

MINUTES
CITY OF CAMARILLO CITY COUNCIL
REGULAR MEETING
WEDNESDAY, JULY 23, 2014

CALL TO ORDER/ROLL CALL

Mayor Kildee called the meeting to order at 5:34 p.m.

Councilmembers Present: Kevin Kildee, Mayor
Bill Little, Vice Mayor
Charlotte Craven, Councilmember (arrived at 5:41 p.m.)
Jeanette McDonald, Councilmember
Michael Morgan, Councilmember

Staff Present: Bruce Feng, City Manager
Ronnie Campbell, Finance Director
Tom Fox, Public Works Director
Jeffrie Madland, City Clerk
Dave Norman, Community Development Director
Dan Paranick, Assistant City Manager
Richard Petropulos, General Services Director
Brian Pierik, City Attorney
Guy Stewart, Police Department Commander

I. AMENDMENTS TO THE AGENDA

Item III E was pulled for discussion.

II. PRESENTATIONS – NONE

III. CONSENT CALENDAR

Councilmember McDonald moved, seconded by Vice Mayor Little, to approve Consent Calendar Items A through K, with the exception of Item E.

A. Minutes

Approved the minutes of the City Council meeting held July 9, 2014, as presented.

B. Resolution – Approval of Disbursements

Adopted Resolution No. 2014-77 approving disbursements dated on or before July 16, 2014.

C. Financial Reports - June 2014

Received and filed the financial reports.

D. Youth Employment Service Quarterly Activity Report – April, May, and June 2014

Received and filed the activity report.

- E. Consultant Selection – CDBG Residential Rehabilitation Program
Pulled for discussion as Item VII A.
- F. Request for Qualifications – Construction Management, Materials Testing, and Inspection Consultants
Directed staff to issue RFQs for various federally funded projects and other capital projects.
- G. Alcoholic Beverage License – Pizza Rev, 600 E. Ventura Blvd., Suite 600
Indicated the City does not wish to protest issuance of the license if the license is conditioned to prohibit the off-premise sale of alcohol.
- H. Alcoholic Beverage License – Manhattan, 5800 Santa Rosa Road, Suite 140
Indicated the City does not wish to protest issuance of the license if the license is conditioned to prohibit the off-premise sale of alcohol.
- I. Request to Sell Alcoholic Beverages - Camarillo Hospice Chili Cook-off and Music Festival Fundraiser
Indicated the Council does not object to the issuance of a one-day beer and wine permit by the Department of Alcoholic Beverages Control.
- J. Request to Sell Alcoholic Beverages - Rotary Club Beer and Wine Garden at Camarillo 50th Anniversary Celebration
Indicated the Council does not object to the issuance of a one-day beer and wine permit by the Department of Alcoholic Beverages Control.
- K. Additional Work Request - Water and Sewer Rate Study Services
Authorized the City Manager to sign Agreement No. 2013-17A with Raftelis Financial Consultants, Inc., in the amount of \$26,770.

Motion carried 4-0 (Craven absent).
- IX. CITY MANAGER
- A. Resolution Authorizing Franchise Agreement with E.J. Harrison & Sons, Inc. – Solid Waste Handling Services
Management Analyst Pichardo reviewed a PowerPoint detailing the terms and services in the proposed Franchise Agreement with E.J. Harrison & Sons. The agreement will consolidate the existing residential and commercial franchise agreements, and provide a 10-year term with three 5-year extension options. There is no change to the current rates for FY 2014-15 and subsequent annual adjustments will be approved administratively based on 80% of CPI. The rate increases will not exceed 4% and are guaranteed not to be greater than the average rates in the County. The franchise fees will increase by 1% and E.J. Harrison will assume street sweeping services at a significant savings to the City.

The Council supported the proposed Franchise Agreement with E.J. Harrison & Sons as it will provide more benefits to the residents and E.J. Harrison provides excellent service, innovative programs to increase recycling in Camarillo, and has always worked cooperatively with the City.

Councilmember Craven moved, seconded by Councilmember Morgan, to approve Resolution No. 2014-78 authorizing the Mayor to execute a Solid Waste Franchise Agreement No. 2014-59 with E.J. Harrison & Sons, Inc.

Motion carried 5-0.

- V. FINANCE – NONE
- VI. PUBLIC WORKS – NONE
- VIII. CITY ATTORNEY – NONE
- X. CITY CLERK – NONE
- XI. GENERAL SERVICES – NONE

RECESS/RECONVENE TO THE ADMINISTRATIVE CONFERENCE ROOM

The Council recessed to a Study Session at 6:16 p.m. The Mayor called the Study Session to order at 6:23 p.m.

XIV. STUDY SESSION

A. Wireless Telecommunications Facilities

Jonathan L. Kramer, Telecom Law Firm, reviewed a PowerPoint on the history of the legislation and cases on wireless telecommunications facilities that would impact any proposed ordinances. He stated the moratorium will allow the City adequate time to work with citizens and wireless providers to carefully consider a new ordinance based on new laws, regulations, and court rulings. The FCC is expected to make a new ruling in the fall.

Representatives from Verizon, AT&T, and Southern California Gas Company provided input and asked questions.

RECESS/RECONVENE/CALL TO ORDER/ROLL CALL

The Study Session recessed at 7:20 p.m. The Mayor reconvened the regular meeting of the City Council at 7:30 p.m.

FLAG SALUTE

Vice Mayor Little led the Pledge of Allegiance to the Flag.

AMENDMENTS TO AGENDA – NONE

- XV. PRESENTATIONS – NONE
- XVI. PUBLIC SAFETY/INFORMATION – NONE

XVII. PUBLIC COMMENTS

Anthony Stepp expressed his dismay that his Vietnamese pot belly pig is determined a livestock animal in the City's zoning code and not permissible in his residence. He requested the Council consider allowing him to keep his pig as it provides emotional support, is smaller than some dogs, quieter, and less odorous. Community Development Director Norman stated any exception for the pot belly pig would require an amendment to the code. The Council requested a report on whether a pot belly pig could be a service animal and exempt from the code requirements.

Matt Lorimer stated he continues to see examples of excessive irrigation by businesses. He expressed his concern about Terry Bray being approached by a councilmember and requested an investigation.

Terry Bray stated the Lamplighter Mobile Home Park has secured legal representation to propose a rent stabilization ordinance. She reiterated her concerns about being discouraged by a councilmember from pursuing a rent review stabilization ordinance.

XVIII. PUBLIC HEARINGS

A. Resolution Establishing New User Fee Schedule for Certain City Services Provided to Persons for Private Benefit

Finance Director Campbell reviewed a PowerPoint on the user fee study and the fee schedule which provides 100% cost recovery for the majority of the City's user fees. Each fee is comprised of direct and indirect labor costs, city-wide overhead costs, allocated common costs, and time estimates for the service. Any questions or concerns regarding the methodology used in the study to determine the initial fees can be addressed during the next comprehensive fee study. The proposed resolution implements an annual adjustment to fees, calculated on the labor component only, to cover increased labor costs per City Council Policy 3.01.

PUBLIC HEARING OPENED

Matt Lorimer stated the fees are excessive and felt the City Council should have thoroughly questioned the methodology of the fees prior to their initial approval.

Hearing no further requests to speak, either for or against the item, the Mayor declared the PUBLIC HEARING CLOSED.

City Manager Feng stated user fees are for residents that use certain services. If the cost of the service is not recovered from the user, the general community would be subsidizing the cost for services they are not receiving.

Vice Mayor Little stated he did not support a 100% cost recovery policy since residents are required to have inspections to assure improvements are done in a correct and safe manner, which provides a safety benefit to the community as a whole.

Councilmember Craven supported the increase because the general community should not be required to subsidize these services. In some instances, fees were reduced for homeowners to assure they comply with the permit process.

Councilmember McDonald noted the fee was not a tax, but a fee applied for a specific purpose. The general public should not be responsible for the costs for other's personal uses unless it causes a detriment to the neighborhood. She supported the user fees as a detailed study was conducted to review all direct and indirect costs and the annual adjustments assure the fees capture 100% recovery.

Councilmember Morgan supports 100% recovery of costs, but wanted justification on certain fees to assure the methodology was properly applied on the fees. He did not support the increase because the initial study did not address his concerns.

Mayor Kildee supported the adjustment, commended staff on their report, and noted adjustments, if necessary, can be made during the next study.

Councilmember Craven moved, seconded by Councilmember McDonald, to adopt Resolution No. 2014-79 adopting the master fee schedule for fees and charges.

Motion carried 3-2 (Little and Morgan dissented).

- B. Resolution Initiating Proceedings - Annexation 112 and Introduction of an Ordinance Pre-Zoning for Change of Zone 320 Crestview Ranch
- C. Resolution Approving Tentative Tract 5920 Crestview Ranch

(XVIII B & XVIII C were heard concurrently)

Consultant Bob Burrow stated David Hassan, representing Crestview Ranch, submitted an application for the annexation (reorganization) and pre-zoning of a 19.15-acre site located at 275 Crestview Avenue in the Las Posas Estates area of Camarillo. Approval would annex the property to the City of Camarillo and the Camarillo Sanitary District and pre-zone the property to RE-1AC (Rural Exclusive, 1 acre minimum parcel size) Zone. The tentative tract map is for the subdivision of the 19.15-acre parcel into 13 lots of one acre or greater for the development of single-family residential units.

PUBLIC HEARING OPENED

Joe Palazzola expressed concern the proposed lots would create increased traffic and safety hazards to pedestrians along Crestview Avenue. He proposed creating a cul-de-sac between the lots so driveways would not access Crestview.

Dave Hassan, representing the property owner, reviewed the history of the property and the proposal. They have not decided whether the lots will be sold individually or to a developer. The water on the property is provided by Crestview Mutual Water Company. The residential use will use less water than the current orchards. The conditions state the residences facing Crestview must have circular driveways or turnarounds to address the traffic concerns.

Edward Atsinger stated his property is adjacent to the barranca that is proposed to remain open space. His representatives are working to develop an agreement with the owners to assure he can continue to enter the property to address erosion issues behind his property. He supports the development and is satisfied his concerns have been addressed.

Hearing no further requests to speak, either for or against the item, the Mayor declared the PUBLIC HEARING CLOSED.

Mr. Burrow clarified the City will obtain the development rights over the open space area but, will have no responsibility for maintenance or ownership rights.

Councilmember Craven moved, seconded by Councilmember Morgan, to adopt Resolution No. 2014-80 approving MND 2013-18 prepared for Annexation 112/ Change of Zone 320.

Motion carried 5-0.

Councilmember Morgan moved, seconded by Councilmember Craven, to adopt Resolution No. 2014-81 initiating proceedings of Annexation 112.

Motion carried 5-0.

City Attorney Pierik read the title of Ordinance No. 1095.

Councilmember Craven moved, seconded by Councilmember Morgan, to waive further reading and to introduce Ordinance No. 1095 pre-zoning the 19.15-acre parcel to RE-1 AC (Rural Exclusive, 1 acre minimum parcel size) Zone).

Motion carried 5-0.

Vice Mayor Little moved, seconded by Councilmember Morgan, to adopt Resolution No. 2014-82 approving Tentative Tract 5920, subject to the conditions of approval.

Motion carried 5-0.

Mayor Kildee thanked all parties for working together to create a project everyone supports. Mr. Hassan commended City staff for being professional and helpful.

RECESS/RECONVENE

At 9:44 p.m. the Council recessed and reconvened at 9:59 p.m.

VII. COMMUNITY DEVELOPMENT

A. Consultant Selection – CDBG Residential Rehabilitation Program (formerly III E)

Planner Smith stated the previous agreement for this program was issued on a sole source basis. During the recent HUD audit, it was recommended the City use the formal bid process. The City received one proposal. The consultant is very highly qualified to administer the program.

Vice Mayor Little stated this is a great program and would like to see it expanded.

Councilmember McDonald relayed the compliments she had received from Habitat for Humanity on Planner Smith's work with this program.

Councilmember Craven moved, seconded by Vice Mayor Little, to authorize the City Manager to execute Agreement No. 2014-58 with Comprehensive Housing Services (CHS) for administration of the CDBG Residential Rehabilitation Program.

Motion carried 5-0.

IV. CITY COUNCIL

A. Invocation at City Council Meetings

City Attorney Pierik reviewed the recent US Supreme Court ruling in *Town of Greece, New York v. Galloway* and how it impacts the practice of invocations at City Council meetings, the cities in Ventura County currently using invocations, and potential conflicts between the ruling and California's Constitution.

Vice Mayor Little supported the use of invocations and wanted to reinstate the practice in Camarillo with a ministerial council overseeing a rotational schedule.

Councilmember Craven noted Camarillo had ended the practice when the council meeting time changed creating a conflict for participants. She could support the practice if there were a variety of ministers included.

Councilmember Morgan stated he has met with representatives of the local ministerial association but noted it does not include all denominations. He has been contacted separately by other religious groups and recommended creating an ad-hoc committee to research the idea further.

Councilmember McDonald stated if invocations were reinstated, she wanted to ensure there was a time limit and that staff was not responsible for organizing.

Mayor Kildee noted religion and politics tend to be sensitive and complicated. He wanted to ensure the City was not exposed to litigation and emphasized the need to establish parameters.

The Council directed the Mayor to appoint an ad-hoc committee to research the idea further.

XIII. NEW BUSINESS – ORAL COMMUNICATIONS

A. City Manager – None

B. City Attorney – None

C. Members of City Council

AB 1234 – Reports on Meetings Attended – The Councilmembers reported on attendance at outside agency and Council committee meetings.

Residential Irrigation - Councilmember Craven stated she received several calls in response to an article in the paper about the conflict between green yards and water restrictions. Public Works Director Fox stated staff is getting ready to launch a public outreach campaign regarding water restrictions. Community Development Director Norman stated code enforcement needs Council's direction on how they want to respond to "brown" yards. Councilmember Craven requested an agenda item.

Sidewalk Cleaning – Councilmember McDonald stated she received complaints from the businesses on Ventura Boulevard indicating that when the contractors power washed the sidewalks after the Fiesta, they splashed dirty water onto the business windows.

XIX. DEPARTMENTAL – NONE

XII. CLOSED SESSION

The City Council recessed at 10:48 p.m. to Closed Session for the following item:

A. Conference with Legal Counsel – Anticipated Litigation

1. Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2) Number of Cases: One.
2. Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9; Number of Cases: One.

XX. ADJOURN

The meeting adjourned at 12:15 a.m. with no reportable action from the Closed Session.

ATTEST:



Mayor



City Clerk