

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 17, 2014

A Regular Meeting of the City Council of the City of Moorpark and the Successor Agency was held on September 17, 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 7:23 p.m.

2. PLEDGE OF ALLEGIANCE:

Andrew Heathcote of Boy Scout Troop 570 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; David Klotzle, City Engineer/Public Works Director; Jeremy Laurentowski, Parks and Recreation Director; Joseph Fiss, Principal Planner; Jennifer Mellon, Administrative Services Manager; Captain Wade, Sheriff's Department; and Maureen Benson, City Clerk.

CONSENSUS: It was the consensus of the Council to hear Item 9.A. following Proclamations and Commendations on the agenda.

4. PROCLAMATIONS AND COMMENDATIONS:

- A. Recognition of Reddy Pakala upon the Occasion of His Retirement as Director of the Ventura County Water and Sanitation Department.

Mayor Parvin presented Reddy Pakala with a Certificate of Recognition upon the occasion of his retirement as Director of the Ventura County Water and Sanitation Department.

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

9. PRESENTATION/ACTION/DISCUSSION:

- A. Consider Presentation on the Ventura County Waterworks District No. 1 Moorpark Wastewater Treatment Plant Desalter Project. Staff Recommendation: Receive the presentation.

Reddy Pakala gave the presentation on the Ventura County Waterworks District No. 1 Moorpark Wastewater Treatment Plant Desalter project.

David Schwabauer, member of the Board of Directors of the Farm Bureau of Ventura County, commended Mr. Pakala for his service to Ventura County and wished him well in retirement.

Roy Talley, former Councilmember now serving on the Ventura County Water and Sanitation District Advisory Board, stated the advisory board is in unanimous support of the Desalter project.

5. PUBLIC COMMENT:

Thomas Pflaumer, Moorpark resident and Parks and Recreation Commissioner, stated he attended a meeting of the Moorpark Unified School District (MUSD) board meeting where there was discussion of building a swimming pool within the next two years. He suggested the Council form an ad hoc committee to work with MUSD to establish a community swimming pool.

Tom Lucas, owner of Performance Nursery, requested any assistance the City and Council could provide to convince Southern California Edison not to cancel his lease.

David Kropp, a Moorpark resident, stated there would be a negative impact on the community if Performance Nursery is forced to leave Moorpark. He requested the Council make a formal request for Southern California Edison to meet with community members to hear their concerns.

Maria Ventura, new Public Relations Manager for Southern California Gas Company for the Moorpark area, introduced herself to the Council.

Peter Duncan, representing American Legion Moorpark Post 502, spoke in regard to Consent Calendar Item 10.Y; describing the success of the military banner program and requesting Council support in continuing the program.

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

Previously, considered moving Item 9.A. to be heard prior to Public Comment.

CONSENSUS: It was the consensus of the Council to pull items 10.T. and 10.Y. from the Consent Calendar upon the request of Mayor Parvin who plans to recuse herself from participation as a member of Rotary.

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

Councilmember Pollock reported on having attended the League of California Cities Annual Conference in Los Angeles on September 3-5, where he heard many good presentations.

Councilmember Van Dam announced this is the last week "Guys and Dolls" will be performed at the High Street Arts Center; and on October 17 the Glenn Miller Orchestra will be performing at a dinner concert at the center.

Councilmember Mikos announced Country Days celebrations will include the "Princess Bride" on the big screen on Friday, September 26, Country Days parade on Saturday, September 27, and the Mammoth Run on Sunday, September 28.

Councilmember Mikos reported she had attended several meetings over the summer including the Santa Monica Mountains Conservancy and the Economic Development Collaborative of Ventura County.

Mayor Parvin thanked the American Legion Post 502, which will be celebrating their two-year anniversary of offering weekly Bingo games at the Active Adult Center.

Mayor Parvin announced the Moorpark Friends of the Library will hold their colossal book sale again this year at the Country Days Parade. All proceeds benefit the Library and membership applications are available at the sale. The book sale will continue at the Library until October 2.

Mayor Parvin announced the Moorpark City Library has joined the Inland Library Network making 2.5 million items available.

Mayor Parvin announced the City is hosting a Coastal Cleanup Day on Saturday, September 20 where residents are invited to participate in cleaning up a section of the Arroyo Simi.

Mayor Parvin announced the City will host a free electronic waste collection and secure paper shredding even on September 20 at the Moorpark Public Services Facility.

Mayor Parvin announced Free Landfill Day will be held on Sunday, September 21 for Moorpark residents at the Simi Valley Landfill and Recycling Center.

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. 2014-____ authorizing the acceptance of a General Plan Amendment application for review.

Mr. Fiss deferred the staff report as the applicant had requested a continuance to November 5, 2014, when the full Council would be in attendance to consider the application.

Mayor Parvin opened the public hearing.

James Rasmussen, applicant for Moorpark Property 67, LLC, 26500 W. Agoura Road #652, Calabasas, California, stated he would reserve his comments until November 5 as not all of his representatives could be at this meeting; and he wanted a full Council to consider his request.

Steve Hunter, representing LDC 2700 East Foothill Boulevard, #200, Pasadena, California, stated he would defer his presentation on behalf of Moorpark Property 67, LLC until November 5.

Jennifer Diamond, a resident of Gabbert Road in Moorpark, stated she is in opposition to the land use change, but would defer more comments until November 5.

Sharon Noel, a resident of Gabbert Road in Moorpark, stated there are valid reasons to deny the change to higher density including the deteriorated view of the City by train travelers entering the City; loss of rural life; and the very real possibility that Mr. Rasmussen could sell his property to a natural gas company after the land use change. She

requested if this application is accepted that the two parcels remain separate.

Jayla Haxton, a resident of Gabbert Road in Moorpark, stated she is opposed to this project and will make further comments at the November 5 meeting.

Cindy Hollister, a resident of Gabbert Road in Moorpark, stated she is opposed to the project and is disappointed that Mr. Rasmussen is not ready to present since many people came out to this meeting to speak. She went on to state she will make further comments on November 5.

Michelle Berry, a resident of Gabbert Road in Moorpark, stated a zone change should only be considered if it benefits the City not the developer. She went on to question the need for adding a major thoroughfare to the City that takes traffic away from the commercial corridor, which currently has several stores closing.

Ron Miller, a resident of Gabbert Road in Moorpark, stated he likes the openness of the area and would rather it be left alone.

In response to Mayor Parvin, Ms. Benson summarized one Written Statement card in opposition to the proposal and stated a desire to keep large parcel equestrian lots from one-half acre to five acres in size.

CONSENSUS: It was the consensus of the Council to continue the open public hearing to the regular City Council meeting of November 5, 2014.

- B. Consider Resolution Declaring the Private Road within Tract 5463 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. 2014-3314.

Mr. Klotzle gave the staff report.

Mayor Parvin opened the public hearing.

There were no speakers.

MOTION: Councilmember Van Dam moved and Councilmember Pollock seconded the motion to adopt Resolution No. 2014-3314, declaring the private road within Tract 5463 subject to the provisions of the California Vehicle Code. The motion carried by voice vote 4-0, Councilmember Millhouse absent.

9. PRESENTATION/ACTION/DISCUSSION:

- B. Consider Revisions to the Active Adult Center Standards of Conduct Policy and a Moorpark City Library Standards of Conduct Policy. Staff Recommendation: Approve revisions to City Council Policy 6.5: Moorpark Active Adult Center Standards of Conduct and Approve City Council Policy 2.23: Moorpark City Library Standards of Conduct to be incorporated into the next update of the City Council Policies Resolution.

Ms. Mellon gave the staff report.

There were no speakers.

In response to Councilmember Van Dam, Mr. Kueny stated a tracking system for violations of the standards of conduct would be implemented.

MOTION: Councilmember Mikos moved and Councilmember Pollock seconded a motion to approve revisions to City Council Policy 6.5: Moorpark Active Adult Center Standards of Conduct and Approve City Council Policy 2.23: Moorpark City Library Standards of Conduct to be incorporated into the next update of the City Council Policies Resolution. The motion carried by voice vote 4-0, Councilmember Millhouse absent.

- C. Consider a Request to Allow Occupancy of the First Phase of Homes in Tract 5425 (Residential Planned Development [RPD] Permit No. 2010-02: Ivy Lane – Shea Homes) Prior to Completion of Fremont Street Improvements. Staff Recommendation: Authorize the Community Development Director to allow occupancy of Phase 1 homes (Lots 83-86 and 89-92) at this time.

Mr. Bobardt gave the staff report.

There were no speakers.

MOTION: Councilmember Pollock moved and Mayor Parvin seconded a motion to authorize the Community Development Director to allow occupancy prior to the completion of Fremont Street for Phase 1 homes (Lots 83-86 and 89-92) in Tract 5425 Residential Planned Development Permit No. 2010-02 on Ivy Lane for Shea Homes. The motion carried by voice vote 4-0, Councilmember Millhouse absent.

10. CONSENT CALENDAR: (ROLL CALL VOTE REQUIRED)

MOTION: Councilmember Pollock moved and Councilmember Van Dam seconded a motion to approve the Consent Calendar with the exception of Items 10.T. and 10.Y,

which were pulled for individual consideration. The motion carried by roll call vote 4-0, Councilmember Millhouse absent.

- A. Consider Minutes of Special Joint City Council/Arts Commission Meeting of April 23, 2014. Staff Recommendation: Approve the minutes.
- B. Consider Minutes of Special Joint City Council/Library Board Meeting of April 23, 2014. Staff Recommendation: Approve the minutes.
- C. Consider Minutes of Regular City Council/Successor Agency Meeting of July 2, 2014. Staff Recommendation: Approve the minutes.
- D. Consider Minutes of Regular City Council/Successor Agency Meeting Held Jointly with Disaster Council on July 16, 2014. Staff Recommendation: Approve the minutes.
- E. Consider Warrant Register for Fiscal Year 2013/14 – September 17, 2014. Staff Recommendation: Approve the warrant register.
- F. Consider Warrant Register for Fiscal Year 2014/15 – September 17, 2014. Staff Recommendation: Approve the warrant register.
- G. Consider Resolution Amending Fiscal Year 2014/2015 Budget to Increase Appropriations for Fiscal Year 2013/2014 Purchase Order Carry Over. Staff Recommendation: Adopt Resolution No. 2014-3315 ROLL CALL VOTE REQUIRED
- H. Consider Resolution Closing Highway Users Tax (HUT) 2103 Fund (2606) and Transferring All Assets, Liabilities, and Fund Balances to the Gas Tax Fund (2605). Staff Recommendation: Adopt Resolution No. 2014-3316. ROLL CALL VOTE REQUIRED
- I. Consider Agreement with Quality Code Publishing for Research, Editing, Codification, and Publishing Ordinances of the City of Moorpark. Staff Recommendation: Approve the Agreement between the City of Moorpark and Quality Code Publishing, subject to final language approval by the City Manager, and authorize the City Manager to sign the Agreement.
- J. Consider Authorization for Recordation of a Notice of Completion for City of Moorpark Contract No. 2011-107- Phase B; Bid Package #12 – Finishes - Standard Drywall, Inc. for the Ruben Castro Human Services Center. Staff Recommendation: Authorize the City Clerk to file a Notice of Completion for the specified work (Phase B), and authorize the release of the remaining retention as described in the staff report.

- K. Consider Proposed Amendment No. 1 to Agreement Between City of Moorpark and the American Legion Post 502 to Display Banners on Street Poles within the City of Moorpark. Staff Recommendation: Approve Amendment No. 1 and authorize the City Manager to execute the Agreement, subject to final language approval by the City Manager and the City Attorney.
- L. Consider City Co-Sponsorship of the Moorpark Women's Fortnightly Club "Family Day at the Ranch" Fundraiser and the Moorpark Friends of the Library "Live Comedy at the Funeral Home" Fundraiser Events and Direct Staff to Develop a Policy for Co-Sponsorship of Events and Loaning of City Equipment. Staff Recommendation: 1) Approve co-sponsorship of the Moorpark Women's Fortnightly Club "Family Day at the Ranch" fundraiser and use of City equipment; 2) Approve co-sponsorship of the Moorpark Friends of the Library "Live Comedy at the Funeral Home" fundraiser and use of City equipment; and 3) Direct staff to draft a City Council Policy for future consideration regarding co-sponsorship of events and loaning of City equipment.
- M. Consider Moorpark City Library Annual Report for Fiscal Year 2013-14. Staff Recommendation: Receive and file the report.
- N. Consider Request for Bid for Two Compressed Natural Gas Buses and Authorization to Advertise for Bids. Staff Recommendation: Approve the Request for Bid and authorize staff to advertise for bids.
- O. Consider Resolution Authorizing the City's Fiscal Year 2014/15 Transportation Development Act Claim. Staff Recommendation: Adopt Resolution No. 2014-3317.
- P. Consider Professional Services Agreement with Penfield & Smith for a Feasibility Study for Bicycle and Pedestrian Connectivity along Arroyo Drive and Collins Drive from the 118 Freeway to the Moorpark/Simi Valley City Limits (Project 8095) and Resolution Amending the Fiscal Year 2014/15 Budget. Staff Recommendation: 1) Authorize the City Manager to sign a Professional Services Agreement with Penfield & Smith, in an amount not to exceed \$23,377.00, subject to final language approval by the City Manager and City Attorney; and 2) Adopt Resolution No. 2014-3318, amending the FY 2014/15 Budget in the aggregate increase of \$30,000.00 in expenditure. ROLL CALL VOTE REQUIRED
- Q. 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 September 27, 2014, and Request Waiver of Rental Fees. Staff Recommendation: Approve the 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.

- R. Consider Resolution Amending the Fiscal Year 2014/15 Budget to Allocate Additional Funds for Campus Park Drive Planter Wall Repair. Staff Recommendation: Adopt Resolution No. 2014-3319 amending the Fiscal Year 2014/15 budget to appropriate \$6,000.00 from the General Fund (1000) to the Landscape Maintenance Assessment District (7900). ROLL CALL VOTE REQUIRED
- S. Consider the Purchase of a Mete-R-Matic XL Topdresser and Approving a Resolution Amending the Fiscal Year 2014/15 Budget. Staff Recommendation: 1) Approve the purchase of a Mete-R-Matic Topdresser from Stotz Equipment; and 2) Adopt Resolution No. 2014-3320, amending the Fiscal Year 2014/15 Budget to appropriate \$17,000.00 from the General Fund (1000) to the Parks Division (7800). ROLL CALL VOTE REQUIRED
- U. Consider Subdivision Improvement Agreement and Final Map Approval for Tract Map No. 5463 – Toll Brothers, Inc. Staff Recommendation: 1) Authorize the Mayor to execute the Subdivision Improvement Agreement for Tract No. 5463, Toll Brothers, Inc; 2) Direct the Community Development Director to issue a Permit Adjustment to amend the Conditions of Approval related to the Final Map as addressed in the agenda report; and 3) Authorize the Mayor and City Clerk to sign Tract Map 5463 and authorize the City Clerk to cause Tract Map 5463 to be recorded in the office of the Ventura County Recorder.
- V. Consider Resolution Amending the Fiscal Year 2014/15 Budget for Civil Engineering and Geotechnical Services for Arroyo Vista Community Park. Staff Recommendation: Adopt Resolution No. 2014-3321, amending the FY 2014/15 Budget to appropriate \$26,610.00 from the General Fund (1000) to fund this work. ROLL CALL VOTE REQUIRED
- W. Consider Authorizing Ventura County Animal Services to Utilize Administrative Citations to Enforce Title 6 of the Moorpark Municipal Code (Animals) to Support the Animal Services in the City. Staff Recommendation: Authorize Ventura County Animal Services to utilize administrative citations to assist in the continued enforcement of the City's animal related Municipal Code sections.
- X. Consider Promotions in Various Departments and the Creation of a Limited-Term, Part-time Senior Management Analyst Position in the Parks, Recreation, and Community Services Department. Staff Recommendation: 1) Authorize promotions and the creation of a limited-term, part-time Senior Management Analyst position, as recommended in

the agenda report; and 2) Schedule amendment of the City's Salary Plan and Classification Plan for a subsequent agenda to implement the changes as recommended in the agenda report.

- Z. Consider Agreement with Away We Grow Preschool, LLC, for Contract Instructor Services at Arroyo Vista Recreation Center and Authorize the City Manager to Execute the Agreement. Staff Recommendation: Approve the Agreement and authorize the City Manager to execute the Agreement, subject to final language approval by the City Manager.
- AA. (CITY COUNCIL/SUCCESSOR AGENCY): Consider Approval of Withdrawal of Apparent Low Bidder, Moalej Builders, Inc. and Award of Bid to Malibu Pacific Tennis Courts, Inc., for Construction of the Park Site at 161 Second Street (Walnut Acres Park) (Project 5081) and City Council Resolution and Successor Agency Resolution Amending the Fiscal Year 2014/15 Budget. Staff Recommendation:
- 1) City Council – Authorize the withdrawal of Moalej Builders, Inc.'s bid without calling their bid bond; and
 - 2) City Council – Award bid to the second lowest bidder, Malibu Pacific Tennis Courts, Inc. in the amount of \$408,000.00 plus a 10% contingency of \$40,800.00 for a total contract amount of \$448,800.00, and authorize the City Manager to execute the Agreement, subject to final language approval by the City Manager and the City Attorney; and
 - 3) City Council – Adopt Resolution No. 2014-3322 amending the FY 2014/15 Budget; and
 - 4) Successor Agency – Adopt Resolution No. SA-2014-08, amending the FY 2014/15 Budget.
- ROLL CALL VOTE REQUIRED

AT THIS POINT in the meeting, Mayor Parvin recused herself and Mayor Pro Tem Mikos called for consideration of Items 10.T. and 10.Y.

CONSENSUS: It was the consensus of the Council to consider Items 10.T. and 10.Y. concurrently.

- T. Consider Rescinding City Council Action of July 16, 2014 for the 2014 Moorpark Mammoth Run Event and Approve the Rotary Club of Moorpark Noontime as Co-sponsor of the City's Event. Staff Recommendation: 1) Rescind the City Council action of July 16, 2014; and 2) Approve the co-sponsorship for the Moorpark Mammoth Run by the Rotary Club of Moorpark Noontime as outlined in the agenda report.
- Y. Consider: 1) Proclaiming the Welcome Home Soldier Foundation's Moonshiners Barbeque Event on October 4, 2014, and the Rotary Club of Moorpark's Civil War Reenactment on November 8-9, 2014, as Community Events for the Purposes of Obtaining Temporary Food Facility

Permits from the County of Ventura Environmental Health Division; and 2) Directing Staff to Prepare a New City Council Policy on Proclaiming Certain Public Events as Community Events. Staff Recommendation: 1) Proclaim the Welcome Home Soldier Foundation's Moonshiners Barbeque Event on October 4, 2014, and the Rotary Club of Moorpark's Civil War Reenactment on November 8-9, 2014, as Community Events as defined by Section 113755 of the California Health and Safety Code for the purposes of obtaining temporary food facility permits from the County of Ventura Environmental Health Division; and 2) Direct staff to prepare a new City Council policy on proclaiming certain public events as community events to be incorporated into the next update of the City Council Policies Resolution.

MOTION: Councilmember Pollock moved and Councilmember Van Dam seconded a motion for Item 10.T. to: 1) Rescind the City Council action of July 16, 2014; and 2) Approve the co-sponsorship for the Moorpark Mammoth Run by the Rotary Club of Moorpark Noontime as outlined in the agenda report; and

Item 10.Y. to: 1) Proclaim the Welcome Home Soldier Foundation's Moonshiners Barbeque Event on October 4, 2014, and the Rotary Club of Moorpark's Civil War Reenactment on November 8-9, 2014, as Community Events as defined by Section 113755 of the California Health and Safety Code for the purposes of obtaining temporary food facility permits from the County of Ventura Environmental Health Division; and 2) Direct staff to prepare a new City Council policy on proclaiming certain public events as community events to be incorporated into the next update of the City Council Policies Resolution.

The motion carried by voice vote 3-0, Mayor Parvin and Councilmember Millhouse absent.

AT THIS POINT in the meeting, Mayor Parvin returned to the meeting.

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 Van Dam moved and Councilmember Pollock 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 Council recessed at 8:53 p.m. and reconvened at 9:10 p.m. to go into closed session.

- 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, Pollock, Van Dam, and Mayor Parvin; Steven Kueny, City Manager; Kevin Ennis, City Attorney; Deborah Traffenstedt, Deputy City Manager; David Bobardt, Community Development Director; and Dave Klotzle, City Engineer/Public Works Director.

The Council reconvened into open session at 9:32 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 9:32 p.m.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, City Clerk