

**CALL TO ORDER**

Mayor Tovas called the meeting to order at 5:30 p.m.

**ROLL CALL**

Mayor James A. Tovas, Vice Mayor Fred W. Robinson, Councilmember Gabino Aguirre, Councilmember Fernandez and Councilmember Gonzales responded to roll call. City Manager Jaime Fontes, City Attorney Karl H. Berger and City Clerk Judy Rice were also present.

**PUBLIC COMMENT**

None

**CLOSED SESSION**

- A. **Conference with Legal Counsel, Initiation of Litigation**—Government Code §54956.9 (b). Number of Potential Cases: One. Potential defendant: The Dalen and Martha Horning 2003 Trust. Facts or circumstances: eminent domain action to acquire easement for railroad recreational trail (bike path).
- B. **Conference with Labor Negotiator**— Government Code § 54957.6. City Negotiators: City Manager Jaime M. Fontes, Acting Human Resources Manager Lorena Alvarez, Assistant to the City Manager Elisabeth Amador and Finance Director John Quinn. 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/Seasonal.

**CALL TO ORDER**

Mayor Tovas called the meeting to order at 6:35 p.m. The invocation was given by Deacon Al Guilin and the flag salute was led by Mayor Tovas.

**ROLL CALL**

Mayor James A. Tovas, Vice Mayor Fred W. Robinson, Councilmember Gabino Aguirre, Councilmember Fernandez and Councilmember

Gonzales responded to roll call. City Manager Jaime M. Fontes, City Attorney Karl H. Berger, City Clerk Judy Rice and Deputy City Clerk Peggy Higgins were also present.

### **CLOSED SESSION REPORT**

No reportable action.

### **CITY COUNCIL, STAFF COMMUNICATIONS**

#### A. City's Adopt a Park and Right of Way Clean Up Volunteer Program–

Community Services Director Brian Yanez reminded the public of the Adopt A Park program and that people are needed and welcome to contact the Community Services Department if they or their group would like to help maintain and clean-up the parks, right-of-ways and medians. The American in Bloom grant program spearheaded by Diane and Dudley Davis of Do Rights Plant Growers are also looking for volunteers to help with planting and maintenance to help beautify the city.

Councilmember Fernandez announced that the Santa Paula Foundation for Youth will be calling on businesses to help support the arts and music programs in the elementary schools in Santa Paula. Donations can be made to the Santa Paula Foundation for Youth through out the year. He thanked everyone for supporting the program event.

Councilmember Fernandez announced that students of Isbell Middle School's Mesa program won second in the state finals for their Wind Energy Generation project. Students Carlos Martinez, Alonzo Nunez, Jackson Russell and J.T. Salsado were led by instructor Carrie Lyddick, along science teachers Eric Forceman, Diana DeGeorgio and Kirk Wilkinson.

Councilmember Aguirre reminded everyone that there will be two elections held this year in June and November. Voter Registration Program's goal is to boost voter participation in the ten precincts in Santa Paula. The County Elections Department is looking for Precinct Captains. Voter participation ultimately affects the City's fiscal budget and urged citizens to exercise their right to vote.

### **APPROVAL OF FINAL AGENDA**

It was moved by Councilmember Gonzales, seconded by Councilmember Fernandez to move Public Comment to be heard after Presentations and

approve the agenda as amended. All were in favor and the motion carried.

### **PRESENTATIONS**

A. Presentation of Proclamation for Recording for the Blind and Dyslexic

Councilmember Robinson presented a proclamation to Tim Schwartz, coordinator of Recording for the Blind and Dyslexic Association. Mr. Schwartz explained dyslexia, how it affects those who are afflicted and stated that he was honored to be invited by Council to receive this proclamation as it is difficult to educate the public on the affects of dyslexia.

B. Presentation of Proclamation to the Public Works Department in Recognition of "Drinking Water Week" May 2 - 8, 2008

Councilmember Fernandez presented the proclamation to Interim Public Works Director Norm Wilkinson.

C. Presentation of Proclamation to the Public Works Department in Recognition of "Public Works Week" May 16-22, 2010

Councilmember Aguirre presented the proclamation to Interim Public Works Director Norm Wilkinson.

Councilmember Gonzales thanked Mr. Wilkinson for stepping in to help the City as Interim Public Works Director.

D. 2010 Citrus Festival Update- Kiwanis Club

Bill Grant presented the 43<sup>rd</sup> annual Citrus Festival poster to the Council and thanked the City for the hard work given by the staff to make the festival happen. He informed Council that they are invited to ride in the parade on July 17<sup>th</sup> at 10:00 a.m.

E. Presentation Regarding the Asian Citrus Pysllid Threat to the Citrus Industry— President of the Farm Bureau of Ventura County Leslie Leavens-Crowe

Leslie Leavens-Crowe showed a Power Point presentation. She said the information will be put in utility bills and asked to have it put on the City's website and Channel 10.

**PUBLIC COMMENT**

Danny Carillo, SEIU 721 Worksite Organizer, reminded Council that there is no reason to contract out solid waste.

Beverly Frady, 135 N. 4<sup>th</sup> St. invited the Council and public to a seminar sponsored by the City of Santa Paula Police Department Citizens Patrol Unit entitled, "What You Didn't Know About Alzheimer's Disease" with guest speaker Kimberly R. Kelly, founder and executive director of Project Far From Home.

Adriana Almazan, 265 S. Beckwith Rd. representing Ventura County Friday Night live Partnership asked to be placed on a future agenda to discuss the billboards in town and what is displayed.

Frank Suniga, City of Santa Paula Maintained Worker III and 21 year employee who has lived in Santa Paula for 37 years spoke of the tough financial times that the City is going through and asked that the Council reconsider contracting out public works functions.

Jon Turner, 999 Terracina Dr. stated that he needed to clear up the misinformation previously spoken about in a Council meeting regarding Fred Rizzo and himself. He tendered his resignation effective immediately as Deputy Public Works Director in an effort to preserve positions in the Public Works Department.

Victor Espinoza, 233 Corte Linda asked the Council to join other Cities in California in becoming a sanctuary city by not collaborating with federal 287(g) programs, to not use the police to enforce immigration laws and asked the Council to take initiative in joining the international boycott of Arizona by adopting a resolution against Arizona.

Pastor Ron Dybvig, 117 N. 7<sup>th</sup> St., member of the Santa Paula Ministerial Association spoke of his concerns regarding the number of divisions in the community and proposed that we work together in tearing down walls and building bridges. He invited citizens, groups and various boards to meet and identify their similarities and differences and ask what their hopes are for the community.

Scott Brown, 14485 Ojai Rd., asked the City to adopt an ordinance under Senate Bill 1137 to force the banks to maintain their properties that are in foreclosure and sitting vacant.

Alex Flores, Future Farmers of America Advisor spoke of FFA's annual banquet as special night it was for the community to come together to honor the kids, stating that it was a reflection of what our community is all about. He thanked the Brian Weber, director of the Museum and Planning Director Janna Minsk for their help in facilitating the event and the city for their support if the kids and agricultural farming. He noted that the FFA kids will be going to the fair and how important it is to show the kids we support them.

### **CONSENT CALENDAR**

It was moved by Councilmember Gonzales, seconded by Councilmember Aguirre to accept the Consent Calendar as presented. All were in favor 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 May 17, 2010.

Invoices	4/16/10	
Wire Transfers	4/16/10	
Subtotal		\$36,595.79
Voided Checks	4/22/10	
Invoices	4/22/10	
Wire Transfers	4/21/10	
	4/22/10	
Subtotal		\$701,291.40
Invoices	4/22/10	
Wire Transfers	4/27/10	
	4/28/10	
Subtotal		\$176,513.76
Voided Checks	5/4/10	
	5/5/10	

Regular City Council Meeting  
Monday, May 17, 2010  
Administrative Conference Room/Council Chambers

Invoices	5/6/10	
	5/3/10	
	5/5/10	
	5/6/10	
Wire Transfers	5/5/10	
Subtotal		\$1,311,098.58
<b>GRAND TOTAL</b>		<b>\$2,225,499.53</b>

- D. **Planning Commission Action Report**– Pursuant to Resolution No. 6456, receive and file the Planning Director’s report regarding Planning Commission actions taken on April 27, 2010. 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.
- E. **Minutes**– Adopt the Minutes from the Special City Council Meeting of April 19, 2010. Deputy City Clerk Peggy Higgins’ report date April 28, 2010.
- F. **Second Reading and Adoption of Ordinance No. 1227**– It is recommended that the City Council: 1) waive the second reading and adopt Ordinance No. 1227; 2) take such additional, related, action that may be desirable. **ORDINANCE NO. 1227**– AN ORDINANCE PREZONING APPROXIMATELY 4.3 ACRES LOCATED EAST OF GRANT LINE STREET AT ITS SOUTHERN TERMINUS BETWEEN ORCHARD STREET AND SATICOY STREET (APNS 107-0-180-375, 107-0-180-350, 107-0-180-330, 107-0-180-310, 107-0-180-290, 107-0-180-275, 107-0-180-250, 107-0-180-230, 107-0-180-210, 107-0-180-195, 107-0-180-160 and 107-0-180-170). Deputy City Clerk Peggy Higgins’ report dated April 28, 2010.
- G. **Memorandum of Understanding with the Service Employees International Union (SEIU) Local 721**– It is recommended that the City Council 1) adopt Resolution No. 6671, approving the Memorandum of Understanding (MOU) for the 2010 contract year between the City of Santa Paula and the Service Employees International Union (SEIU) Local 721, representing Santa Paula’s Non-managerial, Non-sworn, General Employees; 2) return to staff with further direction or a request for additional information. **RESOLUTION NO. 6671**– A RESOLUTION APPROVING THE MEMORANDUM OF UNDERSTANDING FOR THE CONTRACT

YEAR 2010 BETWEEN THE CITY OF SANTA PAULA AND THE SERVICE EMPLOYEES INTERNATIONAL UNION (SEIU) LOCAL 721. Acting Human Resources Manager Lorena Alvarez's report dated April 26, 2010.

- H. **Request for Subordination Agreement and Amendment to Affordability Covenant by Cabrillo Economic Development Corporation for the Paseo Santa Barbara Project**– It is recommended that the City Council and Board 1) Receive the Report; 2) Approve the Subordination Agreement and Affordability Covenant in a form approved by the City Attorney/General Counsel; and 3) Direct the City Manager/Executive Director to execute these documents. Assistant to the City Manager Elisabeth Amador's report dated May 12, 2010.
- I. **Updated LAIF (Local Agency Investment Fund) Resolution**– It is recommended that the City Council/Board of Directors: 1) adopt Resolution Nos. 6672 and 2010-01(R) authorizing investments in the Local Agency Investment Fund for the City and Redevelopment Agency; and 2) take such additional, related, action that may be desirable. **RESOLUTION NO. 6672**– A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA PAULA AUTHORIZING INVESTMENT OF AGENCY MONIES IN THE LOCAL AGENCY INVESTMENT FUND. **RESOLUTION NO. 2010-01(R)**– A RESOLUTION OF THE BOARD OF DIRECTOR OF THE CITY OF SANTA PAULA REDEVELOPMENT AGENCY AUTHORIZING INVESTMENT OF AGENCY MONIES IN THE LOCAL AGENCY INVESTMENT FUND. City Treasurer Sandra K. Easley's report dated April 27, 2010.
- J. **Investment Report for the Quarter Ending September 30, 2009**– It is recommended that the City Council receive and file the Investment Report for the quarter ending September 30, 2009. City Treasurer Sandra K. Easley's report dated April 29, 2010.
- K. **Approval of Three Year On Call Contract with Penfield & Smith Engineers, Inc. for Planning Services**– It is recommended that the City Council: 1) approve a Three-Year On Call Services Agreement with Penfield & Smith Engineers, Inc.; 2) authorize the City Manager to execute the Agreement, in a form approved by the City Attorney; and 3) take such additional related action that may be desirable. Planning Director Janna Minsk's report dated May 12, 2010.

- L. **Adoption of Resolution 6670 Approving the Beverage Container Grant Funds 2010/2011 Application**– It is recommended that the City Council: 1) adopt Resolution No. 6670 authorizing submittal of the Funding Request Form to the California Department of Conservation's Division of Recycling; 2) authorize the City Manager to execute associated documents; 3) direct staff to forward the application form and a copy of the resolution to the California Department of Conservation once completed; and 4) take such additional, related action that may be desirable. **RESOLUTION NO. 6670**– A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO APPLY FOR, RECEIVE, AND APPROPRIATE GRANT FUNDS FROM THE CALIFORNIA DEPARTMENT OF CONSERVATION PURSUANT TO THE CALIFORNIA BEVERAGE CONTAINER RECYCLING AND LITTER REDUCTION ACT. Public Works Director Clifford Finley's report dated May 4, 2010.
- M. **Adoption of Resolution to Submit The Used Oil Payment Program (OPP) 2010/2011 Application**– It is recommended that the City Council: 1) adopt Resolution No. 6669, authorizing submittal of the Funding Request Form to the Department of Resources Recycling and Recovery (CalRecycle), formerly known as the California Integrated Waste Management Board, for approximately \$7800, and authorizing the City Manager to execute the associated documents; 2) direct staff to forward the application form and a copy of the resolution to the California Integrated Waste Management Board; and 3) take such additional, related action that may be desirable. **RESOLUTION NO. 6669**– A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO APPLY FOR, RECEIVE, AND APPROPRIATE GRANT FUNDS FOR THE 2010/2011 USED OIL PAYMENT PROGRAM PURSUANT TO TITLE 14 CODE OF CALIFORNIA REGULATIONS § 18659.1. Public Works Director Clifford Finley's report dated April 26, 2010.
- N. **Acceptance of Parcel Map No. 5841; A 3 Lot Subdivision at Calavo Street and Telegraph Road**– It is recommended that the City Council: 1) accept Parcel Map No. 5841; 2) direct the appropriate City Officials to sign and record said Map; and 3) take such additional, related action that may be desirable. Public Works Director Clifford Finley's report dated May 3, 2010.

- O. **Acceptance of Parcel Map No. 5846; A Lot Split of 129 Sheppard Road**– It is recommended that the City Council: 1) accept Parcel Map No. 5846; 2) direct the appropriate City Officials to sign and record said Map; and 3) take such additional, related action that may be desirable. Public Works Director Clifford Finley's report dated May 3, 2010.

**PUBLIC HEARING**

- A. **Transfer of Delinquent Sewer, Refuse, and Water Charges to Tax Roll**–

Finance Director John T. Quinn's report dated April 28, 2010.

It was moved by Councilmember Aguirre, seconded by Vice Mayor Robinson to accept the delinquent charges as described in said report as final and adopt Resolution No. 6673 authorizing the City Clerk to record the obligations with the County Recorder, County of Ventura and forward a copy of the Resolution to the County Auditor, County of Ventura for inclusion of the delinquent charges on the 2010-11 tax roll. All were in favor and the motion carried.

**RESOLUTION NO. 6673**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA PAULA ORDERING THE DELINQUENT CHARGES FOR SEWER/REFUSE/WATER SERVICES UPON CERTAIN PROPERTIES IN THE CITY OF SANTA PAULA BE ASSESSED AGAINST THE PROPERTY OWNERS AND PROPERTIES AND SUCH CHARGES BE TRANSFERRED TO THE COUNTY TAX ROLLS.

- B. **Public Hearing for the Hillsborough Open Space Maintenance District Resolution No. 6668**–

Director of Public Works Clifford Finley's report dated May 10, 2010.

It was moved by Councilmember Gonzales, seconded by Councilmember Aguirre to conduct a public hearing on the proposed assessment for the Hillsborough Open Space Maintenance District, approve Resolution No. 6668 placing a \$115.00 per parcel special assessment onto the December 2010 tax roll for the Hillsborough Open Space maintenance District. All were in favor and the motion carried.

**RESOLUTION NO. 6668**

A RESOLUTION PLACING A \$115. ASSESSMENT ON THE TAX ROLL FOR ALL 71 PARCELS IN THE HILLSBOROUGH OPEN SPACE MAINTENANCE DISTRICT IN ACCORDANCE WITH GOVERNMENT CODE § 54715.

C. **Adopt Resolution No. 6667 Finding There is a Public Necessity to Exercise Eminent Domain to Acquire Real Property for the Santa Paula Bike Trail–**

Public Works Director Clifford Finley's report dated May 10, 2010.

It was moved by Councilmember Gonzales, seconded by Councilmember Aguirre to open the public hearing and take testimonial and documentary evidence and adopt Resolution No. 6667 in accordance with Civil Code § 1240.030. Under roll call vote all were in favor and the motion carried.

**RESOLUTION NO. 6667**

A RESOLUTION FINDING A PUBLIC NECESSITY TO ACQUIRE REAL PROPERTY THROUGH EMINENT DOMAIN AND AUTHORIZING THE CITY ATTORNEY TO FILE EMINENT DOMAIN PROCEEDINGS.

**COMMUNICATIONS**

Councilmember Aguirre invited the Council and senior city staff to participate in a dialog on homelessness at the Unitarian Church on June 1st from 5:00-8:00 p.m.

City Manager Jaime Fontes thanked the budgetary sub-committee that included Mayor Tovias and Councilmember Aguirre, who met with all bargaining units.

City Manager Jaime Fontes received a written communication from PERC informing the City that the plant is up a running and there will be a change order for 1.5 million dollars will be coming before council for approval.

**REQUEST FOR FUTURE AGENDA ITEMS**

It was moved by Mayor Tovias, seconded by Councilmember Gonzales to hear the PERC change order. All were in favor and the motion carried.

It was moved by Councilmember Aguirre, seconded by Councilmember Fernandez to hear about the "Friday Night Live" program on a future agenda. All were in favor and the motion carried.

**ADJOURNMENT**

Mayor Tovas adjourned the meeting at 8:07 p.m.

ATTEST:

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Judy Rice  
City Clerk