

MINUTES OF THE CITY COUNCIL

Moorpark, California

October 18, 2006

A Regular Meeting of the City Council of the City of Moorpark was held on October 18, 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 7:24 p.m.

2. PLEDGE OF ALLEGIANCE:

Sgt. Craig Smith, Moorpark Police Department, led the Pledge of Allegiance.

3. ROLL CALL:

Present: Councilmembers Harper, Mikos, Millhouse, Parvin, and 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; Jennifer Mellon, Senior Management Analyst; Sergeant Craig Smith, 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, Denise Naumetz, Secretary I, with the Administrative Services Department.

Mayor Hunter introduced new City employee, Denise Naumetz, Secretary I.

B. Proclamation Recognizing October 23-31, 2006, as Red Ribbon Week.

Mayor Hunter presented Sgt. Craig Smith and D.A.R.E. Deputy, Tim Lohman with a proclamation recognizing October 23-31 as Red Ribbon Week.

C. City Manager's Monthly Report.

Johnny Ea, Finance Director, gave the monthly report.

5. PUBLIC COMMENT:

Tania Garcia, representing California University Channel Islands, gave a presentation on the benefits of Proposition 1D, which will be voted on at the upcoming November 7, 2006, Election.

Richard Gray, a property owner on High Street, stated his objections to Ordinance No. 343 and complained about the City treating property owners as tenants.

Antonio Castro expressed concerns about having to pay for permit fees to improve his home on Spring Road near High Street. He requested assistance from the City to mediate with Pardee Homes to complete a retaining wall on his property prior to the rainy season so his yard will not wash away.

Mayor Hunter requested a Box Item memo to Council from staff regarding the issue of Mr. Castro's wall and the resolutions sought from Pardee Homes.

Pamela Castro thanked Council for their public service and invited them to view her property on Spring Road to see the Pardee Homes project's detrimental impacts.

Councilmember Millhouse advised the public to not hesitate to contact the City when they are having problems with a developer and stated he would be calling Pardee Homes regarding the Castro's situation.

Councilmember Mikos concurred with Councilmember Millhouse and added staff should be more proactive and not wait for a citizen to complain regarding developers' failure to comply with project conditions.

Councilmember Millhouse commented on Mr. Gray's statements and stated Ordinance No. 343 will not take away anyone's property.

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

CONSENSUS: It was the consensus of the Council to pull Item 10.C. from the Consent Calendar for individual consideration upon the request of Councilmember Mikos.

7. ANNOUNCEMENTS AND FUTURE AGENDA ITEMS:

Councilmember Parvin requested an update on the Time Warner situation concerning Channels 11 and 13.

Councilmember Millhouse encouraged citizens to contact the State Legislature if they are unhappy with new local cable TV programming, which is now controlled by the State.

Councilmember Parvin congratulated her husband, Dale Parvin, upon the occasion of their 31st anniversary.

Councilmember Harper encouraged citizens to see "Barnum" the first production offered at the High Street Arts Center; and requested an agenda item for the next meeting to look at funding for a "state of the art" sound system for the center.

8. PUBLIC HEARINGS:

- A. Consider Resolution Approving Commercial Planned Development (CPD) No. 2005-04, to Construct a 78,939 Square Foot, Two-story Medical Office Building on a 4.0-acre Site Located at 635 Los Angeles Avenue on the Application of Grand Moorpark, LLC. Staff Recommendation: 1) Open the public hearing, accept public testimony and close the public hearing; and 2) Adopt Resolution No. 2006-2526.

Mr. Hogan gave the staff report and recommended an additional condition of approval to add an on-site bus stop on the north side of the property.

A discussion among Councilmembers and staff focused on the addition of the bus stop: leaving the decision on ingress and egress at the west driveway to staff; specifying complete screening of roof top equipment; and adding a condition for replacement of the hardscape and landscaping if reciprocal access is granted in the future.

Mayor Hunter opened the public hearing.

Mark Armbruster, representing the applicant, Grand Moorpark, LLC, 8383 Wilshire Boulevard, Suite 520, Beverly Hills, California, stated they would work with staff on the ingress/egress at the west driveway; accepted responsibility for providing replacement of hardscape and landscaping if the easterly property is developed and there is reciprocal access; agreed to the concept of installing a bus stop, but requested clarification of its location; and concurred with the rewording of the condition to indicate complete screening of air conditioning units on the roof.

Mayor Hunter closed the public hearing.

MOTION: Councilmember Mikos moved and Councilmember Harper seconded a motion to adopt Resolution No. 2006-2526, approving CPD No. 2005-04 to construct a 78,939 square foot, two-story medical office building on a 4.0-acre site located at 635 Los Angeles Avenue on the application of Grand Moorpark, LLC, as amended for the addition of a bus stop on the north side of the property, screening of air conditioning equipment on the roof, for staff to decide ingress/egress for the west driveway, and for the addition of a condition to clarify responsibility for replacement of hardscape and landscaping if reciprocal access

is granted for the neighboring property. The motion carried by unanimous voice vote.

9. PRESENTATION/ACTION/DISCUSSION:

- A. Consider Waiving City Purchasing Procedure for Procurement of Library Materials and Library Transition Status Report. Staff Recommendation: Waive City purchasing procedure for procurement of library material not to exceed \$70,000.00. ROLL CALL VOTE

Ms. Mellon 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 waive City purchasing procedure for procurement of library materials not to exceed \$70,000.00. The motion carried by unanimous roll call vote.

- B. Consider Establishment of an Ad-Hoc Committee to Develop a Draft Development Agreement Between Hitch Ranch Property Owners of Record and the City of Moorpark for Specific Plan No. 2004-01 (specific Plan Area No. 1) and Zone Change No. 2004-01. Staff Recommendation: Appoint two (2) Councilmembers to an Ad-Hoc Committee.

Mr. Hogan gave the staff report.

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

Councilmembers Mikos and Millhouse volunteered to serve on the Hitch Ranch Ad Hoc Committee.

CONSENSUS: It was the consensus of the Council to appoint Councilmembers Mikos and Millhouse to serve on the Hitch Ranch Ad-Hoc Committee. The motion carried by unanimous voice vote.

- C. Consider an Ordinance Amending Sections 17.50.040 and 17.50.120.B. of Chapter 17.50, Art in Public Places, and Adding Chapter 2.38, Moorpark Arts Commission, to the Moorpark Municipal Code. Staff Recommendation: 1) Introduce Ordinance No. 344, for first reading, waive full reading, and schedule second reading and adoption for November 1, 2006; and 2) Direct staff to schedule a resolution establishing the compensation of the Moorpark Arts Commission for November 1, 2006.

Mr. Moe gave the staff report.

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

A discussion among Councilmembers and staff focused on designating the Moorpark Unified School District boundary and the City's Area of Interest as parameters for recruitment of applicants to serve on the Moorpark Arts Commission and providing a distinction in regard to the Commission's budgetary powers.

Ms. Traffenstedt read the title of Ordinance No. 344.

MOTION: Councilmember Harper moved and Councilmember Mikos seconded a motion to waive full reading and schedule second reading and adoption for November 1, 2006, of Ordinance No. 344, as amended to designate the Moorpark Unified School District boundary and the City's Area of Interest as parameters for recruitment of applicants for the Moorpark Arts Commission and a limitation on the powers of the commission in regard to budgetary recommendations. The motion carried by unanimous voice vote.

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 Item 10. C, which was pulled for individual consideration. The motion carried by unanimous roll call vote.

- A. Consider Approval of the Regular Meeting Minutes of October 4, 2006. Staff Recommendation: Approve the minutes.
- B. Consider Approval of Warrant Register for Fiscal Year 2006-2007 – October 18, 2006. Staff Recommendation: Approve the warrant register.
- D. Consider Purchase of a Police Motorcycle for Replacement of a 2004 Harley Davidson FLHTPI Electra Glide Police Motorcycle. Staff Recommendation: Approve the purchase of one 2007 Harley Davidson FLHTPI Electra Glide Police Motorcycle, and communications equipment at a total net cost of approximately \$15,620.82. ROLL CALL VOTE REQUIRED
- E. Consider Report of Annual Development Agreement Review, Established in Connection with Industrial Planned Development No. 1995-02 and Tract No. 5004 (Special Devices, Incorporated [SDI], Warehouse Discount Centers and Moorpark Hospitality, Inc.) Staff Recommendation: 1) Accept the Community Development Director's Report and recommendation, and find, on the basis of substantial evidence, that SDI and Moorpark Hospitality, Inc. have complied in good faith with the terms

- and conditions of the agreement; and 2) Deem the annual review process complete.
- F. Consider Resolution Amending Fiscal Year 2006/07 Budget and Approving Playground Design Improvements for Tierra Rejada Park. Staff Recommendation: Adopt Resolution No. 2006-2527. ROLL CALL VOTE REQUIRED
 - G. Consider Facility Rental Fee Waiver Request. Staff Recommendation: Approve facility rental fee waiver for El Concilio del Condado de Ventura's Citizenship Workshop on November 11, 2006.
 - H. Consider Bond Reductions for LA Spring Shopping Center, LLC. Staff Recommendation: 1) Authorize the City Clerk to reduce to 10% Surety Bond – Performance & Payment No. 836587S and Surety Bond – Grading & Improvements No. 836588S for LA Spring Shopping Center, LLC; and 2) Authorize the City Clerk to fully exonerate these sureties one year after this approval of the reduction of the surety bonds and upon written confirmation from the City Engineer that no warranty work is required.
 - I. Consider Approval of Resolution Adopting a Revised Benefit Program for Management Employees and Rescinding Resolution No. 2006-2500. Staff Recommendation: Adopt Resolution No. 2006-2528, rescinding Resolution No. 2006-2500.

The following item was pulled for individual consideration.

- C. Consider Approval of Request for Qualifications (RFQ) for the Veterans Memorial and Resolution Amending the Fiscal Year 2006/07. Staff Recommendation: Approve the RFQ and adopt Resolution No. 2006-2529. ROLL CALL VOTE REQUIRED

Councilmember Mikos stated she pulled this item to verify if the request should take into consideration moving the current Veterans Memorial on the corner of Moorpark and Los Angeles Avenues to the new site.

Mr. Riley stated the corner site has special significance to the Veterans and they do not wish to have it moved.

MOTION: Councilmember Mikos moved and Councilmember Harper seconded a motion to approve the Request for Qualifications for the Veterans Memorial and adopted Resolution No. 2006-2529, amending the FY 2006/07 budget to allocate \$400,000 for a Veterans Memorial at Spring Road and Flinn Avenue. The motion carried by unanimous roll call vote

11. ORDINANCES: (ROLL CALL VOTE REQUIRED)

- A. Consider Ordinance No. 342 Amending Section 1.08.20 (Design) and Adding Section 1.08.21 (Unauthorized Use) to Chapter 1.08 (City Seal) of Title 1 (General Provisions) of the Moorpark Municipal Code. Staff Recommendation: Waive full reading and declare Ordinance No. 342 read for the second time and adopted as read. ROLL CALL VOTE REQUIRED

Ms. Traffenstedt read the title of Ordinance No. 342.

MOTION: Councilmember Harper moved and Councilmember Parvin seconded a motion to waive further reading and adopt Ordinance No 342 amending Section 1.08.20 (Design) and adding Section 1.08.21 (Unauthorized Use) to Chapter 1.08 (City Seal) of Title 1 (General Provisions) of the Moorpark Municipal Code. The motion carried by unanimous voice vote.

- B. Consider Ordinance No. 343 Approving Zoning Ordinance Amendment No. 2005-03 to Amend Chapter 17.24: Lot Area and Coverage, Setbacks, Height and Related Provisions, Chapter 17.32: Parking, Access and Landscaping Requirements (Sections 17.32.025: Downtown Parking Requirements and 17.32.060: General Requirements of Parking Spaces), and Chapter 17.72: Downtown Specific Plan Overlay Zone (Sp-D) of the Moorpark Municipal Code and Repealing Ordinance No. 331, a Temporary Moratorium in the Downtown Specific Plan Overlay Zone. Staff Recommendation: Waive full reading and declare Ordinance No. 343 read for the second time and adopted as read. ROLL CALL VOTE REQUIRED

Ms. Traffenstedt read the title of Ordinance No. 343.

MOTION: Councilmember Mikos moved and Councilmember Harper seconded a motion to waive further reading and adopt Ordinance No. 343 approving Zoning Ordinance Amendment No. 2005-03 to amend Chapter 17.24: Lot Area and Coverage, Setbacks, Height and Related Provisions, Chapter 17.32: Parking, Access and Landscaping Requirements (Sections 17.32.025: Downtown Parking Requirements and 17.32.060: General Requirements of Parking Spaces), and Chapter 17.72: Downtown Specific Plan Overlay Zone (Sp-D) of the Moorpark Municipal Code and repealing Ordinance No. 331, a Temporary Moratorium in the Downtown Specific Plan Overlay Zone. The motion carried by unanimous voice vote.

POINT OF ORDER: Mr. Kueny stated Ordinances need to be adopted by roll call vote.

AT THIS POINT in the meeting the Council returned to Items 11.A. and 11.B.

11. A. Consider Ordinance No. 342 Amending Section 1.08.20 (Design) and Adding Section 1.08.21 (Unauthorized Use) to Chapter 1.08 (City Seal) of Title 1 (General Provisions) of the Moorpark Municipal Code.

MOTION: Councilmember Harper repeated his previous motion and Councilmember Parvin seconded the previous motion to waive further reading and adopt Ordinance No 342 amending Section 1.08.20 (Design) and adding Section 1.08.21 (Unauthorized Use) to Chapter 1.08 (City Seal) of Title 1 (General Provisions) of the Moorpark Municipal Code. The motion carried by unanimous roll call vote.

11. B. Consider Ordinance No. 343 Approving Zoning Ordinance Amendment No. 2005-03 to Amend Chapter 17.24: Lot Area and Coverage, Setbacks, Height and Related Provisions, Chapter 17.32: Parking, Access and Landscaping Requirements (Sections 17.32.025: Downtown Parking Requirements and 17.32.060: General Requirements of Parking Spaces), and Chapter 17.72: Downtown Specific Plan Overlay Zone (Sp-D) of the Moorpark Municipal Code and Repealing Ordinance No. 331, a Temporary Moratorium in the Downtown Specific Plan Overlay Zone.

MOTION: Councilmember Mikos repeated her previous motion and Councilmember Harper seconded the previous motion to waive further reading and adopt Ordinance No. 343 approving Zoning Ordinance Amendment No. 2005-03 to amend Chapter 17.24: Lot Area and Coverage, Setbacks, Height and Related Provisions, Chapter 17.32: Parking, Access and Landscaping Requirements (Sections 17.32.025: Downtown Parking Requirements and 17.32.060: General Requirements of Parking Spaces), and Chapter 17.72: Downtown Specific Plan Overlay Zone (Sp-D) of the Moorpark Municipal Code and repealing Ordinance No. 331, a Temporary Moratorium in the Downtown Specific Plan Overlay Zone. The motion carried by unanimous roll call vote.

12. CLOSED SESSION:

None was held.

13. ADJOURNMENT:

Mayor Hunter adjourned the meeting at 9:02 p.m.

Patrick Hunter, Mayor

ATTEST:

Deborah S. Traffenstedt
City Clerk