ITEM 10. B.

MINUTES OF THE CITY COUNCIL

Moorpark, California May 17, 2006

A Regular Meeting of the City Council of the City of Moorpark was held on May 17, 2006, in the Council Chambers of said City located at 799 Moorpark Avenue, Moorpark, California.

1. CALL TO ORDER:

Mayor Pro Tempore Mikos called the meeting to order at 7:15 p.m.

2. PLEDGE OF ALLEGIANCE:

Captain Matson, Sheriff's Department, led the Pledge of Allegiance.

3. ROLL CALL:

Present: Councilmembers Harper, Millhouse, and Parvin, and Mayor Pro Tempore Mikos.

Absent: Mayor Hunter.

Staff Present: Steven Kueny, City Manager; 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 Jeff Matson, Sheriff's Department; Deborah Traffenstedt, Administrative Services Director/City Clerk; and Maureen Benson, Deputy City Clerk.

4. PROCLAMATIONS AND COMMENDATIONS:

A. Presentation of Certificates of Recognition to Catalina Paredes, Miss Moorpark 2006 and Megan Wisler, Miss Teen Moorpark.

Mayor Pro Tempore Mikos presented Catalina Paredes, Miss Moorpark 2006 and Megan Wisler, Miss Teen Moorpark with Certificates of Recognition.

B. Recognition of Outgoing Teen Council Members.

Mayor Pro Tempore Mikos presented Certificates of Recognition to outgoing Teen Council Members Genny Aamoth, Kelsey Butzer, Brandon Feig, Eric Foote, Celia Guzman, Roxanna Moradi, Emily Tung, and Justin Tung.

C. Proclamation Declaring May 21 through May 27, 2006, as National Public Works Week.

Mayor Pro Tempore Mikos presented Michael Nisito, Public Works Superintendent with a Proclamation declaring May 21 through May 27, 2006, as National Public Works Week.

D. City Manager's Monthly Report.

Mr. Lall, City Engineer/Public Works Director, gave the monthly report.

5. PUBLIC COMMENT:

None.

AT THIS POINT in the meeting, the City Council recessed to convene a meeting of the Moorpark Redevelopment Agency. The time was 7:42 p.m. The City Council meeting reconvened at 7:46 p.m.

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

CONSENSUS: It was the consensus of the Council to pull Item 10.K. from the Consent Calendar for individual consideration at the request of Mayor Pro Tempore Mikos.

7. ANNOUNCEMENTS AND FUTURE AGENDA ITEMS:

Councilmember Millhouse requested the public report vandalism and graffiti to the Moorpark Police Department.

Councilmember Millhouse announced it is now illegal to dispose of household batteries in the trash. Used household batteries may be disposed of at City Hall.

Councilmember Millhouse congratulated Councilmember Parvin for being recognized as "Public Servant of the Year" by the Moorpark Chamber of Commerce.

Councilmember Parvin requested a status report on the pending graffiti abatement ordinance. Mr. Hogan stated staff is working on the ordinance, coordinating other subjects to be included such as administration of citations and cost recovery for graffiti abatement.

Mayor Pro Tempore Mikos announced she had recently attended a meeting of the Commission on Human Concerns where it was revealed the proposed Fiscal Year 2006/07 Budget for the 4th Supervisorial District will not contain any federal funding as it has been eliminated nationwide. There are petitions available to sign in the lobby for those citizens interested in lobbying Congress to assist people in need.

Mayor Pro Tempore Mikos announced Summer Youth Bus Passes are $20 for unlimited travel on Moorpark City Transit and the Beach Bus from June 1st through September 15th for youth under the age of 21. Summer Youth Bus Passes are available for purchase at City Hall and Arroyo Vista Recreation Center.

Mayor Pro Tempore Mikos announced the Moorpark Beach Bus to Zuma Beach will run every Tuesday and Thursday June 20th through August 29th. The cost is $1.00 each way, $0.50 for seniors and the disabled.

Mayor Pro Tempore Mikos requested a future agenda item related to initiating legislation; and provided a list of topics including some from the City's Top Ten Priorities.

Councilmember Harper reported on the Library Commission meeting he attended regarding the Commission's budget proposal. Ms. Lindley stated the staff report from the library consultant will be scheduled for the June 7th Council meeting.

8. PUBLIC HEARINGS:

A. Consider Resolution Clarifying Application of Transportation System Management (TSM) Fees. Staff Recommendation: 1) Open the public hearing, receive public testimony, and close the public hearing; and 2) Adopt Resolution No. 2006-2461.

Mr. Hogan gave the staff report.

Mayor Pro Tempore Mikos opened the public hearing.

In response to Mayor Pro Tempore Mikos, Ms. Traffenstedt stated there were no speakers.

Mayor Pro Tempore Mikos closed the public hearing.

MOTION: Councilmember Millhouse moved and Councilmember Parvin seconded a motion to adopt Resolution No. 2006-2461, clarifying application of Transportation System Management fees. The motion carried by voice vote 4-0, Mayor Hunter absent.

B. Consider General Plan Amendment No. 2004-03, Zone Change No. 2004-02, Development Agreement No. 2006-01, Vesting Tentative Tract Map No. 5437, and Residential Planned Development Permit No. 2004-05 to Develop Sixteen (16) Homes, Five (5) Custom Home Lots, and One 1) Open Space Lot on Approximately 42.4 Acres East of Walnut Canyon Road at Championship Drive, on the Application of Birdsall Group Moorpark LLC. Staff Recommendation: 1) Open the public hearing, receive public testimony, and close the public hearing; and 2) Adopt

Resolution No. 2006-2462, adopting the Mitigated Negative Declaration and approving General Plan Amendment No. 2004-03; 3) Introduce Ordinance No. 335, regarding Zone Change No. 2004-02 for first reading, and schedule second reading and adoption for June 7, 2006; 4) Introduce Ordinance No. 336 regarding Development Agreement No. 2006-01 for first reading and schedule second reading and adoption for June 7, 2006; and 5) Adopt Resolution No. 2006-2463, approving Vesting Tentative Tract Map No. 5437, and Residential Planned Development Permit No. 2004-05, subject to Conditions of Approval.

Mr. Hogan gave the staff report.

Mayor Pro Tempore Mikos opened the public hearing.

A discussion among Councilmembers and staff focused on changes to the conditions of approval including a correction to Condition 7 in regard to lots restricted from horse keeping; imposing restrictions that only the planting of native trees and plants shall be allowed; providing for all homes to have three-car non-tandem garage parking; imposing compliance with the City's lighting requirements; and specifying that invasive and prohibited trees and plantings shall not be used.

John Newton, representing the applicant Birdsall Group Moorpark, LLC, stated the developers, Ken Birdsall, Scott Birdsall, and Phil Stubb, as well as, Ed Collins from Stantec Consultants – Civil Engineering, are available for questions. Mr. Newton requested Council consideration for relief from the requirement to improve Walnut Canyon Road and the horse trail requirement. He provided exhibits for trail options. Mr. Newton stated the applicant concurs with all other conditions of approval as amended by Council.

A discussion among the Councilmembers and staff resulted in a consensus to have the applicant pay $210,000 as a pro-rata share of improvements to the east side of Walnut Canyon Road.

Mr. Hogan stated a "nexus" between this project and the improvement to Walnut Canyon Road is not required by law when a General Plan Amendment and Development Agreement are included as they provide benefits to the public.

Mr. Newton concurred with Council's recommended pro-rata share of the street improvements along the east side of Walnut Canyon Road from the southern property line of the project site north to the northern city limits, including an improved transition area beyond the northern city limits.

CONSENSUS: It was the consensus of the Council that the applicant provide $210,000 to the City as a pro-rata share of the street improvements along the

east side of Walnut Canyon Road and that the project remain conditioned as presented for the trails.

Mayor Pro Tempore Mikos closed the public hearing.

MOTION: Councilmember Millhouse moved and Councilmember Harper seconded a motion to adopt Resolution No. 2006-2462, adopting the Mitigated Negative Declaration and approving General Plan Amendment No. 2004-03. The motion carried by voice vote 4-0, Mayor Hunter absent.

Ms. Traffenstedt read the title of Ordinance No. 335.

MOTION: Councilmember Millhouse moved and Councilmember Harper seconded a motion to Introduce Ordinance No. 335, regarding Zone Change No. 2004-02 for first reading, and schedule second reading and adoption for June 7, 2006. The motion carried by voice vote 4-0, Mayor Hunter absent.

Ms. Traffenstedt read the title of Ordinance No. 336.

MOTION: Councilmember Millhouse moved and Councilmember Parvin seconded a motion to introduce Ordinance No. 336, regarding Development Agreement No. 2006-01 for first reading, and schedule second reading and adoption for June 7, 2006. The motion carried by voice vote, Mayor Hunter absent.

MOTION: Councilmember Millhouse moved and Councilmember Harper seconded a motion to adopt Resolution No. 2006-2463, approving Vesting Tentative Tract Map No. 5437, and Residential Planned Development Permit No. 2004-05, subject to Conditions of Approval, as amended for correction of Condition No. 7 in regard to lots restricted from horse keeping; restrictions imposing the planting of only native trees and plants; provision for all homes to have three-car non-tandem garage parking; compliance with the City's lighting requirements; specification that invasive and prohibited trees and plantings not be used; and the applicant shall provide $210,000 to the City as a pro-rata share of the street improvements along the east side of Walnut Canyon Road; and that the project remain conditioned as presented for the trails. The motion carried by voice vote 4-0, Mayor Hunter absent.

9. PRESENTATION/ACTION/DISCUSSION:

A. Consider Ordinance to Add Chapter 15.34 to the Moorpark Municipal Code to Require Safety Inspections of Residential Rental Housing. Staff Recommendation: 1) Introduce Ordinance No. 337 for first reading, waive full reading, and schedule second reading and adoption for June 7, 2006; and 2) Direct staff to prepare a fee resolution to implement the new Chapter 15.34 and schedule for July 19, 2006.

Mr. Hogan gave the staff report.

Rigoberto Barrera spoke in opposition to the rental safety inspections citing concerns they would be focused on overcrowding rather than safety.

Ms. Traffenstedt read the title of Ordinance No. 337.

MOTION: Councilmember Parvin moved and Councilmember Harper seconded a motion to: 1) Waive further reading, declare Ordinance No. 337 read for the first time, and schedule second reading and adoption for June 7, 2006; and 2) Direct staff to prepare a fee resolution to implement the new Chapter 15.34 and schedule for July 19, 2006. The motion carried by voice vote 4-0, Mayor Hunter absent.

B. Consider Approval of an Affordable Housing Purchase and Sale Agreement Between the City and William Lyon Homes, Inc. for Vesting Tentative Tract Map 5187. Staff Recommendation: Approve the Affordable Housing Purchase and Sale Agreement, subject to final language approval by the City Manager and City Attorney, and authorize City Manager to execute said Agreement. (Staff: Steven Kueny)

Mr. Kueny gave the staff report.

In response to Mayor Pro Tempore Mikos, Ms. Traffenstedt stated there were no speakers.

MOTION: Councilmember Harper moved and Councilmember Parvin seconded a motion to approve the Affordable Housing Purchase and Sale Agreement, subject to final language approval by the City Manager and City Attorney, and authorize the City Manager to execute said Agreement. The motion carried by voice vote 4-0, Mayor Hunter absent.

C. Consider Proposed Operating and Capital Improvements Budgets for Fiscal Year 2006/2007. Staff Recommendation: Receive the budgets and set a workshop for May 24, 2006.

Mr. Kueny gave the staff report.

In response to Mayor Pro Tempore Mikos, Ms. Traffenstedt stated there were no speakers.

MOTION: Councilmember Millhouse moved and Councilmember Harper seconded a motion to receive the budgets and set a workshop for May 31, 2006. The motion carried by voice vote 4-0, Mayor Hunter absent.

D. Consider Mission Statement, Priorities, Goals and Objectives for Fiscal Year 2006/2007. Staff Recommendation: Consider the Priorities, Goals and Objectives on May 24, 2006.

Mr. Kueny gave the staff report.

In response to Mayor Pro Tempore Mikos, Ms. Traffenstedt stated there were no speakers.

MOTION: Councilmember Millhouse moved and Councilmember Harper seconded a motion to consider the Priorities, Goals and Objectives on May 31, 2006. The motion carried by voice vote 4-0, Mayor Hunter absent.

10. CONSENT CALENDAR:

MOTION: Councilmember Harper moved and Councilmember Parvin seconded a motion to approve the Consent Calendar with the exception of Item 10.K, which was pulled for individual consideration. The motion carried by roll call vote 4-0, Mayor Hunter absent.

A. Consider Minutes of the Regular Meeting of April 5, 2006. Staff Recommendation: Approve the minutes.

B. Consider Minutes of the Special Meeting of April 26, 2006. Staff Recommendation: Approve the minutes.

C. Consider Minutes of the Special Meeting of May 3, 2006. Staff Recommendation: Approve the minutes.

D. Consider Minutes of the Regular Meeting of May 3, 2006. Staff Recommendation: Approve the minutes.

E. Consider Approval of Warrant Register for Fiscal Year 2005-2006 – May 17, 2006. Staff Recommendation: Approve the warrant register.

F. Consider Resolution Approving the Engineer's Report for Assessment District AD06-01 (Shea Homes – Tract 5133) for Fiscal Year 2006/07 and Providing Notice of Public Hearing on June 7, 2006. Staff Recommendation: Adopt Resolution No. 2006-2464.

G. Consider Resolution Authorizing Submittal of a Two and One-half Year (Sept. 2006 - Apr. 2009) Household Hazardous Waste Grant Application to the California Integrated Waste Management Board, and Resolution Establishing Waste Reduction and Recycled-Content Procurement Practices. Staff Recommendation: Adopt Resolutions Nos. 2006-2465 and 2006-2466.

H. Consider Allocation of California Highway Patrol Lease Revenue – Police Services Center. Staff Recommendation: Approve the use of CHP lease revenue to reimburse the General Fund for actual operating cost for the CHP leased space and allocate remaining revenue to the Endowment Fund.

I. Consider Final Map Approval for Tract Map Nos. 5187-1 and 5187-2 William Lyon Homes. Staff Recommendation: Authorize the Mayor and City Clerk to sign the maps and the City Clerk to cause Tract Maps 5187-1 and 5187-2 to be recorded in the office of the Ventura County Recorder.

J. Consider Surety Bond Reductions for Toll CA L.P. Moorpark Country Club Estates (Tract 4928). Staff Recommendation: 1) Authorize the City Clerk to reduce Surety Bond Performance & Payment Bond Nos. 929208196, 92908197, 929208199 and 929208200 for Toll CA L.P., Moorpark Country Club Estates – Tract 4928 to 10%; and 2) Authorize the City Clerk to fully exonerate the Bonds one year after this approval of the reduction and upon written confirmation from the City Engineer that no warranty work is required

L. Consider Resolution Approving the Engineer's Report for the Landscaping and Lighting Maintenance Assessment Districts for Fiscal Year 2006/07 and Providing Notice of Public Hearing on June 7, 2006. Staff Recommendation: Adopt Resolution No. 2006-2467.

M. Consider Resolution Approving the Preliminary Assessment Engineer's Report for the Parks and Recreation Maintenance and Improvement Assessment District for Fiscal Year 2006/07 and Providing Notice of Public Hearing on June 7, 2006. Staff Recommendation: Adopt Resolution No. 2006-2468.

N. Consider Authorization of Recordation of the Notice of Completion for the Virginia Colony Park Improvement Project. Staff Recommendation: Authorize the City Clerk to file the Notice of Completion for the project and authorize the release of the balance of payment, due upon satisfactory clearance, thirty-five (35) days after Notice of Completion records, release bonds in accordance with the contract, and completion of close out contractual obligations on the part of contractor.

O. Consider Contract Extensions for Sunridge Landscape Services and Venco Western for Landscape Maintenance Services. Staff Recommendation: Approve one-year contract extensions through June 30, 2007, including a three percent adjustment, with Sunridge Landscape Services, Inc., and Venco Western, Inc, for landscape maintenance services as described in the agenda report, and authorize the City Manager to execute the amendments on behalf of the City.

P. Consider Resolution Amending Fiscal Year 2005/06 Budget to Purchase an Alternative Fuel Vehicle. Staff Recommendation: 1) Adopt Resolution No. 2006-2469; and 2) Authorize staff to purchase a Toyota Prius. ROLL CALL VOTE REQUIRED

The following item was pulled for individual consideration.

K. Consider Resolution Amending Fiscal Year 2005/06 Budget to Appropriate Funds for Traffic Signal Modification at Campus Park Drive and Collins Drive. Staff Recommendation: 1) Adopt Resolution No. 2006-2470; 2) Direct staff to implement the traffic signal modifications at the intersection of Campus Park and Collins Drives; and 3) Authorize the City Manager to execute a Cooperative Agreement with M&M Development for construction of the traffic signal modifications. ROLL CALL VOTE REQUIRED

Mayor Pro Tempore Mikos stated she had this item pulled to inform the public if this item is approved, a new traffic signal controller will be installed at the intersection of Campus Park and Collins Drives to make this corner safer.

MOTION: Mayor Pro Tempore Mikos moved and Councilmember Harper seconded a motion to: 1) Adopt Resolution No. 2006-2470; 2) Direct staff to implement the traffic signal modifications at the intersection of Campus Park and Collins Drives; and 3) Authorize the City Manager to execute a Cooperative Agreement with M&M Development for construction of the traffic signal modifications. The motion carried by roll call vote 4-0, Mayor Hunter absent.

11. ORDINANCES:

A. Consider Ordinance No. 334 Amending Title 16 (Subdivisions) of the Moorpark Municipal Code and Replacing in its Entirety and Amending and Incorporating Parks and Recreation Facilities of Chapter 2, Subdivision, Adopted by Ordinance No. 6 as Chapter 16.44 of Title 16 and Rescinding All Other Sections of Ordinance No. 6. Staff Recommendation: Waive full reading and declare Ordinance No. 334 read for the second time and adopted as read.

Ms. Traffenstedt read the title of Ordinance No. 334.

MOTION: Councilmember Parvin moved and Councilmember Harper a motion to waive full reading and declare Ordinance No. 334 read for the second time and adopted as read. The motion carried by voice vote 4-0, Mayor Hunter absent.

12. CLOSED SESSION:

None was held.

13. ADJOURNMENT:

MOTION: Councilmember Harper moved and Councilmember Parvin seconded a motion to adjourn. The motion carried by voice vote 4-0, Mayor Hunter absent. The time was 10:00 p.m.

Patrick Hunter, Mayor

ATTEST:

Deborah S. Traffenstedt, City Clerk