

MINUTES

OXNARD CITY COUNCIL

Regular Meeting

September 28, 2010

A. ROLL CALL/POSTING OF AGENDA

At 7:02 p.m., the regular meeting of the Oxnard City Council convened in the Council Chambers concurrently with the Community Development Commission. Councilmembers Thomas E. Holden, Andres Herrera, Dean Maulhardt, Irene G. Pinkard and Bryan A. MacDonald 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.

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. Staff members present were: Daniel Martinez, City Clerk; Edmund Sotelo, City Manager; Karen Burnham, Assistant City Manager; Alan Holmberg, City Attorney; Matthew Winegar, Development Services Director; Michelle Tellez, Human Resources Director; William "Bill" Wilkins, Housing Director; Curtis P. Cannon, Community Development Director; Sue Martin, Planning and Environmental Services Manager; and Martin Erickson, Legislative Affairs Manager.

E. CEREMONIAL CALENDAR

1. SUBJECT: Commendation Presented to Kay Swenson for over Seventeen Years of Outstanding Service to the City of Oxnard.

DISCUSSION: Kay Swenson thanked the Council, co-workers and introduced her husband who is also a former City employee.

2. SUBJECT: Presentation of a Proclamation Designating the Month of October, 2010, as "Multicultural Month."

DISCUSSION: Martha Guillen thanked the sponsors/volunteers who help make the event possible and invited everyone to the event.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Marvin Cayou, global climate and various items.

Ernest Stein, non-profit organizations, dumping along Teal Club Road and placement of political signs.

Trisha Munro, Del Norte annexation, against future development of Jones Ranch and need to study future sea level rise.

Edward Castillo, INCF Candidate Forum, and Knights of Columbus Civic Night event.

Armando Vasquez, police enforcement and police oversight.

Larry Stein, process to present documents on the agenda, traffic improvement, and placing Spanish translation on the agenda.

Daniel Lechliter, road improvement at Gonzales Road and Ventura Road intersection.

Bert Perello, City credit card use, replacement of traffic road reflectors, and civic night at Knights of Columbus hall.

G. REVIEW OF INFORMATION/CONSENT AGENDA

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Bert Perello expressed concern with the Stroube Street drainage (I-3) issue.

I. INFORMATION/CONSENT AGENDA

City Manager Department

1. SUBJECT: Approval of Associate Membership Agreement with the California Enterprise Development Authority. (001)
RECOMMENDATION: Adopt **Resolution No. 13,913** approving the execution and delivery of an Associate Membership Agreement with the California Enterprise Development Authority.
2. SUBJECT: Repealing and Replacement of Resolution No. 13,779 Regarding Urban Greening Grant. (007)
RECOMMENDATION: 1) Adopt **Resolution No. 13,914** repealing Resolution No. 13,799; 2) Adopt **Resolution No. 13,915** authorizing the City Manager to submit the grant contract to the State of California Department of Parks and Recreation under the Urban Greening Grant for Sustainable Communities Program in the amount of \$804,188 for tree planting in the downtown core area, and certifying that the City will have sufficient funds to maintain the project area to be paid for with these grant funds; and 3) Authorize the City Manager to appropriate grant funds upon award of the grant.

Community Development Department

3. SUBJECT: Infrastructure Reimbursements and Affordable Housing Assistance Memorandum of Understanding Regarding the Owner Participation Agreement for the RiverPark A Development which is adjacent to and North of the Highway 101 Freeway, East of the Santa Clara River. (013)
RECOMMENDATION: 1) Approve and authorize the Chairman to execute the Memorandum Of Understanding To Owner Participation Agreement (RiverPark)(A-7344) between the CDC and RIVERPARK A, LLC.; 2) Approve an infrastructure reimbursement special budget appropriation in the amount of \$1,302,816; and 3) Approve an affordable housing assistance special budget appropriation in the amount of \$684,815.

4. SUBJECT: Resolution to commend Paula Arceo for 22 years of service. (017)
RECOMMENDATION: Adopt **Resolution No. 13,916**.

Library Department

5. SUBJECT: Main Library Homework Center. (019)
RECOMMENDATION: Adopt **Resolution No. 13,917** authorizing the City Manager to accept a \$26,950 Library Services and Technology Act grant to be used for the establishment of a Main Library Homework Center with a City matching funds requirement.

Public Works Department

6. SUBJECT: Recycled Water Backbone System Phase I – Encroachment Permit. (037)
RECOMMENDATION: 1) Approve and authorize the Interim Public Works Director to execute an Encroachment Permit No. EP 10-064 in the amount of \$877,177 that grants the City of Oxnard the right to construct the Recycled Water Backbone System that lies within the jurisdiction of the City of Port Hueneme; and 2) Approve and authorize the Interim Public Works Director to place the property use fee portion of the encroachment fee (\$298,125) into an escrow account pursuant to an agreement with the City of Port Hueneme.

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

J. TRANSMITTAL OF INFORMATION ONLY ITEMS

Finance Department

1. SUBJECT: Monthly Budget Status Report for the Period Ending August 31, 2010. (039)
DISCUSSION: Larry Stein questioned the financial calculations.
ACTION: Reviewed and filed.

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.

Development Services Department

1. SUBJECT: Third Amendment to the RiverPark Development Agreement No. A-6128 (PZ 10-670-02). Filed by Tony Talamante c/o RiverPark Legacy LLC, for the development which is adjacent to and North of the Highway 101 Freeway, East of the Santa Clara River, on behalf of the RiverPark developers. (051)
RECOMMENDATION: Approve the first reading by title only and subsequent adoption of **Ordinance No. 2830** approving the Third Amendment to the RiverPark Development Agreement No. A-6128 (PZ 10-670-02), between the owners of the RiverPark Project and the City of Oxnard, and authorize the Mayor to execute the Third Amendment to the RiverPark Development Agreement after the second reading of the ordinance.

DISCUSSION: Bert Perello again questioned the Strouble Street drainage. The Development Services Director stated his belief that the Strouble Street drainage issue was in court and was about to be resolved.

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

L. PUBLIC HEARINGS

Mayor Holden opened the public hearing. The City Clerk reported on publication and that there were no written communications received.

Development Services Department

1. SUBJECT: Appeal of Planning and Zoning Permit No. 10-520-01 (Special Use Permit), Life of Victory Worship Center, 2041 Cabot Place. Filed by: Danielle Keys. (057)

RECOMMENDATION: Adopt a resolution granting the appeal and approving the Planning and Zoning Permit No. 10-520-01.

DISCUSSION: The Planning and Environmental Services Manager reviewed the proposed shared parking schedule and established parking hours.

The following individuals questioned parking and the impact to other businesses: Mory Navarro; Bert Perello; and Inez Tuttle.

ACTION: Close the public hearing. (Holden/Herrera) The City Council concurred to return this item to the Planning Commission.

Mayor Holden opened the public hearing. The City Clerk reported on publication and that there were no written communications received.

2. SUBJECT: The Anacapa Townhomes Project – Planning & Zoning Permit Nos. 08-400-04 (Coastal Development Permit), 09-300-01 (Tentative Subdivision Map), and 09-590-01 (Coastal Zone Variance) Located at the Northeast Corner of Harbor Boulevard and Wooley Road. Filed by Oxnard Shores Co., LLC. (087)

RECOMMENDATION: 1) Adopt a resolution upholding the Planning Commission's approval of the Coastal Development Permit (PZ No. 08-400-04) for the Anacapa Townhomes project, subject to the conditions set forth in Planning Commission Resolution No. 2010-15; 2) Adopt a resolution approving the Tentative Subdivision Map for Tract 5843 (PZ No. 09-300-01) for the Anacapa Townhomes project, subject to the conditions set forth in Planning Commission Resolution No. 2010-16; and 3) Adopt a resolution upholding the Planning Commission's approval of the Coastal Zone Variance (PZ No. 09-590-01) for the Anacapa Townhomes project, subject to the conditions set forth in Planning Commission Resolution No. 2010-17.

DISCUSSION: The Planning and Environmental Services Manager briefly reviewed the proposed development including parking, traffic, and density. The Development Services Director reviewed the street improvements and widening of bridge.

Mitch Kahn, attorney for Oxnard Shores Company, stated that that were no building conditions placed on the site.

The following individuals expressed concerns with the development: Pat Brown; Daniel Lechliter; Edward Casillo and Inez Tuttle.

The City Council discussed road conditions, parking, and bridge.

ACTION: Close the public hearing. (Holden/Herrera) The City Council concurred to continue to October 19, 2010 unanimously.

Mayor Holden opened the public hearing. The City Clerk reported on publication and that there were no written communications received.

3. SUBJECT: The Cuesta Del Mar Affordable Housing Project – Planning & Zoning Permit Nos. 10-570-02 (Zone Change), 10-535-01 (Density Bonus), and 10-540-01 (Planned Development) Located at 610 Cuesta Del Mar Drive. Filed by McCarthy Companies, agent for the Housing Authority of the City of Oxnard. (103)

RECOMMENDATION: 1) Adopt **Resolution No. 13,918** approving the Density Bonus (PZ No. 10-535-01) for the Cuesta Del Mar housing project, subject to the conditions set forth in Planning Commission Resolution No. 2010-23; 2) Adopt **Resolution No. 13,919** upholding the Planning Commission's approval of the Planned Development (PZ No. 10-540-01) for the Cuesta Del Mar housing project, subject to the conditions set forth in Planning Commission Resolution No. 2010-22; and 3) Approve the first reading by title only and subsequent adoption of **Ordinance No. 2831** approving a Zone Change (PZ No. 10-570-02) from R-3-PD to R-4-PD for the Cuesta Del Mar housing project, subject to the conditions set forth in Planning Commission Resolution No. 2010-24.

DISCUSSION: The Planning and Environmental Services Manager outlined the proposed development and zone change. Kathy Wilson, Housing Department, reviewed building codes, building plans, and parking requirements.

The following individuals expressed concerns with the planned design of the building: Bert Perello; Pat Brown and Inez Tuttle.

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

M. REPORT OF CITY MANAGER

1. SUBJECT: Update on the Early Retirement Incentive Program. (119)
RECOMMENDATION: Receive an update on the Early Retirement Incentive Program.
DISCUSSION: The Chief Financial Officer and Human Resources Director reviewed the current status of the program.

Bert Perello questioned the rehiring of retired employees.

ACTION: Provided comments and direction to staff.

N. CITY COUNCIL BUSINESS COMMITTEE REPORTS

1. SUBJECT: Strategies Based on Recent Inquiries from the District Attorney. (131)

RECOMMENDATION: Consider a report on the Strategies Based on Recent Inquiries from the District Attorney.

DISCUSSION: The City Manager outlined internal changes including a core management group, contract compliance review committee, and enhancement of employee training programs.

The following individuals expressed concerns with the District Attorney investigation: Bert Perello, Tim Flynn, Ernest Stein, Daniel Lechliter, and Inez Tuttle.

The City Council discussed financial controls, change order process, credit card limits, travel policies, and placing information online.

ACTION: Provide direction to staff.

- 2. SUBJECT: Proposition 19, an Initiative to Legalize Marijuana in California on the November 02, 2010 General Election Ballot. (143)

RECOMMENDATION: That City Council consider a report on Proposition 19, an initiative to legalize marijuana in California on the November 02, 2010 General Election Ballot.

DISCUSSION: The Legislative Affairs Manager reviewed the proposed ballot issue and possible effects on the City.

The following individuals expressed concerns with the City’s support of this ballot measure: Harold Ceja, Daniel Lechliter, and Al Vasquez.

ACTION: The Council received the report.

O. REPORTS

COMMUNITY DEVELOPMENT

At 11:23 p.m. the joint meeting with the Community Development Commission concluded.

P. PUBLIC COMMENTS ON REPORTS

Q. APPOINTMENT ITEMS

R. STUDY SESSION

S. PUBLIC COMMENTS ON STUDY SESSION

T. ADJOURNMENT

At 11:23 p.m. the City Council concurred to adjourn the meeting.