

MINUTES OF THE CITY COUNCIL

Moorpark, California

April 21, 2010

A Regular Meeting of the City Council of the City of Moorpark was held on April 21 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 7:10 p.m.

2. PLEDGE OF ALLEGIANCE:

David Bobardt, Community Development Director, 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; Tom Kruse, Parks and Recreation Director; Jeremy Laurentowski, Landscape/ Parks Maintenance Superintendent; Jennifer Mellon, Senior Management Analyst; 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 May 1, 2010, as Show Us Your Hope/Paint Moorpark Purple Day.

Mayor Parvin presented Barbara Liley, Chairperson for Relay for Life, with a proclamation recognizing May 1, 2010, as Show Us Your Hope/Paint Moorpark Purple Day.

B. Proclamation Recognizing April 22, 2010, as Earth Day.

Mayor Parvin presented Jennifer Mellon, Senior Management Analyst, with a proclamation recognizing April 22, 2010, as Earth Day.

5. PUBLIC COMMENT:

The following Meridian Hills residents spoke in regard to the developer, Resmark Equities, Partners' plans to annex newly landscaped slopes and several empty lots into their Homeowners Association boundary. They stated their concerns over past problems with amenities transferred to the HOA, which are in poor condition, including the tennis court, basketball court, swimming pool heaters, and ongoing problems with landscaping that does not thrive.

David Tuttle
Marsha Simonds
Taylor Hodoose
Donna Frank
Matt Joseph
John Weymouth
Dr. Flora Tisherman

Mike Badner, representing Resmark Equity Partners, 10880 Wilshire Boulevard, No. 1420, Los Angeles, CA, stated Resmark is working with City staff, Meridian Hills HOA board, and residents to create quality homes for a successful community. He stated Resmark's intent is to annex the landscaped slopes and 200 vacant lots into the HOA, which will reduce the HOA dues per residence.

Councilmember Millhouse requested a future agenda item for discussion of the Meridian Hills development.

Mayor Parvin concurred with the scheduling of a future agenda item and requested a box item communication to Council on the status of the Meridian Hills development prior to the scheduled agenda.

Mr. Kueny stated the Meridian Hills development issues would be agendized for the May 5, 2010 regular meeting.

AT THIS POINT in the meeting, the City Council recessed to convene a meeting of the Moorpark Redevelopment Agency. The time was 7:48 p.m. The City Council meeting reconvened at 7:59 p.m.

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

None.

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

Councilmember Mikos announced she would be attending workshops for the Compact for a Sustainable Ventura County at Moorpark College on April 22nd and invited the public to attend.

Councilmember Mikos congratulated the City staff for the approval of a grant application for Energy Efficiency and Conservation Block Grant Stimulus Monies, as indicated in Item 10.I. on the agenda.

Councilmember Van Dam reported on attending a Moorpark Chamber of Commerce networking mixer hosted by Moorpark Presbyterian Church and sponsored by Moorpark Kiwanis.

Councilmember Van Dam announced the Moorpark High School jazz bands are traveling to Reno, Nevada, for the largest west coast jazz competition.

Councilmember Van Dam reported the Free Landfill Day for Moorpark residents on Sunday, April 18th was a huge success.

Mayor Parvin announced the Ventura County Grand Jury is accepting applications from interested citizens through April 30th.

Mayor Parvin announced there will be a David Bagwell Arroyo Cleanup Day sponsored by the Moorpark Rotary, Waste Management, Gateway Roofing, and Dominos Pizza on April 24th.

Mayor Parvin announced for Earth Day the Ventura County's transit agencies are giving away over 15,000 free bus tickets to encourage new riders to try transit from now until – Monday, May 10, 2010 on Moorpark City Transit and other transit services in Ventura County. Bus tickets are available locally at Moorpark City Hall, the Moorpark Library, the Active Adult Center and Arroyo Vista Recreation Center.

Mayor Parvin announced the City is pleased to have received notification from the Ventura County Community Foundation's *'ArtsLIVE in Ventura County Grants to Nonprofits Fund'* that the Moorpark Active Adults Center was approved to receive a \$3,750 grant for their Gourd Art Project.

Mayor Parvin announced "Moorpark Has Talent" was held at the High Street Arts Center on Saturday, April 17th. The audience selected two juniors from Moorpark High School, Luis Paredes and Shane Lerma as the winning act.

Mayor Parvin announced The Moorpark Arts Festival is on Sunday, April 25th where Gourd Art will be on display along with and music and dance performances at the Moorpark Civic Center and on High Street.

Mayor Parvin announced Moorpark residents may dispose of electronics at the City Free Electronic Waste Collection Event on Saturday, May 15th at the

Moorpark Public Services Facility. Residents and businesses can dispose of electronic waste including electronic devices, televisions, computer equipment, monitors, and printers. Residents can also dispose of batteries and fluorescent lights.

Mayor Parvin announced Moorpark residents may get a home compost bin for only \$20.00 on May 15th at the Moorpark Public Services Facility.

Mayor Parvin announced the Moorpark City Library drawing contest, "Splash Into Summer" and prizes will be given to the best entries.

Mayor Parvin announced due to the leadership of Moorpark resident, Pam Castro, Moorpark has become Ventura County's first host city for a discounted frozen food program called the Treasure Box supplying families with discounted frozen food. For more information visit www.thetreasurebox.org or 805-910-5870.

Mayor Parvin requested a future monthly box item communication to Council on statistics on the City's and residents' water reduction efforts.

Councilmember Pollock announced he had recently visited the Moorpark Library where he was pleased to find it well utilized. He stated the library accepts donations of books and dvds, which are tax deductible donations.

8. PUBLIC HEARINGS:

None.

9. PRESENTATION/ACTION/DISCUSSION:

- A. Consider Interim Urgency Ordinance Making Findings and Establishing a Temporary Moratorium on Permitting New Massage Establishments; and Consider Resolution Directing the Planning Commission to Study, Hold a Public Hearing, and Provide a Recommendation on an Ordinance Amending Chapter 5.48 Massage Establishments and Therapists, of Title 5 Business Taxes, Licenses and Regulations, and Section 17.20.060, Permitted Uses in Commercial and Industrial Zones, of Title 17 Zoning, of the Moorpark Municipal Code. Staff Recommendation: 1) Adopt Interim Urgency Ordinance No. 385; 2) Adopt Resolution No. 2010-2898; and 3) Direct staff to schedule and notice a public hearing for May 19, 2010 to extend the Interim Ordinance. ROLL CALL VOTE REQUIRED - 4/5ths AFFIRMATIVE

Mr. Bobardt gave the staff report.

There were no speakers.

Mr. Montes read the title of Interim Ordinance No. 385.

MOTION: Councilmember Pollock moved and Councilmember Millhouse seconded a motion to: 1) Waive full reading and adopt Interim Ordinance No. 385; 2) Adopt Resolution No. 2010-2898; and 3) Direct staff to schedule a public hearing for May 19, 2010 to extend the Interim Ordinance. The motion carried by unanimous roll call vote.

- B. Consider Update on Filing of Letter of Map Changes (LOMC) to Federal Emergency Management Agency (FEMA) for the 2010 Digital Flood Insurance Rate Map (DFIRM). Staff Recommendation: Continue with the study and process the LOMC to FEMA and return to the City Council with a final report on the map amendments on obtaining the determination from FEMA.

Mr. Lall gave the staff report.

Doug Frazier, a Moorpark resident, stated his home is still affected by the newly produced map and wanted to know if he will have to pay another \$1,000 flood insurance premium in January 2011 or whether this process will be completed before that time.

Mr. Lall introduced Mr. Massoud Rezakhani, consultant from MRC, LLC who explained the LOMC process and stated it will be completed prior to January 2011.

MOTION: Councilmember Millhouse moved and Councilmember Mikos seconded a motion to direct staff to continue with the study and process the LOMC to FEMA and return to the City Council with a final report on the map amendments on obtaining the determination from FEMA. The motion carried by unanimous voice vote.

- C. Consider College View Dog Park Proposed Design Plan, Amenities, Rules, and Budget. Staff Recommendation: 1) Approve the proposed design plan, amenities, and rules; and 2) Approve the budget and use of funds from the Park Improvement Zone 2 Fund.

Mr. Kruse and Mr. Laurentowski gave the staff report.

There were no speakers.

The following issues were discussed by the Councilmembers and staff: 1) The cost to leave existing turf and to maintain it in the future; and 2) Obtaining additional information on the use of wood chips including input from veterinarians.

MOTION: Councilmember Millhouse moved and Mayor Parvin seconded a motion to continue this item to a date uncertain and to provide a written response to Council questions. The motion carried by unanimous voice vote.

- D. Consider Appointment of Ad-Hoc Committee Members to Negotiate the Terms of a Development Agreement between the City and Pardee Homes for the Residential Development of Planning Area 7 of the Moorpark Highlands Specific Plan. Staff Recommendation: Appoint Councilmembers Millhouse and Van Dam to the Moorpark Highlands Planning Area 7 development agreement ad-hoc committee.

Mr. Bobardt gave the staff report.

There were no speakers.

MOTION: Councilmember Mikos moved and Mayor Parvin seconded a motion to appoint Councilmembers Millhouse and Van Dam to serve on the Moorpark Highlands Planning Area 7 development agreement ad-hoc committee. The motion carried by unanimous voice vote.

- E. Consider Scheduling of the Summer Meeting Recess. Staff Recommendation: Directs staff to post a notice of meeting cancellation for the selected summer recess date(s).

Ms. Traffenstedt gave the staff report.

There were no speakers.

CONSENSUS: It was the consensus of the Council to direct staff to post a notice of meeting cancellation for the regular meetings of August 4 and August 18, 2010.

10. CONSENT CALENDAR: (ROLL CALL VOTE REQUIRED)

MOTION: Councilmember Van Dam moved and Councilmember Mikos seconded a motion to approve the Consent Calendar. The motion carried by unanimous roll call vote.

- A. Consider Minutes of Regular Meeting of March 17, 2010. Staff Recommendation: Approve the minutes.
- B. Consider Warrant Register for Fiscal Year 2009-2010 – April 21, 2010. Staff Recommendation: Approve the warrant register.

- C. Consider Resolution Adopting Parking Restrictions on Campus Canyon Drive and Monroe Avenue and Rescinding Resolution Nos. 95-1118, 98-1421, and 2004-2272. Staff Recommendation: Adopt Resolution No. 2010-2899.
- D. Consider Cancellation of Program for Employee Resourcefulness and Creativity (PERC). Staff Recommendation: Cancel PERC effective April 21, 2010, and direct staff to not budget funds to support this program in the next fiscal year.
- E. Consider Annual Review of Miscellaneous City Fees and Charges Resolution. Staff Recommendation: Receive and file report.
- F. Consider Resolution Authorizing the Destruction of Specified Finance and Human Resources Records. Staff Recommendation: Adopt Resolution No. 2010-2900.
- G. Consider Vacancy on Teen Council. Staff Recommendation: Leave the current vacancy unfilled.
- H. Consider Resolution Authorizing Submittal of a Used Oil Payment Program Application to the California Department of Resources Recycling and Recovery (CalRecycle). Staff Recommendation: Adopt Resolution No. 2010-2901.
- I. Consider Resolution Amending the Fiscal Year 2009/10 Budget to Include Energy Efficiency and Conservation Block Grant Stimulus Monies. Staff Recommendation: Adopt Resolution No. 2010-2902. ROLL CALL VOTE REQUIRED
- J. Consider Exoneration of Surety Bonds for The Village at Moorpark, LLC (Lot 2 of Tract 4973, CPD 2004-01). Staff Recommendation: Authorize the City Clerk to exonerate Grading Bond No. 720529S in the amount of \$55,978.57 and Road Encroachment Permit Bond No. 720532C in the amount of \$4,501.00.
- K. Consider Exoneration of Improvements/Performance & Payment Bonds for KB Homes Greater Los Angeles, Inc. (Tract 5045-8). Staff Recommendation: Authorize the City Clerk to fully exonerate the Improvements/Performance & Payment Bond No. 6444591 in the amount of \$1,973,564.96 and Erosion Control Bond No. K07509406 in the amount of \$594,410.32.
- L. Consider Surety Bond Reduction to 25% for Shea Homes, (Tract 5133). Staff Recommendation: Authorize the City Clerk to reduce Performance & Payment Bond No. 104324725 by 25% to \$872,089.43, Labor & Materials

Bond No. 104324725 by 25% to \$436,044.71, and Grading & Improvements Bond No. 104324727 by 25% to \$191,166.95.

- M. 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.
- N. Consider Report of Annual Development Agreement Review, Established in Connection with Moorpark Country Club Estates, Located Approximately 2,700 Feet South of Broadway between Grimes Canyon Road (Tract 4928), on the Application of Toll Brothers, Inc. Staff Recommendation: Staff Recommendation: 1) Accept the Community Development Director's report and recommendation, and find, on the basis of substantial evidence, that Toll Brothers Inc. has complied in good faith with the terms and conditions of the agreement; and 2) Deem the annual review process complete.
- O. Consider Report of Annual Development Agreement Review, Established in Connection with The Masters at Moorpark Country Club Estates, Located on 43.04 Acres North of Championship Drive and East of Grimes Canyon Road (Tract 5463), on the Application of Toll Brothers, Inc. Staff Recommendation: 1) Accept the Community Development Director's report and recommendation, and find, on the basis of substantial evidence, that Toll Brothers Inc. has complied in good faith with the terms and conditions of the agreement; and 2) Deem the annual review process complete.

11. ORDINANCES: (ROLL CALL VOTE REQUIRED)

None.

12. CLOSED SESSION:

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

MOTION: Councilmember Mikos moved and Councilmember Millhouse seconded a motion to adjourn to closed session for a discussion of three 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 9:07 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)

- C. CONFERENCE WITH REAL PROPERTY NEGOTIATOR
(Pursuant to Government Code Section 54956.8)
Property: APN 512-0-103-020, 49 First Street
City Negotiator: Steven Kueny, City Manager
Negotiating Parties: Albert R. Ceja, Florencio R. Ceja, and Esperanza M. Ceja, and Juan T. Amezcua and Alicia C. Amezcua
Under Negotiation: Price and terms of payment

- D. CONFERENCE WITH REAL PROPERTY NEGOTIATOR
(Pursuant to Government Code Section 54956.8)
Property: APN 512-0-103-030, 65 First Street
City Negotiator: Steven Kueny, City Manager
Negotiating Parties: Masedonio Camacho
Under Negotiation: Price and terms of payment

- E. CONFERENCE WITH REAL PROPERTY NEGOTIATOR
(Pursuant to Government Code Section 54956.8)
Property: APN 512-0-102-210, 161 Second Street
City Negotiator: Steven Kueny, City Manager
Negotiating Parties: Miguel Magdaleno, Jr. Trust
Under Negotiation: Price and terms of payment

- 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 (arrived at 9:47 p.m. after discussion of one case under Item 12.B.), Van Dam, and Mayor Parvin; Steven Kueny, City Manager; Joseph Montes, City Attorney; Hugh Riley, Assistant City Manager (arrived 9:18 p.m.); Yugal Lall, City Engineer/Public Works Director; David Bobardt, Community Development Director; David Moe, Redevelopment Manager; Joseph Vacca, Principal Planner; and Deborah Traffenstedt, Administrative Services Director/City Clerk. Mr. Lall, Mr. Bobardt, and Mr. Vacca left the meeting at 9:47 p.m. Mr. Riley and Mr. Moe left the meeting at 9:56 p.m.

The Council reconvened into open session at 10:30 p.m. Mr. Kueny stated three cases under Item 12.B, and Items 12.C, 12.D, 12.E, and 12.F. were discussed and there was no action to report.

13. ADJOURNMENT:

Mayor Parvin adjourned the meeting at 10:30 p.m.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, Assistant City Clerk