

**CITY OF FILLMORE
CITY COUNCIL / FILLMORE FILM COMMISSION**

AGENDA



JOINT MEETING

**TUESDAY, MAY 11, 2010
6:30 P.M.**

FILLMORE CITY HALL
CENTRAL PARK PLAZA
250 CENTRAL AVENUE
FILLMORE, CALIFORNIA 93015-1907
(805) 524-3701 ♦ www.fillmoreca.com

WELCOME TO THE CITY OF FILLMORE CITY COUNCIL MEETING! Your participation at this public meeting is valued and appreciated. Please note the City Council and Redevelopment Agency convene concurrently.

Agenda/Packet: The Agenda/Packet is available for review at Fillmore City Hall and online at www.fillmoreca.com/cityhall/agendas 72 hours before the scheduled meeting (but generally available the Thursday prior to the scheduled Tuesday meeting). Materials related to an item on this agenda submitted to the City Council/RDA after distribution of the agenda packet are available for public inspection in the City Clerk's Office during regular business hours and on the City's website subject to staff's ability to post the documents before the meeting.

Americans with Disabilities Act: In compliance with the ADA, if you need special assistance to participate in this meeting or other services in conjunction with this meeting, please contact the City Clerk's Office at 534-3701. Notification 48 hours prior to 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)

Audible Devices: Please ensure all audible devices (pagers, telephones, etc.) are off or otherwise not audible when the City Council/RDA is in session. Thank you.

Challenging City Council/Redevelopment Agency Decisions: Any legal action by an applicant seeking to obtain a judicial review of the City Council/Redevelopment Agency's decision on a hearing or issue listed on this Agenda may be subject to the 90-day filing period of, and governed by, Code of Civil Procedure § 1094.6. Additionally, if you challenge the actions of the City Council/RDA in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in the public notice, or in written correspondence delivered to the City Council/RDA at, or prior to, the public hearing pursuant to California Government Code § 65009.

Consent Calendar: Items listed on the Consent Calendar are considered to be routine in nature, not discussed individually, and are normally approved by one motion. If a Councilmember or member of the public wishes to comment on a particular item, that item shall be removed for separate action.

No New Business will be considered by the City Council/RDA **after 11:30 p.m.** unless a majority of the legislative body determines to continue.

Public Input: If you wish to address the Council/Redevelopment Agency regarding an item listed **on this agenda**, please complete and submit an Audience Participation Form to the City Clerk prior to consideration of that agenda item. Public Comments is the time for presentations/comments **not on this agenda** but within the subject-matter jurisdiction of the City Council/Redevelopment Agency. Please complete and submit an Audience Participation Form to the City Clerk prior to the beginning of Public Comments. Pursuant to California Government Code/Brown Act, the City Council/Redevelopment Agency ordinarily cannot take action on any item that is not listed on the agenda. As a result, matters identified during Public Comment will be referred to staff for follow-up or considered on a future agenda. In accordance with Resolution No. 09-3175, speakers are provided five (5) minutes for items listed on the agenda and no more than five (5) minutes to speak during Public Comments. Please stay within the time allotment indicated by the Mayor.

Replay Schedule: City Council/RDA meetings will be re-broadcast on Channel 10 daily at 6:00 p.m.

Joint Fillmore City Council / Film Commission Meeting Agenda – May 11, 2010

1. **Call to Order:** 6:30 P.M.
2. **Pledge of Allegiance**
3. **Roll Call:** Councilmembers Brooks, Conaway, Hernandez, Washburn and Mayor Walker

Chairperson Couse, Vice Chair Brown, Commissioners Bowlin, Frias and Nielsen
4. **Approval of Agenda**
5. **Presentations and Announcements**
 - A. Proclamation to Citizen Doug Wilhelm for Volunteer Graffiti Removal
 - B. Proclamation of National Travel Week to be presented to the Heritage Valley Tourism Bureau

6. **Public Comments**

7. **Consent Calendar**

Film Commission

Recommendations for Item A. is to Approve

- A. [Minutes of April 7, 2010 Film Commission Meeting](#)

City Council

Recommendation for Items B. though D. is to Approve

- B. [Warrant List for May 11, 2010](#)
- C. [Revised Minutes of March 9, 2010 Regular City Council Meeting](#)
- D. [Progress Report on Brine Discharging Water Softener Rebate Program and Chloride Control](#)

8. **Public Hearings**

City Attorney

- A. [Adoption of Interim Urgency Ordinance Extending Citywide Moratorium on Establishment and Operation of Medical Marijuana Dispensaries for Ten Months and Fifteen Days.](#)

Recommendation: 1) Receive Report, Receive Public Comment, and Provide Comments; and 2) Adopt by a four-fifths vote as an urgency measure Ordinance No. 10-818, an Ordinance Extending a Citywide

*Moratorium on the Establishment and Operation of Medical Marijuana
Dispensaries*

9. Film Commission

- A. Report to the City Council on recent Film Commission activities and the Outcome of the Locations Expo 2010
- B. Report to the City Council on Goals and Upcoming Planned Activities of the Film Commission

10. Department Reports

City Manager Department

- A. [Request by Fillmore Chamber of Commerce for the City Council to allocate \\$5,000 for the 2010 May Festival to offset Operating Costs.](#)

Options: 1) Authorize the City to absorb \$5,000 in additional Police costs for the May Festival event; or, 2) Authorize the City to absorb some amount in Police Overtime costs for the May Festival; or, 3) See what the actual revenue/cost is for the event and; if there is a shortfall, authorize the City to absorb up to \$5,000 in Police overtime costs for the event; or, 4) Do not authorize the City to absorb \$5,000 in Police overtime costs.

Finance Department

- B. [Request City Council to Increase the Legal Services Special Litigation and Contract Housing Budget Line Items for Fiscal Year 2009-2010 in the Amount of \\$80,000 and Adoption of City Council Resolution #10-3240 Amending the FY 10/11 Budget.](#)

Recommendation: 1) Authorize an additional budget appropriation from the General Fund in the amount of \$78,000 to the Legal Services - Special Litigation account; 2) Authorize an additional budget appropriation from the General Fund in the amount of \$2,000 to the Legal Services - Contract Housing account; and 3) Adopt City Council Resolution 10-3240 Approving and Adopting an Amendment to the Fiscal Year 2009-10 Budget.

Public Works Department

- C. [Award of Contract for the 2010 Federal Street Overlay Project on Mountain View Street from Highway 126 to Second Street and on A Street from Santa Clara Street to Sespe Avenue.](#)

Recommendation: 1) Award the Contract to the Lowest Bidder for the "Base Bid" to (state name after bids are opened) in the amount of \$346,840.56 and Authorized the City Manager to approve change orders to a combined maximum of \$29,000; 2) Authorize BTC LABS to perform asphalt inspections per Proposal No. 4502.10.083 in the amount not-to-exceed \$9,410; and 3) Authorize Benner and Carpenter to protect and reset Monuments per Proposal dated April 29, 2010 in the amount not-to-exceed \$4,950.

- D. [City Council Authorization for the Mayor to Sign Correspondence to the California Regional Water Quality Control Board Requesting a Payment Plan of \\$80,000 per year to Satisfy Mandatory Penalties in the Amount of \\$240,000 Assessed Against the City's Previous Waste Water Treatment Plant \(WWTP\)](#)

Recommendation: 1) The City Council authorize the Mayor to sign a letter to the Los Angeles Region office of the California Regional Water Quality Control Board requesting a \$80,000 per year payment plan to satisfy the \$240,000 mandatory minimum payment assessed for violations associated with the City's abandoned WWTP.

- E. [Authorization for Approval of Union Engineering Change Order No. 6 in the Amount of \\$20,261 for the Effluent Disposal and Reuse for Fillmore Middle School and Railroad Right Of Way Project and Reset the City Manager's Change Order Authority.](#)

Recommendation: 1) Approve Change Order No. 6 with Union Engineering for 33 additional working days (14 for inclement weather from October 2009 to February 2010 and 19 for additional excavation in Phase 2 – play fields) in the Amount of \$20,261.60 for contractor project overhead due to the 19 work days of Phase 2 additional excavation; and 2) Reset City Manager's Authorization at \$150,000.

- F. [Authorization for Approval of American Water Change Order No. 21 in the Amount of \\$30,809 for Fillmore Water Recycling Plant Design Build Operating Contract and Reset the City Manager's Change Order Authority.](#)

Recommendation: 1) Authorize the City Manager to sign Change Order No. 21 with American Water for a reduction in the Total Fixed Design/Build Price amount of (\$30,809.50) for the Water Recycling Plant Project; and 2) Reset the City Manager's Change Order Authority at \$100,000 beginning after approved Change Order No. 21.

- G. [Award of Contract for Public Landscape Maintenance Services to Mycol, Inc. dba Quality Landscape Care to maintain City landscape areas, lighting and landscape district areas and bio-filter areas.](#)

Recommendation: 1) Award the contract to Mycol Inc. dba Quality Landscape Care in the amount of \$195,158 and authorize the City Manager to approve change orders to a combined maximum of \$19,515 and at total cost not-to-exceed \$214,673.

- H. [Initiation of Proceedings for the Annual Engineers Report and Levy of Assessments for City of Fillmore Landscape and Lighting District No. 2 and Heritage Valley Landscape and Lighting District 2007-1; and Provide Preliminary Direction to Staff about Conducting a Proposition 218 Election for Next Year.](#)

Recommendation: 1) Adopt City Council Resolution 10-3233 to initiate proceedings for the annual levy of assessments for Fillmore Lighting and Landscape District No. 2 for Fiscal Year 2010/2011; 2) Adopt City Council Resolution 10-3234 to preliminarily approve the Engineer's Annual Levy Report for Fillmore Lighting and Landscape District No. 2 for Fiscal Year 2010/2011; 3) Adopt City Council Resolution 10-3235 to declare the intention to levy and collect annual assessments for the Fillmore Lighting and Landscape District No. 2 for Fiscal Year 2010/2011; 4) Adopt City Council Resolution 10-3236 to initiate proceedings for the annual levy of assessments for Fillmore Lighting and Landscape District No. 2007-1 for Fiscal Year 2010/2011; 5) Adopt City Council Resolution 10-3237 to preliminarily approve the Engineer's Annual Levy Report for Fillmore Lighting and Landscape District No. 2007-1 for Fiscal Year 2010/2011; 6) Adopt City Council Resolution 10-3238 to declare the intention to levy and collect annual assessments for the Fillmore Lighting and Landscape District No. 2007-1 for Fiscal Year 2010/2011; 7) Set Public Hearing for June 22, 2010 at the regularly scheduled City Council meeting to receive public comments regarding the Engineers Annual Assessment Report and

the levy of assessments; and, 8) Provide preliminary direction concerning whether the City Council wishes to pursue a Proposition 218 hearing next year.

I. [Review of Annual Storm Drain Maintenance Assessment District Report, Declaring Intent to Levy Assessments and Setting of a Public Hearing.](#)

Recommendation: 1) Adopt City Council Resolution 10-3239 declaring the intention to levy the annual assessment for Fiscal Year 2010/2011 for the Fillmore Storm Drain Maintenance Assessment Districts No. 1, 1A, 3, 4, 5, 6 and 7; and 2) Set Public Hearing for June 22, 2010 at the regularly scheduled City Council meeting to receive public comments regarding the Fillmore Storm Drain Maintenance Assessment Report and the levy of assessments.

11. Committee, Commission, and Board Reports

12. City Council Reports, Recommendations, and Comments

- A. City Councilmember Travel Requests/Brief Reports
- B. Any Councilmember May Propose Items for Placement on Future Agenda
- C. Council Referrals/Brief Comments

13. City Manager

- A. Follow-Up on Requests from the Public/City Council
- B. Announcements and Upcoming Issues

14. Closed Session

- A. Conference with Labor Negotiators: [Government Code Section 584957.6] Agency Designated Representatives: City Manager Yvonne Quiring, Interim Finance Director Anita Lawrence, Jack Hoffman, Hoffman & Associates; Employee Organization: Union of Operating Engineers Local No. 501.
- B. Public Employee Performance Evaluation pursuant to Section 54957 – Title: City Manager. This evaluation is the City Manager’s six-month evaluation as required by Section 13 of the City Manager Employment Agreement.

15. Adjournment: City Council adjourns to a Regular Meeting scheduled for Tuesday, May 25, 2010 at 6:30 p.m. at City Hall, 250 Central Avenue.

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Upcoming Meetings and Related Agenda Items (Info Only)

May 25, 2010 6:30 pm City Council Meeting

May 25, 2010 6:30 pm Public Hearing: Authorization for the Fire Department to Conduct Weed Abatement

Agenda Posted: May 6, 2010, 7:00 p.m.

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