

**ITEM 10.B.**

MINUTES OF THE CITY COUNCIL

Moorpark, California

July 1, 2009

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

2. PLEDGE OF ALLEGIANCE:

Patrick Ellis, President of the Moorpark Chamber of Commerce, led the Pledge of Allegiance.

3. ROLL CALL:

Present: Councilmembers Mikos, Millhouse, Pollock, 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; Yugal Lall, City Engineer/Public Works Director; David Bobardt, Planning Director; Ron Ahlers, Finance Director; David Moe, Redevelopment Manager; Joseph Vacca, Principal Planner; Captain Ron Nelson, Sheriff's Department; Deborah Traffenstedt, Administrative Services Director/City Clerk; and Maureen Benson, Assistant City Clerk.

4. PROCLAMATIONS AND COMMENDATIONS:

A. Certificate of Recognition Honoring Debra Ryono for Her Dedicated Service to the Community of Moorpark.

Mayor Parvin presented Debra Ryono with a certificate of recognition for her many years of dedicated service to the community of Moorpark.

5. PUBLIC COMMENT:

Cathy Brudnicki, Executive Director of the Ventura County Homeless and Housing Coalition, presented the Council with a copy of the County of Ventura's 2009 Homeless Count Report.

Rudy Gonzales, Region Manager for Local Public Affairs for Southern California Edison, presented the Council with the State of the Utility System in Moorpark report.

Patrick Ellis, President of the Moorpark Chamber of Commerce, requested the Council consider amending the ordinance in Item 11.B. to allow for special events such as the annual fund raiser "Wine and Cigar Evening" sponsored by Café Firenze.

Jack Nichol, a volunteer with the American Lung Association congratulated the City on the ordinance in Item 11.B, which restricts where people can smoke and protects others from breathing second-hand smoke.

AT THIS POINT in the meeting, the City Council recessed to convene a meeting of the Moorpark Redevelopment Agency. The time was 7:45 p.m. The City Council meeting reconvened at 7:46 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 stated a week ago she attended a meeting of the Ventura County Community Alliance Compact for Sustainable Ventura County prior to attending a meeting of the Ventura Council of Governments.

Councilmember Pollock announced last Wednesday, members of the Moorpark High School Academic Decathlon Team, during their trip to Washington D.C. were able to meet with President Obama in the White House.

Councilmember Pollock stated, as part of his job duties with the California School Boards Association, he has been visiting school district superintendents throughout the State of California where he has learned of the severe impacts created by the lack of a State budget.

Mayor Parvin announced the City of Moorpark will present the Annual Fireworks Extravaganza on Friday, July 3rd at Arroyo Vista Park.

Mayor Parvin announced the Moorpark Beach Bus runs Monday through Thursday until August 20th. These are unsupervised, general transportation services. For schedule information, please visit [www.ci.moorpark.ca.us](http://www.ci.moorpark.ca.us) or call 517-6257.

Mayor Parvin announced the Moorpark Summer Youth Bus Pass is now on sale at City Hall and Arroyo Vista Recreation Center.

Mayor Parvin announced this year's Moorpark Library Summer Reading Club began on June 23rd in the Civic Center Apricot Room. Also, the library will offer crafts on Wednesday afternoons, storytime on Thursday mornings, and Friday afternoon family movies. Please visit [www.moorparklibrary.org](http://www.moorparklibrary.org) or call the library at 517-6370 for more specific event information. All events are free and sponsored by the Moorpark Friends of the Library.

Mayor Parvin announced the Ventura County Animal Shelter is holding its 5th Annual Pet Adopt-a-Thon on Sunday, July 26th at the Camarillo Shelter located at 600 Aviation Drive in Camarillo. Visit [www.vcar.us](http://www.vcar.us) or call 818-999-2400 for more event information.

Mayor Parvin announced she had attended a Ventura County Animal Control meeting.

Mayor Parvin announced she and fellow Councilmembers attended the Ventura Council of Governments meeting on June 18th.

8. PUBLIC HEARINGS:

None.

9. PRESENTATION/ACTION/DISCUSSION:

- A. Consider Revision to Teen Council Policy to Increase the Maximum Membership. Staff Recommendation: Approve a revision to City Council Policy 6.7 to increase the maximum Teen Council membership from 11 to 15 and direct staff to incorporate the change in the next update of the City Council Policies Resolution.

Ms. Traffenstedt gave the staff report.

There were no speakers.

MOTION: Mayor Parvin moved and Councilmember Mikos seconded a motion to approve a revision to City Council Policy 6.7 to increase the maximum Teen Council membership from 11 to 15 and direct staff to incorporate the change in the next update of the City Council Policies Resolution. The motion carried by unanimous voice vote.

- B. Consider Teen Council Appointments. Staff Recommendation: Make appointments to the Teen Council for a one-year term to end on June 30, 2010.

Ms. Traffenstedt gave the staff report.

There were no speakers.

CONSENSUS: It was the consensus of the Council that there was not need to consider another recruitment as fourteen applicants would be sufficient and exceed the minimum requirement for at least seven members on Teen Council.

CONSENSUS: It was the consensus of the Council to waive Council policy for putting forth each individual name to be approved for appointment and instead take the appointments collectively.

Mayor Parvin stated her intention to nominate all fourteen applicants.

MOTION: Councilmember Van Dam moved and Councilmember Pollock seconded a motion to appoint the Mayor's nominated applicants, Kathie Aamoth, Jasmin Alexander, Andrew Austin, Nadia Barakat, Tanner Burnette-McGrath, John Butzer, Tyler Cherry, Kelly Cole, Alyssa Dersahagian, Brooke Fenske, Katherine O'Tousa, Tyler Peterson, Amanda Schaible, and Trevor Sherman to serve on the Teen Council for a one-year term to end June 30, 2010. The motion carried by unanimous voice vote.

- C. Consider Resolution Adopting a Mitigated Negative Declaration for Project No. 8056, Metrolink Access Driveway, North Side of First Street Just East of Moorpark Avenue and Direction to Staff to Proceed with a Design Alternative. Staff Recommendation: 1) Adopt Resolution No. 2009-2833, adopting a Mitigated Negative Declaration for Project No. 8056: Metrolink Access Driveway; and 2) Direct staff to proceed with developing plans and specifications for the First Street access and acquisition of property at 49 and 65 First Street.

Mr. Vacca gave the staff report.

Hugo Tamayo, representing residents to be displaced on First Street, stated he was opposed to project until he spoke with staff and is now in favor as the residents are willing to work with the City to relocate and that this design will be much safer than existing conditions.

MOTION: Councilmember Millhouse moved and Councilmember Mikos seconded a motion to: 1) Adopt Resolution No. 2009-2833, adopting a Mitigated Negative Declaration for Project No. 8056: Metrolink Access Driveway; and 2) Direct staff to proceed with developing plans and specifications for the First Street access and acquisition of property at 49 and 65 First Street.

In response to Mayor Parvin's concerns regarding an alternate design that would not create a dead end street, Mr. Kueny stated this would be a subject for discussion when the award of bid is considered.

The motion carried by unanimous voice vote.

- D. Consider Approval of the Annual Seven-Year Capital Improvement Program (CIP) for Department of Public Works for Fiscal Years 2008/09 – 2014/15. Staff Recommendation: Approve the updated CIP for FY 2008/09-FY 2014/15.

Mr. Lall gave the staff report.

In response to Councilmember Mikos, Mr. Lall stated staff would revisit the sketch on stamped page 204 which shows the path going into the arroyo instead of Arroyo Drive.

There were no speakers.

MOTION: Councilmember Pollock moved and Councilmember Van Dam seconded a motion to approve the updated CIP for FY 2008/09-FY 2014/15. The motion carried by unanimous voice vote.

- E. Consider Review and Approval of Conceptual Construction Plans for the Princeton Avenue Widening Project (Project 8012). Staff Recommendation: Approve the conceptual design and direct staff to proceed with the completion of plans, specification/cost estimate, and acquisition of the right of way/slope easement for the Princeton Avenue Widening Project. ROLL CALL VOTE REQUIRED

Mr. Lall gave the staff report.

There were no speakers.

MOTION: Councilmember Millhouse moved and Councilmember Mikos seconded a motion to approve the conceptual design and direct staff to proceed with the completion of plans, specification/cost estimate, and acquisition of the right of way/slope easement for the Princeton Avenue Widening Project. The motion carried by unanimous roll call vote.

- F. Consider Resolution Adopting an Operating and Capital Improvements Budget for the City of Moorpark for the Fiscal Year 2009/10. Staff Recommendation: Adopt Resolution No. 2009-2834. ROLL CALL VOTE REQUIRED

Mr. Kueny gave the staff report and pointed out additional items for Council's approval since the budget workshop on June 10, 2009. In response to Councilmember Mikos, he stated on stamped page 57, under Revenues, the first sentence regarding the surplus for the General Fund should be deleted.

There were no speakers.

**CONSENSUS:** It was the consensus of the Council to continue to go on record by directing staff to send another message to the State legislature to not take money from the cities in California.

**MOTION:** Councilmember Mikos moved and Councilmember Millhouse seconded a motion to adopt Resolution No. 2009-2834 adopting an Operating and Capital Improvements Budget for the City of Moorpark for the Fiscal Year 2009/10. The motion carried by unanimous roll call vote.

- G. Consider Ordinance Amending Sections 2.32.020 and 2.32.030 of Chapter 2.32, Parks and Recreation Commission; Sections 2.36.020 and 2.36.030 of Chapter 2.36, Planning Commission; Sections 2.38.020 and 2.38.030, of Chapter 2.38, Moorpark Arts Commission; and Section 2.04.070 of Chapter 2.04, City Council; of Title 2 – Administration and Personnel of the Moorpark Municipal Code. Staff Recommendation: Introduce Ordinance No. 379 for first reading, waive full reading, and schedule second reading and adoption for July 15, 2009.

Ms. Traffenstedt gave the staff report.

There were no speakers.

In response to Council's request for additional language to be added to the ordinance to clarify Commissioner's may continue contracts with the City in existence prior to their appointment, Mr. Montes provided additional language for the ordinance.

Mr. Montes read the title of Ordinance No. 379.

**MOTION:** Councilmember Millhouse moved and Councilmember VanDam seconded a motion to waive full reading or Ordinance No. 379, as amended, and schedule second reading and adoption for July 15, 2009. The motion carried by unanimous voice vote.

- H. Consider Ordinance Amending Section 2.040.55, Compensation and Benefits, of Chapter 2.04 City Council, of the Moorpark Municipal Code. Staff Recommendation: Introduce Ordinance No. 380 for first reading, waive full reading and schedule second reading and adoption for July 15, 2009.

Ms. Traffenstedt gave the staff report.

There were no speakers.

Mr. Montes read the title of Ordinance No. 380.

**MOTION:** Councilmember Millhouse moved and Councilmember Van Dam seconded a motion to waive full reading and schedule second reading and adoption for July 15, 2009. The motion carried by unanimous voice vote.

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.P, which was pulled for individual consideration upon the request of Councilmember Pollock. The motion carried by unanimous roll call vote.

- A. Consider Minutes of the Special Meeting of April 29, 2009. Staff Recommendation: Approve the minutes.
- B. Consider Minutes of Joint City Council/Redevelopment Agency/Planning Commission Meeting of April 29, 2009. Staff Recommendation: Approve the minutes.
- C. Consider Minutes of Special 6:00 p.m. Meeting of June 10, 2009. Staff Recommendation: Approve the minutes.
- D. Consider Minutes of Special 7:00 p.m. Meeting of June 10, 2009. Staff Recommendation: Approve the minutes.
- E. Consider Minutes of the Special Meeting of June 17, 2009. Staff Recommendation: Approve the minutes.
- F. Consider Minutes of Regular Meeting of June 17, 2009. Staff Recommendation: Approve the minutes.
- G. Consider Warrant Register for Fiscal Year 2008-2009 – July 1, 2009. Staff Recommendation: Approve the warrant register.
- H. Consider Resolution Amending Resolution No. 2004-2249 Concerning the Vantagecare Retirement Health Savings Program. Staff Recommendation: Adopt Resolution No. 2009-2835, amending Resolution No. 2004-2249.
- I. Consider VISTA-East Cooperative Agreement for Commuter Bus Services. Staff Recommendation: Authorize the Mayor to sign the Addendum to the Cooperative Agreement.
- J. Consider Resolution Updating Miscellaneous City Fees and Charges and Rescinding Resolution No. 2004-2177. Staff Recommendation: Adopt Resolution No. 2009-2836, rescinding Resolution No. 2004-2177. ROLL CALL VOTE REQUIRED

- K. Consider Report of Annual Development Agreement Review, Established in Connection with Canyon Crest Ranch Partners-Moorpark, LLC (Birdsall), Located on Approximately 42.4 Acres East of Walnut Canyon Road at Championship Drive (Tentative Tract Map 5437), on the Application of Canyon Crest Ranch Partners-Moorpark, LLC (Birdsall). Staff Recommendation: 1) Accept the Planning Director's report and recommendation, on the basis of substantial evidence, that Canyon Crest Ranch Partners-Moorpark, LLC (Birdsall), has complied in good faith with the terms and conditions of the agreement; 2) Deem the annual review process complete.
- L. Consider Resolution Amending the Fiscal Year (FY) 2009/10 Budget by Appropriating General Fund Reserve to Fund Phase I of the City's Records Improvement Program, Including Records Retention Schedule. Staff Recommendation: Adopt Resolution No. 2009-2837. ROLL CALL VOTE REQUIRED
- M. Consider Rejection of Claim from: Bonifacio Rosales. Staff Recommendation: Reject the claim and direct staff to send a standard rejection letter to the claimant.
- N. Consider Revised Management Benefits Resolution Rescinding Resolution No. 2008-2735. Staff Recommendation: Adopt Resolution No. 2009-2838, rescinding Resolution No. 2008-2735.
- O. Consider Resolution Granting Another Designated Period for Two Years Additional Service Credit Retirement Incentive Pursuant to Government Code Section 20903 and Consistent with the City's Contract with California Public Employees' Retirement System (CalPERS). Staff Recommendation: Adopt Resolution No. 2009-2839.
- Q. Consider Grant Deed of Easement to the City of Moorpark from Moorpark Oil, LLC. Staff Recommendation: Accept the Grant Deed of Easement and authorize the City Clerk to sign and record an acceptance certificate for the Grant Deed of Easement and the attachments thereto in the office of the Ventura County Recorder.
- R. Consider Agreement for Consultant Services for Real Property Services. Staff Recommendation: Authorize the City Manager to sign the agreement for real property services with Hamner, Jewell & Associates in an amount not to exceed \$100,000 in Fiscal Year 2009/10, and with the option to extend the agreement for the next two years, subject to final language approval by the City Manager and City Attorney.
- S. Consider Resolution Amending Fiscal Year 2008/09 Budget to Reimburse the General Fund for Planning and Engineering Services Provided to

Various Capital Improvement Projects. Staff Recommendation: Adopt Resolution No. 2009-2840. ROLL CALL VOTE REQUIRED

The following item was pulled for individual consideration.

- P. Consider Purchase of Three Compressed Natural Gas (CNG) Transit Buses. Staff Recommendation: Authorize the City Manager to issue a Purchase Order to Creative Bus Sales for the purchase of three CNG buses in an amount not to exceed \$1,200,000.

In response to Councilmember Pollock, Mr. Lall described the features of the CNG buses, which justify the extra cost as compared to the City's current buses or school buses.

MOTION: Councilmember Pollock moved and Councilmember Millhouse a motion to authorize the City Manager to issue a Purchase Order to Creative Bus Sales for the purchase of three CNG buses in an amount not to exceed \$1,200,000. The motion carried by unanimous roll call vote

11. ORDINANCES: (ROLL CALL VOTE REQUIRED)

- A. Consider Ordinance No. 376, Approving Zoning Ordinance Amendment No. 2009-02, Amending in its Entirety, Chapter 17.64, Density Bonus Provisions of Title 17, Zoning, of the Moorpark Municipal Code. Staff Recommendation: Waive full reading and declare Ordinance No. 376 read for the second time and adopted as read. ROLL CALL VOTE REQUIRED

Mr. Montes read the title of Ordinance No. 376.

MOTION: Councilmember Mikos moved and Councilmember Millhouse seconded a motion to waive full reading and to adopt Ordinance No. 376. The motion carried by unanimous roll call vote.

- B. Consider Ordinance No. 377, Amending, in its Entirety, Chapter 8.32, Prohibiting Smoking in Public Places, of Title 8, Health and Safety, of the Moorpark Municipal Code. Staff Recommendation: Waive full reading and declare Ordinance No. 377 read for the second time and adopted as read. ROLL CALL VOTE REQUIRED

CONSENSUS: It was the consensus of the Council to modify the language of Ordinance No. 377 to allow a temporary use permit for exceptions to outdoor smoking events with proper ventilation to protect from second-hand smoke.

Mr. Montes provided additional verbiage for Ordinance No. 377 to allow for an exception under Section 8.32.030 for an outdoor special event,

subject to community development director approval of a temporary use permit for a single event or an administrative permit for a recurring event, provided that: 1) Such permit shall be subject to appropriate conditions of approval to limit the duration of such permit and require compliance with State law, and 2) Such permit shall limit, to the extent feasible, exposure of nonsmoking persons to second-hand smoke. He stated the ordinance would have to be re-introduced for first reading.

Mr. Montes read the title of Ordinance No. 377.

MOTION: Councilmember Mikos moved and Councilmember Van Dam seconded a motion to waive full reading of the amended Ordinance, introduce the ordinance for first reading, and schedule second reading and adoption for July 15, 2009. The motion carried by unanimous voice vote.

- C. Consider Ordinance No. 378, Amending Chapter 8.48, Property Maintenance, of Title 8, Health and Safety, of the Moorpark Municipal Code by Amending Section 8.48.020, to Add Certain Vector Related Conditions to the Definition of "Public Nuisance". Staff Recommendation: Waive full reading and declare Ordinance No. 378 read for the second time and adopted as read.

Mr. Montes read the title of Ordinance No. 378.

MOTION: Councilmember Van Dam moved and Councilmember Mikos seconded a motion to waive full reading and to adopt Ordinance No. 378. The motion carried by unanimous roll call vote.

12. CLOSED SESSION:

None was held.

13. ADJOURNMENT:

Mayor Parvin adjourned the meeting at 9:08 p.m.

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Janice S. Parvin, Mayor

ATTEST:

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Maureen Benson, Assistant City Clerk