MINUTES

OXNARD CITY COUNCIL
Regular Meeting
December 8, 2015

A. ROLL CALL/POSTING OF AGENDA

At 5:04 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; Stephen Fischer, Interim City Attorney; Ashley Golden, Development Services Director and Cynthia Daniels, Project Manager.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

C. CLOSED SESSION

At 5:06 p.m. the City Council recessed to a closed session, pursuant to Government Code section 54956.9(d)(2), based on existing facts and circumstances, there is significant exposure to litigation against the City in one potential case relating to the City's public work contract with Security Paving Company, Inc. (Specification No. PW03-19).

At 6:04 p.m., the City Council reconvened and recessed to the evening session.

D. OPENING CEREMONIES

At 6:04 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 victims of San Bernardino mass shooting. Mayor Flynn presided. Additional staff members present were: Arturo Castillo, Housing Director; Joseph Lillio, Chief Financial Officer; Jeri Williams, Police Chief; Tabin Cosio, Human Resources Director; Daniel Rydberg, Interim Utilities Director; Karl Lawson, Compliance Services Manager; Michael Henderson, General Services Manager; Sofia Kimsey, Interim Library Director and Michael More, Financial Resources Manager.

E. CEREMONIAL CALENDAR

1. SUBJECT: Presentation of Employee of the Fourth Quarter.
DISCUSSION: The Interim Library Director introduced Veronica Rodriguez as Employee of the fourth quarter and commented on the many tasks assigned to her.

2. SUBJECT: Swearing in of New Fire Chief Bryan Brice.
ACTION: The City Clerk swore-in Bryan Brice as the new Fire Chief. The City Council welcomed the new Fire Chief to the community and thanked the Police Chief for being the Interim Fire Chief.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from: Pete Placencia (Colonia Boxing Gym); Inez Tuttle (Christmas parade); Woodrow Thomas; Larry Stein; Al Velasquez (opposed utility rate); Morey Navarro (branding of City, Recycling Center, City Corps); Bill Probst (Concert Music Association); Josephine Soliz (support of City Corps); Alise Echele (support of City Corps); Gary Blum (Christmas parade); Gerard Kapuscik (Ventura County levee projects) and Mike Johnson.

G. REVIEW OF INFORMATION/CONSENT AGENDA

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Public comment from Pat Brown (I-1).

I. INFORMATION/CONSENT AGENDA

City Attorney Department

1. SUBJECT: Resolution Reversing Planning Commission's Approval of Planning and Zoning Permit No. 14-510-03 (Special Use Permit-Alcohol Sales) to Allow an Existing 76,639 Square Foot Wal-Mart, Located at 2701 Saviers Road to sell Beer, Wine and Liquor for Off-site Consumption (ABC Type 21) Within the Store. (001)
   RECOMMENDATION: Adopt **Resolution No. 14,875** reversing the Planning Commission's approval of Planning and Zoning Permit No. 14-510-03 (Special Use Permit-Alcohol) to allow an existing 76,639 square foot Wal-Mart, located at 2701 Saviers Road to sell beer, wine and liquor for off-site consumption (ABC Type 21) within the store.*

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.

Finance Department

3. SUBJECT: Budget Appropriation – Westport Community Facilities District No. 2. (011)
   RECOMMENDATION: Approve a budget appropriation in the amount of $238,342 for Community Facilities District (CFD) No. 2 (Westport) and recognize additional revenue in the amount of $21,521 based on actual special tax levy being collected from the Ventura County Secured Tax Roll in FY 2015-16.

4. SUBJECT: Budget Appropriation – Seabridge Community Facilities District No. 4. (039)
   RECOMMENDATION: Approve a budget appropriation in the amount of $168,851 for Community Facilities District (CFD) No 4 (Seabridge) and recognize additional revenue in the amount of $1,899 based on actual special tax levy being collected from the Ventura County Secured Tax Roll in FY 2015-16.

5. SUBJECT: Budget Appropriation – RiverPark Community Facilities District No. 5. (059)
RECOMMENDATION: Approve a budget appropriation in the amount of $557,370 for Community Facilities District (CFD) No 5 (RiverPark) and recognize additional revenue in the amount of $586,697 to reflect the actual special tax levy being collected from the Ventura County Secured Tax Roll in FY 2015-16.

Fire Department

6. SUBJECT: Authorization to Submit a Grant Application to the Federal Emergency Management Agency (FEMA) for $241,250 in Assistance to Firefighters Grant Program (AFG) Grant Funds for Wildland Fire Training and Equipment. (089)
RECOMMENDATION: Adopt **Resolution No. 14,876** authorizing: 1) The City Manager to submit a grant application to the FEMA Assistance to Firefighters Grant program in the amount of $241,250 for the purpose of purchasing Wildland Fire Equipment and Training; 2) The City Manager or designee to execute the grant agreement if grant funds are awarded to the City; 3) The Chief Financial Officer or designee to submit financial reports and grant claims, approve special budget appropriations for the use of the grant funds and perform all other required financial actions; and 4) The Fire Chief or designee to submit non-financial reports.

General Services Department

7. SUBJECT: Authorization for City Manager to Execute Written Consent and Land Use Application for Modification Under the Second Amendment to the Rooftop Lease Agreement (A-5300). (093)
RECOMMENDATION: 1) Authorize the City Manager or his designee to provide written consent to AT&T's proposal to make minor modifications to its wireless communications facility located on the roof of the Administrative Building located at 300 West Third Street if the Planning Manager approves or conditionally approves AT&T's application; and 2) Authorize the City Manager or his designee to execute the associated Land Use Application on behalf of the City.

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

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

1. SUBJECT: First Amendment to FY2013-18 Consolidated Plan and the FY2015-16 Annual Action Plan for the City of Oxnard. (101)
RECOMMENDATION: 1) Conduct a public hearing to receive comments on the proposed first amendment to FY2013-18 Consolidated Plan and the FY2015-16 Annual Action Plan; 2) Authorize the City Manager to submit the Council approved Substantial Amendment to the FY 2013-2018 Consolidated Plan and the FY 2015-2016 Annual Action Plan to the U.S. Department

of Housing and Urban Development (HUD) for approval; 3) Approve the appropriation of $10,000.00 in Community Development Block (CDBG) Grant funding for the Winter Warming Shelter and the cancellation of the Journeymen Apprentice Program; and 4) Authorize the Chief Financial Officer to approve the special budget appropriation of $500 into Fund 285 (CDBG Entitlement) and transfer within this Fund $9,500 from Account 5110 (Journeyman Apprentice) to Account 5309 (Transitional Living Center), to fund the Winter Warming Shelter with $10,000.*

DISCUSSION: The Housing Director reviewed: fund adjustments; grants funds received; reason for modification; funding of code compliance personnel and searching for new grants.

The Compliance Services Manager reviewed the HOME grant program which assist elderly low-income home owners with health and safety issues.

Public comments were received from: Jason Meek, Barbara Marci-Ortiz, Eileen Tracy and Woodrow Thomas.

The Interim City Attorney outlined the use of CDBG funds and need for documention.

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

DISCUSSION: The Council discussed several issues including: HOME program; Code Compliance; rental inspection program and having a "plan" to assist the community.

ACTION: Approved as recommended. (Ramirez/Perelllo) Ayes: MacDonald, Padilla, Perello, Flynn and Ramirez. Noes: Padilla only for #2.

K. APPOINTMENT ITEMS

L. REPORTS

Finance Department

1. SUBJECT: Agreements with NBS for Maintenance Assessment Districts and Budget Appropriation (131)
   RECOMMENDATION: 1) Approve and authorize the City Manager to execute a three-year Agreement with NBS (7281-15-FN) in the amount of $202,200 for administration of the City's Maintenance Assessment Districts; 2) Approve and authorize the City Manager to execute a First Amendment to Agreement with NBS (7117-FN-15) to add $35,000 for a total of $135,000 to continue to provide for additional services associated with resolving issues within the City's Maintenance Assessment Districts; and 3) Approve the appropriation of funds in the amount of $222,400 from the Maintenance Assessment Districts to pay for various services provided by NBS and RegisConnect.
   DISCUSSION: The Chief Financial Officer and Financial Resources Manager outlined: the proposed agreements; selection process and inspecting district boundaries.

   The Financial Resources Manager outlined the reason(s) to select NBS to address assessment district issues including district boundaries.

Brian Brown, NBS, reviewed services to be provided to maintenance districts including: being funded by assessment district(s); review of actual maintenance fees and provide information options to each district to increase or decrease services.

Public comments were received from: Larry Stein; Michael Gleason; Phillip Molina; Steve Nash and Al Velasquez.

The Council discussed: scope of service to be provided; use of General Fund; using in-house staff and decisions of maintenance service by each district.

ACTION: Approved as recommended #2 and #3 with removal of recommendation #1. (Ramirez/Flynn). Ayes: Padilla, Flynn and Ramirez. Noes: Perello and MacDonald.

RECESS

At 9:24 p.m., the City Council recessed and at 9:31 p.m., the Council reconvened.

General Services Division

2. SUBJECT: Blanket Purchase Order for MacValley Oil Company to Deliver Gasoline and Diesel to Various City Sites for Period January 1, 2016-December 31, 2016. (163)
RECOMMENDATION: Approve and authorize the Mayor to sign a blanket purchase order (No. 5640) for MacValley Oil Company to deliver gasoline and diesel to various City sites in an amount not to exceed $514,000. This blanket purchase order is for the period from January 1, 2016, to December 31, 2016.
ACTION: Approved as recommended. (MacDonald/Perello). Ayes: Perello, Flynn, Ramirez, MacDonald and Padilla.

3. SUBJECT: Blanket Purchase Order for Sawyer Petroleum to Deliver Bio-diesel to the Wastewater Treatment Plant for Period January 1, 2016-December 31, 2016. (167)
RECOMMENDATION: Approve and authorize the City Manager to sign a blanket purchase order (No. 5641) for Sawyer Petroleum to deliver bio-diesel to the Wastewater Treatment Plant located at 6001 Perkins Road in an amount not to exceed $50,000. This blanket purchase order is for the period from January 1, 2016, to December 31, 2016.
ACTION: Approved as recommended. (MacDonald/Perello). Ayes: Perello, Flynn, Ramirez, MacDonald and Padilla.

4. SUBJECT: Blanket Purchase Order for Silvas Oil Company to Deliver Lubricants and Antifreeze to Various City Sites for Period January 1, 2016-December 31, 2016. (171)
RECOMMENDATION: Approve and authorize the City Manager to sign a blanket purchase order (No. 5639) for Silvas Oil Company to deliver lubricants and antifreeze to various City sites in an amount not to exceed $150,000. This blanket purchase order is for the period from January 1, 2016, to December 31, 2016.
ACTION: Approved as recommended. (MacDonald/Perello). Ayes: Perello, Flynn, Ramirez, MacDonald and Padilla.

Public Works Department

5. SUBJECT: Approval of Lowest Responsible Responsive Bid and Authorization to Issue and Execute a Contract for Project Specification No. UD15-29 Water Systems Non-Scheduled Emergency Work or Scheduled Urgent Work. (175)
RECOMMENDATION: Award Contract to the lowest responsible responsive bidder, Sam Hill & Sons, Incorporated, (A-7833) for Project Specification No. UD15-29 Water Systems Non-Scheduled Emergency Work or Scheduled Urgent Work to the City's water and recycled water systems for the period of January 1, 2016 through December 31, 2018 for a total contract amount not to exceed $1,800,000 and authorize the purchasing agent to execute the contract upon receipt of final documents.
DISCUSSION: The Interim Public Works Director requested approval for emergency work due to large project and use of personnel (staff/consultants).

Public comments received from: Al Velasquez and George Miller.

The Human Resources Director reviewed the filling of vacant municipal positions.

The Council discussed use of City staff compared to using a consultant and the filling of vacate municipal positions.

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

City Manager Department

6. SUBJECT: Organization Assessment: Status Update on the Implementation Action Plan's for the 128 Recommendations. (217)
RECOMMENDATION: Receive a status update on the Organizational Assessment's Implementation Action Plans (IAP's) that prioritizes the 128 recommendations adopted by Council on July 21, 2015.
ACTION: Continue to future meeting.

Finance Department

7. SUBJECT: Review of Proposed New Internal Audit Program and Request for Proposal (RFP). (289)
RECOMMENDATION: 1) Review and approve the proposed Internal Audit Program Charter; 2) Review and approve the proposed Request For Proposals for Internal Audit Program services; and 3) Authorize an appropriation in the amount of $100,000 from the one-time Successor Agency Residual pass-through Loan Payment.
DISCUSSION: Bob Deis, Public Management Group, reviewed the internal audit process which would improve accountability and comply with federal law, State law and Council policies; communication process and bringing forward concern(s)/recommendation(s).

Public comments were received from: Larry Stein; Phillip Molina; Al Velasquez and Gerard Kapuscik.

The City Council discussed several issues including: services to be performed by the internal audit process, communications with the Fiscal Policy Task Force and fiscal performance of the "golf course", "City Corps" and Oxnard Performing Arts Center.

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

M. REPORT OF CITY MANAGER

N. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

The City Council discussed a retirement (life insurance) benefit letter sent to retirees (MacDonald).

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from: Martin Jones and Woodrow Thomas.

O. PUBLIC COMMENTS ON REPORTS

P. PUBLIC COMMENTS ON STUDY SESSION

Q. STUDY SESSION

R. ADJOURNMENT

At 11:04 p.m. the City Council concurred to adjourn the meeting.

DANIEL MARTINEZ
City Clerk

TIM FLYNN
Mayor