

ITEM 10.C.

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

October 2, 2013

A Regular Meeting of the City Council of the City of Moorpark and the Successor Agency was held on October 2, 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 7:33 p.m.

2. **PLEDGE OF ALLEGIANCE:**

Hugh Riley, Assistant City Manager, led the Pledge of Allegiance.

3. **ROLL CALL:**

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

Staff Present: Steven Kueny, City Manager; Kevin Ennis, 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; Jeremy Laurentowski, Parks and Recreation Director; Joseph Fiss, Principal Planner; Joe Vacca, Principal Planner; Jennifer Mellon, Administrative Services Manager; David Moe, Redevelopment Manager; Captain Wade, Sheriff's Department; and Maureen Benson, City Clerk.

4. **PROCLAMATIONS AND COMMENDATIONS:**

A. **Presentation of a Painting from the Family of Stephen Anderson.**

Mayor Parvin accepted a painting from the family of Stephen Anderson presented by David Orrock.

5. **PUBLIC COMMENT:**

Alan Holmes, Commuter Services Program Manager with the Ventura County Transportation Commission, provided a handout and spoke about the 2013 Rideshare Week activities promoting the use of public transportation.

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

CONSENSUS: It was the consensus of the Council to pull Item Nos. 10.I. and 10.J. from the Consent Calendar for individual consideration.

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

Councilmember Van Dam reported that he and Councilmember Pollock had attended the League of California Cities Annual Conference in Sacramento on September 18-20 where the focus on water supply issues was a subject of major concern.

Mayor Parvin stated she had received similar information on water supply issues at a California Local Agency Formation Commission conference.

Councilmember Mikos reported on having attended the annual meeting of the Association of Water Agencies at the Reagan Library where the guest speaker John Laird, California Secretary for Natural Resources, spoke about the water bond and explained its importance for reliability of water in the entire state.

Councilmember Mikos reported a couple of weeks ago at a meeting of the Economic Collaborative of Ventura County, the State Film Commission sent a speaker who talked about improving film industry processes in the state.

Councilmember Millhouse announced that at a Special City Council meeting held earlier in the evening, the City Council determined a public workshop would be held on October 16 at 7:00 p.m. to discuss the increased mining activity at mines north of the City.

Councilmember Mikos stated the City did officially appeal the ruling made by the Ventura County Planning Commission in regard to the expansion of the Grimes Rock mine and that the appeal hearing will be October 22, 2013, before the Ventura County Board of Supervisors.

Councilmember Pollock stated he had attended a Moorpark Chamber of Commerce Mixer on October 1, held at Hearts of Jade on High Street, in honor of their one-year anniversary.

Mayor Parvin announced tonight's meeting would be adjourned in memory of Nelson Holman, longtime resident of Moorpark and one of the last survivors of the attack on Pearl Harbor, who passed away on October 17 at the age of 93.

Mayor Parvin announced the Moorpark Metrolink north parking lot will be closed on Saturday, October 5 until after 4:00 p.m, due to the Country Days Parade.

Mayor Parvin announced applications are now being accepted for the free Moorpark Community Response Team (CERT) class to be held on three consecutive Saturdays beginning October 19.

Mayor Parvin recognized Dr. Zachary Potts, a local Moorpark dentist, for donating a day to "Dentistry from the Heart", to help those people in need of dental services who might otherwise do without.

Mayor Parvin thanked the Staples Company for providing the "Safe on Line" program yesterday to keep local children safe on line.

Mayor Parvin requested a future agenda item on what the procedures are for determining temporary parking in shopping centers.

Mayor Parvin requested a future agenda item to consider prohibiting the use of anticoagulant rodenticides in the City.

Councilmember Van Dam announced the fourth annual Moorpark Beer Festival will be held on October 12 at Moorpark College from 5-9:30 p.m. sponsored by the Morning Moorpark Rotary Club to raise funds to support local schools and community organizations.

8. PUBLIC HEARINGS:

- A. Consider Resolution Approving Modification No. 1 to Residential Planned Development 2003-04, a Request for Approval of Two New House Plans and Modification of Three Existing Previously Approved House Plans at Tract 5463 (Masters at Moorpark Country Club), and Finding the Previously Adopted Mitigated Negative Declaration Applicable, Located on the North Side of Championship Drive, East of Grimes Canyon Road, on the Application of Toll Bros, Inc. Staff Recommendation: 1) Open the public hearing, accept public testimony, and close the public hearing; and 2) Adopt Resolution No. 2013-3225, approving Modification No. 1 to Residential Planned Development Permit No. 2003-04, subject to Conditions of Approval and finding the previously adopted Mitigated Negative Declaration applicable.

AT THIS POINT in the meeting, Councilmember Millhouse recused himself from participation in the discussion, as he is a resident of the Toll Bros. development. He left the dais at 7:49 p.m.

Mr. Fiss gave the staff report.

Mayor Parvin opened the public hearing.

Mike Nix, representing Toll Bros. stated he was available for questions.

Mayor Parvin closed the public hearing.

MOTION: Mayor Parvin moved and Councilmember Pollock seconded a motion to adopt Resolution No. 2013-3225, approving Modification No. 1 to Residential Planned Development Permit No. 2003-04, subject to Conditions of Approval and finding the previously adopted Mitigated Negative Declaration applicable. The motion carried by voice vote 4-0, Councilmember Millhouse absent.

AT THIS POINT in the meeting, Councilmember Millhouse returned to the meeting. The time was 7:55 p.m.

9. PRESENTATION/ACTION/DISCUSSION:

- A. Consider Report on the Ventura County Animal Services Efforts to Achieve "No Kill" Status at the County Animal Shelter. Staff Recommendation: 1) Hear presentation from Interim Animal Services Director, Donna Gillesby; and 2) Direct staff as deemed appropriate.

Mr. Klotzle introduced Donna Gillesby, Interim Animal Services Director for the Ventura County Animal Services.

Ms. Gillesby made a presentation on the status of efforts to achieve a "No Kill" status at the County Animal Shelter.

In response to Council, Mr. Kueny stated staff could afford to set-aside a couple of hours a month to work with the Ventura County Animal Services staff on regional priorities.

CONSENSUS: It was the consensus of the Council to direct staff to work with the Ventura County Animal Services staff on the regional priorities.

- B. Presentation on CASA (Court Appointed Special Advocates) of Ventura County by Executive Director, Miriam Mack.

Executive Director, Miriam Mack gave a presentation on CASA of Ventura County and handed out a flyer inviting everyone to attend their fund-raiser "CASABlanca on October 12, 2013.

- C. Consider a Resolution Initiating a General Plan Amendment for the 2014-2021 Housing Element Update. Staff Recommendation: 1) Review the draft 2014-2021 Housing Element, receive public comments, and provide direction as appropriate; and 2) Adopt Resolution No. 2013-3226, initiating a General Plan Amendment for the 2014-2021 Housing Element Update.

Mr. Vacca gave the staff report.

There were no speakers.

MOTION: Mayor Parvin moved and Councilmember Van Dam seconded a motion to: Adopt Resolution No. 2013-3226, initiating a General Plan Amendment for the 2014-2021 Housing Element Update. The motion carried by unanimous voice vote.

- D. Consider Recommended Survey Approach for the City of Moorpark Voter Opinion Survey and Nominate and Appoint Two (2) City Councilmembers to Participate on the Ad-Hoc Committee for the Voter Opinion Survey. Staff Recommendation: 1) Approve the recommended survey approach; and 2) Nominate and appoint two (2) City Councilmembers to participate on the ad hoc committee for the Voter Opinion Survey.

Ms. Mellon gave the staff report.

A discussion followed among the Councilmembers and staff regarding: 1) Broadening the survey to possibly include park assessments; 2) Including information on what the County of Ventura may be putting on the ballot, which would be a competing measure; and 3) The need to continue this item so the consultant, from True North Research, can be present to answer questions.

There were no speakers.

MOTION: Councilmember Van Dam moved and Councilmember Pollock seconded a motion to continue this item to the regular meeting of October 16, 2013, to allow the consultant to be present to answer questions. The motion carried by unanimous voice vote.

- E. Consider: 1) An Ordinance Amending Section 8.14.140 (Prohibition Against Maintaining Graffiti on Private Property) of Chapter 8.14 (Graffiti), of Title 8 (Health and Safety), of the Moorpark Municipal Code and Making a Determination of Exemption under CEQA in Connection Therewith; and 2) A Council Policy Related to Enforcement of This Section. Staff Recommendation: 1) Introduce Ordinance No. 423 for first reading, waive full reading, and schedule second reading and adoption for October 16, 2013; and 2) Adopt Policy 4.5, Enforcement of Section 8.14.140 of the Moorpark Municipal Code on Residential Properties, to be incorporated into the next update of the City Council Policies Resolution.

Mr. Bobardt gave the staff report.

A discussion followed among the Councilmembers and staff regarding changing the length of time victims have to remove the graffiti from 30 days to 21 days.

There were no speakers

Mr. Ennis read the title of Ordinance No. 423.

MOTION: Councilmember Van Dam moved and Councilmember Millhouse seconded a motion to declare Ordinance No. 423 introduced for first reading, as amended to change 30 days to 21 days in Section 8.14.140 and the recital, to waive further reading, and schedule second reading and adoption for October 16, 2013. The motion carried by unanimous voice vote.

MOTION: Councilmember Mikos moved and Councilmember Millhouse seconded a motion to adopt Policy 4.5, Enforcement of Section 8.14.140 of the Moorpark Municipal Code on Residential Properties, to be incorporated into the next update of the City Council Policies Resolution. The motion carried by unanimous voice vote.

10. CONSENT CALENDAR: (ROLL CALL VOTE REQUIRED)

CONSENSUS: It was the consensus of the Council to pull Item 10.M. from the Consent Calendar at the request of Councilmember Mikos.

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

- A. Consider Minutes of Special Joint City Council/Parks and Recreation Commission Meeting of April 10, 2013. Staff Recommendation: Approve the minutes.
- B. Consider Minutes of Special Joint City Council/Planning Commission Meeting of April 24, 2013. Staff Recommendation: Approve the minutes.
- C. Consider Minutes of Special City Council Meeting of June 19, 2013. Staff Recommendation: Approve the minutes.
- D. Consider Minutes of Regular City Council/Successor Agency Meeting of June 19, 2013. Staff Recommendation: Approve the minutes
- E. Consider Minutes of Regular City Council or Successor Agency Meeting of July 17, 2013. Staff Recommendation: Approve the minutes.

- F. Consider Warrant Register for Fiscal Year 2013/14 – October 2, 2013. Staff Recommendation: Approve the warrant register.
- G. Consider Resolution Amending the Fiscal Year 2013/14 Budget to Fund the Procurement of Recycling Receptacles on High Street. Staff Recommendation: Adopt Resolution No. 2013-3227, amending the FY 2013/14 Budget to appropriate \$6,700 from Solid Waste AB 939 Fund (5001). ROLL CALL VOTE REQUIRED
- H. Consider Authorization for Recordation of the Notice of Completion for Demolition of Structures at 65 First Street and Release of Bonds in Accordance with the Contract. Staff Recommendation: Authorize the City Clerk to file the Notice of Completion, and release the project bonds as outlined in the agenda report.
- K. Consider Cancellation of January 1, 2014, Regular Meeting. Staff Recommendation: Direct staff to post a notice of meeting cancellation for January 1, 2014.
- L. Consider Amendment No. 2 to Agreement with Library Systems and Services, LLC (LSSI). Staff Recommendation: Authorize the City Manager to execute Amendment No. 2 to the Agreement with LSSI, subject to final language approval by the City Manager.
- N. Consider Authorizing Use of North Metrolink Parking Lot on High Street to Support the Annual Roam’N Relics Car Show on October 27, 2013, Waive Rental Fee, and Require Reimbursement of City Liaison Time. Staff Recommendation: Approve the use of north Metrolink parking lot; waive rental fee; and require Club to provide the City with an indemnification agreement naming the City as additional insured in the insurance policy.
- O. Consider Resolution Amending the Fiscal Year 2012-13 Budget to Transfer Expenses for the Slurry Seal Citywide Project from the City Wide Traffic Mitigation Fund (2002) and HUT 2103 Fund (2606) to Prop 1B Local Streets and Roads Fund (2611). Staff Recommendation: Adopt Resolution No. 2013-3228 amending the fiscal year 2012/2013 budget. ROLL CALL VOTE REQUIRED
- P. Consider Award of Contract for State Highway 118 (Los Angeles Avenue) Widening from Maureen Lane to Leta Yancy Road (Project 8058). Staff Recommendation: 1) Deny the August 29, 2013, bid protest from J & H Engineering; 2) Award a construction contract to Sully-Miller Contracting Company, and authorize the City Manager to execute the construction contract in the amount of \$747,431.00, subject to final language approval by the City Manager and City Attorney; and 3) Authorize the City Manager to amend the construction contract for project contingencies in an amount

not to exceed \$75,000.00, if and when the need arises, for extra work and services.

- Q. Consider Agreement with Fugro Consultants, Inc. for Engineering Services for Investigation of Groundwater Exfiltration and Seepage Conditions on Tierra Rejada Road between Spring Road and Miller Parkway and a Resolution Amending the Fiscal Year 2013/14 Budget to Fund the Investigation. Staff Recommendation: 1) Authorize the City Manager to award a consultant agreement for engineering services to Fugro Consultants, Inc. in an amount not to exceed \$48,100.00, subject to final language approval by the City Manager and City Attorney; and 2) Adopt Resolution No. 2013-3229, amending the FY 2013/14 Budget to appropriate \$48,100.00 from HUT 2103 Fund (Fund 2606) to fund the subject services. ROLL CALL VOTE REQUIRED
- R. Consider Conceptual Plans for a Recreational Trail System at Arroyo Vista Community Park (AVCP) (CIP Projects 7712, 7713, 7852) and Resolution Amending the Fiscal Year 2013/14 Budget for Civil Engineering and Lighting Services. Staff Recommendation: 1) Approve the conceptual plans for a recreation trail system at Arroyo Vista Community Park; 2) And adopt Resolution No. 2013-3230, amending the FY 2013/14 Budget to fund the civil engineering and lighting services. ROLL CALL VOTE REQUIRED

The following items were pulled for individual consideration.

- I. Consider: 1) Report of Annual Development Agreement Review Established in Connection with Moorpark West Studios; and 2) A One-Year Extension for Industrial Planned Development No. 2009-01 and Conditional Use Permit No. 2009-01, Located on 44 Acres on the North Side of Los Angeles Avenue, West of Gabbert Road, on the Application of Los Angeles Avenue LLC, PEGH Investments, LLC, The Kevin Newburg Trust, and the Richard S. Held Enterprises Retirement Trust. Staff Recommendation: 1) Accept the Community Development Director's report and recommendation that, on the basis of substantial evidence, Los Angeles Avenue LLC, PEGH Investments, LLC, The Kevin Newburg Trust, and the Richard S. Held Enterprises Retirement Trust have complied in good faith with the terms and conditions of the agreement; 2) Deem the annual review process complete; and 3) Direct the Community Development Director to issue a letter granting a one-year extension of Industrial Planned Development No. 2009-01 and Conditional Use Permit No. 2009-01 (Moorpark West Studios), to November 18, 2014.

Mayor Parvin stated this item was pulled to allow speakers to give an update on the status of the project.

Valerie Draeger, representing Moorpark West Studios provided updated information the status of the financing and lender approval. She stated there was an issue with the Franchise Tax Board, which may jeopardize the project all together.

Patrick Walsh, representing Haas Automation, 2800 Sturgis, Oxnard, California, stated as the owner of the project, they have submitted a protest to the Franchise Tax Board.

David Muran, representing PK Architecture, Agoura Hills, California, as the architect for the project he is in support of continuing to pursue the project.

CONSENSUS: It was the consensus of the Council to: 1) Accept the Community Development Director's report and recommendation that, on the basis of substantial evidence, Los Angeles Avenue LLC, PEGH Investments, LLC, The Kevin Newburg Trust, and the Richard S. Held Enterprises Retirement Trust have complied in good faith with the terms and conditions of the agreement; 2) Deem the annual review process complete; and 3) Direct the Community Development Director to issue a letter granting a one-year extension of Industrial Planned Development No. 2009-01 and Conditional Use Permit No. 2009-01 (Moorpark West Studios), to November 18, 2014.

- J. 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.

Councilmember Millhouse stated as a resident of the Toll Bros. development he would recuse himself from this item.

MOTION: Mayor Parvin moved and Councilmember Van Dam seconded a motion to: 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. The motion carried by voice vote 4-0, Councilmember Millhouse absent.

- M. Consider Adopting City Affordable Housing Spending Plan for Fiscal Year 2013/14 – Fiscal Year 2020/21. Staff Recommendation: Adopt Fiscal Year 2013/14 – 2020/21 City Affordable Housing Spending.

In response to Councilmember Mikos, Mr. Kueny stated on stamped page 270 of the agenda report mobile home park rehabilitation is not included in No. 3. Housing Rehabilitation. The mobile home park rehabilitation has a separate funding source, but it would be included here as it is considered housing.

MOTION: Councilmember Mikos moved and Mayor Parvin seconded a motion to Adopt Fiscal Year 2013/14 – 2020/21 City Affordable Housing Spending. The motion carried by unanimous voice vote.

11. ORDINANCES: (ROLL CALL VOTE REQUIRED)

- A. Consider Second Reading of Ordinance No. 419 Approving Zoning Amendment No. 2013-04: An Amendment to Section A (Retail and Service Uses) of Table 17.020.060 of Section 17.20.060 (Permitted Uses in Commercial and Industrial Zones) of Title 17 (Zoning) of the Moorpark Municipal Code to Allow Retail Uses in the M-1 Zone with a Conditional Use Permit when Immediately Adjacent to a Freeway Interchange, on the Application of Manny Asadurian, Jr. (continued from Adjourned Regular meeting of September 11, 2013) Staff Recommendation: Continue second reading to October 16, 2013.

Mr. Bobardt stated this item would be continued to the regular meeting of October 16, 2013.

Kristina Badaraite, attorney from Luna & Glushon, stated she was present to speak only if the applicant was going to speak on this item.

MOTION: Councilmember Mikos moved and Councilmember Millhouse seconded a motion to continue the closed public hearing for Ordinance No. 419 to the regular meeting of October 16, 2013. The motion carried by unanimous voice vote.

12. CLOSED SESSION:

None was held.

13. ADJOURNMENT:

Mayor Parvin adjourned the meeting at 9:08 p.m. in memory of Nelson Holman.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, City Clerk