

ITEM 10.B.

MINUTES OF THE MEETINGS OF THE MOORPARK CITY COUNCIL AND SUCCESSOR AGENCY OF THE REDEVELOPMENT AGENCY OF THE CITY OF MOORPARK ("SUCCESSOR AGENCY")

Moorpark, California

April 17, 2013

A Regular Meeting of the City Council of the City of Moorpark and the Successor Agency was held on April 17, 2013, in the Council Chambers of said City located at 799 Moorpark Avenue, Moorpark, California. All items listed are heard and acted upon by the City Council unless otherwise noted.

1. CALL TO ORDER:

Mayor Parvin called the meeting to order at 7:15 p.m.

2. PLEDGE OF ALLEGIANCE:

Moorpark Arts Commissioner, Jean Amador, led the Pledge of Allegiance.

3. ROLL CALL:

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

Absent: Councilmember Millhouse (arrived at 7:28 p.m.).

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; Joseph Vacca, Principal Planner; Captain Wade, Sheriff's Department; and Maureen Benson, City Clerk.

4. PROCLAMATIONS AND COMMENDATIONS:

A. Proclamation Declaring May 2013 as Veterans Appreciation Month.

Mayor Parvin presented Moorpark Post 502 of the American Legion with a proclamation declaring May 2013 as Veterans Appreciation Month.

B. Proclamation Declaring April 2013 as Parkinson's Awareness Month.

Mayor Parvin presented Terry Siegel, representative from the Parkinson's Action Network with a proclamation declaring April 2013 as Parkinson's Awareness Month. Joan Mendoza, from the Parkinson's Action Network spoke about dance classes offered at the dance studio at 11 E. High Street for those afflicted with Parkinson's.

5. PUBLIC COMMENT:

None.

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 Van Dam reported the Moorpark Boys & Girls Club event held at Cal Lutheran College on April 6 was successful in raising funds for the club.

Councilmember Van Dam announced the annual Kiwanis fundraiser, "Wine and Moonlight", will be held on April 21st and tickets are available for purchase online at moorparkwine.com.

Councilmember Van Dam announced the Ventura County Blues Extravaganza will take place on April 27th at Moorpark College.

Councilmember Van Dam requested a future agenda item to discuss an ordinance regarding the proliferation of banners and to implement control over their locations.

Councilmember Van Dam requested a future agenda item to discuss the issue of adult filming in order to be proactive rather than reactive.

Councilmember Pollock reported on having gone on a police ride-along where he witnessed a good example of the need for the City's Social Host Ordinance in dealing with dozens of underage drinkers at a home in Moorpark.

Councilmember Pollock reported that Senator Fran Pavley is currently sponsoring Senate Bill 203, which permits cities like Moorpark with populations under 100,000, to use Transportation Development Act funds for either transit or local streets and roads.

Councilmember Mikos reported she had attended the opening night performance of the excellent drama, "Inherit the Wind", at the High Street Arts Center on April 12.

Councilmember Mikos reported on upcoming events for the Relay for Life and Moorpark Arts Festival.

Mayor Parvin announced a "Free Landfill Day" for Moorpark residents on April 21st at the Simi Valley Landfill and Recycling Center.

Mayor Parvin announced "National Prescription Drug Take-Back Day" is April 27th at the Police Services Center.

Mayor Parvin announced the "Moorpark Arts Festival" will be held on April 27th on historic High Street and at the High Street Arts Center.

Mayor Parvin announced "National Train Day" is May 11th when residents are encouraged to use Metrolink and Amtrak services.

8. PUBLIC HEARINGS:

Councilmember Millhouse recused himself, as his residence is located within the Toll Brothers development, and left the dais at 7:37 p.m.

- A. Consider Resolution Approving Modification No. 2 to Residential Planned Development Permit Nos. 2004-02 and 2004-03, a Request for Two Additional House Plans and Changes to the Overall Plotting of 132 Single-Family Houses in Planning Areas 8 and 9 of the Moorpark Highlands Specific Plan, Tract 5045-8, on Approximately 67.7 Acres Northeast of Ridgecrest Drive and Elk Run Way, on the Application of Kevin Rosinski of Toll Brothers, Inc. Staff Recommendation: 1) Open the public hearing, accept public testimony, and close the public hearing; and 2) Adopt Resolution No. 2013-3175, approving Modification No. 2 to Residential Planned Development Permit Nos. 2004-02 and 2004-03, subject to Conditions of Approval.

Mr. Vacca gave the staff report. He stated one letter in support of the project had been received from Dr. DeWayne Jones, a neighboring property owner.

Mayor Parvin opened the public hearing.

There were no speakers.

Mayor Parvin closed the public hearing.

MOTION: Councilmember Pollock moved and Mayor Parvin seconded a motion to adopt Resolution No. 2013-3175, approving Modification No. 2 to Residential Planned Development Permit Nos. 2004-02 and 2004-03, subject to Conditions of Approval. The motion carried by voice vote 4-0, Councilmember Millhouse absent.

Councilmember Millhouse returned to the dais. The time was 7:43 p.m.

9. PRESENTATION/ACTION/DISCUSSION:

- A. Consider Scheduling City Council Meeting for City's 30th Anniversary and Consider the Summer Meeting Recess. Staff Recommendation: 1) Direct staff to post a notice of meeting cancellation for the July 3, 2013, regular meeting; 2) Determine the City Council meeting date for celebrating the City's 30th Anniversary; and 3) 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: It was the consensus of the Council to direct staff to post a notice of meeting cancellation for the July 3, 2013, regular meeting.

CONSENSUS: It was the consensus of the Council to determine the meeting date for the City's 30th Anniversary to be July 17, 2013.

CONSENSUS: It was the consensus of the Council to direct staff to post a notice of meeting cancellation for August 7 and August 21, 2013, for the summer recess.

- B. Consider Request for Qualifications for Public Art Project at the Arroyo Vista Recreation Center. Staff Recommendation: Approve the Request for Qualifications and authorize proposal review process as contained in the agenda report.

Mr. Riley gave the staff report.

In response to Councilmember Mikos, Mr. Riley stated the typographical error in the footer of the Request for Qualifications would be corrected to read Arroyo Vista Recreation Center.

Jean Amador, Moorpark Arts Commissioner, spoke in full support of the Request for Qualifications. She requested the Moorpark Arts Commission have a walk-through scheduled for their next meeting.

Mayor Parvin stated, for the record, that the funds to pay for the art work come from developer fees.

MOTION: Mayor Parvin moved and Councilmember Millhouse seconded a motion to approve the Request for Qualifications for a Public Art Project at the Arroyo Vista Recreation Center, as amended to correct the footer; and authorize

proposal review process as contained in the agenda report. The motion carried by unanimous voice vote.

- C. Consider Adopting Revised City Council Policies Resolution and Rescinding Resolution No. 2012-3091. Staff Recommendation: Adopt Resolution No. 2013-3176, rescinding Resolution No. 2012-3091.

Mr. Traffenstedt gave the staff report and stated revisions to Policy 2.9 would not be proceeding at this time and would be removed from the resolution. She introduced additional editorial corrections for stamped page 227 of the agenda report as requested by the City Attorney for Policy 7.9, Review of Appealed Parking Citations, under No. 2. Administrative Hearing Requests to read:

"2. Administrative Hearing Requests:

Within twenty-one (21) calendar days of mailing the outcome of the Initial Review of Parking Citation Form ("IRF"), the appellant may contact the City Receptionist to schedule an administrative hearing. The request may be done in person, over the phone or in writing. A hearing shall be conducted without the appellant present, if requested (referred to as a written declaration); or the appellant shall arrange to have the hearing completed by appearing and providing personal testimony. The appellant may also request to attend the hearing by telephone. If the appellant attends the hearing by telephone then the City shall advise appellant (in writing) that the phone hearing will limit the appellant's ability to see ~~what is occurring~~ the hearing examiner in person or see his/her activities during the hearing. The appellant who participates in a phone hearing will also be required to provide all evidence to the hearing examiner prior to hearing; no new evidence can be admitted ~~during the administrative review~~ at the hearing. The City shall advise appellant (in writing) that if the appellant participates in a phone hearing, then the appellant shall be waiving the right to ~~contest on procedural due process grounds the outcome of the hearing~~ an in-person hearing, and thereby waiving the right to contest on procedural due process grounds that the lack of an in-person hearing adversely affected the outcome of the hearing."

In response to Councilmember Mikos, Mr. Kueny stated the last sentence "The City Council may waive the one (1) percent requirement by a specific vote to do so." of No. 3 on stamped page 200 of the agenda report under Policy 6.17, Public Art in New city Public Facilities, would be removed.

In response to Councilmember Mikos, Mr. Kueny stated the reference on stamped page 201 of the agenda report, "The selection of artists and the actual development for public art projects at new City of Moorpark public facilities shall be administered by the Parks, Recreation and Community Service Department for final approval by the City Council." under Policy 6.17, Public Art in New City Public Facilities, is not meant to exclude the Moorpark Arts Commission, whose participation is listed elsewhere in the Policies resolution.

Jean Amador, Moorpark Arts Commissioner, concurred with both of Councilmember Mikos' concerns regarding deletion of the last sentence of No. 3. Under Policy 6.17 and the clarification of the Moorpark Arts Commission's role in recommendations for the selection of artists and development for public art projects.

MOTION: Councilmember Mikos moved and Mayor Parvin seconded a motion to adopt Resolution No. 2013-3176, adopting revised City Council Policies, as amended for deletion of changes to Policy 2.9, acceptance of new changes to Policy 7.9, and deletion of the last sentence of No. 3. of Policy 6.17; and rescinding Resolution No. 2012-3091. The motion carried by unanimous voice vote.

10. CONSENT CALENDAR: (ROLL CALL VOTE REQUIRED)

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

- A. Consider Minutes of Regular City Council/Successor Agency Meeting of April 3, 2013. Staff Recommendation: Approve the minutes.
- B. Consider Warrant Register for Fiscal Year 2012/13 – April 17, 2013. Staff Recommendation: Approve the warrant register.
- C. Consider Report of Annual Development Agreement Review, Established in Connection with Vistas at Moorpark, Tract 5130, Located on the East Side of Walnut Canyon Road, Approximately 3,500 Feet North of Casey Road, on the Application of CV Urban Land, LLC (DBA, City Ventures). Staff Recommendation: 1) Accept the Community Development Director's Report and recommendation, on the basis of substantial evidence, that CV Urban Land, LLC (DBA, City Ventures), has complied in good faith with the terms and conditions of the agreement; and 2) Deem the annual review process complete.
- D. 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, 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 2013 annual review process complete.

- E. Consider the City of Moorpark 2012 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.
- F. Consider Resolution Authorizing the Acquisition of 236 Charles Street, Amending the Fiscal Year 2012/13 Budget to Fund the Purchase and Accepting the Grant Deed for Recordation. Staff Recommendation: 1) Adopt Resolution No. 2013-3177; 2) Authorize the City Manager to have final approval to purchase the Property and execute all documents necessary to this transaction; and 3) Authorize the City Clerk to accept and consent to the recordation of the deed. ROLL CALL VOTE REQUIRED
- G. Consider Authorization for Recordation of a Notice of Completion for City of Moorpark Contract # 2011-096; Bid Package # 14 – Specialties- John Pence Building Specialties, Inc. for the Ruben Castro Human Services Center. Staff Recommendation: Authorize the City Clerk to file a Notice of Completion for the specified work, and authorize the release of the project bonds as described in the agenda report.
- H. Consider Authorization for Recordation of a Notice of Completion for City of Moorpark Contract # 2011-093; Bid Package # 3 – Landscape and Irrigation Work- FYR Landscaping, Inc. dba Pierre Sprinkler and Landscape for the Ruben Castro Human Services Center. Staff Recommendation: Authorize the City Clerk to file a Notice of Completion for the specified work, and authorize the release of the project bonds as described in the agenda report.
- I. Consider Landscape Maintenance Contract Documents and Specifications and Authorize Staff to Solicit Bid Proposals for Parks Landscape Maintenance. Approve the contract documents and specifications for park landscape maintenance services, subject to final language approval by the City Manager; and authorize staff to solicit bid proposals.

11. ORDINANCES: (ROLL CALL VOTE REQUIRED)

None.

12. CLOSED SESSION:

Mr. Kueny requested the City Council go into closed session for discussion of two cases under Item 12.A. and one case under Item 12.B. on the agenda. He stated the City Attorney would be joining closed session via telephone.

Mr. Kueny announced under Agenda Item 12. A. there are two cases of significant exposure to litigation that will be discussed. The first one involves a claim by the Moorpark Unified School District concerning pass-through payments. The second case involves a matter which is not required to be disclosed.

MOTION: Councilmember Millhouse moved and Councilmember Mikos seconded a motion to adjourn to closed session for a discussion of two cases under Item 12.A. and one case under Item 12.B. on the agenda. The motion carried by unanimous voice vote. The time was 8:14 p.m.

A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to Subdivision (b) of Section 54956.9 of the Government Code: (Number of cases to be discussed - 4)

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)

Present in closed session were Councilmembers Mikos, Millhouse, Pollock, Van Dam, and Mayor Parvin; Steven Kueny, City Manager; Kevin Ennis, City Attorney (via telephone); Hugh Riley, Assistant City Manager; Deborah Traffenstedt, Deputy City Manager; David Bobardt, Community Development Director; and Ron Ahlers, Finance Director.

The Council reconvened into open session at 8:33 p.m. Mr. Kueny stated two cases under Item 12.A. and one case under Item 12.B. were discussed and there was no action to report.

13. ADJOURNMENT:

Mayor Parvin adjourned the meeting at 8:33 p.m.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, City Clerk