

CALL TO ORDER

Mayor Robinson called the meeting to order at 6:00 p.m.

ROLL CALL

Councilmembers Richard C. Cook, James A. Tovas and Ralph J. Fernandez, Vice Mayor Robert S. Gonzales and Mayor Fred W. Robinson were present. City Manager Jaime M. Fontes, Assistant City Attorney John C. Cotti, City Clerk Judy Rice were also present.

PUBLIC COMMENT

None.

CLOSED SESSION

- A. Conference with Legal Counsel – Anticipated Litigation Significant Exposure to Litigation – Government Code § 54956.9 (one case): SouthWest Water Company – Letter dated November 2, 2011.

Mayor Robinson moved the City Council to a Closed Session at 6:00 p.m. The City Council came into Open Session at 6:30 p.m. No reportable action taken. Mayor Robinson recessed the City Council at 6:30 p.m.

CALL TO ORDER

Mayor Robinson called the meeting to order at 6:37 p.m. The invocation was given by Pastor Dybvig and the flag salute was led by Councilmember Fernandez

ROLL CALL

Councilmembers Richard C. Cook, James A. Tovas and Ralph J. Fernandez, Vice Mayor Robert S. Gonzales and Mayor Fred W. Robinson were present. City Manager Jaime M. Fontes, Assistant City Attorney John C. Cotti, City Clerk Judy Rice and Deputy City Clerk Peggy Higgins were also present.

CLOSED SESSION REPORT

No reportable action.

PUBLIC COMMENT

John Bravo, 557 Munger Dr., spoke of his concerns about the policies and regulations that will govern use of the bike trail.

Clifford G. Finley, 811 Loma Vista Pl., expressed his concerns about the methodology to be used for the sewer fee rate study that Council approved on September 20, 2011, and asked when that study will be presented. Mr. Finley also reminded Council of the availability of Rule 20A money that was to be used for the relocation of power poles along the bike trail.

CITY COUNCIL, STAFF COMMUNICATIONS

Mayor Robinson spoke of his attendance at the dedication of Jones Field, commenting that all five Councilmembers were in attendance.

Councilmember Fernandez also commented on the dedication of Jones Field.

Councilmember Tovias commented on the floats in the High School parade.

Councilmember Fernandez stated that he attended the first meeting regarding rebuilding the Aviary at Steckel Park and noted that County staff and approximately 20 individuals from the community also attended. Those who were willing to work on restoring the Aviary were presented a list of items by the County that need attention.

APPROVAL OF FINAL AGENDA

MOTION: It was moved by Vice Mayor Gonzales, seconded by Councilmember Fernandez to approve the agenda as presented. All were in favor and the motion carried.

CONSENT CALENDAR

Councilmember Fernandez requested that Items 10F and 10G be pulled for discussion.

MOTION: It was moved by Councilmember Fernandez, seconded by Vice Mayor Gonzales 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.

Regular City Council City Council/Redevelopment Agency Meeting
Monday, November 7, 2011
Administrative Conference Room/Council Chambers

- 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 October 18, 2011. 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. Minutes– Approval of Minutes from the Regular City Council Meeting of October 17, 2011. Deputy City Clerk Peggy Higgins' report dated October 31, 2011.
- E. Minutes– Approval of Minutes from the Special City Council Meeting of October 24, 2011. Deputy City Clerk Peggy Higgins' report dated October 31, 2011.
- H. Adopt Resolution No. 6766 Approving the Plans and Specifications for the Peck Road Water Main Upgrade Project– It is recommended that City Council: 1) adopt Resolution No. 6766 approving the plans and specifications for the Peck Road Water Main Upgrade Project and authorize staff to advertise for bids; and 2) take such additional, related action that may be desirable. **RESOLUTION NO. 6766** – A RESOLUTION APPROVING THE PLANS FOR THE PECK ROAD WATER MAIN UPGRADE PROJECT PURSUANT TO GOVERNMENT CODE SECTION 830.6. Interim Public Works Director Brian Yanez's report dated October 28, 2011.
- I. Industrial Wastewater Permit Number: SP0021; Regulating the Discharge to the City Sewer Collection System by Applied Silicone Corporation– It is recommended that City Council: 1) Approve Industrial Wastewater Permit Number SP0021 for Applied Silicone Corporation; and 2) take such additional action that may be desired. Interim Public Works Director Brian Yanez's report dated October 28, 2011.

SEPARATE ACTION ITEMS (CONSENT CALENDAR)

- F. Award of Contract for the Santa Paula Police Department Roofing Project Project No. 575–

Fire Chief Rick Araiza's report dated October 26, 2011.

MOTION: It was moved Councilmember Fernandez, seconded by Vice Mayor Gonzales to award the contract for the Santa Paula Police Department Roofing Project to TEAM Construction Inc. in the amount of \$52,542.00, approve the anticipated project expenditures limit of \$72,872.11 and authorize City Manager to sign the contract document on behalf of the City. All were in favor and the motion carried.

G. Purchase of Police Vehicles–

Chief of Police Stephen MacKinnon's report dated October 13, 2011.

MOTION: It was moved by Councilmember Fernandez to deny the purchase until the Council receives the next quarterly financial report. Motion died for lack of second.

MOTION: It was moved by Vice Mayor Gonzales, seconded by Councilmember Cook to authorize the City Manager, or designee, to utilize the cooperative bidding procedure used by the City of Visalia, CA for contracting with McPeek's Dodge of Anaheim, CA, authorize the City Manager to execute an agreement, in a form approved by the City Attorney with McPeek's Dodge to purchase two Dodge Chargers and enter into a contract with Santa Paula Chevrolet for the purchase of one Chevrolet Tahoe. Upon roll call vote Councilmembers Cook and Tovias, Vice Mayor Gonzales and Mayor Robinson were in favor. Councilmember Fernandez was opposed. The motion carried.

PUBLIC HEARING

- A. Review of Project No. 2011-GPA-01: A request for: 1) General Plan Amendment to the Land Use Element for four parcels from existing Agriculture and institutional/Civic to proposed Industrial; 2) Zone Change for four parcels from existing Agriculture (A-1) and Institutional/Civic (IN) to proposed Industrial (I); 3) Design Review for site plan, elevations, and landscape plan in order to construct a new 13,000 square foot industrial building; and 4) Street Name Change renaming Todd Lane (east-west portion extending from western city limit to Peck Road) to proposed Calpipe Road–

Planning Director Janna Minsk and Deputy Planning Director Stratis Perros' report dated November 1, 2011.

Upon verification of proper notification and posting by the City Clerk, Mayor Robinson opened the Public Hearing at 7:05 p.m.

Councilmembers Fernandez and Tovias, Vice Mayor Gonzales and Mayor Robinson stated for the record that they have had contact with the applicant, Ilan Bender.

PUBLIC COMMENT

Ken Chapman, 15119 Todd Ln., spoke about the history of the naming of Todd Ln. and his concerns with mail delivery if there was a name change to the lane. He also asked Council to review the EIR in regards to water and asked from where the applicant proposed to draw water.

Ilan Bender, Bender Farms, stated that he is hopeful Council will approve the project along with the street name change as further encouragement for the company owners.

Clifford G. Finley, 811 Loma Vista Pl., referred to Chapter 52 of the Santa Paula Municipal Code and expressed concerns about water rights and water usage of this project.

Melinda Bratcher, Badger Ranch, spoke of the history of the Todd Ln. name and stated that the north/south Todd Ln. was within her property line.

MOTION: It was moved by Vice Mayor Gonzales, seconded by Councilmember Tovias to adopt Resolution No. 6765, as amended to reflect Councilmember Fernandez' concern regarding the potential relocation of the School District property, to approve the project, introduce and waive first reading of Ordinance No. 1240 for a Zone Change. Under roll call vote all were in favor and the motion carried.

Mayor Robinson closed the public hearing at 8:05 p.m.

RESOLUTION NO. 6765

A RESOLUTION ADOPTED BY THE SANTA PAULA CITY COUNCIL APPROVING A GENERAL PLAN AMENDMENT FOR FOUR PARCELS, DESIGN REVIEW FOR A NEW INDUSTRIAL BUILDING, AND STREET NAME CHANGE (APN 099-0-030-345, 099-0-030-635, 099-0-030-645, AND 099-0-040-625).

ORDINANCE NO. 1240

AN ORDINANCE APPROVING A ZONE CHANGE FOR FOUR PARCELS TOTALING APPROXIMATELY 43 ACRES GENERALLY LOCATED SOUTH OF STATE ROUTE 126, WEST OF PECK ROAD AND NORTH OF TODD LANE (APN 099-0-030-345, 099-0-030-635, 099-0-030-645, AND 099-0-040-625

RECESS TO A BREAK

Mayor Robinson adjourned the Council to a break at 8:06 p.m.

RECONVENE TO REGULAR SESSION

Mayor Robinson reconvene the Council at 8:16 p.m.

- B. Review of Project No. 2010-CUP-01: Appeal of Planning Commission actions that: 1) Approved a Conditional Use Permit to allow the stockpiling, crushing, recycling, sorting, processing, and selling of rock, gravel, sand, and recyclable building materials; and 2) Certified of Final Environmental Impact Report and Mitigation Monitoring and Reporting Program for property located at 1224 E. Santa Clara Street–

Planning Director Janna Minsk and Deputy Planning Director Stratis Perros' report dated November 1, 2011.

Upon verification of proper notification and posting by the City Clerk, Mayor Robinson opened the Public Hearing at 8:17 p.m.

Alex Gutierrez, 5450 Telegraph Rd., representing the appellant spoke of the deficiencies in the EIR and stated that those deficiencies continue to exist and should be addressed.

Roko Grbic, 1224 Santa Clara St., applicant representing Santa Paula Materials spoke in favor of project and the benefits it will provide to the City of Santa Paula.

Al Butetti, 1224 Santa Clara St., representing Santa Paula Materials spoke of the benefits of the project and the positive effect it will have on the City.

PUBLIC COMMENT

Jennifer Dumas, 18450 S. Mountain Rd., spoke of the issues the residence contended with regarding the operation of this project and asked the Council to reject the project in its entirety.

Mike Grbic, 1224 Santa Clara St., owner of Santa Paula Material agreed that there were some problems with the previous ownership and assured the Council that those issues have been rectified and asked Council to uphold the Planning Commission's approval of the CUP.

Chuck Teague, 1708 Cherry Hill Rd., spoke in support of Santa Paula Material and of his confidence in the owner, Mike Grbic and asked the Council to uphold the Planning Commission's approval of the CUP.

John Wisda, 550 Monte Vista, spoke of his opposition to the Planning Commission's approval of the CUP and asked the Council to overturn the approval of the CUP and reject the project.

Elvis Romero, employee of Santa Paula Material, stated that the materials can be cleaned out in a reasonable amount of time to make room for any future dredging.

RECESSED to BREAK

Mayor Robinson recessed the Council to a break at 9:55 p.m.

RECONVENED FROM A BREAK

Mayor Robinson reconvened the Council to a Regular Session at 10:20 p.m.

MOTION: It was moved by Councilmember Cook, seconded by Vice Mayor Gonzales to adopt Resolution No. 6764 to deny the appeals and uphold the Planning Commission actions as amended with the following eight additional conditions of approval:

Staff will conduct a code compliance review and bring a report back within one year for Council's review. Failure to comply with the terms and conditions of the CUP could result in revocation of the permit.

The applicant will reduce the height of the material piles from 35' height to 25' within a 6 to 8 month period.

The applicant agrees to comply with the noise levels as defined in the CUP.

The applicant agrees to comply with the Ventura County Air Pollution Control mandates as defined in the CUP.

Subject to review and approval by the Planning Department, the applicant will provide landscaping to help screen the aggregate piles from Hwy. 126

The applicant will follow through with a traffic study to analyze the impact of their traffic at the intersection of 10 St. and Harvard Blvd.

In the case of an emergency clean out of Santa Paula Creek, the applicant agrees that there will be 100,000 cubic yards of space made available for debris.

With the intent to reduce compliance monitoring costs, the applicant will create a self-monitoring program created with staff to ensure compliance with this permit.

Mike Grbic, owner of Santa Paula Materials stated for the record his agreement to the amendments.

Mayor Robinson closed the Public Hearing at *10:30 p.m.*

Upon roll call vote Councilmember's Cook, Tovas and Fernandez, Vice Mayor Gonzales and Mayor Robinson were in favor and the motion carried.

RESOLUTION NO. 6764

A RESOLUTION ADOPTED BY THE SANTA PAULA CITY COUNCIL DENYING TWO APPEALS AND SUSTAINING PLANNING COMMISSION ACTIONS APPROVING A CONDITIONAL USE PERMIT FOR A LARGE SCALE PROCESSING USE AND CERTIFYING A FINAL ENVIRONMENTAL IMPACT REPORT FOR PROPERTY GENERALLY LOCATED AT 1224 E. SANTA CLARA STREET, (APN 104-0-220-035, -155, -125, -205, -225, -235, -245, -255, and -265).

COUNCIL CONSENSUS TO EXTEND THE MEETING

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

COMMUNICATIONS

None

REQUEST FOR FUTURE AGENDA ITEMS

MOTION: It was moved by Vice Mayor Gonzales, seconded by Councilmember Fernandez to receive a report back on city owned properties. All in favor and the motion carried.

ADJOURNMENT

Mayor Robinson adjourned the meeting at *10:37 p.m.*

ATTEST:

Judy Rice
City Clerk