

MINUTES OF THE CITY COUNCIL

Moorpark, California

April 2, 2008

A Regular Meeting of the City Council of the City of Moorpark was held on April 2, 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:

Captain Jeff Matson, Sheriff's Department, led the Pledge of Allegiance.

3. ROLL CALL:

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

Staff Present: Steven Kueny, City Manager; Hugh Riley, Assistant City Manager; Barry Hogan, Deputy City Manager; Mary Lindley, Parks/Recreation and Community Services Director; Johnny Ea, Finance Director; David Bobardt, Planning Director; David Klotzle, Assistant City Engineer; John Brand, Senior Management Analyst; Shaun Kroes, Management Analyst; Captain Jeff Matson, Sheriff's Department; Deborah Traffenstedt, Administrative Services Director/City Clerk; and Maureen Benson, Assistant City Clerk.

4. PROCLAMATIONS AND COMMENDATIONS:

A. Proclamation Recognizing March 31st to April 4th as Boys and Girls Club Week.

Mayor Hunter presented Chris Baker, Teen Services Coordinator with the Moorpark Boys and Girls Club with a proclamation recognizing March 31st to April 4th as Boys and Girls Club Week.

B. Proclamation Recognizing April 7th to 13th as National Public Health Week.

Mayor Hunter presented Laurell Mauro, Manager of Therapy Services with California Children's Services, with a proclamation recognizing April 7th to 13th as National Public Health Week.

C. Presentation of Certificates of Recognition to 2008 Community Emergency Response Team (CERT) Graduates.

Mayor Hunter introduced John Brand, Senior Management Analyst and Emergency Operations Center Coordinator, who presented certificates of recognition to the 2008 CERT graduates.

5. PUBLIC COMMENT:

Randy Buller, a Moorpark resident of the Campus Park area spoke in regard to increased incidents of graffiti in his neighborhood and on the County's flood wall.

Mayor Hunter stated there has been a significant increase in graffiti within the County and the Council is struggling with how to handle removal and provide a one-stop contact for citizens to call to report graffiti. He asked Mr. Buller to report the locations of the graffiti to Captain Matson.

Councilmember Mikos stated the Council took testimony from other Campus Park residents on March 19 regarding graffiti problems and staff was directed to return with an item to Council for discussion on how to fine tune a strategy for the graffiti problem.

Councilmember Millhouse requested the Finance, Administration, and Public Safety Committee research the possibility of preparing a civil responsibility ordinance making parents responsible for the actions of their minor children.

Councilmember Parvin stated the City has been working on a program with Ventura County Board Supervisor, Peter Foy's office to coordinate eliminating graffiti within the County right-of-way.

AT THIS POINT in the meeting, the City Council recessed to convene a meeting of the Moorpark Redevelopment Agency. The time was 7:30 p.m. The City Council meeting reconvened at 7:36 p.m.

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

CONSENSUS: It was the consensus of the Council to pull Item 10.A. from the Consent Calendar for individual consideration upon the request of Mayor Hunter.

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

CONSENSUS: It was the consensus of the Council to pull Item 10.C. from the Consent Calendar for individual consideration upon the request of Mr. Kueny.

AT THIS POINT in the meeting, the balance of the Consent Calendar was considered.

10. CONSENT CALENDAR: (ROLL CALL VOTE REQUIRED)

MOTION: Councilmember Parvin moved and Councilmember Van Dam seconded a motion to approve the Consent Calendar with the exception of Items 10.A, 10.C. and 10.J, which were pulled for individual consideration. The motion carried by unanimous roll call vote.

- B. Consider Approval of Warrant Register for Fiscal Year 2007-2008 – April 2, 2008. Staff Recommendation: Approve the warrant register.
- D. Consider Amending the Fiscal Year 2007/08 Budget to Appropriate Funds for the Construction of Intersection Modifications for Dual Left-Turn Lanes from Northbound Moorpark Road to Westbound Tierra Road – Project 8075. Staff Recommendation: Approve the subject project and adopt Resolution No. 2008-2699. ROLL CALL VOTE REQUIRED
- E. Consider Resolution Amending the Fiscal Year 2007/08 Budget for the Installation of One Hundred and Fourteen, Twenty-Four Inch Box Valley Oak and Coast Valley Oak Trees for the 23 Freeway Interchange at Tierra Rejada. Staff Recommendation: 1) Adopt Resolution No. 2008-2703; and 2) Authorize the City Manager to issue a purchase order in an amount of \$13,800 to Performance Nursery for the purchase and delivery of the plants, and \$32,547 to Security Paving for installation. ROLL CALL VOTE REQUIRED
- F. Consider Reduction of Surety Bond for NLA 118, LLC for Warehouse Discount Center (Parcel Map No. 5532, CPD 2004-03). Staff Recommendation: 1) Authorize the City Clerk to reduce Bond No. 104669939 to 10%; and 2) Authorize the City Clerk to fully exonerate this bond one year after this approval and upon written confirmation from the City Engineer that no warranty work is required.
- G. Consider First Amendment to Affordable Housing Purchase and Sale Agreement Between City and Pardee Homes for Twenty-Five Condominiums to be Sold to Eligible Low Income Buyers within Specific Plan No. 2. Staff Recommendation: Approve the Amendment, subject to final language approval of the City Manager and City Attorney and authorize the City Manager to execute the Amendment.
- H. Consider Resolution Amending the Fiscal Year 2007/08 Budget to Fund 14303 Princeton Avenue Demolition Project. Staff Recommendation: Adopt Resolution No. 2008-2700. ROLL CALL VOTE REQUIRED
- I. Consider Resolution Amending the Fiscal Year 2007/08 Budget for Purchase of a Steam/Pressure Washer. Staff Recommendation: Adopt Resolution No. 2008-2701. ROLL CALL VOTE REQUIRED

AT THIS POINT in the meeting, the agenda continued with Item 7.

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

Mayor Hunter announced the Moorpark Active Adult Center will be holding a "Bingo Bash" fundraiser on Saturday, April 5th at the Moorpark Civic Center. Co-sponsored by Moorpark Senior Citizens, Inc., all funds raised support programs at the Active Adult Center. You must be 18 or older to play.

Councilmember Mikos reported on attending the Channel Counties League of California Cities meeting held in Morro Bay on Friday, March 28.

Councilmember Parvin, President of the Channel Counties Division of the League of California Cities, also reported on attending their meeting in Morro Bay on Friday, March 28.

8. PUBLIC HEARINGS:

None.

9. PRESENTATION/ACTION/DISCUSSION:

- A. 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. (continued from February 6, 2008) Staff Recommendation: 1) Introduce Ordinance No. 368 for first reading, waive full reading, and schedule second reading and adoption for April 16, 2008; and 2) Direct staff to prepare a fee resolution to implement the new Sections and schedule for April 16, 2008 meeting.

Mr. Kroes gave the staff report.

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

A discussion followed among the Councilmembers and staff regarding consideration for implementing the fee over a two-year period.

Ms. Traffenstedt read the title of Ordinance No. 368.

MOTION: Councilmember Millhouse moved and Councilmember Van Dam seconded a motion to: 1) Waive full reading, declare Ordinance No. 368 read for

the first time, and schedule second reading and adoption for April 16, 2008. The motion carried by unanimous roll call vote.

CONSENSUS: It was the consensus of the Council to direct staff to prepare a fee resolution to implement the new Sections and schedule for April 16, 2008, meeting.

- B. Consider Revised Campus Park Public Art Conceptual Design for Campus Plaza (CPD 2000-04). (continued from February 6, 2008) Staff Recommendation: Approve the conceptual design for the Campus Plaza public art.

Ms. Lindley gave the staff report.

Lee Newman, landscape architect, representing M&M Development, responded to Council questions regarding the proposal and confirmed with Councilmember Mikos that the species of tree to be planted will be a *Platanus racemosa* (California Sycamore).

MOTION: Councilmember Parvin moved and Councilmember Van Dam seconded a motion to approve the conceptual design for the Campus Plaza public art. The motion carried by unanimous voice vote.

AT THIS POINT in the meeting, the items pulled from the Consent Calendar were heard.

10. CONSENT CALENDAR: (continued)

The following items were pulled for individual consideration.

- A. Consider Approval of the Special Meeting Minutes of March 19, 2008. Staff Recommendation: Approve the minutes.

Mayor Hunter stated he would be abstaining from voting on the minutes as he was absent from the March 19, 2008, meeting.

MOTION: Councilmember Parvin moved and Councilmember Van Dam a motion to approve the Special Meeting Minutes of March 19, 2008. The motion carried by voice vote 4-0, Mayor Hunter abstaining.

- C. Consider Resolution Approving Speed Limits and Approving the Posting of Speed Limit Signs on Spring Road from Walnut Canyon Road to Charles Street. Staff Recommendation: Adopt Resolution No. 2008-2702.

Mr. Kueny stated the words "prima facie" should be removed from the resolution.

MOTION: Councilmember Mikos moved and Councilmember Van Dam seconded a motion to adopt Resolution No. 2008-2702, approving speed limits and approving posting of speed limit signs on Spring Road from Walnut Canyon Road to Charles Street. The motion carried by unanimous voice vote

CONSENSUS: It was the consensus of the Council to comment on Item 10.E. from the previously approved Consent Calendar upon the request of Councilmember Millhouse.

- E. Consider Resolution Amending the Fiscal Year 2007/08 Budget for the Installation of One Hundred and Fourteen, Twenty-Four Inch Box Valley Oak and Coast Valley Oak Trees for the 23 Freeway Interchange at Tierra Rejada. Staff Recommendation: 1) Adopt Resolution No. 2008-2703; and 2) Authorize the City Manager to issue a purchase order in an amount of \$13,800 to Performance Nursery for the purchase and delivery of the plants, and \$32,547 to Security Paving for installation. ROLL CALL VOTE REQUIRED

Councilmember Millhouse stated he pulled this item to thank Mr. Lall and Caltrans' representatives for their efforts in accomplishing this installation.

Councilmember Mikos corrected the name of the species of the trees to be Coast Live Oak trees not Coast Valley Oak trees.

- J. Consider Request for Proposals to Provide for the Development of a Youth Master Plan. Staff Recommendation: Approve the Request for Proposal and authorize staff to advertise for receipt of the bids.

Councilmember Mikos requested staff clarify of the number of drafts required of consultants in Phase 2 and Phase 3 on stamped page 67 of the agenda report.

MOTION: Councilmember Mikos moved and Councilmember Parvin seconded a motion to approve the Request for Proposal and authorize staff to advertise for receipt of the bids. The motion carried by unanimous voice vote.

11. ORDINANCES:

None.

12. CLOSED SESSION:

Mr. Kueny requested the City Council go into closed session for discussion of Items 12.A. (one case), 12.B. (one case), 12.C, and 12.D. on the agenda.

MOTION: Councilmember Parvin moved and Councilmember Van Dam seconded a motion to adjourn to closed session for a discussion of Items 12.A. (one case), 12.B.

(one case), 12.C, and 12.D. on the agenda. The motion carried by unanimous voice vote. The time was 8:05 p.m.

- A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION  
Significant exposure to litigation pursuant to Subdivision (b) of Section 54956.9 of the Government Code: (Number of cases to be discussed - 4)
- B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION  
Initiation of litigation pursuant to Subdivision (c) of Section 54956.9 of the Government Code: (Number of cases to be discussed – 4)
- C. CONFERENCE WITH LABOR NEGOTIATOR  
(Pursuant to Section 54957.6 of the Government Code)  
Agency Designated Representative: Steven Kueny  
Employee Organization: Service Employees International Union, AFL-CIO, CLC, Local 721
- D. CONFERENCE WITH LABOR NEGOTIATOR  
(Pursuant to Section 54957.6 of the Government Code)  
Agency Designated Representative: Steven Kueny  
Unrepresented employees: Accountant I; Active Adult Center Supervisor; Administrative Services Director/City Clerk; Assistant City Clerk; Assistant City Engineer; Assistant City Manager; Assistant Engineer; City Engineer/Public Works Director; Community Development Director; Deputy City Manager; Finance and Accounting Manager; Finance Director; Human Resources Analyst; Information Systems Analyst; Information Systems Manager; Landscape/Parks Maintenance Superintendent; Management Analyst; Parks and Landscape Manager; Parks, Recreation and Community Services Director; Planning Director; Principal Planner; Public Works Superintendent; Recreation/Community Services Manager; Redevelopment Manager; and Senior Management Analyst

The Council reconvened into closed session at 8:15 p.m.

Present in closed session were Councilmembers Mikos, Millhouse, Parvin, Van Dam, and Mayor Hunter; Steven Kueny, City Manager; Joseph Montes, City Attorney (via conference call) Hugh Riley, Assistant City Manager; Barry Hogan, Deputy City Manager; and Deborah Traffenstedt, Administrative Services Director/City Clerk.

Mr. Montes announced that for the one case under Item 12.A, the facts and circumstances creating significant exposure to litigation consist of a written communication threatening litigation received from the Ventura Community College District on April 2, 2008.

Mr. Montes ended his conference call at 8:33 p.m, following discussion of one case under Item 12.A. and one case under Item 12.B. Mr. Riley and Mr. Hogan left the meeting at this time.

The Council reconvened into open session at 8:48 p.m. Mr. Kueny stated one case under Item 12.A. and one case under 12.B, and Item 12.D. were discussed and there was no action to report.

13. ADJOURNMENT:

Mayor Hunter adjourned the meeting at 8:48 p.m.

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Patrick Hunter, Mayor

ATTEST:

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Maureen Benson, Assistant City Clerk