

MINUTES OF THE CITY COUNCIL

Moorpark, California

November 19, 2008

A Regular Meeting of the City Council of the City of Moorpark was held on November 19, 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 7:15 p.m.

2. PLEDGE OF ALLEGIANCE:

David Moe, Redevelopment Manager, 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 David Bobardt, Planning Director; Director; David Klotzle Assistant City Engineer; 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 Moorpark Library Employee, Meg Thackoree, Youth Services Librarian.

Mayor Hunter introduced new Moorpark Library employee, Meg Thackoree, Youth Services Librarian.

5. PUBLIC COMMENT:

Mark Richards, a Moorpark resident and President of Waverly Place Homeowners Association (HOA) expressed concerns regarding Item 10. F. on the Consent Calendar, stating the developer, Pardee, has paused construction of Tract No. 5045-1, RPD No. 2002-03, Moorpark Highlands, at 75% of build-out and the HOA is requesting the City's assistance with completion of, or at least partial completion of, the streets.

Neil Flyer, a Moorpark resident, representing the Moorpark High School Aquatics Booster Club spoke about issues affecting the Moorpark High School polo team due to conditions at Maverick's swimming pool, which has been closed by the Health Department. He requested renewed dialog for the creation of a community pool for Moorpark.

AT THIS POINT in the meeting, the City Council recessed to convene a meeting of the Moorpark Redevelopment Agency. The time was 7:26 p.m. The City Council meeting reconvened at 7:28 p.m.

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

CONSENSUS: It was the consensus of the Council to hear Item 9.A. prior to Public Hearings upon the request of Mayor Hunter.

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 Mikos.

CONSENSUS: It was the consensus of the Council to pull Item 10.I. from the Consent Calendar for individual consideration upon the request of Mayor Hunter.

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

Councilmember Van Dam congratulated Mindy Yaras, Moorpark Unified School District Board Member, upon the occasion of her retirement after her many years of service.

Councilmember Van Dam announced the "Battle of the Bands" sponsored by Moorpark High School will be an all day event this Saturday, November 22 at the high school.

Councilmember Parvin congratulated the Moorpark Rotary Club for another successful Civil War Reenactment and thanked all those who made it possible

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

9. PRESENTATION/ACTION/DISCUSSION:

A. Consider Presentation from "FIRST 5", Children & Families First Commission of Ventura County, Honoring the City of Moorpark's 25th Anniversary.

Mr. Riley introduced Mary Linn Daehlin, Director of FIRST 5, who presented the City with a 25th birthday card signed by Moorpark citizens at the Country Days Parade.

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 November 5, 2008) Staff Recommendation: 1) Continue to 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 this item be continued with the public hearing open to December 3, 2008.

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

**MOTION:** Councilmember Millhouse moved and Councilmember Mikos seconded a motion to continue the open public hearing to December 3, 2008. The motion carried by unanimous voice vote.

9. PRESENTATION/ACTION/DISCUSSION:

- B. Consider Resolution Approving Modification No. 1 to Vesting Tentative Tract Map No. 5130 and Residential Planned Development Permit No. 1998-02, to Extend the Timing for Certain Improvements and the Term of the Residential Planned Development Permit for the Vistas at Moorpark Project, Located East of Walnut Canyon Road, and North of Wicks Road, on the Application of Sage Community Group on Behalf of Moorpark 150 LLC. Staff Recommendation: 1) Open the public hearing, accept public testimony, and close the public hearing; and 2) Adopt Resolution No. 2008-2767, approving Modification No. 1 to VTTM No. 5130 and RPD No. 1998-02.

Mr. Bobardt gave the staff report and stated Councilmember Parvin had discussed the lack of Consumer Price Index (CPI) indexing for certain fees contained in the Conditions of approval. He indicating Vesting Tentative Tract Map 5130 Special Conditions 1 and 2 on stamped page 20 of the agenda report along with Residential Planned Development No. 1998-02 Special Conditions 1 and 2 on stamped page 55 of the agenda report do not include indexing for inflation since originally drafted in 2003, and he recommended the final resolution include additional language for each of these four fees to read "Commencing January 1, 2009, and annually thereafter, this fee will be adjusted by any increase in the Consumer Price Index (CPI) until the fee has been paid in full. The CPI increase will be determined using the information provided by the U.S. Department of

Labor, Bureau of Labor Statistics, for all urban consumers within the Los Angeles/Riverside/Orange County metropolitan area during the prior year. The calculation will be made using the month of October over the prior October. In the event there is a decrease in the CPI for any annual indexing, the fee shall remain at its then current amount until such time as the next subsequent annual indexing which results in an increase.”

Mayor Hunter opened the public hearing.

Cary Lowe, representing the applicant, Sage Community Group, 3 Corporate Plaza, Suite 102, Newport Beach, CA 92660, stated they concur with the staff report and added the property owner is committed to the project, but is asking for additional time due to the conditions of the current economy. He introduced Dale Meredith, Project Manager, as available for questions.

Councilmember Mikos stated for the record, she had met with Chuck Cohen and had had an exparte conversation with him prior to this meeting in which he also asked for an extension.

Mayor Hunter closed the public hearing.

MOTION: Councilmember Millhouse moved and Councilmember Parvin seconded a motion to adopt Resolution No. 2008-2767, approving Modification No. 1 to VTTM No. 5130 and RPD No. 1998-02, as amended for Vesting Tentative Tract Map 5130 Special Conditions 1 and 2 and Residential Planned Development No. 1998-02 Special Conditions 1 and 2 to include the additional language, “Commencing January 1, 2009, and annually thereafter, this fee will be adjusted by any increase in the Consumer Price Index (CPI) until the fee has been paid in full. The CPI increase will be determined using the information provided by the U.S. Department of Labor, Bureau of Labor Statistics, for all urban consumers within the Los Angeles/Riverside/Orange County metropolitan area during the prior year. The calculation will be made using the month of October over the prior October. In the event there is a decrease in the CPI for any annual indexing, the fee shall remain at its then current amount until such time as the next subsequent annual indexing which results in an increase.” The motion carried by unanimous voice vote.

9. PRESENTATION/ACTION/DISCUSSION:

B. Consider Resolution Updating Solid Waste Collection Fees. Staff Recommendation: Adopt Resolution No. 2008-2768. ROLL CALL VOTE REQUIRED.

Ms. Mellon 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. 2008-2768 updating solid waste collection fees. The motion carried by unanimous roll call vote.

AT THIS POINT in the meeting, Item 9.D. was heard.

- D. Consider the Proposed Prison Hospital in Ventura County. Staff Recommendation: Direct staff as deemed appropriate.

Councilmember Parvin requested this item be removed from the calendar.

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

CONSENSUS: It was the consensus of the Council to remove this item from the calendar upon the request of Councilmember Parvin.

- C. Consider Resolution Authorizing Revisions to the City's Police Service Rates and False Alarm Billing Rates and Rescinding Resolution No. 2005-2289. Staff Recommendation: 1) Adopt Resolution No. 2008-2769, establishing approval of Police Service Fees and rescinding Resolution No. 2005-2289; and 2) Adopt Resolution No. 2008-2770, establishing approval of False Alarm Billing Rates. ROLL CALL VOTE REQUIRED

Mr. Hogan gave the staff report.

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

MOTION: Councilmember Parvin moved and Councilmember Mikos seconded a motion to adopt Resolution No. 2008-2769, establishing approval of Police Service Fees and rescinding Resolution No. 2005-2289; and 2) Adopt Resolution No. 2008-2770, establishing approval of False Alarm Billing Rates. The motion carried by unanimous roll call vote.

10. CONSENT CALENDAR: (ROLL CALL VOTE REQUIRED)

MOTION: Councilmember Mikos moved and Councilmember Millhouse seconded a motion to approve the Consent Calendar with the exception of Items 10.G, and 10.I, which were pulled for individual consideration. The motion carried by unanimous roll call vote.

- A. Consider Warrant Register for Fiscal Year 2008-2009 – November 19, 2008. Staff Recommendation: Approve the warrant register.

- B. Consider Resolution Amending the Fiscal Year 2008/09 Budget to Appropriate Funds for the Council Approved Neighborhood Enhancement Pilot Program. Staff Recommendation: Adopt Resolution No. 2008-2771, appropriating \$8,000 for the program. ROLL CALL VOTE REQUIRED
- C. Consider Cooperative Agreement with the State Department of Health Services and Agencies Applying Pesticides for Public Health Purposes. Staff Recommendation: Approve the Cooperative Agreement and authorize the Mayor to execute the Agreement on behalf of the City.
- D. Consider Vacancy on Citizens Transportation Advisory Committee (CTAC). Staff Recommendation: Fill the vacancy on the CTAC as part of the current recruitment and selection process.
- E. Consider Quitclaim Deed to the City of Moorpark from ConocoPhillips for Spring Road/Princeton Avenue Widening Project (8039). Staff Recommendation: Accept the Quitclaim Deed from ConocoPhillips to the City of Moorpark and authorize recordation of this document.
- F. Consider Reduction of Surety Bond for Pardee Homes for Moorpark Highlands (Tract No. 5045-1, RPD No. 2002-03). Staff Recommendation: 1) Authorize the City Clerk to reduce the Faithful Performance / Labor and Materials Bond No. 023-009-510 to 10%; and 2) Authorize the City Clerk to fully exonerate Bond No. 023-009-510 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.
- H. Consider Professional Services Agreement with Willdan Homeland Solutions for the Update of the Local Multi-Hazard Mitigation Plan. Staff Recommendation: 1) Rescind June 18, 2008 City approval of the now expired proposal from Environ International Corporation; and 2) Authorize the City Manager to approve and sign the Agreement with Willdan Homeland Solutions for a cost not to exceed \$11,500.00.
- J. Consider Acceptance of an Irrevocable Offer of Dedication of Easement at 686 and 690 Walnut Street (Richard Leyner). Staff Recommendation: Direct staff to accept and record the irrevocable offer of dedication.

The following items were pulled for individual consideration.

- G. Consider Resolution Adopting the Moorpark Bicycle Transportation Plan, and Consider Resolution Authorizing the Application for Fiscal Year 2009/10 Bicycle Transportation Account, and Consider Authorization the City Manager to Sign the Fiscal Year 2009/10 Bicycle Transportation Account Application. Staff Recommendation: 1) Adopt Resolution No. 2008-2772 (Adoption of Moorpark BTA); 2) Adopt Resolution No. 2008-

2773 (Approval of Grant Application); and 3) Authorize the City Manager to sign FY 2009/10 BTA Project Application.

Councilmember Mikos requested that the motion include direction to staff to revise the Bike Master Plan according to the recommendations from the Council at the October 15, 2008 meeting.

MOTION: Councilmember Mikos moved and Councilmember Parvin seconded a motion to: 1) Adopt Resolution No. 2008-2772 (Adoption of Moorpark BTA) 2) Adopt Resolution No. 2773 (Approval of Grant Application); 3) Authorize the City Manager to sign FY 2009/10 BTA Project Application; and 4) Directed staff to revise the Bike Master Plan according to the recommendations from Council at the October 15, 2008, meeting. The motion carried by unanimous voice vote.

- i. Consider Response to Caltrans on Notice of Preparation for the Preparation of a Draft Environmental Impact Report (EIR) for Proposed State Route 118 Intersection Improvements at State Route 34 (Somis Road) and Donion Road. Staff Recommendation: Direct staff to send response letter to Caltrans as drafted in the agenda report.

Mayor Hunter stated he pulled this item to request the draft letter be amended to state why the City anticipates truck volume will increase.

MOTION: Mayor Hunter moved and Councilmember Mikos seconded a motion to direct staff to send a response letter to Caltrans as drafted in the agenda report and as amended, to state why the City anticipates truck volume will increase. 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 Item 12.C. on the agenda.

MOTION: Councilmember Mikos moved and Councilmember Millhouse seconded a motion to adjourn to closed session for a discussion of Item 12. C. on the agenda. The motion carried by unanimous voice vote. The time was 7:59 p.m.

C. 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; and Steven Kueny, City Manager.

The Council reconvened into open session at 10:41 p.m. with no action to report. Mr. Kueny stated Item 12.C. was discussed and there was no action to report.

13. ADJOURNMENT:

Mayor Hunter adjourned the meeting at 10:41 p.m.

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Janice S. Parvin, Mayor

ATTEST:

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Maureen Benson, Assistant City Clerk