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MINUTES
OXNARD CITY COUNCIL
Regular Meeting
September 18, 2007

A. ROLL CALL/POSTING OF AGENDA

At 5:30 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: Edmund F. Sotelo, City Manager; Grace Hoffman, Deputy City Manager; Gary L. Gillig, City Attorney; and Lourdes A. Lopez, Deputy City Clerk.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

C. CLOSED SESSION

At 5:30 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 discussed is Lindholm v. Gillig, Ventura County Superior Court Case No. 56-2007-00303040-CU-WM-VTA.

The City Council also recessed to a closed session, pursuant to Government Code section 54957.6, to give instructions to its negotiators, Dennis Scala, Special Assistant to the City Manager, Lino Corona, Acting Human Resources Director, and Lynn Hutton, Human Resources 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, the Oxnard Peace Officers' Association (OPOA), and the Oxnard Public Safety Management Employees Association (OPSMEA), and other matters within the scope of representation.

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

At 7:16 p.m. the City Council reconvened and recessed to the evening session.

D. OPENING CEREMONIES

At 7:16 p.m., the regular meeting of the Oxnard City Council reconvened in the Council Chambers. 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: Dirk Voss, Code Compliance Manager; Matthew Winegar, Development Services Director; Barbara Murray, Library Director; and Sue Martin, Planning and Environmental Services Manager.

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E. CEREMONIAL CALENDAR

1. SUBJECT: Presentation of a Proclamation Designating the Week of September 16 – 22, 2007, as "POW/MIA Recognition Days."
DISCUSSION: Presented to Tech Sergeant Jeremy Pitard, and Retired Tech Sergeant Ray De La Torre, Air Force Sergeants' Association. The ceremony is being dedicated in memory of Sr. Master Sgt. Victor Saabye who passed away recently.

2. SUBJECT: Oxnard Independent Film Festival.
DISCUSSION: Mayor Holden introduced Gil Ramirez, Luis Guereca, Dr.Ted Greathouse and Mrs. Greathouse and commented on the upcoming events.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Tom Joyce re utility bill issue
Cathie Moreno re Autumn Historic Home Tours
Jean Joneson re housing conference regarding Jones Ranch
Ventura Fernandez re Jones Ranch
Nancy Pedersen re Ormond Beach
Shirley Godwin re South Oxnard neighborhood
Larry Godwin re development at Ormond Beach
John Korsten re lien on property.
Ignacio Cervantes re the Courts, 31-1
Edgar Mohorko re South Oxnard neighborhood

G. REVIEW OF INFORMATION/CONSENT AGENDA

The City Council concurred to remove Item Nos. 3 and 5 for discussion only.

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

I. INFORMATION/CONSENT AGENDA

City Attorney Department

1. SUBJECT: **Ordinance No. 2746**, Adding Section 7-93 of the Oxnard City Code Concerning the Recovery of Graffiti Abatement Costs Incurred by the City. (001)
RECOMMENDATION: Second reading and adoption.

Development Services Department

2. SUBJECT: Planning and Zoning Permit No. 06-300-2 (Final Map for Phases 5 and 6 of Tract No. 5643), within the RiverPark Specific Plan Area, Filed by RiverPark Legacy, LLC. (003)
RECOMMENDATION: Adopt **Resolution No. 13,349** approving Planning and Zoning Permit No. 06-300-2 (Final Map) for Phases 5 and 6 of Tract No. 5643, located west of North Oxnard Boulevard, between Kiawah River Drive, and south of Owens River Drive within District I and District H of the RiverPark Specific Plan area.

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Finance Department

4. SUBJECT: Purchase Order for Computers and Peripheral Equipment. (029)
RECOMMENDATION: Approve and authorize the Mayor to sign a Blanket Purchase Order/Change Order with Compuwave in the amount not to exceed $500,000 for purchases of computers and peripheral equipment throughout the 2007-2008 fiscal year.

Public Works Department

6. SUBJECT: **Ordinance No. 2748**, Establishing Wastewater System User Fees and Charges. (035)
RECOMMENDATION: Second reading and adoption.

7. SUBJECT: **Ordinance No. 2749**, Continuing and Establishing Solid Waste System User Fees and Charges. (041)
RECOMMENDATION: Second reading and adoption.

8. SUBJECT: **Ordinance No. 2750**, Establishing Fees and Charges for the Use of and for Services Relating to City Water Services. (051)
RECOMMENDATION: Second reading and adoption.

9. SUBJECT: PW06-97 Doris Avenue, Fremont South, Wilson Neighborhoods Resurfacing Project. (059)
RECOMMENDATION: Approve Project Specification No. PW06-97 for pavement resurfacing, sidewalk, curb and gutter repair, and replacing street name signs throughout the Fremont South Neighborhood, Wilson Neighborhood and Doris Avenue from Ventura Road to A Street.

10. SUBJECT: PW06-25 Gonzales Road Landscaping Project. (063)
RECOMMENDATION: Approve Project Specification No. PW06-25 for median landscape and parkway improvements along Gonzales Road between Ventura Road and C Street.

11. SUBJECT: PW07-06 Sea View Estates Neighborhood Resurfacing Project. (067)
RECOMMENDATION: Approve Project Specification No. PW07-06 for pavement resurfacing, sidewalk, curb and gutter repair, and replace street name signs throughout the Sea View Estates Neighborhood bounded by Wooley Road, Dunkirk Drive, Victoria Avenue, and Patterson Road.

12. SUBJECT: PW07-07 Marina West Neighborhood Resurfacing Project. (071)
RECOMMENDATION: Approve Project Specification No. PW07-07 for pavement resurfacing, sidewalk, curb and gutter repair, and replace street name signs throughout the Marina West Neighborhood bounded by Wooley Road, Hemlock Street, Patterson Road, and Ventura Road.

13. SUBJECT: PW07-08 Sea Air Neighborhood Resurfacing Project. (075)
RECOMMENDATION: Approve Project Specification No. PW07-08 for pavement resurfacing, sidewalk, curb and gutter repair, and replace street name signs throughout the Sea Air Neighborhood located in the southwestern portion of the City bounded by Fifth Street, Wooley Road, Patterson Road, and Ventura Road.

14. SUBJECT: PW07-10 Carriage Square Neighborhood Resurfacing Project. (079)
RECOMMENDATION: Approve Project Specification No. PW07-10 (The Carriage Square Neighborhood Resurfacing Project) for pavement resurfacing, sidewalk, curb and gutter repair, and replace street name signs throughout the Carriage Square Neighborhood bounded by Gonzales Road, Doris Avenue, H Street, and Oxnard Boulevard.

15. SUBJECT: Agreement with Black and Veatch for Preliminary Design Services for the Recycled Water Backbone Pipeline Project Phase I. (083)
RECOMMENDATION: Approve and authorize the Mayor to execute the agreement with Black and Veatch **(A-6909)** in the amount of $287,288 for preliminary design services for the Recycled Water Backbone Pipeline Project Phase I.

16. SUBJECT: Acquisition Settlement Agreement with Summit Pools at 2595 East Ventura Boulevard for the Rice Avenue/Santa Clara Avenue Interchange Improvements on Highway 101. (085)
RECOMMENDATION: Approve and authorize the Mayor to execute the agreement between the City and Bob Dawson doing business as Summit Pools **(A-6931)** in the amount of $118,055 for acquisition of property located at 2595 East Ventura Boulevard for the Rice Avenue/Santa Clara Avenue interchange improvements on U.S. Highway 101.

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

I. INFORMATION/CONSENT AGENDA

Development Services Department

3. SUBJECT: Approval of Development Agreement Negotiating Team for the 25 Acre and 9.6 Acre Project Sites Located at 1801 West Vineyard Avenue and 2501 North Ventura Road, respectively, Filed by Casden Properties, LLC (PZ 07-670-01 and PZ 07-670-02). (021)
RECOMMENDATION: Direct the City Manager to appoint a negotiating team to negotiate a development agreement with Casden Properties, LLC, for the proposed projects located at 1801 West Vineyard Avenue and 2501 North Ventura Road.
DISCUSSION: The Development Services Director stated there will be two separate development agreements. The agreements are in draft form and will be required go through the process.

Police Department

5. SUBJECT: **Ordinance No. 2747**, Amending Sections 7-110 and 7-113 of the Oxnard City Code Concerning the Regulation of Newsracks on Public and Private Property. (031)
RECOMMENDATION: Second reading and adoption.
DISCUSSION: The Code Compliance Manager stated that this ordinance regulates the color, size, design, placement, installation and maintenance of newsracks placed on both public and private properties and to bring in line stability of newsracks.

Jean Joneson re Casden Properties (I-3)

Manuel Munoz re rewsracks on private properties

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Shirley Godwin re development agreements (I-3)

Peggy Hunt re newsracks on private property (I-5)

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

J. TRANSMITTAL OF INFORMATION ONLY ITEMS

City Manager's Office

1. SUBJECT: Executed Contracts. (097)

NOTE: Pursuant to City Council Resolution No. 13,014, attached is a listing of contracts in amounts over $100,000 to $250,000 executed by the City Manager for the period of August 1 through August 31, 2007.

K. INFORMATION/CONSENT PUBLIC HEARINGS

ACTION: The Mayor opened the public hearing.
DISCUSSION: The Deputy City Clerk reported on publication and that no written comments were received.

Shirley Godwin supports the proposed development (K-1).

Development Services Department

1. SUBJECT: Planning and Zoning Permit Nos. 06-500-11 (Special Use Permit), 06-570-08 (Zone Change), and 07-590-1 (Zone Variance), Located at the Southwest Corner of Oxnard Boulevard and Statham Boulevard, Filed by Statham Commercial Development, LLC, c/o Lanet-Shaw Architects. (101)
RECOMMENDATION: (1) Adopt **Resolution No. 13,350** approving Planning and Zoning Permit No. 06-500-11, a special use permit for a commercial building and three light industrial buildings, located at the southwest corner of Oxnard Boulevard and Statham Boulevard, subject to certain findings and conditions; (2) Adopt **Resolution 13,351** approving Planning and Zoning Permit No. 07-590-1, a zone variance to allow a reduction in the front yard setback for a portion of one building, subject to certain findings and conditions; and (3) Approve the first reading by title only and subsequent adoption of an **Ordinance No. 2751** changing the zoning for Planning and Zoning Permit No. 06-570-8, from Limited Industrial (M-L) to Business and Research Park (BRP).

Public Works Department

2. SUBJECT: Ocean View Municipal Water District Dissolution. (117)
RECOMMENDATION: (1) Adopt **Resolution No. 13,352** requesting the Ventura County Local Agency Formation Commission (LAFCO) to initiate proceedings to dissolve the Ocean View Municipal Water District (Ocean View); (2) Approve the first reading by title only and subsequent adoption of an uncodified **Ordinance No. 2752** establishing water rates for Ocean View service area; and (3) Authorize the City Manager to write-off Ocean View's current outstanding accounts receivable of $1,087,406.96 to the City as a bad debt and not collectable.

ACTION: Closed public hearing (Holden/Herrera); approved recommended action (Herrera/Zaragoza); Ayes: Zaragoza, Herrera, Flynn, Holden and Maulhardt. Noes on Item No. K-1: Flynn.

L. PUBLIC HEARINGS

M. REPORT OF CITY MANAGER

The City Manager commented on: 1) the upcoming persentation of Peter Neff at the Oxnard Public Library on September 25th on film scoring; 2) Police Officer Michael Purdy being awarded the medal of honor; and 3) the new edition to downtown Oxnard, Barroco's Restaurant, known for their organic homemade cuisine and bakery.

The Library Director commented that the South Oxnard Library was featured in the July edition of "Brodart's PRIME Catalog."

N. CITY COUNCIL COMMITTEE REPORTS

O. REPORTS

P. PUBLIC COMMENTS ON REPORTS

Q. APPOINTMENT ITEMS

R. STUDY SESSION

Development Services Department

1. SUBJECT: Pre-Application Review (PZ 07-600-7) for Development of a Shopping Center with Ancillary Alcohol Sales at the Southwest Corner of Gonzales Road and Rose Avenue (APN 215-0-061-125), Filed by Michael Penrod, Parkstone Companies. (130)
RECOMMENDATION: Review and provide preliminary comments on a pre-application to develop a 9.4 acre site with a 77,780 square foot neighborhood shopping center including a grocery store, located at the southwest corner of Gonzales Road and Rose Avenue.
DISCUSSION: The Planning and Environmental Services Manager reviewed the proposed development and the entitlements necessary for this project.

Michael Faulconer, Architect, reviewed the proposed development and stated that this development was designed as a walkable community. The proposed development calls for reduced parkway, sidewalk and landscape setbacks to the buildings.

ACTION: The City Council received report and provided comments.

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2. SUBJECT: Pre-Application Review of Proposed Development for a Shopping Center with Ancillary Alcohol Sales and Development of a Church Located at the Southwest Corner of Channel Islands Boulevard and Rose Avenue (APN 221-0-232-515), Filed by Tom Davies, Churchyard Development, LLC. (135)
RECOMMENDATION: Review and provide preliminary comments on a pre-application to develop a 4.05 acre site with a shopping center and alcohol sales on the northern portion of the site and a church on the southern portion of the site, located at the southwest corner of Channel Islands Boulevard and Rose Avenue.
DISCUSSION: The Planning and Environmental Services Manager summarized the proposed development and entitlements necessary for the proposed project. The development consists of a shopping center and church. The development would be built in stages.

Tom Davies, Churchyard Development reviewed the project and stated that the subject property would be divided into three parcels. The northern portion of the site, 2.2 acres would contain a grocery store (1.5 acres) and retail shops (0.7 acres), and the southern portion of the site (1.8 acres) would be developed with a church.

The following individuals expressed concern with the sale of alcohol close to a high school: Nancy Pedersen; Shirley Godwin; Pat Brown and Larry Godwin.

Sandy Smith, representing the applicant, reviewed the project and commented on the proposed store.

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

3. SUBJECT: Cultural Heritage Board Options. (145)
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.
DISCUSSION: The Development Services Director reviewed the City's current cultural heritage program. He reviewed the three options available to implement the City's historic and cultural resources program. They are: 1) designate a new citizen advisory group; 2) designate the Downtown Design Review Committee to act as the City's Historical Board; or 3) continue with the County's Cultural Heritage Board. The Director reviewed each option and the cost to administer the programs.

The following individuals stated their support to continue with the County's Cultural Heritage Board: Michael Faulconer; Nancy Pedersen; Eileen Tracy; Shirley Godwin; Gary Blum; Miguel Fernandez; Pat Brown; and Angela Whitecomb.

ACTION: The City Council concurred to continue with the current program.

Public Works Department

4. SUBJECT: Five Year Street Maintenance Capital Improvement Plan. (151)
RECOMMENDATION: Consider and provide direction to the Public Works Director regarding the Five Year Street Maintenance Capital Improvement Plan.
ACTION: Reschedule to a later date.

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S. PUBLIC COMMENTS ON STUDY SESSION

T. ADJOURNMENT

At 10:16 p.m. the City Council concurred to adjourn.

LOURDES A. LOPEZ
Deputy City Clerk

THOMAS E. HOLDEN
Mayor