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AGENDA

OXNARD CITY COUNCIL

***OXNARD COMMUNITY DEVELOPMENT COMMISSION**

***OXNARD FINANCING AUTHORITY**

OXNARD HOUSING AUTHORITY

Regular Meeting

City Council Chambers, 305 West Third Street, Oxnard

September 13, 2011

7:00 P.M.

5:45 P.M. Closed Session

A. ROLL CALL/POSTING OF AGENDA

* The Oxnard Financing Authority and the Oxnard Community Development Commission will not meet because there are no items requiring consideration at this time.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

At this time, a person may address the legislative body only on matters appearing on the closed session agenda. The presiding officer shall limit public comments to three minutes.

C. CLOSED SESSION - (Please see page 7 for a description of closed session items)

D. OPENING CEREMONIES - 7:00 P.M.

Pledge of allegiance to the flag of the United States.

E. CEREMONIAL CALENDAR

1. SUBJECT: Presentation of Commendation to the El Rio All Stars Girls Fastpitch Softball Team Under 10, 2011 State Games of America Champions.
2. SUBJECT: National Weather Service Presentation Designating the City of Oxnard as a Tsunami Ready Community.
3. SUBJECT: Presentation of Proclamation Designating September 17th, 2011 as "Coastal Clean Up Day".

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA (30 Minutes)

At this time, the legislative body will consider public comments for a maximum of thirty minutes. A person may address the legislative body only on matters not appearing on the agenda and within the subject matter jurisdiction of the legislative body. A person not able to address the legislative body at this time because the thirty minutes expires may do so just prior to adjournment of the meeting. The legislative body cannot enter into a detailed discussion or take any action on any items presented during public comments at this time. Such items may only be referred to the City Manager/Executive Director/Secretary for administrative action or scheduled on a subsequent agenda for discussion. Persons wishing to speak on public hearing items should do so at the time of the hearing. The presiding officer shall limit public comments to three minutes.

Q. APPOINTMENT ITEMS - 7:30 P.M.

1. SUBJECT: Authorization of Measure O Funds toward McGrath State Beach. (145)
RECOMMENDATION: Authorize the City Manager to negotiate with representatives of McGrath State Beach a loan or grant up to \$150,000 in Measure O funding, with the provision this funding will be used toward repairing a sewer line to keep the park open.
Legislative Body: CC Contact: Martin R. Erickson Phone: 385- 7870

Document: Staff Report (pdf 53KB)

ACTION: Provided directions to staff regarding type of funding, conditions and amount.

2. SUBJECT: Verbal Presentation Regarding the Oxnard Historic Farm Park Foundation - Jeff Maulhardt (Councilman Timothy Flynn) - 8:30 P.M.

ACTION: Provide directions to staff.

R. STUDY SESSION

S. PUBLIC COMMENTS ON STUDY SESSION

At this time, a person may address the legislative body only on matters appearing on the study session agenda. The presiding officer shall permit a person to address the legislative body after the staff presentation on the item and before the consideration of the item by the legislative body. The presiding officer shall limit public comments to three minutes.

C. CLOSED SESSION - (Continued from Page 1)

1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION.

Southern California Edison v. City of Oxnard, et al.,

Ventura County Superior Court Case No. 56-2011-00399096-CU-WM-VTA;

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 Manager and City Attorney requested that these items be discussed in closed session under the Brown Act exception of Conference with Legal Counsel - Existing Litigation. The purpose of the closed session is to report to City Council on the status of the litigation.

2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION.

Hartman, W.E. and Hartman, Sally J. v. City of Oxnard

Ventura County Superior Court, Case No. 56-2008-00330374-CU-BC-VTA

The City Manager and the City Attorney requested that this item be discussed in closed session under the Brown Act exception of Conference with Legal Counsel - Existing Litigation. The purpose of the closed session is to report to City Council on the status of the litigation.

3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION.

Fernandez, Alejandro v. City of Oxnard

U.S. District Court, Case No. CV10-07300-JFW (JCGX)

The City Manager and the City Attorney requested that this item be discussed in closed session under the Brown Act exception of Conference with Legal Counsel - Existing Litigation. The purpose of the closed session is to report to City Council on the status of the litigation.

G. REVIEW OF INFORMATION/CONSENT AGENDA

The members of the legislative body will consider whether to remove Information/Consent Agenda items for discussion later during the meeting.

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

At this time, a person may address the legislative body only on matters appearing on the information/consent agenda. The presiding officer shall limit public comments to three minutes.

I. INFORMATION/CONSENT AGENDA

City Attorney Department

1. SUBJECT: Ordinance No. 2847 to Define and Add Pawnshops as an Allowed Use in Specific Zones, Second Reading. (001)
RECOMMENDATION: Adopt Ordinance No. 2847.
Legislative Body: CC Contact: Alan Holmberg Phone: 385-7803

Document: Staff Report (pdf 207KB)

City Clerk Department

2. SUBJECT: Minutes of the Regular Meetings of the City Council for June 7, 14, 21 and June 28, 2011; and Minutes of the Regular Meeting of the Oxnard Housing Authority for June 7, 14, 21 and June 28, 2011. (007)
RECOMMENDATION: Approve.
Legislative Body: CC/HA Contact: Daniel Martinez Phone: 385-7803 City Manager

Document: Minutes (pdf 1822KB)

3. SUBJECT: Agreements for City Council Review. (043)
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.
Legislative Body: CC Contact: Edmund Sotelo Phone: 385-7950

Document: Staff Report (pdf 162KB)

ACTION: Approved with section four removed from the agenda.

4. SUBJECT: CalRecycle Used Oil Recycling Payment Program. (047)
RECOMMENDATION: Adopt a resolution replacing Resolution No. 13,892 to change the name from the Used Oil Block Grant Program to the Used Oil Payment Program and to change other terms as requested by the State of California Department of Resources Recycling and Recovery (CalRecycle).
Legislative Body: CC Contact: Trish Honigsberg Phone: 385-7928

Document: Staff Report (pdf 104KB)

ACTION: Approve, Res. No. 14,108.

5. SUBJECT: Change Order #1 for Contract with Toro Enterprises, Inc. for the Parking Concrete Repairs Project at Fire Stations #1, 2, 3 and 6. (051)
RECOMMENDATION: Ratify change order #1 in the amount of \$55,798.26 with Toro Enterprises, Inc. (A-7396) for the Parking Concrete Repairs Project for Fire Station #1, 491 So. K Street, Fire Station #2, 531 East Pleasant Valley Road, Fire Station #3, 150 Hill Street, and Fire Station #6, 2601 Peninsula Road.
Legislative Body: CC Contact: Ralph Alamillo Phone: 385-8341

Document: Staff Report (pdf 151KB)

6. SUBJECT: Lease Agreement between the City of Oxnard and Verizon, Inc. for Wireless Communications Equipment at the Performing Arts and Convention Center. (057)

RECOMMENDATION: 1) Approve and authorize the City Manager to negotiate and the Mayor to execute a Lease Agreement with Verizon Wireless (A-7431) for the placement of wireless communications equipment in the premises of the Performing Arts and Convention Center (PACC) at 800 Hobson Way, Oxnard, California; and 2) Authorize the City Manager to sign any other documents that are necessary to enter into the lease agreement with Verizon.

Legislative Body: CC Contact: Martin R. Erickson Phone: 385- 7870

Document: Staff Report (pdf 868KB)

Development Services

7. SUBJECT: Ordinance No. 2848 for the Granting of Reasonable Accommodations for Persons with Disabilities in the Provision of Housing. (079)

RECOMMENDATION: Second reading and approval.

Legislative Body: CC Contact: Stephanie Diaz Phone: 385-3918

Document: Ordinance (pdf 258KB)

8. 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. (087)
RECOMMENDATION: Adopt a resolution approving Planning and Zoning Permit No. 05-300-8 (Final Map) for Phase 1 of Tract No. 5592, located at the northeast intersection of West Fifth Street and Harbor Boulevard.

Legislative Body: CC Contact: Linda Windsor Phone: 385-7849

Document: Staff Report (pdf 215KB)

ACTION: Removed from agenda.

9. SUBJECT: Special Budget Appropriation for Federal Grant for Del Norte Interchange Landscaping Improvements (South Side) at Highway 101. (095)
RECOMMENDATION: Recognize federal revenue and approve a special budget to appropriate funds in the amount of \$80,000 for design services to landscape the south side of the Del Norte Blvd. interchange at Highway 101.
Legislative Body: CC Contact: Cynthia Daniels Phone: 385-7871

Document: Staff Report (pdf 53KB)

ACTION: Removed from agenda.

Housing Department

10. SUBJECT: Award of Contract for the Replacement of Flooring in Public Housing Units and Common Areas. (097)
RECOMMENDATION: Approve and authorize the Chairman to execute a firm-fixed price contract in the amount of \$374,891 with Continental Flooring Company (A-7439), using funds previously appropriated from the 2009 Capital Fund grant, for the replacement of the existing flooring in 150 public housing units and the common areas at two senior housing developments located at 401 and 801 South C Street.
Legislative Body: HA Contact: Mehrdad Rahimi Phone: 385-8033

Document: Staff Report (pdf 538 KB)

Police Department

11. SUBJECT: State of California Grant for DUI Enforcement and Education. (115)
RECOMMENDATION: Adopt a resolution: 1) Authorizing the City Manager to submit an application for \$250,000 to the State of California, Office of Traffic Safety (OTS); 2) Authorizing the City Manager or designee to execute grant agreements; 3) Authorizing the Chief Financial Officer or designee to submit financial reports and grants claims and approve Special Budget Appropriations for the use of grant funds; and 4) Authorizing the Chief of Police or designee to submit non-financial reports.
Legislative Body: CC Contact: Randy Latimer Phone: 385-7487

Document: Staff Report (pdf 87KB)

ACTION: Approve, Res. No. 14,109

12. SUBJECT: State of California AVOID the 14 DUI Enforcement Grant. (119)
RECOMMENDATION: Adopt a resolution: 1) Authorizing the City Manager to execute and submit an application for \$150,000 to the State of California Office of Traffic Safety (OTS), to receive funding for the FY-2011 AVOID the 14 DUI Enforcement Program; 2) Authorizing the City Manager or designee to execute grant agreements and appropriate

funds upon notification of grant award; 3) Authorizing the City Manager or designee to execute a Memorandum of Understanding with the County of Ventura, the California State University at Channel Islands, The Ventura County Community College District, and the cities of Camarillo, Fillmore, Moorpark, Ojai, Port Hueneme, San Buenaventura, Santa Paula, Simi Valley, and Thousand Oaks, designating the City of Oxnard as the lead agency and fiscal agent for the AVOID the 14 grant; 4) Authorizing the Chief Financial Officer or designee to submit financial reports and grant claims and approve Special Budget Appropriations for the use of AVOID the 14 grant funds; and 5) Authorizing the Chief of Police or designee to submit non-financial reports.

Legislative Body: CC Contact: Randy Latimer Phone: 385-7487

Document: Staff Report (pdf 90KB)

ACTION: Approve, Res. No. 14,110.

Public Works Department

13. SUBJECT: Approval of Award of Contract for PW10-21 Cypress Gardens & Cal-Gisler Resurfacing Project. (123)
RECOMMENDATION: 1) Approve and authorize the Mayor to execute the contract with Toro Enterprises Inc. (A-7436) in the amount of \$432,819.48 for PW10-21 for pavement resurfacing, sidewalk, curb, and gutter repair, and replacing street name signs in the Cypress Gardens Neighborhood [bounded by Pleasant Valley Road, the Ventura County Watershed Protection District Flood Control Channel, Hueneme Road, and Saviers Road], and the Cal-Gisler Neighborhood [bounded by Oxnard Boulevard, the Ventura County Watershed Protection District Flood Control Channel, Channel Islands Boulevard and Saviers Road]; and 2) Approve a Special Budget Appropriation of \$109,089.72 from the Historic Enhancement and Revitalization Area (HERO) Project No. 078701 to the Cypress Gardens Neighborhood Resurfacing Project No. 113105 for street resurfacing.
Legislative Body: CC Contact: Lou Balderrama Phone: 340-5358

Document: Staff Report (pdf 185KB)

Document: Attachment #1 A-7436 (pdf 654KB)

ACTION: INFORMATION/CONSENT Approved as recommended with the removal of I-8, I-9 and section 4 of I-3.

J. TRANSMITTAL OF INFORMATION ONLY ITEMS

Finance Department

1. SUBJECT: Monthly Budget Status Report for the Period Ending July 31, 2011. (129)
Legislative Body: CC Contact: James Cameron Phone: 385-7416

Document: Budget Report (pdf 272KB)

ACTION: Received and filed.

K. INFORMATION/CONSENT PUBLIC HEARINGS

Housing Department

1. SUBJECT: City of Oxnard Consolidated Annual Performance and Evaluation Report (CAPER) for FY 2010-2011.
RECOMMENDATION: Continued to September 20, 2011
Legislative Body: CC Contact: Norma J. Owens Phone: 385-7959

Continued to September 20, 2011

ACTION: Continue as recommended.

Police Department

2. SUBJECT: Supplemental Law Enforcement Services Funds. (143)
RECOMMENDATION: Approve the appropriation of funds in the amount of \$196,125 from the State Supplemental Law Enforcement Services Funds to the Police Department for partial funding of police positions.
Legislative Body: CC Contact: Mary Diamond Phone: 385-7612

Document: Staff Report (pdf 45KB)

ACTION: Approved as recommended.

L. PUBLIC HEARINGS - 7:15 P.M.

Development Services Department

1. SUBJECT: Amendments to: RiverPark Specific Plan (PZ 09-630-03) and Development Agreement (PZ 11-670-01). Filed by RiverPark Legacy, LLC, 1250 Corona Pointe Court, Suite 600, Corona, CA 92879, on behalf of the RiverPark Developers.
RECOMMENDATION: Continued to October 4, 2011
Legislative Body: CC Contact: Linda Windsor Phone: 385-7708

Continued to October 4, 2011

ACTION: Approve as recommended.

M. REPORT OF CITY MANAGER/EXECUTIVE DIRECTOR/SECRETARY

The City Manager/Executive Director/Secretary shall report on items of interest to the legislative body occurring since the last meeting. The legislative body cannot enter into detailed discussion or take action on any item presented during this report. Such items may only be referred to the City Manager/Executive Director/Secretary for administrative action or scheduled on a subsequent agenda for discussion.

N. CITY COUNCIL/HOUSING AUTHORITY/COMMUNITY DEVELOPMENT
COMMISSION BUSINESS/COMMITTEE REPORTS

O. REPORTS

P. PUBLIC COMMENTS ON REPORTS

At this time, a person may address the legislative body only on matters appearing on the reports. The presiding officer shall permit a person to address the legislative body after the staff presentation on the report and before the consideration of the report by the legislative body. The presiding officer shall limit public comments to three minutes.

T. ADJOURNMENT