

MINUTES

OXNARD CITY COUNCIL Regular Meeting June 8, 2010

A. ROLL CALL/POSTING OF AGENDA

At 6:04 p.m., the regular meeting of the Oxnard City Council convened in the Council Chambers. Councilmembers Thomas E. Holden, Andres Herrera, Irene G. Pinkard and Bryan A. MacDonald were present. Councilmember Dean Maulhardt was absent. 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; and Alan Holmberg, City Attorney.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

C. CLOSED SESSION

At 6:05 p.m. the City Council recessed to a closed session, pursuant to Government Code section 54956.9(a) to confer with its attorneys. The title and case number of the litigation being discussed were Oxnard School District v. D.R. Horton Los Angeles Holding Co., et al., Ventura County Superior Case No. 56-2008-00320518-CU-MC-VT; and In re the Late Claim Application of Progressive Insurance as Subrogee for Patrick Sullivan, City Claim No. 2010-0068

The City Council also recessed to a closed session, pursuant to Government Code section 54956.9(b). At this time, there is a significant exposure to litigation against the City in one potential case.

At 6:54 p.m. the City Council reconvened and recessed to the evening session.

D. OPENING CEREMONIES

At 7:04 p.m., the regular meeting of the Oxnard City Council reconvened in the Council Chambers, concurrently with the Community Development Commission, and Housing Authority. The meeting opened with the pledge of allegiance to the flag of the United States by American Heritage Girls Troop 2911, followed by a moment of silence. Mayor Holden presided. Additional staff members present were: Matthew Winegar, Development Services Director; James Cameron, Chief Financial Officer; Michael Henderson, General Services Manager; and Martin Erickson, Legislative Affairs Manager.

E. CEREMONIAL CALENDAR

1. **SUBJECT:** Presentation Designating the City of Oxnard as a Storm Ready Community.
DISCUSSION: Deborah O'Malia, Disaster Preparedness Coordinator; Mark Jackson, Meteorologist National Weather Service; Eric Boldt, Warning Coordination Meteorologist National Weather Service; commented of the City being storm ready and the high standards to which the City is being recognized.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Lew Soratorio, The Filipino American Council of Ventura County, invited the Councilmembers and public to several Philippine Independence Celebration activities including flag raising ceremony on June 10 in front of City Hall and art exhibit held from June 11-27.

Nancy Alfaro, thanked the City Council for the efforts to place a signal light at Victoria Avenue and Glum Tree and the improved bus service.

The following individuals requested the City Council review St. John's Hospital ability to be a Trauma Center for western Ventura County and review the selection process: Janet O'Leary, Richard Handin and Leila Yodkouik.

Thomas Duncan supported the selection of VCMC as the trauma center.

Steve Carrol, Administrator for Ventura County Emergency Medical Services Agency, reviewed the RFP selection of trauma center and the appeal process.

Nancy Yanez invited the community to the annual Ed Hunt Picnic 11- 3 p.m., July 11, 2010, at 1601 South Harbor Blvd.,

Angel Diaz questioned the City's sewer rates.

Cyndie Cole questioned comments made by St. John's Hospital supporters.

John Korsten, importing water from other states.

Larry Stein, head count report not available for review.

The following individuals opposed recent legislation (Arizona SB 1070) passed by Arizona regarding immigration and requested this issue be place on a future: Armando Vasquez, Jim Yarbrough, Elliott Gabriel, Teotl Gaitia, Priscila Cisneros, Francisco Romero, and Lauro Barrajas.

N. CITY COUNCIL/COMMITTEE REPORTS

The City Council stated 1) that St. John's Hospital was being considered as a Trauma Center; 2) the need to hear both positions on the selection issue; and 3) requested a special meeting. The City Manager stated that a special meeting could be held on Thursday with the approval of the City Council to discuss the Trauma Center issue. The City Council concurred to have a special meeting on June 10.

Councilman MacDonald commented on the need to review City's tobacco regulations. The City Council asked that current regulations be forwarded to the City Council.

ITEMS REMOVED FROM AGENDA

The City Manager requested the I-5 and L-3 be removed from the agenda. The City Council concurred remove I-5 (RiverPark Affordable Housing) and L-5 (Street renaming) from the agenda.

G. REVIEW OF INFORMATION/CONSENT AGENDAH. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Bert Perello, safety equipment, restroom requirements and financial requirements (I-3). The General Services Manager explained the Rio School District agreement regarding recreation fields and workers having access to restrooms and safety equipment

Larry Stein asked that elections refunds be made within 90 days of publication of candidate statements and the required payment by removed (I-2).

Pat Brown opposed the car wash facility (I-6) and affect street traffic.

I. INFORMATION/CONSENT AGENDACity Clerk Department

1. SUBJECT: Minutes of the Regular Meetings of the City Council for April 13, 20 and 27, May 4, 11 and 18, 2010. (001)
2. SUBJECT: Resolutions to Call the November 2, 2010 Regular Municipal Election. (045)
RECOMMENDATION: (1) Adopt **Resolution No. 13,811** calling a regular municipal election for November 2, 2010, for the purpose of electing municipal officers; requesting consolidation with the Statewide general election on November 2, 2010; requesting the County Clerk to render services and supplies; and authorizing the Board of Supervisors to canvass the returns; and (2) Adopt **Resolution No. 13,812** establishing rules to govern submission of candidates' statements.

City Manager Department

3. SUBJECT: General Services Department Landscape Intern Program. (053)
RECOMMENDATION: Approve and authorize the City Manager to execute an agreement with the Ventura County Probation Agency for the Landscape Intern Program.

Development Services Department

6. SUBJECT: Appeal of Planning and Zoning Permit No. 09-550-13 (Major Modification to Special Use Permit No. 479), Chevron Carwash, 2251 North Oxnard Boulevard. Filed By Mark Di Cecco, AIA. (077)
RECOMMENDATION: Adopt **Resolution No. 13,813** upholding the appeal and approving Planning and Zoning Permit No. 09-550-13, consistent with the Council's vote at the May 18, 2010 meeting.

Fire Department

7. SUBJECT: Purchase Order for Self Contained Breathing Apparatus Air. (093)
RECOMMENDATION: Authorize the Mayor to sign a Change Order in the amount of \$4,649 to Purchase Order 003495 for the purchase of self contained breathing apparatus air bottles from L.N. Curtis and Sons, increasing the Purchase Order to \$314,852.05.

Public Works Department

8. SUBJECT: Third Amendment to Agreement with Aquatic Bioassay and Consulting Laboratories, Inc. for Receiving Water Monitoring Services. (099)
RECOMMENDATION: Approve and authorize the Mayor to execute the Third Amendment to the Agreement with Aquatic Bioassay and Consulting Laboratories, Inc. (ABC Labs) (A-6892) to increase the amount by \$279,240 for a total of \$1,116,960 for receiving water monitoring services and extend the contract expiration date to June 30, 2011.

Recreation and Community Services Department

9. SUBJECT: Acceptance of Additional Senior Nutrition Grant Funds from the County of Ventura Area Agency on Aging. (103)
RECOMMENDATION: Recognize and appropriate \$91,556 in Senior Nutrition Grant Funds from the County of Ventura Area Agency on Aging.

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

J. TRANSMITTAL OF INFORMATION ONLY ITEMSFinance Department

1. SUBJECT: Monthly Budget Status Report for the Period Ending April 30, 2010. (107)
DISCUSSION: Larry Stein questioned the reported amounts. The Chief Financial Officer reported this was a snap shot of City financials and not an end of year report.
ACTION: Receive and file.

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: Planning and Zoning Permit No. 10-670-01 amending a Development Agreement for property located at 705-711-747 Oxnard Boulevard and known as the Colonial Mixed-Use Building. Filed by Mike Sanchez. (117)
RECOMMENDATION: Approve the first reading by title only and subsequent adoption of **Ordinance No. 2808** approving and authorizing the Mayor to execute the First Amendment to the Development Agreement (A-7112) for the Colonial Mixed-Use Building.
DISCUSSION: Larry Stein, traffic impact report for this project. The Mayor stated this was a minor modification which would not change the past traffic impact report.

Pat Brown opposed the proposed development apartments and need for tourism sites.

Bert Perello questioned the need for a staff report. The Development Services Director stated there is a staff report and the adjustments would increase affordable housing, decrease of commercial use, increase in parking and additional tot lot site.

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

2. SUBJECT: Planning and Zoning Permit No. 10-500-02 (Major Modification to Special Use Permit). Filed by Doug Kubiske.
RECOMMENDATION: Remove from agenda.
ACTION: The City Council concurred to remove from agenda.

L. PUBLIC HEARINGS

Mayor Holden opened the public hearing. The City Clerk reported on publication and that there was one email received.

City Manager Department

1. SUBJECT: Public Hearing and Adoption of Resolutions to Levy Fiscal Year (FY) 2010-2011 Assessments for Landscape Maintenance District Nos. 1 through 3, and 7 through 26. (137)
RECOMMENDATION: (1) Hold a public hearing to receive public testimony regarding the proposed FY 2010-2011 assessments for Landscape Maintenance District Nos. 1 through 3, and 7 through 26; and (2) Adopt resolutions for FY 2010-2011 confirming assessments for Landscape Maintenance District Nos. 1 through 3, and 7 through 26 in the following tracts: (a) **Resolution No. 13,814** Tract No. 2247, District No. 1 (Summerfield); (b) **Resolution No. 13,815** Tract Nos. 4065, 4164, 4355 and 4225, District No. 2 (Channel Islands Business Park); (c) **Resolution No. 13,816** Tract No. 3384, District No. 3 (River Ridge); (d) **Resolution No. 13,817** Tract Nos. 4183 and 3943, District Nos. 7 and 8 (Northfield/Seagate Business Park); (e) **Resolution No. 13,818** Tract Nos. 3051-2, 3051-3, and 4351, District No. 9 (Strawberry Fields); (f) **Resolution No. 13,819** Tract No. 4405, District No. 10 (Country Club Estates); (g) **Resolution No. 13,820** Tract No. 4376, District No. 11 (St. Tropez); (h) **Resolution No. 13,821** Tract No. 4294, District No. 12 (Standard Pacific); (i) **Resolution No. 13,822** Tract No. 4424, District No. 13 (Le Village); (j) **Resolution No. 13,823** Tract No. 4492, District No. 14 (California Cove); (k) **Resolution No. 13,824** Tract No. 4443, District No. 15 (Pelican Pointe); (l) **Resolution No. 13,825** Tract No. 4810, District No. 16 (California Lighthouse); (m) **Resolution No. 13,826** Tract No. 4702, District No. 17 (Village of San Miguel); (n) **Resolution No. 13,827** Parcel Map Nos. 213-03-28 and 213-03-29, District No. 18 (St. John's Regional Medical Center); (o) **Resolution No. 13,828** Tract No. 4827, District No. 19 (Shopping at the Rose); (p) **Resolution No. 13,829** Parcel Map Nos. 231-020-200, 210, 240, District No. 20 (Wallenius Vehicle Preparation Center); (q) **Resolution No. 13,830** Tract No. 3384-7, 8, District No. 21 (Cypress Pointe); (r) **Resolution No. 13,831** Tract No. 4611, District No. 22 (McDonald's Median); (s) **Resolution No. 13,832** Tract No. 4529, District No. 23 (Greystone); (t) **Resolution No. 13,833** Tract No. 4529, District No. 24 (Vineyards); (u) **Resolution No. 13,834** Tract No. 4840, District No. 25 (The Pointe); and (w) **Resolution No. 13,835** Parcel Map No. 94-5-25, District No. 26 (Albertson's)*.

DISCUSSION: The General Services Manager asked the City Council to hold a public hearing and adopt resolutions.

Larry Stein, effect of landscape districts in the community, no cost analysis, audits needed, and need to review payrolls costs.

ACTION: Close the public hearing. (Holden/Herrera)

DISCUSSION: The City Council commented that the City has made efforts for many years to make sure the landscape districts get the best work and rates possible for the site.

ACTION: Approved as recommended. (Herrera/MacDonald) Ayes: MacDonald, Holden, Herrera, and Pinkard. Absent: Maulhardt. Abstain: Pinkard only on district three*.

Mayor Holden opened the public hearing. The City Clerk reported on publication and that there was one received.

2. SUBJECT: Levy of Fiscal Year (FY)2010-2011 Assessments in Mandalay Beach Maintenance District. (207)

RECOMMENDATION: (1) Hold a public hearing to receive public testimony regarding the proposed FY 2010-2011 assessments for the Mandalay Beach Maintenance District; and (2) Adopt **Resolution No. 13,836** fixing the special assessment tax in the Mandalay Beach Maintenance District for FY 2010-2011.

DISCUSSION: Bert Perello questioned if audits were done on landscape districts.

Larry Stein, cost of beach clean-up and this district should have a reduction of service costs.

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

Development Services Department

3. SUBJECT: Request to Rename a Portion of Laurel Street to Coach C Lane (PZ No. 10-650-1). Filed by Morey Navarro. (217)

RECOMMENDATION: Deny a request to change the street name of a portion of Laurel Street (between Saviers Road and C Street) to Coach C Lane.

ACTION: The City Council concurred to continue this item to a future meeting.

COMMUNITY DEVELOPMENT AND HOUSING AUTHORITY

At 8:31 p.m. the concurrent meetings with the Community Development Commission and Housing Authority concluded.

M. REPORT OF CITY MANAGER

The City Manager commented on: General Plan Workshop with topics of Housing Element and Economic Development, June 16; Uplift Program for Windsor North and Ter Estates have been postponed; Oxnard PAL National Boxing Tournament; current construction of water pipeline on south bound Ventura Road, and closure of Rice Avenue/101 Highway ramps due to construction.

O. REPORTS**City Manager Department**

1. **SUBJECT:** Gold Coast Transit (GCT) Fiscal Year (FY) 2010-11 Capital and Operating Budget. (221)

RECOMMENDATION: Support the GCT FY 2010-11 proposed capital and operating budget in an amount not to exceed \$4,257,160 for fixed route service, senior and disabled paratransit service, and the capital program.

DISCUSSION: The Legislative Affairs Manager reviewed the budget, annual ridership, and level of services provided including a new Victoria Avenue route.

Larry Stein, street seating needed while waiting for bus.

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

P. PUBLIC COMMENTS ON REPORTS**Q. APPOINTMENT ITEMS****R. STUDY SESSION****S. PUBLIC COMMENTS ON STUDY SESSION****F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA**

Gary Blum, invited the public to the Heritage Square concert series which would include a concert at Plaza Park in conjunct with Salsa Festival and Petit Playhouse events.

Pat Brown, future hospital upgrade requirements should be considered when selecting a trauma center.

T. ADJOURNMENT

At 9:03 p.m. the City Council concurred to adjourn the meeting.