

MINUTES OF THE CITY COUNCIL

Moorpark, California

January 4, 2012

A Regular Meeting of the City Council of the City of Moorpark was held on January 4, 2012, 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 7:20 p.m.

2. PLEDGE OF ALLEGIANCE:

Nick Sinopoli, 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; 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; David Moe, Redevelopment Manager; Captain Ron Nelson, Sheriff's Department; and Maureen Benson, City Clerk.

4. PROCLAMATIONS AND COMMENDATIONS:

None.

5. PUBLIC COMMENT:

Diane Walters, a Moorpark resident, reported on issues with street sweeping starting before the appointed time on her street. She stated for the future agenda item regarding wild rabbits, she is in favor of the wild animals retaining their habitat and hopes drastic measures will not be taken to eliminate them.

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 7:24 p.m. The City Council meeting reconvened at 7:25 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, which will be holding its annual meeting at Spanish Hills Country Club in Camarillo with the Ventura County Economic Development Association on January 19th.

Mayor Parvin announced the Ventura County Transportation Commission (VCTC) will hold an East County Unmet Transit Needs meeting at the Moorpark City Hall Community Center on January 17th. The Moorpark City Council will consider unmet transit needs at its February 1st meeting. The deadline to submit comments to VCTC is February 13th.

Mayor Parvin announced the City Council is looking for interested citizens to submit an application for consideration to fill a vacancy on the Library Board for a term ending June 30, 2013. Applications are available at City Hall, the Library, and on the City's website. Applications must be submitted to the City Clerk at City Hall no later than 5:00 p.m. on January 20th.

Mayor Parvin announced January 6th is the opening night of the High Street Arts Center presentation of "Hair Spray", the Broadway musical.

Mayor Parvin announced on January 15th, Art in Public Places will be presenting artist, John Fischer carving a limestone stature in the plaza at the Ruben Castro Human Services Center on Spring Road.

8. PUBLIC HEARINGS:

None.

9. PRESENTATION/ACTION/DISCUSSION:

- A. Consider an Ordinance Deleting Section 2.040.050, Filling of Vacancies, of Chapter 2.04, City Council of Title 2 of the Moorpark Municipal Code. Staff Recommendation: Introduce Ordinance No. 410 for first reading, waive full reading, and schedule second reading and adoption for January 18, 2012.

Ms. Traffenstedt gave the staff report and in response to Councilmember Mikos stated the following verbiage would be added to the final recital, "...and directed an ordinance be prepared for introduction on January 4, 2012".

Councilmember Mikos presented a compromise suggestion to keep the existing ordinance allowing for any corrections needed to comply with the

Government Code, but to also include a provision specifying how the public could petition for a special election.

Chris Evans, former Councilmember, spoke in opposition to taking away his right to vote in an election.

Janet Murphy, a Moorpark resident spoke in opposition to repealing the ordinance stating citizens deserve the right to choose.

Linda Shishino-Cruz, a Moorpark resident, spoke in opposition to repealing the ordinance; supported making the minor changes to bring the section current; and stated consideration of the cost of an election should not be a factor in this decision.

John Shishino-Cruz, a Moorpark resident, spoke in opposition to deleting the ordinance as people want to vote regardless of the cost for a special election.

A discussion followed among the Councilmembers, staff, and Mr. Montes regarding the desire for informed deliberation when a vacancy occurs to determine the pros and cons for calling an election versus making an appointment; the possibility of an appointed member having an advantage as an incumbent; and the public's rights in regard to petitioning and voting.

MOTION: Councilmember Mikos moved and Councilmember Pollock seconded for discussion purposes the motion to introduce an ordinance allowing for the public to petition for a special election.

A discussion followed among the Councilmembers, staff and Mr. Montes regarding the number of days the Council would wait to allow the public time to generate a petition for a special election and the percentage of signatures required for submitting the petition.

AMENDED MOTION: Councilmember Mikos moved to amend the motion and Councilmember Pollock seconded the amendment to the language of the ordinance to apply a 30-day waiting period for the Council in making a decision for appointment and a requirement for the petition signatures to be 10% of the registered voters of the City according to the last report of registration by the county elections official and consider Ordinance No. 410 introduced for first reading.

Mr. Montes read the revised content of Ordinance No. 410.

"If a vacancy occurs on the City Council, or in the office of elected Mayor, the Council shall fill such vacancy as provided for in Government Code sections 36512(b) and 34902(a); provided, however, that pursuant to section

36512(c)(2), the Council shall wait 30 days from the occurrence of the vacancy prior to making any appointment to fill the vacancy to allow for the submission of petition(s) in the format set forth in Elections Code section 100 bearing the verified signatures of 10% of the registered voters of the City according to the last report of registration by the county elections official to the Secretary of State pursuant to Section 2187 of the Elections Code, in which case a special election shall be called to held on the next regularly established election date not less than 114 days from the filing of the petition and no appointment shall be made. All references to statutes in this section shall include sections amendatory or supplementary thereto.”

The motion carried by unanimous voice vote.

Mr. Montes stated the amended content of the ordinance would be prepared and presented for second reading and adoption at the January 18, 2012, meeting.

Councilmember Mikos stated for the record the public should still attend the January 18th meeting when the second vote on the ordinance is to take place.

10. CONSENT CALENDAR: (ROLL CALL VOTE REQUIRED)

MOTION: Councilmember Millhouse 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 December 7, 2011. Staff Recommendation: Approve the minutes.
- B. Consider Warrant Register for Fiscal Year 2011/12 – January 4, 2012. Staff Recommendation: Approve the warrant register.
- C. Consider Surety Bond Exoneration for Burns-Pacific Construction, Inc., Tract 5147. Staff Recommendation: Authorize the City Clerk to fully exonerate the Public Improvements Performance and Payment Surety Bond No. 104849883 in the amount of \$416,500.00.
- D. Consider Granting an Easement for Pacific Bell Company (dba AT&T California) for Existing Communication Facilities within a Portion of Lot C of APN 512-0-171-235 (612 Spring Road, Ruben Castro Human Services Center). Staff Recommendation: Authorize the City Manager to execute the Grant of Easement for the Property and have staff return the same to

Pacific Bell Telephone Company, dba AT&T California, for recordation with the County of Ventura.

- E. Consider Regular Meeting Schedule for City Council Standing Committees for Calendar Year 2012. Staff Recommendation: Approve Regular Meeting Schedule for 2012
- F. Consider Removal and Replacement of Heating Ventilation and Air Cooling (HVAC) Duct Work on the Community Center Roof and Resolution Amending the Fiscal Year 2011/12 Budget. Staff Recommendation: 1) Approve the replacement of 315 feet of existing HVAC roof ducting that serves the Active Adult Center and Community Center; and 2) Award contract to lowest bidder; and 3) Adopt Resolution No. 2012-3078 amending the FY 2011/12 operating budget to appropriate \$40,365 from the General Fund Reserve (1000) to the Facilities Division (7620). ROLL CALL VOTE REQUIRED

11. ORDINANCES: (ROLL CALL VOTE REQUIRED)

None.

AT THIS POINT in the meeting, the City Council recessed to convene a special meeting of the City Council. The time was 8:35 p.m. The regular Council meeting reconvened at 8:36 p.m.

12. CLOSED SESSION:

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

MOTION: Councilmember Millhouse moved and Councilmember Van Dam seconded a motion to adjourn to closed session for a discussion of Items 12.C, 12.D, and 12.E. on the agenda. The motion carried by unanimous voice vote. The time was 8:36 p.m.

- C. CONFERENCE WITH REAL PROPERTY NEGOTIATOR
(Pursuant to Government Code Section 54956.8)
Property: 530 Moorpark Avenue (APN 512-0-103-180)
City Negotiator: Steven Kueny, City Manager
Negotiating Parties: MPP Investments dba MP Professional Center
Under Negotiation: Price and terms of payment
- D. CONFERENCE WITH REAL PROPERTY NEGOTIATOR
(Pursuant to Government Code Section 54956.8)
Property: 20 Moorpark Avenue (APN 512-0-111-310)
City Negotiator: Steven Kueny, City Manager
Negotiating Parties: City of Moorpark and Premji, Alladin & Susan Trust
Under Negotiation: Price and terms of payment

E. 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; Hugh Riley, Assistant City Manager; Deborah Traffenstedt, Deputy City Manager; David Bobardt, Community Development Director; and David Moe, Redevelopment Manager. Mr. Riley, Mr. Bobardt, and Mr. Moe left the meeting at 8:47 p.m.

The Council reconvened into open session at 9:05 p.m. Mr. Kueny stated Items 12.C, 12.D, and 12.E. were discussed and there was no action to report.

13. ADJOURNMENT:

Mayor Parvin adjourned the meeting at 9:05 p.m.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, City Clerk