

MINUTES

OXNARD CITY COUNCIL

Regular Meeting

October 2, 2012

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 Irene G. Pinkard, Bryan A. MacDonald, Timothy B. Flynn and Carmen Ramirez were present. Mayor Thomas E. Holden was absent. The City Clerk stated that the agenda was posted on Thursday in the Library and City Clerk's Office. Mayor Pro Tem Pinkard presided and called the meeting to order. Staff members present were: Daniel Martinez, City Clerk; Karen Burnham, Interim City Manager; Alan Holmberg, City Attorney; and Scott Herbert, Police Commander.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

C. CLOSED SESSION

At 5:36 p.m. the City Council recessed 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 5:45 p.m., Mayor Holden was present and presided.

The city Council also recessed to a closed session, pursuant to Government Code section 54956.9(a), to confer with its attorneys. The title and case number of the litigation being discussed Reyes, Juan v. City of Oxnard, et al Ventura County Superior Court Case No. 56-2011-00405522-CU-PO-VTA

At 6:22 p.m. the City Council reconvened and recessed to the evening session. At 7:03 p.m., the City Attorney announced Council decision to direct the City Attorney initiate litigation against Southern California Gas Company and several other defendants concerning utility relocation issues with facts and particulars to be disclosed once it has been filed.

D. OPENING CEREMONIES

At 7:03 p.m., the regular meeting of the Oxnard City Council reconvened in the Council Chambers. 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: 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; Martin Erickson, Special Assistant to the City Manager; and Jason M. Samonte, Traffic Engineer.

E. CEREMONIAL CALENDAR

1. **SUBJECT:** Presentation to Mayor Thomas E. Holden From the Sister City Committee on Behalf of the Mayor of Ocotlan, Mexico.
DISCUSSION: Debra Cordes, Sister City Committee, provided gifts to Mayor Holden from Mayor of Ocotlan, Mexico and the Ocotlan Sister City Committee.
2. **SUBJECT:** Presentation of Commendation to Lic. Rogelio Alejandro Flores-Mejia, Mexican Consul for His Service to the Community.
DISCUSSION: Mayor Holden provided Mexican Consulate Flores-Mejia who thanked the City Council for the recognition and his joy of living in the community.
3. **SUBJECT:** Presentation to City of Oxnard for its Employee Participation in the United Way Campaign.
DISCUSSION: Linda Roman thanked the City of Oxnard employees for support of the United Way program.
4. **SUBJECT:** Presentation of Proclamation Designating October 2012 as "Multicultural Month"
DISCUSSION: Community Relations Commissioner Tiffany Lopez, Community Relations Commissioner Ernest Stein and Martha Guillen, Office Assistant, invited the community to the Multicultural event being held October 6, 2012 in Plaza Park.
5. **SUBJECT:** Presentation of Proclamation Designating October 2012 as "Community Planning Month"
DISCUSSION: Mayor Holden presented a proclamation to Planning Commissioner Anthony Murguia, Planning Commissioner Stephen Huber and the Planning and Environmental Services Manager in recognition of "planning work" provided to the City.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

The following individuals provided comments: Ed Ellis; Martin Jones; Steve Nash; Larry Stein; William "Bill" Terry; Armando Vazquez; Donald Thibeault; Joshua Singletary; Francisco Jimernez; Robert Jefferson; and Ruben Flores.

N. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

1. **SUBJECT:** East County Courthouse Funding. (081)
RECOMMENDATION: Approve \$30,000 funding request for FY 2012-13 from the general fund reserve to retain limited, part-time judicial services at East County Courthouse.
DISCUSSION: The Special Assistant to the City Manager reviewed the impact of the closure of the East County Courthouse and use of General Fund reserves to support this service.

Judge Manuel J. Covarrubias; Judge Vince O'Neil; Dien Le, President Bar Association; and Allen Ball, Ventura County Trial Lawyers, provided reasons for the needed support of the East County Courthouse.

The following individuals provided comments: Pat Brown; Bert Perello and Larry Stein.

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

G. REVIEW OF INFORMATION/CONSENT AGENDA

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

The following individuals provided comments: Steve Nash (I-3); Pat Brown (I-3); Bert Perello (I-3); and Larry Stein (I-4).

At 8:42 p.m., Mayor Holden left the meeting and Mayor Pro Tem Pinkard presided. At 8:44 p.m., Mayor Holden returned to the meeting and presided.

I. INFORMATION/CONSENT AGENDA

City Clerk Department

1. SUBJECT: Minutes of the Adjourned Meeting of the City Council for July 31, 2012; and Minutes of the Special Meeting of the City Council for July 31, 2012. (001)
RECOMMENDATION: Approve.

City Manager Department

2. SUBJECT: Agreements for City Council Review. (011)
RECOMMENDATION: Approve and authorize the Interim City Manager, to execute the attached agreements/contracts and change orders/amendments in amounts more than \$25,000 but less than \$250,000.

Development Services Department

3. SUBJECT: Change Order No. 2 for Sully-Miller Contracting Co. for Project Specification No. DS12-01 for the Intelligent Transportation System (ITS) Construction Integration Project. (013)
RECOMMENDATION: Approve and authorize the Mayor to execute Change Order No. 2 for Project Specification No. DS12-01 with Sully-Miller Contracting Co. (A-7475) to increase the amount by \$291,125.90 (a total of \$3,120,072.38) for the ITS Construction Integration Project.

Public Works Department

4. SUBJECT: Agreement to Install Service Turnout, Easement Agreement and Easement Deed with South Shore Land Company LLC. (017)
RECOMMENDATION: Approve the Agreements and Deed for the South Shore Land Company, LLC with regard to property identified as follows: 1) Approve and authorize the Mayor to execute the Agreement to Install Service Turnout with South Shore Land Company, LLC (A-7521), identified by the County Assessor as APN 233-0-030-250, located at the north

side of Hueneme Road and east of Edison Drive; 2) Approve and authorize the Mayor to execute an Easement Agreement with South Shore Land Company, LLC (A-7522), identified by the County Assessor as APN-233-0-030-300, located at the north side of Hueneme Road and east of Edison Drive; and 3) Approve and authorize the Mayor to execute the Certificate of Acceptance for an Easement Deed with South Shore Land Company, LLC, identified by the County Assessor as APN-223-0-030-300, located at the north side of Hueneme Road and east of Edison Drive.

INFORMATION/CONSENT AGENDA ACTION: Moved to removed I-3 from the agenda (Ramirez/Flynn) Ayes: Flynn and Ramirez. Noes. MacDonald, Holden and Pinkard. Approved as recommended. (Holden/Pinkard) Ayes: Holden, Pinkard, MacDonald, Flynn, and Ramirez. Noes: Flynn and Ramirez only for I-4.

J. TRANSMITTAL OF INFORMATION ONLY ITEMS

K. INFORMATION/CONSENT PUBLIC HEARINGS

L. PUBLIC HEARINGS

Mayor Holden opened the public hearing. The City Clerk reported on publication and that there were one written communications received in favor of the development.

Development Services Department

1. SUBJECT: Review of the Planning Commission's Approval of Special Use Permit No. 11-500-2 for the Reuse of a Vacant Commercial Retail Building and Alcohol Sales for Off-Site Consumption for a Vallarta Market Shopping Center, Located at 2600 N. Vineyard Avenue. (031) RECOMMENDATION: Adopt **Resolution No. 14,282** upholding the Planning Commission's approval for reuse of a vacant building for a shopping center with alcohol sales for off-site consumption (beer and wine only), located at 2600 N. Vineyard Avenue. DISCUSSION: The Planning and Environmental Services Manager outlined the proposed development of Vallarta Shopping Center including parking, landscape, sale of alcohol, site location next to former school, and notices to businesses/residents.

Tom Layman, Vallarta Market, reviewed the proposed development of the property and opportunities for locations of other retail businesses. Cesar Gonzalez outlined the view of creating an opportunities of jobs, use of vacate site and benefits to employees/community. Miguel Gonzalez reviewed some of the unique services provided to the community.

The following individuals provided comments: Larry Stein; Touni Asaad; Yousef Asaad; Martel Fraser; Orlando Dozier; Eliana Asaad; Isacc Castillo; Soledad Trevino; Bert Perello; and Patricia Gutierrez.

ACTION: Close the public hearing. (Holden/Ramirez), unanimously.

Police Officer Waer reviewed the alcohol licenses in the area, possible site restrictions and location of former school site.

Miguel Gonzalez, Vallarta Market, stated the difficulty of selling only beer and wine at the location.

ACTION: Move to remove all sales of alcohol from the proposed store (Ramirez/Pinkard) this motion was removed from consideration. Approved of recommendation with store only having a beer and wine sales license. (Holden/Flynn) Ayes: Flynn, Ramirez, Holden Pinkard, and MacDonald.

M. REPORT OF CITY MANAGER

N. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

2. SUBJECT: California Cities Gang Prevention Network Meeting in Santa Rosa.
RECOMMENDATION: Accept a verbal report on the California Cities Gang Prevention Network Meeting.
DISCUSSION: The Deputy City Manager commented on the network meeting and 13 City member benefits of the program. Mayor Holden stated that prevention was the main goal of the organization.

Comments were received from: Inez Tuttle; Gloria Roman and Greg Runyon.

ACTION: The Council received the report and provided comments.

O. REPORTS

Finance Department

1. SUBJECT: Fiscal Year 2011-12 Preliminary Year-End Financial Update. (089)
RECOMMENDATION: Receive a preliminary year-end update for Fiscal Year (FY) 2011-12
DISCUSSION: The Chief Financial Officer reviewing sales taxes, change of revenues, expenditures (fuel costs) and fund balance changes. He focused on the following accounts General Fund, Street and Traffic Funds, Enterprise Utility Fund; PACC and Golf Funds.

Reviewed comments from: Bert Perello and Larry Stein.

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

P. PUBLIC COMMENTS ON REPORTS

Q. APPOINTMENT ITEMS

R. STUDY SESSION

S. PUBLIC COMMENTS ON STUDY SESSION

At 11:09 p.m., Mayor Holden left the meeting and Mayor Pro Tem Pinkard presided.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

The following individuals provided comments: Inez Tuttle; Gloria Roman; and Pat Brown.

N. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

The Council discussed placing the past \$300 Post Retirement benefit and the past City Manager contract as a future closed session issue. Mayor Pro Tem Pinkard also discussed the need to review the City Code regarding the protocol of Council review of the agenda process.

T. ADJOURNMENT

At 11:18 p.m. the City Council concurred to adjourn the meeting.


DANIEL MARTINEZ
City Clerk


DR. THOMAS E. HOLDEN
Mayor


DR. IRENE G. PINKARD
Mayor Pro Tem