

MINUTES OF THE CITY COUNCIL

Moorpark, California

November 5, 2008

A Regular Meeting of the City Council of the City of Moorpark was held on November 5, 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 7:24 p.m.

2. PLEDGE OF ALLEGIANCE:

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

3. ROLL CALL:

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

Absent: 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; Captain Ron Nelson, Sheriff's Department; Deborah Traffenstedt, Administrative Services Director/City Clerk; and Maureen Benson, Assistant City Clerk.

4. PROCLAMATIONS AND COMMENDATIONS:

None.

5. PUBLIC COMMENT:

Two speaker cards were identified for Consent Calendar Item 10.G. and there was consensus to consider pulling Item 10.G. from the Consent Calendar under reordering.

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

CONSENSUS: It was the consensus of the Council to pull Item 10.G. 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:

Councilmember Mikos thanked the people of Moorpark for voting for her re-election and stated she is honored and happy to serve them again.

Councilmember Mikos reported on having attended a Fox Canyon Ground Water Management Agency meeting one to two weeks ago where there was discussion of the potential for having basin specific ground water management in the Las Posas Basin, which is the basin Moorpark is in.

Councilmember Van Dam announced the Moorpark High School Band will be conducting a fund raiser selling fresh Christmas trees beginning November 29 in front of Staples on Los Angeles Avenue.

Councilmember Millhouse thanked the voters for the honor and privilege of again serving the citizens of Moorpark and the residents of Ventura County in the various regional organizations in which he participates. He asked the public to continue to keep the Council informed of issues of concern.

Mayor Pro Tempore Parvin thanked the voters for their support and stated she is looking forward to opportunities for the City going forward.

Mayor Pro Tempore Parvin made the following announcements on behalf of the Moorpark City Library: 1) It's library card sign-up month! Get a library card in November and be entered into a raffle for great prizes, with a library card you can check out books on cd for your commute, use the internet, get homework help, take home a movie, do database research and more - all for free! Stop by the Moorpark City Library at 699 Moorpark Avenue in November and get your card; 2) Experience the moon in the Moorpark City Library parking lot after dark on November 6 where award winning amateur astronomer, Steven Overholt, will position his 30-inch telescope to give everyone a view of the moon in incredible detail; and 3) The Moorpark City Library weekly pre-school story-time program is every Thursday morning at 10:30 a.m. During November, the focus is on early literacy with special guest, Jody Fickes Shapiro, published author, stopping by to read on November 20.

Mayor Pro Tempore Parvin requested a future agenda item to discuss the issue of a prison hospital moving to the Ventura County area.

Mayor Pro Tempore Parvin announced the Rotary Club of Moorpark invites you to attend the 8th annual charity fund raiser Civil War Reenactment on November 8th and 9th at Underwood Family Farms.

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. (continued open public hearing from September 17, 2008) Staff Recommendation: Continue the item with public hearing open to November 19, 2008.

Mr. Moe requested the open public hearing be continued to November 19, 2008, to allow additional time to review the development agreement.

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

MOTION: Councilmember Millhouse moved and Councilmember Van Dam seconded a motion to continue the open public hearing to November 19, 2008. The motion carried by voice vote 4-0, Mayor Hunter absent.

- B. Consider Resolution Approving Tentative Tract Map No. 5869, a Request to Subdivide an Approved 78,939 Square Foot Medical Office Building into Condominium Office Units, to Allow the Sale or Lease of Individual Office Suites within the Building, Located at 635 Los Angeles Avenue, on the Application of Karl Hinderer (Grand Moorpark, LLC). Staff Recommendation: 1) Open the public hearing, accept public testimony, and close the public hearing; and 2) Adopt Resolution No. 2008-2761 approving Tentative Tract Map No. 5869.

Mr. Bobardt gave the staff report.

Mayor Pro Tempore Parvin opened the public hearing.

Karl Hinderer, representing DRC Valencia, 28212 Kelly Johnson Parkway, Suite 115, Valencia, California, engineering company for Grand Moorpark, LLC, stated he concurs with all of the conditions and he is confident that a concern regarding the driveway can be worked out with staff.

Mayor Pro Tempore Parvin closed the public hearing.

MOTION: Councilmember Millhouse moved and Councilmember Van Dam seconded a motion to adopt Resolution No. 2008-2761 approving Tentative Tract Map No. 5869. The motion carried by voice vote 4-0, Mayor Hunter absent.

- C. Consider Resolution Finding and Determining that the Public Interest, Convenience, and Necessity Require the Acquisition of Certain Property for Off-Site Public Access Road Purposes for Tract No. 5147, a 17-Lot Industrial Subdivision on 34.53 Acres, Located Approximately 1,300 Feet

West of Gabbert Road, North of the Union Pacific Railroad Right-of-Way Located in the City of Moorpark, County of Ventura, State of California.
Staff Recommendation: 1) Open the public hearing, accept public testimony, and close the public hearing; and 2) After review of relevant facts, adopt Resolution of Necessity No. 2008-2762 to initiate eminent domain proceedings to acquire the Paved Access Road Interests. ROLL CALL VOTE – 2/3rds AFFIRMATIVE REQUIRED

Mr. Hogan gave the staff report.

Mayor Pro Tempore Parvin opened the public hearing.

Linda Anabtawi, representing Southern California Edison, 2244 Walnut Grove Avenue, Rosemead, California, spoke in opposition to acting on the resolution to acquire this property citing inadequate California Environmental Quality Act (CEQA) review, which is relying on a 10-year old Negative Declaration, which does not, for example, include recent legislation such as AB32 agencies are now required to consider impacts from green-house gases before approving projects.

Walter Matthews, Senior Attorney for Southern California Edison, 2244 Walnut Grove Avenue, Rosemead, California, spoke in opposition to moving forward, stating the three conditions required before eminent domain may be imposed have not been met; this is a private dispute with a pending lawsuit between Southern California Edison and AB Properties over easement rights so the access road property is not needed at this time; and there are alternate routes to be considered with North Hills Parkway the preferred route over this property.

In response to Mayor Pro Tempore Parvin, Mr. Montes responded to Southern California Edison's comments and stated the recommendation continues to be to initiate eminent domain proceedings.

In response to Mayor Pro Tempore Parvin, Ms. Anabtawi described the injury to Southern California Edison would be to have a paved road within their easement entirely parallel to the lines making it difficult for maintenance and repairs.

Mayor Pro Tempore Parvin closed the public hearing.

MOTION: Councilmember Millhouse moved and Councilmember Mikos seconded a motion to adopt Resolution of Necessity No. 2008-2762 to initiate eminent domain proceedings to acquire paved access road interests of certain property for off-site public access road purposes for Tract No. 5147, a 17-lot Industrial Subdivision on 34.53-acres, located approximately 1,300 feet west of Gabbert Road, north of the Union Pacific Railroad right-of-way, located in the

City of Moorpark, County of Ventura, State of California. The motion carried by roll call vote 4-0, Mayor Hunter absent.

CONSENSUS: It was the consensus of the Council to hear Item 10.G. prior to Presentation/Action/Discussion upon the request of Councilmember Millhouse.

AT THIS POINT in the meeting, Consent Calendar Item 10.G. was heard.

10. G. Consider Status Update on the Amended Implementation Plan for Improvements Associated with Tract Nos. 5187-1&2 and 5405, the Meridian Hills Residential Development Project, on the Application of Resmark Equity Partners, LLC, (ORA Ashford 94, LLC). Staff Recommendation: Receive and file the report.

Councilmember Millhouse stated he pulled this item to allow the speakers to be heard.

Philip Frank, a Meridian Hills resident, stated there is still concern regarding who is responsible for determining what water is used for the mitigated areas and the pool area since the water meter reflects a commingling usage.

David Tuttle, a Meridian Hills resident, stated there is still a lack of trust between the residents and the Resmark representatives due to continued issues over dead and diseased plants; shared water meter issue for the sprinkler system; no easement for the equestrian trails, and no coordination for inspections by other agencies such as the U.S. Department of Fish and Game.

Councilmember Millhouse expressed frustration over the continuing issues and requested the Ad Hoc Committee meet with Resmark representatives to walk the site.

CONSENSUS: It was the consensus of the Council for the Meridian Hills Development Transfer of Ownership, Tracts 5187 & 5405 Ad Hoc Committee to meet at the project site with Resmark Equity Partners.

9. PRESENTATION/ACTION/DISCUSSION:

- A. Consider Teen Council Appointments to Fill Two Vacancies. Staff Recommendation: Make a maximum of two (2) appointments to the Teen Council to complete the one-year term ending on June 30, 2009.

Ms. Traffenstedt gave the staff report.

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

MOTION: Mayor Pro Tempore Parvin moved to nominate and Councilmember Millhouse seconded the motion to nominate Christina Chamblis to serve on the Teen Council to complete the one-year term ending June 30, 2009. The motion carried by voice vote 4-0, Mayor Hunter absent.

MOTION: Mayor Pro Tempore Parvin moved to nominate and Councilmember Millhouse seconded the motion to nominate Katie Aamoath to serve on the Teen Council to complete the one-year term ending June 30, 2009. The motion carried by voice vote 4-0, Mayor Hunter absent.

- B. Consider Award of Contract to Malibu Pacific Tennis Courts for the Veteran's Memorial, and Resolution Amending the Fiscal Year 2008/09 Budget. Staff Recommendation: 1) Approve the project's scope of work to include the rejection of the two add alternates, the reduction in the number of the walkway lights, and the purchase and installation of benches by staff, as outlined in the agenda report; 2) Award a contract to Malibu Pacific Tennis Courts at a cost not to exceed \$398,424 and authorize the City Manager to execute the agreement; 3) Amend the agreement with Community Works Design Group, increasing compensation by \$10,500 and authorize the City Manager to execute the amendment; 4) Approve a contract with Pacific Materials Laboratory (PML) for soils testing, lab work, and inspections at a cost not to exceed \$24,679 and authorize the City Manger to execute the agreement; and 5) Adopt Resolution No. 2008-2763. ROLL CALL VOTE REQUIRED

Ms. Lindley gave the staff report.

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

The following issue that affects the staff recommendation was discussed by the Councilmembers and staff: 1) Roughing in electrical with stub-outs for installation of additional lighting if found to be needed in the future; and 2) A construction contingency to cover such a possibility.

MOTION: Councilmember Mikos moved and Councilmember Van Dam seconded a motion to: 1) Approve the project's scope of work to include the rejection of the two add alternates, the reduction in the number of the walkway lights, and the purchase and installation of benches by staff, as outlined in the agenda report; 2) Award a contract to Malibu Pacific Tennis Courts at a cost not to exceed \$398,424 and authorize the City Manager to execute the agreement; as amended to add a construction contingency for up to \$42,000; 3) Amend the agreement with Community Works Design Group, increasing compensation by \$10,500 and authorize the City Manager to execute the amendment; 4) Approve a contract with Pacific Materials Laboratory (PML) for soils testing, lab work, and inspections at a cost not to exceed \$24,679 and authorize the City Manger to

execute the agreement; and 5) Adopt Resolution No. 2008-2763, amending the Fiscal Year 2008/09 Budget. The motion carried by roll call vote 4-0, Mayor Hunter absent.

- C. Consider Recruitment Process for Interim City Councilmember Appointment Pursuant to Moorpark Municipal Code Section 2.04.050. Staff Recommendation: 1) Direct staff to recruit for an interim City Councilmember appointment to fill a vacancy until an election is held to fill the remainder of the term, consistent with the recruitment process outlined in the agenda report; and 2) Provide direction to staff on the date for the interviews of the interim City Councilmember appointment candidates, including direction on whether a special meeting will be scheduled for this purpose.

Ms. Traffenstedt gave the staff report.

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

The following issues that affect the staff recommendation or give direction to staff were discussed by the Councilmembers and staff: 1) Devote a special meeting on December 10 for interviews; 2) Move Commission interviews to January; and 3) Hold a random drawing for order of candidate interviews and set time limits for presentations at the regular meeting on December 3 once the number of candidates is known.

CONSENSUS: It was the consensus of the Council to: 1) Direct staff to begin recruitment on November 6, 2008, pursuant to Moorpark Municipal Code Section 2.04.050, for an interim City Councilmember appointment for approximately four-six months until an election is held to fill the vacancy; 2) Direct staff to schedule for the Regular City Council meeting of December 3, 2008, discussion of the interview process including time limits for candidate presentations and Council questions, and inclusion of a random drawing for the order of candidate presentations; and 3) Direct staff to schedule a Special City Council meeting for 6:00 p.m. on December 10, 2008, to conduct the interviews of the Interim City Councilmember appointment candidates.

- D. Consider Potential Change in Scheduling of Interviews for Arts, Parks & Recreation, and Planning Commission Candidates. Staff Recommendation: Direct staff as deemed appropriate.

Ms. Traffenstedt gave the staff report.

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

CONSENSUS: It was the consensus of the Council Mayor Pro Tempore Parvin moved and Councilmember Millhouse seconded a motion to direct staff to schedule the interviews for Planning Commissioners for the Regular City Council meeting of December 17, 2008, and Parks & Recreation Commissioners for the Regular City Council meeting of January 7, 2009, and to begin an additional recruitment for the Arts Commission to conclude November 24, 2008, so the interview date may be considered at the December 3, 2008 meeting.

10. CONSENT CALENDAR: (ROLL CALL VOTE REQUIRED)

MOTION: Councilmember Van Dam moved and Councilmember Mayor Pro Tempore Parvin seconded a motion to approve the Consent Calendar with the exception of Item 10.G, which was pulled for individual consideration and hear prior to Item 9.A. The motion carried by roll call vote 4-0, Mayor Hunter absent.

- A. Consider Minutes of Regular Meeting of October 1, 2008. Staff Recommendation: Approve the minutes.
- B. Consider Minutes of Regular Adjourned Meeting of October 8, 2008. Staff Recommendation: Approve the minutes.
- C. Consider Minutes of Regular Meeting of October 15, 2008. Staff Recommendation: Approve the minutes.
- D. Consider Warrant Register for Fiscal Year 2008-2009 – November 5, 2008. Staff Recommendation: Approve the warrant register.
- E. Consider Rejection of Claim from: Kristy Baker. Staff Recommendation: Reject the claim and direct staff to send a standard rejection letter to the claimant.
- F. Consider Rejection of Claim from: Ian Mort. Staff Recommendation: Reject the claim and direct staff to send a standard rejection letter to the claimant.
- H. Consider Purchase of Alternative Fuel Vehicle for the Moorpark Volunteers in Policing Program. Staff Recommendation: 1) Award the purchase of a 2009 Ford Escape Hybrid SUV to Simi Valley Ford, the lowest responsible bidder; and 2) Authorize the City Finance Department to process the necessary purchase order to obtain the vehicle with the allocated funds.
- I. Consider Award of Contract for the Construction of the Tierra Rejada Road Median Landscaping – Phase 2 (Project 8042) and Resolution Amending Fiscal Year 2008/09 Budget to Fully Fund Said Project. Staff Recommendation: 1) Award a construction contract to Rock Bottom, Inc., and authorize the City Manager to execute the construction contract in the

amount of \$123,356.00 for the subject project; 2) Authorize the City Manager to amend the construction contract for project contingencies in an amount not to exceed \$15,000 if and when the need arises for extra work and services; and 3) Adopt Resolution No. 2008-2764. ROLL CALL VOTE REQUIRED

- J. Consider Reduction of Surety Bonds for Pardee Homes for Moorpark Highlands (Tract No. 5045-2, RPD No. 2002-03). Staff Recommendation: 1) Authorize the City Clerk to exonerate the Monument Bond No. 81969773 and reduce the Performance/Labor and Materials Bond No. 81969774 to 10% for Pardee Homes; and 2) Authorize the City Clerk to fully exonerate Bond No. 81969774 one year after this approval of the reduction of the surety bond and upon written confirmation from the City Engineer that no warranty work is required.
- K. Consider Fee Parcel Right-of-Way and Storm Drain and Sidewalk Easements for Sage Community Group (Tract No. 5130, RPD 1998-02). Staff Recommendation: Approve the acceptance of the fee parcels, and storm drain and sidewalk easements, and authorize the City Clerk to sign and record an acceptance certificate for the Grant Deeds and the attachments thereto in the office of the Ventura County Recorder.
- L. Consider Selection of a Consultant to Provide Services for Evaluation and Recommendations for Moorpark City Transit, and Resolution Amending the Fiscal Year 2008/09 Budget to Fully Fund the Project. Staff Recommendation: 1) Approve the selection of Moore & Associates, Inc., to provide services for evaluation and recommendations for Moorpark City Transit; 2) Authorize the City Manager to sign the Agreement; and 3) Adopt Resolution No. 2008-2765. ROLL CALL VOTE
- M. Consider Amendment No. 3 to Agreement for Dial-A-Ride Paratransit Services with MV Transportation, Inc., Extending Agreement for Three Months. Staff Recommendation: Authorize the City Manager to approve Amendment No. 3 to Agreement.
- N. Consider Resolution Rescinding Resolution No. 2008-2696 Pertaining to Parking Restrictions on Honeybrook Court and Rivergrove Street and Maintaining Parking Restrictions on Honeybrook Court, West of Alderbrook Street. Staff Recommendation: Adopt Resolution No. 2008-2766, rescinding Resolution No. 2008-2696.
- O. Consider Surety Bond Reduction for Toll CA L.P., Moorpark Country Club Estates (Tract 4928-3). Staff Recommendation: Authorize the City Clerk to reduce Performance and Payment Bond No. 104058247 to 10% of the original amount for Toll CA L.P., Moorpark Country Club Estates – Tract 4928-3.

11. ORDINANCES: (ROLL CALL VOTE REQUIRED)

None.

12. CLOSED SESSION:

None was held.

13. ADJOURNMENT:

MOTION: Councilmember Mikos moved and Councilmember Millhouse seconded a motion to adjourn in memory of Margaret Figueroa. The motion carried by voice vote 4-0, Mayor Hunter absent. The time was 9:20 p.m.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, Assistant City Clerk