

**CALL TO ORDER**

Vice Mayor Cook called the meeting to order 6:00 p.m.

**ROLL CALL**

Councilmember Gabino Aguirre, Councilmember Ray C. Luna, Councilmember John T. Procter, and Vice Mayor Richard C. Cook responded to roll call. City Manager Wally Bobkiewicz, City Attorney Karl H. Berger, and City Clerk Josie G. Herrera were also present. Mayor Mary Ann Krause was not present for roll call; however, she was waiting in the high school cafeteria for the City Council to begin the Closed Session.

**CLOSED SESSION**

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

- A. 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), Ventura County Professional Firefighters Association, Mid-management, Confidential, Part-time, Temporary, and Seasonal Employees Groups.

Vice Mayor Cook recessed the City Council to the high school cafeteria for a Closed Session at 6:03 p.m.

Mayor Krause reconvened the City Council at 6:40 p.m. No reportable action was taken during the Closed Session.

Mayor Krause recessed the City Council at 6:40 p.m.

**RECONVENE AND CALL TO ORDER**

Mayor Krause reconvened the City Council at 6:47 p.m. in the high school auditorium and led the Flag Salute. Santa Paula High School Jazz Band Director Ed Roina led the Santa Paula High School Jazz Band in performing the National Anthem.

**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 H. 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 by County Supervisor Kathy Long Regarding Santa Paula Creek**

County Supervisor Kathy Long introduced Jeff Pratt, Director of the Ventura County Watershed Protection Agency, and Bill Ward, Design Project Leader of Natural Resources Conservation Service (NRCS). She noted that the U. S. Army Corps of Engineers had launched the Ecosystem Restoration Project in Santa Paula Creek prior to the January 2005 storms. She also presented a Power Point Presentation® on the Santa Clara River Watershed Emergency Reserves Project.

Bill Ward, NRCS, spoke regarding the Santa Paula Creek Emergency Watershed Protection Program, and provided information regarding NRCS programs.

Jeff Pratt, Director of the Ventura County Watershed Protection Agency, introduced Sergio Vargas and Peter Sheydayi, and spoke regarding restoration efforts in Santa Paula Creek. He noted that there were no funds available to take care of erosion; however, they are currently working on a project design for a pilot channel and spur dikes that they hope will go out to bid in one month.

Bill Ward responded to questions regarding whether the project in Santa Paula Creek would include the area near Mupu School by stating that the preliminary design is to have groins installed with rock placed on the slope.

Hector Araiza, 4444 N. Ojai Road, expressed concern with creek erosion coming closer to his property. He also stated that although the pilot channel work is going well, it is not enough to fill the west bank of the creek.

Jeff Pratt responded that the Watershed Protection Agency would provide as much protection as possible, and he invited everyone to participate in the design process.

Dan Shide, 988 Monte Vista Drive, son-in-law of Hector Araiza, shared photographs of the erosion next to Mr. Araiza's property. He stated that he would be interested in providing input on the spur dikes planned downstream of Santa Paula Creek.

Karen Karayan, 3710 Ojai Road, questioned whether dirt would be taken to the top of the creek banks in order to be level with all of the properties, whether the banks would be restored to pre-disaster conditions, and whether Caltrans would be supplying backfill dirt. Bill Ward responded that the watershed program could not restore banks completely to pre-disaster conditions and that their objective and intent is to protect homes and to avoid having vertical banks. Jeff Pratt added that the Watershed Protection District is working with Caltrans to bring in material at no cost, and that the dirt would be used to protect the banks from scour.

B. Presentation by Dora Crouch Regarding the League of Women Voters' Publication Entitled "Know Your Community, A Study of the Santa Paula Area"

Dora Crouch presented the League of Women Voters' publication entitled "Know Your Community, A Study of the Santa Paula Area." She acknowledged everyone involved in preparing the report.

**PUBLIC COMMENT**

Peter Wright, 801 McKevev Road, expressed concern with writings and comments made by people who do not support the City Council, and he expressed his support of the City Council.

**CITY COUNCIL, STAFF COMMUNICATIONS**

Councilmember Procter stated that the Santa Paula Relay for Life Event would be held May 21 and 22, 2005. He also welcomed Luz Maria Espinosa and her English as a Second Language Class to the City Council meeting.

Councilmember Aguirre welcomed Ms. Espinosa's class to the meeting and invited them to participate. He also mentioned that he was installed on the Association of Water Agencies Board of Directors, and noted that one of their concerns is dumping of chlorides upstream of Santa Clara River that threatens the City's water quality.

Mayor Krause stated that she and City Manager Wally Bobkiewicz met with Congressman Elton Gallegly earlier in the day to discuss the new water recycling facility and the Santa Paula Airport runway restoration. She also mentioned that she attended the opening of the De Colores Art Show. Lastly, she urged everyone to consider attending the conference sponsored by the Ventura County Partnership for Safe Families entitled "Abuse Across Lifespan" in Oxnard on April 20, 2005.

Councilmember Luna thanked the audience for attending the meeting. He also thanked the High School Board and staff for the use of the auditorium.

### **APPROVAL OF FINAL AGENDA**

City Manager Wally Bobkiewicz noted that Police Chief Robert S. Gonzales was not in attendance due to illness and asked that Item 11D be postponed to a future meeting.

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

### **CONSENT CALENDAR**

Mayor Krause stated that she would abstain from Item 10E Minutes of March 21, 2005 because she was not present at the meeting. She also asked that Item 10F be pulled for discussion.

Councilmember Procter stated that he would abstain from Items 10F and 10I because these items deal with Fagan Canyon and because he has a presumed conflict of interest which has not yet been reviewed by the Fair Political Practices Commission (FPPC).

City Attorney Karl H. Berger recommended that the Councilmembers who have a presumed conflict of interest regarding the proposed Fagan Canyon Development abstain from these items until a new opinion is received from the FPPC. He also noted that he has been in contact with the staff attorney from the FPPC who will be responsible for issuing the new opinion.

Councilmember Procter also stated that he would abstain from Item 10D Minutes of March 14, 2005 because he was not present at the meeting.

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

- A. Waiver of Reading of Ordinances and Resolutions – Waived reading of Ordinances and Resolutions appearing on the Agenda.
- B. Minutes – Adopted the Minutes of the February 28, 2005 Special City Council/Redevelopment Agency Meeting.
- C. Minutes – Adopted the Minutes of the March 7, 2005 City Council/Planning Commission Meeting.
- D. Minutes – Adopted the Minutes of the March 14, 2005 Special City Council/Redevelopment Agency Meeting.

- E. Minutes – Adopted the Minutes of the March 21, 2005 Regular City Council Meeting.
- G. Second Reading and Adoption Ordinance No. 1133 – Waived second reading and adopted **ORDINANCE NO. 1133**, AN ORDINANCE REPEALING THE ANNEXATION MORATORIUM AND REPLACING CHAPTER 16.236 OF TITLE 16 TO REGULATE ANNEXATIONS WITHIN THE CITY OF SANTA PAULA. City Clerk Josie G. Herrera's report dated March 22, 2005.
- H. Resolution Supporting Preservation of Existing Community Development Block Grant Program – Adopted **RESOLUTION NO. 6171**, A RESOLUTION SUPPORTING PRESERVATION OF THE EXISTING COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM. City Manager Wally Bobkiewicz's report dated March 28, 2005.
- I. Amendment to Professional Services Agreement with BTI Appraisal – Authorized the City Manager to execute an amendment, in a form approved by the City Attorney, for the professional services agreement with BTI Appraisal, for additional work regarding providing an economic analysis for the Fagan Canyon Project as it pertains to Councilmembers Aguirre and Procter, for \$25,000, for a total contract value not to exceed \$50,000, and allocated the entire \$50,000 from Account Number 800.2221. City Manager Wally Bobkiewicz's report dated March 29, 2005.
- J. Investment Report for Quarter Ending December 31, 2004 – Received and filed the Investment Report for the Quarter Ending December 31, 2004. Finance Director Alvertina Rivera's report dated March 16, 2005.
- K. Amendment No. 2 to Contract 99485 and Proposal from P & D Consultants, Inc. – Approved Amendment No. 2 to P & D Consultants' Contract No. 99485 for additional services relating to the Environmental Impact Report (EIR) for the Water Recycling Facility (WRF). Public Works Director/City Engineer Clifford G. Finley's report dated March 25, 2005.
- L. Downtown and Veterans' Memorial Park Furnishing – Appropriated \$9,400 from the Beverage Container Recycling Grant fund to purchase benches and trash receptacles for Veterans' Memorial Park. Public Works Director/City Engineer Clifford G. Finley's report dated March 26, 2005.
- M. Scoreboard for Harding Park, Resolution No. 6170 – Adopted Resolution No. 6170 approving the design for the Harding Park Scoreboard. **RESOLUTION NO. 6170**, A RESOLUTION APPROVING THE DESIGN AND PLANS FOR A SCOREBOARD FOR HARDING PARK PURSUANT TO GOVERNMENT CODE

SECTION 830.6. Public Works Director/City Engineer Clifford G. Finley's report dated March 25, 2005.

**CONSENT CALENDAR – SEPARATE ACTION ITEM**

F. Fagan Canyon Project Public Comment

Councilmembers Aguirre and Procter stepped out of the auditorium at 7:51 p.m.

City Attorney Karl H. Berger noted that Councilmembers Aguirre and Procter's residences are within 500 feet of the proposed Fagan Canyon development boundaries and are presumed to have conflicts of interest. He presented his report dated March 22, 2005. He responded to a question regarding whether concessions for Centex Homes' due process rights would be provided during workshops by stating that if the City Council were to consider expanding time periods or allow audio visual presentations during workshops, the City Council would need to make the same opportunity available to Centex Homes. However, in his opinion, study sessions or workshops are not the proper forum for that type of activity.

It was moved by Mayor Krause, seconded by Vice Mayor Cook, to receive and file the report. All were in favor, and the motion carried.

Councilmembers Aguirre and Procter returned to the auditorium at 7:55 p.m.

**RECESS TO A BREAK**

Mayor Krause recessed the City Council to a break at 7:55 p.m.

**RECONVENE TO REGULAR MEETING**

Mayor Krause reconvened the City Council at 8:07 p.m.

**ORDER OF BUSINESS**

A. Town Hall Meeting

City Manager Wally Bobkiewicz's report dated March 28, 2005.

Eric Barragan, 1001 Elderberry Drive, thanked the City Council for being forward-looking and for being united. He stated that the City has ongoing needs which include economic development, lack of infrastructure, deteriorated street conditions, lack of parks, lack of housing options and affordable housing, crime and gang issues, education and youth issues, and the need to upgrade parks and athletic fields. He also stated that there is an opportunity to address these issues through planned

development, and that Centex Homes is committed to build and provide seed money for two new elementary schools, and that he expects they will work with both the elementary and high school districts to ensure that a new middle school and high school are in place before the project is completed. Lastly, he stated that if the City were to have new schools and affordable middle-class housing, the City would be an attractive, safe, and viable community that would attract additional qualified teachers and resources for school children.

Robert Borrego, 524 N. Fourteenth Street, addressed the need to provide adequate housing for all residents of Santa Paula and the need to pay public safety and city employees a just wage. He expressed his concerns with overcrowded conditions in homes that cause a lack of privacy and a lack of private study areas for children, and that that these issues could be addressed with the proposed Fagan Canyon development. He also stated that although traffic is a concern for many people, he would be willing to make sacrifices in order to help Santa Paula families who are living in crowded conditions.

City Attorney Karl H. Berger cautioned the Mayor to advise the commentators to hold their comments regarding the proposed Fagan Canyon development until the Public Hearing process due to due process rights and due to two Councilmembers having a presumed conflict of interest. He also stated that the town hall meeting concept is to have a question and answers forum where members of the audience may ask broad general questions to the City Council or City staff, and if there were substantive issues, those items would be placed on a future agenda for consideration.

Councilmember Procter stated that he wanted to go on record to voice his objection to limiting the scope of the town hall meeting because the agenda was very broadly constructed, and that the purpose of the town hall meeting was that the City Council would not be taking action. He stated that he was aware that there was an unresolved conflict issue; however, he would consider removing himself from the room if he legally must do so.

City Attorney Karl H. Berger stated that action is defined broadly in the Brown Act and involves more than simply voting on a particular matter or making consensus action on a particular matter.

Councilmember Aguirre stated for the record that he concurred with Councilmember Procter's comments because the town hall meeting should be open to any and all items of discussion; however, he would consider the City Attorney's advice.

Laura Espinosa, 233 Corte Linda, President of the local chapter of the League of United Latin American Citizens (LULAC), commended the high school jazz band on their performance. She also commended those involved with the recent De Colores Art Show and Festival, which highlighted the agriculture contributions of farmworkers. She

spoke regarding the need for equitable distribution of City funds, and expressed her concerns regarding the City's allocation of \$50,000 toward the Kiwanis Citrus Festival compared to the amount allocated towards the De Colores Art Show and the Fandango. She stated that LULAC would continue to monitor the allocation of resources, and commended the City Council for its participation in past festivals.

Community Services Director Brian J. Yanez responded to a request to comment by stating that the City has given in-kind and financial contributions toward the De Colores Art Show and the Fandango in the amount of approximately \$18,000.

Anai Andrade Magana, 364 W. Santa Barbara Street, accompanied by Luz Maria Espinosa, addressed high rents in Santa Paula, which forces many residents to rent two to three families in one home and exposes children to live with strangers. She also expressed her concern with lack of privacy in overcrowded living conditions, and asked the City Council to consider housing needs in Santa Paula.

Luz Maria Espinosa expressed her concerns with overcrowded living conditions, which raises stress levels and domestic violence. She suggested that the City Council consider that any new development include a percentage that would go toward a cultural arts program.

Due to the fact that the next speaker would address the proposed Fagan Canyon development, Councilmember Aguirre noted that typically he and Councilmember Procter exit the room due to their presumed conflict of interest; however, he stated that he would stay at the dais to listen to the comments. Councilmember Procter also stated that he would remain and observe. Mayor Krause stated that she supported their decision. Vice Mayor Cook stated that he supported their decision; however, due to his concerns, he stepped down from the dais and exited the auditorium at 8:40 p.m.

Jack Phillips, 742 Foothill Road, representing We Care Santa Paula, asked whether the opponents to the proposed Fagan Canyon development have due process rights during the project review process and during public comment. City Attorney Karl H. Berger responded that he does not provide legal advice to private citizens. Mr. Phillips continued his comments by stating that his group offered a resolution for the City Council's consideration; however, no action was taken, therefore, his group has initiated an initiative process. He expressed his concern with multi-family housing specified in the Fagan Canyon Specific Plan and stated that the developer is mandated by state law to pay school fees and provide for school facilities. He questioned what non-service related off-site improvements have been required of the developer; whether multiple options have been provided by Centex Homes or whether they submitted alternate plans; whether any other developers were considered for this project or submitted alternate plans; whether there were any other options for design considerations; and whether housing affordability had been considered.

Mayor Krause stated that the City Council was not prepared to respond to details of the proposed Fagan Canyon development project, and that Mr. Phillips' questions were beyond the scope of the town hall meeting.

City Manager Wally Bobkiewicz offered to respond to Mr. Phillips' questions in general terms. He stated that the draft environmental impact report (EIR) would be available in either May or June, which would include a study of all impacts such as water, sewer, and traffic, and would include mitigation measures for off-site improvements. Additionally, large housing developers are required to pay development impact fees on a per unit basis for the various impacts that the development would have on the entire city for capital improvements. He also stated that there could be additional mitigation measures that come from the EIR that would be addressed in a development agreement. Regarding alternate plans submitted by the developer, City Manager Wally Bobkiewicz responded that changes to a proposed development are always made through the planning process after public hearings of the Planning Commission and City Council. Regarding alternate developers, City Manager Wally Bobkiewicz responded that the Fagan Canyon property owner selected Centex Homes. Regarding an analysis of long-term cost of services, City Manager Wally Bobkiewicz responded that this would be addressed in the EIR. Regarding low-income housing, City Manager Wally Bobkiewicz responded that there would be an affordable housing component of the project that would have deed-restricted units available for low and moderate-income households; however, this plan has not yet been finalized.

City Attorney Karl H. Berger stated for the record that he was approached by one of the representatives from Centex Homes, who was present in the audience and who declined to speak for the record during tonight's town hall meeting because he understood that there would be a public hearing process involved once the EIR is released and once the project comes forward for Planning Commission and City Council consideration.

Delton Lee Johnson, 14 McKeveett Road, expressed his concerns with the scope of the proposed Fagan Canyon development. He stated that every community needs a balanced housing mix, and suggested that the City consider requiring the developer to demolish a non-conforming unit for every one, two, or three units that it replaces.

City Manager Wally Bobkiewicz responded to a question regarding whether there would be an economic study on the cost of homes in the Fagan Canyon development by stating that the EIR would include a financial impact study by the developer that would be peer-reviewed by a City consultant.

### **RECESS TO A BREAK**

Mayor Krause recessed the City Council to a break at 9:11 p.m.

**RECONVENE TO REGULAR MEETING**

Mayor Krause reconvened the City Council at 9:16 p.m. Vice Mayor Cook returned to the auditorium.

B. Proposed Labor Day Parade

City Manager Wally Bobkiewicz's report dated March 29, 2005.

Joanne Wright, representing the Labor Day Parade Committee, stated that she wanted to be assured of approval for the concept of the parade and to be allowed to have the parade on city streets with assistance from City personnel. She also noted that they have received sponsorship from the Santa Paula Rotary Club to cover liability insurance.

It was moved by Councilmember Aguirre, seconded by Councilmember Luna, to authorize staff to provide assistance for the proposed Labor Day parade to be held on, September 3, 2005. All were in favor, and the motion carried.

C. Job Creation Strategy Status Report

City Manager Wally Bobkiewicz's report dated March 29, 2005.

The report was received and filed.

D. Police Quality of Life Program – This item was postponed to a future meeting.

E. Sponsorship of Armed Forces Day Dinner – Saturday, May 21, 2005

City Manager Wally Bobkiewicz's report dated March 29, 2005.

It was moved by Vice Mayor Cook, seconded by Councilmember Luna, to direct the City Manager to organize a dinner to recognize Armed Forces Day on Saturday, May 21, 2005, with all proceeds going toward the City's 4<sup>th</sup> of July fireworks display. All were in favor, and the motion carried.

F. Support of Senator Arnold Vinick's Candidacy for President

City Manager Wally Bobkiewicz's report dated March 29, 2005.

The City Council discussed the production of a brief photo documentary and interviewing people on Senator Vinick's contribution to the City.

It was moved by Councilmember Aguirre, seconded by Councilmember Procter, to claim Senator Arnold Vinick as a resident of Santa Paula, direct the City Manager to take steps in support of his candidacy for President of the United States (on the NBC<sup>®</sup> television program, "The West Wing<sup>®</sup>"), and produce a photo documentary by Adelphia cable. All were in favor, and the motion carried.

G. Citywide Vision Plan/Education and Youth Issues

City Manager Wally Bobkiewicz's report dated March 29, 2005. He suggested that some priorities are the location of the new Ventura College East Campus, a second high school campus, and creation of a new teen center.

The City Council discussed identifying opportunities for joint use of new educational facilities for community needs; consider a performance center near the downtown; augment current teen centers/programs; expand vocational training; initiate incentives for housing programs for teachers; and encourage efforts to take part in career fairs, youth programs, and mentoring.

It was moved by Councilmember Aguirre, seconded by Councilmember Luna, to direct staff to prepare the appropriate memorandum from the City Council to the City Council/School Boards Joint committee with the following recommendations: look at the co-location of facilities under "Educational Excellence" with an emphasis on the downtown area; look at moving forward with a teen center under "Meaningful Youth Activity and Participation"; and look at initiating incentives for salaries and housing programs and a career fair under "Vocational Training." All were in favor, and the motion carried.

H. Volunteer Maintenance Teams Program

Public Works Director/City Engineer Clifford G. Finley's report dated March 29, 2005.

City Attorney Karl H. Berger responded to a question regarding liability issues by stating that based on the proposed program, the City would act as a liaison between those who are in need and volunteer organizations.

It was moved by Councilmember Luna, seconded by Vice Mayor Cook, to establish the Santa Paula Volunteer Maintenance Teams Program. All were in favor, and the motion carried.

I. Yearly Roundtable Meetings for Local Organizations, Clubs, City, and Neighborhood Organizations to Communicate Goals and Activities for the Coming Year

City Manager Wally Bobkiewicz's report dated March 29, 2005.

It was moved by Councilmember Procter, seconded by Councilmember Luna, to direct staff to schedule a roundtable meeting in September for local organizations to learn more about activities within Santa Paula. All were in favor, and the motion carried.

J. Ventura County Transportation Commission Call for Projects

Public Works Director/City Engineer Clifford G. Finley's report dated March 25, 2005.

It was moved by Councilmember Aguirre, seconded by Councilmember Luna, to receive and file report. All were in favor, and the motion carried.

K. Quality Development Workshop

City Manager Wally Bobkiewicz's report dated March 28, 2005.

It was moved by Councilmember Aguirre, seconded by Councilmember Luna, to layover this item to the May 16, 2005 City Council Meeting. All were in favor, and the motion carried.

L. Fiscal Year 2005/06 Goal Setting and Community Budget Workshop

City Manager Wally Bobkiewicz's report dated March 28, 2005.

It was the consensus of the City Council to direct the City Clerk to poll individual Councilmembers on their availability on a Saturday to schedule a Goal Setting Session.

It was moved by Councilmember Procter, seconded by Councilmember Luna, to have the City Manager continue with the traditional Community Budget Workshop and to have it televised. All were in favor, and the motion carried.

### **CITY COMMUNICATIONS**

City Manager Wally Bobkiewicz thanked the Community Services Department staff and Adelphia Cable staff for their efforts in arranging the meeting in the high school auditorium.

Mayor Krause mentioned that she attended the National Planning Conference in San Francisco, which focused on economic development.

### **FUTURE AGENDA ITEMS**

It was moved by Councilmember Luna for a report on when the City provides standby for fire and medical at special events. City Manager Wally Bobkiewicz noted that this would be included in the report to be presented at the next City Council Meeting.

It was moved by Vice Mayor Cook, seconded by Mayor Krause, to direct the City Attorney to seek advice from a colleague from his firm to prepare a second opinion on the City Council's conflict of interest issues and whether the City Council is protected under the Fair Political Practices Commission and from any violation of the Brown Act. Vice Mayor Cook and Mayor Krause were in favor. Councilmember Luna was opposed. Councilmembers Aguirre and Procter abstained. The motion carried.

**ADJOURNMENT**

There being no further business to come before the City Council, Mayor Krause adjourned the meeting at 10:30 p.m.

ATTEST:

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Josie G. Herrera  
City Clerk