

**CALL TO ORDER**

Mayor/Chair Luna called the meeting to order 5:35 p.m.

**ROLL CALL**

Councilmember/Director Gabino Aguirre, Councilmember/Director Ralph J. Fernandez, Councilmember/Director Robert S. Gonzales, Vice Mayor/Vice Chair John T. Procter, and Mayor/Chair Ray C. Luna 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**

No Public Comment.

**CLOSED SESSION**

Mayor/Chair Luna announced that the Closed Session would be to discuss:

- A. Conference with Real Property Negotiator - *Government Code §54956.8*. Portion of the City's leasehold with the Ventura County Transportation Commission along the Santa Paula Branch Line between 10<sup>th</sup> and 12<sup>th</sup> Streets. Negotiating parties: City and Santa Paula Promenade, Inc. Under negotiation: Price and terms of leasing a portion of the City's leasehold along the Santa Paula Branch Line between 10th and 12th Streets.
- B. Conference with Real Property Negotiator - Pursuant to *Government Code §54956.8*. Property Address: Assessor's Parcel Numbers 101-0-214-145, 101-0-214-135, 101-0-214-125, 101-0-214-115, 101-0-214-105, and 101-0-214-025. Negotiating Parties: Florence Elwell Trust. Agency Negotiator: Executive Director Wally Bobkiewicz and Agency Attorney Karl H. Berger. Under negotiation: Both price and terms.
- C. Conference with Real Property Negotiator - *Government Code §54956.8*. Property Address: 970 Ventura Street. Negotiating Parties: City of Santa Paula and Parkstone Companies. Under negotiation: Both price and terms for acquiring property.
- D. Conference with Legal Counsel, Existing Litigation - *Government Code §54956.9 (a)*. Fred and Elaine Malzacher v. City of Santa Paula et al, Ventura County Superior Court Case No. CIV 240456.

- E. Conference with Legal Counsel, Anticipated Litigation. Significant exposure to litigation. Pursuant to Government Code *Section 54956.9 (b)*. Facts or circumstances: *People of the State of California ex rel. California Regional Water Quality Control Board, Los Angeles Region v. City of Santa Paula* (not yet filed); Santa Paula Wastewater Treatment Facility; alleged exceedances of effluent limitations set forth in City's NPDES permit between 2000 and 2003. Number of cases: One.

Mayor/Chair Luna recessed the City Council/Redevelopment Agency to a Closed Session at 5:35 p.m., and reconvened the City Council/Redevelopment Agency into Open Session at 6:40 p.m. No action taken. Mayor/Chair Luna recessed the City Council/Redevelopment Agency at 6:40 p.m.

### **RECONVENE AND CALL TO ORDER**

Mayor/Chair Luna called the meeting to order at 6:50 p.m. Al Guilin, representing the Santa Paula Ministerial Association, thanked the City Council for allowing them to offer the invocation. He also mentioned that the second annual Saint Paula's Day celebration would take place on January 26, 2007, at St. Paul's Episcopal Church. Mr. Guilin offered the Invocation, and Mayor/Chair Luna led the Flag Salute.

### **ROLL CALL**

Councilmember/Director Gabino Aguirre, Councilmember/Director Ralph J. Fernandez, Councilmember/Director Robert S. Gonzales, Vice Mayor/Vice Chair John T. Procter, and Mayor/Chair Ray C. Luna 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**

No reportable action.

### **PRESENTATIONS**

- A. Proclamation Recognizing Homeless Persons' Memorial Day

Councilmember Aguirre present a proclamation to Craig Webb from the Ventura County Public Health Department's Health Care for Homeless Program in recognition of Homeless Persons' Memorial Day.

### **PUBLIC COMMENT**

Larry Sagely, 585 Ridgecrest, expressed his concern with continued growth development workshops, encouraged new Council policies and Council debate, and asked the City Council to consider multiple approaches and vendors for the Water Recycling Facility.

Jess Victoria, 134 Moultrie Place, spoke in support of audits of each city department; expressed concern with building permit fees; expressed concern with the size of the 2006/07 budget document compared to the 1999/2000 budget document; spoke in opposition to City Hall being closed on alternate Fridays; and encouraged the City Council to make changes. City Manager Wally Bobkiewicz responded that the City's permit fees were listed on the City's web site, the 1999/2000 budget document that Mr. Victoria presented was only the first ten pages of the entire document, and that alternate Friday closure was approved by the City Council over two years ago.

Fred Robinson, 380 E. View Drive, expressed his concern with continued growth development workshops, and spoke in support of exploring in-fill development.

Ken Chapman, 15119 Todd Lane, questioned how items are placed on the agenda. City Manager Wally Bobkiewicz responded that it was the City Manager's responsibility to place items on the agenda for the City Council's consideration in accordance with the City Council's Rules of Procedure, and that the City Council could place items on a future agenda by a majority vote.

Dora Crouch, 739 Yale Street, Apt. 6B, provided her written comments for the record regarding her concerns with the Ventura Regional Sanitation District and the Toland Road Landfill.

Bob Borrego, 524 Fourteenth Street, spoke regarding his desire for peace in the community, and asked the City Council to deliberate and compromise on issues facing the City.

### **CITY COUNCIL/REDEVELOPMENT AGENCY, STAFF COMMUNICATIONS**

City Manager Wally Bobkiewicz distributed copies of the 2007 Annual Report and Recycling Guide and the 2007 Recycling Collection Calendar refrigerator magnet.

Vice Mayor Procter welcomed Councilmembers Fernandez and Gonzales. Councilmember Fernandez expressed his appreciation to Vice Mayor Procter.

### **APPROVAL OF FINAL AGENDA**

City Manager asked that Item 10Q be removed from the agenda and be brought back at a future meeting.

It was moved by Councilmember Aguirre, seconded by Councilmember Gonzales, to remove Item 10Q from the agenda. All were in favor under roll call vote, and the motion carried.

It was moved by Councilmember Aguirre, seconded by Councilmember Gonzales, to approve the final agenda as amended. All were in favor under roll all vote, and the motion carried.

### **CONSENT CALENDAR**

Councilmember/Director Gonzales pulled items 10 D, G, H, N, P, and R. It was moved by Councilmember/Director Aguirre, seconded by Mayor/Chair Luna, to approve the Consent Calendar as amended. All were in favor under roll call vote, 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 warrants and certifications. Report dated November 7, 2005.

Invoices	11/08/06	\$ 147,411.22
Wire Transfers	11/03/06	\$ 6,134.65
Invoices	11/08/06	\$ 700,568.48
Wire Transfers	11/13/06	\$ 47,598.64
Invoices	11/17/06	\$ 61,843.89
Wire Transfers	11/16/06	\$ 8,274.65
Invoices	11/21/06	\$ 412,597.60
Salaries	10/29/06 & 11/12/06	\$ 726,128.49
	<b>TOTAL</b>	<b>\$2,110,557.62</b>

- E. Minutes – Adopted the Minutes from the December 4, 2006 Special City Council Meeting.
- F. Minutes – Adopted the Minutes from the December 4, 2006 Regular City Council Meeting.
- I. Request for Out of State Travel to Las Vegas, Nevada, December 12 – 13, 2006 – Approved the out-of-state travel for Officer Richard Mendez to Las Vegas, Nevada, on December 12 – 13, 2006, to attend the Fifth Annual National Gang

Conference. Police Chief Stephen MacKinnon's report dated December 11, 2006.

- J. Approval of Three-Year On-Call Maintenance Agreement with Pacific Electric States – Authorized the City Manager to execute a Three-Year On-Call Maintenance Agreement with Pacific States Electric in a form approved by the City Attorney for electrical maintenance services related to public facilities. Public Works Director/City Engineer Clifford G. Finley's report dated November 14, 2006.
- K. Approval of Three-Year On-Call Maintenance Agreement with Andy's Place – Authorized the City Manager to execute a Three-Year On-Call Maintenance Agreement with Andy's Place in a form approved by the City Attorney for plumbing services related to maintenance of public facilities. Public Works Director/City Engineer Clifford G. Finley's report dated November 14, 2006.
- L. Approval of Three-Year On-Call Maintenance Agreement with Cragoe Pest Services, Inc. – Authorized the City Manager to execute a Three-Year On-Call Maintenance Agreement with Cragoe Pest Services, Inc., in a form approved by the City Attorney for pest control services related to public facilities. Public Works Director/City Engineer Clifford G. Finley's report dated November 14, 2006.
- M. Approval of a Three-Year On-Call Maintenance Agreement for Fence Factory Rentals – Authorized the City Manager to execute a Three-Year On-Call Services Agreement with Fence Factory Rentals in a form approved by the City Attorney for temporary fencing services related to public facilities. Public Works Director/City Engineer Clifford G. Finley's report dated November 14, 2006.
- O. Approval of Three-Year On-Call Maintenance Agreement for Traffic Signal Maintenance, Inc. – Authorized the City Manager to execute a Three-Year On-Call Maintenance Agreement in a form approved by the City Attorney for Signal and Street Light Maintenance Services with Traffic Signal Maintenance, Inc. Public Works Director/City Engineer Clifford G. Finley's report dated November 14, 2006.
- Q. Comstock Homes Subdivision Agreement – This item was removed from the agenda.
- S. Mud Creek Pipe Bridge Project Acceptance and Notice of Completion – Received and filed report. Public Works Director/City Engineer Clifford G. Finley's report dated December 11, 2006.

**CONSENT CALENDAR (SEPARATE ACTION ITEMS)**

D. Minutes

Councilmember Gonzales pulled this item because he was not present at the November 20, 2006 City Council Meeting.

It was moved by Vice Mayor/Vice Chair Procter, seconded by Councilmember/Director Aguirre, to adopt the Minutes from the November 20, 2006 Regular City Council/Redevelopment Agency Meeting. All were in favor under roll call vote, and the motion carried.

G. Destruction of City Records

City Clerk Josie G. Herrera's report dated December 11, 2006. City Attorney Karl H. Berger responded to a question regarding retention of personnel records by stating that he believed these records were retained from the employee's termination date plus seven years. He also noted that the City Council could amend the City's Records Retention Schedule as desired.

It was moved by Councilmember Gonzales, seconded by Mayor Luna, to adopt Resolution No. 6361 approving the destruction of City Records described in Exhibit "A" as reviewed and approved by the City Attorney. All were in favor under roll call vote, and the motion carried.

**RESOLUTION NO. 6361**

A RESOLUTION APPROVING THE DESTRUCTION OF CITY RECORDS

H. Amend Resolution No. 6291

Human Resources Manager Kathy Campbell's report dated December 7, 2006. City Manager Wally Bobkiewicz responded to a question regarding whether the affected employees would be reimbursed for their Public Employees Retirement System (PERS) contribution by indicating that the only employee affected was the Assistant Fire Chief, who would be reimbursed.

It was moved by Councilmember Gonzales, seconded by Vice Mayor Procter, to adopt Resolution No. 6360 to add "Police Lieutenant" as a position receiving the benefits of the Management: Supervisory & Professional and Confidential Unit and to pay the employees' PERS share for the Assistant Fire Chief and Police Lieutenant positions. All were in favor under roll call vote, and the motion carried.

**RESOLUTION NO. 6360**

A RESOLUTION AMENDING RESOLUTION NO. 6291 REGARDING POLICE  
LIEUTENANTS AND THE ASSISTANT FIRE CHIEF

N. Approval of a Three-Year On-Call Maintenance Agreement for Fence Factory dba Perimeter Security Systems

Public Works Director/City Engineer Clifford G. Finley's report dated November 14, 2006. City Manager Wally Bobkiewicz responded to a question regarding installation of security cameras in the downtown by indicating that the Police Chief was investigating opportunities to install security cameras in the downtown and at City Hall.

It was moved by Councilmember Gonzales, seconded by Vice Mayor Procter, to authorize the City Manager to execute a Three-Year On-Call Maintenance Agreement in a form approved by the City Attorney, for access control systems, gate operators, closed circuit cameras and security peripherals services with Fence Factory dba Perimeter Security Systems. All were in favor under roll call vote, and the motion carried.

P. Hawks & Associates Three-Year Professional Consulting Services Agreement Amendment No. 1

Public Works Director/City Engineer Clifford G. Finley's report dated November 13, 2006. City Manager Wally Bobkiewicz responded to a question regarding the item by indicating that the amendment was to increase the amount for a previously approved task order.

It was moved by Councilmember Gonzales, seconded by Vice Mayor Procter, to approve Amendment No. 1 to Professional Consulting Services Agreement dated July 19, 2004, with Hawks and Associates revising Section 3-B of the contract by increasing the not-to-exceed amount for individual task orders from \$20,000 to \$150,000. All were in favor under roll call vote, and the motion carried.

R. Green Street Alley Improvements Project Acceptance and Notice of Completion

Public Works Director/City Engineer Clifford G. Finley's report dated December 11, 2006. City Manager Wally Bobkiewicz responded to a question regarding funding sources for this project by indicating that the project was paid with grant funds, redevelopment funds, and transportation funds.

It was moved by Councilmember Gonzales, seconded by Vice Mayor Procter, to receive and file report. All were in favor under roll call vote, and the motion carried.

**ORDER OF BUSINESS**

A. Update on City Preparations for Potential Winter Flooding

City Manager Wally Bobkiewicz's report dated December 12, 2006.

Public Works Director/City Engineer Clifford G. Finley reported on possible increased flooding along Santa Paula Creek.

Discussion included urging the Army Corps of Engineers to clear Santa Paula Creek of debris prior to winter.

Fire Chief Richard C. Araiza stated that the Police and Fire Departments would assist with evacuations and provide sandbags.

Discussion included flood watch and flood warning, concerns with Santa Paula Creek being channelized, and pre-cleaning efforts of storm drains and v-ditches.

Fire Captain Steve Lazenby provided information on emergency preparedness and precautionary measures.

The report was received and filed.

B. Regional Housing Needs Assessment (RHNA) Update

City Manager Wally Bobkiewicz suggested that this item be tabled.

C. Police Officers Memorial Monument

City Manager Wally Bobkiewicz's report dated December 12, 2006.

Tim Barmore, son of Police Officer James E. Barmore who was killed in the line of duty, was in the audience. He was accompanied by Larry Garcia.

Discussion included having the City Council form an ad hoc committee and include Mr. Barmore, Mr. Garcia, the Santa Paula Police Officers Association, and Police Chief to discuss a Police Officers Memorial Monument.

It was moved by Councilmember Aguirre, seconded by Councilmember Fernandez, for Councilmember Gonzales and Vice Mayor Procter to serve on an ad hoc committee with Tim Barmore and Larry Garcia and to bring back a report. Under roll call vote, Councilmember Aguirre, Councilmember Fernandez, Councilmember Gonzales, and Vice Mayor Procter were in favor. Mayor Luna was opposed. The motion carried.

**RECESS TO A BREAK**

Mayor/Chair Luna recessed the City Council/Redevelopment Agency to a break at 8:25 p.m.

### **RECONVENE TO REGULAR MEETING**

Mayor/Chair Luna reconvened the City Council/Redevelopment Agency at 8:42 p.m.

#### **D. Update on the Water Recycling Facility (WRF) Project**

Public Works Director/City Engineer Clifford G. Finley's report dated December 8, 2006, and Power Point® presentation.

Discussion included the proposed financing plan, the Public Contracts Code and the bidding process for General Law Cities, design-build legislation, and the VERTREAT™ system.

Earl McPhail, 150 Vela Court, Ventura County Agriculture Commissioner, expressed concerns with removal of agriculture land for the construction of the Water Recycling Facility, the possibility of the use of eminent domain by the City, and increased sewer rates. He asked the City Council to continue to consider alternatives.

Ken Chapman, 15119 Todd Lane, spoke in support of utilization of the VERTREAT™ system and suggested that the vendor provide a presentation to the City Council. He also suggested that the current plant could be expanded to meet National Pollution Discharge Elimination System (NPDES) requirements compared to Water Discharge Requirements (WDR).

Woody Maxwell, 15325 Todd Lane, spoke in opposition to the placement of percolation ponds adjacent to his family's property. He asked the City Council to consider exploring a design-build option.

Richard Main, 15888 Foothill Road, provided a document for the record. He spoke in support of having the vendor of VERTREAT™ system provide a presentation.

Discussion included asking the vendor of VERTREAT™ to provide a presentation to the City Council and asking representatives from the Regional Water Quality Control Board to be present, utilization of membrane bioreactor (MBR) technology, and Title 22 compliance.

### **COUNCIL CONSENSUS TO EXTEND THE MEETING**

As business had not concluded at 10:30 p.m., and pursuant to Section 11 of the City Council's Rules of Procedure, it was moved by Councilmember Gonzales, seconded by

Councilmember Fernandez, to suspend the rules and continue the meeting. All were in favor under roll call vote, and the motion carried.

Discussion included location of percolation ponds and the use of a buffer, status of the *Malzacher et al v. City of Santa Paula et al* litigation, timetable for initiating design-build legislation, timetable for construction of the VERTREAT™ process, timetable for an amended environmental impact report, financing costs to ratepayers, and the structure of the value engineering group.

### **RECESS TO A BREAK**

Mayor/Chair Luna recessed the City Council/Redevelopment Agency to a break at 11:21 p.m.

### **RECONVENE TO REGULAR MEETING**

Mayor/Chair Luna reconvened the City Council/Redevelopment Agency at 11:34 p.m.

It was moved by Councilmember Aguirre, seconded by Councilmember Fernandez, to ask the vendor of the VERTREAT™ process to provide a presentation, invite representatives from the Regional Water Quality Control Board to attend the presentation, have staff bring back a more detailed value engineering report, and have staff bring back information on a variable rate structure based on usage. All were in favor under roll call vote, and the motion carried.

#### **E. Approve Purchase of Six Fleet Trucks for Public Works from Local Dealerships**

Public Works Director/City Engineer Clifford G. Finley's report dated December 18, 2006.

It was moved by Councilmember Gonzales, seconded by Councilmember Fernandez, to: 1) approve the purchase of three fleet trucks from Ford of Santa Paula for the amount of \$118,916.89 and three fleet trucks from Santa Paula Chevrolet for the amount of \$94,842.63; 2) authorize the City Manager, or his designee, to sign purchase orders on behalf of the City totaling \$213,759.52; and 3) allocate \$1,794.20 from General Fund balance to Grounds Maintenance account 100.050.5032.8610. All were in favor under roll call vote, and the motion carried.

#### **F. Harvey Diversion Fish Passage Reconstruction Project Request to Waive Bidding Requirements**

Public Works Director/City Engineer Clifford G. Finley's report dated December 13, 2006.

Discussion included possible flooding due to vegetation destroyed by the Day Fire upstream from Santa Paula Creek, forecast for El Niño weather conditions, and the State's declaration of emergency.

It was moved by Vice Mayor Procter, seconded by Councilmember Aguirre, to adopt Resolution No. 6363 confirming the existence of a local emergency. All were in favor under roll call vote, and the motion carried.

**RESOLUTION NO. 6363**

A RESOLUTION ADOPTED BY THE CITY COUNCIL FOR THE CITY OF SANTA PAULA CONFIRMING THE EXISTENCE OF A LOCAL EMERGENCY

It was moved by Vice Mayor Procter, seconded by Councilmember Gonzales, to adopt Resolution No. 6364 to authorize a no-bid public works contract for the Harvey Diversion Fish Passage in light of an ongoing emergency. All were in favor under roll call vote, and the motion carried.

**RESOLUTION NO. 6364**

A RESOLUTION ADOPTED PURSUANT TO PUBLIC CONTRACT CODE §20168 FINDING THAT AN EMERGENCY EXISTS WITHIN THE CITY AND AUTHORIZING CONTRACTING WITHOUT THE NEED FOR BIDDING PURSUANT TO §22050

It was moved by Vice Mayor Procter, seconded by Councilmember Gonzales, to allocate \$308,855 of Water Fund Reserves to Account No. 620.050.9046.8630; approve a project budget of \$308,855, which includes a 15% contingency; and authorize the City Manager to award the contract to Camarillo Engineering for the bid amount of \$268,560 for the Harvey Diversion Fish Passage Reconstruction Project. All were in favor under roll call vote, and the motion carried.

G. Public Works Utilities and Engineering Office Lease Renewal

Public Works Director/City Engineer Clifford G. Finley's report dated December 11, 2006.

It was moved by Councilmember Aguirre, seconded by Vice Mayor Procter, to: 1) approve a three-year extension to the Mill Street building lease; and 2) authorize the City Manager to sign a lease extension in a form approved by the City Attorney. All were in favor under roll call vote, and the motion carried.

H. Teague Park Basketball Courts Project Change Order No. 1 to FS Construction and Purchase of Park Lighting Fixtures

Public Works Director/City Engineer Clifford G. Finley's report dated December 11, 2006.

It was moved by Councilmember Aguirre, seconded by Councilmember Gonzales, to: 1) adopt Resolution No. 6362 approving the plans and specifications for the Teague Park Lights Change Order No. 1; 2) allocate \$175,362 of Parkland Facilities Development Funds to Account No. 226.050.9230.8630; 3) approve Change Order No. 1 to FS Construction in the amount of \$140,362 for installation of the Musco sports lighting system for the basketball courts and electrical system for the future soccer field; and 4) authorize the City Manager to issue a purchase order to purchase the basketball lighting fixtures from Musco Lighting for \$35,000. All were in favor under roll call vote, and the motion carried.

**RESOLUTION NO. 6362**

A RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE  
TEAGUE PARK BASKETBALL COURTS LIGHTING (CHANGE ORDER NO. 1)  
PROJECT PURSUANT TO GOVERNMENT CODE SECTION 830.0

I. Formation of a Community Development Block Grant (CDBG) Advisory Committee for 2007-2008 CDBG Application Cycle

Assistant to the City Manager Elisabeth Amador's report dated December 5, 2006.

It was moved by Councilmember Aguirre, seconded by Vice Mayor Procter, to form a CDBG Advisory Committee for 2007-2008 CDBG Application Cycle. All were in favor under roll call vote, and the motion carried.

J. City Council Goals and Priority Projects for Fiscal Year 2006/2007

City Manager Wally Bobkiewicz's report dated December 12, 2006.

It was moved by Councilmember Gonzales, seconded by Councilmember Fernandez, to schedule the 2006/07 City Council Goals and Priority Projects session for January 18, 2007, at 6:30 p.m. All were in favor under roll call vote, and the motion carried.

K. Mayor's Standing Committees

City Manager Wally Bobkiewicz's report dated December 12, 2006. The report was received and filed.

**CITY/REDEVELOPMENT AGENCY COMMUNICATIONS**

Councilmember Fernandez announced that Ventura College was offering a program entitled "Santa Paula Promise" which would allow qualified Santa Paula residents to attend Ventura College free for the first year.

### **FUTURE AGENDA ITEMS**

It was moved by Mayor Luna for a report on providing water services outside of the city limits. City Manager Wally Bobkiewicz noted that staff was working on a series of water issues to bring forward to the City Council in early 2007.

It was moved by Mayor Luna, seconded by Vice Mayor Procter, for a discussion regarding street vendors and related health and safety issues. All were in favor under roll call vote, and the motion carried.

It was moved by Mayor Luna, seconded by Vice Mayor Procter, for a discussion on alternatives for financing the water recycling facility such as a sales tax. Under roll call vote, Councilmember Aguirre, Councilmember Fernandez, Vice Mayor Procter, and Mayor Luna was in favor. Councilmember Gonzales was opposed. The motion carried.

### **ADJOURNMENT**

Mayor/Chair Luna adjourned the meeting at 12:28 a.m.

ATTEST:

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Josie G. Herrera  
City Clerk/Agency Secretary