

MINUTES

OXNARD CITY COUNCIL  
Regular Meeting  
September 1, 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. Councilmembers Thomas E. Holden, Andres Herrera, Dean Maulhardt, and Bryan A. MacDonald were present. Councilwoman Irene G. Pinkard was absent. 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; Alan Holmberg, City Attorney; James Cameron, Chief Financial Officer; John Crombach, Police Chief; Grace Magistrale Hoffman, Deputy City Manager; Rob Roshanian, Development Services Manager; Michael Henderson, General Services Manager; Anthony Emmert, Water Resources Manager; and Cynthia Daniels, 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 in memory of Ernie Whitaker, Housing Rehabilitation Program Manager, and Dave Laut, Olympic medalist and Hueneme High School Athletic Director.

E. CEREMONIAL CALENDAR

1. SUBJECT: Presentation of Presidential Volunteer Service Award to Marvin Boos.  
DISCUSSION: Cyndi Hookstra, Parks and Facilities Management Analyst commented that Marvin Boos was being recognized for community work including collecting trash and volunteering numerous hours to the community.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

William Bill Terry, restoration of Ormond Beach with the clean-up of the former Halaco site and the need to promote eco-tourism.

John Korsten, loss of vehicle from residential property.

Ana Del Rio-Barba, thanked several community individuals for support of a recent community fast to highlight the strained local school budget.

Adrian Ybarra, invite the Council and the community to the grand opening of the Fresh Mex Bar & Grill, 4238 Saviers Road.

Larry Stein, enforcement of the water ordinance and other minor issues.

Bert Perello commented on crime in the community, questioned why there was not more awareness of the "Report a Crime reward Program" and if advertisement of the program would help provide awareness of the program.

Pat Brown thanked the City Council for planned clean-up of the former Halaco site and stated a careful review of conversion of mobile home parks is needed due to the possible loss of rent control.

G. REVIEW OF INFORMATION/CONSENT AGENDA

The City Council concurred to remove Item I-1 from the agenda.

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

William Bill Terry questioned if the Police work with schools regarding truancy issues (I-8).

Harold Ceja, schedule for paving streets in a part of the Colonia neighborhood and poor conditions of other streets and alleys in the Colonia neighborhood (I-12).

Jorge Napoles, the repaving of streets would be a good step to improve the neighborhood streets (I-12).

Bert Perello, bid process of several projects (I-3), placement of plane at Colonia Park (I-4), and funding studies of areas outside the City limits (I-11).

Larry Stein questioned the funding process for the lease purchase agreement (I-6) from the budget.

I. INFORMATION/CONSENT AGENDA

City Attorney Department

1. SUBJECT: License Agreement for Use of City Property Adjacent to 1100 Mercantile Street. (001)  
RECOMMENDATION: Remove from the agenda.

City Clerk Department

2. SUBJECT: Minutes of the Regular Meetings of the City Council for July 7, 14, 21, and 28, 2009. (013)  
RECOMMENDATION: Approve.

City Manager Department

3. SUBJECT: Agreement with Gibbs International to Install Diesel Particulate Filters (DPFs) on Select City Vehicles as Mandated by the State of California. (033)

RECOMMENDATION: (1) Approve and authorize the Mayor to execute Agreement No. 4857-09-CM with Gibbs International for an amount not to exceed \$800,000 over a three-year period to select, acquire, and install DPFs on up to 60 City heavy-duty trucks. These installations are mandated by the State of California's Air Resources Board (CARB) under their Solid Waste Collection Vehicles and Public Fleet & Utilities rulings; (2) Approve the appropriation of funds in the amount of \$224,240 from Environmental Resources' accounts to the Diesel Exhaust Filters Project No. 107501 for the installation of DPFs on Environmental Resources trucks by December 29, 2009, in compliance with CARB regulations.

4. SUBJECT: GS09-14 Colonia Park Play Structure Replacement. (037)

RECOMMENDATION: Approve Project Specification GS09-14 for the Colonia Park Play Structure Replacement.

DISCUSSION: The General Services Manager commented that the replacement of a former plane at Colonia Park was a recommendation of the Parks and Recreation Commission.

Development Services Department

5. SUBJECT: Ordinance No. 2814 Approving Planning and Zoning Permit No. 09-550-09 (Major Modification to PZ No. 06-570-09), Amending Part 2 of Ordinance No. 2790 for the Property Located on the Northeast Corner of South Victoria Avenue and Hemlock Street (APNs 187-0-060-105 AND 187-0-060-095). (039)

RECOMMENDATION: Second reading and adoption.

Finance Department

6. SUBJECT: Master Equipment Lease Purchase Agreement. (041)

RECOMMENDATION: (1) Approve and authorize the City Manager to execute a Master Equipment Lease Purchase Agreement (A-7211) in substantially the form of the attached document in an amount not to exceed \$10 million, with such changes as deemed necessary or desirable by the City Manager, such approval to be evidenced by the execution and delivery thereof; (2) Approve and authorize the City Manager to execute any and all certificates and ancillary documents that may be necessary to consummate the execution of the Master Equipment Lease Purchase Agreement; and (3) Approve special budget appropriations in the amount of \$7,480,600 from the Master Equipment Lease Purchase for the acquisition of capital equipment in Fiscal Year 2009-10, and \$629,000 for lease payments due during Fiscal Year 2009-10.

DISCUSSION: The Chief Financial Officer reviewed the process of purchasing vehicles and other past financing budgets.

Police Department

7. SUBJECT: Ordinance No. 2813 Adding Sections to the Oxnard City Code Regulating Private Patrol Officers, Proprietary Private Security Officers, and Security Officer Uniform Apparel. (049)

RECOMMENDATION: Second reading and adoption.

8. SUBJECT: Recognize Grant Revenue and Appropriate Funds for the Recovery Act: Edward Byrne Memorial Justice Assistance Grant Formula Program (JAG). (051)  
RECOMMENDATION: (1) Recognize Grant Revenue in the amount of \$1,007,166 from the U. S. Department of Justice, Recovery Act: Edward Byrne Memorial JAG; and (2) Approve the special budget appropriation of \$1,007,166.  
DISCUSSION: The Police Chief reviewed the policy and working relationships with local schools.

#### Public Works Department

9. SUBJECT: Orphaned Parcel in the City of Port Hueneme. (055)  
RECOMMENDATION: Approve and authorize the Mayor to execute a Quitclaim Deed to the City of Port Hueneme for Assessor Parcel Number 207-270-080 in the City of Port Hueneme.
10. SUBJECT: American Reinvestment and Recovery Act (Recovery Act) Funding for Bartolo Square North and South Neighborhoods Street and Utility Improvement Phase I Projects and Traffic Signal Modifications at Various Locations Project. (067)  
RECOMMENDATION: (1) Adopt Resolution No. 13,737 authorizing the City Manager or his designee to execute agreements, amendments or other documents necessary to secure Recovery Act funds and implement the Program Supplement Agreements No. 036-N, 037-N and 038-N to Administering Agency-State Agreement No. 07-5129R for the Bartolo Square North and South Neighborhoods Resurfacing Phase I Projects and Traffic Signal 2010 Project; and (2) Approve a special budget appropriation of \$3,303,782 to appropriate Recovery Act funding in the amount of \$1,444,000 to the Bartolo Square North Neighborhood Street and Utility Improvement Project, \$1,091,462 to the Bartolo Square South Neighborhood Street and Utility Improvement Project, \$740,000 to the Traffic Signal 2010 Project and to reallocate \$28,320 of available Circulation Improvement System funds from the Traffic Signal Modifications at Various Locations Project.
11. SUBJECT: Fifth Amendment to Agreement for Consulting Services with Kennedy/Jenks Consultants for Water Infrastructure Reviews. (087)  
RECOMMENDATION: (1) Approve and authorize the Mayor to execute the Fifth Amendment to the Agreement with Kennedy/Jenks Consultants (4153-07-PW) to increase the amount by \$100,000 for a total of \$324,000 and extend the expiration date from June 30, 2010, to June 30, 2011, for water infrastructure reviews of proposed development projects within the City; and (2) Approve a special budget appropriation in the amount of \$100,000 from the Water Enterprise Fund for water infrastructure reviews.  
DISCUSSION: The General Services Manager commented on the advantage of working with a County bid regarding a similar matter.
12. SUBJECT: Addendum to the Wastewater Treatment Plant Yard Resurfacing Project. (091)  
RECOMMENDATION: (1) Approve an addendum to Project Specification No. PW09-17 by adding street resurfacing for Morris Street, Crawford Street, Second Street from Sarita Street to Campton Drive, and a section of Sarita Street between Second Street and Morris Street in the southeast area of the La Colonia Neighborhood to the existing specifications for pavement resurfacing at the Oxnard Wastewater Treatment Plant located at 6001 Perkins Road; and (2)

Approve a special budget appropriation of \$200,000 from the Gas Tax Fund balance to the La Colonia Neighborhood Resurfacing Project No. 103104 for the street resurfacing of Morris Street, Second Street, Crawford Street and a section of Sarita Street between Second Street and Morris Street in the southeast area of the La Colonia Neighborhood.

- 13. SUBJECT: First Amendment to Agreement for Professional Services with Kennedy/Jenks Consultants for Victoria Avenue Sewer Line Project. (097)  
RECOMMENDATION: Approve and authorize the Mayor to execute the First Amendment to the Agreement with Kennedy/Jenks Consultants (4664-08-PW) to increase the amount by \$55,839 for a total of \$291,621 and extend the expiration date from May 31, 2010, to July 31, 2010, for design and post-design services for the Victoria Avenue Sewer Line Project.
  
- 14. SUBJECT: First Amended and Restated Memorandum of Agreement for Implementation of the Calleguas Creek Watershed Total Maximum Daily Load (TMDL) Program. (103)  
RECOMMENDATION: (1) Approve and authorize the Mayor to execute the First Amended and Restated Memorandum of Agreement (A-6966) for Management, Funding and Cost Sharing for the Implementation of the Calleguas Creek Watershed TMDL Program; and (2) Approve a special budget appropriation in the amount of \$4,028 from the Wastewater Collections Enterprise Fund for implementation of the Calleguas Creek Watershed TMDL Program.

INFORMATION/CONSENT AGENDA ACTION: Approved as recommended with I-1 removed from the agenda. (Herrera/ MacDonald) Ayes: Herrera, Maulhardt, MacDonald, and Holden. Absent: Pinkard.

J. TRANSMITTAL OF INFORMATION ONLY ITEMS

K. INFORMATION/CONSENT PUBLIC HEARINGS

L. PUBLIC HEARINGS

M. REPORT OF CITY MANAGER

The City Manager commented on: recognition of the GREAT (blackish water desalter) program by the U.S. Green Council; Oxnard Library success of the adult literacy program; and family movies being offered on Saturday evenings at local parks.

N. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

Mayor Pro Tem Herrera commented on: 1) his appreciation for the involvement of citizens on local issues and working on committees; 2) new State regulations to curb air pollution has created an issue that more vessels were traveling into the Point Mugu Sea Range to avoid the regulations. He stated that increased "commercial use" into the military range has hampered the use of the military missile test range and may affect local jobs in the future.

Mayor Holden (with the consent of all the Councilmembers) requested a report on the restoration of Ormond Beach be presented at a future Council meeting.

O. REPORTS

Development Services Department

1. SUBJECT: Special Budget Appropriation for Rice Avenue/Santa Clara Avenue Interchange Improvements at Highway 101. (107)  
RECOMMENDATION: Recognize Federal and State grant revenue and appropriate \$51,512,634 to "Highway 101-Rice Interchange" for the Rice Avenue/Santa Clara Avenue interchange improvements at U.S. Highway 101.

DISCUSSION: The Project Manager reviewed: the construction plans; funding and budget; funding deadline requirements; overpass being built to Caltrans requirements; traffic ramps being meter ready; MTBE (gasoline leak) issues; landscaping along Ventura Boulevard; and possible budget saving items. The City Manager and Development Services Manager commented on a current request to Caltrans to add a lane to the Oxnard Boulevard (northbound) overpass and the timing of the signal lights.

Bert Perello, safety of truck use at the proposed overpass and clean-up costs of MTBE leaks.

The Councilmembers commented on: the timing of signals at highway overpass; local traffic circulation during construction; the overpass being built to Caltrans safety standards; and working with Verizon (telephone company) to shorten projected construction period.

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

P. PUBLIC COMMENTS ON REPORTS

Q. APPOINTMENT ITEMS

R. STUDY SESSION

S. PUBLIC COMMENTS ON STUDY SESSION

T. ADJOURNMENT

At 8:35 p.m. the City Council concurred to adjourn the meeting.

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DANIEL MARTINEZ  
 City Clerk

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DR. THOMAS E. HOLDEN  
 Mayor