

MINUTES
OXNARD CITY COUNCIL
Regular Meetings
July 24, 2007

A. ROLL CALL/POSTING OF AGENDA

At 6:02 p.m., the regular meeting of the Oxnard City Council convened in the Council Chambers. Councilmembers Thomas E. Holden, Dean Maulhardt, John C. Zaragoza, Andres Herrera, and Timothy B. Flynn were present. The Deputy 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: Ed Sotelo, City Manager; Karen Burnham, Assistant City Manager; Grace Magistrale Hoffman, Deputy City Manager; Gary L. Gillig, City Attorney; and Lourdes Lopez, Deputy City Clerk.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

C. CLOSED SESSION

At 6:04 p.m. the City Council recessed to a closed session, pursuant to Government Code section 54957.6, to give instructions to its negotiators, Lynn Hutton, Acting Human Resources Director and Dennis Scala, Special Assistant to the City Manager, regarding the salaries, salary schedules or compensation paid in the form of fringe benefits for employees represented by the International Association of Firefighters AFL-CIO (IAFF), Local 1684, the Service Employees International Union (SEIU), Local No. 998, and the Oxnard Peace Officers' Association (OPOA), and other matters within the scope of representation.

At 7:08 p.m. the City Council reconvened and adjourned to the evening session.

D. OPENING CEREMONIES

At 7:08 p.m. the concurrent meeting with the Community Development Commission opened with the pledge of allegiance to the flag of the United States, led by the Mayor Pro Tem, followed by a moment of silence. Staff present included: Sal Gonzalez, Housing Director; Ernie Whitaker, Housing Rehabilitation Program Manager; Dan Berlenbach, Equipment Manager; Assistant Police Chief Scott Whitney, Sue Martin, Planning & Environmental Services Manager; Bryan Pendleton, Redevelopment Services Manager; and Jill A. Beaty, Assistant City Clerk..

E. CEREMONIAL CALENDAR

1. SUBJECT: Recognize Oxnard Mermaids Slow-Pitch Softball National Champions.
DISCUSSION: The City Council congratulated the team and coaches.

2. SUBJECT: Presentation of \$556,000 California Department of Housing Community Development.
DISCUSSION: The Housing Director and Housing Rehabilitation Program Manager stated the check is a reward for Oxnard's affordable housing program.
3. SUBJECT: Presentation of Proclamation Designating the Week of Aug 5-12 as Health Center Week.
DISCUSSION: Presented to Jose Antonio Ramiro, of Clinicas del Camino Real.
4. SUBJECT: Presentation of a Commendation Congratulating the Parks and Recreation Department on Its 60th Anniversary.
DISCUSSION: Aepted by Edgar Cobb, Chairman, Parks and Recreation Commission, and Bedford Pinkard and Paul Lemos, Commission members.
5. SUBJECT: Presentation of **Resolution No. 13,338** to Joe Muro for 39 Years of Service with the City of Oxnard. (001)
DISCUSSION: The City Council recognized Mr. Muro and his family.
6. SUBJECT: Presentation of Employee of the Quarter.
DISCUSSION: Judith Bosko, Police Word Processor II, was named and aepted the award with comments made by the Assistant Police Chief.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Armando Vasquez, Key 3 Program
 John Korsten, lien on property
 Phil Molina, legal case
 Jill Dolan, Salsa Festival
 Bert Perello and Sandy Gonzalez, Chair, SeaView Neighborhood Council, request for Quimby funds report
 Ed Ellis, open government
 Barbara Dubkin, summer concerts expense
 Larry Stein, aess to public records
 Ernest Stein, Oxnard Day at Dodger Stadium and the upcoming Relay for Life Cancer Walk

G. REVIEW OF INFORMATION/CONSENT AGENDA

The City Council concurred to remove I-1 and I-8 from the agenda.

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Jerome Hopkins, in support of SB 412 (I-2)
 Larry Stein, downtown theater management financial reporting (I-9) and traffic concerns (I-10)
 Shirley Godwin, Edward Castillo, Pat Brown, Bert Perello, and Nancy Pederson oppose amending theater moratorium ordinance (I-9) and zone change (I-10)

I. INFORMATION/CONSENT AGENDA

City Attorney Department

1. SUBJECT: Pilot Program Regarding Curb Cuts and Hardscape Coverage in Front Yards. (003)
RECOMMENDATION: Remove from the agenda.

City Manager Department

2. SUBJECT: Support of Senate Bill (SB) 412, the "State Energy Resources Conservation and Development Act." (013)
RECOMMENDATION: Execute a letter in support of SB 412 the "State Energy Resources Conservation and Development Act."
3. SUBJECT: Support of State Constitutional Amendment (SCA) 12 (Torlakson and Yee): Storm Water and Urban Runoff. (023)
RECOMMENDATION: Execute a letter of support for SCA 12 (Torlakson and Yee): Storm Water and Urban Runoff to make fees and charges for storm water and urban runoff management work the same as fees for refuse collection, wastewater treatment, and water.
4. SUBJECT: Support of Governor Schwarzenegger's Initiative to Combat Gang Violence in California, the Gang Reduction, Intervention and Prevention Program (CalGRIP). (027)
RECOMMENDATION: Execute a letter of support for Governor Schwarzenegger's anti-gang initiative to fight gang violence in California, the CalGRIP.

Community Development Department

5. SUBJECT: City and Community Development Commission \$4.9 Million Funding For a 140 Unit Rental Project Consisting of the Paseo Santa Clara and Paseo del Rio Components for Extremely and Very Low Income Households in the RiverPark Development Located Adjacent to and North of the Highway 101 Freeway, Adjacent to and East of the Santa Clara River, and West of Vineyard Avenue. (031)
RECOMMENDATION: That City Council: (1) Transfer previously appropriated funds in the amount of \$2.2 million from Paseo del Rio to Paseo Santa Clara; (2) Approve in substance a \$2.2 million Loan Agreement and related documents with the Cabrillo Economic Development Corporation (A-5965) for the 54 unit Paseo Santa Clara project component; (3) Authorize the Mayor to execute the Loan Agreement and related documents upon the approval as to form by the City Attorney; and (4) Authorize the City Manager to execute such instructions and documents as are necessary and appropriate to implement the transaction.

Development Services Department

7. SUBJECT: License Agreement with Oxnard Union High School District to Install a Data Wiring Conduit Under K Street Just North of Third Street. (045)
RECOMMENDATION: Approve and authorize the Mayor to sign a "License to Encroach on City Property" with the Oxnard Union High School District (A-6902) for the installation of a conduit and data wiring under K Street just north of Third Street.

- 8. SUBJECT: Landowner Conditional Consent to Decommission the Ormond Beach Fuel Oil Pipeline. (053)
RECOMMENDATION: Continue to August 7, 2007.
- 9. SUBJECT: **Ordinance No. 2742**, Amending Section 16-331 of the City Code and Repealing Part 5 of Ordinance No. 2466 Relating to the Location of Multiplex Motion Picture Theaters. (057)
RECOMMENDATION: Second reading and adoption.*
- 10. SUBJECT: **Ordinance No. 2743**, Approving PZ 05-570-04 to Change the Zone District for Property Located at 1250 South Oxnard Boulevard. (059)
RECOMMENDATION: Second reading and adoption.*

Public Works Department

- 11. SUBJECT: Acquisition Settlement Agreement with Jose Angulo doing business as (dba) Anita's Restaurant at 3015 Santa Clara Avenue for the Rice Avenue/Santa Clara Avenue Interchange Improvements on Highway 101. (063)
RECOMMENDATION: Approve and authorize the Mayor to execute the agreement with Jose Angulo dba Anita's Restaurant (**A-6905**) in the amount of \$24,250 for acquisition of property located at 3015 Santa Clara Avenue for the Rice Avenue/Santa Clara Avenue interchange improvements on U.S. Highway 101.

The City Council discussed the public records process and City Council members responding to public comments during a City Council meeting.

INFORMATION/CONSENT AGENDA ACTION: Approved (Maulhardt/Herrera); Ayes: Holden, Maulhardt, Zaragoza, Herrera, and Flynn. *NOES: Flynn on I-9 and I-10.

J. TRANSMITTAL OF INFORMATION ONLY ITEMS

K. INFORMATION/CONSENT PUBLIC HEARINGS

ACTION: Mayor Holden opened the public hearings.

DISCUSSION: The Assistant City Clerk reported on publication and written communication.

City Attorney Department

- 1. SUBJECT: Extension of Immediate Imposition of Increased Planned Traffic Circulation Facilities Fees. (073)
RECOMMENDATION: By a 4/5ths vote adopt **Resolution No. 13,339** extending the time for thirty days, to protect public health, welfare and safety, for the immediate imposition of an interim planned traffic circulation facilities fee of \$730 per vehicle trip.

Development Services Department

2. SUBJECT: RiverPark Development Agreement Amendment. (077)
RECOMMENDATION: Approve the first reading by title only and subsequent adoption of **Ordinance No. 2744** amending the RiverPark Development Agreement (**A-6128**) to permit the location of a multiplex theater in the commercial district of the RiverPark Specific Plan.*

Shirley Godwin, Larry Stein, and Barbara Dubkin question the source of funds from RiverPark developers to the downtown

Edward Castillo and Pat Brown oppose allowing theater in RiverPark at this time,

ACTION: Closed public hearing (Maulhardt/Herrera); Approved recommendations on Items 1 and 2: (Maulhardt/Herrera) Ayes: Zaragoza, Herrera, Flynn (on K-1), Maulhardt. *Noes: Flynn on K-2.

RECESS

At 9:24 p.m. the City Council/Community Development Commission concurred to recess, and at 9:32 p.m. the meeting resumed.

L. PUBLIC HEARINGS

ACTION: Mayor Holden opened the public hearings.

DISCUSSION: The Assistant City Clerk reported on publication and that two letters were received in support of the denial, one from Mildred Miehle and Angela Slaff.

Development Services Department

1. SUBJECT: Appeal of the Planning Commission's Denial of Planning and Zoning Permit No. 06-400-5 (Coastal Development Permit) for the Edison Peaker Plant Proposal, Located at 251 North Harbor Boulevard. (089)
RECOMMENDATION: Adopt **Resolution No. 13,340** upholding the Planning Commission's denial of Coastal Development Permit No. PZ 06-400-5 for a 45-Megawatt Electric Generation Peaker Plant located at 251 North Harbor Boulevard.
DISCUSSION: The Planning & Environmental Services Manager (Manager) described the project, including installation of gas turbine generator, 80-foot exhaust stack, reasons for the proposal and operational characteristics. The Manager discussed issues of concern, including aesthetics, aqueous ammonia stored and transferred, air quality from emissions, and noise.

Mark Nelson, Director, Generation Planning & Strategy, Southern California Edison (Edison), introduced Edison staff. Michelle Nuttal, Development Project Manager; outlined benefits to the City: 1) it will provide about 25% of the City load, and 2) protect against equipment overloads. Ms. Nuttal added key points: 1) essential utility infrastructure, 2) expansion of an existing energy facility; 3) existing zoning precludes

construction of anything but an energy facility at this location. Edison in-house attorney Nino Mascolo disputed Planning Commission denial of the project, with regard to coastal dependent uses.

The City Council expressed views that Oxnard has shouldered more than enough by providing two electric generating plants supplying cities other than Oxnard, despite the fact that surrounding cities have had similar or greater growth.

At 9:55 p.m. Mayor Pro Tem Maulhardt was absent.

Speaking in support of the recommendation: William Terry, Mike deMentino, Chris Coudert, Barbara Fosbrink, District Manager, California Parks & Recreation; Larry Stein; Nancy Pederson; Edward Castillo; Shirley Godwin; Larry Godwin; Pat Brown; Gloria Roman; and Bert Perello.

Megan Birney, Community Environment Council, recommends alternatives to expansion.

In support of the the peaker plant proposal: Don Faiano, Ventura County Taxpayers Association; Tom Nielson, VCEDA; Nancy Lindholm, Oxnard Chamber of Commerce President; Tom Beardsley; Peter Zierhut, Haas Automation; and Celina Zacarias.

Council comments: Concern with 1) air quality; 2) impacts to endangered species; 3) proximity to new luxury development; 4) additional generating plants should be placed in other areas. The City Council expressed their support for development of alternative fuel sources.

ACTION: Close public hearing (Holden/Herrera); Approved recommendation (Zaragoza/Flynn): Ayes: Herrera, Flynn, Holden, and Zaragoza. Absent: Maulhardt.

2. SUBJECT: PZ No. 05-540-05 (Special Use Permit for a Planned Residential Group with 190 units), PZ No. 05-620-07 (General Plan Amendment), and PZ No. 05-300-29 (Tentative Subdivision Map and Alley Vacation Tract No. 5682) for the Gateway Walk Project, located at 1250 South Oxnard Boulevard. Filed by The Olson Company. (099)
RECOMMENDATION: (1) Adopt **Resolution No. 13,341** approving Mitigated Negative Declaration No. 07-05 and approving Special Use Permit (PZ 05-540-05); (2) Adopt **Resolution No. 13,342** approving the General Plan Amendment (PZ 05-620-07) changing the land use designation from Commercial General to Medium Density Residential and Park for the residential and park parcels; and (3) Adopt **Resolution No. 13,343** approving Tentative Subdivision Map and Alley Vacation (PZ 05-300-29) for Tract No. 5682.*
ACTION: Mayor Holden opened the public hearing.
DISCUSSION: The Assistant City Clerk reported on publication and no written communications.

Bill McReynolds, Olson Company, seeks clarification of motion made at July 17, 2007 City Council meeting regarding trash enclosures and setbacks.

Larry Stein, Shirley Godwin, Edward Castillo, Pat Brown, Larry Godwin; Bert Perello, Nancy Pederson oppose all or some aspects of the project.

Sandy Smith of Ventura supports

The Redevelopment Services Manager stated staff is supportive of 14 moderate, deed-restricted units. City Council comments included: 1) concern over loss of affordable housing, density and traffic issues; 2) but support overall because a) this will finally develop a blighted area; b) residential development is preferred over commercial resulting in less traffic impact; c) the project provides an amenity with appropriate housing and mixed uses.

ACTION: Approve recommended action and clarify: 1) 30-foot setbacks; 2) no gates on trash enclosure; 3) change to trash receptacles. (Herrera/Zaragoza) Ayes: Holden, Zaragoza, Herrera. *Noes: Flynn. Absent: Maulhardt.

M. REPORT OF CITY MANAGER

N. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

City Attorney Department

1. SUBJECT: Scheduling of Regular Meeting for August 7, 2007. (101)
RECOMMENDATION: Schedule a regular meeting for August 7, 2007.
ACTION: Approved (Herrera/Holden); unanimous.

COMMUNITY DEVELOPMENT COMMISSION

At 12:22 p.m. the concurrent meeting with the Community Development Commission concluded.

O. REPORTS

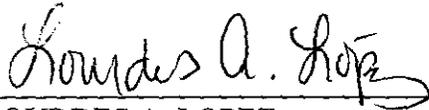
Housing Department

1. SUBJECT: Residential Treatment Center Proposal for 1450 Rose Avenue (Formerly the Rainbow House Site). (103)
RECOMMENDATION: Authorize the City Manager to execute a three (3) year lease with Miracle House in a form approved by the City Attorney for the purpose of providing residential treatment for women with alcohol and chemical dependency issues.
DISCUSSION: Larry Stein questioned the current construction status.
ACTION: Approved (Herrera/Zaragoza); Ayes: Zaragoza, Herrera, Flynn, and Holden. Absent: Maulhardt.

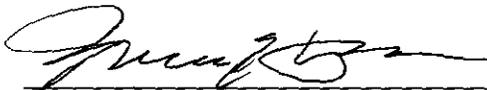
- 2. SUBJECT: Adoption of Ventura County 10-Year Strategy to End Homelessness. (107)
RECOMMENDATION: Adopt the Ventura County 10-Year Strategy to End Homelessness as recommended by the City's Commission on Homelessness and the Homeless Working Group or direct the Housing Director to proceed with the creation of the City's own 10-Year Plan to End Homelessness.
ACTION: Approved unanimously the Ventura County strategy and direct staff to proceed with the City's own 10-Year Plan (Holden/Zaragoza). Absent: Maulhardt.

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

At 12:26 p.m. the City Council concurred to adjourn.



LOURDES A. LOPEZ
Deputy City Clerk



DR. THOMAS E. HOLDEN
Mayor



JILL A. BEATY
Assistant City Clerk