

MINUTES

OXNARD CITY COUNCIL

Regular Meeting

February 2, 2010

A. ROLL CALL/POSTING OF AGENDA

At 7:03 p.m., the regular meeting of the Oxnard City Council convened in the Council Chambers. Councilmembers Andres Herrera, Dean Maulhardt, Irene G. Pinkard and Bryan A. MacDonald were present. Mayor Thomas E. Holden was absent. The City Clerk stated that the agenda was posted on Thursday in the Library and City Clerk's Office. Mayor Pro Tem Herrera 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; Ken Ortega, Public Works Director; John Crombach, Police Chief; Matthew Winegar, Development Services Director; James Cameron, Chief Financial Officer; Grace Magistrale Hoffman, Deputy City Manager; Martin Erickson, Legislative Affairs Manager; and Chris Williamson, Senior Planner.

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 **Resolution No. 13,769** to Mike Matlock for Thirty Years of Service with the City. (001)
ACTION: Approved as recommended. (Maulhardt/Herrera) unanimously.
2. SUBJECT: Chamber of Commerce "Award of Excellence" Recognition
DISCUSSION: Tom Cady, Chamber of Commerce past president, recognized Martin Erickson, Legislative Affairs Manager, for his work within the City which include transportation issues, FEMA Flood Map issues and other intergovernmental activities.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Martin Glatt requested discussions with City Manager regarding Seabridge financial issues, parks and bridges.

Ed Ellis, the new City of Camarillo 55-acre recreational park site which included 11 soccer fields and 2 baseball fields.

John Korsten commented on collection and storing water.

Martin Jones questioned the developer's financial support of the RiverPark Landscape Maintenance District.

Robert and Sally Vera, concerns that illegal immigrants were using community services.

Harold Ceja, called for individuals to express community concerns to the City Council.

Pat Brown, poor road conditions on Wooley Road.

Larry Stein, appointment of Measure "O" Committee and use of the funds.

Rudy Salvio, opposed the closure of Colonia Road at Oxnard Boulevard and requested Spanish simulcast of Council meetings.

G. REVIEW OF INFORMATION/CONSENT AGENDA

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Trish Munro, water needs for landscaping (I-6).

I. INFORMATION/CONSENT AGENDA

City Treasurer Department

1. SUBJECT: Quarterly Investment Report for the Second Quarter Fiscal Year (FY) 2009-2010. (003)
RECOMMENDATION: Accept the Quarterly Investment Report for the Second Quarter FY 2009-2010.
2. SUBJECT: Ordinance Regulating Massage Professionals and Massage Businesses or Establishments. (009)
RECOMMENDATION: (1) Approve the first reading by title only and subsequent adoption of an **Ordinance No. 2823** amending Subdivision (J) of Section 11-232, the first sentence and Subdivision (C) of Section 11-234, Subdivision (B) of Section 11-235, Subdivision (B) of Section 11-236, Subdivisions (B) and (C) of Section 11-238, the title and first paragraph of Section 11-242, Subdivisions (C) and (D) of Section 11-244, and Subdivision (A) of Section 11-246 of the Oxnard City Code (OCC), repealing and readopting Subdivision (B) of Section 11-157, Subdivision (E) of Section 11-235, and Sections 11-239 and 11-243 of the OCC, and adding Subdivision (G) of Section 11-235, Subdivision (D) of Section 11-236 and Section 11-248 to the OCC regarding massage professionals and massage businesses or establishments.

Development Services Department

3. SUBJECT: **Ordinance No. 2821** approving PZ 06-560-01, to Pre-Zone Property Located at 481-491 Ventura Boulevard (APN 145-0-211-15, -17) to C-2-PD (Commercial General, Planned Development), Subject to Certain Findings and Conditions. Filed by John Parezo, Cal-Am Planning and Design. (019)

RECOMMENDATION: Second reading and adoption.

Finance Department

4. SUBJECT: Sale of Vacant Land Located at 4201 West Hemlock Street. (023)
RECOMMENDATION: (1) Approve the sale of property located at 4201 West Hemlock Street (the Property), to Nation Wide Property Holdings, LLC in the amount of \$750,000, authorize the Mayor to execute a Grant Deed in connection therewith, ratify the execution by the City Manager of the Vacant Land Purchase Agreement (**A-7214**) and joint escrow instructions and related documents, and approve the receipt of a Promissory Note and Deed of Trust in the amount of \$50,000 associated with the sale of the Property; and (2) Authorize the Mayor to execute a Grant of Easement document in conjunction with the sale of the Property, to convey title to the Boat Dock Easement along the Property.

Public Works Department

5. SUBJECT: Hueneme Road Widening Project – Right-of-Way Acquisition. (039)
RECOMMENDATION: Approve and authorize the Mayor to execute the Right-of-Way Purchase Agreement in the amount of \$100,000 and accept an easement deed for property that is located at the south side of Hueneme Road immediately east of Saviers Road from the Hoskins Brothers Trucking Company (A-7253).
6. SUBJECT: **Ordinance No. 2822** Adopting Water Efficient Landscaping Standards. (055)
RECOMMENDATION: Second reading and adoption.

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

J. TRANSMITTAL OF INFORMATION ONLY ITEMS

L. PUBLIC HEARINGS

2. SUBJECT: Adoption of the Final Draft Oxnard 2030 General Plan (PZ 10-620-01) and Adoption of Statement of Overriding Considerations and Findings of Fact Related to the 2030 General Plan Final Program Environmental Impact Report (PEIR).
ACTION: Remove from calendar. (Maulhardt/MacDonald) Ayes: Pinkard, MacDonald, Herrera and Maulhardt. Absent: Holden.

O. REPORTS

City Manager Department

1. SUBJECT: Support for City's Fiscal Year (FY) 2011 Federal Funding Requests. (083)
RECOMMENDATION: (1) Execute a letter of support for the following FY 2011 federal funding requests: Levee Project in the Santa Clara River Floodplain, Intelligent Transportation Systems, Traffic Mitigation Program, Groundwater Recovery Enhancement and Treatment Program, College Park Master Plan, Comprehensive Critical Assets Remote

Surveillance Program, Colonia Branch Library Expansion; and (2) Authorize the City Manager to prepare the requisite grant applications for these projects.

DISCUSSION: The Legislative Affairs Manager briefly reviewed past funding requests and current funding of several projects.

Bert Perello questioned the signing of the letter by Councilmembers who live within the FEMA flood map. The City Attorney requested time to review the signing of Councilmembers who live in the FEMA flood map.

ACTION: Approved as recommended with the removal of recommendation number one from the letter of support until City Attorney provides a legal opinion. (Maulhardt/Pinkard). Ayes: MacDonald, Herrera, Maulhardt, and Pinkard. Absent: Holden

M. REPORT OF CITY MANAGER

The City Manager reported Fire Department CERT classes will be starting to teach residents basic fire fighting techniques.

K. INFORMATION/CONSENT PUBLIC HEARINGS

L. PUBLIC HEARINGS

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

DISCUSSION: The City Clerk reported on posting, publication and that there were 10 written communications received.

Development Services Department

1. SUBJECT: Certification of the 2030 General Plan Final Program Environmental Impact Report (PEIR) (EIR No. 09-01) (SCH 2007041024). (075)

RECOMMENDATION: (1) Hold a hearing to take public comment on the PEIR for the Final Draft 2030 Oxnard General Plan (2030 General Plan); (2) Consider and make determinations regarding the environmental impacts of the proposed land use designations of the 107-acre parcel located at 1853 Camino Del Sol; and (3) Adopt **Resolution No. 13,770** certifying the Final PEIR (No. 09-01) for the 2030 General Plan.

DISCUSSION: The City Attorney reviewed the possible conflict of interest of Councilmember Maulhardt regarding property located at 1853 Camino Del Sol and procedures regarding Councilmember Maulhardt not participating in the public hearing regarding this property.

The Development Services Director and Senior Planner reviewed past actions, time-line to reach readiness for certification, the final PEIR which would provide future development policies, and alternates. He commented various issues including major comments and responses, Ormond Beach Wetlands, PEIR, CEQA Process, Housing Element, Local Coastal Plan, Ground Water Credits, projected school sites, and military base concerns.

RECESS

At 8:38 p.m., the City Council recessed and at 8:47 p.m., the City Council reconvened

Various public comments opposing the PEIR approval was received from Richard Francis, Harold Ceja, Karen Kraus, Ed Ellis, Eileen Tracy, Catherine McCalvin, William Terry, Tim Flynn, Larry Stein, Jorge Gutierrez, Anthony Monreal, Teri Muro, Terry Stubbfield, Janice McCormick, Jean Roundtree, Joseph O'Neill, Martin Jones, Shirley Godwin, Bert Perello, Jason Weiner, Larry Godwin, Al Duff, Pat Brown, Edward Castillo.

At 8:51 p.m., Councilmember Maulhardt left the meeting due to a possible conflict of interest and at 8:53 p.m., Councilmember Maulhardt returned to the meeting.

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

DISCUSSION: The City Attorney asked if the Councilmembers had any issues regarding the Maulhardt property. With no Councilmembers having questions or issues regarding the Maulhardt property, the Maulhardt property issue was removed from the Council public hearing discussion.

RECESS

At 10:07 p.m., the City Council recessed and at 10:19 p.m., the City Council reconvened

The City Council commented on: PEIR process, placement of future school sites, EPA view of Ormond Beach, airport restriction issues, community water issues, projected population growth, and overall future City growth.

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

N. CITY COUNCIL COMMISSION BUSINESS COMMITTEE REPORTSHousing Department

1. SUBJECT: Appointments to Commission on Homelessness. (081)
RECOMMENDATION: Continue to future meeting.
ACTION: Approved unanimously.

P. PUBLIC COMMENTS ON REPORTSQ. APPOINTMENT ITEMSR. STUDY SESSIONS. PUBLIC COMMENTS ON STUDY SESSION

T. ADJOURNMENT

At 10:39 p.m. the City Council concurred to adjourn the meeting.

DANIEL MARTINEZ
City Clerk

ANDRES HERRERA
Mayor Pro Tem