ITEM 10.A.

MINUTES OF THE CITY COUNCIL

Moorpark, California October 5, 2011

A Regular Meeting of the City Council of the City of Moorpark was held on October 5, 2011 in the Council Chambers of said City located at 799 Moorpark Avenue, Moorpark, California.

1. CALL TO ORDER:

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

2. PLEDGE OF ALLEGIANCE:

Boy Scout Troop 706 presented the colors and led the Pledge of Allegiance.

3. ROLL CALL:

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

Staff Present: Steven Kueny, City Manager; Greg Murphy, Assistant City Attorney; 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; David Moe, Redevelopment Manager; Joseph Fiss, Principal Planner; Captain Ron Nelson, Sheriff's Department; and Maureen Benson, City Clerk.

4. PROCLAMATIONS AND COMMENDATIONS:

None.

5. PUBLIC COMMENT:

Rudy Gonzales, Regional Manager for Southern California Edison (SCE), gave a brief overview of SCE's new Smart Meter program.

Nathan Rhodes, a local Moorpark artist, gave the City an original oil painting entitled "Greater Things", which he created during the 2011 Easter service at Fountain Foursquare Church.

AT THIS POINT in the meeting, the City Council recessed to convene a meeting of the Redevelopment Agency of the City of Moorpark. The time was 7:20 p.m. The City Council meeting reconvened at 7:21 p.m.

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

None.

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

Councilmember Mikos reported on September 21st she attended the 10th Annual Housing Conference sponsored by the City Moorpark, Economic Development Collaborative of Ventura County, and many other organizations.

Councilmember Mikos stated the evening of September 21st she, Assistant City Manager, Hugh Riley, and others from the Moorpark Foundation for the Arts attended the Ventura County Arts Council 2011 Art Stars Awards Banquet at the Tower Club where the City received a finalist's certificate in the category for public agencies promoting and supporting the arts.

Councilmember Mikos reported today she had attended an Executive Committee meeting of the Economic Development Collaborative where discussion of Community Development Block Grant monies for small business loans and consulting support for Moorpark's small businesses was discussed.

Councilmember Mikos invited the public to participate in the 7th Annual October 5K and 10K Runs through the Orchards at Tierra Rejada and Walnut Grove sponsored by Save Open Space and Agricultural Resources.

Councilmember Van Dam congratulated the Morning Rotary Club on a successful fundraising Beer Tasting Extravaganza.

Councilmember Van Dam thanked the Moorpark Chamber of Commerce and all the volunteers for their hard work on making Country Days a success.

Councilmember Millhouse thanked the Moorpark Chamber of Commerce, City staff, and volunteers for participating in Country Days.

Councilmember Millhouse congratulated the Moorpark Boys and Girls Club on their successful golf tournament fund raiser at the Moorpark Country Club.

Mayor Parvin announced October 16-22 is Teen Read Week at the Moorpark City Library. Several new programs and events for students in 6th through 12th grades are offered including: "Silent Library", on October 19th, which is an event just for teens based on the popular MTV program of the same name and throughout the month of October a paper maché mask project will be featured along with a Halloween scavenger hunt, and much more. The Moorpark City Library offers several fun programs for teens each month. The Library staff work

hard to help teens feel welcome and encourages them If you would like more information about teen programs or volunteer opportunities, please contact Teen Librarian, Serenity Wilcox.

Mayor Parvin announced the Roamin' Relics Car Show takes place on High Street October 9th where over 500 vintage cars and trucks, all in showroom condition, are available for viewing. Donations benefit local charities.

Mayor Parvin stated Country Days was fantastic, such a special day in Moorpark. She thanked the Moorpark Chamber of Commerce and all the many volunteers for their hard work.

Mayor Parvin reported she and Councilmembers Millhouse and Pollock attended the League of California Cities Annual Conference on September 21st where as a board member they developed a resolution calling for improved transparency and public access at the state level.

In response to Mayor Parvin's request for a status on the City's efforts to establish a Facebook page to keep the public informed, Ms. Traffenstedt stated policies are being developed and this remains an objective for 2011.

Mayor Parvin requested a box item communication from code enforcement staff on real estate signs.

Mayor Parvin requested a future Parks and Recreation Commission agenda contain an item informing the Commissioners about the City's fertilization program and field restoration efforts.

8. PUBLIC HEARINGS:

A. Consider Resolution Adopting a Mitigated Negative Declaration and Approving General Plan Amendment No. 2009-01; Ordinance Approving Zone Change No. 2009-01; Ordinance Approving Development Agreement No. 2009-02 between the City of Moorpark and Los Angeles Avenue LLC; and Resolution Approving Industrial Planned Development No. 2009-01 and Conditional Use Permit No. 2009-01; to Allow a 559,450 Square-Foot Motion Picture Studio Complex with 12 Soundstages, 3 Office Buildings, 18 Support Buildings, and Surface Parking on 44.467 Acre Site Located on the North Side of Los Angeles Avenue, West of Gabbert Road on the Application of Triliad Development, Inc. for Los Angeles Avenue LLC. Staff Recommendation: 1) Open the public hearing, accept public testimony, and close the public hearing; 2) Adopt Resolution No. 2011-3062 adopting a Mitigated Negative Declaration and approving General Plan Amendment No. 2009-01; 3) Introduce for first reading, Ordinance No. 408, approving Zone Change No. 2009-01, and set October 19, 2011 for second reading 4) Introduce for first reading, Ordinance No. 409, to adopt a Development Agreement No. 2009-02, and

set October 19, 2011, for second reading; and 5) Adopt Resolution No. 2011-3063, approving Industrial Planned Development Permit No. 2009-01 and Conditional Use Permit No. 2009-01, subject to Conditions of Approval.

Mr. Fiss gave the staff report.

Mr. Bobardt gave a report on the Development Agreement and amended the ownership names of the entities involved.

Mayor Parvin opened the public hearing.

Valerie Draeger, representing Triliad Development, 270 Conejo Ridge #200, Thousand Oaks, California, provided an overview of the project with its two phases, introduced consultants available for questions, and presented an audio visual representation of the Moorpark West Studios. She stated that within five years of the issuance of the first final building permit a contribution of $350,000 would be made towards a soundwall for the south side of Los Angeles Avenue from Buttercreek Road to Maureen Lane, if the City provides a funding mechanism.

Brian Poloquin, architect for the project, BK Architecture, Agoura, California, described the site plan, design of the project, and use of green building in construction.

Weston Munselle, financial consultant to Triliad Development, described the ingress/egress from the site, operating hours, and the benefits of a film production studio versus an industrial manufacturer on this site, which could have been developed on this site.

Patrick Ellis, President of the Moorpark Chamber of Commerce, 18 East High Street, Moorpark, California, spoke in favor of the project and outlined the many benefits to the community such as jobs, increased business, and attraction of new business to locate in Moorpark.

Raymond Hebel, a resident of the Buttercreek development spoke about the need for a soundwall along Los Angeles Avenue.

Erwin Boychenko, an interested citizen, spoke in favor of the project and cited the many benefits to the City of Moorpark.

In response to Mayor Parvin, Ms. Benson summarized the one Written Speaker card from Michael Greywitt expressing support of the project in bringing tax revenue and jobs to the City as well as benefits to small businesses providing services.

The Council heard from the following late speakers:

Anne Dickson, a resident of the Buttercreek development, spoke about the need for a traffic signal at Buttercreek Road and Los Angeles Avenue.

Francis Okyere, past President of the Moorpark Chamber of Commerce and businessman, spoke in support of this project.

Mayor Parvin closed the public hearing.

Councilmember Mikos disclosed for the record, that she is on the board of the Economic Development Collaborative of Ventura County where she discussed this proposal in general terms with another member of the board who is a union member in the building trades.

Mayor Parvin reopened the public hearing to allow the applicant to rebut comments.

Ms. Draeger clarified that the Supplemental Report to the Mitigated Negative Declaration (Noise Study) does not include a requirement to build a soundwall. They are offering to participate in financially by contributing towards a soundwall to benefit the nearby neighborhood.

In response to Council questions: 1) Ms. Draeger stated this is a good location for a studio as there are many studio executives, grips, and talent living near Moorpark who would prefer less travel time to this studio allowing them to spend more time with their families; 2) Ms. Draeger stated currently, there are 3,200 people who live in Ventura County who could work at this location; 3) Rick Wolf with Stage Pro Consulting, stated there is an excess of work in this industry with a lot of product to be made including still-shoots, commercials, feature films, and television; 4) Bob Matson, RBF Consulting, responded to traffic concerns by stating the hours of operation for the studio provide for a commute before and after the normal commute hours and he explained how trucks access the site with room allowed for stacking; 5) Mr. Matson described and how traffic signals at North Hills Parkway and Tierra Rejada/Gabbert Road will allow for breaks in traffic benefiting those residents of the Buttercreek development in accessing Los Angeles Avenue; 6) Mr. Wolf clarified the 30-mile commute restriction for union members and stated this studio is only about 2 miles outside this limit, which should not prove to be an obstacle; and 7) Ms. Draeger confirmed they have letters of approval from two unions willing to exceed the 30-mile commute to this studio.

Ms. Draeger summarized their offer to contribute to a fund to build a soundwall and after discussion with the applicant; Mr. Bobardt read the following change to the Section 6.22 of Development Agreement into the record:

"If City, within five (5) years of the issuance of the first final building permit to allow occupancy of a stage or office building on the project site, approves a funding mechanism for a minimum eight (8) foot high soundwall for the residential properties on the south side of Los Angeles Avenue from Buttercreek Road to Maureen Lane, Developer agrees to pay City $350,000 toward the soundwall."

Mayor Parvin reclosed the public hearing.

MOTION: Mayor Parvin moved and Councilmember Pollock seconded a motion to adopt Resolution No. 2011-3062, adopting a Mitigated Negative Declaration and approving General Plan Amendment No. 2009-01. The motion carried by unanimous voice vote.

Mr. Murphy read the title of Ordinance No. 408.

MOTION: Councilmember Pollock moved and Councilmember Millhouse seconded a motion to waive further reading, declare Ordinance No. 408 introduced for first reading, and scheduled second reading and adoption for October 19, 2011. The motion carried by unanimous voice vote.

Mr. Murphy read the title of Ordinance No. 409.

MOTION: Councilmember Mikos moved and Mayor Parvin seconded a motion to waive further reading, declare Ordinance No. 409, as amended to correct the names of the entities participating in the Development Agreement and to add Triliad's offer for $350,000 towards a soundwall, introduced for first reading, and scheduled second reading and adoption for October 19, 2011. The motion carried by unanimous voice vote.

MOTION: Councilmember Millhouse moved and Councilmember Pollock seconded a motion to adopt Resolution No. 2011-3063, approving Industrial Planned Development Permit No. 2009-01 and Conditional Use Permit No. 2009-01, subject to Conditions of Approval. The motion carried by unanimous voice vote.

9. PRESENTATION/ACTION/DISCUSSION:

A. Consider Calendar Year 2012 Water Rate Analysis Being Considered by the Ventura County Waterworks District No. 1 Citizens' Advisory Committee. Staff Recommendation: Direct staff as deemed appropriate.

Ms. Davis gave the staff report and introduced Reddy Pakala, Director of the Water & Sanitation Department for Ventura County, as available for questions.

Mr. Pakala explained that a fourth tier has been added to the options which would benefit the lowest water users in the City and those who are on a fixed income. He asked if the Council would like to make a recommendation on the water rate structure for the Citizen's Advisory Committee meeting to be held on October 6th.

A discussion followed among the Councilmembers and staff regarding: 1) Why another increase is needed so soon after the most recent hike in rates? 2) What is the money to be used for? and 3) Why the short notice?

David Schwabauer, member of the Citizens' Advisory Committee for Ventura County Waterworks District No. 1, which serves Moorpark spoke about the need to clean up (desalinate) underground water in our area and make it available for use.

CONSENSUS: It was the consensus of the Council to direct staff to continue to monitor the situation until more information is available.

Councilmember Mikos stated for the record she would support the fourth tier as it would benefit those who may not be able to afford higher water rates.

B. Consider Finding Proposed Buttercreek I Homeowners Association Retaining Wall Replacement Consistent with the PC-3 Mountain Meadows Specific Plan, as Amended. Staff Recommendation: Find the proposed Buttercreek I HOA retaining wall replacement along the south side of Mountain Meadows Drive between Chestnut Ridge Street and Walnut Creek Road consistent with the design set forth in the PC-3 Mountain Meadows Specific Plan, as most recently amended.

Mr. Klotzle gave the staff report.

There were no speakers.

MOTION: Councilmember Millhouse moved and Councilmember Van Dam seconded a motion to find the proposed Buttercreek I HOA retaining wall replacement along the south side of Mountain Meadows Drive between Chestnut Ridge Street and Walnut Creek Road consistent with the design set forth in the PC-3 Mountain Meadows Specific Plan, as most recently amended. The motion carried by unanimous voice vote.

10. CONSENT CALENDAR: (ROLL CALL VOTE REQUIRED)

MOTION: Councilmember Mikos moved and Councilmember Pollock seconded a motion to approve the Consent Calendar. The motion carried by unanimous roll call vote.

A. Consider Minutes of Regular Meeting of September 7, 2011. Staff Recommendation: Approve the minutes.

B. Consider Minutes of Adjourned Meeting of September 7, 2011 held on September 14, 2011. Staff Recommendation: Approve the minutes.

C. Consider Minutes of Special Meeting of September 14, 2011. Staff Recommendation: Approve the minutes.

D. Consider Warrant Register for Fiscal Year 2011/12 – October 5, 2011. Staff Recommendation: Approve the warrant register.

E. Consider Sale of Three Diesel Transit Buses. Staff Recommendation: Authorize the City Manager to proceed with the sale of Bus 6433 (1998 Bluebird model) and Buses 6448 and 6449 (2002 El Dorado National MST models).

F. Consider Award of Bid and Project Approval for the Rehabilitation of 1449 Walnut Canyon Road and Resolution Amending the Fiscal Year 2011/12 Budget. Staff Recommendation: 1) Approve the rehabilitation of 1449 Walnut Canyon Road; 2) Award bid to Magic Hammer Development, Inc. for $37,365, and authorize a 10% project contingency of $3,737 and execution of the Agreement by the City Manager, subject to final language approval by the City Manager and City Attorney; and 3) Adopt Resolution No. 2011-3064.

G. Consider Surety Bond Exoneration (Bond Nos. 103883733 and 6420145) for Pardee Homes, Moorpark Highlands, Tract 5045. Staff Recommendation: Authorize the City Clerk to fully exonerate the Surety Bond Nos. 103883733 and 6420145 for Pardee Homes, Moorpark Highlands, Tract 5045.

H. Consider Surety Bond Exoneration (Bond No. 52BSBDH1132) for Pardee Homes, Moorpark Highlands, Tract 5045-5. Staff Recommendation: Authorize the City Clerk to fully exonerate the Surety Bond No. 52BSBDH1132 for Pardee Homes, Moorpark Highlands, Tract 5045-5.

I. Consider Surety Bond Exoneration (Bond No. 103883735) for Pardee Homes, Moorpark Highlands, Tract 5045-6. Staff Recommendation: Authorize the City Clerk to fully exonerate the Surety Bond No. 103883735 for Pardee Homes, Moorpark Highlands, Tract 5045-6.

J. Consider Resolution Rescinding Resolution No. 2008-2783 Pertaining to Parking Restrictions on Miller Parkway and a Portion of Peach Hill Road East of Spring Road, and Establishing Revised Parking Restrictions for

Said Streets. Staff Recommendation: Adopt Resolution No. 2011-3065, rescinding Resolution No. 2008-2783.

K. Consider Setting a Public Hearing Date to Consider Establishing Construction and Demolition (C&D) Material Management Plan Diversion Deposit Rate. Staff Recommendation: Set a City Council Public Hearing for October 19, 2011 to consider establishing C&D Deposit rates.

L. Consider Authorizing the Use of City Marquee Signs and Portable Lights for Rotary Club Civil War Reenactment Event. Staff Recommendation: Approve the use of City marquee signs and approve use of City portable lights, subject to conditions specified in the agenda report.

M. Consider Waiving Rental Fees at the High Street Arts Center for the ABC 7 Listens Event Scheduled for October 12, 2011. Staff Recommendation: Waive the rental fee at the High Street Arts Center for the ABC 7 Listens Event on October 12, 2011.

N. Consider Rejection of Claim from: Michael and Veronica Fisher. Staff Recommendation: Reject the claim and direct staff to send a standard rejection letter to the claimant.

11. ORDINANCES: (ROLL CALL VOTE REQUIRED)

None.

12. CLOSED SESSION:

None was held.

13. ADJOURNMENT:

Mayor Parvin adjourned the meeting at 10:05 p.m.

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Janice S. Parvin, Mayor

ATTEST:

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Maureen Benson, City Clerk