

**CALL TO ORDER**

Mayor Gonzales called the meeting to order at 5:37 p.m.

**ROLL CALL**

Councilmember John T. Procter, Councilmember Dr. Gabino Aguirre, Vice Mayor Ralph J. Fernandez, and Mayor Robert S. Gonzales responded to roll call. City Manager Wally Bobkiewicz, City Attorney Karl H. Berger, and Deputy City Clerk Lorena Alvarez were present. Councilmember Ray C. Luna and City Clerk Josie Guzman Herrera were absent.

**PUBLIC COMMENT**

No public comment.

**ORDER OF BUSINESS**

A. Interview for Commission on Aging

Barry Cooper stepped up for his interview and spoke in regards to his experience in serving on the Commission on Aging.

B. Interview for Design Assistance Committee

Susan Ann Kulwicz stepped up for her interview and spoke in regards to her professional background as a designer and shared her ideas for renovating the façade of the city.

**CLOSED SESSION**

A. Conference with Legal Counsel, Initiation of Litigation – Government Code 54956.9(b). Number of Potential Cases: One. Potential defendant: The Grove at the Glen Tavern, Inc. Facts or circumstances: Default of CDBG Loan No. 2007-01.

B. Conference with Legal Counsel, Anticipated Litigation – Government Code 54956.9 (b) (significant exposure to litigation). Facts or circumstances: not yet known to potential plaintiff or plaintiffs. Number of cases: one.

Mayor Gonzales recessed the City Council to a closed session at 6:00 p.m., and reconvened the City Council at 6:20 p.m. No reportable action. Mayor Gonzales recessed the City Council at 6:20 p.m.

**CALL TO ORDER**

Mayor Gonzales called the meeting to order at 6:44 p.m. Kay Wilson Bolton led the invocation and City Attorney Karl H. Berger led the flag salute.

**ROLL CALL**

Councilmember John T. Procter, Councilmember Dr. Gabino Aguirre, Vice Mayor Ralph J. Fernandez, and Mayor Robert S. Gonzales responded to roll call. City Manager Wally Bobkiewicz, City Attorney Karl H. Berger, City Clerk Josie Guzman Herrera, Deputy City Clerk Lorena Alvarez, Peggy Kelly from the Santa Paula Times and Carolyn Quinn from the Ventura County Star were also present. Councilmember Ray C. Luna was absent.

**CLOSED SESSION REPORT**

No reportable action.

**PRESENTATION**

- A. Oath of Office to New Police Officers: Ann Anderson; Walter Harper; Kimberly Hemminger; David Keathley; Dan Krenitsky; David Malone; Felipe Mariscal; Chad Peplinski; John Sawyer; Brian Stethem; Phil Sylvester; Samuel Villegas

Police Chief Stephen MacKinnon introduced the new police and reserve officers and Mayor Gonzales performed the oath of office.

- B. Presentation Regarding the 41<sup>st</sup> Annual Citrus Festival

Bill Grant, Kiwanis Club of Santa Paula, reported on the success of the Citrus Festival and thanked the sponsors for the event.

- C. Recognition to Human Resources Manager Kathy Campbell of Certification as a Senior Professional in Human Resources (SPHR)

City Manager Wally Bobkiewicz presented a certificate of recognition to Human Resources Manager Kathy Campbell and congratulated her on her accomplishment.

- D. Recognition to Howard Bolton – Santa Paula Themed Newspaper Rack for the Ventura County Fair

Mayor Gonzales presented a certificate of recognition to Howard Bolton and thanked him for participating in the themed newspaper rack competition for the Ventura County Fair.

E. Presentation of Proclamation to Community Services Director Brian Yanez in Recognition of Parks & Recreation Month

Vice Mayor Fernandez presented the proclamation to Community Services Supervisor Ed Mount.

Community Services Supervisor Ed Mount spoke in regards to the many activities and services that are provided by the Community Services Department.

F. Presentation of Proclamation to the Ventura County Regional Energy Alliance in Recognition of "Energy Efficient Month"

Councilmember Procter presented the proclamation and congratulated the Ventura County Regional Energy Alliance on its 5<sup>th</sup> anniversary.

G. Presentation of Ventura County Fair Poster by Ginger Gherardi from the Board of Directors of Ventura County Fairgrounds

Ginger Gherardi presented the 2008 Ventura County Fair poster and invited the community to visit the fair.

**PUBLIC COMMENT**

Debbie Johnson, Downtown Merchant Association, invited the community to attend the Hot Summer Jazz and Art event on August 23, 2008.

Andrew Castaneda, 432 Sycamore Street, expressed his concerns regarding the trash that is being generated by the street vendors.

Delton Johnson, 14 McKeveitt Road, asked the Council to consider requiring public speakers to state their name and address.

**STAFF COMMUNICATIONS**

Public Works Director Clifford G. Finley provided the Council with an update on the construction of the Water Recycling Facility and communicated that the final response and comments for the mounding study were submitted to the Regional Water Quality Control Board.

**APPROVAL OF FINAL AGENDA**

City Manager Wally Bobkiewicz removed item 10E from the agenda. It was moved by Councilmember Aguirre, seconded by Vice Mayor Fernandez to approve the final agenda as amended. All were in favor under roll call vote and the motion carried.

**CONSENT CALENDAR**

Councilmember Procter pulled items 10H and 10I.

It was moved by Councilmember Aguirre, seconded by Vice Mayor Fernandez 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** – Waive 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, receive and file reimbursement reports as specified.
- C. **Planning Commission Action Report** - Pursuant to Resolution No. 6456, receive and file the Planning Director's report regarding Planning Commission actions taken on July 22, 2008. Alternatively, in accordance with SPMC § 16.206.060 the City Council may place an item on a future agenda to consider issuing an order of review regarding an action.
- D. **Out-of-State Travel to International City/County Management Association (ICMA) 94<sup>th</sup> Annual Conference in Richmond, Virginia** – It is recommended that the City Council approve the out-of-state travel for the City Manager to attend the International City/County Management Association (ICMA) Conference in Richmond, Virginia from September 21 through September 24, 2008. City Manager Wally Bobkiewicz's report dated July 9, 2008.
- F. **Amendment to Purchase Order # 08-00072 to Include a Scelzi Service Body to be Installed on a Ford F-450 for the Water Operations Division** – It is recommended that the City Council (1) approve the amending of purchase order # 08-00072 to include a Scelzi Utility Toolbox Service Body from Downtown Ford of Sacramento; (2) authorize the City Manager, or designee, to amend purchase order #08-00072 for an additional \$25,863.62 to Downtown Ford; and (3) take such additional,

related action that may be desirable. Interim Public Works Director Jon Turner's report dated July 15, 2008.

- G. **Award Santa Paula Branch Line Bike Trail Right of Way Acquisition Project Hamner, Jewell and Associates** – It is recommended that the City Council (1) allocate \$49,500 from account no. 229.5.9036.290 (includes a 10% contingency); (2) authorize the City Manager to execute a task order for \$45,000 to Hamner, Jewell and Associates for the work and approve amendments up to the budget amount; and (3) take such additional, related action that may be desirable. Interim Public Works Director Jon Turner's report July 17, 2008.
- J. **Approval of Maintenance Work Order #10 with West Coast Arborists, Inc. for Tree Trimming Services During FY 08-09** – It is recommended that the City Council authorize the City Manager to (1) execute Maintenance Work Order #10 for \$66,000 with West Coast Arborists, Inc.; and (2) take such additional, related action that may be desirable. Interim Public Works Director Jon Turner's report dated July 15, 2008.
- K. **Award 7<sup>th</sup> Street Wastewater Main Replacement Project to Vasily Company, Inc.** – It is recommended that the City Council (1) allocate \$210,680 from account 610.5.9215.660 as identified in the adopted FY 08-09 budget; (2) authorize the City Manager to execute a contract with Vasily Company, Inc. for the project in a form approved by the City Attorney and approve change orders up to the budgeted amount; and (3) take such additional, related action that may be desirable. Interim Public Works Director Jon Turner's report dated July 16, 2008.
- L. **Approve Water Main Replacement Project Phase 2 – Change Order #1 and Receive Project Notice of Completion** – It is recommended that the City Council (1) authorize the City Manager to execute Change Order #1 for \$129,948.33 to Majich Brothers, Inc.; (2) receive and file the project Notice of Completion (NOC) and final project accounting; and (3) take such additional, related action that may be desirable. Interim Public Works Director Jon Turner's report dated July 16, 2008.
- M. **Annual Contract for VISTA Bus Service 08/09** – It is recommended that the City Council (1) approve the 2008/2009 Amendment to the Cooperative Agreement (FY 2001/2002) with the Ventura Intercity Service Transit Authority (VISTA) for the Highway 126 bus service and the Santa Paula and Fillmore Dial-A-Ride service; (2) authorize the Mayor to sign the amendment; and (3) take such additional, related, action that may be

desirable. Interim Public Works Director Jon Turner's report dated July 16, 2008.

- N. **Approve Wastewater Pipeline Spot Repair Project** – It is recommended that the City Council (1) allocate \$105,950 from account 610.5.9215.660 for wastewater pipeline repairs which includes a 10% contingency; (2) authorize the City Manager to amend the existing annual contract with Southwest Water Company by \$96,316.95 for the work and approve change orders up to the budgeted amount; (3) adopt Resolution No. 6510; and (4) take such additional, related action that may be desirable. **RESOLUTION NO. 6510** - A RESOLUTION APPROVING SANITARY SEWER PIPELINE REPLACEMENT CONSTRUCTION AT FOUR LOCATIONS WITHIN THE CITY PURSUANT TO GOVERNMENT CODE 830.6 AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH SOUTHWEST WATER COMPANY WITHOUT THE NEED FOR COMPETITIVE BIDDING AS OTHERWISE REQUIRED BY THE SANTA PAULA MUNICIPAL CODE. Interim Public Works Director Jon Turner's report dated July 17, 2008.

**CONSENT CALENDAR (SEPARATE ACTION ITEMS)**

- H. Water Recycling Facility – Fugro West, Inc., Approval of Task Order No. 13 for Environmental Site Assessment Phase II

WRF Project Manager Clifford G. Finley's report dated July 17, 2008.

It was moved by Mayor Gonzales, seconded by Vice Mayor Fernandez to (1) allocate a budget of \$36,300 (\$33,000 contract plus 10% contingency) from Wastewater Fund Balance to the WRF account; and (2) authorize the City Manager to execute Task Order NO. 13 to Fugro West, for \$33,000 for the Environmental Site Assessment Phase II project for the Water Recycling Facility. All were in favor under roll call vote and the motion carried.

- I. Water Recycling Facility – Fugro West, Inc., Approval of Task Order No. 10B for the Completion of the Groundwater Mounding Analysis

WRF Project Manager Clifford G. Finley's report dated July 17, 2008.

Woody Maxwell, 15325 Todd Lane, expressed his concerns regarding the buffer between the Malzacher's property and the new Water Recycling Facility.

It was moved by Mayor Gonzales, seconded by Councilmember Procter to approve the allocation of \$35,000 from the Wastewater account to fund Task Order no. 10B; (2) authorize the City Manager to execute Task Order no. 10B

with Fugro West, Inc. for \$30,000 for additional consulting services to complete development of the groundwater mounding analysis for the WRF as required by the RWQCB; and (3) authorize a budget of \$35,000 (\$30,000 plus \$5,000 contingency) for Task Order No. 10B. All were in favor under roll call vote and the motion carried.

### **PUBLIC HEARING**

#### A. GHAD Assessment Ballot Protest Public Hearing

Interim Public Works Director Jon Turner's report dated July 16, 2008.

Upon verification of proper notification and posting by the City Clerk, Mayor Gonzales opened the Public Hearing at 7:50 p.m.

City Manager Wally Bobkiewicz declared a conflict of interest and appointed Jon Turner to sit in during the hearing as Acting City Manager.

GHAD Clerk Josie G. Herrera tabulated the ballots.

It was moved by Councilmember Aguirre, seconded by Councilmember Procter to (1) adopt GHAD Resolution No. 2008-02(G) certifying the results of the assessment hearing; and (2) adopt GHAD Resolution No. 2008-03(G) imposing the assessment. All were in favor under roll call vote and the motion carried.

#### GHAD RESOLUTION NO. 2008-02(G)

A RESOLUTION DECLARING THE RESULTS OF THE PROCEEDINGS FOR IMPOSING AN ASSESSMENT IN ACCORDANCE WITH ARTICLE XIIIID OF THE CALIFORNIA CONSTITUTION.

#### GHAD RESOLUTION NO. 2008-03(G)

A RESOLUTION ADOPTED BY THE BOARD OF DIRECTORS FOR THE SANTA PAULA GEOLOGIC HAZARD ABATEMENT DISTRICT LEVYING ASSESSMENTS WITHIN THE DISTRICT.

Mayor Gonzales closed the public hearing at 8:02 p.m.

### **ORDER OF BUSINESS**

#### A. Multi-Family Housing Moratorium

City Attorney Karl H. Berger's report dated July 23, 2008.

Audrey Vincent, 1001 June Street, submitted written comments and expressed her concerns regarding the effect the multi-family housing moratorium could have on low and affordable housing.

Judy Rice, 1331 Woodland Drive, spoke in support of housing balance in Santa Paula.

Bob Borrego, 524 14<sup>th</sup> Street, spoke in support of affordable housing for agricultural workers.

Delton Johnson, 14 McKeveett Heights, spoke in support of housing balance.

Laura Flores Espinosa, 233 Corte Linda, submitted written comments and spoke opposition to a housing moratorium.

Larry Sagely, 525 Ridgecrest, spoke in support of a housing moratorium.

Victor Espinosa, 233 Corte Linda, submitted written comments and spoke in opposition to a low-income housing moratorium.

Kevin Beyer, 1170 Woodland Drive, spoke in support of a moratorium.

Christina Urias, 919 La Vuelta Place, spoke in opposition to a low-income housing moratorium.

Fred Robinson, 380 E. View, spoke in support of housing balance.

Jess Victoria, 134 Moultrie Place, spoke in support of affordable housing.

Andrew F. Castaneda, 432 Sycamore Street, submitted written comments and spoke in support of a moratorium.

Graciela Silva, 681 W. Santa Barbara Street, expressed her concerns regarding adopting a moratorium and submitted a petition in opposition of a moratorium.

Orval Garrison, 449 Howie Court, spoke in support of a moratorium.

Magdalena Rios, 545 13<sup>th</sup> Street, spoke in support of affordable housing.

Richard Garcia, 666 W. Main Street, spoke in opposition to a moratorium.

Eileen McCarthy, California Rural Legal Assistance, submitted written comments and spoke in opposition to a moratorium.

Barbara Macri-Ortiz, attorney for Cabrillo Economic Development Corporation, submitted written comments and spoke in support of affordable housing.

Richard Main, 15888 Foothill Road, spoke in support of a moratorium.

Kathryn Benner, 311 N. 9<sup>th</sup> Street, spoke in opposition of a moratorium.

John Wisda, 550 Monte Vista, spoke in support of a moratorium.

Sonia Flores, 320 Del Valle Drive, Fillmore, spoke in opposition of a moratorium.

Roger Brower, 1007 Virginia Terrace, spoke in support of a moratorium.

Jolene Anaya, 238 W. Harvard Blvd. #34, spoke in support of affordable housing.

Steve Smead, 513 Howie Court, spoke in support of a moratorium.

### **RECESS TO A BREAK**

Mayor Gonzales recessed the City Council to a break at 9:22 p.m.

### **RECONVENED TO REGULAR MEETING**

Mayor Gonzales reconvened the City Council at 9:34 p.m.

It was moved by Mayor Gonzales, seconded by Councilmember Procter to receive and file the report. Councilmember Aguirre, Councilmember Procter and Mayor Gonzales were in favor. Vice Mayor Fernandez was opposed. The motion carried.

B. **Amendment to Resolution No. 6406 – Request for Modification to Real Estate Signage for the Ridgeview at Vista Glen Development**

Planning Director Janna Minsk and Assistant Planner Anna Arroyo's report dated July 14, 2008.

City Manager Wally Bobkiewicz declared a conflict due to the proximity of his residence to the Vista Glen Development and appointed Jon Turner as Acting City Manager.

Bob Comstock spoke in support of the proposed signage.

City Attorney Karl H. Berger proposed changes to the second sentence of the first paragraph in Section 2A to read as follows "signs allowed pursuant to the Ridgeview Sign plan must be approved by the Planning Director, but in no event can they exceed 40 square feet per sign along city streets or exceed a post height of 20 feet above grade and cannot exceed 80 square feet or exceed a post height of 20 feet above grade along private property adjacent to SR-126".

It was moved by Councilmember Aguirre, seconded by Councilmember Procter to adopt Resolution No. 6509 as amended. All were in favor under roll call vote and the motion carried.

#### RESOLUTION NO. 6509

A RESOLUTION AMENDING THE SIGN PLAN FOR RIDGEVIEW AT VISTA GLEN.

C. Presentation and Update on the Harvey Diversion and Santa Paula Creek Project

Interim Public Works Director Jon Turner's report dated July 16, 2008.

Item was continued to the Regular Council Meeting of August 18, 2008.

D. Designation of Voting Delegate for 2008 League of California Cities Annual Conference

City Manager Wally Bobkiewicz's report dated July 9, 2008.

It was moved by Councilmember Procter, seconded by Councilmember Aguirre to designate Mayor Gonzales as the voting delegate and Vice Mayor Fernandez as the alternate for the 2008 League of California Cities Annual Conference. All were in favor under roll call vote and the motion carried.

#### COMMUNICATIONS

City Manager Wally Bobkiewicz communicated he would be on vacation until September 2, 2008.

Mayor Gonzales shared a framed photograph presented by the Santa Paula Airport in recognition of the FAA grant.

**FUTURE AGENDA ITEMS**

None.

**ADJOURNMENT**

Mayor Gonzales adjourned the meeting at 10:48 p.m.

ATTEST:

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Josie Guzman Herrera  
City Clerk