

MINUTES OF THE CITY COUNCIL

Moorpark, California

November 3, 2010

A Regular Meeting of the City Council of the City of Moorpark was held on November 3, 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 7:18 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, Assistant City Engineer; David Moe, Redevelopment Manager; Jeremy Laurentowski, Landscape/Parks Maintenance Superintendent; Jennifer Mellon, 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. Proclamation Declaring the Month of November as Native American Indian Heritage Month.

Mayor Parvin presented a proclamation declaring the month of November as Native American Indian Heritage Month to Nancy Kilbourn, California State Chair of the American Indian Committee and Marilyn Look, First Vice Regent of the Conejo Valley Chapter of the National Society of Daughters of the American Revolution.

5. PUBLIC COMMENT:

Richard Myles, a victim of the 2008 Metrolink crash requested Council action to adopt a resolution in support of Elton Gallegly's House of Representative Bill No.

6150 (HR 6150) to amend current law retroactively to raise the allowable limit for all claims from 200 million dollars to 500 million dollars only in cases of gross negligence.

Mary Sachs, a victim of the 2008 Metrolink crash stated the current cap on damages covers only one-third of cost to the victims of the crash; and requested Council support action to request the U.S. Congress hold hearings to amend the cap from 200 million to 500 million dollars.

Michael Moore, a Moorpark resident who lives with a Metrolink crash victim, requested Councilmember Millhouse, who is Chairman of the Southern California Regional Rail Authority (SCRRA), consult with the City Attorney and SCRRA's attorney in regard to an conflict of interest in regard to support of HR 6150.

AT THIS POINT in the meeting, the City Council recessed to convene a meeting of the Moorpark Redevelopment Agency. The time was 7:29 p.m. The City Council meeting reconvened at 7:30 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 requested a future agenda item to discuss the proposed Waste Management Simi Valley Landfill Expansion Project.

Councilmember Mikos thanked Mayor Parvin for a great State of the City address earlier in the day.

Councilmember Mikos and Councilmember Van Dam reported on the very successful "Rocky Horror Picture Show" at the High Street Arts Center on Friday with 200 in attendance.

Councilmember Van Dam reported on having attended Recreation Department's very successful Trick or Treat Village.

Councilmember Van Dam reported on having attended Sheriff Bob Brook's retirement event at The Reagan Library which raised funds for the Sheriff's Foundation.

Councilmember Van Dam announced there are only two more weekends left to see the High Street Arts Center's production of Evita, which is outstanding.

Councilmember Pollock stated the quality of the High Street Arts Center's productions has recaptured the magnificence of the old Moorpark Melodrama and he has seen Evita two times.

Councilmember Pollock acknowledged the passing of former Mayor and Councilmember, Eloise Brown and the lowering of flags to half mast throughout the City.

Councilmember Mikos requested the meeting be adjourned in memory of Eloise Brown.

Mayor Parvin stated Eloise Brown was a Councilmember who challenged and questioned items and who helped build the foundation of the City we see today.

Mayor Parvin announced the Active Adult Center is "Celebration Our Veterans" with a special lunch on Wednesday, November 10.

Mayor Parvin announced the Ventura County Animal Shelter, located at 600 Aviation Drive in Camarillo, is having a "Half Price Adoption Event" which includes spay/neuter, rabies shot, microchip, free veterinary exam, County license, and obedience classes.

Mayor Parvin announced the Moorpark Rotary Club is sponsoring its 10th annual Civil War Reenactment on November 13 and 14 at Tierra Rejada Ranch.

Councilmember Van Dam announced at 10:00 a.m. on November 11 the American Legion will be holding a ceremony at the Veteran's Memorial at the corner of Spring Road and Flynn Avenue.

Councilmember Mikos announced the Changing of the Colors will take place at 8:00 a.m. on November 11th at the original Veteran's Memorial site on the corner of Moorpark and Los Angeles Avenues.

8. PUBLIC HEARINGS:

None.

9. PRESENTATION/ACTION/DISCUSSION:

- A. Consider an Ordinance Amending and Restating, in its Entirety, Chapter 8.36, Solid Waste, of Title 8, Health and Safety, of the Moorpark Municipal Code. Staff Recommendation: Introduce Ordinance No. 394 for the first reading, waive full reading, and schedule second reading and adoption for November 17, 2010.

Ms. Mellon gave the staff report.

There were no speakers.

MOTION: Councilmember Mikos moved and Councilmember Van Dam seconded a motion to Introduce Ordinance No. 394 for the first reading.

Mr. Montes stated the language in Subsection 8.36.075 D. should be changed from "If the seller or donor of Recyclable Material..." to "If the any person responsible for day-to-day activities or operations sells or donates Recyclable Material..."

Mr. Montes read the title of Ordinance No. 394.

AMENDED MOTION: Councilmember Mikos moved to amend the motion and Councilmember Van Dam seconded the amendment to introduce Ordinance No. 394 for the first reading as amended in Subsection 8.36.075 D., waive full reading, and schedule second reading and adoption for November 17, 2010. 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 City Council Meeting of October 13, 2010.
Staff Recommendation: Approve the minutes.
- B. Consider Minutes of Special City Council Meeting of October 20, 2010.
Staff Recommendation: Approve the minutes.
- C. Consider Minutes of Special Joint City Council/Redevelopment Agency/Public Financing Authority Meeting of October 20, 2010. Staff Recommendation: Approve the minutes.
- D. Consider Warrant Register for Fiscal Year 2010-2011 – October 20, 2010.
Staff Recommendation: Approve the warrant register.
- E. Consider Second Amendment to Agreement with Penfield & Smith for Additional Services for the Princeton Avenue Widening Project (Project 8012). Staff Recommendation: Approve the Second Amendment with Penfield & Smith to increase the Scope of Services for the Princeton Avenue Widening Project in an amount not to exceed \$130,000.00 and authorize the City Manager to execute said amendment, subject to final language approval by the City Manager and City Attorney.

- F. Consider Authorization to Amend the Construction Contract and a Resolution Amending the Fiscal Year 2010/11 Budget to Fund Increased Construction Costs for the Mountain Trail Street and Spring Road Pavement Rehabilitation. Staff Recommendation: 1) Authorize the City Manager to amend the construction contract for project contingencies in an amount not to exceed \$30,000.00 if and when the need arises for extra work and services; and 2) Adopt Resolution No. 2010-2968. ROLL CALL VOTE REQUIRED
- G. Consider Landscape Concept for the Mountain Trail Median Islands and Resolution Amending the Fiscal Year 2010/11 Budget. Staff Recommendation: Approve the Landscape Concept for Mountain Trail Median Islands; and 2) Adopt Resolution No. 2010-2969, amending the FY 2010/11 Budget to appropriate \$25,335 from the Tree and Landscape Fund (21560) to the Lighting and Landscaping Maintenance Assessment District Division (7900).
- H. Consider Eradicating Drywood and Subterranean Termites in the City Hall Modular Buildings; Repairing Damage Caused by Termite Infestation; Repairing the Overhead Shade Structures at City Hall Administration Building; Replacing the Heating Ventilation Air Conditioning (HVAC) Units at the City Hall Administration Building; and Resolution Amending the Fiscal Year 2010/11 Budget. Staff Recommendation: 1) Approve eradicating the drywood and subterranean termites in the City Hall modular buildings; repairing the damage caused by the termite infestation; repairing the wood posts that secure the overhead shade structures at the City Hall Administration Building; repairing the overhead shade structure at the entrance to City Hall Administration Building's Conference Room; replacing the HVAC units at the City Hall Administration Building; and 2) Adopt Resolution No. 2010-2970, amending the FY 2010/11 Budget to appropriate \$49,514 from the General Fund Reserve (1000) to the Facilities Division (7620). ROLL CALL VOTE REQUIRED
- I. Consider Agreement with R. A. Atmore & Sons, Inc. for Weed Abatement and General Cleanup of City Owned Property. Staff Recommendation: 1) Approve the Agreement with R. A. Atmore & Sons, Inc., for ongoing weed abatement and general cleanup services of City-owned properties, subject to final language approval by the City Manager and City Attorney; and 2) Authorize the City Manager to execute the Agreement on behalf of the City.
- J. Consider Rejection of Claim from: Eileen Anderson. Staff Recommendation: Reject the claim and direct staff to send a standard rejection letter to the claimant.

11. ORDINANCES: (ROLL CALL VOTE REQUIRED)

None.

12. CLOSED SESSION:

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

MOTION: Councilmember Mikos moved and Councilmember Van Dam seconded a motion to adjourn to closed session for a discussion of three cases under Item 12.B. and Items 12.C. and 12.D. on the agenda. The motion carried by unanimous voice vote. The time was 7:45 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. CONFERENCE WITH REAL PROPERTY NEGOTIATOR
(Pursuant to Government Code Section 54956.8)
Property: APN 519-0-210-055 & APN 519-0-210-065
City Negotiator: Steven Kueny, City Manager
Negotiating Parties: Heartland Recovery, California F#1, LLC
Under Negotiation: Price and terms of payment

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; and Deborah Traffenstedt, Administrative Services Director/City Clerk.

The Council reconvened into open session at 8:55 p.m. Mr. Kueny stated three cases 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 in memory of former Mayor and Councilmember Eloise Brown at 8:55 p.m.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, Assistant City Clerk