

## **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

May 21, 2014

A Regular Meeting of the City Council of the City of Moorpark and the Successor Agency was held on May 21, 2014, 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 7:09 p.m.

2. PLEDGE OF ALLEGIANCE:

Captain Stephen 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; Irmina Lumbad, Budget and Finance Manager; Joe Fiss, Principal Planner, Teri Davis, Senior Management Analyst; Adriene Braddock, Recreation Supervisor; Captain Wade, Sheriff's Department; and Maureen Benson, City Clerk.

4. PROCLAMATIONS AND COMMENDATIONS:

A. Recognition of Outgoing Teen Council Members.

Mayor Parvin and Adriene Braddock, Recreation Supervisor, presented outgoing Teen Council members, Courtney Beulieu, Shawn Fenerin, Natalie Garcia, Megan Gratke, Deema Momani, Olivia Ordin, Forrest Sullenbarger, and Laura Traffenstedt with certificates of recognition for their service during the 2013/2014 term.

5. PUBLIC COMMENT:

Steve Crossman, a Moorpark resident, spoke in regard to the disparity between the City's approval to bring the Moorpark West Studios to Moorpark with its promise of more jobs and entertainers coming to Moorpark to spend money, as compared to banning entertainment at Redballs Rock 'Roll Pizza.

Mayor Parvin announced, as many of the Public Comment cards are addressing Rock 'n Roll Pizza as the subject for discussion, she wants the public to know that the City Council is not allowed to address this subject as it is not on the agenda this evening.

Mr. Ennis explained that an Administrative Hearing between the owner of Rock 'n Roll Pizza, a representative from the City Attorney's office, and staff will be scheduled to discuss solutions to the complaints from residents and other members of the community regarding the noise level of the live music. He further stated the Brown Act does not allow the Council to address this item this evening.

Councilmember Millhouse also stated that the permit for this business has never come to the City Council for discussion or approval.

Stuart Wing, a Moorpark resident and a customer of Rock 'n Roll Pizza, spoke in support of their good pizza and for giving live bands a venue. He stated Rock 'n Roll Pizza is a special venue for developing the arts and is not the only one entity making noise; there is other noise in the surrounding area from car music, parties with outdoor music and other loud noises.

Robbie Rist, a performer at Redballs Rock 'n Roll Pizza, spoke in support of this growing business, which keeps its audience happy; and which is run by responsible business owners who sponsor many fundraisers for the community. He requested the City provide the decibel number the business needs to comply with to avoid violating the noise ordinance.

Jennie Rosen stated she travels from the Los Angeles area just to hear the live bands at Rock 'n Roll Pizza, which is a good place for college students in a college town to hang out. She stated she has discovered places to shop in Moorpark while in town.

Cynthia Steinmetz spoke in support of Rock 'n Roll Pizza as Moorpark needs more businesses like this, which has become nationally and internationally known for supporting music. She stated the owners donate their time and restaurant space to many philanthropic causes in the community and that the business complies with all fire ordinances and noise levels required by the City.

Michael Turco, Manager of Rock 'n Roll Pizza, stated live music is a popular family event and that this business is complying with the law. He stated they are willing to work with the individuals who have complaints about the noise levels.

Eric Cook, a resident of Moorpark and Fire Captain with the Los Angeles County Fire Department covering the Sunset Strip area in West Hollywood where all the night clubs are located, spoke in support of Rock 'n Roll Pizza and stated this is not a club like those in Los Angeles. This restaurant allows kids to practice the arts and families to come enjoy the music.

Tim Regan spoke in support of Rock 'n Roll Pizza, stating he has worked in the recording industry for 37-years and has reviewed the City's noise ordinance specifications, which are rather vague in regard to noise decibels. It is important to be specific and have a clear definition of the decibel level allowed.

Leslie Bowden-Walker, a resident from Carson, California, and frequent patron of Redballs Rock 'n Roll Pizza for its great pizza and good music, stated the Moorpark Police Department has cited the restaurant for noise complaints prior to 10:00 p.m. and that the train passing through Moorpark is louder than any music. She stated the decibel level needs to be specified to the restaurant and she is sure they will comply.

Jeffrey Sargent, a resident of Upland, California, and a regular Friday patron of Rock 'n Roll Pizza spoke in support of this thriving business with its good pizza, family time, and as a place to make music. He stated the passing train noise overrides any music at this location. He also stated he patronizes local gas stations when he comes here, so this is good business for Moorpark.

Yvonne Franklin, a Moorpark resident located adjacent to Rock 'n Roll Pizza, spoke in opposition to the noise levels coming from the restaurant. She stated despite her double-pane windows and doors, they cannot block out the music and even the words of the songs penetrate every room in her home for 5-7 days a week from 7:30-10:00 p.m. She asked the City to enforce the noise ordinance so she can enjoy her home in peace and quiet.

Hilda Carpenter, a Moorpark resident located across the street from Redballs Rock 'n Roll Pizza, spoke in opposition to the loud music. She stated she does not want to see the business close; just reduce the noise level and adhere to the noise ordinance so the music is not in her home and she can have peace and quiet.

Don Claybaugh, a Moorpark resident living across from Rock 'n Roll Pizza, stated he enjoys live music and attends many concerts, but now every night he is forced to listen to loud music coming from Rock 'n Roll Pizza. He stated he appreciates whatever the City can do to mitigate this noise and bring this business into compliance with the noise ordinance.

Ronald Frickin, a resident of Malibu, California, stated he patronized Rock 'n Roll Pizza before it moved to Moorpark and he supports them now for trying to comply with the City's noise ordinance. He stated this is an important revenue source for the community.

Sam Chilakos, a Thousand Oaks resident, stated he grew up in Moorpark where there were very few establishments to provide entertainment for the 21-25 year old population. Rock 'n Roll Pizza is one of a few places where live music can be enjoyed by families and where they can eat and drink. He requested the City work towards a compromise, as other businesses wanting to come to Moorpark are watching. Mr. Chilakos pointed out that the noise ordinance applies to residential zones, but not the zone the restaurant is in. The City should clearly state the decibel levels to which the restaurant needs to comply. There are many noises in this area including the trains and impact wrenches at auto repair shops in the vicinity.

Steve Gunner, a musician of 50 years, stated there are many alternatives to reducing the noise level and he will be donating sound proofing material to Rock 'n Roll Pizza as one option. He stated he hopes the City has knowledgeable staff to study the noise ordinance to establish the correct decibel levels and how to take the measurements.

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

CONSENSUS: It was the unanimous consensus of the Council to reorder Item 9.C. to be heard first under Presentation Action Discussion, upon the request of Councilmember Millhouse.

CONSENSUS: It was the unanimous consensus of the Council to pull Item 10.I. from the Consent Calendar for individual consideration, upon the request of staff.

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

Councilmember Mikos stated she had attended a meeting last week of the Economic Development Collaborative for Ventura County where the local small business development center in Ventura County received the regional award as the best such center in the southern California region.

Councilmember Van Dam congratulated the nominees and winners of the Moorpark community awards as sponsored by the Moorpark Chamber of Commerce.

Councilmember Van Dam stated he and Councilmember Pollock attended the retirement celebration for Teresa Williams, Superintendent for the Moorpark Unified School District.

Councilmember Pollock stated he has been visiting local businesses including Action Sports Gaming on Condor Drive, which is a distributor of realistic guns such as pellet guns, bb guns, and airsoft guns used recreationally and used by law enforcement agencies for practice shooting. He also visited AG Machining on Science Drive, which employs over 100 people and is outgrowing its facility. He stated staff is looking for a new larger facility in the city for their potential relocation.

Councilmember Pollock stated he spent Saturday evening at Rock 'n Roll Pizza, where he expected to hear a performance by Steve Gunner, former drummer for Creedence Clearwater Revival, but instead; listened to amplified acoustical music until 10:00 p.m. He further stated he is confident staff will be able to reach a solution with the owners regarding the noise level.

Councilmember Pollock reported on Friday evening he had attended "Einstein and Dine" a fundraiser at Rancho de los Palmas near the Underwood Ranch which benefits Flory School's science and technology programs.

Councilmember Pollock reported on Sunday he had attended the Kiwanis Club's "Wine and Moonlight" annual fundraiser for the youth of Moorpark, which was held at the Secret Garden.

Mayor Parvin announced the following Moorpark City Library free activities:

- "Paws to Read" Summer Reading Club sign-ups on June 16. Performances for children will take place on Monday afternoons along with storytimes, games, and crafts throughout June and July.
- Summer Reading Club B-I-N-G-O cards are available for teens.
- On Tuesday afternoons at the Library, Teen Makerspace, Cupcake Boss, Ice Cream tastings and more will take place along with movie Monday's and Wii Wednesday's.
- Adults can participate in the Read, Review and Win contest.

Mayor Parvin announced the following activities taking place at Arroyo Vista Recreation Center:

- On May 30 teens can enjoy live bands showcasing their talent at our Band Jam.

- Summer Camp Moorpark registration is currently open for children ages 4 years/9 months to 14 years of age. Camp begins June 12 and runs through August 19.
- Summer classes begin the first week of June, with classes for children and adults.
- Numerous half-day camps are available for children to enjoy including Lego camps, basketball camps, and cooking camps.
- Adults can get out and play this summer in our adult softball, soccer, and basketball programs. Adult registration is open now through June 6.
- Youth non-competitive basketball registration and player evaluations begin June 6 through June 7 for ages five to 14.
- This summer we are offering a new competitive high school basketball division for boys and girls ages 14-16 years old with registration open through June 6, and player evaluations on June 14.
- All registration for classes, camps, and sports leagues take place at Arroyo Vista Recreation Center.
- Start planning now for our annual July 3rd Fireworks Extravaganza at Arroyo Vista Community Park. Bring your family for a fun-filled event, with food trucks, food booths, games, attractions and music by Full Spectrum and Raymond Michael as Elvis.

Mayor Parvin announced last week the Moorpark Rotary Club sponsored the Officers of the Year event where Deputy John Eisenhard of the Moorpark Police Department and Highway Patrol Officer Sam Clarkson were recognized.

Mayor Parvin announced on Monday, the American Legion will hold a Veteran's Memorial ceremony at 8:00 a.m. at the corner of Los Angeles and Moorpark Avenues as well as a ceremony at 10:00 a.m. at the Veteran's Memorial on the corner of Spring Road and Flinn Avenue.

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. 2013-01 to Change the Land Use Designation on Four Acres on the North Side of Los Angeles Avenue, East of Shasta Avenue from C-2 (General Commercial) to VH (Very High Residential Density) on the Application of Menashe Kozar (Grand Moorpark LLC) to Allow Construction of 66 Attached Residential Dwelling Units. Staff Recommendation: 1) Open the public hearing, accept public testimony, and close the public hearing; and 2) Adopt Resolution No. 2014-3291.

Mr. Fiss gave the staff report.

Mayor Parvin opened the public hearing.

Mark Armbruster of Goldsmith & Delvac, LLP, 11611 San Vicente Boulevard, Suite 900, Los Angeles California, representing Grand Moorpark LLC, stated they concur with staff's recommendations and are ready to contribute the \$20,000 towards a commercial demand study and submit all other applications required.

Mayor Parvin closed the public hearing.

MOTION: Councilmember Mikos moved and Councilmember Van Dam seconded a motion to adopt Resolution No. 2014-3291, authorizing the acceptance of a General Plan Amendment application for review consistent with General Plan Amendment Pre-Screening No. 2013-01 to change the land use designation on four acres on the north side of Los Angeles Avenue, east of Shasta Avenue from C-2 (General Commercial) to VH (Very High Residential Density) on the application of Menashe Kozar (Grand Moorpark LLC) to allow construction of 66 attached residential dwelling units. The motion carried by unanimous voice vote.

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

9. PRESENTATION/ACTION/DISCUSSION:

- C. Consider Golf Tax. (continued from May 7, 2014) Staff Recommendation: Direct staff as deemed appropriate.

Mr. Kueny gave the staff report. He recommended that any golf tax be considered as part of a comprehensive review of a business license tax as

the other nearby golf courses are subject to a business license tax in their community, which would make this fair to the Moorpark Country Club.

Marc Connerly, Executive Director of the California Golf Course Owners Association stated he traveled from Sacramento to request the Council reject this proposal. He stated he did not see the nexus for a golf tax; golf is not an additional burden placed on the City services, police department, fire department, or schools; and the suggested revenue of \$450,000 from this tax is over simplified and unrealistic.

Craig Kessler, Director of Government Affairs for the Southern California Golf Association traveled from Studio City to address this matter. He stated he concurs with the City Manager's summary and stated no municipalities have looked at establishing a golf tax for over 21 years.

A discussion followed among the Councilmembers: 1) Mayor Parvin stated she is not in favor of a golf tax and explained the City is trying to explore ways to bridge the funding gap in order to offset the increasing expenses for police services, utilities, and insurance and property taxes are still set at the 2007-2008 level; 2) Councilmember Pollock stated any tax or cut in services proposed in isolation will bring out an interest group in opposition; it would be best to have a committee look at the full range of options to present comprehensive recommendations for cutting services or raising taxes; 3) Mayor Parvin stated a committee of residents and business owners could be formed to address this issue; 4) Councilmember Mikos stated fairness is the issue and concurred with a comprehensive approach with an outreach to the community since this cannot be put off; and 5) Councilmember Millhouse stated he is skeptical that a golf tax would be viable or equitable and that the Finance, Administration, and Public Safety standing committee should look at options to come up with a comprehensive list to present to the community for feedback.

CONSENSUS: It was the unanimous consensus to receive and file the report. .

- A. Consider Presentation from Applicants to Fill Vacancies on the Library Board. Staff Recommendation: Hear presentations from applicants and defer appointments to fill vacancies until the June 4, 2014, meeting after the remaining applicants have made their presentations.

Ms. Benson gave the staff report and stated Ms. Dickson could not come to tonight's meeting and will present on June 4.

The Council listened to the presentation from Library Board applicant Brian Matthews.

CONSENSUS: It was the unanimous consensus of the Council to defer appointments to the Library Board until the June 4, 2014, regular meeting, following the remaining Library Board applicant presentations.

- B. Consider Appointments to Fill Vacancies on the Area Agency on Aging Advisory Council. Appoint two (2) Area Agency on Aging Advisory Council representative for a two year term ending June 30, 2016.

Ms. Benson gave the staff report.

There were no speakers.

Mayor Parvin solicited nominees from the Council. There were none.

MOTION: Mayor Parvin nominated and Councilmember Millhouse seconded the nomination of Sandra Fide to serve on the Area Agency on Aging Advisory Council for a term ending June 30, 2016. The motion carried by unanimous voice vote.

MOTION: Mayor Parvin nominated and Councilmember Van Dam seconded the nomination of Vicki Tripoli to serve on the Area Agency on Aging Advisory Council for a term ending June, 30, 2016. The motion carried by unanimous voice vote.

- D. Consider City Council Wallet Identification Badge. Staff Recommendation: Select City Council wallet identification badge style.

Ms. Davis gave the staff report.

There were no speakers.

A discussion followed among the Councilmembers: 1) Councilmember Mikos stated she did not remember previously approving this and would be in favor of Option 2 which looks less like a police officer badge; 2) Councilmember Pollock stated that discussion must have been before he was seated; and 3) Mayor Parvin and Councilmember Millhouse stated they were in favor of wallet badge Option 1.

MOTION: Councilmember Millhouse moved and Mayor Parvin seconded a motion to select Option 1 as the City Council wallet identification badge. The motion carried by voice vote 3-2, Councilmembers Mikos and Pollock dissenting.

- E. Consider Equipment Replacement Fund Status Report as of June 30, 2014; and Consider Resolution Amending Fiscal Year 2013/2014 Budget; Authorizing the Transfers from Various Sources to the Equipment Replacement Fund (4003) and Authorizing the Designation of Fund

Balance for Equipment Replacement Obligation in Certain Restricted Funds. Staff Recommendation: 1) Adopt Resolution No. 2014-3292.  
ROLL CALL VOTE REQUIRED

AT THIS POINT in the meeting, Councilmember Millhouse left the dais. The time was 8:38 p.m.

Ms. Lumbad gave the staff report.

There were no speakers.

AT THIS POINT in the meeting, Councilmember Millhouse returned to the dais. The time was 8:41 p.m.

MOTION: Councilmember Mikos moved and Councilmember Pollock seconded a motion to adopt Resolution No. 2014-3292. The motion carried by roll call vote 4-0, Councilmember Millhouse abstaining.

F. Consider Mission Statement, Priorities, Goals and Objectives for Fiscal Year 2014/2015 Staff Recommendation: Approve Mission Statement, Priorities, Goals and Objectives for FY 2014/2015 and determine which, if any, objectives are to be referred to a Standing Committee.

Mr. Kueny gave the staff report and amended: 1) Stamped page 99 No. 3. to read "Comprehensive update of the General Plan Land Use and Circulation Element and then adopt updated OSCAR Elements to insure internal consistency among all elements of the General Plan; 2) and No. 9. Enhance open space and greenbelt areas and ~~determine feasibility of~~ continue efforts to establishing a trail system along the Arroyo Simi and work with other public agencies to develop a comprehensive Arroyo Simi Management Plan that incorporates flood control, habitat preservation/restoration, and recreation components."

In response to Councilmember Mikos, Mr. Kueny stated Item No. 5. on stamped page 104 should show asterisks (\*\*) as it relates to the Top 10 Priorities.

There were no speakers.

MOTION: Mayor Parvin moved and Councilmember Mikos seconded the motion to approve the Mission Statement Priorities, Goals and Objectives for Fiscal Year 2014/2015, as amended. The motion carried by unanimous voice vote.

G. Consider Proposed Operating and Capital Improvement Budget for the Fiscal Year 2014/2015. Staff Recommendation: Receive the budget and set a workshop at 6:00 p.m. on Wednesday, May 28, 2014.

Mr. Kueny gave the staff report.

There were no speakers.

CONSENSUS: It was the unanimous consensus to receive the budget and set a workshop at 6:00 p.m. on Wednesday, May 28, 2014.

10. CONSENT CALENDAR: (ROLL CALL VOTE REQUIRED)

MOTION: Councilmember Millhouse moved and Councilmember Pollock seconded a motion to approve the Consent Calendar with the exception of Item 10.I, which was pulled for individual consideration. The motion carried by unanimous roll call vote.

- A. Consider Minutes of Regular City Council/Successor Agency Meeting of May 7, 2014. Staff Recommendation: Approve the minutes.
- B. Consider Warrant Register for Fiscal Year 2013/14 – May 21, 2014. Staff Recommendation: Approve the warrant register.
- C. Consider 2014 Legislative Program. Staff Recommendation: Adopt the 2014 Legislative Program.
- D. Consider Amendment to the Local Street Access Agreement between the City of Moorpark and Waste Management of California Doing Business As the Simi Valley Landfill and Recycling Center. Staff Recommendation: Approve Amendment No. 4 to the Waste Management Agreement for Local Access Fees, subject to final language approval by the City Manager and City Attorney.
- E. Consider Resolution Amending the City of Moorpark Franchise Agreements with G.I. Industries and Moorpark Rubbish Disposal, for Both Residential and Commercial Solid Waste Services, and Authorize the City Manager to Execute the Amendments to the Agreements to Extend Term to December 31, 2014. Staff Recommendation: 1) Adopt Resolution No. 2014-3293; and 2) Authorize the City Manager to execute the amendments to the Franchise Agreements subject to final language approval of the City Manager and City Attorney.
- F. Consider Authorization for Recordation of the Notice of Completion for Security Lighting Retrofit Project at Campus Park, Poindexter Park, and the Police Services Center (Project #'s 7801, 7805, and 2005) 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.

- G. Consider Authorization for Recordation of the Notice of Completion for Demolition of Structures at 236 Charles 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.
- H. Consider Rejection of Bid for Construction of the Park Site at 161 Second Street. Staff Recommendation: Reject all bids and authorize staff to re-advertise for bids for construction of the park site at 161 Second Street with the new qualification and reference statement as proposed, and modifications to the western property line wall.

The following items were pulled for individual consideration.

- I. Consider Resolution Adopting Revised City Council Policies and Rescinding Resolution No. 2013-3176. Staff Recommendation: Adopt Resolution No. 2014-3294, rescinding Resolution No. 2013-3176.

Ms. Traffenstedt referenced the additional revisions in a supplemental agenda report dated May 15, 2014.

MOTION: Mayor Parvin moved and Councilmember Millhouse seconded a motion to adopt Resolution No. 2014-3294, as amended by the supplemental report, and rescinding Resolution No. 2013-3176. The motion carried by unanimous voice vote.

11. ORDINANCES: (ROLL CALL VOTE REQUIRED)

None.

12. CLOSED SESSION:

Mr. Kueny requested the City Council go into closed session for discussion of one case under Item 12.B. on the agenda.

MOTION: Councilmember Mikos moved and Councilmember Millhouse seconded a motion to adjourn to closed session for a discussion of one case under Item 12.B. on the agenda. The motion carried by unanimous voice vote. The time was 8:52 p.m.

- 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; Deborah Traffenstedt, Deputy City Manager; and David Bobardt, Community Development Director.

The Council reconvened into open session at 9:39 p.m. Mr. Kueny stated one case under Item 12.B. was discussed and there was no action to report.

13. ADJOURNMENT:

Mayor Parvin adjourned the meeting at 9:39 p.m.

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Janice S. Parvin, Mayor

ATTEST:

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Maureen Benson, City Clerk