

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

April 15, 2015

A Regular Meeting of the City Council of the City of Moorpark and the Successor Agency was held on April 15, 2015, 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 7:15 p.m.

2. PLEDGE OF ALLEGIANCE:

Joseph Fiss, Planning 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; Deborah Traffenstedt, Assistant City Manager; Ron Ahlers, Finance Director; David Bobardt, Community Development Director; David Klotzle, City Engineer/Public Works Director; Jeremy Laurentowski, Parks and Recreation Director; David Moe, Economic Development and Housing Manager; Joseph Fiss, Planning Manager; Captain Wade, Sheriff's Department; and Maureen Benson, City Clerk.

4. PROCLAMATIONS AND COMMENDATIONS:

A. Proclamation Recognizing April 2015 as DMV/Donate Life California Month.

Mayor Parvin presented Moorpark resident and kidney recipient Ellen Garner with a proclamation recognizing April 2015 as DMV/Donate Life California month.

B. Proclamation Declaring April 24, 2015 as Moorpark's Observance of Arbor Day.

Mayor Parvin presented Allen Walter, Landscape/Parks Maintenance Superintendent with a proclamation declaring April 24, 2015 as Moorpark's observance of Arbor Day.

Mr. Walter announced the City will be giving away free wood mulch on Arbor Day along with a free 15-gallon Chitalpa tree.

5. PUBLIC COMMENT:

Tara Diller, Director of the County of Ventura Animal Services, provided an update on accomplishments at the animal shelter.

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

UNANIMOUS CONSENSUS: It was the unanimous consensus of the Council to pull Item 10.H. from the Consent Calendar for individual consideration to be heard after Item 9. A. upon the request of Councilmember Millhouse.

UNANIMOUS CONSENSUS: It was the unanimous consensus of the Council to hear Item 9.A. prior to Public Hearings upon the request of Councilmember Millhouse.

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

Councilmember Mikos reported she would be attending a meeting of the Executive Board of the Economic Collaborative of Ventura County on April 16, 2015.

Councilmember Van Dam announced the Moorpark Kiwanis will be holding its annual fund raiser "Wine and Moonlight" on May 17 at the Secret Garden on High Street with proceeds going to the children and charities in Moorpark.

Mayor Parvin requested a box item communication from staff regarding how the City addresses boarded windows on homes in Moorpark.

Mayor Parvin requested a future agenda item to invite Susan Mulligan, General Manager of Calleguas Municipal Water District, to provide information on how Governor Brown's order to reduce water consumption by 25% will affect Calleguas and its interaction with the Metropolitan Water District.

Mayor Parvin announced applications are now being accepted for the Moorpark Community Emergency Response Team (CERT) classes.

Mayor Parvin announced April 19 is Free Landfill Day for Moorpark residents at the Simi Valley Landfill.

Mayor Parvin announced the City Neighborhood Enhancement Program is accepting applications for May and June Free Clean-up Events.

Mayor Parvin announced the Library is celebrating "The Day of the Child/Day of the Book" (Dia de los Ninos/Dia de los Libros) on April 30 and on May 2 will host a "Big Truck/Big Read Event.

Mayor Parvin congratulated Captain Wade and the Ventura County Sheriff's Office for their successful "sting" operation on April 8 and 9 in Moorpark where 14 unlicensed, illegal contractors were cited.

Mayor Parvin announced National Volunteer Week is from April 12-18. She thanked all the volunteers who help out in Moorpark, especially the Volunteers in Policing.

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

9. PRESENTATION/ACTION/DISCUSSION:

- A. Consider Feasibility Study of a Second Vehicular Access to Arroyo Vista Community Park (AVCP) (Project 8089). Staff Recommendation: Based on the cost of a second access, and the relatively infrequent occurrence of large events, it is not recommended to pursue a second access to AVCP.

Mr. Klotzle gave the staff report.

The following Moorpark residents spoke in opposition to a secondary access to AVCP due to concerns over increased traffic in a quiet neighborhood; and recommended alternatives, such as shuttles to the park and the addition of bike and pedestrian trails to access the park.

Scott Burkholder
Theresa Dressler
Roger Ball
Bernadette Compean
Nancy Wohl
Kern Gross
Jay Stussef
Dawn Todd

Elmer Silfies opposed the secondary access and submitted a petition in opposition to the proposal signed by residents of Vista Park Road, Isle Royale Street, Canyonlands Road, Mesa Verde Drive, Millerton Road, Ashtree Street, Vista Park Drive, Brookglen Street, Canario Court, Hillside Drive, and Laurel Glen Drive.

In response to Mayor Parvin, Ms. Benson summarized two Written Statement cards in opposition to the secondary access due to increased traffic safety issues and risks to children playing in the area.

MOTION: Councilmember Millhouse moved and Councilmember Pollock seconded a motion to not pursue a second access to Arroyo Vista Community Park. The motion carried by unanimous voice vote.

AT THIS POINT in the meeting Item 10.H. was pulled from the Consent Calendar for individual consideration.

10. CONSENT CALENDAR:

- H. Consider Status on the Amended Implementation Plan for Improvements Associated with Tract Nos. 5287-1&2 and 5405, the Meridian Hills Residential Development Project, Located on Meridian Hills Drive, West of Walnut Canyon Road. Staff Recommendation: Receive and file.

AT THIS POINT in the meeting Councilmember Pollock, a resident of Meridian Hills, recused himself and left the dais. The time was 8:12 p.m.

Mr. Bobardt gave the staff report.

Taylor Hodoose, a Meridian Hills resident, reported on having tried to run for a seat on the Board of the Home Owners' Association (HOA) only to be dismissed by the current Board, which consists of two members from the property owners, Resmark; two members from the building contractor, K. Hovnanian Homes; and one Meridian Hills homeowner.

David Tuttle, a Meridian Hills resident, reported on HOA financial discrepancies occurring without explanation; and continued inferior maintenance of landscaping throughout the development.

John Weymouth, a Meridian Hills resident, reported K. Hovnanian Homes is not meeting commitments such as the completion of the multi-use trail by the Peters' property and landscape maintenance, as well as the questionable financial situation with a surplus disappearing into a deficit.

Joseph Restivo, a Meridian Hills resident, reported The Gas Company turned off the gas at the swimming pool after a 90-day notice that the bill was not paid. He stated his concerns over an inability to receive an accounting of the finances of the HOA; and dangerous traffic patterns during construction.

Aleena Aquirre, fiancé to Mr. Restivo, stated she was dismayed to find the swimming pool is not heated year-round and that the HOA Board did not

listen to the residents at a recent HOA meeting, which was ended abruptly.

Brent Caldwell, land solutions consultant for Resmark stated he is working with City staff on the Landscape Maintenance District transfer.

Tim Jones, of K. Hovnanian Homes, 400 Exchange #200, Irvine, California, stated he is a volunteer member of the HOA board. He read into the record a December 2014 letter mailed to all Meridian Hills residents explaining the financial situation regarding the surplus to deficit and the increase in HOA dues. He reported the past management company has been replaced by Euclid Management Company and K. Hovnanian Homes is in the process of bringing the development into compliance to meet the California Bureau of Real Estate standards.

A discussion followed among the Councilmembers, Mr. Jones, and staff regarding: 1) The need for open communications between the builder and Meridian Hills residents; 2) Scheduled work to comply with all items on "punch list" for improvements in the landscape except for a rabbit barrier; 3) Explanation of how the Board Member election will be held; 4) Need to enforce construction traffic safety; and 5) Cautions to the developer to improve cooperation.

UNANIMOUS CONSENSUS: It was the unanimous consensus of the four Councilmembers present to receive and file the report.

AT THIS POINT in the meeting, Councilmember Pollock returned to the dais. The time was 9:19 pm.

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. 2014-01; A Request to Allow a General Plan Amendment Application to be Filed to Change the Land Use Designation from General Commercial (C-2) to Very High Residential Density (VH) for Construction of Approximately 90 Townhomes on 7.8 Acres at 4875 Spring Road and 384 Los Angeles Avenue, on the Application of Mike Ashley and Don Duncan. Staff Recommendation: 1) Open the public hearing, accept public testimony and close the public hearing; and 2) Adopt Resolution No. 2015-3381, authorizing the acceptance of a General Plan Amendment application for review.

Mr. Fiss gave the staff report.

Mayor Parvin opened the public hearing.

Don Duncan, owner and operator of the RV Storage lot and applicant, 4875 Spring Road and 384 E. Los Angeles Avenue, Moorpark, California, stated he and co-applicant, Mike Ashley were available for questions.

The following Moorpark residents spoke in opposition to the proposal to allow a Very High Density project to be approved for this site based upon difficulties in their own neighborhood caused by the Shea development:

Dominic Schmidt, a Fremont Street resident
Teresa Schmidt, a Fremont Street resident
Marianne Farrington, a Bella Vista Drive resident
Chad Nagengast, a Bella Vista Drive resident

In response to Mayor Parvin, Ms. Benson summarized one Written Statement card in opposition to the change in zoning due to concerns over traffic congestion; and the need for more commercial development in the City not residential.

Mayor Parvin closed the public hearing.

As Community and Economic Development committee members, both Councilmembers Mikos and Pollock stated they felt this proposal deserved to be allowed to submit an application so further studies such as a Traffic Study and a Commercial Demand Study could be conducted to see if this is a viable location for Very High Density zoning.

MOTION: Councilmember Mikos moved and Councilmember Van Dam seconded a motion to adopt Resolution No. 2015-3381, authorizing the acceptance of a General Plan Amendment application for review consistent with General Plan Amendment Pre-Screening No. 2014-01, a request to allow a General Plan Amendment application to be filed to change the Land Use Designation from General Commercial (C-2) to Very High Residential Density (VH) for construction of approximately 90 townhomes on 7.8-acres at 4875 Spring Road and 384 Los Angeles Avenue, on the application of Mike Ashley and Don Duncan. The motion carried by unanimous voice vote.

- B. Consider Resolution Updating Land Use Development Processing Fees and Deposits, Film/Photography Permit Processing Fees and Deposits, Open House Directional Sign Permit Fees, Abandoned Shopping Cart Prevention Plan Review Fees, Business Registration Permit Fees, and Special Business Permit Review Fees and Deposits, and Rescinding Resolution Nos. 96-1214, 2006-2503, 2006-2510, 2007-2597, 2008-2733, 2008-2777, 2009-2790, 2012-3139, and 2013-3154 and Finding This Action Exempt from the California Environmental Quality Act. Staff Recommendation: 1) Open the public hearing, accept public testimony

and close the public hearing; and 2) Adopt Resolution No. 2015-3382, rescinding Resolution Nos. 96-1214, 2006-2503, 2006-2510, 2007-2597, 2008-2733, 2008-2777, 2009-2790, 2012-3139, and 2013-3154. ROLL CALL VOTE REQUIRED

Mr. Bobardt gave the staff report.

Mayor Parvin opened the public hearing.

There were no speakers.

Mayor Parvin closed the public hearing.

MOTION: Mayor Parvin moved and Councilmember Pollock seconded a motion to adopt Resolution No. 2015-3382 updating Land Use Development Processing Fees and Deposits, Film/Photography Permit Processing Fees and Deposits, Open House Directional Sign Permit Fees, Abandoned Shopping Cart Prevention Plan Review Fees, Business Registration Permit Fees, and Special Business Permit Review Fees and Deposits, and rescinding Resolution Nos. 96-1214, 2006-2503, 2006-2510, 2007-2597, 2008-2733, 2008-2777, 2009-2790, 2012-3139, and 2013-3154. The motion carried by unanimous roll call vote.

- C. Consider Resolution Updating Staff Billing Rates and Finding This Action Exempt from the California Environmental Quality Act. Staff Recommendation: 1) Open the public hearing, accept public testimony and close the public hearing; and 2) Adopt Resolution No. 2015-3383. ROLL CALL VOTE REQUIRED

Mr. Ahlers gave the staff report.

Mayor Parvin opened the public hearing.

There were no speakers.

Mayor Parvin closed the public hearing.

MOTION: Councilmember Pollock moved and Councilmember Van Dam seconded a motion to adopt Resolution No. 2015-3383 updating Staff Billing Rates and finding this action exempt from the California Environmental Quality Act. The motion carried by unanimous roll call vote.

9. PRESENTATION/ACTION/DISCUSSION:

- B. Consider Animal Services Agreement Between the City of Moorpark and the County of Ventura. Staff Recommendation: Approve the Agreement, subject to final language approval by the City Manager and City Attorney,

for a term of one (1) year with up to three (3) one-year extensions; and direct staff to explore alternative means to deliver animal services and revenue enhancements.

Mr. Moe gave the staff report and stated the staff recommendation had been changed to approve the Agreement for one-year only.

There were no speakers.

MOTION: Councilmember Pollock moved and Councilmember Van Dam seconded a motion to approve the Agreement, as amended for only a one-year term, subject to final language approval by the City Manager and City Attorney; and to direct staff to explore alternative means to deliver animal services and revenue enhancements. The motion carried by unanimous voice vote.

- C. Consider Response to Ventura County Planning Division on Recirculated Draft Environmental Impact Report (EIR) for Wayne J Sand and Gravel Mine Expansion, Case No. PL13-0116, a Request for a Modified Conditional Use Permit and an Amended Reclamation Plan for an Existing Mining Facility, Located at 9455 Buena Vista Street in the Moorpark Area of Interest. Staff Recommendation: Authorize staff to send a comment letter to Ventura County Planning Division to address the unresolved issues in the Recirculated Draft Environmental Impact Report and through the permit application review process.

Mr. Bobardt gave the staff report.

There were no speakers.

A discussion followed among the Councilmembers and staff which focused on subjects to be included in the letter including a review to be required by the Air Pollution Control District; monitoring of the conditions and number of trucks entering and leaving the mines; educating truck drivers on the proper interaction with the railroad crossings; use of comments from Council submitted to the County for related projects; and an emphasis on valuing the residents of Moorpark.

UNANIMOUS CONSENSUS: It was the unanimous consensus of the Council to authorize staff to send a comment letter to Ventura County Planning Division to address the unresolved issues in the Recirculated Draft Environmental Impact Report and through the permit application review process.

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 Item 10.H, which was pulled for individual consideration and heard earlier in the meeting. The motion carried by unanimous roll call vote.

- A. Consider Minutes of Special City Council Meeting of March 18, 2015. Staff Recommendation: Approve the minutes.
- B. Consider Minutes of Regular City Council/Successor Agency Meeting of March 18, 2015. Staff Recommendation: Approve the minutes.
- C. Consider Warrant Register for Fiscal Year 2014/15 – April 15, 2015. Staff Recommendation: Approve the warrant register.
- D. Consider Beverage Container Recycling Grant and Payment Program Funding Request Submittal to the California Department of Resources Recycling and Recovery. Staff Recommendation: Authorize the City Manager or his designee to submit the Beverage Container Recycling Grant Funding Request and all required documents to CalRecycle.
- E. Consider the Campus Canyon Park Turf Renovation and Resolution Amending Fiscal Year 2014/15 Budget. Staff Recommendation: Adopt Resolution No. 2015-3384. ROLL CALL VOTE REQUIRED
- F. Consider Resolution Authorizing the City's Revised Fiscal Year 2014/15 Transportation Development Act Claim and Rescinding Resolution No. 2014-3317; and Consider Resolution Amending the Fiscal Year 2014/15 TDA Article 8 Revenue Budget by \$189,705.00 Due to the Increased Apportionment. Staff Recommendation: Adopt Resolution Nos. 2015-3385 and 2015-3386. ROLL CALL VOTE REQUIRED
- G. Consider 2015 Moorpark Beach Bus and Summer Youth Bus Pass Programs, and Amendment No. 1 to Agreement with Durham School Services, L.P. for Bus Excursion and Charter Services. Staff Recommendation: 1) Approve the proposed 2015 Moorpark Beach Bus and Summer Youth Bus Pass Programs; and 2) Authorize the City Manager to sign Amendment No. 1 to Agreement with Durham School Services, L.P. for Bus Excursion and Charter Services, subject to final language approval by the City Manager.
- I. Consider Amendment No. 1 to Agreement with Berry General Engineering Contractors, Inc. for Parking Lot Improvements at Various City Parks and Facilities. Staff Recommendation: Approve Amendment No. 1 with Berry

General Engineering Contractors, Inc, subject to final language approval of the City Manager.

- J. Consider Southern California Association of Governments (SCAG) Request to Use the Community Center to Hold a Workshop and Waive the City's Facility Rental Fee. Staff Recommendation: Approve the co-sponsorship of SCAG's RTP-SCS workshop on June 16, 2015, waive the facility rental fees, and require that SCAG pay City's direct staff costs for the workshop.
- K. Consider Amendment to Agreement with Parkwood Landscape Maintenance, Inc, for Landscape Maintenance Services at 1493 Walnut Canyon Road and the Sound Walls at the 23 Freeway Off Ramp at Tierra Rejada Road. Staff Recommendation: Approve Amendment No. 1, subject to final language approval by the City Manager.

11. ORDINANCES: (ROLL CALL VOTE REQUIRED)

None.

12. CLOSED SESSION:

Mr. Kueny requested the City Council go into closed session for discussion of Item 12.C. the agenda.

MOTION: Councilmember Mikos moved and Councilmember Pollock seconded a motion to adjourn to closed session for a discussion of Item 12.C. on the agenda. The motion carried by unanimous voice vote. The time was 10:25 p.m.

- C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Pursuant to Subdivision (a) of Section 54956.9 of the Government Code)
City of Moorpark vs. California Skateparks, Inc.; Insurance Company of the West. et al (Civil Case No. 56-2014-00451156-CU-BC-VTA)

Present in closed session were Councilmembers Mikos, Millhouse, Pollock, Van Dam, and Mayor Parvin; Steven Kueny, City Manager; Kevin Ennis, City Attorney; Deborah Traffenstedt, Assistant City Manager; and Jeremy Laurentowski, Parks and Recreation Director.

The Council reconvened into open session at 10:40 p.m. Mr. Kueny stated Item 12.C. was discussed and there was no action to report.

13. ADJOURNMENT:

Mayor Parvin adjourned the meeting at 10:40 p.m.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, City Clerk