

MINUTES OF THE CITY COUNCIL

Moorpark, California

September 19, 2007

A Regular Meeting of the City Council of the City of Moorpark was held on September 19, 2007, 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 7:23 p.m.

2. PLEDGE OF ALLEGIANCE:

Barry Hogan, Deputy City Manager, led the Pledge of Allegiance.

3. ROLL CALL:

Present: Councilmembers Mikos, Millhouse, Parvin, Van Dam, 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; David Moe, Redevelopment Manager; John Brand, Senior Management Analyst; Michael Atkin, Recreation/Community Services Manager; Jennifer Mellon, Senior Management Analyst; Captain Jeff Matson, Sheriff's Department; Deborah Traffenstedt, Administrative Services Director/City Clerk; and Maureen Benson, Assistant City Clerk.

4. PROCLAMATIONS AND COMMENDATIONS:

A. Introduction of Deputy Leonard Lopez, High School Resource Officer (HSRO).

Mayor Hunter introduced Deputy Leonard Lopez, High School Resource Officer.

B. Introduction of Deputy Chris Love, Drug Abuse Resistance Education (DARE) Officer.

Mayor Hunter introduced Deputy Chris Love, Drug Abuse Resistance Education Officer.

C. Proclamation Recognizing Rose Wisuri for Her Career in Education.

Mayor Hunter presented Rose Wisuri with a proclamation recognizing her career in education.

D. City Manager's Monthly Report.

Mr. Kueny deferred the monthly report.

5. PUBLIC COMMENT:

None.

AT THIS POINT in the meeting, the City Council recessed to convene a meeting of the Moorpark Redevelopment Agency. The time was 7:34 p.m. The City Council meeting reconvened at 7:35 p.m.

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

CONSENSUS: It was the consensus of the Council to hear Item 9.E. prior to Public Hearings upon the request of Mayor Hunter.

7. ANNOUNCEMENTS AND FUTURE AGENDA ITEMS:

Councilmember Millhouse requested additional traffic units patrol the Shasta Avenue neighborhood due to increased concerns over safety of pedestrians since the start of the school year. He requested a future agenda item for the Transportation and Public Works Committee to consider traffic calming efforts in this area.

Councilmember Parvin announced she, Councilmember Millhouse, and Deborah Traffenstedt, City Clerk had attended the League of California Cities Annual Meeting in Sacramento on September 5th through the 8th.

Councilmember Mikos announced Southern California Edison has a new energy saving program where citizens may turn in old lamps for newer more efficient fixtures.

AT THIS POINT in the meeting Item 9.E. was heard.

9. E. Consider Approval of Arts Commission Recommendation to Proceed with Community Works Design Group for the Design of the Moorpark Veteran's Memorial Project. Staff Recommendation: Award an agreement to Community Works Design Group for the design of the Veteran's Memorial Project, subject to final language approval by the City Manager and City Attorney; and authorize the City Manager to execute the agreement at a cost not to exceed \$53,450.

Ms. Mellon gave the staff report.

Pete Duncan, representing Moorpark veterans, spoke in support of the project.

MOTION: Councilmember Parvin moved and Councilmember Mikos seconded a motion to award an agreement to Community Works Design Group for the design of the Veteran's Memorial Project, subject to final language approval by the City Manager and City Attorney; and authorize the City Manager to execute the agreement at a cost not to exceed \$53,450. The motion carried by unanimous voice vote.

8. PUBLIC HEARINGS:

- A. Consider Continued Hearing on Potential Breach by Time Warner of Its Customer Service Obligations. (continued public hearing from June 20, 2007) Staff Recommendation: 1) Continue to accept public testimony, and close the public hearing; and 2) Direct staff to monitor Time Warner Cable's performance and keep Council informed as appropriate.

Councilmember Millhouse, member of the Cable TV Ad Hoc Committee, reported progress is being made with Time Warner and recommended the hearing be continued to February 6, 2008, to allow more time for discussions.

The following speakers from Time Warner were available to answer questions:

Debi Picciolo
Larson Jaenicke
Patricia Fregoso-Cox

MOTION: Councilmember Millhouse moved and Councilmember Parvin seconded a motion to continue the open public hearing to February 6, 2008. The motion carried by unanimous voice vote.

- B. Consider Amendment of Title 16 - Subdivisions, to Add Chapter 16.30, Condominium Conversion Projects, to Establish Requirements for the Conversion of Rental Apartments to Condominium Ownership. (continued open public hearing from August 1, 2007) Staff Recommendation: 1) Continue to accept public testimony, and close the public hearing; and 2) Introduce Ordinance No. 358 for first reading, waive full reading, and schedule second reading and adoption for October 3, 2007.

Mr. Hogan gave the staff report and amended the language on stamped pages 21-22 of the ordinance to read in subsection (e) of Section

16.30.050, " A tenant assistance plan must contain the following components: ... (e) A statement of the method by which the subdivider or his/her agents will reimburse each tenant for costs actually incurred in moving from his/her apartment due to the planned conversion to a common ownership unit. The amount of tenant reimbursement for cost actually incurred in moving shall be set by City Council resolution."

Mayor Hunter stated the public hearing remains open.

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. 358.

MOTION: Councilmember Mikos moved and Councilmember Parvin seconded a motion to waive full reading, declare Ordinance No. 358, as amended for Subsection (e) of Section 16.30.050, read for the first time, and schedule second reading and adoption at the same time a resolution establishing tenant reimbursement for costs actually incurred in moving is brought to Council for approval. The motion carried by unanimous voice vote.

AT THIS POINT in the meeting the Council declared a recess to reconvene the Redevelopment Agency meeting. The time was 8:01 p.m. The Council meeting was called back to order at 8:03 p.m. and a joint meeting of the Council and Redevelopment Agency was declared in order to hear Item 4.A. on the Redevelopment Agency agenda jointly with Item 8.C.

8. C. Consider Approval of Amendment No. 2 to the Redevelopment Plan for the Moorpark Redevelopment Project. (This item to be heard jointly with Redevelopment Agency Item 4.A.) Staff Recommendation: 1) Open the public hearing, accept public testimony, and close the public hearing; 2) Adopt Agency Resolutions Nos. 2007-179, 2007-____, and 2007-____; 3) Adopt Council Resolution No. 2007-____, and 4) Introduce Ordinance No. ____ for first reading and schedule second reading and adoption for October 3, 2007.

Refer to Redevelopment Agency minutes for adoption of Agency Resolution No. 2007-179.

Mr. Moe gave the staff report and introduced Richard Tillberg and Jon Huffman from Urban Futures, the consultants on the project, who gave the presentation declaring the sole purpose of the amendment is to reinstate the limited eminent domain authority for twelve (12) years without any changes from Ordinance No. 111.

Mayor Hunter opened the joint public hearing.

The following individuals spoke in opposition to the proposal:

Ro Hawkinson (for Bette Ree)
Roberto Gonzalez
Lupe Gonzalez
Randy Wheeler
Theresa Hagman-Lawson
Ricky Delgado
Justin Ekback
Rigoberto Barrera
Pamela Castro
Ann Dowd
Maria Rosales
Hugo Tamayo
Teresa Cortes
Cassandra Calderon
Antonio Castro
Ernie Bergmann
Gloria Rios
Jesus Miguez
Terry Davenport
Pete Peters
Raymond Stuehrmann
Juan Pacheco
Lisa Orr
Richard Mesa

In response to Mayor Hunter, Ms. Traffenstedt summarized one (1) written statement card from Richard Gray who opposed the amendment.

AT THIS POINT in the meeting a recess was declared. The time was 10:20 p.m. The joint Council/Redevelopment Agency meeting reconvened at 10:45 p.m.

Mr. Montes summarized the options available to Council including: 1) Reject the proposal; 2) Approve the proposal; 3) Continue the item for additional information; or 4) Select a different amendment, which would require a vote of the Moorpark electorate.

MOTION: Councilmember Millhouse moved and Councilmember Parvin seconded a motion to reject Amendment No. 2 to the Redevelopment Plan for the Moorpark Redevelopment Project. The motion carried by unanimous roll call vote.

AT THIS POINT in the meeting a recess was declared. The time was 11:42 p.m. The joint Council/Redevelopment Agency meeting reconvened at 11:59 p.m.

CONSENSUS: It was the consensus of the Council/Agency, due to the late hour, to reorder both agendas to hear any remaining items as they appear on the agendas.

AT THIS POINT in the meeting a motion to adjourn the Redevelopment Agency was heard and the Council meeting was exclusively reconvened. The time was 11:59 p.m.

- D. Consider Resolution Declaring the Private Parking Facilities at the Moorpark Grove Shopping Center (CPD-04-02) Subject to the Provisions of the California Vehicle Code (CVC). Staff Recommendation: 1) Open the public hearing, accept public testimony, and close the public hearing; and 2) Adopt Resolution No. 2007-2630.

Mr. Lall deferred the staff report and stated he was available for questions.

Mayor Hunter opened the public hearing.

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

Mayor Hunter closed the public hearing.

MOTION: Councilmember Parvin moved and Councilmember Millhouse seconded a motion to adopt Resolution No. 2007-2630, declaring the private parking facilities at Moorpark grove Shopping Center (CPD-04-02) subject to the provisions of the California Vehicle Code (CVC). The motion carried by unanimous voice vote.

- E. Consider Resolution Declaring the Private Parking Facilities at the Village at Moorpark Shopping Center (CPD-04-01) Subject to the Provisions of the California Vehicle Code (CVC). Staff Recommendation: 1) Open the public hearing, accept public testimony, and close the public hearing; and 2) Adopt Resolution No. 2007-2631.

Mr. Lall deferred the staff report and stated he was available for questions.

Mayor Hunter opened the public hearing.

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

Mayor Hunter closed the public hearing.

MOTION: Councilmember Millhouse moved and Councilmember Parvin seconded a motion to adopt Resolution No. 2007-2631, declaring the private parking facilities at the Village at Moorpark Shopping Center (CPD-04-01) subject

to the provisions of the California Vehicle Code (CVC). The motion carried by unanimous voice vote.

- F. Consider Resolution Declaring the Private Roads within Tract 5045-1 through 7, (RPD-2002-03, -04, -05 and 2004-01) Subject to the Provisions of the California Vehicle Code (CVC). Staff Recommendation: 1) Open the public hearing, accept public testimony, and close the public hearing; and 2) Adopt Resolution No. 2007-2632.

Mr. Lall deferred the staff report and stated he was available for questions.

Mayor Hunter opened the public hearing.

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

Mayor Hunter closed the public hearing.

MOTION: Councilmember Millhouse moved and Councilmember Van Dam seconded a motion to adopt Resolution No. 2007-2632, declaring the private parking facilities within Tract 5045-1 through 7, (RPD-2002-03, -04, -05 and 2004-01) subject to the provisions of the California Vehicle Code (CVC). The motion carried by unanimous voice vote.

- G. Consider Resolution Declaring the Private Parking Facilities at the Warehouse Discount Center Property (CPD-04-03) Subject to the Provisions of the California Vehicle Code (CVC). Staff Recommendation: 1) Open the public hearing, accept public testimony, and close the public hearing; and 2) Adopt Resolution No. 2007-2633.

Mr. Lall deferred the staff report and stated he was available for questions.

Mayor Hunter opened the public hearing.

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

Mayor Hunter closed the public hearing.

MOTION: Councilmember Millhouse moved and Councilmember Parvin seconded a motion to adopt Resolution No. 2007-2633, declaring the private parking facilities at the Warehouse Discount Center Property (CPD-04-03) Subject to the Provisions of the California Vehicle Code (CVC). The motion carried by unanimous voice vote.

9. PRESENTATION/ACTION/DISCUSSION:

- A. Consider Appointment of One City Representative to Fill a Vacancy on the Air Pollution Control District Advisory Committee. Staff Recommendation: Appoint one City representative to fill the vacancy on the Air Pollution Control District Advisory Committee for a term ending January 2011.

Ms. Traffenstedt deferred the staff report and stated she was available for questions.

MOTION: Mayor Hunter moved and Councilmember Millhouse seconded a motion to nominate Michael Moore to serve as the City's representative on the Air Pollution Control District Advisory Committee for a term ending January 2011. The motion carried by unanimous voice vote.

- B. Consider the Establishment of an Ad-Hoc Committee to Develop a Draft Development Agreement Between John Chiu FLPN and the City of Moorpark for Residential Planned Development Permit No. 2005-02, General Plan Amendment No. 2005-02, Amendment to the Downtown Specific Plan, Zone Change No. 2005-02, Development Agreement No. 2005-04, and Tentative Tract Map No. 5739. Staff Recommendation: Appoint two (2) Councilmembers to an Ad-Hoc Committee

Councilmembers Van Dam and Millhouse volunteered to serve on the ad hoc committee for the draft development agreement between John Chiu FLPN and the City of Moorpark.

CONSENSUS: It was the consensus of the Council for Councilmembers Millhouse and Van Dam to serve on an ad hoc committee to develop a draft development agreement between John Chiu FLPN and the City of Moorpark for Residential Planned Development Permit No. 2005-02, General Plan Amendment No. 2005-02, Amendment to the Downtown Specific Plan, Zone Change No. 2005-02, Development Agreement No. 2005-04, and Tentative Tract Map No. 5739.

- C. Consider Resolution Amending the Fiscal Year 2007/08 Budget to Appropriate Funds for the Construction of a Public Bike/Walkway within the Lassen Avenue Street Right-of-Way Between Park Lane and Moorpark Avenue. Staff Recommendation: 1) Approve the subject project and adopt Resolution No. 2007-____; and 2) Direct staff with disposition of Lassen Avenue. ROLL CALL VOTE REQUIRED

Mr. Lall deferred the staff report and stated he was available for questions.

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

MOTION: Councilmember Mikos moved and Councilmember Van Dam seconded a motion to approve the construction of a public bike/walkway within

Lassen Avenue street right-of-way between Park Lane and Moorpark Avenue and adopt Resolution No. 2007-2634, amending the Fiscal Year 2007/08 budget to appropriate funds for the project. The motion carried by unanimous roll call vote.

No action was taken on the disposition of Lassen Avenue.

- D. Consider Ordinance Amending Chapter 12.16 (Parks) of the Moorpark Municipal Code and Resolution Establishing Park Reservation Fees and Policies and Rescinding Resolution No. 2006-2442. Staff Recommendation: Introduce Ordinance No. 359 for first reading, waive full reading, and schedule second reading and adoption for October 3, 2007; and Adopt Resolution No. 2007-2635 rescinding Resolution No. 2006-2442, to be effective upon the effective date of Ordinance No. 359. ROLL CALL VOTE REQUIRED

Ms. Lindley deferred the staff report and stated she and Mr. Atkin were available for questions.

Councilmember Mikos stated she was not in favor of closing all parks at dusk since in many instances the public may still be walking or jogging in some of the parks.

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

Mr. Montes read the title of Ordinance No. 340.

MOTION: Councilmember Parvin moved and Mayor Hunter seconded a motion to: 1) Waive full reading, declare Ordinance No. 340 amending Chapter 12.16 (Parks) establishing park reservation fees and policies, and schedule second reading and adoption for October 3, 2007; and 2) Adopt Resolution No. 2007-2635, establishing park reservation fees and policies to be effective upon the effective date of Ordinance No. 340 and rescinding Resolution No. 2006-2442. The motion carried by roll call vote 4-1, Councilmember Mikos dissenting.

- F. Consider Adopting Revised City Council Policies Resolution and Rescinding Resolution No. 93-951 and Resolution No. 2006-2483. Staff Recommendation: Adopt Resolution No. 2007-2636, rescinding Resolution No. 93-951 and Resolution No. 2006-2483.

Ms. Traffenstedt deferred the staff report and stated she was available for questions.

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

MOTION: Councilmember Millhouse moved and Councilmember Parvin seconded a motion to adopt Resolution No. 2007-2636, rescinding Resolution No. 93-951 and Resolution No. 2006-2483. 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. The motion carried by unanimous roll call vote.

- A. Consider Approval of the Special Joint City Council/Parks & Recreation Commission Meeting Minutes of May 23, 2007. Staff Recommendation: Approve the minutes.
- B. Consider Approval of the Special Meeting Minutes of July 18, 2007. Staff Recommendation: Approve the minutes.
- C. Consider Approval of the Regular Meeting Minutes of July 18, 2007. Staff Recommendation: Approve the minutes.
- D. Consider Approval of the Special Meeting Minutes of August 1, 2007. Staff Recommendation: Approve the minutes.
- E. Consider Approval of the Regular Meeting Minutes of August 1, 2007. Staff Recommendation: Approve the minutes.
- F. Consider Approval of Warrant Register for Fiscal Year 2006-2007 – September 19, 2007. Staff Recommendation: Approve the warrant register.
- G. Consider Approval of Warrant Register for Fiscal Year 2007-2008 – September 19, 2007. Staff Recommendation: Approve the warrant register.
- H. Consider Report of Annual Development Agreement Review, Established in Connection with Canterbury Lane (Tract No. 5425), Located on the South Side of Los Angeles Avenue East of Fremont Street, on the Application of Shea Homes. Staff Recommendation: 1) Accept the Planning Director's Report and recommendation, on the basis of substantial evidence, that Shea Homes, Limited Partnership has complied in good faith with the terms and conditions of the agreement; and 2) Deem the annual review process complete.
- I. Consider Report of Annual Development Agreement Review, Established in Connection with Canyon Crest Ranch Partners-Moorpark, LLC, Located on Approximately 42.4 Acres East of Walnut Canyon Road at

Championship Drive (Tentative Tract Map 5437), on the Application of Canyon Crest Ranch Partners-Moorpark, LLC (Birdsall). Staff Recommendation: 1) Accept the Planning Director's Report and recommendation, on the basis of substantial evidence, that Canyon Crest Ranch Partners-Moorpark, LLC (Birdsall), has complied in good faith with the terms and conditions of the agreement; and 2) Deem the annual review process complete

- J. Consider Authorization of Recordation of the Notice of Completion for Magnolia Park Construction Project. Staff Recommendation: Authorize the City Clerk to file the Notice of Completion for the project and authorize the release of the balance of payment, due upon satisfactory clearance, thirty-five (35) days after Notice of Completion records, release bonds in accordance with the contract, and completion of closeout contractual obligations on the part of contractor.
 - K. Consider Resolution Adopting the Annual Investment Policy for Fiscal Year 2007/08 for the City of Moorpark. Staff Recommendation: Adopt Resolution No. 2007-2637, establishing the City of Moorpark's Investment Policy for Fiscal Year 2007/08.
 - L. Consider Resolution Setting a Ten Percent (10%) Transient Occupancy Tax Citywide. Staff Recommendation: Adopt Resolution No. 2007-2638.
ROLL CALL VOTE REQUIRED
 - M. Consider L.A. Rampage Soccer League's Request to Purchase Use of City's Time at Moorpark Country Club Golf Course. Staff Recommendation: Approve L.A. Rampage's one-time use of the City's golf privileges as described in the agenda report.
11. ORDINANCES: (ROLL CALL VOTE REQUIRED)
- None.
12. CLOSED SESSION:
- None was held.

13. ADJOURNMENT:

Mayor Hunter adjourned the meeting at 12:11 a.m. Thursday, September 20, 2007.

Patrick Hunter, Mayor

ATTEST:

Deborah S. Traffenstedt, City Clerk