

MINUTES

OXNARD CITY COUNCIL

Regular Meeting

July 26, 2011

A. ROLL CALL/POSTING OF AGENDA

At 6:04 p.m., the regular meeting of the Oxnard City Council convened in the Council Chambers. Councilmembers Thomas E. Holden, Bryan A. MacDonald, and Carmen Ramirez were present. Councilmembers Irene G. Pinkard and Timothy B. Flynn were 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: Daniel Martinez, City Clerk; Edmund Sotelo, City Manager; Karen Burnham, Assistant City Manager; and Alan Holmberg, City Attorney.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

Comments were received from Steve Nash and Pat Brown.

C. CLOSED SESSION

At 6:11 p.m., 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 litigation being discussed were: City of Oxnard, et al. v. California Coastal Commission and Southern California Edison, Court of Appeal of California, Second Appellate District, Case No. B227835; and Order Instituting Rulemaking to Consider Refinements to and Further Development of the Commission's Resources Adequacy Requirements Program, PUC Rulemaking No. 09-10-032

The City Council also recessed to a closed session, pursuant to Government Code section 54956.9(b)(3)(B). At this time, there is a significant exposure to litigation against the City in one potential case, based upon the written contention of two residents that the City Council must change Neighbor Council bylaws to make meeting of Neighborhood Councils subject to the provisions of the Ralph M. Brown Act and threat of legal action if the City Council does not take action to make such meetings subject to the Act.

D. OPENING CEREMONIES

At 7:07 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: James Cameron, Chief Financial Officer; Curtis P. Cannon, Community Development Director; William "Bill" Wilkins, Housing Director; Matthew Winegar, Development Services Director; Scott Whitney, Assistant Police Chief; Michael Henderson, General Services Manager; Tom Chronister, Police Commander; Sue Martin, Planning and Environmental Services Manager; Grace Magistrale Hoffman, Deputy City Manager; and Todd Mooney, Special Legal Counsel (Community Development Commission).

E. CEREMONIAL CALENDAR

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

The following individuals provided comments: Al Delorey, Steve Nash; Allen Sanders; Adela Lambert (Oxnard Sister City President); Jim Hensley; William "Bill" Terry; Harold Ceja; Ana Cristina Flores (Assemblymember Das Williams); Gloria Roman; and Bert Perello.

G. REVIEW OF INFORMATION/CONSENT AGENDA

Councilmember Ramirez requested details regarding I-1; I-5; I-10 and I-11. The City Attorney reviewed attorney fees (I-1) and that no elected officials received legal services; Planning and Environmental Services Manager outlined the proposed extension (I-5); Police Commander reviewed the need for the security agreement (I-10).

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Received comments from Allan Sanders (I-5), Bert Perello (I-2), (I-10).

I. INFORMATION/CONSENT AGENDA**City Manager**

1. **SUBJECT:** Agreements for City Council Review. (001)
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

2. **SUBJECT:** Quarterly Investment Report for the Fourth Quarter F/Y 2010-2011. (005)
RECOMMENDATION: Accept the quarterly Investment Report for the Fourth Quarter F/Y 2010-2011.

Development Services Department

3. **SUBJECT:** Joint Use Agreements with Southern California Edison Company (SCE). (011)
RECOMMENDATION: 1) Approve and authorize the Mayor to execute an agreement with SCE (A-7429) for joint use of public right of way at Rice Avenue north of Gonzales Road; and 2) Approve and authorize the Mayor to execute an agreement with SCE (A-7428) for joint use of public right of way at Santa Clara Avenue and Ventura Boulevard.
4. **SUBJECT:** Third Amendment to Agreement with AECOM Technical Services, Inc. (AECOM) for the Rice Avenue/Santa Clara Avenue Interchange Improvement Project at U.S. Highway 101; Special Budget Appropriation for "Highway 101—Rice Avenue". (029)
RECOMMENDATION: 1) Approve and authorize the Mayor to execute a third amendment to the agreement with AECOM (A-7235) to increase the amount by \$376,293.21 (a total of \$3,686,793.23) to provide construction management services for the Rice Avenue/Santa Clara Avenue interchange improvement project at U.S. Highway 101; and 2) Approve the appropriation of funds in the amount of \$630,000 for "Highway 101—Rice Avenue" project construction expenses from the Circulation System Improvement Fees to the "Highway 101—Rice Avenue" project for the Rice Avenue/Santa Clara Avenue interchange improvements at U.S. Highway 101.

5. SUBJECT: Planning and Zoning Permit No. 05-300-8 (Final Map for Phase 1 of Tract No. 5592) North Shore at Mandalay Bay, filed by Mandalay Bay Development, LLC. (033)
RECOMMENDATION: Removed from agenda.*

Housing Department

6. SUBJECT: 2011 US Department of Housing and Urban Development Continuum of Care Grant. (041)
RECOMMENDATION: Adopt **Resolution No. 14,103** authorizing: 1) The City Manager to execute and submit the 2011 Continuum of Care Grant application in the amount of \$764,156; 2) The City Manager or designee to execute any agreements necessary to accept the grant award and appropriate funds in the amount of the grant award; 3) The Chief Financial Officer or designee to submit financial reports and grant claims and approve special budget appropriations; and 4) The Housing Director or designee to submit non-financial reports.
7. SUBJECT: Encumbrance of Funds for Community Action of Ventura County and 1450 South Rose Avenue Contracts Awarded by the U.S. Department of Housing and Urban Development Contracts in the amounts of \$123,348 and \$13,490. (045)
RECOMMENDATION: 1) Recognize Revenue and Appropriate Funds in the amounts of \$123,348 and \$13,490 from the U.S. Department of Housing and Urban Development's Continuum of Care Grant, Supportive Housing Program; and 2) Authorize the City Manager to execute any agreements necessary to accept the grant award.

Police Department

9. SUBJECT: Enterprise Fleet Management Contract. (063)
RECOMMENDATION: Approve and authorize the Mayor to execute a five year agreement for vehicle leasing with Enterprise Fleet Management (A-7401) for undercover vehicles in the amount not to exceed \$875,000.
10. SUBJECT: Agreement for Professional Services with Siemens Industry, Inc. for Comprehensive Remote Surveillance Program. (065)
RECOMMENDATION: Approve and authorize the Mayor to execute an Agreement for Professional Services with Siemens Industry, Inc. (A-7419) in the amount of \$300,000 to develop the City's comprehensive remote surveillance system.
11. SUBJECT: Resolution Commending Sergeant Robert Camarillo for Over Thirty-Three Years of Exemplary Service to the City of Oxnard. (067)
RECOMMENDATION: Approve **Resolution No. 14,104**.

Public Works Department

12. SUBJECT: Restated License Agreement to Encroach Upon Easement, Blending Station No. 3, 1700 Solar Drive. (069)
RECOMMENDATION: 1) Approve and authorize the Mayor to execute a Restated License Agreement granting to the City a right to encroach upon an easement in favor of Flag Properties ("Flag") across property located at 1700 Solar Drive, Oxnard, California, used by the City for operations at its Blending Station Number; and 2) Approve a Special Budget Appropriation of \$135,000 from 2006 Water Bonds interest earnings to Blending Station No. 3 Driveway Modifications Project No. 126501.

13. SUBJECT: Adoption of a Mitigated Negative Declaration for the Phase I Recycled Water Backbone System (RWBS) – Wooley Road and Rose Avenue Extensions for the Groundwater Recharge Enhancement and Treatment (GREAT) Program. (079)
RECOMMENDATION: Adopt **Resolution No. 14,105** to adopt a Mitigated Negative Declaration for the City of Oxnard's GREAT Program Phase I Recycled Water Backbone System for the Wooley Road and Rose Avenue Extensions.
14. SUBJECT: Metropolitan Water District of Southern California Member Agency Funded Water Conservation Programs. (131)
RECOMMENDATION: 1) Adopt **Resolution No. 14,106** authorizing the City Manager or his designee to execute agreements, amendments and documents necessary to secure reimbursements from Metropolitan Water District of Southern California and Calleguas Municipal Water District for the following three water conservation programs: a) A High Efficiency Toilet Exchange Program for single-family water customers; b) A High Efficiency Toilet Installation Program for multi-family water customers; c) A High Efficiency Sprinkler Nozzle Distribution program for both residential and commercial water customers; and 2) Approve a Special Budget Appropriation in the amount of \$483,400 consisting of \$207,750 reimbursable funds and \$275,650 from Water Fund Balance.

INFORMATION/CONSENT AGENDA ACTION: Approved as recommended with North Shore at Mandalay Bay (I-5) removed from the agenda.* (MacDonald/Holden) Ayes: Holden, MacDonald, and Ramirez. Absent: Pinkard and Flynn.

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: Planning and Zoning Permit No. 11-580-02 (Zone Text Amendment) to Define and Add Pawnshops as an Allowed Use in Specific Zones. (137)
RECOMMENDATION: Approve the first reading by title only and subsequent adoption of **Ordinance No. 2847** to authorize a Zone Text Amendment regarding pawnshops.
ACTION: Close the public hearing. (Holden/MacDonald) Approved as recommended. (Holden/MacDonald) with review of terms and language of ordinance. Ayes: Ramirez, Holden, and MacDonald. Absent: Pinkard and Flynn.

ACTION: Mayor Holden declared the public hearing open.

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

2. SUBJECT: Zone Code Text Amendment (PZ 10-580-02), Reasonable Accommodation Ordinance. (145)
RECOMMENDATION: Approve the first reading by title only and subsequent adoption of **Ordinance No. 2848** amending Chapter 16 of the City Code to add a procedure and standards for the granting of reasonable accommodations for persons with disabilities.

ACTION: Close the public hearing. (Holden/MacDonald) Approved as recommended.
(Holden/MacDonald) Ayes: Holden, MacDonald, and Ramirez. Absent: Pinkard and Flynn.

ACTION: Mayor Holden declared the public hearing open.

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

Housing Department

3. SUBJECT: First Amendment to the FY 2011-2012 Annual Action Plan. (163)

RECOMMENDATION: 1) Approve and authorize the City Manager to execute the First Amendment to the FY 2011-2012 Annual Action Plan reflecting the updates in the Emergency Shelter Grant Program (ESG) Awards; and 2) Approve the revised ESG allocation in the amount of \$119,991.

ACTION: Close the public hearing. (Holden/MacDonald) Approved as recommended.
(MacDonald/Holden) Ayes: MacDonald, Ramirez and Holden. Absent: Pinkard and Flynn.

L. PUBLIC HEARINGS

Development Services Department

1. SUBJECT: Amendments to: RiverPark Specific Plan (PZ 09-630-03), Development Agreement (PZ 11-670-01), Owner Participation Agreement and Agreement Containing Covenants, Filed by RiverPark Legacy on behalf of the RiverPark Developers.

RECOMMENDATION: Continue to September 13, 2011

ACTION: Approved as recommended. (Holden/Ramirez) unanimously .

M. REPORT OF CITY MANAGER

The City Manager reported on the work of the "recycle street water pipeline" and public work information regarding traffic and schedule.

HOUSING AUTHORITY

At 8:22 p.m. the concurrent meeting with the Housing Authority concluded.

N. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

O. REPORTS

1. SUBJECT: Implementation of an Alternative Redevelopment Program Pursuant to Part 1.9 of the California Health and Safety Code, as Amended, Including Adoption of an Enabling Ordinance and Execution of a Remittance Agreement. (171)

RECOMMENDATION: 1) Introduce **Ordinance No. 2849** for first reading, authorizing the City to participate in a voluntary alternative redevelopment program under applicable provisions of Part 1.9 of the California Health and Safety Code, as amended, and adopt said Ordinance at the Council's next regular or adjourned regular meeting following the first reading; and 2) Approve and authorize the Mayor to execute the Remittance Agreement (Attachment No. 2), continuing redevelopment under applicable provisions of Part 1.9 of the California Health and Safety Code, as amended, including the payment of annual remittances to the county auditor-controller pursuant to Section 34194 or 34194.5 thereof.

DISCUSSION: The Community Development Director outlined: the actions of the State to eliminate the current redevelopment program; impact to the City; possible options including State remittance cost; and lawsuits by League of California Cities and California Redevelopment Association. The Special Legal Counsel commented on State legislation actions and formula used by State.

Comments were received from Pat Brown, Jim Lavery, and Bert Perello.

The City Council expressed concerns of the State actions to take CDC revenue from the City.

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

COMMUNITY DEVELOPMENT

At 8:48 p.m. the concurrent meeting with the Community Development Commission concluded.

P. PUBLIC COMMENTS ON REPORTS

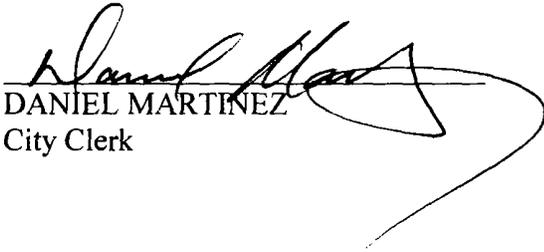
Q. APPOINTMENT ITEMS

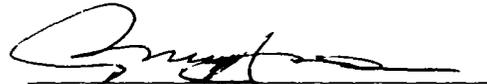
R. STUDY SESSION

S. PUBLIC COMMENTS ON STUDY SESSION

T. ADJOURNMENT

At 8:49 p.m. the City Council concurred to adjourn the meeting to 7:15 p.m., August 2, 2011.


DANIEL MARTINEZ
City Clerk


DR. THOMAS E. HOLDEN
Mayor