

ITEM 10.C.

MINUTES OF THE CITY COUNCIL

Moorpark, California

February 2, 2011

A Regular Meeting of the City Council of the City of Moorpark was held on February 2, 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 7:15 p.m.

2. PLEDGE OF ALLEGIANCE:

Boy Scout, Ian Cochran, led the Pledge of Allegiance.

3. ROLL CALL:

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

Absent: Councilmember Mikos

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, Interim City Engineer/Public Works Director; David Moe, Redevelopment Manager; Shaun Kroes, Senior Management Analyst; Jeremy Laurentowski, Landscape/Parks Maintenance Superintendent; Teri Davis, Senior Management Analyst; Captain Ron Nelson, Sheriff's Department; and Maureen Benson, City Clerk.

4. PROCLAMATIONS AND COMMENDATIONS:

A. Introduction of New Employee, Roy Forney, Laborer/Custodian IV in the Parks and Recreation Department.

Mayor Parvin introduced new employee, Roy Forney, Laborer/Custodian IV in the Parks and Recreation Department.

B. Proclamation Declaring Support for the *Let's Move!* Campaign.

Mayor Parvin presented Recreation Superintendent, Stephanie Shaw with a proclamation declaring support for the *Let's Move!* campaign.

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 7:21 p.m. The City Council meeting reconvened at 7:22 p.m.

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

CONSENSUS: It was the consensus of the Council to pull Item 10.H. from the Consent Calendar to be heard after Closed Session.

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

Councilmember Pollock announced, he along with Councilmember Mikos and Mayor Parvin had attended the 14th Annual Meeting of the Economic Collaborative of Ventura County and the Ventura County Economic Development Association's annual meeting on January 20th.

Councilmember Pollock announced on January 21st he had attended the Simi Valley Hospital Foundation Board meeting where he and Moorpark Chamber of Commerce President and CEO, Patrick Ellis have agreed to sit on the board as an outreach to Moorpark.

Councilmember Pollock announced on January 27th he and Mayor Parvin had attended the ribbon cutting ceremony of a new 7-11 store at the Collins and Campus Park shopping center.

Councilmember Pollock announced, on January 28th, he and several other members of the Council and staff attended the Moorpark Chamber of Commerce Annual Awards Dinner at the Moorpark Country Club where the Mayor's husband received many awards.

Councilmember Van Dam congratulated Captain Ron Nelson as the recipient of the Moorpark Chamber of Commerce's "Hometown Hero" award.

Councilmember Van Dam thanked Mr. Klotzle for all his work on the flood maps.

Mayor Parvin announced she had attended meetings and events as described earlier by Councilmember Pollock and had also attended a recent City Select Committee meeting where they appointed a new Ventura Local Agency Formation Commission member.

Mayor Parvin congratulated her husband, Dale Parvin, for the honors he received at the Moorpark Chamber of Commerce Annual Awards Dinner.

Mayor Parvin acknowledged Captain Ron Nelson as Moorpark's "Hometown Hero" and cited instances of his dedication and service to the community.

8. PUBLIC HEARINGS:

- A. Consider an Ordinance Amending Chapter 5.48 Massage Establishments and Therapists, of Title 5 Business Taxes, Licenses and Regulations; and Section 17.08.010 Definitions and Section 17.20.060 Uses by Zone, of Title 17 Zoning of the Moorpark Municipal Code. Staff Recommendation: 1) Open the public hearing, accept public testimony, and close the public hearing; and 2) Introduce Ordinance No. 398 for first reading, waive full reading, and direct staff to schedule second reading and adoption for February 16, 2011.

Mr. Fiss gave the staff report.

A discussion followed among the Councilmembers and staff concerning the requirement in the last sentence of Item F. on stamped page 22 of the agenda report, which requires the licensee to report to the Community Development Department any discharge or termination of services of a massage practitioner or massage therapist within five business days of such event.

Mayor Parvin opened the public hearing.

There were no speakers.

Mayor Parvin closed the public hearing.

Mr. Bobardt provided the following language to amend the last sentence of Item F. - Notification of Changes in Registered Massage Practitioners and Therapists on stamped page 22 of the agenda report to read, "In addition, any discharge or termination of the services of a massage practitioner or massage therapist must be reported to the Community Development Department as part of the annual license renewal."

Ms. Benson read the title of Ordinance No. 398.

MOTION: Councilmember Pollock moved and Councilmember Van Dam seconded a motion to waive full reading of Ordinance No. 398, as amended, and to direct staff to schedule second reading and adoption for February 16, 2011. The motion carried by voice vote, 4-0, Councilmember Mikos absent.

9. PRESENTATION/ACTION/DISCUSSION:

- A. Consider Providing Comments on Possible Unmet Transit Needs to the Ventura County Transportation Commission (VCTC) and Receive Report on Unmet Transit Needs Findings and Goals. Staff Recommendation: Provide comments and direct staff to forward them to VCTC, prior to the end of the public comment period.

Mr. Kroes gave the staff report.

There were no speakers.

MOTION: Councilmember Millhouse moved and Councilmember Pollock seconded a motion to direct staff to forward unmet transit needs comments to the Ventura County Transportation Commission prior to the end of the public comment period on February 14, 2011. The motion carried by voice vote, 4-0, Councilmember Mikos absent.

- B. Consider Resolution Adopting a Revised Fee Schedule for Services Rendered Pursuant to the Moorpark Municipal Code Relating to Business Registration Fees and Rescinding Resolution No. 2008-2724. Staff Recommendation: Adopt Resolution No. 2011-2994, rescinding Resolution No. 2008-2724. ROLL CALL VOTE REQUIRED

Mr. Bobardt gave the staff report.

There were no speakers.

MOTION: Councilmember Pollock moved and Councilmember Van Dam seconded a motion to adopt Resolution No. 2011-2994, approving a revised fee schedule for services rendered pursuant to the Moorpark Municipal Code relating to business registration fees and rescinding Resolution No. 2008-2724. The motion carried by roll call vote 4-0, Councilmember Mikos absent.

- C. Consider Resolution of Intention to Grant an Oil Pipeline Franchise to Crimson California Pipeline, L.P. for a Twenty-Year Period Pursuant to the California Public Utilities Code. Staff Recommendation: Adopt Resolution No. 2011-2995 and set public hearing for March 2, 2011.

Mr. Riley gave the staff report.

Councilmember Millhouse requested the amount of insurance coverage be presented on March 2, 2011.

There were no speakers.

MOTION: Mayor Parvin moved and Councilmember Millhouse seconded a motion to adopt Resolution No. 2011-2995 declaring the intention to grant an Oil Pipeline Franchise to Crimson California Pipeline, L.P. and setting a public hearing for March 2, 2011. The motion carried by voice vote, 4-0, Councilmember Mikos absent.

- D. Consider Resolution Updating the City's Landscape Design Standards and Guidelines to be Consistent with Municipal Code Chapter 15.23, Water Efficient Landscape Ordinance, and the Model Efficient Landscape Ordinance of the State of California as contained in the California Code of Regulations Title 23. Waters, Division 2. Department of Water Resources, Chapter 2.7. Model Water Efficient Landscape Ordinance, Sections 490 through 494; and Rescinding Resolution No. 2004-2244. Staff Recommendation: Adopt Resolution No. 2011-2996, rescinding Resolution No. 2004-2244.

Mr. Laurentowski gave the staff report.

There were no speakers.

MOTION: Mayor Parvin moved and Councilmember Pollock seconded a motion to adopt Resolution No. 2011-2996, updating the City's Landscape Design Standards and Guidelines to be consistent with Municipal Code Chapter 15.23, Water Efficient Landscape Ordinance, and the Model Efficient Landscape Ordinance of the State of California as contained in the California Code of Regulations Title 23. Waters, Division 2. Department of Water Resources, Chapter 2.7. Model Water Efficient Landscape Ordinance, Sections 490 through 494; and rescinding Resolution No. 2004-2244. The motion carried by voice vote, 4-0, Councilmember Mikos absent.

- E. Consider Status Report on Mission Statement, Priorities, Goals and Objectives for Fiscal Year 2010/11 and Direction for Fiscal Year 2011/12. Staff Recommendation: Direct staff as deemed appropriate.

Mr. Kueny gave the staff report.

A discussion followed among the Councilmembers and staff concerning the reasons for the narrow scope of Top Ten Priority No. 5 for construction of a truck scale facility to reduce; the development of the SDI property site being problematic for Potential Objective No. 56. for a private BMX facility; and the possibility of moving Potential Objective No. 61 to obtain grant funding for universally accessible play equipment to the Departmental Objectives list despite the current lack of staffing to address the goal.

There were no speakers.

CONSENSUS: The consensus of the Council was to receive and file the report.

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. H, which was pulled for individual consideration to be heard after Closed Session. The motion carried by roll call vote, 4-0, Councilmember Mikos absent.

- A. Consider Minutes of Special Meeting of December 15, 2010. Staff Recommendation: Approve the minutes.
- B. Consider Warrant Register for Fiscal Year 2010-2011 – February 2, 2011
Staff Recommendation: Approve the warrant register.
- C. Consider Resolutions to Initiate Proceedings Related to the Citywide Landscape and Lighting Maintenance Assessment District and the Parks and Recreation Maintenance Improvement District for Fiscal Year 2011/12 and Consider Amendment to the Agreement with SCI Consulting Group for Professional Consulting, Engineer of Work, and Levy Administration.
Staff Recommendation: 1) Adopt Resolution Nos. 2011-2997 and 2011-2998; and 2) Approve the amendment to SCI Consulting Group agreement, subject to final language approval by the City Manager and City Attorney; and authorize the City Manager to sign the agreement.
ROLL CALL VOTE REQUIRED
- D. Consider Resolution Establishing a “Parking by Permit Only” Zone on Minor Street and Fitch Avenue. Staff Recommendation: Adopt Resolution No. 2011-2999.
- E. Consider Amendment No. 4 to Architectural Agreement with HMC Architects for Reimbursable Expenses for the Ruben Castro Human Services Center. Staff Recommendation: Approve Amendment No. 4 to the Agreement to increase the amount by \$38,000 from \$1,322,793 to \$1,360,793 and authorize the City Manager to execute the Amendment, subject to final language approval by the City Manager and City Attorney.
- F. Consider Agreement with Jensen Design and Survey, Inc. for Surveying Services for the Ruben Castro Human Services Center Capital Improvement Project (5020). Staff Recommendation: Approve Agreement, and authorize the City Manager to sign the Agreement, subject to final language approval by the City Manager and City Attorney, and authorize the City Manager to approve additional services not to exceed 10% contingency amount as outlined in the agenda report.
- G. Consider Option Agreement with the Moorpark Redevelopment Agency of the City of Moorpark to Purchase Agency Land Held for Resale. Staff Recommendation: 1) Approve Option Agreement with the Redevelopment

Agency of the City of Moorpark for the right to purchase Agency's land held for resale, subject to final language approval by the City Manager and City Attorney; and 2) Authorize the Mayor to execute any documents necessary to facilitate granting the option to the City.

11. ORDINANCES: (ROLL CALL VOTE REQUIRED)

- A. Consider Ordinance No. 397 Amending Chapters 8.52, Stormwater Quality Management; 9.08, Offenses Against Public Decency; 9.16, Offenses Involving Minors; 10.04, Traffic Code; 10.08, Private Roads and Parking Facilities; and 10.20, Skateboard, Motorized Skateboard, Scooter, Motorized Scooter, Roller Skate and In-Line Skate Regulations; Adding Article VII in Chapter 10.04, Bus Zone Location Exception; Deleting 10.04.270, Bus Zones; Deleting Section 10.04.340, Violation – Penalty; Adding Section 10.04.360, Bus Zones; and Adding Section 10.04.270, Procedures for Processing Parking Violation Citations. Staff Recommendation: Waive full reading and declare Ordinance No. 397 read for the second time and adopted as read. ROLL CALL VOTE REQUIRED

Ms. Benson read the title of Ordinance No. 397.

MOTION: Councilmember Van Dam moved and Councilmember Pollock seconded a motion to waive full reading and declare Ordinance No. 397 read for the second time and adopted as read. The motion carried by unanimous roll call vote.

12. CLOSED SESSION:

Mr. Kueny requested the City Council go into closed session for discussion of one case under Item 12.B. and Items 12.C, 12.D, 12.E, 12.F, and 12.G. on the agenda.

MOTION: Councilmember Millhouse moved and Councilmember Van Dam seconded a motion to go into closed session for discussion of one case under Item 12.B. and Items 12.C, 12.D, 12.E, 12.F, and 12.G. on the agenda. The motion carried by voice vote 4-0, Councilmember Mikos absent.

AT THIS POINT in the meeting the Council recessed at 8:14 p.m. and reconvened at 8:25 p.m. for closed session discussion of one case under Item 12.B. and Items 12.C, 12.D, 12.E, 12.F, and 12.G. on the agenda.

- 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 LEGAL COUNSEL – EXISTING LITIGATION

(Pursuant to Subdivision (a) of Section 54956.9 of the Government Code)
U.S. Bank National Association as Trustee vs. Casino REA Corporation;
City of Moorpark; et al. (Case No. 56-2010-00372244-CU-OR-SIM)

- D. CONFERENCE WITH REAL PROPERTY NEGOTIATOR
(Pursuant to Government Code Section 54956.8)
Property: 161 Second Street (APN 512-0-102-210)
City Negotiator: City of Moorpark - Steven Kueny, City Manager
Negotiating Parties: Miguel Magdaleno
Under Negotiation: Price and terms of sale
- E. CONFERENCE WITH REAL PROPERTY NEGOTIATOR
(Pursuant to Government Code Section 54956.8)
Property: 49 First Street (APN 512-0-103-020)
City Negotiator: City of Moorpark - Steven Kueny, City Manager
Negotiating Parties: Albert Ceja
Under Negotiation: Price and terms of sale
- F. CONFERENCE WITH REAL PROPERTY NEGOTIATOR
(Pursuant to Government Code Section 54956.8)
Property: APN 519-0-210-055 & 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 sale
- G. 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; Community Development Director; Deputy City Manager; Finance
Director; and Parks and Recreation Director

Present in closed session were Councilmembers Millhouse, Pollock, Van Dam, and Mayor Parvin; Steven Kueny, City Manager; Joseph Montes, City Attorney; (via teleconference call) Hugh Riley, Assistant City Manager; Deborah Traffenstedt, Deputy City Manager; Ron Ahlers, Finance Director; David Bobardt, Community Development Director; David Moe, Redevelopment Manager; and Teri Davis, Senior Management Analyst.

Ms. Davis left the meeting at 8:55 p.m.

Mr. Montes ended his conference call at 9:30 p.m, following discussion of one case under Item 12.B. and Items 12.C, 12.D, and 12.E.

AT THIS POINT in the meeting the Council recessed at 9:30 p.m. to reconvene the meeting of the Moorpark Redevelopment Agency. The Council meeting reconvened into open session at 9:40 p.m.

AT THIS POINT in the meeting, the Council heard Consent Item 10.H, which had been pulled for individual consideration.

10. H. Consider Resolution Approving and Authorizing Reimbursement Agreement Between the Redevelopment Agency of the City of Moorpark and the City of Moorpark for the Construction of the High Street Streetscape Project, a Neighborhood Park Located at 161 Second Street; Purchase of 161 Second Street; and Accept Grant Deed. Staff Recommendation: 1) Adopt Resolution No. 2011-3000; and 2) Authorize the Mayor to execute the Reimbursement Agreement, subject to final language approval by the City Manager and the City Attorney. ROLL CALL VOTE REQUIRED

Mr. Moe gave the staff report and requested a revision to the Reimbursement Agreement to show a commitment of \$350,000 for demolition of improvements at 192 High Street.

MOTION: Councilmember Millhouse moved and Councilmember Van Dam seconded a motion to: 1) Adopt Resolution No. 2011-3000; and 2) Authorize the Mayor to execute the Reimbursement Agreement as amended to show a commitment of \$350,000 for demolition of improvements at 192 High Street; and subject to final language approval by the City Manager and the City Attorney. The motion carried by roll call vote 4-0, Councilmember Mikos absent.

Mr. Riley, Mr. Ahlers, and Mr. Moe left the meeting at 9:41 p.m.

AT THIS POINT in the meeting the Council recessed into closed session for continued discussion. The time was 9:41 p.m.

The Council reconvened into open session at 9:58 p.m. Mr. Kueny stated Item 12.F. was not discussed and there was no action to report.

13. ADJOURNMENT:

Mayor Parvin adjourned the meeting at 9:58 p.m.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, City Clerk