

CALL TO ORDER

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

ROLL CALL

Councilmember Ray C. Luna, Councilmember John T. Procter, Vice Mayor Richard C. Cook Mayor, and 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

No Public Comment.

CLOSED SESSION

Mayor Krause announced that the Closed Session would be to discuss:

- A. Conference with Legal Counsel, Anticipated Litigation – *Government Code §54956.9 (c)*. One potential case; potential defendant: Ventura County Community College District

Mayor Krause recessed the City Council to a Closed Session at 6:00 p.m., and reconvened the City Council into Open Session at 6:32 p.m. No reportable action taken.

Mayor Krause recessed the City Council at 6:32 p.m.

RECONVENE AND CALL TO ORDER

Mayor/Chair/President Krause reconvened the City Council/Redevelopment Agency/Public Financing Authority at 6:44 p.m. Father Chris Jubinski offered the Invocation, and Councilmember/Director/Member Luna led the Flag Salute.

ROLL CALL

Councilmember/Director/Member Ray C. Luna, Councilmember/Director/Member John T. Procter, Vice Mayor/Vice Chair/Vice President Richard C. Cook, and Mayor/Chair/President Mary Ann Krause responded to roll call. City Manager/Executive Manager/Chief Administrative Officer Wally Bobkiewicz, City/Agency/Authority Attorney Karl H. Berger, and City Clerk/Agency/Authority Secretary Josie G. Herrera were also

present. Councilmember/Director/Member Gabino Aguirre was absent due to his attending the Mayors for Peace Conference in Santiago, Chile.

CLOSED SESSION REPORT

No reportable action.

PRESENTATIONS

- A. Present Proclamation to Planning Director Janna Minsk in Recognition of World Town Planning Day

Mayor Krause presented a proclamation to Planning Director Janna Minsk in recognition of World Town Planning Day.

- B. Present a Proclamation to Cathy Barringer in Recognition of Hospice Month

Councilmember Procter presented a proclamation to Cathy Barringer in recognition of Hospice Month. Mrs. Barringer invited everyone to attend the "Light Up a Life" event on November 26, 2005, and also noted that Hospice is opening an Adult Day Care Center.

PUBLIC COMMENT

Larry Sagely, 585 Ridgecrest, spoke regarding downsizing the proposed Fagan Canyon project and stated that people wish to vote on the project.

Luz Maria Espinosa, 244 N. Tenth Street, asked the City Council to consider sponsoring the Danza Azteca Tonantzin Sacred Mother Earth Ceremony on December 2 and 3, 2005.

Frank Ursitti, 320 E. Santa Paula Street, questioned the cost of building permit fees and asked for clarification. City Manager Wally Bobkiewicz responded that all building and planning fees are based on cost recovery and are not subsidized by General Fund.

Delton Lee Johnson, spoke in support of the City regulating dumpsters in residential areas. He also asked that the City Council consider downsizing the proposed Fagan Canyon project.

CITY COUNCIL/REDEVELOPMENT AGENCY/PUBLIC FINANCING AUTHORITY, STAFF COMMUNICATIONS

Councilmember Procter mentioned that he attended the memorial service for Doug Dullenkopf.

Vice Mayor Cook mentioned that he attended the funeral service for Roy Moore.

Mayor Krause mentioned that she attended the Boys and Girls Club Annual fundraiser and the opening of the Mars Exploration Exhibit at the California Oil Museum. She also mentioned that the Debate and Dessert fundraiser raised \$2,000 for the hospital. Lastly, she noted that John and Leslie Nichols' home was recently featured on an HGTV television program.

APPROVAL OF FINAL AGENDA

No changes to the final agenda.

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. Warrants and Certifications – Reviewed, approved, and filed the attached warrants and certifications. Finance Director Alvertina Rivera's report dated October 31, 2005.

Invoices	09/29/05	\$ 520,595.02
Wire Transfers	09/28/05	\$ 37,201.11
Invoices	10/07/05	\$ 256,929.52
Wire Transfers	10/07/05	\$ 8,448.59
Invoices	10/13/05	\$ 363,104.13
Wire Transfers	10/13/05	\$ 44,191.53
Invoices	10/21/05	\$ 76,320.91
Wire Transfers	10/20/05	\$ 5,917.86
Invoices	10/27/05	\$ 793,111.46
Wire Transfers	10/26/05	\$ 45,885.43
Salaries	09/30/05, 10/07/05, & 10/21/05	<u>\$ 675,917.47</u>
	TOTAL	\$2,827,623.03

- C. Minutes – Adopted the Minutes from the Special City Council/Santa Paula Union High School District Board of Trustees Meeting of October 4, 2005.
- D. Minutes – Adopted the Minutes from the Regular City Council/Redevelopment Agency Meeting of October 17, 2005.

Regular City Council/Redevelopment Agency/Public Financing Authority Meeting
Monday, November 7, 2005
City Hall Administration Conference Room and Council Chambers

- E. Minutes – Adopted the Minutes from the City Council/Planning Commission Meeting of October 24, 2005.
- F. Minutes – Adopted the Minutes from the Public Financing Authority Meeting of April 5, 2004.
- G. Public Financing Authority Annual Meeting – Received staff report. Chief Executive Officer Wally Bobkiewicz's report dated November 1, 2005.
- H. Amendment to Legal Services Agreement with McDougal, Love, Eckis, Smith, Boehmer & Foley – Authorized the City Manager to execute a second amendment, in a form approved by the City Attorney, for 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 \$75,000, for a total contract value not to exceed \$175,000, and allocate the entire \$175,000 from Account Number 800.2221. City Manager Wally Bobkiewicz's report dated October 17, 2005.
- I. Renewal Contract with MARC Associates – Authorized the City Manager to execute an amendment, in a form approved by the City Attorney, for the professional services agreement with MARC Associates, Inc., to provide federal legislative advocacy services. City Manager Wally Bobkiewicz's report dated October 17, 2005.
- J. Santa Paula Airpark Specific Plan – Directed the City Manager to acknowledge the proposed specific plan for the Santa Paula Airpark including City-owned property at 1157 Montebello Street, Assessors Parcel Number 104-0-105-155 (Montebello Street), 1136 Santa Clara Street, 1132 Santa Clara Street, and 331 S. Eleventh Street. City Manager Wally Bobkiewicz's report dated October 30, 2005.
- K. Amicus Brief Macpherson v. City of Hermosa Beach – Adopted **RESOLUTION NO. 6228**, A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO REQUEST THAT THE CALIFORNIA SUPREME COURT ACCEPT REVIEW OF MACPHERSON V. CITY OF HERMOSA BEACH AND, IF REQUIRED, TO JOIN IN AMICUS CURIAE BRIEFS.
- L. Second Reading and Adoption Ordinance No. 1142 – Waived second reading and adopted **ORDINANCE NO. 1142**, AN ORDINANCE AMENDING CHAPTER 16.13.400 TO THE SANTA PAULA MUNICIPAL CODE, ENTITLED "INCLUSIONARY HOUSING," TO IMPLEMENT AFFORDABLE HOUSING

REQUIREMENTS SET FORTH IN HEALTH AND SAFETY CODE §33413. City Clerk Josie G. Herrera's report dated October 19, 2005.

- M. Memorandum of Understanding with the Santa Paula Police Officers Association Community Services Officer Unit for Contract Year 2005 – Approved **RESOLUTION NO. 6222**, A RESOLUTION ADOPTING THE MEMORANDUM OF UNDERSTANDING FOR THE CONTRACT YEAR OF 2005 BETWEEN THE CITY OF SANTA PAULA AND THE SANTA PAULA POLICE OFFICERS ASSOCIATION (SPPOA) – COMMUNITY SERVICE OFFICERS (CSO) UNIT. Assistant to the City Manager Melissa Grisales' report dated October 5, 2005.
- N. Memorandum of Understanding with the Ventura County Professional Firefighters Association for Contract Year 2005 – 1) Approved **RESOLUTION NO. 6214**, A RESOLUTION ADOPTING THE MEMORANDUM OF UNDERSTANDING FOR THE CONTRACT YEAR 2005 BETWEEN THE CITY OF SANTA PAULA AND THE VENTURA COUNTY PROFESSIONAL FIREFIGHTERS ASSOCIATION (VCPFA) for Contract Year 2005; and 2) authorized the City Manager to sign the Memorandum of Understanding in a form approved by the City Attorney. Assistant to the City Manager Melissa Grisales' report dated October 24, 2005.
- O. Adoption of Resolution Approving Preservation Program Grant for Property Located on 225 Moultrie Place – Adopted Resolution No. 2005-04(R) for a \$15,000 Preservation Program Grant to finance exterior improvements of the property located at 225 Moultrie Place in accordance with the Preservation Program Guidelines. **RESOLUTION NO. 2005-04(R)**, A RESOLUTION APPROVING A HOUSING PRESERVATION PROGRAM GRANT FOR PROPERTY LOCATED AT 225 MOULTRIE PLACE. Building and Safety Director Stephen R. Stuart's report dated October 26, 2005.
- P. Adoption of Resolution Approving Preservation Program Grant for Property Located on 208 Arthur Avenue – Adopted Resolution No. 2005-05(R) for a \$15,000 Preservation Program Grant to finance exterior improvements of the property located at 208 Arthur Avenue in accordance with the Preservation Program Guidelines. **RESOLUTION NO. 2005-05(R)**, A RESOLUTION APPROVING A HOUSING PRESERVATION PROGRAM GRANT FOR PROPERTY LOCATED AT 208 ARTHUR AVENUE. Building and Safety Director Stephen R. Stuart's report dated October 26, 2005.
- Q. Approval of Fourth Amendment to Professional Services Agreement with Crain and Associates for Additional Fagan Canyon Environmental Impact Report Traffic Analysis – Authorized the City Manager to sign and execute a Fourth Amendment in a form approved by the City Attorney to the Professional Services

Agreement between the City of Santa Paula and Crain and Associates, Inc., for additional work on the traffic impact analysis for the Fagan Canyon Project Environmental Impact Report with a related increase in compensation in an amount not to exceed \$22,000. Public Works Director/City Engineer Clifford G. Finley's report dated October 27, 2005.

- R. Recreation Bike Trail Design, Award of Contract to Pacific Coast Land Design – 1) Allocated up to \$43,000 of Local Transportation Tax TDA Fund 231 fund balance for the City's portion of the design cost of the Railroad Recreational Bike Trail; 2) authorized the City Manager to execute a contract for the design of the Railroad Recreational Bike Trail to Pacific Coast Land Design for the amount of \$325,015; and 3) authorized a project design budget that includes a 15% contingency in the amount of \$373,000. Public Works Director/City Engineer Clifford G. Finley's report dated November 2, 2005.
- S. Railroad Recreational Trail Funding Schedule Extension – Authorized the City Manager to sign the request for extension to the funding for the project. Public Works Director/City Engineer Clifford G. Finley's report dated October 24, 2005.
- T. Approval of Traffic Safety Committee Recommendations, Resolution No. 6227 – Adopted **RESOLUTION NO. 6227**, A RESOLUTION APPROVING THE TRAFFIC SAFETY COMMITTEE RECOMMENDATIONS. Public Works Director/City Engineer Clifford G. Finley's report dated October 26, 2005.
- U. Resolution No. 6229, Tire-Derived Grant Program for Park Tot Lot Sand Replacement Program at Las Piedras, Obregon, Veterans Memorial, and Mill Parks – Adopted Resolution No. 6229 authorizing submittal of the application for the Tire Derived Product (TDP) Grant Program. **RESOLUTION NO. 6229**, A RESOLUTION AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD FOR A FISCAL YEAR 2005/2006 TIRE-DERIVED (TDP) GRANT PROGRAM. Public Works Director/City Engineer Clifford G. Finley's report dated October 31, 2005.

PUBLIC HEARING

- A. Project No. 04-TM-01 Sparkuhl Ranch Subdivision Tentative Map for 20 New Residential Lots (continued)

Planning Director Janna Minsk's report dated October 31, 2005. She noted that a revised Resolution No. 6201 was submitted at the dais.

Assistant Planner Veronica Ortiz-DeAnda provided a Power Point® presentation.

City Attorney Karl H. Berger responded to a question regarding whether this item could be continued as requested by a letter submitted for the record by Arnold Dowdy by stating that the project is subject to the permit streamlining act, and he recommended that deliberation on the project proceed unless the applicant allows a continuation.

Bill Little, representing the owner-applicant, provided a Power Point® presentation and reviewed changes made to the tentative tract map. He noted that the Ventura County Watershed Protection District has agreed to issue a permit for the use of the access road near Santa Paula Creek to haul away material.

Veronica Ortiz-DeAnda responded to the concerns addressed in Arnold Dowdy's letter.

Richard Doss, representing Pacific Coast Civil Engineering, responded to concerns regarding odor and maintenance for the proposed sewer lift station.

RECESS TO A BREAK

Mayor Krause recessed the City Council to a break at 8:21 p.m.

RECONVENE TO REGULAR MEETING

Mayor Krause reconvened the City Council at 8:32 p.m.

Patty Harrison, 1113 Cliff Drive, addressed her concerns that the proposed project continues to resemble a housing tract and does not have a rural feeling, and her concern with the number of lots per acre.

Cathy Barringer, 1334 Forest Drive, spoke regarding the removal of oak trees.

Carl Barringer, 1334 Forest Drive, expressed concerns with traffic management measures during construction and after the project is completed.

Gena Coker, 1109 Cliff Drive, expressed concerns with the number of flag lots being proposed, the number of proposed two-story units, livestock-friendly lots, setback requirements, and temporary turnaround streets.

Rip Reed, 1125 Cliff Drive, spoke regarding the standards for turnaround streets and questioned the maintenance of the drainage and swale.

Lorna Curtis, 1005 Laurel Road, spoke in opposition to the project.

Bill Little provided rebuttal comments by noting that the width of the cul-de-sac would be built to the Fire Chief and City Engineer's specifications, the homeowners' association would maintain drains, the lift station would be installed at the owner's expense,

property owners would be notified that animals can be sheltered through the homeowners' association's Conditions, Covenants, and Restrictions (CCRs), and that engineers have reviewed the City's setback requirements for housing animals.

Mayor Krause closed the Public Hearing at 8:58 p.m.

The City Council discussed concerns with the number of flag lots.

RECESS TO A BREAK

Mayor Krause recessed the City Council to a break at 9:20 p.m.

RECONVENE TO REGULAR MEETING

Mayor Krause reconvened the City Council at 9:29 p.m.

Bill Little stated that the applicant was prepared to reduce the number of flag lots.

City Attorney Karl H. Berger suggested that the City Council could adopt the resolution to approve a tentative tract map and delegate authority to the Planning Director to approve the final tentative map.

It was moved by Mayor Krause, seconded by Councilmember Procter, to adopt revised Resolution No. 6201 approving a Tentative Tract Map 5308 for a proposed subdivision of 11.78 acres into 19-residential lots, 18 growth management allocations, and approving a mitigated negative declaration for property located east of Cliff and Forest Drive, APN 040-0-200-805 (Project No. 2004-TM-01). Section 8 of Resolution No. 6201 is amended as follows: Section 8: Approval. Subject to the conditions listed on the attached Exhibit 1, which is incorporated into this Resolution by reference, the City Council approves Tentative Tract Map No. 5308, subject to the reduction of one flag lot (Parcel No. 17 or 18) and allocates 18 Growth Management Allocations for Project 2004-TM-01. The Planning Director is authorized to approve a final tentative map in accordance with this Resolution and in substantial conformance with the map as submitted by the Applicant on or about October 20, 2005. Under roll call vote, Councilmember Procter, Councilmember Luna, Vice Mayor Cook, and Mayor Krause were in favor. Councilmember Aguirre was absent. The motion carried.

RESOLUTION NO. 6201

A RESOLUTION APPROVING TENTATIVE TRACT MAP 5308 FOR A PROPOSED SUBDIVISION OF 11.78 ACRES INTO 19-RESIDENTIAL LOTS, 18-GROWTH MANAGEMENT ALLOCATIONS, AND A MITIGATED NEGATIVE DECLARATION FOR PROPERTY LOCATED EAST OF CLIFF AND FOREST DRIVE, ASSESSORS PARCEL NUMBER 040-0-200-805 (PROJECT NO. 2004-TM-01)

B. Project No. 2005-TM-04A, Appeal of Planning Commission's Decision Rendered on September 13, 2005, for the Denial of a Lot Split for Property Located at 481 N. Sixth Street and is Zoned Hillside Residential 2-Planned Development

City Manager Wally Bobkiewicz excused himself from the remainder of the meeting at 9:42 p.m. Public Works Director/City Engineer Clifford G. Finley served as the Acting City Manager.

Upon verification of proper notification and posting by the City Clerk, Mayor Krause opened the Public Hearing at 9:42 p.m.

Planning Director Janna Minsk's report dated October 25, 2005.

Assistant Planner Jennifer Santos provided a Power Point[®] presentation. She noted a correction to the staff report that the Kulwiecs are appealing the Planning Commission's denial to subdivide a 17,879 square foot parcel.

John Kulwiec, 532 Glade Drive, applicant, presented his argument in support of his appeal of the Planning Commission's decision to deny his application for a lot split.

A letter from Douglas Curwood, 516 E. View Drive, was submitted for the record requesting that the City Council deny the applicant's appeal.

Peter Wright, 801 McKevevett Road, spoke in support of the project.

Connie Tushla, 615 Teague Drive, spoke in support of the project.

COUNCIL CONSENSUS TO EXTEND THE MEETING

As business had not concluded at 10:31 p.m., and pursuant to Section 11 of the City Council's Rules of Procedure, it was moved by Councilmember Procter, seconded by Mayor Cook, to continue the meeting for one hour. All were in favor, and the motion carried.

After discussion by the City Council, City Attorney Karl H. Berger suggested that the only way to legally approve Mr. Kulwiec's request is through a city-initiated General Plan amendment, zone text change, and zone map change. He also suggested that if the City Council were to deny the appeal, the City Council could invite the applicant to

reapply for a lot split if and when the City Council amends the General Plan and zone for that particular area.

The City Council discussed giving staff direction to pursue a General Plan Amendment and zone change. Acting City Manager Clifford G. Finley stated that staff would bring back options at a future meeting.

It was moved by Vice Mayor Cook, seconded by Councilmember Luna, to adopt Resolution No. 6224. Councilmember Luna, Vice Mayor Cook, and Mayor Krause were in favor. Councilmember Procter abstained. The motion carried.

RESOLUTION NO. 6224

A RESOLUTION TO DENY APPEAL OF 05-TM-04A (TENTATIVE PARCEL MAP 5633)
TO A LOT SPLIT ON ONE LOT INTO TWO LOTS AT 481 N. SIXTH STREET,
ASSESSORS PARCEL NUMBER 100-0-102-225 (HR2-PD ZONE)

Mayor Krause closed the Public Hearing at 10:48 p.m.

C. Development Impact Fee Calculation and Nexus Report for the City of Santa Paula

Upon verification of proper notification and posting by the City Clerk, Mayor Krause opened the Public Hearing at 10:48 p.m.

Public Works Director/City Engineer Clifford G. Finley's report dated November 2, 2005, and Power Point® presentation.

No public testimony received.

It was moved by Vice Mayor Cook, seconded by Councilmember Procter, to introduce and waive first reading of Ordinance No. 1148, and schedule second reading and adoption for November 21, 2005. All were in favor, and the motion carried.

ORDINANCE NO. 1148

AN ORDINANCE AMENDING SECTION 160.20 OF THE SANTA PAULA MUNICIPAL
CODE TO IMPOSE NEW DEVELOPMENT IMPACT FEES ON APPLICANTS
SEEKING TO CONSTRUCT CERTAIN DEVELOPMENT PROJECTS

Mayor Krause closed the Public Hearing at 10:54 p.m.

ORDER OF BUSINESS

A. Adoption of the City's Water and Wastewater Master Plans

Public Works Director/City Engineer Clifford G. Finley's report dated November 2, 2005, and Power Point® presentation.

It was moved by Vice Mayor Cook, seconded by Councilmember Procter, to adopt the City's Water and Wastewater Master Plans and the Potable Water System Master Plan. All were in favor, and the motion carried.

B. Water Recycling Facility Award of Design Firm Contract

Public Works Director/City Engineer Clifford G. Finley's report dated October 27, 2005.

It was moved by Vice Mayor Cook, seconded by Councilmember Luna, to: 1) allocate \$2,685,000 from the Wastewater Fund balance to Account No. 610.005.9039.8290 for the design of the Water Recycling Facility; and 2) authorize the City Manager to execute a contract with Kennedy/Jenks Consultants for the design of the Water Recycling Facility, in a form approved by the City Attorney. All were in favor, and the motion carried.

C. Dumpsters in Residential Zones

Public Works Director/City Engineer Clifford G. Finley's report dated October 27, 2005.

It was the consensus of the City Council to have staff bring back a draft ordinance for a Time Limit of Service to address the presence of bins in residential neighborhoods and commercial bins used in residential neighborhoods on a continuous basis.

CITY/AGENCY/AUTHORITY COMMUNICATIONS

There were no communications.

FUTURE AGENDA ITEMS

It was moved by Councilmember Procter, seconded by Councilmember Luna, for a report to consider co-sponsoring the Sacred Mother Earth Ceremony. All were in favor, and the motion carried.

It was moved by Mayor Krause, seconded by Councilmember Luna, to bring back on the November 15, 2005 agenda the rules for the November 21, 2005 Fagan Canyon hearing. Councilmember Luna, Vice Mayor Cook, and Mayor Krause were in favor. Councilmember Procter abstained. The motion carried.

Regular City Council/Redevelopment Agency/Public Financing Authority Meeting
Monday, November 7, 2005
City Hall Administration Conference Room and Council Chambers

It was moved by Vice Mayor Cook for a staff report for no parking on the east side of Tenth Street by the hospital. Public Works Director/City Engineer Clifford G. Finley noted that the Traffic Safety Committee has scheduled this item on its agenda.

ADJOURNMENT

Mayor/Chair/President Krause adjourned the meeting at 11:19 p.m.

ATTEST:

Josie G. Herrera
City Clerk/Agency/Authority Secretary