

MINUTES OF THE CITY COUNCIL

Moorpark, California

October 21, 2009

A Regular Meeting of the City Council of the City of Moorpark was held on October 21, 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 7:10 p.m.

2. PLEDGE OF ALLEGIANCE:

Tom Kruse, Parks and Recreation Director, 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; Yugal Lall, City Engineer/Public Works Director; David Bobardt, Planning Director; Ron Ahlers, Finance Director; Tom Kruse, Parks and Recreation Director; David Moe, Redevelopment Manager; Shaun Kroes, Sr. 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:

A. Introduction of Elizabeth Schneider, New Teen Librarian with the Moorpark City Library.

Mayor Parvin introduced Elizabeth Schneider, Teen Librarian with the Moorpark City Library.

B. Introduction of New Employee, Thomas Kruse, Parks and Recreation Director in the Parks, Recreation and Community Services Department.

Mayor Parvin introduced new employee, Thomas Kruse, Parks and Recreation Director in the Parks, Recreation and Community Services Department.

C. Proclamation Recognizing the Last Week in October as Red Ribbon Week.

Mayor Parvin presented Captain Ron Nelson, Sheriff's Department, with a proclamation recognizing the last week in October as Red Ribbon Week.

- D. Proclamation Honoring "Ventura County Together" for Making a Difference.

Mayor Parvin presented Pat Esseff, Associate Program Director for Catholic Charities of Ventura County with a proclamation honoring "Ventura County Together" for making a difference.

5. PUBLIC COMMENT:

Cathy Brudnicki, representing the Ventura County Homeless & Housing Coalition provided statistics on the homeless population in the county and provided Council with a copy of the County of Ventura 2009 Employment Survey for Homeless Persons.

Kevin Grasel, member of the Conejo Valley YMCA Youth Government group introduced three fellow participants and thanked the Council for consideration of Item 10.I. on the agenda.

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 October 10th she attended the Women's Economic Justice Forum and the Annual Celebration of the NAACP.

Councilmember Mikos announced on October 15th she attended the Ventura County Community Alliance meeting for the Compact for a Sustainable Ventura County and a meeting of the Economic Development Collaborative of Ventura County.

Mayor Parvin announced the City of Moorpark is hosting the 19th Annual Halloween Party and Trick or Treat Village at Arroyo Vista Recreation Center on Saturday, October 24th.

Mayor Parvin announced Moorpark teens and teens are invited to get into the spooky spirit and stop in at the Moorpark City Library on Wednesday, October 28th for a vampire wreath craft afternoon.

Mayor Parvin announced on Tuesday, October 27th. at the Moorpark City Library, Amy Garcia, Investigative Assistant with the Moorpark Police Department, will arm you with valuable information regarding identity theft techniques, what type of fraud is currently being perpetrated, and how you can defend yourself.

Mayor Parvin announced the Moorpark Rotary Club is holding its Grand Civil War Event "The Blue and the Gray" at Tierra Rejada Ranch on November 7th-8th where all proceeds are donated to local charities in need.

Mayor Parvin announced the Roamin' Relics Car Club will be holding its annual car show this Sunday, October 25th, on High Street.

Mayor Parvin announced she had attended the closing ceremony for the Senior Games where gold, silver, and bronze awards were given out to active adults.

Mayor Parvin announced she had attended the Active Adult Community Forum on October 19th at the Active Adult Center.

Mayor Parvin announced on October 13th she had attended an Executive Women's International Installation meeting.

8. PUBLIC HEARINGS:

None.

9. PRESENTATION/ACTION/DISCUSSION:

- A. Consider Reconsideration of Item 9.B. of September 2, 2009 Agenda for a 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: Adopt Resolution No. 2009-2861, approving an amendment to the boundary of the Tierra Rejada Greenbelt.

Mr. Bobardt gave the staff report.

Councilmember Mikos stated she had had a conversation with Mike Sedell, Simi Valley City Manager and with LAFCO staff regarding this subject.

Dieter Wolfe, a Moorpark resident, described the uniqueness of the greenbelt area and cautioned Council to not compromise the quality of life afforded by the Tierra Rejada Greenbelt.

Jim Assalley, a Thousand Oaks resident, spoke in opposition to the annexation citing concerns there is a direct link between it and the

Southern California Edison (SCE) Presidential Substation planned for this area, for which he is adamantly opposed. He submitted a picture of the Tierra Rejada Valley with SCE power poles and lines superimposed.

Charles Cronin, a Thousand Oaks resident, spoke in opposition to the annexation stating it is linked to SCE Presidential Substation, which would run power lines over Underwood Farms endangering the many children who visit the farm; and if the power lines are approved they should be undergrounded.

Mike Sedell, City Manager for the City of Simi Valley, introduced Simi Valley Council Member Steve Sojka and Peter Lyons, Director of Environmental Services. In response to Council questions, Mr. Sedell stated whatever conditions and mitigation measures applicable to the County approval on the property would not change with the annexation; Simi Valley City Council would not object to excluding the 68-acres parcel from their request as those acres were added at the direction of LAFCO; and the Simi Valley City Council continues to want to work toward strengthening the Tierra Rejada Greenbelt Agreement.

In response to Council questions, Mr. Lyons stated if this property is annexed into the City of Simi Valley all of the current, ongoing mitigation measures and conditions would be Simi's responsibility to enforce; and if the Reagan Library were to request expansion, they would have to adhere to California Environmental Quality Act requirements.

In response to Council questions, Council Member Sojka stated there is no connection between this proposal and the SCE Presidential Substation; and the Simi Valley City Council is not happy about the location of the substation, which will ultimately be decided by the California Public Utilities Commission later this year. He went on to state Simi Valley is in favor of undergrounding utility lines and he is in favor of exploring alternative energy sources.

Marco Todesco deferred to Mercedes Todesco, a Moorpark resident who spoke in opposition to the proposed annexation due to its impact on the greenbelt and requested the Council ensure the SCE lines get undergrounded.

Linda Shishino-Cruz, a Moorpark resident, spoke in opposition to the annexation, especially the 68-acres, and stated greenbelts define Moorpark and if the annexation is approved, Moorpark should get something out of it.

John Shishino-Cruz, a Moorpark resident, requested the Council not allow the undeveloped 68-acres be annexed; asked that they do whatever possible to strengthen the Tierra Rejada Greenbelt Agreement.

CONSENSUS: It was the consensus of the Council to hear a late speaker.

Michael Lillis, a Moorpark resident and business owner, requested the three cities involved in the Tierra Rejada Greenbelt Agreement consider the future with advancements in alternative utilities and green building rather than the Presidential Substation.

MOTION: Councilmember Millhouse moved and Councilmember Van Dam seconded a motion to adopt Resolution No. 2009-2861, approving an amendment to the Tierra Rejada Greenbelt Agreement, as amended, to exclude the 68-acre parcel to the east of the Reagan Library from the annexation request of the City of Simi Valley. The motion carried by unanimous voice vote.

B. Consider Options for Strengthening the Tierra Rejada Greenbelt Agreement. Staff Recommendation: Direct staff as deemed appropriate.

Mr. Bobardt gave the staff report.

A discussion followed among the Councilmembers regarding the formation of a joint agency ad hoc committee consisting of two Council Members from each city and two Supervisors from the Ventura County Board of Supervisors.

CONSENSUS: It was the consensus of the Council to hear from late speakers.

Charles Cronin, a Thousand Oaks resident, requested the three cities consider Supervisor Linda Parks' recommendation that they help SCE identify where to put the utility lines.

Michael Lillis, a founding member of the local chapter of the United States Green Building Council representing the Tri-County region of Ventura, Santa Barbara and San Luis Obispo Counties, stated this is a great opportunity to strengthen the greenbelt and offered a resource of experts who understand how to handle open space.

MOTION: Councilmember Pollock moved and Mayor Parvin seconded a motion to invite two City Councilmembers from each of the three cities to join with two Ventura County Board of Supervisors to form a joint agency ad hoc committee to discuss strengthening the Tierra Rejada Greenbelt Agreement at a meeting before the end of the year followed by a progress report in January 2010.

Councilmember Mikos requested an amendment be considered that the existing Greenbelt Ad Hoc Committee (Councilmember Mikos and Councilmember Van Dam) meet prior to the joint agency ad hoc committee to lay the ground work.

Mr. Kueny suggested that after Moorpark's ad hoc committee meets to send a letter along with a copy of this staff report to the other entities inviting them to a meeting in January 2010 with a status report in February or March.

AMENDMENT TO PRIOR MOTION: Councilmember Pollock moved and Mayor Parvin seconded an amendment to the prior motion to: 1) Schedule a meeting of the current Moorpark Greenbelt Ad Hoc Committee to lay the ground work for a joint agency ad hoc committee meeting; 2) Send a copy of this staff report and a letter of invitation scheduling a meeting in January 2010 to form a joint agency ad hoc committee consisting of two Councilmembers from Moorpark, Simi Valley, and Thousand Oaks, and two Ventura County Board of Supervisors, to discuss strengthening the Tierra Rejada Greenbelt Agreement; and 3) Schedule a status report in February 2010. The motion carried by unanimous voice vote.

- C. Consider Moorpark City Transit Logo and Bus Design. Staff Recommendation: Approve proposed design and logo for Moorpark City Transit.

Mr. Kroes gave the staff report.

There were no speakers.

In response to Councilmember Pollock, Mr. Kueny stated an additional City seal could be placed on the passenger entrance side of the vehicle.

MOTION: Councilmember Millhouse moved and Councilmember Pollock seconded a motion to approve the proposed design and logo for Moorpark City Transit, as amended, to include an additional City logo on the passenger entrance side of the bus. The motion carried by unanimous voice vote.

- D. Consider the Selection of a Consultant for North Hills Parkway – Phase 1 Design Services and Resolution Amending the Fiscal Year 2009/10 Budget to Fund the Design Services. Staff Recommendation: 1) Authorize the City Manager to execute a consultant agreement with KOA Corporation for design services, subject to final language approval by the City Manager and the City Attorney in an amount not to exceed \$1,500,000.00; 2) Authorize the City Manager to amend the consultant agreement for unforeseen design contingencies in an amount not to exceed \$150,000.00; and 3) Adopt Resolution No. 2009-2862, amending the FY 2009/10 Budget. ROLL CALL VOTE REQUIRED

Mr. Lall gave the staff report.

There were no speakers.

**MOTION:** Councilmember Millhouse moved and Councilmember Van Dam seconded a motion to: 1) Authorize the City Manager to execute a consultant agreement with KOA Corporation for design services, subject to final language approval by the City Manager and the City Attorney in an amount not to exceed \$1,500,000.00; 2) Authorize the City Manager to amend the consultant agreement for unforeseen design contingencies in an amount not to exceed \$150,000.00; and 3) Adopt Resolution No. 2009-2862, amending the FY 2009/10 Budget. The motion carried by unanimous roll call vote.

- E. Consider Selection of RBF Consulting for North Hills Parkway and State Route (SR) 23 Alternate Design Services and Resolution Amending the Fiscal Year 2009/10 Budget to Fund the Design Services. Staff Recommendation: 1) Subject to final language approval by the City Manager and City Attorney, authorize the City Manager to sign the negotiated contract for services with RBF Consulting for design services in the amount of \$82,500.00 for North Hills Parkway and SR 23 Alternate intersection and for the design of SR 23 Alternate from the northern City limits to Broadway Road; and 2) Adopt Resolution No. 2009-2863 to fund the design services. ROLL CALL VOTE REQUIRED

Mr. Lall gave the staff report.

There were no speakers.

In response to Councilmember Mikos, Mr. Kueny stated the contract would stipulate that the grading plan shall accommodate the trail connections for present and future use.

**MOTION:** Councilmember Van Dam moved and Councilmember Mikos seconded a motion to: 1) Subject to final language approval by the City Manager and City Attorney, authorize the City Manager to sign the negotiated contract for services with RBF Consulting for design services in the amount of \$82,500.00 for North Hills Parkway and SR 23 Alternate intersection and for the design of SR 23 Alternate from the northern City limits to Broadway Road, as amended to include usable trail connections for present and future use; and 2) Adopt Resolution No. 2009-2863 to fund the design services. The motion carried by unanimous roll call vote.

- F. Consider Resolution Adopting Mitigated Negative Declaration for Los Angeles Avenue Widening between Moorpark Avenue and Approximately 426 Feet East of Spring Road, and Consider Authorizing Staff to Proceed with Required Property Acquisitions Using the Services of Hamner, Jewell and Associates. Staff Recommendation: 1) Adopt Resolution No. 2009-2864; and 2) Authorize staff to proceed with the required property acquisitions using the services of Hamner, Jewell and Associates.

Mr. Lall gave the staff report.

There were no speakers.

MOTION: Councilmember Van Dam moved and Councilmember Mikos seconded a motion to: 1) Adopt Resolution No. 2009-2864, adopting the Mitigated Negative Declaration for Los Angeles Avenue widening between Moorpark Avenue and approximately 426-feet east of Spring Road; and 2) Authorize staff to proceed with the required property acquisitions using the services of Hamner, Jewell and Associates. The motion carried by unanimous voice vote.

- G. Consider Proposition 1A Securitization Program (1) A Resolution Approving the Form of and Authorizing the Execution and Delivery of a Purchase and Sale Agreement and Related Documents with Respect to the Sale of the Seller's Proposition 1A Receivable from the State; and Directing and Authorizing Certain Other Actions in Connection Therewith. Staff Recommendation: Adopt Resolution No. 2009-2865 for proposed Proposition 1A Sale Resolution and Purchase and Sale Agreement. ROLL CALL VOTE REQUIRED

Mr. Ahlers gave the staff report.

There were no speakers.

In response to Councilmember Mikos, Mr. Montes stated recently approved Senate Bill 67 requires a change to the "Acknowledgement of Seller" form contained in the resolution.

MOTION: Councilmember Millhouse moved and Mayor Parvin seconded a motion to adopt Resolution No. 2009-2865 for proposed Proposition 1A Sale Resolution and Purchase and Sale Agreement, as amended to include an updated document, "Acknowledgement of Seller", as recently approved by Senate Bill 67. The motion carried by unanimous roll call vote.

10. CONSENT CALENDAR: (ROLL CALL VOTE REQUIRED)

MOTION: Councilmember Mikos moved and Councilmember Van Dam seconded a motion to approve the Consent Calendar with the exception of Item 10.G, which was pulled for individual consideration. The motion carried by unanimous roll call vote.

- A. Consider Minutes of Regular Meeting of October 7, 2009. Staff Recommendation: Approve the minutes.
- B. Consider Warrant Register for Fiscal Year 2009-2010 – October 21, 2009. Staff Recommendation: Approve the warrant register.

- C. Consider Exoneration of Surety Bonds for Sharma General Engineering Contractors (Industrial Planned Development No. 2001-01). Staff Recommendation: Authorize the City Clerk to fully exonerate Grading and Improvements Bond No. 6278954 and Public Improvements Performance and Payment Bond No. 6278955 for Sharma General Engineering Contractors, Inc.
- D. Consider the Release of Cash Deposit for Don Kelber c/o Coldwell Banker, 147551 Reedley Street. Staff Recommendation: Authorize the City Clerk to release the cash deposit surety for Don Kelber
- E. Consider Change to Purchase Order from Creative Bus Sales to El Dorado National for Three Compressed Natural Gas (CNG) Transit Buses. Staff Recommendation: Rescind Purchase Order Number 09000003 to Creative Bus Sales and authorize the City Manager to issue a new purchase order to El Dorado National for the purchase of three CNG buses in an amount not to exceed \$1,200,000.
- F. Consider Resolution Amending Fiscal Year 2009/10 Budget by Appropriate Moorpark Redevelopment Agency 2001 Tax Allocation Bond Proceeds to Fund the High Street Streetscape Design. Staff Recommendation: Adopt Resolution No. 2009-2866. ROLL CALL VOTE REQUIRED
- H. Consider Request from Gold Coast Officials Association to Waive Facility and Park Rental Fees for an Amateur Softball Association National Umpire School. Staff Recommendation: Approve the request from the Gold Coast Officials Association to waive ball field rental fees associated with the National Umpire School, subject to direct cost reimbursement, and charge facility rental fees in accordance with the City's facility fees resolution for use of the Sycamore room, as outlined in the agenda report.
- I. Consider Conejo Valley YMCA Request to Use the Apricot Room for Youth Government Event. Staff Recommendation: Approve the co-sponsorship of the Conejo Valley YMCA Youth and Government Event on November 19, 2009.
- J. Consider Rejection of Claim from: Laurie Hayes. Staff Recommendation: Reject the claim and direct staff to send a standard rejection letter to the claimant.

The following item was pulled for individual consideration.

- G. Consider Status Update of Pardee Homes Proposed Residential Development of Vacant School Site in the Moorpark Highlands Specific Plan, Located at the Southeast Corner of Ridgecrest Drive and Elk Run Loop. Staff Recommendation: Receive and file report.

In response to Councilmember Millhouse, Mr. Kueny stated staff is meeting with the City's financial consultants to discuss options for the Mello Roos fees and will be reporting back to Council via an In Box communication.

CONSENSUS: It was the consensus of the Council to receive and file the report.

11. ORDINANCES: (ROLL CALL VOTE REQUIRED)

None.

12. CLOSED SESSION:

None was held.

13. ADJOURNMENT:

Mayor Parvin adjourned the meeting at 9:47 p.m.

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Janice S. Parvin, Mayor

ATTEST:

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Maureen Benson, Assistant City Clerk