

City of Santa Paula

City Council

MAYOR LESLIE CORNEJO
VICE MAYOR PEDRO A. CHAVEZ
COUNCILMEMBER JENNY CROSSWHITE
COUNCILMEMBER CARLOS JUAREZ
COUNCILMEMBER ANDY SOBEL



CITY COUNCIL REGULAR MEETING OF THE SANTA PAULA CITY COUNCIL

WEDNESDAY, JUNE 5, 2024

6:30 PM - City Council Regular Meeting

SANTA PAULA CITY HALL
970 VENTURA STREET
SANTA PAULA, CA 93060

JULIE LATSHAW, CITY CLERK
DAN SINGER, CITY MANAGER
MONICA CASTILLO, CITY ATTORNEY

CITY COUNCIL REGULAR MEETING

You are invited to participate in all Regular City Council meetings. Agendas are posted in the front of Santa Paula City Hall, 970 Ventura Street, Santa Paula, 72 hours in advance of the scheduled meetings. The City Council's regular meetings start at 6:30 p.m. the first and third Wednesday of each month in the City Hall Council Chambers located at 970 Ventura Street in Santa Paula. Special and Closed Sessions vary by date and time.

HOW TO PARTICIPATE IN PERSON DURING THE MEETING: If you wish to speak at a City Council meeting, please fill out a **Public Comment Form** noting your name and address and submit the form to the City Clerk. Include the Agenda item number, when appropriate. **Public comments are limited to 3 minutes.**

1. **Items Not on the Agenda:** If you wish to discuss an item which is not scheduled on the Agenda, you may address the City Council during *Public Comment*. Please realize that due to the limitations placed on the City Council by provisions of the *California Government Code*, the City Council ordinarily cannot take action on any item that is not on the agenda. Because of these restrictions, expect that matters that you identify during public comment may be referred to staff or considered on a future agenda.
2. **Agenda Items:** Items being considered by the City Council may appear on the Consent Calendar, as an Action Item, or as a Public Hearing. Public comments on each type of item are handled differently, as explained below:
 - a. For items appearing on the Consent Calendar, please submit a Public Comment Form before the Council takes action on the Consent Calendar. Items that receive a Public Comment Form may be pulled from the Consent Calendar by the Mayor and discussed separately by the City Council.
 - b. For items appearing as an Action Item, the Mayor will announce the Agenda item and request the staff report, the staff member responsible will give a brief summary of the report; the City Council will have an opportunity to ask questions of staff; members of the public will be given an opportunity to comment on the item and ask additional questions (all members of the public should speak directly into the microphone at the speaker's platform); and the City Council will discuss the item and then take appropriate action.
 - c. For items on which a Public Hearing is scheduled, the Mayor will open the public hearing and receive the staff report; members of the public will be given an opportunity to comment on the item and ask additional questions (all members of the public should speak directly into the microphone at the speaker's platform); the City Council will discuss the item; and the Mayor will close the public hearing after City Council action.

HOW TO PARTICIPATE BEFORE THE MEETING: Members of the public are encouraged to submit email correspondence on any agenda item by sending an email to cityclerk@spcity.org. All public correspondence received by 3:00 p.m. (PT) on the meeting date will be provided to the legislative body before the meeting. Public Comments received after 3:00 p.m. will be provided to the legislative body the next day.

Your Participation in this meeting is in the public domain; meetings are cablecast; minutes of this meeting will reflect your participation in this meeting and are posted on the city's website.

PLEASE NOTE: *Be advised that if you bring a legal challenge to an action, you may be limited to raising only those issues you or someone else raised at the meeting described in this Agenda, or in written correspondence delivered to the City Council at or before the meeting. Any action is subject to the ninety-day time period set forth in Code of Civil Procedure § 1094.6.*

*In compliance with the **Americans with Disabilities Act**, if you need special assistance to participate in this meeting, please contact the City Clerk at (805) 933-4208. Notification 48 hours before the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35, 102-35.104 ADA Title II). Written materials distributed to the City Council within 72 hours of the City Council meeting are available for public inspection immediately upon distribution in the City Clerk's office.*

HOW TO VIEW ON YOUR TELEVISION, COMPUTER, OR MOBILE DEVICE: Watch from home live on the local Channel 10, or view the live feed on the city website at the following link: <https://www.spcity.org/523/Public-Meeting-Agendas>

NOTE: Special and Closed Sessions are not recorded and not available on Channel 10 or live feed on the city website.

REGULAR MATTERS - COUNCIL CHAMBERS

1. CALL TO ORDER

REMINDER: in order to minimize distractions during public meetings, all personal communication devices should be turned off or put in a non-audible mode.

2. INVOCATION

3. FLAG SALUTE

4. ROLL CALL

5. CLOSED SESSION REPORT

6. PUBLIC COMMENT

At this time, members of the public may comment on any item not appearing on the agenda that is within the subject-matter jurisdiction of the City Council. A Public Comment Form must be submitted to the City Clerk prior to the beginning of the Public Comment period in order to be recognized to speak. Individuals submitting Public Comment Forms after the beginning of the Public Comment period will not be allowed to speak at this time, but may be recognized to speak by the Mayor at the conclusion of the meeting. Individual Councilmembers may briefly respond to Public Comments or ask questions for clarification. The City Council may direct staff to report to the City Council on the item at a later meeting. For items appearing on the Agenda, the public will be invited to make comments at the time the item comes up for City Council consideration. If a member of the public wishes to address a Consent Calendar item, please submit a Public Comment Form for that item. It may then be discussed separately by the Council, and the public will be invited to make comments at that time. At all times, please use the microphone and write your name and address on the Public Comment Form provided.

7. PRESENTATIONS

7.A PRIDE MONTH PROCLAMATION

7.B LEAGUE OF CALIFORNIA CITIES LEGISLATIVE UPDATE

Presented by: David Mullinax, Channel Counties Public Affairs Manager

- 7.C UNITED WATER CONSERVATION DISTRICT PRESENTATION
- 7.D VENTURA COUNTY HEALTH CARE AGENCY & SANTA PAULA HOSPITAL PRESENTATION
Presented by: Barry Zimmerman, VCHCA Director
John Fankhauser, M.D., CEO VCMC/Santa Paula Hospital

RECOMMENDATION:

8. CITY COUNCIL REPORTS

9. CITY MANAGER REPORTS

10. CONSENT CALENDAR

Background information has been provided to the City Council on all matters listed under the Consent Calendar and these items are considered to be routine by the City Council and are normally approved by one motion. If discussion is requested by a Councilmember on any item, or a member of the public wishes to comment on an item, that item may be removed from the Consent Calendar for separate action.

10.A **APPROVAL OF MINUTES**

- **Joint City Council and Planning Commission Special Minutes May 9, 2024**
- **City Council Special Meeting May 15, 2024**
- **City Council Regular Meeting May 15, 2024**

RECOMMENDATION:

Staff recommends Council approve minutes.

10.B **RESOLUTION NO. 7520 OPPOSING INITIATIVE NO. 21-0042A1 - THE TAXPAYER PROTECTION AND GOVERNMENT ACCOUNTABILITY ACT**
RECOMMENDATION:

Staff recommends City Council:

1. Adopt Resolution No. 7520, opposing Initiative No. 21-0042A1, the Taxpayer Protection and Government Accountability Act.

10.C **APPLICATION TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD) SEEKING A PROHOUSING DESIGNATION BY THE STATE**
RECOMMENDATION:

Staff recommends the City Council:

Adopt Resolution No. 7521, authorizing the City Manager's designee to: 1) submit a Prohousing Designation Program application to the California Department of Housing and Community Development (HCD); and if the

application is approved by HCD, 2) to execute all documents deemed necessary or appropriate to participate in the Prohousing Designation Program.

Presented By: Caesar Hernandez, Management Analyst

10.D **THIRD AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH TRIPEPI SMITH AND ASSOCIATES FOR MEDIA RELATIONS AND PUBLIC INFORMATION SERVICES**
RECOMMENDATION:

Staff recommends City Council:

1. Authorize the City Manager to execute a third amendment to the professional services agreement with Tripepi Smith and Associates (TSA) for media relations and public information services, extending the term from July 1, 2024 to June 30, 2025, and increasing the total not-to-exceed amount to \$125,000.

10.E **EAST AREA 1 TRACT 5854 - RESOLUTION NO. 7513 PARTIALLY ACCEPTING PHASE ONE OF THE SPORTS PARK IMPROVEMENTS WITH A ONE YEAR WARRANTY**
RECOMMENDATION:

Staff recommends that the City Council:

1. Adopt Resolution No. 7513 partially accepting the East Area 1 Tract 5854 Phase One of the Sports Park Improvements with a One Year Warranty

11. PUBLIC HEARING

- Verification of posting notice by City Clerk
- Declaration of conflicts (if any)
- Declaration of ex parte contacts (if any)
- Open public hearing
- Staff presentation
- Public comments
- Close public hearing
- Discussion and action

11.A **INTRODUCTION AND WAIVER OF FIRST READING OF ORDINANCE NO. 1337 TO GRANT A FRANCHISE TO BLACK WALNUT ENERGY STORAGE, LLC FOR UNDERGROUND INTERCONNECTION AND TRANSMISSION EQUIPMENT IN, ALONG, ACROSS, UPON, AND UNDER CERTAIN PUBLIC STREETS AND RIGHT-OF-WAY WITHIN THE CITY OF SANTA PAULA**
RECOMMENDATION:

Staff recommends that the City Council proceed to grant a franchise to Black Walnut Energy Storage, LLC for a 20-year term by taking the following actions:

1. Conduct a hearing as to whether to grant a franchise, as set forth in the draft Ordinance No. 1337, to Black Walnut Energy Storage, LLC;
2. Direct the City Clerk to announce if any written protests were filed with the Clerk up to the hour set for public hearing;
3. If such protests were filed, determine whether or not to overrule the protests as insufficient grounds to deny the grant of franchise; and
4. If protests have been overruled or no protests were received, waive the first reading and introduce by title only Ordinance No. 1337 entitled *"Ordinance to Grant Franchise to Black Walnut Energy Storage, LLC to Use or Lay and Use Interconnection and Transmission Wiring and Appurtenances for the Purpose of Transmitting and Distributing Electricity In, Along, Across, Upon, and Under Certain Public Streets and Right-of-Way Within the City of Santa Paula."*

Presented by: Tom Tarantino, Planning & Economic Development Manager

11.B **SANTA PAULA GEOLOGIC HAZARD ABATEMENT DISTRICT FISCAL YEAR 2024/25 ANNUAL BUDGET AND ASSESSMENT LEVY**
RECOMMENDATION:

Staff recommends that the GHAD Board of Directors:

1. Conduct a public hearing on the proposed assessment levy for the Santa Paula Geologic Hazard Abatement District;
2. Adopt Resolution No. 7519 approving the fiscal year 2024/2025 budget and extending a **\$1,246.00** assessment levy per residential parcel onto the fiscal year 2024/2025 tax roll for the Santa Paula Geologic Hazard Abatement District.

Presented by: Clete J. Saunier, Public Works Director

12. ACTION ITEMS

12.A **CITYWIDE GOVERNANCE POLICY CONSIDERATION**

RECOMMENDATION:

Staff recommends the City Council:

1. Discuss and provide feedback to staff on the establishment of a Citywide Governance Policy.

Presented by: Jonathan Royas, Deputy City Manager

12.B **FIRST AMENDMENT TO THE AFFORDABLE HOUSING TRUST FUND OVERSIGHT COMMITTEE GUIDELINES**

RECOMMENDATION:

Staff recommends that the City Council:

1. Adopt Resolution 7522 amending the Affordable Housing Trust Fund

Oversight Committee Guidelines to further refine the definition of "public employee" and add Section 2.D providing some flexibility to the Council relative to appointments outside the enumerated membership categories.

Presented by: City Manager Dan Singer

12.C **APPOINTMENTS TO THE AFFORDABLE HOUSING TRUST FUND
OVERSITE COMMITTEE**

RECOMMENDATION:

Staff Recommends that the City Council:

1. Appoint applicants to the Affordable Housing Trust Fund Oversight Committee.

Presented by: Julie Latshaw, City Clerk

12.D **CONSIDERATION OF AN AD HOC COMMITTEE TO ADDRESS AN
AFFORDABLE HOUSING FUNDING REQUEST**

RECOMMENDATION:

Staff recommends the City Council:

1. Consider the re-establishment of the Council's Ad Hoc Committee on Affordable Housing to review and consider a request for financial assistance from an existing applicant/developer, and
2. Request the Mayor appoint up to two members of the City Council to serve on the Committee.

Presented by: Dan Singer, City Manager

13. ITEMS FOR FUTURE AGENDAS

13.A **FUTURE AGENDA ITEMS**

RECOMMENDATION:

Staff recommends City Council review future agenda items.

14. ADJOURNMENT

State of California)-

County of Ventura)- ss

City of Santa Paula)-

I declare under penalty of perjury that I posted this City Council Agenda on the bulletin board near the front door of City Hall, 970 Ventura Street, Santa Paula, California.

On _____ at _____ Signed: _____

Julie Latshaw

City Clerk

**CITY OF SANTA PAULA
MEMORANDUM**

To: Honorable Mayor and Members of the City Council

From: Julie Latshaw, City Clerk

Subject: APPROVAL OF MINUTES

- Joint City Council and Planning Commission Special Minutes May 9, 2024
- City Council Special Meeting May 15, 2024
- City Council Regular Meeting May 15, 2024

Date: June 5, 2024

Agenda Item: 10.A

RECOMMENDATION:

Staff recommends Council approve minutes.

BACKGROUND:

An account of all proceedings of the Legislative Body in open meetings shall be kept by the Clerk/Secretary. The Clerk/Secretary shall prepare an abbreviated record of the meeting proceedings for approval by the Legislative Body which when adopted by the Legislative Body shall be the official Minutes of the meeting. Amendment of the minutes may be made only as to factual accuracy and not as to a change of intent. The Minutes of the meeting need not be verbatim. Only the best and most complete available recording of the meeting shall constitute the official record of the Legislative Body, but the Minutes shall constitute the official record of the Legislative Body meeting where a verbatim record of the meeting is not available. Unless requested by a majority of the quorum, the minutes may be approved without reading.

ANALYSIS:

None.

STRATEGIC PLAN:

This item is not a goal or objective in the City Council's two-year Strategic Plan, however, the Minutes shall constitute the official record of the Legislative Body.

FISCAL IMPACTS:

There are no fiscal impacts for this item.

OPTIONS:

None.

ATTACHMENTS:

[2024.05.09 Joint City Council_Planning Commission Minutes.pdf](#)

[2024.05.15 City Council Special Minutes.pdf](#)

[2024.05.15 City Council Regular Minutes.pdf](#)



**CITY OF SANTA PAULA
Joint City Council/Planning Commission Meeting
May 9, 2024, 6:00 PM
MINUTES**

SPECIAL MEETING - COUNCIL CHAMBER

1) CALL TO ORDER

Mayor Cornejo called the meeting to order at 6:02 p.m.

2) ROLL CALL

Members Present: Leslie Cornejo, Pedro A Chavez, Jenny Crosswhite, Carlos Juarez, Andy Sobel, Aaron Dunkel, Grace Kelly, Jason Herber, Austin Auger, and Noel Kieseewetter

3) PUBLIC COMMENT

None.

4) ORDER OF BUSINESS

4.A) HOUSING ELEMENT POLICY PRIORITIES

Staff provided a presentation on the Housing Element Policy Priorities.

4.B) REVIEW MUNICIPAL CODE OVERHAUL

Staff provided a presentation on the Review Municipal Code Overhaul.

5) ADJOURNMENT

Mayor Cornejo adjourned the meeting at 7:53 p.m.

ATTEST:

Julie Latshaw, City Clerk



**CITY OF SANTA PAULA
City Council Special Meeting
May 15, 2024, 4:30 PM
MINUTES**

SPECIAL MEETING - COUNCIL CHAMBERS

1) CALL TO ORDER

Mayor Cornejo called the meeting to order at 4:30 p.m.

2) ROLL CALL

Members Present: Leslie Cornejo, Pedro A Chavez, Jenny Crosswhite, and Andy Sobel

Members Absent: Carlos Juarez

3) PUBLIC COMMENT

None.

4) ORDER OF BUSINESS

4.A) COMMITTEE/COMMISSION/BOARD INTERVIEWS

Council interviewed applicants for the Affordable Housing Trust Fund Oversight Committee.

Council discussed if they would be able to move forward with an appointment for a "public employee" or if the guidelines need to be updated first. Verification will be provided to Council prior to appointments at the Regular City Council meeting later that evening.

5) ADJOURNMENT

Mayor Cornejo adjourned the meeting at 5:40 p.m.

ATTEST:

Julie Latshaw, City Clerk



**CITY OF SANTA PAULA
City Council Regular Meeting
May 15, 2024, 6:30 PM
MINUTES**

REGULAR MATTERS - COUNCIL CHAMBERS

1) CALL TO ORDER

Mayor Cornejo called the meeting to order at 6:30 p.m.

2) INVOCATION

Rev. Doctor Betty Stapleford provided the Invocation.

3) FLAG SALUTE

Vice Mayor Chavez led the flag salute.

4) ROLL CALL

Members Present: Leslie Cornejo, Pedro A Chavez, Jenny Crosswhite, and Andy Sobel

Members Absent: Carlos Juarez

5) PUBLIC COMMENT

Kayleen Gonzalez was called to speak about completing research and a survey on the condition of the streets in Santa Paula.

Diego Trebels was called to speak about completing research and a survey on the condition of the streets in Santa Paula.

Carmen Chavez was called to speak about completing research and a survey on the condition of the streets in Santa Paula.

6) PRESENTATIONS

6.A) NATIONAL SMALL BUSINESS MONTH - PROCLAMATION

Mayor Cornejo presented the National Small Business Month Proclamation to John Marquez with the Santa Paula Chamber of

Commerce, and a Certificate of Recognition to Maria Godinez founder of Godinez Barbara Shop for their 35th Anniversary.

6.B) FINANCE DEPARTMENT REPORT

Finance Director, Christy Ramirez, presented the Finance Department Report.

6.C) PARKS & RECREATION DEPARTMENT ACTIVITY REPORT

This item was tabled to June.

7) CITY COUNCIL REPORTS

Councilmember Sobel:

Participated in interviews for the Request for Proposals on the Union Oil Building; Employee Recognition event; Senior Wellness Fair; Joint Study Session with the Planning Commission on Municipal Code and Housing Element; Police Memorial event: Heritage Valley Tourism Bureau; and announced bike to work week.

Councilmember Crosswhite:

Attended Ventura County Transportation Commission; Local Area Formation Commission; Clean Power Alliance; Southern California Association of Governments Annual Conference and General Assembly; and announced Metrolink will run during the upcoming Strawberry Festival.

Vice Mayor Chavez:

Provided the City Clerk with a Council Report; announced that the Board of Supervisors were informed of a proposal for the closure of two units at Santa Paula Hospital, maternity and ICU, possibly; and proposed item 11A moved earlier in the meeting. Council had no objection to this request.

Mayor Cornejo:

Attended the Senior Wellness Fair; Property Business Improvement District; Ventura Council of Governments; Rotary International scholarship presentation; Police Memorial event; and breakfast with the Vice Mayor.

8) CITY MANAGER REPORTS

City Manager Dan Singer:

Announced National Municipal Clerk Week recognizing City Clerk Julie Latshaw; thanked the facilities crew for the window replacements in the Council Chamber; attended the Joint City Council and Planning Commission Study Session; Senior Wellness Fair; Police Memorial event; and announced that on Memorial Day, the city office's will be closed.

9) CONSENT CALENDAR

9.A) APPROVAL OF MINUTES

- 9.B) APRIL 2024 WARRANTS AND CERTIFICATIONS
- 9.C) WATER RECYCLING FACILITY PROCUREMENT POLICY WAIVER
VENDOR LIST
- 9.D) PROFESSIONAL SERVICES AGREEMENT WITH INTERWEST
CONSULTING GROUP FOR PLAN REVIEW AND INSPECTION
SERVICES FOR BUILDING & SAFETY, AND
ENGINEERING/GRADING.

Motion: Approve Consent Calendar

Moved by Pedro A Chavez, seconded by Jenny Crosswhite

Vote: Motion carried 4-0

Yes: Leslie Cornejo, Pedro A Chavez, Jenny Crosswhite, Andy Sobel

10) **PUBLIC HEARING**

- 10.A) RESOLUTION NO. 7515 DECLARING THE CITY'S INTENT TO GRANT A FRANCHISE TO ESVOLTA, LP FOR UNDERGROUND INTERCONNECTION AND TRANSMISSION EQUIPMENT IN, ALONG, ACROSS, UPON, AND UNDER CERTAIN PUBLIC STREETS AND RIGHT-OF-WAY WITHIN THE CITY OF SANTA PAULA

Mayor Cornejo opened the public hearing. With no public comments, the public hearing was closed. James Mason, Economic Development Director presented this item. Available for questions virtually, Ginger Andersen, Project Representative with Brownstein Hyatt Farber Shreck and Chris Beasley, Senior Project Manager with esVolta.

Motion: Approve as amended Resolution No. 7515 and schedule a public hearing for June 5, 2024 to discuss and consider the adoption of an Ordinance granting a franchise to Black Walnut Energy Storage LLC to use or lay and use interconnection and transmission wiring and appurtenances for the purpose of transmitting and distributing electricity in, along, across, upon, and under certain public streets and right-of-way within the City of Santa Paula.

Moved by Andy Sobel, seconded by Jenny Crosswhite

Vote: Motion carried 4-0

Yes: Leslie Cornejo, Pedro A Chavez, Jenny Crosswhite, Andy Sobel

- 10.B) VENTURA COUNTY WATERSHED PROTECTION DISTRICT'S BENEFIT ASSESSMENT PROGRAM FOR FY 2024-2025

Mayor Cornejo opened the public hearing. With no public comments, the public hearing was closed. Clete J. Saunier, Public Works Director presented this item.

Motion: Approve Resolution No. 7516 authorizing the City Manager to allow City participation in the Ventura County Watershed Protection District's Benefit Assessment Program for FY 2024-25 and continue the City's assessment of \$37.74 per Benefit Assessment Unit (BAU) per year to fund a portion of the City's Stormwater Management Program.

Moved by Pedro A Chavez, seconded by Andy Sobel

Vote: Motion carried 4-0

Yes: Leslie Cornejo, Pedro A Chavez, Jenny Crosswhite, Andy Sobel

11) ACTION ITEMS

11.A) 5-YEAR PAVEMENT MANAGEMENT PLAN UPDATE

As there were several public residents with interest in the status of street repair, this item was moved before item 9. Consent Calendar. Robert Woodward, m6 Consulting, City Engineer provided a presentation on the 5-Year Pavement Management Plan Update.

11.B) MAIN STREET CROSSWALKS CONTRACT AWARD

Clete Saunier, Public Works Director presented this item.

Motion: Approve Award of Construction Contract to J.L. Plank Inc. dba Cen-Cal Construction for the construction of the Main Street Crosswalk Improvements in the amount of \$803,803 and authorize the City Manager to execute the contract in a form approved by the City Attorney; authorize the City Manager or his designee to approve contract change orders to the Construction Contract as required and verified by staff in an amount not to cumulatively exceed \$80,380.30 and an allowance of \$80,380.30 for construction management, inspection, materials testing, and engineering support services for the Main Street Crosswalk Improvements project; and approve budget adjustments as noted in the Fiscal Impacts section Table 1.

Moved by Pedro A Chavez, seconded by Jenny Crosswhite

Vote: Motion carried 4-0

Yes: Leslie Cornejo, Pedro A Chavez, Jenny Crosswhite, Andy Sobel

11.C) THIRD QUARTER FISCAL REPORT

Finance Director Christy Ramirez will bring the budget policy resolution back with additional language.

Motion: Approve the budget allocation noted in the Fiscal Impacts Section.

Moved by Pedro A Chavez, seconded by Andy Sobel

Vote: Motion carried 4-0

Yes: Leslie Cornejo, Pedro A Chavez, Jenny Crosswhite, Andy Sobel

11.D) ANALYSIS OF SANTA PAULA MUNICIPAL CODE RELATED TO VEHICLE CRUISING

After Council discussion, Council agreed to holdoff on changes to the ordinance until other changes in the Municipal Code update are completed, or if an earlier opportunity presents earlier.

11.E) APPOINTMENTS TO COMMISSIONS AND COMMITTEES

Interim City Attorney announced the guidelines for the Affordable Housing Trust Fund Oversight Committee will need to be amended to provide Council with flexibility to appoint Committee members who are not "Santa Paula City employees" and flexibility to appoint outside of the category of a resident of an affordable housing development, with priority given, though not mandatory. This item was tabled for appointments after the guidelines are amended.

12) ITEMS FOR FUTURE AGENDAS

12.A) FUTURE AGENDA ITEMS

City Manager Dan Singer announced anticipation of a Study Session on June 5th or 19th, pride month proclamation on June 5th, and a presentation from David Mullinex, Regional League Representative to talk on State-wide measures.

Vice Mayor Chavez discussed speed humps. Council directed staff to incorporate speed humps in the pavement management program.

13) ADJOURNMENT

Mayor Cornejo adjourned the meeting at 9:41 p.m.

ATTEST:

Julie Latshaw, City Clerk

**CITY OF SANTA PAULA
MEMORANDUM**

To: Honorable Mayor and Members of the City Council

From: Jonathan Royas, Deputy City Manager

Subject: RESOLUTION NO. 7520 OPPOSING INITIATIVE NO. 21-0042A1 - THE
TAXPAYER PROTECTION AND GOVERNMENT ACCOUNTABILITY ACT

Date: June 5, 2024

Agenda Item: 10.B

RECOMMENDATION:

Staff recommends City Council:

1. Adopt Resolution No. 7520, opposing Initiative No. 21-0042A1, the Taxpayer Protection and Government Accountability Act.

BACKGROUND:

On Jan. 4, 2022, the California Business Roundtable filed the “Taxpayer Protection and Government Accountability Act” or AG# 21-0042A1. On Feb. 1, 2023, the measure qualified for the November 2024 ballot.

The League of California Cities, along with a broad coalition of local governments, labor and public safety leaders, infrastructure advocates, and businesses, strongly opposes this initiative.

Local government revenue-raising authority is currently substantially restricted by state statute and constitutional provisions, including the voter approved provisions of Proposition 13 of 1978, Proposition 218 of 1996, and Proposition 26 of 2010. The Taxpayer Protection and Government Accountability Act adds and expands restrictions on voters and local government tax and fee authority.

ANALYSIS:

The Taxpayer Protection and Government Accountability Act proposes significant amendments to the California Constitution that would limit voter authority and input, enforce stricter regulations for raising taxes and fees, and potentially complicate the imposition of fines and penalties for state and local law violations.

Based on research conducted by the League of California Cities, this initiative threatens billions of dollars in local government tax and fee revenues statewide, directly impacting core public services.

The City of Santa Paula, like other municipalities, could experience substantial negative consequences on its operations and service delivery due to this measure.

This constitutional amendment is backed by the California Business Roundtable.

Major Provisions

Fees and Charges:

- Fees and charges, except for licensing and regulatory fees, cannot exceed the “actual cost” of providing the service or product. The “actual cost” is defined as the “minimum amount necessary,” and the burden of proof that the fee does not exceed this cost must meet the “clear and convincing” evidence standard.
- Fees and charges for using or renting government property must be “reasonable,” a new standard replacing market-based pricing. The reasonableness must also be proven by “clear and convincing” evidence, potentially reducing what large corporations pay for using public property.
- Prohibits fees on new development based on vehicle miles traveled.

Taxes:

- Taxes and fees adopted after January 1, 2022, that do not comply with the new rules are void unless reenacted.
- Overturns the Upland decision, requiring that all local special taxes proposed by initiative comply with the same rules as those placed on the ballot by city councils.
- Bans local advisory measures that allow voters to indicate preferences for the allocation of general tax revenues.
- Requires voter approval to extend existing taxes to new territories or to expand the tax base.
- New taxes must have a specified duration.
- City charters cannot be amended to include a tax or fee.
- All state taxes require majority voter approval.

Fines and Penalties:

- May necessitate voter approval for fines, penalties, and levies on corporations and property owners for legal violations unless a new, undefined adjudicatory process is used.

Impact on Fees and Taxes

Local governments rely on a variety of fees to fund essential public services. Examples include:

- Nuisance abatement charges for weed, rubbish, and general nuisance abatement.
- Commercial franchise fees.
- Emergency response fees, such as those related to DUI incidents.
- Advanced Life Support (ALS) transport charges.
- Document processing and duplication fees.
- Transit fees, tolls, parking fees, and public airport and harbor use fees.

- Facility use charges, parks and recreation service fees, and garbage disposal tipping fees.

Virtually all cities, counties, and special districts must regularly adjust fee rates and charges to accommodate new users and activities. Most of these adjustments would be subject to new legal challenges under the initiative. Cal Cities estimates that approximately \$2 billion per year in local government fee and charge revenues are at risk, with a ten-year estimate of \$20 billion.

Additionally, hundreds of local tax measures approved in 2022 might not comply with the new initiative's provisions. Nearly \$2 billion in annual revenues from these voter-approved measures could be lost unless resubmitted for voter approval, thereby reducing funding for local public services.

Impact on Public Services

Reductions in local government tax revenues could severely impact essential services and infrastructure, including:

- Fire and emergency response
- Law enforcement
- Streets and roads
- Drinking water and sewer sanitation
- Parks and libraries
- Affordable housing and homelessness prevention
- Mental health services

Impact on Fines and Penalties

Under current law, cities must provide due process before imposing fines or penalties for municipal code violations:

- Local agencies must adopt administrative procedures for imposing fines, including allowing a reasonable period for correcting the violation (Gov't Code 53069.4).
- Violating parties must receive notice and an opportunity to be heard (*Merco Construction Engineers v. Los Angeles Unified School District*, 1969).
- Fines must not be "excessive" (U.S. Constitution Amendments VIII and XIV).

The initiative redefines administratively-imposed fines and penalties as taxes unless a new, ambiguous "adjudicatory due process" is followed, potentially jeopardizing the authority to impose fines for legal violations.

Council's Currently Adopted Legislative Platform

Moreover, the Taxpayer Protection and Government Accountability Act directly conflicts with Council's currently adopted legislative platform in the following areas:

Section I. Revenue & Taxation, A. Local Government Finance, #3 Support legislation that ensures the retention of existing local revenue sources, including the City's share of property taxes, sales and use taxes, transient occupancy taxes, vehicle license fees, development

fees, etc.

Section I. Revenue & Taxation, A. Local Government Finance, 4. Support legislation that authorizes a simple majority of the voters in a city to establish local priorities such as the right to increase taxes or issue general obligation bonds.

Section I. Revenue & Taxation, A. Local Government Finance, 7. Support legislation that will enhance revenue for cities.

Section I. Revenue & Taxation, A. Local Government Finance, 9. Oppose legislation that undermines the City's ability to manage financial resources and limits decisions regarding the long-term interests of local residents.

Section I. Revenue & Taxation, A. Local Government Finance, 12. Oppose legislation efforts which makes it harder and more expensive for the City to impose or adjust various fees.

For these reasons, staff recommends City Council oppose Initiative No. 21-0042A1, the Taxpayer Protection and Government Accountability Act, through the attached Resolution No. 7520.

STRATEGIC PLAN:

Approval of this item supports City Council's objective under Section B. Economic Development, Objective #1 Revenue Opportunities of the two-year Strategic Plan by not limiting staff's ability to pursue revenue opportunities to increase the City's revenue base.

FISCAL IMPACTS:

Should the Taxpayer Protection and Government Accountability Act pass, it will take billions of dollars away from local government services statewide.

OPTIONS:

As an alternative to staff's recommendation, City Council has the following options available:

1. Do not adopt Resolution No. 7520; or
2. Provide staff alternative direction.

ATTACHMENTS:

[RESOLUTION NO. 7520 Cal Cities CBRT Oppose Resolution.docx](#)

EXHIBIT A
RESOLUTION NO. 7520

RESOLUTION NO. 7520

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA PAULA OPPOSING INITIATIVE #21-0042A1 - THE TAXPAYER PROTECTION AND GOVERNMENT ACCOUNTABILITY ACT

The City Council of the City of Santa Paula does resolve as follows:

SECTION 1: The City Council finds and declares as follows:

- A. WHEREAS, an association representing California's wealthiest corporations is spending tens of millions of dollars to promote a deceptive ballot measure currently eligible for the November 2024 statewide ballot; and
- B. WHEREAS, the measure creates constitutional loopholes that allow corporations to pay far less than their fair share for the impacts they have on our communities, which could force residents and taxpayers to pay more to maintain services; and
- C. WHEREAS, the measure threatens billions of dollars every year in local government funding for services like fire and emergency response, law enforcement, affordable housing, services to support homeless residents, mental health services, and more; and
- D. WHEREAS, the measure is an attack on voters' rights, containing undemocratic provisions that would make it more difficult for local voters to pass measures to fund services, provisions that retroactively cancel measures recently passed by voters, and provisions that prevent voters from passing advisory measures that provide direction on how they want their local tax dollars spent; and
- E. WHEREAS, the measure contains intentionally restrictive language that will encourage hundreds of frivolous lawsuits against cities and local governments – costing taxpayers many millions and stopping investments in vital local services; and
- F. WHEREAS, the measure would make it much more difficult for state and local regulators to issue fines and levies on corporations that violate laws intended to protect our environment, public health and safety, and our neighborhoods; and
- G. WHEREAS, the measure is opposed by hundreds of local governments, teachers, firefighters, working families and local elected officials.

H. WHEREAS, the measure would go directly against several of City Council's adopted Legislative Platform policy positions contained in Section I. Revenue & Taxation, A. Local Government Finance.

SECTION 2: Therefore, be it resolved that the City of Santa Paula opposes Initiative #21-0042A1.

SECTION 3: Be it further resolved, that the City of Santa Paula will join the "Stop the Taxpayer Deception Act" coalition, a growing coalition of public safety, education, labor, local government, and infrastructure groups throughout the state.

We direct staff to email a copy of this adopted resolution to the League of California Cities at BallotMeasures@calcities.org.

PASSED AND ADOPTED this 5th day of June, 2024.

Leslie Cornejo, Mayor

ATTEST:

Julie Latshaw, City Clerk

APPROVED AS TO FORM:

Seth Merewitz, Acting City Attorney

APPROVED AS TO CONTENT:

Dan Singer, City Manager

**CITY OF SANTA PAULA
MEMORANDUM**

To: Honorable Mayor and Members of the City Council

From: Caesar Hernandez, Management Analyst

Subject: APPLICATION TO THE CALIFORNIA DEPARTMENT OF HOUSING AND
COMMUNITY DEVELOPMENT (HCD) SEEKING A PROHOUSING
DESIGNATION BY THE STATE

Date: June 5, 2024

Agenda Item: 10.C

RECOMMENDATION:

Staff recommends the City Council:

Adopt Resolution No. 7521, authorizing the City Manager's designee to: 1) submit a Prohousing Designation Program application to the California Department of Housing and Community Development (HCD); and if the application is approved by HCD, 2) to execute all documents deemed necessary or appropriate to participate in the Prohousing Designation Program.

Presented By: Caesar Hernandez, Management Analyst

BACKGROUND:

In 2019, AB 101 established the Prohousing Designation Program (PDP) administered by the California Department of Housing and Community Development (HCD). The PDP creates incentives for jurisdictions that are compliant with housing laws, housing element requirements, and have enacted Prohousing policies in the following four (4) categories: Favorable Zoning and Land Use, Accelerating Production Timeframes, Reducing Construction and Development Costs; and Providing Financial Subsidies.

The City of Santa Paula has an opportunity to become one of the selected jurisdictions of the Prohousing Designation jurisdictions in the State of California - gaining a competitive advantage for critical grant funding and demonstrating to the housing development community, statewide, that the City of Santa Paula is focused on accelerating housing production.

Jurisdictions awarded a Prohousing Designation will receive a competitive advantage for critical affordable housing and infrastructure grant programs.

ANALYSIS:

The Community and Economic Development Department has determined that the City qualifies for inclusion in the program, based on the City's existing policies and programs in progress. The City's application does not commit the City to any policies or programs not already adopted. The program criteria and self-scoring sheet is submitted to HCD as part of the City's application and a draft has been provided as Attachment 1 for review.

The Prohousing Designation Program is consistent with the City's current 2021-2029 Housing Element's goals and programs, including the following:

Policy 1.5 Continue to implement the mobile home rent review ordinance to ensure the affordability of mobile homes.

Policy 2.7 Continue implementation of the City's Inclusionary Housing regulations.

Policy 3.4 Provide adequate housing sites for special needs groups, including the elderly, homeless, and agricultural workers, through appropriate zoning designations and regulations.

Policy 4.1 Offer financial and/or regulatory incentives, including density bonuses, where feasible to off-set or reduce the costs of developing affordable housing.

Policy 4.2 Periodically review City regulations, ordinances, and residential fees to ensure that they do not unduly constrain housing development.

Policy 5.1 Continue to enforce fair housing laws prohibiting arbitrary discrimination in the building, financing, selling or renting of housing on the basis of race, religion, family status, national origin, physical disability or other such circumstances.

Policy 5.2 Continue to financially support the provision of fair housing services to City residents.

The City of Santa Paula is facing a statewide challenge of providing an adequate supply of affordable housing. The City continues to pursue new sources of local, state and federal affordable housing funding, in order to create more affordable housing opportunities. A Prohousing Designation will provide the City of Santa Paula with a competitive advantage for critical affordable housing and infrastructure grant programs.

STRATEGIC PLAN:

Though this item does not promote an objective from the City's Two-Year Strategic Plan, it is consistent with Goal B (Economic Development): Enhance the economic vitality of the community through measures targeted towards development and business retention and expansion and attraction, resulting in diverse housing options, increased revenue generation, job creation, and a business-friendly community.

FISCAL IMPACTS:

City Staff have prepared the draft application for the Prohousing Designation using currently budgeted staff time. No funding from the General Fund is required. Granting of the Prohousing designation would provide the City with a competitive advantage for several State grant

funding programs, which could make more funding available to the City.

OPTIONS:

The Council is under no obligation to support this request and could deny moving forward with an application or provide alternate direction to staff.

ATTACHMENTS:

[Prohousing_Reso.docx](#)

[Prohousing_Application_Signed.pdf](#)

RESOLUTION NO. 7521

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA PAULA AUTHORIZING APPLICATION TO AND PARTICIPATION IN THE PROHOUSING DESIGNATION PROGRAM

WHEREAS, Government Code section 65589.9 established the Prohousing Designation Program (“PDP” or “Program”), which creates incentives for jurisdictions that are compliant with state housing element requirements and that have enacted Prohousing local policies; and

WHEREAS, such jurisdictions will be designated Prohousing, and, as such, will receive additional points or other preference during the scoring of their competitive Applications for specified housing and infrastructure funding; and

WHEREAS, the California Department of Housing and Community Development (“Department”) has adopted regulations (Cal. Code Regs., tit. 25, § 6600 et seq.) to implement the Program (“**Program Regulations**”), as authorized by Government Code section 65589.9, subdivision (d); and

WHEREAS, the City of Santa Paula (“Applicant”) desires to submit an application for a Prohousing Designation (“Application”).

NOW, THEREFORE, IT IS RESOLVED by the City Council of the City of Santa Paula that:

1. Applicant is hereby authorized and directed to submit an Application to the Department.
2. Applicant acknowledges and confirms that it is currently in compliance with applicable state housing law.
3. Applicant acknowledges and confirms that it will continue to comply with applicable housing laws and to refrain from enacting laws, developing policies, or taking other local governmental actions that may or do inhibit or constrain housing production. Examples of such local laws, policies, and actions include moratoriums on development; local voter approval requirements related to housing production; downzoning; and unduly restrictive or onerous zoning regulations, development

standards, or permit procedures. Applicant further acknowledges and confirms that the Prohousing Policies in its Application comply with its duty to Affirmatively Further Fair Housing pursuant to Government Code sections 8899.50 and 65583. Applicant further acknowledges and confirms that its general plan is in alignment with an adopted sustainable communities strategy pursuant to Public Resources Code sections 21155- 21155.4. Applicant further acknowledges and confirms that its policies for the treatment of homeless encampments on public property comply do and will continue to comply with the Constitution and that it has enacted best practices in its jurisdiction that are consistent with the United States Interagency Council on Homelessness' "7 Principles for Addressing Encampments" (June 17, 2022, update).

4. If the Application is approved, Applicant is hereby authorized and directed to enter into, execute, and deliver all documents required or deemed necessary or appropriate to participate in the Program, and all amendments thereto (the "Program Documents").
5. Applicant acknowledges and agrees that it shall be subject to the Application, the terms and conditions specified in the Program Documents, the Program Regulations, and any and all other applicable law.
6. City Manager is authorized to execute and deliver the Application and the Program Documents on behalf of the Applicant for participation in the Program.

APPROVED AND ADOPTED by the Santa Paula City Council on this 5th day of
June, 2024.

Leslie Cornejo, Mayor

ATTEST:

Julie Latshaw, City Clerk

APPROVED AS TO FORM:

Seth Merewitz, Acting City Attorney

APPROVED AS TO CONTENT:

Dan Singer,
City Manager

Prohousing Designation Program Application



**State of California
Governor Gavin Newsom**

**Tomiquia Moss, Secretary
Business, Consumer Services and Housing Agency**

**Gustavo Velasquez, Director
Department of Housing and Community Development**

**Megan Kirkeby, Deputy Director
Division of Housing Policy Development**

2020 West El Camino, Suite 500
Sacramento, CA 95833

Website: <https://www.hcd.ca.gov/community-development/prohousing>
Email: ProhousingPolicies@hcd.ca.gov

January 2024

Prohousing Designation Program Application Package Instructions

The applicant is applying for a Prohousing Designation under the Prohousing Designation Program (“**Prohousing**” or “**Program**”), which is administered by the Department of Housing and Community Development (“**Department**”) pursuant to Government Code section 65589.9.

The Program creates incentives for Jurisdictions that are compliant with State Housing Element Law and that have enacted Prohousing Policies. These incentives will take the form of additional points or other preference in the scoring of applications for competitive housing and infrastructure programs. The administrators of each such program will determine the value and form of the preference.

In order to be considered for a Prohousing Designation, the applicant must accurately complete all sections of this application, including any relevant appendices. The Department reserves the right to request additional clarifying information from the applicant.

This application is subject to Government Code section 65589.9 and to the regulations (Cal. Code Regs., tit. 25, § 6600 et seq.) adopted by the Department in promulgation thereof (“**Regulations**”). All capitalized terms in this application shall have the meanings set forth in the Regulations.

All applicants must submit a complete, signed application package to the Department, in electronic format, in order to be considered for a Prohousing Designation. Please direct electronic copies of the completed application package to the following email address: ProhousingPolicies@hcd.ca.gov.

A complete application will include all items identified in the Application Checklist.

In relation to **Appendix 1**, the Formal Resolution for the Prohousing Designation Program, please use ~~striketrough~~ and underline if proposing any modifications to the text of the Resolution. Please be aware, any sustentative deviations from the Formal Resolution may result in an incomplete application and will likely be subject to additional internal review and potential delays.

Appendix 2, the Proposed Policy Completion Schedule, applies only if an application includes proposed policies.

Appendix 3, Project Proposal Scoring Sheet and Sample Project Proposal Scoring Sheet, includes a blank template to be completed by the applicant as part of the application, as well as a Sample Project Proposal Scoring Sheet with an example of how this template may be completed.

Appendix 4 lists examples of Prohousing Policies with enhancement factors to aid applicants in understanding how enhancement factors may be applied.

Appendix 5 is where the applicant will include any additional information and supporting documentation for the application.

If you have questions regarding this application or the Program, or if you require technical assistance in preparing this application, please email ProhousingPolicies@hcd.ca.gov.

Application Checklist

	Yes	No
Application Information	☒	☐
Certification and Acknowledgement	☒	☐
The Legislative Information form is completed.	☒	☐
The Threshold Requirements Checklist is completed.	☒	☐
A duly adopted and certified Formal Resolution for the Prohousing Designation Program is included in the application package. (See Appendix 1 for the Formal Resolution for the Prohousing Designation Program form.)	☒	☐
If applicable, the Proposed Policy Completion Schedule is completed. (See Appendix 2 .)	☒	☐
The Project Proposal Scoring Sheet is completed. (See Appendix 3 for the Project Proposal Scoring Sheet and the Sample Project Proposal Scoring Sheet.)	☒	☐
Additional information and supporting documentation (Applicant to provide as Appendix 5)	☐	☐

Application Information

Applicant (Jurisdiction):	City of Santa Paula
Applicant Mailing Address:	970 Ventura Street
City:	Santa Paula
ZIP Code:	93060
Website:	https://spcity.org/
Authorized Representative Name	Caesar Hernandez
Authorized Representative Title:	Management Analyst
Phone:	(805) 525-4478 x203
Email:	chernandez@spcity.org
Contact Person Name:	Caesar Hernandez
Contact Person Title:	Management Analyst
Phone:	(805) 525-4478 x203
Email:	chernandez@simivalley.org
Proposed Total Score (Based on Appendix 3):	39

CERTIFICATION AND ACKNOWLEDGMENT

As authorized by the Formal Resolution for the Prohousing Designation Program (Resolution No. 7521), which is attached hereto and incorporated by reference as if set forth in full, I hereby submit this full and complete application on behalf of the applicant.

I certify that all information and representations set forth in this application are true and correct.

I further certify that any proposed Prohousing Policy identified herein will be enacted within two (2) years of the date of this application submittal.

I acknowledge that this application constitutes a public record under the California Public Records Act (Gov. Code, § 6250 et seq.) and is therefore subject to public disclosure by the Department.

Signature: Caesar Hernandez

Name and Title: Caesar Hernandez, Management Analyst

Date: June 5, 2024

Legislative Information

District	Number	Legislators Name(s)
State Assembly District	38	Steve Bennett
State Senate District	19	Monique Limon

Applicants can find their respective State Senate representatives at <https://www.senate.ca.gov/>, and their respective State Assembly representatives at <https://www.assembly.ca.gov/>

Threshold Requirements Checklist

The applicant meets the following threshold requirements in accordance with Section 6604 of the Regulations:

	Yes	No
The applicant is a Jurisdiction.	☒	☐
The applicant has adopted a Compliant Housing Element.	☒	☐
The applicant has submitted or will submit a legally sufficient Annual Progress Report prior to designation.	☒	☐
The applicant has completed or agrees to complete, on or before the relevant statutory deadlines, any rezone program or zoning that is necessary to remain in compliance with Government Code sections 65583, subdivision (c)(1), and 65584.09, subdivision (a), and with California Coastal Commission certification where appropriate.	☒	☐
The applicant is in compliance, at the time of the application, with applicable state housing law, including, but not limited to those included in Government Section 65585, subdivision (j); laws relating to the imposition of school facilities fees or other requirements (Gov. Code, § 65995 et seq.); Least Cost Zoning Law (Gov. Code, § 65913.1); Permit Streamlining Act (Gov. Code, § 65920 et seq.); and provisions relating to timeliness of CEQA processing by local governments in Public Resources Code sections 21080.1, 21080.2, and 21151.5(a).	☒	☐
The applicant further acknowledges and confirms that its treatment of homeless encampments on public property complies with and will continue to comply with the constitutional rights of persons experiencing homelessness and that it has submitted a one-page summary to the Department demonstrating how the applicant has enacted best practices in their jurisdiction related to the treatment of unhoused individuals camping on public property, consistent with United States Interagency Council on Homelessness' "7 Principles for Addressing Encampments," (June 17, 2022 update), hereby incorporated by reference.	☒	☐
The applicant has duly adopted and certified, by the applicant's governing body, a Formal Resolution for the Prohousing Designation Program, which is hereby incorporated by reference. (A true and correct copy of the resolution is included in this application package.)	☒	☐

Project Proposal
Category 1: Favorable Zoning and Land Use

Category	Prohousing Policy Description	Points
1A	Sufficient sites, including rezoning, to accommodate 150 percent or greater of the current or draft RHNA, whichever is greater, by total and income category. These additional sites must be identified in the Jurisdiction's housing element adequate sites inventory, consistent with Government Code section 65583, subdivisions (a)(3) and (c)(1).	3
1B	Permitting missing middle housing uses (e.g., duplexes, triplexes, and fourplexes) by right in existing low-density, single-family residential zones in a manner that exceeds the requirements of SB 9 (Chapter 162, Statutes of 2021, Gov. Code, §§ 65852.21, 66411.7).	3
1C	Sufficient sites, including rezoning, to accommodate 125 to 149 percent of the current or draft RHNA, whichever is greater, by total and income category. These points shall not be awarded if the applicant earns three points pursuant to Category (1)(A) above. These additional sites must be identified in the Jurisdiction's housing element adequate sites inventory, consistent with Government Code section 65583, subdivisions (a)(3) and (c)(1).	2
1D	Density bonus programs that allow additional density for additional affordability beyond minimum statutory requirements (Gov. Code, § 65915 et seq.).	2
1E	Increasing allowable density in low-density, single-family residential areas beyond the requirements of state Accessory Dwelling Unit Law, (Gov. Code, §§ 65852.2, 65852.22) (e.g., permitting more than one converted ADU; one detached, new construction ADU; and one JADU per single-family lot), and in a manner that exceeds the requirements of SB 9 (Chapter 192, Statutes of 2021, Gov. Code, §§ 65852.21, 66411.7). These policies shall be separate from any qualifying policies under Category (1)(B).	2
1F	Eliminating minimum parking requirements for residential development as authorized by Government Code section 65852.2; adopting vehicular parking ratios that are less than the relevant ratio thresholds at subparagraphs (A), (B), and (C) of Gov. Code section 65915, subdivision (p)(1); or adopting maximum parking requirements at or less than ratios pursuant to Gov. Code section 65915, subdivision (p).	2
1G	Zoning or incentives that are designed to increase affordable housing development in a range of types, including, but not limited to, large family units, Supportive Housing, housing for transition age foster youth, and deep affordability targeted for Extremely Low-Income Households in all parts of the Jurisdiction, with at least some of the zoning, other land use designation methods, or incentives being designed to increase affordable housing development in higher resource areas shown in the TCAC/HCD Opportunity Map, and with the Jurisdiction having confirmed that it considered and addressed potential environmental justice issues in adopting and implementing	2

	this policy, especially in areas with existing industrial and polluting uses.	
1H	Zoning or other land use designation methods to allow for residential or mixed uses in one or more non-residential zones (e.g., commercial, light industrial). Qualifying non-residential zones do not include open space or substantially similar zones.	1
1I	Modification of development standards and other applicable zoning provisions or land use designation methods to promote greater development intensity. Potential areas of focus include floor area ratio, height limits, minimum lot or unit sizes, setbacks, and allowable dwelling units per acre. These policies must be separate from any qualifying policies under Category (1)(B) above.	1
1J	Establishment of a Workforce Housing Opportunity Zone, as defined in Government Code section 65620, or a Housing Sustainability District, as defined in Government Code section 66200.	1
1K	Establishment of an inclusionary housing program requiring new developments to include housing affordable to and reserved for low- and very low-income households, consistent with the requirements of AB 1505 (Chapter 376, Statutes of 2017, Gov. Code, § 65850.01).	1
1L	Other zoning and land use actions not described in Categories (A)-(K) of this section that measurably support the Acceleration of Housing Production.	1

Project Proposal
Category 2: Acceleration of Housing Production Timeframes

Category	Prohousing Policy Description	Points
2A	Establishment of ministerial approval processes for multiple housing types, including, for example, single-family, multifamily and mixed-use housing.	3
2B	Acceleration of Housing Production through the establishment of streamlined, program-level CEQA analysis and certification of general plans, community plans, specific plans with accompanying Environmental Impact Reports (EIR), and related documents.	2
2C	Documented practice of streamlining housing development at the project level, such as by enabling a by-right approval process or by utilizing statutory and categorical exemptions as authorized by applicable law, (e.g., Pub. Resources Code, §§ 21155.1, 21155.4, 21159.24, 21159.25; Gov. Code, § 65457; Cal Code Regs., tit. 14, §§ 15303, 15332; Pub. Resources Code, §§ 21094.5, 21099, 21155.2, 21159.28).	2
2D	Establishment of permitting processes that take less than four months to complete. Policies under this category must address all approvals necessary to issue building permits.	2
2E	Absence or elimination of public hearings for projects consistent with zoning and the general plan.	2
2F	Priority permit processing or reduced plan check times for homes affordable to Lower-Income Households.	1
2G	Establishment of consolidated or streamlined permit processes that minimize the levels of review and approval required for projects, and that are consistent with zoning regulations and the general plan.	1
2H	Absence, elimination, or replacement of subjective development and design standards with objective development and design standards that simplify zoning clearance and improve approval certainty and timing.	1
2I	Establishment of one-stop-shop permitting processes or a single point of contact where entitlements are coordinated across city approval functions (e.g., planning, public works, building) from entitlement application to certificate of occupancy.	1
2J	Priority permit processing or reduced plan check times for ADUs/JADUs or multifamily housing.	1
2K	Establishment of a standardized application form for all entitlement applications.	1
2L	Documented practice of publicly posting status updates on project permit approvals on the internet.	1
2M	Limitation on the total number of hearings for any project to three or fewer. Applicants that accrue points pursuant to category (2)(E) are not eligible for points under this category.	1
2N	Other policies not described in Categories (2)(A)-(M) of this section that quantifiably decrease production timeframes or promote the streamlining of approval processes.	1

Project Proposal
Category 3: Reduction of Construction and Development Costs

Category	Prohousing Policy Description	Points
3A	Waiver or significant reduction of development impact fees for residential development with units affordable to Lower-Income Households. This provision does not include fees associated with the provision of housing affordable to Lower-Income Households (e.g., inclusionary in lieu fees, affordable housing impact fees, and commercial linkage fees).	3
3B	Adoption of policies that result in less restrictive requirements than Government Code sections 65852.2 and 65852.22 to reduce barriers for property owners to create ADUs/JADUs. Examples of qualifying policies include, but are not limited to, development standards improvements, permit processing improvements, dedicated ADU/JADU staff, technical assistance programs, and pre-approved ADU/JADU design packages.	2
3C	Adoption of other fee reduction strategies separate from Category (3)(A), including fee deferrals and reduced fees for housing for persons with special needs. This provision does not include fees associated with the provision of housing affordable to Lower-Income Households (e.g., inclusionary in lieu fees, affordable impact fees and commercial linkage fees).	1
3D	Accelerating innovative housing production through innovative housing types (e.g., manufactured homes, recreational vehicles, park models, community ownership, and other forms of social housing) that reduce development costs.	1
3E	Measures that reduce costs for transportation-related infrastructure or programs that encourage active modes of transportation or other alternatives to automobiles. Qualifying policies include, but are not limited to, publicly funded programs to expand sidewalks or protect bike/micro-mobility lanes, creation of on-street parking for bikes, transit-related improvements, or establishment of carshare programs.	1
3F	Adoption of universal design ordinances pursuant to Health and Safety Code section 17959.	1
3G	Establishment of pre-approved or prototype plans for missing middle housing types (e.g., duplexes, triplexes, and fourplexes) in low-density, single-family residential areas.	1
3H	Adoption of ordinances that reduce barriers, beyond existing law, for the development of housing affordable to Lower-Income Households.	1
3I	Other policies not described in Categories (3)(A)-(H) of this section that quantifiably reduce construction or development costs.	1

Project Proposal
Category 4: Providing Financial Subsidies

Category	Prohousing Policy Description	Points
4A	Establishment of a housing fund or contribution of funds towards affordable housing through proceeds from approved ballot measures.	2
4B	Establishment of local housing trust funds or collaboration on a regional housing trust fund, which include the Jurisdiction's own funding contributions. The Jurisdiction must contribute to the local or regional housing trust fund regularly and significantly. For the purposes of this Category, "regularly" shall be defined as at least annually, and "significant" contributions shall be determined based on the impact the contributions have in accelerating the production of affordable housing.	2
4C	Demonstration of regular use or planned regular use of funding (e.g., federal, state, or local) for preserving assisted units at-risk of conversion to market rate uses and conversion of market rate uses to units with affordability restrictions (e.g., acquisition/rehabilitation). For the purposes of this category, "regular use" can be demonstrated through the number of units preserved annually by utilizing this funding source.	2
4D	Provide grants or low-interest loans for ADU/JADU construction affordable to Lower- and Moderate-Income Households.	2
4E	A comprehensive program that complies with the Surplus Land Act (Gov. Code, § 54220 et seq.) and that makes publicly owned land available for affordable housing, or for multifamily housing projects with the highest feasible percentage of units affordable to Lower Income Households. A qualifying program may utilize mechanisms such as land donations, land sales with significant write-downs, or below-market land leases.	2
4F	Establishment of an Enhanced Infrastructure Financing District or similar local financing tool that, to the extent feasible, directly supports housing developments in an area where at least 20 percent of the residences will be affordable to Lower-Income Households.	2
4G	Prioritization of local general funds to accelerate the production of housing affordable to Lower-Income Households.	2
4H	Directed residual redevelopment funds to accelerate the production of affordable housing.	1
4I	Development and regular (at least biennial) use of a housing subsidy pool, local or regional trust fund, or other similar funding source sufficient to facilitate and support the development of housing affordable to Lower-Income Households.	1

4J	Prioritization of local general funds for affordable housing. This point shall not be awarded if the applicant earns two points pursuant to Category (4)(G).	1
4K	Providing operating subsidies for permanent Supportive Housing.	1
4L	Providing subsidies for housing affordable to Extremely Low-Income Households.	1
4M	Other policies not described in Categories (4)(A)-(L) of this section that quantifiably promote, develop, or leverage financial resources for housing affordable to Lower-Income Households.	1

Project Proposal Enhancement Factors

The Department shall utilize enhancement factors to increase the point scores of Prohousing Policies. An individual Prohousing Policy may not use more than one enhancement factor. Each Prohousing Policy will receive extra points for enhancement factors in accordance with the chart below.

Category	Prohousing Policy Description	Points
1	The policy represents one element of a unified, multi-faceted strategy to promote multiple planning objectives, such as efficient land use, access to public transportation, housing affordable to Lower-Income Households, climate change solutions, and/or hazard mitigation.	2
2	Policies that promote development consistent with the state planning priorities pursuant to Government Code section 65041.1.	1
3	Policies that diversify planning and target community and economic development investments (housing and non-housing) toward place-based strategies for community revitalization and equitable quality of life in lower opportunity areas. Such areas include, but are not limited to, Low Resource and High Segregation & Poverty areas designated in the most recently updated TCAC/HCD Opportunity Maps, and disadvantaged communities pursuant to Health and Safety Code sections 39711 and 39715 (California Senate Bill 535 (2012)).	1
4	Policies that go beyond state law requirements in reducing displacement of Lower-Income Households and conserving existing housing stock that is affordable to Lower-Income Households.	1
5	Rezoning and other policies that support intensification of residential development in Location Efficient Communities.	1
6	Rezoning and other policies that result in a net gain of housing capacity while concurrently mitigating development impacts on or from Environmentally Sensitive or Hazardous Areas.	1
7	Zoning policies, including inclusionary housing policies, that increase housing choices and affordability, particularly for Lower-Income Households, in High Resource and Highest Resource areas, as designated in the most recently updated TCAC/HCD Opportunity Maps.	1
8	Other policies that involve meaningful actions towards Affirmatively Furthering Fair Housing outside of those required pursuant to Government Code sections 65583, subdivision (c)(10), and 8899.50, including, but not limited to, outreach campaigns, updated zoning codes, and expanded access to financing support.	1

Project Proposal Scoring Sheet Instructions

The Department shall validate applicants' scores based on the extent to which each identified Prohousing Policy contributes to the Acceleration of Housing Production. The Department shall assess applicants' Prohousing Policies in accordance with statutory requirements and the Regulations.

The Department shall further assess applicants' Prohousing Policies using the following four scoring categories: Favorable Zoning and Land Use, Acceleration of Housing Production Timeframes, Reduction of Construction and Development Costs, and Providing Financial Subsidies. Applicants shall demonstrate that they have enacted or proposed at least one policy that significantly contributes to the Acceleration of Housing Production in each of the four categories. A Prohousing Designation requires a total score of 30 points or more across all four categories.

Instructions

Please utilize one row of the Scoring Sheet for each Prohousing Policy.

- **Category Number:** Select the relevant category number from the relevant Project Proposal list in this application. Where appropriate, applicants may utilize a category number more than once.
- **Concise Written Description of Prohousing Policy:** Set forth a brief description of the enacted or proposed Prohousing Policy.
- **Enacted or Proposed:** Identify the Prohousing Policy as enacted or proposed. For proposed Prohousing Policies, please complete **Appendix 2: Proposed Policy Completion Schedule**.
- **Documentation Type:** For enacted Prohousing Policies, identify the relevant documentary evidence (e.g., resolution, zoning code provisions). For proposed Prohousing Policies, identify the documentation which shows that implementation of the policy is pending.
- **Web Links/Electronic Copies:** Insert the Web link(s) to the relevant documentation or indicate that electronic copies of the documentation have been attached to this application as **Appendix 5**.
- **Points:** Enter the appropriate number of points using the relevant Project Proposal list in this application.
- **Enhancement Category Number (optional):** If utilizing an enhancement factor for a particular Prohousing Policy, enter the appropriate category number using the relevant Project Proposal list in this application.
- **Enhancement Points (optional):** If utilizing an enhancement factor for a particular Prohousing Policy, enter the point(s) for that Prohousing Policy.
- **Total Points:** Add the enhancement point(s) to the Prohousing Policy's general point score.

Appendix 2: Proposed Policy Completion Schedule

[illegible]

Appendix 3: Scoring Sheet

Category Number	Concise Written Description of Prohousing Policy	Enacted or Proposed	Documentation Type (e.g., resolution, zoning code)	Insert Web Links to Documents <u>or</u> Indicate that Electronic Copies are Attached as Appendix 5	Points	Enhancement Category Number	Enhancement Points	Total Points
1D	Density bonus programs that allow additional density for additional affordability beyond minimum statutory requirements (Gov. Code, § 65915 et seq.).	E	Development Code	https://codelibrary.amlegal.com/codes/santapaula/latest/santapaula_ca/0-0-0-60596	2			2

1F	Eliminating minimum parking requirements for residential development as authorized by Government Code section 65852.2; adopting vehicular parking ratios that are less than the relevant ratio thresholds at subparagraphs (A), (B), and (C) of Gov. Code section 65915, subdivision (p)(1); or adopting maximum parking requirements at or less than ratios pursuant to Gov. Code section 65915, subdivision (p). <i>The 2021-2029 Housing Element includes an objective to ensure residential parking standards include the following: do not impede a developer's ability to achieve maximum densities, contain join-use (shared parking) provisions to maximize parking utilization rates (particularly for infill housing dev'ts), provide for parking reductions where less demand is demonstrated, particularly for persons with disabilities, the elderly, affordable housing, and infill and transit-oriented development, comply with density bonus ordinance parking requirements per Government Code §65915; and Seek to minimize the financial impacts of parking</i>	P	Development Code	2	2	1	3
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1H	regulations on vehicles owned by low-income residents. Zoning or other land use designation methods to allow for residential or mixed uses in one or more non-residential zones (e.g., commercial, light industrial). Qualifying non-residential zones do not include open space or substantially similar zones. The City of Santa Paula has adopted a Housing Opportunities Overlay.	E	Development Code	https://codelibrary.amlegal.com/codes/santapaula/latest/santapaula_ca/0-0-72073#JD_Chapter16.35	1	2	1	2
1I	Modification of development standards and other applicable zoning provisions or land use designation methods to promote greater development intensity. Potential areas of focus include floor area ratio, height limits, minimum lot or unit sizes, setbacks, and allowable dwelling units per acre. These policies must be separate from any qualifying policies under Category (1)(B) above. The City of Santa Paula General Plan includes a building intensity standard such as Floor Area Ratio (FAR).	E	Development Code	https://www.spcity.org/DocumentCenter/View/1709/2040-General-Plan-Section-2---Land-Use-Element	1			1

1K	Establishment of an inclusionary housing program requiring new developments to include housing affordable to and reserved for low- and very low-income households, consistent with the requirements of AB 1505 (Chapter 376, Statutes of 2017, Gov. Code, § 65850.01). <i>The City of Santa has an Inclusionary Housing Ordinance.</i>	E	Development Code	https://codelibrary.amlegal.com/codes/santapaula/latest/santapaula_ca/0-0-0-60693	1			1
1L	Other zoning and land use actions not described in Categories (A)-(K) of this section that measurably support the Acceleration of Housing Production. <i>The City of Santa Paula Development Code includes a Housing Opportunities Overlay.</i>	E	Development Code	https://codelibrary.amlegal.com/codes/santapaula/latest/santapaula_ca/0-0-0-72073#JD_Chapter16.35	1	2	1	2
2A	Establishment of ministerial approval processes for multiple housing types, including, for example, single-family, multifamily and mixed-use housing. <i>City has ministerial process for Accessory Dwelling Units and one to two unit developments in residential zoning districts. Objective standards have been adopted for these housing types.</i> <i>Enhancement: increases housing choices and affordability in High Resource areas.</i>	E	Development Code	https://codelibrary.amlegal.com/codes/santapaula/latest/santapaula_ca/0-0-0-65727	3	7	1	4

2C	Documented practice of streamlining housing development at the project level, such as by enabling a by-right approval process or by utilizing statutory and categorical exemptions as authorized by applicable law, (e.g., Pub. Resources Code, §§ 21155.1, 21155.4, 21159.24, 21159.25; Gov. Code, § 65457; Cal Code Regs., tit. 14, §§ 15303, 15332; Pub. Resources Code, §§ 21094.5, 21099, 21155.2, 21159.28). <i>The City of Santa Paula Development Code includes a Housing Opportunities Overlay, to allow housing By Right.</i>	E	Development Code	https://codelibrary.amlegal.com/codes/santapaula/latest/santapaula_ca/0-0-72073#JD_Chapter16.35	1	2	1	2
2E	Absence or elimination of public hearings for projects consistent with zoning and the general plan. <i>Any proposed housing within the Housing Opportunities Overlay does not require a public hearing.</i>	E	Development Code	https://codelibrary.amlegal.com/codes/santapaula/latest/santapaula_ca/0-0-72073#JD_Chapter16.35	2			2
2H	Absence, elimination, or replacement of subjective development and design standards with objective development and design standards that simplify zoning clearance and improve approval certainty and timing. <i>Housing Element includes proposing design standards and objective development standards.</i>	P	Proposed Development Code update		1			1

2I	Establishment of one-stop-shop permitting processes or a single point of contact where entitlements are coordinated across city approval functions (e.g., planning, public works, building) from entitlement application to certificate of occupancy. <i>The Community & Economic Development Department is proposing to have a PW Counter Technician to be located at the same counter as the Planning and Building & Safety.</i>	P	Internal Process		1	1
2J	Priority permit processing or reduced plan check times for ADUs/JADUs or multifamily housing. <i>City provides priority processing for ADUs/JADUs. ADU/JADU project are submitted straight to Plan Check.</i>	E	Internal Process		1	1
2K	Establishment of a standardized application form for all entitlement applications. <i>The City is in the process of an upgrade to the online permit processing software, Energov. Also, Building & Safety will be adding SolarApp to process solar applications.</i>	P	Internal Process		1	1

2L	Documented practice of publicly posting status updates on project permit approvals on the internet. Residents are able to view existing Development projects or projects that require discretionary approval on the City's website.	E	City Website	https://spcity.org/264/Community-and-Economic-Development	1			1
2N	Other policies not described in Categories (2)(A)-(M) of this section that quantifiably decrease production timeframes or promote the streamlining of approval processes. The City's Building & Safety Department accepts permit application via email.	E	Internal Process		1			1
3A	Waiver or significant reduction of development impact fees for residential development with units affordable to Lower-Income Households. This provision does not include fees associated with the provision of housing affordable to Lower-Income Households (e.g., inclusionary in lieu fees, affordable housing impact fees, and commercial linkage fees). A 15-year deferral of Development Impact Fees was issued to an approved 298-unit, apartment complex on an existing vacant parcel, with 166 affordable units plus 132 market-rate units (Project No.: 2022-CDP-01).	E	Internal Process	https://www.google.com/maps/d/viewer?mid=1-drJARsZ9s9jt_dYAgnFkEHKQxTLCI8&femb=1&ll=34.35563746142986%2C-119.06313482987059&z=14	3	7	1	4

3B	Adoption of policies that result in less restrictive requirements than Government Code sections 65852.2 and 65852.22 to reduce barriers for property owners to create ADUs/JADUs. Examples of qualifying policies include, but are not limited to, development standards improvements, permit processing improvements, dedicated ADU/JADU staff, technical assistance programs, and pre-approved ADU/JADU design packages. <i>In compliance with AB 434, The Planning & Building & Safety Departments are currently drafting three (3) pre-approved ADU-JADU plans for public use. This design standard will be included in the next ADU update before City Council in Fall 2024.</i>	P	Internal Process		2	7	1	3
3D	Accelerating innovative housing production through innovative housing types (e.g., manufactured homes, recreational vehicles, park models, community ownership, and other forms of social housing) that reduce development costs. <i>The City adopted rent stabilization for Mobile Homes and Mobile Home Parks to promote and maintain affordable housing.</i>	E	https://codelibrary.amlegal.com/codes/santapaul/latest/santapaul_ca/0-0-0-58111	Development Code	1	7	1	2

3H	Adoption of ordinances that reduce barriers, beyond existing law, for the development of housing affordable to Lower-Income Households. <i>The City of Santa Paula has adopted a Housing Opportunities Overlay for the development of affordable housing to lower-income households by right.</i>	E	https://codeilibrary.amlegal.com/codes/santapaula/latest/santapaula_ca/0-0-0-72073#JD_Chapter16.35	Development Code	1	4	1	2
4A	Establishment of a housing fund or contribution of funds towards affordable housing through proceeds from approved ballot measures. <i>The City has codified to allow In-Lieu fees and Affordable Housing Trust Fund.</i>	E	https://codeilibrary.amlegal.com/codes/santapaula/latest/santapaula_ca/0-0-0-60784	Development Code	2			2

Total = 39 Points

**CITY OF SANTA PAULA
MEMORANDUM**

To: Honorable Mayor and Members of the City Council

From: Jonathan Royas, Deputy City Manager

Subject: THIRD AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT
WITH TRIPEPI SMITH AND ASSOCIATES FOR MEDIA RELATIONS AND
PUBLIC INFORMATION SERVICES

Date: June 5, 2024

Agenda Item: 10.D

RECOMMENDATION:

Staff recommends City Council:

1. Authorize the City Manager to execute a third amendment to the professional services agreement with Tripepi Smith and Associates (TSA) for media relations and public information services, extending the term from July 1, 2024 to June 30, 2025, and increasing the total not-to-exceed amount to \$125,000.

BACKGROUND:

Over the past four and a half years, staff has worked closely with Tripepi Smith and Associates (TSA) as an extension of staff to assist the City of Santa Paula with media relations and public information efforts on several fronts.

Most recently, TSA has assisted with the following scope of services to assist staff in bolstering our outreach and public engagement efforts:

- Biweekly check-in and communication strategy calls – These phone calls typically last up to 30 minutes and have detailed agendas and notes. After each call, TSA sends an action summary email about decisions made on the phone call and related action items for staff to follow up on. Calls focus on story plans, new issues or concerns that need to be communicated, identification of major themes or ideas to address in the coming weeks and review of recent comments and social media posts.
- Monthly metrics report – Each month TSA provides a summary report of metrics (reach, posts, engagement, etc.) related to City-controlled social media platforms and other key metrics, such as website visits. This report will also include a comprehensive list of media mentions.
- Press releases of a time-sensitive nature when staff has not had the capacity due to other competing priorities.

- Social media posting assistance during the transition month of August/September when our current AmeriCorps Management Fellows graduate and we await the incoming fellows.

Separately, but related, TSA was also instrumental in our communications efforts related to the Districting process.

ANALYSIS:

As noted above, TSA has been a valuable extension of staff assisting with public communications, press releases and readily available on very short notice when strategy is required for instances involving a number of matters which arise throughout the year.

In addition, for the past three years, the City's Public Information Officer (PIO) has been fortunate enough to work with several Management Fellows, through the Lead for America program, who have been able to supplement TSA's effort as consulting costs have generally increased over the years and service output from TSA has been reduced to stay in line with budgets.

As a result, the City Manager's department began accessing opportunities to minimize consulting costs and bring certain outsourced responsibilities from TSA "in house", some of which was shared with Council during an outsourcing workshop on May 17, 2023.

For FY24/25, staff is proposing an extended contract amount with TSA at the current contractual amount, \$18,900 plus \$6,100 for ad hoc support, which will provide staff the appropriate level of support needed to maintain communications. TSA's proposed scope of work is Exhibit A to the third amendment (Attachment A) and is attached to this report. The proposed scope of work includes:

- Project management and biweekly strategy calls – To coordinate efforts with City staff and sustain momentum on communications projects, Tripepi Smith will schedule a recurring, biweekly call (alternating 1-hour calls and 30-minute calls) that will include a City-designated lead for our engagement. Call content will focus on communications strategies, identification of major themes or ideas to address in the coming weeks and review of monthly metrics reports. This will be a working call during which Tripepi Smith will manage an agenda and provide notes for each call. After each call, the client will be sent an action summary email about decisions made on the call. Tripepi Smith will produce work in a shared workspace where the City can see progress in real time and provide instant feedback as needed.
- Monthly metrics report – Each month, Tripepi Smith will provide a summary report via a shareable weblink of the basic metrics (reach, posts, engagement, etc.) related to City-controlled social media platforms and other key metrics, such as website visits. This report will also include a comprehensive list of media mentions.

A total of \$18,900 will go toward the retainer (\$1,575/month for 12 months). Additionally, staff recommends incorporating \$6,100 into the contract for ad-hoc support, such as crisis communications, press releases, social media content creation, graphic design services, etc., should those services be needed, for a total of \$25,000 for the fiscal year.

Staff is therefore asking Council to authorize the City Manager to execute a third amendment to the professional services agreement with Tripepi Smith and Associates (TSA) for media relations and public information services, extending the term from July 1, 2024 to June 30, 2025, and increasing the total not-to-exceed amount to \$125,000. Essentially, TSA's costs for FY23-24 will be no more than \$25,000.

STRATEGIC PLAN:

This item is not a goal or objective in City Council's two-year Strategic Plan; however, it does support one of Council's Strategic Plan core values of Communication in which we value open, transparent dialogue, and fostering an environment where ideas, concerns, and feedback are freely exchanged with residents and organizations.

FISCAL IMPACTS:

Funding for a third amendment to the professional services agreement with TSA is included in the FY24-25 fiscal budget in the amount of \$25,000 under GL 100-5-0511-209.

OPTIONS:

As an alternative to staff's recommendation, the City Council has the following options:

1. Do not approve the amendment to the agreement with TSA to provide media relations and public information services; and/or
2. Provide staff with further direction.

ATTACHMENTS:

[Attachment A - Tripepi Smith Third Amendment FY24-25.docx](#)

[Exhibit A - Tripepi Smith PSA FY24-25.pdf](#)

**THIRD AMENDMENT TO THE
PROFESSIONAL SERVICES AGREEMENT
BETWEEN
TRIPEPI SMITH AND ASSOCIATES, INC.**

THIS THIRD AMENDMENT (“Amendment”) is made and entered into this 5th day of June 2024, by and between the CITY OF SANTA PAULA, a California general law city and municipal corporation (“City”), and TRIPEPI SMITH AND ASSOCIATES, INC., a California Corporation (“Consultant”).

1. RECITALS. This Amendment is made with reference to the following facts and objectives:

- A. On January 1, 2022 the City and Consultant entered into an agreement for media relations and public information services (the “Agreement”).
- B. The term of the Agreement was from January 1, 2022 to December 31, 2022.
- C. The Consultant’s total compensation under the Agreement could not exceed \$50,000.00 without written approval of the City Council or the City Manager, as applicable.
- D. On December 7, 2022, the City and Consultant mutually agreed to extend the terms of the December 31, 2022 agreement to June 30, 2023 through a First Amendment Agreement.
- E. The Consultant’s total compensation under the First Amendment Agreement could not exceed \$75,000.00 without written approval of the City Council or the City Manager, as applicable.
- F. On June 21, 2023, the City and Consultant mutually agreed to extend the terms of the first agreement to June 30, 2024 through a Second Amendment Agreement.
- G. The Consultant’s total compensation under the Second Amendment Agreement could not exceed \$100,000.00 without written approval of the City Council or the City Manager, as applicable.
- H. The City and Consultant now mutually desire by this Amendment to increase the Consultant’s total maximum compensation and extend the term of the Agreement as set forth below.

2. AMENDMENT. In consideration of the foregoing and pursuant to Sections 1, 7, and 28 of the Agreement, the Agreement is amended as follows:

- A. Subsection 1.C., under Section 1, entitled “Consideration and Compensation,” is hereby amended to read as follows:

“1.C. Consultant shall receive compensation, including authorized reimbursements, for all Services rendered under this Agreement at the rates set forth in Exhibit "A" attached hereto and incorporated herein by reference. The total compensation shall not exceed one hundred thousand dollars (\$125,000.00) without written approval of the City Council. Extra Work may be authorized, as described below, and if authorized, will be compensated at the rates and manner set forth in this Agreement.”

B. Section 7, entitled “Term of Agreement,” is hereby amended to read as follows:

“7. Term of Agreement. The term of this Agreement shall be from January 1, 2022 to June 30, 2025 unless earlier terminated as provided herein. The City shall have the unilateral option, at its sole discretion, to renew this Agreement automatically for no more than one additional one-year term. Consultant shall complete the Services within the term of this Agreement and shall meet any other established schedules and deadlines. The Parties may, by mutual, written consent, extend the term of this Agreement if necessary to complete the Services.”

3. **COUNTERPARTS.** This Amendment may be executed in any number or counterparts, each of which will be an original, but all of which together constitutes one instrument executed on the same date.
4. **LIMITED AMENDMENT.** Except as modified by this Amendment, all other terms and conditions of the Agreement remain in full force and effect. Whenever the term “Agreement” is used in the Agreement it shall mean the Agreement, as modified by this Amendment. In the event of a conflict between this Amendment and the Agreement, the provisions of this Amendment shall control.

[Signatures on Next Page]

**SIGNATURE PAGE TO
THE THIRD AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT
BETWEEN
THE CITY OF SANTA PAULA AND TRIPEPI SMITH AND ASSOCIATES, INC.**

IN WITNESS WHEREOF, the duly authorized representatives of the City and Consultant have executed this Amendment effective as of the first day and year written above.

CITY OF SANTA PAULA

TRIPEPI SMITH AND ASSOCIATES, INC.

Dan Singer, City Manager

Ryder Todd Smith, President

ATTEST:

Julie Latshaw, City Clerk

731642614
Taxpayer ID No.

APPROVED AS TO FORM:

Seth Merewitz, Interim City Attorney

EXHIBIT A

SCOPE OF SERVICES

Tripepi Smith will provide the following services for a fixed monthly retainer fee of \$1,575.00, to be paid on the 15th of each month for that month of service (e.g. we invoice on January 15 for the month of January).

- Project management and biweekly strategy calls – To coordinate efforts with City staff and sustain momentum on communications projects, Tripepi Smith will schedule a recurring, biweekly call (alternating 1-hour calls and 30-minute calls) that will include a City-designated lead for our engagement. Call content will focus on communications strategies, identification of major themes or ideas to address in the coming weeks and review of monthly metrics reports. This will be a working call during which Tripepi Smith will manage an agenda and provide notes for each call. After each call, the client will be sent an action summary email about decisions made on the call. Tripepi Smith will produce work in a shared workspace where the City can see progress in real time and provide instant feedback as needed.
- Monthly metrics report – Each month, Tripepi Smith will provide a summary report via a shareable weblink of the basic metrics (reach, posts, engagement, etc.) related to City-controlled social media platforms and other key metrics, such as website visits. This report will also include a comprehensive list of media mentions.

A total of \$18,900.00 will go toward the retainer (\$1,575.00/month for 12 months). Tripepi Smith recommends incorporating \$6,100.00 into the contract for ad hoc support such as crisis communications, press releases, social media content creation, graphic design, etc.

EXHIBIT B

AD HOC SERVICES AND OTHER BILLING INFORMATION

Tripepi Smith is ready to provide any additional services outside the fixed scope of services noted in Exhibit A according to the Hourly – Ad Hoc rates below:

	Hourly - Ad Hoc*	Hourly - Retainer
Principal	\$370	\$295
Director	\$255	\$215
Art Director	\$255	\$215
Senior Business Analyst	\$195	\$165
Business Analyst	\$140	\$115
Junior Business Analyst	\$115	\$95
Senior Videographer/Animator	\$195	\$165
Senior Photographer	\$170	\$145
Photographer/Videographer	\$130	\$110
Senior Graphic Designer	\$110	\$95
Graphic Designer	\$185	\$155
Junior Graphic Designer	\$130	\$110
Web Developer	\$110	\$95
Drone Operator	\$195	\$175
A/V Operator and Technician	\$110	\$95

This contract assumes the use of the “Hourly - Ad Hoc” rates listed above for all work outside the scope of our retainer listed in Exhibit A. Should the City of Santa Paula’s retainer ever exceed \$7,150.00 per month, it would then be eligible to access our reduced “Hourly - Retainer” rates for ad hoc work performed.

Time at Tripepi Smith is billed in 15-minute increments – i.e. we invoice our time in the following examples: 1.25, .75, 4 or 6.5 hours.

If Tripepi Smith is requested to be onsite, we will invoice for travel time at half rate of the resource’s Standard Rate. Travel costs will be reimbursed when agreed upon by the client.

Tripepi Smith will increase the hourly rates and retainer fees for all resources by five percent (5%) or the [national BLS Consumer Price Index](#) — whichever is higher — each year on the anniversary of the contract, starting on the first anniversary of any contract when the

contract duration is longer than one year. Otherwise, new rates will be negotiated with each new contract renewal period.

Other Fees

Because Tripepi Smith offers a broad set of services, including extensive content production, we have some other content production-related fees that may come up during the course of our engagement that we want to tell you about.

Equipment Fees

Tripepi Smith offers some services that require equipment, such as drone operations and video production. As such, in those cases, the following rates apply:

	Half Day	Full Day
Video Equipment	\$400	\$600
Drone Equipment	N/A	\$500

\$600 for a full day of video equipment use (includes full set of video equipment). Full day is defined as a shoot lasting four (4) or more hours.

\$400 for a half day of video equipment use. Half day is defined as anything up to four hours of video production. All such expenses will be authorized by the organization prior to fee being assessed.

\$500/day drone fee applies and is not inclusive of the drone operator time (Drone Operator rate).

Printing & Advertising Fees

	Client Pays Directly	Client Reimburses TS
Print costs, digital promotion, media placement	No Fees	10%

Typically, Tripepi Smith prefers to have service providers bill the client directly to avoid additional administrative costs and because we have no economic interest in the service provider selection. If Tripepi Smith is asked to pay the bill for the client, we will apply a ten percent (10%) agency fee to the reimbursement expense. Typical services include, but are not limited to:

Print Costs: Tripepi Smith is happy to use a printer of the client's choosing for print production work, or to recommend a printer with whom we have experience.

Digital Advertising: Tripepi Smith is a Google Partner and Constant Contact Solution Provider and has Facebook Certified staff. We consider digital platforms to be a cornerstone element of any outreach strategy; often this comes with digital advertising fees.

Media Placement: Tripepi Smith can help liaise on behalf of the organization for advertising space within various mediums, such as newspapers, magazine or websites.

Voiceover, Translation and Closed Caption Fees: Tripepi Smith occasionally uses third-party resources to record voiceovers for videos, generate closed captions for videos, and for non-English language translations.

**CITY OF SANTA PAULA
MEMORANDUM**

To: Honorable Mayor and Members of the City Council

From: Greg Barnes, Parks and Recreation Director

Subject: EAST AREA 1 TRACT 5854 - RESOLUTION NO. 7513 PARTIALLY
ACCEPTING PHASE ONE OF THE SPORTS PARK IMPROVEMENTS
WITH A ONE YEAR WARRANTY

Date: June 5, 2024

Agenda Item: 10.E

RECOMMENDATION:

Staff recommends that the City Council:

1. Adopt Resolution No. 7513 partially accepting the East Area 1 Tract 5854 Phase One of the Sports Park Improvements with a One Year Warranty

BACKGROUND:

Section 3.1.1(a) of the February 26, 2015 First Amended and Restated Development Agreement (“2015 Development Agreement”) required Limoneira Lewis Community Builders, LLC (“LLCB”) to construct the Santa Paula Creek Park (the “Sports Park”) in phases within 5 years after the Development Agreement became effective (i.e. February 26, 2020), or before City issues a final certificate of occupancy to the 750th residential dwelling unit within the Project, whichever comes first. Pursuant to Amendment No. 1 to the 2015 Development Agreement, LLCB was given an additional 2 years to use “commercially reasonable efforts” to construct the first approximately 23-acre phase of the Santa Paula Creek Sports Park (“Phase 1”) to February 26, 2022 or before the issuance of the 750th final certificate of occupancy.

On March 17, 2021, the City and LLCB entered into the Sports Park Implementation Agreement so that the City could receive an advance of, or borrow from itself funds equal to the yet-to-be-due Joint Civic Facility In-Lieu Fee to facilitate financing construction of Phase I of the Sports Park.

On January 6, 2023, the City and LLCB entered into the First Amendment to the Sports Park Implementation Agreement to confirm amounts owed between the parties, provide for the payment of Pay Request No. 10, provide for the funding of all remaining costs to complete Phase 1 of the Sports Park, and to formalize the Sports Park acceptance and turnover to the

City.

On March 23, 2024, Amendment No. 3 to the First Amended and Restated Development Agreement (“DA Amendment No. 3”) established the Developer agreement to provide additional funding consisting of \$4,000,000 for Supplemental Sports Park Improvements, \$200,000 to ensure turf re-establishment, and \$850,000 for Phase I in excess of its Sports Park obligation.

ANALYSIS:

In accordance with the Funding, Construction and Acquisition Agreement Section 9, LLCB shall file with the County Recorder of the County of Ventura a Notice of Completion (NOC) pursuant to the provisions of Section 8182 of the California Civil Code and supply the City with a copy of such NOC showing thereon the date of filing with the County Records. Phase 1 of the Sports Park has been partially completed to the satisfaction of the Parks & Recreation Director and the Public Works Director and is ready to be accepted by the City and added to the City’s Asset database.

Consistent with DA Amendment No. 3 Developer will deposit \$200,000 to ensure the successful re-establishment of turf using sod. This provision is also consistent with Section 11 of the Acquisition Agreement that allows for a retention of 150% of the value of remaining work to ensure completion.

In addition, LLCB provides a commitment to warranty the work for a period of one (1) year from the date of City acceptance per Acquisition Agreement Section 11 by having the City/CFD retain five percent (5% is \$678,217.50) of the acquisition price until expiration of the one-year warranty period.

City Drawing No. 40.35.107 has been assigned to the project and certified Record Drawings from the design professionals will be provided by LLCB to the City.

Once the sod has been installed and successfully established and at the end of the one-year warranty period, City staff will return to Council to accept the completion of Phase 1 in its entirety and recommend the release of final payment by the CFD administrator.

STRATEGIC PLAN:

This item does not directly address any of Council's two-year strategic goals. However, the completion of the park and its eventual opening will add much needed additional park space and amenities for the community.

FISCAL IMPACTS:

Staff is prepared to take over responsibility of the ongoing park maintenance. A landscape

contractor has been selected and staff anticipates advertising for a full-time Maintenance Worker I soon. Both were included and approved as part of the FY 23-24 & FY 24-25 budget process and are funded primarily from the Community Facilities District ("CFD") Fund 504 in accordance with the CFD's List of Authorized Facilities and Services.

The Sports Park improvements and land that have or will be fully paid for by LLCB excluding the \$2.5 million paid by the City, and all eligible costs (as defined as the Acquisition Price in the Funding, Construction and Acquisition Agreement. Harvest Community Facilities Districts No.1 Improvement (Areas A, B and C) are to be reimbursed through East Area 1 CFD, No. 1. The Sports Park improvements to date and land are valued at approximately \$13.6 million for improvement obligations and \$10.8 million for land contributed to the City totaling \$24.4M.

PERSONNEL IMPACTS:

None. The maintenance of the park will be provided by contract services. Work load of the Director of Parks & Recreation and management staff will increase moderately due this significant new facility for the City and the region.

OPTIONS:

In addition to the recommended action, the Council has the following available alternative option:

1. Do not accept the East Area 1 Tracts 5854 Phase 1 of the Sports Park Improvements and provide direction to staff to address specific items of concern prior to acceptance.
2. Defer acceptance of Phase 1 until the turf is re-established to the satisfaction of the City.

ATTACHMENTS:

[DRAFT RESOLUTION 7513 \(Sports Park Partial Accpt\) \(5-27-24\) CLEAN-c1 DL edits-c1.docx](#)
[Exhibit A - Sports Park Site Plan](#)

RESOLUTION NO. 7513

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA PAULA PARTIALLY ACCEPTING PHASE ONE OF THE SPORTS PARK IMPROVEMENTS WITH ONE (1) YEAR WARRANTY

The City Council of the City of Santa Paula hereby:

SECTION 1: The City Council finds and declares that:

- A. Limoneira Lewis Community Builders, LLC, (LLCB) entered into that certain Funding, Construction and Acquisition Agreement Harvest Community Facilities District No. 1 with the City of Santa Paula ("City") for Public Facilities on March 1, 2017 ("Acquisition Agreement").
- B. LLCB recorded Tract 5854 that established the parcel of land for the Sports Park in the Official Records of the County of Ventura ("Official Records") on January 10, 2019 (No. 20180110-000304-0).
- C. Among the improvements required by the Acquisition Agreement is the Sports Park Improvements, as described therein. A depiction of the Sports Park is attached to this Resolution as **EXHIBIT A**.
- D. On March 17, 2021, the City and LLCB entered into the SportsParkImplementation Agreement so that the City could receive an advance of, or borrow from itself funds equal to, the yet-to-be-due Joint Civic Facility In-Lieu Fee to facilitate financing construction of Phase I of the Sports Park.
- E. On January 6, 2023, the City and LLCB entered into the First Amendment to the SportsParkImplementationAgreement to provide funding to complete Phase 1 of the Sports Park and to formalize the Sports Park acceptance and turnover to the City.
- F. The Sports Park Phase 1 Improvements have been partially completed and inspected by the Department of Public Works and the Department of Parks & Recreation, which determined that the improvements are complete with the exception of the turf and related irrigation systems further described as items 2-4 in Exhibit D ("Punch List Items") to Amendment No. 3 to the First Amended and Restated Development Agreement between the City and LLCB recorded in the Official Records on March 27, 2024 (No. 2024000019101) ("DA Amendment No. 3").
- G. A Notice of Completion (NOC) for the Sports Park Phase 1 Improvements excluding Punch List Items ("Sports Park Phase 1 Improvements") will be filed upon City signature of the NOC with the Office of the Recorder in Ventura County in accordance with the Acquisition Agreement.

- H. LLCB and the City has received no claims of liens that have been recorded by or on behalf of any such person, firm or corporation for the Sports Park Phase 1 Improvements excluding Punch List Items as of May 29, 2024.
- I. Section 11 of the Acquisition Agreement provides that in the case of a completed improvement with items to be completed that City shall retain 150% of the value of the Punch List Items not completed.
- J. In accordance with the Amendment No. 3 to the First Amended and Restated Development Agreement, Section 3. A (c), LLCB is obligated to fund up to eight hundred and fifty thousand dollars (\$850,000) for the Phase I excess costs the City was unable to fund, and an additional two hundred thousand dollars (\$200,000) toward cost of additional turf establishment.
- I.
- K. LLCB will provide for a warranty security for period of one (1) year as required by Section 11 of the Acquisition Agreement for the Sports Park Phase 1 Improvements by having the City/CFD retain five percent (5% is \$678,217.50) of the acquisition price until expiration of the one-year warranty period.
- L. Partial Record Drawings have been reviewed by Public Works, and the Public Works Director recommends approval and partial acceptance of the Sports Park Phase 1 Improvements.

SECTION 2: The City Council hereby resolves:

- A. The recitals set forth above are true and correct.
- B. The final project plans for the Sports Park Phase 1 Improvements within Tract 5854 are approved pending receipt of final certified mylar prints.
- C. The City accepts the Sports Park Phase 1 Improvements subject to conditions set forth in this Section 2
- D. The Sports Park Phase 1 Improvements shall be maintained by City staff upon receipt of the warranty documents for these improvements per Section 1, Subsection J. City shall not be responsible for maintenance until such time LLCB provides the warranty documents.
- E. Upon acceptance of the Sports Park Phase 1 Improvements and Punch List Items, the improvements will be included in the appropriate city asset management systems.

- F. The City Manager is hereby authorized to negotiate and execute a temporary right of entry and agreement with LLCB to allow LLCB and its contractors to secure and enter the park to complete the turf and irrigation work.

PASSED AND ADOPTED by the City Council of the City of Santa Paula this 5th day of June, 2024.

Leslie Cornejo, Mayor

ATTEST:

Julie Latshaw, CMC, City Clerk

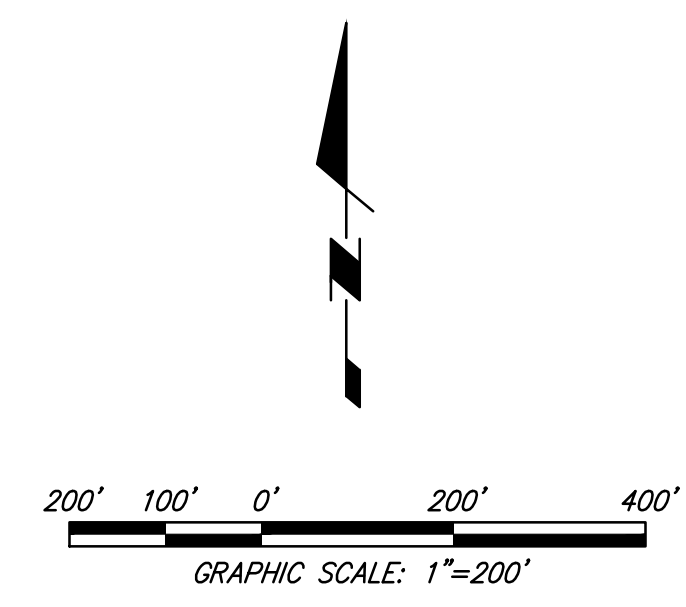
APPROVED AS TO FORM:

Seth Merewitz, City Attorney

EXHIBIT A

Sports Park Phase One

[attached behind]



OPEN SPACE

SPORTS
PARK
PHASE 2

SPORTS
PARK PHASE
1

TELEGRAPH ROAD

HIGHWAY 126

26660
UGP.01' BL 12"



**CITY OF SANTA PAULA
MEMORANDUM**

To: Honorable Mayor and Members of the City Council

From: Tom Tarantino, Planning & Economic Development Manager

Subject: INTRODUCTION AND WAIVER OF FIRST READING OF ORDINANCE NO. 1337 TO GRANT A FRANCHISE TO BLACK WALNUT ENERGY STORAGE, LLC FOR UNDERGROUND INTERCONNECTION AND TRANSMISSION EQUIPMENT IN, ALONG, ACROSS, UPON, AND UNDER CERTAIN PUBLIC STREETS AND RIGHT-OF-WAY WITHIN THE CITY OF SANTA PAULA

Date: June 5, 2024

Agenda Item: 11.A

RECOMMENDATION:

Staff recommends that the City Council proceed to grant a franchise to Black Walnut Energy Storage, LLC for a 20-year term by taking the following actions:

1. Conduct a hearing as to whether to grant a franchise, as set forth in the draft Ordinance No. 1337, to Black Walnut Energy Storage, LLC;
2. Direct the City Clerk to announce if any written protests were filed with the Clerk up to the hour set for public hearing;
3. If such protests were filed, determine whether or not to overrule the protests as insufficient grounds to deny the grant of franchise; and
4. If protests have been overruled or no protests were received, waive the first reading and introduce by title only Ordinance No. 1337 entitled "*Ordinance to Grant Franchise to Black Walnut Energy Storage, LLC to Use or Lay and Use Interconnection and Transmission Wiring and Appurtenances for the Purpose of Transmitting and Distributing Electricity In, Along, Across, Upon, and Under Certain Public Streets and Right-of-Way Within the City of Santa Paula.*"

Presented by: Tom Tarantino, Planning & Economic Development Manager

BACKGROUND:

At its May 15, 2024 meeting, the City Council, upon the application of esVolta, a manager/member of Black Walnut Energy Storage, LLC, a Delaware limited liability company registered to do business in California, adopted a Resolution of Intent (No. 7515) to grant a franchise to Black Walnut Energy Storage, LLC ("Black Walnut"), as set forth therein, and tonight's hearing was immediately set and noticed as set forth therein and as required by the applicable statutory authority under Section 6201 et seq. of the Public Utilities Code (the "Act").

ANALYSIS:

Pursuant to the Act, the City Council may “grant a franchise to any person, firm, or corporation...to use, or to construct and use, poles, wires, conduits, and appurtenances for transmitting and distributing electricity for all purposes...upon the public streets, ways, alleys, and places” within the City.

The City negotiated a franchise with Black Walnut pursuant to the provisions of the Act, which provides a statutory scheme for setting franchise fees and establishes procedures for granting franchises. The law requires that this type of franchise must be granted by an ordinance (functionally, a franchise agreement) at a duly noticed public hearing.

As required by the Act, this hearing is convened for the following purpose:

- At any time not later than the hour set for the hearing of objections, any person interested may make written protest stating objections against the granting of the franchise. The protest shall be signed by the protestant and be delivered to the clerk of the legislative body.
- At the time set for hearing objections the legislative body shall proceed to hear and pass upon all protests so made and its decision shall be final and conclusive, subject to the right of referendum of the people. The legislative body may adjourn the hearing from time to time.
- If no protest in writing is delivered to the clerk up to the hour set for hearing, or such protests as are filed have been heard and determined by the legislative body to be insufficient, or have been overruled or denied, the legislative body may grant the franchise.
- The franchise shall be granted by ordinance adopted in the manner prescribed by law for the enactment of ordinances by the granting body.
- Introduction of an ordinance and waiver of its first reading by the City Council (taking place at this meeting) is the first step in the enactment process. If approved, the ordinance will return to the City Council for formal adoption as a consent item at the June 19, 2024, regular meeting.

As presented at the May 15, 2024, City Council meeting, and as set forth in the accompanying draft ordinance, material terms of the proposed franchise include the following:

Term: Black Walnut is proposing a term of 20 years.

Fee: During the life of the franchise, Black Walnut would pay the City an annual sum of \$750.00, subject to annual adjustment in accordance with the same percentage of increase as reflected in the “Consumer Price Index for All Urban Consumers All Items - United States (1967 = 100)” compiled by the Bureau of Labor Statistics of the United States Department of Labor (Price Index). In no event, however, shall the annual fee be less than the annual fee payable as of the effective date of the Ordinance.

Relocation of Facilities: The franchise would require Black Walnut to relocate, at its own expense, any of its facilities in the public right-of-way when necessary to accommodate a public project such as widening of a street or construction of storm drains or sewers.

Work within the Public Streets: The franchise would require Black Walnut to coordinate with the City Engineer when work will be performed within the public streets, including a requirement that the streets be restored to the City’s reasonable satisfaction following the completion of the work.

These terms were reviewed and discussed by the City Council, City Engineer, CED staff, and project representatives at the May 15, 2024, City Council meeting, after which the Council voted 4-0 (one Councilmember was absent) to approve the Resolution of Intent to grant the franchise.

Public Notification

Notice of Public Hearing for this item was published in the *Santa Paula Times* on May 24, 2024, pursuant to the public noticing requirements for franchise agreements as provided in Gov. Code Section 6062.

Environmental/CEQA

The project was previously determined to be Categorically Exempt from the California Environmental Quality Act based on §15304 and §15332 of Title 14 of the California Code of Regulations.

STRATEGIC PLAN:

The proposed franchise agreement is a critical component in the successful operation of two new battery energy storage facilities within the City of Santa Paula, thereby aligning with the following 2023-2025 City Council Strategic Plan goals:

- *C3: Infrastructure, Transportation & Mobility - Green Initiatives.* BESS installations are at the cutting edge of new power options and reduce overall consumption by retaining excess power.
- *E7: Public Safety & Emergency Preparedness - Emergency Response.* While not a direct power backup to the City, BESS installations do contribute to overall grid stability by providing power to the entire electrical system in times of emergency.

FISCAL IMPACTS:

As noted above, the franchisee proposes to pay during the life of the franchise an annual fee presently computed at \$750.00 per year, subject to annual adjustment in accordance with the same percentage of increase as reflected in the “Consumer Price Index for All Urban Consumers All Items - United States (1967 = 100)” compiled by the Bureau of Labor Statistics of the United States Department of Labor (Price Index). In no event, however, shall the annual fee be less than the annual fee payable as of the effective date of the Ordinance.

OPTIONS:

As an alternative to Staff's recommendation, the City Council may:

1. Decline to introduce Ordinance No. 1337; and/or
2. Direct staff to take other action.

ATTACHMENTS:

[A - Draft Ordinance No. 1337 - 20-CUP-05 211 12TH ST \(N\) BESS Black Walnut Fran Agmt](#)

[_clean 20240524tt.docx](#)
[Ex. B - 3857 COAs signed.pdf](#)

ATTACHMENT A

ORDINANCE NO. 1337
(DRAFT)

ORDINANCE NO. 1337

AN ORDINANCE OF THE CITY OF SANTA PAULA GRANTING BLACK WALNUT ENERGY STORAGE, LLC, A FRANCHISE TO USE OR TO LAY AND USE, INTERCONNECTION AND TRANSMISSION WIRING AND APPURTENANCES FOR THE PURPOSE OF TRANSMITTING AND DISTRIBUTING ELECTRICITY IN, ALONG, ACROSS, UPON AND UNDER CERTAIN PUBLIC STREETS AND RIGHTS-OF-WAY WITHIN THE CITY OF SANTA PAULA.

The City Council of the city of Santa Paula does ordain as follows:

SECTION 1: The City Council finds and determines as follows:

- A. On January 23, 2024, the Planning Commission approved an application submitted by esVolta, LP, a Delaware limited partnership registered to do business in California ("esVolta"), for a modification to the existing Conditional Use Permit (Project No. 2020-CUP-05) to construct and operate a battery energy storage system at 211 N. 12th Street ("Project"). Pursuant to Condition of Approval No. 32, esVolta on behalf of itself, its heirs and assigns, agreed to enter into a franchise agreement with the City of Santa Paula ("City") for the installation of a private underground distribution line located in the public right-of-way on 13th Street connecting two parcels (APNs 101-0-183-435 and 101-0-241-185). A copy of the executed conditions of approval for the Project are attached to this Ordinance as Exhibit B.
- B. Pursuant to this Planning Commission approval, esVolta, a manager/member of Black Walnut Energy Storage, LLC, a Delaware limited liability company registered to do business in California, submitted an application to the City requesting that it be granted an electric franchise pursuant to the Franchise Act of 1937 (Chapter 2 of Division 3 of the California Public Utilities Code) ("Franchise").
- C. The City of Santa Paula ("City") is a "General law City" of the State of California, as defined in California Government Code Section 34102, and thus may exercise those powers granted to it under state law.
- D. Pursuant to California Public Utilities Code Section 6202, the City Council, as the legislative body for the City, may "grant a franchise to any person, firm, or corporation...to use, or to construct and use, poles, wires, conduits, and appurtenances for transmitting and distributing electricity for all purposes...upon the public streets, ways, alleys, and places" within the City.
- E. In accordance with state and municipal law, the City Council, at a regular meeting held on May 15, 2024, declared its intention to approve the grant of the Franchise by adopting Resolution No. 7515.

- F. The City Council, not less than twenty (20) nor more than sixty (60) days after the passage of the resolution, conducted a duly noticed public hearing on June 5, 2024, and after considering all oral and written testimony at said hearing, approved the granting of this franchise agreement to Black Walnut in accordance with the terms and conditions of this Ordinance.
- G. Pursuant to this Ordinance, Grantee may construct and operate its electric interconnection and transmission facilities and related appurtenances within the alignment described in Exhibit A, which is attached hereto and incorporated by this reference, subject to the terms and conditions of this Ordinance.
- H. The City is the lead agency under the California Environmental Quality Act of 1970 ("CEQA"), and the City Council is the decision-making body for this Ordinance.
- I. The Project described herein has been determined to be exempt from CEQA pursuant to Sections 15304 (Class 4 – Minor Alterations to Land) and 15332 (Class 32 – In-Fill Development Projects) of Title 14 of the California Code of Regulations.

SECTION 2: Definitions. Unless the contrary is stated or clearly appears from the context, the following definitions will govern the construction of the words and phrases used in this Ordinance.

- A. "Black Walnut" or "Grantee" means Black Walnut Energy Storage, LLC, a Delaware limited liability company, registered and authorized to conduct business in the State of California, and its lawful successors or assigns.
- B. "City" or "Grantor" means the City of Santa Paula, a general law city and municipal corporation of the State of California, in its present incorporated form or in any later reorganized, consolidated, enlarged or reincorporated form. "City" or "Grantor" includes the City's elected and appointed officials, agents, employees, and contractors, as the context so indicates.
- C. "Director" means the Director of Public Works of the City, the Director's designee, or another person designated by the City Manager.
- D. "Engineer" means the City Engineer of the City, the Engineer's designee, or another person designated by the City Manager.
- E. "Facility" or "Facilities" means all property owned, controlled, or used by the Grantee in connection with the Franchise, including, but not limited to, electric interconnection and transmission lines, inverters, transformers, integrators, all electrical lines and conduits required to collect and transmit electrical energy and such additional utility lines, cables, conduits, transformers, wires, meters, monitoring equipment and other necessary and convenient equipment and appurtenances common in the

interconnection of electric battery storage systems to public utility facilities, whether installed by the Grantee or not, erected, constructed, laid, operated or maintained in, upon, over, under, along or across any Street pursuant to any right or privilege granted by the Franchise.

- F. “Franchise” means this Ordinance, including its terms and conditions, and includes the authorization by the City to transmit and distribute electricity and related energy products for any and all purposes under, along, across or upon the public streets, ways, alleys and places in the City by means of Facilities.
- G. “Hazardous Materials” means any flammable, explosive, or radioactive materials or hazardous, toxic or dangerous wastes, substances or related materials or any other chemicals, materials or substances, exposure to which is prohibited, limited or regulated by any federal, state, local law or regulation or which, even if not so regulated, may or could pose a hazard to public health and safety, including, without limitation, asbestos, PCBs, petroleum products and byproducts, substances defined or listed as “hazardous substances” or “toxic substances” or similarly identified in, pursuant to, or for purposes of, the California Solid Waste Management, Resource Recovery and Recycling Act (Gov’t. Code §§ 66700 *et seq.*); the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. §§ 9601 *et seq.*); the Hazardous Materials Transportation Act (49 U.S.C. §§ 1801 *et seq.*); the Resource Conservation and Recovery Act (42 U.S.C. §§ 6901 *et seq.*); California Health & Safety Code §§ 25117 or 25316, including the regulations promulgated thereto (see 22 Cal. Code of Regs. § 66261.3); any substances or mixture regulated under the Toxic Substance Control Act of 1976 (15 U.S.C. §§ 2601 *et seq.*); any “toxic pollutant” under the Clean Water Act (33 U.S.C. §§ 1251 *et seq.*); and any hazardous air pollutant under the Clean Air Act (42 U.S.C. §§ 7901 *et seq.*).
- H. “Lay and Use” means to lay, construct, erect, install, operate, maintain, use, repair, replace, or remove, from time to time.
- I. “SPMC” means the Santa Paula Municipal Code, as amended.
- J. “Streets” means the public streets, ways, alleys and places within the City as the same now or may hereafter exist, and in which the City has the authority to grant a Franchise.

SECTION 3: Granting clause/Rights to Grantee; Term of Franchise.

- A. Pursuant to, and subject to, the Franchise Act of 1937 (California Public Utilities Code §§ 6201-6302; “Act”), City grants to Grantee a franchise to Lay and Use the Facilities for transmitting and distributing electric energy for any and all purposes, under, along, across or upon the streets described in Exhibit A and incorporated by reference. This franchise is not exclusive,

and the City may grant a franchise to another utility for purposes of electric energy transmission, provided that such grant does not interfere with the franchise rights of Grantee provided herein.

- B. As part of this Franchise, Grantee may install, operate, maintain, replace, repair, abandon in place and/or remove the Facilities and other appurtenances as may be necessary or convenient for the proper maintenance and operation of the Facilities; provided, however, that Grantee must first secure the requisite permits and/or approvals from City for construction or excavation.
- C. Acceptance of this Franchise constitutes Grantee's abandonment of all such franchises within the City's present or future jurisdictional limits in lieu of which this Franchise is granted, and as Grantee's agreement to comply with all of the Franchise's terms and conditions.
- D. This Franchise has a term of twenty (20) years from and after the effective date of this Ordinance ("Initial Term"), unless the following occurs:
 - 1. Grantee voluntarily surrenders or abandons the Franchise;
 - 2. The Project served by this Franchise is no longer operable, or has ceased operations for a continuous 180-day period;
 - 3. The property affected by this Franchise is purchased, condemned, or otherwise taken by a public entity rendering the Franchise useless; or
 - 4. The Grantee forfeits the Franchise by violating its terms and conditions or that of the Act.
- E. Grantee has an option to extend this Franchise for an additional ten (10) year period by providing written notice to the Director no later than one (1) year prior to the expiration of the Initial Term.

SECTION 4: Compensation. In consideration of City's granting this Franchise, in addition to complying with the Franchise's terms and conditions, Grantee must pay to the City the following:

- A. Annual Fee.
 - 1. The Grantee, as consideration for the Franchise, shall pay annually to the City in lawful money of the United States, a fee in the following amount: Seven Hundred Fifty Dollars (\$750.00), subject to annual adjustment in accordance with the same percentage of increase as reflected in the "Consumer Price Index for All Urban Consumers All Items - United States (1967 = 100)" compiled by the Bureau of Labor Statistics of the United States Department of Labor (Price Index). In

no event, however, shall the annual fee be less than the annual fee payable as of the effective date of this Ordinance.

2. The annual fee shall be submitted by Grantee without the City submitting an invoice.
3. The annual fee is due and payable within sixty (60) days of the end of each calendar year, during the term of the Franchise. Any fees or expenses charged to Grantee by City pursuant to this Section, or any other provision of this Franchise, unless disputed in good faith, must be paid when due. Any undisputed delinquent amounts will accrue interest commencing thirty (30) days after the due date therefor, at the rate of one and one-half percent (1.5%) per month (based upon a 30-day calendar month) or any lesser amount if required by law.
4. Payments must be made to the Department of Finance, City of Santa Paula, or at such place as the City may, from time to time, designate in writing.

SECTION 5: Rights of the City.

- A. This Franchise does not impair or affect any right of the City to acquire the property of the Grantee, through the exercise of the right of eminent domain, subject to Grantee's rights, remedies and defenses, and nothing in this Franchise may be construed to contract away, or to modify or to abridge, either for a term or in perpetuity, the City's right of eminent domain in respect to the Grantee, nor will this Franchise be given any value before any court or other public authority in any proceeding of any character in excess of the necessary publication costs and any other sums paid by Grantee to the City at the time this Franchise was acquired.
- B. In connection with any change in grade, alignment or width of any Streets, or the construction of any subway or viaduct, or any other Street improvement of any kind by the City, where Grantee's rights to occupy the Streets do not supersede the City's rights, Grantee must, at the City's direction and at Grantee's sole cost and expense, comply with all of the following provisions, as applicable:
 1. The City Engineer shall have the right to require relocation or removal of the Facilities to accommodate any Public Project including but not limited to the construction, repair, relocation or new installation of any aboveground or underground City facility, utility, storm drain, sewer, waterline or roadway improvement (such as any lawful change of grade, alignment or width of any Street). "Public Project" means projects initiated by the City. If relocation is required, the Grantee shall relocate its Facilities, or portion thereof, to the reasonably nearest alternative location or other location in the Street

mutually agreeable to the City and the Grantee, either permanently or temporarily, as is determined by the City Engineer and within the reasonable timeline proposed by the City Engineer. The City Engineer shall exercise City's right to require relocation or removal of the Facilities by delivery of a written notice to Grantee that sets forth the proposed timeline ("City Engineer's Notice"). Said relocation/removal shall be accomplished at the Grantee's sole expense, including any additional expense of paying prevailing wages as required by law. Notwithstanding the foregoing, Grantee shall in no event be required to relocate the Facilities if such relocation would have a materially adverse impact on the use thereof for the purposes set forth in this Franchise. Grantee and City shall work in good faith to select a new location that does not frustrate the purposes in this Franchise.

2. If the Grantee fails to relocate its Facilities and complete construction and/or site restoration within the reasonable timeline proposed in the City Engineer's Notice, the City may, provided that it complies with applicable law, cause the work to be done and the Grantee shall reimburse the City for such cost within sixty (60) days after presentation to Grantee of an itemized account of such costs. The Grantee shall hold harmless the City, its officials, contractors, agents and employees from any liability which may arise or be claimed to arise from the moving, cutting, or alteration of any of the Facilities, or the turning on or off of utilities including water, oil, or other liquid, gas, or electricity required to be accomplished by City as a result of the Grantee's failure to relocate said Facility by the date established by the City. Provided that the City has provided Grantee with a reasonable period to complete its work, the Grantee shall also be liable for any consequential damages incurred by the City arising from the Grantee's failure to timely complete the work required by this Section unless such failure results from actions or omissions to act on the part of the City.
3. In the decision process necessary to determine if Grantee's Facilities are required to be relocated, the City will also consider all known future projects that, if done separately, may cause multiple relocations of the Facilities. If such known future projects can be identified, full consideration of concurrent projects will be given by City. If the City requires the relocation within the public street, way, alley or place more than once within a period of ten (10) years, the City will pay the cost of the second and all subsequent relocations within such ten (10) year period. In the event, however, that the second or subsequent relocation is required due to an emergency, Grantee shall pay the relocation costs.

4. In the event that the City changes the planned rearrangement of the Facilities after giving Grantee the City Engineer's Notice, the Grantee will be given an additional period of not less than sixty (60) days to accomplish such work.
5. Except as otherwise provided above, when City requires a rearrangement of Facilities and such rearrangement is done for the accommodation of any person, firm, corporation or public agency other than the City, the cost of such rearrangement will be borne by the accommodated party. Such accommodated party, in advance of such rearrangement, must (a) deposit with the Grantee either cash or a corporate surety bond in an amount, as in the reasonable discretion of the Grantee, to pay the costs of such rearrangement, and (b) execute an instrument agreeing to indemnify, defend and hold harmless Grantee from any and all damages or claims caused by such rearrangement. This provision will not be construed to require Grantee to rearrange its Facilities. Except when a rearrangement of Facilities is done for the City pursuant to this Section, any accommodation for rearrangement of Grantee's Facilities will be made at the Grantee's sole discretion.
6. Nothing in this Ordinance may be construed to require the City to move, alter, or relocate any of Grantee's Facilities upon Streets at its own expense, for the convenience, accommodation or necessity of any other public utility, person, firm or corporation, now or hereafter owning a public utility system of any type or nature, or to move, alter, or relocate any part of the Facilities upon said Streets for the convenience, accommodation or necessity of the Grantee.

SECTION 6: Other obligations of Grantee; Indemnification. The Grantee must comply with all of the following provisions:

- A. Within sixty (60) days after the City Council adopts this Ordinance, Grantee must file with the Director improvement plans relating to all of Grantee's Facilities located within the City, and a map or maps showing the location, length and size of all such facilities which have been installed, relocated, removed or abandoned by Grantee.
- B. Within six (6) months after the installation of any new Facility under this Franchise, Grantee must file with the Director an "as built" map or maps showing the approximate location, length and size of all of Grantee's Facilities so installed.
- C. Grantee must construct, install and maintain all Facilities in a good and workmanlike manner, and of good materials, and operate in conformity with all applicable federal, state, and local laws including, without limitation, the SPMC. In case of public utilities subject to the jurisdiction of the Public

Utilities Commission of the State of California, the rules, regulations and orders of the Public Utilities Commission will govern whenever any conflict may exist between them and the applicable ordinances, codes, rules and regulations adopted or prescribed by the City.

- D. Grantee must pay the City, on demand, the cost of all repairs to public property made necessary by any operations of the Grantee under this Franchise, provided Grantee fails to make such repairs after notice and reasonable opportunity to complete such repairs.
- E. Grantee agrees to indemnify, defend and hold harmless the City, its elected and appointed officials, officers, and employees, from and against any and all claims, losses, liabilities, damages to persons or property, demands, actions, judgments, causes of action, assessments, penalties, costs and expenses (including, without limitation, reasonable fees of legal counsel, expert witnesses and accountants) arising out of or resulting from Grantee's operations under this franchise, except to the extent caused by City's sole active negligence, and for all damages proximately resulting from the failure of Grantee to faithfully observe and perform each and every provision of this Franchise and of the Act. Grantee is solely responsible for complying with all laws, regulations, and other orders which are applicable to the installation, repair, relocation or removal of its facilities, whether federal, state or local. City's approval of such installation, repair, relocation or removal will not relieve Grantee of any liability Grantee may have for contaminated soils or other environmental liability attributable to or arising from Grantee's Facilities. Any fee paid by Grantee pursuant to this Franchise will in no way limit Grantee's obligation to compensate City for any damage, claim, expense or loss whatsoever, as set forth in this paragraph.
- F. In addition, Grantee indemnifies and holds the City harmless from and against any claim, action, damages, costs (including, without limitation, reasonable attorney's fees and penalties), injuries, or liability, arising out of this Franchise, or its performance including, without limitation, damages or penalties arising from Grantee's removal, remediation, response or other plan concerning any Hazardous Materials resulting in the release of any hazardous substance into the environment. Should the City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of this Franchise, or its performance, Grantee will defend the City (at the City's request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. The foregoing indemnity is intended to operate as an agreement pursuant to 42 USC § 9607(e) (the Comprehensive Environmental Response, Compensation and Liability Act; "CERCLA") and Health and Safety Code § 25364 to defend, protect, hold harmless, and indemnify the City from all

forms of liability under CERCLA, or other applicable law, for any and all matters addressed in this Franchise.

- G. In no event will Grantee's indemnity obligation under this Franchise include indemnification for the City's gross negligence or willful misconduct.
- H. Nothing in this Ordinance shall be construed to permit the Grantee to construct poles or other Facilities above ground, unless approval is obtained pursuant to applicable law. Visible markings will be set and maintained by Grantee sufficient to identify the location and depth of its underground Facilities.

SECTION 7: Insurance.

- A. Before commencing performance under this Franchise, and at all other times this Agreement is effective, Grantee must procure and maintain the following types of insurance with coverage limits complying, at a minimum, with the limits set forth below:

<u>Type of Insurance</u>	<u>Limits (combined single)</u>
Commercial general liability:	\$2,000,000
Workers compensation	Statutory requirement.

- B. Commercial general liability insurance must meet or exceed the requirements of ISO-CGL 0001. The amount of insurance set forth above will be a combined single limit per occurrence for bodily injury, personal injury, and property damage for the policy coverage. Liability policies will be endorsed to name the City, its officials, and employees as "additional insureds" under said insurance coverage and to state that such insurance will be deemed "primary" such that any other insurance that may be carried by City will be excess thereto. Such insurance must be on an "occurrence," not a "claims made," basis and will not be cancelable or subject to reduction except upon thirty (30) days prior written notice to the City.
- C. Grantee will furnish to the City duly authenticated Certificates of Insurance evidencing maintenance of the insurance required under this Agreement, endorsements as required herein, and such other evidence of insurance or copies of policies as may be reasonably required by the City from time to time. Insurance must be placed with admitted insurers with a current A.M. Best Company Rating equivalent to at least a Rating of "A-VII." Certificate(s) must reflect that the insurer will provide thirty (30) day notice of any cancellation of coverage. Grantee will require its insurer to modify such certificates to delete any exculpatory wording stating that failure of the insurer to mail written notice of cancellation imposes no obligation, and to delete the word "endeavor" with regard to any notice provisions.

- D. Should Grantee, for any reason, fail to obtain and maintain the insurance required by this Agreement, the City may obtain such coverage at Grantee's expense or terminate this Franchise.
- E. Grantee must deliver to City, in the manner provided for notices, copies or endorsements of all insurance certificates and endorsements required by this Ordinance, within the following time limits:
 - 1. For insurance required at commencement of this Ordinance, within thirty (30) days after this Ordinance becomes effective;
 - 2. For insurance becoming required at a later date, at least ten (10) days before the requirement becomes effective, or as soon thereafter the requirement, if new, becomes effective; and
 - 3. For any renewal or replacement of a policy already in existence, at least twenty (20) days after expiration or other termination of the existing policy.
- F. Notwithstanding anything to the contrary, Grantee may provide a program of self-insurance provided it can demonstrate that it has a net worth of \$10,000,000.00 within the preceding year. The City, at its sole discretion, may allow Grantee to self-insure provided the self-insurance program complies with the provisions and specified limits contained herein, and is approved by the City Manager and City Attorney. If such approval for self-insurance is granted, the City will be precluded from exercising the remedies afforded to it pursuant to subsection D of this Section 7.

SECTION 8: Presence of Hazardous Materials. Except as otherwise provided below, Grantee may not permit any Hazardous Materials to be discharged or released in, under, or about the streets or adjacent properties at any time. Grantee must, at its expense, procure, maintain in effect and comply with all conditions of any and all applicable permits, licenses, and other governmental and regulatory approvals required of Grantee for Grantee's use of the streets or adjacent properties. Upon expiration or earlier termination of the Franchise, Grantee must cause all Hazardous Materials released by Grantee in or under the Streets or adjacent properties, if any, to be removed from the streets or adjacent properties in accordance with and in compliance with all applicable laws. Grantee may not take any remedial action in response to the presence of any Hazardous Materials in or about the streets or adjacent properties, nor enter into any settlement agreement, consent decree or other compromise in respect to any claims relating to any Hazardous Materials in any way connected with the streets or adjacent properties, without first notifying City of Grantee's intention to do so and affording City ample opportunity to appear, intervene or otherwise appropriately assess and protect City's interests.

SECTION 9: Notice to Grantor. Grantee must immediately notify City in writing of (i) any enforcement, cleanup, removal or other governmental or regulatory action instituted, completed or threatened pursuant to any applicable laws relative to the streets or adjacent

properties; (ii) any claim made or threatened by any person against Grantee or the streets or adjacent properties relating to damage, contribution, cost recovery compensation, loss or injury resulting from or claimed to result from any Hazardous Materials; and (iii) any reports made to any governmental agency arising out of or in connection with any Hazardous Materials in or removed from the streets or adjacent properties, including any complaints, warnings or asserted violations in connection therewith. Grantee must also supply to City as promptly as possible copies of all claims, reports, complaints, notices, warnings or asserted violations, relating in any way to the streets or adjacent properties, or Grantee's use of the streets. Grantee must promptly deliver to City copies of manifests reflecting the legal and proper disposal of all Hazardous Materials removed by the Grantee from the streets or adjacent properties.

SECTION 10: **Assignability.** Grantee may sell, transfer or assign this Franchise or any interest therein directly or indirectly, or any of the rights or privileges hereby granted, with the City's prior written consent, which will not be unreasonably withheld. City further agrees that Grantee may offer its interest in this Franchise as collateral to a secure a loan from a lender, provided that the lender is experienced in financing the same type of Project described herein. Should said lender mail a Notice of Default to Grantee in the exercise of its right to foreclose on a loan for the Project, lender shall mail the Notice to City at the same time. Should the lender exercise any other default remedy that results in the transfer of Grantee's Franchise to the lender, lender shall mail notice to the City that it is exercising said remedy at the same time it mails notice to Grantee. Notwithstanding anything contrary in this Section, Grantee may transfer or assign this Franchise to any parent, subsidiary or affiliate without obtaining the consent of City, provided Grantee provides written notification within thirty (30) days of said transfer or assignment and submits written evidence of the same, including a certification executed by a duly authorized officer of the Grantee.

SECTION 11: **Grading.**

- A. Grantee must obtain a grading permit in accordance with the SPMC, and pay the applicable fee therefor, before commencing any grading in any Street, or before disturbing the earth beneath the surface of the Street, unless exempted from the permit requirement. Before any grading permit is issued for the construction or installation of any Facility permitted under this Franchise, Grantee must obtain any applicable permits from the City that are required before the grading permit can be issued. The City Engineer or Building Official will issue the appropriate permit(s) if all required findings and conditions set forth in the SPMC are met.
- B. All work is subject to the City's inspection pursuant to SPMC Sections 16.96.080 and 16.96.090. The authorized work shall be satisfactorily completed in accordance with the applicable requirements of Title 16 (Development Code) of the SPMC.
- C. Grantee acknowledges that the City's records may not be complete and that pipes and appurtenances previously unknown to City are frequently

discovered. Consequently, by granting this Franchise or by approving any grading permit requested by Grantee, the City does not warrant the accuracy of information supplied to the Grantee by the City regarding the location or existence of other facilities. Nothing herein will make the City, or any officer, agent or employee of the City, responsible or liable to the Grantee or to any other person by virtue of the City's approval of grading permit plans, regardless of whether any information is supplied by the City to the Grantee pertaining to the location of existing pipes, facilities or other improvements on, in or under any street or other public property.

SECTION 12: Grantee's Emergency Response Plan; Facility Accidents

- A. Prior to commencement of and for the term of the Franchise, the Grantee must develop and maintain an emergency response plan, reasonably satisfactory to the City, which covers all Franchise operations within the City. An emergency response plan meeting the requirements of federal and state law and containing the information contained in this section is acceptable. The emergency response plan must include: (i) a 24-hour notification program and (ii) proof of arrangements capable of providing emergency response services, including without limitation for traffic control, street excavation Facility repair, and supplies and services as necessary, within two (2) hours of notification of any problem, and such other information as the City may reasonably require for the emergency response plan. Repairs to a public street, alley or parkway must be completed within 72 hours of Grantee completing repairs to its facilities and cleanup of any materials released from its facilities, if reasonably possible, unless the time to complete them is extended in writing by the City. The City must be notified ten (10) days in advance of any proposed change in such arrangements for emergency response services. Grantee's emergency response plan must be resubmitted to the City on the first working day of each calendar year while this Franchise is in effect for regular review and approval by the City.
- B. If any portion of any Street is damaged by reason of defects or breaks in any Facility maintained or constructed by Grantee, or by reason of any other cause attributable to or arising from the operation of any such Facility, the Grantee must, at its sole cost and expense, immediately repair all damage and restore the Street to the condition existing before such damage occurred. All such work must be done under the City's direction, and to the City's reasonable satisfaction. Grantee must repair such damage and restore the street within three (3) business days after receiving a written demand from the City or such other reasonable period as the Director may authorize when required for the protection of the public health and safety.
- C. Should Grantee, after reasonable notice, fail or refuse to pave, surface, grade, repave, resurface or regrade any damaged Street as required by the provisions of this Franchise, the City may cause the work to be done after written notice is given to Grantee and will keep an itemized account of all

costs incurred. The Grantee agrees to, and must, reimburse the City for all such costs, including reasonable administrative overhead expenses, within thirty (30) days after presentation to Grantee of an itemized account of such costs.

SECTION 13: **Abandonment.** Should Grantee abandon all or any part of the Facilities authorized by this Franchise, such abandonment must be accomplished by Grantee as required by applicable state or federal laws or statutes.

SECTION 14: **Default.**

- A. Effect of Default. Should Grantee default in the performance of any of the terms, covenants and conditions herein, and such default is curable, the City shall give written notice to Grantee of such default. Should Grantee not commence the work necessary to cure such default within sixty (60) days after such notice is received by Grantee, or prosecute such work diligently to completion, the City may declare this Franchise forfeited. Upon giving written notice of forfeiture to Grantee, this Franchise will terminate. Should the Franchise be forfeited, Grantee must execute an instrument of surrender and deliver the same to the City. In the event of noncompliance by the Grantee with any of these conditions, the City may, in addition to all other remedies, bring suit for the forfeiture or termination of this Franchise.
- B. Force Majeure. Should Grantee's performance of this Franchise be prevented due to pandemics, epidemics, fire, flood, explosion, war, embargo, government action, civil or military authority, the natural elements, or other similar causes beyond the control of the parties hereto, then Grantee will not be deemed to be in default or forfeit its Franchise rights if it commences and prosecutes performance with all due diligence and promptness upon being able to do so.
- C. Cumulative Remedies. No provision of this Franchise for enforcing the terms and conditions of this Franchise is an exclusive remedy or procedure for enforcement. These remedies and procedures are in addition to those provided by law and are cumulative.

SECTION 15: **Dispute Resolution.** If a dispute arises between the parties relating to this Franchise, the parties agree to use the following procedure before either party pursues other available legal remedies, except when doing so would cause the expiration of an applicable statute of limitations. A meeting will be held promptly between the parties, attended by individuals with decision-making authority regarding the dispute, to attempt in good faith to negotiate a resolution of the dispute. If, within thirty (30) days after such meeting the parties have not succeeded in negotiating a resolution of the dispute, the parties shall submit the dispute to mediation. City and Grantee will each advance an equal share of the costs of mediation. The parties will jointly appoint a mutually acceptable mediator within thirty (30) days from the conclusion of the negotiation period. The parties agree to participate in good faith in the mediation and related negotiations for a period of

sixty (60) days. Any decision of the mediator must be supported by written findings of facts and conclusions of law. If the parties are not successful in resolving the dispute through the mediation, the matter may be submitted to a court of law.

SECTION 16: **Notice.** Any and all notices, demands or communications submitted by any Party to another Party pursuant to or as required by this Franchise shall be proper, if in writing and dispatched by messenger for immediate personal delivery, by a nationally recognized overnight courier service or by registered or certified United States Mail, postage prepaid, return receipt requested, to the addressees indicated below. Such written notices, demands or communications may be sent in the same manner to such other addresses as either Party may from time to time designate. Any such notice, demand or communication shall be deemed to be received by the addressee, regardless of whether or when any return receipt is received by the sender or the date set forth on such return receipt, on the day that it is delivered by personal delivery or refused by the recipient, on the date of delivery by a nationally recognized overnight courier service or refusal by the recipient or three (3) calendar days after it is placed in the United States Mail.:

Upon City:	City of Santa Paula Public Works Department Attn: Director of Public Works 970 Ventura Street/P.O. Box 569 Santa Paula, CA 93060
Upon Grantee:	Black Walnut Energy Storage, LLC c/o esVolta, LP Attn: General Counsel 100 Bayview Circle, Suite 340 Newport Beach, CA 92660

SECTION 17: **Grantee's Acceptance of Franchise.** Except as otherwise stated herein, Grantee must within thirty (30) days after this Franchise is adopted, file with the officers of the City designated herein the following instruments or documents:

- A. File with the City Clerk Grantee's written acceptance of the terms and conditions of this Ordinance.
- B. File with the City Clerk certified copies of the policies of liability insurance and workers' compensation insurance, or, in lieu thereof, certificates evidencing such insurance, which policies must be in accordance with the terms and conditions of this ordinance.
- C. File with the City Clerk, within ten (10) business days after the City Council adopts and passes the ordinance granting this Franchise and thereafter at

all times during the life of the Franchise keep on file with the City Clerk, a corporate surety bond in a form approved by the City Attorney running to the City in the penal sum of one hundred thousand dollars (\$100,000.00), with a surety licensed to do business in California. The bond shall provide that Grantee shall well and truly observe, fulfill and perform each condition of the Franchise and that in case of any breach of condition of the bond the damages arising from such breach shall be recoverable from the principal and sureties of the bond. If said bond is not filed prior to the effective date of this Ordinance, the award of the Franchise may be set aside, and this Ordinance may be repealed at any time prior to the filing of said bond and any money paid in consideration for the award of the Franchise shall be deemed forfeited. In the event that said bond, after it has been so filed, shall at any time during the life of the Franchise become insufficient, in the sole opinion of the City Engineer, the Grantee agrees to renew said bond within ten (10) days after written notice to do so from the City Engineer.

SECTION 18: **Reimbursement for City's posting and publication expenses.** The Grantee will pay the City a sum of money sufficient to reimburse the City for all posting and publication expenses incurred in connection with the granting of this Franchise. Such payment must be made by Grantee within thirty (30) days after the City provides to the Grantee a written statement of such expenses.

SECTION 19: **Venue.** The Parties agree that all actions or proceedings arising in connection with the ordinance will be tried and litigated in the State courts located in the County of Ventura, State of California. The Parties intend that this choice of venue be mandatory and not permissive in nature, thereby precluding the possibility of litigation between the parties with respect to or arising out of this Ordinance in any jurisdiction other than that specified in this Section. Each party waives any right it may have to assert the doctrine of forum non conveniens or similar doctrine or to object to venue with respect to any proceeding brought in accordance with this Section and stipulates that the State courts located in the County of Ventura, State of California have personal jurisdiction and venue over each of them for the purpose of litigating any dispute, controversy, or proceeding arising out of or related to this Franchise.

SECTION 20: **No Waiver.** Grantee is not excused from complying with any of the terms and conditions of this Ordinance by any failure of the City upon any one (1) or more occasions to insist upon or to seek compliance with any such terms or conditions. No City waiver of any provision or consent to any action constitutes a waiver of any other provision or consent to any other action, whether or not similar. No waiver or consent constitutes a continuing waiver or consent or commit a party to provide a waiver in the future except to the extent specifically set forth in writing. Any waiver given by a party will be null and void

if the party requesting such waiver has not provided full and complete disclosure of all material facts relevant to the waiver requested.

SECTION 21: **Binding Effect.** Each and all of the provisions hereof are binding on and inure to the benefit of the Parties and their respective heirs, successors, and permitted transferees and assigns.

SECTION 22: **Amendment.** No amendment, modification, or supplement to this ordinance is binding on any of the parties unless it is in writing, signed by the parties, and approved through legislative action.

SECTION 23: **Entire Agreement.** This ordinance, including its exhibits which are incorporated by reference, constitutes the entire agreement between the parties with regard to this subject matter. This ordinance supersedes all previous agreements between or among the parties. There are no agreements, representations, or warranties between or among the parties other than those set forth in this ordinance or the documents and agreements referred to in this ordinance.

SECTION 24: **Construction.** Each party has been represented by counsel in the negotiation and execution of this ordinance. The terms of this ordinance were negotiated by the Parties and the language used in this Franchise is deemed to be the language chosen by the Parties to express their mutual intent. This Franchise will be construed without regard to any presumption or rule requiring construction against the party causing such instrument or any portion thereof to be drafted, or in the favor of the party receiving a particular benefit under this Ordinance.

SECTION 25: **Miscellaneous Provisions.**

- A. **Governing Law.** This Franchise has been made and will be construed and interpreted in accordance with the laws of the State of California.
- B. **Execution.** The Mayor of the City will approve and sign and the City Clerk will attest to the passage of this Ordinance. This Ordinance will take effect thirty (30) days from the date of its adoption.

SECTION 26: Repeal of any provision of the Santa Paula Municipal Code will not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action of prosecuting violations occurring before the effective date of this Ordinance.

SECTION 27: **Severability.** If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 28: The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Santa Paula's book of original

ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 29: This Ordinance becomes effective thirty (30) days after adoption.

[SIGNATURES ON NEXT PAGE]

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2024.

CITY:

Leslie Cornejo, Mayor

Black Walnut Energy Storage, LLC,
a Delaware limited liability company

By: esVolta, LP,
a Delaware limited partnership
Its: Sole Member

By: _____

Name: _____

Its: Authorized Signatory

ATTEST:

Julie Latshaw, City Clerk

APPROVED AS TO FORM:

Seth Merewitz, Interim City Attorney

APPROVED AS TO CONTENT:

Dan Singer, City Manager

EXHIBIT A
Franchise Location

EXHIBIT "A"

SHEET 1 OF 1

LEGAL DESCRIPTION
FOR
FRANCHISE AGREEMENT
(CONTAINING 1,467 SQUARE FEET)

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SANTA PAULA, COUNTY OF VENTURA, STATE OF CALIFORNIA.

THAT PORTION OF 13TH STREET LAYING ADJACENT TO PARCEL MAP CDP NO. 90-14 FILED IN BOOK 51, PAGES 72 AND 73 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, RECORDS OF SAID COUNTY; DESCRIBED IN PARCELS AS FOLLOWS:

PARCEL "A"

A STRIP OF LAND 18.00 FEET IN WIDTH, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEASTERLY CORNER OF OF PARCEL B, AS SHOWN ON A SAID PARCEL MAP CDP NO. 90-14; THENCE ALONG THE NORTHEASTERLY LINE OF SAID PARCEL B ALSO BEING THE SOUTHWESTERLY LINE OF 13TH STREET BEING 60 FEET WIDE, SOUTH 21° 01' 11" 9.00 FEET TO THE TRUE POINT OF BEGINNING OF PARCEL A; THENCE NORTH 69° 01' 04" E 46.22 FEET TO A POINT HEREINAFTER DESCRIBED AS POINT "A" SAID POINT ALSO BEING THE END OF PARCEL "A".

PARCEL "B"

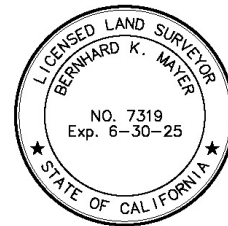
A STRIP OF LAND 3.00 FEET IN WIDTH, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT SAID POINT "A", THENCE NORTH 21° 14' 09" WEST 211.66 FEET TO THE SOUTHERLY LINE OF THE SOUTHERN PACIFIC RAILROAD AS SHOW ON SAID PARCEL MAP CDP NO. 90-14.

CONTAINING 1,467 SQUARE FEET.

THIS DESCRIPTION HAS BEEN PREPARED BY ME, OR UNDER MY DIRECTION:


BERNHARD K. MAYER L.S. 7319 03/12/24 DATE
BY SITETECH, INC.





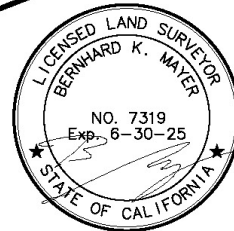
SCALE: 1"=40'

EXHIBIT "A"

FRANCHISE AGREEMENT
LOCATION
(CONTAINING 1,467 SQUARE FEET)

SHEET 1 OF 1

DATE SIGNED: 03/12/24



PREPARED BY:

SITETECH, INC.
PO BOX 592
HIGHLAND, CA 92346
PH: (909)864-3180

VENTURA COUNTY
TRANSPORTATION COMMISSION

PARCEL "A"
P.M. CDP NO. 90-14
P.M.B. 51/72-73

POINT OF COMMENCEMENT
NORTHEASTERLY COR PARCEL "B"
P.M.B. 51/72-73

EXISTING "SHARED PREMISES" EASEMENT
INST. NO. 2023000079282 O.R.

TRUE POINT OF
BEGINNING

PARCEL "B"
P.M. CDP NO. 90-14
P.M.B. 51/72-73

FRANCHISE AGREEMENT
PARCEL "B"

POINT A

FRANCHISE AGREEMENT
PARCEL "A"

13TH STREET

EXHIBIT B

RESOLUTION 3857 CONDITIONS OF APPROVAL

Project No. 2020-CUP-05
“BESS Black Walnut”
211 N. 12th Street - APN: 101-0-183-435

In addition to all applicable provisions of the Santa Paula Municipal Code (“SPMC”), esVolta, LP, a Delaware limited partnership registered to do business in California (“Applicant”), agrees for itself, its heirs and assigns that it will comply with the following provisions as Conditions for the City of Santa Paula’s Approval of the modified Project No. 20-CUP-05 (each a “Project Condition”; and together, “Conditions of Approval”).

I. GENERAL CONDITIONS

1. Awareness: The Resolution and these associated Conditions of Approval have been adopted with the knowledge, understanding and consent of the Property Owner and Applicant. Applicant represents that it is an authorized agent of Ted and Pamela Sakaida Trust (“Property Owner”) and that accepting these Conditions of Approval will bind the Property Owner.
2. Compliance: The Property Owner/Applicant must comply with all applicable ordinances, codes, regulations, policies, and conditions (including those herein) and pay all applicable fees and assessments to the City.
3. Violation: The Property Owner/Applicant’s failure to comply with, or breach of, any Project Conditions may result in the amendment or revocation of this Conditional Use Permit (“Permit”), or any related permits, or other enforcement action, as may be appropriate in the case. The City may undertake such acts and incur such expenses as it may consider necessary to effect compliance, the cost thereof including without limitation, administration costs and recoverable attorney’s fees, to be reimbursed by the Applicant or current property owners, as may be appropriate in the case.
4. Scrutiny: This Permit is subject to an ongoing review. If at any time valid, substantiated complaints are received, a public hearing may be held before the Planning Commission, at the sole discretion of the City, to determine if any condition or the permit should be modified, amended or revoked.
5. Assignment: The Permit is granted for the subject Property (APN 101-0-183-435) only and is not transferable to another location.
6. Conditions of Approval (“CoAs”) Supersede: The Conditions of this resolution prevail or supersede over all previous CoAs and omissions, conflicting notions,

specifications, dimensions, typical sections, and the like, which may not be shown on the improvement plans.

II. BUILDING AND SAFETY

Standard Requirements:

7. Building Codes: The project must comply with all applicable International, Administrative, and California codes as adopted by the City, including without limitation Fire, Building, Plumbing, Mechanical, Electrical, Energy, Green; and Accessibility codes.
8. Conformity: Plans submitted for building permits must conform to all the Conditions of Approval as approved by the Planning Commission.

III. FIRE (VCFPD)

Standard Requirements:

9. Road Surface, Construction and Grade Limitations: Fire apparatus access roads serving commercial and industrial occupancies shall have a structural cross section and surface complying with the public road standards for the jurisdiction in which the project is located and grades shall not exceed 10%. Where one-way traffic and off-street parking occurs, a 20-foot driveway width shall be provided. 90-degree turns shall comply with VCFD Standards.
10. Parking Prohibited: The Applicant and Property Owner(s) are hereby advised that parking on access roads / driveways and fire department turnarounds is prohibited.
11. Fire Lanes: Prior to construction, the Applicant shall submit two (2) site plans to the Fire District for approval of the location of fire lanes. Prior to occupancy, all fire lanes shall be posted "NO PARKING-FIRE LANE-TOW AWAY" in accordance with the California Vehicle Code, the International Fire Code and current VCFPD Fire Lane Standards. All signs and / or Fire Lane markings shall be within recorded access easements.
12. Access Road Gates: Any gates to control vehicle access are to be located so as to allow a vehicle waiting for entrance to be completely off the intersecting roadway. A minimum clear open width of 15-feet in each direction shall be provided for separate entry / exit gates and a minimum 20-feet for combined entry / exit gates. If gates are to be locked, a Knox system shall be installed. The method of gate control, including operation during power failure (battery back-up), shall be subject to review by the Fire Prevention Division. Gate plan details shall be submitted to the Fire District for approval prior to installation. A final acceptance inspection by the Fire District is required prior to placing any gate into service.

13. Address Numbers (Commercial, Industrial, Multi-family buildings): Building address numbers, a minimum of ten inches (10") high, shall be installed prior to occupancy, shall be of contrasting color to the background, and shall be readily visible at night. Brass or gold plated numbers shall not be used. Where structures are set back more than 150-feet from the street, larger numbers will be required so that they are distinguishable from the street. In the event a structure(s) is not visible from the street, the address number(s) shall be posted adjacent to the driveway entrance on an elevated post. Individual unit numbers shall be a minimum of 4-inches in height and shall be posted at the front and rear entrance to each unit. Additional address directional signs may be required at common building entrances and stairways.
14. Accessory Room Door Labeling: All accessory room doors shall be labeled on the doors indicating use of the room (i.e., Electrical Room, Riser Room, Fire Alarm Panel Inside, Storage Room, Janitor, Roof Access, etc.).
15. Water System Plans: Plans for water systems supplying fire hydrants and / or fire sprinkler systems and not located within a water purveyor's easement, shall be submitted to the Fire District for review and approval prior to issuance of grading and/or building permits or signing of Mylar plans, whichever is first. Plans shall reflect only dedicated private fire service lines and associated appurtenances. Plan shall be design and submitted with the appropriate fees in accordance with VCFPD Standard 14.7.2.
16. Fire Sprinklers: All structures shall be provided with an automatic fire sprinkler system in accordance with the current VCFPD Ordinance at the time of building permit application.
17. Fire Protection System Plans: Plans for all fire protection systems (sprinklers, dry chemical, hood systems, etc.) shall be submitted, with payment for plan check, to the Fire District for review and approval prior to installation. Note: Fire sprinkler systems with 20 or more heads shall be supervised by a fire alarm system in accordance with Fire District requirements.
18. Fire Alarm System: A fire alarm system shall be installed in all buildings in accordance with California Building and Fire Code requirements.
19. Fire Sprinkler System Maintenance: The building fire sprinkler system shall be serviced and maintained in a proper working order at all times. Required maintenance inspections and service personnel shall be in accordance with CCR Title 19, and VCFPD Ordinance. Service and maintenance records shall be maintained on-site and available for review by the Fire Department upon request.
20. Five-Year Fire Sprinkler Report: A current Five-Year Fire Sprinkler System certification shall be maintained at all times in accordance with CCR Title-19 and VCFPD requirements. The required Five-Year Report shall be submitted to the Fire Department prior to expiration of the previous Five-Year certification.

21. Fire Alarm Certification: The building fire alarm system shall be serviced and maintained in a proper working order at all times. Required maintenance inspections and service personnel shall be in accordance with NFPA 72. Service records shall be maintained on-site and available for review by the Fire Department upon request.
22. Fire Code Permits: Applicant and / or tenant shall obtain all applicable International Fire Code (IFC) permits prior to occupancy or use of any system or item requiring an IFC permit.

IV. PLANNING

Standard Requirements:

23. Inactivity. If the Conditional Use Permit fails to be actively exercised for a continuous 365-day period, the permit shall lapse and become void. The permit may be administratively extended for up to an additional 24 months upon application and approval by the Planning Director.
24. Signage: Ongoing. All business and advertising signage for the project shall be in conformity with the Planning Commission approved plans and the most current SPMC policies and provisions for the regulation of business and advertising signage. For any proposed business or other advertising signage, the Applicant, Property Owner, or business owner must obtain a Sign Permit from the Planning Division before sign installation.
25. Illumination – General: All exterior lighting must be shown on the final construction plans and is subject to review and approval by the Planning Division to ensure that the exterior lighting is directed and/or shielded down or away from adjoining properties. Appropriate exterior lighting should be provided at entryways, along walkways, between buildings and, within parking areas possess adaptive control sensors. Any exterior lighting must be of a style that is reasonably compatible and harmonious with the architectural style and detail of the building. Future modifications to the installed outdoor lighting, including signage, shall require Planning review and approval.
26. Photometric study: Before submitting plans to the Building and Safety Division for Plan Check, a photometric lighting plan must be shown on the final construction plans submitted to Building & Safety Division. This plan is required and is subject to review and approval by the Planning Division prior to going to Plan Check. The plan must specify the type of lighting fixtures to be used, height of the fixtures, lumen levels, legible specifications for each type of fixture, and the point-by-point foot-candle reading, as described below.

- a) An accurate photometric plan will incorporate all sources of light illuminating the subject property, including nearby street lamps, and other existing lamps casting light onto the lot.
- b) If an existing luminaire (off-site on private and/or public property) is within 5 mounting heights of the subject property boundaries, it is considered to contribute to the existing site illumination and must be included in the photometric study.
- c) A Calculation Summary table indicating footcandle levels on the lighting plan, noting the maximum, average and minimum, as well as the uniformity ratio of maximum to minimum, and average to minimum levels.
- d) Footcandle distribution - plotting the light levels in footcandles on the ground, at the designated mounting heights for the proposed fixtures. Maximum illuminance levels should be expressed in footcandle measurements on a grid of the site showing footcandle readings in every five or ten-foot square. The grid shall include light contributions from all sources (i.e. pole mounted, wall mounted, sign, and street lights.) Show footcandle renderings fifteen feet beyond the property lines.
- e) Provide lighting manufacturer-supplied specifications ("cut sheets") that include photographs of the fixtures, indicating the certified "cut off characteristics" of the fixture.

27. Illumination – Technical: Outdoor illumination technical specifications must include the following:

- a) All outdoor lighting design shall be governed by California Energy Commission *Outdoor Lighting Zone* requirements for Lighting Zone-Three (3).
- b) Maximum luminaire mounting height shall be no more than 20-feet, measured from grade at the base. Poles, concrete bases, and fixtures should be appropriate in scale for the buildings and lot.
- c) Pole lamps installed near the perimeter shall be equipped with baffles and / or shields to minimize backlight, glint and glare to adjacent properties.
- d) Lamps shall conform with SPMC Development Code standards for outdoor commercial lighting, shall meet the target of 2.0 foot-candles or lower, shall have a uniformity ratio (max to min 4:1), and an S/P ratio < 1.2.
- e) Photocells shall prevent day burners (lamps on during daytime).
- f) Motion sensors shall dim the lamps to 10% or less during evening hours when the business is open, and ramp up when motion-activated. Be sure to restrict the motion sensor within the parking and drive aisle only. Sensors shall not be triggered by motion on nearby public streets and sidewalks.

- g) Automatic timer override shall turn off the lamps at the close of business, and turn on at the open of business. All parking lot lights shall be either fully turned off (0% illumination) or automatically reduced (10% illumination) during all non-business hours including closed days. Motion sensors (per 'e.' above) may be used for security purposes during all non-business hours including closed days.
28. Illumination – Signs: All outdoor signs that are on during the day and night must be equipped with a control that can automatically reduce lighting power by at least 65% at night.
29. Landscaping: The Property and all landscaping must be maintained in a neat and healthy condition and in a manner that prevents adverse public health, safety, and welfare effects.
- a) *Before the final inspection and/or occupancy*, all graded & disturbed areas on the subject site shall be planted and maintained for both landscaping and erosion control purposes. Inasmuch as possible, plantings should be of native native/drought resistant plant species indigenous to the Santa Clara Valley. All native plant species shall be of local genetic stock. No plant species listed as problematic and/or invasive by the California Native Plant Society <<http://www.CNPS.org>>, the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) <<http://www.cal-ipc.org>>, or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a “noxious weed” by the State of California or the U.S. Federal Government shall be utilized within the property.
 - b) All trees planted within the public right-of-way, and all trees planted within 5-feet of the property line shall be installed with a root barrier, 24-inch depth minimum, fabricated from high-density high-impact plastic, minimum of 2.0 mm thick, et. al, as referenced in “Green Book” SPPWC Standard Plan 520 (2012 ed.).
 - c) Plantings will be maintained in good growing condition throughout the life of the Project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements.
 - d) Tree topping, stubbing, coppicing, heading back or pollarding is prohibited per City policies and California State Government Code § 53067.
 - e) Tree pruning shall comply with the Tree Care Industry Associations’ ANSI A300 Standards.
 - f) Shrubs shall not be pruned into hedges.

- g) The irrigation system must be located, installed, and maintained as specified per the approved plans and operated to facilitate sound water conservation practices.
- h) Mulch applied to the site must be organic, pest-, and weed-free. Synthetic (i.e., rubber crumb) mulch is prohibited.
- i) Rodenticides containing any anticoagulant compounds (including, but not limited to, Warfarin, Brodifacoum, Bromadiolone or Diphacinone) shall not be used.
- j) The exterior of the Property/Business must be maintained clear of trash, litter, and debris at all times.

Requirements Specific to This Project:

- 30. Perimeter security fence: The entirety of the project site perimeter shall be enclosed by a continuous security fence and/or gate.
 - a) Side and Rear Fencing. A 6-foot high security perimeter fence shall be expanded where necessary to fully surround the property side and rear portions. Barbed wire, razor-edged, and similar fencing materials will be permitted only in the rear and side yards of the subject properties (Commercial / Light Industrial zone; per SPMC § 16.44.030 *Electric, Barbed Wire, And Razor-Edged Fences.*)
 - b) Front Gate & Fencing. A non-chain link security perimeter fence and rolling gate shall be maintained along the lot's front portion. Spiked or pointed metal fencing (palisade) may be installed at the front entry and rolling gate, provided such spikes or points are at least 6-feet above ground level.
 - c) Fence & Gate Height. Included within the Conditional Use Permit for Project No. 20-CUP-05 is an allowance for up to an 8-foot high perimeter security fence and gate, which is 2-feet above the maximum fence allowed per SPMC § 16.44.020 *Maximum Height.*
 - d) The security perimeter fence and gates shall be serviced and maintained in a proper working order at all times.

Street Paving. Post-construction street paving shall conform with all City Public Works requirements and reflect the intent to pave in front of the whole length of the Pepper Tree mobile home community on 13th Street, ending at the south end of the Santa Paula project property line (esVolta's other BESS project).

- 31. Soil Management Plan: A soil management plan shall be prepared to ensure the proper removal and handling of petroleum-contaminated soils on the site.

V. PUBLIC WORKS

Special Conditions

32. The Property Owner/Applicant must enter into a Franchise Agreement with the City of Santa Paula for the installation of the private underground distribution line located in the Public Right-of-Way on 13th Street, connecting two Parcels with APN Numbers 101018343 and 101024118. The agreement must be executed and submitted to the City prior to Issuance of Building Permits and Public Works Encroachment Permit to install the distribution line. As part of the Franchise Agreement, the Property Owner/Applicant must provide proof of a permit from the Ventura County Department of Transportation, for installation of the distribution line in the County's right-of-way.
33. As determined by the City Engineer, the Property Owner/Applicant must improve the public street roadway and sidewalk pavement along that section of 13th Street where the proposed private underground distribution line is to be placed.
34. Prior to Public Works Encroachment Permit issuance for installation of the private underground distribution line, the Applicant/Property Owner's California licensed Civil Engineer must submit improvement plans to Public Works for review and approval, showing the proposed alignment of the private underground distribution line in the Public Right-of-Way on 13th Street, connecting the two parcels (APN Numbers 101018343 and 101024118). The plans must include all City standards required to trench and install the underground distribution line and restore all existing street surface improvements impacted by the work.
35. The Property Owner/Applicant's engineer must investigate the structural section of the existing streets fronting the development. If the structural section is not adequate for anticipated traffic demand, the structural section of the roadway must be increased, as determined by the City Engineer. If the street section is adequate, the entire street frontage shall be slurry sealed, unless otherwise determined by the City Engineer.
36. Reactive organic compounds, nitrogen oxides (ozone/smog precursor), and particulate matter (aerosols/dust) generated during construction operations must be minimized in accordance with the City of Santa Paula standards and the standards of the Ventura County Air Pollution Control District (APCD). When an air pollution Health Advisory has been issued, construction equipment operations (including but not limited to grading, excavating, earthmoving, trenching, material hauling, and roadway construction) and related activities must cease in order to minimize associated air pollutant emissions.

Standard Conditions

37. Related Permits: The Property Owner/Applicant must obtain all applicable Public Works permits. All requirements of any other law or agency of the State of California and any other governmental entity applicable to the Project must be met.
38. Documents: Copies of all Public Works construction related documents shall be forwarded to the Public Works Inspector including, but not limited to, public improvement material submittals and concrete batch tickets
39. Licensed Contractor: All Public Works infrastructure must be constructed by a competent Class A licensed contractor, approved by the City Engineer.
40. Inspections Funds: The Applicant must submit and maintain sufficient funds on deposit for Public Works construction observation services. Cost of the inspections related to on-site and off-site improvements as it applies to Public Works must be borne by the Applicant/Property Owner. The Public Works Land Development Services will determine the deposit amount and provide Applicant/Property Owner the status of account usage upon request.
41. Grading & Drainage: All grading must conform to City of Santa Paula Municipal Code and the latest edition of the California Building Code. Refer to SPMC Chapter 16.96: Grading Permits and Chapter 16.97: Grading Regulation, et al.
 - a) *Before issuance of a grading permit*, the Applicant/Property Owner shall submit an erosion control plan to the Public Works Department for approval. The plan shall show best management practices to control dust and prevent construction related discharges to the public right of way and neighboring properties. The Applicant/Property Owner shall provide a copy of a state-approved SWPPP for all earthwork disturbances equal to or greater than 1-acre of soil.
 - b) All improvement plans, construction cost estimates, soils reports, geology reports, and all other pertinent engineering design calculations must be submitted to the City concurrently with Grading/improvement Plans.
 - c) The Applicant/Property Owner must submit to the City Engineer a soils and geologic study and comply with the recommendations of the soils and geologic study.
 - d) The geotechnical engineer shall certify all soils and earthwork construction activities.
 - e) Appropriate facilities for proper drainage within the development must be provided and constructed as directed and approved by the City Engineer.
 - f) All storm drain facilities must be designed to convey the Q100 storm runoff.

- g) The Applicant/Property Owner must provide a hydraulic analysis with water surface elevation and hydraulic grade line for each pipe 12-inches and larger.
 - h) The Project must be protected from offsite drainage, and any water concentration and/or increase as a result of the construction of the Project must be conveyed by means of adequate facilities to the natural water courses of the area, and/or existing storm drain system designed to convey the development's runoff. The Applicant/Property Owner shall construct detention facilities to capture and store the excess runoff due to the Project and limit the flow to pre-development levels acceptable to the City Engineer.
 - i) Each lot must drain to an approved drainage facility. Cross lot drainage must be minimized.
42. Stormwater Management: The Project must be undertaken in accordance with conditions and requirements of the Ventura Countywide Stormwater Quality Management Program.
- a) Landscape areas must be designed with efficient irrigation to reduce runoff and promote surface filtration and minimize the use of fertilizers and pesticides which can contribute to urban runoff pollution. Landscaping must be properly maintained with efficient irrigation to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides that can contribute to urban runoff pollution.
 - b) If applicable, all onsite storm drains must be cleaned at least twice a year; once immediately before October 1st (beginning of the wet season) and once in January. Additional cleaning may be required by the City Engineer in their reasonable judgement.
 - c) All onsite storm drain inlets, whether newly constructed or existing, must be labeled "Don't Dump - Drains to Creek" before occupancy.
 - d) Certified, full capture trash devices must be installed to address the trash total maximum daily load (TMDL) requirements imposed under Los Angeles Regional Water Quality Control Board Resolution Statewide Trash Amendments. These are filtering devices that capture trash and debris before they enter into the storm drain.
 - e) The Applicant/Property Owner is responsible for maintaining and operating all on-site private improvements. The owner is responsible for submitting a stormwater quality mitigation device Maintenance Plan and is responsible for providing a Stormwater Treatment Device Access and Maintenance Agreement on a form approved by the City for all post construction stormwater treatment devices, as required by the Ventura County Municipal Stormwater Permit. The agreement will be subject to the review and approval of the City Engineer and City Attorney. Before final acceptance of project improvements, the Applicant/Property Owner or his/her designated representative must certify that the treatment device was

constructed and installed in accordance with the approved plans.

- f) Air conditioning condensate flows must be segregated per the California Building Code to prevent introduction of pollutants and must be directed to pervious areas for percolation where possible.
 - g) Grading operations involving the hauling of dirt shall be controlled and reasonable efforts to avoid the spillage of dirt onto public streets shall be enforced. The grading contractor shall maintain on site at all times a means of preventing blowing dust within the project site and onto adjacent sites.
43. Water Systems: All water system facilities and/or appurtenances will be approved by the City of Santa Paula Water Division and the City Engineer.
- a) Water meters shall be sized per the latest California Plumbing Code.
 - b) A separate irrigation meter is required. The landscaping and irrigation design shall meet the Mandatory Water Conservation guidelines.
44. Any deviations from the approved grading plan must be reviewed and approved in advance by the Public Works Department. The City Engineer may issue a Stop Work Order if field conditions deviate from the approved plans without obtaining prior approval from all appropriate City Departments.

VI. BEFORE GRADING PERMITS

45. Responsibility: The Applicant/Property Owner is responsible for all actions of its contractors and subcontractors until such time as City has accepted the improvements.
46. Before issuance of grading/improvement plans permits, the Applicant/Property Owner must submit to the city an improvement plan, grading plan, and erosion control plan for the development. These plans must include proposed street and site improvements, proposed drainage facilities and structures as required by the city, sewer system and a plan of the water supply system. The project agreements, securities, and documents may not be approved by the City Council unless said improvement plans, grading plans, and erosion control plan have been approved by the City Engineer.
47. The applicant shall submit a Project Drainage Report, prepared by a California Registered Civil Engineer, to address existing and proposed hydrology, including offsite flow patterns which currently influence the project site. Report shall address developed hydrology associated with the site development, based on the provisions of the Ventura County Hydrology Manual and associated methodology, addressing both 10-year and 100-year existing and proposed drainage conditions, including provisions for the interception and conveyance of the 10-year design storm and flood hazards associated with the 100-year storm. Calculations for the mitigation of

increased stormwater runoff shall be provided to support on-site detention facility sizing. Calculations shall address the detailing and sizing of area drains, catch basins and storm drain laterals on site, and shall be coordinated with the project Storm Drain Plans. The Project Drainage Report shall be submitted to the City of Santa Paula Public Works Department for review and approval prior to the issuance of a Grading Permit.

48. Hydrology calculations must be per current Ventura County Standards, utilizing the site-specific design parameters, and to the satisfaction of the City Engineer and Public Works Director prior to the issuance of a Grading Permit.
49. Prior to the issuance of a Grading Permit, the applicant shall post sufficient surety with the City, in a form acceptable to the City Engineer and Public Works Director, guaranteeing completion of all onsite and offsite improvements required by these Conditions of Approval and/or the Municipal Code including, but not limited to grading, street improvements, storm drain improvements, temporary and permanent Best Management Practice (BMP) for the control of non-point water discharges, landscaping, fencing, and bridges. Grading and improvements must be designed, bonded, and constructed as a single project.
50. Technical Specifications: All Public Works construction must be in accordance with the following technical specifications, and must be used for all public improvements on the approved improvement plans including, but not limited to, water, sewer, and storm drain utility systems:
 - a) City Standard Specifications;
 - b) All applicable City Standard Plates and any modification thereto by the City;
 - c) City of Santa Paula Standard Land Development Specifications;
 - d) Standard Specifications for Public Works Construction, "Green book", latest edition;
 - e) American Water Works Association Standards;
 - f) California State Department of Health Standards;
 - g) Ventura County Watershed Protection District Standards.
51. Construction Schedule: Applicant/Property Owner must enter into contract with the City to install and construct all improvements as required by the conditions of approval of the development provisions of the SPMC, and must post security satisfactory to the City Attorney, guaranteeing the installation and construction of all required improvements within the time period specified, herein or an approved time extension.

Security may be in form of performance bonds, labor and materials, and maintenance.

52. 12-Month Warning: The City reserves the right to upgrade, add to, or revise technical specifications and plates and all other City ordinances, policies, and standards. If the improvements required for this Project are not completed within 12-months from the approval date of improvement plans, the Applicant/Property Owner must comply with and conform to any and all upgraded, additional or revised specifications, plates, ordinances, policies, and standards.
53. Concurrent Submittal Required #1: All improvement plans and related documents must be submitted concurrently and include plans for, without limitation, grading, streets, drainage, sewer, water and other appurtenant improvements. In addition, a master utility plan must be submitted showing the layout and location of all the on-site and off-site utility facility improvements of the Project. The plan submittal must also include construction cost estimates and all pertinent engineering design calculations.
54. Engineer of Record: The Applicant/Property Owner must retain a Civil Engineer licensed in the State of California and registered in accordance with the appropriate provisions of the Business and Professional Code. Said Civil Engineer shall be recognized as the Engineer of Record for this Project, to help ensure that the construction work conforms to the approved improvement plans (public improvements, rough grading and fine grading) and specifications, and to provide certified "as-built" plans prior to occupancy. Submittal of the certified "as-built" plans will be required before and as a condition of final acceptance of any public improvements by the City. The Engineer of Record shall be the primary contact on behalf of the Applicant/Property Owner, for any design changes, deviations, and alternative solutions to unforeseen circumstances.
55. Safe Excavations: All excavations must conform to OSHA standards.
56. Flood Protection: For any equipment pads, the Applicant/Property Owner must protect the equipment pads of all structures from the effect of a 100-year storm runoff. Based on the Flood Zone, the Applicant/Property Owner must comply with the City's Flood Damage Prevention Ordinance, including without limitation, flood prevention and flood proofing requirements for new construction. The proposed non-residential project must be elevated, flood proofed, plus freeboard. Any plans submitted to implement flood protection requirements (e.g. grading plans) shall ensure that the Project will not adversely affect the neighboring properties and structures.
57. Model Water Efficient Landscape Ordinance: The Applicant/Property Owner must comply with the current Model Water Efficient Landscape Ordinance per CCR Title 23, Chapter 2.7.

< <https://water.ca.gov/Programs/Water-Use-And-Efficiency/Urban-Water-Use-Efficiency/Model-Water-Efficient-Landscape-Ordinance> >

58. Material: All import material must be new and/or clean and certified fill, and material submittals shall be submitted to the City Engineer for review and approval prior to construction.
59. Soils: Before issuance of grading/improvements plan permits, a soils report must be reviewed by the City of Santa Paula before the City will approve the Project. Applicant/Property Owner shall submit this report with the building plans.
60. All river rock gravel pavement structural sections subject to vehicular loading shall be designed by the project Geotechnical Engineer and Engineering Geologist and submitted in conjunction with the final geotechnical report for review and approval by the Public Works Department prior to the issuance of a Grading Permit.
61. Prior to Grading Permit issuance, site access and fire hydrant locations shall be reviewed and approved by the Ventura County Fire Department.
62. All other requirements, notes and regulations arising from plan review as determined necessary by the City and their reviewers shall be incorporated into the design as required by the City prior to Grading Permit issuance.
63. Prior to issuance of a Grading Permit, existing utility points of connection shall be potholed to verify location and elevation. An encroachment permit shall be obtained from Public Works prior to related work being performed in Public Right of Way or easements. Utility plans shall be updated as necessary prior to final approval.
64. Prior to issuance of a Grading Permit the applicant shall be responsible for identifying all easements and related encumbrances on the project plans and related documents and ensuring that all such easements and encumbrances are not impeded, burdened, and are adequately maintained in accordance with the terms and language of the original easement. Determination of such compliance shall be subject to the City of Santa Paula Public Works approval.
65. Prior to the issuance of a Grading Permit the applicant shall perform additional tests within all proposed onsite infiltration areas in conformance with the Ventura County Technical Guidance Manual for Stormwater Quality Control Measures. Test results and related infiltration recommendations shall be incorporated in the project Geotechnical Report and the design of proposed drainage facilities.
66. Prior to the issuance of a Grading Permit the applicant shall provide recommendations for foundation design for the proposed equipment pads to address anticipated accumulative seismic and static settlements. Such recommendations shall be included in the profile geotechnical report and incorporated in the plans.

67. The applicant shall provide for the interception of tributary areas of offsite drainage to maintain existing drainage patterns for adjacent properties. Onsite storm drain systems shall be designed to accommodate the interception and associated conveyance of such tributary offsite drainage to the satisfaction of the City Engineer and Public Works Director prior to the issuance of a Grading Permit.
68. The applicant's engineer shall provide for detention of on-site storm drainage, based on either offsite storm drain capacity limitations or a 'no net increase' approach, whichever yields the greater volume or required detention. Such calculations shall be included in the Project Drainage Report to the satisfaction of the City Engineer and Public Works Director prior to the issuance of a Grading Permit.
69. Runoff coefficient values shall be reflective of final design conditions. Storm drain infiltration devices shall be sized accordingly to final runoff coefficient values. Such calculations shall be included in the Project Drainage Report to the satisfaction of the City Engineer and Public Works Director prior to the issuance of a Grading Permit.

VII. BEFORE BUILDING PERMITS

70. Applicant/Property Owner must obtain all necessary encroachment permits. This shall include, without limitation, permits from the City of Santa Paula, Southern California Edison Company, and all other utilities and communication providers. An encroachment permit is required for any work in the public right of way.
71. Signatory: Before submitting plans to the Building and Safety Division for Plan Check, the Applicant/Property Owner must sign the Conditions of Approval and return the wet signature to the Planning Division.
72. CoAs on Plans: Before the issuance of building permits, plans submitted to the Building & Safety Division for building permits must have the Conditions of Approval printed directly onto the building plans and the Project number, "2020-CUP-05," in the title blocks of the blueprints for this Project.
73. Site Improvement Plans: Before the issuance of building permits, the Public Works Department must approve the final grading and site improvement plans.
 - a) Site Utilities Plan: The utilities plan shall accurately show all existing and proposed utilities, including but not limited to sewer, water, storm drainage, gas, electric and applicable upgrades and reconstruction required to serve the proposed Project.
74. Utilities on Plans: Before the issuance of building permits, the plans provided to the Building & Safety Division for plan check must show all utilities to serve the proposed Project. The meter point of responsibility must be shown on the improvement plans. Improvement plans will need to show proposed abandonment of services not needed.

75. Trash Enclosure: Before the issuance of building permits, Public Works and Planning must review and approve the design for the revised trash enclosure. The solid waste enclosure shall be constructed in accordance with City of Santa Paula Standard Plan revised Plate 428, have a metal roof, and be sized to accommodate three containers (3-cy bins) each; for solid waste, recyclables and organics.

< <https://www.spcity.org/DocumentCenter/View/1356> >

- a) The Applicant/Property Owner may submit an alternate trash enclosure design for review and approval as long as the design can accommodate the three containers to the satisfaction of Public Works, Planning, and the city's franchise waste hauler (currently, Athens Environmental Services).
- b) The trash enclosure shall incorporate steel mesh between the block wall and roof opening to prevent unauthorized access.
- c) The revised PW Plate 428 Refuse Enclosure (July 2019) includes a requirement for a 4-inch sanitary sewer drain, located within the refuse enclosure.
- d) Per the Building Official, there are additional plumbing elements that must be included, such as a trap primer and a grease interceptor / clarifier to mitigate any fats, oils, and greases or other solids before entering the municipal sewer system.
 - d.1) CA Plumbing Code Section 1009.1 *Interceptors (Clarifiers) and Separators/ Where Required*¹
 - d.2) Plumbing Code Section 1007.1 *Trap Seal Protection*²
- e) SPMC § 16.40.110 *Solid Waste/Recycling Receptacles and Enclosures*. (2) The exterior architectural treatment and color of waste storage areas must be compatible with the main building treatment.
- f) The Applicant/Property Owner must contact the current franchise waste hauler of the City of Santa Paula, to determine the frequency of pickup. "Athens Services" is located at 866 E. Main Street, Santa Paula. Phone: (805) 933-0100. Website: < athens-env.com >

Fire Department

76. Fire Alarm/Sprinkler Monitoring Plans: Plans for any fire alarm system or sprinkler monitoring system shall be submitted, with payment for Plan Check, to the Fire District for review and approval prior to installation.
77. Fire Department Clearance: Applicant/Property Owner shall obtain the following forms prior to obtaining a building permit for any new structures or additions to existing structures.

63.1) VCFD Form #610 "Fire Permit Application"

63.2) VCFD Form #625 "Fire-Flow Verification"

VIII. FEES DUE BEFORE BUILDING PERMITS

78. City Water Rights/In Lieu Fee: Before the issuance of building permits, the Applicant/Property Owner must convey to the City of Santa Paula sufficient water rights to support the needs of the Project in accordance with SPMC § 52.021 (provision of 125% of projected demand).

79. In absence of water rights, the Applicant/Property Owner shall pay in lieu fees, calculated at the current rate at the time of Building Permit submittal. An empirical study assaying the Project's water demand analysis for domestic, irrigation, and fire protection must be performed to calculate In-lieu fees. If a study is not performed, For FY 2020-21, the in lieu fee is \$26,016/AFY.

< http://santapaulaca.igm2.com/Citizens/Detail_LegiFile.aspx?ID=1345&highlightTerms=Ordinance%201270 >

80. County Traffic Fee: Before the issuance of building permits, the Applicant/Property Owner must convey to the City of Santa Paula the Ventura County Traffic Impact Mitigation Fee in accordance with the current rate sheet for District 2 - Incorporated Santa Paula.

< https://s29422.pcdn.co/wp-content/uploads/2019/12/TD_TIMIndexFees_2020.pdf >

81. County Watershed Protection District: Before the issuance of building permits, the Applicant/Property Owner must convey to the City of Santa Paula the Ventura County Watershed Protection District Flood Acreage Assessment Fee ("FAF") in accordance with the current rate sheet as approved by the Ventura County Board of Supervisors on June 25, 1991, or in accordance with the current rate sheet. As of September 2019, the FAF is \$2,400 per acre (rounded up to the nearest quarter- acre).

IX. BEFORE PUBLIC STREET IMPROVEMENTS

82. Supersedes. The Conditions of this resolution prevail over all omissions, conflicting notions, specifications, dimensions, typical sections, and the like, which may not be shown on the improvement plans.

83. Responsibility. The Applicant/Property Owner is responsible for all actions of its contractors and subcontractors until such time as City has accepted the improvements.

84. Technical Specifications. All Public Works construction must be in accordance with the following, and must be used for all public improvements on the approved improvement plans including, but not limited to, water, sewer, and storm drain utility systems:

- a) City Standard Specifications;
- b) All applicable City Standard Plates and any modification thereto by the City;
- c) City of Santa Paula Standard Land Development Specifications;
- d) Standard Specifications for Public Works Construction, "Greenbook", latest edition;
- e) American Water Works Association Standards;
- f) California State Department of Health Standards;
- g) Ventura County Watershed Protection District Standards.

X. DURING CONSTRUCTION ACTIVITIES

Fire Department

85. Construction Access: Prior to combustible construction, an all-weather access road / driveway suitable for use by a 20-ton Fire District vehicle shall be installed at locations approved by the Fire District.
86. Construction Access Utilities: Prior to combustible construction, all utilities located within the access road and the first lift of the access road pavement shall be installed. A minimum 20-foot clear width shall remain free of obstruction during any construction activities within the development once combustible construction starts.

Public Works

87. Survey Monuments: before Construction. Before the final inspection and/or occupancy, the developer must submit evidence to the city of existing corner lot monumentation before project approval and at the completion of the project to ensure that existing corner monumentation and witness markings are not disturbed by construction activities or were reset.
88. Prior to construction, the applicant shall comply with the City of Santa Paula standard requirements for dust control, including, but not be limited to, minimization of ground disturbance, application of water/chemicals, temporary/permanent ground cover/seeding, street sweeping, and covering loads of dirt for the review and approval of the City Engineer and Public Works Director. All clearing, grading, earth moving,

excavation, soil import and/or soil export operations must cease during periods of high winds (greater than 15 mph averaged over one hour).

89. Prior to construction, the applicant shall post, in a conspicuous location, the construction hour limitations and make each construction trade aware of the construction hour limitations to the satisfaction of the City.
90. At least one (1) week prior to commencement of grading or construction, the applicant shall prepare a notice that grading or construction work will commence. This notice shall be posted at the site and mailed to all owners and occupants of property within five-hundred feet (500') of the exterior boundary of the project site, as shown on the latest equalized assessment roll. The notice must include current contact information for the applicant, including all persons with authority to indicate and implement corrective action in their area of responsibility, including the name of the contact responsible for maintaining the list. The names of individuals responsible for noise and litter control, tree protection, construction traffic and vehicles, erosion control, and the twenty-four (24) hour emergency number, must be expressly identified in the notice. The notice must be re-issued with each phase of major grading and construction activity. A copy of all notices must be concurrently transmitted to the Community and Economic Development Department. The notice record for the City must be accompanied by a list of the names and addresses of the property owners notified and a map identifying the notification area.
91. Best Management Practices: During construction, the construction plans must incorporate Best Management Practices applicable to the Project for the review and approval by the City Engineer. The Applicant/Property Owner is responsible for BMP monitoring, performance, maintenance and replacement during construction and until they are not required. Inspection of all erosion and sediment control (ECS) devices and BMP's must be conducted every 14-days and within 24-hours of a half-inch rainfall event. Inspections must be recorded.
92. Prior to the start of grading or any ground disturbance, the applicant shall identify a responsible person experienced in NPDES compliance who is acceptable to the City Engineer and Public Works Director. The designated NPDES person (superintendent) shall be present, on the project site Monday through Friday and on all other days when the probability of rain is forty percent (40%) or greater and prior to the start of and during all grading or clearing operations until the release of grading bonds. The superintendent shall have full authority to rent equipment and purchase materials to the extent needed to effectuate Best Management Practices. The superintendent shall be required to assume NPDES compliance during the construction of streets, storm drainage systems, all utilities, equipment, and final landscaping of the site.
93. Development shall conform to the current requirements for the County's MS4 permit for new development.

94. All storm water facilities shall conform to the most current Ventura County Technical Guidance Manual for Storm Water Quality Control Measures.
95. A State Storm Water Pollution Prevention Plan (SWPPP) is required for all ground disturbing activities that are greater than one acre. Prior to Grading Permit issuance, a Notice of Intent (NOI) and the SWPPP shall be filed with the State Water Resources Control Board, and a Waste Discharger Identification (WDID) number must be obtained.
96. Work in the Public Right of Way: During construction, an Encroachment Permit must be obtained from the Public Works Department if any construction is performed within the public right of way and if any equipment and/or materials will be stored on a City street. An Encroachment Permit is needed to perform the work within the time and work specified in the permit. An additional or revised Encroachment Permit may be required depending on the nature of the work.
 - a) A Traffic Control Plan prepared by a Civil Engineer or Licensed Traffic Professional is required for all work in the public right of way.
 - b) An Encroachment Permit shall be required for any temporary parking of deliveries of or staging material on City right-of-way.
 - c) Traffic control plan shall include construction advisory speed limits, speed limit posting locations, and enforcement measures if needed.
97. Construction Vehicle Parking: All construction equipment and vehicles must be stored or parked on the subject site, and must not be stored or parked on City streets, except as may be permitted by the City Engineer for a specified temporary period through written authorization or as agreed upon as a result of the Construction Management Plan to be developed, reviewed and approved by the City. Deliveries of BESS modules and subsequent module replacements are prohibited from utilizing private driveways along Thirteenth Street and Twelfth Street.
98. During construction the applicant shall utilize all prudent and reasonable measures (including installation of a 6-foot-high chain link fence around the construction site(s) and/or provision of a full time licensed security guard) to prevent unauthorized persons from entering the work site at any time and to protect the public from accidents and injury.
99. During construction written weekly progress reports and a grading completion report must be submitted to the City Engineer by the project geotechnical engineers. These reports must include the results and locations of all compaction tests, as-built plans of all required fill removal, over excavation and remedial grading, including geologic mapping of the exposed geology of all excavations showing cut cross-sections and sub-drain depths and locations. The lists of excavations approved by the engineering geologist must also be submitted. Building permits will not be issued without

documentation that the grading and other pertinent work has been performed in accordance with the geotechnical report criteria and applicable Grading Ordinance provisions.

100. During construction, the applicant shall provide temporary irrigation, and erosion control measures, approved by the Community and Economic Development Director, City Engineer and Public Works Director. Temporary grading is defined to be any grading partially completed and any disturbance of existing natural conditions due to construction activity. These measures will apply to a temporary or permanent grading activity that remains or is anticipated to remain unfinished or undisturbed in its altered condition for a period of time greater than thirty (30) calendar days except that during the rainy season (October 1 to April 15), these measures will be implemented immediately.
101. Grading may occur during the rainy season from October 1 to April 15, subject to timely installation of erosion control facilities when approved in writing by the City Engineer, Public Works Director and the Community and Economic Development Director and when erosion control measures are in place. In order to start or continue grading operations between October 1 and April 15, project-specific erosion control plans that provide detailed Best Management Practices for erosion control during the rainy season must be submitted to the City Engineer and Public Works Director no later than September 1 of each year that grading is in progress. During site preparation and construction, the contractor shall minimize disturbance of natural groundcover on the project site until such activity is required for grading and construction purposes. During the rainy season, October 1 through April 15, all graded slopes must be covered with a woven artificial covering immediately after completion of each graded slope. Grading operations must cease if the applicant fails to place effective best management measures on graded slopes immediately after construction. No slopes may be graded or otherwise created when the National Weather Service local three-day forecast for rain is twenty percent (20%), or greater, unless the applicant is prepared to cover the permanent and temporary slopes before the rain event. The artificial covering and planting will be to the satisfaction of the Community and Economic Development Director, City Engineer, and Public Works Director.
102. Rough Grade Report. At the completion of rough grading, the project Geotechnical Engineer shall submit a comprehensive rough grade report summarizing the required observations, verifications, related tests, and other pertinent documentation to Public Works and Community and Economic Development Departments for review and approval prior to the issuance of a Building Permit. The report shall include the results of all compaction tests as well as a map depicting the limits of over excavation, observed geologic conditions, locations of all density tests, locations and elevations of all removal bottoms, and location and elevation of all retaining wall backdrains and outlets.

103. Rough Grade and Equipment Pad Certifications. Upon completion of rough grading, the applicant shall submit Rough Grade and Equipment Pad Certifications on the City's forms. The certifications shall be signed by the project Geotechnical Engineer and project Civil Engineer, as well as the Grading Contractor. The certification shall be accompanied by as-built survey where deemed necessary by the City Engineer to verify compliance with the limits and elevations required by the approved grading and drainage plans. The Rough Grade and Equipment Pad Certifications shall be reviewed in conjunction with the Rough Grade Report by the City of Santa Paula Public Works Department for approval prior to the issuance of a Building Permit.
104. Approval of Rough Grading. The project Rough Grade Report and Rough Grade and Equipment Pad Certifications shall be reviewed and approved by the City Engineer. Evidence of such approval shall be provided to the Community and Economic Development Department, Building and Safety Division, prior to the issuance of a Building Permit. No Building Permit shall be issued for the project without these approvals.
105. Prior to final inspection of improvements, the project Registered Civil Engineer shall submit certified original "record drawing" plans with three (3) sets of paper prints and the appropriate plan revision review fees to the City Engineer and Public Works Director along with electronic files in a format satisfactory to the City Engineer and Public Works Director. These "record drawing" plans must incorporate all plan revisions and all construction deviations from the approved plans and revisions thereto. The plans must be "record drawings" on 24" X 36" Mylar® sheets (made with proper overlaps) with a City title block on each sheet. In addition, the applicant shall provide an electronic file update of the City's Master Base Map electronic file, incorporating all streets, sidewalks, streetlights, traffic control facilities, street striping, signage and delineation, storm drainage facilities, water and sewer mains, lines and appurtenances and any other utility facility installed for this project.

XI. FEES DUE BEFORE THE FINAL INSPECTION AND/OR OCCUPANCY

Building & Safety

106. City Development Impact Mitigation Fees: Before the final inspection and/or occupancy, the Applicant/Property Owner must pay the total City Development Impact Mitigation Fees (all 10 categories) in accordance with SPMC Chapter 160: Development Impact Fees. For the City's current "Master Fee Schedule" refer to City Council hearing of May 02, 2016 and Resolution No. 6969.

Note: The Building & Safety Division will compute the exact DIFs as part of the Building Permit process.

<http://santapaulaca.igmm2.com/Citizens/Detail_LegiFile.aspx?ID=1324&highlightTerms=Citywide%20User%20Fee%20and%20Rate%20Public%20Hear >

<http://santapaulaca.igmm2.com/Citizens/Detail_LegiFile.aspx?ID=1138&highlightTerms=Development%20Impact%20Fee >

Finance:

107. City Fees & Charges: Before final inspection and/or occupancy, all applicable Department/Division (Building & Safety, Planning, Public Works, and Legal) Project Review & Plan Check fees and charges must be paid in full.

XII. BEFORE THE FINAL INSPECTION

Building & Safety

108. Waste Diversion: Before the final inspection and/or occupancy, the Applicant/Property Owner shall request weight tickets from “Athens Services”, the franchise waste hauler of the City of Santa Paula, for compliance with the 65% Construction & Demolition Program (or current diversion rate as established by CA Green Building Code § 4.408.1: Construction Waste Management).

Before the final inspection and/or occupancy the weight tickets and any diversion records shall be submitted to the Building Official.

“Athens Services” is currently located at 866 E. Main Street, Santa Paula.
Phone: (805) 933-0100. Website: < athens-env.com >

Planning

109. Hazardous Materials: Before the final inspection and/or occupancy, the Applicant/Property Owner shall receive final approval from the Ventura County Hazardous Materials Program for all on-site business activities and operations.

< <http://www.vcrma.org/envhealth/cupa/index.html> >

110. Air Quality: Before the final inspection and/or occupancy, the Applicant shall receive final approval of an Occupancy Permit from the Ventura County Air Pollution Control District (VCAPCD) for all on-site business activities and operations, per Government Code § 65850.2(c) and AB 3205.

< http://www.vcapcd.org/occup_prmt.htm >

111. As-Built: Before the final inspection and/or occupancy, the Applicant/Property Owner's Architect shall submit As-Built Plans to the Planning Division for review. The submitted As-Built Plans must be:

- a) One (1) full and complete digital set; and
- b) One (1) full-size paper set.

Fire Department

112. Hydrant Location Markers: Before the final inspection and/or occupancy, blue reflective hydrant location markers shall be placed on the access roads in accordance with Fire District standards. If the final asphalt cap is not in place at time of occupancy, hydrant location markers shall still be installed and shall be replaced when the final asphalt cap is completed.

113. Fire Code Permits: Before occupancy or use of any system or item requiring an International Fire Code (IFC) permit, the Applicant/Property Owner shall obtain all applicable IFC permits.

Public Works

114. Final Grade Certification. Prior to the final inspection, the applicant shall submit a Final Grade Certification on the City's form. The Final Grade Certification shall be reviewed and approved by the City Engineer prior to final inspection for the project.

115. Public Damage Replacement. Before the final inspection and/or occupancy, the Applicant/Property Owner must remove and replace any part of existing public improvements damaged during construction of the Project.

- a) All underground irrigation, water, and other pipes or openings which are encountered during construction of street and site improvements must be removed or replaced in a manner satisfactory to the City Engineer.

MAINTENANCE

116. All landscaping must be maintained in a healthy and thriving condition, free of weeds, litter and debris. All paved surfaces: including, but not limited to, the parking area and aisles must be maintained free of litter, debris and dirt. Parking areas and aisles must be swept, washed, or vacuumed regularly. When swept or washed, litter, debris and dirt must be trapped and collected to prevent entry to the storm drain system and infiltration basin in accordance with NPDES requirements.

117. The applicant and/or property owner shall provide verification to the City Engineer and Public Works Director that all proposed on-site storm drains have been cleaned

at least twice a year, once immediately prior to October 1st (the rainy season) and once in January. Additional cleaning may be required by the City Engineer and Public Works Director depending upon site and weather conditions.

118. All storm water detention, retention, and impoundment facilities shall provide access for maintenance purposes. This includes, but is not limited to, maintenance access roads, vehicle and/or man gates, and adequate space to maneuver equipment.

XIII. INDEMNIFICATION

119. Indemnification: The Applicant/Property Owner agree to indemnify and hold the City harmless from and against any claim, action, damages, costs (including, without limitation, attorney's fees), injuries, or liability, arising from the City's approval of Project No. 2020-CUP-05. Should the City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of the City approval of Project No. 2020-CUP-05, the Applicant/Property Owner agrees to defend the City (at the City's request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section "the City" includes the City of Santa Paula's elected officials, appointed officials, officers, and employees.

[SIGNATURES ON NEXT PAGE]

**Project No. 20-CUP-05
Resolution No. 3857
Conditions of Approval**

By signing this document, the Property Owner and Applicant certify that each has read, understood, and agrees to the Project Conditions listed in this document, and that the Applicant is authorized to sign on behalf of the Property Owner.



Philip Reeves
Black Walnut Energy Storage LLC
esVolta, LP

Jan 30, 2024
Date

**CITY OF SANTA PAULA
MEMORANDUM**

To: Honorable Mayor and Members of the City Council

From: Clete Saunier, Public Works Director

Subject: SANTA PAULA GEOLOGIC HAZARD ABATEMENT DISTRICT FISCAL
YEAR 2024/25 ANNUAL BUDGET AND ASSESSMENT LEVY

Date: June 5, 2024

Agenda Item: 11.B

RECOMMENDATION:

Staff recommends that the GHAD Board of Directors:

1. Conduct a public hearing on the proposed assessment levy for the Santa Paula Geologic Hazard Abatement District;
2. Adopt Resolution No. 7519 approving the fiscal year 2024/2025 budget and extending a **\$1,246.00** assessment levy per residential parcel onto the fiscal year 2024/2025 tax roll for the Santa Paula Geologic Hazard Abatement District.

Presented by: Clete J. Saunier, Public Works Director

BACKGROUND:

In 2008, the Santa Paula City Council formed the Santa Paula Geologic Hazard Abatement District (GHAD). Annually, the members of the City Council convene as the District Board, which is required to set the assessment necessary to fund the maintenance and repair of the drainage, open space, and geologic slope stabilization facilities. For Fiscal Year 2024/2025, the maximum assessment limit is **\$2,148.45** per residential parcel for the Santa Paula GHAD.

Staff reviewed the draft Fiscal Year (FY) 2024/2025 GHAD budget with the GHAD's manager to set the assessment level for the next fiscal year. After reviewing the FY 2024/2025 proposed budget and reserve account balance, staff ultimately concluded to set the assessment amount for Fiscal Year 2024/2025 at **\$1,246.00**. At that assessment level, the reserve balance at the end of Fiscal Year 2024/2025 is projected to be approximately **\$744,593**. The District Board's approval of Resolution No. 7519 sets the assessment at **\$1,246.00** per residential parcel for FY 2024/2025.

ANALYSIS:

None. This is an annual budget for the GHAD program.

STRATEGIC PLAN:

This item is not a goal or objective in City Council’s two-year Strategic Plan; however, by adopting this assessment, these funds will be used by the District Engineer to maintain the GHAD Program on behalf of the benefit area residents.

FISCAL IMPACTS:

The Fiscal Year 2024/25 assessment totals **\$93,450.00** for seventy-five residential parcels with the Santa Paula GHAD. The County of Ventura Assessor’s Office collects the assessments. In addition to the assessment total for FY 2024/25, the investment income on the District’s reserves are estimated at about **\$25,600**.

The Fiscal Year 2023/24 and 2024/25 projected ending fund balances with proposed expenditures are as follows:_

Current Assessment (December 2023 Property Taxes)

Beginning Fund Balance (July 1, 2023)	\$612,010
FY 2023/2024 Estimated Revenue.....	\$108,446
FY 2023/2024 Estimated Expenditures.....	(\$37,148)
Estimated Fund Balance (June 30, 2024) ...	\$683,309
FY 2024/2025 Estimated Revenue.....	\$119,074
FY 2024/2025 Estimated Expenditures....	(\$57,789)
Estimated Fund Balance (June 30, 2025) ...	\$744,594

OPTIONS:

The Board has the following available alternative option to staff’s recommendations:

1. Do not adopt Resolution No. 7519 approving the FY 2024/2025 budget and placing a **\$1,246.00** per residential parcel assessment onto the December 2024 tax roll for the Santa Paula GHAD. This would hinder the Santa Paula GHAD from providing preventive maintenance and operations such as slope stabilization and erosion protection. Furthermore, this would reduce the GHAD reserve which is intended to fund unanticipated expenses that may occur.

ATTACHMENTS:

- [Exhibit A - Resolution No. 7519.pdf](#)
- [Exhibit B - 2024_NOTICE OF PUBLIC HEARING - GHAD.pdf](#)
- [Exhibit C - Santa Paula GHAD FY 24-25 Budget.pdf](#)

EXHIBIT A

RESOLUTION NO. 7519

**A RESOLUTION ADOPTED BY THE BOARD OF DIRECTORS FOR
THE SANTA PAULA GEOLOGIC HAZARD ABATEMENT
DISTRICT**

RESOLUTION NO. 7519

A RESOLUTION ADOPTED BY THE BOARD OF DIRECTORS FOR THE SANTA PAULA GEOLOGIC HAZARD ABATEMENT DISTRICT LEVYING ASSESSMENTS WITHIN THE DISTRICT.

The Board of Directors of the Santa Paula Geologic Hazard Abatement District does resolve as follows:

SECTION 1:The Board of Directors finds as follows:

- A. The Santa Paula Geologic Hazard Abatement District ("GHAD") was established for the purpose of preventing, mitigating, abating and controlling geologic hazards, pursuant to Public Resources Code §§ 26500, *et seq.*
- B. The GHAD Board of Directors was presented with an Engineer's Report for the District prepared by a registered professional engineer certified in the State of California in compliance with Public Resources Code § 26651(a) and § 4(b) of Article XIII(D) of the California Constitution. The Engineer's Report, entitled Engineer's Report for Santa Paula Geologic Hazard Abatement District and dated March 31, 2008 and revised May 1, 2008, was adopted by the Board pursuant to GHAD Resolution No. 1 on June 2, 2008, and is incorporated herein by reference.
- C. The Engineer's Report describes the administration, monitoring and maintenance of improvements related to geologic hazards management within the Santa Paula GHAD and explains the estimated budget, the total assessment that will be chargeable to the entire Santa Paula GHAD, the assessment to be levied against each parcel of property within the boundaries of the Santa Paula GHAD, and a description of the method used in formulating the assessment.
- D. The GHAD Board of Directors approved the Engineer's Report pursuant to GHAD Resolution No. 1 and found that a reliable source of funding is required to pay for the cost and expenses of maintaining and operating GHAD improvements acquired or constructed for the GHAD pursuant to Public Resources Code §§ 26500, *et seq.*
- E. The special benefit derived from the GHAD by each parcel is proportionate to the entire costs of the GHAD, and the amount of the assessment is proportional to, and no greater than, the benefits conferred on each parcel. The assessment does not exceed the reasonable cost of the proportional special benefit conferred on each parcel.

- F. Public Resources Code §§ 26650, *et seq.* authorize, after a noticed public hearing, the levy and collection of an assessment upon specially benefited property within the GHAD to pay for the maintenance and operation of GHAD improvements. Article XIID of the California Constitution ("Proposition 218") imposes additional requirements for the levy and collection of an assessment.
- G. On July 28, 2008, the Board held a public hearing to consider the results of a protest proceeding conducted in accordance with California Constitution Article XIID, § 4. Because the valid number of protests received by the GHAD did not represent a majority protest, the Board was authorized to levy the assessment.
- H. Based on the Engineer's Report, the original assessment was set at a limit of \$1,414.00 per residential unit which may be adjusted annually based on the Consumer Price Index (CPI) for the Los Angeles-Long Beach-Anaheim area, which in 2024 would be \$2,148.45 per unit.
- I. By this Resolution, the Board intends to levy an assessment of \$1,246.00 per unit against each parcel of property within the boundaries of the Santa Paula GHAD for FY 2024/25, the same as prior FY 2023/24.
- J. Because there is no increase in the assessment and the Board complied with the initial notice, protest, and hearing requirements, under Government Code § 53735.5, such requirements do not apply to this proposed assessment.

SECTION 2: The Board of Directors orders the levy and collection of an annual assessment against the lots and parcels within Santa Paula GHAD of **\$1,246.00** per residential parcel for Fiscal Year 2024/2025.

SECTION 3: The Board of Directors directs the Clerk to file, in the office of the County Recorder for the County of Ventura, a copy of the assessment diagram, and comply with all other requirements set forth in Public Resources Code § 26654 and Streets and Highways Code § 3114.

SECTION 4: The assessment will be collected by the County Tax Collector in accordance with the procedures set forth in Public Resources Code § 26654.

SECTION 5: The revenues received by the GHAD as a result of the assessments to be levied pursuant to this Resolution will be placed in a fund identified as the "Santa Paula Geologic Hazard Abatement District Fund." Payments from this fund can only be used in accordance with applicable law.

SECTION 6: The Board finds that levying assessments on the lots and parcels within Santa Paula GHAD is exempt from environmental review under Public Resources Code §§ 26601 and 21080(b)(4), as the California Environmental Quality Act does

not apply to actions necessary to prevent or mitigate an emergency and all activities in furtherance of the GHAD are deemed necessary to prevent or mitigate an emergency.

SECTION 7: This Resolution will take effect immediately upon adoption.

PASSED AND ADOPTED this 5th day of June, 2024

Leslie Cornejo, Mayor

ATTEST:

Julie Latshaw, City Clerk

APPROVED AS TO FORM:

Seth Merewitz, Interim City Attorney

APPROVED AS TO CONTENT:

Dan Singer, City Manager

EXHIBIT B

2024 – NOTICE OF PUBLIC HEARING FOR SANTA
PAULA GEOLOGIC HAZARD ABATEMENT DISTRICT



CITY OF SANTA PAULA NOTICE OF PUBLIC HEARING

TAKE NOTICE that the Santa Paula City Council will hold a public hearing on Wednesday, June 5, 2024, commencing at 6:30 pm or as soon thereafter as possible, in the Santa Paula Council Chambers, 970 Ventura St. The public hearing will allow testimony regarding the City's proposed assessment for the Santa Paula Geologic Hazard Abatement District ("GHAD") and placing a \$1,246.00 per parcel assessment onto the December 2024 tax roll for the District. The assessment will only be placed on the properties shown below.

All interested persons are invited to be present and heard at the meeting. Anyone who seeks to challenge the decisions of the City Council in court with respect to these matters may be limited to raising only those issues raised by the public hearing described in this notice, or in written correspondence delivered to the city, at or before the public hearing. Public comment may be submitted at cityclerk@spcity.org. The deadline to submit comments is 3:00 PM (PT) the day of the City Council meeting. We will take your comments in the order they were sent.

Information relating to the above matter will be available upon request from the City Clerk's office starting 10-days prior to the hearing.

To be published in the Santa Paula Times on Friday, May 24, 2024.

District Area Parcel Map: [Next Page]

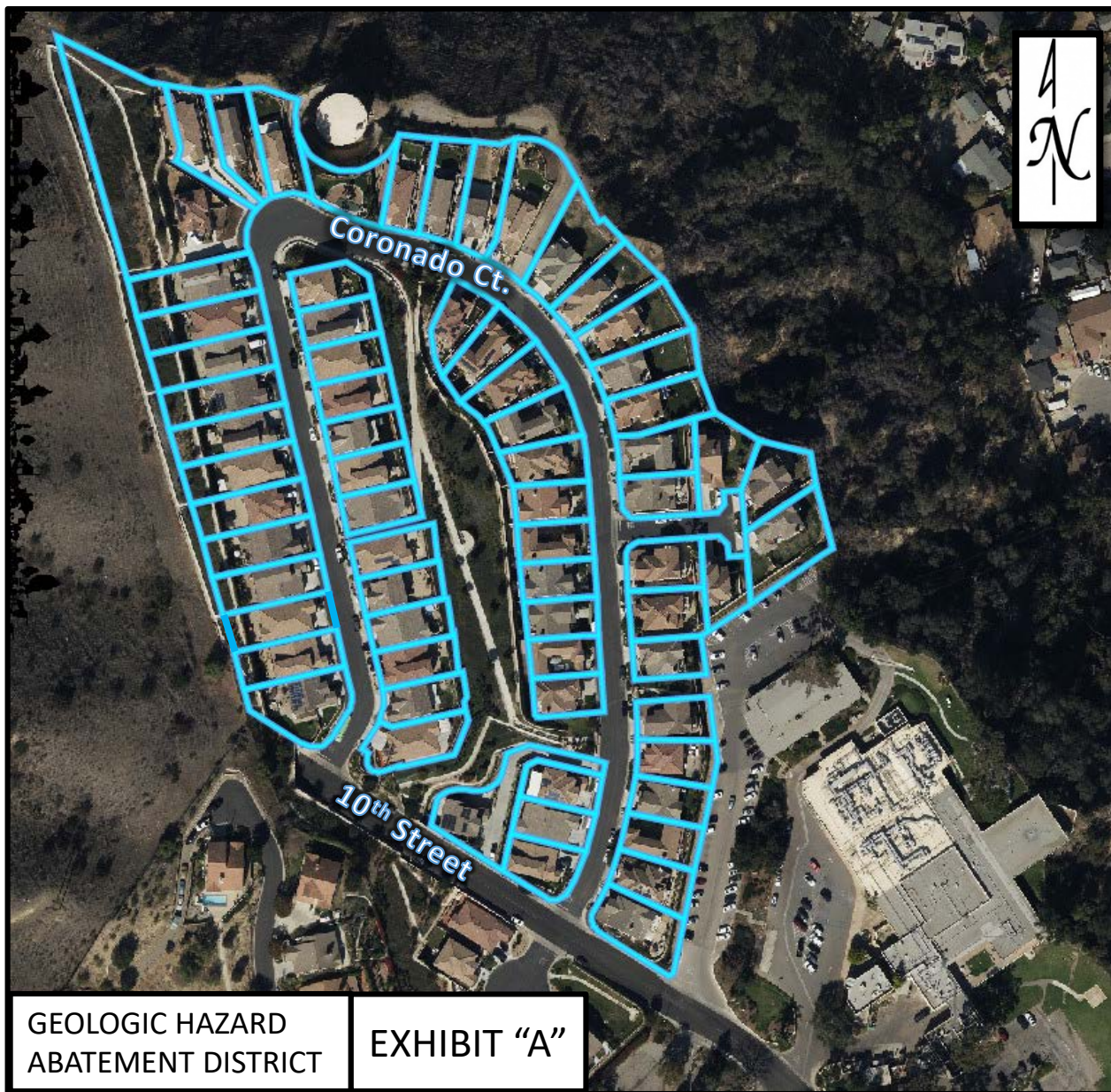


EXHIBIT C

**2024 – NOTICE OF PUBLIC HEARING FOR SANTA PAULA
GEOLOGIC HAZARD ABATEMENT DISTRICT**

**SANTA PAULA GEOLOGIC HAZARD ABATEMENT DISTRICT
PROGRAM BUDGET FOR FISCAL YEAR 2024/25**

May 16, 2024

Santa Paula Geologic Hazard Abatement District Board of Directors

Chair Leslie Cornejo

Vice Chair Pedro Chavez

Boardmember Jenny Crosswhite

Boardmember Carlos Juarez

Boardmember Andy Sobel

Santa Paula Geologic Hazard Abatement District

970 East Ventura Street

Santa Paula, CA 93060-3637

Subject: Santa Paula Geologic Hazard Abatement District
Ridgeview at Vista Glen
Santa Paula, California

PROGRAM BUDGET FOR FISCAL YEAR 2024/25

Dear Chair Cornejo and Boardmembers:

Attached is the program budget for the Santa Paula Geologic Hazard Abatement District (GHAD) for Fiscal Year (FY) 2024/25. The proposed program budget is \$57,789. The budget expenses break down into the following approximate percentages of the total revenue.

Administration and Accounting	7 percent
Additional - Outside Professional Services	8 percent
Preventive Maintenance and Operations	33 percent
Special Projects	0 percent
Major Repair	0 percent
Reserve	52 percent

The budget anticipates FY 2024/25 revenue of \$119,074 with an estimated contribution of \$61,285 to the reserve fund. A summary of the expenses is shown in Table 2, followed by a brief description of each budget item on the following pages.

If you have any questions regarding the contents of this letter, please contact us.

Sincerely,

Santa Paula Geologic Hazard Abatement District
ENGEO Incorporated, GHAD Manager
ENGEO Project No. 7290.002.023



Haley Ralston



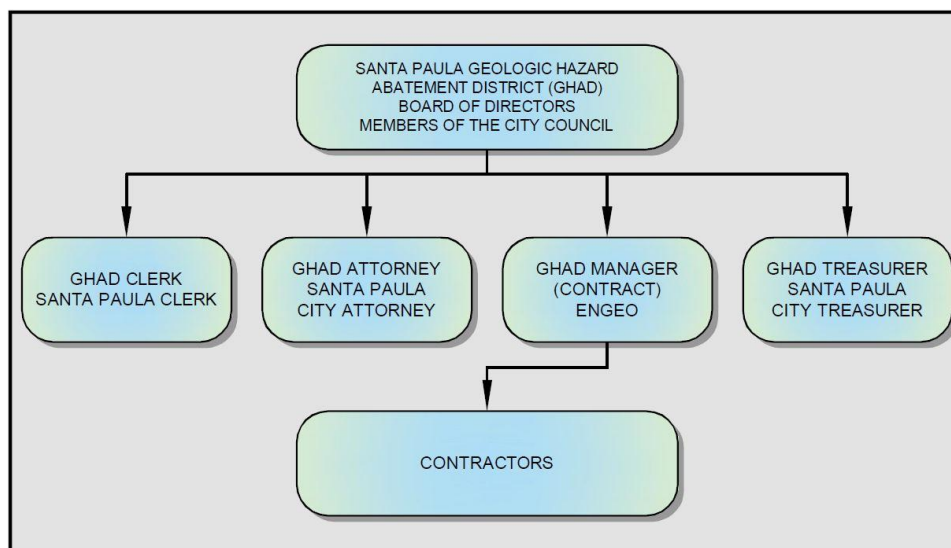
Eric Harrell

hjr/eh/ca

SANTA PAULA GEOLOGIC HAZARD ABATEMENT DISTRICT PROPOSED PROGRAM BUDGET FISCAL YEAR 2024/2025

The following proposed program budget summarizes the anticipated revenues and expenditures for fiscal year (FY) 2024/25 for the Santa Paula Geologic Hazard Abatement District (GHAD), which currently includes the Ridgeview at Vista Glen (“Ridgeview”) development. The structure of the Santa Paula GHAD is shown below.

EXHIBIT 1: Santa Paula GHAD Structure



The GHAD has had monitoring and maintenance responsibilities within the Ridgeview development since 2016 when the GHAD Board of Directors adopted Resolution No. 6974 accepting responsibility for GHAD-maintained improvements.

REVENUE

The GHAD is funded through real property assessments. The initial assessment limit was approved by the Board of Directors with the adoption of Resolution 2008-03(G) on July 28, 2008, at \$1,414. The assessment limit is adjusted annually on April 30 to reflect the percentage change in the Los Angeles-Long Beach-Anaheim Consumer Price Index (CPI) for All Urban Consumers. For fiscal year (FY) 2024/25, the assessment limit increased by 3.90 percent to reflect an increase in the CPI.

The annual assessment limits are as follows.

TABLE 1: CPI Adjustments

FISCAL YEAR	LOS ANGELES CPI (APRIL/APRIL)	ASSESSMENT LIMIT	ANNUAL ASSESSMENT LEVY
2008/2009		\$1,414.00	\$1,414.00
2009/2010	-1.31%	\$1,395.54	\$1,414.00
2010/2011	1.90%	\$1,422.13	\$1,414.00
2011/2012	3.28%	\$1,468.73	\$1,414.00

FISCAL YEAR	LOS ANGELES CPI (APRIL/APRIL)	ASSESSMENT LIMIT	ANNUAL ASSESSMENT LEVY
2012/2013	1.52%	\$1,491.06	\$1,414.00
2013/2014	0.92%	\$1,504.76	\$1,414.00
2014/2015	1.42%	\$1,526.13	\$1,414.00
2015/2016	0.47%	\$1,533.25	\$1,414.00
2016/2017	1.97%	\$1,574.01	\$1,414.00
2017/2018	2.66%	\$1,605.03	\$1,112.00
2018/2019	3.97%	\$1,668.76	\$1,156.00
2019/2020	3.34%	\$1,724.47	\$1,194.00
2020/2021	0.70%	\$1,782.04	\$1,202.00
2021/2022	3.61%	\$1,846.35	\$1,246.00
2022/2023	7.87%	\$1,991.66	\$1,246.00
2023/2024	3.82%	\$2,058.15	\$1,246.00
2024/2025	3.90%	\$2,148.45	\$1,246.00

For FY 2024/25, all 75 residential parcels within the Ridgeview at Vista Glen development are subject to the levy of GHAD assessments. The assessment roll for FY 2024/25 is estimated to total \$93,450 with the recommended assessment levy at \$1,246.00 per residential parcel, which is the same assessment levy approved for FY 2023/24. In addition, as shown on Graph 1, the rate of accumulation towards the target reserve remains above the projected estimates in the approved 2008 Engineer's Report. Each year, GHAD Staff will review the projected reserve account balance against the target reserve balance and determine if the assessment levy needs to be adjusted to remain on track with the target reserve balance.

As provided in the approved Engineer's Report, the assessment limit will continue to be adjusted for inflation annually. The proposed assessment levy for FY 2024/25 does not preclude the GHAD Board in the future from increasing or decreasing the levy of the assessment up to the inflation-adjusted assessment limit. This determination is made by the GHAD Board each year in approving the annual budget for the GHAD. As long as the GHAD Board levies future assessments in accordance with the Engineer's Report, a vote of property owners is not required; a vote is only required if the assessment limit is increased beyond that allowed in the Engineer's Report.

EXPENSES

The budget amounts listed are based on the Engineer's Reports approved by the Santa Paula GHAD Board of Directors in 2008. The budget amounts have been inflation adjusted to maintain a constant dollar value in the listed budget estimates. The budget is divided into four categories including Administration and Accounting, Preventive Maintenance and Operations, Special Projects, and Major Repair. As needed, the GHAD Manager may, in its discretion, reallocate funds within the budget.

ADMINISTRATION AND ACCOUNTING

This category includes administrative expenses for tasks of the GHAD Manager, clerical, and accounting staff related to the operation and administration of the GHAD.

PREVENTIVE MAINTENANCE AND OPERATIONS

Preventive maintenance and operations include slope stabilization, erosion protection, and professional services within the District. Professional services include site-monitoring as specified in the GHAD Plan of Control. Slope stabilization and erosion protection responsibilities include the open-space slopes. GHAD-maintained improvements generally include detention and water-quality improvements, concrete-lined drainage ditches, retaining walls, splash walls, Geoblogg screen walls, subdrains, storm drain facilities, and vegetation management for fire suppression (Parcel "C" only, which is a GHAD-owned parcel).

SPECIAL PROJECTS

The Special Projects category allows the GHAD to budget for projects beneficial to the GHAD that do not fit into one of the other three categories. Although not proposed in the FY 2024/25 budget, special projects can include items such as global position system (GPS)/geographic information system (GIS) development for GHAD-maintained improvements, website development and maintenance, and reserve studies to reevaluate the financial condition of the GHAD.

MAJOR REPAIR

Included within the major repair category are those repair or improvement projects that are intermittent and, by their nature, do not fit within a scheduled maintenance program. Minor slope repair and erosion control items are generally funded within the Preventive Maintenance and Operations category. For the purposes of this budget, we define major repairs as those estimated at over \$50,000.

TABLE 2: Summary of Use of Funds

USE OF FUNDS				
	FY 2023/24 ESTIMATE*	FY 2023/24 BUDGET	FY 2024/25 PROPOSED	PERCENT CHANGE FROM FY 2023/24
MAJOR REPAIRS				
Subtotal	\$0	\$0	\$0	0.0%
PREVENTIVE MAINTENANCE AND OPERATIONS – PROFESSIONAL SERVICES				
Open Space Scheduled Monitoring Events	\$9,400	\$9,400	\$9,600	
Heavy Rainfall Monitoring Events	\$1,639	\$3,000	\$3,000	
Subtotal	\$11,039	\$12,400	\$12,600	1.6%
PREVENTIVE MAINTENANCE AND OPERATIONS – MAINTENANCE AND OPERATIONS				
Sediment Removal Concrete Structures	\$3,150	\$3,800	\$3,800	
Maintenance Stormwater Improvements	\$0	\$2,700	\$2,700	
Vegetation Management and Revegetation	\$5,350	\$5,600	\$5,700	
Subdrain Outlets	\$0	\$2,000	\$2,000	
Slope Stabilization and Erosion Repairs	\$0	\$13,000	\$13,000	
Subtotal	\$8,500	\$27,100	\$27,200	0.4%

USE OF FUNDS				
	FY 2023/24 ESTIMATE*	FY 2023/24 BUDGET	FY 2024/25 PROPOSED	PERCENT CHANGE FROM FY 2023/24
SPECIAL PROJECTS				
Subtotal	\$0	\$0	\$0	0.0%
ADMINISTRATION AND ACCOUNTING				
Administration – City of Santa Paula to GHAD	\$3,800	\$3,800	\$3,900	
GHAD Manager	\$4,800	\$4,800	\$4,900	
Subtotal	\$8,600	\$8,600	\$8,800	2.3%
PROFESSIONAL SERVICES – NON-TECHNICAL				
GHAD Manager – Contracting and Oversight	\$5,200	\$5,200	\$5,300	
GHAD Manager – Consultation and Meetings	\$2,300	\$2,300	\$2,350	
Treasurer	\$600	\$600	\$620	
Ventura County Assessor's Fees	\$290	\$290	\$300	
California Association of GHADs Membership	\$119	\$119	\$119	
Insurance – General Liability	\$500	\$500	\$500	
Subtotal	\$9,009	\$9,009	\$9,189	2.0%

*FY 2023/24 Estimate Includes Actual Expenses through April 30, 2024, with estimate for remaining expenditures through June 30, 2024.

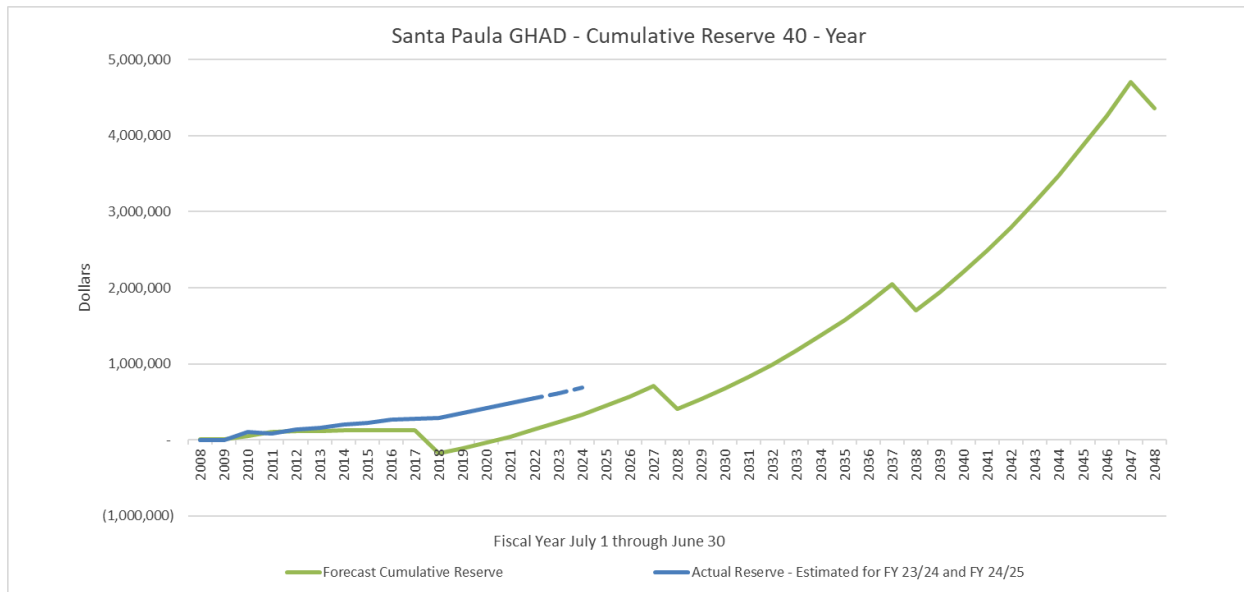
TABLE 3: Summary of Proposed Fiscal Year 2024/25 Budget

BUDGET ITEM	LABEL	BUDGET AMOUNT	PERCENTAGE OF TOTAL REVENUE
MAJOR REPAIRS			
	TOTAL	\$0	0%
PREVENTIVE MAINTENANCE AND OPERATIONS			
<u>Professional Services</u>			
Open Space Scheduled Monitoring Events		\$9,600	
Heavy Rainfall Monitoring Events		\$3,000	
Subtotal		\$12,600	
<u>Contractor Services</u>			
Sediment Removal – Concrete Structures		\$3,800	
Stormwater Improvement Maintenance		\$2,700	
Vegetation Management and Revegetation		\$5,700	
Subdrain/Storm Drain Outfall Maintenance		\$2,000	
Slope Stabilization and Erosion Protection		\$13,000	
Subtotal		\$27,200	
	TOTAL	\$39,800	31%

BUDGET ITEM	LABEL	BUDGET AMOUNT	PERCENTAGE OF TOTAL REVENUE
SPECIAL PROJECTS			
	TOTAL		0%
ADMINISTRATION			
Administration – GHAD to City of Santa Paula		\$3,900	
GHAD Manager		\$4,900	
	Subtotal	\$8,800	7%
ADMINISTRATION PROFESSIONAL SERVICES – NON-TECHNICAL			
GHAD Manager – Contracting and Oversight		\$5,300	
GHAD Manager – Consultation and Meetings		\$2,350	
Treasurer		\$620	
Ventura County Assessor's Fees		\$300	
California Association of GHADs Membership		\$119	
Insurance – General Liability		\$500	
	Subtotal	\$9,189	8%
	TOTAL	\$17,989	
ESTIMATED EXPENDITURES			
	TOTAL	\$57,789	46%
Fund Balance (June 30, 2023)		\$612,010	
FY 2023/24 Estimated Revenue		\$108,446	
FY 2023/24 Estimated Expenditures		\$37,148	
ESTIMATED FUND BALANCE JUNE 30, 2024	TOTAL	\$683,308	
FY 2024/25 Estimated Revenue		\$119,074	
FY 2024/25 Expenses		\$57,789	
ESTIMATED RESERVE/FUND BALANCE ON JUNE 30, 2025	TOTAL	\$744,593	

The current Program Budget estimates that at the beginning of the 2024/25 fiscal year, the cumulative reserve will be about \$683,308 and \$744,593 at the end of FY 2024/25. As shown on the graph below, the cumulative reserve is above the amount estimated in the 2008 Engineer's Report and is estimated to reach approximately \$4,350,000 by 2048. The GHAD reserve is intended to fund unanticipated expenses that may occur.

GRAPH 1: Cumulative Reserve



We attribute the additional reserve accumulation to a number of factors including (1) the expenditures for maintenance of the open space surrounding the development have been lower than anticipated in the 2008 Engineer's Report; (2) a large-scale repair has not been necessary within the GHAD-maintained areas; and (3) the budgets submitted and expenditures made by the current GHAD manager reflect the lower level of activity, thus allowing a higher percentage of the GHAD revenues to be applied to the reserve portion of the budget, while maintaining an appropriate monitoring and maintenance program.

ADMINISTRATION AND ACCOUNTING

GHAD Management

Administration

City Services

This budget item accounts for payment of GHAD-authorized fees for City of Santa Paula services. Administrative expenses include the Public Works Department duties related to the operation and administration of the GHAD.

Estimated Budget: \$3,900

GHAD Manager

Administrative expenses include the GHAD Manager duties related to the budgeting, operation, and administration of the GHAD. The budget estimate for the accounting and administrative services is derived from the original GHAD budget used to prepare the GHADs Engineer's Report.

Estimated Budget: \$4,900

Outside Professional Services – Non-Technical

GHAD Contracting and Oversight Services

This budget item includes contracting for GHAD Manager maintenance, repair, and emergency response that may occur during FY 2024/25.

Estimated Budget: \$5,300

Meeting and Consultation

This budget item allows for GHAD Manager meetings and consultation with the City of Santa Paula, the Ridgeview at Vista Glen Homeowners Association, and the GHAD Board of Directors during this period.

Estimated Budget: \$2,350

Treasurer

This budget item accounts for fees related to investment of the GHAD reserve funds and processing of accounts payable.

Estimated Cost: \$620

Ventura County Assessor's Fees

This budget item accounts for fees from the Ventura County Assessor's Office.

Estimated Cost: \$300

California Association of GHADs Membership

The GHAD maintains membership in the California Association of GHADs.

Estimated Cost: \$119

Insurance

The GHAD maintains general liability insurance through the California Association of GHADs for GHAD-owned open space areas within the GHAD (Parcel C only).

Estimated Cost: \$500

PREVENTIVE MAINTENANCE AND OPERATIONS

Professional Services

Scheduled Monitoring Events

As provided in the Plan of Control, there are two scheduled monitoring events and heavy rainfall monitoring events. In general, these monitoring events will occur in April, after winter rains, and October, before winter rains.

Estimated Budget: \$9,600

Heavy Rainfall Monitoring Events

As described in the Plan of Control, heavy rainfall monitoring events are to occur when precipitation totals greater than 2 inches in a 24-hour period. We anticipate two heavy rainfall monitoring events may occur during the 2023/24 fiscal year.

Estimated Budget: \$3,000

Maintenance and Operations

Sediment Removal - Concrete Structures

This budget item is to provide for the periodic removal of vegetation, cleaning, sealing, and minor repair of concrete-lined drainage ditches.

Estimated Budget: \$3,800

Maintenance – Stormwater Improvements

This budget item is to provide for the maintenance of stormwater improvements within the Ridgerview development including the CDS unit maintenance.

Estimated Budget: \$2,700

Vegetation Management and Revegetation

This budget item includes firebreak mowing on Parcel “C”, vegetation management, and revegetation, which will occur during the 2024/25 fiscal year.

Estimated Budget: \$5,700

Subdrain Outlets

This budget item provides for subdrain outlets to be located, relocated, and repaired, as necessary.

Estimated Budget: \$2,000

Slope Stabilization and Erosion Repairs

This is for unanticipated minor repairs, including slope instability or erosion, which may occur during the 2024/25 fiscal year.

Estimated Budget: \$13,000

SPECIAL PROJECTS

There are currently no special projects anticipated in the 2024/25 fiscal year budget within the GHAD-maintained areas of the Santa Paula GHAD.

MAJOR REPAIRS

There are currently no major repair projects anticipated in the 2024/25 fiscal year budget within the GHAD-maintained areas of the Santa Paula GHAD. While no major repairs are ongoing at this time, by their nature, major repairs such as landslides are unpredictable and could occur during the 2024/25 fiscal year. The reserve portion of the budget allows for funding toward these unpredictable events.

**CITY OF SANTA PAULA
MEMORANDUM**

To: Honorable Mayor and Members of the City Council

From: Jonathan Royas, Deputy City Manager

Subject: CITYWIDE GOVERNANCE POLICY CONSIDERATION

Date: June 5, 2024

Agenda Item: 12.A

RECOMMENDATION:

Staff recommends the City Council:

1. Discuss and provide feedback to staff on the establishment of a Citywide Governance Policy.

Presented by: Jonathan Royas, Deputy City Manager

BACKGROUND:

On March 15, 2023, the City of Santa Paula City Council adopted Ordinance No. 1327, implementing a by-district election system of five City Councilmembers. A district map was selected along with an election sequence: Districts 1 and 5 will be up for election this November, and Districts 2, 3 and 4 up for election in November 2026. The Council will continue to select the Mayor and Vice-Mayor among the five councilmembers to serve a one-year term each December.

Under this new system, Santa Paula is divided into five distinct geographical districts, with voters in each district electing one Councilmember who also resides in that district.

During the initial “districting” process in 2023, significant public input was gathered. These processes were based on the 2020 federal census data. As of the most recent elections in 2022, all seated Councilmembers were elected through an at-large election.

At the March 1, 2023 City Council meeting, prior to Council's approval of the first reading of Ordinance No. 1327 to transition to districts, staff included a recommendation for City Council to discuss and consider a draft Citywide Governance Policy, as commonly done in other jurisdictions. At that time, Council discussed their commitment to governing with a citywide perspective, considering the needs and interests of the entire Santa Paula community as a whole, but ultimately directed staff to return within a years time to discuss the item further.

ANALYSIS:

It has been over one year since Council moved forward with moving to districts and with the

2024 elections upon us, staff is bringing this item back as directed by Council for further discussion.

In further research of cities who have moved from at-large elections to by-district elections, it is considered a best practice for cities with district elections to maintain a citywide approach to priorities, service delivery, and community accessibility. For example, the City of Santa Maria recently implemented district elections and adopted a resolution to establish such an approach as Council-approved policy. Similarly, the City of Grover Beach (Exhibit A), City of Rohnert Park (Exhibit B), the City of Napa (Exhibit C), and the City of Brentwood all adopted comparable resolutions during their transition to district elections.

Some of the benefits of establishing such a policy are:

- Ensuring decisions and resource allocations are based on long-term strategic planning;
- Best management practices for City staff which provide for appropriate and equitable service levels and infrastructure investments citywide;
- Policies which foster a sense of unity and common purpose among residents and elected officials; and
- Enhancing transparency and accountability by establishing clear expectations and standards for Councilmembers, ensuring they consider the broader implications of their decisions in service to the entire community.

This model could also be beneficial for Santa Paula as it documents and communicates citywide governance expectations for the Council following the recent change in the election method. Additionally, it is a best practice many cities have used to neutralize parochial governance as discussed in depth by the California City Management Foundation's "Transitioning to a Council Elected by Districts: 5 Steps for Fostering Good Government." (Exhibit D)

It should be noted that should Council adopt such a policy, it would not preempt a Councilmember from advocating or taking up issues attributed to their district or constituency with the entire Council. In addition, such a policy statement would make clear to City staff that their responsibility is to the entire community.

Following discussion on the concept of establishing such a resolution for Santa Paula, Council should direct staff to return with a final recommendation to Council. A sample resolution has been provided for review as Exhibit A.

Should a future resolution be adopted, a copy of this resolution will be included in materials prepared for City Council candidates and onboarding materials for new Councilmembers to ensure future leaders integrate this commitment into their governing processes. It will also be added as an amendment to Council's Policies and Protocol's Manual.

STRATEGIC PLAN:

This item is not a goal or objective within City Council's two-year Strategic Plan.

FISCAL IMPACTS:

There are no fiscal impacts related to this resolution.

OPTIONS:

In addition to Staff's recommendation, City Council has the following options available for consideration:

1. Choose not to move forward with a Citywide Governance Policy; or
2. Provide staff other desirous action related to this item.

ATTACHMENTS:

[Draft Resolution No. XXXX Citywide Governance Policy for Elected Officials.doc](#)

[Exhibit A - City of Grover Beach.pdf](#)

[Exhibit B - City of Rohnert Park.pdf](#)

[Exhibit C - City of Napa.pdf](#)

[Exhibit D - CCMF Example.pdf](#)

DRAFT RESOLUTION NO. XXXX

A RESOLUTION OF THE CITY OF SANTA PAULA APPROVING AND ESTABLISHING A CITYWIDE GOVERNANCE POLICY FOR ELECTED OFFICIALS

The City Council for the City of Santa Paula does resolve as follows:

SECTION 1: The City Council finds and declares as follows:

- A. WHEREAS, on March 15, 2023, the City Council adopted Ordinance No. 1327, establishing that future City Council elections will be held by district; and
- B. WHEREAS, on June 5, 2024, the City Council affirmed its commitment to citywide governance, regardless of the method by which City Council members are elected, and directed staff to bring forward a citywide governance policy; and
- C. WHEREAS, governing citywide allows for the continuation of accessible customer service, the most effective use of taxpayer resources, and consistency in city services; and
- D. WHEREAS, all members of the City Council will continue to serve all of the people of Santa Paula.

SECTION 2: Therefore, be it resolved by the City Council of the City of Santa Paula, California, that:

1. The City Council will govern on a citywide basis and ensure decisions are made based on the needs and interests of the entire community; and
2. The City Council wishes to remain united in its customer service to the community and providing excellent quality of life for all; and
3. All members of the City Council will help all members of the community regardless of which district residents reside in or from which districts the City Council members are elected; and
4. Professional management in a strong City Manager/City Council form of government will continue; and
5. City staff will work to provide services equally without regard to specific districts and will work with the City Council on the establishment of priorities on a citywide basis; and

6. Commissions and board appointments will continue to be made at large, with each Councilmember able to nominate appointees from anywhere in the City irrespective of election districts; and
7. Information necessary for the City Council to govern on a citywide basis will be shared with all City Councilmembers; and
8. Resources will continue to be allocated based on long-term strategic planning efforts, with citywide considerations of service levels and financial capacity; and
9. Current practices of inviting all Councilmembers to events and activities will remain in effect; and
10. The City Council will follow the current practice of the Mayor speaking at events on behalf of the City Council and if not available the vice Mayor or other Councilmembers who are available will speak on behalf of the City Council; and
11. Financial, operational, project, and other information will be presented on a citywide basis and not segregated by election district; and
12. City Council fiscal management, best practices, and city systems will continue to reflect services provided to all residents citywide; and
13. City Council members upon election, re-election, or appointment, will certify, in writing, their receipt and understanding of this Citywide Governance Policy.

PASSED, ADOPTED, and APPROVED this 5th day of June 2024.

Leslie Cornejo, Mayor

ATTEST:

Julie Latshaw, City Clerk

APPROVED AS TO FORM:

Seth Merewitz, Acting City Attorney

APPROVED AS TO CONTENT:

Dan Singer, City Manager

DRAFT

EXHIBIT A - CITY
OF GROVER
BEACH

RESOLUTION NO. 22-30

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GROVER BEACH, CALIFORNIA, APPROVING AND ESTABLISHING A CITYWIDE GOVERNANCE POLICY WITH THE IMPLEMENTATION OF CITY COUNCIL DISTRICT ELECTIONS

WHEREAS, on March 28, 2022, the City Council adopted Ordinance No. 22-02 implementing by-District election of the four Council Member seats; and

WHEREAS, November 2022 will be the first election of City Council Members by district for Districts 1 and 2 with elections for Council Members for Districts 3 and 4 in November 2024; and

WHEREAS, The City Council affirms the value of at-large governance regardless of the method from which Council Members are elected; and

WHEREAS, citywide governing allows for the continuation of accessible customer service, the most effective use of taxpayer resources and consistency of City services; and

WHEREAS, the City Council agrees it will continue to serve all of the people of the City of Grover Beach.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GROVER BEACH, CALIFORNIA, DOES DELARE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. The City Council wishes to remain united in its service to the community and will govern on an at-large basis, considering the needs and interests of the entire community.

SECTION 2. As customer service is a priority, any Council Member will help any member of the community who contacts them.

SECTION 3. Professional management of the City will continue to be a Council-Manager form of government under the policy leadership of the City Council as a governing body.

SECTION 4. City resources will be allocated to address priorities and needs on a citywide basis with a budget adopted by the City Council as a governing body.

SECTION 5. Current practices regarding invitations to City Council Members to events and activities and appointments to committees and various bodies will remain in effect.

On motion by Council Member Rushing, seconded by Mayor Pro Tem Bright, and on the following roll-call vote, to wit:

AYES:	Council Members – Rushing, Mayor Pro Tem Bright and Mayor Lee
NOES:	Council Members – None
ABSENT:	Council Members – Miller, Robert
ABSTAIN:	Council Members – None
RECUSED:	Council Members – None

the foregoing Resolution was **PASSED, APPROVED**, and **ADOPTED** at a regular meeting of the City Council of the City of Grover Beach, California this 27th day of June 2022.

JEFF LEE, MAYOR

Attest:


WENDI B. SIMS, CITY CLERK

EXHIBIT B - City of Rohnert Park

RESOLUTION NO. 2021-092

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROHNERT PARK, CALIFORNIA, APPROVING AND ESTABLISHING A CITYWIDE GOVERNANCE POLICY FOR ELECTED OFFICIALS

WHEREAS, on February 25, 2020, the City Council adopted Ordinance No. 944, establishing that future City Council elections will be held by district, and

WHEREAS, on July 27, 2021, the City Council affirmed its commitment to citywide governance, regardless of the method by which City Council members are elected, and directed staff to bring forward a citywide governance policy; and

WHEREAS, governing citywide allows for the continuation of accessible customer service, the most effective use of taxpayer resources, and consistency in City services; and

WHEREAS, all members of the City Council will continue to serve all of the people of Rohnert Park.

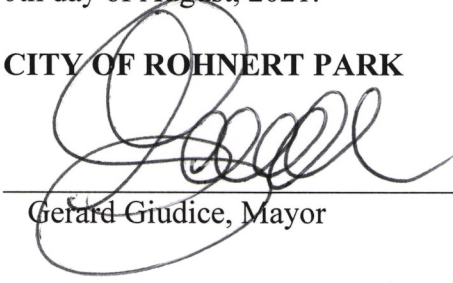
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rohnert Park, California, that:

1. The City Council will govern on a citywide basis and ensure decisions are made based on the needs and interests of the entire community; and
2. The City Council wishes to remain united in its customer service to the community and providing excellent quality of life for all; and
3. All members of the City Council will help all members of the community regardless of which district residents reside in or from which districts the City Council members are elected; and
4. Professional management in a strong City Manager/City Council form of government will continue; and
5. Commissions and board appointments will continue to be made at large, with each Councilmember able to nominate appointees from anywhere in the City irrespective of election districts; and
6. Information necessary for the City Council to govern on a citywide basis will be shared with all City Councilmembers; and
7. Resources will continue to be allocated based on long-term strategic planning efforts, with citywide considerations of service levels and financial capacity; and
8. Current practices of inviting all Councilmembers to events and activities will remain in effect; and

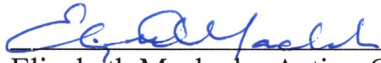
9. The City Council will follow the current practice of the Mayor speaking at events on behalf of the City Council and if not available, the Vice Mayor or other Councilmembers who are available will speak on behalf of the City Council; and
10. Financial, operational, project, and other information will be presented on a citywide basis and not segregated by election district; and
11. City Council fiscal management, best practices, and city systems will continue to reflect services provided to all residents citywide; and
12. City Council members upon election, re-election, or appointment, will certify, in writing, their receipt and understanding of this Citywide Governance Policy.

DULY AND REGULARLY ADOPTED this 10th day of August, 2021.

CITY OF ROHNERT PARK


Gerard Giudice, Mayor

ATTEST:


Elizabeth Machado, Acting City Clerk

ADAMS: Aye LINARES: Aye STAFFORD: Aye ELWARD: Aye GIUDICE: Aye
AYES: (5) NOES: (0) ABSENT: (0) ABSTAIN: (0)

EXHIBIT C - CITY OF NAPA

RESOLUTION R2022 __

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPA,
STATE OF CALIFORNIA, APPROVING AND ESTABLISHING A
CITYWIDE GOVERNANCE POLICY FOR ELECTED OFFICIALS

WHEREAS, on May 5, 2020, the City Council adopted O2020-007 establishing district-based elections for four Councilmembers, with the Mayor continuing to be directly elected on a citywide basis, as codified at Napa Municipal Code Chapter 1.10; and, whereas prior to the adoption of this ordinance, each member of the Council (the Mayor and each of the four Councilmembers) was elected in at-large elections by the registered voters of the entire City; and

WHEREAS, the City conducted its first district-based elections for Districts 2 and 4 for the November 2020 election; and the City conducted district-based elections for Districts 1 and 3 for the November 2022 election; thus, following the November 2022 election, all four Councilmembers have been elected by voters of the district in which they reside; and

WHEREAS, in February 2022 at the City Council Workshop, each member of City Council (including the Mayor and four Councilmembers) affirmed their desire to govern on an citywide basis, considering the needs and interests of the entire community; and

WHEREAS, the City Council understands the value of citywide governance regardless of the method from which City Council members are elected; and

WHEREAS, governing citywide allows for the continuation of inclusive and accessible customer service, the most effective use of taxpayer resources, and consistency in City services; and

WHEREAS, each member of the City Council will continue to serve all of the people of Napa.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Napa, as follows:

1. The City Council will govern on a citywide basis, considering the needs and interests of the entire community.
2. It is the goal of the City Council to provide leadership to City staff, officials, and representatives so that the City will continue to provide inclusive and accessible customer service to the entire community and facilitate an excellent quality of life for all.
3. Each member of the City Council will help all members of the community regardless of the district in which a resident resides or a proposed project is located, or from which a Councilmember is elected.

4. Professional management by the City Manager utilizing best management practices, with policy leadership and direction from the City Council, consistent with Napa City Charter Sections 85 and 86 and Napa Municipal Code Chapter 2.08, will continue.

5. Resources will continue to be allocated based on long-term strategic planning efforts, with citywide considerations of equitable service levels and financial capacity.

6. Current practices regarding invitations to members of the City Council to events and activities, and appointments to committees and various bodies will remain in effect.

7. City Council fiscal management, best practices, and City systems will continue to reflect services provided to all residents citywide.

8. The City Council directs the City Clerk to include this resolution in materials prepared for new City Council Candidates and as a part of City Councilmember onboarding materials.

I HEREBY CERTIFY that the foregoing Resolution was duly adopted by the City Council of the City of Napa at a public meeting of said City Council held on the 6th day of December 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____
Tiffany Carranza
City Clerk

Approved as to form:

Michael W. Barrett
City Attorney

EXHIBIT D -
California City
Management
Foundation's
"Transitioning to a
Council Elected by
Districts: 5 Steps for
Fostering Good
Government



CCMF

CALIFORNIA

CITY MANAGEMENT FOUNDATION

Transitioning to a Council Elected by Districts: 5 Steps for Fostering Good Government

**By: Jan Perkins & Rod Gould
of Management Partners**

This resource is provided for the members of the California City Management Foundation (CCMF) whose mission is to promote and encourage excellence in city management. For more information and to access additional resources, visit www.cacitymanagers.org.



Transitioning to a Council Elected by Districts: 5 Steps for Fostering Good Government

October 2019

California cities are in the midst of a significant transition in how their councilmembers are elected. In November 2018 alone, 57 California cities made the switch from at-large to district elections, with councilmembers chosen by geographical area. Dozens more are in the midst of changing or beginning to explore the idea.

The change to election-by-districts does not change the council-manager form of government or the fact that each councilmember gets one vote. It still requires a majority of the council to make policy. But, it can create some confusion and differing expectations by members of the public about what councilmembers should be doing in “their” districts. City councils will be well-served by deciding how they want to govern, how they want to represent all of their community members, and what principles will guide their decisions upon moving to district elections.

The reasons for the transition and the potential pros and cons are worthy topics for discussion. However, this article seeks to explain what city officials—both elected and professional staff—can do to prepare for such a transition and promote good government principles and practices. Here are five ideas:

If you are a California City Manager but not a CCMF member, we invite you to join. Membership information can be found at www.cacitymanagers.org.

1. Establish Council Principles and Protocols

There will be a variety of expectations about what may be different after councilmembers are elected by district. It will be important to get councilmembers' questions out on the table and then, as a body, create some clear governing principles and protocols. If you spend time early on this (ideally before the election or shortly afterwards), it can save misunderstandings later. Councilmembers are likely to have a host of practical questions, such as: how board and commission members are appointed, who on the council should be going to what events, how should constituent services be tracked, who can hold a town hall meeting, what should the letterhead say, and even whether the Mayor's role changes in any way.

Some cities have already had these conversations, such as Concord, Fremont, Santa Clara, Santa Maria and Garden Grove, and examples are readily available. For instance:

- The City of Santa Maria has adopted a resolution stating while council members are elected by district, they will govern at large for the entire community.
<https://www.cityofsantamaria.org/home/showdocument?id=23982>
- The City of Santa Clara has created three principles for governance to guide their decisions, along with a list of protocols to help them on practical issues.
<http://santaclaraca.gov/government/governance>. Their three governance principles are:
 - We all care about and will govern for the entire Santa Clara community.
 - We will follow our Santa Clara ethical values.
 - We will follow our Council-Manager form of government.

2. Discuss Assumptions and Principles with the Management Team

Some staff will have worked in cities with districts, while many will not have. What works and is "normal" procedure in one districted city will not work well in another city, so it will be important for the city manager to have a conversation with his or her senior management. Some staff may assume that they will need to start dividing the capital improvement program up by district because they saw it done that way elsewhere. Others may worry about setting up service hubs in each district. Some will want to know how to handle

councilmember requests for information about services confined to their districts only. The principles of professional management should continue to apply to the staff's work, and the city manager and senior managers need to work through how they will meet changing requests and expectations.

3. Do a Check-In After Some Experience

What councilmembers and the city manager think may happen after districts are in place may not actually materialize.

- It is useful to hold a check-in session with the council and city manager about how things are working, whether the protocols established are the right ones, and whether any tune-ups are needed.
- Members of the public will be learning, too, and what the council and staff have heard from the public during the first few months of having districts will be useful feedback. Some community members may think that "their" councilmember now can independently decide for a district and not fully understand that the governance system remains unchanged of majority votes to decide policy and budget items. So during this check in, there may be communication issues that are raised that will be useful as an action step going forward to educate the public about what is different and what is the same now that councilmembers are elected by district.
- Staff will also have had some experience after a few months and may have some helpful input for this check-in. For instance, there may be more information requests about issues in districts - and IT systems may not be geared in that way, which may require an investment if such information is needed in the future.

4. Set Citywide Priorities

Councils already set annual budgets, and many city councils establish annual or multi-year goals and priorities. With district elections, it is as important as ever to do goal setting for the entire city, with priorities set by the council as a body for the community as a whole. Districts are quite small geographically in most communities, and issues that affect one district most commonly affect other areas of the community as well. So, an integrated citywide approach to goal setting is a good way to focus attention on big-picture issues. It is also a way to steer away from short-term thinking. Annual goal setting can go a long way in helping the Council serve as a unified body.

If you are a California City Manager but not a CCMF member, we invite you to join. Membership information can be found at www.cacitymanagers.org.

5. Build Your Bench

Encouraging residents to engage in civic participation is important for a healthy local government, and may be even more so once district elections are in place. Residents who are familiar with city government through their work in citizen academies, boards, task forces, committees and commissions often make effective councilmembers because they have developed the skills and vision needed to represent a district and the city effectively. A city council and city manager can provide leadership by ensuring that your city has multiple opportunities for residents to serve and encouraging a wide cross-section of them to do so.

The switch from at-large to district elections is a change in how councilmembers are elected. It is not a change in the fundamentals of decision-making by majority, the council/manager form of government, a desire for staff professionalism, or the fundamentals of good government. The change does not have to be scary, but it is wise to be proactive in planning for it and taking steps to decide how the council and city manager want city government to operate.

The point should be to retain a high-functioning local government that responds effectively to its constituents, no matter how they elect their representatives. Resources such as, "Attributes of Exceptional Councils" by the Institute for Local Government can be good reminders that the business of local government remains to serve everyone in the community, regardless of how councilmembers are elected.

https://www.ca-ilg.org/sites/main/files/file-attachments/exceptional_councils_6.21.pdf

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California City Management Foundation

P.O. Box 221537

Newhall, CA 91322

<https://www.cacitymanagers.org/>

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Membership information can be found at www.cacitymanagers.org.*

**CITY OF SANTA PAULA
MEMORANDUM**

To: Honorable Mayor and Members of the City Council

From: Dan Singer, City Manager

Subject: FIRST AMENDMENT TO THE AFFORDABLE HOUSING TRUST FUND
OVERSIGHT COMMITTEE GUIDELINES

Date: June 5, 2024

Agenda Item: 12.B

RECOMMENDATION:

Staff recommends that the City Council:

1. Adopt Resolution 7522 amending the Affordable Housing Trust Fund Oversight Committee Guidelines to further refine the definition of "public employee" and add Section 2.D providing some flexibility to the Council relative to appointments outside the enumerated membership categories.

Presented by: City Manager Dan Singer

BACKGROUND:

On May 24, 2023, the City Council adopted Ordinance No. 1329 ("Ordinance") amending Section 16.13.410 of the Santa Paula Municipal Code regarding the use of Affordable Housing Trust Funds from Affordable Housing In-Lieu Fee Payments.

On June 21, 2023, the City Council adopted Resolution No. 7466 establishing the Affordable Housing Trust Fund Oversight Committee and Adopting Operational Guidelines.

An amendment to the Operational Guidelines is desired and is the purpose of this action item as further described in this report and reflected in the attached Resolution.

ANALYSIS:

The Affordable Housing Trust Fund Oversight Committee is comprised of five members, appointed by the City Council. Upon the initial formation of the committee, the term of membership will be three members serving a 3-year term, two members serving a 2-year term, and all members will serve a 2-year term thereafter. The Committee will convene based on the demand created by the number of applicants seeking Affordable Housing Trust Fund monies and/or by the amount of revenues available. The Committee will review and report to the public and the City Council on the revenue in the Affordable Housing Trust Fund, the request for these funds by affordable housing development and service organizations and provide recommendations to City Council on the allocation of the funds.

The Committee Members are composed of members who demonstrate support for affordable housing with the following make-up:

Section 2.B. To be eligible to serve on the Committee, members must be:

- A U.S. Citizen
- 18 years of age
- A resident of the City, unless the appointee is the one non-resident member with qualified experience in the area of affordable housing finance and development and whose membership is approved by a resolution of the City Council (SPMC 12.04)
- Not a public employee

As there is no definition of "public employee" provided within the adopted Guidelines, the City Attorney has interpreted this restriction broadly to mean any person holding a position within any public agency. Using that interpretation greatly restricts who may be eligible to serve, such that no person in public safety, public health, public education, public law, social services or special districts may be appointed to the committee.

At this time, staff recommends the Guidelines replace the term "public employee," to only restrict candidates who are "Santa Paula City employees" or who are working within a public agency who might reasonably be expected to apply as an applicant seeking Affordable Housing Trust Fund monies.

Section 2.C. It is preferred that Committee Members are composed of members who demonstrate a need for affordable housing with the following make-up:

- Three members from the city at-large
- One resident of an affordable housing development
- One from within, or outside the city with experience in affordable housing developments.

Due to a lack of applicants desiring to serve on the Committee and the difficulty in placing those limited applicants in the various categories, specifically a resident of an affordable housing development, there is a need for flexibility to appoint Committee members outside of categories enumerated in Section 2.C.

In order to provide some flexibility to the Council relative to Committee appointments, City staff recommends the following language be added as Section 2.D to the Affordable Housing Trust Fund Guidelines:

- "Any position on the Affordable Housing Trust Fund Oversight Committee that cannot be filled by a person fully meeting the membership composition requirements set forth in Section C, above, may be filled by any resident otherwise possessing the qualifications to serve on the Committee. In making such an appointment, the Council shall ensure that the Committee is composed of members that reflect the City's diversity of interests and viewpoints in order to ensure broad-based community representation."

Modifying the criteria for serving would broaden the application pool without compromising potential conflicts of interest for individuals who may work for public agencies seeking Affordable Housing Trust Fund monies, and/or required to be a resident of an affordable housing development, leaving positions open if there are no applicants meeting the current

criteria. The attached Resolution would establish a first amendment to the Operational Guidelines to accommodate these new definitions.

STRATEGIC PLAN:

The appointment of an Affordable Housing Trust Fund Oversight Committee provides efficiency in the oversight and allocation of funds for the financing and development of affordable housing projects and will support the following City Council Strategic Goal:

F: Community Vitality

Goal: Provide the residents of Santa Paula with sustainable resources and programs to make this a great place to live and grow.

FISCAL IMPACTS:

Modifying the Affordable Housing Trust Fund Oversight Committee Operational Guidelines would not create any fiscal impacts.

OPTIONS:

The Council has the following available alternative options to Staff's recommendations:

1. The Council can exercise its discretion to revise the language as it deems appropriate.
2. The Council can decline to revise the Committee's composition requirements, although the difficulty in finding applicants in the various categories will remain.

ATTACHMENTS:

[ATTACHMENT_A_Resolution_No._7522__First Amend
AFf_Housing_Trust_Fund_Comm.docx](#)

ATTACHMENT A

RESOLUTION NO. 7522
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SANTA PAULA AMENDING SECTION 2 OF THE AFFORDABLE HOUSING TRUST
FUND OVERSIGHT COMMITTEE GUIDELINES RELATING TO THE COMMITTEE
COMPOSITION AND QUALIFICATIONS

The City Council of the City of Santa Paula resolves as follows:

SECTION 1: The City Council finds and declares as follows:

A. On May 24, 2023 the City Council adopted Ordinance No. 1329 (“Ordinance”) amending Section 16.13.410 of the Santa Paula Municipal Code regarding the use of Affordable Housing Trust Funds from Affordable Housing In-Lieu Fee payments;

B. The Ordinance contains a fiscal accountability provision that obligates the city to create an oversight committee to make recommendations to the City Council on the expenditures of revenues from the Affordable Housing Trust Fund and inform the public and the City Council to ensure that the funds are expended in accordance with the intention of the city’s ordinance

C. On June 21, 2023 the City Council adopted the Affordable Housing Trust Fund Oversight Committee Guidelines, which incorporated by reference, to establish the guidelines that govern the purpose, appointment, membership requirements, duties and procedures for the Affordable Housing Trust Fund Oversight Committee.

D. The Council now desires to amend Section 2.B. of the Affordable Housing Trust Fund Oversight Committee Guidelines to provide the Council with flexibility to appoint Committee members who are not “Santa Paula City employees” or who works with a public agency who might reasonably be expected to apply for Affordable Housing Trust Fund monies.

E. The Council now desires to amend Section 2 of the Affordable Housing Trust Fund Oversight Committee Guidelines by adding Section 2.D. to provide flexibility to appoint committee members outside of the enumerated membership categories.

SECTION 2: *Amendment.* The City Council hereby amends the Affordable Housing Trust Fund Oversight Committee Guidelines by amending Section 2.B. and adding Section 2.D. related to the Composition and Qualifications for appointment of the Affordable Housing Trust Fund Oversight Committee. A copy of the amended Affordable Housing Trust Fund Oversight Committee Guidelines is attached as Exhibit “A”, which is incorporated by this reference.

SECTION 3: This Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

PASSED AND ADOPTED this 5th day of June 2024

Leslie Cornejo, Mayor

ATTEST:

Julie Latshaw City Clerk

APPROVED AS TO FORM:

Seth Merewitz, Acting City Attorney

APPROVED AS TO CONTENT:

Dan Singer, City Manager

EXHIBIT A

To Resolution 7522

**AFFORDABLE HOUSING TRUST FUND
OVERSIGHT COMMITTEE GUIDELINES**

CITY OF SANTA PAULA AFFORDABLE HOUSING TRUST FUND OVERSIGHT COMMITTEE GUIDELINES

Section 1. Committee Purpose

On May 24, 2023 the City Council approved Ordinance No. 1329 amending Section 16.13.410 of the Santa Paula Municipal Code regarding the use of Affordable Housing Trust Funds from Affordable Housing In-Lieu Fee payments. This action resulted in the requirement to form an Affordable Housing Trust Fund Oversight Committee to ensure that Affordable Housing Trust Funds are expended in accordance with the intention of the ordinance. These Guidelines are intended to implement the oversight provisions the Affordable Housing Trust Fund.

The Affordable Housing Trust Fund Oversight Committee will convene based on the demand created by the number of applicants seeking Affordable Housing Trust Fund monies and/or by the amount of revenues available. The Committee will review and report to the public and the City Council on the revenue in the Affordable Housing Trust Fund, the request for these funds by affordable housing development and service organizations, and provide recommendations to city council on the allocation of the funds.

The Committee shall confine itself specifically to its obligations related to the use of Affordable Housing Trust Fund monies derived from Affordable Housing In-Lieu Fee payments. All monies from other sources shall fall outside the scope of the Committee's purview.

Section 2. Composition and Qualifications.

A. The Committee shall consist of five (5) members appointed by the Council.

B. To be eligible to serve on the Committee, members must be:

- A U.S. Citizen;
- 18 years of age;
- A resident of the City, unless the appointee is the one non-resident member with qualified experience in the area of affordable housing finance and development and whose membership is approved by a resolution of the City Council (SPMC 12.04);
- **Not a public employee of the City of Santa Paula or who works for a public agency who might reasonably be expected to apply as an applicant seeking Affordable Housing Trust Fund monies; and**
- Must submit an annual statement of financial disclosure in compliance with the Political Reform Act, Government Code §§81000 et seq.

C. It is preferred that Committee Members are composed of members who demonstrate a need for affordable housing with the following make-up:

- Three members from the city at-large;
- One resident of an affordable housing development; and
- One from within, or outside the city with experience in affordable housing development.

D. Any position on the Affordable Housing Trust Fund Oversight Committee that cannot be filled by a person fully meeting the membership composition requirements set forth in Section 2.C, above, may be filled by any resident otherwise possessing the qualifications to serve on the Committee. In making such an appointment, the Council shall ensure that the Committee is composed of members that reflect the City's diversity of interests and viewpoints in order to ensure broad-based community representation.

Section 3. Appointment Process.

The City Council will appoint members based on an application and interview process.

Section 4. Term of Membership.

Upon initial formation of the committee:

- Three members will serve a 3-year term;
- Two members will serve a 2-year term; and
- All members will serve a 2-year term thereafter.

Section 5. Committee Procedures.

1. The Committee shall select a Chairperson and a Vice-Chairperson from among its members and establish the frequency of their meetings;
2. A simple majority of the Committee shall constitute a quorum;
3. The Committee shall meet at such times as the Chairperson of the Committee deems appropriate in order to fulfill the duties of the Committee;
4. By majority vote, the Committee may remove members who are not in attendance for two (2) consecutive meetings or are not present at 50% of the Committee meetings over a 12-month period;
5. All Committee meetings will be held in compliance with the Ralph M. Brown Act, Government Code §§54950 et seq.

Section 6. Duties of the Committee.

The Committee shall act in an oversight capacity to review revenues and expenditures generated by the Affordable Housing In-Lieu Fee payments to the Affordable Housing Trust Fund in order to ensure conformance with the budget allocation approved by the City Council.

The Committee's specific duties are as follows:

- Report annually by May 1 on the recommended expenditures from the Affordable Housing Trust Fund;
- Develop criteria for the application process and determine analysis and grading criteria;
- Review applications for the use of Affordable Housing Trust Fund monies and make recommendations to the City Council;
- Annually review revenue receipts and expenditures from the Affordable Housing Trust Fund;
- Annually review the status and performance of programs and services funded by the Affordable Housing Trust Fund; and
- Annually prepare an independent report to the City Council regarding the revenue and expenditures from the Affordable Housing Trust Fund.

Section 7. Staff Assistance.

The Community and Economic Development Department and members of the Finance Department will provide technical and administrative assistance to the Committee.

**CITY OF SANTA PAULA
MEMORANDUM**

To: Honorable Mayor and Members of the City Council

From: Julie Latshaw, City Clerk

Subject: APPOINTMENTS TO THE AFFORDABLE HOUSING TRUST FUND
OVERSITE COMMITTEE

Date: June 5, 2024

Agenda Item: 12.C

RECOMMENDATION:

Staff Recommends that the City Council:

1. Appoint applicants to the Affordable Housing Trust Fund Oversight Committee.

Presented by: Julie Latshaw, City Clerk

BACKGROUND:

The City Clerk's office published Vacancy Notices for all open positions on Commissions, Committees and Boards, in the Santa Paula Times, city website and social media.

The City Council attended Special meetings on April 17, 2024 and May 15, 2024, holding applicant interviews for Joseph Beerhalter, Christen Lopez, Gayle Washburn, Olav Hassel, and Gloria Martinez.

- **Affordable Housing Trust Fund Oversight Committee** This is a new Committee, where upon initial formation of the committee members, three members serve a 3-year term, two members serve a 2-year term, and all members thereafter will serve a 2-year term. There are currently five vacancies: three for 3-year terms (6/5/2024-6/5/2027); and two for 2-year terms (6/5/2024-6/5/2026). Once Council is ready to appoint three or more applicants, this Committee would have a quorum to move forward. If all five applicants are not appointed, staff would continue to advertise, and bring back in August/September for interviews and appointments.

ANALYSIS:

On May 15, 2024, Council directed staff to return with a Resolution for Council to consider amending the Affordable Housing Trust Fund Oversight Committee Guidelines as follows:

- Amending Section 2.B. to provide the Council with flexibility to appoint Committee members who are not "Santa Paula City employees" or who works with a public agency who might reasonably be expected to apply for Affordable Housing Trust Fund monies;

and

- Add Section 2.D. to provide flexibility to appoint committee members outside of the enumerated membership categories, specifically a resident of an affordable housing development.

At this Regular City Council meeting June 5, 2024, staff brought before you, Resolution No. 7522, with the above amendments to the Affordable Housing Trust Fund Oversight Committee Guidelines. If Council approves that resolution, Council has the flexibility to appoint all of the applicants who have applied to serve on this Committee.

STRATEGIC PLAN:

The appointment of an Affordable Housing Trust Fund Oversight Committee provides efficiency in the oversight and allocation of funds for the financing and development of affordable housing projects and will support the following City Council Strategic Goal:

F: Community Vitality

Goal: Provide the residents of Santa Paula with sustainable resources and programs to make this a great place to live and grow.

FISCAL IMPACTS:

There are no associated fiscal impacts from this item.

OPTIONS:

The Council has the following available alternative option to Staff's recommendations:

1. Decline to appoint one or more of the applicants; and
2. Direct staff to continue advertising for additional applicants.

ATTACHMENTS:

**CITY OF SANTA PAULA
MEMORANDUM**

To: Honorable Mayor and Members of the City Council

From: Dan Singer, City Manager

Subject: CONSIDERATION OF AN AD HOC COMMITTEE TO ADDRESS AN AFFORDABLE HOUSING FUNDING REQUEST

Date: June 5, 2024

Agenda Item: 12.D

RECOMMENDATION:

Staff recommends the City Council:

1. Consider the re-establishment of the Council's Ad Hoc Committee on Affordable Housing to review and consider a request for financial assistance from an existing applicant/developer, and
2. Request the Mayor appoint up to two members of the City Council to serve on the Committee.

Presented by: Dan Singer, City Manager

BACKGROUND:

In late 2022, the City Council established an Ad Hoc Committee to assist staff with the complex negotiation process associated with expanding the East Area 1 (Harvest) development project expansion. Two Councilmembers, Cornejo and Crosswhite, were appointed to serve on the Committee, which effectively dissolved in March at the conclusion of the negotiation process with Lewis Limoneira Community Builders, the Harvest developers.

During the course of roughly 16 months of negotiations, the RedTail/AHA multifamily and affordable housing project moved forward. RedTail asked for consideration of housing assistance and fee deferrals from the City, so the Ad Hoc Committee was used as a sounding board for that project as well.

While both of those development efforts have completed the approval process, a similar request now exists which would benefit from Council involvement before formal recommendations are brought before the full City Council.

ANALYSIS:

At the direction of the City Council, the Ad Hoc committee would be tasked to review a request from applicant People Self Help (PSHH) for financial assistance (see attached letter from PSHH dated May 22, 2024). PSHH is the applicant for the proposed 68-unit deed restricted,

affordable apartments located at 714 West Harvard Boulevard. PSHH has submitted a request in response to the sharp increase of interest rates and insurance along with other unforeseen financial circumstances related to construction.

In order for staff to work with PSHH to explore funding support options and potential development fee deferrals, staff is requesting that Council re-establish and appoint the Ad Hoc committee. The scope of the Committee will be to work with staff and the applicant to review the following options:

- 1.Defer Development Impact Fees (for x amount of years).
- 2.Provide financial assistance from the City's Affordable Housing Trust Fund.

STRATEGIC PLAN:

This item is consistent with Goal B, Economic Development. Enhance the economic vitality of the community through measures targeted towards development and business retention and expansion and attraction, resulting in diverse housing options, increased revenue generation, job creation, and a business-friendly community.

FISCAL IMPACTS:

PERSONNEL IMPACTS: City Staff time.

There are no direct fiscal impacts associated with the creation of the committee; however, there may be future fiscal impacts based on the potential implementation of either of the following options:

- 1.Defer Development Impact Fees (for x amount of years).
- 2.Provide financial assistance from the City's Affordable Housing Trust Fund.

OPTIONS:

While establishing input from members of the Council would be advantageous, the Council is not obligated to take such action, which may slow down the negotiation process with PSHH. Council could either make the appointment of one or two Councilmembers to the Ad Hoc Committee or could forgo such action and direct staff to negotiate and return with options to the full Council.

ATTACHMENTS:

[Ltr People's Place PSHH City 5.23.24.pdf](#)



May 22, 2024

Mr. Dan Singer
City of Santa Paula
970 E Ventura Street
Santa Paula, CA 93060

RE: **People's Place**
714 – 716 West Harvard Blvd, Santa Paula, CA

Dear Mr. Singer,

On behalf of People's Self-Help Housing, we write to thank the City of Santa Paula in advance for all of the support to achieve construction completion of the 69 affordable apartments at People's Place. So far, we have taken in 765 preapplications from interested parties. Of these, 308 households are currently residents of the City of Santa Paula and 92 are farmworker families. We are thrilled to be nearing completion of our first multifamily new construction development in Ventura County. We are especially excited that our Project will dedicate 21 homes to farmworker families in the community. As excited as we are to reach completion, we write because the Project has been negatively impacted by costly construction delays and market changes including a sudden increase in interest, insurance and overall inflation. People's has made diligent efforts throughout the construction period to secure additional funding but the latest utility delay triggered a tax credit penalty for late delivery which further widened the gap. We would really appreciate the opportunity to explore potential solutions with the City, including the possibility of a deferred impact fee loan, to help the Project overcome the gap in financing created by external conditions during the construction period. People's is striving to achieve occupancy in June 2024 in order to close all permanent financing before the construction loan maturity date expires on January 8, 2025.

Background

The City has been a crucial partner in People's efforts to move People's Place into construction expeditiously. Prior to construction starting, PSHH and the City were making good progress exploring a deferred impact fee loan or other alternatives including a Housing Trust Fund request. While the loan proposal did not progress to Council, the City determined that the water in lieu fee was not applicable, which significantly improved the Project's ability to compete for tax credits. Thanks to this, State + County public fund contributions and the boost for disaster relief projects in the 2021 tax credit competition, People's Place secured a 9% tax credit award that enabled construction start in 2022.

The People's Place project closed construction financing in March of 2022. Just as the Project was closing construction financing, interest rates and insurance began to sharply increase. The largest budget overrun is **-\$1.4 million** for construction loan interest that was ultimately significantly higher than what was projected at the time of the tax credit application in 2021. Finally, a solar embargo led to solar redesign which triggered a change in electrical switchgear. Due to this change in switchgear design and additional late changes required by SCE, the Project's completion date slipped from January 2024 to June 2024. As a 9% tax credit project, penalties are assessed reducing the tax credit equity substantially for every month of completion delay. Unfortunately, the Project is now facing a penalty of **-\$486,642** for construction delay further exacerbating a gap in financing due to external factors. In normal market conditions, contingency budgets are typically adequate to address unforeseen circumstances. However, the past few years have been marked by uniquely volatile market conditions which is substantially increasing barriers for housing affordability.

To address this gap, People's proactively sought out additional funding sources. To date, PSHH has raised an additional **\$331,349** in County CDBG-DR and **\$1,000,000** in Federal Home Loan Bank of San Francisco Affordable Housing Program (AHP) funds. Taken together, these additional funding commitments are helpful but not enough to overcome the remaining gap of **\$1.1 million**.

Proposal

PSHH would like to explore potential solutions that could mitigate the negative financial impacts discussed herein. Consistent with State Gov Code, the City allowed deferment of impact fees to certificate of occupancy. Currently, the People's Place project is assessed \$781,731.79 for Building 1 and \$758,220.60 for Building 2, for a combined total of **\$1,539,952.39**. These fees were provided at time of construction start and are detailed below:

People's Place Impact Fees per 2022 City Estimate	716 W Harvard (36 units)	714 W Harvard (33 units)	Total	% of Total Fees Due
Law Enforcement	\$ 33,044.76	\$ 31,031.54	\$ 64,076.30	4%
Storm Drain Facilities	\$ 40,467.24	\$ 42,829.30	\$ 83,296.54	5%
Water Distribution Facilities	\$ 16,318.69	\$ 16,318.69	\$ 32,637.38	2%
General Gov't	\$ 24,045.89	\$ 22,580.51	\$ 46,626.40	3%
Sewer Collection Facilities	\$ 11,348.10	\$ 11,348.10	\$ 22,696.20	1%
Library Expansion	\$ 81,267.48	\$ 74,495.19	\$ 155,762.67	10%
Traffic Impact	\$ 182,132.64	\$ 199,268.82	\$ 381,401.46	25%
Public Meeting	\$ 53,163.36	\$ 48,733.08	\$ 101,896.44	7%
Parkland	\$ 339,944.04	\$ 311,615.37	\$ 651,559.41	42%
Total	\$ 781,732.20	\$ 758,220.60	\$ 1,539,952.80	100%

We would like to review with you the nexus studies to understand if the assumptions in the estimates are still correct. If the amounts are correct, we would like to explore the possibility of a permanent deferred impact fee loan for traffic and parkland fees amounting to **\$1,032,960**. With a loan, the City can record a note and deed of trust on the property while helping the Project address the capital financing gap created by the external factors mentioned above. PSHH has sample loan documents from other projects – enclosed you will find sample documents for our Pismo Terrace project in the City of Pismo Beach. Based on past projects, we have typically structured these loans with 55-year terms at 0-3% deferred interest, payable from residual receipts.

As an additional option for consideration, PSHH requests an allocation of the City's affordable housing trust program funding. We anticipate that the permanent loan conversion could take another year due to the State's timeline for closing permanent loans which will only continue to exacerbate the cost impacts of accrued construction loan interest. We look forward to exploring these options with you.

Conclusion

Thank you for your consideration and continued support of People's Place. Together, we have shepherded the project through a challenging set of circumstances. People's' marketing and lease up team is diligently working through the hundreds of applications received for the Project. We are eager to house all 69 families and individuals as soon as possible and we cannot wait to celebrate their homecoming!

We look forward to receiving feedback from the City on this request.

Sincerely,

Veronica Zimmerman Garcia
Chief Real Estate Development Officer

CC: James Mason, City of Santa Paula

**CITY OF SANTA PAULA
MEMORANDUM**

To: Honorable Mayor and Members of the City Council

From: Dan Singer, City Manager

Subject: FUTURE AGENDA ITEMS

Date: June 5, 2024

Agenda Item: 13.A

RECOMMENDATION:

Staff recommends City Council review future agenda items.

BACKGROUND:

The attached Future Agenda Items forecast identifies anticipated agenda items for upcoming Council meetings as well as Study Session topics and long-range discussion items. Placing this forecast on the agenda affords the Council and the public the opportunity to discuss such topics and to make any recommendations. It should be noted this is only a forecast and may change over the course of time or based on feedback by the Mayor and City Manager during review of future agendas.

ANALYSIS:

Should a member of the City Council wish to introduce a future agenda topic, it should be done in compliance with the Council's adopted Manual of Procedural Guidelines, Section 5.1. Items introduced by a member of the Council during a Council meeting requires a second and should be reserved for time-sensitive matters needing attention within the proceeding 45 day period.

STRATEGIC PLAN:

FISCAL IMPACTS:

OPTIONS:

ATTACHMENTS:

[6.19.24_Future Agenda Items.docx](#)



Santa Paula City Council Tentative Agenda Schedule

	June 19, 2024	
CDD	Community Development Department Report	
P&R	Parks & Recreation Department Reports	
Finance	Balance Budget Policy	
Clerk	Consolidation with Statewide Election – Reso	
PW	PMP Pavement Maintenance Award	
PW	Plans & Specs Mill St Waterline Replacement Project	
PW	Hillborough Maintenance District Assessment	
CDD	Commercial Building District Live Entertainment Ord	
Admin	Santa Paula Speaks Report and Revenue Considerations	
	July 2, 2024	
Admin	City Manager Department Report	
PD	Police Department Report	
HR	Personnel Rules & Reg Policy Update	
Admin	Isabella Project	
Finance	FY 24/25 Budget Update	
	STUDY SESSION TOPICS	
Admin	No Smoking Ordinance	
Finance	Development Impact Fees (DIF)	
CDD	Cultural Arts	
CDD	Citigate Report & Recommendations (w/Planning Commission)	June
	FUTURE AGENDA ITEMS	
PW	Wastewater Collection System Chloride Study Final Report	August
P&R	Union Oil Building Tenant Selection	July
Finance	Update on Utility Bills	
PW	Plans & Specifications for 8 th Street Streetlight Repair Project	
CDD	ADU Ordinance	
Legal	Fire MOU Amendment	
Finance	2023 City Audit	
Clerk	Update City's Retention List	