

## MINUTES

### OXNARD CITY COUNCIL

Regular Meeting

January 11, 2011

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

At 5:47 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, Irene G. Pinkard, Bryan A. MacDonald, Timothy B. Flynn and Carmen Ramirez were present. 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: Daniel Martinez, City Clerk; Edmund Sotelo, City Manager; Karen Burnham, Assistant City Manager; Alan Holmberg, City Attorney.

#### B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

#### C. CLOSED SESSION

At 5:48 p.m. the City Council recessed to a closed session, pursuant to Government Code section 54956.9(c) to decide whether to initiate litigation in one potential case.

The City Council also recessed pursuant to Government Code section 54956.9(b). At this time, there is a significant exposure to litigation against the City in one potential case. The City received a written complaint from an employee alleging discrimination and harassment by the City Attorney based on gender and physical disability. The City commissioned an independent investigation by an outside organization which has completed its investigation and submitted a report. City Council will discuss the report and seek advice from special counsel.

At 7:08 p.m. the City Council reconvened and recessed to the evening session. Mayor Holden announced City Council authorized City Attorney to instigate litigation against several defendants including Malcolm Pirnie, Inc. Defendant names and other particulars will be provided once litigation commences. He also stated the City Council provided instructions to Special Council regarding a matter of threat litigation and no action was taken.

#### D. OPENING CEREMONIES

At 7:08 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 by Oxnard Sister City organization and followed by a moment of silence for individuals affected by the recent Arizona shooting. Mayor Holden presided. Additional staff members present were: Curtis P. Cannon, Community Development Director; Jason Benites, Acting Police Chief; 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; Mark Norris, Recycled Water Program Manager; Steven Newman, Plan Check Engineer, and Michael More, Financial Services Manager.

E. CEREMONIAL CALENDAR

1. SUBJECT: Presentation of Employee of the Third Quarter 2010  
DISCUSSION: Martha Guerra received recognition as Employee of the Third Quarter 2010.
2. SUBJECT: Presentation of Employee of the Fourth Quarter 2010  
DISCUSSION: Denise Brennecke received recognition as Employee of the Fourth Quarter 2010.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

The following individuals provided comments: Ed Ellis (Big League Dreams); Al DeLorey (speed humps); Martin Jones (bidding process); Nancy Pederson (Ormond Beach); Peggy Rivera (homelessness); Steve Nash (use accounting firm); Ignacio Vazquez (rail transportation); Mike Barber (Christmas marathon race); Gerry Moreno (fixing pot holes); Bert Perello (public hearing process); Larry Stein (selection for committees); Frank Nilsen (pedrisien safety); Ernest Wennerholm (ADA curb-cut compliance); Pat Brown (Gills Onions); and Dayle Morris (Ormond Beach).

G. REVIEW OF INFORMATION/CONSENT AGENDAH. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

The following individuals provided comments: William Terry (I-4); Bert Perello (I-4, I-6, I-7, I-12, I-14); Larry Stein (I-9); Pat Brown (I-4, I-8); Shirley Godwin (I-4); and Larry Godwin (I-7).

I. INFORMATION/CONSENT AGENDACity Clerk Department

1. SUBJECT: Minutes of the Regular Meetings of the City Council for November 9 and 16, 2010. (001)  
RECOMMENDATION: Removed from agenda.

City Manager Department

2. SUBJECT: Agreements for City Council Review. (017)  
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.

City Treasurer Department

3. SUBJECT: Ordinance to Amend the Oxnard City Code to Reflect a Conversion in the Renewal Date for Businesses. (019)  
RECOMMENDATION: Approve the first reading by title only and subsequent adoption of **Ordinance No. 2838** amending the title of Article I of Chapter 11, the title of section 11-45, subsection (A) of section 11-45, subsection (C) of section 11-56, section 11-57, subsection (A) of section 11-59, subsection (V) of section 11-65, section 11-72, subsection (F) of section 11-82,

section 11-131, section 11-186, subsection (B) of section 11-208, section 11-251, subsection (A) of section 11-263, subsection (A) of section 11-283, and subsection (D) of section 11-283 of the Oxnard City Code and repealing and readopting Divisions 1 and 2 of Article I of Chapter 11, section 11-46, section 11-47, section 11-171, section 11-200, section 11-220, and section 11-237 of the Oxnard City Code concerning business tax certificates.

#### Community Development Department

4. SUBJECT: Request \$1,000,000 Additional Funding for the Reimbursement of the Costs to Acquire Land for and Install and Construct the Cypress Neighborhood Garden City Acres Park Located at the Corner of Cypress Road and Eugene Walk in the Historic Enhancement and Revitalization of Oxnard Project Area. (021)

RECOMMENDATION: 1) Approve and adopt **Resolution No. 13,944** entitled, "A resolution of the City Council of the City of Oxnard, California, consenting to payment or reimbursement by the Oxnard Community Development Commission of additional costs related to certain public improvements in the Historic Enhancement and Revitalization of Oxnard ("HERO") Project Area, and making certain determinations and findings (Garden City Acres Park)." And 2) Approve and authorize the Mayor to execute the Cooperation Agreement (A-7384) with the Oxnard Community Development Commission ("CDC") in an amount not to exceed \$1,000,000 for payment of costs associated with the development of the Garden City Acres Park.

DISCUSSION: The Development Services Director reviewed the development of park and reimbursement agreement.\*

#### Development Services Department

5. SUBJECT: **Ordinance No. 2837**, Planning and Zoning (PZ) Permit No.10-570-01 (Zone Change) and PZ No.10-500-01 (Special Use Permit) for Fresh and Easy Neighborhood Market at 1401 West Gonzales Road. Filed by Designated Agent, Clay Toombs, Evergreen Devco. (035)  
RECOMMENDATION: Second reading and adoption.

6. SUBJECT: **Ordinance No. 2836**, Regarding Building Regulations. (037)  
RECOMMENDATION: Second reading and adoption.

#### Finance Department

7. SUBJECT: Cancellation of Special Tax Lien for Property Within Community Facilities District No. 90-1. (065)  
RECOMMENDATION: Acting as the legislative body of Community Facilities District No. 90-1 (Oxnard Town Center) "CFD 90-1" approve the first reading by title only and subsequent adoption of **Ordinance No. 2839** dissolving CFD 90-1 and dissolving all associated liens thereof.

#### Fire Department

8. SUBJECT: State Homeland Security Grant. (075)  
RECOMMENDATION: Recognize Grant Revenue and approve a special budget appropriation in the amount of \$82,405 from the federal Department of Homeland Security and subgranted through the State of California for Hazardous Material Response, Urban Search and Rescue (USAR) and Community Emergency Response Team (CERT) training.

9. SUBJECT: Approval to take Project Specification FD11-03 for Fire Stations #1, #2, #3, & #6 to Public Bid. (079)  
RECOMMENDATION: Approve project specification # FD11-03 for replacement of degraded asphalt and concrete for Fire Stations #1, #2, #3, & #6.

Police Department

10. SUBJECT: Resolution Presented to Benjamin Chavez for Over Twenty-Six Years of Exemplary Service to the City of Oxnard. (081)  
RECOMMENDATION: Adopt **Resolution No. 13,945**.
11. SUBJECT: Resolution Presented to Larry Robertson for Over Twenty-Seven Years of Exemplary Service to the City of Oxnard. (083)  
RECOMMENDATION: Adopt **Resolution No. 13,946**.

Public Works Department

12. SUBJECT: Change Order No. 14 with McCarthy Building Companies, Inc. for the Advanced Water Purification Facility. (085)  
RECOMMENDATION: Approve and authorize the Mayor to execute Change Order No. 14 with McCarthy Building Companies, Inc. (A-7259) in the amount of \$126,087.00 for construction costs associated with unforeseen utilities, soil conditions, and asphalt conditions encountered during the installation of the 20-inch Reverse Osmosis Concentrate line, and the extension of the 36-inch Microfiltration Facility line.
13. SUBJECT: Change Order No. 15 with McCarthy Building Companies, Inc. for the Advanced Water Purification Facility. (087)  
RECOMMENDATION: Approve and authorize the Mayor to execute Change Order No. 15 with McCarthy Building Companies, Inc. (A-7259) in the amount of \$111,440 for construction costs associated with electrical modifications, with the provision that the City reserves the right with respect to ultimate responsibility for cost of the change.
14. SUBJECT: Change Order No. 1 with Blois Construction, Incorporated for the Victoria Avenue Sewer Project. (095)  
RECOMMENDATION: Approve and authorize the Mayor to execute Change Order No. 1 with Blois Construction, Inc. (Blois) (A-7347) in the amount of \$28,515.11 for construction costs associated with realignment of the sewer line and construction delays due to unforeseen utilities on Victoria Avenue between Hemlock Street and Channel Islands Boulevard.

INFORMATION/CONSENT AGENDA ACTION: Approved as recommended with additional wording to I-4 and I-1 removed from the agenda (Pinkard/Holden) Ayes: Holden, Pinkard, MacDonald, Flynn, and Ramirez.

J. TRANSMITTAL OF INFORMATION ONLY ITEMS

1. SUBJECT: Monthly Budget Status Report for the Period Ending November 30, 2010. (097)  
Received and filed  
DISCUSSION: Larry Stein  
ACTION: Received and filed.

K. INFORMATION/CONSENT PUBLIC HEARINGSL. PUBLIC HEARINGSM. REPORT OF CITY MANAGERCOMMUNITY DEVELOPMENT COMMISSION

At 8:49 p.m. the concurrent meetings with the Community Development Commission and Housing Authority concluded.

N. CITY COUNCIL BUSINESS/COMMITTEE REPORTSCity Clerk Department

1. SUBJECT: Appointments of Councilmembers to Various Boards, Commissions, and Committees. (109)

ACTION: 1) That the Mayor, with the approval of the City Council, appoint members and alternates from the City Council to the: (a) Association of Water Agencies for Ventura County: MacDonald and Ramirez (A); (b) Beach Erosion Authority for Control of Operation & Nourishment: Flynn and Pinkard (A); (c) Big Independent Cities Excess Pool Joint Powers Authority: Holden; (d) Economic Development Corporation: Holden and MacDonald; (e) Gold Coast Transit: MacDonald and Ramirez (A); (f) Las Cortes Housing Development Corporation: MacDonald and Ramirez; (g) Oxnard Convention & Visitors Bureau: Holden and Pinkard; (h) Oxnard Plain/RiverPark Reclamation and Recharge Joint Powers Authority: Flynn, Ramirez and Holden (A); (i) Performing Arts and Convention Center Corporation: Pinkard and Ramirez; (j) Point Mugu Regional Airport Authority: Pinkard, Ramirez and Flynn (A); (k) Regional Defense Partnership for the 21st Century: MacDonald and Flynn (A); (l) Southern California Association of Governments: MacDonald and Flynn (A); (m) Ventura Council of Governments: Flynn and Pinkard (A); (n) Ventura County Animal Regulation Commission: Ramirez and Pinkard (A); (o) Ventura County Regional Energy Alliance: Flynn and Holden; (p) Ventura County Air Pollution Control District Board: Ramirez ; (q) Ventura County Local Agency Formation Commission, Holden; (r) Ventura County Transportation Commission: Pinkard; (s) Ventura Regional Sanitation District: Holden and Pinkard (A); (t) Census 2010 Committee, Pinkard and MacDonald; (u) City Wide Enhancement Program: Pinkard and Ramirez; (v) Downtown Improvement Task Force: Pinkard and MacDonald; (w) Fiscal Policy Task Force: MacDonald and Ramirez; (x) Graffiti Task Force: Pinkard and Flynn; (y) Transportation Policy Committee: Flynn and Ramirez; and (z) Utilities Task Force: Holden and MacDonald; (b) Intercity Transit (subcommittee of Ventura County Transportation Commission), Ramirez; (d) Joint Oxnard/Ventura Santa Clara Bridge Committee, Pinkard and Flynn; (e) Ormond Beach Property Oversight Ad Hoc Committee, Holden and Ramirez; (f) Channel Islands Harbor Task Force, Holden and Flynn; 2) That the City Council, as a whole, appoint Pinkard and Flynn to the Oxnard Airport Authority and MacDonald as an alternate; and 3) That the City Council, as a whole, dissolve the following boards, commissions, and committees, for several reasons including completion of objectives and not meeting: (a) Base Realignment and Closure 2005 Ventura County Task Force; (c) Joint Oxnard/Ventura Cooperative Committee; and (g) Homeless Plan Working Group.

Mayor Pro Tem Pinkard reported on the Ventura County Transportation Commission meeting regarding concerns of State tax revenue and federal issue of possible funding decrease.

Mayor Holden requested a report on Statewide Redevelopment issue and the effects on current projects. Councilman Flynn also requested information on Enterprise Zones.

City Attorney Department

2. SUBJECT: Review of Policies and Procedures Concerning City Council Business. (119)  
RECOMMENDATION: 1) That City Council, consider formation of an ad hoc committee of two Councilmembers to examine policies and procedures concerning the conduct of City Council business and to make recommendations to the City Council; and 2) If such a committee is formed, that the Mayor, with the approval of City Council, appoint two Councilmembers to constitute the committee  
DISCUSSION: The City Attorney introduced the possible formation of an ad hoc committee to review policies and procedures

Larry Godwin need of public participation.

ACTION: Form an ad hoc committee, continue following the current policies/manual in place and appointment of Mayor Pro Tem Pinkard and Councilman Flynn (Holden/MacDonald) Ayes: MacDonald, Flynn, Ramirez, Holden and Pinkard.

3. SUBJECT: Public Access Issues.  
RECOMMENDATION: Consider a verbal report by and provide direction to the City Attorney and City Manager on legal and policy issues and discussions with interested public access operators.  
DISCUSSION: The City Manager and City Attorney briefly reviewed community interest in having a public access channel.

The following individuals provided comments: Denis O'Leary, David Cruz, Dr. Ray Tejada Gil Guevara, Harold Ceja, Jose Collado, Marco Benites, Pat Brown, Ramiro Sandoval, Dr. Adrienne Lara, and Marisa Montgomery.

ACTION: Directed staff to meet with all interested parties to discuss the possibilities of creating a public access channel.

RECESS

At 10:02 p.m., the City Council recessed and at 10:07 p.m., the City Council reconvened.

ITEMS REMOVED FROM AGENDA

The City Council concurred to remove O-3 (Comprehensive Annual Financial Report CAFR) for Fiscal Year 2009-2010) and O-4 (Water Conservation Master Plan) from the agenda.

O. REPORTSCity Manager Department

1. SUBJECT: Approval of Award of Contract No. A-7379 for College Park Improvements Phase 1C Project GS09-11. (129)

RECOMMENDATION: 1) Approve the award of contract to C.S. Legacy Construction, Inc. (A-7379) in the amount of \$11,066,475 for the College Park Improvements Phase 1C Project GS09-11, located at 3250 South Rose Avenue; and 2) Authorize the Mayor to execute the contract upon receipt of all supporting contract documents.

DISCUSSION: The General Services Manager reviewed completed phases, the proposed development of Phase 1C, funding deadline requirements, bid process for this phase and time line. The Chief Financial Officer reviewed bond sale process for projects.

Gregg Strumpt, C.S. Legacy Construction, reviewed labor and/or legal concerns.

At 10:41 p.m., Mayor Holden left the meeting and Mayor Pro Tem Pinkard presided. At 10:45 p.m., Mayor Holden returned and presided.

The following individuals provided comments: Shirley Godwin, Pat Brown, Ralph Valenzuela, and Bert Perello.

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

At 11:01 Mayor Holden left the meeting and Mayor Pro Tem Pinkard presided.

The City Council requested future information on Big League Dreams.

Finance Department:

2. SUBJECT: Annual Report for Development, Connection and Improvement Fees for the Year Ended June 30, 2010. (133)

RECOMMENDATION: Receive and file the annual report for Development, Connection and Improvement Fees for the year ended June 30, 2010 in accordance with Government Code Section 66006.

DISCUSSION: The Chief Financial Officer briefly reviewed development, connection and improvement fees.

ACTION: Received and filed.

3. SUBJECT: Comprehensive Annual Financial Report (CAFR) for Fiscal Year 2009-2010. (143)

RECOMMENDATION: Receive and file the Comprehensive Annual Financial Report for 2009-2010.

ACTION: Continue to January 25, 2011.

Public Works:

4. SUBJECT: Water Conservation Master Plan. (145)

RECOMMENDATION: Approve and adopt a resolution approving the City of Oxnard Water Conservation Master Plan.

ACTION: Continue to January 25, 2011.

P. PUBLIC COMMENTS ON REPORTS

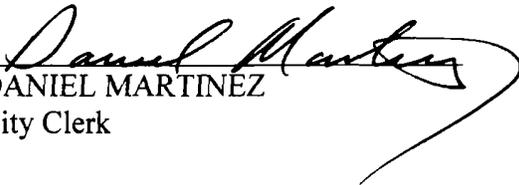
Q. APPOINTMENT ITEMS

R. STUDY SESSION

S. PUBLIC COMMENTS ON STUDY SESSION

T. ADJOURNMENT

At 11:14 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