

MINUTES OF THE CITY COUNCIL

Moorpark, California

March 17, 2010

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

2. PLEDGE OF ALLEGIANCE:

Scot Mosher, Executive Director of the Moorpark Boys & Girls Club, 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; Yugal Lall, City Engineer/Public Works Director; David Bobardt, Community Development Director; Ron Ahlers, Finance Director; Tom Kruse, Parks and Recreation Director; David Klotzle, Assistant City Engineer; 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 21st through March 27th as Boys & Girls Club Week in Moorpark.

Mayor Parvin presented Adreanna Diaz, Boys & Girls Club ACE Program Site Director and Boys & Girls Club members with a proclamation recognizing March 21-27 as Boys & Girls Club Week in Moorpark.

5. PUBLIC COMMENT:

Patrick Ellis, President and CEO of the Moorpark Chamber of Commerce, reported on the Chamber membership and recent activities.

Sandy Smith, Adjutant Professor of Implementation of Public Policy, Social Ethics, and Urban Planning at Cal Lutheran University, acting as a representative of the American Planning Association, extended an invitation to citizens to attend

a Planning Academy in the evenings at the Oxnard Campus of Cal Lutheran University from April 15th to June 3rd to participate in education about planning in Ventura County.

Douglas Ridley, Chairman of the Board of the Moorpark Chamber of Commerce, stated the Chamber is looking forward to working with the Buxton Group to provide input on the spending habits of Moorpark residents.

Sharon Noel, a Moorpark Gabbert Road resident, cautioned the City in regard to the Housing Element and the State's mandates for providing housing for a growing population, to consider the water shortage, decline in farming, and impacts to education from decline in funding.

AT THIS POINT in the meeting, the City Council recessed to convene a meeting of the Moorpark Redevelopment Agency. The time was 7:31 p.m. The City Council meeting reconvened at 7:32 p.m.

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

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

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

Councilmember Mikos announced she had attended the Moorpark Chamber of Commerce Mixer on March 2nd.

Councilmember Mikos encouraged residents to take 10 minutes to complete their Census 2010 forms and return them in the mail as soon as possible. The information is used in many important ways, from determining political districts to allocating government resources.

Councilmember Van Dam announced he had attended the City's 4th Annual Arbor Day Event held on March 10th at Monte Vista Park.

Councilmember Van Dam announced the Kiwanis' Club will be hosting their 3rd Annual "Wine and Moonlight" fund raiser on May 23rd from 4-7:00 p.m. at Secret Garden on High Street.

Councilmember Pollock announced he and the Mayor had attended a barbecue at the Moorpark Police Services Center where they met with police officers. He congratulated the Moorpark Police for the low crime rate in Moorpark.

Councilmember Pollock reported that he and Councilmember Mikos have just attended a meeting of the Community and Economic Development Committee

earlier in the evening where agenda items to curtail graffiti and implement water conservation on City property were discussed.

Mayor Parvin congratulated the Parks and Recreation Department on winning "Best Agency Brochure" in the California Parks and Recreation Society District 8 competition for the summer 2009 edition of the City Recreation Guide.

Mayor Parvin announced Census 2010 questionnaires are being delivered in the mail to Moorpark residents this week. It is important for Moorpark that we are all counted.

Mayor Parvin announced the City of Moorpark is pleased to present the teen "Battle of the Bands" series. The first show will be held on Friday, March 19th beginning at 8:00 p.m. at the Moorpark Community Center.

Mayor Parvin announced the City of Moorpark will host its annual Easter Egg Hunt on Saturday, April 3rd at Arroyo Vista Park.

Mayor Parvin announced the Moorpark Active Adult Center will be holding its Bingo Bash Fundraising Event on Saturday, April 10th from 1-3:30 p.m.

Mayor Parvin announced Free Landfill Day for Moorpark residents is Sunday, April 18, 2010 from 10:00 a.m. – 4:00 p.m. at the Simi Valley Landfill and Recycling Center.

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 February 17, 2010) Staff Recommendation: 1) Continue to accept public testimony and close the public hearing; and 2) Adopt Resolution No. 2010-2895, approving Modification No. 1 to RPD No. 1998-01 as recommended by staff, subject to conditions of approval.

Mr. Bobardt gave the staff report.

Mayor Parvin stated the public hearing remains open.

Councilmember Pollock stated he had meetings with representatives of Shea Homes and the Fremont Street residents for the purpose of reviewing the three proposed sites.

In response to Council questions, John Vander Velds, representing Shea Homes, 1250 Corona Pointe Court, Suite 600, Corona, California, stated

the new plans and conditions do mitigate some, but not all of the residents concerns.

In response to Council questions, Brooke Thomas of Shea Homes, 1250 Corona Pointe Court, Suite 600, Corona, California, stated Shea Homes possesses the majority of the Homeowners Association votes. She read a letter in support of the recreation center proposal from homeowner and Canterbury Lane Community Association Board Member, Carolyn Philmon.

Brandon Schmidt, a Moorpark Fremont Street resident, spoke in opposition to staff's recommended location for the recreation center citing concerns over inadequate parking and potential for vandalism to property on Fremont Street.

Teresa Schmidt, a Moorpark Fremont Street resident, spoke in opposition to staff's recommended location for the recreation center citing, previous location approved when Canterbury homeowners purchased was in the far corner of the property; Fremont residents have always opposed moving the site; and parties can be held in the open cabana with the potential for extra noise, litter, and spillover parking on Fremont Street.

Dominic Schmidt, a Moorpark Fremont Street resident, spoke in opposition to staff's recommended location for the recreation center citing, inadequate parking on site with resulting spillover parking on Fremont Street; increased traffic on Fremont Street; Fremont residents and Canterbury developer previously agreed to a different location; size of the center is too small for the number of Canterbury residents; and lack of enforcement for the hours of operation, noise and litter control, and the potential vandalism.

Bette Reed, a Moorpark Fremont Street resident, spoke in opposition to staff's recommended location for the recreation center citing inadequate parking; potential for noise, graffiti, trash, alcohol use, and vandalism.

In response to Mayor Parvin, Ms. Traffenstedt summarized 8 Written Statement cards in favor of the proposed location of the recreation center.

In response to Councilmember Van Dam, Mr. Kueny stated these cards appear to be from Canterbury residents.

Mayor Parvin closed the public hearing.

The following issues were discussed by Councilmembers and staff: 1) Implementing parking restrictions on Fremont Street for residents and their guests only; 2) requiring a security company to monitor the facility; and 3) hours of operation.

In response to Council questions Ms. Thomas stated: 1) All parking for the new site was moved to Majestic Court; 2) The entrance to the recreation center is located on Majestic Court; 3) The HOA may hire a patrol company to monitor the center; 4) Homeowners may lose privileges if they abuse the rules; and the improvements to Fremont Street are required to be completed by the 50th permit.

MOTION: Councilmember Mikos moved and Councilmember Van Dam seconded a motion to adopt Resolution No. 2010-2895, approving Modification No. 1 to RPD 1998-01 as recommended by staff for the design depicted as Study No. 2 in the agenda report, subject to conditions of approval as amended to: 1) Implement a preferential parking district on Fremont Street for Fremont residents and their guests with the developer to pay a \$5,000 for the district's creation and operation; 2) Implement "no-parking" restrictions on the west side of Fremont Street adjacent to the recreation center; and 3) Unless a Permit Adjustment is approved by Council, require the developer, for the life of the project, to provide a private security patrol to monitor the recreation area on Thursdays through Sundays during the months of April through October each year with staffing, days, and hours of patrol to the satisfaction of the Community Development Director and Chief of Police. The motion carried by unanimous voice vote.

B. Consider Resolution Adjusting Real Time Billing Rates, Updating the Schedule for Land Use Development Processing Fees, and Rescinding Resolution No. 2006-2502. Staff Recommendation: 1) Open the public hearing, accept public testimony, and close the public hearing; and 2) Adopt Resolution No. 2010-2896, approving adjustments to real time billing rates, updating the schedule of land development preliminary processing fees, and rescinding Resolution No. 2006-2502 upon the effective date of the Resolution. ROLL CALL VOTE REQUIRED

Mr. Bobardt gave the staff report.

Mayor Parvin opened the public hearing.

Patrick Ellis, President and CEO of the Moorpark Chamber of Commerce, spoke in opposition to the increase in fees as a penalty to some and a discouragement to businesses locating to Moorpark.

Mayor Parvin closed the public hearing.

MOTION: Councilmember Mikos moved and Councilmember Pollock seconded a motion to adopt Resolution No. 2010-2896, approving adjustments to real time billing rates, updating the schedule of land development preliminary processing fees, and rescinding Resolution No. 2006-2502 upon the effective date of July 1, 2010 for the new resolution. The motion carried by roll call vote 4-1, Councilmember Van Dam dissenting.

9. PRESENTATION/ACTION/DISCUSSION:

- A. Consider Report on Uniform Crime Rates in the City of Moorpark During 2009. Staff Recommendation: Receive and file report.

Captain Nelson gave the staff report.

There were no speakers.

Councilmember Mikos requested a matrix be prepared to show a running record of crime statistics from the City's incorporation including statistics on population growth to show consistency of safety of Moorpark.

Councilmember Millhouse requested the Community Prosecutor be invited to attend a meeting of the Finance, Administration, and Public Safety Committee to brief the City on what is being done in the County of Ventura to keep juveniles from repeat offenses.

MOTION: Councilmember Millhouse moved and Mayor Parvin seconded a motion to receive and file the report. The motion carried by unanimous voice vote.

- B. Consider Plans and Specifications and Authorization to Advertise for Construction Bids for Mountain Trail Street and Spring Road Pavement Rehabilitation Project (Project 8083). Staff Recommendation: Approve the plans and specifications for the subject project and authorize staff to advertise for construction bids.

Mr. Lall gave the staff report.

There were no speakers.

MOTION: Councilmember Millhouse moved and Councilmember Pollock seconded a motion to approve the plans and specifications for the construction bids for Mountain Trail Street and Spring Road Pavement Rehabilitation Road Project 8083 and authorize staff to advertise for construction bids. 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 Item 10. G, which was pulled for individual consideration. The motion carried by unanimous roll call vote.

- A. Consider Minutes of Special Meeting of March 3, 2010. Staff Recommendation: Approve the minutes.

- B. Consider Minutes of Regular Meeting of March 3, 2010. Staff Recommendation: Approve the minutes.
- C. Consider Warrant Register for Fiscal Year 2009-2010 – March 17, 2010. Staff Recommendation: Approve the warrant register.
- D. Consider the City of Moorpark 2009 General Plan Annual Report Including the Housing Element Progress Report. Staff Recommendation: 1) Receive and file the report; and 2) Direct staff to forward a copy of this report to the Governor's Office of Planning and Research, the California Department of Housing and Community Development, and the Ventura County Planning Division.
- E. Consider Report of Annual Development Agreement Review, Established in Connection with Warehouse Discount Center at White Sage Road and State Route 23 Freeway (NLA 118, LLC). Staff Recommendation: 1) Accept the Community Development Director's Report and recommendation, 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.
- F. Consider \$600,000 Loan to the Redevelopment Agency of the City of Moorpark to Assist with Construction Financing for the Charles Street Rental Project and Transferring the Properties of 396, 406 and 436 Charles Street to the Redevelopment Agency of the City of Moorpark for Affordable Housing Purposes. Staff Recommendation: 1) Approve a loan to the Redevelopment Agency of the City of Moorpark for \$600,000.00 from the City Housing Fund to assist with the construction of the Charles Street Rental Project and authorize the Mayor to sign the loan agreement; and 2) Authorize the City Manager to execute all documents necessary to transfer the Properties to the Redevelopment Agency of the City of Moorpark.

The following item was pulled for individual consideration.

- G. Consider Resolution Amending the Fiscal Year 2009/10 Budget by Appropriating General Funds for the Senior Nutrition Program to Fund an Additional Grant from the Ventura County Area Agency on Aging of American Recovery and Reinvestment Act Funds. Staff Recommendation: Adopt Resolution No. 2010-2897. ROLL CALL VOTE REQUIRED

Mr. Kueny presented a Supplemental Staff Report documenting the need to increase the amount to fund the grant.

MOTION: Councilmember Millhouse moved and Councilmember Pollock seconded a motion to adopt Resolution No. 2010-2897 amending the FY 2009/10 Budget by appropriating General Funds for the Senior Nutrition Program to Fund and Additional Grant from the Ventura County Area Agency on Aging of American Recovery and Reinvestment Act Funds for the amended amount of \$9,417.00. The motion carried by unanimous roll call vote

11. ORDINANCES: (ROLL CALL VOTE REQUIRED)

A. Consider Ordinance No. 384 Approving Zoning Ordinance Amendment No. 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: Waive full reading and declare Ordinance No. 384 read for the second time and adopted as read. ROLL CALL VOTE REQUIRED

Ms. Traffenstedt read the title of Ordinance No. 384.

MOTION: Councilmember Mikos moved and Councilmember Van Dam seconded a motion to waive full reading and declare Ordinance No. 384 read for the second time and adopted as read. The motion carried by unanimous roll call vote.

12. CLOSED SESSION:

Mr. Kueny requested the City Council go into closed session for discussion of Item 12.C. on the agenda.

MOTION: Councilmember Mikos moved and Councilmember Millhouse seconded a motion to adjourn to closed session for a discussion of Item 12. C. on the agenda. The motion carried by unanimous voice vote. The time was 9:28 p.m.

C. 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; and Steven Kueny, City Manager.

The Council reconvened into open session at 10:34 p.m. Mr. Kueny stated Item 12. C. was discussed and there was no action to report.

Mayor Parvin adjourned the meeting at 10:34 p.m.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, Assistant City Clerk