

MINUTES
CITY OF CAMARILLO CITY COUNCIL
REGULAR MEETING
WEDNESDAY, JULY 22, 2015

CALL TO ORDER/ROLL CALL

Mayor Little called the meeting to order at 5:02 p.m.

Councilmembers Present: Bill Little, Mayor
Mike Morgan, Vice Mayor
Charlotte Craven, Councilmember
Kevin Kildee, Councilmember
Jeanette McDonald, Councilmember

Staff Present: Dave Norman, Assistant City Manager
Tom Fox, Public Works Director
Jeffrie Madland, City Clerk
Monica McGrath, Police Department Commander
Richard Petropulos, Administrative Services Director
Brian Pierik, City Attorney
Mark Uribe, Assistant Finance Director

I. AMENDMENTS TO THE AGENDA – NONE

II. PRESENTATIONS

A. Welcome Delegates of the 2015 Special Olympics World Games

The Council welcomed the representatives of the 2015 team leaders and athletes from the New Zealand and Saudi Arabia delegations that are staying at the University.

III. CONSENT CALENDAR

Councilmember Kildee moved, seconded by Vice Mayor Morgan, to approve Consent Calendar Items A through M.

A. Minutes

Approved the minutes of the City Council meeting held July 8, 2015, and the adjourned and special meetings held July 15, 2015, as presented.

B. Resolution – Approval of Disbursements

Adopted Resolution No. 2015-85 approving disbursements dated on or before July 15, 2015.

C. Financial Reports – June 2015

Received and filed the following financial reports pursuant to the City's Investment Policy and State law:

1. Investment Report dated June 30, 2015
2. Chronological Investment Activity Report for the Month Ended June 30, 2015

3. General Fund Comparative Balance Sheet, April 30, 2015 and May 31, 2015, and May 31, 2014
 4. Minutes of the June 22, 2015 Investment Committee Meeting
- D. Award of Contract – Reserve Study of Primary Facilities
Authorized the City Manager to execute Agreement No. 2015-52 with Facility Advisors, Inc., in the amount of \$11,850.
- E. Youth Employment Service (YES) Quarterly Activity Report – April, May, and June 2015
Received and filed the report.
- F. Award of Bid - FY 2015/16 & 2016/17 CityScene Newsletter Printing
Awarded bid to Herald Printing, Ltd. (Precision Graphic Solutions), Agreement 2015-56, at a per issue cost of \$3,171.97.
- G. Resolution Approving Plans and Specifications and Notice to Invite Bids - ST-05-01 Santa Rosa Road Widening STPL-5393 (026)
Adopted Resolution No. 2015-86 approving the plans and specifications for construction of the project and directing staff to invite bids.
- H. Resolution Approving Final Pay Estimate and Accepting Improvements - ST-12-02 Flynn Road Sidewalk
Adopted Resolution No. 2015-87 approving the final pay estimate, accepting improvements, and authorizing the Mayor to sign the Notice of Completion.
- I. Reject Bids - ST-14-04 2015 Annual Overlay/Slurry Seal Program
Rejected all bids received.
- J. Resolution Approving Improvement Plans and Acknowledging Receipt of Agreements and Other Necessary Documents - SUP-14M(15) Dignity Health St. John's Pleasant Valley Hospital
Adopted Resolution No. 2015-88 approving improvement plans and acknowledging receipt of agreements and other necessary documents, and authorizing the City Engineer to sign improvement plans.
- K. Solicit Bids to Install Traffic Signal LED Modules (TM-2015-2)
Directed staff to invite bids for installation of traffic signal LED modules at eight intersections.
- L. Consulting Services Extension Agreement – Kosmont Companies
Authorized the City Manager to execute Agreement No. 2014-77B extending the Agreement with Kosmont Companies for an estimated total of \$65,000.

- M. Alcoholic Beverage License – Wingstop Restaurant, 2508 Las Posas Road, Suite A
Indicated the City does not wish to protest issuance of the alcoholic beverage license if it is conditioned to restrict off-premise sales.

Motion carried 5-0.

IV. CITY COUNCIL

A. Deputy Sheriff Yevhen “Eugene” Kostiuchenko Memorial Highway

Ventura County Sheriff Dean stated Assembly Concurrent Resolution No. 14 would designate a 2.04 mile portion of Highway 101, between Lewis Road and Las Posas Road, after Deputy Sheriff Yevhen “Eugene” Kostiuchenko. The cost must be paid by local or private sources. He asked the Council to consider sharing a third of the cost with the other two thirds coming from the County of Ventura and the Ventura County Deputy Sheriff’s Association.

Councilmember Kildee moved, seconded by Vice Mayor Morgan, to approve an appropriation of \$2,400 to support ACR 14 for the Deputy Sheriff Yevhen “Eugene” Kostiuchenko Memorial Highway.

Motion carried 5-0.

D. Request for Funding – Studio Channel Islands Art Center

Karin Geiger, Studio Channel Islands Art Center (SCIART), presented a PowerPoint outlining their programs and services. Their current goal is to expand their programing and increase sponsorships.

Councilmember Craven stated she suggested the City support SCIART as part of the City’s Cultural Arts Program because it benefits the community similarly to the Concerts in the Park and the Fiesta. She supported awarding \$30,000.

Councilmember Kildee felt it was critical to support the arts. In addition, SCIART clearly supports the economic vitality of Old Town by attracting customers to the local businesses and, for that reason, he supported providing general funding to them.

Vice Mayor Morgan and Mayor Little concurred, noting economic vitality requires a strong arts program.

Councilmember McDonald agreed SCIART is a benefit to the community. She was disappointed they did not provide past financial information. She could not support funding unless it was tied to a specific program which was free to the public.

Maggie Kildee stated SCIART is requesting general support due to the economic advantage they provide Old Town. SCIART has many events that are free to the public including the Holiday Market, Arts Alive, and the Blackboard Gallery openings.

Councilmember McDonald moved, seconded by Vice Mayor Morgan, to approve funding for SCIART in an amount up to \$30,000 in FY 2015-16 to support special events that are open to the general public free of charge.

Motion carried 4-1(Kildee dissenting).

IX. CITY MANAGER

A. Amendment to Solid Waste Franchise Agreement with E.J. Harrison and Sons, Inc.

Management Analyst Pichardo stated during the negotiation of the new franchise agreement the section regarding rate adjustments for pass-throughs was placed under the Extraordinary Rate adjustment section. The unintended effect of this change prevents E.J. Harrison from passing-through Gold Coast Processing Facility cost increases until October 2016. The amendment will allow pass-through of tipping fees consistent with the 2015 annual Consumer Price Index (CPI) increase.

Councilmember Craven moved, seconded by Councilmember Kildee, to authorize the City Manager to execute Agreement No. 2014-59B with E.J. Harrison & Sons for Solid Waste Handling Services.

Motion carried 5-0.

VI. PUBLIC WORKS

A. Public Hearing on Resolution of Necessity for Acquisition of 1.09 acres (Hiji Investment Company) - Recycled Water Distribution Line (Continued from June 24, 2015)

The Mayor opened the public hearing. Hearing no requests to speak, the hearing was continued to August 26, 2015.

V. FINANCE – NONE

VII. COMMUNITY DEVELOPMENT – NONE

VIII. CITY ATTORNEY – NONE

X. CITY CLERK – NONE

XI. ADMINISTRATIVE SERVICES – NONE

XII. CLOSED SESSION

The City Council recessed at 5:53 p.m. to Closed Session to consider the following:

A. Conference with Legal Counsel - Anticipated Litigation

Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2); Number of Cases: three.

RECESS/RECONVENE TO THE ADMINISTRATIVE CONFERENCE ROOM

The Mayor called the Study Session to order at 6:44 p.m.

XIV. STUDY SESSION

A. Water/Sewer Rate Study

Assistant Finance Director Uribe and Sanjay Gaur, Raftelis Financial Consultants, Inc., presented a PowerPoint on the Water and Wastewater Rate Study. The Council supported staff's recommendations and requested additional information explaining the increases be included in the Prop 218 notice to ratepayers.

XII. CLOSED SESSION (Continued)

The City Council recessed back to Closed Session to consider the following items:

A. Conference with Legal Counsel - Anticipated Litigation - Continued

Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2); Number of Cases: three.

RECESS/RECONVENE/CALL TO ORDER/ROLL CALL

The Closed Session recessed with no reportable information. The Mayor reconvened the regular meeting of the City Council at 7:30 p.m.

FLAG SALUTE

Councilmember McDonald led the Pledge of Allegiance to the Flag.

AMENDMENTS TO AGENDA – NONE

XV. PRESENTATIONS

A. 2015 Ventura County Fair Poster

Junior Fair Board Members presented the 2015 Ventura County Fair Poster.

XVI. PUBLIC SAFETY/INFORMATION – NONE

XVII. PUBLIC COMMENTS

Debbie Callaway and Linda Hall, co-chairs of Adolfo Camarillo High School's After-Prom event, thanked the Council for their continued support.

Matt Lorimer, Lamplighter Mobile Home HOA president, felt the City needed to do more to help the Camarillo Springs residents, senior citizens, and the Lamplighter Mobile Home Park community.

XVIII. PUBLIC HEARINGS

A. Adoption of (1) Urgency Ordinance Amending Water Conservation Measures and (2) Resolution Re-declaring a Stage 2 Water Shortage Condition and Imposing Additional Conservation Measures

Public Works Director Fox stated the Governor issued Executive Order B-29-15 imposing unprecedented water restrictions on California's water supply. As a result, the City is tasked with implementing strategies to comply with a requirement to reduce water use beyond what was anticipated by the City's current reduction efforts. He presented a PowerPoint reviewing the impacts to the City's water supply, new mandated reporting and compliance regulations, the impacts of failing to comply, the land development process to secure water, the number of developments in line to receive will-serve letters, alternatives to manage future demand, and proposed amendments to the water conservation ordinance. The amendment would limit water use by not issuing will-serve letters to new customers until the Governor's order is lifted.

City Attorney Pierik referenced the red-folder documents which were distributed including information provided by staff and letters received from the public.

PUBLIC HEARING OPENED

The following people spoke in opposition to the proposed ordinance and resolution. They claimed the ordinance would in effect constitute a building moratorium, noting applicants rely on development approvals, including the issuance of water availability letters, and, based upon the approvals, invest millions of dollars into their projects, including infrastructure improvements which benefit the City. The proposed action could jeopardize funding and severely impact development projects and all aspects of the development industry within the community including jobs and housing. They urged the Council to reject the ordinance or exempt developments which have received water availability letters. They recommended exploring other conservation measures that would not negatively impact the building industry.

Alfred Fraijo, Sheppard Mullin LLP, representing Primestor
Arturo Sneider, Primestor CEO, Amara shopping center project
Rob Saperstein, Brownstein, Hyatt, Farber, Schreck, LLC, representing Fairfield,
Hawkeye Investments, and Camarillo Village Homes
Mark Hattam, Allen Matkins, LLP, representing FF Realty
Ed McCoy, FF Realty, Village Gateway Project
Larry Scott, FF Realty, Village Gateway Project
Greg Pinkalla, Fairfield Residential CEO
Ezra Gale, Director of Government Affairs for Building Industry Association of
Southern California
Dennis Hardgrave, representing Hiji and Ran Rancho
Chris Collier, Camarillo Chamber of Commerce Business Advocacy Chair
Todd Cottle, C&C Development for affordable housing at elacora Springville
David Lauletta, Comstock Homes, elacora Springville development
Joel Mann, Hawkeye Investment
Sara Soudarri, Camarillo resident

Matt Lorimer supported the ordinance. He felt the water supply should be protected for current residents and that projects should not have been approved within the last several years while in a drought.

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

City Attorney Pierik clarified the proposed ordinance is an urgency measure under Water Code Section 375 which would take effect immediately and not an urgency ordinance under the Government Code. He recommended striking the word "urgency" from the ordinance, except when specifically referred to as an urgency measure under the Water Code.

The Council reported on their communications with developers and property owners.

Mayor Little stated he had an issue with the ordinance because the Governor's order is to conserve water now and these projects will not come online until late 2016 or 2017. No one knows what the water situation will be in 2-3 years. He couldn't support an action that would effectively shut down an industry that provides local

jobs and homes.

Councilmember McDonald suggested adopting the ordinance with a review period to re-evaluate the status of the drought and the need to continue the water conservation regulations.

City Attorney Pierik read the title of Ordinance No. 1112.

Councilmember McDonald moved, seconded by Councilmember Kildee, to adopt Ordinance No. 1112 amending the Water Conservation Ordinance (Municipal Code Chapter 14.12 - Water Conservation Measures) to revise the conservation goals and measures for drought condition stages, remove the word "urgency" as noted above, and to review the status of the drought and the Ordinance within 90 days.

Councilmember Craven stated she understood the need to reduce the city's water use due to the severity of the drought, but did not support changing the rules in the middle of the game for these approved projects.

Mayor Little stated the ordinance would not help conserve water now because these projects are not scheduled to come online until the end of 2016 or 2017.

Councilmember Kildee stated the City must comply with the Governor's mandate. This is a unique situation which calls for unique measures.

Vice Mayor Morgan stated the problem is the Governor and State Water Board are not giving the City credit for transfer sources.

Motion failed 2-3 (Craven, Little, and Morgan dissenting).

Vice Mayor Morgan and Mayor Little supported exempting the Fairfield and elacora Springville projects from the ordinance.

Mayor Little moved to adopt Ordinance No. 1112 with an exemption for Fairfield and elacora Springville, and those projects with water availability letters.

Councilmembers Kildee and McDonald did not support an exemption that would put current rate payers at risk of a Stage 3 water conservation declaration. Camarillo residents have already taken their conservation efforts very seriously.

The Council and staff had a lengthy discussion about which projects and how many units would be allowed to be developed under the proposed motion.

The motion died for lack of a second.

The following people urged the Council to reject the ordinance and questioned the equity in exempting some projects but not others. They encouraged the Council to allow staff to work with the developers to come up with a solution that works for everyone.

Alfred Fraijo, Sheppard Mullin LLP, representing PrimeStor
Ezra Gale, Director of Government Affairs for Building Industry Association of Southern California
Dennis Hardgrave, representing Hiji and Ran Rancho

Public Works Director Fox recommended that the Council allow staff to work with the developers and the community to see what other solutions are available to obtain compliance with the Governor's order.

Councilmember McDonald expressed concern about the number of developers that would be in City Hall within the next 30 days seeking will-serve letters.

Councilmember McDonald moved, seconded by Councilmember Kildee, to adopt Ordinance No. 1112 amending the Water Conservation Ordinance (Municipal Code Chapter 14.12 - Water Conservation Measures) to revise the conservation goals and measures for drought condition stages and to review the status of the drought and the Ordinance on August 26.

Motion failed (Craven, Morgan, and Little dissenting).

The Council directed staff to work with the community and the developers to come up with a solution, to provide a progress report to the Council in August, and to come back with a solution as soon as practical.

Public Works Director Fox stated staff will meet with the development community first to hear their concerns and ideas for strategies to reduce water usage and then conduct town hall meetings for a community discussion to vet the ideas prior to returning to City Council. Additionally, in the future, approval of will-serve letters will be on the agenda for discussion and approval.

XIX. DEPARTMENTAL

A. Purchase Order for Debris Mitigation Design Study

Public Works Director Fox stated staff is trying to find a solution to prevent damage from future debris flows by contracting with an engineer who specializes in debris flow mitigation. The hope is the design study will provide an affordable solution utilizing the existing debris platforms.

The following Camarillo Springs residents urged the Council to find a permanent solution before the predicted El Niño rains begin:

Betty Crowell
Bob Spielman
Hal Hyman
Phil Eads

Councilmember Kildee moved, seconded by Councilmember Craven, to appropriate \$40,000 and authorize staff to issue a purchase order to Kane GeoTech, Inc., for a hillside safety design study.

Motion carried 5-0.

IV. CITY COUNCIL

B. Response to Grand Jury - Detention Facilities and Related Law Enforcement Issues

Commander McGrath reviewed the proposed response to the Grand Jury report regarding Detention Facilities and Related Law Enforcement Issues.

Councilmember Kildee moved, seconded by Councilmember Craven, to approve the Response to the 2014-2015 Grand Jury Report on Detention Facilities and Law Enforcement Issues and authorize the Mayor to execute the response.

Motion carried 5-0.

C. Response to Grand Jury - Countywide Bicycle Safety

Commander McGrath and Sergeant Arthur reviewed the proposed response to the Grand Jury Report regarding Countywide Bicycle Safety.

Councilmember Craven moved, seconded by Councilmember Kildee, to approve the Response to the 2014-2015 Grand Jury Report on Countywide Bicycle Safety and authorize the Mayor to execute the response.

Motion carried 5-0.

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.

Naval Base Ventura County Joint Land Use Study – Councilmember McDonald stated there will be a public workshop at the Camarillo Library on August 4th.

Bill Visser – Mayor Little requested the meeting be adjourned in the memory of Bill Visser, a former Camarillo employee who worked as an Civil Engineer for 25 years. Bill was also active in the Optimist Club and had been named Optimist of the Year.

XX. ADJOURN

The meeting adjourned at 12:13 a.m. in the memory of Bill Visser.

ATTEST:



Mayor



City Clerk