

MINUTES
OXNARD CITY COUNCIL
Regular Meeting
May 15, 2007

A. ROLL CALL/POSTING OF AGENDA

At 5:33 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 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: Ed Sotelo, City Manager; Karen Burnham, Assistant City Manager; Grace Magistrale Hoffman, Deputy City Manager; Gary L. Gillig, City Attorney; and Jill A. Beaty, Assistant City Clerk.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

C. CLOSED SESSION

At 5:34 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 discussed is City of Oxnard v. Prabhulal Virji Kanji, Ventura County Superior Court Case No. CIV 237708.

The City Council also recessed to a closed session, pursuant to Government Code section 54956.8, to give instructions to its negotiator, Edmund Sotelo, City Manager, regarding the price and terms of payment for the potential sale, lease or exchange by the City of approximately 28 acres of land located at 801 (LND) North Harbor Boulevard to the State of California.

At 6:30 p.m. the City Council recessed to the evening session.

D. OPENING CEREMONIES

At 7:02 p.m. the meeting opened with the pledge of allegiance to the flag of the United States, led by Mayor Pro Tem Maulhardt, followed by a moment of silence. Staff present included: Barbara Murray, Library Director; Ken Ortega, Public Works Director; Mark Norris, Assistant Public Works Director; Anthony Emmert, Water Resources Manager; Gil Ramirez, Recreation Superintendent; Martin Erickson, Legislative Affairs Manager; Sue Martin, Planning and Environmental Services Manager; Assistant Police Chief Jason Benitez; Matt Winegar, Development Services Director.

E. CEREMONIAL CALENDAR

1. SUBJECT: Presentation of **Resolution No. 13,219** Congratulating the Oxnard Public Library on Its 100th Anniversary. (001)
RECOMMENDATION: Approved (Maulhardt/Zaragoza); Ayes: Flynn, Herrera, Holden, Maulhardt, and Zaragoza.
DISCUSSION: Accepted by the Library Director.

2. SUBJECT: Presentation of a Proclamation Designating the Week of May 20 – 26, 2007, as “Public Works Week.”
DISCUSSION: The Public Works Director and Assistant Public Works Director accepted the proclamation.
3. SUBJECT: Presentation of Water Conservation Poster Contest Winners.
DISCUSSION: The Water Resources Manager announced the student winners.
4. SUBJECT: Presentation of a Proclamation Designating the Week of May 14 - 18, 2007, as “Bike to Work Week.”
DISCUSSION: Accepted by the Recreation Director.
5. SUBJECT: Presentation of a Proclamation Designating the Week of May 14- 18, 2007, as “The Salvation Army Week.”
DISCUSSION: Accepted by Brigadier Whiteside and Glee Lewis.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Ernest Stein, invited the public to a recognition of Bishop Monderez’ service to the Catholic community and spoke in support of the Oxnard Police Department

John Korsten, tax lien on his property

Christina Martin, Vice Chair, South Bank Neighborhood Council, Police response to school incident

Service Employees International Union, Local 998 employees Kay Swenson and Rhea Voll and Danny Carillo, worksite organizer, seeking support in upcoming contract negotiations to achieve a fair and just contract

Phil Molina, various issues of financial reporting

Richard Francis, concerns over potential development outside the SOAR boundary

Larry Stein, downtown theater curfew law, financial reports

Susan Dirrim suggests a water park and a bike station

Edward Castillo, opposes large home development projects

Ed Ellis, opposes a Home Depot at the former K-Mart site in South Oxnard

Ventura Fernandez, culvert at River Ridge

Alfred Zarate, Police officer behavior during ticketing

G. REVIEW OF INFORMATION/CONSENT AGENDA

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Bert Perello and Larry Stein (I-3) recommend seeking legal recourse if gypsum is contaminated; otherwise, they recommend it be sold. The Assistant Public Works Director & City Attorney commented about pending litigation against the contractor.

I. INFORMATION/CONSENT AGENDA

Development Services Department

1. SUBJECT: Acceptance of a Portion of an Easement for Street and Public Utility Purposes and Rejection of an Easement for Public Utility Purposes Located East of Riverpark Boulevard in American River Court. (003)
RECOMMENDATION: Adopt **Resolution No. 13,220**: (1) Accepting a portion of an irrevocable offer for a street and public utility easement for American River Court located east of Riverpark Boulevard within the Riverpark Specific Plan; (2) Rejecting a portion of an irrevocable offer for a street and public utility easement for American River Court located east of Riverpark Boulevard within the Riverpark Specific Plan; and (3) Rejecting an irrevocable offer for a five foot wide public utility easement located adjacent to American River Court.
2. SUBJECT: Appropriation of Permit Center Improvement Fee Revenue to Civic Center Renovation Project. (011)
RECOMMENDATION: (1) Approve the appropriation of funds in the amount of \$257,554 from the Permit Center Improvement Fee to the Civic Center Renovation Project; and (2) Approve the appropriation of funds in the amount of \$102,769 from the General Fund Operating Reserves to the Civic Center Renovation Project.

Public Works Department

3. SUBJECT: Special Budget Appropriation for the Removal and Disposal of Gypsum from the City's Wasco Farm. (015)
RECOMMENDATION: Approve the appropriation of funds in the amount of \$1,600,000 from the Wastewater Treatment Fund Balance to the Biosolids Management Project for the disposal/removal of gypsum from the City's Wasco Farm, located in Kern County.
4. SUBJECT: Amendment to Agreement for Purchase of Repair Parts and Tires for the City Vehicle Fleet. (017)
RECOMMENDATION: Approve and authorize the Mayor to execute an amendment to the original agreement for purchase of repair parts and tires for the City's vehicle fleet, changing the agreement with Automotive Supply to Genuine Parts Company (A-6801), the NAPA Automotive parent company for the approximate amount of \$950,000 annually for a period of three years.
5. SUBJECT: Scheduling of Public Hearing and Adoption of Resolutions to Declare Intent to Levy Fiscal Year (FY) 2007-2008 Assessments for Landscape Maintenance Districts Nos. 1 through 3, and 7 through 26. (019)

RECOMMENDATION: (1) Adopt **Resolutions Nos. 13,221 – 13,242** declaring Council's intention to levy FY 2007-2008 assessments for Landscape Maintenance Districts Nos. 1 through 3, and 7 through 26 in the following tracts: **Resolution 13,221**, Tract No. 2247, District No. 1 (Summerfield); **Resolution 13,222**, Tract Nos. 4065, 4164, 4355 and 4225, District No. 2 (Channel Islands Business Park); **Resolution 13,223**, Tract No. 3384, District No. 3 (River Ridge); **Resolution 13,224**, Tract Nos. 4183 and 3943, Districts Nos. 7 and 8 (Northfield/Seagate Business Park); **Resolution 13,225**, Tract Nos. 3051-2, 3051-3, and 4351, District No. 9 (Strawberry Fields); **Resolution 13,226**, Tract No. 4405, District No. 10 (Country Club Estates); **Resolution 13,227**, Tract No. 4376, District No. 11 (St. Tropez); **Resolution 13,228**, Tract No. 4294, District No. 12 (Standard Pacific); **Resolution 13,229**, Tract No. 4424, District No. 13 (Le Village); **Resolution 13,230**, Tract No. 4492, District No. 14 (California Cove); **Resolution 13,231**, Tract No. 4443, District No. 15 (Pelican Pointe); **Resolution 13,232**, Tract No. 4810, District No. 16 (California Lighthouse); **Resolution 13,233**, Tract No. 4702, District No. 17 (Village of San Miguel); **Resolution 13,234**, Parcel Map Nos. 213-03-28 and 213-03-29, District No. 18 (St. John's Regional Medical Center); **Resolution 13,235**, Tract No. 4827, District No. 19 (Shopping at the Rose); **Resolution 13,236**, Parcel Map Nos. 231-020-200, 210, 240, District No. 20 (Wallenius Vehicle Preparation Center); **Resolution 13,237**, Tract No. 3384-7, 8, District No. 21 (Cypress Pointe); **Resolution 13,238**, Tract No. 4611, District No. 22 (McDonald's Median); **Resolution 13,239**, Tract No. 4529, District No. 23 (Greystone); **Resolution 13,240**, Tract No. 4529, District No. 24 (Vineyards); **Resolution 13,241**, Tract No. 4840, District No. 25 (The Pointe); **Resolution 13,242**, Parcel Map No. 94-5-25, District No. 26 (Albertson's); and (2) Set a public hearing for June 12, 2007, on the levy of the proposed assessments in Landscape Maintenance Districts Nos. 1 through 3, and 7 through 26.

6. **SUBJECT:** Formation of Landscape Maintenance District No. 59. (025)

RECOMMENDATION: Adopt **Resolution No. 13,243** declaring Council's intention to form and levy Fiscal Year 2007-2008 assessments in Landscape Maintenance District No. 59, consisting of Tract No. 5542 (Orbela), located south of Fifth Street between Northport Lane and Victoria Avenue, and setting a date for a public hearing thereon.

7. **SUBJECT:** Agreement with Black & Veatch for Blending Station No. 1 Site Improvements Phase I Project, at 251 South Hayes Avenue. (035)

RECOMMENDATION: Approve and authorize the Mayor to execute the agreement with Black & Veatch (A-6867) for \$251,000 for the design and construction administration of the Blending Station No. 1 Site Improvements Phase I Project.

8. **SUBJECT:** Support of Energy and Environment Block Grant Proposal Sponsored by Congressman Albert Wynn. (036.1)

RECOMMENDATION: Execute a letter of support to Congresswoman Lois Capps for the "Energy and Environment Block Grant Act of 2007" sponsored by Congressman Albert Wynn.

INFORMATION/CONSENT AGENDA ACTION: Approved (Herrera/Maulhardt); Ayes: Herrera, Holden, Maulhardt, Zaragoza, and Flynn. Abstain: Maulhardt on I-5, Districts 12 and 17; Zaragoza on I-5, District 3.

J. TRANSMITTAL OF INFORMATION ONLY ITEMS

K. INFORMATION/CONSENT PUBLIC HEARINGS

L. PUBLIC HEARINGS

M. REPORT OF CITY MANAGER

Grand opening of the new location of the Oxnard Convention & Visitors Bureau at the Welcome Center, 1000 Town Center Drive; the Strawberry Festival, May 19-20, and Library Centennial events.

N. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

O. REPORTS

City Manager Department

1. SUBJECT: South Coast Area Transit (SCAT) Fiscal Year (FY) 2007/08 Capital and Operating Budget and Revisions to SCAT Joint Powers Agreement (JPA). (037)
RECOMMENDATION: (1) Support the SCAT Fiscal Year (FY) 2006/07 proposed capital and operating budget in an amount not to exceed \$3,987,397 for fixed route service, senior and disabled paratransit service, and the capital program; and (2) Authorize the following changes to SCAT JPA: Change the name of the transit agency to Gold Coast Transit; provide a pricing policy for express bus service that ensures only benefiting members will pay for it; stipulate that SCAT members may at their discretion pay for transit service with non-Transportation Development Act revenue; change the date of the JPA; bring language pertaining to personnel into agreement with the SCAT Personnel Rules; redefine Board Officer terms to run for a calendar year versus a fiscal year; make the August Board meeting optional rather than mandatory; allow 120 rather than 90 days to perform the annual financial audit and issue the audit report.
DISCUSSION: The Project Manager provided highlights of SCAT operations and future challenges. He summarized current issues, including an outreach campaign and changes that resulted in fixed ridership and revenue increases.

City Council comments: The goal of the SCAT Board is not only to provide options to those who don't have transportation but to those that do as an opportunity to ease traffic congestion and save money on rising gasoline prices.

Deborah Linehan, General Manager, SCAT, thanked the City Council for its support and policy leadership through the years.

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

P. PUBLIC COMMENTS ON REPORTS

Q. APPOINTMENT ITEMS

R. STUDY SESSION

Development Services Department

1. **SUBJECT:** Medical Marijuana Dispensaries in the City. (049)
RECOMMENDATION: Consider this report on medical marijuana dispensaries and provide direction to the Planning and Environmental Services Manager regarding a medical marijuana dispensary ordinance.
DISCUSSION: The Planning and Environmental Services Manager reported on the findings of staff research: 1) the County is waiting for the outcome on pending case law based on the discrepancies of the State Compassionate Use Act and the federal Controlled Substance Act, 2) the pros: fulfilling need of City and County residents; program could be conducted through a highly regulated program; and 3) cons: increase in crime, inconsistency with federal law, storefront caregiver issues, labor-intensive monitoring. The Assistant Chief and Chief Deputy District Attorney Jeff Bennett outlined concerns of law enforcement and the recommendation against approval.

Jameson P. Lingl; Jennifer Nelson, Field Coordinator, Americans for Safe Access, on behalf of Oxnard members and patients; Lisa Schwarz, and Larry Stein spoke in support of the dispensaries.

The City Council commented on: proper use of medical marijuana; federal and State law discrepancies; the County's reluctance to get involved; being sympathetic with suffering individuals yet deferring to the recommendations of the Police Department and District Attorney's office.

ACTION: The City Council heard the report and provided direction to continue to monitor the cases until November.

2. **SUBJECT:** Pre-Application Review (PZ 07-600-4) of a Request to Master Plan a 165-acre, 2,500-Unit, Workforce and Affordable Housing Community, Located at 4324 East Vineyard Avenue, Filed by Oxnard Ranch, LLC. (053)
RECOMMENDATION: Review and provide preliminary comments on a General Plan Amendment pre-application to master plan a 165-acre, 2,500-unit workforce and affordable housing community located at 4324 East Vineyard Avenue, northeast of the El Rio community.
DISCUSSION: The Development Services Director outlined the aspects of the project, including 1) housing for moderate, low and very low income families, school and park, 18 dwelling units per acre, 2) significant planning issues: Project is outside the SOAR and CURB boundaries and within the Oxnard/Camarillo greenbelt, it is outside the City's sphere of influence, it is governed by the Williamson Land Conservation Act and subject to restrictions on urban use, appropriateness in density, traffic and transportation and roadways impacts; and 3) Next administrative steps : Initiate EIR and specific plan, annexation process, General Plan amendment and zone change. The City Manager reviewed potential state funding assistance as relayed by Lynn Jacobs, Director, California Department of Housing and Community Development.

Pat Brown, Trisha Munro, Nancy Pederson, Burt Perello, Saul Medina, and Larry Stein expressed concerns.

Joseph O'Neill, if CURB boundary is to be expanded, call for a vote of the people.

Barbara Macri Ortiz and Lupe Anguino seek dialogue between the City and all affected parties, especially young families who wish to remain in the area.

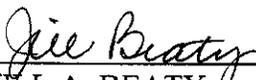
The City Council commented their concerns over 1) the impacts on the City of such a project – overcrowding, parking, traffic congestion; 2) responding to the real need for affordable home ownership for those that wish to work and live in the City; 3) the projects already being proposed in the 2020 General Plan update; 4) respect for the SOAR and Greenbelt guidelines; 5) the expense of hooking up to sewer lines; 6) threat to local farmers and agricultural uses of land; 7) the challenge of allowing housing that provides community; and 8) accommodating people rather than creating growth.

ACTION: The City Council provided preliminary comments.

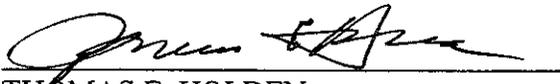
S. PUBLIC COMMENTS ON STUDY SESSION

T. ADJOURNMENT

At 11:15 p.m. the City Council concurred to adjourn the meeting.



JILL A. BEATY
Assistant City Clerk



THOMAS E. HOLDEN
Mayor