

MINUTES  
OXNARD CITY COUNCIL  
Regular Meeting  
June 19, 2007

A. ROLL CALL/POSTING OF AGENDA

At 5:39 p.m., the regular meeting of the Oxnard City Council convened in the Council Chambers. Councilmembers Thomas E. Holden, Dean Maulhardt, John C. Zaragoza, Andres Herrera, and Timothy B. Flynn were present. The Assistant 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: Ed Sotelo, City Manager; Karen Burnham, Assistant City Manager; Grace Magistrale Hoffman, Deputy City Manager; Gary L. Gillig, City Attorney; and Jill A. Beaty, Assistant City Clerk.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

C. CLOSED SESSION

At 5:41 p.m. the City Council recessed to a closed session, pursuant to Government Code section 54956.9(a), to confer with its attorneys. The titles and case numbers of the litigation discussed are City of Oxnard v. USA Transport, Inc., et al, Ventura County Superior Court Case No. CIV 246116 and City of Oxnard v. Republic Services, Inc., Sacramento County Superior Court Case No. 05AS03411.

Based on existing facts and circumstances and on the advice of the City Attorney, the City Council also recessed to a closed session, pursuant to Government Code section 54956.9(c), to decide whether to initiate litigation in one potential case.

The City Council also recessed to a closed session, pursuant to Government Code section 54956.8, to give instructions to its negotiator, Edmund Sotelo, City Manager, regarding the price and terms of payment for the potential lease by the City of 1,280 acres of real property located approximately 16 miles northwest of Wasco, California in Kern County to John Konda.

The City Council also recessed to a closed session, pursuant to Government Code section 54956.8, to give instructions to its negotiator, Edmund Sotelo, City Manager, and Mike More, Financial Services Manager, regarding the price and terms of payment for the potential sale by the City of property located at 3139 South J Street to Imeda Galvez or to Hilario Lopez and Juana Alegrian.

The City Council also recessed to a closed session, pursuant to Government Code section 54957, to evaluate the performance of the City Manager.

At 7:06 p.m. the City Council recessed to the evening session.

D. OPENING CEREMONIES

At 7:06 p.m. the concurrent meeting with the Community Development Commission opened with the pledge of allegiance to the flag of the United States, led by Nick Kern, recipient of Marine Corps scholarship to attend U.C.L.A., followed by a moment of silence. Staff present included: Cyndi Hookstra, Management Analyst III; Matt Winegar, Development Services Director; Anthony Emmert, Water Resources Manager; and Ken Ortega, Public Works Director.

E. CEREMONIAL CALENDAR

- 1. SUBJECT: Presentation by Our Lady of Guadalupe Elementary School.  
DISCUSSION: Lee Cobb, Parks & Recreation Commissioner, and Armando Morales, 4<sup>th</sup> grade student, presented picture of Mayor Holden.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

G. REVIEW OF INFORMATION/CONSENT AGENDA

Joe Obregon, Executive Director, Promotoras y Promotoras Foundation, an event on July 20<sup>th</sup>  
 Harold Ceja, streets disrepair in La Colonia  
 John Korsten, residential property issues  
 Maria Collier, Chairperson, Commission on Homelessness, selection of agencies that serve the homeless  
 Ed Ellis, potential development at Saviers and E. Laurel  
 Alice Madrid, Chairperson, Bartolo Square North Neighborhood, needed streets repair  
 Phil Molina, private court case  
 Barbara Dubkin, appearance of Channel Islands Harbor  
 Pat Brown, bus drop-off/pick-up at Oxnard Boulevard and Fifth Street

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

I. INFORMATION/CONSENT AGENDA

City Clerk Department

- 1. SUBJECT: Minutes of the Regular Meetings of City Council for April 24, May 1, May 8, and May 15, 2007.(001)  
RECOMMENDATION: Approve.

Community Development Department

- 2. SUBJECT: Ordinances to Amend Four Redevelopment Plans to Include Eminent Domain Program Description and Statements to be Recorded in Compliance with Health and Safety Code Sections 33342.7 and 33373.(029)

RECOMMENDATION: That City Council approve the first reading by title only and subsequent adoption of **Ordinances Nos. 2737, 2738, 2739, 2740** to amend each of the City's Redevelopment Plans to include an eminent domain program description in compliance with Health and Safety Code Sections 33342.7 and 33373.

Finance Department

3. SUBJECT: Special Tax Levy for Community Facilities Districts (CFD) Nos. 1 and 2 (Westport at Mandalay Bay). (077)  
RECOMMENDATION: Acting as the legislative body of (CFD) Nos. 1 and 2: (1) Adopt **Resolution No. 13,276** setting a special tax rate within CFD No. 1 (Westport at Mandalay Bay) for Fiscal Year (FY) 2007-2008; and (2) Adopt **Resolution No. 13,277** setting a special tax rate within CFD No. 2 (Westport at Mandalay Bay) for FY 2007-2008.
4. SUBJECT: Special Tax Levy for Community Facilities Districts (CFD) Nos. 3 and 4 (Seabridge at Mandalay Bay). (099)  
RECOMMENDATION: Acting as the legislative body of (CFD) Nos. 3 and 4: (1) Adopt **Resolution No. 13,278** setting a special tax rate within CFD No. 3 (Seabridge at Mandalay Bay) for Fiscal Year (FY) 2007-2008; and (2) Adopt **Resolution No. 13,279** setting a special tax rate within CFD No. 4 (Seabridge at Mandalay Bay) for FY 2007-2008.
5. SUBJECT: Special Tax Levy for Community Facilities District (CFD) No. 5 (Riverpark). (115)  
RECOMMENDATION: Acting as the legislative body of (CFD) No. 5 adopt **Resolution No. 13,280** setting a special tax rate within CFD No. 5 (Riverpark) for Fiscal Year 2007-2008.
6. SUBJECT: Special Tax Levy for Community Facilities District (CFD) No. 6 (Northshore at Mandalay Bay). (117)  
RECOMMENDATION: Acting as the legislative body of CFD No. 6 adopt **Resolution No. 13,281** setting a special tax rate within CFD No. 6 (Northshore at Mandalay Bay) for Fiscal Year 2007-2008.
7. SUBJECT: Fiscal Year (FY) 2007-08 Property Tax Rate for Voter Approved Obligations. (123)  
RECOMMENDATION: Adopt **Resolution No. 13,282** establishing the FY 2007-08 tax rates on property in the City of Oxnard for the payment of voter approved obligations.
8. SUBJECT: Special Tax Levy for Community Facilities District No. 2000-3 (Oxnard Boulevard/Highway 101 Interchange). (127)  
RECOMMENDATION: Acting as the legislative body of Community Facilities District No. 2000-3 ("CFD No. 2000-3"), adopt **Resolution No. 13,283** setting a special tax rate within CFD No. 2000-3 (Oxnard Boulevard/Highway 101 Interchange) for Fiscal Year 2007-2008.
9. SUBJECT: Special Tax Levy for Community Facilities District (CFD) No. 88-1 (Oxnard Town Center). (133)

RECOMMENDATION: Acting as the legislative body of CFD No. 88-1, adopt **Resolution No. 13,284** setting a special tax rate within CFD No. 88-1 (Oxnard Town Center) for Fiscal Year 2007-2008.

10. SUBJECT: Interest Rate Swaps Agreement on Existing Variable Rate Bonds. (137)  
RECOMMENDATION: (1) Adopt **Resolution No. 13,285** authorizing the execution and delivery of a Swap Agreement (**A-6889**) between the City Of Oxnard and Royal Bank of Canada pertaining to the outstanding City of Oxnard Financing Authority Variable Rate Demand Lease Revenue Bonds, 2003 Series B, and authorizing certain actions in connection therewith; and (2) Adopt **Resolution No. 13,286** authorizing the execution and delivery of a Swap Agreement (**A-6890**) between the City of Oxnard and Royal Bank of Canada pertaining to the outstanding City Of Oxnard Financing Authority Variable Rate Demand Wastewater Revenue Bonds (Headworks And Septic System Conversion Projects), 2004 Series B, and authorizing certain actions in connection therewith.

Human Resources Department

11. SUBJECT: Contract for Professional Services with ComCo Management, Inc.(147)  
RECOMMENDATION: Continue to June 26, 2007.

Library Department

12. SUBJECT: Appropriation of Anticipated Library Department Revenues.(149)  
RECOMMENDATION: Approve the appropriation of anticipated excess revenues in the amount of \$75,000 from the Library's Document Processing Fees as follows: (1) \$53,000 to the Library Circulation Services Program for postage, supplies, and professional services; (2) \$10,000 to the Library Information/Reference Services Program for electronic database subscriptions; and (3) \$12,000 to the Library Literacy Outreach Program for anticipated overexpenditure in personnel expenses.

Public Works Department

13. SUBJECT: Agreement for Professional Services with Aquatic Bioassay & Consulting Laboratories, Inc.(153)  
RECOMMENDATION: Approve and authorize the Mayor to execute an agreement (**A-6892**) with Aquatic Bioassay and Consulting Laboratories, Inc., in the amount of \$279,240 for receiving water monitoring services.
14. SUBJECT: Adoption of Resolutions Levying FY 2007-2008 Assessments for Landscape Maintenance Districts Nos. 27 through 58. (155)  
RECOMMENDATION: Adopt **Resolutions Nos. 13,287 through 13,318** levying FY 2007-2008 assessments for Landscape Maintenance Districts Nos. 27 through 58.

INFORMATION/CONSENT AGENDA ACTION: Approved as recommended (Maulhardt/Holden); Ayes: Holden, Maulhardt, Zaragoza, Herrera, and Flynn.

J. TRANSMITTAL OF INFORMATION ONLY ITEMS

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K. INFORMATION/CONSENT PUBLIC HEARINGSL. PUBLIC HEARINGSFinance Department

1. SUBJECT: Public Hearing to Consider Oxnard's Fiscal Year 2007-2008 Annual Action Plan (the Plan), Component of the 2003-2008 Consolidated Plan, including Applications to the U.S. Department of Housing and Urban Development (HUD) and Projected Use of Community Development Block Grant (CDBG), HOME Investment Partnership Act (HOME) and Emergency Shelter Grant (ESG) Funds.  
RECOMMENDATION: Continue to June 26, 2007.  
ACTION: Approved recommended action (Holden/Maulhardt); unanimous.

Public Works

2. SUBJECT: FY 2007-2008 Assessments in Waterway Maintenance District (205)  
RECOMMENDATION: (1) Hold a public hearing to receive public testimony regarding proposed assessments for the Waterway Maintenance District for FY 2007-08; and (2) Adopt **Resolution No. 13,319** for FY 2007-08 fixing assessments for the Waterway Maintenance District.  
ACTION: The Mayor opened the public hearing.  
DISCUSSION: The Assistant City Clerk reported on publication and that no written comments were received.  
ACTION: Closed public hearing (Holden/Herrera); approved recommended action (Herrera/Zaragoza); Ayes: Maulhardt, Zaragoza, Herrera, Flynn, and Holden.

M. REPORT OF CITY MANAGER

- 1) Chamber of Commerce naming Police Chief Crombach Man of the Year; 2) American Red Cross classes on disaster services operations; 3) Oxnard Shores underground lighting project.

N. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

- 1) Channel Islands Harbor issues, 2) when studies are released to the City Council and the public; and 3) using neighborhood senior citizens to assist Code Compliance efforts. The City Council concurred to direct staff to bring a future study session.

COMMUNITY DEVELOPMENT COMMISSION

At 8:15 p.m. the concurrent meeting with the Community Development Commission concluded.

O. REPORTS

Development Services Department

- 1. SUBJECT: Pilot Curb Cut Program for the Bartolo Square North and South, and Hill Street Neighborhoods (209)

RECOMMENDATION: 1) Authorize the implementation of a pilot curb cut and front yard driveway program in the Bartolo Square North and South, and Hill Streets Neighborhoods; and 2) Direct the City Attorney to prepare a "Green Lawn" Ordinance.

DISCUSSION: The Development Services Director reviewed the findings of the Bartolo Square Neighborhood Conservation Task Force and features of the pilot program, including 1) permits would be required for new curb cuts and driveways; 2) illegal curb cuts would have to be replaced to comply with City standards; 3) prior to issuance of encroachment permit, garages would be inspected to confirm usage complies with City zoning ordinance; 4) there would be a limit in size of front yard driveways; and 5) when driveways intersect with public sidewalks, they must comply with American with Disabilities Act. The Green Lawn ordinance would apply City-wide, place limits on front-lawn paving, and dictate maintenance requirements thereof.

Walter Ontiveros, Daniel Terronez, Alice Madrid, Nancy Pedersen, Brian Serros, Luis Tejada, and Ventura Fernandez supported.

ACTION: Approved (Zaragoza/Herrera); Ayes: Zaragoza, Flynn, Herrera, Holden, and Maulhardt.

P. PUBLIC COMMENTS ON REPORTS

RECESS

At 8:48 p.m. the City Council concurred to recess and at 8:57 p.m. the meeting resumed.

Q. APPOINTMENT ITEMS

R. STUDY SESSION

Public Works

- 1. SUBJECT: Financial Assistance for Property Owners in Septic to Sewer Conversion Project Areas. (213)

RECOMMENDATION: Consider a report and provide direction to the Public Works Director regarding financial assistance to property owners in the Septic to Sewer Conversion Project Areas.

DISCUSSION: The Water Resources Manager reported that property owners must abandon the septic system, make plumbing changes to connect to sewer laterals, pay for plumbing and inspection fees and sewer connection fees, as well as any repairs due to trenching. Estimated expenses are \$7,500 to \$15,000 per parcel. Options to reduce financial impacts of City connection and permit fees (estimated to be \$4,000) include 1) adding a surcharge on the owner's utility bill over an extended period; or 2) placing a lien or a silent second on the

property, at no-interest, to be paid at sale of property or sooner. There may be options to finance on-site work (from house to sidewalk), including Community Development Block Grants or private financing. Countrywide Home Loans has proposed a low or no cost loan, at market rate or below interest.

Carlos Navasoli and Bert Perello commented.

Council comments included discussion on differences the County is proposing to charge to other neighborhoods. There will be a single City contact person to take residents through the entire process.

ACTION: The City Council heard the report and provided comments.

2. SUBJECT: Comprehensive Utilities Rate Increases.(217)

RECOMMENDATION: Review and provide preliminary comments to the Public Works Director to implement a two-step rate increase for the Water Resources Division (Water and Wastewater Services), which would include three percent (3%) increases in Fiscal Year 2007-08 and in Fiscal Year 2008-09 and a five percent (5%) rate increase in FY 2007-08 for the Environmental Resources Division.

DISCUSSION: The Public Works Director reiterated short and long-term goals and discussed challenges of maintaining operating reserves, asset management, salaries/benefits, and services/supplies. The ending fund balance in FY 07-08 currently is positive. Staff proposes increases as follows: In Water rates, a 2-step 3 percent each for the next two years; in Wastewater rates, 2-step 3 percent each for the next two years; and in Environmental Resources Division rates a one-time 5 percent rate adjustment beginning November 1.

Council comments: Transportation Development Act funds should only be used as a stop-gap and only for a limited time; rate study should be based on current rate structure for best analysis.

Bert Perello commented. The Public Works Director responded.

ACTION: The City Council heard the report and provided comments.

S. PUBLIC COMMENTS ON STUDY SESSION

T. ADJOURNMENT

At 10:15 p.m. the City Council concurred to adjourn the meeting.

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JILL A. BEATY  
Assistant City Clerk

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THOMAS E. HOLDEN  
Mayor

MINUTES

OXNARD CITY COUNCIL  
Regular Meeting  
June 26, 2007

**DRAFT**

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, Dean Maulhardt, John C. Zaragoza, Andres Herrera, and Timothy B. Flynn were present. The Assistant 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: Edmund Sotelo, City Manager; Gary L. Gillig, City Attorney; and Jill Beaty, Assistant City Clerk.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

C. CLOSED SESSION

At 5:34 p.m. the City Council recessed to a closed session, pursuant to Government Code section 54956.8, to give instructions to its negotiators, Edmund Sotelo, City Manager, and Mike More, Financial Services Manager, regarding the price and terms of payment for the potential sale by the City of a single family residence located at 1826 Channel Islands Boulevard to Mark Ratto.

The City Council also recessed to a closed session, pursuant to Government Code section 54956.8, to give instructions to negotiators, Edmund Sotelo, City Manager, and Ken Ortega, Public Works Director, regarding the price and terms of payment for the potential lease by the City of approximately thirteen acres of real property located at the northwest corner of Del Norte Boulevard and Sturgis Road to Cal Mat Company, a Delaware corporation, dba Vulcan Materials Company, Western Division.

The City Council also recessed to a closed session, pursuant to Government Code section 54957.6, to give instructions to negotiators, Lynn Hutton, Acting Human Resources Director, and Dennis Scala, Special Assistant to the City Manager, regarding salaries, salary schedules or compensation paid in the form of fringe benefits for employees represented by the International Association of Firefighters AFL-CIO, Local 1684, and the Service Employees International Union (SEIU), Local No. 998, and other matters within the scope of representation.

At 7:03 p.m. the City Council reconvened and recessed to the evening session.

D. OPENING CEREMONIES

At 7:05 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, followed by a moment of silence. Additional staff members present were: Daniel Martinez, City Clerk; Ken Ortega, Public Works Director; Curtis P. Cannon, Community Development Director; Matt

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Winegar, Development Services Director; Sal Gonzalez, Housing Director; Sue Martin, Planning and Environmental Services Manager; Grace Magistrale Hoffman, Deputy City Manager; Michael Henderson, Maintenance Services Branch Manager; Anthony Emmert, Water Resources Manager; Norma Owens, Grants Manager; Dirk Voss, Code Compliance Manager; and Jason M. Samonte, Traffic Engineer.

#### ITEMS REMOVED FROM AGENDA

The City Manager requested that PZ 05-300-01 (K-1) and Third Amended Participation Agreement (O-1) be removed from the agenda and rescheduled to July 10, 2007.

ACTION: Moved to remove these items (Holden/Maulhardt) Approved unanimously.

#### E. CEREMONIAL CALENDAR

1. SUBJECT: Presentation of a **Resolution No. 13,320** Commending Tony Hernandez for 38 Years of Service with the City of Oxnard. (001)

RECOMMENDATION: Approve.

ACTION: Approved as recommended. (Maulhardt/Holden) Ayes: Holden, Maulhardt, Zaragoza, Herrera, and Flynn.

#### F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

William Terry, defeat of the proposed liquefied natural gas (LNG) facility terminal.

Penny Boehm, events at Channel Islands Harbor and future development.

Phil Molina, past legal case.

Nancy Yanez, invited the public to the annual picnic at the Ed Hunt Rehab. Point at Oxnard Beach Park.

Trisha Munro, requested workshop style meeting for Ormond Beach Specific Plan.

Ron Rowen, Ventura County Economic Development Association, opposed the proposed traffic initiative.

Ed Ellis, stylus of burned building on Saviers Road and time to review the College Park report.

Mary Eillen de Luca, thanked the City Council for helping to resolve her storage problems.

John Korsten, lien on property.

Larry Stein, various financial issues.

Pat Brown, opposed Peaker Plant in Oxnard.

Ralph James, commented on the positive progress of the City including growth and development.

Nancy Pedersen, community meeting regarding Ormond Beach development.

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

Pat Brown questioned if more trucking parking (I-13) could be created.

I. INFORMATION/CONSENT AGENDACity Clerk Department

2. SUBJECT: Agreement for Publication of Legal Notices and Legal Advertisements and for Publication Agreements of Display Advertisements and Classified Advertisements. (013)  
RECOMMENDATION: (1) Approve and authorize the Mayor to execute an agreement with Ventura County Star Newspaper (Star) {**A-6896**} for publication of legal notices and legal advertisements for Fiscal Year (FY) 2007-08; and (2) Authorize the City Manager or designee to negotiate and execute agreements with other newspapers to allow for the publication of legal advertisements, display advertisements and classified advertisements for FY 2007-08.

Community Development Department

3. SUBJECT: **Ordinance No. 2737**, Describing the Community Development Commission's Program to Acquire Property By Eminent Domain within the Merged Downtown Renewal (R-108) and Central City Revitalization Project Area Pursuant to California Health and Safety Code Section 33342.7(a). (027)  
RECOMMENDATION: Second reading and adoption.
4. SUBJECT: **Ordinance No. 2738**, Describing the Community Development Commission's Program to Acquire Property by Eminent Domain within the Historical Enhancement and Revitalization of Oxnard Redevelopment Project Area Pursuant to California Health and Safety Code Section 33342.7(a). (031)  
RECOMMENDATION: Second reading and adoption.
5. SUBJECT: **Ordinance No. 2739**, Describing the Community Development Commission's Program to Acquire Property by Eminent Domain within the Southwinds Project Area Pursuant to California Health and Safety Code Section 33342.7(a). (035)  
RECOMMENDATION: Second reading and adoption.
6. SUBJECT: **Ordinance No. 2740**, Describing the Community Development Commission's Program to Acquire Property by Eminent Domain within the Ormond Beach Project Area Pursuant to California Health and Safety Code Section 33342.7(a). (039)  
RECOMMENDATION: Second reading and adoption.
7. SUBJECT: Resolution Approving Levy and Collection of Assessments for Fiscal Year (FY) 2007-08 within the Oxnard Downtown Management District. (043)  
RECOMMENDATION: Adopt **Resolution No. 13,321** ordering the levy and collection of assessments within the Oxnard Downtown Management District for FY 2007-08.

Police Department

10. SUBJECT: Appropriation of Peace Officer Standards and Training (P.O.S.T.) Police Training Funds. (063)  
RECOMMENDATION: Recognize revenue in the amount of \$96,075 in the POST Reimbursement Training Fund and appropriate these funds to the Oxnard Police Department Training Program to support police training requirements through the end of Fiscal Year 2006-2007.
11. SUBJECT: Application for COPS Technology Program Grant. (065)  
RECOMMENDATION: Adopt **Resolution No. 13,322** authorizing the City Manager to submit an application for \$3,000,000 in U. S. Department of Justice Community Oriented Policing Services (COPS) grant funds to be used for acquisition of police and fire Computer Aided Dispatch, Records Management and Mobile Data Computer (CAD/RMS/MDC) systems.
12. SUBJECT: Application for Office of Juvenile Justice Delinquency Prevention Grant Funding. (069)  
RECOMMENDATION: Adopt **Resolution No. 13,323** ratifying the City Manager's submission of an application for \$200,000 in Office of Juvenile Justice Delinquency Prevention grant funds to be used for funding of the Community Action Partnership Project Coordinator and the implementation of the Boys and Girls Clubs of Greater Oxnard and Port Hueneme Street S.M.A.R.T. gang violence prevention program.

Public Works Department

13. SUBJECT: Landscape Maintenance Agreement with California Department of Transportation ("Caltrans") for Future Parking Lot at 255 East Fifth Street for Oxnard Transportation Center. (073)  
RECOMMENDATION: Approve and authorize the Mayor to execute the agreement to maintain landscape area at 255 East Fifth Street between the City and the Caltrans, (A-6886).
14. SUBJECT: Second Amendment to Agreement for Trade Services with Natural Resource Protection, Inc. (081)  
RECOMMENDATION: Approve and authorize the Mayor to execute the Second Amendment to an Agreement with Natural Resource Protection, Inc. (No. 3642-05-PW), extending the agreement from July 1, 2007 to June 30, 2008 in the amount of \$117,694 for fats, oils and grease and hydrogen sulfide control services, so that the total amount of the agreement is \$943,000.
15. SUBJECT: Third Amendment to Agreement with Parrent Security for Construction Site Security Services at the Blending Station No. 1, 251 South Hayes Avenue. (083)  
RECOMMENDATION: Approve and authorize the Mayor to execute the Third Amendment to Agreement with Parrent Security (No. 3302-04-PW) in an amount not to exceed \$220,000, for a total agreement amount of \$716,562, for the purpose of providing construction site security services at the Blending Station No.1, located at 251 South Hayes Avenue.

DISCUSSION: The Water Resources Manager reviewed the level of services provided by Parrent Security and future security options.

16. SUBJECT: Blending Station No. 1 Water Desalination Grant. (103)  
RECOMMENDATION: (1) Adopt **Resolution No. 13,324** approving and authorizing the Mayor to execute a Water Desalination Grant Agreement between the Department of Water Resources (DWR) and the City of Oxnard (A-6885); and (2) Recognize the revenue and approve the appropriation in the amount of \$2,900,000 from DWR to the Groundwater Recovery Enhancement and Treatment ("GREAT") Blending Station No. 1 Desalter Project for the Water Desalination Grant.
17. SUBJECT: Blending Station No. 3 Water Desalination Grant Appropriation. (107)  
RECOMMENDATION: (1) Adopt **Resolution No. 13,325** approving and authorizing the City Manager or designee to execute a Water Desalination Grant Agreement between the Department of Water Resources and the City of Oxnard (4164-07-PW); and (2) Recognize the revenue and approve the appropriation in the amount of \$187,000 from Department of Water Resources to the Blending Station No. 3 Desalter Project for the Water Desalination Grant.
18. SUBJECT: Settlement Agreement with Exhibit 1 the Fourth Amendment to Service Agreement for Del Norte Regional Recycling and Transfer Station (Del Norte Facility). (111)  
RECOMMENDATION: Authorize the Mayor to execute a Settlement Agreement (A-5139) between the City of Oxnard and Republic Services, Incorporated and BLT Enterprises of Oxnard, Inc., including an Exhibit 1, the Fourth Amendment to Agreement relating to the operation and management of the Del Norte Facility located at 111 South Del Norte Boulevard to resolve the litigation entitled Oxnard v. Republic Services, Inc., Ventura County Superior Court Case No. CIV 233956. \*
19. SUBJECT: Rename Water Task Force as Utilities Task Force (UTF); Establish Jurisdiction of UTF. (113)  
RECOMMENDATION: Rename the Water Task Force the Utilities Task Force with jurisdiction to consider water, recycled water, wastewater, stormwater, solid waste and recycling issues.
20. SUBJECT: Resolution in Support of Ventura Regional Sanitation District Biosolids Program (001)  
RECOMMENDATION: Adopt **Resolution No. 13,326** in support of the efforts of the Ventura Regional Sanitation District to establish the Toland Road Landfill Biosolids Facility and Electric Generation Project, thereby providing a countywide regional solution to disposal of biosolids.

INFORMATION/CONSENT AGENDA ACTION: Approved as recommended.

(Herrera/Zaragoza) Ayes: Holden, Maulhardt, Zaragoza, Herrera, and Flynn. Noes: Flynn only on item 18.

J. TRANSMITTAL OF INFORMATION ONLY ITEMS

**DRAFT****K. INFORMATION/CONSENT PUBLIC HEARINGS**Development Services Department

1. SUBJECT: Planning and Zoning Permit Nos. PZ 05-300-01 (Tentative Parcel Map) and Appeal of Special Use Permit for Planned Residential Group PZ 05-500-01 for Project Located at 901 Cheyenne Way, Filed by Juan Cervantes. (115)  
RECOMMENDATION: Continue to July 10, 2007.  
ACTION: Approved as recommended. (Holden/Maulhardt) Unanimously.

**L. PUBLIC HEARINGS**

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

Finance Department

1. SUBJECT: Public Hearing to Consider Oxnard's Fiscal Year 2007-2008 Annual Action Plan (the Plan), Component of the 2003-2008 Consolidated Plan, Including Applications to the U.S. Department of Housing and Urban Development (HUD) and Projected Use of Community Development Block Grant (CDBG), HOME Investment Partnership Act (HOME) and Emergency Shelter Grant (ESG) Funds. (125)  
RECOMMENDATION: (1) Conduct a public hearing to receive comments and provide direction to staff regarding any changes to the Plan; (2) Authorize the City Manager to make changes to the Plan as directed by City Council; (3) Approve the Plan and the recommended proposed use of funds; (4) Authorize the City Manager to execute the required applications, certifications, and other pertinent documents and submit the Plan to HUD; and (5) Authorize the City Manager to execute any agreements and other documents necessary to implement the Plan  
DISCUSSION: The Grants Manager reviewed: funding of projects, emergency shelter programs, administration components and budgets uses.  
ACTION: Close the public hearing. (Holden/Herrera) Unanimously. Approved as recommended. (Herrera/Maulhardt) Ayes: Zaragoza, Herrera, Flynn, Holden, and Maulhardt.

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

Police Department

2. SUBJECT: Recovery of Civil Citation Fines. (133)  
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 reviewed the process of issuing citations including the noticing requirements and clean-up costs.

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Robert Logue stated that the weeds had been cleared off his property and commented on problems with a neighbor. The City Attorney stated that neighbor problems would be a civil matter.

Larry Stein, requested a waiver of fine on behalf of Mr. Mendez.

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

DISCUSSION: Andy Diaz expressed concern with the fine received regarding a vehicle on the property.

Rich Kristofferson commented on problems regarding the removal of property from his yard.

ACTION: Close the public hearing. (Holden/Herrera) Unanimously. Approved as recommended with the removal of Mr. Logue' fine. (Herrera/Holden) Ayes: Zaragoza, Herrera, Flynn, Holden, and Maulhardt.

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

3. SUBJECT: Recovery of Nuisance Abatement Costs. (141)  
RECOMMENDATION: (1) Conduct a public hearing to consider objections of property owners liable to be assessed for nuisance abatement costs 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 reviewed the process and costs to clean properties.  
ACTION: Close the public hearing. (Herrera/Maulhardt) Approved as recommended. (Maulhardt/Herrera) Ayes: Flynn, Holden, Maulhardt, Zaragoza, and Herrera.

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

#### Public Works Department

4. SUBJECT: Public Hearing and Adoption of Resolution to Form and to Levy Fiscal Year (FY) 2007-2008 Assessments in Landscape Maintenance District No. 59. (145)  
RECOMMENDATION: (1) Hold a public hearing concerning the formation of Landscape Maintenance District No. 59, consisting of Tract No. 5542 (Orbela), located south of Fifth Street between Northport Lane and Victoria Avenue, and determine whether a majority protest against formation exists; (2) If a majority protest against formation does not exist, continue with the public hearing to consider all protests against the proposed assessment in the District; tabulate the ballots; and determine whether a majority protest exists as to the assessment; and (3) If a majority protest does not exist as to the assessment, adopt a resolution to form and levy FY 2007-2008 assessments in the District.

DISCUSSION: The Maintenance Services Branch Manager reviewed the process to form the district.

ACTION: Mayor Holden declared the public testimony portion on formation of the district open. The City Clerk stated that no majority protest against formation exists. Motion to approve the report of the City Clerk and to form Assessment District No. 59. (Herrera/Maulhardt), unanimously. The City Clerk tabulated the ballots and reported a majority votes in favor to the assessment. Motion to adopt **Resolution No. 13,327** to form the district and levy assessments. ( Herrera/Maulhardt) Ayes: Flynn, Holden, Maulhardt, Zaragoza, and Herrera.

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

5. SUBJECT: Adjustment to Planned Traffic Circulation Facilities Fees. (151)  
RECOMMENDATION: Adopt **Resolution No. 13,328** establishing interim planned traffic circulation facilities fees of \$730 per vehicle trip to be effective until the 2020 General Plan update is complete and City Council considers a fee based on a new master plan of traffic circulation facilities.  
DISCUSSION: The Development Services Director and Traffic Engineer explained Traffic Impact Fee(s) and future study costs.

Larry Stein, questioned the traffic fee amount and use.

Councilmembers commented on the General Plan, level of traffic intersection service, future traffic needs, adjustment of the traffic fee, and improvement(s) of traffic circulation.

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

#### M. REPORT OF CITY MANAGER

##### Housing Department

1. SUBJECT: Report on Reorganization of Public Housing Staff.  
DISCUSSION: The Housing Director reviewed the changes only to the "public housing program" to include program changes, job assignments changes and positions not changing.  
ACTION: The City Council reviewed the report.

#### N. CITY COUNCIL BUSINESS/REPORTS

##### City Manager Department

1. SUBJECT: Cancellation of the Regular Meetings Scheduled for July 3, 2007. (175)  
RECOMMENDATION: Cancel the regular meetings scheduled for July 3, 2007.  
ACTION: Approved as recommended. (Zaragoza/Maulhardt) Ayes: Flynn, Holden, Maulhardt, Zaragoza, and Herrera.

**M. REPORT OF CITY MANAGER**

The City Manager reported Neighborhood Up-lift program sponsored by Graffiti Task Force held June 30 in the Bartolo Neighborhood and ribbon cutting event at Heritage Walk Townhomes at Seventh Street and A Street.

**COMMUNITY DEVELOPMENT AND HOUSING AUTHORITY**

At 9:41 p.m. the joint meetings with the Community Development Commission and Housing Authority concluded.

**N. CITY COUNCIL BUSINESS/REPORTS****O. REPORTS****Community Development Department**

1. **SUBJECT:** Third Amended Owner Participation Agreement (OPA) and Amendments to Related Documents, Assignment and Assumption Agreement of Development Agreement and OPA, and Hotel Option Agreement for the RiverPark Project Located Adjacent to and North of the Highway 101 Freeway, Adjacent to and East of the Santa Clara River, and West of Vineyard Avenue.(005)  
**RECOMMENDATION:** Continue to July 10, 2007.  
**ACTION:** Approved as recommended (Holden/Maulhardt) Unanimously.

**P. PUBLIC COMMENTS ON REPORTS****Q. APPOINTMENT ITEMS****R. STUDY SESSION****Development Services Department**

1. **SUBJECT:** Pre-Application Review of a Proposal for the Development of 528 Seniors Mixed Income Rental Units at the Former Home Depot Site and 4.6 Acres of Proposed Annexed Land, Filed by D2 Development, Inc. (177)  
**RECOMMENDATION:** Review and provide preliminary comments on a proposal to develop the former 11.37 acre Home Depot site and to annex a total of 4.6 acres for construction of 528 senior mixed use income rental units with a cultural arts/learning center, located at 2600 North Vineyard Avenue, and 2557 and 2571 Cortez Street.  
**DISCUSSION:** The Planning and Environmental Services Manager outlined the proposed project including request to annex county property, changes to current development, and proposed changes to zoning (density).

Scott Dinovitz reviewed the proposed senior development with increased units, transportation support, cultural opportunities, affordable housing units and village like-setting to be built in phases. Tim Carpenter, More Than Shelter of Seniors, commented that the development provided educational programs for seniors.

The following individuals expressed concern with several issues, including density, traffic and location: Pat Brown; Larry Stein; and Nancy Petersen.

The City Council commented on the location, traffic, annexation progress, number of units, proposed cultural center, and transportation needs of the seniors.

ACTION: The City Council provided comments and direction to staff.

S. PUBLIC COMMENTS ON STUDY SESSION

T. ADJOURNMENT

At 10:29 p.m. the City Council concurred to adjourn the meeting.

\_\_\_\_\_  
DANIEL MARTINEZ  
City Clerk

\_\_\_\_\_  
DR. THOMAS E. HOLDEN  
Mayor

\_\_\_\_\_  
JILL BEATY  
Assistant City Clerk

MINUTES

**DRAFT**

OXNARD CITY COUNCIL  
Regular Meeting  
July 10, 2007

A. ROLL CALL/POSTING OF AGENDA

At 5:34 p.m., the regular meeting of the Oxnard City Council convened in the Council Chambers. Councilmembers Thomas E. Holden, Dean Maulhardt, John C. Zaragoza, Andres Herrera, and Timothy B. Flynn 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; Gary L. Gillig, City Attorney; and Grace Hoffman, Deputy City Manager.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

C. CLOSED SESSION

At 5:35 p.m. the City Council recessed to a closed session, pursuant to Government Code section 54957, to evaluate the performance of the City Manager and the performance of the City Attorney. At 7:06 p.m. the City Council reconvened and recessed to the evening session.

D. OPENING CEREMONIES

At 7:08 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, followed by a moment of silence. Mayor Holden presided. Additional staff members present were: Matt Winegar, Development Services Director; Michael Henderson, Maintenance Services Branch Manager; Gil Ramirez, Recreation Superintendent; and Efren Gorre, Youth Training Manager.

E. CEREMONIAL CALENDAR

1. SUBJECT: Presentation to City Council by Parents of Murdered Children.  
DISCUSSION: Marisa Martinez, Parents of Murdered Children, commented on the organization and recognized the work of the City, Police Department, and Assistant Chief Scott Whitney.
2. SUBJECT: Presentation of a Commendation to Driffill Elementary School.  
DISCUSSION: The City Council recognized Shannon Newby; Rocio Lozano-Knowlton; Nancy Reinhart Karnoski, 5th grade teachers; Wrayna Fairchild, 6th grade teacher; who participated in the MERITO (Multicultural Education for Resource Issues Threatening Oceans) program in partnership with Channel Islands National Marine Sanctuary.

3. SUBJECT: Presentation of a Proclamation Designating the Month of July, 2007, as "Parks and Recreation Month".  
DISCUSSION: The City Council presented a proclamation to Lee Cobb, Parks and Recreation Commissioner; Armando Garcia, Parks and Recreation Commissioner; Gil Ramirez and Michael Henderson.
4. SUBJECT: Presentation of a Commendation to Ronald R. Fischer for Service as a Member of the Oxnard Planning Commission.  
DISCUSSION: Presented Mr. Fischer a commendation for his service on the Planning Commission.
5. SUBJECT: Telly Award.  
DISCUSSION: Michael Emerson, Michael Emerson Productions, presented a 2007 Telly Award to the City Council for the production of "Graffiti Hurts".

#### ITEMS REMOVED FROM AGENDA

The City Council concurred to remove item one (I-1) from the agenda.

#### Q. APPOINTMENT ITEMS

1. SUBJECT: Presentation by St. John's Regional Medical Center.  
DISCUSSION: Mr. Michael Murray, St. John's Regional Medical Center, reviewed the closure and hospital mold remediation process, timeline, scheduling/transferring of patients, coordination with other hospitals and re-opening.

#### F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

William Bill Terry, payments to Big League Dreams.

Preston Davis, need for oversight of the Channel Islands Harbor.

Jill Martinez, concerns regarding traffic along Entrada Drive.

Nancy Pedersen, Ormond Beach and local oceanography class.

John Korsten, property lien.

Phil Molina, monthly financial reports.

Ed Ellis, business advertisements on windows and code enforcement.

Larry Stein, municipal financial numbers and a needed traffic guard.

Martin Jones, opposed the development of Big League Dreams.

#### G. REVIEW OF INFORMATION/CONSENT AGENDA

#### H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

**I. INFORMATION/CONSENT AGENDA**Development Services Department

1. SUBJECT: Landowner Consent to Decommission the Ormond Beach Fuel Oil Pipeline. (001)  
RECOMMENDATION: Remove from the agenda.

Finance Department

2. SUBJECT: Sale of Property at 3139 South J Street. (005)  
RECOMMENDATION: Approve the sale of property located at 3139 South J Street, Oxnard CA, (the "Property") to Hilario Lopez and Juana Alegria ("Buyers"), authorize the Mayor to execute a Grant Deed in connection therewith, and ratify the execution by the City Manager of the attached California Residential Purchase Agreement, Counter Offer No. 1, and related documents (A-6898).
3. SUBJECT: Consent to Encumbrance of Residence Inn by Marriott Parking Lot Sublease. (007)  
RECOMMENDATION: Approve and authorize the Mayor to execute a Ground Lessor Estoppel, Consent and Agreement (A-6880) (the "Consent") consenting to the encumbrance of the sublease ("Sublease") wherein the City of Oxnard leases the parking lot servicing the Marriott Residence Inn located at 2201 West Vineyard Avenue (the "Hotel") to Sunstone O.P. Properties, L.L.C. ("Sunstone"), successor in interest to Ventura Hospitality Partners, L.P.

Human Resources Department

4. SUBJECT: Contract for Professional Services with ComCo Management, Inc. (023)  
RECOMMENDATION: Approve and authorize the Mayor to execute an agreement with ComCo Management, Inc. (A-6884) in the amount of \$680,000 for providing a workers' compensation third-party administrator for fiscal years 2007 to 2009.

Public Works Department

5. SUBJECT: Fifth Amendment to Agreement with Parsons Transportation Group, Inc., for Highway 101/ Del Norte Boulevard Interchange. (025)  
RECOMMENDATION: Approve and authorize the Mayor to execute the Fifth Amendment to the Agreement with Parsons Transportation Group, Inc. (Agreement No. 1438-02-PW), to increase the amount by \$553,800 for a total of \$1,263,800 for the Geometric Approval Drawings for the Preferred Alternative of the improvements for the U.S. Highway 101/Del Norte Boulevard Interchange project.
6. SUBJECT: Agreement with The Verne C. Sandwall Trust and The Kenneth E. Sandwall Trust for Loss of Rent at 3170 Santa Clara Avenue. (037)  
RECOMMENDATION: Approve and authorize the Mayor to execute the agreement with The Verne C. Sandwall Trust and The Kenneth E. Sandwall Trust (A-6899) in the amount of \$54,558 for loss of rent from Quinn Company for the Rice Avenue/Santa Clara Avenue interchange improvements on U.S. Highway 101.

7. **SUBJECT:** Tenth Amendment to Agreement with Washington Group International, Inc. for Oxnard Boulevard Interchange Improvements at Highway 101 and Ventura Road Widening and Recycled Water Line at Highway 101. (041)  
**RECOMMENDATION:** (1) Approve and authorize the Mayor to execute the Tenth Amendment to the agreement with Washington Group International, Inc. (Agreement No. **1416-02-PW**) in the amount of \$725,837 (an increase of \$61,291) for construction support and design services for the Oxnard Boulevard interchange improvements at Highway 101, and Ventura Road widening and recycled water line at Highway 101; and (2) Approve the special budget appropriation to transfer previously appropriated funds in the amount of \$30,000 from the GREAT Program to Ventura Road/Highway 101 for widening of Ventura Road under Highway 101 and installation of a recycled water line in the same location.

**INFORMATION/CONSENT AGENDA ACTION:** Approved as recommended.  
(Herrera/Zaragoza) Ayes: Maulhardt, Zaragoza, Herrera, Flynn, and Holden.

J. TRANSMITTAL OF INFORMATION ONLY ITEMS

K. INFORMATION/CONSENT PUBLIC HEARINGS

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

Development Services Department

1. **SUBJECT:** Planning and Zoning Permit Nos. PZ 05-300-01 (Tentative Parcel Map) and Appeal of Special Use Permit for Planned Residential Group PZ 05-500-01 for Project Located at 901 Cheyenne Way, Filed by Juan Cervantes. (045)  
**RECOMMENDATION:** (1) Adopt **Resolution No. 13,329** approving Planning and Zoning Permit No. PZ 05-300-01 (Tentative Parcel Map) for condominium purposes, subject to certain findings and conditions; and (2) Adopt **Resolution No. 13,330** upholding the Planning Commission's approval of Special Use Permit (PZ 05-500-01) for a Planned Residential Group, subject to conditions.  
**ACTION:** Close the public hearing. (Holden/Herrera) Approved as recommended.  
(Maulhardt/Herrera) Ayes: Holden, Maulhardt, Zaragoza, and Herrera. Noes: Flynn.

L. PUBLIC HEARINGS

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

City Manager Department

1. **SUBJECT:** Presentation and Adoption of the Fiscal Year (FY) 2007-2008 City, Community Development Commission, and Housing Authority Operating and Capital Improvement Budgets, and Appropriation Limit. (055)

**RECOMMENDATION:** That City Council: (1) Conduct a public hearing on the Fiscal Year 2007-2008 budget for the City of Oxnard (City); (2) Adopt resolutions: (a) **Resolution No. 13,331**, approving the City's Operating and Capital Improvement Budgets for FY 2007-2008; (b) **Resolution No. 13,332**, authorizing full-time equivalent positions in the City effective July 1, 2007; (c) **Resolution No. 13,333**, authorizing the Classification and Salary Schedule effective July 1, 2007; (d) **Resolution No. 13,334**, establishing the appropriation limit for FY 2007-2008; and (e) **Resolution No. 13,335** establishing FY 2007-2008 Financial Management Policies; and (3) Approve the first reading by title only and subsequent adoption of **Ordinance No. 2741** establishing compensation for the Mayor and Councilmembers.

**DISCUSSION:** The Deputy City Manager briefly reviewed the proposed budget with the input from Councilmembers, service level options and adjustments. The Youth Training Manager reviewed the requested service level option (two positions and enhancement of programs).

Harold Ceja opposed a proposed pay raise for Councilmembers.

Larry Stein commented on withholding funding to the downtown theater, listing of capital improvement projects, and road improvements to the intersections.

Gloria Roman requested Spanish translation of Council meetings.

William Terry, support of City Corps.

Martin Jones commented on the funding of the downtown theater development.

Nancy Peterson, educational value of Ormond Beach/gardening yards, and support of City Corps.

The City Council discussed: proposed service level(s); use of fund reserves; code enforcement; street repairs; and traffic concerns.

**ACTION:** Close the public hearing. (Maulhardt/Herrera) Approved as recommended. (Herrera/Maulhardt) Ayes: Herrera, Flynn, Holden, Maulhardt, and Zaragoza.

#### M. REPORT OF CITY MANAGER

The City Manager commented on: a upcoming community discussion on the draft EIR for Ormond Beach on July 16; upcoming Oxnard/Ocotlan Sister City visitation; upcoming Multi-Cultural event at Plaza Park, City Library will host Dr. David Lynch (San Andreas fault), and a community bone program for seniors in the community.

#### N. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

##### COMMUNITY DEVELOPMENT AND HOUSING AUTHORITY

At 9:26 p.m. the joint meetings with the Community Development Commission and Housing Authority concluded.

**DRAFT**

O. REPORTS

P. PUBLIC COMMENTS ON REPORTS

R. STUDY SESSION

Development Services Department

- 1. SUBJECT: Pre-Application Review (PZ 07-600-5) of a Request to Develop 48 Affordable and 72 Market-Rate Housing Units on the Southeast Corner of Pleasant Valley Road and Rice Avenue (APN 225-0-013-020), Filed by AMG and Associates. (169)  
RECOMMENDATION: Review and provide preliminary comments on a pre-application to develop 48 affordable apartments and 72 market-rate townhomes (total of 120 units) on a 6.3-acre agricultural field located outside the City Urban Restriction Boundary (CURB) line at 2979 East Pleasant Valley Road.  
DISCUSSION: The Development Services Director reviewed the project, including parking, location/boundary to City, annexation of property into City, zone change, and SOAR considerations.

Alexis Devorgian, AMG and Associates, stated the focus will be on affordable work force housing without City funding by providing both market rate and affordable housing at an in-fill site. Mark Petit, Lauterbach and Associates, asked for direction from Council regarding development of workforce housing with recreation space, parking and garages meeting the City guidelines.

Shirley Godwin, violation of SOAR and opposed the lighting of the development.

Larry Stein, traffic, garages, and recreational areas.

Nancy Petersen, against building residential housing next to busy roads (Rice Road and Pleasant Valley Road).

The City Council discussed: SOAR concerns, site location being out-side of city, traffic, parking, school concerns, utilities, proposed density, current mutual green-belt agreements and annexation process.

ACTION: The City Council provided comments to staff.

S. PUBLIC COMMENTS ON STUDY SESSION

T. ADJOURNMENT

At 10:01 p.m. the City Council concurred to adjourn the meeting.

\_\_\_\_\_  
DANIEL MARTINEZ  
City Clerk

\_\_\_\_\_  
DR. THOMAS E. HOLDEN  
Mayor

MINUTES

**DRAFT**

OXNARD CITY COUNCIL  
Regular Meeting  
July 17, 2007

A. ROLL CALL/POSTING OF AGENDA

At 5:35 p.m., the regular meeting of the Oxnard City Council convened in the Council Chambers. Councilmembers Thomas E. Holden, Dean Maulhardt, John C. Zaragoza, Andres Herrera, and Timothy B. Flynn 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; and Gary L. Gillig, City Attorney.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

C. CLOSED SESSION

At 5:36 p.m. the City Council recessed to a closed session, pursuant to Government Code section 54957, to evaluate the performance of the City Manager.

The City Council also recessed to a closed session, pursuant to Government Code section 54957.6, to give instructions to its negotiators regarding the salary or compensation paid in the form of fringe benefits to an unrepresented employee occupying the classification of City Manager.

At 7:05 p.m. the City Council reconvened and recessed to the evening session.

D. OPENING CEREMONIES

At 7:08 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 Richard Bracamonte, followed by a moment of silence for Francisco Lopez. Mayor Holden presided. Additional staff members present were: Ken Ortega, Public Works Director; Curtis P. Cannon, Community Development Director; Matthew Winegar, Development Services Director; Michael Henderson, Maintenance Services Branch Manager/Deputy Public Works Director; and Sue Martin, Planning and Environmental Services Manager.

E. CEREMONIAL CALENDAR

1. SUBJECT: Presentation of the 2007 Ventura County Fair Poster.  
DISCUSSION: Bob Guillen, Ventura County Fair Board, presented the 2007 Ventura County Fair Poster to the City Council and commented on the history of the poster.

ITEMS REMOVED FROM AGENDA

The City Council concurred to remove Penfield and Smith (O-3) from the agenda.

000028

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

William "Bill" Terry expressed concern regarding the procedures of a community meeting regarding the EIR for Ormond Beach.

Preston Davis requested that other organizations be invited to discuss Channel Islands Harbor.

Larry Stein, balance sheet, and payment of fees for fire service.

Robert Sumpter, past lawsuit of Phil Molina, and in support of downtown development.

Joe Avelar ,Chairman of Inter-Neighborhood Council Forum(INCF); with several neighborhood representatives presented a letter regarding the proposed initiative petition. The City Attorney commented on the procedures of the INCF.

Bert Perello, upcoming Southbank Neighborhood meeting will discuss the proposed traffic initiative petition.

Trish Murnro, community meeting regarding EIR for Ormond Beach and presence of Police Officers.

Phil Molina, monthly financial reporting.

Edward Castillo, on procedures of the INFC meeting.

Pat Brown, supported placing the traffic initiative on the ballot.

Linda Calderon hoped that all new City building to be environmentally friendly.

Larry Godwin, change to the Local Coastal Plan omitting reference to a location for a LNG facility.

G. REVIEW OF INFORMATION/CONSENT AGENDA

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Bert Perello, concern with drainage and information provided to the public (I-10).

I. INFORMATION/CONSENT AGENDA

City Clerk Department

- 1. **SUBJECT:** Minutes of the Special Meeting of City Council for June 5, 2007; Minutes of the Adjourned Special Meeting of City Council for June 6, 2007. (001)  
**RECOMMENDATION:** Approve.

City Manager Department

- 2. **SUBJECT: Ordinance No. 2741,** Establishing Compensation for Mayor and Councilmembers. (011)  
**RECOMMENDATION:** Second reading and adoption.

Development Services Department

3. SUBJECT: Vacation of Right-of-Way for El Rio Road Between Oxnard Boulevard and Vineyard Avenue North of Highway 101 Within the Riverpark Specific Plan Area. (013)  
RECOMMENDATION: Adopt **Resolution No. 13,336** vacating El Rio Road right-of-way between Oxnard Boulevard and Vineyard Avenue north of Highway 101 within the RiverPark Specific Plan area.

Public Works Department

7. SUBJECT: Thompson Park Rehabilitation Improvements. (053)  
RECOMMENDATION: Approve Project Specification PW07-02 for the Thompson Park Rehabilitation Improvements for the construction of a new basketball court, modifications to an existing basketball court and a monument sign, located at 201 North Imperial Street.
8. SUBJECT: Prequalification and Procurement of Microfiltration/Ultrafiltration, Reverse Osmosis, and Ultraviolet/Advanced Oxidation Equipment (Project Specification No. PW07-21) for the Advanced Water Purification Facility Project Phase I, at Perkins Road North of Magellan Way. (055)  
RECOMMENDATION: Approve Project Specification No. PW07-21 for prequalification and procurement of Microfiltration/Ultrafiltration, Reverse Osmosis and Ultraviolet/Advanced Oxidation equipment for the Advanced Water Purification Facility Phase 1 Project, at Perkins Road north of Magellan Way (Project Specification PW07-21).
9. SUBJECT: Amendment to Agreement with Washington Group International, Inc. for Rice Avenue/Santa Clara Avenue Interchange Improvements on Highway 101. (059)  
RECOMMENDATION: (1) Approve and authorize the Mayor to execute the First Amendment to the agreement with Washington Group International, Inc. (**A-6738**) in the amount of \$843,457 (an increase of \$527,685) for the Rice Avenue/Santa Clara Avenue interchange improvement project on Highway 101; and (2) Approve the appropriation of \$31,600 from Sewer Line Rehab project to Highway 101-Rice Interchange to design a replacement for the sewer line in Rice Avenue south of Highway 101.
10. SUBJECT: Exchange of Vacated Right-of-Way for Maintenance Yard Property. (063)  
RECOMMENDATION: Approve and authorize the Mayor to execute a Maintenance Yard Property and Right-of-Way Exchange Agreement ("Agreement") (**A-6904**) which provides for the exchange of approximately 1.6 acres of real property located west of Colonia Avenue, south of Myrtle Avenue, presently owned by RiverPark A, LLC for the City's interest in approximately 4 acres of vacated right-of-way near U. S. Highway 101 in the RiverPark Specific Plan Area.\*

INFORMATION/CONSENT AGENDA ACTION: Approved as recommended. (Maulhardt/Herrera) Ayes: Maulhardt, Zaragoza, Herrera, Flynn, and Holden. \*Noes: Flynn (only I-10).

HOUSING AUTHORITY

At 7:57 p.m. the joint meeting with the Housing Authority concluded.

R. STUDY SESSION**DRAFT**Public Works Department

1. SUBJECT: College Park Development and Phasing, Big League Dreams (BLD) Sports Park, Funding, Operations and Maintenance for College Park at 3250 South Rose Avenue. (123)  
RECOMMENDATION: (1) Review and provide comments to the Public Works Director about the phasing plan for the development and operation of College Park at 3250 South Rose Avenue; (2) Review and provide comments to the Public Works Director about the BLD Sports Park or City operation for the baseball and softball fields at College Park; and (3) Review and provide comments to the Public Works Director about a detailed financial plan to fund the preferred alternative for build-out of College Park.  
DISCUSSION: The Public Works Director provided an updated on the development, including the phasing, costs, grant funding, and sports tourism.

The following individuals from BLD commented on the positive impacts of the development: Don Webber; Pat Knight; Bill Russell; and Scot Le Tellier.

The following individuals supported BLD: Nancy Lindholm, Oxnard Chamber of Commerce; Susan McDonald; Art Gonzalez; Louie Rodriguez; Michael Escamilla, Seaside League; Mark Corona; Johnny Zaragoza; Jaime Arroyo; Janette Zaragoza; Vanessa Arroyo; and Paul Lemos.

The following individuals supported building a City operated facility and not using BLD: William Terry; Larry Stein; Nancy Pedersen; Pat Brown; Shirley Godwin; Larry Godwin; Ed Ellis; Sandy Gonzales; Bert Perello; and Roger Pariseau.

Luciano Ortiz, questioned many of the BLD facility costs and using funds to improve other city parks.

The Councilmembers discussed: construction costs, maintenance costs; youth play at the BLD facility; grant funding; a BLD facility impact at other communities; and the positive impact of tourists to the community.

ACTION: The City Council provided comments and directions to staff.

J. TRANSMITTAL OF INFORMATION ONLY ITEMSRECESS

At 10:22 p.m., the City Council recessed and at 10:33 p.m., the City Council reconvened.

K. INFORMATION/CONSENT PUBLIC HEARINGS

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

Development Services Department

1. **SUBJECT:** Planning and Zoning Permit Nos. 06-300-19 (Tentative Subdivision Map for Tract No. 5644), Located North of Owens River Drive, and East of the Santa Clara River, in RiverPark District H, Filed by RiverPark Legacy, LLC. (067)  
**RECOMMENDATION:** Adopt **Resolution No. 13,337** approving Planning and Zoning Permit No. 06-300-19 (Tentative Subdivision Map for Tract No. 5644), a request to subdivide 268.5 acres (APNs: 133-001-001, 133-001-057, 133-001-060 and 132-02-038), within Planning District H of the RiverPark Specific Plan area.  
**ACTION:** Close the public hearing. (Holden/Herrera) Approval as recommended. (Maulhardt/Herrera) Ayes: Holden, Maulhardt, Zaragoza, Herrera, and Flynn.

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:** Multiplex Theater Ordinance (PZ07-580-01). (075)  
**RECOMMENDATION:** Approve the first reading by title only and subsequent adoption of **Ordinance No. 2742** amending the location of multiplex theaters in the City to the Central Business District and the commercial district of the RiverPark Specific Plan.  
**DISCUSSION:** The Development Services Director and Community Development Director updated the development and the requested change to theater ordinance including the phasing, costs, sales tax projections and that a formal financial proposal would be presented within two months.

The following individuals opposed or expressed concern: Larry Stein; Nancy Peterson; Linda Calderon; Jim Voss; Larry Godwin; Shirley Godwin and Bert Perello.

Murray Cane, CDC Legal counsel, reviewed the financial structure of the bonds.

Colm Macken, Shea Properties, commented on the theater operator's discussions regarding local film distribution.

The City Council discussed: supporting downtown businesses; timing of a RiverPark theater development; capturing lost retail sales to other communities, creating a life style center, and the City's ability to support two theater sites.

**ACTION:** Close the public hearing. (Holden/Maulhardt) Approval as recommended. (Zaragoza/Holden) Ayes: Herrera, Holden, Maulhardt, and Zaragoza. Noes: Flynn.

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

2. SUBJECT: Appeal of the Planning Commission’s Denial of Planning and Zoning (PZ) No. 05-540-05 (Special Use Permit for a Planned Residential Group with 190 units) and Consideration of PZ No. 05-620-07 (General Plan Amendment), PZ No. 05-570-04 (Zone Change), and PZ No. 05-300-29 (Tentative Subdivision Map and Alley Vacation Tract No. 5682) for the Gateway Walk Project, located at 1250 South Oxnard Boulevard, Filed by The Olson Company. (077)

RECOMMENDATION: Adopt **Ordinance No. 2743** the appeal of the action of the Planning Commission denying the Gateway Walk Project application of The Olson Company.

DISCUSSION: The Planning and Environmental Services Manager reviewed staff analysis of the Gateway Walk project including location, requested amendments (density, zone change(s)), setbacks requirements, residential and commercial parking, residential garage(s), building height, affordable units.

Bill McReynolds, Olson Company, reviewed the project vision including location, development plans, affordability of units, vehicle access, available parking spaces not including street parking. He proposed building 190 units with a one day a week trash collection schedule and 15 foot set back rather than the 30 foot requirement along the Eastern edge of the project.

The following individuals supported: Nancy Lindholm, Chamber of Commerce; Mike Sanchez; Brenda Enriquez; Gloria China; Nuris Dante; Jack Martinez; Gloria Michelle China; Jasmine Mudanca; Cindy Aguilera; Denise Lopez; Flavio Aguilera; John Manavian, Olson Company; and Sandy Smith, Ventura.

The following individuals expressed concern with the proposed development: Larry Stein; Pat Brown; Shirley Godwin; and Larry Godwin.

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

DISCUSSION: The City Council discussed: location (gateway to the City), density, traffic, being an in-fill project, affordable units, being a gated community, retail component of the development and the accessibility to the park site.

ACTION: Approval of the appeal with the following conditions: (1) accepting the 15-foot setback; (2) selection of elevation number two; and (3) public accessible to the park site. (Herrera/Zaragoza) Ayes: Holden, Zaragoza, and Herrera. Noes: Maulhardt, and Flynn.

M. REPORT OF CITY MANAGER

N. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

Housing Department

- 1. SUBJECT: Selection of Two Resident Commissioners. (087)  
RECOMMENDATION: Appoint two Resident Commissioners (Carlos Soria and Gaudencio Digos) to the Housing Authority Board of Commissioners to serve a two-year term.  
ACTION: Approved as recommended, (Holden/Zaragoza) unanimously.

O. REPORTS**DRAFT**Community Development Department

1. **SUBJECT:** Third Amended Owner Participation Agreement (OPA) and Amendments to Related Documents, Assignment and Assumption Agreement of Development Agreement and OPA, and Hotel Option Agreement for the RiverPark Project Located Adjacent to and North of the Highway 101 Freeway, Adjacent to and East of the Santa Clara River, and West of Vineyard Avenue. (095)  
**RECOMMENDATION:** That City Council: (1) Approve the form of the Assignment and Assumption Agreement for the Development Agreement (A-6128); and (2) Authorize the Mayor to execute the Assignment and Assumption for the Development Agreement (A-6128) upon the Mayor's review and approval of the designated Assignee upon legal formation of the Shea RiverPark assignee entity.  
**DISCUSSION:** The Community Development Director outlined the site location changes, date changes, financial changes, and other agreement changes.  
**ACTION:** Approved (Maulhardt/Holden). Ayes: Holden, Maulhardt, Zaragoza, Herrera, and Flynn.

COMMUNITY DEVELOPMENT

At 12:37 p.m. the joint meeting with the Community Development Commission concluded.

Public Works Department

2. **SUBJECT:** Lease and Operating Agreement for Historical Property and Approval of Master Plan for the Property. (115)  
**RECOMMENDATION:** (1) Approve a Lease and Operating Agreement for Historical Property (A-6875) with the Oxnard Historic Farm Park Foundation, which will pay the City \$1.00 a year in rent for property located within the Pfeiler development in the Northeast Community Specific Plan area, north of Cesar Chavez Drive, west of Pinata Drive, east of Opalo Drive, and south of Sombra Drive, (Property); and (2) Approve a Master Plan for restoration and improvement of the Property.  
**DISCUSSION:** Casey Beyer, John Laing Homes, presented \$75,000 to the Oxnard Historic Farm Park Foundation (Foundation).  

Jeff Maulhardt thanked John Laing Homes and commented on the foundation's fundraising efforts.

**ACTION:** Approved (Maulhardt/Herrera). Ayes: Maulhardt, Zaragoza, Herrera, Flynn, and Holden.
3. **SUBJECT:** Agreement 2024-03-PW, Amendment No. 3. (119)  
**RECOMMENDATION:** Removed from the agenda.  
**ACTION:** The City Council concurred to remove this item from the agenda.

P. PUBLIC COMMENTS ON REPORTSQ. APPOINTMENT ITEMS**000034**

**DRAFT**

R. STUDY SESSION

Development Services Department

- 2. SUBJECT: Cultural Heritage Board Options. (131)  
RECOMMENDATION: Provide comments and direction to the Planning and Environmental Services Manager on preferred approaches for the preservation and protection of the City's historic and cultural resources.  
ACTION: The City Council concurred to continue this item.

S. PUBLIC COMMENTS ON STUDY SESSION

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

John Korsten, property lien.

The following individuals expressed concern regarding the procedures of a community meeting regarding the EIR for Ormond Beach: Shirley Godwin and Nancy Pedersen.

T. ADJOURNMENT

At 1:05 p.m. the City Council concurred to adjourn the meeting.

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DANIEL MARTINEZ  
City Clerk

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DR. THOMAS E. HOLDEN  
Mayor

**DRAFT**

MINUTES  
OXNARD CITY COUNCIL  
Regular Meetings  
July 24, 2007

A. ROLL CALL/POSTING OF AGENDA

At 6:02 p.m., the regular meeting of the Oxnard City Council convened in the Council Chambers. Councilmembers Thomas E. Holden, Dean Maulhardt, John C. Zaragoza, Andres Herrera, and Timothy B. Flynn were present. The Deputy 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: Ed Sotelo, City Manager; Karen Burnham, Assistant City Manager; Grace Magistrale Hoffman, Deputy City Manager; Gary L. Gillig, City Attorney; and Lourdes Lopez, Deputy City Clerk.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

C. CLOSED SESSION

At 6:04 p.m. the City Council recessed to a closed session, pursuant to Government Code section 54957.6, to give instructions to its negotiators, Lynn Hutton, Acting Human Resources Director and Dennis Scala, Special Assistant to the City Manager, regarding the salaries, salary schedules or compensation paid in the form of fringe benefits for employees represented by the International Association of Firefighters AFL-CIO (IAFF), Local 1684, the Service Employees International Union (SEIU), Local No. 998, and the Oxnard Peace Officers' Association (OPOA), and other matters within the scope of representation.

At 7:08 p.m. the City Council reconvened and adjourned to the evening session.

D. OPENING CEREMONIES

At 7:08 p.m. the concurrent meeting with the Community Development Commission opened with the pledge of allegiance to the flag of the United States, led by the Mayor Pro Tem, followed by a moment of silence. Staff present included: Sal Gonzalez, Housing Director; Ernie Whitaker, Housing Rehabilitation Program Manager; Dan Berlenbach, Equipment Manager; Assistant Police Chief Scott Whitney, Sue Martin, Planning & Environmental Services Manager; Bryan Pendleton, Redevelopment Services Manager.

E. CEREMONIAL CALENDAR

1. SUBJECT: Recognize Oxnard Mermaids Slow-Pitch Softball National Champions.  
DISCUSSION: The City Council congratulated the team and coaches.

2. SUBJECT: Presentation of \$556,000 California Department of Housing Community Development.  
DISCUSSION: The Housing Director and Housing Rehabilitation Program Manager stated the check is a reward for Oxnard's affordable housing program.
3. SUBJECT: Presentation of Proclamation Designating the Week of Aug 5-12 as Health Center Week.  
DISCUSSION: Presented to Jose Antonio Ramiro, of Clinicas del Camino Real.
4. SUBJECT: Presentation of a Commendation Congratulating the Parks and Recreation Department on Its 60<sup>th</sup> Anniversary.  
DISCUSSION: Aep ted by Edgar Cobb, Chairman, Parks and Recreation Commission, and Bedford Pinkard and Paul Lemos, Commission members.
5. SUBJECT: Presentation of **Resolution No. 13,338** to Joe Muro for 39 Years of Service with the City of Oxnard. (001)  
DISCUSSION: The City Council recognized Mr. Muro and his family.
6. SUBJECT: Presentation of Employee of the Quarter.  
DISCUSSION: Judith Bosko, Police Word Processor II, was named and aep ted the award with comments made by the Assistant Police Chief.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Armando Vasquez, Key 3 Program

John Korsten, lien on property

Phil Molina, legal case

Jill Dolan, Salsa Festival

Bert Perello and Sandy Gonzalez, Chair, SeaView Neighborhood Council, request for Quimby funds report

Ed Ellis, open government

Barbara Dubkin, summer concerts expense

Larry Stein, aess to public records

Ernest Stein, Oxnard Day at Dodger Stadium and the upcoming Relay for Life Cancer Walk

G. REVIEW OF INFORMATION/CONSENT AGENDA

The City Council concurred to remove I-1 and I-8 from the agenda.

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Jerome Hopkins, in support of SB 412 (I-2)

Larry Stein, downtown theater management financial reporting (I-9) and traffic concerns (I-10)

Shirley Godwin, Edward Castillo, Pat Brown, Bert Perello, and Nancy Pederson oppose amending theater moratorium ordinance (I-9) and zone change (I-10)

**I. INFORMATION/CONSENT AGENDA**City Attorney Department

1. SUBJECT: Pilot Program Regarding Curb Cuts and Hardscape Coverage in Front Yards. (003)  
RECOMMENDATION: Remove from the agenda.

City Manager Department

2. SUBJECT: Support of Senate Bill (SB) 412, the "State Energy Resources Conservation and Development Act." (013)  
RECOMMENDATION: Execute a letter in support of SB 412 the "State Energy Resources Conservation and Development Act."
3. SUBJECT: Support of State Constitutional Amendment (SCA) 12 (Torlakson and Yee): Storm Water and Urban Runoff. (023)  
RECOMMENDATION: Execute a letter of support for SCA 12 (Torlakson and Yee): Storm Water and Urban Runoff to make fees and charges for storm water and urban runoff management work the same as fees for refuse collection, wastewater treatment, and water.
4. SUBJECT: Support of Governor Schwarzenegger's Initiative to Combat Gang Violence in California, the Gang Reduction, Intervention and Prevention Program (CalGRIP). (027)  
RECOMMENDATION: Execute a letter of support for Governor Schwarzenegger's anti-gang initiative to fight gang violence in California, the CalGRIP.

Community Development Department

5. SUBJECT: City and Community Development Commission \$4.9 Million Funding For a 140 Unit Rental Project Consisting of the Paseo Santa Clara and Paseo del Rio Components for Extremely and Very Low Income Households in the RiverPark Development Located Adjacent to and North of the Highway 101 Freeway, Adjacent to and East of the Santa Clara River, and West of Vineyard Avenue. (031)  
RECOMMENDATION: That City Council: (1) Transfer previously appropriated funds in the amount of \$2.2 million from Paseo del Rio to Paseo Santa Clara; (2) Approve in substance a \$2.2 million Loan Agreement and related documents with the Cabrillo Economic Development Corporation (A-5965) for the 54 unit Paseo Santa Clara project component; (3) Authorize the Mayor to execute the Loan Agreement and related documents upon the approval as to form by the City Attorney; and (4) Authorize the City Manager to execute such instructions and documents as are necessary and appropriate to implement the transaction.

Development Services Department

7. SUBJECT: License Agreement with Oxnard Union High School District to Install a Data Wiring Conduit Under K Street Just North of Third Street. (045)  
RECOMMENDATION: Approve and authorize the Mayor to sign a "License to Encroach on City Property" with the Oxnard Union High School District (A-6902) for the installation of a conduit and data wiring under K Street just north of Third Street.

8. SUBJECT: Landowner Conditional Consent to Decommission the Ormond Beach Fuel Oil Pipeline. (053)  
RECOMMENDATION: Continue to August 7, 2007.
9. SUBJECT: **Ordinance No. 2742**, Amending Section 16-331 of the City Code and Repealing Part 5 of Ordinance No. 2466 Relating to the Location of Multiplex Motion Picture Theaters. (057)  
RECOMMENDATION: Second reading and adoption.\*
10. SUBJECT: **Ordinance No. 2743**, Approving PZ 05-570-04 to Change the Zone District for Property Located at 1250 South Oxnard Boulevard. (059)  
RECOMMENDATION: Second reading and adoption.\*

Public Works Department

11. SUBJECT: Acquisition Settlement Agreement with Jose Angulo doing business as (dba) Anita's Restaurant at 3015 Santa Clara Avenue for the Rice Avenue/Santa Clara Avenue Interchange Improvements on Highway 101. (063)  
RECOMMENDATION: Approve and authorize the Mayor to execute the agreement with Jose Angulo dba Anita's Restaurant (**A-6905**) in the amount of \$24,250 for acquisition of property located at 3015 Santa Clara Avenue for the Rice Avenue/Santa Clara Avenue interchange improvements on U.S. Highway 101.

The City Council discussed the public records process and City Council members responding to public comments during a City Council meeting.

INFORMATION/CONSENT AGENDA ACTION: Approved (Maulhardt/Herrera); Ayes: Holden, Maulhardt, Zaragoza, Herrera, and Flynn. \*NOES: Flynn on I-9 and I-10.

J. TRANSMITTAL OF INFORMATION ONLY ITEMS

K. INFORMATION/CONSENT PUBLIC HEARINGS

ACTION: Mayor Holden opened the public hearings.

DISCUSSION: The Assistant City Clerk reported on publication and written communication.

City Attorney Department

1. SUBJECT: Extension of Immediate Imposition of Increased Planned Traffic Circulation Facilities Fees. (073)  
RECOMMENDATION: By a 4/5ths vote adopt **Resolution No. 13,339** extending the time for thirty days, to protect public health, welfare and safety, for the immediate imposition of an interim planned traffic circulation facilities fee of \$730 per vehicle trip.

Development Services Department

2. SUBJECT: RiverPark Development Agreement Amendment. (077)  
RECOMMENDATION: Approve the first reading by title only and subsequent adoption of **Ordinance No. 2744** amending the RiverPark Development Agreement (**A-6128**) to permit the location of a multiplex theater in the commercial district of the RiverPark Specific Plan.\*

Shirley Godwin, Larry Stein, and Barbara Dubkin question the source of funds from RiverPark developers to the downtown

Edward Castillo and Pat Brown oppose allowing theater in RiverPark at this time,

ACTION: Closed public hearing (Maulhardt/Herrera); Approved recommendations on Items 1 and 2: (Maulhardt/Herrera) Ayes: Zaragoza, Herrera, Flynn (on K-1), Maulhardt. \*Noes: Flynn on K-2.

RECESS

At 9:24 p.m. the City Council/Community Development Commission concurred to recess, and at 9:32 p.m. the meeting resumed.

L. PUBLIC HEARINGS

ACTION: Mayor Holden opened the public hearings.

DISCUSSION: The Assistant City Clerk reported on publication and that two letters were received in support of the denial, one from Mildred Miehle and Angela Slaff.

Development Services Department

1. SUBJECT: Appeal of the Planning Commission's Denial of Planning and Zoning Permit No. 06-400-5 (Coastal Development Permit) for the Edison Peaker Plant Proposal, Located at 251 North Harbor Boulevard. (089)  
RECOMMENDATION: Adopt **Resolution No. 13,340** upholding the Planning Commission's denial of Coastal Development Permit No. PZ 06-400-5 for a 45-Megawatt Electric Generation Peaker Plant located at 251 North Harbor Boulevard.  
DISCUSSION: The Planning & Environmental Services Manager (Manager) described the project, including installation of gas turbine generator, 80-foot exhaust stack, reasons for the proposal and operational characteristics. The Manager discussed issues of concern, including aesthetics, aqueous ammonia stored and transferred, air quality from emissions, and noise.

Mark Nelson, Director, Generation Planning & Strategy, Southern California Edison (Edison), introduced Edison staff. Michelle Nuttal, Development Project Manager; outlined benefits to the City: 1) it will provide about 25% of the City load, and 2) protect against equipment overloads. Ms. Nuttal added key points: 1) essential utility infrastructure, 2) expansion of an existing energy facility; 3) existing zoning precludes

construction of anything but an energy facility at this location. Edison in-house attorney Nino Mascolo disputed Planning Commission denial of the project, with regard to coastal dependent uses.

The City Council expressed views that Oxnard has shouldered more than enough by providing two electric generating plants supplying cities other than Oxnard, despite the fact that surrounding cities have had similar or greater growth.

At 9:55 p.m. Mayor Pro Tem Maulhardt was absent.

Speaking in support of the recommendation: William Terry, Mike deMentino, Chris Coudert, Barbara Fosbrink, District Manager, California Parks & Recreation; Larry Stein; Nancy Pederson; Edward Castillo; Shirley Godwin; Larry Godwin; Pat Brown; Gloria Roman; and Bert Perello.

Megan Birney, Community Environment Council, recommends alternatives to expansion.

In support of the the peaker plant proposal: Don Faiano, Ventura County Taxpayers Association; Tom Nielson, VCEDA; Nancy Lindholm, Oxnard Chamber of Commerce President; Tom Beardsley; Peter Zierhut, Haas Automation; and Celina Zacarias.

Council comments: Concern with 1) air quality; 2) impacts to endangered species; 3) proximity to new luxury development; 4) additional generating plants should be placed in other areas. The City Council expressed their support for development of alternative fuel sources.

ACTION: Close public hearing (Holden/Herrera); Approved recommendation (Zaragoza/Flynn): Ayes: Herrera, Flynn, Holden, and Zaragoza. Absent: Maulhardt.

2. SUBJECT: PZ No. 05-540-05 (Special Use Permit for a Planned Residential Group with 190 units), PZ No. 05-620-07 (General Plan Amendment), and PZ No. 05-300-29 (Tentative Subdivision Map and Alley Vacation Tract No. 5682) for the Gateway Walk Project, located at 1250 South Oxnard Boulevard. Filed by The Olson Company. (099)  
RECOMMENDATION: (1) Adopt **Resolution No. 13,341** approving Mitigated Negative Declaration No. 07-05 and approving Special Use Permit (PZ 05-540-05); (2) Adopt **Resolution No. 13,342** approving the General Plan Amendment (PZ 05-620-07) changing the land use designation from Commercial General to Medium Density Residential and Park for the residential and park parcels; and (3) Adopt **Resolution No. 13,343** approving Tentative Subdivision Map and Alley Vacation (PZ 05-300-29) for Tract No. 5682.\*  
ACTION: Mayor Holden opened the public hearing.  
DISCUSSION: The Assistant City Clerk reported on publication and no written communications.

Bill McReynolds, Olson Company, seeks clarification of motion made at July 17, 2007 City Council meeting regarding trash enclosures and setbacks.

Larry Stein, Shirley Godwin, Edward Castillo, Pat Brown, Larry Godwin; Bert Perello, Nancy Pederson oppose all or some aspects of the project.

Sandy Smith of Ventura supports

The Redevelopment Services Manager stated staff is supportive of 14 moderate, deed-restricted units. City Council comments included: 1) concern over loss of affordable housing, density and traffic issues; 2) but support overall because a) this will finally develop a blighted area; b) residential development is preferred over commercial resulting in less traffic impact; c) the project provides an amenity with appropriate housing and mixed uses.

ACTION: Approve recommended action and clarify: 1) 30-foot setbacks; 2) no gates on trash enclosure; 3) change to trash receptacles. (Herrera/Zaragoza) Ayes: Holden, Zaragoza, Herrera. \*Noes: Flynn. Absent: Maulhardt.

M. REPORT OF CITY MANAGER

N. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

City Attorney Department

1. SUBJECT: Scheduling of Regular Meeting for August 7, 2007. (101)  
RECOMMENDATION: Schedule a regular meeting for August 7, 2007.  
ACTION: Approved (Herrera/Holden); unanimous.

COMMUNITY DEVELOPMENT COMMISSION

At 12:22 p.m. the concurrent meeting with the Community Development Commission concluded.

O. REPORTS

Housing Department

1. SUBJECT: Residential Treatment Center Proposal for 1450 Rose Avenue (Formerly the Rainbow House Site). (103)  
RECOMMENDATION: Authorize the City Manager to execute a three (3) year lease with Miracle House in a form approved by the City Attorney for the purpose of providing residential treatment for women with alcohol and chemical dependency issues.  
DISCUSSION: Larry Stein questioned the current construction status.  
ACTION: Approved (Herrera/Zaragoza); Ayes: Zaragoza, Herrera, Flynn, and Holden. Absent: Maulhardt.

- 2. SUBJECT: Adoption of Ventura County 10-Year Strategy to End Homelessness. (107)  
RECOMMENDATION: Adopt the Ventura County 10-Year Strategy to End Homelessness as recommended by the City's Commission on Homelessness and the Homeless Working Group or direct the Housing Director to proceed with the creation of the City's own 10-Year Plan to End Homelessness.  
ACTION: Approved unanimously the Ventura County strategy and direct staff to proceed with the City's own 10-Year Plan (Holden/Zaragoza). Absent: Maulhardt.

P. PUBLIC COMMENTS ON REPORTS

Q. APPOINTMENT ITEMS

R. STUDY SESSION

S. PUBLIC COMMENTS ON STUDY SESSION

T. ADJOURNMENT

At 12:26 p.m. the City Council concurred to adjourn.

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JILL A. BEATY  
Assistant City Clerk

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DR. THOMAS E. HOLDEN  
Mayor

**DRAFT**

MINUTES

OXNARD CITY COUNCIL

Regular Meeting

August 7, 2007

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, Dean Maulhardt, John C. Zaragoza, Andres Herrera, and Timothy B. Flynn 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: Edmund Sotelo, City Manager; Karen Burnham, Assistant City Manager; Gary L. Gillig, City Attorney; and Jill Beaty, Assistant City Clerk.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

C. CLOSED SESSION

At 5:33 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 is City of Oxnard v. Sakioka Farms., et al., Ventura County Superior Court Case No. CIV 237760.

The City Council also recessed to a closed session, pursuant to Government Code section 54957.6, to give instructions to its negotiators regarding the salary or compensation paid in the form of fringe benefits to an unrepresented employee occupying the classification of City Manager.

The City Council also recessed to a closed session, pursuant to Government Code section 54957.6, to give instructions to its negotiators, Lynn Hutton, Human Resources Manager, and Dennis Scala, Special Assistant to the City Manager, regarding salaries, salary schedules or compensation paid in the form of fringe benefits for employees represented by the International Association of Firefighters AFL-CIO (IAFF), Local 1684, the Service Employees International Union (SEIU), Local No. 998, and the Oxnard Peace Officers' Association (OPOA), and other matters within the scope of representation.

At 6:56 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. The meeting opened with the pledge of allegiance to the flag of the United States, followed by a moment of silence. Mayor Holden presided. Additional staff members present were: Daniel Martinez, City Clerk; Curtis P. Cannon, Community Development Director; Michael Henderson, Maintenance Services Branch Manager/Deputy Public Works Director; and Lou Balderrama, Design & Construction Services Branch Manager/City Engineer.

**000044**

**E. CEREMONIAL CALENDAR**

1. **SUBJECT:** Presentation by United Way of Ventura County Recognizing the City of Oxnard Employees' Participation.  
**DISCUSSION:** Eve Liebman, Campaign Division Director, thanked the City of Oxnard employees for their contributions to the United Way campaign.

**ITEMS REMOVED FROM AGENDA**

The City Council concurred that Ordinance No. 2744 (I-5) be moved to after the action of "Memorandum of Understanding for the Development of the RiverPark Project" (O-1).

**F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA**

William Bill Terry, in-lieu housing fees regarding an Olson development.

Martin Jones, the City's financial involvement with the downtown theater development and Molina court case.

Robert Thompson, recognition of the Carnegie Arts Museum.

Dr. Bolt, classes at the Wilson Center to exercise the mind of elder members of the community.

John Korsten, property lien.

Ed Ellis, enhancement of downtown and needed street repair.

Miguel Espinosa, behavior of Council representatives and needed infrastructure.

Shirley Godwin, repairing street infrastructure.

The City Council concurred to have staff report on road repairs in the community.

**G. REVIEW OF INFORMATION/CONSENT AGENDA**

The Development Services Director reviewed the proposal by Edison to decommission the Ormond Beach Fuel Oil Pipeline (I-4) including cleaning, placement of pipe and possible future removal with Edison being responsible.

**H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA**

Bert Perello, commented on: opposition to RiverPark multiplex theater (I-5), RiverPark drainage system, and need to bid the amendment to Penfield and Smith contract (I-6, I-7).

The following individuals requested the pipe be completely removed from the current site now (I-4): William Bill Terry; Nancy Pedersen; Larry Godwin; and Shirley Godwin.

Barbara Ortiz, questioned construction of the soccer fields (I-8) and would like a unique development rather than building another multiplex theater at the RiverPark (I-5).

**DRAFT**I. INFORMATION/CONSENT AGENDACity Manager Department

1. SUBJECT: SB 619 (Midgen) Public Works Projects Small Business Payment Retention Policy Reform. (001)  
RECOMMENDATION: Execute a letter opposing (unless amended) the adoption of SB 619 (Midgen) Public Works Projects Small Business Payment Retention Policy Reform.

Development Services Department

2. SUBJECT: Pilot Program Regarding Curb Cuts and Limiting Front Yard Paving Area for Vehicle Parking. (005)  
RECOMMENDATION: Approve the first reading by title only and subsequent adoption of an uncodified **Ordinance No. 2745** establishing a pilot program in the Bartolo Square North and South Neighborhoods and in the Hill Street Neighborhood permitting curb cuts and limiting front yard paving area for vehicle parking.
3. SUBJECT: Final Map for Tract No. 5618 for the Sycamore Village and Gardens Project, 333 North F Street, Filed by AND Development, Inc. (011)  
RECOMMENDATION: Adopt **Resolution No. 13,344** approving Final Map No. 5618 for the Sycamore Village and Gardens project, located at 333 North F Street.
4. SUBJECT: Landowner Conditional Consent to Decommission the Ormond Beach Fuel Oil Pipeline. (019)  
RECOMMENDATION: Authorize the City Manager to execute a letter (**A-6910**) granting Southern California Edison (Edison) permission to decommission the obsolete Ormond Beach fuel oil pipeline located on City-owned property and include letter from Edison.\*  
DISCUSSION: Councilmembers commented on the understanding that the pipeline would be cleaned and left in place and the letter of Edison (showing Edison's responsible) should be included with the City's letter.

Public Works Department

6. SUBJECT: Amendment No. 3 to Agreement with Penfield and Smith for Design and Construction Services for Public Projects. (033)  
RECOMMENDATION: Approve and authorize the Mayor to execute Amendment No. 3 to Agreement **2024-03-PW** with Penfield and Smith increasing the amount of the original agreement from \$1,000,000 to \$2,000,000 for providing design and construction related services for the City's public works projects and extending the term of the agreement until June 30, 2008.  
DISCUSSION: The Design & Construction Services Branch Manager reviewed the scope of work of Penfield and Smith and the Request For Proposal process.
7. SUBJECT: Amendment No. 4 to Agreement with Penfield and Smith for Design and Construction Services for Phase I College Park at 3250 South Rose Avenue. (037)

**000046**

**RECOMMENDATION:** Approve and authorize the Mayor to execute Amendment No. 4 to Agreement **2024-03-PW** with Penfield and Smith increasing the amount of the agreement from \$2,000,000 to \$3,041,000 to provide design and construction related services for Phase 1 of College Park, located at 3250 South Rose Avenue.

**DISCUSSION:** The Design & Construction Services Branch Manager reviewed the scope of civil work (master plan) of Penfield and Smith and estimated costs compared to City work.

The City Councilmembers discussed the use of consultants within the City and need for future discussions regarding use of consultants.

8. **SUBJECT:** College Park Improvements - Phase IA, PW07-23. (043)  
**RECOMMENDATION:** Approve Project Specification PW 07-23, for Phase 1A of the College Park Improvement project located at 3250 South Rose Avenue.

**INFORMATION/CONSENT AGENDA ACTION:** Approved as recommended. (Maulhardt/Herrera) Ayes: Maulhardt, Zaragoza, Herrera, Flynn, and Holden. \*Abstain: Flynn only on I-4.

J. TRANSMITTAL OF INFORMATION ONLY ITEMS

K. INFORMATION/CONSENT PUBLIC HEARINGS

L. PUBLIC HEARINGS

M. REPORT OF CITY MANAGER

N. CITY COUNCIL/COMMITTEE REPORTS

O. REPORTS

Community Development Department

1. **SUBJECT:** Memorandum of Understanding for the Development of the RiverPark Project Located Adjacent to and North of the 101 Freeway, Adjacent to and East of the Santa Clara River, and West of Vineyard Avenue. (049)

**RECOMMENDATION:** That the City Council approve and authorize the Mayor to execute the Memorandum of Understanding (MOU) {A-5965} among the City, Community Development Commission (CDC) and RiverPark A relating to development of the RiverPark Project.

**DISCUSSION:** The Community Development Director reviewed the proposed MOU, needed follow-up negotiations, and the conditions to indemnify the City and CDC.

Bert Perello, questioned the need to correct a drainage problem at RiverPark and publicly analyze the marketability of a theater.

The following individuals opposed the MOU: Shirley Godwin; Larry Godwin; Nancy Pedersen; and Barbara Macri-Ortiz.

The City Council discussed: the viability of a "live" theater development, commitment to the downtown, projected RiverPark sales tax, and the current infrastructure repairs.

David Lauletta, Shea Homes, commented on the construction of a storm drain at Stroube Street which meets specifications of safety and is currently under discussions with the County.

ACTION: Approved as recommended (Herrera/Maulhardt). Ayes: Zaragoza, Herrera, Holden, and Maulhardt. Noes: Flynn.

I. INFORMATION/CONSENT AGENDA

5. SUBJECT: **Ordinance No. 2744**, Approving Amending the RiverPark Development Agreement (A-6128) to Permit the Location of a Multiplex Theater in the Commercial District of the RiverPark Specific Plan. (023)

RECOMMENDATION: Second reading and adoption.

ACTION: Approved (Herrera/Maulhardt). Ayes: Zaragoza, Herrera, Holden, and Maulhardt. Noes: Flynn.

COMMUNITY DEVELOPMENT

At 9:12 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 9:12 p.m. the City Council concurred to adjourn the meeting.

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DANIEL MARTINEZ  
City Clerk

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DR. THOMAS E. HOLDEN  
Mayor

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JILL BEATY  
Assistant City Clerk