

ITEM 10.A.

MINUTES OF THE CITY COUNCIL

Moorpark, California

December 16, 2009

A Regular Meeting of the City Council of the City of Moorpark was held on December 16, 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:

Ron Ahlers, Finance 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; Captain Ron Nelson, Sheriff's Department; Deborah Traffenstedt, Administrative Services Director/City Clerk; and Maureen Benson, Assistant City Clerk.

4. PROCLAMATIONS AND COMMENDATIONS:

A. Nomination and Selection of Mayor Pro Tempore. (continued from adjourned meeting of December 2, 2009)

MOTION: Mayor Pro Tempore Van Dam moved and Councilmember Millhouse seconded a motion to nominate Councilmember Mikos to serve as Mayor Pro Tempore. The motion carried by unanimous voice vote.

B. Proclamation Declaring January as School Board Recognition Month.

Mayor Parvin presented Councilmember Pollock, Senior Director of the California School Boards Association with a proclamation declaring January as School Board Recognition Month.

C. Consider Presentation of a Transportation in Excellence Award to the City of Moorpark for the Highway 23 Widening Project by Ravi Ghate, Project Manager, of the California Department of Transportation (Caltrans).

Mayor Parvin accepted a Transportation in Excellence Award to the City of Moorpark for the Highway 23 Widening Project from Ravi Ghate, Project Manager of the California Department of Transportation.

5. PUBLIC COMMENT:

Jaycee Sterling, a Moorpark business owner at 17 West High Street, acknowledged the passing of a local business woman, Kathie Amador, owner of the Moorpark Florist on High Street. He then stated he is having trouble with the City's sign application process and agreed to meet with staff to discuss his application.

AT THIS POINT in the meeting, the City Council recessed to convene a meeting of the Moorpark Redevelopment Agency. The time was 7:32 p.m. The City Council meeting reconvened at 8:05 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 and Councilmember Van Dam had attended the highly successful Metrolink Holiday Train event on Sunday, December 12th.

Councilmember Mikos announced two weeks ago she had attended the Ventura County Collaborative Executive Committee meeting.

Councilmember Mikos announced she had attended the Channel Counties Division of the League of California Cities December 11 meeting with Mayor Parvin.

Councilmember Mikos announced she and Mayor Parvin had attended a FEMA flood map meeting at the Villa del Arroyo Mobile Home Park where City staff answered questions and explained, for those affected by the new flood maps, the importance of purchasing flood insurance prior to the January 20th deadline for rates to increase.

Councilmember Mikos announced this is the final weekend performance of the "Best Christmas Pageant Ever" at the High Street Arts Center.

Councilmember Van Dam announced the Moorpark High School Band is still selling fresh Christmas trees on Los Angeles Avenue.

Councilmember Van Dam congratulated the Moorpark High School football team on a great season.

Councilmember Van Dam thanked staff for their efforts in making the Holiday Metrolink Train event such a success.

Councilmember Pollock remarked on the two recent losses to the Moorpark community of Ruben Castro and Kathie Amador.

Mayor Parvin announced she had attended the December 11 League of California Cities meeting.

Mayor Parvin announced the Community Emergency Response Team (CERT) program is all-risk, all-hazard, emergency preparedness training. In CERT, attendees learn a positive and realistic approach to emergency and disaster situations where citizens may initially be on their own. For those interested in CERT training, the next class will be Tuesday evenings January 26 – March 2, 2010, from 7:00 p.m. – 9:30 p.m., with a Disaster Simulation Drill Saturday, March 6.

Mayor Parvin encouraged citizens to contact Yugal Lall, City Engineer/Public Works Director or the Federal Emergency Management Administration if they have any questions regarding the new Flood Maps as it is vitally important to purchase flood insurance, if needed, before the January deadline for the increase in rates.

Mayor Parvin announced Ventura County Animal Regulation has changed the Camarillo Shelter hours to offer better access for the public. The Shelter is now closed on Tuesdays, but is open on Sundays from 9:00 a.m. – 4:00 p.m. for animal lovers who need to license their current pets or would like to adopt a pet. The shelter is experiencing a large volume increase in the number of dogs and cats and hopes you will consider adopting a pet this holiday season to bring joy into your home.

Mayor Parvin announced during hard economic times, pets need to eat too. Through the generous support of PETCO, local food stores, and many individuals, the Camarillo Shelter has opened a Pet Pantry offering dry and canned dog and cat food to members of the public who need assistance. The Pantry is open Sunday mornings from 10:00 – noon or until food runs out.

Mayor Parvin announced the Moorpark City Library will keep youth and teens entertained through winter break. Visit the Library to play video and board games; turn your old jeans into a chic Jean Pocket purse; or learn Video Game Development 101 basics.

Mayor Parvin announced Solid Waste service may be delayed a day during the weeks of Christmas, and New Year. Moorpark residents whose trash service day falls on the Friday holiday will have their containers picked up on Saturday.

Mayor Parvin announced "Treecycle" your Christmas Tree – just place the tree at your curb on service day between December 25 and January 9 and your hauler will recycle your tree. Treecycle bins are also available on Moorpark Avenue just south of LA Avenue and on Marquette just north of Campus Park for residents who wish to drop off their tree for recycling.

8. PUBLIC HEARINGS:

- A. Consider Resolution Revising Approval of Sale of Property Owned by the Redevelopment Agency of the City of Moorpark, Located at 192 High Street, to Aszkenazy Development, Inc. (continued from adjourned meeting of December 2, 2009) Staff Recommendation: 1) Open the public hearing, accept public testimony, and close the public hearing; and 2) Adopt Resolution No. 2009-2880, revising the approval of the sale of property between the Agency and Developer, subject to Disposition and Development Agreement approval by the Agency, and rescinding Resolution No. 2007-2661 and Resolution No. 2008-2692.

Mr. Moe gave the staff report.

Mayor Parvin opened the public hearing.

Ken Simons, a Moorpark resident spoke in favor of the project as a community gathering place.

Mayor Parvin closed the public hearing.

MOTION: Councilmember Mikos moved and Councilmember Van Dam seconded a motion to adopt Resolution No. 2009-2880, revising the approval of the sale of property between the Agency and Developer, subject to Disposition and Development Agreement approval by the Agency, and rescinding Resolution No. 2007-2661 and Resolution No. 2008-2692. The motion carried by unanimous roll call vote.

- B. Consider Modification No. 1 to Residential Planned Development (RPD) No. 1998-01, a Request to Relocate the Required Recreation Center from Vesting Tentative Tract Map No. 5425 to Tract Map No. 5133, Located on the South Side of Los Angeles Avenue at Millard Street, on the Application of Shea Homes, Inc. Staff Recommendation: 1) Open the public hearing, accept public testimony, and close the public hearing; and 2) Adopt Resolution No. 2009-____, approving Modification No. 1 to RPD No. 1998-01, subject to conditions of approval.

Mr. Bobardt deferred the staff report and recommended the public hearing be opened and continued to January 20, 2010, as the applicant has requested a continuance to January.

Mayor Parvin opened the public hearing.

There were no speakers.

MOTION: Councilmember Millhouse moved and Councilmember Pollock seconded a motion to continue the open public hearing to the regular meeting of January 20, 2010. The motion carried by unanimous voice vote.

9. PRESENTATION/ACTION/DISCUSSION:

- A. Consider Glenwood Park Restroom Options and Execute Agreements with Martinez Architects, Inc., for Construction Document Production and Construction Observation for a 380 Square Foot Restroom Building at Glenwood Park, and PICON for Pre-Construction and Construction Coordination Services. Staff Recommendation: 1) Approve Option 2, for conventional design and construction of restrooms at Glenwood Park; 2) Authorize the City Manager to execute an agreement with Martinez Architects for the architectural design services at a cost not to exceed \$22,800, subject to 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 coordination, construction, and close-out services at a cost not to exceed \$14,400, subject to final language approval by the City Manager and City Attorney.

Mr. Kruse gave the staff report.

There were no speakers.

MOTION: Councilmember Millhouse moved and Councilmember Mikos seconded a motion to: 1) Approve Option 2, for conventional design and construction of restrooms at Glenwood Park; 2) Authorize the City Manager to execute an agreement with Martinez Architects for the architectural design services at a cost not to exceed \$22,800, subject to 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 coordination, construction, and close-out services at a cost not to exceed \$14,400, subject to final language approval by the City Manager and City Attorney. The motion carried by unanimous roll call vote.

- B. Consider an Ordinance Adding Chapter 15.23 Water Efficient Landscape Ordinance to Title 15 of the Municipal Code, Adopting by Reference the Model Water Efficient Landscape Ordinance of the State of California as Contained in the California Code of Regulations Title 23. Waters, Division

2. Department of Water Resources, Chapter 2.7. Model Water Efficient Landscape Ordinance, Sections 490 through 494. Staff Recommendation: 1) Introduce Ordinance No. 383 for first reading, waive full reading, and direct staff to schedule a public hearing and second reading for January 6, 2010; and 2) Direct staff to return with a resolution updating the City's Landscape Design Standards and Guidelines.

Mr. Bobardt gave the staff report.

CONSENSUS: In response to Councilmember Mikos, Mr. Kueny stated rather than a future agenda item or box item to Council, the development of an educational process for homeowners' associations and other individuals on how to conserve water would be better referred to the Community and Economic Development Committee along with attendance by a Waterworks District employee; and for staff to look at ways the City can play a role when reviewing plans, and to consider amending landscaping conditions to promote water conservation for existing homeowners' associations, free of charge.

There were no speakers.

Mr. Montes read the title of Ordinance No. 383.

MOTION: Councilmember Mikos moved and Councilmember Millhouse seconded a motion to: 1) Waive further reading, declare Ordinance No. 383 read for the first time, and scheduled a public hearing for second reading for January 6, 2010; and 2) Directed staff to return with a resolution updating the City's Landscape Design Standards and Guidelines. The motion carried by unanimous voice vote.

- C. Consider Award of Consultant Agreement to AECOM Technical Services, Inc. for Final Project Design Plans, Specifications and Cost Estimates (PSE) for Widening of Los Angeles Avenue between Moorpark Avenue and Approximately 426 Feet East of Spring Road and Consider Amendment to Hamner, Jewell and Associates Consultant Agreement for Property Acquisition and Relocation Assistance Services. Staff Recommendation: 1) Authorize the City Manager to sign a Consultant Agreement with AECOM, subject to final language approval by the City Manager and City Attorney for an amount not to exceed \$65,458; and 2) Authorize the City Manager to amend Hamner, Jewell and Associates' existing agreement for Real Property Services to include the Los Angeles Avenue Widening Project as specified in the agenda report, subject to final language approval by the City Manager and City Attorney for an amount not to exceed \$140,000.

Mr. Lall gave the staff report.

There were no speakers.

MOTION: Councilmember Millhouse moved and Councilmember Pollock seconded a motion to: 1) Authorize the City Manager to sign a Consultant Agreement with AECOM, subject to final language approval by the City Manager and City Attorney for an amount not to exceed \$65,458; and 2) Authorize the City Manager to amend Hamner, Jewell and Associates' existing agreement for Real Property Services to include the Los Angeles Avenue Widening Project as specified in the agenda report, subject to final language approval by the City Manager and City Attorney for an amount not to exceed \$140,000. The motion carried by unanimous voice vote.

10. CONSENT CALENDAR: (ROLL CALL VOTE REQUIRED)

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

- A. Consider Minutes of Special Joint Meeting with Parks & Recreation Commission of April 29, 2009. (continued from adjourned meeting of December 2, 2009) Staff Recommendation: Approve the minutes.
- B. Consider Minutes of Regular Meeting of November 18, 2009. (continued from adjourned meeting of December 2, 2009) Staff Recommendation: Approve the minutes.
- C. Consider Warrant Register for Fiscal Year 2009-2010 – December 2, 2009. (continued from adjourned meeting of December 2, 2009) Staff Recommendation: Approve the warrant register.
- D. Consider Warrant Register for Fiscal Year 2009-2010 – December 16, 2009. Staff Recommendation: Approve the warrant register.
- E. Consider Status Report on Poindexter Park Security Camera System. (continued from November 4, 2009). (continued from adjourned meeting of December 2, 2009) Staff Recommendation: Receive and file report.
- F. Consider the Report Titled “Accounting of Fund Information as Required by Section 66006 of the California Government Code for Fiscal Year 2008/09”. (continued from adjourned meeting of December 2, 2009) Staff Recommendation: Receive and file report.
- G. Consider Amendment to Cost Sharing Memorandum of Agreement (MOA) for the Calleguas Creek Total Maximum Daily Load Monitoring and Implementation Program. (continued from adjourned meeting of December 2, 2009) Staff Recommendation: Authorize the Mayor to sign the First Amended and Restated MOA.

- H. Consider Approval of Additional Administrative Leave. (continued from adjourned meeting of December 2, 2009) Staff Recommendation: Approve additional administrative leave for those positions as specified in the agenda report. (Staff: Steven Kueny)
- I. Consider Resolution Supporting the Local Taxpayer, Public Safety and Transportation Protection Act of 2010. Staff Recommendation: 1) Adopt Resolution No. 2009-2881 and 2) Direct staff to forward copies of this resolution to the League of California cities and the campaign offices.
- J. Consider Third Amendment to Implementation Agreement for Countywide Stormwater Program. Staff Recommendation: 1) Authorize the Mayor to sign the Amendment, subject to final language approval by the City Manager and City Attorney.
- K. Consider Release of Surety (Cash Deposit Performance Bond) for Toll Brothers Inc. (Moorpark Country Club Golf Course - CUP 1994-01). Staff Recommendation: Authorize the City Clerk to release the cash deposit performance bond as referenced in the agenda report for Toll Brothers, Inc.
- L. Consider Postponing Planned Workshop for Review of Proposed Revisions to the Campus Master Plan for New Civic Center and City Hall Scheduled for the Regular City Council Meeting of January 20, 2010. Staff Recommendation: Remove the agenda item for the Civic Center project from the January 20, 2010, regularly scheduled meeting and direct staff to schedule other items for that meeting.
- M. 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 Poindexter Park Expansion 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 and all required close-out documents, on the part of the contractor, or 55 days after Notice of Completion records, which ever 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.
- N. Consider Resolution Amending Personnel Rules and Regulations for the Positions in the Competitive Service and Rescinding Resolution No. 2005-2353. Staff Recommendation: Adopt Resolution No. 2009-2882, rescinding Resolution No. 2005-2353.

11. ORDINANCES: (ROLL CALL VOTE REQUIRED)

None.

12. CLOSED SESSION:

None was held.

13. ADJOURNMENT:

Mayor Parvin adjourned the meeting at 8:40 p.m. in memory of Ruben Castro.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, Assistant City Clerk