



Resolution No. 2005-2331  
Ordinance No. 316

**CITY COUNCIL  
REGULAR MEETING AGENDA  
WEDNESDAY, JUNE 1, 2005  
7:00 P.M.**

Moorpark Community Center

799 Moorpark Avenue

---

1. **CALL TO ORDER:**
2. **PLEDGE OF ALLEGIANCE:**
3. **ROLL CALL:**
4. **PROCLAMATIONS AND COMMENDATIONS:**
  - A. Recognition of Outgoing Teen Council Members.
5. **PUBLIC COMMENT:**
6. **REORDERING OF, AND ADDITIONS TO, THE AGENDA:**

*(Pursuant to Council Rules of Procedure, Section 2.8, Items to be withdrawn from the Consent Calendar shall be identified at this time.)*

7. **ANNOUNCEMENTS AND FUTURE AGENDA ITEMS:**

---

Any member of the public may address the Council during the Public Comments portion of the Agenda, unless it is a Public Hearing or a Presentation/Action/Discussion item. Speakers who wish to address the Council concerning a Public Hearing or Presentations/Action/Discussion item must do so during the Public Hearing or Presentations/Action/Discussion portion of the Agenda for that item. Speaker cards must be received by the City Clerk for Public Comment prior to the beginning of the Public Comments portion of the meeting and for Presentation/Action/Discussion items prior to the beginning of the first item of the Presentation/Action/Discussion portion of the Agenda. Speaker Cards for a Public Hearing must be received prior to the beginning of the Public Hearing. A limitation of three minutes shall be imposed upon each Public Comment and Presentation/Action/Discussion item speaker. A limitation of three to five minutes shall be imposed upon each Public Hearing item speaker. Written Statement Cards may be submitted in lieu of speaking orally for open Public Hearings and Presentation/Action/Discussion items. Copies of each item of business on the agenda are on file in the office of the City Clerk and are available for public review. Any questions concerning any agenda item may be directed to the City Clerk at 517-6223.

**8. PUBLIC HEARINGS:**

- A. Consider Withdrawal from the Ventura County Library System. **(continued from April 6, 2005, with public hearing open)** Staff Recommendation: Direct staff as deemed appropriate. **(Staff: Mary Lindley)**
- 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 May 18, 2005, with public hearing closed)** Staff Recommendation: 1) Discuss the project and direct staff as deemed appropriate; 2) Adopt Resolution No. 2005-\_\_\_ certifying the Final Environmental Impact Report (EIR); 3) Adopt Resolution No. 2005-\_\_\_ making EIR Findings, adopting a Mitigation Monitoring and Reporting Program, and making a Statement of Overriding Considerations; and 4) Continue the agenda item with the closed public hearing to the regular City Council meeting of June 15, 2005. **(Staff: (David Bobardt)**
- 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. Staff Recommendation: 1) Open the public hearing, accept public testimony and close the public hearing; and 2) Direct staff as deemed appropriate. **(Staff: Steven Kueny)**
- D. Consider Final Assessment Engineer's Report for the Parks and Recreation Maintenance and Improvement Assessment District and Resolution Confirming the Levy Amount for Fiscal Year 2005/06. Staff Recommendation: 1) Open the public hearing, take public testimony, and close the public hearing; 2) Adopt Resolution No. 2005-\_\_\_\_. **ROLL CALL VOTE REQUIRED (Staff: Mary Lindley)**

**8. PUBLIC HEARINGS: (continued)**

- E. Consider Final Review and Changes to the Engineer's Report for Landscaping and Lighting Maintenance Assessment Districts, and Resolution Confirming the Assessments for Fiscal Year 2005/06. Staff Recommendation: 1) Open the public hearing, take public testimony, and close the public hearing; 2) Adopt Resolution No. 2005-\_\_\_\_; and 3) Direct staff to present to the City Council in November 2005, a Resolution amending the FY 05/06 Budget to approve certain Fund transfers required to "zero-out" FY 04/05 year-end deficits in any of the City's Assessment District Funds. **ROLL CALL VOTE REQUIRED (Staff: Kenneth Gilbert)**
- F. Consider Final Review and Changes to the Engineer's Report for Assessment District 05-01 (M&M Development - Parcel Map 5264), and Resolution Confirming the Assessment Amounts for Fiscal Year 2005/06. 1) Open the public hearing, take public testimony, and close the public hearing; 2) Approve the Engineer's Report for AD05-01 for FY 2005/06, with no changes from the report approved by City Council Resolution No. 2005-2323; and 3) Adopt Resolution No. 2005-\_\_\_\_. **ROLL CALL VOTE REQUIRED (Staff: Kenneth Gilbert)**

**9. PRESENTATION/ACTION/DISCUSSION:**

- A. Consider Second Amendment to Memorandum of Understanding (MOU) Between North Park Village, LP and City of Moorpark. Staff Recommendation: Approve MOU subject to final language approval of City Attorney and City Manager. **(Staff: Steven Kueny)**
- B. Consider Resolution Rescinding Resolution No. 93-976 Pertaining to Parking Restriction on Miller Parkway and a Portion of Peach Hill Road and Establishing Revised Parking Restrictions on Said Streets. Staff Recommendation: Adopt Resolution No. 2005-\_\_\_\_. **(Staff: Kenneth Gilbert)**

**9. PRESENTATION/ACTION/DISCUSSION: (continued)**

- C. Consider Ordinance Amending and Replacing in Its Entirety Chapter 5.06 Cable Communications of Title 5 of the Moorpark Municipal Code. Staff Recommendation: Introduce Ordinance No. \_\_\_\_ for first reading. **(Staff: Hugh Riley)**
- D. Consider Authorizing the Removal of Eucalyptus Trees and Direct Tree Replanting. Staff Recommendation: Consistent with the agenda report, approve the removal of 29 mature Eucalyptus trees on Peach Hill Road, conditioned on the planting of a 24-inch box tree in the rear yard of each property where trees are removed. **(Staff: Mary Lindley)**
- E. Consider Awarding a Contract for the Construction of the New Corporate Yard and a Resolution Amending the Fiscal Year 2004/05 Budget to Increase Funding for the Project. Staff Recommendation: 1) Declare the bid received for McGillivray Construction to be non-responsive; 2) 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 3) Adopt Resolution No 2005-\_\_\_\_ increasing the funding for the project. **ROLL CALL VOTE REQUIRED (Staff: Kenneth Gilbert)**

**10. CONSENT CALENDAR:**

- A. Consider Approval of Minutes of Regular Meeting of December 15, 2004.
- Consider Approval of Minutes of Special Meeting of May 18, 2005.
- Consider Approval of Minutes of Regular Meeting of May 18, 2005.

Staff Recommendation: Approve the minutes.

10. CONSENT CALENDAR: (continued)

- B. Consider Approval of Warrant Register for Fiscal Year 2004-2005 - June 1, 2005.

Manual Warrants	119354 - 119355 &	\$1,122,420.74
Voided Warrant	118720 & 118895 & 119257	\$ (1,080.00)
Payroll Liability Warrants	119349 - 119353	\$ 1,710.20
Regular Warrants	119356 - 119446 & 119447 - 119465	\$ 47,364.46 \$ 321,727.83

Staff Recommendation: Approve the warrant register.

- C. Consider Resolution Amending the Fiscal Year 2004/05 Budget for Heating/Venting/Air Conditioning (HVAC) Cleaning. Staff Recommendation: Adopt Resolution No. 2005-\_\_\_\_ amending the FY budget to appropriate \$16,700 from the General Fund Reserve for HVAC Cleaning. **ROLL CALL VOTE REQUIRED (Staff: Mary Lindley)**
- D. Consider Award of Contract to Premium Construction for Mountain Meadows Park Playground Improvements and Resolution Amending the Fiscal Year 2004/05 Budget. Staff Recommendation: Award a contract to Premium Construction in an amount not to exceed \$38,630, authorize the City Manager to sign on behalf of the City, and adopt Resolution No. 2005-\_\_\_\_, amending the project budget. **ROLL CALL VOTE REQUIRED (Staff: Mary Lindley)**
- E. Consider Notice of Completion for the Construction of a Double Left Turn Lane on Spring Road at Tierra Rejada Road. Staff Recommendation: Accept the work as complete. **(Staff: Kenneth Gilbert)**
- F. Consider Notice of Completion for the Construction of the Spring Road Median Landscaping North of Second Street and the Replacement of the Parkway Trees on the East Side of Tierra Rejada Road South of Courtney Lane. Staff Recommendation: Accept the work as complete. **(Staff: Kenneth Gilbert)**

**10. CONSENT CALENDAR: (continued)**

- G. Consider Entering into a Contractual Agreement with the Moorpark Packers of the Gold Coast Football League. Staff Recommendation: Approve the proposed use agreement with Moorpark Packer Football pending final language approval by the City Attorney and City Manager, and authorize the Mayor to sign the Agreement on behalf of the City. **(Staff: Mary Lindley)**
- H. Consider Subdivision Bond Reduction for Richmond American Homes of California, Inc. (Tract 4977). Staff Recommendation: 1) Authorize the City Clerk to reduce Subdivision Bond - Street Improvements (Performance/Labor & Materials) to 10% for Richmond American Homes of California, Inc. (Tract 4977); and 2) Authorize the City Clerk to fully exonerate the aforementioned sureties for Tract 4977 one year after this approval of the reduction of surety bond and upon written confirmation from the City Engineer that no warranty work is required. **(Staff: Brad Miller)**
- I. Consider Resolution Amending the Fiscal Year 2004/05 Budget for Active Adult Center Repairs and Notice of Completion for the Project. Staff Recommendation: 1) Adopt Resolution No. 2005-\_\_\_, amending the FY 2004/05 Budget; and 2) Authorize the City Clerk to file the Notice of Completion, and release of bonds thirty-five (35) days after Notice of Completion records consistent with the contract. **ROLL CALL VOTE REQUIRED (Staff: Mary Lindley)**

**11. ORDINANCES:**

- A. Consider Ordinance No. 315, an Ordinance of the City of Moorpark, Authorizing an Amendment to the Contract between the City and the Board of Administration of the California Public Employees' Retirement System (CalPERS) to Provide Section 21623.5 Retired Death Benefit. Staff Recommendation: Waive full reading and declare Ordinance No. 315 read for the second time and adopted as read.

**12. CLOSED SESSION:**

- A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION  
Significant exposure to litigation pursuant to Subdivision (b) of Section 54956.9 of the Government Code: (Number of cases to be discussed - 4)
- 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 LABOR NEGOTIATOR  
(Pursuant to Section 54957.6 of the Government Code)  
Agency Designated Representative: Steven Kueny  
Employee Organization: Service Employees International Union, AFL-CIO, CLC, Local 998
- D. CONFERENCE WITH LABOR NEGOTIATOR  
(Pursuant to Section 54957.6 of the Government Code)  
Agency Designated Representative: Steven Kueny  
Unrepresented employees: Accountant I; Administrative Services Director/City Clerk; Administrative Services Manager; Assistant City Manager; City Engineer; Community Development Director; Finance and Accounting Manager; Finance Director; Information Systems Manager; Parks and Facilities Superintendent; Parks, Recreation and Community Services Director; Planning Manager; Principal Planner; Public Works Director; Public Works Superintendent; Recreation Manager; Redevelopment Manager; and Senior Management Analyst
- E. 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; Chief of Police; Community Development Director; Finance Director; Parks, Recreation and Community Services Director; and Public Works Director

**13. ADJOURNMENT:**

---

In compliance with the Americans with Disabilities Act, if you need special assistance to review an agenda or participate in this meeting, including auxiliary aids or services, please contact the City Clerk's Department at (805) 517-6223. Upon request, the agenda can be made available in appropriate alternative formats to persons with a disability. Any request for disability-related modification or accommodation should be made at least 48 hours prior to the scheduled meeting to assist the City staff in assuring reasonable arrangements can be made to provide accessibility to the meeting (28 CFR 35.102-35.104; ADA Title II).

STATE OF CALIFORNIA )  
COUNTY OF VENTURA ) ss  
CITY OF MOORPARK )

AFFIDAVIT OF POSTING

I, Maureen Benson, declare as follows:

That I am the Deputy City Clerk of the City of Moorpark and that an agenda of the Regular Meeting of the Moorpark City Council to be held on Wednesday, June 1, 2005, at 7:00 p.m. in the Council Chambers of the Moorpark Community Center, 799 Moorpark Avenue, Moorpark, California, was posted on May 27, 2005, at a conspicuous place at the Moorpark Community Center, 799 Moorpark Avenue, Moorpark, California.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 27, 2005.

---

Maureen Benson, Deputy City Clerk