

MINUTES

OXNARD CITY COUNCIL

Regular Meeting
September 11, 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 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; Karen Burnham, Interim City Manager; Alan Holmberg, City Attorney; and James Cameron, Chief Financial Officer.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

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 litigation being discussed are In Re the Late Claim Application of Itzamayeli Juarez City Attorney Claim No. 2012-0094; and Tinoco v. City of Oxnard, WCAB, Case No. ADJ 8102877.

At 6:07 p.m., the City Attorney announced the late claim of Itzamayeli Juarez was denied.

D. OPENING CEREMONIES

At 6:07 p.m., the regular meeting of the Oxnard City Council reconvened in the Council Chambers, concurrently with the Parks and Recreation 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: Grace Hoffman, Deputy City Manager; Michael Henderson, General Services Manager; Martin Erickson, Special Assistant to the City Manager; Anthony Emmert, Water Resources Manager; Michael More, Financial Resources Manager; Sofia Balderrama, Recreation Management Analyst III; Efren Gorre, Youth Development Manager; and Terrel Harrison, Recreation Supervisor/PAL Co-Director.

F. JOINT MEETING WITH PARKS AND RECREATION COMMISSION

1. SUBJECT: City Council and Parks and Recreation Commission Joint Meeting. (001)
RECOMMENDATION: That City Council and Parks and Recreation Commission consider a presentation on Recreation and Community Services Program which includes: 1) Review and approve the revised Parks and Recreation Commission by-laws, and direct staff to take appropriate action relative to the by-laws revision; 2) Discuss procedures for the Parks and Recreation Commission to provide initial review of all parks, recreation and community services related projects, and provide recommendations to staff; 3) Review the current use of government access television for the promotion of parks and recreation and community services and discuss potential methods to enhance effectiveness; and 4) Receive the following written reports, and discuss topics as necessary: (a) Availability of youth baseball facilities; (b) Criteria for open/park space per population as deemed necessary; and (c) Representation from city departments at Parks and Recreation Commission meetings.

DISCUSSION: The General Services Manager, Recreation Management Analyst, Youth Development Manager and the Recreation Supervisor/PAL Co-Director reviewed services and programs of recreation division.

The Commissioners commented on: role of the Commissioner; development of recreation facilities including baseball fields and College Park Sports Complex and commented on recreational programs being offered.

The following individuals provided comments: Nancy Pedersen; Steve Nash; Michael Meade; and Adam Janis.

ACTION: The City Council received the report from the Parks and Recreation Commission.

E. PUBLIC COMMENTS ON JOINT MEETING

G. CEREMONIAL CALENDAR

- 1. SUBJECT: Presentation of Proclamation to California State University Channel Islands on the Occasion of its 10th Anniversary

DISCUSSION: President Richard Rush discussed the accomplishments of the university celebrating its 10th anniversary.

- 2. SUBJECT: Presentation to the Oxnard Fire Department from GenOn Energy – California Commending Its Response to a Fire at the Ormond Beach Generating Station.

DISCUSSION: Tony Cordero, GenOn Energy, commented on the performance of Engine Company 62 who were first to respond to the fire at the generating station and the other firefighters who responded to the fire.

RECESS

At 7:47 p.m., the City Council recessed and at 7:57 p.m., the City Council reconvened.

At 7:57 p.m., the meeting opened with a moment of silence for the 9/11/2001 event.

H. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

The following individuals provided comments: Charles Allison; Jim Gilmer; Francine Castanon; Steve Nash; Pat Brown; Ed Ellis; Desiree Flores; Martin Jones; Edgar Solorzano; Teresa Ramirez; and Elliot Gaberial

I. REVIEW OF INFORMATION/CONSENT AGENDA

The Special Assistant to the City Manager stated the purchase of van was approved by Council including use of Measure “O” funds (K-3 (E)). The City Attorney commented on the “cost of attorney fee” in joining with other cities and issues of legal case (K-3 (I)). The Chief Financial Officer and Financial Resources Manager explained the deed of trust issue (K-4). The Interim Fire Chief stated the defibrillators would be on Fire vehicles (K-3 F).

J. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

The following individuals provided comments: Peter Stacy (K-1); Jeff Savard (K-1); Steve Nash (K-3(A)); and Bert Perello (K-1) (K-3 (F)).

K. INFORMATION/CONSENT AGENDA**City Attorney Department**

1. **SUBJECT:** Attorney Services Agreement for Special Counsel Relating to Litigation with Kennedy Jenks Consultants. (013)

RECOMMENDATION: Approve and authorize the Mayor to execute an Attorney Services Agreement in a sum not to exceed \$280,000 with Hunt Ortmann Palffy Nieves Lubka Darling and Mah, Inc. ("Hunt Ortmann") (A-7506) for services relating to litigation with Kennedy Jenks Consultants.

City Clerk

2. **SUBJECT:** Minutes of the Regular Meetings of the City Council for July 10, 2012. (031)
RECOMMENDATION: Approve.

City Manager Department

3. **SUBJECT:** Agreements for City Council Review. (037)
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.

Finance Department

4. **SUBJECT:** Promissory Note from St. John the Baptist Coptic Orthodox Church Associated with the Sale of 1200 Pacific Avenue, Oxnard CA. (041)
RECOMMENDATION: Approve and authorize the Mayor to accept a promissory note and deed of trust in the amount of \$125,000 at a rate of 4% per annum to be paid over a period of 5 years as partial compensation in conjunction with the sale of City-owned property at 1200 Pacific Avenue, Oxnard CA.

Fire Department

5. **SUBJECT:** Authorization to Submit an Application for Federal Emergency Management Agency Assistance to Firefighters Grant in the Amount of \$2,227,581. (049)
RECOMMENDATION: Adopt a resolution authorizing the City Manager to submit an application for \$2,227,581 in Federal Emergency Management Agency (FEMA) grant funds to be used to enhance the ability of the Fire Department to protect the public and fire service personnel from fire and related hazards.

Public Works Department

6. SUBJECT: First Amendment to the Consulting Agreement with Carollo Engineers, Inc. for the Recycled Water Retrofit Project. (053)
RECOMMENDATION: Approve and authorize the Mayor to execute a First Amendment to the Consulting Services Agreement with Carollo Engineers, Inc. (A-7338), to reduce the total by \$886,444 for a total of \$3,913,874.

INFORMATION/CONSENT AGENDA ACTION: Approved as recommended. (MacDonald/ Holden) Ayes: Pinkard, MacDonald, Flynn, Ramirez and Holden. Noes: Flynn only K-3(I).

L. TRANSMITTAL OF INFORMATION ONLY ITEMS

1. SUBJECT: Monthly Budget Status Report for the Period Ending July 31, 2012 (Fiscal Year 2012-13) (063)
RECOMMENDATION: Receive Report.
ACTION: Received the report.

M. INFORMATION/CONSENT PUBLIC HEARINGSHousing Department

1. SUBJECT: The City of Oxnard's Consolidated Annual Performance and Evaluation Report (CAPER) for the Fiscal Year 2011-2012.
RECOMMENDATION: Continue to September 18, 2012.
ACTION: Approved as recommended, (Holden/Pinkard) unanimously.

N. PUBLIC HEARINGSO. REPORT OF CITY MANAGERP. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

The following issues were discussed by the Council: "911" ceremony at local Fire Station; Mayor Pro Tem Pinkard commented on a her fine from Fair Political Practice Commission; having an El Rodeo Community Center update; report of the municipal recycling contract process; Coastal clean-up weekend; East County courthouse issue; the placement of Commissioners names online; and Youth Gang Prevention Conference in Santa Rosa.

Q. REPORTSPublic Works Department

1. SUBJECT: Ordinances to Continue and Establish Water, Wastewater and Environmental Resources User Fees and Charges. (079)

RECOMMENDATION: 1) Approve the first reading by title only and subsequent adoption of ordinances continuing and establishing water **Ordinance No. 2859**, wastewater **Ordinance No. 2860**, and environmental resources user fees and charges **Ordinance No. 2861**; and 2) Authorize the City Manager or designee to make the necessary budget adjustments consistent with water, wastewater and environmental resources user fees and charges.

DISCUSSION: The Water Resources Manager reviewed the process reviewing the proposed rate changes, Council recommendations and utility user rates. The Chief Financial Officer commented on the bond rating process.

Received comments from: Orlando Dozier; Bert Perello; and Pat Brown.

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

City Manager Department

2. SUBJECT: Draft City Council Procedures Manual/Ethics Training Update. (115)

RECOMMENDATION: 1) Receive a report and draft copy of the City of Oxnard City Council Procedures Manual; 2) Consider edits and proposed changes to the draft Procedures Manual submitted during the 14-day comment period, and adopt the Procedures Manual; and 3) Receive a verbal update on ethics training options and provide direction to the City Manager.

DISCUSSION: The Special Assistant to the City Manager reviewed the proposed Manual, comments from the public and possible Ethics Training from three different organizations.

Comments were received from: Steve Nash; Bert Perello and Inez Tuttle.

The Council asked for more details of possible training programs and involvement of community, timeline, voting protocol, receiving the municipal information and confirming receipt.

ACTION: Received the report, provided comments to staff and have staff return to Council.

R. PUBLIC COMMENTS ON REPORTS

S. APPOINTMENT ITEMS

H. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

The following individuals provided comments: Lucy Cartagene; Fransico Ramero; Gregory Runson; and Darlene Elanine Miller.

T. STUDY SESSION

U. PUBLIC COMMENTS ON STUDY SESSION

V. ADJOURNMENT

At 11:08 p.m., the City Council concurred to adjourn the meeting.


DANIEL MARTINEZ
City Clerk


DR. THOMAS E. HOLDEN
Mayor