

MINUTES OF THE CITY COUNCIL

Moorpark, California

July 6, 2011

A Regular Meeting of the City Council of the City of Moorpark was held on July 6, 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 7:10 p.m.

2. PLEDGE OF ALLEGIANCE:

Robert Peskay, Ventura County Grand Jury Member, led the Pledge of Allegiance.

3. ROLL CALL:

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

Absent: Councilmember Millhouse.

Staff Present: Steven Kueny, City Manager; Hugh Riley, Assistant City Manager; Deborah Traffenstedt, Deputy City Manager; Ron Ahlers, Finance Director; David Bobardt, Community Development Director; David Klotzle, City Engineer/Public Works Director; David Moe, Redevelopment Manager; Joseph Fiss, Principal Planner; Captain Ron Nelson, Sheriff's Department; and Maureen Benson, City Clerk.

4. PROCLAMATIONS AND COMMENDATIONS:

A. Recognition by United Way Campaign Director, Eve Liebman, in Appreciation of City Employee Contributions.

Ms. Liebman, Campaign Director for United Way, presented the City with a plaque in appreciation for City employee contributions.

B. Ventura County Fair Poster Presentation.

Junior Fair board Members, Mary Ortiz and Jared Lozano, presented the City with the 2011 Ventura County Fair Poster depicting the theme "Bounty of the County".

5. PUBLIC COMMENT:

Robert Peskay, Foreman of the 2010/11 Ventura County Grand Jury, presented the Ventura county Grand Jury Final Report for 2010-2011 to the City.

Vargha Davari, representing members of the Baha'i Faith Community in Moorpark, extended an invitation to attend "The Struggle for Human Rights in Iran" on Thursday, September 15th at the Kavli Theater in Thousand Oaks.

AT THIS POINT in the meeting, the City Council recessed to convene a meeting of the Redevelopment Agency of the City of Moorpark. The time was 7:23 p.m. The City Council meeting reconvened at 7:24 p.m.

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

None.

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

Councilmembers Van Dam, Mayor Parvin and Councilmember Mikos commended staff for another spectacular 3rd of July Event, which was very well attended.

Mayor Parvin congratulated Captain Nelson and the Moorpark Police Department for the reduction in crime as documented in a recent crime statistic report for Moorpark.

Mayor Parvin announced the Moorpark City Library presents the Armchair Traveler Movie Series at 6:30 p.m. at the Moorpark Community Center. "Roman Holiday" is featured on July 7th, "Howl's Moving Castle" on July 14th, "Amelie" on July 21st, and "Muriel's Wedding" on July 28th.

Mayor Parvin announced Household Hazardous Waste Events to be held in Camarillo on July 8th and July 16th in Simi Valley are free to Moorpark residents.

Mayor Parvin announced the Moorpark Beach Bus runs Tuesday through Thursday until August 18th and the Moorpark Summer Youth Bus Pass is valid until September 9th.

8. PUBLIC HEARINGS:

- A. Consider Resolution Approving General Plan Amendment No. 2011-01 to Change the Land Use Designation from Medium Industrial to Agricultural; an Ordinance Approving Zone Change No. 2011-01 to Change Zoning

from Limited Industrial to Agricultural Exclusive; and an Ordinance Terminating Development Agreement No. 1998-05 with Southern California Edison (SCE) on 8.79 Acres Located 1,300 Feet West of Gabbert Road, Immediately North of the Union Pacific Railroad Right-of-Way. Staff Recommendation: 1) Open the public hearing, accept public testimony, and close the public hearing; 2) Adopt Resolution No. 2011-3043, approving General Plan Amendment No. 2011-01; 3) Introduce Ordinance No. 404, approving Zone Change No. 2011-01 and schedule second reading for July 20, 2011; and 4) Introduce Ordinance No. 405, terminating Development Agreement No. 1998-05 and schedule second reading for July 20, 2011.

Mr. Fiss gave the staff report.

The Mayor opened the public hearing.

There were no speakers.

A discussion followed among the Councilmembers and staff regarding the City's lack of control, as a third party participant, over the Settlement Agreement, which does not include an easement for the future North Hills Parkway.

The Mayor closed the public hearing.

**MOTION:** Councilmember Mikos moved and Councilmember Van Dam seconded a motion to adopt Resolution No. 2011-3043, approving General Plan Amendment No. 2011-01 to change the Land Use Designation from Medium Industrial to Agricultural. The motion carried by voice vote 4-0, Councilmember Millhouse absent.

Ms. Benson read the title of Ordinance No. 404.

**MOTION:** Councilmember Mikos moved and Councilmember Van Dam seconded a motion to waive full reading, declare Ordinance No. 404 read for the first time, and schedule second reading and adoption for July 20, 2011. The motion carried by voice vote 4-0, Councilmember Millhouse absent.

Ms. Benson read the title of Ordinance No. 405.

**MOTION:** Councilmember Van Dam moved and Councilmember Pollock seconded a motion to waive full reading, declare Ordinance No. 405 read for the first time, and schedule second reading and adoption for July 20, 2011. The motion carried by voice vote 4-0, Councilmember Millhouse absent.

9. PRESENTATION/ACTION/DISCUSSION:

- A. Consider Appointment of Two City Representatives to Serve as Commissioners to the Ventura County Area Housing Authority (AHA). Staff Recommendation: Appoint two representatives to the Ventura County AHA for a four-year term ending August 31, 2015.

Ms. Benson gave the staff report.

There were no speakers.

CONSENSUS: It was the consensus of the Council to waive rules and nominate the the two representatives in one motion.

MOTION: Mayor Parvin nominated and Councilmember Van Dam seconded the nomination of Jorgen Nielson and Natalie Panossian to represent the City of Moorpark as Commissioners to the Ventura County Area Housing Authority for a four-year term ending August 31, 2015. The motion carried by voice vote 4-0, Councilmember Millhouse absent.

- B. Consider Applicant Presentations and Make Appointments to the Moorpark City Library Board. Staff Recommendation: 1) Hear presentations from Library Board applicants; and 2) Based upon presentations provided from applicants on June 15 and July 6, 2011, appoint five (5) Library Board Members to serve, beginning July 2011, staggered terms to be determined by lot at the Library Board's first meeting, with one member going out of office June 30, 2012, two members going out of office on June 30, 2013, and two members going out of office on June 30, 2014. Thereafter the staggered terms for Library Board Members will be for three years.

Ms. Benson gave the staff report and stated late correspondence had been received from one applicant, Kimphat Nguyen, indicating he would be unable to attend the meeting and was withdrawing his application.

Mayor Parvin called the Library Board applicants to give their presentations in the order their names were drawn by the City Clerk prior to the start of the meeting.

The Council listened to presentations and conducted interviews of the Library Board applicants in the following order:

Martha Meister  
Tim Cummings  
Michael Fenerin  
Steven Woflson

Mayor Parvin and Councilmembers discussed the background and qualifications of the applicants. Mayor Parvin solicited nominees from the Councilmembers with Councilmember Pollock suggesting Abigail Sichmeller and Michael Fenerin; and Councilmember Van Dam suggesting Cindy Housel.

MOTION: Mayor Parvin nominated Tim Cummings to serve on the Library Board beginning July 2011. The motion died due to lack of a second.

MOTION: Mayor Parvin nominated and Councilmember Pollock seconded the nomination of Michael Fenerin to serve on the Library Board beginning July 2011. The motion carried by voice vote 4-0, Councilmember Millhouse absent.

MOTION: Mayor Parvin nominated and Councilmember Van Dam seconded the nomination of Cindy Housel to serve on the Library Board beginning July 2011. The motion carried by voice vote 4-0, Councilmember Millhouse absent.

MOTION: Mayor Parvin nominated Martha Meister to serve on the Library Board beginning July 2011. The motion died due to lack of a second.

MOTION: Mayor Parvin nominated and Councilmember Pollock seconded the nomination of Abigail Sichmeller to serve on the Library Board beginning July 2011. The motion carried by voice vote 4-0, Councilmember Millhouse absent.

MOTION: Mayor Parvin nominated and Councilmember Mikos seconded the nomination of Karen Wrolson to serve on the Library Board beginning July 2011. The motion carried by voice vote 4-0, Councilmember Millhouse absent.

MOTION: Mayor Parvin nominated and Councilmember Mikos seconded the nomination of Steven Wolfson to serve on the Library Board beginning July 2011. The motion carried by voice vote 4-0, Councilmember Millhouse absent.

- C. Consider California Redevelopment Association (CRA) and League of California Cities' (LCC) Request for Financial Support for Legal Services. Staff Recommendation: Provide additional financial support in the not to exceed amount of \$1,500.00 in Fiscal Year 2011/12 to the CRA and LCC to assist with the lawsuit against the State of California to prevent the abolishment of redevelopment agencies.

Mr. Moe gave the staff report.

There were no speakers.

Councilmember Pollock stated for the record, he will reluctantly support this proposal, as it is unfortunate to spend public funds of one agency to sue another public agency to solve a problem through the judiciary; this is

a modest contribution and he would be concerned if additional contributions are solicited; and if financial support for education versus financial support for redevelopment becomes the issue, he will side with education.

MOTION: Councilmember Pollock moved and Councilmember Van Dam seconded a motion to provide additional financial support in the not to exceed amount of \$1,500.00 in Fiscal Year 2011/12 to the CRA and LCC to assist with the lawsuit against the State of California to prevent the abolishment of redevelopment agencies. The motion carried by roll call vote 4-0, Councilmember Millhouse absent.

- D. Consider Request from Ventura County Housing Trust Fund for a Financial Contribution. Staff Recommendation: Staff Recommendation: Provide a financial commitment to the Ventura County Housing Trust Fund in the amount of \$50,000.00 paid over a period of five years.

Mr. Moe gave the staff report.

Dawn Dyer, representing the Ventura County Housing Trust Fund, 808 E. Santa Clara Street, Suite A, Ventura, California, provided background information on creation of the Ventura County Housing Trust Fund and the efforts to achieve funding for local housing needs.

MOTION: Mayor Parvin moved and Councilmember Mikos seconded a motion to provide a financial commitment to the Ventura County Housing Trust Fund in the amount of \$50,000.00 paid over a period of five years. The motion carried by voice vote 4-0, Councilmember Millhouse absent.

- E. Consider Exercising Option Agreement with the Redevelopment Agency of the City of Moorpark to Purchase Agency Land Held for Resale. Staff Recommendation: 1) Direct the City Manager to exercise option to purchase the 39 parcels of land currently held for resale by the Redevelopment Agency of the City of Moorpark; and 2) Authorize the City Manager to execute any documents necessary

Mr. Moe gave the staff report.

There were no speakers.

MOTION: Councilmember Mikos moved and Councilmember Van Dam seconded a motion to: 1) Direct the City Manager to exercise option to purchase the 39 parcels of land currently held for resale by the Redevelopment Agency of the City of Moorpark; and 2) Authorize the City Manager to execute any documents necessary. The motion carried by voice vote 4-0, Councilmember Millhouse absent.

10. CONSENT CALENDAR: (ROLL CALL VOTE REQUIRED)

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

- A. Consider Minutes of Special Joint City Council/Moorpark Arts Commission Meeting of March 29, 2011. Staff Recommendation: Approve the minutes.
- B. Consider Minutes of Special Meeting of June 15, 2011. Staff Recommendation: Approve the minutes.
- C. Consider Minutes of Regular Meeting of June 15, 2011. Staff Recommendation: Approve the minutes.
- D. Consider Warrant Register for Fiscal Year 2010/11 – July 6, 2011. Staff Recommendation: Approve the warrant register.
- E. Consider Letter from External Auditors Regarding the Fiscal Year 2010/11 Audit. Staff Recommendation: Receive and file report.
- F. Consider Addendum to 2010-2012 Memorandum of Understanding (MOU) with Service Employees International Union (SEIU) CTW, CLC, Local 721. Staff Recommendation: 1) Authorize approval of an Addendum to the 2010-2012 MOU, and authorize the City Manager to sign the Addendum to the MOU following final language approval by the City Manager and City Attorney; and 2) Consistent with the amended language in the Addendum to the MOU, direct staff to incorporate an amendment to Section 2.12 of the Personnel Rules at the time of the next update.
- G. Consider Amending Agreement Between City of Moorpark and West Coast Arborists, Inc. to Include Banner Installation Services and Consider Resolution Amending the Fiscal Year 2011/12 Budget. Staff Recommendation: Approve Amendment to Agreement and adopt Resolution No. 2011-3044. ROLL CALL VOTE REQUIRED

11. ORDINANCES: (ROLL CALL VOTE REQUIRED)

None.

12. CLOSED SESSION:

Mr. Kueny requested the City Council go into closed session for discussion of four cases under Item 12.B. on the agenda.

**MOTION:** Councilmember Mikos moved and Councilmember Van Dam seconded a motion to adjourn to closed session for a discussion of four cases under Item 12.B. on the agenda. The motion carried by voice vote 4-0, Councilmember Millhouse absent. The time was 8:19 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)

Present in closed session were Councilmembers Mikos, Pollock, Van Dam, and Mayor Parvin; Steven Kueny, City Manager; Greg Murphy, Assistant City Attorney (via conference call); Hugh Riley, Assistant City Manager; Deborah Traffenstedt, Deputy City Manager; David Bobardt, Community Development Director; Jeremy Laurentowski, Parks and Landscape Manager; and John Brand, Senior Management Analyst. Mr. Laurentowski and Mr. Brand left the meeting at 8:47 p.m.

The Council reconvened into open session at 9:14 p.m. Mr. Kueny stated four cases under Item 12.B. were discussed and there was no action to report.

13. ADJOURNMENT:

Mayor Parvin adjourned the meeting at 9:14 p.m.

---

Janice S. Parvin, Mayor

ATTEST:

---

Maureen Benson, City Clerk