A Regular Meeting of the City Council of the City of Moorpark and the Successor Agency was held on May 17, 2017, 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 6:35 p.m.

2. PLEDGE OF ALLEGIANCE:

Joseph Fiss, Economic Development and Planning Manager, led the Pledge of Allegiance.

3. ROLL CALL:

Present: Councilmembers Mikos, Pollock, Simons, 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; Jeremy Laurentowski, Parks and Recreation Director; Sean Corrigan, City Engineer/Public Works Department; Joseph Fiss, Economic Development and Planning Manager; Shaun Kroes, Program Manager; Brian Chong, Administrative Services Manager; Michael Ramirez, Recreation Supervisor; Captain John Reilly, Sheriff's Department; and Maureen Benson, City Clerk.

4. PROCLAMATIONS AND COMMENDATIONS:

A. Recognition of Outgoing Teen Council Members.

Mayor Parvin and Recreation Supervisor, Michael Ramirez presented Certificates of Recognition to the outgoing 2016/2017 Teen Council members Melody Espinosa, Caroline Gratke, Delia Hamm, Brandon Jimenez, Trish Khandelwal, Jett Landis, Nicolette Sichmeller, Diana Spencer, Vivek Thiyagarajan, Daniel Vargas, and Matthew Waters.
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 and Councilmember Simons met with Susan Mulligan, General Manager of Calleguas Municipal Water District and described their tour of the well field near Grimes Canyon Road and a visit to the Calleguas pump station on Spring Road.

Councilmember Pollock reported on his meeting with the County Health Community Grant Leadership Team to discuss the health of Ventura County and stated it has been determined that life expectancy is influenced by where you live with its positive impacts for access to healthy foods and low exposure to second-hand smoke.

Councilmember Pollock reported he and Councilmember Simons had attended a General Assembly meeting of the Southern California Association of Governments (SCAG) where a new panel of officers was voted upon.

Councilmember Mikos reported today she had attended a meeting in Los Angeles at the Small Business Development Center where the Economic Development Collaborative of Ventura County (EDCVC) received one of the top awards for the most work accomplished to improve businesses in the area of exports/imports. She reminded businesses that they may be eligible for free consulting and/or loan capital for their businesses from EDCVC.

Councilmember Mikos reported she had attended the Moorpark Chamber of Commerce Community Awards ceremony at the Moorpark Country Club on May 16 and congratulated all the winners of awards.

Councilmember Simons congratulated Mayor Parvin for having received the Legend Award at the Community Awards ceremony.

Councilmember Simons reported the SCAG meeting he attended gave him the opportunity to meet with the arm of the Southern California Edison (SCE) that does all the Broadband connectivity studies. He also stated that since the City is purchasing the light poles from SCE, staff may want to investigate SCE's findings.
Councilmember Van Dam announced last week was Teacher Appreciation Week and thanked all the Moorpark Unified School District officials and staff for making education in Moorpark great.

Councilmember Van Dam reported the Moorpark Kiwanis Club, with the assistance of the U.S. Postal Service, collected over 4 tons of food stuffs for the Moorpark Food Pantry on their May 20th food drive.

Mayor Parvin announced the Moorpark Morning Rotary Club is sponsoring a free Field of Valor event on May 29th at Tierra Rejada Park where American flags will be proudly displayed with each dedicated in honor of, and in memory of, a deceased friend or family member who proudly served in the armed forces. The net proceeds from flag purchases will go directly to support local veterans and the families of deployed military.

Mayor Parvin announced registration is now open for summer recreation programs at Arroyo Vista Recreation Center which offers a variety of great summer activities including Camp Moorpark, Adventure Camp, recreation classes for all ages, and sports leagues.

Mayor Parvin announced the City's second Free Paper Shredding and E-Waste Event of the year are scheduled for May 20th at the Moorpark Public Services Facility.

Mayor Parvin announced the Moorpark Summer Youth Bus Pass for anyone under the age of 21 is now on sale at City Hall and Arroyo Vista Recreation Center.

Councilmember Simons announced the Moorpark Boys and Girls Club, which supports over 400 Moorpark youth with after-school programs, is holding its 26th Annual Dinner and Auction Gala on April 6th at Cal Lutheran College.

Mayor Parvin reported the Moorpark Relay for Life took place successfully on May 6th-7th.

Councilmember Mikos reported she and Mayor Parvin met with Waste Management GI Industries representatives regarding a franchise agreement.

Mayor Parvin reported that after 2 years of work the Local Area Formation Commission (LAFCO) has finalized its Guidelines for Agricultural Mitigation.

Mayor Parvin reported she attended the Ventura Council of Governments meeting where Rick Lemmo, Senior Vice-President of Caruso Development, shared his insights regarding the ever-changing shopping center market.
Councilmember Parvin thanked the Moorpark Chamber of Commerce for their great Community Awards Event, which had a turnout of over 150 people.

8. PUBLIC HEARINGS:

A. **Consider an Ordinance Approving Zoning Ordinance Amendment No. 2017-02, An Amendment to Chapter 17.20 (Uses by Zone) of Title 17 (Zoning) of the Moorpark Municipal Code to Address Marijuana and Medical Marijuana Cultivation, Tobacco Sales Including Electronic Cigarettes, Drive-Through Facilities, Check Cashing, Payday Loan, and Vehicle Title Loan Establishments, and Massage Establishments; and Making a Determination that This Action is Exempt from the California Environmental Quality Act.** Staff Recommendation: 1) Open the public hearing, accept public testimony and close the public hearing; 2) Introduce Ordinance No. 447, approving Zoning Ordinance Amendment No. 2017-02, for first reading, waive full reading, and place this ordinance on the agenda for June 7, 2017 regular meeting for purposes of providing second reading and adoption of the ordinance.

Mr. Fiss gave the staff report.

A discussion among the Councilmembers and staff focused on: 1) How grandfathered, non-conforming businesses would become aware of changing circumstances that would require their compliance with the new laws; and 2) Whether stand-alone ATMs located in various businesses would be considered a bank.

Mr. Kueny responded to Council concerns stating the definition of ATMs as banks would be added to allow stand-alone ATMs in C and M1 zones with proper permits. He stated staff would notify tenants and property owners of what circumstances would make a non-conforming, grandfathered business subject to the new laws.

Mayor Parvin opened the public hearing.

There were no speakers.

Mayor Parvin closed the public hearing.

Mr. Ennis read the title of Ordinance No. 447.

**MOTION:** Councilmember Van Dam moved and Councilmember Pollock seconded a motion to Introduce Ordinance No. 447, as amended for the inclusion of ATMs, and approving Zoning Ordinance Amendment No. 2017-02, for first reading, waive full reading, and place this ordinance on the agenda for
June 7, 2017 regular meeting for purposes of providing second reading and adoption of the ordinance. The motion carried by unanimous voice vote.

MOTION: Mayor Parvin and Councilmember Mikos moved to direct staff to notify non-conforming, grandfathered business tenants and property owners of what circumstances would make them subject to the new laws.

B. 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. 2017-3596. 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 Mayor Parvin seconded a motion to adopt Resolution No. 2017-3596 updating staff billing rates and finding this action exempt from the CEQA. The motion carried by unanimous roll call vote.

9. PRESENTATION/ACTION/DISCUSSION:

A. Consider Presentations from Applicants to Fill Vacancies on the Library Board. Staff Recommendation: 1) Hear presentations from applicants; and 2) Determine date(s) in June for the second round of interviews and appointments.

Ms. Benson gave the staff report.

The City Council heard presentations from Library Board applicants Sherman Clayton, John Slifko, Ivan Yeung, and Candice Sunseri.

CONSENSUS: It was the unanimous consensus of the Council to defer appointment to the Library Board until the June 21 regular meeting to allow for the presentation from the final applicant at either the June 7 or June 21 regular meeting.

B. Consider an Ordinance Amending Chapter 8.32 (Regulating Smoking in Public Places) of Title 8 (Health and Safety) of the Moorpark Municipal Code. Staff Recommendation: Introduce Ordinance No. 448 for first reading, waive full reading and place this ordinance on the agenda for the
June 7, 2017 regular meeting for purposes of providing second reading and adoption of the ordinance.

Mr. Chong gave the staff report stating this ordinance will bring Moorpark current with state law and include marijuana and vaping regulations. Any additional actions directed by Council could be brought back in a subsequent ordinance.

Councilmember Mikos reported she had a conversation with Moorpark resident Esha Chhabra about second-hand smoke.

A discussion followed among the Councilmembers and staff regarding: 1) The Area Housing Authority's apartment complexes in Moorpark prohibition on smoking; 2) Legality of specifying the size of packaging for cigars; 3) Moorpark Unified School District ban on smoking; 4) The Ventura County Community College District prohibition on smoking at all campuses, which includes Moorpark College; 5) Third-hand smoke; 6) Number of citations written for violations of current smoking law in Moorpark, licensing and inspection of current retail sellers of smoking products, and occasional stings using Police Explorers to cite minors who violate alcohol or cigarette laws; 8) Requiring a separate yearly permit for tobacco sellers; and 9) Including multi-unit housing as well as single-family homes in restrictions on second-hand smoke by declaring it a nuisance.

Barry Groveman, former Mayor of the City of Calabasas, spoke in regard to the success of their anti-smoking ordinance and offered his assistance to the City as a resource.

Esha Chhabra, a Moorpark resident, described her family's experience with second-hand smoke from a neighboring residence and requested the Council define second-hand smoke as a nuisance in the new law.

In response to Councilmember Pollock's request to have second-hand smoke declared a public nuisance, Mr. Ennis stated staff would need time to craft a defensible and clear definition for both single-family and multi-family residential.

Mr. Ennis read the title of Ordinance No. 448.

**MOTION:** Councilmember Mikos moved and Councilmember Van Dam seconded a motion to Introduce Ordinance No. 448 for first reading, waive full reading and place this ordinance on the agenda for the June 7, 2017 regular meeting for purposes of providing second reading and adoption of the ordinance. The motion carried by unanimous voice vote.
CONSENSUS: It was the unanimous consensus of the Council to direct staff to address second-hand smoke in private places in a subsequent report to Council.

AT THIS POINT in the meeting, a recess was declared. The time was 9:15 p.m. The Council meeting reconvened at 9:27 p.m.

C. Consider Moorpark City Transit Evaluation Final Report, Including Proposed Route and Schedule Changes; and, Consider Resolution Establishing Fares for Moorpark City Transit Services and Rescinding Resolution No. 2015-3414. Staff Recommendation: 1) Approve the Moorpark City Transit Evaluation Final Report; 2) Approve Nelson\Nygaard's Preferred Service Concept (Attachment 2) with staff's Adjusted Preferred Concept Schedule (Attachment 3) and direct staff to finalize an updated Ride Guide, subject to final approval by the City Manager, with an effective date of August 7, 2017; 3) Adopt Resolution No. 2017-____, establishing the fares for the Moorpark City Transit Fixed Routes, Senior Dial-A-Ride and Disabled Paratransit Services; 4) Direct staff to formally evaluate Moorpark City Transit services every three years and present recommended changes to the Transportation and Public Works Standing Committee prior to forwarding to City Council (draft report to be due January 2021).

Mr. Kroes gave the staff report.

Gary Mussell, a Moorpark resident of Villa del Arroyo, thanked Mr. Kroes for meeting with 30 residents of Villa del Arroyo and requested consideration for adding one more bus route to this location.

Chuck Hamm, a Moorpark resident, stated a cost analysis shows each year the City is losing more money on the bus services and Dial-A-Ride should be considered by residents as an alternative.

Ms. Benson read one Written Statement card from Karen Walden, a Moorpark resident, stating the need to keep the bus route for the Christian Barrett and Walnut Creek neighborhoods.

A discussion followed among the Councilmembers and staff regarding the 1) Costs of Dial-A-Ride to seniors and the disabled; 2) Elimination of the fare increase for seniors and the disabled; and 3) Adding one more bus trip to Villa del Arroyo.

MOTION: Councilmember Pollock moved and Councilmember Van Dam seconded a motion to: 1) Approve the Moorpark City Transit Evaluation Final Report; 2) Approve Nelson\Nygaard's Preferred Service Concept with staff's Adjusted Preferred Concept Schedule and direct staff to finalize an updated Ride Guide, as amended to include one more bus trip to Villa del Arroyo, subject to
final approval by the City Manager, with an effective date of August 7, 2017; 3) Direct staff to formally evaluate Moorpark City Transit services every three years and present recommended changes to the Transportation and Public Works Standing Committee prior to forwarding to City Council (draft report to be due January 2021). The motion carried by unanimous voice vote.

D. Consider Mission Statement, Priorities, Goals and Objectives for Fiscal Year 2017/2018 and Fiscal Year 2018/2019. Staff Recommendation: Approve Mission Statement, Goals and Objectives for FY 2017/2018 and FY 2018/2019 with formal review in May 2019, determine which, if any, objectives are to be referred to a Standing Committee, and select 10-20 objectives as City Priority Objectives.

Mr. Kueny gave the staff report.

There were no speakers.

A discussion followed among the Council members and staff regarding: 1) Adding back into the Community Development Department goals 2-5 year goal to provide linkage between City and Happy Camp Canyon Regional Park; 2) Move the study of Broadband in the City to be a Priority for the 0-2 year timeframe; and 3) Add becoming a SMART City to a current objective.

CONSENSUS: It was the unanimous consensus of the Council to approve the report with the addition of a sixth goal to address open space and watershed protection with formal review scheduled for May 2019, and to modify the objectives as indicated during discussion with no additional objectives referred to Standing Committees.

E. Consider Proposed Operating and Capital Improvement Budget for the Fiscal Year 2017/2018. Staff Recommendation: Receive the budget and set a workshop at 6:00 p.m. on Wednesday, May 24, 2017.

Mr. Kueny gave the staff report.

There were no speakers.

CONSENSUS: It was the unanimous consensus of the Council to make the three suggested changes; to receive the budget; and to set a budget workshop for 6:00 p.m. on Wednesday, May 24, 2017.
10. CONSENT CALENDAR: (ROLL CALL VOTE REQUIRED)

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

A. Consider Minutes of Special Joint City Council/Parks and Recreation Commission Meeting of March 29, 2017. Staff Recommendation: Approve the minutes.

B. Consider Minutes of Special Joint City Council/Library Board Meeting of March 29, 2017. Staff Recommendation: Approve the minutes.

C. Consider Minutes of Special City Council/Successor Agency Meeting of May 3, 2017. Staff Recommendation: Approve the minutes.

D. Consider Warrant Register for Fiscal Year 2016/17 – May 17, 2017. Staff Recommendation: Approve the warrant register.

E. Consider Resolution Authorizing Employees with Certain Job Classifications to Act As a Public Officer to Enforce Vehicle Parking Violations of State Statute or City Ordinance and Rescinding Resolution No. 2014-3351. Staff Recommendation: Adopt Resolution No. 2017-3597, rescinding Resolution No. 2014-3351.

F. Consider Agreement with RJR Engineering Group, LLC, for Stormwater Inspection Services. Staff Recommendation: Award Agreement to RJR Engineering Group, LLC, and authorize the City Manager to execute the Agreement in the amount of $19,923.44, with a contingency of $2,076.56 for a total not to exceed amount of $22,000.00, subject to final language approval by the City Manager.

G. Consider Amendment No. 16 to Agreement with Pacific Sweep LLC for Street Sweeping Services. Staff Recommendation: Authorize the City Manager to sign Amendment No. 16 to the Agreement with Pacific Sweep LLC for Street Sweeping Services, adding the issuance of key cards and extending the Agreement until December 31, 2017, subject to final language approval by the City Manager.

H. Consider Surety Bond Exoneration (Bond Nos. 104324727, K08742832, K08850902 and SU1100424) for Shea Homes LP, Tract 5133 and Tract 5425. Staff Recommendation: Authorize the City Clerk to fully exonerate Surety Bonds Nos. 104324727, K08742832, K08850902 and SU1100424 for Tract 5133 and Tract 5425.
11. ORDINANCES: (ROLL CALL VOTE REQUIRED)

None.

12. CLOSED SESSION:

Mr. Kueny requested the City Council go into closed session for discussion of three cases under Items 12.B and Items 12.E and 12.F on the agenda.

MOTION: Councilmember Mikos moved and Councilmember Van Dam seconded a motion to adjourn to closed session for a discussion of three cases under Item 12.B and Items 12.E and 12.F on the agenda. The motion carried by unanimous voice vote. The time was 10:59 p.m.

B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
   Initiation of litigation (Pursuant to Paragraph (4) of Subdivision (d) of Government Code Section 54956.9: (Number of cases to be discussed – 4)

E. CONFERENCE WITH REAL PROPERTY NEGOTIATOR
   (Pursuant to Government Code Section 54956.8)
   Property: APNs 500-0-281-465, 500-0-281-545, 500-0-292-015, 500-0-292-035, and 500-0-292-195 East of Moorpark College and North of the SR-118 in the City of Moorpark, CA
   City Negotiator: Steven Kueny, City Manager
   Negotiating Parties: The City of Moorpark and Waste Management of CA
   Under Negotiation: Price and terms of payment

F. CONFERENCE WITH REAL PROPERTY NEGOTIATOR
   (Pursuant to Government Code Section 54956.8)
   City Negotiator: Steven Kueny, City Manager
   Negotiating Parties: The City of Moorpark and Coastline RE Holdings
   Under Negotiation: Price and terms of payment

Present in closed session were Councilmembers Mikos, Pollock, Simons, Van Dam, and Mayor Parvin; Steven Kueny, City Manager; Kevin Ennis, City Attorney; Deborah Traffenstedt, Assistant City Manager; David Bobardt, Community Development Director; and Brian Chong, Administrative Services Manager.
The Council reconvened into open session at 11:20 p.m. Mr. Kueny stated three cases under Item 12.B. and Items 12.E. and 12.F. were discussed and there was no action to report.

13. ADJOURNMENT:

Mayor Parvin adjourned the meeting at 11:20 p.m.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, City Clerk