

MINUTES OF THE CITY COUNCIL

Moorpark, California

May 20, 2009

A Regular Meeting of the City Council of the City of Moorpark was held on May 20, 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 7:17 p.m.

2. PLEDGE OF ALLEGIANCE:

David Pollock, Moorpark Unified School District Board Member and Councilmember-elect, led the Pledge of Allegiance.

3. ROLL CALL:

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

Staff Present: Steven Kueny, City Manager; Hugh Riley, Assistant City Manager; Mary Lindley, Parks/Recreation and Community Services Director; David Bobardt, Planning Director; Ron Ahlers, Finance Director; David Klotzle, Assistant City Engineer; David Moe, Redevelopment Manager; Teri Davis, Senior Management Analyst; Shaun Kroes, Senior Management Analyst; Richard Lemmo, Recreation Leader; Captain Ron Nelson, Sheriff's Department; Deborah Traffenstedt, Administrative Services Director/City Clerk; and Maureen Benson, Assistant City Clerk.

4. PROCLAMATIONS AND COMMENDATIONS:

A. Presentation of City Plaque to Mrs. Dawn Lowenberg in Recognition of Councilmember Gary Lowenberg's Service to the City of Moorpark.

Mayor Parvin presented Mrs. Lowenberg with the City's tile plaque in recognition of Councilmember Gary Lowenberg's service to the City of Moorpark.

B. Recognition of Outgoing Teen Council Members.

Mayor Parvin and Richard Lemmo, Recreation Leader, presented the outgoing Teen Council Members Katie Aamoth, Nadia Barakat, Christina Chambliss, Alyssa Dersahagian, Sarah Farello, Lace Granatelli, Katie

O'Tousa, Tyler Peterson, Amanda Schaible, and Trevor Sherman with certificates of recognition for their service during 2008/2009.

5. PUBLIC COMMENT:

Bruce Thomas, President of the Moorpark Rotary Club, presented the City with two checks totally \$500 in support of summer youth scholarships and \$1,000 for a senior Life Line. He also complimented to work of the Friends of the Library.

Mayor Parvin announced James Hoagland and Walter Gause of the 2008-2009 Ventura County Grand Jury are present in the audience.

Patrick Ellis, President of the Moorpark Chamber of Commerce, 18 E. High Street, announced the Chamber's annual Moorpark Community awards will be held on the 21st of May, at the Moorpark Country Club, to honor Larry Jones as Educator of the Year; The Haircut Place, as Entrepreneur of the Year; Manny Asadurian with the Legend Award; Gary Lowenberg as Man of the Year; Moorpark Athletic Club & Cinema 3 as Member of Year; Women's' Fortnightly Club as Non-Profit/Service Organization of the Year; Fire Captain Bill Breuklander as Public Servant of the Year; Joe Lopez as Senior of the Year; Bruce Thomas as Volunteer of the Year; Lisa Leal as Woman of the Year; and Brandon Rokos, Patrick Stewart, Sena Sadeghi, Chris Ponciano, Juan Rosales, all tied for Youth of the Year.

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 7:32 p.m. The City Council meeting reconvened at 9:11 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 she had attended a ceremony at Fresh and Easy, honoring Mountain Meadows School for raising the most money for their school in the western region of the United States.

Councilmember Millhouse, as Chair of the Metrolink Board, reported that the Board has awarded a contract for installation of inward-facing cameras in all locomotive cabs.

Councilmember Millhouse stated departed Councilmember Gary Lowenberg would be proud to see candidate-elect, David Pollock as the new Councilmember for the City of Moorpark.

Councilmember Van Dam announced the Moorpark High School Grand Finale Concert will be held May 21st and will honor their outgoing band director who is moving to Colorado.

Councilmember Van Dam announced Kiwanis is selling "Wine and Moonlight" tickets to benefit Moorpark Youth. The event will be held at Secret Garden on High Street on Sunday, May 31st.

Mayor Parvin stated she had attended the dedication ceremony of the Moorpark Veteran's Memorial on Saturday, May 16th, and wanted to thank staff, the Arts Commission, and Veterans for their efforts to create this beautifully designed site.

Mayor Parvin announces she had attended a Ventura Council of Governments (VCOG) meeting on May 14th where potential fiscal impacts were discussed if Measure 1A should fail on the ballot for May 19th, which it has. She stated the California League of Cities projects Moorpark stands to lose approximately \$585,000 to the State of California.

Mayor Parvin announced VCOG is working with the Ventura County Transportation Commission (VCTC) and Ventura County Civic Alliance on a county project with SB375 implementation and they are looking for east county representation. Councilmembers Millhouse and Mikos expressed interest. Mayor Parvin asked staff to research this matter and provide information to Council.

Mayor Parvin stated she had attended a Local Agency Formation Commission meeting where the focus was on water issues.

Mayor Parvin announced the Moorpark City Library Free Brown Bag Lunch Seminar will be held Tuesday, June 2nd, where the information seminar "Why Twitter?" will answer questions about social networking, such as, "Should I be on Facebook? Myspace? Should I Twitter?" Bring your lunch and learn about these services and why you should, or should not, use them for your career or personal life or find out what your children are doing.

Councilmember Van Dam announced the Memorial Day event on Monday will include a flag lowering ceremony at the original Veteran's Memorial site at the corner of Los Angeles and Moorpark Avenues near the Grinder restaurant at and a memorial service will be held at the new site across from the Moorpark Police Station at the corner of Spring Road and Flinn Avenue.

8. PUBLIC HEARINGS:

None.

9. PRESENTATION/ACTION/DISCUSSION:

- A. Consider Amendment No. 1 to Architectural Agreement with HMC Architects for Additional Design Fees for the Ruben Castro Human Services Center. Staff Recommendation: Approve Amendment No. 1 to professional services agreement with HMC Architects to increase the amount of their Agreement from \$754,569.00 to \$1,136,681.00, and authorize the City Manager to execute said amendment, subject to final language approval by the City Manager and City Attorney.

Mr. Riley gave the staff report.

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) Return to Council for reevaluation, if tenants are not forthcoming; 2) Consider designing a cell tower within the structure for future revenue generation; and 3) Perception that additional funding is being requested after the work on the design has been already been completed.

MOTION: Councilmember Van Dam moved and Councilmember Mikos seconded a motion to approve Amendment No. 1 to professional services agreement with HMC Architects to increase the amount of their Agreement from \$754,569.00 to \$1,136,681.00, and authorize the City Manager to execute said amendment, subject to final language approval by the City Manager and City Attorney. The motion carried by voice vote 3-1, Councilmember Millhouse dissenting.

- B. Consider Glenwood Park Restroom Options and Execute Agreements with DiCecco Architecture for Design Services and PICON for Pre-Construction Coordination Services. Staff Recommendation: 1) Approve Option B, for conventional design and construction of restrooms at Glenwood Park for a total project cost of \$276,500.00; 2) Authorize the City Manager to execute an agreement with DiCecco Architecture Inc, for the architectural design services at a cost not to exceed \$21,920.00, pending final language approval by the City Manager and City Attorney; and 3) Authorize the City Manager to execute an agreement with PICON (Phil Vein) for pre-construction project coordination services at a cost not to exceed \$4,400.00, pending final language approval by the City Manager and City Attorney.

Ms. Lindley gave the staff report.

There were no speakers.

The Council and staff discussed the potential for public perception of a conflict of interest in awarding an agreement to a sitting Planning Commissioner's company when a request for a quote was not circulated. It was recommended the City Attorney draft rules to address this issue.

CONSENSUS: It was the consensus of the Council to remove this item from the agenda calendar.

- C. Consider Resolution Approving the Preliminary Assessment Engineer's Report for the Parks and Recreation Maintenance and Improvement Assessment District for Fiscal Year 2009/10 and Providing Notice of Public Hearing on June 17, 2009. Staff Recommendation: Adopt Resolution No. 2009-2814.

Ms. Lindley gave the staff report.

There were no speakers.

MOTION: Councilmember Millhouse moved and Councilmember Van Dam seconded a motion to adopt Resolution No. 2009-2814, approving the Preliminary Engineer's Report for the Parks and Recreation Maintenance and Improvement Assessment District for Fiscal Year 2009/10 and providing notice of public hearing on June 17, 2009. The motion carried by unanimous voice vote.

- D. Consider Resolution Approving the Preliminary Engineer's Report for the Landscaping and Lighting Maintenance Assessment Districts for Fiscal Year 2009/10 and Providing Notice of Public Hearing on June 17, 2009. Staff Recommendation: Adopt Resolution No. 2009-2815.

Ms. Lindley gave the staff report.

There were no speakers.

MOTION: Councilmember Millhouse moved and Councilmember Van Dam seconded a motion to adopt Resolution No. 2009-2815, approving the Preliminary Engineer's Report for the Landscaping and Lighting Maintenance Assessment Districts for Fiscal Year 2009/10 and providing notice of public hearing on June 17, 2009. The motion carried by unanimous vote.

- E. Consider an Ordinance Amending Chapter 8.32, Prohibiting Smoking in Public Places, of the Moorpark Municipal Code. Staff Recommendation: Introduce Ordinance No. ___ for first reading, waive full reading, and schedule second reading and adoption for June 3, 2009.

Ms. Davis gave the staff report and indicated public comments have generated a need to refine and clarify the ordinance further; therefore, a continuance to June 3 is requested.

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) Adding a definition of "dining area"; 2) Enumerating, in feet, what is a "reasonable distance"; 3) Clarify areas where smoking may occur; 4) Adding the word "in" to Section 8.32.020 after the word "smoke" in the first paragraph; 5) Research whether any areas in parking lots should be designated as smoking areas; and 6) Eliminate the reference to "F" on page stamped 123 for Section 8.32.020.

MOTION: Councilmember Millhouse moved and Councilmember Van seconded a motion to continue this item to June 3, 2009, addressing Council's concerns as noted in discussion. The motion carried by unanimous voice vote.

- F. Consider Amendment No. 1 to Agreement for Bus Services with Durham School Services, Adding Additional Days of Service to the Moorpark Beach Bus and Increasing Driver Background Check Requirements; and Consider Additional Changes to Moorpark Beach Bus and Summer Youth Bus Pass Program. Staff Recommendation: 1) Authorize the City Manager to approve Amendment No. 1 to Agreement; and 2) Approve proposed changes, as contained in the agenda report, to Summer Beach Bus program and Summer Youth Bus Pass program. ROLL CALL VOTE REQUIRED

Mr. Kroes gave the staff report.

There were no speakers.

Councilmember Millhouse directed staff to add the words "at a minimum" in front of the word "perform" for driver background checks in Section 12.12 on stamped page 137. He requested staff confirm whether or not Durham School Services have cameras on their buses.

MOTION: Councilmember Mikos moved and Councilmember Van Dam seconded a motion to: 1) Authorize the City Manager to approve Amendment No. 1 to Agreement, as amended, to add "at a minimum" to Section 12.12 in front of the word "perform" to stamped page 137; and 2) Approve proposed changes, as contained in the agenda report, to Summer Beach Bus program and Summer Youth Bus Pass program. The motion carried by unanimous roll call vote.

- G. Consider Mission Statement, Priorities, Goals and Objectives for Fiscal Year 2009/2010 Staff Recommendation: Approve Mission Statement, Priorities, Goals and Objectives for Fiscal Year 2009/2010 and determine which, if any, objectives are to be referred to a Standing Committee.

Mr. Kueny gave the staff report.

There were no speakers.

Councilmember Mikos requested Potential Objectives 59, 60, and 61, be moved to Department Goals and Objectives and to add all “green” building objectives to an existing Standing Committee.

MOTION: Councilmember Van Dam moved to add Potential Objectives 59, 60, and 61 to Department Goals and Objectives and to combine all “green” building objectives to add as the responsibility of a Standing Committee.

Mayor Parvin requested Potential Objective No. 45 on stamped page 159 be changed from “Hearon Drive” to “Campus Canyon Drive” and to move Potential Objective No. 42 to the Department Goals and Objectives

Councilmember Millhouse requested Potential Objective No. 55 be moved to the Department Goals and Objectives.

AMENDED MOTION: Councilmember Van Dam amended his prior motion to also include the correction to Campus Canyon Drive and to move Potential Objectives 42 and 55 to Department Goals and Objectives and Councilmember Millhouse seconded the motion. The amended motion carried by unanimous voice vote.

Mr. Kueny stated this item will be placed on a future agenda as a Consent Item for Council approval.

H. Consider Proposed Operating and Capital Improvement Budget for Fiscal Year 2009/2010. Staff Recommendation: Receive the budget and set a workshop for May 27 or June 10, 2009.

Mr. Kueny gave the staff report.

There were no speakers.

MOTION: Councilmember Millhouse moved and Councilmember Mikos seconded a motion to receive the budget and set a budget workshop for 6:00 p.m. on June 10, 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 Warrant Register for Fiscal Year 2008-2009 – May 20, 2009. Staff Recommendation: Approve the warrant register.
- B. Consider Resolution Directing the Planning Commission to Study, Hold a Public Hearing, and Provide a Recommendation on an Amendment to Section 17.32.025 High Street Area Parking Requirements, of Title 17, Zoning, of the Moorpark Municipal Code. Staff Recommendation: Adopt Resolution No. 2009-2816.
- C. Consider a Resolution Directing the Planning Commission to Study, Hold a Public Hearing, and Provide a Recommendation on Rescinding the Development Agreement and Amending the General Plan Land Use and Zoning Designations for the Toll/Mazur Project Site; and Amending the General Plan Land Use, Downtown Specific Plan Use, and Zoning Designations for Property Owned by the Moorpark Redevelopment Agency on the South Side of Everett Street between Moorpark Avenue and Walnut Street. Staff Recommendation: Adopt Resolution No. 2009-2817.
- D. Consider Report of Annual Development Agreement Review, Established in Connection with The Masters at Moorpark Country Club Estates, Located on 43.04 Acres North of Championship Drive and East of Grimes Canyon Road (Tract 5463), on the Application of Toll Brothers, Inc. Staff Recommendation: 1) Accept the Planning Director's report and recommendation that on the basis of substantial evidence, Toll Brothers Inc. has complied in good faith with the terms and conditions of the Agreement; and 2) Deem the annual review process complete.
- E. Consider Report of Annual Development Agreement Review, Established in Connection with Moorpark Country Club Estates, Located Approximately 2,700 Feet South of Broadway between Grimes Canyon Road and Walnut Canyon Road (Tract 4928) on the Application of Toll Brothers, Inc. Staff Recommendation: 1) Accept the Planning Director's report and recommendation that on the basis of substantial evidence, Toll Brothers Inc. has complied in good faith with the terms and conditions of the Agreement; and 2) Deem the annual review process complete
- F. Consider Report of Annual Development Agreement Review, Established in Connection with Canterbury Lane (Tract No. 5425), Located on the South Side of Los Angeles Avenue East of Fremont Street, on the

- Application of Shea Homes. Staff Recommendation: 1) Accept the Planning Director's Report and recommendation, on the basis of substantial evidence, that Shea Homes, Limited Partnership has complied in good faith with the terms and conditions of the Agreement; and 2) Deem the annual review process complete.
- G. Consider Report of Annual Development Agreement Review, Established in Connection with Vistas at Moorpark, Located on the West Side of Walnut Canyon Road, Approximately 3,500 Feet North of Casey Road, on the Application of Moorpark 150, LLC. Staff Recommendation: 1) Accept the Planning Director's report and recommendation, on the basis of substantial evidence, that Moorpark 150, LLC has complied in good faith with the terms and conditions of the Agreement; and 2) Deem the annual review process complete.
- H. Consider Report of Annual Development Agreement Review, Established in Connection with Warehouse Discount Center at White Sage Road and State Route-23 Freeway (NLA 118, LLC). Staff Recommendation: 1) Accept the Planning Director's Report and recommendation that on the basis of substantial evidence, NLA 118, LLC has complied in good faith with the terms and conditions of the Agreement; 2) Deem the annual review process complete; and 3) Provide direction that future annual reviews for NLA 118, LLC will occur after the sale figures for the applicable period are available. Therefore, the annual review date will coincide with this period and this practice will continue for the life of the agreement.
- I. Consider California Department of Transportation Disadvantaged Business Enterprise Implementation Agreement. Staff Recommendation: Approve and authorize the City Manager to sign the Agreement.
- J. Consider Notice of Completion for the Lassen Avenue Bikeway/Walkway (Project 8074). Staff Recommendation: Accept the work as complete and direct the City Clerk to record the Notice of Completion.
- K. Consider Award of Agreement to Direct A/V, Inc. for Moorpark Metrolink Station Security Camera Maintenance Services. Staff Recommendation: Authorize the City Manager to sign the Agreement, subject to final language approval by the City Manager and City Attorney.
- L. Consider Resolution Amending the Fiscal Year 2008/09 Budget by Appropriating General Funds (Title III-C Contract Grant Funds for the Senior Nutrition Program) to Fund an Additional Grant of One-Time-Only Funds for the Grant-Funded Senior Nutrition Program Staff Recommendation: Adopt Resolution No. 2009-2818.

- M. Consider Resolution Authorizing the Submittal of a Grant Renewal Application to the Ventura County Area Agency on Aging (VCAAA) for Older Americans Act Title III-C Contract Grant Funds for the Senior Nutrition Program, and Authorizing the City Manager to Sign All Related Agreements. Staff Recommendation: Adopt Resolution No. 2009-2819.
- N. Consider Authorization to Record the Notice of Completion, Release of Retention, Release of Performance Bond, and Release of Payment Bond in Accordance with Agreement for Veteran's Memorial Park Project. Staff Recommendation: 1) Authorize the City Clerk to file the Notice of Completion for the project; 2) Authorize the release of the balance of payment, due to the Contractor in accordance with the contract and City acceptance of completion of all contractual obligations on the part of the contractor, or 55 days after Notice of Completion records, whichever occurs later; 3) Release the Performance Bond one year after Recordation of Notice of Completion in accordance with the contract, and completion of contractual obligations on the part of Contractor; and 4) Release the Payment Bond six months after Recordation of Notice of Completion in accordance with the contract, and completion of contractual obligations on the part of Contractor.

11. ORDINANCES: (ROLL CALL VOTE REQUIRED)

None.

12. CLOSED SESSION:

Mr. Kueny requested the City Council go into closed session for discussion of Items 12.C, 12.D, 12.E, and 12 F. on the agenda.

MOTION: Councilmember Mikos moved and Councilmember Millhouse seconded a motion to adjourn to closed session for a discussion of Items 12.C, 12.D, 12.E, and 12 F. on the agenda. The motion carried by unanimous voice vote. The time was 10:35 p.m.

- C. CONFERENCE WITH REAL PROPERTY NEGOTIATOR
(Pursuant to Government Code Section 54956.8)
Property: A portion of APN 512-0-171-235 at 612 Spring Road
City Negotiator: Steven Kueny, City Manager
Negotiating Parties: City of Moorpark and Clinicas Del Camino Real
Under Negotiation: Price and terms of payment
- D. CONFERENCE WITH LABOR NEGOTIATOR
(Pursuant to Section 54957.6 of the Government Code)
Agency Designated Representative: Steven Kueny
Employee Organization: Service Employees International Union, AFL-CIO, CLC, Local 721

- E. CONFERENCE WITH LABOR NEGOTIATOR
(Pursuant to Section 54957.6 of the Government Code)
Agency Designated Representative: Steven Kueny
Unrepresented employees: Accountant I; Active Adult Center Supervisor; Administrative Services Director/City Clerk; Assistant City Clerk; Assistant City Engineer; Assistant City Manager; Assistant Engineer; City Engineer/Public Works Director; Community Development Director; Deputy City Manager; Finance and Accounting Manager; Finance Director; Human Resources Analyst; Information Systems Analyst; Information Systems Manager; Landscape/Parks Maintenance Superintendent; Management Analyst; Parks and Landscape Manager; Parks, Recreation and Community Services Director; Planning Director; Principal Planner; Public Works Superintendent; Recreation/Community Services Manager; Recreation Supervisor; Redevelopment Manager; and Senior Management Analyst
- F. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
(Pursuant to Subdivision (b) of Section 54957 of the Government Code)
Title: Administrative Services Director/City Clerk; Assistant City Manager; City Manager; City Attorney; City Engineer/Public Works Director; Chief of Police; Deputy City Manager; Finance Director; Parks, Recreation and Community Services Director; and Planning Director

Present in closed session were Councilmembers Mikos, Millhouse, Van Dam, and Mayor Parvin; Steven Kueny, City Manager; Hugh Riley, Assistant City Manager; and Deborah Traffenstedt, Administrative Services Director/City Clerk.

The Council reconvened into open session at 11:20 p.m. Mr. Kueny stated Items 12.C, 12.D, 12.E, and 12 F. were discussed and there was no action to report.

13. ADJOURNMENT:

Mayor Parvin adjourned the meeting at 11:20 p.m.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, Assistant City Clerk