

MINUTES
OXNARD CITY COUNCIL
Regular Meeting
December 16, 2008

A. ROLL CALL/POSTING OF AGENDA

At 7:03 p.m. the City Council convened a meeting in Council Chambers, concurrently with the Community Development Commission and Housing Authority. Councilmembers Thomas E. Holden, Andres Herrera, Dean Maulhardt, Irene G. Pinkard, and Bryan MacDonald were present. Staff members present included Ed Sotelo, City Manager; Karen Burnham, Assistant City Manager; Alan Holmberg, City Attorney; and Jill A. Beaty, Assistant City Clerk. Mayor Holden presided and called the meeting to order.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

C. CLOSED SESSION

D. OPENING CEREMONIES

The meeting opened with the pledge of allegiance led by Councilwoman Pinkard, followed by a moment of silence in memory of Toni Young, Mayor of Port Hueneme. Other staff present included Daniel Martinez, City Clerk; Lou Balderrama, Supervising Civil Engineer; Michael Henderson, General Services Superintendent; Dan Berlenbach, Fleet Services Manager; Matt Winegar, Development Services Director; Jim Cameron, Chief Accounting Officer; Mike More, Financial Services Manager; Ken Ortega, Public Works Director; and Jason Samonte, Traffic Engineer.

E. CEREMONIAL CALENDAR

1. SUBJECT: Presentation of Proclamation Designating December 2nd as "Florence Young Day".
DISCUSSION: Accepted by Ms. Young who thanked the City Council for the recognition.
2. SUBJECT: Presentation of the Employee of the Quarter.
DISCUSSION: Accepted by Thien Ng, Environmental Engineer, who thanked the City Council and his teammates.
3. SUBJECT: Presentation of Fleet Services Plaque.
DISCUSSION: The General Services Manager and Dan Berlenbach spoke of the Division's being awarded 3rd out of 100 Best Fleet Services in the nation for its outstanding operations and best practices.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Mike Barber, success of Santa to the Sea Half Marathon and Relay, toy giveaway on December 20.

Ed Ellis, Halaco site structures should be removed.

John Korsten, requested the return of his vehicle.

Yolanda Aguiano, Gold Coast Transit bus drivers treatment of passengers.

Pat Brown, E. Gloria Romano Soledad Ruiz, Juanita Lopez, Lucy Cartegena, and Inez Blanco, in support of efforts to clean up Meta Street area and against additional alcohol licenses in this area.

Nancy Rahn, Spark of Love train needs to be promoted by the City for greater attendance.

G. REVIEW OF INFORMATION/CONSENT AGENDA

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

I. INFORMATION/CONSENT AGENDA

City Manager Department

1. SUBJECT: Consent to Transfer of Franchise for Operation of 2,000 Linear Feet of 8-Inch Oil Pipeline from ConocoPhillips Pipe Line Company (Conoco) to Crimson California Pipeline Company (Crimson). (001).
RECOMMENDATION: Adopt **Resolution No. 13,574** consenting to the transfer from Conoco to Crimson the rights of Conoco under Ordinance No. 1869 (effective June 4, 1981) to maintain, use, and operate an oil pipeline of approximately 2,000 feet in length in the City of Oxnard.
2. SUBJECT: Agreement for Trade Services with Kaneko Landscaping, Inc. (007).
RECOMMENDATION: Approve and authorize the Mayor to execute a three year agreement with Kaneko Landscaping, Inc. (**4626-08-CM**) in the amount of \$272,320 for the purpose of providing landscape maintenance services within Community Facility District No. 4, known as Seabridge, located on Wooley Road between Victoria Avenue and Trade Winds Drive.

Community Development Department

4. SUBJECT: Financing for the RiverPark Project Retail Component Located Adjacent to and North of the 101 Freeway, East of the Santa Clara River and West of Vineyard Avenue. (015).
RECOMMENDATION: That City Council for the assignment of the RiverPark Project Development Agreement (**A-6128**), approve as to form the Assignment and Assumption Agreement from RiverPark Collection, LLC, to RiverPark Hotel, LLC and authorize the Mayor to execute the Consent form for the Assignment and Assumption Agreement.

Development Services Department

5. SUBJECT: Approval of Contract for Mills Act Property Tax Abatement Program, 261 South "F" Street. Filed by Vincent and Kathleen Behrens. (021).
RECOMMENDATION: Approve and authorize the Mayor to execute a Mills Act contract with Vincent and Kathleen Behrens (**A-7124**), husband and wife, to maintain and preserve historic property located at 261 South "F" Street through a reduction in property taxes.

6. SUBJECT: Approval of Contract for Mills Act Property Tax Abatement Program, 110 South "F" Street. Filed by Josie Vazquez. (025).
RECOMMENDATION: Approve and authorize the Mayor to execute a Mills Act contract with Josie Vazquez (A-7123), to maintain and preserve historic property located at 110 South "F" Street through a reduction in property taxes.
7. SUBJECT: Fifth Amendment to Agreement with Washington Group International, Inc. for Rice Avenue/Santa Clara Avenue Interchange Improvements at Highway 101. (029).
RECOMMENDATION: Approve and authorize the Mayor to execute the Fifth Amendment to the agreement with Washington Group International, Inc. (A-6738) in the amount of \$188,744 (total agreement \$1,117,081) for Rice Avenue/Santa Clara Avenue interchange improvements at U.S. Highway 101.

Public Works Department

8. SUBJECT: Amendment to Agreement with Channel Islands Beach Community Service District for Sewer Transportation and Treatment. (041).
RECOMMENDATION: (1) Approve and authorize the Mayor to execute an amendment to the agreement with Channel Islands Beach Community Service District (District) (A-6680) for Sewer Transportation and Treatment, providing immediate cash payment to the City in the sum of \$543,140, estimated to be Channel Islands' share of the amount required to construct the Victoria Trunk portion of the Redwood Sewer Trunk Project; and (2) Approve a Special Budget Appropriation in the amount of \$543,140 for the District's portion of the Victoria Trunk Project.

INFORMATION/CONSENT AGENDA ACTION: Approved (Herrera/Maulhardt); Ayes: Holden*, Herrera, Maulhardt, Pinkard, and MacDonald*. Noes: None. Abstain: Holden and MacDonald on I-5 only.

J. TRANSMITTAL OF INFORMATION ONLY ITEMS

City Manager Department

1. SUBJECT: Executed Contracts.(047).
ACTION: Received and filed.

Finance Department

2. SUBJECT: Monthly Budget Status Reports for the Period Ending November 30, 2008.
ACTION: Received and filed.

K. INFORMATION/CONSENT PUBLIC HEARINGS

ACTION: The Mayor opened the public hearings. The Assistant City Clerk reported on publication and on receipt of one written communication from Edward and JoAnn Mcspedon opposing the recommendation of the Planning Commission (K-2).

Development Services Department

1. **SUBJECT:** Planning & Zoning Permit No. 08-535-02 Zone Code Text Amendment Addressing the Density Bonus Ordinance. (051).
RECOMMENDATION: Approve the first reading by title only and subsequent adoption of **Ordinance No. 2789** repealing and amending City Code Article V, Divisions 7 and 8 of Chapter 16 relating to Density Bonuses.

2. **SUBJECT:** Planning & Zoning Permit No. 07-550-01 (Major Modification) a Request to Remove Two Conditions from Parcel Map No. 84-17 Affecting Property Along the Northern Right-of-Way of Eastbourne Bay and at 4490 Eastbourne Bay. Filed by Dan Voss.(071).
RECOMMENDATION: (1) Adopt a resolution approving Planning and Zoning Permit No. 07-550-01 (Major Modification to Parcel Map No. 84-17) to modify Planning Commission Resolution No. 7119; and (2) Adopt a resolution to authorize the Mayor to sign an Agreement Restricting Use of Property (A-7125) to assure that the intent of Planning Commission Resolution No. 7119 is adhered to.

George Arglen, President, Channel Islands Waterfront Homeowners Association, expressed concern that property owners will be taxed equitably; Philip Woolf and Ross Henrikson re unkempt streets and property.

David Treadway, representing the developer, and Dan Voss regarding zoning and permissions which keep them from finishing the street and developing the property.

The Development Services Director explained the aspects of this remnant piece of property 1) it is not included in any homeowner assessment district; 2) the permit has conditions in the modified permit requiring the same level of maintenance relative to the seawall and dredging of the waterfront in front of the property. He discussed native plant materials. The Financial Services Manager discussed conditioning this property into the assessment district in the new assessment.

The City Council discussed the two parcels and maintenance of Parcel B.

The Development Services Director discussed additional conditions should the Map be approved: participation in formation of assessment district for water maintenance purposes for Parcel A; a general property maintenance condition applied to both parcels as long as they are undeveloped weed free; natural hydroseed applied to Parcel B.

INFORMATION/CONSENT PUBLIC HEARINGS ACTION: Close public hearings. Adopt the recommendation in K-1 (Holden/Herrera) and return January 6, 2009 to consider a new resolution on K-2, subject to discussion by unanimous consent.

L. PUBLIC HEARINGS

ACTION: The Mayor opened the public hearing. 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. 08-510-03 (Special Use Permit) to Permit the Sale of Beer and Wine for Off Site Consumption at an Existing Chevron Gas Station and Mini-Mart, Located at 2901 Saviers Road. Filed by Shaheen Azar. (091).
RECOMMENDATION: Adopt a resolution denying the appeal and upholding the Planning Commission's approval of Planning and Zoning Permit No. 08-510-03.

Lucy Cartegena, Linda Kaplan, Pat Brown, Bert Perello oppose.

Comments from Council generally were that there seems to be an oversaturation of full service liquor facilities in this area and therefore no public need.

ACTION: Close the public hearing (Holden/Herrera). Uphold staff's appeal and deny the special use permit (Pinkard/Holden). Ayes: Maulhardt, MacDonald, Pinkard, Holden, and Herrera.

2. SUBJECT: Development of the Rose Ranch Commercial Project Located at the Southwest Corner of the Rose Avenue and Gonzales Road Intersection. Filed by Parkstone Companies, on Behalf of Owner John McGrath Family Partnership, 860 E. Hampshire Road, Suite U, Westlake Village, CA 91361.
RECOMMENDATION: Continue to January 6, 2009.
ACTION: Approved unanimously (Maulhardt/Herrera).

M. REPORT OF CITY MANAGER

1. SUBJECT: Presentation of the Bond Buyer's Far West Deal of the Year Award to City Council for the 2007 Gas Tax Revenue Certificates of Participation.
DISCUSSION: The City Manager, Chief Accounting Officer, Financial Services Manager, and Public Works Director discussed receipt of the award for developing a plan to finance repair of City streets using gas tax revenues. The City Council expressed pride in this recognition and staff.

N. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

1. SUBJECT: 2009 Meeting Schedule for Legislative Bodies. (123).
RECOMMENDATION: Meet on the following dates during the calendar year January 6, 13, and 27; February 3, 10, and 24; March 3, 10, and 24; April 7, 14, 21, and 28; May 5 and 12; June 2, 9, 16, and 23; July 7, 14, 21, and 28; September 1, 15, and 22; October 6, 13, 20, and 27; November 3, 10, and 17; and December 1, 8, and 15, 2009.
ACTION: Approved unanimously.
2. SUBJECT: Appointments to Boards, Commissions and Committees. (127).
RECOMMENDATION: Continue to January 6, 2009.
ACTION: Approved unanimously.

3. **SUBJECT:** Appointment to Ventura Regional Sanitation District (VRSD). (139).
RECOMMENDATION: That the Mayor, with approval of the City Council, appoint a Councilmember as a primary member and a Councilmember as an alternate to VRSD.
ACTION: Appoint Herrera primary, Pinkard alternate, with approval of the City Council.

COMMUNITY DEVELOPMENT COMMISSION/HOUSING AUTHORITY

At 9:10 p.m. the concurrent meeting with the Community Development Commission and Housing Authority concluded.

O. **REPORTS**

Public Works Department

1. **SUBJECT:** Adoption of the Traffic Mitigation Plan. (141).
RECOMMENDATION: (1) Adopt the Intersection and Roadway Improvement portion of the Traffic Mitigation Plan; (2) Adopt in concept the 2030 General Plan Circulation and Related Goals and Policies portion of the Traffic Mitigation Plan; and (3) Receive and file proposed Traffic Impact Fees Summary for upcoming development projects.
DISCUSSION: The Traffic Engineer reviewed intersection and roadway improvements, circulation network, current levels of service based on 2008 traffic counts, recent and planned improvements, and costs. Changes to the 2030 General Plan Network include: Street reclassification of Oxnard Boulevard from State highway to local arterial; more mixing of uses in urban villages, and the Intelligent Transportation System. The Development Services Director stated the goal is to have all intersections at service level "C" with few exceptions. He reviewed a strategy and objectives that suggest that development should be located in areas that foster alternatives to vehicular travel that will be considered in the General Plan.

Tom Cady, incoming Chairman, Chamber of Commerce Board of Directors, consider impacts of infrastructure improvements and truck routes; greenhouse requirements; use of local vendors; comprehensive planning to avoid lowball bidding and huge cost increases via change orders, and keeping the public informed.

Pat Brown, truck traffic improvements.

William Terry, in support of staff findings.

Council comments included concern about truck traffic on surface streets, a plan to accommodate them, importance of keeping the public educated on impacts to neighborhoods, funding, support for the ITS, and appreciation to staff.

ACTION: Approve (Herrera/Pinkard); Ayes: Herrera, Maulhardt, Pinkard, MacDonald, and Holden.

P. **PUBLIC COMMENTS ON REPORTS**

Q. **APPOINTMENT ITEMS**

R. **STUDY SESSION**

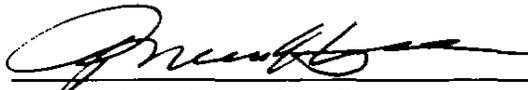
S. PUBLIC COMMENTS ON STUDY SESSION

T. ADJOURNMENT

At 10:02 p.m. the City Council concurred to adjourn the meeting.



JILL A. BEATY
Assistant City Clerk



DR. THOMAS E. HOLDEN
Mayor