

MINUTES  
OXNARD CITY COUNCIL  
Regular Meeting  
June 16, 2009

A. ROLL CALL/POSTING OF AGENDA

At 6:01 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: Ed Sotelo, City Manager; Alan Holmberg, City Attorney; Jill A. Beaty, Assistant City Clerk; and Yolanda Gutierrez, Deputy City Clerk. Mayor Holden presided and called the meeting to order.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

Bert Perello requested an open session on the impacts caused if Casden Properties, LLC does not go through with its development plans.

Larry Stein, any reduction in fees realized by the developer should be passed on to the homeowners.

C. CLOSED SESSION

At 6:07 p.m. the City Council 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 purchase and/or sale by the City of (a) 4.53 acres of land located immediately east of the River Ridge Golf Club and west of Ventura Road, commonly referred to as River Ridge Fields, to Casden Properties, LLC (Casden) and (b) 9.54 acres of land located east of the River Ridge Golf Club west of Ventura Road and south of Santa Clara River to Casden.

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

D. OPENING CEREMONIES

At 7:06 p.m. the regular meeting of the City Council, concurrently with the Housing Authority, opened with the pledge of allegiance to the United States of America, led by Marcus Ponce, Troop Leader, Boy Scouts Troop 31. Mayor Holden presided. Additional staff members present included Ken Ortega, Public Works Director; Anthony Emmert, Water Resource Manager; Dakota, Corey, Water Conservation Coordinator; Michael Henderson, General Services Superintendent; Matt Winegar, Development Services Director; and Karl Lawson, Compliance Services Manager.

E. CEREMONIAL CALENDAR

1. SUBJECT: Presentation by the Commission on Community Relations of the Community Recognition Awards.

DISCUSSION: Accepted by: Outstanding Individual - Will Coulon; Outstanding Business - Proforma Image Innovation; Outstanding Organization - Police Department Clergy Council; and Outstanding Youth - Melissa Cancino.

2. SUBJECT: Presentation of Community Mural Art Contest Winners for the Colonia Neighborhood Mural Project.

DISCUSSION: Officer Crystal Walker summarized the project and the Councilmembers presented the certificates to project winners, including Boy Scouts Troop 31.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Ed Ellis, Jones Ranch should not be part of the 2030 General Plan.

John Korsten, various subjects.

Tom Cady, Chairman, Chamber of Commerce, awards night and partnership with Census Count Committee for the most accurate 2010 Census count.

Nancy Williams, Region Manager, Public Affairs for SCE, the annual state of the utility focuses on renewable energy.

Donald Montgomery, Juneteenth Committee, annual event is June 20th.

Pat Brown, opposes Assembly Bill 761 that would abolish mobile home rent control.

Bert Perello, FEMA flood line readjustments and encourages informing the public as soon as possible.

Steve Kinney, President, EDCO, introduced new Downtown Management District Manager, Abel Magana. Mr. Magana expressed enthusiasm at working alongside the City.

Bertha Garcia, Cabrillo EDC hosting foreclosure prevention clinic June 20.

John R. Hatcher, III, VC NAACP 100th anniversary and Freedom Fund award banquet and events October 10.

G. REVIEW OF INFORMATION/CONSENT AGENDA

The City Council directed staff to include all 14 eligible projects in the Recommendation (I-13). The City Council asked for a full projected budget review on the Rice/Santa Clara Avenue bridge project (I-3).

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Rick Conrad supports staff's recommendation (I-13).

I. INFORMATION/CONSENT AGENDA

Community Development Department

2. SUBJECT: Resolution Approving Levy and Collection of Assessments for Fiscal Year (FY) 2009-10 within the Oxnard Downtown Management District (District). (013)  
RECOMMENDATION: Adopt **Resolution No. 13,700** ordering the levy and collection of assessments within the District for FY 2009-10.

Development Services Department

3. SUBJECT: Sixth Amendment to Agreement with Washington Group International, Inc. for Rice Avenue/Santa Clara Avenue Interchange Improvements at Highway 101. (031)  
RECOMMENDATION: Approve and authorize the Mayor to execute the sixth amendment to the agreement with Washington Group International, Inc. (**A-6738**) in the amount of \$224,159 (total agreement \$1,341,240) for Rice Avenue/Santa Clara Avenue interchange improvements at U.S. Highway 101.

Human Resources Department

8. SUBJECT: First Amendment to Contract for Professional Services with ComCo Management, Inc. (073)  
RECOMMENDATION: Approve and authorize the Mayor to execute the first amendment to the agreement with ComCo Management, Inc. (**A-6884**) for third party administrator services for the period 2009-2012.

Police Department

9. SUBJECT: Appropriation of Peace Officer Standards and Training (POST) Police Training Funds. (083)  
RECOMMENDATION: Recognize revenue in the amount of \$45,000 in the POST Reimbursement Training Fund and appropriate these funds to the Police Department Training Program to support police training requirements through the end of fiscal year 2008-2009.

Public Works Department

10. SUBJECT: Second Amendment to the Agreement with Aquatic Bioassay and Consulting Laboratories, Inc. (ABC Labs) for Receiving Water Monitoring Services. (085)  
RECOMMENDATION: Approve and authorize the Mayor to execute the Second Amendment to the agreement with ABC Labs (**A-6892**) to increase the amount by \$279,240 for a total of \$837,720 for receiving water monitoring services and extend the contract expiration date to June 30, 2010.
11. SUBJECT: Special Budget Appropriation to Fund the Current Year Requirements for Certification and Maintenance of Water Backflow Assemblies. (087)

RECOMMENDATION: Approve a special budget appropriation in the amount of \$125,000 from the Security-Contamination Prevention Fund Balance for maintenance of water backflow assemblies.

12. SUBJECT: Agreement with Ventura County Railroad Company to Reimburse the Cost of Concrete Panels for Railroad Crossings. (089)

RECOMMENDATION: Approve and authorize the Mayor to execute an agreement with Ventura County Railroad Company (**A-7164**) in an amount not to exceed \$350,000 to reimburse the cost of concrete panels for railroad crossings.

13. SUBJECT: Oxnard Plan for Energy Resource Alternatives and United States Department of Energy American Recovery and Reinvestment Act Energy Efficiency Conservation Block Grant (EECBG) Program. (103)

RECOMMENDATION: Approve in concept the Oxnard Plan for Energy Resource Alternatives and authorize the City Manager to execute the required application (including certifications, and other pertinent documents and agreements necessary to implement the grant) for the City's formula-based funding under the EECBG Program on behalf of the projects numbered 1-5 recommended in the staff report, and submit them to the Department of Energy.

INFORMATION/CONSENT AGENDA ACTION: Approved, with change to I-13 Recommendation to include all 14 eligible projects (Herrera/Holden); Ayes: Holden, Herrera, Maulhardt, Pinkard, and MacDonald.

#### HOUSING AUTHORITY

At 8:21 p.m. the concurrent meeting with the Housing Authority concluded.

#### J. TRANSMITTAL OF INFORMATION ONLY ITEMS

#### K. INFORMATION/CONSENT PUBLIC HEARINGS

##### Police Department

1. SUBJECT: Edward Byrne Memorial Justice Assistance Grant Formula Program: Fiscal Year 2009 Local Solicitation.

RECOMMENDATION: Continue to June 23, 2009.

##### Public Works Department

2. SUBJECT: Water Conservation; Drought Response; and Water Recycling: Adopt Ordinance Amending Water Waste Restrictions, Requirements for Water Conservation and Water Shortage Response, and Water Recycling Provisions: Assembly Bill (AB) 1420 Compliance (Grant Funding Eligibility) and Related Staffing Requirements. (115)

RECOMMENDATION: (1) Approve the first reading by title only and subsequent adoption of **Ordinance No. 2810** Amending Water Waste Restrictions, Requirements for Water Conservation and Water Shortage Response, and Water Recycling Provisions; (2) Approve five new staff positions required for AB 1420 compliance; (3) Approve a transfer

of \$596,200 from the Water Procurement Program to the Water Conservation Program to fund AB 1420 compliance.

**DISCUSSION:** The Water Resources Manager and Conservation Coordinator presented the challenges, including reduction in water supply from water source suppliers, and penalties for overuse. They outlined projected conservation programs for businesses and residents intended to meet water reductions mandated from MWD.

**INFORMATION/CONSENT PUBLIC HEARINGS ACTION:** Approved (MacDonald/Pinkard); Ayes: Maulhardt, Pinkard, MacDonald, Holden, and Herrera.

L. PUBLIC HEARINGS

M. REPORT OF CITY MANAGER

The City Manager reported on outdoor movies at Seaview Park, proceeds to benefit the PAL Youth Council; Operation Uplift spring cleaning June 27<sup>th</sup> in Fremont North neighborhood; Christian Execusearch June 22<sup>nd</sup> and Cal Lutheran University Career Counselor June 23<sup>rd</sup> at the Public Library.

N. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

Q. APPOINTMENT ITEMS

1. **SUBJECT:** Convention and Visitors Bureau (CVB) Annual Report.  
**DISCUSSION:** Janet Sederquist, President/CEO of the CVB provided highlights, including 1) new brochures, "Best of Visitor" Favorites and "Your Recovery Plan;" and 2) reallocation of marketing funds toward new comprehensive website, photo gallery, on-line press releases, and social media. She touched on challenges from the economic downturn and discussed the Welcome Center budget and ongoing programs, including Destination Development/Branding concept and a sponsorship promotion program.

Shirley Godwin, opposes the Governor's proposal to close State parks and supports a proposal for a \$15 one-time DMV fee in return for free Parks day use.

The City Council commented on the importance of youth sports to bring tourists into the area. They complimented the CVB staff and Board for their hard work.

O. REPORTS

At 9:30 p.m. Councilmember Maulhardt was absent due to a potential conflict of interest on items O-1 and O-2.

City Manager Department

1. **SUBJECT:** Fourth Amendment of the Second Agreement with High Tide and Green Grass, Inc. (HTGG) Related to the River Ridge Golf Club. (139)

**RECOMMENDATION:** Approve and authorize the Mayor to execute a fourth amendment to the second agreement with HTGG (A-5626) for the operation, maintenance and management of a thirty-six hole golf course referred to as the River Ridge Golf Club located at 2401 Vineyard Avenue.

**DISCUSSION:** The General Services Superintendent reported this is to correct an error in calculating the minimum base revenue because of the newly added holes.

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

2. **SUBJECT:** Third Agreement with High Tide and Green Grass, Inc. (HTGG) Related to the River Ridge Golf Club. (143)

**RECOMMENDATION:** Approve and authorize the Mayor to execute a third agreement with HTGG (A-7188) for the operation, maintenance and management of a 36-hole golf course referred to as the River Ridge Golf Club located at 2401 Vineyard Avenue.

**DISCUSSION:** The General Services Superintendent reported on this last 10-year extension that includes refinements from previous agreement to accurately reflect the working relationship between HTGG and the City and a full audit of revenues and expenditures. The 10-year base revenue chart is eliminated; the profit share formula is now based on actual revenues and expenditures.

Bert Perello questioned a missing exhibit.

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

At 9:45 p.m. Councilmember Maulhardt was present.

#### Development Services Department

3. **SUBJECT:** Authorization to Prepare and Place a City Urban Restriction Boundary (CURB) Amendment to the Save Open-Space and Agricultural Resources (SOAR) as Proposed in the Draft 2030 General Plan and Draft 2006-2014 Housing Element for Next Available Consolidated State Election. Filed by City of Oxnard. (145)

**RECOMMENDATION:** Direct the City Manager to appoint a team to prepare ballot language and related documents to place a CURB amendment to the SOAR ordinance on the next available consolidated state election to implement the proposed 2030 General Plan and 2006-2014 Housing Element.

**DISCUSSION:** The Development Services Director reviewed the requirements of obtaining voter approval to amend the SOAR ordinance, election costs; and timeline for completion of an environmental impact report. He discussed the challenge of meeting the deadlines for placing the matter on the November ballot.

Harold Ceja favors taking time to place the right measure on the ballot and giving the public time to become educated on the issues.

Jurgen Gramckow, President, Marathon Land, owners of property at Ormond Beach, concern over possible swap of sphere of influence line at the Ormond Beach area.

Trish Munro, Dave Souza, Shirley Godwin, Larry Godwin, Pat Brown, and Joseph O'Neil oppose changing the SOAR boundaries and favor looking at in-fill properties for development

The City Council commented on the challenges of 1) meeting the goals of the 2030 General Plan update requiring that 40 percent of housing be affordable; 2) developing attractive housing that local working families can afford; 3) developing in-fill properties which creates another set of problems. The Jones project does not require any federal, state or local subsidy. The Council concluded by stating that creating a ballot measure will naturally generate discussion and debate and the citizens will ultimately choose if they want the CURB amendment.

**ACTION:** The City Council directed staff to return with possible ballot language and alternatives for consideration.

#### Housing Department

4. **SUBJECT:** 2010 Census Complete Count Committee. (149)  
**RECOMMENDATION:** (1) Authorize the establishment of the City's 2010 Census Complete Count Committee; and (2) Designate two Councilmembers to serve as members of the Complete Count Committee.  
**DISCUSSION:** The Compliance Services Manager provided the report and announced the motto: 'It's in Our Hands'.  
**ACTION:** Approved, with the Councilmembers concurring to appoint Councilwoman Pinkard and Councilman MacDonald.

- P. PUBLIC COMMENTS ON REPORTS  
R. STUDY SESSION  
S. PUBLIC COMMENTS ON STUDY SESSION  
T. ADJOURNMENT

At 10:50 p.m. the meeting concluded.

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

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