

MINUTES

OXNARD CITY COUNCIL Regular Meeting July 17, 2007

A. ROLL CALL/POSTING OF AGENDA

At 5:35 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: Daniel Martinez, City Clerk; Edmund Sotelo, City Manager; Karen Burnham, Assistant City Manager; and Gary L. Gillig, City Attorney.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

C. CLOSED SESSION

At 5:36 p.m. the City Council recessed to a closed session, pursuant to Government Code section 54957, to evaluate the performance of the City Manager.

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.

At 7:05 p.m. the City Council reconvened and recessed to the evening session.

D. OPENING CEREMONIES

At 7:08 p.m., the regular meeting of the Oxnard City Council reconvened in the Council Chambers, concurrently with the Community Development Commission, and Housing Authority. The meeting opened with the pledge of allegiance to the flag of the United States by Richard Bracamonte, followed by a moment of silence for Francisco Lopez. Mayor Holden presided. Additional staff members present were: Ken Ortega, Public Works Director; Curtis P. Cannon, Community Development Director; Matthew Winegar, Development Services Director; Michael Henderson, Maintenance Services Branch Manager/Deputy Public Works Director; and Sue Martin, Planning and Environmental Services Manager.

E. CEREMONIAL CALENDAR

1. SUBJECT: Presentation of the 2007 Ventura County Fair Poster.
DISCUSSION: Bob Guillen, Ventura County Fair Board, presented the 2007 Ventura County Fair Poster to the City Council and commented on the history of the poster.

ITEMS REMOVED FROM AGENDA

The City Council concurred to remove Penfield and Smith (O-3) from the agenda.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

William "Bill" Terry expressed concern regarding the procedures of a community meeting regarding the EIR for Ormond Beach.

Preston Davis requested that other organizations be invited to discuss Channel Islands Harbor.

Larry Stein, balance sheet, and payment of fees for fire service.

Robert Sumpter, past lawsuit of Phil Molina, and in support of downtown development.

Joe Avelar, Chairman of Inter-Neighborhood Council Forum (INCF), with several neighborhood representatives presented a letter regarding the proposed initiative petition. The City Attorney commented on the procedures of the INCF.

Bert Perello, upcoming Southbank Neighborhood meeting will discuss the proposed traffic initiative petition.

Trish Murnro, community meeting regarding EIR for Ormond Beach and presence of Police Officers.

Phil Molina, monthly financial reporting.

Edward Castillo, on procedures of the INFC meeting.

Pat Brown, supported placing the traffic initiative on the ballot.

Linda Calderon hoped that all new City building to be environmentally friendly.

Larry Godwin, change to the Local Coastal Plan omitting reference to a location for a LNG facility.

G. REVIEW OF INFORMATION/CONSENT AGENDA

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Bert Perello, concern with drainage and information provided to the public (I-10).

I. INFORMATION/CONSENT AGENDA

City Clerk Department

1. SUBJECT: Minutes of the Special Meeting of City Council for June 5, 2007; Minutes of the Adjourned Special Meeting of City Council for June 6, 2007. (001)
RECOMMENDATION: Approve.

City Manager Department

2. SUBJECT: **Ordinance No. 2741**, Establishing Compensation for Mayor and Councilmembers. (011)
RECOMMENDATION: Second reading and adoption.

Development Services Department

3. SUBJECT: Vacation of Right-of-Way for El Rio Road Between Oxnard Boulevard and Vineyard Avenue North of Highway 101 Within the Riverpark Specific Plan Area. (013)
RECOMMENDATION: Adopt **Resolution No. 13,336** vacating El Rio Road right-of-way between Oxnard Boulevard and Vineyard Avenue north of Highway 101 within the RiverPark Specific Plan area.

Public Works Department

7. SUBJECT: Thompson Park Rehabilitation Improvements. (053)
RECOMMENDATION: Approve Project Specification PW07-02 for the Thompson Park Rehabilitation Improvements for the construction of a new basketball court, modifications to an existing basketball court and a monument sign, located at 201 North Imperial Street.
8. SUBJECT: Prequalification and Procurement of Microfiltration/Ultrafiltration, Reverse Osmosis, and Ultraviolet/Advanced Oxidation Equipment (Project Specification No. PW07-21) for the Advanced Water Purification Facility Project Phase I, at Perkins Road North of Magellan Way. (055)
RECOMMENDATION: Approve Project Specification No. PW07-21 for prequalification and procurement of Microfiltration/Ultrafiltration, Reverse Osmosis and Ultraviolet/Advanced Oxidation equipment for the Advanced Water Purification Facility Phase 1 Project, at Perkins Road north of Magellan Way (Project Specification PW07-21).
9. SUBJECT: Amendment to Agreement with Washington Group International, Inc. for Rice Avenue/Santa Clara Avenue Interchange Improvements on Highway 101. (059)
RECOMMENDATION: (1) Approve and authorize the Mayor to execute the First Amendment to the agreement with Washington Group International, Inc. (**A-6738**) in the amount of \$843,457 (an increase of \$527,685) for the Rice Avenue/Santa Clara Avenue interchange improvement project on Highway 101; and (2) Approve the appropriation of \$31,600 from Sewer Line Rehab project to Highway 101-Rice Interchange to design a replacement for the sewer line in Rice Avenue south of Highway 101.
10. SUBJECT: Exchange of Vacated Right-of-Way for Maintenance Yard Property. (063)
RECOMMENDATION: Approve and authorize the Mayor to execute a Maintenance Yard Property and Right-of-Way Exchange Agreement ("Agreement") (**A-6904**) which provides for the exchange of approximately 1.6 acres of real property located west of Colonia Avenue, south of Myrtle Avenue, presently owned by RiverPark A, LLC for the City's interest in approximately 4 acres of vacated right-of-way near U. S. Highway 101 in the RiverPark Specific Plan Area.*

INFORMATION/CONSENT AGENDA ACTION: Approved as recommended. (Maulhardt/Herrera) Ayes: Maulhardt, Zaragoza, Herrera, Flynn, and Holden. *Noes: Flynn (only I-10).

HOUSING AUTHORITY

At 7:57 p.m. the joint meeting with the Housing Authority concluded.

R. STUDY SESSION**Public Works Department**

1. **SUBJECT:** College Park Development and Phasing, Big League Dreams (BLD) Sports Park, Funding, Operations and Maintenance for College Park at 3250 South Rose Avenue. (123)
RECOMMENDATION: (1) Review and provide comments to the Public Works Director about the phasing plan for the development and operation of College Park at 3250 South Rose Avenue; (2) Review and provide comments to the Public Works Director about the BLD Sports Park or City operation for the baseball and softball fields at College Park; and (3) Review and provide comments to the Public Works Director about a detailed financial plan to fund the preferred alternative for build-out of College Park.
DISCUSSION: The Public Works Director provided an updated on the development, including the phasing, costs, grant funding, and sports tourism.

The following individuals from BLD commented on the positive impacts of the development: Don Webber; Pat Knight; Bill Russell; and Scot Le Tellier.

The following individuals supported BLD: Nancy Lindholm, Oxnard Chamber of Commerce; Susan McDonald; Art Gonzalez; Louie Rodriguez; Michael Escamilla, Seaside League; Mark Corona; Johnny Zaragoza; Jaime Arroyo; Janette Zaragoza; Vanessa Arroyo; and Paul Lemos.

The following individuals supported building a City operated facility and not using BLD: William Terry; Larry Stein; Nancy Pedersen; Pat Brown; Shirley Godwin; Larry Godwin; Ed Ellis; Sandy Gonzales; Bert Perello; and Roger Pariseau.

Luciano Ortiz, questioned many of the BLD facility costs and using funds to improve other city parks.

The Councilmembers discussed: construction costs, maintenance costs; youth play at the BLD facility; grant funding; a BLD facility impact at other communities; and the positive impact of tourists to the community.

ACTION: The City Council provided comments and directions to staff.

J. TRANSMITTAL OF INFORMATION ONLY ITEMS**RECESS**

At 10:22 p.m., the City Council recessed and at 10:33 p.m., the City Council reconvened.

K. INFORMATION/CONSENT PUBLIC HEARINGS

Mayor Holden declared the public hearing open. 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. 06-300-19 (Tentative Subdivision Map for Tract No. 5644), Located North of Owens River Drive, and East of the Santa Clara River, in RiverPark District H, Filed by RiverPark Legacy, LLC. (067)
RECOMMENDATION: Adopt **Resolution No. 13,337** approving Planning and Zoning Permit No. 06-300-19 (Tentative Subdivision Map for Tract No. 5644), a request to subdivide 268.5 acres (APNs: 133-001-001, 133-001-057, 133-001-060 and 132-02-038), within Planning District H of the RiverPark Specific Plan area.
ACTION: Close the public hearing. (Holden/Herrera) Approval as recommended. (Maulhardt/Herrera) Ayes: Holden, Maulhardt, Zaragoza, Herrera, and Flynn.

L. PUBLIC HEARINGS

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

Development Services Department

1. SUBJECT: Multiplex Theater Ordinance (PZ07-580-01). (075)
RECOMMENDATION: Approve the first reading by title only and subsequent adoption of **Ordinance No. 2742** amending the location of multiplex theaters in the City to the Central Business District and the commercial district of the RiverPark Specific Plan.
DISCUSSION: The Development Services Director and Community Development Director updated the development and the requested change to theater ordinance including the phasing, costs, sales tax projections and that a formal financial proposal would be presented within two months.

The following individuals opposed or expressed concern: Larry Stein; Nancy Peterson; Linda Calderon; Jim Voss; Larry Godwin; Shirley Godwin and Bert Perello.

Murray Cane, CDC Legal counsel, reviewed the financial structure of the bonds.

Colm Macken, Shea Properties, commented on the theater operator's discussions regarding local film distribution.

The City Council discussed: supporting downtown businesses; timing of a RiverPark theater development; capturing lost retail sales to other communities, creating a life style center, and the City's ability to support two theater sites.

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

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

2. SUBJECT: Appeal of the Planning Commission's Denial of Planning and Zoning (PZ) No. 05-540-05 (Special Use Permit for a Planned Residential Group with 190 units) and Consideration of PZ No. 05-620-07 (General Plan Amendment), PZ No. 05-570-04 (Zone Change), 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. (077)

RECOMMENDATION: Adopt **Ordinance No. 2743** the appeal of the action of the Planning Commission denying the Gateway Walk Project application of The Olson Company.

DISCUSSION: The Planning and Environmental Services Manager reviewed staff analysis of the Gateway Walk project including location, requested amendments (density, zone change(s)), setbacks requirements, residential and commercial parking, residential garage(s), building height, affordable units.

Bill McReynolds, Olson Company, reviewed the project vision including location, development plans, affordability of units, vehicle access, available parking spaces not including street parking. He proposed building 190 units with a one day a week trash collection schedule and 15 foot set back rather than the 30 foot requirement along the Eastern edge of the project.

The following individuals supported: Nancy Lindholm, Chamber of Commerce; Mike Sanchez; Brenda Enriquez; Gloria Chinae; Nuris Dante; Jack Martinez; Gloria Michelle Chinae; Jasmine Mudanca; Cindy Aguilera; Denise Lopez; Flavio Aguilera; John Manavian, Olson Company; and Sandy Smith, Ventura.

The following individuals expressed concern with the proposed development: Larry Stein; Pat Brown; Shirley Godwin; and Larry Godwin.

ACTION: Close the public hearing. (Holden/Herrera).

DISCUSSION: The City Council discussed: location (gateway to the City), density, traffic, being an in-fill project, affordable units, being a gated community, retail component of the development and the accessibility to the park site.

ACTION: Approval of the appeal with the following conditions: (1) accepting the 15-foot setback; (2) selection of elevation number two; and (3) public accessible to the park site. (Herrera/Zaragoza) Ayes: Holden, Zaragoza, and Herrera. Noes: Maulhardt, and Flynn.

M. REPORT OF CITY MANAGER

N. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

Housing Department

1. SUBJECT: Selection of Two Resident Commissioners. (087)
RECOMMENDATION: Appoint two Resident Commissioners (Carlos Soria and Gaudencio Digos) to the Housing Authority Board of Commissioners to serve a two-year term.
ACTION: Approved as recommended, (Holden/Zaragoza) unanimously.

O. REPORTSCommunity Development Department

1. SUBJECT: Third Amended Owner Participation Agreement (OPA) and Amendments to Related Documents, Assignment and Assumption Agreement of Development Agreement and OPA, and Hotel Option Agreement for the RiverPark Project Located Adjacent to and North of the Highway 101 Freeway, Adjacent to and East of the Santa Clara River, and West of Vineyard Avenue. (095)
RECOMMENDATION: That City Council: (1) Approve the form of the Assignment and Assumption Agreement for the Development Agreement (A-6128); and (2) Authorize the Mayor to execute the Assignment and Assumption for the Development Agreement (A-6128) upon the Mayor's review and approval of the designated Assignee upon legal formation of the Shea RiverPark assignee entity.
DISCUSSION: The Community Development Director outlined the site location changes, date changes, financial changes, and other agreement changes.
ACTION: Approved (Maulhardt/Holden). Ayes: Holden, Maulhardt, Zaragoza, Herrera, and Flynn.

COMMUNITY DEVELOPMENT

At 12:37 p.m. the joint meeting with the Community Development Commission concluded.

Public Works Department

2. SUBJECT: Lease and Operating Agreement for Historical Property and Approval of Master Plan for the Property. (115)
RECOMMENDATION: (1) Approve a Lease and Operating Agreement for Historical Property (A-6875) with the Oxnard Historic Farm Park Foundation, which will pay the City \$1.00 a year in rent for property located within the Pfeiler development in the Northeast Community Specific Plan area, north of Cesar Chavez Drive, west of Pinata Drive, east of Opalo Drive, and south of Sombra Drive, (Property); and (2) Approve a Master Plan for restoration and improvement of the Property.
DISCUSSION: Casey Beyer, John Laing Homes, presented \$75,000 to the Oxnard Historic Farm Park Foundation (Foundation).

Jeff Maulhardt thanked John Laing Homes and commented on the foundation's fundraising efforts.

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

3. SUBJECT: Agreement 2024-03-PW, Amendment No. 3. (119)
RECOMMENDATION: Removed from the agenda.
ACTION: The City Council concurred to remove this item from the agenda.

P. PUBLIC COMMENTS ON REPORTSQ. APPOINTMENT ITEMS

R. STUDY SESSION

Development Services Department

2. SUBJECT: Cultural Heritage Board Options. (131)
RECOMMENDATION: Provide comments and direction to the Planning and Environmental Services Manager on preferred approaches for the preservation and protection of the City's historic and cultural resources.
ACTION: The City Council concurred to continue this item.

S. PUBLIC COMMENTS ON STUDY SESSION

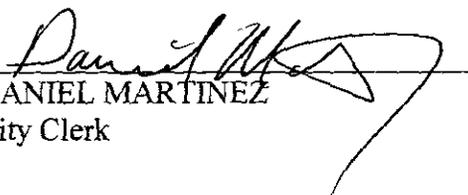
F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

John Korsten, property lien.

The following individuals expressed concern regarding the procedures of a community meeting regarding the EIR for Ormond Beach: Shirley Godwin and Nancy Pedersen.

T. ADJOURNMENT

At 1:05 p.m. the City Council concurred to adjourn the meeting.


DANIEL MARTINEZ
City Clerk


DR. THOMAS E. HOLDEN
Mayor