

CITY OF FILLMORE
CITY COUNCIL
&
SUCCESSOR AGENCY

AGENDA



REGULAR MEETING

**TUESDAY, OCTOBER 28, 2014
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 Successor 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/Successor Agency 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/SA is in session. Thank you.

Challenging City Council/Successor Agency Decisions: Any legal action by an applicant seeking to obtain a judicial review of the City Council/Successor 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/Successor Agency 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/Successor Agency 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/Successor Agency **after 11:30 p.m.** unless a majority of the legislative body determines to continue.

Public Input: If you wish to address the Council/Successor 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/Successor 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/ Successor 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/SA meetings will be re-broadcast on Channel 10 daily at 6:00 p.m.

**FILLMORE CITY COUNCIL & SUCCESSOR AGENCY
REGULAR MEETING AGENDA
TUESDAY, October 28, 2014 - 6:30 P.M.
COUNCIL CHAMBERS – CITY HALL**

1. **Call to Order:**

2. **Pledge of Allegiance**

3. **Roll Call:** Council/Successor Agency members Rick Neal, Diane McCall, Steven Conaway, Vice Chair/Mayor Pro Tem Douglas Tucker and Chair/Mayor Manuel Minjares

4. **Approval of Agenda**

5. **Presentations and Announcements**

- A. Proclamation – October Breast Cancer Awareness month and November Domestic Violence awareness month

6. **Public Comments**

7. **Consent Calendar**

Recommendation for Item A. through E. is to Approve by voice vote.

- A. Move that all ordinances presented tonight be read by title only and that all further reading be waived.
- B. [City Warrant List for OCTOBER 28, 2014.](#)
- C. Successor Agency Warrant List for OCTOBER 28, 2014.
- D. [Monthly Investment Report for SEPTEMBER 2014.](#)
- E. [City Council and Successor Agency Minutes for OCTOBER 14, 2014.](#)

8. **New Business**

- A. [Adopt Economic Development Strategic Plan.](#)

Recommendation: 1) Staff recommends City Council Adopt Economic Development Strategic Plan.

- B. [Adoption of Revised and Updated Investment Policy.](#)

Recommendation: 1) Staff recommends City Council/Agency Board Adopt City of Fillmore Investment Policy; or in the alternative, 2) Adopt the Investment Policy with changes; 3) Do not Adopt the Investment Policy; or 4) Provide other direction to staff.

- C. [Approval to Use Multi-Bank Securities, Inc \(MBS\) to Conduct Investment Activities.](#)

Recommendation: 1) Staff recommends City Council/Agency Board authorize the City Manager to enter into an agreement with Multi-Bank Securities, Inc. to conduct investment activities within the City's approved investment policy; or in the

alternative, 2) Not authorize the City Manager to enter into an agreement with Multi-Bank Securities, Inc. to conduct investment activities within the City's approved investment policy; or 3) Provide other direction to staff.

- D. [Request the City enter into a contract with RBF Consulting, to conduct environmental review and consistency analysis to proposed Modification #1 to Tentative Tract Map 5520 \(Hearthstone – Phase 2\).](#)

Recommendation: 1) Staff recommends City Council approve the contract with RBF Consulting, a Company of Michael Baker International, per the attached proposal not to exceed \$21,000, and authorize the Mayor to execute this contract; or in the alternative, 2) Do not approve the contract; or 3) Provide other direction to staff.

- E. [Request the City enter into a contract with Dennis Bethel & Associates Inc., to provide civil engineering consultant services in connection with development application review, plan check review, inspections and to prepare plans.](#)

Recommendation: 1) Staff recommends City Council direct the City Manager to enter into a contract with Dennis Bethel & Associates, Inc., per the attached proposal not to exceed \$100,000, or in the alternative, 2) Do not enter into a contract; or 3) Provide other direction to staff.

- F. [Request for Approval of Participation in Consortium for Preparation of Bacteria TMDL Implementation Plan.](#)

Recommendation: 1) Staff recommends the city council agree to participate in the collaborative effort with the four other public agencies and direct the Mayor to sign the Memorandum of Agreement; or 2) Staff recommends the city Council adopt the budget adjustment described in the staff report to implement the program; or in the alternative, 1) Do nothing. Ignoring this regulatory requirement is possible, but will ultimately result in fines, penalties, and sanctions against the City; or 2) The City may decide not to participate in the collaborative with the other public agencies and prepare the required documents on its own. No bids for this course of action have been sought; however, the cost of going it alone is expected to be at least twice that of collaborative participation.

9. Committee, Commission, and Board Reports

10. City Council Reports, Recommendations, and Comments

A. City Councilmember Travel Requests/Brief Reports

B. Any Councilmember May Propose Items for Placement on Future Agenda

11. City Manager

A. [City Manager's Report](#)

12. Closed Sessions

- A. CONFERENCE WITH LEGAL COUNCIL – ANTICIPATED LITIGATION – The City Council will conduct a closed session, pursuant to Government Code section 54956.9(d)(4), because the City is considering whether to initiate litigation in one case.

- B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. The City Council will conduct a closed session, pursuant to Government Code sections 54956.9(d)(2) and (d)(3), because there is significant exposure to litigation in one case.

- C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION. The City Council will conduct a closed session, pursuant to Government Code Section 54956.9(d)(1) to confer with legal counsel regarding two matters of litigation to which the City is a party. The title of such litigation is as follows: El Dorado Estates v. City of Fillmore; VCSC Case Number 56-2013-00431300-CU-WM-VTA; and El Dorado Estates v. Fillmore; Ninth Circuit Case No. 12-55549.

13. **Adjournment:** Mayor adjourns this meeting to the next City Council meeting scheduled for November 18, 2014 at 6:30 p.m. at City Hall, 250 Central Avenue.

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Agenda Posted: October 23, 2014, 5:00 p.m.