

## ITEM 10.A.

### MINUTES OF THE CITY COUNCIL

Moorpark, California

March 20, 2013

A Special Meeting of the City Council of the City of Moorpark was held on March 20, 2013, in the Community Center of said City located at 799 Moorpark Avenue, Moorpark, California.

1. CALL TO ORDER:

Mayor Parvin called the meeting to order at 6:37 p.m.

2. ROLL CALL:

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

Staff Present: Steven Kueny, City Manager; Kevin Ennis, City Attorney; Hugh Riley, Assistant City Manager; Deborah Traffenstedt, Deputy City Manager; David Bobardt, Community Development Director; and Dave Klotzle, City Engineer/Public Works Director.

3. PUBLIC COMMENT:

None.

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

None.

5. PRESENTATION/ACTION/DISCUSSION:

- A. Consider Amendment No. 5 to Professional Services Agreement with KOA Corporation for Traffic Engineering and Traffic Analysis Review Services Relating to Essex Apartments Traffic Analysis Update; and Consider Resolution Amending Fiscal Year 2012/13 Operating and Capital Improvement Budget. Staff Recommendation: 1) Authorize the City Manager to execute Amendment No. 5 to the Agreement with KOA Corporation, subject to final language approval of the City Manager; and 2) Adopt Resolution No. 2013-3164. ROLL CALL VOTE REQUIRED

Mr. Bobardt gave the staff report.

There were no speakers.

MOTION: Mayor Parvin moved and Councilmember VanDam seconded a motion to: 1) Authorize the City Manager to execute Amendment No. 5 to the

Agreement with KOA Corporation, subject to final language approval of the City Manager; and 2) Adopt Resolution No. 2013-3164. The motion carried by unanimous roll call vote.

- B. Consider Approval of Settlement, Waiver and Release Agreement between the City of Moorpark, AC Construction, Inc., and Moorpark RV, LLC. Staff Recommendation: Direct staff as deemed appropriate.

Mr. Kueny gave the staff report.

There were no speakers.

Mr. Kueny requested that the Council table this item for discussion until after the conclusion of the regular City Council meeting.

MOTION: Councilmember Millhouse moved and Councilmember Mikos seconded a motion to table discussion of Item 5.B. until after the conclusion of the regular City Council meeting. The motion carried by unanimous voice vote.

6. CLOSED SESSION:

Mr. Kueny announced the City Council would be going into closed session for discussion of one case under Item 6.B.

MOTION: Mayor Parvin moved and Councilmember Mikos seconded a motion to adjourn to closed session for a discussion of one case under Item 6.B. on the agenda. The motion carried by unanimous voice vote. The time was 6:40 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)

Present in closed session were Councilmembers Mikos, Millhouse, Pollock, Van Dam, and Mayor Parvin; Steven Kueny, City Manager; Kevin Ennis, City Attorney; Hugh Riley, Assistant City Manager; Deborah Traffenstedt, Deputy City Manager; David Bobardt, Community Development Director; and Dave Klotzle, City Engineer/Public Works Director.

The Council reconvened into open session at 6:49 p.m. Mr. Kueny stated one case under Item 6.B. was discussed and there was no action to report.

Mr. Ennis announced that the City Council would be going back into closed session for a discussion of one case under Item 6.A., and that the facts and circumstances creating significant exposure to litigation consist of a written communication threatening litigation received from attorney Richard Zeilenga on March 4, 2013.

MOTION: Councilmember Millhouse moved and Councilmember Van Dam seconded a motion to adjourn to closed session for a discussion of one case under Item 6.A. on the agenda. The motion carried by unanimous voice vote. The time was 6:50 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)

Present in closed session were Councilmembers Mikos, Millhouse, Pollock, Van Dam, and Mayor Parvin; Steven Kueny, City Manager; Kevin Ennis, City Attorney; Hugh Riley, Assistant City Manager; Deborah Traffenstedt, Deputy City Manager; David Bobardt, Community Development Director; and Dave Klotzle, City Engineer/Public Works Director.

The Council reconvened into open session at 7:06 p.m. Mr. Kueny stated one case under Item 6.A. was discussed and there was no action to report.

AT THIS POINT in the meeting, a recess was declared. The time was 7:06 p.m. The meeting reconvened at 8:39 p.m. for continued discussion of Item 5.B.

- B. Consider Approval of Settlement, Waiver and Release Agreement between the City of Moorpark, AC Construction, Inc., and Moorpark RV, LLC. Staff Recommendation: Direct staff as deemed appropriate.

Mr. Kueny stated that based on the City Council's action on Item 8.A. on the regular meeting agenda, he recommended approval of the Agreement.

MOTION: Councilmember Millhouse moved and Councilmember Pollock seconded a motion to approve the Settlement, Waiver and Release Agreement between the City of Moorpark, AC Construction, Inc., and Moorpark RV, LLC. The motion carried by unanimous voice vote.

7. ADJOURNMENT:

Mayor Parvin adjourned the meeting at 8:40 p.m.

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Janice S. Parvin, Mayor

ATTEST:

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Maureen Benson, City Clerk