

**CALL TO ORDER**

Mayor Fernandez called the meeting to order at 5:40 p.m.

**ROLL CALL**

Mayor Ralph J. Fernandez, Vice Mayor Jim Tovias, Councilmember Robert Gonzales, Councilmember Gabino Aguirre and Councilmember Fred W. Robinson respond to roll call. City Manager Wally Bobkiewicz, City Attorney Karl H. Berger and City Clerk Judy Rice were also present.

**PUBLIC COMMENT**

No Public Comment

**ORDER OF BUSINESS**

**CLOSED SESSION-** The City Council may move into a closed session pursuant to applicable law, including the Brown Act (Government Code §§ 54950, et seq.) for the following purposes:

- A. **Conference with Legal Counsel, Existing Litigation**– Government Code § 54956.9 (a). *Cabrillo Economic Development Corporation v. City of Santa Paula*, 2nd Appellate District Case No. B212840.
- B. **Conference with Legal Counsel, Existing Litigation**– Government Code § 54956.9 (a). *Cabrillo Economic Development Corporation v. City of Santa Paula*, Ventura County Superior Court Case No. 56-2008-00327257-CU-CR-VTA.
- C. **Conference with Legal Counsel, Anticipated Litigation**– Government Code § 54956.9 (b) (significant exposure to litigation). Facts or circumstances: Project No. 2008-CDP-03 (Cabrillo Economic Development Corporation) public hearing before Santa Paula Planning Commission on February 24, 2009 and March 10, 2009. Number of cases: one.
- D. **Conference with Real Property Negotiator**– Government Code § 54956.8. Property Address: 217 N. 10<sup>th</sup> Street, Santa Paula and 221 N. Ojai St. Santa Paula. Negotiating Parties: Santa Paula Promenade, Inc. and Wind Astern, LLC, respectively. City Negotiators: City Manager Wally

Bobkiewicz and City Attorney Karl H. Berger. Under Negotiations: Both price and terms.

- E. **Conference with Labor Negotiaton**– Government Code § 54957.6. City Negotiators: City Manager Wally Bobkiewicz and Human Resources Manager Kathy Campbell. Employee Organizations: SEIU Local 721; Santa Paula Police Officers Association (SPPOA); Ventura County Professional Firefighters Association (VCPFA), representing Santa Paula Full-time Firefighters; Community Services Officers (CSO); Management, Supervisory and Professional Association; unrepresented management/confidential employees (City employees who are not members of bargaining units); and Part-Time/Temporary/Seasonal

Mayor Fernandez recessed the City Council to a Closed Session at 5:40 p.m., and reconvened into Open Session at 6:30 p.m.

### **CALL TO ORDER**

Mayor Fernandez called the meeting to order at 6:50 p.m. Pastor Ron Dybvig led the invocation and Vice Mayor led the Flag Salute.

### **ROLL CALL**

Mayor Ralph J. Fernandez, Vice Mayor Jim Tovias, Councilmember Robert Gonzales, Councilmember Gabino Aguirre and Councilmember Fred W. Robinson respond to roll call vote. City Manager Wally Bobkiewicz, City Attorney Karl H. Berger, City Clerk Judy Rice, Deputy City Clerk Peggy Higgins and Peggy Kelly from the Santa Paula Times and Kathleen Wilson of the Ventura Star were also present

### **CLOSED SESSION REPORT**

No reportable action.

### **PRESENTATIONS**

- A. **Presentation to Dave Rodriguez of Proclamation for 2010 Census**

City Manager announced Proclamation as Dave Rodriguez was not in attendance.

- B. **Presentation of Badges to Reserve Firefighters by Fire Chief Rick Araiza**

Fire Chief Araiza presented Reserve Firefighter Badges and Oath of Office to Jake Cowden, Eric Sladley, David Leon and Casey Sullivan.

C. Presentation on Santa Paula Relay for Life by John Procter

Former Mayor John Procter, Catherine Pulisic Lead Manager, Relay For Life and Bob Orlando, Chairperson for Santa Paula Relay for Life gave a presentation on the history and purpose of Relay for Life and encourage public participation.

**PUBLIC COMMENT**

Mayor Fernandez limited public comment to 2 minutes for each person who presented a public comment card due to the number of public comment cards presented.

Cathy Fernandez, 636 Shasta Dr spoke against the Plaza Amistad development.

Delton Johnston, 14 McKeveett Rd., spoke against the Plaza Amistad development.

Jack Hinojosa Associate Executive Director of Human Resources, Ventura County, 514 E. Santa Paula St., spoke in support of Plaza Amistad.

Kathryn Benner, 311 N. 9<sup>th</sup> St., reported on the Unity Vigil Event outside of Council Chambers and presented a list of 113 names in support of Plaza Amistad.

Silvia Rodriguez, 702 County Square Dr. spoke in support of Plaza Amistad.

Mary Ann Krause, Santa Paula, spoke in support of Plaza Amistad.

John Wisda, 550 Monte Vista, in support of Council's decision to remove Jesse Ornales from the Planning Commission and requesting the Planning Commission to delay all decisions on development until a new Commission is in place.

Cathy Hicks, 560 Howie Ct., opposes Plaza Amistad.

Jess Victoria, 134 Moultrie Pl., supports the City Council agendizing the issue of residency of Vice Mayor Jim Tovas and disagrees with the removal of Jesse Ornales from Planning Commission.

Josh Cook, 527 Foothill Rd., spoke in opposition of Plaza Amistad.

Leslie Leavens-Crowe, 485 Monte Vista, Audrey Vincent, 1001 June St., spoke on behalf of the Santa Paula Ministerial Assn in favor of Plaza Amistad.

Andrew F. Castaneda, 432 Sycamore St. voiced opposition to Plaza Amistad.

Luz Arana, Property Manager of CEDC, spoke in support of Plaza Amistad.

### **STAFF COMMUNICATIONS**

Vice Mayor Tovias made a statement regarding the accusation made at the March 2, 2009 City Council Meeting that he wasn't a registered voter of the City of Santa Paula at the time he was elected and therefore not eligible to hold office. He wants the citizens of Santa Paula and especially his supporters to know that there is no truth to the accusation. He gave Mayor Fernandez a certified copy of his voter registration from the County Election Department.

Councilmember Bob Gonzales stated that even though it was requested during Public Comment he intended to make a motion at the appropriate time to not agendaize an item regarding residency of Vice Mayor Tovias as the letter from Ventura County Elections was proof enough of Vice Mayor Tovias' residency.

Mayor Fernandez stated that he did receive a certified copy of a letter from the Ventura County Elections verifying Vice Mayor Tovias' residency.

Mayor Fernandez spoke about attending Youth Basket Ball League Awards and thanked all kids and supporters.

Cliff Finley, Public Works Director gave an update on the water recycling facility; Alinda Capital brought in new member of the Alinda oversight, Dennis Casper.

Councilmember Aguirre was concerned if the labor agreements were being fulfilled in regards to hiring practices and would be asking for a future agenda item regarding such.

### **APPROVAL OF FINAL AGENDA**

City Manager Bobkiewicz noted that there was a Corrected Agenda due to clerical corrections, also an amendment to the Agenda by adding Item 12M. Both changes were duly posted.

It was moved by Councilmember Gonzales, seconded by Vice Mayor Tovias to approve the final agenda as amended. Under roll call vote all were in favor and the motion carried.

**CONSENT CALENDAR**

It was moved by Councilmember Gonzales, seconded by Councilmember Robinson to remove Items 10C and 10K from the Consent Calendar and approve of balance. Under roll call vote all were in favor 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. Report by Mayor Fernandez and City Manager regarding Washington, D.C.
- D. **Minutes**– Adopt the Minutes from the Regular City Council Meeting of January 12, 2009.
- E. **Minutes**– Adopt the Minutes from the Regular City Council Meeting of January 26, 2009.
- F. **Minutes**– Adopt the Minutes from the Special City Council Meeting of January 29, 2009.
- G. **Minutes**– Adopt the Minutes from the Regular City Council Meeting of February 2, 2009.
- H. **Warrants and Certifications**– Review, approve, and file the attached warrants and certifications. Finance Director John T. Quinn’s report dated February 2, 2009.

Invoices	02/26/09	
Wire Transfer	02/25/09	
Subtotal		\$ 2,554,284.26

Voided Checks	03/04/09	
Invoices	03/02/09	
	03/06/09	
Wire Transfers	03/04/09	
Subtotal		\$ 76,653.14
		<b>TOTAL \$ 2,630,937.40</b>

- I. **Memorandum of Understanding with the Management: Supervisory & Professional Association**– It is recommended that the City Council

adopt Resolution No. 6560 approving the Memorandum of Understanding (MOU) for the 2009 contract year between the City of Santa Paula and the Management: Supervisory & Professional Association, representing supervisory and professional employees. Human Resources Director Kathy Campbell's report dated March 10, 2009.

- J. **Approve a Three Year Extension of Teaman, Ramirez & Smith, Inc. Financial Audit Services for the City of Santa Paula and Redevelopment Agency for Fiscal Years 2008-09, 2009-10 and 2010-11**– It is recommended that the City Council 1) Authorize the City Manager to execute an amendment, in a form approved by the City Attorney, to agreement with Teaman, Ramirez & Smith, Inc. to provide annual financial audit services during Fiscal Years ending June 30, 2009, 2010 and 2011; or, 2) return the report to staff with further direction. Finance Director John T. Quinn report dated March 11, 2009.

**CONSENT CALENDAR (SEPARATE ACTION ITEMS)**

- C. **Planning Commission Action Report**–Pursuant to Resolution No. 6456, receive and file the Planning Director's report regarding Planning Commission actions taken on March 10, 2009. 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.

Planning Director, Janna Minsk's report dated March 10, 2009

Steve Smead, 513 Howie Ct. requested that this Item be pulled from agenda.

Eileen McCarthy, 338 S. A St. Oxnard, CRLA representing a low-income client from Santa Paula, expressed concern at the possible action of the Council regarding the Plaza Amistad development.

Jeff Nelson, 498 Dana Drive, spoke in option of Plaza Amistad.

Delton L. Johnson spoke in option Plaza Amistad.

Rob Cobos, 644 Ridgecrest Drive, spoke in support of Plaza Amistad for the purpose of creating employment.

Sally Knight, 1007 E. Virginia Terrace, spoke in opposition of Cabrillo Economic Development.

Ken Chapman, Todd Lane, supported the Council's review of the development.

Tony Perez, 717 Sheffield Street asked that the Council focus on the needs of citizens Santa Paula and accept the Planning Commissions recommendations to move forward with Plaza Amistad.

Richard Garcia, 245 Atmore Drive, spoke in support of the project.

Roger Brower, 1007 E. Virginia Terrace, opposes Plaza Amistad.

Sonja Flores Farm Worker Housing Committee, 320 Del Valle, Fillmore, spoke in support of low-income housing.

Jose Garcia, Local 585 Ventura Labor Union, 318 Craig, spoke in support of Plaza Amistad for purpose of creating employment and housing for low-income.

Gina Rodriguez, 424 Garonne Street, Oxnard, spoke in support of low-income housing.

John Castorina, 675 Dana Drive, spoke in support of the Council's decision to review the Planning Commissions decisions on the development of Plaza Amistad.

Bernardo Perez, Project Director of Plaza Amistad, encouraged the Council to receive and file the Planning Commissions report in approving Plaza Amistad.

Richard Main, 15888 Foothill, supports the Council's review by Appeal the decision of the Planning Commission to approve Plaza Amistad as currently configured.

City Attorney Karl H. Berger clarified the process and deadlines should the Council proceed with the Order of Review.

It was moved by Councilmember Gonzales, seconded by Councilmember Robinson to schedule a Special Meeting to consider issuing an Order of Review of the Planning Commission's decision of the 2008 CDP-03 before Friday, March 20, 2009. Under roll call vote Mayor Fernandez, Councilmember Gonzales, Vice Mayor Tovas and Councilmember Robinson approved the motion and Councilmember Aguirre opposed the motion. The motion carried.

It was moved by Councilmember Gonzales, seconded by Vice Mayor Tovas to set the meeting date for Thursday, March 19, 2009 at 4:00 p.m. Under roll call vote all were in favor. The Motion carried.

K. Authorization to Pursue Grant Funding Opportunities

Police Chief Steve MacKinnon's report dated March 10, 2009.

It was moved by Councilmember Gonzales, seconded by Vice Mayor Tovas to adopt Resolution No. 6561(**Corrected Resolution No. 6565**) authorizing the Police Department to submit grant applications for three separate federal grant opportunities. Under roll call vote all were in favor. The Motion carried.

**RESOLUTION NO. 6565**

A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO APPLY FOR, RECEIVE, AND APPROPRIATE GRANT FUNDS FOR POLICE PROGRAMS AND PERSONNEL.

**RECESS TO A BREAK**

Mayor Fernandez recessed the City Council to a break at 9:05 p.m.

**RECONVENED TO REGULAR MEETING**

Mayor Fernandez reconvened the City Council at 9:15 p.m.

City Manager Wally Bobkiewicz requested moving Items 12A, 12B, 12I and 12L to the Council meeting of April 6, 2009.

**PUBLIC HEARING**

A. **Community Development Block Grant Funding 09/10 CDBG**

Building & Safety Director Stephen R. Stuart's report dated February 19, 2009

Upon verification of proper notification and posting by the City Clerk, Mayor Fernandez opened the Public Hearing at 9:20 p.m.

Joan Moore, Brain Injury Center, thanked the Council for having the courage to fund the Brain Injury Center last year.

Laura Espinosa, 233 Corte Linda, expressed her disappointment that two of the Councilmembers did not appoint anyone to the CDBG Committee.

Kristy Pollard, Food Share, described the process of providing food to the community and thanked the Council for their past consideration.

Doug Caldwell, Santa Paula Boys & Girls Club., described what the CDBG funds would be used for.

Angel Cottrell, Women's Economic Ventures, thanked the Council for their past support.

Gordon Welsh, CASP, as a volunteer described his participation with CASP and thanked the Council for their support.

Councilmember Gonzales suggested amending the Resolution No. 6561 to transfer \$179.55 from City Impact to Santa Paula's Boys & Girls Club operating funds.

It was moved by Councilmember Aguirre, seconded by Councilmember Gonzales to receive the 2009-2010 CDBG funding report, adopt Resolution No. 6561 as amended, approve the reprogramming of funds from the Administration Fund to the Code Enforcement Program, approve the reprogramming of funds from Housing Rehabilitation Program Income to Lutheran Services and to approve the Joint Powers Agreements. Under roll call vote all were in favor. The motion carried.

Mayor Fernandez closed the public hearing at 9:35 p.m

C. Housing Element Update

Planning Director Janna Minsk's oral report dated March 10, 2009.

It was moved by Councilmember Gonzales, seconded by Councilmember Robinson to receive and file the report. Under roll call vote all were in favor. The motion carried.

D. March 2009 Monthly Budget Update

Finance Director John T. Quinn's report dated March 11, 2009.

It was moved by Councilmember Robinson, seconded by Councilmember Aguirre to receive and file the Statement of Revenues & Expenditures. Under roll call vote all were in favor. The motion carried.

E. Street Sweeping Activities

Interim Public Works Director Jon Turner gave a brief overview of the current street sweeping practices. Chief MacKinnon responded to Council's questions regarding the ticketing of cars if left in restricted zones during street sweeping.

It was moved by Councilmember Gonzales, seconded by Vice Mayor Tovias to direct the City Manager to instruct City staff to site vehicles that are illegally

parked on public streets when signage is properly posted and where the street sweeper sweeps the street. Under roll call vote Mayor Fernandez, Vice Mayor Tovias, Councilmember Robinson and Councilmember Aguirre opposed the motion. Councilmember Gonzales approved the motion. Motion denied.

F. Update on 4.0 MG Potable Water Tank Design

Interim Public Works Director Jon Turner's report dated February 11, 2009.

Interim Public Works Director Jon Turner presented update on the purchase and placement of two, 2 million gallon reservoirs.

**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 Vice Mayor Tovias, to suspend the rules and continue the meeting. All were in favor under roll call vote. The motion carried.

It was moved by Councilmember Aguirre, seconded by Councilmember Gonzales to authorize the City Manager to (1) receive and file the update on the project design; (2) approve the proposed tank and pipeline location and easement; and (3) authorize the City Manager to obtain an appraisal of the property needed from private parties. Under roll call vote all were in favor. The motion carried.

G. Adopt Resolution No. 6547 Declaring Real Property Located Along the Santa Clara River in the Floodway to be Surplus Property

Interim Public Works Director Jon Turner's report dated February 11, 2009.

City Manager Bobkiewicz reviewed the previous agreements developed in 2005 when portion of Santa Paula Airport runway fell into the Santa Clara River. In order for airport to make repairs they needed to access some land owned by the Nature Conservancy. At that time the City agreed to move forward with an agreement with the Nature Conservancy to swap land taken from Nature Conservancy by the Santa Paula Airport Association and make a donation to the Conservancy.

Interim Public Works Director Jon Turner presented the agreement that was made in 2005, showed maps of the area and explained the process of following up on the actions given by the Council in January 2006.

It was moved by Councilmember Gonzales, seconded by Mayor Fernandez to move this item to April 20, 2009. Under roll call vote all were in favor. The motion carried.

H. Recycled Water Masterplan Adoption

Public Works Director Clifford G. Finley's report dated March 9, 2009.

It was moved by Councilmember Robinson, seconded by Councilmember Aguirre to receive and file the "Final City of Santa Paula Recycled Water Masterplan". Under roll call vote all were in favor. The motion carried.

J. Economic Development Director Next Steps

City Manager Wally Bobkiewicz reported that the Economic Development Director's position is currently vacant and recommended moving forward with hiring for the position with a salary increase in the new budget year, after July 1, 2009.

It was moved by Councilmember Aguirre, seconded by Councilmember Robinson to receive and file the report. Under roll call vote all were in favor. The motion carried.

K. Armed Forces Banner Recognition Program

Human Resources Specialist Lorena Alvarez's report dated March 9, 2009.

It was moved by Councilmember Gonzales seconded by Vice Mayor Tovas to modify the residency requirements to those that grew up, reside or went to high school in Santa Paula and to reviewed at 6 months to ensure the person is still in the service. Under roll call vote all were in favor and the motion carried.

M. Use of City Logo for Advertisement in "Global Water Intelligence"

City Manager Wally Bobkiewicz

It was moved by Mayor Fernandez, seconded by Councilmember Robinson to approve the use of the City logo by PERC Water in a single advertisement for one-time only for "Global Water Intelligence" magazine. Under roll call vote Councilmember Aguirre opposed the motion. Mayor Fernandez, Vice Mayor Tovas, Councilmember Gonzales and Councilmember Robinson approved the motion. The motion carried.

**COMMUNICATIONS**

Councilmember Aguirre thanked the City for the use of the Council Chambers on behalf of Mental Health Services Act.

**FUTURE AGENDA ITEMS**

It was moved by Councilmember Robinson, seconded by Aguirre to have Former Mayor John Procter return for the purpose of requesting co-sponsorship with the City and Relay for Life. Under roll call vote all were in favor. The motion carried.

It was moved by Councilmember Aguirre, seconded by Councilmember Gonzales to have a staff presentation on Las Piedras Storefront. Under roll call vote all were in favor. The motion carried.

**ADJOURNMENT**

Mayor Fernandez adjourned the meeting at 11:21 p.m.

ATTEST:

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Judy Rice  
City Clerk