

CALL TO ORDER

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

ROLL CALL

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

PUBLIC COMMENT

No public comment.

CLOSED SESSION REPORT

- 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; public comment before City Council on March 19, 2009. Number of cases: one.
- D. Conference with Real Property Negotiator– Government Code § 54956.8. Property Address: 217 N. 10th 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 Negotiator– 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/Season.

Mayor Fernandez recessed the City Council to a closed session at 6:05 p.m., and reconvened the City Council at 6:20 p.m. Mayor Fernandez recessed the City Council at 6:30 p.m.

CALL TO ORDER

Mayor Fernandez called the meeting to order at 6:30 p.m. Pastor Ron Dybvig led the invocation. Flag Salute was led by Mayor Fernandez.

ROLL CALL

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

CLOSED SESSION REPORT

City Manager Karl Berger reported that the Council unanimously approved the Tolling Stay and Negotiation Agreement between the City and Cabrillo Economic Development Corporation and authorized the Mayor to sign it subject to date insertions that the Council would discuss in open session.

PRESENTATIONS

A. **Proclamation for Public Health Week**

Councilmember Robinson presented the proclamation to Deanne Morales of Ventura County Public Health Department.

B. **Presentation by Chief of Police Stephen MacKinnon regarding recent mountain lion sightings.**

Chief MacKinnon gave a brief overview of the latest sighting, showing maps of the city where the sightings have occurred, reviewed the outreach programs that

have been activated to keep the community informed and reminded the community what to do in the case of a sighting.

PUBLIC COMMENT

Rod Cobos, Plumbers & Pipefitters Local 484 commented on his dissatisfaction regarding the Wastewater Recycling Facility's project labor agreements.

Mike Ciarmoli, 2299 E. Main St., Ventura, a cement mason, commented on and questioned the hiring practices in regarding to the project labor agreement for the Wastewater Recycling Facility .

Public Works Director, Clifford G. Finley updated the Council on the status of the project labor agreements and the current hiring practices for the Waste Water Recycling Facility.

STAFF COMMUNICATIONS

No staff communications.

APPROVAL OF FINAL AGENDA

It was moved by Councilmember Gonzales, seconded by Vice Mayor Tovas to approve the final agenda as presented. All were in favor under roll call vote and the motion carried.

CONSENT CALENDAR

It was moved by Councilmember Gonzales, seconded by Councilmember Robinson to approve the Consent Calendar as presented. 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. Warrants and Certifications– Review, approve, and file the attached warrants and certifications. Finance Director John T. Quinn's report dated February 2, 2009.

Regular City Council/Redevelopment Agency Meeting
Monday, April 6, 2009
Administrative Conference Room/Council Chambers

Voided Checks	03/12/09	
Invoices	03/12/09	
Wire Transfer	03/11/09	
Subtotal		\$ 410,869.87

Voided Checks	03/18/09	
Invoices	03/20/09	
Wire Transfers	03/18/09	
Subtotal		\$ 111,766.31

Voided Checks	03/26/09	
Invoices	03/26/09	
Wire Transfers	03/25/09	
Subtotal		\$ 563,522.08

TOTAL \$ 1,086,158.26

- D. Fire Memorandum of Understanding (MOU) for 2009–It is recommended that the City Council adopt Resolution No. 6568 approving the Memorandum of Understanding (MOU) for the 2009 contract year between the City of Santa Paula and the Ventura County Professional Fire Association, a duly recognized employee organization representing the City of Santa Paula’s Fulltime Firefighters’ Unit. Human Resources Manager Kathy Campbell’s report dated April 1, 2009.

- E. Agreement with Duncan Solutions for the Management of Parking Citations–It is recommended that the City Council authorize the City Manager to enter into an amended contract with Duncan Solutions, in a form approved by the City Attorney, to manage parking citations. Chief of Police Chief Stephen MacKinnon’s report dated March 31, 2009.

- F. Award of Union 76 Gas Station Demolition Project to 3-Bar Corporation– It is recommended that the City Council 1) allocate \$18,450 from the Redevelopment Agency fund to account no. 550.5.9257.660 for the Union 76 Gas Station Demolition Project; 2) authorize the City Manager to execute a contract with 3-Bar Corporation for \$16,760 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 March 25, 2009.

- G. Adopt Resolution No. 6563 Approving Plans and Specifications for the 5th Street/Harvard Blvd. Lighted Crosswalk Improvement Project– It is recommended that the City Council 1) adopt Resolution No. 6563 approving the plans and specifications for the 5th Street/Harvard Blvd.

Lighted Crosswalk Improvements Project; 2) authorize staff to advertise for bids; and 3) take such additional, related action that may be desirable. Interim Public Works Director Jon Turner's report dated March 20, 2009.

- H. Adopt Resolution No. 6567 Approving the Plans and Specifications for the Felkins Road Wastewater Main Installation Project– It is recommended that the City Council 1) adopt Resolution No. 6567 approving the plans and specifications for the Felkins Road Wastewater Main Installation Project; 2) authorize staff to advertise for bids; and 3) take such additional, related action that may be desirable. Interim Public Works Director Jon Turner's report dated March 26, 2009.
- I. Approval of Traffic Safety Commissions Recommendations Resolution No. 6564– It is recommended that the City Council 1) adopt Resolution No. 6564 approving the recommendations of the Traffic Safety Committee; and 2) take such additional, related action that may be desirable. Interim Public Works Director Jon Turner's report dated March 25, 2009.

ORDER OF BUSINESS

A. Heritage Valley Tourism Bureau

City Manager Wally Bobkiewicz's report dated March 30, 2009.

Della Reyes, Heritage Valley Tourism Bureau, presented the bureau's promotion accomplishments and requested the City of Santa Paula to continue its financial support of the Bureau.

Kathleen McCreary, Interim President Heritage Valley Tourism Bureau, asked the City to honor the commitment previously made to its financial support of the Bureau.

Supervisor Kathy Long declared the benefits to the City of cooperative marketing versus ala carte marketing and requested that the Council vote to continue the City's participation with the HVTB.

Mayor Patti Walker, City of Fillmore spoke in support of the Heritage Valley Tourism Bureau and asked the City of Santa Paula to continue its support of the Bureau.

Debbie Johnson, Santa Paula Downtown Merchants, asked the Council to consider the difficult financial times for all and that any financial support needs to stay in the City of Santa Paula with the already existing events.

John Blanchard, Santa Paula Chamber of Commerce, declared the Chamber's respect for Supervisor Kathy Long and thanked her for the tourism discussions and supports a valley wide concept of tourism but will support the Council's decision regarding continued participation in the HVTB.

Donna Stewart, Santa Paula Downtown Merchants supported the Merchants position of withdrawing from the HVTB.

Janet Sederquist, Oxnard Tourism Bureau promoted the benefits of a valley wide bureau and the benefits of Santa Paula's continued participation in the HVTB.

It was moved by Councilmember Gonzales, seconded by Councilmember Robinson to continue the item to the next meeting when there will be a full Council. Under roll call vote Mayor Fernandez, Councilmembers Robinson and Gonzales were in favor. Vice Mayor Tovias was opposed. The motion carried.

RESOLUTION NO. 6569
RDA RESOLUTION NO. 2009-02 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA PAULA AND THE BOARD OF DIRECTORS OF THE CITY OF SANTA PAULA REDEVELOPMENT AGENCY REPEALING RESOLUTION NO. RDA 2008-02 AND WITHDRAWING FROM THE HEARITAGE VALLEY TOURISM BUREAU.

B. Sponsorship of Citrus Classic Balloon Festival

City Manager Wally Bobkiewicz's report dated March 30, 2009.

Presentation was given by Carla Edwards to promote the Citrus Classic and review the sponsorship opportunities available to support the event.

It was moved by Councilmember Gonzales, seconded by Councilmember Robinson. Under roll call vote all were in favor and the motion carried to allocated \$10,000 in sponsorship fees, \$5000 each from the General Fund and the Redevelopment Agency, co-sponsor the Citrus Classic Balloon Festival and have the City Manager execute a sponsorship agreement.

C. City of Santa Paula-City of Fillmore-County of Ventura Greenbelt (09-CI-03)

Planning Director Janna Minsk's report dated March 5, 2009.

Mayor Patti Walker, City of Fillmore reported that by unanimous vote the Fillmore City Council desires that when replacement acreage has been identified the City

of Santa Paula agree that the amendment to the Greenbelt be done by Ordinance.

It was moved by Councilmember Robinson, seconded by Councilmember Gonzales to move this item to the June 1, 2009 City Council meeting. All were in favor under roll call vote and the motion carried.

RECESS TO A BREAK

Mayor Fernandez recessed the City Council to a break at 8:45 p.m.

RECONVENED TO REGULAR MEETING

Mayor Fernandez reconvened the City Council at 9:02 p.m.

Mayor Fernandez requested that items 11J and 11E and 11F to be heard next.

J. Plaza Amistad-Cabrillo Economic Development Corporation

City Manager Wally Bobkiewicz's report dated March 31, 2009.

It was moved by Vice Mayor Tovas, seconded by Councilmember Robinson to form an Ad Hoc committee of two members to negotiate a potential settlement and to enter into a Tolling Agreement with Cabrillo, Mayor Fernandez and Councilmember Gonzales were nominated to represent the City. Under roll call vote all were in favor and the motion carried.

It was moved by Vice Mayor Tovas, seconded by Councilmember Gonzales to direct the City Attorney to make the appropriate changes to the Settlement and Confidential Negotiating Agreement to indicate the first date to meet will be April 13, 2009 and to meet with Cabrillo Economic Development on April 13, 2009 at 6:00 p.m. Under roll call vote all were in favor and the motion carried.

E. Adoption of Solid Waste Local Implementation Plan

Interim Public Works Director Jon Turner's report dated March 30, 2009.

Jim Harrison, Santa Clara Valley Disposal stated that he was surprised by the language in the updated Implementation Program.

Evan Edgar, Engineer for California Refuse Recycling Council, stated that he does not believe that the California Integrated Waste Management Board (CIWMB) would fine the City as long as there is good faith effort and believes that Unicycle can meet their 60% diversion of solid waste mandate.

Susanne Passantino, Ojai Rubbish-Consolidated Disposal Service spoke on the commitment of Consolidated to work diligently with their customers and staff to meet the requirements of the LIP.

Rick Elqueseba, Republic Services-Consolidated Disposal Service reiterated the commitment of Consolidated to meet the City's vision to reach at least the 60% diversion goal and to working with the City on developing programs and education.

Mr. Turner read into the record from Item 11F, master page 19, Section 4.05. "Franchisee is prohibited from comingling waste collected from within City limits with other wastes such as that from the unincorporated area or other Cities. Notwithstanding this prohibition franchisee may utilize its Unicycle program on a four month trial basis calculated from the date this agreement is executed as follows: a) franchisee must file weekly reports with the City regarding its diversion in the same format as is required for monthly reports in Article 20; b) franchisee must not provide Unicycle bins or offer the program to any customer that disposes of food waste; this includes but is not limited to multi-family residences, restaurants, schools, etc. These customers are only allowed to use single source separated bins; c) franchisee must maintain or exceed a 60% waste diversion rate with the Unicycle customer base at all times during the four month trial period and the life of the agreement or the program will be terminated at all accounts in the City and the customer will be converted to a single source separated bin program. (That means a solid waste bin, a recycle bin and a green waste bin if it is determined to be needed) If the program is terminated the franchisee has to convert the Unicycling bins to single source separated bins in a two 2 week period; d) franchisee has to identify all accounts that it is proposing to offer the Unicycling service too, for City approval prior to acceptance to the program".

After discussion between City Attorney Karl Berger, Interim Public Works Director, Jon Turner and Harrison Industries representatives', new language in the agreement was presented to Council. Council directed staff to review proposed language with the Waste Management Board and return to Council at a future meeting.

It was moved by Councilmember Gonzales, seconded by Mayor Fernandez to accept the LIP with amendments as described and to authorize the City Manager and the Interim Public Works Director to communicate with the Board these changes and if necessary adjust the language if directed so by the Waste Management Board. All approved under roll call vote and the motion carried.

D. Information on Medium High Density Residential Zone (R-3) and High Density Residential Zone (R-4)

Planning Director Janna Minsk's report dated March 11, 2009.

After the presentation by Assistant Planner Caesar Hernandez and discussion the Council gave general direction to staff to come back at a future meeting for final approval.

City Manager Bobkiewicz requested that Item L be heard next.

L. Authorization to Pursue Grant Funding Opportunity

Chief of Police Stephen MacKinnon's report dated March 31, 2009.

It was moved by Councilmember Robinson, seconded by Councilmember Gonzales to adopt Resolution 6571. Under roll call vote, all were in favor and the motion carried.

RESOLUTION NO. 6571

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

I. Authorize to Proceed with Water and Sewer Rate Increase Process

Finance Director John Quinn's report dated April 1, 2009.

It was moved by Councilmember Robinson, seconded by Councilmember Gonzales to approve the initiation of public notification process for proposed water and sewer rate increases pursuant to Proposition 218 requirements. Under roll call vote Mayor Fernandez was opposed. Vice Mayor Tovas, Councilmember Robinson and Councilmember Gonzales approved the motion. The motion carried.

As business had not concluded at 10:30 p.m., and pursuant to section 11 of the City Council's Rules and Procedures, it was moved by Councilmember Gonzales, seconded by Robinson, to suspend the rules and continue the meeting. All were in favor under roll call vote and the motion carried.

F. Adoption Urgency Ordinances 1205 & 1206 for Both Solid Waste Franchisees and Introduction of Ordinances 1207 & 1208 Extending Solid Waste Franchisee Contract Until June 2010.

Interim Public Works Director Jon Turner's report dated March 26, 2009.

It was moved by Mayor Fernandez, seconded by Councilmember Gonzales to adopt Urgency Ordinances Nos. 1205 and 1206 extending the term of existing solid waste franchises with Ojai Rubbish Service, Inc., and Santa Clara Disposal until June 1, 2010 and to waive first reading and introduce Ordinances Nos. 1207 and 1208 to accomplish the same extension. Under roll call vote all approved. The motion carried.

ORDINANCE NO. 1205

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. 1206

AN URGENCY ORDINANCE ADOPTED IN ACCORDANCE WITH 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. 1207

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. 1208

AN ORDINANCE EXTENDING A NON-EXCLUSIVE SOLID WASTE FRANCHISE TO SANTA CLARA DISPOSAL PURSUANT TO SANTA PAULA MUNICIPAL CODE 50.101 (C).

G. Authorize Payment of Regional Water Quality Control Board (RWQCB) Fines

Interim Public Works Director Jon Turner's report dated March 25, 2009.

It was moved by Councilmember Gonzales, seconded by Councilmember Robinson to allocate \$48,000 from the Wastewater Fund balance to Account 610.5.5063.193 for wastewater system permit violations, authorize the City

Manager to sign ancillary documents relating to the fines reviewed and approved by the City Attorney and pay the fine amount and to authorize the City Manager and City Attorney to collect \$18,000 from Southwest Water Company for fines associated with plant operation. All were in favor under roll call vote and the motion carried

H. Purchase of 70.8 Acre feet of Santa Paula Basin Water Rights

Public Works Director Cliff Finley's report dated April 1, 2009.

It was moved by Council member Gonzales, seconded by Vice Mayor Tovas to authorize the City Manager to execute the Water Rights Purchase and Sales Agreement in a form approved by the City Attorney with McConica Citrus Partnership for the purchase of 70.80 acre feet of groundwater production rights in the Santa Paula Basin for a price of \$553,500.00. Under roll call vote all were in favor and the motion carried

K. Award Craig Drive Water Distribution Pipeline Installation Project to Williams Pipeline

Interim Public Works Director Jon Turner's report dated March 30, 2009.

It was moved by Councilmember Robinson, seconded by Councilmember Gonzales to allocate \$397,105 from the FY 08/09 approved budget capital project for waterline replacement for the Craig Avenue Water Distribution Pipeline Installation Project, to authorize the City Manager to execute a contract with Williams Pipeline Inc., for \$345,306.70 in a form approved by the City Attorney and approve change orders up to the budgeted amount. Under roll call vote all were in favor and the motion carried.

REQUEST FOR FUTURE AGENDA ITEMS

It was moved by Vice Mayor Tovas, seconded by Councilmember Robinson to review the agenda setting procedure. Under roll call vote all were in favor and the motion carried.

COMMUNICATIONS

There were no communications.

ADJOURNMENT

Mayor Fernandez adjourned the meeting at 11:40 p.m.

Regular City Council/Redevelopment Agency Meeting
Monday, April 6, 2009
Administrative Conference Room/Council Chambers

ATTEST:

Judy Rice, City Clerk