

CALL TO ORDER

Mayor Cook called the meeting to order 5:32 p.m.

ROLL CALL

Councilmember Gabino Aguirre, Councilmember Mary Ann Krause, Councilmember John T. Procter, Vice Mayor Ray C. Luna, and 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.

PUBLIC COMMENT

No Public Comment.

CLOSED SESSION

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

- A. Public Employee Performance Evaluation – Pursuant to *Government Code §54957*. Position: City Manager.
- B. Conference with Labor Negotiator - Pursuant to *Government Code §54957.6*. City Negotiator: City Manager Wally Bobkiewicz and Assistant to the City Manager Melissa Grisales. Employee Organizations: Santa Paula Police Officers Association (SPPOA), Santa Paula Community Service Officers Unit, Santa Paula Public Employees Association (SEIU Local 998), Ventura County Professional Firefighters Association, Mid-management, Confidential, Part-time, Temporary, and Seasonal Employees Groups.
- C. Conference with Legal Counsel, Anticipated Litigation – *Government Code §54956.9 (c)*. One potential case; potential defendant: Ventura County Community College District.

Mayor Cook recessed the City Council to a Closed Session at 5:32 p.m., and reconvened the City Council into Open Session at 6:40 p.m. No reportable action taken. Mayor Cook recessed the City Council at 6:40 p.m.

RECONVENE AND CALL TO ORDER

Mayor Cook reconvened the City Council at 6:54 p.m. Pastor Ron Dybvig offered the Invocation, and Mayor Cook led the Flag Salute.

ROLL CALL

Councilmember Gabino Aguirre, Councilmember Mary Ann Krause, Councilmember John T. Procter, Vice Mayor Ray C. Luna, and 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.

CLOSED SESSION REPORT

City Attorney Karl H. Berger reported that for Closed Session Item 3C, the City Council gave him authority to file a writ action pursuant to the California Public Records Act to enforce the City's public record request from November 2005 against the Ventura County Community College District. No other reportable action.

PRESENTATIONS

A. Presentation by Judie Sanchez Regarding Healthy Childrens Insurance Program

Judie Sanchez provided information regarding the State of California Healthy Families low cost health coverage for children and pregnant women. She asked that the City Council consider allowing her to offer this program to the public at one of the City's facilities.

B. Presentation Regarding St. Paula's Day Service

City Manager Wally Bobkiewicz invited everyone to attend the St. Paula's Feast Day service at St. Paul/Emmanuel Lutheran Church on January 26, 2006, at 7:00 p.m.

C. Presentation by Councilmember Krause Regarding Teen Center Master Plan Meeting January 21, 2006, at Isbell Middle School

Councilmember Krause invited everyone to attend the Teen Center Master Plan meeting on January 21, 2006, at 10:00 a.m., at Isbell Middle School.

D. Update by Dr. Sam Edwards Regarding Santa Paula Hospital

Dr. Sam Edwards stated that the hospital might reopen in April 2006. He noted that delays in the reopening included the discovery of asbestos and lead paint, and coordinating with State hospital inspectors.

PUBLIC COMMENT

No public comment.

CITY COUNCIL, STAFF COMMUNICATIONS

Councilmember Procter invited everyone to attend the Relay for Life Kickoff on January 26, 2006, at 5:00 p.m., at The Whistle Stop. He also mentioned that the Relay for Life event would be held April 29 and 30, 2006. Lastly, he mentioned that Mich Yamamoto recently passed away, and noted that a memorial would be held on January 22, 2006, at 2:30 p.m., at the Community Center.

APPROVAL OF FINAL AGENDA

City Manager Wally Bobkiewicz noted that the applicant for Item 11B had requested in writing that the item be continued to March 6, 2006. He also asked that Item 12F be removed from the agenda and brought back at a future meeting.

It was moved by Councilmember Krause, seconded by Councilmember Aguirre, to approve the Final Agenda as amended. All were in favor, and the motion carried.

CONSENT CALENDAR

It was moved by Councilmember Krause, seconded by Vice Mayor Luna, 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 January 9, 2006.

Invoices	11/08/05 & 12/08/05	\$ 335,977.28
Wire Transfers	12/07/05	\$ 53,798.99
Invoices	11/18/05	\$ 183,808.56
Wire Transfers	11/17/05	\$ 5,744.34
Invoices	12/02/05	\$ 311,062.80
Wire Transfers	11/29/05 & 12/01/05	\$ 207,867.48
Invoices	12/16/05	\$ 85,980.05
Wire Transfers	11/23/05 & 12/15/05	\$ 36,240.52
Invoices	12/22/05	\$ 284,577.63
Wire Transfers	12/21/05	\$ 38,602.86
Invoices	12/30/05	\$ 581,907.08
Wire Transfers	12/29/05	\$ 5,669.34
Salaries	12/02/05, 12/16/05, 12/30/05	<u>\$1,039,743.37</u>
TOTAL		\$3,170,980.30

- C. Minutes – Adopted the Minutes from the Joint City Council/Planning Commission Meeting of November 9, 2005.
- D. Minutes – Adopted the Minutes from the Joint City Council/Planning Commission Meeting of November 14, 2005.
- E. Minutes – Adopted the Minutes from the Special City Council Meeting of November 15, 2005.
- F. Public Employees' Retirement System Contract Amendment – 1) Adopted **RESOLUTION NO. 6251**, A RESOLUTION OF INTENTION TO APPROVE AN AMENDMENT TO CONTRACT BETWEEN THE BOARD OF ADMINISTRATION CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE CITY OF SANTA PAULA; 2) introduced and waived first reading of **ORDINANCE NO. 1154**, AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY OF SANTA PAULA AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM to amend the City's actuarial full formula with different levels of benefits to provide 2% @ 55 for all miscellaneous employees who enter membership for the first time after the adoption of the amendment; and 3) approved bringing back Ordinance No. 1154 for adoption on the consent calendar at the February 6, 2006 Regular City Council meeting. Assistant to the City Manager Melissa Grisales' report dated January 9, 2006.
- G. Report Relating to Interim Ordinance on Condominium Conversions – Issued the report. As required by Government Code Section 65658(d), the City Council must issue a report at least 10 days before any extension of the interim ordinance. Planning Director Janna Minsk and Associate Planner Anna Arroyo's report dated January 5, 2006.
- H. Approval of Second and Third Amendments to Professional Services Agreement with RBF Consulting for Additional Scope of Work Associated with the Fagan Canyon Project Environmental Impact Report – 1) Approved the Second and Third Amendments to the Professional Services Agreement with RBF Consulting for additional scope of work associated with the Fagan Canyon Project Environmental Impact Report; and 2) authorized the City Manager to execute the Amendments in a form approved by the City Attorney in an amount not to exceed \$175,000. Planning Director Janna Minsk's report dated January 6, 2006.
- I. Adopt Resolution No. 6247 Approving the Plans and Specifications for the Water Distribution Pipeline Design – Phase One – Adopted **RESOLUTION NO. 6247**, A RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE WATER DISTRIBUTION PIPELINE DESIGN – PHASE ONE, and authorized

staff to advertise for bids for the project. Public Works Director/City Engineer Clifford G. Finley's report dated January 9, 2006.

- J. Adopt Resolution No. 6248 Approving Plans and Specifications for Well 12 Rehabilitation – Adopted **RESOLUTION NO. 6248**, A RESOLUTION APPROVING THE SPECIFICATIONS FOR THE WELL 12 REHABILITATION, and authorized staff to advertise for bids for the project. Public Works Director/City Engineer Clifford G. Finley's report dated January 9, 2006.
- K. Adopt Resolution No. 6249 Approving the Plans and Specifications for Well 12 Filter Media Replacement – Adopted **RESOLUTION NO. 6249**, A RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE WELL 12 FILTER MEDIA REPLACEMENT, and authorized staff to advertise for bids for the project. Public Works Director/City Engineer Clifford G. Finley's report dated January 9, 2006.
- L. Adopt Resolution No. 6250 Approving the Plans and Specifications for Well 11 Discharge Pipe Modifications – Adopted **RESOLUTION NO. 6250**, A RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE WELL 11 DISCHARGE PIPE MODIFICATIONS, and authorized staff to advertise for bids for the project. Public Works Director/City Engineer Clifford G. Finley's report dated January 9, 2006.
- M. Approval of Task Order No. 2 with Fugro West, Inc., for Design-Level Geotechnical Services for the Water Recycling Facility – Authorized the City Manager to execute Task Order No. 2 with Fugro West, Inc., for the design-level geotechnical study of the Water Recycling Facility. Public Works Director/City Engineer Clifford G. Finley's report dated January 9, 2006.
- N. Approval of Task Order No. 3 with Hawks & Associates for Completion of a Flood Map Revision for the Water Recycling Facility – Authorized the City Manager to execute Task Order No. 3 for \$33,800 with Hawks & Associates to provide the preparation of a request for a Conditional Letter of Map Revision (CLOMR) of the Santa Clara River at the Proposed Water Recycling Facility, and approved a budget of \$39,000 (which includes a 15% contingency) to complete the work. Public Works Director/City Engineer Clifford G. Finley's report dated January 4, 2006.
- O. Approval of a Fifth Amendment to Professional Services Agreement with Crain and Associates for Additional Scope of Work Associated with the Fagan Canyon Project Environmental Impact Report – 1) Approved the Fifth Amendment to the Professional Services Agreement with Crain and Associates, Inc., for additional scope of work associated with the Fagan Canyon Project Environmental Impact

Report; and 2) authorized the City Manager to execute the Amendment in a form approved by the City Attorney in an amount not to exceed \$7,000. Public Works Director/City Engineer Clifford G. Finley's report dated January 6, 2006.

- P. FEMA FY 2005 Assistance to Firefighters Grant – 1) Adopted Resolution No. 6257 authorizing the City Manager or his designee(s) to execute all documents concerning the FEMA FY 2005 Assistance to Firefighters grant. **RESOLUTION NO. 6257**, A RESOLUTION APPROVING PARTICIPATION IN THE FEMA FY 2005 ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM; 2) appropriated the net grant proceeds of \$50,400 to Account 407.025.7502.74271, disbursed the funding from Account 407.025.2504.8124; and 3) directed staff to procure the firefighter turnouts described in the grant application and in this report, utilizing a cooperative purchasing agreement through the City of La Mesa contract with L.N. Curtis & Sons. Fire Chief Paul L. Skeels' report dated January 11, 2006.

PUBLIC HEARING

- A. Setting Permit Fees for Entertainment and Dining Permit in the Central Business District (continued)

City Manager Wally Bobkiewicz's report dated January 9, 2006.

It was moved by Councilmember Procter, seconded by Councilmember Krause, to close the Public Hearing and receive and file report. All were in favor, and the motion carried.

- B. 2004-CDP-06, Keats Corner Apartment Complex, 720 E. Main Street

Mayor Cook opened the Public Hearing at 7:28 p.m.

Planning Director Janna Minsk and Associate Planner Anna Arroyo's report dated January 9, 2006.

Mark Pettit, representing Lauterbach and Associates, asked the City Council to allow the applicant additional time in order to work with the City Attorney or City staff on the issue of affordable housing units.

City Attorney Karl H. Berger advised that he did not believe that allowing the applicant extra time would be fruitful because the requirement for affordable housing units falls under redevelopment law.

City Manager Wally Bobkiewicz noted for the record that he heard from the applicant just before Christmas regarding this issue, and that the applicant's request was not something that arose today or within the last few days. He stated that he believed staff's frustration was that this was not a usual thing to hear from the applicant. Also,

their first e-mail was received at 10:21 a.m. today without a reason for the continuance, and another e-mail was received at 4:05 p.m. today.

It was moved by Mayor Cook to continue the item to the March 6, 2006 City Council Meeting to allow the applicant to meet with City staff.

Leonard Somdahl, 720 Yale Street, expressed concern with the construction of eight housing units on this parcel. He also indicated that he did not receive notice of the public hearing.

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

ORDER OF BUSINESS

A. Water Recycling Facility Project Update

Public Works Director/City Engineer Clifford G. Finley's report dated January 5, 2006, and Power Point® presentation.

It was moved by Councilmember Krause, seconded by Vice Mayor Luna, to receive the presentation on the status of the Water Recycling Facility Project, authorize staff to issue requests for proposals from membrane manufacturers, and waive bidding requirements per the Santa Paula Municipal Code due to the special nature of this project. All were in favor, and the motion carried.

RECESS TO A BREAK

Mayor recessed the City Council to a break at 8:03 p.m.

RECONVENE TO REGULAR MEETING

Mayor Cook reconvened the City Council at 8:18 p.m.

B. Signature Gathering for Petitions on Private Property

City Attorney Karl H. Berger's report dated January 10, 2006.

Discussion included whether businesses are required to provide access to petition signature gatherers and the methods used to gather signatures on the Fagan Canyon referendum petition.

John Wisda, representing We CARE Santa Paula, stated that he felt the signature gathering for the Fagan Canyon referendum petition was done in a professional manner.

Carolyn Ostic, 18645 Sherman Way, Reseda, representing Goldstein and Associates, indicated that her firm was hired to collect signatures on the referendum petition. She also stated that the initiative petition regarding sexual predators was presented first in order to ensure that people signing the petitions were registered voters in Santa Paula.

Councilmember Krause stated for the record that she had not received the number of complaints before about a signature gathering process, and that she received a lengthy letter from a neighbor who was concerned with the recent signature gathering process. She moved to receive and file the report.

C. City Urban Restriction Boundary (CURB) Initiative – Adams Canyon

City Clerk Josie G. Herrera's report dated January 9, 2006.

Discussion included the petitioners' offer to pay for costs associated with a special election.

John Wisda, 550 Monte Vista, asked that if the City Council places this measure on the ballot that it also place the Fagan Canyon referendum on the ballot. He also questioned what protection the City would have that the developer will not increase the proposed project from 495 homes to 2,500 homes.

John Lang, 915 Main Street, provided a Power Point® presentation regarding the petitioners' vision for Adams Canyon. He asked the City Council to consider calling a special election on April 18, 2006, and stated that the petitioners would agree to pay election costs.

It was moved by Mayor Cook, seconded by Vice Mayor Luna, to adopt Resolution Nos. 6252, 6253, 6254, and 6255.

Councilmember Krause stated for the record she wanted to respond to comments from the community that she is in favor of this project by stating that she believes that this project is premature. She also stated that the City has a lot in front of it still with Fagan Canyon. Further, she is not sure the City could make a decision at this time as to what the future use of that property should be because she does not believe that property is ready to develop. However, she will listen to the voters, and if they want the City Council to pursue a project, that would be fine. However, her personal feeling is that it is the wrong time to even try to address this property.

Under roll call vote, all were in favor, and the motion carried.

RESOLUTION NO. 6252

A RESOLUTION PLACING A MEASURE ON THE APRIL 18, 2006 SPECIAL
ELECTION BALLOT ADJUSTING SANTA PAULA'S CITY URBAN RESTRICTION

BOUNDARY (CURB) TO BE GENERALLY COTERMINOUS WITH THE SPHERE OF
INFLUENCE BOUNDARY LINE AND LEGAL PARCEL LINES

RESOLUTION NO. 6253

A RESOLUTION CALLING A SPECIAL MUNICIPAL ELECTION ON APRIL 18, 2006
PURSUANT TO ELECTIONS CODE §1405

RESOLUTION NO. 6254

A RESOLUTION REQUESTING THAT THE VENTURA COUNTY BOARD OF
SUPERVISORS PROVIDE ELECTION SERVICES TO THE CITY FOR THE APRIL 18,
2006 ELECTION

RESOLUTION NO. 6255

A RESOLUTION ESTABLISHING REQUIREMENTS FOR BALLOT ARGUMENTS
FILED WITH THE CITY CLERK TO BE INCLUDED WITH VOTER INFORMATION FOR
AN ELECTION ON APRIL 18, 2006

It was moved by Councilmember Krause, seconded by Vice Mayor Luna, to adopt
Resolution No. 6256. Under roll call vote, all were in favor, and the motion carried.

RESOLUTION NO. 6256

A RESOLUTION DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL
ANALYSIS OF THE BALLOT MEASURE REGARDING THE CITY URBAN
RESTRICTION BOUNDARY (CURB) INITIATIVE

It was moved by Vice Mayor Luna that he and Mayor Cook prepare the argument in
favor. The motion died for lack of a second.

It was moved by Councilmember Krause, seconded by Councilmember Procter, to
waive the right for ballot argument. Under roll call vote, Councilmember Krause,
Councilmember Krause, Councilmember Aguirre, and Mayor Cook were in favor. Vice
Mayor Luna was opposed. The motion carried.

RECESS TO A BREAK

Mayor Cook recessed the City Council to a break at 9:47 p.m.

RECONVENE TO REGULAR MEETING

Mayor Cook reconvened the City Council at 9:57 p.m.

D. Update on Las Piedras Park Neighborhood Center

Building and Safety Director Stephen R. Stuart's report dated January 10, 2006.

Roger Campbell, 459 Main Street, Fillmore, representing Homeboys, Inc., stated that they may have located land for a residential development for ongoing operations and maintenance revenue, and that they would soon be ready to submit construction drawings for the City's review.

The City Council considered Item 12E prior to making a decision on Item 12D.

E. Community Development Block Grant (CDBG) Spending Update and Reallocation Discussion

Management Analyst Elisabeth Amador provided an overview of a spreadsheet with the CDBG expenditure plan and the plan to expend these funds by April 30, 2006.

Building and Safety Director Stephen R. Stuart responded to questions regarding the CDBG expenditure plan and the status of projects.

The report was received and filed.

In regards to the Las Piedras Park Neighborhood Center, it was moved by Councilmember Krause, seconded by Councilmember Aguirre, to direct staff to work with the developer to begin the process toward construction of the Las Piedras Park Neighborhood Center. All were in favor, and the motion carried.

F. City Reimbursement and Travel Policy – This item was removed from the agenda.

CITY COMMUNICATIONS

Councilmember Procter mentioned that he would not be present at the February 6, 2006 City Council Meeting due to his going to Washington, D.C. for the Ventura County Transportation Commission.

Mayor Cook mentioned that he would be attending a conference in Palm Springs regarding wastewater issues for the Ventura Regional Sanitation District.

FUTURE AGENDA ITEMS

It was moved by Vice Mayor Luna, seconded by Mayor Cook, for a report to consider the request from Judie Sanchez for the use of City facilities to offer the Healthy Families Insurance Program to the public. All were in favor, and the motion carried.

ADJOURNMENT

Mayor Cook adjourned the meeting at 10:37 p.m., in memory of Mich Yamamoto.

ATTEST:

Josie G. Herrera
City Clerk