

MINUTES

OXNARD CITY COUNCIL Regular Meeting June 24, 2008

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, Dean Maulhardt, John C. Zaragoza, Andres Herrera, and Timothy B. Flynn were present. 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; Karen Burnham, Assistant City Manager; Gary L. Gillig, City Attorney.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

C. CLOSED SESSION

At 6:03 p.m. the City Council recessed to a closed session, pursuant to Government Code section 54956.9(a) to confer with its attorneys. The title and case number of the litigation being discussed is Affholder, Inc. v. City of Oxnard United States District Court Case No. CV 07-06562 RGK (CWx).

At 7:05 p.m. the City Council reconvened and recessed to the evening session.

D. OPENING CEREMONIES

At 7:06 p.m., the regular meeting of the Oxnard City Council reconvened in the Council Chambers, concurrently with the Community Development Commission, and Housing Authority. The meeting opened with the pledge of allegiance to the flag of the United States, by PAL boxers Angel Perez, Luis Ybarra, Nick Vrgoiti and coach Joseph Santisteven, followed by a moment of silence. Mayor Holden presided. Additional staff members present were: James Carmeron, Chief Financial Officer; Anthony Emmert, Water Resources Manager; Norma Owens, Grants Manager; Grace Magistrale Hoffman, Deputy City Manager; Bruce Dandy, Accounting Manager; Michael More, Financial Resources Manager; and Sofia Balderrama, Special Projects Manager.

E. CEREMONIAL CALENDAR

1. SUBJECT: Presentation of **Resolution No. 13,493** to Dave Mesa for over 31 Years of Outstanding Service to the City of Oxnard. (001)
RECOMMENDATION: Approve.
ACTION: Approved as recommended. (Maulhardt/Zaragoza) Ayes: Maulhardt, Zaragoza, Herrera, Flynn and Holden.
DISCUSSION: Michael Henderson, General Services Manager, congratulated Mr. Mesa on his accomplishments during his employment. Dave Mesa thanked the Council, co-workers and family for their support during his employment.
2. SUBJECT: Employee of the Quarter.
DISCUSSION: Michael Henderson, General Services Manager, introduced Patricia Friend who thanked the Council for the recognition.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Joe Avelar, clean-up of yards in the community and weed abatement.

Larry Stein, transparent government and public information.

Ed Ellis, asked for the EIR for Southshore and requested Spanish translation of meetings.

Vince Behrens, downtown PID accomplishments, Salsa Dash, and other downtown activities.

John Korsten, property lien and maintenance of his yard.

Martin Jones, response of a public records request and past City lawsuit.

Donald Helm, development of a neighborhood park in East Village.

Robert Thompson, need to clean-up property at 2400 El Dorado Street.

Harold Ceja questioned the process regarding petition information.

Jean Joneson, river levee repair along the Santa Clara River.

The following individuals discussed the Homeowner and Bank Protection Act: Motoki Kasai, and Marin Barragen.

G. REVIEW OF INFORMATION/CONSENT AGENDA

The Housing Director proposed a revised letter in opposition to be forwarded to the State (I-12).

The Water Resources Manager stated the City was the owner and holder of water rights (I-14) in the Ocean View Mutual Water System.

The City Attorney reviewed possible future changes by future Councils regarding the proposed CVS Pharmacy Shopping Center and agreement restrictions (I-7).

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

The following individuals questioned the development of the CVS Pharmacy Shopping Center (I-7) at the Five Points Intersection: Edger A. Mohorko; Ed Ellis; Jerry Hopkins; Jesse Sanchez (presented a petition); Shirley Godwin; William Bill Terry; Gloria Roman; and Pat Brown.

Bert Perello, questioned the City take over the Ocean View Mutual Water System (I-14) and types of businesses at the proposed CVS Pharmacy Shopping Center (I-7).

I. INFORMATION/CONSENT AGENDA**City Attorney Department**

1. **SUBJECT: Ordinance No. 2778** Regarding Adopting a Development Agreement with Breakers 12, LLC. (003)
RECOMMENDATION: Second reading and adoption.

City Clerk Department

2. SUBJECT: Resolution to Call November 4, 2008 Regular Municipal Election. (005)
RECOMMENDATION: (1) Adopt **Resolution No. 13,494** calling a regular municipal election for November 4, 2008, for the purpose of electing municipal officers; requesting consolidation with the Statewide general election on November 4, 2008; requesting the County Clerk to render services and supplies; and authorizing the Board of Supervisors to canvass the returns; (2) Adopt **Resolution No. 13,495** establishing rules to govern submission of candidates' statements.
3. SUBJECT: Agreement for Publication of Legal Notices and Legal Advertisements and for Publication of Display Advertisements and Classified Advertisements.(013)
RECOMMENDATION: Removed from the agenda.

Community Development Department

4. SUBJECT: Resolution Approving Levy and Collection of Assessments for FY 2008-09 within Oxnard Downtown Management District. (021)
RECOMMENDATION: Adopt **Resolution No. 13,496** ordering the levy and collection of assessments within the Oxnard Downtown Management District ("District") for Fiscal Year (FY) 2008-09.
5. SUBJECT: Extension of Financial Agreement between the City of Oxnard and the Community Development Commission for Funds in the Amount of \$1,250,000 Appropriated to the Central City Project Area in Fiscal Year 2003. (023)
RECOMMENDATION: That the City Council adopt **Resolution No. 13,497** approving and authorizing the Mayor to execute an extension of a Financial Agreement between the Community Development Commission and the City of Oxnard, in the amount of \$1,250,000, related to the 2004 acquisition of property located at 455 South "A" Street in the Central City Redevelopment Project Area.
6. SUBJECT: Extension of Financial Agreement for Short Term Loan. (029)
RECOMMENDATION: That the City Council adopts **Resolution No. 13,498** approving and authorizing the Mayor to execute an Extension of Financial Agreement with the Community Development Commission (the "CDC") providing for a two-year extension for the CDC to repay a short term loan in the amount of \$750,000 to the CDC;

Development Services Department

7. SUBJECT: Review of Revised Architecture for the CVS Pharmacy Shopping Center, PZ 06-500-1, Located at the Five Points Intersection. (035)
RECOMMENDATION: Removed from the agenda.
8. SUBJECT: Planning and Zoning Permit (PZP) Nos. 07-300-02 (Final Map for Tract No. 5737 for Condominium Purposes) and 07-300-03 (Final Map for Tract No. 5738 for Condominium Purposes) for Property Located at 720 and 730 Arcturus Avenue. Filed by Barry H. Carlisi. (043)
RECOMMENDATION: (1) Adopt **Resolution No. 13,499** approving PZP No. 07-300-02 (Final Map for Tract No. 5737 for Condominium Purposes), subject to the conditions set forth

in Planning Commission Resolution No. 2007-12; and (2) Adopt **Resolution No. 13,500** a resolution approving Planning and Zoning Permit No. 07-300-03 (Final Map for Tract No. 5738 for Condominium Purposes), subject to the conditions set forth in Planning Commission Resolution No. 2007-10.

Finance Department

- 9. SUBJECT: Special Tax Levy for Community Facilities District (CFD) No. 88-1 (Oxnard Town Center). (063)
RECOMMENDATION: Acting as the legislative body of CFD No. 88-1, adopt **Resolution No. 13,501** setting a special tax rate within CFD No. 88-1 (Oxnard Town Center) for FY 2008-2009.
- 10. SUBJECT: Special Tax Levy for Community Facilities District (CFD) No. 5 (Riverpark). (067)
RECOMMENDATION: Acting as the legislative body of CFD No. 5, adopt **Resolution No. 13,502** setting a special tax rate within CFD No. 5 (Riverpark) for FY 2008-2009.

Housing Department

- 11. SUBJECT: Submission of BEGIN Application. (069)
RECOMMENDATION: Adopt **Resolution No. 13,503** authorizing the City Manager and/or his designee (1) to execute and submit an application to the California Department of Housing and Community Development (HCD) for \$3,000,000 under the CalHome Building Equity and Growth in Neighborhoods (BEGIN) Program; (2) to execute a Standard Agreement, and all other documents required by HCD for participation in the Program, as well as any amendments thereto as necessary and appropriate to pursue the funding application and obtain funding; and (3) to prepare special budget appropriations for the use of the funds.
- 12. SUBJECT: State of California Assembly Bill 2818. (073)
RECOMMENDATION: Execute letters to the State.

Police Department

- 13. SUBJECT: Appropriation of P.O.S.T. Police Training Funds. (079)
RECOMMENDATION: Recognize revenue in the amount of \$88,000 in the Peace Officer Standards and Training (POST) Reimbursement Training Fund and appropriate these funds to the Oxnard Police Department Training Program to support police training requirements through the end of FY 2007-2008.

Public Works Department

- 14. SUBJECT: Ocean View Mutual Water System Metering and Water Service Lines Project. (081)
RECOMMENDATION: (1) Approve Project Specification No. PW08-03 for the Ocean View Water System Metering and Water Service Lines Project; and (2) Approve a special budget appropriation of \$978,050 from available Water Operating Fund balance for the Ocean View Water System Metering and Water Service Lines Project.
- 15. SUBJECT: Fourth Amendment to Agreement with Parent Security for Construction Site Security Services at the Blending Station No. 1, 251 South Hayes Avenue. (085)
RECOMMENDATION: Removed from the agenda.

16. SUBJECT: Amendment to Agreement for Professional Services with Aquatic Bioassay and Consulting Laboratories, Inc. (091)

RECOMMENDATION: Approve and authorize the Mayor to execute an amendment to agreement with Aquatic Bioassay and Consulting Laboratories, Inc. (A-6892), for a total agreement amount of \$558,480 for receiving water monitoring services.

INFORMATION/CONSENT AGENDA ACTION: Approved as recommended with new letter (I-12) and the removal of items 3, 7 and 15 from the agenda. (Herrera/Maulhardt) Ayes: Holden, Maulhardt, Zaragoza, Herrera, and Flynn. Flynn moved that the developer meet with the community before moving forward on the project (I-7), the motion died due to lack of second.

J. TRANSMITTAL OF INFORMATION ONLY ITEMS

1. SUBJECT: Monthly Budget Status Reports for the Period Ending May 31, 2008. (093)

DISCUSSION: Larry Stein questioned financial transactions.

ACTION: Received and filed.

K. INFORMATION/CONSENT PUBLIC HEARINGS

ACTION: Mayer Holden declared the public hearing open.

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

City Manager Department

1. SUBJECT: Public Hearing and Adoption of Resolutions to Levy FY 2008-2009 Assessments for Landscape Maintenance District Nos. 1 through 3, and 7 through 26. (109)
RECOMMENDATION: (1) Hold a public hearing to receive public testimony regarding the proposed FY 2008-2009 assessments for Landscape Maintenance District Nos. 1 through 3, and 7 through 26; (2) Adopt resolutions for FY 2008-2009 confirming assessments for Landscape Maintenance District Nos. 1 through 3, and 7 through 26 in the following tracts: **Resolution No. 13,504**, Tract No. 2247, District No. 1 (Summerfield); **Resolution No. 13,505**, Tract Nos. 4065, 4164, 4355 and 4225, District No. 2 (Channel Islands Business Park); **Resolution No. 13,506**, Tract No. 3384, District No. 3 (River Ridge); **Resolution No. 13,507**, Tract Nos. 4183 and 3943, District Nos. 7 and 8 (Northfield/Seagate Business Park); **Resolution No. 13,508**, Tract Nos. 3051-2, 3051-3, and 4351, District No. 9 (Strawberry Fields); **Resolution No. 13,509**, Tract No. 4405, District No. 10 (Country Club Estates); **Resolution No. 13,510**, Tract No. 4376, District No. 11 (St. Tropez); **Resolution No. 13,511**, Tract No. 4294, District No. 12 (Standard Pacific); **Resolution No. 13,512**, Tract No. 4424, District No. 13 (Le Village); **Resolution No. 13,513**, Tract No. 4492, District No. 14 (California Cove); **Resolution No. 13,514**, Tract No. 4443, District No. 15 (Pelican Pointe); **Resolution No. 13,515**, Tract No. 4810, District No. 16 (California Lighthouse); **Resolution No. 13,516** Tract No. 4702, District No. 17 (Village of San Miguel); **Resolution No. 13,517** Parcel Map Nos. 213-03-28 and 213-03-29, District No. 18 (St. John's Regional Medical Center); **Resolution No. 13,518** Tract No. 4827, District No. 19 (Shopping at the Rose); **Resolution No. 13,519** Parcel Map Nos. 231-020-200, 210, 240, District No. 20 (Wallenius Vehicle Preparation Center); **Resolution No. 13,520** Tract No. 3384-7, 8, District No. 21 (Cypress Pointe); **Resolution No. 13,521** Tract No. 4611, District No. 22 (McDonald's Median); **Resolution No. 13,522** Tract No. 4529, District No. 23 (Greystone); **Resolution No. 13,523** Tract No. 4529, District No. 24 (Vineyards); **Resolution No. 13,524** Tract No. 4840, District No. 25 (The Pointe); and **Resolution No. 13,525** Parcel Map No. 94-5-25, District No. 26 (Albertson's).

Fire Department

2. SUBJECT: Establishment and Adjustment of Fees and Charges for Certified Unified Program Agency Services and Permits. (113)
RECOMMENDATION: (1) Hold a public hearing to receive public testimony regarding the proposed new fees and adjustments to current fees for Certified Unified Program Agency (CUPA) services and permits; and (2) Adopt **Resolution No. 13,526** establishing new fees and a two phase adjustment to current fees for services and permits, with future annual increases based on the April CPI-U (Consumer Price Index – Urban) of that year.

ACTION: Close the public hearings. (Holden/Herrera) Approved as recommended. (Herrera/Maulhardt) Ayes: Holden, Maulhardt, Zaragoza, Herrera, and Flynn.

L. PUBLIC HEARINGS

Mayor Holden opened the public hearing. The City Clerk reported on posting, publication and no written communications received.

Finance Department

1. SUBJECT: Public Hearing to Consider Oxnard's Fiscal Years 2008-2013 Consolidated Plan (Plan) and Fiscal Year 2008-09 Annual Action Plan Component, Including Applications to the U.S. Department of Housing and Urban Development (HUD) and Projected Use of Community Development Block Grant, HOME Investment Partnership Act and Emergency Shelter Grant (ESG) Funds. (123)
RECOMMENDATION: (1) Conduct a public hearing to receive comments and provide direction to staff regarding any changes to the Plan; (2) Authorize the City Manager to make changes to the Plan as directed by City Council; (3) Approve the Plan and the recommended proposed use of funds; (4) Authorize the City Manager to execute the required applications, certifications, and other pertinent documents and submit the Plan to HUD; and (5) Authorize the City Manager to execute any agreements and other documents necessary to implement the Plan after approval of the Plan by HUD.
DISCUSSION: The Grants Manager and Special Projects Manager reviewed the five-year Plan including: assessment of unmet needs; residential input; community development actions; affordable housing; and a draft plan. The five-year priorities include: construction of additional affordable rental housing; preservation of affordable housing through rehabilitation; assist renters with "First Time Homebuyer Programs", public housing assistance and rental subsidy programs; support non-profit agencies that provide housing, services and/or shelter to homeless persons/families, those at risk of becoming homeless and persons with special needs; and enhance infrastructure and public facilities of low and moderate income areas of the City.

The following individuals supported the Police Activities League (PAL) program: Jason Zaragoza; Magnolia Avitia; Rachel Ayala; JaQuay Bangs, Q-104; and Patrick Thompson.

Luann Rocha supported At-Risk-Youth programs, creating a community youth organization and city parks.

Larry Stein, expand programs for youth activities using matching funds from other organizations.

William Terry questioned the financial support of the City to the City Corps.

Bert Perello expressed support of City Corps.

The City Council discussed supporting youth programs and the City's past and ongoing financial support of these programs.

ACTION: Close the public hearing. (Holden/Maulhardt) Approved as recommended. (Herrera/Maulhardt) Ayes: Flynn, Holden, Maulhardt, Zaragoza, and Herrera.

City Manager Department

Mayor Holden opened the public hearing. The City Clerk reported on posting, publication and no written communications received.

2. SUBJECT: Presentation and Adoption of the Fiscal Year (FY) 2008-2009 City, Community Development Commission, and Housing Authority Operating and Capital Improvement Budgets. (131)

RECOMMENDATION: (1) That City Council conduct a public hearing on the FY 2008-2009 budgets for the City of Oxnard (City), Community Development Commission, Housing Authority, and Capital Improvement Plan; (2) At the conclusion of the public hearing, at the discretion of City Council, adopt: (a) **Resolution No. 13,527** approving the City's Operating and Capital Improvement Budgets for FY 2008-2009; (b) **Resolution No. 13,528** authorizing full-time equivalent positions in the City effective July 1, 2008; (c) **Resolution No. 13,529** authorizing the Classification and Salary Schedule effective July 1, 2008; and (d) **Resolution No. 13,530** establishing FY 2008-2009 Financial Management Policies.

DISCUSSION: The City Manager and Deputy City Manager reviewed the proposed city budget to include fiscal controls (limiting travel, selective hiring, enhanced interest-based labor negotiations and no extra-ordinancy spending) and budget guidelines. The Chief Financial Officer reviewed enterprise funds, special revenue funds, general fund revenues, and the general fund operating reserve with restrictions of the funds. The Accounting Manager reviewed recommended adjustments including additional legal fees, additional fuel expenses, animal shelter expenses and a census outreach program. The Financial Resources Manager commented on capital improvement projects including park & recreation projects, enterprise (water and wastewater) funds, Community Development Commission projects, Housing Set-A-Side fund, and General Fund projects.

Larry Stein questioned the reported budget amounts and the increased number of employees in the City Manager's Office.

Shirley Godwin, use of Ormond Beach redevelopment funds on non-Ormond Beach improvements.

Bert Perello, reorganization of public works department, property tax relief and pick-up of waste and recycling materials.

ACTION: Close the public hearing. (Maulhardt/Holden)

DISCUSSION: The City Council commented on the proposed budget (budget enhancements, saving and fees), Performing Arts Center, code compliance, reduction of fuel use, new South Library branch, street (repaving) improvements, expanding local businesses and use of reserves.

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

M. REPORT OF CITY MANAGER

N. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

COMMUNITY DEVELOPMENT AND HOUSING AUTHORITY

At 10:43 p.m. the joint meetings with the Community Development Commission and Housing Authority concluded.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Roy McCarron, national problems including housing and the economy.

Shirley Godwin, creating Ormond Gateway Park as a visitor center.

Pat Brown, tourism development, and issue of mobilehome conversion to condominium status.

Bert Perello, street safety of a RiverPark development intersection.

O. REPORTS

P. PUBLIC COMMENTS ON REPORTS

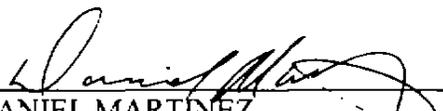
Q. APPOINTMENT ITEMS

R. STUDY SESSION

S. PUBLIC COMMENTS ON STUDY SESSION

T. ADJOURNMENT

At 10:58 p.m. the City Council concurred to adjourn the meeting.


DANIEL MARTINEZ
City Clerk


DR. THOMAS E. HOLDEN
Mayor