

MINUTES OF THE CITY COUNCIL

Moorpark, California

May 19, 2010

A Regular Meeting of the City Council of the City of Moorpark was held on May 19, 2010, 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 7:08 p.m.

2. PLEDGE OF ALLEGIANCE:

David Bobardt, Community Development Director, led the Pledge of Allegiance.

3. ROLL CALL:

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

Absent: Councilmember Mikos

Staff Present: Steven Kueny, City Manager; Joseph Montes, City Attorney; Hugh Riley, Assistant City Manager; Yugal Lall, City Engineer/Public Works Director; David Bobardt, Community Development Director; Ron Ahlers, Finance Director; Tom Kruse, Parks and Recreation Director; Joseph Fiss, Senior Management Analyst; Jeremy Laurentowski, Landscape/Parks Maintenance Superintendent; Captain Ron Nelson, Sheriff's Department; Deborah Traffenstedt, Administrative Services Director/City Clerk; and Maureen Benson, Assistant City Clerk.

4. PROCLAMATIONS AND COMMENDATIONS:

A. Gift to the City from Moorpark Girls Softball Team, "The Cuties".

Mayor Parvin, on behalf of the City, accepted a gift from the Renteria family and the Moorpark Girls Softball Team, of an American flag from U.S. Army Lieutenant Colonel Jorge Renteria currently serving in Afghanistan.

B. Recognition of Mormon Helping Hands Volunteer Organization.

Mayor Parvin presented Craig Nielsen of the Moorpark Mormon Helping Hands Volunteer Organization with a Certificate of Recognition.

C. Recognition of Outgoing Teen Council Members.

Mayor Parvin and Martha Duenas, Recreation Coordinator, III, presented outgoing Teen Council members Jasmin Alexander, Alyssa Dersahagian, Katherine O'Tousa, Tyler Peterson, and Trevor Sherman with certificates of recognition for their service in 2009-10.

5. PUBLIC COMMENT:

Wendy Molloy, Moorpark Arts Commissioner, announced the Arts Commission will have a booth set up at the 3rd of July event and reported on her membership in the Americans for Arts.

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 7:25 p.m.

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

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

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

Councilmember Van Dam announced the annual Kiwanis fundraiser "Wine and Moonlight", which supports local youth and music programs in Moorpark, will be held at the Secret Garden on High Street on May 23rd.

Councilmember Van Dam announced he had attended the Veterans' Barbecue this past weekend at Poindexter Park. While there, he observed the Skate Park, was in full use and spoke with residents who love the park.

Councilmember Van Dam announced the Battle of the Bands Finale will be held at the High Street Arts Center on June 18th and for more information contact Arroyo Vista Recreation Center.

Councilmember Pollock announced he had spent the day with Dr. Scott Barlow, Principal of the County special education programs in Moorpark, which serve children who have special physical, emotional, or intellectual needs. He complimented the local businesses which support these programs.

Mayor Parvin announced on June 3rd the Moorpark Rotary Clubs and the Moorpark Chamber of Commerce are sponsoring the Moorpark Rotary Invitational Golf Tournament at the Moorpark Country Club.

Mayor Parvin announced the High Street Arts Center is presenting "Driving Miss Daisy" through June 13th on Friday and Saturday evenings at 8:00 p.m. and on Sundays at 2:00 p.m.

Mayor Parvin announced the Moorpark Chamber of Commerce is holding their Annual Community Awards Luncheon on May 27th at the Moorpark Country Club.

8. PUBLIC HEARINGS:

- A. Consider an Interim Ordinance of the City of Moorpark, California, Extending a 45-day Moratorium on New Massage Establishments within the City of Moorpark as Initiated by Ordinance No. 385, by 10 months and 15 days, to April 20, 2011 and Issuing a Report on the Measures Taken to Alleviate the Conditions which Led the City to Enact Ordinance No. 385 on April 21, 2010 (10-Day Report). Staff Recommendation: 1) Open the public hearing, accept public testimony, and close the public hearing; 2) Adopt Interim Ordinance No. 387 ROLL CALL VOTE REQUIRED - 4/5ths AFFIRMATIVE; and 3) Issue report on the measures taken to alleviate the conditions which led the City to enact Ordinance No. 385 on April 21, 2010 (10-Day Report) and direct staff to post on the City's website and make copies available at the City Hall public counter.

Mr. Fiss gave the staff report.

Mayor Parvin opened the public hearing.

There were no speakers.

Mayor Parvin closed the public hearing.

Mr. Montes read the title of Ordinance No. 387.

MOTION: Councilmember Millhouse moved and Councilmember Van Dam seconded a motion to 1) Adopt Interim Ordinance No. 387; and 2) Issue report on the measures taken to alleviate the conditions which led the City to enact Ordinance No. 385 on April 21, 2010 (10-Day Report) and direct staff to post on the City's website and make copies available at the City Hall public counter. The motion carried by roll call vote. 4-0, Councilmember Mikos absent.

9. PRESENTATION/ACTION/DISCUSSION:

- A. Consider College View Dog Park Proposed Design Plan, Amenities, and Budget. Staff Recommendation: 1) Approve the proposed design plan and amenities; and 2) Approve the budget and use of funds from the Park Improvement Zone 2 Fund.

Mr. Laurentowski gave the staff report.

There were no speakers.

The following attributes of decomposed granite surface material were discussed by the Councilmembers and staff: 1) Sanitary nature; 2) Good drainage; and 3) Meets Americans with Disabilities Act (ADA) requirements making the park more accessible.

MOTION: Councilmember Pollock moved and Mayor Parvin seconded a motion to: 1) Approve the use of decomposed granite for the surface material; 2) Approve the proposed design plan and amenities; and 3) Approve the budget and use of funds from the Park Improvement Zone 2 Fund. The motion carried by voice vote 4-0, Councilmember Mikos absent.

- B. Consider Construction Plans and Specifications and Authorizing Staff to Obtain Construction Bids for the Ruben Castro Human Services Center Project. Staff Recommendation: Approve the plans and specifications for the subject project and authorize staff to advertise for construction bids upon receipt of signed Memorandums of Understanding from the County of Ventura and other project tenants

Mr. Riley gave the staff report.

There were no speakers.

Mr. Kueny clarified the motion should contain verbiage to the effect that prior to going out for bids the Memorandums of Understanding must be signed by the City Manager and are subject to final language approval by the City Manager and City Attorney.

MOTION: Councilmember Millhouse moved and Councilmember Van Dam seconded a motion to: 1) Approve the plans and specifications for the subject project; 2) Authorize the City Manager to sign the Memorandums of Understanding from the County of Ventura and other project tenants, subject to final language approval of the City Manager and City Attorney; and 3) Authorize staff to advertise for construction bids upon receipt of signed Memorandums of Understanding. The motion carried by voice vote 4-0, Councilmember Mikos absent.

- C. Consider Ordinance Adding Chapter 8.64, Fireworks Prohibited, to Title 8, Health and Safety, of the Moorpark Municipal Code. Staff Recommendation: Introduce Ordinance No. 388 for first reading, waive full reading, and schedule second reading and adoption for June 2, 2010.

Ms. Benson gave the staff report.

There were no speakers.

Mr. Montes read the title of Ordinance No. 388.

MOTION: Councilmember Pollock moved and Councilmember Van Dam seconded a motion to waive full reading, declare Ordinance No. 388 read for the first time, and schedule second reading and adoption for June 2, 2010. The motion carried by voice vote 4-0, Councilmember Mikos absent.

- D. Consider Proposed Operating and Capital Improvement Budget for Fiscal Year 2010/2011. Staff Recommendation: Receive the budget and set a workshop for May 26, 2010 at 6:00 p.m.

Mr. Kueny gave the staff report.

There were no speakers.

A discussion among the Councilmembers determined Thursday, May 27, 2010 at 6:00 p.m. would be the best time for the workshop.

CONSENSUS: It was the consensus of the Council to receive the budget and to set a workshop for Thursday, May 27, 2010 at 6:00 p.m.

- E. Consider Mission Statement, Priorities, Goals and Objectives for Fiscal Year 2010/2011 Staff Recommendation: Consider the Priorities, Goals and Objectives at the proposed budget workshop of May 26, 2010.

Mr. Kueny gave the staff report.

There were no speakers.

A discussion among the Councilmembers and staff determined to agendaize consideration of this item for the workshop on May 27th and if time does not allow for completion, to continue the discussion to the next regular meeting.

CONSENSUS: It was the consensus of the Council to consider the Priorities, Goals and Objectives at the workshop scheduled for Thursday, May 27, 2010 at 6:00 p.m.

10. CONSENT CALENDAR: (ROLL CALL VOTE REQUIRED)

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

- A. Consider Minutes of Regular Meeting of May 5, 2010. Staff Recommendation: Approve the minutes.
- B. Consider Warrant Register for Fiscal Year 2009-2010 – May 19, 2010. Staff Recommendation: Approve the warrant register.
- C. Consider Acceptance of Fee Title and Recording of Grant Deed to 609 Fitch Avenue (APN 512-0-171-245) from the Redevelopment Agency of the City of Moorpark. Staff Recommendation: Authorize acceptance of fee title to Parcel D of the property at 609 Fitch Avenue (APN 512-0-171-245) and direct the City Clerk to execute a Certificate of Acceptance on behalf of the City and record the deed.
- D. Consider the Scheduling of Hearings for the Development Agreement with Pardee Homes on Planning Area No. 7 (School Site) in the Moorpark Highlands Specific Plan Area. Staff Recommendation: Direct staff to set and advertise public hearings before the Planning Commission and City Council for consideration of the development agreement, concurrent with other related entitlements.
- E. Consider Release of Surety (Cash Deposit Performance Bond) for Toll Brothers Inc., (Moorpark Country Club Estates - RPD 1994-01, VTM 4928). Staff Recommendation: Authorize the City Clerk to release the cash deposit performance bond in the amount of \$10,000.
- F. Consider Exoneration of Cash Bond for Schaub Construction, Inc. at 6151 Gabbert Road. Staff Recommendation: Authorize the City Clerk to fully exonerate Grading and on-site Improvements Cash Bond in the amount of \$15,000.00.
- G. Consider Resolution Approving the Engineer's Report for Assessment District AD10-01 (Tuscany Partners – CPD 2005-02) for Fiscal Year 2010/11 and Providing Notice of Public Hearing on June 2, 2010. Staff Recommendation: Adopt Resolution No. 2010-2907.
- H. Consider Resolution Approving the Engineer's Report for Assessment District AD10-02 (HFR Investment I, LLC – CPD 2005-03) for Fiscal Year 2010/11 and Providing Notice of Public Hearing on June 2, 2010. Staff Recommendation: Adopt Resolution No. 2010-2908.

The following item was pulled for individual consideration.

- I. Consider Resolution Authorizing the Amendment and Restatement of Its Existing Deferred Compensation Plan for Part-Time, Seasonal, and Temporary Employees (457 PST Plan): Terminating the City's Relationship with Nationwide Retirement Solutions, Inc. for Administrative and Investment Services; Appointing Public Agency Retirement Services

(PARS) as Trust Administration and Union Bank as Trustee of the Plan; and Rescinding Resolution No. 91-821. Staff Recommendation: 1) Direct the City Manager to approve a 2.5% pay increase for current part-time employees effective May 22, 2010 to offset the employee contribution of 3.75% to the retirement plan; 2) Adopt Resolution No. 2010-2909, subject to final language approval of the City Manager, and rescinding Resolution No. 91-821; and 3) Direct staff to schedule an agenda item to consider amending Section 2.04.055 of the Municipal Code pertaining to councilmember retirement benefit. ROLL CALL VOTE REQUIRED

Councilmember Pollock stated he had this item pulled from the Consent Calendar as he intends to abstain from the vote to avoid a conflict of interest.

MOTION: Mayor Parvin moved and Councilmember Millhouse seconded a motion to: 1) Direct the City Manager to approve a 2.5% pay increase for current part-time employees effective May 22, 2010 to offset the employee contribution of 3.75% to the retirement plan; 2) Adopt Resolution No. 2010-2909, subject to final language approval of the City Manager, and rescinding Resolution No. 91-821; and 3) Direct staff to schedule an agenda item to consider amending Section 2.04.055 of the Municipal Code pertaining to councilmember retirement benefit. The motion carried by roll call vote 3-0, Councilmember Pollock abstaining and Councilmember Mikos absent.

11. ORDINANCES: (ROLL CALL VOTE REQUIRED)

- A. Consider Ordinance No. 386 Adding Chapter 3.48, Payment Required Prior to Commencement of Legal Action, to Title 3, Revenue and Finance, to the Moorpark Municipal Code. Staff Recommendation: Waive full reading and declare Ordinance No. 386 read for the second time and adopted as read. ROLL CALL VOTE REQUIRED

Mr. Montes read the title of Ordinance No. 386.

MOTION: Councilmember Millhouse moved and Councilmember Van Dam a motion to waive full reading and adopt Ordinance No. 386. The motion carried by roll call vote 4-0, Councilmember Mikos absent.

12. CLOSED SESSION:

Mr. Kueny requested the City Council go into closed session for discussion of two cases under Items 12.B. and Items 12.C. and 12.D. on the agenda.

CONSENSUS: It was the consensus of the Council to adjourn to closed session for a discussion of two cases under Items 12.B. and Items 12.C. and 12.D. on the agenda. The time was 8:13 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. 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; Community Development Director; Finance Director; and Parks and Recreation Director

Present in closed session were Councilmembers Millhouse, Pollock, Van Dam, and Mayor Parvin; Steven Kueny, City Manager; Joseph Montes, City Attorney; Hugh Riley, Assistant City Manager; Ron Ahlers, Finance Director; and Deborah Traffenstedt, Administrative Services Director/City Clerk. Mr. Riley and Mr. Ahlers left the meeting at 8:30 p.m. Mr. Kueny left the meeting at 8:39 p.m. and returned at 9:13 p.m.

The Council reconvened into open session at 9:18 p.m. Mr. Kueny stated one case under Item 12.B. and Items 12. C. and 12.D. were discussed and there was no action to report.

13. ADJOURNMENT:

Mayor Parvin adjourned the meeting at 9:18 p.m.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, Assistant City Clerk