

MINUTES OF THE CITY COUNCIL

Moorpark, California

April 18, 2012

A Regular Meeting of the City Council ("City Council") of the City of Moorpark, which also serves as the Successor Agency ("Successor Agency") and as Successor Housing Agency ("Successor Housing Agency") of the Redevelopment Agency of the City of Moorpark was held on April 18, 2012 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:

Allen Walter, Landscape/Parks Maintenance Superintendent 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; Deborah Traffenstedt, Deputy City Manager; Ron Ahlers, Finance Director; David Bobardt, Community Development Director; David Klotzle, City Engineer/Public Works Director; Jeremy Laurentowski, Parks and Landscape Manager; Allen Walter, Landscape/Parks Maintenance Superintendent; Stephanie Shaw, Recreation Superintendent; Captain Ron Nelson, Sheriff's Department; and Maureen Benson, City Clerk.

4. PROCLAMATIONS AND COMMENDATIONS:

A. Proclamation Recognizing April 15 through April 21, 2012, as Boys & Girls Club Week.

Mayor Parvin presented a proclamation recognizing April 15 through April 21, 2012, as Boys & Girls Club Week to Scott Mosher, Chief Professional Officer; Niki Wright, Site Coordinator, and two members of the Moorpark Boys & Girls Club.

B. Proclamation Recognizing April 27, 2012, as Arbor Day.

Mayor Parvin presented Allen Walter, Landscape/Parks Maintenance Superintendent, with a proclamation recognizing April 27, 2012 as Arbor Day in Moorpark.

5. PUBLIC COMMENT:

David Tuttle, a resident of the Meridian Hills development in Moorpark, described deteriorating conditions of: 1) Vacant lots; 2) Erosion control for the drainage system; 3) Sand bags for retention basins now filled with debris, and 4) Windscreens; all of which are the responsibility of the developer, Resmark Equity Partners, LLC.

Philip Frank, a resident of the Meridian Hills development in Moorpark, echoed Mr. Tuttle's complaints and stated he wanted to remind the Council the residents of Meridian Hills are depending on the Council and staff to put pressure on the developer to provide proper maintenance.

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

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

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

Councilmember Mikos reported last weekend she had revisited the site at the Ruben Castro Human Services Center where the sculpture of "We Are One Family" has reached completion and she looks forward to a summer dedication of this piece of public art.

Councilmember Van Dam requested a future agenda item for discussion of a separate Group Category in the Use Agreement and Fees Policy for the Moorpark Youth Sports Organizations which practice year round.

Councilmember Pollock reported on April 5th he took a Metrolink train to downtown Los Angeles where he participated in a meeting of the Southern California Association of Governments (SCAG) where Councilmember Millhouse was named Chair of the SCAG's Transportation Committee.

Councilmember Pollock reported he participated in the first Leadership Team meeting of the new Community Capacity Building Group which received a grant from the Centers of Disease Control to find ways for government to interact with the public to improve the health of citizens. He thanked Dr. Mikos for having helped write the grant proposal.

Councilmember Millhouse reported he also attended the SCAG General Assembly meeting of April 5th, where Ventura County is well represented by Councilmember Glen Becerra of Simi Valley who was appointed President of SCAG, Councilmember Morehouse of the City of Ventura who was appointed

2nd Vice President, and himself who was appointed Chair of the Transportation Committee. He stated he will also chair the SCAG High Speed Rail Sub-Committee.

Mayor Parvin announced April 28th is National Prescription Drug Take-Back Day. Moorpark residents may participate by bringing unwanted, expired, or unused medication to the Police Services.

Mayor Parvin reported on April 12th she had attended a meeting of the Ventura County Animal Regulation Commission where the potential spaying of pit pulls breeds was an item for discussion.

Mayor Parvin reported on April 17th she served on the board at the first meeting of the Oversight Board to the Successor Agency of the Redevelopment Agency of the City of Moorpark.

Mayor Parvin reported on April 18th she attended a meeting of the Local Agency Formation Commission where SCAG topics were discussed.

Mayor Parvin reported on April 18th she also attended the Moorpark Chamber of Commerce Government Relations meeting.

8. PUBLIC HEARINGS:

None.

9. PRESENTATION/ACTION/DISCUSSION:

CITY COUNCIL:

- A. Consider Youth Sports Organization Use Agreement Policy and Fees for Use of City Facilities. Staff Recommendation: 1) Approve Youth Sports Organization Use Agreement Policy as contained in the agenda report; and 2) Approve Fee Schedule for use of City facilities under a Youth Sports Organization Use Agreement as defined in the agenda report.
ROLL CALL VOTE REQUIRED

Ms. Shaw gave the staff report.

Councilmember Mikos disclosed the names of members of the Moorpark Youth Soccer organization, City staff, a Parks and Recreation Commissioner, and a member of the public with whom she discussed this agenda item. She stated she had reviewed the online videos of the Parks and Recreation Commission meetings of February 13 and April 2, 2012 where the subject matter of this agenda item was discussed; and researched City documents dealing with the budget for park maintenance and costs.

Councilmember Van Dam disclosed he had conversations with American Youth Soccer Organization members, Moorpark Soccer Club members, City staff, and Parks and Recreation Commissioners regarding the subject matter of this agenda item.

Mayor Parvin disclosed she had met with Moorpark Soccer Club members and American Youth Soccer Organization members; had reviewed the online video of the Parks and Recreation meeting of April 2, 2012; had spoken with Parks and Recreation Commissioners, and had spoken with a member of the public regarding the subject matter of this agenda item.

A discussion followed among the Councilmembers and staff which focused on: 1) The number of youth in Moorpark under the age of 18 who participate in youth sports organizations that lease City sports fields; 2) The number of months unavailable for park use by the general public not involved in youth sports organizations; and 3) A request for the speakers present to identify their areas of concern and how they could be addressed.

Robert Babcock spoke in opposition to the new Youth Sports Organization Use Agreement Policy and Fees Schedule and provided the Council with a handout of "The Field Poll" citing lack of physical activity as a major component of obesity in children; and a petition with 121 signatures opposing the City's plan to tax youth sports.

The following Moorpark residents, and youth sports coaches and officials spoke in opposition to the agenda item citing: 1) The disparity in application of the fees and use of the fields between competitive and non-competitive groups; 2) Decreased participation due to increased fees leading to an increase in crime; 3) Consideration should be given for the contributions and donations made by youth sports in the form of equipment, scholarships, and the development of a program for disabled youth; 4) All youth who live in the 93021 zip code area should be treated the same; 5) Fees should be no higher than surrounding cities' fees; 6) Special consideration should be given to phasing in costs for the Moorpark Soccer Club whose agreement was canceled; 7) Year-round programming costs should be considered; and 8) Concerns regarding creating subjective policy language.

Hector Wallot, Coach and Assistant Coach
Bill Gratke, Regional Commissioner of AYSO
Lise Houston, Board Member of Moorpark Youth Soccer Club
Daniel Cronk, Moorpark Soccer Club President
Joe Johns, Volunteer AYSO Coach
Rene Herrera, a Moorpark resident
Pierce Verleur, a Moorpark resident

A discussion followed among the Councilmembers and staff which focused on: 1) All residents within the City of Moorpark pay approximately \$54.09 yearly for park assessment fees on their property taxes while non-residents pay nothing for parks maintenance; 2) Charging those who live outside the City limits \$54.09 is fair; 3) Keeping or not keeping the requirement for 80% of team membership to be residents of the City of Moorpark to ensure teams from outside the City are precluded from taking over the fields by just paying the \$54.09; 4) Simi Valley and Thousand Oaks have independent park districts with budget comparable to the entire budget for the City of Moorpark; 5) Youth sports benefit the community tremendously; 6) Distinction between inclusive/recreational use versus restricted/club use for the fees assessed and the priority for use of fields is not preferred; 7) Preference to allow for two tournaments per year; and 8) Consideration for the Moorpark voters to decide whether or not to increase the park assessment fees to keep the parks well maintained

MOTION: Councilmember Millhouse moved and Mayor Parvin seconded a motion to: 1) Approve the Youth Sports Organization Use Agreement Policy as described on page 18 of the agenda report, as amended to delete No. 4 and to add one more annual tournament to No. 6 for a total of two annual tournaments per year; and 2) Approve the Parks and Recreation Commission recommended Fee Schedule for use of City facilities under a Youth Sports Organization Use Agreement, as described on page 19 of the agenda report, as amended under the category for "All Organizations with an agreement", to round up dollar amounts for the fees to be assessed for the fields.

A discussion followed between the Councilmembers and staff regarding clarification that: 1) City of Moorpark residents would be defined as those living within the City limits; 2) Non-resident Single-family equivalent assessment would be implemented through the agreements with one fee of \$54.09 per family, per year; 3) The use fee for sports fields would be phased-in over the three-year agreement, which would be re-examined during the third year; and 4) For ease of calculation, the hourly cost for the use of fields would be rounded to even dollar amounts.

AMENDED MOTION: Councilmember Millhouse moved to amend the motion and Mayor Parvin seconded the amendment to the motion to add: 1) A determination that City of Moorpark residents would be defined as those living within the City limits; 2) The non-resident Single-family equivalent fee would be implemented through the agreements as one fee per family, per year; 3) The use fee for sports fields would be phased-in over the three-year agreement, which would be re-examined during the third year; and 4) For ease of calculation, the hourly cost for the use of athletic fields would be rounded to \$3.00, \$5.00, and \$7.00 respectively for the first, second, and third year term and for the softball/baseball fields to be rounded to \$2.00, \$3.00, and \$5.00 respectively for the first, second, and third year. The motion carried by unanimous roll call vote.

- B. Consider an Ordinance Deleting Section 10.04.320, Prohibition of Solicitation in the Public Right-of-way, of Chapter 10.04, Traffic Code, of Title 10 of the Moorpark Municipal Code. Staff Recommendation: Introduce Ordinance No. 413 for first reading, waive full reading, and schedule second reading and adoption for May 2, 2012. (Staff: Deborah Traffenstedt)

Mr. Traffenstedt gave the staff report.

There were no speakers.

Ms. Benson read the title of Ordinance No. 413.

MOTION: Councilmember Van Dam moved and Councilmember Pollock seconded a motion to waive full reading, declare Ordinance No. 413 read for the first time, and schedule second reading and adoption for May 2, 2012. The motion carried by unanimous roll call vote.

- C. Consider Fiscal 2011/12 Mid-Year Budget Report. Staff Recommendation: Receive and file report.

Mr. Ahlers gave the staff report.

There were no speakers.

CONSENSUS: It was the consensus of the Council to receive and file the report.

- D. Consider Request for Proposals for City Attorney Services. Staff Recommendation: Authorize the City Manager to proceed with a Request for Proposals for City Attorney services as outlined in the agenda report and appoint a City Council Ad Hoc Committee. (Staff: Steven Kueny)

Mr. Kueny gave the staff report.

There were no speakers.

MOTION: Councilmember Mikos moved and Mayor Parvin seconded a motion to authorize the City Manager to: 1) Proceed with a Request for Proposals for City Attorney Services as outlined in the agenda report, with direction to permit, but not require a retainer to be included; and to not absolutely require human resources services to be provided; and 2) To form an ad hoc committee to review the proposals. The motion carried by unanimous voice vote.

MOTION: Councilmember Mikos moved and Councilmember Van Dam seconded the motion for Councilmembers Pollock and Millhouse to serve on the City Attorney Services Ad Hoc Committee. The motion carried by unanimous voice vote.

- E. Consider Scheduling of the Summer Meeting Recess. Staff Recommendation: Direct staff to post a notice of meeting cancellation for the selected summer recess dates.

Ms. Benson gave the staff report.

There were no speakers.

CONSENSUS: Councilmember Millhouse moved and Councilmember Van Dam seconded a motion to direct staff to post a notice of meeting cancellation for the August 1, August 15, and September 5, 2012, regular meeting dates. The motion carried by unanimous voice vote.

- F. Consider Vacancy on the Parks and Recreation Commission. Staff Recommendation: Determine recruitment to fill one vacancy not be pursued at this time due to the recruitment for the entire five member Commission scheduled in October for the 2012-2014 term.

Ms. Benson gave the staff report.

There were no speakers.

MOTION: Councilmember Mikos moved and Councilmember Pollock seconded a motion to forego recruitment to fill one vacancy on the Parks and Recreation Commission at this time due to the upcoming recruitment for the entire five-member Commission scheduled in October for the 2012-2014 term. 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.C, which was pulled for individual consideration. The motion carried by unanimous roll call vote.

COUNCIL:

- A. Consider Minutes of Regular Meeting of April 4, 2012. Staff Recommendation: Approve the minutes.
- B. Consider Warrant Register for Fiscal Year 2011/12 – April 18, 2012. Staff Recommendation: Approve the warrant register.
- D. Consider the City of Moorpark 2011 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 Resolution Directing the Planning Commission to Study, Hold a Public Hearing, and Provide a Recommendation on an Amendment to a Development Agreement with A-B Properties for Approximately 34.53 Acres, North of the Union Pacific Railroad Right-of-Way, West of Gabbert Road. Staff Recommendation: Adopt Resolution No. 2012-3098.
- F. Consider Resolution Directing the Planning Commission to Study, Hold a Public Hearing, and Provide a Recommendation on an Amendment to Section 17.44.030 (Zoning Clearance) of Chapter 17.44 (Application Review Procedures) of the Zoning Ordinance Related to Changes in Color on Existing Buildings. Staff Recommendation: Adopt Resolution No. 2012-3099.
- G. Consider Bill of Sale from John Fischer for the Sculpture Carved at the Ruben Castro Human Services Center and Approve Payment of the Artist's Fee in a Total Amount of \$80,000. Staff Recommendation: Accept the Bill of Sale and authorize payment of the Artist's Fee of \$80,000 per the provisions of the Agreement. ROLL CALL VOTE REQUIRED
- H. Consider Additional Funding to Construct an Asphalt Overlay of the Northbound Lanes of Spring Road from Flinn Avenue to South of the Union Pacific Railroad Tracks and Amendment No. 5 to the Agreement with John S. Bascom, Inc., dba Precision Plumbing-Mechanical for the Ruben Castro Human Services Center. Staff Recommendation: Approve additional funding in the amount of \$33,063 and authorize the City Manager to execute Amendment No. 5 in the amount of \$102,063 to John S. Bascom, Inc., dba Precision Plumbing-Mechanical, subject to final language approval of the City Manager and City Attorney. ROLL CALL VOTE REQUIRED
- I. Consider Additional Funding for Materials Testing, Special Inspection and Geotechnical Services Associated with Construction of an Asphalt Overlay of the Northbound Lanes of Spring Road from Flinn Avenue and Amendment No. 2 to the Professional Services Agreement with Southwest Testing Engineers, dba Vertical-V Testing Engineers for the Ruben Castro Human Services Center. Staff Recommendation: Approve additional funding in the amount of \$3,665.85 and authorize the City Manager to execute Amendment No. 2 in the amount of \$5,486.00 to Southwest Testing Engineers, Inc., dba Vertical-V Testing Engineers, subject to final language approval of the City Manager and City Attorney. ROLL CALL VOTE REQUIRED

- J. Consider Resolution Amending the Fiscal Year 2011/12 Budget by Appropriating an Additional \$7,500 in Revenue to the Library Fund to Reflect a Grant from the California Council for the Humanities and to Increase Library Expenditures for California Reads: Searching for Democracy Program. Staff Recommendation: Adopt Resolution No. 2012-3100. ROLL CALL VOTE REQUIRED
- K. Consider Resolution Amending the Fiscal Year 2011/12 Budget to Allocate Additional Funds for Turf Restoration Services at Arroyo Vista Community Park and Mammoth Highlands Park. Staff Recommendation: Adopt Resolution No. 2012-3101. ROLL CALL VOTE REQUIRED
- L. Consider Landscape Maintenance Contract Specifications and Authorize Staff to Solicit Bid Proposals for Maintenance of Park Landscape Maintenance Districts. Staff Recommendation: Approve the contact bid documents and specifications, subject to final language approval by the City Manager and City Attorney, and authorize staff to solicit bid proposals.
- M. Consider Resolution Amending the City of Moorpark Franchise Agreements with G.I. Industries and Moorpark Rubbish Disposal, for Both Residential and Commercial Solid Waste Services, and Authorize the City Manager to Execute the Amendments to the Agreements. Staff Recommendation: 1) Adopt Resolution No. 2012-3102, amending the Franchise Agreements; and 2) Authorize the City Manager to execute the Amendments to the Franchise Agreements, subject to final language approval by the City Manager and City Attorney.
- N. Consider Results of Flood Mapping Analyses for the Walnut Canyon Drain. Staff Recommendation: Receive and file report.

SUCCESSOR AGENCY:

- O. Consider Amendment of Professional Services Agreement with Ky Spangler for Special Projects Consulting Services for the Ruben Castro Human Services Center through September 30, 2012. Staff Recommendation: Approve the second amendment to the Agreement and authorize the City Manager to execute the amendment to the Agreement, subject to final language approval of the City Manager and City Attorney.

The following item was pulled for individual consideration.

CITY COUNCIL:

- C. 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.

AT THIS POINT in the meeting, Councilmember Pollock recused himself from discussion of this item and left the dais. The time was 9:27 p.m.

Councilmember Millhouse requested this item be continued to the next regular Council meeting and requested an additional item be agendaized to discuss the storm water mitigation measures for the Residential Planned Development for Meridian Hills and any sanctions the City Council can impose upon the developer, Resmark Equity Partners, LLC to secure compliance.

MOTION: Councilmember Millhouse moved and Mayor Parvin seconded a motion to continue this item to a future agenda and schedule an additional agenda item for discussion of the Conditions of Approval for the Tract 5187 1 & 2 and the Residential Planned Development for Meridian Hills and any sanctions the City Council can impose upon the developer, Resmark Equity Partners, LLC to secure compliance. The motion carried by voice vote 4-0, Councilmember Pollock absent.

AT THIS POINT in the meeting, Councilmember Pollock returned to the dais. The time was 9:33 p.m.

11. ORDINANCES: (ROLL CALL VOTE REQUIRED)

- A. Consider Ordinance No. 412, Amending Section 12.16.040, Animal Control, of Chapter 12.16, Parks and Open Space, of Title 12, Streets, Sidewalks, and Public Places of the Moorpark Municipal Code. Staff Recommendation: Waive full reading, declare Ordinance No. 412 read for the second time, and adopted as read. ROLL CALL VOTE REQUIRED

Ms. Benson read the title of Ordinance No. 412.

MOTION: Mayor Parvin moved and Councilmember Van Dam seconded a motion to waive full reading, declare Ordinance No. 412 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 two cases under Item 12.B. Mr. Kueny announced the City Attorney would be joining closed session via teleconference.

MOTION: Councilmember Mikos moved and Councilmember Millhouse seconded a motion to adjourn to closed session for a discussion of two cases under Item 12.B. on the agenda. The motion carried by unanimous voice vote. The time was 9:34 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)

The meeting reconvened in closed session at 9:45 p.m. Present in closed session were Councilmembers Mikos, Millhouse, Pollock, Van Dam, and Mayor Parvin; Steven Kueny, City Manager; Joseph Montes, City Attorney (via teleconference); Hugh Riley, Assistant City Manager; and Deborah Traffenstedt, Deputy City Manager.

The Council reconvened into open session at 9:58 p.m. Mr. Kueny stated two cases under Item 12.B. were discussed and there was no action to report.

13. ADJOURNMENT:

Mayor Parvin adjourned the meeting at 9:58 p.m.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, City Clerk