

MINUTES  
OXNARD CITY COUNCIL  
Regular Meeting  
July 12, 2016

A. ROLL CALL/POSTING OF AGENDA

At 4:33 p.m., the regular meeting of the Oxnard City Council convened in the Council Chambers. Councilmembers Tim Flynn, Carmen Ramirez, Bryan A. MacDonald, Dorina Padilla and Bert Perello were present. The Deputy 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: Greg Nyhoff, City Manager; Maria Hurtado, Assistant City Manager; Scott Whitney, Assistant City Manager; Stephen Fischer, City Attorney and Lyn McGraw, Deputy City Clerk.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

C. CLOSED SESSION

At 4:34 p.m. the City Council recessed to a closed session, pursuant to Government Code section 54956.9(d)(1) to confer with its attorneys. The title and case number of the litigation being discussed was Craig Goodvin v. City of Oxnard Workers' Compensation Case No. ADJ9589880.

The City Council also recessed to a closed session, pursuant to Government Code section 54956.9(d)(4), based on existing facts and circumstances, to decide whether to initiate litigation in one potential case.

At 5:56 p.m. the City Council reconvened and recessed to the evening session.

D. OPENING CEREMONIES

At 6:01 p.m., the regular meeting of the Oxnard City Council reconvened in the Council Chambers. 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: Dave Millican, Chief Financial Officer; Ashley Golden, Development Services Director; Daniel Rydberg, Public Works Director; Terrel Harrison, Recreation Supervisor/PAL Co-Director and Ralph Alamillo, Construction Projects Manager.

E. CEREMONIAL CALENDAR

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments received from: Jackie Tedeschi (positive community "attitude"); Aaron Greer, Windsor North Neighbor Council, (impact report/lack of open space); Nancy Pedersen (fireworks); Jack Villa (candidate for Council); Joe Avelar (Lemonwood Park issues, neighborhood clean-up); Daniel Chavez (ratio of "public safety" personnel); Nancy Rahn (fireworks); Martin Jones (Brown Act); Jim Hines, Sierra Club (EIR request); Pete Placencia (medical building, paving of streets, Lodgewood Street speed bumps); Larry Stein (vacate "City" positions); Gerard Kapuscik (Santa Clara River levee impact report); Cynthia Gonzalez (crime in the community); Dario

Fernandez (playing fields & parks); Fernando Maldonana (playing fields & parks); Paul Desales (playing fields & parks); Pat Brown (sales of fireworks); Caesar Cues (soccer fields); Ernesto Arias (soccer fields) and Aaron Starr (upcoming fiscal task force meeting regarding loans/grants).

The Recreation Supervisor/PAL Co-Director commented on the use of recreation at fields for soccer.

G. REPORT OF CITY MANAGER

The City Manager commented on several issues, including review of the audit by State Controller's Office, illegal use of "fireworks" in the community, Lemonwood Park restroom, City management contribution towards retirement and the empty medical building on Gonzalez Road after fire incident.

M. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

The City Council commented on: coordinating use of recreational fields in the community; accessibility of Ed Hunt Rehab Point; upcoming California Energy Commission meeting to get community input regarding power site on the beach and the Community having a partnership with the City (Police Department).

H. REVIEW OF INFORMATION/CONSENT AGENDA

Comments were provided by Construction Projects Manager (J-4) and City Attorney (J-1).

I. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Public comments received from: Dan Chavez; Al Velasquez; Aaron Starr and Jim Lavery.

J. INFORMATION CONSENT AGENDA

City Attorney Department

1. SUBJECT: City Manager Employment Agreement Extension.

RECOMMENDATION: Approve and authorize the Mayor to execute a First Amendment to the Employment Agreement between City of Oxnard and Greg A. Nyhoff (6609-14-CA) to extend the term of the Agreement one year to May 31, 2018, increase the rate of annual leave accrual, and reduce the amount of annual leave redemption.\*

City Clerk Department

2. SUBJECT: Response to Grand Jury to Public Access to Conflict of Interest Codes.

RECOMMENDATION: Authorize the Mayor to sign letter of response to the Grand Jury's Final Report on Public Access to Conflict of Interest Codes.

City Manager Department

3. SUBJECT: Agreements for City Council Review

RECOMMENDATION: Approve and authorize the City Manager to execute the agreements/contracts and change orders/amendments in amounts more than \$25,000 but no more than \$250,000, which are described on the attached list.

Public Works Department

4. SUBJECT: Approval of Lowest Responsible Responsive Bid and Authorization to Issue and Execute a Contract (A-7886) for GS16-02-Eastwood Park Improvements Project  
RECOMMENDATION: Award contract A-7886 to the lowest responsible and responsive bidder, Unlimited Engineering Contracting in the amount of \$128,500.00 for the Eastwood Park Improvements Project, and authorize the purchasing agent to execute the contract upon receipt of final documents.\*\*

INFORMATION/CONSENT AGENDA ACTION: Approved as recommended. (Ramirez/ Padilla)  
Ayes: Ramirez, MacDonald, Padilla, Perello and Flynn. \*Noes: MacDonald and Perello only J-1.  
\*\*Abstain: Ramirez only J-4.

K. PUBLIC HEARINGSL. APPOINTMENT ITEMSM. CITY COUNCIL BUSINESS/COMMITTEE REPORTSCity Attorney Department

1. SUBJECT: Report and Recommendations on City Council Ethical Standards and Guidelines.  
RECOMMENDATION: That the City Council review and provide direction regarding the Ethics Advisory Subcommittee Report and Recommendations on City Council Ethical Standards and Guidelines.  
DISCUSSION: The City Attorney reviewed the committee process, final report, recommendations and duties of Ethics Compliance Officer.

Committee members Steve Nash, Jack Villa and Bob Stills commented on the process, recommendations, work of committee members and staff.

Mayor Flynn commented on the committee report and recommendations to create new standard of ethics.

Public comment received from: Martin Jones.

ACTION: Approve as recommended with returning to City Council within three months (Perello/Ramirez) Ayes: MacDonald, Padilla, Perello Flynn and Ramirez.

N. REPORTSCity Clerk Department

1. SUBJECT: Agreement for Publication of Legal Notices and Legal advertisements.  
RECOMMENDATION: That City Council approve and authorize the Mayor to execute an agreement (A- 7896) with Vida Newspaper for the publication of legal notices and legal advertisements for fiscal year (FY) 2016-17.

DISCUSSION: The City Clerk reviewed the selection of Vida Newspaper as the adjudicated newspaper for publication of legal notice and legal advertisements.

Public comments received from: Pat Brown and Jackie Tedeschi.

ACTION: Approved as recommended. (MacDonald/Perello). Ayes: Ramirez, MacDonald, Padilla, Perello and Flynn.

#### Development Services Department

2. SUBJECT: Memorandum of Understanding (MOU) to Protect, Manage and Restore the Ormond Beach Area.

RECOMMENDATION: 1) approve and authorize the City Manager to sign a Memorandum of Agreement with The Nature Conservancy and California State Coastal Conservancy regarding Ormond Beach, and 2) authorize the City Manager to take all necessary actions under, and sign amendments to, the Memorandum of Understanding that do not have a fiscal impact requiring City Council approval.

DISCUSSION: The Development Services Director reviewed the MOU including area, restoration planning, protecting the property, security measures, policies for public access and recreational activities.

Lily Verdone, Nature Conservancy (Coastal Project Director), reviewed the partnership to plan and manage the Ormond Beach area with community input.

Karen Kruss commented on goals to protect the area, policies to restore the area and resolve issues between many different parties (agencies).

Public comments received from: Pat Brown; Jackie Tedeschi and Steve Nash.

ACTION: Approved as recommended. (Ramirez/Padilla). Ayes: Perello, Flynn, Ramirez, MacDonald and Padilla.

3. SUBJECT: First Amendment to Agreement 6944-14-DS with WKE, Inc.

RECOMMENDATION: Approve and authorize the Mayor to execute the First Amendment to Agreement No. 6944-14-DS with WKE, Inc., for additional environmental and advanced Preliminary Engineering services for the Rice Avenue Grade Separation project, in the amount of \$944,918, which will increase the total cost of the agreement to \$1,919,999.

ACTION: Approved as recommended. (MacDonald/Padilla). Ayes: Flynn, Ramirez, MacDonald, Padilla and Perello.

#### Police Department

4. SUBJECT: Memoranda of Understanding Between the Oxnard Police Department and School Districts for FY 16-17.

RECOMMENDATION: Approve and authorize the City Manager to execute the FY 16-17 School Resource Officer (SRO) Program cost sharing Memoranda of Understanding (MOU) between the Oxnard Police Department and the Rio School District (RSD); Hueneme School District (HSD); Oxnard School District (OSD), and the Oxnard Union High School District.

ACTION: Continue to future date.

Public Works Department

5. SUBJECT: Agreements for Trade Services with Kaneko Landscaping Services, Inc. for Eight Maintenance Assessment Districts.

RECOMMENDATION: Approve and authorize the City Manager to execute eight Agreements for Trade Services with Kaneko Landscaping Services, Inc. to provide landscape maintenance services within District 3 RiverRidge located at northeast corner of Patterson Road and Gonzales Road (7452-16-CM); District 16 California Lighthouse located at northeast corner of Ventura Road and Ninth Street (7453-16-CM); District 38 Aldea del Mar located at the corner of Gonzales Road and Snow Avenue (7454-16-CM), District 39 El Sueno/Promesa located at northwest corner of Entrada Drive and Morado Place (7460-16-CM); District 55 Wingfield West located at corner of Dunkirk Drive and Portofino Place (7455-16-CM); District 57 Golden State Self Storage located at corner of Auto Center Drive and Los Olivos (7457-16-CM); District 58 Westwind located at northwest corner of Cypress Road and Clara Street (7458-16-CM); and District 60 Artisan located at Gonzales Road between Williams Drive and Lombard Street (7459-16-CM).

DISCUSSION: The Chief Financial Officer and Construction Projects Manager reviewed the bidding process, inspection process, enforcement for service and community outreach.

Public comment received from: Michael Gleason.

The City Council discussed the "bid" process and past contracts.

ACTION: Approved as recommended (MacDonald/Padilla) Ayes: Flynn, Ramirez, MacDonald, Padilla and Perello.

6. SUBJECT: Approve South Oxnard Branch Library Settlement Appropriation.

RECOMMENDATION: Approve a budget appropriation in the amount of \$905,000 from the General Fund – Fund Balance for the remediation of water damage and skylight at the South Oxnard Branch Library via Capital Outlay Fund - South Oxnard Improvement Capital Project.

ACTION: Continue to future date.

7. SUBJECT: Third Amendment to Agreement No. A-7620 with Aquatic Bioassay and Consulting Laboratories, Inc.

RECOMMENDATION: Approve and authorize the Mayor to execute a Third Amendment to Agreement with Aquatic Bioassay and Consulting Laboratories, Inc., (A-7620) in the amount of \$423,796, for a total amount of \$1,545,963, for receiving water monitoring services and to extend the expiration date to July 1, 2017.

ACTION: Approved as recommended. (Ramirez/Padilla). Ayes: MacDonald, Padilla, Perello, and Flynn.

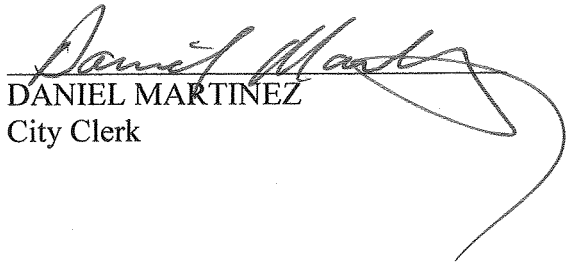
O. PUBLIC COMMENTS ON REPORTS

P. PUBLIC COMMENTS ON STUDY SESSION

Q. STUDY SESSION

R. ADJOURNMENT

At 10:49 p.m. the City Council concurred to adjourn the meeting.

  
DANIEL MARTINEZ  
City Clerk

  
TIM FLYNN  
Mayor