

## MINUTES

### OXNARD CITY COUNCIL Regular Meeting December 13, 2011

#### A. ROLL CALL/POSTING OF AGENDA

At 5:34 p.m., the regular meeting of the Oxnard City Council convened in the Council Chambers concurrently with the Community Development Commission. Councilmembers Thomas E. Holden, Bryan A. MacDonald, Timothy B. Flynn and Carmen Ramirez were present. Mayor Pro Tem 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: 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 received from Larry Stein.

#### C. CLOSED SESSION

At 5:37 p.m. the City Council and Community Development Commission recessed to a closed session pursuant to Government Code section 54956.9(b)(3)(C). There is significant exposure to litigation in one potential case based upon a written threat of litigation which is available for inspection at the City Clerk's office during normal business hours.

The City Manager will also recess to a closed session pursuant to Government Code section 54956.9 (c), based on existing facts and circumstances, the City Council shall decide whether to initiate litigation in one potential case.

At 7:13 p.m. the City Council reconvened and recessed to the evening session.

#### D. OPENING CEREMONIES

At 7:14 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: Danielle Navas, City Treasurer; Curtis P. Cannon, Community Development Director; Jeri Williams, Police Chief; Michael O'Malia, Interim Fire Chief; Barbara Murray, Library Director; William "Bill" Wilkins, Housing Director; Matthew Winegar, Development Services Director; Michelle Tellez, Human Resources Director; James Cameron, Chief Financial Officer; Grace Magistrale Hoffman, Deputy City Manager; Michael Henderson, General Services Manager; Sue Martin, Planning and Environmental Services Manager; Rob Roshanian, Interim Public Works Director; Christina Aerenlund, Public Information Officer; and Martin Erickson, Special Assistant to the City Manager.

E. CEREMONIAL CALENDAR

1. SUBJECT: Employee of the Fourth Quarter.  
DISCUSSION: Christina Aerenlund introduced Martha Guillen as the Employee of the Forth Quarter and commented on her work at the City Manager's Office.
2. SUBJECT: Presentation to City Council of the 2011 Emergency Planning Council Award for Best Emergency Preparedness Implementation.  
DISCUSSION: The Interim Fire Chief presented 2011 Emergency Planning Award to the City Council for the Tsunami signage program.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

The following individuals provided comments: Ernest Stein; Larry Stein; Eileen Tracy; Mike Barber; Margaret Cortese; Franz Lopez; Sofia Rivera; Cheryl Roberson; Natalia Rodriguez; Carolyn Starney; Danna Aten; Pat Brown; and Martin Jones.

G. REVIEW OF INFORMATION/CONSENT AGENDA

Staff comments were received from City Treasurer (I-5); Police Chief (I-13); Interim Fire Chief (I-12); Deputy City Manager (I-3, #5); General Services Manager (I-3,#1); Interim Public Works Director (I-9, I-11 & I-13); Planning and Environmental Services Manager (I-9, & I-11); and Special Assistant to the City Manager (I-4).

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Public comments were received from Pat Brown (I-7); Bert Perello (I-9 & I-11); Steve Nash (I-15) and Jim Lavery (I-3).

I. INFORMATION/CONSENT AGENDACity Attorney Department

1. SUBJECT: **Ordinance No. 2852** Regarding Preferences for Small Local Businesses. (001)  
RECOMMENDATION: Second reading and adoption.

City Manager Department

3. SUBJECT: Agreements for City Council Review. (013)  
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.  
ACTION: Removed only agreement item five from the group.
4. SUBJECT: Transportation Development Act (TDA) Local Transportation Fund (LTF) Allocations for FY 2011/12. (015)  
RECOMMENDATION: Adopt **Resolution No. 14,125** approving the submittal of a claim with the Ventura County Transportation Commission (VCTC) for allocation of TDA funds as follows:  
1) Gold Coast Transit (GCT) to receive \$4,981,910 of the City's Article 4 LTF allocation for FY

2011/12 to support and develop the public transportation system in Ventura County; 2) The City's transit services program to receive \$500,000 of Article 8c LTF funding for its operations and \$681,275 for its capital program ; and 3) Ventura Intercity Transit Authority (VISTA) to receive \$88,354 of the City's Article 4 LTF allocation for FY 2011/12.

City Treasurer Department

5. SUBJECT: **Ordinance No. 2851** Regulating Massage Professionals and Massage Businesses. (019)  
RECOMMENDATION: Second reading and adoption.

Community Development Department

6. SUBJECT: FY 2010-2011 Annual Report for the Community Development Commission. (025)  
RECOMMENDATION: Approve the FY 2010-2011 CDC Annual Report and direct the Community Development Director to submit the Annual Report to the State Controller's Office.  
ACTION: Removed from agenda.
7. SUBJECT: Second Amendment to Agreement with the Oxnard Downtown Management District Inc. for Downtown Services. (027)  
RECOMMENDATION: Approve and authorize the Mayor to execute a Second Amendment to Agreement (4192-07-CD) ("Agreement") between the City of Oxnard ("City") and the Oxnard Downtown Management District Inc. ("ODMD"), to extend the Agreement to December 31, 2014.
8. SUBJECT: Extension of Plan Effectiveness Deadlines and the Tax Increment Receipt Deadline for the Redevelopment Plan for the Downtown Renewal (R-108) Project Area Pursuant to California Health and Safety Code Sections 33331.5 concerning Supplemental Educational Revenue Augmentation Fund ("SERAF") Payments. (065)  
RECOMMENDATION: 1) Approve the first reading by title only and subsequent adoption of an Ordinance to amend the Redevelopment Plan for the Downtown Renewal Project Area ("R-108"), to extend certain time limits in accordance with California Health and Safety Code Section 33331.5; and 2) Adopt a resolution to amend the Redevelopment Plan for the Downtown Renewal Project Area (R-108), to extend certain time limits in accordance with California Health and Safety Code Section 33331.5.  
ACTION: Removed from agenda.

Development Services Department

9. SUBJECT: Planning and Zoning Permit No. 06-300-19 (Final Map for Phase 3A of Tract No. 5644), Within the RiverPark Specific Plan Area Filed by Shea Homes. (073)  
RECOMMENDATION: Adopt **Resolution No. 14,126** approving Planning and Zoning Permit No. 06-300-19 (Final Map) for Phase 3A of Tract No. 5644, located north of Tiber River Way and east of the Santa Clara River within District H of the RiverPark Specific Plan area.\*
10. SUBJECT: Planning and Zoning Permit No. 10-300-06 (Parcel Map) to Subdivide an Approximately 21.9-acre Parcel Located at 2000/2001 Lockwood Street Into Four Separate Parcels. Filed by Mike Penrod, McGaelic Group c/o Parkstone Companies, 860 Hampshire Road, Suite U, Westlake Village, CA 91361. (081)

**RECOMMENDATION:** Adopt **Resolution No. 14,127** approving Planning and Zoning Permit No. 10-300-06 (Parcel Map), for the subdivision located at 2000/2001 Lockwood Street.

11. **SUBJECT:** Planning and Zoning Permit No. 07-300-20 (Final Map for Tract No. 5781). Filed by Ernie Mansi, Aldersgate Investment, LLC 300 East Esplanade Drive, Suite 430, Oxnard, CA 93036. (093)

**RECOMMENDATION:** Adopt **Resolution No. 14,128** approving Planning and Zoning Permit No. 07-300-20 (Final Map for Tract No. 5781), dividing one parcel into two lots for development of a 156 unit affordable housing condominium project and public park space, located at the southeast corner of RiverPark Boulevard and American River Court.\*

#### Fire Department

12. **SUBJECT:** Authorization to Submit an Application for Federal Emergency Management Agency Assistance to Firefighters Grant in the Amount of \$3,354,067.04. (109)

**RECOMMENDATION:** Adopt **Resolution No. 14,129** authorizing the City Manager to submit an application for \$3,354,067.04 in Federal Emergency Management Agency Assistance (FEMA) grant funds, to be used to increase the number of firefighting personnel.

#### Police Department

13. **SUBJECT:** Amendment to Agreement with Coastal Occupational Medical Group. (113)

**RECOMMENDATION:** Approve and authorize the Mayor to execute an amendment to the agreement with Coastal Occupational Medical Group, (5243-10-PO), in the amount of \$142,500 for an additional two years for a total contract amount of \$285,000.

#### Public Works Department

14. **SUBJECT:** First Amendment to Agreement with AECOM for Construction Management Services for the GREAT Program Phase I AWPf and Phase I RWBS. (117)

**RECOMMENDATION:** Approve, and authorize the Mayor to execute the first amendment to the agreement with AECOM (A-7230) to increase the amount by \$102,732 for the total of \$6,618,417 for the construction management services of the GREAT Program Phase I Advanced Water Purification Facility (AWPF) and the Phase I Recycled Water Backbone System (RWBS).

15. **SUBJECT:** Fourth Amendment to Agreement with Hopkins Groundwater Consultants, Inc. for Hydrogeologic Design, Technical Review, and Consulting Support Services. (125)

**RECOMMENDATION:** 1) Approve and authorize the Mayor to execute the Fourth Amendment to the Agreement with Hopkins Groundwater Consultants, Inc. ("Hopkins Groundwater") (A-7115) to increase the amount by \$200,000 for a total of \$587,200 for the siting and design of Aquifer Storage and Recovery (ASR) wells, assistance with wells permitting, and associated post-design services, preparation of specifications for the rehabilitation of Wells Numbers 22, 32 and 33 and associated post-design services, and technical support regarding ongoing groundwater regulatory requirements; and 2) Approve a special budget appropriation to transfer funds in the amount of \$80,000 from the Recycled Water Distribution Project No. 116504 to the GREAT ASR Wells Project No. 116505.

16. **SUBJECT:** Agreement with KEH and Associates for Design and Post Design Services for the Effluent Sampling Facility Project. (131)

RECOMMENDATION: 1) Approve, and authorize the Mayor to execute the agreement with KEH and Associates (5639-11-PW) in the amount of \$218,527 for the design and post design services for the Effluent Sampling Facility Project; and 2) Approve a special budget appropriation to transfer funds in the amount of \$218,527 from the GREAT – Advanced Water Purification Facility Project (No. 066010) to the Advanced Water Purification Facility Sampling Station Project.

17. SUBJECT: Project Specification PW10-05 Wooley Road Utilities Improvement Project. (155)  
RECOMMENDATION: 1) Approve Project Specification No. PW10-05 for utility infrastructure improvements to include the installation of a recycled water pipeline on Wooley Road from Victoria Avenue to Rose Avenue and on C Street from Channel Islands Road to Wooley Road, and authorize staff to solicit bids for the project; and 2) Approve a Special Budget Appropriation of: (a) \$4,000,000 from the Recycled Water CIP (project 116503) and Recycled Distribution (project 106503) projects to the Wooley Road Utilities Improvement Project No. 083125 for the installation of the recycled water line, and (b) \$3,940,849 to recognized funding from the New Surface Transportation Authorization Act for street resurfacing improvements to the Wooley Road Utilities Improvement Project No. 083125.  
ACTION: Removed from agenda.

18. SUBJECT: Project Specification PW10-12 Rose Avenue Improvement Project). (159)  
RECOMMENDATION: 1) Approve Project Specification No. PW10-12 to include the construction and installation of a recycled water pipeline on the northbound corridor along Rose Avenue from Wooley Road to Camino del Sol and authorize staff to solicit bids for the project; and 2) Approve a Special Budget Appropriation of \$4,250,000 from the Recycled Water CIP (project 116503), Recycled Distribution (project 106503) and Recycled Backbone (project 096002) projects to Rose Avenue Improvement Project for the installation of the recycled water line.  
ACTION: Removed from agenda.

19. SUBJECT: Project Specification No. PW12-07 Camino del Sol Recycled Water Line Project. (163)  
RECOMMENDATION: 1) Approve Project Specification No. PW12-07 to include the construction and installation of a recycled water pipeline along Camino del Sol from Rose Avenue to Elevar Street and authorize staff to solicit bids for the project; and 2) Approve a Special Budget Appropriation of \$4,250,000 from the Recycled Water CIP (project 116503), Recycled Distribution (project 106503) and Recycled Backbone (project 096002) projects to the Camino del Sol Improvement Project for the installation of the water recycled line.  
ACTION: Removed from agenda.

INFORMATION/CONSENT AGENDA ACTION: Approved as recommended with the removal of agreement 5 of I-3, I-6, I-8, I-17, I-18, I-19. (Holden/Ramirez) Ayes: MacDonald, Flynn, Ramirez and Holden. Absent: Pinkard. Noes: Flynn only I-9 & I-11.\*

J. TRANSMITTAL OF INFORMATION ONLY ITEMS

K. INFORMATION/CONSENT PUBLIC HEARINGS

COMMUNITY DEVELOPMENT

At 9:02 p.m. the joint meeting with the Community Development Commission concluded.

L. PUBLIC HEARINGS

Development Services Department

- 1. SUBJECT: Request to rename a portion of Laurel Street to Coach C Lane (PZ No. 10-650-1).  
Filed by Morey Navarro.  
RECOMMENDATION: Continue to January 10, 2012.  
ACTION: Approved as recommended. (Holden/Ramirez) unanimously.
- 2. SUBJECT: Planning and Zoning Permit Nos. 02-640-01 (Specific Plan), 02-570-04.  
RECOMMENDATION: Continue to January 24, 2012.  
ACTION: Approved as recommended. (Holden/Ramirez) unanimously.

M. REPORT OF CITY MANAGER

- 1. SUBJECT: Pars Supplemental Retirement Benefit Plan. (167)  
RECOMMENDATION: Receive and file a report on the City's PARS Supplemental Retirement Benefit Plan.  
ACTION: Continue to future meeting.

The City Manager presented update on 101 Freeway/Rice Interchange bridge work and the schedule for Christmas tree collection.

N. CITY COUNCIL BUSINESS REPORTS

- 1. SUBJECT: Discussion of Resolution Supporting the Federal Clean Air Act. (Councilmember Carmen Ramirez)  
ACTION: Continue to future meeting.

O. REPORTS

Finance Department

- 1. SUBJECT: Annual Report for Development, Connection and Improvement Fees for the Year Ended June 30, 2011. (263)  
RECOMMENDATION: Receive and file the Annual Report for Development, Connection, and Improvement Fees for the year ending June 30, 2011 in accordance with Government Code Section 66006.  
ACTION: Approved as recommended. (Holden/Ramirez) unanimously.
- 2. SUBJECT: Comprehensive Annual Financial Report (CAFR) for Fiscal Year 2010-11 and Fiscal Year 2011-12 Financial Update. (273)

RECOMMENDATION: 1) Receive and file the City of Oxnard Comprehensive Annual Financial Report (CAFR) for Fiscal Year 2010-11; and 2) Receive an update of the Fiscal Year 2011-12 financial status.

ACTION: Removed from agenda.

Housing Department

- 3. SUBJECT: Amendments of Affordable Housing Loan Agreements Previously Approved by the City Council on June 21, 2011, Regarding the Las Villas de Paseo Nuevo Project Located in the Cypress Neighborhood Southwest of the Intersection of Cypress Road and Pleasant Valley Road. (277)

RECOMMENDATION: 1) Approve and authorize the Mayor to execute a First Amendment to the Affordable Housing Pre-Development and Construction Loan Agreement changing the priority payment in-lieu of taxes (PILOT), and making certain other changes described in this report; and 2) Approve and authorize the Mayor to execute a First Amendment to the Affordable Housing Loan Agreement amending the definition of "Operating Expense" and deleting the references to the PILOT Promissory Note consistent with the amendments to the Affordable Housing Pre-Development and Construction Loan Agreement.

DISCUSSION: Mark Manning, Special Counsel, reviewed the need for this amendment which include legal and agreement structure issues.

ACTION: Approve as recommended (Holden/MacDonald) Ayes: Ramirez, Holden, MacDonald and Flynn. Absent: Pinkard.

RECESS

At 9:39 p.m., the City Council recessed while the Housing Authority held a meeting. At 9:44 p.m., the City Council reconvened.

HOUSING AUTHORITY

At 9:44 p.m. the joint meetings with the Housing Authority concluded.

- P. PUBLIC COMMENTS ON REPORTS
- Q. APPOINTMENT ITEMS
- R. STUDY SESSION
- S. PUBLIC COMMENTS ON STUDY SESSION
- T. ADJOURNMENT

At 9:44 p.m. the City Council concurred to adjourn the meeting.

  
 DANIEL MARTINEZ  
 City Clerk

  
 DR. THOMAS E. HOLDEN  
 Mayor