

MINUTES OF THE CITY COUNCIL

Moorpark, California

December 1, 2010

A Regular Meeting of the City Council of the City of Moorpark was held on December 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 7:15 p.m.

2. PLEDGE OF ALLEGIANCE:

Peter Foy, County of Ventura 4th District Supervisor, led the Pledge of Allegiance.

3. ROLL CALL:

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

Absent: Councilmember Pollock.

Staff Present: Steven Kueny, City Manager; Joseph Montes, City Attorney; Hugh Riley, Assistant City Manager; Deborah Traffenstedt, Deputy City Manager; David Bobardt, Community Development Director; Ron Ahlers, Finance Director; David Klotzle, Interim City Engineer/Public Works Director; Jennifer Mellon, Administrative Services Manager; Teri Davis, Senior Management Analyst; Joseph Vacca, Principal Planner; Captain Ron Nelson, Sheriff's Department; and Maureen Benson, City Clerk.

4. PROCLAMATIONS AND COMMENDATIONS:

A. Consider City Council Resolution Reciting the Fact of the General Municipal Election Held on November 2, 2010, and Declaring the Election Results and Such Other Matters as Required by Law. Staff Recommendation: Adopt Resolution No. 2010-2975 (as revised to incorporate the certified election results).

Ms. Benson gave the staff report and provided the results as received on December 1, 2010, from the County Elections Division.

There were no speakers.

MOTION: Mayor Parvin moved and Councilmember Van Dam seconded a motion to adopt Resolution No. 2010-2975, as revised to incorporate the certified election results. The motion carried by voice vote, 4-0, Councilmember Pollock absent.

B. City Clerk Administers Oath of Office to Councilmember David Pollock.

CONSENSUS: It was the consensus of the Council to continue this item to December 15, 2010, due to the absence of Councilmember Pollock.

C. City Clerk Administers Oath of Office to Councilmember Mark Van Dam.

Ms. Benson administered the oath of office to Councilmember Mark Van Dam.

D. City Clerk Administers Oath of Office to Mayor Janice S. Parvin.

Ms. Benson administered the oath of office to Mayor Janice S. Parvin.

E. Comments from Newly Seated Councilmembers and Mayor.

Councilmember Van Dam thanked the voters and stated he looks forward to serving Moorpark for another four years.

Mayor Parvin thanked the community and family for their support and stated she looks forward to serving the next two years.

F. Nomination and Selection of Mayor Pro Tempore.

CONSENSUS: It was the consensus of the Council to continue this item to December 15, 2010 to allow Councilmember Pollock to participate.

AT THIS POINT in the meeting, the Council recessed for a reception. The time was 7:22 p.m. The City Council meeting reconvened at 7:39 p.m. with Councilmembers Mikos, Millhouse, Van Dam, and Mayor Parvin present.

5. PUBLIC COMMENT:

Richard Myles, a victim of the 2008 Metrolink crash spoke in regard to Item 10.H. on the agenda. He requested Council adopt a resolution in support of House of Representative Bill No. 6150 rather than send a letter of support to Congressman Elton Gallegly.

Lisa Leal, a Moorpark resident, identified a pot hole at the corner of Moorpark and Los Angeles Avenues and the need for improved night lighting along Moorpark Avenue between Second and Third Streets at the pedestrian crossing.

Peter Foy, Ventura County Supervisor, representing the 4th District, congratulated Mayor Parvin and Councilmember Van Dam on their re-election and thanked the Council for its dedicated service to the City of Moorpark.

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 had attended a meeting today, of the Executive Committee of the Economic Collaborative of Ventura County where brochures promoting local Ventura County business were introduced.

Councilmember Mikos announced she also attended the Moorpark Chamber of Commerce's Government Relations/Economic Development Committee meeting today, where she shared the Economic Collaborative of Ventura County's brochure.

Councilmember Van Dam announced the Moorpark High School Band, is conducting their annual fundraiser to support the music program, by selling Christmas trees in the Staples parking lot.

8. PUBLIC HEARINGS:

None.

9. PRESENTATION/ACTION/DISCUSSION:

- A. Consider Resolutions Adjusting Solid Waste Collection Fees and Consider Resolutions Amending the City of Moorpark Franchise Agreements with G.I. Industries and Moorpark Rubbish, and Authorize the City Manager to Execute the Amendments to the Agreements. Staff Recommendation: 1) Adopt Resolution No. 2010-2976, updating the Solid Waste Collection Service Fee Schedule and rescinding Resolution No. 2009-2873; 2) Adopt Resolution No. 2010-2977, amending the Residential Franchise Agreement with G.I. Industries; 3) Adopt Resolution No. 2010-2978, amending the Residential Franchise Agreement with Moorpark Rubbish Disposal; 4) Adopt Resolution No. 2010-2979, amending the Commercial Franchise Agreement with G.I. Industries; 5) Adopt Resolution No. 2010-2980, amending the Commercial Franchise Agreement with Moorpark Rubbish Disposal; and 6) Authorize the City Manager to execute the amendments to the Agreements, subject to final language approval of the City Manager and City Attorney. ROLL CALL VOTE REQUIRED

Ms. Mellon gave the staff report.

There were no speakers.

**MOTION:** Councilmember Mikos moved and Councilmember Van Dam seconded a motion to: 1) Adopt Resolution No. 2010-2976, updating the Solid Waste Collection Service Fee Schedule and rescinding Resolution No. 2009-2873; 2) Adopt Resolution No. 2010-2977, amending the Residential Franchise Agreement with G.I. Industries; 3) Adopt Resolution No. 2010-2978, amending the Residential Franchise Agreement with Moorpark Rubbish Disposal; 4) Adopt Resolution No. 2010-2979 amending the Commercial Franchise Agreement with G.I. Industries; 5) Adopt Resolution No. 2010-2980, amending the Commercial Franchise Agreement with Moorpark Rubbish Disposal; and 6) Authorize the City Manager to execute the amendments to the Agreements, subject to final language approval of the City Manager and City Attorney. The motion carried by roll call vote, 4-0.

- B. Consider Proposed Water Rate Increase Being Considered by the Ventura County Waterworks District Board of Directors. Staff Recommendation: Direct staff as deemed appropriate.

Ms. Davis gave the staff report and introduced Reddy Pakala, Director of the Water and Sanitation Department for the County of Ventura, 1000 S. Hill Road, Suite 100, Ventura, California, who gave a presentation documenting water usage and the proposed water rate increase being considered by the Board of Directors of the Ventura County Waterworks District.

David Schwabauer, a Moorpark resident, farmer, and a member of the Advisory Committee of Water Works District 1, described the challenges of obtaining water for this desert called California and the reality of water infrastructures that have reached their maximum life span.

John Weymouth, a Moorpark resident, spoke in opposition to raising the water rates for residents who have no choice in the matter.

In response to Mr. Kueny's request, Mr. Foy responded to Mr. Pakala's presentation. Mr. Foy stated the situation for the Board is very hard; the lack of water is a devastating issue to California where 80% of the population resides in the south while 80% of the water is in the north.

A discussion followed among the Councilmembers, Mr. Pakala, and staff regarding: 1) The exhaustion of the Water District's Reserve Fund; 2) Other sources for water including brine line and reclaimed water; and 3) the Water District's future billing system that will allow targeting opportunities for conservation from targeted rate payers.

CONSENSUS: It was the consensus of the Council to submit a water rate increase protest letter to the Ventura County Waterworks District Board of Directors.

- C. Consider an Update on the Simi Valley Landfill and Recycling Center Expansion Project, Located on the Waste Management Property in the County of Ventura, Adjacent to the City of Simi Valley's Western City Boundary. Staff Recommendation: Direct staff as deemed appropriate.

Mr. Vacca gave the staff report and introduced Michael Smith, General Manager and Scott Tignac, District Manager of the Simi Valley Waste Management facility, 2801 Madera Road, Simi Valley, California as available for questions.

In response to Council questions concerning this preliminary Environmental Impact Report (EIR), Mikos, Mr. Scott explained the discrepancy in the agenda report concerning reducing and increasing recycling at the same time; described a proposed material recovery facility for the landfill expansion; described other new proposed technologies to create liquid natural gas and electricity from waste; described the process of tracking waste coming into the landfill from various locations in the state; and the need to include consideration of open space in the final EIR being prepared by the County.

Charles Blaugrund, architect, Moorpark resident, and member of the Simi Valley Landfill Expansion Task Force, an independent community group not affiliated with the City of Simi Valley, stated the mission of the task force is to keep the community informed about the landfill and recycling center expansion. He presented facts the task force has discovered and offered alternatives to the expansion.

Alice Sterling, a Simi Valley resident, member of the Simi Valley Landfill Expansion Task Force, and Urban Planner focusing on sustainability, stated waste is still being processed with out-of-date technology when it should be reused or recycled into energy without going into the land, using 21st Century technology.

Louis Pandolfi, a member of the Simi Valley Landfill Expansion Task Force, stated the impacts of the expansion are tremendous and requested the Council set up committee to work with the community, Waste Management, and the Task Force in regard to reviewing the 3,000 page Environmental Impact Report, tracking the application, and requesting use of new technology.

Mike Smith stated new technology is being purchased by Waste Management, but it is not allowed to operate in California due to environmental restrictions; the County of Ventura is preparing the EIR not

Waste Management and they did not include traffic impacts to Moorpark; and they are working with the Task Force and available to discuss all concerns.

Councilmember Mikos stated her concern regarding the lack of paleontological mitigation measures in the document.

**CONSENSUS:** It was the consensus of the Council to remove this item from the agenda calendar to be rescheduled when the Final Draft Environmental Impact Report from the County of Ventura is available for comment.

- D. Consider Resolution Rescinding Resolution No. 2010-2923 and Establishing a New Bail Schedule for Violations of the Moorpark Municipal Traffic Code, Which Apply to Vehicle Parking Violations. Staff Recommendation: Adopt Resolution No. 2010-2981, rescinding Resolution No. 2010-2923. ROLL CALL VOTE REQUIRED

Mr. Ahlers gave the staff report.

There were no speakers.

**MOTION:** Councilmember Millhouse moved and Councilmember Mikos seconded a motion to adopt Resolution No. 2010-2981, rescinding Resolution No. 2010-2923 and establishing a new bail schedule for violations of the Moorpark Municipal Traffic Code, which apply to vehicle parking violations. The motion carried by roll call vote, 4-0.

- E. Consider Purchase and Sale Agreement for APN 519-210-055 and Resolution Amending the Fiscal Year 2010/11 Budget to Appropriate \$60,000 from the Endowment Fund (2800). Staff Recommendation: 1) Approve the Purchase and Sale Agreement and authorize the Mayor to sign the agreement, subject to final language approval by the City Manager and City Attorney; and 2) Adopt Resolution No. 2010-2982, amending the FY 2010/11 Budget to appropriate \$60,000 from the Endowment Fund to fund the escrow deposit, environmental investigation, and legal costs. ROLL CALL VOTE REQUIRED

Mr. Kueny gave the staff report.

There were no speakers

**MOTION:** Councilmember Van Dam moved and Councilmember Millhouse seconded a motion to: 1) Approve the Purchase and Sale Agreement and authorize the Mayor to sign the agreement, subject to final language approval by the City Manager and City Attorney; and 2) Adopt Resolution No. 2010-2982, amending the FY 2010/11 Budget to appropriate \$60,000 from the Endowment

Fund to fund the escrow deposit, environmental investigation, and legal costs. The motion carried by roll call vote, 4-0.

10. CONSENT CALENDAR: (ROLL CALL VOTE REQUIRED)

MOTION: Councilmember Van Dam moved and Councilmember Mikos seconded a motion to approve the Consent Calendar with Councilmember Millhouse abstaining from the vote on Item 10.H. The motion carried by roll call vote, 4-0.

- A. Consider Minutes of Regular Meeting of October 20, 2010. Staff Recommendation: Approve the minutes.
- B. Consider Minutes of Regular Meeting of November 3, 2010. Staff Recommendation: Approve the minutes.
- C. Consider Minutes of Special Meeting of November 17, 2010. Staff Recommendation: Approve the minutes.
- D. Consider Warrant Register for Fiscal Year 2010-2011 – December 1, 2010. Staff Recommendation: Approve the warrant register.
- E. Consider Authorization of Recordation of the Notice of Completion for New Playground Equipment at Arroyo Vista Community Park, College View Park, Peach Hill Park, and Magnolia Park; and Authorize the Release of Project Bonds. Staff Recommendation: Authorize the City Clerk to file the Notice of Completion for the project and authorize the release of project bonds as outlined in the agenda report.
- F. Consider Report of 2010 Annual Development Agreement Review, Established in Connection with Moorpark Highlands Specific Plan No. 2, a Master Planned Community, Located East of Walnut Canyon Road and North of Charles Street, on the Application of Pardee Homes (PA1-7) and KB Home (PA 809). Staff Recommendation: 1) Accept the Community Development Director's report and recommendation that, on the basis of substantial evidence, Pardee Homes has complied in good faith with the terms and conditions of the agreement; and 2) Deem the 2010 annual review process complete.
- G. Consider Resolution Authorizing the City's Fiscal Year 2010/11 Transportation Development Act Claim. Staff Recommendation: Adopt Resolution No. 2010-2983.
- H. Consider Request from Richard Myles Regarding Support for House of Representative Bill 6150 Amending Limitations on Liability for Certain Rail Accidents. Staff Recommendation: Authorize the Mayor to send a letter to Congressman Elton Gallegly supporting a change to the liability limits contained in Title 49 United States Code Section 28103 so long as they

apply to Southern California Regional Rail Authority only after enactment of such change.

11. ORDINANCES: (ROLL CALL VOTE REQUIRED)

None.

12. CLOSED SESSION:

None was held.

13. ADJOURNMENT:

Mayor Parvin adjourned the meeting at 9:43 p.m.

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Janice S. Parvin, Mayor

ATTEST:

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Maureen Benson, City Clerk