

MINUTES OF THE CITY COUNCIL

Moorpark, California

July 19, 2006

A Regular Meeting of the City Council of the City of Moorpark was held on July 19, 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 7:11 p.m.

2. PLEDGE OF ALLEGIANCE:

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

4. PROCLAMATIONS AND COMMENDATIONS:

A. Ventura County Fair Poster Presentation.

The presentation was rescheduled as Craig Underwood, Vice President of the Board of Directors for the Ventura County Fair, was unable to attend the meeting to make the presentation.

B. City Manager's Monthly Report.

Mr. Kueny deferred the monthly report due to the length of the agenda.

5. PUBLIC COMMENT:

Anna Frutos-Sanchez introduced herself as the newly assigned Public Affairs Regional Manager, for Southern California Edison.

Gerald Goldstein spoke about court enforced cleanup of his property.

AT THIS POINT in the meeting, the City Council recessed to convene a meeting of the Moorpark Redevelopment Agency. The time was 7:18 p.m. The City Council meeting reconvened at 7:28 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.I. from the Consent Calendar for individual consideration and to hear the balance of the Consent Calendar prior to Public Hearings.

7. ANNOUNCEMENTS AND FUTURE AGENDA ITEMS:

Councilmember Mikos announced on Monday, July 17, 2006, she and Assistant City Manager, Hugh Riley attended a ceremony at Walt Disney Center where the Starbucks Foundation awarded a grant to "First Five" in Moorpark to assist in their "Reading Buddies" program.

AT THIS POINT in the meeting, the Consent Calendar was heard.

10. CONSENT CALENDAR: (ROLL CALL VOTE REQUIRED)

MOTION: Councilmember Harper moved and Councilmember Parvin seconded a motion to approve the Consent Calendar with the exception of Items 10.A. and Item 10.I, which were pulled for individual consideration. The motion carried by unanimous roll call vote.

- B. Consider Approval of Special Meeting Minutes of June 21, 2006. Staff Recommendation: Approve the minutes.
- C. Consider Approval of Regular Meeting Minutes of June 21, 2006. Staff Recommendation: Approve the minutes.
- D. Consider Approval of Warrant Register for Fiscal Year 2005-2006 – July 19, 2006. Staff Recommendation: Approve the warrant register.
- E. Consider Approval of Warrant Register for Fiscal Year 2006-2007 – July 19, 2006. Staff Recommendation: Approve the warrant register.
- F. Consider Resolution Determining and Levying the Special Assessment for Assessment District (AD) No. 92-1 for Fiscal Year 2006/07. Staff Recommendation: Adopt Resolution No. 2006-2494. ROLL CALL VOTE
- G. Consider Resolution Determining and Levying the Special Tax in Community Facilities District (CFD) No. 97-1 for Fiscal Year 2006/07. Staff Recommendation: Adopt Resolution No. 2006-2495. ROLL CALL VOTE

- H. Consider Grant of Easement to Southern California Edison Company (SCE) Required for Construction Improvements to Power Utility Lines and Poles Along Princeton Avenue West of Condor Drive. Staff Recommendation: Authorize the City Manager to negotiate the amount of compensation to be received for the subject easement and to execute all documents related to the granting of the subject utility easement to the Southern California Edison Company.
- J. Consider Report of Annual Development Agreement Review, Established in Connection with Moorpark Country Club Estates, Located Approximately 2,700 Feet South of Broadway Between Grimes Canyon Road and Walnut Canyon Road (Tract 4928), on the Application of Toll Brothers, Inc. Staff Recommendation: 1) Accept the Community Development Director's Report and recommendation that, on the basis of substantial evidence, Toll Brothers, Inc. has complied in good faith with the terms and conditions of the agreement; and 2) Deem the annual review process complete.
- K. Consider Cancellation of Employee Computer Loan Program. Staff Recommendation: Cancel employee computer loan program.
- L. Consider Lease of Modular Office Space for Temporary City Hall Expansion and Improvements to Existing City Hall Office Buildings and Resolution Amending the Fiscal Year 2006/07 Budget to Fund the Improvements. Staff Recommendation: 1) Authorize lease of modular office buildings and related delivery, set-up and modification expenses from Mobile Modular Management Corporation; 2) Authorize improvements to the existing City Hall and City Hall Annex; and 3) Adopt Resolution No. 2006-2496. ROLL CALL VOTE REQUIRED
- M. Consider Request from Roam'n Relics Car Club to Hold Car Show on October 29, 2006, from 8 a.m. to 3 p.m. on High Street and to Pay Reduced City Fees for the Event. Staff Recommendation: 1) Waive fee for use of Redevelopment Agency property, charge Club the contract billing rate for police services charged by the County of Ventura, and charge Club the direct cost of other staff to plan the event; 2) Require Club to pay an encroachment permit fee (\$100) and a temporary use permit fee (\$300); and 3) Require Club to provide the City and Agency with an indemnification agreement and name the City and Agency as additional insureds in the Club's insurance policy.
- N. Consider Award of Contract for Financial Credit Network for Collection Services. Staff Recommendation: Authorize the City Manager to execute an agreement with Financial Credit Network. ROLL CALL VOTE REQUIRED

- O. Consider Resolution Amending the Fiscal Year 2006/07 Budget for Additional Video Production Equipment Upgrades. Staff Recommendation: Adopt Resolution No. 2006-2497. ROLL CALL VOTE REQUIRED
- P. Consider Resolution Appointing a Voting Delegate and Voting Delegate Alternate for the League of California Cities Annual Business Meeting. Staff Recommendation: Adopt Resolution No. 2006-2498.
- Q. Consider Resolution Amending the Salary Plan for Competitive Service, Non-Competitive Service, and Hourly Employees and Rescinding Resolution No. 2005-2354. Staff Recommendation: Adopt Resolution No. 2006-2499, rescinding Resolution No. 2005-2354.
- R. Consider Approval of Resolution Adopting a Revised Benefit Program for Management Employees and Rescinding Resolution No. 2005-2355. Staff Recommendation: Adopt Resolution No. 2006-2500, rescinding Resolution No. 2005-2355.
- S. Consider Resolution in Support of the Ventura County Civic Alliance/Ventura Council of Governments "Compact for Sustainable Ventura County" Proposal to the Southern California Association of Governments. Staff Recommendation: Adopt Resolution No. 2006-2501.

The following items were pulled for individual consideration.

- A. Consider Approval of Regular Meeting Minutes of May 17, 2006. (continued from June 7, 2006) Staff Recommendation: Approve the minutes.

Mayor Hunter stated he was absent from the May 17, 2006, meeting and would be abstaining from the vote.

**MOTION:** Councilmember Harper moved and Councilmember Parvin seconded a motion to approve the minutes of the regular meeting minutes of May 17, 2006. The motion carried by voice vote 4-0, Mayor Hunter abstaining.

- I. Consider Metrolink Security Camera System Design Options. Staff Recommendation: Approve design Option A and direct staff to proceed with construction plans and specifications.

Councilmember Millhouse, as the County's voting member on the Metrolink Board of Directors, reported on City staff's efforts in designing the security camera system to protect commuters and Moorpark citizens.

**MOTION:** Councilmember Millhouse moved and Councilmember Harper seconded a motion to approve design Option A. and direct staff to proceed with

construction plans and specifications. The motion carried by unanimous voice vote

AT THIS POINT in the meeting, the agenda continued with Item 8.A.

8. PUBLIC HEARINGS:

- A. Consider Resolution Approving Commercial Planned Development No. 2005-06 to Allow Construction of a 141,038 Square Foot Retail Home Improvement Warehouse Home Depot Store and Garden Center on a 12.9-Acre Parcel Located at the East End of Patriot Drive Adjacent to State Route 23 Freeway. Staff Recommendation: 1) Open the public hearing, receive public testimony, and close the public hearing; 2) Adopt Resolution No. 2006-\_\_\_\_\_.

Mr. Hogan requested a continuance to August 2, 2006, or later, due to an error by the applicant in posting the site.

Mayor Hunter opened the public hearing.

Mark Ossola, M.W. Ossola Associates, Inc, land owner of the Home Depot site, described the project and potential for surrounding development. He stated this proposal requires no zone change or general plan amendment and would not generate as many truck trips as the previously approved project for this site.

Howard Hardin, WPIIDC, Inc. 1000 Lakes Drive, West Covina, California, consultant for Home Depot, stated the applicants are deferring their presentation to the continued hearing.

Richard Greene, representing Home Depot described the benefits of Home Depot coming to Moorpark with an employee base from local residents, salaries and wages for employees, a good corporate citizen making charitable contributions, participation in sales tax revenue for the City, enhanced value to real estate tax base, and the convenience of an extensive retail base beyond construction with a garden center and unique decorative retail opportunities.

A discussion among the Councilmembers, the applicant, and staff focused on the issues and resolutions for increased truck traffic, potential gathering place for day laborers, lighting impacts to adjacent residential, restricting ingress/egress on Miller Parkway, hours of operation, and number of truck trips to the site.

Mark Van Dam representing the residents of the Serenata community expressed concern regarding increased truck traffic, day laborers, and the early hours of operation.

Mike Mauck, Vice President of the Do It Center, 397 W. Los Angeles Avenue Moorpark, California, spoke in opposition and requested an analysis regarding economic impacts triggering urban decay as cited in the case of Bakersfield Citizens for Local Control vs. City of Bakersfield.

John Greenwood spoke in opposition to the project due to concerns over day labors gathering on site, illegal dumping on the perimeter of the site, and increased traffic on Miller Parkway

Eric Bishop spoke in opposition to Home Depot and stated the Do It Center is sufficient for Moorpark.

Chris Silver spoke in opposition to Home Depot stating there is finite space available for development and the City does not need a duplication of the Do It Center.

CONSENSUS: It was the consensus of the Council to waive rules and hear from late speakers.

Masood Hosseini spoke in opposition to the proposal citing concerns about traffic, noise, and hours of operation. He stated there are too many Home Depots in nearby cities.

A discussion followed among the Council, the applicant, and staff to determine a mutually acceptable date for the continued hearing.

MOTION: Councilmember Harper moved and Councilmember Parvin seconded a motion to continue the open public hearing to 7:00 p.m. on August 16, 2006. The motion carried by unanimous voice vote.

AT THIS POINT in the meeting, a recess was declared. The time was 9:09 p.m. The meeting reconvened at 9:36 p.m.

AT THIS POINT in the meeting, it was determined Items 8.B. and 8.C. would be heard concurrently.

- B. Consider General Plan Amendment No. 2003-04, Zone Change No. 2003-03, Development Agreement No. 2004-01, Tentative Tract Map No. 5453, and Residential Planned Development Permit No. 2003-04 for Fifty-One (51) Single-Family Homes on 43.04 Acres North of Championship Drive and East of Grimes Canyon Road, on the Application of Toll Brothers, Inc. Open the public hearing, receive public testimony, and continue the open public hearing without staff presentation to August 2, 2006.
- C. Consider General Plan Amendment No. 2003-04, Zone Change No. 2003-03, Development Agreement No. 2004-02, Tentative Tract Map No. 5464, and Residential Planned Development Permit No. 1994-01; Modification

No. 6 for Thirty-Six (36) Single-Family Homes on 28.69 Acres North of Championship Drive and West of Walnut Canyon Road, on the Application of Toll Brothers, Inc. Staff Recommendation: Open the public hearing, receive public testimony, and continue the open public hearing without staff presentation to August 2, 2006.

Mr. Hogan stated staff is requesting a continuance of the open public hearings for Items 8.B. and 8.C. to August 2, 2006.

Mayor Hunter opened the public hearing.

David Jacobs spoke in opposition to the proposals citing the increase in density does not fit the General Plan for this area, the loss of the buffer zone between development and agricultural land, the loss of land belonging to the Homeowners Association, and the homeowners should be allowed to vote on this before it is approved.

Christopher Worstell invited the Council to attend a meeting with Toll Brothers, Inc, on July 27 to hear why the homeowners oppose these proposals.

In response to Council questions, Craig Masey, representing Toll Brothers, Inc, discussed common area property currently owned by Toll that will eventually be relinquished to the Homeowners Association.

A discussion followed among Councilmembers and staff focusing on the areas in question requiring verification prior to the next meeting, including the rationale for changing to smaller size lots, change in the transition zone from Agriculture to Residential Large Estate, and any discrepancy in calculating the four (4) acres taken from the common area.

MOTION: Councilmember Harper moved and Councilmember Parvin seconded a motion to continue Items 8.B. and 8.C. public hearings open to August 2, 2006. The motion carried by unanimous voice vote.

- D. Consider Resolution Adjusting Real Time Billing Rates, Updating the Schedule for Land Use Development Processing Fees and Rescinding Resolution No. 2004-2188. Staff Recommendation: 1) Open the public hearing, receive public testimony, and close the public hearing; and 2) Adopt Resolution No. 2006-2502, rescinding Resolution No. 2004-2186 upon the effective date of Resolution No. 2006-2502 (September 17, 2006). ROLL CALL VOTE REQUIRED

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.

MOTION: Councilmember Harper moved and Councilmember Millhouse seconded a motion to adopt Resolution No. 2006-2502, adjusting Real Time Billing Rates, updating the Schedule for Land Use Development Processing Fees, and rescinding Resolution No. 2004-2186 upon the effective date of Resolution No. 2006-2502 (September 17, 2006). The motion carried by unanimous roll call vote.

- E. Consider Resolution to Establish Fees to Implement Chapter 15.34 of the Moorpark Municipal Code (Rental Housing Inspection). Staff Recommendation: 1) Open the public hearing, receive public testimony, and close the public hearing; and 2) Adopt Resolution No. 2006-2503. ROLL CALL VOTE REQUIRED

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.

MOTION: Councilmember Mikos moved and Councilmember Harper seconded a motion to adopt Resolution No. 2006-2503, establishing fees to implement Chapter 15.34 of the Moorpark Municipal Code (Rental Housing Inspection) The motion carried by unanimous roll call vote.

9. PRESENTATION/ACTION/DISCUSSION:

- A. Consider Appointment of Ventura County Area Agency on Aging Advisory Council Representative and Alternate Representative. Staff Recommendation: Ratify the appointment of Tony Bellasalma as the City's representative to VCAAA and appoint Fred Greco as the alternate, both to serve a two-year term from July 1, 2006 through June 30, 2008; and authorize the City Clerk to send a certification letter on behalf of the City Council to the Director of the Ventura County Area Agency on Aging.

Ms. Traffenstedt gave the staff report.

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

MOTION: Mayor Hunter moved and Councilmember Harper seconded a motion to ratify the appointment of Tony Bellasalma as the City's representative to VCAAA and appoint Fred Greco as the alternate, both to serve a two-year term from July 1, 2006 through June 30, 2008; and authorize the City Clerk to send a certification letter on behalf of the City Council to the Director of the Ventura County Area Agency on Aging. The motion carried by unanimous voice vote.

- B. Consider Mission Statement, Priorities, Goals and Objectives for Fiscal Year 2006/2007. (continued from June 21, 2006) Staff Recommendation: Approve Mission Statement, Priorities, Goals and Objectives for Fiscal Year 2006/2007.

Mr. Kueny deferred giving the staff report and suggested a continuance due to the late hour.

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

MOTION: Councilmember Mikos moved and Councilmember Harper seconded a motion to continue the Mission Statement, Priorities, Goals and Objectives for Fiscal Year 2006/2007 to August 2, 2006. The motion carried by unanimous voice vote.

- C. Consider a Consultant for Library Transition Services, Formation of a Library Task Force, Establishment of a Library Commission, and Resolution Amending the Fiscal Year 2006/07 Budget. Staff Recommendation: 1) Authorize the City Manager to execute an agreement with LSSI, Inc, to provide library transition services, subject to final language approval by City Manager and City Attorney; 2) Approve the establishment of a library task force for the purpose outlined in the agenda report, and 3) Adopt Resolution No. 2006-2504. ROLL CALL VOTE REQUIRED

Ms. Lindley gave the staff report.

A discussion among Councilmembers and staff determined there was no need for a library commission at this time; however, there is a need for the task force.

A discussion among Councilmembers and staff focused on the composition of the task force to be seven to nine members representing individuals from: 1) Within and without the City's sphere of influence; 2) Moorpark business owners who may not reside in the City; 3) Latino community; 4) Friends of the Library; 5) existing Moorpark Library staff; 6) General community; 7) Councilmember; and 8) staff.

MOTION: Councilmember Parvin moved and Councilmember Harper seconded a motion to 1) Authorize the City Manager to execute an agreement with LSSI, Inc, to provide library transition services, subject to final language approval by City Manager and City Attorney; 2) Approve the establishment of a library task force, as amended, for the purpose outlined in the agenda report, and 3) Adopt Resolution No. 2006-2504. The motion carried by unanimous roll call vote.

- D. Consider Revised Design and Specifications for Electronic Marquees. Staff Recommendation: Approve revised design and specifications for electronic marquees.

Ms. Lindley 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 approve revised design and specifications for electronic marquees. The motion carried by unanimous voice vote.

- E. Consider Approval of Conceptual Design Plans for Spring Road and Widening Including Railroad Crossing Improvements (Flinn Avenue to Princeton Avenue/High Street), and Authorize the Preparation of the Environmental Document and Final Design. Staff Recommendation: Approve conceptual design and direct staff to proceed with the preparation of the environmental document and final design of project.

Mr. Lall gave the staff report.

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

MOTION: Councilmember Millhouse moved and Councilmember Harper seconded a motion to approve conceptual design and direct staff to proceed with the preparation of the environmental document and final design of project. The motion carried by unanimous voice vote.

- F. Consider Taking a Position Opposing Senate Bill 1589 (Romero) – As Amended. Staff Recommendation: Strongly Oppose SB 1589 (Romero), As Amended.

Mayor Hunter provided information on the amendment to SB 1589, which proposes the introduction of adult male inmates into the Camarillo facility on Central Avenue after the transfer out of female juvenile offenders.

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

MOTION: Mayor Hunter moved and Councilmember Parvin seconded a motion to direct staff to send correspondence to the State of California strongly opposing Senate Bill 1589. The motion carried by unanimous voice vote.

11. ORDINANCES: (ROLL CALL VOTE REQUIRED)

None.

12. CLOSED SESSION:

Mr. Kueny requested the City Council go into closed session discussion of Item 12.C. on the agenda.

MOTION: Councilmember Harper moved and Councilmember Mikos seconded a motion to adjourn to closed session for a discussion of Item 12.C. on the agenda. The motion carried by unanimous voice vote. The time was 10:59 p.m.

C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
(Pursuant to Subdivision (a) of Section 54956.9 of the Government Code)  
City of Moorpark vs. Ventura County Community College District (Case No. SC046582)

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

The Council reconvened into open session at 11:23 p.m. Mr. Kueny stated Item 12.C. was discussed and there was no action to report.

13. ADJOURNMENT:

Mayor Hunter adjourned the meeting at 11:23 p.m.

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Patrick Hunter, Mayor

ATTEST:

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Deborah S. Traffenstedt  
City Clerk