

CALL TO ORDER

Mayor Cook called the meeting to order 5:30 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

CONSENT CALENDAR

A. Appointment of Real Property Negotiators

It was moved by Councilmember Krause, seconded by Councilmember Procter, to appoint City Manager Wally Bobkiewicz and City Attorney Karl H. Berger as the City's Real Property Negotiators relating to real property located at Assessor's Parcel Numbers 099-0-030-345, 099-0-030-645, 099-0-080-215, 099-0-080-235, 099-0-030-635, and 099-0-080-035. Negotiating Parties: Bender Realty Ltd, Angela Escalante Trust, McConica Citrus Partnership. The Real Property Negotiators may negotiate the terms and conditions of purchase or lease of property. All were in favor, and the motion carried.

ORDER OF BUSINESS

A. Interview for Commission on Aging

Marian Rybarczyk stepped up for her interview and responded to questions regarding issues facing Santa Paula senior citizens.

B. Interview for Design Assistance Committee

Cathy Barringer stepped up for her interview and responded to questions regarding historic preservation.

C. Interview for Housing Authority Commission

Bob Russell stepped up for his interview and responded to questions regarding housing programs.

D. Interview for Housing Authority Commission – Tenant Commissioner Over the Age of 62

Willena G. Sykes stepped up for her interview and responded to questions regarding housing programs.

CLOSED SESSION

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

- A. Conference with Real Property Negotiator. Pursuant to *Government Code §54956.8*. Property Addresses: Assessor's Parcel Numbers 099-0-030-345, 099-0-030-645, 099-0-080-215, 099-0-080-235, 099-0-030-635, and 099-0-080-035. Negotiating Parties: Bender Realty Ltd, Angela Escalante Trust, McConica Citrus Partnership. City Negotiators: City Manager Wally Bobkiewicz and City Attorney Karl H. Berger. Under negotiation: Both price and terms.
- B. Conference with Legal Counsel, Anticipated Litigation. Significant exposure to litigation. Pursuant to *Government Code Section §54956.9 (b)*. Facts of circumstances: Operations of Santa Paula Wastewater Treatment Plant. Number of cases: one.
- C. 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 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.
- D. Conference with Legal Counsel, Existing Litigation. Pursuant to *Government Code Section 54956.9(a)*. Name of Case: *Fagan Canyon Partners, LLC v. City Clerk, et al.* VCSC Case No. CIV 238842.
- E. Conference with Legal Counsel, Liability Claims. *Government Code 54956.95*. Name of Insurance JPA: California Joint Powers Insurance Authority. Claimants: Maria Carmona, John Davidson, Dean Lapadakis, Fred & Elaine Malzacher, Rosie Noyes, Emilia Ortega, Manuel Ruiz, Santa Paula West, Paul Spencer, Eberto Ivan Velasquez, and Donald & Marilyn Westerdale. Agency Claimed Against: City of Santa Paula.
- F. Conference with Legal Counsel, Workers Compensation Claims. *Government Code 54956.95*. Name of Insurance JPA: Central Coast Cities Self Insurance

Fund. Claimants: Workers Compensation Cases: Vivian Aguilera, Steven Carter, Daryl Koranda, Gary Marshall, Mark Trimble, Edward Vasquez, and James Ward. Agency Claimed Against: City of Santa Paula.

Mayor Cook recessed the City Council to a Closed Session at 5:45 p.m., and reconvened the City Council into Open Session at 6:25p.m. Councilmember Procter was not present during Closed Session Item 5D due to a conflict of interest. No reportable action taken. Mayor Cook recessed the City Council at 6:25 p.m.

RECONVENE AND CALL TO ORDER

Mayor Cook reconvened the City Council at 6:39 p.m. and 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

No reportable action.

PUBLIC COMMENT

Sylvia Schnopp, representing Women's Economic Ventures, spoke in support of Community Development Block Grant funding for Women's Economic Ventures.

Dora Crouch, 739 Yale Street, representing the League of Women Voters, invited everyone to attend the "Summit on Sustaining Agriculture for Ventura County's Future" on March 30, 2006.

CITY COUNCIL, STAFF COMMUNICATIONS

Councilmember Procter noted that he and Police Chief Stephen MacKinnon attended the Ventura County Limits Alcohol Strategies Conference on March 2, 2006.

APPROVAL OF FINAL AGENDA

City Manager Wally Bobkiewicz suggested that Item 11A be considered prior to the Public Hearing.

CONSENT CALENDAR

It was moved by Councilmember Krause, seconded by Councilmember Aguirre, 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 February 27, 2006.

Invoices	02/02/06	\$ 757,826.74
Wire Transfers	02/01/06 – 02/02/06	\$ 62,750.00
Invoices	02/10/06	\$ 83,700.82
Wire Transfers	02/10/06	\$ 5,669.34
Invoices	02/14/06 & 02/16/06	\$ 553,253.64
Wire Transfers	02/13/06	\$ 35,252.73
Invoices	02/24/06	\$ 73,992.45
Wire Transfers	02/23/06	\$ 5,669.34
Salaries	02/10/06 & 02/24/06	<u>\$ 672,632.94</u>
TOTAL		<u>\$2,250,748.00</u>

- C. Minutes – Adopted the Minutes from the Regular City Council Meeting of February 21, 2006.
- D. Council Expense and City Manager Travel Monthly Report of Transactions – Reviewed and filed the monthly transactions report for January 2006. Finance Director Alvertina Rivera’s report dated February 24, 2006.
- E. Investment Report for the Quarter Ending September 30, 2005 and December 31, 2005 – Received and filed the Investment Report for the Quarter Ending September 30, 2005 and December 31, 2005. City Treasurer Sandra K. Easley’s report dated February 27, 2006.
- F. 2004-CDP-11 Water Recycling Facility (WRF) Parts I and II, Application to Initiate Reorganization Proceedings with Local Agency Formation Commission (LAFCO) to Annex Real Property Associated with the Proposed Santa Paula Water Recycling Facility and Corporation Yard (WRF Parts I and II) – Adopted **RESOLUTION NO. 6277**, A RESOLUTION AMENDING RESOLUTION NO. 6260 ADOPTED ON FEBRUARY 6, 2006 BY THE SANTA PAULA CITY COUNCIL AUTHORIZING THE CITY MANAGER OR DESIGNEE TO INITIATE REORGANIZATION PROCEEDINGS WITH LAFCO TO ANNEX REAL PROPERTY ASSOCIATED WITH THE PROPOSED SANTA PAULA

RECYCLING FACILITY AND CORPORATION YARD (WRF PARTS I AND II) (PROJECT NO. 2004-CDP-11). Planning Director Janna Minsk's report dated February 28, 2006.

- G. Request Authorization for Out-of-state Travel (Training) – Authorized three staff members to travel out-of-state to attend a U. S. Department of Justice Weed and Seed Conference. Police Chief Stephen MacKinnon's report dated February 28, 2006.
- H. Additional Planner Services for the Water Recycling Facility and Corporation Yard Project - RBF Consulting Task Order No. 2B - 1) Allocated an additional \$25,000 for planner services for the Water Recycling Facility; 2) approved RBF Consulting Task Order No. 2B for \$20,140 for the additional planning services; and 3) approved a total budget of \$50,000 for planning services for the project. Public Works Director/City Engineer Clifford G. Finley's report dated February 27, 2006.
- I. Allocation of \$30,000 for Solid Waste Consulting Services – Allocated \$30,000 from Refuse Enterprise Fund Balance for solid waste consulting services and approved Task Order No. 1 with Willdan for \$24,000 to complete the work. Public Works Director/City Engineer Clifford G. Finley's report dated February 23, 2006.
- J. Allocation of \$25,000 for Increase in Project Budget and with Approval of First Amendment to Agreement for Services Willdan Engineering for the Design of Water Mains – Allocated an additional \$25,000 from Account No. 620.050.9108.8209 for additional work required to complete the design of approximately 7,800 feet of water main replacements, and authorized the City Manager to sign the First Amendment to the Professional Services Agreement (Contract No. 99569) with Willdan in the amount of \$23,460 to complete the additional work. Public Works Director/City Engineer Clifford G. Finley's report dated February 23, 2006.

ORDER OF BUSINESS

- A. Referendum Petition, Resolution No. 6235, Adopted December 7, 2005 (General Plan Amendment)

Councilmember Procter declared a conflict of interest due to the proximity of his residence to the Fagan Canyon project, and exited the Council Chambers at 6:46 p.m.

City Manager Wally Bobkiewicz presented City Clerk Josie G. Herrera's report dated February 28, 2006.

Delton Johnson, 14 McKeveitt Heights, asked the City Council not to place its own initiative on the ballot regarding the approval of the Fagan Canyon project.

Ralph Fernandez, 636 Shasta Drive, spoke in support Superior Court Judge Bysse's decision to uphold the referendum petition against Resolution No. 6235.

Roger Brower, 1007 Virginia Terrace, addressed his concerns with the Fagan Canyon development project.

Dora Crouch, 739 Yale Street, spoke in support of the City Council rescinding Resolution No. 6235 and placing the Fagan Canyon Project approval on the ballot.

Peter Wright, 801 McKeveitt Road, spoke in support of the City Council rescinding Resolution No. 6235 and placing the Fagan Canyon Project approval on the ballot.

Joanne Wright, 801 McKeveitt Road, spoke in support of the City Council rescinding Resolution No. 6235 and calling a special election to place the Fagan Canyon Project on the ballot.

Eric Barragan, 1268 Bruce Drive, spoke in support of the City Council rescinding Resolution No. 6235 and adopting Resolution No. 6266 to place its own initiative on the ballot.

Bob Borrego, 524 Fourteenth Street, spoke in support of the City Council rescinding Resolution No. 6235 and placing its own initiative on the ballot.

Catherine Sepulveda, 20110 South Mountain Road, spoke in support of the City Council rescinding Resolution No. 6235 and placing its own initiative on the ballot.

John Wisda, 550 Monte Vista, responded to concerns regarding the referendum petition against Resolution No. 6235, and spoke in support of the City Council rescinding Resolution No. 6235 or placing the Fagan Canyon Project approval on the ballot.

Rick Bianchi, representing Centex Homes, spoke regarding the developer's obligations under the Fagan Canyon Development Agreement, and asked the City Council to place the entire Fagan Canyon Project approval on the June ballot.

City Attorney Karl H. Berger noted a typographical error in Resolution No. 6265, Section 2 "... as ordered by separate City Council resolution..." should be "... *if* ordered by separate City Council resolution..." He also explained that the repeal of Resolution No. 6235 would repeal approvals for the General Plan Amendment, Development Agreement and Special Plan, but would not affect the certification or effectiveness of the Environmental Impact Report (EIR), City Urban Restriction Boundary (CURB)

Amendment, or the application approvals to the Local Agency Formation Commission (LAFCO) for reorganization and annexation. He also noted that staff could prepare initiative language for an ordinance for City Council consideration that would include approvals for a General Plan Amendment, Specific Plan, and a Development Agreement, and that the City Council may rely upon the EIR as the environmental analysis for the initiative.

It was moved by Councilmember Krause, seconded by Councilmember Aguirre, to adopt Resolution No. 6266 repealing Resolution No. 6235. Under roll call vote, Councilmember Aguirre, Councilmember Krause, Vice Mayor Luna, and Mayor Cook were in favor. The motion carried.

RESOLUTION NO. 6266

A RESOLUTION REPEALING RESOLUTION NO. 6235 ADOPTED DECEMBER 7, 2005, ENTITLED "A RESOLUTION APPROVING A GENERAL PLAN AMENDMENT FOR THE FAGAN CANYON EXPANSION AREA AND ASSOCIATED PROPERTIES" IN ACCORDANCE WITH ELECTIONS CODE §9241

It was moved by Councilmember Krause, seconded by Vice Mayor Luna, to direct staff to prepare a proposed ballot measure, which would be placed on the ballot pursuant to City Council's authority under Elections Code §6222. Under roll call vote, Councilmember Aguirre, Councilmember Krause, Vice Mayor Luna, and Mayor Cook were in favor. The motion carried.

It was moved by Mayor Cook, seconded by Councilmember Aguirre, to schedule a Special City Council Meeting on March 9, 2006, at 7:30 p.m., to consider action to place an initiative on the June 6, 2006 ballot. All were in favor, and the motion carried.

RECESS TO A BREAK

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

RECONVENE TO REGULAR MEETING

Mayor Cook reconvened the City Council at 8:12 p.m. Councilmember Procter returned to the Council Chambers

PUBLIC HEARING

A. 2006 - 2007 Community Development Block Grant (CDBG) Funding

It was moved by Councilmember Krause, seconded by Councilmember Procter, to continue the item to March 20, 2006. All were in favor, and the motion carried.

B. Project No. 2005-DRS-20A, Appeal of Planning Commission's Decision Rendered on January 24, 2006, for the Denial to Maintain the Use of an Abandoned Freestanding Pole Sign at Property Located at 206 E. Harvard Boulevard, Zoned General Commercial

It was moved by Councilmember Krause, seconded by Councilmember Aguirre, to continue the item to March 20, 2006. All were in favor, and the motion carried.

C. 2004-CDP-06 - Keats Corner Apartment Complex, 720 East Main Street (continued)

Councilmember Luna recused himself due to his being employed within 300 feet of the proposed project. He exited the Council Chambers at 8:15 p.m.

Planning Director Janna Minsk and Associate Planner Anna Arroyo's report dated February 27, 2006, and Power Point® presentation.

Mark Pettit, architect representing Keats Corner, reviewed the changes made to the proposed projects, including having two affordable units, elimination of tandem parking, plans for demolition of two existing structures, revised floor plan, construction of porch with trellis, and improvements to Yale Street, sidewalks, alley, lighting, and landscaping.

Discussion included concerns with the design of the proposed roof and balconies and impacts to the Santa Paula Theater Center.

Mitch Stone, 1328 Woodland Drive, representing the Santa Paula Theater Board of Directors, addressed concerns with access for maintenance of the east side of the theater building, drainage, and noise. He also noted that the theater building is a city and county historical landmark, and suggested that the Design Review Committee review all projects that involve historic properties.

Steve Andrews, developer representing Keats Corner, spoke regarding proposed noise mitigation measures, and the proposed license agreement with the theater center to allow access for maintenance.

Leonard Somdahl, 720 Yale Street, spoke regarding the present condition of the project area, and spoke in support of the developer's improvement plans.

Beverly Mueller, 711 Southwick Street, spoke regarding the present condition of the project area.

Skip Padberg, 3998 Mountain Creek Road, Newbury Park, owner of the property, asked the City Council to consider approval of the project.

Discussion included concerns with impacts to two historical buildings, noise issues, and maintenance agreement with the theater center.

It was moved by Councilmember Krause to adopt Resolution No. 6280 to deny the project. The motion failed for lack of a second.

The City Council asked to table the item for 15 minutes to allow staff to work with the applicant regarding noise issues and balcony design.

ORDER OF BUSINESS

Councilmember Luna returned to the Council Chambers at 9:24 p.m.

B. 2005 League of California Cities Annual Conference

City Manager Wally Bobkiewicz's report dated January 30, 2006.

It was moved by Councilmember Krause, seconded by Councilmember Aguirre, to bring back for action to adopt the use of Ahwahnee water principles, and to bring back the Urban Environmental Accords for adoption and to review the action steps during the goal setting session. All were in favor, and the motion carried.

PUBLIC HEARING (continued)

D. 2004-CDP-06 - Keats Corner Apartment Complex, 720 East Main Street (continued)

Councilmember Luna exited the Council Chambers at 9:32 p.m.

Discussion included further revisions from the original project application, noise issues, draft license agreement to allow the theater center access for maintenance, whether the Design Assistance Committee should review the project, and the fact that the project is subject to the Permit Streamlining Act.

RECESS TO A BREAK

Mayor Cook recessed the City Council to a break at 9:39 p.m.

RECONVENE TO REGULAR MEETING

Mayor Cook reconvened the City Council at 10:01 p.m.

Mark Pettit stated that the applicant would submit in writing that they would be willing to waive their right to permit streamlining.

Planning Director Janna Minsk stated that a meeting with the Design Assistance Committee would be scheduled to review the project.

It was moved by Mayor Cook, seconded by Councilmember Aguirre, to refer the item back to staff, clarify whether the project would require approval under the California Environmental Quality Act, and to bring the item back as soon as possible. All were in favor, and the motion carried.

Councilmember Luna returned to the Council Chambers at 10:08 p.m.

ORDER OF BUSINESS (continued)

C. Discussion of Article 34 Public Housing Election

City Manager Wally Bobkiewicz and Management Analyst Elisabeth Amador's report dated February 22, 2006.

Ramsey Jay, Executive Director of the Santa Paula Housing Authority, spoke in support of affordable housing and an Article 34 Public Housing Election.

It was moved by Councilmember Procter, seconded by Councilmember Aguirre, to direct staff to prepare a resolution to the Housing Authority asking that an election be held and to bring back options for number of affordable housing units. All were in favor, and the motion carried.

D. Grant Update

Management Analyst Elisabeth Amador's report dated February 24, 2006.

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

CITY COMMUNICATIONS

City Manager Wally Bobkiewicz gave a brief report on the Amgen Bicycle Tour of California that traveled through the City, and acknowledged all of the volunteers and governmental agencies for their time and effort.

FUTURE AGENDA ITEMS

It was moved by Councilmember Krause, seconded by Mayor Cook, for an update on the Housing Preservation Program and consider making changes to the policy. All were in favor, and the motion carried.

It was moved by Councilmember Krause, seconded by Councilmember Procter, to bring back a report on designating a City Architect. All were in favor, and the motion carried.

It was moved by Councilmember Luna to ask Limoneira Company to bring back a report on filming on Main Street and how businesses are compensated. All were in favor, and the motion carried.

ADJOURNMENT

Mayor Cook adjourned the meeting at 10:38 p.m.

ATTEST:

Josie G. Herrera
City Clerk