

MINUTES

OXNARD CITY COUNCIL Regular Meeting December 14, 2010

A. ROLL CALL/POSTING OF AGENDA

At 6:15 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, Tim 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, Assistant City Manager; Alan Holmberg, City Attorney; Jim Cameron, Chief Financial Officer; Grace Magistrale Hoffman, Deputy City Manager; and Jason Benites; Assistant Police Chief.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

C. CLOSED SESSION

At 6:02 p.m. the City Council recessed to a closed session, pursuant to Government Code section 54956.9(a) to confer with its attorneys. The litigation being discussed were Kurapati, Sreelatha v. City of Oxnard, et al., Ventura County Superior Court, Case No. 56-2009-00355941-CU-WT-VTA and In re the Late Claim Application of Manuel Lopez, City Claim No. 2010-0211.

At 7:02 p.m. the City Council reconvened and recessed to the evening session.

D. OPENING CEREMONIES

At 7:04 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: Curtis P. Cannon, Community Development Director; Rob Roshanian, Interim Public Works Director; Sue Martin, Planning and Environmental Services Manager; Michael More, Financial Services Manager; Anthony Emmert, Water Resources Manager; Cynthia Daniels, Project Manager; and Karl Lawson, Compliance Services Manager.

E. CEREMONIAL CALENDAR

1. SUBJECT: Guest from the North Pole.
DISCUSSION: Santa Claus wished everyone a Merry Christmas.
2. SUBJECT: Presentation of Resolution to Dennis Scala for over 21 Years of Outstanding Service to the City of Oxnard. (001)
ACTION: Continued to future date.

ITEMS REMOVED FROM AGENDA

The following agenda items were removed from the agenda I-15, I-23, I-26, N-1, O-1, & O-2.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

The following individuals provided comments to the City Council: Ernest Stein; Ed Ellis; Bert Perello; April Jo Rogers; Martin Jones; Harold Ceja; Shirley Bumpus; Al DeLorey; Ralph Edward James; Mike Barber; Pat Brown; Larry Stein; and Bricio Zaragoza.

G. REVIEW OF INFORMATION/CONSENT AGENDA

City staff provided information to Council regarding Water Conservation Master Plan, traffic signal modifications, and consultant contracts.

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

The following individuals provided comments to the City Council: Bert Perello (I-3, I-5, I-6, I-8, I-9, I-11, I-15, I-16, I-19); Larry Stein (I-6, I-7, I-17); Pat Brown; and Steve Nash (I-8).

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

1. **SUBJECT:** Third Amendment to Agreement for Special Counsel on Water Issues. (003)
RECOMMENDATION: 1) Approve and authorize the Mayor to execute a Third Amendment to an Agreement with Brownstein, Hyatt Farber and Schreck (“Brownstein”) (4303-07-CA) extending the term of the Agreement for a period not to exceed three months until March 1, 2011, and increasing the amount in the sum not to exceed \$50,000 for a total amount of \$399,000.

City Manager Department

2. **SUBJECT:** Agreements for City Council Review. (019)
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.
3. **SUBJECT:** First Amendment to Agreement for Consulting Services with Matlock Professional Services, Inc. for Gang Prevention Coordination Services. (023)
RECOMMENDATION: Approve and authorize the Mayor to execute the First Amendment to Agreement for Consulting Services with Matlock Professional Services, Inc. (4932-09-CM) in the amount of \$125,000, for Gang Prevention Coordination Services, increasing the total amount to \$250,000.
4. **SUBJECT:** Approval of Award of Contract for Campus Park Gymnasium Rehabilitation Phase II Project GS09-13. (033)
RECOMMENDATION: 1) Approve the award of contract to Fast-Track Construction Corporation (A-7358) in the amount of \$1,103,559 for the Campus Park Gymnasium Rehabilitation Phase II Project GS09-13, located at 350 South K Street; and 2) Authorize the Mayor to execute the contract upon receipt of all supporting contract documents.*

5. **SUBJECT:** Transportation Development Act (TDA) Local Transportation Fund (LTF) Allocations for FY 2010/11. (035)
RECOMMENDATION: Adopt **Resolution No. 13,937** approving the submittal of a claim with the Ventura County Transportation Commission (VCTC) for allocation of TDA funds as follows: 1) Gold Coast Transit (GCT) to receive \$3,982,160 of the City's Article 4 LTF allocation for FY 2010/11 to support and develop the public transportation system in Ventura County; 2) The City's transit services program to receive \$500,000 of Article 8c LTF funding for its operations and \$381,393 for its capital program; and 3) Ventura Intercity Transit Authority (VISTA) to receive \$81,336 of the City's Article 4 LTF allocation for FY 2010/11.
6. **SUBJECT:** RiverPark Community Facilities District (CFD No. 5) License Agreement. (039)
RECOMMENDATION: Approve and authorize the Mayor to execute an agreement with RiverPark A, LLC and RiverPark B, LLC (A-7375) in the amount of \$1.00 for the maintenance of areas within the RiverPark Community Facilities District (CFD) not currently accepted by the City.

Community Development Department

7. **SUBJECT:** FY 2009-2010 Annual Report for the Community Development Commission. (049)
RECOMMENDATION: That Community Development Commission ("CDC") approve the FY 2009-2010 CDC Annual Report and direct the Community Development Director to submit the Annual Report to the State Controller's Office.

Development Services Department

8. **SUBJECT:** Change Order No. 15 for Security Paving Company for Project Specification PW03-19. (053)
RECOMMENDATION: Approve and authorize the Mayor to execute Change Order No. 15 for Specification No. PW03-19 with Security Paving Company (A-7228) to increase the amount by \$245,292.50 (a total of \$31,669,179.78) for the Rice Avenue/Santa Clara Avenue interchange improvements at U.S. Highway 101
9. **SUBJECT:** Change Order No. 18 for Security Paving Company for Project Specification PW03-19. (055)
RECOMMENDATION: Approve and authorize the Mayor to execute Change Order No. 18 for Specification No. PW03-19 with Security Paving Company (A-7228) to increase the amount by \$91,442.08 (a total of \$31,760,621.86) for the Rice Avenue/Santa Clara Avenue interchange improvements at U.S. Highway 101.
10. **SUBJECT:** Planning and Zoning Permit No. 10-680-01 (Mills Act-Property Tax Abatement Program), Achille Levy House, 201 South D Street. Filed by Ronald Jenny, A. Levy Apartments, LLC. (057)
RECOMMENDATION: Approve and authorize the Mayor to execute a Mills Act Contract (A-7364) with Ronald Jenny, A. Levy Apartments, LLC to maintain and preserve a historic property located at 201 South D Street (Achille Levy House-Landmark No. 75) through a reduction in property taxes.

11. SUBJECT: Change Order for New Traffic Signal at the Intersection of Victoria Avenue and Gum Tree Street. (071)
RECOMMENDATION: Approve and authorize the Mayor to execute a change order in the amount of \$57,253.52 with Christopher R. Morales, Inc. (A-7333) for Project Specification No. PW10-01 for a new traffic signal at the intersection of Victoria Avenue and Gum Tree Street, increasing the total amount of the contract from \$284,468.00 to \$341,721.52.
12. SUBJECT: Ordinance Regarding Building Regulations. (075)
RECOMMENDATION: Approve the first reading by title only and subsequent adoption of **Ordinance No. 2836** repealing and reenacting Articles I through IX, XIV, and XV of Chapter 14 of the Oxnard City Code, renumbering Articles X, XI, XII, and XIII of Chapter 14 of the Oxnard City Code to Articles XX, XXI, XXII, and XXIII respectively, and adding Articles X through XIII and Articles XVI through XIX to Chapter 14 of the Oxnard City Code pertaining to the California Building Code, California Residential Code, California Green Building Standards Code, International Property Maintenance Code, Uniform Code for the Abatement of Dangerous Buildings, California Historical Building Code, California Electrical Code, California Existing Buildings Code, California Mechanical Code, California Referenced Standards Code, California Plumbing Code, Fire Codes, Fire Sprinklers, Report of Building Records, Moving of Buildings, Swimming Pool Provisions, and Beach Construction.
13. SUBJECT: Approval of Award of Contract for DS10-16 Traffic Signal Modifications at the Intersection of Rose Avenue and Emerson Avenue. (077)
RECOMMENDATION: 1) Approve and authorize the Mayor award the contract to Taft Electric Co. (A-7365), in the amount of \$144,945.14 for the Traffic Signal Modifications at the intersection of Rose Avenue and Emerson Avenue; and 2) Authorize the City Manager to execute the contract upon receipt of all supporting contract documents.

Finance Department

14. SUBJECT: Closeout of Assessment District No. 85-5-R (Mandalay Bay). (079)
RECOMMENDATION: Adopt **Resolution No. 13,938** declaring surplus funds, ordering the disposition of surplus funds, approving a closeout analysis and findings report, and accepting the notice of completion of public improvements for Assessment District No. 85-5-R (Mandalay Bay).
15. SUBJECT: First Amendment to Agreement for Consulting Services with OAC Consulting. (085)
RECOMMENDATION: Removed from agenda.

Human Resources Department

16. SUBJECT: Memorandum of Understanding with the Oxnard Public Safety Managers' Association OPSMA (Police Unit). (089)
RECOMMENDATION: 1) Adopt **Resolution No. 13,939** ratifying and implementing a Memorandum of Understanding (MOU) between the City and the Oxnard Public Safety Managers' Association (Police Unit) (A-7376) commencing September 6, 2008, and expiring on September 5, 2014; and 2) Authorize the City Manager to transfer funds between accounts, in amounts to be determined, to implement the terms and conditions of the MOU.

17. SUBJECT: Central Business District Security Contract. (099)
RECOMMENDATION: Approve and authorize the Mayor to execute a two year agreement (A-7362) for security services in the Central Business District and Centennial Plaza with Securitas Security Services USA, Inc. in the amount of approximately \$690,000, with an option to exercise two additional one year extensions.

Public Works Department

18. SUBJECT: Resolution to Commend Steven Soliz for more than 35 Years of Service. (111)
RECOMMENDATION: Adopt **Resolution No. 13,9340**.
19. SUBJECT: First Amendment to Agreement with G4S Secure Solutions (USA) Inc. to Provide Security Services at Water Resources Division Facilities. (113)
RECOMMENDATION: Approve and authorize the Mayor to execute a First Amendment with G4S Secure Solutions (USA) Inc. (formerly The Wackenhut Corporation) (A-7237) in the amount of \$135,000 for a total not-to-exceed of \$362,000 to provide security services at the Water Campus and Water Blending Stations and to extend the expiration date to June 30, 2011.
20. SUBJECT: Third Amendment to the Agreement with E-Recycling of California for E Waste Recycling and Disposal Services. (117)
RECOMMENDATION: Approve and authorize the Mayor to execute a Third Amendment to the Agreement with E-Recycling of California (4359-08-PW) to update the rate schedule.
21. SUBJECT: Second Amendment to Agreement with Hopkins Groundwater Consultants, Inc. for Hydrogeologic Design, Technical Review, and Consulting Support Services. (121)
RECOMMENDATION: Approve and authorize the Mayor to execute the Second Amendment to the agreement with Hopkins Groundwater Consultants, Inc. (A-7115) to increase the amount by \$100,000 for a total of \$300,000 for various hydrogeologic design, technical review, and consulting support services consistent with ongoing groundwater resource planning, development projects, and capital improvement programs, which arise on an ad-hoc basis and often require rapid response, and extend the contract expiration date to December 31, 2011.
22. SUBJECT: Third Amendment to Agreement for Trade Services with Polydyne, Inc. for Supply and Delivery of Clarifloc C-6264 Polymer to the Wastewater Treatment Plant. (125)
RECOMMENDATION: Approve and authorize the Mayor to execute the Third Amendment to the Agreement with Polydyne, Inc. (4611-08-PW). to increase the compensation in the amount of \$160,000 for a total not to exceed amount of \$600,000 for supply and delivery of Clarifloc C-6264 Polymer to the Wastewater Treatment Plant.
23. SUBJECT: Fourth Amendment to Agreement with Black & Veatch for Blending Station No. 1 Site Improvements Phase I Project, at 251 South Hayes Avenue. (129)
RECOMMENDATION: Removed from agenda.

24. SUBJECT: Change Order No. 1 to Public Work Contract with Creamer/Spiniello, Joint Venture. (137)

RECOMMENDATION: Approve and authorize the Mayor to execute Change Order No. 1 to Public Works Contract between the City of Oxnard and Creamer and Spiniello Joint Venture (A-7327), deleting the micro-tunneling pipeline at the intersection of Gonzales Road and Ventura Road and decreasing the cost by \$445,750, from \$13,193,224 to \$12,747,474.

25. SUBJECT: Change Order No. 1 to Contract with Manhole Adjusting, Incorporated. (139)

RECOMMENDATION: Approve and authorize the Mayor to execute Change Order No. 1 with Manhole Adjusting, Incorporated (A-7233) to decrease the amount of construction cost of the Wastewater Treatment Plant Yard Resurfacing Project from \$539,887 to \$370,050 for the total reduction of \$169,837.

26. SUBJECT: Water Conservation Master Plan. (143)

RECOMMENDATION: Removed from agenda.

INFORMATION/CONSENT AGENDA ACTION: Approved as recommended. (Holden/Pinkard)
Ayes: Holden, Pinkard, MacDonald, Flynn, and Ramirez. *Abstain: Holden and MacDonald for I-4 only.

COMMUNITY DEVELOPMENT

At 8:45 p.m. the concurrent meetings with the Community Development Commission concluded.

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 that there were no written communications received.

1. SUBJECT: 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. (149)

RECOMMENDATION: 1) Approve the first reading by title only and subsequent adoption of **Ordinance No. 2837** amending the City zone map (PZ No. 10-570-01) to change the zone designation for the project area from High Rise Residential Planned Development (R-4-PD) to General Commercial Planned Development (C-2-PD); 2) Adopt **Resolution No. 13,941** upholding Planning Commission approval of Special Use Permit (SUP) No. 10-500-01 for the construction of a 10,661 square foot Fresh and Easy Neighborhood Market, subject to the conditions set forth in Planning Commission Resolution No. 2010-35.

DISCUSSION: The Planning and Environmental Services Manager outlined the proposed project.

Clay Toombs, Fresh and Easy Neighborhood Market, commented on the landscape, parking, traffic and placement of building.

The following individuals provided concerns with the proposed market: Bert Perello (alcohol); Jean Joneson (traffic, fencing improvements); Larry Stein; and Pat Brown (building design).

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

DISCUSSION: Juanita Eastwood, president of Monday Club, supported the development.

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

2. SUBJECT: Planning and Zoning Permit No. 10-681-01 (Historic Landmark No. 171) and 10-681-01 (Mills Act-Property Tax Abatement Program), Bon Ton Court, 531 South F Street. Filed by Gino Dean, 6418 Hummingbird, LLC. (191)

RECOMMENDATION: 1) Adopt **Resolution No. 13,942** upholding the City of Oxnard Cultural Heritage Board's recommendation to designate property known as Bon Ton Court, located at 531 South F Street, as Ventura County Historical Landmark No. 171; and 2) Approve and authorize the Mayor to execute a Mills Act Contract with Gino Dean, 6418 Hummingbird LLC (A-7373) to maintain and preserve a historic property located at 531 South F Street (Historic Landmark No. 171) for the benefit of reduction in property taxes.

DISCUSSION: Larry Stein, tax issues
Gino Dean stated tax issues had been resolved.

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

L. PUBLIC HEARINGS

Mayor Holden opened the public hearing. The City Clerk reported on publication and that there were no written communications received.

1. SUBJECT: Appeal of Planning and Zoning Permit No. 10-520-01 (Special Use Permit), Life of Victory Worship Center, 2041 Cabot Place. Filed by Gregg Roth. (215)
RECOMMENDATION: Adopt **Resolution No. 13,943** denying the appeal and upholding the Planning Commission's approval of Planning and Zoning Permit No. 10-520-01.
DISCUSSION: The Planning and Environmental Services Manager outlined the history of the proposed project including past Planning Commission actions.

The following individuals expressed concerns with the placement of a church at the location due to traffic, having enough parking, and future growth: Morey Navarro; Gregg Roth; Jeff Hughs; Pat Brown; and Bert Perello.

The following individuals supported the placement of the church; Danielle Keys; Charles Jones; Jim Meaney; and LaMarous Keys.

ACTION: Close the public hearing. (Pinkard/Ramirez) Approve as recommended to deny appeal with six month review of conditions being followed. (Pinkard/Ramirez) Ayes: Flynn, Ramirez, Holden, and Pinkard. Noes: MacDonald.

2. **SUBJECT:** The Anacapa Townhomes Project – Planning & Zoning Permit Nos. 08-400-04 (Coastal Development Permit), 09-300-01 (Tentative Subdivision Map), and 09-590-01 (Coastal Zone Variance) Filed by Oxnard Shores Co., LLC.
RECOMMENDATION: Continue to January 25, 2011.
ACTION: Approve as recommended (Holden/MacDonald) unanimously.

M. REPORT OF CITY MANAGER

The Assistance City Manager stated staff was working with property owners along Teal Club Road to place fencing on property to discourage dumping of trash.

N. CITY COUNCIL/COMMITTEE REPORTS

City Council

1. **SUBJECT:** Discussion of Measure O Public Input Session.
RECOMMENDATION: Consider holding a special meeting to receive input from the public on the use of Measure O funds. (Discussion)
ACTION: Removed from agenda.
2. **SUBJECT:** Appointment to Ventura County Transportation Commission (VCTC) (243)
RECOMMENDATION: That the Mayor, with approval of the City Council, appoint a Councilmember to VCTC.
ACTION: Mayor Holden appointed Mayor Pro Tem Pinkard to VCTC with City Council approval.

The City Council requested that the subject of City Council policies and rules to be reviewed.

O. REPORTS

Finance Department

1. **SUBJECT:** Annual Report for Development, Connection and Improvement Fees for the Year (245)
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.
ACTION: Removed from agenda.
2. **SUBJECT:** Comprehensive Annual Financial Report (CAFR) for Fiscal Year 2009-2010 (255)
RECOMMENDATION: Receive and file the City of Oxnard Comprehensive Annual Financial Report for FY 2009-2010.
ACTION: Removed from agenda.

Housing Authority

3. **SUBJECT:** 2010 Census Outreach Program Final Report (257)
RECOMMENDATION: 1) Receive the final report of Oxnard's 2010 Census Outreach Program; and 2) Authorize the Housing Director to take all appropriate steps with the U. S. Census Bureau in order to ensure accuracy of the population and housing count.

DISCUSSION: The Compliance Services Manager reviewed 2010 Census Outreach Program during the past year.

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

P. PUBLIC COMMENTS ON REPORTS

Q. APPOINTMENT ITEMS

R. STUDY SESSION

S. PUBLIC COMMENTS ON STUDY SESSION

HOUSING AUTHORITY

At 10:45 p.m. the joint meetings with the Housing Authority concluded.

T. ADJOURNMENT

At 10:45 p.m. the City Council concurred to adjourn the meeting.