

MINUTES
 OXNARD CITY COUNCIL
 Regular Meeting
 May 5, 2009

A. ROLL CALL/POSTING OF AGENDA

At 5:37 p.m. the regular meeting of the Oxnard City Council convened in the Council Chambers. Councilmembers Holden, Herrera, Maulhardt, and MacDonald were present. Councilwoman Pinkard was absent. The City Clerk stated that the agenda was posted on Thursday in the Library and City Clerk's Office. Staff members included: Ed Sotelo, City Manager; Alan Holmberg, City Attorney; Grace Magistrale Hoffman, Deputy City Manager; and Jill Beaty, Assistant City Clerk. Mayor Holden presided and called the meeting to order.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

The following individuals spoke in opposition of the Coastal Commission granting a permit for Southern California Edison to issue a Coastal Development Permit to build a Peaker Plant: Rick Conrad; William "Bill" Terry; Gloria Roman; Harold Ceja; Shirley Godwin; and Larry Godwin.

C. CLOSED SESSION

At 5:45 p.m., based on existing facts and circumstances and on the advice of the City Attorney, the City Council recessed to a closed session, pursuant to Government Code section 54956.9(c), to decide whether to initiate litigation in one potential case. Councilwoman Pinkard was present.

The City Council also recessed to a closed session, pursuant to Government Code sections 54959 and 54957.6, to give instructions to negotiators, Karen Burnham, Assistant City Manager, and Michelle Tellez, Human Resources Director, regarding salaries, salary schedules or compensation paid in the form of fringe benefits for employees represented by the International Association of Firefighters AFL-CIO (IAFF) and the Oxnard Peace Officers' Association (OPOA) and other matters within the scope of representation.

At 7:10 p.m. the City Council reconvened and the Mayor read a statement that the City Council has determined to initiate litigation against the California Coastal Commission and Southern California Edison Company based on the Commission's decision to issue to Southern California Edison a Coastal Development Permit to construct a Peaker Plant adjacent to the existing Reliant Power Plant at 251 North Harbor Boulevard.

D. OPENING CEREMONIES

The meeting of the City Council, concurrently with the Community Development, opened with the pledge of allegiance to the United States of America, led by Councilmember MacDonald. Mayor Holden presided. Additional staff members present included Ken Ortega, Public Works Director; Rob Roshanian, Development Services Manager.

E. CEREMONIAL CALENDAR

1. SUBJECT: Proclamation Designating May 9-16, 2009 as "Tourism Week".
DISCUSSION: Accepted by Janet Sederquist, Oxnard Convention and Visitors Bureau, announced giveaways.
2. SUBJECT: Proclamation Designating the Month of May 2009 as "Water Awareness Month".
DISCUSSION: Accepted by Anthony Emmert, who encouraged the residents to conserve and protect water resources during the current shortage.
3. SUBJECT: Proclamation Designating the Month of May 2009 as "Older Americans Month".
DISCUSSION: Accepted by Janet Don Thibeault, Chairman, Senior Services Commission, who described the programs available.
4. SUBJECT: **Resolution No. 13,613** Presented to Pramod Gulati for Dedicated Service to the Senior Services Commission. (001)
DISCUSSION: Mr. Gulati expressed gratitude for the recognition.
5. SUBJECT: Commendation Presented to Joyce Pinkard for Dedicated Service to the Senior Services Commission.
DISCUSSION: Ms. Pinkard spoke of enjoying her service time and desire to return.
6. SUBJECT: Presentation of Bone Builder Program.
DISCUSSION: Jackie Gutierrez, Recreation Leader II, and friends invited seniors to attend classes.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Ed Ellis, unsafe hazardous conditions at publically accessible Halaco site.

Mike de Martino, in support of lawsuit to oppose development of Peaker Plant.

Avencion Olea, and Jennifer Gomez, Pacific Clinics (Clinics), growing trend in teen homelessness and programs the Clinics offers .

Bert Perello, upcoming INCF meeting to discuss water-related issues.

Sandy Gonzales, First VC INCF, INCF's worthwhile and important mission in the City

John Korsten, code compliance issues.

Gary Blum, upcoming events in Heritage Square and downtown Oxnard.

William Terry, new community roots garden at North Oxnard Methodist Church.

Pat Brown, upcoming event at Camarillo Airport recognizing women who helped during World War II.

G. REVIEW OF INFORMATION/CONSENT AGENDA

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

I. INFORMATION/CONSENT AGENDA

Community Development Department

1. **SUBJECT:** Supplement to the Acquisition Agreement and Owner Participation Agreement (OPA) for the RiverPark Project Located Adjacent to and North of the Highway 101 Freeway, Adjacent to and East of the Santa Clara River, and West of Vineyard Avenue (003)
RECOMMENDATION: That City Council: (1) Approve (A-7158) a Supplement to the Acquisition Agreement (A-7153) and Owner Participation Agreement (A-5965) for the RiverPark Project; (2) Authorize the Mayor or City Manager, on behalf of the City, to each sign any documents which may be necessary and appropriate to carry out and implement the Supplement; and (3) Approve and adopt the **Resolution No. 13,614** consenting to the payment by the Oxnard Community Development Commission ("CDC") of certain costs related to public improvements in the Historic Enhancement and Revitalization of Oxnard ("HERO") Project Area and making certain determinations and findings; and

Development Services Department

3. **SUBJECT:** Agreement with Union Pacific Railroad Company (UPRR) for Railroad Crossing Improvements at the Former Enterprise Street. (021)
RECOMMENDATION: (1) Approve and authorize the Mayor to execute the agreement with UPRR (A-7136) in the amount of \$503,381 to construct improvements to the railroad crossing at the former Enterprise Street for the Oxnard Transportation Center's long term parking lot at 255 East Fifth Street; and (2) Adopt **Resolution No. 13,615** authorizing the Mayor to execute the agreement and certifying the funds have been appropriated for the project.

Fire Department

4. **SUBJECT:** Donation of Surplus Fire Apparatus to Oxnard College Fire Academy and to Oxnard's Sister City, Ocotlan, Mexico. (025)
RECOMMENDATION: Approve the donation of one 1984 Mack fire engine (equipment #1982) to Oxnard Fire Academy and one 1983 Mack fire engine (equipment #1922) to Oxnard's Sister City, Ocotlan, Mexico.

Public Works Department

5. **SUBJECT:** Special Budget Appropriation for Street Improvement Projects. (027)
RECOMMENDATION: (1) Approve the appropriation of funds in the amount of \$687,677 from the Gas Tax Revenue Certificates of Participation (COP) interests earnings to the Tierra Vista Neighborhood Resurfacing Project; (2) Approve a special budget appropriation

for the reallocation of \$29,451 to provide for cost increases and decreases for various street improvement projects funded by the Gas Tax Revenue COP; and (3) Approve a special budget appropriation in the amount of \$37,555 from Traffic Congestion Relief Fund Balance to the Via Marina and Diamond Neighborhood Resurfacing Projects.

6. SUBJECT: Assessment for the City's National Pollutant Discharge Elimination System (NPDES) Storm Water Management Program. (031)
RECOMMENDATION: Adopt **Resolution No. 13,616** re-authorizing the existing assessment of \$10.28 per Benefit Assessment Unit for the City's National Pollutant Discharge Elimination System (NPDES) Storm Water Management Program for inclusion in the Ventura County Watershed Protection District's Benefit Assessment Program.

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

J. TRANSMITTAL OF INFORMATION ONLY ITEMS

K. INFORMATION/CONSENT PUBLIC HEARINGS

L. PUBLIC HEARINGS

City Manager Department

1. SUBJECT: Public Hearing and Adoption of Resolution to Form and to Levy FY 2010-2011 Assessments in Landscape Maintenance District No. 60 (District).
RECOMMENDATION: Remove from the agenda.
ACTION: Unanimously approved.

M. REPORT OF CITY MANAGER

The City Treasurer's Office received the Certificate of Excellence award for its Investment Policy for Certification from the Public Treasurers Association; the City's receipt of 1) \$5 million in federal stimulus monies for the Rice Ave/Santa Clara interchange improvement project at Highway 101 which will improve Port of Hueneme trade corridor; and 2) \$400,000 gang and youth violence policy grant; AB 39 ruled unconstitutional, saving Redevelopment funds from being taken by the State.

N. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

Results of trips to Washington to lobby government officials and Navy personnel 1) for stimulus monies and RDP-21 for a) preservation of military installations and protect civilian employees, and b) funds to demolish the Halaco site; and 2) to receive suggestions to work with the EPA to move the Halaco cleanup along faster.

COMMUNITY DEVELOPMENT COMMISSION

At 8:18 p.m. the concurrent meeting with the Community Development concluded.

O. REPORTS

P. PUBLIC COMMENTS ON REPORTSQ. APPOINTMENT ITEMSR. STUDY SESSIONPublic Works Department

1. SUBJECT: Federal Emergency Management Agency (FEMA) /Flood Insurance Rate Maps (FIRM) Public Outreach Program. (035)

RECOMMENDATION: Receive a verbal presentation from the Public Works Director on the status of the FEMA/FIRM Public Outreach Program and provide direction to the Director regarding the program.

DISCUSSION: The Public Works Director and Development Services Manager provided the update on three FEMA-related activities that affect the City: 1) Flood insurance rate map (Maps); 2) levee certification program; and 3) flood insurance study for Santa Clara River, affecting local Ventura County communities. Staff continues to actively review the Maps to ensure their accuracy and remove many properties from the Maps before they become affected. The Director discussed staff's recommendations to 1) pursue funding for closure of the "gap" in the levee; 2) work with elected officials to develop a strategy to extend a preferred insurance rate to City residents; and 3) target a Public Outreach Program campaign to obtain flood insurance before Maps are certified to grandfather in lower rates.

Bert Perello, Chair, South Bank Neighborhood, would like more specifics as to streets and neighborhoods.

Supervisor John Zaragoza expressed his and Supervisor Bennett's partnership with the City in efforts to continue working to minimize the impacts to residents.

William Terry, concern with gap in the floodplain.

The City Council commented: 1) on meeting with area representatives in Washington to lobby for City residents for assistance with the insurance and building of levy; 2) its appreciation to the capable staff for working on these issues.

ACTION: Report received.

S. PUBLIC COMMENTS ON STUDY SESSIONT. ADJOURNMENT

At 8:55 p.m. the meeting concluded.

JILL A. BEATY
Assistant City Clerk

THOMAS E. HOLDEN
Mayor