

MOORPARK CITY COUNCIL
AGENDA REPORT

TO: Honorable City Council

FROM: David C. Moe II, Redevelopment Manager *DCM*

DATE: December 9, 2005 (City Council Meeting of 12/21/05)

SUBJECT: Request for Additional Funding for the Project Area Committee (PAC)

BACKGROUND

The PAC was officially formed on October 5, 2005, after the City Council certified the PAC election. The PAC is organized and ready to review the proposed Second Amendment to the Moorpark Redevelopment Plan to reinstate eminent domain authority ("Amendment").

On November 17, 2005, the second PAC meeting was held. At this meeting the PAC discussed the tools they thought would be necessary to adequately review the Amendment and make an informed recommendation to the City Council regarding the eminent domain authority of the Moorpark Redevelopment Agency ("Agency"). The following is a list of the PAC's requested items:

1. Independent Legal Counsel. The PAC is requesting an independent legal counsel that specializes in redevelopment law to assist them with analyzing the Amendment. The legal counsel would be utilized on an "as needed basis". It is estimated that the cost would be \$200-\$250 per hour.
2. Spanish Interpreter. A Spanish interpreter is desired to allow the Spanish speaking population to participate in the amendment process. The interpreter would only be utilized if the need arises. The cost for the interpreter is estimated to be \$400 per meeting.
3. Recordation of Minutes. The PAC would like to have all meetings video taped and transcribed verbatim. Copies of

the transcription would be mailed out to all PAC members. The cost to provide this service is estimated to be \$300 for Videomax Productions to tape the meeting and \$250 to have a verbatim transcription prepared, or \$550 per meeting. Staff time and attendant costs for reviewing and correcting the transcribed minutes would be an additional \$100-\$200.

DISCUSSION

Section 33388 of the California Community Redevelopment Law (CCRL) allows the PAC to make a recommendation to the City Council to allocate funds or equivalent resources for the operation of the PAC. This allocation may only be used for meeting facilities, equipment and supplies, legal counsel, and adequate staff. The amount of funds or equivalent resources to be allocated to the PAC is at the sole discretion of the City Council.

The PAC has already been allocated funds and city resources to review the Amendment. The Agency has allocated \$51,320 to hire Urban Futures, Inc. to prepare the amendment and provide staff assistance to the PAC. The City Attorney's office and the Redevelopment Manager also provide staff support to the PAC. The PAC's list of requested items is in addition to or replacing currently allocated resources.

If the City Council authorized funds for the PAC's requested items, an annual budget would need to be created. The amount of funds allocated to each request will determine the number of meetings the PAC will be able to conduct. If the independent legal counsel and a Spanish interpreter attend the PAC meeting and the meeting is video taped with the minutes transcribed verbatim, it is estimated that a single PAC meeting would cost \$1,750 (legal counsel \$800, Spanish Interpreter \$400 and video taping/transcription \$550); this estimate does not include staff's laborious task to review and correct the verbatim transcription. This option would not establish a shorter timeframe for the Amendment; therefore, the PAC's annual budget may need to be funded for up to three years.

An alternative approach to address the PAC's request could be to use equivalent resources. The City Attorney's Office could serve as the PAC's legal counsel. The firm retained by the City for City Attorney services has expertise on redevelopment. In addition to Moorpark,

they serve as legal advisors to numerous other cities and redevelopment agencies. The PAC is a committee similar to City's Planning Commission, Parks and Recreation Committee, and numerous Council standing and Ad Hoc Committees, which are all provided legal advice by the City Attorney's Office when deemed necessary. A bilingual city employee can provide translation services when requested no less than one week prior to the meeting. The request to have the minutes transcribed is not needed since it's above and beyond the normal minute recording procedure (action minutes) utilized by the City Council, and other existing commissions and committees. This approach would utilize existing city staff and resources, and would not require the creation of a budget for the PAC.

Furthermore, the City Council could establish a timeframe for the PAC to review the Amendment. Section 33385.5 of the CCRL requires the Agency to forward copies of the proposed Amendment to the PAC at least 30 days before the joint public hearing between the Agency and City Council. The PAC may prepare a report and recommendations for submission to the City Council. If the PAC opposes the adoption of the Amendment, the City Council may only adopt the Amendment by a two-thirds vote of its entire membership eligible and qualified to vote on such amendments. If this option is selected, the extent of the Agency's eminent domain authority will need to be defined and both the Agency and City Council will need to call for a joint public hearing to review the Amendment. To insure sufficient time for the PAC to review the Amendment, an April 5, 2006 date for the joint public hearing is suggested.

STAFF RECOMMENDATION

1. Continue to have the City Attorney's Office provide legal service to the PAC on an as needed basis.
2. Utilize a bilingual city employee to provide translation services when requested no less than one week prior to the PAC meeting.
3. Continue utilizing action minutes for the PAC meetings.
4. Direct staff to prepare for an April 5, 2006 joint public hearing of the City Council and Redevelopment Agency.