

MINUTES OF THE CITY COUNCIL

Moorpark, California

December 3, 2008

A Regular Meeting of the City Council of the City of Moorpark was held on December 3, 2008, in the Council Chambers of said City located at 799 Moorpark Avenue, Moorpark, California.

1. CALL TO ORDER:

Mayor Hunter called the meeting to order at 7:21 p.m.

2. PLEDGE OF ALLEGIANCE:

Steven Kueny, City Manager, led the Pledge of Allegiance.

3. ROLL CALL:

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

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; David Bobardt, Planning Director; David Moe, Redevelopment 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. Consider City Council Resolution Reciting the Fact of the General Municipal Election Held on November 4, 2008, and Declaring the Election Results and Such Other Matters as Required by Law. Staff Recommendation: Adopt Resolution No. 2008-2774 (as revised to incorporate the certified election results)

Ms. Traffenstedt gave the staff report and provided the results as received on December 3, 2008, from the County Elections Division.

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

MOTION: Councilmember Parvin moved and Councilmember Van Dam seconded a motion to adopt Resolution No. 2008-2774, as revised to incorporate the certified election results. The motion carried by unanimous roll call vote.

B. Comments from Mayor Hunter.

Mayor Hunter thanked everyone for the opportunity to have served the City of Moorpark for the past 16 years and for the support of his family over these years.

AT THIS POINT in the meeting Mayor Hunter left the dais. The time was 7:32 p.m.

C. Presentation to Mayor Hunter.

Mayor-elect Parvin announced the City has several gifts to present to Mayor Hunter and there are a number of attendees who want to speak in recognition of the Mayor's years of service. Mayor-elect Parvin presented the City's tile plaque to Mayor Hunter along with a glass desk plaque in recognition and appreciation of his dedicated service over the past 16 years.

Mayor-elect Parvin thanked Mayor Hunter for all he has taught her over the past 13 years starting with her appointment as a Parks & Recreation Commissioner and on up to this point. She thanked him for his many years of service, dedication and commitment.

Councilmember Millhouse thanked Mayor Hunter for his years of leadership, guidance, friendship, and service to the community; and for encouraging him to also join in serving the public. He complimented Mayor Hunter on his wonderful, dry sense of humor, of which he gave a few examples.

Councilmember Mikos thanked Mayor Hunter for conducting great meetings with gracious control and fairness in giving all sides the opportunity to speak. She presented him with one of his campaign signs representative of his long tenure as Mayor.

Councilmember Van Dam thanked Mayor Hunter for having appointed him to the Parks and Recreation Commission, which furthered his desire to serve the public by running and being elected to serve as the newest member of the Council. He recited a poem for Mayor Hunter in honor of "A Job Well Done" and presented the Mayor with a framed copy.

Ms. Traffenstedt called the following dignitaries to the podium:

Dana Nielsen, Field Representative for Assemblywoman Audra Strickland, presented Mayor Hunter with a Resolution in recognition of his dedicated service to the City of Moorpark.

Mark Lunn, Chief of Staff to Ventura County Board Supervisor Peter Foy, congratulated Mayor Hunter and presented him with a Resolution signed by the Board of Supervisors in honor of his many years of dedicated service to the City of Moorpark and County of Ventura.

Ventura County Sheriff Bob Brooks representing the Sheriff's Department and the Moorpark Police Department presented Mayor Hunter with the Sheriff Department's highest honor, a Resolution declaring him an Honorary Deputy Sheriff of the Ventura County Sheriff's Department.

Ventura County Fire Protection District Chief Bob Roper presented Mayor Hunter with a Certificate and thanked him for his 16 years of caring, compassionate service to the community.

Council Member Barbra Williamson presented Mayor Hunter with a Resolution from the City Council of the City of Simi Valley in honor of his service to the community over the past 16 years.

Council Member Thomas Glancy presented Mayor Hunter with a Resolution from the City Council of the City of Thousand Oaks commending him for his service of 16 years.

Robert Huber, Ventura County Community College District Board Vice-chair and Dr. Pam Eddinger, President of Moorpark Community College presented Mayor Hunter with a Certificate of Recognition in honor of his leadership over the years.

Bruce Thomas, President of the Moorpark Rotary Club, announced they would be making donations in Mayor Hunter's honor to both the Moorpark Food Pantry and to the Moorpark Boys and Girls Club; and as a Board Member of the Moorpark Unified School District, Mr. Thomas presented Mayor Hunter with a Certificate of Recognition.

Charlie Kauffman, President of the Kiwanis Club of Moorpark, presented Mayor Hunter with a Certificate of Recognition for his outstanding services and leadership in support of the youth of Moorpark.

Lyle Pennington, President of the Board of the Moorpark Boys and Girls Club presented Mayor Hunter with a wall plaque in honor of all the things he did to help the Club over the past 16 years.

James Carpenter, representing the Veterans of Ventura County and particularly those of Moorpark, thanked Mayor Hunter for his efforts on their behalf, especially in regard to the forthcoming Veteran's Memorial.

John Proctor, former Council Member for the City of Santa Paula, thanked Mayor Hunter for his service to the community and his friendship over the years.

Mr. Hogan read a letter from John Newton, Professional Consultant with John W. Newton & Associates, Inc. honoring Mayor Hunter for his devotion to the betterment of the Moorpark community.

Mr. Kueny read a list of certificates in recognition of Mayor Hunter's years of service from those who could not attend:

From United States Representative from the 24th District, Elton Gallegly, a Certificate of Special Congressional Recognition in honor of outstanding and invaluable service to the community.

From Vice-Mayor Don Waunch, a Letter of Congratulations and a Certificate of Recognition from the City Council of the City of Camarillo.

From the City of Ojai, a Certificate of Appreciation.

From the City of Port Hueneme, a Certificate of Recognition.

From the City of San Buenaventura, a Certificate of Recognition.

Ms. Traffenstedt presented Mayor Hunter with a "Memory Book" containing many of his important writings, such as his State of the City speeches; newspaper articles about the Mayor; election certification resolutions for each of his terms in office; photographs; and personal best wishes and thanks from all the staff members.

Mr. Kueny presented Mayor Hunter with an engraved watch recognizing his 16 years of service as a City employee.

- D. City Clerk Administers the Oath of Office to Councilmember Mikos.

Ms. Traffenstedt administered the oath of office to Councilmember Mikos.

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

Ms. Traffenstedt administered the oath of office to Councilmember Millhouse.

- F. City Clerk Administers the Oath of Office to Mayor-elect Janice Parvin.

Ms. Traffenstedt administered the oath of office to Mayor-elect Parvin.

G. Comments from Newly Seated Councilmembers and Mayor.

Councilmember Mikos thanked all the guests present, those who helped her with her campaign, and for the large number of voters who turned out to vote in this election. She stated she is honored to serve and expressed gratitude for the voters' confidence.

Councilmember Millhouse thanked his family for their support and the voters for the opportunity to serve not only the residents of Moorpark, but also the people in Ventura County and the southern California region. He encouraged citizens to keep their elected officials informed so the City can move forward.

Mayor Parvin thanked the voters for the honor and privilege to serve. She thanked her family and friends for their support and encouragement to run. Mayor Parvin stated her continued priorities are to enhance Moorpark's quality of life, protect open space, increase local jobs, and to maintain a strong commitment to public safety and education. She challenged the citizens of Moorpark to volunteer more in the community, especially during these financially challenging times.

H. Nomination and Selection of Mayor Pro Tempore.

MOTION: Mayor Parvin nominated and Councilmember Mikos seconded the nomination of Councilmember Van Dam to be the Mayor Pro Tempore. The motion carried by unanimous voice vote.

AT THIS POINT in the meeting, the Council recessed for a reception. The time was 8:36 p.m. The City Council meeting reconvened at 9:26 p.m. with Councilmembers Mikos, Millhouse, Van Dam, and Mayor Parvin present.

5. PUBLIC COMMENT:

David Tuttle, a resident of Moorpark in the Meridian Hills development, spoke about continued issues with the horse trail.

Mr. Bobardt provided an update on horse trail, which the City, as yet, has not been called upon to inspect.

Councilmember Millhouse stated the Meridian Hills Ad Hoc Committee did have a meeting with the developer and the horse trail was not correctly designed, but will be fixed to comply with Americans with disability Act (ADA) requirements.

AT THIS POINT in the meeting, the City Council recessed to convene a meeting of the Moorpark Redevelopment Agency. The time was 9:27 p.m. The City Council meeting reconvened at 9:32 p.m.

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

CONSENSUS: It was the consensus of the Council to pull Item 10.F. from the Consent Calendar for individual consideration upon the request of Councilmember Mikos.

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

Councilmember Van Dam announced the Moorpark High School Band is raising funds selling fresh Christmas trees in the Staples parking lot on Los Angeles Avenue.

Councilmembers Millhouse and Van Dam announced the Moorpark High School Marching Band Color Guard is raising funds sponsoring a "Home Holiday Tour" on December 14 and for more information to access the Moorpark Musketeer website at www.musketeerband.com.

Mayor Parvin announced two free holiday events will be held Sunday, December 14th. The Metrolink Holiday Toy Express is pulling into the Moorpark station at 7:30 p.m. with Santa and his friends on board. Please bring a new, unwrapped toy for the Firefighter's Spark of Love toy drive. Immediately following at 8:00 p.m. the City is proud to be showing the 1983 classic "A Christmas Story" on the big screen at the High Street Arts Center. Bring the whole family for an evening of giving and laughs.

8. PUBLIC HEARINGS:

A. Consider Resolution Revising Approval of Sale of Property Owned by the Redevelopment Agency of the City of Moorpark, Located at 192 High Street, to Aszkenazy Development, Inc. (continued open public hearing from November 19, 2008) Staff Recommendation: 1) Continue to accept public testimony, and close the public hearing; and 2) Adopt Resolution No. 2008-____, approving the sale of Property between the Agency and Developer, subject to Disposition and Development Agreement approval by the Agency.

Mr. Riley requested the public hearing be closed after accepting public testimony and this item be removed from the calendar.

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

Mayor Parvin closed the public hearing.

MOTION: Councilmember Millhouse moved and Councilmember Van Dam seconded a motion to remove the item from the calendar. The motion carried by unanimous voice vote.

9. PRESENTATION/ACTION/DISCUSSION:

- A. Consider Interim City Councilmember Candidate Interview Process. Staff Recommendation: Direct staff as deemed appropriate for Interim City Councilmember Candidate interviews scheduled for a December 10, 2008, special meeting.

Ms. Traffenstedt gave the staff report.

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

The following issues that affect the staff recommendation or give direction to staff were discussed by the Councilmembers and staff: 1) Televising the meeting; 2) Selection of Planning Commissioners prior to seating an Interim Councilmember; and 3) Allowing for a 3 minute presentation followed by approximately 2 minutes for follow-up questions by Council.

MOTION: Councilmember Millhouse moved and Councilmember Van Dam seconded a motion to: 1) Televising the Special Meeting of December 10th; 2) Limit the presentations to 3 minutes with an approximate 2 minute follow-up for questions by the Council; 3) Send a letter to each candidate advising them of the structure of the presentation on December 10th; and 4) Agendize the selection of the Interim Councilmember for the Regular Meeting of December 17, 2008, following the appointment of the Planning Commission. The motion carried by unanimous voice vote.

CONSENSUS: It was the consensus of the Council for the City Clerk to conduct a random drawing prior to the start of the December 10, 2008, Special Meeting, to determine the order of the presentations.

- B. Consider Date of Special Election to Fill a Vacancy on the City Council, and a Resolution Calling and Giving Notice of the Holding of a Special Municipal Election for the Election of a Certain Officer of the City and a Resolution Requesting the Board of Supervisors of the County of Ventura to Permit the County Clerk to Render Services to the City of Moorpark for the Special Municipal Election and to Canvass the Returns. Staff Recommendation: 1) Select date of June 2, 2009, for Special Municipal Election; and 2) Adopt Resolution No. 2008-2775 and Resolution No. 2008-2776.

Ms. Traffenstedt gave the staff report.

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

MOTION: Councilmember Millhouse moved and Councilmember Mikos seconded a motion to: 1) Select date of June 2, 2009, for Special Municipal Election; and 2) Adopt Resolution No. 2008-2775 and Resolution No. 2008-2776. The motion carried by unanimous voice vote.

- C. Consider City Council Standing and Ad Hoc Committee Appointments and Other City Council and Moorpark Redevelopment Agency Committee Assignments. Staff Recommendation: Determine City Council and Moorpark Redevelopment Agency committee appointments and assignments, and if the New Civic Center/City Hall and Library Ad Hoc Committees should be continued.

Ms. Traffenstedt gave the staff report.

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

CONSENSUS: It was the consensus of the Council to make the following changes to members, alternates, and staff assignments.

STANDING COMMITTEES

1. Community and Economic Development Committee

Members: Mikos and Parvin
Alternate: Van Dam
Staff: Deputy City Manager
Meeting Date: Third Wednesday of the month at 6:00 p.m.

- A. General Plan Amendment Pre-Screening Requests
- B. OSCAR Element
- C. Member of Economic Development Collaborative of Ventura County (EDCVC)
Member: Parvin
First Alternate: Mikos
Second Alternate: ~~Hunter~~ Van Dam
- D. Regional Defense Partnership
Member: To be determined on case-by-case basis
Alternate: To be determined on case-by-case basis
- E. Base Retention and Closure (BRAC)
- F. Possible Residential Relocation Benefits for Affected Moderate Income Persons
- G. Commercial Facade Improvement Program
- H. Homeless Issues as Related to Housing Element

2. Finance, Administration and Public Safety Committee

Members: Mayor and Mayor Pro Tem
Alternate: Immediate Past Mayor Pro Tem
Staff: Assistant City Manager
Meeting Date: First Wednesday of the month at 6:00 p.m.

- A. CDBG Annual Funding Proposals
- B. Mobilehome Park Rent Hardship Review Panel
- C. Review of City's Annual Legislative Program
- D. Revenue Enhancement Options
- E. California Vehicle Code (CVC) Enforcement on Private Property

3. Transportation and Public Works Committee

Members: Millhouse and Van Dam
Alternate: Mikos
Staff: City Engineer/Public Works Director
Meeting Date: First Monday of the month at 5:30 p.m.

- A. Review Annual Update to Capital Improvement Program
- B. Truck Scales
- C. VISTA Board
Member: Millhouse
Alternate: Van Dam
- D. Neighborhood Traffic Calming
- E. Review conceptual design options for North Hills Parkway and Alternate SR 23.

CONSENSUS: It was the consensus of the Council to concur with the recommended revisions in the agenda report for Ad Hoc Committees and to delete the following: 1) Campus Master Plan and Building Site Design Concept for New Civic Center and City Hall; 2) Library; 3) Port of Hueneme/Oxnard Harbor District Boundaries.

CONSENSUS: It was the consensus of the Council to concur with the recommended revisions in the agenda report for Other Assignments and to delete the Santa Monica Mountains Conservancy alternate position.

D. Consider Schedule for Moorpark Arts Commission Candidate Interviews.

Staff Recommendation: Direct staff to extend the recruitment for Moorpark Arts Commission to December 19, 2008, and provide direction on scheduling interviews.

Ms. Traffenstedt gave the staff report.

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

CONSENSUS: It was the consensus of the Council to extend recruitment for the Moorpark Arts Commission to December 19, 2008; and to defer decision for scheduling interviews and appointment.

- E. Consider Resolution Revising Fees Required by Chapter 5.64 of the Municipal Code and Establishing Fee Schedule for Special Business Registration Permit Fees for Bingo Games, Street Vendors, Adult Businesses, Massage Therapy, Pawnshops and Secondhand Businesses and Rescinding Resolution No. 93.948. Staff Recommendation: 1) Adopt Resolution No. 2008-2777, establishing the fees for related special permits and rescinding Resolution No. 93.948, effective January 2, 2009; 2) Direct staff to review these fees annually and recommend adjustments to cover City costs; and 3) Direct staff to provide an exemption from daily police reporting and corresponding fees to Luther's Attic Thrift Shop and One More Time Thrift Shop and review future exemptions as recommended in the agenda report. ROLL CALL VOTE REQUIRED

Mr. Hogan gave the staff report.

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

Councilmember Millhouse stated he is not in favor of such a high fee for Individual Therapists and PawnShop/Secondhand Dealers.

MOTION: Councilmember Van Dam moved and Councilmember Mikos seconded a motion to: 1) Adopt Resolution No. 2008-2777, establishing the fees for related special permits and rescinding Resolution No. 93.948, effective January 2, 2009; 2) Direct staff to review these fees annually and recommend adjustments to cover City costs; and 3) Direct staff to provide an exemption from daily police reporting and corresponding fees to Luther's Attic Thrift Shop and One More Time Thrift Shop and review future exemptions as recommended in the agenda report. The motion carried by roll call vote 3-1, Councilmember Millhouse dissenting.

10. CONSENT CALENDAR: (ROLL CALL VOTE REQUIRED)

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

- A. Consider Minutes of Special Meeting of November 5, 2008. Staff Recommendation: Approve the minutes.
- B. Consider Minutes of Regular Meeting of November 5, 2008. Staff Recommendation: Approve the minutes.

- C. Consider Minutes of Special Meeting of November 19, 2008. Staff Recommendation: Approve the minutes.
- D. Consider Warrant Register for Fiscal Year 2008-2009 – December 3, 2008. Staff Recommendation: Approve the warrant register.
- E. Consider Exoneration of Cash Deposit for BCP-5898 Condor LLC at 5898 Condor Drive. Staff Recommendation: Authorize the City Clerk to fully exonerate Cash Deposit No. 5906731 for BCP-5898 Condor LLC and refund \$215,573.00 to BCP-5898 Condor LLC.
- G. Consider Rejection of Claim from: Pedro Castillo. Staff Recommendation: Reject the claim and direct staff to send a standard rejection letter to the claimant.
- H. Consider Second Amendment to Implementation Agreement for Countrywide Stormwater Program. Staff Recommendation: Authorize the Mayor to sign the Amendment, subject to final language approval by the City Manager and City Attorney.
- I. Consider Resolution Amending the Fiscal Year 2008/09 Budget to Fund Asphalt Repair Work in the City Hall Parking Lot. Staff Recommendation: Adopt Resolution No. 2008-2778. ROLL CALL VOTE REQUIRED

The following items were pulled for individual consideration.

- F. Consider Report Titled "Accounting of Fund Information as Required by Section 66006 of the California Government Code for Fiscal Year 2007/08. Staff Recommendation: Receive and file report.

Councilmember Mikos stated she pulled this item to correct the dollar amount on stamped page 87, Item (6) as it does not reflect the true cost of the Princeton Widening project. She requested staff email Council with a new timeline for this project.

MOTION: Councilmember Mikos moved and Councilmember Van Dam seconded a motion to receive and file the report as amended for the cost of the Princeton Widening project to reflect \$300,000. 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 two cases under Item 12.A. on the agenda.

Mr. Montes stated in regard to the first case under Item 12.A. the facts and circumstances creating significant exposure to litigation consist of correspondence received from attorneys for Pardee Homes threatening litigation with respect to the Community Facilities District 2004-1

Mr. Montes stated in regard to the second case under Item 12.A. the facts and circumstances creating significant exposure to litigation consist of correspondence received from attorneys for the William Lyon Homes threatening litigation with respect to the Meridian Hills development.

CONSENSUS: It was the consensus of the Council to adjourn to closed session for a discussion of two cases under Items 12. A. on the agenda. The motion carried by unanimous voice vote. The time was 10:40 p.m.

Present in closed session were Councilmembers 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; David Bobardt, Planning Manager; and Deborah Traffenstedt, Administrative Services Director/City Clerk.

The Council reconvened into open session at 11:12 p.m. Mr. Kueny stated two cases under Item 12.A. were discussed and there was no action to report.

13. ADJOURNMENT:

Mayor Parvin adjourned the meeting at 11:12 p.m.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, Assistant City Clerk