

CALL TO ORDER

Mayor/Chair Krause called the meeting to order 5:35 p.m.

ROLL CALL

Councilmember/Director Gabino Aguirre, Councilmember/Director Ray C. Luna, 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 Attorney Karl H. Berger, and City Clerk/Agency Secretary Josie G. Herrera were also present.

PUBLIC COMMENT

City Manager Wally Bobkiewicz mentioned that a reporter from KEYT News was at the Police Department earlier in the day to interview wives of Police Officers and Firefighters. He noted that the interview had not yet aired on television.

CLOSED SESSION

City Attorney Karl H. Berger announced that the Closed Session would be to discuss:

- A. Conference with Legal Counsel, Liability Claims – Government Code 54956.95. Name of Insurance JPA: Central Coast Cities Self Insurance Fund. Claimants: Workers Compensation Cases: Vivian Aguilera; Cynthia Chapek; Kenneth Cott; Gary Marshall; Louis Medina; Manuel Ruiz; Noah Sharp; and Edward Vasquez. Agency Claimed Against: City of Santa Paula.
- B. Conference with Labor Negotiator - Government Code 54957.6. City Negotiator: City Manager Wally Bobkiewicz and Assistant to the City Manager Melissa Grisales. Employee Organizations: Santa Paula Police Commanders Unit, Santa Paula Community Service Officers Unit, Santa Paula Police Officers Association, Santa Paula Public Employees Association (SEIU Local 998), Santa Paula Fire Fighters Association, Ventura County Professional Firefighters Association, Mid-management, Confidential, Part-time, Temporary, and Seasonal Employees Groups.
- C. Conference with Legal Counsel, Existing Litigation – Pursuant to Government Code §54956.9 (a). *SP West LLC v. City of Santa Paula: City of Santa Paula Mobilehome Rent Review Commission, and Does 1 through 50.* United States District Court Case No. CIV050159; and *SP West LLC v. Santa Paula Mobilehome Rent Review Commission, and Does 1 through 50.* Ventura County Superior Court Case No. CIV226635.

- D. Conference with Legal Counsel, Initiation of Litigation – Pursuant to *Government Code § 54956.9(c)*. Initiation of Litigation. Number of potential cases: One.
- E. Conference with Real Property Negotiator - Government Code §54956.8. Property Address: 970 Ventura Street. Negotiating Parties: City of Santa Paula and New Group LLC. City Negotiator: Wally Bobkiewicz. Under negotiation: Both price and terms for acquiring property.
- F. Conference with Legal Counsel, Existing Litigation – Pursuant to *Government Code §54956.9 (a)*. *City of Santa Paula v. The Mill, Inc.* VCSC Case No. CIV183178.

Mayor/Chair Krause recessed the City Council/Redevelopment Agency to a Closed Session at 5:37 p.m.

Mayor/Chair Krause recused herself from Items 3C and 3D due to a conflict of interest. She exited the City Hall Administration Conference Room at 6:20 p.m.

Vice Mayor Cook reconvened the City Council/Redevelopment Agency into Open Session at 6:28 p.m., and recessed the City Council/Redevelopment Agency at 6:28 p.m. City/Agency Attorney Karl H. Berger departed from the remainder of the meeting.

RECONVENE AND CALL TO ORDER

Mayor/Chair Krause reconvened the City Council at 6:43 p.m. Pastor Ron Dybvig offered the Invocation, and Mayor Krause led the Flag Salute.

ROLL CALL

Councilmember/Director Gabino Aguirre, Councilmember/Director Ray C. Luna, 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, Assistant City/Agency Attorney Bradley E. Wohlenberg, and City Clerk/Agency Secretary Josie G. Herrera were also present.

CLOSED SESSION REPORT

Assistant City Attorney Bradley E. Wohlenberg reported that during the Closed Session for Item 3D Initiation of Litigation, the City Council approved the initiation of litigation against SP West, LLC.

City Manager Wally Bobkiewicz reported that during the Closed Session for Item 3F *City of Santa Paula v. The Mill, Inc.* VCSC Case No. CIV183178, the City Council directed

the City Manager and the City Attorney to prepare the necessary documents to bring a conclusion to this issue, and to place the item on the February 15, 2005 agenda.

PRESENTATIONS

A. Proclamation Recognizing 2-1-1- Month

Councilmember Luna presented a proclamation to Kathy Raffaeli from the United Way proclaiming the month of February as 2-1-1 Month. Ms. Raffaeli thanked the City Council for their consideration on behalf of the United Way of Ventura County and Interface Children Family Services.

B. Presentation by Eugene Marzec from the Santa Paula Art Society Regarding the Santa Paula Art Show

Eugene Marzec invited everyone to the 68th Annual Santa Paula Art Show. He noted that a reception would be held on February 19, 2005, from 4:00 – 7:00 p.m. He thanked their sponsors and the Blanchard Community Library for the use of the building.

C. Presentation of the 2004 Corporate Challenge Trophy

City Manager Wally Bobkiewicz presented the 2004 Corporate Challenge Trophy, and noted that last spring the City's employees won first place in its division. The City Council conveyed their congratulations to City employees for their efforts.

PUBLIC COMMENT

Mohammed Hasan, representing Hasan Consultants, noted that he submitted a proposal for the design of water distribution pipelines, Item 10M. He distributed copies of *Mi Estrella*, which contained an article regarding his company, and a document outlining his company's experience.

Gerard Kapuscik, 3625 Loma Vista Road, Ventura, former General Manager of the Channel Islands Beach Community District, spoke of Mr. Hasan's experience, and offered his recommendation.

Jack Phillips, 742 Foothill Road, posed questions regarding the agenda and format for the upcoming Fagan Canyon workshop; correspondence received from the developer regarding work done in Fagan Canyon; proposed actions under consideration by the City Council; topics of particular interest to be shared at the workshop; and opportunity for public input. City Manager Wally Bobkiewicz responded that the agenda would be published on February 8, 2005, and would also be available on the City's website. He also stated that the format would be for a joint workshop with the City Council and the Planning Commission, with a presentation by the City's consultants. He also noted that

this would be the first of four meetings, and that there would be an opportunity for public comment at the conclusion of staff's presentation. He also noted that staff works with the developer on a daily basis. Lastly, he noted that the Environmental Impact Report is due in April and would be presented to the City Council in September.

Angie Marshall, wife of Police Sergeant Gary Marshall, addressed her concerns regarding the Police Department's staffing levels, the number of officers assigned per shift, the amount of Police Officers out on disability leave, Police Officers seeking employment elsewhere, and salaries.

Tressa Saviers, wife of Police Sergeant Mike Saviers, addressed her concerns regarding Police Department staffing levels, the number of officers assigned per shift, and salaries. She asked the City Council to hire more Police Officers and provide for adequate salaries.

John Wisda, 550 Monte Vista, noted that a Political Action Committee has been formed named We Care Santa Paula. He encouraged everyone to attend the February 15, 2005 Fagan Canyon workshop at the Community Center. He stated that We Care Santa Paula wishes to provide a presentation regarding a smaller project in Fagan Canyon that could include opportunities for a golf course or an equestrian center with a hotel, bring housing mix into balance, demonstrate the same return on investment for the developer, and meet the City's infrastructure needs.

CITY COUNCIL, STAFF COMMUNICATIONS

Vice Mayor Cook asked whether the Police Chief could look into the concerns addressed earlier in the evening regarding staffing levels in the Police Department.

Mayor Krause announced that a member of the community, Julie Irving, past away recently. She noted that Ms. Irving served on the Police Management Audit Oversight Committee and the Police Management Audit Implementation Committee. Mayor Krause also mentioned that she would be having surgery on February 10, 2005; however, she hopes to be present for her Saturday discussion group at the Whistle Stop.

APPROVAL OF FINAL AGENDA

City Manager Wally Bobkiewicz asked that Items 11D and 11F be moved to the first items under Order of Business. Councilmember Luna pulled Item 10M for discussion. City Manager Wally Bobkiewicz pulled Item 10H for discussion. Mayor Krause pulled Item 10J for discussion.

It was moved by Vice Mayor Cook, seconded by Councilmember Luna, to approve the final agenda as amended. All were in favor, and the motion carried.

CONSENT CALENDAR – SEPARATE ACTION ITEMS

- H. Transfer of \$95,000 from the Las Piedras Park Recreation Center Community Development Block Grant (CDBG) Fund to the Las Piedras and Teague Parks Soccer Field Design Project

Building and Safety Director Stephen R. Stuart's report dated January 28, 2005. He noted that the Public Works Department has an item on the agenda that only recommends the design for the Teague Park Soccer Field based on the cost for the design work and based on the City Council's priority. He recommended that the City Council adopt a revised resolution, which only includes the design work for Teague Park.

It was moved by Vice Mayor Cook, seconded by Councilmember Procter, to approve revised Resolution No. 6150, which will reallocate \$95,000 from the Las Piedras Park Recreation Center CDBG Fund to the Teague Park Soccer Field Design Project. All were in favor, and the motion carried.

RESOLUTION NO. 6150

A RESOLUTION APPROVING RE-ALLOCATING FUNDS FROM THE LAS PIEDRAS PARK RECREATION CENTER CDBG FUND TO THE TEAGUE PARK SOCCER FIELD DESIGN PROJECT

- J. Award of Sales and Use Tax Auditing and Analysis Services Contract

City Manager Wally Bobkiewicz presented Finance Director Alvertina Rivera's report dated January 27, 2005.

Assistant City Attorney Bradley E. Wohlenberg noted that Resolution No. 6152 was revised due to factual and clerical errors.

It was moved by Councilmember Procter, seconded by Councilmember Aguirre, to: 1) approve a Five-year contract for Sales Tax Auditing and Analysis services with Hinderliter, de Llamas & Associates (HdL); 2) approve revised Resolution No. 6152 authorizing HdL to examine the City's Sales and Use Tax Records; and 3) authorize the City Manager to sign the contract on behalf of the City. All were in favor, and the motion carried.

RESOLUTION NO. 6152

A RESOLUTION AUTHORIZING EXAMINATION OF SALES AND USE TAX RECORDS

M. Approval of Agreement for Services with Hawks & Associates for the Design of 15,125 Feet of Water Mains in the Amount not to Exceed \$115,000

Public Works Director/City Engineer Clifford G. Finley's report dated January 28, 2005. He responded to a question regarding the selection process for professional services by stating that selection is based on a qualification-based selection process that is designed to be a fair and competitive process. He also noted that City staff judged the proposals based on what was submitted, and rated the proposals to determine the most qualified firm to perform the work.

It was moved by Vice Mayor Cook, seconded by Councilmember Aguirre, to authorize the City Manager to execute the contract for engineering services with Hawks & Associates in the amount of \$104,560 for the design of 15,125 feet of water mains approved as to form by the City Attorney. All were in favor, and the motion carried.

CONSENT CALENDAR

It was moved by Councilmember Procter, seconded by Vice Mayor Cook, to adopt the balance of the Consent Calendar. 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 Meeting of January 3, 2005.
- C. Minutes – Adopted the Minutes of the Special Adjourned City Council Meeting January 12, 2005, 5:00 p.m.
- D. Minutes – Adopted the Minutes of the Special Adjourned City Council/Redevelopment Agency Meeting of January 12, 2005, 6:30 p.m.
- E. Minutes – Adopted the Minutes of the Regular City Council/Redevelopment Agency Meeting of January 18, 2005.
- F. Warrants and Certifications - Reviewed, approved, and filed the attached warrants and certifications. Finance Director Alvertina Rivera's report dated January 31, 2005.

Invoices	12/30/04	\$	48,265.92
Wire Transfers	12/29/04	\$	4,302.54

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Invoices	01/06/05	\$ 441,806.76
Wire Transfers	01/04/05	\$ 33,624.55
Invoices	01/14/05	\$ 314,710.75
Wire Transfers	01/13/05	\$ 6,180.29
Invoices	01/20 & 01/24/05	\$ 440,807.40
Wire Transfers	01/20/05	\$ 38,943.24
Invoices	01/27/05	\$ 92,703.80
Wire Transfers	01/27 & 01/28, 2005	\$1,241,938.29
Salaries	12/30/04, 01/14/05 & 01/28/05	\$ 941,647.57
TOTAL		\$3,604,931.11

- G. Approval of Fire and Police Reserve Stipend – Reviewed and approved Resolution No. 6151 adopting a stipend for the Volunteer Fire and Police reserve positions. **RESOLUTION NO. 6151**, A RESOLUTION AMENDING RESOLUTION NO. 6092, WHICH AMENDS THE POSITION CLASSIFICATION AND COMPENSATION PLAN. Assistant to the City Manager Melissa Grisales’ report dated January 25, 2005.

- I. Council Expense, City Manager Travel Monthly Report of Transactions – Reviewed and filed the attached monthly transactions report for November and December 2004. Finance Director Alvertina Rivera’s report dated January 20, 2004.

- K. FY 2003/2004 Transportation Development Act (TDA) Annual Financial Statements – Received and placed on file the Annual Financial Reports for the Local Transportation Development Act Fund, Article 3, Section 99234 Public Utilities Code, and Article 8, Section 99400 (a) and (c) Public Utilities Code Funds for the Fiscal Year Ended June 30, 2004 resulting from the audits by Rivera and Company, Certified Public Accountants. Finance Director Alvertina Rivera’s report dated January 14, 2005.

- L. Report of Emergency Purchases Required by Floods - Confirmed emergency repairs and policy necessary during declaration of Local Emergency. Assistant to the City Manager Melissa Grisales’ report dated February 1, 2005.

ORDER OF BUSINESS

- D. Appointment of The Mill Preservation Advisory Committee

City Manager Wally Bobkiewicz’s report dated January 31, 2005. He noted that Judy Triem had expressed interest in serving on this committee and that her name should be included in the staff report.

It was moved by Councilmember Aguirre, seconded by Councilmember Procter, to continue the item to the Special City Council/Planning Commission Meeting on February 15, 2005. All were in favor, and the motion carried.

F. Amendments to Citywide Vision Implementation Plan (continued)

City Manager Wally Bobkiewicz's report dated January 11, 2005.

The City Council discussed concerns with adding more items to the plan because it would make it difficult to focus. They also spoke in favor of a Teen Center.

Carmita Wood, member of the Citywide Visioning Implementation Committee, noted that the report from the City Council/School Board Joint Committee mentioned the opening of a coffee house/study lounge, and suggested that this could be incorporated into a Teen Center.

City Manager Wally Bobkiewicz suggested laying over the item until the City Council/School Board Joint Committee comes back with a recommendation.

It was moved by Vice Mayor Cook to receive the report and direct the City Manager to bring the item back after the City Council subcommittee has met with the school boards on the specifics of the youth issues.

The City Council discussed encouraging, rather than establishing, a regular youth column or section in the local newspaper.

Councilmember Procter seconded the motion. All were in favor, and the motion carried.

A. Update on Santa Paula Creek, Santa Clara River Issues, and Hwy. 150 Issues

Public Works Director/City Engineer Clifford G. Finley provided an update on clean-up efforts for Santa Paula Creek and Santa Clara River. He also noted that the County of Ventura is planning a project to grade a pilot ditch to divert water flow to the center of Santa Paula Creek. He also noted that Caltrans estimates that Highway 150 would reopen in September. He responded to a question regarding whether Congressman Gallegly's office had been contacted to assist with having Santa Paula Creek channeled at the Stewart Ranch area by stating the U. S. Army Corps of Engineers is the responsible party for Santa Paula Creek.

The City Council discussed seeking the assistance from the federal government, County Board of Supervisors, and the State Assembly to channel Santa Paula Creek. City Manager Wally Bobkiewicz responded to the discussion by stating that staff could pursue joint partnerships with elected officials from the federal government. He also

noted that Assemblymember Strickland's office is working closely with Caltrans to reopen Highway 150.

Public Works Director/City Engineer Clifford G. Finley responded to a question regarding the extent of jurisdiction by stating that the City is working with the U.S. Army Corps of Engineers, the Ventura County Watershed Protection Agency, the Department of Fish and Game, state and federal governments, Caltrans, and the Regional Water Quality Control Board.

RECESS TO A BREAK

Mayor Krause recessed the City Council to a break at 8:08 p.m.

RECONVENE TO REGULAR MEETING

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

B. Police and Fire Department Enhancements

City Manager Wally Bobkiewicz's report dated February 1, 2005.

The City Council reviewed the suggestions for budget reductions and revenue enhancements, and requested that staff investigate the following:

ADMINISTRATION

Reductions and Changes in Cost Allocation for City Attorney Services
Review of Citywide Cost Allocation Plans
Evaluate Offering Two Year Service Credit Early Retirements to All Employees Eligible
Evaluate Furlough Program for All Non Police and Fire Employees as well as for All Employees
Create New Tier PERS Retirement for all New Employees

BUILDING AND SAFETY

Continued Review of Current Fees and Charges

COMMUNITY SERVICES

Charge Harding Park Fund for All Maintenance and Upkeep of Park
Charge Fees for Use of All Athletic Fields (Youth and Adult)
Increase Light Fees at All Parks
Increase Rental Fees at Community Center

FINANCE

Examine Complete Departmental Reorganization
Evaluate Time Spent on Budget Process

FIRE

Evaluate Procedures for Emergency Medical Response (Police, Fire, Charge for Responses)
Charge for All Special Event Fire Support

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PLANNING

Continued Review of Current Fees and Charges

POLICE

Continue Implementation of Recommendations of Police Management Audit
Charge for All Special Event Police Support

PUBLIC WORKS

No changes pending completion of management audit

COUNCIL CONSENSUS TO EXTEND THE MEETING

As business had not concluded at 9:34 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 Aguirre, to extend the meeting for one hour. All were in favor, and the motion carried.

It was moved by Councilmember Aguirre, seconded by Vice Mayor Cook, for staff to come back in March to give recommendations to move toward hiring two new Police Officers and to create a pool of funds for salary increases for all departments. All were in favor, and the motion carried.

C. Moratorium on Condominium Conversion, Ordinance No. 1132

Planning Director Janna Minsk presented City Attorney Karl H. Berger's report dated February 2, 2005.

A discussion ensued regarding current condominium standards and amenities.

Mike Merewether, 222 Teloma Drive, Ventura, representing Merewether-Judson Exceptional Properties, addressed financial issues for the yet-to-be-built project approved for 254 W. Harvard Boulevard due to increased building material costs and insurance costs. He stated that his company hopes to have a portion of the project set aside for sale. He responded to a question regarding whether he was opposed to the 45-day moratorium by stating that he hoped the moratorium would address existing housing and not those that have not yet been built.

Assistant City Attorney Bradley E. Wohlenberg noted that there would be three categories of construction that could be affected by the moratorium: 1) existing housing currently being used as apartments that might be converted to condominiums; 2) a project approved and entitled to be built as an apartment complex, however construction has not yet begun; and 3) new condominium projects at current condominium standards.

Assistant City Attorney Bradley E. Wohlenberg responded to a question regarding the need to amend the current code by stating that there have been policy changes regarding parking and open space requirements for multi-family housing, and that there could be instances where physical changes are needed in order that condominiums meet certain construction codes. Building and Safety Director Stephen R. Stuart added that staff wishes review the code in order to make recommendations to the City Council for future projects.

The City Council discussed concerns regarding whether Mr. Merewether's project meets the test for condominium conversion because the draft ordinance refers to existing housing stock being converted to a condominium.

Assistant City Attorney Bradley E. Wohlenberg responded to the discussion by stating that it was staff's intent to include projects with existing entitlements, and suggested that language could be added to Section 3A, Restricted Activity, stating "converting existing or approved housing units..." in order to expand the idea that entitled projects not yet constructed are to be included in the interim ordinance.

It was moved by Councilmember Procter, seconded by Councilmember Luna, to adopt Urgency Ordinance No. 1132 as amended to include the language as suggested by the Assistant City Attorney to Section 3A. All were in favor, and the motion carried.

ORDINANCE NO. 1132

AN URGENCY ORDINANCE PROHIBITING PERMIT ISSUANCE FOR CONVERSION TO CONDOMINIUMS WITHIN THE CITY FOR A PERIOD OF FORTY-FIVE DAYS TO CONSIDER AMENDING TITLE 15 OF THE SANTA PAULA MUNICIPAL CODE

RECESS TO A BREAK

Mayor Krause recessed the City Council to a break at 10:18 p.m.

RECONVENE TO REGULAR MEETING

Mayor Krause reconvened the City Council at 10:20 p.m.

E. Fourth of July Fireworks

City Manager Wally Bobkiewicz's report dated February 1, 2005.

It was moved by Vice Mayor Cook, seconded by Councilmember Luna, to authorize the City Manager to book the annual community fireworks display and to begin fundraising efforts. All were in favor, and the motion carried.

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 Vice Mayor Cook, to extend the meeting for one-half hour. All were in favor, and the motion carried.

G. Approval of Agreement for Design Services with Curtis P. Stiles Landscape Architecture for the Teague Park Improvements

Public Works Director/City Engineer Clifford G. Finley's report dated January 31, 2005.

It was moved by Councilmember Luna, seconded by Councilmember Procter, to approve a project budget of up to \$95,000 for professional services for the master planning and design of improvements to Teague Park; and authorize the City Manager to execute the contract for landscape architecture services with Curtis P. Stiles Landscape Architecture approved as to form by the City Attorney in the amount of \$81,255 for the master plan and design of the Teague Park Improvements. All were in favor, and the motion carried.

H. City Council Chambers Art Work

City Manager Wally Bobkiewicz's report dated February 1, 2005.

It was moved by Councilmember Aguirre, seconded by Mayor Krause, to appoint Councilmember Luna and Vice Mayor Cook to a two-member committee to work with the City Manager to re-install artwork in the Council Chambers. Councilmember Aguirre, Councilmember Luna, Councilmember Procter, and Mayor Krause were in favor. Vice Mayor Cook was opposed. The motion carried.

I. Request from Assemblymember Audra Strickland for Office Space at City Hall

City Manager Wally Bobkiewicz noted that a request was received from Assemblymember Audra Strickland for office space at City Hall, and that if approved, staff would bring back a resolution authorizing the request at a future meeting.

It was moved by Councilmember Procter, seconded by Vice Mayor Cook, to approve the request from Assemblymember Audra Strickland for office space at City Hall for two days per month. All were in favor, and the motion carried.

CITY COMMUNICATIONS

City Manager Wally Bobkiewicz noted the following upcoming meetings: Special City Council Meeting on February 8, 2005 for a tour of East Area One; Special Joint City

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Council/Planning Commission Meeting on February 15, 2005 for Fagan Canyon Workshop; Regular City Council Meeting February 22, 2005; Special City Council Meeting February 26, 2005 for Teambuilding Session and ribbon-cutting for Fire Station No. 2; and Special City Council Meeting on February 28, 2005.

FUTURE AGENDA ITEMS

It was moved by Vice Mayor Cook, seconded by Councilmember Procter, for a report on seeking lobbyist's assistance with channeling Santa Paula Creek. All were in favor, and the motion carried.

It was moved by Councilmember Aguirre, seconded by Councilmember Luna, for a workshop on the elements of quality development, best practices, aesthetics, safety, parking, and professional standards in the construction area. All were in favor, and the motion carried.

ADJOURNMENT

There being no further business to come before the City Council/Redevelopment Agency, Mayor/Chair Krause adjourned the meeting at 10:47 p.m.

ATTEST:

Josie G. Herrera
City Clerk/Agency Secretary