

## MINUTES

### OXNARD CITY COUNCIL Regular Meeting June 21, 2011

#### A. ROLL CALL/POSTING OF AGENDA

At 7:09 p.m., the regular meeting of the Oxnard City Council convened in the Council Chambers concurrently with the Community Development Commission, Housing Authority, and Financing Authority. Councilmembers Thomas E. Holden, Irene G. Pinkard, Bryan A. MacDonald, Timothy B. Flynn and Carmen Ramirez were present. The City Clerk stated that the agenda was posted on Thursday in the Library and City Clerk's Office.

#### 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 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; Curtis P. Cannon, Community Development Director; Jeri Williams, Police Chief; Barbara Murray, Library Director; William "Bill" Wilkins, Housing Director; James Cameron, Chief Financial Officer; Rob Roshanian, Interim Public Works Director; Grace Magistrale Hoffman, Deputy City Manager; Michael Henderson, General Services Manager; Sue Martin, Planning and Environmental Services Manager; Martin Erickson, Special Assistant to the City Manager; Anthony Emmert, Water Resources Manager; Cynthia Daniels, Project Manager; Kymberly Horner, Redevelopment Project Manager; Larry White, Housing Management Analyst; and Cyndi Hookstra, Parks and Facilities Management Analyst.

#### E. CEREMONIAL CALENDAR

2. SUBJECT: Proclamation Designating June 23-30 as "Oxnard Good for Kids Restaurant Days".  
DISCUSSION: Nicole Tanner, First Five Program, discussed the program to promote healthy eating options at local restaurants especially for children.
1. SUBJECT: Presentation of Commendation to Cabrillo Economic Development Corporation on the Occasion of its 30<sup>th</sup> Anniversary.  
ACTION: Presented a commendation to Rodney Fernandez, Cabrillo Director and David Rodriguez, Boardmember, for the past work of Cabrillo Economic Development Corporation.
3. The Library Director outlined the Summer City Reading Program to encourage reading by children during the summer.

**F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA**

The following individuals provided comments: Ed Ellis; Jeff Maulhardt; Larry Stein; William "Bill" Terry; Harold Ceja; Cathy Brudnicki (Ventura County Homeless Coalition); Vera Graves; Margaret Cortese; Allen Sanders; Daniel Lechliter; Jean Roundtree; Bricio Zaragoza; Pat Brown; Rudy Salvio; Bert Perello; and Linda Calderon.

**G. REVIEW OF INFORMATION/CONSENT AGENDA****H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA**

Comments were received from: Larry Stein (I-3), Bert Perello (I-12), and Pat Brown (I-5) & (15).

**I. INFORMATION/CONSENT AGENDA****City Attorney**

1. **SUBJECT**: **Ordinance No. 2840**, Regarding Administrative Hearings. (001)  
**RECOMMENDATION**: Second reading and adoption.

**City Manager**

2. **SUBJECT**: Agreements for City Council Review. (005)  
**RECOMMENDATION**: Pursuant to Ordinance 2835, approve and authorize the City Manager, to execute the attached agreements/contracts and change orders/amendments in amounts more than \$25,000 but less than \$250,000.  
**DISCUSSION**: The Police Chief reviewed the proposed security agreement.
3. **SUBJECT**: Blanket Purchase Order for Silvas Oil Company. (007)  
**RECOMMENDATION**: Approve and authorize the Mayor to execute a blanket purchase order for Silvas Oil Company ("Silvas") in the amount of approximately \$2,500,000 annually, for the purchase of unleaded and diesel fuel and the provision of off-site car wash service for City vehicles and equipment, beginning July 1, 2011.  
**DISCUSSION**: The City Manager and General Services Manager reviewed the services to be provided by Silvas Oil Company.
4. **SUBJECT**: Victim Impact Statement for the Graffiti Restitution Recovery Program, and Graffiti Certificate of Appreciation. (013)  
**RECOMMENDATION**: 1) Approve the official Victim Impact Statement and the Graffiti Certificate of Appreciation; and 2) Designate Cyndi Hookstra, Graffiti Task Force Administrator, as the person authorized to submit the statement to the Ventura County Courts or Ventura County Probation Agency as part of the City's graffiti restitution recovery program.  
**DISCUSSION**: The Parks and Facilities Management Analyst commented on the "fine" payment structure.

**Development Services Department**

5. **SUBJECT**: Ordinance Amending Section 8-2 of the Oxnard City Code Concerning Speed Limits. (017)

**RECOMMENDATION:** Approve the first reading by title only and the subsequent adoption of **Ordinance No. 2844** amending Section 8-2 of the City Code changing the speed limit on Third Street between A Street and Juanita Avenue from 30 mph to 35 mph, Camino Del Sol between Oxnard Boulevard and Rice Avenue from 40 mph to 45 mph, changing Ventura Road between the Union Pacific Railroad crossing and Town Center Drive from 35 mph to 40 mph, changing Rose Avenue between Sanford Street and Fifth Street from 40 mph to 45 mph, adding Victoria Avenue between Fifth Street and the Santa Clara River Bridge as 55 mph, and adding Graves Avenue between Celsius Avenue and Wankel Way as 40 mph.

### Finance Department

6. **SUBJECT:** Special Tax Levy for Community Facilities District No. 1 and No. 2 (Westport at Mandalay Bay). (021)  
**RECOMMENDATION:** 1) Adopt **Resolution No. 14,054** setting a special tax rate within CFD No. 1 (Westport at Mandalay Bay) for FY 2011 – 2012; and 2) Adopt **Resolution No. 14,055** setting a special tax rate within CFD No. 2 (Westport at Mandalay Bay) for FY 2011-2012  
**DISCUSSION:** The Chief Financial Officer reviewed the cost allocation of landscape maintenance districts.
7. **SUBJECT:** Special Tax Levy for Community Facilities District (CFD) No. 88-1 (Oxnard Town Center). (041)  
**RECOMMENDATION:** Adopt **Resolution No. 14,056** setting a special tax rate within CFD No. 88-1 (Oxnard Town Center) for Fiscal Year 2011-2012.
8. **SUBJECT:** Special Tax Levy for Community Facilities District No. 2000-3 (Oxnard Boulevard/Highway 101 Interchange). (045)  
**RECOMMENDATION:** Adopt **Resolution No. 14,057** setting a special tax rate within CFD No. 2000-3 (Oxnard Boulevard/Highway 101 Interchange) for Fiscal Year 2011-2012.
9. **SUBJECT:** Special Tax Levy for Community Facilities District No. 6 (Northshore at Mandalay Bay). (055)  
**RECOMMENDATION:** Adopt **Resolution No. 14,058** setting a special tax rate within CFD No. 6 (Northshore at Mandalay Bay) for Fiscal Year 2011-2012.
10. **SUBJECT:** Special Tax Levy for Community Facilities District (CFD) No. 3 and No. 4 (Seabridge at Mandalay Bay). (061)  
**RECOMMENDATION:** 1) Adopt **Resolution No. 14,059** setting a special tax rate within CFD No. 3 (Seabridge at Mandalay Bay) for FY 2011-12; and 2) Adopt **Resolution No. 14,060** setting a special tax rate within CFD No. 4 (Seabridge at Mandalay Bay) for FY 2011-12.
11. **SUBJECT:** Special Tax Levy for Community Facilities District No. 5 (Riverpark). (079)  
**RECOMMENDATION:** Adopt **Resolution No. 14,061** setting a special tax rate within CFD No. 5 (Riverpark) for FY 2011-12.
12. **SUBJECT:** FY 2011-12 Property Tax Rate for Voter Approved Obligations. (099)  
**RECOMMENDATION:** Adopt **Resolution No. 14,062** establishing the FY 2011-12 tax rates on property in the City of Oxnard for the payment of voter approved obligations.  
**DISCUSSION:** The Chief Financial Officer reviewed the tax rate and past history regarding police retirement payments.

Police Department

13. SUBJECT: Gang Violence Suppression Grant Award Amendment. (103)

RECOMMENDATION: Authorize the City Manager to: 1) Submit a grant award amendment in the amount of \$85,730 to California Emergency Management Agency (CalEMA) to increase the amount of grant funds awarded to the City from \$275,000 to \$360,730; and 2) Appropriate funds in the amount of the grant upon award.

Public Works Department

14. SUBJECT: Fourth Amendment to Agreement with Black & Veatch Corporation for Utilities Rate Studies. (107)

RECOMMENDATION: Approve and authorize the Mayor to execute the Fourth Amendment to the Agreement with Black & Veatch Corporation (4218-07-PW) for the Utilities Rate Studies to increase the amount from \$274,825 by \$74,100 for a total of \$348,925.

DISCUSSION: The Water Resources Manager stated this was an agreement to study utilities rates including Proposition 218 issues, recycled water, budgets and future recommendations for proposed water rates.

15. SUBJECT: Second Amendment to Agreement for Contracting Services Between the City of Oxnard and Agromin Organics Recycling (Agromin) for Yard Waste, Wood Material and Street Sweeping Debris and Residuals Processing Services. (115)

RECOMMENDATION: Approve and authorize the Mayor to execute the Second Amendment to the agreement with Agromin (3414-05-PW) for an amount not to exceed \$560,000 for yard waste, wood material, and street sweeping debris and residuals processing services and to extend the term from July 1, 2011 to January 31, 2012.

INFORMATION/CONSENT AGENDA ACTION: Approved as recommended. (Ramirez/Pinkard)  
Ayes: Pinkard, MacDonald, Flynn, Ramirez, and Holden.

J. TRANSMITTAL OF INFORMATION ONLY ITEMS

K. 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: Levy of 2011-2012 Assessments in Mandalay Beach Maintenance District. (119)

RECOMMENDATION: 1) Hold a public hearing to receive public testimony regarding the proposed FY 2011-2012 assessments for the Mandalay Beach Maintenance District; and 2) Adopt **Resolution No. 14,063** fixing the special assessment tax in the Mandalay Beach Maintenance District for FY 2011-2012.

ACTION: Close the public hearing (Holden/Pinkard), unanimously. Approved as recommended. (Pinkard/Holden) Ayes: MacDonald, Flynn, Ramirez, Holden, and Pinkard.

L. 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.

Planning Department

2. **SUBJECT:** Planning and Zoning Permit No. 10-630-02 (Specific Plan Amendment to RiverPark Specific Plan, Regulations Related to Freeway Oriented Signs), Filed by RiverPark Collection, LLC. (151)

**RECOMMENDATION:** Approve the first reading by title only and subsequent adoption of **Ordinance No. 2845** amending Section 5.9.3.3 of the RiverPark Specific Plan to allow three freeway-oriented monument signs up to a maximum height of 20 feet tall, and to allow subsequent consideration of a special use permit to allow changeable electronic display panels on a 60-foot high freeway pylon sign, situated on the southern edge of The Collection shopping center, on the north side of the 101 Freeway, between North Oxnard Boulevard and RiverPark Boulevard.

**DISCUSSION:** The Planning and Environmental Services Manager reviewed the request to place new signage, special use permit of electronic sign, and community out reach. The City Attorney reminded the Council that this item was heard in March and continued at the request of the developer for public outreach.

Andres Friedman and Ann Walsh, Shea Properties, reviewed community outreach and the request to place signage using new sign technology. Edward C. Wasseman, sign manufacturer, commented on the proposed sign including timing of messages, study data, and Caltran regulations.

The following individuals express concern with the placement of the proposed sign: Ellie Smith; Cheryl Pease; Larry Stein; Bert Perello; Pat Brown; Frank Nilsen; and William Bill Terry.

The following individuals supported placement of the proposed sign: Orlando Dozier; Ronald J. Streibich; and Nancy Linholm.

The City Council discussed: freeway signage advertisement, timing of advertisement on sign, and traffic distractions.

**ACTION:** Close the public hearing, (Holden/Pinkard), unanimously. Approved as recommended, (Holden/Pinkard) Ayes: Holden, Pinkard, and MacDonald. Noes: Flynn and Ramirez.

**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

3. **SUBJECT:** The Paseo Nuevo Affordable Housing Project – Planning & Zoning Permit Nos. 11-570-01 (Zone Change), 11-535-01 (Density Bonus), and 11-540-01 (Planned Development) Located at 5637 – 5727 Cypress Road. Filed by McCarthy Companies, Agent for Ramona Property Partners LLC. (175)

**RECOMMENDATION:** 1) Approve the first reading by title only and subsequent adoption of **Ordinance No. 2846** approving a Zone Change (PZ No. 11-570-01) from R-1-PD and RPD to R-2-PD for the Paseo Nuevo affordable housing project, subject to the conditions set forth in Planning Commission Resolution No. 2011-22; 2) Adopt **Resolution No. 14,065** approving the Density Bonus (PZ No. 11-535-01) for the Paseo Nuevo affordable housing project, subject to the conditions set forth in Planning Commission Resolution No. 2011-20; and 3) Adopt **Resolution No. 14,066** upholding the Planning Commission's approval of the Planned Development (PZ No. 11-540-01) for the Paseo Nuevo affordable housing project, subject to the conditions set forth in Planning Commission Resolution No. 2011-21.

**DISCUSSION:** The Housing Director, City Attorney, and Planning and Environmental Services Manager outlined the proposed project including issues of the housing element, zoning change, required parking spaces, density of project, and use of section 8 vouchers.

The following individuals supported the development: Ernest Stein; Nancy Pederson; Mark DiCecco (project architect); Manny Navarro; and Pat Brown.

Comment of concerns were received from: Eileen McCarthy; William "Bill" Terry; and Bert Perello.

**ACTION:** Close the public hearing. (Holden/Pinkard), unanimously. Approved as recommended. (Holden/MacDonald) Ayes: Ramirez, Holden, Pinkard, MacDonald, and Flynn.

**ACTION:** Mayor Holden declared the public hearing open.

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

#### Community Development Department

4. **SUBJECT:** Relocation and Replacement Housing Plans for the Las Villas de Paseo Nuevo Project Located in the Cypress Neighborhood Southwest of the Intersection of Cypress Road and Pleasant Valley Road, Ventura County Assessor Parcel Nos. 222-0-070-110, 155, 185 and 190. (185)

**RECOMMENDATION** 1) Receive staff's oral report, open the public hearing, receive and consider public testimony, close the public hearing and approve the Relocation Plan and the Replacement Housing Plan for the Las Villas de Paseo Nuevo Project substantially in the form presented in Attachments #1 and #2, respectively, with such non-substantive changes as may be approved by the City Attorney; and 2) Authorize the City Manager (or designee), to prepare, revise and sign all documents necessary and appropriate to carry out and implement the Relocation and Replacement Housing Plans, and to administer the City's obligations, responsibilities and duties pursuant to those documents.

**DISCUSSION:** The Community Development Director commented on: the relocation process, the replacement of housing process and projected monthly rates. Bob Havlicek, Housing Consultant, reviewed the monthly rental rates related to loan requirements. Mark Manion, Housing Authority Special Counsel, commented on the loan structure, partnership relationship, and legal bid process requirements. Lillian Jewell, Housing Relocation Consultant, outlined housing placement requirements.

Comments of concern were received from: Ron Kurlaender (California Rural Legal Assistance); Barbara Macri-Ortiz; Eileen McCarthy; and Bert Perello.

The City Council discussed: density of current units, proposed rental rates, and moving/placement of current residents.

ACTION: Close the public hearing, (Holden/MacDonald) unanimously. Approved as recommended. (Pinkard/MacDonald) Ayes: Holden, Pinkard, MacDonald, Flynn, and Ramirez.

## O. REPORTS

### Housing Department

1. SUBJECT: Affordable Housing Loan Agreements in the Total Sum of \$7 Million and Amendment of Predevelopment Agreement Regarding the Las Villas de Paseo Nuevo Project Located in the Cypress Neighborhood Southwest of the Intersection of Cypress Road and Pleasant Valley Road, Ventura County Assessor Parcel Nos. 222-0-070-110, 155, 185 and 190. (241)

RECOMMENDATION: 1) Approve and Authorize the Mayor to execute an Affordable Housing Loan Agreement (A-7407) with Paseo Nuevo Partners, L.P., in the amount of \$5,000,000 from the City's Low and Moderate Income Housing Fund ("LMIHF") for the development of Las Villas de Paseo Nuevo, with such non-substantive changes as may be approved by the City Attorney, and direct the Community Development Director (or designee) to execute a Local Financing Commitment Letter, evidencing the City's approval for benefit of obtaining tax credits, in a form acceptable to the City Attorney; 2) Approve and Authorize the Mayor to execute an Affordable Housing Loan Agreement with Paseo Nuevo Partners, L.P., in the amount of \$2,000,000 from the City's Affordable Housing In-Lieu Fees ("AHILF") for the development of Las Villas de Paseo Nuevo, with such non-substantive changes as may be approved by the City Attorney, and direct the Housing Director (or designee) to execute a Local Financing Commitment Letter, evidencing the City's approval for benefit of obtaining tax credits, in a form acceptable to the City Attorney.; 3) Authorize the City Manager (or designee), with approval from the City Attorney on behalf of the City, to prepare, revise and sign all documents necessary and appropriate to carry out and implement the Las Villas de Paseo Nuevo Loan Agreements, and to administer the City's obligations, responsibilities and duties pursuant to those documents; and 4) Authorize the Chief Financial Officer to establish necessary accounts and budgets in accordance with these recommendations.

DISCUSSION: The Community Development Director, Housing Director, and Bob Havlicek, Housing Consultant, reviewed the project financing, loan restrictions, and affordable housing categories. Mark Manion, Housing Authority Special Counsel, commented on the financial planning and the proposed partnership.

The following individuals expressed concern with the proposed financing: Barbara Mari-Ortiz and Eileen McCarthy.

ACTION: Approved as recommended. (Pinkard/MacDonald) Ayes: Pinkard, MacDonald, Flynn, and Holden. Noes: Ramirez.

## L. 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.

Housing Department

5. SUBJECT: Issuance of Housing Authority Multifamily Housing Revenue Bonds for Las Villas de Paseo Nuevo, Located at 5637 to 5727 Cypress Road. (189)

RECOMMENDATION: 1) Hold a public hearing regarding the issuance of up to \$16,000,000 of multifamily housing revenue bonds by the Housing Authority of the City of Oxnard ("Housing Authority") to finance the acquisition and construction by Paseo Nuevo Partners, L.P., of Las Villas de Paseo Nuevo; 2) **Adopt Resolution No. 14,067** approving the issuance of bonds by the Housing Authority for the purpose of financing Las Villas de Paseo Nuevo.

DISCUSSION: The Housing Management Analyst and Bob Havlicek, Housing Consultant, reviewed the issuance of the bond process, State funding process and financial structure of the project.

Comments were received from: Barbara Mari-Ortiz and Larry Stein.

ACTION: Close the public hearing. (Holden/Pinkard) Approved as recommended.  
(Holden/Pinkard) Ayes: MacDonald, Flynn, Ramirez, Holden, and Pinkard.

HOUSING AUTHORITY

At 12:41 a.m. the joint meeting with the Housing Authority concluded.

At 12:41 a.m., Mayor Holden left the meeting and Mayor Pro Tem Pinkard presided.

ACTION: Mayor Pro Tem Pinkard declared the public hearing open.

DISCUSSION: The City Clerk reported on posting, publication and that two written communications were received.

Development Services Department

6. SUBJECT: Appeal of the Planning Commission's denials of requests for special use permits to allow Type 20 (Off-Sale Beer & Wine) Alcoholic Beverage Control licenses at two existing Walgreens stores, located at 2303 East Vineyard Avenue and 481 South Ventura Road. Filed by attorney Jennifer Chavez, on behalf of Walgreens Co. (199)

RECOMMENDATION: Adopt **Resolution No. 14,068 and 14,069** approving the appeals of Planning and Zoning Permit Nos. 10-510-06 and 10-510-09.

DISCUSSION: The Planning and Environmental Services Manager reviewed the request for off-sale beer & wine sale, location of sites, police report, and display area changes at each site.

Brian Fish, Walgreens, commented on Walgreens Corporation's training program, competition with other stores, reputation (high standards), working with local neighborhoods, and having community workshops to discuss local concerns.

Comments were received from Larry Stein.

ACTION: Close the public hearing, (MacDonald/Pinkard), unanimously.

DISCUSSION: The City Council discussed conditions of the off-site alcoholic permit including future violations and possible suspension of permit.

ACTION: Approved the appeal to allow an off-sale license at the South Ventura location (MacDonald/Ramirez) Ayes: Flynn, Ramirez, and MacDonald. Noes: Pinkard. Absent: Holden. Approved the appeal to allow an off-sale license at the Vineyard location. (Pinkard/Ramirez) Ayes: Pinkard, MacDonald, Flynn, and Ramirez. Absent: Holden

At 1:17 a.m., Councilman MacDonald left the meeting due to possible conflict of interest..

ACTION: Mayor Pro Tem Pinkard declared the public hearing open.

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

#### Finance Department

1. SUBJECT: City of Oxnard Financing Authority Tax Allocation Bonds, Series 2011 (Campus Park Project). (129)

RECOMMENDATION: 1) Conduct a joint public hearing with the Community Development Commission concerning the use of tax increment revenues for the purpose of issuing bonded indebtedness to construct the Campus Park Project; and 2) Adopt **Resolution No. 14,064** making certain determinations and findings pursuant to Health and Safety Code Section 33445 regarding the funding by the Oxnard Community Development Commission of the cost of certain publicly owned facilities, agreeing to administer and expend funds on behalf of the Commission, approving the sale, issuance, and delivery by the Oxnard Community Development Commission of not more than \$19,000,000 in principal amount of Oxnard Community Development Commission Historic Enhancement and Revitalization of Oxnard (HERO) Project Area Tax Allocation Bonds, Series 2011, and making certain determinations relating thereto.

DISCUSSION: The Chief Financial Officer outlined the proposed financing and the financial rating of the City. The General Services Manager stated that community comments were received from the local neighborhood and ability for future Council and community input.

Comments were received from Bert Perello.

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

#### M. REPORT OF CITY MANAGER

#### N. CITY COUNCIL BUSINESS COMMITTEE REPORTS

##### COMMUNITY DEVELOPMENT/FINANCING AUTHORITY

At 1:41 a.m. the joint meetings with the Community Development Commission and Financing Authority concluded.

#### O. REPORTS

#### P. PUBLIC COMMENTS ON REPORTS

#### Q. APPOINTMENT ITEMS

R. STUDY SESSION

S. PUBLIC COMMENTS ON STUDY SESSION

T. ADJOURNMENT

At 1:41 a.m. the City Council concurred to adjourn the meeting.

  
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DANIEL MARTINEZ  
City Clerk

  
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DR. THOMAS E. HOLDEN  
Mayor

  
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DR. IRENE G. PINKARD  
Mayor Pro Tem