

MINUTES OF THE CITY COUNCIL

Moorpark, California

May 16, 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 May 16, 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 7:07 p.m.

2. PLEDGE OF ALLEGIANCE:

Dave Tuttle, Moorpark resident, led the Pledge of Allegiance.

3. ROLL CALL:

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

Staff Present: Steven Kueny, City Manager; Greg Murphy, Assistant City Attorney; 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; Captain Ron Nelson, Sheriff's Department; and Blanca Garza, Deputy City Clerk.

4. PROCLAMATIONS AND COMMENDATIONS:

A. Recognition of Outgoing Teen Council Members.

Mayor Parvin and Dylan Gunning, Recreation Coordinator, presented the certificates of recognition to outgoing Teen Council Members Courtney Beaulieu, Danielle Bautista, Forest Sullenbarger, Leanza Boes, Nicholas Johannessen, Olivia Ordin, Olivia Sichmeller, and Trevor Sherman. The following Teen Council Members were not able to attend: Ryan Bermont, Clara Chen, Rebecca Johnson, David Mustacchio, Monica Nassif, and Anthony Peterson.

5. PUBLIC COMMENT:

Garth Kemp, a Moorpark resident from the Meridian Hills development, spoke in regard to his concerns related to the future development in his neighborhood by Resmark Equity Partners (Resmark). He requested the future development

remain as originally planned with equivalent square footage and not to allow for the lots to be split.

Howard and Mindy Yaras, Moorpark residents from Meridian Hills, stated they want to keep the same type of project as approved to ensure the sizes and values of the houses remain as they are; and they do not want affordable housing in the development.

Traci Martinez, a Moorpark resident from Meridian Hills, expressed her concerns over Resmark's proposal, which will compromise the integrity of her community and financial investment. She requested the future development remain as originally planned, with the same quality.

Dave Tuttle, a Moorpark resident from Meridian Hills, requested Council support to keep the build-out of his community the same as originally planned with the same size homes.

Philip Frank, a Moorpark resident from Meridian Hills, requested Council and staff support to require the developer remain committed to complete the project as originally planned.

John Weymouth, a Moorpark resident from Meridian Hills, expressed his concern for another potential change in the development from what was originally promised by the developer such as the reconsideration for construction of a school. He requested Council support for the future development to be the same quality and contain the same square footage.

Linda Braunschweiger, CEO of the Ventura County Housing Trust Fund, thanked the Council for their support and participation by their recent donation. She stated they received \$2 million dollars in a matching grant through the Prop 1C matching grant program for new housing trust funds and the loan priorities will be for the homeless, veterans, farm workers, and emancipated youth.

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 Mayor Parvin.

CONSENSUS: It was the consensus of the Council to pull item 10.F. from the Consent Calendar for individual consideration, upon the request of Councilmember Van Dam.

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

Councilmember Pollock reported he recently toured the new Clinicas del Camino Real Clinic on Tierra Rejada Road.

Councilmember Van Dam reported on the success of Moorpark's Relay for Life event. He indicated the local Kiwanis Club has been busy: cleaning carpets at Flory School and helping Catholic Charities with a food drive. He announced on Sunday, May 20 the Moorpark Kiwanis' Club will have their annual 'Wine and Moonlight' fundraiser event at the Secret Garden Restaurant.

Councilmember Mikos thanked everyone for the Moorpark Relay for Life event. She announced on Saturday, June 9th from 10 a.m. to 4 p.m. everyone is invited to help celebrate the grand opening of The Anthony C. Beilenson Interagency Visitor Center for the Santa Monica Mountains National Recreation Area.

Mayor Parvin announced everyone is invited to help the Moorpark Rotary Club clean up the Arroyo at Arroyo Vista Community Park on Saturday, May 19.

Mayor Parvin announced the City will host a free electronic waste collection and secure paper shredding event on Saturday, May 19, at the Moorpark Public Services Facility.

8. PUBLIC HEARINGS:

- A. Consider Resolution Adopting a Negative Declaration and Approving General Plan Amendment 2012-02, an Amendment to the General Plan to Adopt the 2008-2014 Housing Element Update. Staff Recommendation: 1) Open the public hearing, accept public testimony, and close the public hearing; and 2) Adopt Resolution No. 2012-3105, for adoption of the Negative Declaration and approval of General Plan Amendment No. 2012-02.

Mr. Bobardt gave the staff report and provided a supplemental report noting editorial corrections to the Housing Element.

Mr. Bobardt introduced the City's consultant John Douglas, JH Douglas and Associates, who gave a brief presentation on the Housing Element.

Mayor Parvin opened the public hearing.

Sonja M. Flores, Coordinator of House Farm Workers of Ventura County and Coordinator of House Farm Workers of Moorpark, thanked Community Development staff for keeping her informed with regard to her density bonus concerns.

Mayor Parvin closed the public hearing.

MOTION: Councilmember Van Dam moved and Councilmember Pollock seconded a motion to adopt Resolution No. 2012-3105 for adoption of the Negative Declaration and approval of General Plan Amendment No. 2012-02, as

amended for editorial changes on stamped pages 64, 66, 67, 75, 78, 84, 89, and 119. The motion carried by unanimous voice vote.

9. PRESENTATION/ACTION/DISCUSSION:

CITY COUNCIL:

- A. Consider Presentation from Applicant to the Library Board. Staff Recommendation: Hear presentation from applicant and make appointment to the Library Board for a three-year term ending June 30, 2015.

Ms. Traffenstedt gave the staff report.

Michael Fenerin gave a presentation on his interest in, and qualifications for serving on the Library Board.

MOTION: Councilmember Van Dam moved and Mayor Parvin seconded a motion to appoint Michael Fenerin to the Library Board for a three-year term ending June 30, 2015. The motion carried by unanimous voice vote.

Mr. Kueny stated agenda Item 9.B. has been determined by the Assistant City Attorney to require consideration by the Successor Agency rather than the City Council.

- B. Consider Proposal from the Moorpark Foundation for the Arts to Lease and Assume Operating Control of the High Street Arts Center on July 1, 2012. Staff Recommendation: Authorize the City Manager to negotiate and sign a three-year lease and operating agreement for the High Street Arts Center with the Moorpark Foundation for the Arts effective July 1, 2012, consistent with the terms and conditions as contained in the agenda report and subject to final language approval of the City Manager and City Attorney, and subject to City Council budget appropriation.

Mr. Kueny gave the staff report and clarified any agreement, such as proposed, would require the approval of the Oversight Board.

Lou Valdez, President of the Moorpark Foundation for the Arts, requested the Council's support with this endeavor to operate the High Street Art Center with the proposed lease agreement.

Ken Rayzor, High Street Arts Center Management Services Consultant, stated the Moorpark Foundation for the Arts is ready to assume operating control of the High Street Arts Center.

MOTION: Councilmember Millhouse moved and Mayor Parvin seconded a motion to authorize the City Manager to negotiate and sign a three-year lease

and operating agreement for the High Street Arts Center with the Moorpark Foundation for the Arts effective July 1, 2012, consistent with the terms and conditions as contained in the agenda report and subject to final language approval of the City Manager and City Attorney, and subject to City Council budget appropriation; and to place this item on the next Oversight Board for their consideration. The motion carried by unanimous voice vote.

- C. Consider Vacancy on Citizens Transportation Advisory Committee (CTAC). Staff Recommendation: Determine recruitment to fill the vacancy for the alternate representative on CTAC not be pursued at this time due to the limited number of meetings to attend before the term expires.

Ms. Traffenstedt gave the staff report.

There were no speakers.

MOTION: Mayor Parvin moved and Councilmember Van Dam seconded a motion to not pursue filling the vacancy on the Citizens Transportation Advisory Committee at this time. The motion carried by unanimous voice vote.

- D. Consider City's Position on Senate Bill (SB) 1220 (DeSaulnier) – Housing Opportunity and Market Stabilization Act. Staff Recommendation: Direct staff as deemed appropriate.

Ms. Traffenstedt gave the staff report.

Bernardo Perez, a Moorpark resident and former Councilmember, requested Council support, in favor of the legislation.

The following issues were discussed by Councilmembers and staff regarding: 1) Inquiries with regard to those who support and those who are opposed to the legislation ; 2) Fiscal impact concerns; 3) Permanent funding for affordable housing; and 4) A determination to take a watch position.

MOTION: Councilmember Millhouse moved and Councilmember Van Dam seconded a motion to have staff send a letter stating the City supports the concept of a dedicated funding source for affordable housing especially in the light of the elimination of the redevelopment agency; and that this particular legislation in a step toward that direction; however, they will be taking a watch position at this time. The motion carried by unanimous voice vote.

- E. Consider Mission Statement, Priorities, Goals and Objectives for Fiscal Year 2012/2013 Staff Recommendation: Approve Mission Statement,

Priorities, Goals and Objectives for FY 2012/2013 and determine which, if any, objectives are to be referred to a Standing Committee.

Mr. Kueny gave the staff report.

There were no speakers.

MOTION: Councilmember Mikos moved and Councilmember Van Dam seconded a motion to approve Mission Statement, Priorities, Goals and Objectives for FY 2012/2013, with the noted changes: 1) Add “developers”, after business owners, to Top Ten Priorities No. 10 on stamped page 166; 2) Move II. A.8., on stamped page 169, to the 5+ Years category; 3) Move I. B. 1., on stamped page 169, to the 0-2 Years category; 4) Move III. B. 6, on stamped page 171, to the 0 to 2 Years category; 5) Revise VI. A. 10, on stamped page 174, noting “second phase”; 6) Leave in VI. A. 25, on stamped page 175, until the complete adoption of a formal policy; 7) Delete Potential Objective 51, on stamped page 185, as language will be modified to be combined with VI. A. 32, on stamped page 176; and 8) Move Potential Objective 57, on stamped page 185, to VI. A. 32. to be combined and modify the language, and place the revised version of the Goals and Objectives on a June 2012 agenda for approval on the Consent Calendar, and to be incorporated in Budget Workshop discussion changes. The motion carried by unanimous voice vote.

F. Consider Proposed Operating and Capital Improvement Budget for the Fiscal Year 2012/2013. Staff Recommendation: Receive the budget and set a workshop at 6:00 p.m. for May 30, 2012.

Mr. Kueny gave the staff report.

There were no speakers.

CONSENSUS: It was the consensus of the Council to receive the budget by the end of the following week to give staff additional time to work with the budget deficit and set a workshop for May 30, 2012, at 6:00 p.m.

10. CONSENT CALENDAR: (ROLL CALL VOTE REQUIRED)

MOTION: Councilmember Mikos moved and Councilmember Pollock seconded a motion to approve the Consent Calendar with the exception of Items 10.C. and 10.F, which were pulled for individual consideration. The motion carried by unanimous roll call vote.

CITY COUNCIL:

A. Consider Minutes of Regular Meeting of May 2, 2012. Staff Recommendation: Approve the minutes.

- B. Consider Warrant Register for Fiscal Year 2011/12 – May 16, 2012. Staff Recommendation: Approve the warrant register.
- D. Consider Report of Annual Development Agreement (DA 2003-01) 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.
- E. Consider Status Report on Tract 5187 – Meridian Hills, Erosion Control Measures. Staff Recommendation: Receive and file.
- G. Consider Amendment No. 1 to Agreement with KOA Corporation for Engineering Design Services for North Hills Parkway, Phase 1, Project 8061. Staff Recommendation: Authorize the City Manager to sign Amendment No. 1.
- H. Consider Resolution Authorizing the City's Fiscal Year 2012/13 Transportation Development Act Claim for Bicycle and/or Pedestrian Article 3 Purposes. Staff Recommendation: Adopt Resolution No. 2012-3106.
- I. Consider Rejection of Claim from: State Farm Insurance Company (Kaplan). Staff Recommendation: Reject the claim and direct staff to send a standard rejection letter to the claimant.
- J. Consider Resolution Authorizing the Destruction of City Records (Program Files [City Sponsored] Records: Copies of Check Requests for Instructor Payments and Refunds [Facility Rentals and Recreation Classes/Programs]; Receipts for Facility Reservations and Recreation Classes/Programs; Permits for Facility and Park Rentals with Waiver of Liability; Class Rosters, Registrant Attendance, and Sign-up Sheets) on File in the Parks, Recreation and Community Services Department. Staff Recommendation: Adopt Resolution No. 2012-3107.
- K. Consider Resolution Authorizing the Destruction of City Records (Film Permit Records: Correspondence, Applications, Permits, Agreements) on File in the Administrative Services Department. Staff Recommendation: Adopt Resolution No. 2012-3108.

The following items were pulled for individual consideration.

AT THIS POINT in the meeting, Councilmember Pollock recused himself as a resident of Meridian Hills and left the dais. The time was 9:16 p.m.

- 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.). (continued from April 18, 2012) 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.

**MOTION:** Councilmember Millhouse moved and Councilmember Van Dam seconded a motion to: 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. 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 9:17 p.m.

- F. Consider Plans and Specifications, Authorization to Advertise for Construction Bids, and Authorization of a Consultant Agreement for Construction Management and Inspection Services for State Route 23 Soundwall at Tierra Rejada Road (Project 8079). Staff Recommendation: 1) Approve the plans and specifications for the subject project and authorize staff to advertise for construction bids; and 2) Authorize the City Manager to award a consultant agreement for construction management and inspection services in an amount not to exceed \$228,500.00, subject to original language approval by the City Manager and City Attorney.

Councilmember Van Dam stated he pulled this item so the public would receive updated information on the project. Mr. Klotzle relayed information on the schedule of the planned project.

**MOTION:** Councilmember Van Dam moved and Mayor Parvin seconded a motion to: 1) Approve the plans and specifications for the subject project and authorize staff to advertise for construction bids; and 2) Authorize the City Manager to award a consultant agreement for construction management and inspection services in an amount not to exceed \$228,500.00, subject to original language approval by the City Manager and City Attorney. The motion carried by unanimous roll call vote.

11. ORDINANCES: (ROLL CALL VOTE REQUIRED)

None.

12. CLOSED SESSION:

None was held.

13. ADJOURNMENT:

MOTION: Mayor Parvin moved and Councilmember Millhouse seconded a motion to adjourn. The motion carried by unanimous voice vote. The time was 9:20 p.m.

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Janice S. Parvin, Mayor

ATTEST:

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Maureen Benson, City Clerk