

MINUTES OF THE CITY COUNCIL

Moorpark, CaliforniaNovember 7, 2007

A Regular Meeting of the City Council of the City of Moorpark was held on November 7, 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 7:28 p.m.

2. PLEDGE OF ALLEGIANCE:

Hugh Riley, Assistant 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; 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; Michael Atkin, Recreation/Community Services Manager; John Brand, Senior Management Analyst; Jennifer Mellon, Senior Management Analyst; Teri Davis, Senior Management Analyst; Captain Jeff Matson, Sheriff's Department; Deborah Traffenstedt, Administrative Services Director/City Clerk; and Blanca Garza, Deputy City Clerk.

4. PROCLAMATIONS AND COMMENDATIONS:

A. Proclamation Recognizing November 15, 2007, as "America Recycles Day".

Mayor Hunter presented Jennifer Mellon, Senior Management Analyst, with a proclamation recognizing November 15, 2007, as "America Recycles Day".

5. PUBLIC COMMENT:

Lyle Pennington, on behalf of the Rotary Club of Moorpark, invited the public to attend the Civil War Re-enactment event – "The Blue and The Gray" the weekend of November 10 – 11, 2007, at the Tierra Rejada Farms.

AT THIS POINT in the meeting, the City Council recessed to convene a meeting of the Moorpark Redevelopment Agency. The time was 7:36 p.m. The City Council meeting reconvened at 7:37 p.m.

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

CONSENSUS: It was the consensus of the Council to pull Item 10.L. from the Consent Calendar for individual consideration upon the request of Councilmember Millhouse.

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

7. ANNOUNCEMENTS, FUTURE AGENDA ITEMS, AND REPORTS ON MEETINGS/CONFERENCES ATTENDED BY COUNCILMEMBERS AND MAYOR:

Mayor Hunter announced Eagle Scout, Josh Ogg is requesting donations to send needed items to soldiers. His goal is to fill over 400 boxes with items. He requests financial contributions, payable to "For the Troops", to use toward the shipping costs. Mr. Ogg's address is 4360 Robinwood Lane in Moorpark or contact Tracy Martin with the City of Moorpark at 517-6237 to get in touch with Mr. Ogg.

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. This event is for Moorpark residents only. Items that can be accepted include electronic devices, televisions, computer equipment, printers, household batteries, fluorescent tubes, and compact fluorescent lights.

Mayor Hunter invited the public to join the Moorpark City Library on the third Sunday afternoon of each month for Family Storytime from 3:00 - 4:30 p.m. where the Youth Services Librarian will "entertain your brain" with themed events, stories, and activities for the whole family to enjoy. Call the Library at 517-6370 or visit www.moorparklibrary.org for more information.

Mayor Hunter announced free household hazardous waste collection events are offered to Moorpark residents the 2nd Friday and Saturday of each month in Camarillo and the 3rd Saturday of the month in Simi Valley (no event in December). Accepted items are: paint, pesticides, household batteries, chemicals, used oil, medications, or solvents. Please call Camarillo at 987-0717 or Simi Valley at 583-6321 for more information and to schedule your appointment.

8. PUBLIC HEARINGS:

- A. Consider Resolution Approving Modification No. 1 to Industrial Planned Development Permit (IPD/DP) No. 300, a Request to Construct a Three-Level Parking Structure Containing 260 Parking Spaces, at 5898 Condor Drive, on the Application of John Kamus (APNs 513-0-006-025; 513-0-006-012). Staff Recommendation: 1) Open the public hearing, accept public testimony, and close the public hearing; and 2) Adopt Resolution No. 2007-2649.

Mr. Vacca gave the staff report.

A discussion followed among the Councilmembers and staff regarding: 1) Adding a condition to disallow the use of prohibited and invasive plants; 2) Concern regarding height of parking structure lights and need for shielding; 3) Safety concerns to be addressed under Standard Condition No. 150 (Police Department) in addition to Captain Matson looking at the need in the parking structure for security cameras, an intercom system or emergency response alarm, gating during non-use, and pavement modifications to deter skateboarder use; and 4) The need for a walkway for pedestrians to use within the parking structure to avoid walking between cars.

In response to Mayor Hunter, John Kamus of, Kamus and Keller Architects, 4100 Guardian Street, Suite 250, Simi Valley, California, addressed parking structure screen wall height concerns specific to safety/security, ventilation, and visual access to the structure. Mr. Kamus had no exceptions to the conditions in the staff report or the changes raised during discussion.

Mayor Hunter opened the public hearing.

In response to Mayor Hunter Ms. Traffenstedt stated the only speaker card submitted was from the applicant Mr. Kamus.

Councilmember Parvin requested the record show a walkway access from the building to the parkway will be added to the project conditions; and that police department personnel will meet with the applicant to ensure safety and skateboarder issues are addressed.

Councilmember Mikos requested that non-native trees and plants removed from the site during the cleanup process not be replanted with the same non-native species.

Mayor Hunter closed the public hearing.

MOTION: Councilmember Mikos moved and Councilmember Parvin seconded a motion to adopt Resolution No. 2007-2649, approving Modification No. 1 to Industrial Planned Development Permit (IPD/DP) No. 300, a request to construct a three-level parking structure containing 260 parking spaces, as amended to: 1) Add a condition to disallow to the use of prohibited and invasive plants 2) Construct a pedestrian walkway within the structure; and 3) Address additional public safety concerns as part of the enforcement of Standard Condition No. 150. The motion carried by unanimous voice vote.

- B. Consider Tax Equity Fiscal Responsibility Act (TEFRA) Hearing Related to Essex Moorpark Apartments, LP (GPA 2004-05, ZC 2004-04, RPD 2004-06) on Application by Essex Property Trust, Inc. and Resolution Approving the Issuance of Tax-Exempt Obligations. Staff Recommendation: 1) Open the public hearing, accept public testimony, and close the public hearing; 2) Adopt Resolution No. 2007-2650; and 3) Authorize the City Manager to withdraw the City's application for Tax Exempt Financing to California Debt Limit Allocation Committee if the Development Agreement and the Affordable Housing Agreement are not executed by Essex by November 30, 2007.

Mr. Riley gave the staff report.

Mayor Hunter opened the public hearing.

In response to Mayor Hunter Ms. Traffenstedt stated there was one Speaker Card from Maura Lederer of Essex Property Trust, Inc. indicating she is available to answer questions.

A discussion followed among the Councilmembers and staff regarding the bond financing process and possible delay scenarios.

In response to Mayor Hunter and the Councilmembers, Mr. Kueny stated the November 30, 2007, deadline is for the execution of the documents and is not the deadline for the recordation of the documents.

Mayor Hunter closed the public hearing.

MOTION: Councilmember Millhouse moved and Councilmember Parvin seconded a motion to: 1) Adopt Resolution No. 2007-2650, approving the Issuance of Tax-Exempt Obligations; and 2) Authorize the City Manager to withdraw the City's application for Tax Exempt Financing to the California Debt Limit Allocation Committee if the Development Agreement and the Affordable Housing Agreement are not executed by Essex by November 30, 2007. The motion carried by unanimous voice vote.

9. PRESENTATION/ACTION/DISCUSSION:

- A. Consider Ordinance Amending Section 3.36.010, Definitions, of Article 1, Fire Protection Facility Fee, of Chapter 3.36, Building Permit Fees, of Title 3 of the Moorpark Municipal Code, by Revising the Definition of a "Standard Fire Station" within the City of Moorpark. Staff Recommendation: Introduce Ordinance No. 364 for first reading, waive full reading, and schedule second reading and adoption for December 5, 2007.

Mr. Brand gave the staff report.

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

Mr. Montes read the title of Ordinance No. 364.

MOTION: Councilmember Parvin moved and Councilmember Mikos seconded a motion to waive full reading and declare Ordinance No. 364 read for the first time, and directed staff to schedule second reading and adoption for December 5, 2007. The motion carried by unanimous voice vote.

- B. Consider Ordinance Amending Specific Chapters of Title 15 of the Moorpark Municipal Code by Amending Chapters 15.04, 15.08, 15.12, 15.14, 15.16, 15.18, and 15.20; Adopting by Reference and Amending the Current Editions of Certain Model Codes. Staff Recommendation: Introduce Ordinance No. 365 for first reading, waive full reading, and schedule second reading and adoption for December 5, 2005.

Mr. Hogan gave the staff report.

A discussion followed among the Councilmembers and staff regarding the materials used for a second story structure and the establishment of boundaries adjacent to open space areas.

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

Mr. Montes read the title of Ordinance No. 365.

MOTION: Councilmember Millhouse moved and Councilmember Parvin seconded a motion to waive full reading and declare Ordinance No. 365 read for the first time, and directed staff to schedule second reading and adoption for December 5, 2007. The motion carried by unanimous voice vote.

- C. Consider Ordinance Amending Title 5, Business Taxes, Licenses and Regulations of the Moorpark Municipal Code by Deleting Chapter 5.04

Business License; Amending Chapter 5.08 Business Registration; Deleting Chapter 5.12 Ambulances; Deleting Chapter 5.20 Billiard Rooms; Amending Chapter 5.24 Bingo Games; Deleting Chapter 5.28 Cardrooms; Amending Chapter 5.32 Pawnbrokers, Junk Dealers and Secondhand Dealers; Deleting Chapter 5.36 Dancehalls; Deleting Chapter 5.40 Teen Dances; Amending Chapter 5.44 Hotels and Motels; Amending Chapter 5.48 Massage Establishments and Technicians; Amending Chapter 5.60 Newsracks; Amending Chapter 5.64 Peddlers, Itinerant Merchants and Solicitors, Deleting Chapter 5.68 Private Patrols; Deleting Chapter 5.76 Taxicabs; Deleting Chapter 5.80 Temporary Shows; and Deleting Chapter 5.84 Kennels. Staff Recommendation: Introduce Ordinance No. 366 for first reading, waive full reading, and schedule second reading and adoption for December 5, 2007.

Mr. Hogan gave the staff report.

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

Mr. Montes read the title of Ordinance No. 366.

MOTION: Councilmember Millhouse moved and Councilmember Parvin seconded a motion to waive full reading and declare Ordinance No. 366 read for the first time, and directed staff to schedule second reading and adoption for December 5, 2007. The motion carried by unanimous voice vote.

- D. Consider Adoption of a City Flag. Staff Recommendation: Adopt as the City Flag the rendition attached to the agenda report, which includes the corresponding Pantone Matching System.

Ms. Davis gave the staff report.

Councilmember Mikos requested adding more space between the words Moorpark and California.

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

MOTION: Councilmember Mikos moved and Councilmember Van Dam seconded a motion to adopt as the City Flag the rendition attached to the agenda report, which includes the corresponding Pantone Matching System and as amended to add space between Moorpark and California. The motion carried by unanimous voice vote.

- E. Consider City's 25th Anniversary Commemoration Activities and Resolution Amending the Fiscal Year 2007/08 Budget. Staff Recommendation: Approve the 25th Anniversary logo and slogan as

recommended in the agenda report and adopt Resolution No. 2007-2651, appropriating an additional \$8,000 for 25th Anniversary activities. ROLL CALL VOTE REQUIRED

Mr. Atkin gave the staff report and made a correction to the amount of appropriation being requested from \$10,000 to \$8,000.

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

MOTION: Councilmember Parvin moved and Councilmember Van Dam seconded a motion to approve the 25th Anniversary logo and slogan as recommended in the agenda report and adopt Resolution No. 2007-2651, appropriating an additional \$8,000 for 25th Anniversary activities. The motion carried by unanimous roll call vote.

F. Consider Resolution Updating Solid Waste Collection Fees. Staff Recommendation: Adopt Resolution 2007-2652. ROLL CALL VOTE REQUIRED

Ms. Mellon gave the staff report.

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

MOTION: Councilmember Mikos moved and Councilmember Van Dam seconded a motion to adopt Resolution No. 2007-2652, updating solid waste collection fees. The motion carried by unanimous roll call vote.

10. CONSENT CALENDAR: (ROLL CALL VOTE REQUIRED)

Councilmember Millhouse requested Items 10.A. and 10.L. be pulled from the Consent Calendar.

Mayor Hunter requested Item 10.B. be pulled from the Consent Calendar.

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

C. Consider Approval of Warrant Register for Fiscal Year 2007-2008 – November 7, 2007. Staff Recommendation: Approve the warrant register.

D. Consider Rejection of Claim: Donald McNamee. Staff Recommendation: Reject claim and direct staff to send standard rejection letter to claimant.

- E. Consider Award of Contract for Design and Construction of Park Refuse Enclosure Roofs. Staff Recommendation: Award a contract to LNI Custom Manufacturing for a cost not to exceed \$59,895.50, and authorize the City Manager to execute the contract on behalf of the City.
- F. Consider Resolution Amending the Fiscal Year 2007/08 Budget for Purchase of 32 Pre-Cast Concrete Picnic Tables. Staff Recommendation: Adopt Resolution No. 2007-2653. ROLL CALL VOTE REQUIRED
- G. Consider Resolution Authorizing Submittal of the Fiscal Year 2007/08 Tire-Derived Product (TDP) Grant Application. Staff Recommendation: Adopt Resolution 2007-2654.
- H. Consider Setting a Public Hearing to Consider a Resolution Adopting Updated Fire Protection Facility Fee Schedule Paid by New Development Projects and Rescinding Resolution No. 92-894. Staff Recommendation: Set a Public Hearing for December 5 and direct staff to make the appropriate notifications.
- I. Consider Authorization to Sign Letter of Intent to Initiate Process for Adopting Flexible Spending Account Benefit. Staff Recommendation: Authorize the City Manager to sign and submit to Benesyst the Letter of Intent.
- J. Consider Cost Sharing Memorandum of Agreement (MOA) for the Calleguas Creek Total Maximum Daily Load Monitoring and Implementation Program and Resolution Amending the Fiscal Year 2007/08 Budget to Fund the Monitoring and Implementation Program. Staff Recommendation: 1) Authorize the Mayor to sign the MOA; and 2) Adopt Resolution No. 2007-2655. ROLL CALL VOTE REQUIRED
- K. Consider Resolution Rescinding Resolutions Nos. 2003-2075 and 2005-2431 and Authorizing the Employees with the Listed Job Classifications to Enforce the Municipal Code. Staff Recommendation: Adopt Resolution No. 2007-2656, establishing those positions which would have criminal citation authority under the Municipal Code and rescinding Resolutions Nos. 2003-2075 and 2005-2431.
- M. Consider Conejo Valley YMCA Request to Use the Apricot Room for Youth and Government Event. Staff Recommendation: Approve the co-sponsorship of the Conejo Valley YMCA Youth and Government Bill Hearing Event on November 29, 2007.
- N. Consider Resolution Amending the Fiscal Year 2007/08 Budget for Purchase of a Ford E-350 Commercial Van. Staff Recommendation: Adopt Resolution No. 2007-2657. ROLL CALL VOTE REQUIRED

- O. Consider Granting Easement Deeds on Grimes Canyon Road to the County of Ventura and to the Ventura County Waterworks District No. 1. Staff Recommendation: Approve granting easement deeds to the District and County, and authorize the City Manager to execute same.
- P. Consider Monthly Report to the City Council. Staff Recommendation: Receive and file report.
- Q. Consider Cooperative Agreement with the State Department of Health Services and Agencies Applying Pesticides for Public Health Purposes. Staff Recommendation: Approve cooperative agreement and authorize the Mayor to execute the agreement on behalf of the City.
- R. Consider Resolution Amending the Fiscal Year 2007/08 Budget to Fund Right-of-way Acquisition Costs for the Princeton Avenue Widening Project (Project 8012). Staff Recommendation: Adopt Resolution No. 2007-2658. ROLL CALL VOTE REQUIRED
- S. Consider Addendum to Memoranda of Understanding (MOU) with Service Employees International Union AFL-CIO, CLC Local 998 to Amend Section 503, Retirement Health Savings Benefit. Staff Recommendation: Authorize the City Manager to sign the Addendum to the MOU, subject to final language approval by the City Manager.

The following items were pulled for individual consideration.

- A. Consider Approval of the Special Meeting Minutes of October 17, 2007. Staff Recommendation: Approve the minutes.

Councilmember Millhouse stated he would abstain from voting on this item as he was absent from the October 17, 2007, Special Meeting.

MOTION: Councilmember Mikos moved and Councilmember Van Dam seconded a motion to approve the minutes of the Special Meeting of October 17, 2007. The motion carried by voice vote 4-0, Councilmember Millhouse abstaining.

- B. Consider Approval of the Regular Meeting Minutes of October 17, 2007. Staff Recommendation: Approve the minutes.

Mayor Hunter directed the Regular Meeting Minutes of October 17, 2007, be rescheduled for December 5, 2007, City Council Agenda.

MOTION: Councilmember Mikos moved and Councilmember Van Dam seconded a motion to reschedule the Regular Meeting Minutes of October 17, 2007, for the December 5, 2007, City Council Agenda. The motion carried by voice vote 4-0, Councilmember Millhouse abstaining.

- L. Consider Resolution Adopting a Mitigated Negative Declaration for Project No. 8039: Spring Road Widening and Railroad Crossing Improvements, South of Princeton Avenue and High Street. Staff Recommendation: Adopt Resolution No. 2007-2659, adopting a Mitigated Negative Declaration in Compliance with the California Environmental Quality Act for Project No. 8039.

Councilmember Millhouse pulled this item due to a letter dated November 2, 2007, received from Metrolink in which they commented and suggested some changes to this project.

Mr. Lall indicated they have a meeting in two weeks to discuss the comments and suggested changes and will also discuss Metrolink's financial contribution.

In response to Councilmember Mikos, Mr. Lall and Councilmember Millhouse explained the seal corridor project.

MOTION: Councilmember Millhouse moved and Councilmember Mikos seconded a motion to adopt Resolution No. 2007-2659, adopting a Mitigated Negative Declaration in Compliance with the California Environmental Quality Act for Project No. 8039. The motion carried by unanimous voice vote

11. ORDINANCES: (ROLL CALL VOTE REQUIRED)

- A. Consider Ordinance No. 363 Amending Section 9.24.020, Discharge of Firearms-Exceptions-Permits, of Chapter 9.24, Weapons, of Title 9 of the Moorpark Municipal Code. Staff Recommendation: Staff Recommendation: Waive full reading and declare Ordinance No. 363 read for the second time and adopted as read. ROLL CALL VOTE REQUIRED

Mr. Montes read the title of Ordinance No. 363.

MOTION: Councilmember Mikos moved and Councilmember Parvin seconded a motion to waive full reading and declare Ordinance No. 363 adopted as read. The motion carried by unanimous roll call vote.

12. CLOSED SESSION:

None was held.

13. ADJOURNMENT:

Mayor Hunter adjourned the meeting at 8:48 p.m.

Patrick Hunter, Mayor

ATTEST:

Maureen Benson, Assistant City Clerk