

CALL TO ORDER

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

ROLL CALL

Mayor Ralph J. Fernandez, Vice Mayor Jim Tovias, Councilmember Gabino Aguirre, Councilmember Fred Robinson responded to roll call. Councilmember Robert S. Gonzales was absent. Interim City Manager Clifford G. Finley, City Attorney Karl H. Berger, City Clerk Judy Rice were also present.

PUBLIC COMMENT

No public comment.

RECESS TO BREAK

Mayor Fernandez recessed the Council at 5:42 p.m.

RECONVENED TO CLOSED SESSION

Upon Councilmember Gonzales' arrival Mayor Fernandez reconvened the City Council to a closed session at 6:03 p.m.

ORDER OF BUSINESS

- A. Appoint Interim City Manager and City Attorney to be Real Property Negotiators for APN's 105-0-064-215, 105-0-063-065, 105-0-070-015, 105-0-070-035.

Councilmember Aguirre moved to appoint Interim City Manager Clifford G. Finley as Real Property Negotiator for APN's 105-0-064-215, 105-0-063-065, 105-0-070-015, 105-0-070-035, 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 Real Property Negotiator– Government Code § 54956.8. Property Location: APNs 105-0-064-215, 105-0-063-065, 105-0-070-015, and 105-0-070-035. Negotiating Parties: Twin Pines Health Care, Ventura College East Campus, Weyerhaeuser and ARP respectively. City Negotiators: Interim City Manager Clifford G. Finley and City Attorney Karl H. Berger. Under Negotiations: Both price and terms.
- C. 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 6:03 p.m., and reconvened the City Council at 6:30 p.m. No reportable action. Mayor Fernandez recessed the City Council at 6:30 p.m.

CALL TO ORDER

Mayor Fernandez called the meeting to order at 6:40 p.m. Pastor Ron Dybvig led the invocation and Mayor Fernandez led the Flag Salute.

ROLL CALL

Mayor Ralph J. Fernandez, Vice Mayor James A. Tovias, Councilmember Robert S. Gonzales, Councilmember Gabino Aguirre and Councilmember Fred W. Robinson respond to roll call vote. Interim City Manager Clifford G. Finley, City Attorney Karl H. Berger, City Clerk Judy Rice, Deputy City Clerk Peggy Higgins and Peggy Kelly from the Santa Paula Times were also present

CLOSED SESSION REPORT

No reportable action.

PRESENTATIONS

- A. Presentation by Police Chief Steve MacKinnon Regarding “Moonlight at the Ranch” event.

Police Chief Steve MacKinnon reported that the 3rd Annual Moonlight at the Ranch themed “Out of This World” was a sellout and has become a signature event for Santa Paula.

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

Interim Public Works Director Jon Turner presented information regarding the 6th Annual Santa Paula Beautiful to be held on Saturday, September 19, 2009 from 8:00 a.m. until noon.

C. Update on Station Fire by Fire Chief Rick Araiza

Fire Chief Araiza and Assistant Fire Chief Kevin Fildes gave an update on the now 56% contained Station Fire (the largest fire in L.A. County history). Assistant Fire Chief Fildes warned the Council of the hot dry season ahead with upcoming east winds and dry explosive fuels and that the City must be prepared and the Fire Fighters stay ready. Assistant Chief Fildes gave Council a pamphlet titled "Ready, Set, Go."

Interim City Manager asked Community Services Director Brian Yanez to give an update on the Labor Day weekend events; Cruise Night, Movie in the Park, Fandango and Labor Day Parade. Mr. Yanez thanked various city staff and the committees that were involved in making all of the events a success. He gave a special thank you to the Santa Paula Times, noting that without their generosity in publishing the ads and flyers of the events they would not have been as great a success.

PUBLIC COMMENT

Alex Flores, Agriculture Teacher of Santa Paula High School and FFA Advisor for Future Farmers of America introduced Jeanette Castanon and Carolina Martiez, FFA members to the Council. Mr. Flores informed the Council of FFA's participation in various civic events throughout the year and FFA's focus on community service.

Bob Berg, Red Cross Volunteer introduced the upcoming disaster training event sponsored by the Red Cross to be held at the Limoneira Pavilion on Saturday and Sunday, September 12th and 13th.

CITY COUNCIL/REDEVELOPMENT AGENCY, STAFF COMMUNICATIONS

A. Water Recycling Facility Update

Interim City Manager Clifford Finley informed the Council that the project was on track to be completed by end of 2009 and start up should be in May or June of 2010.

B. Recruitment for City Manager Update

Human Resources Manager Kathy Campbell informed the Council that the recruitment for City Manager closes on Friday, September 11, 2009. At the Council meeting of September 21 she will report on the input received from the community and staff regarding their input for the next City Manager. The Council will meet in Closed Session on Oct. 1 to review the applications. Council will meet again in Closed Session on October 9 to interview the applicants.

APPROVAL OF FINAL AGENDA

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

CONSENT CALENDAR

Councilmember Gonzales requested 10J to be pulled for discussion and Vice Mayor Tovas requested 10H be pulled for discussion.

It was moved by Councilmember Aguirre, seconded by Vice Mayor Tovas to approve the balance of the Consent Calendar as amended. Under roll call vote, all were in favor. 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 August 25, 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 September 1, 2009.

Voided Checks	08/06/09
Invoices	08/06/09

Regular City Council Meeting
 Tuesday, September 8, 2009
 Administration Conference Room/Council Chambers

	08/07/09	
Wire Transfer	08/05/09	
Subtotal		\$ 120,774.01
Voided Checks	08/12/09	
Invoices	08/13/09	
Wire Transfers	08/12/09	
Subtotal		\$ 318,012.35
Invoices	08/21/09	
Wire Transfers	08/19/09	
Subtotal		\$ 165,178.51
Voided Checks	08/27/09	
Invoices	08/27/09	
Wire Transfers	08/26/09	
Subtotal		<u>\$2,646,355.14</u>
	TOTAL	\$3,250,320.01

- E. Second Reading and Adoption of Ordinance No. 1212– It is recommended that the City Council: 1) waive the second reading and adopt Ordinance No. 1212; 2) take such additional, related, action that may be desirable. ORDINANCE NO. 1212– AN ORDINANCE AMENDING SANTA PAULA MUNICIPAL CODE § 94.18 AND ADDING A NEW §94.32, AFFECTING GRAFFITI REGULATIONS. Deputy City Clerk Peggy Higgins’ report dated August 31, 2009.
- F. Minutes– Adopt the minutes from the Regular City Council Meeting of August 17, 2009.
- G. Memorandum of Understanding with the Santa Paula Police Officers Association (SPPOA)– It is recommended that the City Council adopt Resolution No. 6613 approving the Memorandum of Understanding (MOU) for the 2009 contract year between the City of Santa Paula and the Santa Paula Police Officers Association (SPPOA. Human Resource Manager, Kathy Campbell’s report dated August 31, 2009.
- I. Adoption of the Annual Anticipated DBE Participation Level (AADPL) for Fiscal Year 2009/2010, Resolution No. 6592– It is recommended that the City Council approve Resolution No. 6592, adopting the City of Santa Paula’s Adoption of the Annual Anticipated DBE Participation Level (AADPL) for fiscal year

2009/2010. RESOLUTION NO. 6592-A RESOLUTION ADOPTED BY THE CITY COUNCIL FOR THE CITY OF SANTA PAULA ESTABLISHING A DISADVANTAGED BUSINESS ENTERPRISE PROGRAM. Interim Public Works Director, Jon Turner's report dated August 12, 2009.

- K. Approve Resolution No. 6611 Memorializing the Reimbursement Structure for the Recycled Water Master Plan– It is recommended that the City Council: 1) adopt Resolution No. 6611 detailing the reimbursement structure for the Recycled Water Master Plan; and 2) take such additional, related action that may be desirable. RESOLUTION NO. 6611 – A RESOLUTION MEMORIALIZING COSTS RELATED TO THE SANTA PAULA RECYCLED WATER MASTER PLAN. Interim Public Works Director Jon Turner's report dated August 26, 2009.
- L. Approve Wastewater Pipeline Repair Project– It is recommended that the City Council: 1) adopt Resolution No. 6612 approving the plans and specifications for the Wastewater Pipeline Repair Project; 2) authorize the Interim City Manager to advertise the plans and specifications to receive construction bids; and 3) take such additional, related action that may be desirable. RESOLUTION NO. 6612– A RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE WASTEWATER PIPELINE REPAIR PROJECT PURSUANT TO GOVERNMENT CODE § 830.6. Interim Public Works Director Jon Turner's report dated August 26, 2009.
- M. Approve Recommendations of the Traffic Safety Committee– It is recommended that the City Council: 1) adopt Resolution No. 6610 approving the recommendations of the Traffic Safety Committee; and 2) take such additional, related action that may be desirable. RESOLUTION NO. 6610 – A RESOLUTION IMPLEMENTING TRAFFIC SAFETY COMMITTEE RECOMMENDATIONS, DATED JULY 28, 2009. Interim Public Works Director Jon Turner's report dated August 12, 2009.

CONSENT CALENDAR (SEPARATE ACTION ITEM)

- H. Reject the Construction Bids for Soil Remediation Work along Santa Paula Branch Line Bike Trail Right of Way– It is recommended that the City Council: 1) reject the construction bids for the soil remediation work in one location along the Santa Paula Branch Line Bike Trail; and 2) take such additional, related action

that may be desirable. Interim Public Works Director Jon Turner's report dated August 25, 2009.

Interim Public Works Director Jon Turner reviewed why there was a complete rejection of all bids.

A motion was made by Vice Mayor Tovas, seconded by Councilmember Aguirre to reject the construction bids for the soil remediation work in one location along the Santa Paula Branch Line Bike Trail. All were in favor under roll call vote. The motion carried.

- J. Authorize the Lease of One Budgeted Roll Off Truck for the Solid Waste Division– It is recommended that the City Council: 1) authorize a cooperative purchase with the City of Simi Valley in accordance with SPMC §41.13; 2) approve the purchase of the new roll off truck built by International trucks from Gibbs International, Inc., procured via a six-year lease with Old National Bank; 3) authorize the City Manager to enter into a 6 year lease agreement with Old National Bank for \$115,433.35 in a form approved by the City Attorney; and 4) take such additional, related action that may be desirable. Interim Public works Director Jon Turner's report dated August 26, 2009.

Councilmember Gonzales questioned if the lease of this truck was necessary in light of the current budget situation. Interim City Manager Finley responded that the cost of the lease has been included in the budget in the amount of \$22,000 per year, that a lease to purchase is more cost efficient than a purchase and that this truck will be the only first line truck that the City has. City Attorney also added that the funds are from the Solid Waste Enterprise Funds and can only be used for solid waste and not for salaries.

It was moved by Councilmember Gonzales, seconded by Vice Mayor Tovas to approve the a cooperative purchase with the City of Simi Valley in accordance with SPMC §41.13; approve the purchase of the new roll off truck built by International Trucks from Gibbs International, Inc., procured via a six-year lease with Old National Bank and authorize the City Manager to enter into a 6 year lease agreement with Old National Bank for \$115,433.35 in a form approved by the City Attorney. All were in favor under roll call vote and the motion carried.

PUBLIC HEARING

- A. Continued Public Hearing Re Project No. 2009-MISC-03

Fire Chief Rick Araiza's report dated September 2, 2009.

Upon verification of proper notification and posting by the City Clerk, Mayor Fernandez opened the Public Hearing at 7:35 p.m.

It was moved by Mayor Fernandez, seconded by Vice Mayor Tovas to continue the hearing to the Regular City Council meeting of December 7, 2009. All were in favor under roll call vote and the motion carried.

Mayor Fernandez closed the public hearing at 7:40 p.m.

ORDER OF BUSINESS

A. September 2009 Budget Adjustments

Finance Director John Quinn's report dated August 21, 2009.

Finance Director Quinn gave a brief presentation outlining the effects to the City if Council was to approve the Tier I reductions.

PUBLIC COMMENT

Judy Rice, 1331 Woodland Dr. informed the Council that she has received several comments from citizens concerned that the Council might discontinue televising the Council meetings.

It was moved by Councilmember Gonzales, seconded by Councilmember Robinson to adopt Resolution No. 6615 with an amendment to eliminate the two line items that eliminate two part-time positions and to add those line items to the Tier II reductions for future consideration. All were in favor and the motion carried.

B. Approve a Utility Reorganization and Long-Term Lease Structure and Authorize the Engagement of Three Professional Firms to Provide Special Services to Implement the Process

Finance Director John T. Quinn's report dated September 3, 2009.

It was moved by Councilmember Gonzales, seconded by Vice Mayor Tovas to authorize the Interim City Manager to execute any and all documents in a form approved by the City Attorney to engage Fulbright & Jaworski, LLP for specialized legal services and bond and disclosure counsel services; FCS Consulting Group for asset valuation services and financial consulting; and,

Kinsell, Newcomb & DeDios, Inc. for bond underwriting services. All were in favor under roll call vote and the motion carried.

C. Update on Federal Recovery Act Opportunities

Assistant to the City Manager Elisabeth Amador's report dated August 31, 2009.

It was moved by Councilmember Gonzales, seconded by Councilmember Aguirre to receive the report. All were in favor under roll call vote and the motion carried.

D. Approval of Resolution No. 6607 Extending the Low-Income Senior Sewer Rate for One Year and Increasing the Flat Dollar Amount Discount

Finance Director John Quinn's report dated August 21, 2009.

It was moved by Councilmember Robinson, seconded by Councilmember Aguirre to adopt Resolution No. 6607 extending the low-income senior sewer rate for one year and increasing the flat dollar amount discount. All were in favor under roll call vote and the motion carried.

RESOLUTION NO. 6607

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA PAULA AUTHORIZING THE CONTINUANCE OF THE SENIOR CITIZEN DISCOUNT FOR SEWER SERVICES AND AN INCREASE IN THE DISCOUNT AMOUNT. Finance Director John Quinn's report dated August 21, 2009.

E. Award 8th Street Pavement Overlay Project to BC Rincon

Interim Public Works Director Jon Turner's report dated August 5, 2009.

It was moved by Councilmember Gonzales, seconded by Councilmember Aguirre to allocate \$254,000 from the FY 09/10 approved budget capital project for the 8th Street Pavement Overlay Project; open a public hearing and receive evidence to consider a bid protest from second bidder Toro Construction, Inc; close the public hearing and reject the bid protest; waive minor bid irregularities and authorize the Interim City Manager to execute a contract with BC Rincon, Inc., for \$145,374.52 in a form approved by the City Attorney and approve change orders up to the budgeted amount. All were in favor under roll call vote and the motion carried.

F. Discussion of City Surplus Property

Interim Public Works Director Jon Turner's report dated June 3, 2009.

Interim Public Works Director Jon Turner presented a map of the City that identified all City owned property and its use.

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

G. Award the Felkins Road Wastewater Main Installation Project to Nicholas Construction, Inc.

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

It was moved by Councilmember Robinson, seconded by Councilmember Gonzales to allocate \$455,000 from the FY 08/09 approved budget capital project for wastewater pipeline improvements for the Felkins Road Wastewater Main Installation Project; authorize the Interim City Manager to execute a contract with Nicholas Construction, Inc., for \$395,601.00 in a form approved by the City Attorney and approved change orders up to the budgeted amount. All were in favor under roll call vote and the motion carried.

COMMUNICATIONS

Councilmember Gonzales announced that he spoke on behalf of the Mayor at Fillmore Sunrise Rotary and that he felt it went well.

REQUEST FOR FUTURE AGENDA ITEMS

It was moved by Councilmember Robinson, seconded by Mayor Fernandez to have staff report back on the potential and liability issues of using volunteers for various services that are now performed by City staff. All were in favor under roll call vote and the motion carried.

It was moved by Councilmember Gonzales, seconded by Vice Mayor Tovas to review the liability issues on the City's outstanding claims. All were in favor under roll call vote and the motion carried.

It was moved by Councilmember Aguirre, seconded by Councilmember Gonzales to have staff report back on ARRA Funds and how the City can encourage contractors and sub-contractors of Santa Paula projects to hire locally. All were in favor under roll call vote and the motion carried.

It was moved by Councilmember Aguirre, seconded by Councilmember Gonzales for report regarding the upcoming Census. All in were in favor under roll call vote and the motion carried.

It was moved by Mayor Fernandez, seconded by Councilmember Gonzales to have staff report back on the possibility of the City using Work Furlough as a source for temporary workers. All in were in favor under roll call vote and the motion carried.

ADJOURNMENT

Mayor Fernandez recessed the Council at 9:30 p.m.

ATTEST:

Judy Rice
City Clerk