MINUTES

OXNARD CITY COUNCIL
Regular Meeting
January 8, 2008

A. ROLL CALL/POSTING OF AGENDA

At 6:17 p.m., the regular meeting of the Oxnard City Council convened in the Council Chambers. Councilmembers Thomas E. Holden, Dean Maulhardt, John C. Zaragoza, Andres Herrera, and Timothy B. Flynn were present. The City Clerk stated that the agenda was posted on Thursday in the Library and City Clerk's Office. Mayor Holden presided and called the meeting to order. Staff members present were: Daniel Martinez, City Clerk; Edmund Sotelo, City Manager; Karen Burnham, Assistant City Manager; and Gary L. Gillig, City Attorney.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

C. CLOSED SESSION

At 6:18 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 v. USA Transport, Inc., et al. Ventura County Superior Court Case No. CIV 246116.

The City Council will also recessed to a closed session, pursuant to Government Code section 54957.6, to give instructions to its negotiators, Karen Burnham, Assistant City Manager, Lino Corona, Acting Human Resources Director, and Lynn Hutton, Human Resources Manager, regarding salaries, salary schedules or compensation paid in the form of fringe benefits for employees represented by the Oxnard Public Safety Management Employees Association (OPSMEA), and other matters within the scope of representation.

At 6:45 p.m. the City Council reconvened and recessed to the evening session.

D. OPENING CEREMONIES

At 7:01 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 Holden presided. Additional staff members present were: Ken Ortega, Public Works Director; Mathew Winegar, Development Services Director; Anthony Emmert, Water Resources Manager; Sue Martin, Planning and Environmental Services Manager; Grace Magistrale Hoffman, Deputy City Manager; and Cyndi Hookstra, Parks and Facilities Management Analyst.

E. CEREMONIAL CALENDAR

1. SUBJECT: Presentation of a Proclamation Designating January, 2008 as "Stop Human Trafficking Awareness Month."
DISCUSSION: Debra Bills, Soroptimist International of Oxnard, invited the public to attend a "Stop Human Trafficking" event on Friday, January 11 at 2:30 - 3:30 at the Oxnard Transportation Center.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Ed Ellis and Shirley Godwin commented on the status of the former swapmeet building on Saviers Road.

Jay C. Levet, inappropriate skateboarding use at South Oxnard Library.

Monica Kunecki, loss of a City job and reporting of the misuse of City equipment.

Martin Jones, rules and procedures of Council meetings and civil service protection.

Harold Ceja, addressing the City Council on agenda items and community issues.

Robert Sumpter, announced his candidacy for the Office of Mayor in the November 2008 election and his platform.

John Korsten, property lien and loss of vehicle.

Larry Stein, missing trees, collecting initiative signatures, and addressing the City Council regarding agenda items.

Pat Brown, addressing gambling problems of individuals in the community.

Vince Behrens, Chairperson of Downtown Business Group, the success of Christmas Tree Lane and downtown Oxnard festivals.

Chuck Bauman, crime in Windsor North Neighborhood.

Larry Godwin, billboards in the community.

G. REVIEW OF INFORMATION/CONSENT AGENDA

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Bert Perello questioned connection of the Vacation of Two Right-of-Way Easements (I-3) issue with the construction of the Stroube Street drain. The City Attorney and Public Works Director reviewed this matter stating the City is not involved with the construction of the drain and that the drain construction has not been accepted into the City's infrastructure.

I. INFORMATION/CONSENT AGENDA

City Attorney Department

1. SUBJECT: Ordinance No. 2764, Repealing and Readopting Sections 7-51, 7-53, 7-54, 7-57(B), 7-58(A), 7-58(F), 7-59, 7-60, 7-61(A), 7-63(B)(2), and 7-64(E) of the Oxnard City Code Concerning Civil Fines. (001)
RECOMMENDATION: Second reading and adoption.

City Manager Department

2. SUBJECT: Fleet Services Cover and Crane Project. (007)
RECOMMENDATION: Approve Project Specification MS08-06 for the Fleet Service Cover and Crane Project for the purchase and installment of a metal work bay cover and 2-ton crane system, attached to Building No. 1, located at the City Maintenance Yard, 1060 Pacific Avenue.

Development Services Department

3. SUBJECT: Vacation of Two Right-of-Way Easements Within Lot 6 and a Waterline Easement West of Lot 9 of Tract 5352 (RiverPark). (009)
RECOMMENDATION: Adopt **Resolution No. 13,379**: (1) Vacating a portion of the easement for right-of-way purposes obtained by the document recorded June 15, 1989, as instrument number 89-094626 of Official Records, said right-of-way located northwesterly of the current Oxnard Boulevard/Town Center intersection within the RiverPark Specific Plan; (2) Vacating a portion of the easement for right-of-way purposes obtained by the document recorded June 15, 1989, as instrument number 89-094627 of Official Records, said right-of-way being the northerly end of old El Rio Road located northwesterly of the current Oxnard Boulevard/Town Center intersection within the RiverPark Specific Plan; (3) Vacating the waterline easement obtained by the document recorded June 15, 1989, as document number 89-094622 of Official Records, said easement being located easterly of the current Oxnard Boulevard/Town Center intersection within the RiverPark Specific Plan; (4) Authorizing the Mayor to sign a quitclaim deed to RiverPark A, L.L.C., for a portion of the easement for right-of-way purposes obtained by the document recorded June 15, 1989, as instrument number 89-094626 of Official Records; and (5) Authorizing the Mayor to sign a quitclaim deed to RiverPark A, L.L.C., for a portion of the easement for right-of-way purposes obtained by the document recorded June 15, 1989, as instrument number 89-094627 of Official Records.

Housing Department

4. SUBJECT: Appropriation of $21,560 for Street Repairs. (031)
RECOMMENDATION: Approve the appropriation of funds in the amount of $21,560 from the Housing In-Lieu Fee Fund Balance to Habitat for Humanity of Ventura County for street repair at Villa Cesar Chavez located at 5559 Salvador Drive.

Human Resources Department

5. SUBJECT: **Ordinance No. 2763**, Authorizing an Amendment to the Contract Between the City of Oxnard and the Board of Administration of the California Public Employees' Retirement System for Public Safety Fire Employees. (035)
RECOMMENDATION: Second reading and adoption.

6. SUBJECT: Memorandum of Understanding (MOU) with the Oxnard Public Safety Management Employees Association (Police and Fire Units), Adjustments in Compensation for Mid-Managers, Confidential Employees and Department Directors. (037)
RECOMMENDATION: (1) Ratify an MOU between the City and Oxnard Public Safety Management Employees Association (Police Unit) (OPSMEA) commencing June 30, 2007

and expiring on September 5, 2008; (2) Adopt **Resolution No. 13,380** implementing the MOU for the OPSMEA (Police Unit); (3) Ratify an MOU between the City and the Oxnard Public Safety Management Employees Association (Fire Unit) (OPSMEA) commencing on June 30, 2007 and expiring on June 27, 2008; (4) Adopt **Resolution No. 3,381** implementing the MOU for OPSMEA (Fire Unit); and (5) Provide compensation adjustments for unrepresented employees in the Mid-Managers, Confidential Employees, and Department Directors employee groups.

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

J. TRANSMITTAL OF INFORMATION ONLY ITEMS

K. INFORMATION/CONSENT PUBLIC HEARINGS

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

Public Works Department

1. SUBJECT: Drinking Water Public Health Goals Report 2007. (053)
RECOMMENDATION: Hold a public hearing to receive and respond to public comments on the Drinking Water Public Health Goals Report 2007.
DISCUSSON: Bert Perello, nitrate level of former water wells, the El Rio sewer system and water service by Calleguas Municipal Water District and United Water Conservation District.

Larry Stein, the current water quality and secondary recycled water use.

ACTION: Close the public hearing. (Holden/Maulhardt)

DISCUSSON: The Water Resources Manager reviewed the amount of nitrates in the water, water quality requirements, and the evaluation of Calleguas Municipal Water District and United Water Conservation District.

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

L. PUBLIC HEARINGS

Development Services Department

1. SUBJECT: City Code Amendment Regarding Regulations for Vesting Tentative Maps. (055)
RECOMMENDATION: Approve the first reading by title only and subsequent adoption of an **Ordinance No. 2765** amending regulations for vesting tentative maps.
ACTION: Mayor Holden declared the public hearing open.

DISCUSSON: The City Clerk reported on posting, publication and that there were no written communications received.

The Community Development Director reviewed the proposed vesting policy, State vesting policy, no time limits may be placed on a project, other types of municipal development agreements and the requested zoning.

The following individuals questioned or opposed the recommendation for vesting tentative maps: Jerome Hopkins, Larry Stein, Shirley Godwin, Bernadette Ostrowski, Nancy Petersen, Pat Brown and Bert Perello.

ACTION: Close the public hearing. (Holden/Maulhardt).

DISCUSSION: The City Council discussed: (1) the time period to development a project, (2) different levels of development requirements under vesting maps; and (3) development issues including infrastructure and traffic.

The City Attorney reviewed: (1) that once a property has been vested, a time limit to develop could not be placed on a project, (2) State requirements, and (3) current development fees.

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

2. SUBJECT: Appeal of the Planning Commission's Denial of Planning and Zoning Permit Nos. 06-500-01A and B (Special Use Permits), 06-510-07 (Special Use Permit), and 07-500-17 (Special Use Permit) and 06-570-01 (Zone Change) to Permit Construction of a CVS Pharmacy Shopping Center, Located at 1117 and 1205 South Oxnard Boulevard, Filed by Heritage Equities, LLC. (061)
RECOMMENDATION: Adopt a resolution upholding the action of the Planning Commission denying the proposed CVS Pharmacy shopping center and zone change.
ACTION: Mayor Holden declared the public hearing open.

DISCUSSON: The City Clerk reported on posting, publication and that there were no written communications received.

The Community Development Director and Planning and Environmental Services Manager reviewed the proposed development including parking, traffic circulation, pedestrian access, proposed billboard signage, alcohol sales and zone change.

Tom Laymans, architect of the project, reviewed the site including traffic circulation, parking, property access, billboard on site, drive-thru at the pharmacy, on-site security, and possible tenants. He requested a zone change for the site. Jesse Guerrero, CVS Pharmacy District Manager, reviewed CVS policies regarding alcohol sales and the proposed store layout.

The following individuals supported the proposed development: Pablo Kupersand and Sandy Smith.

Bert Perello commented on the approval process, parking, and sale of alcohol.

Nancy Petersen, Cal-Gisler Neighborhood, stated the neighborhood could not fully support the development due to the proposed alcohol sales and the on-site billboard

Shirley Godwin, site as a gateway to the City, pedestrian traffic, parking and hours of operation.

Larry Godwin, removal of billboard and having two proposed drive-in lanes at the CVS Pharmacy.

Pat Brown, removal of the billboard, alcohol sales, and the traffic study including train traffic and local housing.

Larry Stein expressed concern regarding: traffic, alcohol sales, and possible loss of developers for planned projects.

Brad Edwards supported the denial of the project.

Bernadette Ostrowski, traffic and parking.

ACTION: Close the public hearing (Holden/Herrera).

The City Council issues raised: (1) the billboard on site; (2) traffic circulation; (3) sale of alcohol; (4) recent examination of five-points traffic intersection; and (5) pedestrian access.

ACTION: Approved of first reading of **Ordinance No. 2766** approving zone change (PZ 06-570-01) changing the zone district on the south parcel from Commercial Manufacturing Planned Development (CM-PD) to General Commercial Planned Development (C-2-PD) and return the item to Planning Commission with the City Council concerns. (Herrera/Zaragoza) Ayes: Holden, Maulhardt, Zaragoza, and Herrera. Noes: Flynn.

ITEMS REMOVED FROM AGENDA

N. CITY COUNCIL/BUSINESS/COMMITTEE REPORTS

Development Services Department

2. SUBJECT: Adoption of 2040 Population Forecast for Inclusion in the Ventura Council of Governments (VCOG) Decapolis Forecast. (081)
RECOMMENDATION: Continue to future date.
ACTION: Approved unanimously.

R. STUDY SESSION

Development Services Department

Public Works Department

2. SUBJECT: Three-Cart Residential Collection System. (091)
RECOMMENDATION: Continue to future date.
ACTION: Approved unanimously.

M. REPORT OF CITY MANAGER/EXECUTIVE DIRECTOR/SECRETARY

City Manager Department

1. SUBJECT: Graffiti Task Force Progress Report.
RECOMMENDATION: Consider a verbal report on the progress of the Graffiti Task Force.
DISCUSSION: The Parks and Facilities Management Analyst reviewed the success of the graffiti removal program and the various activities used to remove graffiti on the community.

Bert Perello, increased budget for graffiti removal over the past few years.

Edward Castillo praised City Corps for helping remove graffiti in the community.

The City Council commented on the cost and success of the removal program including working with the community and schools.

ACTION: The City Council provided comments to staff.

2. The City Manager announced the continued collection of Christmas Trees until January 27th, and the presentation of the State of the City by Mayor Holden on January 10, 2008.

N. CITY COUNCIL/BUSINESS/COMMITTEE REPORTS

City Manager Department

1. SUBJECT: Review of City Council Policy Regarding City Councilmembers Requests for Administrative Staff Assistance. (077)
RECOMMENDATION: Consider and provide direction to the City Manager regarding the existing policy governing requests for administrative staff assistance, adopted by City Council on September 8, 1987.
DISCUSSION: The City Manager reviewed the current guidelines established by past City Councils stating: (1) the allowable scope of work; (2) amount of work time by City staff; and (3) discussing matters at Council meetings prior to expenditure of staff time at the direction of the City Council majority.

The City Council reviewed the current policy, history of the policy, discretion of City Manager to follow Council direction, the professional working relationship with City staff and the number of councilmembers (two or majority) needed for staff to proceed with Council direction.

Larry Godwin, reports to Council being available to the public.

Larry Stein, public information regarding the committees served by Councilmembers and placing items on the agenda by a Councilmember.

Edward Castillo, supports amending the policy to have staff assist a request by a councilmember.

Bert Perello questioned: (1) the working relationship between Councilmembers and staff; (2) the irrigation of the Sports Park property; and (3) the public perception of Council actions.

Ernest Stein, working with the community for donations to improve the community.

ACTION: The City Council provided comments to staff.

O. REPORTS

P. PUBLIC COMMENTS ON REPORTS

Q. APPOINTMENT ITEMS

At 12:13 p.m., Councilman Flynn left the meeting due to a possible conflict of interest.

R. STUDY SESSION

Development Services Department

1. SUBJECT: Pre-Application Review (Planning and Zoning Permit No. 07-600-08) of a Request to Develop 23 Townhomes on 1.5 Acres, Filed by Mercy Housing California. (085)
RECOMMENDATION: Review and provide preliminary comments on a pre-application to develop 23 townhomes, located at the southeast corner of North H Street and Palm Drive.
DISCUSSION: The Planning and Environmental Services Manager reviewed the housing proposal including zoning, general plan amendment, parking, street size and yard size.

Matt Holder, Mercy Housing California, stated the belief that all requirements could be met including parking.

Steve Fleischer, Wilson Neighborhood Chairman, the neighborhood is opposed to changing the zoning due to current density of the neighborhood and site zoning should remain R-1.

Edward Castillo, the pre-application process and comments by neighborhood chair.

The City Council discussed neighborhood comments and density of the neighborhood.

ACTION: The City Council provided comments.

S. PUBLIC COMMENTS ON STUDY SESSION

T. ADJOURNMENT

At 12:48 p.m. the City Council concurred to adjourn the meeting.

DANIEL MARTINEZ
City Clerk

DR. THOMAS E. HOLDEN
Mayor