

MINUTES

AGENDA ITEM NO.

OXNARD CITY COUNCIL
Regular Meeting
July 12, 2011

I-1

A. ROLL CALL/POSTING OF AGENDA

At 5:36 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; Alan Holmberg, City Attorney; James Cameron, Chief Financial Officer; Michelle Tellez, Human Resources Director; Grace Magistrale Hoffman, Deputy City Manager; Scott Whitney, Assistant Police Chief; and Yvonne Harper, Assistant City Library Director

L. PUBLIC HEARING

ACTION: Mayor Holden declared the public hearing open.

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

City Manager

1. SUBJECT: Presentation and Adoption of the Fiscal Year (FY) 2011-2012 City, Community Development Commission, and Housing Authority Operating and Capital Improvement Budgets. (001)

RECOMMENDATION: 1) Conduct a public hearing on the FY 2011-2012 operating and capital improvement budgets for the City of Oxnard (City); 2) At the conclusion of the public hearing, at the discretion of City Council, adopt resolutions: (a) approving the City's Operating and Capital Improvement Budgets for FY 2011-2012, (b) authorizing full-time equivalent positions in the City effective July 1, 2011, (c) authorizing the Classification and Salary Schedule effective July 1, 2011, and (d) establishing FY 2011-2012 Financial Management Policies.

DISCUSSION: The Chief Financial Officer reviewed the proposed budget with changes due to State budget, property taxes, development fees, Measure "O", ERIP program and next review of the budget. The Human Resources Director commented on the ERIP program (placement of technical positions and unfilled management positions); the effect of a retired (Cal PERS) employee; and use of library volunteers.

The City Council discussed: property tax, ERIP program, the filling of vacant positions, the City debt ratio compared to other cities, and next scheduled budget review.

The following individuals provided comments: Shirley Godwin, Jim Lavery, Larry Stein, and Pat Brown

ACTION: The City Council concurred to continue this item to July 19, 2011.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS**C. CLOSED SESSION**

At 6:33 p.m. the City Council recessed to a closed session, pursuant to Government Code section 54956.9(a) to confer with its attorneys. The title and case numbers of the litigation being discussed were Hartman, W.E. and Hartman, Sally J. v. City of Oxnard Ventura County Superior Court, Case No. 56-2008-00330374-CU-BC-VTA and Thomas Waller v. City of Oxnard Workers' Compensation Appeal Board No. (OXN) ADJ7320837.

At 7:14 p.m. the City Council reconvened and recessed to the evening session.

D. OPENING CEREMONIES

At 7:16 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 Paulo Ortiz, followed by a moment of silence. Mayor Holden presided. Additional staff members present were: Rob Roshanian, Interim Public Works Director; and Christina Aerenlund, Public Information Officer.

E. CEREMONIAL CALENDAR

2. SUBJECT: Presentation of Proclamation Designating July 2011 as Parks and Recreation Month.
DISCUSSION: Paul Lemos and Gloria Postel, Parks and Recreation Commissioners, commented on the many parks and recreational activities available to the community.
1. SUBJECT: Recognition of the City's Participation in the United Way Campaign by United Way Ventura County.
DISCUSSION: Eve Liebman, Community Investment Director, recognized the participation of City employees in the United Way Campaign.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Comments were received from: Alan Sanders; Diane Delancy; Larry Stein; Pat Brown; Gloria Roman; Woodrow Thomas; Bert Perello; and Julie Pena.

G. REVIEW OF INFORMATION/CONSENT AGENDA**H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA**

Comments were received from: Larry Stein (I-6); Pat Brown (I-1); Martin Jones (I-3); Bert Perello (I-9).

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

1. SUBJECT: Resolutions Amending Rules of Procedure Regarding Meeting Adjournment. (057)

RECOMMENDATION: Adopt **Resolution No. 14.094** to amend their respective Rules of Procedure to provide that no new items on a meeting agenda shall be considered after 11:00 p.m., and the meeting shall be adjourned upon conclusion of the item under consideration at 11:00 p.m., unless a motion is passed to extend the meeting.

City Clerk Department

2. **SUBJECT:** Minutes of the Regular Meetings of the City Council for April 26, and May 3, 10, 17, 2011; Minutes of the Special Meeting of May 17, 2011. (065)

RECOMMENDATION: Approve.

City Manager Department

3. **SUBJECT:** Agreements for City Council Review. (101)

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 with removed section three only.*

Development Services Department

4. **SUBJECT:** Change Order 31 for Security Paving Company, Inc. for Project Specification No. PW03-19, Special Budget Appropriation for "Highway 101—Rice Avenue" (103)

RECOMMENDATION: 1. Approve and authorize the Mayor to execute Change Order 31 for Project Specification No. PW03-19 with Security Paving Co., Inc. to increase the amount by \$862,223.13 (a total of \$32,666,844.99) for the Rice Avenue/Santa Clara Avenue interchange improvements at U.S. Highway 101 (A-7228); and 2. Approve the appropriation of funds in the amount of \$862,230 for Change Order 31 for Project Specification No. PW03-19 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.

Finance Department

5. **SUBJECT:** Lease Agreement with Toshiba America Business Solutions. (113)

RECOMMENDATION: Approve and authorize the Mayor to execute an agreement with Toshiba America Business Solutions (A-7411) for an amount not to exceed \$325,000 for the replacement of 29 copiers.

Fire Department

6. **SUBJECT:** Agreement with Emergency Technologies, Inc. (121)

RECOMMENDATION: Approve and authorize the Mayor to execute an agreement with Emergency Technologies, Inc. (ETI) (5464-11-FI), in the amount of \$326,421 for a Fire Records Management System.

Police Department

8. **SUBJECT:** Resolution Commending Bill Altman for Over Twenty-five Years of Exemplary Service to the City of Oxnard. (133)

RECOMMENDATION: Adopt **Resolution No. 14,095**.

Public Works Department

9. SUBJECT: Third Amendment to Agreement with Oxnard Harvest Company. (135)
RECOMMENDATION: Approve and authorize the Mayor to execute the Third Amendment to the Agreement for Trade Services with Oxnard Harvest Company (4517-08-PW) to increase the amount by \$100,000 for a total of \$745,000 and extend the contract expiration date to January 18, 2012.

INFORMATION/CONSENT AGENDA ACTION: Approved as recommended with section three from I-3 removed from agenda (Holden/MacDonald). Ayes: Pinkard, MacDonald, Flynn, Ramirez, and Holden.

HOUSING AUTHORITY

At 8:14 p.m. the joint meeting with the Housing Authority concluded.

Q. APPOINTMENT ITEMS

1. SUBJECT: Oxnard Brand, Development and Marketing Action Plan & Addendum/Implementation Plan. (147)

RECOMMENDATION: 1) Approve the brand for Oxnard to be "A Destination That Creatively Celebrates International Culture"; 2) Support the Brand Leadership Committee; and 3) Adopt the proposed new City logo and a phased implementation of its use.

DISCUSSION: Janet Sederquist and Marilyn Miller, Oxnard Brand Leadership Committee, presented the branding concept which included reviewing the process, looking at community assets, community input, need to have a long term process, logo change, and having a "way finding" plan.

The following individuals provided comments: Patricia Young; William Terry; Ed Ellis; Pat Brown; Bert Perello; Frank Nielsen; Shirley Godwin; Harold Ceja; Allen Sanders; Steve Nash; Diane Delancy; Abel Magana; Zachary Franges; Magda Weydt; Steve Buenger; and David Dreher.

ACTION: Approved recommendations part one and two as recommended, (Holden/Pinkard) Ayes: MacDonald, Flynn, Ramirez, Holden, and Pinkard. Approved recommendation part three as recommended, (Holden/Pinkard) Ayes: Flynn, Holden, Pinkard, and MacDonald. Noes: Ramirez.

COMMUNITY DEVELOPMENT

At 9:50 p.m., the joint meeting the Community Development Commission concluded.

At 9:50 p.m., Councilman Flynn left the meeting.

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.

Police Department

1. **SUBJECT:** Edward Byrne Memorial Justice Assistance Grant Formula Program (JAG): FY 2011 Local Solicitation. (139)

RECOMMENDATION: Adopt **Resolution No. 14,096:** 1) Authorizing the City Manager to execute and submit an application for U.S. Department of Justice (DOJ) grant funds in the amount of \$155,074 from the Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program's FY 2011 Local Solicitation; 2) Authorizing the City Manager to execute a Memorandum of Understanding (A-7420) with the County of Ventura and the Cities of San Buenaventura and Simi Valley, designating the City of Oxnard as the lead agency and fiscal agent for the JAG; 3) Authorizing the City Manager or designee to execute grant agreements and appropriate funds upon notification of grant award; 4) Authorizing the Chief Financial Officer or designee to submit financial reports and grant claims and approve special budget appropriations for the use of JAG funds; and 5) Authorizing the Chief of Police or designee to submit all program related progress or status reports.

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

At 9:52 p.m., Councilman Flynn returned to the meeting.

N. CITY COUNCIL BUSINESS COMMITTEE REPORTS**City Manager Department**

1. **SUBJECT:** Broadcast of City Council Meetings with Interpretation into Spanish. (145)

RECOMMENDATION: Consider and provide direction to the City Manager regarding the possibility of providing simultaneous broadcast of City Council meetings in Spanish.

DISCUSSION: The Public Information Officer reviewed costs and options to have Spanish translation during Council meetings.

At 10:25 p.m., Mayor Holden left the meeting and Mayor Pro Tem Pinkard presided.

Comments were received from: Gloria Roman, Mario Quintana, Allen Sanders, Ed Ellis, Ray Tejada, Ana Cristina Flores, Lucy Cartagena, Alice Madrid, Margaret Cortese, Josephine Solis, Theadora Davitt-Cornyn, Lauro Barajas, Pat Brown, Jorge Napoles, Larry Stein, Joseph Castaneda, Linda Conderon, Luann Rocha, Jesus Rocha, Bert Perello, Julie Pena, Maria Vargas, Frank Nilsen, Rudy Salvio, Shirley Godwin, Elida Castro.

The City Council commented on: options presented; possible other translation options; and the needs of community.

ACTION: Provided comments and direction to staff.

At 11:31 p.m., Mayor Holden left the meeting and Mayor Pro Tem Pinkard presided.

M. REPORT OF CITY MANAGER

The City Manager and Interim Public Works Director stated that the RiverPark soil investigation would begin on Thursday, July 14.

Comments were received from Bert Perello.

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 July 26, 2011.

ACTION: Approved as recommended, (Pinkard/Ramirez) unanimously.

O. REPORTS

P. PUBLIC COMMENTS ON REPORTS

R. STUDY SESSION

S. PUBLIC COMMENTS ON STUDY SESSION

T. ADJOURNMENT

At 11:35 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

MINUTES

OXNARD CITY COUNCIL

Regular Meeting

July 19, 2011

A. ROLL CALL/POSTING OF AGENDA

At 6:32 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; Edmund Sotelo, City Manager; Karen Burnham, Assistant City Manager; and Alan Holmberg, City Attorney.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

C. CLOSED SESSION

At 6:33 p.m. based on existing facts and circumstances and on advice of the City Attorney, the City Council recessed to a closed session to a closed session, pursuant to Government Code section 54956.9(c) to decide whether to initiate litigation in one potential case.

At 6:59 p.m. the City Council reconvened and recessed to the evening session.

D. OPENING CEREMONIES

At 7:06 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 the Ventura County Junior Farm Board, followed by a moment of silence. Mayor Holden presided. Additional staff members present were: Curtis P. Cannon, Community Development Director; Jeri Williams, Police Chief; William "Bill" Wilkins, Housing Director; Matthew Winegar, Development Services Director; James Cameron, Chief Financial Officer; Grace Magistrale Hoffman, Deputy City Manager; Michael Henderson, General Services Manager; Sue Martin, Planning and Environmental Services Manager; Martin Erickson, Special Assistant to the City Manager; Chris Williamson, Principal Planner.

E. CEREMONIAL CALENDAR

1. SUBJECT: Ventura County Fair Poster Presentation.
DISCUSSION: Jessica Entrekin, Candare Stines and Ashley Morris of Ventura County Junior Farm Board invited the public to this year's events.
2. SUBJECT: Presentation of Commendation to Rabbi John Sherwood for Over Five Years of Dedicated Community Service as a Member of the Commission on Community Relations.
DISCUSSION: Rabbi John Sherwood provided comments regarding his service to the community and thanked the community.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Comments were received from: Peggy Rivera; Daniel Sciacia; Ed Ellis; Alan Sanders; Jim Hensley; Steve Nash; Harold Ceja; Gloria Roman; Sal Gonzalez; Bill Winter; Larry Stein; and Bert Perello.

G. REVIEW OF INFORMATION/CONSENT AGENDA**H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA**

Comments were received from: Alan Sanders (I-2); Diane Delaney (I-2); Rose Leslye Stern (I-2).

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.

Development Services Department**2. 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. (003)**

RECOMMENDATION: Continue to July 26, 2011.

Public Works Department**4. SUBJECT: Application to the California Strategic Growth Council for a Green Alleys Planning Grant in the amount of \$250,000. (023)**

RECOMMENDATION: 1) Adopt **Resolution No. 14,097** ratifying the City Manager's submission of an application for \$250,000 in California Strategic Growth Council Urban Greening Planning Grant Program grant funds to be used for development of the Oxnard Green Alleys Plan; 2) Authorize the City Manager or his designee to approve matching funds in the form of in-kind services from City staff that serve on the Planning Committee and Advisory Board upon award of the grant; and 3) Authorize the City Manager or his designee to appropriate grant funding upon award of the grant.

5. SUBJECT: Metropolitan Water District of Southern California Member Agency Funded Water Conservation Programs. (029)

RECOMMENDATION: Continue to July 26, 2011.

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

J. TRANSMITTAL OF INFORMATION ONLY ITEMS

O. REPORTS

Community Development Department

1. SUBJECT: Economic Development Corporation of Oxnard ("EDCO"). (159)

RECOMMENDATION: Receive the follow-up information pertaining to the functions of EDCO as requested at the City Council meeting held on June 28, 2011 and provide direction concerning the future involvement of EDCO in the economic development activities of the City of Oxnard.

DISCUSSION: The Community Development Director reviewed past questions of the City Council, possible options, benefits of the current EDCO structure, ability and experience (regarding economic development) of current City staff, time and costs to integrate EDCO functions within City.

Steve Kinney, President of EDCO, commented on the EDCO budget. The City Attorney reviewed the voting policy of Councilmembers sitting on the EDCO board.

Comments were received from: Ed Ellis; William Terry; Martin Jones; Bert Perello; Pat Brown; Jim Lavery; Shirley Godwin; Larry Godwin; and Eileen Tracy.

The Council commented on: the goals of EDCO, desired activities of the EDCO, the permitting/development process, and the annual review of past EDCO reports.

ACTION: Place the current EDCO structure into the City infrastructure. (Ramirez/Flynn) Ayes: Ramirez. Noes: MacDonald, Flynn, Holden, and Pinkard. Moved to keep the current EDCO structure with a review of EDCO benchmarks. (Flynn/Pinkard) Ayes: Flynn, Holden, Pinkard, and MacDonald. Noes: Ramirez.

L. PUBLIC HEARINGS

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

Finance Department

1. SUBJECT: Presentation and Adoption of the Fiscal Year (FY) 2011-2012 City, Community Development Commission, and Housing Authority Operating and Capital Improvement Budgets. (053)

RECOMMENDATION: 1) Conduct a public hearing on the FY 2011-2012 operating and capital improvement budgets for the City of Oxnard (City); 2) At the conclusion of the public hearing, at the discretion of City Council, adopt: (a) **Resolution No. 14,098** approving the City's Operating and Capital Improvement Budgets for FY 2011-2012; (b) **Resolution No. 14,099** authorizing full-time equivalent positions in the City effective July 1, 2011; (c) **Resolution No. 14,100** authorizing the Classification and Salary Schedule effective July 1, 2011; **Resolution No. 14,101** establishing Establishing and Appropriation Limit for Fiscal Year 2011-12; and (d) **Resolution No. 14,102** establishing FY 2011-2012 Financial Management Policies;

DISCUSSION: The Chief Financial Officer reviewed past questions of the Council including ERIP, policy of City reserves, State reductions (vehicle fees), fuel costs, and non-operating revenues.

Received comments from: Larry Stein, Bert Perello, Jim Lavery, and Pat Brown.

ACTION: Close the public hearing. (Pinkard/Holden) Moved to approved as recommended with additional funding of four Code Compliance Officers. (Flynn/Ramirez) Ayes: Flynn. Noes: Holden, Pinkard, MacDonald, and Ramirez. Approved as recommended. (Ramirez/Pinkard) Ayes: Holden, Pinkard, MacDonald, and Ramirez. Noes: Flynn.

COMMUNITY DEVELOPMENT AND HOUSING AUTHORITY

At 10:11 p.m. the joint meetings with the Community Development Commission and Housing Authority concluded.

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

Development Services Department

2. **SUBJECT:** Adoption of the Final Oxnard 2030 General Plan (PZ 10-620-01) and Adoption of Statement of Overriding Considerations and Findings of Fact. Filed by City of Oxnard. (109)

RECOMMENDATION: 1) Hold a hearing to take public comments on the Final 2030 Oxnard General Plan; and 2) Adopt a resolution adopting the 2030 General Plan and the Statement of Overriding Considerations and Findings of Fact pursuant to the California Environmental Quality Act (CEQA) related to the 2030 General Plan.

DISCUSSION: The Development Services Director and Principal Planner briefly reviewed past questions of the City Council, possible school sites, possible schedule of the development, and the intend of working with the school district to place needed schools in the community.

The following individuals provided commented: Dr. Julian Lopez; Trevor Smith; Alan Sanders; Steve Nash; Bill Terry; Karen Kraus; Tony Corero; Ana Del Rio-Barba; Jorge Rubio; Don Hoffman; Denise Noel; Bill Miley; Michael Penrod; Bert Perello; Peter Hearst; Michael Stubblefield; Janis McCormick; Larry Stein; Linda Caldron; Gustavo Deharo; Eileen Tracy; Shirley Godwin; Larry Godwin; George Yin; and Jorge Gutierrez.

The City Council discussed: the possibility of a school placement at the proposed Teal Club Road development; Ormond Beach restoration, land use and zoning, and community public outreach.

ACTION: Close the public hearing, (Holden/Pinkard), unanimously. Continue this item to September 20, 2011, (Holden/Pinkard), unanimously.

N. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

City Manager

1. **SUBJECT:** League of California Cities Annual Conference Voting Delegate/Alternate 2011. (153)

RECOMMENDATION: Designate a voting delegate and a voting alternate to the League of California Cities Annual Conference.

DISCUSSION: The Special Assistant to the City Manager reviewed the options to appoint designate to the League of California Cities conference.

ACTION: Moved to appointed Mayor Holden as voting delegate with Mayor Pro Tem Pinkard and Councilman MacDonald as voting alternates, (Ramirez/Holden), unanimously.

K. INFORMATION/CONSENT PUBLIC HEARINGS

Development Services Department

1. SUBJECT: Zone Code Text Amendment (PZ 10-580-02), Reasonable Accommodation Ordinance. (035)

RECOMMENDATION: Continue to July 26, 2011.

ACTION: Approved as recommended, (Holden/Pinkard), unanimously.

M. REPORT OF CITY MANAGER

N. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

P. PUBLIC COMMENTS ON REPORTS

Q. APPOINTMENT ITEMS

R. STUDY SESSION

S. PUBLIC COMMENTS ON STUDY SESSION

T. ADJOURNMENT

At 12:03 a.m. the City Council concurred to adjourn the meeting.

DANIEL MARTINEZ
City Clerk

DR. THOMAS E. HOLDEN
Mayor

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