MINUTES
OXNARD CITY COUNCIL
Regular Meeting
July 21, 2015

A. ROLL CALL/POSTING OF AGENDA

At 4:34 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 Lyn McGraw, Deputy City Clerk; Greg Nyhoff, City Manager ; Maria Hurtado, Assistant City Manager; J. Tabin Cosio, Human Resources Director; Stephen Fischer, Interim City Attorney and Scott Whitney, Interim Assistant City Manager;

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

C. CLOSED SESSION

At 4:35 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 George Todd v. City of Oxnard, Workers' Compensation Claim No. OX-20140216

The City Council also recessed to a closed session, pursuant to Government Code section 54957.6 to review its available funds and funding priorities and to provide instructions to the City's negotiators, Greg Nyhoff, City Manager, J. Tabin Cosio, Director of Human Resources; Dania Torres Wong, and Burke Dunphy, City's labor attorneys. Employee organizations: Local No. 1684; the Oxnard Peace Officers' Association (OPOA); Service Employees International Union CTW, CLC, Local 721 (SEIU Local 721); International Union of Operating Engineers AFL-CIO, Local No. 501 (IUOE Local 501); and Oxnard Mid-Managers' Association. Unrepresented employees: unrepresented Limited Benefit Employees.

At 6:13 p.m. the City Council reconvened and recessed to the evening session.

D. OPENING CEREMONIES

At 6:17 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 for Donald Thibeault. Mayor Flynn presided. Additional staff members present were: Daniel Martinez, City Clerk; Danielle Navas, City Treasurer; Jeri Williams, Police Chief; J. Tabin Cosio, Human Resources Director; Daniel Rydberg, Interim Utilities Director; Kymberly Horner, Redevelopment Services Manager; Ashley Golden, Development Services Director; Martin Erickson, Deputy City Manager and Michael Henderson, General Services Manager.

E. CEREMONIAL CALENDAR

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from: Jim Milstead; Larry Stein; Martin Jones; Pat Brown; Sofia Rivera and George Miller.

G. REVIEW OF INFORMATION/CONSENT AGENDA

Public comments were received from: Interim City Attorney (I-2); Redevelopment Services Manager (I-4); Development Services Director (I-5) and Interim Utilities Director (I-7).

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Public comments was received from: Larry Stein (I-7).

I. INFORMATION/CONSENT AGENDA

City Clerk Department

1. SUBJECT: Minutes of the Regular Meetings of the Oxnard City Council for April 7, 14, 21 and 28, and May 5, 2015; and Minutes of the Special Meeting of the Oxnard City Council for May 4, 2015. (001)
RECOMMENDATION: Approve.

City Attorney Department

2. SUBJECT: Cultural Arts Commission Bylaws. (027)
RECOMMENDATION: Adopt **Resolution No. 14,848** approving the Cultural Arts Commission Bylaws.

City Manager Department

3. SUBJECT: Agreements for City Council Review. (035)
RECOMMENDATION: Approve and authorize the City Manager, to execute the attached 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.

Community Development Department

4. SUBJECT: Agreement with the Economic Development Corporation of Oxnard ("EDCO") for Economic Development Services throughout the Oxnard Area and Funding. (039)
RECOMMENDATION: Approve and authorize the Mayor to execute Agreement with EDCO (A-7811) in an amount not to exceed $151,088, and for EDCO to provide economic development services to the City for one year.

Development Services Department

5. SUBJECT: Planning and Zoning Permit No. 12-300-01 (Parcel Map No. 12-300-01), Food-4-Less Shopping Center Located at 130, 150, 250, and 300 West Esplanade Drive (Northwest Corner of Vineyard Ave. and Esplanade Drive). Filed by Greg Peters on behalf of Kroger Company. (053)
RECOMMENDATION: Adopt **Resolution No. 14,849** approving Planning and Zoning Permit No. 12-300-01 (Parcel Map No. 12-300-01) for the property located at 130, 150, 250 and 300 West Esplanade Drive (APN 142-0-010-435;-204; &-415), subject to certain findings and conditions.

6. SUBJECT: Planning and Zoning Permit No. 14-300-02 (Parcel Map 14-300-02) to Subdivide a 2.52-acre Property Located at 450 North Rose Avenue. Filed by Thomas Davies with Canyon Cardiff Oxnard, LLC on behalf New Trinity Community Church. (067)
RECOMMENDATION: Adopt **Resolution No. 14,850** approving Planning and Zoning Permit No. 14-300-02 (Parcel Map No. 14-300-02), for the subdivision located at 450 North Rose Avenue.

Utilities Department

7. SUBJECT: Project Specification UD15-29 Non-Scheduled Repairs – Water System. (093)
RECOMMENDATION: Approve Project Specification UD15-29 for non-scheduled (emergency and operational priority) repairs to water and recycled water lines, valves, hydrants, and appurtenances located throughout the City, and authorize staff to conduct a public bid solicitation.*

INFORMATION/CONSENT AGENDA ACTION: Approved as recommended. (Ramirez/Padillo) Ayes: Ramirez, MacDonald, Padilla, Perello and Flynn. *Noes: Perello only I-7.

J. PUBLIC HEARINGS

K. APPOINTMENT ITEMS

L. REPORTS

General Services Department

4. SUBJECT: Proposed Dog Park in the RiverPark Community Facilities District #5 (CFD). (197)
RECOMMENDATION: 1) Approve the design of the proposed dog park; and 2) Authorize the appropriation of $126,436 from the RiverPark Community Facilities District (CFD) No. 5 (CFD5) fund balance for the construction of a dog park.
DISCUSSION: The General Services Manager discussed the process to place a "dog" park at Winthrow Park, noise impact, parking concerns, design layout and EIR of the original RiverPark community.

The Interim City Attorney commented on "liability" at the "dog" park.

RECESS

At 7:58 p.m., the City Council recessed and at 8:07 p.m., the City Council reconvened.

Public comments were received from; Justin Glenn; Jill Perella; Teri Villegas; Robert Villegas; Branon Castaneda; John Victuria; Sandra Sudac; Ann Walsh and Roy Prince.

The City Council discussed the proposed location, the selection process, parking issues, working with Rio School District and proposed size of "dog" park.

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

At 9:27 p.m., Mayor Flynn left the meeting and Mayor Pro Tem Ramirez presided.

City Manager Department

1. SUBJECT: Organizational Assessment Phase 1: "Implementation Action Plan" and Creation of an Internal Audit Program. (095)
RECOMMENDATION: 1) Approve the attached Implementation Action Plan (IAP) that prioritizes 128 findings and recommendations in response to the organizational assessment report that was presented and accepted by Council on March 17, 2015; and 2) Approve the creation of a new Internal Audit program and the revision of the name and purpose of the Council Committee formerly known as the Fiscal Policy Task Force to the Fiscal Policy and Audit Council Committee. The initial charge for the reconstituted committee as it relates to the creation of a new Internal Audit program will be to create: a) A Request for Proposals for Internal Audit services and b) The Internal Audit program parameters for Council consideration and adoption.
DISCUSSION: The Assistant City Manager reviewed action plans and/or corrections regarding management and fiscal concerns.

Bob Deis, Management Partners, outlined having a proposed internal contracted audit program to review fiscal policy.

Public comments were received from: Larry Stein; Steve Nash; George Miller and Dan Pinedo.

The City Council discussed financial issues of the City and the proposed "audit" process.

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

Human Resources Department

2. SUBJECT: Amendments to No. 14,836 Authorizing Full-Time Equivalent Positions and Resolution No. 14,837 Authorizing Changes to section XII of the Personnel Rules and Regulations. No Additional Budget Appropriations Required. (175)
RECOMMENDATION: 1) Authorize the Mayor to execute an amendment to Resolution No. 14,836 authorizing the addition of five (5) new full-time positions and to reclassify two (2) job titles, **Resolution No. 14,851**; and 2) Authorize the Mayor to execute an amendment to Resolution No. 14,837 authorizing changes to Section XII of the Personnel Rules and Regulations to set the salary ranges for three (3) newly created job classifications, **Resolution No. 14,852**.
DISCUSSION: The Human Resources Director outlined the follow-up to approved staffing levels and communicating with other departments.

Public comment was received from: Larry Stein.

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

Development Services Department

3. SUBJECT: Ordinance Adopting a Temporary Waiver of Encroachment and Related Fees For Residential Turf Removal and Drought Tolerant Replacement Projects Consistent With City Guidelines and Determining That the Project is Exempt from the California Environmental Quality Act Pursuant to Section 15304. (189)

RECOMMENDATION: Approve the first reading by title only and subsequent adoption of an ordinance adopting a temporary waiver of encroachment and related fees for residential turf removal and drought tolerant replacement projects consistent with city guidelines.
DISCUSSION: The Development Services Director requested "temporary" waiver due to water drought.
ACTION: Moved to append motion (Perello/Padilla). Ayes: Padilla and Perello. Noes: MacDonald and Ramirez. Absent: Flynn. Motion died. Approved as recommended **Ordinance No. 2893** (MacDonald/Padilla). Ayes: MacDonald, Padilla, Perello and Ramirez. Absent: Flynn.

At 10:44 p.m., Councilman MacDonald left the meeting due to a possible conflict of interest.

General Services Department

5. SUBJECT: Reprogram CDBG Funds to the Campus Park Gymnasium North Wing Interior Remodel Balance from Completed Projects. (201)
RECOMMENDATION: Approve a special budget appropriation reprogramming $35,000 of CDBG funding to the Campus Park Gymnasium Project No. 137401 for the completion of remodel of the Gymnasium North Wing.
ACTION: Approved as recommended (Padilla/Perello). Ayes: Padilla, Perello and Ramirez. Absent: Flynn and MacDonald.

At 10:46 p.m., Councilman MacDonald returned to the meeting.

Police Department

6. SUBJECT: Resolution of the City Council of the City of Oxnard in Support of the "My Brother's Keeper" (MBK) Initiative and Accepting the "MBK Community Challenge". (205)
RECOMMENDATION: Adopt a resolution pledging the City's commitment and formal support of President Obama's "My Brother's Keeper" Initiative and accepting the "MBK Community Challenge" to collaboratively address persistent opportunity gaps faced by boys and young men of color and to ensure that all young people can reach their full potential.
DISCUSSION: The Police Chief commented on the program.

Public comment was received from: George Miller.

ACTION: Approved as recommended, **Resolution No. 14,853** (Perello /Padilla). Ayes: Padilla, Ramirez and MacDonald. Noes: Perello. Absent: Flynn.

7. SUBJECT: Response to Grand Jury Report Titled "Final Report Countywide Bicycle Safety" Dated June 1, 2015. (209)
RECOMMENDATION: Authorize the Mayor, the City Manager, and the Police Chief to respond, on behalf of the City Council, to the Grand Jury report titled "Final Report Countywide Bicycle Safety" dated June 1, 2015.
ACTION: Approved as recommended (MacDonald/Perello). Ayes: Ramirez, MacDonald, Padilla and Perello. Absent: Flynn.

Utilities Department

8. SUBJECT: Second Amendment to Agreement for Professional Services with Aquatic Bioassay and Consulting Laboratories, Inc. (215)
RECOMMENDATION: Approve and authorize the Mayor to execute a Second Amendment to Agreement with Aquatic Bioassay and Consulting Laboratories, Inc., (A-7620) in the amount of $459,788 for a total amount of $1,122,167 for receiving water monitoring services and to extend the expiration date to July 1, 2016.
DISCUSSION: The Interim Utilities Director commented on the requested amendment.

   Public comment received from: Larry Stein.

   The City Council discussed the bid process.

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

9. SUBJECT: Sixth Amendment to the Consulting Agreement with Carollo Engineers, Inc. for the Recycled Water Retrofit Project. (231)
RECOMMENDATION: 1) Approve and authorize the Mayor to execute a Sixth Amendment to the Consulting Services Agreement with Carollo Engineers, Inc. (A-7338), to increase the total by $804,585 for a total contract value of $6,139,109; and 2) Approve a Budget Appropriation in the amount of $650,000 to appropriate funds from the Water Operating Fund to Project 116503 to complete funding for the Amendment.
DISCUSSION: The Interim Utilities Director explained use of Carollo Engineers for this project.

   Public comment received from: Larry Stein.

   The City Council discussed the benefits of the agreement.

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

M. REPORT OF CITY MANAGER

The City Manager commended on recycled water at River Ridge golf course.

N. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

The City Council commented on: upcoming Salsa Festival; upcoming Sister City Visitation and Utilities Tour of Wasterwater facilities.

O. PUBLIC COMMENTS ON REPORTS

P. PUBLIC COMMENTS ON STUDY SESSION

Q. STUDY SESSION

Development Services Department

1. SUBJECT: Pre-Application Review (15-600-01) of a request for: 1) Annexation to the City of Oxnard; 2) A General Plan Amendment changing the land use designation from School to Residential Medium; 3) Preliminary zoning designation of Garden Apartment Planned Development Zone (R-3-PD); 4) A Special Use Permit to allow the construction of 228 residential, multi-family units (20%-100% affordable); 5) A Density Bonus Permit to allow for a maximum density of 24 units per acre; and 6) A Tentative Subdivision Map for condominiums on a 9.9-acre property located at 2714 East Vineyard Avenue (APN 145-0-232-010) and owned by the Rio Elementary School District. Filed by: Jordan Marshall on Behalf of Aldersgate Investments, LLC. (245)
RECOMMENDATION: Review and provide preliminary comments on a pre-application.
ACTION: The City Council concurred to continue to future date.

R. ADJOURNMENT

At 11:27 p.m. the City Council concurred to adjourn the meeting.

DANIEL MARTINEZ
City Clerk

TIM FLYNN
Mayor

Lyn McGraw

LYN MCGRAW
Deputy City Clerk

Carmen Ramirez

CARMEN RAMIREZ
Mayor Pro Tem