ITEM 10. B.

MINUTES OF THE CITY COUNCIL

Moorpark, California October 17, 2007

A Regular Meeting of the City Council of the City of Moorpark was held on October 17, 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 7:08 p.m.

2. PLEDGE OF ALLEGIANCE:

Yugal Lall, City Engineer/Public Works Director, led the Pledge of Allegiance.

3. ROLL CALL:

Present: Councilmembers Mikos, Parvin, Van Dam, and Mayor Hunter.

Absent: Councilmember Millhouse.

Staff Present: Steven Kueny, City Manager; Hugh Riley, Assistant City Manager; Barry Hogan, Deputy City Manager; Mary Lindley, Parks/Recreation and Community Services Director; Johnny Ea, Finance Director; Yugal Lall, City Engineer/Public Works Director; David Bobardt, Planning Director; David Moe, Redevelopment Manager; Captain Jeff Matson, Sheriff's Department; Deborah Traffenstedt, Administrative Services Director/City Clerk; and Maureen Benson, Assistant City Clerk.

4. PROCLAMATIONS AND COMMENDATIONS:

A. Proclamation Recognizing October 23-31, 2007, as Red Ribbon Week.

Mayor Hunter presented D.A.R.E. Officer, Deputy Love, with a proclamation recognizing October 23-31, 2007, as Red Ribbon Week.

B. Proclamation Recognizing October 26, 2007, as Brain Injury Center Day.

Mayor Hunter presented Ms. Lee Staniland, President of the Board of Directors for the Brain Injury Center, with a proclamation recognizing October 26, 2007, as Brain Injury Center Day.

C. City Manager's Monthly Report.

Mr. Kueny deferred the verbal report and stated the monthly written report is available on the city's website at www.ci.moorpark.ca.us.

5. PUBLIC COMMENT:

Harry Schoffstall spoke in opposition to eminent domain and the newly enacted rental inspection ordinance.

Lynda Rummelhoff, representing the Moorpark Chamber of Commerce, gave an update the Chamber's membership and activities.

AT THIS POINT in the meeting, the City Council recessed to convene a meeting of the Moorpark Redevelopment Agency. The time was 7:23 p.m. The City Council meeting reconvened at 7:25 p.m.

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

CONSENSUS: It was the consensus of the Council to pull Items 10.G. and 10.N. from the Consent Calendar for individual consideration upon the request of Councilmember Mikos.

7. ANNOUNCEMENTS AND FUTURE AGENDA ITEMS:

Councilmember Mikos reported on the League of California Cities, Channel Islands Division, meeting on Friday, October 12, at the Crown Plaza Hotel in Ventura, where Councilmember Parvin; Deborah Traffenstedt, Administrative Services Director/City Clerk; Mary Lindley, Parks, Recreation and Community Services Director; and Teri Davis, Senior Management Analyst were also in attendance.

Councilmember Parvin, President of the Channel Counties Division of the League of California Cities also attended the October 12 meeting. She announced Jim Madafee is the new President of the League; and stated the main topic of discussion at the meeting was eminent domain.

Councilmember Parvin requested staff work with elected officials on the truck bypass around the City of Moorpark in light of recent impacts to Walnut Canyon Road caused by the State's detouring of traffic after the tragic truck accident on State Route 5.

Councilmember Parvin reported citizens have been contacting the Council in regard to graffiti abatement in the Arroyo. She requested staff explore obtaining a citywide permit from the County of Ventura to gain access to all areas rather than individual permits for each site.

Councilmember Parvin stated the City of Ventura has passed an ordinance implementing a $1,000 penalty per graffiti incident and requested staff pursue a similar approach.

Mayor Hunter announced the City will be conducting a skate park design workshop on Saturday, October 27 at 10 a.m. at the Moorpark Community Center, 799 Moorpark Avenue. Participants will have an opportunity to let the City know what kind of features they would like to see included in the 14,000-square-foot, in-ground skate park planned for the expansion at Poindexter Park. The names of all workshop participants will be entered into a drawing to win skateboard and other prizes.

Mayor Hunter announced Teen Read Week is underway at the Moorpark City Library and runs through Saturday, October 20. "LOL @ Your Library" is the theme. Moorpark City Library staff encourages all middle and high school students to "Read Just for Fun" and visit the library to check out everything they have to offer.

Mayor Hunter announced the City of Moorpark will be hosting the annual Halloween Party and Trick or Treat Village on Saturday, October 27, at Arroyo Vista Recreation Center. Activities include carnival games, arts and crafts, special attractions, a costume parade, and trick or treating.

Mayor Hunter announced the City of Moorpark will hold its first free electronic waste collection event on Saturday, November 17 from 9:00 a.m. – 2:00 p.m. at the Moorpark Public Services Facility located at 627 Fitch Avenue. You must be a Moorpark resident to participate and accepted items include electronic devices, televisions, computer equipment, printers, household batteries, fluorescent tubes, and compact fluorescent lights.

Mayor Hunter announced residents may schedule two bulky item collection appointments each year and receive free collection of up to a total of four bulky items. Call your solid waste hauler to schedule appointments or contact Community Services.

8. PUBLIC HEARINGS:

None.

9. PRESENTATION/ACTION/DISCUSSION:

A. Consider Ordinance Amending Section 9.24.020 - Discharge of Firearms-Exceptions-Permits, of Chapter 9.24 -Weapons, of Title 9 - Public Peace, Morals of the Moorpark Municipal Code. Introduce Ordinance No. 363 for first reading, waive full reading, and schedule second reading and adoption for November 7, 2007.

Mr. Riley gave the staff report.

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

Ms. Traffenstedt read the title of Ordinance No. 363.

MOTION: Councilmember Mikos moved and Councilmember Van Dam seconded a motion to introduce Ordinance No. 363 for first reading, waive full reading, and schedule second reading and adoption for November 7, 2007. The motion carried by voice vote 4-0, Councilmember Millhouse absent.

10. CONSENT CALENDAR: (ROLL CALL VOTE REQUIRED)

MOTION: Councilmember Parvin moved and Councilmember Van Dam seconded a motion to approve the Consent Calendar with the exception of Items 10.G. and 10.N, which were pulled for individual consideration. The motion carried by roll call vote 4-0, Councilmember Millhouse absent.

A. Consider Approval of the Special Meeting Minutes of October 3, 2007. Staff Recommendation: Approve the minutes.

B. Consider Approval of the Regular Meeting Minutes of October 3, 2007. Staff Recommendation: Approve the minutes.

C. Consider Approval of Warrant Register for Fiscal Year 2007-2008 – October 17, 2007. Staff Recommendation: Approve the warrant register.

D. Consider Resolution Authorizing the City's Fiscal Year 2007/08 Transportation Development Act Claim. Staff Recommendation: Adopt Resolution No. 2007-2643.

E. Consider Cancellation of January 2, 2008, Regular Meeting. Direct staff to post a notice of meeting cancellation for January 2, 2008.

F. Consider Deed of Easement of Dedication to the City of Moorpark for Access Purposes in Relation to the Pardee Project for Moorpark Highlands, Over Parcel 1 of Lot Line Adjustment (LLA) 2006-07, per Tract No. 5045-6. Staff Recommendation: Approve the acceptance of the easement and authorize the City Clerk to sign and record an acceptance certificate for the Deed of Easement and the attachments thereto in the office of the Ventura County Recorder.

H. Consider Purchase of a Changeable Message Sign (CMS) to be Funded by the Tierra Rejada Road/Second Street Asphalt Overlay Project (Project 8011) and Resolution Amending the Fiscal Year 2007/08 Budget to Fund

the Purchase. Staff Recommendation: Approve purchase of a second CMS in an amount not to exceed $20,000 and adopt Resolution 2007-2645. ROLL CALL VOTE REQUIRED

I. Consider Revision of City Council Policy 10 Regarding Fee Waivers for Moorpark Based Non-Profits for a Single Annual Event. Staff Recommendation: Direct staff to utilize forty-five (45) days as the allowable time frame for Council Policy 10 and direct staff to incorporate the policy change in the City Council Policies Resolution at the time of the next update.

J. Consider Resolution Rescinding Resolutions Nos. 91-742 and 91-792 and Authorizing the Employees with the Listed Job Classifications to Enforce the Moorpark Municipal Code. Staff Recommendation: Adopt Resolution No. 2007-2646.

K. Consider Resolution Authorizing the Submittal of a Grant Application for the "Strike Out Stroke" Health Program. Staff Recommendation: Adopt Resolution No. 2007-2647.

L. Consider the Simi Valley Landfill and Recycling Center Expansion Project. Staff Recommendation: Direct staff to send a letter to the County expressing interest in the project.

M. Consider Resolution Authorizing the Acquisition of 396 and 436 Charles Street and Accepting Grant Deeds for Recordation. Staff Recommendation: 1) Adopt Resolution No. 2007-2648; 2) Authorize the City Manager to execute all documents necessary to this transaction; and 3) Authorize the City Clerk to accept and consent to the recordation of any deeds. ROLL CALL VOTE REQUIRED

The following items were pulled for individual consideration.

G. Consider Resolution Setting Reimbursement Amount to be Paid by Property Owners to Tenants for Moving Costs Due to Condominium Conversion. Staff Recommendation: Adopt Resolution No. 2007-2644. ROLL CALL VOTE REQUIRED

Councilmember Mikos stated she pulled this item to discuss whether or not the amount to be paid should have an automatic escalator included in the resolution.

A discussion followed among the Councilmembers and staff, which resulted in agreement to direct staff to review the fee annually and add a new section to the resolution indicating, when needed, the fee may be amended each January, beginning in 2009, as determined by the City Council.

MOTION: Councilmember Mikos moved and Councilmember Van Dam seconded a motion to adopt Resolution No. 2007-2664, setting reimbursement amount to be paid by property owners to tenants for moving costs due to condominium conversion and as amended to include language indicating the fee may be amended as determined by the City Council, each January, beginning in 2009. The motion carried by roll call vote 4-0, Councilmember Millhouse absent.

N. Consider Approval of Pantone Matching System for City Seal's Colors. Staff Recommendation: Approve the Pantone Matching System colors for the City Seal consistent with the attachment to the staff report.

Councilmember Mikos stated she pulled this item to indicate she is not in favor of these colors, which she voted against when they were initially presented.

MOTION: Mayor Hunter moved and Councilmember Parvin seconded a motion to approve the Pantone Matching System colors for the City Seal consistent with the attachment to the staff report. The motion carried by voice vote 3-1, Councilmember Mikos dissenting and Councilmember Millhouse absent.

11. ORDINANCES: (ROLL CALL VOTE REQUIRED)

A. Consider Ordinance No. 358 Adding Chapter 16.30, Condominium Conversion Projects, to Title 16, Subdivisions, of the Moorpark Municipal Code, to Establish Requirements for the Conversion of Rental Apartments to Condominium Ownership. Staff Recommendation: Waive full reading and declare Ordinance No. 358 read for the second time and adopted as read. ROLL CALL VOTE REQUIRED

Ms. Traffenstedt read the title of Ordinance No. 358.

MOTION: Councilmember Mikos moved and Councilmember Parvin seconded a motion to waive full reading and declare Ordinance No. 358 read for the second time and adopted as read. The motion carried by roll call vote 4-0, Councilmember Millhouse absent.

B. Consider Ordinance No. 360 Approving Zoning Ordinance Amendment 2007-02 Amending Section 17.20.060 of Title 17, Zoning, of the Moorpark Municipal Code to Add Medical Marijuana Dispensaries As a Prohibited Use in All Commercial, Industrial and Institutional Zones, and to Revise Use Restrictions on Body Piercing and/or Tattoo Shops, Tobacco Stores, Including but Not Limited to Cigarette, Cigar and Smoking Paraphernalia Shops, Pawnshops, Thrift Stores, Consignment Stores, Secondhand Shops, Clubhouses, Social Clubs, and Service Clubs in the Commercial, Industrial, and Institutional Zones. Staff Recommendation: Waive full reading and declare Ordinance No. 360 read for the second time and adopted as read. ROLL CALL VOTE REQUIRED

Ms. Traffenstedt read the title of Ordinance No. 360.

MOTION: Councilmember Parvin moved and Councilmember Van Dam seconded a motion to waive full reading and declare Ordinance No. 360 read for the second time and adopted as read. The motion carried by roll call vote 4-0, Councilmember Millhouse absent.

C. Consider Ordinance No. 361: 1) Repealing Ordinance No. 166 of the Moorpark Municipal Code; 2) Approving Zoning Ordinance Amendment No. 2007-03 to Amend Title 17, Zoning of the Moorpark Municipal Code, by Amending Chapter 17.20 Uses by Zone Table 17.20.060a1 and Adult Businesses, Section 17.24.040 by Adding 17.24.040n Adult Business Minimum Location Requirements, and Chapter 17.28 Standards for Specific Uses by Adding Section 17.28.050 Adult Business Permit; and 3) Amending Title 5, Business Taxes, Licenses and Regulations by Adding Chapter 5.18 Adult Business Performer Permit. Staff Recommendation: Waive full reading and declare Ordinance No. 361 read for the second time and adopted as read. ROLL CALL VOTE REQUIRED

Ms. Traffenstedt read the title of Ordinance 361.

MOTION: Councilmember Mikos moved and Councilmember Van Dam seconded a motion to waive full reading and declare Ordinance No. 361 read for the second time and adopted as read. The motion carried by roll call vote 4-0, Councilmember Millhouse absent.

D. Consider Ordinance No. 362 Amending Section 1.16.040.A. Notice of Violations, of Chapter 1.16. Administrative Citations, of Title 1 of the Moorpark Municipal Code, to Delete Incorrect Section 1.16.060(B)(1)-(5). Staff Recommendation: Waive full reading and declare Ordinance No. 362 read for the second time and adopted as read. ROLL CALL VOTE REQUIRED

Mr. Traffenstedt read the title of Ordinance 362.

MOTION: Councilmember Van Dam moved and Councilmember Parvin seconded a motion to waive full reading and declare Ordinance No. 362 read for the second time and adopted as read. The motion carried by roll call vote 4-0, Councilmember Millhouse absent.

12. CLOSED SESSION:

None was held.

13. ADJOURNMENT:

Mayor Hunter adjourned the meeting at 7:42 p.m.

Patrick Hunter, Mayor

ATTEST:

Maureen Benson, Assistant City Clerk