MINUTES

OXNARD CITY COUNCIL
Regular Meeting
December 11, 2012

A. ROLL CALL/POSTING OF AGENDA

At 7:02 p.m., the regular meeting of the Oxnard City Council convened in the Council Chambers concurrent with Community Development Commission Successor Agency. Councilmembers Tim Flynn; Carmen Ramirez; Bryan A. MacDonald and Dorina Padilla were present. The City Clerk stated that the agenda was posted on Thursday in the Library and City Clerk's Office. Mayor Flynn presided and called the meeting to order.

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, followed by a moment of silence. Mayor Holden presided. Staff members present were: Daniel Martinez, City Clerk; Karen Burnham, Interim Assistant City Manager; Alan Holmberg, City Attorney; Jeri Williams, Police Chief; James Cameron, Chief Financial Officer; Grace Magistrale Hoffman, Deputy City Manager; ; Rob Roshanian, Interim Public Works Department; William "Bill" Wilkins, Housing Director; Matthew Winegar, Development Services Director; Martin Erickson, Special Assistant to the City Manager; Kymberly Horner, Interim Redevelopment Services Manager; Marty Meyers, Police Commander; Scott Hebert, Police Commander; Anthony Emmert, Water Resources Manager; Cynthia Daniels, Project Manager; Jason M. Samonte, Traffic Engineer; Michael More, Financial Services Manager; Michael Henderson, General Services Manager; and Sue Martin, Planning and Environmental Services Manager.

E. CEREMONIAL CALENDAR

1. SUBJECT: "A Special Visitor from the North Pole"
   DISCUSSION: Santa Claus presented milk and cookies to the Council and City staff wishing the City of Oxnard happy holidays.

2. SUBJECT: Commendation of the City Council of the City of Oxnard Commending Gerald R. Dawley for Over 17 Years of Service to the City of Oxnard.
   DISCUSSION: Mayor Flynn presented a commendation to Gerald R. Dawley for his service to the City of Oxnard.

3. SUBJECT: Presentation of a Resolution to Melissa Mendez for Over 32 Years of Service to the City of Oxnard. (001)
   RECOMMENDATION: Adopt **Resolution No. 14,285**.
   ACTION: Approve as recommended. (Ramirez/MacDonald) unanimously.

4. SUBJECT: Employee of the Fourth Quarter 2012.
   ACTION: Continue to January 8, 2013.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

The following individuals provided comments: Francisco Romero; Miguel Espinosa; Martin Jones; Nancy Pedersen; Ed Ellis; Gus Sanchez; Steve Nash; Mike Barber; Larry Stein; Shaun Stanistreet; Bert Perello; Greg Runyon; and Dan Pinedo.

G. REVIEW OF INFORMATION/CONSENT AGENDA

Comments were received from City Attorney (I-1); Interim Public Works Director (I-1); Legislative Affairs Manager (I-4); Interim Redevelopment Services Manager (I-5); Police Commander Meyers (I-6); Police Commander Hebert (I-7); Interim City Manager, Interim Public Works Director and Water Manager (I-10); and Project Manager (I-2b).

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Received comments from Steve Nash (I-4, I-5); Orlando Dozier (I-2 b & d); and Bert Perello (I-1; I-2d; I-5 & I-6).

I. INFORMATION/CONSENT AGENDA

City Attorney Department

1. SUBJECT: Second Amendment to Agreement for Special Counsel on Water Issues. (003)
RECOMMENDATION: Approve and authorize the Mayor to execute a Second Amendment to the Agreement with Brownstein Hyatt Farber Schreck, LLP ("Brownstein") (5373-11-CA) for services relating to water issues for a period of nine months and an increase of $150,000 for a total contract amount not to exceed $390,000.

City Manager Department

2. SUBJECT: Agreements for City Council Review. (007)
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 with removal of item (a).*

3. SUBJECT: City Easement to Southern California Edison for Underground Utility District No. 18, Future Sports Park, 100 E. Gonzales Road. (013)
RECOMMENDATION: Approve and authorize the Mayor to execute a Grant of Easement to Southern California Edison ("Edison") for the Underground Utility District No. 18 along Oxnard Boulevard so that Edison may adhere to City Resolution No. 13,960.

4. SUBJECT: Transportation Development Act (TDA) Local Transportation Fund (LTF) Allocations for FY 2012/13. (023)
RECOMMENDATION: 1) Adopt **Resolution No. 14,286** approving the submittal of a claim with the Ventura County Transportation Commission (VCTC) for allocation of TDA funds as follows: • Gold Coast Transit (GCT) to receive $5,362,432 of the City's Article 4 LTF allocation for FY 2012/13 to support and develop the public transportation system in Ventura County • The

City's transit services program to receive $500,000 of Article 8c LTF funding for its operations and $534,204 for its capital program.• Ventura Intercity Transit Authority (VISTA) to receive $92,864 of the City's Article 4 LTF allocation for FY 2012/13; and 2) Authorize the City Manager to make the necessary budget allocations consistent with the resolution.

Community Development Department

5. SUBJECT: Administrative Services Agreement for Advance Reimbursement of Administrative, Overhead and Other Expenses. (027)
RECOMMENDATION: Approve and authorize the Mayor to sign the Administrative Services Agreement (A-7556) for Advance and Reimbursement of Administrative, Overhead and Other Expenses between the City and Oxnard Community Development Commission Successor Agency ("Successor Agency").
DISCUSSION: Timeline information to be provided from staff.

Police Department

6. SUBJECT: First Amendment to Agreement for Security Services in the Central Business District Core Area and Oxnard Downtown Management District. (035)
RECOMMENDATION: Approve and authorize the Mayor to execute the First Amendment to the Agreement for Trade Services with Securitas Security Services USA, Inc. (A-7362) to extend the term one year to December 31, 2013, and increase the not-to-exceed amount by $260,000 for a total of $950,000.

7. SUBJECT: Third Amendment to Agreement for Sintra Group and City of Oxnard. (051)
RECOMMENDATION: Approve and authorize the Mayor to execute the Third Amendment to the Agreement for Trade Services with Sintra Group (4924-09-PO) to extend the term one year to November 30, 2013, and increase the not-to-exceed amount by $80,000 for a total agreement value of $320,000.

Public Works Department

8. SUBJECT: Metropolitan Water District of Southern California Member Agency Funded Water Conservation Programs. (055)
RECOMMENDATION: 1) Adopt **Resolution No. 14,287** authorizing the City Manager or his designee to execute agreements, amendments and documents necessary to secure reimbursements from Metropolitan Water District of Southern California for the following two water conservation programs: (a) High Efficiency Toilet Exchange Program for commercial water customers; and (b) High Efficiency Sprinkler Nozzle Distribution program for both residential and commercial water customers; and 2) Approve a Special Budget Appropriation in the amount of $228,000 consisting of $136,000 reimbursable funds and $92,000 from Water Fund Balance.

9. SUBJECT: Project Specification PW12-14 East Ventura Boulevard Improvement Project. (061)
RECOMMENDATION: Approve Project Specification No. PW12-14 for the design and construction of sidewalk, curb, gutter, drainage, landscaping and the reconstruction of the street along East Ventura Boulevard from Nyeland Avenue to Almond Drive and authorize staff to solicit bids.

10. SUBJECT: Sixth Amendment to Agreement with Black & Veatch Corporation for Utilities Rate Studies. (063)
RECOMMENDATION: Approve and authorize the Mayor to execute the Sixth Amendment to the Agreement with Black & Veatch Corporation (4218-07-PW) for the Utilities Rate Studies to increase the amount from $348,925 by $22,540 for a total of $371,465 and extend the expiration date to June 30, 2013.

INFORMATION/CONSENT AGENDA ACTION: Approved as recommended with removal of I-2(a)*. (MacDonald/Ramirez) Ayes: MacDonald, Padilla, Flynn and Ramirez.

J. TRANSMITTAL OF INFORMATION ONLY ITEMS

K. INFORMATION/CONSENT PUBLIC HEARINGS

L. PUBLIC HEARINGS

ACTION: Mayor Flynn declared the public hearing open.
DISCUSSION: The City Clerk reported on posting, publication and no written communications were received.

Development Services Department

1. SUBJECT: Redevelopment of the Food 4 Less Gateway Plaza - Planning and Zoning Permit Nos. 12-540-1(PD), 12-500-1 (SUP), 12-510-1 (SUP for Alcohol), and 12-300-1 (TPM); Located at the Southwest Corner of Vineyard Avenue and West Esplanade Drive. Filed by The Kroger Company, Greg Peters,1100 West Artesia Blvd, Compton, CA 90220. (071)
RECOMMENDATION 1) Adopt **Resolution No. 14,288** upholding the Planning Commission's approval of Planning and Zoning Permit No. 12-540-1 (Planned Development Permit), subject to the conditions set forth in Planning Commission Resolution No. 2012-29; 2) Adopt **Resolution No. 14,289** upholding the Planning Commission's approval of Planning and Zoning Permit No. 12-500-1 (Special Use Permit), subject to the conditions set forth in Planning Commission Resolution No. 2012-30; 3) Adopt **Resolution No. 14,290** upholding the Planning Commission's approval of Planning and Zoning Permit No. 12-510-1 (Alcohol - Special Use Permit), subject to the conditions set forth in Planning Commission Resolution No. 2012-31; and 4) Adopt **Resolution No. 14,291** approving Tentative Parcel Map (Planning and Zoning Permit No. 12-300-1), subject to the conditions set forth in Planning Commission Resolution No. 2012-32.
DISCUSSION: The Development Services Director reviewed the proposed development including landscape, bicycle lanes, traffic impacts and new bus turn-outs. The Traffic Engineer commented on traffic solutions including linking bus service. The City Attorney reviewed legal status of working local individuals.

The following individuals provided comments: Bert Perello; Roy Prince; William "Bill" Terry; Steve Nash; Frank Nilsen; and Orlando Dozier.

Greg Peters, Kroger Company, reviewed the proposed gas station, installation of traffic lights, bike racks and landscaping.

The City Council discussed the proposed development including the proposed gas station, bike path, 8 feet wide sidewalks, and employment of local residents.

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

COMMUNITY DEVELOPMENT COMMISSION SUCCESSOR AGENCY

At 10:05 p.m. the concurrent meetings with the Community Development Commission Successor Agency concluded.

M. REPORT OF CITY MANAGER

N. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

The City Council discussed activation of the Youth Council and the Permit Center process.

1. SUBJECT: Appointments of Councilmembers to Various Boards, Commissions, and Committees. (205)
RECOMMENDATION: 1) That the Mayor, with the approval of the City Council, appoint members and alternates from the City Council to varies Committees, Boards and Commissions; 2) That the City Council, as a whole, appoint two Councilmembers to the Oxnard Airport Authority and one Councilmember as an alternate; and 3) That the City Council, as a whole, dissolve the following committee for several reasons including completion of objectives and not meeting Census 2010.

ACTION: 1) Mayor Flynn made the following appointments:
Councilmember Padilla: Beach Erosion Authority for Control of Operation & Nourishment - (Alternate); Joint Oxnard/Ventura Santa Clara Bridge Committee; Oxnard Convention & Visitors Bureau; Oxnard Downtown Management; Performing Arts Center Corporation; Point Mugu Regional Airport Authority - (Alternate); Ventura Council of Governments - (Alternate); Ventura County Animal Regulation Commission - (Alternate); Ventura Regional Sanitation District - (Alternate); City Wide Enhancement Program; Cultural Arts Committee; Downtown Improvement Task Force; Graffiti Task Force; Homeless Plan Working Group; and Policy and Procedures City Council Business;

Councilman MacDonald: Association of Water Agencies for Ventura County; Economic Development Corporation; Gold Coast Area Transit; Intercity Transit (subcommittee of Ventura County Transportation Commission); Las Cortes Housing Development Corporation; Regional Defense Partnership for the 21st Century; Ventura County Transportation Commission (appointed 12/04/2012); Downtown Improvement Task Force; Fiscal Policy Task Force; and Utilities Task Force;

Mayor Pro Tem Ramirez: Association of Water Agencies for Ventura County - (Alternate); Beach Erosion Authority for Control of Operation & Nourishment; Economic Development Corporation – Ventura County; Gold Coast Area Transit (Alternate); Las Cortes Housing Development Corporation; Ormond Beach Property Oversight Ad Hoc Committee; Oxnard Plain/RiverPark

Reclamation and Recharge Joint Powers Authority; Performing Arts Center Corporation; Ventura County Air Pollution Control District; Ventura County Animal Regulation Commission; City Wide Enhancement Program; Cultural Arts Committee; Fiscal Policy Task Force; Homeless Plan Working Group; and Transportation Policy Committee;

Mayor Flynn: Channel Islands Harbor Task Force; Joint Oxnard/Ventura Santa Clara Bridge Committee; Oxnard Oversight Board; Oxnard Plain/RiverPark Reclamation and Recharge Joint Powers Authority; Point Mugu Regional Airport Authority; Regional Defense Partnership for the 21st Century - (Alternate); Successor Agency Oversight Board; Southern California Association of Governments - (Alternate); Ventura Council of Governments; Ventura County Regional Energy Alliance; Ventura Regional Sanitation District; Graffiti Task Force; Policy and Procedures City Council Business; Transportation Policy Committee; and Utilities Task Force;

2) The City Council, as a whole, appoint Mayor Flynn and Councilmember Padilla to the Oxnard Airport Authority with Mayor Pro Tem Ramirez as an alternate; and

3) The City Council, as a whole, dissolve the following committee for several reasons including completion of objectives and not meeting Census 2010.

2. SUBJECT: Discussion of alternatives for filling the City Council vacancy created by the installation of Tim Flynn as Mayor.
RECOMMENDATION: Consider a verbal presentation concerning the alternatives for filling the City Council vacancy created by the installation of Tim Flynn as Mayor and direct the City Clerk and City Attorney to return to City Council with an agenda item offering choices among the alternatives and containing appropriate resolutions.
DISCUSSION: The City Attorney reviewed the process to fill the position and election requirements.

The following individuals provided comments: Harold Ceja; Orland Dozier; Bert Perello; William "Bill" Terry; and Dan Pinedo.

The Council commented the selection process and possible election costs.

ACTION: Provided comments to staff.

O. REPORTS

Public Works Department

1. SUBJECT: Change Order Numbers 112 through 142 to Agreement with McCarthy Building Companies Inc. for the Advanced Water Purification Facility (AWPF). (209)
RECOMMENDATION: Approve and authorize the City Manager to execute Change Order Numbers 112 through 142 to Agreement with McCarthy Building Companies, Inc. (A-7259) for the cumulative amount of $694,524 for a total amount of $56,648,267 and to extend the expiration date for Milestone 3 to December 31, 2012 and Milestone 4 to May 31, 2013.
DISCUSSION: The Water Resources Manager reviewed the project including change orders and building schedule.

The City Council discussed building schedule, design review of the project, and change orders of this project.

Comments were received from: Bert Perello.

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

P. PUBLIC COMMENTS ON REPORTS

Q. APPOINTMENT ITEMS

R. STUDY SESSION

S. PUBLIC COMMENTS ON STUDY SESSION

T. ADJOURNMENT

At 11:28 p.m. the City Council concurred to adjourn the meeting.

DANIEL MARTINEZ
City Clerk

TIM FLYNN
Mayor