

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

November 5, 2014

A Regular Meeting of the City Council of the City of Moorpark and the Successor Agency was held on November 5, 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 7:17 p.m.

2. PLEDGE OF ALLEGIANCE:

Jeremy Laurentowski, Parks and Recreation Director, 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; Joseph Fiss, Principal Planner; Captain Wade, Sheriff's Department; and Maureen Benson, City Clerk.

4. PROCLAMATIONS AND COMMENDATIONS:

None.

5. PUBLIC COMMENT:

Dana DuPuisse, Sophia Longo, Ashley Humes and Ryan Weinberg from the Conejo Valley YMCA Youth and Government Program presented elements of their program and requested Council approval of Consent Calendar Item 10.C. for the City's co-sponsorship of their event.

Dennis Hardgrave, Project Manager for the Hitch Ranch Specific Plan No. 1 Project, 211 Village Commons Boulevard No. 15, Camarillo, California, formally requested either a future agenda item or an ad hoc committee meeting to discuss

the Hitch Ranch Specific Plan, Environmental Impact Report, and potential development agreement.

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 Pollock stated he and Captain Wade represented the City at the funeral of Deputy Sheriff Eugene Kostiuhenko in Thousand Oaks on November 4, 2014.

Councilmember Pollock stated he attended the soft opening of the Community Market Place along with Mayor Parvin and stated he was impressed with the high quality offerings. He announced their grand opening will be scheduled sometime in January 2015.

Councilmember Mikos reported she attended the League of Cities – Channel Counties meeting with Councilmember Pollock where they learned about a water bond that had passed.

Councilmember Mikos reported she attended the Economic Development Collaborative of Ventura County Executive Committee meeting on November 5, 2014, where the budget was discussed. A draft of a study on economic development planning for the entire county will be made available at the EDCVC at their annual meeting on January 15 at Spanish Hills Country Club in Camarillo.

Councilmember Van Dam congratulated Mayor Parvin and Councilmember Pollock on their re-election.

Councilmember Van Dam reported on having attended a service at the Chabad of Moorpark with 94-year old Marc Coen, a Holocaust survivor and former French spy from World War II.

Councilmember Van Dam reported on having attended a meeting of Weeblos from Scout Troop 604 where members are working on earning their citizenship badge.

Councilmember Van Dam reported on having attended “Live Comedy at the Funeral Home”, a fundraiser supporting the Friends of the Library on October 26, 2014.

Mayor Parvin congratulated Councilmembers Pollock and Van Dam on their re-election.

Mayor Parvin announced the City is currently recruiting for citizens to serve on the Air Pollution Control District Advisory Committee, the Citizens Transportation Advisory Committee, the Moorpark Arts Commission, the Parks and Recreation Commission and the Planning Commission. Interested Moorpark residents may apply on the City's website.

Mayor Parvin announced with the rainy season coming, a supply of sand and sand bags is available to the community at no cost. These supplies are located behind the Moorpark City Library and at the end of College View Avenue, south of Campus Park Drive near the dog park. Residents must bring a shovel to fill the bags then tie and transport the bags to their residence.

Mayor Parvin announced the City offices will be closed Monday, November 10 and Tuesday, November 11 in honor of Veteran's Day.

Mayor Parvin announced the Moorpark Rotary Club is hosting the Civil War Reenactment in its new location near Moorpark College on November 8 and 9 where all the proceeds go back to the community.

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. (continued open public hearing from September 17, 2014) Staff Recommendation: 1) Continue to accept public testimony, and close the public hearing; and 2) Adopt Resolution No. 2014-3327 authorizing the acceptance of a General Plan Amendment application for review.

Mr. Fiss gave the staff report.

Mayor Parvin announced the public hearing remains open.

James Rasmussen, owner of West Pointe Homes and Moorpark Property 67, LLC, 26500 West Agoura Road, Suite 652, Calabasas, California, spoke about the history of his company and his desire to build a family-

friendly community in Moorpark. He described the conceptual plans for the project and his outreach to the adjacent neighbors.

Steve Hunter, civil engineer for the project from Land Design Consultants, 2700 East Foothill Boulevard, Suite 200, Pasadena, California, presented a visibility study of the project and discussed the reduced density of the proposal with its design to separate the Gabbert Road community by locating estate lots adjacent to the existing properties.

William McReynolds, Vice President from City Ventures, 1900 Quail Street, Newport Beach, California, which is entering into a partnership with West Pointe Homes to use Green Building Standards to create this new development, described the amenities proposed for the project.

Sharon Noel, a resident of Gabbert Road, spoke in opposition to this incompatible proposal and questioned the need to add another development to the City as the regional housing needs have been satisfied, unless it is to pay for North Hills Parkway.

Michele Berry, a resident of Gabbert Road, spoke in opposition to the proposal and questioned the relevancy of the visual study presented by Mr. Hunter. She requested answers to why the General Plan would need to change so drastically from Low Density to High Density if the regional housing needs have been met and expressed concern that current 5-acre zoning is included in this proposal to be rezoned again to 5-acres.

Jieshi Yan, a resident of Gabbert Road, stated he hoped the development would accommodate the surrounding 5-acre environment and preferred the density be lowered to Medium Density, which he believes is 2-4 homes per acre.

Jennifer Diamond, a resident of Gabbert Road thanked Mr. Rasmussen for meeting with the neighbors, but still spoke in opposition to the project due to the High Density. She stated a Medium Density zoning would be more congruent with the rural neighborhood and questioned why the request included the existing 5-acre parcels, which should remain 5-acres.

David Ross, a recent Moorpark resident spoke in opposition to the proposal as he values Moorpark's rural surroundings. He stated he moved from Thousand Oaks where build-out has created excessive congestion. He requested Council demand a smaller project for the Gabbert Road area and slow down this process.

Junko Jones, a resident of Orchard Downs, spoke in opposition to the proposal citing increased traffic on Los Angeles Avenue from more High Density development. She stated Los Angeles Avenue is already

hazardous due to the amount of truck traffic; and if there is ever a need to evacuate the city, this will be problematic.

Ron Miller a resident of Gabbert Road spoke in opposition to the project due to concerns about its impacts on the roadway itself, which is very narrow. He requested the proposal be written to preclude intersecting with Gabbert Road.

Cindy Hollister, a resident of Gabbert Road, spoke in opposition to the proposal as High Density is not compatible with the surrounding rural properties and the Council should not consider accepting an application which is continually opposed by this neighborhood. She stated the goals and policies from the General Plan Land Use Element are to provide housing which is compatible with the character of the existing neighborhoods and minimizes land use incompatibility. This project should not move forward until the Hitch Ranch project and Tract 5147 are completed and the infrastructure to support them is in place.

Jayla Haxton, a resident of Gabbert Road spoke in opposition to the proposal with High Density, which is totally incongruent with the surrounding rural neighborhood. She stated there is no need for new homes in Moorpark.

In response to Mayor Parvin, Ms. Benson summarized six Written Statement cards with four in opposition to the proposal from Gayle Bruckner, Sean Berry, Patricia McElroy, and Bob Meadows citing: 1) Too high of a density, which does not fit the rural area; 2) Increased traffic and noise; 3) Unsubstantiated change to the General Plan; and 4) Concerns regarding conflict of interest; and two Written Statement cards in favor of the proposal from Drew Rasmussen and Makenzie Rasmussen citing: 1) Great addition to the city, which will act as a buffer zone between Los Angeles Avenue and the rural community; and 2) Will bring business to the local area.

Ms. Benson asked Council if they wished to waive rules and hear from two late speakers.

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

Chad Stratton, a resident of Gabbert Canyon, directed the Council to Facebook for "Gabbert Canyon's Last Stand" to see pictures of the area in question. He spoke in opposition to the proposal stating it does not fit the area due to increased traffic congestion and light and noise pollution, which will destroy the neighborhood.

Sean Morony, a Gabbert Road resident, spoke in opposition to the proposal stating the visual study presented is deceptive. He stated the Zone Change being requested is inconsistent with the development Mr. Rasmussen is proposing. Changing the entire parcel to High Density will not allow the City to hold the developer to the plan presented for transitioned development from rural low density to high density. He requested the plan be sent back to committee and have a discussion for zoning that fits the proposal.

Councilmember Millhouse explained to the public that the applicant is afforded the right to rebut the comments from the public as provided in the rules of the Council.

Mr. Hunter clarified: 1) The north 31.5 acres is basically 1-unit per 6 acres, which is very compatible with the Gabbert area to the north as they are clustered to create more open space; 2) The visual study is designed to depict the ultimate graded project as described in the cross-section slides; 3) Even though the application is referencing High Density, the lower 30-plus acres is not considered High Density since it has 3.9 units to the acre; 4) 137 units will not generate a lot of traffic, and the improvements will mitigate some of the existing traffic problems in the area; 5) The Estate lots could be connected through the new development, but an emergency access through Gabbert Road would benefit the entire community; and 6) Since this is just an application, a 3-D model was not presented, but will be once the project is further into the planning process.

In response to Mayor Parvin, Mr. Bobardt stated the General Plan calls High Density as up to 7-units per acre. This proposal is for multiple land use designations: 1) The larger lots would be in Rural Low Density, which is a 5-acre density; 2) Then there would be Open Space, which is the undeveloped portion of the lots; and 3) The small lot development would fit the High Density category because it is more than our Medium Density which is 4-units per acre.

Mr. Rasmussen returned to the podium and stated he was surprised by the number of residents in opposition as he had met with many who had seemed pleased with the changes. He stated this proposal is far from done and this is only a request to accept an application and he will continue working with the homeowners.

Mr. Kueny clarified, typically, when accepting an application for General Plan Amendment Pre-Screening the maximum density would decrease for the actual project. When the General Plan was adopted in 1992, these definitions for High Density, Medium Density, Rural Low Density, etc. were the decision of the then Council. In most communities High Density is much higher than 7-units per acre with 7-units as Medium Density.

In response to Mayor Parvin and Councilmember Millhouse, Mr. Bobardt stated if the proposal is denied this evening, the applicant would have to reapply with a substantially different project and would have to wait at least a year. If the Council is inclined to proceed, the applicant would have to put together detailed applications such as Subdivision Plan, Soils Report, Conceptual Grading Plans, and House Plans. Once those are received and accepted, the environmental process would follow with either an Initial Study or possibly an Environmental Impact Report, which in itself could take a year. The approvals would go through the Planning Commission and City Council as public hearings.

In response to Councilmember Millhouse, Community Development Committee Member Pollock stated this project has been caught up in committee since 2009, with many changes to the proposal; and the committee felt it now deserved input from the full Council. Committee Member Mikos stated this iteration is 134 units less than the very first proposal and the Gabbert community should be commended for their significant influence on this project, which has been improved from previous submissions.

In response to Councilmember Mikos, Mr. Bobardt stated staff would never make a recommendation to have a single zone for the entire property, and Rural Low Density is still a part of this proposal.

In response to Mayor Parvin, Mr. Rasmussen stated several of the Gabbert Road residents told him they did want the emergency road access connection to his project; but he is willing to have the access road run through the 5-acre estate lots without intersecting with Gabbert Road, while still maintaining a gate across the emergency access. He described the 60-vertical feet high, 2-1 contoured slope that would be graded to the City's requirements.

Mayor Parvin closed the public hearing.

In response to Councilmember Millhouse's concerns that the 132 small lot, single-family residential portion of this proposal is problematic for the residents of Gabbert Road and for the developer if this means this proposal will not ultimately be approved, Mr. Kueny stated the Council could accept the Pre-screening application but disallow the High Density, which is 4-7 units per acre.

MOTION: Councilmember Van Dam moved and Councilmember Mikos seconded a motion to adopt Resolution No. 2014-3327, authorizing the acceptance of a revised General Plan Amendment application for review consistent with General Plan Amendment Pre-Screening No. 2010-01 as revised

by Council to disallow High Density and 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, Medium or Lower 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. The motion carried by voice vote 4-1, Councilmember Millhouse dissenting.

- B. Consider Resolution Approving Modification No. 1 to Planned Development Permit No. 1010, a Request for Approval of a Redesigned Entrance, Larger Fitness Center, New Community Recreational Room, Improvements to Pool Areas, New Exterior Lighting, Canopies Over Trash Enclosures, Redesigned Recreational Open Space Areas, and Carport Structures Over 148 Parking Spaces at An Existing 370-Unit Apartment Complex At 51 Majestic Court (Fountains at Moorpark); and Finding the Project Categorically Exempt from Environmental Review Under a Class 1 Existing Facilities Exemption, on the Application of Daniel N. Nagel for Decron Properties Corporation. Staff Recommendation: 1) Open the public hearing, accept public testimony, and close the public hearing; and 2) Adopt Resolution No. 2014-3328, approving Modification No. 1 to Planned Development Permit No. 1010, subject to Conditions of Approval and finding the previously adopted Environmental Impact Report applicable.

Mr. Fiss gave the staff report.

Mayor Parvin opened the public hearing.

David Nagel, President of Decron Properties Corporation, 6222 Wilshire Boulevard, Los Angeles, California, presented the project for rehabilitating the Fountains at Moorpark to make them feel like a new product.

Daniel Nagel, Vice President for Decron Properties Corporation, 6222 Wilshire Boulevard, Los Angeles, California, and Project Manager for this project, explained the rationale for the modifications.

Kirk Keller, Architect for the project from Studio One Eleven, 111 West Ocean Boulevard Long Beach, California, responded to Councilmember Mikos' question regarding the decorative pavement in the entry drive being permeable, as well as permeable granite on walkways to the recreation area, tennis courts, tot lots, and dog park.

Jason Rocha, Property Manager for the Fountains at Moorpark, responded to Council questions about smoking at the complex. He stated the project is not a smoke-free community within the units, but there is no smoking allowed at the pool areas, recreation areas, and the fitness area.

In response to Mayor Parvin, Mr. David Nagel stated to improve the recycling needs of the community, better signage on trash receptacles and more education of the residents will be implemented.

Mayor Parvin closed the public hearing.

MOTION: Councilmember Millhouse moved and Councilmember Van Dam seconded a motion to adopt Resolution No. 2014-3328, approving Modification No. 1 to Planned Development Permit No. 1010, subject to Conditions of Approval and finding the previously adopted Environmental Impact Report applicable.

Mayor Parvin requested the possibility of adding a condition for a recycling bin under the kitchen sink of each unit. Mr. Bobardt stated that Condition No. 14 would provide the necessary language for staff to work with the developer on this possibility.

AMENDED MOTION: Councilmember Millhouse moved to amend and Councilmember Van Dam seconded an amended motion to adopt Resolution No. 2014-3328, approving Modification No. 1 to Planned Development Permit No. 1010, subject to Conditions of Approval with emphasis on Condition No. 14 to explore the possibility of adding recycling bins in each unit, and finding the previously adopted Environmental Impact Report applicable. The amended motion carried by unanimous voice vote.

9. PRESENTATION/ACTION/DISCUSSION:

- A. Consider Scheduling a Public Hearing for Los Angeles Avenue Area of Contribution (AOC) Fee Revisions. Staff Recommendation: Schedule a public hearing to consider an increase to the Los Angeles Avenue AOC fees on November 19, 2014.

Mr. Klotzle gave the staff report.

There were no speakers.

MOTION: Councilmember Mikos moved and Councilmember Pollock seconded a motion to schedule a public hearing for the regular City Council meeting of November 19, 2014, to consider an increase to the Los Angeles Avenue Area of Contribution fees. The motion carried by unanimous voice vote.

- B. Consider Sustainability Fee Memorandum of Understanding (MOU) between the County of Ventura (County) and City of Moorpark (City). Staff Recommendation: Approve the Sustainability Fee MOU, subject to

final language approval by the City Manager and City Attorney and authorize the City Manager to sign on behalf of the City.

Mr. Kueny gave the staff report.

There were no speakers.

MOTION: Councilmember Mikos moved and Mayor Parvin seconded a motion to approve the Sustainability Fee Memorandum of Understanding between the County of Ventura and City of Moorpark. The motion carried by unanimous voice vote.

- C. Consider Authorizing Two Years Additional Service Credit Retirement Incentive for One Position Pursuant to Government Code Section 20903 and Consistent with the City's Contract with California Public Employees' Retirement System (CalPERS). Staff Recommendation: Direct staff to schedule the adoption of a resolution on a subsequent agenda to grant another designated period for two years additional service credit for one identified position.

Ms. Traffenstedt gave the staff report.

There were no speakers.

MOTION: Mayor Parvin moved and Councilmember Pollock seconded a motion to direct staff to schedule the adoption of a resolution on a subsequent agenda to grant another designated period for two years additional service credit for one identified position. The motion carried by unanimous voice vote.

10. CONSENT CALENDAR: (ROLL CALL VOTE REQUIRED)

MOTION: Councilmember Millhouse moved and Councilmember Van Dam seconded a motion to approve the Consent Calendar. The motion carried by unanimous roll call vote.

- A. Consider Minutes of Regular City Council/Successor Agency Meeting of October 15, 2014. Staff Recommendation: Approve the minutes.
- B. Consider Warrant Register for Fiscal Year 2014/15 – November 5, 2014. Staff Recommendation: Approve the warrant register.
- C. Consider Conejo Valley YMCA Request to Use the Apricot Room for Youth and Government Event. Staff Recommendation: Approve the co-sponsorship of the Conejo Valley YMCA Youth and Government Event on November 18, 2014.

- D. 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 June 30, 2015. Staff Recommendation: 1) Adopt Resolution No. 2014 - 3329; 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.
- E. 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. 5 to the Waste Management Agreement for Local Access Fees, subject to final language approval by the City Manager and City Attorney.
- F. Consider: 1) Report of Annual Development Agreement Review Established in Connection with Moorpark West Studios; and 2) A One-Year Extension for Industrial Planned Development No. 2009-01 and Conditional Use Permit No. 2009-01, Located on 44 Acres on the North Side of Los Angeles Avenue, West of Gabbert Road, on the Application of Los Angeles Avenue LLC, PEGH Investments, LLC, The Kevin Newburg Trust, and The Richard S. Held Enterprises Retirement Trust. Staff Recommendation: 1) Accept the Community Development Director's report and recommendation that, on the basis of substantial evidence, Los Angeles Avenue, LLC; PEGH Investments, LLC; The Kevin Newburg Trust; and The Richard S. Held Enterprises Retirement Trust have complied in good faith with the terms and conditions of the Development Agreement; 2) Deem the annual review process for the Development Agreement complete; and 3) Direct the Community Development Director to issue a letter granting a third one-year extension of Industrial Planned Development No. 2009-01 and Conditional Use Permit No. 2009-01 (Moorpark West Studios) to November 18, 2015.
- G. Consider Resolution Amending the Budget for Fiscal Year 2014/15 for Repairs at 1449 Walnut Canyon Road. Staff Recommendation: Adopt Resolution No. 2014-3330, appropriating \$5,000.00 from the City-wide Traffic Mitigation Fund (2002) for the repairs at 1449 Walnut Canyon Road. ROLL CALL VOTE REQUIRED
- H. Consider Agreement for Professional Engineering Services with AECOM for the Los Angeles Avenue Widening between Moorpark Avenue and Spring Road, Project 8013 and Resolution Amending the Fiscal Year 2014/15 Budget. Staff Recommendation: 1) Authorize the City Manager to sign the Agreement in an amount not to exceed \$604,079.00, subject to final language approval by the City Manager and the City Attorney; and 2)

Adopt Resolution No. 2014-3331, amending the FY 2014/15 Budget to appropriate \$547,177.99 from the L.A. AOC Fund (2501) to fund the subject services. ROLL CALL VOTE REQUIRED

- I. Consider Hiking and Equestrian Trail, and Storm Drain Easement Deed to the City of Moorpark from Toll Land XX Limited Partnership for Tract 5463. Staff Recommendation: Accept the hiking and equestrian trail, and storm drain easement deed for Tract 5463 and authorize the City Clerk to sign and record an acceptance certificate for the said deed and the attachments thereto in the office of the Ventura County Recorder.
 - J. Consider Resolution Adopting Safe Harbors under the Patient Protection and Affordable Care Act. Staff Recommendation: Adopt Resolution No. 2014-3332, Safe Harbors under the Patient Protection and Affordable Care Act.
 - K. Consider Resolution Adopting a Revised Management Benefits Program and Rescinding Resolution No. 2014-3310. Staff Recommendation: Adopt Resolution No. 2014-3333, rescinding Resolution No. 2014-3310.
 - L. Consider Resolutions Amending Classification Plan and Salary Plan and Rescinding Resolution Nos. 2014-3309 and 2014-3311. Staff Recommendation: 1) Adopt Classification Plan Resolution No. 2014-3334, rescinding Resolution No. 2014-3309; and 2) Adopt Salary Plan Resolution No. 2014-3335, rescinding Resolution No. 2014-3311.
11. ORDINANCES: (ROLL CALL VOTE REQUIRED)

None.

12. CLOSED SESSION:

Mr. Kueny requested the City Council go into closed session for discussion of Items 12.D. on the agenda.

MOTION: Councilmember Mikos moved and Councilmember Millhouse seconded a motion to adjourn to closed session for a discussion of Item 12.D. on the agenda. The motion carried by unanimous voice vote. The time was 10:19 p.m.

- D. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
(Pursuant to Subdivision (b) of Section 54957 of the Government Code)
Title: City Manager and City Attorney

Present in closed session were Councilmembers Mikos, Millhouse, Pollock, Van Dam, and Mayor Parvin; Steven Kueny, City Manager; and Deborah Traffenstedt, Deputy City Manager.

The Council reconvened into open session at 10:38 p.m. Mr. Kueny stated Item 12.D. was discussed and there was no action to report.

13. ADJOURNMENT:

Mayor Parvin adjourned the meeting at 10:38 p.m.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, City Clerk