

### **CALL TO ORDER**

Mayor Krause called the meeting to order at 6:35 p.m. Father Chris Jubinski offered the Invocation, and Mayor Krause led the Flag Salute.

### **ROLL CALL**

Councilmember/Director Gabino Aguirre, Councilmember/Director John T. Procter, Vice Mayor/Vice Chair Richard C. Cook, and Mayor/Chair Mary Ann Krause responded to roll call. City Manager/Executive Director Wally Bobkiewicz, City/Agency/Authority Attorney Karl H. Berger, and City Clerk/Agency/Authority Secretary Josie G. Herrera were also present. Councilmember/Director Ray C. Luna was absent due to his being out of town.

### **CLOSED SESSION REPORT**

Mayor Krause reported that the City Council discussed issues regarding existing litigation against The Mill, Inc., and reaffirmed its direction to the City Attorney to continue to move forward with appropriate legal action to have the Ventura County Superior Court issue a writ to enforce the December 15, 1998 unlawful detainer judgment. She also reported that once the writ is approved by the court, the City Attorney would be directed to postpone forwarding the writ to the Ventura County Sheriff for enforcement until after January 3, 2005, in order to allow staff to meet with the Ventura County Transportation Commission to review the process associated with the litigation. She also reported that staff was directed to continue discussions with representatives from The Mill, Inc.

### **PRESENTATIONS**

#### A. Moment of Silence in Honor of Lou Lingo

Mayor Krause asked everyone for a moment of silence in honor of Lou Lingo, who recently passed away and who was the Instrumental Band Director for Santa Paula schools.

#### B. Presentation to William Irion

Mayor Krause presented a proclamation and City tile to William Irion for his service on the Planning Commission. Mr. Irion thanked the City Council for their consideration and for the opportunity to serve as a Planning Commissioner.

#### C. Presentation by Economic Development Advisory Committee to Howard Bolton in Recognition of his Mural at the Tower Theatre

John Chamberlain, representing the Economic Development Advisory Committee, made a presentation to Howard Bolton in recognition of his mural at the Tower Theatre. Mr. Bolton expressed his appreciation.

D. Presentation to Image Contest Winners

Economic Development Director Charmaine Stouder presented a check in the amount of \$100 to Julian Zavala for his award-winning photography for the Image Contest. She also noted that Gabriel Chavez Vargas would also receive a check for \$100 for his award-winning drawing.

**PUBLIC COMMENT**

Bill Ramirez, 543 San Juan Street, expressed his concerns regarding the potential of opening Foothill Road for access to Fagan Canyon. He noted that the *Friends of Foothill Area* would be submitting a petition in opposition to opening Foothill Road.

Bill Slaughter, 789 S. Victoria Avenue, Ventura, attorney representing the Hengehold family, stated that he has attempted an open dialog with the City Manager and the City Attorney to discuss The Mill, however, his requests have been ignored. He asked the City Council to recognize the role that The Mill plays in the city, and noted that the Hengehold family would like to see the building protected and preserved. He suggested that the building could be used to house an art museum, and suggested that the City form a committee with representatives from the Ventura County Transportation Commission, the Hengehold family, the local art society, and the City to discuss the future of The Mill. Lastly, he addressed concerns with the building inspection correction notice, which was issued several months ago. The City Council responded to Mr. Slaughter's concerns by indicating that the City has been unsuccessful in collecting the rent owed, and that the City Council was considering forming a committee to discuss the future of The Mill.

Jess Victoria, 134 Moultrie Place, representing Citizens for Accountable Government, addressed his concerns with issues that have been raised recently in the newspapers and questioned how issues are initiated. He also noted that he has asked several times in the past for an opportunity for the public to dialog with the City Council. Mayor Krause responded to Mr. Victoria's concerns by stating that she is available at the Whistle Stop on the second Saturday of the month at 10:00 a.m. to dialog with the public. City Manager Wally Bobkiewicz explained how items are placed on the agenda.

Roy Wilson, 947 Cliff Drive, spoke in support of The Mill and asked that the City Council consider having an art museum at The Mill.

Louie Hengehold, 7657 Wheeler Canyon Road, noted that the Hengeholds do not deny owing back rent for The Mill, and that they are working on clearing up existing liens. He stated that he looks forward to resolving the issue between the City and The Mill.

Eric Richards, 205 N. Fulton, Ojai, spoke in support of the Hengehold family and asked that the City Council delay any decision regarding The Mill for one year. He also spoke in support of placing an art museum at The Mill.

Robert Herrera, 1020 E. Main Street, spoke in support of The Mill, and offered his assistance and advice.

Jack Phillips, 742 Foothill Road, submitted a petition in opposition to including Foothill Road in a traffic study as an alternate route for the Fagan Canyon Project. He also expressed his concern with the number of homes planned for this project.

Helen Wolff, 745 Foothill Road, expressed her objection to plans to make an access road through Foothill Road for the Fagan Canyon project. She also expressed her concerns with the number of homes planned for this project.

Larry Sagely, 585 Ridgecrest Drive, expressed his concerns with proposed plans to include Foothill Road as an alternate route for the Fagan Canyon Project. He also expressed his concern with the number of homes planned for this project.

City Manager Wally Bobkiewicz responded to the comments made regarding The Mill by detailing the City's attempts to resolve the ground lease dispute with the owners of The Mill.

### **RECESS TO A BREAK**

Mayor Krause recessed the City Council/Redevelopment Agency/Community Healthcare Authority to a break at 7:35 p.m.

### **RECONVENE TO REGULAR MEETING**

Mayor reconvened the City Council/Redevelopment Agency/Community Healthcare Authority at 7:52 p.m.

### **CITY COUNCIL/REDEVELOPMENT AGENCY/COMMUNITY HEALTHCARE AUTHORITY, STAFF COMMUNICATIONS**

There were no City Council/Redevelopment Agency/Community Healthcare Authority, staff communications.

**APPROVAL OF FINAL AGENDA**

Vice Mayor Cook asked that Consent Calendar Items 10M and 10O be pulled. City Manager Wally Bobkiewicz asked that Item 10J be pulled for discussion and action.

**CONSENT CALENDAR**

It was moved by Councilmember Aguirre, seconded by Vice Mayor Cook, to adopt the Consent Calendar as amended. 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. Minutes – Adopted the Minutes of the Regular City Council/Redevelopment Agency/Community Healthcare Authority Meeting of November 8, 2004.
- C. Minutes – Adopted the Minutes of the Regular City Council/Redevelopment Agency Meeting of November 15, 2004.
- D. Minutes – Adopted the Minutes of the Special City Council Meeting of December 2, 2004.
- E. Minutes – Adopted the Minutes of the Regular City Council Meeting of December 6, 2004.
- F. Second Reading and Adoption of Ordinance No. 1127 – Waived second reading and adopted **ORDINANCE NO. 1127**, AN ORDINANCE AMENDING SANTA PAULA MUNICIPAL CODE §§95.02, 130.02 AND 156.050, AND REPEALING RESOLUTION NO. 3905 RELATING TO CONSUMING ALCOHOL ON PUBLIC PROPERTY. City Clerk Josie G. Herrera's report dated December 6, 2004.
- G. Second Reading and Adoption of Ordinance No. 1128 – Waived second reading and adopted **ORDINANCE NO. 1128**, AN ORDINANCE ADDING A NEW CHAPTER 101 TO TITLE IX OF THE SANTA PAULA MUNICIPAL CODE ENTITLED "PERMITS AUTHORIZING EVENTS CONDUCTED IN CITY PARKS AND PARK FACILITIES." City Clerk Josie G. Herrera's report dated December 6, 2004.
- H. Second Reading and Adoption of Ordinance No. 1129 – Waived second reading and adopted **ORDINANCE NO. 1129**, AN ORDINANCE REPLACING CHAPTER 115 TO TITLE XI OF THE SANTA PAULA MUNICIPAL CODE ENTITLED

“SPECIAL EVENT PERMITS.” City Clerk Josie G. Herrera’s report dated December 6, 2004.

- I. Second Reading and Adoption of Ordinance No. 1130 – Waived second reading and adopted **ORDINANCE NO. 1130**, AN ORDINANCE SETTING THE AMOUNT OF SOLID WASTE FEES AND CHARGES PURSUANT TO SANTA PAULA MUNICIPAL CODE §50.190. City Clerk Josie G. Herrera’s report dated December 6, 2004.
- K. Selection of Hearing Officer – Approved the selection of Stephen Pfahler as Hearing Officer. Assistant to the City Manager Melissa Grisales’ report dated December 14, 2004.
- L. Title Change: Administrative Secretary – Reviewed and approved Resolution No. 6146 approving the title change as listed in the Position Control Listing of Authorized Positions. The current title is listed as Administrative Secretary/Deputy City Clerk, and staff is recommending the title to be changed to Administrative Secretary. **RESOLUTION NO. 6146**, A RESOLUTION AMENDING RESOLUTION NO. 6092 AND AMENDING THE POSITION CONTROL LISTING. Assistant to the City Manager Melissa Grisales’ report dated December 9, 2004.
- N. Fiscal Year 2004/05 Budget Adjustments – Adopted Resolution No. 6145, which approves the budget adjustments as described in the Fiscal Impact section of this report. **RESOLUTION NO. 6145**, A RESOLUTION APPROVING ADJUSTMENTS TO THE OPERATING BUDGET FOR FISCAL YEAR 2004-2005. Finance Director Alvertina Rivera’s report dated December 13, 2004.
- P. Branding Program – The City Council and the Redevelopment Agency Board of Directors authorized the City Manager/Executive Director to negotiate a contract, in a form approved by the City Attorney, with Graphic Solutions, Inc., not to exceed \$25,000, for design services in relation to the branding program. Economic Development Director Charmaine Stouder’s report dated December 8, 2004.
- Q. Santa Paula Small Business Loan Program – The City Council and Redevelopment Agency Board of Directors: 1) authorized the City Manager/Executive Director to execute a Memorandum of Understanding (MOU) with Limoneira Company, in a form approved by the City Attorney, to fund the Santa Paula Small Business Loan Program; and 2) established a separate reserve account as collateral. Economic Development Director Charmaine Stouder’s report dated December 8, 2004.

- R. Transfer of Lien to Unsecured Tax Rolls – Confirmed the transfer of the City's delinquent charges from the secured tax roll to the unsecured. Finance Director Alvertina Rivera's report dated December 13, 2004.
- S. Allocation of \$25,000 for the Design of the Green Street Alley Paseo Improvement Project – Allocated up to \$25,000 from Local Transportation Tax TDA Reserves to complete the design of the Green Street Alley Paseo Improvement Project. Public Works Director/City Engineer Clifford G. Finley's report dated December 15, 2004.
- T. Approval of a Three-Year On-Call Services Agreement for Pacific Coast Land Design Landscape Architectural and Engineering Services – Approved the attached Three-Year On-Call Services Agreement for Landscape Architectural and Engineering Services with Pacific Coast Land Design. Public Works Director/City Engineer Clifford G. Finley's report dated December 15, 2004.
- U. Railroad Plaza Phase II Project No. 96.97.035 SPC Detectable Warning Surface Award of Contract – 1) Reallocated \$85,000 of Local Transportation Funds from the Pavement Maintenance Program budget line item to install the detectable warning surface on the depot loading platform, and 2) awarded the contract for the Detectable Warning Surface, Railroad Plaza Phase II Project No. 96.97.035 SPC to the apparent low bidder, Armor Tile Engineered Plastics, Inc., in the amount of \$73,790. Public Works Director/City Engineer Clifford G. Finley's report dated December 13, 2004.

**CONSENT CALENDAR, SEPARATE ACTION ITEMS**

- J. Continue Second Reading and Adoption of Ordinance No. 1131

City Clerk Josie G. Herrera's report dated December 14, 2004.

City Attorney Karl H. Berger noted that staff was recommending that the second reading and adoption of Ordinance No. 1131 be continued to the January 18, 2005 City Council Meeting due to several parties' interest in this project.

It was moved by Vice Mayor Cook, seconded by Councilmember Aguirre, to continue the second reading and adoption of Ordinance No. 1131 to approve a zone change to change the zoning classification on approximately 16 acres of the 29-acre Santa Paula Memorial Hospital property from Institutional/Civic (IN) to Medium Density Residential (R-2) with a Planned Development (PD) overlay to the January 18, 2005 Regular City Council Meeting. All were in favor, and the motion carried.

**ORDINANCE NO. 1131**

AN ORDINANCE APPROVING A ZONE CHANGE FOR APPROXIMATELY 16 ACRES OF THE 29-ACRE SANTA PAULA MEMORIAL HOSPITAL PROPERTY LOCATED AT THE NORTHERN TERMINUS OF TENTH STREET, APNs 100-0-010-31, -32, -42, AND -48, PROJECT NO. 2004-CDP-12

M. Personnel Changes

Assistant to the City Manager Melissa Grisales' report dated December 9, 2004.

The City Council expressed concerns with the standards and procedures for testing and promoting employees; the job descriptions for Fire Captains and Fire Engineers; the delay in adopting updated Rules and Regulations; the lack of requiring physical, psychological, and polygraph testing for Firefighters; and the ability of a Part-time Paid-call Firefighter to be promoted to Full-time Captain without having been a Fire Engineer.

Vice Mayor Cook stepped out of the Council Chambers at 8:03 p.m., and returned at 8:05 p.m.

Fire Chief Paul L. Skeels responded to the City Council's concerns by stating that the City of Santa Paula follows the same hiring and promotional procedures for Firefighters as other Fire Departments countywide. He stated that he was satisfied with the job descriptions for Fire Department staff. He noted that it was possible for a Part-time Firefighter to be promoted to a full-time position as part of the hiring process. He also stated that psychological testing is not done countywide for Firefighters.

It was moved by Vice Mayor Cook, seconded by Councilmember Procter, to 1) adopt Resolution No. 6144, which would implement the recommended changes to the Position Control Listing of Authorized Positions, and to the Position Classification and Compensation Plan for Full-time, Part-time, Seasonal and Temporary positions, and 2) approve the job description for the Reserve Firefighter/EMT position. All were in favor, and the motion carried.

**RESOLUTION NO. 6144**

A RESOLUTION AMENDING RESOLUTION NO. 6092 AND AMENDING THE POSITION CONTROL LISTING AND THE CLASSIFICATION AND COMPENSATION PLAN

O. Sponsorship of "Moonlight at the Mercantile" Event December 31, 2004

Executive Director Wally Bobkiewicz's report dated December 15, 2004.

Peggy Higgins, 125 W. Virginia Terrace, Events Coordinator for the Chamber of Commerce, asked the Redevelopment Agency to support the event. She also thanked Limoneira Company for the use of their site, and Centex Homes, Griffin Homes, City of Fillmore, and Piru Neighborhood Council for their financial support.

It was moved by Director Aguirre, seconded by Vice Chair Cook, to allocate \$1,000 in sponsorship for the "Moonlight at the Mercantile" event, December 31, 2004. All were in favor, and the motion carried.

Vice Mayor/Vice Chair Cook exited the Council Chambers at 8:16 p.m.

### **PUBLIC HEARING**

A. **2004-CDP 01 – Santa Paula Family Apartments, 622 East Main Street**

Mayor Krause opened the Public Hearing at 8:17 p.m.

City Manager Wally Bobkiewicz excused himself from the remainder of the meeting at 8:17 p.m. Planning Director Janna Minsk took his seat at the dais as the Acting City Manager.

### **RECESS TO A BREAK**

Mayor Krause recessed the City Council to a break at 8:19 p.m.

### **RECONVENE TO REGULAR MEETING**

Mayor Krause reconvened the City Council at 8:21 p.m.

Acting City Manager Janna Minsk presented Associate Planner Heather Davis' report dated November 22, 2004. She noted that a letter was presented by Matilde Perez in opposition to the project.

Dave Ferguson, Executive Director for Corporation for Better Housing (CBH), gave his opening remarks and noted that CBH is committed to a high standard project.

Ben Lingo, representing Corporation for Better Housing (CBH), noted that CBH has developed over 1,200 apartment units statewide. He stated that the site for this project was chosen due to its central location, and he provided details regarding the project.

Vice Mayor Cook returned to the dais at 8:49 p.m.

Dave Ferguson responded to concerns regarding parking and density.

Mayor Krause noted that she met with Ben Lingo in March 2003 and with Dave Ferguson in early 2004. She also noted that she went on a tour of several of their properties in Carson, which was organized by a local farmworker housing organization.

Councilmember Procter noted that he met with Ben Lingo in March 2003.

Dora Crouch, 739 Yale Street, Apt. 6B, submitted a letter of qualified support from the Farmworker Housing Task Force, and expressed concerns with the project's lack of architectural attractiveness, insufficient play area, insufficient number of three-bedroom units, and excessive space in internal hallways. She urged the City Council to hold the project to a high standard.

Jesse Ornelas, 919 La Vuelta Place, expressed his concerns with the appearance of the apartment building and with the lack of sufficient three-bedroom units. He also stated that the project lacks common areas, open space, parking, storage areas, landscaping, and privacy. He asked the City Council to consider livability and quality of life, and to consider a redesign of the project that would be conducive to family living. He responded to a question regarding an acceptable housing mix by suggesting six two-bedroom units, 20 three-bedroom units, eight or nine four-bedroom units, totaling 35 housing units. He further responded to a question regarding his concerns with the proposed parking facilities by expressing his concerns with the number of tandem and compact parking stalls.

John Dunn, 342 S. Borchard Drive, Ventura, spoke in support of the project, and expressed his desire that the developer utilize local labor.

Acting City Manager Janna Minsk addressed the concerns regarding parking by stating that the applicant is proposing 89 spaces; however, the code requires 92 spaces and does not recognize tandem parking spaces. She noted that the applicant is proposing 89 spaces with 45 being standard size, 42 compact spaces, and 2 handicap spaces. She further noted that out of these 89 parking spaces, 62 would have tandem configuration.

Ben Lingo noted that the project could potentially be infeasible by having only 35 units, and that they have secured funding for 50 units. He also expressed his concern with the process and the funding options if the project were to be downsized to 35 units.

The City Council expressed concerns with tandem parking, density bonus, insufficient play area, insufficient three and four-bedroom units, and the appearance of the building.

**COUNCIL CONSENSUS TO EXTEND THE MEETING**

As business had not concluded at 9:25 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 Procter, to extend the meeting for 30 minutes. All were in favor, and the motion carried.

Ben Lingo responded to the City Council's concerns by stating that he believes 50 units would serve the greater good, people become accustomed to tandem parking, and the project would be an upgrade for families who are living in overcrowded conditions. He also noted that the project has an urban feeling and would have a large play area, which would be adequate for children of all ages. He responded to a question regarding the heating system by stating that a hydronic system would house the central boiler on the roof and would not impact storage facilities.

The City Council questioned how many family members could live in a unit and what would occur in the case of an addition to the family.

#### **RECESS TO A BREAK**

Mayor Krause recessed the City Council/Redevelopment Agency/Community Healthcare Authority to a break at 9:51 p.m.

#### **RECONVENE TO REGULAR MEETING**

Mayor Krause reconvened the City Council/Redevelopment Agency/Community Healthcare Authority at 9:57 p.m.

Dave Ferguson responded to the City Council's question regarding occupancy by stating that the Housing and Urban Development (HUD) occupancy standards indicate that two people may occupy one bedroom and one person may occupy the living room; however, CBH does not allow these standards. He also noted that tenants could disqualify themselves from a unit in terms of occupancy.

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

As business had not concluded at 10:03 p.m., and pursuant to Section 11 of the City Council's Rules of Procedure, it was moved by Councilmember Aguirre, seconded by Councilmember Procter, to extend the meeting for 30 minutes. All were in favor, and the motion carried.

Dave Ferguson responded to a question regarding property management by stating that daily on-site property management is contracted out to John Stewart Company from San Francisco. He further responded to a question regarding accommodations for guest parking by stating that a guest pass could be issued to the underground parking structure. He further responded to questions regarding accessibility to the ground floor

landscaping, building security, number of balconies, accessibility to courtyard space, and the corridor breezeway.

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

As business had not concluded at 10:30 p.m., and pursuant to Section 11 of the City Council's Rules of Procedure, it was moved by Councilmember Procter, seconded by Councilmember Aguirre, to extend the meeting for 30 minutes. All were in favor, and the motion carried.

The City Council discussed the substantive changes suggested by the public speakers, the possibility of having laundry facilities on all floors, the difficulty with the size of the plans provided for City Council review, and the need for more three and four-bedroom units. The City Council also discussed receiving information on the difference between a 40-unit complex versus a 50-unit complex.

It was moved by Councilmember Procter to continue the Public Hearing.

City Attorney Karl H. Berger suggested that the City Council formulate questions and set a date certain, possibly January 18, 2005, for continuing the Public Hearing. He suggested that the applicant return with the following:

- 1) Applicant to come up with a list of alternative scenarios and the viability of each of the scenarios dealing with the four, three, and two-bedroom alternatives with the same basic building footprint, with perhaps a different configuration in terms of the bedroom structure. Applicant to come back with whether the current funding scheme could fund the project.
- 2) Issues involving common space or open areas for residents.
- 3) Idea of common areas on each floor as opposed to being next to the Manager's Office.

City Attorney Karl H. Berger suggested that in order to facilitate the discussion, that the applicant return with electronic documents and a Power Point Presentation so that it is visible to the television audience and to those in the Council Chambers.

Councilmember Procter withdrew his motion.

It was moved by Councilmember Procter, seconded by Councilmember Aguirre, to continue the Public Hearing to January 18, 2005. All were in favor, and the motion carried.

### **CITY/AGENCY/AUTHORITY COMMUNICATIONS**

There were no City/Agency/Authority Communications.

### **FUTURE AGENDA ITEMS**

It was moved by Mayor Krause, seconded by Councilmember Procter, for a discussion at the January 3, 2005 City Council Meeting regarding forming a committee to look at the future of The Mill that would include interested community members, the Hengehold family members, City staff, and City Councilmembers for the long-term preservation of the building and the site. All were in favor, and the motion carried.

It was moved by Mayor Krause, seconded by Councilmember Aguirre, for a report regarding the concept of working with the City of Ventura on educational opportunities on land use issues, smart growth, and urban design. All were in favor, and the motion carried.

### **ADJOURNMENT**

There being no further business to come before the City Council/Redevelopment Agency/Community Healthcare Authority, Mayor/Chair Krause adjourned the meeting at 11:12 p.m., in memory of Lou Lingo.

ATTEST:

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Josie G. Herrera  
City Clerk