

MINUTES OF THE CITY COUNCIL

Moorpark, California

October 7, 2009

A Regular Meeting of the City Council of the City of Moorpark was held on October 7, 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 7:11 p.m.

2. PLEDGE OF ALLEGIANCE:

David Moe, Redevelopment Manager, 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; Yugal Lall, City Engineer/Public Works Director; David Bobardt, Planning Director; Ron Ahlers, Finance 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. Introduction of New City Employee, Hiromi Dever, Account Technician in the Finance Department.

Mayor Parvin introduced new City employee, Hiromi Dever, Account Technician in the Finance Department.

5. PUBLIC COMMENT:

Taylor Williams and Alicia Carter, representing Moorpark High School's "Pay It Forward" Club requested consideration for an annual "Pay It Forward Day".

Captain Cliff Williams, Commander of the California Highway Patrol stationed in Moorpark, reported on the reduction of fatal accidents in eastern Ventura County and CHP truck inspections resulting in placing 26% of trucks inspected out of commission due to safety issues.

AT THIS POINT in the meeting, the City Council recessed to convene a meeting of the Moorpark Redevelopment Agency. The time was 7:22 p.m. The City Council meeting reconvened at 7:23 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 reported from September 16 through September 18 she had attended the League of California Cities Annual Conference where she learned of the need for the City to establish guidelines for new technology such as "Twitter"; and for the City to study how to be establish a film friendly environment.

Councilmember Mikos reported two weeks ago she had attended workshops at the Compact for Sustainable Ventura County where strategies on preserving open space as part of development projects were discussed.

Councilmember Van Dam thanked City staff for their work in making Country Days a success.

Councilmember Millhouse requested a future agenda item to provide an update on the status of the Pardee project.

Councilmember Millhouse announced on Monday he had participated in a news conference with Los Angeles Mayor Villaraigosa in announcing the activation of the inward facing cameras installed on all Metrolink locomotives.

Councilmember Pollock announced he also attended the League of California Cities Annual Conference September 16-18 where he kept tract of the Guiberson Fire using the Ventura County Fire District and Ventura County Sheriff's twitter sites. He commended Hugh Riley, Assistant City Manager and Captain Ron Nelson, Moorpark Police Department, in regard to their roles in manning the fire command post during the recent Guiberson Fire. While at the conference he was impressed by a workshop on graffiti eradication and recommended the City look at the model used by the City of Santa Clarita.

Councilmember Pollock announced he had just returned from the second School Wellness Conference hosted by the California School Boards Association, California Department of Education, and California Department of Health where evidence showed a connection between academic performance and physical activity. He recommended cities play an active role in providing opportunities for physical activity.

Mayor Parvin requested staff contact the Moorpark High School "Pay it Forward" Club to discuss a date for a proclamation.

Mayor Parvin announced she too had attended the League of California Cities Annual Conference from September 16-18 where she was most interested in the discussions about financial conditions in the state.

Mayor Parvin announced she attended the Housing Conference in Camarillo on behalf of Councilmember Mikos.

Mayor Parvin announced she had attended an open house for a new business, "Test Equity" on Condor Drive.

Mayor Parvin announced today, she and other Ventura County agencies, met with the 681st Lord Mayor of London to discuss economic development opportunities.

Mayor Parvin announced on October 12th she will be participating in a community forum at the Active Adult Center.

Mayor Parvin thanked the entire community including the Moorpark Chamber of Commerce, Moorpark Women's Fortnightly Club, Rotary Club of Moorpark, First 5, Kiwanis Club, Moorpark American Legion, Lions Club, High Street Arts Center, Ventura County Sheriff's Department and City staff for their involvement in the success of the Country Days Parade

Mayor Parvin announced the "Blue and the Gray" Annual Civil War Reenactment will be held November 7 and 8 at Tierra Rejada Ranch and for more information go to [www.moorparkrotary.com](http://www.moorparkrotary.com)

Mayor Parvin thanked the fire fighters, Caltrans, CHP, and all those who participated in keeping Moorpark safe from the Guiberson fire.

Mayor Parvin announced the Moorpark Active Adult Center will be hosting the Senior Games Closing Ceremony and Awards Luncheon on Friday, October 9th, beginning at 11:30 a.m. The luncheon will be followed by distribution of gold, silver, and bronze medals to tournament winners in 14 categories.

Mayor Parvin announced during October, the Moorpark City Library has fun and spooky events planned. Join the Library on Tuesday mornings for Little Bilingual Readers story time at 11:00 a.m. where stories, crafts, songs, and games are presented by the Library and First 5 in both English and Spanish. Themed pre-school story time with crafts takes place every Thursday at 10:30 a.m. Check out the Library website at [www.moorparklibrary.org](http://www.moorparklibrary.org) for "Read Beyond Reality" teen events that will occur during Teen Read Week, October 18-24.

8. PUBLIC HEARINGS:

- A. Consider Conditional Use Permit No. 2008-05 and Industrial Planned Development No. 2008-01, a Request to Construct a New Commercial Fueling Facility Consisting of One (1) Building and Two (2) Canopies on the South Side of Princeton Avenue, East of the State Route-118 Freeway Overpass on the Application of Todd Manner (Fiedler Group) for the Moorpark Redevelopment Agency. Staff Recommendation: 1) Open the public hearing, accept public testimony, and close the public hearing; and 2) Adopt Resolution No. 2009-\_\_\_\_, approving Conditional Use Permit 2008-05 and Industrial Planned Development 2008-01.

Mr. Bobardt gave the staff report and described the addition of two new Special Conditions No. 26, requiring the posting of signs to shut down engines while fueling and disallowing loud talking or music; and No. 27, specifying an 8-foot high, graffiti resistant finish, decorative masonry wall.

Councilmember Mikos stated she had met with the residents of Virginia Colony to discuss their concerns regarding the project.

A discussion followed among the Councilmembers and staff concerning: 1) Length of time this area has been zoned for industrial use; 2) Timeline for completion of Princeton Avenue Widening Project; 3) Possibility of reversing the ingress and egress driveways; 4) Relocating the canopy further from the homes; 4) Mitigation of impacts to the residential area; and 5) Any possible alternate locations in the City.

Mayor Parvin opened the public hearing.

The following Moorpark citizens spoke in opposition to the project in this location and expressed concerns regarding the impacts of noise, fumes, increase in truck traffic, 24-hour operation, proximity to students walking to and from Moorpark Community High School with no sidewalks, hazardous turning conditions, and recent example of a petroleum truck that exploded near Los Angeles Avenue and Spring Road.

Lillian Rodriguez  
Tina Arredondo  
Pete Lopez  
Pamela Castro  
John Aguirre  
Jon Cure

James Clark, President of J.E. Clark II Corporation, owner of the fueling station on High Street and Todd Manner, architect for the project stated they were available for questions.

Stuart Cooper spoke in support of moving the fueling station away from High Street in order to develop the area into a community art center.

In response to Mayor Parvin, Ms. Traffenstedt summarized one written statement card from Clifford and Christine May requesting that no occupancy permit be issued for this project until Princeton Road is widened.

Mayor Parvin closed the public hearing.

A discussion followed among the Councilmembers and staff concerning deferring a decision to allow staff to re-examine alternate locations for the fueling station.

CONSENSUS: It was the consensus of the Council to re-open the public hearing to allow testimony on November 4, 2009.

MOTION: Councilmember Pollock moved and Councilmember Millhouse seconded a motion to continue this item with the public hearing open, to November 4, 2009. The motion carried by unanimous voice vote.

9. PRESENTATION/ACTION/DISCUSSION:

- A. Consider Authorization to Modify the Mountain Trail Street Pavement Rehabilitation Project (Project 8083) to Include a Portion of Spring Road from Peach Hill Road to a Point Approximately 2,000 Feet to the South and a Resolution Approving Program Supplement No. N011 to Administering Agency – State Agreement for Federal Aid Projects No. 07-5436R for the Mountain Trail Street Pavement Rehabilitation Project. Staff Recommendation: 1) Authorize staff to modify the subject project to include Spring Road from Peach Hill Road to a point approximately 2,000 feet to the south; and 2) Adopt Resolution No. 2009-2852.

There were no speakers.

MOTION: Councilmember Millhouse moved and Councilmember Pollock seconded a motion to: 1) Authorize staff to modify the subject project to include Spring Road from Peach Hill Road to a point approximately 2,000 feet to the south; and 2) Adopt Resolution No. 2009-2852, approving Program Supplement No. N011 to Administering Agency – State Agreement for Federal Aid Projects No. 07-54326R for the Mountain Trail Street Pavement Rehabilitation Project. The motion carried by unanimous voice vote.

- B. Consider Award of Contract for the 2009 Pavement Rehabilitation – Project 8002 and a Resolution Amending the Fiscal Year 2009/10 Budget to Revise the Budget and Funding Sources for the Project. Staff Recommendation: 1) Award a construction contract to Manhole Adjusting

Contractors, Inc., and authorize the City Manager to execute the construction contract in the amount of \$833,351.00 for the subject project; 2) Authorize the City Manager to amend the construction contract for additional streets to be resurfaced and for project contingencies in an amount not to exceed \$200,000.00 if and when the need arises for extra work and services; 3) Authorize the City Manager to award a consultant agreement for construction inspection services in an amount not to exceed \$50,000.00; 4) Authorize the City Manager to sign the negotiated agreement with Ventura County Waterworks District No. 1 for adjustment of surface facilities, subject to final language approval by the City Manager and the City Attorney; and 5) Adopt Resolution No. 2009-2853 amending the FY 2009/10 Budget. ROLL CALL VOTE REQUIRED

There were no speakers.

**MOTION:** Councilmember Millhouse moved and Councilmember Van Dam seconded a motion to: 1) Award a construction contract to Manhole Adjusting Contractors, Inc., and authorize the City Manager to execute the construction contract in the amount of \$833,351.00 for the subject project; 2) Authorize the City Manager to amend the construction contract for additional streets to be resurfaced and for project contingencies in an amount not to exceed \$200,000.00 if and when the need arises for extra work and services; 3) Authorize the City Manager to award a consultant agreement for construction inspection services in an amount not to exceed \$50,000.00; 4) Authorize the City Manager to sign the negotiated agreement with Ventura County Waterworks District No. 1 for adjustment of surface facilities, subject to final language approval by the City Manager and the City Attorney; and 5) Adopt Resolution No. 2009-2853, amending the FY 2009/10 Budget. The motion carried by unanimous roll call vote.

- C. Consider Reconsideration of Item 9.B. on September 2, 2009, Agenda and Reconsideration of Vote on Item 9.B. for Resolution Approving an Amendment to the Tierra Rejada Greenbelt Agreement by Removing 228.96 Acres from the Greenbelt, Including the Ronald Reagan Presidential Library, on the Request of the City of Simi Valley. Staff Recommendation: 1) Consider reconsideration of Agenda Item 9.B. on the September 2, 2009, City Council meeting agenda; 2) Defer reconsideration of the September 2, 2009, vote on Agenda Item 9.B. to October 21, 2009; and 3) Direct staff to present options for strengthening the Greenbelt Agreement on the October 21, 2009, agenda as a separate Action/Discussion item.

Mayor Parvin explained her request to reconsider the Council's decision of the annexation of property serviced by the City Simi Valley based upon additional information and to move consideration for strengthening the Greenbelt Agreement as a separate item.

**MOTION:** Councilmember Van Dam moved and Councilmember Millhouse seconded a motion to reconsider Agenda Item 9.B. on the September 2, 2009, City Council meeting agenda. The motion carried by unanimous voice vote.

A discussion amount the Councilmembers and staff followed concerning the intention of the City of Simi Valley to petition LAFCO to make an exception for removing this parcel from the Greenbelt Agreement unless the other two cities have acted upon an approval of an amendment; Supervisor Foy's intention is to place this item on the Board of Supervisor's agenda prior to the November LAFCO meeting; the Thousand Oaks City Council may consider this item on October 13, which may make more information available to Moorpark's Council for consideration at the October 21st meeting; and Council should move forward to make a draft for strengthening the Greenbelt Agreement for presentation to the other two cities.

**MOTION:** Councilmember Millhouse moved and Mayor Parvin seconded a motion to: 1) Defer to October 21, 2009, reconsideration of the vote on Agenda Item 9.B. from the September 2, 2009, Council agenda for a resolution approving an amendment to the Tierra Rejada Greenbelt Agreement to remove 228.96 acres from the Greenbelt, including the Ronald Reagan Presidential Library, on the request of the City of Simi Valley; and 2) Directed staff to present options for strengthening the Greenbelt Agreement on October 21, 2009, as a separate Action/Discussion item.

Sharon Noel, representing Save Open Space and Agricultural Resources (S.O.A.R.), read a letter from Executive Director, Karen Schmidt, opposing including the 68-acre parcel as part of the proposed annexation by the City of Simi Valley.

The motion carried by unanimous voice vote.

10. **CONSENT CALENDAR: (ROLL CALL VOTE REQUIRED)**

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

- G. Consider Resolution Approving the Engineer's Report for Assessment District AD09-01 (Warehouse District Center – CPD 2004-03) for Fiscal Year 2010/11 and Providing Notice of Public Hearing on November 4, 2009. Staff Recommendation: Adopt Resolution No. 2009-2854.

In response to Councilmember Millhouse, Mr. Kueny and Mr. Lall clarified the difference between the total authorized fiscal year assessment rate of \$4,514.53 and the proposed fiscal year assessment rate of \$61.35 as noted on page 5 of the Supplemental report.

MOTION: Councilmember Millhouse moved and Councilmember Van Dam seconded a motion to adopt Resolution No. 2009-2854, approving the Engineers' Report for Assessment District AD09-01 (Warehouse District Center – CPD 2004-03) for Fiscal Year 2010/11 and providing notice of a public hearing on November 4, 2009. The motion carried by unanimous voice vote.

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

- A. Consider Minutes of Special Meeting of September 2, 2009. Staff Recommendation: Approve the minutes.
- B. Consider Minutes of Regular Meeting of September 2, 2009. Staff Recommendation: Approve the minutes.
- C. Consider Warrant Register for Fiscal Year 2009-2010 – October 7, 2009. Staff Recommendation: Approve the warrant register.
- D. Consider Notice of Completion for the 2009 Basketball Court Lighting Project for Mountain Meadows, Peach Hill, Miller, and College View Parks. Staff Recommendation: Accept the work as complete and direct the City Clerk to record the Notice of Completion.
- E. Consider Resolution Adopting the Annual Investment Policy for Fiscal Year 2009/10 for the City of Moorpark. Staff Recommendation: Adopt Resolution No. 2009-2855.
- F. Consider Resolution Directing the Planning Commission to Study, Hold a Public Hearing, and Provide a Recommendation on Amendments to Chapter 17.40 Sign Regulations, of Title 17, Zoning, of the Moorpark Municipal Code Related to Temporary Event Directional Signs. Staff Recommendation: Adopt Resolution No. 2009-2856.
- H. Consider Request for the Formation of Assessment District AD 10-01 (Tuscany Partners, LLC – CPD 2005-02) and Resolution Initiating the Proceedings for Same. Staff Recommendation: 1) Accept and approve the Petition/Waiver from the owner of the property, requesting the formation of Assessment District AD 10-01 for CPD 2005-02; and 2) Adopt Resolution No. 2009-2857, initiating the proceedings required for the formation of said District.
- I. Consider Request for the Formation of Assessment District AD 10-02 (HFR Investment I, LLC – CPD 2005-03) and Resolution Initiating The Proceedings for Same. Staff Recommendation: 1) Accept and approve the Petition/Waiver from the owner of the property, requesting the formation of Assessment District AD 10-02 for CPD 2005-03; and 2) Adopt

Resolution No. 2009-2858 initiating the proceedings required for the formation of said District.

- J. Consider Authorizing the City Manager to Sign the Fiscal Year 2009/10 Bicycle Transportation Account (BTA) Agreement, and Consider Resolution Amending the Fiscal Year 2009/10 Budget. Staff Recommendation: 1) Adopt Resolution No. 2009-2859; and 2) Authorize the City Manager to sign FY 2009/10 BTA Agreement. ROLL CALL VOTE REQUIRED
- K. Consider Resolution Amending the Conflict of Interest Code of the City of Moorpark and Rescinding Resolution No. 2008-2749. Staff Recommendation: Adopt Resolution No. 2009-2860, rescinding Resolution No. 2008-2749.
- L. Consider Award of Contract to Commercial Roofing Systems, Inc., to Replace Roofing at the Community Center and Arroyo Vista Recreation Center. Staff Recommendation: 1) Award a construction contract to Commercial Roofing Systems, Inc., in an amount not to exceed \$103,296; and 2) Authorize the City Manager to execute the agreement on behalf of the City with Commercial Roofing Systems, Inc., subject to final language approval by the City Manager and City Attorney.

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.B. and Items 12.C, 12.D, and 12.E. on the agenda.

MOTION: Councilmember Mikos moved and Councilmember Millhouse seconded a motion to adjourn to closed session for a discussion of one case under Item 12.B. and Items, 12.C, 12.D, and 12.E. on the agenda. The motion carried by unanimous voice vote. The time was 9:43 p.m.

- 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)  
City of Moorpark; Moorpark Unified School District vs. Thomas H. Heyn and Eldora E. Heyn (Case No. 56-2009-00355222-CU-OR-SIM)
- D. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

(Pursuant to Subdivision (a) of Section 54956.9 of the Government Code)  
City of Moorpark vs. John Reid Milligan, et al (Case No. 56-2008-  
00331392-CU-EI-SIM)

E. 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 and Recreation  
Director; and Planning Director.

Present in closed session were Councilmembers Mikos, Millhouse, Pollock, Van  
Dam, and Mayor Parvin; Steven Kueny, City Manager; Joseph Montes, City  
Attorney; Ron Ahlers, Finance Director (left the meeting at 10:05 p.m.); Captain  
Ron Nelson, Sheriff's Department (left the meeting at 10:05 p.m.); and Deborah  
Traffenstedt, Administrative Services Director/City Clerk.

The Council reconvened into open session at 10:25 p.m. Mr. Kueny stated one  
case under Item 12.B. and Items 12.C, 12.D, and 12.E. were discussed and  
there was no action to report.

13. ADJOURNMENT:

Mayor Parvin adjourned the meeting at 10:25 p.m.

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Janice S. Parvin, Mayor

ATTEST:

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Maureen Benson, Assistant City Clerk