

MINUTES

OXNARD CITY COUNCIL
Adjourned Meeting
July 31, 2012

AGENDA ITEM NO.

I-1

A. ROLL CALL/POSTING OF AGENDA

At 7:08 p.m., the adjourned meeting of the Oxnard City Council convened in the Council Chambers. Councilmembers Thomas E. Holden, Irene G. Pinkard and 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; James Cameron, Chief Financial Officer; Grace Magistrale Hoffman, Deputy City Manager; Rob Roshanian, Interim Public Works Director; Anthony Emmert, Water Resources Manager; and Grant Dunne, Environmental Resources Management Analyst.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

C. CLOSED SESSION

D. OPENING CEREMONIES

The meeting opened with the pledge of allegiance to the flag of the United States by 3211 Cub Scouts, followed by a moment of silence for Susan Gonzalez, wife of Salvador Gonzalez former Housing Director.

K. INFORMATION/CONSENT PUBLIC HEARINGS

L. PUBLIC HEARINGS

ACTION: Mayor Holden reopened the public hearing.

DISCUSSION: The City Clerk reported an additional 40 letters had been received in opposition to increasing fees.

Public Works Department

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

RECOMMENDATION: 1) Consider all protests and conclude the public hearing concerning the adoption of ordinances continuing and establishing certain water, wastewater and environmental resources user fees and charges; 2) 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 3) Authorize the City Manager or designee to make the necessary budget adjustments consistent with items 1 and 2.

DISCUSSION: The Water Resources Manager reviewed the water rate study and commented on the differences of rate costs of services.

Comments were received from: Steve Nash, Larry Stein, Jim Lavery, Kentan Shank, Harold Ceja, Rudy Salvio, Daniel Lichliter and Bert Perello.

The Interim Public Works Director outlined the differences of rates charges of different service users and staff followed Proposition 218 requirements. The Chief Financial Officer reviewed bond rating process. The Environmental Resources Management Analyst stated there was no significant loss due to theft of recycling materials.

The Council discussed: the bond rating process; comparison of other communities service rates; effect of theft of recyclable materials; possible phasing-in of rates; and possibility of having "life-line" services.

ACTION: Close the public hearing. (Holden/Pinkard) Approved rate increases with Water starting in January 2013, Solid Waste starting immediately, Waste Water having an 18% increase over eighteen months and to have future "life line" service discussions. (Holden/ Ramirez) Ayes: Flynn, Ramirez, Holden, Pinkard, and MacDonald. This item will be continued to September 11, 2013.

M. REPORT OF CITY MANAGER

N. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

CITY COUCIL OMMUNITY DEVELOPMENT AND HOUSING AUTHORITY

At 10:53 p.m. the concurrent meeting with the regular City Council concluded.

O. REPORTS

P. PUBLIC COMMENTS ON REPORTS

Q. APPOINTMENT ITEMS

R. STUDY SESSION

S. PUBLIC COMMENTS ON STUDY SESSION

T. ADJOURNMENT

At 10:53 p.m. the City Council concurred to adjourn the meeting.

DANIEL MARTINEZ
City Clerk

DR. THOMAS E. HOLDEN
Mayor

MINUTES

OXNARD CITY COUNCIL Special Meeting July 31, 2012

A. ROLL CALL/POSTING OF AGENDA

At 5:32 p.m., the special meeting of the Oxnard City Council convened in the Council Chambers concurrently with Community Development Successor Agency. 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 Grace Magistrale Hoffman, Deputy City Manager.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

C. CLOSED SESSION

At 5:33 p.m. the City Council recessed to a closed session, pursuant to Government Code section 54956.9(b)(3)(C). Based on existing facts and circumstances, this is significant exposure to litigation with is available for inspection at the City Clerk's Office.

The City Council also recessed to a closed session, pursuant to Government Code section 54956.9(c), based on existing facts and circumstances, the City Council shall decide whether to initiate litigation in three potential cases.

At 6:59 p.m. the City Council reconvened and recessed to the evening session. The City Attorney announced instructions to move forward with litigation and details to be announced at a later date.

D. OPENING CEREMONIES

At 7:08 p.m., the special meeting of the Oxnard City Council reconvened in the Council Chambers, concurrently with the Community Development Commission Successor Agency, Housing Authority and Financing Authority. The meeting opened with the pledge of allegiance to the flag of the United States by 3211 Cub Scouts, followed by a moment of silence for Susan Gonzalez, wife of Salvador Gonzalez former Housing Director. Mayor Holden presided. Additional staff members present were: Jeri Williams, Police Chief; William "Bill" Wilkins, Housing Director; James Cameron, Chief Financial Officer; Rob Roshanian, Interim Public Works Director; Curtis P. Cannon, Community Development Director; Michael Henderson, General Services Manager; Anthony Emmert, Water Resources Manager; Martin Erickson, Special Assistant to the City Manager; Michelle Johnson, Interim Environmental Resources Manager; Brad Windsor, Acting Fire Chief; and Grant Dunne, Environmental Resources Management Analyst.

ITEMS REMOVED FROM AGENDA

Mayor Holden announced the removal of M-1 of the agenda.

E. CEREMONIAL CALENDAR

1. **SUBJECT:** Introduction of William Strickland, William Strickland National Center for Arts and Technology.
DISCUSSION: Pro Tem Pinkard and Councilmember Ramirez commented on the words of Mr. Strickland who has worked with youth-at-risk using the arts as a tool. Mr. Strickland commented on his success working with youth-at-risk and opportunity for a local project.
2. **SUBJECT:** Presentation of Commendation to the Royal Puma Football Club.
DISCUSSION: The Council presented commendations to players and coaches of the Royal Puma Club.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

The following individuals provided comments: Nancy Pedersen; Dien Le; Manuel Covarrubias; Dee Cota; Jim Hensley; Bert Perello; Larry Stein; Morey Navarro; Ralph James; Sofia Rivera; and Jim Lavery.

L. PUBLIC HEARINGS

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

Housing Department

2. **SUBJECT:** Public Hearing for Issuance of Multifamily Housing Revenue Bonds for Wagon Wheel Family Apartments Project, located at Buckaroo Avenue and Winchester Drive. (327)
RECOMMENDATION: 1) Hold a public hearing regarding the issuance of up to \$18,000,000 of multifamily housing revenue bonds by the California Statewide Communities Development Authority to finance the acquisition, construction and development of Wagon Wheel Family Apartments, a 120-unit multi-family rental housing project located at Buckaroo Avenue and Winchester Drive; and 2) Adopt **Resolution No. 14,271** approving the issuance of bonds.
DISCUSSION: The Housing Director outlined the request by the developer.

Comments were received from: Barbara Mari-Ortiz, Carl Renezeder and Pat Brown.

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

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 2012-13 City Budget. (263)
RECOMMENDATION: 1). Conduct a public hearing on the Fiscal year 2012-13 operating and capital budgets for the City of Oxnard and the Oxnard Housing authority; 2) At the conclusion of the public hearing, at the discretion of the City Council adopt resolutions: a) **Resolution No.**

14,266, approving the Fiscal Year 2012-13 Operating and Capital Budget, b) **Resolution No. 14,267**, authorizing full-time equivalent positions in the City effective July 1, 2012, c) **Resolution No. 14,268**, authorizing the Classification and Salary Schedule effective July 1, 2012, and d) establishing Financial Management Policies; and 3) At the conclusion of the public hearing, at the discretion of the Oxnard Housing Authority Commissioners.

DISCUSSION: The Chief Financial Officer reviewed proposed budget including proposed reductions and other cost cutting measures. The Police Chief commented on the hiring process of Police Officers. The Interim City Manager stated all department budgets would be reduced by one percent. The General Services Manager reviewed the costs of the golf course compared to other cities.

Public comments received from: Steve Nash; Jim Lavery; Larry Stein; Pat Brown; Julie Pena; Lupe Anguiano and Daniel Lechliter.

The City Council commented on: possible budget cutting measures including a one percent cut of all department budgets; proposed increase of fees; the need to approve the budget; and the use of Measure "O" funds.

ACTION: Close the public hearing. (Holden/Pinkard) Approved as recommended with loan from General Fund Reserves and not from Measure "O" and continue examining the budget in the future. (Holden/Pinkard) Ayes: MacDonald, Flynn, Holden, and Pinkard. Noes: Ramirez.

At 9:41 p.m., the special City Council meeting recessed, and the adjourned July 31, 2012 City Council meeting was held. At 10:53 p.m., the special City Council meeting reconvened.

G. REVIEW OF INFORMATION/CONSENT AGENDA

The Community Director reviewed the homeowner program (I-4). The Acting Fire Chief reviewed emergency process (I-11). The City Clerk reviewed the newspaper selection process (I-2). The Interim Environmental Resources Manager commented on the name of the vendor (I-16).

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Comments were received from: Steve Nash (I-2, I-3, I-4); Larry Stein (I-13, I-16); Barbara Macri-Ortiz (I-4); Ilona Scott (I-3); Shirley Godwin (I-2); Larry Godwin (I-16); Pat Brown (I-4, I-5, I-6, I-8); Mitch Kahn (I-4); and Bert Perello (I-3).

I. INFORMATION/CONSENT AGENDA

2. **SUBJECT:** Agreement for Publication of Legal Notices and Legal Advertisements and for Publication of Display Advertisements and Classified Advertisements. (017)

RECOMMENDATION: 1) Approve and authorize the Mayor to execute an agreement with Ventura County Reporter (A-7514) for the publication of legal notices and legal advertisements for fiscal year (FY) 2012-13; and 2) Authorize the City Manager or designee to negotiate and execute agreements with other newspapers to allow for the publication of legal advertisements, display advertisements and classified advertisements for FY 2012-13.* Motion to include both Ventura County Reporter and Vida Newspaper for all legal notices and legal advertisements.

City Manager Department

3. **SUBJECT:** Agreements for City Council Review. (025)
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.

Community Development Department

5. **SUBJECT:** Property Management Contract for the Premises Located at 327 North Fifth Street Commonly Known as the Social Security Building, 318 West Fifth Street and 321 West Sixth Street. (033)
RECOMMENDATION: Approve and authorize the Mayor to execute a one-year property management contract with Alert Management Company (5882-12-CD).

Development Services Department

6. **SUBJECT:** Special Budget Appropriation for "Highway 101—Rice Avenue Interchange" Project. (059)
RECOMMENDATION: Appropriate \$1,813,537 for construction and consultant costs for the Rice Avenue/Santa Clara Avenue interchange improvements at U.S. Highway 101 from the State Gas Tax and Circulation System Improvement Fee fund balances, from the Rice-101 Assessment District reserve, and from the Water Operating Fund to the "Highway 101—Rice Avenue" project.
7. **SUBJECT:** Change Order No. 50 for Security Paving Co. Inc. for Project Specification No. PW03-19 for Rice Ave/Santa Clara Avenue Interchange Improvements at Highway 101. (063)
RECOMMENDATION: Approve and authorize the Mayor to execute Change Order No. 50 for Project Specification No. PW03-19 with Security Paving Co., Inc. (A-7228) to increase the amount by \$325,621.92 (a total of \$34,081,983.46) for the Rice Avenue/Santa Clara Avenue interchange improvements at U.S. Highway 101.
8. **SUBJECT:** Amendment to Agreement with Overland, Pacific and Cutler, Inc. for the Rice Avenue/Santa Clara Avenue Interchange Improvements at U.S. Highway 101. (085)
RECOMMENDATION: Approve and authorize the Mayor to execute the fourth amendment to the agreement with Overland, Pacific and Cutler, Inc. (OPC) (4512-08-DS) to increase the contract amount by \$50,250 for a total of \$665,250 for right of way advisory services for the Rice Avenue/Santa Clara Avenue interchange improvements at Highway 101.
9. **SUBJECT:** Fifth Amendment to Agreement with AECOM Technical Services, Inc. (AECOM) for the Rice Avenue/Santa Clara Avenue Interchange Improvement Project at U.S. Highway 101. (093)
RECOMMENDATION: Approve and authorize the Mayor to execute a fifth amendment to the agreement with AECOM (A-7235) to increase the amount by \$155,535 (a total of \$3,923,110) to provide construction management, materials testing, and inspection services for the Rice Avenue/Santa Clara Avenue interchange improvement project at U.S. Highway 101.

Finance Department

10. **SUBJECT:** Refunding of Certificates of Participation, Series 1999. (105)
ACTION: Removed from information/consent agenda.

Fire Department

11. **SUBJECT:** Adoption of City of Oxnard Emergency Operations Plan. (161)
RECOMMENDATION: Adopt **Resolution No. 14,264:** 1) Adopting the City of Oxnard Emergency Operations Plan (EOP); and 2) Authorizing the Mayor to sign the Letter of Promulgation.

Public Works Department

13. **SUBJECT:** Blanket Purchase Orders with Granite Construction, Incorporated and Vulcan Materials Company. (181)
RECOMMENDATION: Approve and authorize the Mayor to execute a Blanket Purchase Order No. 4074 with Granite Construction, Incorporated (Granite) and Blanket Purchase Order No. 4075 with Vulcan Materials Company (Vulcan), for a not-to-exceed amount of \$1,000,000 each for the purchase of hot mix asphalt and class 2 road base for street pavement repair and for the processing and recycling of concrete and asphalt demolition debris throughout the 2012-2013 fiscal year.
14. **SUBJECT:** License Agreement with the Oxnard Auto Dealers Association and Plaza Del Norte Business Center Association for Shared Maintenance of the Public Drainage Channel Located to the East of the Oxnard Auto Center. (185)
RECOMMENDATION: Approve and authorize the Mayor to execute the License Agreement with the Oxnard Auto Dealers Association and Plaza Del Norte Business Center Association (A-7472) for shared maintenance of the public drainage channel located to the east of the Oxnard Auto Center.
15. **SUBJECT:** Resolution and Agreement with State of California Transportation Commission (CTC) and Department of Transportation (Caltrans) for Construction Funding for PW03-18 Hueneme Road Widening Project. (209)
RECOMMENDATION: 1) Approve an agreement with the CTC and Caltrans (A-7518) setting conditions for construction funding for the Hueneme Road Widening Project from the voter-approved initiative known as Proposition 1B; and 2) Adopt **Resolution No. 14,265** agreeing to secure funds for any additional costs of the Hueneme Road Widening Project.
16. **SUBJECT:** First Amendment to Agreement with Republic Services of Oxnard and Agreement for Contracting Services with Republic Services of Oxnard for Yard Trimmings and Wood Waste Processing Services. (221)
RECOMMENDATION: 1) Approve and authorize the Mayor to execute a First Amendment to agreement with BLT Enterprises of Oxnard, Incorporated dba Republic Services of Oxnard (A-7465) to exempt the curbside green waste material to be considered in regards to the calculation in the Base Service Fee for the Excess Tonnage Fee and the Excess Diversion Bonus, and waive

the processing fee of \$8.41 per ton self-haul materials; and 2) Approve and authorize the Mayor to execute an Agreement with BLT Enterprises of Oxnard, Incorporated dba Republic Services of Oxnard (A-7517) in an amount not to exceed \$450,000 for yard trimmings and wood waste processing services.

17. **SUBJECT:** PW13-01 Del Norte Facility Waste Tipping Floor Restoration Project. (247)
RECOMMENDATION: Approve plans and specifications for PW13-01 (Del Norte Facility Waste Tipping Floor Resurfacing Project) for the restoration of the waste tipping floor at the Del Norte Regional Recycling and Transfer Station (Del Norte Facility) located at 111 South Del Norte Boulevard and authorize staff to solicit bids for the project.
18. **SUBJECT:** Reciprocal Agreement between the City of Oxnard and the County of Ventura Transportation Department. (249)
RECOMMENDATION: 1) Approve and authorize the Mayor to execute a reciprocal agreement between the City of Oxnard and the County of Ventura Transportation Department (A-7515) to allow the County to perform maintenance work on City of Oxnard streets, and also allow the City of Oxnard to perform maintenance work on County roads, wherein it would be beneficial to both parties; and 2) Approve and authorize the Interim City Manager to execute Project Work Agreement No. OX-01 to Agreement A-7515 in the amount of \$130,000 for the resurfacing of the City's portion of Sunset Lane and Channel Islands Boulevard.

Public Works Department

19. **SUBJECT:** Award of Contract for PW12-13 Hueneme Road Recycled Water Pipeline Project.
RECOMMENDATION: 1) Approve and authorize the Mayor to execute Contract No. A-7519 with Mladen Buntich Construction Company, Inc. in the amount of \$5,695,900 for the scope of work detailed in Specification PW 12-13, Hueneme Road Recycled Water Backbone System Phase 1A, from Perkins Road to Olds Road, contingent upon receipt of required bonds, licenses, and insurance documents; and 2) Approve a Special Budget Appropriation (SBA) in the amount of \$5,695,900 to the Recycled Water Backbone Phase I Hueneme Road Project No. 126002, that includes reappropriation of \$3,200,748 from the Fifth Street Utility Improvement Project No. 116502; \$2,455,792 from the Recycled Water Backbone System Phase I Project No. 096002; and \$39,360 from the Ventura Road Utility Improvement Project No. 106503.

INFORMATION/CONSENT AGENDA ACTION: Approved as recommended with all legal notices and legal publications in both the Ventura County Reporter Newspaper and Vida Newspaper (I-2) and removal of I-10 for Information/Consent list for a separate motion and vote. (Holden/Ramirez) Ayes: Ramirez, and Holden, Pinkard, MacDonald, and Flynn.

Finance Department

10. **SUBJECT:** Refunding of Certificates of Participation, Series 1999. (105)
RECOMMENDATION: Adopt **Resolution No. 14,263** approving the forms of and authorizing the execution and delivery of a site lease and a lease/purchase agreement, and authorizing certain additional actions.

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

J. TRANSMITTAL OF INFORMATION ONLY ITEMS**K. INFORMATION/CONSENT PUBLIC HEARINGS****M. REPORT OF CITY MANAGER**

The Interim City Manager reported on the arrival of the Dallas Cowboys to start summer training camp.

1. **SUBJECT:** Verbal Report on Oxnard Community Development Commission Successor Agency and Status of Redevelopment Activities in the City of Oxnard, including report on effect of AB 1484, State Budget Trailer Bill; summary of delinquencies with respect to Successor Agency and City owned assets possibly subject to ABx1 26; and summary of the Downtown Assistance Plan described in Agreement No. A-5965 (Fourth Amendment to Owner Participation Agreement between the former Community Development Commission and certain Riverpark Developers).
ACTION: Continue to future date.

HOUSING AUTHORITY AND FINANCE AUTHORITY

At 11:19 p.m. the joint meetings with the Housing Authority and Financing Authority concluded.

N. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

1. **SUBJECT:** McGrath State Beach Park: Return of City Contribution. (339)
RECOMMENDATION: Approve and authorize sending a letter to the Acting Director of California State Parks seeking the return of the \$50,000 donation from the City of Oxnard.
ACTION: Move to send letter returning donation. (Holden/MacDonald) unanimously.

Commented on the Salsa Festival event; and conditions placed the Northshore development.

O. REPORTS**City Manager Department**

1. **SUBJECT:** Draft City Council Procedures Manual/Ethics Training Update. (343)
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.
ACTION: Removed from agenda.
2. **SUBJECT:** Consideration of Support for the Ventura County Transportation Commission (VCTC's) Adopted Position on Countywide Transit. (393)
RECOMMENDATION: Consider supporting the adopted position of VCTC concerning countywide transit and provide direction to the City Manager.
DISCUSSION: The Special Assistant to the City Manager reviewed the proposed plan to create countywide transit system. Councilman MacDonald review the use of funding and the steps to create a county transit district.

Comments were received from: Steve Nash and Pat Brown.

ACTION: Approved supporting a County-wide transit system. (Holden/Pinkard), unanimously.

At 11:37 p.m., the special Council meeting recessed while the Community Development Successor Agency held a meeting. At 12:06 a.m. the special Council meeting reconvened.

COMMUNITY DEVELOPMENT SUCCESSOR AGENCY

At 12:06 p.m. the joint meeting with the Community Development Successor Agency concluded.

At 12:07 p.m., Mayor Holden left the meeting and Mayor Pro Tem Pinkard presided.

P. PUBLIC COMMENTS ON REPORTS

Q. APPOINTMENT ITEMS

R. STUDY SESSION

S. PUBLIC COMMENTS ON STUDY SESSION

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

The following comments were received from: Roberto Fernandez, Robert Jefferson; and Ed Ellis;

T. ADJOURNMENT

At 12:15 a.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