

MINUTES

OXNARD CITY COUNCIL Regular Meeting September 14, 2010

A. ROLL CALL/POSTING OF AGENDA

At 5:31 p.m., the regular meeting of the Oxnard City Council convened in the Council Chambers. Councilmembers Andres Herrera, Dean Maulhardt, Irene G. Pinkard and Bryan A. MacDonald 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 Herrera presided and called the meeting to order. Staff members present were: Daniel Martinez, City Clerk; Edmund Sotelo, City Manager; Karen Burnham, Assistant City Manager; and Alan Holmberg, City Attorney. At 5:46 p.m., Mayor Holden is present and presided.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

Carmen Ramirez, opposed Peaker plant (C-2).

Bert Perello, opposed Peaker plant (C-2) and supported a Seabridge development settlement with DR Horton (C-3).

Edward Castillo supported a Seabridge development settlement (C-3).

C. CLOSED SESSION

The City Council recessed to a closed session, pursuant to Government Code section 54956.9(a), to confer with its attorneys. The titles and case numbers of the litigations being discussed are City of Oxnard, v. Sakioka Farms, et al. Ventura Superior Court Case No. CIV 237760; City of Oxnard, et al. v. California Coastal Commission Los Angeles Superior Court, Case No. BS122248; and Order Instituting Rulemaking to Consider Refinements to and Further Development of the Commission's Resources Adequacy Requirements Program PUC Rulemaking No. 05-12-013; and Oxnard School District v. D.R. Horton Los Angeles Holding Co., et al. Ventura County Superior Case No. 56-2008-00320518-CU-MC-VT

At 7:01 p.m., Mayor Holden announced the signature of settlement of the case of City of Oxnard, v. Sakioka Farms, et al. Ventura Superior Court Case No. CIV 237760. Mayor Holden also announced the City Council decision to appeal the case of City of Oxnard, et al. v. California Coastal Commission, Los Angeles Superior Court, Case No. BS122248; and Mayor Holden also announced the signature of the settlement of the case of Appeal Superior court decision Oxnard School District v. D.R. Horton Los Angeles Holding Co., et al. Ventura County Superior Case No. 56-2008-00320518-CU-MC-VT.

D. OPENING CEREMONIES

At 7:01 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: James Cameron, Chief Financial Officer; Curtis P. Cannon, Community Development Director; Grace Magistrale Hoffman, Deputy City Manager; Kymerly Horner, Redevelopment Project Manager; and Michael More, Financial Services Manager.

E. CEREMONIAL CALENDAR

1. SUBJECT: Presentation Employee of the Second Quarter of 2010.
DISCUSSION: George Iafrate thanked the City Council and City staff for the recognition.
2. SUBJECT: Presentation of Resolution Presented to Alice Haskins for 47 Years of Service. (001)
ACTION: Approved **Resolution No. 13,907** (Holden/Herrera) unanimously.
DISCUSSION: Ms. Haskins thanked the Council and City employees for the many years serving the City of Oxnard.
3. SUBJECT: Presentation of Resolution Presented to Theresa Doyle for 41 Years of Service. (003)
ACTION: Approved Resolution No. **Resolution No. 13,908** (Holden/Herrera) unanimously.
DISCUSSION: Ms. Doyle thanked the Council and City for the many years being
4. SUBJECT: Recognition of Oxnard Fleet Services Awarded #4 among the Top 100 Fleets in the Nation for 2010.
ACTION: Continue to October 21, 2010.
5. SUBJECT: United Way Campaign.
DISCUSSION: Ms. Eve Lieman, United Way, thanked the City of Oxnard employees for donations to the local United Way campaign.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Ernest Stein, Dallas Cowboys summer camp visit and benefits to non-profit organizations.

Larry Stein, public records requests.

Marty Glatt, finance structure of funding park and bridge structure.

Tim Flynn, accountability of City government and transparency to the public

Harold Ceja, against closure of Colonia Road at Oxnard Boulevard and DA investigation of City records.

Steve Nash, reporting of employees receiving of gifts.

Rod Cobos, importance of fairly hiring a labor compliance company for public works projects.

Frank Nilsen, street lights needed to be fixed (Orchard Lane and Oxnard Boulevard).

Bert Perello, street lights needed to be fixed (Orchard Lane and Oxnard Boulevard) and fire at the Wagon Wheel area.

Martin Jones, costs of hiring of spoke person for the Mayor and individual defense attorney costs.

Diane Delaney, opposed the expansion of Embassy Suites Hotel development and need for EIR.

Vera Gonzeles, expressed concern with the trucks parking next to her residential wall on Rose Avenue.

Ventura Fernandez, concerns with cost of City contracts.

Inez Tuttle, voting in upcoming election and need for Spanish translation of Council meetings.

Greg Ruyon, during a time of crisis, this may be a time to take control of an individual's life.

G. REVIEW OF INFORMATION/CONSENT AGENDA

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Larry Stein, opposed granting a beer/wine license to Walmart (I-5).

Bert Perello, questioned when does an agreement go to re-bid (I-7) and questioned amount given to Maritime Museum (I-2). The Deputy City Manager stated that this would be the first contribution given to the Maritime Museum.

Pat Brown, the need to raise funds by all non-profit organizations by applying for grants and writing of reports for funding (I-2) and opposed granting Walmart a beer/wine license (I-5).

I. INFORMATION/CONSENT AGENDA

City Clerk Department

1. SUBJECT: Minutes of the Regular Meetings of the City Council for July 13, 2010. (005)
RECOMMENDATION: Approve.

City Manager Department

2. SUBJECT: Contribution to the Ventura County Maritime Museum. (013)
RECOMMENDATION: Approve the appropriation of funds in the amount of \$75,000 from the General Fund Operating Reserve to the Ventura County Maritime Museum.

City Treasurer Department

3. SUBJECT: Resolution to commend Deborah Nicks for 27 years of service. (019)
RECOMMENDATION: Adopt **Resolution No. 13,909**.

Development Services Department

4. SUBJECT: Special Budget Appropriation for Rice Avenue/Santa Clara Avenue Interchange Improvements At Highway 101. (021)
RECOMMENDATION: Recognize federal grant revenue and appropriate \$490,000 to "Highway 101—Rice Interchange" for the Rice Avenue/Santa Clara Avenue interchange improvements at U.S. Highway 101.
5. 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.
RECOMMENDATION: Continue to September 21, 2010.

Finance Department

6. SUBJECT: Resolution to commend Chris Maxwell for 30 years of service. (025)
RECOMMENDATION: Adopt **Resolution No. 13,910**.

Housing Department

7. SUBJECT: Third Amendment to Agreement with Comprehensive Housing Services, Inc. (CHS), for Prevailing Wage Monitoring Services. (027)
RECOMMENDATION: Approve and authorize the Mayor to execute a Third Amendment to Agreement with CHS (4148-07-FN) for prevailing wage monitoring services in an amount not to exceed \$299,000.
8. SUBJECT: Agreements with Cabrillo Economic Development Corporation (CEDC) Regarding \$1,623,840 loan to Paseo De Luz Development and Camino Gonzalez Development at 481 W. Gonzalez Road. (031)
RECOMMENDATION: Approve and authorize the Mayor to execute certain documents reallocating the previously approved City loan to CEDC: 1) a Regulatory Agreement with CEDC for the Paseo De Luz development, at 457 W. Gonzalez Road; 2) HUD Rider to Regulatory Agreement; 3) Partial Termination and Release of Regulatory Agreement; 4) Substitution of Trustee and Deed of Partial Reconveyance; and 5) Assignment and Assumption, Amendment and Modification Agreement.

Library Department

9. SUBJECT: Resolution to commend Jane Lin for 20 years of service. (055)
RECOMMENDATION: Adopt **Resolution No. 13,911**.

Police Department

10. SUBJECT: Second Amendment to Agreement for Transcription Services. (057)
RECOMMENDATION: Approve and authorize the Mayor to execute the Second Amendment to Agreement for Trade Services for a two year extension to the original agreement (3745-06-PO) for transcription services with Huntington Court Reporters and Transcription, Inc. in the amount of approximately \$100,000 per year, for a total amount of approximately \$300,000.

Public Works Department

11. SUBJECT: Second Amendment to Agreement with JCI Jones Chemicals for Chemical Supply and Delivery of Sodium Hypochlorite and Sodium Hydroxide to the Water Campus. (061)
RECOMMENDATION: Approve and authorize the Mayor to execute the Second Amendment to the Agreement with JCI Jones Chemicals to increase the amount by \$332,564 for a total of \$997,692 for chemical supply and delivery of Sodium Hypochlorite and Sodium Hydroxide (A-7092), and extend the contract expiration date to August 31, 2011.
12. SUBJECT: PW 11-01 Water Blending and Pumping Station #6 Project. (063)
RECOMMENDATION: 1.) Approve Project Specification No. PW11-01 for the Water Blending and Pumping Station No. 6, located within the existing Water Campus facility, 251 South Hayes Avenue, and authorize staff to solicit bids for the project; and 2.) Approve a special budget

appropriation to transfer funds in the amount of \$992,840 to the Blending Station No. 6 Project No. 116501 from the following: \$500,000 from Blending Station #5 Project No. 026004 Account No. 601-6528-821-8605; \$100,000 from SCADA Security Upgrades Project No. 066008 Account No. 601-6517-821-8605; and \$392,840 in interest earnings from the 2006 Water Bonds.

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

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 posting, publication and no written communications were received.

Development Services Department

1. SUBJECT: Third Amendment to the RiverPark Development Agreement No. A-6128 (PZ 10-670-02). Filed by Tony Talamante c/o RiverPark Legacy LLC, 1250 Corona Pointe Suite 600, Corona, CA 92879 on behalf of the RiverPark developers.
RECOMMENDATION: Continue to September 28, 2010.

Housing Department

2. SUBJECT: City of Oxnard Consolidated Annual Performance and Evaluation Report (CAPER) for the FY 2009-2010. (069)
RECOMMENDATION: Accept the City of Oxnard's CAPER for FY 2009-2010.

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

L. PUBLIC HEARINGS

At 8:23 p.m., the City Council recessed while the Community Development Commission held a meeting and at 8:47 p.m., the City Council reconvened.

COMMUNITY DEVELOPMENT

At 8:47 p.m. the concurrent meetings with the Community Development Commission concluded.

M. REPORT OF CITY MANAGER

The City Manager commented on the recent DA investigation. The City Council concurred that the subject of possible changes to City policies be placed on a future agenda.

N. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

Mayor Pro Tem Herrera commented on the success of a summer art program and asked for a follow-up report of early retirement program. The City Manager stated he anticipated a report by September 28, 2010.

Councilwoman Pinkard commented on the successful census count.

Councilman MacDonald reviewed SCAG information and recent recommendation. He also asked for a report regarding the State marijuana ballot issue.

1. **SUBJECT:** California Discovery Museum, located at old Levitz property 2420 North Oxnard Boulevard. (075)

RECOMMENDATION: Execute a letter of support for a California Discovery Museum at the old Levitz Furniture Store site.

DISCUSSION: The Development Services Director outlined the idea to use the former Levitz property and develop of a regional museum.

Steven Geoffrion, Lauterbach Architects, need for future funding and planning for the development.

The City Council questioned any future contribution to the development and the need for placement of this subject on a future agenda.

ACTION: Approved as recommended with placement on future agenda. (Holden/ Maulhardt) unanimously.

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

At 9:13 p.m. the City Council concurred to adjourn the meeting.