

MINUTES OF THE CITY COUNCIL

Moorpark, California

June 20, 2012

A Regular Meeting of the City Council ("City Council") of the City of Moorpark, which also serves as the Successor Agency ("Successor Agency") and as Successor Housing Agency ("Successor Housing Agency") of the Redevelopment Agency of the City of Moorpark was held on June 20, 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 7:13 p.m.

2. PLEDGE OF ALLEGIANCE:

Jeremy Laurentowski, Parks and Landscape 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; Greg Murphy, Assistant City Attorney; Hugh Riley, Assistant City Manager; Deborah Traffenstedt, Deputy City Manager; Ron Ahlers, Finance Director; Dave Klotzle, City Engineer/Public Works Director; David Bobardt, Community Development Director; Jeremy Laurentowski, Parks and Landscape Manager; Shaun Kroes, Senior Management Analyst; Jessica Sandifer, Management Analyst; Captain Ron Nelson, Sheriff's Department; and Maureen Benson, City Clerk.

4. PROCLAMATIONS AND COMMENDATIONS:

None.

5. PUBLIC COMMENT:

None.

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

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

CONSENSUS: It was the consensus of the Council to hear Items 9.A. and 9.B. concurrently.

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

Councilmember Mikos stated on June 9 she had attended the grand opening of the new visitor center jointly managed by the National Parks Service, California State Parks, Santa Monica Mountains Conservancy, and the Mountains Recreation and Conservation Authority at King Gillette Ranch in the Santa Monica Mountains.

Mayor Parvin announced the Moorpark Beach Bus to Zuma Beach runs Tuesdays through Thursdays until August 16th.

Mayor Parvin announced the Moorpark Summer Youth Bus Pass, which provides unlimited ridership on Moorpark City Transit from June 1st until September 7th, is now on sale at City Hall and Arroyo Vista Recreation Center.

Mayor Parvin announced the City of Moorpark is pleased to present the annual Fireworks Extravaganza on Tuesday, July 3rd at Arroyo Vista Community Park.

Captain Ron Nelson announced the Moorpark Police Department will have a DUI crash car on display at the July 3rd event.

Councilmember Mikos announced she and the Deputy City Manager traveled to Sacramento to join with delegations from the cities of Carnarillo, Port Hueneme, Simi Valley, and Thousand Oaks in speaking with congressional members regarding transportation issues in Ventura County.

Mayor Parvin announced applications are now being accepted for the Community Emergency Response Team (CERT) training for the next class to be held on Tuesday evenings from July 24th through August 30th. Registration is online on the City's website or by calling City Hall at 517-6248.

Mayor Parvin announced the Moorpark City Library's "Dream Big" summer reading club continues every Tuesday, through July 31st.

Mayor Parvin announced the Moorpark City Library also has a full schedule of Teen Reading Club events and activities, as well as the Adult Reading Club. Visit moorparklibrary.org online for more information.

Mayor Parvin announced with the beginning of summer there is an increased chance for mosquito breeding and for the spread of diseases such as West Nile Virus now that summer is here. Empty out any standing water from around your home and property. For additional information call Vector and Animal Control at 517-6167.

Mayor Parvin reported she had attended a meeting of the Ventura County Animal Services Commission meeting where veterinarian, Dr. Lowell Novy gave a presentation on a low-cost spay/neuter program. Mayor Parvin requested a future agenda item for Dr. Novy to make a presentation at a City Council meeting on this service.

Mayor Parvin reported she had attended the June 19, 2012, meeting of the Oversight Board to the Successor Agency of the Redevelopment Agency of the City of Moorpark.

Mayor Parvin reported she and Councilmember Millhouse participated in a conference call with Senator Fran Pavley regarding Assemblymember Das Williams' Assembly Bill AB1778.

8. PUBLIC HEARINGS:

A. Consider Ordinance Approving Zoning Ordinance Amendment No. 2012-01: An Amendment to Section 17.44.030, Zoning Clearance, and Subsection 17.44.040(C), Planned Development (PD) Permit, of Section 17.44.040, Discretionary Permits and Exceptions, of Chapter 17.44, Application Review Procedures, of Title 17, Zoning, of the Moorpark Municipal Code Related to Changes in Color on Existing Buildings. Staff Recommendation: 1) Open the public hearing, accept public testimony, and close the public hearing; and 2) Introduce Ordinance No. ___ for first reading, waive full reading, and schedule second reading and adoption for July 18, 2012.

Mr. Bobardt gave the staff report.

Mayor Parvin opened the public hearing.

There were no speakers.

Mayor Parvin closed the public hearing.

Mr. Murphy read the title of Ordinance No. 414.

MOTION: Mayor Parvin moved and Councilmember Van Dam seconded a motion to waive full reading, declare Ordinance No. 414 read for the first time, and schedule second reading and adoption for July 18, 2012. The motion carried by unanimous voice vote.

9. PRESENTATION/ACTION/DISCUSSION:

CITY COUNCIL:

AT THIS POINT in the meeting Items 9.A. and 9.B. were heard concurrently.

- A. Consider Response to Caltrans on Draft Environmental Impact Report (EIR) for Proposed State Route 118 Intersection Improvements at State Route 34 (Somis Road). (continued from June 6, 2012) Staff Recommendation: Direct staff to send an updated comment letter to Caltrans to address the unresolved issues in the EIR, as drafted.

- B. Consider Response to County of Ventura Public Works Agency on Draft Environmental Impact Report (EIR) for Proposed Donlon Road Realignment Project (State Route 118 Intersection at State Route 34 – Somis Road). Staff Recommendation: Direct staff as deemed appropriate.

Mr. Bobardt gave the staff reports.

A discussion followed among the Councilmembers and staff regarding: 1) No need to comment on the Donlon Road project as it has no significant impacts on the City of Moorpark; 2) Identify in the comment letter to Caltrans for agenda item 9.A. that the schematic on stamped page 26 of the agenda report depicting the two westbound left-turn lanes from SR-118 to SR 34, is the preferred alternative to benefit outbound Moorpark traffic; and 3) Request in the comment letter to Caltrans, a prohibition of vehicles (except for deliveries) with three (3) or more axles from using these highways.

There were no speakers.

MOTION: Councilmember Millhouse moved and Mayor Parvin seconded a motion to direct staff to send an updated comment letter to Caltrans on the Draft EIR for Proposed State Route 118 Intersection Improvements at State Route 34 (Somis Road), subject to final language approval of the Mayor and City Manager, to include the City's preference for two westbound left turn lanes on SR-118 to SR-34, and the request for prohibition of vehicles with three (3) or more axles (except for deliveries) on these highways. The motion carried by unanimous voice vote.

CONSENSUS: It was the consensus of the Council to receive and file the County of Ventura Public Works Agency Draft EIR for the proposed Donlon Road realignment project.

- C. Consider Letter of Support for the Ventura County Transportation Commission's Ventura County Regional Transit Study Final Report: Executive Summary and Report to the Legislature. Staff Recommendation: Authorize the Mayor to sign a letter of support for VCTC's Ventura County Regional Transit Study Final Report: Executive Summary and Report to the Legislature.

Mr. Kroes gave the staff report.

Councilmember Mikos reported on her trip to Sacramento on June 21, 2012, where she and the Deputy City Manager along with a contingent of like officials from the cities of Camarillo, Port Hueneme, and Thousand Oaks discussed compromise positions with senators on AB1778 as it affects transportation in Ventura County.

There were no speakers.

MOTION: Councilmember Millhouse moved and Mayor Parvin seconded a motion to authorize the Mayor to sign a letter of support for VCTC's Ventura County Regional Transit Study Final Report: Executive Summary and Report to the Legislature. The motion carried by unanimous voice vote.

- D. Consider Annual Sustainability Report. Staff Recommendation: Receive and file report.

Ms. Sandifer gave the staff report.

A discussion followed among the Councilmembers and staff regarding: 1) Add the differentiation between commercial and residential energy usage in the next edition of the report; and 2) Add the Serenata Multi-Use Trail on stamped pages 102-103 and list the Feasibility Analysis Report on the Arroyo-Simi Trails.

There were no speakers.

MOTION: Councilmember Mikos moved and Councilmember Millhouse seconded a motion to receive and file the report, as amended for the addition of the Serenata Multi-Use Trail and the Feasibility Analysis Report on the Arroyo-Simi Trails, and directed staff to publish the Sustainability Report on the City's website. The motion carried by unanimous voice vote.

- E. Consider Resolutions for the General Municipal Election to be Held on Tuesday, November 6, 2012: 1) Resolution Calling and Giving Notice of the Holding of the General Municipal Election on November 6, 2012, for the Election of Certain Officers of the City and for Submission to the Voters of an Article 34 Authorization Ballot Measure, and Requesting the Board of Supervisors of the County of Ventura to Consolidate Said General Municipal Election with the Presidential General Election on Said Date; and 2) Resolution Requesting the Board of Supervisors of the County of Ventura to Permit the County Clerk to Render Services to the City of Moorpark for the General Municipal Election and to Canvass the Returns of the General Municipal Election; and 3) Resolution Setting Priorities for Filing Written Arguments Regarding a City Measure and Directing the City Attorney to Prepare an Impartial Analysis; and 4)

Resolution Providing for the Filing of Rebuttal Arguments for City Measures Submitted at Municipal Elections. Staff Recommendation: Adopt Resolution Nos. 2012-3112, 2012-3113, 2012-3114, and 2012-3115.

Ms. Traffenstedt gave the staff report and described changes to Resolution No. 2012-3112 on stamped page 131 of the agenda report to add the words "permitted by law" at the end of the sentence in Section 4.(b) and Resolution No. 2012-3114 on stamped page 138 of the agenda report to add the sentence "The arguments may not be signed by more than five (5) persons" just prior to the last sentence in Section 2.

A discussion followed among the Councilmembers and staff regarding staff's recommendation to form an ad hoc committee consisting of two Councilmembers willing to draft the in favor argument for the ballot measure to be brought back for Council approval at the July 18 meeting.

There were no speakers.

MOTION: Councilmember Millhouse moved and Councilmember Pollock seconded a motion to adopt Resolution No. 2012-3112, calling and giving notice of the holding of the General Municipal Election on November 6, 2012, for the election of certain officers of the City and for submission to the voters of an Article 34 Authorization Ballot Measure, and requesting the Board of Supervisors of the County of Ventura to consolidate said General Municipal Election with the Presidential General Election on said date, as amended to add "permitted by law" on stamped page 131 of the agenda report at the end of Section 4.(b). The motion carried by unanimous voice vote.

MOTION: Councilmember Millhouse moved and Councilmember Pollock seconded a motion to adopt Resolution No. 2012-3113, requesting the Board of Supervisors of the County of Ventura to permit the County Clerk to render services to the City of Moorpark for the General Municipal Election and to canvass the returns of the General Municipal Election. The motion carried by unanimous voice vote.

MOTION: Councilmember Millhouse moved and Councilmember Pollock seconded a motion to adopt Resolution No. 2012-3114, setting priorities for filing written arguments regarding a City measure and directing the City Attorney to prepare an Impartial Analysis, as amended, to add the sentence "The arguments may not be signed by more than five (5) persons" just prior to the last sentence in Section 2. of the resolution; and with the appointment of Councilmembers Mikos and Pollock to serve on an ad hoc committee to draft the argument. The motion carried by unanimous voice vote.

MOTION: Councilmember Millhouse moved and Councilmember Pollock seconded a motion to adopt Resolution No. 2012-3115, providing for the filing of

rebuttal arguments for City measures submitted at Municipal Elections. The motion carried by unanimous voice vote.

- F. Consider Seven-Year Capital Improvement Program (CIP) for the Department of Public Works for Fiscal Year 2011/2012-Fiscal Year 2017/2018. Staff Recommendation: Approve the updated CIP for FY 2011/2012- FY 2017/2018.

Mr. Klotzle stated this item would be continued to the meeting of July 18, 2012, as the CIP document was inadvertently not provided.

There were no speakers.

CONSENSUS: It was the consensus of the Council to continue this item to the meeting of July 18, 2012.

- G. Consider Resolution Adopting the Operating and Capital Improvement Budget for the City of Moorpark for the Fiscal Year 2012/2013. Staff Recommendation: Adopt Resolution No. 2012-3116. ROLL CALL VOTE REQUIRED

Mr. Kueny gave the staff report.

There were no speakers.

MOTION: Councilmember Millhouse moved and Mayor Parvin seconded a motion to adopt Resolution No. 2012-3116, adopting the Operating and Capital Improvement Budget for the City of Moorpark for the Fiscal Year 2012/2013. The motion carried by unanimous roll call vote.

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.C, which was pulled for individual consideration. The motion carried by unanimous roll call vote.

CITY COUNCIL:

- A. Consider Minutes of Special Joint City Council and Parks and Recreation Commission Meeting of April 11, 2012. Staff Recommendation: Approve the minutes.
- B. Consider Minutes of Regular Meeting of May 16, 2012. Staff Recommendation: Approve the minutes.
- D. Consider Minutes of Regular Meeting of June 6, 2012. Staff Recommendation: Approve the minutes.

- E. Consider Warrant Register for Fiscal Year 2011/12 – June 20, 2012. Staff Recommendation: Approve the warrant register.
- F. Consider Mission Statement, Priorities, Goals and Objectives for Fiscal Year (FY) 2012/2013. Staff Recommendation: Approve the Mission Statement, Priorities, Goals and Objectives for FY 2012/2013 and the Potential Objectives as presented in the agenda report
- G. Consider Resolution Establishing the Appropriation Limitation for Fiscal Year 2012/2013 for the City of Moorpark at \$27,972,590. Staff Recommendation: Adopt Resolution No. 2012-3117.
- H. Consider Recording as General Fund Revenue the Library Pass Through Payment from the County of Ventura. Staff Recommendation: Authorize the Finance Director to record the Library pass through payments as General Fund revenue. ROLL CALL VOTE REQUIRED
- I. Consider 2012 Update on Corrected Unmet Requirements Identified in the Americans with Disabilities Act (ADA) Transition Plan Adopted by City Council on June 16, 2010. Staff Recommendation: Receive and file report.
- J. Consider Resolution to Enforce Provisions of the California Vehicle Code (CVC) on the Parking Facilities at the Ruben Castro Human Services Center. Staff Recommendation: Adopt Resolution No. 2012-3118.
- K. Consider Additional Funding for Survey Services and Amendment No. 3 to the Professional Services Agreement with Jensen Design and Survey for the Ruben Castro Human Services Center. Staff Recommendation: Approve additional funding in the amount of \$14,071.00 for survey services for the Ruben Castro Human Services Center and authorize the City Manager to execute Amendment No. 3 in the amount of \$15,721.00 to Jensen Design and Survey, subject to final language approval of the City Manager and City Attorney. ROLL CALL VOTE REQUIRED
- L. Consider Additional Funding for Extended Construction Management and Temporary Site Services and Amendment No. 5 to the Professional Services Agreement with Barnhart Balfour-Beatty, Inc, for the Ruben Castro Human Services Center. Staff Recommendation: Approve additional funding in the amount of \$127,904.25 for additional construction management and temporary site services for the Ruben Castro Human Services Center and authorize the City Manager to execute Amendment No. 5 in the amount of \$127,904.25 with Barnhart, Balfour-Beatty, Inc, subject to final language approval of the City Manager and City Attorney. ROLL CALL VOTE REQUIRED

- M. Consider Additional Funding for Ventura County Health Care Agency Changes and Extended Construction Administration Costs and Amendment No. 7 to the Professional Services Agreement with HMC Architects for the Ruben Castro Human Services Center. Staff Recommendation: Approve additional funding in the amount of \$102,846 for design changes and additional construction administration services for the Ruben Castro Human Services Center and authorize the City Manager to execute Amendment No. 7 in the amount of \$102,846 to HMC Architects, subject to final language approval of the City Manager and City Attorney. ROLL CALL VOTE REQUIRED
- N. Consider Approval of Lease Agreement with Catholic Charities of Los Angeles, Ventura County Region, for the Ruben Castro Human Services Center, 612 Spring Road, Building B, Lease Space A. Staff Recommendation: Approve the Lease Agreement reflecting a three-year initial lease term at a monthly lease rate of \$1,000.00 per month, and authorize the City Manager to execute the Lease Agreement subject to final language approval of the City Manager and City Attorney.
- O. Consider Approval of Lease Agreement with Interface Children and Family Services for the Ruben Castro Human Services Center, 612 Spring Road, Building B, Lease Space B. Staff Recommendation: Approve the Lease Agreement reflecting a three-year initial lease term at a monthly lease rate of \$2,316.60 per month, and authorize the City Manager to execute the Lease Agreement, subject to final language approval of the City Manager and City Attorney.
- P. Consider Approval of Lease Agreement with Moorpark/Simi Valley-Neighborhood for Learning, First 5 Ventura County for the Ruben Castro Human Services Center, 612 Spring Road, Building B, Lease Space D. Staff Recommendation: Approve the Lease Agreement reflecting a three-year initial lease term at a monthly lease rate of \$4,153.95 per month, and authorize the City Manager to execute the Lease Agreement, subject to final language approval of the City Manager and City Attorney.
- Q. Consider Amendment to Agreement for Traffic Engineering Services with Hartzog & Crabill, Inc. Staff Recommendation: Authorize the City Manager to sign Amendment No. 2 to the Agreement, subject to final language approval by the City Manager and the City Attorney.
- R. Consider Surety Bond Exoneration (Bond No. 103883740) for Pardee Homes, Moorpark Highlands, Tract 5045. Staff Recommendation: Authorize the City Clerk to fully exonerate Surety Bond No. 103883740 in the amount of \$1,610,730.
- S. Consider Responses to Grand Jury Reports. Staff Recommendation: Approve response letters as written in the agenda report

- T. Consider Resolution Authorizing the Payment of Surcharges Collected on Vehicle Parking Violation Fines from Fiscal Years 2009/2010, 2010/2011, and 2011/2012 to the County of Ventura and State Treasurer's Office; and Amending Fiscal Year 2011/2012 Budget to Appropriate \$150,000 from the General Fund. Staff Recommendation: Adopt Resolution No. 2012-3119. ROLL CALL VOTE REQUIRED
- U. Consider: 1) Adopting Revisions to the City's Governmental Accounting Standards Board Statement No. 54 (GASB 54) Fund Balance Policy 5.8; and 2) A Resolution Designating Fund Balance Commitments and Assignments as Required by GASB 54. Staff Recommendation: 1) Adopt revised Policy 5.8, to be incorporated into the next update of the City Council Policies Resolutions; and 2) Adopt Resolution No. 2012-3120. ROLL CALL VOTE REQUIRED
- V. Consider Draft Program Environmental Impact Report for Camrosa Water District Integrated Facilities Master Plan Project. Staff Recommendation: Receive and file report.

The following item was pulled for individual consideration.

- C. Consider Minutes of Special Meeting of May 30, 2012. Staff Recommendation: Approve the minutes.

Councilmember Mikos stated she pulled these minutes to correct the title of the police officer listed in the first bullet point on stamped page 174 of the agenda report to read "Community Services Officer" not "Crime Prevention Officer".

MOTION: Councilmember Mikos moved and Councilmember Van Dam seconded a motion to approve the special meeting minutes of May 30, 2012, as amended. The motion carried by unanimous voice vote.

11. ORDINANCES: (ROLL CALL VOTE REQUIRED)

None.

12. CLOSED SESSION:

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

MOTION: Councilmember Mikos moved and Mayor Parvin seconded a motion to adjourn to closed session for discussion of one case under Item 12.B. and Items 12.C. and 12.D. on the agenda. The motion carried by unanimous voice vote. The time was 8:19 p.m.

- 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. 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 LABOR NEGOTIATOR
(Pursuant to Section 54957.6 of the Government Code)
Agency Designated Representative: Steven Kueny
Employee Organization: Service Employees International Union, AFL-CIO, CLC, Local 721

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

The Council reconvened into open session at 8:32 p.m. Mr. Kueny stated one case under Item 12.B. and Items 12.C. and 12.D. were discussed and there was no action to report.

13. ADJOURNMENT:

Mayor Parvin adjourned the meeting at 8:32 p.m.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, City Clerk