

**MOORPARK CITY COUNCIL  
AGENDA REPORT**

**TO:** Honorable City Council

**FROM:** David A. Bobardt, Community Development Director



**DATE:** May 10, 2016 (CC Meeting of 5/18/2016)

**SUBJECT:** Consider: 1) Amendment to Professional Services Agreement with Sohagi Law Group Authorizing Additional Services Regarding the County of Ventura's Approval of Wayne J Sand and Gravel Mine Expansion; and 2) Resolution Amending the Fiscal Year 2015-2016 Budget by Appropriating \$100,000.00 from the General Fund (1000) for Additional Services by The Sohagi Law Group Related to the Wayne J Sand and Gravel Mine Expansion Project

**BACKGROUND/DISCUSSION**

On March 13, 2015, the City received a Draft EIR from the County of Ventura for the Wayne J Sand and Gravel Mine Expansion. This facility is located north of Moorpark adjacent to State Route 23 (Grimes Canyon Road). A Modification to the existing Conditional Use Permit would extend the permit from 2013 to 2043, increase the excavation area from 48 to 134 acres, increase production from 270,000 tons to 700,000 tons per year, and allow for an average of 240 and maximum of 300 truck trips per day, up from the current allowed 72 average and 100 maximum truck trips per day, and add asphalt and concrete recycling to the operation, which had previously been allowed but not built.

On April 8, 2015, the City Council approved the retention of The Sohagi Law Group to review this Draft EIR and prepare comments on behalf of the City for a not-to-exceed cost of \$50,000.00, with funding from the City's General Fund. Comments on the Draft EIR were submitted to the County on April 30, 2015. The total expenses for the review of the Draft EIR were for approximately \$34,000, leaving \$16,000 in the agreement for additional tasks, including preparation of comments on the Final EIR.

On February 17, 2016, the City Council authorized an amendment to the existing Professional Services Agreement for approximately \$34,000 for additional services related to review of the Final EIR, and an amendment to the FY 2015-2016 budget to

appropriate \$50,000 from the General Fund, since no funds have been designated for these services. At this meeting the City Council also authorized the City Manager to appeal the County Planning Commission's February 11, 2016 certification of the Final EIR and approval of the permit expansion. On May 3, 2016, the Board of Supervisors considered the City's appeal, certified the Final EIR, and approved the permit expansion. Like the County Planning Commission's action, the Board did not require meaningful mitigation of the impacts of this project on Moorpark, especially with respect to truck traffic impacts.

The City Council is now being asked to authorize the execution of an amendment to the agreement with The Sohagi Law Group to allow for further work on this matter. They are currently working to prepare the Administrative Record.

### **FISCAL IMPACT**

Staff recommends that the City Council appropriate \$100,000 from the General Fund Reserves for the additional services.

### **STAFF RECOMMENDATION (Roll Call Vote)**

1. Authorize the City Manager to execute an amendment to the professional services agreement with The Sohagi Law Group for an increase of \$100,000 to the previous not-to-exceed cost of \$84,000 for a new total not-to-exceed cost of \$184,000 without prior City Council authorization, subject to final language approval of the City Manager and City Attorney.
2. Adopt Resolution No. 2016-\_\_\_\_\_.

Attachment: Resolution No. 2016-\_\_\_\_\_

RESOLUTION NO. 2016 - \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA AMENDING THE FISCAL YEAR 2015-2016 BUDGET BY APPROPRIATING \$100,000.00 FROM THE GENERAL FUND (1000) FOR ADDITIONAL SERVICES BY THE SOHAGI LAW GROUP RELATED TO THE WAYNE J SAND AND GRAVEL MINE EXPANSION PROJECT

WHEREAS, on June 17, 2015 the City Council adopted the Operating and Capital Improvement Budget for Fiscal Year 2015-2016; and

WHEREAS, on February 17, 2016, the City Council adopted Resolution No. 2016-3477, appropriating \$50,000.00 from the General Fund (1000) for additional services by The Sohagi Law Group related to the Wayne J Sand and Gravel Mine Expansion Project Environmental Impact Report (EIR); and

WHEREAS, at its meeting on May 18, 2016, a staff report has been presented to the City Council summarizing the need to amend the Operating and Capital Improvement Budget for Fiscal Year 2015-2016 for additional services by The Sohagi Law Group related to the Wayne J Sand and Gravel Mine Expansion Project; and

WHEREAS, a budget appropriation increase of \$100,000.00 in the General Fund (1000) is requested for these additional services; and

WHEREAS, Exhibit "A" hereof describes said budget amendment and its resultant impact to the budget line item.

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 \$100,000.00 from the General Fund (1000), as more particularly described in Exhibit "A", is hereby approved.

**CC ATTACHMENT**

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 18th day of May, 2016.

\_\_\_\_\_  
Janice S. Parvin, Mayor

ATTEST:

\_\_\_\_\_  
Maureen Benson, City Clerk

Attachment: Exhibit 'A': Budget Appropriation

**Exhibit A**

**Budget Amendment for  
 General Fund  
 For Additional Services from The Sohagi Law Group  
 Regarding the Wayne J Sand and Gravel Mine Expansion Project  
 FY 2015-2016**

**A. Fund Allocation**

<b>Fund Description</b>	<b>Account</b>	<b>Amount</b>
General Fund	1000-5500	\$100,000.00
	<b>Total</b>	\$100,000.00

**B. Appropriation Allocation**

<b>Budget Number</b>	<b>Adopted Budget</b>	<b>Budget Change</b>	<b>Revised Budget</b>
1000-6440-0000-9122	\$50,000.00	\$100,000.00	\$150,000.00
Total	\$50,000.00	\$100,000.00	\$150,000.00

Finance Approval: *Bon Allen*