# MINUTES

## OXNARD CITY COUNCIL
Regular Meeting
March 18, 2008

## A. ROLL CALL/POSTING OF AGENDA

At 5:34 p.m., the regular meeting of the Oxnard City Council convened in the Council Chambers. Councilmembers Thomas E. Holden, Dean Maulhardt, John C. Zaragoza, Andres Herrera, and Timothy B. Flynn were present. The Office Assistant 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; Gary L. Gillig, City Attorney; and Linda Peters, Office Assistant.

## B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

William Terry and Gloria E. Roman, regarding Kern County property having a "clean use philosophy" such as solar power gathering (green-collar work) and job creation.

## C. CLOSED SESSION

At 5:40 p.m. the City Council recessed to a closed session, pursuant to Government Code section 54956.8, to give instructions to negotiator, Edmund Sotelo, City Manager, regarding the price and terms of payment for the potential lease/sale by the City of 1,280 acres of real property located approximately 16 miles northwest of Wasco, California in Kern County to Carl Daniel, Daniel Farms, a California General Partnership, Peter Bouma, P & D Dairy, a California General Partnership or Charlie Pitigliano, Pitigliano Farms, a California General Partnership.

The City Council also recessed to a closed session, pursuant to Government Code section 54956.8, to give instructions to negotiators, Edmund Sotelo, City Manager, and Mike More, Financial Services Manager, regarding the price and terms of payment for the potential sale by the City of approximately 14,000 square feet of real property designated as Lot 3 of Tract 4132-1, located west of Victoria Avenue on Hemlock Street to Robert A. Stein.

The City Council also recessed to a closed session, pursuant to Government Code section 54956.8, to give instructions to negotiators, Matthew Winegar, Development Services Director, and Mike More, Financial Services Manager, regarding the price and terms of payment for the potential sale by the City of 1.39 acres of property located along the west side of Harbor Boulevard between Breakers Way and Reef Way ("Breakers Parcel") to Elevar Seven, LLC.

The City Council also recessed to a closed session, pursuant to Government Code section 54957.6, to give instructions to negotiators, Karen Burnham, Assistant City Manager, Lino Corona, Acting Human Resources Director, and Lynn Hutton, Human Resources Manager, regarding salaries, salary schedules or compensation paid in the form of fringe benefits for employees represented by the International Union of Operating Engineers (IUOE), Local No. 501, and other matters within the scope of representation.

At 7:01 p.m. the City Council reconvened and recessed to the evening session.

D. OPENING CEREMONIES

At 7:07 p.m., the regular meeting of the Oxnard City Council reconvened in the Council Chambers, concurrently with the Community Development Commission. The meeting opened with the pledge of allegiance to the flag of the United States, followed by a moment of silence. Mayor Holden presided. Additional staff members present were: Matthew Winegar, Development Services Director; Curtis P. Cannon, Community Development Director; Grace Magistrale Hoffman, Deputy City Manager; Dennis Scala, Environmental Recourses Manager; Sue Martin, Planning and Environmental Services Manager; and Michael More, Financial Services Manager.

E. CEREMONIAL CALENDAR

1. SUBJECT: Presentation of the Annual Commission on Community Relations Awards.
DISCUSSION: Mayor Holden introduced the Commissioners (Mike Baxter, Tiffany Lopez, Steven Ramirez and Margaret Reyes) of the Commission on Community Relations who announced the following awards: Outstanding Organization – International Cultural Association of California, Inc.; Outstanding Business – La Central Bakery; Outstanding Youth – Shannon McComb and Daniel Diaz; and Outstanding Individual – Les Goldberg.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

John Korsten, loss of vehicle and establishing a thrift store.

Ed Ellis, placing the College Park development on the agenda.

Miguel Espinosa, belief that the Police Officers were treated differently than the public regarding legal matters.

Larry Godwin, clean use (green-collar work) of the Kern County property (closed session item).

Shirley Godwin, Oxnard Beach Park grant restrictions and report on College Park development.

Pat Brown, efforts of the City to develop the Rice/101 Highway Interchange.

Larry Stein, City financing report, traffic circulation and school crossing. Mayor Pro Tem Maulhardt stated that the monthly report would be provided every third Tuesday of the month.

Q. APPOINTMENT ITEMS

1. SUBJECT: Ventura Regional Sanitation District Presentation on Services Provided to Member Agencies. (by Mark Lawler)
DISCUSSION: Mark Lawler, General Manager, reviewed the services provided by Ventura Regional Sanitation District including maintenance and rehabilitation of assets.

G. REVIEW OF INFORMATION/CONSENT AGENDA

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Blair Chastain and Jack Weber, Rehrig Pacific Company, requested a delay of Purchase and Vendor Agreement selection (I-7).

Larry Godwin questioned the priority of streets projects (I-6).

The following individuals questioned the deferment of development fees (I-4): Shirley Godwin, Pat Brown and Sylvia Preston.

I. INFORMATION/CONSENT AGENDA

City Attorney Department

1. SUBJECT: **Ordinance No. 2767** Regarding Skateboarding, Bicycling, Roller Skating, Inline Skating, or Razor Scooting in Public Parking Lots and on Private Property.
RECOMMENDATION: Second reading and adoption. (001)

2. SUBJECT: **Ordinance No. 2768** Regarding the Recovery of Nuisance Abatement Costs.
RECOMMENDATION: Second reading and adoption. (003)

City Clerk Department

3. SUBJECT: Minutes of the Regular Meetings of City Council for February 12 and 26 and March 4, 2008. (007)
RECOMMENDATION: Approve.

Development Services Department

4. SUBJECT: Deferral of Development Fees for Construction of St. Paul Baptist Church. (021)
RECOMMENDATION: (1) Approve the first reading by title only and subsequent adoption of **Ordinance No. 2769** deferring for four years $130,159.09 in development fees owed by St. Paul Baptist Church ("Church") for construction of an approximately 28,250 square foot building at 1787 Statham Boulevard; (2) Approve and authorize the Mayor to execute an Agreement to Pay Deferred Development Fees (A-7021) between the City and Church, requiring church to pay interest on and provide adequate security for payment of the deferred fees and to pay the deferred fees within four years from the date of obtaining a building permit to construct the building.
DISCUSSION: The Development Services Director stated that the ordinance should reflect fees for Arts in Public Places.

The City Attorney reviewed the public services provided by the church to the community as a public benefit. The Development Services Director stated that this deferral was secure as a financial loan.

The Councilmembers commented on partnerships with non-profit organizations and businesses as a benefit to the community.

Housing Department

5. SUBJECT: Acquisition of Tax-Defaulted Properties. (029)
RECOMMENDATION: Approve and authorize the purchase and acquisition of tax-defaulted properties at 321 Harrison Avenue and 1262 South J Street.

Public Works Department

6. SUBJECT: Proposition 1B Local Street Improvement Funds. (031)
RECOMMENDATION: (1) Designate the street resurfacing projects of Sea Air Neighborhood located from Patterson Road to Ventura Road and West Fifth Street to Wooley Road; Cal-Gisler Neighborhood located from Saviers Road to Oxnard Boulevard and East Channel Islands Boulevard to the Ventura County Watershed Protection District Channel and Del Norte Boulevard for funding with Proposition 1B Local Street Improvement Fund bond proceeds and authorize the Public Works Director to apply to the State Department of Finance for release of Proposition 1B funds for these projects; (2) Adopt **Resolution No. 13,389** authorizing the use of Proposition 1B funds in the amount of $6,041,133 for street resurfacing projects of Sea Air Neighborhood, Cal-Gisler Neighborhood, and Del Norte Boulevard; (3) Approve the appropriation of funds in the amount of $1,889,425 for Sea Air Neighborhood Resurfacing Project and $1,222,860 for the Cal-Gisler Neighborhood Resurfacing Project from Proposition 1B funds.

7. SUBJECT: Lease Purchase and Vendor Agreement for the Acquisition of Solid Waste Containers. (035)
RECOMMENDATION: (1) Adopt **Resolution No. 13,390** authorizing the Mayor to execute an equipment lease purchase agreement with Upton & Oliver Funding Corporation for the lease purchase of containers and services for the Environmental Resources Division; (2) Authorize and direct the City Manager to perform such acts necessary and proper to carry out the terms of the resolution; (3) Approve a special budget appropriation in the amount of $3,441,062 for the purchase of containers and services for the Environmental Resources Division; and (4) Approve and authorize the Mayor to execute an Agreement for Purchase of Containers and Services between the City of Oxnard and Toter, Incorporated (**A-7025**).
DISCUSSION: The Environmental Recourses Manager reviewed the city's issues regarding a responsible bid, capacity of material, foot print of the container and cart stacking (storage) ability. The City Attorney reviewed the legal aspects of the bidding progress.

INFORMATION/CONSENT AGENDA ACTION: Approved as recommended with changes to fees (I-4) (Maulhardt/Zaragoza). Ayes: Holden, Maulhardt, Zaragoza, Herrera, and Flynn.

J. TRANSMITTAL OF INFORMATION ONLY ITEMS

K. INFORMATION/CONSENT PUBLIC HEARINGS

ACTION: Mayor Holden declared the public hearing open.
DISCUSSION: The City Clerk reported on publication and that there were no written communications received.

City Attorney Department

1. SUBJECT: Ordinance Adding Section 16-515 to the City Code Regarding Non-Conforming Uses. (059)
RECOMMENDATION: Approve the first reading and subsequent adoption of **Ordinance No. 2770** setting forth a procedure for appealing a decision regarding a non-conforming use or non-conforming buildings.
ACTION: Close the public hearing. (Mauhardt/Flynn) Approved as recommended. (Herrera/Maulhardt) Ayes: Zaragoza, Herrera, Flynn, Holden, and Maulhardt. Councilman Flynn requested his no vote be changed to yes with Council concurrence.

## L. PUBLIC HEARINGS

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

At 8:34 p.m., Mayor Pro Tem Maulhardt left the meeting due to possible conflict of interest.

Development Services Department

1. SUBJECT: PZ 06-300-05 Tentative Subdivision Map (Tract Map No. 5687) to Subdivide Property Commonly Known as The Courts and Bounded by Rose Avenue, First Street, Marquita Street, and Del Sol Park. Filed by Steadfast Residential Development, LLC.and the Oxnard Housing Authority and the City of Oxnard. (065)
RECOMMENDATION: Adopt **Resolution No. 13,391** approving Tentative Subdivision Map for Tract Map No. 5687 for the Las Cortes Housing Development.
DISCUSSION: The Planning and Environmental Services Manager reviewed the project area, zoning, and proposed development including park and streets.

Pat Brown, parking and parks.

Jose Andrade, support of the project.

The City Council discussed the proposed new homes to be developed, park development, traffic circulation and new bus routes.

ACTION: Close the public hearing. (Holden/Herrera) Approved as recommended. (Zaragoza/Herrera) Ayes: Herrera, Holden, and Zaragoza. Noes: Flynn. Absent: Maulhardt.

At 8:54 p.m., Mayor Pro Tem Maulhardt returned to the meeting.

## M. REPORT OF CITY MANAGER/EXECUTIVE DIRECTOR/SECRETARY

The City Manager reported (attending a National League of Cities session) focusing on the crisis of foreclosed houses due to the use of sub-prime mortgages in communities and reviewed possible options cities may take. He stated that the City had partnered with several agencies and non-profit organizations to inform the public of financial practices when buying and selling homes.

N. CITY COUNCIL/ BUSINESS/COMMITTEE REPORTS

1. SUBJECT: Verbal Report Regarding the Status of the Roussey Building, Located at 3501 Saviers Road (Former Swap Meet Building).
DISCUSSION: The Assistant City Attorney reviewed the rights of owner to rehabilitate the building, the current court order to develop the site within a time schedule and that the owner must follow current building standards.

Shirley Godwin and Pat Brown commented on the need to clean-up the site.

ACTION: The City Council received the report.

O. REPORTS

City Manager Department

2. SUBJECT: Fiscal Year 2008-09 through Fiscal Year 2012-13 General Fund Financial Forecast. (099)
RECOMMENDATION: Consider the General Fund Financial Forecast for Fiscal Years 2008-09 through 2012-13 and provide direction to the City Manager concerning the preparation of the Fiscal Year 2008-09 operating budget.

DISCUSSION: The Financial Services Manager reviewed (1) national, California, and local economics; housing market; tax revenues; credit market; unemployment rate; retail sales; local tourism; and (2) predicted modest revenue growth for the 2008-09 forecast.
ACTION: The City Council received the report.

1. SUBJECT: Midyear Report on the Fiscal Year 2007-2008 Budget. (073)
RECOMMENDATION: (1) Approve adjustments to revenue, services, and expenditures for the FY 2007-2008 budget as follows: a) an increase of $417,289 in General Fund ongoing budget appropriations as provided in this report; b) an increase of $1,698,240 in General Fund one-time budget appropriations as provided in this report; c) an adjustment in other funds appropriations as provided in this report; and (2) Adopt a resolution authorizing full-time equivalent positions in the City effective March 18, 2008, and approving the Classification and Salary Schedule effective March 18, 2008.
DISCUSSION: The Deputy City Manager reviewed the midyear report including a possible funding option, reclassification of positions, one-time appropriations and recommended adjustments to the general fund and other funds.

Larry Stein questioned the financial forecast and proposed budget.

The City Council commented on the different types of budget accounts used to balance the budget and the need to clarify the different budgets.

ACTION: The City Council concurred to continue this item to March 25, 2008.

COMMUNITY DEVELOPMENT

At 11:15 p.m. the joint meeting with the Community Development Commission concluded.

P. PUBLIC COMMENTS ON REPORTS

R. STUDY SESSION

General Services Department

1. SUBJECT: Use of Synthetic Playing Surfaces in City Parks. (127)
RECOMMENDATION: Consider a report on the use of synthetic playing surfaces in the City park system and provide direction to the General Services Manager.
ACTION: The City Council concurred to continue this item.

S. PUBLIC COMMENTS ON STUDY SESSION

T. ADJOURNMENT

At 11:15 p.m. the City Council concurred to adjourn the meeting.

DANIEL MARTINEZ
City Clerk

DR. THOMAS E. HOLDEN
Mayor