

MINUTES

OXNARD CITY COUNCIL Regular Meeting June 26, 2012

A. ROLL CALL/POSTING OF AGENDA

At 7:05 p.m., the regular meeting of the Oxnard City Council convened in the Council Chambers concurrently with the Community Development Successor Agency, Housing Authority, and Financing Authority. Councilmembers Irene G. Pinkard, Bryan A. MacDonald, Timothy B. Flynn and Carmen Ramirez were present. Mayor Thomas E. Holden was absent. The City Clerk stated that the agenda was posted on Thursday in the Library and City Clerk's Office. Mayor Pro Tem Pinkard 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. Staff members present were: Daniel Martinez, City Clerk; Grace Magistrale Hoffman, Deputy City Manager; Alan Holmberg, City Attorney; Curtis P. Cannon, Community Development Director; Jason Benites, Assistant Police Chief; Michael O'Malia, Interim Fire Chief; Rob Roshanian, Interim Public Works Director; William "Bill" Wilkins, Housing Director; James Cameron, Chief Financial Officer; Lou Balderrama, City Engineer; Michael Henderson, General Services Manager; Michael More, Financial Resources Manager; Ruth Johnson, Management Analyst I; Martin Erickson, Special Assistant to the City Manager; and Karl Lawson, Compliance Services Manager.

E. CEREMONIAL CALENDAR

ITEMS REMOVED FROM AGENDA

Mayor Pro Tem Pinkard announced agenda items I-3; L-1 and N-1 would be removed from the agenda.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments received from: Donald Thibeault; Ed Ellis; Pieter Turley; Melinda (Adriana's Insurance); Harold Ceja; Larry Stein; Steve Nash; Gloria Roman; Jean Joneson; Francine Castanon; Joel Castanon; Isaias Castanon; Pat Brown; Bert Perello; and Inez Tuttle.

G. REVIEW OF INFORMATION/CONSENT AGENDA

The City Engineer reviewed the emergency incidents (I-3, B & C) and conditions of cast iron pipes. The General Services Manager and Interim Fire Chief commented on conditions placed on Silvas Oil Company and ground water report (I-5). The Community Development Director and Abel Magana, Oxnard Downtown Management District, reported that a downtown update report was

upcoming (I-7). Councilman Flynn requested a summary of revenue and expenditures (I-8, I-9, I-10, I-11). The Housing Director and Management Analyst reviewed the funds from in-lieu and Community Housing Development Organizations (CHDO) funds (I-15). The Assistant Police Chief commented on the transcription work provided (I-16). The Interim Public Works Director outlined the work to be performed for infrastructure updates (I-21). The Chief Financial Officer reported on the retirement contributions for police officers (I-14). The City Engineer reviewed the neighborhood street improvements.

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Public comments received from: Larry Stein (I-21); Harold Ceja (I-17); and Bert Perello (I-14).

I. INFORMATION/CONSENT AGENDA

City Attorney Department

1. SUBJECT: Amendment of Conflict of Interest Code List of Designated Positions. (001)
RECOMMENDATION: Adopt **Resolution No. 14,242** amending Appendix I of the Conflict of Interest Code to add members of the Successor Agency and Oversight Board to the list of designated positions and assign disclosure categories to those positions.
3. SUBJECT: Agreement for Publication of Legal Notices and Legal Advertisements and for Publication of Display Advertisements and Classified Advertisements. (023)
RECOMMENDATION: Removed from agenda.

City Manager Department

4. SUBJECT: Agreements for City Council Review. (031)
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.
5. SUBJECT: Extension of Agreement with Silvas Oil Company. (033)
RECOMMENDATION: Approve and authorize the Mayor to sign a blanket purchase order (No. 4022) with Silvas Oil Company ("Silvas"), extending the agreement for 120 days, from July 1, 2012 to October 31, 2012, in an amount not to exceed \$1,000,000, for a total contract amount of \$3,500,000, for unleaded gasoline and diesel fuel from Silvas' pumps and for off-site car wash service for City vehicles and equipment through a City fuel card system.

City Treasurer Department

6. SUBJECT: Agreement for Utility Bill Printing, Inserting and Mailing Services. (037)
RECOMMENDATION: Approve and authorize the Mayor to execute an agreement between the City of Oxnard and Infosend, Inc. (Contract No. 5808-12-CT) for \$251,000 for utility bill printing, inserting and mailing services.

Community Development Department

7. SUBJECT: Resolution Approving Levy and Collection of Assessments for Fiscal Year 2012-13 Within the Oxnard Downtown Management District. (069)
RECOMMENDATION: Adopt **Resolution No. 14,243** ordering the levy and collection of assessments within the Oxnard Downtown Management District (the "District") for Fiscal Year (FY) 2012-13.

Finance Department

8. SUBJECT: Special Tax Levy for Community Facilities District (CFD) No. 88-1 (Oxnard Town Center). (079)
RECOMMENDATION: Acting as the legislative body of Community Facilities District (CFD) No. 88-1, adopt **Resolution No. 14,244** setting a special tax rate within CFD No. 88-1 (Oxnard Town Center) for Fiscal Year 2012-2013.
9. SUBJECT: Special Tax Levy for Community Facilities Districts No. 1 and No. 2 (Westport at Mandalay Bay). (085)
RECOMMENDATION: Acting as the legislative body of Community Facilities Districts (CFD) No. 1 and of Community Facilities Districts (CFD) No. 2: 1) Adopt **Resolution No. 14,245** setting a special tax rate within CFD No. 1 (Westport at Mandalay Bay) for FY 2012-2013; and 2) Adopt **Resolution No. 14,246** setting a special tax rate within CFD No. 2 (Westport at Mandalay Bay) for FY 2012-2013.
10. SUBJECT: Special Tax Levy for Community Facilities Districts No. 3 and No. 4 (Seabridge at Mandalay Bay). (105)
RECOMMENDATION: Acting as the legislative body of Community Facilities Districts (CFD) No. 3 and Community Facilities Districts (CFD) No. 4: 1) Adopt **Resolution No. 14,247** setting a special tax rate within CFD No. 3 (Seabridge at Mandalay Bay) for FY 2012-13; and 2) Adopt **Resolution No. 14,248** setting a special tax rate within CFD No. 4 (Seabridge at Mandalay Bay) for FY 2012-13.
11. SUBJECT: Special Tax Levy for Community Facilities District No. 5 (Riverpark). (123)
RECOMMENDATION: Acting as the legislative body of Community Facilities District (CFD) No. 5, adopt **Resolution No. 14,249** setting a special tax rate within CFD No. 5 (Riverpark) for FY 2012-13.
12. SUBJECT: Special Tax Levy for Community Facilities District No. 2000-3 (Oxnard Boulevard/Highway 101 Interchange). (143)
RECOMMENDATION: Acting as the legislative body of Community Facilities District No. 2000-3 ("CFD No. 2000-3"), adopt **Resolution No. 14,250** setting a special tax rate within CFD No. 2000-3 (Oxnard Boulevard/Highway 101 Interchange) for Fiscal Year 2012-2013.
13. SUBJECT: Special Tax Levy for Community Facilities District No. 6 (Northshore at Mandalay Bay). (153)
RECOMMENDATION: Acting as the legislative body of Community Facilities District (CFD) No. 6 adopt **Resolution No. 14,251** setting a special tax rate within CFD No. 6 (Northshore at Mandalay Bay) for Fiscal Year 2012-2013.

14. SUBJECT: FY 2012-13 Property Tax Rate for Voter Approved Obligations. (159)
RECOMMENDATION: Adopt **Resolution No. 14,252** establishing the FY 2012-13 tax rates on property in the City of Oxnard for the payment of voter approved obligations.

Housing Department

15. SUBJECT: Affordable Housing Loan Agreement with Many Mansions. (163)
RECOMMENDATION: Approve and authorize the Mayor to execute an Affordable Housing and Loan Agreement (A-7504) with Many Mansions providing gap financing in the amount of \$367,159 for the acquisition and rehabilitation of a 2 unit (duplex) at 352-354 East Channel Islands Boulevard.

Police Department

16. SUBJECT: Third Amendment to Agreement for Transcription Services. (201)
RECOMMENDATION: Approve and authorize the Mayor to execute the Third Amendment to Agreement for Trade Services for an additional two-year extension to the original agreement (3745-06-PO) for transcription services with Huntington Court Reporters and Transcription, Inc. in the amount of approximately \$100,000 per year, for a total amount not to exceed \$400,000.

Public Works Department

17. SUBJECT: Approval of Award of Contract No. A-7503 for PW 12-02 Blackstock South Neighborhood Street Reconstruction and Alley Reconstruction South of Colonia Road. (213)
RECOMMENDATION: 1) Approve and authorize the Mayor to execute the Contract with Toro Enterprises Inc. (A-7503) in the amount of \$1,511,778 for Project Specification Number 02-12 for the reconstruction of streets, sidewalks, curbs and gutters and replacing street name signs in the Blackstock South Neighborhood Street Reconstruction Project (Blackstock South Project), and for the reconstruction of Gloria Court and the alleyway south of Colonia Road between Gloria Court and Marquita Street (Phase I) and the alleyway south of Colonia Road from Marquita Street to Juanita Avenue (Phase II); and 2) Approve the appropriation of available Community Development Block Grant Recovery (CDBG-R) funds of \$93,619 from the Rose Avenue Street Improvement Project to the Colonia Road Alley Reconstruction Project Phase I.
18. SUBJECT: Purchase Order No. 4057 with Ameron International Corporation for the Manufacture, Storage and Delivery of Pipe for PW12-13 Hueneme Road Recycled Water Line Project. (215)
RECOMMENDATION: 1) Approve and authorize the Mayor to execute Purchase Order No. 4057 with Ameron International Corporation in the amount of \$2,416,597 on Project Specification Number PW12-13 for the manufacture, storage and delivery of pipe for a section of Phase I of the Recycled Water Backbone System (RWBS) along Hueneme Road, from Perkins Road to Olds Road; and 2) Approve a Special Budget Appropriation (SBA) of \$1,148,657 that includes \$493,144 from the Fifth Street Utility Improvement Project No. 116502 and \$655,513 from the Ventura Road Utility Improvement Project No. 106503 to the RWBS Phase I Project No. 096002.
19. SUBJECT: Fifth Amendment to Agreement with Aquatic Bioassay and Consulting Laboratories, Inc. for Receiving Water Monitoring Services. (227)

RECOMMENDATION: Approve and authorize the Mayor to execute the Fifth Amendment to the Agreement with Aquatic Bioassay and Consulting Laboratories, Inc. (ABC Labs) (A-6892) to add services to the scope of services, revise the schedule of charges exhibit, increase the amount by \$309,008 for a total of \$1,705,208 for receiving water monitoring services and extend the contract expiration date to June 30, 2013.

20. **SUBJECT:** PW 12-17 Effluent Sampling Facilities Project. (237)

RECOMMENDATION: Approve Project Specification No. PW 12-17 for the construction of the Effluent Sampling Facilities located at 6001 South Perkins Road and authorize staff to solicit bids for the project.

21. **SUBJECT:** Update City of Oxnard Master Plans for Conformance with the 2030 General Plan.

RECOMMENDATION: 1) Approve updating the Public Works Master Plans for conformance with the 2030 General Plan to include the update of master plans for Water, Wastewater, Recycled Water, Urban Water Management Plan, Storm Drain, and Pavement Management System, and to develop the Salt and Nutrient Management Master Plan; and 2) Approve a Special Budget Appropriation in the amount of \$1,794,286 to include the following: The sum of \$644,700 from the Water Operating Fund capital outlay account to the Water Master Plan Update Project, the Groundwater Recovery Enhancement and Treatment (GREAT) Recycled Water Master Plan Update, and the Urban Water Master Plan Update Project; the sum of \$281,388 from the Wastewater Collection Fund to the Wastewater Master Plan Update Project; the sum of \$506,388 from the Wastewater Treatment Fund to the Wastewater Master Plan Update Project and the Salt and Nutrient Management Master Plan; the sum of \$245,910 from the Storm Drain Facilities Fee Fund to the Storm Drain Master Plan Update Project; and the sum of \$115,900 from the Gas Tax Fund to the Pavement Management System Plan Update Project.

INFORMATION/CONSENT AGENDA ACTION: Approved as recommended with I-3 removed from agenda. (Pinkard/Ramirez) Ayes: Pinkard, MacDonald, Flynn, and Ramirez. Absent: Holden.

J. TRANSMITTAL OF INFORMATION ONLY ITEMS

Finance Department

1. **SUBJECT:** Monthly Budget Status Report for the Period Ending May 31, 2012. (245)

RECOMMENDATION: Receive Report.

ACTION: Received and filed.

K. INFORMATION/CONSENT PUBLIC HEARINGS

L. PUBLIC HEARINGS

Development Services Department

1. **SUBJECT:** Planning & Zoning Permit No. 11-570-02 Requesting a Zone Change to General Commercial Planned Development (C-2-PD), and Appeal of Planning Commission's Denial of Planning & Zoning Permit No. 11-510-09 Requesting a Type 20 ABC License for a Proposed 7-Eleven Store. Located at 1001 and 1051 East Channel Islands Blvd. Filed by Designated Agent Lucy Dinneen, Cadence Capital Investments LLC, on Behalf of Property Owner Channel Islands Inn LP. (263)

RECOMMENDATION: Continue to July 10, 2012.

ACTION: Approved as recommended (Ramirez/Pinkard) unanimously.

N. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

4. SUBJECT: Cancellation of the Regular Meetings Scheduled for July 24, 2012 and November 6, 2012 and Schedule a Special Meeting for July 31, 2012. (369)

RECOMMENDATION: Cancel their regular meetings scheduled for July 24, and November 6, 2012 and schedule a special meeting for July 31, 2012.

DISCUSSION: The Deputy City Manager reviewed the proposed change of scheduled meetings.

Comments were received from: Larry Stein and Bert Perello.

ACTION: Move to approve (Pinkard/Ramirez) Ayes: Ramirez, Pinkard, MacDonald, and Flynn. Absent: Holden.

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 Deputy City Manager stated there was no report. The City Attorney stated default information would be provided at a future meeting.

Public comments received in opposition from: Larry Stein and Bert Perello.

ACTION: Received report and comments.

COMMUNITY DEVELOPMENT SUCCESSOR AGENCY, HOUSING AUTHORITY AND FINANCING AUTHORITY

At 8:51 p.m. the joint meetings with the Community Development Successor Agency Commission, Housing Authority and Financing Authority concluded.

N. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

City Manager Department

1. SUBJECT: Consideration of Support for the VCTC Adopted Position on Countywide Transit Issues. (315)

RECOMMENDATION: Consider supporting the adopted position of VCTC concerning countywide transit and provide direction to City Manager.

ACTION: Removed from agenda.

2. SUBJECT: Opposition to "Corporate Personhood" (361)

RECOMMENDATION: 1) Adopt **Resolution 14,253** supporting an amendment to the U.S. Constitution to end "Corporate Personhood."; and 2) Authorize the City Council to send letter to Senators Boxer and Feinstein, and Congresswoman Capps seeking an Amendment to the U.S. Constitution to end "Corporate Personhood."

DISCUSSION: The Special Assistant to the City Manager reviewed the proposed resolution and letter

Public comments were received from: Allen Dirrim; Travis Kelley; George Sorkin; Mina Nichols; William Terry; and Paul Graham.

The Councilmember provided comments regarding supporting this resolution.

ACTION: Move to approve as recommended. (MacDonald/Pinkard) Ayes: Pinkard, MacDonald, Flynn, and Ramirez. Abstain: Holden.

3. SUBJECT: Update on Status of Oxnard Public Access Channel 25 and Implementation of Broadcasting City Council Meetings in Spanish.

RECOMMENDATION: Receive a verbal report on the status of: 1) Operation of the Oxnard Public Access Channel and; 2) Progress on the Implementation of Broadcasting the City Council Meetings in Spanish.

DISCUSSION: The Public Information Officer reviewed process to establish the public access channel including insurance and licensing requirements.

Public comments were received from: Carlos Licea; David Cruz; Harold Ceja; Larry Stein; Gloria Roman; Pat Brown; and Bert Perello.

The Public Information Officer also commented on the progress to broadcast Council meetings in Spanish.

ACTION: The City Council provided comments and directions to staff.

The Council commented on: the State prisoner release program; McGrath State Beach Park re-opening; City-wide Improvement Program (plastic bags); AB 1897; hotel PBID program and presentation regarding Ethics in Government.

O. REPORTS

P. PUBLIC COMMENTS ON REPORTS

Q. APPOINTMENT ITEMS


R. STUDY SESSION

S. PUBLIC COMMENTS ON STUDY SESSION

T. ADJOURNMENT

At 9:52 p.m. the City Council concurred to adjourn the meeting.


DANIEL MARTINEZ
City Clerk


DR. IRENE G. PINKARD
Mayor Pro Tem