

MINUTES  
OXNARD CITY COUNCIL  
Regular Meeting  
January 26, 2010

A. ROLL CALL/POSTING OF AGENDA

At 6:16 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; Karen Burnham, Assistant City Manager; Alan Holmberg, City Attorney; and Daniel Martinez, City Clerk. Mayor Holden presided and called the meeting to order.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

C. CLOSED SESSION

At 6:17 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 sale by the City of land located at 4201 West Hemlock Street, Oxnard, California to Nation Wide Property Holdings, LLC.

At 7:04 p.m. the City Council reconvened to the evening session.

D. OPENING CEREMONIES

At 7:04 p.m. the meeting of the City Council, concurrently with the Housing Authority, opened with the pledge of allegiance to the flag of the United States, followed by a moment of silence. Mayor Holden presided. Additional staff members present were: Ken Ortega, Public Works Director; Anthony Emmert, Water Resources Manager; Michael Henderson, General Services Superintendent; Dakota Corey, Water Conservation Outreach Coordinator; Jim Cameron, Chief Accounting Officer; and Jill Beaty, Assistant City Clerk.

E. CEREMONIAL CALENDAR

1. SUBJECT: Presentation of **Resolution No. 13,763** in Honor of Ernest T. Whitaker for 29 Years of Outstanding Service to the City of Oxnard. (001)  
DISCUSSION: Former Housing Director Sal Gonzalez and Mayor Holden spoke of the many accomplishments of Mr. Whitaker and his devotion to the City and his co-workers. The resolution was presented to Mrs. Eleanor Whitaker and family.  
ACTION: Approved (Holden/Herrera); Ayes: Holden, Herrera, Maulhardt, Pinkard, and MacDonald.

ANNOUNCEMENT OF CITY MANAGER

The City Manager requested Item L-2 follow Item E and City Council consideration to continue the item to February 2, 2010.

PUBLIC HEARINGDevelopment Services Department

2. SUBJECT: Certification of the 2030 General Plan Final Program Environmental Impact Report (PEIR) (EIR No. 09-01) (SCH 2007041024). (109)  
RECOMMENDATION: Continue this item to February 2, 2010.  
ACTION: Approved (MacDonald/Pinkard); Ayes: Holden, Herrera, Maulhardt, Pinkard, and MacDonald.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Alan Sanders requests placing the Ormond Beach area issue and adjustment of CURB lines before the voters.

John Korsten, return of personal property.

Jean Joneson, Windsor North neighborhood resident, lack of enforcement re code violations.

Trisha Munro, Native Plant Landscape Symposium and recommendations of the Ormond Beach Task Force.

Ed Ellis, Spanish translation of City meetings should be considered.

Rev. Edgar Mohorko, appreciation to Mayor re his wife's recent health issues.

Sandy Gonzales, Chair, INCF, requests Spanish simulcast of City meetings, upcoming presentation of Disaster Preparedness; request report of disaster plans on future Council meeting agenda.

Pat Brown, street disrepair along various streets.

Larry Stein, comments re 2030 General Plan EIR not being included and accounting of Measure O monies.

Bert Perello, Flood Zone Justice Association Board member, expressed appreciation for the removal of North Oxnard from the flood zone.

G. REVIEW OF INFORMATION/CONSENT AGENDAH. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Larry Stein, concern re subsidizing ground water replacement (I-6). The Chief Accounting Officer and Public Works Director responded.

I. INFORMATION/CONSENT AGENDA

City Manager Department

1. SUBJECT: Agreement with Ventura Regional Sanitation District (VRSD) for Light Vehicle Maintenance. (003)  
RECOMMENDATION: Approve and authorize the Mayor to execute **Agreement No. 4964-09-CM** with VRSD for a not-to-exceed amount of \$50,000 for the City to provide vehicle maintenance services to VRSD vehicles until December 31, 2011.
2. SUBJECT: Rio Lindo Park Rehabilitation Project GS06-50. (009)  
RECOMMENDATION: Approve Project Specification GS06-50 for the Rio Lindo Park Rehabilitation Project located at 841 Blanca Street, and authorize staff to solicit bids for the project.

Finance Department

3. SUBJECT: Potential Projects for Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds. (013)  
RECOMMENDATION: Authorize staff to submit a Plan of Issuance to the California Debt Limit Allocation Committee listing potential projects to be funded with Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds.

Human Resources

5. SUBJECT: Section 457 Deferred Compensation Plans: New Loan Provision. (027)  
RECOMMENDATION: (1) Adopt **Resolutions Nos. 13,764, 13,765, and 13,766**, one for each of the City's 457 Deferred Compensation Plans, authorizing the establishment of a new loan provision under the City's 457 Deferred Compensation Plan(s) which will allow an eligible participant access to money that is not otherwise available; and (2) Authorize the City Manager to execute agreements and forms for the Section 457 Deferred Compensation Plan Loan Program administered by ICMA-Retirement Corporation, The Hartford and Nationwide Retirement Solutions, which will allow eligible plan participants the ability to borrow funds from their plan account balance.

Public Works Department

6. SUBJECT: Special Budget Appropriations for 2008 United Water Conservation District (UWCD) Pass-Through Water Rate Adjustments and Payment of Fiscal Year (FY) 2008-09 Groundwater Production Charges. (031)  
RECOMMENDATION: Approve the appropriation of \$812,700 to the Water Operating Fund in FY 2009-10 due to the UWCD Pass-Through Water Rate Adjustments for FY 2008-09.
7. SUBJECT: Special Budget Appropriations for 2009 and First Half of 2010 Calleguas Municipal Water District (CMWD) Pass-Through Water Rate Adjustments. (035)  
RECOMMENDATION: (1) Approve the appropriation of \$1,581,300 to the Water

Operating Fund in Fiscal Year (FY) 2009-10 due to the CMWD Pass-Through Water Rate Adjustments for calendar year 2009; (2) Approve revenue and appropriations in the amount of \$1,036,700 to the Water Operating Fund in FY 2009-10 due to the CMWD Pass-Through Water Rate Adjustments for the first half of calendar year 2010; and (3) Approve revenue and appropriations in the amount of \$1,036,700 to the Water Operating Fund in FY 2010-11 due to the CMWD Pass-Through Water Rate Adjustments for the second half of calendar year 2010.

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

#### M. REPORT OF CITY MANAGER

##### City Manager Department

1. SUBJECT: Colonia Neighborhood Council Healthy Communities Garden.  
RECOMMENDATION: Consider a verbal report.  
DISCUSSION: The General Services Superintendent expressed staff's recommendation for City Council consideration to temporarily make available a strip of land at Camino del Sol next to Oxnard Boulevard for a community garden for the Colonia neighborhood and some members of the West Village neighborhood.

The following individuals spoke in support of the community garden: Sylvia Lopez Navarro, County of Ventura Health Department and friends, Harold Ceja, Bert Perello.

The City Council expressed its unanimous support.

ACTION: The City Council received the report gave its unanimous support of staff's recommendation.

#### J. City Manager Department

1. SUBJECT: Executed Contracts. (039)  
ACTION: Received and filed.

##### Finance Department

2. SUBJECT: Monthly Budget Status Report for the Period Ending December 31, 2009. (041)  
DISCUSSION: The CEO discussed the "bad debt" expense (High Tide and Green Grass/River Ridge Golf Course) as a prior year adjustment to receivables as share of revenue or costs.

Larry Stein, questions what effect this has on taxpayers and other accounting issues.

ACTION: Received and filed.

#### K. INFORMATION/CONSENT PUBLIC HEARINGS

ACTION: Mayor Holden opened the Public Hearings.

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

#### Development Services Department

1. SUBJECT: Planning and Zoning Permit Nos. 09-620-01 (General Plan Amendment), 06-560-01 (Rezoning), and 06-610-01 (Annexation), Approving a Request for Property Located at 481-491 Ventura Boulevard. Filed by John Parezo, CAL-AM Planning and Design. (051)

RECOMMENDATION: (1) Adopt Resolution **No. 13,767** approving a General Plan Amendment and amending the General Plan Maps (PZ 09-620-01); (2) Approve the first reading by title only and subsequent adoption of **Ordinance No. 2821** rezoning the property C-2-PD (PZ 06-560-01); and (3) Adopt **Resolution No. 13,768** initiating proceedings for an annexation into the City and the Calleguas Water District (PZ 06-610-01).

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

#### HOUSING AUTHORITY

At 8:07 p.m. the concurrent meeting with the Housing Authority concluded.

#### L. PUBLIC HEARINGS

ACTION: Mayor Holden opened the public hearing.

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

#### Public Works Department

1. SUBJECT: Adopt a Water Efficient Landscape Ordinance and Associated Landscape Water Conservation Standards as Required by Assembly Bill 1881. (089)

RECOMMENDATION: (1) Approve the first reading by title only and subsequent adoption of the Water Efficient Landscape **Ordinance No. 2821** and Associated Landscape Water Conservation Standards; and (2) Designate the City Clerk to prepare and publish a summary of this ordinance, and post a certified copy of it in the Office of the City Clerk a minimum of five days before the meeting at which the City Council will consider final adoption of the ordinance.

DISCUSSION: The Water Conservation Outreach Coordinator reported the ordinance ensures the protection of current water supplies in new landscapes; uses a new approach to design and installation as well as requirements for installation and design of irrigation systems to improve water efficiency. It applies to new development and significant redevelopment projects. Compliance is mandatory for all commercial, industrial, and residential projects, and subject to review by the City.

Larry Stein, current water ordinance is not being enforced.

Bert Perello questioned use of grey water for irrigation purposes. The Public Works Director stated it cannot be used because it is untreated.

The City Council directed the City Engineer to review the ordinance concerning when a permit and fee is required re connecting to the City's water line and installation of backflow devices.

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

#### M. REPORT OF CITY MANAGER

Literacy Outreach Program at the Public Library and activation of Disaster Operations Center January 20<sup>th</sup> in response to the storms.

#### N. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

1) Census 2010 ceremonies in Thousand Oaks to kick off the County's Census count; 2) streets damage from recent storms. The Public Works Director reported on streets crews surveying damage and repairing of potholes in response to complaints from residents; and 3) the Advanced Water Purification project ground breaking and receipt of \$21 million from the Bureau of Reclamation for construction.

##### City Clerk Department

1. SUBJECT: Appointments of Councilmembers. (115)  
RECOMMENDATION: That the Mayor, with the approval of the City Council, appoint one member and one alternate from the City Council to the: (1) Association of Water Agencies for Ventura County (AWAVC), and (2) Oxnard Downtown Management District (ODMD).  
ACTION: To the AWAVC: Maulhardt as member, MacDonald as alternate; to the ODMD: MacDonald as member, Pinkard as alternate.

#### O. REPORTS

#### P. PUBLIC COMMENTS ON REPORTS

#### Q. APPOINTMENT ITEMS

#### R. STUDY SESSION

##### Finance Department

1. SUBJECT: Fiscal Year (FY) 09-10 Mid-Year Budget Presentation. (117)  
DISCUSSION: The Chief Accounting Officer highlighted general fund revenues, and economic indicators, including sales tax trends, and shortfall from 1) delinquent tax

collections, 2) vehicle license fees, and 3) general declines in TOT and business licenses and permits, development fees and parks and recreation fees, 4) interest income fee reduction. He concluded that there is still economic uncertainty and the impacts from State hits are unknown, staff is reviewing economic options while remaining cognizant of City Council's priorities.

Lawrence Stein, potential State raid and suggests Measure O funds be used for the building of an aquatic center.

ACTION: The City Council received the report.

S. PUBLIC COMMENTS ON STUDY SESSION

T. ADJOURNMENT

At 8:58 p.m. the City Council concurred to adjourn.

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JILL A. BEATY  
Assistant City Clerk

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DR. THOMAS E. HOLDEN  
Mayor