

MINUTES
OXNARD CITY COUNCIL
Regular Meeting
July 22, 2008

A. ROLL CALL/POSTING OF AGENDA

At 6:01 p.m. the regular meeting of the Oxnard City Council convened in the Council Chambers, concurrently with the Housing Authority. Councilmembers Holden, Maulhardt, Zaragoza, Herrera, and Flynn were present. Staff present included: Karen Burnham, Assistant City Manager, Grace Magistrale Hoffman, Deputy City Manager; Gary L. Gillig, City Attorney; Norma Owens, Grants Manager; and Jill Beaty, Assistant City Clerk. Mayor Holden presided and called the meeting to order.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

C. CLOSED SESSION

The City Council will recess 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 are Affholder, Inc. v. City of Oxnard, United States District Court Case No. CV 07-06562 RGK (CWx).

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

At 7:04 the City Council recessed to the evening session.

D. OPENING CEREMONIES

At 7:04 p.m. the regular meeting of the City Council convened in Council Chambers, concurrently with the Community Development Commission and the Financing Authority. The meeting opened with the pledge of allegiance led by the Mayor Pro Tem followed by a moment of silence. Staff present were Jim Cameron, Chief Financial Officer; Rob Roshanian, Development Services Manager; Michael Henderson, Parks and Facilities Superintendent; Curtis Cannon, Community Development Director; and Mike More, Financial Services Manager.

E. CEREMONIAL CALENDAR

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

William Terry, in support of the traffic initiative

Rev. Edgar Mohorko, meeting of Clergy Council, cleanup of the Halaco site

Ventura Fernandez, potential School District litigation

John Korsten, various topics

Ed Ellis, Peaker Coastal Commission re peaker plant, swap meet property, Halaco
Inez Tuttle, in support of Spanish translation of meetings
M. Jones, concerns over potential Big League Dreams development
Nancy Pedersen, C. I Marine Society educational programs at Ormond Beach
Penny Boehm, C. I. Harbor master lessees spokesperson, opposes traffic initiative
Dennis O'Leary, conduct of recent community meeting re Halaco site: opposes traffic initiative
Dennis Ralph, opposes development of Big League Dreams project
Pat Brown, opposes repair and redesign of existing former swap meet building

G. REVIEW OF INFORMATION/CONSENT AGENDA

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Shirley Godwin, I-2 asked for more details, approves I-5 action, update on Big League Dreams, I-7 provide public with answers on loan guarantee: I-11 too much info being presented at one meeting.

Larry Godwin, I-15 wishes to see heavy truckers taxed so as not to burden Redevelopment Agency.

Bert Perello, I-11 Board of Supervisors meeting held in Oxnard City Council Chambers, should have been televised to inform the public on this item.

The Mayor and the City Attorney commented about the City's role in developer/Oxnard Elementary School District (District) agreements. The City Council requested an update on College Park and Big League Dreams.

Dr. Richard Miller, Superintendent of the Oxnard Elementary School District (District), commented on the District's excellent relationship with the City.

I. INFORMATION/CONSENT AGENDA

City Attorney Department

1. SUBJECT: Execution of an Easement Agreement for the Waterway Commonly Known as the Edison Canal. (001)
RECOMMENDATION: Authorize the Mayor to execute an easement agreement with Centerpoint Energy MRT Services and Trimark Pacific-Mandalay Bay, LLC (**4250-08-CA**)
2. SUBJECT: Correction of Declaration of Covenants, Conditions, Easements and Restrictions Governing the Seabridge Project Located Southwesterly of the Intersection of Wooley Road and Victoria Avenue. (003)
RECOMMENDATION: Authorize the Mayor to execute the corrected documents.

City Manager Department

4. SUBJECT: Amendment to Chapter 23, Article IV of the City Code Establishing Video Franchise Fees, Penalties, and Other Related Matters for State Video Franchise Agreements. (023)
RECOMMENDATION: Approve the first reading by title only and subsequent adoption of **Ordinance No. 2782** adding Section 23-44 to the City Code, establishing video franchise fees, PEG fees, penalties and other related matters for state video franchise agreements.
5. SUBJECT: College Park Phase 1B Project. (029)
RECOMMENDATION: Approve Project Specification GS08-11 for the College Park Phase 1B Project consisting of construction of two dog parks, two volleyball courts, two parking lots, and a perimeter road, irrigation and landscaping, located at 3250 South Rose Avenue.

Community Development Department

6. SUBJECT: Resolution Approving and Supporting Gateway Monument signs in Caltrans Right-Of-Way on the 101 Freeway at the Southbound Vineyard Avenue and the Northbound Del Norte Boulevard Off-Ramps. (033)
RECOMMENDATION: Adopt **Resolution No. 13,538** approving and supporting Gateway Monument signs in Caltrans right-of-way on the 101 Freeway at the southbound Vineyard Avenue and the northbound Del Norte Boulevard off-ramps.
7. SUBJECT: Financing for the RiverPark Project Retail Component Located Adjacent to and North of the 101 Freeway, East of the Santa Clara River and West Of Vineyard Avenue. (041)
RECOMMENDATION: That City Council (1) For the assignment of the RiverPark Project Development Agreement (**A-6128**), approve as to form the Assignment and Assumption Agreements from Shea Properties II, LLC to the Collections, LLC, Landing, LLC and Pointe, LLC and authorize the Mayor to execute the consent forms for the Assignment and Assumption Agreements; and (2) Approve and authorize the Mayor to execute the construction financing Consent Estoppel for the Collections, LLC and Keybank National Association conditioned on the review and approval by the City Attorney and Special Counsel of the final form of the loan documents.*

Development Services Department

8. SUBJECT: **Ordinance No. 2781** Regarding PZ 07-570-8 (Zone Change) for 934 and 936 West Fifth Street and 501 Hobson Way to Commercial Office. Filed by Grace Bible Church and Synergy Development Services (on Behalf of T-Mobile). (045)
RECOMMENDATION: Second reading and adoption.
9. SUBJECT: Authorization for Mayor to Execute Program-Supplements and Other Documents to Master Agreement for Federal-Aid Projects with California Department of Transportation (Caltrans). (049)
RECOMMENDATION: Adopt **Resolution No. 13,539** authorizing the Mayor to execute all program supplements and other documents required under revised Master Agreement administering Agency-State Agreement for Federal-Aid Projects No. 07-5129R (A-6986).

10. SUBJECT: Agreement with Southern California Gas Co. for Rice Avenue/Santa Clara Avenue Interchange Improvements on Highway 101. (051)
RECOMMENDATION: Approve and authorize the Mayor to execute an agreement with Southern California Gas Co. (**A-6844**) in the amount of \$1,586,260 for relocation of a 30-inch high pressure gas line at the Rice Avenue/Santa Clara Avenue interchange improvements on Highway 101.
11. SUBJECT: Amendments to Chapter 18 (Floodplain Management) of the Oxnard City Code. (053)
RECOMMENDATION: Approve the first reading by title only and subsequent adoption of **Ordinance No. 2783** amending various sections of Chapter 18 (Floodplain Management) of the Oxnard City Code to comply with the current California Model Floodplain Management Ordinance.
12. SUBJECT: Approval of a Development Agreement Negotiating Team for (1) the Las Cortes Project Located North of First Street, West of Rose Avenue, South of Del Sol Park and East of Marquita Street, filed by the Oxnard Housing Authority and Steadfast Properties LLC; and (2) a mixed use development project located at 711 N. Oxnard Boulevard filed by Aldersgate Investment, LLC. (059)
RECOMMENDATION: (1) Direct the City Manger to appoint a negotiating team to negotiate a development agreement with the Housing Authority and Steadfast Propertie for the Las Cortes Project; and (2) Direct the City Manager to appoint a negotiating team to negotiate a development agreement with Aldersgate Investment, LLC for a mixed used development project.**

Finance Department

13. SUBJECT: Sale of Vacant Land Located at 4201 West Hemlock Street. (063)
RECOMMENDATION: Approve the sale of property located at 4201 West Hemlock Street, Oxnard, CA (the "Property") to Robert Stein ("Buyer") (**A-7086**), authorize the Mayor to execute a *Grant Deed in connection therewith*, and ratify the execution by the City Manager of the attached Vacant Land Purchase Agreement, Counter Offer No. 1, and related documents.

Police Department

14. SUBJECT: **Ordinance No. 2780** Concerning Regulating Time and Place Restrictions on Vending from Vehicles, Wagons, and Pushcarts. (065)
RECOMMENDATION: Second reading and adoption.
15. SUBJECT: PW06-14 Ormond Beach Resurfacing Project, Located in the Ormond Beach Project Area. (067)
RECOMMENDATION: That City Council (1) Approve Project Specification No. PW06-14 (Ormond Beach Resurfacing Project) for pavement resurfacing, sidewalk, curb and gutter repair, and replace street name signs throughout the Ormond Beach area bound by Perkins Road, Mc Wane Boulevard, Edison Drive, and Hueneme Road; and (2) Approve and adopt **Resolution No. 13,540** entitled "A Resolution of the City Council of the City of Oxnard, California, Consenting to the Payment or Reimbursement by the Oxnard Community Development Commission of All Costs Related to Certain Public Improvements in the Ormond

Beach Redevelopment Project Area, Agreeing to Administer and Expend Funds on Behalf of the Commission and Making Certain Determinations and Findings (Roadway Reconstruction Project).”

16. SUBJECT: PW06-15 Rose Park Neighborhood Resurfacing Project, Located in the Historic Enhancement and Revitalization Project Area (“HERO”). (081)
RECOMMENDATION: That City Council (1) Approve Project Specification No. PW06-15 (Rose Park Neighborhood Resurfacing Project) for pavement resurfacing, sidewalk, curb and gutter repair, and replace street name signs throughout the Rose Park Neighborhood bounded by Rose Avenue and Camino Del Sol; (2) Approve and adopt **Resolution No. 13,541** entitled “A Resolution of the City Council of the City of Oxnard, California, Consenting to the Payment or Reimbursement by the Oxnard Community Development Commission of All Costs Related to Certain Public Improvements in the HERO Project Area, Agreeing to Administer and Expend Funds on Behalf of the Commission and Making Certain Determinations and Findings (Roadway Reconstruction Project)”; and (3) Approve a special budget appropriation of \$1,581,159 from the HERO Streets Projects No. 078701 to the HERO Rose Park Neighborhood Resurfacing Project No. 063111.
17. SUBJECT: PW07-22 Southwinds Neighborhood Resurfacing Project, Located in the Southwinds Project Area. (101)
RECOMMENDATION: That City Council (1) Approve Project Specification No. PW07-22 (Southwinds Neighborhood Resurfacing Project) for pavement resurfacing, alley reconstruction, sidewalk, curb and gutter repair, and replace street name signs throughout the Southwinds Neighborhood bounded by Saviers Road, Hueneme Road, Pleasant Valley Road, and J Street; and (2) Approve and adopt **Resolution No. 13,542** entitled “A Resolution of the City Council of the City of Oxnard, California, Consenting to the Payment or Reimbursement by the Oxnard Community Development Commission of All Costs Related to Certain Public Improvements in the Southwinds Redevelopment Project Area, Agreeing to Administer and Expend Funds on Behalf of the Commission and Making Certain Determinations and Findings (Roadway Reconstruction Project).”
18. SUBJECT: PW08-20 Mandalay Bay Guardrail Replacement Project Phase III. (115)
RECOMMENDATION: Approve Project Specification No. PW08-20 Mandalay Bay Guardrail Replacement Project Phase III for the removal and replacement of the channel guardrails at 20 locations from Jamestown Court to Gateshead Bay in the Mandalay Bay community, located north of Channel Islands Boulevard, east of Harbor Boulevard, south of Hemlock Street, and west of Victoria Avenue.
19. SUBJECT: Purchase Order (PO) for Purchase of Equipment from Paso Robles Truck Center. (119)
RECOMMENDATION: (1) Approve and authorize the Mayor to execute a purchase order for the purchase of two refuse collection trucks as described on PO No. 3166 in the amount of \$523,923; (2) Approve the appropriation of funds in the amount of \$523,923 for the purchase of two refuse collection trucks from the Solid Waste Operation Fund and the Solid Waste Developer Fee Fund.

Public Works Department

20. SUBJECT: First Amendment to Agreement with Kennedy/Jenks Consultants for Blending Station No. 3 Desalter Project. (125)
RECOMMENDATION: Approve and authorize the Mayor to execute the first amendment to the agreement with Kennedy/Jenks Consultants ("Kennedy/Jenks") (A-6924) to increase the amount by \$124,000 for a total of \$498,000 for the preliminary design and construction administration of the Blending Station No. 3 Desalter Project located at 1700 Solar Drive and extend the agreement expiration date to December 31, 2009.
21. SUBJECT: Ventura Regional Sanitation District Painting and Coating Agreement. (131)
RECOMMENDATION: Approve and authorize the Mayor to execute an agreement with Ventura Regional Sanitation District (A-7074) for Painting and Coating Services.
22. SUBJECT: Special Budget Appropriation for Gas Tax Bond Street Improvement for Cabrillo Neighborhood Resurfacing Project. (133)
RECOMMENDATION: Approve a special budget appropriation in the amount of \$152,373 from available bond proceeds in the State Gas Tax Fund for the Cabrillo Neighborhood Resurfacing Project funded by the Gas Tax Revenue Certificates of Participation.

INFORMATION/CONSENT AGENDA ACTION: Approved (Zaragoza/Holden); Ayes: Holden, Maulhardt, Zaragoza; Flynn. *Noes: Flynn on I-7 only. **Abstain: Maulhardt on I-12(1).

J. TRANSMITTAL OF INFORMATION ONLY ITEMS

1. SUBJECT: Monthly Budget Status Reports for the Period Ending June 30, 2008. (135)
ACTION: Received and filed.

K. INFORMATION/CONSENT PUBLIC HEARINGSL. PUBLIC HEARINGSDevelopment Services Department

1. SUBJECT: Appeal of Planning Commission's Action on PZ Nos. 06-500-14 (Special Use Permit for a Planned Residential Group); 06-300-12 (Tentative Subdivision Map for Tract No. 5580 for Condominium Purposes); 06-620-05 (General Plan Amendment); and 06-570-09 (Zone Change) for the Construction of Residential Condominium Units to be Located on the Northeast Corner of South Victoria Avenue and Hemlock Street. Filed by Courtyard at Mandalay Bay, LLC.
RECOMMENDATION: Continue to September 9, 2008.
ACTION: Approved (Maulhardt/Zaragoza); approved unanimously.

M. REPORT OF CITY MANAGER

1. SUBJECT: Update on Swimming Pool at Old Oxnard High School Located at 350 South "K" Street.

RECOMMENDATION: Consider a verbal report by General Services Superintendent regarding the former swimming pool at the former Oxnard High School and provide direction to the City Manager.

DISCUSSION: The Facilities Maintenance Superintendent reported on 1) the difficulties in obtaining refurbishment costs; 2) estimates of \$3 million for a new pool; 3) using existing concrete shell would save money but the configuration would remain the same; 4) maintenance costs; 5) staff's recommendation for development of a new a new swimming pool utilizing current safety and design features.

The City Council discussed airport safety restrictions and whether this site is best site for a swimming pool, potential partnership with the school districts to fund maintenance costs.

Joe Ruscio questioned Federal Aviation Administration restrictions.

ACTION: The City Council provided direction to staff to move forward with demolition of the old pool facility.

N. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

The City Council requested an update on the former swap meet site. The City Attorney was congratulated on 20 years of service to the City and upon his retirement.

COMMUNITY DEVELOPMENT COMMISSION

At 8:50 p.m. the concurrent meeting with the Community Development Commission concluded.

O. REPORTS

Finance Department

1. SUBJECT: Substitution of Liquidity Providers and Remarketing of Variable Rate Bonds. (137)
RECOMMENDATION: That City Council (1) Adopt **Resolution No. 13,543** authorizing the provision of a substitute liquidity facility for the City Of Oxnard Financing Authority's outstanding Variable Rate Demand Lease Revenue Bonds, 2003 Series B, the remarketing of such bonds in connection therewith, and the amendment of certain documents in connection therewith, and approving certain documents and authorizing certain actions in connection therewith; (2) Adopt **Resolution No. 13,544** authorizing the provision of a substitute liquidity facility for the City of Oxnard Financing Authority's outstanding Variable Rate Demand Lease Revenue Bonds (Civic Center Phase 2 Project), Series 2006, the remarketing of such bonds in connection therewith, and the amendment of certain documents in connection therewith, and approving certain documents and authorizing certain actions in connection therewith; and (3) Adopt **Resolution No. 13,545** authorizing the provision of a substitute liquidity facility for the City of Oxnard Financing Authority's outstanding Variable Rate Demand Wastewater Revenue Bonds (Headworks and Septic System Conversion Projects), 2004 Series B, the remarketing of such bonds in connection therewith, and the amendment of certain documents in connection therewith, and approving certain documents and authorizing certain actions in connection therewith.

DICSUSSION: The Chief Financial Officer (CFO) reported on the proposal to restructure the variable rate bonds because bond insurers have been downgraded, there have been significant rate increases on bond rates, and restructuring is now recommended to reduce future interest costs. He concluded that restructuring would be complete on August 26th.

The Financial Services Manager provided the background and current situation of a mismatch on what the City is paying on variable rates versus what the swap provider is paying to the City. He stated that refinancing into a fixed rate bond at this time would be cost-prohibitive.

The City Council discussed fixed rate vs. variable rates, the bond market and current financial market.

John Kim, E. J. De la Rosa, reported on the proposed restructuring and its benefits. This restructuring would correct the mismatch and the net payment would be a synthetic fixed rate. He discussed the prepayment penalty.

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

FINANCING AUTHORITY

At 9:20 p.m. the joint meeting with the Financing Authority concluded.

P. PUBLIC COMMENTS ON REPORTS

Q. APPOINTMENT ITEMS

R. STUDY SESSION

S. PUBLIC COMMENTS ON STUDY SESSION

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Harold Ceja, opposes proposed high rise development in Wagon Wheel area

Jose Alcantar, support passage of the traffic initiative

Shirley Godwin, opposes repair of former swap meet building

Larry Godwin, unsightly appearance of bars in windows of new development in South Oxnard

Pablo Ortiz invited public to the Salsa Festival

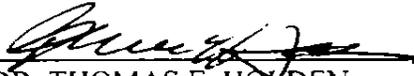
Daniel Lechliter and Matt Lechliter, in support of the traffic initiative

T. ADJOURNMENT

At 9:37 p.m. the City Council concurred to adjourn the meeting in honor of the City Attorney, Gary Gillig.



JILL A. BEATY
Assistant City Clerk



DR. THOMAS E. HOLDEN
Mayor