ITEM 10. A.

# MINUTES OF THE CITY COUNCIL

Moorpark, California January 17, 2007

A Regular Meeting of the City Council of the City of Moorpark was held on January 17, 2007, in the Council Chambers of said City located at 799 Moorpark Avenue, Moorpark, California.

1. CALL TO ORDER:

Mayor Hunter called the meeting to order at 7:15 p.m.

2. PLEDGE OF ALLEGIANCE:

Barry Hogan, Community Development Director, led the Pledge of Allegiance.

3. ROLL CALL:

Present: Councilmembers Mikos, Parvin, Van Dam, and Mayor Pro Tempore Millhouse. (Mayor Hunter arrived at 8:00 p.m.)

Staff Present: Steven Kueny, City Manager; Joseph Montes, City Attorney; Hugh Riley, Assistant City Manager; Mary Lindley, Parks/Recreation and Community Services Director; Barry Hogan, Community Development Director; Johnny Ea, Finance Director; Yugal Lall, City Engineer/Public Works Director; Captain Jeff Matson, Sheriff's Department; Deborah Traffenstedt, Shaun Kroes, Management Analyst; Administrative Services Director/City Clerk; and Maureen Benson, Deputy City Clerk.

4. PROCLAMATIONS AND COMMENDATIONS:

A. City Manager's Monthly Report.

None.

5. PUBLIC COMMENT:

Gerald Goldstein reported the pay phone at the Metrolink station requires a credit card and will not accept coins. He recommended the Arroyo area in Moorpark should be developed for recreational purposes as is done in Simi Valley.

Councilmember Mikos requested staff check on the phone at the Metrolink station; and stated developing a greenway along the Arroyo is one of the City's Top Ten Priorities.

Debi Aquino, Chairperson of the Board of the Moorpark Chamber gave a report on Chamber membership and staff. She provided new City of Moorpark maps and invitations to the installation dinner.

Cathy Aiwazian, whose home was damaged in the Shekell fire, spoke in support of and in appreciation of the potential approval for waiving building permit fees for those individuals affected by the fire. She thanked the Fire Protection District for all of their help in fighting the fire.

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

CONSENSUS: It was the consensus of the Council, due to the anticipated late arrival of the Mayor, to hear Items 9.A, 9.B, and 9.C. at the end of the Consent Calendar and to defer convening the Redevelopment Agency meeting until after the Consent Calendar, upon the request of Mayor Pro Tempore Millhouse.

CONSENSUS: It was the consensus of the Council to pull Items 10.H. and 10.I. from the Consent Calendar for individual consideration upon the request of Councilmember Mikos.

7. ANNOUNCEMENTS AND FUTURE AGENDA ITEMS:

Councilmember Mikos reported on citizen complaints regarding speeding on Sierra Avenue to Poindexter Avenue and suggested the new Transportation and Public Works Committee review this situation.

Councilmember Millhouse encouraged citizens not to hesitate to contact the City with concerns like this.

8. PUBLIC HEARINGS:

A. Consider Final Review and Changes to the Engineer's Report for Assessment District 07-01 (Pardee Homes – Tract 5045) and the Adoption of a Resolution Confirming the Assessment Amounts for Fiscal Year 2007/08. Staff Recommendation: 1) Open the public hearing, receive public testimony, and close the public hearing; 2) Approve the Engineer's Report for 2007/08, with no changes from the report approved by City Council Resolution No. 2006-2545; and 3) Adopt Resolution No. 2007-2552 confirming the assessments for AD07-01 for FY 2007/08.

Mr. Lall gave the staff report.

Mayor Pro Tempore Millhouse opened the public hearing.

In response to Mayor Pro Tempore Millhouse, Ms. Traffenstedt stated there were no speakers.

Mayor Pro Tempore Millhouse closed the public hearing.

MOTION: Councilmember Parvin moved and Councilmember Mikos seconded a motion to approve the Engineer's Report for 2007/08, with no changes from the report approved by City Council Resolution No. 2006-2545; and 3) Adopt Resolution No. 2007-2552, confirming the assessments for AD07-01 for FY 2007/08. The motion carried by voice vote 4-0, Mayor Hunter absent.

B. Consider Final Review and Changes to the Engineer's Report for Assessment District 07-02 (Lyon Homes – Tract 5187) and the Adoption of a Resolution Confirming the Assessment Amounts for Fiscal Year 2007/08. Staff Recommendation: 1) Open the public hearing, receive public testimony, and close the public hearing; 2) Approve the Engineer's Report for 2007/08, with no changes from the report approved by City Council Resolution No. 2006-2546; and 3) Adopt Resolution No. 2007-2553, confirming the assessments for AD07-02 for FY 2007/08.

Mr. Lall gave the staff report.

Mayor Pro Tempore Millhouse opened the public hearing.

In response to Mayor Pro Tempore Millhouse, Ms. Traffenstedt stated there were no speakers.

Mayor Pro Tempore Millhouse closed the public hearing.

MOTION: Councilmember Van Dam moved and Councilmember Parvin seconded a motion to Approve the Engineer's Report for 2007/08, with no changes from the report approved by City Council Resolution No. 2006-2546; and 3) Adopt Resolution No. 2007-2553, confirming the assessments for AD07-02 for FY 2007/08. The motion carried by voice vote 4-0, Mayor Hunter absent.

Mr. Lall left the meeting. The time was 7:30 p.m.

AT THIS POINT in the meeting Items 9.D. through 9.I. were heard.

9. PRESENTATION/ACTION/DISCUSSION:

D. Consider Scheduling Ethics Training. Staff Recommendation: Direct staff to schedule Ethics Training for 7:00 p.m. on February 28, 2007, or alternate date, as determined by Council, and send an invitation to all Commissioners to attend.

Ms. Traffenstedt gave the staff report.

In response to Mayor Pro Tempore Millhouse, Ms. Traffenstedt stated there were no speakers.

MOTION: Councilmember Parvin moved and Councilmember Mikos seconded a motion to direct staff to schedule Ethics Training for 7:00 p.m. on February 28, 2007, and send an invitation to all Commissioners, City Department Heads and Management staff to attend. The motion carried by voice vote 4-0, Mayor Hunter absent.

E. Consider Approval of Regular Meeting Schedule for City Council Standing Committees for Calendar Year 2007. Approve Regular Meeting Schedule for 2007.

Ms. Traffenstedt gave the staff report.

In response to Mayor Pro Tempore Millhouse, Ms. Traffenstedt stated there were no speakers.

MOTION: Councilmember Parvin moved and Councilmember Van Dam seconded a motion to approve the Regular Meeting Schedule for 2007.

Councilmember Mikos stated she would be voting against this item since she had not been in favor of reorganizing the standing committees.

The motion carried by voice vote 3-1, Councilmember Mikos dissenting and Mayor Hunter absent.

F. Consider Providing Comments on Possible Unmet Transit Needs to the Ventura County Transportation Commission 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.

Mr. Kroes gave the staff report.

A discussion followed among the Councilmembers and staff regarding increased ridership, especially on the Summer Beach Bus, accommodation on Moorpark buses for motorized scooters, and continued work on developing a comprehensive routing system throughout Ventura County.

CONSENSUS: It was the consensus of the Council to schedule a future agenda item to discuss mass transit funding upon the request of Councilmember Mikos.

CONSENSUS: It was the consensus of the Council to have staff investigate the pay telephone at the Metrolink station and its requirement for a credit card.

In response to Mayor Pro Tempore Millhouse, Ms. Traffenstedt stated there were no speakers.

Mayor Pro Tempore Millhouse encouraged citizens to submit ideas and comments by 5:00 p.m. February 13, 2007, to VCTC through their website at www.goventura.org or by email to vkamhi@goventura.org or by mail to VCTC, 950 County Square Drive, Suite 207, Ventura, CA 93003.

G. Consider Proposed Letter to County of Ventura Board of Supervisors Pertaining to Realignment of State Route 118 and Hitch Boulevard Intersection. Staff Recommendation: Approve the letter.

Mayor Pro Tempore Millhouse discussed recent traffic improvements at Grimes Canyon Road paid for by Toll Bros. development as part of the conditions of the City's development agreement; and the need to address the Board of Supervisors by letter, regarding the need to pursue the realignment of Hitch Boulevard at SR 118 in order to avoid future tragic accidents such as a recent one where four individuals lost their lives.

Councilmember Parvin offered some editorial additions to the proposed letter to the Board of Supervisors.

At this point in the meeting Mayor Hunter arrived after having attended the D.A.R.E. culmination at Walnut Canyon School for students who attend Arroyo West Elementary School. The time was 8:00 p.m.

Councilmember Millhouse corrected an erroneous article in the Star newspaper in regard to the length of time it will take to implement traffic capacity improvements on SR 118 absent an Environmental Impact Study.

In response to Mayor Hunter, Ms. Traffenstedt stated there were no speakers.

MOTION: Councilmember Millhouse moved and Councilmember Parvin seconded a motion to approve the letter, as amended, to the County of Ventura Board of Supervisors pertaining to realignment of State Route 118 and Hitch Boulevard Intersection. The motion carried by unanimous voice vote.

H. Consider Proposed Letter to Ventura County Transportation Commission Pertaining to Preparation of Environmental Impact Statement for State Route 118 Improvement. Staff Recommendation: Approve the letter.

Councilmember Millhouse stated the Council should go on record in support of VCTC's efforts to appropriate funds by the Federal Government for preparation of the EIS for SR 118.

Councilmember Mikos offered editorial additions/deletions to the proposed letter.

In response to Mayor Hunter, Ms. Traffenstedt stated there were no speakers.

MOTION: Councilmember Millhouse moved and Councilmember Mikos seconded a motion to approve the letter, as amended, to Ventura County Transportation Commission pertaining to preparation of the Environmental Impact Statement for State Route 118 improvement. The motion carried by unanimous voice vote.

I. Consider Settlement Agreement and Mutual Release Pertaining to Community Facilities District (CFD) 97-01 Between the City of Moorpark, City of Moorpark Community Facilities District 97-1, Simi-Conejo Construction, Inc, Simi-Moorpark Freeway Properties, Ltd, and Conejo Freeway Properties, Ltd. Staff Recommendation: Approve Settlement Agreement and Mutual Release subject to final language approval of the City Manager and City Attorney.

Mr. Kueny gave the staff report.

In response to Mayor Hunter, Ms. Traffenstedt stated there were no speakers.

MOTION: Councilmember Millhouse moved and Councilmember Parvin seconded a motion to approve Settlement Agreement and Mutual Release subject to final language approval of the City Manager and City Attorney. The motion carried by unanimous voice vote.

10. CONSENT CALENDAR: (ROLL CALL VOTE REQUIRED)

MOTION: Councilmember Mikos moved and Councilmember Millhouse seconded a motion to approve the Consent Calendar with the exception of Items 10.H. and 10.I, which were pulled for individual consideration. The motion carried by unanimous roll call vote.

A. Consider Approval of the Regular Meeting Minutes of December 6, 2006. Staff Recommendation: Approve the minutes.

B. Consider Approval of the Special Meeting Minutes of December 20, 2006. Staff Recommendation: Approve the Minutes

C. Consider Approval of the Regular Meeting Minutes of December 20, 2006. Staff Recommendation: Approve the minutes.

D. Consider Approval of Warrant Register for Fiscal Year 2006-2007 – January 17, 2007. Staff Recommendation: Approve the warrant register.

E. Consider Resolution Appropriating Funds from the General Fund Reserve for Waiver of Building Permit Fees to Rebuild Homes Destroyed or Damaged in the Shekell Fire. Staff Recommendation: Adopt Resolution No. 2007-2554. ROLL CALL VOTE REQUIRED

F. Consider Resolution Amending the Fiscal Year 2006/07 Budget by Appropriating General Funds (Older Americans Act Title III-B Health Screening and Education Program Contract Grant) to Fund the "Strike Out Stroke" Health Screening and Education Program. Staff Recommendation: Adopt Resolution No. 2007-2555. ROLL CALL VOTE REQUIRED

G. Consider Resolution Directing the Planning Commission to Hold a Public Hearing and Provide a Recommendation on Amendments to Chapters 17.20 (Uses by Zone) and 17.42 (Wireless Communications Facilities) of the Zoning Ordinance. Staff Recommendation: Adopt Resolution 2007-2556.

J. Consider Metrolink Security Camera System Specification and Design Plans. Staff Recommendation: 1) Approve the Metrolink security system construction plans and specifications and direct staff to proceed with finalizing bid documents and bid the project construction; and 2) Approve the security system recorded data retention findings in Attachment E of the agenda report consistent with the requirements of California Public Utilities Code 99164 and Government Code 34090.8.

K. Consider Upgrade of Administrative Assistant Position in the Assistant City Manager's Office to Administrative Specialist. Staff Recommendation: Approve upgrade to Administrative Specialist effective with the pay period beginning January 20, 2007.

L. Consider Granting Additional Annual Leave to Management Staff Responding Without Pay to the Shekell Fire Emergency Operations Center. Staff Recommendation: Approve additional annual leave to staff consistent with the agenda report.

M. Consider Bond Exonerations for John A. Puccini and Patricia L. Puccini, (Parcel Map 5394). Staff Recommendation: Authorize the City Clerk to exonerate the Surety Bond – Grading and Improvements No. 838888S and Surety Bond – Monuments No. 838889S

N. Consider the Draft 2006-2014 Regional Housing Needs Assessment. Staff Recommendation: Receive and file.

O. Consider Resolution directing the Planning Commission to Study, Hold a Public Hearing and Provide a Recommendation on Proposed Amendments to the General Plan Land Use Element, Downtown Specific

Plan, and Title 17 (Zoning) of the Moorpark Municipal Code Regarding Development at Up to 25 Units Per Acre at 765 Walnut Street, 782 Moorpark Avenue, and 798 Moorpark Avenue on the Application of the Moorpark Redevelopment Agency. Staff Recommendation: Adopt Resolution No. 2007-2557.

P. Consider Resolution Amending the City's Classification Plan and Rescinding Resolution No. 2005-2370. Staff Recommendation: Adopt Resolution No. 2007-2558 consistent with the agenda report and rescinding Resolution No. 2005-2370.

The following items were pulled for individual consideration.

H. Consider Resolution Adopting a Revised Benefit Program for Management Employees and Rescinding Resolution No. 2006-2528. Staff Recommendation: Adopt Resolution No. 2007-2559, rescinding Resolution No. 2006-2528.

In response to Councilmember Mikos, Ms. Traffenstedt stated the language deleted on stamped page 99 of the agenda report is redundant and is not needed.

MOTION: Councilmember Mikos moved and Councilmember Parvin seconded a motion to adopt Resolution No. 2007-2559, adopting a revised Benefit Program for Management Employees and rescinding Resolution No. 2006-2528. The motion carried by unanimous voice vote

I. Consider Resolution Adopting California Public Employee Retirement System's Resolution for Pre-Tax Payroll Deductions. Staff Recommendation: Adopt Resolution No. 2007-2560 consistent with the agenda report.

In response to Councilmember Mikos, Ms. Traffenstedt explained CalPERS requires use of their own resolution format, which appears as the attachment to the City Council resolution.

MOTION: Councilmember Mikos moved and Councilmember Parvin seconded a motion to adopt Resolution No. 2007-2560 for California Public Employee Retirement System's Resolution for Pre-Tax Payroll Deductions. The motion carried by unanimous voice vote.

AT THIS POINT in the meeting Items 9.A. through 9.C. were heard.

A. Consider Appointments to the Moorpark Arts Commission. Staff Recommendation: Appoint five (5) Moorpark Arts Commissioners to serve a two-year term ending December 31, 2008.

Ms. Traffenstedt gave the staff report.

In response to Mayor Hunter, Ms. Traffenstedt stated the various commissions do have different ending term dates and an item will be brought back to Council to reconcile the dates and also include the interview process if that is Council's desire.

In response to Mayor Hunter, Ms. Traffenstedt stated there were no speakers.

A discussion followed among the Councilmembers who wished to make comments and recommendations.

MOTION: Mayor Hunter nominated and Councilmember Mikos seconded the nomination of Dennis Swinburne to serve as members of the Moorpark Arts Commission for a two-year term ending December 31, 2008. The motion carried by unanimous voice vote.

MOTION: Mayor Hunter nominated and Councilmember Millhouse seconded the nomination of Christieann Rohal to serve as members of the Moorpark Arts Commission for a two-year term ending December 31, 2008. The motion carried by unanimous voice vote.

MOTION: Mayor Hunter nominated and Councilmember Mikos seconded the nomination of Rena Petrello to serve as members of the Moorpark Arts Commission for a two-year term ending December 31, 2008. The motion carried by unanimous voice vote.

MOTION: Mayor Hunter nominated and Councilmember Parvin seconded the nomination of Clint Harper to serve as members of the Moorpark Arts Commission for a two-year term ending December 31, 2008. The motion carried by unanimous voice vote.

MOTION: Mayor Hunter nominated and Councilmember Parvin seconded the nomination of Jean Amador to serve as members of the Moorpark Arts Commission for a two-year term ending December 31, 2008. The motion carried by unanimous voice vote.

B. Consider Appointments to the Parks and Recreation Commission. Staff Recommendation: Appoint five (5) Parks and Recreation Commissioners to serve a two-year term ending December 31, 2008.

Ms. Traffenstedt gave the staff report.

A discussion followed among the Councilmembers who wished to make comments and recommendations.

In response to Mayor Hunter, Ms. Traffenstedt stated there were no speakers.

Mayor Hunter stated Mr. Pflaumer's application was received after the deadline and in order to maintain the integrity of the process the deadline must be met for an application to be considered.

MOTION: Mayor Hunter nominated and Councilmember Mikos seconded the nomination of Julie Weisberger to serve on the Parks and Recreation Commission for a two-year term ending in December 31, 2008. The motion carried by unanimous voice vote.

MOTION: Mayor Hunter nominated and Councilmember Millhouse seconded the nomination of Joseph Catrombone to serve on the Parks and Recreation Commission for a two-year term ending in December 31, 2008. The motion carried by unanimous voice vote.

MOTION: Mayor Hunter nominated and Councilmember Parvin seconded the nomination of Sandra Thompson to serve on the Parks and Recreation Commission for a two-year term ending in December 31, 2008. The motion carried by unanimous voice vote.

MOTION: Mayor Hunter nominated and Councilmember Mikos seconded the nomination of Scott Krutilek to serve on the Parks and Recreation Commission for a two-year term ending in December 31, 2008. The motion carried by unanimous voice vote.

MOTION: Mayor Hunter nominated and Councilmember Parvin seconded the nomination of Richard Stratton to serve on the Parks and Recreation Commission for a two-year term ending in December 31, 2008. The motion carried by unanimous voice vote.

C. Consider Appointments to the Planning Commission. Staff Recommendation: Appoint five (5) Planning Commissioners to serve a two-year term ending December 31, 2008.

Ms. Traffenstedt gave the staff report.

In response to Mayor Hunter, Ms. Traffenstedt stated staff will bring an Ordinance back for Council's consideration on reconciling rules on the various commissions.

A discussion followed among the Councilmembers who wished to make comments and recommendations regarding the candidates; and to also provide positive feedback on the new process where candidates make a presentation at a Council meeting.

Mark Taillon, a candidate for the Planning Commission, introduced himself and stated his qualifications for the appointment.

MOTION: Mayor Hunter nominated and Councilmember Millhouse seconded the nomination of Kipp Landis to serve on the Planning Commission for a two-year term ending in December 31, 2008. The motion carried by unanimous voice vote.

MOTION: Mayor Hunter nominated and Councilmember Parvin seconded the nomination of Mark DiCecco to serve on the Planning Commission for a two-year term ending in December 31, 2008. The motion carried by unanimous voice vote.

MOTION: Mayor Hunter nominated and Councilmember Mikos seconded the nomination of Robert Peskay to serve on the Planning Commission for a two-year term ending in December 31, 2008. The motion carried by unanimous voice vote.

MOTION: Mayor Hunter nominated and Councilmember Millhouse seconded the nomination of Mark Taillon to serve on the Planning Commission for a two-year term ending in December 31, 2008. The motion carried by unanimous voice vote.

MOTION: Mayor Hunter nominated and Councilmember Parvin seconded the nomination of Bruce Hamous to serve on the Planning Commission for a two-year term ending in December 31, 2008. The motion carried by unanimous voice vote.

In response to Councilmembers Parvin and Mikos, Mr. Montes stated he would provide a Council mail box item on research of the Government Code, as to whether, in a City with an elected Mayor, it would be allowed for each Councilmember to put forth individual nominations for Planning Commissioners.

AT THIS POINT in the meeting, the City Council recessed to convene a meeting of the Moorpark Redevelopment Agency. The time was 8:44 p.m. The City Council meeting reconvened at 8:52 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 Items 12. B. (two cases), 12.C, 12.D, and 12. E. on the agenda

MOTION: Councilmember Mikos moved and Councilmember Parvin seconded a motion to adjourn to closed session for a discussion of Items 12. B. (two cases), 12.C, 12.D, and 12. E. on the agenda. The motion carried by unanimous voice vote. The time was 8:53 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: Lots 111,112, and 113 of the Colonia Virginia Tract (AP Nos. 513-0-031-025 and -035
City Negotiator: Steven Kueny, City Manager
Negotiating Parties: The City of Moorpark and Apostolic Assembly of the Faith in Christ Jesus Church
Under Negotiation: Price and terms of payment

D. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Pursuant to Subdivision (a) of Section 54956.9 of the Government Code)
4X Projects Co, a California Corporation, Richard Gray, an individual vs. City of Moorpark and Does 1 through 50, inclusive (Case No. SC048687)

E. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
(Pursuant to Subdivision (b) of Section 54957 of the Government Code)
Title: Administrative Services Director/City Clerk; Assistant City Manager; City Manager; City Attorney; City Engineer/Public Works Director; Chief of Police; Community Development Director; Finance Director; and Parks, Recreation and Community Services Director

Present in closed session were Councilmembers Mikos, Millhouse, Parvin, Van Dam, and Mayor Hunter; Steven Kueny, City Manager; Joseph Montes, City Attorney; Hugh Riley, Assistant City Manager; Barry Hogan, Community Development Director; Captain Jeff Matson; and Deborah Traffenstedt, Administrative Services Director/City Clerk.

Captain Matson left the meeting at 9:32 p.m.

The Council reconvened into open session at 10:21 p.m. Mr. Kueny stated Items 12. B. (two cases), 12.C, and 12.D were discussed and there was no action to report.

13. ADJOURNMENT:

Mayor Hunter adjourned the meeting at 10:21 p.m.

Patrick Hunter, Mayor

ATTEST:

Deborah S. Traffenstedt
City Clerk