

## MINUTES OF THE CITY COUNCIL

Moorpark, CaliforniaSeptember 17, 2008

A Regular Meeting of the City Council of the City of Moorpark was held on September 17, 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 7:41 p.m.

Mayor Pro Tempore Parvin and Captain Nelson gave opening comments regarding the September 12, 2008, train accident and the response by staff, Moorpark Police Department, and volunteers.

Mayor Pro Tempore Parvin announced the meeting would be adjourned in memory of the Moorpark residents who were killed in the train crash.

## 2. PLEDGE OF ALLEGIANCE:

Stephanie Shaw, Recreation Supervisor, led the Pledge of Allegiance.

## 3. ROLL CALL:

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

Absent: Councilmember Millhouse 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; Jennifer Mellon, 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. Introduction of New City Employee, Martha Duenas, Recreation Coordinator III, in the Parks, Recreation and Community Services Department.

Mayor Pro Tempore Parvin introduced new City employee, Martha Duenas, Recreation Coordinator III, on the Parks, Recreation and Community Services Department.

- B. Proclamation Declaring September 21-27, as Fall Prevention Awareness Week.

Mayor Pro Tempore Parvin presented Parks, Recreation and Community Services Director, Mary Lindley with a proclamation declaring September 21-27, as Fall Prevention Awareness Week.

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 7:56 p.m. The City Council meeting reconvened at 7:57 p.m.

Councilmember Millhouse arrived at 7:57 p.m.

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

CONSENSUS: It was the consensus of the Council to hear Item 9.C. prior to Public Hearings upon the request of Councilmember Mikos.

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

Councilmember Mikos announced she had attended The Reagan Foundation September 11 Remembrance Walk, Presentation, and Dinner. She recommended the public consider attending this somber, but wonderful annual event next year.

Councilmember Mikos announced she had attended with Councilmember Van Dam, Ventura County Board Supervisor Foy's sponsored memorial event on Sunday, September 13th, honoring those killed and injured in the Metrolink tragedy of September 12th. She offered her condolences to all those affected by the tragedy.

Councilmember Mikos requested a future agenda item for December or January after the new Council is seated to examine effective and efficient ways to use solar energy along with incentives from both perspectives of new construction and for rehabilitation or retrofits.

Councilmember Millhouse apologized for being late as he had been attending, as Vice Chair of the Metrolink Board, an emergency Metrolink Board meeting where the focus was on the families and victims of the recent tragedy and the creation of a fund to assist in costs associated with funerals and expenses for the affected families, and not the misstatements made to the press, which will be addressed once the investigation is completed. Councilmember Millhouse commented on legislation being led by Senator Diane Feinstein to motivate the Federal Railroad Administration to implement certain safety changes and measures; and pledged, as a Councilmember and Metrolink Board Member, to work to improve any and every aspect of train safety and performance no matter the challenges or cost.

Mayor Pro Tempore Parvin announced the Teen Photo Exhibit - "Ordinary Can be Extraordinary" - is on display now through Saturday, September 27 at the Moorpark City Library during business hours.

Mayor Pro Tempore Parvin announced Coastal Cleanup Day to help keep Moorpark's environment beautiful by cleaning up the Arroyo Simi, will be on Saturday, September 20 at Villa Campesina Park.

Mayor Pro Tempore Parvin announced old electronics may be disposed of at the City of Moorpark Free Electronic Waste Collection Event on Saturday, September 20 at the Moorpark Public Services Facility. Moorpark residents and small businesses may dispose of electronic waste only, including electronic devices, televisions, computer equipment, monitors, and printers.

Mayor Pro Tempore Parvin announced a limited number of Earth Machine home compost units will be offered for sale for \$20.00. They will be available during the Electronic Waste Event Saturday, September 20, at the Moorpark Public Services Facility. Proof of residency is required and only one compost unit per residence.

Mayor Pro Tempore Parvin announced a Free Landfill Day for Moorpark residents is Sunday, September 21, at the Simi Valley Landfill and Recycling Center located at 2801 Madera Road, north of the 118 freeway. Household waste may be dumped or recycled without charge. No hazardous waste or business waste will be accepted.

Mayor Pro Tempore Parvin announced the Moorpark Chamber of Commerce has established a bank account to benefit the victims of the Metrolink Train No. 111 accident. Donations may be made at any Wells Fargo Bank to the Train Victims Benefit Fund Account No. 973-8485896 or at the Moorpark Chamber of Commerce. The Chamber is also sponsoring a blood drive at 18 High Street, administered by United Blood Services, on Tuesday, September 23.

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

9. PRESENTATION/ACTION/DISCUSSION:

- C. Consider Approval of the Plans and Specifications for the Veteran's Memorial. Staff Recommendation: Approve the plans and construction specifications for the Veteran's Memorial and authorize staff to amend the City's project management contract with Picon.

Ms. Lindley gave the staff report.

The following issues that affect the staff recommendation or give direction to staff were discussed by the Councilmembers and staff: 1) Include all options in bid proposal with separate costs; and 2) Include discretion to adjust the plant palette to include more native species.

Councilmember Millhouse left the dais. The time was 8:21 p.m.

Pete Duncan, representing the American Legion, concurred with the staff report and spoke in favor of moving forward with the project.

MOTION: Councilmember Mikos moved and Mayor Pro Tempore Parvin seconded a motion to approve the plans and construction specifications for the Veteran's Memorial, as amended, to include separate pricing for all options and discretion to adjust the plant palette to include more native species; and to amend the City's project management contract with Picon at a cost not to exceed \$21,000. The motion carried by voice vote 3-0, Councilmember Millhouse and Mayor Hunter absent.

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 the public hearing, accept public testimony, and close the public hearing; and 2) Adopt Resolution No. 2008-\_\_\_\_ approving the sale of Property between the Agency and Developer, subject to Disposition and Development Agreement approval by the Agency.

Mr. Moe requested the Council open the public hearing and continue this item to November 5, 2008.

Mayor Pro Tempore Parvin opened the public hearing.

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

**MOTION:** Councilmember Mikos moved and Councilmember Van Dam seconded a motion to continue the open public hearing to November 5, 2008. The motion carried by voice vote 3-0, Councilmember Millhouse and Mayor Hunter absent.

- B. Consider Resolution Approving General Plan Amendment No. 2008-01 and Ordinance Approving Zone Change No. 2008-01: To Replace the Existing General Plan Land Use Map and Zoning Map with Electronic Digital Versions Using the City's Geographic Information Systems (GIS) Database. Staff Recommendation: 1) Open the public hearing, accept public testimony, and close the public hearing; 2) Adopt Resolution No. 2008-2747 approving General Plan Amendment No. 2008-01; and 3) Introduce Ordinance No. 371 approving Zone Change No. 2008-01 for first reading, and schedule second reading and adoption for October 1, 2008.

Mr. Bobardt gave the staff report and corrected the General Plan Map to more clearly identify the north west corner of the City, which depicted Open Space as Residential.

Councilmember Millhouse returned to the dais. The time was 8:31 p.m.

Mayor Pro Tempore Parvin opened the public hearing.

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

Mayor Pro Tempore Parvin closed the public hearing.

Mr. Montes read the title of Ordinance No. 371.

**MOTION:** Councilmember Mikos moved and Councilmember Millhouse seconded a motion to: 1) Waive full reading, declare Ordinance No. 371 approving Zone Change No. 2008-01 read for the first time, and schedule second reading and adoption for October 1, 2008; and 2) Adopt Resolution No. 2008-2747, approving General Plan Amendment No. 2008-01. The motion carried by voice vote 4-0, Mayor Hunter absent.

9. PRESENTATION/ACTION/DISCUSSION:

- A. Consider Resolution Approving the Use of Standard Conditions of Approval for Entitlement Projects. Staff Recommendation: Adopt Resolution No. 2008-\_\_\_\_\_.

Mr. Hogan requested this item be continued to October 1, 2008.

MOTION: Councilmember Millhouse moved and Councilmember Van Dam seconded a motion to continue this item to October 1, 2008. The motion carried by voice vote, 4-0, Mayor Hunter absent.

- B. Consider Commencing a Neighborhood Enhancement Pilot Program.  
Staff Recommendation: Approve implementation of a Neighborhood Enhancement Pilot Program as outlined in the agenda report.

Ms. Mellon gave the staff report and provided a complete Attachment 1 and Attachment 2.

Councilmember Mikos suggested: 1) Adding cactus and succulents as prohibited plants to Attachment 1, Question No. 4; 2) Clarifying the answer to Question No. 5 on Attachment 1 for requirements for disposal of large items; and 3) Modifying Attachment No. 2 to allow discretion for type of applicant, not limit it to just organizations. She requested a Council box item communication providing information on how extra funds spent on Solid Waste AB939 have helped to increase recycling for multi-family residential and businesses.

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

MOTION: Mayor Pro Tempore Parvin moved and Councilmember Mikos seconded a motion to approve implementation for a Neighborhood Enhancement Pilot Program in March, April, May and June 2009 for a total of four Saturdays with enhancements and clarifications to Attachments 1 and 2, as outlined by Councilmember Mikos. The motion carried by voice vote 4-0, Mayor Hunter absent.

- D. Consider Options for Filling a Vacancy on the City Council. Staff Recommendation: Direct staff as deemed appropriate

Mr. Montes gave the staff report and in response to Councilmember Mikos, amended the last line of Section (2) of Option C. to read, "In that event, the special election must be held at least 114 days from the date of the filing either with the requisite petitions or at the discretion of the City Council."

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

MOTION: Councilmember Mikos moved to retain the current Ordinance No. 77 requiring a special election to fill a vacancy on the Council. The motion died due to lack of a second.

MOTION: Councilmember Millhouse moved and Councilmember Van Dam seconded a motion to prepare an ordinance to repeal Section 2.04.050 of the Moorpark Municipal Code, entitled, "Filling of Vacancies", and proceed as otherwise permitted by State law to either appoint someone to complete the term of the vacated Council seat, or call a special election to fill the vacancy.

Mr. Montes clarified the first reading of an ordinance may occur at a special meeting; however, the second reading must be at a regular meeting or a regular adjourned meeting. A discussion followed among the Councilmembers and staff regarding the dates available for meetings.

AMENDMENT TO PRIOR MOTION: Councilmember Millhouse moved to amend the motion and Councilmember Van Dam seconded the amendment to the motion to: 1) Schedule first reading for the regular meeting of October 1, 2008, of an ordinance to repeal Section 2.04.050 of the Moorpark Municipal Code, entitled "Filling of Vacancies", and proceed as otherwise permitted by State law to either appoint someone to complete the term of the vacated Council seat, or call a special election to fill the vacancy; and 2) Adjourn second reading of that ordinance to an adjourned regular meeting to be held at least five (5) days later for second reading and adoption. The amended motion carried by voice vote: 3-1, Councilmember Mikos dissenting and Mayor Hunter absent.

Councilmember Mikos stated for the record, that she is opposed to repealing Section 2.040.050 of the Moorpark Municipal Code, as it would allow this Council or any future Council the opportunity to disenfranchise the voters by potentially appointing a Councilmember for approximately, in this instance, two years without having that person be elected by the people.

10. CONSENT CALENDAR: (ROLL CALL VOTE REQUIRED)

MOTION: Councilmember Van Dam moved and Councilmember Millhouse seconded a motion to approve the Consent Calendar. The motion carried by roll call vote 4-0, Mayor Hunter absent.

- A. Consider Special Joint City Council/Parks and Recreation Commission Meeting Minutes of April 23, 2008. Staff Recommendation: Approve the minutes.
- B. Consider Special Meeting Minutes of June 11, 2008. Staff Recommendation: Approve the minutes.
- C. Consider Regular Meeting Minutes of September 3, 2008. Staff Recommendation: Approve the minutes.
- D. Consider Warrant Register for Fiscal Year 2008-2009 – September 17, 2008. Staff Recommendation: Approve the warrant register.

- E. Consider Rejection of Claim from: Helping Hands Outreach, Damone Daniel, and Danita Daniel. Staff Recommendation: Reject the claim and direct staff to send a standard rejection letter to the claimant.
- F. Consider Resolution Authorizing Submittal of a Household Hazardous Waste Grant Application to the California Integrated Waste Management Board. Staff Recommendation: Adopt Resolution No. 2008-2748.
- G. Consider Resolution Amending the Conflict of Interest Code of the City of Moorpark and Rescinding Resolution No. 2007-2621. Staff Recommendation: Adopt Resolution No. 2008-2748, rescinding Resolution No. 2007-2621.
- H. Consider Preliminary Design of Lassen Walkway – Project 8074. Staff Recommendation: Approve preliminary design as presented in agenda report.
- I. Consider Authorization to Record the Notice of Completion for Arroyo Vista Recreation Center Building Expansion Project. Staff Recommendation: 1) Authorize the City Clerk to file the Notice of Completion for the project; 2) Authorize the release of the balance of payment, due to the Contractor in accordance with the contract and City acceptance of completion of all contractual obligations on the part of the contractor, or fifty-five (55) days after Notice of Completion records, whichever occurs later; 3) Release the Performance Bond one (1) year after Recordation of Notice of Completion in accordance with the contract, and completion of contractual obligations on the part of Contractor; and 4) Release the Payment Bond six (6) months after Recordation of Notice of Completion in accordance with the contract, and completion of contractual obligations on the part of Contractor.
- J. Consider Financial Update to Matrix Consulting Group Contract Associated with Wastewater Study. Staff Recommendation: Receive and file report.
- K. Consider Resolution Authorizing Submittal of an Emergency Management Performance Grant Application, and Amending the Fiscal Year 2008/09 Budget to Reflect \$9,280.88 in Grant Revenue. Staff Recommendation: Approve the grant funding request and adopt Resolution No. 2008-2750. ROLL CALL VOTE REQUIRED
- L. Consider Addendum to the Charles Abbott and Associates Contract for Engineering Services of the City. Staff Recommendation: Authorize the Mayor to sign the contract amendment, subject to final language approval by the City Manager and the City Attorney.

- M. Consider Resolution Opposing the Establishment of a Prison Hospital in Ventura County. Staff Recommendation: Adopt Resolution No. 2008-2751.
- N. Consider Revised Tennis Court Rules. Staff Recommendation: Approve revisions to Tennis Court Rules.
- O. Consider Resolution Amending the Fiscal Year 2008/09 Budget to Increase Appropriations for Fiscal Year 2007/08 Purchase Order Roll-overs. Staff Recommendation: Adopt Resolution No. 2008-2752. ROLL CALL VOTE REQUIRED

11. ORDINANCES: (ROLL CALL VOTE REQUIRED)

None.

12. CLOSED SESSION:

None was held.

13. ADJOURNMENT:

MOTION: Councilmember Van Dam moved and Councilmember Mikos seconded a motion to adjourn the meeting in memory of Paul Long, Aida Magdaleno, Beverly Mosley, Howard Pompel, and Maria Villalobos who lost their lives in the train collision on September 12, 2008. The motion carried by unanimous voice vote 4-0, Mayor Hunter absent. The time was 9:17 p.m.

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Patrick Hunter, Mayor

ATTEST:

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Maureen Benson, Assistant City Clerk