

CALL TO ORDER

Mayor Krause called the meeting to order 6:02 p.m.

ROLL CALL

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. Councilmember Gabino Aguirre was absent.

PUBLIC COMMENT

There was no Public Comment.

ORDER OF BUSINESS

A. Interview for Economic Development Advisory Committee

Brian S. Haworth stepped up for his interview. He provided his background in planning and redevelopment, and stated that three goals for Santa Paula would be business attraction and retention, reinvent the downtown, and community involvement. He responded to a question regarding lessons learned from Orange County development by stating that the City should consider focusing on in-fill development and new urbanism.

CLOSED SESSION

Mayor Krause 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.

Mayor Krause recessed the City Council to a Closed Session at 6:10 p.m.

Mayor Krause reconvened the City Council at 6:25 p.m. No reportable action was taken during the Closed Session.

Mayor Krause recessed the City Council at 6:25 p.m.

RECONVENE AND CALL TO ORDER

Mayor Krause reconvened the City Council at 6:35 p.m. Councilmember Luna led the Flag Salute.

ROLL CALL

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. Councilmember Gabino Aguirre was absent.

CLOSED SESSION REPORT

No reportable action was taken during the Closed Session.

PRESENTATIONS

A. Presentation by Dr. Sam Edwards Regarding the Reopening of Santa Paula Memorial Hospital

County Supervisor Kathy Long introduced Dr. Sam Edwards, who will serve as the Administrator of Santa Paula Memorial Hospital.

Dr. Sam Edwards spoke regarding the efforts to reopen the hospital by late Fall.

The City Council acknowledged Supervisor Kathy Long, the County Board of Supervisors, Pierre Durand, and Dr. Sam Edwards for their efforts.

City Attorney Karl H. Berger noted that the City Council and the Planning Commission would meet jointly on April 26, 2005 for a study session on the proposed Comstock Homes project, and would also meet on June 6, 2005 to consider the application from Comstock Homes.

B. Introduction of New Employees

City Manager Wally Bobkiewicz introduced Information Systems Technology Assistant Luiz Pizzamiglio. Police Chief Robert S. Gonzales introduced Police Reserve Officers Dave Bartlett, Susan Green, Nora Guerrero, Frank Huerta, Chris Lopez, Dan Potter, and Songyose Vichob, and Full-time Police Officer Jeremy Watson.

C. Presentation by Police Chief Robert S. Gonzales Regarding Grant for Traffic/Seatbelt Safety

Police Chief Robert S. Gonzales reported that the City received a grant in the amount of \$11,373 to use in the education of proper use and enforcement of seatbelts.

PUBLIC COMMENT

Jamey Maclellan, 214 S. Tenth Street, Vice President of the Santa Paula Police Officers Association (SPPOA), addressed concerns with the Personnel Rules and Regulations and the Employer/Employee Relations Resolution. He asked that the SPPOA be given a time extension to allow their attorney to review both matters.

John Dunn, 3425 S. Borchard Street, representing SEIU Local 998, asked the City Council to delay the approval of the Personnel Rules and Regulations and the Employer/Employee Relations Resolution.

CITY COUNCIL, STAFF COMMUNICATIONS

Mayor Krause noted that the dedication of the Arnold Vinick for President (NBC[®] television program, "The West Wing[®]") campaign headquarters was held earlier in the day and that hopefully publicity from this campaign would bring tourism to the City.

APPROVAL OF FINAL AGENDA

It was moved by Councilmember Procter, seconded by Vice Mayor Cook, to consider Order of Business Items 12B, 12C, and 12E after the Consent Calendar. All were in favor, and the motion carried.

CONSENT CALENDAR

It was moved by Vice Mayor Cook, seconded by Councilmember Procter, to approve the Consent Calendar as presented. 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. Amendment to Legal Services Agreement with McDougal, Love, Eckis, Smith, Boehmer & Foley – Authorized the City Manager to execute an amendment, in a form approved by the City Attorney, for the legal services agreement with McDougal, Love, Eckis, Smith, Boehmer & Foley for additional work regarding negotiating and drafting, and related transactional services, a development agreement for the housing project commonly referred to as the Fagan Canyon Project proposed by Centex Homes, for \$50,000, for a total contract value not to exceed \$100,000, and allocated the entire \$100,000 from Account Number 800.2221. City Manager Wally Bobkiewicz's report dated April 11, 2005.

- C. 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 of the Fagan Canyon Project as it pertains to Councilmembers Aguirre and Procter, for \$45,000, for a total contract value not to exceed \$70,000, and allocated the entire \$70,000 from Account Number 800.2221. City Manager Wally Bobkiewicz's report dated April 11, 2005.
- D. Council Expenses and City Manager Travel Monthly Report of Transactions – Received and filed the monthly transactions report for March 2005. Finance Director Alvertina Rivera's report dated April 18, 2005.
- E. Monthly Report of Transactions/October 2004 – March 2005 – Reviewed and filed the monthly transactions report. City Treasurer Sandra K. Easley's report dated April 18, 2005.
- F. Approval of Amendment to Professional Services Agreement with Rincon Consultants, Inc., for Additional Scope of Work Associated with the Sully-Miller Hot Mix Asphalt Plan Project Environmental Impact Report (EIR) – Approved the Professional Services Agreement Amendment with Rincon Consultants for additional scope of work associated with the Sully-Miller Plant EIR and authorized the City Manager to execute the Amendment, in a form approved by the City Attorney, in an amount not to exceed \$68,880. Planning Director Janna Minsk's report dated April 15, 2005.
- G. Approval of Amendment to Professional Services Agreement with Rincon Consultants, Inc., for Additional Scope of Work Associated with the A.J. Diani Asphalt Concrete Plan Project Environmental Impact Report (EIR) – Approved the Professional Services Agreement Amendment with Rincon Consultants for additional scope of work associated with the A.J. Diani Asphalt concrete Plant Project EIR and authorized the City Manager to execute the Amendment, in a form approved by the City Attorney, in an amount not to exceed \$69,680. Planning Director Janna Minsk's report dated April 15, 2005.
- H. Approval of Amendment to Professional Services Agreement with RBF Consulting for Additional Scope of Work Associated with the Fagan Canyon Project Environmental Impact Report (EIR) – Approved the Amendment to the Professional Services Agreement with RBF Consulting for additional scope of work associated with the Fagan Canyon Project EIR and authorized the City Manager to execute the Amendment, in a form approved by the City Attorney, in an amount not to exceed \$359,600. Planning Director Janna Minsk's report dated April 15, 2005.

ORDER OF BUSINESS

- B. Adopt Personnel Rules and Regulations and
- C. Adoption of Employer/Employee Resolution

It was moved by Vice Mayor Cook, seconded by Councilmember Procter, to postpone these items until the May 16, 2005 City Council Meeting. All were in favor, and the motion carried.

- E. Discussion of Future of Las Piedras Park Police Storefront

The City Council discussed support for the Las Piedras Park Police Storefront and its volunteer staff.

Calla Dominguez, volunteer at the Storefront, noted that the facility opened November 1998 with the volunteer assistance of Irene Cabral and Jenny Bonilla. She noted that the facility has served 33,000 people, and that they work with many agencies to assist the community.

Veronica Vera-Vargas, 940 E. Main Street, Project Manager for Santa Paula Family Resource Center, stated that the Storefront is a place for service providers to provide assistance. She asked the City Council to support the Storefront and consider compensating the volunteers for their efforts.

Martin Hernandez, 1144 Oakdale Place, spoke in support of the volunteers at the Storefront, and asked the City Council to consider seeking grants to compensate the volunteers.

Andrew Castañeda, 432 Sycamore Street, spoke in support of keeping the Storefront open as an extension of the Police Department.

Celia Laguna, 1030 N. Ventura Road, representing The Coalition to End Family Violence, stated that she has been serving clients at the Storefront since 2001, and spoke in support of the volunteers and of keeping the Storefront open.

Police Chief Robert S. Gonzales provided an oral history of the Storefront. He recognized Calla Dominguez, Irene Cabral, and Jenny Bonilla for their volunteer efforts.

It was moved by Councilmember Procter, seconded by Councilmember Luna, to have staff investigate what it would take to keep the Las Piedras Park Police Storefront open and come back during the budget process. All were in favor, and the motion carried.

RECESS TO A BREAK

Mayor Krause recessed the City Council to a break at 7:45 p.m.

RECONVENE TO REGULAR MEETING

Mayor Krause reconvened the City Council at 7:55 p.m.

PUBLIC HEARING

- A. Project No. 2004-CDP-11, Proposed Final Environmental Impact Report (FEIR) for the Santa Paula Water Recycling Facility (State Clearinghouse Number 2004071038)

Upon verification of proper notification and posting by the City Clerk, Mayor Krause opened the Public Hearing at 7:58 p.m.

Mayor Krause disclosed an ex parte contact by indicating that she met with the Malzachers and Mr. Westridge in February 2005 to discuss flooding in the area and the wastewater treatment plant.

Planning Director Janna Minsk's report dated April 19, 2005.

Public Works Director/City Engineer Clifford G. Finley presented a Power Point® Presentation. He addressed questions regarding agricultural discharges to the Santa Clara River, selection of the site for the water recycling facility, percolation ponds, National Pollution Discharge Elimination System permitting, Water Discharge Requirements permitting, tertiary treatment, and Title 22 water reuse and drinking water standards.

Gilberto Ruiz, representing P & D Consultants, the firm retained by the City to prepare the Water Recycling Facility Environmental Impact Report, continued the Power Point® Presentation. He responded to questions regarding containment and avoidance of sewage spills, and mitigation measures required by regulatory agencies.

Planning Director Janna Minsk responded to a question regarding what occurs after the City Council certifies the Environmental Impact Report (EIR) by stating that staff would return in the Fall for the discretionary entitlements which would include such items as a conditional use permit, annexation, rezoning, general plan amendment, cancellation of a conservation land contract, and City Urban Restriction Boundary (CURB) amendment, and consideration to merge several parcels that comprise the proposed project site into one parcel. She also noted that there would be opportunities for public comment and input during the Planning Commission and City Council hearings.

RECESS TO A BREAK

Mayor Krause recessed the City Council to a break at 8:59 p.m.

RECONVENE TO REGULAR MEETING

Mayor Krause reconvened the City Council at 9:07 p.m.

Kate Neisweader, 255 Maple Court, Ventura, representing Don and Marilyn Westerdale, addressed concerns with the adequacy of the EIR and the proximity of the percolation ponds to houses. She also questioned whether a health analysis was performed, and requested that the nearby residents be given more time to review the EIR.

David Lippert, 15323 Todd Lane, addressed concerns with the proximity of the percolation ponds to his residence, possible flooding from Adams Barranca, and Title 22 reuse water getting into the City's water supply. He also requested to go on record that he owns a lemon orchard that is in the Williamson Act, and impacts to his property value is a primary impact for him and not secondary as indicated by the California Environmental Quality Act (CEQA).

Elaine Malzacher, 15325 Todd Lane, read from her prepared statement, which was submitted for the record, regarding her responses to the EIR.

Woody Maxwell, 1555 Callens Road, Ventura, brought a visual rendering to address his concerns. He was asked by the City Attorney to submit his rendering for the record. Mr. Maxwell addressed his responses to the EIR and impacts to the nearby property owners. He also stated that if their concerns are not formally addressed, they intend to litigate.

Ken Chapman, 15119 Todd Lane, addressed his concerns with the EIR and noted that his written comments were submitted for the record.

Katherine Malzacher Maxwell, 15325 Todd Lane, addressed her concerns with the EIR.

The consultants from P & D Consultants, Boyle Engineering, and Fugro West responded to the concerns expressed by the speakers and responded to questions from the City Council regarding the water recycling facility design concepts, treatment processes, residential and other impacts, redesign of percolation ponds, evaluation of percolation rates and groundwater characteristics, water wells, CEQA which focuses on physical impacts rather than economic impacts and health assessments, compliance with standard mitigation measures, selection of proposed site, and flood plain study.

John Turner, representing Boyle Engineering, stated for the record that the percolation ponds would not be used to treat sewage, and that the water recycling facility would be used to treat sewage. Also, the 12 acres that are located immediately adjacent to the

existing treatment plant is where treatment process would be located using one of the three processes discussed in the EIR. The percolation ponds would be used for disposal of the treated effluent from the plant, which would be in compliance with the California Department of Health Services Title 22 Unrestricted Reuse Permit. At that point the water would be in compliance with all of the permits from the regulatory agencies and is merely a disposal technique that is different from what is in place now, which is a pipe directly to the river.

COUNCIL CONSENSUS TO EXTEND THE MEETING

As business had not concluded at 10:40 p.m., and pursuant to Section 11 of the City Council's Rules of Procedure, it was the consensus of the City Council to continue with the meeting.

The consultants continued to address concerns regarding Title 22 requirements, and physical impacts versus economic impacts as required under CEQA.

RECESS TO A BREAK

Mayor Krause recessed the City Council to a break at 10:49 p.m.

RECONVENE TO REGULAR MEETING

Mayor Krause reconvened the City Council at 11:00 p.m.

The consultants and City staff continued to address the concerns brought forth.

The City Council commented on the agriculture buffer, percolation ponds, size of the water treatment facility site, and Regional Water Quality Control Board requirements.

It was moved by Vice Mayor Cook, seconded by Councilmember Luna, to adopt Resolution No. 6172, certifying the Final Environmental Impact Report (SCH 2004071038) and adopting a Statement of Overriding Considerations, along with Findings of Facts, for the Santa Paula Water Recycling Facility. All were in favor, and the motion carried.

RESOLUTION NO. 6172

A RESOLUTION CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR
2004-CDP-11 AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS
FOR CONSTRUCTION OF A WATER RECYCLING FACILITY

Mayor Krause closed the Public Hearing at 11:50 p.m.

B. Participation in the 2005-2006 Benefit Assessment Program for the Municipal Stormwater National Pollution Discharge Elimination System (NPDES) Program and Approve Resolution No. 6173

It was moved by Vice Mayor Cook, seconded by Councilmember Luna, to lay over this item to the May 2, 2005 City Council Meeting. All were in favor, and the motion carried.

As business had not concluded at 11:50 p.m., and pursuant to Section 11 of the City Council's Rules of Procedure, it was moved by Vice Mayor Cook, seconded by Mayor Krause, to suspend the City Council's rule of not taking new items after 10:30 p.m. All were in favor, and the motion carried.

ORDER OF BUSINESS

A. Water Recycling Facility/Corporation Yard Financing Plan

City Manager Wally Bobkiewicz's report dated April 20, 2005.

It was moved by Vice Mayor Cook, seconded by Councilmember Luna, to adopt a financing plan for the Water Recycling Facility and new Corporation Yard, and direct the City Manager to return to the City Council as appropriate for adjustments to the financing plan as the project progresses. All were in favor, and the motion carried.

D. Update on Implementation of Police Department Management Audit

It was the consensus of the City Council to postpone this item to a future agenda.

F. Police Quality of Life Program

It was the consensus of the City Council to postpone this item to a future agenda.

CITY COMMUNICATIONS

City Manager Wally Bobkiewicz noted that a Joint City Council/Planning Commission meeting would be held April 26, 2005 to receive an overview presentation on the proposed Comstock Homes development.

Vice Mayor Cook mentioned that he would be attending a wastewater treatment plant seminar April 27 through 29, 2005.

FUTURE AGENDA ITEMS

It was moved by Mayor Krause, seconded by Vice Mayor Cook, for a status report on items related to Fagan Canyon. Councilmember Luna, Vice Mayor Cook, and Mayor Krause were in favor. Councilmember Procter abstained. Councilmember Aguirre was absent. The motion carried.

ADJOURNMENT

There being no further business to come before the City Council, Mayor Krause adjourned the meeting at 11:56 p.m.

ATTEST:

Josie G. Herrera
City Clerk