

CALL TO ORDER

Mayor Luna called the meeting to order 5:34 p.m.

ROLL CALL

Councilmember Gabino Aguirre, Councilmember Ralph J. Fernandez, Councilmember Robert S. Gonzales, and Mayor Ray C. Luna responded to roll call. City Manager Wally Bobkiewicz, City Attorney Karl H. Berger, and City Clerk Josie G. Herrera were also present. Vice Mayor John T. Procter arrived at 5:35 p.m.

PUBLIC COMMENT

No Public Comment.

ORDER OF BUSINESS

A. Interviews for Commission on Aging

Grace Dominick stepped up for her interview and spoke regarding unmet needs for senior citizens.

B. Interviews for Design Assistance Committee

Judy Triem stepped up for her interview and spoke regarding her experience in the field of historic preservation and city landmark designations.

C. Interviews for Design Assistance Committee

John A. Turturro stepped up for his interview and spoke regarding his experience in architecture and design.

D. Interviews for Housing Authority Commission

Richard C. Araiza stepped up for his interview and spoke regarding provision of quality subsidized housing.

E. Interviews for Mobile Home Rent Review Commission

Timothy J. Hicks stepped up for his interview and spoke regarding his many years of experience while serving on this commission.

CLOSED SESSION

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

- A. Conference with Legal Counsel, Existing Litigation. – *Government Code Section 54956.9(a)*. Names of Cases:
- *Fred and Elaine Malzacher v. City of Santa Paula, et al.*, Ventura County Superior Court Case No. CIV 240456.
 - *We CARE v. Herrera, et al.*, Ventura County Superior Court Case No. CIV 234520.
 - *Dean Lapadakis v. City of Santa Paula, et al.*, Ventura County Superior Court Case No. CIV 235497.
 - *In re Santa Paula Memorial Hospital*, United States Bankruptcy Court BK No. ND 03-13454-RR.
 - *SP West, LLC v. City of Santa Paula Mobile Home Rent Review Commission, et al.*, California Court of Appeals, Second District, Case No. B186114 (Ventura County Superior Court Case No. 226635).
- B. Conference with Legal Counsel, Anticipated Litigation. Significant exposure to litigation. Pursuant to Government Code § 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 2006. Number of cases: one.
- C. Personnel - Public Employment. – *Government Code Section 54957*. Title: Finance Director.
- D. Conference with Labor Negotiator - Pursuant to *Government Code §54957.6*. City Negotiator: City Manager Wally Bobkiewicz and Human Resources Manager Kathy Campbell. Employee Organization: Ventura County Professional Firefighters Association.

Mayor Luna recessed the City Council to a Closed Session at 6:10 p.m., and reconvened the City Council into Open Session at 6:38 p.m. No action taken. Mayor Luna recessed the City Council at 6:38 p.m.

RECONVENE AND CALL TO ORDER

Mayor/Chair Luna called the meeting to order at 6:48 p.m. Reverend Chip Northup from the Heritage Valley Christian Fellowship 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. Presentation of Proclamation to Debbie Johnson, Santa Paula Times

Mayor Luna presented a proclamation to Debbie Johnson in recognition of her many years of leadership and community service.

B. Presentation by Boys & Girls Club Regarding 2007 Fundraising Efforts

Presentation was held later in the evening because representatives were not present.

PUBLIC COMMENT

No Public Comment.

CITY COUNCIL/REDEVELOPMENT AGENCY, STAFF COMMUNICATIONS

City Manager Wally Bobkiewicz mentioned that the City Council would hold a goal setting session on January 18, 2007, at 6:30 p.m., in the Council Chambers.

APPROVAL OF FINAL AGENDA

It was moved by Councilmember Gonzales, seconded by Vice Mayor Procter, to move up Item 12A prior to the Consent Calendar. All were in favor under roll call vote, and the motion carried.

ORDER OF BUSINESS

A. Presentation by Dan Maldonado, Washington Legislative Advocate

Dan Maldonado provided an update on efforts to secure grant funding for the Water Recycling Facility and Santa Paula Creek restoration. He recommended that the City Council continue to make personal appearances to elected representatives in Washington, D.C.

City Manager Wally Bobkiewicz stated that he would bring back a report at the next City Council meeting for approval to authorize two Councilmembers to travel to Washington, D.C. to meet with elected representatives.

PRESENTATION

B. Presentation by Boys & Girls Club Regarding 2007 Fundraising Efforts

Kristen Fischer, representing CMT Entertainment, announced that a celebrity bocce tournament and *Day of Tinkering* would be held at Limoneira on November 2 and 3, 2007, benefiting the Boys and Girls Club. She invited local merchants to participate by displaying their merchandise.

CONSENT CALENDAR

Councilmember Gonzales pulled Item 10J. Councilmember Fernandez pulled Items 10 E, F, and G. It was moved by Vice Mayor Procter, seconded by Mayor 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. Minutes – Adopted the Minutes from the January 2, 2007 Regular City Council Meeting.
- D. Amendments to the Position Control Listing and Position Classification and Compensation Plan for Part-time, Temporary, and Seasonal Employees – Reviewed and approved Resolution No. 6371, which clarifies the Position Classification and Compensation Plan to provide a three percent (3%) salary increase for City positions classified as Part-Time, Temporary, and Seasonal, effective January 1, 2007. **RESOLUTION NO. 6371**, A RESOLUTION AMENDING THE POSITION CLASSIFICATION AND COMPENSATION PLAN TO PROVIDE SALARY INCREASES FOR PART-TIME, TEMPORARY, AND

SEASONAL EMPLOYEES. Human Resources Manager Kathy Campbell's report dated January 9, 2007.

- H. Award of Annual Landscape Maintenance Project Contract to As Promised Landscaping, Inc. – 1) Allocated an additional \$7,700 from the State Gas Tax Fund balance, and \$7,100 from the Water Fund balance for landscape maintenance services; 2) authorized the City Manager to award the Annual Landscape Maintenance contract to As Promised Landscaping, Inc., for the bid amount of \$54,984; and 3) approved a project budget of \$60,482, which includes a 10% contingency. Public Works Director/City Engineer Clifford G. Finley's report dated January 9, 2007.
- I. Approve Purchase of a Loader for Public Works Department - 1) Approved the purchase of a John Deere Loader from Coastline Equipment; and 2) authorized the City Manager, or his designee, to sign a purchase order on behalf of the City totaling \$110,413.88. Public Works Director/City Engineer Clifford G. Finley's report dated January 4, 2007.

CONSENT CALENDAR (SEPARATE ACTION ITEMS)

- E. Out of State Travel Request – Fire Engine Inspection

Fire Chief Richard C. Araiza's report dated January 9, 2007. He responded to questions regarding the location and the reason for the travel request by stating that the fire engine manufacturing plant is located in Louisiana, and that staff would be traveling for a pre-inspection and final inspection. He also stated that the manufacturer would pay for travel costs as part of the approved bid packet.

It was moved by Councilmember Fernandez, seconded by Councilmember Gonzales, to authorize out of state travel for Mechanic Gene French, Assist Fire Chief Kevin Fildes, Fire Captains Jerry Byrum and Dustin Lazenby, and Fire Engineer Austin Macias to inspect and approve construction of the new Ferrera Fire Engine. All were in favor under roll call vote, and the motion carried.

- F. Approval of Three-Year On-Call Services Agreement for CPS Landscape Architecture

Public Works Director/City Engineer Clifford G. Finley's report dated January 8, 2007.

Discussion included concerns with ensuring that the City Council is aware of expenditures under \$25,000 and the City's policies and procedures for the execution of professional services agreements.

It was moved by Councilmember Aguirre, seconded by Councilmember Gonzales, to authorize the City Manager to execute the Three-Year On-Call Services Agreement for professional consulting services related to landscape architecture and planning services with CPS Landscape Architecture, in a form approved by the City Attorney. Under roll call vote, Councilmember Aguirre, Councilmember Gonzales, Vice Mayor Procter, and Mayor Luna were in favor. Councilmember Fernandez was opposed. The motion carried.

G. Approval of Three-Year On-Call Services Agreement with Navigant Consulting, Inc. (NCI)

Public Works Director/City Engineer Clifford G. Finley's report dated January 8, 2007.

It was moved by Vice Mayor Procter, seconded by Councilmember Aguirre, to authorize the City Manager to execute the Three-Year On-Call Services Agreement for professional consulting services related to utility rate studies with Navigant Consulting, Inc., in a form approved by the City Attorney. Under roll call vote, Councilmember Aguirre, Councilmember Gonzales, Vice Mayor Procter, and Mayor Luna were in favor. Councilmember Fernandez was opposed. The motion carried.

J. Request to Approve a \$55,000 First Time Homebuyer Grant for Sidney and Janet McKeen

Assistant to the City Manager Elisabeth Amador's report dated January 3, 2007. She responded to questions regarding the First Time Homebuyer program by stating that applicants must attend a workshop and complete an application in order to be considered for a First Time Homebuyer grant. She also noted that the grant is recorded as a second deed of trust, which is forgivable after ten years if the homeowner does not sell or rent the property.

It was moved by Director Gonzales, seconded by Director Aguirre, to adopt Resolution No. 2007-01(R) for a \$55,000 First Time Homebuyer Program grant to supplement the down payment and closing costs related to the purchase of a home in accordance with the First Time Homebuyer Program Guidelines. All were in favor under roll call vote, and the motion carried.

RESOLUTION NO. 2007-01(R)

A RESOLUTION APPROVING A FIRST TIME HOMEBUYER PROGRAM GRANT FOR
SIDNEY AND JANET MCKEEN

RECESS TO A BREAK

Mayor/Chair Luna recessed the City Council/Redevelopment Agency to a break at 8:24 p.m.

RECONVENE TO REGULAR MEETING

Mayor/Chair Luna reconvened the City Council/Redevelopment Agency at 8:35 p.m.

PUBLIC HEARING

- A. Tax Equity Fiscal Reform Act (TEFRA) Hearing and Approval of Issuance of Multifamily Housing Revenue Bonds and Other Related Documents for Santa Paulan Senior Apartments

Upon verification of posting by the City Clerk, Mayor Luna opened the Public Hearing at 8:35 p.m.

Assistant to the City Manager Elisabeth Amador's report dated January 8, 2007. Paul Thimmig, Bond Counsel to the City, was present for this item.

Discussion included concerns regarding Cabrillo Economic Development Corporation's (CEDC) proposed reimbursement fee for providing municipal services based on the property's appraised value.

Monica Mejia, 167 Walter, Thousand Oaks, Project Manager representing CEDC, stated that the Santa Paulan Senior Apartments is not a market rate apartment building and that rents are restricted due to the tax credit financing. She also stated that property appraisals are based on what revenues the property brings, expenses, and cash flow.

Discussion included calculation of the reimbursement fee based on the property's appraised value with its current covenants versus the appraised value of a market rate complex generating market rate revenues, the cost for providing municipal services, and annual rent increases.

Karen Flock, Real Estate Development Director, spoke regarding subsidized Section 8 housing assistance, and stated that she believes no one moved from the complex as a result of rent increases.

Samantha Frady, 135 N. Fourth Street, spoke in support of the bond issuance.

Discussion included the possibility of increasing the proposed annual reimbursement fee.

RECESS TO A BREAK

Mayor Luna recessed the City Council to a break at 9:19 p.m.

RECONVENE TO REGULAR MEETING

Mayor Luna reconvened the City Council at 9:25 p.m.

It was moved by Mayor Luna, seconded by Councilmember Gonzales, to adopt Resolution No. 6370 preliminary approving the issuance of Multifamily Housing Revenue Bonds for the acquisition and rehabilitation of the Santa Paulan Senior Apartments and authorizing the City's Designated Officers to execute the related Deposit Agreement, and authorize the City Manager to execute an agreement in a form approved by the City Attorney with Cabrillo Economic Development Corporation providing for an \$18,000 annual reimbursement fee to the City pertaining to this project. Under roll call vote, Councilmember Aguirre, Councilmember Gonzales, Vice Mayor Procter, and Mayor Luna were in favor. Councilmember Fernandez was opposed. The motion carried.

RESOLUTION NO. 6370

A RESOLUTION EXPRESSING THE CITY'S INTENT TO ISSUE MULTIFAMILY HOUSING REVENUE BONDS FOR THE ACQUISITION AND REHABILITATION OF THE SANTA PAULAN SENIOR APARTMENTS AND APPROVING RELATED ACTIONS

Mayor Luna closed the Public Hearing at 9:32 p.m.

B. Ordinance No. 1169 Regulating Condominiums and Condominium Conversions

Upon verification of posting by the City Clerk, Mayor Luna opened the Public Hearing at 9:32 p.m.

Contract Planner Joyce Parker-Bozylinski presented the report dated January 4, 2007. She noted some corrections to the ordinance on Section 1G which should insert "hearing" after the word "public"; Section 4 which should indicate "without limitation" rather than "but is not limited to", and "Conversion does not include..." rather than "Conversion shall not include..."

Discussion included downtown merchants' concern with tenants of downtown condominium conversions parking on streets in front of their units, and whether it would be possible to prevent parking in certain areas in the downtown.

City Manager Wally Bobkiewicz responded to the discussion by stating that developers looking to convert an apartment complex into a condominium in the downtown would be required to meet parking and common space requirements. Planning Director Janna

Minsk added that staff was currently working on completing the Downtown Specific Plan and that issued discussed tonight should be included in the plan.

It was moved by Councilmember Gonzales for staff to bring back language to make parking more restrictive in the downtown area.

City Attorney Karl H. Berger responded to the discussion by suggesting that staff keep parking issues in mind during the development of the Downtown Specific Plan, and that until the Downtown Specific Plan is presented to the City Council for consideration that projects go through the conditional use process to ensure that parking requirements for any condominium conversion are properly addressed.

Councilmember Gonzales amended his motion to direct staff to ensure that, especially with the downtown, parking issues are properly addressed through the conditional use process.

It was moved by Councilmember Aguirre to introduce and waive the first reading of Ordinance No. 1169 approving amendments to the Santa Paula Municipal Code, schedule a second reading and adoption of Ordinance No. 1169 for February 5, 2007, and that the City Council address downtown parking issues when they address the Downtown Specific Plan. Councilmember Gonzales withdrew his original motion and seconded Councilmember Aguirre's motion. All were in favor under roll call vote, and the motion carried.

ORDINANCE NO. 1169

AN ORDINANCE REPEALING SECTIONS 156.730 TO 156.751 OF THE SANTA PAULA MUNICIPAL CODE (SPMC) ADDING A NEW CHAPTER 16.85, AND AMENDING SPMC §16.80.700 REGULATING CONDOMINIUMS AND CONDOMINIUM CONVERSIONS

Mayor Luna closed the Public Hearing at 10:01 p.m.

ORDER OF BUSINESS

B. Bicycle Education, School Traffic, and Pedestrian Safety

Public Works Director/City Engineer Clifford G. Finley and Police Chief Stephen MacKinnon provided a Power Point® presentation.

Discussion included installing flashing poles, seeking assistance and funding from County Supervisor Kathy Long's office and the school districts, removing the crosswalk on Fifth Street and Harvard Boulevard, exploring white street lighting rather than

orange, installing overhead lighting, moving sidewalk curbs, and lowering the speed limit on Harvard Boulevard.

It was moved by Councilmember Gonzales, seconded by Councilmember Aguirre, to direct staff to bring back at the March 5, 2007 City Council Meeting specific plans and re-engineered sections for the crosswalks at Fifth Street and Harvard Boulevard and Virginia Terrace and Ojai Road including signage and lighting, and bring back options for Laurie Lane and Main Street, Steckel Drive and Main Street, and Ventura Road and Palm Avenue with overhead lighting, flashing lights, L.E.D. lights embedded in signage, and bring back construction timeline and funding sources. All were in favor under roll call vote, and the motion carried.

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 Vice Mayor Procter, seconded by Councilmember Aguirre, to suspend the rules and continue the meeting until 11:00 p.m. All were in favor under roll call vote, and the motion carried.

C. Discussion Regarding Street Vendors

Police Chief Stephen MacKinnon's report dated January 10, 2007.

Discussion included concerns with unlicensed street vendors and possibly hiring a part-time Community Service Officer to conduct quality of life enforcement on weekends.

It was moved by Councilmember Gonzales, seconded by Vice Mayor Procter, to direct the City Manager to bring back a hiring plan for a Community Service Officer with funding source for a six-month trial period. All were in favor under roll call vote, and the motion carried.

D. 2004-CDP-06-Keats Corner 720 East Main Street

Planning Director Janna Minsk's report dated January 3, 2007.

Skip Padberg, accompanied by Steve Andrews, property owners of 720 E. Main Street, asked the City Council to consider holding a new Public Hearing for this item.

It was moved by Councilmember Gonzales, seconded by Councilmember Fernandez, to reconsider the matter and direct staff to schedule a new public hearing. All were in favor under roll call vote, and the motion carried.

CITY/REDEVELOPMENT AGENCY COMMUNICATIONS

Councilmembers Fernandez and Gonzales reported that they attended the League of California Cities Councilmembers Academy the previous week.

Councilmember Gonzales noted that he spoke with the Ragatz family regarding bringing back a Santa Paula bicycle race and suggested that City staff follow-up regarding a possible sponsored event. He also mentioned that the City Council would receive a presentation regarding the VERTREAT™ system for the Water Recycling Facility at the February 13, 2007 Special City Council Meeting.

FUTURE AGENDA ITEMS

It was moved by Councilmember Gonzales, seconded by Vice Mayor Procter, to pursue writing a joint letter with the City of Fillmore and Supervisor Kathy Long written to the State Senator, State Assemblymember, and Caltrans to request a center divider barrier between Santa Paula and Fillmore. All were in favor under roll call vote, and the motion carried.

ADJOURNMENT

Mayor/Chair Luna adjourned the meeting at 11:02 p.m.

ATTEST:

Josie G. Herrera
City Clerk/Agency Secretary