

MINUTES
OXNARD CITY COUNCIL
Regular Meeting
March 25, 2008

A. ROLL CALL/POSTING OF AGENDA

At 7:13 p.m., the regular meeting of the Oxnard City Council convened in the Council Chambers, concurrently with the Community Development Commission and Housing Authority. Councilmembers Thomas E. Holden, Dean Maulhardt, John C. Zaragoza, Andres Herrera, and Timothy B. Flynn were present. The Assistant 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: Edmund Sotelo, City Manager; Grace Magistrale Hoffman, Deputy City Manager; Gary L. Gillig, City Attorney; Matthew Winegar, Development Services Director; and Jill A. Beaty, Assistant City Clerk.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

C. CLOSED SESSION

D. OPENING CEREMONIES

The meeting opened with the pledge of allegiance led by the Mayor Pro Tem, followed by a moment of silence.

E. CEREMONIAL CALENDAR

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

William Terry, misconceptions about City finances;

Ed Ellis, costs to conduct potential sales tax survey, new Home Depot community workshop;

John Korsten, code compliance issues, property lien;

Pat Brown, signage, Ormond Beach development;

Ernest Stein, billboard improvements and Graffiti Action Program success;

Nancy Pederson, educational programs at Ormond Point;

Shirley Godwin, requests City endorsed plan regarding Ormond Beach gateway park vision.

Q. APPOINTMENT ITEMS

1. SUBJECT: Oxnard Convention and Visitors Bureau Annual Report.

DISCUSSION: Janis Flippen, Executive Director, reviewed the goals, which include raising the number of hotel guests through marketing and advertising and teaming with the City and other Bureaus to promote the City. She described the success of the opening of the Welcome Center and reviewed the overall budget.

ACTION: The City Council received the report and commented on the excellent efforts of the Oxnard Convention and Visitors Bureau and the importance of investing in it.

G. REVIEW OF INFORMATION/CONSENT AGENDA

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

William Terry, possessory interest taxes and assessments (I-1);
Shirley Godwin, reimbursement from Harbor for impacts on the community (I-1);
Pat Brown, supports I-7 and I-9, feels the facility will bring in tourists.

The Development Services Director touched upon preliminary discussions with Harbor staff and Economic Development Corporation regarding the Harbor strategic business model and a comprehensive agreement that would consider impacts on the Oxnard community both from the economic and environmental levels balanced against the General Plan (I-1).

I. INFORMATION/CONSENT AGENDA

City Attorney Department

1. SUBJECT: Agreement with the Oxnard Harbor District and Adoption of a Resolution Consenting to the Acquisition of 5.04 Acres of Real Property Located at 5901 Edison Drive, Oxnard, by the Oxnard Harbor District. (001)
RECOMMENDATION: (1) Approve and authorize the Mayor to execute the agreement with the Oxnard Harbor District (**A-7020**); and (2) Adopt **Resolution No. 13,392** consenting to the acquisition of property by the Oxnard Harbor District.
2. SUBJECT: **Ordinance No. 2770** Concerning Adding Section 16-515 to the City Code Regarding Non-Conforming Use or a Non-Conforming Building. (009)
RECOMMENDATION: Second reading and adoption.

Development Services Department

4. SUBJECT: Third Amendment to Agreement with Washington Group International, Inc. for Rice Avenue/Santa Clara Avenue Interchange Improvements at Highway 101. (021)
RECOMMENDATION: (1) Approve and authorize the Mayor to execute the Third Amendment to the agreement with Washington Group International Inc. (**A-6738**) in the amount of \$857,337 (an increase of \$13,880) for Rice Avenue/Santa Clara Avenue interchange improvements at U.S. Highway 101; and (2) Approve a special budget appropriation to recognize revenue and appropriate \$1,800 from Gasprom Inc. for payment for consultant services by Washington Group International, Inc. for the line of sight study for the gas station at 2540 Auto Center Drive.
5. SUBJECT: **Ordinance No. 2769** Concerning Deferral of Payment of Development Fees for St. Paul Baptist Church. (031)
RECOMMENDATION: Second reading and adoption.

Public Works Department

- 7. SUBJECT: Microfiltration/Ultrafiltration and Reverse Osmosis Proof Pilot Testing Systems for the Advanced Water Purification Facility Project Phase 1, at Perkins Road north of Magellan Way. (035)
RECOMMENDATION: (1) Approve and authorize the Mayor to execute an agreement with Pall Corporation for a Membrane Filtration (MF) System Membrane Filtration Proof Pilot System (A-7017); (2) Approve and authorize the Mayor to execute an agreement with Membrane Systems, Inc. for a Reverse Osmosis (RO) Proof Pilot Testing (A-7018); and (3) Approve the special budget appropriation of funds in the amount of \$204,000 from the 2006 Water revenue project bonds interest earnings to the GREAT – AWPf Project to fund the MF and RO Proof Pilot Test Systems for the Advanced Water Purification Facility Phase 1 Project.

- 8. SUBJECT: Amendment No. 1 to Agreement with Black and Veatch for Blending Station No. 1 Site Improvements Phase I Project at 251 South Hayes Avenue. (039)
RECOMMENDATION: Approve and authorize the Mayor to execute Amendment No. 1 to the agreement with Black & Veatch (A-6867) for \$65,746 for a total amount of \$316,746 for the design and construction administration of the Blending Station No, 1 Site Improvements Phase I Project.

- 9. SUBJECT: Ultraviolet/Advanced Oxidation System for the Advanced Water Purification Facility Project Phase 1, at Perkins Road north of Magellan Way. (045)
RECOMMENDATION: Approve and authorize the Mayor to execute an agreement with Trojan Technologies (A-7016) for an Ultraviolet/Advanced Oxidation (UV/AOX) System.

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

J. TRANSMITTAL OF INFORMATION ONLY ITEMS

Finance Department

- 1. SUBJECT: Monthly Budget Status Reports. (047)
ACTION: Received and filed.

K. INFORMATION/CONSENT PUBLIC HEARINGS

L. PUBLIC HEARINGS

HOUSING AUTHORITY

At 8:50 p.m. the concurrent meeting with the Housing Authority concluded.

Development Services Department

- 2. SUBJECT: Appeal of the Planning Commission’s Denial of PZ 06-500-01 (Special Use Permit) and 06-510-07 (Special Use Permit) and Consideration of Second Reading of an Ordinance for 06-570-01 (Zone Change) to Permit Construction of a CVS Pharmacy

Shopping Center. Located at 1117 and 1205 S. Oxnard Boulevard. Filed by Heritage Equities, LLC. (061)

RECOMMENDATION: Adopt **Resolution No. 13,393** overturning the Planning Commission's denial and approve Special Use Permit PZ 06-500-01 for a pharmacy with drive-through; (2) Adopt a resolution overturning the Planning Commission's denial and approve Special Use Permit PZ 06-510-07 for alcohol sales; and (3) Approve the second reading and adoption of **Ordinance No. O-2766** changing the zoning on a portion of the project site from C-M-PD to C-2-PD.

ACTION: Mayor Holden opened the public hearing. The Assistant City Clerk reported on the affidavit of publication and written correspondence from Saul Medina expressing concern with the project.

DISCUSSION: The Development Services Director reported on 1) Planning Commission's reconsideration and decision to deny the special use permits; 2) the applicant's proposed changes; 3) the proposal meets the City's zoning ordinance, is compliant with the General Plan, and meets parking and loading zone requirements. Concerns of the Planning Commission include: Inappropriate land use for the site; architectural changes weren't substantial enough; and poor pedestrian access.

Tom Layman, architect for the project, and Sandy Smith, representing Landmark Retail Group, reported on site plan changes made and receiving general support from the neighborhoods.

Public comments in opposition to all or portions of the project were received from William Terry, Edgar Mohorko, Rabbi John Sherwood, Ed Ellis, Jim Elger, Shirley Godwin, Bernadette Ostrowski, Nancy Pedersen, Larry Godwin, and Rebecca Ralph.

Adam Gold and Jeremy Just, Landmark Retail Group, spoke on 1) the alcohol issue and the safety measures they will take; 2) loading near intersection; 3) drive-through use; and 4) union issues.

ACTION: The public hearing was closed (Maulhardt/Zaragoza). City Council commented on 1) pedestrian and alcohol concerns of the neighbors; 2) the project meeting zoning standards; 3) the concerns of the surrounding neighborhoods.

Mr. Layman stated the hours may be limited to be open until 11:00 p.m. and that the applicant would consider moving forward without the alcohol permit. He asked for clarification about the desired architecture.

ACTION: Approved (Holden/Maulhardt) to 1) adopt **Resolution No. 13,393** approving Special Use Permit PZ 06-500-01, with two new special project conditions: No. 199 to require that hours of operation for businesses within the development be limited to 6 a.m. to 11 p.m. and No. 200 to require that final approval of project elevations be subject to approval of City Council; 2) adopt **Resolution No. 13,394** denying Special Use Permit PZ 06-510-07 for alcohol sales; and 3) approve staff recommendation No. 3. Ayes: Holden, Maulhardt, Herrera. Noes: Zaragoza and Flynn.

M. REPORT OF CITY MANAGER

The City Manager reported on upcoming meetings of the California Coastal Commission regarding 1) the City's request to change Oxnard's local coastal land use plan so Hollywood Beach Mobilehome Park may convert to resident ownership; and 2) appeal of City's denial of the SCE proposal to build a power plant next to the Mandalay peaker power plant. He also reported on the Community Development Department receiving the award of merit from the California Association for Local Economic Development for the Centennial Plaza project.

N. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

RECESS

At 10:26 p.m. the City Council recessed and at 10:30 the meeting resumed.

O. REPORTS

City Manager Department

- 1. SUBJECT: Midyear Report on the Fiscal Year 2007-2008 Budget. (075)
RECOMMENDATION: (1) Approve adjustments to revenue, services, and expenditures for the FY 2007-2008 budget as follows: a) an increase of \$417,289 in General Fund ongoing budget appropriations as provided in this report; b) an increase of \$1,698,240 in General Fund one-time budget appropriations as provided in this report; c) an adjustment in Enterprise Funds, Internal Service Funds and Special Revenue Funds appropriations as provided in this report; and (2) Adopt **Resolution No. 13,395** authorizing full-time equivalent positions in the City effective March 25, 2008, and approving the Classification and Salary Schedule effective March 25, 2008.

DISCUSSION: The Deputy City Manager summarized the adjustments to the various funds, due to increases in water and wastewater treatment costs, maintenance and vehicle expenses; Community Facilities District (RiverPark), and authorized positions. The operating reserve would be at 14.6 percent.

The City Council commented: 1) that with regard to future capital improvement projects staff obtain bids prior to seeking City Council approval for the funds; 2) to have the Fiscal Committee immediately begin looking at ways to reduce expenditures in anticipation of a tight fiscal year; 3) on its continuing support of public safety.

ACTION: Approved (Zaragoza/Holden). Ayes: Maulhardt, Zaragoza, Flynn, Herrera, and Holden.

P. PUBLIC COMMENTS ON REPORTS

COMMUNITY DEVELOPMENT COMMISSION

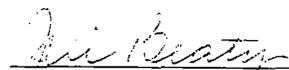
At 11:02 p.m. the concurrent meeting with the Community Development Commission concluded.

R. STUDY SESSION

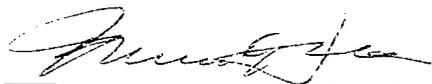
S. PUBLIC COMMENTS ON STUDY SESSION

T. ADJOURNMENT

At 11:02 p.m. the City Council concurred to adjourn.



JILL A. BEATY
Assistant City Clerk



DR. THOMAS E. HOLDEN
Mayor