

ITEM 10.D.

MINUTES OF THE MEETINGS OF THE MOORPARK CITY COUNCIL AND
SUCCESSOR AGENCY OF THE REDEVELOPMENT AGENCY
OF THE CITY OF MOORPARK ("SUCCESSOR AGENCY")
HELD JOINTLY WITH THE DISASTER COUNCIL

Moorpark, California

July 16, 2014

A Regular Meeting of the City Council of the City of Moorpark and the Successor Agency was held jointly with the Disaster Council on July 16, 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 7:14 p.m.

2. PLEDGE OF ALLEGIANCE:

Steven Kueny, City Manager, led the Pledge of Allegiance.

3. ROLL CALL:

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

Staff Present: Steven Kueny, City Manager; Kevin Ennis, City Attorney; Hugh Riley, Assistant City Manager; Ron Ahlers, Finance Director; David Bobardt, Community Development Director; Jeremy Laurentowski, Parks and Recreation Director; David Moe, Economic Development and Housing Manager; Jennifer Mellon, Administrative Services Manager; Joseph Vacca, Principal Planner; Teri Davis, Senior Management Analyst; Captain Wade, Sheriff's Department; and Maureen Benson, City Clerk.

4. PROCLAMATIONS AND COMMENDATIONS:

A. Ventura County Fair Poster.

Brandon Pina and Kristen Harvey, Junior Fair Board Members presented the City with the 2014 Ventura County Fair poster.

5. PUBLIC COMMENT:

Sharon Noel, a Moorpark resident, reported on having attended a recent Ventura Council of Governments meeting where anticoagulant rodenticides were discussed and congratulated the City of Moorpark on being the only city in Ventura County to take a stand against their use by adoption of a resolution

opposing the sale, purchase, and use of anticoagulant rodenticides in the City of Moorpark.

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

UNANIMOUS CONSENSUS: It was the unanimous consensus of the Council to pull Item 10.J. from the Consent Calendar for individual consideration upon the request of Mayor Parvin.

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

Councilmember Van Dam announced "Save the Date" of October 17 for the Glenn Miller Orchestra performance along with a champagne reception and dinner to raise funds for the High Street Arts Center.

Councilmember Pollock reminded the public that the Moorpark Education Foundation annual event "Food Truck Meet Up" will be on August 17 at Moorpark High School.

Mayor Parvin on behalf of the entire City Council congratulated Mr. Kueny upon the occasion of his 30th Anniversary as the City Manager for the City of Moorpark and highlighted milestones of his career with its many benefits to the residents of the community.

Mayor Parvin congratulated the Finance Director, Budget and Finance Manager, and the entire Finance Department staff for a letter received from Stephen J. Gauthier of the Government Finance Officers Association, notifying that the City of Moorpark's comprehensive annual financial report for the fiscal year ending June 30, 2013, qualifies for a Certificate of Achievement for Excellence in Financial Reporting.

Mayor Parvin announced the High Street Arts Center Youth Musical Theater Camp will present four performances of Disney's "Peter Pan, Jr." from July 24 through July 27.

Mayor Parvin announced the Moorpark Beach Bus takes you to Zuma Beach Tuesdays through Thursdays. Bus passes are available at City Hall and Arroyo Vista Recreation Center. Moorpark Summer Youth Bus Passes providing unlimited ridership on Moorpark City Transit until September 5 are available for purchase at City Hall and Arroyo Vista Recreation Center.

Mayor Parvin announced Arroyo Vista Recreation Center is sponsoring summer activities from now until August 20. High quality child care for children and tweens is available to families, as well as Camp Moorpark, which is perfect for

children ages 5-11. Adventure Camp is great for tweens and teens ages 10½ to 14 with choices of daily field trips to Mountasia, MB2 Raceway, and Lazertag Extreme.

8. PUBLIC HEARINGS:

None.

9. PRESENTATION/ACTION/DISCUSSION:

- A. Consider Proposed Second Amendment to the Implementation Plan for Improvements Associated with Tract Nos. 5187-1&2 and 5405, the Meridian Hills Residential Development Project, on the Application of Resmark Equity Partners, LLC (Upon Transfer of Ownership of the Meridian Hills Development Project to K. Hovnanian Companies of Southern California), Located on Meridian Hills Drive, West of Walnut Canyon Road. Staff Recommendation: Approve the draft Second Amendment to the Implementation Plan for improvements to Tract Nos. 5187 1&2 and 5405, subject to review of final language and determination of satisfactory financial capacity by the City Manager and City Attorney.

AT THIS POINT in the meeting, Councilmember Pollock, a resident of Meridian Hills, recused himself and left the dais. The time was 7:29 p.m.

Mr. Vacca gave the staff report and stated upon advice from the City Attorney to add clarification to the language on stamped page 17 of the agenda report, the following language would replace the second paragraph:

This Second Amendment to the Implementation Plan is between the City of Moorpark (the "City") and ORA Ashford 94, LLC, managed by Resmark Equity Partners, LLC, based in Los Angeles, until such time as K. Hovnanian Homes acquires ORA Ashford 94, LLC's interests in Tract Nos. 5187-1 & 2 and 5405 (the "Property"), and upon the effective date of that acquisition, shall be between City and K. Hovnanian Homes and thereafter with a limited liability corporation formed and held exclusively by K. Hovnanian Homes to hold the Property. Each of these entities shall be defined as "Developer" during the time that any one or more of these entities have an ownership interest in the Property. In the event K. Hovnanian Homes does not acquire ORA Ashford 94, LLC's interest in the Property, ORA Ashford 94, LLC shall remain responsible for carrying out the obligations and responsibilities of this Second Amendment to the Implementation Plan and shall remain the "Developer".

In response to Councilmember Mikos, Mr. Vacca stated the word “on-going” would be corrected for Item Nos. 3 and 18 on stamped page 23 as they are addressed by Item No. 12 on stamped page 20.

Steve Kabal, President of the Southern California Operations of K. Hovnanian Homes, 2525 Campus Drive, Irvine, California, spoke in regard to this being the company’s first project in Moorpark and their plans to construct 200 homes with 17 affordable units. He described having met with Meridian Hills homeowners.

Ziv Cohen, representing Resmark Equity Partners was present and available for questions.

Jon Weymouth, a Meridian Hills resident, spoke in support of the new developer and requested the City continue to help monitor the quality of the landscaping in the development. He requested one additional Homeowner Association (HOA) board member seat be made available by the developer to a Meridian Hills homeowner voted into office exclusively by the residents.

David Tuttle, a Meridian Hills resident, spoke in support of the new developer; however, expressed continued concerns over the quality and quantity of landscaping in the development. He echoed Mr. Weymouth’s request for an additional resident member on the HOA board.

Melinda Yaras, a Meridian Hills resident, spoke in support of the build-out of the development and recommended a point-person be appointed to coordinate with the new builder.

Philip Frank, a Meridian Hills resident, spoke in support of moving forward with the development and expressed gratitude to the Council and City staff for their support over the years in dealing with the chaos that occurred due to the sale of the development. Mr. Frank read a letter from Meridian Hills resident and former member of the HOA board, Taylor Hodoose, which stated he distrusts Resmark to follow through with promises and obligations to fix remaining problems regarding landscaping conditions. Mr. Hodoose recommended the new developer, K. Hovnanian view the City Council meeting video from November 6, 2013, to understand the obligations of the plan and what the residents expect of the developer.

A discussion followed among the Councilmembers and Mr. Kabal, which focused on: 1) Serious landscaping problems of the past; 2) Consideration of a member-at-large in addition to the two resident HOA board members; 3) Recommendation not to cut corners on the development; 4) No interest in the City taking over the completion of the

landscaping; and 5) There is the ability to modify plant species due to drought issues.

MOTION: Councilmember Millhouse moved and Councilmember Van Dam seconded a motion to approve the draft Second Amendment to the Implementation Plan for improvements to Tract Nos. 5187 1&2 and 5405 as amended for the second paragraph on stamped page 17 of the agenda report and to delete any language showing the City as interested in a buyout option for the landscaping; and subject to review of final language and determination of satisfactory financial capacity by the City Manager and City Attorney. The motion carried by voice vote 4-0, Councilmember Pollock absent.

AT THIS POINT in the meeting, Councilmember Pollock, returned to the dais. The time was 8:08 p.m.

- B. Consider Bay Delta Conservation Plan Letter of Support. Staff Recommendation: Direct staff as deemed appropriate.

Ms. Mellon gave the staff report.

Councilmember Mikos stated she had a conversation about the letter with Susan Mulligan of Calleguas Municipal Water District prior to this meeting.

Susan Mulligan, General Manager, Calleguas Municipal Water District, spoke about how she became convinced this letter of support is necessary when: 1) She learned that a major earthquake in the San Joaquin Delta region would destroy most of the fragile levies holding in the water, which would then flow to the ocean, cutting all supply of fresh water to southern California; and 2) The cost per typical household in our service area would be approximately \$7.50 more per month if the plan moves forward.

Ms. Mulligan provided a handout showing minor revisions to the proposed letter to soften the language in the third paragraph on the first page by deleting the last sentence as recommended by Councilmember Mikos: "This water loss is roughly equivalent to a 35-year supply for the Calleguas service area – a startling and troubling reality!"

Eric Berg, Manager of Resources, Calleguas Municipal Water District, responded to Councilmember Millhouse, stating the timeline for the Bay Delta Plan, if it stays on track, would be certification of the Environmental Impact Report possibly late in this year to be followed by the permit process, which may take 18 months to two years; and the timeline on construction is roughly 10 years.

A discussion followed among the Councilmembers and Calleguas staff which focused on: 1) The difference between this proposal and the 1980

Peripheral Canal plan that failed; 2) This Bay Delta Conservation Plan is about efficiency, not about taking more water; and 3) This is a serious issue that needs to be addressed, hopefully with success.

MOTION: Councilmember Pollock moved and Councilmember Millhouse seconded a motion to support the Bay Delta Conservation Plan letter with the additional changes presented by Susan Mulligan as recommended by Councilmember Mikos to eliminate the last sentence in paragraph three. The motion carried by unanimous voice vote.

C. (DISASTER COUNCIL/CITY COUNCIL): Consider Resolution Adopting the 2014 City of Moorpark Emergency Operations Plan (EOP) and Rescinding 2004 and 1993 Multihazard Functional Plan Approvals. Staff Recommendation:

1) Disaster Council – Recommend approval of the 2014 City of Moorpark Emergency Operations Plan (VOICE VOTE REQUIRED); and

2) City Council – Adopt Resolution No. 2014-3312, approving the 2014 City of Moorpark EOP and rescinding 2004 and 1993 Multihazard Functional Plan approvals, subject to EOP final language approval by the City Manager, and authorize the Mayor to sign a promulgation letter constituting the adoption of the EOP by the City of Moorpark. (VOICE VOTE REQUIRED)

Ms. Davis gave the staff report.

There were no speakers.

MOTION: Disaster Councilmember Pollock moved and Disaster Councilmember Van Dam seconded a motion to approve the 2014 City of Moorpark Emergency Operations Plan. The motion carried by unanimous voice vote.

MOTION: Councilmember Pollock moved and Councilmember Van Dam seconded a motion to: 1) Adopt Resolution No. 2014-3312, approving the 2014 City of Moorpark EOP, subject to EOP final language approval by the City Manager, and rescinding the 2004 and 1993 Multihazard Functional Plan approvals and rescinding Resolution No. 93-941; and 2) Authorizing the Mayor to sign a promulgation letter constituting the adoption of the EOP by the City of Moorpark. The motion carried by unanimous voice vote.

10. CONSENT CALENDAR: (ROLL CALL VOTE REQUIRED)

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

- A. Consider Warrant Register for Fiscal Year 2013/14 – July 16, 2014. Staff Recommendation: Approve the warrant register.
- B. Consider Warrant Register for Fiscal Year 2014/15 – July 16, 2014. Staff Recommendation: Approve the warrant register.
- C. Consider Response to Final Report of the Ventura County Grand Jury 2013-2014 on Moorpark Zoning Compliance, Tracking, and Reporting. Staff Recommendation: 1) Approve the draft responses to the Grand Jury report findings and recommendations and authorize the Mayor to sign it and submit the responses to the Presiding Judge of the Superior Court; and 2) Direct staff to implement the direction of the City Council contained in the draft responses.
- D. Consider Rescinding Previous City Council Action of December 18, 2013 and Re-Approve Second Amendment to Lease Agreement with Moorpark/Simi Valley Neighborhood for Learning, First 5 Ventura County. Staff Recommendation: Approve revised Amendment No. 2 to the Lease Agreement, reflecting the tenant name change to Boys and Girls Club of Simi Valley, extending the term and providing for repayment of half of the construction costs for a shade structure; and authorize the City Manager to sign Amendment No. 2, subject to final language approval of the City Manager.
- E. Consider Authorizing Re-Bid for Construction of Walnut Acres Park (161 Second Street) (Project 5081). Staff Recommendation: Approve the bid manual, and authorize the re-bid of the Walnut Acres Park project.
- F. Consider Agreement with West Coast Arborist for Tree Maintenance Services and Authorize Staff to Solicit Bid Proposals for Tree Maintenance Services. Staff Recommendation: 1) Approve Agreement with West Coast Arborist, Inc. for \$25,000.00 and authorize the City Manager to execute the Agreement, subject to final language approval of the City Manager and City Attorney; and 2) Approve the Tree Maintenance Services Contract Documents and Specifications, and authorize staff to solicit proposals for tree maintenance services.
- G. Consider Authorization to Advertise for Bids for Parking Lot Maintenance Improvements at Various Parks and City Facilities. Staff Recommendation: Approve plans and specifications, and authorize advertisement for bids for parking lot maintenance and improvements at various parks and City facilities as outlined in the agenda report
- H. 1) Consider Award of Agreement to Oakridge Landscape, Inc., for Landscape Services at Landscape Maintenance District (LMD) Zones 15,

20, and 22; 2) Consider Award of Agreement to Lowest Bidder, Parkwood Landscape Maintenance, Inc. for Landscape Maintenance Services at Various Landscape Maintenance Districts and Miscellaneous City Properties; and 3) Consider Resolution Amending the Fiscal Year 2014/15 Budget to Allocate Funds for the Landscape Maintenance Services. Staff Recommendation: 1) Award a 12-month Agreement (October 1, 2014 through September 30, 2015) with option to extend the Agreement for three (3) additional one (1) year periods to Parkwood Landscape Maintenance, Inc. for landscape maintenance services at the LMD and miscellaneous City properties for an annual cost of \$273,036, plus a 15% contingency of \$40,955 for a total contract cost of \$313,992; and Oakridge Landscape, Inc. for landscape maintenance services at LMD Zone areas 15, 20, and 22 for an annual cost of \$263,246 plus a 15% contingency of \$39,487 for a total contract cost of \$302,733; and authorize the City Manager to execute the Agreement, subject to final language approval by the City Manager and City Attorney; and 2) Adopt Resolution No. 2014-3313, amending the Fiscal Year 2014/15 to fund the landscape services. ROLL CALL VOTE REQUIRED

- I. Consider Voting Delegate and Alternates for League of California Cities Annual Conference – September 3rd-5th in Los Angeles. Staff Recommendation: 1) Designate Councilmember Pollock as the voting delegate and other attending Councilmember, the City Manager, or Deputy City Manager as voting delegate alternates; and 2) Direct the City Clerk to notify the League of California Cities of the designated voting delegate and alternates.

- K. Consider Waiver of Stormwater Business Inspection Fee Balances for Affected Businesses. Staff Recommendation: Approve waiver of business inspection fees not collected in Fiscal Year 2013/2014 as a result of HDL software update delay. ROLL CALL VOTE REQUIRED

The following item was pulled for individual consideration.

- J. Consider Request from Rotary Club of Moorpark to Co-Sponsor the 2014 Moorpark Mammoth Run. Staff Recommendation: Approve the request to co-sponsor the event as described in the agenda report, and waive park rental fees, advertising fees associated with publication costs in the Moorpark Recreation Guide and web version, and absorb staff time costs associated with the issuance of an Encroachment Permit, subject to reimbursement of all other City's direct costs.

Mayor Parvin stated she had pulled this item in order to abstain from voting as she is a member of the Rotary Club.

MOTION: Councilmember Mikos moved and Councilmember Pollock seconded a motion to approve the request to co-sponsor the 2014 Moorpark Mammoth Run as described in the agenda report, and waive park rental fees, advertising fees associated with publication costs in the Moorpark Recreation Guide and web version, and absorb staff time costs associated with the issuance of an Encroachment Permit, subject to reimbursement of all other City's direct costs. The motion carried by voice vote 4-0, Mayor Parvin abstaining.

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. and Items 12.C. and 12.D. on the agenda.

MOTION: Councilmember Mikos moved and Councilmember Pollock seconded a motion to adjourn to closed session for a discussion of one case under Item 12.B. and Items 12.C. and 12.D. on the agenda. The motion carried by unanimous voice vote. The time was 8:29 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)

C. CONFERENCE WITH REAL PROPERTY NEGOTIATOR
(Pursuant to Government Code Section 54956.8)
Property: 20 and 50 Moorpark Avenue (APN 512-0-111-310 & 320)
City Negotiator: Steven Kueny, City Manager
Negotiating Parties: Premji, Alladin and Susan Trust
Under Negotiation: Price and terms of sale

D. CONFERENCE WITH REAL PROPERTY NEGOTIATOR
(Pursuant to Government Code Section 54956.8)
Property: 60 Moorpark Avenue (APN 512-0-111-030)
City Negotiator: Steven Kueny, City Manager
Negotiating Parties: Joaquin Velasquez
Under Negotiation: Price and terms of sale

Present in closed session were Councilmembers Mikos, Millhouse, Pollock, Van Dam, and Mayor Parvin; Steven Kueny, City Manager; Kevin Ennis, City Attorney; Hugh Riley, Assistant City Manager; David Moe, Economic Development and Housing Manager (left the meeting at 8:55 p.m.); and Joseph Vacca, Principal Planner.

The Council reconvened into open session at 9:16 p.m. Mr. Kueny stated one case under Item 12.B. and Items 12.C. and 12.D. were discussed and there was no action to report.

13. ADJOURNMENT:

Mayor Parvin adjourned the meeting at 9:16 p.m.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, City Clerk