

MINUTES OF THE CITY COUNCIL

Moorpark, California

July 2, 2008

A Regular Meeting of the City Council of the City of Moorpark was held on July 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 7:21 p.m.

2. PLEDGE OF ALLEGIANCE:

Former Mayor, John Lane 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; Yugal Lall, City Engineer/Public Works Director; David Bobardt, Planning Director; David Moe, Redevelopment Manager; John Brand, Senior 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. Ventura County Fair Poster Presentation.

Mayor Hunter deferred this presentation.

B. City of Moorpark 25th Anniversary Presentations.

Mr. Kueny, City Manager for 24-years, welcomed everyone and began by recognizing the City's first Mayor, Leta Yancy-Sutton, who was unable to attend the meeting. He provided an overview of the City's accomplishments and acknowledged other public officials and contract staff in the audience including, Ventura County Sheriff Bob Brooks; Ventura County Fire Protection District Chief Bob Roper; Ventura County Water Works Director of Water and Sanitation, Reddy Pakala; Charles Abbott & Associates Principal, Rusty Reed and staff; Moorpark Police

Services Captain Ron Nelson; City Attorney, Joseph Montes; and Assistant City Attorney, Scott Porter. Mr. Kueny introduced Deputy City Manager, Barry Hogan, Master of Ceremonies for the evening.

Mr. Hogan introduced an historical film Time Warner assisted the City in producing, which consists of recollections from long time residents of Moorpark.

Mr. Hogan introduced past Councilmember/Mayor Clint Harper, who spoke about the 25 years passing quickly; about being on the hiring committee that selected Steve Kueny for City Manager; about Moorpark having the best staff in the State of California; and about how great the City is and how proud he is to have been there in the very beginning.

Mr. Hogan introduced past Councilmember/Mayor Bernardo Perez, who spoke about the people who found a jewel when they discovered Moorpark and who continuously worked to maintain the character of this town. He complimented staff as unsung heroes of the City's success; and wished Mayor Hunter well in his future endeavors.

Mr. Hogan introduced past Councilmember/Mayor John Lane, who spoke about having served two years during some difficult challenges to the City. The City grew and flourished under the guidance of Leta Yancy-Sutton, Everett Braun, Bart Miller who founded Moorpark Little League, and especially Clint Harper who worked tirelessly for years on behalf of the City. Mr. Lane also thanked staff and Mayor Hunter for their dedication. Mr. Lane clarified why the City celebrates the Fourth of July holiday on the third in Moorpark.

Mr. Hogan introduced past Councilmember Debbie Rodgers, who complimented staff for the wonderful reception honoring the City's 25 years. She spoke of the challenges to Moorpark over the years; the sense of security she always feels when coming home to Moorpark; and the continued small community feeling around town.

Mr. Hogan read a congratulatory email message from Moorpark's first elected Mayor, Paul Lawrason.

Dale Parvin presented a Certificate of Special Congressional Recognition from U.S. House Representative Elton Gallegly.

Mr. Hogan read congratulatory letters from United States Senators Barbara Boxer and Dianne Feinstein.

Patty Kelly, representing State Senator Tom McClintock, presented a California Resolution honoring the 25th Anniversary.

Dana Nielsen, Field Representative for Assemblywoman Audra Strickland, presented the City with a California Legislature Assembly Resolution honoring the 25th Anniversary.

Shannon Sergey, District Representative for Ventura County Board Supervisor Peter Foy, presented a Resolution of the Board of Supervisors of Ventura County signed by all the Supervisors in honor of the 25th Anniversary.

Vice Mayor Don Waunch presented a Certificate of Recognition signed by the Honorable City Council City of Camarillo.

Mr. Hogan read a congratulatory letter from Sue Horgan, Mayor of the City of Ojai.

City of Santa Paula Councilmember John Procter presented a Proclamation signed by Mayor Robert S. Gonzales.

With City of Simi Valley Council Member Glen Becerra and City Manager Mike Sedell in attendance, Mayor Paul Miller presented a Resolution signed by himself and the Honorable City Council.

City of Thousand Oaks Councilmember Dennis Gillette presented a Commendation signed by Mayor Jacqui V. Irwin.

Mr. Hogan recognized the cities of Port Hueneme and San Buenaventura as having sent Proclamations in honor of the City of Moorpark's 25th Anniversary.

With Dr. Pam Eddinger, President of Moorpark College, in attendance, Ventura County Community College District Board Vice-Chair, Robert Huber presented a Certificate of Recognition signed by himself and Chancellor James Meznik.

Superintendent Ellen Smith presented a Certificate of Recognition signed by the Moorpark Unified School District Board Members.

Debi Ryono, representing the Moorpark Historical Society, presented the City with a copy of the new book edition of "A Diamond for Moorpark" by Norma Gunter.

Moorpark Chamber of Commerce Chairman, Dale Parvin and President and CEO, Patrick Ellis presented a Proclamation from the Moorpark Chamber of Commerce.

Mr. Hogan asked Arts Commissioners Clint Harper, Christieann Rohal, and Dennis Swinburne to stand and be recognized.

Mr. Hogan asked Planning Commissioners Bruce Hamous, Mark DiCecco, and Robert Peskay to stand and be recognized.

Mr. Hogan asked Parks and Recreation Commissioners Joseph Catrambone, Scott Krutilek, Richard Stratton, and Sandra Thompson to stand and be recognized.

Mr. Hogan announced the City of Moorpark invites everyone to participate in its twentieth-fifth year of incorporation in grand style, with a special July 3rd birthday celebration beginning at 4:00 p.m. and culminating with a spectacular, aerial fireworks display at 9:00 p.m.

AT THIS POINT in the meeting a recess was declared. The time was 8:22 p.m. The Council meeting reconvened at 8:46 p.m.

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 8:46 p.m. The City Council meeting reconvened at 8:58 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 Councilmember Millhouse.

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

Captain Nelson stated the Moorpark Police Department would like to remind residents that the use or possession of fireworks is illegal in the City of Moorpark and officers will be issuing citations for violations. He wished everyone a safe Fourth of July holiday.

Mayor Hunter confirmed fireworks may be surrendered to the Fire Department or to the Moorpark Police Department.

Councilmember Millhouse requested a future agenda item exploring an ordinance similar to the one adopted in the City of Manhattan Beach, which bans the use of plastic shopping bags.

8. PUBLIC HEARINGS:

- A. Consider Use of Supplemental Law Enforcement Services Grant Funds for 2007/2008 Fiscal Year. Staff Recommendation: 1) Open the public hearing, receive public testimony, and close the public hearing; and 2) Approve the expenditure plan.

Mr. Brand gave the staff report.

Mayor Hunter opened the public hearing.

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

Mayor Hunter closed the public hearing.

MOTION: Councilmember Parvin moved and Councilmember Van Dam seconded a motion to approve the expenditure plant to for the use of Supplemental Law Enforcement Services Grant Funds for Fiscal Year 2007/2008. The motion carried by unanimous roll call vote.

- B. Consider Resolution Approving Lease of Property Owned by the Redevelopment Agency of the City of Moorpark to the United States Post Office. Staff Recommendation: 1) Open the public hearing, receive public testimony, and close the public hearing; and 2) Adopt Resolution No. 2008-2731, approving lease of Property between the Agency and Post Office, subject to ground lease approval by the Agency.

Mr. Moe gave the staff report.

Mayor Hunter opened the public hearing.

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

Mayor Hunter closed the public hearing.

MOTION: Councilmember Van Dam moved and Councilmember Mikos seconded a motion to adopt Resolution No. 2008-2731, approving lease of Property between the Agency and Post Office, subject to ground lease approval by the Agency. The motion carried by unanimous voice vote.

9. PRESENTATION/ACTION/DISCUSSION:

- A. Consider Resolution Adopting an Operating and Capital Improvements Budget for the City of Moorpark for Fiscal Year 2008/09. (continued from

June 11, 2008) Staff Recommendation: Adopt Resolution No. 2008-2732. ROLL CALL VOTE REQUIRED

Mr. Kueny gave the staff report.

A discussion followed among the Councilmembers and Mr. Kueny regarding: 1) The Mayor's request to consider using \$20,000 set aside, but not anticipated to be expended for the 40-hour police car as the City's contribution towards funding a Community Prosecutor for eastern Ventura County; and 2) Scheduling a joint public meeting with the Moorpark Unified School District to discuss mutual priorities especially in regard to school police safety measures.

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

MOTION: Mayor Hunter moved and Councilmember Millhouse seconded a motion to adopt Resolution No. 2008-2732, adopting the Operating and Capital Improvements Budget for the City of Moorpark for Fiscal Year 2008/09 as presented in the agenda report with the inclusion of \$20,000 to be the City's contribution towards the Community Prosecutor for eastern Ventura County. The motion carried by unanimous roll call vote.

- B. Consider an Early Conclusion to the Matrix Consulting Group Contract Associated with the City Becoming the Provider of Sewer Services. Staff Recommendation: Conclude the Study and the consultant contract at this time and direct staff to notify Matrix Consulting Group.

Mr. Hogan gave the staff report.

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

MOTION: Councilmember Millhouse moved and Councilmember Parvin seconded a motion to conclude the Study and the consultant contract at this time and direct staff to notify Matrix Consulting Group. The motion carried by unanimous voice vote.

- C. Consider Resolution Adopting a Fee for Services Rendered Pursuant to the Moorpark Municipal Code, Section 8.50.100, Related to Shopping Carts. Staff Recommendation: Adopt Resolution No. 2008-2733, to establish the fee associated with Mandatory Abandoned Cart Prevention Plan. ROLL CALL VOTE REQUIRED

Mr. Hogan gave the staff report.

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

MOTION: Councilmember Mikos moved and Councilmember Van Dam seconded a motion to adopt Resolution No. 2008-2733, to establish the fee associated with Mandatory Abandoned Cart Prevention Plan. The motion carried by roll call vote 4-0, Councilmember Millhouse abstaining.

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 Item 10.A, which was pulled for individual consideration. The motion carried by unanimous roll call vote.

- B. Consider Warrant Register for Fiscal Year 2007-2008 – July 2, 2008. Staff Recommendation: Approve the warrant register.
- C. Consider Recordation of an Irrevocable Offer of Dedication at 332 Moorpark Avenue (State Farm Insurance Office). Staff Recommendation: Direct staff to accept and record the irrevocable offer of dedication.
- D. Consider Promotion of Public Works Management Analyst to Senior Management Analyst. Staff Recommendation: Approve promotion of the current Public Works Management Analyst (Range 62) to Senior Management Analyst (Range 67) effective July 5, 2008.
- E. Consider Notice of Completion for the Los Angeles Avenue and Tierra Rejada Road Traffic Signal Interconnect Projects. Staff Recommendation: Accept the work as complete and direct the City Clerk to record the Notice of Completion.
- F. Consider Mission Statement, Priorities, Goals and Objectives for Fiscal Year 2008/2009. Staff Recommendation: Approve the Mission Statement, Priorities, Goals and Objectives for Fiscal Year 2008/2009.
- G. Consider Resolution Amending the Salary Plan for Competitive Service, Non-Competitive Service, and Hourly Employees and Rescinding Resolution No. 2008-2720. Staff Recommendation: Adopt Resolution No. 2008-2734.
- H. Consider Resolution Adopting a Revised Benefit Program for Management Employees and Rescinding Resolution No. 2008-2695. Staff Recommendation: Adopt Resolution No. 2008-2735.
- I. Consider One-Year Memorandum of Understanding (MOU) with Service Employees International Union CTW, CLC Local 721. Staff Recommendation: Authorize approval of a new one-year MOU for the

time period from July 1, 2008, through June 30, 2009, and authorize the City Manager to sign the new MOU following final language approval by the City Manager and City Attorney.

- J. Consider Rejection of Claim: Robert Santillan. Staff Recommendation: Reject the claim and direct staff to send a standard rejection letter to the claimant.
- K. Consider Rejection of Claim: Mercury Insurance (Summerford). Staff Recommendation: Reject the claim and direct staff to send a standard rejection letter to the claimant.

The following item was pulled for individual consideration.

- A. Consider Minutes of Regular Meeting of June 18, 2008. Staff Recommendation: Approve the minutes.

MOTION: Councilmember Parvin moved and Councilmember Mikos seconded a motion to approve the minutes of the Regular Meeting of June 18, 2008. The motion carried by voice vote 4-0, Councilmember Millhouse abstaining due to his absence on June 18, 2008.

11. ORDINANCES: (ROLL CALL VOTE REQUIRED)

- A. Consider Ordinance No. 369 Amending the Redevelopment Plan for the Moorpark Redevelopment Project Area Extending the Time Limit of the Effectiveness of the Plan and Payment of Indebtedness and Receipt of Property Taxes by One Year and Eliminating the Time Limit on the Establishment of Loans, Advances, and Indebtedness Pursuant to California Health and Safety Code Section 33333.6. Staff Recommendation: Waive full reading and declare Ordinance No. 369 read for the second time and adopted as read. ROLL CALL VOTE REQUIRED

Mr. Montes read the title of Ordinance No. 369.

MOTION: Councilmember Mikos moved and Councilmember Van Dam seconded a motion to waive full reading and declare Ordinance No. 369 read for the second time and adopted as read. The motion carried unanimous roll call vote.

- B. Consider Ordinance No. 370 Adding Chapter 8.50, Shopping Carts to Title 8, Health and Safety of the Moorpark Municipal Code. Staff Recommendation: Waive full reading and declare Ordinance No. 370 read for the second time and adopted as read. ROLL CALL VOTE REQUIRED

Mr. Montes read the title of Ordinance No. 370.

MOTION: Councilmember Mikos moved and Councilmember Van Dam seconded a motion to waive full reading and declare Ordinance No. 370 read for the second time and adopted as read. The motion carried by roll call vote 4-0, Councilmember Millhouse abstaining.

12. CLOSED SESSION:

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

Mr. Montes announced, in regard to Item 12.A, that the facts and circumstances creating significant exposure to litigation consist of communications from Pardee pertaining to the implementation of Community Facilities District AD 07-01 (Pardee Homes Tract 5045).

MOTION: Councilmember Millhouse moved and Councilmember Parvin seconded a motion to adjourn to closed session for a discussion of Items 12.A. (one case), 12.B. (three cases), and 12.E. on the agenda. The motion carried by unanimous voice vote. The time was 9:45 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)
- E. 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, Millhouse, Parvin, Van Dam, and Mayor Hunter; 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; Yugal Lall, City Engineer/Public Works Director; and Deborah Traffenstedt, Administrative Services Director/City Clerk. Mr. Lall left the meeting at 9:55 p.m.; Ms. Lindley left the meeting at 9:58 p.m, and Mr. Riley and Mr. Hogan left the meeting at 10:28 p.m.

The Council reconvened into open session at 10:40 p.m. Mr. Kueny stated one case under Item 12.A, three cases under Item 12.B, and Item 12.E. were discussed and there was no action to report.

13. ADJOURNMENT:

Mayor Hunter adjourned the meeting at 10:40 p.m.

Patrick Hunter, Mayor

ATTEST:

Maureen Benson, Assistant City Clerk