

MINUTES OF THE CITY COUNCIL

Moorpark, California

February 16, 2011

A Regular Meeting of the City Council of the City of Moorpark was held on February 16, 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:

David Lasher, 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 (arrived at 8:06 p.m.); Joseph Montes, City Attorney; 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; Joseph Fiss, Principal Planner; Captain Ron Nelson, Sheriff's Department; and Blanca Garza, Deputy City Clerk.

4. PROCLAMATIONS AND COMMENDATIONS:

A. Introduction of Heather Cousin, New Librarian, with the Moorpark City Library.

Mayor Parvin introduced, Heather Cousin, new Librarian with the Moorpark City Library.

5. PUBLIC COMMENT:

Sharon Noel, Gabbert Road resident, spoke in favor of agenda Item 10.G. to return the Southern California Edison property back to the original land use and zoning designation.

AT THIS POINT in the meeting, the City Council recessed to convene a meeting of the Moorpark Redevelopment Agency. The time was 7:18 p.m. The City Council meeting reconvened at 7:19 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:

Councilmember Mikos reported she attended the Ronald Reagan Birthday Party Event on February 6th at the Ronald Reagan Museum. This event was also attended by Councilmember Pollock.

Councilmember Mikos reported she attended the Ruben Castro Human Services Center groundbreaking ceremony. This ceremony was also attended by Councilmember Pollock and Mayor Parvin.

Councilmember Pollock stated he attended the debut performance of Les Misérables School Edition at the High Street Arts Center. This performance was also attended by Councilmember Mikos.

Mayor Parvin announced she attended the Ventura County Civic Alliance State of the Region meeting at Cal Lutheran University on February 3rd.

Mayor Parvin announced she attended the California Board of Directors meeting for the California League of Cities in Modesto, California on February 10 – 11.

Mayor Parvin announced she attended Supervisor Foy's 118 Task Force meeting where they developed goals for this year.

8. PUBLIC HEARINGS:

None.

9. PRESENTATION/ACTION/DISCUSSION:

- A. Consider Report on the City of Moorpark's 2010 Part 1 Crime Statistics.
Staff Recommendation: Receive and file report.

Captain Nelson gave the staff report.

There were no speakers.

CONSENSUS: It was the consensus of the Council to receive and file the City of Moorpark's 2010 Part 1 Crime Statistics report.

- B. Consider Status of Rental Housing Inspection Program. Staff Recommendation: Direct staff as deemed appropriate.

Mr. Fiss gave the staff report.

Peter Greer, Past President of the Conejo Simi Moorpark Association of Realtors and Manager of the Troop Real Estate in Moorpark, spoke in opposition to the Rental Housing Inspection Program and suggested informing and educating tenants and landlords with regard to code compliance.

Alex Manos, Former President of the Conejo Simi Moorpark Association of Realtors, spoke in opposition to the Rental Housing Inspection Program stating it is not in the best interest of the City to single out a certain group of people.

Debra Tash, a Tea Party Observer, spoke in opposition to the Rental Housing Inspection Program and suggested educating everyone about code compliance.

Jeff Phillips, President Elect of the Conejo Simi Moorpark Association of Realtors, spoke in opposition to the Rental Housing Inspection Program, citing undue costs and the redundancy of the Program with negative impact to the fragile housing market.

Fred Priebe, representing the Conejo Simi Moorpark Association of Realtors, spoke in opposition to the Rental Housing Inspection Program stating current State law and tenant groups cover these issues to a better extent.

The following issues were discussed by the Councilmembers and staff: 1) Elimination of the Program to reduce the level of intrusion and impacts to tenants and landlords; 2) Current law requirements for landlord disclosures to tenants; 3) The maintenance of rental properties vs. owner occupied homes; and 4) A consumer protection and education campaign.

MOTION: Councilmember Millhouse moved and Mayor Parvin seconded a motion to direct staff to return with an Ordinance to repeal the Rental Housing Inspection Program Ordinance, to have some public outreach at a low cost with regard to housing codes and habitability and/or tenant rights, and to refer Business Registration requirements to the Finance, Administration and Public Safety Committee for further review. The motion carried by unanimous voice vote.

- C. Consider an Ordinance Amending Title 15, Building and Construction of the Moorpark Municipal Code by Replacing in their Entirety Chapters 15.04-Administrative Provisions; 15.08-Building Code; 15.10-California Green Building Code; 15.18-Housing Code; and 15.22-California Residential Code. Staff Recommendation: Introduce Ordinance No. 399 for first reading, waive full reading, and schedule second reading and adoption for March 2, 2011.

Mr. Bobardt gave the staff report.

There were no speakers.

Mr. Montes read the title of Ordinance No. 399.

MOTION: Councilmember Millhouse moved and Councilmember Pollock seconded a motion to waive full reading of Ordinance No. 399, as corrected to be gender neutral language in paragraph on stamped page 52, under 15.04.060 Liability, and schedule second reading and adoption for March 2, 2011. The motion carried by unanimous voice vote.

- D. Consider an Ordinance Replacing in its Entirety Chapter 8.14–Graffiti, of Title 8, Health and Safety of the Moorpark Municipal Code. Staff Recommendation: Introduce Ordinance No. 400 for first reading, waive full reading, and schedule second reading and adoption for March 2, 2011.

Mr. Bobardt gave the staff report.

There were no speakers.

Mr. Montes read the title of Ordinance No. 400.

MOTION: Councilmember Mikos moved and Councilmember Pollock seconded a motion to waive full reading of Ordinance No. 400 and schedule second reading and adoption for March 2, 2011. The motion carried by unanimous voice vote.

- E. Consider Resolution Adopting Revised Rules of Procedure for Council Meetings and Rescinding Resolution No. 2006-2476. Staff Recommendation: Adopt Resolution No. 2011-3001, rescinding Resolution No. 2006-2476.

Ms. Traffenstedt gave the staff report.

There were no speakers.

MOTION: Councilmember Van Dam moved and Councilmember Pollock seconded a motion to adopt Resolution No. 2011-3001 adopting revised Rules of Procedure for Council meetings and rescinding Resolution No. 2006-2476. The motion carried by unanimous voice vote.

- F. Consider Temporary Use Permit (TUP) 2011-03 for the 2011 AMGEN Tour of California Bicycle Race, Sunday, May 22, 2011 on Behalf of AEG Cycling, LLC. Staff Recommendation: Direct staff to issue Temporary Use Permit 2011-03, subject to Conditions of Approval as outlined in the agenda report.

Mr. Bobardt gave the staff report.

There were no speakers.

MOTION: Councilmember Mikos moved and Councilmember Van Dam seconded a motion to direct staff to issue Temporary Use Permit 2011-02 for the 2011 AMGEN Tour of California Bicycle Race for Sunday, May 22, 2011, on behalf of AEG Cycling LLC, subject to Conditions of Approval as outlined in the agenda report. The motion carried by unanimous voice vote.

- G. Consider Fiscal Year 2010/11 Mid-Year Budget Report. Staff Recommendation: Receive and file report.

Mr. Ahlers gave the staff report.

There were no speakers.

MOTION: Councilmember Mikos moved and Councilmember Millhouse seconded a motion to receive and file the Fiscal Year 2010/11 Mid-Year Budget report. The motion carried by unanimous voice vote.

- H. Consider Review of Impacts to the City of Moorpark if the Redevelopment Agency of the City of Moorpark Is Abolished. Staff Recommendation: Receive and file report and oppose the abolishment of redevelopment agencies.

Mr. Moe gave the staff report.

There were no speakers.

MOTION: Councilmember Mikos moved and Councilmember Millhouse seconded a motion to receive and file report and directed staff to prepare a resolution to state Council opposition to the abolishment of redevelopment agencies. The motion carried by unanimous voice vote.

10. CONSENT CALENDAR: (ROLL CALL VOTE REQUIRED)

MOTION: Councilmember Van Dam moved and Councilmember Pollock seconded a motion to approve the Consent Calendar. The motion carried by unanimous roll call vote.

- A. Consider Minutes of Special Joint Meeting of City Council and Parks and Recreation Commission of April 28, 2010. Staff Recommendation: Approve the minutes.
- B. Consider Minutes of Regular Meeting of January 19, 2011. Staff Recommendation: Approve the minutes.
- C. Consider Minutes of Regular Meeting of February 2, 2011. Staff Recommendation: Approve the minutes.
- D. Consider Minutes of Special Meeting of February 4, 2011. Staff Recommendation: Approve the minutes.
- E. Consider Warrant Register for Fiscal Year 2010/11 – February 16, 2011. Staff Recommendation: Approve the warrant register.
- F. Consider Amendment No. 3 to Agreement with Barnhart Balfour Beatty for Provision of Site Services for the Ruben Castro Human Services Center Capital Improvement Project (5020). Staff Recommendation: Approve Amendment No. 3 for provision of the site services listed in the agenda report, and authorize the City Manager to sign the Amendment, subject to final language approval by the City Manager and City Attorney.
- G. Consider Resolution Directing the Planning Commission to Study, Hold a Public Hearing, and Provide a Recommendation on Amendments to the General Plan Land Use Designation and Zoning Map, and Termination of a Development Agreement with Southern California Edison (SCE) on 8.79 Acres Located on the North Side of the Union Pacific Railroad Right-of-Way, West of Gabbert Road. Staff Recommendation: Adopt Resolution No. 2011-3002 to initiate General Plan Amendment and Zoning Map Amendment proceedings to be considered concurrently with the termination of Development Agreement 1998-05.
- H. Consider Resolution Authorizing Mid-Year Amendments to 2010/11 Fiscal Year Budget. Staff Recommendation: Adopt Resolution No. 2011-3003. ROLL CALL VOTE REQUIRED
- I. Consider Resolution Amending the Fiscal Year 2010/11 Budget to Appropriate Funding for Paying Off the CalPERS “Side Fund” of \$1,352,318 from General Fund Reserves. Staff Recommendation: Adopt Resolution No. 2011-3004. ROLL CALL VOTE REQUIRED

- J. Consider Resolution Adopting Park Restroom Hours of Operation. Staff Recommendation: Adopt Resolution No. 2011-3005.

11. ORDINANCES: (ROLL CALL VOTE REQUIRED)

- A. Consider Ordinance No. 398 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: Waive full reading and declare Ordinance No. 398 read for the second time and adopted as read. ROLL CALL VOTE REQUIRED

Mr. Montes read the title of Ordinance No. 398.

MOTION: Mayor Parvin moved and Councilmember Pollock seconded a motion to waive full reading, declare Ordinance No. 398 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 Items 12.B., 12.C., and 12.D. on the agenda. Mr. Kueny clarified with regard to Item 12.D. that the Negotiating Party is the Mountains Recreation and Conservation Authority.

CONSENSUS: It was the consensus of the Council to adjourn to closed session for discussion of one case under Item 12.B, and Items 12.C. and 12.D. on the agenda. The time was 9:36 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 519-0-210-065
City Negotiator: Steven Kueny, City Manager
Negotiating Parties: Heartland Recovery, California F#1, LLC
Under Negotiation: Price and terms of sale
- D. CONFERENCE WITH REAL PROPERTY NEGOTIATOR
(Pursuant to Government Code Section 54956.8)
Property: APN 519-0-210-055
City Negotiator: Steven Kueny, City Manager
Negotiating Parties: Santa Monica Mountains Conservancy
Under Negotiation: Price and terms of sale

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; and Deborah Traffenstedt, Deputy City Manager.

The Council reconvened into open session at 10:10 p.m. Mr. Kueny stated one case under Item 12.B. and Items 12.C. and 12.D. were discussed and there was no action to report.

13. ADJOURNMENT:

Mayor Parvin adjourned the meeting at 10:10 p.m.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, City Clerk