

## MINUTES OF THE CITY COUNCIL

Moorpark, CaliforniaSeptember 12, 2007

A Special Meeting of the City Council of the City of Moorpark was held on September 12, 2007, in the Community Center of said City located at 799 Moorpark Avenue, Moorpark, California.

## 1. CALL TO ORDER:

Mayor Hunter called the meeting to order at 7:11 p.m.

## 2. PLEDGE OF ALLEGIANCE

Steven Kueny, City Manager, led the Pledge of Allegiance.

## 3. ROLL CALL:

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

Absent: Councilmember Van Dam (arrived at 7:14 p.m.).

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; Dave Bobardt, Planning Director; David Moe, Redevelopment Manager; Captain Jeff Matson, Sheriff's Department; Deborah Traffenstedt, Administrative Services Director/City Clerk; and Blanca Garza, Deputy City Clerk.

## 4. PUBLIC COMMENT:

None.

## 5. PUBLIC HEARINGS

- A. Consider an Interim Urgency Ordinance Extending for Five (5) Months and Fifteen (15) Days an Interim Ordinance Temporarily Prohibiting Condominium Conversions. Staff Recommendation: 1) Open the public hearing, accept public testimony, and close the public hearing; and 2) Adopt Ordinance No. 357 to extend a temporary prohibition on condominium conversions by five (5) months and fifteen (15) days, expiring on February 29, 2008. ROLL CALL VOTE REQUIRED: 4/5THS VOTE

Mr. Hogan gave the staff report.

Mayor Hunter opened the public hearing.

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

Mayor Hunter closed the public hearing.

Mr. Montes read the title of Ordinance No. 357.

MOTION: Councilmember Millhouse moved and Councilmember Parvin seconded a motion to adopt Ordinance No. 357 to extend a temporary prohibition on condominium conversions by five (5) months and fifteen (15) days, expiring on February 29, 2008. The motion carried by roll call vote 4-0, Councilmember Van Dam absent.

Councilmember Van Dam arrived at 7:14 p.m.

B. Consider Commercial Planned Development Permit No. 2007-01 and Tentative Tract Map No. 5743; to Allow Construction of a Medical Office Building with Twenty-Four (24) Medical Services Condominiums, Located on the South Side of Peach Hill Road, East of Spring Road, on the Application of Peach Hill Medical Plaza LLC (Larry Greene). Staff Recommendation: 1) Open the public hearing, accept public testimony and close the public hearing; and 2) Adopt Resolution No. 2007-2626 approving Commercial Planned Development Permit No. 2007-01 and Tentative Tract No. 5743.

Mr. Bobardt gave the staff report.

In response to Councilmember Mikos, Mr. Bobardt stated staff expects the applicant to remove all existing prohibited plants from the property landscaping.

Councilmember Parvin requested an amendment to remove the word "residential" from Special Conditions of Approval Nos. 12 and 13 for Commercial Planned Development (CPD) Permit No. 2007-01, which are located in stamped page 26 of the agenda report.

Mayor Hunter opened the public hearing.

John Newton, John Newton and Associates, 5152 Commerce Avenue, Moorpark, California, representing the applicant, Greenway Development

Co., Agoura Hills, California, concurred with the amendments to the Special Conditions of Approval for Commercial Planned Development (CPD) Permit No. 2007-01 Nos. 12 and 13 and the 35 Special Conditions. Mr. Newton stated Mr. Greene is working with Pinecrest School and understands the responsibility and the Assessment District issue so the slope gets maintained and the landscape is refurbished.

A discussion followed among the Councilmembers, staff, and the applicant's representatives in regard to parking, the reciprocal parking agreement between the church and the applicant and the possibility of including stairs, a lift or a ramp to join the two properties.

Mark DiCecco, DiCecco Architecture, architect for the project, discussed the stair issue further, indicating the stairs came up today per the Building Official's interpretation and that the church was not yet aware of the matter. He stated cost is not the issue.

Councilmember Millhouse requested more subdued green colors be used for the project.

Mayor Hunter closed the public hearing.

**MOTION:** Councilmember Parvin moved and Councilmember Mikos seconded a motion to 1adopt Resolution No. 2007-2626 approving Commercial Planned Development Permit No. 2007-01 and Tentative Tract No. 5743, as amended to remove the word "residential" from Special Conditions of Approval Nos. 12 and 13 for CPD Permit No. 2007-01, to require removal of existing prohibited plants from the property landscaping, and to require more subdued green colors be used for the project. The motion carried by unanimous voice vote.

#### 6. CONSENT: (ROLL CALL VOTE REQUIRED)

**MOTION:** Councilmember Parvin moved and Councilmember Van Dam seconded a motion to approve the Consent Calendar with the exception of Item 6.D., which was pulled for individual consideration. The motion carried by unanimous roll call vote.

- A. Consider Rescinding Resolution No. 2002-1982 (Parking In-Lieu Fees). Staff Recommendation: Adopt Resolution No. 2007-2627, rescinding Resolution No. 2002-1982.
- B. Consider Authorizing the Use of City Marquee Signs and Portable Lights for Rotary Club Civil War Reenactment Event. Staff Recommendation: Approve use of City marquee signs and approve use of City portable lights, subject to conditions specified in the agenda report.

- C. Consider Resolution Amending the Fiscal Year 2007/08 Budget For Mountain Meadows Park Improvements. Staff Recommendation: Adopt Resolution No. 2007-2628. ROLL CALL VOTE REQUIRED
  
- E. Consider Resolution Establishing Certain Parking Restrictions on Charles Street at Magnolia Park. Staff Recommendation: Adopt Resolution No. 2007-2629.

The following item was pulled for individual consideration.

- D. Consider Award of Contract for the Expansion of Arroyo Vista Recreation Center. Staff Recommendation: Authorize the City Manager to execute agreements with: McCarthy Construction Development, at a cost not to exceed \$1,344,202.00; PML, at a cost not to exceed \$49,964.00; and amend the agreement with PICON for an additional cost not to exceed \$40,410.00, subject to final language approval of the City Manager and City Attorney.

Ms. Lindley gave the staff report which included a correction to the agreement with McCarthy Construction Development to be with Pat McCarthy Construction, Inc., and corrected an error in the agreement with PICON for an additional cost not to exceed \$79,720.00.

MOTION: Mayor Hunter moved and Councilmember Mikos seconded a motion to authorize the City Manager to execute agreements with: Pat McCarthy Construction, Inc., at a cost not to exceed \$1,344,202.00; PML, at a cost not to exceed \$49,964.00; and amend the agreement with PICON for an additional cost not to exceed \$79,720.00, subject to final language approval of the City Manager and City Attorney. The motion carried by unanimous roll call vote.

7. CLOSED SESSION:

Mr. Kueny requested the Council go into closed session for discussion of two cases under Item 7.B. and Items 7.C. and 7.D. on the agenda.

MOTION: Councilmember Parvin moved and Councilmember Mikos seconded a motion to adjourn to closed session for discussion of two cases under Item 7.B. and Items 7.C. and 7.D. on the agenda. The motion carried by unanimous voice vote.

- 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)
  
- C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
(Pursuant to Subdivision (a) of Section 54956.9 of the Government Code)  
4X Projects Co, a California Corporation, Richard Gray, an individual vs. City of Moorpark and Does 1 through 50, inclusive (Case No. SC048687)

D. 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; Deputy City Manager; Finance Director; Parks, Recreation and Community Services Director; and Planning Director

Present in closed session were Councilmembers Mikos, Millhouse, Parvin, Van Dam, and Mayor Hunter; Steven Kueny, City Manager; Joseph Montes, City Attorney; Hugh Riley, Assistant City Manager; Barry Hogan, Community Development Director; Dave Bobardt, Planning Director; David Moe, Redevelopment Manager; and Deborah Traffenstedt, Administrative Services Director/City Clerk. Mr. Moe left the meeting at 8:10 p.m. Mr. Bobardt, Mr. Hogan and Mr. Riley left the meeting at 8:15 p.m.

The Council reconvened into open session at 8:25 p.m. Mr. Kueny stated two cases under Item 7.B. and Items 7.C. and 7.D. were discussed and there was no action to report.

8. ADJOURNMENT:

Mayor Hunter adjourned the meeting at 8:25 p.m.

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Patrick Hunter, Mayor

ATTEST:

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Deborah S. Traffenstedt  
City Clerk