

MINUTES OF THE CITY COUNCIL

Moorpark, California

September 1, 2010

A Regular Meeting of the City Council of the City of Moorpark was held on September 1, 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 7:25 p.m.

2. PLEDGE OF ALLEGIANCE:

David Klotzle, Interim City Engineer/Public Works 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; David Bobardt, Community Development Director; Ron Ahlers, Finance Director; David Klotzle, Interim City Engineer/Public Works Director; Allen Walter, Landscape/Parks Maintenance Superintendent; John Brand, 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:

A. Moorpark Friends of the Library Presentation to the City of Moorpark.

Mayor Parvin accepted a check in the amount of \$6,000 for the Moorpark Library from the Friends of the Library.

B. Proclamation Declaring October 3-9, 2010, as Mental Illness Awareness Week.

Sonna Gray, Board Member of the National Alliance on Mental Illness (NAMI) was unable to attend to receive a proclamation declaring October 3-9, 2010 as Mental Illness Awareness Week.

5. PUBLIC COMMENT:

Victor Kamhi, Director of Transit for the Ventura County Transportation Commission, announced on September 10, 2010 a public hearing will be held at Camarillo City Hall regarding a proposed fare increase for Vista bus service, which will go into effect in November 2010.

Rudy Gonzales, Southern California Edison Public Affairs Manager, introduced ways for small businesses to lower electricity usage and stated a company called CRI will be contacting small businesses by letter to schedule an energy audit and make recommendations for more efficient energy usage.

AT THIS POINT in the meeting, the City Council recessed to convene a meeting of the Moorpark Redevelopment Agency. The time was 7:36 p.m. The City Council meeting reconvened at 7:37 p.m.

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

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

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

Councilmember Mikos reported, today, she had attended an Executive Committee meeting of the Economic Development Collaborative of Ventura County.

Councilmember Mikos reported she had attended a meeting of the Santa Monica Mountains Conservancy on August 30, 2010.

Councilmember Van Dam stated he had attended a special preview of Evita at the High Street Arts Center.

Councilmember Van Dam stated he was wearing green in honor of his son's eighth week in boot camp for the United States Marine Corps.

Mayor Parvin announced the American Legion Post 502 is hosting a Good Old Fashioned Barn Dance at Pete Peters' ranch in Moorpark on September 18 to support both active and reserve military.

Mayor Parvin announced the Boys and Girls Club of Moorpark will host their annual golf tournament on September 20 at the Moorpark Country Club.

Mayor Parvin announced Country Days Parade on High Street will take place on October 2.

Mayor Parvin announced the Moorpark Rotary Club Morning will sponsor a beer tasting and local eateries event on October 1 on High Street.

Mayor Parvin announced the Moorpark Rotary Clubs have teamed up to create a 5K/10K and 1-mile run for families on October 3.

Mayor Parvin thanked Barbara Liley and her team for their efforts in making the American Cancer Society Relay for Life fundraiser a success on August 14-15 at Moorpark High School.

Mayor Parvin announced she had given an update on the State of the City at a Rotary Club Morning meeting.

Mayor Parvin stated she had attended a Senior Forum at the Active Adult Center on August 19.

Mayor Parvin stated she had attended an Economic Development meeting at the Moorpark Chamber of Commerce.

Mayor Parvin toured the Senior Concerns facility in Thousand Oaks.

Mayor Parvin announced she had attended an outdoor movie at Poindexter Skate Park and observed a skating competition.

Mayor Parvin stated there will be an Arroyo cleanup September 25 at Villa Campesina Park.

Councilmember Mikos stated the Active Adult Center loans out a variety of health related equipment such as a walker, which came in handy during her 91-year old mother's visit.

8. PUBLIC HEARINGS:

- A. Consider a Resolution Declaring the Private Roads within Tract 5425, Subject to the Provisions of the California Vehicle Code (CVC). Staff Recommendation: 1) Open the public hearing, accept public testimony, and close the public hearing; and 2) Adopt Resolution No. 2010-2948.

Mr. Klotzle gave the staff report.

Mayor Parvin opened the public hearing.

There were no speakers.

Mayor Parvin closed the public hearing.

MOTION: Councilmember Mikos moved and Councilmember Van Dam seconded a motion to adopt Resolution No. 2010-2948 declaring the private roads within Tract 5425 subject to the provisions of the California Vehicle Code. The motion carried by unanimous voice vote.

9. PRESENTATION/ACTION/DISCUSSION:

- A. Consider Scheduling a Special City Council Meeting for October 13, 2010 to Review Proposed Revisions to the Campus Master Plan and Building Site Design Concept for New Civic Center and City Hall. Staff Recommendation: Schedule special meeting for City Council workshop on Wednesday, October 13, 2010 at 6:30 p.m. in the Apricot Room.

Mr. Riley gave the staff report.

There were no speakers.

CONSENSUS: It was the consensus of the Council to schedule a special meeting of the City Council for a workshop on Wednesday, October 13, 2010, at 6:30 p.m. in the Apricot Room to review proposed revisions to the Campus Master Plan and Building Site Design Concept for the new Civic Center and City Hall.

- B. Consider Resolution Supporting Proposition 21: The State Parks and Wildlife Conservation Trust Fund Act of 2010. Staff Recommendation: Direct staff as deemed appropriate

Mr. Brand gave the staff report.

There were no speakers.

A discussion followed among the Councilmembers concerning the following: 1) Lack of a nexus between the City and state parks; 2) Worthy cause, but this is budgeting by use of the ballot box; 3) Residents do use state parks and the State of California is threatening to close state parks; and 4) There is no guarantee the State of California can be trusted to use these funds for the parks.

The majority of the Council determined not to take any action on this item.

- C. Consider Vacancy on Parks and Recreation Commission. Staff Recommendation: Determine recruitment to fill the vacancy not be pursued at this time due to the length of the remaining term of office.

Ms. Traffenstedt gave the staff report.

There were no speakers.

MOTION: Councilmember Millhouse moved and Councilmember Van Dam seconded a motion to not pursue recruitment to fill a vacancy on the Parks and Recreation Commission due to the length of time remaining in the term of office. The motion carried by unanimous voice vote.

- D. Consider Cancellation of September 15, 2010 Regular Meeting. Staff Recommendation: Direct staff to post a notice of meeting cancellation for September 15, 2010.

Ms. Traffenstedt gave the staff report.

There were no speakers.

MOTION: Councilmember Millhouse moved and Mayor Parvin seconded a motion to direct staff to post a notice of meeting cancellation for September 15, 2010. The motion carried by unanimous voice vote.

- E. Consider Rejection of Lowest Bidder, MACCOR Construction, and Approve Selection and Award of Contract to Second Lowest Bidder, Bottenfield Construction, for Glenwood Park Restroom Construction. Staff Recommendation: Reject the bid of MACCOR Construction as non-responsive on the licensing and reference requirements, award the contract to the next lowest qualified bidder, Bottenfield Construction, and authorize the City Manager to execute an Agreement with Bottenfield Construction for the Glenwood Park Restroom construction, subject to final language approval by the City Manager and City Attorney.

Mr. Walter gave the staff report.

There were no speakers.

MOTION: Councilmember Pollock moved and Councilmember Van Dam seconded a motion to Reject the bid of MACCOR Construction as non-responsive on the licensing and reference requirements, award the contract to the next lowest qualified bidder, Bottenfield Construction, and authorize the City Manager to execute an Agreement with Bottenfield Construction for the Glenwood Park Restroom construction, subject to final language approval by the City Manager and City Attorney. The motion carried by unanimous voice vote.

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. N, which was pulled for individual consideration. The motion carried by unanimous roll call vote.

- A. Consider Minutes of Regular Meeting of July 7, 2010. Staff Recommendation: Approve the minutes.
- B. Consider Minutes of Regular Meeting of July 21, 2010. Staff Recommendation: Approve the minutes.
- C. Consider Warrant Register for Fiscal Year 2009-2010 – September 1, 2010. Staff Recommendation: Approve the warrant register.
- D. Consider Warrant Register for Fiscal Year 2010-2011 – September 1, 2010. Staff Recommendation: Approve the warrant register.
- E. Consider Resolution Amending Fiscal Year 2010/11 Budget to Increase Appropriations for Fiscal Year 2009/10 Purchase Order Carry Over. Staff Recommendation: Adopt Resolution No. 2010-2949. ROLL CALL VOTE REQUIRED
- F. Consider Authorization of Recordation of the Notice of Completion for the Community Center and Arroyo Vista Recreation Center Roofing Project. Staff Recommendation: Authorize the City Clerk to file the Notice of Completion for the project, and authorize the release of the Payment Bond No. SU1103731 and Performance Bond No. SU1103731 outlined in the agenda report
- G. Consider Replacing the Acoustical Ceiling Tile in the Community Center's Apricot Room and Resolution Amending the Fiscal Year 2010/11 Budget to Fund the Project. Staff Recommendation: 1) Approve the replacement of the ceiling tiles; and 2) Adopt Resolution No. 2010-2950, to appropriate \$8,374 from the General Fund (1000) to the Facilities Division (7620) for the Community Facilities. ROLL CALL VOTE REQUIRED
- H. Consider Exoneration of Surety Bonds for HFR Investments I, LLC (CPD 2005-03). Staff Recommendation: Authorize the City Clerk to fully exonerate the Grading and Improvements Bond No. 733050S and Public Improvements Performance and Payment Bond No. 733049S for HFR Investments LLC.
- I. Consider Award of Agreement to CUSA, CC, LLC. to Provide Dial-A-Ride Paratransit Services. Staff Recommendation: 1) Approve the selection of CUSA, CC, LLC. for Dial-A-Ride Paratransit services for the City of Moorpark; and 2) Authorize the City Manager to sign the Agreement, subject to final language approval by the City Manager and City Attorney.
- J. Consider Resolution Amending the Fiscal Year 2010/11 Budget to Fund the Procurement and Installation of a Speed Advisory Sign on Northbound Spring Road. Staff Recommendation: Adopt Resolution No. 2010-2951. ROLL CALL VOTE REQUIRED

- K. Consider the 2009 AB 939 Annual Report. Staff Recommendation: Receive and file the report.
- L. Consider a First Amendment to the Agreement with Mercury Disposal Systems, Inc. for Collection of Household Batteries and Residential Fluorescent Lights. Staff Recommendation: Approve Amendment No. 1 between the City of Moorpark and Mercury Disposal Systems, Inc. subject to final approval by the City Manager and the City Attorney, and authorize the City Manager to sign the Amendment.
- M. Consider Agreement with BJ Palmer and Associates, Inc. for Analysis of the Relocation and/or Rerouting of Electrical Utility Facilities for the Civic Center and Resolution Amending the Fiscal Year 2010/11 Budget in the amount of \$11,720 to Fund the Project. Staff Recommendation: 1) Approve Agreement with BJ Palmer and Associates, Inc; and 2) Adopt Resolution No. 2010-2952. ROLL CALL VOTE REQUIRED
- O. Consider Request from Roam'N Relics Car Club to Hold Car Show on October 24, 2010, from 8 a.m. to 3 p.m. on High Street and to Pay Reduced City Fees for the Event. Staff Recommendation: 1) Charge Club the contract billing rate for police services charged by the County of Ventura, and charge Club the direct cost of other staff to plan the event; 2) Require Club to pay an encroachment permit fee (\$150) and a temporary use permit fee (\$390) and reimburse the City for staff costs at the approved rates; 3) Direct staff to obtain the appropriate Caltrans permit; and 4) Require Club to provide the City with an indemnification agreement and name the City and Agency as additional insureds in the Club's insurance policy.
- P. Consider Resolution Directing the Planning Commission to Study, Hold a Public Hearing and Provide a Recommendation on Amendments to Chapters 17.20 (Uses by Zone) of the Zoning Ordinance to Add Emergency Shelters, Transitional and Supportive Housing to the Allowed Uses. Staff Recommendation: Adopt Resolution No. 2010-2954.
- Q. Consider Report of Annual Development Agreement Review, Established in Connection with Canyon Crest Ranch Partners-Moorpark, LLC (Birdsall), Located on Approximately 42.4 Acres East of Walnut Canyon Road at Championship Drive (Tentative Tract Map 5437), on the Application of Canyon Crest Ranch Partners-Moorpark, LLC (Birdsall). Staff Recommendation: 1) Accept the Community Development Director's report and recommendation, on the basis of substantial evidence, that Canyon Crest Ranch Partners-Moorpark, LLC (Birdsall), has complied in good faith with the terms and conditions of the agreement; and 2) Deem the annual review process complete.

- R. Consider Amendment to Agreement for Professional Services with Parsons Transportation Group for Preliminary Engineering, Environmental Analysis, Design, and Right-of-Way Activities for the Installation of Soundwalls on State Route-23 and Resolution Amending the Fiscal Year 2010/2011 Budget to Fund Additional Professional Services. Staff Recommendation: 1) Adopt Resolution No. 2010-2955 approving a budget amendment for up to \$40,000.00; and 2) Authorize the City Manager to amend the agreement with Parsons Transportation Group for preliminary engineering, environmental analysis, design, and right-of-way activities for the soundwalls on SR-23 for an additional one (1) year period and for a new total amount not to exceed \$294,416.56, subject to final language approval by the City Manager and City Attorney. ROLL CALL VOTE REQUIRED
- S. Consider Resolution Amending Classification Plan and Rescinding Resolution No. 2009-2879. Staff Recommendation: Adopt Resolution No. 2010-2956, rescinding Resolution No. 2009-2879.
- T. Consider Rejection of Claim from: Nicholas Sarrocco. Staff Recommendation: Reject the claim and direct staff to send a standard rejection letter to the claimant.
- U. Consider Waiving Fees for Use of Council Chambers and Cost for Reelife Pictures to Broadcast the Board of Supervisors' Meeting Scheduled for October 19, 2010. Staff Recommendation: Direct staff to waive any fees and cost to broadcast the Board of Supervisors' meeting on October 19, 2010.

The following item was pulled for individual consideration.

- N. Consider Resolution Supporting Proposition 22 – the Local Taxpayer, Public Safety, and Transportation Protection Act of 2010. Staff Recommendation: Adopt Resolution No. 2010-2953; and 2) Direct staff to forward copies of this resolution to the League of California Cities and the campaign offices.

Councilmember Millhouse stated he had this item pulled to delete the direction from Section 4 on stamped page 267 of the agenda report to send a copy of the resolution to campaign headquarters as he feels the City should not use public resources to advance this proposition in the community.

**MOTION:** Councilmember Millhouse moved and Mayor Parvin seconded a motion to adopt Resolution No. 2010-2953, as amended to delete Section 4. of the resolution. The motion carried by unanimous voice vote.

11. ORDINANCES: (ROLL CALL VOTE REQUIRED)

None.

12. CLOSED SESSION:

Mr. Kueny requested the City Council go into closed session for discussion of one case under Item 12.B. and Items 12.C, 12.D, 12.E, 12.F, 12.G, 12.H, and 12.I. on the agenda.

MOTION: Councilmember Mikos moved and Mayor Parvin seconded a motion to adjourn to closed session for a discussion of one case under Item 12.B. and Items 12.C., 12.D., 12.E., 12.F., 12.G., 12.H., and 12.I. on the agenda. The motion carried by unanimous voice vote. The time was 8:08 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 REAL PROPERTY NEGOTIATOR  
(Pursuant to Government Code Section 54956-8)  
Property: APN 506-0-020-120, 240 Los Angeles Avenue  
City Negotiator: Steven Kueny, City Manager  
Negotiation Parties: The City of Moorpark and T.G. Conner  
Under Negotiation: Price and Terms of Sale

D. CONFERENCE WITH REAL PROPERTY NEGOTIATOR  
(Pursuant to Government Code Section 54956.8)  
Property: APN 506-0-020-060, 148 Los Angeles Avenue  
City Negotiator: Steven Kueny, City Manager  
Negotiation Parties: The City of Moorpark and Arturo Montes-Figueroa  
Under Negotiation: Price and Terms of Sale

E. CONFERENCE WITH REAL PROPERTY NEGOTIATOR  
(Pursuant to Government Code Section 54956-8)  
Property: APN 512-0-111-310 and 512-0-111-320, 20 Moorpark Avenue  
and 50 Moorpark Avenue  
City Negotiator: Steven Kueny, City Manager  
Negotiation Parties: The City of Moorpark and Alladin Premji  
Under Negotiation: Price and Terms of Sale

- F. CONFERENCE WITH REAL PROPERTY NEGOTIATOR  
(Pursuant to Government Code Section 54956-8)  
Property: APN 512-0-220-185, 800 Hedyland Court  
City Negotiator: Steven Kueny, City Manager  
Negotiation Parties: The City of Moorpark and Howell and Christine Agnew  
Under Negotiation: Price and Terms of Sale
  
- G. CONFERENCE WITH REAL PROPERTY NEGOTIATOR  
(Pursuant to Government Code Section 54956-8)  
Property: APN 512-0-160-170, 13853 Princeton Avenue  
City Negotiator: Steven Kueny, City Manager  
Negotiation Parties: The City of Moorpark and Clifford and Christine May  
Under Negotiation: Price and Terms of Sale
  
- H. CONFERENCE WITH REAL PROPERTY NEGOTIATOR  
(Pursuant to Government Code Section 54956-8)  
Property: APN 512-0-160-300, 13931 Princeton Avenue  
City Negotiator: Steven Kueny, City Manager  
Negotiation Parties: The City of Moorpark and Chaidez Trust  
Under Negotiation: Price and Terms of Sale
  
- I. 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

The Council reconvened into closed session at 8:21 p.m.

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

Mr. Bobardt and Mr. Moe left the meeting at 8:43 p.m. Mr. Montes left the meeting at 9:02 p.m.

The Council reconvened into open session at 9:25 p.m. Mr. Kueny stated one case under Item 12.B. and Items 12.C, 12.D, 12.E, 12.F, 12.G, 12.H, and 12.I. were discussed and there was no action to report.

13. ADJOURNMENT:

Mayor Parvin adjourned the meeting at 9:25 p.m.

\_\_\_\_\_  
Janice S. Parvin, Mayor

ATTEST:

\_\_\_\_\_  
Maureen Benson, Assistant City Clerk