

## **ITEM 10.C.**

### MINUTES OF THE MOORPARK CITY COUNCIL AND SUCCESSOR AGENCY OF THE REDEVELOPMENT AGENCY OF THE CITY OF MOORPARK ("SUCCESSOR AGENCY")

Moorpark, California

October 3, 2012

A Regular Meeting of the City Council of the City of Moorpark and the Successor Agency was held on October 3, 2012, in the Council Chambers of said City located at 799 Moorpark Avenue, Moorpark, California. All items listed are heard and acted upon by the City Council unless otherwise noted.

1. CALL TO ORDER:

Mayor Parvin called the meeting to order at 7:25 p.m.

2. PLEDGE OF ALLEGIANCE:

Presentation of the Flag and Pledge of Allegiance by the Varsity Team of Boy Scout Troop 6707.

Varsity Team of Boy Scout Troop 6707 presented the flag and led the Pledge of Allegiance.

3. ROLL CALL:

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

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; Jennifer Mellon, Administrative Services Manager; Captain Ron Nelson, Sheriff's Department; and Maureen Benson, City Clerk.

4. PROCLAMATIONS AND COMMENDATIONS:

A. Recognition of Diego Escalante and Jose Salinas for their Life Saving Heroism Performed on Behalf of Ella Johnson.

Mayor Parvin and Captain Nelson presented Certificates of Recognition to Diego Escalante and Jose Salinas for their life saving heroism performed on behalf of Ella Johnson.

B. Recognition of Ron Noble for Aiding an Individual Involved in a Serious Vehicular Accident.

Mayor Parvin and Captain Nelson presented a Certificate of Recognition to Ron Noble for aiding an individual involved in a serious vehicular accident.

- C. Recognition of the "Moorpark Party Shop" upon the Occasion of Their 20th Anniversary.

Mayor Parvin presented business owners, Rick and Sheila Valata, with a Certificate of Recognition upon the occasion the Moorpark Party Shop's 20th Anniversary.

5. PUBLIC COMMENT:

Sharon Noel, a Moorpark resident, spoke in regard to wild animals, especially bob cats, which have been poisoned after eating rodents treated with anti-coagulant rodenticides, resulting in the untimely death of the wild animals. Ms. Noel presented signed petitions and an informational article, entitled "Rat poison deadly for all wildlife". She asked the Council to consider taking action as have the cities of Santa Monica and Boulder Colorado, along with Contra Costa County, which have adopted municipal codes to educate their communities on the hazards of anti-coagulant rodenticides.

Councilmember Mikos stated although the City of Moorpark has banned the use of anti-coagulant rodenticides in the City's parks and other open space, she would consider requesting a future agenda item to study the possibility of doing more than the current policy of banning the use of anti-coagulants for City use.

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

CONSENSUS: It was the consensus of the Council to take Item 10.H. off the Consent Calendar at the request of staff.

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

Councilmember Mikos congratulated staff on the spectacular opening event for the Ruben Castro Human Services Center on Saturday, September 29th.

Councilmember Mikos stated she had attended the Health Fair where "The Weight of the Nation" screening sponsored by the Ventura County Health Care Agency and the City of Moorpark at Arroyo Vista Community Park on September 29th and thanked Councilmember Pollock for his efforts to bring this to Moorpark.

Councilmember Mikos stated she had attended a meeting of the Economic Development Collaborative of Ventura County (EDCVC) on October 3rd and

stated everyone should "Save the Date" of January 17, 2013 for the annual meeting of the EDCVC to be held at Spanish Hills Country Club in Camarillo. She reported that EDCVC has been awarded a contract from the Employment Training Panel which is a private enterprise partnering with the public to provide training to business in Ventura County.

Councilmember Millhouse reported that the California Transportation Commission (Caltrans) met recently and authorized the release of certain bond monies for which the City of Moorpark will benefit with improvements at railroad crossings. He stated he would like to request reconsideration of the September 19, 2012, City Council meeting agenda Item 9. D. which was an agreement for construction and maintenance of the railroad crossing improvements at Spring Road since the details and dollar amount would need to be adjusted.

Councilmember Pollock reported on the September 29 Health Fair at Arroyo Vista Community Park where the screening of a portion of "The Weight of the Nation" took place along with a panel discussion, celebrity chef demonstration, and presentation by the District Nurse promoting healthy eating and active living.

Mayor Parvin announced applications are now being accepted for the Moorpark Community Emergency Response Team (CERT) class. This next CERT series of classes will be starting Saturday, November 3, at 8:30 a.m. and will continue at that same time for the next two Saturdays. The classes are free.

Mayor Parvin announced the following Moorpark Library events for October:

On Saturday, October 6th, the library booth at the Country Days street fair, on High Street will hold a huge book sale sponsored by the Friends of the Library.

"PJ Storytime" with Mrs. T. is every Thursday from 6:30 – 7:00 p.m.

On Saturday, October 20th, at 2 p.m. the Library presents author, scholar, and democracy specialist Christopher Phillips and his Constitution Café series of group discussions.

All Moorpark City Library events are free. For more information about Library programs or services, please call the Moorpark City Library at (805) 517-6370 or visit the Library's website at [www.moorparklibrary.org](http://www.moorparklibrary.org).

Mayor Parvin reported she and Councilmember Pollock had attended the Ventura County Housing Conference a week and a half ago, where valuable information was presented on partnering with other entities to assist cities with affects from the loss of redevelopment funds.

Mayor Parvin reported she had welcomed the Ventura County Board of Supervisors to Moorpark at their meeting held at the Moorpark Community Center on October 2, 2012.

Mayor Parvin reported she had attended the Chamber of Commerce Government Relations meeting today, October 3, 2012.

Councilmember Van Dam announced the Country Days Parade will be held on Saturday, October 5th on High Street with the Beer Fest to begin at 6:00 p.m.

8. PUBLIC HEARINGS:

- A. Consider an Ordinance Amending a Development Agreement with A-B Properties for Approximately 34.53 Acres, North of the Union Pacific Railroad Right-of-Way, West of Gabbert Road. Staff Recommendation: 1) Open the public hearing and, accept public testimony; and 2) Continue the item with the public hearing open to October 17, 2012 with no further advertising.

Mr. Bobardt stated the applicant has now requested a continuance of this item to the November 7, 2012 meeting.

Mayor Parvin opened the public hearing.

There were no speakers.

MOTION: Councilmember Millhouse moved and Councilmember Van Dam seconded a motion to continue this item with the public hearing open to November 7, 2012 with no further advertising. The motion carried by unanimous voice vote.

9. PRESENTATION/ACTION/DISCUSSION:

- A. (SUCCESSOR AGENCY) Consider Plans and Specifications and Authorization to Advertise for Construction Bids for the Removal of Underground Storage Tanks (UST) and Demolition of Structures at 412/450 High Street (Project 5084). Staff Recommendation: Approve the plans and specifications for the subject project and authorize staff to advertise for construction bids.

Mr. Moe gave the staff report.

There were no speakers.

MOTION: Agency Member Van Dam moved and Agency Member Mikos seconded a motion to approve the plans and specifications for the subject project

and authorize staff to advertise for construction bids. The motion carried by unanimous voice vote.

- B. Consider Resolution to Become a Healthy Eating Active Living (HEAL) City and Rescinding Resolution 2008-2678. Staff Recommendation: Adopt Resolution No. 2012-3132, rescinding Resolution 2008-2678.

Ms. Mellon gave the staff report.

Tiffany Morse, PhD, a Moorpark resident and former nutrition professor, spoke in support of the HEAL campaign and complemented the City of Moorpark on its many greenbelt areas and walking paths.

MOTION: Councilmember Mikos moved and Councilmember Pollock seconded a motion to adopt Resolution No. 2012-3132 to become a Healthy Eating Active Living (HEAL) City and rescinding Resolution 2008-2678. The motion carried by unanimous voice vote.

- C. Consider Resolution Granting another Designated Period for Two Years Additional Service Credit Retirement Incentive Pursuant to Government Code Section 20903 and Consistent with the City's Contract with California Public Employees' Retirement System (CalPERS). Staff Recommendation: Adopt Resolution No. 2012-3133.

Mr. Traffenstedt gave the staff report.

There were no speakers.

MOTION: Councilmember Pollock moved and Councilmember Mikos seconded a motion to adopt Resolution No. 2012-3133 granting another designated period for two years Additional Service Credit Incentive pursuant to Government Code Section 20903 and consistent with the City's contract with CalPERS. The motion carried by unanimous voice vote.

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. H, which was pulled from the Consent Calendar. The motion carried by unanimous roll call vote.

- A. Consider Minutes of Special City Council Meeting of July 18, 2012. Staff Recommendation: Approve the minutes.
- B. Consider Minutes of Special City Council Meeting of September 12, 2012. Staff Recommendation: Approve the minutes.

- C. Consider Minutes of Special City Council Meeting of September 18, 2012.  
Staff Recommendation: Approve the minutes.
- D. Consider Minutes of Regular City Council Meeting of September 19, 2012.  
Staff Recommendation: Approve the minutes.
- E. (SUCCESSOR AGENCY) Consider Minutes of Special Successor Agency Meeting of September 19, 2012. Staff Recommendation: Approve the minutes.
- F. Consider Warrant Register for Fiscal Year 2011/12 – October 3, 2012.  
Staff Recommendation: Approve the warrant register.
- G. Consider Agreement for the Installation of Global Positioning System Units on City Vehicles and a Resolution Amending the Fiscal Year 2012/13 Budget to Appropriate Funds for the Installation of the Global Positioning System (GPS) Units. Staff Recommendation: 1) Authorize the City Manager to execute an agreement for GPS device installation and monthly service through June 30, 2013 at a cost not to exceed \$12,000.00, subject to final language approval by the City Manager and City Attorney; and 2) Adopt Resolution No. 2012-3134, amending the FY 2012/13 Budget to fund the GPS device installation and monthly service. ROLL CALL VOTE REQUIRED
- I. Consider Resolution of the City Council Acting to Benefit the Successor Housing Agency of the Redevelopment Agency of the City of Moorpark Amending the Fiscal Year 2012/13 Budget to Allocate Funds for Property Maintenance at Various Properties. Staff Recommendation: Adopt Resolution No. 2012-3135. ROLL CALL VOTE REQUIRED
- J. Consider Surety Bond Reductions for Resmark Equity Partners, (ORA Ashford 94, LLC & ORA Marquis 89, LLC) Tract 5187. Staff Recommendation: Authorize the City Clerk to reduce Surety Bond Nos. 0570314, 0570315, and 0570319 for Resmark Equity Partners (ORA Ashford 94, LLC & ORA Marquis 89, LLC), Tract 5187, as specified in the agenda report.
- K. Consider Resolution of the City Council in its Capacity as the Legislative Body of the Community Facilities District No. 2004-1 (Moorpark Highlands) Ordering that Delinquent Special Tax Installments for Specified Properties be Removed from the Tax Roll and Forwarded to Foreclosure Counsel. Staff Recommendation: Adopt Resolution No. 2012-3136, which authorizes: 1) The immediate recording of the "Notice of Intent to Remove Delinquent Special Tax Installments from the Tax Roll" in the Office of Ventura County Recorder; and 2) The subsequent removal of delinquent special tax installments from the parcels listed in the agenda

report from the Ventura County Tax Roll and forwarding to foreclosure counsel.

The following item was pulled from the Consent Calendar for individual consideration.

- H. Consider Purchase of BMW R1200RT-P Policy Motorcycle as a Replacement Police Motorcycle for Traffic Enforcement and Authorize the Sale of the 2007 Harley Davidson Motorcycle. Staff Recommendation: 1) Award the purchase of the motorcycle to BMW Motorcycles of Ventura County for a cost of \$24,653.40; 2) Authorize the City Finance Department to process the necessary purchase order to obtain the motorcycle with the allocated funds; and 3) Authorize the sale of the 2007 Harley Davidson motorcycle.

Captain Nelson asked that this item be removed from the Consent Calendar and rescheduled, due to a malfunction of the fax machine at the Moorpark Police Services Center, which resulted in one qualified bid not being considered.

CONSENSUS: It was the consensus of the Council to remove Item 10.H. from the Consent Calendar.

11. ORDINANCES: (ROLL CALL VOTE REQUIRED)

- A. Consider Ordinance No. 415 Approving Zoning Ordinance Amendment 2010-01 to Amend Chapter 17.08 (Definitions), 17.20 (Uses by Zone) to Address the Religious Land Use and Institutionalized Persons Act, and Add Section 17.28.060 Standards Relating to Emergency Shelters, and Single Room Occupancy Units to the Moorpark Municipal Code to Ensure Compliance with the Adopted Housing Element, and Consistency with Changes in Federal and State Law. Staff Recommendation: Waive full reading, declare Ordinance No. 415 read for the second time, and adopted as read. ROLL CALL VOTE REQUIRED

Ms. Benson read the title of Ordinance No. 415.

MOTION: Mayor Parvin moved and Councilmember Mikos seconded a motion to waive full reading, declare Ordinance No. 415 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 two cases under Item 12.A. on the agenda.

MOTION: Councilmember Mikos moved and Councilmember Van Dam seconded a motion to adjourn to closed session for a discussion of two cases under Item 12.A. on the agenda. The motion carried by unanimous voice vote. The time was 8:12 p.m.

Mr. Kueny announced the City Attorney would be joining closed session by conference call.

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)

Mr. Murphy joined the meeting at 8:18 p.m. by conference call, and prior to beginning closed session made the following announcements: 1) For the first case under Item 12.A., the facts and circumstances that might result in litigation against the City are not yet known to potential plaintiff or plaintiffs, which facts and circumstances need not be disclosed; and 2) For the second case under Item 12.A., the facts and circumstances creating significant exposure to litigation consist of a written communication dated May 1, 2012, threatening litigation received from Lanny M. Tron.

Present in closed session were Councilmembers Mikos, Pollock, Van Dam, and Mayor Parvin; Steven Kueny, City Manager; Grey Murphy, Assistant City Attorney; Hugh Riley, Assistant City Manager; Deborah Traffenstedt, Deputy City Manager; and Dave Klotzle, City Engineer/Public Works Director. Mr. Klotzle left the meeting and Councilmember Millhouse arrived at 8:37 p.m.

The Council reconvened into open session at 9:15 p.m. Mr. Kueny stated two cases under Item 12.A. were discussed and there was no action to report. Mr. Kueny also announced that the Council would be going back into closed session for discussion of Item 12.D. Mr. Murphy left the meeting at this time.

MOTION: Councilmember Pollock moved and Councilmember Millhouse seconded a motion to return to closed session for a discussion of Item 12.D. on the agenda. The motion carried by unanimous voice vote. The time was 9:15 p.m.

D. 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; and Deborah Traffenstedt, Deputy City Manager.

The Council reconvened into open session at 9:27 p.m. Mr. Kueny stated that Item 12.D. was discussed and that there was no action to report.

13. ADJOURNMENT:

Mayor Parvin adjourned the meeting at 9:27 p.m.

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Janice S. Parvin, Mayor

ATTEST:

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Maureen Benson, City Clerk