

MINUTES

OXNARD CITY COUNCIL

Regular Meeting

January 24, 2012

A. ROLL CALL/POSTING OF AGENDA

At 5:32 p.m., the regular meeting of the Oxnard City Council convened in the Council Chambers. Councilmembers Thomas E. Holden, Irene G. Pinkard, Bryan A. MacDonald, Timothy B. Flynn and Carmen Ramirez were present. The Deputy 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: Edmund Sotelo, City Manager; Karen Burnham, Assistant City Manager; Alan Holmberg, City Attorney; and Lyn Bennett, Deputy City Clerk.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

Comments were received from: Larry Stein; Steve Nash; and Bert Perello.

C. CLOSED SESSION

At 5:19 p.m. the City Council recessed to a closed session, pursuant to Government Code section 54956.9(c) to confer with its attorneys. Based on existing facts and circumstances, the City Council shall decide whether to initiate litigation in one potential case.

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, regarding the price and terms of payment for the purchase of approximately 20 acres of real property located at the northwestern corner of Ventura Road and Vineyard Avenue.

The City Council also recessed to a closed session, pursuant to Government Code section 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 Service Employees International Union (SEIU), Local No. 721 and other matters within the scope of representation.

The City Council also recessed to a closed session, pursuant to Government Code section 54957 to discuss the following: Evaluation of Public Employee, City Manager.

At 7:18 p.m. the City Council reconvened. The Mayor announced "the City Council has unanimously determined to enter into litigation concerning certain issues at the South Oxnard Library. The defendants and other particulars of the action will be disclosed to any person upon inquiry once the action has commenced."

D. OPENING CEREMONIES

At 7:18 p.m., the regular meeting of the Oxnard City Council reconvened in the Council Chambers, concurrently with the Community Development Commission, and Housing Authority. 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: Daniel Martinez, City Clerk; Curtis P. Cannon, Community Development Director; Jason Benites, Assistant Police Chief; Michael O'Malia, Interim Fire Chief; William "Bill" Wilkins, Housing Director; Rob Roshanian, Interim Public Works Director; Matthew Winegar, Development Services Director; James Cameron, Chief Financial Officer; Grace Magistrale Hoffman, Deputy City Manager; Sue Martin, Planning and Environmental Services Manager; Martin Erickson, Special Assistant to the City Manager; Mike More, Financial Resources Manager; Anthony Emmert, Water Resources Manager; and Kymberly Horner, Redevelopment Project Manager.

E. CEREMONIAL CALENDAR

1. SUBJECT: Presentation of Commendation to Captain Andrea Mora of the Oxnard Police Department's Explorer Program.
DISCUSSION: The City Council, Police Officers and Police Explorer Program cadets congratulated Explorer Program Captain Andrea Mora for her accomplishments.

ITEMS REMOVED FROM AGENDA

The City Council concurred to remove M-2 from the agenda.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

The following individuals presented comments to the City Council: Ed Ellis; Art Hernandez; Juan Smith; Harold Ceja; Larry Stein; Joan Johnson; Steve Nash; Bert Perello; Joe Cervantes; Scott Bernstein; Pat Brown; Morey Navarro and Abel Magana.

G. REVIEW OF INFORMATION/CONSENT AGENDA

Councilmember MacDonald requested more information regarding Agromin agreement (I-8)

The Assistant Police Chief stated his belief that electric cars were not equipped

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

The following individuals presented comments: Lupe Anguiano (I-1); Nancy Pedersen (I-1); Pat Brown (I-10); Bert Perello (I-8 & I-7) and Larry Stein (I-5 & I-6).

I. INFORMATION/CONSENT AGENDA

City Manager Department

1. SUBJECT: Resolution Supporting the Federal Clean Air Act. (001)
RECOMMENDATION: Adopt **Resolution No. 14,137** in support of reducing greenhouse gas pollution through enforcement of the federal Clean Air Act.
2. SUBJECT: Agreements for City Council Review. (005)
RECOMMENDATION: Pursuant to Ordinance 2835, approve and authorize the City Manager, to execute the attached agreements/contracts and change orders/amendments in amounts more than \$25,000 but less than \$250,000.

3. **SUBJECT: Ordinance No. 2853** Changing Name and Logo for the Commission on Community Relations. (007)
RECOMMENDATION: Second reading and adoption.

City Treasurer Department

4. **SUBJECT:** Quarterly Investment Report for the Second Quarter F/Y 2011-2012. (011)
RECOMMENDATION: Accept the quarterly Investment Report for the Second Quarter F/Y 2011-2012.

Finance Department

6. **SUBJECT:** Judicial Foreclosures – Properties with Delinquent Assessments or Special Taxes. (025)
RECOMMENDATION: That City Council, acting as the legislative body of several Community Facilities Districts and Assessment Districts, instruct staff to proceed with judicial foreclosure on properties with delinquent special assessments and special taxes located within several Assessment Districts and Community Facilities District throughout the City, which special assessments and special taxes are secured by liens to repay bonded indebtedness.

Public Works Department

8. **SUBJECT:** Third Amendment to Agreement for Contracting Services Between the City of Oxnard and Agromin Organics Recycling (Agromin) for Yard Waste, Wood Material and Street Sweeping Debris and Residuals Processing Services. (035)
RECOMMENDATION: Removed from the agenda.
9. **SUBJECT:** Application for State of California Proposition 84 Grant Funds to Conduct a Planning Study and Demonstration Project to Evaluate the Feasibility of Large-Scale Storm Water Capture and Reuse. (039)
RECOMMENDATION: Adopt a resolution authorizing the City Manager to submit an application for \$500,000 in the State of California Proposition 84 Grant Funds, to be used to conduct a Planning Study and Demonstration Project to evaluate the feasibility of large-scale storm water capture and reuse.
10. **SUBJECT:** PW12-02 Blackstock South Neighborhood Street Improvement Project. (049)
RECOMMENDATION: Approve Project Specification No. PW12-02 for pavement, sidewalk, curb and gutter reconstruction, and replacing street name signs, in the Blackstock South Neighborhood Street Improvement Project (bounded eastward to San Simeon Avenue, westward to Saviers Road, northward to La Canada Avenue, and southward to East Bard Road), and authorize staff to solicit bids.

INFORMATION/CONSENT AGENDA ACTION: Approved as recommended with the removal of I-8. (Holden/MacDonald) Ayes: Holden, Pinkard, MacDonald, Flynn, and Ramirez.

COMMUNITY DEVELOPMENT AND HOUSING AUTHORITY

At 8:31 p.m., the joint meetings with the Community Development Commission and Housing Authority concluded.

L. PUBLIC HEARINGS

Mayor Holden opened the public hearing. The City Clerk reported on publication and that there were three written communications received.

Development Services Department

1. **SUBJECT:** Appeal of the Planning Commission's Approval of Special Use Permit No. 11-510-07 to Allow the Sale of Beer and Wine at the 4-Way Meat Market, Located at 508 East Date Street. Filed by Salvador Ayala, 508 East Date Street, Oxnard, CA 93033. (079)
RECOMMENDATION: Adopt **Resolution No. 14,139** approving the appeal and denying the Planning Commission's approval to allow the sale of beer and wine for off-site consumption at the 4-Way Meat Market, located at 508 East Date Street.
DISCUSSION: The Planning and Environmental Services Manager briefly outlined the history and reviewed the request to allow sale of beer and wine for off-site consumption.

George Yin, Attorney representing Oxnard School District, stated his belief that the sale of alcohol near an elementary school may have negative effects to the local community.

Joshua Kaplan, Attorney for applicant, reviewed the alcohol sale request and stated his belief that sale of alcohol would not negatively harm the local community.

The following individuals spoke against allowing the beer and wine license at the market: Jeff Chancer, Superintendent Oxnard School District; Nancy Pederson; Francisco Barba; Harold Ceja; Veronica Robles-Solis; Ernest Morrison, Oxnard School District Trustee; Dennis O'Leary, Oxnard School District Trustee; Ana Del Rio Barba, Oxnard School District Trustee; Rossanna Padilla; Patricia Santa Rosa; Catherine Kagaguchi; Jorge Gutierrez; Debra Cordes; Pat Brown and Jose Torres.

The following individuals spoke in favor of allowing the sale of beer and wine license: Roger de Haro; David T Garcia; Salvador Ayala; Veronica Mendoza; Morey Navarro

Comments were also received from Larry Stein and Bert Perello.

ACTION: Close the public hearing. (Holden/Pinkard) Councilmember Ramirez moved to approved as recommended. The motion died due to lack of second. Moved to approve the appeal and denying upholding the Planning Commission's approval (Pinkard/Holden) Ayes: MacDonald, Flynn, Holden, and Pinkard. Noes: Ramirez.

K. INFORMATION/CONSENT PUBLIC HEARINGS

ACTION: Mayor Holden declared the public hearing open.

DISCUSSION: The City Clerk reported on posting, publication and that there were no written communications received.

Police Department

1. SUBJECT: Supplemental Law Enforcement Services Funds. (077)
RECOMMENDATION: Approve the appropriation of funds in the amount of \$379,006 from the State Supplemental Law Enforcement Services Funds to the Police Department for partial funding of police positions and for upgrades for the department's computer systems.
ACTION: Close the public hearing. (MacDonald/Holden) unanimously. Approved as recommended. (Holden/MacDonald) Ayes: Flynn, Ramirez, Holden, Pinkard, and MacDonald.

M. REPORT OF CITY MANAGER

1. SUBJECT: Pars Supplemental Retirement Benefit Plan. (111)
RECOMMENDATION: Receive and file a report on the City's PARS Supplemental Retirement Benefit Plan.
DISCUSSION: The City Manager reviewed the history of PARS program including changes made to the plan.

Dennis Yu, PARS representative, stated the PARS plan followed federal regulations, contract language, and reviewed benefits of City employees.

Comments were received from: Larry Stein; Steve Nash; and Bert Perello.

ACTION: Reviewed report and provided comments to staff.

2. SUBJECT: Verbal Report on the Future of the Community Development Commission and Redevelopment Activities in the City of Oxnard.
RECOMMENDATION: Consider verbal report and provide direction.
ACTION: Removed from agenda.

O. REPORTSFinance Department

1. SUBJECT: Grow Oxnard Fund. (207)
RECOMMENDATION: Receive a report on the Grow Oxnard Fund and provide direction to staff.
DISCUSSION: The Chief Financial Officer outlined the program including advantages (financing, interest rates, Small Business Loans) and possible funding options.

Mr. Scott Rodde, Director of National Development Council, provided details of the program and stated the City may place requirements on the program, such as being an Oxnard business, having local employment and having a certain target area of the City.

The following individuals provided comments: Nancy Lindholm; Bert Perello; and Steve Kinney.

ACTION: The City Council provided comments and directions to staff.

N. CITY COUNCIL BUSINESS COMMITTEE REPORTS

Councilmembers commented on: 1) contact County regarding creating a task force to keep Haas Automation from moving; 2) having a presentation on the sewer bond issue; 3) over-time process of employees; 4) the need to discuss the differences between RFP and RFQ; and 5) security of Sycamore Senior Village housing site.

P. PUBLIC COMMENTS ON REPORTS

Q. APPOINTMENT ITEMS

R. STUDY SESSION

S. PUBLIC COMMENTS ON STUDY SESSION

J. TRANSMITTAL OF INFORMATION ONLY ITEMS

Finance Department

1. SUBJECT: Monthly Budget Status Reports for the Periods Ending November 30, 2011 and December 31, 2011. (051)

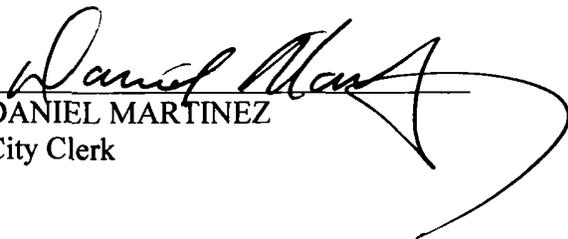
RECOMMENDATION: The monthly budget status report for revenues and expenses include both Governmental and Enterprise Funds for the periods ending November 30, 2011 and December 31, 2011. Because these reports include year-end accruals for Fiscal Year 2011, there are timing issues on offsetting revenues and expenditures.

DISCUSSION: Received comments from Larry Stein

ACTION: Reviewed and filed.

T. ADJOURNMENT

At 11:49 p.m. the City Council concurred to adjourn the meeting.


DANIEL MARTINEZ
City Clerk


DR. THOMAS E. HOLDEN
Mayor