

MINUTES
OXNARD CITY COUNCIL
Regular Meeting
March 20, 2007

A. ROLL CALL/POSTING OF AGENDA

At 6:00 p.m., the regular meeting of the Oxnard City Council convened in the Council Chambers. Councilmembers Thomas E. Holden, John C. Zaragoza, Andres Herrera, and Timothy B. Flynn were present. Mayor Pro Tem Dean Maulhardt was absent. 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: Edmund F. Sotelo, City Manager; Karen Burnham, Assistant City Manager; Gary L. Gillig, City Attorney; Mike More, Financial Services Manager; and Lourdes A. Lopez, Deputy City Clerk.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

Lawrence Stein and Bert Perello re sports park.

C. CLOSED SESSION

At 6:04 p.m. the City Council 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 purchase/exchange by the City of approximately two acres of land located on the southwest corner of Oxnard Boulevard and Roderick Avenue and approximately 21 acres of land located at the southeast corner of Oxnard Boulevard and Gonzales Road from Aldersgate Investments, LLC.

At 7:01 p.m. the City Council reconvened and recessed to the evening session.

D. OPENING CEREMONIES

At 7:01 p.m., the regular meeting of the Oxnard City Council reconvened in the Council Chambers, concurrently with the Community Development Commission. The meeting opened with the pledge of allegiance to the flag of the United States, followed by a moment of silence. Additional staff members present were: Sue Martin, Planning and Environmental Services Manager.

E. CEREMONIAL CALENDAR

1. SUBJECT: Presentation of the Annual Commission on Community Relations Awards.
DISCUSSION: Chairman Baxter and Commissioner Reyes presented the 27th Annual Awards to: Elpidio S. Bucaco for Outstanding Individual; Miguel Angel Garcia for Youth; State Farm Charles Allison Insurance Agency for Outstanding Business; and Teatro de las Americas for Outstanding Organization.

2. SUBJECT: Presentation by the American Public Works Association Ventura County Chapter Environmental Project of the Year for Blending Station No. 3.
DISCUSSION: Ken Matsouka, American Public Works Association – Ventura County, presented an award to the City Council for Blending Station No. 3.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Larry Stein re various issues.

Trisha Munro re River Park development.

Ed Ellis re allocation of funds for City Corps.

John Kosten re lien on his property.

Nancy Pedersen re allocation of funds for City Corps.

Phil Molina re his lawsuit.

Patricia Instein re Oxnard Shores.

Pat Brown re Oxnard Boulevard and Highway 101.

Ventura Fernandez re neighborhood violations.

Bert Perello re St. John's Hospital.

G. REVIEW OF INFORMATION/CONSENT AGENDA

The City Manager announced that Item I-4 was removed from the agenda. Mayor Holden announced that Item O-1 is being renumbered to L-1.

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

I. INFORMATION/CONSENT AGENDA

Public Works Department

2. SUBJECT: Agreement with Clear Channel Outdoor, Inc. to Acquire Property at 2651 East Ventura Boulevard for the Rice Avenue/Santa Clara Avenue Interchange on U.S. Highway 101. (027)
RECOMMENDATION: (1) Approve and authorize the Mayor to execute an amended settlement agreement with Clear Channel Outdoor, Inc. (A-6691) in the amount of \$177,000 (an increase of \$97,000) for acquisition by the City of an outdoor advertising sign at 2651 E. Ventura Boulevard for the Rice Avenue/Santa Clara Avenue interchange improvements on U.S. Highway 101; and (2) Authorize the City Manager or Public Works Director to execute such other documents as are appropriate to implement and close the transaction.

- 3. SUBJECT: Amendment to Agreement with California Department of Transportation (Caltrans) for Rice Avenue/Santa Clara Avenue Interchange Improvements on Highway 101. (035)
RECOMMENDATION: Approve and authorize the Mayor to execute Amendment No. 1 to the agreement between the City and Caltrans (A-5560) to extend the expiration date for the Rice Avenue/Santa Clara Avenue interchange improvements on U.S. Highway 101.
- 4. SUBJECT: Agreement with ProUSys for Blending Station No.1 Desalter Control System Project, at 251 South Hayes Avenue. (038.1)
RECOMMENDATION: Approve and authorize the Mayor to execute the agreement with ProUSys (A-6840) for \$1,535,220 for the Blending Station No.1 Desalter Control System Project.
- 5. SUBJECT: Second Amendment to Agreement with Kennedy/Jenks Consultants for Blending Station No. 1 Desalter Project, 251 South Hayes Avenue.(038.3)
RECOMMENDATION: Approve and authorize the Mayor to execute the second amendment to the agreement with Kennedy/Jenks Consultants (3079-04-PW) to increase the amount by \$387,000 for a total of \$3,027,542 for the design and construction administration of the Blending Station No. 1 Desalter Project.

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

J. TRANSMITTAL OF INFORMATION ONLY ITEMS

K. INFORMATION/CONSENT PUBLIC HEARINGS

COMMUNITY DEVELOPMENT COMMISSION

At 7:48 p.m., the concurrent meeting with the Community Development Commission concluded.

L. PUBLIC HEARINGS

Finance Department

- 1. SUBJECT: Acquisition of 20.97 Acres at the Southeast Corner of Gonzales Road and Oxnard Boulevard ("Sports Park"). (093)
RECOMMENDATION: (1) Approve and authorize the Mayor to execute an Agreement of Sale and Exchange and Escrow Instructions ("Agreement") to provide for the purchase by the City of 20.97 acres of real property at the southeast corner of Gonzales Road and Oxnard Boulevard (the "Property") from Aldersgate Investments, LLC (the "Seller") {A-6864} for consideration totaling \$10.8 million in cash and 2.12 acres of real property located at 711 North Oxnard Boulevard; and (2) Approve the appropriation of funds in the amount of \$7,421,744 from the Quimby Fees Fund, \$234,776 from the Park Acquisition and Development Fees Fund, and \$3,163,480 from the General Fund Operating Reserve, for the acquisition of the Property.
DISCUSSION: The Mayor announced changes to staff recommendations as a result of closed session, and stated that City Council will consider a different financing approach to the one set forth in the agenda report. The revised funding approach to obtain the property at \$10.8 million is: Quimby monies from West Village: \$3,272,065; East Village: 3,018,814; quimby

fees fund not designated to any park \$1,055,751; golf course quimby fees: \$103,280; park development fund \$234,776; and general fund operating reserve \$3,134,314.

The City Manager stated that based on City Council direction, staff initiated negotiation for the acquisition of the property. The Financial Services Manager reviewed the terms of the contract and stated that the City will provide \$10.8 million cash; 2.12 acres at 711 North Oxnard Boulevard (Colonial House site); escrow to close on April 12, 2007; and seller to provide ALTA survey.

The following individuals stated their support: Joe Avelar; Ernest Stein; Barbara Dubkin; Sandy Gonzales; Bert Perello; Charles Bauman; Luciano Ortiz; Edward Castillo; David Kuaea; Nancy Pedersen

Lawrence Stein and Trisha Munro re terms of the agreement.

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

Development Services Department

2. **SUBJECT:** Appeal of Certification and Adoption of Findings and Overriding Considerations for Final SEIR 05-02, Planning and Zoning Permit No. 05-620-4 (General Plan Amendment), 05-630-2 (Specific Plan Amendment to the Northeast Community Specific Plan), 05-570-2 (Zone Change), 05-300-23 (Tentative Subdivision Map for Tract No. 5654), 06-670-1 (Development Agreement), and Option Agreement for Park Land; Filed by Aldersgate Investments, LLC. (055)

RECOMMENDATION: (1) Adopt a resolution upholding the Planning Commission's July 15, 2006, certification of Final Supplemental Environmental Impact Report 05-02, and adopt a Statement of Findings of Fact and Statement of Overriding Considerations; (2) Adopt a resolution approving General Plan Amendment (PZ 05-620-4), changing the land use designation for portions of two parcels, located on the southeast corner of Oxnard Boulevard and Gonzales Road, from Park to Low Medium Density Residential; (3) Adopt a resolution amending the Northeast Community Specific Plan (PZ 05-630-2), to change the land use designation for portions of two parcels, located on the southeast corner of Oxnard Boulevard and Gonzales Road, from Sports Park to Low Medium Density Residential; (4) Adopt a resolution approving a tentative subdivision map for Tract No. 5654 (PZ 05-300-23), located on the southeast corner of Oxnard Boulevard and Gonzales Road; (5) Approve the first reading by title only and subsequent adoption of an ordinance changing the zoning (PZ 05-570-2), for portions of two parcels, located on the southeast corner of Oxnard Boulevard and Gonzales Road, from Community Reserve to R-2 PD Multifamily Zone Planned Development; (6) Approve the first reading by title only and subsequent adoption of an ordinance approving a development agreement (PZ 06-670-1), for three parcels, generally located on the southeast corner of Oxnard Boulevard and Gonzales Road, stipulating the development and dedication to the City of street improvements and specified park facilities; and (7) Approve and authorize the Mayor to execute an option agreement with Aldersgate Investment, LLC, for the approximately 2.3 acres of park land identified as Lot 52 on Tentative Subdivision Map for Tract No. 5654.

ACTION: Mayor Holden opened the public hearing.

DISCUSSION: The Deputy City Clerk reported on publication and that there were no written communications received.

Mitch Kahn, attorney for the applicant, withdrew the application for this project.

ACTION: City Council concurred with the withdrawal of the application.

RECESS

At 8:40 p.m., the City Council recessed and at 8:49 p.m., the City Council reconvened.

Development Services Department

- 3. SUBJECT: Planning and Zoning Permit Nos. 05-620-08 (General Plan Amendment), 05-570-03 (Zone Change), 05-500-24 (Special Use Permit for a Planned Residential Group), and 05-300-26 (Tentative Subdivision Map) for the Westwinds II project located at 5482 and 5536 Cypress Road (APN 222-0-052-180 and 222-0-041-020), Filed by Paragon Communities. (039)

RECOMMENDATION: (1) Adopt **Resolution No. 13,207** approving Planning and Zoning Permit No. 05-620-08, General Plan Amendment; (2) Adopt **Resolution No. 13,208** approving Planning and Zoning Permit No. 05-570-03, Zone Change; (3) Adopt **Ordinance No. 2735** approving Planning and Zoning Permit No. 05-300-26, a Tentative Subdivision Map for Tract 5659 for condominium purposes, subject to conditions; and (4) Adopt **Resolution No. 13,209** upholding the Planning Commission’s approval of, Special Use Permit for a Planned Residential Group (PZ No. 05-500-24), subject to the conditions.

ACTION: Mayor Holden opened the public hearing.

DISCUSSION: The Deputy City Clerk reported on publication and that there were no written communications received.

The Planning and Environmental Services Manager reviewed the proposed project.

Bert Perello re width of the private streets.

Pat Brown re entrance to private development.

Brian Catalde, President of Paragon Communities, reviewed the proposed development.

ACTION: Public hearing closed (Herrera/Zaragoza). Approve recommendation (Zaragoza/Herrera). Ayes: Flynn, Holden, Zaragoza and Herrera. Absent: Maulhardt.

M. REPORT OF CITY MANAGER

The City Manager commented on the Oxnard swap meet.

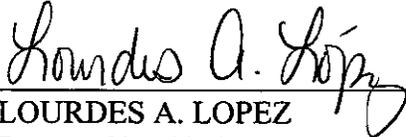
N. CITY COUNCIL COMMITTEE REPORTS

O. REPORTS

P. PUBLIC COMMENTS ON REPORTS

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

At 9:30 p.m. the City Council concurred to adjourn.



LOURDES A. LOPEZ
Deputy City Clerk



THOMAS E. HOLDEN
Mayor