



Resolution No. 2005-2294  
Ordinance No. 311

**CITY COUNCIL  
REGULAR MEETING AGENDA  
WEDNESDAY, MARCH 2, 2005  
7:00 P.M.**

Moorpark Community Center

799 Moorpark Avenue

1. **CALL TO ORDER:**
2. **PLEDGE OF ALLEGIANCE:**
3. **ROLL CALL:**
4. **PROCLAMATIONS AND COMMENDATIONS:**
5. **PUBLIC COMMENT:**
6. **REORDERING OF, AND ADDITIONS TO, THE AGENDA:**

*(Pursuant to Council Rules of Procedure, Section 2.8, Items to be withdrawn from the Consent Calendar shall be identified at this time.)*

7. **ANNOUNCEMENTS AND FUTURE AGENDA ITEMS:**

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Any member of the public may address the Council during the Public Comments portion of the Agenda, unless it is a Public Hearing or a Presentation/Action/Discussion item. Speakers who wish to address the Council concerning a Public Hearing or Presentations/Action/Discussion item must do so during the Public Hearing or Presentations/Action/Discussion portion of the Agenda for that item. Speaker cards must be received by the City Clerk for Public Comment prior to the beginning of the Public Comments portion of the meeting and for Presentation/Action/Discussion items prior to the beginning of the first item of the Presentation/Action/Discussion portion of the Agenda. Speaker Cards for a Public Hearing must be received prior to the beginning of the Public Hearing. A limitation of three minutes shall be imposed upon each Public Comment and Presentation/Action/Discussion item speaker. A limitation of three to five minutes shall be imposed upon each Public Hearing item speaker. Written Statement Cards may be submitted in lieu of speaking orally for open Public Hearings and Presentation/Action/Discussion items. Copies of each item of business on the agenda are on file in the office of the City Clerk and are available for public review. Any questions concerning any agenda item may be directed to the City Clerk at 517-6223.

**8. PUBLIC HEARINGS:**

- A. Consider General Plan Amendment No. 2003-02, Zone Change No. 2003-02, Vesting Tentative Tract No. 5425, and Residential Planned Development (RPD) No. 2003-02, a Request to Subdivide Approximately 15 Acres for Condominium Purposes to Develop 102 Duplex-Style and Detached Condominium Dwellings and a Recreation Facility, Located at the Terminus of Fremont Street, South of Los Angeles Avenue (Hwy 118) and East of Majestic Court, on the Application of Shea Homes, Inc. Staff Recommendation: Open the public hearing, take public testimony, and continue the item, with the public hearing open, to the meeting of April 6, 2005, to coincide with the consideration of the Development Agreement. **(Staff: Barry Hogan)**

**9. PRESENTATION/ACTION/DISCUSSION:**

- A. Consider Metrolink Presentation. Staff Recommendation: Hear presentation by David Solow. **(Staff: John Brand)**
- B. Consider Status Report on Mission Statement, Priorities, Goals and Objectives for Fiscal Year 2004/2005 and Direction for Fiscal Year 2005/2006. **(continued from February 16, 2005)** Staff Recommendation: Direct staff as deemed appropriate. **(Staff: Steven Kueny)**
- C. Consider Proposed Development Agreement Between Shea Homes Limited Partnership and City of Moorpark Pertaining to Vesting Tentative Tract No. 5425. Staff Recommendation: The City Council Ad Hoc Committee and staff recommend referral of proposed Development Agreement to the Planning Commission and the setting of Council public hearing for April 6, 2005. **(Staff: Steven Kueny)**
- D. Consider Proposed Bylaws and Legislative Agenda for Ventura County Council of Governments. Staff Recommendation: Discuss Draft Bylaws and Draft Legislative Agenda and provide comments to staff for transmittal to VCOG. **(Staff: Hugh Riley)**

**9. PRESENTATION/ACTION/DISCUSSION: (continued)**

- E. Consider Changes to the Street Sweeping Schedule, the Related Parking Restrictions and Parking Permit Issuance Policies and Procedures. Staff Recommendation: Staff and the Transportation and Streets Committee recommend Council direct staff to implement the program changes described in the agenda report. **(Staff: Kenneth Gilbert)**
- F. Consider Contract vs. In-House Street Sweeping Services. Staff Recommendation: Continue with contract street sweeping services. **(Staff: Kenneth Gilbert)**
- G. Consider Establishment of a Library Services Ad Hoc Committee. Approve the establishment of a Library Services Ad Hoc Committee and select two Councilmembers to serve. **(Staff: Mary Lindley)**
- H. Consider Scheduling of Joint City Council/Parks and Recreation Commission and Joint City Council/Planning Commission Meetings. Staff Recommendation: Direct staff as deemed appropriate. **(Staff: Deborah Traffenstedt)**
- I. Consider Ordinance Adding Section 10.04.205 to the Municipal Code Pertaining to the Parking of Oversized Vehicles. Staff Recommendation: Waive full reading and introduce Ordinance No. \_\_\_ for first reading; and schedule second reading for March 16, 2005. **(Staff: Captain Richard Diaz)**
- J. Consider Action Minutes for City Council Meetings and Records Retention for Electronic Meeting Recordings, Including Web-Site Archives. Staff Recommendation: 1) Direct staff to bring back a resolution revising the Council Rules of Procedure for Council Meetings to include direction on preparation of action minutes; and 2) Direct staff to return with a revised Records Retention policy for electronic meeting recordings. **(Staff: Deborah Traffenstedt)**

**10. CONSENT CALENDAR:**

- A. Consider Approval of Minutes of Regular Meeting of October 6, 2004. Staff Recommendation: Approve the minutes.

**10. CONSENT CALENDAR: (continued)**

- B. Consider Approval of Warrant Register for Fiscal Year 2004-2005 - March 2, 2005.

Manual Warrants	118509- 118513	\$ 27,851.43
Voided Warrant	118449 & 118489	\$ (7,072.12)
Payroll Liability Warrants	118606 - 118610	\$ 1,780.75
Regular Warrants	118514 - 118605 & 118611 - 118634	\$ 59,117.77 \$ 201,602.79

Staff Recommendation: Approve the warrant register.

- C. Consider Approval of Consultant Traffic Signal Design/Operations Management Services and Resolution Amending the Fiscal Year 2004/05 Budget to Fund Same (Gas Tax Fund 2605). Staff Recommendation: 1) Authorize staff to retain an engineering consultant to provide traffic signal operations monitoring services to the City; and 2) Adopt Resolution No. 2005-\_\_\_\_.  
**ROLL CALL VOTE REQUIRED (Staff: Kenneth Gilbert)**

- D. Consider Authorization of Recordation of the Notice of Completion for the Metrolink Landscape Improvement Project. Staff Recommendation: Authorize the City Clerk to file the Notice of Completion, release of the balance of payment thirty-five days after Notice of Completion records, and release of bonds consistent with the contract. **(Staff: Mary Lindley)**

- E. Consider 2003 Annual AB 939 Solid Waste Diversion Report to the Integrated Waste Management Board. Staff Recommendation: Receive and file the report.  
**(Staff: John Brand)**

- F. Consider Agreement for Direct Cable Installation for the Police Services Center. Staff Recommendation: Award contract to Digital Telecommunications Corporation for their low bid of \$59,308 and authorize the City Manager to execute contract for the work.  
**(Staff: Hugh Riley)**

**10. CONSENT CALENDAR: (continued)**

- G. Consider Continuation of Local Emergency. Staff Recommendation: Continue the proclamation of a local emergency. **(Staff: Kim Chudoba)**
- H. Consider Rejection of Amended Governmental Tort Claim: Harvey and Linda Plaks, Individually, and as Trustees of the Harvey and Linda Plaks' Trust. Staff Recommendation: Reject the Amended Claim and direct staff to send a standard rejections letter to the claimants. **(Staff: Deborah Traffenstedt)**
- I. Consider Authorizing Amendment of a Contract with BonTerra Consulting for the Preparation of an Environmental Impact Report (EIR) and Related Documents for the North Park Village and Nature Preserve Specific Plan Project. Staff Recommendation: Authorize the City Manager to negotiate and enter into an amendment to the professional services agreement with BonTerra Consulting for the environmental services included in the January 27, 2005 proposal, at a cost not to exceed \$183,212.53, upon receipt of payment from the project applicant, including the City administrative fee. **(Staff: Barry Hogan)**
- J. Consider Report of Annual Development Agreement Review: A) 34.5 Acres of Land Located West of Gabbert Road North of the Union Pacific Railroad Right-of-Way (A-B Properties); and B) 9.0 Acres of Land Located West of Gabbert Road North of the Union Pacific Railroad Right-of-Way (Southern California Edison Company). Staff Recommendation: 1) Accept the Community Development Director's Report and recommendation, and find, on the basis of substantial evidence, that A-B Properties and Southern California Edison Company have complied in good faith with the terms and conditions of their respective agreements with the City; 2) Deem the annual review process complete for A-B Properties' Development Agreement; and 3) Deem the annual review process complete for Southern California Edison Company's Development Agreement. **(Staff: Barry Hogan)**

**10. CONSENT CALENDAR: (continued)**

- K. Consider Resolution Rescinding Resolution No. 2005-2282 Pertaining to Establishment of a New Stormwater Quality Property-Related Fee. Staff Recommendation: Adopt Resolution No. 2005-\_\_\_\_. **ROLL CALL VOTE REQUIRED (Staff: Kenneth Gilbert)**

**11. ORDINANCES:**

None.

**12. CLOSED SESSION:**

- 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)
- B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION  
Initiation of litigation pursuant to Subdivision (c) of Section 54956.9 of the Government Code: (Number of cases to be discussed - 4)
- C. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
(Pursuant to Subdivision (a) of Section 54956.9 of the Government Code)  
The Committee to Preserve Historic High Street, an unincorporated association, and Cynthia Hollister vs. City of Moorpark and Moorpark City Council (Case No. SC037584)
- D. PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
(Pursuant to Subdivision (b) of Section 54957 of the Government Code)  
Title: Assistant City Manager, Assistant to City Manager/City Clerk, City Manager, City Attorney, City Engineer, Chief of Police, Administrative Services Director, Community Development Director, Community Services Director, and Public Works Director

**13. ADJOURNMENT:**

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In compliance with the Americans with Disabilities Act, if you need special assistance to review an agenda or participate in this meeting, including auxiliary aids or services, please contact the City Clerk's Department at (805) 517-6223. Upon request, the agenda can be made available in appropriate alternative formats to persons with a

disability. Any request for disability-related modification or accommodation should be made at least 48 hours prior to the scheduled meeting to assist the City staff in assuring reasonable arrangements can be made to provide accessibility to the meeting (28 CFR 35.102-35.104; ADA Title II).

STATE OF CALIFORNIA )  
COUNTY OF VENTURA )     ss  
CITY OF MOORPARK     )

AFFIDAVIT OF POSTING

I, Maureen Benson, declare as follows:

That I am the Deputy City Clerk of the City of Moorpark and that an agenda of the Regular Meeting of the Moorpark City Council to be held on Wednesday, March 2, 2005, at 7:00 p.m. in the Council Chambers of the Moorpark Community Center, 799 Moorpark Avenue, Moorpark, California, was posted on February 25, 2005, at a conspicuous place at the Moorpark Community Center, 799 Moorpark Avenue, Moorpark, California.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 25, 2005.

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Maureen Benson, Deputy City Clerk