



Resolution No. 2005-2374
Ordinance No. 319

**CITY COUNCIL
REGULAR MEETING AGENDA
WEDNESDAY, SEPTEMBER 7, 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. Introduction of New City Employee, Teddy Okoye, Assistant City Engineer.
 - B. Proclamation Recognizing the New West Symphony Orchestra upon Their Tenth Anniversary.
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(Pursuant to Council Rules of Procedure, Section 2.8, Items to be withdrawn from the Consent Calendar shall be identified at this time.)

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.

7. ANNOUNCEMENTS AND FUTURE AGENDA ITEMS:

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)**
- 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)**
- 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-____ and 2005-____ continuing the open public hearings to September 21, 2005. **(Staff: Hugh Riley)**
- 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.____. **(Staff: Kenneth Gilbert)**

8. PUBLIC HEARINGS: (continued)

- 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-____. **(Staff: Kenneth Gilbert)**
- 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)**

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-____, amending the FY 2005/06 budget for said project. **ROLL CALL VOTE REQUIRED (Staff: Kenneth Gilbert)**
- B. Consider Teen Council Appointment to Fill One Vacancy. Staff Recommendation: Direct staff as deemed appropriate. **(Staff: Deborah Traffenstedt)**
- 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)**

9. PRESENTATION/ACTION/DISCUSSION: (continued)

- 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)**

10. CONSENT CALENDAR:

- 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.

- 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)
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Staff Recommendation: Approve the warrant register.

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

Manual Warrants	119877 - 119880	\$ 23,269.30
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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

10. CONSENT CALENDAR: (continued)

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.

- D. Consider Resolution Establishing Parking Restrictions on Harvester Street. Staff Recommendation: Adopt Resolution No. 2005-____. **(Staff: Kenneth Gilbert)**
- 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)**
- 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-____ initiating the proceedings required for the formation of said District. **(Staff: Kenneth Gilbert)**
- 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-____. **(Staff: Hugh Riley)**
- 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-____. **ROLL CALL VOTE REQUIRED (Staff: Deborah Traffenstedt)**
- 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)**

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)**
- 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)**
- 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)**
- 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)**

10. CONSENT CALENDAR: (continued)

- 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)**
- O. Consider Resolution Amending the Fiscal Year 2005/06 Budget for Modification to the City Hall Public Counter. Staff Recommendation: Adopt Resolution No. 2005-___, 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)**
- 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)**
- 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)**

10. CONSENT CALENDAR: (continued)

- 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)**
- 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)**

11. ORDINANCES:

None.

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)

12. CLOSED SESSION: (continued)

- 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:

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 September 7, 2005, at 7:00 p.m. in the Council Chambers of the Moorpark Community Center, 799 Moorpark Avenue, Moorpark, California, was posted on September 2, 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 September 2, 2005.

Maureen Benson, Deputy City Clerk