

CALL TO ORDER

Mayor Krause called the meeting to order at 6:05 p.m.

ROLL CALL

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

PUBLIC COMMENT

City Manager Wally Bobkiewicz mentioned that due to a scheduling error, the Santa Paula Union High School District Board of Trustees was not be able to use the Council Chambers for their meeting this evening because of the Special City Council Meeting scheduled for the same evening. He stated that he would make a public apology and send a letter to the Board. He also mentioned that several street trees along Main Street were vandalized, and that he would ask the City Council to add an item to the agenda for possible City Council action.

CLOSED SESSION

Mayor Krause recessed the City Council to a Closed Session at 6:08 p.m. to discuss:

- A. Public Employee Performance Evaluation. *Government Code 54957*. Title: City Manager.

Mayor Krause reconvened the City Council into Open Session at 6:50 p.m. No reportable action was taken during the Closed Session.

Mayor Krause recessed the City Council at 6:50 p.m.

RECONVENE AND CALL TO ORDER

Mayor Krause called the meeting to order at 7:01 p.m. Vice Mayor Cook led the Flag Salute.

ROLL CALL

Councilmember Gabino Aguirre, Councilmember Ray C. Luna, Councilmember John T. Procter, Vice Mayor Richard C. Cook, and Mayor Mary Ann Krause responded to roll

call. City Manager Wally Bobkiewicz, City Attorney Karl Berger, and City Clerk Josie G. Herrera were also present.

CLOSED SESSION REPORT

No reportable action was taken during the Closed Session.

PRESENTATIONS

A. Presentation Regarding December 11, 2004 Holiday Event

Community Services Director Brian J. Yanez provided a presentation regarding the December 11, 2004 Holiday Event, to be held at the Depot at 5:00 p.m.

PUBLIC COMMENT

There was no Public Comment.

CITY COUNCIL, STAFF COMMUNICATIONS

Councilmember Procter welcomed Mayor Krause as the new Mayor.

APPROVAL OF FINAL AGENDA

City Manager Wally Bobkiewicz asked that the City Council consider adding an item to the agenda to provide direction to staff regarding vandalism to street trees along Main Street. He noted that adding this item to the agenda would require a two-thirds vote of the City Council.

Vice Mayor Cook recommended moving Item 10D as the last item on the agenda in order to accommodate the conflicted Councilmembers. City Manager Wally Bobkiewicz suggested that both items 10D and 10E be moved, and that the issue regarding vandalism to trees be added as a new Item 10A.

It was moved by Councilmember Procter, seconded by Councilmember Aguirre, to add an urgency agenda item regarding vandalism to City trees. Under roll call vote, all were in favor, and the motion carried.

It was moved by Councilmember Aguirre, seconded by Vice Mayor Cook, to reorder the agenda as suggested. All were in favor, and the motion carried.

CONSENT CALENDAR

It was moved by Vice Mayor Cook, seconded by Councilmember Procter, to adopt the Consent Calendar as presented. All were in favor, and the motion carried.

- 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. Approval of Agreement for Services with Willdan Engineering for the Design of 12,990 Feet of Water Mains in the Amount of \$95,308 – Authorized the City Manager to execute the contract for engineering services with Willdan Engineering in the amount of \$95,308 for the design of 12,990 feet of water mains approved as to form by the City Attorney. Public Works Director/City Engineer Clifford G. Finley's report dated December 2, 2004.

- C. Leaking Underground Fuel Tanks Site Assessments – Appropriated \$15,682 from unappropriated Water Enterprise fund balance to account (620.050.9148.8601) to conduct additional remedial work at the South Alley Tank Removal Site to satisfy the additional requirements of the Ventura County Environmental Health Division (VCEHD), Leaking Underground Storage Fuel Tank (LUFT) Section; and approved a change order with PW Environmental to complete the additional remedial work. Public Works Director/City Engineer Clifford G. Finley's report dated November 30, 2004.

ORDER OF BUSINESS

- A. Vandalism to Street Trees on Main Street

Public Works Director/City Engineer Clifford G. Finley reported that six street trees on Main Street had been severely vandalized. He also noted that the accompanying twinkling lights were also destroyed. He responded to a question regarding whether it would be possible to protect the trees with a covering by stating that due to the height and width of the trees, it would be expensive to cover the trees. City Manager Wally Bobkiewicz added that staff would consult with an arborist for advice on ways to protect the vandalized trees.

The City Council discussed offering a reward and asking the public to call We-Tip with any information regarding the vandalism.

It was moved by Vice Mayor Cook, seconded by Councilmember Luna, to offer a \$500 reward for information leading to the arrest and conviction of the person(s) responsible for vandalizing the street trees.

Public Works Director/City Engineer Clifford G. Finley responded to a question regarding the cost to replace the trees by stating that he believed it would be expensive, and that he could bring back information on replacing the trees with 24-inch box trees.

All were in favor of the motion, and the motion carried.

City Manager Wally Bobkiewicz suggested that the public contact WE-Tip at (800) 78-CRIME, send e-mail to wetip.com, or leave an anonymous call at 933-4253, extension 1.

A. Receive Wastewater Treatment Plant Source Control Presentation and Report from Boyle Engineering

Public Works Director/City Engineer Clifford G. Finley's report dated December 2, 2004. He introduced John Turner from Boyle Engineering, who provided a Power Point Presentation.

City Attorney Karl H. Berger responded to a question regarding the impacts of banning water softeners by stating that a provision in State law allows local agencies to adopt ordinances that restrict the use of self-generating water softeners. However, in order to adopt these ordinances, the following must occur: 1) a study is required to demonstrate that these types of water softeners are a source of chloride that enters into the wastewater; 2) local agencies may not prohibit all water softeners; and 3) local agencies may prohibit new self-generating water softeners from being installed. There would be an amortization period in which in-place water softeners need to be phased out possibly through a buyout program. Also, this does not apply to water softening service providers.

Public Works Director/City Engineer Clifford G. Finley responded to a question regarding next steps by stating that staff needs to embark on a study to determine and address the source of chloride, and to seek options for resolving issues of hard water. City Manager Wally Bobkiewicz added that these issues might require changes to law and to the project. He also noted that these changes may cost millions of dollars and staff might need to explore passing along the cost to water utility rate payers as well as wastewater rate payers.

It was moved by Vice Mayor Cook, seconded by Council Aguirre, to receive the presentation on the Wastewater Treatment Plan Source Control and to direct staff to continue work and come back with an update at an appropriate time. All were in favor, and the motion carried.

B. Receive Presentation on Operation and Maintenance Enhancements of the Wastewater Treatment Plant Initiated by ECO Resources

Deputy Public Works Director Rene Salas presented Public Works Director/City Engineer Clifford G. Finley's report dated December 2, 2004, and a Power Point Presentation.

The report was received and filed.

RECESS TO A BREAK

Mayor Krause recessed the City Council to a break at 8:31 p.m.

RECONVENE TO REGULAR MEETING

Mayor Krause reconvened the City Council at 8:40 p.m.

C. Request for Proposals - Management Audits (Community Services and Public Works and Departments)

Assistant to the City Manager Melissa Grisales' report dated November 30, 2004.

It was moved by Councilmember Aguirre, seconded by Councilmember Procter, to direct the City Manager to move forward with the process for the Request for Proposals for the Community Services Department and the Public Works Department Management Audits. All were in favor, and the motion carried.

F. Discussion of Mid-year Budget Workshop Presentation

City Manager Wally Bobkiewicz reported that several weeks ago the City Council asked staff to consider making a mid-year budget presentation on how the City receives and spends its funds. He noted that this presentation has normally been presented as part of the budget process during the latter part of May, and that staff could make a similar presentation in January or February. He responded to a question regarding whether the mid-year budget workshop would take the place of the workshop performed in May by stating that the City Council had expressed a desire to provide this information to the public due to the failure of Measures J and K and due to recent reductions made. He added that staff was prepared to provide both presentations.

The City Council discussed that the presentation made the previous week met the objective of the mid-year budget workshop, and agreed that staff could dispense with providing a mid-year budget workshop.

The report was received and filed.

G. Appointment of Youth Representative to the Santa Paula Recreation Commission

City Manager Wally Bobkiewicz's report dated November 23, 2004.

It was moved by Councilmember Aguirre, seconded by Vice Mayor Cook, to appoint Monica Jacinto as Youth Representative to the Santa Paula Recreation Commission for a one-year term to fill Seat No. 6, with term to expire in November 2005. All were in favor, and the motion carried.

H. Appointment of Commissioner to the Santa Paula Housing Authority Commission

City Manager Wally Bobkiewicz's report dated November 23, 2004.

It was moved by Councilmember Aguirre, seconded by Vice Mayor Cook, to appoint Marjorie T. Fernandez as Commissioner to the Santa Paula Housing Authority Commission for a four-year term to fill Seat No. 3, with term to expire in October 2008. All were in favor, and the motion carried.

D. Fagan Canyon Conflicts of Interest

Councilmember Aguirre recused himself due to the proximity of his personal property, which is within 500 feet of the proposed development. Councilmember Procter recused himself due to a future interest in property, which is within 500 feet of the proposed development area. Councilmembers Aguirre and Procter exited the Council Chambers at 8:53 p.m.

City Attorney Karl H. Berger's report dated November 10, 2004. He noted that an economic study was prepared by Brion and Associates for Centex Homes, which was distributed to all the Councilmembers, and that in order to move forward with the process, the City should commission its own economic study, conduct a peer review of the economic study submitted by Centex Homes, and/or have a property appraisal of Councilmember Aguirre and Procter's properties. He responded to a question regarding whether the public generally exception would apply by stating that the Fair Political Practices Commission (FPPC) has opined that there were insufficient facts based upon the information provided to them to determine whether the public generally exception would apply to Councilmembers Aguirre and Procter.

The City Council addressed concerns with whether it is the City Attorney's position to represent individual Councilmembers and with expending public funds for future FPPC opinions.

City Attorney Karl H. Berger responded to the discussion by stating that he could not represent individual Councilmembers in personal matters dealing with conflicts of interest; however, he was directed by the City Council to investigate the conflict of

interest issue regarding Fagan Canyon in order to obtain an FPPC opinion. He also stated that in regards to expending public resources, it would be up to the City Council to decide whether it is in the public interest to expend public resources for an economic study, a peer review, or property appraisals for property interests of individual Councilmembers.

Rick Bianchi, 27200 Tourney Road, Valencia, representing Centex Homes, read his prepared statement regarding the October 2003 FPPC advice letter regarding Councilmembers Aguirre and Procter presumed conflicts of interests in the Fagan Canyon project. He also stated that the FPPC concluded that Councilmembers Aguirre and Procter might still participate in the City Council's decisions involving Fagan Canyon if ten percent of the City's homeowners will be affected by the project. He noted that Brion and Associates issued its Housing Impact Price Study, which found that due to the City's geography and traffic patterns, development in Fagan Canyon would affect approximately 34% of all Santa Paula residential property owners.

John Dorley, legal counsel for Centex Homes, responded to a question regarding which statute references the public generally exception by referencing Government Code 87103 and FPPC Regulation 18707.1.

The City Council addressed concerns with traffic and noise impacts, loss of property values, and whether the two conflicted Councilmembers should send their own letter to the FPPC and have their own property appraisals and economic study performed.

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 Vice Mayor Cook, seconded by Councilmember Luna, to extend the meeting for one hour. All were in favor, and the motion carried.

John Dorley responded to the City Council's concerns regarding property appraisals for the two conflicted Councilmembers by stating that the appraisals would determine the effect on the value of their homes and the economic study would determine how to overcome any conflicts of interest.

City Attorney Karl H. Berger responded to the City Council's concerns by stating that he does not believe that either Councilmember Aguirre or Councilmember Procter should participate in the decision-making process at this time, and that he has advised that a peer review be done of the economic study submitted by Centex Homes. He also stated that if the peer review confirms the conclusions contained within the study, the City Council could seek an FPPC opinion to determine whether Councilmembers Aguirre and Procter may participate in the decision-making process.

City Manager Wally Bobkiewicz suggested the following options: 1) the City Council could do nothing; 2) Councilmembers Aguirre and Procter could act on their own and send a letter to the FPPC for a direct response; 3) the three non-conflicted Councilmembers could direct the City Attorney to forward Centex Homes' economic study to the FPPC; or 4) staff could be directed to send Centex Homes' economic study for peer review prior to sending it to the FPPC.

It was moved by Vice Mayor Cook, seconded by Mayor Krause, to send the economic study for peer review, and as soon as a result is received, have the City Attorney send it to the Fair Political Practices Commission. Vice Mayor Cook and Mayor Krause were in favor. Councilmember Luna was opposed. The motion carried.

E. Proposed Joint City Council/Planning Commission Workshop on Fagan Canyon Specific Plan

City Manager Wally Bobkiewicz's report dated November 10, 2004.

City Attorney Karl H. Berger noted that if there were no City Council quorum at these joint meeting, these would be solely Planning Commission Meetings.

It was moved by Vice Mayor Cook, seconded by Councilmember Luna, to schedule joint workshops with the Planning Commission on January 10, February 15, March 14, and April 11, 2005, to review the proposed Fagan Canyon Specific Plan and Draft Environmental Impact Report. All were in favor, and the motion carried.

CITY COMMUNICATIONS

City Manager Wally Bobkiewicz offered his apologies to the Santa Paula Union High School District Board of Trustees for the scheduling error regarding the use of Council Chambers. He also noted that the City Councilmembers would be the judges for the Cookie Contest at the Community Holiday Event on December 11, 2004, at the Depot.

FUTURE AGENDA ITEMS

There were no Future Agenda Items.

ADJOURNMENT

Special City Council Meeting
Wednesday, December 8, 2004
City Hall Administration Conference Room and Council Chambers

There being no further business to come before the City Council, Mayor Krause adjourned the meeting at 10:00 p.m.

ATTEST:

Josie G. Herrera
City Clerk