

MINUTES

OXNARD CITY COUNCIL
 Regular Meeting
 April 22, 2008

DRAFT

A. ROLL CALL/POSTING OF AGENDA

At 7:03 p.m., the regular meeting of the Oxnard City Council convened in the Council Chambers concurrently with the Community Development Commission and Financing Authority. Councilmembers Dean Maulhardt, John C. Zaragoza, Andres Herrera, and Timothy B. Flynn were present. Mayor Thomas E. Holden was absent. The City Clerk stated that the agenda was posted on Thursday in the Library and City Clerk's Office. Mayor Pro Tem Maulhardt 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; John Crombach, Police Chief; Ken Ortega, Public Works Director; Curtis P. Cannon, Community Development Director; Barbara Murray, Library Director; Matthew Winegar, Development Services Director; Grace Magistrale Hoffman, Deputy City Manager; and Lori Rice, Parks Manager.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

C. CLOSED SESSION

D. OPENING CEREMONIES

The meeting opened with the pledge of allegiance to the flag of the United States, followed by a moment of silence.

E. CEREMONIAL CALENDAR

2. SUBJECT: Proclamation Designating April 30, 2008 as "Arbor Day".
DISCUSSION: The Parks Manager invited the public to attend a tree planting at Via Marina Park on April 30.

1. SUBJECT: Proclamation Designating April 27 - May 3, 2008 as "Volunteer Week".
DISCUSSION: Nancy Rowe and Earnee Hosaki of the RSVP Advisory Council and Marisue Eastlake, City of Oxnard RSVP, commented on the many individuals who volunteered and asked that everyone consider volunteering in the community.

SUBJECT: Proclamation Designating April 2008 as "Fair Housing Month."
DISCUSSION: John Hatcher, NAACP, thanked the City Council for their efforts to help solve some of the housing problems in the City.

SUBJECT: Plaque from California Air National Guard

DISCUSSION: Mayor Pro Tem Maulhardt acknowledged the 146th Airlift Wing Channel Islands Air National Guard Station dedication and naming of a new C130 -J Super Hercules (Tail No. 2005-1466) on March 1, 2008 as the "City of Oxnard".

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

The following individuals expressed concern regarding collection of signatures at the Earth Day event: William Bill Terry, Harold Ceja, and Daniel E. Lechliter.

Joe Avelar, Satellite City Hall, INCF a Supervisor Forum, and mobile car wash compliance.

Ernest Stein, operation of the Police Department.

Ed Ellis, cost of artificial turf and half-cent tax measure.

John Korsten, property lien.

Bert Perello, temporary stop signs and the Stroube Street drain both in the Riverpark development.

Vince Behrens, supporting downtown business community and communications with City officials.

Martin Jones, questioned staff report regarding synthetic turf surfaces.

Shirley Godwin, Edison`s appeal of the "peaker plant" next to the Edison plant at the Coastal Commission meeting.

Larry Stein, preparation of the financial budget and proposed half-cent measure.

G. REVIEW OF INFORMATION/CONSENT AGENDA

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

I. INFORMATION/CONSENT AGENDA

City Clerk Department

- 1. SUBJECT: Minutes of the Regular Meetings of City Council for March 18 and 25, 2008 (001)
RECOMMENDATION: Approve.

Development Services Department

- 3. SUBJECT: Resolution for Sue Engbrecht for 37 Years of Service. (029)
RECOMMENDATION: Adopt **Resolution No. 13,400.**

Public Works Department

4. SUBJECT: Assessment for the City's National Pollutant Discharge Elimination System (NPDES) Storm Water Management Program. (031)
RECOMMENDATION: Adopt **Resolution No. 13,401** authorizing an assessment for the City's National Pollutant Discharge Elimination System Storm Water Management Program for inclusion in the Ventura County Watershed Protection District's Benefit Assessment Program.

5. SUBJECT: Special Budget Appropriation for Gas Tax Bond Street Improvement Projects. (035)
RECOMMENDATION: (1) Approve a special budget appropriation in the amount of \$401,992 from available bond proceeds in the State Gas Tax Fund to adjust amounts for various street improvement projects funded by the Gas Tax Revenue Certificates of Participation; and (2) Approve the reallocation of appropriations in the amount of \$4,305,034 to provide adjustment for cost increases and decreases for various street improvement projects funded by the Gas Tax Revenue Certificates of Participation.

7. SUBJECT: Rubberized Asphalt Concrete (RAC) Chip Seal Grant Program. (049)
RECOMMENDATION: (1) Adopt **Resolution No. 13,402** authorizing the City Manager to submit to the California Integrated Waste Management Board applications under the Rubberized Asphalt Concrete Chip Seal Grant Program for up to five years; (2) Authorize the City Manager or his designee to execute agreements, amendments and requests for payment or other documents necessary to secure grant funds and implement the approved grant project; and (3) Authorize the City Manager or his designee to appropriate the funds upon grant award.

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

City Manager Department

2. SUBJECT: Oxnard Main Library - Carpet Replacement. (025)
RECOMMENDATION: Approve Project Specification No. GS 08-13 for the carpet replacement at the Oxnard Main Library located at 251 South "A" Street.
DISCUSSION: The Library Director stated this was the beginning of the bidding process as directed by City Council.

6. SUBJECT: License and Joint Use Agreement No. (A-7036) for Construction and Maintenance of a Water Well on a 6,000 Square Foot Site Described in Attachment No. 1 of the Future Sports Park Site at Gonzales Road and Oxnard Boulevard. (039)
RECOMMENDATION: (1) Approve and authorize the Mayor to execute License Agreement No. A-7036, providing for use by the City's Water Enterprise Fund ("Water Fund") of approximately 6,000 square feet for an injection/extraction water well facility and approximately 20,371 square feet of required construction, operation, and maintenance

access via an adjacent parking roadway area in City-owned property located at the southeast corner of Gonzales Road and Oxnard Boulevard; and (2) Approve the special budget appropriation of funds in the amount of \$280,000 from the Water Fund Balance to Account No. 601-6010-842-8209.

DISCUSSION: The City Council questioned the proposed sport park layout in the report and costs of development of the site.

The Public Works Director reviewed past actions and direction of the City Council. The City Attorney suggested removing Exhibit A (a possible layout of the sports park)

The City Council concurred to remove the map and to have a future meeting to discuss potential site layout of the site.

- 8. SUBJECT: Ventura Regional Sanitation District Biosolids Agreement. (053)
RECOMMENDATION: Approve and authorize the Mayor to execute an agreement with Ventura Regional Sanitation District (**A-7038**) for commitment and treatment of Biosolids.
DISCUSSION: The City Council discussed the possible use of biosolids to be changed to fuel

INFORMATION/CONSENT AGENDA ACTION: Approved as recommended with the removal of a possible sports park site (I-6). (Zaragoza/Maulhardt) Ayes: Herrera, Flynn, Maulhardt, and Zaragoza. Absent: Holden.

J. TRANSMITTAL OF INFORMATION ONLY ITEMS

Finance Department

- 1. SUBJECT: Monthly Budget Status Reports for the Period Ending March 31, 2008 for Revenues and Expenses Include the General Fund, the Community Development Funds and the Utility Funds. (055)
DISCUSSION: The Mayor Pro Tem stated that the monthly budget status report would be available on the third Thursday of each month.

Larry Stein questioned several financial numbers on the report.

ACTION: The City Council received the item.

K. INFORMATION/CONSENT PUBLIC HEARINGS

ACTION: The Mayor Pro Tem declared the public hearing open.
DISCUSSION: The City Clerk reported on posting, publication and that there were no written communications received.

Development Services Department

1. SUBJECT: Request to rename Marygold Avenue to Millie Lane (PZ No. 08-680-1). (071)
RECOMMENDATION: Adopt **Resolution No. 13,403** approving the request to rename Marygold Avenue to Millie Lane.
DISCUSSION: Nancy Pedersen favored the name change.

2. SUBJECT: PZ 07-600-06 (General Plan Amendment), PZ 07-570-04 (Zone Change), PZ 07-300-13 (Tentative Parcel Map), and PZ 07-500-14 (Special Use Permit) for the Shops at College Park. Located on the Southwest corner of Channel Islands Boulevard and Rose Avenue. (Please Refer to Item K-3). (075)
RECOMMENDATION: (1) Adopt **Resolution No. 13,404** upholding the Planning Commission's approval of Mitigated Negative Declaration No. 2007-11 finding that the proposed project will not have a significant effect on the environment and upholding the Commission's approval of PZ 07-500-14 (Special Use Permit) for the construction of a Fresh and Easy grocery store (Tesco - 13,929 sq. ft.) with alcohol sales (for off-site consumption), and approximately 5,630 sq. ft. for additional retail uses subject to certain findings and conditions; (2) Adopt **Resolution No. 13,405** approving PZ 07-300-13 (Tentative Parcel Map) to create three parcels for commercial use; (3) Adopt **Resolution No. 13,406** approving PZ 07-600-06 (General Plan Amendment) to amend the land use designation, from Residential Low Medium to General Commercial. Defer adoption of the resolution until completion of the hearing on the Advanced Water Purification Facility (AWPF) water project, later on this agenda; then adopt a resolution approving General Plan Amendments for both this project and the AWPF water project; and (4) Approve the first reading by title only and subsequent adoption of **Ordinance No. 2771** approving Zone Change (PZ 07-570-04) changing the zone district from R-2 (Multiple Family) to C-2-PD (General Commercial, Planned Development).
DISCUSSION: Tom Davies, James Biega, Sandy Smith and Parker Fendler representing the developer reviewed traffic circulation; procedures to sell alcohol; and the positive communications with the community.

The following individuals supported the project: Joe Avelar; Nancy Pedersen; Ernest Stein; Lucy Rodriguez; Randy Ortiz, Channel Islands High School vice-principal; and Larry Stein.

The following individuals expressed concern with the selling of alcohol: Shirley Godwin; Bert Perello; and Pat Brown.

Ed Ellis, traffic concerns.

The City Council discussed the sale of alcohol products, traffic circulation, and impact of the development to the community.

3. SUBJECT: Planning and Zoning Permit Nos. 07-500-13, (Special Use Permit) and 08-620-01 (General Plan Amendment) for the Advanced Water Purification Facility (AWPF), Located on the Northeast Corner of Perkins Road and Magellan Road. (097)

RECOMMENDATION: (1) Adopt **Resolution No. 13,407** upholding the Planning Commission's approval of Special Use Permit PZ 07-500-13 for the development of the Groundwater Recovery Enhancement and Treatment (GREAT) Program AWPf project; and (2) Adopt **Resolution No. 13,406** approving General Plan Amendment PZ 08-620-01, changing the land use designation of the northeast corner of Perkins Road and Magellan Road (APN 231-009-225) from Residential Medium to Light Industrial; and, also approving General Plan Amendment PZ 07-600-06 changing the land use designation of the southwest corner of Channel Islands Boulevard and Rose Avenue from Residential Low Medium to General Commercial.

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

RECESS

At 9:17 p.m., the City Council recessed and at 9:25 p.m., the City Council reconvened.

L. PUBLIC HEARINGS

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

Community Development Department

1. SUBJECT: Ground Lease, Parking Facility Management Agreement, Acquisition Agreement and Issuance of Redevelopment Tax Allocation Bonds, Series 2008 for an Approximate Five Hundred (500) Space Public Parking Structure and Other Public Improvements at 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. (119)

RECOMMENDATION: (1) Adopt **Resolution No. 13,408** entitled "Resolution of the City Council of the City of Oxnard Approving the Sale, Issuance, and Delivery by the Oxnard Community Development Commission of Not More Than \$13,500,000 in Principal Amount of Oxnard Community Development Commission Historic Enhancement and Revitalization of Oxnard (HERO) Project Area Tax Allocation Bonds, Series 2008, and Making Certain Determinations Relating Thereto"; (2) Approve a special budget appropriation in the amount of \$12 million to allocate Bond (defined below) proceeds in the approximate amount of \$9.9 million and HERO fund balance in the amount of \$2.1 million to an approximate 500-space public parking structure and other public improvements at the RiverPark Project for Fiscal Year 2007-08; and (3) Authorize the Mayor, City Manager, and Community Development Director, on behalf of the City, to each sign all documents necessary and appropriate to carry out and implement the Ground Lease, the Parking Facility Management Agreement, and the Acquisition Agreement, and to administer any City obligations, responsibilities, and/or duties to be performed thereunder.

DISCUSSION: The Community Development Director reviewed the financial structure of the agreement, bond actions, maintenance of facilities and the parking structure including public usage and private usage.

Shirley Godwin and Daniel E. Lechliter opposed approval.

Veronica Munoz, supported of the downtown business community and had some concern regarding this project.

The City Council commented on the proposed parking structure and support of the downtown business community.

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

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

Development Services Department

2. SUBJECT: Planning and Zoning Permit No. 07-300-20 (Tentative Subdivision Map for Tract No. 5781) located at the southwest portion of planning district F within the Riverpark specific plan. It is bounded on the North by American River Court, on the West and South by River Park Drive, and on the East by Lot 19 of Tract 5352-1. (127)
RECOMMENDATION: Adopt **Resolution No. 13,409** denying Planning and Zoning Permit No. 07-300-20 (Tentative Subdivision Map for Tract No. 5781), in accordance with the Planning Commission's recommendation as provided in Resolution No. 2008-21.

DISCUSSION: The Development Services Director reviewed the proposed project to separate the properties, creation of a pocket park, the concerns of the Planning Commission, and past evaluation of the development area.

Tony Tamonte and John Hait of Riverpark reviewed the safety of the river levee, elevation of the site, traffic circulation, development of parks, and the planned product development.

The following individuals expressed concern regarding the safety of the development in near the Santa Clara River and/or requested that the development be halted until more information could be provided: Nancy Pedersen; Daniel E. Lechliter; Pat Brown; Ernest Stein; and Larry Godwin.

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

COMMUNITY DEVELOPMENT AND FINANCING AUTHORITY

At 11:05 p.m. the joint meetings with the Community Development Commission and Financing Authority concluded.

Finance Department

- 3. SUBJECT: Five Year FY 2008-2013 Consolidated Plan and FY 2008-2009 Annual Action Plan.
RECOMMENDATION: Continue to May 6, 2008.
ACTION: Approved as recommended. (Herrera/Zaragoza) Unanimously.

M. REPORT OF CITY MANAGER

The City Manager stated a presentation inviting the public regarding the half-cent measure "We Hear You" will take place on April 29, 2008 in the Council Chambers.

N. CITY COUNCIL/ BUSINESS/COMMITTEE REPORTS

SUBJECT: Presentation Concerning Quality of Life Issues Relating to the Condition of Oxnard Neighborhoods, Methods for Reinvigorating Oxnard Neighborhoods, Elimination of Overcrowding in Housing, Traffic Congestion, Attractiveness of Residences, and the Role of Neighborhood Councils in Achieving the City Council's Goals of Maintaining Safe, Clean and Attractive Neighborhoods. (Councilman Timothy B. Flynn)
ACTION: City Council concurred to continue this item to May 6, 2008.

O. REPORTS

P. PUBLIC COMMENTS ON REPORTS

Q. APPOINTMENT ITEMS

R. STUDY SESSION

S. PUBLIC COMMENTS ON STUDY SESSION

T. ADJOURNMENT

At 11:12 p.m. the City Council concurred to adjourn the meeting.

DANIEL MARTINEZ
City Clerk

DEAN MAULHARDT
Mayor Pro Tem