

MINUTES OF THE CITY COUNCIL

Moorpark, California

February 17, 2010

A Regular Meeting of the City Council of the City of Moorpark was held on February 17, 2010, 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 7:27 p.m.

2. PLEDGE OF ALLEGIANCE:

Patrick Ellis, President of the Moorpark Chamber of Commerce, led the Pledge of Allegiance.

3. ROLL CALL:

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

Staff Present: Steven Kueny, City Manager; Joseph Montes, City Attorney; Hugh Riley, Assistant City Manager; Yugal Lall, City Engineer/Public Works Director; David Bobardt, Community Development Director; Ron Ahlers, Finance Director; Captain Ron Nelson, Sheriff's Department; Deborah Traffenstedt, Administrative Services Director/City Clerk; and Maureen Benson, Assistant City Clerk.

4. PROCLAMATIONS AND COMMENDATIONS:

A. Proclamation Recognizing March 11th as Moorpark High School Pay It Forward Club's Random Acts of Kindness Day.

Mayor Parvin presented Moorpark High School Pay It Forward Club members with a proclamation recognizing March 11th as Random Acts of Kindness Day.

B. Introduction of New Employee, Ashraf Rostom, Public Works Superintendent/Inspector in the City Engineer/Public Works Department.

Mayor Parvin introduced new employee Ashraf Rostom, Superintendent/Inspector.

5. PUBLIC COMMENT:

Patrick Ellis, President of the Moorpark Chamber of Commerce provided an update on Chamber activities

AT THIS POINT in the meeting, the City Council recessed to convene a meeting of the Moorpark Redevelopment Agency. The time was 7:38 p.m. The City Council meeting reconvened at 7:39 p.m.

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

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

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

Councilmember Mikos stated on February 9th she attended a meeting at the Community Center with representatives from Water Works District No. 1 and Ventura County Board Supervisor, Peter Foy, where the public was informed about increases in water rates and potential penalties for excessive water use.

Councilmember Mikos stated a few weeks ago she attended a committee meeting of the Ventura County Civic Alliance where the Steering Committee for the Compact for a Sustainable Ventura County discussed upcoming public workshops to work out scenarios dealing with anticipated increases in population in the county.

Councilmember Mikos stated she attended an Executive Committee Board meeting of the Economic Collaborative of Ventura County where programs to assist businesses were discussed.

Councilmember Millhouse stated on February 19th in Los Angeles, he will be participating, along with statewide transportation leaders, in a Surface Transportation Reauthorization Outreach Program sponsored by the United States Department of Transportation to discuss transportation visions and the Transportation Reauthorization Bill for Federal funding of Federal highways and rail lines throughout the country.

Councilmember Pollock stated he and Councilmember Mikos, as members of the Community Economic Development Committee, met earlier in the evening with representatives of Ventura County Public Works, Water and Sanitation Department District No. 1 to discuss ways to improve conservation of water resources.

Mayor Parvin stated she too attended the February 9th Water Works District No. 1 meeting at the Community Center, where the importance of conserving water was the focus.

Mayor Parvin stated last week she attended a Board meeting of the League of California Cities where representatives discussed strategies to prevent the State from taking city funds.

8. PUBLIC HEARINGS:

- A. Consider Resolution Approving Modification No. 1 to Residential Planned Development (RPD) No. 1998-01, a Request to Relocate the Required Recreation Center from Vesting Tentative Tract Map No. 5425 to Tract Map No. 5133, Located on the South Side of Los Angeles Avenue at Millard Street, on the Application of Shea Homes, Inc. (continued open public hearing from January 20, 2010) Staff Recommendation: 1) Continue to accept public testimony and close the public hearing; and 2) Adopt Resolution No. 2010-____, approving Modification No. 1 to RPD No. 1998-01, subject to conditions of approval.

Mr. Bobardt provided alternate conditions to address the applicant's concerns regarding the timing of Conditions 11 through 13 and then gave the staff report.

Mayor Parvin stated the public hearing remains open.

John Vander Velds, representing Shea Homes, 1250 Corona Pointe Court, Suite 600, Corona, California, concurred with the amended conditions and introduced Brooke Thomas of Shea Homes, as available to answer questions.

The following Fremont Street residents spoke in opposition to the new location for the recreation center, citing: 1) Lack of communication by Shea Homes with Fremont Street residents regarding the proposal; 2) Fremont Street residents have previously opposed this new location; 3) Increased traffic and spill-over parking on Fremont Street due to lack of adequate parking at the recreation center; 4) Original location had better parking; 5) Noise, lights, and litter generated by the recreation center's guests will impact Fremont Street; and 6) Ultimately, requested the location for the recreation center remain in the corner of the site by the Arroyo.

Steve Marcado
Teresa Schmidt
Dominic Schmidt

In response to Mayor Parvin, Ms. Traffenstedt summarized one Written Statement card in opposition to the modification.

Mayor Parvin closed the public hearing.

CONSENSUS: It was the consensus of the Council to re-open the public hearing to allow the applicant to respond.

Mayor Parvin re-opened the public hearing.

Mr. Vander Velds stated Shea will be installing the frontage road of Majestic Court as part of the improvements for the project so parking will be available on that street.

The following issues were discussed by the Councilmembers and staff: 1) Increased traffic impacts to Fremont Street residents and timeline for closing off at Los Angeles Avenue; 2) Rationale for relocating the recreation center; 3) Possible mitigation measures to restrict parking, provide "permit parking only" on Fremont Street, or restrict hours of operation for the recreation center; and 4) A possible continuance to allow Shea Homes to explore options with the residents on Fremont Street.

In response to Council, Mr. Vander Velds agreed to a four-week continuance to allow time to work out mitigation measures with the Fremont Street residents.

MOTION: Councilmember Millhouse moved and Councilmember Pollock seconded a motion to continue the open public hearing to March 17, 2010. The motion carried by unanimous voice vote.

- B. Consider General Plan Amendment Pre-Screening No. 2008-02 to Change the Land Use Designation on 88.2 Acres at the Northwest Terminus of Gabbert Road between Moorpark Country Club Estates and the North Hills Parkway/North Hills Industrial Park from Rural Low Density Residential to Medium Low Density Residential, Rural High Density Residential, and Open Space on the Application of John Newton, for A-B Properties, Inc. Staff Recommendation: 1) Open the public hearing, accept public testimony, and close the public hearing; and 2) Direct staff to accept a General Plan Amendment application, provided that all other necessary entitlement applications, including an application for a development agreement, are filed concurrently.

Mr. Bobardt gave the staff report.

Mayor Parvin opened the public hearing.

John Newton, representing AB Properties, 505 Thousand Oaks Boulevard, Thousand Oaks, California, described the proposal.

The following residents living adjacent to the site spoke in opposition to the proposal, citing: 1) Widening Gabbert Road to 60-feet would destroy the aesthetics of this rural country road; 2) Concern regarding water runoff and flood control issues; 3) One-half acre lots are not conducive to equestrian use; 4) Need to guarantee preserving the open space with a Conservation Easement; 5) Dangers of flying golf balls and golf clubs is a

concern for development of equestrian properties adjacent to the golf course in Country Club Estates to the north; 6) The trail system does not seem to connect; 7) A mixed used trail with bicycles and horses does not work; 8) Concern that larger lots may not sell and will subsequently be divided; 9) No access should be allowed to Orchard Downs; 10) No need to change the existing zoning from five-acre parcels; 11) Convergence of fires from two directions would require more escape routes; 12) Incompatibility of small lots adjacent to rural agricultural land and large 5-acre lots; and 13) Negative environmental impacts of increased equestrian use on small lots.

Jayla Haxton
David Morris
Jim McGrath
Doris Miller
Graham Molineux
Jieshi Yan

David Jacobs, a Country Club Estates resident adjacent to the project, stated he is not opposed to all development, but 18 two-acre lots would be more feasible for this property than 50 smaller lots; the bridge to connect the smaller lots to the one-acre lots would be very expensive; and he would prefer development be left at the current zoning.

AT THIS POINT in the meeting a recess was declared. The time was 9:49 p.m. The Council meeting reconvened at 10:04 p.m.

The following residents living adjacent to the site spoke in opposition to the proposal, citing: 1) Lack of communication between Gabbert Road residents and the applicant; 2) Use of Gabbert Road as secondary access when access could be through Country Club Estates or Orchard Downs; 3) One-half acre parcels are too small to be compatible with adjacent properties; 4) A zone change would destroy the ambiance of this rural equestrian neighborhood; 5) A General Plan Amendment should be a slow process of consideration and this is moving forward too quickly; and 6) Premature to discuss development without the infrastructure to support it.

Michele Berry
Jennifer Diamond
Sharon Noel
Cindy Hollister

In response to Mayor Parvin, Ms. Traffenstedt summarized 14 Written Statement cards in opposition to the proposal.

Mr. Newton stated: 1) This project would not widen Gabbert Road; 2) There is no access to Orchard Downs, only a stub-out of the multi-use trail, which would be available for their use; 3) AB Properties would have no objection to a Conservation Easement for the approximate 42-plus acres of open space; 4) Horse-keeping is possible on one-half acre lots; 5)

They could work with Mr. McGrath on fencing of his farm land; and 6) The proposal would improve the flood control channel.

Mayor Parvin closed the public hearing.

The following issues were discussed by Council and staff: 1) Need for meetings between developer and Gabbert Road residents to address concerns; 2) Need to achieve a balance between additional housing and preserving open space along with agricultural land for the long term; 3) Additional discussion is warranted to consider the potential benefits of the project; 4) City is mandated to provide a variety of housing types; and 5) Consideration for larger lots may be warranted for this proposal to make them more compatible to the adjacent properties.

Councilmember Millhouse stated this proposal is not appropriate for this rural area and should not move forward.

MOTION: Councilmember Van Dam moved and Councilmember Mikos seconded a motion to direct staff to accept a General Plan Amendment application to change the Land Use Designation on 88.2 acres at the northwest terminus of Gabbert Road between Moorpark Country Club Estates and the North Hills Parkway/North Hills Industrial Park from Rural Low Density Residential to Medium Low Density Residential, Rural High Density Residential, and Open Space on the Application of John Newton, for A-B Properties, Inc., provided that all other necessary entitlement applications, including an application for a development agreement, are filed concurrently. The motion carried by voice vote 4-1, Councilmember Millhouse dissenting.

- C. Consider General Plan Amendment Pre-Screening No. 2009-01 to Change the Land Use Designation on 67.96 Acres West of Gabbert Road and North of the North Hills Parkway/North Hills Industrial Park from Rural Low Density Residential to Rural Low Density Residential, Very High Density Residential, and Open Space on the Application of James Rasmussen, for Moorpark Property 67 LLC. Staff Recommendation: 1) Open the public hearing, accept public testimony, and close the public hearing; and 2) Direct staff to accept a General Plan Amendment application, provided that all other necessary entitlement applications, including an application for a development agreement, are filed concurrently.

Mr. Bobardt gave the staff report.

Mayor Parvin opened the public hearing.

James Rasmussen, representing Moorpark Property 67 LLC, described the project.

The following residents living adjacent to the project spoke in opposition to the proposal, citing: 1) Five-acre lots left vacant pose potential to be rezoned at a later date for higher density; 2) Apartment and condominium density is too high to be compatible with adjacent agricultural land; 3) Access for all these residents would be on Gabbert Road; 4) Impacts of increased traffic, noise, and pollution; 5) This is a fire prone area and any new development will exacerbate the congestion on Gabbert Road during evacuations; 6) Water Conservation is an issue as the water pressure for this area is not always adequate and would be further reduced with more development; 7) Trespass on adjacent large parcels for use as parkland is a concern; 8) Farmland needs to be protected; 9) Low income housing does not blend with five-acre parcels and this appears to be randomly located; 10) Installation of three major intersections within one-half mile is excessive; 11) This is a ploy to have developers pay for improvements such as the four-lane North Hills Parkway, underpass, and to ensure the development of the movie studio; 12) Loss of property and pepper trees to widen Gabbert Road to 60-feet; 13) Hitch Ranch and the Industrial Tract 5147 should be developed with improved infrastructure before any further development is considered; and 14) Lack of schools, fire personnel, and police to support this development.

Jayla Haxton
Jim McGrath
Cindy Hollister
Doris Miller
Rene Mayfield
Rick Parzick
Jieshi Yan
Michele Berry
Jennifer Diamond
Sharon Noel
David Jacobs

In response to Mayor Parvin, Ms. Traffenstedt summarized 10 Written Statement cards in opposition to the proposal.

Mr. Rasmussen stated: 1) The project is adjacent to some existing one-acre parcels; 2) The pavement portion of Gabbert Road would never be 60-feet wide although there are easements along the existing pavement that total 60-feet in width; 3) Gabbert Road residents would be buffered from the higher density by the five-acre lots; 4) Gabbert Road would be gated from the higher density portion of this project, which would take ingress and egress from a new road, North Village Drive; 5) There is an industrial park across the street from this proposal; 6) Gabbert Road residents would be able to open the gate and use North Village Drive as an alternate egress during evacuations; and 7) Moorpark Property 67 LLC is willing to work with all the Gabbert Road residents to design the project to their liking.

Mayor Parvin closed the public hearing.

The following issues were discussed by the Councilmembers and staff: 1) Clarification that the project would evolve during the process and that Council could provide direction to reduce the density; 2) Need to reduce number of units even though there is a need for low income housing; 3) Five-acre lots, if not proposed to be built-out, look like future development areas; 4) Questionable need for additional apartment units when there are already empty apartment opportunities available in the City; and 5) Need to rethink the application and reapply.

CONSENSUS: It was the consensus of the Council to re-open the public hearing to allow Mr. Rasmussen to respond.

Mr. Rasmussen stated he would withdraw his application and redesign the proposal for a new application.

Mayor Parvin closed the public hearing.

- D. Consider General Plan Amendment Pre-Screening 2009-02 to Change the Land Use Designation on 37 Acres on the South Side of Los Angeles Avenue between Leta Yancy Road and Maureen Lane from Approximately 32 Acres High Density Residential and 5 Acres Very High Density Residential to 24 Acres High Density Residential and 13 Acres Very High Density Residential on the Application of Corinna Ocampo, for Pacific Communities, Inc. Staff Recommendation: 1) Open the public hearing, accept public testimony, and close the public hearing; and 2) Direct staff to accept a General Plan Amendment application, provided that all other necessary entitlement applications, including an application for a development agreement, are filed concurrently.

Mr. Bobardt gave the staff report.

Mayor Parvin opened the public hearing.

Nelson Chung, representing Pacific Communities, Inc., 1000 Dove Street, Newport Beach, California, provided a history of the prior project approval for this site and described the new proposal.

Councilmember Pollok requested consideration be given to adding amenities such as front porches in an effort to promote reduction of crime and increased security for the project if the application is approved.

Councilmember Mikos requested consideration be given to connecting this project to the Arroyo Trail and creating a secondary access to Arroyo Vista Park if this proposal moves forward.

Mayor Parvin closed the public hearing.

MOTION: Councilmember Millhouse moved and Mayor Parvin seconded a motion to direct staff to accept a General Plan Amendment application to change the Land Use Designation on 37 acres on the south side of Los Angeles Avenue between Leta Yancy Road and Maureen Lane from approximately 32 acres High Density Residential and 5 acres Very High Density Residential to 24 acres High Density Residential and 13 acres Very High Density Residential on the application of Corinna Ocampo, for Pacific Communities, Inc., provided that all other necessary entitlement applications, including an application for a development agreement, are filed concurrently. The motion carried by unanimous voice vote.

- E. Consider Zoning Ordinance Amendment 2009-03, to Amend Chapter 17.40 Sign Regulations, of Title 17, Zoning, of the Moorpark Municipal Code by Adding Section 17.40.095 to Allow Temporary Directional Signs for Special Events in the Old Town Commercial (C-OT), Planned Community (PC) and Institutional (I) Zones. Staff Recommendation: 1) Open the public hearing, accept public testimony, and close the public hearing; and 2) Introduce Ordinance No. ___ approving Zoning Ordinance Amendment No. 2009-03 for first reading, waive full reading, and schedule second reading and adoption for March 3, 2010.

Mr. Bobardt deferred the staff report.

Mayor Parvin opened the public hearing.

There were no speakers.

MOTION: Councilmember Millhouse moved and Councilmember Mikos seconded a motion to continue the open public hearing to March 3, 2010. The motion carried by unanimous voice vote.

9. PRESENTATION/ACTION/DISCUSSION:

- A. Consider Status Update and Aesthetics Discussion Regarding Soundwall Project – West Side of State Route-23 North of Tierra Rejada Road. Staff Recommendation: Direct staff to proceed with soundwall design per Attachment 1 of the agenda report.

Mr. Kueny deferred the staff report.

There were no speakers.

MOTION: Councilmember Millhouse moved and Councilmember Van Dam seconded a motion to direct staff to proceed with the soundwall design as depicted in Attachment 1 of the agenda report. The motion carried by unanimous voice vote.

- B. Consider Fiscal Year 2009/10 Mid-Year Budget Report. Staff Recommendation: Receive and file report.

Mr. Kueny deferred the staff report.

There were no speakers.

MOTION: Councilmember Mikos moved and Councilmember Pollock seconded a motion to receive and file the report. 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 Item 10.D, which was pulled for individual consideration. The motion carried by unanimous roll call vote.

- A. Consider Minutes of Regular Meeting of February 3, 2010. Staff Recommendation: Approve the minutes.
- B. Consider Warrant Register for Fiscal Year 2009-2010 – February 17, 2010. Staff Recommendation: Approve the warrant register.
- C. Consider Rejection of Claim from John Bartolotto. Staff Recommendation: Reject claim and direct staff to send a standard rejection letter to the claimant.
- E. Consider Professional Services Agreement with Barry K. Hogan Associates. Staff Recommendation: Approve the Agreement, subject to final language approval by the City Manager and City Attorney; and authorize the City Manager to sign on behalf of the City.
- F. Consider Resolution Authorizing Mid-Year Amendments to 2009/10 Fiscal Year Budget. Staff Recommendation: Adopt Resolution No. 2010-2890.
ROLL CALL VOTE REQUIRED
- G. Consider Resolution Authorizing Submittal of a CaliforniaFIRST Program Grant Application. Staff Recommendation: Adopt Resolution No. 2010-2891.

The following item was pulled for individual consideration.

- D. Consider Amendment No. 2 to Contract for Professional Services Agreement with Teaman, Ramirez & Smith, Inc. Certified Public Accountants for City and Redevelopment Agency Audit Services for Fiscal Years 2009/10 and 2010/11. Staff Recommendation: Approve Amendment No. 2 to the Agreement to increase the Scope of Services to include fiscal years 2009/10 and 2010/11 in an amount not to exceed

\$34,600 and \$35,400 respectively; and authorize the City Manager to execute said amendment, subject to final language approval by the City Manager and City Attorney.

Councilmember Mikos stated she pulled this item to recommend that at the time of the next contract renewal, the City should go out for a competitive bid.

MOTION: Councilmember Mikos moved and Councilmember Van Dam seconded a motion to approve Amendment No. 2 to the Agreement to increase the Scope of Services to include fiscal years 2009/10 and 2010/11 in an amount not to exceed \$34,600 and \$35,400 respectively; and authorize the City Manager to execute said amendment, subject to final language approval by the City Manager and City Attorney. The motion carried by unanimous voice vote.

11. ORDINANCES: (ROLL CALL VOTE REQUIRED)

None.

12. CLOSED SESSION:

Mr. Kueny requested the City Council go into closed session for discussion of two cases under Item 12.B. and Items 12.C, 12.D, 12.E. and 12.F. on the agenda.

MOTION: Councilmember Van Dam moved and Councilmember Millhouse seconded a motion to adjourn to closed session for a discussion of two cases under Item 12.B. and Items 12.C, 12.D, 12.E. and 12.F. on the agenda. The motion carried by unanimous voice vote. The time was 12:11 a.m. February 18, 2010.

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)

C. CONFERENCE WITH REAL PROPERTY NEGOTIATOR
(Pursuant to Government Code Section 54956.8)
Property: APN 512-0-171-205, 612 Spring Road, Ruben Castro Human Services Center
City Negotiator: Steven Kueny, City Manager
Negotiating Parties: The City of Moorpark and Clinicas Del Camino Real
Under Negotiation: Rent and Terms of Lease

D. CONFERENCE WITH REAL PROPERTY NEGOTIATOR
(Pursuant to Government Code Section 54956.8)
Property: APN 512-0-171-205, 612 Spring Road, Ruben Castro Human Services Center
City Negotiator: Steven Kueny, City Manager
Negotiating Parties: The City of Moorpark and County of Ventura
Under Negotiation: Rent and Terms of Lease

- E. CONFERENCE WITH REAL PROPERTY NEGOTIATOR
(Pursuant to Government Code Section 54956.8)
Property: 161 Second Street (APN 512-0-102-210)
City Negotiator: Steven Kueny, City Manager
Negotiating Parties: The City of Moorpark and Miguel Magdaleno Trust
Under Negotiation: Price and Terms of Sale
- F. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
(Pursuant to Subdivision (b) of Section 54957 of the Government Code)
Title: Administrative Services Director/City Clerk; Assistant City Manager;
City Manager; City Attorney; City Engineer/Public Works Director; Chief of
Police; Community Development Director; Finance Director; and Parks
and Recreation Director

Present in closed session were Councilmembers Mikos, Millhouse, Pollock, Van Dam, and Mayor Parvin; Steven Kueny, City Manager; Joseph Montes, City Attorney; Hugh Riley, Assistant City Manager; Yugal Lall, City Engineer/Public Works Director; David Bobardt, Community Development Director (left at 12:20 a.m.); David Moe, Redevelopment Manager; and Deborah Traffenstedt, Administrative Services Director/City Clerk.

The Council reconvened into open session at 12:34 a.m. Mr. Kueny stated two cases under Item 12.B. and Items 12.C, 12.D, and 12. E. were discussed and there was no action to report. Item 12.F. was not discussed.

13. ADJOURNMENT:

Mayor Parvin adjourned the meeting at 12:34 a.m. February 18, 2010.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, Assistant City Clerk