

**CALL TO ORDER**

Mayor Tovas called the meeting to order at 5:33 p.m.

**ROLL CALL**

Mayor James A. Tovas, Vice Mayor Fred W. Robinson, Councilmember Gabino Aguirre responded to roll call vote. Interim City Manager Clifford G. Finley, City Attorney Karl H. Berger and Deputy City Clerk Peggy Higgins were also present. Councilmember Ralph J. Fernandez and Councilmember Robert S. Gonzales were absent.

**ORDER OF BUSINESS**

- A. Interview for Appeals Board
- B. Interview for Santa Paula Housing Authority
- C. Interview for Mobilehome Rent Review Commission
- D. Interview for Citizens Transportation Advisory Committee

John Bravo was interviewed by the Council for a position on one of the four boards.

Councilmember Fernandez arrived at 5:38 p.m. and Councilmember Gonzales arrived at 5:45. p.m.

- E. Appoint Real Property Negotiators.

It was moved by Councilmember Robinson, seconded by Councilmember Fernandez to appoint Interim City Manager Clifford G. Finley and City Attorney Karl H. Berger to be Real Property Negotiators for APNs 038-0-090-150, 038-0-090-160, 038-0-090-170. All were in favor and the motion carried.

- F. Appoint Real Property Negotiators.

It was moved by Councilmember Aguirre, seconded by Councilmember Robinson to appoint Interim City Manager Clifford G. Finley and City Attorney Karl H. Berger to be Real Property Negotiators for APNs 105-0-064-215, 105-0-063-065, 105-0-070-015, 105-0-070-075, and 105-0-070-035. All were in favor and the motion carried.

**CLOSED SESSION**

- A. Conference with Legal Counsel, Anticipated Litigation– Government Code § 54956.9 (b) (significant exposure to litigation). Facts or circumstances: Letter dated December 17, 2009 from Thomas A. Henry regarding Santa Paula Creek sedimentary removal project. Number of cases: one
- 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.
- D. Conference with Real Property Negotiator– *Government Code § 54956.8*. Property Address: 038-0-090-150, 038-0-090-160, 038-0-090-170. Negotiating Parties: Eleanor Gooding; John and Louise Gooding. City Negotiators: Interim City Manager Clifford G. Finley and City Attorney Karl H. Berger. Under Negotiations: Both price and terms.
- E. Conference with Real Property Negotiator – *Government Code § 54956.8*. Property Address: APNs 105-0-064-215, 105-0-063-065, 105-0-070-015, 105-0-070-075, and 105-0-070-035. Negotiating Parties: Hardy/Schultz Partners, LLC (Twin Pines Healthcare); Heritage Park Villas; Martha Horning (Ventura College East Campus – tenant); CEDC (Paseo Santa Barbara); International Paper; ARP and McCoy's Towing. City Negotiators: Interim City Manager Clifford Finley and City Attorney Karl H. Berger. Under Negotiations: Both price and terms.

Councilmember Fernandez recused himself from Item 5F and stepped out of the conference room as he is employed by the College District.

- F. Conference with Legal Counsel, Initiation of Litigation- Government Code §54956.9 (b). Number of Potential Cases: One. Potential defendant: Ventura Community College District. Facts or circumstances: Measure S Bond Issuance.

Mayor Tovas recessed the City Council to a closed session at 5:47 p.m., and reconvened the City Council in open session at 6:30 p.m. No reportable action. Mayor Tovas recessed the City Council at 6:30 p.m.

### **CALL TO ORDER**

Mayor Tovas called the meeting to order at 6:40 p.m. The invocation was led by Deacon Al Guilin and Vice Mayor Robinson led the flag salute.

### **ROLL CALL**

Councilmember Robert S. Gonzales, Councilmember Ralph J. Fernandez, Councilmember Gabino Aguirre, Vice Mayor Fred W. Robinson, and Mayor James A. Tovas 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 were also present.

### **CLOSED SESSION REPORT**

City Attorney Berger reported on Item 5F, stating that Councilmember Fernandez declared a conflict and stepped out of the room during the discussion of that Item. He further reported that the City Council authorized the Mayor to send a letter to the Grand Jury asking that it review and provide the City with an opinion regarding whether the Ventura County Community College District was properly implementing Measure S procedures and the voters' intent.

### **PRESENTATION**

#### A. Presentation of Mayor's Plaque to Former City Mayor Ralph Fernandez

Mayor Tovas presented Former Mayor Fernandez with a Plaque and Gavel in appreciation for his year as City Mayor.

Former Mayor Fernandez stepped up to the podium and thanked Council and staff for all of their hard work and support in the past year. He also thanked his wife and children for there support and patience.

#### B. Presentation of Proclamations and City Tiles in Recognition of Service to David W. Hamersley and Julia Romero

Vice Mayor Robinson Councilmember Gonzales presented David Hamersley and Julia Romero respectively with a City Tile and Proclamation in appreciation of their years of service to the City.

**PUBLIC COMMENT**

Kate English, 15618 South Mountain Rd. invited Council and the City to the EPOCA NUEVA Art Show.

Kay Wilson-Bolton, 123 N. 10<sup>th</sup> St., gave the Council an update of the Richard's House warming shelter and thanked the Council and City staff for facilitating its opening.

John Bravo, 557 Munger Dr. asked that the Council observe a moment of silence in memory of Former City Clerk Steven Salas who was killed in a car accident on January 1, 2010.

**CITY COUNCIL, STAFF COMMUNICATIONS**

Councilmember Fernandez invited Council to an Isbell School fundraiser at MacDonalds on January 21, 2010.

Councilmember Aguirre presented a calendar commemorating the centennial of the Mexican Revolution. The calendar titled (R)EVOLUTION will be sold in an effort to raise funds for area charities.

**APPROVAL OF FINAL AGENDA**

It was moved by Councilmember Gonzales, seconded by Councilmember Fernandez to approve the final agenda. All were in favor and the motion carried.

**CONSENT CALENDAR**

Councilmember Aguirre pulled Item 10H for discussion.

It was moved by Councilmember Gonzales, seconded by Vice Mayor Robinson to approve the consent calendar as amended. 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.

Regular City Council Meeting  
Monday, January 4, 2010  
Administrative Conference Room and Council Chambers

- C. 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	12/03/09	
Invoices	12/03/09	
Wire Transfer	12/02/09	
Subtotal		\$ 491,698.55

Invoices	12/10/09	
Wire Transfers	12/09/09	
Subtotal		\$ 76,321.82

Invoices	12/17/09	
Wire Transfers	12/16/09	\$ <u>931,746.42</u>

Grand Total		\$ 1,499,766.79
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- D. Minutes– Adopt the Minutes from the Regular City Council Meeting of December 7, 2009. Deputy City Clerk Peggy Higgins’ report dated December 28, 2009.

- E. Minutes– Adopt the Minutes from the Special City Council Meeting of December 15, 2009. Deputy City Clerk Peggy Higgins’ report dated December 28, 2009.

- F. 5<sup>th</sup> Street/Harvard Blvd. Lighted Crosswalk Improvements 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 December 21, 2009.

- G. Award Santa Paula Branch Line Bike Trail Railway Signal Design Work to Fillmore and Western Railway– It is recommended that the City Council: 1) allocate \$75,213 from Account 229.5.9036.290; 2) authorize the City Manager to execute a contract in a form approved by the City Attorney for \$68,375 to Fillmore and Western Railway for the Design work and approve amendments up to the budget amount; and 3) take such additional, related action that may be desirable. Interim Public Works Director Jon Turner’s report dated December 28, 2009.

**CONSENT CALENDAR – SEPARATE ACTION ITEM**

H. Authorize Joint Application with County of Ventura for the CaliforniaFIRST Program

Assistant to the City Manager Elisabeth Amador's report dated December 21, 2009.

It was moved by Councilmember Aguirre, seconded by Councilmember Fernandez to adopt Resolution No. 6640 authorizing the County of Ventura to file a joint grant application for CaliforniaFIRST Program.

**RESOLUTION NO. 6640**

A RESOLUTION AUTHORIZING THE COUNTY OF VENTURA TO SUBMIT A JOINT APPLICATION WITH FOR THE CALIFORNIA FIRST PROGRAM.

**PUBLIC HEARING**

Adopt Public 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 7:15 p.m.

**PUBLIC COMMENT**

There was no public comment.

It was moved by Councilmember Aguirre, seconded by Vice Mayor Robinson that the Public Financing Authority Directors 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.

**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

**ORDER OF BUSINESS**

A. Update on Santa Paula's Elementary and High School District Unification Study

Assistant to the City Manager Elisabeth Amador's report dated December 16, 2009.

Gina Ramirez, 133 Mupu Ave., as resident of Santa Paula asked the Council to ensure that all citizens understand the unification plan before moving forward.

Jeri Mead, 650 Monte Vista, asked the Council to take the time to form a committee or forum to further study the unification plan and to provide the public with accurate and complete information.

Rob Corley, Unification Committee stated that there was no new information available from the State that changes the report as it was published. He described the process that will be taken once the County begins the study. He reminded Council that moving forward will only allow the process of acquiring correct information to begin.

It was moved by Councilmember Gonzales, seconded by Councilmember Aguirre for staff to report back at the Regular Council meeting of February 1, 2010 with a Resolution allowing the County to begin their study on the process of school district unification. Under roll call vote Council members Aguirre and Gonzales, Vice Mayor Robinson and Mayor Tovas approved the motion. Councilmember Fernandez was opposed. The motion carried.

B. Update on Santa Paula Art Museum RDA Request

Assistant to the City Manager Elisabeth Amador's report dated December 16, 2009.

Ginger Gherardi, Santa Paula Art Museum board member, informed Council that necessary money had been acquired to continue construction on the Art Museum and thanked the Council for their consideration.

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

It was moved by Councilmember Aguirre, seconded by Councilmember Fernandez to hear Item 12E next. All were in favor and the motion carried.

E. Adopt Resolution No. 6642 Approving the Plans and Specifications for the Farm Worker Monument Project

Interim Public Works Director Jon Turner's report dated December 19, 2009.

Mr. Turner presented Council with new rendering of the monument.

It was moved by Councilmember Aguirre, seconded by Vice Mayor Robinson to adopt Resolution No. 6642 approving the plans and specifications for the Farm Worker Monument and to authorize the City Manager to advertise the plans and specifications to receive construction bids. Under roll call vote all were in favor and the motion carried.

RESOLUTION NO. 6642

A RESOLUTION APPROVING THE DESIGN AND PLANS AND  
SPECIFICATIONS FOR THE FARM WORKER MONUMENT PROJECT  
PURSUANT TO GOVERNMENT CODE SECTION 830.6

**RECESS TO BREAK**

Mayor Tovas recessed the Council to a break at 8:24 p.m.

**RECONVENE TO REGULAR MEETING**

Mayor Tovas reconvened the Council at 8:37 p.m.

C. Introduction of Ordinance No. 1225 Amending Municipal Code Chapter 118 Regulating Filming

Police Chief Stephen MacKinnon's report dated December 22, 2009

It was moved by Councilmember Gonzales, seconded by Councilmember Fernandez to waive first reading and introduce Ordinance 1225, with amendments recommended by the Police Chief, amending Santa Paula Municipal Code ("SPMC") Chapter 118 regulating filming and schedule second reading and adoption for January 19, 2010.

ORDINANCE 1225

AN ORDINANCE AMENDING SANTA PAULA CHAPTER 118 IN  
ITS ENTIRETY TO REGULATE MOTION PICTURE, RADIO AND

TELEVISION PRODUCTION WITHIN THE CITY OF SANTA PAULA.

D. Update on Early Prisoner Release (Coleman-Plata lawsuits)

Police Chief Stephen MacKinnon's report dated December 15, 2009.

Chief MacKinnon gave a PowerPoint presentation.

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

F. Approve Amendment of the Southwest Water Annual Operations and Maintenance Contract for Additional Wastewater Pipeline Video Services

Interim Public Works Director Jon Turner's report dated December 19, 2009

It was moved by Councilmember Gonzales, seconded by Councilmember Fernandez to allocate \$52,603 from the wastewater fund balance to account 610.5.5063.228 for wastewater pipeline video services (which includes a 10% contingency) and to authorize the City Manager to amend the existing annual contract with Southwest Water Company in a form approved by the City Attorney by \$47,820.60 to include the remaining 25% of pipeline internal video work. All were in favor under roll call vote and the motion carried.

G. Mayor's Standing Committee City Council Ad Hoc Committees

Interim City Manager Clifford Finley's report dated December 29, 2009.

It was moved by Councilmember Gonzales, seconded by Councilmember Fernandez to keep appointments to the Mayor's Standing Committees and the City Council's Ad Hoc Committees the same. All were in favor and the motion carried.

H. Appointment of Member to the Design Assistance Committee

It was moved by Councilmember Fernandez, seconded by Councilmember Aguirre to appoint Catherine Barringer as a member to the Design Assistance Committee to fill one vacancy with a term of four years. All were in favor and the motion carried.

I. Appointment of Tenant Commissioner of the Santa Paula Housing Authority

It was moved by Councilmember Gonzales, seconded by Councilmember Fernandez appoint a Laurie Del Rio as Tenant Commissioner to the Santa Paula Housing Authority to fill one vacancy with a term of two years. All were in favor and the motion carried.

J. Appointment of Members to the Recreation Commission

It was moved by Councilmember Aguirre, seconded by Councilmember Gonzales to appoint Richard F. Barnet and William M. Grant to the Recreation Commission to fill two vacancies with terms of three years. All were in favor and the motion carried.

**COMMUNICATIONS**

Councilmember Gonzales asked if the Waste Water Treatment Plant was on schedule. Interim City Manager Finley stated that completion was ahead of schedule.

Councilmember Gonzales thanked former Mayor Ray Luna, stating he was instrumental in moving this project along.

**FUTURE AGENDA ITEMS**

It was moved by Mayor Tovas, seconded by Councilmember Fernandez to have staff return to Council with an update from Continental Wind Power. All were in favor and the motion carried.

It was moved by Mayor Tovas, seconded by Councilmember Gonzales to have staff return to Council with an update on the Comstock Homes development. All were in favor and the motion carried.

**ADJOURNMENT**

Mayor Tovas adjourned the meeting at 9:45 p.m.

ATTEST:

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Judy Rice  
City Clerk