

MINUTES

OXNARD CITY COUNCIL

Regular Meeting

July 21, 2009

A. ROLL CALL/POSTING OF AGENDA

At 7:05 p.m., the regular meeting of the Oxnard City Council convened in the Council Chambers concurrently with the Community Development Commission, Housing Authority, and Financing Authority. Councilmembers Andres Herrera, Dean Maulhardt, Irene G. Pinkard and Bryan A. MacDonald were present. Mayor Thomas E. Holden was absent. The City Clerk stated that the agenda was posted on Thursday in the Library and City Clerk's Office. Mayor Pro Tem Herrera presided and called the meeting to order. Staff members present were: Daniel Martinez, City Clerk; Edmund Sotelo, City Manager; Karen Burnham, Assistant City Manager; Alan Holmberg, City Attorney; James Cameron, Chief Financial Officer; Michael More, Financial Services Manager; and Maureen Hooper, Redevelopment Project 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 by United Way of Ventura County to the City of Oxnard.
DISCUSSION: Eve Liebman, Campaign Division Director, thanked the City employees who donated to the United Way Campaign.
2. SUBJECT: Presentation of the 2009 Ventura County Fair Poster.
DISCUSSION: Leslie Cornejo, Director, 31st District Agricultural Association, invited the public to the Ventura County Fair, Aug 5 – 16.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

The following individuals commented on the neighborhood garden located at corner of Gonzales Road and Gallatin Place: William Terry; and E. Gloria Roman.

Ernest Stein, opposed a federal lawsuit against a local police officer and the State's possible raid of local funds to balance the State budget.

Larry Stein, placement of a fire station at College Park, not receiving answers to questions from staff, traffic circulation at Highway 101 and Rice Avenue, and the importance of having the harbor overlay included in the 2030 Plan.

Yolanda Anguiano, concern with the funding of local schools and the community helping with time and donations.

John Korsten, helping military veterans, missing vehicles stored by the Police, and the loss of personal property from his residence.

Bill Winter, installing a legal U-turn at Oxnard Boulevard and Orchard Street to improve traffic circulation.

Ignacia de la Cerda, need to fully repair Morris Street for the elderly and impaired pedestrians. The City Manager stated staff was aware of the issue and were investigating possible funding.

Pat Brown, need to advertise wonderful concerts at PAC and new sign at PAC. Mayor Pro Tem Herrera stated that organizations rent the facility and are responsible for advertising of their event.

Bert Perello, evacuation plan of the FEMA flood plan, local school funding, and development of a good traffic circulation plan.

G. REVIEW OF INFORMATION/CONSENT AGENDA

Councilman MacDonald questioned the financial position the City may be placed in and proposed waiving of transportation fees (I-5).

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Ed Ellis questioned the requirements addressing the term "dance" (I-2).

Bert Perello questioned: the term "dance" (I-2); bond for a waiver of development fees (I-3); and establishing a master bond required of designated City employees (I-5).

I. INFORMATION/CONSENT AGENDA

City Treasurer Department

1. SUBJECT: Quarterly Investment Report for the Fourth Quarter Fiscal Year (FY) 2008-2009. (001)

RECOMMENDATION: Accept the quarterly Investment Report for the Fourth Quarter FY 2008-2009.

2. SUBJECT: Ordinance Regulating Massage Professionals and Massage Businesses or Establishments. (007)

RECOMMENDATION: Approve the first reading by title only and subsequent adoption of **Ordinance No. 2811** amending sections 11-140 and 11-141, the title of section 11-143, sections 11-143, 11-154, and 11-157 of the Oxnard City Code (OCC) and repealing and readopting Article IX of Chapter 11 of the OCC regarding massage professionals and massage businesses or establishments.

Finance Department

3. SUBJECT: Structured Payment Program for Development Fees for Construction of Homewood Suites. (023)
RECOMMENDATION: (1) Approve the first reading by title only and subsequent adoption of **Ordinance No. 2812** allowing a down payment of \$100,000 and payment in monthly installments of the remaining \$389,684 in development fees imposed upon Homewood Suites for construction of an approximately 129 room, four-story hotel at 1950 Solar Drive; and (2) Approve and authorize the Mayor to execute an Agreement to Pay Deferred Development Fees between the City and Homewood Suites (**A-7167**), requiring Homewood Suites to pay interest on and provide trust deed security for payment of the deferred fees and to pay the deferred fees in installments no later than five years from the date of obtaining a building permit to construct the building.*
4. SUBJECT: Resolution Establishing an Appropriation Limit for Fiscal Year (FY) 2009-2010. (031)
RECOMMENDATION: Adopt **Resolution No. 13,730** establishing an appropriation limit for FY 2009-2010.
5. SUBJECT: Master Surety Bond. (035)
RECOMMENDATION: Adopt **Resolution No. 13,731** establishing a master bond required of specified City employees.

Housing Department

6. SUBJECT: Designation of Many Mansions as a Community Housing Development Organization (CHDO). (039)
RECOMMENDATION: Certify Many Mansions as a CHDO under the guidelines of the U.S. Department of Housing and Urban Development's Housing Opportunity Management and Education Investment Partnership Program.

Public Works Department

8. SUBJECT: Agreement with Kennedy/Jenks Consultants for Recycled Water Master Plan Phase 2. (047)
RECOMMENDATION: (1) Approve and authorize the Mayor to execute an agreement with Kennedy/Jenks Consultants (**A-7198**) in the amount of \$347,000 for the development and preparation of the Recycled Water Master Plan Phase 2A; and (2) Approve a special budget appropriation transferring \$347,000 from the Water Operating Fund (2006 Water Bond) to the Recycled Water Master Plan Project No. 106001.
9. SUBJECT: Wastewater Treatment Plant Yard Resurfacing Project. (051)
RECOMMENDATION: Approve Project Specification No. PW09-17 for pavement resurfacing and striping at the Oxnard Wastewater Treatment Plant located at 6001 Perkins Road and authorize staff to solicit bids for the project.

- 10. SUBJECT: First Amendment to Agreement for Professional Services with Black and Veatch Corporation for the Final Design of the Recycled Water Backbone System. (055)
RECOMMENDATION: (1) Approve and authorize the Mayor to execute the first amendment to the agreement with Black and Veatch Corporation (**A-7134**) to increase the amount by \$131,494 for a total of \$1,550,830 for the final design, bid phase and post design services for Phase 1 of the Recycled Water Backbone System; and (2) Approve the appropriation of funds in the amount of \$131,494 from the Blending Station #3 Desalter Project No. 066011 to the Recycled Water Backbone System Phase 1 Project No. 096002 for the final design, bid phase and post design services for Phase 1 of the Recycled Water Backbone System.

- 11. SUBJECT: PW 07-21 Advanced Water Purification Facility (AWPF). (065)
RECOMMENDATION: Approve Project Specification No. PW 07-21 for the construction of the AWPF, located at 5700 South Perkins Road, and authorize staff to solicit bids for the project.

- 12. SUBJECT: First Amendment to Agreement with JCI Jones Chemicals for Chemical Supply and Delivery of Sodium Hypochlorite and Sodium Hydroxide to the Water Campus. (069)
RECOMMENDATION: Approve and authorize the Mayor to execute the first amendment to the agreement with JCI Jones Chemicals (**A-7092**) to increase the amount by \$332,564 for a total of \$665,128 for chemical supply and delivery of Sodium Hypochlorite and Sodium Hydroxide, and extend the contract expiration date to August 31, 2010.

Recreation and Community Services Department

- 13. SUBJECT: Recognize Grant Funds for the Retired and Senior Volunteer Program (RSVP), Fiscal Year 2009-2010. (071)
RECOMMENDATION: (1) Recognize Grant Funding from the Corporation for National and Community Service in the amount of \$53,127 and appropriate a city match in the amount of \$106,492 for the RSVP; and (2) Authorize the City Manager or designee to execute grant agreements; and (3) Authorize the Chief Financial Officer or designee to submit financial reports and grant claims and approve special budget appropriations for the use of grant funds.

INFORMATION/CONSENT AGENDA ACTION: Approve as recommended. (Pinkard/ Maulhardt) Ayes: Maulhardt, Pinkard, MacDonald and Herrera. Absent: Holden. Noes: MacDonald I-3 only.

J. TRANSMITTAL OF INFORMATION ONLY ITEMS

City Manager Department

- 1. SUBJECT: Executed Contracts. (075)
ACTION: Received and filed.

HOUSING AUTHORITY

At 7:50 p.m. the concurrent meeting with Housing Authority concluded.

K. INFORMATION/CONSENT PUBLIC HEARINGS

ACTION: Mayor Pro Tem Herrera 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:** Planning and Zoning Permit No. 09-300-03 (Tentative Subdivision Map for Condominium Purposes for Tract No. 5852), for 2831-2861 North Ventura Road. Filed by Martin Teitelbaum, RiverPark Gateway, Ltd. (077)

RECOMMENDATION: Adopt **Resolution No. 13,732** approving Planning and Zoning Permit No. 09-300-03 (Tentative Subdivision Map for Condominium Purposes for Tract No. 5852), subject to certain findings and conditions.

DISCUSSION: Bert Perello questioned the status of the RiverPark street drain at Stroube Street.

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

L. PUBLIC HEARINGS

Mayor Pro Tem Herrera opened the public hearing. The City Clerk reported on publication and that there were two written communications received questioning financial decisions of the Council.

Finance Department

1. **SUBJECT:** City of Oxnard Financing Authority Bond Anticipation Notes (BANs). Series 2009. (097)

RECOMMENDATION: (1) Adopt **Resolution No. 13,729** authorizing the sale, issuance, and delivery of not more than \$21 million in principal amount of BANs, Series 2009, and approving certain documents and authorizing certain actions in connection therewith; (2) Approve a special budget appropriation in the amount of \$20 million from proceeds of the BANs to purchase the Property; and (3) Authorize the City Manager to appropriate funds to pay for costs of issuance associated with the BANs.

DISCUSSION: The Chief Financial Officer and Financial Services Manager reviewed past transactions regarding property, financial options and changes to "financial terms".

The following individuals questioned the proposed financial transactions: William Terry; Larry Stein; Ed Ellis; Bert Perello and E. Gloria Roman.

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

FINANCING AUTHORITY

At 8:19 p.m. the concurrent meeting with the Financing Authority concluded.

M. REPORT OF CITY MANAGER

The City Manager commented on: 1) showing of a movie at Oxnard PAL site, 2) 2009/10 funding of Community Development Downtown HERO Façade, 3) debt classes at the Main Library, 4) water workshop to conserve water resources at homes and businesses at the Water Division facility.

N. CITY COUNCIL BUSINESS COMMITTEE REPORTS

The City Council commented on: FEMA flood plain meetings and a successful Ed Hunt Rehab. Point event.

O. REPORTS

City Manager Department

- 1. SUBJECT: Donation of Used, Unserviceable City Vehicles to Oxnard College. (113)
RECOMMENDATION: Continue to July 28, 2009.
ACTION: Approve unanimously.

RECESS

At 8:24 p.m., the City Council recessed while the Community Development Commission held a meeting and at 8:41 p.m., the City Council reconvened.

COMMUNITY DEVELOPMENT

At 8:41 p.m., the joint meeting with the Community Development Commission concluded.

P. PUBLIC COMMENTS ON REPORTS

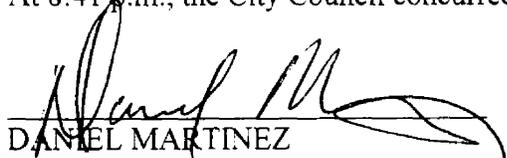
Q. APPOINTMENT ITEMS

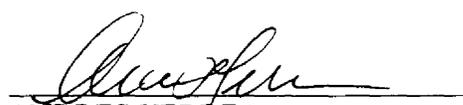
R. STUDY SESSION

S. PUBLIC COMMENTS ON STUDY SESSION

T. ADJOURNMENT

At 8:41 p.m., the City Council concurred to adjourn the meeting.


 DANIEL MARTINEZ
 City Clerk


 ANDRES HERREA
 Mayor Pro Tem