

MINUTES OF THE CITY COUNCIL

Moorpark, California

March 16, 2011

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

2. PLEDGE OF ALLEGIANCE:

Ken Rayzor, High Street Arts Center Manager, 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 7:46 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 Vacca, Principal Planner; 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. Proclamation Recognizing March 20th through March 26th as Boys & Girls Club Week.

Mayor Parvin presented Nicki Wright, Site Coordinator for the Moorpark Boys & Girls Club, Tessa Martin, Abby Martin, and Natalia Herrera with a proclamation recognizing March 20th through March 26th as Boys & Girls Club Week.

5. PUBLIC COMMENT:

Eric Dee, a Moorpark resident and Kiwanis member, announced the annual Kiwanis fundraiser "Wine and Moonlight", which benefits local youth programs, will be held on May 15th at the Secret Garden restaurant.

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 7:20 p.m. The City Council meeting reconvened at 7:21 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 Pollock announced on March 15th he represented the City at the ribbon cutting ceremony for the opening of one more westbound traffic lane on State Route-118 from the San Fernando Valley to Tapo Canyon Road.

Councilmember Pollock reported he returned today from a trip to Sacramento where he attended a board meeting of CalPERS in which the City participates.

Councilmember Pollock congratulated Mayor Parvin, who on Monday, March 21st will be honored during a special Assembly ceremony at the State Capitol as "Woman of the Year" for the 37th Assembly District.

Councilmember Mikos reported on March 8th she had attended a Compact for a Sustainable Ventura County Steering Committee meeting.

Councilmember Van Dam announced advanced ticket sales for the May 15th Kiwanis "Wine and Moonlight" event taking place at the Secret Garden on High Street are available through him. He stated two bands from Moorpark High School will be performing at this event.

Mayor Parvin announced the City would like to thank the Moorpark Women's Fortnightly Club for their generous donation of \$1,000 to support programs and services at the Moorpark City Library.

Mayor Parvin announced the first book selected by Moorpark City Library Book Club for Adults is the Pulitzer Prize winning book "The Namesake". Join the Club Sunday, April 10th to discuss this moving selection.

Mayor Parvin announced in celebration of National Poetry Month and National Library Week, the Moorpark City Library will be holding a Teen Poetry Slam on Tuesday, April 12th in the Citrus Room at the Civic Center.

Mayor Parvin announced the Moorpark Community Emergency Response Team or (CERT) class is now taking applications. CERT is an all-risk, all-hazard emergency preparedness training course.

Mayor Parvin thanked Assembly Member Jeff Gorell for presenting her with the recognition of "Woman of the Year".

Mayor Parvin reported she and Councilmember Mikos attended the Active Adult Center Annual Volunteer Recognition Event on March 4th.

Mayor Parvin reported on attending the Women's Connection Networking Reception held at La Reina High School on March 8th.

Mayor Parvin reported on having attended the opening of Little League on March 12th.

Mayor Parvin reported on having attended the Local Agency Formation Committee meeting on March 16th.

8. PUBLIC HEARINGS:

None.

9. PRESENTATION/ACTION/DISCUSSION:

A. Consider Presentation on Economic Impact Study of the Boys & Girls Clubs in Ventura County.

Dr. Jamshid Damooei, co-director of the Center for Leadership and Values at California Lutheran University and chair of the department of economics, finance, and accounting of Damooei Global Research, gave a presentation on the Economic Impact Study of the Boys & Girls Clubs in Ventura County.

B. Consider an Update on the Proposed Simi Valley Landfill and Recycling Center Expansion Project and Final Environmental Impact Report (EIR), Located on the Waste Management Property in the County of Ventura, Adjacent to the City of Simi Valley's Western City Boundary. Staff Recommendation: Receive report and provide any additional comments on both the Final EIR and project; and direct staff as deemed appropriate.

Mr. Vacca gave the staff report.

The following issues were discussed by the Councilmembers and staff concerning the Final EIR and project: 1) Displeasure with the lack of response to issues and concerns raised in EIR comment letter to the County; 2) Disregard for increased truck traffic through Moorpark and visual impacts to the hillsides and mitigations; 3) Need to focus on issues that affect Moorpark and its residents; 4) Repercussions of the closure of

the Toland Landfill; 5) Possibility for preserving Waste Management land within the City of Moorpark as a wildlife corridor; 6) Biological impacts to the air quality; 7) AB939 standards require reduction in amount of trash and increased recycling; 8) Clarification needed on stamped page 56 regarding Auto Shredder Waste and Clean Dirt figures in Table 2.4.4; 9) Moorpark should not have to pay fees for waste traveling through Moorpark to Simi Valley from other sections in the County and Moorpark residents should benefit just as much as Simi Valley residents will benefit if the project is approved; 10) Whether a Waste Characterization Study should be performed at the landfill; and 11) Strongly worded letter should be sent to both the County and Board of Supervisors addressing Council's serious concerns and needed answers before the approval or denial by the County.

Scott Tignac, District Manager for Waste Management, 2801 Madera Road, Simi Valley, California, responded to Council comments in regard to: 1) Levels of landscape are required under the current CUP to mitigate visual impacts; 2) Recycling will be increased at the landfill with the addition of material recovery facility, construction demolition facility, and organic waste facility; 3) Other recycling centers are more localized for convenience of users rather than at the landfill site, which is more cost effective; 4) Benefit of the proposal moves the landfill further away from expansion towards the freeway and allows for more flat space to develop recycling and additional services for drop-off of hazardous waste; 5) Expansion of the landfill allows room for long term growth in Ventura County and the anticipated closure of the Toland Landfill; 6) If requested, a Waste Characterization Study could be considered; and 7) They are going above and beyond on biological mitigations and are making efforts to preserve 700-acres in Alamos Canyon that separates Moorpark from Simi Valley.

In response to Council, Mr. Vacca stated the only leverage the City has in regard to this proposal is to provide a comment letter to the County requesting they address Moorpark's concerns prior to taking action on the project.

Alice Sterling, a resident of Simi Valley and a former member of the Simi Valley Landfill Task Force, spoke in opposition to the landfill expansion stating it is unnecessary; the EIR is deficient; and the tonnage of waste imported from other than Ventura County is not disclosed.

Charles Blaugrund, a Moorpark citizen, spoke in opposition to the landfill expansion and requested Council oppose the EIR. He recommended members of the Council and staff attend the Ventura County Planning Commission meeting on March 22nd and the March 23rd Public Forum in Simi Valley.

MOTION: Councilmember Millhouse moved and Mayor Parvin seconded a motion to: 1) Receive and file the report; and 2) Direct staff to send a strongly worded letter to both the Ventura County Planning Commission and the Board of Supervisors expressing Council's serious concerns regarding the EIR for the landfill expansion and the need for answers before the County decision to approve or deny the project. The motion carried by unanimous voice vote.

CONSENSUS: It was the consensus of Council to recess to reconvene the Redevelopment Agency meeting. The time was 8:42 p.m. The Council meeting reconvened at 9:17 p.m.

- C. Consider Proposed Water Rate Increase Being Considered by the Ventura County Waterworks District Board of Directors. Staff Recommendation: Direct staff as deemed appropriate.

Ms. Davis gave the staff report.

Mr. Laurentowski summarized what has been accomplished in reducing the City's water usage and what conservation measures are planned for the future.

The following issues were discussed by the Councilmembers and staff: 1) Dysfunctional water delivery system in the State; 2) Western U.S. water allocations were set up in the 1920's and no one has invested in infrastructure improvements; 3) Need for an educational program for the public to inform them regarding the rate increase, tier changes, and conservation measures; and 4) Future information needed on what part of increase will be used by third parties for infrastructure improvements separate from cost for importing water.

Reddy Pakala, a Moorpark resident and Director of the Water and Sanitation Department for the County of Ventura, responded to Council questions and confirmed that the 12% increase and tiered water rates are not used for administration or staff or for sewer rates, but are strictly in response to the increase in the charges to obtain the water from third parties.

Caitlin Barshaw, District Representative for Ventura County Board Member Peter Foy, reported on his behalf that the Board of Supervisors, after further study on the water rate increase, voted unanimously for consideration of the proposed 12% increase with the adjustment of the tier system.

MOTION: Councilmember Van Dam moved and Councilmember Pollock seconded a motion to direct staff to send a letter to the County in support of the

12% increase, but asking that the tier system not be implemented until October 2011. The motion carried by voice vote, 4-1, Councilmember Millhouse dissenting.

- D. Consider California Redevelopment Association (CRA) and League of California Cities' (LCC) Request for Financial Support for Legal Services. Staff Recommendation: Provide financial support in the amount of \$400.00 to the CRA and LCC to assist with the lawsuit against the State of California to prevent the abolishment of redevelopment.

Mr. Moe gave the staff report.

There were no speakers.

MOTION: Councilmember Van Dam moved and Mayor Parvin seconded a motion to direct staff to provide financial support in the amount of \$400.00 to the CRA and LCC to assist with the lawsuit against the State of California to prevent the abolishment of redevelopment. The motion carried by voice vote, 4-1, Councilmember Millhouse dissenting.

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 Regular Meeting of January 5, 2011. Staff Recommendation: Approve the minutes.
- B. Consider Minutes of Regular Meeting of February 16, 2011. Staff Recommendation: Approve the minutes.
- C. Consider Minutes of Regular Meeting of March 2, 2011. Staff Recommendation: Approve the minutes.
- D. Consider Warrant Register for Fiscal Year 2010/11 – March 16, 2011. Staff Recommendation: Approve the warrant register.
- E. Consider Request for Proposals (RFP) to Provide Bus Excursion Services and Authorization to Advertise for Proposals. Staff Recommendation: Approve the RFP and authorize staff to advertise for proposals.
- F. Consider Approval of Moorpark Vector Control Division Pesticides Application Plan and Authorization to Submit a Notice of Intent for a General National Pollutant Discharge Elimination System (NPDES) Permit for Biological and Residual Pesticide Discharges from Vector Control

- Applications. Staff Recommendation: 1) Approve the Pesticide Application Plan; and 2) Authorize the City Manager to sign and submit the Notice of Intent for coverage under Order No. 2011.XXXX.DWQ.
- G. Consider Award of Sheet Metal Roofing Construction Contract to Best Contracting Services, Inc., for the Ruben Castro Human Services Center. Staff Recommendation: 1) Award bid for sheet metal roofing as outlined in the agenda report, authorize execution of the Agreement by the City Manager, subject to final language approval by the City Manager and City Attorney, and authorize the City Manager to approve change orders for up to the 10% contingency amount noted in the Agreement; and 2) Authorize "calling" the bid bond in the amount of \$4,490 submitted by Merit Metal Products, Inc. as the penalty for terminating their Agreement following award of contract.
- H. Consider the City of Moorpark 2010 General Plan Annual Report Including the Housing Element Progress Report. Staff Recommendation: 1) Receive and file report; and 2) Direct staff to forward a copy of this report to the Governor's Office of Planning and Research, the California Department of Housing and Community Development, and the Ventura County Planning Division.
- I. Consider Mr. Damian Lindo's Refund Request from the Moorpark Highlands Community Facilities District (CFD) 2004-1. Staff Recommendation: Authorize staff to process the refund request. ROLL CALL VOTE REQUIRED
- J. Consider Authorization of Recordation of the Notice of Completion for New Restroom at Glenwood Park. Staff Recommendation: 1) Authorize the City Clerk to file the Notice of Completion; and 2) Release the balance of payment due to the Contractor and project bonds as outlined in the agenda report.
- K. Consider Change in Authorization for the City Manager to Sign an Agreement with Library Systems and Services (LSSI) for Polaris Integrated Library System (ILS) Corporation Software as an Addendum to the LSSI Agreement with the City of Moorpark. Staff Recommendation: 1) Rescind City Council January 19, 2011, approval for the City Manager to sign an Agreement with Polaris Corporation for the ILS software; and 2) Authorize the City Manager to sign the Addendum to the Agreement between the City of Moorpark and LSSI to incorporate ILS Hosted Services, subject to final language approval by the City Manager and City Attorney.

11. ORDINANCES: (ROLL CALL VOTE REQUIRED)

- A. Consider Ordinance No. 401 Granting an Oil Pipeline Franchise to Crimson California Pipeline, L.P. for a Twenty-Year Period Pursuant to the California Public Utilities Code. Staff Recommendation: Waive full reading, and declare Ordinance No. 401 read for the second time and adopted as read. ROLL CALL VOTE REQUIRED

Mr. Montes read the title of Ordinance No. 401.

MOTION: Councilmember Mikos moved and Councilmember Van Dam seconded a motion to waive full reading and declare Ordinance No. 401 adopted as read. The motion carried by unanimous roll call.

- B. Consider Ordinance No. 402 Deleting Chapter 15.34, Rental Housing Inspection, of Title 15, Buildings and Construction, of the Moorpark Municipal Code. Staff Recommendation: Waive full reading, and declare Ordinance No. 402 read for the second time and adopted as read. ROLL CALL VOTE REQUIRED

Mr. Montes read the title of Ordinance No. 402.

MOTION: Councilmember Van Dam moved and Mayor Parvin seconded a motion to waive full reading and declare Ordinance No. 402 adopted as read. The motion carried by unanimous roll call.

12. CLOSED SESSION:

Mr. Kueny requested the City Council go into closed session for discussion of Item 12.C. on the agenda.

CONSENSUS: It was the consensus of the Council 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 10:09 p.m. The City Council reconvened into closed session at 10:15 p.m.

- C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Pursuant to Subdivision (a) of Section 54956.9 of the Government Code)
City of Moorpark; Moorpark Unified School District vs. Thomas H. Heyn and Eldora E. Heyn (Case No. 56-2009-00355222-CU-OR-SIM)

Present in closed session were Councilmembers Mikos, Millhouse, Pollock, Van Dam, and Mayor Parvin; Steven Kueny, City Manager; Joseph Montes, City Attorney; Deborah Traffenstedt, Deputy City Manager; and David Bobardt, Community Development Director.

The Council reconvened into open session at 10:18 p.m. Mr. Kueny stated Item 12. C. was discussed and there was no action to report.

13. ADJOURNMENT:

Mayor Parvin adjourned the meeting at 10:18 p.m.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, City Clerk