

MINUTES OF THE CITY COUNCIL

Moorpark, California

June 7, 2006

A Regular Meeting of the City Council of the City of Moorpark was held on June 7, 2006, 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 7:10 p.m.

2. PLEDGE OF ALLEGIANCE:

Hugh Riley, Assistant City Manager, led the Pledge of Allegiance.

3. ROLL CALL:

Present: Councilmembers Harper, 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 Jeff Matson, Sheriff's Department; Deborah Traffenstedt, Administrative Services Director/City Clerk; and Maureen Benson, Deputy City Clerk.

4. PROCLAMATIONS AND COMMENDATIONS: None.

5. PUBLIC COMMENT: None.

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

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

7. ANNOUNCEMENTS AND FUTURE AGENDA ITEMS:

Mayor Hunter announced the City of Moorpark will be hosting five Affordable Housing Workshops to inform potential first-time home buyers about affordable housing opportunities available in the City.

Mayor Hunter announced Summer Youth Bus Passes are available from June 1 through September 15.

8. PUBLIC HEARINGS:

- A. Consider Withdrawal from the Ventura County Library System. Staff Recommendation: 1) Open the public hearing, receive public testimony, and close the public hearing; and 2) Direct staff as deemed appropriate.

Ms. Lindley gave the staff report.

Mayor Hunter opened the public hearing.

Thomas Scott Nelson, spoke in opposition to withdrawal from the Library System and expressed concern the City is trying to do away with the local library.

James Lam, representing the consultants who prepared the Library Service Needs Report, Arroyo Associates, Inc., 3452 E. Foothill Boulevard, Suite 810, Pasadena, California, stated he was available for questions.

Juan Magdaleno, representing the League of United Latin American Citizens (LULAC), P.O. Box 23291, Ventura California, requested a postponement on the decision to allow the Latino community more time to study the Library Service Needs Report and to provide input.

Laura Espinosa, representing SEIU (Service Employees International Union) Local 998, spoke in opposition to privatizing public employee jobs; expressed concern the Library Service Needs Report was not made available in a timely manner; and requested a continuance to allow the public additional time to participate in the decision.

Alan Langville, Interim Library Director, Ventura County Library, 646 County Square Drive, Ventura, California, spoke in opposition to withdrawal from the Library System; stated there has been no time to review the Library Service Needs Report; and cited the disadvantages of withdrawing from the Ventura County library system.

A discussion followed among the Councilmembers and staff regarding the timing of the release of the Library Service Needs Report, the need to provide the public with more information; options available concerning co-ops, and clarification of the deadlines as specified in the Memorandum of Understanding (MOU) with the Library System for withdrawing and the materials inherited after withdrawal.

Mayor Hunter closed the public hearing.

A discussion followed among the Councilmembers regarding consideration for re-opening the hearing to allow the public to provide

input at a continued hearing on June 21, 2006, and for the consultant to provide a presentation to include the comparison table presented to the Library Advisory Committee.

**MOTION:** Councilmember Harper moved and Councilmember Parvin seconded a motion to re-open the public hearing and to continue this item with public hearing open to the meeting of June 21, 2006. The motion carried by unanimous voice vote.

- B. Consider Resolution Pertaining to the Spring Road/Tierra Rejada Road Area of Contribution (SP/TR AOC), Approving an Increase to the SP/TR AOC Fees, and Rescinding Resolution No. 2005-2361. Staff Recommendation: 1) Open the public hearing, receive public testimony, and close the public hearing; and 2) Adopt Resolution No. 2006-2471, rescinding Resolution No. 2005-2361. ROLL CALL VOTE REQUIRED

Mr. Lall 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.

**MOTION:** Councilmember Harper moved and Councilmember Mikos seconded a motion to adopt Resolution No. 2006-2471, approving an increase to the Spring Road/Tierra Rejada Road Area of Contribution Fees and rescinding Resolution No. 2005-2361 upon the effective date of Resolution No. 2006-2471. The motion carried by unanimous roll call vote.

- C. Consider Final Review and Changes to the Engineer's Report for Assessment District AD06-01 (Shea Homes – Tract 5133) and Resolution Confirming the Assessment Amounts for Fiscal Year 2006/07. Staff Recommendation: 1) Open the public hearing, receive public testimony, and continue public hearing open to meeting of June 21, 2006. (Staff: Yugal Lall)

Mr. Lall requested the continuance to June 21, 2006 to coincide with the determination of the City's appeal to FEMA regarding the determination of the DFIRM, which placed a portion of Tract 5133 in the floodplain.

Mayor Hunter opened the public hearing.

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

**MOTION:** Councilmember Harper moved and Councilmember Parvin seconded a motion to continue this item with public hearing open to the meeting of June 21, 2006. The motion carried by unanimous voice vote.

- D. Consider Final Review of the Engineer's Report for the Landscaping and Lighting Maintenance Assessment Districts for Fiscal Year 2006/07 and Resolution Confirming the Levy Amount. Staff Recommendation: 1) Open the public hearing, receive public testimony, and close the public hearing; and 2) Adopt Resolution No. 2006-2472. ROLL CALL VOTE REQUIRED

Ms. Lindley 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.

**MOTION:** Councilmember Parvin moved and Councilmember Harper seconded a motion to adopt Resolution No. 2006-2472, confirming the levy amount for the Landscaping and Lighting Maintenance Assessment Districts for Fiscal Year 2006/07. The motion carried by unanimous roll call vote.

- E. Consider Final Review of the Assessment Engineer's Report for the Parks and Recreation Maintenance and Improvement Assessment District for Fiscal Year 2006/07 and Resolution Confirming the Levy Amount. Staff Recommendation: 1) Open the public hearing, receive public testimony, and close the public hearing; and 2) Adopt Resolution No. 2006-2473. ROLL CALL VOTE REQUIRED

Ms. Lindley 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.

**MOTION:** Councilmember Parvin moved and Councilmember Mikos seconded a motion to adopt Resolution No. 2006-2473, confirming the levy amount for the Parks and Recreation Maintenance Assessment District for Fiscal Year 2006/07. The motion carried by unanimous roll call vote.

- F. Consider Resolution to Vacate a Portion of Park Crest Lane (Northeasterly Corner of Park Lane and Park Crest Lane, Approximately 3,153 Square Feet) Staff Recommendation: 1) Open the public hearing, receive public

testimony, and close the public hearing; and 2) Adopt Resolution No. 2006-2474.

Mr. Lall 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.

**MOTION:** Councilmember Mikos moved and Councilmember Harper seconded a motion to adopt Resolution No. 2006-2474 vacating a portion of Park Crest Lane. The motion carried by unanimous voice vote.

9. PRESENTATION/ACTION/DISCUSSION:

- A. Consider Resolution Authorizing the Issuance of Special Tax Bonds for and on Behalf of the City of Moorpark Community Facilities District No. 2004-1 (Moorpark Highlands), Approving and Directing the Execution of a Fiscal Agent Agreement, Approving the Form of Preliminary Official Statement, Approving Sale of Such Bonds, and Approving Other Related Documents and Actions. Staff Recommendation: Adopt Resolution No. 2006-2475. ROLL CALL VOTE REQUIRED

Mr. Riley gave the staff report.

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

**MOTION:** Councilmember Millhouse moved and Councilmember Parvin seconded a motion to adopt Resolution No. 2006-2475, authorizing the issuance of Special Tax Bonds for and on behalf of the City of Moorpark Community Facilities District No. 2004-1 (Moorpark Highlands), approving and directing the execution of a Fiscal Agent Agreement, approving the form of a Preliminary Official Statement, approving sale of such bonds, and approving other related documents and actions. The motion carried by unanimous roll call vote.

- B. Consider Ad Hoc Committee Recommendation on Development Agreement No. 2004-01 with Toll Land XX Limited Partnership for 43.04 Acres North of Championship Drive and East of Grimes Canyon Road. Staff Recommendation: Direct staff to set and advertise public hearings before the Planning Commission and City Council for consideration of the Development Agreement No. 2004-01.

Mr. Kueny gave the staff report.

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

MOTION: Councilmember Harper moved and Councilmember Parvin seconded a motion to direct staff to set and advertise public hearings before the Planning Commission on June 27, 2006, and City Council on July 19, 2006, for consideration of the Development Agreement No. 2004-01. The motion carried by unanimous voice vote.

- C. Consider Ad Hoc Committee Recommendation on Development Agreement No. 2004-02 with Toll Land XX Limited Partnership for 28.69 Acres North of Championship Drive and West of Walnut Canyon Road. Staff Recommendation: Direct staff to set and advertise public hearings before the Planning Commission and City Council for consideration of the Development Agreement No. 2004-02.

Mr. Kueny gave the staff report.

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

MOTION: Councilmember Parvin moved and Councilmember Harper seconded a motion to direct staff to set and advertise public hearings before the Planning Commission on June 27, 2006, and City Council on July 19, 2006, for consideration of the Development Agreement No. 2004-02. The motion carried by unanimous voice vote.

- D. Consider Resolution Adopting Revised Rules of Procedure for Council Meetings and Rescinding Resolution No. 2005-2301. Staff Recommendation: Adopt Resolution No. 2006-2476, rescinding Resolution No. 2005-2301.

Ms. Traffenstedt gave the staff report.

A discussion among Councilmembers and staff focused on the addition of "instant messages" on stamped page 305 of the agenda report in regard to electronic messaging during Council meetings.

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

MOTION: Councilmember Harper moved and Councilmember Mikos seconded a motion to adopt Resolution No. 2006-2476, adopting revised rules of procedure for Council meetings, as amended for "instant messages", and rescinding Resolution No. 2005-2301. The motion carried by unanimous voice vote.

- E. Consider Appointment of Tenant Commissioner to the Area Housing Authority of the County of Ventura. Staff Recommendation: Direct that a letter be sent to the Area Housing Authority Board endorsing the reappointment of Vina June Milburn as the tenant representative for a two-year term ending March 31, 2008.

Ms. Traffenstedt gave the staff report.

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

**MOTION:** Councilmember Harper moved and Councilmember Millhouse seconded a motion to direct that a letter be sent to the Area Housing Authority Board endorsing the reappointment of Vina June Milburn as the tenant representative for a two-year term ending March 31, 2008.

10. CONSENT CALENDAR:

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

- A. Consider Approval of Special Joint City Council/Planning Commission Meeting Minutes of April 26, 2006. Staff Recommendation: Approve the minutes.
- C. Consider Approval of Warrant Register for Fiscal Year 2005-2006 – June 7, 2006. Staff Recommendation: Approve the warrant register.
- D. Consider Resolution Supporting the United States Mayors Climate Protection Agreement. Staff Recommendation: Adopt Resolution No. 2006-2477.
- E. Consider Surety Bond Reductions for T.R. Partners, LLC (Tract 5181). Staff Recommendation: 1) Authorize the City Clerk to reduce Surety Bond Nos. 3SM05035000 Surety Bond Monuments, 3SM05034800 Surety Bond Grading, and SU5000111 Surety Bond Performance and Payment to 10% for T.R. Partners, LLC – Tract 5181; and 2) Authorize the City Clerk to fully exonerate the referenced sureties one year after this approval of the reduction and upon written confirmation from the City Engineer that no warranty work is required.
- F. Consider Amendment to Agreement for Transit Operating Services with CUSA CC, LLC, Extending Agreement for One-Year; and Consider Amendment to Agreement for Bus Capital Maintenance Services with CUSA CC, LLC, Extending Agreement for One-Year. Staff

Recommendation: Approve a one-year extension with CUSA with a rate increase and authorize the Mayor to sign the Amendments

- G. Consider Resolution Authorizing the Destruction of Certain Records. Staff Recommendation: Adopt Resolution No. 2006-2478.
- H. Consider Approving Proposal for Services Associated with First Time Home Buyer Program form Cabrillo Economic Development Corporation (CEDC) and Authorizing Execution of Agreement for Professional Services. Staff Recommendation: Approve proposal from CEDC for First Time Home Buyer Services and Agreement for Professional Services, subject to final language approval by the City Manager and City Attorney, and authorize City Manager to execute the Agreement.
- I. Consider Status Report on Site Plan for Ruben Castro Human Services Center. Staff Recommendation: Receive and file the report.

The following item was pulled for individual consideration.

- B. Consider Approval of Regular Meeting Minutes of May 17, 2006. Staff Recommendation: Approve the minutes.

Mayor Hunter stated he was not present for the May 17, 2006, meeting and pulled this set of minutes so he could abstain from the vote.

Councilmember Mikos requested approval of these minutes be deferred to June 21, 2006, allowing a correction to the announcement at the bottom of stamped page 312.

MOTION: Councilmember Mikos moved and Councilmember Harper seconded a motion to defer the minutes of May 17, 2006 to the June 21, 2006 meeting. The motion carried by voice vote 4-0, Mayor Hunter abstaining.

11. ORDINANCES:

- A. Consider Ordinance No. 335 Zone Change No. 2004-02, for a Change of Zone from Rural Exclusive – 5 Acre Minimum Lot Size (RE-5ac) to Residential Planned Development (RPD-1u) and Open Space on 42.4 Acres, Located East of Walnut Canyon Road at Championship on the Application of Birdsall Group Moorpark, LLC. Staff Recommendation: Waive full reading and declare Ordinance No. 335 read for the second time and adopted as read.

Mr. Montes read the title of Ordinance No. 335.

MOTION: Councilmember Harper moved and Councilmember and Councilmember Mikos seconded a motion to waive full reading and declare

Ordinance No. 335 read for the second time and adopted as read. The motion carried by voice vote 4-0, Mayor Hunter abstaining.

- B. Consider Ordinance No. 336 Adopting a Development Agreement between the City of Moorpark and Birdsall Group Moorpark LLC. Staff Recommendation: Waive full reading and declare Ordinance No. 336 read for the second time and adopted as read.

Mr. Montes read the title of Ordinance No. 336.

MOTION: Councilmember Harper moved and Councilmember Millhouse seconded a motion to waive full reading and declare Ordinance No. 336 read for the second time and adopted as read. The motion carried by voice vote 4-0, Mayor Hunter abstaining.

- C. Consider Ordinance No. 337 Amending the Moorpark Municipal Code by Adding Chapter 15.34 (Rental Housing Inspection) to Title 15 (Buildings and Construction). Waive full reading and declare Ordinance No. 337 read for the second time and adopted as read.

Mr. Montes read the title of Ordinance No. 337.

MOTION: Councilmember Mikos moved and Councilmember Millhouse seconded a motion to waive full reading and declare Ordinance No. 337 read for the second time and adopted as read. The motion carried by voice vote 4-0, Mayor Hunter abstaining.

12. CLOSED SESSION: None was held.

13. ADJOURNMENT:

Mayor Hunter adjourned the meeting at 9:08 p.m.

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Patrick Hunter, Mayor

ATTEST:

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Deborah S. Traffenstedt, City Clerk

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