

**CITY OF FILLMORE
CITY COUNCIL**

AGENDA



REGULAR MEETING

**TUESDAY, JUNE 22, 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.

1. **Call to Order:** 6:30 P.M.
2. **Pledge of Allegiance**
3. **Roll Call:** Councilmembers Brooks, Conaway, Hernandez, Washburn and Mayor Walker
4. **Approval of Agenda**
5. **Presentations and Announcements**
6. **Public Comments**
7. **Consent Calendar – City Council**

Recommendation for Items A. through E. is to Approve.

- A. [Warrant List for June 22, 2010.](#)
- B. [Minutes of April 27, 2010 Regular Meeting.](#)
- C. [Acceptance of Improvements: Two Rivers Park.](#)
- D. [Request City Council Adopt City Council Resolution 10-3252 which appropriates Funds Originally Deposited into the General Fund to Line Items in the Amount of \\$6,743.](#)
- E. [Request the City Council Appoint a League of California Cities Voting Delegate and Alternates for the Annual Conference to be Held September 15-17, 2010 in San Diego.](#)

Consent Calendar – Joint City Council / Redevelopment Agency

Recommendation for Item F. is to Approve.

- F. [Adoption of FY 2011 Continuation Budget City Council Resolution 10-3253.](#)

8. Public Hearings

- A. [Conduct Public Hearing and Consider Approval of the Annual Engineers Report and Adoption of City Council Resolutions 10-3247, 10-3248, 10-3249 and 10-3250 for the Levy of Assessments for City of Fillmore Landscape and Lighting District No. 2 and Heritage Valley Landscape and Lighting District 2007-1.](#)

Recommendation: 1) Receive public testimony regarding City Councils intent to approve the annual report, levy assessments and close the duly noticed Public Hearing; 2) Adopt City Council Resolution 10-3247 approving the Engineer's Annual Levy Report for Fillmore Lighting and Landscape Maintenance District No. 2 for Fiscal Year 2010-2011; 3) Adopt City Council Resolution 10-3248 ordering the collection of assessments within the City of Fillmore Landscape and Lighting Maintenance District No. 2 for Fiscal Year 2010-2011; 4) Adopt City Council Resolution 10-3249 to approve the Engineer's Annual Levy Report for Fillmore Heritage Valley Lighting and Landscape District 2007-1 for Fiscal Year 2010-2011; 5) Adopt City Council Resolution 10-3250 ordering the collection of assessments within the City of Fillmore Heritage Valley Landscape and Lighting District 2007-1 for Fiscal Year 2010-2011; and 6) Direct staff to prepare for a Proposition 218 election next year to update the Landscape and Lighting Assessment Districts and work with the City Council to address options of funding and distribution of costs for the Districts over the next six months.

- B. [Conduct Public Hearing and Consider Approval of Annual Storm Drain Maintenance Assessment District Report and Adoption of City Council Resolution 10-3251 confirming the FY 2011 Annual Budget report and Ordering the Levy and Collection of Assessments for Fillmore Storm Drain Maintenance Districts Nos. 1, 1-A, 3, 4, 5, 6 and 7.](#)

Recommendation: 1) Receive public testimony regarding City Councils intent to approve the annual report, levy assessments and close the duly noticed Public Hearing; and 2) Adopt City Council Resolution 10-3251 confirming the annual budget report and ordering the levy and collection of assessments for the Fillmore Storm Drain Maintenance District No. 1, 1-A, 3, 4, 5, 6 & 7 Fiscal Year 2010-2011.

9. Department Reports

City Manager

- A. Consider and Vote on City Councilmember Request to grant Leave of Absence. (Oral Report)

City Clerks Office

- B. [Introduction and Conduct First Reading of an Unnumbered Ordinance: Crimson California Pipeline Oil Franchise Agreement for Common Carrier Pipeline Assets.](#)

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Recommendation: 1) Introduce and Conduct First Reading of an Unnumbered Ordinance combining Crimson California Pipeline Oil Franchise Agreement Common Carrier Assets under one City of Fillmore Ordinance and Granting Extension of Franchise.

Finance Department

- C. [Receive and file the City of Fillmore FY 2008-09 Independent Audit Report/Financial Statements and the 2008-09 Management Letter.](#)

Recommendation: 1) Receive and file report and letter as presented.

Public Works Department

- D. [Status Report on the Development of a Stormwater Bacteria TMDL by the Regional Water Control Board; Request for One or More Council Members to Attend; Request Authorization to Ask for a Delay and to Exclude Reach 3.](#)

Recommendation: 1) City Council have one or more Council persons attend the Bacteria TMDL Public Hearing on July 9th and request that the RWQCB delay the adoption of the Bacteria TMDL and exclude Reach 3 (Santa Paula and Fillmore) from the TMDL.

Community Development Department

- E. [Request City Council to Review and provide direction on whether the City should pursue a Zoning Ordinance Amendment to modify the "First-Third" retail requirement in the Central Business District.](#)

Recommendation: 1) Direct the Planning Department staff to study and analyze the first-third retail and meet with the Downtown Merchants Association for input.

10. Committee, Commission, and Board Reports

11. 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

12. City Manager

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

13. Closed Session

- A. Conference with Legal Counsel – Anticipated Litigation: Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: 2 potential cases.

14. Adjournment: City Council adjourns to a Regular Meeting scheduled for Tuesday, July 13, 2010 at 6:30 p.m. at City Hall, 250 Central Avenue.

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Upcoming Meetings and Related Agenda Items (Info Only)

- July 13, 2010 6:30 pm City Council Meeting & Budget Workshop
- July 14, 2010 6:30 pm Continuation of Budget Workshop
- July 20, 2010 6:30 pm Public Hearing: City Council / RDA Meeting for Budget Adoption

Agenda Posted: June 17, 2010, 6:30 p.m.

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