

## **ITEM 10.A.**

### **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 16, 2013

A Regular Meeting of the City Council of the City of Moorpark and the Successor Agency was held on October 16, 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 7:27 p.m.

2. **PLEDGE OF ALLEGIANCE:**

Pete Duncan, of American Legion Moorpark Post 502, led the Pledge of Allegiance.

3. **ROLL CALL:**

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

Absent: Councilmember Millhouse

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; Dave Klotzle, City Engineer/Public Works Director; Jeremy Laurentowski, Parks and Recreation Director; David Moe, Redevelopment Manager; Joseph Fiss, Principal Planner; Joe Vacca, Principal Planner; Captain Wade, Sheriff's Department; and Maureen Benson, City Clerk.

4. **PROCLAMATIONS AND COMMENDATIONS:**

A. **Proclamation Recognizing October 23-31 as Red Ribbon Week.**

Mayor Parvin presented a Proclamation recognizing October 23-31 as Red Ribbon Week to Captain Wade.

B. **Certificate of Recognition to American Legion Moorpark Post 502 for One Year of Volunteer Service as Facilitators of the Moorpark Active Adult Center Bingo Program.**

Mayor Parvin presented members of American Legion Moorpark Post 502 with a Certificate of Recognition for the Legion's one-year of service as facilitators of the Moorpark Active Adult Center Bingo Program.

5. PUBLIC COMMENT:

None.

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

CONSENSUS: It was the consensus of the Council to hear Item 9.A. prior to Public Hearings on the agenda.

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

Councilmember Van Dam announced the Moorpark High School Music Program will be performing "Spooktacular" on October 24 and 25 at the Performing Arts Center.

Councilmember Mikos thanked attendees of the Country Days parade, which took place on a very windy October 5.

Councilmember Pollock reported the Morning Rotary Club held their 4th Annual Beer Festival benefiting local charities in its new location at Moorpark College, where there were over 3,000 attendees.

Mayor Parvin announced Trick or Treat Village will take place at Arroyo Vista Recreation Center on October 31.

Mayor Parvin invited everyone to participate in the Flory School "Walk through Moorpark" on October 19 as part of their PETS scholarship program.

Mayor Parvin reported she had attended the 40th Anniversary of Interface Family Services where Mary Schwabauer was honored for her service to the community.

AT THIS POINT in the meeting, Item 9.A. was heard.

9. PRESENTATION/ACTION/DISCUSSION:

- A. Consider Public Workshop Related to Appeal to Ventura County Board of Supervisors of Ventura Planning Commission Certification of Final Environmental Impact Report (EIR) for Grimes Rock, Incorporated Mining Facility, and Approval of a Modified Conditional Use Permit No. 4874-2 and Amended Reclamation Plan, Located at 3500 Grimes Canyon Road.

Staff Recommendation: Hold public workshop, receive public comment, and direct staff as deemed appropriate.

Mr. Vacca gave the staff report.

Dale Whitaker, a Moorpark resident, spoke in support of the Modified Conditional Use Permit (CUP) for Grimes Rock and requested the City Council reconsider their opposition to this proposal.

Adam Haverstock, a Moorpark resident, spoke in support of the City Council's and staff's leadership in appealing the County Planning Commission's decision since these roadways cannot accommodate increased traffic. He went on to state the extension of State Route 23 is the solution.

Gary Becker, a Moorpark resident, spoke in support of the Modified CUP for Grimes Rock and stated it is a waste of tax dollars to appeal the expansion of this mine and it is unjust to restrict truck traffic on two state highways.

Heidi Best, a Moorpark resident, stated money spent to appeal the County Planning Commission's approval is justified to determine if the Environmental Impact Report (EIR) reflects what will impact Moorpark; and hopes for a continued restriction on the number of truck trips that can travel south into Moorpark.

In response to Mayor Parvin, Mr. Vacca stated the current approved original CUP for Grimes Rock limited the number of truck trips traveling southward to 64 trips and required the use of Grimes Canyon Road to State Route 118. The proposed Modified CUP will eliminate these stipulations and will not restrict the number of truck trips going south along Walnut Canyon Road.

Ralph Mauriello, a Moorpark resident, stated the existing truck traffic on Los Angeles Avenue is already curtailing business as potential shoppers avoid the area due to the number of trucks.

Mayor Parvin requested staff respond to Greg Gillis-Smith, a Moorpark resident. Mr. Vacca stated 1) The 1998 EIR for the Grimes Rock mining approval did not consider traffic impacts to the Walnut Canyon Elementary School, as it did not exist in 1998; however, it did limit peak hour truck trips; and 2) It is questionable whether the current EIR limits peak hour truck traffic, but this may be in the mitigation.

Doreen Bennett, a Moorpark Country Club Estates resident, spoke in opposition to the mine expansion and spoke in support of the City Council's appeal of the Ventura County Planning Commission's approval.

Roseann Stevenson, a Moorpark resident, President of Country Club Estates Homeowners Association, and a business lawyer in environmental and safety issues for heavy industry and property developers, thanked the City for holding this workshop and for working on this appeal. She stated the California Environmental Quality Act (CEQA) provides for analysis of a project before approval, but the County, even with the acknowledgement of significant negative impacts without mitigation, has approved the Final EIR.

In response to Mayor Parvin, Ms. Benson summarized one Written Statement card from Michael Greywitt, a Moorpark resident who asked for more investigation of mining operations and provided a handout on the Kayenta Mine in Arizona, which uses conveyors to transport extractions to train cars for delivery over 80 miles away.

**CONSENSUS:** It was the consensus of the Council to hear from late speakers.

Darla Costa, a Moorpark resident, stated there are blind exits onto Grimes Canyon Road from her residential development off of Turfway Road; there are too very narrow bridges on Grimes Canyon Road that do not allow for a truck and a car to safely pass in opposite directions; and she supports the Council's decision to appeal the County's decision to allow the expansion of the Grimes Rock mine without regard to the increase in truck traffic through Moorpark.

Councilmember Mikos encouraged the public to make their concerns heard by attending the Ventura County Board of Supervisors October 22 Appeal hearing.

AT THIS POINT in the meeting a recess was declared. The time was 8:22 p.m. The meeting reconvened at 8:32 p.m. with Councilmembers Mikos, Pollock, Van Dam, and Mayor Parvin present.

8. PUBLIC HEARINGS:

- A. Consider Resolution Authorizing the Acceptance of a General Plan Amendment Application for Review Consistent with General Plan Amendment Pre-Screening No. 2010-01 to Change the Land Use Designation on 67.96 Acres West of Gabbert Road and North of the North Hills Parkway/North Hills Industrial Park from Rural Low Density Residential to Rural Low Density Residential, High Density Residential, and Open Space on the Application of James Rasmussen, for Moorpark

Property 67 LLC and Making a Determination that This is Not a Project Approval Subject to CEQA. Staff Recommendation: 1) Open the public hearing, accept public testimony, and close the public hearing; and 2) Adopt Resolution No. 2013-\_\_\_\_, authorizing the acceptance of a General Plan Amendment application for review.

Mr. Fiss gave the staff report.

Mayor Parvin opened the public hearing.

James Rasmussen, applicant representing Moorpark Property 67, LLC, described the history of proposed development for this site.

Cindy Hollister, a Moorpark resident of Gabbert Road, stated the public had not been notified of the Community, Economic Development Committee (CEDC) meetings held on April 12 and April 17 where this proposal was discussed. She spoke in opposition to the change in land use.

Jayla Haxton, a Moorpark resident of Gabbert Road, spoke in opposition to the proposal, as the change would not be compatible with the existing rural environment and the existing zoning should be maintained so her life style and property rights are not threatened. Ms. Haxton stated she had not been notified of the CEDC meetings regarding this proposal.

Michelle Barry, a Moorpark resident of Gabbert Road, spoke in opposition to the proposal as she is suspicious about projects for this area including AB Properties' one-acre lots.

Jeshi Yon, a Moorpark resident of Gabbert Road, spoke in opposition to the proposal stating she does understand the need for development, but questions the change to high density zoning, which would compromise the safety of nearby animal keeping by introducing too many people.

Jennifer Diamond, a Moorpark resident of Gabbert Road, spoke in opposition to the proposal, and requested the Council preserve the unique nature of this area with a minimum of 5-acre parcels.

Sharon Noel, a Moorpark resident of Gabbert Road, spoke in opposition to the proposal in order to maintain her life style in a rural neighborhood.

In response to Mayor Parvin, Ms. Benson summarized: 1) Two Written Statement cards in favor of the proposal citing a need for small lots with detached homes to support a younger generation; and a need for affordable housing; and 2) Four Written Statement cards in opposition to

the proposal citing the need for retention of the rural atmosphere and conflicts with the existing long range plans for this area.

Mr. Rasmussen addressed the speakers' concerns and stated: 1) The lower portion of the proposed project exits onto the new North Hills Parkway to Gabbert Road; 2) Only the proposed 5-acre lots would need to travel along Gabbert Road; 3) The gate would only be opened in the case of a fire or other emergency evacuation need; and 4) Only two existing residences would overlook the project.

Mayor Parvin closed the public hearing.

A discussion followed among the Councilmembers and staff which focused on: 1) An EIR would follow an approval of this proposal, followed by a Planning Commission public hearing, and then a City Council public hearing; 2) An explanation of the variety of zoning designations on the site; 3) The need for 3-D exhibits to portray the differing line of site views; 4) There is not an urgent need for affordable housing at this time, as State mandates for the latest housing element have been met; therefore there is not an urgent need affordable housing at this time; and 5) Regrets that the public was not notified of the CEDC meetings.

**MOTION:** Councilmember Van Dam moved and Mayor Parvin seconded a motion to return this item back to the Community Economic and Development Committee for further consideration. The motion carried by voice vote 4-0, Councilmember Millhouse absent.

B. Consider Resolution Declaring the Private Roads within Tract 5860 Subject to the Provisions of the California Vehicle Code. Staff Recommendation: 1) Open the public hearing, accept public testimony, and close the public hearing; and 2) Adopt Resolution No. 2013-3231.

Mr. Klotzle gave the staff report.

Mayor Parvin opened the public hearing.

There were no speakers.

Mayor Parvin closed the public hearing.

**MOTION:** Councilmember Van Dam moved and Councilmember Pollock seconded a motion to adopt Resolution No. 2013-3231, declaring the private roads within Tract 5860 subject to the provisions of the California Vehicle Code. The motion carried by voice vote 4-0, Councilmember Millhouse absent.

- C. Consider Ordinance Approving Zoning Ordinance Amendment No. 2013-05, to Amend Section E (Public and Semi-Public Uses) of Table 17.20.060 of Section 17.20.060 (Permitted Uses in Commercial and Industrial Zones), of Chapter 17.20 (Uses by Zone), of Title 17 (Zoning), of the Moorpark Municipal Code Related to Health Clubs, Gymnasiums, Fitness Centers, and Fitness Studios, and Making a Determination of Exemption under CEQA in Connection Therewith. Staff Recommendation: 1) Open the public hearing, accept public testimony, and close the public hearing; and 2) Introduce Ordinance No. 424, approving Zoning Ordinance Amendment No. 2013-05, for first reading, waive full reading, and place this ordinance on the agenda for November 6, 2013 for purposes of providing second reading and adoption of the ordinance. (Staff: David Bobardt)

Mr. Fiss gave the staff report.

Mayor Parvin opened the public hearing.

Rodney Rivani, of Baldwin Park Plaza, LLC, owners of the LA Spring Shopping Center, spoke in support of this change to the Municipal Code.

Mayor Parvin closed the public hearing.

Mr. Ennis read the title of Ordinance No. 424.

**MOTION:** Mayor Parvin moved and Councilmember Van Dam seconded a motion to waive full reading, declare Ordinance No. 424 read for the first time, and place this ordinance on the agenda for November 6, 2013 for purposes of providing second reading and adoption of the ordinance. The motion carried by voice vote 4-0, Councilmember Millhouse absent.

- D. Consider Ordinance Approving Zoning Ordinance Amendment No. 2013-06 to Amend Part C of Section 17.32.050 (Parking Space Standards and Striping), of Chapter 17.32 (Off-Street Parking Requirements), of Title 17 (Zoning), of the Moorpark Municipal Code, Related to Tandem Parking, and Recommending that the City Council Make a Determination of Exemption under CEQA Therewith on the Application of City Ventures, LLC. Staff Recommendation: 1) Open the public hearing, accept public testimony, and close the public hearing; and 2) Introduce Ordinance No. 425, approving Zoning Ordinance Amendment No. 2013-06, for first reading, waive full reading, and place this ordinance on the agenda for November 6, 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. 425

**MOTION:** Councilmember Pollock moved and Councilmember Van Dam seconded a motion to waive full reading, declare Ordinance No. 425 read for the first time, and place this ordinance on the agenda for November 6, 2013 for purposes of providing second reading and adoption of the ordinance. The motion carried by voice vote 4-0, Councilmember Millhouse absent.

- E. Consider Ordinance Approving Amendment No. 1 to the Development Agreement by and between the City of Moorpark and Shea Homes, Limited Partnership, for Vesting Tentative Tract Map No. 5425 to Adjust the Affordable Housing Requirement and Finding the Previously Adopted Mitigated Negative Declaration Applicable. Staff Recommendation: 1) Open the public hearing, accept public testimony, and close the public hearing; and 2) Introduce Ordinance No. 416, approving Amendment No. 1 to the Development Agreement between the City of Moorpark and Shea Homes, Limited Partnership, for first reading, waive full reading, and place this ordinance on the agenda for November 6, 2013 for purposes of providing second reading and adoption of the ordinance.

Mr. Moe gave the staff report.

Mayor Parvin opened the public hearing.

There were no speakers.

Mayor Parvin closed the public hearing.

**MOTION:** Councilmember Mikos moved and Councilmember Pollock seconded a motion to waive full reading, declare Ordinance No. 426 read for the first time, and place this ordinance on the agenda for November 6, 2013 for purposes of providing second reading and adoption of the ordinance. The motion carried by voice vote 4-0, Councilmember Millhouse absent.

9. PRESENTATION/ACTION/DISCUSSION:

- B. 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. (continued from October 2, 2013) 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. Note this item is also scheduled to be discussed at a Special Meeting at 6:15 p.m. on October 16, 2013.

Mr. Riley gave the staff report.

Timothy McLarney, Ph.D., President of True North Research, stated he had reviewed the previous meeting's comments and went on to provide an overview of the approach True North Research took in the best interests of Moorpark, which indicated an increase in sales tax would raise more money as opposed to Proposition 218 measures whose funding is not flexible

Councilmembers Van Dam and Millhouse were selected to be on the Voter Opinion Survey Ad Hoc Committee with Mayor Parvin to serve as an alternate.

MOTION: Councilmember Mikos moved and Councilmember Van Dam seconded a motion to appoint Councilmembers Van Dam and Millhouse to serve on the Voter Opinion Survey Ad Hoc Committee with Mayor Parvin to serve as an alternate member. The motion carried by voice vote 4-0, Councilmember Millhouse absent.

C. Consider Ordinance Amending Title 15 of the Moorpark Municipal Code by Replacing in Their Entirety Chapters 15.04, 15.08, 15.10, 15.12, 15.14, 15.16, 15.18, 15.20, and 15.22 as Well as Adopting by Reference and Amending the Current Editions of Certain Model Codes and Determination of Exemption under CEQA in Connection Therewith. Staff Recommendation: Introduce Ordinance No. 427, amending Title 15 of the Moorpark Municipal Code, for first reading; waive full reading, and direct staff to schedule a public hearing and second reading and adoption of this ordinance for November 6, 2013.

Mr. Bobardt gave the staff report.

There were no speakers.

Mr. Ennis read the title of Ordinance No. 427.

MOTION: Mayor Parvin moved and Councilmember Van Dam seconded a motion to waive full reading, declare Ordinance No. 427 read for the first time, and place this ordinance on the agenda for November 6, 2013 for purposes of providing second reading and adoption of the ordinance. The motion carried by voice vote 4-0, Councilmember Millhouse absent.

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 roll call vote 4-0, Councilmember Millhouse absent.

- A. Consider Minutes of Adjourned Regular City Council/Successor Agency Meeting of September 11, 2013. Staff Recommendation: Approve the minutes.
- B. Consider Minutes of Special City Council Meeting of September 11, 2013. Staff Recommendation: Approve the minutes.
- C. Consider Minutes of Regular City Council/Successor Agency Meeting of October 2, 2013. Staff Recommendation: Approve the minutes.
- D. Consider Warrant Register for Fiscal Year 2013/14 – October 16, 2013. Staff Recommendation: Approve the warrant register.
- E. Consider Report of Annual Development Agreement (DA 2003-01) Review, Established in Connection with Canterbury Lane (Tract No. 5425), Located on the South Side of Los Angeles Avenue, East of Fremont Street, on the Application of Shea Homes. Staff Recommendation: 1) Accept the Community Development Director's Report and recommendation, on the basis of substantial evidence, that Shea Homes, Limited Partnership has complied in good faith with the terms and conditions of the Agreement; and 2) Deem the annual review process complete.
- F. Consider Agreement with Willdan Engineering Inc. for Engineering Plan Check and Development Inspection Services. Staff Recommendation: Authorize the City Manager to execute an agreement with Willdan Engineering, Inc. for engineering plan check and development inspection services, subject to final language approval by the City Manager and City Attorney.
- G. Consider Resolution of Intent Initiating Proceedings to Annex Shea Homes Tentative Tract 5425 to Landscaping and Lighting Maintenance Assessment District 06-01. Staff Recommendation: 1) Accept and approve the Petition and Waiver from Shea Homes requesting the annexation to Assessment District AD 06-01; and 2) Adopt Resolution No. 2013-3232 initiating the proceedings required for the annexation to Assessment district AD 06-01.

- H. Consider Award of Agreement to Taft Electric for Replacement and Retrofit of the Security Lights at Poindexter Park, Campus Park, and the Moorpark Police Services Center (Project 7801, 7805, 2005) and Resolution Amending the Budget for Fiscal Year 2013/14. Staff Recommendation: 1) Award the Agreement to the lowest bidder, Taft Electric in the amount of \$241,770.00 and authorize the City Manager to execute the Agreement and approve a 15% contingency, subject to final language approval by the City Manager and the City Attorney; and 2) Adopt Resolution No. 2013-3233. ROLL CALL VOTE REQUIRED

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 October 2, 2013) Staff Recommendation: Take second reading of Ordinance No. 419 off calendar to allow for further review by staff and recommendation of the Planning Commission

Mr. Bobardt stated staff recommends taking the second reading of Ordinance No. 419 off calendar to allow for further review.

**MOTION:** Mayor Parvin moved and Councilmember Mikos seconded a motion to take the second reading of Ordinance No. 419 off calendar. The motion carried by voice 4-0, Councilmember Millhouse absent.

- B. Consider Ordinance No. 423 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. Staff Recommendation: Waive full reading, declare Ordinance No. 423 read for the second time, and adopted as read. ROLL CALL VOTE REQUIRED

Mayor Parvin read the title of Ordinance No. 423.

**MOTION:** Mayor Parvin moved and Councilmember Van Dam seconded a motion to waive full reading and declare Ordinance No. 423 read for the second time and adopted as read. The motion carried by roll call vote 4-0, Councilmember Millhouse absent.

12. CLOSED SESSION:

None was held.

13. ADJOURNMENT:

MOTION: Councilmember Van Dam moved and Councilmember Pollock seconded a motion to adjourn. The motion carried by voice vote 4-0, Councilmember Millhouse absent. The time was 10:28 p.m.

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Janice S. Parvin, Mayor

ATTEST:

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Maureen Benson, City Clerk