



## **ANNOTATED**

**CITY COUNCIL  
REGULAR MEETING AGENDA  
WEDNESDAY, JUNE 1, 2005  
7:00 P.M.**

**Moorpark Community Center**

**799 Moorpark Avenue**

1. CALL TO ORDER:

**7:24 P.M.**

2. PLEDGE OF ALLEGIANCE:

**BARRY HOGAN, COMMUNITY DEVELOPMENT DIRECTOR, LED THE PLEDGE OF ALLEGIANCE.**

3. ROLL CALL:

**PRESENT: COUNCILMEMBERS HARPER, MIKOS, MILLHOUSE, PARVIN,  
AND MAYOR HUNTER**

4. PROCLAMATIONS AND COMMENDATIONS:

A. Recognition of Outgoing Teen Council Members.

**MAYOR HUNTER PRESENTED CERTIFICATES OF RECOGNITION TO  
OUTGOING TEEN COUNCIL MEMBERS ARYAN AZIZ, KELSEY  
BUTZER, BRIANNA CORZINE, TAYLOR FERNANDEZ, PAUL JAFAR,  
JON LAMBERSON, ROXANA MORADI, ALLYSON RUECKERT, AND  
GREGORY SMITH.**

5. PUBLIC COMMENT:

**ONE SPEAKER.**

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

**CONSENSUS TO: 1) HEAR ITEMS 8.A. AND 8.C. AFTER ITEM 7. ON  
THE AGENDA; 2) TABLE ITEM 8.C. AFTER TAKING PUBLIC**

**TESTIMONY; 3) HEAR THE REMAINDER OF THE AGENDA; AND 4) CONCLUDE THE MEETING WITH ITEMS 8.B. AND 8.C.**

7. ANNOUNCEMENTS AND FUTURE AGENDA ITEMS:

**COUNCILMEMBER PARVIN CONGRATULATED CAPTAIN DIAZ FOR HAVING RECEIVED THE PUBLIC SERVANT OF THE YEAR AWARD PRESENTED BY THE MOORPARK CHAMBER OF COMMERCE.**

**MAYOR HUNTER ANNOUNCED THE CITY OF MOORPARK, IN ASSOCIATION WITH THE BOYS AND GIRLS CLUB, WILL BE HOSTING "MOORPARK AFTER DARK", A PROGRAM DESIGNED SPECIFICALLY FOR YOUNG TEENS IN GRADES 6 THROUGH 9. THE PROGRAM FROM 7:00 P.M. TO 9:30 P.M. WILL BE HELD ON FRIDAY, JUNE 3RD AT THE BOYS AND GIRLS CLUB.**

**MAYOR HUNTER ANNOUNCED THE MOORPARK BEACH BUS TO ZUMA BEACH WILL RUN EVERY TUESDAY AND THURSDAY JUNE 21 THROUGH AUGUST 30. THE COST IS \$1.00 EACH WAY, \$0.50 FOR SENIORS AND DISABLED, AND FOR MORE INFORMATION, CALL 517-6315.**

8. PUBLIC HEARINGS:

A. Consider Withdrawal from the Ventura County Library System. (continued from April 6, 2005, with public hearing open) Staff Recommendation: Direct staff as deemed appropriate. (Staff: Mary Lindley)

**CONTINUED CLOSED PUBLIC HEARING TO SEPTEMBER 21, 2005.**

B. Consider General Plan Amendment No. 2001-05, Specific Plan No. 2001-01, and Zone Change No. 2001-02 for 1,650 Housing Units on 3,586.3 Acres Located Generally North of Moorpark College and State Route 118 on Land Immediately Outside City of Moorpark Municipal Boundaries, Applicant: North Park Village, LP. (continued from May 18, 2005, with public hearing closed) Staff Recommendation: 1) Discuss the project and direct staff as deemed appropriate; 2) Adopt Resolution No. 2005-2338 certifying the Final Environmental Impact Report (EIR); 3) Adopt Resolution No. 2005-2339 making EIR Findings, adopting a Mitigation Monitoring and Reporting Program, and making a Statement of Overriding Considerations; and 4) Continue the agenda item with the closed public hearing to the regular City Council meeting of June 15, 2005. (Staff: (David Bobardt)

**APPROVED STAFF RECOMMENDATION, INCLUDING ADOPTION OF RESOLUTION NO. 2005-2338, CERTIFYING THE FINAL EIR. (Roll Call Vote: 4-1, Councilmember Mikos dissenting)**

**APPROVED STAFF RECOMMENDATION, INCLUDING ADOPTION OF RESOLUTION NO. 2005-2339, MAKING EIR FINDINGS, ADOPTING MITIGATION MONITORING AND REPORTING PROGRAM AND MAKING STATEMENT OF OVERRIDING CONSIDERATIONS. (Roll Call Vote: 3-2, with Councilmember Mikos and Mayor Hunter dissenting)**

**CONTINUED CLOSED PUBLIC HEARING TO JUNE 15, 2005.**

- C. Consider Proposed Development Agreement Between North Park Village Limited Partnership and City of Moorpark Pertaining to General Plan Amendment No. 2001-05, Specific Plan No. 2001-01, and Zone Change No. 2001-02. Staff Recommendation: 1) Open the public hearing, accept public testimony and close the public hearing; and 2) Direct staff as deemed appropriate. (Staff: Steven Kueny)

**CONTINUED CLOSED PUBLIC HEARING TO JUNE 15, 2005.**

**THE CITY COUNCIL MEETING WAS RECESSED AT 8:53 P.M. AND RECONVENED AT 9:22 P.M.**

- D. Consider Final Assessment Engineer's Report for the Parks and Recreation Maintenance and Improvement Assessment District and Resolution Confirming the Levy Amount for Fiscal Year 2005/06. Staff Recommendation: 1) Open the public hearing, take public testimony, and close the public hearing; 2) Adopt Resolution No. 2005-2331. ROLL CALL VOTE REQUIRED (Staff: Mary Lindley)

**APPROVED STAFF RECOMMENDATION, INCLUDING ADOPTION OF RESOLUTION NO. 2005-2331. (Roll Call Vote: Unanimous)**

- E. Consider Final Review and Changes to the Engineer's Report for Landscaping and Lighting Maintenance Assessment Districts, and Resolution Confirming the Assessments for Fiscal Year 2005/06. Staff Recommendation: 1) Open the public hearing, take public testimony, and close the public hearing; 2) Adopt Resolution No. 2005-2332; and 3) Direct staff to present to the City Council in November 2005, a

Resolution amending the FY 05/06 Budget to approve certain Fund transfers required to "zero-out" FY 04/05 year-end deficits in any of the City's Assessment District Funds. ROLL CALL VOTE REQUIRED (Staff: Kenneth Gilbert)

**APPROVED STAFF RECOMMENDATION, INCLUDING ADOPTION OF RESOLUTION NO. 2005-2332. (Roll Call Vote: Unanimous)**

- F. Consider Final Review and Changes to the Engineer's Report for Assessment District 05-01 (M&M Development - Parcel Map 5264), and Resolution Confirming the Assessment Amounts for Fiscal Year 2005/06. 1) Open the public hearing, take public testimony, and close the public hearing; 2) Approve the Engineer's Report for AD05-01 for FY 2005/06, with no changes from the report approved by City Council Resolution No. 2005-2323; and 3) Adopt Resolution No. 2005-2333. ROLL CALL VOTE REQUIRED (Staff: Kenneth Gilbert)

**APPROVED STAFF RECOMMENDATION, INCLUDING ADOPTION OF RESOLUTION NO. 2005-2333. (Roll Call Vote: 4-1, with Councilmember Mikos dissenting)**

9. PRESENTATION/ACTION/DISCUSSION:

- A. Consider Second Amendment to Memorandum of Understanding (MOU) Between North Park Village, LP and City of Moorpark. Staff Recommendation: Approve MOU subject to final language approval of City Attorney and City Manager. (Staff: Steven Kueny)

**APPROVED STAFF RECOMMENDATION.**

- B. Consider Resolution Rescinding Resolution No. 93-976 Pertaining to Parking Restriction on Miller Parkway and a Portion of Peach Hill Road and Establishing Revised Parking Restrictions on Said Streets. Staff Recommendation: Adopt Resolution No. 2005-2334. (Staff: Kenneth Gilbert)

**APPROVED STAFF RECOMMENDATION, AS AMENDED TO INCLUDE NOTIFICATION TO AFFECTED HOMEOWNERS ASSOCIATION, AND ADOPTED RESOLUTION NO. 2005-2334 RESCINDING RESOLUTION NO. 93-976. (Voice Vote: Unanimous)**

- C. Consider Ordinance Amending and Replacing in Its Entirety Chapter 5.06 Cable Communications of Title 5 of the Moorpark Municipal Code. Staff Recommendation: Introduce Ordinance No. 316 for first reading. (Staff: Hugh Riley)

**INTRODUCED ORDINANCE NO. 316 FOR FIRST READING.**

- D. Consider Authorizing the Removal of Eucalyptus Trees and Direct Tree Replanting. Staff Recommendation: Consistent with the agenda report, approve the removal of 29 mature Eucalyptus trees on Peach Hill Road, conditioned on the planting of a 24-inch box tree in the rear yard of each property where trees are removed. (Staff: Mary Lindley)

**APPROVED STAFF RECOMMENDATION, AS AMENDED, TO INCLUDE LETTER TO AFFECTED RESIDENTS PROVIDING NOTICE OF COUNCIL'S ACTION AND A RECOMMENDED REPLACEMENT TREE LIST.**

- E. Consider Awarding a Contract for the Construction of the New Corporate Yard and a Resolution Amending the Fiscal Year 2004/05 Budget to Increase Funding for the Project. Staff Recommendation: 1) Declare the bid received for McGillivray Construction to be non-responsive; 2) Approve the award of contract to Soltec-Pacific for the construction of the subject project and authorize the City Manager to execute all necessary contract documents; and 3) Adopt Resolution No 2005-\_\_\_\_\_ increasing the funding for the project. ROLL CALL VOTE REQUIRED (Staff: Kenneth Gilbert)

**CONTINUED TO JUNE 15, 2005.**

10. CONSENT CALENDAR:

**APPROVED CONSENT CALENDAR WITH THE EXCEPTION OF ITEM 10.A, REGULAR MEETING MINUTES OF MAY 18, 2005, WHICH WAS PULLED FOR INDIVIDUAL CONSIDERATION. (Roll Call Vote: Unanimous)**

- A. Consider Approval of Minutes of Regular Meeting of December 15, 2004.

Consider Approval of Minutes of Special Meeting of May 18, 2005.

Staff Recommendation: Approve the minutes.

**APPROVED STAFF RECOMMENDATION.**

**THE FOLLOWING WAS PULLED FOR INDIVIDUAL CONSIDERATION:**

Consider Approval of Minutes of Regular Meeting of May 18, 2005.

**MAYOR HUNTER REQUESTED THE MINUTES BE RESCHEDULED TO JUNE 15, 2005.**

B. Consider Approval of Warrant Register for Fiscal Year 2004-2005 - June 1, 2005.

Manual Warrants	119354 - 119355 &	\$1,122,420.74
Voided Warrant	118720 & 118895 & 119257	\$ (1,080.00)
Payroll Liability Warrants	119349 - 119353	\$ 1,710.20
Regular Warrants	119356 - 119446 & 119447 - 119465	\$ 47,364.46 \$ 321,727.83

Staff Recommendation: Approve the warrant register.

**APPROVED STAFF RECOMMENDATION.**

C. Consider Resolution Amending the Fiscal Year 2004/05 Budget for Heating/Venting/Air Conditioning (HVAC) Cleaning. Staff Recommendation: Adopt Resolution No. 2005-2335 amending the FY budget to appropriate \$16,700 from the General Fund Reserve for HVAC Cleaning. ROLL CALL VOTE REQUIRED (Staff: Mary Lindley)

**APPROVED STAFF RECOMMENDATION, INCLUDING ADOPTION OF RESOLUTION NO. 2005-2335. (Roll Call Vote: Unanimous).**

- D. Consider Award of Contract to Premium Construction for Mountain Meadows Park Playground Improvements and Resolution Amending the Fiscal Year 2004/05 Budget. Staff Recommendation: Award a contract to Premium Construction in an amount not to exceed \$38,630, authorize the City Manager to sign on behalf of the City, and adopt Resolution No. 2005-2336, amending the project budget. ROLL CALL VOTE REQUIRED (Staff: Mary Lindley)

**APPROVED STAFF RECOMMENDATION, INCLUDING ADOPTION OF RESOLUTION NO. 2005-2336. (Roll Call Vote: Unanimous).**

- E. Consider Notice of Completion for the Construction of a Double Left Turn Lane on Spring Road at Tierra Rejada Road. Staff Recommendation: Accept the work as complete. (Staff: Kenneth Gilbert)

**APPROVED STAFF RECOMMENDATION.**

- F. Consider Notice of Completion for the Construction of the Spring Road Median Landscaping North of Second Street and the Replacement of the Parkway Trees on the East Side of Tierra Rejada Road South of Courtney Lane. Staff Recommendation: Accept the work as complete. (Staff: Kenneth Gilbert)

**APPROVED STAFF RECOMMENDATION.**

- G. Consider Entering into a Contractual Agreement with the Moorpark Packers of the Gold Coast Football League. Staff Recommendation: Approve the proposed use agreement with Moorpark Packer Football pending final language approval by the City Attorney and City Manager, and authorize the Mayor to sign the Agreement on behalf of the City. (Staff: Mary Lindley)

**APPROVED STAFF RECOMMENDATION.**

- H. Consider Subdivision Bond Reduction for Richmond American Homes of California, Inc. (Tract 4977). Staff Recommendation: 1) Authorize the City Clerk to reduce Subdivision Bond - Street Improvements (Performance/Labor & Materials) to 10% for Richmond American Homes of California, Inc. (Tract 4977); and

2) Authorize the City Clerk to fully exonerate the aforementioned sureties for Tract 4977 one year after this approval of the reduction of surety bond and upon written confirmation from the City Engineer that no warranty work is required. (Staff: Brad Miller)

**APPROVED STAFF RECOMMENDATION.**

- I. Consider Resolution Amending the Fiscal Year 2004/05 Budget for Active Adult Center Repairs and Notice of Completion for the Project. Staff Recommendation: 1) Adopt Resolution No. 2005-2337, amending the FY 2004/05 Budget; and 2) Authorize the City Clerk to file the Notice of Completion, and release of bonds thirty-five (35) days after Notice of Completion records consistent with the contract. ROLL CALL VOTE REQUIRED (Staff: Mary Lindley)

**APPROVED STAFF RECOMMENDATION, INCLUDING ADOPTION OF RESOLUTION NO. 2005-2337. (Roll Call Vote: Unanimous).**

11. ORDINANCES:

- A. Consider Ordinance No. 315, an Ordinance of the City of Moorpark, Authorizing an Amendment to the Contract between the City and the Board of Administration of the California Public Employees' Retirement System (CalPERS) to Provide Section 21623.5 Retired Death Benefit. Staff Recommendation: Waive full reading and declare Ordinance No. 315 read for the second time and adopted as read.

**ADOPTED ORDINANCE NO. 315. (Voice Vote: Unanimous)**

12. CLOSED SESSION:

**NONE WAS HELD.**

13. ADJOURNMENT:

**11:59 P.M.**