

CALL TO ORDER

Mayor Tovas called the meeting to order at 6:05 p.m.

ROLL CALL

Mayor James A. Tovas, Vice Mayor Fred W. Robinson, Councilmember Gabino Aguirre, Councilmember Ralph Fernandez responded to roll call. City Manager Jaime M. Fontes, City Attorney Karl H. Berger, City Clerk Judy Rice were also present. Councilmember Robert G. Gonzales arrived at 6:20 p.m.

PUBLIC COMMENT

No public comment.

ORDER OF BUSINESS

No order of business.

CLOSED SESSION

- A. **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: Santa Paula Police Officers Association (SPPOA).
- B. **Conference with Legal Counsel, Existing Litigation** – Government Code § 54956.9(a). *City of Santa Paula v. Verizon California, Inc.*, California Public Utilities Commission Case No. C1004016 filed February 23, 2010.

Mayor Tovas recessed the City Council to a closed session at 6:05 p.m., and reconvened the City Council at 6:35 p.m. No reportable action. Mayor Tovas recessed the City Council at 6:35 p.m.

CALL TO ORDER

Mayor Tovas called the meeting to order at 6:40 p.m. Bishop Charles LaPointe led the invocation and Mayor Tovas let the flag salute.

ROLL CALL

Councilmember Gabino Aguirre, Councilmember Robert G. Gonzales, Councilmember Ralph J. Fernandez, Vice Mayor Fred W. Robinson and Mayor James A. Tovias 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 actions.

PRESENTATIONS

Mayor Tovias added two additional presentations.

Presentation of Proclamation to Isbell School MESA Competition "Wind Energy Challenge"

Councilmember Fernandez presented a proclamation to Cari Leidic, MESA Advisors and students, congratulating them for their 2nd place win in the State competition.

Presentation to Santa Paula High School MESA Competition "Wind Energy Challenge"

Councilmember Robinson presented the proclamation to Santa Paula High School's student team and advisors congratulating them for their 4th place win in the State competition.

A. Southern California Edison Annual Update – Nancy Williams

Ms. Williams gave a Power Point presentation reviewing Edison's 5 year plan.

B. America in Bloom Update – John Chamberlain

Mr. Chamberlain gave a Power Point presentation describing the purpose, benefits and commitment of America in Bloom volunteers.

PUBLIC COMMENT

Nan Drake, 5500 Rainier St, Ventura, representing the Santa Paula Chamber of Commerce invited the Council to the upcoming Good Morning Santa Paula and the Chamber Mixer at the Airport, announcing that the Airport is celebrating their 80th anniversary.

Andrew Castaneda, 432 Sycamore St. stated that comments from the Council regarding the organization CAUSE (Central Coast Alliance United for a Sustainable Economy) were inappropriate.

Larry Sagely, 585 Ridgecrest Dr. also stated that the dais was not an appropriate venue for promoting CAUSE.

CITY COUNCIL, STAFF COMMUNICATIONS

Gabino Aguirre attended the Homelessness Task Force Summit and thanked those who participated.

Councilmember Aguirre announced that the Farm Workers Monument dedication and celebration will be August 12th from 3:00 p.m.-7:00 p.m.

APPROVAL OF FINAL AGENDA

It was moved by Councilmember Gonzales, seconded by Councilmember Aguirre to move Item 12D and then 12A to be heard before the Public Hearing items. All were in favor and the motion carried.

CONSENT CALENDAR

It was moved by Councilmember Aguirre, seconded by Councilmember Gonzales to pull Item 10H for discussion. All were in favor and the motion carried.

It was moved by Councilmember Gonzales, seconded by Aguirre to approve the consent calendar as amended. 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 June 7, 2010.

Voided Checks	05/13/10
Invoices	05/13/10

Regular City Council Meeting
Monday, June 7, 2010
Administrative Conference Room/Council Chambers

Wire Transfers	05/12/10	
Subtotal		\$ 46,200.66
Voided Checks	05/20/10	
Invoices	05/19 /10	
Wire Transfers	05/19/10	
Subtotal		\$473,424.05
Voided Checks	05/24/10	
Invoices	05/27/10	
Wire Transfers	05/26/10	
Subtotal		\$ 45,524.67
GRAND TOTAL		\$565,149.38

- D. **Planning Commission Action Report**– Pursuant to Resolution No. 6456, receive and file the Planning Director’s report regarding Planning Commission actions taken on May 25, 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 Regular City Council Meeting of May 17, 2010. Deputy City Clerk Peggy Higgins’ report dated May 26, 2010.
- F. **Minutes**– Adopt the Minutes from the Special City Council Meeting of May 19, 2010. Deputy City Clerk Peggy Higgins’ report dated May 26, 2010.
- G. **November 2, 2010 General Municipal Election**– It is recommended that the City Council: 1) adopt Resolution No. 6678 calling a General Municipal Election on November 2, 2010, and requesting consolidation with other elections held on the same date; 2) adopt Resolution No. 6679 requesting the Ventura County Board of Supervisors provide election services to the City for the November 2, 2010 election; 3) adopt Resolution No. 6680 establishing requirements for Candidate Statements filed with the City Clerk to be included with voter information for an election on November 2, 2010; and 4) take such additional, related, action that may be desirable. Deputy City Clerk Peggy Higgins’ report dated June 1, 2010.
- I. **Investment Report for the Quarter Ending December 31, 2009**– It is recommended that the City Council receives and files the Investment

Report for the quarter ending December 31, 2009. City Treasurer Sandra K. Easley's report dated May 18, 2010.

- J. **Authorization to Pursue Grant Funding Opportunity**– It is recommended that the City Council: 1) adopt Resolution No. 6677 to authorize the Police Department to submit a grant application for a grant opportunity. **RESOLUTION NO. 6677- A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO APPLY FOR, RECEIVE, AND APPROPRIATE GRANT FUNDS FOR POLICE PROGRAMS AND PERSONNEL.** Chief of Police Stephen MacKinnon's report dated May 24, 2010.

CONSENT CALENDAR (SEPARATE ACTION ITEM)

- H. **Update on Water Recycling Facility–PERC Change Order**

City Manager Jaime Fontes' report dated June 1, 2010.

It was moved by Councilmember Gonzales, seconded by Councilmember Fernandez to appoint an ad hoc committee consisting of himself and Councilmember Fernandez, to report back to Council at the June 21st Council meeting and to not pay any additional cost presented until that time. All were in favor and the motion carried.

ORDER OF BUSINESS

- D. **Authorization to Apply for Transportation Enhancement Activities (TEA) Funds for Improvements on Tenth Street**

Interim Public Works Director Norman Wilkinson's report dated May 25, 2010.

It was moved by Councilmember Robinson, seconded by Councilmember Gonzales, to approve the proposed project concept and authorize staff to apply to the Ventura County Transportation Commission for Transportation Enhancement Activities funds for the project and to expend funds not to exceed the grant award amount. All were in favor and the motion carried.

- A. **Solid Waste Privatization Feasibility Study**

Finance Director John T. Quinn's report dated June 2, 2010.

PUBLIC COMMENT

Danny Carillo- SEIU Local 721 Representative presented Council with signatures from citizens who agree with keeping the solid waste management in house and expressed concerns over privatizing refuse hauling.

Trina Nagele, 809 Ojai Rd. spoke to Item 11A about green golf courses.

Frank Zuniga- City employee stated that the feasibility study is lacking and questioned what privatizing will do for the economic recovery of the City. He urged Council to meet with staff to discuss other cost reducing ideas.

Mario Ramirez, 366 Contra Costa Ave., Ventura, 34 year Santa Clara Disposable employee stated that Santa Clara Disposable is the best company to work for.

Lynn Harrison, 1113 Cliff Dr. resident and part owner of Santa Clara Valley Disposal stated that his company has 27 employees that live in Santa Paula and feels for the city workers whose jobs are at stake. He asked the city to consider E.J. Harrison and Santa Clara Disposal as they are local companies and not going anywhere.

Lance Lawhon, 122 N. Dos Caminos, Ventura, stated that when the recyclables went to Harrison the diversion numbers almost tripled and commented that the Harrison family is wonderful people to work for.

Kelly Astor, 1851 E. First St. # 1220, Santa Ana, CA 92705, trash attorney and lobbyist commented that it is ok for the Council to simply negotiate with a solid waste contractor rather than going out for RFPs. He stated that this will save time and money at no risk to the city except for the delay. He stated that E. J. Harrison is poised to meet diversion rates of at least 50%, if not 60%.

Mike Mobley-local realtor and Santa Paula resident asked council to move ahead with privatizing suggesting that the Council should negotiate a contract. He stated Harrison has already established a quality of service and requested the council to consider them.

Chuck Jelloian, 950 Topanga Cyn., Chatsworth representing Crown Disposal, stated that it is a 50 year old family business and would consider hiring city staff. He said that Crown's diversion rate is currently at 90% and that an RFQ is an important step in choosing a solid waste contractor.

Robert Howard, City employee, stated that he is concerned about the city meeting the federal mandate for diversion rates if contracted out and will be met with fines.

Patty Harrison, 1113 Cliff Dr. asked Council to consider that Harrison is a hard working honest company and wants what's best for Santa Paula.

Martel Fraser- UFCW Local 770 representative, spoke in favor of maintaining the solid waste division as is.

Rick Elqueqeba, representing Consolidated Disposal Service stated that he wants what is in the best interest of the City and on behalf of Consolidated Disposal will participate and support any process the City decides to go through.

Jim Harrison, 5500 Rainier St., one-third owner of Santa Clara Disposal stated that Harrison would hire the laid off employees, waive their union fees and supported the city negotiating versus going out for RFQ.

Bill Camarillo, 3152 Canopy Dr., representing Agromen who works with Limoneira Co. stated that the city doesn't need a contract, needs a strategic partner concerning sustainability, how to convert waste to energy, and focus on localization.

Larry Sagely, 585 Ridgecrest Dr., requested that Council go out to bid as the feasibility study recommends.

Steve Smead, 513 Howie Ct. also recommended that Council go out to bid as the feasibility study recommends and would like to see that the employees be hired by the company chosen.

It was moved by Councilmember Aguirre, seconded by Councilmember Gonzales to postpone discussion of privatization to an unspecified date in the future and have the City Manager work with staff to identify any cost cutting actions to improve costs for solid waste hauling. Upon a roll call vote, Councilmember Fernandez, Councilmember Gonzales, and Councilmember Aguirre were in favor. Vice Mayor Robinson and Mayor Tovas were opposed. The motion carried.

B. Conceptual Approval of Proposed Police Memorial Site and Design

Chief of Police Stephen MacKinnon's report dated May 26, 2010.

It was moved by Councilmember Fernandez, seconded by Councilmember Gonzales to approve the conceptual design of a Police memorial and to approve the proposed location of the Police Memorial. All were in favor and the motion carried.

As business had not concluded at 10:30 p.m., and pursuant to Section 11 of the City Council's Rules and Procedures it was moved by Councilmember Fernandez, seconded by Councilmember Gonzales to suspend the rules and continue the meeting. All were in favor under roll call vote and the motion carried.

C. Aggressive Solicitation Ordinance

Police Chief Stephen MacKinnon's report dated June 1, 2010.

It was moved by Councilmember Gonzales, seconded by Councilmember Aguirre to waive the first reading and introduce Ordinance No. 1229, with amendments to the draft ordinance recommended by the City Attorney, regulating aggressive solicitation and schedule a second reading and adoption for June 21, 2010. All were in favor and the motion carried.

ORDINANCE NO. 1229

AN ORDINANCE ADDING A NEW CHAPTER 133 TO THE SANTA PAULA MUNICIPAL CODE ENTITLED "AGGRESSIVE SOLICITATION."

PUBLIC HEARINGS

- A. Review of Project No. 2008-ANX-01: A Request for Reorganization (Including Annexation) of Fifteen Parcels Totaling Approximately 40 Acres from Unincorporated Ventura County to the City of Santa Paula and Land Use Designation of the Project Area from Existing County Agricultural and Existing Community – Urban Reserve to City Open Space – Passive and Golf Course, and Pre-Zoning the Project Area from its Existing County Agricultural Exclusive (AE-40), Two-Family Residential (R2-7,000sf) and Rural Exclusive (RE-1ac) to City Open Space-Passive (O) Zoning District

Planning Director Janna Minsk's report dated June 7, 2010.

Mayor Tovas opened the Public Hearing at 10:35 p.m. Planning Director Minsk requested that Council continue the Public Hearing to the meeting of June 21, 2010 due to a legal noticing issue.

Suggested Action: It is recommended that the City Council: 1) open the public hearing and take evidence; 2) consider the evidence received during the public hearing; 3) adopt Resolution No. 6682 approving a General Plan Amendment to designate the project area Open Space-Passive and Golf Course (Exhibit A); 4) introduce and waive first reading

of Ordinance No. 1228 for pre-zoning the project area Open Space – Passive (Exhibit B); 5) schedule second reading and adoption of Ordinance No. 1228 for June 21, 2010; 6) adopt Resolution No. 6683 authorizing the City Manager or designee to file a reorganization application with LAFCO (Exhibit C); and 7) take such additional, related, action that may be desirable. **RESOLUTION NO. 6682** – A RESOLUTION AMENDING THE SANTA PAULA GENERAL PLAN FOR REAL PROPERTY REFERENCED AS THE SANTA PAULA CREEK/WATERSHED PROTECTION DISTRICT “ISLAND” PROPERTIES LOCATED WITHIN THE SANTA PAULA CREEK AND EAST OF THE CURRENT CITY LIMIT. **ORDINANCE NO. 1228** – AN ORDINANCE PREZONING APPROXIMATELY 40 ACRES LOCATED IN THE SANTA PAULA CREEK RIVERBED, EAST OF THE CURRENT CITY LIMIT AND NORTH OF THE UNION PACIFIC RAILROAD RIGHT-OF-WAY (APNS 040-0-171-225, 040-0-171-285, 107-0-170-110, 107-0-170-180, 107-0-170-195, 107-0-170-215, 107-0-170-245, 107-0-200-035, 107-0-200-055, 107-0-200-105 AND 107-0-200-125).

It was moved by Councilmember Gonzales, seconded by Councilmember Fernandez to continue the Public Hearing to June 21, 2010. All were in favor and the motion carried.

B. Approval of Notice of Consistency with the Final Environmental Impact Report for the Santa Paula Branch Line Recreational Trail master Plan (2009-CI-09)

Planning Director Janna Minsk’s report dated May 26, 2010.

Upon verification of proper notification and posting by the City Clerk, Mayor Tovas opened the Public Hearing at 10:38 p.m.

It was moved by Councilmember Aguirre, seconded by Councilmember Gonzales to adopt Resolution No. 6681, certifying a Notice of Consistency with the Final Environmental Impact Report prepared for the bike trail project.

RESOLUTION NO. 6681

A RESOLUTION CERTIFYING A FINDING OF CONSISTENCY IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FOR THE SANTA PAULA BRANCH LINE RECREATIONAL TRAIL.

COMMUNICATIONS

Mayor Tovas was principal for a day at Providence School in Oxnard and commented on what an eye opening experience it was.

Mayor Tovas attended a League of Cities meeting in Solvang and stated that the initiative to prevent further raids of funds by the state will be on November ballot.

REQUEST FOR FUTURE AGENDA ITEMS

It was moved by Vice Mayor Robinson, seconded by Councilmember Gonzales to have staff return with an update on weed abatement. All were in favor and motion carried.

It was moved by Councilmember Gonzales, seconded by Councilmember Aguirre to direct staff return with an update on the status of the shooting range, and plans for the future. All were in favor and the motion carried.

It was moved by Mayor Tovas, seconded by Councilmember Gonzales to direct staff to return with a report on the City's role with America in Bloom and formalizing an arrangement. All were in favor and the motion carried.

It was moved by Councilmember Aguirre, seconded by Councilmember Gonzales to direct staff to return with the next steps regarding streets maintenance. All were in favor and the motion carried.

ADJOURNMENT

Councilmember Gonzales adjourned the meeting in honor of Dino Cabral, deceased at 10:44 p.m.