

MINUTES

OXNARD CITY COUNCIL Regular Meeting July 27, 2010

A. ROLL CALL/POSTING OF AGENDA

At 7:08 p.m., the regular meeting of the Oxnard City Council convened in the Council Chambers concurrently with the Community Development Commission and Housing Authority. Councilmembers Thomas E. Holden, Andres Herrera, Dean Maulhardt, Irene G. Pinkard and Bryan A. MacDonald were present. The City Clerk stated that the agenda was posted on Thursday in the Library and City Clerk's Office. Mayor Holden 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; Curtis P. Cannon, Community Development Director; John Crombach, Police Chief; Matthew Winegar, Development Services Director; James Cameron, Chief Financial Officer; Michael Henderson, General Services Manager; Sue Martin, Planning and Environmental Services Manager; and Mark Norris, Utilities Services Branch 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: Commission on Community Relations 2010 Community Awards.
DISCUSSION: City Council and Commission on Community Relations introduced this year's winners: United Way Young Leaders Society - Outstanding Organizations 2010; Ray Tejada - Outstanding Individual 2010; Angelina Munoz - Outstanding Youth 2010 and Republic Design Company - Outstanding Business 2010.
2. SUBJECT: Presentation of Resolution to Sherri Paniagua for 25 Years of Service. (001)
ACTION: Approved **Resolution No. 13,901**.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Martin Glatt questioned the security and maintenance costs of Seabridge bridge and park.

Charles McLaughlin, Ventura Tax Payers Association, support the building of the Peaker Plant.

Jean Joneson questioned the "Branding" plan and costs.

Edgar Mohoko, success of peacemakers program and Salsa Festival.

Larry Stein, seeking records and availability of public parking at the parking structure.

Pat Brown, August having several air shows including Pt. Mugu Air Show, Santa Paula Air Show and Camarillo Airport Air Show.

G. REVIEW OF INFORMATION/CONSENT AGENDA

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

I. INFORMATION/CONSENT AGENDA

City Manager Department

1. SUBJECT: Campus Park Rehabilitation Project Phase II GS09-13. (003)
RECOMMENDATION: Approve Project Specification GS09-13 for the Campus Park Rehabilitation Project Phase II, located at 309 South K Street, and authorize staff to solicit bids.*

City Treasurer Department

2. SUBJECT: Quarterly Investment Report for the Fourth Quarter F/Y 2009-2010. (007)
RECOMMENDATION: Accept the quarterly Investment Report for the Fourth Quarter F/Y 2009-2010.

Development Services Department

3. SUBJECT: Resolution to Michael Sanchez for over five years service as a Planning Commissioner. (013)
RECOMMENDATION: Adopt **Resolution No. 13,902**.
4. SUBJECT: Parcel Map No. 08-300-08 to Create Two Parcels from One Parcel Located at 457 West Gonzales Road, filed by Cabrillo Economic Development Corporation. (015)
RECOMMENDATION: Adopt **Resolution No. 13,903** approving Planning and Zoning Permit No. 08-300-08 (Parcel Map), for property located at 457 West Gonzales Road.
5. SUBJECT: First Amendment to Agreement with Lim and Nascimento Engineering Corp. (LAN) for the Rice Avenue/Santa Clara Avenue Interchange Improvement Project at U.S. Highway 101. (021)
RECOMMENDATION: Approve and authorize the Mayor to execute a first amendment to the agreement with LAN (A-7235) to increase the amount by \$109,493.02 (a total of \$3,310,500.02) to provide construction management services for the Rice Avenue/Santa Clara Avenue interchange improvement project at U.S. Highway 101.
6. SUBJECT: **Ordinance No. 2829**, Zone Text Amendment (PZ 10-580-03) Regarding Home Occupation Permits and Zone Clearance Permits. (029)
RECOMMENDATION: Second reading and adoption.

Finance Department

7. SUBJECT: Reimbursement Resolution for Capital Expenditures Related to the Proposed RiverPark Maintenance Facility. (037)

RECOMMENDATION: 1) Adopt **Resolution No. 13,904** declaring the intent to reimburse the City of Oxnard for capital expenditures related to the construction, acquisition, and improvement of a maintenance facility from proceeds of taxable or tax-exempt indebtedness; and 2) Approve and authorize the Mayor to execute a letter addressed to the California Debt Limit Allocation Committee in support of the RiverPark Maintenance Facility.

Fire Department

8. SUBJECT: Recognize Revenue and Appropriate Funds for the 2010 Emergency Management Performance Grant (EMPG). (043)

RECOMMENDATION: Approve a Special Budget Appropriation to Recognize Revenue and Appropriate Funds in the amount of \$94,585 from the 2010 Emergency Management Performance Grant (EMPG).

Human Resources

10. SUBJECT: Memorandum of Understanding with the Oxnard Peace Officers' Association. (055)

RECOMMENDATION: 1) Ratify a Memorandum of Understanding (MOU) between the City and the Oxnard Peace Officers' Association (OPOA), commencing September 6, 2008, and expiring on June 30, 2014; 2) Adopt **Resolution No. 13,905** implementing the MOU for the OPOA; and 3) Authorize the City Manager to transfer funds between accounts, in amounts to be determined, to implement the terms and conditions of the MOU.

Police Department

11. SUBJECT: State of California Grant for DUI Enforcement and Education. (059)

RECOMMENDATION: Adopt **Resolution No. 13,906** 1) authorizing the City Manager to submit an application for \$250,000 to the State of California, Office of Traffic Safety (OTS); 2) Authorizing the City Manager or designee to execute grant agreements; 3) Authorizing the Chief Financial Officer or designee to submit financial reports and grants claims and approve Special Budget Appropriations for the use of grant funds; and 4) Authorizing the Chief of Police or designee to submit non-financial reports.

Public Works Department

12. SUBJECT: Agreement with Kennedy/Jenks Consultants for Design of Blending Station Number 6. (063)

RECOMMENDATION: Approve and authorize the Mayor to execute an agreement with Kennedy/Jenks Consultants (A-7341) in the amount of \$299,763 to provide engineering services for the design of Blending Station Number 6 at the Water Campus, located at 251 South Hayes Avenue.

13. SUBJECT: PW10-15 Bartolo Square North Neighborhood Street and Utility Improvement Project Phase 2 (Bartolo Square North Project). (067)

RECOMMENDATION: 1) Approve Project Specification No. PW10-15 for pavement resurfacing, sidewalk, curb and gutter repair, replacing street name signs, and water main replacement in the Bartolo Square North Project bound by J Street, Hill Street, Ventura Road, and Wooley Road and authorize staff to solicit bids for the project; and 2) approve a Special Budget Appropriation of \$997,000 from the Water Operating Fund to the Bartolo Square North Project for water main replacement.

14. SUBJECT: Agreement with Carollo Engineers, Inc. to Provide Engineering Services for the Recycled Water Customer Retrofit Program. (071)
RECOMMENDATION: Approve and authorize the Mayor to execute an agreement with Carollo Engineers, Inc. (A-7338) for an amount not to exceed \$4,800,318 for engineering services for the Recycled Water Customer Retrofit Program.

INFORMATION/CONSENT AGENDA ACTION: Approved as recommended.
(Maulhardt/Pinkard) Ayes: Holden, Herrera, Maulhardt, Pinkard, and MacDonald. Abstain: Holden and MacDonald on item I-1 only.*

J. TRANSMITTAL OF INFORMATION ONLY ITEMS

Finance Department

1. SUBJECT: Monthly Budget Status Report for the Period Ending June 30, 2010. (073)
DISCUSSION: Larry Stein questioned the estimate of sales tax.
ACTION: Received and filed.

RECESS

At 8:02 p.m., the City Council recessed while the Community Development Commission held a meeting.
At 8:44 p.m., the City Council reconvened to the regular meeting.

COMMUNITY DEVELOPMENT AND HOUSING AUTHORITY

At 8:44 p.m., the concurrent meetings with the Community Development Commission and Housing Authority concluded.

K. INFORMATION/CONSENT PUBLIC HEARINGS

Development Services Department

1. SUBJECT: Third Amendment to the RiverPark Development (PZ 10-670-02), filed by Tony Talamante c/o RiverPark Legacy LLC.
RECOMMENDATION: Continue to September 14, 2010.
ACTION: Approved as recommended. (Herrera/Holden) unanimously.

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

Public Works Department

2. SUBJECT: Drinking Water Public Health Goals Report 2010. (083)
RECOMMENDATION: Hold a public hearing to receive and respond to public comments on the Drinking Water Public Health Goals Report 2010.

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

L. PUBLIC HEARINGS

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

Development Services Department

1. SUBJECT: Appeal of a Request to Permit the Sale of Beer, Wine, and Distilled Spirits for Off-Site Consumption at an Existing Walmart Supercenter Store, Located at 2001 North Rose Avenue, filed By Lisa Kolieb, on Behalf of Walmart. (085)
RECOMMENDATION: Adopt a resolution denying the appeal and upholding the Planning Commission's denial of Planning and Zoning Permit No. 10-510-03.
DISCUSSION: The Planning and Environmental Services Manager outlined the request to allow an alcohol permit at the Walmart store and crime rates. Police Officer Wear outlined alcohol sales studies and site alcohol sales of the area.

Wendelyn Nichols-Julien, Walmart attorney, requested the appeal be approved due to meeting all City requirements and acting as a responsible business in the community. Francisco Medina, Walmart store manager, reviewed local store loss compared to the national store loss rate.

The following individuals opposed allowing liquor sales at the Rose Avenue site: Ernest Stein, Larry Stein, and Pat Brown.

The following individuals supported allowing liquor sales at the Rose Avenue site: Yolanda Argurow and Nancy Lindholm.

Bert Perello questioned the Police study report.

The City Council discussed: 1) standard alcohol conditions placed on sites; 2) the need to analyze information according to type of businesses and location; and 3) security of the local Walmart store.

ACTION: Close the public hearing. (Holden/Herrera) unanimously. Moved to continue this item to September 14, 2010 to review use conditions. (Maulhardt/Pinkard) Ayes: Herrera, Maulhardt, Pinkard, MacDonald and Holden.

M. REPORT OF CITY MANAGER

The City Manager reviewed the schedule of summer movies being shown at local parks sponsored by the Recreation Department and the Police Department.

1. SUBJECT: Southern California Edison 2010 State of the Utility.
DISCUSSION: Nancy Williams of Southern California Edison, reported on Edison programs and helping the community in "energy" needs.

Larry Stein, long term electrical forecast plans needed.

ACTION: Received report.

N. CITY COUNCIL/BUSINESS COMMITTEE REPORTS**City Manager Department**

1. **SUBJECT:** Resolution Concerning Arizona SB 1070 (Support our Law Enforcement and Safe Neighborhoods Act). (119)
RECOMMENDATION: Adopt a resolution concerning Arizona SB 1070 (Support our Law Enforcement and Safe Neighborhoods Act).
DISCUSSION: The City Attorney asked that the City Council review the resolution that reflected the position of the City Council.

The following individuals expressed concerns regarding several points of the proposed resolution: Priscila Cisneros; Elliott Gabriel; Raul Razo; Yazmin and Arturo Guido.

The following individuals supported the proposed resolution: Larry Stein; Michael Shuman; Bert Perello and Pat Brown.

ACTION: Approved as recommended. (Herrera), motion died due to lack of second. The City Council provided comments to staff.

O. REPORTS**City Manager Department/Finance Department**

1. **SUBJECT:** Measure "O" Funding Discussion. (123)
RECOMMENDATION: 1) Consider a report on Measure O funding opportunities; and 2) Approve an allocation of funds for Fiscal Year 2010-11 programs and projects.
DISCUSSION: The Chief Financial Director reviewed options including first year options totaling \$7,855,000 and also stated there would be funding for streets and alleys.

Larry Stein, renting of swimming pools from high school for community use.

Pat Brown, need for open areas in parks.

Tom Cady, Oxnard Chamber of Commerce, support of Measure "O" use of funds to enhance the community and ITS traffic system.

Ernest Stein, building a fire station in the Southeast area of Oxnard.

Edgar Mohorko, supporting faith-based organization programs that support the community in preventive and direct engagement of individuals.

Shirley Godwin, needed street maintenance and development of Ormond Beach.

The City Council discussed the process of using Measure "O" funding and the need to communicate with the community members regarding Measure "O" projects.

ACTION: 1.) Approved allocations of funds for fiscal year 2010-2011 program for projects other than Campus Park Phase I, Campus Park Phase II, Campus Park Building Phase II, Del Sol Park Walking Track, and East Village Park. (Holden/Maulhardt). Ayes: Pinkard, MacDonald, Holden, Herrera, and Maulhardt;

2.) Approved allocations of funds for fiscal year 2010-2011 for projects Campus Park Phase I, Campus Park Phase II, and Campus Park Building Phase II. (Herrera/ Maulhardt). Ayes: Pinkard, Herrera, and Maulhardt. Abstain: Holden and MacDonald; and

3.) Approved allocations of funds for fiscal year 2010-2011 for Del Sol Park Walking Track and East Village Park. (Holden/MacDonald). Ayes: Pinkard, MacDonald, Holden, and Herrera. Abstain: Maulhardt.

At 11:14 p.m., Mayor Holden and Councilman MacDonald left the meeting due to a possible conflict of interest and Mayor Pro Tem Herrera presided.

City Manager Department

2. SUBJECT: Agreement with RJM Design Group, Inc. for Design Services for GS09-21 Campus Park Development. (131)

RECOMMENDATION: Approve and authorize the Mayor to execute an agreement with RJM Design Group, Inc., Landscape Architects (5103-10-CM) in the amount of \$826,835.00 for the design of the Campus Park Facility located at 937 West Fifth Street.

DISCUSSION: Pat Brown and Larry Stein requested parks with natural grass.

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

At 11:22 p.m., Mayor Holden and Councilman MacDonald returned to the meeting and Mayor Holden presided.

Public Works Department

4. SUBJECT: Second Amendment to Agreement with CH2M Hill, Inc. for the Advanced Water Purification Facility (AWPF) Administration Building Re-Design. (169)

RECOMMENDATION: Approve and authorize the Mayor to execute the second amendment to the agreement with CH2M Hill, Inc. (A-6841) to increase the amount by \$489,548 for a total of \$9,263,844 for the redesign of the Administration Building and foundation analysis.

DISCUSSION: The City Manager and Utilities Services Branch Manager reviewed the two designs, building costs, building functions and cost savings options.

The following individuals provided various comments regarding cost and changes: William "Bill" Terry; Pat Brown; Carmen Ramirez; Shirley Godwin; Nancy Lindholm and Larry Godwin.

The City Council discussed the building process including the design process and building costs.

ACTION: Move not to approve the redesign building plans and continue the original building design plans. (Holden/Herrera). Ayes: Holden, Herrera, and MacDonald. Noes: Maulhardt. Absent: Pinkard.

P. PUBLIC COMMENTS ON REPORTS

Q. APPOINTMENT ITEMS

R. STUDY SESSION

1. SUBJECT: Update on the Intelligent Transportation System (ITS) Master Plan Implementation.
(177)

RECOMMENDATION: Consider a report regarding the implementation of the City's ITS Master Plan and provide direction to the Interim Public Works Director.

ACTION: Removed from the agenda.

S. PUBLIC COMMENTS ON STUDY SESSION

T. ADJOURNMENT

At 11:26 p.m. the City Council concurred to adjourn the meeting.