

MINUTES

OXNARD CITY COUNCIL Regular Meeting June 26, 2007

A. ROLL CALL/POSTING OF AGENDA

At 5:32 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 Assistant 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: Edmund Sotelo, City Manager; Gary L. Gillig, City Attorney; and Jill Beaty, Assistant City Clerk.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

C. CLOSED SESSION

At 5:34 p.m. the City Council recessed to a closed session, pursuant to Government Code section 54956.8, to give instructions to its negotiators, Edmund Sotelo, City Manager, and Mike More, Financial Services Manager, regarding the price and terms of payment for the potential sale by the City of a single family residence located at 1826 Channel Islands Boulevard to Mark Ratto.

The City Council also recessed to a closed session, pursuant to Government Code section 54956.8, to give instructions to negotiators, Edmund Sotelo, City Manager, and Ken Ortega, Public Works Director, regarding the price and terms of payment for the potential lease by the City of approximately thirteen acres of real property located at the northwest corner of Del Norte Boulevard and Sturgis Road to Cal Mat Company, a Delaware corporation, dba Vulcan Materials Company, Western Division.

The City Council also recessed to a closed session, pursuant to Government Code section 54957.6, to give instructions to negotiators, Lynn Hutton, Acting Human Resources Director, and Dennis Scala, Special Assistant to the City Manager, regarding salaries, salary schedules or compensation paid in the form of fringe benefits for employees represented by the International Association of Firefighters AFL-CIO, Local 1684, and the Service Employees International Union (SEIU), Local No. 998, and other matters within the scope of representation.

At 7:03 p.m. the City Council reconvened and recessed to the evening session.

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 and Housing Authority. The meeting opened with the pledge of allegiance to the flag of the United States, followed by a moment of silence. Additional staff members present were: Daniel Martinez, City Clerk; Ken Ortega, Public Works Director; Curtis P. Cannon, Community Development Director; Matt

Winegar, Development Services Director; Sal Gonzalez, Housing Director; Sue Martin, Planning and Environmental Services Manager; Grace Magistrale Hoffman, Deputy City Manager; Michael Henderson, Maintenance Services Branch Manager; Anthony Emmert, Water Resources Manager; Norma Owens, Grants Manager; Dirk Voss, Code Compliance Manager; and Jason M. Samonte, Traffic Engineer.

ITEMS REMOVED FROM AGENDA

The City Manager requested that PZ 05-300-01 (K-1) and Third Amended Participation Agreement (O-1) be removed from the agenda and rescheduled to July 10, 2007.

ACTION: Moved to remove these items (Holden/Maulhardt) Approved unanimously.

E. CEREMONIAL CALENDAR

1. SUBJECT: Presentation of a **Resolution No. 13,320** Commending Tony Hernandez for 38 Years of Service with the City of Oxnard. (001)

RECOMMENDATION: Approve.

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

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

William Terry, defeat of the proposed liquefied natural gas (LNG) facility terminal.

Penny Boehm, events at Channel Islands Harbor and future development.

Phil Molina, past legal case.

Nancy Yanez, invited the public to the annual picnic at the Ed Hunt Rehab. Point at Oxnard Beach Park.

Trisha Munro, requested workshop style meeting for Ormond Beach Specific Plan.

Ron Rowen, Ventura County Economic Development Association, opposed the proposed traffic initiative.

Ed Ellis, stylus of burned building on Saviers Road and time to review the College Park report.

Mary Ellen de Luca, thanked the City Council for helping to resolve her storage problems.

John Korsten, lien on property.

Larry Stein, various financial issues.

Pat Brown, opposed Peaker Plant in Oxnard.

Ralph James, commented on the positive progress of the City including growth and development.

Nancy Pedersen, community meeting regarding Ormond Beach development.

G. REVIEW OF INFORMATION/CONSENT AGENDAH. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Pat Brown questioned if more trucking parking (I-13) could be created.

I. INFORMATION/CONSENT AGENDACity Clerk Department

2. SUBJECT: Agreement for Publication of Legal Notices and Legal Advertisements and for Publication Agreements of Display Advertisements and Classified Advertisements. (013)
RECOMMENDATION: (1) Approve and authorize the Mayor to execute an agreement with Ventura County Star Newspaper (Star) {A-6896} for publication of legal notices and legal advertisements for Fiscal Year (FY) 2007-08; and (2) Authorize the City Manager or designee to negotiate and execute agreements with other newspapers to allow for the publication of legal advertisements, display advertisements and classified advertisements for FY 2007-08.

Community Development Department

3. SUBJECT: **Ordinance No. 2737**, Describing the Community Development Commission's Program to Acquire Property By Eminent Domain within the Merged Downtown Renewal (R-108) and Central City Revitalization Project Area Pursuant to California Health and Safety Code Section 33342.7(a). (027)
RECOMMENDATION: Second reading and adoption.
4. SUBJECT: **Ordinance No. 2738**, Describing the Community Development Commission's Program to Acquire Property by Eminent Domain within the Historical Enhancement and Revitalization of Oxnard Redevelopment Project Area Pursuant to California Health and Safety Code Section 33342.7(a). (031)
RECOMMENDATION: Second reading and adoption.
5. SUBJECT: **Ordinance No. 2739**, Describing the Community Development Commission's Program to Acquire Property by Eminent Domain within the Southwinds Project Area Pursuant to California Health and Safety Code Section 33342.7(a). (035)
RECOMMENDATION: Second reading and adoption.
6. SUBJECT: **Ordinance No. 2740**, Describing the Community Development Commission's Program to Acquire Property by Eminent Domain within the Ormond Beach Project Area Pursuant to California Health and Safety Code Section 33342.7(a). (039)
RECOMMENDATION: Second reading and adoption.
7. SUBJECT: Resolution Approving Levy and Collection of Assessments for Fiscal Year (FY) 2007-08 within the Oxnard Downtown Management District. (043)
RECOMMENDATION: Adopt **Resolution No. 13,321** ordering the levy and collection of assessments within the Oxnard Downtown Management District for FY 2007-08.

Police Department

10. SUBJECT: Appropriation of Peace Officer Standards and Training (P.O.S.T.) Police Training Funds. (063)
RECOMMENDATION: Recognize revenue in the amount of \$96,075 in the POST Reimbursement Training Fund and appropriate these funds to the Oxnard Police Department Training Program to support police training requirements through the end of Fiscal Year 2006-2007.
11. SUBJECT: Application for COPS Technology Program Grant. (065)
RECOMMENDATION: Adopt **Resolution No. 13,322** authorizing the City Manager to submit an application for \$3,000,000 in U. S. Department of Justice Community Oriented Policing Services (COPS) grant funds to be used for acquisition of police and fire Computer Aided Dispatch, Records Management and Mobile Data Computer (CAD/RMS/MDC) systems.
12. SUBJECT: Application for Office of Juvenile Justice Delinquency Prevention Grant Funding. (069)
RECOMMENDATION: Adopt **Resolution No. 13,323** ratifying the City Manager's submission of an application for \$200,000 in Office of Juvenile Justice Delinquency Prevention grant funds to be used for funding of the Community Action Partnership Project Coordinator and the implementation of the Boys and Girls Clubs of Greater Oxnard and Port Hueneme Street S.M.A.R.T. gang violence prevention program.

Public Works Department

13. SUBJECT: Landscape Maintenance Agreement with California Department of Transportation ("Caltrans") for Future Parking Lot at 255 East Fifth Street for Oxnard Transportation Center. (073)
RECOMMENDATION: Approve and authorize the Mayor to execute the agreement to maintain landscape area at 255 East Fifth Street between the City and the Caltrans, (A-6886).
14. SUBJECT: Second Amendment to Agreement for Trade Services with Natural Resource Protection, Inc. (081)
RECOMMENDATION: Approve and authorize the Mayor to execute the Second Amendment to an Agreement with Natural Resource Protection, Inc. (No. 3642-05-PW), extending the agreement from July 1, 2007 to June 30, 2008 in the amount of \$117,694 for fats, oils and grease and hydrogen sulfide control services, so that the total amount of the agreement is \$943,000.
15. SUBJECT: Third Amendment to Agreement with Parrent Security for Construction Site Security Services at the Blending Station No. 1, 251 South Hayes Avenue. (083)
RECOMMENDATION: Approve and authorize the Mayor to execute the Third Amendment to Agreement with Parrent Security (No. 3302-04-PW) in an amount not to exceed \$220,000, for a total agreement amount of \$716,562, for the purpose of providing construction site security services at the Blending Station No.1, located at 251 South Hayes Avenue.

DISCUSSION: The Water Resources Manager reviewed the level of services provided by Parrent Security and future security options.

16. SUBJECT: Blending Station No. 1 Water Desalination Grant. (103)
RECOMMENDATION: (1) Adopt **Resolution No. 13,324** approving and authorizing the Mayor to execute a Water Desalination Grant Agreement between the Department of Water Resources (DWR) and the City of Oxnard (A-6885); and (2) Recognize the revenue and approve the appropriation in the amount of \$2,900,000 from DWR to the Groundwater Recovery Enhancement and Treatment ("GREAT") Blending Station No. 1 Desalter Project for the Water Desalination Grant.
17. SUBJECT: Blending Station No. 3 Water Desalination Grant Appropriation. (107)
RECOMMENDATION: (1) Adopt **Resolution No. 13,325** approving and authorizing the City Manager or designee to execute a Water Desalination Grant Agreement between the Department of Water Resources and the City of Oxnard (4164-07-PW); and (2) Recognize the revenue and approve the appropriation in the amount of \$187,000 from Department of Water Resources to the Blending Station No. 3 Desalter Project for the Water Desalination Grant.
18. SUBJECT: Settlement Agreement with Exhibit 1 the Fourth Amendment to Service Agreement for Del Norte Regional Recycling and Transfer Station (Del Norte Facility). (111)
RECOMMENDATION: Authorize the Mayor to execute a Settlement Agreement (A-5139) between the City of Oxnard and Republic Services, Incorporated and BLT Enterprises of Oxnard, Inc., including an Exhibit 1, the Fourth Amendment to Agreement relating to the operation and management of the Del Norte Facility located at 111 South Del Norte Boulevard to resolve the litigation entitled Oxnard v. Republic Services, Inc., Ventura County Superior Court Case No. CIV 233956. *
19. SUBJECT: Rename Water Task Force as Utilities Task Force (UTF); Establish Jurisdiction of UTF. (113)
RECOMMENDATION: Rename the Water Task Force the Utilities Task Force with jurisdiction to consider water, recycled water, wastewater, stormwater, solid waste and recycling issues.
20. SUBJECT: Resolution in Support of Ventura Regional Sanitation District Biosolids Program (001)
RECOMMENDATION: Adopt **Resolution No. 13,326** in support of the efforts of the Ventura Regional Sanitation District to establish the Toland Road Landfill Biosolids Facility and Electric Generation Project, thereby providing a countywide regional solution to disposal of biosolids.

INFORMATION/CONSENT AGENDA ACTION: Approved as recommended.
(Herrera/Zaragoza) Ayes: Holden, Maulhardt, Zaragoza, Herrera, and Flynn. Noes: Flynn only on item 18.

J. TRANSMITTAL OF INFORMATION ONLY ITEMS

K. INFORMATION/CONSENT PUBLIC HEARINGS

Development Services Department

1. SUBJECT: Planning and Zoning Permit Nos. PZ 05-300-01 (Tentative Parcel Map) and Appeal of Special Use Permit for Planned Residential Group PZ 05-500-01 for Project Located at 901 Cheyenne Way, Filed by Juan Cervantes. (115)
RECOMMENDATION: Continue to July 10, 2007.
ACTION: Approved as recommended. (Holden/Maulhardt) Unanimously.

L. PUBLIC HEARINGS

Mayor Holden opened the public hearing. The City Clerk reported on publication and that there were no written communications received.

Finance Department

1. SUBJECT: Public Hearing to Consider Oxnard's Fiscal Year 2007-2008 Annual Action Plan (the Plan), Component of the 2003-2008 Consolidated Plan, Including Applications to the U.S. Department of Housing and Urban Development (HUD) and Projected Use of Community Development Block Grant (CDBG), HOME Investment Partnership Act (HOME) and Emergency Shelter Grant (ESG) Funds. (125)
RECOMMENDATION: (1) Conduct a public hearing to receive comments and provide direction to staff regarding any changes to the Plan; (2) Authorize the City Manager to make changes to the Plan as directed by City Council; (3) Approve the Plan and the recommended proposed use of funds; (4) Authorize the City Manager to execute the required applications, certifications, and other pertinent documents and submit the Plan to HUD; and (5) Authorize the City Manager to execute any agreements and other documents necessary to implement the Plan
DISCUSSION: The Grants Manager reviewed: funding of projects, emergency shelter programs, administration components and budgets uses.
ACTION: Close the public hearing. (Holden/Herrera) Unanimously. Approved as recommended. (Herrera/Maulhardt) Ayes: Zaragoza, Herrera, Flynn, Holden, and Maulhardt.

Mayor Holden opened the public hearing. The City Clerk reported on publication and that there were no written communications received.

Police Department

2. SUBJECT: Recovery of Civil Citation Fines. (133)
RECOMMENDATION: (1) Conduct a public hearing to consider objections of property owners liable to be assessed for civil citation fines stated in the cost report; (2) Approve the cost report; and (3) Direct the City Manager or designee to file a certified copy of the cost report with the Ventura County Auditor-Controller.
DISCUSSION: The Code Compliance Manager reviewed the process of issuing citations including the noticing requirements and clean-up costs.

Robert Logue stated that the weeds had been cleared off his property and commented on problems with a neighbor. The City Attorney stated that neighbor problems would be a civil matter.

Larry Stein, requested a waiver of fine on behalf of Mr. Mendez.

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

DISCUSSION: Andy Diaz expressed concern with the fine received regarding a vehicle on the property.

Rich Kristofferson commented on problems regarding the removal of property from his yard.

ACTION: Close the public hearing. (Holden/Herrera) Unanimously. Approved as recommended with the removal of Mr. Logue' fine. (Herrera/Holden) Ayes: Zaragoza, Herrera, Flynn, Holden, and Maulhardt.

Mayor Holden opened the public hearing. The City Clerk reported on publication and that there were no written communications received.

3. SUBJECT: Recovery of Nuisance Abatement Costs. (141)
RECOMMENDATION: (1) Conduct a public hearing to consider objections of property owners liable to be assessed for nuisance abatement costs stated in the cost report; (2) Approve the cost report; and (3) Direct the City Manager or designee to file a certified copy of the cost report with the Ventura County Auditor-Controller.
DISCUSSION: The Code Compliance Manager reviewed the process and costs to clean properties.
ACTION: Close the public hearing. (Herrera/Maulhardt) Approved as recommended. (Maulhardt/Herrera) Ayes: Flynn, Holden, Maulhardt, Zaragoza, and Herrera.

Mayor Holden opened the public hearing. The City Clerk reported on publication and that there were no written communications received.

Public Works Department

4. SUBJECT: Public Hearing and Adoption of Resolution to Form and to Levy Fiscal Year (FY) 2007-2008 Assessments in Landscape Maintenance District No. 59. (145)
RECOMMENDATION: (1) Hold a public hearing concerning the formation of Landscape Maintenance District No. 59, consisting of Tract No. 5542 (Orbela), located south of Fifth Street between Northport Lane and Victoria Avenue, and determine whether a majority protest against formation exists; (2) If a majority protest against formation does not exist, continue with the public hearing to consider all protests against the proposed assessment in the District; tabulate the ballots; and determine whether a majority protest exists as to the assessment; and (3) If a majority protest does not exist as to the assessment, adopt a resolution to form and levy FY 2007-2008 assessments in the District.

DISCUSSION: The Maintenance Services Branch Manager reviewed the process to form the district.

ACTION: Mayor Holden declared the public testimony portion on formation of the district open. The City Clerk stated that no majority protest against formation exists. Motion to approve the report of the City Clerk and to form Assessment District No. 59. (Herrera/Maulhardt), unanimously. The City Clerk tabulated the ballots and reported a majority votes in favor to the assessment. Motion to adopt **Resolution No. 13,327** to form the district and levy assessments. (Herrera/Maulhardt) Ayes: Flynn, Holden, Maulhardt, Zaragoza, and Herrera.

Mayor Holden opened the public hearing. The City Clerk reported on publication and that there were no written communications received.

5. SUBJECT: Adjustment to Planned Traffic Circulation Facilities Fees. (151)
RECOMMENDATION: Adopt **Resolution No. 13,328** establishing interim planned traffic circulation facilities fees of \$730 per vehicle trip to be effective until the 2020 General Plan update is complete and City Council considers a fee based on a new master plan of traffic circulation facilities.
DISCUSSION: The Development Services Director and Traffic Engineer explained Traffic Impact Fee(s) and future study costs.

Larry Stein, questioned the traffic fee amount and use.

Councilmembers commented on the General Plan, level of traffic intersection service, future traffic needs, adjustment of the traffic fee, and improvement(s) of traffic circulation.

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

M. REPORT OF CITY MANAGER

Housing Department

1. SUBJECT: Report on Reorganization of Public Housing Staff.
DISCUSSION: The Housing Director reviewed the changes only to the "public housing program" to include program changes, job assignments changes and positions not changing.
ACTION: The City Council reviewed the report.

N. CITY COUNCIL BUSINESS/REPORTS

City Manager Department

1. SUBJECT: Cancellation of the Regular Meetings Scheduled for July 3, 2007. (175)
RECOMMENDATION: Cancel the regular meetings scheduled for July 3, 2007.
ACTION: Approved as recommended. (Zaragoza/Maulhardt) Ayes: Flynn, Holden, Maulhardt, Zaragoza, and Herrera.

M. REPORT OF CITY MANAGER

The City Manager reported Neighborhood Up-lift program sponsored by Graffiti Task Force held June 30 in the Bartolo Neighborhood and ribbon cutting event at Heritage Walk Townhomes at Seventh Street and A Street.

COMMUNITY DEVELOPMENT AND HOUSING AUTHORITY

At 9:41 p.m. the joint meetings with the Community Development Commission and Housing Authority concluded.

N. CITY COUNCIL BUSINESS/REPORTS

O. REPORTS

Community Development Department

1. SUBJECT: Third Amended Owner Participation Agreement (OPA) and Amendments to Related Documents, Assignment and Assumption Agreement of Development Agreement and OPA, and Hotel Option Agreement for the RiverPark Project Located Adjacent to and North of the Highway 101 Freeway, Adjacent to and East of the Santa Clara River, and West of Vineyard Avenue.(005)
RECOMMENDATION: Continue to July 10, 2007.
ACTION: Approved as recommended (Holden/Maulhardt) Unanimously.

P. PUBLIC COMMENTS ON REPORTS

Q. APPOINTMENT ITEMS

R. STUDY SESSION

Development Services Department

1. SUBJECT: Pre-Application Review of a Proposal for the Development of 528 Seniors Mixed Income Rental Units at the Former Home Depot Site and 4.6 Acres of Proposed Annexed Land, Filed by D2 Development, Inc. (177)
RECOMMENDATION: Review and provide preliminary comments on a proposal to develop the former 11.37 acre Home Depot site and to annex a total of 4.6 acres for construction of 528 senior mixed use income rental units with a cultural arts/learning center, located at 2600 North Vineyard Avenue, and 2557 and 2571 Cortez Street.
DISCUSSION: The Planning and Environmental Services Manager outlined the proposed project including request to annex county property, changes to current development, and proposed changes to zoning (density).

Scott Dinovitz reviewed the proposed senior development with increased units, transportation support, cultural opportunities, affordable housing units and village like-setting to be built in phases. Tim Carpenter, More Than Shelter of Seniors, commented that the development provided educational programs for seniors.

The following individuals expressed concern with several issues, including density, traffic and location: Pat Brown; Larry Stein; and Nancy Petersen.

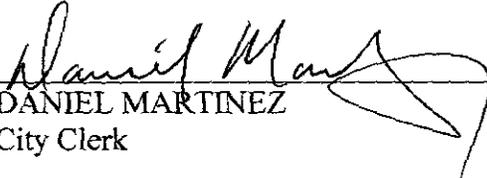
The City Council commented on the location, traffic, annexation progress, number of units, proposed cultural center, and transportation needs of the seniors.

ACTION: The City Council provided comments and direction to staff.

S. PUBLIC COMMENTS ON STUDY SESSION

T. ADJOURNMENT

At 10:29 p.m. the City Council concurred to adjourn the meeting.



DANIEL MARTINEZ
City Clerk



DR. THOMAS E. HOLDEN
Mayor



JILL BEATY
Assistant City Clerk