

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

Moorpark, California

October 17, 2012

All items listed are heard and acted upon by the Moorpark City Council unless otherwise noted.

1. CALL TO ORDER:

Mayor Parvin called the meeting to order at 7:12 p.m.

2. PLEDGE OF ALLEGIANCE:

The Future Business Leaders of America 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; Joseph Vacca, Principal Planner; Captain Ron Nelson, Sheriff's Department; and Maureen Benson, City Clerk.

4. PROCLAMATIONS AND COMMENDATIONS:

A. Proclamation Declaring October 18, 2012, as Boys & Girls Club of Moorpark "Lights on Afterschool Day".

Mayor Parvin presented Harold Hutton, Athletic Coordinator, for the Moorpark Boys and Girls Club with the proclamation declaring October 18, 2012, as Boys & Girls Club of Moorpark "Lights on Afterschool Day".

B. Proclamation Recognizing the Last Week of October as Red Ribbon Week.

Mayor Parvin presented Captain Nelson with the proclamation recognizing the last week in October as Red Ribbon Week.

C. Proclamation Recognizing Moorpark Rubbish Disposal for Expeditious Compliance with New Commercial Business Recycling Mandate.

Mayor Parvin presented Moorpark Rubbish Disposal owner, Chuck Anderson, and Recycle Coordinator, Greg Austin with the proclamation recognizing Moorpark Rubbish Disposal for expeditious compliance with New Commercial Business Recycling Mandate.

5. PUBLIC COMMENT:

Anthony Fiumerooto, part owner of "Ciggys 4 Less", a Moorpark business, requested the Council reconsider the City's sign ordinance to allow for a dispensation for temporary signage for new businesses.

Mayor Parvin and Councilmember Mikos requested a future agenda item to discuss the City's sign ordinance.

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 Millhouse.

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

Councilmember Millhouse announced an event on November 7 at Café Firenze to raise funds to assist with the care of Austin Munoz, a 17-year old Moorpark resident and student at Moorpark High School who is battling a malignant brain tumor. Contact information for this event is www.talbertfamilyfoundation.org or Cindy McCormick 805-796-7118.

Mayor Parvin stated the October 6th Country Days Parade was a success thanks to all the volunteers and the nighttime Beer Fest sponsored by the Moorpark Morning Rotary Club was also a big success in raising funds for local schools and non-profit organizations.

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

Mayor Parvin announced the following Moorpark Library events for October:

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.

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

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.

Mayor Parvin announced on October 27th Trick or Treat Village will be from 4:00-7:00 p.m. at Arroyo Vista Community Park.

Mayor Parvin announced the Moorpark Rotary Noon Club will sponsor the 150th Anniversary of the Civil War with a Reenactment "The Blue and The Gray" to take place at Underwood Family Farms on November 10th and 11th.

Mayor Parvin reported on October 12th she had given a speech on Citizenship at the Woman's Fortnightly meeting last week.

Mayor Parvin reported she had also given a speech on Business and Government at the Future Business Leaders of America meeting today, October 17th.

8. PUBLIC HEARINGS:

- A. Consider a Resolution Approving Conditional Use Permit No. 2012-03 to Allow an Outdoor Recreational Vehicle and Equipment Storage Facility at 4875 Spring Road on the Application of Banny Anderson (for Moorpark RV and Storage). (continued from September 19, 2012) Staff Recommendation: 1) Accept public testimony; and 2) Continue the item with the public hearing open to December 5, 2012 with no further advertising.

Mr. Bobardt stated the applicant has requested additional time and would like to continue this item to the December 5, 2012 meeting.

There were no speakers.

MOTION: Councilmember Mikos moved and Councilmember Van Dam seconded a motion to continue the item with the public hearing open to December 5, 2012, with no further advertising. The motion carried by unanimous voice vote.

9. PRESENTATION/ACTION/DISCUSSION:

- A. Presentation by Future Business Leaders of America.

Jason Bern, regional Gold Coast Section Vice President of Membership for the Future Business Leaders of America (FBLA) and local Moorpark Chapter President gave a presentation on the organization's place in the community, its mission, and how the public can play a role in FBLA.

Jason Singson, Public Relations Officer for FBLA, talked about the membership at Moorpark High School in this non-profit organization and how the community can support the organization by becoming a sponsor.

- B. Consider Reconsideration of City Council Action on Agenda Item 9.D. of the September 19, 2012, Regular Meeting (Agreement for Construction and Maintenance of the Railroad Crossing Improvements at Spring Road (Project 8039). Staff Recommendation: 1) Consider reconsideration of authorization for the City Manager to execute the Construction and Maintenance Agreement with Southern California Railroad Authority for the railroad crossing improvements at Spring Road, subject to final language approval by the City Manager and City Attorney, Item 9.D. on the September 19, 2012, regular City Council meeting agenda; 2) Consider reconsideration of the vote on September 19, 2012, for Item 9.D; and 3) Direct staff as deemed appropriate for any requested staff action.

Councilmember Millhouse stated he would be withdrawing from participation on this item as he sits on the Board of the Regional Rail Authority. He left the dais at 7:45 p.m.

MOTION: Councilmember Van Dam moved and Councilmember Pollock seconded a motion to reconsider Item 9.D. from the September 19, 2012, regular meeting which was the authorization for the City Manager to execute the Construction and Maintenance Agreement with Southern California Regional Rail Authority for the Railroad Crossing Improvements at Spring Road, subject to final language approval by the City Manager and City Attorney. The motion carried by voice vote, 4-0, Councilmember Millhouse absent.

There were no speakers.

MOTION: Councilmember Mikos moved and Councilmember Van Dam seconded a motion to reconsider the unanimous vote of September 19, 2012, for Item 9.D. The motion carried by voice vote 4-0, Councilmember Millhouse absent.

MOTION: Councilmember Mikos moved and Councilmember Van Dam seconded a motion to direct staff to authorize the City Manager to execute the Construction and Maintenance Agreement with SCRRA for the Regional Crossing Improvements at Spring Road, subject to final language approval by the City Manager and the City Attorney. The motion carried by voice vote 4-0, Councilmember Millhouse absent.

Councilmember Millhouse returned to the dais. The time was 7:47 p.m.

- C. Consider Response to Ventura County Planning Division on Recirculated Draft Environmental Impact Report (EIR) for Grimes Rock, Incorporated Mining Facility, a Request for a Modified Conditional Use Permit No. 4874-

2 and an Amended Reclamation Plan, Located at 3500 Grimes Canyon Road. Staff Recommendation: Direct staff to send a comment letter to Ventura County Planning Division to address the unresolved issues in the Recirculated Draft EIR, as drafted in the agenda report.

Mr. Vacca gave the staff report.

A discussion followed among the Councilmembers and staff, which focused on: 1) The nexus between impacts to the City of Moorpark due to increased number of estimated truck trips through Moorpark; 2) The need to clarify what a “one-way” truck trip represents; 3) Emphasis on the hazards of truck traffic speeding down a residential street with a school crossing and a sharp curve; 4) Impacts from proposal for increased number of operating hours; 5) The need for the County to update the Related Projects in Moorpark noted in Chapter 3.0 of the Recirculated Draft EIR, as this is old information; 6) The need for a new Noise Study now that Spring Road has been completed; 7) Additional concerns over the new southern location for ingress/egress; 8) Need for a Use Analysis of where the product leaving the mine is destined; 9) Scheduling a discussion with the County for a per truck fee to create a funding mechanism for supporting the Broadway/23 bypass roadway and 10) and Investigate how to notify residents within 1,000 feet of the truck haul routes about upcoming County of Ventura Planning Division meetings concerning the Recirculated Draft EIR;

Councilmember Millhouse requested a Council box item communication on the timeline for the Grimes Rock, Inc. Mining Facility Recirculated Draft EIR process.

Bill Amador, business owner at 11-17 East High Street described the truck traffic violations he observes from his vantage point at the corner of Moorpark Avenue and High Street.

Gary Becker, a Moorpark resident, requested the Council consider the impacts to local businesses and developers who need the product produced at Grimes Rock Mining Facility and the number of jobs dependent upon the success of this business.

Rusty Cochran, owner of Grimes Rock, Inc. Mining Facility clarified information contained in the Recirculated Draft EIR; answered Council questions regarding “one-way” trips actually being “one-load” trips which equal a trip “in” and a trip “out” of the facility; and committed to being willing to be a contributor to the Broadway/23 bypass, if it were ever to come to fruition.

MOTION: Councilmember Millhouse moved and Mayor Parvin seconded a motion to direct staff to send a revised comment letter to include Council’s

concerns to Ventura County Planning Division to address the unresolved issues in the Recirculated Draft EIR for Grimes Rock, Incorporated Mining Facility's request for a modified Conditional Use Permit No. 4874-2 and an Amended Reclamation Plan for property located at 3500 Grimes Canyon Road. The motion carried by unanimous voice vote.

- D. Consider Scheduling a Special City Council Meeting to Consider Library Development Options. Staff Recommendation: Set a date for the workshop.

Mr. Riley gave the staff report.

There were no speakers

A discussion followed among the Councilmembers and staff regarding a date for the workshop.

CONSENSUS: It was the consensus of the Council to set the date for a special workshop to consider Library development options for Wednesday, November 28, 2012.

10. CONSENT CALENDAR: (ROLL CALL VOTE REQUIRED)

MOTION: Councilmember Millhouse moved and Councilmember Van Dam 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.

- A. Consider Warrant Register for Fiscal Year 2011/12 – October 17, 2012. Staff Recommendation: Approve the warrant register.
- B. Consider Purchase of BMW R1200RT-P Police Motorcycle as a Replacement Police Motorcycle for Traffic Enforcement and Authorize the Sale of the 2006 Harley Davidson Motorcycle. Staff Recommendation: 1) Award the purchase of the 2012 BMW R1200RT-P police motorcycle to New Century BMW Motorcycles; 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 2006 Harley Davidson motorcycle.
- D. Consider Resolution Authorizing the Destruction of City Records (2009 City Council Speaker Cards and Written Statement Cards, 2009 Redevelopment Agency Speaker Cards and Written Statement Cards, 2001 - 2009 Planning Commission Speaker Cards and Written Statement Cards, and 1988 Parks and Recreation Commission Speaker Cards). Staff Recommendation: Adopt Resolution No. 2012-3137.

- E. Consider Extension of the Azteca Landscape Services Agreement Annual Compensation, Including Contingency Amount for the Term of the Agreement Beginning July 1, 2012, and Expiring on June 30, 2015. Staff Recommendation: 1) Authorize the City Manager to approve Amendment No. 3, increasing the compensation for the Landscape Maintenance Services Agreement with Azteca Landscape Services for three additional one-year periods at a total cost of \$1,605,480.00, which includes three years of landscape services at a total cost of \$1,383,549.00, 15% contingency at a total cost of \$207,532.00 and three years of weed abatement services at a total cost of \$14,440.00, expiring June 30, 2015, unless sooner terminated, as provided for within the Agreement; and 2) Extend Agreement for landscape maintenance services for an annual cost of \$535,160.00, subject to final language approval by the City Manager and City Attorney.
- F. Consider National Park Service's Request to Use the Apricot Room for a Public Meeting and Waive the City's Facility Rental Fee. Staff Recommendation: Approve the co-sponsorship of the National Park Service public meeting on November 29, 2012.
- G. Consider Authorizing the Use of City Marquee Signs and Portable Lights for Rotary Club Civil War Reenactment Event. Staff Recommendation: Approve use of City marquee signs and approve use of City portable lights, subject to conditions specified in the agenda report.
- H. Consider Additional Funding for Grading and Paving Services and Amendment No. 5 to the Agreement with Damar Construction, Inc. for the Ruben Castro Human Services Center. Staff Recommendation: Approve Amendment No. 5 resulting in a net decrease of \$19,370.08 to the Construction Agreement, and authorize the City Manager to execute the Amendment No. 5, subject to final language approval of the City Manager and City Attorney.
- I. Consider Authorization for Recordation of the Notice of Completion for Demolition at 161 Second Street (APN 512-0-102-210) 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.
- J. (SUCCESSOR AGENCY) Consider Agreement with R.A. Atmore, Inc. for Weed Abatement at Various Properties. Staff Recommendation: Approve Agreement with R.A. Atmore, Inc. for weed abatement at various properties, subject to final language approval by the Executive Director and Agency Counsel, and authorize the Executive Director to execute the Agreement on behalf of the Successor Agency.

- K. (SUCCESSOR AGENCY) Consider Agreement with Mike's Handyman Service for Property Maintenance at Various Properties. Staff Recommendation: Approve Agreement with Mike's Handyman Service for maintenance of various properties, subject to final language approval by the Executive Director and Agency Counsel, and authorize the Executive Director to execute the Agreement on behalf of the Successor Agency.

The following item was pulled for individual consideration.

- C. Consider Award of Contract for State Route 23 Soundwalls at Tierra Rejada Road Interchange (Project 8079) and a Resolution Amending the Fiscal Year 2012/13 Budget to Appropriate Funds from Citywide Traffic Mitigation Fund (Fund 2002) for Additional Construction Cost for the State Route 23 Soundwalls at Tierra Rejada Road Interchange (Project 8079). Staff Recommendation: 1) Award a construction contract to Peterson-Chase General Engineering Construction, Inc., and authorize the City Manager to execute the construction contract in the amount of \$1,482,209.95 for the subject project; 2) Authorize the City Manager to amend the construction contract for project contingencies in an amount not to exceed \$150,000.00, if and when the need arises for extra work and services; and 3) Adopt Resolution No. 2012-3138, amending the Fiscal Year 2012/13 Budget to appropriate \$160,750.00 from the Citywide Traffic Mitigation Fund (Fund 2002) for additional construction costs for the subject project. ROLL CALL VOTE REQUIRED

Councilmember Millhouse stated he would recuse himself from consideration of this item as he owns property near the project. He left the dais at 8:52 p.m.

MOTION: Councilmember Van Dam moved and Councilmember Pollock a motion to: 1) Award a construction contract to Peterson-Chase General Engineering Construction, Inc., and authorize the City Manager to execute the construction contract in the amount of \$1,482,209.95 for the subject project; 2) Authorize the City Manager to amend the construction contract for project contingencies in an amount not to exceed \$150,000.00, if and when the need arises for extra work and services; and 3) Adopt Resolution No. 2012-3138, amending the Fiscal Year 2012/13 Budget to appropriate \$160,750.00 from the Citywide Traffic Mitigation Fund (Fund 2002) for additional construction costs for the subject project.. The motion carried by roll call vote 4-0, Councilmember Millhouse absent.

Councilmember Millhouse returned to the dais. The time was 8:53 p.m.

11. ORDINANCES: (ROLL CALL VOTE REQUIRED)

None.

12. CLOSED SESSION:

Mr. Kueny requested the City Council go into closed session for discussion of Item 12.E. on the agenda.

MOTION: Councilmember Mikos moved and Councilmember Millhouse seconded a motion to adjourn to closed session for a discussion of Item 12.E. on the agenda. The motion carried by unanimous voice vote. The time was 8:53 p.m.

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; and Deborah Traffenstedt, Deputy City Manager.

The Council reconvened into open session at 9:06 p.m. Mr. Kueny stated Item 12.E. was discussed and there was no action to report.

13. ADJOURNMENT:

Mayor Parvin adjourned the meeting at 9:06 p.m.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, City Clerk