

MINUTES

OXNARD CITY COUNCIL Regular Meeting November 27, 2012

A. ROLL CALL/POSTING OF AGENDA

At 6:03 p.m., the regular meeting of the Oxnard City Council convened in the Council Chambers. Councilmembers Irene G. Pinkard, Timothy B. Flynn and Carmen Ramirez were present. Councilmembers Thomas E. Holden and Bryan A. MacDonald were absent. The City Clerk stated that the agenda was posted on Wednesday in the Library and City Clerk's Office. Mayor Pro Tem Pinkard 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 6:04 p.m. the City Council 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 one potential case.

The City Council also recessed to a closed session, pursuant to Government Code section 54956.9(b)(3)(c), based on existing facts and circumstances, there is significant exposure to litigation against the City in one potential case based upon a claim for damages number 155 on file with the City Clerk, which is available for inspection at the City Clerk's office during normal business hours.

At 6:47 p.m., Mayor Holden was present.

At 7:01 p.m., the City Council reconvened and recessed to the evening session. At 7:03 p.m., the City Attorney announced that the City Council had unanimously agreed to initiate litigation in one case, and that the name of the defendant(s) and particulars of the lawsuit would be provided upon request upon the initiation of the litigation.

D. OPENING CEREMONIES

At 7:03 p.m., the regular meeting of the Oxnard City Council reconvened in the Council Chambers, concurrently with the Housing Authority, Industrial Development Financing Authority, Finance Authority, and Parking Authority. The meeting opened with the pledge of allegiance to the flag of the United States by Michael Meade, Boy Scout Troop 487, followed by a moment of silence. Mayor Holden presided. Additional staff members present were: Matthew Winegar, Development Services Director; William "Bill" Wilkins, Housing Director; James Cameron, Chief Financial Officer; Rob Roshanian, Interim Public Works Director; Scott Whitney, Assistant Police Chief; Jason M. Samonte, Traffic Engineer; Grant Dunne, Administration Assistant; Michael Henderson, General Services Manager; Martin Erickson, Special Assistant to the City Manager; and Sue Martin, Planning and Environmental Services Manager.

E. CEREMONIAL CALENDAR

Michael Meade, Boy Scout Troop 487, provided a brief report on his Eagle project at Ormond Beach including placing plants, tables and benches at the site.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

The following individuals provided comments: Inez Tuttle; Gary Blum; Abel Magana; Jim Hensley; Martin Jones; Larry Stein; Richard Brown; Woodrow Thomas; Steve Nash; Nancy Petersen; Miguel Espinosa; and Daniel Lechlitter.

G. REVIEW OF INFORMATION/CONSENT AGENDA

Comments were received from: Assistant Police Chief (I-3, item E); Planning and Environmental Services Manager (I-8); Housing Director (I-11); Traffic Engineer (I-3, item I); Administration Assistant (I-3 H); Interim Public Works Director and General Services Manager (I-4); and Special Assistant to the City Manager (I-10).

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

The following individuals provided comments: Abel Magana (I-9); Steve Nash (I-8); Maria Barajas (I-11); Raquel Munzo (I-11); Georgina Manzo (I-11); Cindy Valencia (I-11); Bert Perello (I-2, I-4, I-8, I-10); Barbara Macri-Ortiz (I-11); Pat Brown (I-9); and Eileen Tracy (I-11).

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

1. **SUBJECT:** Agency Report of Public Official Appointments (FPPC Form 806). (001)
RECOMMENDATION: Adopt the Form 806 listing the City's Official Appointments and designate the City Clerk to verify the Form 806 and post it on the City website.

City Clerk Department

2. **SUBJECT:** Minutes of the Regular Meeting of the Oxnard City Council for October 16 and 23, 2012, and November 6, 2012. (009)
RECOMMENDATION: Approve.

City Manager Department

3. **SUBJECT:** Agreements for City Council Review. (045)
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.*
4. **SUBJECT:** Second Amendment to Agreement for On-Call Engineering Services. (051)
RECOMMENDATION: Approve and authorize the Mayor to execute the Second Amendment to Agreement for On-Call Engineering Services provided by Penfield & Smith Engineering (A-7425) and authorize the increase of the agreement total from \$500,000 to \$750,000.

5. SUBJECT: Agreement with Oxnard Airport Shell/MacValley Oil Company for Fuel and Car Wash Service. (069)
RECOMMENDATION: Approve and authorize the Mayor to sign a blanket purchase order (No. 4275) with Oxnard Airport Shell/MacValley Oil Company for the period from December 1, 2012, to June 30, 2013, in an amount not to exceed \$2,000,000, for unleaded gasoline and diesel fuel from vendors' pumps and for off-site car wash service for City vehicles and equipment through a fuel card system.
6. SUBJECT: City Easement to Southern California Edison for Underground Utility District No. 19, Future Campus Park, 937 W. 5th Street. (075)
RECOMMENDATION: Approve and authorize the Mayor to execute a Grant of Easement to Southern California Edison ("Edison") for the Underground Utility District No. 19 along Fifth Street and K Street so that Edison may adhere to City Resolution No. 13,961.

City Treasurer Department

7. SUBJECT: Quarterly Investment Report for the First Quarter F/Y 2012-2013. (087)
RECOMMENDATION: Accept the quarterly Investment Report for the First Quarter F/Y 2012-2013.

Development Services Department

8. SUBJECT: Second Amendment to Agreement with Kathleen Mallory for Planning Services and Energy Consulting Project Management Services. (095)
RECOMMENDATION: Removed from agenda.*
9. SUBJECT: Relinquishment Agreement with Caltrans for State Routes (SR) 1, 34 & 232. (103)
RECOMMENDATION: Approve and authorize the Mayor to approve the cooperative agreement (A-7542) with Caltrans that will result in the City taking ownership of State Routes 1 (Oxnard Boulevard), 34 (East Fifth Street) and 232 (Vineyard Avenue) within the City limits, and give authority to the City Manager to approve minor agreement modifications.
10. SUBJECT: Oxnard School Area Safety Project. (119)
RECOMMENDATION: 1) Adopt Project Specification No. DS 12-12 for the installation of a sidewalk on the east side of Vineyard Avenue between Rio School Lane and Collins Street, sidewalk extension (Bulb-out) at various locations, and bike lanes and crosswalk lighting on C Street between Channel Islands Boulevard and Pleasant Valley Road; and 2) Approve the special budget appropriation adjusting the Federal grant funding from \$518,000 to \$610,990, appropriating \$73,053 of Transportation Development Act (TDA) Fund, and transferring existing appropriations of Circulation System Improvement Funds in the amount of \$2,575 from project 113101 Traffic Signal at the intersection of Saviers Road and Hill Street and in the amount of \$26,756 from project 113104 Traffic Signal at the intersection of Forest Park Boulevard and Thames River Street to Safe Route to School Project 113001.

Housing Department

11. SUBJECT: Affordable Housing Loan Agreement in the Total Sum of \$3.3 Million and Agreement of Limited Partnership of Terraza de Las Cortes, L.P. Project Located within the Las Brisas Specific Plan. (123) *

RECOMMENDATION: Approve and authorize the Mayor to execute an Affordable Housing Predevelopment and Construction Loan Agreement (A-7538) with Terraza de Las Cortes, L.P. in the amount of \$3,300,000 from the City's Affordable Housing In-Lieu Fees ("AHILF") and the City's Affordable Housing In-Lieu Fee Housing Trust Fund ("AHILFHTF") for the development of Terraza de Las Cortes.

12. SUBJECT: Amendment of Affordable Housing Loan Agreement Previously Approved by the City Council June 21, 2011, and Amended on December 13, 2011, Regarding the Las Villas de Paseo Nuevo Project Located in the Cypress Neighborhood Southwest of the Intersection of Cypress Road and Pleasant Valley Road. (185)

RECOMMENDATION: Approve and authorize the Mayor to execute a Second Amendment to the Affordable Housing Pre-Development and Construction Loan Agreement eliminating the payment in-lieu of taxes (PILOT) from the agreement.

Library Department

14. SUBJECT: Ordinance No. 2862 Concerning Terms of Office and Powers and Duties of the Library Board. (209)

RECOMMENDATION: Second reading and adoption.

Recreation and Community Services Department

15. SUBJECT: Allocation of Youth Enrichment Program Grant Awards Utilizing Community Development Block Grant (CDBG) and Measure "O" Funding for FY 12-13. (211)

RECOMMENDATION: 1) Approve the allocation of \$35,020 in CDBG Youth Enrichment Program (YEP) funds and \$150,000 in Measure "O" funds for a total amount of \$185,020 to the following local community based organizations: Big Brothers Big Sisters of Ventura County for \$34,273, Boys and Girls Club for \$40,000, City Impact Inc. for \$21,572, El Centrito Family Learning Centers for \$37,223, Lesson One Foundation for \$24,931 and Palmer Drug Abuse Program for \$27,021; and 2) Authorize the Interim City Manager or her designee to execute CDBG subrecipient agreements requiring such groups to provide direct support services that target Oxnard youth from extremely low to low-income households.

16. SUBJECT: Senior Services Contribution Awards to Agencies. (215)

RECOMMENDATION: 1) Approve the Senior Services Commission's (SSC) recommended distribution of \$44,600 from general fund for Senior Services Contribution Awards to twelve agencies providing services to seniors; 2) Direct the Interim Recreation Supervisor to notify recipients of Senior Services Contribution Awards; 3) Authorize the Interim Recreation Supervisor to execute a letter of agreement for each recipient in the format set forth in the attachment #2 and 4) Authorize the Chief Financial Officer to make disbursements in accordance with the letter agreements.

INFORMATION/CONSENT AGENDA ACTION: Approved as recommended with the removal of I-8. (Holden/Pinkard) Ayes: Pinkard, Flynn, Ramirez and Holden. Absent: MacDonald. Noes: Flynn I-3 item B, G, I & L and Ramirez I-3 E and I-11.

Q. APPOINTMENT ITEMS**City Manager Department**

1. **SUBJECT:** Oxnard Convention and Visitors Bureau (OCVB) Annual Report and Dallas Cowboys Economic Impact.
RECOMMENDATION: Receive verbal report and provide comments.
ACTION: Continue to future date.

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.

At 8:44 p.m., Councilmember Ramirez left the meeting.

City Manager Department

1. **SUBJECT:** Public Hearing and Adoption of Resolution to Form and to Levy FY2012-2013 Assessments in Landscape Maintenance District No. 60. (241)
RECOMMENDATION: 1) Hold a public hearing concerning the formation of Landscape Maintenance District No. 60, consisting of Lot Merger No. 08-310-04 (The Artisan), located on Gonzales Road between Williams Drive and Lombard Street and determine whether a majority protest against formation exists; 2) If a majority protest against formation does not exist, continue with the public hearing to consider all protests against the proposed assessment in the District; tabulate the ballots; and determine whether a majority protest exists as to the assessment; and 3) If a majority protest does not exist as to the assessment, adopt **Resolution No. 14,284** to form and levy FY 2012-2013 assessments in the District.
ACTION: Close the public hearing. (Holden/Pinkard) Adopt **Resolution No 14,284** to form and levy assessments District. (Holden/ Pinkard) Ayes: Flynn, Holden, and Pinkard. Absent: MacDonald and Ramirez.

At 8:46 p.m., Councilmember Ramirez returned to the meeting.

L. PUBLIC HEARINGS**Development Services Department**

1. **SUBJECT:** Certification of East Village Phase III Annexation Final Environmental Impact Report (FEIR) No. 11-01; Approval of Planning and Zoning Permit (PZ) No. 11-610-01 (Annexation) and PZ No. 11-560-01 (Prezoning) for the 107-Acre Parcel Located at 1853 Camino del Sol (APN 214-0-020-595); and PZ No. 12-610-01 (Annexation) of four Right-of-Way (ROW) Segments on the North Side of the 101/Santa Clara Avenue Interchange. Filed by Maulhardt RF-JW Trust et al c/o Richard Maulhardt, Jr. 1853 Camino del Sol, Oxnard; and City of Oxnard, 300 West Third Street, Oxnard, CA 93030.
RECOMMENDATION: Continue item to a future date.

M. REPORT OF CITY MANAGER

The Interim City Manager reported on the "Spark of Love" toy collection by the Fire Department to be held Saturday, December 1, 2012.

N. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

Comments regarding November 6 municipal elections (counting of votes and absentee ballot requests), and Ventura County community transportation needs. Mayor Pro Tem Pinkard reported on the Oxnard Convention and Visitors Bureau and the "Graffiti Task Force" meeting.

J. TRANSMITTAL OF INFORMATION ONLY ITEMS**Finance Department**

1. **SUBJECT:** Monthly Budget Status Report for the Period Ending October 31, 2012 (Fiscal Year 2012-2013). (223)

RECOMMENDATION: Receive report.

DISCUSSION: Comments were received from: Bert Perello and Larry Stein.

The Chief Financial Officer reviewed use of funds including the capital reserve fund.

ACTION: Received and filed.

O. REPORTS**P. PUBLIC COMMENTS ON REPORTS****R. STUDY SESSION****S. PUBLIC COMMENTS ON STUDY SESSION****HOUSING AUTHORITY/ FINANCING AUTHORITY /PARKING AUTHORITY/INDUSTRIAL FINANCING AUTHORITY**

At 9:17 p.m. the joint meetings with the Housing Authority, Financing Authority, Parking Authority and Industrial Financing Authority concluded.

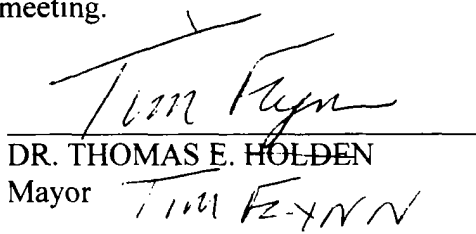
F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

The following individuals provided comments: Bert Perello and Pat Brown.

T. ADJOURNMENT

At 9:23 p.m. the City Council concurred to adjourn the meeting.


DANIEL MARTINEZ
City Clerk


DR. THOMAS E. HOLDEN
Mayor