MINUTES
OXNARD CITY COUNCIL
Regular Meeting
May 19, 2015

A. ROLL CALL/POSTING OF AGENDA

At 4:35 p.m., the regular meeting of the Oxnard City Council convened in the Council Chambers. Councilmembers Tim Flynn, Carmen Ramirez, Bryan A. MacDonald, Dorina Padilla and Bert Perello were present. The City Clerk stated that the agenda was posted on Thursday in the Library and City Clerk's Office. Mayor Flynn presided and called the meeting to order. Staff members present were: Daniel Martinez, City Clerk; Greg Nyhoff, City Manager; Maria Hurtado, Assistant City Manager; Scott Whitney, Interim Assistant City Manager and Rahsaan Tilford, Assistant City Attorney.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

Public comment received from Martin Jones.

C. CLOSED SESSION

At 4:41 p.m. the City Council recessed to a closed session, pursuant to Government Code section 54956.9(d)(1) to confer with its attorneys. The title and case number of the litigation being discussed is City of Oxnard v. Dale Belcher, et al., Ventura County Superior Court, Case No. 56-2014-00450216-CU-CO-VTA.

At 5:15 p.m. the City Council reconvened and recessed to the evening session.

D. OPENING CEREMONIES

At 5:18 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. Mayor Flynn presided. Additional staff members present were: Jeri Williams, Police Chief; Barbara Murray, Library Director; Grace Magistrale Hoffman, Deputy City Manager; Dave Millican; Interim Chief Financial Officer; Martin Erickson, Deputy City Manager; Michael Henderson, General Services Manager; and Ashley Golden, Planning and Environmental Services Manager.

E. CEREMONIAL CALENDAR

The City Manager introduced the Assistant City Manager, Maria Hurtado.

1. SUBJECT: Presentation of a Proclamation Designating the Week of May 17 through 23 as Emergency Medical Services Week.
   DISCUSSION: Mayor Flynn presented Stephanie Huhn a proclamation in recognition of emergency services provided by the City.

O. PUBLIC COMMENTS ON REPORTS

L. REPORTS

City Manager Department

1. SUBJECT: Ventura County West Tourism Business Improvement District. (001)
RECOMMENDATION: 1) Adopt **Resolution No. 14,744** granting consent to the City of Ventura to renew the Ventura County West Tourism Business Improvement District and 2) Authorize the Chief Financial Officer to establish accounts and budget to accomplish the necessary receipt and subsequent transfer of the funds collected through this assessment.
DISCUSSION: The Deputy City Manager (Hoffman) reviewed proposed changes including adding City of Port Hueneme to the district, assessment of the Transient Occupancy Tax (TOT) program, promoting the district and fee.

Victor Dollar, Ventura County Lodging Association, commented on increasing "fees" to promote west Ventura County region and competing with other southern California tourist areas.

Public comments received from: Kevin Libera, Pat Brown, George Miller, Shannon Hillygus, Gerry Moreno and Mike Barber.

The City Council commented on: TOT rates of other regions, requested "fee" increase, rental of houses, signage and attracting tourists to the community.

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

City Treasurer Department

2. SUBJECT: Quarterly Investment Report for the Third Quarter Fiscal Year 2014-2015. (033)
RECOMMENDATION: Removed from agenda.
ACTION: The City Council concurred to remove from agenda.

Finance Department

3. SUBJECT: Budget Appropriation - Lease Revenue Project and Refunding Bonds, Series 2014. (041)
RECOMMENDATION: Approve a budget appropriation in the amount of $1,662,801 from the Measure O Fund to pay for debt service in Fiscal Year 2014-2015 for the Lease Revenue Project and Refunding Bonds, Series 2014.
DISCUSSION: The Interim Finance Director outlined the reason for this payment to be used for traffic improvement.

The City Council discussed the budget reserves and use of Measure "O" funds.

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

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from: Martin Jones; Chris Collier; Armando Vazquez; Susan Crowley; Adam Lopez and Inez Tuttle.

G. REVIEW OF INFORMATION/CONSENT AGENDA

The Mayor Pro Tem Ramirez and City Manager commented on activities at Ormond Beach (I-1(a)).

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

I. INFORMATION/CONSENT AGENDA

City Manager Department

1. SUBJECT: Agreements for City Council Review. (043)
RECOMMENDATION: Approve and authorize the City Manager to execute the attached agreements/contracts and change orders/amendments in amounts more than $25,000 but no more than $250,000, which are described on the attached list.

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

J. PUBLIC HEARINGS

General Services Department

1. SUBJECT: Levy of 2015-2016 Assessments in Mandalay Beach Maintenance District. (045)
RECOMMENDATION: 1) Hold a public hearing to receive public testimony regarding the proposed Fiscal Year 2015-2016 assessments for the Mandalay Beach Maintenance District; and 2) Adopt **Resolution No. 14,745** fixing the special assessment tax in the Mandalay Beach Maintenance District for Fiscal Year 2015-2016.
DISCUSSION: The General Services Manager reviewed the funding of Mandalay Beach Maintenance District and the establishment of the district.
ACTION: Close the public hearing. (MacDonald/Perello) unanimously. Approved as recommended. (Perello/Ramirez) Ayes: Padilla, Perello, Flynn, Ramirez and MacDonald.

Development Services Department

2. SUBJECT: Status Update of Local Coastal Plan (LCP) Update, NRG "Puente" Power Plant Proposal, Extension of Interim Urgency Ordinance Prohibiting the Expansion of Existing, or Development of New, Electrical Generating Facilities Within the Coastal Zone Pursuant to the Southern California Edison (SCE) Request For Offer (RFO) Process Pending Studies and Changes in the Local Coastal Program (LCP) and Zoning Ordinances and Other Land Use Regulations, and Provide Direction to Staff Regarding Issues Raised by the NRG proposal. (055)
RECOMMENDATION: 1) Receive a status update on the LCP Update; 2) Receive a status report on the NRG "Puente" power plant proposal; 3) Conduct a public hearing to consider extending Ordinance No. 2882; 4) Issue a written report describing the measures taken to alleviate the conditions which led to the adoption of Ordinance No. 2882; 5) Adopt **Ordinance No. 2891** to extend the moratorium prohibiting the expansion of existing, or development of new, electrical generating facilities within the Oxnard Coastal Zone pursuant to the SCE RFO process pending studies and changes in the LCP, zoning ordinances, and other land use regulations for a period of 12 months from the date Ordinance No. 2882 is currently set to expire; and 6) Provide direction to staff regarding how to proceed should the Council adopt an ordinance to extend Ordinance No. 2882.

DISCUSSION: The Principal Planner reviewed several issues including coastal plan; NRG filing to build power plant facility; sea-level- rise; "approval" process; demolition of current power stations on the beach; possible options to be considered; meetings of the Public Utilities Commission and Energy Commission.

RECESS

At 7:58 p.m., the City Council recessed and at 8:04 p.m., the City Council reconvened.

Public comments received favoring the project: Jim Milstead; Tom McCormick; Tom Di Ciolli: Dawn Gleiter; Gerry Moreno; Nancy Lindholm; George Miller; Tony Skinner; Cherie Cabrral and Tony Gordero.

Public comments received favoring the moratorium: Celeste Garmino; Lydia Kaplan; Michael Stubblefield; Steve Nash; Lauraine Effress; Todd M. Shunman; Janis McCormick; Brian Segee; Julie Pena; Mike deMartino; Carla Castillo (Office of State Senator Jackson); Inez Tuttle; Jarett Quitanillo; Evelyn Melgoza; Kevin Pineda; Lupe Anguiano; Jan Dietrick; Larry Stein; Elma del Aquila; Martin Kaplan; Francine Castanon; Joann Olivara; Diane Delaney and Ray Tejada.

ACTION: Close the public hearing. (Ramirez/Flynn) unanimously.

DISCUSSION: The City Council discussed: removal of beach "power" plants; placement of power plant on beach; possible discussions with NRG; working with community members including NRG; tourism opportunities; land use regulations; "water neutral" building policy and process/decisions of State agencies.

The Assistant City Attorney reviewed the effect of Ordinance and City policy.

ACTION: Approved as recommended to extend moratorium and provided directions to staff: (MacDonald/ Ramirez) Ayes: Perello, Flynn, Ramirez, MacDonald and Padilla.

3. SUBJECT:. Appeal of the Planning Commission's Denial of PZ Nos. 14-500-03 (Special Use Permit); and Recommendation to Deny PZ 14-535-02 (Density Bonus) and PZ 14-300-04 (Tentative Tract Map) Relating to a 1.82-acre Property Located at 5557 and 5527 Saviers Road. Filed by Henry Casillas of Aldersgate Investment, LLC on behalf of Apchanco 18, LLC. (149)
RECOMMENDATION: Adopt **Resolution No. 14,746, 14,747 and 14,748** overturning the action of the Planning Commission and approve the related site development entitlements.
DISCUSSION: The Planning and Environmental Services Manager commented on the proposed housing development, parking issues; affordable policies, water issues and school impact fees.

The Assistant City Attorney reviewed "density" bonus conditions and "affordable" housing costs.

Henry Castillas, Aldersgate Investment, reviewed the proposed housing project, requested waivers and projected family size.

Public comments received from: Larry Stein; Steve Nash, Pat Brown, Sal Gonzalez and George Miller.

ACTION: Close the public hearing. (Ramirez/Flynn) unanimously

DISCUSSION: The City Council discussed: zoning of property; Planning Commission actions; water "neutral" policy; school impact and community housing needs.

ACTION: Approve appeal of applicant related site development entitlements (Ramirez/Flynn) Ayes: Flynn, Ramirez, MacDonald, Padilla and Perello.

4. SUBJECT: Appeal of the Planning Commission's Denial of PZ Nos. 14-550-02 (Major Modification to Special Use Permit No. 05-500-02); Relating to a 1.57-acre Property Located at 1971 N. Oxnard Boulevard. Filed by Robert Vermeltfoort of VAI Architects, Inc. on behalf of Upside Oxnard, LLC. (249)
   RECOMMENDATION: Adopt **Resolution No. 14,749** upholding the action of the Planning Commission and denying the proposed use permits with related site development entitlements.
   DISCUSSION: The Planning and Environmental Services Manager reviewed the proposed development of a carwash including landscaping, traffic study, parking, "water" use and facilities.

   Gary Simons, Todd Gall and Sandy Smith, Surf Thur Car Wash applicant, reviewed reasons for placing a car wash at site, "water" use and other carwash facilities.

   Public comments received from: Larry Stein; Roy Prince and Pat Brown.

   ACTION: Close the public hearing. (Ramirez/Flynn) unanimously.

   DISCUSSION: The City Council discussed: zoning of property; Planning Commission actions, traffic and "water neutral" policy.

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

K. APPOINTMENT ITEMS

M. REPORT OF CITY MANAGER

The City Manager commented on community vision regarding development.

N. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

1. SUBJECT: Appointments of Councilmembers to Boards and Commissions. (313)
   RECOMMENDATION: That the Mayor, with the approval of the City Council appoint members and alternates from the City Council to the: 1) Ventura Regional Sanitation District (appoint Councilmember Perello the member and Mayor Flynn the alternate) and 2) Carnegie Art Museum Cornerstones Board of Directors (appoint one or two Councilmembers to the Board).
   ACTION: Mayor Flynn appointed Councilmember Perello as primary and Mayor Flynn as atanate and appointed Councilmembers Ramirez and Padilla to the Carnegie Art Museum Cornerstones Board with consent of City Council. (MacDonald/Flynn) Ayes: Ramirez, MacDonald, Padilla, Perello and Flynn.

The Council also discussed: Youth Commission activities (Padilla); "Community Choice Energy" program (Ramirez) and activities of Citizen Advisory Groups.

O. PUBLIC COMMENTS ON REPORTS

P. PUBLIC COMMENTS ON STUDY SESSION

Q. STUDY SESSION

R. ADJOURNMENT

At 12:17 a.m. the City Council concurred to adjourn the meeting.

DANIEL MARTINEZ
City Clerk

TIM FLYNN
Mayor

CARMEN RAMIREZ
Mayor Pro Tem