

MINUTES OF THE CITY COUNCIL

Moorpark, California

July 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 July 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 7:18 p.m.

2. PLEDGE OF ALLEGIANCE:

Doug Ridley of the Moorpark Rotary Morning Club 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; David Bobardt, Community Development Director; David Klotzle, City Engineer/Public Works Director; Irmina Lumbad, Budget and Finance Manager; Joseph Vacca, Principal Planner; Captain Ron Nelson, Sheriff's Department; and Maureen Benson, City Clerk.

4. PROCLAMATIONS AND COMMENDATIONS:

A. Ventura County Fair Poster Presentation.

Junior Fair Board Members Yazmine Luna, Jenna Mendez, and Alexis Gallassi presented the 2012 Ventura County Fair poster to the City.

5. PUBLIC COMMENT:

Riley Carsey, a Moorpark resident, spoke in regard to Southern California Edison's (SCE) program for installing Smart Meters and the inherent dangers from Radio Frequency Radiation (RFR) emitted from the devices. He recommended the consumer visit the nosmartmeters.org website for information.

Carl Schloetel, a Moorpark resident, spoke in regard to health and safety concerns over exposure to continued pulse microwave radiation from Smart

Meters. He provided a copy of the City of Ojai's recently adopted ordinance placing a temporary moratorium on the installation of Smart Meters and requested the Council and City act to protect Moorpark.

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 Mikos.

CONSENSUS: It was the consensus of the Council to pull Item 10.Y. from the Consent Calendar for individual consideration upon the request of Mayor Parvin on behalf of staff.

CONSENSUS: It was the consensus of the Council to hear Items 9.G. and 9.H. prior to Item 9.A. on the agenda upon the request of Mayor Parvin.

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

Councilmember Mikos reported she had attended a Blues Festival at the High Street Arts Center in July, which is the first of three Blues concerts, with the next to take place on August 5.

Councilmember Mikos reported she had attended the Moorpark Chamber of Commerce Mixer at the High Street Arts Center in July, which was sponsored by High Street businesses including the Moorpark Foundation for the Arts.

Councilmember Mikos reported last week she had attended a meeting of the Executive Committee of the Economic Development Collaborative of Ventura County (EDC VC) and encouraged those who need economic development support for their businesses to contact the EDC VC or David Moe, Redevelopment Manager for the City.

Councilmember Pollock reported on July 10 he spoke at the Board Meeting of the Metropolitan Municipal Water District where he thanked their General Manager for speaking at a recent City Council meeting and then summarized the public's comments from that meeting regarding water rate increases. He stated he had also toured Metropolitan's Joseph Jenson Treatment Plant in Granada Hills.

Councilmember Pollock reported he had represented the City at the League of Cities Channel Islands Division meeting held in Atascadero on July 13.

Councilmember Millhouse stated the 11th Annual Southern California Transportation Summit sponsored by Mobility 21 will be held in Anaheim on September 28, where business leaders and government officials from the

Southern California region will be brainstorming transportation needs for the future.

Councilmember Van Dam thanked staff for the success of the 3rd of July Event, which hosted approximately 12,000 attendees.

Mayor Parvin announced the Moorpark Beach Bus to Zuma Beach runs Tuesdays through Thursdays until August 16th.

Mayor Parvin announced the Moorpark Summer Youth Bus Pass, which provides unlimited ridership on Moorpark City Transit from June 1st until September 7th, is now on sale at City Hall and Arroyo Vista Recreation Center.

Mayor Parvin announced applications are now being accepted for the Community Emergency Response Team (CERT) training for the next class to be held on Tuesday evenings from July 24th through August 30th.

Mayor Parvin announced on June 29, she and Councilmember Pollock attended the Economic Development Collaborative of Ventura County city-sponsored Forum for Market Manufacturing Business.

Mayor Parvin reported as a Board Member, she had attended the July 17 Oversight Board meeting.

Mayor Parvin reported on July 18 she attended a meeting of the Ventura County Local Agency Formation Commission at which the Moorpark West Studios annexation into Water Works District No. 1 was approved.

In response to Mayor Parvin, Mr. Bobardt gave an update on the status of Moorpark West Studios' project.

8. PUBLIC HEARINGS:

None.

9. PRESENTATION/ACTION/DISCUSSION:

CITY COUNCIL:

AT THIS POINT in the meeting Items 9.G. and 9.H. were heard.

- G. Consider Support for Keeping East County Courthouse Open Two Days per Week and a Resolution Amending the Fiscal Year 2012/13 Budget to Appropriate \$25,000 from the General Fund Reserve. Staff Recommendation: 1) Confirm support for keeping the East County Courthouse open two days per week; and 2) Adopt Resolution No. 2012-3121. ROLL CALL VOTE REQUIRED

Mr. Kueny gave the staff report.

Supervisor Peter Foy of the Ventura County Board of Supervisors spoke in support of Moorpark's contribution to keep the East County Courthouse open and stated the cities of Simi Valley and the County of Ventura have already confirmed their contributions and the cities of Camarillo, Oxnard, and Ventura are expected to confirm in the near future.

MOTION: Councilmember Mikos moved and Councilmember Millhouse seconded a motion to: 1) Confirm support for keeping the East County Courthouse open two days per week; and 2) Adopt Resolution No. 2012-3121, amending the Fiscal Year Budget to appropriate \$25,000 from the General Fund to support the East County Courthouse operations two days per week. The motion carried by unanimous roll call vote.

- H. Consider Rejection of Proposal Received for Fixed Route Transit Services; Consider Rejection of Proposal Received for Dial-A-Ride Paratransit Services; Consider Authorizing City Manager to Negotiate Intergovernmental Agreements with the City of Thousand Oaks for Fixed Route Transit Operations, Fixed Route Preventive Maintenance, and Dial-A-Ride Paratransit Services. Staff Recommendation: 1) Reject July 9, 2012 proposal by Roadrunner Shuttle for Fixed Route Transit Services; 2) Reject July 9, 2012 proposal by Roadrunner Shuttle for Dial-A-Ride Paratransit Services; and 3) Authorize the City Manager to negotiate Intergovernmental Agreements with the City of Thousand Oaks for a two-year period for Fixed Route Transit Operations, Fixed Route Transit Preventive Maintenance, and Dial-A-Ride Paratransit Services, in amounts based on pricing described in the agenda report, subject to final language approval of the City Manager and City Attorney.

Mr. Klotzle gave the staff report.

Mike Houser, Transit Manager from the City of Thousand Oaks, spoke in support of the proposal to have of the City of Thousand Oaks provide the transit services for the City of Moorpark through its contract with MV Transit. He stated they will reach out to the current bus drivers from CUSA to encourage them to apply to work for MV Transit, as they will require additional staff.

Wayne Fritz, Region Vice-President for MV Transportation spoke in support of the proposal and stated the goal is to have a seamless transition of services and not to have any employees displaced.

Graham Watts, from the City of Thousand Oaks, submitted a speaker card indicating he was available for questions.

MOTION: Mayor Parvin moved and Councilmember Van Dam seconded the motion to: 1) Reject July 9, 2012 proposal by Roadrunner Shuttle for Fixed Route Transit Services; 2) Reject July 9, 2012 proposal by Roadrunner Shuttle for Dial-A-Ride Paratransit Services; and 3) Authorize the City Manager to negotiate Intergovernmental Agreements with the City of Thousand Oaks for a two-year period for Fixed Route Transit Operations, Fixed Route Transit Preventive Maintenance, and Dial-A-Ride Paratransit Services, in amounts based on pricing described in the agenda report, subject to final language approval of the City Manager and City Attorney. The motion carried by unanimous voice vote.

- A. Consider Seven-Year Capital Improvement Program (CIP) for the Department of Public Works for Fiscal Year 2011/12- Fiscal Year 2017/18. (continued from June 20, 2012) Staff Recommendation: Approve the updated CIP for FY 2011/12-2017/18.

Mr. Klotzle gave the staff report correcting stamped page 4 of the CIP where the Mountain Trail project is listed twice and "Mountain Tail Street" should be corrected to read "Mountain Trail Street". He also provided the Council with a memo listing the following errata in the CIP document, which will be corrected in a revised CIP upon Council's approval:

- Page B-6 Add the limits of Tract 5130 to the Location Map;
- Page B-18 Revise the spelling of "Tact 5045" to "Tract 5045";
- Page B-21 Revise the spelling of "wet" to "west" in the project description;
- Page B-32 Revise the project description for Poindexter Avenue to be from Commerce Avenue instead of Endeavor Court and to include a section of Gabbert Road to match the Location Map;
- Page C-5 Replace the second duplicate page number reference of C-5 with C-6;
- Section D Modify the page following D-2 to show the page footer including the label of "D-3" and revise the next page to be labeled "D-4" instead of "D-3";
- Page III-2 Insert the word "on" in front of "Gabbert Road" in item 16; and
- Page III-2 Remove item 23, which is a duplicate of item 18.

Councilmember Mikos requested the following be added to the next edition of the CIP: 1) On page B-12 a reference to the adopted Council plan for undergrounding of utilities with a list of all projects and the philosophy and decisions made by the entire committee, which was debated by the Council; 2) On page B-18 include the North Hills Parkway Preliminary Alignment, which was adopted to go all the way to State Route 23; 3) On page B-19 the High Street Streetscape budget should reflect

the increased funding of approximately \$1.8 million to match the current Fiscal Year 2012/13 Capital Improvement Budget; 4) On page B-36 the entire Arroyo Simi Trail Bridge Ramp Study should be included from the western to eastern side of town with a thorough explanation and preliminary cost estimates at the time this was approved; and 5) On pages III-1 and III-2 the Potential Objectives should be consistent with the Council's adopted citywide potential objectives.

There were no speakers.

MOTION: Councilmember Mikos moved and Councilmember Pollock seconded a motion to approve the updated Capital Improvement Program for Fiscal Year 2011/12-2017/18, as amended for all items on the Errata Sheet, correction to stamped page 4, and direction to include in the next edition the five additions itemized by Councilmember Mikos. The motion carried by unanimous voice vote.

- B. Consider Ballot Argument for Measure O for the City's General Municipal Election to be Held on Tuesday, November 6, 2012. Staff Recommendation: 1) Provide the City Council's ad hoc committee with any comments on the draft "in favor" ballot argument; 2) Authorize the Council's ad hoc committee to determine the final language for the "in favor" ballot argument and for any rebuttal to an argument against Measure O as determined appropriate by the ad hoc committee; 3) Authorize the Council's ad hoc committee to determine who will sign the "in favor" argument and any rebuttal to argument against Measure O, while maintaining the City Council's legislative preference and priority for filing the ballot argument consistent with Council resolution and State law; and 4) Authorize the Council's ad hoc committee to file the "in favor" ballot argument and any rebuttal to an argument against Measure O with the City Clerk during the County of Ventura's established filing periods for ballot measure arguments and rebuttals on behalf of the City Council.

Ms. Traffenstedt gave the staff report.

Councilmember Mikos recommended changing the last line of the "in favor" ballot argument to read "Please join concerned City and community leaders and VOTE YES on Measure O."

There were no speakers.

MOTION: Councilmember Van Dam moved and Councilmember Mikos seconded the motion to: 1) Accept the revised language for the last line of the draft "in favor" ballot argument for Measure O to be "Please join concerned City and community leaders and VOTE YES on Measure O"; 2) Authorize the Council's ad hoc committee to determine the final language for the "in favor" ballot argument and for any rebuttal to an argument against Measure O as determined appropriate by the ad hoc committee; 3) Authorize the Council's ad

hoc committee to determine who will sign the “in favor” argument and any rebuttal to argument against Measure O, while maintaining the City Council’s legislative preference and priority for filing the ballot argument consistent with Council resolution and State law; and 4) Authorize the Council’s ad hoc committee to file the “in favor” ballot argument and any rebuttal to an argument against Measure O with the City Clerk during the County of Ventura’s established filing periods for ballot measure arguments and rebuttals on behalf of the City Council. The motion carried by unanimous voice vote.

- C. Consider Conceptual Design for Moorpark Avenue Railroad Crossing Improvements. Staff Recommendation: 1) Approve Metrolink’s Interim Design Concept for Moorpark Avenue Railroad Crossing Improvements; 2) Approve a contribution of \$200,000.00 from Project 8078 to Metrolink for the design, construction and inspection of Metrolink’s Interim Design Concept for Moorpark Avenue Railroad Crossing Improvements; and 3) Authorize the City Manager to execute any agreements necessary to effectuate this project, subject to final language approval by the City Manager and City Attorney.

Mr. Klotzle gave the staff report.

There were no speakers.

MOTION: Councilmember Millhouse moved and Mayor Parvin seconded a motion to: 1) Approve Metrolink’s Interim Design Concept for Moorpark Avenue Railroad Crossing Improvements; 2) Approve a contribution of \$200,000.00 from Project 8078 to Metrolink for the design, construction and inspection of Metrolink’s Interim Design Concept for Moorpark Avenue Railroad Crossing Improvements; and 3) Authorize the City Manager to execute any agreements necessary to effectuate this project, subject to final language approval by the City Manager and City Attorney. The motion carried by unanimous voice vote.

- D. Consider Adopting Credit Card Acceptance and Processing Policy. Staff Recommendation: Approve the Credit Card Acceptance and Processing policy to accept credit cards over-the-counter in the Community Development Department; and direct staff to include this policy in the next update of the City Council Policies Resolution.

Ms. Lumbad gave the staff report.

In response to Councilmember Van Dam, Mr. Kueny stated pet license fees may be added to the list of authorized credit card payments and stated they could be covered by adding on stamped page 18 of the agenda report, an item “S.” to read “Other transaction types approved in writing by the City Manager except development impact fees, which may not be authorized”.

There were no speakers.

MOTION: Councilmember Pollock moved and Councilmember Van Dam seconded a motion to: 1) Approve the Credit Card Acceptance and Processing policy, as amended to add Item "S." to read "Other transaction types approved in writing by the City Manager except development impact fees, which may not be authorized", to the list of authorized transactions for acceptance of credit card payments over-the-counter in the Community Development Department; and 2) Direct staff to include this policy in the next update of the City Council Policies Resolution. The motion carried by unanimous voice vote.

- E. Consider Lighting Consultant Comments on Updated Lighting Plan Related to Ventura County Planning Commission Approval of Minor Modification No. 3 to Conditional Use Permit No. 4915 for the Tom Barber Golf Center (LU10-0087). Staff Recommendation: Authorize staff to submit a letter of support for a new application for an extension of the Conditional Use Permit with the lighting revised as proposed in the new lighting plan, upon the applicant's withdrawal of the current application.

Mr. Vacca gave the staff report. Mr. Bobardt amended the staff recommendation to be: "Authorize staff to submit a letter of support for a new application for an extension of the Conditional Use Permit with the lighting revised as proposed in the new lighting plan, and to not withdraw the City's appeal of the existing County approval until a new lighting plan is approved by the County of Ventura to replace the existing lighting."

Michael Winfrey, lighting consultant for Tom Barber Golf Center's described the new lighting plan for the golf center.

Tom Cohen submitted a speaker card indicating he was available for questions.

Chuck Carmichael submitted a speaker card, but declined to speak.

Terry Jackson, owner of Seaport Lighting, the City's lighting consultant, stated there will be some spillover of light from the site, which appears to be minimal; and that this new proposal is the best solution currently available to the applicant.

MOTION: Councilmember Millhouse moved and Mayor Parvin seconded a motion to authorize staff to submit a letter of support for a new application for an extension of the Conditional Use Permit with the lighting revised as proposed in the new lighting plan, and to not withdraw the City's appeal of the existing County approval until a new lighting plan is approved by the County of Ventura to replace the existing lighting. The motion carried by unanimous voice vote

- F. Consider Providing Direction to City Staff on Applicant's Proposed Amendments to the Essex Portfolio, L.P. Unsigned Development Agreement. Staff Recommendation: Concur with staff recommendations as contained in the agenda report.

Mr. Bobardt gave the staff report citing the 15 staff recommendations contained in the agenda report.

Councilmembers Mikos, Millhouse, Van Dam and Mayor Parvin disclosed having had individual separate meetings with the applicant and the applicant's representatives to discuss the project.

John Eudy, representing Essex Property Trust, 925 East Meadow Drive, Palo Alto, California, stated they agree with most of the agenda report; however, they have issues with the following staff recommendations: No. 2. as they do not want to pay for undergrounding the flood control channel, Nos. 4 and 13 for the requirement of two (2) parking spaces per unit, which may require a reduction in units; and their desire to leave the acreage and economics in No. 15. as contained in the first development agreement. He introduced Cheldon Chernove, Bond Counselor and other staff as available for questions.

A discussion followed among the Councilmembers, staff and the City Attorney regarding: 1) Undergrounding the balance of the channel on Essex property; 2) The City's concession that the 8.5 usable acres of a depth of 250 feet has been reduced by build-out of the Post Office and now includes unusable slopes, which need to be maintained; 3) The parking space requirement is critical in this location as there is no area for spill-over parking and whether 1.9 spaces per unit would be sufficient; and 4) Whether to amend the existing development agreement, which would need to be signed first, or to have a new development agreement prepared.

MOTION: Councilmember Millhouse moved and Councilmember Pollock seconded a motion to continue this item to the next regular meeting of September 19, 2012, for discussion of the issues of undergrounding and parking. The motion carried by unanimous voice vote.

- I. Consider Voting Delegate and Alternates for League of California Cities Annual Conference – September 5th-7th in San Diego. Staff Recommendation: 1) Determine the voting delegate and alternates; and 2) Direct the City Clerk to notify the League of California Cities of the designated voting delegate and alternates.

Ms. Benson gave the staff report.

MOTION: Councilmember Millhouse moved and Councilmember Van Dam seconded a motion to: 1) Name Mayor Pro Tem Pollock as the voting delegate and to leave the determination of alternates to any other Councilmember or staff member who may later decide to attend the conference; and 2) Direct the City Clerk to notify the League of California Cities of the designated voting delegate and leave designation of the alternates open. The motion carried by unanimous voice vote.

10. CONSENT CALENDAR: (ROLL CALL VOTE REQUIRED)

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

CITY COUNCIL:

- A. Consider Minutes of Special Joint City Council/Planning Commission Meeting of May 9, 2012. Staff Recommendation: Approve the minutes.
- B. Consider Minutes of Special 6:50 p.m. Meeting of June 13, 2012. Staff Recommendation: Approve the minutes.
- D. Consider Minutes of Regular Meeting of June 20, 2012. Staff Recommendation: Approve the minutes.
- E. Consider Warrant Register for Fiscal Year 2011/12 – July 18, 2012. Staff Recommendation: Approve the warrant register.
- F. Consider Warrant Register for Fiscal Year 2012/13 – July 18, 2012. Staff Recommendation: Approve the warrant register.
- G. Consider Amendment to VISTA-East Cooperative Agreement for Commuter Bus Services. Staff Recommendation: Authorize the Mayor to sign the Amendment to the Cooperative Agreement.
- H. Consider Purchase of a Work Truck; and Resolution Amending the Fiscal Year 2012/13 Budget to Allocate Funds from the Equipment Replacement Fund to the Parks Division. Staff Recommendation: 1) Approve the purchase of a 2012, 1500 Chevrolet Silverado with Royal Truck Body aluminum conversion kit; and 2) Adopt Resolution No. 2012-3122, amending the FY 2012/13 Budget to allocate \$30,166 from the Equipment Replacement Funds to the Park Division. ROLL CALL VOTE REQUIRED
- I. Consider Additional Funding for Glass and Glazing Additions and Revisions and Amendment No. 2 to the Agreement with Center Glass Company No. 9 for the Ruben Castro Human Services Center. Staff

Recommendation: Approve additional funding in the amount of \$1,643.75 for glass and glazing changes for the Ruben Castro Human Services Center, and authorize the City Manager to execute Amendment No. 2 in the amount of \$3,171.00 to Center Glass Company No. 9, subject to final language approval of the City Manager and City Attorney. ROLL CALL VOTE REQUIRED

- J. Consider Additional Funding for Building Specialties Additions and Revisions and Amendment No. 2 to Agreement with John Pence Building Specialties, Inc. for the Ruben Castro Human Services Center. Staff Recommendation: Approve additional funding in the amount of \$21,867.68 for building specialties changes and additions for the Ventura County Health Care Agency medical clinic and per the City of Moorpark direction, for the Ruben Castro Human Services Center, and authorize the City Manager to execute Amendment No. 2 in the amount of \$25,066.40, to John Pence Building Specialties, Inc. subject to final language approval of the City Manager and City Attorney. ROLL CALL VOTE REQUIRED
- K. Consider Additional Funding for Electrical Additions and Revisions and Amendment No. 7 to the Agreement with Taft Electric Company for the Ruben Castro Human Services Center. Staff Recommendation: Approve additional funding in the amount of \$41,663.77 for electrical additions and revisions for the Ventura County Health Care Agency medical clinic, to the site, and per the request of the City for the Ruben Castro Human Services Center and authorize the City Manager to execute Amendment No. 7 in the amount of \$41,663.77 to Taft Electric Company, subject to final language approval of the City Manager and City Attorney. ROLL CALL VOTE REQUIRED
- L. Consider Resolution Authorizing the Reversal of Stale Dated Checks More than Three Years Old. Staff Recommendation: Adopt Resolution No. 2012-3123, voiding the stale dated checks noted in the agenda report.
- M. Consider Rescission of Contract Award to California Land Clearing (CLC), Inc. and Approval of Second Lowest Bidder, Specialized Environmental, Inc. for the Demolition Project at 161 Second Street. Staff Recommendation: 1) Rescind the City Council action of May 2, 2012, which awarded the project to CLC; 2) Approve the removal of structures at 161 Second Street; 3) Award bid to the next lowest bidder, Specialized Environmental, Inc., including a project contingency of \$2,000 for unforeseen circumstances and authorize execution of the Agreement by the City Manager, subject to final language approval by the City Manager and City Attorney; and 4) Direct staff to file a Notice of Exemption with the County Clerk.
- N. Consider Release of Surety Certificate of Deposit No. 9662345897 and Reduction of Surety Certificate of Deposit No. 0103565131 for Moorpark

- 20, LP (396 Charles Street Apartments). Staff Recommendation: 1) Authorize the City Clerk to release Certificate No. 9662345897 and reduce Certificate of Deposit No. 0103565131 to \$37,500.00; and 2) Authorize the City Clerk to release Certificate of Deposit No. 0103565131 on March 9, 2013, upon written confirmation from the City Engineer that no warranty work is required.
- O. Consider Award of Contract for Alderbrook Street Asphalt Overlay Project 8091. Staff Recommendation: 1) Award a construction contract to Superior Paving Company, dba United Paving Company, and authorize the City Manager to execute the construction contract in the amount of \$214,831.00 for the subject project; 2) Authorize the City Manager to amend the construction contract for project contingencies in an amount not to exceed \$ \$21,000.00 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 to BTC Labs-Vertical Five in an amount not to exceed \$35,000.00, subject to final language approval by the City Manager and City Attorney. ROLL CALL VOTE REQUIRED
- P. Consider Award of Contract for the 2012 Pavement Rehabilitation – Project 8002; and Resolution Amending the Fiscal Year 2012/13 Budget to Appropriate Funds from Highway Users Tax (HUT) 2013 Fund for Additional Construction Costs for the 2012 Pavement Rehabilitation Project 8002. Staff Recommendation: 1) Award a construction contract to Manhole Adjusting, Inc., and authorize the City Manager to execute the construction contract in the amount of \$870,196.00 for the subject project; 2) Authorize the City Manager to amend the construction contact for project contingencies in an amount not to exceed \$87,000.00 if and when the need arises for extra work and services; 3) Authorize the City Manager to award a consultant agreement to BTC Labs-Vertical Five for construction inspection services in an amount not to exceed \$50,000.00, subject to final language approval by the City Manager and City Attorney; and 4) Adopt Resolution No. 2012-3124, amending the FY 2012/13 Budget to appropriate \$182,196.00 from HUT 2103 Fund for additional construction costs for the subject project. ROLL CALL VOTE REQUIRED
- Q. Consider Agreements with Hamner, Jewell and Associates, Inc. for Real Property Services. Staff Recommendation: 1) Authorize the City Manager to sign the General Services Agreement with Hamner and Jewell in an amount not to exceed \$100,000 for a three year period expiring June 30, 2015, subject to final language approval by the City Manager and City Attorney; 2) Authorize the City Manager to sign the Los Angeles Avenue Agreement with Hamner and Jewell in an amount not to exceed \$99,000 for a three year period expiring June 30, 2015, to complete the real property services required by the Los Angeles Avenue project, subject to final language approval by the City Manager and City Attorney.

- R. 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 Extending the Term to December 31, 2012. Staff Recommendation: 1) Adopt Resolution No. 2012-3125; and 2) Authorize the City Manager to execute the amendments to the Franchise Agreements, subject to final language approval of the City Manager and City Attorney.
- S. 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 and Walnut Canyon Road (Tract 4928), on the Application of Toll Brothers, Inc. Staff Recommendation: 1) Accept the Community Development Director's Report and recommendation that, on the basis of substantial evidence, Toll Brothers Inc. has complied in good faith with the terms and conditions of the agreement; and 2) Deem the annual review process complete.
- T. 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 that, on the basis of substantial evidence, Toll Brothers Inc. has complied in good faith with the terms and conditions of the agreement; and 2) Deem the annual review process complete.
- U. Consider Amendment No. 4 to Agreement for Professional Services with Parsons Transportation Group for Preliminary Engineering, Environmental Analysis, Design, and Right-of-Way Activities for the Installation of Soundwalls on State Route-23. Staff Recommendation: Authorize the City Manager to amend the agreement, extending it to May 30, 2013, and increasing the total amount by \$40,902.32 so as not to exceed \$376,958.72, subject to final language approval by the City Manager and City Attorney. ROLL CALL VOTE REQUIRED
- V. Consider Rejection of Claim from: Jon Whited. Staff Recommendation: Reject the claim and direct staff to send a standard rejection letter to the claimant.
- W. Consider Resolution Amending the Fiscal Year 2012/12 Budget for Replacing the Security Lights at Campus Park and Poindexter Park. Staff Recommendation: Adopt Resolution No. 2012-3126, amending the FY 2012/13 budget to appropriate \$11,730 from the General Fund to the

Parks Division to prepare the plans and specifications. ROLL CALL VOTE REQUIRED

- X. Consider Request from Relay for Life to Co-Sponsor the 2013 Relay for Life Event. Staff Recommendation: 1) Approve the request and waive park rental fees associated with the event, subject to direct cost reimbursement; and 2) Authorize the City Manager to approve modified hours of operation for Arroyo Vista Community Park from 10:00 p.m. on April 27, 2013 to 6:00 a.m. on April 28, 2013, as a condition of the rental permit for Relay for Life's event.

The following items were pulled for individual consideration.

- C. Consider Minutes of Special 7:00 p.m. Meeting of June 13, 2012. Staff Recommendation: Approve the minutes.

Councilmember Mikos requested correction on stamped page 154 of the agenda report for the reference to Ms. Sullivan to be Ms. Mulligan.

MOTION: Councilmember Mikos moved and Councilmember Van Dam seconded a motion to approve the minutes of the special 7:00 p.m. meeting of June 13, 2012, as amended to correct Ms. Mulligan's name. The motion carried by unanimous voice vote

- Y. Consider Resolution Authorizing the Acquisition of 530 Moorpark Avenue, Amending the Fiscal Year 2012/13 Budget to Fund the Purchase from Los Angeles Area of Contribution Fund and the Endowment Fund, and Accepting the Grant Deed for Recordation. Staff Recommendation: 1) Adopt Resolution No. 2012-___; 2) Authorize the City Manager to execute all documents necessary to this transaction, not to exceed \$1,250,000.00; and 3) Authorize the City Clerk to accept and consent to the recordation of any deed. ROLL CALL VOTE REQUIRED

Mr. Kueny requested this item be removed from the Consent Calendar.

CONSENSUS: It was the consensus of the Council to remove Item 10.Y. from the Consent Calendar.

11. ORDINANCES: (ROLL CALL VOTE REQUIRED)

- A. Consider Ordinance No. 414, Approving Zoning Ordinance Amendment No. 2012-1; an Amendment to Section 17.44.030, Zoning Clearance, and Subsection 17.44.040(C), Planned Development (PD) Permit, of Section 17.44.040, Discretionary Permits and Exceptions, of Chapter 17.44, Application Review Procedures, of Title 17, Zoning, of the Moorpark Municipal Code Related to Changes in Color on Existing Buildings. Staff

Recommendation: Waive full reading, declare Ordinance No. 414 read for the second time, and adopted as read. ROLL CALL VOTE REQUIRED

Mr. Murphy read the title of Ordinance No. 414.

MOTION: Councilmember Van Dam moved and Councilmember Pollock seconded a motion to waive full reading, declare Ordinance No. 414 read for the second time, and adopted as read. The motion carried by unanimous roll call vote.

12. CLOSED SESSION:

None was held.

13. ADJOURNMENT:

MOTION: Mayor Parvin moved and Councilmember Van Dam seconded a motion to adjourn. The motion carried by unanimous voice vote. The time was 10:08 p.m.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, City Clerk