



ANNOTATED

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

Moorpark Community Center

799 Moorpark Avenue

1. CALL TO ORDER:

7:34 P.M.

2. PLEDGE OF ALLEGIANCE:

CAPTAIN RICHARD DIAZ, SHERIFF'S DEPARTMENT, LED THE PLEDGE OF ALLEGIANCE.

3. ROLL CALL:

PRESENT: COUNCILMEMBERS HARPER, MIKOS, MILLHOUSE, PARVIN, AND MAYOR HUNTER

4. PROCLAMATIONS AND COMMENDATIONS:

A. Introduction of New City Employee, Teddy Okoye, Assistant City Engineer.

MAYOR HUNTER INTRODUCED NEW CITY EMPLOYEE, TEDDY OKOYE, ASSISTANT CITY ENGINEER.

B. Proclamation Recognizing the New West Symphony Orchestra upon Their Tenth Anniversary.

COUNCILMEMBER HARPER PRESENTED DEAN LESIAK, NEW WEST SYMPHONY BOARD MEMBER AND PRESIDENT OF THE MOORPARK NEW WEST SYMPHONY ORCHESTRA, WITH A PROCLAMATION RECOGNIZING THE NEW WEST SYMPHONY ORCHESTRA UPON THEIR TENTH ANNIVERSARY.

5. PUBLIC COMMENT:

THREE SPEAKERS.

THE CITY COUNCIL MEETING WAS RECESSED AT 7:45 P.M. TO CONVENE THE REDEVELOPMENT AGENCY MEETING. THE COUNCIL MEETING RECONVENED AT 7:46 P.M.

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

CONSENSUS TO CONTINUE ITEM 9.C. TO THE 9/21/2005, CITY COUNCIL MEETING.

CONSENSUS TO CONTINUE ITEM 8.F. TO THE 10/5/2005, CITY COUNCIL MEETING.

CONSENSUS TO PULL ITEM 10.D FROM THE CONSENT CALENDAR FOR INDIVIDUAL CONSIDERATION.

7. ANNOUNCEMENTS AND FUTURE AGENDA ITEMS:

MAYOR HUNTER MADE AN ANNOUNCEMENT REGARDING HURRICANE KATRINA. HE REFERENCED A LIST OF RELIEF ORGANIZATIONS THAT WAS AVAILABLE ON THE CITY'S WEBSITE AT WWW.CI.MOORPARK.CA.US.

HE REQUESTED ADJOURNMENT OF THE CITY COUNCIL MEETING IN MEMORY OF THE VICTIMS OF HURRICANE KATRINA, AND STATED THAT THE FLAGS ON ALL CITY BUILDINGS WILL BE FLOWN AT HALF-STAFF FOR A PERIOD OF ONE WEEK. HE ALSO STATED THAT THE FLAGS HAVE BEEN LOWERED TO HONOR CHIEF JUSTICE WILLIAM REHNQUIST, WHO PASSED AWAY EARLIER THIS WEEK.

MAYOR HUNTER GAVE A SUMMARY OF THE HURRICANE RELIEF ACTIONS UNDER CONSIDERATION BY THE CITY OF MOORPARK, WHICH INCLUDE A \$35,000 CASH DONATION, BASED ON \$1.00 TO BE DONATED FOR EACH MOORPARK RESIDENT, TO BE DISTRIBUTED ON A PER CAPITA SHARE TO THE GULF COAST. HE CHALLENGED OTHER CITIES IN VENTURA COUNTY TO FOLLOW SUIT AND EXPLORE POSSIBILITIES TO MAKE A SIMILAR DONATION. HE STATED THE CITY OF MOORPARK WILL WORK WITH THE MOORPARK UNIFIED SCHOOL DISTRICT AS PARTNERS ON A TASK FORCE TO INCLUDE MAYOR HUNTER AND COUNCILMEMBER PARVIN TO EXPLORE OPTIONS TO HOUSE A DISPLACED FAMILY WITH CHILDREN FOR ONE YEAR IN MOORPARK AND WILL WORK WITH LOCAL BUSINESSES TO HELP OFFSET COSTS. HE ALSO STATED THESE RELIEF OPTIONS WILL BE FORMALIZED AT THE SEPTEMBER 21, 2005, CITY COUNCIL MEETING.

7. ANNOUNCEMENTS AND FUTURE AGENDA ITEMS: (CONTINUED)

COUNCILMEMBER MILLHOUSE THANKED KEN GILBERT AND HIS STAFF ALONG WITH DOUG FAILING, CALTRANS DISTRICT 7 DIVISION, ON THE TREMENDOUS IMPROVEMENT OF TRAFFIC FLOW, AS A RESULT OF THE LEFT-HAND TURN SIGNAL AT THE INTERSECTION OF CASEY ROAD AND WALNUT CANYON ROAD.

COUNCILMEMBER MILLHOUSE THANKED THE STAFF OF THE VENTURA COUNTY TRANSPORTATION COMMISSION FOR THEIR EFFORTS IN ACHIEVING THE AWARD OF STATE FUNDS FOR IMPROVEMENTS TO STATE ROUTE 23 AND BEING ONE OF THE FIRST PROJECTS TO RECEIVE FUNDING.

COUNCILMEMBER MILLHOUSE THANKED CITY STAFF FOR COORDINATING A SUCCESSFUL YOUTH SPORTS COMMISSION MEETING AS WELL AS THE BUILD OUT OF THE ARROYO VISTA COMMUNITY PARK.

IN RESPONSE TO COUNCIL QUESTIONS, MR. RILEY INDICATED THE CURRENT COMPLETION DEADLINE FOR THE POLICE SERVICES CENTER IS OCTOBER 8, 2005, AND THAT A DATE HAD NOT YET BEEN SCHEDULED FOR A GRAND OPENING.

8. PUBLIC HEARINGS:

- A. 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 June 15, 2005, with public hearing closed) Staff Recommendation: Continue subject items with public hearing closed to September 21, 2005. (Staff: David Bobardt)

**CONTINUED CLOSED PUBLIC HEARING TO SEPTEMBER 21, 2005.
(Voice Vote: Unanimous)**

- B. 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. (continued from June 15, 2005, with public hearing closed) Staff Recommendation: Continue closed public hearing to September 21, 2005. (Staff: Steven Kueny)

8. PUBLIC HEARINGS: (CONTINUED)

**CONTINUED CLOSED PUBLIC HEARING TO SEPTEMBER 21, 2005,
AND PROVIDED DIRECTION ON AMENDED LANGUAGE. (Voice
Vote: Unanimous)**

- C. Consider Resolutions Continuing Public Hearings Concerning the Formation of Community Facilities District No. 2004-1 (Moorpark Highlands) and Community Facilities District No. 2004-2 (Moorpark Vistas) to September 21, 2005. (continued from July 20, 2005, with public hearing open) Staff Recommendation: 1) Continue open public hearings; and 2) Adopt Resolutions Nos. 2005-2396 and 2005-2397 continuing the open public hearings to September 21, 2005. (Staff: Hugh Riley)

**ADOPTED RESOLUTIONS NOS. 2005-2396 AND 2005-2397
CONTINUING OPEN PUBLIC HEARING TO SEPTEMBER 21, 2005.
(Voice Vote: Unanimous)**

- D. Consider Resolution Declaring the Private Parking Facilities Located at the Northwest Corner of Los Angeles Avenue and Goldman Avenue (IPD-2000-10), Subject to the Provisions of The California Vehicle Code. Staff Recommendation: 1) Open the public hearing, receive public testimony, and close the public hearing; and 2) Adopt Resolution No. 2005-2374. (Staff: Kenneth Gilbert)

**APPROVED STAFF RECOMMENDATION, INCLUDING ADOPTION OF
RESOLUTION NO. 2005-2374. (Voice Vote: Unanimous)**

- E. Consider Resolution Declaring the Private Streets within Tract 5133 to be Subject to the Provisions of the California Vehicle Code. Staff Recommendation: 1) Open the public hearing, receive public testimony, and close the public hearing; and 2) Adopt Resolution No. 2005-2375. (Staff: Kenneth Gilbert)

**APPROVED STAFF RECOMMENDATION, INCLUDING ADOPTION OF
RESOLUTION NO. 2005-2375. (Voice Vote: Unanimous)**

8. PUBLIC HEARINGS: (CONTINUED)

- F. Consider Zoning Ordinance Amendment No. 2004-06: to Chapter 17.40 (Sign Requirements) to Address Banner/Special Event Signing, Open House, Garage Sale Signing, and to Reorganize the Sign Regulations for Greater Clarity and Ease of Use. Staff Recommendation: 1) Open the public hearing, accept public testimony, and close the public hearing; and 2) Introduce Ordinance No. ____, approving Zoning Ordinance Amendment No. 2005-06, for first reading and schedule second reading and adoption for September 21, 2005. (Staff: Barry Hogan)

CONSENSUS TO CONTINUE OPEN PUBLIC HEARING TO OCTOBER 5, 2005. (Voice Vote: Unanimous)

9. PRESENTATION/ACTION/DISCUSSION:

- A. Consider Awarding a Contract for the Construction of Median Landscaping on Tierra Rejada Road East of Spring Road (Project 8042) and Resolution Amending the Fiscal Year 2005/06 Budget to Fund Said Project. Staff Recommendation: 1) Approve the award of a construction contract to Environmental Construction, Inc. for the construction of subject project; and 2) Adopt Resolution No. 2005-2376, amending the FY 2005/06 budget for said project. ROLL CALL VOTE REQUIRED (Staff: Kenneth Gilbert)

APPROVED STAFF RECOMMENDATION, INCLUDING ADOPTION OF RESOLUTION NO. 2005-2376. (Roll Call Vote: Unanimous)

- B. Consider Teen Council Appointment to Fill One Vacancy. Staff Recommendation: Direct staff as deemed appropriate. (Staff: Deborah Traffenstedt)

APPOINTED JUSTIN TUNG TO FILL ONE VACANCY ON TEEN COUNCIL. (Voice Vote: Unanimous)

9. PRESENTATION/ACTION/DISCUSSION: (CONTINUED)

- C. Consider an Ordinance of the City of Moorpark, Amending Title 6, Animal Regulations, to Reflect Current Conditions and Services and Make Technical Changes for Clarity of Language and Purpose. Staff Recommendation: Introduce Ordinance No. ___ for first reading, waive full reading, and declare the ordinance introduced for first reading. (Staff: John Brand)

CONSENSUS TO CONTINUE TO SEPTEMBER 21, 2005. (Voice Vote: Unanimous)

- D. Consider Ad Hoc Committee Recommendation on a Development Agreement with Warehouse Discount Center for the Property Located on the East Side of State Route 23, Immediately North of New Los Angeles Avenue (Lot 1 of Tract 5004). Staff Recommendation: Direct staff to set and advertise public hearings before the Planning Commission and City Council for consideration of the proposed development agreement. (Staff: Barry Hogan)

DIRECTED STAFF TO SET AND ADVERTISE PUBLIC HEARINGS FOR CONSIDERATION OF THE DEVELOPMENT AGREEMENT WITH WAREHOUSE DISCOUNT CENTER BEFORE THE PLANNING COMMISSION ON SEPTEMBER 27, 2005, AND THE CITY COUNCIL ON OCTOBER 5, 2005.

10. CONSENT CALENDAR:

APPROVED CONSENT CALENDAR WITH THE EXCEPTION OF ITEM 10.D., WHICH WAS PULLED FOR INDIVIDUAL CONSIDERATION. (Roll Call Vote: Unanimous)

- A. Consider Approval of Minutes of Regular Meeting of January 19, 2005.

Consider Approval of Minutes of Regular Meeting of July 20, 2005.

Staff Recommendation: Approve the minutes.

APPROVED STAFF RECOMMENDATION.

10. CONSENT CALENDAR: (CONTINUED)

B. Consider Approval of Warrant Register for Fiscal Year 2004-2005 - September 7, 2005.

Manual Warrants	119881 - 119937 &	\$ 24,925.21
	120014 - 120031 &	\$ 434,925.31
	120126 - 120153 &	\$ 14,230.75
	120154 - 120182	\$ 506,242.46
Voided Warrant	120158	\$ (0.00)

Staff Recommendation: Approve the warrant register.

APPROVED STAFF RECOMMENDATION.

C. Consider Approval of Warrant Register for Fiscal Year 2005-2006 - September 7, 2005.

Manual Warrants	119877 - 119880	\$ 23,269.30
Voided Warrant	120034 &	\$ (931.00)
	120189 - 120194 &	\$ (0.00)
	120299	\$ (0.00)
Payroll Liability	119938 - 119941 &	\$ 835.00
Warrants	120032 - 120036 &	\$ 1,761.00
	120293 - 120297 &	\$ 1,777.75
	120298	\$ 931.00
Regular Warrants	119942 - 120001 &	\$ 18,918.57
	120002 - 120013 &	\$ 148,400.49
	120037 - 120125 &	\$ 37,244.67
	120183 - 120292	\$ 798,433.48

Staff Recommendation: Approve the warrant register.

APPROVED STAFF RECOMMENDATION.

D. Consider Resolution Establishing Parking Restrictions on Harvester Street. Staff Recommendation: Adopt Resolution No. 2005-2381. (Staff: Kenneth Gilbert)

APPROVED STAFF RECOMMENDATION, INCLUDING ADOPTION OF RESOLUTION NO. 2005-2381, AS AMENDED. (Voice Vote: Unanimous)

10. CONSENT CALENDAR: (CONTINUED)

- E. Consider Authorization to Proceed with the Los Angeles Avenue/Tierra Rejada Road Parkway Landscaping Project (Project 8033). Staff Recommendation: Direct staff to proceed with the development and implementation of the subject project, as described in the agenda report. (Staff: Kenneth Gilbert)

APPROVED STAFF RECOMMENDATION.

- F. Consider Request for the Formation of Assessment District AD06-01 (Shea Homes - Tentative Tract Map No. 5133) and Resolution Initiating the Proceedings for Same. Staff Recommendation: 1) Accept and approve the Petition and Waiver from Shea Homes requesting the formation of Assessment District AD06-01; and 2) Adopt Resolution No. 2005-2377 initiating the proceedings required for the formation of said District. (Staff: Kenneth Gilbert)

APPROVED STAFF RECOMMENDATION, INCLUDING ADOPTION OF RESOLUTION NO. 2005-2377. (Roll Call Vote: Unanimous)

- G. Consider Resolution Delegating Denial Authority to the City Manager Concerning Requests for the Transfer of Cable Television System Franchise Responsibilities to Time Warner. Staff Recommendation: Adopt Resolution No. 2005-2378. (Staff: Hugh Riley)

APPROVED STAFF RECOMMENDATION, INCLUDING ADOPTION OF RESOLUTION NO. 2005-2378. (Roll Call Vote: Unanimous)

- H. Consider Resolution Amending the Fiscal Year 2005/06 Budget to Appropriate \$18,500 for Miscellaneous Computer Related Supplies. Staff Recommendation: Adopt Resolution No. 2005-2379. ROLL CALL VOTE REQUIRED (Staff: Deborah Traffenstedt)

APPROVED STAFF RECOMMENDATION, INCLUDING ADOPTION OF RESOLUTION NO. 2005-2379. (Roll Call Vote: Unanimous)

- I. Consider Rejection of Claim: Richard Zeiler. Staff Recommendation: Reject the claim and direct staff to send a standard rejection letter to claimant. (Staff: Deborah Traffenstedt)

APPROVED STAFF RECOMMENDATION.

10. CONSENT CALENDAR: (CONTINUED)

- J. Consider Authorizing Use of City Marquee Signs and Portable Lights for Rotary Club Civil War Reenactment Event Scheduled for November 5 and 6, 2005, at Tierra Rejada Ranch. Staff Recommendation: Approve use of City marquee signs and approve use of City portable lights, subject to conditions specified in the agenda report. (Staff: Deborah Traffenstedt)

APPROVED STAFF RECOMMENDATION.

- K. Consider Report of Annual Development Agreement Review, Established in Connection with Moorpark Country Club Estates, Located Approximately 2,700 Feet South of Broadway between Grimes Canyon Road and Walnut Canyon Road (Tract 4928), on the Application of Toll Brothers, Inc. Staff Recommendation: 1) Accept the Community Development Director's Report and recommendation that, on the basis of substantial evidence, Toll Brothers, Inc. has complied in good faith with the terms and conditions of the agreement; and 2) Deem the annual review process complete. (Staff: Barry Hogan)

APPROVED STAFF RECOMMENDATION.

- L. Consider Report of Annual Development Agreement Review, Established in Connection with Vistas at Moorpark, Located on the West Side of Walnut Canyon Road, Approximately 3,500 Feet North of Casey Road, on the Application of Moorpark 150, LLC (SunCal Companies). Staff Recommendation: 1) Accept the Community Development Director's Report and recommendation that, on the basis of substantial evidence, Moorpark 150 LLC (SunCal Companies) has complied in good faith with the terms and conditions of the agreement; and 2) Deem the annual review process complete. (Staff: Barry Hogan)

APPROVED STAFF RECOMMENDATION.

10. CONSENT CALENDAR: (CONTINUED)

- M. Consider Final Map Approval for Tract Map No. 5133.
Staff Recommendation: Authorize the Mayor and City Clerk to sign the map and the City Clerk to cause Tract Map No. 5133 to be recorded in the office of the Ventura County Recorder. (Staff: Barry Hogan)

APPROVED STAFF RECOMMENDATION.

- N. Consider Arroyo Vista Community Park Traffic Flow Improvements and Notice of Completion. Staff Recommendation: Approve the AVCP Traffic Flow Improvement plans and specification and 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. (Staff: Mary Lindley)

APPROVED STAFF RECOMMENDATION.

- O. Consider Resolution Amending the Fiscal Year 2005/06 Budget for Modification to the City Hall Public Counter. Staff Recommendation: Adopt Resolution No. 2005-2380, amending the FY 2005/06 budget by appropriating \$30,000 from the General Fund Reserve to the Parks, Recreation, and Community Services Department's Facility Division budget. (ROLL CALL VOTE REQUIRED) (Staff: Mary Lindley)

APPROVED STAFF RECOMMENDATION, INCLUDING ADOPTION OF RESOLUTION NO. 2005-2380. (Roll Call Vote: Unanimous)

- P. Consider Agreement for Professional Services with MuniFinancial as Special Tax Consultant Relating to the Formation, Financing, and Annual Administration of Moorpark Highlands and Moorpark Vista Community Facilities Assessment Districts. Staff Recommendation: Approve agreement for professional services with MuniFinancial, subject to final language approval by the City Manager and the City Attorney. (Staff: Hugh Riley)

APPROVED STAFF RECOMMENDATION.

10. CONSENT CALENDAR: (CONTINUED)

- Q. Consider Surety Bond Reduction for Richmond American Homes of California, Inc. (Tract 4977). 1) Authorize the City Clerk to reduce Surety Bond #23-89-85 for Monuments to 10% for Richmond American Homes of California, Inc. (Tract 4977); and 2) Authorize the City Clerk to fully exonerate the referenced surety (Tract 4977) one year after the approval of the reduction of the surety bond and upon written confirmation from the City Engineer that no warranty work is required. (Staff: Rusty Reed)

APPROVED STAFF RECOMMENDATION.

- R. Consider Surety Bond Reductions for Zelman Moorpark Marketplace, LLC (Tract 5321). 1) Authorize the City Clerk to reduce Surety Bonds #103849609 for Street Improvements, #103849610 for Site Improvements, and #103849591 for Monuments to 10% for Zelman Moorpark Marketplace, LLC (Tract 5321); and 2) Authorize the City Clerk to fully exonerate the aforementioned sureties (Tract 5321) one year after this approval of the reduction of surety bonds and upon written confirmation from the City Engineer that no warranty work is required. (Staff: Rusty Reed)

APPROVED STAFF RECOMMENDATION.

- S. Consider Surety Bond Reductions for Cabrillo Economic Development Corporation, Mountain View Homes (Tract 5161). 1) Authorize the City Clerk to reduce Surety Bonds #3SM98563000 for Performance and Payment, #3SM98563200 for Grading, #3SM98563300 for Subdivision and Faithful Performance, #835229S for Performance and Payment, and #835830S for Grading to 10% for Cabrillo Economic Development Corporation, Mountain View Homes (Tract 5161); and 2) Authorize the City Clerk to fully exonerate the aforementioned sureties one year after this approval of the reduction of surety bonds and upon written confirmation from the City Engineer that no warranty work is required. (Staff: Rusty Reed)

APPROVED STAFF RECOMMENDATION.

11. ORDINANCES:

NONE.

12. CLOSED SESSION:

**THE COUNCIL RECESSED AT 8:44 P.M. FOR CLOSED SESSION
DISCUSSION OF ITEMS 12.B. AND 12.C.**

- 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. 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:

9:40 P.M. IN MEMORY OF THE VICTIMS OF HURRICANE KATRINA.