

MINUTES OF THE CITY COUNCIL

Moorpark, CaliforniaFebruary 18, 2009

A Regular Meeting of the City Council of the City of Moorpark was held on February 18, 2009, 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 7:09 p.m.

2. PLEDGE OF ALLEGIANCE:

Harvey Plaks, Moorpark resident and Volunteer in Policing, led the Pledge of Allegiance.

3. ROLL CALL:

Present: Councilmembers Lowenberg, 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; Stephanie Shaw, Recreation Supervisor; 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 Declaring March 11, 2009, as Arbor Day.

Mayor Parvin presented Mary Lindley, Parks/Recreation and Community Services Director, with a proclamation declaring March 11, 2009, as Arbor Day.

B. "President's Volunteer Service Awards" to Volunteers in Policing.

Captain Nelson presented Volunteers in Policing, John Roberts, Bob Crockford, Dorothy Podry, Scott Osborn, Carole Woolsey, Harvey Plaks, Deanne Cowgill, Ron Noble, Thomas Duck, Patricia Duck, Mia Busch, Suzanne Themeli, Jeff Brown, Joseph Catrambone, Nancee Walker, Gary

Cafaro, and Joe Levy with Volunteer Service Awards signed by past President George W. Bush.

5. PUBLIC COMMENT:

Gary Comer, representing the Active Adult Center Duplicate Bridge Club, presented the City with a check for \$800 raised from donations from the Bridge players.

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:

None.

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

Councilmember Millhouse announced he traveled to Washington D.C. last week to attend hearings of the transportation board on the Amtrak and Rail Transit Investment Act where he testified on behalf of commuter rail agencies. He also met with local elected officials from the Southern California area and senators and/or staff from the State of California, in regard to monies for Positive Train Control.

Councilmember Mikos announced she had attended the Robert Wagner book signing event at the High Street Arts Center, which was organized through a collaboration between the Center and the Moorpark City Library. She encouraged residents to observe the marquee at the Center to make sure they participate in the free events and low cost performances in the future. She announced The Prisoner of 42nd Street is playing until March 8.

Mayor Parvin announced applications are now being accepted for the Moorpark Community Emergency Response Team class. The CERT training teaches you how to prepare for and respond to disasters and other emergencies. This next CERT class will be Tuesday evenings beginning March 17th through April 21st. The class is free.

Mayor Parvin announced the Moorpark City Library proudly presents Craig Newton and his "American Hero's" program. Craig will entertain families with his interactive music program honoring past presidents and Black History Month on Saturday, February 28 in the Community Center Citrus Room.

Mayor Parvin announced she and staff had a meeting with Ventura County Board Member, Peter Foy to discuss a variety of topics related to the future Moorpark post office.

Mayor Parvin announced she had a meeting with Ventura County District Attorney, Greg Totten.

Mayor Parvin announced she and staff met with a representative from the Ventura County Civic Alliance, which is doing a story on Moorpark.

8. PUBLIC HEARINGS:

None.

9. PRESENTATION/ACTION/DISCUSSION:

- A. Consider Appointment to Fill a Vacancy on the Area Agency on Aging Advisory Council (AAAAC). Staff Recommendation: 1) Appoint one representative to fill the vacancy on AAAAC to complete the term ending June 30, 2010; or 2) Direct staff to conduct a third recruitment. (Staff: Deborah Traffenstedt)

Ms. Traffenstedt gave the staff report.

There were no speakers.

MOTION: Mayor Parvin nominated and Councilmember Mikos seconded the nomination of Joseph Catrambone to serve as representative on the Area Agency on Aging Advisory Council for a term ending June 20, 1010. The motion carried by unanimous voice vote.

- B. Consider Resolution Adjusting Fees for Massage Permits. Staff Recommendation: Adopt Resolution No. 2009-2790, amending Section 6 of Resolution No. 2008-2777 to allow for the collection of a pro-rata fee for massage permits. **ROLL CALL VOTE REQUIRED**

Mr. Hogan gave the staff report.

There were no speakers.

MOTION: Councilmember Mikos moved and Councilmember Van Dam seconded a motion to adopt Resolution No. 2009-2790, amending Section 6 of Resolution No. 2008-2777 to allow for the collection of a pro-rata fee for massage permits. The motion carried by roll call vote 4-1, Councilmember Millhouse dissenting.

- C. Consider Adopting the Community Service Cancellation and Withdrawal Policy. Staff Recommendation: Approve the proposed Cancellation and Withdrawal Policy and authorize the policy be incorporated into the City Council Policies Resolution on the next amendment.

Ms. Shaw gave the staff report.

There were no speakers.

A discussion followed among the Councilmembers and staff resulting in the clarification that "JBL" listed on stamped page 20 of the agenda report, stands for Junior Basketball League; and direction to staff for the Cancellation and Withdrawal Policy to be posted on the City's website as well as placed in City's quarterly Recreation Guide.

MOTION: Councilmember Mikos moved and Councilmember Lowenberg seconded a motion to approve the proposed Cancellation and Withdrawal Policy and authorize the policy be incorporated into the City Council Policies Resolution on the next amendment. The motion carried by unanimous voice vote.

- D. Consider Resolutions Revising the Rules and Regulations Governing the Rental Use of City Facilities and Fees for the Use of City Facilities and Rescinding Resolutions No. 2002-2027 and Resolution No. 2002-2028. Staff Recommendation: 1) Adopt Resolution No. 2009-2791 Rules and Regulations Governing the Rental Use of City Facilities, rescinding Resolution No. 2002-2027; and 2) Adopt Resolution No. 2009-2792 Fees for the Use of City Facilities, rescinding Resolution No. 2002-2028. ROLL CALL VOTE REQUIRED

Ms. Lindley gave the staff report.

There were no speakers.

Councilmember Millhouse requested a copy of the revised Rules and Regulations along with a rental application that includes and all updated attachments be provided to Council as a box item communication.

MOTION: Councilmember Van Dam moved and Councilmember Lowenberg seconded a motion to: 1) Adopt Resolution No. 2009-2791 Rules and Regulations Governing the Rental Use of City Facilities, rescinding Resolution No. 2002-2027; and 2) Adopt Resolution No. 2009-2792 Fees for the Use of City Facilities, rescinding Resolution No. 2002-2028. The motion carried by unanimous roll call vote.

10. CONSENT CALENDAR: (ROLL CALL VOTE REQUIRED)

CONSENSUS: It was the consensus of the Council to pull Item 10.A. from the Consent Calendar for individual consideration upon the request of Mayor Parvin.

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

MOTION: Councilmember Mikos moved and Councilmember Millhouse seconded a motion to approve the Consent Calendar with the exception of Items 10.A. and 10.C, which were pulled for individual consideration. The motion carried by unanimous roll call vote.

- B. Consider Warrant Register for Fiscal Year 2008-2009 – February 18, 2009. Staff Recommendation: Approve the warrant register.
- D. Consider Resolution Amending the Fiscal Year 2008/09 Budget for Remedial Landscape Maintenance in Assessment Zone 12. Staff Recommendation: Adopt Resolution No. 2009-2793, and authorize the City Manager to execute an amendment to the City's Agreement with Venco Western, Inc. ROLL CALL VOTE REQUIRED
- E. Consider Re-Submittal of Application for Proposition 1B State Funds. Staff Recommendation: Authorize staff to submit an application for Proposition 1B funding for the Arroyo Drive Pavement Rehabilitation Project.
- F. Consider Award of Contract for the Construction of the Lassen Avenue Bikeway/Walkway (Project 8074). Staff Recommendation: 1) Award a construction contract to Granite Construction, and authorize the City Manager to execute the construction contract in the amount of \$90,302.00 for the subject project; and 2) Authorize the City Manager to amend the construction contract for project contingencies in an amount not to exceed \$10,000 if and when the need arises for extra work and services.
- G. Consider Authorization to Proceed with Design for Mountain Trail Street Pavement Rehabilitation Project (Project 8083) and Resolution Amending the Fiscal Year 2008/09 Budget to Appropriate Funds for the Project. Staff Recommendation: 1) Authorize the City Manager to sign a consultant agreement for design of the subject project with median, without a landscaping design at a cost not to exceed \$20,000; and 2) Adopt Resolution No. 2009-2794. ROLL CALL VOTE REQUIRED

The following items were pulled for individual consideration.

- A. Consider Minutes of Regular Meeting of February 4, 2009. Staff Recommendation: Approve the minutes.

CONSENSUS: It was the consensus of the Council to approve the minutes with an editorial correction as requested by Mayor Parvin.

- C. Consider Resolution Amending the Fiscal Year 2008/09 Budget for Purchase of Two Segway Personal Transportation Devices for Use by Police Personnel Assigned to the Moorpark High School Campus and During Special Event Patrols. Staff Recommendation: 1) Adopt Resolution No. 2009-2795, authorizing an amendment to the FY 2008/09 Budget to allocate \$11,909 from the TSM Fund (2001) for the purchase of two new Segway personal transportation devices; 2) Award the purchase to Segway of Long Beach, the lowest responsible bidder; and 3) Authorize the City Finance Department to process the necessary purchase order to obtain the devices with the allotted funds. ROLL CALL VOTE REQUIRED

In response to Councilmember Van Dam, Captain Nelson stated the Segway devices would be stored at the police station. In response to Councilmember Van Dam, Mr. Kueny stated the devices could be available for use at special events by select City staff, but more than likely this would be precluded by police personnel attending the same event needing to use the devices.

MOTION: Councilmember Van Dam moved and Councilmember Millhouse seconded a motion to 1) Adopt Resolution No. 2009-2795, authorizing an amendment to the FY 2008/09 Budget to allocate \$11,909 from the TSM Fund (2001) for the purchase of two new Segway personal transportation devices; 2) Award the purchase to Segway of Long Beach, the lowest responsible bidder; and 3) Authorize the City Finance Department to process the necessary purchase order to obtain the devices with the allotted funds. The motion carried by unanimous roll call 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, one case under Item 12.B, and Item 12.C.

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

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

MOTION: Councilmember Mikos moved and Councilmember Millhouse seconded a motion to adjourn to closed session for a discussion of one case under Item 12.A, one case under Item 12.B, and Item 12.C. on the agenda. The motion carried by unanimous voice vote. The time was 7:58 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)
- C. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Pursuant to Subdivision (a) of Section 54956.9 of the Government Code)
People of the State of California and City of Moorpark vs. Jose Tomas Garcia, Ana Maria Garcia (Case No. 56-2008-0030366-CU-MC-SIM)

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; David Bobardt, Planning Director; and Deborah Traffenstedt, Administrative Services Director/City Clerk.

The Council reconvened into open session at 9:22 p.m. Mr. Kueny stated one case under Item 12.A, one case under Item 12.B, and Item 12.C. were discussed and there was no action to report.

13. ADJOURNMENT:

Mayor Parvin adjourned the meeting at 9:22 p.m.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, Assistant City Clerk

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