

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

September 4, 2013

A Regular Meeting of the City Council of the City of Moorpark and the Successor Agency was held on September 4, 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 7:19 p.m.

2. PLEDGE OF ALLEGIANCE:

C.J. Walker and Hunter Maier of Boy Scout Troop 604 led the Pledge of Allegiance.

3. ROLL CALL:

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

Absent: Councilmember Pollock.

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; David Moe, Redevelopment Manager; Captain Wade, Sheriff's Department; and Maureen Benson, City Clerk.

4. PROCLAMATIONS AND COMMENDATIONS:

A. Introduction of New City Employee, Emilio Blanco, Landscape/Parks Maintenance Superintendent, in the Parks, Recreation and Community Services Department.

Mayor Parvin introduced new City employee, Emilio Blanco, Landscape/Parks Maintenance Superintendent, in the Parks, Recreation and Community Services Department.

B. Introduction of Jo Rolfe, New Librarian, with the Moorpark City Library.

Mayor Parvin introduced new Moorpark City Librarian, Jo Rolfe of Library Science Services Inc. (LSSI).

5. PUBLIC COMMENT:

Richard Gray, a Moorpark businessman, congratulated the City on its 30th Anniversary; but stated the City is not developer friendly as indicated by expenses to developers and inconsistent rules and enforcement practices.

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

CONSENSUS: It was the consensus of the Council to pull Item 9.C. from Presentation Action Discussion and Item 10.U. from the Consent Calendar for individual consideration.

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

Councilmember Mikos encouraged the public to attend the opening night of melodrama at the High Street Arts Center's on September 6.

Councilmember Mikos reported on having attended a gala at the Walnut Grove in the Tierra Rejada Valley.

Councilmember Mikos requested the Council adjourn in memory of Moorpark's first Mayor, Leta Yancy-Sutton. She expressed condolences to the Sutton family and announced the memorial services would be September 7 at the Methodist Church on Flory Street at 11:00 a.m.

Councilmember Mikos reported an Eagle Scout ceremony would be held on September 11 to dedicate a special bench near the 9/11 memorial in the Mountain Meadows shopping center.

Councilmember Van Dam thanked Captain Wade and staff for assisting with gaining the School Resource Officer resulting from the agreement between the City of Moorpark and County of Ventura.

Councilmember Millhouse requested Item 10.M. be pulled from the Consent Calendar for individual consideration.

CONSENSUS: It was the consensus of the Council to pull Item 10.M. from the Consent Calendar for individual consideration.

Mayor Parvin announced the meeting would be adjourned in memory of Moorpark's first Mayor, Leta Yancy-Sutton.

Mayor Parvin announced a Free Landfill Day will be held on Sunday, September 15, at the Simi Valley Landfill and Recycling Center located at 2801 Madera Road in Simi Valley.

Mayor Parvin announced the City will host a free electronic waste collection and secure paper shredding event on Saturday, September 21, at the Moorpark Public Services Facility located at 627 Fitch Avenue.

Mayor Parvin announced new public transit hours are now effective. Moorpark City Transit's bus service now operates from 5:00 a.m. to 8:00 p.m. Monday through Friday. A new bus route is also available on Saturday, from 8:00 a.m. to 5:00 p.m. Seniors and registered ADA card holders can also use the City's Dial-A-Ride program for origin to destination transportation in Moorpark from 5:00 a.m. to 8:00 p.m. Monday through Friday and on the weekends from 8:00 a.m. to 5:00 p.m. ADA card holders can also travel outside of the City from 6:00 a.m. to 6:00 p.m. Monday through Friday and 8:00 a.m. to 5:00 p.m. Saturday and Sunday.

8. PUBLIC HEARINGS:

- A. Consider Ordinance Approving Zoning Ordinance Amendment No. 2013-04: An Amendment to Section A (Retail and Service Uses) of Table 17.20.060 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. 1) Open the public hearing, accept public testimony; and close the public hearing; 2) Introduce Ordinance No. 419 for first reading, which includes the determination of exemption under the California Environmental Quality Act, waive full reading, and place this ordinance on the agenda for an adjourned regular meeting to be held at 7:00 p.m. on September 11, 2013, for purposes of providing second reading and adoption of the ordinance.

Mr. Fiss gave the staff report and clarified language on stamped page 12 of the agenda report for Item 24 to read "Retail sales in the M-1 zone occupying over twenty percent (230%) of the gross floor area of the building in which it is located, ..."

Mayor Parvin opened the public hearing.

John Newton, representing the applicant, Moorpark Community Market Place, provided a handout of the plans for the project and described the mini-outlet proposal.

Bill Christopher, representing Kavlico Corporation, stated they had not received notification of this public hearing in a timely manner and do not have a full understanding of the proposal. He requested a continuance to allow time for consideration of a new environmental review for this change in use and the appearance of "spot zoning".

Javier Guerrero, Environmental Health and Safety Manager for Kavlico Corporation, stated they have concerns regarding compromising the company's ability to maintain its military defense clearance with the introduction of retail space into this complex and increased public traffic.

Richard Green, representing Sunbelt Enterprises, the landlord for this property, spoke in favor of the zoning amendment and conditional use permit.

A discussion followed among the Councilmembers and staff regarding: 1) Current uses permitted in the M-1 zone include medical offices, which would also generate public traffic; 2) Signage is the only modification from the prior CEQA requirements; 3) Spot zoning comment is in regard to the Conditional Use Permit, not the Zoning Amendment; 4) The greater flexibility this ordinance provides is needed; 5) Conditional Use Permit would not be agendized until October 2, 2013; and 6) Consider continuing this item to October 2, 2013 with additional signage and notification.

In response to Council and to the letter presented by Luna & Glushon Attorneys, Mr. Ennis described two types of "spot zoning": 1) Where you create a greater use than what is otherwise allowed in the comparable zone; and 2) Where you create a spot where you permit fewer uses than is otherwise permitted in that same zone. He stated the courts consider the second type as illegal spot zoning when one property owner or several property owners are granted fewer rights and uses than what is available to others in that zone. This proposal is granting these properties greater uses than in a similar zoned usage.

Councilmember Mikos requested a future agenda item to discuss notifying tenants of facilities impacted by surrounding development or changes in zoning.

Mayor Parvin closed the public hearing.

Mr. Ennis read the title of Ordinance No. 419.

MOTION: Councilmember Millhouse moved and Mayor Parvin seconded a motion to waive further reading and declare Ordinance No. 419, which includes the determination of exemption under CEQA, read for the first time, and place Ordinance No. 419 on the agenda for an adjourned regular meeting to be held at 7:00 p.m. on September 11, 2013, for purposes of providing second reading and adoption of the ordinance. The motion carried by voice vote 4-0, Councilmember Pollock absent.

- B. Consider an Ordinance Approving Zoning Ordinance Amendment No. 2012-02 to Amend Chapters 17.08 (Definitions), 17.20 (Uses by Zone), and 17.32 (Off-Street Parking Requirements), and to Add Subdivision "I" (Farm Worker Dwellings) to Section 17.28.020 (Standards Relating to Dwellings) and Subdivision "G" (Requests for Reasonable Accommodations) to Section 17.44.040 (Discretionary Permits and Exceptions) of the Moorpark Municipal Code to Address Farm Worker Housing, Residential Parking Requirements, and Reasonable Accommodation Procedures, and Make a Determination of Exemption Under CEQA, in Connection Therewith. Open the public hearing, accept public testimony; and close the public hearing; 2) Introduce Ordinance No. 420, approving Zoning Ordinance Amendment No. 2012-02, for first reading, waive full reading, and place this ordinance on the agenda for an adjourned regular meeting to be held at 7:00 p.m. on September 11, 2013, for purposes of providing second reading and adoption of the ordinance.

Mr. Vacca gave the staff report.

Mayor Parvin opened the public hearing.

There were no speakers.

Mayor Parvin closed the public hearing.

Mr. Ennis read the title of Ordinance No. 420.

MOTION: Councilmember Mikos moved and Councilmember Van Dam seconded a motion to Introduce Ordinance No. 420, approving Zoning Ordinance Amendment No. 2012-02, for first reading, waive full reading, and place this ordinance on the agenda for an adjourned regular meeting to be held at 7:00 p.m. on September 11, 2013, for purposes of providing second reading and adoption of the ordinance. The motion carried by voice vote 4-0, Councilmember Pollock absent.

- C. Consider: 1) Resolution Adopting a Negative Declaration; 2) Ordinance Approving Zoning Ordinance Amendment No. 2013-03 to Amend Chapters 17.12 (Establishment of Zones, Boundaries and Maps) and 17.20 (Uses by Zone), and to Add Chapter 17.76 (Residential Planned

Development 20 Units to the Acre [RPD-20U-N-D], to the Moorpark Municipal Code; 3) Resolution Approving General Plan Amendment No. 2013-01; and Amendment No. 2 to Specific Plan No. 1995-01 (Downtown Specific Plan) on a 1.36 Acre Site, Located at the Southeast Corner of Moorpark Avenue and Everett Street; 4) Ordinance Approving Zone Change No. 2013-01, Approving a Zone Change of a 23.44 Acre Site, Located within the Southeastern Portion of Specific Plan 1, Hitch Ranch Specific Plan, a Zone Change of a 1.36 Acre Site, Located at the Southeast Corner of Moorpark Avenue and Everett Street; and a Zone Change of a 1.34 Acre Site, Located at the Southeastern End of Majestic Court, All to Residential Planned Development 20 Units to the Acre, (RPD20U-N-D) Zone. Staff Recommendation: Open the public hearing, accept public testimony; and close the public hearing; 2) Adopt Resolution No. 2013-3212, adopting the Negative Declaration; 3) Introduce Ordinance No. 421, approving Zoning Ordinance Amendment No. 2013-03, for first reading, waive full reading, and place this ordinance on the agenda for an adjourned regular meeting to be held at 7:00 p.m. on September 11, 2013, for purposes of providing second reading and adoption of the ordinance; 4) Adopt Resolution No. 2013-3213, approving General Plan Amendment No. 2013-01, and Amendment No. 2 to Specific Plan No. 1995-1; and 5) Introduce Ordinance No. 422, approving Zoning Change No. 2013-01, for first reading, waive full reading, and place this ordinance on the agenda for an adjourned regular meeting to be held at 7:00 p.m. on September 11, 2013, for purposes of providing second reading and adoption of the ordinance.

Mr. Vacca gave the staff report and a PowerPoint presentation. He stated the following corrections would be made: 1) The South Coast Wildlands – Wildlife Corridor Link Design exhibit should show wildlife movements through any of the sites associated with this application; 2) Any mention of conditions of approval will be removed from the Development Standards; and 3) A new development standard will be added to indicate the Development must comply with the most recently adopted Landscape Design Standards and Guidelines including the Prohibited Plants list. Mr. Vacca stated on stamped page 137 of the agenda report under Development Standard No. 17 “Identification of coating” would be removed from the third sentence; and on stamped page 140 of the agenda report for Development Standard No. 40, verbiage would be added at the end of the last sentence after 1997, to read “or most recently adopted version”.

Mayor Parvin opened the public hearing.

Richard Gray, a Moorpark businessman, stated his understanding is that this change is mandated by the State of California, but requested multi-story units not be placed in the downtown area so as not to overwhelm the

neighborhood. He provided a handout depicting an example of one-story units, which would preserve the character of the neighborhood.

Dennis Hardgrove, 211 Village Commons Boulevard, #15, Camarillo, representing Hitch Ranch property owners, stated they are in support of this action which will meet the State of California mandates.

Mayor Parvin closed the public hearing.

MOTION: Mayor Parvin moved and Councilmember Van Dam seconded a motion to adopt Resolution No. 2013-3212 adopting the Negative Declaration. The motion carried by voice vote 4-0, Councilmember Pollock absent.

Mr. Ennis read the title of Ordinance No. 421.

MOTION: Councilmember Millhouse moved and Councilmember Van Dam seconded a motion to introduce Ordinance No. 421, as amended for pages 137 and 140, approving Zoning Ordinance Amendment No. 2013-03, for first reading, waive full reading, and place this ordinance on the agenda for an adjourned regular meeting to be held at 7:00 p.m. on September 11, 2013, for purposes of providing second reading and adoption of the ordinance. The motion carried by voice vote 4-0, Councilmember Pollock absent.

Mr. Ennis read the title of Ordinance No. 422

MOTION: Mayor Parvin moved and Councilmember Van Dam seconded a motion to Introduce Ordinance No. 422, approving Zoning Change No. 2013-01, for first reading, waive full reading, and place this ordinance on the agenda for an adjourned regular meeting to be held at 7:00 p.m. on September 11, 2013, for purposes of providing second reading and adoption of the ordinance. The motion carried by voice vote 4-0, Councilmember Pollock absent.

MOTION: Mayor Parvin moved and Councilmember Van Dam seconded a motion to adopt Resolution No. 2013-3213, approving General Plan Amendment No. 2013-01, and Amendment No. 2 to Specific Plan No. 1995-1. The motion carried by voice vote 4-0, Councilmember Pollock absent.

9. PRESENTATION/ACTION/DISCUSSION:

- A. Consider Selecting Anne Mudge as the Artist for the Art in Public Places Project at the Arroyo Vista Recreation Center. Staff Recommendation: Approve the selection of Anne Mudge as the Artist for the Public Art Project at the Arroyo Vista Recreation Center and authorize staff to negotiate an Agreement for Artistic Design Services with Anne Mudge. Staff will present the Agreement to the City Council for final approval.
ROLL CALL VOTE REQUIRED

Mr. Riley gave the staff report. Ms. Mudge explained the process and the product of her proposal.

There were no speakers

MOTION: Mayor Parvin moved and Councilmember Mikos seconded a motion to approve the selection of Anne Mudge as the artist for the public art project at Arroyo Vista Recreation Center and to authorize staff to negotiate an Agreement for Artistic Design Services with Ann Mudge. The motion carried by roll call vote 4-0, Councilmember Pollock absent.

Councilmember Millhouse stated for the record he wants to see a more sophisticated art proposal for the future Civic Center project.

- B. Consider Resolution Directing the Planning Commission to Study, Conduct a Public Hearing, and Provide a Recommendation on the Proposed Amendment to Adjust the Affordable Housing Requirement in the Development Agreement Between the City of Moorpark and Shea Homes for Tentative Tract 5425. Staff Recommendation: Adopt Resolution No. 2013-3214.

Mr. Moe gave the staff report.

There were no speakers.

MOTION: Mayor Parvin moved and Councilmember Mikos seconded a motion to adopt Resolution No. 2013-3214, directing the Planning Commission to study, conduct a public hearing, and provide a recommendation on the proposed Amendment to adjust the Affordable Housing Requirement in the Development Agreement between the City of Moorpark and Shea Homes for Tentative Tract 5425. The motion carried by voice vote 4-0, Councilmember Pollock absent.

- C. Consider Agreement Regarding Payment for City Services Between Vintage Crest Senior Apartments, L.P. (Vintage Crest) and City of Moorpark. Staff Recommendation: Approve Agreement, and authorize the Mayor to execute it, subject to final language approval of the City Manager and City Attorney.

Mr. Kueny requested this item be removed from the agenda.

CONSENSUS: It was the consensus of the Council to remove Item 9.C. from the agenda.

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.M. and 10.U, which were pulled for individual consideration. The motion carried by unanimous roll call vote.

- A. Consider Minutes of Special City Council Meeting of May 29, 2013. Staff Recommendation: Approve the minutes.
- B. Consider Warrant Register for Fiscal Year 2012/13 –September 4, 2013. Staff Recommendation: Approve the warrant register.
- C. Consider Warrant Register for Fiscal Year 2013/14 – September 4, 2013. Staff Recommendation: Approve the warrant register.
- D. Consider Resolution Amending the Fiscal Year 2013/14 Budget to Increase Appropriations for Fiscal Year 2012/13 Purchase Order Carry Over. Staff Recommendation: Adopt Resolution No. 2013-3215. ROLL CALL VOTE REQUIRED
- E. Consider Amendment No. 1 to the Agreement with Library Systems and Services, LLC and Consider Resolution Amending the Fiscal Year 2013/14 Budget Allocating Funds from the Library Services Fund (1010). Staff Recommendation: 1) Authorize the City Manager to execute Amendment No. 1 to the Agreement; and 2) Adopt Resolution No. 2013-3216, amending the FY 2013/14 Budget allocating funds from the Library Fund Services Fund (1010) Budget. ROLL CALL VOTE REQUIRED
- F. Consider Request from the Moorpark Chamber of Commerce to Use the North Metrolink Parking Lot on High Street to Support the Country Days Parade and Street Fair on October 5, 2013, and Request for Waiver of Rental Fees. Staff Recommendation: Approve use of north Metrolink parking lot and waive rental fees, and require the Moorpark Chamber of Commerce to provide the City with an indemnification agreement, naming the City as additional insured in the insurance policy.
- G. Consider Resolution Amending the Budget for Fiscal Year 2013/14 for Repairs at 250 Los Angeles Avenue. Staff Recommendation: Adopt Resolution No. 2013-3217, appropriating \$17,000.00 from the City Affordable Housing Fund (2201) for repairs at 250 Los Angeles Avenue. ROLL CALL VOTE REQUIRED
- H. Consider Resolution Amending the Budget for Fiscal Year 2013/14 for Repairs at 798 Moorpark Avenue. Staff Recommendation: Adopt

Resolution No. 2013-3218, appropriating \$9,000.00 from the City Affordable Housing Fund (2201) for repairs at 798 Moorpark Avenue. ROLL CALL VOTE REQUIRED

- I. Consider Prohibition of Residential Developers from Engaging Directly or Indirectly with Financing of Mortgages in the City's First Time Home Buyer Program. Staff Recommendation: 1) Prohibit a residential developer or affiliate from providing mortgages to buyers in the City's First Time Home Buyers Program for their development; and 2) Direct staff to amend City Council Policy No. 3.5 at the next update to reflect this prohibition.
- J. Consider Resolution Amending the Fiscal Year 2013/14 Budget to Transfer Expenses for the North Hills Parkway Project to Traffic Congestion Relief Fund and to Transfer Expenses for the Slurry Seal Project to the City-Wide Traffic Mitigation Fund. Staff Recommendation: Adopt Resolution No. 2013-3219. ROLL CALL VOTE REQUIRED
- K. Consider Resolution Adopting Revised Parking Restrictions on Condor Drive and Rescinding Resolution No. 2013-3188. Staff Recommendation: Adopt Resolution No. 2013-3220, rescinding Resolution No. 2013-3188.
- L. Consider Resolution Adopting Revised Parking Restrictions on Flory Avenue and Rescinding Resolution No. 95-1146. Staff Recommendation: Adopt Resolution No. 2013-3221, rescinding Resolution No. 95-1146.
- N. Consider Amendment No. 2 to Agreement with Sterndahl Enterprises, Inc. for 2013 Pavement Markings Project (Project 8092) and a Resolution Amending the Fiscal Year 2013/14 Budget to Fund Amendment No. 2. Staff Recommendation: 1) Approve Amendment No. 2 to the Agreement, and authorize the City Manager to execute the Amendment in the amount of \$7,500.00; and 2) Adopt Resolution No. 2013-3222, amending the FY 2013/14 Budget to appropriate \$7,500.00 from HUT 2103 Fund (Fund 2606) to fund Amendment No. 2. ROLL CALL VOTE REQUIRED
- O. Consider Resolution Directing the Planning Commission to Study, Hold a Public Hearing, and Provide a Recommendation on an Amendment to Section 17.20.060 (Permitted Uses in Commercial and Industrial Zones) of Chapter 17.20 (Uses by Zone) of the Zoning Ordinance Related to Health Clubs, Gymnasiums, Fitness Centers, Spas, and Other Similar Uses. Staff Recommendation: Adopt Resolution No. 2013-3223.
- P. Consider Resolution Authorizing the City Manager to Negotiate an Agreement with Catholic Charities of Ventura to Provide a Part Time Day Worker Coordinator for the Day Laborer Site and Amending the Fiscal Year 2013/14 Budget. Staff Recommendation: 1) Authorize the City Manager to execute the Agreement, subject to final language approval of

the City Manager and City Attorney; and 2) Adopt Resolution No. 2013-3224, amending the Fiscal Year 2013/14 Budget. ROLL CALL VOTE REQUIRED

- Q. Consider Agreement between City of Moorpark and Moorpark Unified School District (MUSD) for Provision of Law Enforcement Services. Staff Recommendation: Approve the Agreement between City of Moorpark and MUSD, and authorize the City Manager to execute it on behalf of the City.
- R. Consider Reimbursing Anne Mudge for Costs for Travel to Moorpark for Special Meeting with the Arts Commission as Part of the Selection Process for the Art in Public Places Project at Arroyo Vista Recreation Center. Staff Recommendation: Approve payment of \$178.62 to Anne Mudge as reimbursement for Travel Expenses. ROLL CALL VOTE REQUIRED
- S. Consider Approval of a Memorandum of Understanding (MOU) Between the County of Ventura and the Cities of Camarillo, Moorpark, Simi Valley and Thousand Oaks for Management, Funding, and Cost Sharing for the Implementation of the East County Transit Alliance. Staff Recommendation: Approve the East County Transit Alliance MOU and authorize the Mayor to sign it, subject to final language approval of the City Manager and City Attorney.
- T. (SUCCESSOR AGENCY) Consider Authorization for Recordation of the Notice of Completion for Demolition of Structures and Removal of Underground Storage Tanks at 412 High Street (former J.E. Clark Fueling Station) (APN 512-0-082-020 & -030) and Release of Bonds in Accordance with the Contract. Staff Recommendation: Authorize the Agency Secretary to file the Notice of Completion, and release the project bonds as outlined in the report.

The following items were pulled for individual consideration.

- M. Consider Maintenance of Metrolink Memorial Plaque and Boulder in the Metrolink South Parking Lot. Staff Recommendation: Concur with City's maintenance of the memorial plaque and boulder in the Metrolink South Parking Lot.

Councilmember Millhouse acknowledged the anonymous proponent of the memorial in honor of the accident victims of September 12, 2008, along with the Ventura County Transportation Commission's support. He provided information on the positive train control improvements being implemented, including inward-facing cameras and collision absorption train cars.

CONSENSUS: It was the consensus of the Council to concur with the City's maintenance of the memorial plaque and boulder in the Metrolink South parking lot.

- U. (SUCCESSOR AGENCY) Consider Lease with Vivid Insurance Solutions for 33 High Street. Staff Recommendation: Approve the Lease Agreement, subject to final language approval of the Executive Director and Agency Counsel, and authorize Executive Director to execute the Agreement on behalf of the Successor Agency.

Mr. Laurentowski stated this item had been pulled to clarify that the lease agreement would not be effective until approved by the Oversight Board to the Successor Agency of the Redevelopment Agency of the City of Moorpark at their September 17, 2013, meeting.

CONSENSUS: It was the consensus of the Council to approve the Lease Agreement, subject to final language approval of the Executive Director and Agency Counsel, and authorize the Executive Director to execute the Agreement on behalf of the Successor Agency.

11. ORDINANCES: (ROLL CALL VOTE REQUIRED)

None.

12. CLOSED SESSION:

Mr. Kueny requested the City Council go into closed session for discussion of four cases under Item 12.A. and four cases under Item 12.B. on the agenda.

Mr. Ennis announced under Government Code Section 54956.9 that the facts and circumstances creating significant exposure to litigation under Item 12.A. consist of 1) A threat of litigation regarding payment of redevelopment pass through payments to the Moorpark Unified School District; 2) A threat of litigation regarding payment of redevelopment pass through payments to the Ventura County Community College District; 3) The receipt of a claim pursuant to the Government Claims Act from Pindler and Pindler regarding drainage issues; and 4) Facts and circumstances that might result in litigation, which the City believes are not yet known to a potential plaintiff, which need not be disclosed pursuant to Government Code Section 54956.9(e)(1).

MOTION: Mayor Parvin moved and Councilmember Millhouse seconded a motion to adjourn to closed session for a discussion of four cases under Item 12.A. and four cases under Item 12.B. on the agenda. The motion carried by voice vote 4-0, Councilmember Pollock absent. The time was 9:35 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, Van Dam, and Mayor Parvin; Steven Kueny, City Manager; Kevin Ennis, City Attorney; Hugh Riley, Assistant City Manager; Deborah Traffenstedt, Deputy City Manager; David Bobardt, Community Development Director; David Klotzle, City Engineer/Public Works Director; and Ron Ahlers, Finance Director. Mr. Ahlers left the meeting at 9:55 p.m. Mr. Bobardt and Mr. Klotzle left the meeting at 10:08 p.m.

The City Council reconvened into open session at 10:23 p.m. Mr. Kueny stated four cases under Item 12.A. and four cases under Item 12.B. were discussed and there was no action to report. Mr. Kueny further announced that the Council would be going back into closed session for discussion of Item 12.C. on the agenda. Mr. Riley left the meeting at this time.

- C. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
(Pursuant to Subdivision (b) of Section 54957 of the Government Code)
Title: City Manager and City Attorney

The Council reconvened into open session at 10:43 p.m. Mr. Kueny stated Item 12.C. was discussed and there was no action to report.

13. ADJOURNMENT:

Mayor Parvin adjourned the meeting at 10:43 p.m. in memory of former Mayor Leta Yancy-Sutton and Adjourned the Regular Meeting of September 4, 2013, to an Adjourned Regular Meeting to be held at 7:00 p.m. on September 11, 2013, at the Moorpark Community Center, 799 Moorpark Avenue.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, City Clerk