

MINUTES OF THE CITY COUNCIL

Moorpark, California

February 21, 2007

A Regular Meeting of the City Council of the City of Moorpark was held on February 21, 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 7:10 p.m.

2. PLEDGE OF ALLEGIANCE:

Captain Jeff Matson, Chief of Police, led the Pledge of Allegiance.

3. ROLL CALL:

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

Staff Present: Steven Kueny, City Manager; 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; David Moe, Redevelopment Manager; John Brand, Senior Management Analyst; Captain Jeff Matson, Sheriff's Department; Deborah Traffenstedt, Administrative Services Director/City Clerk; and Maureen Benson, Deputy City Clerk.

4. PROCLAMATIONS AND COMMENDATIONS:

A. Introduction of New City Employee, David Klotzle, Assistant City Engineer.

Mayor Hunter introduced new City employee, David Klotzle, Assistant City Engineer.

B. Proclamation Declaring March 10, 2007, as Arbor Day.

Mayor Hunter presented Roger Blais, Parks and Landscape Manager, with a proclamation declaring March 10, 2007, as Arbor Day.

C. City Manager's Monthly Report.

Captain Matson gave the monthly report.

5. PUBLIC COMMENT:

Randy Wheeler, Vice Chair of Finance for the Board of Directors of the Moorpark Chamber of Commerce gave an update on membership numbers and other matters.

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

CONSENSUS: It was the consensus of the Council to pull Item 10.A. from the Consent Calendar for individual consideration upon the request of Mayor Hunter.

CONSENSUS: It was the consensus of the Council to pull Item 10.H. from the Consent Calendar for individual consideration upon the request of Mr. Kueny.

7. ANNOUNCEMENTS AND FUTURE AGENDA ITEMS:

Councilmember Millhouse discussed the allocation of State bond money related to Congestion Management Projects and the bipartisan support from Assemblyman Navas and Senator McClintock to gain approval to make up the shortfall for what is needed in Ventura County (which does not have a transportation related sales tax to assist) for the widening of the 101 Freeway between Mussel Shoals and Casitas Pass up to the Ventura County line. He acknowledged the efforts of the Ventura County Transportation Commission in working together with Santa Barbara County and for lobbying for this funding.

Councilmember Millhouse announced he had traveled to Washington D.C. to discuss obtaining Federal funds for Highway 101/State Route 23 interchange improvements. He discussed support from Senator Boxer and Congressmen Gallegly and Bradley for Federal seed money to study the EIR for State Route 118.

Councilmember Van Dam announced the Moorpark High School Band and Color Guard are hosting their third annual golf tournament fund raiser on March 26 and to contact Moorpark High School for more information.

Councilmember Parvin announced she and City Manager, Steven Kueny had attended the California League of Cities Conference on February 9th where the Governor's budget and its local impacts were discussed.

8. PUBLIC HEARINGS:

None.

9. PRESENTATION/ACTION/DISCUSSION:

A. Presentation by the Ventura County Grand Jury.

Ventura County Grand Jury Foreman, Alyce Klussman and Foreman Pro Tem, Carol Dawes, gave a presentation on the responsibilities of civic participation and the role of the Ventura County Grand Jury. They invited Moorpark citizens to apply for membership and offered their website at www.grandjury.countyofventura.org for additional information.

- B. Consider Appointment of One City Representative to the Air Pollution Control District Advisory Committee. (continued from February 7, 2007) Staff Recommendation: Appoint one City representative to serve on the Air Pollution Control District Advisory Committee for a term ending January 2011.

Ms. Traffenstedt gave the staff report.

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

MOTION: Mayor Hunter nominated and Councilmember Millhouse seconded the nomination of Martin Mogul to serve as the City's representative to the Air Pollution Control District Advisory Committee for a term ending January 2011. The motion carried by unanimous voice vote.

- C. Consider Scheduling of the Summer Meeting Recess. (continued from February 7, 2007) Staff Recommendation: Direct staff to post a notice of meeting cancellation for the selected summer recess date(s).

Ms. Traffenstedt 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 direct staff to post notices of cancellation for the regular meeting dates of July 4, 2007 and August 15, 2007. The motion carried by unanimous voice vote.

- D. Consider Resolution Fixing the Compensation for Members of the Moorpark Arts Commission. Staff Recommendation: Adopt Resolution No. 2007-2566.

Mr. Moe gave the staff report.

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

MOTION: Councilmember Parvin moved and Councilmember Mikos seconded a motion to adopt Resolution No. 2007-2566, fixing the compensation for members of the Moorpark Arts Commission. The motion carried by unanimous voice vote.

- E. Consider Resolution to Monitor and Report on Cable TV Customer Service Performance. Staff Recommendation: Adopt Resolution No. 2007-2567.

Mr. Brand gave the staff report. He stated Coby King of Time Warner was available for questions.

In response to Council questions, Mr. King stated Time Warner has a current capability to issue monthly regional reports on incoming customer calls, but does not break out the information by individual city.

A discussion followed among the Councilmembers and staff focusing requiring monthly reports individualized for the City of Moorpark, sending a letter to Time Warner to accompany the Resolution requiring a response by March 5th, and to place this item back on the agenda for discussion at the March 7th meeting.

MOTION: Councilmember Parvin moved and Councilmember Mikos seconded a motion to: 1) Adopt Resolution No. 2007-2567, to monitor and report on cable TV customer service performance; 2) Direct staff to prepare a letter to Time Warner requiring a response by March 5, 2007, and 3) Directed staff to place this item back on the agenda for discussion on March 7, 2007. The motion carried by unanimous voice vote.

- F. Consider Governor's Budget Proposal Regarding Transit Spillover Funding. Staff Recommendation: Direct staff as deemed appropriate.

Mr. Brand gave the staff report.

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

In response to Councilmember Mikos, the Council was in concurrence that a letter be prepared to send to the Governor, committee members, and local representatives in support of keeping the spillover funds for transit purposes.

MOTION: Councilmember Mikos moved and Councilmember Van Dam seconded a motion directing staff to prepare a letter to the Governor, committee members, and local representatives in support of keeping spillover funds for transit needs based upon Council's adopted Legislative Program. The motion carried by unanimous voice vote.

10. CONSENT CALENDAR: (ROLL CALL VOTE REQUIRED)

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

- B. Consider Approval of Warrant Register for Fiscal Year 2006-2007 – February 21, 2007. Staff Recommendation: Approve the warrant register.
- C. Consider 2005 Annual AB 939 Solid Waste Diversion Report to the Integrated Waste Management Board. Staff Recommendation: Receive and File.
- D. Consider Bond Exoneration for William Lyon Homes, Inc. (RPD2003-01, TR5405). Staff Recommendation: Authorize the City Clerk to exonerate Grading Surety Bond No. 8734539.
- E. Consider Bond Reductions for William Lyon Homes, Inc. (RPD99-02, TR5187). Staff Recommendation: 1) Authorize the City Clerk to exonerate Surety Bonds Nos. SU5010170-Improvements Performance & Payment and SU5010171-Grading; and 2) Authorize the City Clerk to reduce Surety Bonds Nos. SU5009788-Grading and SU5013592-Improvements Performance & Payment to 50% of their value.
- F. Consider Bond Exonerations for Simi-Moorpark Freeway Properties, LTD (TR4973). Staff Recommendation: Authorize the City Clerk to exonerate Surety Bonds Nos. 3SM89093200-Storm Drain Improvements Performance, 3SM89093200-Storm Drain Improvements Laborers & Materialmen, and 3SM9093300-Monument Improvements Performance.
- G. Consider Selection of Consultant to Prepare Plans and Specifications for the Widening of Los Angeles Avenue Between Maureen Lane and Leta Yancy Road (Project 8058). Staff Recommendation: Approve selection of Katz, Okitsu & Associates to prepare the design for the subject project.
- I. Consider Award of Contract for the Construction of the Los Angeles Avenue/Tierra Rejada Road Parkway Improvement Project and a Resolution Amending the Fiscal Year 2006/07 Budget to Revise Funding for the Projects. Staff Recommendation: 1) Award a construction contract to Tropical Creations, Inc, and authorize the Mayor to execute the construction contact in the amount of \$514,292.40 for the subject project; 2) Authorize the City Manager to amend the construction contract for project contingencies in an amount not to exceed \$51,429, if and when the need arises for extra work and services; and 3) Adopt Resolution No.

2007-2568, revising the funding for the subject project. ROLL CALL VOTE REQUIRED

The following items were pulled for individual consideration.

- A. Consider Approval of the Regular Meeting Minutes of February 7, 2007.
Staff Recommendation: Approve the minutes.

Mayor Hunter and Councilmember Millhouse stated they would abstain from voting on this item, as they had been absent from the meeting of February 7, 2007.

MOTION: Councilmember Parvin moved and Councilmember Mikos seconded a motion to approve the minutes of the regular meeting of February 7, 2007. The motion carried by voice vote 3-0, Mayor Hunter and Councilmember Millhouse abstaining.

- H. Consider Resolution Amending the Conflict of Interest Code of the City of Moorpark and Rescinding Resolution No. 2006-2439. Staff Recommendation: Adopt Resolution No. 2007-____.

Mr. Kueny requested this item be continued to March 7, 2007.

CONSENSUS: It was the consensus of the Council to continue this item to March 7, 2007.

11. ORDINANCES: (ROLL CALL VOTE REQUIRED)

- A. Consider Ordinance No. 349, Amending the Moorpark Municipal Code Section 15.26.010 (Construction Activity Restricted to Certain Hours), Subsection A, by Allowing the Community Development Director to Permit Changes in Construction Hours on Private Property. Staff Recommendation: Waive full reading and declare Ordinance No. 349 read for the second time and adopted as read. ROLL CALL VOTE REQUIRED

Ms. Traffenstedt read the title of Ordinance No. 349.

MOTION: Councilmember Parvin moved and Councilmember Mikos seconded a motion to waive further reading, declare Ordinance No. 349 read for the second time and adopted as read. The motion carried by unanimous voice vote.

12. CLOSED SESSION:

None was held.

13. ADJOURNMENT:

Mayor Hunter adjourned the meeting at 8:28 p.m.

Patrick Hunter, Mayor

ATTEST:

Deborah S. Traffenstedt
City Clerk