MINUTES
OXNARD CITY COUNCIL
Regular Meeting
November 5, 2013

A. ROLL CALL/POSTING OF AGENDA

At 4:38 p.m., the regular meeting of the Oxnard City Council convened in the Council Chambers concurrently with the Commission Development Commission Successor Agency. Councilmembers Tim Flynn, Carmen Ramirez, Bryan A. MacDonald, Dorina Padilla and Bert Perello were present. 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; Stephen Fischer, Interim City Attorney; Michelle Tellez, Human Resources Director and Martin Erickson, Deputy City Manager.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

Public comments were received from: Steve Nash and Dan Pinedo.

C. CLOSED SESSION

At 4:44 p.m. the City Council and Successor Agency 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 SOCM I, LLC v. City of Oxnard, et al., Ventura County Superior Court, Case No. 56-2012-00427637-CU-MC-VTA.

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 8 potentials cases.

The City Council also recessed to a closed session, pursuant to Government Code section 54957.6 to give instructions to negotiators, Michelle Tellez, Human Resources Director and Jeffrey C. Freedman, City's labor attorney, regarding salaries, salary schedules, or compensation paid in the form of fringe benefits for employees represented by the Service Employees International Union (SEIU), Local No. 721 and other matters within the scope of representation.

At 6:36 p.m. the City Council reconvened and recessed to the evening session. At 6:38 p.m., the Interim City Attorney announced directions: 1) to labor negotiators regarding SEIU matter; 2) to legal counsel regarding litigation of SOCM I, LLC v. City of Oxnard, et al.; and 3) to initiate in 6 actions (4-1 vote) with no action in one case due to expiration of statue and still considering pursuing legal action in one remaining case.

D. OPENING CEREMONIES

At 6:38 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 for Rodney Fernandez, former director of Cabrillo Economic Development. Mayor Flynn presided. Additional staff members present were: Danielle Navas, City Treasurer; Jeri Williams,

Police Chief; James Williams, Fire Chief; Matt Winegar, Development Services Director; James Cameron, Chief Financial Officer; Grace Magistrale Hoffman, Deputy City Manager; Lou Balderrama, City Engineer; Kymberly Horner, Interim Redevelopment Services Manager; Michael Henderson, General Services Manager; Todd Housley, Environmental Resources Manager; Cynthia Daniels, Project Manager and Anthony Emmert, Water Resources Manager.

E. CEREMONIAL CALENDAR

1. SUBJECT: Presentation of Resolution to Bruce Dandy for Twenty-Six Years of Exemplary Service to the City of Oxnard. (001)
RECOMMENDATION: Approve **Resolution No. 14,441**.
ACTION: Approve as recommended. (Ramirez/Padilla) Ayes: Flynn, Ramirez, MacDonald, Padilla and Perello.
DISCUSSION: Mr. Dandy thanked the Council and commented on the working conditions at the City.

2. SUBJECT: Presentation of Proclamation Designating November as "End Domestic Violence" Month.
DISCUSSION: Mayor Flynn presented a proclamation to Sandy Quintanilla, President Soroptimist International of Oxnard. She thanked the Council for the recognition and commented on where information is available to the public.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from: Ed Ellis; Betty Michel; Maria Pantoja; Raquel Cisneros; Juan Martin; Steve Nash; Paul Montgomery; Woodrow Thomas; George Miller; Nancy Lindholm; Morey Navarro; Dan Pinedo; Ron Mulvihill; Larry Stein and Pat Brown.

N. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

1. SUBJECT: Discussion of City Manager Recruitment Process (Mayor Flynn)
DISCUSSION: The Council discussed the "City Manager" selection process including public input, privacy issues and the timeline.

Public comments were received from: Harold Ceja and Orlando Dozier.

ACTION: Move to have a special meeting November 12, 2013 from 6:30 p.m. to 9:30 p.m. and provided comments to staff (Flynn/Perello). Ayes: Ramirez, MacDonald, Padilla, Perello and Flynn.

At 7:58 p.m., Councilman MacDonald left the meeting.

K. REPORTS

Q. REVIEW OF INFORMATION/CONSENT AGENDA

Comments were received from: Interim City Attorney (S-2(c)) & (S-10); General Services Manager (S-2(e)); Chief Financial Officer (S- 2(e)); City Treasurer (S-3); Project Manager (S-4); Police Chief (S-8); and City Engineer (S-10).

At 10:03 p.m. Mayor Flynn left the meeting and Mayor Pro Tem Ramirez presided. At 10:06 p.m., Mayor Flynn returned to the meeting and presided.

R. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Public comments were received from: Ralph Valenzula (S-10); Larry Stein (S-4); and Jeff McDeromott (S-10).

S. INFORMATION/CONSENT AGENDA

City Manager Department

2. SUBJECT: Agreements for City Council Review. (131)
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.

City Treasurer Department

3. SUBJECT: Quarterly Investment Report for the First Quarter F/Y 2013-2014. (135)
RECOMMENDATION: Accept the quarterly Investment Report for the First Quarter F/Y 2013-2014.

Development Services Department

4. SUBJECT: Request for Cooperative Work Agreement with the California Department of Finance (DOF) for Funding for the Rice Avenue/Santa Clara Avenue Interchange Improvements at U.S. Highway 101. (143)
RECOMMENDATION: Approve and authorize the Mayor to execute the request for a time extension to June 30, 2016 as a cooperative work agreement (CWA) with the California Department of Finance (DOF) in the amount of $10,580,280 for the Rice Avenue/Santa Clara Avenue Interchange Improvements at U.S. Highway 101.

5. SUBJECT: Resolution Suspending Fee for Electric Vehicle Charging for One-Year Trial. (149)
RECOMMENDATION: Adopt **Resolution No. 14,442** suspending the hourly rate for electric vehicle charging on City-owned property for a one-year trial period.

6. SUBJECT: Approval of Award for Project Specification No. GS09-18 Oxnard Boulevard Bicycle & Pedestrian Path. (153)
RECOMMENDATION: Approve and authorize the Mayor to execute an agreement with R.C. Becker and Son, Inc. (A-7621) in the amount of $421,865.42 for Specification No. GS09-18 to construct a bicycle and pedestrian path east of Oxnard Boulevard and south of Gonzales Road, adjacent to the future Sports Park.

7. SUBJECT: Second Reading of **Ordinance No. 2874** Establishing Parking Regulations for Electric Vehicle Charging on City-Owned and Operated Parking Facilities. (217)
RECOMMENDATION: Second reading and adoption

Police Department

8. SUBJECT: Federal Asset Forfeiture Funds. (219)
RECOMMENDATION: Approve a special budget appropriation in the amount of $203,150 for the use of Federal Asset Forfeiture funds allocated to the City of Oxnard Police Department.

Public Works Department

9. SUBJECT: Second Amendment to Agreement with KEH & Associates, Inc. for Design and Post Design Services for the Effluent Sampling Facility Project. (221)
RECOMMENDATION: Approve and authorize the Mayor to execute a Second Amendment to the Agreement with KEH & Associates, Inc. (5639-11-PW) to increase the amount by $59,530 for a total contract of $278,057 for design and post design services of the Effluent Sampling Project.

10. SUBJECT: Approval of Award of Contract to Los Angeles Engineering, Incorporated for PW03-18 Hueneme Road Widening Improvement Project. (227)
ACTION: Failed to be approved with 2-2 vote.

11. SUBJECT: Metropolitan Water District of Southern California Member Agency Funded Water Conservation Programs. (257)
RECOMMENDATION: 1) Adopt **Resolution No. 14,443** authorizing the City Manager or designee to execute agreements, amendments and documents necessary to secure reimbursements from Metropolitan Water District of Southern California and Calleguas Municipal Water District for the following three water conservation programs: (a) A High Efficiency Toilet Exchange Program for single-family water customers; (b) A High Efficiency Toilet Exchange Program for multi-family water customers; (c)A High Efficiency Sprinkler Nozzle Distribution program for both residential and commercial water customers; and 2) Approve a Special Budget Appropriation in the amount of $315,000 consisting of $145,000 reimbursements from MWD through CMWD and $170,000 from Water Fund Balance.

12. SUBJECT: Agreement for Professional Services with Aquatic Bioassay and Consulting Laboratories, Inc. (263)
RECOMMENDATION: Approve and authorize the Mayor to execute an agreement with Aquatic Bioassay and Consulting Laboratories, Inc., (A-7620) in the amount of $211,098 for receiving water monitoring services.

INFORMATION/CONSENT AGENDA ACTION: Approved as recommended with exception of S-10 which was not approved (Ramirez/Padilla). Ayes: Flynn, Ramirez, Padilla and Perello. Absent: MacDonald. Noes: Flynn and Perello only for S-10.

COMMUNITY DEVELOPMENT SUCCESSOR AGENCY

At 10:49 p.m. the joint meetings with the Community Development Successor Agency concluded.

N. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

2. SUBJECT: Verbal Report on Agriculture-Tourism.
RECOMMENDATION: Receive and consider verbal report.

DISCUSSION: Councilmember Padilla and Susan Smith, Director of the Oxnard Visitors and Convention Bureau commented on Agriculture-Tourism program.
ACTION: Received verbal report.

H. INFORMATION/CONSENT PUBLIC HEARINGS

ACTION: Mayor Flynn declared the public hearing open.
DISCUSSION: The City Clerk reported on posting, publication and that there were no written communications received.

Public Works Department

1. SUBJECT: Amendments to the City Code Regarding the Sewer Use Ordinance. (025)
RECOMMENDATION: 1) Hold a public hearing concerning the adoption of an ordinance that amends Oxnard City Code Chapter 19, Sections 19-4 (C), (E), (WW), (JJJ), (SSS), (BBBB), (CCCC), 19-71, 19-75, 19-80, 19-92, 19-93, and 19-118 to provide the City of Oxnard (the "City") with the adequate legal authority to comply with all applicable State and federal laws including the Clean Water Act (33 USC Sections 1251 *et seq.*), general pretreatment regulations (40 CFR Part 403), and the requirements of the city's national pollutant discharge elimination system permit; and 2) Approve the first reading by title only and subsequent adoption of **Ordinance No. 2875** that amends Oxnard City Code Chapter 19, Sections 19-4 (C), (E), (WW), (JJJ), (SSS), (BBBB), (CCCC), 19-71, 19-75, 19-80, 19-92, 19-93, and 19-118.
DISCUSSION: The Water Resources Manager reviewed the need to update the current ordinance regarding sewer use and to follow federal code. The Interim City Attorney also commented on the need to update the code.

   The Council commented on enforcement requirements and the need to update the City code.

   ACTION: Close the public hearing. (Ramirez/Perello) Ayes: Padilla, Perello, Flynn and Ramirez. Absent: MacDonald. Approved as recommended. (Ramirez/Padilla) Ayes: Padilla, Perello, Flynn and Ramirez. Absent: MacDonald.

2. SUBJECT: Amendments to the City Code Regarding the Storm Water Quality Management. (039)
RECOMMENDATION: 1) Hold a public hearing concerning the adoption of an ordinance that amends Oxnard City Code Chapter 22, Sections 22-215 through 22-231, to provide the City of Oxnard with the adequate legal authority to comply with Part 3.B.4 of Order No. R4-2010-0108, NPDES Permit No. CAS004002, dated July 8, 2010, issued by the Regional Water Quality Control Board – Los Angeles Region and entitled "Waste Discharge Requirements for Storm Water (Wet Weather) and Non-Storm Water (Dry Weather) Discharges from the Municipal Separate Storm Sewer Systems within the Ventura County Watershed Protection District, County of Ventura and the Incorporated Cities Therein" (2010 MS4 Permit); and 2) Approve the first reading by title only and subsequent adoption of **Ordinance No. 2876** that amends Oxnard City Code Chapter 22, Sections 22-215 through 22-231.
DISCUSSION: The Water Resources Manager reviewed the need to update the current ordinance regarding run-off water and use of ground water by residents.

   Public comments received from: Larry Stein.

The Council commented on use of ground water by residents and the collecting of runoff water.

ACTION: Close the public hearing (Perello/Padilla). Ayes: Flynn, Ramirez, Padilla and Perello. Absent: MacDonald. Approved as recommended (Perello/Ramirez) Ayes: Flynn, Ramirez, Padilla and Perello. Absent: MacDonald.

3. SUBJECT: Drinking Water Public Health Goals Report 2013. (063)
RECOMMENDATION: Hold a public hearing to receive and respond to public comments on the Drinking Water Public Health Goals Report 2013.
DISCUSSION: The Water Resources Manager discussed the quality of water in the City of Oxnard and stated that the entire City meets all State and federal standards. He also commented on the efforts to place all septic tanks on the municipal wastewater collection system; use of fertilizers by local farms; and reasons for colored water.

Public comments were received from: George Miller, Juan Delego and Larry Stein.

The Council commented on the quality of water in the community; use of fertilizers by farmers; septic tank use; and Santa Clara Wastewater (truck waste disposal) permit.

ACTION: Close the public hearing (Padilla/Ramirez). Ayes: Ramirez, Padilla, Perello and Flynn. Absent: MacDonald. Approved as recommended. (Ramirez/Perello) Ayes: Ramirez, Padilla, Perello and Flynn. Absent: MacDonald.

I. PUBLIC HEARINGS

G. TRANSMITTAL OF INFORMATION ONLY ITEMS

Finance Department

1. SUBJECT: Monthly Budget Status Report for the Period Ending September 30, 2013. (003)
RECOMMENDATION: Approve Report.
DISCUSSION: The Chief Financial Officer and General Services Manager provided information regarding Golf course.

Public comments were received from: Larry Stein.

The Council commented on meeting with the Golf Course management and financial information regarding golf course.

ACTION: Received and filed.

2. SUBJECT: State Controller Financial Transactions Report. (021)
RECOMMENDATION: Receive the State Controller Financial Transactions Report and make the report available per sections 53891 and 53893 of the Government Code.
DISCUSSION: The Chief Financial Officer commented on report details and possible future reporting options.
ACTION: Received and filed.

J. APPOINTMENT ITEMS

L. PUBLIC COMMENTS ON REPORTS

M. REPORT OF CITY MANAGER

1. SUBJECT: Verbal Update on the Materials Recycling Facility (MRF).
   RECOMMENDATION: Receive and consider verbal report.
   DISCUSSION: The Environmental Resources Manager updated the Council on the transition plan including negotiating service contracts and hiring of personnel. The Chief Financial Officer commented on report details and possible future reporting options.

   Public comments were received from: Larry Stein.

   The Council commented purchase of equipment, hiring of personnel and reports to Council.

   ACTION: Received and filed.

O. STUDY SESSION

P. PUBLIC COMMENTS ON STUDY SESSION

N. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

The Council discussed: Oxnard College Park soccer fields use; Channel Islands bridge overpass maintenance; shopping in Oxnard during the holidays; a Science Fair at Thurgood Marshall School; and Ethics Workshop (November 6, 2013).

T. ADJOURNMENT

At 12:28 p.m. the City Council concurred to adjourn the meeting.

DANIEL MARTINEZ
City Clerk

TIM FLYNN
Mayor

CARMEN RAMIREZ
Mayor Pro Tem