

MINUTES OF THE CITY COUNCIL

Moorpark, California April 6, 2011

A Regular Meeting of the City Council of the City of Moorpark was held on April 6, 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 7:18p.m.

2. PLEDGE OF ALLEGIANCE:

Ken Simons, a Moorpark Chamber of Commerce member, led the Pledge of Allegiance.

3. ROLL CALL:

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

Staff Present: Steven Kueny, City Manager (arrived at 8:20 p.m.); Hugh Riley, Assistant City Manager; Deborah Traffenstedt, Deputy City Manager; Ron Ahlers, Finance Director; David Bobardt, Community Development Director; David Klotzle, Interim City Engineer/Public Works Director; Jennifer Mellon, Administrative Services Manager; Joseph Vacca, Principal Planner; Allen Walter, Landscape and Parks Maintenance Superintendent; Jeremy Laurentowski, Landscape and Parks Maintenance Superintendent; Captain Ron Nelson, Sheriff's Department; and Maureen Benson, City Clerk.

4. PROCLAMATIONS AND COMMENDATIONS:

A. Introduction of Moorpark City Library Teen Librarian, Serenity Wilcox.

Mayor Parvin introduced Moorpark City Library Teen Librarian, Serenity Wilcox.

B. Proclamation Declaring the Month of April as Sexual Assault Awareness Month.

Mayor Parvin presented Lori Zinn, Interim CRI Supervisor from The Coalition to End Family Violence with a proclamation declaring the month of April as Sexual Assault Awareness Month.

C. Proclamation Declaring April 16, 2011, as Arbor Day.

Mayor Parvin presented Allen Walter, Landscape/Parks Maintenance Superintendent with a proclamation declaring April 16, 2011, as Arbor Day.

D. Proclamation Declaring April 22, 2011, as Earth Day.

Mayor Parvin presented Jennifer Mellon, Administrative Services Manager, with a proclamation declaring April 22, 2011, as Earth Day.

5. PUBLIC COMMENT:

Ken Simons, representing the Moorpark Chamber of Commerce, introduced the "Shop Moorpark" campaign to encourage Moorpark residents to shop in Moorpark. He and fellow Chamber member, Daniel Groff, conducted a random drawing for five winners of \$100 dollars in valuable scrip to use at participating Moorpark businesses.

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 7:32 p.m. The City Council meeting reconvened at 7:33 p.m.

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

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

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

Councilmember Pollock reported on having appeared before the Calleguas Municipal Water Board on April 6, 2011, to convey Moorpark's concerns over the increase in water rates. He stated Moorpark's elected representative on the Calleguas board is Donald Houser who may be reached at 805-526-9323. Councilmember Pollock reported he will be meeting with Susan Mulligan, General Manager on April 7, 2011 to discuss Calleguas' finances. Councilmember Pollock stated that Moorpark's elected representative on the Metropolitan Water District Board is Ted Grandson.

Councilmember Mikos reported on the success of the "OK" drill she and other trained Community Emergency Response Team (CERT) members participated in on March 23, 2011.

Councilmember Mikos reported she had attended a meeting of the Santa Monica Mountains Conservancy on March 28, 2011.

Councilmember Mikos requested a future agenda item for a presentation from the Ventura County Watershed Protection District on their plans for improving the flood control channel along with native habitat areas near the Villa del Arroyo development.

Mayor Parvin reported she attended the Ventura County Planning Commission meeting held in Simi Valley to share Council's concerns regarding the Final EIR for the Simi Valley Landfill Expansion Project.

Mayor Parvin reported she and Councilmember Pollock met with the Moorpark Chamber Leadership Class last week.

Mayor Parvin stated she attended the Annual Dinner and Auction benefiting the Boys & Girls Club of Moorpark.

Mayor Parvin stated she met with Walnut Canyon School students last week.

Mayor Parvin stated she attended a joint evening meeting on April 5, 2011 of the Moorpark Chamber of Commerce and the Moorpark Rotary Club where their "Big Loser" program was launched with all proceeds to benefit eradication of polio programs.

Mayor Parvin stated on April 6, 2011, she attended a Moorpark Chamber of Commerce Government Relations meeting.

Mayor Parvin announced the Moorpark Community Emergency Response Team or (CERT) class is now taking applications. CERT is an all-risk, all-hazard emergency preparedness training course.

Mayor Parvin announced Free Landfill Day for Moorpark residents is Sunday, April 17 at the Simi Valley Landfill and Recycling Center.

Mayor Parvin announced applications are available for the Neighborhood Enhancement program. Events will be on Saturdays, May 7th and June 4th from 10am – 2pm.

Mayor Parvin announced the Moorpark City Library is a busy place throughout April. The Book Club for Adults will meet this Sunday at 2p.m. and next Wednesday at noon to discuss Jhumpa Lahiri's, *The Namesake*, and to choose next month's selection. The new Teen Book Club will also meet next Wednesday at 4p.m. to discuss various themes and ideas, and choose a book for the next meeting.

Mayor Parvin announced the 2nd Annual "Moorpark Has Talent" will be held on Saturday, April 16th at the High Street Arts Center.

Mayor Parvin invited residents to come shop, explore, experience, and behold the Moorpark Arts Festival taking place on Sunday, April 17th at the Moorpark Civic Center and along High Street.

8. PUBLIC HEARINGS:

- A. Consider Resolution Approving Modification No. 2 to Vesting Tentative Tract Map No. 5130, to Extend the Timing for Certain Improvements for the Vistas at Moorpark Project, Located East of Walnut Canyon Road, and North of Wicks Road, on the Application of Sage Community Group on behalf of Moorpark 150 LLC. Staff Recommendation: 1) Open the public hearing, accept public testimony, and close the public hearing; and 2) Adopt Resolution No. 2011-3012.

Mr. Vacca gave the staff report.

Mayor Parvin opened the public hearing.

Cary Lowe, representing Sage Community Group, Sage Community Group (Moorpark 150, LLC) 3 Corporate Plaza #102, Newport Beach CA 92660, stated the requested extension is due to the downturn in the economy and the difficulty in finding a builder at this time.

Mayor Parvin closed the public hearing.

MOTION: Councilmember Mikos moved and Mayor Parvin seconded a motion to adopt Resolution No. 2011-3012, approving Modification No. 2 to Vesting Tentative Tract Map No. 5130, to extend the timing for certain improvements for the Vistas at Moorpark project, located east of Walnut Canyon Road and North of Wicks Road, on the application of Sage Community Group on behalf of Moorpark 150 LLC. The motion carried by unanimous voice vote.

- B. Consider Resolution Authorizing the Issuance of Refunding Revenue Bonds for the Purpose of Refinancing Outstanding City of Moorpark Mobile Home Park Revenue Bonds (Villa Del Arroyo), Authorizing the Issuance of Additional Bonds and Approving Certain Documents and Authorizing the Execution and Delivery of an Indenture of Trust and Loan Agreement, and Authorizing the Execution and Delivery of and Approving Other Related Documents and Approving Other Related Actions in Connection Therewith. Staff Recommendation: 1) Open the Tax Equality and Fiscal Responsibility Act (TEFRA) public hearing, accept public testimony, and close the public hearing; and 2) Adopt Resolution No. 2011-3013.

Mr. Riley gave the staff report and stated the financing team and consultants are available to answer any questions.

Mayor Parvin opened the TEFRA public hearing.

There were no speakers.

Mayor Parvin closed the TEFRA public hearing.

MOTION: Councilmember Mikos moved and Councilmember Pollock seconded a motion to adopt Resolution No. 2011-3013, authorizing: 1) The issuance of Refunding Revenue Bonds for the purpose of refinancing outstanding City of Moorpark Mobile Home Park Revenue Bonds (Villa Del Arroyo), 2) The issuance of additional bonds and approving certain documents 3) The execution and delivery of an Indenture of Trust and Loan Agreement; and 4) The execution and delivery of, and approving of other related documents and approving of other related actions in connect therewith. The motion carried by unanimous voice vote.

9. PRESENTATION/ACTION/DISCUSSION:

- A. Consider Resolution Updating Staff Billing Rates, Deposits, and Fees for Development Processing by Adding a Reduced Fee for an Administrative Permit for Relocation of a Business with an Existing Administrative Permit to a New Address and Rescinding Resolution No. 2010-2972: Staff Recommendation: Adopt Resolution No. 2011-3014, rescinding Resolution No. 2010-2972. ROLL CALL VOTE REQUIRED

Mr. Bobardt gave the staff report and stated another situation has come to light, which requires an addition to the resolution on stamped page 79 of the agenda report to add, "Administrative Permit – Relocation of a Permitted Business that did not Require an Administrative Permit when Established (not involving expansion of more than 50% of floor area, change in the nature of the business, or sale of alcoholic beverages)" as another permit fee.

There were no speakers.

MOTION: Councilmember Mayor Parvin moved and Councilmember Mikos seconded a motion to adopt Resolution No. 2011-3014, updating Staff Billing Rates, Deposits, and Fees for Development Processing by adding a reduced fee for an Administrative Permit for relocation of a business with an existing Administrative Permit to a new address, as amended to add, "Administrative Permit – Relocation of a Permitted Business that did not Require an Administrative Permit when Established (not involving expansion of more than 50% of floor area, change in the nature of the business, or sale of alcoholic

beverages)” as another permit fee; and rescinding Resolution No. 2010-2972. The motion carried by unanimous roll call vote.

- B. Consider Award of Contract for the Collins Drive and University Drive Traffic Signal Installation – Project 8078 and Consider Approval of a Resolution Amending Fiscal Year 2010/11 Budget. Staff Recommendation: 1) Award construction contract to Taft Electric, and authorize the City Manager to execute the contract in the amount of \$109,714.00, subject to final language approval by the City Manager and City Attorney; 2) Authorize the City Manager to amend the contract for project contingencies in an amount not to exceed \$15,000.00 if and when the need arises for extra work or services; 3) Authorize staff to purchase a traffic signal video detection system at a not-to-exceed cost of \$25,000.00; and 4) Adopt Resolution No. 2011-3015. ROLL CALL VOTE REQUIRED

Mr. Klotzle gave the staff report.

There were no speakers.

MOTION: Councilmember Mikos moved and Councilmember Millhouse seconded a motion to: 1) Award construction contract to Taft Electric, and authorize the City Manager to execute the contract in the amount of \$109,714.00, subject to final language approval by the City Manager and City Attorney; 2) Authorize the City Manager to amend the contract for project contingencies in an amount not to exceed \$15,000.00 if and when the need arises for extra work or services; 3) Authorize staff to purchase a traffic signal video detection system at a not-to-exceed cost of \$25,000.00; and 4) Adopt Resolution No. 2011-3015. The motion carried by unanimous roll call vote.

- C. Consider Landscape Maintenance Contract Specifications and Authorize Staff to Solicit Bid Proposals for Maintenance of Parks, Facilities, and Landscape Maintenance Districts. Staff Recommendation: Approve contract documents, subject to final language approval of the City Manager and City Attorney, and authorize staff to solicit bid proposals.

Mr. Walter gave the staff report.

A discussion followed among the Councilmembers and staff regarding: 1) Frequency of fertilization occurring within the fully-funded Landscape Maintenance Districts; 2) Prohibition of the use of any anti-coagulant rodenticides; and 3) Notifying the Moorpark Chamber of Commerce concerning any bid announcements.

There were no speakers.

MOTION: Councilmember Millhouse moved and Councilmember Mikos seconded a motion to approve contract documents, as amended to prohibit the use of any anti-coagulant rodenticides, and subject to final language approval of the City Manager and City Attorney, and authorize staff to solicit bid proposals. The motion carried by unanimous voice vote.

10. CONSENT CALENDAR: (ROLL CALL VOTE REQUIRED)

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

- A. Consider Minutes of Regular Meeting of March 16, 2011. Staff Recommendation: Approve the minutes.
- B. Consider Minutes of Special Meeting of March 16, 2011. Staff Recommendation: Approve the minutes.
- C. Consider Minutes of Special Meeting of March 24, 2011. Staff Recommendation: Approve the minutes.
- D. Consider Warrant Register for Fiscal Year 2010/11 – April 6, 2011. Staff Recommendation: Approve the warrant register.
- E. Consider Changing the Bimonthly Report to the City Council to a Quarterly Report to the City Council. Staff Recommendation: Receive and file report.
- F. Consider Approval of Street Names for Tract No. 5860, Planning Area No. 7, Moorpark Highlands (Pardee Homes), Located at the South West Corner of Ridgecrest Drive and Elk Run Loop. Staff Recommendation: Approve the street names as proposed in the agenda report.
- G. Consider Report of Annual Development Agreement Review for 34.5 Acres of Land (Tract 5147) Located West of Gabbert Road, North of the Union Pacific Railroad Right-of-Way on the Application of A-B Properties. Staff Recommendation: 1) Accept the Community Development Director's Report and recommendation, and find, on the basis of substantial evidence, that A-B Properties has complied in good faith with the terms and conditions of the agreement; and 2) Deem the annual review process complete.
- I. Consider Report of Annual Development Agreement Review, established in Connection with Vistas at Moorpark, Tract 5130, Located on the East Side of Walnut Canyon Road, Approximately 3,500 Feet North of Casey Road, on the Application of Moorpark 150, LLC. Staff Recommendation: 1) Accept the Community Development Director's Report and

- recommendation, and find, on the basis of substantial evidence, that Moorpark 150, LLC has complied in good faith with the terms and conditions of the agreement; and 2) Deem the annual review process complete.
- J. Consider Report of Annual Development Agreement Review, Established in Connection with Warehouse Discount Center at White Sage Road and State Route-23 Freeway, on the Application of NLA 118, LLC. Staff Recommendation: 1) Accept the Community Development Director's Report and recommendation, and find, on the basis of substantial evidence, that NLA 118, LLC has complied in good faith with the terms and conditions of the agreement; and 2) Deem the annual review process complete.
- K. Consider Summary of Special Meeting on March 24, 2011 for Letter of Map Revision from the Federal Emergency Management Agency Revising the Flood Insurance Rate Maps. Staff Recommendation: Receive and file report.
- L. Consider Authorizing Submittal of a Beverage Container Recycling and Litter Reduction Act Grant Application for \$9,828 to the California Department of Recycling Resources and Recovery. Staff Recommendation: Approve grant application and authorize the City Manager or his designee to execute all documents on the City's behalf.
- M. Consider Reentering into a Professional Services Agreement with Digital Map Products, Inc. (DMP) for the Geographic Information System (GIS) Products Including CityGIS and CommunityView. Staff Recommendation: Authorize the City Manager to sign the Agreement, subject to final language approval of the City Manager and City Attorney
- N. Consider Agreement with Ventura County Star for Brochure Printing and Mail Preparation Services for the City's Quarterly Newsletter and Recreation Guide and Authorize the City Manager to Execute Agreement. Staff Recommendation: Approve the Agreement and authorize the City Manager to execute the Agreement, subject to final language approval of the City Manager and City Attorney.
- O. Consider Resolution Authorizing the Destruction of City Records (Calendars, City Council and Redevelopment Agency Speaker and Written Statement Cards, Certificate and Proclamation Records and Related Correspondence, City Telephone System Reports, and Telephone Message Pads). Staff Recommendation: Adopt Resolution No. 2011-3016.

The following item was pulled for individual consideration.

- H. Consider Report of Annual Development Agreement Review, Established in Connection with Meridian Hills Development Project, Tract 5187-1&2, Located on the West Side of Walnut Canyon Road, Approximately 3,500 Feet North of Casey Road, on the Application of Resmark Equity Partners, LLC, (Formerly West Pointe Homes and William Lyon Homes, Inc.). Staff Recommendation: 1) Accept the Community Development Director's Report and recommendation, and find, on the basis of substantial evidence, that Resmark Equity Partners, LLC has complied in good faith with the terms and conditions of the agreement; and 2) Deem the annual review process complete.

Councilmember Pollock stated he had this item pulled as he is a resident of Meridian Hills Development and wants the record to show he is abstaining from voting on this item.

MOTION: Councilmember Mikos moved and Councilmember Van Dam seconded a motion 1) Accept the Community Development Director's Report and recommendation, and find, on the basis of substantial evidence, that Resmark Equity Partners, LLC has complied in good faith with the terms and conditions of the agreement; and 2) Deem the annual review process complete. The motion carried by voice vote 4-0, Councilmember Pollock abstaining.

11. ORDINANCES: (ROLL CALL VOTE REQUIRED)

None.

12. CLOSED SESSION:

Mr. Kueny requested the City Council go into closed session for discussion of once case under Item 12.B. on the agenda.

MOTION: Councilmember Mikos moved and Councilmember Millhouse seconded a motion to adjourn to closed session for a discussion of one case under Item 12.B. on the agenda. The motion carried by unanimous voice vote. The time was 8:27 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)

Present in closed session were Councilmembers Mikos, Millhouse, Pollock, Van Dam, and Mayor Parvin; Steven Kueny, City Manager; Joseph Montes, City Attorney (via conference call); Hugh Riley, Assistant City Manager; Deborah Traffenstedt, Deputy City Manager; and Ron Ahlers; Finance Director.

The Council reconvened into open session at 9:02 p.m. Mr. Kueny stated one case under Item 12.B. was discussed and there was no action to report.

13. ADJOURNMENT:

Mayor Parvin adjourned the meeting at 9:02 p.m.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, City Clerk