

MINUTES OF THE CITY COUNCIL

Moorpark, California

July 7, 2010

A Regular Meeting of the City Council of the City of Moorpark was held on July 7, 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 7:07 p.m.

2. PLEDGE OF ALLEGIANCE:

Ron Ahlers, Finance 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; David Moe, Redevelopment Manager; Shaun Kroes, Senior Management Analyst; Allen Walter, Landscape/Parks Maintenance Superintendent; Captain Ron Nelson, Sheriff's Department; Deborah Traffenstedt, Administrative Services Director/City Clerk; and Blanca Garza, Deputy City Clerk.

4. PROCLAMATIONS AND COMMENDATIONS:

A. Ventura County Fair Poster Presentation.

Ginger Gherhardi, Member of the Board of Directors for the Ventura County Fair, presented the 2010 Ventura County Fair Poster to Council and the City depicting the theme "Western Nights and Carnival Lights".

5. PUBLIC COMMENT:

Jayla Rogers-Haxton, Gabbert Road Resident, stated she is concerned over needed weed-abatement and brush clearing on developer owned properties along Gabbert Road and appreciates assistance with fire prevention for the safety of her neighborhood and family.

Cindy Hollister, Gabbert Road Resident, stated she was in attendance to follow-up on her weed abatement request from the last City Council meeting. She would

like assistance to ensure the owners of Hitch Ranch, A-B Properties Industrial Park, and the Rasmussen Property be required to abate weeds and brush so their properties are safe and in compliance. She requested a minimum 100-foot weed and brush abatement clearance on both sides of Gabbert Road, from the rail road tracks to the end of the Rasmussen Property to create a necessary 221-foot fire break.

Dan Hicks, Behavioral Health Manager of Alcohol and Drug Programs (Preventative Services) with Ventura County Behavioral Health, spoke in support of Item 11.A. and provided the Council with relevant information and resources.

AT THIS POINT in the meeting, the City Council recessed to convene a meeting of the Moorpark Redevelopment Agency. The time was 7:27 p.m. The City Council meeting reconvened at 7:28 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 Pollock announced he attended a ribbon cutting ceremony at Los Robles Hospital which is now designated as the Trauma Center for East County.

Councilmember Pollock announced he attended a tour of the Simi Valley Water Treatment Plant with Yugal Lall, City Engineer/Public Works Director.

Councilmember Millhouse requested a future agenda item to discuss the status of the 23 Freeway soundwall.

Councilmember Millhouse requested a future agenda item on the July 21, 2010, Agenda to discuss weed abatement with respect to the status of the County's enforcement of set-back clearance.

Councilmember Millhouse requested a future agenda item to place a radar sign, increase enforcement, and other speed control options to slow down traffic on the northbound side of the Spring Road extension.

Councilmember Millhouse requested a future agenda item to discuss the pros and cons of a potential crosswalk from the development in the Highlands, crossing the street, to the park area near the neighborhoods of Cherry Hill and Shenandoah.

Councilmember Mikos announced she attended the groundbreaking of the Simi Valley Compressed Natural Gas Facility along with other Councilmembers.

Councilmember Mikos announced she attended the Chamber Mixer along with Councilmember Van Dam and Mayor Parvin.

Councilmember Mikos announced she attended the Santa Monica Mountains Conservancy meeting and provided an update on current projects.

Councilmember Mikos requested staff look into the signal light timing and synchronization on Los Angeles Avenue and Tierra Rejada Road/Maureen Lane.

Councilmember Van Dam thanked staff for all the work put into the 3rd of July event.

Mayor Parvin thanked staff for the playground equipment which was installed July 2nd at Arroyo Vista Community Park for the 3rd of July event.

Mayor Parvin announced the community may spend their summer relaxing at Zuma Beach, enjoying volleyball, boogie boarding, swimming and lounging on the sand. The Moorpark Beach Bus runs Tuesday through Thursday until August 19th.

Mayor Parvin announced the Moorpark Summer Youth Bus Pass is now on sale at City Hall and Arroyo Vista Recreation Center from June 1 until September 11th.

Mayor Parvin announced she attended a meeting, along with Councilmembers Mikos and Pollock, at the Simi Valley Transit Maintenance Facility.

Mayor Parvin announced she attended the Annual Ventura Council of Governments (VCOG) Meeting, along with Councilmembers Mikos and Millhouse.

Mayor Parvin announced she attended the Ventura County Amateur Radio Societies Field Day at the Ronald Reagan Library.

Mayor Parvin announced she and Councilmember Mikos attended an Ad-Hoc Committee meeting relative to the Moorpark West Studios project which is moving forward and will be considered by the Planning Commission in the future.

8. PUBLIC HEARINGS:

- A. Consider Residential Planned Development No. 2009-02, a Request to Construct 133 Detached Single-Family Homes and a Private Recreational Facility; Tentative Tract Map No. 5860, a Request to Subdivide the 21.8

Acre Property into 133 Residential Lots with Private Streets; Amendment No. 2 (erroneously advertised as Amendment No. 1) to Specific Plan No. 2, Moorpark Highlands, to Change Planning Area No. 7 from a School Site to a Residential Planned Development Site; Zoning Ordinance Amendment No. 2009-01, a Request to Amend Chapter 17.74 of the Moorpark Municipal Code to Create Zoning Development Standards for Planning Area No. 7; and Development Agreement No. 2009-01, Located at the Southeast Corner of Elk Run Loop and Ridgecrest Drive, on the Application of Pardee Homes (APN 513-0-070-155). Staff Recommendation: 1) Open the public hearing, accept public testimony and close the public hearing; 2) Adopt Resolution No. 2010-2935, approving Amendment No. 2 (erroneously advertised as Amendment No. 1) to Specific Plan No. 2, Moorpark Highlands; 3) Introduce Ordinance No. 390, approving Zoning Ordinance Amendment No. 2009-01 for first reading, waive full reading, and schedule second reading and adoption for July 21, 2010; 4) Introduce Ordinance No. 391, approving Development Agreement No. 2009-01 for first reading, waive full reading, and schedule second reading and adoption for July 21, 2010; and 5) Adopt Resolution No. 2010-2936 approving Residential Planned Development Permit No. 2009-02 and Tentative Tract Map No. 5860, subject to Conditions of Approval.

Mr. Bobardt gave the staff report.

The following issues were discussed by the Councilmembers and staff: 1) A correction on stamped page 46, section 1, to add language at the beginning of section 1 after, The City Council to read, "adopts Addendum No. 1 to the Final EIR for the Moorpark Highlands Specific Plan No. 2 Project and"; and 2) A correction on stamped page 134, section 7, to replace "elevation" on the end of the fourth line, with "grade".

Mayor Parvin opened the public hearing.

Johnny Weymouth, a Moorpark resident spoke in opposition to the rezoning of the neighborhood school land and expressed his desire to have a school in his neighborhood.

Tracy Weymouth, a Moorpark resident spoke in opposition to the rezoning of the school land in her neighborhood and requested the Council consider maintaining the current zoning for a school.

John Weymouth, a Moorpark resident spoke in opposition to the rezoning of the school land, indicating his major reason for purchasing the property in Meridian Hills was because of the school site.

Earl Warren, a Moorpark resident commented as a Moorpark Highlands homeowner and as a representative for his wife and son, with regard to the bonded indebtedness and stated any approved transaction must include Moorpark Highlands, the parent association, in this new association by annexation or otherwise.

Mike Johnson, a Moorpark resident spoke in opposition of rezoning the Moorpark Highlands school property and approving the project to construct 133 homes. Mr. Johnson requested the Council consider a delay on this project to consider rezoning to a private or charter school or a church.

In response to Mayor Parvin, Ms. Traffenstedt summarized six (6) Written Statement cards. Five (5) in favor of the rezoning of the land, with one (1) of the cards including a comment if this site is kept for a school, the School District is not interested or financially able to put in a school. The Mello Roos would be paid toward something that will not happen, makes more sense to build additional homes and complete the neighborhood. One (1) comment concerned about impact of Mello Roos taxes if the homes are not built.

The following issues were discussed by the Councilmembers and staff: 1) Ensure Happy Camp Canyon Regional Park is named correctly on the Final Map; 2) Show the location of the sound wall; 3) Ensure there are a total of three trail connections to Happy Camp Canyon Regional Park, per stamp page 63, at P.O.S. 17, from Ridgecrest Drive, and by the park; 4) The trails within the project site and the multi-use trail to be constructed to the east of this project will be maintained by the landscape maintenance district; 5) The timeline of the project; 6) Placement of a median on Elk Run Loop from Ridgecrest Drive to Grottoes Way; 7) Modified knuckle intersections in the project; and 8) Approval of a full wall for the homes next to the park. Jim Bizzelle from Pardee Homes stated they have read and accept all the conditions of approval as discussed.

Mayor Parvin closed the public hearing.

Mr. Montes read the title of Ordinance No. 390.

Mr. Montes read the title of Ordinance No. 391.

MOTION: Councilmember Millhouse moved and Councilmember Pollock seconded a motion to: 1) Adopted Resolution No. 2010-2935, as amended to correct stamped page 46, section 1, by adding language at the beginning of section 1 after, The City Council to read, "adopts Addendum No. 1 to the Final EIR for the Moorpark Highlands Specific Plan No. 2 Project and"; 2) Waived full reading, introduced Ordinance No. 390 for first reading, and scheduled second

reading and adoption for July 21, 2010; 3) Waived full reading, introduced Ordinance No. 391 for first reading, and scheduled second reading and adoption for July 21, 2010; and 4) Adopted Resolution No. 2010-2936, as amended to correct stamped page 134, section 7, to replace "elevation" on the end of the fourth line, with "grade". The motion carried by unanimous roll call vote.

- B. Consider Completing the Annexation of Former School Site in Moorpark Highlands to Community Facilities District 2004-1 by Adopting a Resolution Annexing Territory to Community Facilities District, Authorizing the Levy of a Special Tax in the Annexed Area and Submitting Levy of Tax to Qualified Electors; and by Adopting a Resolution Declaring the Results of Special Annexation and Amendment of Rate and Method of Apportionment, of the Special Tax Election, Determining Validity of Prior Proceedings and Directing Recording of Amended Notice of Special Tax Lien. Staff Recommendation: 1) Open the public hearing and accept public testimony; 2) Close the public hearing; 3) Adopt Resolution No. 2010-2937; 4) Announce election results; and 5) Adopt Resolution No. 2010-2938.

Mr. Hugh Riley gave the staff report.

The following issues were discussed by the Councilmembers and staff: 1) Existing homeowners who paid in advance are included in the calculation and are receiving the same benefit; 2) The annexation will benefit the property owners on the upcoming November 2010 tax bill; and 3) Staff clarified only the 126 market rate units are included, the seven affordable units are not included.

Mayor Parvin opened the public hearing.

Greg Gordon, a Moorpark resident questioned the time-line to build-out the Magnolia development and requested the maximum return on the Mello Roos to benefit the homeowners.

In response to Mayor Parvin, Ms. Traffenstedt summarized one (1) Written Statement card commenting they are currently in escrow for a home in the Moorpark Highlands stating if the school is built and the homes are not, they will extricate themselves from the deal given the current financial environment as they don't believe home sales or prices will react well to such incredibly high Mello Roos taxes.

Mayor Parvin closed the public hearing.

MOTION: Councilmember Pollock moved and Councilmember Van Dam seconded a motion to adopt Resolution No. 2010-2937, calling the election, authorizing the annexation of territory to Community Facilities District 2004-1,

authorizing the levy of a special tax in the annexed area and submitting levy of tax to qualified electors. The motion carried by unanimous voice vote.

Ms. Traffenstedt announced the election results stating she has received a vote of 100% of the landowners in the annexed area and the vote is 100% yes.

MOTION: Councilmember Van Dam moved and Councilmember Pollock seconded a motion to adopt Resolution No. 2010-2938, effectuating the annexation, declaring results of special annexation to Community Facilities District 2004-1 and amendment of rate and method of apportionment of special tax election, determining validity of prior proceedings and directing recording of amended notice of Special Tax Lien, authorizing the levy of a special tax in the annexed area and submitting levy of tax to qualified electors, including the confirmation that the annexation map was recorded on June 30, 2010, in book 19 page 76. The motion carried by unanimous voice vote.

9. PRESENTATION/ACTION/DISCUSSION:

- A. Consider the Amendment of Agreement for Construction of Subdivision Improvements Related to Condition No. 48 of Tentative Tract Map No. 5045 (Pardee Homes). Staff Recommendation: Approve Amendment No. 2 to the Agreement for Construction of Subdivision Improvements Related to Condition No. 48 of Tentative Tract Map No. 5045, subject to final language approval by the City Manager and City Attorney.

Mr. David Bobardt gave the staff report.

The following issues were discussed by the Councilmembers and staff: 1) Include a clarification to stamped page 181, section 5, for Pardee to maintain the existing trail connections to meet with the grading of roads; and 2) Include another clarification on stamped page 181, section 1, seeking to make clarification to have the definitions all track through which will be covered under the modification approved under Item 8.A. subject to final language approval by the City Manager and City Attorney. There were no speakers.

MOTION: Councilmember Millhouse moved and Councilmember Pollock seconded a motion to approve Amendment No. 2 to the Agreement for Construction of Subdivision Improvements related to Condition No. 48 of Tentative Tract Map No. 5045, as amended for Pardee to maintain the existing trail connections to meet with the grading of roads and the definitions all track through which will be covered under the modification approved in Item 8.A. subject to final language approval by the City Manager and City Attorney. The motion carried by unanimous voice vote.

AT THIS POINT in the meeting, the Mayor declared a City Council recess at 9:56 p.m. and reconvened the meeting at 10:17 p.m.

- B. Consider the County of Ventura Application for Conditional Use Permit No. LU09-0143 - Outdoor Temporary Event Facility, Located at 3900 Brennan Road. Staff Recommendation: Direct staff to send a comment letter to the County of Ventura as drafted in this Agenda Report.

Mr. Bobardt gave the staff report.

The following issues were discussed by the Councilmembers and staff: 1) Repaving of Brennan Road to ensure dirt and mud do not end up on Tierra Rejada Road; 2) Safety concerns for left-turns from Brennan Road onto Tierra Rejada Road; 3) Recommendation to revisit conditions if an annoyance becomes an issue later; 4) Lighting concerns; 5) Noise concerns; 6) Hours of operation; 7) Condition to reimburse City if dirt or mud is tracked onto a City street from their event; and 8) Request to be notified of their event calendar.

Debra Tash, applicant for the Conditional Use Permit, 5777 Balcom Canyon Road, Somis, CA, spoke in opposition to the comment letter with regard to repaving of Brennan Road and hours of operation. Ms. Tash agreed with safety concerns for left-turns from Brennan Road onto Tierra Rejada and stated she was willing to place a no left-turn sign, at her expense. Ms. Tash indicated the lighting is soft and low to preserve a romantic atmosphere. The applicant also indicated they are proposing to add a device to automatically stop the music if the noise reaches a certain level. Ms. Tash agreed to maintain Brennan Road so dirt or mud will not get onto Tierra Rejada Road and agreed to reimburse the City if street sweeping needs arise on a City street caused by an event at their location.

Carole Alary, applicant's Permit Agent commented with regard to the feasibility of the repaving of Brennan Road and traffic impact concerns.

The following issues were discussed by the Councilmembers and staff: 1) No changes to the traffic comments; 2) Ask County for advance notification of event dates; 3) Request Condition for the City to be reimbursed if there are street sweeping needs on Tierra Rejada Road caused by an event at this location; 4) No changes to the Stormwater Quality comments; 5) Support County lighting regulation requirement to have it be a certain height level; 6) Turn off sound at 11:00 p.m. as well as control for noise intensity; 7) Lighting to be turned off at 11:30 p.m.; 8) Ask County to study if the right-hand turns are able to be made safely; and 9) Include the standard nuisance language and a condition to re-evaluate conditions if they become a nuisance, which affect the staff recommendation and are reflected in the motion below.

CONSENSUS: It was the consensus of the Council to direct staff to amend and incorporate additional comments into the comment letter to the County of Ventura specific to: 1) Asking the County for advance notification of event dates; 2) Request Condition for the City to be reimbursed if there are street sweeping needs on Tierra Rejada Road caused by an event at this location; 3) Support County lighting regulation requirement to have it be a certain height level; 4) Turn off noise at 11:00 p.m. as well as ensure controls for noise decibels; 5) Lighting to be turned off at 11:30 p.m.; 6) Ask County to study if the right-hand turns are able to be made safely; and 7) Include the standard nuisance language and a condition to re-evaluate conditions if they become a nuisance.

- C. Consider an Ordinance Revising Chapter 12.16 of the Moorpark Municipal Code (MMC), Including Changing the Title of Chapter 12.16 to Parks and Open Space and Adding Section 12.16.200, Dog Park. Staff Recommendation: 1) Introduce Ordinance No. 392 for first reading, waive full reading, and direct staff to schedule second reading and adoption for July 21, 2010; and 2) Authorize the City Manager to approve Dog Park signage consistent with Sections 12.16.030 and 12.16.190.

Ms. Deborah Traffenstedt gave the staff report.

There were no speakers.

MOTION: Councilmember Van Dam moved and Councilmember Pollock seconded a motion to introduce Ordinance No. 392 for first reading, as amended to revise Section 12.16.160, Requirement and enforcement of park rental permits, which was reformatted to improve the readability and add clarification that a park rental permit also regulates service performers and anything that is being brought into and impacting the park and Section 12.16.210 Parking restrictions; and schedule second reading and adoption for July 21, 2010. The motion carried by unanimous voice vote.

MOTION: Councilmember Pollock moved a motion to authorize the City Manager to approve dog park signage.

Councilmember Mikos clarified an amended motion was necessary to approve dog park signage, consistent with the amended and re-numbered Sections 12.16.030 and 12.16.200.

AMENDED MOTION: Councilmember Pollock amended his motion and Councilmember Mikos seconded the amended motion to authorize the City Manager to approve dog park signage, consistent with the amended and re-numbered Sections 12.16.030 and 12.16.200. The amended motion carried by unanimous voice vote.

10. CONSENT CALENDAR: (ROLL CALL VOTE REQUIRED)

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

- A. Consider Minutes of Regular Meeting of June 2, 2010. Staff Recommendation: Approve the minutes.
- B. Consider Warrant Register for Fiscal Year 2009/2010 – July 7, 2010. Staff Recommendation: Approve the warrant register.
- C. Consider Letter from External Auditors Regarding Fiscal Year 2009/10 Audit. Staff Recommendation: Receive and file.
- D. Consider Resolution Adopting Loan Agreement between the City of Moorpark and the Moorpark Redevelopment Agency. Staff Recommendation: Adopt Resolution No. 2010-2939. ROLL CALL VOTE REQUIRED.
- E. Consider VISTA-East Cooperative Agreement Amendment for Commuter Bus Services. Staff Recommendation: Authorize the Mayor to sign the Amendment to the Cooperative Agreement.
- F. Consider Resolution Amending the Fiscal Year 2010/11 Budget for the Purchase of a Concrete Grinder. Staff Recommendation: Adopt Resolution No. 2010-2940. ROLL CALL VOTE REQUIRED.
- G. Consider Report of Annual Development Agreement Review, Established in Connection with Canterbury Lane (Tract No. 5425), Located on the South Side of Los Angeles Avenue East of Fremont Street, on the Application of Shea Homes. Staff Recommendation: 1) Accept the Community Development Director's Report and recommendation, on the basis of substantial evidence, that Shea Homes, Limited Partnership has complied in good faith with the terms and conditions of the Agreement; and 2) Deem the annual review process complete.
- H. Consider the Selection of Republic ITS for Traffic Signal Modification, and Installation of Six Pedestrian Countdown Displays for Crosswalks on Los Angeles Avenue at Tierra Rejada Road/Gabbert Road (Project 8046). Staff Recommendation: Award a construction contract to Republic ITS in the amount of \$9,951.00 for the subject project, and amend the construction contract for project contingencies in an amount not to exceed \$1,500.00 if and when the need arises for extra work and services.

- I. Consider Amending Venco Western, Inc., and Azteca Landscape, Inc. Park Landscape Maintenance Agreements. Staff Recommendation: Authorize the City Manager to execute Amendment No. 3 to the Agreement with Azteca Landscape Maintenance Services and Amendment No. 3 to the Agreement with Venco Western Landscape Maintenance Services, consistent with the agenda report, subject to final language approval by the City Manager and the City Attorney.
- J. Consider Additional Assignment for the Finance, Administration and Public Safety (FAPS) Committee: External Auditors Request to Interview Audit Committee. Staff Recommendation: Approve additional assignment for the FAPS Committee to serve as the Audit Committee to comply with SAS 99.
- K. Consider Exoneration of Bonds for Peach Hill Medical Plaza, CPD 2007-01, Tract Map 5743, Peach Hill Road. Staff Recommendation: Authorize the City Clerk to fully exonerate the Grading & Improvements Bonds SU5024335 and SU5024336.
- L. Consider Two-Year Memorandum of Understanding (MOU) with Service Employees International Union (SEIU) CTW, CLC, Local 721. Staff Recommendation: 1) Authorize approval of a new two-year MOU for the time period from July 1, 2010, through June 30, 2012, and authorize the City Manager to sign the new MOU following final language approval by the City Manager and City Attorney; and 2) Direct staff to schedule an amendment of the Personnel Rules to incorporate the amendments agreed to in the MOU and any other recommended revisions.
- M. Consider Resolution Amending the Salary Plan for Competitive Service, Non-Competitive Service, and Hourly Employees and Rescinding Resolution No. 2009-2878. Staff Recommendation: Adopt Resolution No. 2010-2941.

11. ORDINANCES: (ROLL CALL VOTE REQUIRED)

- A. Consider Ordinance No. 389 Adding Section 9.20.040, Drinking Games Prohibited, to Chapter 9.20, Alcoholic Beverages, of Title 9, Public Peace, Morals and Welfare, of the Moorpark Municipal Code. Staff Recommendation: Waive full reading and declare Ordinance No. 389 read for the second time, and adopted as read. ROLL CALL VOTE REQUIRED

CONSENSUS: It was the consensus of the Council to continue this Item to the City Council Meeting of July 21, 2010.

12. CLOSED SESSION:

None was held.

13. ADJOURNMENT:

Mayor Parvin adjourned the meeting at 11:10 p.m.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, Assistant City Clerk