

**FILLMORE CITY COUNCIL
TUESDAY, OCTOBER 14, 2008**

**REGULAR MEETING
CITY COUNCIL CHAMBERS
6:30 P.M.**

**FILLMORE CITY HALL
CENTRAL PARK PLAZA
250 CENTRAL AVENUE
FILLMORE, CALIFORNIA 93015-1907**

AGENDA

IF YOU WISH TO SPEAK: Oral Communications is the time for citizen presentations or comments on items **not on the agenda**, but within the responsibility of the City Council. Please complete an Audience Participation Form prior to the beginning of oral communications and hand it to the clerk if you wish to speak. Please stay within the time limit indicated by the Mayor. If you wish to speak on an item **on this agenda**, please fill out an Audience Participation Form and hand it to the clerk prior to that item.

AUDIBLE DEVICES: Please ensure all audible devices (pagers, telephones, etc.) are off or otherwise not audible when the Council is in session. Thank you.

AGENDA TIMES: Please note the time listed for each agenda item is the **suggested/estimated time for that item to begin**. Items may be heard earlier or later than the listed time. The estimation includes providing an occasional 10-minute break. No new business will be considered by the City Council **after 11:30 p.m.** unless a majority of the Council determines to continue.

MEMORANDUMS: Memorandums relating to agenda items are on file in the Administrative Assistant's Office. If you have questions regarding the agenda you may call City Hall at (805) 524-3701 or come to City Hall for information. Materials related to an item on this agenda submitted to the City Council after distribution of the agenda packet are available for public inspection in the Administrative Assistant's office at City Hall during normal business hours. Such documents are also available on the City of Fillmore's website at www.fillmoreca.com subject to staff's ability to post the documents before the meeting.

City Council and Redevelopment Agency Agendas are posted on the Web at: www.fillmoreca.com/cityhall/agendas

<u>ITEM</u>	<u>REFERENCE**</u>
1. CALL TO ORDER & PLEDGE OF ALLEGIANCE	Oral
2. APPROVAL OF AGENDA	Oral
3. ORAL COMMUNICATIONS	Oral
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4. CITY COUNCIL CONSENT CALENDAR	(7:00p)
4A. Warrant List for October 14, 2008.	Copy
4B. Trust Warrant List for October 14, 2008.	Copy
4C. Minutes of June 24, 2008 Regular City Council Meeting.	Memo
4D. Minutes of August 26, 2008 Regular City Council Meeting.	Memo
4E. Minutes of September 9, 2008 Regular City Council Meeting.	Memo
4F. Minutes of September 23, 2008 Regular City Council Meeting.	Memo
4G. Amending the City's Conflict of Interest Code.	Memo

- 4H. Approval of Professional Services Contracts with Penfield & Smith and D.R.C. Incorporated. **10/10/08**
- 4I. Extending the Applicability Date of Boyle Work Order No. 35 from the Period of July 1, 2008 to June 30, 2009 to the Period of May 15, 2008 to June 30, 2009. **Memo**
- 4J. Approval of Construction Services Contract with Community Works Design Group For River Park. **Memo**

5. PRESENTATIONS – None.

6. CITY COUNCIL PUBLIC HEARINGS – None.

7. JOINT CITY COUNCIL/REDEVELOPMENT AGENCY PUBLIC HEARINGS – None.

8. JOINT CITY COUNCIL/REDEVELOPMENT AGENCY BUSINESS ITEMS

Finance Director

- 8A. Adopt City Council Resolution No. 08-3164 and Redevelopment Agency Resolution No. 08-239: Approving a Final Municipal and Redevelopment Agency Budget for FY 2008-09. **Memo/ Resos. (7:10p)**

9. CITY COUNCIL BUSINESS ITEMS

Public Works Director

- 9A. Authorize the City Manager to Approve Change Orders to a Maximum of 10% on The Effluent Disposal and Reuse for Fillmore Middle School and Railroad Right-Of- Way Project. **Memo (7:45p)**
- 9B. Approve Change Order No. 4 with Lash Construction to Incorporate the Extension of the Storm Drain from Sespe Avenue to First Street in Central Avenue; Approval of Boyle Engineering Corporation Addendum No. 11 for The Additional Construction Phase Services. **Memo (8:00p)**
- 9C. Discussion of Acquisition/Sale of Properties of Interest to the City of Fillmore, "E" Street Right-of-Way and APN #046-0-050-11 at Sespe Creek. **10/10/08 (8:20p)**

City Attorney

- 9D. Adopt City Council Ordinance No. 08-811: Amending Fillmore Municipal Code Title 6, Chapter 6.04, Adding New Sections 6.04.8611, 6.04.8630, and 6.04.8640 to Protect Commercial Agriculture from Nuisance Claims, and to Provide for Mediation of Disputes. **Memo/ Ord. (8:45p)**

Deputy City Manager

- 9E. Consideration of Urgency Item to Respond to FEMA's Offer of Provisionally Accredited Levee (PAL) Status for Levee Segments #46 and #101 Located on The East Bank of the Sespe Creek from just North of the City Limit to just North Of the Highway 126 Bridge Requiring Response before October 24, 2008. **Memo (9:00p)**

10. CITY COUNCIL REPORTS, DISCUSSION AND APPOINTMENTS

- 10A. Information/Direction to Staff on Legislative Matters and Emerging Issues. **Oral**

- 10B. City Council Member Travel / Travel Reports. **Oral**
- 10C. Other Discussion/Information from Mayor, City Council and City Staff. **Oral**
- 10D. Any Council Member may propose items for placement on a future agenda. **Oral**
 Members may discuss whether or not an item should be placed on a future agenda and the description of the agenda item. Any direction to the City Manager shall have discretion as to when the item will come back on the Agenda, unless the City Council identifies a specific meeting for the item's return.

11. EXECUTIVE SESSION

- 11A. Personnel: Public Employee Performance Evaluation, Title: City Manager [Government Code Section 54957].
- 11B. Personnel: Public Employee Performance Evaluation, Title: City Attorney [Government Code Section 54957].
- 11C. Conference with Legal Counsel – Anticipated Litigation (1) Potential Case [Government Code Section 54956.9 (c)].
- 11D. Conference with Legal Counsel – Existing Litigation [Government Code Section 54956.9] Case No. CIV245419 City of Fillmore vs. Becerra, Et.Al.
- 11E. Conference with Legal Counsel – Anticipated Litigation (1) Potential Case [Government Code Section 54956.9 (c)].

12. ADJOURNMENT – City Council adjourns to a Regular Meeting, set for Tuesday, October 28, 2008 at 6:30 p.m. at Fillmore City Hall, 250 Central Avenue, Fillmore, California. **(10:45p)**

PLEASE NOTE: If you challenge the actions of the City Council 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 at, or prior to, the public hearing. (Calif. Gov't Code §65009).

Any legal action by an applicant seeking to obtain a judicial review of the City Council's decision on a Hearing listed on this Agenda may be subject to the 90-day filing period of, and governed by, Code of Civil Procedure Section 1094.6

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Administrative Assistant at (805) 524-3701. 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)

City Council Replay Schedule: City Council meetings will re-broadcast daily at 6 p.m.