

MINUTES OF THE CITY COUNCIL

Moorpark, California

March 21, 2007

A Regular Meeting of the City Council of the City of Moorpark was held on March 21, 2007, in the Council Chambers of said City located at 799 Moorpark Avenue, Moorpark, California.

1. CALL TO ORDER:

Mayor Pro Tempore Millhouse called the meeting to order at 7:14 p.m.

2. PLEDGE OF ALLEGIANCE:

Joseph Montes, City Attorney, led the Pledge of Allegiance.

3. ROLL CALL:

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

Absent: Mayor Hunter.

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

4. PROCLAMATIONS AND COMMENDATIONS:

A. Proclamation Declaring March 26 through March 30, as Boys & Girls Club Week in Moorpark.

Mayor Pro Tempore Millhouse presented Gary Cabrioles, President of the Board of Directors of the Moorpark Boys and Girls Club, with a proclamation declaring March 26 through March 30, as Boys and Girls Club Week in Moorpark.

B. Introduction of New City Employee Michael Atkin, Recreation/Community Services Manager.

Mayor Pro Tempore Millhouse introduced new City employee Michael Atkin, Recreation/Community Services Manager.

- C. Introduction of New City Employee Luis Gonzalez, Landscape/Parks Maintenance Superintendent.

Mayor Pro Tempore Millhouse introduced new City employee Luis Gonzalez, Landscape/Parks Maintenance Superintendent.

- D. City Manager's Monthly Report.

Mr. Riley gave the monthly report.

5. PUBLIC COMMENT:

Debbie Heaslip, member of the Board of the Moorpark Chamber of Commerce, gave a monthly update on membership, upcoming events, and the anticipated move to High Street.

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

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

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

7. ANNOUNCEMENTS AND FUTURE AGENDA ITEMS:

Mayor Pro Tempore Millhouse announced a game of golf with friends can be a tax deductible donation of \$200 while helping to support the City's Youth Recreation Scholarship Program. Moorpark Country Club will issue a certificate for golf for a party of four, a golf cart, and the use of the practice range. Contact Patty Lemke at City Hall for more information.

Mayor Pro Tempore Millhouse announced there will be a free landfill day for Moorpark residents on Sunday, April 15th, at the Simi Valley Landfill and Recycling Center at 2801 Madera Road. Household waste only may be dumped or recycled without charge from 10:00 a.m. to 4:00 p.m. No appointment is necessary; however, proof of residency is required. For more information, contact Moorpark City Hall at or the Simi Valley Landfill and Recycling Center.

Councilmember Parvin stated she had attended a meeting of the Ventura County Local Agency Formation Commission (LAFCO) today, March 21. She requested a Council box item memo from staff before the next LAFCO meeting to provide information regarding a Moorpark property discussed by LAFCO in the Municipal Services Review that is outside the City's Curb Line, but within the Sphere of Influence and City Limits.

8. PUBLIC HEARINGS:

None.

9. PRESENTATION/ACTION/DISCUSSION:

- A. Consider Time Warner Cable TV Customer Service Performance.  
(continued from March 7, 2007) Staff Recommendation: Direct staff as deemed appropriate.

Mr. Brand gave the staff report.

Ben Hall, a Time Warner digital subscriber in Simi Valley, spoke about the changes in his programming, costs associated with the Time Warner product; and his unsuccessful attempts to contact Time Warner.

Councilmember Parvin and Mayor Pro Tempore Millhouse, members of the Cable Ad Hoc Committee reported on discussions with Time Warner representatives.

A discussion followed among the Councilmembers regarding the lack of progress in resolving issues with Time Warner.

MOTION: Mayor Pro Tempore Millhouse moved and Councilmember Parvin seconded a motion to direct staff to: 1) Transmit in writing, a Notice of Material Default to Time Warner for failure to meet the Customer Service Standards of the Franchise Agreement and the Moorpark Municipal Code for at least the last three months; and 2) Agendize this item for the April 18 Regular City Council meeting to review any steps taken by Time Warner to cure the default, and/or to set a public hearing to consider the imposition of penalties and/or fines under the terms of the Franchise Agreement and Moorpark Municipal Code. The motion carried by voice vote 4-0, Mayor Hunter absent)

- B. Consider Approval of Conceptual Design for the Construction of Raised Landscaped Medians on Los Angeles Avenue Between State Route 23 and Tierra Rejada Road. Staff Recommendation: Approve the Conceptual Design for the subject project.

Mr. Lall gave the staff report.

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

MOTION: Councilmember Mikos moved and Councilmember Van Dam seconded a motion to approve the Conceptual Design for the subject project. The motion carried by voice vote 4-0, Mayor Hunter absent.

- C. Consider Allocation of ACTUAL Community Development Block Grant (CDBG) Funds (\$206,961) for Fiscal Year (FY) 2007/2008. Staff Recommendation: Allocate the entire \$19,538, the full increase in the actual HUD-CDBG funding, into the Human Services Center complex project. ROLL CALL VOTE REQUIRED

Mr. Bobardt gave the staff report, correcting the transposition of numbers in the allocation amount to be \$19,583.

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 allocate the entire \$19,583, the full increase in the actual HUD-CDBG funding, into the Human Services Center complex project. The motion carried by roll call vote 4-0, Mayor Hunter absent.

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, 10.B, and 10.L, which were pulled for individual consideration. The motion carried by roll call vote 4-0, Mayor Hunter absent.

- C. Consider Approval of Warrant Register for Fiscal Year 2006-2007 – March 21, 2007. Staff Recommendation: Approve the warrant register.
- D. Consider Resolution Authorizing Mid-Year Amendments to 2006/2007 Fiscal Year Budget. (continued from March 7, 2007) Staff Recommendation: Adopt Resolution No. 2007-2573, amending the FY 2006/07 Budget as noted in Exhibits A and B of the agenda report. ROLL CALL VOTE REQUIRED
- E. Consider Notice of Completion for 2006 Asphalt Pavement Repair Project. Staff Recommendation: Accept the work as complete and direct the City Clerk to record the Notice of Completion.
- F. Consider Agreement with Public Health for Vaccine Distribution. Staff Recommendation: Approve the Agreement, subject to final language approval by the City Manager and City Attorney; and authorize City Manager to execute the agreement.
- G. Consider Resolution Amending the Fiscal Year 2006/07 Budget for Diesel Retrofit of Four Moorpark City Transit Buses. Staff Recommendation: Adopt Resolution No. 2007-2574. ROLL CALL VOTE

- H. Consider the City of Moorpark 2006 General Plan Annual Report Including the Housing Element Progress Report. Staff Recommendation: 1) Receive and file report; and 2) Direct staff to forward a copy of this report to the Governor's Office of Planning and Research, the California Department of Housing and Community Development, and the County of Ventura – Planning Division.
- I. Consider Resolution Amending the Fiscal Year 2006/07 Budget by Appropriating General Funds (Older American Act Title III-B Health Screening and Education Program Contract Grant) to Fund an Additional Grant of One-Time-Only Funds for the Grant-Funded "Strike Out Stroke" Program. Staff Recommendation: Adopt Resolution No. 2007-2575. ROLL CALL VOTE REQUIRED
- J. Consider Resolution Authorizing the Destruction of Certain Records. Staff Recommendation: Adopt Resolution No. 2007-2576.
- K. Consider Rejection of Claim: Jesus Ortiz Alvarez. Staff Recommendation: Reject the claim and direct staff to send a standard rejection letter to the claimant.

The following items were pulled for individual consideration.

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

Councilmember Mikos stated she had pulled these minutes to correct the error in naming the Mayor Pro Tempore.

MOTION: Councilmember Mikos moved and Councilmember Parvin seconded a motion to approve the Special Meeting minutes of March 7, 2007, as amended, to correctly identify Mayor Pro Tempore Millhouse and Councilmember Mikos throughout the document. The motion carried by voice vote 4-0, Mayor Hunter absent.

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

Councilmember Mikos stated she had pulled these minutes to amend her announcement under Item 7; and to reflect her dissent for Item 9.B.

MOTION: Councilmember Mikos moved and Councilmember Van Dam seconded a motion to approve the Regular Meeting minutes of March 7, 2007, as amended to reflect Councilmember Mikos' announcement under Item 7. regarding her summary of the Santa Monica Mountains Conservancy's Agenda should include she reported on items relevant to Moorpark and the East Ventura County Area; and for Item 9.D. to add language that Councilmember Mikos was

not in favor of directing staff to schedule May 23, 2007, for Joint City Council/Parks and Recreation Commission meeting at 6:00 p.m. and Joint City Council/Planning Commission meeting at 6:45 p.m. to be followed by the Budget Workshop at 7:30 p.m. The motion carried by voice vote 4-0, Mayor Hunter absent.

- L. Consider Final Map Approval for Tract Map No. 5147 (A-B Properties).  
Staff Recommendation: Authorize the Mayor and City Clerk to sign the map and the City Clerk to cause Tract Map 5147 to be recorded in the office of the Ventura County Recorder.

Mr. Lall requested the verbiage on the Final Map reflect that North Hills Parkway would not be a private street.

MOTION: Councilmember Mikos moved and Councilmember Parvin seconded a motion to authorize the Mayor and City Clerk to sign the map, as amended by the staff report and including a further amendment to reflect that North Hills Parkway would not be a private street. The motion carried by voice vote 4-0, Mayor Hunter absent.

11. ORDINANCES: (ROLL CALL VOTE REQUIRED)

None.

12. CLOSED SESSION:

None was held.

13. ADJOURNMENT:

Mayor Pro Tempore Millhouse adjourned the meeting at 8:10 p.m.

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Patrick Hunter, Mayor

ATTEST:

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Deborah S. Traffenstedt  
City Clerk

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