

MINUTES

OXNARD CITY COUNCIL Regular Meeting June 14, 2011

A. ROLL CALL/POSTING OF AGENDA

At 5:32 p.m., the regular meeting of the Oxnard City Council convened in the Council Chambers. 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. 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; and Lyn Bennett, Deputy City Clerk.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

C. CLOSED SESSION

The City Council recessed to a closed session, pursuant to government to government Code section 54956.9(a), to confer with its attorneys. The title and case number of the litigation being discussed was Hartman, W.E. and Hartman, Sally J. v. City of Oxnard et al., Ventura County Superior Court, Case No. 56-2008-00330374-CU-BC-VTA

At 6:59 p.m., the City Council reconvened to the regular meeting.

D. OPENING CEREMONIES

At 7:03 p.m., the regular meeting of the Oxnard City Council reconvened in the Council Chambers, concurrently with the Housing Authority. The meeting opened with the pledge of allegiance to the flag of the United States by the Oxnard United Soccer Team, followed by a moment of silence. Mayor Holden presided. Additional staff members present were: Jeri Williams, Police Chief; James Cameron, Chief Financial Officer; Grace Magistrale Hoffman, Deputy City Manager; Michael More, Financial Services Manager; Curtis P. Cannon, Community Development Director; William "Joe" Milligan, Fire Chief; Barbara Murray, Library Director; William "Bill" Wilkins, Housing Director; Matthew Winegar, Development Services Director; Michelle Tellez, Human Resources Director; Michael Henderson, General Services Manager; Sue Martin, Planning and Environmental Services Manager; Rob Roshanian, Development Services Manager; Anthony Emmert, Water Resources Manager; and Robert Silverstein, Code Compliance Manager.

E. CEREMONIAL CALENDAR

1. SUBJECT: Presentation of Employee of the Second Quarter 2011.
DISCUSSION: The City Council recognized Rudy Alamillo, Senior Water Treatment Operator, as Employee of the Second Quarter.
2. SUBJECT: Proclamation Designating June 8, 2011 as "Oceans Day".
DISCUSSION: The City Council recognized Shauna Bingham of Channel Islands National Marine Sanctuary commented on the importance of protecting the ocean resources.

3. SUBJECT: Proclamation Designating June 19, 2011 as "Juneteenth Celebration Day"
DISCUSSION: Don Montgomery, Chair, and Vince Stewart, Vice-Chairman, SAPAC Ventura County received the proclamation recognizing this historical event and planned activities.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Comments received from: Joe Avelar; Julie Pena; Jim McComb; Ed Ellis; Cheryl Pease; Diane Delaney; Daniel Lechliter; Michael Stubblefield; and Beatriz Garcia.

L. PUBLIC HEARINGS

ACTION: Mayor Holden declared the public hearing open.

DISCUSSION: The City Clerk reported publication, posting and eight written communications were received.

Development Services Department

1. SUBJECT: SouthShore Specific Plan, Planning & Zoning Permit Nos. 03-620-03 (General Plan Amendment), 03-640-01 (Specific Plan), 03-560-01 (Rezoning), 07-300-16 (Tentative Subdivision Map for Tract No. 5427), 05-670-03 (Development Agreement) and Findings and Statement of Overriding Consideration. Filed by Hearthside Homes/Ito Farm, LLC., 6 Executive Circle, Suite 250, Irvine, CA 92614 (311)

RECOMMENDATION: In accordance with the CEQA Findings of Fact and Statement of Overriding Consideration for the SouthShore Specific Plan project: 1) Adopt **Resolution No. 14,051** approving General Plan Amendment (PZ No. 03-620-03) changing the General Plan land use designation for the project area from low-medium density residential, general commercial, parks, and open space buffer to SouthShore Specific Plan; 2) Approve the first reading by title only and subsequent adoption of **Ordinance No. 2841** approving the SouthShore Specific Plan (PZ No. 03-640-01) for the proposed development project; 3) Approve the first reading by title only and subsequent adoption of **Ordinance No. 2842** amending the City zone map (PZ No. 03-560-1) for rezoning the project area to SouthShore Specific Plan; 4) Adopt **Resolution No. 14,052** approving a Tentative Subdivision Map (PZ No. 07-300-16) for Tract No. 5427, subject to certain findings and conditions; and 5) Approve the first reading by title only and subsequent adoption of **Ordinance No. 2843** approving the SouthShore Development Agreement (PZ No. 05-670-03).

DISCUSSION: The Development Services Director outlined the proposed development including water-use policy, proposed school site, proposed community recreation uses, and traffic circulation.

Ed Mouthford, Hardside Homes, reviewed community outreach and development features including proposed open space, water features, landscaping, and use of grey water.

The following individuals provided comments in favor of the development: Irma Lopez; Clarine Jackson; Beth Cuico; Rick Conrad; David Cruz; Maria Efena Cruz; Terry Sellers; Lois Shefflette; Gil Estrada; Judy Sellers; Lupe Inquieuo; Ron Golden; Lydia Ledesma-Reese; Nathan Bautista; Larry Davison; Jurgen Gramckow; Stephen Szakos; Cami Pinsak; Jorge De Leon; Michael Szakos; Daniel Cobian; Mark Pettit (architect of project); Nancy Lindholm; Debra Cordes; Saul Medina; and Morey Navarro.

The following individuals presented concerns against the development: Lupe Banuelos; Jim Yarbrough; Nancy Pedersen; Larry Stein; James Joyce (Das Williams); Julie Pena; Ernesto Flores; Leticia Cruz; Mayra Martinez; Leonel Alfaro; Gustavo DeHaro (petition cards); Erick Espinosa; Janis McCormick; Shannon Gillespie McComb; Jean Rountree; Ed Ellis; Jim Hensley; Gil Guevara; Jim McComb; Denise Noel; Pieter Turley; Trevor Smith; Janet Bridgers; Daniel Hernandez; Diane Delaney; Alan Sanders; Michael Stubblefield; Terry Smith; Bruce Schoppe; Linda Krop; Mike de Martino; Eileen Tracy; Frank Nilsen; Daniel Lechliter; Linda Calderon; Karine Adalian; Pat Brown; Gloria Roman; William Terry; Bert Perello; Rudy Salvio; Derek McLaughlin; Jason Weiner (Wishtoyo Foundation); Daniel Pearson; Shirley Godwin; Larry Godwin; Lauro Barajas; Harold Ceja; Ignacio Vazquez; Joseph O'Neil; Edward Castillo; Jim Gilmer; and Martin Jones.

The City Council discussed the proposed development including water use, compatibility with the Point Mugu military base (Pt. Mugu), the upcoming approval of the 2030 General Plan, municipal planning and Ormond beach/wetland area.

Councilman Flynn made a presentation regarding development within South Oxnard area, park opportunities of Ormond Beach and the military activities at Pt. Mugu. He stated he had attended a conference with Councilmember Ramirez held at Channel Islands State University regarding the encroachment on military activities at Pt. Mugu especially with regard to noise of aircraft. Councilman Flynn stated for the record "placement of South Shore in the path of jet aircraft noise could compromise the future operations of the base."

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

G. REVIEW OF INFORMATION/CONSENT AGENDA

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Comments were received from: Larry Stein (I-8).

I. INFORMATION/CONSENT AGENDA

City Attorney

1. SUBJECT: Ordinance Regarding Administrative Hearings. (001)

RECOMMENDATION: Approve the first reading by title only and subsequent adoption of **Ordinance No. 2840** amending the title of Article II of Chapter 1 of the Oxnard City Code ("OCC") and adding Article V to Chapter 1 of the OCC concerning administrative hearings.

City Clerk Department

2. SUBJECT: Minutes of the Regular Meetings of the City Council for April 12 and 19, 2011. (007)

RECOMMENDATION: Approve.

City Manager

3. SUBJECT: Agreements for City Council Review. (019)

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.

4. SUBJECT: Proposition 84 Grant Round II – Old Oxnard High School Site. (023)

RECOMMENDATION: Adopt **Resolution No. 13,992** authorizing the City Manager to submit the grant contract to the State of California Department of Parks and Recreation under the Proposition 84 Round II in the amount of \$5,000,000 for improvements to the old Oxnard High School site (Campus Park) located at 309 South “K” Street, and certifying that the City will have sufficient funds to operate and maintain the project to be paid for with these grant funds.* (Mayor Holden and Councilman MacDonald abstain.)

5. SUBJECT: Scheduling of Public Hearing and Adoption of Resolutions to Declare Intent to Levy FY 2011-2012 Assessments for Landscape Maintenance District Nos. 1 through 3, and 7 through 26. (027)

RECOMMENDATION: 1) Adopt resolutions declaring City Council’s intention to levy FY 2011-2012 assessments for Landscape Maintenance Districts Nos. 1 through 3, and 7 through 26 in the following tracts: **Resolution No. 13,993**, Tract No. 2247, District No. 1 (Summerfield); **Resolution No. 13,994**, Tract Nos. 4065, 4164, 4355 and 4225, District No. 2 (Channel Islands Business Park); **Resolution No. 13,995**; Tract No. 3384, District No. 3 (River Ridge); **Resolution No. 13, 996**; Tract Nos. 4183 and 3943, District Nos. 7 and 8 (Northfield/Seagate Business Park); **Resolution No. 13,997**; Tract Nos. 3051-2, 3051-3, and 4351, District No. 9 (Strawberry Fields); **Resolution No. 13,998**, Tract No. 4405, District No. 10 (Country Club Estates); **Resolution No. 13,999**, Tract No. 4376, District No. 11 (St. Tropez); **Resolution No. 14,000**, Tract No. 4294 District No. 12 (Standard Pacific); **Resolution No. 14,001**, Tract No. 4424, District No. 13 (Le Village); **Resolution No. 14,002**, Tract No. 4492, District No. 14 (California Cove); **Resolution No. 14,003**, Tract No. 4443, District No. 15 (Pelican Pointe); **Resolution No. 14,004**, Tract No. 4810, District No. 16 (California Lighthouse); **Resolution No. 14,005**, Tract No. 4702, District No. 17 (Village of San Miguel); **Resolution No. 14,006**, Parcel Map Nos. 213-03-28 and 213-03-29, District No. 18 (St. John’s Regional Medical Center); **Resolution No. 14, 007**, Tract No. 4827, District No. 19 (Shopping at the Rose); **Resolution No. 14,008**, Parcel Map Nos. 231-020-200, 210, 240, District No. 20 (Wallenius Vehicle Preparation Center); **Resolution No. 14,009**, Tract No. 3384-7, 8, District No. 21 (Cypress Pointe); **Resolution No. 14,010**, Tract No. 4611, District No. 22 (McDonald’s Median); **Resolution No. 14,011**, Tract No. 4529, District No. 23 (Greystone); **Resolution No. 14,012**, Tract No. 4529, District No. 24 (Vineyards); **Resolution No. 14,013**, Tract No. 4840, District No. 25 (The Pointe) and **Resolution No. 14,014**, Parcel Map No. 94-5-25, District No. 26 (Albertson’s); and 2) Set a public hearing for June 28, 2011, on the levy of the proposed assessments in Landscape Maintenance District Nos. 1 through 3, and 7 through 26.* (Mayor Pro Tem Pinkard abstain only on section 3 and 16.)

6. SUBJECT: Adoption of Resolutions Levying FY 2011-2012 Assessments in Landscape Maintenance Districts Nos. 27 through 59. (031)

RECOMMENDATION: Adopt **Resolution No. 14,015 to Resolution No. 14,047** levying FY 2011-2012 assessments for Landscape Maintenance Districts Nos. 27 through 59.

7. SUBJECT: Request for Public Bid of GS10-19 Del Sol Park Walking Track Project. (135)

RECOMMENDATION: Approve Project Specification GS10-19 and authorize staff to solicit bids for the Del Sol Park Walking Track Project, located at 1500 Camino Del Sol.

8. SUBJECT: Request for Public Bid of GS10-22 Lemonwood Park Improvement Project. (137)
RECOMMENDATION: Approve Project Specification GS10-22 and authorize staff to solicit bids for the Lemonwood Park Improvement Project, located at 2055 East San Mateo Place.
9. SUBJECT: Request for Public Bid of GS10-20 Community Center Park West Snack Bar Reconstruction and Expansion Project. (139)
RECOMMENDATION: Approve Project Specification GS10-20 and authorize staff to solicit bids for the Community Center Park West Snack Bar Reconstruction and Expansion Project, located at 801 Hobson Way.
10. SUBJECT: First Amendment to Agreement with Penfield and Smith Engineers for the College Park Phase IC Project. (141)
RECOMMENDATION: 1) Approve and authorize the Mayor to execute a First Amendment to Agreement with Penfield and Smith Engineers (4761-09-CM) in the amount of \$42,750 for the College Park Phase IC Project, located at 3250 South Rose Avenue; and 2) Approve Special Budget Appropriation.
11. SUBJECT: Request for Public Bid of GS11-10 Oxnard Transportation Center Resurfacing Project. (159)
RECOMMENDATION: 1) Approve Project Specification GS11-10 and authorize staff to solicit bids for the Oxnard Transportation Center (OTC) Resurfacing Project for the turn around at the porte-cochere and east triangular parking lot, located at 200 East Fourth Street; and 2) Approve the appropriation of funds in the amount of \$96,776 from the Traffic Development Act (TDA) for resurfacing of Oxnard Transportation Center.
12. SUBJECT: Third Amendment to Agreement for On-Call Landscape Architect Services. (161)
RECOMMENDATION: Approve and authorize the Mayor to execute the Third Amendment to Agreement for On-Call Landscape Architect Services provided by Jordan, Gilbert & Bain Landscape Architects, Inc. (4734-09-CM).

Development Services Department

13. SUBJECT: Maintenance of Highway 101 Shoulders at Rice Ave/Santa Clara Ave Interchange (165)
RECOMMENDATION: Accept in concept the responsibility for pavement maintenance of five roadway shoulder areas on Highway 101 for 13 years within the Rice Avenue/Santa Clara Avenue interchange.
14. SUBJECT: Vacation of Bluefin Circle East of South Harbor Boulevard near the Channel Islands Harbor. (169)
RECOMMENDATION: Adopt **Resolution No. 14,048** summarily vacating Bluefin Circle right-of-way east of South Harbor Boulevard near the Channel Islands Harbor.

Finance Department

15. SUBJECT: Special Tax Levy for Community Facilities District No. 1 and No. 2 (Westport at Mandalay Bay). (177)
RECOMMENDATION: Remove from agenda.

16. SUBJECT: Special Tax Levy for Community Facilities District (CFD) No. 88-1 (Oxnard Town Center). (197)
RECOMMENDATION: Remove from agenda.
17. SUBJECT: Special Tax Levy for Community Facilities District No. 2000-3 (Oxnard Boulevard/Highway 101 Interchange). (201)
RECOMMENDATION: Remove from agenda.
18. SUBJECT: Special Tax Levy for Community Facilities District No. 6 (Northshore at Mandalay Bay). (211)
RECOMMENDATION: Remove from agenda.
19. SUBJECT: Special Tax Levy for Community Facilities District (CFD) No. 3 and No. 4 (Seabridge at Mandalay Bay) (217)
RECOMMENDATION: Remove from agenda.
20. SUBJECT: Special Tax Levy for Community Facilities District No. 5 (Riverpark). (235)
RECOMMENDATION: Remove from agenda.
21. SUBJECT: FY 2011-12 Property Tax Rate for Voter Approved Obligations. (237)
RECOMMENDATION: Remove from agenda.

Public Works Department

25. SUBJECT: Rubberized Asphalt Grant Program for Street Resurfacing. (259)
RECOMMENDATION: Approve the appropriation of funds in the amount of \$79,955.70 to include \$30,837.30 to the Gonzales Road Resurfacing Project, \$27,013.50 to the Rose Park Neighborhood Resurfacing Project, and \$22,104.90 to the Ormond Beach Neighborhood Project from the Rubberized Asphalt Grant Program.

INFORMATION/CONSENT AGENDA ACTION: Approved as recommended with agenda items 15, 16, 17, 18, 19, 20 and 21 removed from the agenda. (MacDonald/Holden) Ayes: MacDonald, Flynn, Ramirez, Holden, and Pinkard. Abstain: Holden and MacDonald only for item four; Pinkard only section three and sixteen of item 5.

J. TRANSMITTAL OF INFORMATION ONLY ITEMS

Finance Department

1. SUBJECT: Monthly Budget Status Report for the Period Ending April 30, 2011. (261)
ACTION: Received and filed.

HOUSING AUTHORITY

At 1:03 a.m. the concurrent meeting with the Housing Authority concluded.

K. INFORMATION/CONSENT PUBLIC HEARINGS

ACTION: Mayor Holden declared the public hearing open.

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

Development Services Department

1. SUBJECT: Planning and Zoning Permit No. 10-300-06 (Tentative Parcel Map), 2000/2001 Lockwood Street. Filed by Mike Penrod, McGaelic Group, C/O Parkstone Companies, 860 Hampshire Road, Suite U, Westlake Village, CA 91361. (275)

RECOMMENDATION: Adopt **Resolution No. 14,049** approving Planning and Zoning Permit No. 10-300-06 (Tentative Parcel Map), subject to certain findings and conditions.

DISCUSSION: The Development Services Director reviewed the proposed use of the property.

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

L. PUBLIC HEARINGS

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. (337)

RECOMMENDATION: Approve the first reading by title only and subsequent adoption of an ordinance 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.

ACTION: Continue to June 28, 2011 (Holden/MacDonald) unanimously.

At 1:08 a.m., Mayor Holden left the meeting and Mayor Pro Tem Pinkard presided.

K. INFORMATION/CONSENT PUBLIC HEARINGS

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

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

Police Department

2. SUBJECT: Recovery of Nuisance Abatement Costs. (291)

RECOMMENDATION: 1) Conduct a public hearing to consider objections of property owners whose property is to be assessed for nuisance abatement costs as stated in the cost report; 2) Approve the cost report; and 3) Direct the City Manager or designee to file a certified copy of the cost report with the Ventura County Auditor-Controller.

DISCUSSION: The Code Compliance Manager outlined the nuisance abatement process and answered questions of the City Council.

3. SUBJECT: Recovery of Civil Citation Fines. (295)

RECOMMENDATION: 1) Conduct a public hearing to consider objections of property owners liable to be assessed for civil citation fines stated in the cost report; 2) Approve the cost report; and 3) Direct the City Manager or designee to file a certified copy of the cost report with the Ventura County Auditor-Controller.

DISCUSSION: The Code Compliance Manager outlined the civil citation process and answered questions of the City Council.

The following individuals provided comments: Mohammad Alivandivaga; James Heath; Jack Fishenfeld; Bricio Zaragoza; Rudy Salvio; Harold Ceja; Samuel Corona; Larry Stein; and Bert Perello.

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

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

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

Public Works

4. SUBJECT: FY 2011-12 Assessments in Waterway Maintenance District. (309)

RECOMMENDATION: 1) Hold a public hearing to receive public testimony regarding proposed assessments for the Waterway Maintenance District for FY 2011-12; and 2) Adopt **Resolution No. 14,050** for FY 2011-12 fixing assessments for the Waterway Maintenance District.

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

O. REPORTS

City Manager Department

1. SUBJECT: Economic Development Corporation of Oxnard EDCO. (361)

RECOMMENDATION: Provide direction concerning the future involvement of EDCO in the economic development activities of the City of Oxnard.

ACTION: Continue to June 28, 2011.

Community Development Department

2. SUBJECT: Renewal/Boundary Modification of the Oxnard Downtown Management District. (385)

RECOMMENDATION: Adopt **Resolution No. 14,053** of Intention to renew and modify the boundaries of the Oxnard Downtown Management District ("ODMD") to be roughly – Second Street on the north; the railroad tracks/Oxnard Boulevard on the east, Wooley Road on the south and C Street/D Street on the west, and to levy and collect assessments therein and to hold a public hearing thereon on August 2, 2011.

DISCUSSION: The Community Development Director, City Attorney and Abel Magana, Oxnard Downtown Management District, commented on the election process and the need for a special meeting on August 2, 2011.

Comments were received from Larry Stein.

ACTION: Approved as recommended, (MacDonald/Pinkard), unanimously.

M. REPORT OF CITY MANAGER

N. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

P. PUBLIC COMMENTS ON REPORTS

Q. APPOINTMENT ITEMS

R. STUDY SESSION

S. PUBLIC COMMENTS ON STUDY SESSION

T. ADJOURNMENT

At 2:39 a.m. the City Council concurred to adjourn the meeting.


DANIEL MARTINEZ
City Clerk


DR. THOMAS E. HOLDEN
Mayor


IRENE G. PINKARD
Mayor Pro Tem