

MINUTES OF THE CITY COUNCIL

Moorpark, California

August 20, 2008

A Regular Meeting of the City Council of the City of Moorpark was held on August 20, 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 7:19 p.m.

2. PLEDGE OF ALLEGIANCE:

David Bobardt, Planning Director, led the Pledge of Allegiance.

3. ROLL CALL:

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

Staff Present: Steven Kueny, City Manager; Joseph Montes, City Attorney; Hugh Riley, Assistant City Manager; Mary Lindley, Parks/Recreation and Community Services Director; Yugal Lall, City Engineer/Public Works Director; David Bobardt, Planning Director; John Brand, Senior Management Analyst; Jennifer Mellon, Senior Management Analyst; Captain Ron Nelson, Sheriff's Department; Deborah Traffenstedt, Administrative Services Director/City Clerk; and Maureen Benson, Assistant City Clerk.

4. PROCLAMATIONS AND COMMENDATIONS:

A. Proclamation Recognizing August 2008 as "American Red Cross of Ventura County Disaster Action Team (DAT) Awareness Month in Moorpark.

Mayor Hunter presented Chris Johnson, CEO of the American Red Cross, with a proclamation recognizing August 2008 as "American Red Cross of Ventura County Disaster Action Team Awareness Month in Moorpark.

B. Introduction of New City Employee in the Finance Department, Laura Ritchie-Rojas, Senior Account Technician.

Mayor Hunter introduced new City employee, Laura Ritchie-Rojas, Senior Account Technician in the Finance Department.

- C. Introduction of New City Employee in the City Manager and Finance Departments, Amy Hock, Secretary I.

Mayor Hunter introduced new City employee, Amy Hock, Secretary in the City Manager and Finance Departments.

5. PUBLIC COMMENT:

Steven Trolard, 100 E. Thousand Oaks Boulevard, Suite 188, Thousand Oaks, California, Attorney representing Mr. and Mrs. Jose Tomas Garcia, spoke in regard to their request to the City for a hardship waiver for plan check fees and a grading bond requirement.

In response to Mr. Trolard, Mr. Kueny stated this is a litigation matter and suggested having the City Attorney's office contact Mr. Trolard. Mayor Hunter stated, if the need arises, this matter may be agendized for the September 3, 2008 meeting.

AT THIS POINT in the meeting, Mayor Hunter recognized three speaker cards for Item 10.R. and announced it is anticipated this item will be recommended to be pulled from the Consent Calendar for individual consideration prior to Public Hearings.

AT THIS POINT in the meeting, the City Council recessed to convene a meeting of the Moorpark Redevelopment Agency. The time was 7:30 p.m. The City Council meeting reconvened at 7:31 p.m.

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

CONSENSUS: It was the consensus of the Council to pull Item 10.R. from the Consent Calendar for individual consideration and to hear prior to Public Hearings upon the request of Councilmember Millhouse.

CONSENSUS: It was the consensus of the Council to pull Item 10.F. from the Consent Calendar upon the request of Mayor Hunter who wishes to recuse himself from voting on this item.

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

CONSENSUS: It was the consensus of the Council to pull Items 10.G. and 10.V. from the Consent Calendar for individual consideration upon the request of Councilmember Mikos.

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

None.

AT THIS POINT in the meeting Item 10.R. was heard.

10. R. Consider Status Update on the Amended Implementation Plan for Improvements Associated with Tract Nos. 5187-1&2 and 5405, the Meridian Hills Residential Development Project, on the Application of Resmark Equity Partners, LLC, (ORA Ashford 94, LLC). Staff Recommendation: Receive and file report.

Councilmember Millhouse, as a member of the Ad Hoc Committee stated there are still items of concern and significant work to do, especially in regard to landscaping and Fish and Game challenges, but a situation concerning chain link fencing has been rectified.

Councilmember Parvin, as a member of the Ad Hoc Committee requested this continue to be an open item until the homeowners are satisfied.

David Tuttle, a Meridian Hills resident, stated turning over Lots 86-94 to the Homeowners Association is not complete as the planting material is not established due to prior neglect and insufficient watering; dust is blowing due to lack of vegetation; the concrete V-ditch has significant cracks; there is not a separate water meter under HOA control; and more time is needed to monitor this situation.

Matt Joseph, a Meridian Hills resident, directed his comments to Items 2 and 4 of the Update indicating the landscaping is not complete. He stated the cage-like fencing needs to be pushed back on the lots; he hopes the sports court will be completed soon; and even though residents are not at this meeting to speak out, they are concerned about the issues.

CONSENSUS: It was the consensus of the Council to direct staff to bring back another update on this item for October 1, 2008.

8. PUBLIC HEARINGS:

- A. Consider General Plan Amendment Pre-Screening Application No. 2008-01 to Change the Land Use Designation on 10.75 Acres of a 32.65-Acre Site at 11289 Los Angeles Avenue from General Commercial to Medium Industrial on the Application of TriLiad Development, Inc. Staff Recommendation: 1) Open the public hearing, accept public testimony, and close the public hearing; 2) Direct staff to accept a General Plan

Amendment application provided all other necessary entitlement applications, including an application for a development agreement, are filed concurrently; and 3) Appoint an Ad Hoc Committee for negotiation of the development agreement.

Mr. Bobardt gave the staff report.

Mayor Hunter opened the public hearing.

Valerie Draeger, representing TriLiad Development, 270 Conejo Ridge #200, Thousand Oaks, California, stated they are working with different studios to refine the site plan to meet their needs and are requesting the General Plan Amendment to change the land use back to its prior designation of Medium Industrial.

Harvey Plaks, a Moorpark resident, encouraged the Council to approve the General Plan Amendment so Moorpark will not miss out on the benefits of the project including a potential traffic signal on Los Angeles Avenue for increased safety. He stated a major studio will put Moorpark on the map.

Councilmembers Parvin and Mikos volunteered to be on the Ad Hoc Committee.

Mayor Hunter closed the public hearing.

MOTION: Councilmember Van Dam moved and Councilmember Parvin seconded a motion to appoint Councilmembers Mikos and Parvin to serve on the TriLiad Development Agreement Ad Hoc Committee.

AMENDED MOTION: Councilmember Van Dam amended his motion and Councilmember Parvin seconded the amended motion to also include directing staff to accept a General Plan Amendment application provided all other necessary entitlement applications, including an application for a development agreement, are filed concurrently. The amended motion carried by unanimous voice vote.

9. PRESENTATION/ACTION/DISCUSSION:

A. Consider a Ban on Plastic Bags. Staff Recommendation: Direct staff as deemed appropriate.

Ms. Mellon gave the staff report.

Jennifer Forkish, representing the Progressive Bag Affiliates of the American Chemistry Council, spoke in support of reducing litter, but not by banning plastic bags, rather recycling them for use in products such as

new bags, pallets, containers, crates and pipes. She stated consumer behavior needs to be changed through education regarding proper disposal and recycling.

Saira Gandhi, Volunteer Coordinator for Heal the Bay, spoke in support of the ban on plastic bags. She recommended Council include additional materials for the ban including biodegradable and paper bags, which also have an impact on the environment.

Alicia Johnson, a Moorpark business owner, spoke in support of the ban on plastic bags and presented a fund raising idea promoting the sale of reusable fabric bags.

The following issues that affect the staff recommendation or give direction to staff were discussed by the Councilmembers and staff: 1) Consideration for other materials to be banned, including paper and polystyrene; 2) California Environmental Quality Act requirements, 3) Criteria for retail establishment involvement; 4) Other information gathered from cities which have adopted ordinances banning plastic bags and 5) Consideration of phasing in a ban.

MOTION: Councilmember Millhouse moved to direct staff to craft an Ordinance that considers a phase out of plastic bags for grocery stores, restaurants and pharmacies as reflected in some of the other cities' ordinances and also present other options with respect to dealing with paper bags.

A discussion among the Councilmembers followed on whether requiring staff to return with an ordinance is premature considering the need for more information to address the whole issue not just plastic bags, include different size retail establishments in the options, and consider the use of reusable bags for everything.

The motion died due to lack of a second.

CONSENSUS: It was the consensus of the Council to direct staff to return in approximately 60 days with an entire list of options for Council's consideration on types of materials to be banned, California Environmental Quality Act requirements, criteria for retail establishment involvement, other information gathered from cities which have adopted ordinances banning plastic bags, and for phasing in a ban or requiring cloth bags.

B. Consider Confirming Role of the Moorpark Arts Commission. Staff Recommendation: Discuss the role of the Arts Commission as outlined in Chapter 2.38 of the Moorpark Municipal Code.

Mr. Riley gave the staff report.

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

The following issues that affect the staff recommendation or give direction to staff were discussed by the Councilmembers in regard to the Arts Commission: 1) To act in an advisory capacity using their expertise and experience to advise and make recommendations to the General Manager of the High Street Arts Center, staff and Council on certain issues; and 2) Allow the Arts Commission to participating in reviewing operating policies in regard to their participation, and have them presented to Council for consideration.

**MOTION:** Councilmember Millhouse moved and Councilmember Van Dam seconded a motion to direct staff to develop operating policies for the Arts Commission, consistent with Section 2.38.080 of Chapter 2.38 of the Moorpark Municipal Code, recognizing the Arts Commission's expertise and experience to be used in an advisory capacity. The motion carried by unanimous voice vote.

- C. Consider Authorizing Two Years Additional Service Credit Retirement Incentive Pursuant to Government Code Section 20903 and Consistent with the City's Contract with the California Public Employees' Retirement System (CalPERS). Staff Recommendation: Direct staff to schedule for the September 3, 2008, regular meeting consideration of adoption of a resolution to grant another designated period for two years additional service credit retirement incentive for designated eligible employees.

Ms. Traffenstedt gave the staff report.

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

**MOTION:** Councilmember Parvin moved and Councilmember Mikos seconded a motion to direct staff to schedule for the September 3, 2008, regular meeting consideration of adoption of a resolution to grant another designated period for two years additional service credit retirement incentive for designated eligible employees. The motion carried by unanimous voice vote.

- D. Consider Voting Delegate and Alternates for League of California Cities Annual Conference – September 24-27, 2008. Staff Recommendation: 1) Determine a second Alternate Voting Delegate; and 2) Direct the City Clerk to notify the League of California Cities of the designated voting delegate and two alternates.

**MOTION:** Councilmember Millhouse nominated Councilmember Mikos to be the second Alternate Voting Delegate and Councilmember Parvin seconded the nomination and directed staff to notify the League of California Cities. The motion carried by unanimous voice vote.

AT THIS POINT in the meeting Item 10.F. was heard

10. F. Consider Professional Services Agreement with Reel Life Pictures for Professional Services to Provide Video Production, Operations and Maintenance Services for the City Government Access Channel MPTV 10. Staff Recommendation: Approve the Agreement, subject to final language approval by the City Manager and City Attorney, and authorize the City Manager to sign the Agreement.

Mayor Hunter stated he would recuse himself on this item even though he has no legal conflict of interest his participation could be construed as such. Mayor Hunter left the dais. The time was 9:08 p.m.

MOTION: Councilmember Parvin moved and Councilmember Millhouse seconded a motion to approve the Agreement, subject to final language approval by the City Manager and City Attorney, and authorize the City Manager to sign the Agreement. The motion carried by voice vote 4-0, Mayor Hunter absent.

Mayor Hunter returned to the dais at 9:09 p.m.

AT THIS POINT in the meeting the balance of the Consent Calendar was heard.

10. CONSENT CALENDAR: (ROLL CALL VOTE REQUIRED)

MOTION: Councilmember Parvin moved and Councilmember Millhouse seconded a motion to approve the Consent Calendar with the exception of Items 10.G, 10.Q, and 10.V, which were pulled for individual consideration and Items 10.F. and 10.R, which were heard earlier in the meeting. The motion carried by unanimous roll call vote.

- A. Consider Special Joint City Council/Planning Commission Meeting Minutes of April 23, 2008. Staff Recommendation: Approve the minutes.
- B. Consider Regular Meeting Minutes of July 2, 2008. Staff Recommendation: Approve the minutes.
- C. Consider Warrant Register for Fiscal Year 2007-2008 – August 20, 2008. Staff Recommendation: Approve the warrant register.
- D. Consider Warrant Register for Fiscal Year 2008-2009 – August 20, 2008. Staff Recommendation: Approve the warrant register.
- E. Consider Rejection of Claim: Jaime and Dorothy Reyes. Staff Recommendation: Reject the claim and direct staff to send a standard rejection letter to the claimant.

- H. Consider Request for Proposal to Provide Professional Services for Evaluation and Recommendations for Moorpark City Transit. Staff Recommendation: Approve the Request for Proposal and authorize staff to advertise for receipt of proposals.
- I. Consider VISTA-East Cooperative Agreement for Commuter Bus Services. Staff Recommendation: Authorize the Mayor to sign the Addendum to the Cooperative Agreement.
- J. Consider Resolution Amending Fiscal Year 2007/08 Budget to Reimburse the General Fund for Planning and Engineering Services Provided to Various Capital Improvement Projects. Staff Recommendation: Adopt Resolution No. 2008-2737. ROLL CALL VOTE REQUIRED
- K. Consider Grant Deed of Easement to the City of Moorpark from Anthony J. Costa. Staff Recommendation: Accept the easement and authorize the City Clerk to sign and record an acceptance certificate for the Grant Deed of Easement and the attachments thereto in the office of the Ventura County Recorder.
- L. Consider Easement Deed for 34-Foot Wide Right-of-Way on Park Crest Lane and 10-Foot Wide Right-of-Way on Moorpark Avenue from Tuscany Square Partners, LLC, for Commercial Planned Development No. 2005-02 for Parcel A of Parcel Map 3118. Staff Recommendation: Approve acceptance of the easement and authorize the City Clerk to sign and record an acceptance certificate for the Easement Deed and the attachments thereto in the office of the Ventura County Recorder.
- M. Consider City Entry Sign Easement for Warehouse Discount Center (Parcel Map No. 5532, CPD 2004-03). Staff Recommendation: Approve the acceptance of the easement and authorize the City Clerk to sign and record an acceptance certificate for the Deed of Easement and the attachments thereto in the office of the Ventura County Recorder.
- N. Consider Request for the Formation of Assessment District AD09-01 (Warehouse Discount Center – CPD 2004-03) and Resolution Initiating the Proceedings for Same. Staff Recommendation: 1) Accept and approve the Petition/Waiver from the owner of the property requesting the formation of assessment district AD 09-01 for CPD 2004-03; and 2) Adopt Resolution No. 2008-2738 initiating the proceedings required for the formation of the District.
- O. Consider Reduction of Surety Bond for NLA 118, LLC for Warehouse Discount Center (Parcel Map No. 5532, CPD 2004-03). Staff Recommendation: 1) Authorize the City Clerk to exonerate Monuments Cash Bond No. 1136 and refund the amount of \$1,987.21 to NLA 118, LLC; 2) Authorize the City Clerk to reduce Performance and Payment

Bond No. 104669956 to 10%; and 3) Authorize the City Clerk to fully exonerate Performance and Payment Bond No. 104669956 one year after this approval of reduction and upon written confirmation from the City Engineer that no warranty work is required.

- P. Consider Exoneration of Letters of Credit for Moorpark Carlsberg Holdings LLC for Industrial Planned Development No. 2000-01 Patriot Commerce Center. Staff Recommendation: 1) Authorize the City Clerk to exonerate Letters of Credit Nos. NZS616477 for \$175,628.00 (Grading) and NZS616480 (Street/Storm Drain/Erosion Control) for \$2,196,125.00; and 2) Authorize the City Clerk to fully exonerate the warranty bonds one year after approval of this item and upon written confirmation from the City Engineer that no warranty work is required.
- S. Consider the Selection of a Consultant to Provide Traffic Engineering Services for the City and Selection of a Consultant to Provide Traffic Signal Design and Maintenance. Staff Recommendation: 1) Authorize the City Manager to sign the negotiated contract for services with KOA Corporation for Traffic Engineering Services, subject to final language approval by the City Manager and the City Attorney; and 2) Authorize the City Manager to sign the negotiated contract for services with Hartzog & Crabill, Inc. for Traffic Signal Design and Maintenance, subject to final language approval by the City Manager and City Attorney.
- T. Consider Report of Annual Development Agreement Review Established in Connection with Canterbury Lane (Tract No. 5425), Located on the South Side of Los Angeles Avenue East of Fremont Street, on the Application of Shea Homes. Staff Recommendation: 1) Accept the Planning Director's Report and recommendation, on the basis of substantial evidence, that Shea Homes, Limited Partnership has complied in good faith with the terms and conditions of the Agreement; and 2) Deem the annual review process complete.
- U. Consider Report of Annual Development Agreement Review Established in Connection with Canyon Crest Ranch Partners-Moorpark, LLC (Birdsall), Located on Approximately 42.4 Acres East of Walnut Canyon Road at Championship Drive (Tentative Tract Map 5437), on the Application of Canyon Crest Ranch Partners-Moorpark, LLC (Birdsall). Staff Recommendation: 1) Accept the Planning Director's Report and recommendation, on the basis of substantial evidence, that Canyon Crest Ranch Partners-Moorpark, LLC (Birdsall), has complied in good faith with the terms and conditions of the agreement; and 2) Deem the annual review process complete.

- W. Consider Resolution Approving Redevelopment Agency Provision of Public Improvements in the Project Area Consistent with Section 33445 of California Community Redevelopment Law. Staff Recommendation: Adopt Resolution No. 2008-2739.
- X. Consider Resolution Amending Salary Plan and Rescinding Resolution No. 2008-2734, and Consider Resolution Amending Classification Plan and Rescinding Resolution No. 2008-2709. Staff Recommendation: 1) Adopt Salary Plan Resolution No. 2008-2740; and 2) Adopt Classification Plan Resolution No. 2008-2741.
- Y. Consider Stockpile Permit for Moorpark Unified School District (Arroyo West School). Staff Recommendation: Grant a Stockpile Permit for 400 Cubic Yards of dirt for the Arroyo West School site.
- Z. Consider Updated Crossing Guard Warrant and Modify City Council Policy No. 28. Staff Recommendation: Approve and adopt the following Crossing Guard Warrant to supersede Policy 28 of City Council Resolution No. 2007-2636: 1) The traffic volume shall be greater than 250 vehicles per hour; 2) The subject crossing on at least 2 legs of the crossing shall be a minimum of four travel lanes; 3) A minimum of 40 elementary school aged (grade K-5) pedestrians per hour; and 4) Direct staff to include this action in the next formal update of City Council Policies.

The following items were pulled for individual consideration.

- G. Consider Memorandum of Understanding (MOU) Between the Ventura County Sheriff's Department and the City of Moorpark Regarding Reverse 911 System Emergency Telephone Notification. Staff Recommendation: Approve the MOU Agreement, subject to final language approval by the City Manager and City Attorney, and authorize the City Manager to sign the Agreement.

Councilmember Mikos stated she pulled this item to request staff take steps for additional outreach through press releases, publication in the City's quarterly magazine, and any other ways to encourage those individuals with voice-over IP and others who would not automatically be a part of the Reverse 911 service to sign up.

**MOTION:** Councilmember Mikos moved and Councilmember Millhouse seconded a motion to approve the MOU Agreement, subject to final language approval by the City Manager and City Attorney, and authorize the City Manager to sign the Agreement and with additional community outreach to those individuals who would not automatically be included in the Reverse 911 Directory. The motion carried by unanimous voice vote

- Q. Consider Reduction of Cash Deposit for Moorpark Presbyterian Church at 13950 Peach Hill Road. Staff Recommendation: 1) Authorize the City Clerk to reduce Cash Deposit No. 0504001440 to \$8,947.13 and refund \$80,524.17 to Moorpark Presbyterian Church; and 2) Authorize the City Clerk to fully exonerate the Cash Deposit one year after this approval of the reduction and upon written confirmation from the City Engineer that no warranty work is required.

Mayor Hunter asked Council to consider fully exonerating the bond, so the church can put the cash to better use.

MOTION: Mayor Hunter moved and Councilmember Parvin seconded a motion to fully exonerate the cash deposit for the Moorpark Presbyterian Church at 13950 Peach Hill Road. The motion carried by unanimous voice vote

- V. Consider the Selection of a Consultant for Environmental Review Services for the Moorpark General Plan Update. Staff Recommendation: Authorize the City Manager to sign the negotiated contract for services with Christopher A. Joseph and Associates for environmental review services, subject to final language approval by the City Manager and the City Attorney.

Councilmember Mikos stated she pulled this item to clarify the need to consider any land uses that are in the Moorpark Area of Interest not just agricultural land. In response to Councilmember Mikos, Mr. Kueny stated that was the intent.

MOTION: Councilmember Mikos moved and Councilmember Millhouse seconded a motion to authorize the City Manager to sign the negotiated contract for services with Christopher A. Joseph and Associates for environmental review services, subject to final language approval by the City Manager and the City Attorney; and as amended to clarify the General Plan Update will consider all land use areas in the Moorpark Area of Interest, and not just agricultural areas. The motion carried by unanimous voice vote

11. ORDINANCES: (ROLL CALL VOTE REQUIRED)

None.

12. CLOSED SESSION:

None was held.

13. ADJOURNMENT:

MOTION: Councilmember Parvin moved and Councilmember Mikos seconded a motion to adjourn. The motion carried by unanimous voice vote. The time was 9:15 p.m.

\_\_\_\_\_  
Patrick Hunter, Mayor

ATTEST:

\_\_\_\_\_  
Maureen Benson, Assistant City Clerk