

MINUTES OF THE CITY COUNCIL

Moorpark, CaliforniaMay 21, 2008

A Regular Meeting of the City Council of the City of Moorpark was held on May 21, 2008, in the Council Chambers of said City located at 799 Moorpark Avenue, Moorpark, California.

1. CALL TO ORDER:

Mayor Hunter called the meeting to order at 7:14 p.m.

2. PLEDGE OF ALLEGIANCE:

Barry Hogan, Deputy City Manager, led the Pledge of Allegiance.

3. ROLL CALL:

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

Staff Present: Steven Kueny, City Manager; Hugh Riley, Assistant City Manager; Barry Hogan, Deputy City Manager; Mary Lindley, Parks/Recreation and Community Services Director; Yugal Lall, City Engineer/Public Works Director; David Bobardt, Planning Director; Captain Ron Nelson, Sheriff's Department; Deborah Traffenstedt, Administrative Services Director/City Clerk; and Maureen Benson, Assistant City Clerk.

4. PROCLAMATIONS AND COMMENDATIONS:

A. Recognition of Outgoing Teen Council Members.

Mayor Hunter and Richard Lemmo, Recreation Leader, presented outgoing Teen Council Members Alyssa Dersahagian, Caitlin Dimmet, Caitlin Johnson, Devyn Johnson, Tiffany Johnson, Gunnar Mazur, Katie Otousa, Paul Patterson, Amanda Schaible and Justin Tung with certificates of recognition for their service during 2007/2008.

5. PUBLIC COMMENT:

Dianne Parcher, representing the Graffiti Coalition from the Fountain Foursquare Church, described the work of a five-man crew who, with the donation of supplies from the Do-It-Center, are volunteering to remove graffiti and other violations from private property. She requested businesses and citizens to become involved and provided their Graffiti Hotline at 523-1200.

David Tuttle, Meridian Hills resident, thanked the City for their support in resolving issues with William Lyon Homes/Resmark developers and requested assistance with enforcing conditions for the mitigated areas in regard to monitoring and maintenance.

Mayor Hunter recommended Mr. Tuttle remain for discussion of Item 10.D. on the Consent Calendar, which deals with the Meridian Hills issue, as he intends to pull it for consideration

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

CONSENSUS: It was the consensus of the Council to pull Item 10.D. from the Consent Calendar for individual discussion upon the request of Mayor Hunter.

CONSENSUS: It was the consensus of the Council to hear Item 9.C. prior to Public Hearings upon the request of Mayor Hunter.

7. ANNOUNCEMENTS, FUTURE AGENDA ITEMS, AND REPORTS ON MEETINGS/CONFERENCES ATTENDED BY COUNCILMEMBERS AND MAYOR:

Councilmember Van Dam announced the free High Street Broadcast will be at 7:00 p.m. on Sunday, May 24th at the High Street Arts Center.

Councilmember Van Dam announced that at 7:00 p.m. on Thursday, May 22nd, the Moorpark High School Band Grand Finale Concert will be held at the High School.

Councilmember Mikos reported on May 15th, she and Mr. Hogan attended a CEQA and Climate Change Workshop in Los Angeles presented by the Local Government Commission and the California Office of the Attorney General. She provided a handout to Council and recommended the City develop a program for "green building" in Moorpark.

Councilmember Mikos announced the 2nd Annual Bio Blitz, sponsored by the National Parks Service and National Geographic will be held from 10:00 a.m. May 30th until noon May 31st at the Santa Monica Mountains to count the diverse plant life in this location. This event will be followed by a festival at Paramount Ranch.

Councilmember Mikos announced the Relay for Life will begin held at Moorpark High school on May 31st.

Councilmember Mikos announced on May 31st local award winning public radio station KCLU will benefit from the proceeds of a special day at the home of Larry Hagman in Ojai.

Councilmember Millhouse reported on his recent attendance at the General Assembly of the Southern California Association of Governments where the Regional Transportation Plan was adopted.

Councilmember Millhouse announced the U.S. Men's Olympic water polo team will be training during the summer at Cal Lutheran University and Oaks Christian High School. A fund raiser for the team will be held Saturday, May 24th at the Cold Stone Creamery in Moorpark. Also, over 25 local restaurants have committed to donating a portion of their sales to Team U.S.A. Flyers for discounts and information on making donations are available at Cold Stone Creamery and at some local grocery stores.

Councilmember Parvin congratulated the Moorpark Rotary Club, which has increased in membership enough to expand to form a separate Breakfast Club.

Councilmember Van Dam congratulated Councilmember Parvin on her recent award from the Moorpark Chamber of Commerce as "Woman of the Year".

AT THIS POINT in the meeting Item 9.C. was heard.

Councilmember Millhouse recused himself due to a potential conflict of interest with this item and left the dais. The time was 7:41 p.m.

9. PRESENTATION/ACTION/DISCUSSION:

- C. Consider Noise Study for State Route 23 Freeway Soundwalls Adjacent to Tract 4975 (Toscana Neighborhood). Staff Recommendation: Direct staff to proceed with soundwall design and permitting.

Mr. Bobardt gave the staff report.

The following issues that affect the staff recommendation or give direction to staff were discussed by the Councilmembers and staff: 1) Ensure Caltrans protects the wildlife corridor; 2) Conduct a post soundwall noise study to measure effectiveness; and 3) Install graffiti deterrents such as vines or cactus.

Mayor Hunter opened the public hearing.

The following speakers spoke in support of the soundwall.

Ken Halper
Robyn Britt
Ron Edwards
Scott Schilling
Carmen Raffucci

Elizabeth Thiele
Suzzane Plank

In response to Mayor Hunter, Ms. Traffenstedt stated there are seven Written Statement Cards in support of the soundwall, which will be copied to the Council.

MOTION: Councilmember Mikos moved and Councilmember Parvin seconded a motion to direct staff to proceed with soundwall design and permitting, keeping in mind graffiti deterrents for the wall and preserving the wildlife corridor. The motion carried by voice vote 4-0, Councilmember Millhouse absent.

Councilmember Millhouse returned to the dais. The time was 7:59 p.m.

AT THIS POINT in the meeting, the agenda continued with Item 8.A.

8. PUBLIC HEARINGS:

- A. Consider Resolution for Commercial Planned Development (CPD) No. 2007-02 to Allow the Construction of a Human Services Center within Two (2) Buildings, Totaling Approximately 25,000 Square Feet, for Non-Emergency Medical/Dental Services, Educational Uses, and Charitable Services, Located on 2.05 Acres at 612 Spring Road on the Application of the Moorpark Redevelopment Agency. Staff Recommendation: 1) Open the public hearing, accept public testimony, and close the public hearing; and 2) Adopt Resolution No. 2008-2712, approving CPD No. 2007-02 with conditions.

Mr. Bobardt gave the staff report.

The following issues that affect the staff recommendation or give direction to staff were discussed by the Councilmembers and staff: 1) Provide for future location of a trash enclosure for Building A; 2) Amend Condition 12 on stamped page 6 of the agenda report to modify the hours of operation to be seven days a week in order to deal with off-hour donations dropped off at the site and consider gating the site; 3) Make sure signage is complimentary to the architecture of the new buildings and compatible with existing signage at Police Services Center; 4) Ensure use of a sensor based irrigation system; 5) Scrutinize compliance with Condition No. 21 on stamped page 7 of the agenda report to make sure roof appliances are properly screened; 6) Early involvement of the Arts Commission in recommending public art for the site, including the possibility of an Moorpark historical wall mural; and 7) Clarification of Tenant responsibility for keeping restrooms clean.

Mayor Hunter opened the public hearing.

Augustine Godinez, a Moorpark resident and friend of the Ruben Castro Family, described how much this facility means to Mr. Castro who devoted his life to serving others and of how much the Human Services Center will fulfill the needs of the community.

Patt Esseff, representing Catholic Charities, thanked the Council, staff, and community for making this facility happen.

Diane Galvin, resident of Moorpark involved with the Food Pantry, spoke about the misperception of the day laborers in Moorpark, stating they are not illegal aliens with nothing to do; but hard working members of the community who work to support their families.

The Council discussed the need for community outreach to the day laborers so their transition to the new site is seamless.

Mayor Hunter closed the public hearing.

MOTION: Councilmember Mikos moved and Councilmember Parvin seconded a motion to Adopt Resolution No. 2008-2712 approving CPD No. 2007-02 with conditions as amended to: 1) Remove restrictions on the hours and days of operation from Condition No. 12 on stamped page 6 of the agenda report; 2) Scrutinize compliance with Condition No. 21 to make sure roof appliances are properly screened; and 3) Direct staff to: a) Include possible location for a trash enclosure for Building A; b) Make sure when sign program returns to Council signage is complimentary to the architecture of the new buildings and compatible with existing signage at Police Services Center; c) Involve the Arts Commission early in the process to gain their recommendation on public art for the site; and d) Develop a community outreach program to ensure a smooth transition of the day laborers to the new site. The motion carried by unanimous voice vote.

9. PRESENTATION/ACTION/DISCUSSION:

- A. Consider Alignment Study for Proposed Northerly Extension of State Route 23 (SR 23) (Project 8045). Staff Recommendation: 1) Find SR 23 North alignment as described in Alternate 2 of the agenda report to be consistent with the Circulation Element of the General Plan; 2) Direct staff to work with the developers of properties within and outside the boundaries of the City on efforts to fund, design, and construct future projects to implement the subject proposed highway realignment; 3) Direct that any street design shall incorporate trails consistent with the Circulation Element and maintain existing trail connections; and 4) Further direct staff as deemed appropriate.

Mr. Lall gave the staff report.

The following issues that affect the staff recommendation or give direction to staff were discussed by the Councilmembers and staff: 1) Making sure any alignment of the Broadway extension is on top of the bluff and not on the slope of Happy Camp Canyon Regional Park or within the park; and 2) Working with Caltrans to address the elevation and grading issues.

In response to Mayor Hunter, Ms. Traffenstedt stated there were no speakers.

MOTION: Councilmember Millhouse moved and Councilmember Parvin seconded a motion to: 1) Find SR 23 North alignment as described in Alternate 2 of the agenda report to be consistent with the Circulation Element of the General Plan; 2) Direct staff to work with the developers of properties within and outside the boundaries of the City on efforts to fund, design, and construct future projects to implement the subject proposed highway realignment; 3) Direct that any street design shall incorporate trails consistent with the Circulation Element and maintain existing trail connections; and 4) Directed staff to make sure any alignment of the Broadway extension is on top of the bluff and not on the slope of Happy Camp Canyon Regional Park or within the park; and to work with Caltrans to address the elevation and grading issues. The motion carried by unanimous voice vote.

- B. Consider Conceptual Design for the North Hills Parkway Project (Project 8061). Staff Recommendation: 1) Receive and file the feasibility study for the North Hills Parkway; 2) Find the highway alignment and preferred alternate set forth in said study for the design of the intersection of North Hills Parkway and Gabbert Road to be consistent with the Circulation Element of the General Plan; 3) Direct that any street design incorporate trails consistent with the Circulation Element and maintain existing trail connections; and 4) Further direct staff as deemed appropriate.

Mr. Lall gave the staff report.

Ray Hebel, Moorpark resident, spoke in support of getting trucks off of Los Angeles Avenue and requested a soundwall for the residents along Los Angeles Avenue in the Buttercreek development.

Mary McGrath, Moorpark resident of J.D. McGrath Farms, spoke in opposition to any road extension further west, which would divide the farm in half.

MOTION: Councilmember Millhouse moved and Councilmember Van Dam seconded a motion to: 1) Receive and file the feasibility study for the North Hills Parkway; 2) Find the highway alignment and preferred alternate set forth in said study for the design of the intersection of North Hills Parkway and Gabbert Road to be consistent with the Circulation Element of the General Plan; and 3) Direct that any street design incorporate trails consistent with the Circulation Element

and maintain existing trail connections. The motion carried by unanimous voice vote.

10. CONSENT CALENDAR: (ROLL CALL VOTE REQUIRED)

MOTION: Councilmember Parvin moved and Councilmember Mikos seconded a motion to approve the Consent Calendar with the exception of Item 10.D, which was pulled for individual consideration. The motion carried by unanimous roll call vote.

- A. Consider Warrant Register for Fiscal Year 2007-2008 – May 21, 2008. Staff Recommendation: Approve the warrant register.
- B. Consider Revised Design Modifications for Signing and Striping at the Intersection of Campus Park Drive and Princeton Avenue. Staff Recommendation: Approve the subject project.
- C. Consider Establishing a Non-Competitive (Management) Employee First Time Home Buyer Program. Staff Recommendation: Authorize staff to proceed with a Non-Competitive Employee First Time Home Buyer Program and authorize the City Manager to approve other program requirements and procedures
- E. Consider the 2008 General Plan Update Program. Staff Recommendation: Receive and file.
- F. Consider Resolution Authorizing Submittal of Grant Applications to the California Integrated Waste Management Board for Use of Rubberized Asphalt Concrete. Staff Recommendation: Adopt Resolution No. 2008-2713.
- G. Consider Resolution Amending the Fiscal Year 2007/08 Budget for Mid-Year Budget Adjustment Corrections for Public Transit Division. Staff Recommendation: Adopt Resolution No. 2008-2714. ROLL CALL VOTE REQUIRED
- H. Consider Resolution Authorizing the City Manager to Execute all Documents for the California Transit Security Grant Program – California Transit Assistance Fund (CTSGP-CTAF) Program with the Governor's Office of Homeland Security. Staff Recommendation: Adopt Resolution No. 2008-2715.
- I. Consider Fiscal Agent Contract for Management, Funding, and Cost Sharing Implementation of the Calleguas Creek Watershed Total Maximum Daily Load Program. Staff Recommendation: 1) Authorize the Mayor to sign the Fiscal Agent Contract; and 2) Authorize the City Manager to execute any necessary subsequent amendments to the Fiscal

Agent Contract that are consistent with the terms of the Memorandum of Agreement. ROLL CALL VOTE REQUIRED

- J. Consider Amendment No. 2 Revising the Scope of Services and Compensation Plan for Fiscal Year 2008-09 of the Agreement with Library Systems & Services, LLC (LSSI). Staff Recommendation: Approve Amendment No. 2 to LSSI Agreement for operation of the Moorpark City Library, which includes a revised Scope of Services and Compensation Plan for Fiscal Year 2008/09, subject to final language approval by the City Manager.

The following items were pulled for individual consideration.

- D. Consider Proposed Amendment to the Implementation Plan for Improvements Associated with Tract Nos. 5187-1&2 and 5405, the Meridian Hills Residential Development Project, on the Application of William Lyon Homes [Upon Transfer of Ownership of the Meridian Hills Development Project from William Lyon Homes to Resmark Equity Partners, LLC, (ORA Ashford 94, LLC)]. Staff Recommendation: Approve the Amended Implementation Plan for improvements to Tract Nos. 5187-1&2 and 5405, subject to review of final language and determination of satisfactory financial capacity by the City Manager and City Attorney.

Mr. Bobardt gave the staff report.

David Tuttle, a Meridian Hills resident, stated his area of concern is in regard to the total rework needed of the mitigated areas and the lack of an expert to have been hired by the developer, the Army Corps of Engineers, and Fish and Game, all of whom are not monitoring these areas.

Mr. Kueny stated staff would research the mitigation issue and provide a status report to Council on June 18, 2008.

Mike Badner, representing Resmark Equity Partners, LLC, stated they are aware of the outstanding issues associated with the development and are working with the residents and staff to resolve them including compliance with the Mitigation Monitoring Program. In response to Mayor Hunter, Mr. Badner stated he had reviewed, and supports the Implementation Plan.

Lisa Pope, a Meridian Hills resident, thanked staff and the ad hoc committee for their care and concern, and requested the Council make sure Resmark maintains the development, especially due to concerns regarding fire abatement, beyond June 30 and December 31, 2008.

MOTION: Councilmember Mikos moved and Councilmember Parvin seconded a motion to approve the Amended Implementation Plan for improvements to Tract Nos. 5187-1&2 and 5405, subject to review of final language and determination

of satisfactory financial capacity by the City Manager and City Attorney. The motion carried by unanimous voice vote.

11. ORDINANCES: (ROLL CALL VOTE REQUIRED)

None.

12. CLOSED SESSION:

Mr. Kueny requested the City Council go into closed session for discussion of Items 12.D. and 12.E. on the agenda.

MOTION: Councilmember Mikos moved and Councilmember Millhouse seconded a motion to adjourn to closed session for a discussion of Items 12.D. and 12.E. on the agenda. The motion carried by unanimous voice vote. The time was 9:29 p.m.

D. CONFERENCE WITH LABOR NEGOTIATOR
(Pursuant to Section 54957.6 of the Government Code)
Agency Designated Representative: Steven Kueny
Employee Organization: Service Employees International Union, AFL-CIO, CLC, Local 721

E. CONFERENCE WITH LABOR NEGOTIATOR
(Pursuant to Section 54957.6 of the Government Code)
Agency Designated Representative: Steven Kueny
Unrepresented employees: Accountant I; Active Adult Center Supervisor; Administrative Services Director/City Clerk; Assistant City Clerk; Assistant City Engineer; Assistant City Manager; Assistant Engineer; City Engineer/Public Works Director; Community Development Director; Deputy City Manager; Finance and Accounting Manager; Finance Director; Human Resources Analyst; Information Systems Analyst; Information Systems Manager; Landscape/Parks Maintenance Superintendent; Management Analyst; Parks and Landscape Manager; Parks, Recreation and Community Services Director; Planning Director; Principal Planner; Public Works Superintendent; Recreation/Community Services Manager; Redevelopment Manager; and Senior Management Analyst

Present in closed session were Councilmembers Mikos, Millhouse, Parvin, Van Dam, and Mayor Hunter; Steven Kueny, City Manager; Hugh Riley, Assistant City Manager;; and Deborah Traffenstedt, Administrative Services Director/City Clerk.

The Council reconvened into open session at 9:55 p.m. Mr. Kueny stated Items 10.D. and 10.E. were discussed and there was no action to report.

13. ADJOURNMENT:

Mayor Hunter adjourned the meeting at 9:55 p.m.

Patrick Hunter, Mayor

ATTEST:

Maureen Benson, Assistant City Clerk