he has been in support of going forward with the study even though there has been disparity amongst the ranks. He further stated that he would like to have the opportunity to see what he could do with \$500,000 to \$600,000; however, he noted that he would not be able to fully staff Fire Station 2 on a full-time basis at the salary and benefit level proposed by the County. Nonetheless, he stated that he could place three shifts at Fire Station 2 with two full-time firefighters per shift and supplement them with a third reserve firefighter. He further stated that if the City Council decides to maintain the Santa Paula Fire Department, the City Council should work toward a ballot initiative. He further commented on the contractual commitments with the Ventura County Fire Protection District for the dispatch agreement in which the City agreed to have a full-time engine company respond automatically to certain calls outside the city limits. He noted that the City may need to meet and confer with the County if the engine company is only staffed with two full-time firefighters and one part-time or reserve firefighter.

**COUNCIL CONSENSUS TO EXTEND THE MEETING**

As business had not concluded at 9:31 p.m., and pursuant to Section 11 of the City Council's Rules of Procedure, it was moved by Vice Mayor Krause, seconded by

Councilmember Luna, to extend the meeting for one and one-half hour. All were in favor, and the motion carried.

City Manager Wally Bobkiewicz explained the approval process for consolidating with the Ventura County Fire Protection District. He also noted that it could take six months to sort through the Redevelopment Agency's pass-through agreements. City Attorney Karl H. Berger noted that because he is a partner with Burke, Williams, Sorensen, which is the past general counsel of the Ventura County Community College District, the City would need to contract with other legal counsel in order to negotiate with the college district.

It was moved by Councilmember Procter, seconded by Vice Mayor Krause, to direct the City Manager to continue discussions with the Ventura County Fire Protection District and receive information and clarification on the issues discussed tonight. Councilmember Cook, Councilmember Procter, Vice Mayor Krause, and Mayor Aguirre were in favor. Councilmember Luna was opposed. The motion carried.

Councilmember Procter suggested that Item 9F be discussed at this time in order to accommodate members in the audience.

F. Request for Additional Financing Support from Heritage Valley Tourism Bureau

City Manager Wally Bobkiewicz's report dated June 9, 2004.

Shirley Spitler, 850 Oliver Street, Fillmore, representing the Heritage Valley Tourism Bureau, spoke in support of the request for funding.

Councilmember Luna exited the Council Chambers at 10:00 p.m.

It was moved by Councilmember Procter, seconded by Councilmember Cook, to approve the request from the Heritage Valley Tourism Bureau to increase the City/Redevelopment Agency's support of the Bureau from \$5,000 to \$15,000 annually.

Councilmember Procter responded to a question regarding whether he would consider directing the City Manager to work with the Fillmore City Manager and Shirley Spitler to discuss how these funds could specifically benefit Santa Paula by agreeing to amend his motion. He further responded to a question regarding whether he would consider requesting the Redevelopment Agency to include this item in its 2004/2005 budget by agreeing to amend his motion. Councilmember Cook seconded the amended motion.

Councilmember Cook, Councilmember Procter, Vice Mayor Krause, and Mayor Aguirre were in favor. Councilmember Luna was not present during the vote. The motion carried.

Councilmember Luna returned to the Council Chambers at 10:03 p.m., and indicated that he was in favor of the motion.

C. Review of Text of Proposed Public Safety Financing Initiative

City Manager Wally Bobkiewicz and City Attorney Karl H. Berger's report dated June 9, 2004.

Rachel Bustillos, 227 S. Twelfth Street, questioned the purpose of voting for an initiative should the City consolidate fire services with the Ventura County Fire Protection District. She requested that any initiative specify that the tax revenues would go toward the Santa Paula Police Department and the Santa Paula Fire Department.

City Attorney Karl H. Berger responded to Mrs. Bustillos' concerns by stating that her concerns would be answered in part by whether a general tax initiative or a special tax initiative is placed on the ballot. He noted that a general tax initiative would be defined for general public services and a second advisory ballot initiative would specifically define what departments would receive the tax revenue.

It was moved by Vice Mayor Krause, seconded by Mayor Aguirre, to direct staff to begin drafting the appropriate documents for a general tax Public Safety Financing Initiative. All were in favor, and the motion carried.

It was moved by Vice Mayor Krause, seconded by Councilmember Cook, to pursue a Utility User Tax at a flat rate. All were in favor, and the motion carried.

The City Council discussed the amount of tax, which utilities could be exempt, and possible exemption for senior citizens. It was the City Council's consensus to pursue a utility users tax on gas, electric, telephone, cable, and cellular phone services. It was also the City Council's consensus to pursue exemptions such as those issued by the Public Utilities Commission and Edison.

**RECESS TO A BREAK**

Mayor Aguirre recessed the City Council to a break at 10:52 p.m.

**RECONVENE TO REGULAR MEETING**

Mayor Aguirre reconvened the City Council at 10:59 p.m.

City Attorney Karl H. Berger responded to a question regarding the allocation for the Police Department and the Fire Department by stating that the allocation could be incorporated within an advisory ballot initiative.

City Manager Wally Bobkiewicz responded to a question regarding funds for training by stating that he would discuss this issue with the City Attorney on where it might be appropriate to include this in the initiative, which would likely be in the advisory ballot initiative. He also noted that the Police and Fire Departments would continue to receive general fund support. He concluded his comments by stating that staff would bring back the scenario with utility users tax for \$20, \$25, and \$30, and a recommendation for a sunset clause that would expire in five years with an opportunity to renew the tax after four years. The City Council asked that the City Manager also bring language for staffing the fire stations with two full-time firefighters and paid-call firefighters.

### **COUNCIL CONSENSUS TO EXTEND THE MEETING**

As business had not concluded at 11:15 p.m., and pursuant to Section 11 of the City Council's Rules of Procedure, it was moved by Vice Mayor Krause, seconded by Councilmember Procter, to extend the meeting for one-half hour. All were in favor, and the motion carried.

City Manager Wally Bobkiewicz suggested that Item 9E be laid over to the June 21, 2004 City Council Meeting.

- E. Proposal for Changes to City 9/80 Work Schedule – Approve staff's recommendation to modify the 9/80 work schedule by closing City Hall every other Friday. Assistant to the City Manager Melissa Grisales' report dated March 24, 2004.
  
- D. Proposed Fiscal Year 2004/2005 Budget Deliberations

City Manager Wally Bobkiewicz provided an oral report.

Fire Chief Paul L. Skeels responded to a question regarding additional training funds for the Fire Department by stating that he would bring back information for the cost of additional training.

- G. Adopt Rules of Procedure and Set Date of Hearing for Administrative Personnel Action

City Attorney Karl H. Berger's report dated June 9, 2004.

It was moved by Vice Mayor Krause, seconded by Councilmember Procter, to adopt Resolution No. 6096. All were in favor, and the motion carried.

**RESOLUTION NO. 6096**

A RESOLUTION ADOPTING RULES OF PROCEDURE FOR APPEALS OF  
ADMINISTRATIVE PERSONNEL DECISIONS IN ACCORDANCE WITH THE SANTA  
PAULA PERSONNEL RULES

It was moved by Councilmember Cook, seconded by Councilmember Procter, to appoint Mayor Aguirre and Vice Mayor Krause on a two-person ad hoc committee to hear the appeal in accordance with Section 1(E) to Rule XIV of the Santa Paula personnel rules and to appoint Mayor Aguirre as Chair of this committee. All were in favor, and the motion carried.

H. Location of June 23, 2004 Budget Workshop

City Manager Wally Bobkiewicz asked the City Council to reconsider having the Budget Workshop at the Community Center and to instead have it in the Council Chambers due to the cost of televising the meeting.

It was moved by Councilmember Cook, seconded by Vice Mayor Krause, to hold the June 23, 2004 Budget Workshop in the Council Chambers. All were in favor, and the motion carried.

**CITY COMMUNICATIONS**

City Manager Wally Bobkiewicz reminded the City Council of the following upcoming meetings: Regular City Council Meeting on June 21, 2004; Fagan Canyon Scoping Meeting on June 22, 2004; Special City Council Meeting on June 23, 2004 to review the ballot language; Special City Council Meeting on June 28, 2004 for Budget Adoption, Community Healthcare Authority Meeting, and other matters.

**FUTURE AGENDA ITEMS**

There were no Future Agenda Items.

**ADJOURNMENT**

There being no further business to come before the City Council, Mayor Aguirre adjourned the meeting at 11:28 p.m.

ATTEST:

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Steven J. Salas  
City Clerk