



Resolution No. 2005-2357
Ordinance No. 318

**CITY COUNCIL
REGULAR MEETING AGENDA
WEDNESDAY, JULY 20, 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 Ezequiel Aguilar, Ryan Nicole Bartlett, Rigoberto Jaime, Michael Lillis, and Travis White for the Heroic Rescue of Ashley Smith.
 - B. Ventura County Fair Poster Presentation.
 - C. Introduction of New City Employee, Edward Courton, Associate Planner.
 - D. Introduction of New City Employee, Deanna Farnell, Finance/Accounting Manager.

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.

4. PROCLAMATIONS AND COMMENDATIONS: (continued)

E. Recognition of Kenneth Gilbert, Public Works Director, Upon the Occasion of His Retirement and for 15 Years of Service to the City of Moorpark.

F. City Manager's Monthly Report.

5. PUBLIC COMMENT:

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

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(Pursuant to Council Rules of Procedure, Section 2.8, Items to be withdrawn from the Consent Calendar shall be identified at this time.)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

8. PUBLIC HEARINGS:

A. 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 7, 2005. (continued from June 15, 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 7, 2005. **(Staff: Hugh Riley)**

B. Consider Resolution Adopting Procedures for the Formation, Election, and Operation of a Project Area Committee (PAC) for Proposed Amendment No. 2 to the Redevelopment Plan for the Moorpark Redevelopment Project. (continued from July 6, 2005, with public hearing open) Staff Recommendation: 1) Continue to take public testimony and close the public hearing; and 2) Adopt Resolution No. 2005-____. **(Staff: Hugh Riley)**

8. PUBLIC HEARINGS: (continued)

- C. Consider an Interim Urgency Ordinance Extending a Temporary Moratorium on the Establishment and Operation of Medical Marijuana Dispensaries. Staff Recommendation: 1) Open the public hearing, take public testimony, and close the public hearing; and 2) Adopt Ordinance No. _____. **(ROLL CALL VOTE REQUIRED: 4/5ths affirmative vote) (Staff: Barry Hogan)**
- D. Consider Resolution Approving an Increase to the Los Angeles Avenue Area of Contribution (L A Ave. AOC) Fee. Staff Recommendation: 1) Open the public hearing, receive public testimony, and close the public hearing; and 2) Adopt Resolution 2005-_____ increasing the fees for the L A Ave. AOC. **(ROLL CALL VOTE REQUIRED) (Staff: Kenneth Gilbert)**
- E. Consider Resolution Rescinding Resolution No. 2001-1848, Pertaining to the Spring Road/Tierra Rejada Road Area of Contribution (SP/TR AOC) and the Gabbert Road/Casey Road Area of Contribution (GB/CSY AOC), and Approving an Increase to the SP/TR AOC fees; and a Second Resolution Re-Adopting the Gabbert Road/Casey Road AOC Fees Unchanged. Staff Recommendation: 1) Open the public hearing, receive public testimony, and close the public hearing; 2) Adopt Resolution No. 2005-_____ increasing the fees for the Spring Road/Tierra Rejada Road AOC; and 3) Adopt Resolution No. 2005-_____ reenacting the Gabbert Road/Casey Road AOC Fees unchanged. **(ROLL CALL VOTE REQUIRED) (Staff: Kenneth Gilbert)**
- F. Consider Resolution for Commercial Planned Development Permit No. 2004-02 to Allow Construction of an 18,353 Square Foot Retail Commercial Shopping Center on Approximately 1.62 Acres on the Southeast Corner of Los Angeles Avenue and Park Lane and the Northeast Corner of Park Lane on the Application of Kylexa Enterprises, LLC. Staff Recommendation: 1) Open the public hearing, receive public testimony, and close the public hearing; and 2) Adopt Resolution No. 2005-_____ approving Commercial Planned Development Permit No. 2004-02. **(Staff: Barry Hogan)**

8. PUBLIC HEARINGS: (continued)

- G. Consider Commercial Planned Development Permit No. 2005-02 to Allow Construction of an Approximately 74,402 Square Foot Retail Commercial Shopping Center on 6.96 Acres on the Southwest Corner of Los Angeles Avenue and Moorpark Avenue on the Application of Tuscany Partners, Inc. Staff Recommendation: Staff Recommendation: Open the public hearing, receive public testimony, and continue the public hearing open to a specified date. **(Staff: Barry Hogan)**
- H. Consider Modification No. 4 to Commercial Planned Development Permit No. 1990-02, for the Build-Out of Three (3) Existing Pad Areas, with 17,324 Square Feet of Commercial/Retail Space and Conditional Use Permit No. 2005-01 to Allow a 7,724 Square Foot Fitness Center Within 100 Feet of Residentially-zoned Property on an 11.79-Acre Site at 4279 Tierra Rejada Road on the Application of Constantino Noval. Staff Recommendation: Open the public hearing, receive public testimony, and continue the public hearing open to a specified date. **(Staff: Barry Hogan)**

9. PRESENTATION/ACTION/DISCUSSION:

- A. Consider Approval of a Promotion Project for the Moorpark Mammoth Discovery and Resolution Amending the Fiscal Year 2005/06 Budget to Fund the Project. Staff Recommendation: 1) Approve Promotion Project for the Moorpark Mammoth Discovery; and 2) Adopt Resolution No. 2005-___, amending the Fiscal Year 2005/06 Budget. **ROLL CALL VOTE REQUIRED (Staff: Hugh Riley)**

10. CONSENT CALENDAR:

- A. Consider Approval of Minutes of Special Joint City Council/Parks and Recreation Commission Meeting of April 27, 2005.

Consider Approval of Minutes of Regular Meeting of June 1, 2005.

Consider Approval of Minutes of Regular Meeting of June 15, 2005.

10. CONSENT CALENDAR: (continued)

Consider Approval of Minutes of Regular Meeting of July 6, 2005.

Staff Recommendation: Approve the minutes.

B. Consider Approval of Warrant Register for Fiscal Year 2004-2005 - July 20, 2005.

Manual Warrants	119743	\$ 24,222.48
Regular Warrants	119752 - 119833 & 119834 - 119846	\$ 43,159.63 \$1,658,996.19

Staff Recommendation: Approve the warrant register.

C. Consider Approval of Warrant Register for Fiscal Year 2005-2006 - July 20, 2005.

Manual Warrants	119742 & 119744 - 119751	\$ 283,298.64
Voided Warrant	119746	\$ (0.00)
Payroll Liability Warrants	119847 - 119851	\$ 1,785.53
Regular Warrants	119852 - 119876	\$ 50,443.49

Staff Recommendation: Approve the warrant register.

D. Consider Resolution Determining and Levying the Special Assessment for Assessment District (CFD) No. 92-1 (Mission Bell Plaza) for Fiscal Year 2005/06.
Staff Recommendation: Adopt Resolution No. 2005-____.
ROLL CALL VOTE REQUIRED (Staff: Johnny Ea)

E. Consider Resolution Determining and Levying the Special Tax in Community Facilities District (CFD) No. 97-1 (Carlsberg Business Park Public Improvements) for Fiscal Year 2005/06. Staff Recommendation: Adopt Resolution No. 2005-____. **ROLL CALL VOTE REQUIRED (Staff: Johnny Ea)**

10. CONSENT CALENDAR: (continued)

- F. Consider Resolution Commemorating Southern California Association of Governments' 40th Anniversary. Staff Recommendation: Adopt Resolution No. 2005-____. **(Staff: Deborah Traffenstedt)**
- G. Consider Request from Moorpark Chamber of Commerce for Reduced Park Rental Fees. Staff Recommendation: Waive park rental fees for the Moorpark Chamber of Commerce's softball tournament on July 24, 2005, and require them to pay any City-direct costs as outlined in the agenda report. **(Staff: Mary Lindley)**
- H. Consider Resolution Authorizing Submittal of Grant Application to the Ventura County Community Foundation for Community Needs Response Funds and Authorizing City Manager to Sign All Related Agreements. Staff Recommendation: Adopt Resolution No. 2005-____. **(Staff: Mary Lindley)**
- I. Consider Authorization for Recordation of Notice of Completion for Mountain Meadows Park Playground Improvement Project and Resolution Amending the Fiscal Year 2005/06 Budget to Accommodate One Change Order. Staff Recommendation: 1) 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; and 2) Adopt Resolution No. 2005-____, amending the FY 2005/06 budget to cover the cost of one change order. **ROLL CALL VOTE REQUIRED (Staff: Mary Lindley)**
- J. Consider Resolution Amending the City's Classification Plan and Rescinding Resolution No. 2005-2330. Staff Recommendation: Adopt Resolution No. 2005-____. **(Staff: Deborah Traffenstedt)**

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)

- 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 Wednesday, July 20, 2005, at 7:00 p.m. in the Council Chambers of the Moorpark Community Center, 799 Moorpark Avenue, Moorpark, California, was posted on July 15, 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 July 15, 2005.

Maureen Benson, Deputy City Clerk