

## MINUTES OF THE CITY COUNCIL

Moorpark, California

May 7, 2008

A Regular Meeting of the City Council of the City of Moorpark was held on May 7, 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 7:13 p.m.

## 2. PLEDGE OF ALLEGIANCE:

Captain Ron Nelson, 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; Yugal Lall, City Engineer/Public Works Director; David Bobardt, Planning Director; David Moe, Redevelopment Manager; Captain Ron Nelson, Sheriff's Department; Michael Nisito, Public Works Superintendent; John Brand, Senior Management Analyst; Deborah Traffenstedt, Administrative Services Director/City Clerk; and Blanca Garza, Deputy City Clerk.

## 4. PROCLAMATIONS AND COMMENDATIONS:

- A. Recognition of Vina June Milburn upon the Occasion of her Retirement as Resident Commissioner with the Area Housing Authority of the County of Ventura.

Mayor Hunter and Mr. Douglas Tapking, Executive Director of the Area Housing Authority, County of Ventura, presented Certificates of Recognition to Ms. Vina June Milburn.

- B. Proclamation Declaring May as Veteran's Appreciation Month.

Mayor Hunter presented Joseph Catrambone, Parks and Recreation Commissioner, with the Proclamation.

- C. Proclamation Declaring May 18th to May 24th as National Public Works Week.

Mayor Hunter presented Michael Nisito, Public Works Superintendent, with the Proclamation.

- D. Introduction of Administrative Sergeant Paul Higgason, Moorpark Police Services.

Mayor Hunter introduced Administrative Sergeant Paul Higgason.

5. PUBLIC COMMENT:

None.

AT THIS POINT in the meeting, the City Council recessed to convene a meeting of the Moorpark Redevelopment Agency. The time was 7:33 p.m. The City Council meeting reconvened at 7:41 p.m.

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

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.

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

Councilmember Mikos reported on the Inaugural Graffiti Abatement Event undertaken by the City of Moorpark, Supervisor Peter Foy's Office, and the Boy Scouts, which event took place on Saturday, May 3rd at a flood channel in Campus Park.

Councilmember Van Dam announced the upcoming Memorial Day events taking place in Moorpark on May 26, 2008, at 8 a.m. and at 10 a.m. which are sponsored by the American Legion Post 502 and refreshments will be provided by the Moorpark Kiwanis Club.

Councilmember Van Dam announced the opening of "The Curious Savage" at The High Street Arts Center on May 16.

Mayor Hunter announced the next free training class for the Community Emergency Response Team (CERT) will begin on Thursday, May 15, 2008, at 7:00 p.m. The free class will teach how to prepare for and respond to disasters and other emergencies.

Mayor Hunter announced California's "Click It or Ticket Campaign", to boost seat belt use, will take place May 12 through June 1, 2008. The Moorpark Police Department will be looking to ensure drivers and passengers are buckled up and teens and children are riding properly restrained.

Mayor Hunter announced the City of Moorpark's free electronic waste collection event on Saturday, May 17, from 9:00 a.m. - 2:00 p.m. at the Moorpark Public Services Facility, 627 Fitch Avenue. Moorpark residents and business owners can dispose of electronic waste including electronic devices, televisions, computer equipment, monitors, and printers.

Mayor Hunter and Councilmember Millhouse congratulated the Moorpark High School Academic Decathlon Team for winning the National Championship.

Councilmember Millhouse announced a Certificate of Recognition was presented to the City of Moorpark on the opening of the 23 Freeway; and thanked Caltrans and Assembly Member Audra Strickland for the Certificate.

Councilmember Parvin announced the Moorpark Chamber of Commerce will be holding its Top Ten Community Awards Luncheon on Tuesday, May 13.

Councilmember Parvin announced the Moorpark Chamber of Commerce will be maintaining a list of interested volunteers to assist in the Graffiti Abatement Program. Call the Moorpark Chamber of Commerce at (805) 529-0322 to sign up.

Councilmember Parvin thanked staff and local artists for a successful Moorpark Arts Festival, which took place on Sunday, May 4th.

8. PUBLIC HEARINGS:

- A. Consider Resolution Approving Sale of Property Owned by the Redevelopment Agency of the City of Moorpark, Located at 782 Moorpark Avenue, 798 Moorpark Avenue, and 765 Walnut Street, to The Olson Company, Inc. Staff Recommendation: 1) Open the public hearing, and accept public testimony; and 2) Continue the agenda item with public hearing open, to the regular meeting of June 4, 2008.

Mr. Moe gave the staff report.

Mayor Hunter opened the public hearing.

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

MOTION: Councilmember Parvin moved and Councilmember Mikos seconded a motion to 1) Open the public hearing, and accept public testimony; and 2) Continue the agenda item with public hearing open, to the regular meeting of June 4, 2008. The motion carried by unanimous voice vote.

9. PRESENTATION/ACTION/DISCUSSION:

- A. Consider Progress Report on Development of Multi Media Education Program About the Moorpark Mammoth Discovery. Staff Recommendation: Receive and file report and visual presentation.

Mr. Riley gave the staff report and introduced the team, from California Lutheran University, who presented a digital presentation of their Multi Media Project on Moorpark's Southern Mammoth.

CONSENSUS: It was the consensus of the Council to direct staff to receive and file the report and visual presentation.

- B. Consider Advocating or Sponsoring Legislation to Expand Vehicle Code Enforcement on Privately Owned Lots. Staff Recommendation: Direct staff to proceed and to provide periodic updates to the City Council.

Mr. Brand gave the staff report.

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

MOTION: Mayor Hunter moved and Councilmember Parvin seconded a motion to direct staff to proceed with advocating or sponsoring legislation to expand vehicle code enforcement on privately owned lots and to provide periodic updates to the City Council. The motion carried by unanimous voice vote.

- C. Consider the Annual Seven-Year Capital Improvement Program (CIP) for Streets and Roads for Fiscal Year 2007/08 – Fiscal Year 2013/14. Staff Recommendation: Approve the updated CIP for FY 2007/08-2013/14.

Mr. Lall gave the staff report.

A discussion followed among the Councilmembers and staff concerning: 1) Previously approved trails missing from the program, such as trails in the Pardee, Country Club Estates, William Lyon Homes and Meridian Hills Developments, as well as the Citywide Trail System, including a connection to Happy Camp Canyon Regional Park; and 2) deleting the following sentence, "See projects 124 for TDA Article 3 projects approved for FY 07/08." from page B-33 of the City's Seven Year Capital Improvement Program.

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

MOTION: Councilmember Mikos moved and Councilmember Van Dam seconded a motion to approve the Annual Seven-Year Capital Improvement Program (CIP) for Streets and Roads for FY 2007/08-2013/14, as amended to include the missing trails and to delete the sentence on page B-33 of the City's Seven Year Capital Improvement Program Plan pertaining to Project Number 202. The motion carried by unanimous voice vote.

10. CONSENT CALENDAR: (ROLL CALL VOTE REQUIRED)

MOTION: Councilmember Parvin moved and Councilmember Millhouse seconded a motion to approve the Consent Calendar with the exception of Item 10.J., which was pulled for individual consideration. The motion carried by unanimous roll call vote.

- A. Consider Regular Meeting Minutes of April 16, 2008. Staff Recommendation: Approve the minutes.
- B. Consider Special Meeting Minutes of April 16, 2008. Staff Recommendation: Approve the minutes.
- C. Consider Warrant Register for Fiscal Year 2007-2008 – April 16, 2008. Staff Recommendation: Approve the warrant register.
- D. Consider Rejection of Claim: Tina Hare. Staff Recommendation: Reject the claim and direct staff to send a standard rejection letter to the claimant.
- E. Consider Rejection of Claim: Farmers Insurance INSURED (Tina Hare). Staff Recommendation: Reject the claim and direct staff to send a standard rejection letter to the claimant.
- F. Consider Rejection of Claim: Mike Rovner. Staff Recommendation: Reject the claim and direct staff to send a standard rejection letter to the claimant.
- G. Consider Notice of Completion and Resolution Amending the Fiscal Year 2007/08 Budget for the 2007 Pavement Rehabilitation (Slurry Seal/ARAM) 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. 2008-2711, amending the Fiscal Year 2007/08 Budget to fully fund the project. ROLL CALL VOTE REQUIRED

- H. Consider Request from Moorpark/Simi Valley Neighborhood for Learning (NfL) to Waive Park Fees for Concert in the Park. Staff Recommendation: Approve the request from the Moorpark/Simi Valley NfL to waive park rental fees associated with their event on June 20, 2008, as outlined in the agenda report.
- I. Consider Agreement to Provide Beach Bus and Excursion Services. Staff Recommendation: Authorize the City Manager to execute the Agreements with Durham School Services for services outlined in the agenda report, subject to final language approval by the City Manager and City Attorney.
- K. Consider Report from the Transportation and Public Works Committee Regarding Possible Modification of the Tierra Rejada Road/Miller Parkway/Moorpark Road Intersection to Allow Through North-South Traffic. Staff Recommendation: Receive and file report.
- L. Consider Exoneration of Surety Bond for KB HOME Greater Los Angeles Inc. for Moorpark Highlands, Tract 5045-8. Staff Recommendation: Authorize the City Clerk to fully exonerate the Improvements Performance and Payment Bond No. 8204-48-82.
- M. Consider Reduction of Surety Bond for MCC Equipment Rentals, Inc. for Parcel 4 of Parcel Map 5490. Staff Recommendation: 1) Authorize the City Clerk to reduce Bond No. 6487667 to 10% for MCC Equipment Rentals, Inc; and 2) Authorize the City Clerk to fully exonerate Bond No. 6487667 one year after this approval of reduction and upon written confirmation from the City Engineer that no warranty work is required.
- N. Consider Opening Round 4 of the City's First Time Home Buyer Program. Staff Recommendation: Authorize staff to proceed with plans for Round 4 of the City's First Time Homebuyer Program, advertise the program, and schedule a lottery for August 20, 2008.
- O. Consider Plans and Specifications and Authorization to Advertise for Bids for the Construction of the Tierra Rejada Road Median Landscaping Project, Phase 2 (Project 8042). Staff Recommendation: Approve the plans and specifications for the subject project and authorize staff to advertise for bids upon receipt of the required Caltrans permit.
- P. Consider Report of Annual Development Agreement Review, Established in Connection with Warehouse Discount Center at White Sage Road and the SR-23 Freeway (NLA 118, LLC). Staff Recommendation: 1) Accept the Community Development Director's Report and recommendation, on the basis of substantial evidence, that NLA 118, LLC has complied in good

faith with the terms and conditions of the agreement; and 2) Deem the annual review process complete.

- Q. Consider Issuance for Request for Proposals for Professional Services to Provide Video Production, Operations, and Maintenance Services for the City Government Access Channel MPTV 10. Staff Recommendation: Approve advertising for a Statement of Qualifications and Proposal for Video Production Services, subject to final language approval by the City Manager and City Attorney.

The following item was pulled for individual consideration.

- J. Consider Design Modifications for Signing and Striping at the Intersection of Campus Park Drive and Princeton Avenue. Staff Recommendation: Approve the subject project.

Councilmember Mikos stated she pulled this item to request staff ensure southbound bicyclists on Campus Park Drive have a safe bike lane where the motorists make the free right turn from Princeton Avenue to Campus Park Drive.

In response to Councilmember Mikos, Mr. Kueny recommended taking this item off the agenda and return May 21, 2008, allowing staff to make precise modifications to the plan's design to adjust the bicycle lane conflicts.

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

MOTION: Councilmember Mikos moved and Councilmember Van Dam seconded a motion to continue the item to May 21, 2008, with direction to staff to make modifications to the design, to resolve any bicycle lane conflicts. The motion carried by unanimous voice vote.

11. ORDINANCES: (ROLL CALL VOTE REQUIRED)

None.

12. CLOSED SESSION:

Mr. Kueny requested the City Council go into closed session for discussion of Items 12.D. and 12.F. on the agenda.

MOTION: Councilmember Mikos moved and Councilmember Parvin seconded a motion to adjourn to closed session for a discussion of Items 12.D. and 12.F. on the agenda. The motion carried by unanimous voice vote. The time was 8:25 p.m.

Following a brief recess, the Council reconvened at 8:32 p.m. into open session, and Mr. Kueny announced that the City Council would also discuss Item 12.C. in closed session.

MOTION: Councilmember Mikos moved and Councilmember Millhouse seconded a motion to adjourn to closed session for a discussion of Items 12.C., 12.D., and 12.F. on the agenda. The motion carried by unanimous voice vote. The time was 8:33 p.m.

- C. 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)
  
- D. 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
  
- 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

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, Mr. Riley, and Mr. Hogan left the meeting at 8:47 p.m., prior to discussion of Items 12. D. and 12.F.

The Council reconvened into open session at 9:20 p.m. Mr. Kueny stated Items 12.C., 12.D., and 12.F. were discussed and there was no action to report.

13. ADJOURNMENT:

Mayor Hunter adjourned the meeting at 9:20 p.m.

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Patrick Hunter, Mayor

ATTEST:

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Maureen Benson, Assistant City Clerk