MINUTES
OXNARD CITY COUNCIL
Regular Meeting
January 26, 2016

A. ROLL CALL/POSTING OF AGENDA

At 4:36 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 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; Greg Nyhoff, City Manager; Maria Hurtado, Assistant City Manager; Scott Whitney, Assistant City Manager and Stephen Fischer, Interim City Attorney.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

Public comments was received from: Martin Jones.

C. CLOSED SESSION

At 4:39 p.m. the City Council recessed to a closed session, pursuant to Government Code section 54957.6 to review the status of labor negotiations and to recview its available funds and funding priorities for the purpose of providing instructions to the City's negotiations, J. Tabin Cosio, Director of Human Resources; Jon Holtzman and Burke Dunphy, City's labor attorneys, regarding the Employee organizations: International Association of Firefighters, AFL-CIO (**IAFF**), Local No. 1684; 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**); Oxnard Public Safety Management Employees' Association (**Police Unit**); Oxnard Public Safety Management Employees' Association (**Fire Unit**); and Oxnard Mid-Managers' Association (**OMMA**); **Unrepresented employees**: Assistant City Manager, Chief Financial Officer, City Clerk, City Treasurer, Deputy City Manager, Development Services Director, Fire Chief, Housing Director, Human Resources Director, Economic Development Director, I.T. Director, Library Director, Police Chief, Utilities Director (**Department Directors**); Assistant City Attorney, Assistant Director of Human Resources, Community Relations and Public Affairs Manager, Deputy City Attorney, Law Office Manager, Human Resources Manager, Workers' Compensation Manager, Management Analyst III (C) (**Confidential Mid-Managers**); Accountant II (C80), Accounting Technician (C67), Administrative Assistant (C70), Administrative Legal Assistant (C70), Administrative Legal Secretary I (C25), Administrative Legal Secretary II (C35), Administrative Legal Secretary III (C50), Administrative Secretary I (C15), Administrative Secretary II (C30), Administrative Secretary III (C40), Administrative Services Assistant (C70), Administrative Technician (C60), Employee Relations Coordinator (C67), Executive Assistant I (C80), Executive Assistant II (C85), Human Resources Technician (C70), Office Assistant I (C10), Office Assistant II (C20), Paralegal (C75), Safety Specialist (C72), Senior Administrative Legal Secretary (C65), Senior Administrative Secretary (C55), Senior Benefits Coordinator (C75), Senior Human Resources Coordinator (C75), Workers' Compensation Specialist (C69) (**Confidential Employees**); unrepresented Limited Benefit Employees.

The City Council also recessed to a closed session, pursuant to Government Code section 54957(b)(1), to consider appointment of a City Attorney.

At 6:21 p.m. the City Council reconvened and recessed to the evening session. No actions were reported regarding the appointment of the City Attorney.

D. OPENING CEREMONIES

At 6:23 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 Roberta Moraga, community resident. Mayor Flynn presided. Additional staff members present were: Jeri Williams, Police Chief; Bryan Brice, Fire Chief; Joseph Lillio, Chief Financial Officer; Tabin Cosio, Human Resources Director; Daniel Rydberg, Utilities Director; Keith Brooks, IT Director; Ashley Golden, Development Services Director; Kymberly Horner, Economic Development Director and Arturo Castillo, Housing Director.

E. CEREMONIAL CALENDAR

1. SUBJECT: Employee of the Year
   DISCUSSION: Mayor Flynn recognized Miguel Lopez as Employee of the Year who recognized his family and the support of City staff when accepting the award.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received regarding utility rate issues from: Martin Jones; Ventura Fernandez; Al Velasquez; Harold Ceja and Arron Starr.

Public comment was also received from: Pat Brown (truck traffic).

J. 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.

Development Services Department

1. SUBJECT: Planning and Zoning Permit Nos. 15-520-02 (Special Use Permit); 15-620-02 (General Plan Amendment) for the Property Located at 2311 Statham Boulevard; and 15-570-02 (Zone Change) for the Properties Located at 2311 Statham Boulevard and 2231-2274 Statham Boulevard. Filed by Pastor Fernando Franco with Victory Outreach Church on Behalf of Property Owner Gruny, LLC, P.O. Box 547, Port Hueneme, California 93044. (065)
   RECOMMENDATION: 1) Adopt **Resolution No. 14,889** upholding the Planning Commission's approval of Planning and Zoning Permit No. 15-520-02 (Special Use Permit) for a church to operate at property located at 2311 Statham Boulevard, subject to the finding and conditions set forth in Planning Commission Resolution No. 2015-36; 2) Adopt **Resolution No. 14,890** upholding the Planning Commission's recommendation, relating to 2311 Statham Boulevard, to: (i) approve Planning and Zoning Permit No. 15-620-02 (General Plan Amendment) to change the existing General Plan land use designation from Industrial Light (ILT) to Industrial Limited (ILM); and (ii) amend the 2030 General Plan Land Use Map, subject to the findings and conditions set forth in Planning Commission Resolution No. 2015-37; and 3) Adopt **Ordinance No. 2903** upholding the Planning Commission's recommendation relating to 2231-2274 Statham

Boulevard and 2311 Statham Boulevard to: (i) approve Planning and Zoning Permit No. 15-570-02 (Zone Change) to change the existing zoning designation from Light Manufacturing (M-1) to Limited Manufacturing (M-L); and (ii) amend the City of Oxnard Zoning Map to change the zoning designations, subject to the findings and conditions set forth in Planning Commission Resolution No. 2015-38.

DISCUSSION: The Development Services Director reviewed the proposed site improvements including use permit, parking and landscaping.

The Economic Development Director stated there was little vacancy in the area of the proposed site.

Franando Franco, applicant representing Victory Outreach; reviewed history of church, proposed site placement and need for a permanent church site.

Public comments were received from: Cruz Espinoza; Sara Lee; Julius Lee; Thomas Beverford; Michael Contreras; Denise Rubio; Sergio Campos; Sal Rodriguez; Yesenia Camacho; Gilbert Neri; Daniel Cabrera; Margaret Olmos; Pat Brown; Johnny Cortez; Frank Castannon; Rebecca Ortega; Al Velasquez; Eva Murillo; Arron Cortez; Franando Franco, Jr.; Elias Cerda; Adenidia Cartanda; Gregorio De La Santos; Woodrow Thomas and Arron Starr

ACTION: Close the public hearing (Ramirez/Padilla) unanimously.

DISCUSSION: The City Council discussed: site location; parking; community issues; property taxes; loss of industrial sites, zoning of adjacent properties and possible future complaints.

ACTION: Approved as recommended (Padilla/MacDonald) with amendment wording (Applicant acknowledges that this permit allows it to establish an assembly use in a zone with preexisting industrial uses and shall inform it's members, employees, tenants, successors and assigns that industrial uses exist in the vicinity of the subject property and that such uses may produce noise, vibrations, odors, and other impacts that may effect the assembly use of the subject property) (Perello/Flynn) Ayes: Ramirez, MacDonald, Padilla, Perello and Flynn.

RECESS:

At 8:43 p.m. the City Council recessed. At 8:51 p.m., the City Council reconvened.

G. REVIEW OF INFORMATION/CONSENT AGENDA

Comments were received from Interim City Attorney (I-1); Development Services Director (I-3); (I-2(2)); City Manager, Chief Financial Officer and Utilities Director (I-6).

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Public comments were received from: Al Velasquez (I-6); Ventura Fernandez; George Miller (I-6); Jim Lavery (I-3); Aaron Starr (I-6); Mari Scott (I-1); Alicia Perell (I-6); David Laufer (I-6); Bob Russell (I-1); Woodrow Thomas (I-1); Pat Brown (I-6) and Barbara Macri-Ortiz (I-6).

I. INFORMATION/CONSENT AGENDA

City Attorney Department

1. SUBJECT: Adoption of Ordinance Prohibiting Marijuana Activities. (001)
RECOMMENDATION: Adopt **Ordinance No. 2898** imposing an express prohibition on marijuana cultivation, deliveries and dispensaries within the City. *

City Manager Department

2. SUBJECT: Agreements for City Council Review. (007)
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.#

Development Services Department

3. SUBJECT: Second reading and adoption of an ordinance approving Planning and Zoning Permit No. 15-670-01. (009)
RECOMMENDATION: Adopt **Ordinance No. 2899** (First Amendment to Development Agreement No. A-7121 for the project known as Devco, for Property Located on the Northwest Corner of Ventura Road and Vineyard Avenue. Filed by Ravello Holdings, LLC.)**

4. SUBJECT: First Amendment to Agreement with Planning & Energy/Entitlement Services. (011)
RECOMMENDATION: Approve the first amendment to the agreement with Planning & Energy/Entitlement Services (P&ES) (6487-17-DS) in the amount of $240,000 for on-call permit processing and planning services, which increases the total cost of the agreement to $480,000 over four years.

Police Department

5. SUBJECT: Memorandum of Agreement with the Oxnard Community K-9 Foundation, and Acceptance of Equipment in the Amount of $109,280.00. (019)
RECOMMENDATION: Adopt **Resolution No. 14,888** accepting a donation of three (3) Chevrolet Tahoe sport utility vehicles to the City of Oxnard, for use by the Oxnard Police Department's K-9 Unit, and authorizing the Mayor to execute a Memorandum of Agreement (MOA) with the Oxnard Community K-9 Foundation relating to the City's use of the same.

INFORMATION/CONSENT AGENDA ACTION: Approved as recommended with removal of I-2(1)#. (Ramirez/Perello) Ayes: MacDonald, Padilla, Perello, Flynn and Ramirez. *Noes: Perello only item I-1. **Abstain: Perello three only.

Utilities Department

6. SUBJECT: Ordinance No's 2900, 2901, and 2902 Regarding Utility Rates. (029)
RECOMMENDATION: 1) Adopt Ordinance No. 2,900 continuing and establishing water user fees and charges; 2) Adopt Ordinance No. 2,901 continuing and establishing wastewater user fees and charges; and 3) Adopt Ordinance No. 2,902 continuing and establishing solid waste user fees and charges. (029)

DISCUSSION: The City Council discussed past City accounting practices; wait for a completed audit; re-establish citizen rate payer committee with peer review; report showing bond rate payments, operations/capital improvements and community outreach.

ACTION: 2) Adopt **Ordinance No. 2,901** continuing and establishing wastewater user fees and charges (Perello/Ramirez) Ayes: Padilla, Flynn, Ramirez and Perello. Noes: MacDonald;

1) Adopt **Ordinance No. 2,900** continuing and establishing water user fees and charges (Ramirez/Padilla) Ayes: Ramirez and Padilla. Noes: Perello, Flynn and MacDonald. Motion failed, and

3) Adopt **Ordinance No. 2,902** continuing and establishing solid waste user fees and charges (Padilla/Ramirez) Ayes: Ramirez and Padilla. Noes: Perello, Flynn and MacDonald. Motion failed.

J. 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.

Housing Department

2. SUBJECT: Extremely-Low to Low-Income Needs Assessment – FY 2016-17 Annual Action Plan. (135)
RECOMMENDATION: Conduct the first Public Hearing to receive comments and provide direction to staff concerning such unmet needs as affordable housing, community development and homelessness of extremely-low to low-income persons residing in the City of Oxnard.
DISCUSSION: The Housing Director reviewed the Consolidated Plan (Community Development Block Grant, HOME Investment Partnership Program and Housing Emergency Solutions Grant), projected funding, spending costs and social service activities.

The Development Services Director stated an upcoming report would review the role of Code Compliance being proactive approach with the Housing Program and address "short-term housing rental" issue.

Public comments were received from: Sue Brinkmeyer; Eileen Tracy; Woodrow Thomas; David Lauper and Lucy Cártagena.

ACTION: Close the public hearing. (Perello/Padilla) unanimously.

DISCUSSION: The City Council discussed: spending of funds on target issues; housing stock issues; homelessness issues including next year's winter shelter; the "non-profit" selection process; short-term housing "rental" issue and use of Code Compliance.

ACTION: Conducted public hearing and provided direction to staff (Ramirez/Perello) Ayes: Ramirez, MacDonald, Padilla, Perello and Flynn.

K. APPOINTMENT ITEMS

L. REPORTS

Development Services Department

1. SUBJECT: Change Order No. 126 for Security Paving Co. Inc. for Rice/101 Interchange. (143)
RECOMMENDATION: Approve and authorize the Mayor to execute Change Order No. 126 for Project Specification No. PW03-19 with Security Paving Co., Inc. (A-7228) to decrease the amount by $455,237 (a new total of $35,835,331.75) for the Rice Avenue/Santa Clara Avenue interchange improvements at U.S. Highway 101.
ACTION: Continue to future date.

2. SUBJECT: Planning and Zoning Permit No. 15-650-01 (Street Naming), Ogden Court. (155)
RECOMMENDATION: Adopt a Resolution Approving the Request to Name a Currently Unnamed Street "Ogden Court".
ACTION: Continue to future date.

Finance Department

3. SUBJECT: Recommendations Regarding the Use of One-Time Successor Agency Loan Proceeds. (161)
RECOMMENDATION: Discuss and approve the recommended use of a portion of the one-time funds received from the Successor Agency "(Agency)" loan proceeds.
DISCUSSION: The Chief Financial Officer reviewed: creation of Successor Agency; repayment of City funds; approved projects (labor negotiation process and internal audit); replacement of vehicles and staffing assistance.

   The IT Director reviewed Information Technology projects including "public records" requests and paying fees.

   The Human Resources Director spoke regarding staffing phases and comparison of tasks of other cities.

   Public comments was received from: George Miller.

   The City Council discussed: "use" of consultants and projects that need to be completed.

   ACTION: The City Council provided comments, directions to staff and approve I-2(1) (MacDonald/Ramirez) Ayes: MacDonald, Padilla, Perello, Flynn and Ramirez.

M. REPORT OF CITY MANAGER

1. SUBJECT: Close Out of the City Manager's $500,000 Delegated Purchasing Authority Resulting from the Organizational Assessment. (163)
RECOMMENDATION: Accept the close out of the City Manager's $500,000 delegated purchasing authority resulting from the Organizational Assessment and granted pursuant to Resolution No. 14,743.
ACTION: Continue to future date.

The City Manager invited the public to attend the Downtown Vision Plan and that municipal financing information would be forthcoming.

N. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

City Clerk Department

1. SUBJECT: Appointment of Citizen Advisory Groups. (175)
   RECOMMENDATION: That the Mayor, with approval of the City Council, 1) appoint: a) One member to the Cultural Arts Commission; b) One member to the Parks, Recreation & Community Services Commission and c) Two members to the Senior Services Commission; and 2) That the City Council appoint: One member to the Community Relations Commission.
   ACTION: Continue to future date.

The City Council discussed: the public getting involve with the Downtown Vision Plan (public charrette); providing "utility rate" information to inform the public of the utility rates in March (Ramirez); liability of landfill (Perello) and downtown restrooms (Padilla).

O. PUBLIC COMMENTS ON REPORTS

P. PUBLIC COMMENTS ON STUDY SESSION

Q. STUDY SESSION

R. ADJOURNMENT

At 12:14 a.m. the City Council concurred to adjourn the meeting.

DANIEL MARTINEZ
City Clerk

TIM FLYNN
Mayor