

MINUTES

OXNARD CITY COUNCIL Regular Meeting November 9, 2010

A. ROLL CALL/POSTING OF AGENDA

At 7:01 p.m., the regular meeting of the Oxnard City Council convened in the Council Chambers concurrently with the Housing Authority. Councilmembers Thomas E. Holden, Andres Herrera, Dean Maulhardt, and Irene G. Pinkard were present. Councilmember Bryan A. MacDonald was absent. 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; Alan Holmberg, City Attorney; William "Bill" Wilkins, Housing Director; Matthew Winegar, Development Services Director; Scott Whitney, Acting Police Chief; Tom Chronister, Police Commander; Grace Magistrale Hoffman, Deputy City Manager; Michael Henderson, General Services Manager; Sue Martin, Planning and Environmental Services Manager; Rob Roshanian, Development Services; Kymberly Horner, Redevelopment Project Manager; Lori Rice, Parks Manager; and Larry White, Management Analyst.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

C. CLOSED SESSION

D. OPENING CEREMONIES

The meeting opened with the pledge of allegiance to the flag of the United States, followed by a moment of silence. Mayor Tem Pro Herrera commented on passing of Shirley Verrett, opera singer, who grew up in the community.

E. CEREMONIAL CALENDAR

ITEMS REMOVED FROM AGENDA

The Council concurred to removed Amendment of General Purchasing Procedures and Public Contract Purchasing Procedures (N-1) and Verbal presentation by the Cabrillo Economic Development Corporation (Q-1).

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Martin Jones, placing the warrant register online;
Jean Joneson, November 2, 2010 election.

G. REVIEW OF INFORMATION/CONSENT AGENDA

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

I. INFORMATION/CONSENT AGENDACity Attorney Department

1. SUBJECT: License Agreement For Use of City Property Adjacent to 1100 Mercantile St. (001)
RECOMMENDATION: Approve and authorize the Mayor to execute an agreement (**A-7210**) granting 1100 Mercantile LLC a license to use the surface of City property adjacent to 1100 Mercantile St. and preserving City access to subsurface facilities.

City Clerk Department

2. SUBJECT: Minutes of the Regular Meetings of the City Council for September 14, 21 and 28, October 5, 12, 19, and 26, 2010. (013)
RECOMMENDATION: Approve.
3. SUBJECT: Lease Agreement between the City of Oxnard and T-Mobile West Corporation for Wireless Communications Equipment at Del Sol Park. (055)
RECOMMENDATION: Approve and authorize the Mayor to execute a Lease Agreement (**A-7252**) for the placement of wireless communications equipment in the premises of Del Sol Park located at 1500 Camino Del Sol, Oxnard, California.

City Treasurer Department

4. SUBJECT: Quarterly Investment Report for the First Quarter F/Y 2010-2011. (057)
RECOMMENDATION: Accept the quarterly Investment Report for the First Quarter F/Y 2010-2011.

Development Services Department

5. SUBJECT: Second Amendment to Agreement with Washington Group International Inc. to Provide Engineering Support Services for the Rice Avenue/Santa Clara Avenue Interchange Improvement Project on Highway 101. (063)
RECOMMENDATION: Approve and authorize the Mayor to execute the second amendment to the agreement with Washington Group International, Inc. to increase the amount by \$91,555 (a total of \$971,905) to provide engineering services for the Rice Avenue/Santa Clara Avenue interchange improvement project at U.S. Highway 101 (**A-7240**).
6. SUBJECT: First Amendment to Development Agreement No. A-7113 (PZ 10-670-03) for Planning District B (West Peripheral Commercial District) in RiverPark. Filed by Oxnard Development Company, LLC, 199 Figueroa St, Suite 100, Ventura CA 93001. (073)
RECOMMENDATION: Approve the second reading of **Ordinance No. 2832**
7. SUBJECT: Planning and Zoning Permit No. 10-630-01 (Amendment to Rose-Santa Clara Corridor Specific Plan) to Amend the Sign Guidelines and Standards Section of the Rose-Santa Clara Corridor Specific Plan for the Marketplace Shopping Center Located West of Paseo Mercado, and North of Ventura Boulevard. Filed by Parkstone Companies. (075)
RECOMMENDATION: Approve the second reading of **Ordinance No. 2833**

Finance Department

8. SUBJECT: Request from Horvath Towers, LLC for Consent to Assign its Interest in Cell Tower Site Lease to SBA Towers III LLC, at Beck Park, 600 West Kamala Street (081)
RECOMMENDATION: Approve and authorize the Mayor to execute a Landlord Estoppel Certificate, Consent and Agreement (**A-7360**) permitting Horvath Towers, LLC to assign its interest in a Site Lease with the City of Oxnard to SBA Towers LLC.

Police Department

9. SUBJECT: Ordinance Concerning Parties, Gatherings, or Assemblages on Private Property (129)
RECOMMENDATION: Approve the first reading by title only and subsequent adoption of an **Ordinance No. 2834** repealing and readopting Article VI of Chapter 7 of the Oxnard City Code concerning parties, gatherings, or assemblages on private property.
10. SUBJECT: Justice Assistance Grant (JAG) Budget Modification (135)
RECOMMENDATION: Authorize the City Manager to submit a budget modification in the amount of \$12,428 to the U.S. Department of Justice (DOJ) from the Justice Assistance Grant (JAG) for an ammunition storage bunker and audio video equipment for the briefing room.

Public Works Department

11. SUBJECT: Implementation Agreement for Countywide Stormwater Program. (139)
RECOMMENDATION: 1) Approve and authorize the Mayor to execute an Implementation Agreement for the National Pollutant Discharge Elimination System (NPDES) Permit (No. CAS004002) for Storm water Discharges from the Municipal Separate Storm Sewer Systems (**A-7357**), which identifies the responsibilities of the City, Ventura County Watershed Protection District (VCWPD), nine other Ventura County cities, and Ventura County under the Ventura County Municipal Stormwater Permit, and creates a mechanism for the distribution of revenues and the funding for the Principal Permittee activities; and 2) Approve an appropriation of \$298,812 from the Wastewater Collection Operating Fund to the Stormwater Quality Management Program to partially fund Principal Permittee costs under the Ventura County Municipal Stormwater Permit for Fiscal Year 2010/2011.

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

J. TRANSMITTAL OF INFORMATION ONLY ITEMSK. INFORMATION/CONSENT PUBLIC HEARINGS

ACTION: Mayor Holden declared the public hearing open.

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

City Manager Department

1. SUBJECT: Establishment of Fees for Parks Services and Permits for Rio Lindo Park. (155)
RECOMMENDATION: 1) Hold a public hearing to receive public testimony regarding proposed new fees for the use of two group BBQ areas at Rio Lindo Park.; 2) Adopt **Resolution No. 13,929** establishing the proposed new fees.
DISCUSSION: The following individuals supported this item: Jerry Lucero; Tim Gingrass and Barbara Gingrass.

The General Services Manager and Parks Manager reviewed the park renovations, park reservations program, and park ranger staffing. The Acting Police Chief reviewed park rangers hours.

ACTION: Close the public hearing. (Holden/Maulhardt) Approved as recommended.
(Holden/Pinkard) Ayes: Maulhardt, Pinkard, Holden, and Herrera. Absent: MacDonald.

ACTION: Mayor Holden declared the public hearing open.

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

Development Services Department

2. SUBJECT: Planning and Zoning Permit No. 10-510-04 (Major Modification to Special Use Permit No. 1517), Play Billiards 658 South A Street. (159)
RECOMMENDATION: Adopt **Resolution No. 13,930** approving Planning and Zoning Permit No. 10-510-04 (Major Modification to Special Use Permit No. 1517), subject to certain findings set forth in Planning Commission Resolution No. 2010-32.
DISCUSSION: The Planning and Environmental Services Manager briefly reviewed proposed modification including hours, alcohol uses/advertisement, Police service calls history, hours of operation, and security guards requirements.

The following individuals expressed concern with proposed modifications: Morison Pipin; Gloria Massey China; and Pat Brown.

The City Council discussed requested modification with future review of conditions being followed.

ACTION: Close the public hearing. (Holden/Herrera) Approved as recommended with the deletion of Conditions 6 and 10 and denied amendments proposed to Condition No. 9 which shall be re-scheduled for City Council hearing and reconsidered in six months. (Pinkard/Maulhardt) Ayes: Maulhardt, Pinkard, Holden, and Herrera. Absent: MacDonald.

L. PUBLIC HEARINGSM. REPORT OF CITY MANAGER

The City Manager stated staff would bring update reports on Public Television Access and the Early Retirement Incentive Program.

N. CITY COUNCIL/COMMITTEE REPORTSCity Attorney Department

1. SUBJECT: Amendment of General Purchasing Procedures and Public Contract Purchasing Procedures (179)
RECOMMENDATION: Removed from agenda.

O. REPORTSHousing Department

1. SUBJECT: Paseo Nuevo Predevelopment Agreement (A-7363) (191)
RECOMMENDATION: Approve an appropriation of funds in the amount of \$600,000 from the City Affordable Housing In-Lieu Fee funds to the Paseo Nuevo Housing fund for the predevelopment costs associated with obtaining entitlement for the Paseo Nuevo Project located at 5655, 5667, 5701, 5703-5705, 5709, 5711, 5713, 5715 and 5727 Cypress Road, Oxnard, California 93033.

DISCUSSION: The Housing Director and Management Analyst outlined the proposed project.

The following individuals provided comments: William "Bill" Terry; Bert Perello; Shirley Godwin; Pat Brown; Steve Nash; and Pat McCarthy.

ACTION: Approved as recommended. (Herrera/Pinkard). Ayes: Holden, Herrera, Maulhardt, and Pinkard. Absent: MacDonald.

HOUSING AUTHORITY

At 8:39 p.m. the joint meetings with the Housing Authority concluded.

P. PUBLIC COMMENTS ON REPORTSQ. APPOINTMENT ITEMS

1. SUBJECT: Verbal presentation by the Cabrillo Economic Development Corporation.
ACTION: Removed from the agenda.

R. STUDY SESSIONS. PUBLIC COMMENTS ON STUDY SESSIONT. ADJOURNMENT

At 8:39 p.m. the City Council concurred to adjourn the meeting.