

MINUTES
OXNARD CITY COUNCIL
Regular Meeting
October 17, 2006

A. ROLL CALL/POSTING OF AGENDA

At 6:01 p.m., the regular meeting of the Oxnard City Council convened in the Council Chambers. Councilmembers Thomas E. Holden, Andres Herrera, Dean Maulhardt, John C. Zaragoza, and Timothy B. Flynn were present. The City Clerk stated that the agenda was posted on Thursday in the Library and City Clerk's Office. Mayor Holden presided and called the meeting to order. Staff members present were: Daniel Martinez, City Clerk; Edmund Sotelo, City Manager; Grace Magistrale Hoffman, Deputy City Manager; and Gary L. Gillig, City Attorney.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

C. CLOSED SESSION

At 6:03 p.m. the City Council recessed to a closed session, pursuant to Government Code section 54956.9(a), to confer with its attorneys. The title and case number of the litigation being discussed is Molina v. Oxnard, United States District Court, Case No. CV 00-02291 CAS (Six).

The City Council also recessed to a closed session, pursuant to Government Code section 54956.8, to give instructions to its negotiator, the City Manager, Edmund Sotelo, regarding the price and terms of payment for the potential sale by the City of (a) 4.53 acres of land located immediately east of the River Ridge Golf Club and west of Ventura Road, commonly referred to as River Ridge Fields, to Casden Properties, LLC (Casden) and (b) 9.54 acres of land located east of the River Ridge Golf Club, west of Ventura Road and south of the Santa Clara River to Casden.

At 7:07 p.m. the City Council adjourned to the evening meeting.

D. OPENING CEREMONIES

At 7:07 p.m. the City Council reconvened, concurrently with the Community Development Commission. The meeting opened with the pledge of allegiance, to the flag of the United States, led by students from Our Lady of Guadalupe School, followed by a moment of silence. Staff present included: Richard Arias, Recreation Supervisor; Sue Martin, Planning and Environmental Services Manager; and Jill A. Beaty, Assistant City Clerk.

E. CEREMONIAL CALENDAR

1. SUBJECT: Presentation of a Commendation to Our Lady of Guadalupe School on the Occasion of its 100th Anniversary.
ACTION: Accepted by students at Guadalupe Elementary School.

3. SUBJECT: Presentation of a Proclamation Designating the Month of October, 2006, as "Magic Month."
2. SUBJECT: Presentation of a Joint Proclamation Designating the Month of October, 2006, as "Breast Cancer Awareness Month" and the Month of November, 2006 as "End Domestic Violence Month."
ACTION: Accepted by Debbie Bills, Soroptimist International.
4. SUBJECT: Presentation of Commendations to the Volunteers of the 2006 Dallas Cowboys Summer Training Camp.
ACTION: Presented by Richard Arias, Recreation Supervisor, and Tom Cady.
5. SUBJECT: Presentation of **Resolution No. 13,163** to Lee Wilcox for 28 Years of Service with the City of Oxnard. (001)
ACTION: Accepted by Lee Wilcox.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Margaret Heath, Santa Clara High School Carnival Oct. 22

Ernest Stein, Relay for Life and PAL

Steve Yue re various issues

Patty Ortiz, development at Oxnard Boulevard and Gonzales Road

Mary Sumpter, Lydia Kaplan, and Robert Sumpter, campaign issues

Marty De Los Cobos, bond measure funds needed at CSUCI

Bert Perello, upcoming candidate forums

John Korsten, property lien

Daniel Harvey, Oxnard School District bond measure

Lawrence Stein, status of repairs at Rainbow House

Martin Jones, Grand Jury report

Nancy Pederson, Shirley Godwin and Larry Godwin, LNG rally and hot gas

Michael Tellez, parking issues

G. REVIEW OF INFORMATION/CONSENT AGENDA

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

William Terry, I-7 SCAT transportation south of Rice Road

Bert Perello, I-3 re reduction of fees and notification to neighbors

I. INFORMATION/CONSENT AGENDA

City Clerk's Office

1. SUBJECT: Minutes of the Regular Meetings of City Council for September 12, 19, 26 and October 3, 2006 (003)
RECOMMENDATION: Approve.

Development Services Department

3. SUBJECT: **Ordinance No. 2724**, Amending Section 16-440(E) of Chapter 16 of the City Code to Allow State Licensed Large Family Day Care Homes to be at Least 100 Feet Away From All Other Large Family Day Care Homes. (037)
RECOMMENDATION: Second reading and adoption.
4. SUBJECT: Planning and Zoning Permit No. 06-300-2 (Final Map for Phases 1 and 2 of Tract No. 5643), Filed by RiverPark Legacy, LLC. (039)
RECOMMENDATION: Adopt **Resolution No. 13,164** approving Planning and Zoning Permit No. 06-300-2 (Final Map) for Phases 1 and 2 of Tract No. 5643, located within the RiverPark Specific Plan area.

Public Works Department

5. SUBJECT: Eighth Amendment to Agreement with Overland, Pacific, and Cutler Inc. for Rice Avenue/Santa Clara Avenue Interchange Improvements on Highway 101. (049)
RECOMMENDATION: Approve and authorize the Mayor to execute the Eighth Amendment to the agreement with Overland, Pacific, and Cutler Inc. to increase the amount by \$94,689.42 for a total of \$1,292,987.42 for right of way acquisition and relocation services for the Rice Avenue/Santa Clara Avenue interchange improvements on U.S. Highway 101 (**1438-02-PW**).
6. SUBJECT: Resolution to Jerry Warrick. (055)
RECOMMENDATION: Adopt **Resolution No. 13,165** commending Jerry Warrick for 25 years of outstanding service to the City of Oxnard.
7. SUBJECT: Transportation Development Act (TDA) Local Transportation Fund (LTF) Allocations for Fiscal Year (FY) 2006/07. (057)
RECOMMENDATION: (1) Adopt **Resolution No. 13,166** approving the submittal of a claim with the Ventura County Transportation Commission for allocation of TDA funds as follows: South Coast Area Transit to receive \$3,887,785 of the City's Article 4 LTF allocation for FY 2006/07 to support and develop the public transportation system in Ventura County. The City's transit services program to receive \$500,000 of Article 8c LTF funding for its operations. Ventura Intercity Transit Authority (VISTA) to receive \$90,807 (\$46,883 for the VISTA Highway 101 corridor service, and \$43,924 for the VISTA Conejo Connection service) of the City's Article 4 LTF allocation for FY 2006/07. The Rice Avenue/ Highway 101

Interchange to receive \$500,000. Use of \$2,507,263 from the City's LTF balance to be utilized for streets and roads purposes (Article 8a); and (2) Approve a special budget appropriation in the amount of \$907,263 to increase the funding in the Street Maintenance Project to \$2,507,263 to reconcile the TDA revenues with the budget.

INFORMATION/CONSENT AGENDA ACTION: Approved (Zaragoza/Maulhardt) Ayes: Councilmembers Herrera, Holden, Maulhardt, Zaragoza, and Flynn.

J. TRANSMITTAL OF INFORMATION ONLY ITEMS

K. INFORMATION/CONSENT PUBLIC HEARINGS

L. PUBLIC HEARINGS

Development Services Department

1. SUBJECT: PZ 05-300-21 (Tentative Subdivision Map for Tract No. 5669) and 06-580-1 (Zone Text Amendment).
RECOMMENDATION: Continue to November 14, 2006.
ACTION: Unanimously approved (Holden/Herrera).

Mayor Holden opened the public hearing.

The Assistant City Clerk reported on publication and that Martha Zubiate submitted a letter in support of the dispensary.

2. SUBJECT: An Urgency Ordinance Extending the Interim Prohibition on Medical Marijuana Dispensaries in the City. (065)
RECOMMENDATION: By at least a 4/5 vote, approve urgency **Ordinance No.2725** extending Ordinance No. 2706 prohibiting medical marijuana dispensaries in Oxnard pending review and study of the issue by staff.

Paul Jacobs requested an end to the moratorium

ACTION: Motion to close the Public hearing (Holden/Maulhardt). Approved unanimously.

The City Council discussed federal law and County inaction. The City Attorney reported that the City Council can either accept these uses as legitimate and direct staff to find zones where they can be located or expressly forbidding the dispensaries. The current Code does not address this use.

ACTION: Approved (Zaragoza/Holden); Ayes: Flynn, Herrera, Holden, Maulhardt, and Zaragoza. Motion approved to direct staff to vigorously pursue with the County its intentions to act upon this issue and return to City Council within six months with a recommendation. (Maulhardt/Herrera); Ayes: Herrera, Holden, Maulhardt, Zaragoza, and Flynn.

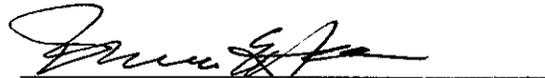
- M. REPORT OF CITY MANAGER
- N. CITY COUNCIL BUSINESS/COMMITTEE REPORTS
COMMUNITY DEVELOPMENT COMMISSION

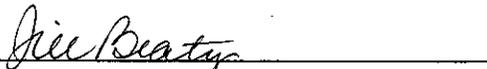
At 9:10 p.m. the concurrent meeting with the Community Development Commission concluded.

- O. REPORTS
- P. PUBLIC COMMENTS ON REPORTS
- Q. APPOINTMENT ITEMS
- R. STUDY SESSION
- S. PUBLIC COMMENTS ON STUDY SESSION
- T. ADJOURNMENT

At 9:10 p.m. the City Council concurred to adjourn.


DANIEL MARTINEZ
City Clerk


THOMAS E. HOLDEN
Mayor


JILL A. BEATY
Assistant City Clerk