

MINUTES OF THE CITY COUNCIL

Moorpark, California

December 21, 2005

A Regular Meeting of the City Council of the City of Moorpark was held on December 21, 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 8:16 p.m.

2. PLEDGE OF ALLEGIANCE:

Amanda Porreca, 7th Grade, Luther Burbank Middle School, led the Pledge of Allegiance during the preceding Special City Council meeting.

3. ROLL CALL:

Present: Councilmembers Harper, Mikos, Parvin, and Mayor Hunter.

Absent: Councilmember Millhouse.

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; David Moe, Redevelopment Manager; 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, Kathy Priestley, Secretary I.

Mayor Hunter introduced new City employee, Kathy Priestly, Secretary I.

B. Introduction of New City Employee, Angel Sierra, Recreation Coordinator I.

Mayor Hunter introduced new City employee, Angel Sierra, Recreation Coordinator I.

C. City Manager's Monthly Report.

Mr. Kueny deferred the monthly report.

5. PUBLIC COMMENT:

Richard Gray presented plans for his project at 415 High Street and asked the Council to consider them.

Mayor Hunter stated the Council, by law, cannot consider anything that is not on the agenda and referred Mr. Gray to the Community Development Director.

AT THIS POINT in the meeting, the City Council recessed to convene a meeting of the Moorpark Redevelopment Agency. The time was 8:22 p.m. The City Council meeting reconvened at 8:56 p.m.

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

CONSENSUS: It was the consensus of the Council to pull Items 10.A. and 10.C. on the Consent Calendar for individual consideration, at the request of Mayor Hunter.

7. ANNOUNCEMENTS AND FUTURE AGENDA ITEMS:

Councilmember Mikos announced an opening on the board for the Commission for Human Concerns and provided information on where to obtain applications.

8. PUBLIC HEARINGS:

- A. Consider Resolution Approving the Sale of Property Owned by the Moorpark Redevelopment Agency, Located at 467 High Street, to the Moorpark Group, LLC. Staff Recommendation: 1) Open the public hearing, take public testimony, and close the public hearing; and 2) Adopt Resolution No. 2005-2426.

Mr. Moe gave the staff report and responded to Council by stating the references to multiple stories for the structure will be standardized throughout the document to indicate two-story.

Mayor Hunter opened the public hearing.

Richard Gray spoke in opposition to the sale of the property at 467 High Street and its apparent exemption from the moratorium established by Ordinance No. 331, to which his project is not exempt. He stated, as a realtor, he was not aware of the availability to bid on this property and would have offered \$500,000 to purchase it.

Mayor Hunter closed the public hearing.

MOTION: Mayor Hunter moved and Councilmember Parvin seconded a motion to adopt Resolution No. 2005-2426, approving the sale of property owned by the

Moorpark Redevelopment Agency, located at 467 High Street, to the Moorpark Group, LLC. The motion carried by voice vote 4-0, Councilmember Millhouse absent.

9. PRESENTATION/ACTION/DISCUSSION:

- A. Consider Resolution of Necessity for Acquisition of Certain Property Known as Lots 111, 112, and 113 of the Colonia Virginia Tract (AP Nos. 513-0-031-025 and -035, Located on the North Side of Princeton Avenue East of Nogales Avenue, within the City of Moorpark (Apostolic Church). Staff Recommendation: Subsequent to the acceptance of comments and a review of relevant facts, adopt Resolution of Necessity No. 2005-2427. ROLL CALL VOTE REQUIRED: 2/3rd AFFIRMATIVE

Mr. Lall introduced consultant, Kenneth Gilbert, who gave the staff report.

The following individuals spoke in opposition to the necessity for acquisition:

Raymond Aguirre, Kate Neiswender, and John Aguirre.

MOTION: Mayor Hunter moved and Councilmember Parvin seconded a motion to adjourn to closed session under Item 12.B. pursuant to Subdivision (c) of Section 54956.9 of the Government Code. The motion carried by voice vote 4-0, Councilmember Millhouse absent. The time was 9:47 p.m.

12. CLOSED SESSION:

- B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION  
Initiation of litigation pursuant to Subdivision (c) of Section 54956.9 of the Government Code: (Number of cases to be discussed – 4)

Present in closed session were Councilmembers Harper, Mikos, Parvin, and Mayor Hunter; Steven Kueny, City Manager; Joseph Montes, City Attorney, Hugh Riley, Assistant City Manager; Barry Hogan, Community Development Director; Yugal Lall, City Engineer/Public Works Director; Kenneth Gilbert, Consultant; and Deborah Traffenstedt, Administrative Services Director/City Clerk.

The Council reconvened into open session at 10:01 p.m. Mayor Hunter stated there was no action to report.

AT THIS POINT in the meeting, the Council returned to Item 9.A. on the agenda.

9. PRESENTATION/ACTION/DISCUSSION:

- A. Consider Resolution of Necessity for Acquisition of Certain Property Known as Lots 111, 112, and 113 of the Colonia Virginia Tract (AP Nos. 513-0-031-025 and -035, Located on the North Side of Princeton Avenue East of Nogales Avenue, within the City of Moorpark (Apostolic Church). Staff Recommendation: Subsequent to the acceptance of comments and a review of relevant facts, adopt Resolution of Necessity No. 2005-2427. ROLL CALL VOTE REQUIRED: 2/3rd AFFIRMATIVE

MOTION: Councilmember Harper moved and Councilmember Mikos seconded a motion to adopt Resolution of Necessity No. 2005-2427 for acquisition of certain property known as Lots 111, 112, and 113 of the Colonia Virginia Tract located on the north side of Princeton Avenue, east of Nogales Avenue, within the City of Moorpark. The motion carried by roll call vote 4-0, Councilmember Millhouse absent.

In response to Councilmember Mikos, Mr. Gilbert stated he and the City Attorney would schedule a meeting to negotiate with the property owners.

MOTION: Councilmember Mikos moved and Councilmember Harper seconded a motion directing the City Attorney and staff to meet with the property owners for negotiations before fully effectuating the court proceeding. The motion carried by voice vote 4-0, Councilmember Millhouse absent.

- B. Consider Request for Additional Funding for the Project Area Committee (PAC). Staff Recommendation: Direct staff as deemed appropriate.

Mr. Moe gave the staff report.

Will Whitaker spoke on behalf of the PAC committee members to clarify their reasoning in requesting a different legal entity provide counsel.

A discussion followed among the Council and staff regarding the pros and cons of retaining separate counsel; the cost of legal counsel; audio taping versus videotaping; verbatim minutes versus action minutes; and the need for bilingual services.

MOTION: Councilmember Harper moved that the PAC continue use of the current City Attorney's Office with the provision, if desired, to allow selection of a different attorney than the current City Attorney; that a bilingual staff member be provided at all PAC meetings, that all meetings be videotaped and action minutes prepared; and that a Joint City Council/Redevelopment Agency meeting be scheduled for April 5, 2006.

Mayor Hunter seconded the motion with the clarification that cost for the attorney not exceed the City's regular costs for legal counsel; and to limit the PAC to six videotaped meetings between now and June 2006 when this item should return for Council consideration.

Councilmember Harper concurred with the additions to his motion. The motion carried by voice vote 4-0, Councilmember Millhouse absent.

- C. Consider Draft Ventura Council of Governments Annual Legislative Agenda for 2006. Recommendation: Consider and approve the Draft VCOG Annual Legislative Agenda for 2006 and provide comments for presentation to VCOG members by Chair Hunter.

Mayor Hunter gave the report.

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

Councilmember Harper suggested a modification to the language for Item VIII G.

CONSENSUS: It was the consensus of the Council to approve the Draft VCOG Annual Legislative Agenda for 2006 for presentation to VCOG by Chair Hunter, as amended for Item VIII G. to read: "Oppose an unreasonable relaxation of Transportation Safety Administration (TDA) Safety Standards enacted after 9/11."

- D. Consider an Ordinance Amending Section 2.04.055, Compensation, of Chapter 2.04, City Council, of Title 2 of the Municipal Code. Staff Recommendation: Waive full reading and introduce Ordinance No. 333 for first reading.

Ms. Traffenstedt gave the staff report.

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

Mr. Montes read the title of Ordinance No. 333.

MOTION: Councilmember Harper moved and Councilmember Mikos seconded a motion to waive further reading, declare Ordinance No. 333 read for the first time and schedule second reading and adoption for January 18, 2006. The motion carried by voice vote 3-1, Mayor Hunter dissenting, Councilmember Millhouse absent.

10. CONSENT CALENDAR:

**MOTION:** Councilmember Parvin moved and Councilmember Harper seconded a motion to approve the Consent Calendar with the exception of Items 10.A. and 10.C, which were pulled for individual consideration. The motion carried by roll call vote 4-0, Councilmember Millhouse absent.

- B. Consider Approval of Warrant Register for Fiscal Year 2005-2006 – December 21, 2005. Staff Recommendation: Approve the warrant register.
- D. Consider Resolutions Initiating Proceedings Related to the Citywide Landscaping and Lighting Assessment District and the Parks and Recreation Maintenance Improvement District for Fiscal Year 2006/07. Staff Recommendation: Adopt Resolutions Nos. 2005-2428 and 2005-2429.
- E. Consider Resolution Amending the Fiscal Year 2005/06 Budget by Appropriating General Funds for the Senior Nutrition Program. Staff Recommendation: Adopt Resolution No. 2005-2430. ROLL CALL VOTE REQUIRED
- F. Consider Resolution Providing Authority for Staff to Enforce Provisions of the Moorpark Municipal Code and Certain Provisions of State Statutes for the Purpose of Issuing Citations for Vehicle Parking Violations. Staff Recommendation: Adopt Resolution No. 2005-2431.

The following items were pulled for individual consideration:

- A. Consider Approval of the Regular Meeting Minutes of October 5, 2005. Staff Recommendation: Approve the minutes.

Mayor Hunter requested the minutes of the Regular Meeting of October 5, 2005, be rescheduled for January 18, 2006.

**CONSENSUS:** It was the consensus of the Council to reschedule the Regular Meeting Minutes of October 5, 2005, for January 18, 2006.

- C. Consider Approval of Street Names for Tract No. 5130 (SunCal Companies), Located East of Walnut Canyon Road and North of Wicks Road. Staff Recommendation: Approve the street names as proposed.

Mayor Hunter questioned the safety issue of emergency response teams trying to differentiate between so many streets starting with the same name.

Councilmember Mikos suggested changing Village Heights to the name of the new housing development.

CONSENSUS: It was the consensus of the Council to reschedule this item for January 18, 2006, to allow staff the time to review changing the street names.

11. ORDINANCES:

- A. Consider Ordinance No. 328, Approving Zoning Ordinance Amendment No. 2004-03, Amending Sections 17.08.010 (Application of Definitions) and 17.28.030 (Standards Relating to Animals) of the Moorpark Municipal Code. Staff Recommendation: Waive full reading and declare Ordinance No. 328 read for the second time and adopted as read.

Mr. Montes read the title of Ordinance No. 328.

MOTION: Councilmember Harper moved and Councilmember Parvin seconded a motion to waive further reading and declare Ordinance No. 328 read for the second time and adopted as read. The motion carried by voice vote 4-0, Councilmember Millhouse absent.

- B. Consider Ordinance No. 329, Replacing Title VI, Animals of the Moorpark Municipal Code. Staff Recommendation: Waive full reading and declare Ordinance No. 329 read for the second time and adopted as read.

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

MOTION: Councilmember Parvin moved and Councilmember Harper seconded a motion to waive further reading and declare Ordinance No. 329 read for the second time and adopted as read. The motion carried by voice vote 4-0, Councilmember Millhouse absent.

- C. Consider Ordinance No. 332, Repealing the Existing Chapter 17.40 of Title 17 of the Moorpark Municipal Code and Approving Zoning Ordinance Amendment No. 2004-06 Adopting a New Chapter 17.40 Entitled "Sign Regulations" Establishing Regulations Pertaining to Signage on Private Property. Staff Recommendation: Waive full reading and declare Ordinance No. 332 read for the second time and adopted as read.

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

MOTION: Councilmember Harper moved and Councilmember Mikos seconded a motion to waive further reading and declare Ordinance No. 332 read for the second time and adopted as read. The motion carried by voice vote 3-1, Councilmember Parvin dissenting, Councilmember Millhouse absent.

12. CLOSED SESSION:

None was held.

13. ADJOURNMENT:

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 11:05 p.m.

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Patrick Hunter, Mayor

ATTEST:

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Deborah S. Traffenstedt  
City Clerk