

MINUTES

OXNARD CITY COUNCIL Regular Meeting August 7, 2007

A. ROLL CALL/POSTING OF AGENDA

At 5:32 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 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; Karen Burnham, Assistant City Manager; Gary L. Gillig, City Attorney; and Jill Beaty, Assistant City Clerk.

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 title and case number of the litigation being discussed is City of Oxnard v. Sakioka Farms.. et al., Ventura County Superior Court Case No. CIV 237760.

The City Council also recessed to a closed session, pursuant to Government Code section 54957.6, to give instructions to its negotiators regarding the salary or compensation paid in the form of fringe benefits to an unrepresented employee occupying the classification of City Manager.

The City Council also recessed to a closed session, pursuant to Government Code section 54957.6, to give instructions to its negotiators, Lynn Hutton, Human Resources Manager, and Dennis Scala, Special Assistant to the City Manager, regarding 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 6:56 p.m. the City Council reconvened and recessed to the evening session.

D. OPENING CEREMONIES

At 7:04 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. Mayor Holden presided. Additional staff members present were: Daniel Martinez, City Clerk; Curtis P. Cannon, Community Development Director; Michael Henderson, Maintenance Services Branch Manager/Deputy Public Works Director; and Lou Balderrama, Design & Construction Services Branch Manager/City Engineer.

E. CEREMONIAL CALENDAR

1. SUBJECT: Presentation by United Way of Ventura County Recognizing the City of Oxnard Employees' Participation.
DISCUSSION: Eve Liebman, Campaign Division Director, thanked the City of Oxnard employees for their contributions to the United Way campaign.

ITEMS REMOVED FROM AGENDA

The City Council concurred that Ordinance No. 2744 (I-5) be moved to after the action of "Memorandum of Understanding for the Development of the RiverPark Project" (O-1).

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

William Bill Terry, in-lieu housing fees regarding an Olson development.

Martin Jones, the City's financial involvement with the downtown theater development and Molina court case.

Robert Thompson, recognition of the Carnegie Arts Museum.

Dr. Bolt, classes at the Wilson Center to exercise the mind of elder members of the community.

John Korsten, property lien.

Ed Ellis, enhancement of downtown and needed street repair.

Miguel Espinosa, behavior of Council representatives and needed infrastructure.

Shirley Godwin, repairing street infrastructure.

The City Council concurred to have staff report on road repairs in the community.

G. REVIEW OF INFORMATION/CONSENT AGENDA

The Development Services Director reviewed the proposal by Edison to decommission the Ormond Beach Fuel Oil Pipeline (I-4) including cleaning, placement of pipe and possible future removal with Edison being responsible.

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Bert Perello, commented on: opposition to RiverPark multiplex theater (I-5), RiverPark drainage system, and need to bid the amendment to Penfield and Smith contract (I- 6, I-7).

The following individuals requested the pipe be completely removed from the current site now (I-4): William Bill Terry; Nancy Pedersen; Larry Godwin; and Shirley Godwin.

Barbara Ortiz, questioned construction of the soccer fields (I-8) and would like a unique development rather than building another multiplex theater at the RiverPark (I-5).

I. INFORMATION/CONSENT AGENDACity Manager Department

1. SUBJECT: SB 619 (Midgen) Public Works Projects Small Business Payment Retention Policy Reform. (001)
RECOMMENDATION: Execute a letter opposing (unless amended) the adoption of SB 619 (Midgen) Public Works Projects Small Business Payment Retention Policy Reform.

Development Services Department

2. SUBJECT: Pilot Program Regarding Curb Cuts and Limiting Front Yard Paving Area for Vehicle Parking. (005)
RECOMMENDATION: Approve the first reading by title only and subsequent adoption of an uncodified **Ordinance No. 2745** establishing a pilot program in the Bartolo Square North and South Neighborhoods and in the Hill Street Neighborhood permitting curb cuts and limiting front yard paving area for vehicle parking.
3. SUBJECT: Final Map for Tract No. 5618 for the Sycamore Village and Gardens Project, 333 North F Street, Filed by AND Development, Inc. (011)
RECOMMENDATION: Adopt **Resolution No. 13,344** approving Final Map No. 5618 for the Sycamore Village and Gardens project, located at 333 North F Street.
4. SUBJECT: Landowner Conditional Consent to Decommission the Ormond Beach Fuel Oil Pipeline. (019)
RECOMMENDATION: Authorize the City Manager to execute a letter (**A-6910**) granting Southern California Edison (Edison) permission to decommission the obsolete Ormond Beach fuel oil pipeline located on City-owned property and include letter from Edison.*
DISCUSSION: Councilmembers commented on the understanding that the pipeline would be cleaned and left in place and the letter of Edison (showing Edison's responsible) should be included with the City's letter.

Public Works Department

6. SUBJECT: Amendment No. 3 to Agreement with Penfield and Smith for Design and Construction Services for Public Projects. (033)
RECOMMENDATION: Approve and authorize the Mayor to execute Amendment No. 3 to Agreement **2024-03-PW** with Penfield and Smith increasing the amount of the original agreement from \$1,000,000 to \$2,000,000 for providing design and construction related services for the City's public works projects and extending the term of the agreement until June 30, 2008.
DISCUSSION: The Design & Construction Services Branch Manager reviewed the scope of work of Penfield and Smith and the Request For Proposal process.
7. SUBJECT: Amendment No. 4 to Agreement with Penfield and Smith for Design and Construction Services for Phase I College Park at 3250 South Rose Avenue. (037)

RECOMMENDATION: Approve and authorize the Mayor to execute Amendment No. 4 to Agreement **2024-03-PW** with Penfield and Smith increasing the amount of the agreement from \$2,000,000 to \$3,041,000 to provide design and construction related services for Phase 1 of College Park, located at 3250 South Rose Avenue.

DISCUSSION: The Design & Construction Services Branch Manager reviewed the scope of civil work (master plan) of Penfield and Smith and estimated costs compared to City work.

The City Councilmembers discussed the use of consultants within the City and need for future discussions regarding use of consultants.

- 8. SUBJECT: College Park Improvements - Phase IA, PW07-23. (043)
RECOMMENDATION: Approve Project Specification PW 07-23, for Phase IA of the College Park Improvement project located at 3250 South Rose Avenue.

INFORMATION/CONSENT AGENDA ACTION: Approved as recommended. (Maulhardt/Herrera) Ayes: Maulhardt, Zaragoza, Herrera, Flynn, and Holden. *Abstain: Flynn only on I-4.

J. TRANSMITTAL OF INFORMATION ONLY ITEMS

K. INFORMATION/CONSENT PUBLIC HEARINGS

L. PUBLIC HEARINGS

M. REPORT OF CITY MANAGER

N. CITY COUNCIL/COMMITTEE REPORTS

O. REPORTS

Community Development Department

- 1. SUBJECT: Memorandum of Understanding for the Development of the RiverPark Project Located Adjacent to and North of the 101 Freeway, Adjacent to and East of the Santa Clara River, and West of Vineyard Avenue. (049)

RECOMMENDATION: That the City Council approve and authorize the Mayor to execute the Memorandum of Understanding (MOU) {A-5965} among the City, Community Development Commission (CDC) and RiverPark A relating to development of the RiverPark Project.

DISCUSSION: The Community Development Director reviewed the proposed MOU, needed follow-up negotiations, and the conditions to indemnify the City and CDC.

Bert Perello, questioned the need to correct a drainage problem at RiverPark and publicly analyze the marketability of a theater.

The following individuals opposed the MOU: Shirley Godwin; Larry Godwin; Nancy Pedersen; and Barbara Macri-Ortiz.

The City Council discussed: the viability of a "live" theater development, commitment to the downtown, projected RiverPark sales tax, and the current infrastructure repairs.

David Lauletta, Shea Homes, commented on the construction of a storm drain at Stroube Street which meets specifications of safety and is currently under discussions with the County.

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

I. INFORMATION/CONSENT AGENDA

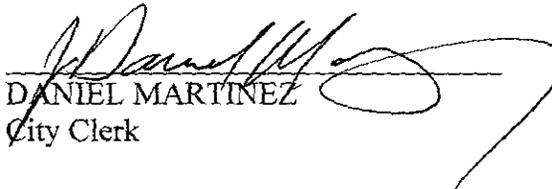
5. SUBJECT: **Ordinance No. 2744**, Approving Amending the RiverPark Development Agreement (A-6128) to Permit the Location of a Multiplex Theater in the Commercial District of the RiverPark Specific Plan. (023)
RECOMMENDATION: Second reading and adoption.
ACTION: Approved (Herrera/Maulhardt). Ayes: Zaragoza, Herrera, Holden, and Maulhardt. Noes: Flynn.

COMMUNITY DEVELOPMENT

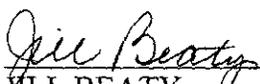
At 9:12 p.m. the joint meeting with the Community Development Commission concluded.

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

At 9:12 p.m. the City Council concurred to adjourn the meeting.


DANIEL MARTINEZ
City Clerk


DR. THOMAS E. HOLDEN
Mayor


JILL BEATY
Assistant City Clerk