

CITY OF FILLMORE
CITY COUNCIL
&
SUCCESSOR AGENCY

AGENDA



REGULAR MEETING

**TUESDAY, JANUARY 13, 2015
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, January 13, 2015 - 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, Manuel Minjares, Carrie Broggie, Vice Chair/Mayor Pro Tem Diane McCall and Chair/Mayor Douglas Tucker
4. **Approval of Agenda**
5. **Presentations and Announcements**
 - A. Proclamation – Deputy Michael Zabarsky
6. **Public Comments**
7. **Consent Calendar**

Recommendation for Item A. through F. 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 JANUARY 13, 2015.](#)
 - C. [Successor Agency Warrant List for JANUARY 13, 2015.](#)
 - D. [Monthly Investment Report for NOVEMBER 2014.](#)
 - E. [City Council and Successor Agency Minutes for DECEMBER 9, 2014.](#)
 - F. [City Council and Successor Agency Minutes for DECEMBER 16, 2014.](#)
8. **New Business**
 - A. [Fillmore Senior Center Inc. Lease Renewal](#)

Recommendation: 1) Do not renew lease with FSCI; or in the alternative 1) Direct staff to meet with FSCI to discuss a new lease and use agreement.
 - B. [City of Fillmore Energy Action Plan](#)

Recommendation: 1) City Council adopt City of Fillmore Energy Action Plan (EAP); or in the alternative 1) City Council do not adopt City of Fillmore Energy Action Plan (EAP); 2) City Council makes changes to the City of Fillmore Energy Action Plan (EAP); or 3) Provide additional direction to staff.
 - C. [Request for Approval of Consultant Assistance for Renewal of the Waste Discharge Requirements Permit](#)

Recommendation: 1) Staff recommends the city council approve the proposed contract with AECOM at a cost not to exceed \$65,000 and authorize the Mayor to

sign this contract and other documents needed to implement this work; or in the alternative 1) Take no action. Ignoring the requirement to renew this permit is possible but not advisable as ignoring it will ultimately result in significant fines, penalties, and sanctions against the City; 2) Direct City engineering Staff to prepare the permit renewal application without the assistance of consultants. City Engineering Staff does not have expertise in wastewater plant permitting required, does not have any experience working with the RWQCB-LA on permits, and is already overloaded with other assignments; or 3) Direct City Staff to seek priced proposals from additional consultants. AECOM is very familiar with the WRP having served as the City's representative through the study, design, construction, and commissioning process (approximately 10 years). Any other consultant would have to become familiar with the WRP and its capabilities before starting the application process; this is going to cost substantially more than using AECOM.

D. [Request for Approval of Consultant Contract for the Update of the "2008 Potable Water Demand Study"](#)

Recommendation: 1) Staff recommends the city council approve the proposed contract with AECOM at a cost not to exceed \$45,800 and authorize the Mayor to sign this contract and other documents needed to implement this work; or in the alternative 1) Direct City Engineering Staff to prepare the potable water demand update without the assistance of consultants. City Engineering Staff has the knowledge and experience required to perform the potable water demand study. However, the City's limited staffing would not allow City staff to provide fulltime effort to complete the update as staff are already overloaded with other assignments, thereby making this option unfeasible; or 2) Direct City Staff to seek priced proposals from additional consultants. AECOM is very familiar with the City's potable water system and has prepared several water demand studies and water master plans for Fillmore over the past twenty years. Any other consultant would have to become familiar with the City's potable water system, create a digital-water-model, and go through a considerably lengthy learning curve, which will take several months and is going to cost substantially more than using AECOM.

E. [Authorize City Manager to Enter into a Contract with Win-Win Workplace Solutions for a Strategic Planning Retreat with City Council](#)

Recommendation: 1) Staff recommends entering into a contract with Win-Win workplace Solutions in an amount not to exceed \$15,000; or in the alternative 1) Do not approve contract; or 2) Direct staff to obtain additional proposals.

F. [El Dorado Mobile Home Park Agreement to Settle Existing Litigation and Public Hearing for Consideration of Tentative Tract Map 5844:](#)

1) Agreement to Settle Existing Litigation in:

El Dorado Estates v. City of Fillmore, Ventura County Case No. 56-2013- 00431300 and

El Dorado Estates v. City of Fillmore, Central District of California Case No. CV11-07562; and

2) Consideration of Tentative Tract Map 5844, An Application to Subdivide the Existing El Dorado Mobile Estates Mobilehome Park into 302 Condominium Lots and

One Common Area

Recommendation: Staff recommends the City Council take the following actions: 1) Approve the settlement agreement; 2) Open the public hearing and receive public testimony on the subdivision; and 3) Adopt City Council Resolution 15-3449, approving Tentative Tract Map No. 5844; or in the alternative 1) Decline to approve the settlement agreement or the subdivision and continue to litigate the federal and state court lawsuits; or 2) Take such other action the City Council deems appropriate.

9. **Committee, Commission, and Board Reports**

10. **City Council Reports, Recommendations, and Comments**

- A. City Councilmember 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 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.
- B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION – The City Council will hold a closed session, pursuant to Government Code section 54957(b), to conduct an employee evaluation concerning City Attorney Tiffany Israel.

13. **Adjournment:** Mayor adjourns this meeting to the Special Joint City Council meeting with the Film Commission, Planning Commission and Parks and Recreation Commission scheduled for January 15, 2015 at 6:00 p.m. at City Hall, 250 Central Avenue.

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