

MINUTES OF THE CITY COUNCIL

Moorpark, CaliforniaApril 1, 2009

A Regular Meeting of the City Council of the City of Moorpark was held on April 1, 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 7:12 p.m.

2. PLEDGE OF ALLEGIANCE:

Jennifer Mellon, Senior Management Analyst led the Pledge of Allegiance.

3. ROLL CALL:

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

Staff Present: Steven Kueny, City Manager; 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; Ron Ahlers, Finance Director; David Moe, Redevelopment Manager; Jennifer Mellon, Senior Management Analyst; Captain Ron Nelson, Sheriff's Department; Deborah Traffenstedt, Administrative Services Director/City Clerk; and Maureen Benson, Assistant City Clerk.

4. PROCLAMATIONS AND COMMENDATIONS:

None.

5. PUBLIC COMMENT:

None.

AT THIS POINT in the meeting, the City Council recessed to convene a meeting of the Moorpark Redevelopment Agency. The time was 7:13 p.m. The City Council meeting reconvened at 7:36 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 on May 3rd from 3-5:00 p.m. the Countywide and Moorpark Save Open Space and Agricultural Resources (SOAR) groups will be holding an event at Arroyo Vista Community Park to update the public on 10 years of progress.

Councilmember Millhouse announced he had traveled to Sacramento last week as part of the Metrolink Board to meet with State legislators, the head of Caltrans, and the High Speed Rail Authority.

Councilmember Van Dam congratulated Moorpark High School Principal, Kirk Miyashiro, who has accepted a position with Oaks Christian School; and congratulated Samantha Blake, Mesa Verde Middle School Music Director, who will be moving over to Moorpark High School.

Mayor Parvin announced Moorpark Senior Citizens, Inc. and the Moorpark Active Adult Center will be holding a Bingo Bash fundraising event on Saturday, April 4th at the Civic Center.

Mayor Parvin announced Free Landfill Day for Moorpark residents is Sunday, April 19th at the Simi Valley Landfill and Recycling Center.

In response to Mayor Parvin, Ms. Mellon stated the Neighborhood Enhancement Program is fully booked.

8. PUBLIC HEARINGS:

None.

9. PRESENTATION/ACTION/DISCUSSION:

- A. Consider Memorandum of Understanding (MOU) with Pardee Homes for Proposed Residential Development of Vacant School Site in Moorpark Highlands Specific Plan No. 2. Staff Recommendation: Approve the MOU, subject to final language approval of the City Manager and City Attorney and authorize the Mayor to sign.

Mr. Kueny gave the staff report and invited City/MUSD Facilities, Programs and Advance Planning Ad Hoc Committee Members Millhouse and Van Dam to comment.

Councilmembers Millhouse and Van Dam stated they recognize the frustration and disappointment of the Moorpark Highlands residents and have tried to negotiate the best available solution.

Veronica Busch, a Moorpark Highlands resident, asked for clarification on the estimated 43% reduction in the Mello Roos.

Stephen Lazarus, a Moorpark Highlands resident, requested a fee schedule based upon the square footage of each property.

Keith Kelly, a Moorpark Highlands resident, cited his frustrations with Pardee and the Moorpark Unified School District's decision not to build a school, which has resulted in Pardee getting to build more homes generating more traffic.

Jen Standage, a Moorpark Highlands resident, asked when the estimated 43% reduction goes into effect and if the public will be able to weigh-in regarding the new development proposal.

Matt Bickham, a Moorpark Highlands resident, spoke in favor of the estimated 43% reduction; asked if the homeowners could sue Pardee; and requested information on the product Pardee intends to build.

Isaac Reyerstreif, a Moorpark Highlands resident, asked if a specific date could be established for implementing the estimated 43% reduction.

Steve Lee, a Moorpark Highlands resident, stated he has been refunded the \$86,000 Mello Roos he had prepaid; but feels he has been misled by Pardee sales representatives.

MOTION: Councilmember Mikos moved and Councilmember Millhouse seconded a motion to approve the Memorandum of Understanding with Pardee Homes for Proposed Residential Development of Vacant School Site in Moorpark Highlands Specific Plan No. 2, subject to final language approval of the City Manager and City Attorney and to authorize the Mayor to sign. The motion carried by unanimous voice vote.

- B. Consider Award of Contract to California Skate Parks, Inc. for the Poindexter Park Expansion Project and Consider an Agreement with Pacific Materials Laboratories for Soils Testing, Lab Work and Inspections, and Authorize Loan of \$1,500,000 from Special Project Fund to Park Improvement Zone 1 Fund. Staff Recommendation: 1) Approve the project's scope of work to exclude the one Add Alternate; 2) Reject bid proposal of Valley Crest Landscape Development and award the construction agreement to California Skate Parks, Inc. at a cost not to exceed \$1,745,326; 3) Authorize the City Manager to execute the agreement on behalf of the City and to amend the construction contract for project contingencies in an amount not to exceed \$261,798; 4) Approve a contract with Pacific Materials Laboratory (PML) for soils testing, lab work, and inspections at a cost not to exceed \$47,100, and authorize the City

Manager to execute the agreement on behalf of the City and to amend the contract for project contingencies in an amount not to exceed \$10,000; and 5) Approve a loan of up to \$1.5 million from the Special Projects Fund to be repaid with interest based on the LAIF rate for the previous year.
ROLL CALL VOTE REQUIRED

Ms. Lindley gave the staff report and clarified the approval of the loan is contained in a budget amendment resolution.

There were no speakers.

Councilmember Millhouse requested the Council consider including the Add Alternate of sod.

Nikolai Samarin, Project Manager for California Skateparks, Upland, California, stated they prefer sod to hydroseeding.

MOTION: Councilmember Millhouse moved and Councilmember Van Dam seconded a motion to: 1) Approve the project's scope of work including the one Add Alternate of sod; 2) Reject bid proposal of Valley Crest Landscape Development and award the construction agreement to California Skate Parks, Inc. at a cost not to exceed \$1,745,326; 3) Authorize the City Manager to execute the agreement on behalf of the City and to amend the construction contract for project contingencies in an amount not to exceed \$261,798; 4) Approve a contract with Pacific Materials Laboratory (PML) for soils testing, lab work, and inspections at a cost not to exceed \$47,100, and authorize the City Manager to execute the agreement on behalf of the City and to amend the contract for project contingencies in an amount not to exceed \$10,000; and 5) Adopt Resolution No. 2009-2802, amending the Fiscal Year 2008/09 Budget and approving a loan of up to \$1.5 million from the Special Projects Fund to be repaid with interest based on the LAIF rate for the previous year. The motion carried by unanimous roll call vote.

- C. Consider Patriot Commerce Center Public Art Conceptual Design. Staff Recommendation: Approve the proposed conceptual design for the Patriot Commerce Center public art project.

Ms. Lindley gave the staff report.

Mark Ossola, UST Patriot, LP, developer of the Patriot Commerce Center, provided an update on the companies coming to the center. He introduced Jim Melnik and Lance Claussen, artists for the conceptual design.

MOTION: Councilmember Van Dam moved and Councilmember Lowenberg seconded a motion to approve the proposed conceptual design for the Patriot

commerce Center public art project. The motion carried by unanimous voice vote.

- D. Consider a Ban on Single-use Plastic Bags and Discussion of Polystyrene. Staff Recommendation: Approve Option 3: Take no action at this time to ban plastic bags awaiting the outcome of current State of California Legislation, a possible Statewide Master Environmental Assessment, and pending actions in other jurisdictions. Revisit the matter in twelve months.

Ms. Mellon gave the staff report.

There were no speakers.

MOTION: Councilmember Millhouse moved to: 1) Approve Option 3, to take no action at this time to ban plastic bags awaiting the outcome of current State of California Legislation, a possible Statewide Master Environmental Assessment, and pending actions in other jurisdictions; 2) Revisit the matter as developments on the issue warrant; and 3) Send a letter of support to the Ocean Protection Council for their efforts to achieve a statewide Master Environmental Assessment.

Councilmember Mikos stated she would second the motion if Councilmember Millhouse would include polystyrene along with the plastic bags.

AMENDED MOTION: Councilmember Millhouse amended his motion and Councilmember Mikos seconded the amended motion to: 1) Approve Option 3, to take no action at this time to ban plastic bags or polystyrene awaiting the outcome of current State of California Legislation, a possible Statewide Master Environmental Assessment, and pending actions in other jurisdictions; 2) Revisit the matter on banning plastic bags and polystyrene as developments on the issue warrant; and 3) Send a letter of support to the Ocean Protection Council for their efforts to achieve a statewide Master Environmental Assessment. The motion carried by unanimous voice vote.

- E. Consider City Entry Signs at Tierra Rejada Road/SR-23 and Princeton Avenue/SR-118 and Resolution Amending the Fiscal Year 2008/09 Budget for Funding the Project. Staff Recommendation: 1) Select concept one as the City's entry sign for the median on Tierra Rejada Road/SR-23 and at the southwest corner of Princeton Avenue/SR-118 (Kavlico); 2) Direct staff to amend the contract with Outdoor Dimensions for the fabrication and installation of the selected sign concept in the Tierra Rejada median, west of the southbound SR-23 off-ramp and the Princeton Avenue/SR-118 off-ramp; and 3) Adopt Resolution No. 2009-____, amending the FY 2008/09 Budget to appropriate \$35,000 from the Art in

Public Places Fund for installation of two city entry signs. ROLL CALL VOTE REQUIRED

Mr. Hogan gave the staff report.

There were no speakers.

The following issues were discussed by the Councilmembers and staff: 1) Allowing review by the Arts Commission and possibly the Planning Commission; 2) Looking at solar power as an option; 3) Providing a list of other cities' signs for Council to review; and 4) Improving the landscaping at the proposed sign site near Kavlico.

CONSENSUS: It was the consensus of the Council to remove this item from the calendar to allow staff to address Council comments and concerns at a future date.

- F. Consider Cancellation of the April 15, 2009, Regular Meeting. Staff Recommendation: Direct staff to post a notice of meeting cancellation for April 15, 2009.

Mr. Kueny gave the staff report.

There were no speakers.

MOTION: Mayor Parvin moved and Councilmember Van Dam seconded a motion to direct staff to post a notice of meeting cancellation for April 15, 2009. The motion carried by unanimous voice vote.

10. CONSENT CALENDAR: (ROLL CALL VOTE REQUIRED)

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

- A. Consider Minutes of Special Meeting of March 18, 2009. Staff Recommendation: Approve the minutes.
- B. Consider Minutes of Regular Meeting of March 18, 2009. Staff Recommendation: Approve the minutes.
- C. Consider Warrant Register for Fiscal Year 2008-2009 – April 1, 2009. Staff Recommendation: Approve the warrant register.
- D. Consider Resolution Authorizing the Ventura County Sheriff's Department to Apply for Grant Funds from the United States Department of Justice's Community Oriented Policing Hiring Recovery Program (CHRP) Grant on

Behalf of the City of Moorpark to Assist in Paying for the High School Resource Officer. Staff Recommendation: Adopt Resolution No. 2009-2803.

- E. Consider Partnership Agreement with U.S. Bureau of the Census for the 2010 Census. Staff Recommendation: Approve the 2010 Census Partnership Agreement and authorize the Mayor to sign.
- F. Consider Resolution Updating the Solid Waste Collection Service Fee Schedule and Rescinding Resolution No. 2008-2768. Staff Recommendation: Adopt Resolution No. 2009-2804, rescinding Resolution No. 2008-2768. ROLL CALL VOTE REQUIRED
- G. Consider Resolution Authorizing Mid-Year Amendments to 2008/09 Fiscal Year Budget. Staff Recommendation: Adopt Resolution No. 2009-2805. ROLL CALL VOTE REQUIRED
- H. Consider Annual Financial Statements for Fiscal Year Ended June 30, 2008. Staff Recommendation: Accept the Comprehensive Annual Financial Report (CAFR), Management Letter, Single Audit Report, Independent Accountant's Report on Agreed-Upon Procedures Applied to Appropriations Limit Worksheets, and the Independent Auditor's memo regarding the audit process and receive and file this report. ROLL CALL VOTE REQUIRED
- I. Consider Resolution Amending the Fiscal Year 2008/09 Budget to Appropriate Funding for Other Post-Employment Benefits (OPEB) which Includes the One-Time Payment for the Unfunded Liability of \$364,000 and the Annual "Normal Cost" of \$31,000 in Compliance with Governmental Accounting Standards Board (GASB) Statement No. 45. Staff Recommendation: Adopt Resolution No. 2009-2806. ROLL CALL VOTE REQUIRED
- J. Consider Resolution Adopting a Revised ICMA-RC 457 Plan and Rescinding Resolution No. 2000-1742, and a Resolution Adopting a Revised Nationwide Retirement Solutions Deferred 457 Plan and Amending Resolution No. 2001-1931, to Allow Loans to Employees. Staff Recommendation: 1) Adopt Resolution No. 2009-2807, approving a Revised ICMA-RC 457 Plan and rescinding Resolution No. 2000-1742, and authorize the City Manager to sign the "Loan Guidelines Agreement for a Retirement Plan" and the "Amendment to ICMA-RC Government Section 457 Plan & Trust Adoption Agreement" for the City of Moorpark; and 2) Adopt Resolution No. 2009-2808, approving an amendment to Resolution No. 2001-1931, to revise the Nationwide Retirement Solutions Deferred Compensation Plan and Trust/Custodial Document, and authorize the City Manager to sign the "Restated and Amended Deferred Compensation Plan and Trust/Custodial Document for Public Employees"

and "The City of Moorpark Participant Loan Program". ROLL CALL VOTE
REQUIRED

- K. Consider Resolution Authorizing the City's Fiscal Year 2009/10
Transportation Development Act Claim for Bicycle and/or Pedestrian
Article 3 Purposes. Staff Recommendation: Adopt Resolution No. 2009-
2809

11. ORDINANCES: (ROLL CALL VOTE REQUIRED)

None.

12. CLOSED SESSION:

None was held.

13. ADJOURNMENT:

Mayor Parvin adjourned the meeting at 10:34 p.m.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, Assistant City Clerk