MINUTES

OXNARD CITY COUNCIL
Regular Meeting
April 23, 2013

A. ROLL CALL/POSTING OF AGENDA

At 5:33 p.m., the regular meeting of the Oxnard City Council convened in the Council Chambers. Councilmembers Tim Flynn, Bryan A. MacDonald and Dorina Padilla were present. Mayor Pro Tem Carmen Ramirez was absent. The City Clerk stated that the agenda was posted on Thursday in the Library and City Clerk's Office. Mayor Pro Tem Flynn presided and called the meeting to order. Staff members present were: Daniel Martinez, City Clerk; Karen Burnham, Interim City Manager; Alan Holmberg, City Attorney; James Cameron, Chief Financial Officer; Grace Magistrale Hoffman, Deputy City Manager and Martin Erickson, Special Assistant to the City Manager.

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 54959 and 54956.9(a), to confer with its attorney. The titles and case numbers of the litigation being discussed are City of Oxnard et al. v. Malcolm Pirnie, Inc., et al., Los Angeles Superior Court, Case No. BC469176; State Mining and Geology Board, Financial Assurance Appeal, RiverPark B, LLC. (Operator) El Rio Mining Site and El Rio Plant Site (CA Mine ID # 91-56-0007 and 91-56-0026), City of Oxnard.

At 5:50 p.m., Mayor Pro Tem Ramirez was present

The City Council also recessed to a closed session, pursuant to Government Code section 54959 and 54959 and 54957.6, to give instructions to negotiators, Karen Burnham, Interim City Manager, and Michelle Tellez, Human Resources Director, regarding salaries, salary schedules and compensation paid in the form of fringe benefits for employees represented by the Service Employees International Union (SEIU), Local No. 721 and other matters within the scope of representation.

At 7:04 p.m., the City Council reconvened and recessed to the regular meeting. At 7:05 p.m., the City Attorney announced after discussion with City Council

retain 25-57 five million dollar.

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 Successor Agency. The meeting opened with the pledge of allegiance to the flag of the United States, followed by a moment of silence. Mayor Flynn presided. Additional staff members present were: Jeri Williams, Police Chief; William "Bill" Wilkins, Housing Director; Matthew Winegar, Development Services Director; Curtis Cannon, Community Development Commission Successor Director; Michael Henderson, General Services Manager; Sue Martin, Planning and Environmental Services Manager; Michael More, Financial Resources Manager; Rob Silvertien, Code Compliance Officer and Otto Kinny, RiverRidge Golf Course Manager.

E. CEREMONIAL CALENDAR

1. SUBJECT: Presentation of Proclamation Designating April 25, 2013 as "Arbor Day"
   DISCUSSION: The General Services Manager invited the public to celebrate "Arbor Day" at a local park.

2. SUJBECT: Presentation of Proclamation Designating April as "Parkinson Awareness Month"
   DISCUSSION: Aurora Soriano, Assistant State Director Parkinson Action Network, commented on the importance of public awareness and the risk factors in the community.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

The following individuals provided comments: Steve Nash; Ed Ellis; Gloria Roman, William "Bill" Terry; Bert Perello; Morey Navarro; Martin Jones; Orlando Dozier; Richard Kristofferson; Jim Lavery; Gail Weller Brown; and Pat Brown.

Q. APPOINTMENT ITEMS

Finance Department

1. SUBJECT: Budget Study Session – Discussion of Golf and PACC Funds and other City Funded Organizations. (277)
   RECOMMENDATION: Receive information regarding funding of the Golf and the Performing Arts and Convention Center (PACC) enterprise funds as well as other City funded organizations, and provide guidance to staff for the Fiscal Years 2013-14 2014-15 Two-year Budget.
   DISCUSSION: The Chief Financial Officer reviewed finances of RiverRidge golf course, PACC, Economic Development Corporation (EDCO) and Oxnard Convention and visitor Bureau (OCVB) and Carnegie Arts Museum. The General Services Manager and RiverRidge Golf Course Manager commented on finances of golf course and comparison of costs to other local golf courses. Comments were received from Steve Kinney, EDCO; Janet Sederquist, OCVB; and Suzanne Bellah, Carnegie Art Museum.

   The following individuals provided comments: Pat Brown; Otto Kinney; Steve Buenger; Jim Lavery; Bert Perello; Eileen Tracy; William "Bill" Terry and Orlando Dozier.

   The City Council discussed the various recreational facilities and services provided to the pubic including parks, golf course, performing arts center; EDCO; OCVB; and the Carnegie Arts Museum.

   ACTION: Provided comments to staff.

K. INFORMATION/CONSENT PUBLIC HEARINGS

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

Development Services Department

1. SUBJECT: Appeal of the Planning Commission's recommendation for denial of Planning & Zoning Permit No. 11-570-02 (Zone Change) to change the zone designation to General Commercial Planned Development (C-2-PD). Located at 1001 and 1051 East Channel Islands Blvd. Filed by designated agent Brian Corbell on behalf of property owner Channel Islands Inn L.P., 225 Arizona Venue, Suite 300, Santa Monica, CA 90401. (117)
RECOMMENDATION: Approve the first reading by title only and subsequent adoption of **Ordinance No. 2866** approving a Zone Change (Planning & Zoning Permit No. 11-570-02) from Commercial & Light Manufacturing Planned Development (C-M-PD) to General Commercial Planned Development (C-2-PD) for the properties located at 1001 and 1051 East Channel Islands Boulevard.
DISCUSSION: The Planning and Environmental Services Manager reviewed the proposed zone change, public input/comments and future options of the property owner.

Public comments received from: William "Bill" Terry

ACTION: Close the public hearing. (MacDonald/Flynn) unanimously. Approved as recommended. (MacDonald/Ramirez) Ayes: Ramirez, MacDonald, Padilla and Flynn.

L. PUBLIC HEARINGS

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

Development Services Department

1. SUBJECT: Revision of Existing Fees and Adoption of New Fees Related to Development and Construction Permits and Services, Geographic Information Systems, and Library Services. (189)
RECOMMENDATION: 1) Resume a public hearing to receive public testimony regarding proposed new fees and revision to existing fees related to Development and Construction permits and services, Geographic Information Systems, and Library services; and 2) Adopt **Resolution No. 14,314** revising existing fees and adopting new fees related to Development and Construction permits and services, Geographic Information Systems, and Library services.
DISCUSSION: The Development Services Director reviewed the proposed revision fees with delay of implementation of fees.

Comments were received from; Steve Nash and Nancy Lindholm.

Councilmembers discussed the type of fees been revised.

ACTION: Close the public hearing. (Ramirez/MacDonald) unanimously. Approved as recommended. (MacDonald/Padilla) Ayes: MacDonald, Padilla, Flynn and Ramirez.

2. SUBJECT: Certification of East Village Phase III Annexation Final EIR No. 11-01; Approval of PZ 11-610-01 (Annexation) and PZ 11-560-01 (Prezoning) for 107-acre Parcel Located at 1853 Camino del Sol (APN 214-0-020-595). Filed by Maulhardt RF-JW Trust et al c/o Richard Maulhardt, Jr.
RECOMMENDATION: Continue to May 7, 2013.
ACTION: Approved as recommended (MacDonald/Flynn) unanimously.

Q. APPOINTMENT ITEMS

2. SUBJECT: Community Facilities District No. 3 (Seabridge) Bond Refunding. (281)
RECOMMENDATION: Receive a presentation on the potential refunding of bonds associated with Community Facilities District No. 3 (Seabridge).
DISCUSSION: The Chief Financial Officer and Financial Resources Manager reviewed schedule to issue bonds and underwriter information.

Comments were received by: Bert Perello.

ACTION: Received report and provided comments.

G. REVIEW OF INFORMATION/CONSENT AGENDA

Comments were received from the Development Services Director (I-6); and Code Compliance (I-7).

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

The following individuals provided comments: Bert Perello (I-7)

I. INFORMATION/CONSENT AGENDA

City Attorney Department

1. SUBJECT: First Amendment to Attorney Services Agreement with Hunt, Ortmann, Palffy, Nieves, Lubka, Darling & Mah, Inc., for Litigation against Malcolm Pirnie, Inc., Los Angeles Superior Court Case No. B469176. (001)
RECOMMENDATION: 1) Approve and authorize the Mayor to execute a First Amendment to Attorney Services Agreement with Hunt, Ortmann, Palffy, Nieves, Lubka, Darling & Mah, Inc., ("Hunt Ortmann") (A-7389) in a sum not to exceed $275,000, for legal fees in litigation against Malcolm Pirnie, Inc., ("Malcolm Pirnie") for a total agreement amount not to exceed $725,000; and 2) Approve a Special Budget Appropriation (SBA) in the amount of $275,000 from Wastewater Fund Balance.

City Clerk Department

2. SUBJECT: Minutes of Regular Meeting of the Oxnard City Council for March 5, 19, and 26, 2013. (023)
RECOMMENDATION: Approve.

City Manager Department

3. SUBJECT: Agreements for City Council Review. (037)
RECOMMENDATION: Approve and authorize the Interim City Manager, to execute the attached agreements/contracts and change orders/amendments in amounts more than $25,000 but less than $250,000.

Development Services Department

4. SUBJECT: Second Reading of Ordinance No. 2864, Amending Chapter 16 (Zoning) of the City Code to Address Emergency Shelters, Transitional Housing, Supportive Housing and Farmworker Housing Pursuant to Senate Bill No. 2. (041)
RECOMMENDATION: Second reading and adoption.

5. SUBJECT: Request for Annexation to and Consent for Parcel Charge or Standby Charge from Calleguas Municipal Water District (Calleguas) and Metropolitan Water District of Southern California (MWD). (049)
RECOMMENDATION: Adopt **Resolution No. 13,313** authorizing the Mayor to execute a landowner's request to annex to Calleguas and MWD, and consent for a parcel charge or standby charge for future water use for city-owned property not dedicated as public streets at Ventura Boulevard east of Santa Clara Avenue, Auto Center Drive west of Santa Clara Avenue, and Santa Clara Avenue north of Auto Center Drive..

6. SUBJECT: Agreement with the County of Ventura for Technical Surveyor Review Services. (079)
RECOMMENDATION: Approve and authorize the Mayor to execute an agreement for the County of Ventura (A-7585) to provide technical review of tentative maps, final maps, parcel maps, lot line adjustments, parcel map waivers, and certificates of compliance along with review and/or preparation of legal descriptions and similar surveying review services.

Police Department

7. SUBJECT: Ordinance to Amend Vending Provisions of Oxnard City Code Relating to Vending Near Schools and Day-Care Centers. (087)
RECOMMENDATION: Approve the first reading by title only and subsequent adoption of **Ordinance No. 2865** revising Section 8-47(A)(5) of the Oxnard City Code related to the placement of time and place restrictions on vending from vehicles, wagons and pushcarts near schools and day-care centers.

INFORMATION/CONSENT AGENDA ACTION: Approved as recommended (Ramirez/ MacDonald) Ayes: Padilla, Flynn, Ramirez and MacDonald.

J. TRANSMITTAL OF INFORMATION ONLY ITEMS

Finance Department

1. SUBJECT: Monthly Budget Status Report for the Period Ending March 31, 2013 (Fiscal Year 2012-13). (101)
RECOMMENDATION: Receive Report.
ACTION: Received and filed.

M. REPORT OF CITY MANAGER

1. SUBJECT: Verbal Report on Oxnard Community Development Commission Successor Agency and Status of Redevelopment Activities in the City of Oxnard.
RECOMMENDATION: Receive and consider report.
DISCUSSION: The Community Development Commission Successor Director commented on disputed items rejected by the State. The Chief Financial Officer reviewed administrative costs. The City Clerk stated that audio was not copied at the March 21, 2013 Oversight Board meeting due to technical difficulties.

Public comments were received from: Bert Perello.

The Council commented on taping of Oversight Board meeting and that the Mayor Flynn as an Oversight Board member should express concern to the Oversight Board regarding the copying process.

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

COMMUNITY DEVELOPMENT COMMISSION SUCCESSOR AGENCY

At 10:55 p.m. the concurrent meetings with the Community Development Commission Successor Agency concluded.

N. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

1. SUBJECT: City Manager Recruitment Status.
RECOMMENDATION: Discuss recruitment of City Manager
DISCUSSION: The City Council commented on the selection process of the City Manager including selection of a recruitment firm, job description, total compensation and community input.

Comments were received from: Steve Nash; William "Bill" Terry; Ralph James; Pat Brown; Bert Perello; and Eileen Tracy.

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

2. SUBJECT: City Council Meeting Start and End Time.
RECOMMENDATION: Discuss possible change in the start time of City Council meetings, including closed session items, possible re-ordering of agenda and timeframe for discussion of new items and conclusion of meeting.
DISCUSSION: The Council discussed the Council meeting schedule and the possibility of changing starting time of regular meetings.

The City Attorney reviewed the process of making changes to the Council schedule.

Public comments received from: Bert Perello.

ACTION: Provided comments to staff. .

R. STUDY SESSION

City Manager Department

1. SUBJECT: Future City Park Development.
   RECOMMENDATION: Receive a verbal report and provide direction to staff regarding future park development.
   ACTION: Continue to future date.

O. REPORTS

Housing Department

1. SUBJECT: Consideration of Goals and Objectives for FY 2013-2018 Consolidated Plan and FY 2013-2014 Annual Action Plan. (269)
   RECOMMENDATION: Review and approve staff recommended priorities.
   DISCUSSION: The Housing Director reviewed decrease of funding and asked for direction from the Council.

   The City Council discussed possible funding activities, having a fair process, and priorization of services.

   Public comments received from: Eileen Tracy.

   ACTION: Provided comments to staff.

P. PUBLIC COMMENTS ON REPORTS

S. PUBLIC COMMENTS ON STUDY SESSION

T. ADJOURNMENT

At 12:21 a.m. the City Council concurred to adjourn the meeting.

DANIEL MARTINEZ
City Clerk

TIM FLYNN
Mayor