

MINUTES OF THE CITY COUNCIL

Moorpark, California

January 18, 2012

A Regular Meeting of the City Council of the City of Moorpark was held on January 18, 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 7:12 p.m.

2. PLEDGE OF ALLEGIANCE:

Bruce Rokos, a Moorpark resident, led the Pledge of Allegiance.

3. ROLL CALL:

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

Absent: Councilmember Millhouse.

Staff Present: Steven Kueny, City Manager; 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; 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.

CONSENSUS: It was the consensus of the Council to hear Items 9.A. and 11.A. prior to Public Comment.

AT THIS POINT in the meeting Item 9.A. followed by Item 11.A. were heard.

9. PRESENTATION/ACTION/DISCUSSION:

A. Reconsideration of City Council Action on Agenda Item 9.A. of the January 4, 2012, Regular Meeting (First Reading of Ordinance No. 410, Amending Section 2.04.050, Filling of Vacancies, of Chapter 2.04, City Council, of Moorpark Municipal Code). Staff Recommendation: 1) Consider reconsideration of introduction of Ordinance No. 410, Item 9.A. on the January 4, 2012, regular City Council meeting; and 2) Consider

reconsideration of vote on January 4, 2012, for Item 9.A.; and 3) Direct staff as deemed appropriate for any requested staff action.

Councilmember Mikos stated her reasons for requesting reconsideration of Item 9.A. from the January 4, 2012 meeting after hearing from the public, who want to maintain the special election process for filling vacancies on the Council, and are in opposition to requiring a petition of the voters to secure a special elect.

Councilmember Pollock stated, independent of Councilmember Mikos' request for reconsideration of Item 9.A. from the January 4 meeting, he too had requested reconsideration after obtaining input from the public who were displeased with the compromise proposed.

The following Moorpark residents spoke in favor of the reconsideration and in opposition to the compromise proposed at the January 4 meeting, and spoke in favor of amending the existing ordinance to bring it into compliance with State law while retaining their right to vote in a special election:

Bill Poleri  
Chris Evans  
Jim Myers  
Bob Peskay  
Diane Walters  
Tim McGarry  
John LaJoy  
Patricia Cooper  
Janet Murphy  
Joe Johns  
Thomas Pflaumer  
Bernardo Perez  
Monica Savic  
Linda Shishino-Cruz  
John Shishino-Cruz

Bruce Rokos, a Moorpark resident, spoke in favor of fiscal responsibility in deciding whether or not to call a special election to fill a vacancy on the Council.

In response to Mayor Parvin, the City Clerk summarized Written Statement Cards submitted for Item 9.A. with four (4) statements wanting voters to retain the right to vote for council vacancies and two (2) statements wanting to maintain right to vote for vacant council seats and a prohibition on council from making appointments for vacancies.

A discussion followed among the Councilmembers focusing on a review of the process that brought this issue to the Council; the number of signatures required on a petition as stipulated in the compromise being too high; the public input received in regard to the retaining the requirement for a special election; and a desire to reconsider the introduction of Ordinance No. 410 along with the vote.

MOTION: Councilmember Pollock moved and Councilmember Mikos seconded a motion to reconsider the introduction of Ordinance No. 410, Item 9.A. from the January 4, 2012, regular City Council meeting agenda. The motion carried by voice vote 4-0, Councilmember Millhouse absent.

MOTION: Councilmember Mikos moved and Mayor Parvin seconded a motion to reconsider the vote from January 4, 2012 for Item 9.A. The motion carried by voice vote 4-0, Councilmember Millhouse absent.

MOTION: Councilmember Mikos moved to amend Ordinance No. 410 and reintroduce it for first reading on February 1, 2012, with editorial corrections to bring it into compliance with State law, require a special election to fill a vacancy of a councilmember, and still allow for an interim appointment.

Ms. Traffenstedt clarified that the interim appointment option only applied to a Councilmember position and not the office of Mayor; and she described the special option which required the immediate calling of a special election with no interim appointment.

AMENDED MOTION: Councilmember Mikos moved to amend the motion and Mayor Parvin seconded the amended motion to prepare two versions of Ordinance No. 410, for consideration on February 1, 2012 meeting pursuant to Government Code Sections 36512(c)(1) and 36512(c)(3). The motion carried by voice vote 4-0, Councilmember Millhouse absent.

5. PUBLIC COMMENT:

Joe Johns, a Moorpark resident and volunteer coach for the Moorpark Soccer Club, requested consideration for a continuance of the agreement for the Moorpark Soccer Club to be the same as those organizations mentioned in the agenda report for Item 10.I.

The following Moorpark residents spoke in regard to Item 11.A. on the agenda and thanked the Council for their reconsideration of Ordinance No. 410 as determined in Item 9.A:

Patricia Cooper  
Bernardo Perez  
Linda Shishino-Cruz

11. ORDINANCES: (ROLL CALL VOTE REQUIRED)

- A. Consider Ordinance No. 410 Amending Section 2.04.050, Filling of Vacancies, of Chapter 2.04, City Council, of Title 2, Administration and Personnel of the Moorpark Municipal Code. Staff Recommendation: Waive full reading and declare Ordinance No. 410 read for the second time and adopted as read. ROLL CALL VOTE REQUIRED

CONSENSUS: It was the consensus of the Council to remove this item from the calendar to be re-introduced for first reading on February 1, 2012, as amended in Item 9.A.

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 8:33 p.m. The City Council meeting reconvened at 8:39 p.m.

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

CONSENSUS: It was the consensus of the Council to pull item 10.I. from the Consent Calendar for individual consideration upon the request of Councilmember Pollock.

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

Councilmember Van Dam recommended the current production of "Hair Spray" at the High Street Arts Center.

Councilmember Mikos reported on having attended the "Chip Off" event at the Ruben Castro Human Services Center on January 15th where sculptor, John Fisher allowed the public to participate in the creation of the art piece for the center.

Mayor Parvin announced January 20th is the last day to apply to fill a vacancy on the Library Board.

Mayor Parvin announced the City will host a free electronic waste collection and secure paper shredding event on January 21st at the Moorpark Public Services Facility located at 627 Fitch Avenue.

Mayor Parvin announced 2012 marks the 100th anniversary of a free public library in Moorpark. All of Moorpark is invited to come "Mix and Mingle" at the Library on January 28th to kick off a year of celebration. The Moorpark City Library 100th Anniversary Committee has adopted the theme: "Dream Big," for a year-long series of special events to celebrate 100 years of literacy.

Mayor Parvin announced the City Council will consider providing comments on Unmet Transit Needs during its regular 7:00 p.m. City Council meeting on February 1st. The deadline to submit comments to the Ventura County Transportation Commission is February 13th.

Mayor Parvin announced applications are now being accepted for the Moorpark Community Emergency Response Team (CERT) class. This CERT training is free and teaches you how to prepare for and respond to disasters and other emergencies.

Mayor Parvin stated she and Councilmember Millhouse had participated in a joint Ventura Council of Governments and Ventura County Transportation Commission meeting where the Southern California Association of Governments presented the Draft Regional Transportation Plan.

Mayor Parvin stated a majority of the Council attended a California League of Cities meeting in Thousand Oaks on January 13th to discuss the fate of redevelopment agencies with other councilmembers from California.

Mayor Parvin stated she too had attended the wonderful "Chip Off" event at the Ruben Castro Human Services Center on January 15th.

Mayor Parvin stated she attended a meeting of Local Agency Formation Commission (LAFCO) on January 18th where discussion was of future changes to the scope of work of LAFCO statewide.

Mayor Parvin announced the Moorpark Chamber of Commerce will be holding its Installation and Awards dinner, "Boardwalk Empire" on January 28th at the Moorpark Country Club.

8. PUBLIC HEARINGS:

None.

9. PRESENTATION/ACTION/DISCUSSION:

- B. Consider Calendar Year 2012 Water Rate Analysis Being Considered by the Ventura County Board of Supervisors. Staff Recommendation: Direct staff as deemed appropriate.

Ms. Davis gave the staff report; and R. Reddy Pakala, Director of Ventura County Water Works District 1, responded to Council questions.

A discussion followed among the Councilmember, Mr. Pakala, and staff concerning infrastructure costs causing rate increases, a Moorpark solar project, a brine line and desalinization proposal for Moorpark, and the desire for a future agenda presentation from Metropolitan Water District of

Southern California and Calleguas Municipal Water District at a Council meeting.

There were no speakers.

**MOTION:** Mayor Parvin moved and Councilmember Van Dam seconded a motion to send a strongly worded letter to the Ventura County Board of Supervisors expressing serious concerns with regard to the increase in rates. The motion carried by voice vote 4-0, Councilmember Millhouse absent.

- C. Consider an Ordinance Amending Section 10.08.010, Applicability of Provisions, of Chapter 10.08, Private Roads and Parking Facilities, of Title 10, Vehicles and Traffic, of the Moorpark Municipal Code. Staff Recommendation: 1) Introduce Ordinance No. 411, for first reading, waive full reading, and schedule second reading and adoption for February 1, 2012; and 2) Direct staff to prepare a resolution for the meeting of February 1, 2012, to continue traffic enforcement in the Varsity Park Shopping Center with an effective date corresponding to that of the ordinance.

Captain Nelson gave the staff report.

There were no speakers

Mrs. Benson read the title of Ordinance No. 411.

**MOTION:** Councilmember Van Dam moved and Councilmember Pollock seconded a motion to: 1) Waive full reading, declare Ordinance No. 411 read for the first time, and scheduled second reading and adoption for February 1, 2012; and 2) Direct staff to prepare a resolution for the meeting of February 1, 2012, to continue traffic enforcement in the Varsity Park Shopping Center with an effective date corresponding to that of the ordinance. The motion carried by voice vote 4-0, Councilmember Millhouse absent.

- D. Consider Adopting the Recreation Programs and Services Cost Recovery Policy. Staff Recommendation: Approve the Policy and direct that it be incorporated into the City Council Policies Resolution at the next update.

Ms. Shaw gave the staff report.

There were no speakers.

**MOTION:** Councilmember Van Dam moved and Councilmember Pollock seconded a motion to approve the Recreation Programs and Services Cost Recovery Policy to be incorporated into the next update of the City Council Policies Resolution. The motion carried by voice vote 4-0, Councilmember Millhouse absent.

- E. Consider Amendment No. 7 to Professional Services Agreement with GKK Works for Additional Design Fees in the Amount of \$586,000 for the Moorpark Library Expansion and Reconstruction Project Located at 699 Moorpark Avenue. Staff Recommendation: Approve the Amendment, and authorize the City Manager to execute the Amendment, subject to final language approval by the City Manager and City Attorney.

Mr. Riley gave the staff report.

There were no speakers.

MOTION: Councilmember Pollock moved and Councilmember Mikos seconded a motion to approve the Amendment, and authorize the City Manager to execute the Amendment, subject to final language approval by the City Manager and City Attorney. The motion carried by roll call vote 4-0, Councilmember Millhouse absent.

10. CONSENT CALENDAR: (ROLL CALL VOTE REQUIRED)

MOTION: Councilmember Van Dam moved and Councilmember Pollock seconded a motion to approve the Consent Calendar with the exception of Item 10.I, which was pulled for individual consideration. The motion carried by roll call vote 4-0, Councilmember Millhouse absent.

- A. Consider Minutes of Regular Meeting of January 4, 2012. Staff Recommendation: Approve the minutes.
- B. Consider Minutes of Special Meeting of January 4, 2012. Staff Recommendation: Approve the minutes.
- C. Consider Warrant Register for Fiscal Year 2011/12 – January 18, 2012. Staff Recommendation: Approve the warrant register.
- D. Consider Resolution Rescinding Resolution No. 2011-3039 Adopting a Loan Agreement between the City of Moorpark and the Redevelopment Agency of the City of Moorpark. Staff Recommendation: Adopt Resolution No. 2012-3080, rescinding Resolution No. 2011-3039.
- E. Consider Right-of-way Use Agreement between Sunesys, LLC and the City of Moorpark for Installation and Maintenance of a Fiber Optic Communications System. Staff Recommendation: Authorize the City Manager to execute the Agreement, subject to final language approval by the City Manager and City Attorney.
- F. Consider Resolution Amending the Fiscal Year 2011/12 Budget to Fund Change Order Requests for Projects Located at 81 First Street and 1449

Walnut Canyon Road. Staff Recommendation: 1) Authorize the City Manager to sign change orders for rehabilitation and grading; and 2) Adopt Resolution No. 2012-3081. ROLL CALL VOTE

- G. Consider Authorization for Recordation of the Notice of Completion for Demolition of Structures at 780 Walnut Street (APN 512-0-063-010) and 124 First Street (APN 512-0-102-110) and Release of Bonds in Accordance with the Contract. Staff Recommendation: Authorize the City Clerk to file the Notice of Completion, and release the project bonds as outlined in the agenda report.
- H. Consider Amendment No. 1 to the Landscape Maintenance Agreements for Azteca Landscape and Marina Landscape for Additional Services at Various Landscape Maintenance Districts and Parks; and Resolution Amending the Fiscal Year 2011/12 Budget. Staff Recommendation: 1) Adopt Resolution No. 2012-3082; and 2) Approve Amendment No. 1, a fifteen percent (15%) contingency in the amount of \$69,177 for various landscape services and \$5,520 for weed abatement services at Buttercreek Park, to the Azteca Landscape Agreement, and authorize the City Manager to execute the Amendment, subject to final language approval by the City Manager and City Attorney; and 3) Approve Amendment No. 1, a fifteen percent (15%) contingency in the amount of \$45,224 for various landscape services, to the Marina Landscape Agreement, and authorize the City Manager to execute the Amendment, subject to final language approval by the City Manager and City Attorney. ROLL CALL VOTE
- J. Consider Award of a Professional Services Agreement to Rybak Geotechnical, Inc. for Geotechnical Engineering Investigation in the Amount of \$24,600 for the Civic Center Campus Master Plan Environmental Impact Report Including the Moorpark Library Expansion and Reconstruction Project Located at 699 Moorpark Avenue. Staff Recommendation: Approve the Agreement and authorize the City Manager to execute the Agreement, subject to final language approval by the City Manager and City Attorney.
- K. Consider Amendment No. 3 to Construction Agreement with Damar Construction, Inc. in the Amount of \$5,258.00 for Additional Grading and Paving Services for the Ruben Castro Human Services Center Located at 612 Spring Road. Staff Recommendation: Approve Amendment No. 3, and authorize the City Manager to execute the Amendment, subject to final language approval by the City Manager and City Attorney.
- L. Memorandum of Understanding between the Ventura County Sheriff's Department and the City of Moorpark Regarding Use of the Ventura County Emergency Telephone Notification System "VC Alert". Staff Recommendation: Approve the Agreement, and authorize the City

Manager to execute the Agreement, subject to final language approval by the City Manager and City Attorney.

The following item was pulled for individual consideration.

- I. Consider Extending Term for Youth Sports Agreements. Staff Recommendation: Approve the extension of term for use agreements with American Youth Soccer Organization, Moorpark Girls Softball Association, and Moorpark Little League through June 30, 2012, and authorize the City Manager to amend the Agreements on behalf of the City.

Ms. Shaw gave the staff report and clarified the Moorpark Soccer Club was notified in December 2011 that their Agreement had expired.

MOTION: Mayor Parvin moved and Councilmember Mikos seconded a motion to: 1) Approve the extension of term for use agreements with American Youth Soccer Organization, Moorpark Girls Softball Association, and Moorpark Little League through June 30, 2012, and authorize the City Manager to amend the Agreements on behalf of the City; and 2) Directed staff to meet with the Moorpark Soccer Club to discuss their need for continued use of City facilities. The motion carried by voice vote 4-0, Councilmember Millhouse absent.

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 Van Dam seconded a motion to adjourn to closed session for a discussion of Item 12.C. on the agenda. The motion carried by voice vote 4-0, Councilmember Millhouse absent. The time was 9:34 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, Pollock, Van Dam, and Mayor Parvin; Steven Kueny, City Manager; and Deborah Traffenstedt, Deputy City Manager;

The Council reconvened into open session at 9:42 p.m. Mr. Kueny stated 12.C. was discussed and there was no action to report.

13. ADJOURNMENT:

Mayor Parvin adjourned the meeting at 9:42 p.m.

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Janice S. Parvin, Mayor

ATTEST:

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Maureen Benson, City Clerk