

MINUTES OF THE CITY COUNCIL

Moorpark, California

December 17, 2008

A Regular Meeting of the City Council of the City of Moorpark was held on December 17, 2008, 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 7:22p.m.

2. PLEDGE OF ALLEGIANCE:

Captain Ron Nelson, Sheriff's Department, led the Pledge of Allegiance.

3. ROLL CALL:

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

Staff Present: Steven Kueny, City Manager; Joseph Montes, City Attorney; Hugh Riley, Assistant City Manager; Barry Hogan, Deputy City Manager; Mary Lindley, Parks/Recreation and Community Services Director; Yugal Lall, City Engineer/Public Works Director; Ron Ahlers, Finance Director; David Bobardt, Planning Director; David Moe, Redevelopment Manager; Roger Blais, Parks and Landscape Manager; Captain Ron Nelson, Sheriff's Department; Deborah Traffenstedt, Administrative Services Director/City Clerk; and Maureen Benson, Assistant City Clerk.

4. PROCLAMATIONS AND COMMENDATIONS:

A. Proclamation Recognizing the 20th Anniversary of the Moorpark Kiwanis Club.

Mayor Parvin presented Councilmember Van Dam and Redevelopment Manager, David Moe with a proclamation recognizing the 20th anniversary of the Moorpark Kiwanis Club.

B. Introduction of New City Employee in the Finance Department, Ron Ahlers, Finance Director.

Mayor Parvin introduced new City employee in the Finance Department, Ron Ahlers, Finance Director.

5. PUBLIC COMMENT:

David Tuttle, Moorpark resident in Meridian Hills, spoke about ongoing problems with the development and the need for brighter lighting at the entrance to the project.

Tony Qiu, a Moorpark resident, invited the Council and public to attend the non-profit presentation of the Chinese New Year Spectacular showing at the Pasadena Civic Auditorium from December 30-January 4 and performed by Divine Performing Arts. The show promotes knowledge of the Chinese culture. Additional information may be obtained from their website at LASpectacular.com.

CONSENSUS: It was the consensus of the Council to waive rules and hear from a late speaker.

Phil Frank, Moorpark resident in Meridian Hills, spoke about continued unfinished business in the development.

Councilmember Millhouse stated the Meridian Hills ad hoc committee has met with Resmark representatives and the progress is moving forward. He also reported that the City has been working to help reduce the landscape district assessment in the Moorpark Highlands, as well continuing negotiations with the Pardee development to work on the school site purchase.

AT THIS POINT in the meeting, the City Council recessed to convene a meeting of the Moorpark Redevelopment Agency. The time was 7:39 p.m. The City Council meeting reconvened at 7:40 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 announced the Santa Monica Mountains Conservancy has acquired the last piece of property to complete the Backbone Trail. She stated Milt Mcauley, a champion of the Santa Monica Mountains passed away this week.

Councilmember Millhouse recognized the sudden passing of Mayor Toni Young from Port Hueneme, who was also the past president of the Southern California Association of Governments, which is the metropolitan planning organization for the Southern California region. He requested the meeting be adjourned in memory of both Toni Young and Milt Mcauley.

Councilmember Van Dam thanked all those who made the Metrolink Holiday Express event a success.

Councilmember Van Dam announced fresh Christmas trees sold as a fund raiser for the Moorpark High School band are available for one more week in the parking lot at Staples on Los Angeles Avenue.

Mayor Parvin announced the first annual Hanukkah celebration will be held December 21st at the Moorpark Town Center. Admission is free.

Mayor Parvin asked residents to please treecycle their Christmas trees. Residents may place their tree at the curb next to their trash containers on the regularly scheduled trash service day from December 26-January 9. Remove ornaments and tree stands. Flocked trees will not be accepted. Extra trash bags will also be picked up if placed next to trash containers the first scheduled pick-up day after the Christmas holiday.

8. PUBLIC HEARINGS:

None.

9. PRESENTATION/ACTION/DISCUSSION:

- A. Consider Appointments to the Citizens Transportation Advisory Committee (CTAC). Staff Recommendation: Appoint two (2) representatives and one (1) staff alternate to serve a two-year term ending December 2010, or direct staff to conduct a second recruitment.

Ms. Traffenstedt gave the staff report.

In response to Mayor Parvin, Ms. Traffenstedt stated there were no speakers.

MOTION: Mayor Parvin nominated and Councilmember Millhouse seconded the nomination of Paula Fernandez and Tim Harrington to serve as representatives along with one staff member as alternate on the Citizens Transportation Advisory Committee for a two-year term ending December 2010. The motion carried by unanimous voice vote.

- B. Consider Presentations from Candidates for Planning Commission. Staff Recommendation: Hear presentations from candidates and appoint five Planning Commissioners to serve a two-year term ending in 2010.

Ms. Traffenstedt gave the staff report.

Mayor Parvin called the candidates 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 Planning Commission candidates in the following order:

Thomas Pflaumer
Jon Miller
Ken Simons
Brian Barry
Daniel Groff
Mark DiCecco
Tim Saivar
Robert Sichmeller
Mark Heathcote
Bruce Hamous
Mark Taillon
Kipp Landis
Robert Peskay
Gary Lowenberg
Jodi Bagwell

AT THIS POINT in the meeting the Council recessed. The time was 8:34 p.m. The Council meeting reconvened at 8:50 p.m.

The majority of the Council was in favor of waiving Council policy for putting forth each individual name to be approved for appointment and instead took the appointment names collectively.

MOTION: Mayor Parvin nominated and Councilmember Van Dam seconded the nomination of Jodi Bagwell, Mark DiCecco, Bruce Hamous, Kipp Landis, and Mark Taillon to serve on the Planning Commission for a two-year term ending in 2010. The motion carried by unanimous voice vote.

- C. Consider Plans and Specifications for Poindexter Park Expansion and Agreement with PICON for Construction Management. Staff Recommendation: Approve the plans and construction specifications and authorize the City Manager to execute an agreement with PICON for project management services at a cost not to exceed \$43,000.

Ms. Lindley gave the staff report.

In response to Mayor Parvin, Ms. Traffenstedt stated there were no speakers.

MOTION: Councilmember Van Dam moved and Councilmember Millhouse seconded a motion to approve the plans and construction specifications and authorize the City Manager to execute an agreement with PICON for project

management services at a cost not to exceed \$43,000. The motion carried by unanimous voice vote.

- D. Consider Appointment of Interim City Councilmember. Staff Recommendation: Appoint an Interim City Councilmember to serve a term ending upon the certification of the election results for a June 2, 2009, special election.

Ms. Traffenstedt gave the staff report.

MOTION: Councilmember Mikos nominated Clint Harper to serve as interim City Councilmember. The motion died due to a lack of a second.

Councilmember Millhouse stated he wanted to discuss the nominees prior to making a motion. He concurred with Councilmember Mikos' proposal that the nominee should be someone who stated they would not be running for election in June in order to keep the field of candidates even and not give an incumbent an advantage.

A discussion followed in which the Council: 1) Recognized the advantage of appointing Mr. Harper due to his most recent experience on the Council and the limited amount of staff time needed to bring him current; however, they also recognized his offer may have stemmed from wanting to help out due to a lack of applicants, which has not been the case; 2) Acknowledged all seventeen applicants turned out to be uniquely qualified and with a majority stating they will run in the election in June; 3) Stated an incumbent would have an advantage in the June election, therefore it is important to appoint someone who confirmed they will not run; and 4) Gary Lowenberg, as a past Planning Commissioner, is familiar to the process, has worked on measures and committees with members of the Council, and has stated he will not run for election in June.

MOTION: Councilmember Millhouse nominated and Councilmember Van Dam seconded the nomination of Gary Lowenberg as interim Councilmember to serve a term ending upon the certification of the election results for a June 2, 2009, special election. The motion carried by unanimous voice vote.

- E. City Clerk Administers the Oath of Office to New Interim Councilmember.

Ms. Traffenstedt administered the oath of office to interim Councilmember Lowenberg.

AT THIS POINT in the meeting Councilmember Lowenberg took his place on the dais.

10. CONSENT CALENDAR: (ROLL CALL VOTE REQUIRED)

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

- A. Consider Minutes of Regular Meeting of November 19, 2008. Staff Recommendation: Approve the minutes.
- B. Consider Warrant Register for Fiscal Year 2008-2009 – December 17 2008. Staff Recommendation: Approve the warrant register.
- C. Consider Resolutions to Initiate Proceedings Related to the Citywide Landscaping and Lighting Assessment District and the Parks and Recreation Maintenance Improvement District for Fiscal Year 2009/2010. Staff Recommendation: Adopt Resolutions Nos. 2008-2779 and 2008-2780; and authorize the City Manager to execute an agreement with SCI Consulting Group.
- D. Consider Plans and Specifications and Authorization to Advertise for Bids for Construction of Lassen Avenue Bikeway/Walkway – Project 8074. Staff Recommendation: Approve the plans and specifications for the subject project and authorize staff to advertise for construction bids.
- E. Consider Submittal of Application for Proposition 1B State Funds and, Consider Resolution Amending the Fiscal Year 2008/09 Budget to Reflect Fiscal Year 2008/09 Revenue Increase. Staff Recommendation: 1) Authorize staff to submit an application for Proposition 1B funding for the 2009 Slurry Seal Project; and 2) Adopt Resolution No. 2008-2781. ROLL CALL VOTE REQUIRED
- F. Consider Granting Additional Administrative Leave. Staff Recommendation: Approve additional administrative leave for the Finance/Accounting Manager and the Assistant City Manager as specified in the agenda report.
- G. Consider Resolution Electing to Receive a Share of the Tax Increment Allocated to the City of Moorpark Under the Moorpark Redevelopment Plan Pursuant to Health and Safety Code Section 33607.5 and 33607.7. Staff Recommendation: Adopt Resolution No. 2008-2782.
- H. Consider Status Update on the Settlement Agreement Between the City and William Lyon Homes Related to the Development Agreement for Tract Nos. 5187-1&2, the Meridian Hills Residential Development Project. Staff Recommendation: Receive and file report.
- I. Consider Resolution Rescinding Resolution No. 2007-2615 Pertaining to Parking Restriction on Miller Parkway and that Portion of Peach Hill Road

East of Spring Road, and Establishing Revised Parking Restrictions on Said Streets. Staff Recommendation: Adopt Resolution No. 2008-2783, rescinding Resolution No. 2007-2615

- J. Consider Resolution Rescinding Resolution No. 2000-1718 Pertaining to Parking Restrictions Along the Arroyo Vista Community Park Access Road, and Establishing Revised Parking Restrictions on Said Street. Staff Recommendation: Adopt Resolution No. 2008-2784, rescinding Resolution No. 2000-1718.
- K. Consider Exoneration of Surety Bonds for William Lyon Homes, Inc. for Tracts 5187 and 5405 (RPD 1999-02 and RPD 2003-01). Staff Recommendation: Authorize the City Clerk to fully exonerate surety bonds for William Lyon Homes, Inc. as referenced in the agenda report.

The following item was pulled for individual consideration.

- L. Consider Moorpark High School Decathlon Championship Sign. Staff Recommendation: Approve staff purchase and installation of the sign.

Councilmember Millhouse stated the sign would be enhanced if it contained the City seal.

Councilmember Mikos stated it would also be appropriate to contain the logo for Moorpark High School.

A discussion followed among the Councilmembers and staff regarding the options which might delay the installation and increase the cost of the sign.

MOTION: Councilmember Millhouse moved and Councilmember Van Dam seconded a motion to approve the purchase and installation of the Moorpark High School Decathlon Championship sign with direction to staff to revise the lettering. The motion carried by unanimous voice vote.

11. ORDINANCES: (ROLL CALL VOTE REQUIRED)

None.

12. CLOSED SESSION:

Mr. Kueny requested the City Council go into closed session for discussion of one case under Item 12.A. and one case under Item 12.B.

Mr. Montes stated for the one case under Item 12.A. the facts and circumstances creating significant exposure to litigation consist of a written communication

received from Pardee Homes threatening litigation with respect to the school issue

MOTION: Councilmember Mikos moved and Councilmember Van Dam seconded a motion to adjourn to closed session for a discussion of one case under Item 12.A. and one case under Item 12.B. on the agenda. The motion carried by unanimous voice vote. The time was 9:33 p.m.

- A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to Subdivision (b) of Section 54956.9 of the Government Code: (Number of cases to be discussed - 4)
- 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 Lowenberg, Mikos, Millhouse, Van Dam, and Mayor Parvin; Steven Kueny, City Manager; Joseph Montes, City Attorney; Hugh Riley, Assistant City Manager; Barry Hogan, Deputy City Manager; and Deborah Traffenstedt, Administrative Services Director/City Clerk.

The Council reconvened into open session at 9:55 p.m. Mr. Kueny stated one case under Item 12.A. and one case under Item 12.B. were discussed and there was no action to report.

13. ADJOURNMENT:

Mayor Parvin adjourned the meeting in memory of Toni Young and Milt Mcauley at 9:55 p.m.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, Assistant City Clerk