

CALL TO ORDER

Mayor Gonzales called the meeting to order at 5:30 p.m.

ROLL CALL

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

PUBLIC COMMENT

No public comment.

ORDER OF BUSINESS

- A. **Interview for Recreation Commission (Youth Representative)** - The City Council will hold an applicant interview to fill a vacancy on the Santa Recreation Commission for a one-year term.

1. Rebekah Rose Smith

Ms. Smith was not present for her interview.

CLOSED SESSION

- A. **Annual Public Employee Performance Evaluation** – *Government Code § 54957*. Title: City Manager.

Mayor Gonzales recessed the City Council to a Closed Session at 5:40 p.m., and reconvened into Open Session at 6:25. No reportable action taken.

Mayor Gonzales recessed the City Council at 6:25 p.m.

CALL TO ORDER

Mayor Gonzales called the meeting to order at 6:35 p.m. Pastor Ron Dybvig led the invocation and City Manager Wally Bobkiewicz led the flag salute.

ROLL CALL

Councilmember John T. Procter, Councilmember Ray C. Luna, 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, Acting Deputy City Clerk Tiffany Leon, and Peggy Kelly from the Santa Paula Times were also present.

CLOSED SESSION REPORT

No reportable action taken.

PRESENTATION

- A. Presentation by Interim Public Works Director Jon Turner Regarding Santa Paula Beautiful Community Clean Up Day

Interim Public Works Director Jon Turner provided a Power Point presentation regarding Santa Paula Beautiful Community Clean Up Day.

- B. Presentation of Proclamation to Planning Director Janna Minsk in Recognition of Community Planning Month

Vice Mayor Fernandez presented a proclamation to Planning Director Janna Minsk in recognition of Community Planning Month.

PUBLIC COMMENT

Woody Maxwell, Todd Lane, spoke regarding the Malzacher litigation and the Water Recycling Facility design.

Jess Victoria, 134 Moultrie Place, spoke regarding his pending code enforcement citation for his shoe rack display in front of his business, and recommended that everyone become informed of budget shortfalls.

Richard Main, 15888 Foothill Road, spoke in support of the award of contract to PERC for the Water Recycling Facility project.

Orval Garrison, 449 Howie Court, spoke in support of the design-build-operate-finance agreement for the Water Recycling Facility project.

STAFF COMMUNICATIONS

Councilmember Procter encouraged attendance at the Santa Paula Theater Center's Ghost Walk, and noted that he recently attended a mixer at California State University Channel Islands.

Mayor Gonzales noted that he attended a press conference in Thousand Oaks sponsored by Taxpayers for a Safe Ventura County in opposition to building a prison hospital in the County.

A. **Water Recycling Facility Update**

Rod Cobos, 644 Ridgecrest Drive, representing Plumbers Local 484, spoke in support of the use of local labor for the Water Recycling Facility project.

Tony Skinner, 3994 E. Main Street, Ventura, representing Tri-Counties Building Trades, provided an update on the negotiations for the project labor agreement with PERC and Santa Paula Water.

Allan Butler, 17028 April Lane, representing the Carpenters Union, expressed his concerns with the labor negotiations with PERC.

Marcelo Crespi, representing Bricklayers Local #4, expressed his concerns with the labor negotiations with PERC.

Greg Boyd, 234 Ferro Drive, Ventura, representing PERC, provided an update on the Water Recycling Facility and the project labor agreement.

Manuel Mendez, 1210 Santa Paula Street, expressed his concerns with the inability to hire local labor for the Water Recycling Facility project, and noted that he had no opportunity to bid on the project.

APPROVAL OF FINAL AGENDA

Councilmember Procter asked that Item 11J be moved up on the agenda after item 11A in order to accommodate the audience.

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

CONSENT CALENDAR

Councilmember Luna pulled Item 10F. It was moved by Councilmember Procter, seconded by Councilmember Aguirre, 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 October 14, 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. **Warrants and Certifications** - Review, approve, and file the attached warrants and certifications. Finance Director John T. Quinn's report dated October 14, 2008.

Invoices	10/03/08	
Subtotal		\$ 500,294.01
Invoices	10/09/08	
Wire Transfers	10/08/08	
Subtotal		\$ 498,949.82
	TOTAL	\$999,243.83

- E. **Minutes** - Adopt the Minutes from the Regular City Council Meeting of August 18, 2008.
- G. **Approval of Traffic Safety Committee Recommendations Resolution No. 6530** – It is recommended that the City Council (1) adopt Resolution No. 6530 approving the recommendations of the Traffic Safety Committee; and (2) take such additional, related action that may be desirable. **RESOLUTION NO. 6530** – A RESOLUTION APPROVING THE TRAFFIC SAFETY COMMITTEE RECOMMENDATIONS. Interim Public Works Director Jon Turner's report dated October 12, 2008.

- H. **Approval of Additional Funds for Contract with Melanie Traxler for Planning Services Amendment No. 2** – It is recommended that the City Council (1) authorize the City Manager to execute an Amendment, in a form approved by the City Attorney with Melanie Doran Traxler; (2) provide the authority to assign more tasks under this contract to an amount of 25,000; and (3) take such additional related action that may be desired. Planning Director Janna Minsk's report dated October 14, 2008.

CONSENT CALENDAR (Separate Action Item)

- F. **Montebello Street Abandonment between Corto Street and 12th Street**

Interim Public Works Director Jon Turner's report dated September 25, 2008.

It was moved by Councilmember Luna, seconded by Councilmember Procter, that the City Council adopt the Resolution of intent to abandon Montebello Street, between Corto Street & 12th Street. All were in favor under roll call vote, and the motion carried.

RESOLUTION NO. 6518

A RESOLUTION OF THE CITY COUNCIL OF SANTA PAULA DECLARING INTENTION TO VACATE A PORTION OF MONTEBELLO STREET WITHIN THE CITY OF SANTA PAULA.

ORDER OF BUSINESS

- A. **Post Office Accessibility**

City Intern Guy Nelson's report dated October 13, 2008.

Gloria Valenzuela, 940 E. Main Street, representing Santa Paula Family Resource Center and Poder Popular, spoke in support of a handicap access ramp at the post office.

Cecilia Sanchez, 940 E. Main Street, representing Santa Paula Family Resource Center and Poder Popular, spoke in support of an accessible ramp for wheelchairs, strollers, and walkers at the post office.

Alicia Delgadillo, Director of Consumers Affairs for the United States Postal Service, and Venita Ordonez, Post Master, noted that an accessibility ramp would be placed on the request list for the Fiscal Year 2010 Budget Plan, and that in the meantime a sign would be placed directing patrons to the rear ramp.

It was moved by Vice Mayor Fernandez, seconded by Councilmember Luna, that the City Council receive the report, and that City staff work with Post Office staff to work on an interim signage solution. Councilmember Luna, Councilmember Procter, Vice Mayor Fernandez, and Mayor Gonzales were in favor. Councilmember Aguirre was absent. The motion carried.

RECESS TO A BREAK

Mayor Gonzales recessed the City Council to a break at 8:23 p.m.

RECONVENE TO REGULAR MEETING

Mayor Gonzales reconvened the City Council at 8:35 p.m.

J. **Adopt Urgency Ordinances 1199 and 1200 for Both Franchises and Introduction of Ordinances 1197 and 1198 Extending Solid Waste Franchises Contract for Six Months**

Interim Public Works Director Jon Turner's report dated October 14, 2008.

It was moved by Councilmember Procter, seconded by Councilmember Luna that the City Council: (1) adopt Urgency Ordinance No. 1199 and 1200 extending the term of existing solid waste franchises with Ojai Rubbish Service, Inc. and Santa Clara Disposal for an additional six months; (2) waive first reading and introduce Ordinance No. 1197 and 1198 to accomplish the same extension; and (3) schedule second reading and adoption of Ordinance Nos. 1197 and 1198 for November 3, 2008. All were in favor under roll call vote, and the motion carried.

ORDINANCE NO.1199

AN URGENCY ORDINANCE ADOPTED IN ACCORDANCE WITH
GOVERNMENT CODE §36937(B) EXTENDING A NON-EXCLUSIVE SOLID
WASTE FRANCHISE WITH OJAI RUBBISH SERVICE, INC. PURSUANT TO
SANTA PAULA MUNICIPAL CODE § 50.101(C)

ORDINANCE NO. 1200

AN URGENCY ORDINANCE ADOPTED GOVERNMENT CODE § 36937(B)
EXTENDING A NON- EXCLUSIVE SOLID WASTE FRANCHISE WITH SANTA
CLARA DISPOSAL, INC. PURSUANT TO SANTA PAULA MUNICIPAL CODE §
50.101(C)

ORDINANCE NO. 1197

AN ORDINANCE EXTENDING A NON-EXCLUSIVE SOLID WASTE
FRANCHISE TO OJAI RUBBISH SERVICE, INC. PURSUANT TO SANTA
PAULA MUNICIPAL CODE §50.101(C)

ORDINANCE NO 1198

AN ORDINANCE EXTENDING SOLID WASTE FRANCHISE TO SANTA
CLARA DISPOSAL PURSUANT TO SANTA PAULA MUNICIPAL CODE §
50.101(C)

B. Request for Funds from Habitat for Humanity of Ventura County

Assistant to the City Manager Elisabeth Amador's report dated October 10, 2008.

Suzzi Crouch, 453 E. Virginia Terrace, representing Habitat for Humanity, spoke in support of the grant of funds to Habitat for Humanity of Ventura County.

It was moved by Director Procter, seconded by Director Luna, that the Board (1) receive the report; and (2) approve a \$26,500 Redevelopment Agency grant to Habitat for Humanity of Ventura County pursuant to an agreement approved by the Executive Director and the General Counsel. All were in favor under roll call vote, and the motion carried.

C. Discuss Local Hiring Ordinance

City Attorney Karl Berger's report dated September 24, 2008.

It was moved by Councilmember Aguirre, seconded by Vice Mayor Fernandez, that the City Council receive and file the report. All were in favor under roll call vote, and the motion carried.

D. Affordable Housing Agreement with Cabrillo Economic Development Corporation

City Attorney Karl Berger's report dated October 13, 2008.

It was moved by Chair Gonzales, seconded by Director Procter, that the Redevelopment Agency direct staff to conduct an audit of expenditures by the developer. Director Procter, Vice Chair Fernandez, and Chair Gonzales were in favor. Director Aguirre and Director Luna were opposed. The motion carried.

E. **Ebell Clubhouse Fire Sprinkler Project - Award of Project and Agreement with Santa Paula Theater Center**

Chair Gonzales opened the Public Hearing.

City Manager/Executive Director Wally Bobkiewicz, Fire Chief Richard Araiza, and Interim Public Works Director Jon Turner's report dated October 12, 2008.

Yaal Levano, 28562 Oso Parkway, Rancho Margarita, representing Gamma Builders, Inc., protested the bid due to the low bidder having drawn the plans and written the specifications. He requested that the Redevelopment Agency not award the contract to RLD Fire Protection.

Director Luna declared that in 2007, Roy Lee designed and installed fire sprinklers for his building on Eighth Street. City Attorney Karl H. Berger stated that there was no legal conflict as there was no source of income to Director Luna.

Chair Gonzales declared that Roy Lee designed and installed a sprinkler system for him in 2007/2008. City Attorney Karl H. Berger stated that there was no legal conflict as there was no source of income to Chair Gonzales.

Roy Lee, RLD Fire Protection, stated that there is no citation that a designer of a public project may not bid on the same public project.

Chair Gonzales closed the Public Hearing at 9:40 p.m.

It was moved by Director Aguirre, seconded by Vice Chair Fernandez, that the Board of Directors (1) open a public hearing and receive evidence to consider a bid protest from second bidder Gamma, Builders Inc.; (2) close the public hearing and reject the bid protest; and (3) accept RLD Fire Protection, Inc., as the lowest responsible bidder. All were in favor under roll call vote, and the motion carried.

Leslie Nichols, 804 McKeveitt Road, representing Santa Paula Theater Center, spoke in support of granting funds to the Santa Paula Theater Center for the fire sprinkler project.

Doug Nelson, 735 Hall Road, spoke in support of granting funds to the Santa Paula Theater Center for the fire sprinkler project.

It was moved by Director Aguirre, seconded by Vice Chair Fernandez, to table the item to the next meeting in order to give staff the opportunity to meet with Board of the Santa Paula Theater Center to craft an agreement to meet all of the objectives.

RECESS TO A BREAK

Mayor/Chair Gonzales recessed the City Council/Redevelopment Agency to a break at 10:25 p.m.

RECONVENE TO REGULAR MEETING

Mayor/Chair Gonzales reconvened the City Council/Redevelopment Agency at 10:41 p.m.

Executive Director Wally Bobkiewicz suggested the inclusion of the following to the agreement with the Santa Paula Theater Center:

- 1) Santa Paula Theater Center agrees to work with the Santa Paula Elementary School District and Santa Paula High School District on a mutually agreed upon plan to allow performances annually at the theater center at the request of the school districts. The goal of the agreement is to allow three days of use for each school district for student performances, and the agreement is to be completed by June 30, 2009.
- 2) Santa Paula Theater Center will work to promote additional musical and theatrical performances throughout the year with the goal of having four such performances throughout each year.
- 3) Santa Paula Theater Center will make available 100 free seats per season for availability to Santa Paula community organizations at their request.
- 4) Santa Paula Theater Center commits to actively publicize all of their productions to high school and middle high school students as appropriate, and will provide each school district with half price coupons and an additional 10 free tickets for students to each production as requested by both school districts.
- 5) City and Santa Paula Theater Center agree to develop a plan by June 30, 2009, for other ways to work together on issues regarding the Ebell Clubhouse.
- 6) Santa Paula Theater Center will provide scholarships to two youths per program for any youth program master classes.
- 7) Change Item 4B to "...in order to promote the City's tourism goals, the theater *must...*"
- 8) Item 4Ci "... including, *a detailed overview regarding the matter sent forth in subsection 4B.*"
- 9) Change 4C to "*semiannual* reporting."

Director Aguirre withdrew his motion. Vice Chair Fernandez withdrew his second to the motion.

It was moved by Director Aguirre, seconded by Vice Chair Fernandez, to authorize the City Manager/Executive Director to enter into an agreement with Santa Paula Theater Center, in a form approved by the City Attorney, regarding the installation of sprinkler system, with the additions to the agreement as suggested by the Executive Director. All were in favor under roll call vote, and the motion carried.

It was moved by Director Procter, seconded by Director Luna, to authorize the Executive Director to enter into a contract with RLD Fire Protection, Inc. for \$84,000 in a form approved by the General Counsel. All were in favor under roll call vote, and the motion carried.

Due to the late hour, City Manager Wally Bobkiewicz suggested that items 11F, 11G, and 11H be brought back at the next meeting. All were in favor.

- F. **FY 2008/09 First Quarter Budget Report** (continued)
- G. **Proposal to Reorganize the Finance Department** (continued)
- H. **Transfer of CDBG Administrative Funds to Code Enforcement Projects** (continued)
- I. **Adopt Resolution No. 6529 Declaring Real Property Located on Peck Road North of Main Street and South Fillmore Street to be Surplus Property**

Interim Public Works Director Jon Turner's report dated September 30, 2008.

It was moved by Vice Mayor Fernandez, seconded by Councilmember Luna, that the City Council (1) adopt Resolution No. 6529 finding that the property identified is surplus; and (2) authorize the City Manager to dispose of the property in accordance with Government Code Section 54222. All were in favor under roll call vote, and the motion carried.

RESOLUTION NO. 6529

A RESOLUTION DECLARING REAL PROPERTY LOCATED ON PECK ROAD NORTH OF MAIN STREET AND SOUTH OF FILLMORE STREET TO BE SURPLUS PROPERTY AND AUTHORIZING THE CITY MANAGER TO DISPOSE OF IT IN ACCORDANCE WITH APPLICABLE LAW

COMMUNICATIONS

City Manager Wally Bobkiewicz invited everyone to the Ribbon Cutting Ceremony at The Depot on October 29, 2008, at 3:00 p.m.

FUTURE AGENDA ITEMS

There were no Future Agenda Items.

ADJOURNMENT

Mayor Gonzales adjourned the meeting at 10:55 p.m.

ATTEST:

Josie Guzman Herrera
City Clerk