

MINUTES

OXNARD CITY COUNCIL Regular Meeting June 15, 2010

A. ROLL CALL/POSTING OF AGENDA

At 7:09 p.m., the regular meeting of the Oxnard City Council convened in the Council Chambers concurrently with the Housing Authority. Councilmembers Thomas E. Holden, Andres Herrera, Dean Maulhardt, Irene G. Pinkard and Bryan A. MacDonald 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.

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. Staff members present were: Daniel Martinez, City Clerk; Edmund Sotelo, City Manager; Karen Burnham, Assistant City Manager; Alan Holmberg, City Attorney; John Crombach, Police Chief; James Cameron, Chief Financial Officer; Joe Milligan, Fire Chief; Michael Henderson, General Services Manager; and Rob Silverstein, Code Compliance Manager.

E. CEREMONIAL CALENDAR

1. SUBJECT: "Made in Oxnard" Award Presented to Gill's Onions
DISCUSSION: Steve Kinney, Economic Development Corporation, President, described Grill's Onions as a outstanding company in the community and being recognized on a national level. He also introduced Steve Gill who commented on the use of onion waste to produce electricity.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

The following individuals supported a boycott of Arizona SB1070: Peter Turly, Selene Ramon, Juana Tapia, Elliott Gabriel, Angela Portillo, and Francisco Romero.

Don Montgomery and Rev. Robert Cox invited the community to attend the 20th Annual Juneteenth celebration and community health fair on June 19, 2010.

Q. APPOINTMENT ITEMS

City Manager Department

1. SUBJECT: Designation of Trauma Center for West Ventura County.
RECOMMENDATION: Consider a verbal update on the Ventura County Emergency Medical Services Agency (VCEMSA) proposed designation of Ventura County Medical Center as the trauma center for West Ventura County, including comments of VCEMSA, representatives of St. John's Hospital, and Ventura County Medical Center, and provide direction to the City Manager.

DISCUSSION: Steve Carroll, Administrator for Ventura County Emergency Medical Services Agency, reviewed the RFP the selection of the trauma center, the appeal process, and ruling of the appeal committee. He questioned the space available and medical diversions of St. John's Hospital.

Paul E. Lorenz, Deputy Director of Ventura County Health Care Agency, Thomas Duncan, and Elivar Romero of Ventura County Medical Center commented on the commitment of trauma care to the county community and being the safe net for the Ventura County community.

Tim Maurice, Interim CEO of St. John's Regional Medical Center, discussed the Hospital's services available to the public, stated the RFP was not followed, and that the appeal panel found two of three items in St. John's Hospital favor.

The following individuals supported the trauma center at VCMC: Steve Kaminski; Tom Floss; Greg Thayer; John Marcum; Tom Johnston; and Emmett Faulconer.

The following individuals supported the trauma center at St. John's Hospital: Brian Kimbrell; Laurie Bigham; Tony Trembley; John Albin; Nina Wells; and Stella Batey.

Margaret Cortese asked that the City Council to look at facts of the process.

Bert Perello, questioned what was diversion hours and that rules should be followed in the selection.

The City Council discussed: 1) their belief that both hospitals provided outstanding service to the community, 2) if RFP process was properly followed, 3) if the RFP process had any errors, 4) the need to be fair to both Hospitals, and 5) asking the Board of Supervisors to review the process.

ACTION: The City Council directed the City Manager to draft a letter expressing the concerns of the City Council.

RECESS

At 9:18 p.m., the City Council recessed and at 9:31 p.m., the City Council reconvened.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

The following individuals supported a boycott of Arizona SB1070: A. Tomas Hernandez (letter read by Raymond Faro) and Alicia Flores (comments by Francisco Romero).

John Korsten, seeking his vehicle and use of rain water.

Larry Stein and Dennis Ralph: the sale of single units of alcohol at a local service station at Channel Islands and Rose Avenue.

Bert Perello and Harold Ceja, need to publicize the crime reward program offered by the City.

Walter Ontiveros questioned why a storage facility (that he uses) needs to remove bar wiring on the fencing.

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

Larry Stein questioned if public had reviewed comparison costs of landscape districts (I-2) and the costs of Police Officers (I-17). The Police Chief stated that the federal government would pay for officers for three years.

Margaret Cortese supported the City Council funding of arts in the community (I-6).

Pat Brown supported the public arts fund (I-6), Community Oriented Policing Services Hiring Program (I-17) and opposed the development plan of Colonia House site (I-7).

Bert Perello, using newspapers to highlight the City's crime reward program (I-1) and traffic control units protected by graffiti (I-7).

I. INFORMATION/CONSENT AGENDACity Clerk Department

1. SUBJECT: Agreements for Publication of Legal Notices and Legal Advertisements and for Publication of Display Advertisements and Classified Advertisements. (001)
RECOMMENDATION: (1) Approve and authorize the Mayor to execute an agreement (**A-7312**) with Ventura County Star Newspaper (Star) for the publication of legal notices and legal advertisements for fiscal year (FY) 2010-11; (2) Authorize the City Manager or designee to execute an agreement (**A-7313**) with Star for display advertisements and classified advertisements for FY 2010-11; and (3) Authorize the City Manager or designee to negotiate and execute agreements with other newspapers to allow for the publication of legal advertisements, display advertisements and classified advertisements for FY 2010-11.

City Manager Department

2. SUBJECT: Adoption of Resolutions Levying FY 2010-2011 Assessments in Landscape Maintenance Districts Nos. 27 through 59. (013)
RECOMMENDATION: Adopt resolutions levying FY 2010-2011 assessments for Landscape Maintenance Districts Nos. 27 (**R-13,837**), 28 (**R-13,838**), 29 (**R-13,839**), 30 (**R-13,840**), 31 (**R-13,841**), 32 (**R-13,842**), 33 (**R-13,843**), 34 (**R-13,844**), 35 (**R-13,845**), 36 (**R-13,846**), 37 (**R-13,847**), 38 (**R-13,848**), 39 (**R-13,849**), 40 (**R-13,850**), 41 (**R-13,851**), 42 (**R-13,852**), 43 (**R-13,853**), 44 (**R-13,854**), 45 (**R-13,855**), 46 (**R-13,856**), 47 (**R-13,857**), 48 (**R-13,858**), 49 (**R-13,859**), 50 (**R-13,860**), 51 (**R-13,861**), 52 (**R-13,862**), 53 (**R-13,863**), 54 (**R-13,864**), 55 (**R-13,865**), 56 (**R-13,866**), 57 (**R-13,867**), 58 (**R-13,868**), and 59 (**R-13,869**).*
3. SUBJECT: Community Center East Park Rehabilitation Project GS09-20. (119)
RECOMMENDATION: Approve Project Specification GS09-20 for the Community Center East Park Rehabilitation Project, located at 800 Hobson Way, and authorize staff to solicit bids for the project.

4. SUBJECT: Campus Park Rehabilitation Project Phase IIB GS09-13. (121)
RECOMMENDATION: Continue to future meeting.

Development Services Department

5. SUBJECT: Utility Agreement with Southern California Gas Co. at Rice Avenue/Santa Clara Avenue Interchange Improvements at Highway 101. (123)
RECOMMENDATION: Approve and authorize the Mayor to execute an agreement with Southern California Gas Co. (**A-6897**) in the amount of \$252,781.50 to relocate natural gas utility facilities at the Rice Avenue/Santa Clara Avenue interchange improvements at U.S. Highway 101.
6. SUBJECT: Authorization to Disburse and Appropriate Revenue from the Public Art Fund. (127)
RECOMMENDATION: 1) Authorize the disbursement of Public Art Fund revenues in the amount of \$150,000 for the purpose of providing funding to various cultural arts organizations and programs; and 2) Approve a one-time appropriation of revenue in the amount of \$150,000 from the Public Art Fund.
7. SUBJECT: **Ordinance No. 2828**, Planning and Zoning Permit No. 10-670-01 amending a Development Agreement for property located at 705-711-747 Oxnard Boulevard and known as the Colonial Mixed-Use Building. (129)
RECOMMENDATION: Second reading and adoption.

Finance Department

8. SUBJECT: FY 2010-11 Property Tax Rate for Voter Approved Obligations. (131)
RECOMMENDATION: Adopt **Resolution No. 13,870** establishing the FY 2010-11 tax rates on property in the City of Oxnard for the payment of voter approved obligations.
9. SUBJECT: Special Tax Levy for Community Facilities Districts No. 1 and No. 2 (Westport at Mandalay Bay). (135)
RECOMMENDATION: Acting as the legislative body of Community Facilities Districts (CFD) No. 1 and of CFD No. 2: 1) Adopt **Resolution No. 13,871** setting a special tax rate within CFD No. 1 (Westport at Mandalay Bay) for FY 2010-2011; and 2) Adopt **Resolution No. 13,872** setting a special tax rate within CFD No. 2 (Westport at Mandalay Bay) for FY 2010-2011.
10. SUBJECT: Special Tax Levy for Community Facilities Districts No. 3 and No. 4 (Seabridge at Mandalay Bay) (155)
RECOMMENDATION: Acting as the legislative body of Community Facilities District (CFD) No. 3 and of CFD No. 4: 1) Adopt **Resolution No. 13,873** setting a special tax rate within CFD No. 3 (Seabridge at Mandalay Bay) for FY 2010-11; and 2) Adopt **Resolution No. 13,874** setting a special tax rate within CFD No. 4 (Seabridge at Mandalay Bay) for FY 2010-11.
11. SUBJECT: Special Tax Levy for Community Facilities District No. 5. (Riverpark).(173)
RECOMMENDATION: Acting as the legislative body of Community Facilities District (CFD) No. 5, adopt **Resolution No. 13,875** setting a special tax rate within CFD No. 5 (Riverpark) for FY 2010-11.

12. **SUBJECT:** Special Tax Levy for Community Facilities District No. 6 (Northshore at Mandalay Bay). (191)
RECOMMENDATION: Acting as the legislative body of Community Facilities District (CFD) No. 6 adopt **Resolution No. 13,876** setting a special tax rate within CFD No. 6 (Northshore at Mandalay Bay) for Fiscal Year 2010-2011.
13. **SUBJECT:** Special Tax Levy for Community Facilities District No. 2000-3 (Oxnard Boulevard/Highway 101 Interchange). (197)
RECOMMENDATION: Acting as the legislative body of Community Facilities District No. 2000-3 (“CFD No. 2000-3”), adopt **Resolution No. 13,877** setting a special tax rate within CFD No. 2000-3 (Oxnard Boulevard/Highway 101 Interchange) for Fiscal Year 2010-2011.
14. **SUBJECT:** Special Tax Levy for Community Facilities District (CFD) No. 88-1 (Oxnard Town Center). (207)
RECOMMENDATION: Acting as the legislative body of Community Facilities District (CFD) No. 88-1, adopt **Resolution No. 13,878** setting a special tax rate within CFD No. 88-1 (Oxnard Town Center) for Fiscal Year 2010-2011.

Police Department

17. **SUBJECT:** Community Oriented Policing Services Hiring Program. (227)
RECOMMENDATION: 1) Adopt **Resolution No. 13,879** authorizing the City Manager to submit an application for \$4,376,328 in U.S. Department of Justice (DOJ) grant funds from the Community Oriented Policing Services (COPS) Hiring Program (CHP) for eleven (11) new entry-level police officer positions; and 2) authorize the City Manager or designee to appropriate grant funds upon grant award.
18. **SUBJECT:** Recognize Grant Revenue and Appropriate Funds for the COPS Technology Program. (231)
RECOMMENDATION: 1) Recognize Grant Revenue in the amount of \$300,000 from the U.S. Department of Justice (DOJ), Community Oriented Policing Services (COPS) Technology Program; and 2) Approve the Special Budget Appropriation of \$300,000.

Public Works Department

19. **SUBJECT:** First Amendment to Agreement No. 7133 for Professional Services between the City of Oxnard and Penfield and Smith for the Design and Pre-Construction Work of Ventura Road Utility Improvement Project Phase II. (235)
RECOMMENDATION: 1) Approve and authorize the Mayor to execute the First Amendment to the agreement with Penfield and Smith (**A-7133**) for \$122,734 for a total amount of \$968,622 for the redesign of pipe installation and design of a gravity sewer line and professional and engineering design for improvements of the intersection at Patterson Road and Vineyard Avenue; and 2) Approve a special budget appropriation of \$73,734 from the Circulation Improvement System Fund to the Ventura Road Utility Improvement Project Phase II for design and pre-construction work.

INFORMATION/CONSENT AGENDA ACTION: Approved as recommended.
(Maulhardt/Pinkard) Ayes: Herrera, Maulhardt, Pinkard, MacDonald and Holden. *Abstain:
Maulhardt only on I-2, District 48.

HOUSING AUTHORITY

At 10:24 p.m. the concurrent meeting with the Housing Authority concluded.

J. TRANSMITTAL OF INFORMATION ONLY ITEMS

City Manager Department

1. SUBJECT: Executed Contracts. (243)
DISCUSSION: Bert Perello questioned an annual landscape assessment district cost. The General Services Manager stated this figure reflected a three-year contract and the reporting of the item would be reviewed.
ACTION: Reviewed and filed.

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.

Public Works Department

1. SUBJECT: FY 2010-11 Assessments in Waterway Maintenance District. (247)
RECOMMENDATION: 1) Hold a public hearing to receive public testimony regarding proposed assessments for the Waterway Maintenance District for FY 2010-11; and 2) Adopt **Resolution No. 13,836** for FY 2010-11 fixing assessments for the Waterway Maintenance District.
ACTION: Close the public hearing. (Holden/Herrera) Approved as recommended.
(Herrera/Holden) Ayes: Maulhardt, Pinkard, MacDonald, Holden, and Herrera.

L. PUBLIC HEARINGS

Mayor Holden opened the public hearing. The City Clerk reported on proof of mailing and that there were no written communications received.

Police Department

1. SUBJECT: Recovery of Nuisance Abatement Costs. (271)
RECOMMENDATION: (1) Conduct a public hearing to consider objections of property owners liable to be assessed for nuisance abatement costs stated in the cost report; (2) Approve the cost report; (3) Direct the City Manager or designee to file a certified copy of the cost report with the Ventura County Auditor-Controller.
DISCUSSION: The Code Compliance Manager reported on the update of property owners list and commented on the procedures.

The following individuals made appeals to the City Council regarding citations and abatement costs: Randy Diaz; Francisco Espinosa; Samuel Corona, Jorge Escalera, and Randy Diaz, Jr. The Code Compliance Officer stated he would contact everyone to review the citation(s).

Larry Stein, belief that the noise ordinance had been violated at many community events.

The City Council commented on the time schedule of this procedure, the plan check process, that fines were only issued after several citations, and the ability of staff to review abatement costs.

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

Mayor Holden opened the public hearing. The City Clerk reported on proof of mailing and that there were no written communications received.

2. SUBJECT: Recovery of Civil Citation Fines. (275)

RECOMMENDATION: (1) Conduct a public hearing to consider objections of property owners liable to be assessed for civil citation fines stated in the cost report; (2) Approve the cost report; and (3) Direct the City Manager or designee to file a certified copy of the cost report with the Ventura County Auditor-Controller.

DISCUSSION: The Code Compliance Manager reported on the update list of property owners.

ACTION: Close the public hearing. (Holden/Maulhardt) Approved as recommended.
(MacDonald/Pinkard) Ayes: Herrera, Maulhardt, Pinkard, MacDonald and Holden. The City Council concurred to reopened the public hearing.

DISCUSSION: Mr. Lakes expressed concern that his rights were being violated by being required to pay for a business license. The City Attorney commented that this issue had been resolved in court.

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

M. REPORT OF CITY MANAGER

N. CITY COUNCIL COMMITTEE REPORTS

Mayor Pro Tem Herrera asked that the City Council have an opportunity to discuss Arizona SB 1070. The City Council concurred to place this item on a future agenda.

O. REPORTS

P. PUBLIC COMMENTS ON REPORTS

R. STUDY SESSION

1. SUBJECT: Fiscal Year 2010-2011 Budget Study Session. (289)

RECOMMENDATION: Continued to future date.

ACTION: The City Council concurred to continue this item.

2. SUBJECT: Parks Master Plan. (293)

RECOMMENDATION: Continue to future date.

DISCUSSION: The General Services Manager briefly commented on parks plans and he would bring the information of a parks master plan including design plans to the City Council.

ACTION: The City Council concurred to continue this item.

S. PUBLIC COMMENTS ON STUDY SESSION

T. ADJOURNMENT

At 11:28 p.m. the City Council concurred to adjourn the meeting.