

MINUTES

OXNARD CITY COUNCIL Regular Meeting April 14, 2009

A. ROLL CALL/POSTING OF AGENDA

At 7:07 p.m., the regular meeting of the Oxnard City Council convened in the Council Chambers concurrently with the Community Development Commission. Councilmembers Thomas E. Holden, Andres Herrera, Dean Maulhardt and Bryan A. MacDonald were present. Councilwoman Irene G. Pinkard was absent. The 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: Daniel Martinez, City Clerk; Edmund Sotelo, City Manager; Alan Holmberg, City Attorney; and Sue Martin, Planning and Environmental Services Manager.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

C. CLOSED SESSION

D. OPENING CEREMONIES

The meeting opened with the pledge of allegiance to the flag of the United States, followed by a moment of silence

E. CEREMONIAL CALENDAR

1. SUBJECT: Presentation of Employee of the Quarter.
DISCUSSION Alan Holmberg introduced Lorraine Ebdon, City Attorney Department paralegal, who acknowledged City support and staff members.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

The following individuals questioned the decision of the Coastal Commissioners to allow the building of the Peaker Plant: Harold Ceja; Ed Ellis; Trevor Smith; Trisha Munro; Michael Stubblefield, Chair Las Padres Chapter of the Sierra Club; William Bill Terry; Ernest Stein; and Peter Brand, State Coastal Conservancy.

John Korsten, fixing the crossing light but questioned the safety of the intersection and safety of school grounds.

Martin Glatt, questioned the management of Seabridge park and bridge use of the public.

The following individuals commented on creating a "green eco-center": Armando Vasquez and Salem Sandoval.

G. REVIEW OF INFORMATION/CONSENT AGENDA

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

I. INFORMATION/CONSENT AGENDA

Development Services Department

3. **SUBJECT: Ordinance No. 2807** Amending Chapter 16 Article III Division 9 of the City Code Repealing Mini-Warehouses as a Permitted Use in the C-2 General Commercial Zone. (011)
RECOMMENDATION: Second reading and adoption.
4. **SUBJECT: Ordinance No. 2808** Amending the RiverPark Specific Plan. (015)
RECOMMENDATION: Second reading and adoption.

Finance Department

5. **SUBJECT:** Second Amendment to Agreement for Accounting Services With Mayer Hoffman McCann P.C. (019)
RECOMMENDATION: Approve the extension of the accounting services agreement (3127-04-FN) for Fiscal Year 2008–2009 at a cost of \$97,500.

Human Resources Department

6. **SUBJECT:** Formal Recognition of Certain Temporary Employees Into the Current Bargaining Unit Between SEIU Local 721 and the City of Oxnard, California. (021)
RECOMMENDATION: Approve and authorize formal recognition of certain temporary employees to be included in the existing collective bargaining unit covered under the collective bargaining agreement between the City and SEIU Local 721.

Recreation and Community Services Department

7. **SUBJECT:** Proposal for Funding of the 2009 Summer Jobs for Youth Under the American Recovery and Reinvestment Act Through the Ventura County Workforce Investment Board (WIB) in the Total Amount of \$945,000. (029)
RECOMMENDATION: (1) Adopt **Resolution No. 13,609** authorizing the City Manager or his designee for the City of Oxnard to join with the Boys and Girls Club of Greater Oxnard & Port Hueneme and the Regional Occupational Program of the Ventura County Office of Education, to submit a proposal to the Ventura County WIB for the administration and implementation of the 2009 Summer Jobs for Youth for the Cities of Oxnard and Port Hueneme area; and (2) Authorize the City Manager or designee to execute grant agreements; the Finance Director or designee to submit financial reports and grant claims and approve pertinent special budget appropriations for the use of grant funds.

INFORMATION/CONSENT AGENDA ACTION: Approved as recommended. (Maulhardt/Herrera) Ayes: Holden, Herrera, Maulhardt, and MacDonald. Absent: Pinkard.

J. TRANSMITTAL OF INFORMATION ONLY ITEMSCity Manager Department

1. **SUBJECT:** Executed Contracts. (033)
ACTION: The City Council concurred to file the information.

COMMUNITY DEVELOPMENT

At 7:48 p.m. the joint meeting with the Community Development Commission concluded.

K. INFORMATION/CONSENT PUBLIC HEARINGS

ACTION: Mayor Holden declared the public hearing open.

DISCUSSION: The City Clerk reported on posting, publication and that there were no written communications received.

Police Department

1. SUBJECT: American Recovery and Reinvestment Act: Edward Byrne Memorial Justice Assistance Grant Formula Program (JAG). (035)
RECOMMENDATION: Adopt **Resolution No. 13,610**: (1) Authorizing the City Manager or designee to execute and submit an application for U.S. Department of Justice grant funds in the amount of \$1,007,166 from the Edward Byrne Memorial JAG Formula Program; (2) Authorizing the City Manager to execute a Memorandum of Understanding with the County of Ventura and the Cities of San Buenaventura, Simi Valley, Santa Paula, and Port Hueneme (**A-7512**), designating the City of Oxnard as the lead agency and fiscal agent for the JAG; (3) Authorizing the Chief Financial Officer or designee to submit financial reports and grant claims and approve special budget appropriations for the use of JAG funds; and (4) Authorizing the Chief of Police or designee to submit non-financial reports.

Public Works Department

2. SUBJECT: An Ordinance of the City Council of the City of Oxnard Amending Certain Portions of Ordinance No. 2709 and Adding Certain Portions to Ordinance 2709 Expanding the Connection Fee Deferral Program for Eligible Septic Systems in Oxnard. (047)
RECOMMENDATION: Approve the first reading by title only and subsequent adoption of an **Ordinance No. 2809** amending and adding certain portions to Ordinance 2709 adjusting wastewater facilities fees to expand the Financial Assistance Program for connection fee deferral for eligible septic systems in Oxnard.

ACTION: Close the public hearing. (Holden/Herrera) Approved as recommended.
(Herrera/Maulhardt) Ayes: Maulhardt, MacDonald, Holden, and Herrera. Absent: Pinkard.

L. PUBLIC HEARINGS

ACTION: Mayor Holden declared the public hearing open.

DISCUSSION: The City Clerk reported on posting, publication and that there were no written communications received.

Development Services Department

1. SUBJECT: Appeal of Planning and Zoning Permit No. 08-510-10 (Special Use Permit) to Permit the Sale of Beer and Wine for Off Site Consumption at an Existing Convenience Market (Five Star Market), Located at 200 South Ventura Road, Suite 250. Filed by Salvador Magallon. (051)
RECOMMENDATION: Adopt **Resolution No. 13,611** denying the appeal and upholding the Planning Commission's approval of Planning and Zoning Permit No. 08-510-10.
DISCUSSION: The Planning and Environmental Services Manager reviewed the history of the application and staff's recommendation.

Steven Magallon, reviewed the special use request for a beer and wine license at the Five Star Store.

The following individuals opposed Five Star having a liquor license: Javier Gomez; Michael Clark; Nancy Pedersen; Shaun Duffy; Dodie Duffy; Pablo Garcia; Jeanine Henke; Mike Henke; Clifton Williams; Margaret Heath; Michael Heath; Ann Heath; Al Velasquez; and Bert Perello.

The following individuals supported Five Star having a special use permit: Christina Banos; Eduardo Magallen; Luz Maria Zamora; and Araceli Rainone. Comment cards supporting the special use permit: Maria Luz Gomez; Luz Maria Zamora; Maria Savala; Maria Orosco; Maria Martinez; Rocio Hernandez; Francisco Orozco; Ignacio Hernandez; Ofelia Rivera; Sal Gomez Mendoza; Abel Carrillo; Angelina Camarena; Lazoro Ruiz; Margarito Magallen; Margarita Dominguez; Ema Martines; Fernando Cruz; Maria Dominguez; Jorge Dominuez; Raul Gonzalez; Odilia Mendoza; Seyed Azami; Jose Gonzalez; Chaudia Gonzalez; Carlos Vasques; Sergio Magallen; Juan Magallen; Jose Montes; Jaime Barron; Fabiola Gonzalez; Elva Tobar; Esmeralda Martinez; Iris Herandez; Maria Vega; Allan Gutierrez; Araceli Rainone; Aracely Gutierrez; Christina Banos; Mateo Ruiz; Sylvia Ayala; and Rugo Berlo Hernandez.

The City Council commented on: the planning of the original development; liquor sale regulations; and current small businesses at location.

ACTION: Close the public hearing. (Herrera/MacDonald) Approved as recommended. (Maulhardt/Holden) Ayes: Maulhardt, MacDonald, Holden, and Herrera. Absent: Pinkard.

M. REPORT OF CITY MANAGER

The City Manager commented on: Graffiti Task Force "Operation Up-Lift", a general neighborhood clean-up near Kamala School; Oxnard Fire Department award from the State Homeland Security Grant Program for Hazardous Material Response Training; \$20 million application for Groundwater Recovery Enhancement and Treatment Program; the Coastal Commission approval of the proposed Peaker Plant and possible legal action; and future opening of dog park at Oxnard College Park.

CITY COUNCIL BUSINESS/COMMITTEE REPORTS

The City Council commented on the Coastal Commission hearing regarding Peaker Plant and the opening to the Veterans' Center at Palms Shopping Center.

O. REPORTS

P. PUBLIC COMMENTS ON REPORTS

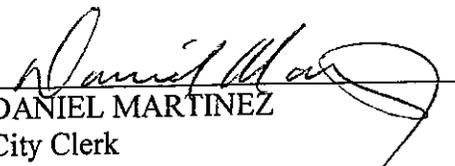
Q. APPOINTMENT ITEMS

R. STUDY SESSION

S. PUBLIC COMMENTS ON STUDY SESSION

T. ADJOURNMENT

At 9:07 p.m. the City Council concurred to adjourn the meeting.


DANIEL MARTINEZ
City Clerk


DR. THOMAS E. HOLDEN
Mayor