

**MINUTES OF THE CITY COUNCIL**

Moorpark, California

June 1, 2011

A Regular Meeting of the City Council of the City of Moorpark was held on June 1, 2011 in the Council Chambers of said City located at 799 Moorpark Avenue, Moorpark, California.

**1. CALL TO ORDER:**

Mayor Parvin called the meeting to order at 7:14 p.m.

**2. PLEDGE OF ALLEGIANCE:**

Shaun Kroes, Senior Management Analyst led the Pledge of Allegiance.

**3. ROLL CALL:**

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

Staff Present: Steven Kueny, City Manager; Joseph Montes, City Attorney; Hugh Riley, Assistant City Manager; Deborah Traffenstedt, Deputy City Manager; David Bobardt, Community Development Director; David Klotzle, City Engineer/Public Works Director; Irmina Lumbad, Budget & Finance Manager Allen Walter Landscape/Parks Maintenance Superintendent; Jeremy Laurentowski, Landscape/Parks Maintenance Superintendent; Shaun Kroes, Senior Management Analyst; Captain Ron Nelson, Sheriff's Department; and Maureen Benson, City Clerk.

**4. PROCLAMATIONS AND COMMENDATIONS:**

None.

**5. PUBLIC COMMENT:**

Cathy Brudnicki, representing the Ventura County Homeless and Housing Coalition, reported on the homeless count in Moorpark and the Homeless Sub-Population Survey for Ventura County.

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

**CONSENSUS:** It was the consensus of the Council to hear Item 9.D. prior to Item 9.A. on the agenda.

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

Councilmember Pollock reported he and other Councilmembers attended the Memorial Day event at the park in honor of members of the military who have passed away.

Councilmember Mikos reported she had attended the 8:00 a.m. flag raising ceremony at the Veteran's Triangle.

Councilmember Mikos reported on May 19th she had attended a meeting of the Economic Collaborative of Ventura County.

Councilmember Mikos reported on May 23rd she had attended a meeting of the Santa Monica Mountains Conservancy.

Councilmember Mikos reported she had attended the opening night of the musical Jekyll & Hyde at the High Street Arts Center. She also reported on having attended the High Street Arts Center Broadcast on Sunday night.

Mayor Parvin reported she, along with the entire community, attended the Amgen Bike Tour as it passed through Moorpark.

Mayor Parvin reported she had attended the Moorpark Chamber of Commerce Community Awards Ceremony where City Manager, Steven Kueny was recognized as the Public Servant of the Year.

Mayor Parvin reported she and Community Development Director, David Bobardt had attended the 40th California Cup International Field Hockey Tournament held at Moorpark College on Sunday.

Mayor Parvin reported she had attended the Moorpark Chamber of Commerce Government Affairs Community meeting this afternoon.

Mayor Parvin announced the Moorpark Rotary Club is holding their annual Golf Tournament at the Moorpark Country Club on June 9th to raise funds for worthy causes in Moorpark.

Mayor Parvin announced there is something for everyone this summer at the Moorpark City Library including: Summer Reading Club; Children's programs on Tuesday afternoons, Teen events on Wednesday afternoons, Storytime events throughout the summer along with gaming days, crafts, and movies; and for the first time ever, the Library will present a summer reading club for adults called "Novel Destinations".

8. PUBLIC HEARINGS:

- A. Consider Final Review of the Assessment Engineer's Report for the Landscaping and Lighting Maintenance Assessment Districts for Fiscal Year 2011/2012 and Resolution Confirming the Levy Amounts. Staff Recommendation: 1) Open the public hearing, accept public testimony, and close the public hearing; and 2) Adopt Resolution No. 2011-3029. ROLL CALL VOTE REQUIRED

Mr. Kueny gave the staff report.

Mayor Parvin opened the public hearing.

There were no speakers.

Mayor Parvin closed the public hearing.

**MOTION:** Councilmember Mikos moved and Councilmember Pollock seconded a motion to adopt Resolution No. 2011-3029, confirming the levy amounts from the Assessment Engineer's Report for the Landscaping and Lighting Maintenance Assessment Districts for Fiscal Year 2011/12. The motion carried by unanimous roll call vote.

- B. Consider Final Review of the Assessment Engineer's Report for the Parks and Recreation Maintenance and Improvement Assessment District for Fiscal Year 2011/2012 and Resolution Confirming the Levy Amount. Staff Recommendation: 1) Open the public hearing, accept public testimony, and close the public hearing; and 2) Adopt Resolution No. 2011-3030. ROLL CALL VOTE REQUIRED

Mr. Kueny gave the staff report.

Mayor Parvin opened the public hearing.

There were no speakers.

Mayor Parvin closed the public hearing.

**MOTION:** Councilmember Millhouse moved and Councilmember Mikos seconded a motion to adopt Resolution No. 2011-3030, confirming the levy amounts from the Assessment Engineer's Report for the Parks and Recreation Maintenance and Improvement Assessment District for Fiscal Year 2011/12.

Councilmember Mikos stated for the public's benefit that this assessment will only pay for approximately 32.87 percent of the actual costs with the

remainder being paid from the General Fund. Voter approval would be needed to assess more and at some point this will need to be addressed.

The motion carried by unanimous roll call vote.

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

9. PRESENTATION/ACTION/DISCUSSION:

- D. Consider Rejection of Lowest Bidder, Allison's New Leaf, Inc. DBA Tri Valley Landscape, and Approve Selection and Award of Agreement to Second Lowest Bidder, Marina Landscape, Inc. for Park Landscape Maintenance Services; and Consider Award of Agreement to Lowest Bidder, Azteca Landscape for Facilities and Landscape Maintenance Districts (LMDs) for Landscape Maintenance Services. Staff Recommendation: 1) Reject Landscape Maintenance bid from Allison's New Leaf, Inc., DBA Tri Valley Landscape as a non-responsive bid as described in the agenda report; 2) Award the Agreement for Parks Landscape Maintenance Services to the second lowest bidder, Marina Landscape Services, in the amount of \$302,816.28 for Fiscal Year 2011/12; and authorize the City Manager to execute the Agreement, subject to final language approval by the City Manager and City Attorney; and 3) Award the Agreement for Facilities and LMDs to the first lowest bidder, Azteca Landscape, in the amount of \$461,182.56 for Fiscal Year 2011/12; and authorize the City Manager to execute the Agreement, subject to final language approval of the City Manager and City Attorney. ROLL CALL VOTE REQUIRED

Mr. Walter gave the staff report.

A discussion followed between the Councilmembers and staff which focused on: 1) Current vendor, Venco Western Landscape missed the mandatory pre-bid meeting, and therefore could not participate in the bidding; 2) Whether the requirement for specific references is the City's standard; 3) Whether questions are allowed and clarifications provided at the pre-bid meeting; and 4) The due diligence performed in determining the lowest responsive bidder after the bids are opened.

Jennifer Allison, majority owner of Allison's New Leaf, Inc. dba Tri Valley Landscape, spoke in opposition to staff's determination that their bid is non-responsive due to lack of experience and limited scope of services; and described the benefits to Moorpark from this local business.

Bill Allison, minority owner of Allison's New Leaf, Inc. dba Tri Valley Landscape, provided a communication from Valley Crest Tree Company attesting to Tri Valley's management of pesticide applications at their facilities in Los Angeles and Ventura counties. Mr. Allison spoke in

opposition to staff's determination that Tri Valley's bid is non-responsive due to lack of experience and limited scope of services and asked for reconsideration for the bid.

A discussion followed between the Councilmembers and staff which focused on: 1) Consideration to award bids to local businesses balanced with the needs to consider the cost to the Moorpark taxpayer; 2) Procedures for notifying non-responsive bidders; 3) Bidders must have a certainty that the bid process rules will be honored and are applied fairly and consistently; 4) Possibility of revising future bid documents for more clarity and specificity; 5) Re-bidding would diminish cost savings to the City; and 6) Consideration for going out for bid again in one year for these maintenance agreements.

**MOTION:** Councilmember Pollock moved and Councilmember Mikos seconded a motion to: 1) Reject Landscape Maintenance bid from Allison's New Leaf, Inc., DBA Tri Valley Landscape as a non-responsive bid as described in the agenda report; 2) Award the Agreement for Parks Landscape Maintenance Services to the second lowest bidder, Marina Landscape Services, in the amount of \$302,816.28 for Fiscal Year 2011/12; and authorize the City Manager to execute the Agreement, subject to final language approval by the City Manager and City Attorney; and 3) Award the Agreement for Facilities and LMDs to the first lowest bidder, Azteca Landscape, in the amount of \$461,182.56 for Fiscal Year 2011/12; and authorize the City Manager to execute the Agreement, subject to final language approval of the City Manager and City Attorney. The motion carried by roll call vote 3-2, Councilmember Millhouse and Mayor Parvin dissenting.

**CONSENSUS:** It was the consensus of the Council to direct staff to bid the Park Landscape Maintenance Services Agreement again in one-year.

AT THIS POINT in the meeting the Council returned to the agenda, as written, with Item 9.A.

A. Consider Presentation by Susan Mulligan, General Manager, Calleguas Municipal Water District.

Ms. Mulligan gave a PowerPoint presentation on Calleguas Municipal Water District's relationship with the Metropolitan Water District; and Calleguas' plans for infrastructure improvements and future desalination of ground water.

B. Consider Permit Adjustment No. 3 to Planned Development No. 966 to Allow Architectural Enhancements to an Existing Building (Previously Wendy's Restaurant) Located at 520 Los Angeles Avenue on the Application of Dan Lorenzon (Popeye's Louisiana Kitchen). Staff Recommendation: Direct the Community Development Director to issue a

letter approving Permit Adjustment No. 3 to Planned Development No. 966, subject to conditions of approval.

Mr. Fiss gave the staff report and stated the applicant has agreed to all new conditions for the site.

Dan Lorenzon, applicant representing Popeye's Louisiana Kitchen, stated he was available for questions.

**MOTION:** Councilmember Pollock moved and Councilmember Millhouse seconded a motion to direct the Community Development Director to issue a letter approving Permit Adjustment No. 3 to Planned Development No. 966, subject to conditions of approval. The motion carried by unanimous voice vote.

- C. Consider Amendment to Agreement with CUSA CC, LLC for Transit Operating Services and Consider Amendment to Agreement with CUSA CC, LLC for Bus Capital Maintenance Services. Staff Recommendation: 1) Authorize the City Manager to sign Amendment No. 2 to the Agreement with CUSA CC, LLC for transit operating services, subject to final language approval by the City Manager and City Attorney; and 2) Authorize the City Manager to sign Amendment No. 2 to the Agreement with CUSA CC, LLC for bus capital maintenance services, subject to final language approval by the City Manager and City Attorney.

Mr. Kroes gave the staff report.

There were no speakers.

**MOTION:** Mayor Parvin moved and Councilmember Pollock seconded a motion to: 1) Authorize the City Manager to sign Amendment No. 2 to the Agreement for Transit Operating Services, subject to final language approval by the City Manager and City Attorney; and 2) Authorize the City Manager to sign Amendment No. 2 to the Agreement for Bus Capital Maintenance Services, subject to final language approval by the City Manager and City Attorney. The motion carried by unanimous voice vote.

10. **CONSENT CALENDAR: (ROLL CALL VOTE REQUIRED)**

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

- A. Consider Minutes of Regular Meeting of May 18, 2011. Staff Recommendation: Approve the minutes.
- B. Consider Warrant Register for Fiscal Year 2010/11 – June 1, 2011. Staff Recommendation: Approve the warrant register.

- C. Consider Consultant Agreement with Hartzog & Crabill, Inc. for Traffic Signal Design and Maintenance Services for Fiscal Year 2011/12. Staff Recommendation: Authorize the City Manager to sign the Agreement, subject to final language approval of the City Manager and City Attorney.
  
- D. Consider Removing and Replacing Asbestos-Containing Vinyl Composition Floor Tile Mastic in the Active Adult Center, Citrus Room and Community Center's Custodian Closet, Video Control Room, Storage Closet and Small Conference Room; and Resolution Amending the Fiscal Year 2010/11 Budget. Staff Recommendation: 1) Approve the removal and replacement of asbestos-containing vinyl as identified in the agenda report; and 2) Adopt Resolution No. 2011-3031. ROLL CALL VOTE REQUIRED
  
- E. Consider Resolution Amending the Fiscal Year 2010-11 Budget by Appropriating General Funds for the Senior Nutrition Program to Fund an Additional Grant from the Ventura County Area Agency on Aging (VCAAA) for Older Americans Act Title III-C Contract Grant Funds Staff Recommendation: Adopt Resolution No. 2011-3032. ROLL CALL VOTE REQUIRED
  
- F. Consider Resolution Authorizing the Destruction of City Records (1986-2002 - Community Development Block Grant Records). Staff Recommendation: Adopt Resolution No. 2011-3033.

The following item was pulled for individual consideration.

- G. Consider Agreement with Community Action of Ventura County to Provide Home Energy Assistance Program Appointments at the Moorpark Active Adult Center. Staff Recommendation: Approve a one-year agreement and authorize the City Manager to execute agreement, subject to final language approval by the City Manager.

Councilmember Mikos stated although there is no conflict of interest, as a member of the Board of the Community Action of Ventura County, she will, in an abundance of caution, abstain from voting on this item.

**MOTION:** Councilmember Millhouse moved and Mayor Parvin seconded a motion to approve a one-year agreement and authorize the City Manager to execute the agreement with the Community Action of Ventura County to provide Home Energy Assistance Program appointments at the Moorpark Active Adult Center, subject to final language approval by the City Manager. The motion carried by voice vote 4-0, Councilmember Mikos abstaining.

11. ORDINANCES: (ROLL CALL VOTE REQUIRED)

None.

12. CLOSED SESSION:

Mr. Kueny requested the City Council go into closed session for discussion of three cases under Item 12.B. and Items 12.C. and 12.F. on the agenda.

MOTION: Councilmember Millhouse moved and Mayor Parvin seconded a motion to adjourn to closed session for discussion of three cases under Item 12.B. and Items 12.C. and 12.F. on the agenda. The motion carried by unanimous voice vote. The time was 9:14 p.m.

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)

C. CONFERENCE WITH REAL PROPERTY NEGOTIATOR  
(Pursuant to Government Code Section 54956.8)  
Property: APN 519-0-210-015 & APN 519-0-210-065  
City Negotiator: Steven Kueny, City Manager  
Negotiating Parties: Heartland Recovery, California F#1, LLC  
Under Negotiation: Price and terms of payment

F. PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
(Pursuant to Subdivision (b) of Section 54957 of the Government Code)  
Title: City Manager and City Attorney

Present in closed session were Councilmembers Mikos, Millhouse, Pollock, Van Dam, and Mayor Parvin; Steven Kueny, City Manager; Joseph Montes, City Attorney; Hugh Riley, Assistant City Manager; David Bobardt, Community Development Director; and Deborah Traffenstedt, Deputy City Manager. Mr. Bobardt left the meeting at 10:07 p.m. after Items 12.B. and 12. C.

The Council reconvened into open session at 11:04 p.m. Mr. Kueny stated three cases under Item 12.B. and Items 12.C. and 12.F. were discussed and there was no action to report.

13. ADJOURNMENT:

Mayor Parvin adjourned the meeting at 11:04 p.m.

\_\_\_\_\_  
Janice S. Parvin, Mayor

ATTEST:

\_\_\_\_\_  
Maureen Benson, City Clerk