

ITEM 10.B.

MINUTES OF THE CITY COUNCIL

Moorpark, California

October 19, 2011

A Regular Meeting of the City Council of the City of Moorpark was held on October 19, 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 7:20 p.m.

2. PLEDGE OF ALLEGIANCE:

McKenna Cooper, Boy Scout Troop 611, led the Pledge of Allegiance.

3. ROLL CALL:

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

Staff Present: Steven Kueny, City Manager; 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; Joseph Vacca, Principal Planner; Teri Davis, Senior Management Analyst; Captain Ron Nelson, Sheriff's Department; and Maureen Benson, City Clerk.

4. PROCLAMATIONS AND COMMENDATIONS:

A. Introduction of New City Employee, Dylan Gunning, Recreation Coordinator in the Parks, Recreation and Community Services Department.

Mayor Parvin introduced new City employee Dylan Gunning, Recreation Coordinator in the Parks, Recreation and Community Services Department.

B. Proclamation Recognizing the Last Week of October as Red Ribbon Week.

Mayor Parvin presented Captain Nelson with a proclamation recognizing the last week of October as Red Ribbon Week.

C. Proclamation Declaring October 24th as World Polio Day.

Mayor Parvin presented a proclamation declaring October 24th as World Polio Day to the Moorpark Rotary Club.

5. PUBLIC COMMENT:

Annie Hadley, Hannah Axelrad, Haroon Sherjan, and Chloe Woodruff spoke on behalf of the Youth and Government organization and an upcoming Bill Night at the High Street Arts Center on November 17th.

David Gutierrez, a Moorpark resident spoke in regard to the need for speed bumps on Second Street to reduce traffic hazards. Mayor Parvin and Councilmember Millhouse stated Mr. Gutierrez would be invited to the next meeting of the Transportation/Public Works Committee to discuss traffic calming measures for Second Street.

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

Councilmember Pollock requested the meeting be adjourned in memory of Robert Moran and extended condolences to his family.

CONSENSUS: It was the consensus of the Council to hear Items 11.A. and 11.B. prior to Item 7 on the agenda, upon the request of Councilmember Millhouse.

CONSENSUS: It was the consensus of the Council to pull Items 10.A. and 10.C. from the Consent Calendar, upon the request of staff.

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

Councilmember Mikos stated she and Councilmember Van Dam had attended the Moorpark Chamber of Commerce's grand re-opening of Vargo Physical Therapy last week in Mountain Meadows Plaza.

Mayor Parvin announced several upcoming Moorpark City Library activities including Wii Wednesday for showing off Wii skills; Ghost Hunting with Sandy Carlson who will share stories about her work searching for ghosts in some of Moorpark's well known landmarks; and a Scavenger Hunt for Teens.

Mayor Parvin announced a Halloween Party and Trick or Treat Village will be held at Arroyo Vista Recreation Center for children ages 3 to 12.

Mayor Parvin stated she had attended a Ventura County Transportation Commission Plan for Ventura County Local Advisory Group meeting.

Mayor Parvin stated she had attended a Government Affairs Chamber of Commerce meeting.

Mayor Parvin stated she had attended the ABC 7 Town Hall meeting at the High Street Arts Center where many positive aspects of Moorpark were discussed with personnel from ABC.

AT THIS POINT in the meeting, Items 11.A. and 11.B. were heard.

11. ORDINANCES: (ROLL CALL VOTE REQUIRED)

- A. Consider Ordinance No. 408 Approving Zone Change No. 2009-01 for a Change of Zoning on 10.75 Acres 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: Waive full reading and declare Ordinance No. 408 read for the second time and adopted as read. ROLL CALL VOTE REQUIRED

Ms. Benson read the title of Ordinance No. 408.

MOTION: Councilmember Millhouse moved and Councilmember Van Dam seconded a motion to waive further reading and declare Ordinance No. 408 read for the second time and adopted as read. The motion carried by unanimous roll call vote.

- B. Consider Ordinance No. 409 Adopting a Development Agreement between the City of Moorpark and Los Angeles Avenue LLC, PEGH Investments, LLC, the Kevin Newburg Trust, and the Richard S. Held Enterprises Retirement Trust. Staff Recommendation: Waive full reading and declare Ordinance No. 409 read for the second time and adopted as read. ROLL CALL VOTE REQUIRED

Ms. Benson read the title of Ordinance No. 409.

MOTION: Councilmember Mikos moved and Mayor Parvin seconded a motion to waive further reading and declare Ordinance No. 409 read for the second time and adopted as read. The motion carried by unanimous roll call vote.

8. PUBLIC HEARINGS:

- A. Consider Resolution Establishing Construction and Demolition Material Management Plan Diversion Security Deposit Rate. Staff Recommendation: Open the public hearing, accept public testimony, close the public hearing, and take off calendar.

Ms. Davis stated additional information has been received since the writing of this staff report and continues to be developed. She stated staff is continuing to research the subject.

Mayor Parvin opened the public hearing.

There were no speakers.

Mayor Parvin closed the public hearing.

MOTION: Mayor Parvin moved and Councilmember Millhouse seconded the motion to take this item off calendar. The motion carried by unanimous voice vote.

9. PRESENTATION/ACTION/DISCUSSION:

- A. Consider Draft Environmental Impact Report (EIR) for Proposed Southern California Edison Presidential Substation Project and Utilities, Located within Various Right-of-Ways in the County of Ventura, and the Cities of Simi Valley and Thousand Oaks. Staff Recommendation: Direct staff to provide a comment letter to the Environmental Project Manager to address the unresolved issues in the Draft EIR, and provide preliminary support for System Alternative B as outlined in the Draft EIR.

Mr. Vacca gave the staff report.

Mercedes Todesco, spoke on behalf of her family members who live in the Tierra Rejada Valley adjacent to the proposed location of the power poles. She spoke in support of System Alternative B and in opposition to installing any poles in the Tierra Rejada greenbelt area.

A discussion followed among the Councilmembers and staff regarding: 1) The need for a new substation, but with the possibility of using existing poles to expand service; 2) Southern California Edison's focus on only one solution without giving sufficient analysis to other options; and 3) If the California Public Utilities Commission (CPUC) does not find the environmentally superior System Alternative B feasible, then the Draft EIR with the CPUC findings should be recirculated for additional comment.

Mr. Bobardt reminded the public they have until October 31, 2011, to make comments on this Draft EIR which is located on the CPUC's website and available in paper form at the Moorpark City Library.

MOTION: Councilmember Mikos moved and Mayor Parvin seconded a motion to direct staff to provide a comment letter to the Environmental Project Manager to address the unresolved issues in the Draft EIR; provide preliminary support for System Alternative B as outlined in the Draft EIR; and add language to the comment letter such that if the CPUC does not find in favor of the environmentally superior System Alternative B, then the Draft EIR with the CPUC's findings must be recirculated for additional comment. The motion carried by unanimous voice vote.

10. CONSENT CALENDAR: (ROLL CALL VOTE REQUIRED)

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

- B. Consider Warrant Register for Fiscal Year 2011/12 –October 19, 2011. Staff Recommendation: Approve the warrant register.
- D. Consider Authorization of First Trust Deed Loan for 81 First Street First Time Home Buyer Unit. Staff Recommendation: 1) Authorize first trust deed mortgage for new first time home buyer as described in the agenda report; and 2) Authorize the City Manager to sign all documents needed for the transactions, subject to final language approval of the City Manager and City Attorney.
- E. Consider Award of Bid and Project Approval for the Demolition of 780 Walnut Street and 124 First Street. Staff Recommendation: 1) Approve the removal of 780 Walnut Street and 124 First Street; and 2) Award bid to Specialized Environmental, Inc. for \$24,010, including a 10% project contingency of \$2,401 and authorize execution of the Agreement by the City Manager, subject to final language approval of the City Manager and City Attorney.
- F. Consider Report of Annual Development Agreement Review, Established in Connection with Canyon Crest Ranch Partners-Moorpark, LLC (Birdsall), Located on Approximately 42.4 Acres East of Walnut Canyon Road at Championship Drive (Tentative Tract Map 5437), on the Application of Canyon Crest Ranch Partners-Moorpark, LLC (Birdsall). Staff Recommendation: 1) Accept the Community Development Director's report and recommendation, on the basis of substantial evidence, that Canyon Crest Ranch Partners-Moorpark, LLC (Birdsall), has complied in good faith with the terms and conditions of the agreement; and 2) Deem the 2011 annual review process complete.
- G. Consider Report of 2011 Annual Development Agreement Review, Established in Connection with Planning Area No. 7 of the Moorpark Highlands Specific Plan No. 2, Tract No. 5860, Located at the Southeast Corner of Elk Run Loop and and Ridgecrest Drive, on the Application of Pardee Homes. Staff Recommendation: 1) Accept the Community Development Director's report and recommendation, on the basis of substantial evidence, that Pardee Homes, has complied in good faith with the terms and conditions of the agreement; and 2) Deem the annual review process complete.

- H. Consider Resolution Amending the Fiscal Year 2011/12 Budget Allocating Funds to Complete Several Redevelopment Agency (Agency) Projects Halted Due to the California Supreme Court Issued Stay and Properly Maintain Former Agency Properties until March 31, 2012. Staff Recommendation: Adopt Resolution No. 2011-3066. ROLL CALL VOTE REQUIRED
- I. Consider Addendum No. 1, Amending the Pesticide Application Plan. Staff Recommendation: Adopt Addendum No. 1 to Pesticide Application Plan, subject to final language approval by the City Manager; and authorize the City Manager to sign and submit the amended Plan and any necessary updates in the future.
- J. Consider Resolution Amending the Fiscal Year 2011/12 Budget Allocating Funds from the Equipment Replacement Fund (4003) for Purchase of Two Replacement Information Systems Citywide Infrastructure Switches at City Hall. Staff Recommendation: Adopt Resolution No. 2011-3067. ROLL CALL VOTE REQUIRED
- K. Consider Resolution Amending the Fiscal Year 2011/12 Budget Allocating Funds from the Equipment Replacement Fund (4003) for Purchase of a Replacement City Identification Badge System. Staff Recommendation: Adopt Resolution No. 2011-3068. ROLL CALL VOTE REQUIRED
- L. Consider Surety Bond Exoneration for Toll CA L.P., Moorpark Country Club Estates, Tract 4928-3. Staff Recommendation: Authorize the City Clerk to fully exonerate Surety Bond Nos. 104058248 and 104058249 for Toll CA L.P., Moorpark Country Club Estates, Tract 4928-3.
- M. Consider Resolution Authorizing the City Manager to Request a Cooperative Work Agreement for Bicycle Transportation Account Funds for Capital Improvement Project 8012, Princeton Avenue Widening. Staff Recommendation: Adopt Resolution No. 2011-3069.
- N. Consider Notice of Completion for the Collins Drive and University Drive Traffic Signal Installation (Project 8078). Staff Recommendation: Authorize the City Clerk to file the Notice of Completion for the project, and authorize the release of the project bonds as described in the agenda report.
- O. Consider Purchase of a Turf Aerator and Tractor; and Resolution Amending the Fiscal Year 2011/12 Budget. Staff Recommendation: 1) Approve the purchase of an aerator and tractor for the Parks Division; and 2) Adopt Resolution No. 2011-3070 amending the FY 2011/12 Budget to appropriate \$32,600 from the General Fund to the Parks Division. ROLL CALL VOTE REQUIRED

The following items were pulled for individual consideration.

- A. Consider Minutes of Regular Meeting of October 5, 2011. Staff Recommendation: Approve the minutes.

Mr. Kueny stated due to the need for a technical change, the October 6, 2011, meeting minutes would be brought back on a future agenda.

- C. Consider Resolution Adopting Revised Rules of Procedure for Council Meetings and Rescinding Resolution No. 2011-3001. Staff Recommendation: Adopt Resolution No. 2011-3071, rescinding Resolution No. 2011-3001. The following items were pulled for individual consideration.

Mr. Kueny stated, at the request of Councilmember Mikos, additional language is proposed for Section 2.12 on stamped pages 87 and 88 of the agenda report to allow rebuttal by the applicant or appellant, if applicable, as the last public comment speaker under Presentation/Action/Discussion.

MOTION: Councilmember Millhouse moved and Mayor Parvin seconded a motion to adopt Resolution No. 2011-3071, as amended for Section 2.12, and rescinding Resolution No. 2011-3001. The motion carried by unanimous voice vote.

12. CLOSED SESSION:

None was held.

13. ADJOURNMENT:

Mayor Parvin adjourned the meeting at 8:23 p.m. in memory of Robert Moran.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, City Clerk