

MINUTES OF THE CITY COUNCIL

Moorpark, California

February 1, 2012

A Regular Meeting of the City Council of the City of Moorpark was held on February 1, 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 7:11 p.m.

2. PLEDGE OF ALLEGIANCE:

David Moe, Redevelopment Manager, 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 Klotzle, City Engineer/Public Works Director; David Moe, Redevelopment Manager; Joseph Fiss, Principal Planner; Shaun Kroes, Senior Management Analyst; Captain Ron Nelson, Sheriff's Department; and Maureen Benson, City Clerk.

AT THIS POINT in the meeting the Mayor announced the meeting would be adjourned in memory of two outstanding Moorpark individuals, James H. Whitaker and Lois Brusven.

4. PROCLAMATIONS AND COMMENDATIONS:

None.

5. PUBLIC COMMENT:

Heather Cousin, City Librarian, gave a report on activities at the Library in honor of its 100th anniversary.

Bob Day, a Moorpark resident, spoke in regard to the exclusion of bikes at the skate park and a ticket his son received for riding his bike there. He requested the Council revisit bike usage at this location.

Garry Boswell, a Moorpark resident, spoke in regard to a ticket his son received for riding his bike at the skate park. He requested the Council revisit bike usage

at this location and named other mixed-use parks in the area as successful examples.

Corey Salas, a bike rider from outside the city, spoke about the need for free skate and bike parks and recommended them as a safe activity keeping youth involved in positive activities.

Austin Boswell, a Moorpark resident, requested the Council reconsider allowing bike use at the skate park.

The Council waived rules to hear from one late speaker.

Mike Freeman, a Moorpark resident, requested the Council reconsider changing the rules to allow bike use at the skate park facility, which would result in a positive impact on the community by allowing more participation.

Mayor Parvin requested an item be agendaized for an upcoming joint City Council/Parks & Recreation Commission meeting to discuss the issue of bike usage at the skate park.

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

CONSENSUS: It was the consensus of the Council to pull Item 10.E. from the Consent Calendar for individual consideration, upon the request of Councilmember Mikos.

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

Councilmember Mikos announced she had recently attended a meeting of the Santa Monica Mountains Conservancy (SMMC) where it was announced a draft copy of a new SMMC Zone Open Space and Trails Map is about to be released.

Councilmember Mikos announced on February 1, she attended an Executive Committee meeting of the Economic Development Collaborative of Ventura County, which also serves as the Ventura County Film Commission. They have launched a website venturacountyfilm411.org, which is a directory of film related businesses and support services available in Ventura County.

Councilmember Van Dam complimented Captain Nelson and the Moorpark Police Department on the 2011 Crime Rate Statistics report showing a reduction in crime in Moorpark and once again maintaining the lowest crime rate in all of Ventura County.

Councilmember Millhouse reported at the last Ventura County Transportation Commission meeting, representatives from the Southern California Association of Governments presented an overview of the Regional Transportation Plan,

which includes proposed transportation projects in Southern California and is a pre-requisite for receiving federal funding. This plan is very important to Ventura County due to the lack of a sales tax to support transportation and a resulting reliance on state and federal funding.

Councilmember Pollock reported on February 1, he had toured the new Charles Street Terrace apartments for low income households with Douglas Tapping, Executive Director of the Ventura County Area Housing Authority.

Mayor Parvin announced the Moorpark City Library and Moorpark Friends of the Library are co-sponsoring a winter book sale on Saturday, February 4th and running through February 15th at the library.

Mayor Parvin announced the Moorpark Art in Public Places is proud to present sculptor John Fisher who is carving an art piece for the Ruben Castro Human Services Center through April 15th at the construction site at 612 Spring Road. She encouraged visitors to bring canned goods to the Food Pantry on their way to see the art piece on the site next door.

Mayor Parvin announced "Hair Spray" the Tony award winning Broadway Musical is playing at the High Street Arts Center through February 12th.

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.

8. PUBLIC HEARINGS:

None.

9. PRESENTATION/ACTION/DISCUSSION:

- A. Consider Presentations from Applicants to Fill One Vacancy on the Library Board for a Term Expiring June 30, 2012. Staff Recommendation: Hear presentations from applicants and defer appointment to the Library Board until the February 15, 2012, regular meeting, following the remaining applicant presentation.

Ms. Benson gave the staff report.

Mayor Parvin called the Library Board applicants to give their presentations in the order their names were drawn by the City Clerk prior to the start of the meeting.

The Council listened to presentations of the Library Board applicants in the following order:

Matt Valenzuela
Tim Cummings
Robert Perez

CONSENSUS: It was the consensus of the Council to defer appointment to fill a vacancy on the Library Board until the February 15, 2012, regular meeting, following the remaining Library Board applicant presentation.

- B. Consider First Reading of Ordinance No. 410 Amending Section 2.04.050, Filling of Vacancies, of Chapter 2.04, City Council, of Title 2 of the Moorpark Municipal Code. Staff Recommendation: 1) Discuss ordinance options; and 2) Introduce Ordinance No. 410 for first reading, waive full reading, and schedule second reading and adoption for February 15, 2012.

Ms. Traffenstedt gave the staff report.

The following speakers spoke in favor of the option using Government Code Section 36512(c)(1) to immediately call a special election to fill every city council and elected office of mayor vacancy.

Bob Peskay, a Moorpark resident
Suzanne Wilson, a Moorpark resident
John Shishino-Cruz, a Moorpark resident
Linda Shishino-Cruz, a Moorpark resident
Chris Evans, a Moorpark resident

In response to Mayor Parvin, Ms. Benson summarized two Written Statement cards from Kerry Wilson and Diane Walters both in support of the option to call a special election to fill vacancies and in opposition to appointments to fill vacancies.

Mr. Montes read the title of Ordinance No. 410.

MOTION: Councilmember Mikos moved and Councilmember Millhouse seconded a motion to amend Section 2.04.050 of the Municipal Code consistent with Government Code Section 36512(c)(1); and introduce Ordinance No. 410 for first reading, waive full reading, and schedule second reading and adoption for February 15, 2012. The motion carried by unanimous voice vote.

- C. Consider Providing Comments on Possible Unmet Transit Needs to the Ventura County Transportation Commission (VCTC) and Receive Report on Unmet Transit Needs Findings and Goals. Staff Recommendation: Provide comments and direct staff to forward them to VCTC, prior to the end of the public comment period on February 13, 2012.

Mr. Kroes gave the staff report.

There were no speakers.

CONSENSUS: It was the consensus of the Council for staff to include the following comments in the City's letter to VCTC: 1) Importance of keeping the free pilot transfer program; and 2) Request that the Unmet Needs hearing date be promoted at Moorpark College; and 3) Directed staff to circulate information to those residents living at Vintage Crest on how to use Dial-A-Ride services.

- D. Consider Status Report on Mission Statement, Priorities, Goals and Objectives for Fiscal Year 2011/2012 and Direction for Fiscal Year 2012/2013. Staff Recommendation: Direct staff as deemed appropriate.

Mr. Kueny gave the staff report and stated adjustments would be made throughout the document for those priorities and goals associated with the now dissolved Redevelopment Agency of the City of Moorpark.

A discussion followed among the Councilmembers and staff concerning: 1) Presentation of an update at the May budget workshop on the adjustments to the revitalization plan for the downtown area; 2) Consideration for adding an objective for BMX bike park; 3) Continued efforts to achieve the widening of Princeton Avenue; 4) Moving forward with updating the City's website to make it more user friendly; 5) Cost analysis for LED lighting to expand efficiency throughout the City; 6) Using artificial turf in City medians; and 6) Installing winter holiday decorations such as lighting on High Street.

There were no speakers.

CONSENSUS: The consensus of the Council was to receive and file the report.

10. CONSENT CALENDAR: (ROLL CALL VOTE REQUIRED)

MOTION: Councilmember Mikos moved and Councilmember Van Dam seconded a motion to approve the Consent Calendar with the exception of Item 10.E, which was pulled for individual consideration. The motion carried by unanimous roll call vote.

- A. Consider Warrant Register for Fiscal Year 2011-2012 – February 1, 2012. Staff Recommendation: Approve the warrant register.
- B. Consider Resolutions to Initiate Proceedings Related to the Citywide Landscape and Lighting Maintenance Assessment District and the Parks and Recreation Maintenance Improvement District for Fiscal Year 2012/13. Staff Recommendation: Adopt Resolution Nos. 2012-3083 and 2012-3084. ROLL CALL VOTE REQUIRED

- C. Consider Bond Exoneration for Defective Materials and Workmanship in Relation to the Reconstruction Work of the Victory Column at the Veterans Memorial. Staff Recommendation: Authorize the City Clerk to fully exonerate the Defective Materials and Workmanship Bond No. 4371655 for \$10,000.
- D. 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. 2012-3085; and 2) Authorize the City Manager to execute the Amendments to the Agreements, subject to final language approval by the City Manager and City Attorney
- F. Consider Resolution Amending the Fiscal Year 2011/12 Budget for the First Annual Payment to the Ventura County Housing Trust Fund. Staff Recommendation: Adopt Resolution No. 20123086 first annual payment to the Ventura County Housing Trust Fund. ROLL CALL VOTE REQUIRED
- G. Consider Rejection of Claim from: Pacific Bell/AT&T. Staff Recommendation: Reject the claim and direct staff to send a standard rejection letter to the claimant.

The following item was pulled for individual consideration.

- E. Consider Resolution Directing the Planning Commission to Study, Hold a Public Hearing, and Provide a Recommendation on Amending Chapter 17.20.050, Permitted Uses in Open Space, Agricultural, Residential and Special Purpose Zones; Chapter 17.20.060, Permitted Uses in Commercial and Industrial Zones; and Chapter 17.28, Standards for Specific Uses; of Title 17 Zoning, of the Moorpark Municipal Code Regarding Motion Picture, Television, and Photographic Production. Staff Recommendation: Adopt Resolution No. 2012-3087 directing the Planning Commission to study, hold a public hearing, and provide a recommendation on amending Chapter 17.20.050, Permitted Uses in Open Space, Agricultural, Residential and Special Purpose Zones; Chapter 17.20.060, Permitted Uses in Commercial and Industrial Zones; and Chapter 17.28, Standards for Specific Uses; of Title 17 Zoning, of the Moorpark Municipal Code regarding motion picture, television, and photographic production.

Councilmember Mikos stated she pulled this item to call attention to the fact the City is being proactive in planning an ordinance to facilitate film industry business in Moorpark. She stated staff may want to collaborate with the Economic Collaborative of Ventura County as the Ventura County

Film Commission, which is working to attract the film industry to Ventura County.

MOTION: Councilmember Mikos moved and Councilmember Pollock seconded a motion to: 1) Adopt Resolution No. 2012-3087 directing the Planning Commission to study, hold a public hearing, and provide a recommendation on amending Chapter 17.20.050, Permitted Uses in Open Space, Agricultural, Residential and Special Purpose Zones; Chapter 17.20.060, Permitted Uses in Commercial and Industrial Zones; and Chapter 17.28, Standards for Specific Uses; of Title 17 Zoning, of the Moorpark Municipal Code regarding motion picture, television, and photographic production; and 2) Directed staff to collaborate with the Economic Collaborative of Ventura County as the Ventura County Film Commission. The motion carried by unanimous voice vote.

11. ORDINANCES: (ROLL CALL VOTE REQUIRED)

A. Consider Ordinance No. 411 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: Waive full reading, declare Ordinance No. 411 read for the second time, and adopted as read. ROLL CALL VOTE REQUIRED

Mr. Montes read the title of Ordinance No. 411.

MOTION: Councilmember Millhouse moved and Councilmember Van Dam seconded a motion to waive full reading, declare Ordinance No. 411 read for the second time, and adopted as read. The motion carried by unanimous roll call vote.

12. CLOSED SESSION:

Mr. Kueny requested the City Council go into closed session for discussion of one case under Item 12.A, one case under Item 12.B, and Item 12.C. on the agenda.

Mr. Montes announced with respect to the one case under Item 12.A. no further description is required pursuant to Government Code Section 54956.9(b) Subdivision (3) (a). "Facts and circumstances that might result in litigation against the local agency, but which the local agency believes are not yet known to a potential plaintiff or plaintiffs, which facts and circumstances need not be disclosed."

CONSENSUS: It was the consensus of the Council to adjourn to closed session for discussion of one case under Item 12.A, one case under Item 12.B, and Item 12.C. on the agenda. The time was 8:33 p.m.

- A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to Subdivision (b) of Section 54956.9 of the Government Code: (Number of cases to be discussed - 4)
- 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. 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; Joseph Montes, City Attorney; Hugh Riley, Assistant City Manager; Deborah Traffenstedt, Deputy City Manager; Ron Ahlers, Finance Director; and David Moe, Redevelopment Manager. Mr. Ahlers and Mr. Moe left the meeting at 8:51 p.m.

The Council reconvened into open session at 9:18 p.m. Mr. Kueny stated one case under Item 12.A. and one case under Item 12.B. were discussed and there was no action to report.

13. ADJOURNMENT:

Mayor Parvin adjourned the meeting at 9:18 p.m. in memory of James H. Whitaker and Lois Brusven.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, City Clerk