

MINUTES OF THE CITY COUNCIL

Moorpark, CaliforniaOctober 4, 2006

A Regular Meeting of the City Council of the City of Moorpark was held on October 4, 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 7:00 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; Deborah Traffenstedt, Administrative Services Director/City Clerk; and Maureen Benson, Deputy City Clerk.

4. PROCLAMATIONS AND COMMENDATIONS:

A. Introduction of New City Employee, Jennifer Mellon, Senior Management Analyst in the Parks, Recreation, and Community Services Department.

Mayor Hunter introduced new City employee, Jennifer Mellon, Senior Management Analyst.

B. Introduction of New City Employee, Teri Davis, Senior Management Analyst in the City Manager's Office.

Mayor Hunter introduced new City employee, Teri Davis, Senior Management Analyst.

C. Recognition of July 3rd Event Sponsors.

Mayor Hunter and Ms. Lindley presented representatives from Warehouse Discount Center, First Data Commercial Services, William Lyon Homes,

Centex Homes, Pardee Homes, Wayne J. Sand and Gravel, and Gold Coast Broadcasting with plaques honoring them for their sponsorship of the City's July 3rd Event.

5. PUBLIC COMMENT:

Will Whitaker thanked the Council for having the Pepper trees trimmed on High Street.

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.

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

7. ANNOUNCEMENTS AND FUTURE AGENDA ITEMS:

Councilmember Mikos suggested a citizen survey be included as an objective for the next Goals and Objectives update.

Councilmember Mikos announced she would need to leave the meeting at 8:30 p.m. and requested the schedule for the meeting accommodate her participation in Items 8.A, 8.B, and 10.I.

CONSENSUS: It was the consensus of the Council to conclude discussion of Items 8.A. and 8.B. by 8:00 p.m., hear Item 10.I. before 8:30 p.m. and then conclude the balance of the agenda.

8. PUBLIC HEARINGS:

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

- A. 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. (continued open public hearing from September 20, 2006) Staff Recommendation: 1) Continue to accept public testimony and direct staff as appropriate.
- B. Consider Zoning Ordinance Amendment No. 2005-03 – Amendments to Chapter 17.24: Lot Area and Coverage, Setbacks, Height and Related Provisions; Chapter 17.32: Parking, Access and Landscaping Requirements; and Chapter 17.72: Downtown Specific Plan Overlay Zone (SP-D), and Repealing Ordinance No. 331, a Temporary Moratorium in

the Downtown Specific Plan Overlay Zone. (continued open public hearing from September 20, 2006) Staff Recommendation: 1) Continue to accept public testimony and direct staff as appropriate; and 2) If Council should wish to approve the amendments, introduce Ordinance No. ____, repealing Ordinance No. 331, for first reading, waive full reading, and schedule second reading and adoption for October 18, 2006.

Mr. Hogan gave the staff reports.

Mayor Hunter announced the public hearings remain open.

Richard Gray, a property owner on High Street, requested the requirement to implement reciprocal parking be amended to allow restricted parking for certain business where tenants are mostly professionals needing dedicated parking for their client base.

A discussion followed among the Councilmembers and staff regarding how existing businesses that undergo remodeling will be affected by the reciprocal parking requirement; creating incentives to encourage reciprocal parking; and consideration for time of day restrictions for restricted parking especially in regard to the High Street Arts Center need for additional parking.

A discussion followed among the Councilmembers and staff regarding the need to develop a more unified plan for the style of architecture rather than the eclectic look, and that does not emphasize a Spanish or Santa Barbara style. The Council determined to continue discussion of parking and architecture at a special meeting for October 11, 2006.

MOTION: Councilmember Millhouse moved and Councilmember Parvin seconded a motion to continue the public hearings open to a Special City Council meeting on October 11, 2006, at 7:00 p.m. for discussion of the reciprocal parking issue, an incentive plan for reciprocal parking, and a decision on architectural style. The motion carried by unanimous voice vote.

9. PRESENTATION/ACTION/DISCUSSION:

- A. Consider Ordinance 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: Introduce Ordinance No. 342 for first reading, waive further reading, and schedule second reading and adoption for October 18, 2006.

Ms. Traffenstedt gave the staff report.

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

Mr. Montes read the title of Ordinance No. 342.

MOTION: Councilmember Parvin moved and Councilmember Harper seconded a motion to waive further reading of 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, and schedule second reading and adoption for October 18, 2006. The motion carried by unanimous voice vote.

10. CONSENT CALENDAR: (ROLL CALL VOTE REQUIRED)

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

- A. Consider Approval of the Special Meeting Minutes of September 20, 2006. Staff Recommendation: Approve the minutes.
- B. Consider Approval of the Regular Meeting Minutes of September 20, 2006. Staff Recommendation: Approve the minutes.
- C. Consider Approval of Warrant Register for Fiscal Year 2005-2006 – October 4, 2006. Staff Recommendation: Approve the warrant register.
- D. Consider Approval of Warrant Register for Fiscal Year 2006-2007 – October 4, 2006. Staff Recommendation: Approve the warrant register.
- E. Consider Resolution Authorizing the City's Fiscal Year 2006/07 Transportation Development Act Claim. Staff Recommendation: Adopt Resolution No. 2006-2521.
- F. Consider Bond Exoneration for Cardservice International, Inc. (Tract 3492, Lots 17-21). Staff Recommendation: Authorize the City Clerk to fully exonerate Surety Bond Nos. 83S10380620BCM – Grading and 83SB103680621BCM – Performance & Payment.
- G. Consider Resolution Approving Support of Full Funding of the Public Library Foundation (PLF). Staff Recommendation: Adopt Resolution No. 2006-2522.
- H. Consider Report of Annual Review of Development Agreement Established in Connection with a 35-acre, Detached, Single-family Residential Unit Project Located on the South Side of Los Angeles

Avenue, West of Leta Yancy Road (formerly Liberty Bell Road) Tract 5053, Pacific Communities). Staff Recommendation: 1) Accept the Community Development Director's report and recommendation that, on the basis of substantial evidence, Pacific Communities has complied in good faith with the terms and conditions of the agreement; and 2) Deem the annual review process complete.

- K. Consider High Street Pepper Tree Maintenance Activity. Staff Recommendation: Receive and file.

The following items were pulled for individual consideration.

- I. Consider Resolutions in Support of Statewide Ballot Initiative Proposition 1C, the "Housing and Emergency Shelter Trust Fund Act of 2006," and Proposition 84, "Water Quality, Safety and Supply. Flood Control. Natural Resource Protection. Park Improvements. Bonds. Initiative Statute." Staff Recommendation: Adopt Resolution No. 2006-2523 supporting Proposition 1C, and Resolution No. 2006-2524 supporting Proposition 84.

Councilmember Mikos stated she had pulled this item to amend Resolution No. 2006-2523 to remove WHEREAS clauses 5 and 6, which belong in Resolution No. 2006-2524.

MOTION: Councilmember Mikos moved and Councilmember Millhouse seconded a motion to approve Resolution No. 2006-2523 supporting Proposition 1C, as amended, and Resolution No. 2006-2524 supporting Proposition 84. The motion carried by unanimous voice vote.

- J. Consider Budget Amendment Resolution and Agreements Between the City of Moorpark and Hdl Software, LLC for Code Compliance and Business Registration Software and Support Services. Staff Recommendation: 1) Adopt Resolution No. 2006-2525, amending the Fiscal Year 2006/07 Budget, appropriating \$44,445.00 from the General Fund for Business Registration and Code Compliance software and support services; and 2) Approve agreements, subject to final language approval of the City Manager and City Attorney, and authorize the City Manager to sign the agreements. ROLL CALL VOTE

Mayor Hunter stated he had pulled this item to confirm whether Redevelopment Agency funds could be used for a portion of the payment since the software will be used to support code compliance.

Mr. Kueny stated approximately \$11,000.00 could come from the Redevelopment Agency.

MOTION: Mayor Hunter moved and Councilmember Millhouse seconded a motion to: 1) Approve Resolution No. 2525, as amended, to budget

approximately \$11,000.00 from the Redevelopment Agency for Business Registration and Code Compliance software support services; and 2) Approve agreements between the City of Moorpark and Hdl Software, LLC, subject to final language approval by the City Manager and City Attorney and authorizing the City Manager to sign the agreements. The motion carried by unanimous roll call vote.

11. ORDINANCES: (ROLL CALL VOTE REQUIRED) •

A. Consider Ordinance No. 341 Adding Chapter 2.70, "Moorpark City Library" to Title 2, of the Moorpark Municipal Code, Establishing a Public Municipal Library. Recommendation: Waive full reading and declare Ordinance No. 341 read for the second time and adopted as read. ROLL CALL VOTE REQUIRED

Mr. Montes read the title of Ordinance No. 341.

MOTION: Councilmember Parvin moved and Councilmember Harper seconded a motion to waive further reading and adopt Ordinance No. 340 adding Chapter 2.70, "Moorpark City Library" to Title 2, of the Moorpark Municipal Code, establishing a public municipal library. The motion carried by unanimous voice vote.

12. CLOSED SESSION:

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

AT THIS POINT in the meeting a recess was declared. The time was 8:06 p.m. The Council meeting reconvened at 8:20 p.m.

MOTION: Councilmember Mikos moved and Councilmember Harper 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 8:20 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; Hugh Riley, Assistant City Manager; 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 8:28 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 8:28 p.m.

Patrick Hunter, Mayor

ATTEST:

Deborah S. Traffenstedt
City Clerk