MINUTES

OXNARD CITY COUNCIL
Regular Meeting
May 7, 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 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; and Grace Magistrale Hoffman, Deputy City Manager.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

Public comments were received from Martin Jones and Bert Perello. The City Attorney commented on the CA Code reference number being cited.

C. CLOSED SESSION

At 5:38 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 being discussed is City of Oxnard et al. v. Malcolm Pirnie, Inc., et al.; Los Angeles Superior Court, Case No. BC469176.

The City Council also recessed to a closed session, pursuant to Government Code section 54956.9(d)(4), based on existing facts and circumstances, to decide whether to initiate litigation in one potential case.

The City Council also recessed to a closed session, pursuant to Government Code section 549569 and 54857.6, 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 7:15 p.m. the City Council reconvened and recessed.

D. OPENING CEREMONIES

At 7:17 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: Rob Roshanian, Interim Public Works Director; Stephen Fisher, Assistant City Attorney; Curtis P. Cannon, Community Development Director; Scott Whitney, Assistant Police Chief; Michael Henderson, General Services Manager; Roger Brooks, Code Inspector.

E. CEREMONIAL CALENDAR

1. SUBJECT: Presentation of Resolution to Mike O'Malia for over Forty-Four Years of Outstanding Service to the City of Oxnard. (001)
RECOMMENDATION: Approve **Resolution No. 14,315**.
DISCUSSION: Mayor Flynn presented Michael O'Malia, Interim Fire Chief, a resolution for service to the community. Mr. O'Malia thanked the Council, Fire Department staff, and the community. He briefly commented on his long service to the community.
ACTION: Approve as recommended. (Ramirez/MacDonald) unanimously.

2. SUBJECT: Presentation of Resolution to Saul Medina for Service on the Planning Commission. (003)
RECOMMENDATION: Approve **Resolution No. 14,316**.
DISCUSSION: Mayor Flynn presented a resolution Saul Medina who thanked City staff and commented on several Planning projects.
ACTION: Approve as recommended. (Ramirez/Padilla) unanimously.

3. SUBJECT: Presentation of 30th Annual Strawberry Festival Poster.
DISCUSSION: William Belcher presented the 30th annual poster of the Strawberry Festival and invited the community to attend the Strawberry Festival.

Q. APPOINTMENT ITEMS

City Manager Department

1. SUBJECT: Study Session for Future City Park Development.
RECOMMENDATION: Receive a verbal report and provide direction to staff regarding future park development.
DISCUSSION: The General Services Manager reviewed the master plans, estimated build-out costs and current status of College Park, East Village Park and Southwest Park. He commented on the recreational demands and some sites still need plans and specifications. The Chief Financial Officer commented on the cost of a possible bond.

At 7:59 p.m., Councilman MacDonald left the meeting due to possible conflict of interest. The General Services Manager reviewed the master plan, estimated costs, current status of Campus Park including airport restrictions and requests for a possible botanical garden.

At 8:23 p.m., Councilman MacDonald returned to the Council meeting.

Public comments from Pat Brown; Martin Jones; Bert Perello; Daniel Lechliter, and Rebecca Ralph.

The General Services Manager reviewed the Park Conservative guidelines, property boundaries of College Park and making the boundary information available to the public.

The Council commented on park replacement costs, possible funding sources, possibility of having botanical garden (Japanese garden) within the City, possible pool at Campus Park/funding options, possible small park projects and restrooms facilities.

ACTION: Provided comments to staff.

K. INFORMATION/CONSENT PUBLIC HEARINGS

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: Planning and Zoning Permit No. 12-580-01 (Zone Code Text Amendment), Regulations Concerning Operation of Mobile Food Facilities, Citywide. (079)
RECOMMENDATION: Approve the first reading by title only and subsequent adoption of an ordinance amending Chapters 8 and 16 of the City Code concerning operation of mobile food facilities citywide.
DISCUSSION: The Planning and Environmental Services Manager reviewed several issues including proposed restrictions regarding temporary use permit (TUP), time restrictions, location restrictions, restrooms requirements, signage restrictions, security deposit and community outreach. The Code Inspector stated only had received one complain regarding noise. Betty Huff, Ventura County Health representative, commented on cost requirements, inspections, permits, and renewal period.

Public comments received from: Pat Brown; Lizette Cuevas; Ruben Chavez; Alejandro Rivera; Al Velasquez; Bert Perello; Saul Medina; Abel Magana; Marco Solario; Roy Prince; Jose Gerox; Arlene Cuevas; Eladio Quintero; Juliana Hurtado; Angelina Gonzalez; Janet Hernandez; Jose Montez and Daniel Lechliter.

At 9:59 p.m. Councilman MacDonald left the meeting.

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

At 10:03 p.m. Councilman MacDonald returned to the meeting.

DISCUSSION: The Assistant City Attorney discussed parking regulations, legal status, zoning authority, safety issues and providing a limit number of SUP permits.

The Chief Financial Officer stated that tax revenue information was not available.

The Council discussed County Health permits, tax revenue, legal standing, parking issues, and having permitted areas.

ACTION: Directed staff to return to Council with information regarding tax revenue, zoning issues, parking requirements, enforcement and legal issues. The City Council concurred to form an ad hoc committee of Councilmembers MacDonald and Ramirez.

R. STUDY SESSION

Recreation and Community Services Department

1. SUBJECT: "Aquatics/Learn to Swim" Program Discussion. (193)
RECOMMENDATION: Continue to May 14, 2013.
ACTION: The Council concurred to continue item.

Fire Department

2. SUBJECT: Study Session on Ocean Lifeguard Services. (197)
RECOMMENDATION: Continue to May 14, 2013.
ACTION: The Council concurred to continue item.

L. PUBLIC HEARINGS

ACTION: Mayor Flynn declared the public hearing open.
DISCUSSION: The City Clerk reported on posting, publication and one written communications were received.

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. (139)
RECOMMENDATION: Adopt **Resolution No. 14,317,** Certification of East Village Annexation Phase III Final Environmental Impact Report (FEIR) No. 11-01; Adopt **Resolution No. 14,318,** approval of Planning and Zoning Permit (PZ) No. 11-610-01 (Annexation); and Adopt first reading by title only and subsequent adoption of **Ordinance No. 2867** amending the City zone map (PZ No. 11-560-01) for prezoning the East Village Phase III Annexation area.
DISCUSSION: The Community Development Director outlined the proposal to annex the property without any development plan and guidelines of LAFCO. The Chief Financial Officer commented on the property value after annexation.

Mark Petit, representing Maulhardt property, discussed: 1) the annexation be submitted to LAFCO; 2) history of property; 3) the annexation process; and 4) the urban village concept. George Lauterbach, architect, commented on past approvals for property annexation and that the property owners would follow the 2030 General Plan.

Public comments received from: Bert Perello; Francine Castanon; Eileen Tracy; Al Velasquez; Lyn Maulhardt; Woodrow Thomas; and Pat Brown.

ACTION: Moved to close public comments (MacDonald/Ramirez) unanimously.

DISCUSSION: The Council discussed several issues regarding annexation of property including having an attractive community, zoning control of property, traffic issues, affordable housing plan, the 2030 General Plan and current water use.

ACTION: Move to approve as recommended. (MacDonald/Ramirez) Ayes: Ramirez, MacDonald, Padilla, and Flynn.

Housing Department

3. SUBJECT: Public Hearing to Consider Oxnard's Fiscal Years 2013-2018 Consolidated Plan and Fiscal Year 2013-2014 Annual Action Plan Component, Including Applications to the U.S. Department of Housing and Urban Development (HUD).
RECOMMENDATION: Continue to May 21, 2013.
ACTION: Moved to continue (Ramirez/Flynn) unanimously.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

The following individuals provided comments: Pat Brown, Eileen Tracy, Steve Nash and Bert Perello.

G. REVIEW OF INFORMATION/CONSENT AGENDA

Comments were received from: Interim City Manager (I-1 (E)); General Services Manager (I-I(D)); Police Chief/Deputy City Manager (I-1(C)) and Development Services Director (I-4).

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

The following individuals provided comments: Pat Brown (I-4); and Dan Pieldo (I-6).

I. INFORMATION/CONSENT AGENDA

City Manager Department

1. SUBJECT: Agreements for City Council Review. (005)
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.

City Treasurer Department

2. SUBJECT: Quarterly Investment Report for the Third Quarter F/Y 2012-2013. (009)
RECOMMENDATION: Accept the Quarterly Investment Report for the Third Quarter F/Y 2012-2013.

Development Services Department

3. SUBJECT: Relinquishment Agreement with Caltrans for Wagon Wheel Road. (017)
RECOMMENDATION: Approve and authorize the Mayor to approve the Relinquishment Agreement with Caltrans that will result in the City taking ownership of Wagon Wheel Road and give authority to the City Manager to approve minor agreement modifications.

4. SUBJECT: Second Reading 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. (025)
RECOMMENDATION: Second reading and adoption.

Housing Department

5. SUBJECT: US Department of Housing and Urban Development Continuum of Care Grant Awards. (029)
RECOMMENDATION: 1) Authorize the Interim City Manager to execute any agreements necessary to accept the grant award; and 2) Authorize the Interim City Manager to appropriate funds upon award.

Police Department

6. SUBJECT: Second Reading of **Ordinance No. 2865** to Amend Vending Provisions of Oxnard City Code Relating to Vending Near Schools and Day-Care Centers. (039)
RECOMMENDATION: Second reading and adoption.

Public Works Department

7. SUBJECT: Third and Fourth Amendments to Agreement with AECOM Technical Services, Inc. (A-7230) for Grant Management and Construction Management Services for the Effluent Sampling Facilities Project. (041)
RECOMMENDATION: Ratify the Third Amendment and approve and authorize the Mayor to execute the Fourth Amendment to the agreement with AECOM Technical Services, Inc. (A-7230) to increase the amount by $316,882 from a total of $6,800,021 to $7,116,903 for continued grant management and construction management services for the Effluent Sampling Facilities Project and to extend the Agreement term from April 30, 2013 to August 31, 2014.

8. SUBJECT: Agreement with Weck Laboratories, Inc. for Laboratory Chemical Testing and Sampling for the Water Resources Division. (053)
RECOMMENDATION: Approve and authorize the Mayor to execute an agreement with Weck Laboratories, Inc. (A-7583) for an amount not exceed $900,000 for three (3) years for laboratory chemical testing and sampling for the Water Resources Division.

9. SUBJECT: Rubberized Asphalt Grant Program for Street Resurfacing. (077)
RECOMMENDATION: Approve the appropriation of funds in the amount of $250,000 to include $139,747.25 to the Blackstock South Neighborhood Street Reconstruction Project and $110,252.75 to the Ventura Road Utility Improvement Project from the Rubberized Asphalt Grant Program.

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

J. TRANSMITTAL OF INFORMATION ONLY ITEMS

M. REPORT OF CITY MANAGER

The City Manager commented on "Bike to Work" week activities.

N. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

The City Council discussed: the "City Manager" selection process and requested a future report; having "no tolerance" programs in the community; scheduling (timing) of "public comments" during Council meeting; community meeting discussing Fire Station 8; and proper public protocol during council meetings.

O. REPORTS

P. PUBLIC COMMENTS ON REPORTS

S. PUBLIC COMMENTS ON STUDY SESSION

T. ADJOURNMENT

At 12:29 a.m. the City Council concurred to adjourn the meeting.

DANIEL MARTINEZ
City Clerk

TIM FLYNN
Mayor