

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: Dave Klotzle, City Engineer/Public Works Director 

DATE: February 24, 2015 (CC Meeting of 3/4/15)

SUBJECT: Consider Resolution Amending the Fiscal Year 2014/15 Budget to Fund Drainage Improvements at 11910 Poindexter Avenue

DISCUSSION

The private storm drain improvements located on the property owned by Pindler & Pindler, Inc. (Pindler), at 11910 Poindexter Avenue, connect to, and accept storm water runoff from a catch basin located in City right-of-way on Poindexter Avenue. The City holds an Easement Deed for the Right to Dispose of Storm Water (Easement Deed) onto the subject property, executed on May 17, 1984, when the property was initially developed.

Over the years, the private storm drain system was damaged by tree roots and partially plugged with debris, reducing the amount of storm water it could effectively convey to the downstream storm drain system. Under certain storm conditions, storm water would back up out of the private storm drain and flow on the surface to the next downstream storm drain inlet located south of Pindler's property. At times, storm water would also back up out of the catch basin and pond on Poindexter Avenue. In December 2012, Pindler installed a new storm drain system on their property but did not extend the new pipe to the catch basin on Poindexter Avenue.

On July 29, 2013, Pindler tendered a Notice of Claim to the City alleging that the City caused damage to the Pindler building by having unlawfully diverted storm water from Poindexter Avenue onto Pindler's property. The City disputed Pindler's allegations, contending it is authorized to divert storm water from Poindexter Avenue onto Pindler's property pursuant to the Easement Deed. To resolve the disputed issues, the City and Pindler executed a Mutual General Release and Settlement Agreement (Agreement) on April 2, 2014.

The Agreement provides that upon completion of certain drainage and landscaping improvements by Pindler, the City will pay \$27,000 to Pindler. The improvements, including a new, larger catch basin on Poindexter Avenue and two new pipes connecting the catch basin to Pindler's drainage system, have been completed and were inspected and approved by the City on February 12, 2015.

FISCAL IMPACT

A resolution amending the FY 2014/15 budget is required to appropriate \$27,000 for the payment to Pindler.

STAFF RECOMMENDATION (ROLL CALL VOTE)

Adopt Resolution No. 2015 - _____ amending the Fiscal Year 2014/15 budget to appropriate \$27,000 from the General Fund Reserve (1000) to fund drainage improvements at 11910 Poindexter Avenue.

Attachment
Resolution No. 2015 - _____

RESOLUTION NO. 2015 - _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, AMENDING THE FISCAL YEAR 2014/15 BUDGET TO APPROPRIATE FUNDS FROM GENERAL RESERVE FUND (1000) FOR DRAINAGE IMPROVEMENTS AT 11910 POINDEXTER AVENUE

WHEREAS, on June 18, 2014, the City Council adopted the Operating and Capital Improvements Projects budget for Fiscal Year 2014/2015; and

WHEREAS, the City and Pindler & Pindler, Inc. (Pindler) executed a Mutual General Release and Settlement Agreement (Agreement) on April 2, 2014; and

WHEREAS, the Agreement provides that upon completion of certain drainage and landscaping improvements by Pindler, the City will pay \$27,000 to Pindler; and

WHEREAS, the improvements, including a new, larger catch basin on Poindexter Avenue and two new pipes connecting the catch basin to Pindler's drainage system, have been completed and were inspected and approved by the City on February 12, 2015; and

WHEREAS, a staff report has been presented to the City Council requesting a budget adjustment increase of \$27,000 from General Reserve Fund (1000) for drainage improvements at 11910 Poindexter Avenue; and

WHEREAS, Exhibit "A", attached hereto and made a part hereof, describes said budget amendment and its resultant impact to the budget line items.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOORPARK DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. That a budget amendment in the aggregate increase of \$27,000 as more particularly described in Exhibit "A" is hereby approved.

SECTION 2. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED AND ADOPTED this 4th day of March, 2015.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, City Clerk

Attachment: Exhibit 'A': Appropriation and Budget Detail

EXHIBIT "A"

**BUDGET AMENDMENT FOR
GENERAL RESERVE FUND (1000)
TO APPROPRIATE FUNDING FOR DRAINAGE IMPROVEMENTS AT
11910 POINDEXTER AVENUE
FY 2014-2015**

FUND ALLOCATION FROM:

Fund	Account Number	Amount
General Reserve	1000-5500	\$ 27,000.00
Total		\$ 27,000.00

DISTRIBUTION OF APPROPRIATION TO EXPENSE ACCOUNTS:

Account Number	Current Budget	Revision	Amended Budget
1000.8100.0000.9125	\$ -	\$ 27,000.00	\$ 27,000.00
Total	\$ -	\$ 27,000.00	\$ 27,000.00

Finance Approval: *JL*