

ITEM 10.B.

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

December 17, 2014

A Regular Meeting of the City Council of the City of Moorpark and the Successor Agency was held on December 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 7:16 p.m.

2. **PLEDGE OF ALLEGIANCE:**

Hugh Riley, Assistant 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; Deborah Traffenstedt, Deputy City Manager; David Bobardt, Community Development Director; David Klotzle, City Engineer/Public Works Director; Jeremy Laurentowski, Parks and Recreation Director; Joseph Fiss, Planning Manager; Captain Wade, Sheriff's Department; and Maureen Benson, City Clerk.

4. **PROCLAMATIONS AND COMMENDATIONS:**

A. Presentation of City Plaque to Hugh Riley, Assistant City Manager, Upon the Occasion of His Retirement.

Mayor Parvin presented Hugh Riley, Assistant City Manager, with a City plaque upon the occasion of his retirement.

5. **PUBLIC COMMENT:**

None.

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

None.

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

Councilmember Pollock reported he had attended an economic conference with Councilmember Millhouse where it was noted the loss of construction jobs in the state due to the recession have been replaced by logistics jobs.

Councilmember Millhouse reported he and Councilmember Pollock attended the Southern California Association of Governments (SCAG) Annual Economic Status and Recovery Conference on December 15. SCAG reported the number of children living in poverty in our region and reported that Ventura County shows the slowest economic recovery due to being heavily dependent upon certain employers such as Amgen and Baxter Pharmaceuticals and the Naval Base which have all been downsizing along with the impacts of the draught on the Agriculture industry.

Councilmember Mikos reported attending a meeting of the Economic Collaborative of Ventura County Executive Committee in the previous week and stated the annual meeting of EDC VD will be held on January 15 at Spanish Hills Country Club in Camarillo where the Regional Economic Plan for Ventura County will be revealed documenting Ventura County's robust manufacturing sector and international exports are outstanding.

Councilmember Mikos attended the Annual Moorpark Police Department party at the Harley's Bowling Alley.

Mayor Parvin announced with the rainy season is here and 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 Santa will be at the Arroyo Vista Recreation Center on December 20, for "Breakfast with Santa."

Mayor Parvin announced Winter Camp Moorpark will be held December 22-24 and December 29-31 at Arroyo Vista Recreation Center for children ages 5-12.

Mayor Parvin announced the Moorpark City Library will host may events over winter school break including a teen movie, "National Lampoon's Christmas Vacation on December 22; game events for all ages take place on December 23, 24, 30 and 31; a children's movie, "The Little Penguin" will be shown on December 27, and a Teen Makerspace New Year Edition will take place on December 30.

Mayor Parvin announced Christmas tree recycling begins December 26 and ends January 9, 2015.

Mayor Parvin reported she visited with Santa at the Library on December 4 where many Moorpark children were in attendance.

8. PUBLIC HEARINGS:

- A. Consider Resolution Approving Modification No. 1 to Commercial Planned Development Permit No. 2012-02 and Conditional Use Permit No. 2012-07 for a Modification to Allow Expansion from 262 Seats to a Maximum of 358 Seats; Minor Changes to Exterior Architecture Due to Building Expansion; and to Allow Valet Parking During Certain Events; At an Approved Church on a 2.78 Acre Lot at 13960 Peach Hill Road; and Finding the Project Categorically Exempt from Environmental Review Under a Class 32, In-fill Development Projects Exemption, on the Application of David Van Hoy on Behalf of the Kim Clement Center. Staff Recommendation: 1) Open the public hearing, accept public testimony, and close the public hearing; 2) Adopt Resolution No. 2014-3347.

Mr. Fiss gave the staff report.

Mayor Parvin opened the public hearing.

David Van Hoy, lead architect for the project, 2860 Baseline Avenue, Santa Ynez, California, introduced fellow lead architect, John Fischer as available for questions. Mr. Van Hoy responded to Council questions regarding: 1) 150 drawings are available for submission; 2) Services are held Tuesdays and Saturdays although this is primarily an online based congregation; and 3) Reservations are required for each service and valet parking is provided.

Mayor Parvin closed the public hearing.

MOTION: Mayor Parvin moved and Councilmember Van Dam seconded a motion to adopt Resolution No. 2014-3347 approving Modification No. 1 to Commercial Planned Development Permit No. 2012-02 and Conditional Use Permit No. 2012-07 for a Modification to Allow Expansion from 262 Seats to a maximum of 358 seats; minor changes to exterior architecture due to building expansion; and to allow valet parking during certain events; at an approved church on a 2.78 acre lot at 13960 Peach Hill Road; and finding the project categorically exempt from environmental review under a Class 32, In-fill Development Projects Exemption, on the application of David Van Hoy on behalf of the Kim Clement Center. The motion carried by unanimous voice vote.

9. PRESENTATION/ACTION/DISCUSSION:

- A. Consider Presentations from Applicants for Arts Commission, Parks and Recreation Commission, and Planning Commission. Staff Recommendation: Hear presentations from applicants and defer appointment until the January 7, 2015, regular meeting, following the remaining applicant interviews.

Ms. Benson gave the staff report and stated applicant Sandra Thompson called to indicate she is ill and will have to interview on January 7.

The Council heard presentations from Arts Commission applicants in the following order:

Tania De Haz
Kim Simons
Mary Schwabauer
Rose Hoberg

The Council heard presentations from Parks and Recreation Commission applicants in the following order:

Adam Haverstock
Thomas Pflaumer
Steve Morgan

Terri Doria gave her presentation as an applicant for the Parks and Recreation and the Planning Commission.

The Council heard presentations from Planning Commission applicants in the following order:

Kipp Landis
Bruce Hamous
Debra Aquino
Mark Taillon
Mark Di Cecco

CONSENSUS: It was the consensus of the Council to defer appointments until the January 7, 2015, regular meeting, following the remaining applicant presentations.

- B. Consider Submitting Letter to San Luis Obispo County Planning Commission Opposing Proposed Phillips 66 Company Santa Maria Refinery Rail Spur Extension Project. (continued from December 3, 2014) Staff Recommendation: Authorize the Mayor to submit letter on behalf of the City to San Luis Obispo County Planning Commission opposing the

project based on its significant hazard impact related to the risk for release of crude oil that results in a fire or explosion in the vicinity of a populated area along the Union Pacific mainline tracks.

Mr. Bobardt gave the staff report.

A discussion among the Councilmembers and staff focused on: 1) Union Pacific route may not come through Moorpark; 2) Approximately 80 train cars all carrying oil, 90-feet in length, each with a buffer train car in between at an overall length of approximately 1.4 miles; 3) EIR Comment Period is closed on this proposal; and 4) Any alternatives to rail transport; 4) Oil is transported by rail through Moorpark currently, but not at this volume and 5) Train transport of oil is safer than other forms of transportation.

Rosa Escamilla, a Moorpark resident, stated she has concerns regarding risks to health and safety along with possible pollution of the environment including soil and water if there is a spill.

Ron Whitehurst, a Ventura resident, representing the environmental group, Ventura County Climate Hub, encouraged everyone to write a letter to the San Luis Obispo Planning Department opposing this expansion. He provided a handout of information.

Jan Dietrich, a Ventura resident, also serving on the environmental group Ventura County Climate Hub, described the group's volunteer efforts to support goals to transition from fossil fuel to renewable fuels.

MOTION: Councilmember Mikos moved and Councilmember Pollock seconded a motion to authorize the Mayor to submit the letter on behalf of the City of Moorpark to the San Luis Obispo County Planning Commission opposing the proposed Phillips 66 Company Santa Maria Refinery Rail Spur Extension Project, based on its significant hazard impact related to the risk for release of crude oil that results in a fire or explosion in the vicinity of a populated area along the Union Pacific mainline tracks and including additional language to describe potential impacts to the City of Moorpark. The motion carried by voice vote 3-2, Councilmember Millhouse and Van Dam dissenting.

- C. Consider City Council Standing Committee Appointments and Assignments for Calendar Year 2015. (continued from December 3, 2014) Staff Recommendation: Determine appointments to the Standing Committees, Ad Hoc Committees, and Other Moorpark City Council Appointments following the process described in the agenda report for appointment to the Ventura County Animal Regulation Commission and Ventura County Transportation Commission.

Ms. Benson gave the staff report.

There were no speakers.

MOTION: Councilmember Pollock moved and Councilmember Mikos seconded a motion to approve the appointments to the Standing Committees, Ad Hoc Committees, and Other Moorpark City Council Appointments as presented in the agenda report except for the Ventura County Animal Regulation Commission and Ventura County Transportation Commission. The motion carried by unanimous voice vote.

MOTION: Mayor Pro Tem Millhouse nominated and Councilmember Pollock seconded the nomination of Mayor Parvin to serve as a member of the Ventura County Animal Regulation Commission.

Mayor Parvin recused herself and left the dais. The time was 8:55 p.m.

The motion carried by voice vote 4:0, Mayor Parvin absent.

Mayor Parvin returned to the dais. The time was 8:56 p.m.

MOTION: Mayor Parvin nominated and Councilmember Pollock seconded the nomination of Councilmember Millhouse to serve on the Ventura County Transportation Commission.

Councilmember Millhouse recused himself and left the dais. The time was 8:56 p.m.

The motion carried by voice vote 4:0, Councilmember Millhouse absent.

Councilmember Millhouse returned to the dais. The time was 8:57 p.m.

- D. Consider Draft Letter to County of Ventura, Public Works Agency, on Notice of Preparation of an Environmental Impact Report (EIR) for the Moorpark Desalter Project. Staff Recommendation: Authorize staff to send letter in response to Notice of Preparation.

Mr. Bobardt gave the staff report.

There were no speakers.

MOTION: Councilmember Mikos moved and Councilmember Van Dam seconded a motion to authorize staff to send a letter to the County of Ventura, Public Works Agency, on Notice of Preparation of an Environmental Impact Report (EIR) for the Moorpark Desalter Project. The motion carried by unanimous voice vote.

- E. Consider Scheduling Ethics Training. Staff Recommendation: Direct staff to schedule Ethics Training for 7:00 p.m. on Wednesday, February 11, 2015, and to send an invitation to all members of the City Council, Commissioners, Board Members, and City management staff to attend.

Ms. Benson gave the staff report.

There were no speakers.

The majority of the Council, not including Councilmember Mikos, directed staff to schedule Ethic Training for 6:30 p.m. on Wednesday, February 11, 2015, and to send an invitation to all members of the City Council, Commission, Board Members, and City management staff to attend.

- F. Consider Resolution Granting Another Designated Period for Two Years Additional Service Credit Retirement Incentive Pursuant to Government Code Section 20903 and Consistent with the City's Contract with California Public Employees' Retirement System (CalPERS). Staff Recommendation: Adopt Resolution No. 2014-3348.

Ms. Traffenstedt gave the staff report.

There were no speakers.

MOTION: Councilmember Van Dam moved and Mayor Parvin seconded a motion to adopt Resolution No. 2014-3348, granting another designated period for two years additional service credit retirement incentive pursuant to Government Code Section 20903 and consistent with the City's contract with California Public Employees' Retirement System (CalPERS). The motion carried by unanimous voice vote.

10. CONSENT CALENDAR: (ROLL CALL VOTE REQUIRED)

CONSENSUS: It was the consensus of the Council to pull Item 10.J. from the Consent Calendar for individual consideration upon the request of Councilmember Pollock.

MOTION: Councilmember Pollock moved and Councilmember Millhouse 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 Minutes of Regular City Council/Successor Agency Meeting of November 5, 2014. Staff Recommendation: Approve the minutes.
- B. Consider Minutes of Regular City Council/Successor Agency Meeting of November 19, 2014. Staff Recommendation: Approve the minutes.

- C. Consider Minutes of Regular City Council/Successor Agency Meeting of December 3, 2014. Staff Recommendation: Approve the minutes.
- D. Consider Warrant Register for Fiscal Year 2014/15 – December 17, 2014. Staff Recommendation: Approve the warrant register.
- E. Consider Amendment No. 6 to Contract with Balfour Beatty Construction (formerly known as Barnhart Balfour Beatty) for Construction Management Services for the Ruben Castro Human Services Center. Staff Recommendation: Authorize the City Manager to execute the Amendment, subject to final language approval of the City Manager.
- F. Consider Resolution Authorizing the Destruction of City Records for Legal/Legislative and Election Newspaper Advertising on File in the Administrative Services Department. Staff Recommendation: Adopt Resolution No. 2014-3349.
- G. Consider Resolution Rescinding Resolution No. 97-1327, Electing to be Subject to Public Employees Medical and Hospital Care Act Only with Respect to Non-Competitive/General Members. Staff Recommendation: Adopt Resolution No. 2014-3350, rescinding Resolution No. 97-1327.
- H. Consider Rejection of Bid for Two (2) 2014 or Newer 29-foot – 32-foot Compressed Natural Gas Low Floor Buses; Consider Waiver of City Purchasing Procedure Pursuant to Moorpark Municipal Code Section 3.04.120; and Consider Authorizing City Manager to Negotiate Final Bus Design and Cost, and Issue a Purchase Order to Creative Bus Sales and Execute Any Agreements Necessary to Effectuate the Purchase of Two (2) Compressed Natural Gas Buses in an Amount Not to Exceed \$864,000.00. Staff Recommendation: 1) Reject November 5, 2014, proposal by Gillig LLC for two (2) 2014 or newer 29-foot – 32-foot compressed natural gas low floor buses; 2) Waive City purchasing procedures for the procurement of two (2) 2014 or newer, 32-foot compressed natural gas low floor buses; and 3) Authorize the City Manager to negotiate final bus design and cost, and issue a Purchase Order to Creative Bus Sales and execute any agreements necessary to effectuate the purchase of two (2) compressed natural gas buses in an amount not to exceed \$864,000.00.
- I. Consider Resolution Rescinding Resolution No. 2010-2885 and Authorizing the Employees with the Listed Job Classifications to Issue Parking Citations in Accordance with the Municipal Code. Staff Recommendation: Adopt Resolution No. 2014-3351 establishing those positions which would have criminal citation authority under the Municipal Code and rescinding Resolution No. 2010-2885.

- K. Consider Resolution Adopting a Revised Management Benefits Program and Rescinding Resolution No. 2014-3333. Staff Recommendation: Adopt Resolution No. 2014-3352, rescinding Resolution No. 2014-3333.
- L. Consider Release of All Claims with Nearon Enterprises, LLC (formerly Carlsberg Ranch Owners Association) for Reimbursement of Erroneously Charged Water Bills. Staff Recommendation: Authorize the City Manager to sign the Release and direct staff to process a reimbursement to Nearon.
- M. (CITY COUNCIL/SUCCESSOR AGENCY): Consider Rescinding Previous City Council Action of November 19, 2014; Award of Agreement to Great Western Installations, Inc. dba Great Western Park & Playground for Shade Structure Design and Installation at Ruben Castro Human Services Center; and Resolution, Concurring with City Council Resolution No. 2014-3337, Amending the Fiscal Year 2014/15 Budget to Fund the Work from RDA-SA 2006 Tab Proceeds (9104). Staff Recommendation:
- 1) City Council – Rescind action of the City Council of November 19, 2014, to approve Agreement with Great Western Installations, Inc. dba Great Western Park & Playground for Shade Structure Design and Installation at the Ruben Castro Human Services Center; and
 - 2) Successor Agency – Approve Agreement with Great Western Installations, Inc. dba Great Western Park and Playground for Shade Structure Design and Installation at the Ruben Castro Human Services Center, subject to final language approval of the Executive Director and Agency Counsel, and authorize the Executive Director to execute the Agreement on behalf of the Successor Agency; and
 - 3) Successor Agency – Adopt Resolution No. SA-2014-10.

ROLL CALL VOTE REQUIRED

The following item was pulled for individual consideration.

- J. Consider Exclusive Negotiating Agreement Between the City of Moorpark and The Area Housing Authority of the County of Ventura to Study the Feasibility of an Affordable Housing Project at the Southeast Corner of Everett Street and Moorpark Avenue. Staff Recommendation: Approve Exclusive Negotiating Agreement, subject to final language approval by the City Manager and City Attorney.

In response to Councilmember Pollock, staff stated Cabrillo Economic Development had expressed interest in this project; however, it was

determined the Area Housing Authority, of which the City is a member, was the better option at this time.

Councilmember Mikos stated this is a fairly common occurrence with redevelopment so a great deal of time and money are not expended before they move forward with the project.

MOTION: Councilmember Pollock moved and Mayor Parvin seconded a motion to approve the Exclusive Negotiating Agreement between the City of Moorpark and The Area Housing Authority of the County of Ventura to study the feasibility of an affordable housing project at the southeast corner of Everett Street and Moorpark Avenue, subject to final language approval by the City Manager and City Attorney. 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.A. on the agenda.

Mr. Ennis announced that the facts and circumstances creating significant exposure to litigation are not yet known to the potential plaintiff and, therefore, are not disclosable at this time.

MOTION: Councilmember Mikos moved and Councilmember Van Dam seconded a motion to adjourn to closed session for a discussion of one case under Item 12.A. on the agenda. The motion carried by unanimous voice vote. The time was 9:23 p.m.

A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to Subdivision (b) 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; Hugh Riley, Assistant City Manager; Deborah Traffenstedt, Deputy City Manager; and David Bobardt, Community Development Director.

The Council reconvened into open session at 9:52 p.m. Mr. Kueny stated one case under Item 12.A. was discussed and there was no action to report.

13. ADJOURNMENT:

Mayor Parvin adjourned the meeting at 9:52 p.m.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, City Clerk