

MINUTES OF THE CITY COUNCIL

Moorpark, California

December 7, 2005

A Regular Meeting of the City Council of the City of Moorpark was held on December 7, 2005, 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:

Mary Lindley, Parks, Recreation, and Community Services Director, led the Pledge of Allegiance.

3. ROLL CALL:

Present: Councilmembers Harper (arrived at 8:20 p.m.), Mikos, Millhouse, Parvin, 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; Barry Hogan, Community Development Director; Johnny Ea, Finance Director; Yugal Lall, City Engineer/Public Works Director; Captain Richard Diaz, Sheriff's Department; Deborah Traffenstedt, Administrative Services Director/City Clerk; and Maureen Benson, Deputy City Clerk.

4. PROCLAMATIONS AND COMMENDATIONS:

A. Introduction of New City Employee, Yugal Lall, City Engineer/Public Works Director.

Mayor Hunter introduced new City employee, Yugal Lall, City Engineer/Public Works Director.

B. Introduction of New City Employee, Richard Denniston, Assistant Planner I.

Mayor Hunter introduced new City employee, Richard Denniston, Assistant Planner I.

C. Presentation by Starrett Kreissman, Annual Report for Moorpark Library.

Starrett Kreissman, Ventura County Library Director, presented the Annual Report for the Moorpark Library.

5. PUBLIC COMMENT:

Gary Comer, representing the Moorpark Duplicate Bridge Group, presented the City with a check for \$3,000 from donations collected over the past year.

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

CONSENSUS: It was the consensus of the Council to pull Item 10.A. minutes of the November 16, 2005, meeting for individual consideration, upon the request of Mayor Hunter.

CONSENSUS: It was the consensus of the Council to hear Items 8.A, 8.B, and 8.C. after the Consent Calendar, upon the request of Mayor Hunter in anticipation of Councilmember Harper's late arrival.

7. ANNOUNCEMENTS AND FUTURE AGENDA ITEMS:

AT THIS POINT in the meeting Items 8.D. and 8.E. were heard.

8. PUBLIC HEARINGS:

- D. Consider Resolution for Modification No. 1 to Residential Planned Development No. 965 to Remove an Existing Freestanding Spire and Add a New Thirty-Six Foot (36') High Steeple on the Ridgeline of the Roof of an Existing Church Building, for an Overall Height of Approximately Sixty-nine Feet (69'), Located at 15351 Benwood Drive, on the Application of Richard Westwood for Church of Jesus Christ of Latter-Day Saints. Staff Recommendation: 1) Open the public hearing, accept public testimony, and close the public hearing; and 2) Adopt Resolution No. 2005-2421, approving Modification No. 1 to RPD No. 965, subject to Conditions of Approval .

Mr. Hogan gave the staff report.

Mayor Hunter opened the public hearing.

Richard Westwood, representing the applicant, Westwood Architects, 409 Cornell Drive, Burbank, California, provided background on the proposal and described the steeple.

The following individuals spoke in support of the 69-foot proposal for the church steeple:

Peter Meline, Robert Jensen, Matthew Wendt, Steve Ustach,
Marilyn Bambrough,

The following individuals spoke in opposition to the 69-foot proposal for the church steeple:

Tony Amatangelo and Tori Kallaher.

In response to Mayor Hunter, Ms. Traffenstedt summarized 11 Written Statement cards with 10 in favor and 1 in opposition to the 69-foot height of the steeple.

Mayor Hunter closed the public hearing.

AT THIS POINT in the meeting Councilmember Harper arrived. The time was 8:20 p.m.

In response to Councilmember Millhouse, Mr. Hogan confirmed Planning Commissioner DiCecco, an architect, has stated the design of the steeple fits with the church building architecture.

Council discussion followed, including direction to staff and the applicant to locate the steeple in the least obtrusive place on the building.

MOTION: Mayor Hunter moved and Councilmember Parvin seconded a motion to adopt Resolution No. 2005-2421, approving Modification No. 1 to RPD No. 965, subject to Conditions of Approval, as amended to allow an overall height of 69-feet for the steeple. The motion carried by voice vote 4-0, Councilmember Harper abstaining.

- E. Consider Zoning Ordinance Amendment 2004-03 Amending Section 17.08.010 - Definitions for Farm Animal, Animal Husbandry, Pet Animal, Aviary, and Section 17.28.030 - Standards Relating to Animal Keeping; to Provide Greater Clarity, Simplicity of Use, and to Adjust the Number of Dogs and Cats Allowed for Lots Five Acres or Larger. Staff Recommendation: 1) Open the public hearing, accept public testimony, and close the public hearing; 2) Introduce Ordinance No. 328 for first reading, waive full reading, and schedule second reading and adoption for December 21, 2005.

Mr. Hogan gave the staff report.

In response to Mayor Hunter, Mr. Hogan stated a separate category for medium size animals such as alpacas and llamas would be added.

Mayor Hunter opened the public hearing.

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

Mayor Hunter closed the public hearing.

Mr. Montes read the title of Ordinance No. 328, as amended.

MOTION: Councilmember Harper moved and Councilmember Millhouse seconded a motion to waive further reading, declare Ordinance No. 328 introduced, as amended for the addition of a medium size animal category, and schedule second reading and adoption for December 21, 2005. The motion carried by unanimous voice vote.

9. PRESENTATION/ACTION/DISCUSSION:

- A. Consider an Ordinance Amending Title 6 of the Moorpark Municipal Code, Animal Regulations. Staff Recommendation: Introduce Ordinance No. 329, for first reading, waive full reading, and schedule second reading and adoption for December 21, 2005. (Staff: Mary Lindley)

Ms. Lindley gave the staff report.

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

Mr. Montes read the title of Ordinance No. 329.

MOTION: Councilmember Mikos moved and Councilmember Parvin seconded a motion to waive further reading, declare Ordinance No. 329 introduced, and schedule second reading and adoption for December 21, 2005. The motion carried by voice vote 4-1, Councilmember Millhouse dissenting.

- B. Consider California Public Employees Retirement Systems (CalPERS) Benefits and Adjustment to Compensation for City Council Members. Staff Recommendation: Direct staff as deemed appropriate. (Staff: Johnny Ea)

Mr. Ea gave the staff report and corrected stamped page 215 Item 4 to strike out the word "Per" at the beginning of the sentence.

A discussion followed among Councilmembers in which the consensus was to adjust compensation and the majority in favor of participation in CalPERS benefits to attract qualified candidates to run for future office. Mayor Hunter was opposed to entitlement of benefits based upon full-time service credits when Council only works part-time.

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

MOTION: Councilmember Harper moved and Councilmember Parvin seconded a motion to amend an Ordinance to amend Council compensation to \$600 per month and to add CalPERS retirement benefits. The motion carried by voice vote 4-1, Mayor Hunter dissenting.

10. CONSENT CALENDAR:

MOTION: Councilmember Parvin moved and Councilmember Mikos seconded a motion to approve the Consent Calendar with the exception of Item 10.A. regular minutes of November 16, 2005, which were pulled for individual consideration. The motion carried by unanimous roll call vote.

- A. Consider Approval of the Regular Meeting Minutes of November 2, 2005. Staff Recommendation: Approve the minutes.
- B. Consider Approval of Warrant Register for Fiscal Year 2005-2006 – December 7, 2005. Staff Recommendation: Approve the warrant register.
- C. Consider Surety Bond Exoneration for Calabasas BCD Incorporated (Tract 3492, Lots 15 & 16). Staff Recommendation: Authorize the City Clerk to fully exonerate Bond No. 83S103507028BCM in the amount of \$50,000. (Staff: Barry Hogan)
- D. Consider Resolution Establishing Fares for City Transit Services and Rescinding Resolution No. 2003-2131. Staff Recommendation: Adopt Resolution No. 2005-2422, and rescind Resolution 2003-2131. (Staff: Mary Lindley)
- E. Consider Resolution to Authorize the Termination of the Joint Powers Agreement Creating the Ventura Cities Mortgage Financing Authority and to Dissolve the Ventura Cities Mortgage Financing Authority and Rescind Resolutions Nos. 99-1592 and 2002-1941. Staff Recommendation: 1) Adopt Resolution No. 2005-2423, and rescind Resolutions Nos. 99-1592 and 2002-1941; and 2) Authorize the Mayor to execute an agreement for the performance of administrative functions associated with these actions. (Staff: Nancy Burns)
- F. Consider Resolutions Adopting the New Speed Studies and Speed Limits on State Routes 23 and 118 and Rescinding Resolutions Nos. 95-1159 and 95-1160. Staff Recommendation: Adopt Resolutions Nos. 2005-2424 and 2005-2425 and rescind Resolutions Nos. 95-1159 and 95-1160. (Staff: Teddy Okoye)

The following item was pulled for individual consideration:

- 10. A. Consider Approval of the Regular Meeting Minutes of November 16, 2005. Staff Recommendation: Approve the minutes.

Mayor Hunter stated he had pulled this set of minutes as he was absent from the meeting of November 16, 2005.

MOTION: Councilmember Harper moved and Councilmember Parvin seconded the motion to approve the regular meeting minutes of November 16, 2005. The motion carried by voice vote 4-0, with Mayor Hunter abstaining.

AT THIS POINT in the meeting a recess was declared. The time was 9:08 p.m. The meeting reconvened at 9:24 p.m. with Items 8.A, 8.B, and 8.C.

8. PUBLIC HEARINGS:

- A. Consider Interim Urgency Ordinance Extending a Temporary Moratorium on Permitting New or Amended Uses for Adult Businesses, Body Piercing and/or Tattoo Establishments, Massage Establishments, and Secondhand Dealer Establishments within the City. Staff Recommendation: 1) Open the public hearing, accept public testimony, and close the public hearing; and 2) Adopt Ordinance No. 330. ROLL CALL VOTE REQUIRED: 4/5th AFFIRMATION

Mr. Hogan gave the staff report.

Mayor Hunter opened the public hearing.

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

Mayor Hunter closed the public hearing.

A discussion followed among Councilmembers, the City Attorney, and staff regarding whether to exempt an entitlement application already deemed complete, and regarding the timing for completion of the Code amendments.

Mr. Montes read the title of Ordinance No. 330, and stated if Council wishes to add an exemption for applications already deemed complete, the following language should be added to Section 2.A. on stamped page 29, "except for entitlements for which the application is deemed complete prior to the effective date of this Ordinance."

MOTION: Councilmember Millhouse moved and Councilmember Parvin seconded a motion to waive further reading, declare Interim Urgency Ordinance No. 330 adopted, as amended to add, "except for entitlements for which the application is deemed complete prior to the effective date of this Ordinance" to Section 2.A. on stamped page 29 of the agenda report. The motion carried by unanimous roll call vote.

- B. Consider Interim Urgency Ordinance Extending a Temporary Moratorium on Development in Non-Residential Zones of the Downtown Specific Plan Overlay Zone and on Decreased Parking Requirements in the Downtown Area. Staff Recommendation: 1) Open the public hearing, accept public testimony, and close the public hearing; and 2) Adopt Ordinance No. 331. ROLL CALL VOTE 4/5TH AFFIRMATION

Mr. Hogan gave the staff report.

Mayor Hunter opened the public hearing.

Richard Gray, owner of 4X Projects Company, 11147 Woodley Avenue, Granada Hills, California, spoke in opposition to his project being included in the moratorium and stated he wishes to work with staff to move his application forward.

A discussion followed among Councilmembers and staff regarding the incomplete status of Mr. Gray's entitlement application, the issues of reciprocal parking and project design related to his application, and whether any projects should be exempted from the moratorium.

Mayor Hunter closed the public hearing.

MOTION: Councilmember Mikos moved and Councilmember Harper seconded a motion to waive further reading and declare Interim Urgency Ordinance No. 331 adopted. The motion carried by roll call vote 4-1, with Councilmember Millhouse dissenting.

- C. Consider Zoning Ordinance Amendment No. 2004-06 to Chapter 17.40 (Sign Requirements) to Address Banner/ Special Event Signing, Open House, Garage Sale Signing and to Reorganize the Sign Regulations for Greater Clarity and Ease of Use. (continued from November 2, 2005, with public hearing open) Staff Recommendation: 1) Continue to accept public testimony, and close the public hearing; and 2) Introduce Ordinance No. 332 for first reading, waive full reading, and schedule second reading and adoption for December 21, 2005.

Mr. Hogan gave the staff report.

Mayor Hunter opened the public hearing.

David Morehead, M&M Development, 66 Alviso Drive, Camarillo, California, spoke in opposition to the changes to the sign ordinance and requested flexibility on granting freeway oriented signage for his commercial property on Collins Drive

Bruce Rokos, owner of Signs of Distinction, 4517 Market Street, No. 5, Ventura, California, and member of the Moorpark Chamber of Commerce, recommended changes to the Ordinance.

Scott Mosher, Chairman of the Board of the Moorpark Chamber of Commerce, 225 West Los Angeles Avenue, Moorpark, California, expressed concerns regarding certain provisions of the Ordinance and concurred with Mr. Rokos suggestions.

A discussion followed among Councilmembers and staff resulting in changes to the issuance of sign permits; the number of days to approve/deny an application; increase the number of banners allowed and include staking as an acceptable installation method; add criteria for wall signs for major buildings/tenants; stipulate all window signage to be interior except as required by state or federal law; in the category of temporary real estate signs, specify they shall be located on properties for lease or sale; increase the number and size of campaign signs; stipulate all externally lighted sources shall direct lighting upward to the sky; and to allow corporate flags and flags with a commercial message.

A discussion followed among Councilmembers regarding whether to allow M&M Development an exemption from the prohibition of freeway signage on their site, which resulted in a majority not being in favor of the exemption.

Mr. Montes read the title of Ordinance No. 332.

MOTION: Councilmember Millhouse moved and Councilmember Harper seconded a motion to waive further reading, declare Ordinance No. 332 introduced, as amended per Council direction, and schedule second reading and adoption for December 21, 2005. The motion carried by voice vote 4-1, Councilmember Parvin dissenting.

11. ORDINANCES:

None.

12. CLOSED SESSION:

None was held.

13. ADJOURNMENT:

Mayor Hunter adjourned the meeting at 11:59 p.m. in memory of Ed Masry, former Thousand Oaks Mayor and Councilmember.

Patrick Hunter, Mayor

ATTEST:

Deborah S. Traffenstedt
City Clerk