

MINUTES
OXNARD CITY COUNCIL
Regular Meeting
May 13, 2008

A. ROLL CALL/POSTING OF AGENDA

At 7:04 p.m., the regular meeting of the Oxnard City Council convened in the Council Chambers concurrently with the Housing Authority. Councilmembers Dean Maulhardt, John C. Zaragoza, Andres Herrera, and Timothy B. Flynn were present. Mayor Thomas E. Holden was absent. The Assistant City Clerk stated that the agenda was posted on Thursday in the Library and City Clerk's Office. Mayor Pro Tem Maulhardt presided and called the meeting to order. Staff members present were: Edmund Sotelo, City Manager; Karen Burnham, Assistant City Manager; Gary L. Gillig, City Attorney; and Jill A. Beaty, Assistant City Clerk.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

C. CLOSED SESSION

D. OPENING CEREMONIES

The meeting opened with the pledge of allegiance led by Councilman Flynn, followed by a moment of silence in honor of Joe Jansen, long-time downtown merchant. Additional staff members present were: Water Conservation/Outreach Coordinator; John Crombach, Police Chief; Ken Ortega, Public Works Director; Sal Gonzalez, Housing Director; Karl Lawson, Compliance Services Manager; and Michael Henderson, General Services Superintendent.

E. CEREMONIAL CALENDAR

1. SUBJECT: "Water Conservation Poster Contest Winners".

DISCUSSION: Dakota Corey, Water Conservation/Outreach Coordinator announced the monthly winners: Arianna Hernandez, Yazmin Medel; Isabel Pascua; Bianca Cabrera; Angel Rodriguez; Alina Cortez; Sara Garcia; Erika Fuentes; Brenda Leon; and Isabella Raad; and slogan winner, April Fuentes, for her slogan: 'Don't Go with the Flow, Conserve H²O.'

2. SUBJECT: Proclamation Designating May 12-16 as "Law Enforcement Officers Memorial Week".

DISCUSSION: The Police Chief accepted the proclamation and announced Oxnard's Police Memorial Service on May 13, 2008.

3. SUBJECT: Proclamation Designating May 17-23, 2008, as "Safe Boating Week".

DISCUSSION: Accepted by Kenneth Grim, U. S. Coast Guard Auxilliary Division Staff Officer for Public Education, who announced safety courses and boat safety checks.

4. SUBJECT: Proclamation Designating May 18-24, 2008, as "Public Works Week".

DISCUSSION: Accepted by the Public Works Director who thanked the City Council members for their leadership and support.

At 7:28 p.m. The Mayor was present.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Nancy Pederson, Name that Pond Contest (Ormond Point).

John Korsten, property conservation issues.

Moses Mora, AB 702 and booking of 'Cannibal and the Headhunters' at Strawberry Festival.

M. Jones, environmental impacts from a Big League Dreams project.

Barbara Dubkin, opposition to half-cent sales tax initiative.

Larry Stein, lack of financial reporting and budget hearings.

Soledad Trevino, gratitude to Police Department at recent teachers' march.

G. REVIEW OF INFORMATION/CONSENT AGENDA

The Mayor requested discussion on I-12.

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Nancy Pederson, Chair, Cal Geisler Neighborhood; Joe Avelar, Chair, Lemonwood Neighborhood; and Pat Brown, Chair, 5 Points Northeast Neighborhood, support I-5.

Roger Books, Chief Steward, IUOE Local 501, thanked the Assistant City Manager, Acting Human Resources Director, and the Human Resources Manager for successful negotiations regarding the MOU (I-11).

Ed Ellis, suggested clearer wording of ordinance (I-5). The City Attorney responded that language is derived directly from State statute and should remain as is.

I. INFORMATION/CONSENT AGENDACity Attorney Department

1. SUBJECT: Ordinance No. 2772 Regarding the Classification of Chief Financial Officer. (001)
RECOMMENDATION: Second reading and adoption.

City Manager Department

3. SUBJECT: Memorandum of Understanding Among the National League of Cities Institute, the National Council on Crime and Delinquency and the City of Oxnard. (011)
RECOMMENDATION: Approve and authorize the Mayor to sign the Memorandum of Understanding among the National League of Cities Institute, the National Council on Crime and Delinquency and the City of Oxnard (A-7055) formalizing the California Cities Gang Prevention Network.

4. SUBJECT: Gold Coast Transit (GCT) Fiscal Year 2008/09 Capital and Operating Budget.(017)
RECOMMENDATION: Support the GCT FY 2008/09 proposed capital and operating budget in an amount not to exceed \$4,154.439 for fixed route service, senior and disabled paratransit service, and the capital program.
5. SUBJECT: Prohibition of Possession of Alcohol in City Parks. (025)
RECOMMENDATION: Approve the first reading by title only and subsequent adoption of **Ordinance No. 2774** adding Oxnard City Code subsections 7-125(C), (D) and (E), prohibiting possession of alcohol in City parks.

Finance Department

6. SUBJECT: Fourth Amendment to Oxnard Shores Oxnard, California Agreement of Purchase and Sale (12 lots). (029)
RECOMMENDATION: Approve and authorize the Mayor to execute a "Fourth Amendment to Oxnard Shores, Oxnard, California Agreement of Purchase and Sale (12 lots)" (**A-6830**) pertaining to the sale of 12 lots located on Reef Way in the Oxnard Shores area to Elevar Seven, LLC.
7. SUBJECT: Sale of 1,278 Acres of Real Property Located at the Intersection of Peterson and Gun Club Road in Kern County. (035)
RECOMMENDATION: Approve and authorize the Mayor to execute an Agreement of Purchase and Sale between the City and Double D Land Company, a California limited liability company (Double D) (**A-7052**), providing for the sale to Double D of approximately 1,278 acres of real property located as set forth above for the purchase price of \$3,996,000.

Fire Department

8. SUBJECT: **Ordinance No. 2773** Regarding Prohibiting the Sale, Offer to Sell, Use or Possession of Fireworks. (037)
RECOMMENDATION: Second reading and adoption.
9. SUBJECT: Ordinance Regarding the Administration of the Certified Unified Program Agency. (039)
RECOMMENDATION: Approve the first reading by title only and subsequent adoption of **Ordinance No. 2775** adding Article XIII, sections 11-300 to 11-309; 11-315 to 11-317; 11-325 to 11-326; 11-335 to 11-340; 11-345 to 11-348; and 11-355 to 11-358 to the Oxnard City Code concerning the administration of the Certified Unified Program Agency.

Human Resources Department

10. SUBJECT: Recognition of Service Employees International Union (SEIU) Local 721; Agreement with SEIU Local 721 Establishing Conditions of Recognition. (049)
RECOMMENDATION: (1) Recognize SEIU Local 721 as the exclusive employee organization for employees occupying classifications in the Professional, Technical and Administrative Support Unit for matters concerning wages, hours and terms and conditions of employment; and (2) Approve and authorize the City Manager to execute an agreement between the City and SEIU Local 721 (**A-7050**) establishing conditions of recognition.

11. SUBJECT: Memorandum of Understanding with International Union of Operating Engineers (IUOE), Local 501. (055)
RECOMMENDATION: (1) Ratify a Memorandum of Understanding (MOU) between the City and the IUOE Local 501 commencing November 24, 2007, and expiring on November 23, 2008; (2) Adopt a **Resolution No. 13,413** implementing the MOU for IUOE (**A-7053**); and (3) Authorize the City Manager to transfer funds between accounts, in amounts to be determined, to implement the terms and conditions of the MOU.

INFORMATION/CONSENT AGENDA ACTION: Approved (Herrera/Zaragoza); Ayes: Flynn, Herrera, Holden, Maulhardt and Zaragoza. Noes: Flynn and Maulhardt on I-6 only.

Public Works Department

12. SUBJECT: First Amendment to Attorney Services Agreement with Hunt Ortmann Palffy Nieves Lubka Darling & Mah, Inc. for legal fees associated with the Affholder United States District Court Case No. CV 07-06562 RGK (CWx). (059)
RECOMMENDATION: (1) Approve and authorize the Mayor to execute an Amendment to an Agreement with Hunt Ortmann Palffy Nieves Lubka Darling & Mah, Inc. (**4055-07-CA**) in an amount not to exceed \$950,000 for legal fees associated with the Affholder United States District Court Case No. CV 07-06562 RGK (CWx) (Affholder Case); and (2) Approve a special budget appropriation of \$350,000 from the Wastewater Collection Operating Reserve to the Wastewater Redwood Trunk Sewer Project for legal fees associated with the Affholder Case.
ACTION: Approved with change to contract amount to \$350,000, not \$950,000; (Holden/Maulhardt); Ayes: Holden, Maulhardt, Zaragoza, Flynn, and Herrera.

J. TRANSMITTAL OF INFORMATION ONLY ITEMS

City Manager Department

1. SUBJECT: Executed Contracts. (065)
ACTION: Received and filed.

K. INFORMATION/CONSENT PUBLIC HEARINGS

L. PUBLIC HEARINGS

M. REPORT OF CITY MANAGER

25th Annual Strawberry Festival May 17-18; voter registration; College Park Phase IA Dedication Ceremony on May 27; commencement of Phase III Downtown Lighting Improvement Project; Older Americans Month bike ride on May 17.

N. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

Strawberry Festival with Clysedyle Budweiser Horses, free transit, appreciation to Strawberry Festival Board and staff members; Habitat for Humanity ceremony on Cooper Road to announce commencement of duplex development.

O. REPORTS

Housing Department

3. SUBJECT: Housing Legislative Program for FY 2008-2009. (071)
RECOMMENDATION: (1) Support Proposition 99, the Homeowners Protection Act, and oppose Proposition 98, the California Property Owner & Farmland Protection Act; (2) Support State Bill AB 1111 which would authorize cities and counties to adopt ordinances prohibiting mobile home park owners from changing 55 years of age and over parks to all age parks; (3) Support federal appropriations of at least \$5.3 Billion for the Public Housing Operating Fund; (4) Support State Bill SB 900 which would eliminate a loophole in State law that allows mobile home park owners to convert one or more of park spaces to condominium ownership and avoid the application of local rent control on the remaining rental spaces; (5) Support federal appropriations of \$3.5 Billion for the Public Housing Capital Fund, with at least \$55 Million for the Resident Opportunity and Self-Sufficiency Program; (6) Support federal appropriations of at least \$15.4 Billion for the Tenant-Based Rental Assistance Program Housing Payments, \$1.54 Billion for Administrative Fees, \$72 Million for Family Self Sufficiency Coordinators, and full funding for the Tenant Protection Vouchers and Project Based Section 8 Program; (7) Support legislative and regulatory reform to the Section 8 Voucher Program that would allow the program to be administered more effectively; (8) Support federal appropriations of at least \$4.5 Billion in funding for the Community Development Block Grant (CDBG) Program Formula Grants; (9) Support federal appropriations of at least \$2.0 Billion for the HOME Program Formula Grants; (10) Support the National Housing Trust Fund Act and legislation providing funding for the Act; (11) Support federal appropriations of at least \$1.636 Billion for the Homeless Assistance Grants and legislation that allows for greater local flexibility in the administration of the Grants; and (12) Support federal legislation that addresses the mortgage foreclosure crisis by reforming the mortgage process, curbing predatory lending, and providing foreclosure mitigation assistance.
- DISCUSSION: The Housing Director described the various propositions, state and federal bills and impacts on local government and Oxnard residents to support staff's recommendations. He discussed proposed reformations to methodology for award of CDBG funding and the importance of an accurate census.

Pat Brown opposes Proposition 98 and supports Proposition 99.

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

HOUSING AUTHORITY

At 8:32 the concurrent meeting with the Housing Authority concluded.

City Manager Department

2. SUBJECT: Development of Sports Park Site at 100 East Gonzalez Road. (069)
RECOMMENDATION: Consider a report and provide direction to the General Services Superintendent regarding development of the Sports Park site located at 100 East Gonzales Road, including methods to finance construction and operate the facility.

DISCUSSION: The Facilities Superintendent provided an overview of the site's history and current developments, including donation of grass by Southland Sod Farms, who is also performing clearing and weed removal. Landscape design and irrigation equipment have been donated by various local companies. He displayed various concepts for park layout and schedule of development.

The City Council discussed 1) public/private partnerships and private funding; 2) ongoing operating costs; 3) receiving an accounting of expenditures thus far and potential additional costs and staging of development; 4) safety in the perimeter; and 5) the benefits of a simple grass park. They expressed appreciation for those who have donated labor and equipment.

Archie Shum, AYSO Area Director, re AYSO commitment.

Ed Ellis and Barbara Dubkin want to take time to see specifics of AYSO agreement.

Luciano Ortiz, Chairman, West Village Neighborhood, wants to ensure participation by the neighborhoods.

ACTION: The City Council provided direction.

At 9:34 a.m. the Mayor was absent due to a potential conflict of interest. Vice Chairman Maulhardt presided.

1. SUBJECT: Status Report on Demolition of Old Oxnard High School Site. (067)
RECOMMENDATION: Consider a report on the status of the Old Oxnard High School Site Demolition Project located at 937 West Fifth Street and provide direction to the General Services Manager.

DISCUSSION: The Facilities Maintenance Superintendent (Superintendent) reported on the demolition costs and funding. He discussed 1) current uses of some structures; 2) limitations to development because of Federal Aviation Administration restrictions; and 3) staff's finding that rehabilitation of the pool is infeasible and costly. He presented various concepts and potential parking. The City Attorney suggested the FAA should be consulted prior to expending any monies toward rehabilitation or development of a pool.

Al Velasquez, Chairman, Fremont South Neighborhood Council, carefully consider reuse of building.

The City Council discussed alternate locations for the PAL and other entities; that staff return with an opinion on the feasibility of rehabilitating the pool and additional costs to level the property.

ACTION: The City Council provided direction.

P. PUBLIC COMMENTS ON REPORTS

Q. APPOINTMENT ITEMS

R. STUDY SESSION

S. PUBLIC COMMENTS ON STUDY SESSION

T. ADJOURNMENT

At 10:32 p.m. the City Council concurred to adjourn.



JILE A. BEATY
Assistant City Clerk



DR. THOMAS E. HOLDEN
Mayor



DEAN MAULHARDT
Mayor Pro Tem