



Resolution No. 2005-2409
Ordinance No. 325

CITY COUNCIL
REGULAR MEETING AGENDA
WEDNESDAY, NOVEMBER 2, 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. Proclamation Recognizing October 2005 as Breast Cancer Awareness and End Domestic Violence Month.
 - B. Presentation by Hurricane Katrina Relief Committee.
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(Pursuant to Council Rules of Procedure, Section 2.8, Items to be withdrawn from the Consent Calendar shall be identified at this time.)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.

(AT THIS POINT IN THE MEETING, THE COUNCIL WILL CONVENE THE REGULAR REDEVELOPMENT AGENCY MEETING, UNLESS CANCELED.)

7. ANNOUNCEMENTS AND FUTURE AGENDA ITEMS:

8. PUBLIC HEARINGS:

- A. 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. **(continued from October 5, 2005, with public hearing open)** Staff Recommendation: 1) Continue to accept public testimony, and close the public hearing; and 2) Introduce Ordinance No. ____, approving Zoning Ordinance Amendment No. 2004-06, for first reading and schedule second reading and adoption for November 16, 2005. **(Staff: Barry Hogan)**
- B. Consider an Ordinance Amending the City's Moorpark Library Facilities Fee. Staff Recommendation: 1) Open the public hearing, receive public testimony, and close the public hearing; and 2) Introduce Ordinance No. ____ for first reading, waive full reading, and schedule second reading for November 16, 2005. **(Staff: Mary Lindley)**
- C. Consider Resolution for Commercial Planned Development (CPD) No. 2005-03 to Allow Construction of a 15,505 Square Foot Office Building on One-Acre at 145 Park Lane on the Application of Bob Gehricke. Staff Recommendation: 1) Open the public hearing, take public testimony and close the public hearing; and 2) Adopt Resolution No. 2005-____ approving CPD No. 2005-03. **(Staff: Barry Hogan)**

8. PUBLIC HEARINGS: (continued)

- D. Consider Resolution of Necessity for Acquisition of Certain Interests in Property Known as a Portion of Parcel 1, PM No. LDM 92-1 (APN 512-0-180-080), Located at the Northeast Corner of Spring Road and New Los Angeles Avenue, within the City of Moorpark (McDonald's). Staff Recommendation: Subsequent to acceptance of public comments and review of all relevant facts, adopt Resolution 2005-____. **ROLL CALL VOTE REQUIRED: 2/3rds affirmative vote (Staff: Kenneth Gilbert)**

9. PRESENTATION/ACTION/DISCUSSION:

- A. Consider Ordinance Replacing Title 6 of the Moorpark Municipal Code, Animals. (continued from October 5, 2005) Staff Recommendation: Introduce Ordinance No. ____ for first reading, waive full reading, and schedule second reading and adoption for November 16, 2005. **(Staff: Mary Lindley)**
- B. Consider Interim Urgency Ordinance Making Findings and Establishing a Temporary Moratorium on Permitting New or Amended Uses for Adult Businesses, Body Piercing and/or Tattoo Establishments, Massage Establishments and Secondhand Dealer Establishments within the City. Staff Recommendation: 1) Adopt Interim Urgency Ordinance No. ____; 2) Instruct staff to analyze whether and/or how the City should proceed in its regulation of the Permitted Uses; and 3) Schedule and notice a public hearing for December 7, 2005, to extend the Interim Urgency Ordinance. **ROLL CALL VOTE REQUIRED: 4/5th affirmative vote (Staff: Barry Hogan)**
- C. Consider Options for Action to Address Vacancies on the Project Area Committee (PAC). Staff Recommendation: Direct staff as deemed appropriate. **(Staff: David Moe)**

9. PRESENTATION/ACTION/DISCUSSION: (continued)

- D. Consider Resolution Approving Requests for the Transfer of Cable Television System Franchise Responsibilities to Time Warner and Approve Settlement and Release Agreement for Franchise Fees Due to the City. Staff Recommendation: 1) Adopt Resolution 2005-____; 2) Authorize Mayor to sign Change of Ownership Consent Agreement, subject to final language approval by the City Manager and City Attorney; and 3) Authorize City Manager to sign Settlement and Release Agreement for Franchise Fees, subject to final language approval by the City Manager and City Attorney. **(Staff: Hugh Riley)**
- E. Consider Cancellation of January 4, 2006, Regular Meeting. Staff Recommendation: Direct staff to post a notice of cancellation for the January 4, 2006, meeting. **(Staff: Deborah Traffenstedt)**

10. CONSENT CALENDAR:

- A. Consider Approval of Minutes of Special Meeting of September 21, 2005.
- Consider Approval of Minutes of Special Meeting of October 5, 2005.
- Staff Recommendation: Approve the minutes.
- B. Consider Approval of Warrant Register for Fiscal Year 2005-2006 - November 2, 2005.
- Staff Recommendation: Approve the warrant register.
- C. Consider Contract for Water Fountain Maintenance. Staff Recommendation: Authorize the City Manager to execute a contract with All Pro Pool & Spa for water fountain maintenance and repair. **(Staff: Mary Lindley)**
- D. Consider Resolution Authorizing Submittal of a Fiscal Year 2005/06 Tire-Derived Product (TDP) Grant Application to the California Integrated Waste Management Board. Staff Recommendation: Adopt Resolution No. 2005-____. **(Staff: Mary Lindley)**

10. CONSENT CALENDAR: (continued)

- E. Consider Notice of Completion and Resolution Amending the Fiscal Year 2005/06 Budget for the Construction of a Sub-Drain on Little Hollow Place. Staff Recommendation: 1) Accept the work as complete; and 2) Adopt Resolution 2005-____. **ROLL CALL VOTE REQUIRED (Staff: Kenneth Gilbert)**

11. ORDINANCES:

- A. Consider Ordinance No. 323 Amending Section 10.04.180 of Title 10, Vehicles and Traffic, of the Moorpark Municipal Code Pertaining to Parking in Spaces for the Disabled. Staff Recommendation: Waive full reading and declare Ordinance No. 323 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. 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/Public Works Director; Chief of Police; Community Development Director; Finance Director; and Parks, Recreation and Community Services 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, November 2, 2005, at 7:00 p.m. in the Council Chambers of the Moorpark Community Center, 799 Moorpark Avenue, Moorpark, California, was posted on October 28, 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 October 28, 2005.

Maureen Benson, Deputy City Clerk