

MINUTES OF THE CITY COUNCIL

Moorpark, California

October 5, 2005

A Regular Meeting of the City Council of the City of Moorpark was held on October 5, 2005, 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 7:21 p.m.

2. PLEDGE OF ALLEGIANCE:

Steven Kueny, City 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; Kenneth Gilbert, Interim Public Works Director; Mary Lindley, Parks, Recreation, and Community Services Director; Barry Hogan, Community Development Director; Johnny Ea, Finance Director; Teddy Okoye, Assistant City Engineer; Dave Bobardt, Planning Manager; Captain Richard Diaz, Sheriff's Department; Joseph Vacca, Principal Planner; Deborah Traffenstedt, Administrative Services Director/City Clerk; and Blanca Garza, Deputy City Clerk.

4. PROCLAMATIONS AND COMMENDATIONS:

A. Introduction of New City Employee, Joseph Vacca, Principal Planner.

Mayor Hunter introduced New City Employee, Joseph Vacca, Principal Planner.

B. Proclamation Approving October 7, 2005, as "California Arts Day" and Recognizing the Month of October as "Arts and Humanities Month".

Mayor Hunter presented Mary Lindley, Parks, Recreation and Community Services Director, with a Proclamation Approving October 7, 2005, as "California Arts Day" and Recognizing the Month of October as "Arts and Humanities Month."

5. PUBLIC COMMENT:

None.

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 at the request of Councilmember Millhouse.

CONSENSUS: It was the consensus of the Council to take Item 8.D. and Item 8.E. after Item 8.A. at the request of Councilmember Millhouse.

CONSENSUS: It was the consensus of the Council to move Item 9.D. to the Consent Calendar at the request of Mayor Hunter.

7. ANNOUNCEMENTS AND FUTURE AGENDA ITEMS:

Councilmember Mikos announced the 10th Anniversary Celebration of SOAR (Save Open-Space and Agricultural Resources) is taking place Sunday, October 9, 2005, at the Tierra Rejada Farm Walnut Grove.

Councilmember Parvin announced the Moorpark Education Foundation will be holding its Annual Dinner to benefit education for children of Moorpark on Saturday, October 22, 2005, at 6:00 p.m. at the Moorpark Country Club.

Mayor Hunter announced the Metrolink North Parking Lot will be closed Sunday, October 23rd for the Roam'n Relics Car show.

Mayor Hunter announced residents can dispose of household hazardous waste for free on the second Friday and Saturday of every month, and the third Saturday of every month.

Mayor Hunter congratulated Steven Kueny, City Manager, for being presented with a 30-Year Service Award on behalf of the members and Executive Board of the International City/County Management Association.

8. PUBLIC HEARINGS:

- A. Consider Zoning Ordinance Amendment No. 2004-06: to Chapter 17.40 (Sign Requirements) to Address Banner/Special Event Signing, Open House, Garage Sale Signing, and to Reorganize the Sign Regulations for Greater Clarity and Ease of Use. (continued from September 7, 2005, with public hearing open) Staff Recommendation: 1) Continue the public hearing; accept public testimony, and close the public hearing; and 2) Introduce Ordinance No. ____, approving Zoning Ordinance Amendment No. 2004-06, for first reading and schedule second reading and adoption for October 19, 2005.

Mayor Hunter indicated one or more requests were received to continue this Item.

Mr. Hogan deferred the staff report.

Mayor Hunter indicated the public hearing remains open.

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

MOTION: Councilmember Parvin moved and Councilmember Harper seconded a motion to continue the open public hearing to November 2, 2005. The motion carried by unanimous voice vote.

CONSENSUS: It was the consensus of the Council to take Items 8.D. and 8.E. after Item 8.A. at the request of Councilmember Millhouse.

AT THIS POINT in the meeting Items 8.D. and 8.E. were heard.

8. D. Consider Resolution for General Plan Amendment No. 2004-04, Commercial Planned Development No. 2004-03, and Conditional Use Permit 2005-04, Consisting of an Amendment to the Land Use Element that Would Allow Sales, Distribution and Warehousing in the City's Designated General Commercial Land Use Area and a Retail Center with a One-Story (with Mezzanine Level) 115,000 Square Foot Single Tenant Building Over Thirty-Five Feet (35') in Height and a 17,500 square Foot One-Story Commercial Building on 8.15-acres,

Located on the North Side of New Los Angeles Avenue/White Sage Road, Immediately East of State Route 23, on the Application of Brian Poliquin. Staff Recommendation: 1) Open the public hearing, accept public testimony, and close the public hearing; and 2) Adopt Resolution No. 2005-____, approving General Plan Amendment No. 2004-04, Commercial Planned Development Permit No. 2004-03, and Conditional Use Permit No. 2005-04, subject to special and standard conditions of approval.

Mayor Hunter stated he has previously refrained from participating in this matter, because he was identified as a potential witness and was deposed in a lawsuit involving the prior property owner for this site. He stated that although he did not have a legal conflict of interest, he felt his participation might create an appearance of impropriety. He stated he has learned, this evening, that the lawsuit appears to have settled; nevertheless, he will continue to recuse himself as he feels it would be inappropriate to insert himself into this process at this time.

AT THIS POINT in the meeting, Mayor Hunter left the meeting. The time was 7:34 p.m.

Mr. Hogan gave the staff report and distributed a copy of the Statement of Overriding Considerations to the City Council at the request of Councilmember Mikos.

In response to Councilmember Mikos, Mr. Hogan indicated a condition may be added to mitigate environmental impacts specifically the inclusion of transitional landscaping between the open space and the development site that would be included in the conditions for the Planned Development permit.

Mayor Pro Tempore Harper opened the public hearing.

Brian Poliquin, representing Warehouse Discount Center, 6400 Canoga Avenue No. 215, Woodland Hills, California, stated he was available to answer any project questions.

In response to Mayor Pro Tempore Harper, Mr. Poliquin addressed the visibility of roofline and the screening of utilities. He also indicated a willingness to work

with the City to transition the landscaping with the Open Space and accepted the addition of a condition to this effect.

Mayor Pro Tempore Harper closed the public hearing.

MOTION: Councilmember Millhouse moved and Councilmember Parvin seconded a motion to: Adopt Resolution No. 2005-2398, approving General Plan Amendment No. 2004-04, Commercial Planned Development Permit No. 2004-03, and Conditional Use Permit No. 2005-04, subject to special and standard conditions of approval as amended to add a special condition for staff to work with the applicant to incorporate and enhance transitional landscaping. The motion carried by voice vote: 3-1, Councilmember Mikos dissenting and Mayor Hunter Absent.

- E. Consider Ordinance for Development Agreement No. 2004-02 between the City of Moorpark and NLA 118, L.L.C. (Warehouse Discount Center) in Connection with General Plan Amendment No. 2004-04 and Commercial Planned Development Permit No. 2004-03 for the Property Located on the East Side of State Route 23, Immediately North of New Los Angeles Avenue (Lot 1 of Tract 5004). Staff Recommendation: Open the public hearing, accept public testimony, and close the public hearing; and 2) Introduce Ordinance No. 322 for first reading and schedule second reading and adoption for October 19, 2005.

Mr. Kueny gave the staff report.

Mayor Pro Tempore Harper opened the public hearing.

In response to Mayor Pro Tempore Harper, Ms. Traffenstedt stated there were no speakers.

Mayor Pro Tempore Harper closed the public hearing.

Mr. Montes read the title for Ordinance No. 322.

MOTION: Councilmember Millhouse moved and Councilmember Parvin seconded a motion to waive further reading of Ordinance No. 322, declare the ordinance introduced for first reading, and to schedule second reading and adoption for October 19, 2005. The motion carried by voice vote 3-1, Councilmember Mikos dissenting and Mayor Hunter absent.

AT THIS POINT in the meeting, Mayor Hunter returned to the dais. The time was 8:10 p.m.

CONSENSUS: It was the consensus of Council to hear Items 8.B, 8.C, and 9.A. concurrently.

8. B. Consider General Plan Amendment No. 2001-05, Specific Plan No. 2001-01, and Zone Change No. 2001-02 for 1,650 Housing Units on 3,586.3 Acres Located Generally North of Moorpark College and State Route 118 on Land Immediately Outside City of Moorpark Municipal Boundaries, Applicant: North Park Village, LP. (continued from September 21, 2005, with public hearing closed) Staff Recommendation: Adopt Resolution No. 2005-2399 (in Agenda Item 9.A.) placing an Ordinance on the ballot that includes General Plan Amendment No. 2001-05, Specific Plan No. 2001-01, and Zone Change No. 2001-02 with Development Agreement No. 2005-01 for consideration by Moorpark voters.

Mr. Bobardt gave the staff report.

8. C. Consider Proposed Development Agreement Between North Park Village Limited Partnership and City of Moorpark Pertaining to General Plan Amendment No. 2001-05, Specific Plan No. 2001-01, and Zone Change No. 2001-02. (Continued from September 21, 2005, with public hearing closed.) Staff Recommendation: Adopt Resolution No. 2005-2399 (in Agenda Item 9.A.) placing an Ordinance on the ballot that includes Development Agreement No. 2005-01 with General Plan Amendment No. 2001-05, Specific Plan No. 2001-01, and Zone Change No. 2001-02 for consideration by Moorpark voters.

Mr. Kueny indicated the Council has previously reviewed the Development Agreement and he was available for questions.

9. PRESENTATION/ACTION/DISCUSSION:

- A. Consider Special Election Resolutions for the North Park Village and Nature Preserve Project Calling a Special Election for February 28, 2006; Setting Priorities for Filing Written Arguments and Directing the City Attorney to Prepare the Impartial Analysis; and Providing for the Filing of Rebuttal Arguments. (continued from September 21, 2005) Staff

Recommendation: Adopt the three election Resolutions Nos. 2005-2399, 2400, and 2401.

Ms. Traffenstedt gave the staff report.

In response to Mayor Hunter, Mr. Vince Daly, representing North Park Village Partnership, 680 Walnut Street, Moorpark, California, stated he was authorized to speak on behalf of North Park and they are ready to proceed this evening.

The City Council discussion followed that pertained to the language for the ballot question.

In response to Mayor Hunter, Mr. Daly stated the project applicant concurred that the Special Election is financially fully their responsibility.

In response to Mayor Hunter, Ms. Traffenstedt indicated that the City's agreement with the North Park applicant required the deposit of \$125,000 to be paid within ten days of the calling of the special election.

In response to Councilmember Mikos, Mr. Bobardt referred to stamped page 287, regarding the legal description and the 8½-acre difference.

Mr. Vince Daly requested a revision to the draft Development Agreement on stamped page 182, Section 8, to allow more time to get the property annexed. He gave as an example that additional environmental clearance may be required.

CONSENSUS: It was the consensus of the Council to revise the time period for the annexation to forty-eight (48) months.

In response to Mayor Hunter, Ms. Traffenstedt indicated there was an additional Speaker Card.

Michael Moore expressed concerns pertaining to police powers, eminent domain issues, and the City's liability related to the Development Agreement.

Ms. Traffenstedt summarized comments on the 16 Written Statement Cards received in favor of the project.

AT THIS POINT in the meeting a recess was declared. The time was 8:58 p.m. The meeting reconvened at 9:13 p.m.

CONSENSUS: It was the consensus of the Council to change the language on stamped page 191 of the agenda report, after the second sentence, to read "General Plan Amendments approved since 1992 when added to North Park with an average population per household figure of 3.55 as provided by the Department of Finance would result in 15,154 dwelling units with a population of 53,797."

A discussion followed between Council and staff pertaining to the execution of the development agreement and relevant legal documents as well as the acreage discrepancy.

CONSENSUS: It was the consensus of the Council to take no action on the acreage discrepancy.

CONSENSUS: It was the consensus of the Council to make a correction, as addressed by Mr. Montes, to stamped page 278 of the agenda report, Section 15, the last line of the first paragraph, "Section 5 of the enabling ordinance" to read, "Section 6 of the enabling ordinance."

A discussion followed among the Councilmembers pertaining to the language of the ballot question. Mayor Hunter and Councilmember Mikos expressed concerns regarding Councilmember Harper's proposed revised language. Councilmember Mikos requested separate votes on the ballot question and the decision to put the Measure on the ballot.

MOTION: Councilmember Millhouse moved and Councilmember Harper seconded a motion to adopt Resolution No. 2005-2400 setting priorities for filing written arguments regarding a City Measure and directing the City Attorney to prepare an Impartial Analysis; and Resolution No. 2005-2401 providing for the filing of Rebuttal Arguments for City Measures submitted at Municipal Elections. The motion carried by voice vote 4-1, Councilmember Mikos dissenting.

Councilmember Millhouse clarified his Motion included the ballot language as proposed by Councilmember Harper and the amendments to the draft ordinance on stamped agenda report pages 182, 191, and 278.

Mr. Montes requested clarification that the ballot question in the election resolutions conformed to the requirements of the Elections Code as follows: "Shall the Ordinance...be adopted."

CONSENSUS: By consensus, the City Council concurred that the intent of the Council was that the ballot question was in compliance with the requirements of the Elections Code.

Councilmember Mikos requested the Minutes show she is in favor of the February 28, 2006, special election, and in favor of putting the project before the voters, but that the ballot question is the reason why she voted no.

- B. Consider Ordinance Amending Title 6, Animal Regulations, to Reflect Current Conditions and Services and Make Technical Changes for Clarity of Language and Purpose. (continued from September 21, 2005) Staff Recommendation: Continue this item to November 2, 2005.

Mayor Hunter indicated requests to continue this item to a date certain have been received by the City.

Ms. Lindley indicated staff is recommending the continuation of this item to November 2, 2005.

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

MOTION: Councilmember Harper moved and Councilmember Parvin seconded a motion to continue this item to November 2, 2005. The motion carried by unanimous voice vote.

- C. Consider Library Study Scope of Work and Resolution Amending the Fiscal Year 2005/06 Budget. (continued from September 21, 2005) Staff Recommendation: Approve the library study scope of services as outlined in the agenda report, authorize the City Manager to execute an agreement with Arroyo Associates, subject to final language approval by the City Attorney and City Manager, and adopt Resolution No. 2005-2403.

Ms. Lindley gave the staff report.

In response to Councilmember Harper, Ms. Lindley stated the cost to add additional items to the study scope of services should not be significant based on the items requested by Councilmember Harper. She enumerated the items to include: 1) Look at local potential partnerships to include the Moorpark Unified School District and Moorpark College; and 2) Obtain background information on what similar cities have done.

Mayor Hunter requested staff to bring back an agenda item specific to the adoption of the Ordinance and the repayment of the expenditures to the General Fund.

MOTION: Councilmember Harper moved and Councilmember Parvin seconded a motion to: 1) Approve the library study scope of services as outlined in the agenda report and as amended to explore partnerships with Moorpark Unified School District and Moorpark College and to obtain background information on similar actions by other cities; 2) Authorize the City Manager to execute an agreement with Arroyo Associates, subject to final language approval by the City Attorney and City Manager; and 3) Adopt Resolution No. 2005-2403, amending the Fiscal Year 2005/06 budget to allocate \$40,000 from the General Fund Reserve to the Park, Recreation, and Community Service Department's Library Division Expenditure Budget. The motion carried by unanimous roll call vote.

E. Consider Ordinance Revising Section 10.04.180 of the Moorpark Municipal Code Pertaining to Parking in Disabled Parking Zones. Staff Recommendation: Introduce Ordinance No. 323 for first reading, waive full reading, and schedule second reading and adoption for November 2, 2005.

Mr. Gilbert gave the staff report.

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

Mr. Montes read the title of Ordinance No. 323.

MOTION: Councilmember Harper moved and Councilmember Parvin seconded a motion to introduce Ordinance No. 323 for first reading, waive full reading, and schedule second

reading and adoption for November 2, 2005. The motion carried by unanimous voice vote.

- F. Consider Awarding a Contract for the Construction of the New Corporate Yard and Resolution Amending the Fiscal Year Budget to Increase Funding for the Project. Staff Recommendation: 1) Approve the award of contract to Soltec-Pacific for the construction of the subject project and authorize the City Manager to execute all necessary contract documents; and 2) Adopt Resolution No. 2005-2404, increasing the funding for the project.

Mr. Gilbert gave the staff report and made a correction to stamped page 349, Section 6, to change \$1,876,200 to \$1,996,200, and indicated the resolution was correct.

MOTION: Councilmember Mikos moved and Councilmember Parvin seconded a motion to: 1) Approve the award of contract to Soltec-Pacific for the construction of the subject project and authorize the City Manager to execute all necessary contract documents; and 2) Adopt Resolution No. 2005-2404. The motion carried by unanimous roll call vote.

- G. Consider Scheduling a Public Meeting to Review and Discuss the Proposed New Digital Flood Insurance Rate Map (DFIRM). Staff Recommendation: 1) Set November 9, 2005, as the date of a Public Meeting to discuss the new DFIRM; 2) Direct staff to publish a notice of this Public Meeting in the local newspaper; and 3) Direct staff to mail said notice to all property owners and residents in the City.

Mr. Gilbert gave the staff report.

The discussion included the meeting to be called, making the DFIRM available to the public, and the process to follow.

CONSENSUS: It was the consensus of the Council to set November 9, 2005, at 7:00 p.m. as the date of a Public Meeting to discuss the new DFIRM; 2) Direct staff to publish a notice of this Public Meeting in the local newspaper; and 3) Direct staff to mail said notice to all property owners and residents in the City.

10. CONSENT CALENDAR:

MOTION: Councilmember Harper moved and Councilmember Parvin seconded a motion to approve the Consent Calendar with the exception of Item 10.A. and Item 10.C., which were pulled for individual consideration, and including Presentation/Action/Discussion Item 9.D. in the Consent Calendar approval. The motion carried by unanimous roll call vote.

- B. Consider Approval of Warrant Register for Fiscal Year 2005-2006 - October 5, 2005.

Staff Recommendation: Approve the warrant register.

- D. Consider Final Map Approval for Tract Map No. 5045-1 - Pardee Homes. Staff Recommendation: Authorize the Mayor and City Clerk to sign the Map and the City Clerk to cause Tract Map No. 5045-1 to be recorded in the office of the Ventura Country Recorder.

- E. Consider Final Map Approval for Tract Map No. 5045-2
Staff Recommendation: Authorize the Mayor and City Clerk to sign the Map and the City Clerk to cause Tract Map No. 5045-2 to be recorded in the office of the Ventura Country Recorder.

- F. Consider Final Map Approval for Tract Map No. 5045-3
Staff Recommendation: Authorize the Mayor and City Clerk to sign the Map and the City Clerk to cause Tract Map No. 5045-3 to be recorded in the office of the Ventura Country Recorder.

- G. Consider Rejection of Claims: Timothy Grimes and Susan Lang; and Freddie Craft Individually and on Behalf of the Freddie Jefferson Craft Trust, Dated 6/19/03. Staff Recommendation: Reject the claims and direct staff to send a standard reject letter to the claimants.

- H. Consider Rejection of Claim: Secret Garden Restaurant.
Staff Recommendation: Reject the claim and direct staff to send a standard rejection letter to the claimant.

- I. Consider Request for Qualifications for Architect to Design Arroyo Vista Recreation Center and Gymnasium Expansion. Staff Recommendation: Authorize

solicitation of a Request for Qualifications/Proposals for the design of Arroyo Vista Recreation Center and gym improvements.

- J. Consider Professional Services Agreement to Retain Kenneth Gilbert to Provide Consultant Project Management Services. Staff Recommendation: Authorize the City Manager to approve the Professional Services Agreement, subject to final language approval by the City Manager and City Attorney.
9. D. Consider Resolution Certifying the Results of the Project Area Commission (PAC) Election Held September 15, 2005; and Forming the PAC for Proposed Amendment No. 2 to the Redevelopment Plan for the Moorpark Redevelopment Project. Staff Recommendation: Adopt Resolution No. 2005-2405.

The following Items were pulled for individual consideration:

- A. Consider Approval of Minutes of Regular Meeting of September 21, 2005.

Staff Recommendation: Approve the minutes.

Mayor Hunter stated he would abstain as he was not present at that meeting.

MOTION: Councilmember Harper moved and Councilmember Parvin seconded a motion to approve the Regular Meeting Minutes of September 21, 2005. The motion carried by voice vote 4-0, Mayor Hunter abstaining.

- C. Consider Award of Agreement for Food and Beverage Vending Machine Services. Staff Recommendation: Award an agreement to Advantage Vending Solutions for food and beverage vending machine services and authorize the City Manager to sign the agreement on behalf of the City, subject to final language approval of City Manager and City Attorney.

Councilmember Millhouse requested that staff ensure that the machines include healthy snacks and beverages.

MOTION: Councilmember Mikos moved and Councilmember Parvin seconded a motion to approve the award of an agreement to

Advantage Vending Solutions for food and beverage vending machine services, with the request to include healthy snack and beverage alternatives in the vending machines, and authorize the City Manager to sign the agreement on behalf of the City, subject to final language approval of City Manager and City Attorney. The motion carried by voice vote 4-1, Councilmember Millhouse abstaining.

11. ORDINANCES:

- A. Consider Ordinance No. 319, an Ordinance of the City of Moorpark, Levying a Special Tax within Community Facilities District No. 2004-1 (Moorpark Highlands). Staff Recommendation: Waive full reading and declare Ordinance No. 319 read for the second time and adopted as read.

Mr. Montes read the title of Ordinance No. 319.

MOTION: Councilmember Parvin moved and Councilmember Harper seconded a motion to waive further reading, declare Ordinance No. 319 read for the second time and adopted as read. The motion carried by unanimous voice vote.

- B. Consider Ordinance No. 320, an Ordinance of the City of Moorpark, Levying a Special Tax within Community Facilities District No. 2004-2 (Vistas at Moorpark). Staff Recommendation: Waive full reading and declare Ordinance No. 320 read for the second time and adopted as read.

Mr. Montes read the title of Ordinance No. 320.

MOTION: Councilmember Harper moved and Councilmember Parvin seconded a motion to waive further reading, declare Ordinance No. 320 read for the second time and adopted as read. The motion carried by unanimous voice vote.

- C. Consider Ordinance No. 321, an Ordinance of the City of Moorpark, Amending Title 17 (Zoning) Chapter 17.50 (Art in Public Places to Require Certain Development Projects to Provide Public Art). Staff Recommendation: Waive full reading and declare Ordinance No. 321 read for the second time and adopted as read.

Mr. Montes read the title of Ordinance No. 321.

MOTION: Councilmember Parvin moved and Councilmember Harper seconded a motion to waive further reading, declare Ordinance No. 321 read for the second time and adopted as read. The motion carried by unanimous voice vote.

12. CLOSED SESSION:

None was held.

13. ADJOURNMENT:

MOTION: Councilmember Parvin moved and Councilmember Harper seconded a motion to adjourn. The motion carried by unanimous voice vote. The time was 10:14 p.m.

Patrick Hunter, Mayor

ATTEST:

Deborah S. Traffenstedt
City Clerk