

MINUTES OF THE CITY COUNCIL

Moorpark, CaliforniaFebruary 6, 2008

A Regular Meeting of the City Council of the City of Moorpark was held on February 6, 2008, in the Council Chambers of said City located at 799 Moorpark Avenue, Moorpark, California.

1. CALL TO ORDER:

Mayor Hunter called the meeting to order at 7:09 p.m.

2. PLEDGE OF ALLEGIANCE:

Joseph Montes, City Attorney, led the Pledge of Allegiance.

3. ROLL CALL:

Present: Councilmembers Mikos, Millhouse, Parvin, Van Dam, and Mayor Hunter.

Staff Present: Steven Kueny, City Manager; Joseph Montes, City Attorney; Hugh Riley, Assistant City Manager; Barry Hogan, Deputy City Manager; Mary Lindley, Parks/Recreation and Community Services Director; Johnny Ea, Finance Director; Yugal Lall, City Engineer/Public Works Director; David Bobardt, Planning Director; Captain Jeff Matson, Sheriff's Department; Roger Blais, Parks and Landscape Manager; John Brand, Senior Management Analyst; Shaun Kroes, Management Analyst; Maureen Benson, Assistant City Clerk; and Blanca Garza, Deputy City Clerk.

4. PROCLAMATIONS AND COMMENDATIONS:

A. Introduction of New City Employee, Elizabeth Mesa, Account Technician I in the Finance Department.

Mayor Hunter introduced Elizabeth Mesa, Account Technician I in the Finance Department.

B. Proclamation Declaring March 8, 2008, as Arbor Day.

Mayor Hunter presented Roger Blais, Parks and Landscape Manager with a proclamation declaring March 8, 2008, as Arbor Day.

5. PUBLIC COMMENT:

None.

6. REORDERING OF, AND ADDITIONS TO, THE AGENDA:

None.

7. ANNOUNCEMENTS, FUTURE AGENDA ITEMS, AND REPORTS ON MEETINGS/CONFERENCES ATTENDED BY COUNCILMEMBERS AND MAYOR:

Councilmember Millhouse announced he had recently attended the Metrolink Board of Directors Retreat, which was hosted by the City of Temecula. One item discussed was the proposal by the Los Angeles Metropolitan Transit Agency to gate their subway system, which may impact the Moorpark Metrolink commuters.

Councilmember Millhouse announced at the last Ventura County Transportation Commission meeting he asked the Commission to revisit the issue of alternative revenue sources for transportation projects in the County as there is a tremendous need for transportation improvements, increased mass transit, and other roadway fixes in the transit system, which lack State funding. Several alternatives are being considered and he invited the public to participate during this conceptual stage.

Councilmember Van Dam congratulated the Moorpark High School Academic Decathlon Team, which is presently preparing for the State competition and has a good chance of bringing home a national trophy. He stated any financial support the public can offer would be appreciated.

Mayor Hunter announced the public is invited to attend a free Healthy Aging Forum, presented by the City of Moorpark Active Adult Center, at the Moorpark Civic Center on Saturday, February 9 from 9 a.m. - noon. The event will feature a keynote address by Dr. Sharon Norling, who will speak on "Natural Approaches to Healthy Aging." The seminar will also feature a panel presentation on "Educating Yourself Before a Crisis;" yoga demonstrations; and informational displays. Light refreshments will be served.

8. PUBLIC HEARINGS:

- A. Consider Continued Hearing on Potential Breach by Time Warner of Its Customer Service Obligations. (continued open public hearing from September 19, 2007) Staff Recommendation: 1) Continue to accept public testimony and close the public hearing; and 2) Direct staff to monitor Time Warner Cable's performance and keep the City Council informed.

Mr. Brand gave the staff report.

In response to Councilmember Millhouse, Mr. Montes summarized his understanding of Time Warner's actions in regard to: 1) The City of Moorpark's Franchise Agreement; 2) Application to the State for relief from rate regulations and to be placed under the restrictions of the Telecommunications Act of 2001; and 3) Submission of multiple applications to the State for various jurisdictions to be brought under the State's franchise, based upon their acquisition of Adelphia assets.

A discussion followed among the Councilmembers and staff regarding steps Time Warner has taken to try to reach the City's 90% goal in regard to the 30-second rule for customer service telephone call response time; and Council's previous request for Moorpark-specific data on customer service.

Mayor Hunter stated this is a continued open public hearing.

In response to Mayor Hunter, Ms. Benson stated there were no speakers.

In response to Mayor Hunter, Patricia Fregoso-Cox, Vice President of Communications with Time Warner Cable, 41551 10th Street West, Palmdale, California, stated she was available to answer questions.

In response to Council questions, Ms. Fregoso-Cox stated: 1) Time Warner does not have system-specific phone statistics, but is presently working toward getting division-specific phone statistics to cover the Moorpark region, which includes the North Division covering the area from the San Fernando Valley to Ventura County and all the way to Palmdale and Lancaster; 2) The City Attorney's understanding of Time Warner's applications to the Federal Communications Commission are correct. Time Warner Cable is only seeking rate regulation relief. The City of Moorpark will still have oversight over customer service standards and Time Warner Cable will still pay franchise fees to the City of Moorpark; 3) She will research if Time Warner Cable can bifurcate regulated and non-regulated services, as well as their ability or inability to provide Moorpark with specific call statistics; and 4) She will research when Time Warner can submit a timeframe of when they anticipate achieving the 90% standard.

In response to Councilmember Mikos, Mr. Brand confirmed Ms. Fregoso-Cox's statement that the Franchise Agreement does not require Moorpark-specific statistics, but they do need to provide call standards toward meeting the 90% goal.

Ms. Fregoso-Cox introduced her colleague, Debi Picciolo, North Division President with Time Warner Cable, 9260 Topanga Canyon Boulevard, Chatsworth, California.

In response to Council, Ms. Picciolo stated Time Warner can provide data on repetitive calls which are Moorpark-specific, and additional Moorpark-specific statistics of the entire call volume within the North Division.

In response to Councilmember Parvin and Mayor Hunter, Ms. Picciolo stated even though the Franchise Agreement does not require it, Time Warner will work with staff to provide reports to: 1) Indicate repetitive calls from the same Moorpark phone numbers; and 2) Extrapolate calls from the Moorpark zip code to include the customer's primary issue for contact.

Councilmember Millhouse stated even though the City has a very strict Franchise Agreement, which applies some leverage over Time Warner, he still wants to express his frustration over Sacramento and Washington D.C. taking away local jurisdiction of the cable industry. He requested Time Warner supply statistics on how many calls are answered within one minute since he believes they may actually reach the 90% standard.

Mayor Hunter closed the public hearing.

MOTION: Councilmember Millhouse moved and Councilmember Parvin seconded a motion to direct staff to monitor Time Warner Cable's performance, obtain the Moorpark-specific reports requested by Council and keep the City Council informed. The motion carried by unanimous voice vote.

- B. Consider Proposals for Fiscal Year 2008-2009 for \$199,014 in Community Development Block Grant (CDBG) Funds. Staff Recommendation: 1) Open the public hearing, accept public testimony, and close the public hearing; 2) Refer this matter to the Council's Finance, Administration and Public Safety Committee for preparation of a recommendation for final appropriations for City Council consideration at the regular meeting scheduled for March 5, 2008; and 3) Continue this item, with public hearing closed, to the meeting of March 5, 2008.

Mr. Hogan gave the staff report.

Mayor Hunter opened the public hearing.

Jim Stueck, Past President of the Board of Ventura County Ombudsman Program, described the hospice and assisted living facilities in Moorpark and requested consideration for funding for the Long Term Care Ombudsman Program. He encouraged all interested in volunteering to call (805) 656-1986.

Debra Hyde described the RAIN Project and their transitional living center for homeless families and single adults in Ventura County. Ms. Hyde requested consideration for funding for transportation costs.

Kristy Pollard requested consideration for funding for Food Share, specifically for their Brown Bag for Seniors Program, which provides a supplemental bag of groceries each week to income qualifying seniors. Ms. Pollard indicated Brown Bag Program applications may be obtained by calling (805) 983-7100.

Diane Scruton, Loving Heart Hospice Foundation, which is affiliated with TLC Home Hospice and Moorpark Healthcare Center, requested consideration for funding for low-income hospice patients so they may go through the end of their lives pain free, with dignity and respect, while surrounded by their loved ones.

Helen Ortega requested consideration for funding for Many Motors, a vehicle donation program for the needy.

Eric Dee requested consideration for funding for the Women's Economic Ventures Organization, so they may assist women with training for self-employment.

Moxie McMahon, Moorpark resident, spoke on behalf of the Women's Economic Ventures Organization and described her participation in the program. She requested consideration for funding as an investment in the community.

Mary Anne Rooney spoke on behalf of the Women's Economic Ventures Organization and requested consideration for funding to help women become financially self-sufficient.

Pat Esseff, Client Services Coordinator for Catholic Charities, requested consideration for funding support for the Food Pantry.

Councilmember Mikos requested consideration be given to assigning more administrative dollars to the applicants.

Mayor Hunter closed the public hearing.

MOTION: Councilmember Mikos moved and Councilmember Millhouse seconded a motion to: 1) Refer this matter to the Council's Finance, Administration and Public Safety Committee for preparation of a recommendation for final appropriations for City Council consideration at the regular meeting scheduled for March 5, 2008, with the request to consider making more administrative funds available for applicants; and 2) Continue this item, with

public hearing closed, to the meeting of March 5, 2008. The motion carried by unanimous voice vote.

9. PRESENTATION/ACTION/DISCUSSION:

- A. Consider Options for the Modification of Traffic Flow on Lassen Avenue East of Sierra Avenue. Staff Recommendation: Direct staff as deemed appropriate

Mr. Lall gave the staff report.

A discussion followed among Councilmembers and staff regarding options to resolve the situation including: 1) Performing traffic counts in the affected areas; 2) Revisiting the issue with Caltrans for consideration of installing a signal light at the intersection of Shasta Avenue and Los Angeles Avenue; 3). Restricting egress from the shopping center into the Moorpark Estates tract; and 4) Delaying any action until the next Council meeting.

Dara Velazquez, resident of the Moorpark Estates tract, requested no changes to the current conditions. She stated she would use the intersection of Los Angeles Avenue and Shasta Avenue if a traffic signal light were installed.

A discussion continued among the Councilmembers and staff regarding traffic flow options such as spike strips, speed bumps, bollards, or leaving the street in its current condition.

MOTION: Councilmember Millhouse moved to: 1) Continue the item to February 20, 2008, allowing staff time to explore other remedies and also to allow residents to provide feedback; and 2) Tentatively recommended closing outbound traffic (westbound) from the Mission Bell Plaza into the Moorpark Estates tract at Lassen Avenue.

Councilmember Millhouse requested staff perform a traffic count at the various locations to provide updated information he can take to Caltrans for their warrant study for installation of a traffic signal at Shasta Avenue and Los Angeles Avenue.

Mr. Kueny requested the item be continued to March 5, 2008, to allow staff more time to perform the traffic counts and to send a letter to every address in the Moorpark Estates tract notifying them of the next meeting.

Councilmember Van Dam requested the shopping center be contacted regarding installation of a spike barrier on their property.

AMENDED MOTION: Councilmember Millhouse amended his motion and Councilmember Mikos seconded the amended motion to continue the item to March 5, 2008, and directed staff to: 1) Explore other options, including contacting the shopping center to install a spike barrier on their property; 2) Conduct a traffic count in this location and at Shasta Avenue and Los Angeles Avenue to provide updated information to Caltrans for a traffic signal at Shasta Avenue and Los Angeles Avenue; and 3) Mail notification of the March 5, 2008, meeting to all residents of the Moorpark Estates tract. The amended motion carried by unanimous voice vote.

B. Consider Reconsideration of City Council Action on Campus Plaza Public Art Conceptual Design, Agenda Item 9.E. on January 16, 2008, Regular Meeting. Staff Recommendation: 1) Consider reconsideration of Campus Park Public Art Conceptual Design, Item 9.E. on January 16, 2008, regular City Council meeting; 2) Consider reconsideration of vote on January 16, 2008, for Item 9.E; and 3) Consider revised Campus Park Public Art Conceptual Design for Campus Plaza (CPD 2000-04).

MOTION: Councilmember Millhouse moved and Councilmember Parvin seconded a motion to consider reconsideration of Campus Park Public Art Conceptual Design, Item 9.E. from the January 16, 2008, regular City Council meeting and reopen the discussion of the item. The motion carried by unanimous voice vote.

In response to Mayor Hunter, Ms. Benson stated there were no speakers.

In response to Mayor Hunter, Phil Culler, Consultant for M & M Development, 360 Mobile Avenue, Suite 213A, Camarillo, stated he was in agreement with the Council's consensus to reconsider Item 9.E. from the January 16, 2008, regular City Council meeting.

A discussion followed among the Councilmembers and staff regarding the need for public art conceptual designs to be presented in context; whether to form an ad hoc committee to work with the applicant and the Arts Commission; or instead have the applicant consult with two Councilmembers. Mr. Montes confirmed a meeting with two Councilmembers would not be a violation of the Brown Act. Councilmembers Parvin and Van Dam offered to meet with the applicant to discuss the proposal.

Mr. Culler requested the item be continued for 60-days to allow time for discussion with Councilmembers Parvin and Van Dam and the Arts Commission.

MOTION: Councilmember Millhouse moved and Councilmember Van Dam seconded a motion to: 1) Consider reconsideration of the vote on January 16,

2008, for Item 9.E; 2) Direct staff to rescind the prior action and reconsider this item on April 2, 2008. The motion carried by unanimous voice vote.

MOTION: Councilmember Mikos moved and Councilmember Parvin seconded a motion to direct staff to bring back a separate item to consider a policy to require all future public art conceptual designs to be submitted with visual renderings in context with their surroundings. The motion carried by unanimous voice vote.

- C. Consider Ordinance to Renumber Section 8.52.140 to Section 8.52.180 and to Add Section 8.52.150 Business Inspections, Section 8.52.160 Business Inspection Fee and Section 8.52.170 Business Re-Inspection Fee to Chapter 8.52 Stormwater Quality Management of Title 8 of the Moorpark Municipal Code. Staff Recommendation: 1) Introduce Ordinance No. ___ for first reading, waive full reading, and schedule second reading and adoption for February 20, 2008; and 2) Direct staff to prepare a fee resolution to implement the new Sections and schedule for the February 20, 2008, meeting.

Mr. Kroes gave the staff report.

A discussion followed among Councilmembers and staff regarding inspection options available and the criteria used to select the consultant for the inspections.

In response to Mayor Hunter, Ms. Benson stated there were no speakers.

A discussion followed among the Councilmembers and staff in regard to any notification sent to local businesses; confirmation that this is a State mandated program with no funding source; and confirmed the City has never assessed fees for the overall NPDES program.

Mayor Hunter proposed notifying the 140-businesses, which will be impacted by the proposed fee and the three options being considered; the third option being the City continuing to pay for the fees from the General Fund; and to return the item in 30-days.

A discussion followed among the Councilmembers and staff regarding inspections by City staff, by the private consultant, and the training of inspectors, as well as adding the option for the City to pay a portion of the fee and have the business pay a portion.

MOTION: Mayor Hunter moved and Councilmember Parvin seconded a motion to: 1) Continue the item to April 2, 2008, with direction to staff to notice all the businesses impacted by this fee with clarification in the letter that this is an unfunded State mandate; and 2) Directed staff to include information in their

report, justifying the consultant's cost in comparison to staff's cost. The motion carried by unanimous voice vote.

- D. Consider Revisions to City Council Policy 8 – City Council Standing Committees. Staff Recommendation: Approve revised City Council Policy 8 and direct staff to include the revised language in the next update of the City Council's Policies Resolution.

Mr. Kueny gave the staff report.

CONSENSUS: It was the consensus of the Council to make the following revisions:

On stamped page 103 of the agenda report, to number 1. Standing Committees, under the Transportation and Public Works Standing Committee paragraph, add "*or may*" after "may", in the second to last sentence.

On stamped page 106 of the agenda report, to number 8. Committee Assignments: 1) Add "*This structure is not intended to expand or enhance Councilmembers' authority over City operations, programs or staff.*" after resources, located at the end of the fourth sentence; and 2) Delete "Committees do not have oversight of City operations, programs, or City staff", in the second to last sentence.

On stamped page 106 of the agenda report, to number 9. Items Referred to Committee: Delete "*When determined necessary, a*"; and add "*A*" before "Standing Committee", in the last sentence.

On stamped page 106 of the agenda report, to number 11. Items Recommended by City Commissioners and Committees, add "*directly*" after "forwarded", in the last sentence.

Councilmember Mikos stated she would like to have two items added to the Community and Economic Development Committee's assignments to include, a residential relocation plan and a façade rehabilitation program.

MOTION: Councilmember Mikos moved and Councilmember Parvin seconded a motion to: 1) Approve revisions to City Council Policy 8 – City Council Standing Committees, as outlined in the agenda report and as revised by Council and to include the revised language in the next update of the City Council's Policies Resolution; and 2) Add "Residential Relocation Plan" and "Facade Rehabilitation Program" as official assignments to the Community and Economic Development Standing Committee. The motion carried by unanimous voice vote.

- E. Consider Status Report on Mission Statement, Priorities, Goals and Objectives for Fiscal Year 2007/08 and Direction for Fiscal Year 2008/09.
Staff Recommendation: Direct staff as deemed appropriate.

Mr. Kueny gave the staff report.

In response to Mayor Hunter, Ms. Benson stated there were no speakers.

A discussion followed among the Councilmembers focusing on the addition of the following objectives: 1) Holiday lighting on High Street for next holiday season; 2) Development of an Arts Master Plan with community input for the High Street Arts Center and art in public places; and 3) An annual neighborhood recycling program.

MOTION: Mayor Hunter moved and Councilmember Van Dam seconded a motion to receive and file the report.

Councilmember Parvin requested the annual neighborhood recycling program be made a part of the motion. A discussion followed among the Councilmembers and staff regarding the consideration of this item and the staff recommendation.

AMENDED MOTION: Mayor Hunter amended the motion and Councilmember Van Dam seconded the amended motion to include direction for staff to provide either a box item communication or a future agenda item regarding an annual neighborhood recycling program. The motion carried by unanimous voice vote.

10. **CONSENT CALENDAR: (ROLL CALL VOTE REQUIRED)**

MOTION: Councilmember Parvin moved and Councilmember Van Dam seconded a motion to approve the Consent Calendar. The motion carried by unanimous roll call vote.

- A. Consider Approval of the Special Meeting Minutes of December 17, 2007.
Staff Recommendation: Approve the minutes.
- B. Consider Approval of the Regular Meeting Minutes of January 16, 2008.
Staff Recommendation: Approve the minutes.
- C. Consider Approval of Warrant Register for Fiscal Year 2007-2008 – February 6, 2008. Staff Recommendation: Approve the warrant register.
- D. Consider Resolution Amending the Fiscal Year 2007/08 Budget to Purchase and Install a Monument Sign at Arroyo Vista Community Park.
Staff Recommendation: Adopt Resolution No. 2008-2679 allocating

\$12,000 from the Park Improvement Fund-Community Zone for the AVCP sign. ROLL CALL VOTE REQUIRED

- E. Consider Removal and Retention of Public Pay Phones at Certain City Facilities. Staff Recommendation: Approve the removal and retention of public pay phones as outlined in the agenda report.
- F. Consider Resolution Amending the Fiscal Year 2007/08 Budget to Improve the Landscaping in the Parkway Along the North Side of Tierra Rejada Road, Between Sunset Valley Road and Miller Parkway. Staff Recommendation: Adopt Resolution No. 2008-2680, and authorize the Mayor to execute an agreement with Sunridge Landscape Maintenance Service for Zone 12 landscape improvements. ROLL CALL VOTE REQUIRED
- G. Consider Amendment to Implementation Agreement for Countywide Stormwater Program and Resolution Amending the Fiscal Year 2007/08 Budget to Fund the Amendment. Staff Recommendation: 1) Authorize the Mayor to sign the Amendment, subject to final language approval by the City Manager and City Attorney; and 2) Adopt Resolution No. 2008-2681. ROLL CALL VOTE REQUIRED
- H. Consider Resolution Amending the Fiscal Year 2007/08 Budget to Replace the Air Conditioning Unit in the City Hall Computer Server Room. Staff Recommendation: Adopt Resolution No. 2008-2682. ROLL CALL VOTE REQUIRED
- I. Consider Resolution Establishing the Fine for Violations of Chapter 9.32, Social Host Ordinance of the Moorpark Municipal Code. Staff Recommendation: Adopt Resolution No. 2008-2683. ROLL CALL VOTE REQUIRED
- J. Consider Resolution Amending the Fiscal Year 2007/08 Budget to Replace Lights at College View Park. Staff Recommendation: 1) Adopt Resolution No. 2008-2684; and 2) Authorize the City Manager to execute an amendment to the City's Agreement with DNA for \$27,151.02. ROLL CALL VOTE REQUIRED
- K. Consider Second Amendment to Professional Services Agreement Between the City of Moorpark and AppleOne Employment Services to Provide Temporary Staffing Services to the City of Moorpark. Staff Recommendation: Approve Amendment No. 2 as outlined in the agenda report and authorize the City Manager to sign Amendment No. 2 to the Agreement.

11. ORDINANCES: (ROLL CALL VOTE REQUIRED)

None.

12. CLOSED SESSION:

None was held.

13. ADJOURNMENT:

MOTION: Councilmember Parvin moved and Councilmember Millhouse seconded a motion to adjourn the meeting. The motion carried by unanimous voice vote. The time was 9:52 p.m.

Patrick Hunter, Mayor

ATTEST:

Maureen Benson, Assistant City Clerk