

## **ITEM 10.A.**

### MINUTES OF THE CITY COUNCIL

Moorpark, California

December 7, 2011

A Regular Meeting of the City Council of the City of Moorpark was held on December 7, 2011 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:

Joseph Vacca, Principal Planner, 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; Deborah Traffenstedt, Deputy City Manager; Ron Ahlers, Finance Director; David Bobardt, Community Development Director; David Klotzle, City Engineer/Public Works Director; Stephanie Shaw, Recreation Superintendent; Teri Davis, Senior Management Analyst; Captain Ron Nelson, Sheriff's Department; and Maureen Benson, City Clerk.

4. PROCLAMATIONS AND COMMENDATIONS:

None.

5. PUBLIC COMMENT:

Patrick Withers, a Moorpark resident, recommended the City study the possibility of taking over street lighting by eminent domain in order to retro-fit with induction lighting and save money by reducing Landscaping and Lighting Assessment District costs to the City.

AT THIS POINT in the meeting, the City Council recessed to convene a meeting of the Redevelopment Agency of the City of Moorpark. The time was 7:16 p.m. The City Council meeting reconvened at 7:18 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 stated today she attended the Executive Committee meeting of the Economic Development Collaborative of Ventura County (EDC VC), which will be holding its annual meeting at Spanish Hills Country Club in Camarillo with Ventura County Economic Development Association (VCEDA) and the EDC VC on January 19, 2012.

Councilmember Mikos stated on December 5th she represented the City of Moorpark on the Santa Monica Mountains Conservancy Advisory Committee. She reported on progress of construction of the Visitor Center using everything made in America, which will be a joint use between the California State Parks, Santa Monica Mountains Conservancy and the National Park Service for the Santa Monica Mountains National Recreation Area.

Councilmember Van Dam stated the Moorpark High School Band is sponsoring a Christmas tree lot in Staples parking lot on Los Angeles Avenue to raise funds to support the arts in Moorpark.

Mayor Parvin announced Principal Planner, Joe Vacca, recently passed a rigorous exam to become a member of the American Institute of Certified Planners. AICP is the American Planning Association's professional institute, providing recognized leadership nationwide in the certification of professional planners in ethics, professional development, planning education, and the standards of planning practice.

Mayor Parvin invited the public to come to the High Street Arts Center and catch the spirit of the season in a performance filled with holiday stories, carols, and kids. *"Christmas Magic"* features the voices of the Chaparral Middle School Choir on Friday, Saturday, and Sunday, December 9th through the 11th.

Councilmember Mikos stated she had attended the prior week's performances by the choir from Mountain Meadows School.

Mayor Parvin announced the Metrolink Holiday Express will arrive in Moorpark on Saturday, December 17th at 7:00 p.m. with Santa and Mr. Claus on board; the Moorpark Chamber of Commerce will hold a Holiday Boutique in the Metrolink South Parking Lot; the Merry Minstrels will provide holiday music; the City will be providing free hot chocolate; Starbucks will be donating free coffee, and the Firefighters' Spark of Love Toy Drive will be on site.

Mayor Parvin announced Thursday, December 29th the Moorpark Library will present *"Wacky Winter Adventure Puppet Show"* at the High Street Arts Center.

Mayor Parvin announced Christmas tree recycling begins December 26th and ends January 6th. Remove all tinsel, stands, garlands, etc., and simply place the tree beside your recycling cart at the curb. No flocked or fire-retardant trees will be accepted. Christmas trees can also be taken to one of the two TreeCycle bins located on Marquette Street and Pine Ridge Court, or to the Simi Valley Landfill located at 2801 Madera Road between December 26th and January 10th. Moorpark residents may also place extra garbage in bags alongside their solid waste carts on the first trash collection day after Christmas.

Mayor Parvin stated on November 27th she had attended the Eagle Scout Court of Honor for Darren Hansen and Michael Hanshaw whose projects in City parks saved the City in excess of \$25,000.

Mayor Parvin congratulated the Moorpark Rotary on their second annual "5K/10K Family Run So Others Can Walk" fundraiser to fight polio world-wide.

Mayor Parvin thanked Troop Real Estate for providing turkey dinners to Moorpark families in need.

8. PUBLIC HEARINGS:

None.

9. PRESENTATION/ACTION/DISCUSSION:

A. Consider Appointment to Fill a Vacancy on the Area Agency on Aging Advisory Council. Staff Recommendation: Appoint one (1) representative to fill a vacancy on the Area Agency on Aging Advisory Council for a term ending June 30, 2012.

Ms. Benson gave the staff report.

There were no speakers.

MOTION: Mayor Parvin moved to nominate and Councilmember Mikos seconded the motion to nominate of Benjamina Montoya to fill a vacancy on the Area Agency on Aging Advisory Council for a term ending June 30, 2012. The motion carried by unanimous voice vote.

B. Consider an Amendment to Section 2.04.050, Filling of Vacancies, of Chapter 2.04, City Council, of Title 2, Administration and Personnel of the Moorpark Municipal Code. (continued from 11/2/11) Staff Recommendation: Direct staff to draft an ordinance amending Section 2.04.050 of the Municipal Code to be consistent with State law and give direction if any permitted option for the filling of a vacancy is to be included.

Ms. Traffenstedt gave the staff report and Mr. Montes outlined the three issues of the MMC which are inconsistent with State law.

A discussion followed among the Councilmembers and Mr. Montes. Staff clarified the different options available for filling vacancies on the Council; the expense associated with various scenarios for calling an election; the timing of, and the possible unique circumstances of each vacancy; the potential for appointees having an advantage for being elected; and the right of the citizenry to vote for their representatives.

In response to Mayor Parvin, Mr. Montes confirmed among the various options the most flexible option available to the Council would be to delete Section 2.04.050 from the Moorpark Municipal Code and to default to the California Government Code if a vacancy were to occur.

John Shishino-Cruz, a Moorpark resident, spoke in favor of retaining the requirement to call an election to fill a vacancy on the Council thereby allowing the people the freedom to be heard.

Linda Shishino-Cruz, a Moorpark resident, spoke in favor of bringing the Moorpark Municipal Code section into compliance with State law, deleting any erroneous reference, and retaining the requirement to call an election to fill a vacancy on the Council.

In response to Councilmember Mikos, Mr. Montes stated without an ordinance identifying petitions as a means of requiring a special election rather than an appointment to fill a vacancy, the public would have to do a recall.

**MOTION:** Councilmember Millhouse moved and Mayor Parvin seconded a motion to direct staff to prepare an ordinance to remove Section 2.04.050 from the Moorpark Municipal Code and to follow State law for options for filling a vacancy on the Council.

Councilmember Mikos stated for the record that it is not absolutely certain that any election would cost \$100,000. She called for a roll call vote.

The motion carried by roll call vote 4-1, Councilmember Mikos dissenting.

- C. Consider Adopting the Sports Field Rental Policy. Staff Recommendation: Approve the Sports Field Rental Policy and direct that it be incorporated into the next update of the City Council Policies Resolution.

Ms. Shaw gave the staff report.

There were no speakers.

MOTION: Mayor Parvin moved and Councilmember Van Dam seconded a motion to approve the Sports Field Rental Policy and direct that it be incorporated into the next update of the City Council Policies Resolution. The motion carried by unanimous voice vote.

- D. Consider Adopting a High Street Arts Center Ticket Donation and Discounting Policy. Staff Recommendation: Adopt High Street Arts Center Ticket Donation and Discounting Policy and direct that it be incorporated into the next update of the City Council Policies Resolution.

Mr. Riley gave the staff report.

There were no speakers.

A discussion followed among the Councilmembers and staff regarding the following edits to the policy for Sections 4. And 5:

4. Approved Public Purposes for Complimentary of Discounted Tickets.

A. A maximum of up to four (4) Tickets per calendar year may be donated to each public school located in the City of Moorpark and to any non-profit, non-political organization that benefits City of Moorpark residents ~~with priority given~~ and specifically to non-profit organizations that benefit Moorpark youth (examples: local service clubs, organized youth groups, the Boys and Girls Club of Moorpark, and parent-teacher organizations)...

J. Tickets may be discounted in price up to a maximum of twenty percent (20%) for purchase of no less than twenty (20) group Tickets at one time, by non-profit, non-political organizations, except as excluded by Section 5. of this policy. Such discounted price may be offered no more than once annually ~~for a fund raising project~~ to any individual, business or organization. The group Tickets purchased at the discounted price for an annual fundraiser can be sold for the regular box office price of less, with any profit going to the charity.

5. Prohibited complimentary and Discounted Tickets.

Complimentary and discounted Tickets are not permitted to be distributed to the following:

A. ~~Private individuals or businesses, except as permitted by Section 4.J. of this policy.~~

AB. For-profit or not-for-profit organizations with political objectives such as political action committees.

- BC. Candidates for public office of their campaign committees.
- CD. Elected officials.
- DE. City Officials as defined in Section 2, except for the purposes of employee recognition, as permitted by Section 4.B of this policy.

MOTION: Councilmember Mikos moved and Councilmember Pollock seconded a motion to adopt High Street Arts Center Ticket Donation and Discounting Policy, as amended for Sections 4. and 5; and directed that it be incorporated into the next update of the City Council Policies Resolution. The motion carried by unanimous voice vote.

- E. Consider Possible Alternative Methods for Controlling Destructive Wild Rabbits that Cause Damage to Vegetation on Private and Public Property. Staff Recommendation: Direct staff as deemed appropriate.

Captain Nelson stated staff is requesting this item be continued to the meeting of January 4, 2012, to allow staff to gather additional information on this subject.

There were no speakers.

Councilmember Mikos stated for the record she had seen Assistant City Manager, Hugh Riley on the Channel 7 News at 6:00 p.m. tonight reporting on this item. She referenced stamped page 22 of the agenda report and reminded staff that the City has a policy to never use anti-coagulant poison for anything.

A discussion followed among the Councilmembers and staff regarding additional options such as a food source that causes sterility in the rabbits; and Councilmember Van Dam suggested rather than setting a definite date in January to take this item off calendar to allow staff more time.

Pamela Castro, a Moorpark resident, spoke in regard to the wild rabbits that have overrun her property and thanked the Council for taking up this subject matter.

MOTION: Councilmember Millhouse moved and Mayor Parvin seconded a motion to take this item off calendar to allow staff more time to study the options. The motion carried by unanimous voice vote.

- F. Consider Cancellation of December 21, 2011 Regular Meeting. Staff Recommendation: Direct staff to post a notice of meeting cancellation for December 21, 2011.

Ms. Benson gave the staff report.

There were no speakers.

CONSENSUS: It was the consensus of the Council to direct staff to post a notice of meeting cancellation for December 21, 2011.

10. CONSENT CALENDAR: (ROLL CALL VOTE REQUIRED)

MOTION: Councilmember Van Dam moved and Mayor Parvin seconded a motion to approve the Consent Calendar with the exception of Items 10.F. and 10.G, which were pulled for individual consideration. The motion carried by unanimous roll call vote.

- A. Consider Minutes of Regular Meeting of November 16, 2011. Staff Recommendation: Approve the minutes.
- B. Consider Warrant Register for Fiscal Year 2011/12 – December 7, 2011. Staff Recommendation: Approve the warrant register.
- C. Consider Revising Financial Contribution to the Ventura County Housing Trust Fund (VCHTF). Staff Recommendation: Approve disbursement of the City's \$50,000.00 contribution to the VCHTF in two annual payments and allow up to 10% of the contribution to be utilized solely for direct staff time to implement VCHTF activities.
- D. Consider Resolution Directing the Planning Commission to Study, Hold a Public Hearing, and Provide a Recommendation on Amendments to Chapter 17.20 (Uses by Zone) of the Zoning Ordinance to Address the Religious Land Use and Institutionalized Persons Act in the Allowed Uses. Staff Recommendation: Adopt Resolution No. 2011-3075.
- E. Consider Report of 2011 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 (PA 1-6) and KB Home (PA 8-9). 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 2011 annual review process complete.

The following items were pulled for individual consideration.

- G. Consider Resolution Amending the City of Moorpark Franchise Agreements with G.I. Industries and Moorpark Rubbish Disposal, for both Residential and Commercial Solid Waste Services, and Authorize the City Manager to Execute the Amendments to the Agreements. Staff Recommendation: 1) Adopt Resolution No. 2011-3076; and 2) Authorize the City Manager to execute the amendments to the Franchise

Agreements, subject to final language approval of the City Manager and City Attorney.

Ms. Davis gave the staff report and stated a new Section 3. had been added to the Resolution on stamped page 97 of the agenda report.

“SECTION 3. This extension shall become effective upon execution of the amendment by both parties.

SECTION 34. The City Clerk shall certify to the adoption of the resolution and shall cause a certified resolution to be filed in the book of original resolutions.”

MOTION: Mayor Parvin moved and Councilmember Mikos a motion to 1) Adopt Resolution No. 2011-3076, as amended to add a new Section 3; and 2) Authorize the City Manager to execute the amendments to the Franchise Agreements, subject to final language approval of the City Manager and City Attorney. The motion carried by unanimous voice vote.

Ms. Traffenstedt stated that staff had correctly labeled the agenda reports in the packet for Items 10.F. and 10.G, but had inadvertently flipped the titles on the agenda itself. The website and public copies of the agenda have been corrected.

F. Consider the Selection of MR Consulting for Professional Services Relating to Floodplain Management and Consider Resolution Amending the Fiscal Year 2011/12 Budget. Staff Recommendation: 1) Authorize the City Manager to execute the agreement with MR Consulting, subject to final language approval of the City Manager and City Attorney; and 2) Adopt Resolution No. 2011-3077. ROLL CALL VOTE REQUIRED

MOTION: Councilmember Parvin moved and Mikos seconded a motion to accept the amended agenda for Items. 10. F. and 10.G. The motion carried by unanimous voice vote.

MOTION: Councilmember Mikos moved and Mayor Parvin seconded a motion to 1) Authorize the City Manager to execute the agreement with MR Consulting, subject to final language approval of the City Manager and City Attorney; and 2) Adopt Resolution No. 2011-3077. The motion carried by unanimous roll call vote.

11. ORDINANCES: (ROLL CALL VOTE REQUIRED)

None.

12. CLOSED SESSION:

Mr. Kueny requested the City Council go into closed session for discussion of Item 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 8:28 p.m.

C. PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
(Pursuant to Subdivision (b) of Section 54957 of the Government Code)  
Title: City Manager; and City Attorney.

Present in closed session were Councilmembers Mikos, Millhouse, Pollock, Van Dam, and Mayor Parvin; Steven Kueny, City Manager; and Deborah Traffenstedt, Deputy City Manager.

The Council reconvened into open session at 8:58 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 8:58 p.m.

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Janice S. Parvin, Mayor

ATTEST:

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Maureen Benson, City Clerk