

MINUTES  
OXNARD CITY COUNCIL  
Regular Meeting  
June 19, 2007

A. ROLL CALL/POSTING OF AGENDA

At 5:39 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: Ed Sotelo, City Manager; Karen Burnham, Assistant City Manager; Grace Magistrale Hoffman, Deputy City Manager; Gary L. Gillig, City Attorney; and Jill A. Beaty, Assistant City Clerk.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

C. CLOSED SESSION

At 5:41 p.m. the City Council recessed to a closed session, pursuant to Government Code section 54956.9(a), to confer with its attorneys. The titles and case numbers of the litigation discussed are City of Oxnard v. USA Transport, Inc., et al., Ventura County Superior Court Case No. CIV 246116 and City of Oxnard v. Republic Services, Inc., Sacramento County Superior Court Case No. 05AS03411.

Based on existing facts and circumstances and on the advice of the City Attorney, the City Council also recessed to a closed session, pursuant to Government Code section 54956.9(c), to decide whether to initiate litigation in one potential case.

The City Council also recessed to a closed session, pursuant to Government Code section 54956.8, to give instructions to its negotiator, Edmund Sotelo, City Manager, regarding the price and terms of payment for the potential lease by the City of 1,280 acres of real property located approximately 16 miles northwest of Wasco, California in Kern County to John Konda.

The City Council also recessed to a closed session, pursuant to Government Code section 54956.8, to give instructions to its negotiator, 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 property located at 3139 South J Street to Imeda Galvez or to Hilario Lopez and Juana Alegrian.

The City Council also recessed to a closed session, pursuant to Government Code section 54957, to evaluate the performance of the City Manager.

At 7:06 p.m. the City Council recessed to the evening session.

D. OPENING CEREMONIES

At 7:06 p.m. the concurrent meeting with the Community Development Commission opened with the pledge of allegiance to the flag of the United States, led by Nick Kern, recipient of Marine Corps scholarship to attend U.C.L.A., followed by a moment of silence. Staff present included: Cyndi Hookstra, Management Analyst III; Matt Winegar, Development Services Director; Anthony Emmert, Water Resources Manager; and Ken Ortega, Public Works Director.

E. CEREMONIAL CALENDAR

1. SUBJECT: Presentation by Our Lady of Guadalupe Elementary School.

DISCUSSION: Lee Cobb, Parks & Recreation Commissioner, and Armando Morales, 4<sup>th</sup> grade student, presented picture of Mayor Holden.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDAG. REVIEW OF INFORMATION/CONSENT AGENDA

Joe Obregon, Executive Director, Promotoras y Promotoras Foundation, an event on July 20<sup>th</sup>

Harold Ceja, streets disrepair in La Colonia

John Korsten, residential property issues

Maria Collier, Chairperson, Commission on Homelessness, selection of agencies that serve the homeless

Ed Ellis, potential development at Saviers and E. Laurel

Alice Madrid, Chairperson, Bartolo Square North Neighborhood, needed streets repair

Phil Molina, private court case

Barbara Dubkin, appearance of Channel Islands Harbor

Pat Brown, bus drop-off/pick-up at Oxnard Boulevard and Fifth Street

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDAI. INFORMATION/CONSENT AGENDACity Clerk Department

1. SUBJECT: Minutes of the Regular Meetings of City Council for April 24, May 1, May 8, and May 15, 2007.(001)

RECOMMENDATION: Approve.

Community Development Department

2. SUBJECT: Ordinances to Amend Four Redevelopment Plans to Include Eminent Domain Program Description and Statements to be Recorded in Compliance with Health and Safety Code Sections 33342.7 and 33373.(029)

RECOMMENDATION: That City Council approve the first reading by title only and subsequent adoption of **Ordinances Nos. 2737, 2738, 2739, 2740** to amend each of the City's Redevelopment Plans to include an eminent domain program description in compliance with Health and Safety Code Sections 33342.7 and 33373.

Finance Department

3. SUBJECT: Special Tax Levy for Community Facilities Districts (CFD) Nos. 1 and 2 (Westport at Mandalay Bay). (077)  
RECOMMENDATION: Acting as the legislative body of (CFD) Nos. 1 and 2: (1) Adopt **Resolution No. 13,276** setting a special tax rate within CFD No. 1 (Westport at Mandalay Bay) for Fiscal Year (FY) 2007-2008; and (2) Adopt **Resolution No. 13,277** setting a special tax rate within CFD No. 2 (Westport at Mandalay Bay) for FY 2007-2008.
4. SUBJECT: Special Tax Levy for Community Facilities Districts (CFD) Nos. 3 and 4 (Seabridge at Mandalay Bay). (099)  
RECOMMENDATION: Acting as the legislative body of (CFD) Nos. 3 and 4: (1) Adopt **Resolution No. 13,278** setting a special tax rate within CFD No. 3 (Seabridge at Mandalay Bay) for Fiscal Year (FY) 2007-2008; and (2) Adopt **Resolution No. 13,279** setting a special tax rate within CFD No. 4 (Seabridge at Mandalay Bay) for FY 2007-2008.
5. SUBJECT: Special Tax Levy for Community Facilities District (CFD) No. 5 (Riverpark). (115)  
RECOMMENDATION: Acting as the legislative body of (CFD) No. 5 adopt **Resolution No. 13,280** setting a special tax rate within CFD No. 5 (Riverpark) for Fiscal Year 2007-2008.
6. SUBJECT: Special Tax Levy for Community Facilities District (CFD) No. 6 (Northshore at Mandalay Bay). (117)  
RECOMMENDATION: Acting as the legislative body of CFD No. 6 adopt **Resolution No. 13,281** setting a special tax rate within CFD No. 6 (Northshore at Mandalay Bay) for Fiscal Year 2007-2008.
7. SUBJECT: Fiscal Year (FY) 2007-08 Property Tax Rate for Voter Approved Obligations. (123)  
RECOMMENDATION: Adopt **Resolution No. 13,282** establishing the FY 2007-08 tax rates on property in the City of Oxnard for the payment of voter approved obligations.
8. SUBJECT: Special Tax Levy for Community Facilities District No. 2000-3 (Oxnard Boulevard/Highway 101 Interchange). (127)  
RECOMMENDATION: Acting as the legislative body of Community Facilities District No. 2000-3 ("CFD No. 2000-3"), adopt **Resolution No. 13,283** setting a special tax rate within CFD No. 2000-3 (Oxnard Boulevard/Highway 101 Interchange) for Fiscal Year 2007-2008.
9. SUBJECT: Special Tax Levy for Community Facilities District (CFD) No. 88-1 (Oxnard Town Center). (133)

RECOMMENDATION: Acting as the legislative body of CFD No. 88-1, adopt **Resolution No. 13,284** setting a special tax rate within CFD No. 88-1 (Oxnard Town Center) for Fiscal Year 2007-2008.

10. SUBJECT: Interest Rate Swaps Agreement on Existing Variable Rate Bonds. (137)  
RECOMMENDATION: (1) Adopt **Resolution No. 13,285** authorizing the execution and delivery of a Swap Agreement (**A-6889**) between the City Of Oxnard and Royal Bank of Canada pertaining to the outstanding City of Oxnard Financing Authority Variable Rate Demand Lease Revenue Bonds, 2003 Series B, and authorizing certain actions in connection therewith; and (2) Adopt **Resolution No. 13,286** authorizing the execution and delivery of a Swap Agreement (**A-6890**) between the City of Oxnard and Royal Bank of Canada pertaining to the outstanding City Of Oxnard Financing Authority Variable Rate Demand Wastewater Revenue Bonds (Headworks And Septic System Conversion Projects), 2004 Series B, and authorizing certain actions in connection therewith.

Human Resources Department

11. SUBJECT: Contract for Professional Services with ComCo Management, Inc.(147)  
RECOMMENDATION: Continue to June 26, 2007.

Library Department

12. SUBJECT: Appropriation of Anticipated Library Department Revenues.(149)  
RECOMMENDATION: Approve the appropriation of anticipated excess revenues in the amount of \$75,000 from the Library's Document Processing Fees as follows: (1) \$53,000 to the Library Circulation Services Program for postage, supplies, and professional services; (2) \$10,000 to the Library Information/Reference Services Program for electronic database subscriptions; and (3) \$12,000 to the Library Literacy Outreach Program for anticipated overexpenditure in personnel expenses.

Public Works Department

13. SUBJECT: Agreement for Professional Services with Aquatic Bioassay & Consulting Laboratories, Inc.(153)  
RECOMMENDATION: Approve and authorize the Mayor to execute an agreement (**A-6892**) with Aquatic Bioassay and Consulting Laboratories, Inc., in the amount of \$279,240 for receiving water monitoring services.
14. SUBJECT: Adoption of Resolutions Levying FY 2007-2008 Assessments for Landscape Maintenance Districts Nos. 27 through 58. (155)  
RECOMMENDATION: Adopt **Resolutions Nos. 13,287 through 13,318** levying FY 2007-2008 assessments for Landscape Maintenance Districts Nos. 27 through 58.

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

J. TRANSMITTAL OF INFORMATION ONLY ITEMS

K. INFORMATION/CONSENT PUBLIC HEARINGSL. PUBLIC HEARINGSFinance 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.  
RECOMMENDATION: Continue to June 26, 2007.  
ACTION: Approved recommended action (Holden/Maulhardt); unanimous.

Public Works

2. SUBJECT: FY 2007-2008 Assessments in Waterway Maintenance District (205)  
RECOMMENDATION: (1) Hold a public hearing to receive public testimony regarding proposed assessments for the Waterway Maintenance District for FY 2007-08; and (2) Adopt **Resolution No. 13,319** for FY 2007-08 fixing assessments for the Waterway Maintenance District.  
ACTION: The Mayor opened the public hearing.  
DISCUSSION: The Assistant City Clerk reported on publication and that no written comments were received.  
ACTION: Closed public hearing (Holden/Herrera); approved recommended action (Herrera/Zaragoza); Ayes: Maulhardt, Zaragoza, Herrera, Flynn, and Holden.

M. REPORT OF CITY MANAGER

- 1) Chamber of Commerce naming Police Chief Crombach Man of the Year; 2) American Red Cross classes on disaster services operations; 3) Oxnard Shores underground lighting project.

N. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

- 1) Channel Islands Harbor issues, 2) when studies are released to the City Council and the public; and 3) using neighborhood senior citizens to assist Code Compliance efforts. The City Council concurred to direct staff to bring a future study session.

COMMUNITY DEVELOPMENT COMMISSION

At 8:15 p.m. the concurrent meeting with the Community Development Commission concluded.

O. REPORTSDevelopment Services Department

1. SUBJECT: Pilot Curb Cut Program for the Bartolo Square North and South, and Hill Street Neighborhoods (209)

RECOMMENDATION: 1) Authorize the implementation of a pilot curb cut and front yard driveway program in the Bartolo Square North and South, and Hill Streets Neighborhoods; and 2) Direct the City Attorney to prepare a "Green Lawn" Ordinance.

DISCUSSION: The Development Services Director reviewed the findings of the Bartolo Square Neighborhood Conservation Task Force and features of the pilot program, including 1) permits would be required for new curb cuts and driveways; 2) illegal curb cuts would have to be replaced to comply with City standards; 3) prior to issuance of encroachment permit, garages would be inspected to confirm usage complies with City zoning ordinance; 4) there would be a limit in size of front yard driveways; and 5) when driveways intersect with public sidewalks, they must comply with American with Disabilities Act. The Green Lawn ordinance would apply City-wide, place limits on front-lawn paving, and dictate maintenance requirements thereof.

Walter Ontiveros, Daniel Terronez, Alice Madrid, Nancy Pedersen, Brian Serros, Luis Tejada, and Ventura Fernandez supported.

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

P. PUBLIC COMMENTS ON REPORTSRECESS

At 8:48 p.m. the City Council concurred to recess and at 8:57 p.m. the meeting resumed.

Q. APPOINTMENT ITEMSR. STUDY SESSIONPublic Works

1. SUBJECT: Financial Assistance for Property Owners in Septic to Sewer Conversion Project Areas. (213)

RECOMMENDATION: Consider a report and provide direction to the Public Works Director regarding financial assistance to property owners in the Septic to Sewer Conversion Project Areas.

DISCUSSION: The Water Resources Manager reported that property owners must abandon the septic system, make plumbing changes to connect to sewer laterals, pay for plumbing and inspection fees and sewer connection fees, as well as any repairs due to trenching. Estimated expenses are \$7,500 to \$15,000 per parcel. Options to reduce financial impacts of City connection and permit fees (estimated to be \$4,000) include 1) adding a surcharge on the owner's utility bill over an extended period; or 2) placing a lien or a silent second on the

property, at no-interest, to be paid at sale of property or sooner. There may be options to finance on-site work (from house to sidewalk), including Community Development Block Grants or private financing. Countrywide Home Loans has proposed a low or no cost loan, at market rate or below interest.

Carlos Navasoli and Bert Perello commented.

Council comments included discussion on differences the County is proposing to charge to other neighborhoods. There will be a single City contact person to take residents through the entire process.

ACTION: The City Council heard the report and provided comments.

2. SUBJECT: Comprehensive Utilities Rate Increases.(217)

RECOMMENDATION: Review and provide preliminary comments to the Public Works Director to implement a two-step rate increase for the Water Resources Division (Water and Wastewater Services), which would include three percent (3%) increases in Fiscal Year 2007-08 and in Fiscal Year 2008-09 and a five percent (5%) rate increase in FY 2007-08 for the Environmental Resources Division.

DISCUSSION: The Public Works Director reiterated short and long-term goals and discussed challenges of maintaining operating reserves, asset management, salaries/benefits, and services/supplies. The ending fund balance in FY 07-08 currently is positive. Staff proposes increases as follows: In Water rates, a 2-step 3 percent each for the next two years; in Wastewater rates, 2-step 3 percent each for the next two years; and in Environmental Resources Division rates a one-time 5 percent rate adjustment beginning November 1.

Council comments: Transportation Development Act funds should only be used as a stop-gap and only for a limited time; rate study should be based on current rate structure for best analysis.

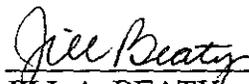
Bert Perello commented. The Public Works Director responded.

ACTION: The City Council heard the report and provided comments.

S. PUBLIC COMMENTS ON STUDY SESSION

T. ADJOURNMENT

At 10:15 p.m. the City Council concurred to adjourn the meeting.

  
\_\_\_\_\_  
JILL A. BEATY  
Assistant City Clerk

  
\_\_\_\_\_  
THOMAS E. HOLDEN  
Mayor