

MINUTES
OXNARD CITY COUNCIL
October 27, 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 and the Housing Authority. Councilmembers Thomas E. Holden, Andres Herrera, Dean Maulhardt, Irene Pinkard, and Bryan MacDonald were present. Staff members included: Karen Burnham, Assistant City Manager; Alan Holmberg, City Attorney; Grace Magistrale Hoffman, Deputy City Manager; Jill Beaty, Assistant City Clerk; and Yolanda Gutierrez, Deputy City Clerk. 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 in memory of Mike Sandoval, a Santa Clara High School teacher. Mayor Holden presided. Additional staff members present were: Matthew Winegar, Development Services Director; Martin Erickson, Legislative Affairs Manager; Michael Henderson, General Services Manager; Chris Williamson, Senior Planner; and Ken Ortega, Public Works Director.

E. CEREMONIAL CALENDAR

1. SUBJECT: Presentation of a Proclamation Designating the Month of October, 2009 as "Domestic Violence Awareness Month".
DISCUSSION: Accepted by Noelle Lopez, Shelter Supervisor for the Coalition to End Family Violence.
2. SUBJECT: Presentation of the Blackberry Mobile GIS Award - 2009 Beacon Award.
DISCUSSION: Presented by David Endelman, GIS Coordinator to the City Council.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Ernest Stein remembers Santa Clara High School teacher, Mike Sandoval, and thanks the Council for supporting the PAL annual haunted house event.

John Korsten, Code Compliance issues.

Manny Gonzalez of KTG Y presented a Serenade at RiverPark award as the outstanding neighborhood site plan and thanked the Development Services Director.

Robert Vera Sr., public comments should be supportive of the City.

John Hernandez, Code Compliance issues.

Vince Behrens, art program for Downtown Oxnard.

Lynn Bullock, Community Educator of the Ventura County Homeless and County Coalition updates Council on homeless count and surveys.

Bert Perello, give police car washing services contract to City Corps.

Kenneth Kenichi-Ichara-Smith, cited sidewalk needs to be fixed at 6th and Meta Street, also at the lot on 7th Street.

Larry Stein, giving preference points to businesses that reside in the City for public bidding projects within the City.

Shirley Godwin, street paving within her neighborhood.

G. REVIEW OF INFORMATION/CONSENT AGENDA

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

I. INFORMATION/CONSENT AGENDA

City Attorney Department

1. SUBJECT: Ordinance Amending the Definition of "Disaster Service Worker".
RECOMMENDATION: Approve the first reading by title only and subsequent adoption of **Ordinance No. 2815** amending the definition of "Disaster Service Worker" set forth in Subdivision A of Section 6-2 of the City Code.

City Clerk Department

2. SUBJECT: Minutes of the Regular Meetings of the City Council for April 14, October 6, 13, and 20, 2009.
RECOMMENDATION: Approve.

Development Services Department

4. SUBJECT: Resolutions and Ordinance to Approve Planning and Zoning Permit Nos. 09-410-01 (Coastal Land Use Plan Amendment), 09-630-01 (Specific Plan Amendment), and 09-580-1 (Zone Text Amendment) to Allow School Use in the Coastal Land Use Plan, Mandalay Specific Plan, and Coastal Planned Community Subzone, Respectively. Filed by Oxnard School District.
RECOMMENDATION: Adopt **Resolution No. 13,744** approving Planning and Zoning Permit Nos. 09-410-01 (Coastal Plan Amendment) and **Resolution No. 13,745** 09-630-01 (Specific Plan Amendment) and approve the first reading by title only and subsequent

adoption **Ordinance No. 2816** for Planning and Zoning Permit No. 09-580-01 (Zone Text Amendment).

Fire Department

5. SUBJECT: Office of Traffic Safety Grant.
RECOMMENDATION: Authorize the Chief Financial Officer to approve a special budget appropriation in the amount of \$181,022 for the purchase of vehicle extrication equipment.

Public Works Department

6. SUBJECT: Third Amendment to Agreement with Harbor Offshore, Inc., for Maintenance of Seawall, Slope Protection, Rip Rap, and Mud Slopes of All Waterways and On-Call Diving Services and Debris Removal in Mandalay Bay, Westport, and Seabridge Waterway Communities.
RECOMMENDATION: (1) Approve and authorize the Mayor to execute the Third Amendment to the Agreement with Harbor Offshore, Inc. (**3234-04-PW**) to increase the amount by \$400,000 for a total of \$1,200,000 for the purpose of annual in-water physical inspections, evaluations, and maintenance for seawall, slope protection, rip rap, and mud slopes of all waterways and extend the contract expiration date to September 30, 2011. Also, included are diving services and debris removal services for the Mandalay Bay Waterways Assessment District (Mandalay Bay), Westport Community Facilities District (CFD No. 2) and Seabridge (CFD No. 4) waterway communities and extend the contract expiration date to September 30, 2011; and (2) Approve a special budget appropriation in the amount of \$400,000 from the Mandalay Bay Fund for maintenance and repair of the Mandalay Bay seawalls.
7. SUBJECT: Hueneme Road Widening Project - Right-of-Way Acquisition.
RECOMMENDATION: Approve and authorize the mayor to execute the Right-of-Way Purchase Agreement (**D-4496**) in the amount of \$49,000 and accept an easement deed for property that is located at the south side of Hueneme Road immediately east of Saviers Road from the Ellisman Family Trust, Harold E. Dressler Family Trust and Mark L. Goldenson Trust (**A-7227**).
8. SUBJECT: PW09-24 Del Norte Facility Waste Tipping Floor Restoration Project.
RECOMMENDATION: Approve plans and specifications for PW09-24 (Del Norte Facility Waste Tipping Floor Resurfacing Project) for the restoration of the waste tipping floor at the Del Norte Regional Recycling and Transfer Station located at 111 South Del Norte Boulevard and authorize staff to solicit bids for the project.
9. SUBJECT: Major Electrical Equipment and Instrumentation and Control Systems Integration (Project Specification No. PW07-21E) for the Advanced Water Purification Facility (AWPF) Phase I, at Perkins Road North of Magellan Way.
RECOMMENDATION: Approve and authorize Mayor to execute an agreement with Rockwell Automation, Incorporated (**A-7225**) for the electrical equipment and instrumentation and control systems integration for the AWPF Project in the amount of \$5,300,000.

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

J. TRANSMITTAL OF INFORMATION ONLY ITEMS

Finance Department

1. SUBJECT: Monthly Budget Status Report for the Period Ending September 30, 2009.
ACTION: Received and filed.

INFORMATION/CONSENT PUBLIC HEARINGS

Finance Department

1. SUBJECT: Fourth Amendment of the Fiscal Year (FY) 2008-2013 Consolidated and FY 2008-2009 Annual Action Plan (The Plans) to Change the Activities to be Funded Under the Community Development Block Grant (CDBG-R) Program.
RECOMMENDATION: (1) Conduct a public hearing to receive comments on the proposed Fourth Amendment to The Plans; (2) Approve a change in activities from Campus Park Gymnasium to Bartolo Square North Neighborhood Water Main Line (Bartolo Square North) and program administration; (3) Approve the appropriation of \$662,213 for Bartolo Square North, and \$73,579 for the administration of the CDBG-R; (4) Authorize the City Manager to submit the substantial amendment to the U. S. Department of Housing and Urban Development for approval; and (5) Authorize the Chief Financial Officer, or designee, to approve the special budget appropriation.

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

K. PUBLIC HEARINGS

Development Services Department

1. SUBJECT: Planning and Zoning Permit No. 08-510-12 (Special Use Permit), Saviers Market, 3280 Saviers Road. Filed by Zaher Hawara.
RECOMMENDATION: Adopt **Resolution No. 13,746** upholding the Planning Commission's decision to deny Planning and Zoning Permit No. 08-510-12 (Special Use Permit), subject to the findings set forth in Planning Commission Resolution No. 2009-33.

DISCUSSION: The following individuals spoke in favor of the recommendation: Linda Kaplan, Pat Brown, Lucy Cartagena, Shirley Godwin, and Larry Godwin.

The following individuals favor issuance of the permit: Dale Quolas, Imad Askar, Deidre Reyes, Jose Gonzalez C., Jose R. Gonzalez, Olga Delgadillo, Scott Barton, Catalina Diaz Andrade, Nancy Patterson, Zaher Hawara, and Edward Castillo.

The City Council affirmed its overall support of the decisions of the Planning Commission throughout the years and expressed this location is not a proper place to sell distilled spirits.

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

Public Works Department

2. SUBJECT: Ordinances to Continue and Establish Water, Wastewater and Environmental Resources User Fees and Charges, Debt Service and Appropriation of Revenue Funds.
RECOMMENDATION: (1) Hold a public hearing to receive public testimony and consider all protests concerning the adoption of ordinances continuing and establishing certain water, wastewater and environmental resources user fees and charges; (2) Approve the first reading by title only and subsequent adoption of **Ordinance Nos. 2817, 2818, and 2819** continuing and establishing water, wastewater and environmental resources user fees and charges; (3) Approve a special budget appropriation in the amount of \$509,600 to the Water Enterprise Fund, \$1,814,700 to the Wastewater Enterprise Fund and \$1,111,750 to the Environmental Resources Enterprise Fund from the revenue rate increase effective December 2009; (4) Approve and authorize the Mayor to: (a) execute a financial agreement authorizing a loan from the Water Enterprise Fund to the Wastewater Enterprise Fund (**A-7231**) in the amount of \$4 million to be repaid over a 5 year term at an interest rate of 3 percent per annum; (b) execute a financial agreement authorizing a loan from the Water Enterprise Fund to the Environmental Resources Enterprise Fund (**A-7232**) in the amount of \$9.3 million to be repaid over a 10 year term at an interest rate of 3 percent per annum.

DISCUSSION: The Public Works Director reported on the factors driving the adjustments in fees 1) rising costs from annual pass-through of wholesale water supply cost, purchasing water, treatment chemicals and energy, upkeep of aging facilities, and biosolids management; 2) depleted wastewater reserves and cash flow; and 3) environmental resources service cost increases to maintain and repair aging facilities and vehicles, processing refuse and regulatory impacts. He discussed two proposed interfund loans to cover a current deficit created by the economic downturn and to replenish the environmental resources operating reserve. He outlined expected revenue impacts and discussed what the monthly charges a typical family and commercial business will pay.

The following individuals had several concerns and spoke in opposition to the rate increases: John Jay, Nancy Lindholm, President, Oxnard Chamber of Commerce, Larry Stein, and Bert Perello; Shirley Godwin; John Korsten; and Bert Perello.

The Director, Chief Accounting Officer, Assistant Director, and Management Analyst responded about salt discharges into the system, the cost effectiveness of borrowing from a City fund rather than an outside entity, and about large bin rental and tonnage charges.

City Councilmembers commented on the importance of protection of existing infrastructure and long-term planning of the three utilities and their support of costly projects that prepare the City for the future.

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

L. REPORT OF CITY MANAGER

M. CITY COUNCIL

City Manager Department

1. SUBJECT: Cancellation of the Regular Meetings Scheduled for November 10, 2009.
RECOMMENDATION: Cancel the regular meetings scheduled for November 10, 2009.

Bert Perello, in opposition.

ACTION: Approved, unanimously.

COMMUNITY DEVELOPMENT COMMISSION/HOUSING AUTHORITY

At 8:38 p.m. the concurrent meetings with the Community Development Commission and Housing Authority concluded.

Q. APPOINTMENT ITEMS

City Manager Department

1. SUBJECT: Convention and Visitors Bureau (Bureau) Destination Development/Branding.
RECOMMENDATION: Consider a verbal report by the Executive Director of the Bureau.

DISCUSSION: Janet Sederquist made a presentation on branding and development comparing Oxnard's branding campaign with those of other cities around the country, primarily Asheville, NC. The 2nd phase of the process consists of developing a brand for the City. Oxnard's branding may consist of things such as the Strawberry Festival or its agriculture. Community participation and endorsement is encouraged by the Bureau.

The following individuals spoke in favor of the project: Marilyn Miller, Pat Brown, Tom Cady, and Nancy Patterson.

ACTION: The City Council received the presentation, expressed appreciation, and affirmed its strong support of the Bureau's efforts for branding the City.

O. REPORTS

Public Works Department

1. SUBJECT: Water Supply Outlook and Confirmation of Policies Regarding Projects Creating New Water Demands.

RECOMMENDATION: (1) Consider a presentation on the current status of statewide water supplies, long-term water planning, the Groundwater Recovery Enhancement and Treatment (GREAT) Program and the Water Conservation Program; (2) Affirm the January 15, 2008 policy regarding new water supplies for proposed development projects and provide direction regarding strengthening the policy through modification of the City's Water Shortage Emergency Ordinance; and (3) Consider and provide direction regarding intensification of the City's response to the current water supply shortage, as per the Water Shortage Contingency Plan.

DISCUSSION: The Water Resources Manager (Manager) reported on the City's response to reductions in imported water deliveries and strained local groundwater resources, including: 1) enhancement of the Water Conservation Program, including development of a Water Conservation Master Plan; 2) working to implement the first phase of the GREAT Program recycled water system and development of the Advanced Water Purification Facility, and retrofitting potential customers to allow use of recycled water; 3) water planning efforts, including updating the City's Urban Water Management Plan 2005 and carefully assessing water demands of all significant development and redevelopment projects which may require developers to design and construct the project to use recycled water. The City is no longer able to count on any additional imported water.

The Manager commented on the water policy articulated by the City Council at the January 15, 2008 meeting requiring that new projects of significant size be water neutral to the City's water system. A developer may contribute water rights, water supplies, or financial or physical offsets to meet this requirement. Since the 2008 meeting, staffs of Development Services, Public Works, and City Attorney have incorporated the policy into discussions with proposed developers. He asked for City Council's affirmation of the January 15, 2008 policy and to direct staff to develop an ordinance if it believes the policy needs strengthening.

The Manager reviewed water shortage response options, including decreasing allocation of imported water, establishing mandatory water budgets for customers, and drawing down the City's emergency water reserve.

The City Council discussed the advantages and disadvantages of a policy versus an ordinance. The City Attorney explained an ordinance has the strength of law while the policy directs staff how to negotiate with a developer.

City Council commented 1) in favor of a policy that can be more easily managed a) to accommodate economic development considerations beneficial to the City; and b) to allow flexibility in setting rates given Oxnard's unique household profile; 2) that new development must accommodate the water uses it will generate; 3) that the City has a zero water allocation increase; and 4) the City will not allow development that negatively impacts the quality of life for current residents.

Nancy Lindholm, Oxnard Chamber of Commerce, supports a more flexible policy not an ordinance.

Larry Stein, City should receive revenue from Fox Canyon for water the City deposits.

Bert Perello favors an ordinance.

The City Council directed staff and the Task Force to provide ideas for 1) further conservation measures to reduce consumption now while maintaining jobs; 2) profiling residents to address the needs of Oxnard's varied types of households; and 3) not punishing those who have been cutting back and conserving.

ACTION: Affirm the January 15, 2008 policy described in the staff report that development shall be water neutral. (Holden/Pinkard) Ayes: Pinkard, MacDonald, Maulhardt, Herrera, and Holden.

P. PUBLIC COMMENTS ON REPORTS

R. STUDY SESSION

S. PUBLIC COMMENTS ON STUDY SESSION

T. ADJOURNMENT

At 11:12 p.m. the City Council concurred to adjourn the meeting.



JILL A. BEATY
Assistant City Clerk



THOMAS E. HOLDEN
Mayor



YOLANDA GUTIERREZ
Deputy City Clerk