

CALL TO ORDER

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

ROLL CALL

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

ORDER OF BUSINESS

A. Interview for Design Assistance Committee

Catherine M. Barringer was interviewed and spoke of her history with the committee and her desire to continue to serve.

B. Interview for Commission on Aging

Eric Cholerton was not present. He withdrew his application for appointment before the meeting.

C. Interview for Tenant Commissioner of the Santa Paula Housing Authority

Laurie Del Rio was interviewed and spoke of her interest in serving.

D. Interview for Recreation Commission

Richard F. Barnett was interviewed and spoke of his interest in continuing to serve on the Commission

William M. Grant was interviewed and spoke of his history with the Commission and his desire to continue to serve.

E. Interview for Appeals Board

John Bravo was not present for his interview.

F. Interview for Santa Paula Housing Authority

John Bravo was not present for his interview.

G. Interview for Mobilehome Rent Review Commission

John Bravo was not present for his interview.

H. Interview for Citizens Transportation Advisory Committee

John Bravo was not present for his interview.

CLOSED SESSION

A. Appointment of Public Employee – Government Code § 54957. Position: City Manager.

B. Conference with Real Property Negotiator– Government Code § 54956.8. Property Address: APN 103-0-242-175. 221 S. Mill Street, Santa Paula. Negotiating Parties: Edward R. Mendoza. City Negotiators: Interim City Manager Clifford G. Finley and City Attorney Karl H. Berger. Under Negotiations: Both price and terms.

C. Conference with Labor Negotiators – Government Code 54957.6. City Negotiator: Interim City Manager Clifford G. Finley and Human Resources Manager Kathy Campbell. Employee Organizations: Santa Paula Community Service Officers Unit, Santa Paula Police Officers Association, SEIU Local 721, Ventura County Professional Firefighters Association, Management, Supervisory & Professional Association; Executive Management, Mid-Management, Confidential, Part-time, Temporary, and Seasonal Employees Groups.

Mayor Fernandez recessed the City Council to a closed session at 6:00 p.m., and reconvened the City Council in open session at 6:35 p.m. No reportable action. Mayor Fernandez recessed the City Council at 6:35 p.m.

CALL TO ORDER

Mayor Fernandez called the meeting to order at 6:38 p.m. The invocation was led by Deacon Al Guilin and Vice Mayor Tovas led the flag salute.

ROLL CALL

Councilmember Gabino Aguirre, Councilmember Robert S. Gonzales, Councilmember Fred W. Robinson, Vice Mayor James Tovas, and Mayor Ralph J. Fernandez respond to roll call vote. Interim City Manager Clifford G. Finley,

City Attorney Karl H. Berger, City Clerk Judy Rice and Deputy City Clerk Peggy Higgins were also present.

CLOSED SESSION REPORT

No closed session report. City Attorney Berger stated that the Council would return to Closed Session pursuant to those Items on the Closed Session Agenda.

PRESENTATION

- A. Introduction of New Employees- Adam McPhail, Animal Services Coordinator and Bernie Garfio, Senior Nutrition Coordinator

Police Chief Stephen MacKinnon introduced Animal Services Coordinator Adam McPhail.

Community Services Director Brian Yanez introduced Senior Nutrition Coordinator Bernie Garfio.

PUBLIC COMMENT

Debbie Johnson, Downtown Merchants presented information regarding the Downtown Holiday Celebration and invited the Council and public to attend.

Mike Mobley, Chairperson of the Boys & Girls Club Board of Directors explained that the letter mailed from the Director of the Club was an error. He stated that the Board of Directors had no knowledge of the letter and that the club houses are not closing and their services are still available. Mr. Mobley gave the history of the club and stated that it currently serves 264 children on a regular basis.

Councilmember Gonzales requested information regarding the City's Social Service Program for accepting donations for the Boys & Girls Club.

ORDER OF BUSINESS

- A. Review Procedure for Election of Mayor and Vice Mayor

City Clerk Judy Rice reviewed the procedures for the election of Mayor and Vice Mayor as outlined in City Council Resolution No. 6161.

- B. Selection Process for the Mayor of the City of Santa Paula

City Clerk Judy Rice opened the nominations for the office of Mayor.

Councilmember Gonzales nominated James A. Tovias for Mayor.

It was moved by Mayor Fernandez, seconded by Councilmember Robinson to close the nominations for Mayor. All were in favor and the motion carried.

Under roll call vote all were in favor of electing James A. Tovias as Mayor and the motion carried.

Mayor Tovias took his seat at the dais.

C. Selection Process for the Vice Mayor

Mayor Tovias opened the nominations for the office of Vice Mayor.

Councilmember Gonzales nominated Fred W. Robinson for Vice Mayor.

It was moved by Councilmember Fernandez, seconded by Mayor Tovias to close the nominations for Vice Mayor. All were in favor under roll call vote and the motion carried.

Under roll call vote all were in favor of electing Fred W. Robinson as Vice Mayor and the motion carried.

RECESS TO CLOSED SESSION

Mayor Tovias recessed the Council to Closed Session at 7:15 p.m.

RECONVENE TO REGULAR MEETING

Mayor Tovias reconvene the Council at 7:35 p.m. No reportable action.

STAFF COMMUNICATIONS

Interim City Manager Clifford Finley updated Council on the 8th Street paving project and explained how the project was funded.

Interim City Manager Clifford Finley told Council that the Water Recycling Facility is on schedule and will be operational by June 2010.

Interim City Manager Clifford Finley informed Council that the Santa Paula Creek clearing project is underway.

APPROVAL OF FINAL AGENDA

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

CONSENT CALENDAR

It was moved by Councilmember Gonzales, seconded by Councilmember Fernandez to approve the consent calendar. 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 November 24, 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 October 12, 2009.

Voided Checks	9/30/09	
Invoices	9/30/09	
Wire Transfer	9/30/09	
Subtotal		\$ 59,981.65

Voided Checks	10/08/09	
Invoices	10/06/09	
	10/08/09	
Wire Transfers	10/07/09	
Subtotal		<u>\$ 401,215.58</u>

Grand Total \$ 461,197.23

- E. Warrants and Certifications– Review, approve, and file the attached warrants and certifications. Finance Director John T. Quinn’s report dated November 30 , 2009

Regular City Council Meeting
Monday, December 7, 2009
Administrative Conference Room/Council Chambers

Invoices	11/9/09 & 11/13/09	
Wire Transfer	11/11/09 & 11/12/09	
Subtotal		\$ 134,808.84
Invoices	11/16/09 & 11/19/09	
Wire Transfer	11/18/09 & 11/19/09	
Subtotal		\$ 454,975.24
Invoices	11/25/09	
Wire Transfer	11/25/09	
Subtotal		\$ 27,254.49
Grand Total		\$ 617,038.57

- F. Minutes– Adopt the Minutes from the Special City Council Meeting of November 16, 2009. Deputy City Clerk Peggy Higgins’ report dated November 30, 2009.
- G. Second Reading and Adoption of Ordinance 1222– It is recommended that the City Council 1) waive second reading and adopt Ordinance No. 1222; and 2) take such additional, related, action that may be desirable. ORDINANCE NO. 1222–AN ORDINANCE ADDING A NEW CHAPTER 58 TO THE SANTA PAULA MUNICIPAL CODE ESTABLISHING WATER CONSERVATION MEASURES IN ACCORDANCE WITH WATER CODE § 375. Deputy City Clerk Peggy Higgins’ report dated November 30, 2009.
- H. Second Reading and Adoption of Ordinance 1223– It is recommended that the City Council 1) waive second reading and adopt Ordinance No. 1223; and 2) take such additional, related, action that may be desirable. ORDINANCE NO. 1223–AN ORDINANCE AMENDING TITLE V OF THE CITY OF SANTA PAULA MUNICIPAL CODE, ADDING A NEW CHAPTER 59 (LANDSCAPE WATER CONSERVATION STANDARDS). Deputy City Clerk Peggy Higgins’ report dated November 30, 2009.
- I. Adoption of Resolution No. 6633 Approving the Plans and Specifications for the Proposition 1B Funding Street Pavement Maintenance Project– It is recommended that the City Council: 1) adopt Resolution No. 6633 approving the plans and specifications for the Proposition 1B Street Rehabilitation Project; 2) authorize the Interim City Manager to advertise the plans and specification to receive construction bids; and 3) take such additional, related action that may be desirable. RESOLUTION NO. 6633 A RESOLUTION APPROVING THE PLANS FOR THE PROPOSITION 1B

FUNDING STREET PAVEMENT MAINTENANCE PROJECT. Interim Public Works Director Jon Turner's report dated November 30, 2009.

- J. Adoption of Resolution No. 6623 Approving the Plans and Specifications for Arterial Paving 08/09 Project– It is recommended that the City Council: 1) adopt Resolution No. 6623 approving the plans and specifications for the Arterial Paving 08/09 Project; 2) authorize staff to advertise for bids; and 3) take such additional, related action that may be desirable. RESOLUTION NO. 6623 A RESOLUTION APPROVING THE PLANS FOR ARTERIAL PAVING 08/09 PROJECT PURSUANT TO GOVERNMENT CODE § 830.6. Interim Public Works Director Jon Turner's report dated November 25, 2009.
- K. Action to Cancel the December 21, 2009 Regular City Council Meeting– It is recommended that the City Council: (1) cancel the December 21, 2009 Regular City Council Meeting; and (2) direct staff as appropriate. Interim City Manager Clifford G. Finley's report dated November 29, 2009.
- L. Approval of Traffic Safety Committee Recommendations– It is recommended that the City Council: 1) adopt Resolution No. 6634 approving the recommendations of the Traffic Safety Committee; and 2) take such additional, related action that may be desirable. RESOLUTION NO. 6634 A RESOLUTION IMPLEMENTING TRAFFIC SAFETY COMMITTEE RECOMMENDATIONS DATED NOVEMBER 24, 2009. Interim Public Works Director Jon Turner's report dated November 24, 2009.
- M. Adoption of Santa Paula Wastewater Treatment Plant Historical Report and Authorization to Solicit Proposals for Relocation of the Keeper Residence and for Specifications to Decommission/Demolish the Existing Wastewater Treatment Plant– It is recommended that the City Council: 1) adopt the Santa Paula Wastewater Treatment Plant Historical Report; 2) authorize the Interim City Manager to solicit proposals to relocate the keeper's residence in accordance with the requirements outlined in the Water Recycling Facility Final EIR; 3) authorize the Interim City Manager to solicit proposals for the preparation of plans and specifications detailing the decommissioning/demolition of the existing wastewater treatment plant; and 4) take such additional, related action that may be desirable. Interim Public Works Director Jon Turner's report dated November 30, 2009.
- N. Approval of Three-Year On-Call Agreement with RJR Engineering Group, Inc.– It is recommended that the City Council: 1) authorize the City Manager to execute the attached Three-Year On-Call Agreement for

professional geotechnical engineering services with RJR Engineering Group, Inc. 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 November 30, 2009.

PUBLIC HEARING

A. Citizens Option for Public Safety (COPS) Program

Police Chief Stephen MacKinnon's report dated November 30, 2009.

Upon verification of proper notification and posting by the City Clerk, Mayor Tovas opened the Public Hearing at 7:40 p.m.

Councilmember Aguirre stated for the record that he is the Chair of the Community Action Group of Ventura County

It was moved by Councilmember Gonzales, seconded by Vice Mayor Robinson to approve an additional allocation of the FY 2009/2010 COPS funds in the amount of \$38,873.00 and all interest earnings towards the funding of a part-time Records Clerk, a part-time Community Services Officer, and the purchase of electronic equipment. Also, to authorize the Interim City Manager to execute a Memorandum of Understanding approved as to form by the City Attorney, to enter into an agreement with Community Action Ventura County to accept a grant of \$44,000.00. All were in favor under roll call vote and the motion carried.

It was moved by Councilmember Fernandez, seconded by Councilmember Gonzales to hear Items 16C and 17A before 16B. All were in favor and the motion carried.

C. Project No. 2009-MISC-03: Appeal of Planning Commission Decision Sustaining Building Official Action Regarding an Unlawful Change of Occupancy of an Existing Commercial Building Located at 136 N. Ojai Street

Planning Director Janna Minsk's report dated December 1, 2009.

Upon verification of proper notification and posting by the City Clerk, Mayor Tovas opened the Public Hearing at 7:50 p.m.

Councilmembers Gonzales, Fernandez, Aguirre and Vice Mayor Robinson stated for the record that they had spoken with the applicant and his attorney before the first public hearing.

Applicant Shahin Azarmehr submitted a request for continuance of the public hearing to June 2010.

It was moved by Councilmember Gonzales, seconded by Vice Mayor Robinson to continue the public hearing to the Regular City Council meeting of March 15, 2010. All were in favor under roll call vote and the motion carried.

ORDER OF BUSINESS

A. Request RDA funds for Santa Paula Art Museum

Assistant to the City Manager Elisabeth Amador's report dated November 24, 2009.

PUBLIC COMMENT

Mary Alice Henderson representing Santa Paula Art Museum stated that the Museum is close to its financial goal but still needs assistance and invited the following speakers to give the Council an update.

Chris Wilson, 999 Cliff Dr. gave an update on the building project and stated that the Museum will be open in February.

Mayor Tovas stated that he is on a month to month lease in the Limoneria Building where the Santa Paula Art Museum resides and asked the City Attorney if he needs to recuse himself from the discussion.

City Attorney Karl Berger stated that there is an exception in the Political Reform Act that allows the Mayor to participate as long as he is on a month to month lease.

Meg Phelps, 224 N. 7th St., S.P. Art Museum Board Member spoke about the educational aspects and educational outreach programs that the Museum will provide.

Ginger Gherardi, 1183 Los Robles Dr. on behalf of the Board of Directors asked for a short term loan in the amount of \$50,000 with provisions to pay it back as soon as possible. She stated that there are pledges in the amount of \$100,000 expected and that this loan would be repaid in approximately one and one-half months.

It was moved by Councilmember Gonzales, seconded by Councilmember Fernandez to table the item to Jan. 19, 2010. All were in favor under roll call vote and the motion carried.

RECESS TO CLOSED SESSION

City Attorney Berger requested the Council to recess to closed session pursuant to Item 5A on the Closed Session agenda at 8:35 p.m.

RECONVENE TO REGULAR MEETING

Mayor Tovas reconvened the City Council at 8:45 p.m. There was no reportable action.

PUBLIC HEARING

- B. Adopt City Resolution No. 6639 Authorizing the Execution of Water and Wastewater Enterprise Lease and Management Agreements and the First Amendment to the 2003 Installment Sale Agreement; Adopt Utility Authority Resolution No. 2009-02 (U) Authorizing the Execution of Water and Wastewater Enterprise Lease and Management Agreements; Adopt Financing Authority Resolution No. 2009-01 (F) Authorizing Execution of the First Amendment to the 2003 Installment Sale Agreement and the First Amendment to the 2003 Indenture of Trust.

John T. Quinn's report dated December 2, 2009.

Upon verification of proper notification and posting by the City Clerk, Mayor Tovas opened the Public Hearing at 8:47 p.m.

It was moved by Councilmember Gonzales, seconded by Vice Mayor Robinson to adopt Resolution No. 6639 authorizing the Mayor to execute: Water Enterprise Lease Agreement for the City's Water System and the Water Enterprise Management Agreement; Wastewater Enterprise Lease Agreement for the Lease of the City's Wastewater System and the Wastewater Enterprise Management Agreement; and First Amendment to the 2003 Installment Sales Agreement in forms approved by the City's special counsel. Under roll call vote all were in favor and the motion carried.

It was moved by Councilmember Gonzales, seconded by Councilmember Aguirre to adopt the Resolution No. 2009-02 (U) authorizing the Chairperson to execute the following agreements in a form approved by the City's Special Counsel: Water Enterprise Lease Agreement for the City's Water System and the Water Enterprise Agreement; Wastewater Enterprise Lease Agreement for the Lease of the City's Wastewater System; and the Wastewater Enterprise Management Agreement. Under roll call vote all were in favor and the motion carried.

It was moved by Councilmember Gonzales, seconded by Vice Mayor Robinson to adopt Resolution No. 2009-01 (F) authorizing the Chairperson to execute the First Amendment to the 2003 Installment Sale Agreement and the First Amendment to the 2003 Indenture of Trust. Under roll call vote all were in favor and the motion carried.

B. Update of 2010-2011 Community Development Block Grant Program funding Process

Assistant to the City Manager Elisabeth Amador's report dated November 22, 2009.

It was moved by Councilmember Gonzales, seconded by Councilmember Fernandez to receive and file the report. All were in favor and the motion carried.

C. Authorize Joint Application with County of Ventura for Energy Efficiency Conservation Block Grant

Assistant to the City Manager Elisabeth V. Amador's report dated November 18, 2009.

It was moved by Councilmember Gonzales, seconded by Councilmember Fernandez to adopt Resolution No. 6638 authorizing the County of Ventura to file a joint grant application for Energy Efficiency Conservation Block Grant (EECBG) and accept any subsequent grant funds.

RESOLUTION NO. 6638

A RESOLUTION AUTHORIZING THE COUNTY OF VENTURA TO SUBMIT A JOINT APPLICATION WITH THE CITIES OF FILLMORE, OJAI, AND PORT HUENEME FOR THE ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT (EECBG)

D. Update on Ventura County Community College District's Measure S Bond

Assistant to the City Manager Elisabeth Amador's report dated November 23, 2009.

Councilmember Fernandez recused himself from Item 17D as he is employed by the College District.

It was moved by Mayor Tovas, seconded by Councilmember Aguirre to receive and file the report and continue item to next Council meeting. All were in favor under roll call vote and the motion carried.

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

Planning Director Janna Minsk's, report dated December 1, 2009.

It was moved by Councilmember Gonzales, seconded by Councilmember Fernandez to approve the technical changes to correct the mapping error, that there will be no inclusion of the Mountain View Golf Course within the greenbelt and reaffirm that no super majority clause will be included in any amendments to Ordinance No. 1216. Under roll call vote all were in favor and the motion carried.

F. Appointment of Members to the Economic Development Advisory Committee

Interim City Manager Clifford G. Finley's report dated November 24, 2009.

It was moved by Councilmember Gonzales, seconded by Councilmember Aguirre to appoint Sam Hishmeh to the unscheduled vacancy with a term ending June 2011. All were in favor and the motion carried.

It was moved by Councilmember Gonzales, seconded by Councilmember Aguirre to appoint Carla Edwards, Donna Steward and Peter Wright to each of the vacant four year terms ending June 2013. All were in favor and the motion carried.

COMMUNICATIONS

Councilmember Gonzales stated that he and Mayor Tovas traveled on behalf of the City Council to an undisclosed location representing the City in a very professional manner and came back in one piece.

FUTURE AGENDA ITEMS

It was moved by Councilmember Gonzales, seconded by Councilmember Fernandez to receive an update from staff regarding the City's participation in funding of money, donations or contributions to the Boys & Girls Club.

ADJOURNMENT

Mayor Tovas adjourned the meeting at 10:26 p.m.

ATTEST:

Judy Rice
City Clerk