

MINUTES
OXNARD CITY COUNCIL
Regular Meeting
October 6, 2015

A. ROLL CALL/POSTING OF AGENDA

At 4:36 p.m., the regular meeting of the Oxnard City Council convened in the Council Chambers. Councilmembers Carmen Ramirez, Bryan A. MacDonald, Dorina Padilla and Bert Perello were present. Mayor Flynn was absent. The City Clerk stated that the agenda was posted on Thursday in the Library and City Clerk's Office. Mayor Pro Tem Ramirez presided and called the meeting to order. Staff members present were: Greg Nyhoff, City Manager; Maria Hurtado, Assistant City Manager; Stephen Fischer, Interim City Attorney and Lynn McGraw, Deputy City Clerk.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

C. CLOSED SESSION

At 4:38 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 Guillermo Ramirez, et al. v. Oxnard Police Department, et al. United States District Court, Case No. CV13-01615-MWF-AN

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 by joining in the Qui Tam Lawsuit filed under seal – *Plaintiff Under Seal v. Defendant Under Seal*, pursuant to Government Code section 54956.9(d)(4).

The City Council also recessed to a closed session, pursuant to Government Code section 54956.9(d)(2), based on existing facts and circumstances, there is significant exposure to litigation against the City in one potential case relating to Rachel Burr (DFEH Complaint No. 394716-78454-R).

The City Council also recessed to a closed session, pursuant to Government Code section 54956.9(d)(2), based on existing facts and circumstances, there is significant exposure to litigation against the city in one potential case.

At 6:27 p.m. the City Council reconvened and recessed to the evening session.

D. OPENING CEREMONIES

At 6:28 p.m., 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: Daniel Martinez, City Clerk; Jeri Williams, Police Chief; Ashley Golden, Development Services Director; Joseph Lillio, Chief Financial Officer; Daniel Rydberg, Interim Utilities Director; Michael Henderson, General Services Manager; Kathleen Mallory, Contract Planner and Jason M. Samonte, Traffic Engineer.

E. CEREMONIAL CALENDAR

1. **SUBJECT:** Presentation of a Proclamation Designating the Month of October, 2015 as "Domestic Violence Awareness Month".
DISCUSSION: Eric Sonstegard, Assistant Police Commander, commented on the activities of "Domestic Violence Awareness Month", recognized the efforts Sharon Giles, Police Sergeant and the process to report incidents.
2. **SUBJECT:** Update by Public Safety Chief on Citywide Efforts in the Southwinds Neighborhood.
DISCUSSION: The Police Chief commented on the efforts of City staff to improve the Southwinds Neighborhood.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from: Jessica Bryant (homelessness issues); Murray Bryan (various issues); Ed Ellis (Ormond Beach); Celeste Gamino (Colonia neighborhood services); Daniel Mitchell (Sycamore Apartments); Al Velasquez (Wilson center, homelessness & senior apartment issues); Ventura Fernandez (Police issues at Southwinds Neighborhood); Pete Placencia (community boxing activities); George Miller (Multi-Cultural Festival and Fire Station 8); Robert Rexford (Oxnard College Park lights); David Deutsch (community mental illness services); Armando Vazquez (having a certified high school at Café on "A") and Pat Brown (riding horses on Ormond Beach).

G. REVIEW OF INFORMATION/CONSENT AGENDA

Comments were received from: Police Chief I-2(a); General Services Manager I-2(c) and Interim Utilities Director I-2(b).

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA**I. INFORMATION/CONSENT AGENDA****City Clerk Department**

1. **SUBJECT:** Minutes of the Regular Meetings of the Oxnard City Council for June 16 and 23, July 7, 14, 21 and 28, and September 1, 2015; and Minutes of the Special Meetings of the Oxnard City Council for July 27 and September 15, 2015. (001)
RECOMMENDATION: Approve.

City Manager Department

2. **SUBJECT:** Agreements for City Council Review. (047)
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.

General Services Division

3. SUBJECT: GS13-17-Beck Park Improvements Including Playground Equipment Installation. (051)

RECOMMENDATION: Approve plans and specifications for Project Specification No. GS13-17 and authorize staff to conduct a public bid for installation of new playground equipment at Beck Park located at 600 West Kamala Street; and authorize use of Housing Related Parks (HRP) grant funds approved for this purpose.

Utilities Department

4. SUBJECT: Ratification of Agreement with A & J Oxnard, LLC. (067)

RECOMMENDATION: Ratify the Agreement with A & J Oxnard, LLC (A-7831) in the amount of \$16,000 for a temporary construction easement to allow staging for the installation of a temporary connector pipeline to the Calleguas Municipal Water Company Salinity Management Pipeline.

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

J. PUBLIC HEARINGS

ACTION: Mayor Flynn declared the public hearing open.

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

Development Services Department

1. SUBJECT: Planning and Zoning Permit Nos. 14-540-01 (Special Use Permit - Planned Development); PZ 14-535-01 (Density Bonus); PZ 14-570-02 (Zone Change); and Mitigated Negative Declaration (MND) 2015-01 for the Construction of a 101-Unit Mixed Income Apartment Project (Coastal Apartment Homes). The Project Site is Located at 2250 E. Pleasant Valley Road (APN 225-0-014-190) and Bounded by Pleasant Valley Road to the north; Etting Road to the south; a Senior Living Project Proposed by the Same Applicant to the east; and the Masonic Cemetery to the west. Filed by Vince Daly of Dansk Investments, 6591 Collins, Ste. E11, Moorpark, California 93021. (075)

RECOMMENDATION: 1) Adopt **Ordinance No. 2895** approving Planning and Zoning Permit No. 14-570-02 (Zone Change) from Community Reserve (CR) to Multiple-Family Residential Planned Development (R-2-PD), subject to certain findings and conditions; 2) Adopt **Resolution No. 14,862** approving Planning and Zoning Permit No. 14-535-01 (Density Bonus), subject to certain findings and conditions; and 3) Adopt **Resolution No. 14,863** upholding the decision of the Planning Commission approving Planning and Zoning Permit No. 14-540-01 (Special Use Permit – Planned Development Permit) and Mitigated Negative Declaration No. 2015-01, subject to certain findings and conditions.

DISCUSSION: The Development Services Director and Contract Planner presented the proposed building including migration impact fees; traffic study; parking; landscape maintenance; public transportation and requested density “bonus” incentives.

The Interim City Attorney reviewed the request of “bonus” density law, housing law and options of the Council.

Vince Daly, developer, reviewed the proposed development including affordable housing (density bonus request), study of property and market rate rents. Mark Petitt, architect, discussed: landscaping (tree replacement); water “use” (water collection system); widening of Pleasant Valley Road (provide bicycle lane); being a “bike” friendly development and having solar option use.

Public comments were received against the development from: Robert Rexford; Joyce Abajian; Lena Mastre; Sam Hoapili; Margo Harper; Robin Cooksey; Val Polacck; Al Velasquez; Joan Skupien; Larry Stein and Jean Hohilly.

Public comments were received supporting the development from: Frank Naumann; Alan Campbell; Melissa Campbell; Larry Olson; Barbara Macri-Ortiz; Sal Gonzalez; Robert Garcia and Pat Brown.

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

DISCUSSION: The Council discussed: public transportation; parking; water “use”; peak hour “traffic” study; landscaping maintenance requirements; State requirements; community “housing” needs and notification of mobile home park residents.

ACTION: Moved to approve as recommended with change of 12 very low-income rather than 15 low-income units. (Ramirez/Padilla) Ayes: MacDonald, Padilla, Perello and Ramirez. Noes: Flynn.

RECESS

At 10:16 p.m., the City Council recessed and at 10:26 p.m., the City Council reconvened.

L. REPORTS

City Manager Department

1. SUBJECT: Maintenance Assessment District Overview. (183)
RECOMMENDATION: Receive a report on proposed solutions and timelines for maintenance assessment districts.
ACTION: The City Council concurred to continue to future date.

Utilities Department

2. SUBJECT: Proposed Comprehensive Five-Year Utilities Rate Increases. (199)
RECOMMENDATION: Continue to future date.
ACTION: The City Council concurred to continue to future date.

N. CITY COUNCIL BUSINESS/COMMITTEE REPORTSCity Manager Department

1. SUBJECT: Appointments of Councilmembers to Boards and Commissions. (225)
RECOMMENDATION That the Mayor, with the approval of the City Council appoint members from the City Council to the: 1) Fiscal Policy Task Force (appoint Councilmember Perello); and 2) Ventura County Regional Energy Alliance (appoint Mayor Pro Tem Ramirez).
ACTION: Moved to approve as recommended (MacDonald/Ramirez) Ayes: Padilla, Perello, Flynn, Ramirez and MacDonald.

J. PUBLIC HEARINGS

ACTION: Mayor Flynn declared the public hearing open.

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

2. SUBJECT: Planning and Zoning Permit No. 14-500-04 (Special Use Permit - Planned Residential Group); PZ 14-580-01 (Zoning Text Amendment); PZ 14-570-02 (Zone Change); and Mitigated Negative Declaration (MND) 2015-01 for the Construction of a 70-Unit Senior Living and Memory Care Facility (Coastal Senior/Assisted Living). The Project Site is Located at 2300 E. Pleasant Valley Road (APN 225-0-014-160) and Bounded by Pleasant Valley Road to the north; Single Family Residential to the east; a Mobile Home Park to the south; and a 101-unit Apartment Project Proposed by the Same Applicant to the west . Filed by Vince Daly of Dansk Investments, 6591 Collins, Ste. E11, Moorpark, California 93021. (129)

RECOMMENDATION: 1) Adopt **Ordinance No. 2895** approving Planning and Zoning Permit No. 14-570-02 (Zone Change) from Community Reserve (CR) to Multiple-Family Residential Planned Development (R-2-PD), subject to certain findings and conditions; 2) Adopt **Ordinance No. 2896** approving Planning and Zoning Permit No. 14-580-01 (Zoning Text Amendment), subject to certain findings and conditions.; and 3) Adopt **Resolution No. 14,864** upholding the decision of the Planning Commission approving Planning and Zoning Permit No. 14-500-04 (Special Use Permit – Planned Residential Group) and Mitigated Negative Declaration No. 2015-01, subject to certain findings and conditions.

DISCUSSION: The Development Services Director and Contract Planner presented the proposed building of senior apartments including parking and landscaping of development.

Vince Daly, developer, reviewed the proposed assisted-living facility development including affordable housing (density bonus request), study of property and projected “market” rents. Gary Barnes reviewed State license requirements and living with family members.

Public comment was received from: Larry Stein.

ACTION: Close the public hearing. (MacDonald/Padilla)

DISCUSSION: The Council discussed: public transportation; parking and the need for this type of housing services.

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

K. APPOINTMENT ITEMSM. REPORT OF CITY MANAGERN. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

The Council commented on: pension "reform" issues (Perello); investigate home inspection programs (similar to City of Fillmore); winter warming shelter (Ramirez, Padilla); possible JPA with military regarding "utility" issues (MacDonald) and Council's payments regarding individual retirement (Flynn).

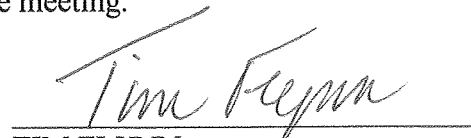
F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from: Nick Eubank (Fire Department) and Larry Stein (public records requests and questions).

O. PUBLIC COMMENTS ON REPORTSP. PUBLIC COMMENTS ON STUDY SESSIONQ. STUDY SESSIONF. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDAR. ADJOURNMENT

At 11:58 p.m. the City Council concurred to adjourn the meeting.


DANIEL MARTINEZ
City Clerk


TIM FLYNN
Mayor


CARMEN RAMIREZ
Mayor Pro Tem