

MINUTES OF THE CITY COUNCIL

Moorpark, California

November 1, 2006

A Regular Meeting of the City Council of the City of Moorpark was held on November 1, 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 7:12 p.m.

2. PLEDGE OF ALLEGIANCE:

Barry Hogan, Community Development Director, 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; Jennifer Mellon, Senior Management Analyst; Shaun Kroes, Management Analyst; Deborah Traffenstedt, Administrative Services Director/City Clerk; and Tracy Martin, Administrative Assistant.

4. PROCLAMATIONS AND COMMENDATIONS:

A. Recognition of Community Emergency Response Team (CERT) Graduates.

Mayor Hunter presented Certificates of Recognition to Community Emergency Response Team graduates John Brand, Lawrence Crave, Rosalie Gehres, Christa Kermode, Shaun Kroes, and Suzanne Themeli.

5. PUBLIC COMMENT:

L.J. Stevens, new General Manager of the High Streets Art Center, reported on the success of the first production of "Barnum and incoming reservations for future productions from repeat patrons.

AT THIS POINT in the meeting, the City Council recessed to convene a meeting of the Moorpark Redevelopment Agency. The time was 7:21 p.m. The City Council meeting reconvened at 7:30 p.m.

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

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

7. ANNOUNCEMENTS AND FUTURE AGENDA ITEMS:

Councilmember Mikos attended an Association of Water Agencies of Ventura County breakfast on October 19.

Councilmember Mikos requested a future agenda item in 2007 regarding the pros and cons of a downtown facade rehabilitation and architectural assistance loan program to implement the Design Guidelines of the Downtown Specific Plan.

Councilmember Millhouse announced the Metrolink commuter railroad welcomed its 100 millionth passenger in Anaheim and the Union Station is under repair with delays of 15 to 30 minutes on each train.

Councilmember Millhouse announced the Holiday Train will be arriving in Moorpark on Sunday, December 17, and more information is available at [www.metrolinktrains.com](http://www.metrolinktrains.com).

Councilmember Parvin announced the Rotary's 2006 Civil War Reenactment will be held at the Tierra Rejada Ranch on November 4 and 5.

8. PUBLIC HEARINGS:

None.

9. PRESENTATION/ACTION/DISCUSSION:

- A. Consider Teen Council Appointment to Fill One Vacancy. Staff Recommendation: Direct staff as deemed appropriate.

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 the motion to nominate Zoe Sophos to serve on the Teen Council for a term ending June 30, 2007. The motion carried by unanimous voice vote.

- B. Consider Resolution Updating Solid Waste Collection Fees. Staff Recommendation: Adopt Resolution No. 2006-2530. ROLL CALL VOTE REQUIRED

Mr. Kroes 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. 2006-2530, updating solid waste collection fees. The motion carried by unanimous roll call vote.

- C. Consider Approval of Plans and Specifications; Authorization to Solicit for Construction Bids; and Resolution Amending the Fiscal Year 2006/07 Budget to Fund Construction of In-Road Lighted Crosswalk on Moorpark Avenue at Second Street. Staff Recommendation: 1) Approve the plans and specifications for the subject project and authorize staff to solicit for construction bids; and 2) Adopt Resolution No. 2006-2531. ROLL CALL VOTE REQUIRED

Mr. Lall gave the staff report.

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

MOTION: Councilmember Parvin moved and Councilmember Mikos seconded a motion to: 1) Approve the plans and specifications for the subject project and authorize staff to solicit for construction bids; and 2) Adopt Resolution No. 2006-2531, amending the FY 2006/07 budget to fund the construction of in-road lighted crosswalk on Moorpark Avenue at Second Street. The motion carried by unanimous roll call vote.

- D. Consider Request for the Formation of Landscaping and Lighting Maintenance Assessment District AD07-02 (Lyon Homes – Tentative Tract Map No. 5187) and Resolution Initiating the Proceedings. Staff Recommendation: 1) Accept and approve the Petition and Waiver form Lyon Homes requesting the formation of Assessment District AD07-0-2; and 2) Adopt Resolution No. 2006-2532.

Mr. Lall gave the staff report.

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

MOTION: Councilmember Mikos moved and Councilmember Millhouse seconded a motion to: 1) Accept and approve the Petition and Waiver form Lyon Homes requesting the formation of Assessment District AD07-0-2; and 2) Adopt Resolution No. 2006-2532, initiating the proceedings. The motion carried by unanimous voice vote.

- E. Consider Approval of Library Hours of Operation and Set Opening Date. Staff Recommendation: 1) Approve Option #1 hours of operation as contained in agenda report; and 2) Set Saturday, January 13, 2007, as Official Opening Date of the Moorpark City Library.

Ms. Mellon 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: 1) Approve Option #1 hours of operation as contained in the agenda report; and 2) Set Saturday, January 13, 2007, as Official Opening Date of the Moorpark City Library. 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 10.1, which was pulled for individual consideration. The motion carried by unanimous roll call vote.

- A. Consider Approval of the Special Meeting Minutes of October 11, 2006. Staff Recommendation: Approve the minutes.
- B. Consider Approval of Warrant Register for Fiscal Year 2006-2007 – November 1, 2006. Staff Recommendation: Approve the warrant register.
- C. Consider Report of Annual Development Agreement Review Established in Connection with West Pointe Homes, Located on the West Side of Walnut Canyon Road, Approximately 3,500 Feet North of Casey Road, on the Application of William Lyon Homes, Inc. Staff Recommendation: 1) Accept the Community Development Director's Report and recommendation, and find, on the basis of substantial evidence, that William Lyon Homes, Inc. has complied in good faith with the terms and conditions of the agreement; and 2) Deem the annual review process complete.
- D. Consider Report of Annual Development Agreement Review Established in Connection with Moorpark Highlands Specific Plan No. 2, a Master Planned Community, Located East of Walnut Canyon Road and North of Charles Street, on the Application of Pardee Homes (PA 1-7) and KB

- Homes (PA 8-9. Staff Recommendation: 1) Accept the Community Development Director's report and recommendation that, on the basis of substantial evidence, Pardee Homes has complied in good faith with the terms and conditions of the agreement; and 2) Deem the annual review process complete.
- E. Consider Annual Review of Development Agreement Established in Connection with Residential Planned Development Permit No. 2001-02, a 190-unit Senior Apartment Project Located at the Terminus of Park Lane, South of Park Crest Lane and North of the Arroyo Simi (Vintage Crest Senior Apartments, L.P. / USA Properties). Staff Recommendation: 1) Accept the Community Development Director's report and recommendation that, on the basis of substantial evidence, Vintage Crest Senior Apartments, L.P. / USA Properties has complied in good faith with the terms and conditions of the agreement; and 2) Deem this report the final annual review, subject to receipt of a \$2,000 project closeout deposit.
- F. Consider Bond Exoneration for Moorpark Homes, LLC and MP Group LLC, (Tract 5053, Pacific Arroyo Project). Staff Recommendation: Authorize the City Clerk to exonerate Surety Bond – Performance & Payment No. BE2616317 for \$945,610.00.
- G. Consider Bond Exoneration for Essex Portfolio, LP. Staff Recommendation: Authorize the City Clerk to exonerate Surety Bond – Grading & Improvements No. 0408066 for \$10,000.00.
- H. Consider Resolution Approving Cooperative Agreement Between the City of Moorpark and the State of California, to Widen Los Angeles Avenue Between Moorpark Avenue and 500 Feet East of Spring Road (Project 8013; District Agreement No. 07-4683). Staff Recommendation: 1) Authorize the Mayor to execute the Cooperative Agreement, subject to final language approval by the City Manager and City Attorney; and 2) Adopt Resolution No. 2006-2533. (Staff: Yugal Lall)
- J. Consider City Council Policy Authorizing the City Clerk's Approval of Records Destruction in Accordance with Government Code 34090.5. Staff Recommendation: Approve a policy as described in the agenda report, and direct staff to incorporate the policy in the City Council Policies Resolution at the time of the next update.
- K. Consider Resolution Pertaining to Truck Routes and Rescinding Resolutions No. 93-977 and 96-1254. Staff Recommendation: Adopt Resolution No. 2006-2534, rescinding Resolutions Nos. 93-977 and 96-1254.

The following item was pulled for individual consideration.

- I. Consider Resolution Approving Amendment No. 1 to Downtown Specific Plan No. 1995-01, A Request to Amend the Downtown Specific Plan to Provide More Specific Direction Regarding Development and Architectural Style in the Commercial and Residential Areas and Revising Numbering Throughout the Specific Plan. Staff Recommendation: Adopt Resolution No. 2006-2535.

Councilmember Mikos stated she pulled this item as it did not contain certain elements, as she envisioned them, from recommendations made at the October 11 special meeting. She requested the following: 1) Add a narrative paragraph introducing an overall matrix covering all elements that would an informative overview so the public could easily understand the components necessary for development; 2) Note the requirement to use the City's approved Landscape Guidelines in a footnote on stamped pages 139 and 140, as is indicated on stamped page 138; and 3) Provide a footnote on stamped page 140 referring to a list of California native trees.

Mr. Hogan stated the narrative paragraph introducing the overall matrix could be added on stamped page 131 to Section 2.1.1; two footnotes could be added to Table 5 noting the requirement to use the City's approved Landscape Guidelines if any conflict should arise and similarly provide a list of California native trees.

**MOTION:** Councilmember Mikos moved and Councilmember Millhouse seconded a motion to adopt Resolution No. 2006-2535, as amended to add a narrative paragraph introducing an overall matrix to Section 2.1.1 and to add two footnotes to Table 5 noting the requirement to use the City's approved Landscape Guidelines if any conflict should arise and to provide a list of California native trees. The motion carried by unanimous voice vote.

11. ORDINANCES: (ROLL CALL VOTE REQUIRED)

- A. Consider Ordinance No. 344 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: Waive full reading and declare Ordinance No. 344 read for the second time and adopted as read. ROLL CALL VOTE REQUIRED

Mr. Montes read the title of Ordinance No. 344.

**MOTION:** Councilmember Harper moved and Councilmember Millhouse seconded a motion to waive further reading and adopt Ordinance No. 344 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. The motion carried by unanimous roll call vote.

12. CLOSED SESSION:

Mr. Kueny requested the City Council go into closed session for Item 12.C.

MOTION: Councilmember Harper moved and Councilmember Parvin seconded a motion to adjourn to closed session for a discussion of Items 12.C. on the agenda. The motion carried by unanimous voice vote. The time was 8:11 p.m.

C. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

(Pursuant to Subdivision (b) of Section 54957 of the Government Code)

Title: Administrative Services Director/City Clerk; Assistant City Manager; City Manager; City Attorney; City Engineer/Public Works Director; Chief of Police; Community Development Director; Finance Director; and Parks, Recreation and Community Services Director

Present in closed session were Councilmembers Harper, Mikos, Millhouse, Parvin, and Mayor Hunter; Steven Kueny, City Manager; Joseph Montes, City Attorney; Hugh Riley, Assistant City Manager; and Deborah Traffenstedt, Administrative Services Director/City Clerk.

The Council reconvened into open session at 8:45 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 8:45 p.m.

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Patrick Hunter, Mayor

ATTEST:

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Deborah S. Traffenstedt  
City Clerk