

MINUTES

OXNARD CITY COUNCIL Regular Meeting September 13, 2011

A. ROLL CALL/POSTING OF AGENDA

At 5:48 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; Edmund Sotelo, City Manager; Karen Burnham, Assistant City Manager; Alan Holmberg, City Attorney; Jeri Williams, Police Chief; James Cameron, Chief Financial Officer; and Lyn Bennett, Deputy City Clerk.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

Comments were received from Shirley Godwin and Larry Godwin.

C. CLOSED SESSION

At 5:55 p.m. the City Council recessed to a closed session, pursuant to Government Code section 54956.9(a) to confer with its attorneys. The title and case number of the litigation being discussed were 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; Order Instituting Rulemaking to Consider Refinements to and Further Development of the Commission's Resources Adequacy Requirements Program PUC Rulemaking No. 09-10-032; Hartman, W.E. and Hartman, Sally J. v. City of Oxnard, Ventura County Superior Court, Case No. 56-2008-00330374-CU-BC-VTA; Fernandez, Alejandro v. City of Oxnard, U.S. District Court, Case No. CV10-07300-JFW (JCGX)

At 7:06 p.m. the City Council reconvened and recessed to the evening session.

D. OPENING CEREMONIES

At 7:08 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 by El Rio All Stars Girls Fast Pitch Softball Team, followed by a moment of silence. Mayor Holden presided. Additional staff members present were: Rob Roshanian, Interim Public Works Director; "Bill" Wilkins, Housing Director; Sue Martin, Planning and Environmental Services Manager; Martin Erickson, Special Assistant to the City Manager; Grace Magistrale Hoffman, Deputy City Manager; and Michael More, Financial Services Manager.

E. CEREMONIAL CALENDAR

1. **SUBJECT:** Presentation of Commendation to the El Rio All Stars Girls Fast Pitch Softball Team Under 10, 2011 State Games of America Champions.
DISCUSSION: The City Council acknowledged El Rio 10U All Stars: Kiara Delgado, Sabrina Vargas, Hailey Jackson, Miranda Guerrero, Hailey Tinajera, Serrina Cabral, Sierra Valdivia, Evelyn Roman, Madison Saunders, Breanna Loyola, Artesia Rubio, Coach Rob Loyola, Asst. Coach Richard Cabral, Asst. Coach Rich Samora, Asst. Coach Phil Saunders and Manager Pete Vargas.
2. **SUBJECT:** National Weather Service Presentation Designating the City of Oxnard as a Tsunami Ready Community.
DISCUSSION: Deborah O'Malia, Disaster Preparedness Coordinator, introduced Eric Boldt and Mark Jackson of the National Weather Service who explained the importance of being prepared as a storm ready community.
3. **SUBJECT:** Presentation of Proclamation Designating September 17th, 2011 as "Coastal Clean Up Day".
DISCUSSION: Trish Honigsberg, Outreach & Education Specialist, invited the community to several local locations to help in this year's clean-up day.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

The following individuals provided comments: Dianna Aucutt; William Low; Ed Ellis; Jean Joneson; Nancy Pederson; David Cruz; Denis O'Leary; Larry Stein; Patricia Garcia; Lupe Anguiano; Jose Collado; Marco Benitez; and Manuel Cervantes.

Q. APPOINTMENT ITEMS

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.
DISCUSSION: The Special Assistant to the City Manager reviewed the current status of McGrath State Beach Park and possible funding options available to the City Council. Richard Rozzelle, California State Park Ranger, commented on fund raising activities and future plans for the park.

The City Council discussed: the future of McGrath State Beach, partnerships with other County and municipal agencies, discussions with Naval Construction Battalion at Port Hueneme, and other funding needs within the City.

The following individuals commented on the proposal: John Zaragoza; Bert Perello; Jean Joneson; Trisha Munro; Harold Ceja; Dr. Don Thibealt; Larry Stein; and James Joyce (Assembly Das Williams Office).

ACTION: Moved to have staff identify the appropriation funding of \$50,000 with conditions that no "Measure O" funds not used and the condition that project would be completed. (MacDonald/Pinkard) Ayes: Pinkard, MacDonald, Flynn, Ramirez, and Holden.

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

DISCUSSION: A presentation was provided to the City Council by Jeff Maulhardt, Veronica Centeno, Connie Korenstein and Charles Covarrubias regarding the importance of historic preservation, funding activities, and future events.

The City Council discussed the importance of local history.

ACTION: Provided comments to staff.

ITEMS REMOVED FROM AGENDA

The City Manager requested that I-9 be removed from the agenda.

G. REVIEW OF INFORMATION/CONSENT AGENDA

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Comments were received from: Bert Perello (I-3, I-8); Larry Stein (I-10); Harold Ceja (I-8); and Pat Brown (I-8, I-11, I-12).

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.

City Clerk Department

2. SUBJECT: Minutes of the Regular Meetings of the City Council for June 7, 14, 21 and June 28, 2011. (007)

RECOMMENDATION: Approve.

City Manager

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 with the removal of section four*.

4. **SUBJECT:** CalRecycle Used Oil Recycling Payment Program. (047)
RECOMMENDATION: Adopt **Resolution No. 14,108** 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).
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.
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.

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.
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: Removed from agenda.
9. **SUBJECT:** Special Budget Appropriation for Federal Grant for Del Norte Interchange Landscaping Improvements (South Side) at Highway 101. (095)
RECOMMENDATION: Removed from agenda.

Police Department

11. **SUBJECT:** State of California Grant for DUI Enforcement and Education. (115)
RECOMMENDATION: Adopt **Resolution No. 14,109:** 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.

12. **SUBJECT:** State of California AVOID the 14 DUI Enforcement Grant. (119)

RECOMMENDATION: Adopt **Resolution No. 14,110:** 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.

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.

INFORMATION/CONSENT AGENDA ACTION: Approved as recommended with I-8, I-9 and section four of I-3 removed from the agenda. (Pinkard/MacDonald) Ayes: MacDonald, Flynn, Ramirez, Holden, and Pinkard.

J. **TRANSMITTAL OF INFORMATION ONLY ITEMS**

Finance Department

1. **SUBJECT:** Monthly Budget Status Report for the Period Ending July 31, 2011. (129)

DISCUSSION: Bert Perello provided comments.

The Chief Financial Officer reviewed the budget process.

ACTION: Reviewed 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

ACTION: Approved as recommended, (Holden/Pinkard), unanimously.

ACTION: Mayor Holden declared the public hearing open.

DISCUSSION: The City Clerk reported on posting, publication and that there were no written communications received.

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.

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

L. PUBLIC HEARINGS**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

DISCUSSION: Received comments from Larry Stein.

ACTION: Approved as recommended, (Pinkard/MacDonald), unanimously.

HOUSING AUTHORITY

At 10:08 p.m. the joint meeting with the Housing Authority concluded.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Comments were received from Pat Brown.

M. REPORT OF CITY MANAGER

The City Manager commented on the use of recycled tires to be used to resurface the streets.

N. CITY COUNCIL BUSINESS COMMITTEE REPORTS

Mayor Pro Tem Pinkard asked that information be presented in the future to the City Council, regarding Public Access funding, and discussion of a merger of Ventura Council of Governments and Ventura County Transportation Commission. She also commented on having "job ready" projects and having an active Teen Center.

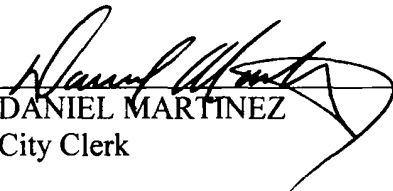
Councilman Flynn requested a future discussion on post retirement benefit.

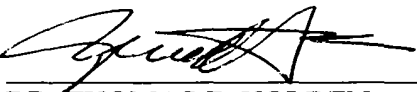
Councilmember Ramirez asked for an update of the public access channel; report regarding comments made by the local chapter of League of United Latin American Citizens (LULAC) during the summer; and report on Big League Dreams status.

Councilman MacDonald stated his belief there was a need to recognize young individuals who are doing good things in the community.

O. REPORTSP. PUBLIC COMMENTS ON REPORTSR. STUDY SESSIONS. PUBLIC COMMENTS ON STUDY SESSIONT. ADJOURNMENT

At 10:21 p.m. the City Council concurred to adjourn the meeting.


DANIEL MARTINEZ
City Clerk


DR. THOMAS E. HOLDEN
Mayor