

CALL TO ORDER

Mayor/Chair Krause called the meeting to order 6:02 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

Joseph Donohue, 15433 W. Telegraph Road #48W, expressed his concerns with the proposed settlement agreement with Santa Paula West, LLC, and questioned the City Council's authority to enter into the agreement contrary to the Mobilehome Rent Review Commission's decision and to the City's Mobilehome Rent Stabilization Ordinance.

Lynda Gruber, 265 Beckwith Road, expressed her concerns with the proposed settlement agreement with Santa Paula West, LLC.

Barbara Macri-Ortiz, PO Box 6432, Oxnard, representing Home Owners West, expressed concerns with the proposed settlement agreement with Santa Paula West, LLC, and questioned the City Council's authority to enter into the agreement contrary to the Mobilehome Rent Review Commission's decision and the City's Mobilehome Rent Stabilization Ordinance. She stated that the ordinance does not provide for an appeals process to the City Council, and that a decision that is challenged must go through the civil writ of administrative mandamus process.

James Cunningham, 265 Beckwith Road, #38A, expressed his concerns with the condition and maintenance of Santa Paula West Mobilehome Park.

Carol Larmon, 15433 W. Telegraph Road, #4W, expressed her concerns with the proposed settlement agreement with Santa Paula West, LLC.

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.

- B. 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.

Mayor Krause recessed the City Council to a Closed Session in the City Manager's Conference Room at 6:18 p.m. She declared a conflict of interest for Item 3B due to the proximity for her residence to Santa Paula West Mobilehome Park, and she was not present during discussion of this item.

Mayor Krause reconvened the City Council at 7:08 p.m. No reportable action was taken during the Closed Session.

Mayor Krause recessed the City Council at 7:08 p.m.

RECONVENE AND CALL TO ORDER

Mayor/Chair Krause reconvened the City Council/Redevelopment Agency at 7:15 p.m., and 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, City/Agency Attorney Karl H. Berger, and City Clerk/Agency Secretary Josie G. Herrera were also present.

CLOSED SESSION REPORT

City Attorney Karl H. Berger mentioned that the City Council had not concluded discussion of item 3B, and that they would recess later in the evening to complete the discussion. No other reportable action was taken during the Closed Session.

PRESENTATIONS

A. Recognition of Police Citizen Patrol

Police Chief Robert S. Gonzales introduced the Police Citizen Patrol: Bill Quinlan, Eva De Leon, Paul Smith, Peter Duff, Cesar Gonzales, Christina Gonzales, and Martin Lopez. He noted that this group has volunteered thousands of hours since 1994 responding to crime scenes and disasters, securing areas, and redirecting traffic. He also acknowledged Police Officer Jimmy Fogata for administering the Police Citizen Patrol Program.

B. WE-Tip Award

Anita Pulido, community liaison for WE-Tip, stated that WE-Tip is an anonymous crime-fighting program. She noted that Police Chief Robert S. Gonzales was recognized as Chief of the Year for the National WE-Tip Program, and that she was recognized as Volunteer of the Year. She also noted that this year the City was recognized with the 2000 National Award Santa Paula Community Awareness Program, and she presented Mayor Krause with the award.

PUBLIC COMMENT

Anita Pulido, 310 San Clemente Street, member of One Santa Paula, expressed her support to the City Council and to the proposed Fagan Canyon development.

Debbie Johnson, 1475 Cedar Street, member of One Santa Paula, expressed her support to the City Council and asked them to keep the timeline for the Fagan Canyon project.

Yolie Cerda-Lee, 341 W. Santa Barbara Street, addressed her concerns with the present state of the City, including the City's budget, the closing of the hospital, closing of the Farmers Market, closing of The Mill, and the loss of school district bus transportation. She urged the City Council to approve the Fagan Canyon development plan once all environmental issues have been addressed. She also spoke in support of the City Council.

Pam Colvard, 15315 Ojai Road, representing Downtown Merchants, expressed her support to the City Council and to the proposed Fagan Canyon development. She asked the City Council to keep the downtown merchants in mind when making decisions.

Robert Borrego, 524 Fourteenth Street, addressed his concerns with the petition process conducted by We CARE Santa Paula, and spoke in support of the proposed Fagan Canyon development.

Joanne Wright, 801 McKeveett Road, expressed her support to the City Council and to the proposed Fagan Canyon development.

Peter Wright, 801 McKeveitt Road, expressed his support to the City Council and to the proposed Fagan Canyon development.

Mike Hobson, 219 Laurie Lane, spoke in support of growth and development in Santa Paula, and asked the City Council to refuse the resignation of Police Chief Robert S. Gonzales.

Cheryl Baudizzon, 15202 W. Santa Paula Street, Co-chair of One Santa Paula, stated that City fees for services would increase tremendously without new development and that the people are not in favor of new taxes. She also expressed her support for the City Council.

CITY COUNCIL/REDEVELOPMENT, STAFF COMMUNICATIONS

City Manager Wally Bobkiewicz spoke regarding the claim that the City filed against the Santa Paula Memorial Hospital Board of Trustees and noted that the claim sits before the bankruptcy court in order to be in line for any remaining proceeds.

City Attorney Karl H. Berger provided an overview of the process in receipt of the petition for an initiative. He noted that the Elections Official (City Clerk) submitted the petition to the County Elections Division, which would perform either a random sampling or full signature verification. If the petition has sufficient signatures, the Elections Official would certify the results and forward to the City Council to make one of three decisions: 1) adopt the initiative verbatim; 2) submit the initiative to the voters; or 3) order a report from staff or attorney on how the initiative would affect the city. He also noted that if the City Council chooses to place its own land use initiative on the ballot, the proposed initiative must have environmental review before it is adopted and placed on the ballot.

Councilmember Procter thanked the City Councilmembers for participating in the Relay for Life. He also acknowledged Police Officer Jimmy Fogata, Sergeant Carlos Juarez, Reserve Officer Nora Guerrero, Reserve Officer Larry Johnson, Reserve Officer Susan Green, Reserve Officer Frank Huerta, and Citizen Patrol Paul Smith for their assistance.

APPROVAL OF FINAL AGENDA

City Manager Wally Bobkiewicz asked that consideration of Item 11D be postponed to a future date, and that Items 11E, F, and G be laid over to a future meeting.

It was moved by Councilmember Aguirre, seconded by Vice Mayor Cook, to approve the final agenda with the changes recommended by the City Manager. All were in favor, and the motion carried.

CONSENT CALENDAR

City Manager Wally Bobkiewicz pulled Item 10G for discussion. It was moved by Councilmember Aguirre, seconded by Councilmember Procter, to approve 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 from the Joint City Council/Planning Commission Meeting of April 18, 2005.
- C. Resolution 6184 Operations of the Senior Nutrition Program from the County of Ventura – Approved Resolution 6184 approving the City of Santa Paula to assume operations of the Senior Nutrition Program from the County of Ventura. **RESOLUTION NO. 6184**, A RESOLUTION APPROVING THE CONCEPT OF CONTRACTING WITH THE COUNTY OF VENTURA TO ASSUME DAY-TO-DAY SITE OPERATIONS FOR SANTA PAULA SENIOR NUTRITION PROGRAM BEGINNING APRIL 1, 2005. Community Services Director Brian J. Yanez's report dated May 23, 2005.
- D. Padre Associates, Inc., Contract for Three-Year On-Call Services Contract for On-Call Planning Services – Approved the Agreement for Services with Padre Associates, Inc., and authorize the City Manager to execute the Agreement on behalf of the City. Planning Director Janna Minsk's report dated May 24, 2005.
- E. Approve Purchase of a Caterpillar 420D Backhoe from Quinn Company for the Amount of \$70,362.44 – Approved the Cooperative Purchase Agreement with the State of California for the purchase of one Caterpillar 420D Backhoe from Quinn Company for the amount of \$70,362.44, and authorized the City Manager or his designee, to sign purchase orders on behalf of the City totaling \$70,362.44. Public Works Director/City Engineer Clifford G. Finley's report dated May 23, 2005.
- F. Street Tree Program Project No. 02.03.250 STR, Project Rejection of all Bids and Authorization to Re-Bid – 1) Rejected all bids for the construction of the Street Tree Program, Project No. 02.03.350 STR; and 2) authorized staff to re-bid the Street Tree Program, Project No. 02.03.250 STR. Public Works Director/City Engineer Clifford G. Finley's report dated May 23, 2005.
- H. Used Oil Block Grant Funds 2005/2006 Application – 1) Adopted Resolution No. 6191 authorizing submittal of the Funding Request From to the California Integrated Waste Management Board for \$7,820, and authorizing the City Manager to execute associated documents; and 2) directed staff to forward the

application form and a copy of the resolution to the California Integrated Waste Management Board. **RESOLUTION NO. 6191**, A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO APPLY FOR, RECEIVE, AND APPROPRIATE GRANT FUNDS FOR THE 2005/2006 USED OIL RECYCLING BLOCK GRANT FUNDING (11th CYCLE) UNDER THE CALIFORNIA OIL RECYCLING ENHANCEMENT ACT. Public Works Director/City Engineer Clifford G. Finley's report dated May 25, 2005.

CONSENT CALENDAR – SEPARATE ACTION ITEM

G. Truck Route Parking Additional Restrictions

Public Works Director/City Engineer Clifford G. Finley's report dated May 30, 2005. He responded to a question regarding designated parking areas, overnight parking, and vehicle storage.

Police Chief Robert S. Gonzales provided an overview of the number of complaints received on overnight truck and trailer parking. He responded to a question regarding where trucks may park by stating that he would recommend that businesses owners provide parking for transport vehicles.

City Attorney Karl H. Berger responded to a question regarding whether there was a parking ordinance by stating that he would need to review the Municipal Code.

It was moved by Vice Mayor Cook, seconded by Councilmember Luna, to adopt Resolution No. 6167 establishing no truck parking along newly designated truck routes within the City of Santa Paula. All were in favor, and the motion carried.

RESOLUTION NO. 6167

A RESOLUTION ADDING CITY STREETS AS DESIGNATED TRUCK ROUTES AND ESTABLISHING ADDITIONAL NO TRUCK PARKING AREAS ON SUCH STREETS

ORDER OF BUSINESS

A. Santa Paula West Settlement Agreement

Mayor Krause declared a conflict of interest because her residence is within 500 feet of Santa Paula West Mobilehome Park. She exited the Council Chambers at 8:01 p.m.

City Attorney Karl H. Berger provided an oral summary of the City's Mobilehome Rent Stabilization Ordinance, which was adopted by a vote of the people. He noted that the Mobilehome Rent Review Commission was an entity created by the City Council to

review rent adjustment applications, and that the ordinance does not include an appeals process. He also noted that the park owner was entitled to a fair rate of return which could be granted by two means: 1) annual increase based on consumer price index (CPI), or 2) application for rent increase based on the formula in the ordinance. He summarized the September 16, 2003 Mobilehome Rent Review Commission's decision to award a \$2.39 per month increase. He further stated that Santa Paula West filed a suit in Superior Court in 2004 for a writ action or court order to find the Commission acted without substantial evidence, and filed another suit in Federal Court in 2005 for an inverse condemnation damages. Upon being served with the lawsuits, the City Council met in closed session and directed the City Attorney to explore settlement options. He noted that one item that the City Attorney's office was insistent upon, at the direction of the City Council, was that approval of any settlement agreement would be discussed in open session, which is not a legal requirement. He reviewed some of the aspects included in the Settlement Agreement and Release. He also noted that another item on the agenda was a proposed tenant relief program to help qualified tenants with financial impacts.

Barbara Macri-Ortiz, PO Box 6432, Oxnard, stated that it appeared that the City Council believes the case is lost. She also expressed concern with the proposed tenant relief program, which would not be sufficient to assist tenants.

Danny Carrillo, PO Box 23291, Ventura, representing League of United Latin American Citizens (LULAC), stated that LULAC would monitor this issue and asked that any proposed solutions be fair and equitable and not have a despaired impact on park residents.

Laura Espinosa, 233 Corte Linda, expressed her support to Santa Paula West Mobilehome Park residents. She asked the City Council to consider the impacts that their decision will have on park residents.

Joseph Donohue, 15433 W. Telegraph Road, #48W, expressed his concern with the City Council's authority to adjust mobilehome park rents, and asked the City Council to base its decision on ethical considerations.

City Attorney Karl H. Berger responded to a question regarding the powers and duties of the Mobilehome Rent Review Commission by stating that these are listed in the Municipal Code and include: 1) the right to hear an appeal from the Rent Administrator; 2) increase or lower rent. He noted that three members are appointed by the City Council and that the Commission is not a separate legal entity. He also noted that the City is responsible for the Commission's actions, and that the increase awarded in the amount of \$2.39 per month has no basis.

A discussion ensued regarding the 1992 initiative, which did not include an appeals process, the Mobilehome Rent Review Commission's decision, the increase allowed by

ordinance, and the manner in which the park owner may apply for an increase. The City Council expressed concern with the language of the ordinance and with the fair rate of return.

RECESS TO CLOSED SESSION

Vice Mayor Cook recessed the City Council to a Closed Session in the City Manager's Conference Room at 9:05 p.m. to continue discussion of Item 3B.

RECONVENE TO OPEN SESSION

Vice Mayor Cook reconvened the City Council into Open Session in the Council Chambers at 9:46 p.m. No reportable action was taken during the Closed Session.

It was the consensus of the City Council to consider Item 11B prior to taking action on Item 11A.

Mayor Krause returned to the Council Chambers at 9:50 p.m.

B. Mobilehome Tenant Relief Program

City Attorney Karl H. Berger's report dated May 21, 2005.

A discussion ensued regarding the City and Redevelopment Agency's homeownership assistance and housing rehabilitation programs, rental assistance, and the idea of assisting mobilehome owners to purchase their mobilehome parks.

It was moved by Vice Mayor Cook, seconded by Councilmember Aguirre, to have staff bring back options. All were in favor, and the motion carried.

A. Santa Paula West Settlement Agreement

Mayor Krause exited the Council Chambers at 9:55 p.m.

The City Council expressed concerns with the impacts from a lawsuit and with the structure of the mobilehome rent stabilization ordinance.

City Attorney Karl H. Berger responded to a question regarding whether the proposed increase could be amended by stating that a portion could be removed. He noted that the proposed amount was based on CPI and management costs, and that he believes that Santa Paula West would consider removing the management costs, which would provide for \$148 per month increase that would be phased in over three years. The phasing in would be \$50 for the first year, \$50 for the second year, and \$48 for the third year, subject to the 12% increase provided in the Municipal Code.

It was moved by Vice Mayor Cook, seconded by Councilmember Luna, to approve the settlement agreement with Santa Paula West, in a form approved by the City Attorney, for \$148; and authorize the Vice Mayor to sign the settlement agreement, in a form approved by the City Attorney, on behalf of the City.

A discussion ensued regarding the lack of an appeals process, the need to go to a vote in order to change the ordinance, and the possibility of litigation.

Under roll call vote, Councilmember Aguirre, Councilmember Luna, Councilmember Procter, and Vice Mayor Cook were in favor. The motion carried.

RECESS TO A BREAK

Vice Mayor Cook recessed the City Council to a break at 10:12 p.m.

RECONVENE TO REGULAR MEETING

Mayor Krause reconvened the City Council at 10:22 p.m.

- C. Memorandum of Understanding with the Santa Paula Public Employees Association (SEIU) Local 998 for Contract Years 2005/06

City Manager Wally Bobkiewicz presented Assistant to the City Manager Melissa Grisales' report dated May 25, 2005.

It was moved by Vice Mayor Cook, seconded by Councilmember Procter, to adopt Resolution No. 6190 approving a Memorandum of Understanding with the Santa Paula Public Employees Association (SEIU) for Contract Years 2005/06. All were in favor, and the motion carried.

RESOLUTION NO. 6190

A RESOLUTION ADOPTING THE MEMORANDUM OF UNDERSTANDING FOR THE CONTRACT YEARS OF 2005/06 BETWEEN THE CITY OF SANTA PAULA AND THE SANTA PAULA PUBLIC EMPLOYEES ASSOCIATION (SEIU 998)

- D. Staff Presentation Regarding Wastewater Treatment Plant – This item was postponed to a future date.
- E. Guidelines for City Councilmember Advocacy – This item was laid over to a future date.

- F. Schedule Quality Development Workshop – This item was laid over to a future date.
- G. Action Minutes – This item was laid over to a future meeting.
- H. Appointment to Economic Development Advisory Committee

City Manager Wally Bobkiewicz's report dated May 9, 2005.

It was moved by Councilmember Luna, seconded by Councilmember Aguirre, to appoint Brian S. Haworth to the Economic Development Advisory Committee to fill one unscheduled vacancy for Seat No. 3 for a term that will expire in April 2007. Councilmember Aguirre, Councilmember Luna, Councilmember Procter, and Mayor Krause were in favor. Vice Mayor Cook was opposed. The motion carried.

CITY/AGENCY COMMUNICATIONS

Vice Mayor Cook noted that the Ventura Regional Sanitation District recently hired a new General Manager.

City Manager Wally Bobkiewicz noted that Helen Butler recently announced her retirement from the Housing Authority Commission and that a reception would be held for her at the Housing Authority office on June 1 at 2:00 p.m.

FUTURE AGENDA ITEMS

It was moved by Councilmember Luna, seconded by Vice Mayor Cook, for a discussion on the mobilehome rent stabilization ordinance. All were in favor, and the motion carried.

It was moved by Councilmember Luna, seconded by Vice Mayor Cook, for a discussion on the policy on dumpsters on hillside and private residential properties. All were in favor, and the motion carried.

It was moved by Councilmember Luna for a report on the policy of weed abatement for lots other than hillside properties. City Manager Wally Bobkiewicz noted that staff would be bringing an update on Santa Paula Beautiful on the next agenda.

It was moved by Vice Mayor Cook, seconded by Councilmember Luna, for a discussion on Resolution 6161, the City Council's procedural rules for conducting City Council Meetings. All were in favor, and the motion carried.

Special City Council/Redevelopment Agency Meeting
Tuesday, May 31, 2005
City Hall Administration Conference Room and Council Chambers

It was moved by Councilmember Luna, seconded by Vice Mayor Cook, for a discussion on future uses for 735 E. Santa Barbara Street. All were in favor, and the motion carried.

It was moved by Mayor Krause, seconded by Councilmember Luna, for a report on verifying the parking survey and evaluation of parking standards for the City. 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 10:37 p.m.

ATTEST:

Josie G. Herrera
City Clerk/Agency Secretary