

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. Conference with Legal Counsel, Existing Litigation. *Government Code Section 54956.9(a).* Name of Case: Santa Paula Memorial Hospital, Debtor, United States Bankruptcy Court, Central District of California, BK No. NE 03-1354-RR.
- B. Conference with Legal Counsel, Existing Litigation. *Government Code Section 54956.9(a).* Name of Case: We CARE – Santa Paula v. Josie G. Herrera, et al., Second Appellate District Case No. B186242 (*Ventura County Superior Court Case No. CIV234520*).

Mayor Cook recessed the City Council to a Closed Session at 5:32 p.m., and reconvened the City Council into Open Session at 6:15 p.m. No reportable action taken. Mayor Cook recessed the City Council at 6:15 p.m.

RECONVENE AND CALL TO ORDER

Mayor Cook reconvened the City Council at 6:38 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

No reportable action.

PRESENTATIONS

- A. Presentation of Proclamation to Public Works Director/City Engineer Clifford G. Finley in Recognition of Public Works Week

Vice Mayor Luna presented a proclamation to Public Works Director/City Engineer Clifford G. Finley in recognition of Public Works Week. Public Works Director/City Engineer Clifford G. Finley introduced Street Maintenance Supervisor Robert Howard. City Manager Wally Bobkiewicz noted that the City was also celebrating the Tenth Anniversary of the acquisition of Santa Paula Water Works.

- B. Presentation by City Manager Wally Bobkiewicz Regarding City's New Website

City Manager Wally Bobkiewicz provided a presentation regarding the City's new website. He introduced Larry Holt from SketchPad Publications, who assisted the City with this project.

Mayor Cook recognized Vice Mayor Luna and Councilmember Procter on their fifth anniversary with the City.

PUBLIC COMMENT

Joanne Wright, 801 McKeveitt Road, asked the City Council to consider sponsorship of the Second Annual Labor Day Parade.

John Chamberlain, 930 La Vuelta Place, invited everyone to attend the Santa Paula Community Farmers Market on May 17, 2006, at Hallock Drive.

Larry Sagely, 585 Ridgecrest Drive, spoke regarding the Appellate Court's decision to reverse the Superior Court's decision in the case entitled "We CARE – Santa Paula v. Josie G. Herrera, et al., Second Appellate District Case No. B186242 (*Ventura County Superior Court Case No. CIV234520*).” He expressed his concerns with the reasons for taking this matter to court.

John Wisda, 550 Monte Vista, spoke regarding the Appellate Court's decision to reverse the Superior Court's decision in the case entitled "We CARE – Santa Paula v. Josie G. Herrera, et al., Second Appellate District Case No. B186242 (*Ventura County Superior Court Case No. CIV234520*).“ He expressed his concerns with the reasons for taking this matter to court.

CITY COUNCIL, STAFF COMMUNICATIONS

City Manager Wally Bobkiewicz noted the following upcoming meetings: Bike Path Workshop on May 16, 2006, and Community Budget Workshop on May 22, 2006.

Councilmember Procter and Vice Mayor Luna thanked Mayor Cook for recognizing their five years of service to the City.

Councilmember Aguirre acknowledged the Santa Paula Family Resource Center for its Cinco de Mayo celebration.

Mayor Cook stated that he hoped everyone had an enjoyable Mother's Day. He responded to Larry Sagely and John Wisda's comments, and noted that it took a majority of the City Council to make a decision.

City Clerk Josie G. Herrera provided the recount results for Measure Y.

APPROVAL OF FINAL AGENDA

No changes to final agenda.

CONSENT CALENDAR

Mayor Cook pulled Item 10G for public comment. Vice Mayor pulled Item 10O for discussion.

It was moved by Councilmember Krause, seconded by Councilmember Aguirre, to approve the Consent Calendar as amended. Councilmember Procter recused himself from Item 10G due to a conflict of interest. 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. Receive and File Reimbursement Reports - In accordance with Government Code §§ 53232.2, 53232.3, and Resolution No. 6258, received and filed reimbursement reports as specified.
- C. Warrants and Certifications - Reviewed, approved, and filed the attached warrants and certifications. Finance Director Alvertina Rivera's report dated May 8, 2006.

Invoices	03/14/06 – 03/27/06	\$ 207,736.73
Wire Transfers	03/23/06	\$ 5,669.34
Invoices	03/30/06	\$ 964,279.44
Wire Transfers	03/29/06	\$ 50,449.84

Regular City Council Meeting
Monday, May 15, 2006
City Hall Administration Conference Room and Council Chambers

Invoices	04/07/06	\$ 113,436.02
Wire Transfers	04/06/06	\$ 5,669.34
Invoices	04/13/06 – 04/14/06	\$ 781,737.10
Wire Transfers	04/11/06	\$ 45,129.98
Invoices	04/21/06	\$ 62,823.96
Wire Transfers	04/30/06	\$ 5,669.34
Invoices	04/27/06	\$ 374,447.79
Wire Transfers	04/26/06	\$ 50,037.80
Salaries	04/07/06 & 04/21/06	<u>\$ 724,501.34</u>
TOTAL		\$3,391,588.02

- D. Minutes – Adopted the Minutes from the April 17, 2006 Regular City Council/Redevelopment Agency Meeting.
- E. Minutes – Adopted the Minutes from the May 1, 2006 Regular City Council/Redevelopment Agency Meeting.
- F. Removal of Member on the Commission on Aging – Removed Member No. 2 from the Santa Paula Commission on Aging pursuant to Santa Paula Municipal Code §12.07. City Clerk Josie G. Herrera’s report dated May 9, 2006.
- H. City Manager’s Contract – Approved Employment Agreement with Walter J. Bobkiewicz, III, for services as City Manager, and authorized the Mayor to execute the agreement.
- I. Authorization to Travel to Washington, D.C. – Authorized the Mayor and City Manager to travel to Washington, D.C., May 23 – 26, 2006, for meetings with federal officials regarding funding for the new Water Recycling Facility and authorized all reasonable and appropriate travel expenses pursuant to the City Council’s Travel Policy (Resolution No. 6258). City Manager Wally Bobkiewicz’s report dated May 8, 2006.
- J. Amendment to the Position Control Listing of Authorized Positions to Create an Accounting Technician Position for the Planning and Building and Safety Departments – 1) Approved Resolution No. 6306 adopting the recommended changes to the Position Control listing of Authorized Positions creating one Accounting Technician position assigned to the Community Development Building. **RESOLUTION NO. 6306**, A RESOLUTION AMENDING THE POSITION CONTROL LISTING OF AUTHORIZED POSITIONS TO CREATE AN ACCOUNTING TECHNICIAN POSITION FOR THE COMMUNITY DEVELOPMENT DIVISION; and 2) amended the current year 2005-2006 budget to allow the division department(s) to hire immediately. Building and Safety

Director Stephen R. Stuart and Planning Director Janna Minsk's report dated May 8, 2006.

- K. Award of City and Redevelopment Agency Auditing Services Contract – 1) Approved a two-year contract for auditing services with Teaman, Ramirez, and Smith; and 2) authorized the City Manager to sign the contract on behalf of the City. Finance Director Alvertina Rivera's report dated May 5, 2006.
- L. Acceptance of a Donated Vehicle for Citizens Patrol Program – Accepted a donated vehicle for the Citizen's Patrol Program. Police Chief Stephen MacKinnon's report dated May 8, 2006.
- M. Acceptance of Weed and Seed Grant – Adopted Resolution No. 6310 to accept the \$175,000 Weed and Seed grant and approve its expenditure as indicated in the application process. **RESOLUTION NO. 6310**, A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO RECEIVE AND APPROPRIATE GRANT FUNDS FOR THE CONTINUED OPERATION OF THE SANTA PAULA WEED AND SEED PROGRAM. Police Chief Stephen MacKinnon's report dated May 8, 2006.
- N. Appropriation of Funds from Drug Asset Forfeiture Account – Authorized the appropriation of funds from the Drug Asset Forfeiture Account for specific expenditures in the amount of \$22,500. Police Chief Stephen MacKinnon's report dated May 3, 2006.
- P. Approval of a Three-Year On-Call Maintenance Agreement for Nu-Line Fence Company – Authorized the City Manager to execute a Three-Year On-Call Maintenance Agreement for fence installation and repair services with Nu-Line Fence Company. Public Works Director/City Engineer Clifford G. Finley's report dated May 8, 2006.
- Q. Fire Stations 81 & 82 Vehicle Exhaust System: Project Acceptance and Notice of Completion – Received and filed. Public Works Director/City Engineer Clifford G. Finley's report dated April 25, 2006.
- R. Procedures and Guidelines for City Website – Adopted Resolution No. 6307 setting procedures and guidelines for the City website. **RESOLUTION NO. 6307**, A RESOLUTION ESTABLISHING PROCEDURES AND GUIDELINES FOR CITY WEBSITE. City Manager Wally Bobkiewicz's report dated May 8, 2006.
- S. Update of Authorized Agent Resolutions – Approved the authorized agent resolutions. **RESOLUTION NO. 6312**, A RESOLUTION DESIGNATING AUTHORIZED AGENT FOR THE DEPARTMENT OF HOMELAND SECURITY

GRANT SUBGRANTED THROUGH THE STATE OF CALIFORNIA.
RESOLUTION NO. 6313, A RESOLUTION DESIGNATING AUTHORIZED
AGENT WITH THE STATE OFFICE OF EMERGENCY SERVICES. Finance
Director Alvertina Rivera's report dated May 10, 2006.

CONSENT CALENDAR (SEPARATE ACTION ITEMS)

O. Approval of Traffic Safety Committee Recommendations

Public Works Director/City Engineer Clifford G. Finley's report dated May 2, 2006.

It was moved by Councilmember Luna, seconded by Councilmember Aguirre, to adopt
Resolution No. 6304. All were in favor, and the motion carried.

RESOLUTION NO. 6304

A RESOLUTION APPROVING THE TRAFFIC SAFETY COMMITTEE
RECOMMENDATIONS

G. Support Resolution for Measure E6

Councilmember Procter declared a conflict of interest due to the proximity of his
residence to the Fagan Canyon project, and stepped down from the dais at 7:02 p.m.

Councilmember Aguirre's report dated May 10, 2006.

Carmen Guerrero, 1734 Cherry Hill Road, commended the City Council and City
Manager Wally Bobkiewicz on the City's website and on the manner in which they
address the community. She also spoke in support of the adoption of Resolution No.
6311.

Joanne Wright, 801 McKeveitt Road, spoke in support of the adoption of Resolution No.
6311.

Janet Grant, 500 W. Santa Maria Street, spoke in support of the adoption of Resolution
No. 6311.

Eric Barragan, 1268 Bruce Drive, spoke in support of the adoption of Resolution No.
6311.

Kay Wilson-Bolton, 123 N. Tenth Street, spoke in support of the adoption of Resolution
No. 6311.

Ken Chapman, 15119 Todd Lane, stated that previously the City Attorney cautioned the City Council against allowing public comment regarding the Adams Canyon ballot measure during a City Council meeting, and questioned whether it was contradictory to consider adopting a resolution in support of the Fagan Canyon initiative. City Attorney Karl H. Berger responded that the City Council could adopt a resolution in support of a ballot measure as long as no staff or city resources were used. He also stated for the record that neither his nor the City Manager's signature would appear on the resolution. City Manager Wally Bobkiewicz noted that the City Council adopted a similar resolution for Measures J and K on the 2004 ballot and for state ballot measures in 2002 and 2004.

Anita Pulido, 310 San Clemente Street, spoke in support of the adoption of Resolution No. 6311.

Carlos Juarez, representing the Santa Paula Police Officers Association, spoke in support of the adoption of Resolution No. 6311.

John Procter, 1226 Ojai Road, spoke in support of the adoption of Resolution No. 6311.

It was moved by Councilmember Aguirre, seconded by Mayor Cook, to adopt Resolution No. 6311. All were in favor, and the motion carried.

RESOLUTION NO. 6311

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA PAULA
SUPPORTING MEASURE E6, A MEASURE APPROVING THE CITY COUNCIL'S
PREVIOUS APPROVALS ON THE "FAGAN CANYON PROJECT", ON THE
JUNE 6, 2006 BALLOT

RECESS TO A BREAK

Mayor Cook recessed the City Council to a break at 7:28 p.m.

RECONVENE TO REGULAR MEETING

Mayor Cook reconvened the City Council at 7:35 p.m. Councilmember Procter returned to the dais.

PUBLIC HEARING

A. Proposed Fee Increases for City Wastewater Services

City Attorney Karl H. Berger reviewed the process for Proposition 218 protest votes.

Upon verification of proper notification and posting by the City Clerk, Mayor Cook opened the Public Hearing at 7:42p.m.

City Clerk Josie G. Herrera reported that 2,927 protest votes were needed and only 524 protest votes were received to date.

Public Works Director/City Engineer Clifford G. Finley's report dated April 26, 2006, and Power Point® presentation.

Discussion included the consent decree issued by the Regional Water Quality Control Board to resolve and negotiate fines against the City, and the amount needed to build the water recycling facility.

Susan Alvarez, 1076 Via Pasada, expressed concerns with the amount of the wastewater rate increase.

Ken Chapman spoke against the increase in wastewater rates and charges.

Mayor Cook closed the Public Hearing at 8:24 p.m.

It was moved by Councilmember Krause, seconded by Councilmember Aguirre, to introduce and waive the first reading of Ordinance No. 1157 setting the amount of Wastewater Rates and Charges. City Clerk Josie G. Herrera stated for the record that only 524 protest votes were received. Under roll call vote, all were in favor, and the motion carried.

ORDINANCE NO. 1157

AN ORDINANCE SETTING THE AMOUNT OF WASTEWATER RATES AND CHARGES PURSUANT TO HEALTH AND SAFETY CODE §5471 AND SANTA PAULA MUNICIPAL CODE 51.147

B. Public Hearing for the Hillsborough Open Space Maintenance District Resolution No. 6302

Upon verification of proper notification and posting by the City Clerk, Mayor Cook opened the Public Hearing at 8:32 p.m.

It was moved by Mayor Cook, seconded by Councilmember Procter, to open and continue the public hearing to the June 5, 2006 Regular City Council Meeting. All were in favor, and the motion carried.

ORDER OF BUSINESS

A. Proposed Farmworker Monument

Assistant to the City Manager Elisabeth Amador's report dated May 9, 2006, and Power Point® presentation.

Discussion included possible locations for the monument, and having staff follow up with the Ventura County Museum of History and Art and the Ventura County Transportation Commission regarding sites near The Mill and the railroad right-of-way.

It was moved by Councilmember Aguirre, seconded by Councilmember Krause, that Veterans Memorial Park not be selected as a site for the Farmworker Monument, and for staff to continue to explore sites located at Santa Barbara and Ninth Streets and The Mill site, and to bring back this item at a future meeting. All were in favor, and the motion carried.

Anita Pulido spoke in support of a Farmworker Monument.

B. Consideration of Adoption of a Social Host Ordinance

Police Chief Stephen MacKinnon's report dated May 3, 2006.

It was moved by Councilmember Aguirre, seconded by Councilmember Krause, to appoint Vice Mayor Luna and Mayor Cook to an ad hoc committee to work with the Police Chief and the City Attorney, and to bring back information and a recommendation regarding a Social Host Ordinance and enforcement efforts to address alcohol-related issues. All were in favor, and the motion carried.

C. Weed Abatement Liens and Other Weed Issues

Assistant Fire Chief/Fire Prevention Officer Kevin Fildes' report dated May 9, 2006.

The report declaring June 1, 2006 the beginning of Fire Season for the City of Santa Paula; declaring that all parcels within the City must be cleared of combustible vegetation and other fire hazards by that date in accord with standard weed abatement requirements; and authorizing and directing the Fire Department to act as enforcement agency for Chapter 3, Section 302.4 of the International Property Maintenance Code as adopted by Santa Paula City Ordinance No. 1059 dealing with weed control was received and filed.

Public Works Director/City Engineer Clifford G. Finley provided an oral report regarding weed abatement in the public right of way.

C. Adopt Resolution No. 6309 Approving the Plans for the Yale Street Sidewalk Repair Project

Public Works Director/City Engineer Clifford G. Finley's report dated May 9, 2006.

It was moved by Councilmember Procter, seconded by Councilmember Aguirre, to adopt Resolution No. 6309. All were in favor, and the motion carried.

RESOLUTION NO. 6309

A RESOLUTION APPROVING THE YALE STREET SIDEWALK REPAIR PROJECT
PURSUANT TO GOVERNMENT CODE SECTION 830.06

E. Introduction of Ordinance No. 1158 Managing Roll-off Containers and Dumpsters in the Public Right-of-Way

Public Works Director/City Engineer Clifford G. Finley's report dated May 4, 2006.

It was moved by Mayor Cook, seconded by Vice Luna, to: 1) introduce and waive first reading of Ordinance No. 1158; and 2) schedule second reading and adoption for June 5, 2005. All were in favor, and the motion carried.

ORDINANCE NO. 1158

AN ORDINANCE AMENDING SECTION 50.019, SPECIAL CONDITIONS, OF THE
SANTA PAULA MUNICIPAL CODE TO REGULATING SPECIAL COLLECTIONS OF
BULKY ITEMS IN RESIDENTIAL ZONES

F. Fiscal Year 2005/06 Third Quarter Budget Adjustments

City Manager Wally Bobkiewicz presented Finance Director Alvertina Rivera's report dated May 9, 2006.

It was moved by Councilmember Krause, seconded by Mayor Cook, to approve Resolution No. 6308, which authorizes the budget adjustments as described in the Fiscal Impact section of the staff report. All were in favor, and the motion carried.

RESOLUTION NO. 6308

A RESOLUTION APPROVING ADJUSTMENTS TO THE OPERATING BUDGET FOR
FISCAL YEAR 2005 – 2006

G. Fiscal Year 2005/06 Third Quarter Statement of Revenues and Expenditures

City Manager Wally Bobkiewicz presented Finance Director Alvertina Rivera and Public Works Director/City Engineer Clifford G. Finley's report dated May 9, 2006.

It was moved by Councilmember Krause, seconded by Mayor Cook, to review and file the Statement of Revenues and Expenditures and Capital Improvement Project Update Report. All were in favor, and the motion carried.

CITY COMMUNICATIONS

No City Communications.

FUTURE AGENDA ITEMS

It was moved by Councilmember Aguirre, seconded by Mayor Cook, to consider the request for sponsorship of the Labor Day Parade. All were in favor, and the motion carried.

It was moved by Councilmember Krause to add back the Housing Element Implementation to the Council Goals and Priority Projects for 2006/07 and to include working with the Housing Authority as a subcategory. City Manager Wally Bobkiewicz stated that he would include these changes when the Council Goals are brought back for adoption.

ADJOURNMENT

Mayor Cook adjourned the meeting at 9:51 p.m.

ATTEST:

Josie G. Herrera
City Clerk