

MINUTES OF THE CITY COUNCIL

Moorpark, CaliforniaMarch 19, 2008

A Regular Meeting of the City Council of the City of Moorpark was held on March 19, 2008, in the Council Chambers of said City located at 799 Moorpark Avenue, Moorpark, California.

1. CALL TO ORDER:

Mayor Pro Tempore Parvin called the meeting to order at 7:21 p.m.

2. PLEDGE OF ALLEGIANCE:

Hugh Riley, Assistant City Manager, led the Pledge of Allegiance.

3. ROLL CALL:

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

Absent: Mayor Hunter.

Staff Present: Steven Kueny, City Manager; Joseph Montes, City Attorney; Hugh Riley, Assistant 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; David Moe, Redevelopment Manager; David Klotzle, Assistant City Engineer; Joseph Vacca, Principal Planner; Atanas Beltchev, Information Systems Analyst; Deborah Traffenstedt, Administrative Services Director/City Clerk; and Tracy Moe, Deputy City Clerk.

4. PROCLAMATIONS AND COMMENDATIONS:

A. Recognition of Captain Jeff Matson Upon the Occasion of His Promotion to Commander with the Ventura County Sheriff's Department.

Mayor Pro Tempore Parvin presented Captain Matson with a plaque recognizing his promotion to Commander with the Ventura County Sheriff's Department.

B. City Manager's Monthly Report.

Mr. Kueny deferred the monthly report.

5. PUBLIC COMMENT:

Karen Goodman, representing Ventura County Waterworks District No. 1, spoke regarding the importance of water conservation, the District's efforts to assist their customers to conserve water, and thanked the City for being a partner in these efforts.

John Newton, representing the Board of Directors of the Boys and Girls Club of Moorpark, announced their 21st Annual Dinner and Auction on March 29, Saturday at 6:00 p.m., at the Ronald Regan Presidential Library.

AT THIS POINT in the meeting, the City Council recessed to convene a meeting of the Moorpark Redevelopment Agency. The time was 7:39 p.m. The City Council meeting reconvened at 7:46 p.m.

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

CONSENSUS: It was the consensus of the Council, to hear Item 9.A. from Presentation/Action/Discussion prior to Public Hearings Item 8.A. upon the request of Councilmember Millhouse.

CONSENSUS: It was the consensus of the Council, to pull Item 10.N. from the Consent Calendar for individual consideration upon the request of Councilmember Mikos.

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

Councilmember Mikos announced that March 16 through March 22 is Sunshine Week encouraging open government.

Councilmember Van Dam congratulated the Moorpark Kiwanis Club on their 20th anniversary.

Councilmember Van Dam congratulated the Moorpark High School Academic Decathlon Team on winning the state championship.

Councilmember Van Dam announced on Wednesday, April 2, 2008, at 4:30 p.m. there will be a community forum at the Thousand Oaks High School for discussion of what affect state budget cuts will have our schools. He also encouraged residents to call or email the Governor's Office to protest education funding cuts.

Mayor Pro Tempore Parvin announced the City's Annual Easter Egg Hunt will be held on Saturday, March 22 from 10:00 a.m. to 1:00 p.m. at Arroyo Vista Park.

Mayor Pro Tempore Parvin announced Free Landfill Day for Moorpark residents on Sunday, April 20 from 10:00 a.m. to 4:00 p.m. at the Simi Valley Landfill and Recycling Center located at 2801 Madera Road. Only household waste may be dumped or recycled without charge. No appointment is necessary, but proof of residency is required.

AT THIS POINT in the meeting Item 9.A. was heard.

9. PRESENTATION/ACTION/DISCUSSION:

- A. Consider Options for the Modification of Traffic Flow on Lassen Avenue, East of Sierra Avenue. (continued from March 5, 2008) Staff Recommendation: Direct staff as deemed appropriate. (Staff: Yugal Lall)

Mr. Lall gave the staff report.

A discussion followed among Councilmembers and staff regarding alternatives discussed in staff report to resolve the situation. An additional option of a raised curb to restrict the direction of traffic from Chaparral Middle School was also discussed.

Steve Garcia, resident of Moorpark Estates tract, requested that stop signs be installed at Whitney Avenue, Sierra Avenue, Palomar Avenue, and Diablo Avenue and even if a traffic signal is installed, he does not want Lassen Avenue closed off.

A discussion continued among the Councilmembers and staff regarding the feasibility to add stop signs though it was stated stop signs are for potentially conflicting turn movements and are not for speed control.

Lupe Gonzales, resident of Moorpark Estates tract, stated she agreed with Mr. Garcia, the real issue is the truck traffic on Highway 118, and stated no changes should be made.

Bob Gehricke stated he agreed with Mr. Garcia and Ms. Gonzales and that increasing the access and egress in the area would relieve the traffic.

David Delawder from Safco Capital, property manager for the Mission Bell shopping center, stated if a gate was constructed behind the swimming pool, it would cut down traffic at Lassen Avenue. He stated he would also like to be present at future meetings.

A discussion continued among the Councilmembers and staff regarding deferring a decision and work on meeting the warrant for installing a traffic signal at Shasta Avenue and Los Angeles Avenue and having the Transportation and Public Works Committee look at the options.

CONSENSUS: It was the consensus of the Council to refer the item to the Transportation and Public Works Committee and direct staff to prepare a report that includes a list of all options with pros and cons.

8. PUBLIC HEARINGS:

- A. Consider Resolution Revising Approval of Sale of Property Owned by the Redevelopment Agency of the City of Moorpark, Located at 192 High Street, to Aszkenazy Development, Inc. Staff Recommendation: 1) Open public hearing, take public testimony, and close public hearing; and 2) Approve Resolution No. 2008-2692, approving sale of property between the Agency and Developer, subject to Disposition and Development Agreement approval by the Agency.

Mr. Moe gave the staff report.

Mayor Pro Tempore Parvin opened the public hearing.

In response to Mayor Pro Tempore Parvin, Ms. Traffenstedt stated there were no speakers.

In response to Councilmember Mikos' comment, Severyn Aszkenazy the developer, stated he was prepared and willing to cooperate to retain existing restaurants.

Mayor Pro Tempore Parvin closed the public hearing.

MOTION: Councilmember Mikos moved and Councilmember Van Dam seconded a motion to approve Resolution 2008-2692, approving sale of property between the Agency and Developer, subject to Disposition and Development Agreement approval by the Agency. The motion carried by roll call vote 4-0, Mayor Hunter absent.

9. PRESENTATION/ACTION/DISCUSSION:

- B. Consider Scheduling Joint City Council/Arts Commission, Joint City Council/Parks and Recreation Commission and Joint City Council/Planning Commission Meetings. (continued from March 5, 2008) Staff Recommendation: Direct staff as deemed appropriate.

Ms. Traffenstedt gave the staff report.

CONSENSUS: It was the consensus of the Council to direct staff to schedule the joint meetings for April 23.

- C. Consider Intersection Modifications for Dual Left-Turn Lanes from Northbound Moorpark Road to Westbound Tierra Rejada Road. Staff Recommendation: Direct staff as deemed appropriate.

Mr. Klotzle gave the staff report.

A discussion followed among Councilmembers and staff regarding the high volume of traffic, additional signage and positioning, and the possibility of the street going through since the 23 Freeway is now open.

CONSENSUS: It was the consensus of the Council to direct staff to continue with modifications for dual left-turn lanes from northbound Moorpark Road to westbound Tierra Rejada Road, schedule an item for budget allocation, and directed the Transportation and Public Works Committee to review the full intersection design.

- D. Consider Resolution Authorizing Mid-Year Amendments to 2007/2008 Fiscal Year Budget. Staff Recommendation: Adopt Resolution No. 2008-2693, as indicated in the agenda report. ROLL CALL VOTE REQUIRED.

Mr. Ea gave the staff report.

In response to Mayor Pro Tempore Parvin, Ms. Traffenstedt stated there were no speakers.

MOTION: Councilmember Millhouse moved and Mayor Pro Tempore Parvin seconded a motion to approve Resolution 2008-2693, authorizing mid-year amendments to 2007/2008 fiscal year budget. The motion carried by roll call vote 4-0, Mayor Hunter absent.

- E. Request to Authorize Reimbursement Agreement for Acquisition of Off-site Access Road Property for Tract No. 5147, a 17-Lot Industrial Subdivision on 34.53 Acres, Located Approximately 1,300 Feet West of Gabbert Road, North of the Union Pacific Railroad Right-of-Way, on the Application of A-B Properties. Staff Recommendation: Authorize the City Manager to sign the agreement subject to final language approval by the City Manager and City Attorney.

Mr. Kueny gave the staff report and made a correction to the agenda title to indicate this is simply a Reimbursement Agreement. He referred Council to the fifth full paragraph on stamped page 42 of the agenda report, where it states, "The Agreement before the Council is a reimbursement agreement authorized by Section 66462.5. The

Agreement does not require the City to acquire the Property by eminent domain, rather, the Agreement requires the City to initiate the process of acquisition, which may ultimately lead to an eminent domain action.”

MOTION: Councilmember Mikos moved and Councilmember Van Dam seconded a motion to authorize the City Manager to sign the agreement subject to final language approval by the City Manager and City Attorney. The motion carried by voice vote 4-0, Mayor Hunter absent.

10. CONSENT CALENDAR: (ROLL CALL VOTE REQUIRED)

MOTION: Councilmember Van Dam moved and Councilmember Millhouse seconded a motion to approve the Consent Calendar with the exception of Item 10.N., which was pulled for individual consideration. The motion carried by roll call vote 4-0, Mayor Hunter absent.

- A. Consider Approval of the Regular Meeting Minutes of February 20, 2008. Staff Recommendation: Approve the minutes.
- B. Consider Approval of the Regular Meeting Minutes of March 5, 2008. Staff Recommendation: Approve the minutes.
- C. Consider Approval of Warrant Register for Fiscal Year 2007-2008 - March 19, 2008. Staff Recommendation: Approve the warrant register.
- D. Consider Report of Annual Development Agreement Review, Established in Connection with Vistas at Moorpark, Located on the West Side of Walnut Canyon Road, Approximately 3,500 Feet North of Casey Road, on the Application of Moorpark 150, LLC. Staff Recommendation: 1) Accept the Planning Director's report and recommendation, on the basis of substantial evidence, that Moorpark 150, LLC has complied in good faith with the terms and conditions of the agreement; and 2) Deem the annual review process complete.
- E. Consider the City of Moorpark 2007 General Plan Annual Report Including the Housing Element Progress Report. Staff Recommendation: 1) Receive and file the report; and 2) Direct staff to forward a copy of this report to the Governor's Office of Planning and Research, the California Department of Housing and Community Development, and the County of Ventura-Planning Division.
- F. Consider Rejection of Claim: Sergio Ramirez. Staff Recommendation: Reject the claim and direct staff to send a standard rejection letter to the claimant.

- G. Consider Rejection of Claim: Camrosa Water District. Staff Recommendation: Reject the claim and direct staff to send a standard rejection letter to the claimant.
- H. Consider Resolution Amending Salary Plan and Rescinding Resolution No. 2007-2664, and Consider Promotion of Current Human Resources Analyst to New Management Position. Staff Recommendation: 1) Adopt Salary Plan Resolution No. 2008-2694; 2) Approve Promotion of the current Competitive Services Human Resources Analyst from Range 59 to the new Human Resources Analyst Management position at Range 62; and 3) Direct staff to schedule a Classification Plan amendment agenda item to incorporate related amendments to job descriptions.
- I. Consider Resolution Adopting a Revised Benefit Program for Management Employees and Rescinding Resolution No. 2007-2619. Staff Recommendation: Adopt Resolution No. 2008-2695.
- J. Consider Resolution Establishing Certain Parking Restrictions on Honeybrook Court West of Alderbrook Street and on Rivergrove Street East of Alderbrook Street. Staff Recommendation: Adopt Resolution No. 2008-2696.
- K. Consider Reduction of Surety Bonds for Kylexa Enterprises, LLC for Parcel A of Parcel Map 5316 (CPD 2004-02). Staff Recommendation: 1) Authorize the City Clerk to reduce the Surety Bonds Nos. 5016786 and 5016787 for Kylexa Enterprises, LLC; and 2) Authorize the City Clerk to fully exonerate these bonds one year after this approval of reduction upon written confirmation from the City Engineer that no warranty work is required.
- L. Consider Reduction of Surety Bonds for Denny L. McVey and Brea A. McVey For Parcel B of Parcel Map 5394. Staff Recommendation: 1) Authorize the City Clerk to reduce Surety Bonds Nos. 661114391 and 661114392 for Denny L. and Brea A. McVey; and 2) Authorize the City Clerk to fully exonerate these bonds one year after this approval of reduction upon written confirmation from the City Engineer that no warranty work is required.
- M. Consider Reduction of Surety Bond Reduction for Toll CA L.P., Moorpark Country Club Estates (Tract 4928). Staff Recommendation: 1) Authorize the City Clerk to reduce the Surety Bond No. 929208203 for Toll CA L.P., Moorpark Country Club Estates; and 2) Authorize the City Clerk to fully exonerate this bond one year after this approval of the reduction upon written confirmation from the Assistant City Engineer that no warranty work is required.

- O. Consider Resolution Authorizing the Acquisition of 406 Charles Street and Accepting the Grant Deed for Recordation. Staff Recommendation: 1) Adopt Resolution No. 2008-2697; 2) Authorize the City Manager to execute all documents necessary to this transaction; and 3) Authorize the City Clerk to accept and consent to the recordation of any deeds.

- P. Consider Use Agreement with United States Youth Volleyball League (USYVL). Staff Recommendation: Approve Use Agreement, subject to final language approval of the City Manager and City Attorney; and authorize the City Manager to execute the agreement on behalf of the City.

The following item was pulled for individual consideration.

- N. Consider Selection of a Consultant to Prepare Construction Plans, Specifications and Cost Estimate (PS&E) for the Princeton Avenue Widening Project (Project 8012) and Resolution Amending the Fiscal Year 2007/08 Budget for Said Project. Staff Recommendation: 1) Approve selection of Penfield & Smith to prepare conceptual design, construction plans, specifications and cost estimate for subject project; 2) Authorize the City Manager to sign necessary contract documents; and 3) Adopt Resolution No. 2008-2698. ROLL CALL VOTE REQUIRED (Staff: Yugal Lall)

In response to Councilmember Mikos, staff replied construction would take approximately three to six months and that the street sweeping would not impact use of the paved shoulder for a bike lane.

CONSENSUS: It was the consensus of the Council to waive the rules to allow a speaker.

Christine May, Moorpark property owner, questioned why this is the third study being performed by the City.

Mr. Kueny stated this is the second design; with this approval, the final design plans will be prepared; and this a more cost effective design.

MOTION: Councilmember Mikos moved and Councilmember Van Dam seconded a motion to 1) Approve selection of Penfield & Smith to prepare conceptual design, construction plans, specifications and cost estimate for subject project; 2) Authorize the City Manager to sign necessary contract documents; and 3) Adopt Resolution No. 2008-2698. The motion carried by 4-0 roll call vote, Mayor Hunter absent.

11. ORDINANCES:

None.

12. CLOSED SESSION:

None was held.

13. ADJOURNMENT:

MOTION: Councilmember Mikos moved and Councilmember Millhouse seconded a motion to adjourn. The motion carried by voice vote 4-0, Mayor Hunter absent.

Patrick Hunter, Mayor

ATTEST:

Maureen Benson, Assistant City Clerk