

MINUTES
OXNARD CITY COUNCIL
Regular Meeting
July 28, 2009

A. ROLL CALL/POSTING OF AGENDA

At 6:02 p.m. the regular meeting of the Oxnard City Council convened in the Council Chambers. Councilmembers Thomas E. Holden, Andres Herrera, Dean Maulhardt, Irene Pinkard, and Bryan MacDonald were present. Staff members included: Daniel Martinez, City Clerk; Karen Burnham, Assistant City Manager; Alan Holmberg, City Attorney; and Grace Magistrale Hoffman, Deputy City Manager. Mayor Holden presided and called the meeting to order.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

C. CLOSED SESSION

At 7:00 p.m. the City Council reconvened and recessed to the evening meeting.

D. OPENING CEREMONIES

At 7:08 p.m. the regular meeting of the City Council, concurrently with the Community Development Commission, Housing Authority, and Industrial Development Financing Authority, opened with the pledge of allegiance to the flag of the United States of America, led by Councilmember Maulhardt, followed by a moment of silence in memory of Dave Donlon, long time farmer and Oxnard resident. Mayor Holden presided. Additional staff members present included Matt Winegar, Development Services Director; Jim Cameron, Chief Financial Officer; Efren Gorre, Youth Development Manager; Dan Berlenbach, Fleet Services Manager; Mark Norris, Assistant Public Works Director.

E. CEREMONIAL CALENDAR

1. SUBJECT: Presentation of Commendation to ARC of Ventura County.
DISCUSSION: Fred Robinson, Gene West, Carolyn Whalen, and Jim White, from ARC, received the commendation and discussed their new location.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Harold Ceja opposes the Peaker Plant.

William Bill Terry, upcoming meeting on health care reform and Ormond Beach.

John Korsten, personal code compliance matters.

Ed Ellis, former Halaco site cleanup and slow progress

Priscilla Cisneros, Cabrillo EDC, Tomas Hernandez, Mike Shuman, Victor Aguilar, and Canek Vargas on the activities of Arts for Action and its influence on youth, specifically the latest mural production on Hueneme Road; to be celebrated on Aug 16 at Arroyo Community Center.

Armondo Vasquez, seeks community support at art exhibit opening July 31 for "Michael."

Burt Perello, July 20 FEMA meeting, deadlines for comment and lack of information.

Lawrence Stein, seeks clarification on 2030 Master Plan re Harbor overlay precluding parks use and development of aquatic center.

Pat Brown, questions deterioration of streets at various locations.

G. REVIEW OF INFORMATION/CONSENT AGENDA

The City Council discussed I-7 and additional financing. They requested a report from staff to explain the details and whether the item needs must be considered tonight. Nicole Norori, Project Manager with Cabrillo, explained the timing issues related to obtaining tax credit grants, potential additional sources of funding, and other shortfalls due to current market conditions.

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Bert Perello re I-5 believes developer should have to put up a bond to guarantee the development of the project. The Chief Executive Officer responded the applicant has put up a down payment, a bond, and a deed of trust on the property.

Lawrence Stein, sources of funding on I-13, and I-17 fund disbursement should be explained for the public.

William Terry, undergrounding utility wires at Saviers Road and Pleasant Valley would enhance the area.

Jonathan Ziv re I-16 wants the City to fluoridate groundwater.

I. INFORMATION/CONSENT AGENDA

City Treasurer Department

2. **SUBJECT: Ordinance No. 2811** Amending Sections 11-140 and 11-141, the Title of Section 11-143, Sections 11-143, 11-154, and 11-157 of the Oxnard City Code and Repealing and Readopting Article IX of Chapter 11 of the Oxnard City Code Concerning the Regulation of Massage Professionals and Massage Businesses or Establishments. (003)
RECOMMENDATION: Second reading and adoption.

Community Development Department

3. SUBJECT: Affordable Housing Loan Agreement with Habitat for Humanity of Ventura County (Habitat for Humanity). (017)
RECOMMENDATION: (1) Approve and authorize the Chairman to execute an Affordable Housing Loan Agreement with Habitat for Humanity (**A-7202**) in the amount of \$300,000 to provide a loan for the purchase of property at 5208 Cypress Road for the development of affordable housing; and (2) Approve the appropriation of funds in the amount of \$300,000 from the Housing Set-Aside Fund balance to, "CDC Loan/5208 Cypress Road," from which a loan will be provided to Habitat for Humanity.

Development Services Department

4. SUBJECT: Planning and Zoning Permit No. 09-300-03 (Final Map for Condominium Purposes for Tract No. 5852), for 2831-2861 North Ventura Road. Filed by Martin Teitelbaum, RiverPark Gateway, Ltd. (021)
RECOMMENDATION: Adopt **Resolution No. 13,733** approving Planning and Zoning Permit No. 09-300-03 (Final Map for Condominium Purposes for Tract No. 5852), to subdivide four community ownership building/lots (Lots 1, 2, 3, & 4 of Tract 5852) located at 2831-2861 North Ventura Road, within the RiverPark Specific Plan.

Finance Department

5. SUBJECT: **Ordinance No. 2812** Concerning the Deferral of Payment of Development Fees for Homewood Suites. (033)
RECOMMENDATION: Second reading and adoption.

Housing Department

7. SUBJECT: Amended and Restated Affordable Housing and Loan Agreement with Cabrillo Economic Development Corporation (CEDC) for an Increase of \$323,840 in the Loan Amount for a Total Loan of \$1,623,840. (037)
RECOMMENDATION: Remove from agenda.*
8. SUBJECT: Authorization to Award and Execute Contract for the Direct Administration of the Homeless Prevention and Rapid Re-Housing Program (HPRP) Stimulus Funds. (039)
RECOMMENDATION: Approve and authorize the City Manager to execute an agreement in the amount of \$1,096,869.15 with the Ventura County Human Services Agency (**4864-09-HO**) to administer the HPRP stimulus money awarded to the City under the American Recovery and Reinvestment Act.

Police Department

10. SUBJECT: Ordinance Regulating Private Security Officer Uniforms. (061)
RECOMMENDATION: Approve the first reading by title only and subsequent adoption of **Ordinance No. 2813** adding sections 7-260 through 7-262 to the Oxnard City Code regulating private patrol officers, proprietary private security officers, and security officer uniform apparel.

11. SUBJECT: Recognize State Grant Award and Appropriate Funds for the DUI Enforcement and Awareness Program. (065)
RECOMMENDATION: Adopt **Resolution No. 13,734**: (1) Authorizing the City Manager or designee to submit an application for \$350,806 to the State of California, Office of Traffic Safety (OTS); (2) Recognizing grant revenue in the amount of \$350,806 from the OTS; (3) Authorizing the City Manager or designee to execute grant agreements; (4) Authorizing the Chief Financial Officer or designee to submit financial reports and grants claims and approve special budget appropriation for the use of grant funds; and (5) Authorizing the Chief of Police or designee to submit non-financial reports.
12. SUBJECT: AVOID the 14 DUI Grant Memoranda of Understanding (MOU). (069)
RECOMMENDATION: Authorize the City Manager or his designee to execute MOUs between the cities, and agencies specified in the attached AVOID the 14 DUI Grant Agreement in an amount not to exceed \$100,000 per city or agency, with the total of all MOUs not to exceed \$559,104.

Public Works Department

13. SUBJECT: PW06-17 Saviers Road Improvement Project, Located in the Historic Enhancement and Revitalization Project Area (HERO) and Southwinds Project. (083)
RECOMMENDATION: (1) Approve Project Specification No. PW06-17 for pavement resurfacing, traffic modifications and water main improvements along Saviers Road between Wooley Road and Hueneme Road and authorize staff to solicit bids for the project; and (2) Approve a special budget appropriation to transfer and appropriate funds in the amount of \$6,729,019 to the Saviers Road Improvement Project No. 10XXX from the following: (a) transfer \$4,715,876 from HERO Street Projects Project No. 078701 Account No. 405-8751-826-8605; (b) transfer \$1,633,143 from Cast Iron Pipe Replacement Project No. 026001 Account No. 601-6510-821-8605; (c) transfer \$80,000 from Saviers Road Median Improvement Project No. 023106 Account No. 354-9924-826-8604; (d) transfer \$45,000 from Utility Undergrounding - Various Locations Project No. 083109 Account No. 358-3031-826-8605; and (e) appropriate \$255,000 in interest earnings from the CDC Southwinds Area Bonds.
14. SUBJECT: PW06-16 Gonzales Road Arterial Resurfacing Project. (089)
RECOMMENDATION: Approve Project Specification No. PW06-16 for pavement resurfacing on Gonzales Road between Oxnard Boulevard and Rice Avenue and authorize staff to solicit bids for the project.
15. SUBJECT: PW07-04 Ventura Road Arterial Resurfacing Project Phase I. (093)
RECOMMENDATION: Approve Project Specification No. PW07-04 for pavement resurfacing along Ventura Road between Gonzales Road and Vineyard Avenue and authorize staff to solicit bids for the project.
16. SUBJECT: Construction of Chemical Building No. 3 Project. (097)
RECOMMENDATION: (1) Approve Project Specification No. PW08-10 for the construction of Chemical Building No. 3 at Blending Station No. 1, located at the City's Water Campus on 251 South Hayes Avenue, and authorize staff to solicit bids for the

project; and (2) Approve a special budget appropriation of \$1,493,375 transferring from the Blending Station #3 Desalter Project No. 066011 to the Chemical Building No. 3 – Groundwater Recovery Enhancement and Treatment Program Project No. 086503 for the construction of Chemical Building No. 3.

- 17. SUBJECT: Recognize Revenue and Appropriate Funds for Bicycle Path Maintenance. (103)
RECOMMENDATION: Recognize and appropriate funds in the amount of \$25,259 to the Bike Path at Various Locations Project No. 103103.

- 18. SUBJECT: Appropriation of Interest Earnings for Projects at the Wastewater Treatment Plant Headworks Facility. (105)
RECOMMENDATION: Approve the appropriation of funds in the amount of \$198,782 in interest earnings from the Wastewater Revenue Bonds Series 2004 A; \$73,241 in interest earnings from the Wastewater Revenue Bonds 2004 Series B; and \$180,898 in interest earnings from the Wastewater Revenue Bonds Series 2006 to the Wastewater Treatment Plant Headworks Project.

INFORMATION/CONSENT AGENDA ACTION: Approved (Maulhardt/Herrera) with removal of I-7 from the agenda. Ayes: Holden, Herrera, Maulhardt, Pinkard, and MacDonald.

J. TRANSMITTAL OF INFORMATION ONLY ITEMS

Finance Department

- 1. SUBJECT: Monthly Budget Status Reports for the Period Ending June 30, 2009. (109)
DISCUSSION: Lawrence Stein questioned revised budget versus original budget. The Mayor explained how the budget is reviewed and adjusted during budget hearings and again in recent updates.

HOUSING AUTHORITY

At 8:20 p.m. the concurrent meeting with the Housing Authority concluded.

K. INFORMATION/CONSENT PUBLIC HEARINGS

ACTION: The Mayor opened the public hearing.

Development Services

- 1. SUBJECT: Major Modification to PZ 06-570-09, Amending Part 2 of Ordinance No. 2790, for Property Located on the Northeast Corner of South Victoria Avenue and Hemlock Street. Filed by Tucker Investment Group/Courtyard at Mandalay Bay, LLC. (119)
RECOMMENDATION: Approve the first reading by title only and subsequent adoption of **Ordinance No. 2814** to extend the existing commercial non-conforming uses for a period up to fifteen years from the date of said ordinance.

Bert Perello expressed concern with the length of the extension because of the potential for the aesthetic appearance to become run down.

ACTION: Public hearing closed (Holden/Maulhardt). Approved (Herrera/MacDonald);
Ayes: Maulhardt, Pinkard, MacDonald, Holden, and Herrera.

L. PUBLIC HEARINGS

M. REPORT OF CITY MANAGER

Recreation and Community Services Department

1. SUBJECT: Update of City Corps Town Keeper Program.

RECOMMENDATION: Receive verbal report.

DISCUSSION: The Youth Development Manager discussed the Program, an extension of City Corps, that focuses on the transformation of young people facing challenges of development to net contributing citizens of the community. It teaches them about young peoples historically taking care of and protecting their towns, sets high standards through a vigorous work schedule covering such projects as monitoring and cleanout of storm drain channels, assisting with graffiti removal, and neighborhood detailing. It includes youth who must perform community service but gives them realistic goals, sets standards, and rates them to send them away with tools they can use throughout their lives.

The City Council spoke highly of the Program and the difference the young people make in the community.

ACTION: The City Council received the report.

CITY COUNCIL BUSINESS/COMMITTEE REPORTS

Development Services Department

1. SUBJECT: Adoption of the City of Oxnard Cultural Master Plan. (125)

RECOMMENDATION: (1) Adopt by **Resolution No. 13,735** the Cultural Master Plan; (2) Adopt **Resolution No. 13,736** amending the Art in Public Places resolution pertaining to the Public Art Fund; and (3) Direct staff to return to Council a recommendation regarding creating or appointing a Cultural Arts Coordinator position.

DISCUSSION: The Mayor Pro Tem discussed the efforts of the Steering Committee to develop a Cultural Master Plan (Plan), and he acknowledged the participating entities. The Development Services Director introduced Patrick Ela, Comprehensive Arts Services and facilitator of the Steering Committee, who highlighted 1) the Committee's goals in developing the Plan, including development of a needs assessment of arts organizations, artists, community-based organizations, educators, and community members, 2) the guiding principles, that it would cover all the visual arts, dance, theater, with 3) a broad mandate for enhancing the quality of life for citizens of Oxnard through the arts. He touched on financing and implementation, plan components, and sources of potential funding.

Carmen Ramirez, on behalf of Margaret Cortese, requested continuance to allow the Steering Committee more time to review and comment on the Plan.

Steve Kinney, Steering Committee member, expressed his view that the Committee was ready for action on the Master Plan.

ACTION: Approved (Herrera/Maulhardt); Ayes: Pinkard, MacDonald, Holden, Herrera, and Maulhardt.

2. Council commented on the success of the Salsa Festival and acknowledged the efforts of the City Corps and the Arts for Action mural by young people and the skills learned by them in bringing the mural to fruition.

COMMUNITY DEVELOPMENT COMMISSION/INDUSTRIAL DEVELOPMENT FINANCING AUTHORITY

At 9:17 p.m. the concurrent meeting with the Community Development Commission and Industrial Development Financing Authority concluded.

O. REPORTS

City Manager Department

1. SUBJECT: Donation of Used, Unserviceable City Vehicles to Oxnard College. (137)
RECOMMENDATION: Approve the donation of three unserviceable vehicles to the Oxnard College Automotive Program for their use in training college students in auto repair.
DISCUSSION: The Fleet Services Manager brought the report and the Program's goals, the Fleet Services Division's training and career assistance.
ACTION: Approved (Pinkard/MacDonald); Ayes: MacDonald, Holden, Herrera, Maulhardt, and Pinkard.

Public Works Department

2. SUBJECT: Two-Year Comprehensive Utilities Revenue Increases. (139)
RECOMMENDATION: (1) Review and provide direction to the Public Works Director to implement a two-step revenue increase for the Water, Wastewater and Environmental Resources Enterprises. The proposed increases are one and one-half percent in Fiscal Year (FY) 2009-10 and two percent in FY 2010-11 for the Water Section; eight percent in both FY 2009-10 and FY 2010-11 for the Wastewater Section; and three and one-half percent in both FY 2009-10 and FY 2010-11 for the Environmental Resources Division; and (2) Authorize staff to proceed with the Proposition 218 process.
DISCUSSION: The Assistant Public Works Director provided background of 1) rate study, 2) staff recommendations regarding wastewater rate structure for residential and commercial customers and fine tuning water and environmental resources' existing structures, 3) factors affecting costs of utility services, such as support of debt service (i.e., for Redwood Trunk Sewer Line bond) and proposed changes in rates, 4) rate comparison with other Ventura County cities, and 5) next steps to implementation.

Larry Stein questions the increases in water and wastewater rates based on the report. The Chief Executive Officer explained the practice of minimal rate increases to prevent a rate peak in the future.

ACTION: Approved (MacDonald/Maulhardt); Ayes: Herrera, Maulhardt, Pinkard, MacDonald, and Holden.

P. PUBLIC COMMENTS ON REPORTS

Q. APPOINTMENT ITEMS

R. STUDY SESSION

S. PUBLIC COMMENTS ON STUDY SESSION

T. ADJOURNMENT

At 9:47 p.m. the City Council concurred to adjourn.



JILL A. BEATY
Assistant City Clerk



DR. THOMAS E. HOLDEN
Mayor