MINUTES

OXNARD CITY COUNCIL
Regular Meeting
February 5, 2013

A. ROLL CALL/POSTING OF AGENDA

At 5:32 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. 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. Staff members present were: Daniel Martinez, City Clerk; Karen Burnham, Interim City Manager; Alan Holmberg, City Attorney; James Cameron, Chief Financial Officer; Curtis P. Cannon, Community Development Director; Martin Erickson, Special Assistant to the City Manager; and Kymberly Horner, Interim Redevelopment Services Manager.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

C. CLOSED SESSION

At 5:35 p.m., the City Council and Successor Agency 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 is SOCM I, LLC, et al. v. City of Oxnard, et al., Ventura County Superior Court Case No. 56-2012-00427637-CU-WM-VTA.

The City Council and Successor Agency 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 and Successor Agency in one potential case based upon a claim for damages filed by Strand Cinemas LLC and Oxnard Theater Group LLC on file in the Office of the City Clerk and available for inspection during normal business hours.

The City Council and Successor Agency also 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 is CRFL Family Apartments, LP v. Ana J. Matasantos, et al. Sacramento Superior Court Case No. 34-2012-80001354

At 6:59 p.m., the closed session concluded.

D. OPENING CEREMONIES

At 7:05 p.m., the regular meeting of the Oxnard City Council reconvened in the Council Chambers, concurrently with the Community Development Commission Successor Agency. The meeting opened with the pledge of allegiance to the flag of the United States, followed by a moment of silence. Mayor Flynn presided. Additional staff members present were: Jeri Williams, Police Chief; Matthew Winegar, Development Services Director; Grace Magistrale Hoffman, Deputy City Manager; Barbara Murray, Library Director; Rob Roshanian, Interim Public Works Director; Cynthia Daniels, Project Manager; Grant Dunne, Environmental Resources Management Analyst; Anthony Emmert, Water Resources Manager; Tom Clock, Systems Administrator; Jason M. Samonte, Traffic Engineer and Ralph Alamillo, Construction Projects Manager.

E. CEREMONIAL CALENDAR

1. SUBJECT: Presentation of Employee of the Year.
ACTION: Mayor Flynn presented a check to Andrea Torres, Solid Waste Compliance Specialist, as Employee of the Year. She thanked the Council, City staff and her family.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

The following individuals provided comments: Edgar Mohorko; Harvey Kallen; Steve Nash; Bill Winter; Pete Placencia; Larry Stein; Inez Tuttle; and Abel Magana.

G. REVIEW OF INFORMATION/CONSENT AGENDA

The following individuals provided comments: Library Director (I-2(a & b)); Water Resources Manager (I-2(e)); Systems Administrator (I-3); Construction Projects Manager (I-4); Traffic Engineer (I-5) and Project Manager (I-7).

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

The following individuals provided comments: Orlando Dozier (I-7); Bert Perello (I-6) and Chris Salcido (I-7).

I. INFORMATION/CONSENT AGENDA

Development Services Department

7. SUBJECT: Reject Award of Contract to Low Bidder, Del Norte Construction, and Approve Intent to Award Contract to Second Low Bidder, Malibu Pacific Tennis Courts, Inc. for Project Specification No. DS13-09–Victoria Avenue Transit Route Stops Project. (077)
RECOMMENDATION: Move to the meeting of February 12, 2013.
DISCUSSION: The Project Manager reviewed the bid process, construction work to be completed and reasons for rejection.
ACTION: Move to continue I-7 to February 12, 2013. (MacDonald/Flynn) Ayes: Ramirez, MacDonald, Padilla, and Flynn.

City Clerk Department

1. SUBJECT: Minutes of the Special Meeting of the Oxnard City Council for December 4, 2012. Minutes of the Regular Meeting of the Oxnard City Council for December 4 and 11, 2012, January 8 and 15, 2013.
RECOMMENDATION: Approve.

City Manager Department

2. SUBJECT: Agreements for City Council Review. (035)
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.

3. SUBJECT: Purchase Order for Computers and Peripheral Equipment. (039)
RECOMMENDATION: Approve and authorize the Mayor to execute an amendment to the terms of the Blanket Purchase Order/Change Order (No. 003978) with Compuwave for purchases of computers and peripheral equipment, extending the end date by one year and adding $325,000, for a total contract amount not to exceed $550,000.

4. SUBJECT: Approval of Award of Contract for Specification No. GS12-04-Durley Park Building Renovation – Concession Area, Restrooms, Activity Areas & ADA Compliance Renovations-Concession Area, Restrooms, Activity Areas and ADA Compliance. (043)
RECOMMENDATION: 1) Approve the award of Contract to Hansons & Son Construction, Inc. (A-7558) in the amount of $584,000.00 for GS12-04 for Durley Park Concession Building Renovation located at 850 West Hill Street; and 2) Authorize the Mayor to execute the contract upon receipt of all supporting contract documents.

Development Services Department

5. SUBJECT: Median and Traffic Signal modifications at the intersection of Ventura Road and Devonshire Drive. (073)
RECOMMENDATION: 1) Adopt Project Specification No DS 12-18 for the modification of the existing median and traffic signal at the intersection of Ventura Road and Devonshire Drive; and 2)Approve the special budget appropriation recognizing the Federal grant funding of $151,560 from the Highway Safety Improvement Program (HSIP), and transferring existing appropriations of Circulation System Improvement Funds in the amount of $2,083 from project 113101 Traffic Signal at the intersection of Saviers Road and Hill Street to Median and Traffic Signal Modifications project 113107.

6. SUBJECT: Special Budget Appropriation for City-wide Sidewalk Survey. (075)
RECOMMENDATION: Recognize federal grant revenue and appropriate $177,000 to the project budget for "Citywide Sidewalk Survey."

Fire Department

8. SUBJECT: State Homeland Security Grant. (093)
RECOMMENDATION: 1) Approve the City's receipt of $41,677 in grant revenue from the State Homeland Security Grant (SHSG) and authorize the Interim City Manager to execute the 2012 Grant Assurances on the City's behalf; and 2) Approve a special budget appropriation in the amount of $41,677 for Urban Search and Rescue training and equipment.

Police Department

9. SUBJECT: First Amendment to Agreement for Gang Intervention Street Outreach. (097)
RECOMMENDATION: Approve and ratify the Mayor's execution of the First Amendment to the Agreement for Gang Intervention Street Outreach with City Impact (5508-11-PO) to extend the term two years to December 31, 2014 and amend the not to exceed amount by $180,000 for a total agreement value of $339,503.

Public Works Department

10. SUBJECT: Fourth Amendment to Agreement for Solid Waste Disposal Services between the City of Oxnard and Waste Management Incorporated, Simi Valley Landfill. (105)
RECOMMENDATION: Removed from agenda.

11. SUBJECT: Resolution for Re-designation of the Ventura County Recycling Market Development Zone. (111)
RECOMMENDATION: Adopt **Resolution No. 14,296** authorizing the City of Oxnard to remain in the Ventura County Recycling Market Development Zone after the Zone's re-designation by the California Department of Resources Recycling and Recovery (CalRecycle).

INFORMATION/CONSENT AGENDA ACTION: Move to approve as recommended with the removal of I-10 (MacDonald/Ramirez) Ayes: MacDonald, Padilla, Flynn and Ramirez.

J. TRANSMITTAL OF INFORMATION ONLY ITEMS

Finance Department

1. SUBJECT: Monthly Budget Status Report for the Period Ending December 31, 2012 (Fiscal Year 2012-13). (115)
RECOMMENDATION: Receive Report.
DISCUSSION: Public Comments were received from Larry Stein and Bert Perello.
ACTION: Received and filed.

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: 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 and/or Parcels 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. (131)
RECOMMENDATION: 1) Table a resolution certifying the East Village Phase III Annexation FEIR No. 11-01; 2) Table a resolution of annexation application (PZ 11-610-01) to the Ventura County Local Agency Formation Commission (LAFCo) for reorganization of boundaries for the East Village Phase III property; 3) Table the first reading by title only and subsequent adoption of Ordinance amending the City zone map (PZ No. 11-560-01) for prezoning the East Village Phase III Annexation area; and 4) Adopt **Resolution No. 14,297** of annexation application (PZ 12-610-01) to LAFCo for reorganization of boundaries for four ROW segments and/or parcels on the north side of the 101/Santa Clara interchange.

DISCUSSION: The Development Services Director commented on the proposed annexation and process of properties at 101/Santa Clara interchange and East Village Phase III, traffic improvements, following the 2030 General Plan "Urban Village" concept, other significant impacts and the process to develop the 107 acre parcel.

The following individuals provided comments: Steve Nash; Mitch Kahn; Larry Stein; Harold Ceja; Bert Perello; and Pat Brown.

Lynn Maulhardt and Dean Maulhardt provided comments regarding the history of the 107 site and future development of the property.

The Council discussed: 1) the development process; 2) value of the land with annexation; 3) possible school interest of location; 4) location of future Fire Station; 5) traffic impacts; 6) development requirements if site annexed and 7) development details of the 107 acre site.

ACTION: Close the public hearing. (Flynn/Ramirez) approved unanimously. Moved to table this item. (MacDonald/Padilla) Ayes: MacDonald and Padilla. Noes: Flynn and Ramirez. (motion failed).

Moved to approve part four of the recommendation (Ramirez/Padilla) Ayes: Padilla, Flynn, Ramirez and MacDonald.

Moved to table part one, two and three of the recommendation (Ramirez/MacDonald) Ayes: Flynn, Ramirez, MacDonald and Padilla.

M. REPORT OF CITY MANAGER

1. SUBJECT: Verbal Report on Oxnard Community Development Commission Successor Agency and Status of Redevelopment Activities in the City of Oxnard.
   RECOMMENDATION: Receive and consider report.
   DISCUSSION: The Community Development Director reported on court action regarding the proposed affordable housing project and the schedule to move the project.
   ACTION: Received the report.

   The Interim City Manager commented that the Fire Department and Recreation Department would be bringing a report to Council in the near future regarding a possible beach life guard program.

   Received comments from Bert Perello.

N. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

The City Council commented on: possible summer youth work program; a gun buy-back program; and efforts to keep local employers such as Hass Automation in the community.

City Clerk Department

1. SUBJECT: Appointments of Citizen Advisory Groups. (251)
RECOMMENDATION: 1) That the Mayor, with approval of the City Council, appoint: (a) eleven members to the Commission on Homelessness; (b) five members to the Library Board; (c) seven members to the Parks and Recreation Commission; (d) three members to the Planning Commission; and (e) nine members to the Senior Services Commission; and 2) That the City Council appoint: (a) seven members to the Community Relations Commission; and (b) two members to the Housing Authority Board of Commissioners.

DISCUSSION: The City Clerk briefly updated the appointment process schedule after the Mayor's election and provided updated information.

Received public comments from Bert Perello and Travis Kelly.

ACTION: Mayor Flynn, with approval of the City Council, appointed:
(a) Commission on Homelessness: Francine Castanon; Clarice Couey; David Courtland; John A. Garcia; Al Jones; Stephen MacIntosh; Darlene Miller; Frank Perez; Peggy Rivera; Rose "Leslye" Stern and Ken Tougas; (b) Library Board: Jean Gentry; Mark Kupperman; Radell Mitchell; John Ragan and Yvette Stein; (c) Parks and Recreation Commission: Johnnie Barber; Edgar Leroy Cobb; Armando Garcia; Paul Lemos; Bedford Pinkard; Gloria M. Postel; and Dale Sumersille; (d) Planning Commission: Patrick Mullin; Steven Nash; and Sonny Okada; and (e) Senior Services Commission: Kay Brainard; Preston Davis; Adamelia Esparza; Ron Fischer; Nancy Kobashigawa; Alice Madrid; Nancy Rowe; Alice Sweetland and Lourdes Villareal Yu.
2) The City Council appointed: (a) Community Relations Commission: Mike Baxter; Joseph Castaneda; Orlando Dozier; Travis Kelly; Bruce M. Mitchell; Kenneth Robinson; and Ernest Stein; and (b) Housing Authority Board of Commissioners: Jose Andrade and Francisco Vega.

City Manager Department

2. SUBJECT: Measure O Citizen Oversight Committee Appointments. (259)
RECOMMENDATION: Appoint nine members of the Measure O Citizen Oversight Committee (COC).
DISCUSSION: The Special Assistant to the City Manager reviewed the selection process and function of the committee.

Public comments received from Bert Perello.

ACTION: The City Council appointed Nancy Lindholm; Steven Cripps; Dr. Donald W. Thibeault; Charles Hookstra; Kay Brainard; David H. Garcia; Joe Milligan and Joseph M. Munoz to the Measure " O " Citizen Oversight Committee.

COMMUNITY DEVELOPMENT COMMISSION SUCCESSOR AGENCY

At 10:43 p.m., the concurrent meetings with the Community Development Commission Successor Agency concluded.

O. REPORTS

Public Works Department

1. SUBJECT: Receive a verbal report from HFH Consulting Services, Inc. (HFH) regarding the Del Norte Regional Recycling and Transfer Station (Del Norte Facility).
RECOMMENDATION: Receive and provide direction on a presentation from HFH on the feasibility of the City operating the Del Norte Facility and the status of the Request for Proposals (RFP) process.
DISCUSSION: Bob Hilton of HFH reviewed the background and current description of the Del Norte Facility. Mr. Hilton continued his presentation about key issues of possible City operation of the Del Norte Facility to include relative cost, marketing of recyclable materials, performance, attraction of additional tons and industry practice. He also presented the goals, attributes, terms and conditions of a RFP process to select a private operator for the Del Norte Facility. Mr. Hilton presented a tentative schedule of the RFP process. The Interim Public Works Director and the Environmental Resources Management Analyst along with Mr. Hilton answered questions from City Council regarding relative cost between public and private operator cost, waste to energy technologies, and timeline schedule.

Comments were received from: Gerard Kapuscik and Juan Delgado.

The City Council commented on the time schedule to select a private operator; the process to select the City as the operator; loss of recycling materials; future "waste to energy" projects; private/public labor costs and benefits of the facility to the City.

ACTION: Provide directions and comments to staff.

P. PUBLIC COMMENTS ON REPORTS

Q. APPOINTMENT ITEMS

R. STUDY SESSION

S. PUBLIC COMMENTS ON STUDY SESSION

T. ADJOURNMENT

At 11:57 p.m., the City Council concurred to adjourn the meeting.

DANIEL MARTINEZ
City Clerk

TIM FLYNN
Mayor