

MINUTES OF THE CITY COUNCIL

Moorpark, California

January 18, 2006

A Regular Meeting of the City Council of the City of Moorpark was held on January 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 7:14 p.m.

2. PLEDGE OF ALLEGIANCE:

David Moe, Redevelopment 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 Richard Diaz, Sheriff's Department; David Moe, Redevelopment Manager; John Brand, Senior Management Analyst; Maureen Benson, Deputy City Clerk; and Blanca Garza, Deputy City Clerk.

4. PROCLAMATIONS AND COMMENDATIONS:

A. City Manager's Monthly Report

Mr. Kueny introduced Hugh Riley, Assistant City Manager, who gave the monthly report.

5. PUBLIC COMMENT:

Cynthia Chambers spoke about police enforcement, traffic plans in the Campus Park and Collins Drive area and had questions regarding development projects in the Campus Park and Collins Drive area.

Mayor Hunter recommended Ms. Chambers to meet with Barry Hogan, Community Development Director, for information concerning the plans for this area.

AT THIS POINT in the meeting, the City Council recessed to convene a meeting of the Moorpark Redevelopment Agency. The time was 7:22 p.m. The City Council meeting reconvened at 7:24 p.m.

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

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

MOTION: Councilmember Harper moved and Councilmember Millhouse seconded a motion to waive the rules and take the Consent Calendar prior to Announcements and Future Agenda Items. The motion carried by unanimous voice vote.

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

10. CONSENT CALENDAR:

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

- A. Consider Approval of the Regular Meeting Minutes of October 5, 2005.  
Staff Recommendation: Approve the minutes.
- B. Consider Approval of the Special Meeting Minutes of December 7, 2005.  
Staff Recommendation: Approve the minutes.
- C. Consider Approval of the Regular Meeting Minutes of December 7, 2005.  
Staff Recommendation: Approve the minutes.
- D. Consider Approval of the 6:55 p.m. Special Meeting Minutes of December 21, 2005. Staff Recommendation: Approve the minutes.
- E. Consider Approval of the Regular Meeting Minutes of December 21, 2005.  
Staff Recommendation: Approve the minutes.
- F. Consider Approval of Warrant Register for Fiscal Year 2005-2006 – January 18, 2006. Staff Recommendation: Approve the warrant register.
- G. Consider Resolution Amending the Fiscal Year 2005/06 Budget by Appropriating General Funds for Older Americans Act Title III-C Nutrition Contract Grant. Staff Recommendation: Adopt Resolution No. 2006-2432. ROLL CALL VOTE REQUIRED
- H. Consider Report Titled “Accounting of Fund Information as Required by Section 66006 of the California Government Code for Fiscal Year 2004/2005”. Staff Recommendation: Receive and file the report.

- I. Consider Surety Bond Exoneration for Calabasas BCD Incorporated (Tract 3492, Lots 15 and 16). Staff Recommendation: Authorize the City Clerk to fully exonerate Surety Performance and Payment Bond No. 83S103507027BCM in the amount of \$350,081.00.
- J. Consider Award of Contract to WLC Architects for the Design of the Arroyo Vista Recreation Center and Gymnasium Expansion. Staff Recommendation: Award a contract to WLC Architects for the design of the AVRC and gym expansion at a cost not to exceed \$550,510 and authorize the City Manager to execute the agreement.
- K. Consider Resolution Amending the Fiscal Year 2005/06 Budget to Fund Fiscal Year 2004/05 Year-End Deficits in Certain Funds for the City's Landscaping and Lighting Assessment Districts. Staff Recommendation: Adopt Resolution No. 2006-2433. ROLL CALL VOTE REQUIRED
- L. Consider Rejection of Claim: Monica Barajas, Individually and for the Estate of Horacio Barajas and for Natalie and Jonathan Barajas, Minors. Staff Recommendation: Reject the claim and direct staff to send a standard rejection letter to the claimants.
- M. 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. 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.
- N. Consider Resolution Consenting to a Joint Public Hearing with the Redevelopment Agency of the City of Moorpark Regarding the Proposed Amendment No. 2 to the Redevelopment Plan for the Moorpark Redevelopment Project Agency. Staff Recommendation: Adopt Resolution No. 2006-2434.

The following item was pulled for individual consideration.

- O. Consider Resolution Designating Animal Compliance Duties and Authority. Staff Recommendation: Adopt Resolution No. 2006-2435.

In response to Mayor Hunter, Mr. Brand stated the staff report on stamped page 131 would be corrected to reflect the Hearing Officer is the Director of the Ventura County Animal Regulation Department, and he stated the Resolution reflects the correct information.

MOTION: Mayor Hunter moved and Councilmember Millhouse seconded a motion to adopt Resolution No. 2006-2435, designating animal compliance duties and authority. The motion carried by unanimous voice vote.

AT THIS POINT in the meeting, the Council returned to Item 7. Announcements and Future Agenda Items.

7. ANNOUNCEMENTS AND FUTURE AGENDA ITEMS:

Councilmember Millhouse requested the Transportation and Streets Committee look at alternatives available for making train crossings in Moorpark safer.

Mayor Hunter announced free disposal of household hazardous waste is available to Moorpark residents on the second Friday and Saturday of each month, and on the third Saturday of each month. Call the community services information line, 517-6315 for details or visit the city's web page, [www.ci.moorpark.ca.us](http://www.ci.moorpark.ca.us).

Mayor Hunter announced a meeting of the Project Area Committee (PAC) has been scheduled for January 26, 2006, at 7:00 p.m. in the Community Center Apricot Room.

8. PUBLIC HEARINGS:

None.

9. PRESENTATION/ACTION/DISCUSSION:

A. Consider Proposed Appeal of the New Draft Digital Flood Insurance Rate Map (DFIRM) for the City of Moorpark and Resolution Amending the Fiscal Year 2005/06 Budget to Provide Funding for Certain Flood Zone Planning Efforts. Staff Recommendation: 1) Direct staff to retain consultant services to prepare and submit to FEMA an appeal of the Draft DFIRM, said appeal to address the issues discussed in Section B. of the agenda report; and 2) Adopt Resolution 2006-2436 ROLL CALL VOTE REQUIRED

Mr. Lall gave the staff report.

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

MOTION: Councilmember Harper moved and Councilmember Parvin seconded a motion to: 1) Direct staff to retain consultant services to prepare and submit to FEMA an appeal of the Draft DFIRM, to address the issues discussed in Section B. of the agenda report; and 2) Adopt Resolution 2006-2436. The motion carried by unanimous roll call vote.

- B. Consider Underground Utility Project Priorities. Staff Recommendation: Approve the Work Plan set forth in Section F. of the agenda report.

Mr. Lall introduced Kenneth Gilbert, Public Works consultant, who gave the staff report.

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

A discussion among Councilmembers and staff focused on re-prioritizing the work plan to assign more emphasis to residential over commercial land uses and to add additional point values for safety, proximity to schools and parks, and full or partial right-of-ways.

CONSENSUS: It was the consensus of the Council to refer this matter to the Public Works, Facilities, and Solid Waste Committee to produce a new work plan prioritizing residential over commercial land use and to increase the point values assigned for safety, proximity to schools and parks, and full or partial right-of-ways.

- C. Consider Resolution Establishing Animal Compliance Service Fees. Staff Recommendation: Adopt Resolution 2006-2437.

Mr. Brand gave the staff report.

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

A discussion among Councilmembers and staff focused on eliminating Section 1.B. and Section 2.; reducing the fee to \$25.00 for senior citizens for Section 1.A.; and to waive the fee for removal of deceased animals found on property other than the owners.

MOTION: Councilmember Millhouse moved and Councilmember Parvin seconded a motion to adopt Resolution No. 2006-2437, establishing Animal Compliance service fees, as amended to eliminate Section 1.B. and Section 2; reduce the fee to \$25 in Section 1.A. for senior citizens; and to waive the fee for removal of deceased animals found on property other than the owners. The motion carried by unanimous voice vote.

- D. Consider Proposed East County Alliance with the Cities of Moorpark, Simi Valley, and Thousand Oaks to Consider Mutual Issues and Combine Efforts on Matters of Concern to the East County. Staff Recommendation: Direct staff as deemed appropriate.

Councilmember Millhouse presented the proposal.

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

A discussion among Councilmembers and staff focused on the value of a Mutual Aid Agreement with no intention of undermining the authority of the City Councils of Moorpark, Simi Valley, and Thousand Oaks; and with a stipulation that a quorum would consist of four representatives with at least one from each city.

CONSENSUS: It was the consensus of Council for Councilmember Millhouse to meet with staff and the cities of Simi Valley and Thousand Oaks to pursue the formation of an East County Alliance.

- E. Consider Consultant to Perform Organizational Study for the Parks, Recreation, and Community Services Department. Staff Recommendation: Approve the organizational study as outlined in the agenda report, subject to final approval of the City Manager, and authorize the City Manager to sign an agreement not to exceed \$25,000.

Ms. Lindley gave the staff report.

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

MOTION: Councilmember Millhouse moved and Councilmember Parvin seconded a motion to approve the organizational study as outlined in the agenda report, subject to final approval of the City Manager, and authorize the City Manager to sign an agreement not to exceed \$25,000. The motion carried by unanimous voice vote.

- F. Consider Approval of Regular Meeting Schedule for City Council Standing Committees for Calendar Year 2006. Staff Recommendation: Approve Regular Meeting Schedule for 2006.

Ms. Benson gave the staff report.

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

In response to Mayor Hunter, Councilmember Millhouse volunteered to be the alternate member on the Public Safety Committee.

MOTION: Councilmember Harper moved and Councilmember Millhouse seconded a motion to approve the Regular Meeting Schedule for 2006, as amended for Councilmember Millhouse to be the alternate member on the Public Safety Committee. The motion carried by unanimous voice vote.

11. ORDINANCES:

- A. Consider Ordinance No. 333, Amending Section 2.04.055, Compensation, of Chapter 2.04 City Council, Title 2, of the Moorpark Municipal Code.  
Staff Recommendation: Waive full reading and declare Ordinance No. 333 read for the second time and adopted as read.

Mr. Montes read the title of Ordinance No. 333.

MOTION: Councilmember Harper moved and Councilmember Millhouse seconded a motion to waive full reading and declare Ordinance No. 333 read for the second time and adopted as read. The motion carried by voice vote 4-1, Mayor Hunter dissenting.

12. CLOSED SESSION:

Mr. Kueny requested the City Council go into closed session for discussion of Items 12.A. (one case) and 12.B. (one case) on the agenda.

Mr. Montes announced that the facts and circumstances under 12.A. creating significant exposure to litigation consist of a statement threatening litigation regarding compliance with Voting Rights Act that was made by Avner Shapiro, U.S. Department of Justice, to the City Attorney by telephone on December 21, 2005.

MOTION: Councilmember Harper moved and Councilmember Mikos seconded a motion to adjourn to closed session for a discussion of Items 12.A. (one case) and 12.B. (one case) on the agenda. The motion carried by unanimous voice vote. The time was 8:25 p.m.

- A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION  
Significant exposure to litigation pursuant to Subdivision (b) of Section 54956.9 of the Government Code: (Number of cases to be discussed - 4)
- B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION  
Initiation of litigation pursuant to Subdivision (c) of Section 54956.9 of the Government Code: (Number of cases to be discussed - 4)

Present in closed session were Councilmembers Harper, Mikos, Millhouse, Parvin and Mayor Hunter; Steven Kueny, City Manager; Joseph Montes, City Attorney; and Hugh Riley, Assistant City Manager.

The Council reconvened into open session at 9:45 p.m. Mr. Kueny stated Items 12.A. (one case) and 12.B. (one case) were discussed and there was no action to report.

13. ADJOURNMENT:

Mayor Hunter adjourned the meeting at 9:45 p.m.

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Patrick Hunter, Mayor

ATTEST:

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Deborah S. Traffenstedt  
City Clerk