

ITEM 10.E.

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

November 20, 2013

A Regular Meeting of the City Council of the City of Moorpark and the Successor Agency was held on November 20, 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 7:24 p.m.

2. PLEDGE OF ALLEGIANCE:

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

4. PROCLAMATIONS AND COMMENDATIONS:

A. Introduction of New Employee, Melanie Mihm, Administrative Secretary, in the City Engineer/Public Works Department.

Mayor Parvin introduced new employee, Melanie Mihm, Administrative Secretary in the City Engineer/Public Works Department.

B. Nomination and Selection of Mayor Pro Tempore.

MOTION: Mayor Pro Tempore Van Dam moved and Councilmember Millhouse seconded a motion to nominate Councilmember Mikos to serve as Mayor Pro Tempore. The motion carried by unanimous voice vote.

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 thanked Public Works staff who worked to correct the parking issues at Campus Canyon and Flory Avenue schools.

Councilmember Van Dam thanked the American Legion, Women's Fortnightly, Group, the Moorpark Kiwanis Club, and staff for their efforts in honoring veterans on November 11th.

Councilmember Van Dam announced he spent time on November 18th working with Cub Scout Troop 604 as they are studying citizenship.

Councilmember Van Dam congratulated the City and staff for helping to rank Moorpark as No. 7 on the list of safest cities as published in "California City News".

Councilmember Mikos reported she had recently attended a meeting of the Santa Monica Mountains Conservancy.

Councilmember Mikos announced the City has a new website at www.moorparkca.gov. She recommended the public visit the site to find out the results of the recent photo contest and to sign up for interactive notifications of public meetings, events, meeting agendas, and other items of interest.

Councilmember Pollock reported this is the last weekend to attend a performance of South Pacific at the High Street Arts Center.

Mayor Parvin stated, as reported in "California City News", the home security provider "Safewise" has analyzed data from the most recent FBI statistics to determine the 50 safest cities in California and Moorpark ranks at No. 7 in the top 10 safest cities. The report goes on to state, Moorpark is not only safe, it is also pro-business and strategically located.

Mayor Parvin recommended the public explore the new City's new website at www.moorparkca.gov where the Photo Contest Winners may be found along with information about the 1st Annual 5K Fun Run; and "Overdrive" the Library's new

downloadable book service. There is also a feature where you can sign up to receive notifications for items that are important to you; view city files; or search for the services you need quickly and efficiently.

Mayor Parvin invited the public to attend the Parks and Recreation Commission meeting on December 2nd to give input on a proposed Pedestrian/Fitness Trail at Arroyo Vista Community Park. The meeting is scheduled for 6:30 p.m. at the Community Center.

Mayor Parvin stated the City is pleased to announce the first 5 K Fun Run and Fitness Challenge. The event will take place on Saturday, December 14 from 9:00 a.m. to 1:00 p.m. at the Arroyo Vista Community Park. The event will include a 5 K and a 1 mile run/walk, as well as a Health and Fitness Fair.

8. PUBLIC HEARINGS:

- A. Consider Resolution Approving the Engineer's Report and Ordering the Annexation of Shea Homes Tentative Tract 5425 to Landscaping and Lighting Maintenance Assessment District 06-01, and Confirming the Assessment Amounts for Fiscal Year 2014/15. Staff Recommendation: 1) Open the public hearing, take public testimony and close the public hearing; and 2) Adopt Resolution No. 2013-3241 approving the Engineer's Report and ordering the annexation of Shea Homes Tentative Tract 5425 to Landscaping and Lighting Maintenance Assessment District 06-01, and confirming the assessment amounts for Fiscal Year 2014/15.

Mr. Klotzle 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 Van Dam seconded a motion to adopt Resolution No. 2013-3241 approving the Engineer's Report and ordering the annexation of Shea Homes Tentative Tract 5425 to Landscaping and Lighting Maintenance Assessment District 06-01, and confirming the assessment amounts for Fiscal Year 2014/15. The motion carried by unanimous voice vote.

9. PRESENTATION/ACTION/DISCUSSION:

- A. Consider Artwork Design for the Art in Public Places Project at the Arroyo Vista Recreation Center (AVRC) and Award Agreement to Anne Mudge to Design and Install the Project. Staff Recommendation: 1) Approve the

artist's artwork design for the Public Art Project at the Arroyo Vista Recreation Center; and 2) Approve agreement for Artistic Design Services with Anne Mudge for an amount not to exceed \$147,631 subject to final language approval of the City Manager.

Mr. Riley gave the staff report.

There were no speakers.

Councilmember Millhouse stated the public should be aware that the source for funding for this project is from the Arts in Public Places Fund not the General Fund. He further stated he would be unable to support this project as he feels \$147,631 is too much to spend on such an underwhelming design.

MOTION: Mayor Parvin moved and Councilmember Mikos seconded a motion to: 1) Approve the artist's artwork design for the Public Art Project at the Arroyo Vista Recreation Center; and 2) Approve agreement for Artistic Design Services with Anne Mudge for an amount not to exceed \$147,631 subject to final language approval of the City Manager. The motion carried by voice vote 4-1, Councilmember Millhouse dissenting.

- B. Public Workshop to Consider Information Regarding a Potential Power Plant Project to be Located Near Los Angeles Avenue and 1,300 Feet West of Gabbert Road on the Site of Tract Map 5906. Staff Recommendation: Direct staff to inform Diamond Generating Corporation, Southern California Edison, Public Utilities Commission of the State of California, and the California Energy Commission of the City's opposition to the Tract 5906 site for the potential power plant project.

Mr. Kueny gave the staff report.

A discussion followed among the Councilmembers and staff which focused on: 1) Clarification of the process Diamond Generating Corporation will be following in their application to Southern California Edison, which if approved, could then result in an application to the City for this project; 2) The reason for holding a public workshop is to gather information about the project and to make it available to the public; 3) The original Development Agreement for this property between the City and AB Properties was signed in 1998; and 4) This Development Agreement was just updated and ratified in February 2013, for building a 17-unit, light industrial project.

Paula Zagrecki, representing Amaranto Energy Center for Diamond Generating Corporation, 333 South Grand Avenue, No. 1570, Los Angeles, California, requested permission to give a 10-minute

presentation rather than an abbreviated 3-minute presentation on the Amaranto Energy Center proposal

CONSENSUS: It was the consensus of the Council to waive rules and allow for a 10-minute presentation.

Ms. Zagrecki gave a PowerPoint presentation on the proposed power plant project and introduced her staff. She stated the project had been presented to several of the Councilmembers at individual informal meetings. Councilmember Millhouse stated he had not met with the applicant.

Mike Carroll, attorney from Latham and Watkins, representing Diamond Generating Corporation, explained the California Environmental Quality Act (CEQA) process the project will be following under the jurisdiction of the California Energy Commission as the lead agency, along with compliance with local, state and federal laws, ordinances and standards.

A discussion followed among the Councilmembers and the applicant which focused on: 1) The timing of the formal application process with the City to work out a development agreement; 2) Definition of the Moorpark sub-area as determined by the California Public Utilities Commission to stretch from Goleta to Santa Clarita; 3) Clarifying the height of the 70-foot building plus the 10-foot stacks, which are hard to see in the exhibit; 4) Possible air quality issues from plant pollutants and solutions; 5) Disclosure of an "Option Agreement" between AB Properties; and Amaranto Energy Center; and 6) Power generating plants powered by non-renewable sources such as natural gas are not allowed in this zone.

Heidi Best, a Moorpark resident, spoke in opposition to the project, citing concerns regarding pollutants and changes to the current zoning requirements. She asked if the project could be constructed regardless of the wishes of Moorpark.

Frank Huber, a Moorpark resident and President of the Verona Homeowners Association, spoke in opposition to the project, citing its proximity to three local schools.

Jieshin Yan, a Moorpark resident and physician, spoke in opposition to the project, citing natural gas pollutants cause health risks.

John Newton, a Moorpark resident, businessman, and representative for AB Properties, requested no action be taken at this meeting, and to schedule additional workshops when more information is available. He stated the state of California has ordered more power in the Moorpark sub-area.

Linda Plaks, a Moorpark resident living across the street from the current Southern California Edison substation requested more workshops to include information about the effects to ground water, school sites, and the size of the gas line.

Sharon Noel, a Moorpark resident on Gabbert Road, spoke in opposition to future development encroaching on this rural area.

Roseann Stevenson, a Moorpark resident, President of Country Club Estates Homeowners Association, and environmental lawyer, spoke in opposition to the project until more detailed information in plain language can be released to the public.

James Rasmussen, owner of the property to be developed to the north of this project, stated if Amaranto Energy Center is allowed to build he would request a zone change for his project as building single-family homes in proximity to the power plant would be inappropriate.

In response to Mayor Parvin, Ms. Benson summarized one Written Statement card from Mark Noel in opposition to the project, citing lower property values; health and noise concerns; and impacts to the area from power plant construction.

In response to Council questions, Mr. Carroll stated: 1) Rarely does the California Energy Commission use its authority to approve a power plant over a city's objections; 2) Diamond Generating Corporation is a subsidiary of Mitsubishi Corporation; and 3) Modeling will be performed for air quality impacts to schools and the surrounding area.

A discussion followed among the Councilmembers and staff regarding: 1) Limited time to conduct more workshops; 2) Non-compliance with existing zoning; 3) State of California could force this project on Moorpark over the objections of the community so the City should take a stand now, in opposition; 4) Potential health impacts; 5) Aesthetic impacts of a 70-foot high structure; 6) More economic benefit with 17-units of individual businesses on the site rather than this project; 7) Southern California Edison or Amaranto Energy Center are welcome to hold more workshops; and 8) Sending a letter of opposition now rather than waiting, citing the facts as currently understood, along with emphasis on the inconsistency with current zoning, the existence of a development agreement with a restrictive covenant that restricts the land use, and other environmental issues.

In response to Councilmember Van Dam, Mr. Ennis explained the City's recourse, if the applicant sought to not apply and process amendments to

the development agreement and zoning ordinance and instead asked the California Energy Commission to override them.

MOTION: Councilmember Millhouse moved and Mayor Parvin seconded a motion for Council to adopt a position in opposition to this project based upon the information provided at this public meeting and to direct staff to inform Diamond Generating Corporation, Southern California Edison, Public Utilities Commission of the State of California, and the California Energy Commission of the City's opposition to the Tract 5906 site for the potential power plant project.

Councilmember Van Dam stated he is in favor of conducting more workshops before sending an opposition letter. He stated he does support sending letters based upon the facts, but not opposition, at this time.

A discussion followed among the Councilmembers and staff focusing on the need to take a strong position in opposition now based upon the facts that this proposal is contrary to the zoning regulations, the development agreement, and the covenant running with the land.

The motion carried by voice vote 4-1, Councilmember Van Dam dissenting.

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 Warrant Register for Fiscal Year 2013/14 – November 20, 2013.
Staff Recommendation: Approve the warrant register.

- B. Consider Agreement for Professional Services with The Sohagi Law Group, PLC to provide Consulting Services and Assistance with the Preparation of a Draft Environmental Impact Report for the Proposed Civic Center Project. Staff Recommendation: Authorize City Manager to execute an Agreement for Professional Services with The Sohagi Law Group, PLC for a not to exceed amount of \$75,600, subject to final language approval by the City Manager and the City Attorney.

- C. Receive a Letter or Withdrawal of Modification No. 1 to Residential Planned Development Permit No. 1999-02, a Request for Approval to Construct Four New House Plans for Construction of 66 Single Family Homes on Existing Lots Within the Meridian Hills Gated Community, Tract 5187, North of Meridian Hills Drive and West of Walnut Canyon Road, on the Application of Rick Bianchi, for TRI Pointe Homes, Inc. Staff Recommendation: Receive and File.

- D. Consider Request from Relay for Life to Co-Sponsor the 2014 Relay for Life Event. Staff Recommendation: 1) Approve the request from Relay for Life to co-sponsor the event as described in this report, and waive park rental fees associated with the Relay for Life, subject to reimbursement of City's direct costs; and 2) Authorize City Manager to approve modified hours of operation for Arroyo Vista Community Park from 10:00 p.m. on 5/3/2014 to 6:00 a.m. on 5/4/2014, as a condition of the rental permit for Relay for Life's event.
- E. Consider Donation of Outdoor Exercise Equipment from TriActive America. Staff Recommendation: Accept donation of outdoor exercise stations from TriActive America and provide TriActive with a premier sponsorship package and two entries to the 5K fun run.
- F. Consider Agreement with Penfield and Smith for Civil Engineering Services for the Recreational Trail Improvements at Arroyo Vista Community Park. Staff Recommendation: Approve agreement with Penfield & Smith for Civil Engineering Services for the Recreational Trail Improvements at Arroyo Vista Community Park and authorize City Manager to sign the agreement subject to final language approval of the City Manager and City Attorney.

11. ORDINANCES: (ROLL CALL VOTE REQUIRED)

None.

12. CLOSED SESSION:

None was held.

13. ADJOURNMENT:

MOTION: Councilmember Mikos moved and Councilmember Mayor Parvin seconded a motion to adjourn the Regular meeting to reconvene the Special City Council meeting from earlier in the evening. The motion carried by unanimous voice vote. The time was 9:45 p.m.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, City Clerk