

## MINUTES

### OXNARD CITY COUNCIL Regular Meeting November 14, 2006

#### A. ROLL CALL/POSTING OF AGENDA

At 5:31 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; and Edmund Sotelo, City Manager.

#### B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

#### C. CLOSED SESSION

At 5:33 p.m. the City Council recessed to a closed session, pursuant to Government Code section 54956.9(a) to confer with its attorneys. The titles and case numbers of the litigation being discussed were Molina v. Oxnard, United States District Court Case No. CV 00-02291 CAS (SHx), In re the Claim of Ronnie Bassett and Tammy Krieger, City Claim No. 2006-0181 and City of Oxnard v. Republic Services, Inc., Sacramento County Superior Court Case No. 05AS03411.

At 6:57 p.m. the City Council reconvened and recessed to the evening session.

#### D. OPENING CEREMONIES

At 7:07 p.m., the regular meeting of the Oxnard City Council reconvened in the Council Chambers. The meeting opened with the pledge of allegiance to the flag of the United States, followed by a moment of silence for Jehan (Jan) Parker, Library Aide I, and Linda Laubacher, Library Aide II. Mayor Holden presided. Additional staff members present were: James Rupp, Assistant City Attorney; Sofia Balderrama, Project Manager; Norma Owens, Grants Manager.

#### E. CEREMONIAL CALENDAR

1. SUBJECT: Presentation of a Proclamation Designating November 15, 2006, as "Oxnard Recycles Day".  
DISCUSSION: Trish Honigsberg, Recycling Specialist, thanked the City Council for the recognition.
2. SUBJECT: Presentation of a Proclamation Designating the Week of November 12 – 18, 2006, as "Gem and Mineral Week."  
DISCUSSION: Donna Knepton invited the public to a local gem exhibit.

3. SUBJECT: Presentation of Employee of the Quarter.  
DISCUSSION: John Crombach, Police Chief, recognized the work of Denise Shadinger who thanked the City Council for the recognition.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Armando Vazquez, policy of youth intervention.  
Ed Ellis, public newspaper notice.  
Larry Stein, requested financial information.  
Mike Barber and Jean Garcia, Nyeland Acres graffiti and Santa Claus toy give-a-way.  
Steve Yue, traffic and sports park.  
Vince Behrens, Christmas lighting and other downtown activities.  
John Korsten, tax lien.  
Martin Jones, League of Women Forums and Brown Act court case.  
Walter Ontiveros, curb-cuts.  
Steve Fleischer, invited the public to Christmas Lane on "F" Street.  
Ormond Beach: Nancy Pederson, Shirley Godwin, and Larry Godwin.  
Pat Brown, community development.

The City Council requested a report regarding Ormond Beach.

G. REVIEW OF INFORMATION/CONSENT AGENDA

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

William Terry, installation of antennas (I-2, I-3) in the community.

I. INFORMATION/CONSENT AGENDA

City Attorney's Office

1. SUBJECT: Adoption of an Uncodified Ordinance Creating an Appeals Process for a Property Owner to Contest a Finding that a Rental Unit is Unsafe and Making Findings in Accordance with Health and Safety Code Sections 17975 et seq. (001)  
RECOMMENDATION: Approve the first reading by title only and subsequent adoption of an uncodified **Ordinance No. 2726** creating an appeals process pursuant to the provisions of Health and Safety Code sections 17975 et seq.; and (2) Adopt **Resolution No. 13,169** setting forth an amount sufficient for utility service deposits.

City Manager's Office

2. SUBJECT: Lease Agreement Between the City of Oxnard and Royal Street Communications, LLC for Wireless Communications Equipment at 350 South "K" Street. (007)  
RECOMMENDATION: Approve and authorize the Mayor to execute a Lease Agreement (A-6743) for the placement of wireless communications equipment on the rooftop of the premises located at 350 South "K" Street, Oxnard, California.

3. SUBJECT: Lease Agreement Between the City of Oxnard and Royal Street Communications, LLC for Wireless Communications Equipment at Beck Park. (009)  
RECOMMENDATION: Approve and authorize the Mayor to execute a Lease Agreement (A-6742) for the placement of wireless communications equipment in the premises of Beck Park located at 600 Kamala Street, Oxnard, California.

Development Services Department

4. SUBJECT: Planning and Zoning Permit No. 05-300-19 (Final Map for Tract No. 5620), Filed by Oxnard Maritime. (011)  
RECOMMENDATION: Adopt **Resolution No. 13,170** approving Planning and Zoning Permit No. 05-300-19 (Final Map for Tract No. 5620) for property located at 1601 Ives Avenue, between Fiske Place and Ives Avenue along Statham Boulevard.

Housing Department

5. SUBJECT: Memorandum of Understanding (MOU) with the City of San Buenaventura and the Society of St. Vincent de Paul for Operations of a Winter Warming Shelter. (021)  
RECOMMENDATION: Approve and authorize the City Manager to enter into an MOU (A-6793) for Emergency Winter Warming Shelter Operations with the City of San Buenaventura and the Society of St. Vincent de Paul.

Public Works Department

6. SUBJECT: Rose Avenue and La Puerta Avenue. (025)  
RECOMMENDATION: Approve the appropriation of funds in the amount of \$40,000 from the Circulation System Fund balance to Rose Avenue and La Puerta Avenue Median Modification.
7. SUBJECT: Approve Special Budget Appropriation and Transfer Developer Contributions to the Oxnard Boulevard Interchange Improvement Project on Highway 101 and Highway 1. (029)  
RECOMMENDATION: Approve the appropriation of funds in the amount of \$57,237 from the Storm Drain Master Plan Reimbursements to Oxnard Boulevard/Highway 101 Interchange for payment of construction costs for the interchange.
8. SUBJECT: Agreement with Washington Group International, Inc. for the Rice Avenue/Santa Clara Avenue Interchange Improvement Project on Highway 101. (031)  
RECOMMENDATION: Approve and authorize the Mayor to execute the agreement with Washington Group International, Inc. (A-6738) in the amount of \$306,772 for the Rice Avenue/Santa Clara Avenue interchange improvement project on Highway 101.
9. SUBJECT: Traffic Signal Modifications at the Intersection of C Street and Channel Islands Boulevard. (033)  
RECOMMENDATION: (1) Adopt Project Specification No. PW07-12 for traffic signal modifications at the intersection of C Street and Channel Islands Boulevard; and (2) Approve the appropriation of funds in the amount of \$72,568 from the Circulation System Improvement Fund.

10. SUBJECT: Fourth Amendment to Agreement with Parsons Transportation Group, Inc. for Highway 101/Del Norte Boulevard Interchange Project. (037)  
RECOMMENDATION: Approve and authorize the Mayor to execute the Fourth Amendment to the agreement with Parsons Transportation Group, Inc. (3288-04-PW) to increase the amount by \$10,000 for a total of \$710,000 for the modification of the design to meet the Americans with Disabilities Act requirements for the Highway 101/Del Norte Boulevard Interchange.

Recreation and Community Services Department

11. SUBJECT: Community Development Block Grant (CDBG) Youth Enrichment Program Subrecipient Agreements for Fiscal Year 2006-07. (045)  
RECOMMENDATION: Remove from agenda for discussion.

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

O. REPORTS

Recreation and Community Services Department

1. SUBJECT: Community Development Block Grant (CDBG) Youth Enrichment Program Subrecipient Agreements for Fiscal Year 2006-07. (045)  
RECOMMENDATION: (1) Approve the allocation of \$68,597 in CDBG Youth Enrichment Program funds to three non-profit community based organizations: Camp Fire USA (A-6790 for \$15,000), City Impact, Inc., (A-6791 for \$15,000), and Food Share, Inc., (A-6792 for \$38,597); and (2) Authorize the City Manager to execute CDBG subrecipient agreements requiring such groups to provide enrichment programs that target at-risk youth from very low and low-moderate income families.  
DISCUSSION: The City Council discussed the concept of the program and need to re-visit the funding policy.

The Project Manager reviewed the allocations of CDBG funds for youth programs. The Grants Manager commented on the approved action plan.

The following person spoken in supported of Café on "A" youth program: Veto Rodriguez, Julie Medina, Felipe Flores, and Carmen Rodriguez.

ACTION: Moved to continue this item (Herrera/Holden). Approved unanimously

J. TRANSMITTAL OF INFORMATION ONLY ITEMS

K. INFORMATION/CONSENT PUBLIC HEARINGS

Mayor Holden declared the public hearing open. Councilmember Maulhardt left the meeting due to possible conflict of interest. The City Clerk reported on posting, publication and that there were no written communications received.

Development Services Department

1. SUBJECT: Planning and Zoning Permit Nos. 06-500-3 (Special Use Permit) and 06-300-7 (Tentative Subdivision Map for Tract No. 5691 for Condominium Purposes), Filed by Shawn Anderson. (047)

RECOMMENDATION: (1) Adopt **Resolution No. 13,171** upholding the Planning Commission's approval of Planning and Zoning Permit No. 06-500-3 (special use permit), subject to the conditions set forth in Planning Commission Resolution No. 2006-50 for the partition of eight condominium workspaces on property located at 2231 – 2247 Statham Boulevard; and (2) Adopt **Resolution No. 13,172** approving Tentative Subdivision Map for Tract No. 5691 for condominium purposes (Planning and Zoning Permit No. 06-300-7), subject to the conditions set forth in Planning Commission Resolution No. 2006-51.

ACTION: Closed the public hearing (Herrera/Holden). Approved unanimously. Approved as recommended (Herrera/Holden). Ayes: Zaragoza, Flynn, Holden, and Herrera. Absent: Maulhardt.

Mayor Holden declared the public hearing open. Councilmember Maulhardt returned to the meeting and Councilman Flynn left the meeting due to possible conflict of interest. The City Clerk reported on posting, publication and that there were no written communications received.

Housing Department

2. SUBJECT: Second Issuance of Multifamily Revenue Bonds-Sycamore Senior Village. (069)

RECOMMENDATION: Adopt **Resolution No. 13,173** approving issuance, pursuant to the Tax Equity and Financial Responsibility Act of 1982, by the California Statewide Communities Development Authority of \$29 million of multifamily revenue bonds to assist in the acquisition, construction, and development of a 229 unit multifamily, senior rental housing project located at 333 North F Street, by Sycamore Senior Apartments, L.P. (Developer).

DISCUSSION: Steve Fleischer supported the project.

ACTION: Closed the public hearing (Holden/Zaragoza). Approved unanimously. Approved as recommended (Holden/Herrera). Ayes: Holden, Herrera, Maulhardt, and Zaragoza. Absent: Flynn.

Mayor Holden declared the public hearing open. Councilman Flynn returned to the meeting. The City Clerk reported on publication and that there were no written communications received.

Police Department

3. SUBJECT: Supplemental Law Enforcement Services Fund. (077)

RECOMMENDATION: Approve the appropriation of State Supplemental Law Enforcement Services Funds in the amount of \$369,791 to the Police Department for partial funding of police positions and for upgrades for the department's computer systems.

ACTION: Close the public hearing (Herrera/Zaragoza). Approved unanimously. Approval as recommended (Herrera/Maulhardt). Ayes: Holden, Herrera, Maulhardt, Zaragoza, and Flynn.

#### L. PUBLIC HEARINGS

Mayor Holden opened the public hearing. Councilmember Maulhardt left the meeting due to possible conflict of interest. The City Clerk reported on publication and that there were no written communications received.

##### Development Services Department

1. SUBJECT: Planning and Zoning Permit Nos. 05-300-21 (Tentative Subdivision Map for Tract No. 5669 for Condominium Purposes) and 06-580-1 (Zone Text Amendment). (079)

RECOMMENDATION: (1) Adopt **Resolution No. 13,174** approving a tentative subdivision map for Tract No. 5669 for condominium purposes (PZ 05-300-21) for a parcel located at 2201 Statham Boulevard; (2) Approve the first reading by title only and subsequent adoption of an ordinance for Zone Text Amendment PZ 06-580-1; and (3) Adopt **Resolution No. 13,175** upholding the Planning Commission's approval of a Special Use Permit PZ 05-500-19 for 2201 Statham Boulevard.

DISCUSSION: The Development Services Director reviewed the purpose of having work/live housing project, Planning Commission review and zone changes.

The City Council discussed fair housing policy, possible living restriction policy, site location, enforcement of living regulations, and marketing of development.

The Assistant City Attorney reviewed legal federal and housing requirements.

The following individuals expressed concern regarding the project: Bert Perello, Nancy Pedersen; Shirley Godwin; Larry Godwin; Pat Brown; Larry Stein; William Terry; and Dennis Ralph.

The following individuals supported the project: Saul Medina; Michele Pettes; Chris Creighton; Malcolm Campbell; Ralph Silerio; Dale Dean; and Jerry Likiewski, Camarillo.

ACTION: Close the public hearing (Herrera/Zaragoza). Approved unanimously. Approval as recommended with additional language to address that the facility should be intended for adults (Herrera/Zaragoza). Ayes: Holden, Herrera and Zaragoza. Noes: Flynn. Absent: Maulhardt.

RECESS

At 9:58 p.m., the City Council recessed and at 10:08 p.m., the City Council reconvened.

Mayor Holden opened the public hearing. Councilmember Maulhardt returned to the meeting. The City Clerk reported on publication and that there were no written communications received.

2. SUBJECT: Planning and Zoning Permit Nos. 05-500-2, 06-500-6 and 06-500-5 (Special Use Permits) and 05-300-6 (Tentative Parcel Map), Filed by SDC-CT Properties, LLC. (105)

RECOMMENDATION: Adopt resolutions: (1) **Resolution No. 13,176** Approving Planning and Zoning Permit No. 05-500-2, a special use permit for redevelopment of an existing shopping center located at the northwest corner of Gonzales Road and Oxnard Boulevard, subject to certain findings and conditions; (2) **Resolution No. 13,177** Approving Planning and Zoning Permit No. 05-600-6, a special use permit for a fast food restaurant with drive-through facilities, subject to certain findings and conditions; (3) **Resolution No. 13,178** Approving Planning and Zoning Permit No. 05-600-5, a special use permit for sale of alcoholic beverages (beer, wine and spirits) from a liquor store for off-site consumption), subject to certain findings and conditions; and (4) **Resolution No. 13,179** Approving Planning and Zoning Permit No. 05-300-6, a tentative parcel map subdividing three lots into seven lots, subject to certain findings and conditions.

DISCUSSION: The Development Services Director reviewed the proposed development, use, location, traffic circulation, reduction of parking spaces, drive-through service requirements, and architectural features.

The following individuals expressed concerns or opposed the project: Larry Stein; William Terry; Daniel Harvey; Nancy Pederson; and Edward Castillo.

The following individuals supported the project: Steve Fleischer; Roger Banker; Zoe Ann Banker; Mitch Cohen; Ernest Stein; and Larry Wolf.

Shirley Godwin, concern of agenda description sufficiency and redevelopment of South Oxnard.

Pat Brown, location of development and agenda description.

Mike Penrod, Parkstone, reviewed the private funding, development building schedule, and types of commercial development.

ACTION: Close the public hearing (Herrera/Maulhardt). Approved unanimously.

DISCUSSION: The City Council discussed the traffic circulation, fees, development fees and community redevelopment.

ACTION: Approval as recommended (Zaragoza/Maulhardt). Ayes: Maulhardt, Zaragoza, Holden, and Herrera. Noes: Flynn.

M. REPORT OF CITY MANAGER

N. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

The City Council concurred on the need to discuss the Southern California Association of Governments' process of calculating and distributing the mandated regional housing needs assessment (RHNA) at a future meeting.

O. REPORTS

P. PUBLIC COMMENTS ON REPORTS

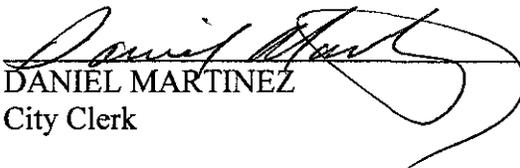
Q. APPOINTMENT ITEMS

R. STUDY SESSION

S. PUBLIC COMMENTS ON STUDY SESSION

T. ADJOURNMENT

At 10:42 p.m. the City Council concurred to adjourn the meeting.

  
DANIEL MARTINEZ  
City Clerk

  
DR. THOMAS E. HOLDEN  
Mayor