

ITEM 10.A.

MINUTES OF THE CITY COUNCIL

Moorpark, California

May 5, 2010

A Regular Meeting of the City Council of the City of Moorpark was held on May 5, 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:

James Carpenter, American Legion Commander of Moorpark Post 502, led the Pledge of Allegiance.

3. ROLL CALL:

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

Absent: Councilmember Millhouse.

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; Allen Walter, Landscape/Parks Maintenance Superintendent; Joseph Fiss, Principal Planner; Joseph Vacca, Principal Planner; Shaun Kroes, 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 Declaring May as Veteran's Appreciation Month.

Mayor Parvin presented James Carpenter, Commander of Moorpark Post 502 of the American Legion and fellow Veterans with a proclamation declaring May as Veteran's Appreciation Month.

B. Proclamation Declaring May 16th to May 22nd, 2010 as National Public Works Safety Week.

Mayor Parvin presented Ashraf Rostom, Public Works Superintendent/Inspector with a proclamation declaring May 16-22 as National Public Works Week.

5. PUBLIC COMMENT:

Cathy Brudnicki, Executive Director of the Ventura County Homeless and Housing Coalition provided statistics on the 2010 Homeless Count showing a decrease in the number of homeless in Ventura County and attributed this to the opportunities for low-income housing, private donations, and federal stimulus dollars.

Russell Peters, a Moorpark resident, stated he would like the City to consider condemning the easement granted to William Lyon Homes, the original developer of Meridian Hills, for development of a horse trail. He stated he will provide a letter to staff documenting his family's agreement with the William Lyons for the installation of a horse trail, which has been built in a dangerous location across his driveway.

Edward Peters, a Moorpark resident, stated he is concerned about safety hazards and liability associated with the land he donated to the William Lyon Home developer for installation of a horse trail and amenities. He offered to provide copies of correspondence from the developer. Mr. Peters cited two emergency fire exits he donated to the developer, which have been chained and padlocked inhibiting access by the fire department.

Donna Frank, a Meridian Hills resident, stated the developer has not provided the Homeowners Association (HOA) with a detailed punch list of the approved landscape plans; there is still an on-going problem of getting separate water meters for the HOA and the developer; and the mitigation areas need attention.

David Tuttle, a Meridian Hills resident, gave a PowerPoint presentation depicting the landscaped areas in the development, which the HOA deems are in poor condition due to lack of water and fertilizer. He requested clarification on whether the developer may change the approved landscape plans and asked for a copy of built plans so any changes can be identified.

Philip Frank, a Meridian Hills resident, stated the original developer, William Lyon Homes, did not conduct their business in the best interest of the community and recommended the Council establish clear guidelines for future landscape turnovers.

Eileen MacEnery, former driver for Nationwide Transit, stated her contract was terminated by Nationwide when the City terminated its contract with them. She requested the contract with Nationwide be reinstated during discussion of the Dial-A-Ride item on the Consent Calendar.

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

Councilmember Pollock stated as a resident of Meridian Hills he would exclude himself from voting on Items 10.I. and 10.J. by leaving the dais during their discussion.

CONSENSUS: It was the consensus of the Council to pull Items 10.I. and 10. J. from the Consent Calendar upon the request of Mayor Parvin.

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

AT THIS POINT in the meeting the Council reached a consensus to hear from late speakers.

Trudy Gilliland, a Moorpark resident, spoke in opposition to the use of wood chips in the pending proposal for a Dog Park and recommended the use of artificial turf once the existing grass is depleted.

Ziv Cohen, Senior Vice President with Resmark Equity Partners, current developer of Meridian Hills, stated he and his team are available for questions for the Consent Items concerning Meridian Hills and that Resmark is committed to the betterment of the community.

Sam Treihaft a Meridian Hills resident stated as the HOA and developer improve communications on issues, the City should have less involvement in the future.

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

Councilmember Mikos requested a future agenda item to discuss whether or not to take an official position on a proposed ballot measure to create a consistent funding source for State parks by adding a fee to vehicle licensing.

Councilmember Mikos reminded the public to complete and mail their Census questionnaire so Census takers will not have to visit their homes to obtain the information.

Councilmember Mikos announced she had attended a meeting of the Economic Development Collaborative of Ventura County Executive Committee on May 5.

Councilmember Van Dam announced the annual Kiwanis fundraiser "Wine and Moonlight", which supports local youth and music programs in Moorpark, will be held at the Secret Garden on High Street on May 23 from 4-8 p.m.

Mayor Parvin announced "Day in the Park" will be held at Arroyo Vista Community Park on Saturday May 8th. The City encourages you to come by the Ventura County Master Gardener booth to learn about Sustainable Landscape Design and Composting.

Mayor Parvin announced the Moorpark Rotary Invitational Golf Tournament will be held on June 3 at the Moorpark Country Club and will be hosted by the Rotary Club and Moorpark Chamber of Commerce.

Mayor Parvin announced Optimists International wants to form a club in Moorpark and will be holding an informational meeting at the Grinder on May 6.

Mayor Parvin announced "Driving Miss Daisy" will be playing at the High Street Arts Center from May 14 through June 13.

8. PUBLIC HEARINGS:

None.

9. PRESENTATION/ACTION/DISCUSSION:

A. Consider Farm Bureau Briefing on Asian Citrus Psyllid Threat. Staff Recommendation: Hear the presentation by John Krist, Chief Executive Officer for the Farm Bureau of Ventura County.

Mr. Riley introduced John Krist, CEO for the Farm Bureau of Ventura County who gave a PowerPoint presentation on the threat to citrus crops from the Asian citrus psyllid.

B. Consider Award of Contract for the Mountain Trail Street and Spring Road Pavement Rehabilitation – Project 8083. Staff Recommendation: 1) Award a construction contract to Nye & Nelson, Inc, and authorize the City Manager to execute the construction contract in the amount of \$510,394.90 for the subject project; and 2) Authorize the City Manager to amend the construction contract for project contingencies in an amount not to exceed \$52,000.00 if and when the need arises for extra work and services; and 3) Authorize the City Manager to award a consultant agreement for materials testing and construction inspection services in an amount not to exceed \$56,171.10. ROLL CALL VOTE REQUIRED

Mr. Klotzle gave the staff report.

There were no speakers.

MOTION: Councilmember Pollock moved and Councilmember Mikos seconded a motion to: 1) Award a construction contract to Nye & Nelson, Inc, and authorize the City Manager to execute the construction contract in the amount of

\$510,394.90 for the subject project; and 2) Authorize the City Manager to amend the construction contract for project contingencies in an amount not to exceed \$52,000.00 if and when the need arises for extra work and services; and 3) Authorize the City Manager to award a consultant agreement for materials testing and construction inspection services in an amount not to exceed \$56,171.10..The motion carried by roll call vote 4-0, Councilmember Millhouse absent.

- C. Consider Agreement to Provide Beach Bus and Excursion Services with Durham School Services. Staff Recommendation: 1) Authorize the City Manager to sign the Agreement, subject to final language approval of the City Manager and City Attorney; and 2) Approve proposed changes to the Summer Beach Bus program, as contained in the agenda report.

Mr. Kroes gave the staff report.

There were no speakers.

MOTION: Councilmember Mikos moved and Councilmember Van Dam seconded a motion to: 1) Authorize the City Manager to sign the Agreement, subject to final language approval of the City Manager and City Attorney; and 2) Approve proposed changes to the Summer Beach Bus program, as contained in the agenda report. The motion carried by voice vote 4-0, Councilmember Millhouse absent.

- D. Consider Permit Adjustment No. 1 to Commercial Planned Development No. 2006-01 and Conditional Use Permit No. 2006-07 to Allow Construction and Operation of a 112-Room Hotel on a 2.38-Acre Parcel at 14350 White Sage Road on the Application of Peter Bhakta (Moorpark Hospitality). Staff Recommendation: Direct the Community Development Director to approve Permit Adjustment No. 1 to Commercial Planned Development No. 2006-01 and Conditional Use Permit No. 2006-07, amending Standard Condition No. 2 to extend the timeframe of the permits to May 2, 2011 with a possible additional one-year extension.

Mr. Fiss gave the staff report.

There were no speakers.

MOTION: Councilmember Mikos moved and Councilmember Pollock seconded a motion to direct the Community Development Director to approve Permit Adjustment No. 1 to Commercial Planned Development No. 2006-01 and Conditional Use Permit No. 2006-07, amending Standard Condition No. 2 to extend the timeframe of the permits to May 2, 2011 with a possible additional one-year extension. The motion carried by voice vote 4-0, Councilmember Millhouse absent.

- E. Consider Ordinance Adding Chapter 3.48, Payment Required Prior to Commencement of Legal Action, to Title 3, Revenue and Finance, of the Municipal Code. Staff Recommendation: Introduce Ordinance No. 386 for first reading, waive full reading, and schedule second reading and adoption for May 19, 2010.

Mr. Ahlers gave the staff report.

There were no speakers.

Ms. Traffenstedt read the title of Ordinance No. 386.

MOTION: Councilmember Pollock moved and Councilmember Van Dam seconded a motion to Introduce Ordinance No. 386 for first reading, waive full reading, and schedule second reading and adoption for May 19, 2010. The motion carried by voice vote 4-0, Councilmember Millhouse absent.

- F. Consider Design and Specifications for New Playground Equipment at Arroyo Vista Community Park, College View Park, Peach Hill Park, and Magnolia Park, and Waive City's Purchasing Procedures, Allowing Staff to Request Proposals for Installation. Staff Recommendation: 1) Approve the design and specifications for the replacement and new playground equipment for Arroyo Vista Community Park, Phase I and II, College View Park, Peach Hill Park, and Magnolia Park; 2) Waive the City's purchasing procedures, and authorize purchase of Miracle and Landscape Structure play equipment from the California Multiple Award Schedule and U.S. Communities list estimated at \$113,327; and 3) Authorize staff to proceed with Request For Proposals for installation of playground equipment and safety surfacing estimated at \$131,207.

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

There were no speakers.

MOTION: Councilmember Pollock moved and Councilmember Mikos seconded a motion to: 1) Approve the design and specifications for the replacement and new playground equipment for Arroyo Vista Community Park, Phase I and II, College View Park, Peach Hill Park, and Magnolia Park; 2) Waive the City's purchasing procedures, and authorize purchase of Miracle and Landscape Structure play equipment from the California Multiple Award Schedule and U.S. Communities list estimated at \$113,327; and 3) Authorize staff to proceed with Request For Proposals for installation of playground equipment and safety surfacing estimated at \$131,207. The motion carried by voice vote 4-0, Councilmember Millhouse absent.

10. CONSENT CALENDAR: (ROLL CALL VOTE REQUIRED)

MOTION: Councilmember Mikos moved and Councilmember Van Dam seconded a motion to approve the Consent Calendar with the exception of Items 10.F, 10.I, and 10.J, which were pulled for individual consideration. The motion carried by roll call vote 4-0, Councilmember Millhouse absent.

- A. Consider Minutes of Regular Meeting of April 21, 2010. Staff Recommendation: Approve the minutes.
- B. Consider Warrant Register for Fiscal Year 2009-2010 – May 5, 2010. Staff Recommendation: Approve the warrant register.
- C. Consider Resolution Authorizing the Submittal of a Grant Renewal Application to the Ventura County Area Agency on Aging (VCAAA) for Older Americans Act Title III-C Contract Grant Funds for the Senior Nutrition Program and Authorizing the City Manager to Sign All Related Agreements. Staff Recommendation: Adopt Resolution No. 2010-2903.
- D. Consider Resolution Approving the Preliminary Engineer's Report for the Landscaping and Lighting Maintenance Assessment Districts for Fiscal Year 2010/2011 and Providing Notice of Public Hearing on June 2, 2010. Staff Recommendation: Adopt Resolution No. 2010-2904.
- E. Consider Resolution Approving the Preliminary Assessment Engineer's Report for the Parks and Recreation Maintenance and Improvement Assessment District for Fiscal Year 2010/11 and Providing Notice of Public Hearing on June 2, 2010. Staff Recommendation: Adopt Resolution No. 2010-2905.
- G. Consider Purchase Order with El Dorado National for the Addition of an Extended Warranty for the Compressed Natural Gas (CNG) Transit Buses. Staff Recommendation: Authorize the City Manager to issue a purchase order to El Dorado National for the purchase of extended warranties (engine and transmission) for the City's three CNG buses in an amount not to exceed \$31,020. ROLL CALL VOTE REQUIRED
- H. Consider Resolution Amending the Fiscal Year 2009/10 Budget for Local Transportation 8A Fund (2603), Gas Tax Fund (2605), and Local Transit Programs 8C Fund (5000). Staff Recommendation: Adopt Resolution No. 2010-2906. ROLL CALL VOTE REQUIRED

The following items were pulled for individual consideration.

- F. Consider Request for Proposals for Dial-A-Ride Paratransit Services.
Staff Recommendation: Approve the RFP and authorize staff to advertise for receipt of proposals.

In response to Councilmember Mikos, Mr. Kroes stated regardless of the issue concerning Nationwide, the Dial-A-Ride Paratransit contract was up for renewal at this time anyway.

MOTION: Councilmember Mikos moved and Councilmember Van Dam seconded a motion to approve the Request for Proposal for Dial-A-Ride paratransit services. The motion carried by voice vote 4-0, Councilmember Millhouse absent.

AT THIS POINT in the meeting, Councilmember Pollock left the dais to exclude himself from voting on Items 10.I. and 10.J. The time was 9:22 p.m.

AT THIS POINT in the meeting Item 10.I. and 10.J. were heard concurrently.

- I. 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.
- J. Consider Status Update on Developer Turnover of Landscaped Slopes to the Meridian Hills Homeowner's Association for Maintenance, Tract Nos. 5187-1&2, Developer is Resmark Equity Partners, LLC, (ORA Ashford 94, LLC). Staff Recommendation: Receive and file report.

In response to Council questions, Mr. Bobardt stated all mitigation landscaping has been installed per the plan and signed off by staff's contract landscape architect; annual reports are required by the Mitigation Monitoring Plan and two have been prepared by Impact Sciences for the Department of Fish and Game which indicate the growth of landscaping in these areas is generally on track; the City is not responsible for making the Department of Fish and Game enforce its own permit requirements; staff will be looking into the issue concerning irrigation and separate water meters; staff will research whether the HOA will be given "as built" plans for the recreation areas; the HOA will be notified when staff will be making

the final walk-through of the HOA slopes; and "as built plans" will be required prior to signing off on the zoning clearance.

A discussion followed among the Councilmembers and staff concerning: 1) The Meridian Hills HOA is responsible for managing their own issues with the developer concerning the mitigation areas using the Department of Fish and Game permit requirements as the standard; 2) The developer needs to step up the communication process with the HOA; and 3) Staff should examine the conditions of approval for this development to make sure they have been met for the issues addressed by the Peters in their testimony regarding the trail.

MOTION: Councilmember Mikos moved and Councilmember Van Dam seconded a motion to:

Item 10.I. Receive and file the report.

and

Item 10.J. 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 and a motion for Item 10.J. to receive and the file report.

The motion carried by voice vote, 3-0, Councilmembers Millhouse and Pollock absent.

AT THIS POINT in the meeting, Councilmember Pollock returned to the dais. The time was 9:58 p.m.

11. ORDINANCES: (ROLL CALL VOTE REQUIRED)

None.

12. CLOSED SESSION:

None was held.

13. ADJOURNMENT:

Mayor Parvin adjourned the meeting at 9:59 p.m.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, Assistant City Clerk