

**CITY OF FILLMORE  
CITY COUNCIL  
&  
SUCCESSOR AGENCY**

**AGENDA**



**REGULAR MEETING**

**TUESDAY, MARCH 11, 2014  
6:30 P.M.**

FILLMORE CITY HALL  
CENTRAL PARK PLAZA  
250 CENTRAL AVENUE  
FILLMORE, CALIFORNIA 93015-1907  
(805) 524-3701 ♦ [www.fillmoreca.com](http://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](http://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, MARCH 11, 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 –** Tully Clifford – Watershed Protection District – Sespe Creek Levy Heritage Valley JPA

6. **Public Comments**

7. **Consent Calendar**

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

**Move that all ordinances presented tonight be read by title only and that all further reading be waived.**

- A. [City Warrant List for MARCH 11, 2014.](#)
- B. [Successor Agency Warrant List for MARCH 11, 2014.](#)
- C. [City Council Minutes for JULY 23, 2013.](#)
- D. [Successor Agency Minutes for JULY 23, 2013.](#)
- E. [City Council and Successor Agency Minutes for AUGUST 27, 2013.](#)
- F. [City Council and Successor Agency Minutes for SEPTMBER 10, 2013.](#)
- G. [City Council Special Goal Setting Minutes for SEPTEMBERR 16, 2013.](#)
- H. [City Council and Successor Agency Minutes for SEPTEMBER 24, 2013.](#)
- I. [City Council and Successor Agency Minutes for OCTOBER 8, 2013.](#)
- J. [City Council and Successor Agency Minutes for OCTOBER 22, 2013.](#)
- K. [City Council and Successor Agency Minutes for NOVEMBER 12, 2013.](#)
- L. [City Council and Successor Agency Minutes for DECEMBER 11, 2013.](#)
- M. [City Council and Successor Agency Minutes for JANUARY 14, 2014.](#)
- N. [City Council and Successor Agency Minutes for JANUARY 28, 2014.](#)
- O. [City Council and Successor Agency Minutes for FEBRUARY 11, 2014.](#)
- P. [City Council and Successor Agency Minutes for FEBRUARY 25, 2014.](#)
- Q. [Request to plant 10 donated trees in Burlington Park.](#)

8. **New Business**

- A. [Public Hearing: Development Permit 13-04, Modification #3 to Tentative Tract Map 4435: 45 Single family detached units.](#)

*Recommendation: 1) The Planning Commission recommends the City Council Adopt City Council resolution 14-3408, approving Development Permit 13-04 to Modification #3 to Tentative Tract Map 4435 subject to Conditions of Approval.*

B. [Proposed Language for the Ballot Measure Regarding Council Salary.](#)

*Recommendation: 1) Staff recommends that the City Council select one of the proposed options as the language to be used for the ballot measure. Alternatives include suggesting alternative language for the ballot measure or determining not to move forward with the measure at this time.*

C. [Authorize to Purchase a Backup Generator for the Fire Station.](#)

*Recommendation: 1) Staff recommends City Council authorize the purchase of a towable backup generator a cost of \$130,247.21 (\$35,000.00 reimbursable Federal Homeland Security Grant/ \$97,247.21 City Capital Project Funds); and 2) Approve the attached Budget Adjustment Request (Attachment A) in order to establish a budget for the generator purchase.*

D. [Ordinance No. 14-846, Adopting Zoning Ordinance Amendment 14-01, Revising Fillmore Zoning Code Section 6.04.9610 and Adding a New Chapter 6.04-.16 to Prohibit the Establishment or Use of an Existing Business for the Sale and Cultivation of Medical Marijuana Within the City and Making a Finding that this Matter is Not Subject to CEQA.](#)

*Recommendation: 1) Staff recommends City Council conduct a public hearing and adopt Ordinance No. 14-846, Zoning Ordinance Amendment (“ZOA”) 14-01, making amendments to the Fillmore Zoning Ordinance to prohibit the distribution and cultivation of medical marijuana within the City of Fillmore and finding that this matter is not subject to the California Environmental Quality Act.*

E. [Mid-Year Financial Report for FY 2013-2014, Approval of Supplemental Budget Requests, and Review of the Mid-Year Accomplishments. \(City Council and Successor Agency Item\)](#)

*Recommendation: Staff recommends City Council/Successor Agency Board 1) Approve a modification to the FY 2013-14 General Fund, Water and Sewer Funds budget in the amount of \$246,000 (Attachment B); and 2) Receive and file this report.*

*Or*

*1) Approve a modification to the FY 2013-14 Budget for a different amount; or 2) Not approve a modification to the FY 2013-14 Budget; or 3) Provide other direction to staff.*

F. [Status of Draft Heritage Valley Transit Cooperative Agreement.](#)

*Recommendation: 1) Staff recommends City Council receive and file this report and appoint Mayor Manuel Minjares (the City’s VCTC representative) to the Heritage Valley Transit Policy Steering Committee. In the alternative the City Council could appoint another representative from the City Council, decide not to*

*further participate in the draft Heritage Valley Cooperative Agreement Discussions, and/or provide different direction to staff.*

G. [6 Month City Manager Review and Potential Contract Amendment.](#)

*Recommendation: 1) If the City Council and Mr. Rowlands agree to terms to amend the Employment Agreement, it is recommended that the City Council approve the attached Resolution No. 14-3409 and the First Amendment to the Employment Agreement. In the alternative, if the City Council and Mr. Rowlands are Unable to agree to terms, it is recommended that the City Council conduct a further labor negotiation closed session. As another alternative, the City Council may defer action on this item at this time and/or provide other direction to staff.*

**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
- C. Council Referrals/Brief Comments

**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. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. The City Council will conduct a closed session, pursuant to Government Code sections 54956.9(d)(4) and (d)(3), because the City is considering whether to initiate litigation in one case.
- C. 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 two cases.
- D. PUBLIC EMPLOYEE PERFORMANCE EVALUATION AND COMPENSATION – The City Council will hold a closed session with the City's personnel officer, the city manager, pursuant to Government Code Sections 54957 and 54957.6(a), to

conduct an employee performance evaluation of the city manager and to discuss the salary, compensation and fringe benefits provided to the city manager.

13. **Adjournment:** Mayor adjourns this meeting to the next City Council meeting scheduled for March 25, 2014 at 6:30 p.m. at City Hall, 250 Central Avenue.

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Agenda Posted: March 7, 2014, 9:00 p.m.