

MINUTES OF THE CITY COUNCIL

Moorpark, California

April 16, 2008

A Special Meeting of the City Council of the City of Moorpark was held on April 16, 2008, in the Community Center of said City located at 799 Moorpark Avenue, Moorpark, California.

1. CALL TO ORDER:

Mayor Hunter called the meeting to order at 9:15 p.m.

2. ROLL CALL:

Present: Councilmembers Mikos, Parvin, Van Dam, and Mayor Hunter.

Absent: Councilmember Millhouse

Staff Present: Steven Kueny, City Manager; Joseph Montes, City Attorney; Barry Hogan, Deputy City Manager; David Bobardt, Planning Director; David Klotzle, Assistant City Engineer; Director; Deborah Traffenstedt, Administrative Services Director/City Clerk; and Maureen Benson, Assistant City Clerk.

3. PUBLIC COMMENT:

None.

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

None.

5. PRESENTATION/ACTION/DISCUSSION:

- A. Consider Permitting the Ventura County Community College District to Stockpile Soil at Moorpark College in Accordance with City Council Resolution No. 2002-1974. Staff Recommendation: Approve stockpile of soil at Moorpark College in accordance with grading plan on file with the City Engineer.

Mr. Montes provided a verbal report. He stated due to pending litigation between the City and the District challenging the California Environmental Quality Act (CEQA) document, that prior to consideration of the stockpile permit, the Council should get an express stipulation from a representative of the District, preferably District's Counsel, that the issuance of the permit will not be used in the underlying matter against the City to prejudice any

of the arguments that the City is making in that case. He stated there is a section in the Public Resources Code, Section 21167.3(b) that requires that a responsible agency, in this case the City, make an assumption that the underlying environmental impact report complies with the provisions of CEQA, which at this point, the City is arguing it does not, so we want an understanding that approval of the permit does not prejudice the City's right to continue to argue non-compliance with CEQA.

Stan Brankiewicz, legal counsel for the District, introduced the District's Civil Engineer, Mark Kohler, Environmental Consultant, Duane Vander Pluym from Rincon Consultants, and John Sinutko, Director of Facilities/Maintenance and Operations. Mr. Brankiewicz provided exhibits showing the stockpile plan, overhead view of the site, and plan elevations. He stated that he is authorized by the District to stipulate that with the approval of the grading and stockpile permit that the District will not use the approval against the City in the pending CEQA action.

Mr. Montes examined the exhibits and asked the applicant to confirm the stockpile permit is for approximately 6,266 cubic yards of soil to a height of 10-feet with a 2-1 maximum slope.

Mr. Kohler, confirmed the permit is for 6,200 some odd cubic yards of soil, 10-feet maximum in height and with a 2-1 maximum slope.

MOTION: Councilmember Mikos moved to direct staff to issue a grading and stockpile permit to the Ventura County Community College District (VCCCD) including a stockpile of 6,266 cubic yards of soil at a height of 10-feet with a 2-1 slope, with acceptance of the appropriate bonds, and with staff completing the remaining details of the permit and being reliant on VCCCD's representative's stipulation that the issuance of the permit would not be used by VCCCD against the City of Moorpark in the underlying action.

In response to Mr. Montes, Mr. Brankiewicz, on behalf of the District, concurred with the details of the motion.

Councilmember Parvin seconded the motion. The motion carried by voice vote 4-0, Councilmember Millhouse absent.

6. CLOSED SESSION:

None was held.

7. ADJOURNMENT:

MOTION: Councilmember Parvin moved and Councilmember Mikos seconded a motion to adjourn. The motion carried by voice vote: 4-0, Councilmember Millhouse absent. The time was 9:22 p.m.

Patrick Hunter, Mayor

ATTEST:

Maureen Benson, Assistant City Clerk