

MINUTES OF THE CITY COUNCIL

Moorpark, California

April 16, 2008

A Regular Meeting of the City Council of the City of Moorpark was held on April 16, 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 7:22 p.m.

2. PLEDGE OF ALLEGIANCE:

Steven Kueny, City Manager, led the Pledge of Allegiance.

3. ROLL CALL:

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

Absent: Councilmember Millhouse

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; David Bobardt, Planning Director; David Klotzle, Assistant City Engineer; John Brand, Senior Management Analyst; Jennifer Mellon, Senior Management Analyst; Shaun Kroes, Management Analyst; Captain Ron Nelson, Sheriff's Department; Deborah Traffenstedt, Administrative Services Director/City Clerk; and Maureen Benson, Assistant City Clerk.

4. PROCLAMATIONS AND COMMENDATIONS:

A. Introduction of New Moorpark Police Chief, Captain Ron Nelson.

Chief Deputy Chris Godfrey, Sheriff's Department, introduced new Moorpark Police Chief, Captain Ron Nelson.

5. PUBLIC COMMENT:

Edward Peters, Moorpark resident living adjacent to the Meridian Hills project, stated he wants to work with the residents of Meridian Hills to solve the issues associated with the William Lyon Homes/Resmark Equity Partners' obligations for this area.

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

CONSENSUS: It was the consensus of the Council to pull Item 10.I. from the Consent Calendar for individual consideration and to waive rules to hear the item prior to Item 7, upon the request of Councilmember Parvin.

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

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

AT THIS POINT in the meeting Item 10.I. was heard.

10. I. Consider Approval of the Proposed Amendment to the Implementation Plan for Improvements Associated with Tract Nos. 5187-1&2 and 5405, the Meridian Hills Residential Development Project, on the Application of William Lyon Homes [Upon Transfer of Ownership of the Meridian Hills Development Project from William Lyon Homes to Resmark Equity Partners, LLC, (ORA Ashford 94, LLC)]. Staff Recommendation: Approve the Amended Implementation Plan for improvements to Tract Nos. 5187-1&2 and 5405, subject to review of final language and determination of satisfactory financial capacity by the City Manager and City Attorney.

Councilmember Parvin stated there are still outstanding issues to be resolved and recommended this item be returned to the ad hoc committee for continued discussion between residents, staff and the developer prior to returning to Council for consideration.

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

MOTION: Councilmember Parvin moved and Mayor Hunter seconded a motion to return this item back to the ad hoc committee for further discussion prior to returning the item for Council consideration. The motion carried by voice vote 4-0, Councilmember Millhouse absent.

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 a Free Landfill Day for Moorpark residents on Sunday April 20th.

Mayor Hunter announced the Moorpark City Library is sponsoring a "Young Illustrator Contest" for children and teens with a deadline for submitting illustrations by April 28th.

Mayor Hunter announced the city of Moorpark will be holding the Annual Moorpark Arts Festival on Sunday, May 4th.

Councilmember Parvin announced the Moorpark Chamber of Commerce Breakfast Meeting will be held at the Moorpark Country Club on April 18th.

Councilmember Mikos announced the Ventura County Community Foundation will be coming to the Moorpark Chamber of Commerce on April 23rd to present information on grant funding opportunities.

8. PUBLIC HEARINGS:

None.

9. PRESENTATION/ACTION/DISCUSSION:

- A. Consider Appointment of Delegate to Serve on the System Advisory Board of the Metropolitan Cooperative Library System. Staff Recommendation: Appoint one City representative to serve as a delegate on the System Advisory Board of the Metropolitan Cooperative Library System for a term expiring June 30, 2009.

Ms. Traffenstedt gave the staff report.

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

MOTION: Mayor Hunter nominated and Councilmember Mikos seconded the nomination of Alfredo Herrero to serve as the delegate on the System Advisory Board of the Metropolitan cooperative Library System for a term expiring June 20, 2009. The motion carried by voice vote 4-0, Councilmember Millhouse absent.

- B. Consider Resolution to Establish Fees to Implement Sections 8.52.150, 8.52.160 and 8.52.170 of the Moorpark Municipal Code (Business Inspection) Relating to Stormwater Quality Management. Staff Recommendation: Adopt Resolution No. 2008-2704. ROLL CALL VOTE REQUIRED

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 clarifying food inspections will be performed by Charles Abbot Associates; and considering Option 2, a phased-in program for implementing the fees with an outreach letter to be sent to affected businesses, explaining the phased-in fee.

MOTION: Mayor Hunter moved and Councilmember Parvin seconded a motion to adopt Resolution No. 2008-2704 with phased-in fee implementation Option 2 and directed staff to send an outreach letter to all affected businesses, explaining the phased-in fee. The motion carried by roll call vote 4-0, Councilmember Millhouse absent.

- C. Consider Neighborhood Enhancement Program. Staff Recommendation: Include the feasibility of a Neighborhood Enhancement Program as a potential City objective for Fiscal Year 2008/09.

Ms. Mellon gave the staff report.

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

MOTION: Councilmember Parvin moved and Councilmember Mayor Hunter seconded a motion to include the feasibility of a Neighborhood Enhancement Program as a potential City objective for Fiscal Year 2008/09. The motion carried by voice vote 4-0, Councilmember Millhouse absent.

- D. Consider Scheduling of the Summer Meeting Recess. Staff Recommendation: Direct staff to post a notice of cancellation for the selected summer recess date(s).

Ms. Traffenstedt 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 the various dates for summer recess.

CONSENSUS: It was the consensus of the Council to direct staff to post a notice of cancellation for the July 16 and August 6, 2008, meetings.

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.E, 10.F, 10.H, and 10.J. which were pulled for individual consideration and Item 10.I, which was heard earlier in the meeting. The motion carried by roll call vote 4-0, Councilmember Millhouse absent.

- B. Consider Approval of the Regular Meeting Minutes of April 2, 2008. Staff Recommendation: Approve the minutes.
- C. Consider Approval of Warrant Register for Fiscal Year 2007-2008 – April 16, 2008. Staff Recommendation: Approve the warrant register.
- D. Consider Resolution Authorizing the City's Fiscal Year 2008/09 Transportation Development Act Claim for Bicycle and/or Pedestrian Article 3 Purposes. Staff Recommendation: Adopt Resolution No. 2008-2705.
- G. Consider Authorizing Submittal of a Beverage Container Recycling and Litter Reduction Act Grant Application for \$9,483 to the California Department of Conservation. Staff Recommendation: Approve grant application and authorize the City Manager or his authorized designee to execute all documents on the City's behalf.
- K. Consider Submittal of Application for Proposition 1B State Funds. Staff Recommendation: Authorize staff to submit an application for Proposition 1B funding for the 2008 Slurry-ARAM Project.
- L. Consider Resolution 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 Rejada Road – Project 8075. Staff Recommendation: Adopt Resolution No. 2008-2706. ROLL CALL VOTE REQUIRED
- M. Consider the County of Ventura Application for Conditional Use Permit No. LU05-0138 - Muranaka Farms, Located at 11018 Los Angeles Avenue. Staff Recommendation: Direct staff to send a comment letter to the County of Ventura as drafted in the agenda report.
- N. Consider Award of Contract for Construction Management Services for the Ruben Castro Human Services Center Project to Douglas E. Barnhart, Inc. Staff Recommendation: 1) Award contract to Douglas E. Barnhart, Inc. in a not-to-exceed amount of \$1,272,876.00; and 2) Authorize the City Manager to execute agreement, subject to final language approval of the City Manager and City Attorney. ROLL CALL VOTE REQUIRED

- O. Consider Resolution Authorizing the Destruction of Certificate and Proclamation Records (1984 - 2005) on File with the City Clerk. Staff Recommendation: Adopt Resolution No. 2008-2707.
- P. Consider Resolution Authorizing the Destruction of Closed Recruitment Records (1992 - 2002) on File with the City Clerk. Staff Recommendation: Adopt Resolution No. 2008-2708.
- Q. Consider Resolution Amending the City's Classification Plan and Rescinding Resolution No. 2007-2625. Staff Recommendation: Adopt Resolution No. 2008-2709.

The following items were pulled for individual consideration.

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

Mayor Hunter stated he would abstain from voting on the minutes as he had been absent from the March 19, 2008, meeting.

MOTION: Councilmember Parvin moved and Councilmember Mikos seconded a motion to approve the minutes of the Regular Meeting of March 19, 2008. The motion carried by voice vote 3-0, Councilmember Millhouse absent and Mayor Hunter abstaining.

- E. Consider Notice of Completion for the Tierra Rejada Road and Second Street Asphalt Overlay Project. Staff Recommendation: Accept the work as complete and direct the City Clerk to record the Notice of Completion.

Mayor Hunter stated he pulled this item to bring it to the public's attention and to applaud staff for bringing this project in under budget and for superior project management of a difficult project.

A discussion followed regarding damages to vehicles and settlement of claims. Mayor Hunter requested a box item summarizing the number of claims and their recommended resolution.

MOTION: Mayor Hunter moved and Councilmember Van Dam seconded a motion to accept the work on the Tierra Rejada Road and Second Street asphalt Overlay Project as complete and to direct the City Clerk to send the Notice of Completion for recordation. The motion carried by voice vote 4-0, Councilmember Millhouse absent.

- F. Consider Notice of Completion and Resolution Amending the Fiscal Year 2007/08 Budget for the 2007 Pavement Rehabilitation (Slurry Seal/ARMA) Project (Project 8002). Staff Recommendation: 1) Accept the work as

complete and direct the City Clerk to record the Notice of Completion; and
2) Adopt Resolution No. 2008-____, amending the FY 2008/09 Budget to
fully fund the project. ROLL CALL VOTE REQUIRED

Mayor Hunter requested this item return to Council for the May 7, 2008,
meeting to allow staff time to respond to questions.

CONSENSUS: It was the consensus of the Council to defer this item to May 7,
2008.

- H. Consider Resolution Opposing the Preferred Off-Load Site of the
Woodside Oceanway Liquefied Natural Gas (LNG) Terminal Proposal Due
to Its Adverse Impact on the Naval Base Ventura County. Staff
Recommendation: Adopt Resolution No. 2008-2710.

Councilmember Mikos stated she pulled this item to add language to the
resolution to clarify that the Council is not taking any position on liquefied
natural gas terminals, but is only opposing the placement of a terminal in
the Naval Base Ventura County.

A discussion followed regarding amendments to the proposed resolution
including modification to the second sentence of Section 1. to read, "The
City Council indicates its opposition to the Woodside LNG proposed
preferred alternative, specifically, the use of the ship-to-ship transfer point
designated as STS-1 and authorizes any and all of its official
representatives to express said opposition formally before any and all
governmental or regulatory bodies or other agencies or organizations
demonstrating an interest in or concern with the issue." and to change
Section 2 to read, "The City Council, at this time, takes no other position
on the Woodside Oceanway LNG proposal other than its stated position in
Section 1. above."

MOTION: Councilmember Mikos moved and Councilmember Parvin seconded a
motion to adopt Resolution No. 2008-2010, as amended in the second sentence
of Section 1. to read, "The City Council indicates its opposition to the Woodside
LNG proposed preferred alternative, specifically, the use of the ship-to-ship
transfer point designated as STS-1 and authorizes any and all of its official
representatives to express said opposition formally before any and all
governmental or regulatory bodies or other agencies or organizations
demonstrating an interest in or concern with the issue." and to change Section 2
to read, "The City Council, at this time, takes no other position on the Woodside
Oceanway LNG proposal other than its stated position in Section 1. above." The
motion carried by voice vote 4-0, Councilmember Millhouse absent.

- J. Consider 2008 Legislative Program. Staff Recommendation: 1) Adopt a
2008 Legislative Program; and 2) Direct staff to seek legislation expanding
Vehicle Code enforcement on private property.

Councilmember Mikos stated she pulled this item to recommend adding language to No. 4. I. to add verbiage to read "Support funding for local projects and planning strategies to improve energy efficiency, lower energy usage, and reduce greenhouse gas emissions."

MOTION: Councilmember Mikos moved and Councilmember Parvin seconded a motion to adopt a 2008 Legislative Program, as amended for Item No. 4.I. to read, ""Support funding for local projects and planning strategies to improve energy efficiency, lower energy usage, and reduce greenhouse gas emissions;" and to direct staff to seek legislation expanding Vehicle Code enforcement on private property. The motion carried by voice vote 4-0, Councilmember Millhouse absent.

11. ORDINANCES: (ROLL CALL VOTE REQUIRED)

- A. Consider Ordinance No. 368 Renumbering Section 8.52.140 To Section 8.52.180 and Adding 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: Waive full reading and declare Ordinance No. 368 read for the second time and adopted as read. ROLL CALL VOTE REQUIRED

Mr. Montes read the title of Ordinance No. 368.

MOTION: Councilmember Mikos moved and Councilmember Van Dam seconded a motion to waive full reading and declare Ordinance No. 368 read for the second time and adopted as read. The motion carried by roll call vote 4-0, Councilmember Millhouse absent.

12. CLOSED SESSION:

Mr. Kueny requested the City Council go into closed session for discussion of Items 12.D, 12.F, and 12.G. 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.D, 12.F, and 12.G. on the agenda. The motion carried by unanimous voice vote. The time was 8:08 p.m.

- D. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Pursuant to Subdivision (a) of Section 54956.9 of the Government Code)
City of Moorpark vs. Ventura County Community College District (Case No. 56-2007-00305624-CU-PT-SIM)
- F. 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

G. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

(Pursuant to Subdivision (b) of Section 54957 of the Government Code)

Title: Administrative Services Director/City Clerk; Assistant City Manager; City Manager; City Attorney; City Engineer/Public Works Director; Chief of Police; Deputy City Manager; Finance Director; Parks, Recreation and Community Services Director; and Planning Director

Present in closed session were Councilmembers Mikos, Parvin, Van Dam, and Mayor Hunter; Steven Kueny, City Manager; Joseph Montes, City Attorney; Hugh Riley, Assistant City Manager; Barry Hogan, Deputy City Manager; David Bobardt (arrived at 8:28 p.m.), Planning Director; and Deborah Traffenstedt, Administrative Services Director/City Clerk.

The Council recessed at 8:51 p.m, reconvened at 9:02 p.m. into closed session, recessed at 9:08 p.m, and reconvened into open session at 9:14 p.m. Mr. Kueny stated Items 12.D, 12.F, and 12.G. were discussed and there was no action to report.

13. ADJOURNMENT:

Mayor Hunter adjourned the meeting at 9:14 p.m.

Patrick Hunter, Mayor

ATTEST:

Maureen Benson, Assistant City Clerk

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