

MINUTES OF THE CITY COUNCIL

Moorpark, California

July 21, 2010

A Regular Meeting of the City Council of the City of Moorpark was held on July 21, 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 7:11 p.m.

2. PLEDGE OF ALLEGIANCE:

Zara Mohidin, a Moorpark resident, led the Pledge of Allegiance.

3. ROLL CALL:

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

Staff Present: Steven Kueny, City Manager; Hugh Riley, Assistant City Manager; Ron Ahlers, Finance Director; David Klotzle, Assistant City Engineer; Captain Ron Nelson, Sheriff's Department; Deborah Traffenstedt, Administrative Services Director/City Clerk; and Maureen Benson, Assistant City Clerk.

4. PROCLAMATIONS AND COMMENDATIONS:

A. Recognition by United Way Campaign Director, Eve Liebman, in Appreciation of City Employee Contributions.

Eve Liebman, Campaign Director for United Way, presented the City with a plaque in appreciation of City employee contributions.

5. PUBLIC COMMENT:

David Tuttle, a Meridian Hills resident, spoke about the landscape walk through he attended with staff and the developer, which took place after the lots had been transferred from the developer to the Meridian Hills Home Owners Association.

Phil Frank, a Meridian Hills resident, stated he is disappointed in the lack of resolution regarding the landscape issues and the lack of weed abatement in the Meridian Hills development.

AT THIS POINT in the meeting, the City Council recessed to convene a meeting of the Moorpark Redevelopment Agency. The time was 7:21 p.m. The City Council meeting reconvened at 7:27 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 Pollock stated last week he had attended a City Council meeting at the City of Thousand Oaks where discussion of the expansion of Los Robles Hospital was on the agenda. Before the meeting started there was a live duet performance of a number from Cinderella which is currently showing at the Cabrillo Theater. He suggested doing the same for promoting shows at the High Street Arts Center.

Councilmember Pollock reported on having accompanied City Code Enforcement staff out in the field to see the work they do and what they look for in the community.

Councilmember Mikos announced on behalf of the City Council, she had presented Monsignor Joseph Cosgrove of Holy Cross Church with a certificate in recognition of his 50 years of service as a Catholic priest.

Mayor Parvin announced the Moorpark Summer Beach Bus will be in operation Tuesdays through Thursdays until August 19th.

Mayor Parvin requested a future agenda item for February to consider the "Let's Move Campaign", which was instituted by Mrs. Obama to promote helping parents make healthy choices.

Mayor Parvin reported on having attended the League of California Cities meeting in Riverside.

Mayor Parvin reported on the success of the Latin Festival held on High Street on July 17th.

Councilmember Van Dam requested a Box Item communication updating the Council on the results of the landscape walk-through at Meridian Hills development and the potential completion dates.

8. PUBLIC HEARINGS:

None.

9. PRESENTATION/ACTION/DISCUSSION:

- A. Consider Presentations from Applicants to Fill a Vacancy on the Planning Commission. Staff Recommendation: Hear presentations from applicants and appoint one (1) Planning Commissioner to serve a term ending December 31, 2010.

Ms. Traffenstedt gave the staff report and called upon the applicants to speak in the order their names were drawn in the random drawing held just prior to the meeting.

The following applicants spoke about their interest in serving on the Planning Commission and their qualifications:

Tim Saivar
Natalie Panossian
Daniel Groff
Heidi Fischer

MOTION: Mayor Parvin nominated and Councilmember Millhouse seconded the nomination of Daniel Groff to serve on the Planning Commission to fill a vacancy for the term ending in 2010. The motion carried by unanimous voice vote.

- B. Consider Ventura County Policy for Enforcement of Weed Abatement/Set-Back Clearance in Connection with Wild Fire Hazard Protection. Staff Recommendation: Receive and file report.

Mr. Riley gave the staff report.

Ventura County Fire Protection District (VCFPD) Division Chief Keith Gurrola, described the District's fire hazard reduction program including a 10-foot break along roadways for fire equipment access; and a 100-foot clearance around structures. He stated he would return to the site in question to further study the area in light of the residents' concerns.

Jayla Haxton, a Gabbert Road resident, spoke about past fire damage and requested a more aggressive standard be applied to the vacant parcels of land adjacent to Gabbert Road.

Cindy Hollister, a Gabbert Road resident, expressed concerns about the state of the City during the coming fire season and requested landowners be required to clear their vacant properties of combustible fuel.

Sharon Noel, a Gabbert Road resident, stated it is difficult to move horses during a fire and requested whatever assistance the City can provide in making the Gabbert Road area safer.

A discussion followed among the Councilmembers and staff regarding concerns for this wild fire interface area and a request to be informed concerning any future information from the VCFPD.

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

- C. Consider Amendment No. 3 to Architectural Agreement with HMC Architects for Additional Design Fees for the Ruben Castro Human Services Center. Staff Recommendation: 1) Approve deduction in architectural fees of \$82,622.00; and 2) Approve Amendment No. 3 to Professional Services Agreement with HMC Architects to increase the amount of the agreement by \$168,762.00 from \$1,054,059.00 to \$1,222,821.00, and authorize the City Manager to execute said amendment, subject to final language approval by the City Manager and City Attorney.

Mr. Riley gave the staff report.

There were no speakers.

MOTION: Councilmember Millhouse moved and Councilmember Mikos seconded a motion to 1) Approve deduction in architectural fees of \$82,622.00; and 2) Approve Amendment No. 3 to Professional Services Agreement with HMC Architects to increase the amount of the agreement by \$168,762.00 from \$1,054,059.00 to \$1,222,821.00, and authorize the City Manager to execute said amendment, subject to final language approval by the City Manager and City Attorney. The motion carried by unanimous voice vote.

- D. Consider Voting Delegate and Alternates for League of California Cities Annual Conference – September 15-17 in San Diego. Staff Recommendation: 1) Determine the Voting Delegate and Alternates; and 2) Direct the City Clerk to notify the League of California Cities of the designated voting delegate and alternates.

Ms. Traffenstedt gave the staff report.

There were no speakers.

MOTION: Councilmember Millhouse moved and Councilmember Mikos seconded a motion to designate Mayor Parvin as Voting Delegate; and if the Mayor Pro Tempore attends along with any other Councilmember followed by staff would be designated Voting Alternates; and directed the City Clerk to notify the League of California Cities. The motion carried by unanimous voice vote.

- E. Consider Reassignment of Certain Departmental and Position Responsibilities to Several Non-Competitive Service (Management) Positions, Creation of a New Position Classification, Promotions, and

Adoption of a Revised Salary Plan Resolution. Staff Recommendation: 1) Approve reorganization and promotions as addressed in the agenda report; 2) Adopt Salary Plan Resolution No. 2010-2942; and 3) Direct staff to schedule a Classification Plan amendment agenda item for the September 1, 2010, regular meeting.

Mr. Kueny gave the staff report.

There were no speakers.

MOTION: Councilmember Pollock moved and Councilmember Mikos seconded a motion to 1) Approve reorganization and promotions as addressed in the agenda report; 2) Adopt Salary Plan Resolution No. 2010-2942; and 3) Direct staff to schedule a Classification Plan amendment agenda item for the September 1, 2010, regular meeting. The motion carried by unanimous voice vote.

10. CONSENT CALENDAR: (ROLL CALL VOTE REQUIRED)

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

- A. Consider Minutes of Regular Meeting of June 16, 2010. Staff Recommendation: Approve the minutes.
- B. Consider Warrant Register for Fiscal Year 2009-2010 – July 21 2010. Staff Recommendation: Approve the warrant register.
- C. Consider Warrant Register for Fiscal Year 2010-2011 – July 21 2010. Staff Recommendation: Approve the warrant register.
- D. Consider Authorization for Recordation of Notice of Completion for New Playground Equipment at Arroyo Vista Community Park. Staff Recommendation: Authorize the City Clerk to file the Notice of Completion for the project; authorize the release of the balance of payment, due upon satisfactory clearance, thirty-five (35) days after Notice of Completion records; and release bonds in accordance with the contract and completion of closeout contractual obligations on the part of the Contractor.
- E. Consider Professional Services Agreement with Reel Life Pictures to Provide Video Production, Operations and Maintenance Services for the City Government Access Channel MPTV 10. Approve the Agreement, subject to final language approval by the City Manager and City Attorney, and authorize City Manager to sign.

- F. Consider the Right-of-Way Dedication to the City of Moorpark from Pardee Homes, Moorpark Highlands, Tract 5045. Staff Recommendation: Accept the Grant Deed of Right-of-Way Dedication and authorize the City Clerk to sign and record an acceptance certificate for the Grant Deed and the attachments thereto in the office of the Ventura County Recorder.
- G. Consider Annual Seven-Year Capital Improvement Program (CIP) for Department of Public Works for Fiscal Year 2009/10-Fiscal Year 2015/16. Staff Recommendation: Approve the updated CIP for FY 2009/10-2015/16.
- H. Consider Resolution Authorizing the Submittal of a Functional Classification Change Request to the California Department of Transportation for Arroyo Drive, Championship Drive and a Portion of Spring Road. Staff Recommendation: Adopt Resolution No. 2010-2943.
- I. Consider Exoneration of Monument Bond for Pardee Homes (Tract 5045-8). Staff Recommendation: Authorize the City Clerk to exonerate Monument Bond No. 023009672 in the amount of \$178,147.20.
- J. Consider Release of Surety (Cash Deposit Performance Bond) for M&M Development, (Campus Plaza – CPD 2000-04). Staff Recommendation: Authorize the City Clerk to release the \$50,000.00 cash deposit performance bond referenced in the agenda report for M&M Development. (Staff: David Bobardt)
- K. Consider Status of Soundwall Project – State Route-23 North of Tierra Rejada Road. Staff Recommendation: Receive and file the report.
- L. Consider Resolution Authorizing the Payment to California Joint Powers Insurance Authority (CJPIA) for the Liability Insurance Pool and Amending Fiscal Year 2010/2011 Budget. Staff Recommendation: Adopt Resolution No. 2010-2944. ROLL CALL VOTE REQUIRED
- M. Consider Revised Management Benefits Resolution. Staff Recommendation: Adopt Resolution No. 2010-2945.
- N. Consider Community Prosecution Program Agreement between the City of Moorpark and the County of Ventura. Staff Recommendation: Approve agreement subject to final language approval of the City Manager and City Attorney.
- O. Consider Resolution Authorizing the Acquisition of 65 First Street, Amending the Fiscal Year 2010/11 Budget to Fund the Purchase and Accepting the Grant Deed for Recordation. Staff Recommendation: 1) Adopt Resolution No. 2010-2946; 2) Authorize the City Manager to execute all documents necessary to this transaction; and 3) Authorize the

City Clerk to accept and consent to the recordation of any deed. ROLL CALL VOTE REQUIRED

- P. Consider Conveying Grant Deed for Fee Simple Title to 396, 406, and 436 Charles Street (APN 512-0-081-020, 512-0-081-030, 512-0-081-040) to the Redevelopment Agency of the City of Moorpark. Staff Recommendation: Authorize the conveyance of grant deed for fee simple title to the Redevelopment Agency of the City of Moorpark.
- Q. Consider Response to the Grand Jury Report. Staff Recommendation: Approve letter as written.
- R. Consider Resolution Adopting Dog Park Hours of Operation. Staff Recommendation: Adopt Resolution No. 2010-2947.

11. ORDINANCES: (ROLL CALL VOTE REQUIRED)

- A. Consider Ordinance No. 389 Adding Section 9.20.040, Drinking Games Prohibited, to Chapter 9.20, Alcoholic Beverages, of Title 9, Public Peace, Morals and Welfare, of the Moorpark Municipal Code. (continued from July 7, 2010) Staff Recommendation: Waive full reading and declare Ordinance No. 389 read for the second time, and adopted as read. ROLL CALL VOTE REQUIRED

A discussion among the Councilmembers focused on: 1) Being proactive in anticipation of instances where promotion of drinking games might result in dangerous behavior; 2) Whether this is over regulating, as current laws and required training of bar owners/bartenders should be sufficient to curtail abuses; and 3) Should this become a problem in the future, the subject may be revisited.

MOTION: Councilmember Millhouse moved and Councilmember Mikos seconded a motion to waive full reading, declare Ordinance No. 389 read for the second time, and adopted as read. The motion failed by roll call vote 2-3, Councilmembers Pollock, Van Dam and Mayor Parvin dissenting.

- B. Consider Ordinance No. 390 Approving Zoning Ordinance Amendment No. 2009-01, Amending Chapter 17.74 Specific Plan No. 2/Specific Plan 95-2, Moorpark Highlands Specific Plan of the Moorpark Municipal Code by Adding Subsection 17.74.040.1.E. Single-Family Residential Site Development Standards for Planning Area No. 7. Staff Recommendation: Waive full reading and declare Ordinance No. 390 read for the second time, and adopted as read. ROLL CALL VOTE REQUIRED

Ms. Traffenstedt read the title of Ordinance No. 390.

MOTION: Councilmember Millhouse moved and Councilmember Pollock seconded a motion to waive full reading, declare Ordinance No. 390 read for the second time, and adopted as read. The motion carried by unanimous roll call vote.

- C. Consider Ordinance No. 391 Adopting a Development Agreement between the City of Moorpark and Pardee Homes. Staff Recommendation: Waive full reading and declare Ordinance No. 391 read for the second time, and adopted as read. ROLL CALL VOTE REQUIRED

Ms. Traffenstedt read the title of Ordinance No. 391.

MOTION: Councilmember Mikos moved and Councilmember Van Dam seconded a motion to waive full reading, declare Ordinance No. 391 read for the second time, and adopted as read. The motion carried by unanimous roll call vote.

- D. Consider Ordinance No. 392 Revising Chapter 12.16 of Title 12 of the Moorpark Municipal Code, Including Revising the Title of Chapter 12.16 to Parks and Open Space, as amended. Staff Recommendation: Waive full reading and declare Ordinance No. 392 read for the second time, and adopted as read. ROLL CALL VOTE REQUIRED

Ms. Traffenstedt read the title of Ordinance No. 392.

MOTION: Councilmember Van Dam moved and Councilmember Pollock seconded a motion to waive full reading, declare Ordinance No. 392 read for the second time, and adopted as read. The motion carried by unanimous roll call vote.

12. CLOSED SESSION:

Mr. Kueny requested the City Council go into closed session for discussion of Items 12.C. on the agenda.

MOTION: Councilmember Mikos moved and Councilmember Millhouse seconded a motion to adjourn to closed session for a discussion of Item 12.C. on the agenda. The motion carried by unanimous voice vote. The time was 9:24 p.m.

- C. 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 Mikos, Pollock, Van Dam, and Mayor Parvin; Steven Kueny, City Manager; and Deborah Traffenstedt, Administrative Services Director/City Clerk.

The Council reconvened into open session at 10:07 p.m. Mr. Kueny stated Item 12. C. was discussed and there was no action to report.

13. ADJOURNMENT:

Mayor Parvin adjourned the meeting at 10:07 p.m.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, Assistant City Clerk