

## **ITEM 10.B.**

### MINUTES OF THE CITY COUNCIL

Moorpark, California

November 4, 2009

A Regular Meeting of the City Council of the City of Moorpark was held on November 4, 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 7:23 p.m.

2. PLEDGE OF ALLEGIANCE:

Bernardo Perez, former Councilmember, led the Pledge of Allegiance.

3. ROLL CALL:

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

Absent: Councilmember Millhouse.

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, 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:

Jaycee and MariAnn Sterling, Moorpark business owners at 17 West High Street requested assistance with the application process for signage for their business. Mayor Parvin stated they could work with David Bobardt, Planning Director.

6. REORDERING OF, AND ADDITIONS TO, THE AGENDA:

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

7. ANNOUNCEMENTS, FUTURE AGENDA ITEMS, AND REPORTS ON MEETINGS/CONFERENCES ATTENDED BY COUNCILMEMBERS AND MAYOR:

Councilmember Van Dam relayed a message to staff from a local resident who complimented the accommodating service provided by bus driver, Luz Gomez, on the City's transit system.

Mayor Parvin announced November is Early Literacy Month. Celebrate at the Moorpark City Library every Thursday morning at 10:30 during Storytime.

Mayor Parvin announced Moorpark Tweens and Teens are invited to "Game" at the Moorpark City Library. To celebrate National Gaming Day, the Library will have gaming afternoon on November 14th. On Monday, November 16th, drop in at the Library for "Board Game Afternoon" for grades three through twelve.

Mayor Parvin announced the Moorpark City Library is proud to present the first Teen Drawing Contest. Visit the Library for official rules and contest information. Deadline to submit an entry is November 20th.

Mayor Parvin announced the City of Moorpark has partnered with the "Do It Center" store on Los Angeles Avenue as an authorized collection location for used household batteries and compact fluorescent lights, not fluorescent tube lights. The Do It Center is the only location that accepts CFLs which contain hazardous material. Please call the City for more information on City recycling and solid waste programs including proper disposal of various materials.

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 introduced Ventura County Grand Jurors in the audience, Robert Peskay and Alec Pringle.

Mayor Parvin announced she had delivered the State of the City Address to the Rotary Club on October 30th.

Mayor Parvin announced she and Councilmember Mikos attended the public meeting held on November 2nd, to review the FEMA flood maps with representatives from the City, FEMA, and the Ventura County Watershed Protection District.

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. (continued open public hearing from 10/07/09) Staff Recommendation: 1) Continue to 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 special conditions to be added to the project.

A discussion followed among the Councilmembers and staff focusing on: 1) Effectiveness of the sound wall; 2) Relocation of the canopy; 3) Improvements to Princeton Avenue resulting in decreased number of accidents; and 4) Description of the additional sites considered.

Mayor Parvin stated the public hearing remains open.

James Clark, President of J.E. Clark II Corporation, owner of the fueling station on High Street, provided a summary of his personal and business history.

Ned Clark, CEO of J.E. Clark II Corporation, discussed the future of the company and described the positive attributes of the proposed Princeton Avenue location along with the equipment to be installed.

In response to Rebecca Rodriguez, a Moorpark resident, Mr. Kueny stated a by-pass is proposed to extend north from Los Angeles Avenue at the west end of the City, extending under the railroad tracks then east north of Casey Road to connect, initially, to Spring Road. He stated this will not be a truck by-pass. Ms. Rodriguez spoke in opposition to the project location due to increased truck traffic.

Pete Lopez, a Moorpark resident, spoke in opposition to locating a fueling station adjacent to residential.

Lillian Rodriguez, a Moorpark resident, spoke in opposition to the location of the fueling station citing environmental impacts of diesel fumes in the air.

John Aguirre, a Moorpark resident, spoke in opposition to the potential for increased traffic created by the location of the fueling station and provided photos of past vehicular accidents along Princeton Avenue and the impacts of increased traffic to the residential area.

Tina Arredondo, a Moorpark resident, spoke in opposition to the project citing decrease in property value, increase in truck traffic, fumes from diesel fuel; and potential flooding of the project site.

Sharon Noel, a Moorpark resident, spoke in opposition to a fueling station for the proposed site and suggested a different proposal such as a nursery would better suit the area. She recommended the alternative of the Caltrans site.

Mayor Parvin closed the public hearing.

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

Jennifer Romero, a Moorpark resident spoke in opposition to the proposal site and requested additional sites be considered.

A discussion followed among the Councilmembers and staff focusing on: 1) Viability of vacant site east of Pentair Pool Products and the Vulcan Materials site; 2) Flood plain status of the proposed site; 3) Need for improvements on Princeton Avenue; and 4) Balancing the private and public process.

AT THIS POINT in the meeting the Council recessed at 9:13 p.m. and reconvened the Council meeting at 9:23 p.m.

**MOTION:** Councilmember Van Dam moved and Mayor Parvin seconded a motion to take this item off the calendar and to direct staff to continue to look for alternate locations.

Councilmember Mikos suggested an amendment to the motion to deny the request without prejudice to allow the applicant more flexibility to apply again in the future.

**AMENDMENT TO PRIOR MOTION:** Councilmember Van Dam moved to amend his prior motion and Mayor Parvin seconded the amended motion to deny the item without prejudice; and to direct staff to look for a new location for the fueling station. The amended motion carried by voice vote 4-0, Councilmember Millhouse absent.

- B. Consider Final Engineer's Report for Assessment District AD09-01 (Warehouse District Center – CPD 2004-03) and Resolution Confirming the Assessment Amounts for Fiscal Year 2010/11. Staff Recommendation: 1) Open the public hearing, accept public testimony, and close the public hearing; 2) Approve the Engineer's Report for AD09-01 for FY 2010/11, with no changes from the report approved by City Council Resolution No. 2009-2854; and 3) Adopt Resolution No. 2009-2867.

Mr. Lall gave the staff report.

There were no speakers.

MOTION: Councilmember Mikos moved and Councilmember Pollock seconded a motion to: 1) Approve the Engineer's Report for AD09-01 for Fiscal Year 2010/11, with no changes from the report approved by City Council Resolution No. 2009-2854; and 2) Adopt Resolution No. 2009-2867. The motion carried by voice vote 4-0, Councilmember Millhouse absent.

9. PRESENTATION/ACTION/DISCUSSION:

- A. Consider Amendment Agreement with Direct AV, Inc. for Additional Security Cameras at Poindexter Park; Consider Agreement with Coleman-Pacific, Inc. for Installation of Two Security Camera Poles; and Consider Resolution Amending the Fiscal Year 2009/10 Budget to Fund Additional Security Cameras and Poles at Poindexter Park. Staff Recommendation: 1) Approve Phase II, Scenario 3, as described in the agenda report; 2) Adopt Resolution No. 2009-\_\_\_\_, amending the FY 2009/10 Budget; 3) Authorize the City Manager to sign a change order with Direct A/V, Inc. for security camera services, including the installation of four security cameras, in an amount not to exceed \$40,426; 4) Authorize the City Manager to sign an agreement with Coleman-Pacific, Inc. for the installation of two security camera poles and associated electrical work, in an amount not to exceed \$16,500, subject to final language approval by the City Manager and City Attorney. ROLL CALL VOTE REQUIRED

Mr. Kroes gave the staff report.

There were no speakers.

A discussion followed among the Councilmembers and staff concerning: 1) Clarity of video for identification purposes; 2) Adequate lighting for improved quality of video; and 3) Capacity for zoom feature.

CONSENSUS: It was the consensus of the Council to continue this item to December 2, 2009, to allow staff time to research adequate security lighting for optimum video quality; and to allow Councilmembers to view the quality of videos taken by the security cameras at the Metrolink station.

10. CONSENT CALENDAR: (ROLL CALL VOTE REQUIRED)

MOTION: Councilmember Van Dam moved and Councilmember Pollock seconded a motion to approve the Consent Calendar, with the exception of Item 10.A, which was pulled for individual consideration. The motion carried by roll call vote 4-0, Councilmember Millhouse absent.

- B. Consider Warrant Register for Fiscal Year 2009-2010 – November 4, 2009. Staff Recommendation: Approve the warrant register.
- C. Consider Repayment from Library Fund to General Fund for the Library Feasibility Study and Resolution Amending Fiscal Year 2009/10 Budget. Staff Recommendation: Adopt Resolution No. 2009-2868. ROLL CALL VOTE REQUIRED
- D. Consider Resolution Amending the Fiscal Year 2009/10 Budget and Authorizing the Transfer of Gas Tax and General Funds to Cover Fiscal Year 2008/09 Year-End Deficits in Certain Funds for the City's Landscaping and Lighting Assessment Districts. Staff Recommendation: Adopt Resolution No. 2009-2869. ROLL CALL VOTE REQUIRED
- E. Consider Resolution Amending the Fiscal Year 2009/10 Budget to Allocate Additional Funds for Campus Park Parkway Planting. Staff Recommendation: Adopt Resolution No. 2009-2870, to appropriate \$2,500 to fund the project. ROLL CALL VOTE REQUIRED
- F. Consider Resolution Authorizing the Destruction of Finance Department Records. Staff Recommendation: Adopt Resolution No. 2009-2871.

The following item was pulled for individual consideration.

- A. Consider Minutes of Regular Meeting of October 21, 2009. Staff Recommendation: Approve the minutes.

Councilmember Mikos requested with Councilmember Pollock's concurrence that the minutes be amended for the motion on stamped page 91 to specify Ventura County Supervisors from Districts 2 and 4.

**MOTION:** Councilmember Pollock moved and Councilmember Mikos seconded a motion to approve the minutes of the regular meeting of October 21, 2009, as amended for the motion for Item 9.B. to specify Ventura County Supervisors from Districts 2 and 4 be invited to join the joint agency ad hoc committee for strengthening the Tierra Rejada Greenbelt Agreement. The motion carried by voice vote 4-0, Councilmember Millhouse absent.

11. ORDINANCES: (ROLL CALL VOTE REQUIRED)

None.

12. CLOSED SESSION:

Mr. Kueny requested the City Council go into closed session for discussion of one cases under Item 12.A, two cases under Item 12.B, and Item 12.E. on the agenda.

**CONSENSUS:** It was the consensus of the Council to adjourn to closed session for a discussion of one case under Item 12.A, two cases under Item 12.B, and Item 12.E. on the agenda. The time was 9:57 p.m.

- A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION  
Significant exposure to litigation pursuant to Subdivision (b) of Section 54956.9 of the Government Code: (Number of cases to be discussed - 4)
- 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)
- 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; Finance Director; Parks and Recreation Director; and Planning Director

Mr. Montes clarified that there were no cases under Item 12.A. and three cases under item 12.B.

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

The Council reconvened into open session at 10:46 p.m. Mr. Kueny stated the one case under Item 12.A. was not discussed, three cases under Item 12.B. and Item 12.E. were discussed and there was no action to report.

13. ADJOURNMENT:

Mayor Parvin adjourned the meeting at 10:46 p.m.

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Janice S. Parvin, Mayor

ATTEST:

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Maureen Benson, Assistant City Clerk