

MINUTES

AGENDA ITEM NO.

I-1

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: 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 Canzoneri, 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 HEARINGS

Housing 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 HEARINGS

O. REPORT OF CITY MANAGER

P. 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. REPORTS

Public 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

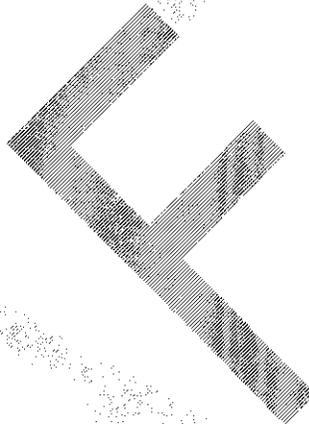
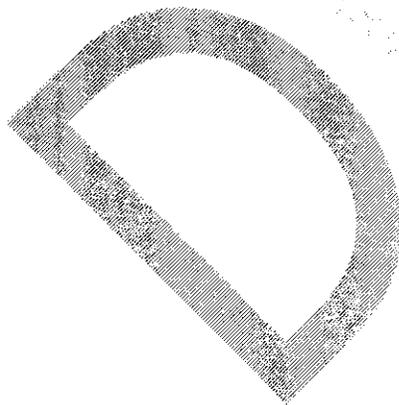
U. PUBLIC COMMENTS ON STUDY SESSION

V. ADJOURNMENT

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

DANIEL MARTINEZ
City Clerk

DR. THOMAS E. HOLDEN
Mayor



MINUTES

OXNARD CITY COUNCIL

Regular Meeting

September 18, 2012

A. ROLL CALL/POSTING OF AGENDA

At 5:31 p.m., the regular meeting of the Oxnard City Council convened in the Council Chambers concurrently with the 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 Curtis P. Cannon, Community Development Director.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

C. CLOSED SESSION

At 5:32 p.m. the City Council and Successor Agency 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 two potential cases, and discuss litigation which the City has decided to file in the Superior Court of the State of California in Sacramento, City of Bellflower, et al. v. Ana Matasantos, et al., case not yet filed.

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

D. OPENING CEREMONIES

At 7:05 p.m., the regular meeting of the Oxnard City Council reconvened in the Council Chambers, concurrently with the 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: Jeri Williams, Police Chief; James Cameron, Chief Financial Officer; William Wilkins, Housing Director; Rob Roshanian, Interim Public Works Director; Grace Magistrale Hoffman, Deputy City Manager; Sue Martin, Planning and Environmental Services Manager; and Grant Dunne, Environmental Resources Management Analyst.

E. CEREMONIAL CALENDAR

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

7:06

The following individuals provided comments: Martin Jones; Ed Ellis; Charles Dennis; Larry Stein; Ernest Winnerholm; Robert Sanchez; Orlando Dozier; Daniel Lechlitter; Inez Tuttle; Dolores Ochoa; and Jesus Rocha.

G. REVIEW OF INFORMATION/CONSENT AGENDA

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

I. INFORMATION/CONSENT AGENDACity Clerk Department

1. SUBJECT: Minutes of the Regular Meeting of the Oxnard City Council for July 17 and July 24, 2012. (001)
RECOMMENDATION: Approve.

Fire Department

2. SUBJECT: Authorization to Accept a Grant Award from the Federal Emergency Management Assistance to Firefighters Grant – Fire Prevention and Safety Grant in the Amount of \$351,200. (0009)
RECOMMENDATION: 1) Adopt **Resolution No. 14,273** accepting a grant award from the Federal Emergency Management Agency (FEMA) Assistance to Firefighters grant in the amount of \$351,200, authorizing the execution of grant agreements, authorizing the submittal of grant claims and financial and non-financial reports, and authorizing the approval of special budget appropriations for the use of grant funds; and 2) Approve special budget appropriation to recognize and appropriate funds in amount of \$351,200.

Public Works Department

3. SUBJECT: **Ordinance No's. 2859, 2860 and 2861** to Continue and Establish Water, Wastewater and Environmental Resources User Fees and Charges. (013)
RECOMMENDATION: Second reading and approval.*
4. SUBJECT: PW 12-16 Wells Numbers 22, 32 and 33 Rehabilitation Project. (045)
RECOMMENDATION: Approve Project Specification No. PW 12-16 for the rehabilitation of Wells Numbers 22, 32 and 33, located at 251 South Hayes Avenue, and authorize staff to solicit bids for the project.

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

J. TRANSMITTAL OF INFORMATION ONLY ITEMSK. 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.

Housing Department

1. SUBJECT: The City of Oxnard's Consolidated Annual Performance and Evaluation Report (CAPER) for the Fiscal Year 2011-2012. (047)
RECOMMENDATION: Accept the City of Oxnard's CAPER for FY 2011-2012.
ACTION: Close the public hearing. (MacDonald/Holden) Approved as recommended. (MacDonald/Holden) Ayes: Ramirez, Holden, Pinkard, MacDonald and Flynn.

L. PUBLIC HEARINGS

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

Development Services Department

1. **SUBJECT:** Appeal of the Planning Commission's Denial of Planning & Zoning Permit No. 11-570-02 (Zone Change) Requesting a Zone Change to General Commercial Planned Development (C-2-PD), and Planning & Zoning Permit No. 11-510-09 (Special Use Permit – Alcohol) Requesting a Type 20 ABC License for a Proposed 7-Eleven Store. Located at 1001 and 1051 East Channel Islands Blvd. Filed by Designated Agent Lucy Dinneen, Cadence Capital Investments LLC, on Behalf of Property Owner Channel Islands Inn LP. (115)
RECOMMENDATION: Adopt a resolution denying the appeal and: a) Deny Planning & Zoning Permit No. 11-570-02 (Zone Change); and b) Uphold the Planning Commission's denial of Planning & Zoning Permit No. 11-510-09 (Special Use Permit – Alcohol).
DISCUSSION: The Planning and Environmental Services Manager reviewed the actions of the Planning Commission, proposal of developer and proposed floor layout.

Mr. Brian Corbell, Channel Islands Inn LP., reviewed efforts to find a restaurant to locate at the site and has belief that placing a 7-11 store would be very successful (with good signage).

The following individuals opposed placing a 7-11 at the site: Ed Ellis; William Terry; Nancy Perderson; Larry Stein; Lucy Cartagena; Linda Calderon; Pat Brown; Larry Godwin; Shirley Godwin; Rebecca Ralph; and Inez Tuttle.

The following individuals supported placing a 7-11 at the site: David Corrubias; Jerry Luque; Lesly Elenes; Margarita Morales; Rosalia Madrigal; Marina Madrigal; and Broderick Huggins.

The City Council commented on: efforts to find a restaurant for the site; having an empty building.

ACTION: Close the public hearing. (Holden/Pinkard) Mayor Holden moved approve the appeal (died due to lack of second). Moved to continue this item. (Pinkard/ Ramirez) Ayes: MacDonald, Flynn, Ramirez, Holden and Pinkard.

COMMUNITY DEVELOPMENT COMMISSION SUCCESSOR AGENCY

At 9:47 p.m. the joint meeting with the Community Development Successor Agency concluded.

M. REPORT OF CITY MANAGER

The Interim City Manager stated that next week the Spanish language agreement would be presented to the City Council.

N. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

1. **SUBJECT:** Verbal Report – Status of Request for Proposal for Operator of the Del Norte Regional Recycling and Transfer Station.
RECOMMENDATION: Receive the Report.

DISCUSSION: The Interim Public Works Director reviewed the RFP process and use of consultants. The Chief Financial Officer review the request for qualified companies and then negotiations would take place. The City Attorney outlined the RFP process. The Interim City Manager commented on the use of the consultants and selection process.

The following individuals provided comments: William Terry; Nancy Pedersen; Steven MacIntosh; Larry Stein; Mary Anne Rooney; Gus Sanchez; Larry Godwin; Bert Perello; Robert Solomon; and Dan Rosenthal.

The Council discussed: the selection process; use of consultants; members of the selection team; the proposed schedule of the selection process and safe guards in the process.

The Environmental Resources Management Analyst reviewed types of recycled materials being collected and the past citywide recycling rate.

ACTION: Received the report and provided comments.

The Council commented on the 16th of September Celebrations in downtown Oxnard.

O. REPORTS

Housing Department

1. **SUBJECT:** Verbal Follow-up Report Regarding Plan to Address Housing Repairs Within The Courts.
RECOMMENDATION: Receive the Report.
DISCUSSION: The Housing Director reviewed the inspection of the Courts, reported on conditions of the units, schedule of repairs and that all 260 units were livable.
ACTION: Received report.

At 10: 31 p.m., Mayor Holden left the meeting and Mayor Pro Tem Pinkard presided.

2. **SUBJECT:** Authorization to Execute a Development Agreement with Urban Housing Communities for The Courts. (049)
RECOMMENDATION: Authorize the Housing Director to execute a Development Agreement with Urban Housing Communities for the public housing site, commonly known as The Courts, consisting of approximately 25 acres south of Camino Del Sol, east of Marquita Street, west of Rose Avenue and north of First Street.
ACTION: Approved as recommended. (MacDonald /Ramirez). Ayes: Ramirez, Pinkard, MacDonald, and Flynn. Absent: Holden.

At 10: 34 p.m., Mayor Holden returned to the meeting and presided.

3. **SUBJECT:** Terraza de Las Cortes, L.P. by the Housing Authority and Las Cortes, Inc. (111)
RECOMMENDATION: 1) That the Housing Authority Board of Commissioners authorize negotiation of a Partnership Agreement to be returned for approval, between the Housing Authority and Las Cortes, Inc. for purpose of developing and operating a 64 unit multi-family affordable housing project to be known as Terraza de Las Cortes ("Project") on property currently owned by the Housing Authority; and 2) That the City Council approve a special budget appropriation in the amount of \$3.3 million to the Project.

ACTION: Moved to continue to this item to September 25, 2012. (Ramirez/Pinkard),
unanimously.

HOUSING AUTHORITY

At 10:38 p.m. the joint meeting with the Housing Authority concluded.

- 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 individuals provided comments: Lucy Cartagena and Francisco Romero.

T. ADJOURNMENT

At 10:43 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