

MINUTES
OXNARD CITY COUNCIL
Regular Meeting
September 23, 2008

A. ROLL CALL/POSTING OF AGENDA

At 6:04 p.m. the meeting of the Oxnard City Council convened in Council Chambers. Councilmembers Tom Holden, Dean Maulhardt, John C. Zaragoza, Andres Herrera, and Tim Flynn were present. Staff members present included Daniel Martinez, City Clerk; Karen Burnham, Assistant City Manager; Grace Magistrale Hoffman, Deputy City Manager; and Alan Holmberg, Acting City Attorney. Mayor Holden presided and called the meeting to order.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

C. CLOSED SESSION

At 6:05 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 are Affholder, Inc. v. City of Oxnard, United States District Court Case No. CV 07-06562 RGK (CWx), and Wilson v. Polo, et al., United States District Court Case No. CV07-06191 GPS (SHX).

At 7:10 p.m. the City Council reconvened to the evening session.

D. OPENING CEREMONIES

At 7:10 p.m. the regular meeting of the City Council convened, concurrently with the Community Development Commission and Housing Authority. The meeting opened with the pledge of allegiance to the flag of the United States, led by Police Chief John Crombach, followed by a moment of silence. Additional staff members were Michael Henderson, Parks and Facilities Superintendent; Phil Gregoire, Streets Manager; Matt Winegar, Development Services Director; Karl Lawson, Compliance Services Manager; and Jill A. Beaty, Assistant City Clerk.

E. CEREMONIAL CALENDAR

1. SUBJECT: Presentation of the Employee of the Quarter.
DISCUSSION: Michael Lorenzana was named Employee of the Quarter, Assistant Chief Scott Whitney spoke of his accomplishments.
2. SUBJECT: Presentation of Commendation to the Oxnard School District for the Donation of the Botke Mural to the City of Oxnard Public Library.
DISCUSSION: Accepted by Superintendent Richard Miller, President Ana Del Rio-Barba, and Trustees Deborah DeVries, Al Duff, Arthur Lopez, and Dennis O'Leary.
3. SUBJECT: Presentation of Proclamation Designating the Month of October 2008 as "Multicultural Month".
DISCUSSION: Accepted by Chairman Mike Baxter and Commissioner John Sherwood.

- 4. SUBJECT: Presentation of the 2008 Multicultural Festival Art Contest Winners.
DISCUSSION: The City Council presented certificates to the winners.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Edgar Mohorko, volunteers are needed for youth programs/gang prevention.

Harold Ceja, Colonia Neighborhood Chairman, Colonia and Cooper Roads closures.

Dennis Ralph opposes Measure O.

The following individuals spoke in opposition to Measure V: Roger Brooks, Steward, Union 501 of Operating Engineers, Robert Sumpter, Leo Valenzuela, Sergio Martinez.

Ernest Stein Relay for Life, praised Oxnard Explorers, and upcoming Town Hall meeting.

Ed Ellis, supports Measure V.

Martin Jones, ideas to improve office of City Treasurer and improve transparency in government.

Wayne Otella, questions construction on water system in his neighborhood.

John Korsten, property issues.

Inez Blanco, Meta Street Coalition, and Angelica Hernandez requested a 3-way Stop sign at Meta and 7th Streets.

Steve Fleischer, Friends of Old Oxnard, enhancing the downtown parking strips on 5th between H and C.

G. REVIEW OF INFORMATION/CONSENT AGENDA

Staff recommends continuance of I-5 to October 7, 2008.

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Pat Brown, I-9 questions; answered by Police Sgt. Randey Cole.

LuAnn Rocha, El Centrito, supports I-14.

Bryant Jones, supports approval of I-2.

Lawrence Stein, concerns with grant application I-2. The Parks & Facilities Superintendent described how three grants are being expended at College Park.

Barbara Dubkin and Luciano Ortiz, expressed ideas for park development re I-2. The City Council reviewed the grant request, which will add minimal improvements by private community donations.

Bert Perello, on I-13 questions dollar amount. The Streets Manager explained a typographical error.

I. INFORMATION/CONSENT AGENDACity Clerk Department

1. SUBJECT: Minutes of the Regular Meetings of City Council for July 15 and 22, 2008; Minutes of the Special Meeting of City Council for September 2, 2008. (001)
RECOMMENDATION: Approve.

City Manager Department

2. SUBJECT: Submission of Grant Application for Sports Park Project Funding. (025)
RECOMMENDATION: Authorize the City Manager to execute and submit a grant application to the Martin V. and Martha K. Smith Foundation for capital construction funding for the Sports Park, located at the southeast corner of Gonzales Road and Oxnard Boulevard.

Development Services Department

3. SUBJECT: Agreement with Kanji Holdings, Inc. for Assignment of Reimbursement Rights at Rice Avenue/Santa Clara Avenue Interchange Improvements at Highway 101. (027)
RECOMMENDATION: (1) Approve and authorize the Mayor to execute the agreement with Kanji Holdings, Incorporated (A-7089) in the estimated amount of \$838,158 to assign reimbursement rights to the California Underground Storage Tank Cleanup Fund at 3025 Santa Clara Avenue; and (2) Approve a special budget appropriation in the amount of \$838,158 to recognize State revenue and appropriate funds to "Highway 101-Rice Interchange."
4. SUBJECT: Final Map for Tract No. 5669 for the 2201 Statham Project. Filed by Oxnard Industrial Partners, LLC. (035)
RECOMMENDATION: Adopt **Resolution No. 13, 553** approving the Final Map for Tract No. 5669 for 18 light-industrial condominiums located at 2201 Statham Boulevard.

Fire Department

5. SUBJECT: Recognize Revenue and Appropriate Funds for the 2008 Emergency Management Performance Grant (EMPG). (055)
RECOMMENDATION: Continue to October 7, 2008.

Police Department

9. SUBJECT: Photo Red Traffic Light Enforcement Program. (081)
RECOMMENDATION: Approve and authorize the Mayor to execute a five-year Agreement for Consulting Services with Redflex Traffic Systems, Inc. (A-7044) to continue the photo red light traffic enforcement program.

Public Works Department

10. SUBJECT: Agreement for Supplemental Waste Transfer Hauling Services Between the City of Oxnard and Ecology Auto Parts Inc. (083)

RECOMMENDATION: Approve and authorize the Mayor to execute an agreement for Supplemental Waste Transfer Hauling Services between the City of Oxnard and Ecology Auto Parts, Inc. (A-7095).

11. SUBJECT: Agreement with JCI Jones Chemicals for Chemical Supply and Delivery of Sodium Hypochlorite and Sodium Hydroxide to the Water Campus. (085)

RECOMMENDATION: Approve and authorize the Mayor to execute an agreement with JCI Jones Chemicals (A-7092) for chemical supply and delivery of Sodium Hypochlorite and Sodium Hydroxide.

12. SUBJECT: Second Amendment to Attorney Services Agreement with Hunt Ortmann Palffy Nieves Lubka Darling & Mah, Inc. for Legal Fees Associated with the Affholder United States District Court Case No. CV 07-06562 RGK (CWx). (099)

RECOMMENDATION: (1) Approve and authorize the Mayor to execute a Second Amendment to an Agreement with Hunt Ortmann Palffy Nieves Lubka Darling & Mah, Inc. (4055-07-CA) increasing the contract amount by \$700,000 to an amount not to exceed \$1,050,000 for legal and expert fees associated with the Affholder United States District Court Case No. CV 07-06562 RGK (CWx) ("Affholder Case"); and (2) Approve a special budget appropriation of \$700,000 from the Wastewater Collection Operating Reserve to the Wastewater Redwood Trunk Sewer Project for legal and expert fees associated with the Affholder Case.

13. SUBJECT: Second Amendment to Agreement with Harbor Offshore, Inc., for On-Call Diving Services and Debris Removal in Mandalay Bay, Westport, and Seabridge Waterway Communities. (103)

RECOMMENDATION: Approve and authorize the Mayor to execute the Second Amendment to the Agreement with Harbor Offshore, Inc. (No. 3234-04-PW) to increase the amount by \$300,000 for a total of \$900,000 for the purpose of "on call" diving services and debris removal services for the Mandalay Bay Waterways Assessment District (Mandalay Bay), Westport Community Facilities District (CFD No. 2) and Seabridge (CFD No. 4) waterway communities located between Wooley Road on the north, Victoria Avenue on the east, Channel Islands Boulevard on the south, and Harbor Boulevard on the west and extend the contract expiration date to September 30, 2010.

Recreation and Community Services Department

14. SUBJECT: Community Development Block Grant (CDBG) Youth Enrichment Program Subrecipient Agreements for FY 08-09. (107)

RECOMMENDATION: (1) Approve the allocation of \$68,597 in CDBG Youth Enrichment Program (YEP) funds to five non-profit community based organizations: Big Brothers Big Sisters (A-7099) for \$12,937, Camp Fire USA (A-7100) for \$10,000, City Impact Incorporated (A-7101) for \$15,000, El Centrito (A-7102) for \$18,125, and Palmer Drug Abuse Program (A-7103) for \$12,535; and (2) Authorize the City Manager or his designee to execute CDBG subrecipient agreements requiring such groups to provide enrichment programs that target at-risk youth from very low, low and low-moderate income families.

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

J. TRANSMITTAL OF INFORMATION ONLY ITEMSFinance Department

1. SUBJECT: Monthly Budget Status Reports for the Period Ending August 31, 2008. (111)
DISCUSSION: Lawrence Stein questioned figures.
ACTION: Received and filed.

K. INFORMATION/CONSENT PUBLIC HEARINGS

ACTION: The Mayor opened the public hearings.

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

Development Services Department

1. SUBJECT: Parcel Map Planning and Zoning Permit No. 07-300-13 Located on the Southwest Corner of Channel Islands Boulevard and Rose Avenue. Filed by Churchyard Development LLC. (125)
RECOMMENDATION: Adopt **Resolution No. 13,554** approving Planning and Zoning Permit No. PZ 07-300-13 (Parcel Map), for property located on the southwest corner of Channel Islands Boulevard and Rose Avenue (APN 221-0-232-515).
2. SUBJECT: **Ordinance No. 2784** Regarding Planning & Zoning Permit 08-570-01 (Zone Change) for 5489, 5527, and 5557 Saviers Road. Filed by City of Oxnard, Development Services Department. (133)
RECOMMENDATION: Second reading and adoption.

Finance Department

3. SUBJECT: City of Oxnard Consolidated Annual Performance and Evaluation Report (CAPER) for the Fiscal Year 2007-2008. (137)
RECOMMENDATION: Accept the City of Oxnard's CAPER for FY 2007-2008.

INFORMATION/CONSENT PUBLIC HEARINGS ACTION: Close public hearing (Herrera/Zaragoza); Approved (Maulhardt/Herrera); Ayes: Councilmembers Maulhardt, Zaragoza, Flynn, Herrera, and Holden.

L. PUBLIC HEARINGS

ACTION: The Mayor opened the public hearing.

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

Development Services Department

1. SUBJECT: Planning and Zoning Permit No. 07-500-18 (Special Use Permit), 07-570-06 (Zone Change), 08-300-05 (Tentative Subdivision Map), and 08-670-04 (Development Agreement)

for the Old Colonial House Site, Located at the Southwest Corner of Oxnard Boulevard and Roderick Avenue. Filed by Aldersgate Investments, LLC. (139)

RECOMMENDATION: (1) Adopt **Resolution No. 13,555** upholding the Planning Commission's approval of Planning and Zoning Permit No. 07-500-18 (Special Use Permit), subject to the conditions set forth in Planning Commission Resolution No. 2008-53; (2) Adopt **Resolution No. 13,556** approving Tentative Subdivision Map for Tract No. 5796 for condominium purposes (Planning and Zoning Permit No. 08-300-05), subject to the conditions set forth in Planning Commission Resolution No. 2008-54; (3) Approve the first reading by title only and subsequent adoption of **Ordinance No. 2785** approving a Zone Change from C-2 zoning to C-2-PD (Planning and Zoning Permit No. 07-570-06), subject to the conditions set forth in Planning Commission Resolution N. 2008-55; and (4) Approve the first reading by title only and subsequent adoption of **Ordinance No. 2786** approving a Development Agreement (**A-7112**) for the proposed development (Planning and Zoning Permit No. 08-670-04).

DISCUSSION: The Development Services Director provided an overview of the 3-story mixed-use condominium project, 40 residential condominium units over retail uses on the ground floor, staff recommends allowing for variation of standards (building heights, setbacks) based on unique characteristics. He reviewed floorplans, architectural elevations, parking, and reuse of the fireplace bricks from the Colonial House Restaurant.

Martin Jones inquired about the appraised value.

Luciano Ortiz, concern with mixed use and pedestrian crossing.

Pat Brown suggested using wire fencing with trailing plants and noise absorption ideas.

Dan Lechlitter opposes.

ACTION: Close public hearing (Herrera/Maulhardt).

DISCUSSION: Councilman Flynn expressed concern with traffic congestion on A Street and pedestrian safety. Approve (Herrera/Zaragoza); Ayes: Herrera, Holden, Maulhardt, and Zaragoza. Noes: Flynn.

2. **SUBJECT:** Appeal of Planning Commission's Action on Planning and Zoning Permit (PZP) Nos. 06-500-14 (Special Use Permit for a Planned Residential Group); 06-300-12 (Tentative Subdivision Map for Tract No. 5580 for Condominium Purposes); 06-620-05 (General Plan Amendment); and 06-570-09 (Zone Change) for the Construction of Residential Condominium Units to be Located on the Northeast Corner of South Victoria Avenue and Hemlock Street. Filed by Courtyard at Mandalay Bay, LLC.

RECOMMENDATION CONTINUE TO NOVEMBER 18, 2008.

ACTION: Approved unanimously.

M. REPORT OF CITY MANAGER

The Assistant City Manager reported on the success of Coastal Cleanup Day.

N. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

The City Council commented on Latino Heritage Month and Seabridge Amphitheater events.

HOUSING AUTHORITY

At 9:50 p.m. the concurrent meeting with the Housing Authority concluded.

- 1. SUBJECT: Discussion of Costs, Benefits, and Community Impacts of "Public/Private Partnerships" Between the City, Community Development Commission and Private Entities.

DISCUSSION: Councilman Flynn expressed his concerns about whether some contracts are beneficial to the public. He cited the Republic contract as an example. The Mayor Pro Tem presented a defense by highlighting contract terms of two other partnerships, the theater lease and Market Place Fry's; and The Esplanade, and The RiverPark. He cited the overall benefits and positive ways these projects have contributed to the betterment and beauty of Oxnard. The Mayor provided costs of the different phases of development of College Park; total, all phases, \$48 million, including \$5 million if the City elects to have a Big League Dreams facility.

The City Council discussed the benefits to the community and aesthetic improvements these projects have brought to the City as well as the rigorous negotiations to secure the projects that would bring the most benefits to the City while meeting State mandates. The MRF project has earned numerous awards and receives tour groups from other states and nations because of its excellence.

Martin Jones, the theater will continue to lose money.

Ernest Stein, in support of City Council decisions.

Lawrence Stein, concern with golf course being an enterprise fund, City subsidies, and the inavailability of financial statements from the downtown theater.

ACTION: The City Council discussed the item.

COMMUNITY DEVELOPMENT COMMISSION

At 11:02 p.m. the concurrent meeting with the Community Development Commission concluded.

City Clerk Department

- 2. SUBJECT: Agreements for Publication of Legal Notices and Legal Advertisements and for Publication of Display Advertisements and Classified Advertisements. (151)
RECOMMENDATION: (1) Approve and authorize the Mayor to execute an agreement with the Ventura County Star (A-7068) for publication of legal notices and legal advertisements for Fiscal Year (FY) 2008-09; and (2) Authorize the City Manager or designee to negotiate and execute agreements with other newspapers to allow for the publication of legal advertisement, display advertisements and classified advertisements for FY 2008-09.

ACTION: Approved (Herrera/Maulhardt) with specific direction to negotiate with Vida Newspaper for a reasonable rate on duplicate legal and display advertisements and return to City Council for approval; Ayes: Flynn, Herrera, Holden, Maulhardt, and Zaragoza.

City Manager Department

- 3. SUBJECT: Ventura Youth Correctional Facility. (159)
RECOMMENDATION: Execute a letter opposing the proposed closure of the Ventura Youth Correctional Facility of the Division of Juvenile Justice, to be replaced with a 1,500 maximum-security health care facility.

Eileen Tracy supports the facility because of the job opportunities.

The following individuals spoke in opposition to the facility: Pat Brown, Ernest Stein, and Lawrence Stein.

The City Council commented on their opposition.

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

O. REPORTS

Housing Department

- 1. SUBJECT: Annual Report of Mobilehome Park Rent Review Board. (161)
RECOMMENDATION: Consider and accept the 2007 Annual Report of the Mobilehome Park Rent Review Board.

DISCUSSION: The Compliance Services Manager provided the report, which included summarizing the history of the City's rent control ordinance and it's being upheld in court actions. He reviewed the current Royal Palms Mobile Home Park case.

ACTION: The City Council accepted the report and commended the Board members. They requested a report to come back regarding mobile home park conversions.

P. PUBLIC COMMENTS ON REPORTS

Q. APPOINTMENT ITEMS

R. STUDY SESSION

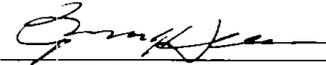
S. PUBLIC COMMENTS ON STUDY SESSION

T. ADJOURNMENT

At 11:50 p.m. the City Council concurred to adjourn the meeting.



JIEL A. BEATY
Assistant City Clerk



DR. THOMAS E. HOLDEN
Mayor