

CALL TO ORDER

Mayor Fernandez called the meeting to order at 5:35 p.m.

ROLL CALL

Mayor Ralph Fernandez, Vice Mayor Jim Tovias, Councilmember Gabino Aguirre, Councilmember Fred Robinson and Councilmember Bob Gonzales responded to roll call. Interim City Manager Clifford G. Finley, City Attorney Karl H. Berger, Deputy City Clerk Peggy Higgins were also present.

PUBLIC COMMENT

No public comment.

ORDER OF BUSINESS

- A. Appoint Interim City Manager to be Real Property Negotiator for 217 N. 10th Street, Santa Paula and 221 N. Ojai St. Santa Paula.
- B. Appoint Interim City Manager to be Labor Negotiator for Santa Paula Police Officers Association (SPPOA).

Councilmember Aguirre moved to appoint Interim City Manager Clifford G. Finley as Real Property Negotiator for 217 N. 10th Street, and 221 N. Ojai Street, Santa Paula and also as Labor Negotiator for Santa Paula Police Officers Association, seconded by Vice Mayor Tovias. All were in favor under roll call vote and the motion carried.

CLOSED SESSION

- A. 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: Interim City Manager Clifford G. Finley and City Attorney Karl H. Berger. Under Negotiations: Both price and terms.
- B. Conference with Legal Counsel, Existing Litigation– Government Code § 54956.9 (a). *Andrew Hernandez v. City of Santa Paula Police Department, et al.*, USDC Case No. CV07-08360RGK(CTx); *David P. Lindsay v. City of Santa Paula, et al.*, USDC Case No. CV08-02925 RGK(JCx); *Vasquez v. City of Santa Paula, et al.*, USDC Case No. CV09-02590-DSF(MANx); *Velasco v. City of Santa Paula, et al.* VCSC Case No.

56-2008-00328406-CU-OE-VTA; *Menchaca v. City of Santa Paula*, VCSC
Case No. 56-2008-00311905-CU-PO-VTA.

- C. Conference with Legal Counsel; Liability Claims Update (including Workers Compensation)– Government Code § 54956.95. Claims Against: City of Santa Paula. Claimants: Sally/Orlando Menchaca; Andrew Hernandez; David Lindsay; Max Vasquez; Michelle Velasco; Alejandro Ramirez; Eduardo Arana; Leonard Olvera; Joaquin Nava; Manuel Guerrero; Cynthia Chapek; Joe Ferguson; Gene French; Angel Gutierrez; Rob Howard; Carlos Juarez; Helen Ketchpaw; Adolfo Paez; Inez Ramirez; Manuel Ruiz; Noah Sharp; Mark Trimble; Edward Vasquez; Tony Villanueva; James Ward; Michael Wortman; Doug Araiza; Robert Cooper; Kenneth Cott; David LaGessee; David Lusk; Harold Marschall; Gary Marshall; Louis Medina; Mark Trimble; Juan Velasco.
- D. Conference with Labor Negotiation– Government Code § 54957.6. City Negotiators: Interim City Manager Clifford G. Finley and Human Resources Manager Kathy Campbell. Employee Organizations: Santa Paula Police Officers Association (SPPOA).

Mayor Fernandez recessed the City Council to a closed session at 5:38 p.m., and reconvened the City Council at 7:10 p.m. No reportable action. Mayor Fernandez recessed the City Council at 7:10 p.m.

CALL TO ORDER

Mayor Fernandez called the meeting to order at 7:20 p.m. Deacon Al Guilen led the invocation and Mayor Fernandez led the flag salute.

ROLL CALL

Mayor Ralph Fernandez, Vice Mayor Jim Tovias, Councilmember Gabino Aguirre, Councilmember Fred Robinson Councilmember Bob Gonzales responded to roll call. Interim City Manager Clifford G. Finley, City Attorney Karl Berger, City Clerk Judy Rice, Deputy City Clerk Peggy Higgins, Peggy Kelly and Brian Wilson from the Santa Paula Times and Kathleen Wilson from the Ventura County Star were also present.

CLOSED SESSION REPORT

No reportable action.

PRESENTATIONS

A. Recognition of Santa Paula 12 and Under Girls All Star Team

Team Manager Kirk Larson introduced the team and coaches to the City Council and congratulated them on their accomplishment of being the third place winner among 58 teams competing.

B. Presentation Regarding the 42nd Annual Citrus Festival

Bill Grant, President of Kiwanis Santa Paula thanked the Council and City, particularly Director Community Services Brian Yanez and his staff for the support given to the 42nd Annual Citrus Festival. He stated that while attendance was down to about 15,000 it was still a very successful event.

C. Update on Police and Fire Foundation Fundraiser "Moonlight at the Ranch"

Police Chief MacKinnon updated the Council on the plans for the third annual fundraiser for the Police and Fire Foundation, Moonlight at the Ranch, "Out of This World." He stated that this is the biggest party in Santa Paula and the largest fundraiser for the Foundation. The date of the party is August 22, 2009.

D. Presentation by Jim Winsayer Regarding Continental Wind Power

Jim Winsayer, President of Continental Wind Power gave an update on the opening of an office at 723 Main St. in Santa Paula. He stated that he will be hiring a Human Resources Coordinator to enable the company to begin hiring electrical and mechanical engineers as lead staff to begin production of the mid sized wind turbines. He hopes to have a production facility completed by January 2010 and reported that the company is receiving federal stimulus dollars through the Work Force Investment Board. Mr. Winsayer again thanked the Council and the City for their positive attitude.

E. Presentation by PERC Water Regarding Water Recycling Facility

Brian Cullen, President of PERC Water gave a Power Point presentation on the progress of the Waste Water Facility.

Interim City Manager Clifford G. Finley asked Director of Community Services Brian Yanez to give a brief presentation on "Movie in the Park". Through an anonymous donation of \$1,300 from a downtown merchant and a \$500 donation each from Rotary Club of Santa Paula and Kiwanis the Community Services Department is able to put on this event at Veteran's Park at 7:30 p.m. on September 4, 2009.

PUBLIC COMMENT

Lucas Zucker, a summer research intern of the Central Coast Alliance United for a Sustainable Economy, CAUSE, talked about Santa Paula's unemployment rate and stimulus dollars that might be available to help create jobs.

CITY COUNCIL/REDEVELOPMENT AGENCY, STAFF COMMUNICATIONS

Human Resource Manager Kathy Campbell gave the Council an update on the recruitment process for the new City Manager. A link on the City's website has been created for community input and Ms. Campbell can be reached by phone or fax.

Mayor Fernandez presented a letter to the City from First Lady Michelle Obama who congratulated the City on its designation as a Preserve America Community.

Mayor Fernandez congratulated staff on winning a trophy for 2nd place in the Commercial category at the Ventura County Fair Parade. He thanked all the staff that was involved and encouraged others to participate next year. He also thanked Carla Edwards, the volunteers and community for supporting another successful Citrus Balloon Classic event.

Interim City Manager Clifford G. Finley reminded the Council of *Santa Paula Beautiful* coming up on Saturday, September 19th from 8 a.m. – 12 p.m.

APPROVAL OF FINAL AGENDA

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

CONSENT CALENDAR

Councilmember Gonzales requested 10Q to be pulled for discussion and Vice Mayor Tovias recused himself from 10T as he had a contractual relationship with the vendor.

It was moved by Councilmember Gonzales, seconded by Vice Mayor Tovias to approve the balance of the Consent Calendar as amended. Under roll call vote, all were in favor of approval with Mayor Fernandez being opposed to Item F and G. The motion carried.

Q. **Request for Out-of-State Travel**– It is recommended that the City Council approve the out-of-state travel for police personnel to attend training in Dallas, Texas on August 17-19, 2009. Police Chief Stephen MacKinnon’s report dated August 7, 2009.

Councilmember Gonzales stated that since this request is fully reimbursed by Federal Government he had no problem approving the item but he was concerned about the economic situation of the City and the cost of travel for all City employees and officials.

A motion was made by Councilmember Gonzales, seconded by Vice Mayor Tovas to approve the item. All were in favor under roll call vote.

- 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 28, 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.
- D. **Warrants and Certifications**– Review, approve, and file the attached warrants and certifications. Finance Director John T. Quinn’s report dated August 10, 2009.

Voided Checks	06/24/09	
Invoices	06/24/09	
	06/26/09	
Wire Transfer	06/24/09	
Subtotal		\$ 293,866.55
Voided Checks	07/01/09	
Invoices	07/01/09	
Wire Transfers	07/01/09	
	07/03/09	
	06/30/09	
Subtotal		\$ 497,252.66
Voided Checks	07/07/09	

Regular City Council Meeting
Monday, August 17, 2009
Administration Conference Room/Council Chambers

Invoices	07/07/09	
	07/10/09	
Wire Transfers	07/08/09	
Subtotal		\$1,076,340.02
Voided Checks	07/16/09	
Invoices	07/16/09	
Wire Transfers	07/15/09	
Subtotal		\$477,483.95
Invoices	07/20/09	
	07/23/09	
	07/24/09	
Subtotal		\$369,872.15
Voided Checks	07/30/09	
Invoices	07/30/09	
Wire Transfers	07/29/09	
	07/31/09	
Subtotal		\$825,817.07
TOTAL		\$3, 540,632.40

- E. **Second Reading and Adoption of Ordinance No. 1209**– It is recommended that the City Council: 1) waive the second reading and adopt Ordinance No. 1209; 2) take such additional, related, action that may be desirable. **ORDINANCE NO. 1209**– AN ORDINANCE ESTABLISHING SPEED LIMITS IN ACCORDANCE WITH VEHICLE CODE § 22357 BASED UPON ENGINEERING AND TRAFFIC SURVEY AS DEFINED BY VEHICLE CODE § 627. Deputy City Clerk Peggy Higgins' report dated August 7, 2009.
- F. **Second Reading and Adoption of Ordinance No. 1213**– It is recommended that the City Council: 1) waive the second reading and adopt Ordinance No. 1213; 2) take such additional, related, action that may be desirable. **ORDINANCE NO. 1213**– AN ORDINANCE SETTING THE AMOUNT OF WATER RATES AND CHARGES PURSUANT TO HEALTH AND SAFETY CODE § 5471 AND THE SANTA PAULA MUNICIPAL CODE. Deputy City Clerk Peggy Higgins' report dated August 7, 2009.

- G. **Second Reading and Adoption of Ordinance No. 1214**– It is recommended that the City Council: 1) waive the second reading and adopt Ordinance No. 1214; 2) take such additional, related, action that may be desirable. **ORDINANCE NO. 1214**– AN ORDINANCE SETTING THE AMOUNT OF WASTEWATER RATES AND CHARGES PUSUANT TO HEALTH AND SAFETY CODE § 5471 AND THE SANTA PAULA MUNICIPAL CODE § 51.145. Deputy City Clerk Peggy Higgins' report dated August 7, 2009.
- H. **Minutes**– Adopt the minutes from the Regular City Council Meeting of April 6, 2009.
- I. **Minutes**– Adopt the minutes from the Regular City Council Meeting of April 20, 2009.
- J. **Minutes**– Adopt the minutes from the Regular City Council Meeting of May 4, 2009.
- K. **Minutes**– Adopt the minutes from the Special City Council Meeting of May 11, 2009.
- L. **Minutes**– Adopt the minutes from the Regular City Council Meeting of May 18, 2009.
- M. **Minutes**– Adopt the minutes from the Special City Council Meeting of June 3, 2009.
- N. **Minutes**– Adopt the minutes from the Special City Council Meeting of June 15, 2009.
- O. **Minutes**– Adopt the minutes from the Special City Council Meeting of June 29, 2009.
- P. **Minutes**– Adopt the minutes from the Special City Council Meeting of July 23, 2009.
- R. **Union 76 Gas Station Demolition Project Closeout and Notice of Completion**– It is recommended that the City Council: 1) receive and file the project a Notice of Completion (NOC) and final project accounting, and 2) take such additional, related action that may be desirable. Interim Public works Director Jon Turner's report dated August 5, 2009.
- S. **Curb Ramp Installation Project Closeout and Notice of Completion**– It is recommended that the City Council: 1) receive and file the project

Notice of Completion (NOC) and final project accounting, and 2) take such additional, related action that may be desirable. Interim Public Works Director Jon Turner's report dated August 5, 2009.

- T. **Approval of a Three-Year On-Call Maintenance Agreement with Colborn and Associates**– It is recommended that the City Council: 1) authorize the City Manager to execute a Three-Year On-Call Maintenance Agreement for tree trimming services with Colborn and Associates in a form approved by the City Attorney, and 2) take such additional, related action that may be desirable. Interim Public Works Director Jon Turner's report dated August 5, 2009.

PUBLIC HEARING

- A. **Review of Project No. 2009-MISC-03: Appeal of Planning Commission decision sustaining Building Official action and denying an appeal regarding an unlawful change of occupancy of an existing commercial building located at 136 N. Ojai St.**

Deputy Planning Director Stratis Perros' report dated August 4, 2009.

Upon verification of proper notification and posting by the City Clerk, Mayor Fernandez opened the Public Hearing at 8:21 p.m.

Deputy Planning Director Stratis Perros provided a staff presentation.

RECESS TO BREAK

Mayor Fernandez recessed the City Council to a break at 9:10 p.m.

RECONVENED TO REGULAR MEETING

Mayor Fernandez reconvened the City Council at 9:23 p.m.

David Romney, Attorney for the Appellant and Appellant Shahin Azarmehr presented argument for overturning of the Planning Commission's decision.

Following comments from the Appellant and his representatives Deputy Planning Director Stratis Perros and Building Official Larry Beem provided additional information to the City Council.

Mayor Fernandez commented that he would like to continue the public hearing to September 8 to give an opportunity for the Appellant and staff time to resolve the matter and bring the building into compliance with applicable law.

It was moved by Mayor Fernandez, seconded by Councilmember Gonzales to continue the Public Hearing to the Regular City Council Meeting of September 8, 2009. Under roll call vote Councilmember Robinson, Councilmember Gonzales, Vice Mayor Tovas, and Mayor Fernandez were in favor. Councilmember Aguirre was opposed. The motion carried.

RECESS TO BREAK

Mayor Fernandez recessed the City Council to a break at 10:30 p.m.

RECONVENED TO REGULAR MEETING

Mayor Fernandez reconvened the City Council at 10:45 p.m.

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 Robinson, seconded by Vice Mayor Tovas to suspend the rules and continue the meeting. All were in favor under roll call vote. The motion carried.

ORDER OF BUSINESS

A. July 2009 Monthly Budget Update and Proposed FY 2009/10 Budget Adjustments

Finance Director John Quinn's report dated August 7, 2009.

Chris Mahan, Santa Paula Fire Fighters Association and Fire Fighter gave impact of budget cuts on the Fire Department and spoke about Fire Fighters salaries being below market and being understaffed for the City's population.

Lorenzo Chavez, Building Inspector read a statement by David Hamersley, Maintenance Worker who thanked the Council for their attention to the City staff and committed to help develop cost savings and asked the Council and Management to speak to the employees who, as front line workers, have many good ideas.

Danny Carillo, SEIU read a statement by Lucy Blanco, Public Works Secretary who suggested that the Council stop outsourcing work that could be done by City employees and ask employees for their ideas.

It was moved by Councilmember Robinson, seconded by Councilmember Aguirre to receive the monthly budget update and approve the proposed budget

adjustments for fiscal year 2009-10 by adopting Resolution No. 6609 and for staff to return to Council at its next regular meeting of September 8, 2009 with further recommendations of adjustments to the budget. All were in favor under roll call vote and the motion carried.

RESOLUTION NO. 6609

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA PAULA APPROVING ADJUSTMENTS TO THE ADOPTED BUDGET FOR FISCAL YEAR 2009-10.

Councilmember Gonzales requested to hear Item 12D next.

D. Designation of Voting Delegate for 2009 League of California Cities Annual Conference

Interim City Manager Clifford Finley's report dated August 1, 2009.

It was moved by Councilmember Aguirre, seconded by Councilmember Gonzales to designate Mayor Fernandez as the voting delegate and Vice Mayor Tovias as the alternate for the 2009 League of California Cities Annual Conference. All were in favor under roll call vote and the motion carried.

B. Graffiti Regulations

City Attorney Karl Berger's report dated May 18, 2009.

It was moved by Councilmember Gonzales, seconded by Councilmember Robinson to introduce and waive first reading of Ordinance No. 1212, schedule second reading and adoption for the next regularly scheduled meeting and adopt Resolution No. 6591. All were in favor under roll call vote and the motion carried.

ORDINANCE NO. 1212

AN ORDINANCE AMENDING SANTA PAULA MUNICIPAL CODE § 94.18 AND ADDING A NEW § 94.32, AFFECTING GRAFFITI REGULATIONS.

RESOLUTION NO. 6591

A RESOLUTION ADDING NEW ADMINISTRATIVE FINES FOR GRAFFITI VIOLATIONS TO THE PREVIOUSLY ADOPTED ADMINISTRATIVE FINE SCHEDULE PURSUANT TO SANTA PAULA MUNICIPAL CODE § 14.11.

B. 2010 Census-Appointment of Complete Count Committee

Planning Director Janna Minsk's report dated August 6, 2009.

It was moved by Councilmember Aguirre, seconded by Vice Mayor Tovas to appoint Mayor Fernandez and Councilmember Aguirre as the "Complete Count Committee". All were in favor under roll call vote and the motion carried.

C. Designation of Planning Commission Seats

Interim City Manager Clifford Finley's report dated August 11, 2009.

It was moved by Councilmember Robinson, seconded by Councilmember Aguirre to appoint Planning Commissioner John Wisda to seat number five with a term which will expire June 2011 and Planning Commissioner Marilyn Appleby to seat number four with a term which will expire June 2013. All were in favor under roll call vote and the motion carried.

COMMUNICATIONS

Councilmember Robinson attended a joint powers conference on Rebuilding California with city and county officials, staff and Association of School Boards. Four proposals were adopted; protect local revenue sources; term limit reform; approve local taxes with less than 2/3 vote and require new fund sources for state wide ballot measures that impose new obligations. The purpose is to take action to stop raids of State Legislature on public funds.

Councilmember Gonzales received a letter expressing concern regarding the County's consideration of placing a short term crisis rehabilitation facility next to a public school.

Councilmember Gonzales asked for an update on the Craig and Warren Ave. street project. Interim City Manager Finley said that as soon as the water line repair was complete the funding was in place for street repairs.

Interim City Manager Finley stated that he will be meeting with the local Housing Authority to discuss the now closed Santa Paula Health Care and its potential uses.

REQUEST FOR FUTURE AGENDA ITEMS

It was moved by Councilmember Aguirre to place an item on upcoming September 8th and September 21st, 2009 agendas that would give the opportunity for community input for hiring a new City Manager; to also have the Human

Resources Manager work with Bob Murray and Assoc. to set up a mechanism that would allow for input from staff, seconded by Councilmember Gonzales. All were in favor under roll call vote and the motion carried.

It was moved by Councilmember Gonzales to review City's zoning regulations on the September 8, 2009 agenda in regards to drug rehabilitation centers in the proximity of residential areas, schools and the downtown area, seconded by Vice Mayor Tovas. All were in favor under roll call vote and the motion carried.

It was moved by Councilmember Gonzales to investigate grant writing possibilities to obtain Federal stimulus money, seconded by Vice Mayor Tovas. All were in favor under roll call vote and the motion carried.

It was moved by Vice Mayor Tovas to have water conservation issues in Santa Paula discussed on an upcoming agenda, seconded by Councilmember Gonzales. All in were in favor under roll call vote and the motion carried.

It was moved by Councilmember Robinson to have a review on a future agenda of what other municipalities are doing in regards to water recycling, seconded by Councilmember Aguirre. All were in favor under roll call vote and the motion carried.

ADJOURNMENT

Mayor Fernandez recessed the Council at 12:11 a.m.

ATTEST:

Judy Rice
City Clerk