

MINUTES OF THE CITY COUNCIL

Moorpark, California

November 15, 2006

A Regular Meeting of the City Council of the City of Moorpark was held on November 15, 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 7:37 p.m.

2. PLEDGE OF ALLEGIANCE:

Councilmember Harper led the Pledge of Allegiance at the earlier Special City Council/Redevelopment Agency/Public Financing Authority meeting at 7:33 p.m.

3. ROLL CALL:

Present: Councilmembers Harper, Mikos, Parvin, and Mayor Hunter.

Absent: Councilmember Millhouse.

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; Jennifer Mellon, Senior Management Analyst; Captain Jeff Matson, Sheriff's Department; Deborah Traffenstedt, Administrative Services Director/City Clerk; and Maureen Benson, Deputy City Clerk.

4. PROCLAMATIONS AND COMMENDATIONS:

A. City Manager's Monthly Report.

Mr. Kueny deferred the monthly report.

5. PUBLIC COMMENT:

None.

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

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

7. ANNOUNCEMENTS AND FUTURE AGENDA ITEMS:

Councilmember Mikos announced she had attended the 5th Annual Ventura County Housing Conference called "Growing Up in Ventura County" on November 15, where bonus points for grant applications for housing projects using "Green Housing Practices" were discussed. She recommended the City go further with green building guidelines especially for the construction of the new city hall and for affordable housing projects.

Councilmember Mikos requested a future agenda item to address how eco-friendly the City maintenance program is for weed abatement and pest control.

8. PUBLIC HEARINGS:

CONSENSUS: It was the consensus of the Council to hear Items 8.A. and 8.B. concurrently.

- A. Consider General Plan Amendment No. 2003-04, Zone Change No. 2003-03, Development Agreement No. 2004-01, Tentative Tract Map No. 5463, 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. (continued public hearing open from September 20, 2006) Staff Recommendation: 1) Continue to receive public testimony, and close the public hearing; 2) Adopt Resolution No. 2006-2537 adopting a Mitigated Negative Declaration and approving General Plan Amendment No. 2003-04; 3) Introduce, for first reading, Ordinance No. 345 approving Zone Change No. 2003-03, and set December 6, 2006, for second reading; 4) Introduce, for first reading, Ordinance No. 346 adopting Development Agreement No. 2004-01, and set December 6, 2006, for second reading; and 5) Adopt Resolution No. 2006-\_\_\_\_ approving Tentative Map No. 5463 and Residential Planned Development Permit No. 2003-04, subject to Conditions of Approval.
- B. 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. (continued public hearing open from September 20, 2006) Staff Recommendation: 1) Continue to receive public testimony, and close the public hearing; 2) Adopt Resolution No. 2006-2537, adopting a Mitigated Negative Declaration and approving General Plan Amendment No. 2003-04; 3) Introduce, for first reading, Ordinance No. 345 approving Zone Change No. 2003-03, and set December 6, 2006, for second reading; 4) Introduce, for first reading, Ordinance No. 347

adopting Development Agreement No. 2004-02, and set December 6, 2006, for second reading; and 5) Adopt Resolution No. 2006-\_\_\_\_ approving Tentative Map No. 5464 and Modification No. 6 to Residential Planned Development Permit No. 1994-01, subject to Conditions of Approval.

In response to Mayor Hunter's request to continue Items 8.A. and 8.B. to December 6, 2006, due to the absence of Councilmember Millhouse and certain questions he wished to resolve with staff prior to the public hearings, there was no consensus to continue the items.

Mr. Hogan gave the staff reports and addressed the issue of transfer of ownership of the five lots on the Husted property, the creation of two new Homeowners Associations (HOAs), and consideration for the addition of Option No. 2 for access from Grimes Canyon Road rather than Championship Drive for Tract 5463.

Mr. Hogan described a Condition of Approval which would need to be added to allow both the existing Tract 4928 HOA members and the Mazur property to have access to the new private recreation area proposed to be constructed on the helipad site with pro rata assessments for both tracts.

Mayor Hunter announced the public hearings remain open.

Craig Messi, representing Toll Brothers, Inc, 301 Science Drive, Moorpark, California, stated they concur with the City Attorney's report and with the staff report. He cited a Toll report provided to Council indicating improvement in service to rectify customer service issues with existing residents.

Mike Sullivan, Shehbaz Siddiq, David Jacobs, and Tucker Brown (Council waived rules to hear late speakers) spoke in opposition to the projects stating the existing community does not support these two projects and requested Council not approve them until Toll Brothers owns the 5-acre parcel needed to allow Tract 5453 to be built; safety issues exist if the gates remain open to construction traffic on Palmer Drive; grading should cease after 5:30 p.m. during the weekdays and should be prohibited on Saturdays; rodent abatement should be implemented and a snake fence provided for those properties with exposed fencing; Option 2 access from Grimes Canyon is preferred; and all outstanding issues with existing residents should be resolved prior to Toll moving forward with new construction.

Nina Mazur and Scott Mosher and Gary Cabriaes (Council waived rules to hear late speakers) spoke in support of the projects citing Toll Brothers' many accommodations to the existing residents and a balance between the many benefits to the community versus the inconveniences; Toll's

contributions to the community, especially to the Boys and Girls Club; and the positive impact the Moorpark Country Club and golf course have brought to Moorpark.

Roseann Stevenson, President of the Country Club Estates HOA, provided information from the HOA's attorney and explained the HOA's recent vote was whether or not to approve amendments to the CC&R's to add the new homes to the existing HOA. She repeated her request from previous meetings to annex the entry monuments to the existing HOA to ensure uniform landscaping and maintenance.

David Schwabauer repeated his request from a previous meeting in regard to obtaining some kind of permanent fencing along his ranch property adjacent to the existing Toll Bros. development.

A discussion followed among the Councilmembers and staff which focused on: 1) Restrictions on hours and days for grading; 2) Installation of a snake abatement fence and implementation of a rodent abatement program without using anticoagulant for properties adjacent to the Husted project; 3) Restriction on the use of Santa Barbara and San Marino models to be subject to the Community Development Director's discretion in order to insure more diversity in the development; 4) Construction traffic access to be restricted to Walnut Canyon Road until grading requirements for the 16th home are necessary; and 5) Installation of security gates at the intersection of Sarazen Drive and Palmer Drive to protect existing residents, along with the addition of a security guard, if determined necessary by the Community Development Director.

A discussion followed among the Councilmembers and staff regarding: 1) Adding a requirement in the Development Agreement for a date certain for the Tentative Map and annexation of the entry monuments to the HOA; 2) Option 1 provides better traffic flow, removes the dangerous curve in the road, and widens Grimes Canyon Road; 3) Adding a requirement for owners of Mazur lots to have access to the recreation area site if the helipad is not constructed; 4) Add back in the annexation condition on stamped page 137; and 5) Resolutions for the Tentative Maps should come back on December 6, 2006 for approval after all changes required by Council have been made.

Mr. Messi stated: 1) Construction access will be from the existing driveway off of Walnut Canyon Road for as long as possible and then towards the end of the project Toll will install a temporary gate at Sarazen Drive and Palmer Drive, subject to the Community Development Director's approval; 2) Toll will install a snake fence and provide rodent abatement using no anticoagulant for the first phase of lots adjacent to the Husted project; 3) The entry monuments will be annexed to the HOA; 4) A fence will be built along Mr. Schwabauer's property in keeping with existing project fencing

and subject to the Community Development Director's approval of materials and style, and with the maintenance to be the responsibility of Mr. Schwabauer; and 5) Toll is amenable to the language changes to the Development Agreements in regard to the date certain for the Tentative Maps as long as the probate for the property in question does not go on forever.

A discussion followed among the Councilmembers regarding the acquisition of the five-acre parcel. In response to Mayor Hunter, Mr. Messi concurred that the acquisition should take place within two years and if not then, a series of 12-month extensions for the Final Map at the discretion of the Council would be agreeable.

A discussion followed among the Councilmembers and staff regarding the access road options focused on safety, and providing better traffic flow, and a better land plan of Option 1.

**CONSENSUS:** It was the consensus of the Council for the access road to be off of Championship Drive rather than Grimes Canyon Road in accordance with Option 1 for Tract 5463.

Mayor Hunter closed the public hearings.

A discussion followed among the Councilmembers and staff regarding the helipad site, restriction on construction of Santa Barbara and San Marino models, and correction of minor discrepancies in the Mitigated Negative Declaration.

**CONSENSUS:** It was the consensus of the Council to add conditions of approval such that: 1) A permit adjustment, subject to the approval of the Community Development Director would be required if the helipad is developed into a private recreation area; and 2) Construction of Santa Barbara and San Marino models shall be restricted to provide more variety and shall be subject to the approval of the Community Development Director.

**MOTION:** Councilmember Harper moved and Councilmember Parvin seconded a motion to adopt Resolution No. 2006-2537 adopting a Mitigated Negative Declaration, as amended for administrative changes and approving General Plan Amendment No. 2003-04 with an effective date to be 30 days after the second reading of the zone change and development agreement ordinances. The motion carried by voice vote 4-0, Councilmember Millhouse absent.

Mr. Montes read the title of Ordinance No. 345.

**MOTION:** Councilmember Mikos moved and Councilmember Harper seconded a motion to waive further reading and introduce Ordinance No. 345 approving Zone Change No. 2003-03 for first reading, and set December 6, 2006, for

second reading and adoption. The motion carried by roll call vote 4-0, Councilmember Millhouse absent.

Mr. Montes read the title of Ordinance No. 346.

MOTION: Councilmember Harper moved and Councilmember Parvin seconded a motion to waive further reading, introduce Ordinance No. 346 adopting Development Agreement No. 2004-01 for first reading, as amended to remove redundant Section 6.28, add a requirement for a date certain for the Tentative Map, annex the entrance monument to the HOA within six months of the operative date of the development agreement or if the HOA does not accept the monument, maintenance will be the responsibility of the golf course, and obligation to install fencing on adjacent agricultural property, and set December 6, 2006, for second reading and adoption. The motion carried by roll call vote 4-0, Councilmember Millhouse absent.

Mr. Montes read the title of Ordinance No. 347.

MOTION: Councilmember Mikos moved and Councilmember Harper seconded a motion to waive further reading, introduce Ordinance No. 347 adopting Development Agreement No. 2004-02 for first reading, as amended to add a requirement for a date certain for the Tentative Map, annex the entrance monument to the HOA within six months of the operative date of the development agreement or if the HOA does not accept the monument, maintenance will be the responsibility of the new HOA that is formed on this project, and obligation to install fencing on adjacent agricultural property, and set December 6, 2006, for second reading and adoption. The motion carried by voice vote 4-0, Councilmember Millhouse absent.

MOTION: Councilmember Harper moved and Councilmember Parvin seconded a motion for Tentative Map No. 5463 and Residential Planned Development Permit No. 2003-04, along with amended Tentative Map No. 5464 and Modification No. 6 to Residential Planned Development Permit No. 1994-01 to return on December 6, 2006, for approval as amended per Council direction for Conditions of Approval to include: 1) Restriction on grading hours to be from 7:00 a.m. to 5:00 p.m. Mondays through Fridays and no grading allowed on Saturdays and Sundays; 2) Installation of a snake abatement fence and implementation of a rodent abatement program using no anticoagulant for properties adjacent to Tract 5463; 3) Restriction on the use of Santa Barbara and San Marino models to be subject to the Community Development Director's discretion in order to insure more diversity in the development; 4) Construction traffic access to be restricted to Walnut Canyon Road until occupancy of the 15th home when grading will be required for the 16th home for Tract 5464; 5) Installation of security gates at the intersection of Sarazen and Palmer Drives to protect existing residents, along with the addition of a security guard, if determined necessary by the Community Development Director for Tract 5464; and 6) Addition of a condition to Tract 5464 to address improvement of the helipad site as a recreation area and cost sharing

for maintenance by HOAs for Tracts 5464 and 4928. The motion carried by roll call vote 4-0, Councilmember Millhouse absent.

9. PRESENTATION/ACTION/DISCUSSION:

- A. Consider Ad Hoc Committee Recommendation on Development Agreement No. 2004-03 with Essex Portfolio, L.P. for Approximately 19.41 Acres South of Casey Road. Staff Recommendation: Direct staff to set and advertise public hearings before the Planning Commission and City Council for consideration of the development agreement, subject to final language approval of the City Manager and City Attorney

Mr. Kueny requested this item be continued to December 6 to allow additional time to meet with the developer.

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

CONSENSUS: It was the consensus of the Council to continue this item to December 6, 2006.

- B. Consider Ordinance Amending Title 16 of the Moorpark Municipal Code (Subdivisions) by Adding Chapter 16.50: Covenants for Easement. Staff Recommendation: Introduce Ordinance No. 348 for first reading, waive full reading, and schedule second reading and adoption for December 6, 2006.

Mr. Hogan gave the staff report.

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

Mr. Montes read the title of Ordinance No. 348.

MOTION: Councilmember Harper moved and Councilmember Parvin seconded a motion to waive further reading, introduce Ordinance No. 348, amending Title 16 of the Moorpark Municipal Code (Subdivisions) by adding Chapter 16.50: Covenants for Easement, for first reading, and schedule second reading and adoption for December 6, 2006. The motion carried by voice vote 4-0, Councilmember Millhouse absent.

- C. Consider a Consultant for Library Operations. Staff Recommendation: Authorize the City Manager to execute an agreement with LSSI Inc., to operate the Moorpark City Library, subject to final language approval by the City Manager and City Attorney. ROLL CALL VOTE REQUIRED

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 authorize the City Manager to execute an agreement with LSSI Inc., to operate the Moorpark City Library, subject to final language approval by the City Manager and City Attorney. The motion carried by roll call vote 4-0, Councilmember Millhouse absent.

10. CONSENT CALENDAR: (ROLL CALL VOTE REQUIRED)

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

- A. Consider Approval of the Regular Meeting Minutes of October 18, 2006. Staff Recommendation: Approve the minutes.
- B. Consider Approval of Warrant Register for Fiscal Year 2006-2007 – November 15, 2006. Staff Recommendation: Approve the warrant register.
- C. Consider Agreement with the State Department of Health Services Regarding Applying Pesticides for Public Health Purposes. Staff Recommendation: Approve the Cooperative Agreement and authorize the Mayor to execute the Agreement on behalf of the City.
- D. Consider Waiving City Purchasing Procedure for Procurement of Library Furniture. Staff Recommendation: Waive City purchasing procedure for procurement of library furniture not to exceed \$40,000.00. ROLL CALL VOTE REQUIRED
- E. Consider the Purchase of an Automation System for the Moorpark City Library. Staff Recommendation: Authorize the purchase of the SirsiDynix Horizon System as the automation system for the Moorpark City Library and approve the license agreement. ROLL CALL VOTE REQUIRED
- G. Consider Approval of a Project to Construct a Bus Turn-Out on the East Side of Spring Road South of Charles Street and a Resolution Amending the Fiscal Year 2006/07 Budget to Fund the Project. Staff Recommendation: Approve the subject project and adopt Resolution No. 2006-2538, amending the FY 2006/07 Budget in the amount of 131,000.00. ROLL CALL VOTE REQUIRED

The following item was pulled for individual consideration.

- F. Consider Art in Public Places Obligation for Village at Moorpark Shopping Center and the Grove Shopping Center. Staff Recommendation: Approve the recommendation of the Public Art Advisory Committee as outlined in the agenda report

Mayor Hunter stated he pulled this item to discuss adding a bond requirement for the maintenance and operation of the fountain.

A discussion followed among Councilmembers and staff regarding proposed language to amend Ordinance No. 344 concerning Art in Public Places to require a maintenance bond for seven years for all art construction.

MOTION: Mayor Hunter moved and Councilmember Harper seconded a motion to: 1) Approve the recommendation of the Public Art Advisory Committee as outlined in the agenda report and as amended to require a bond for the construction and maintenance of the fountain; and 2) Direct staff to return with proposed language to amend Ordinance No. 344 to require a maintenance bond for seven (7) years for all art construction. The motion carried by roll call vote 4-0, Councilmember Millhouse absent.

11. ORDINANCES: (ROLL CALL VOTE REQUIRED)

None.

12. CLOSED SESSION:

None was held.

13. ADJOURNMENT:

Mayor Hunter adjourned the meeting at 10:01 p.m.

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Patrick Hunter, Mayor

ATTEST:

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Deborah S. Traffenstedt  
City Clerk

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