

MINUTES

OXNARD CITY COUNCIL Regular Meeting January 13, 2009

A. ROLL CALL/POSTING OF AGENDA

At 7:05 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. 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; James Cameron, Chief Financial Officer; Grace Magistrale Hoffman, Deputy City Manager; Sue Martin, Planning and Environmental Services Manager; Martin Erickson, Legislative Affairs Manager; Norma Owens, Grants Manager; Kymberly Horner, Management Analyst; and Jill A. Beaty, Assistant City Clerk.

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.

E. CEREMONIAL CALENDAR

1. SUBJECT: Presentation of Commendation to Irene Pinkard for Service on the Planning Commission.
DISCUSSION: Councilwoman Pinkard commented on her work as a Planning Commissioner for the community.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

William Terry, Santa Claus visiting community neighborhoods.

Ed Ellis, Holiday tree pick-up and Halaco site.

Robert and Sally Vera, over-crowded housing and immigration issues.

Denis O'Leary and Al Duff, Oxnard School District Trustees: elementary school schedule, City growth, and requested a joint study session.

John Korsten, property conservation issues.

Ernest Stein, reduction in City crime, and City staff help with the Tamale Festival.

Bert Perello, consider a time change for meetings of the CWEP for the community to have opportunities for input.

G. REVIEW OF INFORMATION/CONSENT AGENDA

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

I. INFORMATION/CONSENT AGENDA

City Clerk Department

1. SUBJECT: Minutes of the Regular Meetings of the City Council for November 25, and December 9 and 16, 2008. (001).
RECOMMENDATION: Approve.

Community Development Department

2. SUBJECT: **Ordinance No. 2790** Approving Planning and Zoning No. 06-570-09 to Change the Zone District From C-2-PD (General Commercial, Planned Development) to R-3-PD (Garden Apartment, Planned Development) for Two Parcels Located on the Northeast Corner of South Victoria Avenue and Hemlock Street (Mandalay Bay, LLC). (027).
RECOMMENDATION: Second Reading and Adoption.

Development Services Department

3. SUBJECT: **Ordinance No. 2791** Approving Planning and Zoning No. 07-570-05 (Zone Change) for Property Located at the Southwest Corner of the Rose Avenue and Gonzalez Road Intersection (Rose Ranch Commercial Project). (031).
RECOMMENDATION: Second Reading and Adoption.

Finance Department

4. SUBJECT: Sale of Real Property Located at 1200 Pacific Avenue. (033).
RECOMMENDATION: Approve the sale of property located at 1200 Pacific Avenue, to St. John the Baptist Coptic Orthodox Church of Oxnard for \$250,000, authorize the Mayor to execute a Grant Deed in connection therewith, and ratify the execution by the City Manager of the Vacant Land Purchase Agreement (A-7130), Counter Offer No. 1, and related documents.

Fire Department

5. SUBJECT: State Office of Traffic Safety Grant - FY 08/09 Application. (035).
RECOMMENDATION: Adopt **Resolution No. 13,585** authorizing the City Manager to submit an application for approximately \$300,000 in State of California Office of Traffic Safety Grant funds for the Extrication Equipment Project.

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

J. TRANSMITTAL OF INFORMATION ONLY ITEMS**City Manager Department**

1. **SUBJECT:** Executed Contracts. (039).
ACTION: Received and filed.

K. INFORMATION/CONSENT PUBLIC HEARINGS**L. PUBLIC HEARINGS**

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

Community Development Department

1. **SUBJECT:** *Extension of Plan Effectiveness Deadlines and the Tax Increment Receipt Deadlines for the Redevelopment Plans for the Southwinds Project Area, Ormond Beach Project Area, Merged Downtown Renewal (R-108) and Central City Revitalization Project (CCRP) Area Pursuant to Health and Safety Code Subsections 33333.6(e)(2) and 33333.6(e)(3) and findings concerning Educational Revenue Augmentation Fund Payments. (041).*
RECOMMENDATION: (1) Approve the first reading by title only and subsequent adoption of **Ordinance No. 2792** to amend the Redevelopment Plan for the Southwinds Project Area to extend certain time limits in accordance with Health and Safety Code subsections 33333.6 (e)(2) and 33333.6(e)(3); (2) Approve the first reading by title only and subsequent adoption of **Ordinance No. 2793** to amend the Redevelopment Plan for the Ormond Beach Project Area to extend certain time limits in accordance with Health and Safety Code subsections 33333.6 (e)(2) and 33333.6(e)(3); and (3) Approve the first reading by title only and subsequent adoption of **Ordinance No. 2794** to amend the Redevelopment Plan for the R-108 and CCRP Area to extend certain time limits in accordance with Health and Safety Code subsections 33333.6(e)(2) and 33333.6(e)(3).
DISCUSSION: The Management Analyst outlined the reasons the extensions were needed for the redevelopment plans.

Shirley Godwin, development of the wetlands visitation site at Ormond Beach.

Larry Godwin, need for proper signage and fencing at the Ormond Beach area, especially at the former Halaco site, and concerns regarding graffiti.

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

COMMUNITY DEVELOPMENT

At 8:07 p.m. the concurrent meetings with the Community Development Commission concluded.

The City Attorney stated that the City Council may hear agenda items L-2 and L-3 simultaneously. Mayor Holden opened the public hearing for both L-2 and L-3. The City Clerk reported on publications and that there were no written communications received.

Development Services Department

2. **SUBJECT:** Appeal of Planning Commission Action on Vineyard-Ventura Homes Project for Development of 201 Residential Units on Vacant Property, Located at 1801 Vineyard Avenue. Filed by Casden Properties LLC. (059).
- RECOMMENDATION:** 1) Adopt **Resolution No. 13,586** approving PZ 07-620-01 (General Plan Amendment) to amend the land use designation, from Community Commercial to Low Medium Density Residential. Adoption of the resolution would occur in consultation with approval of general plan amendments for the adjacent Casden development project, as well as the Tucker and Rose Ranch and development projects; 2) Adopt **Resolution No. 13,587** approving Planning and Zoning Permit No. 06-630-01 (Specific Plan Amendment) an amendment to the Northwest Community Specific Plan (NWCSP) area to eliminate the requirement for a 5,000 square foot community center and to permit residential uses on the site instead of commercial-oriented uses; and to change to the NWCSP map to designate the site as "Sub-Area 2, Residential"; 3) Approve the first reading by title only and subsequent adoption of **Ordinance No. 2795** approving Planning and Zoning Permit No. 06-570-02 (Zone Change) to change the zoning from C-2-PD (General Commercial, Planned Development) to R-2-PD (Low-Medium Density, Planned Development); 4) Adopt **Resolution No. 13,588** approving Planning and Zoning Permit No. 06-540-01 (Special Use Permit), subject to certain findings and conditions; 5) Adopt **Resolution No. 13,589** approving Planning and Zoning Permit No. 06-300-01 (Tentative Subdivision Map for Tract No. 5672), subject to certain findings and conditions; and 6) Approve the first reading by title only and subsequent adoption of **Ordinance No. 2797** an ordinance approving Planning and Zoning Permit No. 07-670-01 (Development Agreement) for the proposed development project. Adoption of the Development Agreement ordinance would occur as part of Planning and Zoning Permit No. 07-670-02 (adjacent Casden development project Development Agreement) (**A-7121**).
- DISCUSSION:** The Development Director reviewed the proposed single family homes and townhomes development including specific plan amendments, public improvements, traffic fees, traffic improvements, and floor plans.

Darrel Emory, Casden Properties, commented on: the project history, reduction of commercial properties, neighborhood meetings, general plan improvements, no negative traffic impacts, in-lieu fees, recreation areas, site design, land dedications, and landscaping.

3. **SUBJECT:** Appeal of Planning Commission Action on Ventura Townhomes Project for Development of 143 Residential Units on Vacant Property, Located at 2501 North Ventura Road. Filed by Casden Properties LLC. (097).
- RECOMMENDATION:** 1) Adopt **Resolution No. 13,586** approving PZ 07-620-04 (General Plan Amendment) to amend the land use designation, from Commercial Specialized RS to Medium Density Residential. Adoption of the resolution would occur in consultation with approval of general plan amendments for the adjacent Casden development project, as well as the Tucker and Rose Ranch and development projects; 2) Adopt **Resolution No. 13,590** approving Planning and Zoning Permit No. 07-630-02 (Specific Plan Amendment) and approve an amendment to the NWCSP to change the mix of land uses envisioned within the area, known as "Sub-Area 3", from a mixed-use area to "Sub-Area 3, Residential"; 3) Approve the first reading by title only and subsequent adoption of **Ordinance No. 2796** approving Planning and Zoning Permit No. 07-570-03 (Zone Change) to change the zoning from C-2-PD (General Commercial, Planned Development) to R-3-PD (Low-Medium Density, Planned Development); 4) Adopt **Resolution No. 13,591** approving Planning and Zoning Permit No. 07-540-03 (Special Use Permit),

subject to certain findings and conditions; 5) Adopt **Resolution No. 13,592** approving Planning and Zoning Permit No. 07-300-11 (Tentative Subdivision Map for Tract No. 5765), subject to certain findings and conditions; and 6) Approve the first reading by title only and subsequent adoption of **Ordinance No. 2797** approving Planning and Zoning Permit No. 07-670-02 (Development Agreement) for the proposed development project. Adoption of this ordinance would occur as part of Planning and Zoning Permit No. 07-670-01 (Development Agreement) (**A-7121**).

DISCUSSION: The Development Services Director briefly reviewed the proposed project including roadway improvements, traffic circulation, bike lane, and remediation of soil.

Darrel Emory, Casden Properties, commented on: site design, landscaping, landscape space, elevations (including garages) and recreation areas.

The following individuals supported the development plans (L-2 and L-3): Otto Kanny; Dale Dean; Ernest Stein; Betty Alvarez Ham; Don Facciano; Joe Virnig; David Dreher; Julio Gomez; Robert Sumpter; Nancy Lindholm and Tom Cady.

The following individuals opposed these developments: Charles Bauman; Jean Joneson; and Bert Perello.

ACTION: Close the public hearing. (Herrera/Pinkard) Approved as recommended both items with conditions to add certain language before map approval (Herrera/Maulhardt) Ayes: Herrera, Maulhardt, Pinkard, MacDonald and Holden.

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

4. SUBJECT: Appeal of Planning and Zoning Permit No. 08-510-09 (Special Use Permit) for the Sale of Beer and Wine for On Site Consumption at an Existing Restaurant, Located at 128 East Sixth Street. Filed by Juvenal Correa. (133).

RECOMMENDATION: Adopt **Resolution No. 13,593** denying the approval of Planning and Zoning Permit No. 08-510-09, to permit the sale of beer and wine for on site consumption at 128 East Sixth Street.

At 9:25 p.m., Councilwoman Pinkard left meeting due to a possible conflict of interest.

DISCUSSION: The Planning and Environmental Services Manager reviewed the location of the restaurant, floor plan, and local businesses in the area.

Juvenal Correa, applicant, requested approval of the permit to sell beer and wine to increase the success of his business.

The following individuals supported denying the permit for beer and wine: Soledad Ruiz, Meta District; Juanita Lopez; Inez Blanco; Carlos Rodriguez; Nancy Pederson; Lucy Cartagena; Pat Brown; Bert Perello; and Charles Bauman.

The following individuals supported approval of the permit: Scott Swenson; Emily Clausen; Carmen Lucio; Mary Howard; Cathy Hernandez; Javier Aguilera; Marianne Carl; Ernest Stein; and Christan Quezada.

The City Council commented on the location of the Meta Street residents, Police conditions that would be placed on the site, and community concerns.

ACTION: Close the public hearing. (Herrera/Pinkard) Adopt the recommendation (Herrera/Maulhardt) Ayes: Maulhardt, MacDonald, Holden, and Herrera. Abstain: Pinkard.

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

Finance Department

5. **SUBJECT:** Low and Moderate Income Needs Assessment - FY 2009-2010 Annual Action Plan, Second Annual Plan Component of the FY 2008-2013 Consolidated Plan. (157).
RECOMMENDATION: Conduct a public hearing to receive comments and provide direction to staff concerning unmet needs of low and moderate income persons for housing, public facilities and economic development.
DISCUSSION: The Grants Manager reviewed the action plan, purpose of the plan, annual plans, collection of data, past priorities, and definitions of low and very low income.

The following individuals supported the Annual Action Plan: Lee Staniland; Kristy Pollard, Food Share; and Nicole Norori, Cabrillo Housing.

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

M. REPORT OF CITY MANAGER

The City Manager stated a Coastal Commission Peaker Plant hearing would be held to consider an appeal by Edison to be scheduled in April.

N. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

Development Services Department

4. **SUBJECT:** Response to the Notice of Preparation of an Environmental Impact Report for the California Health Care Facility, Located at 3100 Wright Road. (183).
RECOMMENDATION: Sign the attached letter and instruct staff to transmit it to the California Prison Health Care Receivership.
DISCUSSION: The Development Services Director reviewed the effect: 1) providing water service; 2) healthcare issues; 3) greenhouse effect; and 4) other concerns.

David Maron, in support.

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

City Clerk Department

1. **SUBJECT:** Appointments to Boards, Commissions and Committees. (161).
RECOMMENDATION: (1) That the Mayor, with approval of the City Council, appoint: (a) eleven members to the Commission on Homelessness; (b) five members to the Library Board; (c) seven members to the Parks and Recreation Commission; and (d) nine members to the Senior Services Commission; and (2) That the City Council appoint: (a) seven members to the Commission on Community Relations; (b) one member to the Mobilehome Park Rent Review Board; and (c) three members to the Planning Commission.
ACTION: The City Council concurred to continue the selection of the Commission on Homelessness and Senior Services Commission to a future date. The City Council appointed the following positions: Commission on Community Relations: Mike Baxter, Tiffany Lopez, Bruce Mitchell, Steven M. Ramirez, Margaret Reyes, Kenneth Robinson, John Sherwood; Mobilehome Park Rent Review Board, Roger Rider; Library Board: Dr. Lorraine Chaparro, Jean Gentry, Yvette Stein, Louie W. Tejada, and Norma Van Riper; Parks and Recreation Commission: Johnnie Barber, Edgar Leroy Cobb, Armando Garcia, Paul Lemos, Bedford Pinkard, Gloria Postel, and Dirk Voss; and Planning Commission: Saul Medina, Patrick L. Mullin, and Michael F. Sanchez.

2. **SUBJECT:** Appointments of Councilmembers to Various Boards, Commissions, and Committees. (173).
RECOMMENDATION: That the Mayor, with the approval of the City Council, appoint members and alternates from the City Council to the (a) Association of Water Agencies for Ventura County; (b) Base Realignment and Closure 2005 Ventura County Task Force; (c) Beach Erosion Authority for Control of Operation & Nourishment; (d) Big Independent Cities Excess Pool Joint Powers Authority; (e) Economic Development Corporation; (f) Gold Coast Transit; (g) Intercity Transit (subcommittee of Ventura County Transportation Commission); (h) Joint Oxnard/Ventura Cooperative Committee; (i) Joint Oxnard/Ventura Santa Clara Bridge Committee; (j) Ormond Beach Property Oversight Ad Hoc Committee; (k) Oxnard Convention & Visitors Bureau; (l) Oxnard Plain/RiverPark Reclamation and Recharge Joint Powers Authority; (m) Performing Arts and Convention Center Corporation; (n) Point Mugu Regional Airport Authority; (o) Regional Defense Partnership for the 21st Century; (p) Southern California Association of Governments; (q) Ventura Council of Governments; (r) Ventura County Animal Regulation Commission; (s) Ventura County Regional Energy Alliance; (t) Ventura County Air Pollution Control District Board; (u) Ventura County Local Agency Formation Commission; (v) Ventura County Transportation Commission; (w) Channel Islands Harbor Task Force; (x) City Wide Enhancement Program; (y) Downtown Improvement Task Force; (z) Graffiti Task Force; (aa) Homeless Plan Working Group; (bb) Transportation Policy Committee; and (cc) Water Task Force; and (2) That the City Council, as a whole, appoint Councilmembers to the (a) Oxnard Airport Authority; and (b) Fiscal Policy Task Force.
ACTION: The City Council concurred to appoint members as follows:

Mayor Holden: Big Independent Cities Excess Pool Joint Powers Authority; Channel Islands Harbor Task Force; Downtown Improvement Task Force; Economic Development Corporation; Gold Coast Transit; Graffiti Task Force; Ormond Beach Property Oversight Ad Hoc Committee; Oxnard Plain/RiverPark Reclamation and Recharge Joint Powers Authority - (Alternate); Ventura Council of Governments; Ventura County Air Pollution Control District; and Water Task Force.

Mayor Pro Tem Herrera: City Wide Enhancement Program; Fiscal Policy Task Force; Intercity Transit (subcommittee Ventura County Transportation Commission VISTA); Joint Oxnard/Ventura Cooperative Committee; Las Cortes Housing Development Corporation; Ormond Beach Property Oversight Ad Hoc Committee- (Alternate); Oxnard Airport Authority; Oxnard Convention & Visitors Bureau; Performing Arts Center Corporation; Point Mugu Regional Airport Authority - (Alternate); Oxnard Plain/RiverPark Reclamation and Recharge Joint Powers Authority; Regional Defense Partnership for the 21st Century; Transportation Policy Committee; Ventura County Regional Energy Alliance; and Ventura Regional Sanitation District.

Councilmember Maulhardt: Association of Water Agencies for Ventura County; Economic Development Corporation; Fiscal Policy Task Force; Joint Oxnard/Ventura Santa Clara Bridge Committee; Performing Arts Center Corporation; Oxnard Plain/RiverPark Reclamation and Recharge Joint Powers Authority; Southern California Association of Governments - (Alternate); Transportation Policy Committee; Ventura County Regional Energy Alliance (Alternate); Ventura County Transportation Commission and Water Task Force.

Councilwoman Pinkard: Beach Erosion Authority for Control of Operation & Nourishment (Alternate); Channel Islands Harbor Task Force; City Wide Enhancement Program; Graffiti Task Force; Joint Oxnard/Ventura Cooperative Committee; Joint Oxnard/Ventura Santa Clara Bridge Committee; Ormond Beach Property Oversight Ad Hoc Committee; Oxnard Airport Authority (Alternate); Oxnard Convention & Visitors Bureau - (Alternate); Point Mugu Regional Airport Authority; Ventura Council of Governments - (Alternate); Ventura County Animal Regulation Commission - (Alternate); and Ventura Regional Sanitation District - (Alternate).

Councilman MacDonald: Association of Water Agencies for Ventura County (Alternate); Beach Erosion Authority for Control of Operation & Nourishment; Downtown Improvement Task Force; Gold Coast Transit (Alternate); Homeless Plan Working Group; Las Cortes Housing Development Corporation; Oxnard Airport Authority; Regional Defense Partnership for the 21st Century - (Alternate); Southern California Association of Governments; Ventura County Animal Regulation Commission; and Ventura County Local Agency Formation Commission.

O. REPORTS

City Manager Department

1. SUBJECT: Collection and Administration of the City's Local Option Sales Tax. (191).
RECOMMENDATION: (1) Adopt **Resolution No. 13,594** authorizing the Mayor to execute agreements (**A-7131 & A-7132**) with the State Board of Equalization (Board) for collection of the one-half cent local option sales tax; and (2) Adopt **Resolution No. 13,595** authorizing the City's sales tax advisor (Hinderliter deLlamas) to receive transaction data from the Board in providing the same revenue management services to the City for the local option sales tax as our "regular" sales tax revenues.
DISCUSSION: The Legislative Affairs Manager reviewed the necessary actions to implement the new sales tax.

Bert Perello, Southbank Neighborhood, requested INCF representation on the oversight committee.

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

Finance Department

- 2. SUBJECT: Comprehensive Annual Financial Report for Fiscal Year 2007-2008. (203).
RECOMMENDATION: Receive and file the City of Oxnard Comprehensive Annual Financial Report for FY 2007-2008.
DISCUSSION: The Chief Financial Officer outlined the CAFR report including services provided, infrastructure assets, revenues, general fund activities, sales taxes, and property taxes.
ACTION: The City Council received and filed the report.

P. PUBLIC COMMENTS ON REPORTS

Q. APPOINTMENT ITEMS

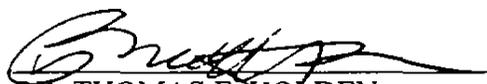
R. STUDY SESSION

S. PUBLIC COMMENTS ON STUDY SESSION

T. ADJOURNMENT

At 11:14 p.m. the City Council concurred to adjourn the meeting.


DANIEL MARTINEZ
City Clerk


DR. THOMAS E. HOLDEN
Mayor