

MINUTES
OXNARD CITY COUNCIL
Regular Meeting
June 20, 2017

A. ROLL CALL/POSTING OF AGENDA

At 4:35 p.m., Mayor Flynn called to order the regular meeting of the Oxnard City Council in the City Hall Council Chambers, 305 W. Third Street, Oxnard, California. The City Clerk called the roll: Councilmembers Bryan A. MacDonald, Oscar Madrigal, Bert Perello; Mayor Pro Tem Carmen Ramirez; and Mayor Tim Flynn were present. (Housing Commissioners Jose Andrade and Francisco Vega arrived at 6:00 p.m.) The City Clerk stated that the agenda was posted June 15, 2017 at City Hall.

Staff members present were Greg Nyhoff, City Manager; Stephen Fischer, City Attorney; Jesús Nava, Assistant City Manager; Ruth Osuna, Assistant City Manager; Thien Ng, Wastewater Division Manager; and Michelle Ascencion, City Clerk.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS (None)

C. CLOSED SESSION

The Mayor read the following closed session statement:

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

The City Council will also recess to a closed session, pursuant to Government Code section 54957(b)(1), evaluation of public employee, City Attorney.”

At 4:36 p.m., the City Council recessed to a closed session. At 5:37 p.m. the City Council reconvened in open session in the Council Chambers. There was no announcement following closed session.

D. OPENING CEREMONIES

The flag salute was followed by a moment of silence.

Additional staff members present at this time were Kymberly Horner, Economic Development Director; Scott Whitney, Police Chief; Sandra Burkhart, Special Districts Administrator; Kathleen Mallory, Planning Division Manager; Thien Ng, Wastewater Division Manager; Beth Vo, Budget Manager.

Housing Commissioners Jose Andrade and Francisco Vega arrived at 6:00 p.m.

E. APPOINTMENT ITEMS

1. SUBJECT: Oxnard Downtown Management District Annual Update.
RECOMMENDATION: That the City Council adopt **Resolution No. 15,023** ordering the levy and collection of assessments within the Oxnard Downtown Management District ("ODMD") for Fiscal Year ("FY") 2017-18.

The Economic Development Director introduced Abel Magana, Oxnard Downtown Improvement District Executive Director, who gave a report. Public comments were received from Juan Gonzalez. Discussion ensued among the Council, staff, and Mr. Magana.

It was moved by Councilmember Perello, seconded by Councilmember Madrigal, to approve staff's recommendation as presented. VOTE: Flynn, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 5-0.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from Daniel Kalbacher (Planning Commission approval of proposed car wash business), Julie Miller Kalbacher (Planning Commission approval of proposed car wash business), Al Velasquez (public safety and budget cuts), Woodrow Thomas Sr. (Housing Authority issues), Pat Brown (Ormond Beach restoration), Celeste Gamino (public documents in Spanish), John Jay (red light cameras), Michael Gleason (public service), Daniel Chavez Jr. (community concerns), Lucy Cartagena (homeless issues), and Roy Prince (upcoming screening of the film "Citizen Jane").

G. REPORT OF CITY MANAGER

The City Manager commented on the Police Department's efforts in reducing crime by 7% over the last year, and announced that he will be attending the upcoming Redwood Neighborhood Council meeting. The Police Chief gave a brief report on the dangers of illegal fireworks.

H. CITY COUNCIL REPORTS

Councilmember Perello suggested sending a letter to the City of Fillmore regarding fireworks sales, commented on fireworks and fire risks, and reported on attending the Terrace Estates Neighborhood Council meeting and Al and Mexie Duff's 60th anniversary celebration.

Councilman MacDonald commented on hearing illegal fireworks in his neighborhood and throughout the city.

Mayor Pro Tem Ramirez commented on illegal fireworks, former Mayor Manuel Lopez's 90th birthday, the recent Juneteenth celebration, an upcoming Ormond Beach restoration presentation, the City's utility rate assistance program, making public documents available in Spanish, and earthquake preparedness.

Councilmember Madrigal reported on attending the Juneteenth celebration, commented on recent high school graduations, wished fathers a belated Fathers Day, and commented on the recent Coffee with a Cop event and the Southwinds Neighborhood Council meeting.

Mayor Flynn reported on the Community Relations Commission's recent resolution to designate Oxnard as a "sanctuary city," and encouraged open dialogue about the role of immigrants in the community and the shared values of the community.

I. REVIEW OF INFORMATION/CONSENT AGENDA

Item K2A was pulled for discussion. Councilmember Perello and the City Manager discussed the funding for the proposed consulting contract.

J. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA (None)

K. INFORMATION/CONSENT AGENDA

City Attorney Department

1. SUBJECT: Adoption of Updated Code Compliance and Nuisance Abatement Provisions.
RECOMMENDATION: That City Council waive the second reading and adopt **Ordinance No. 2919** adding Article XIX to Chapter 7 of the Oxnard City Code relating to recording of notices of violation for property related violations, and Section 7-160 relating to authorizing judicial remedies and attorney's fees for nuisance actions.

City Manager Department

2. SUBJECT: Agreements for City Council Review.
RECOMMENDATION: That City Council, pursuant to Ordinance No. 2835, and Resolution No. 13,932, 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:
 - A. NBS Government Finance Group (7934-17-FN) for consulting support for the waterways district (\$39,895).
 - B. Landscape Development, Inc. (7848-17-FN) maintenance services for Westport CFD No. 2 (\$37,000).
 - C. Landscape Development, Inc. (7849-17-FN) maintenance services for Seabridge CFD No. 4 (\$48,600).
 - D. Green Gardens Group, LLC. (5406-11-PW) for water conservation landscaping classes, development and support.
 - E. ProUsys, Inc. (A-7612) for SCADA services for Water Resources (\$150,000).
 - F. Compuwave for purchase of computer hardware and software (\$75,000).

Fire Department

3. SUBJECT: Authorization to Submit Assistance to Firefighters Grant for Smoke Detectors.
RECOMMENDATION: That City Council adopt **Resolution No. 15,024** authorizing:
 1. The Fire Chief to submit an application to the Federal Emergency Management Agency (FEMA) Assistance to Firefighters grant in the amount of \$166,550;
 2. The City Manager to execute the grant agreement if grants funds are awarded to the City;

3. The Chief Financial Officer to appropriate the funds and perform all other required financial actions;
4. The Fire Chief or designee to submit non-financial reports.

Police Department

4. SUBJECT: Updated Procedures for the City's Emergency Cost Recovery Program.
RECOMMENDATION: That City Council adopt **Resolution No. 15,025** updating procedures for emergency response cost recovery.

Public Works Department

5. SUBJECT: Acceptance of the California Green Business Network Grant.
RECOMMENDATION: That City Council approves and authorizes the City Manager to execute a grant agreement with Ecology Action of Santa Cruz, Inc., as an award under the California Air Resources Board Pollution Prevention Grant, to initiate the City of Oxnard Green Business Certification Program.

It was moved by Councilman MacDonald, seconded by Mayor Pro Tem Ramirez, to approve the Information/Consent Agenda as presented. VOTE: Flynn, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 5-0.

At this time, the City Council opted to consider Item M2 next.

M. REPORTS

Finance Department

2. SUBJECT: Adoption of Fiscal Year 2017-18 Operating Budget and Capital Improvement Projects.
RECOMMENDATION:
 1. That City Council adopt the following resolutions:
 - (a) **Resolution No. 15,026**, a resolution of the City Council of the City of Oxnard Approving the City Operating Budget for the Fiscal Year 2017-2018; and
 - (b) **Resolution No. 15,027**, a resolution of the City Council of the City of Oxnard Establishing An Appropriation Limit for the Fiscal Year 2017-2018; and
 - (c) **Resolution No. 15,028**, a resolution of the City Council of the City of Oxnard Authorizing Full-Time Equivalent Positions in the City Service Effective July 1, 2017 in accordance with the Operating Budget for the 2017-2018 Fiscal Year; and
 - (d) **Resolution No. 15,029**, a resolution of the City Council of the City of Oxnard Authorizing Classification and Salary Schedules Resolutions and Approving the attached Classification and Salary Schedule; and
 - (e) **Resolution No. 15,030**, a resolution of the City Council of the City of Oxnard Establishing Financial Management Policies.
 2. That City Council authorizes the City Manager to transfer and make adjustment of inter-fund transfers on June 30, 2017 to eliminate cash deficits in funds when necessary including: Utilities Funds, Capital Improvements, Impact Fee Funds, Assessment District Funds, Grants Funds, Debt Service Fund, and all other funds that

may need such adjustments.

3. That the Housing Commissioners adopt **Housing Resolution No. 1301** approving the Housing Authority's Fiscal Year 2017-18 Operating and Capital Budget.

The City Manager gave a report.

Public comments were received from Edgar Fernandez, Ken Tougas, Al Velasquez, Julie Estrada, Jessy Tapia, Daniel Chavez Jr., George Miller, and Woodrow Thomas Sr.

Discussion ensued among the Council and staff.

It was moved by Councilmember Perello, seconded by Councilman MacDonald, to approve the staff recommendation, with an amendment to the Reserve Policy requiring preparation of monthly reports of the General Fund Operating Reserve fund balance, presentation of those reports to the Council within 30 days of the month end, and that staff reports requesting draw-downs from the Operating Reserve clearly identify the impact on the reserve's year-end fund balance. VOTE: Flynn, MacDonald, Madrigal, Perello, Ramirez, Andrade and Vega voted in favor; the motion carried 5-0 (Recommendations #1 and 2, for City Council) / 7-0 (Recommendation #3, for Housing Authority).

*At 9:33 p.m., the City Attorney requested an amendment to **Resolution No. 15,029**, to clarify that the Class and Salary Schedule is effective July 1, 2017. *It was moved by to approve Mayor Pro Tem Ramirez, seconded by Councilmember Perello to approve the amendment. VOTE: Flynn, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 5-0.*

The Council took a brief break at 8:32 p.m.; the meeting resumed at 8:39 p.m.

L. PUBLIC HEARINGS

Mayor Flynn announced that item L4 would be considered first.

Finance Department

4. SUBJECT: Ordering the Dissolution of Eighteen Landscape Maintenance Districts.
RECOMMENDATION: That City Council hold a public hearing to receive public testimony regarding the dissolution of eighteen (18) of the City's Landscape Maintenance Districts for Fiscal Year 2017-2018 pursuant to the Landscaping and Lighting Act of 1972, Part 2, Division 15 of the California Streets and Highway Code commencing with Section 22500 (**Resolution No. 15,031**).

The City Clerk announced the affidavit of publication and stated that no written communications had been received.

The Special Districts Administrator gave a report.

Mayor Flynn opened the public testimony portion of the public hearing. Public comments were received from Daniel Kalbacher, Julie Miller Kalbacher, Barbara Paz, Michael Gleason, and Al Velasquez.

Mayor Pro Tem Ramirez, seconded by Councilmember Perello, moved to close the public testimony portion of the public hearing; the Council approved unanimously. Discussion ensued among the Council and staff.

It was moved by Mayor Pro Tem Ramirez, seconded by Councilmember Madrigal, to approve staff's recommendation as presented and adopt the resolution. VOTE: Flynn, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 5-0.

1. SUBJECT: Adoption of Resolution Approving Engineer's Report and Ordering the Levy and Collection of Assessments for the Fiscal Year 2017-18 Within the City's Landscape Maintenance Districts.

RECOMMENDATION: That City Council:

1. Hold a public hearing to receive public testimony regarding the proposed Fiscal Year 2017-2018 assessments in the City's Landscape Maintenance Districts, and
2. Adopt **Resolution No. 15,032** approving the Fiscal Year 2017-2018 Consolidated Engineer's Report and ordering the levy and collection of assessments for Fiscal Year 2017-2018 within the City's Landscape Maintenance Districts pursuant to the Landscaping and Lighting Act of 1972.

The City Clerk announced the affidavit of publication and stated that no written communications had been received.

Councilmember Perello announced that he would recuse himself from this item due to a conflict of interest with property that he owns in one of the Districts, and left the dais.

The Special Districts Administrator introduced consultant Pablo Perez of NBS Local Government Solutions, who gave a report.

Mayor Flynn opened the public testimony portion of the public hearing. Public comments were received from Michael Gleason.

Mayor Pro Tem Ramirez, seconded by Councilman MacDonald, moved to close the public testimony portion of the public hearing; the Council approved unanimously. Discussion ensued among the Council and staff.

It was moved by Councilman MacDonald, seconded by Mayor Pro Tem Ramirez, to approve staff's recommendation as presented. VOTE: Flynn, MacDonald, Madrigal, and Ramirez voted in favor; the motion carried 4-0 (Perello absent [recused]).

Following the vote, Councilmember Perello returned to the dais.

2. SUBJECT: Resolution to Levy the Fiscal Year 2017-2018 Assessments in Mandalay Beach Maintenance District.

RECOMMENDATION: That City Council:

1. Hold a public hearing to receive public testimony regarding the proposed Fiscal Year 2017-2018 assessments for the Mandalay Beach Maintenance District.
2. Adopt **Resolution No. 15,033** fixing the special assessments in the Mandalay Beach Maintenance District for Fiscal Year 2017-2018.

The City Clerk announced the affidavit of publication and stated that no written communications had been received.

The Special Districts Administrator gave a report.

Mayor Flynn opened the public testimony portion of the public hearing. No public comments were received.

Councilman MacDonald, seconded by Councilmember Perello, moved to close the public testimony portion of the public hearing; the Council approved unanimously. Discussion ensued among the Council and staff.

It was moved by Councilman MacDonald, seconded by Councilmember Perello, to approve staff's recommendation as presented. VOTE: Flynn, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 5-0.

3. SUBJECT: Resolution to Levy Waterway Maintenance District Assessments - Fiscal Year 2017-2018.

RECOMMENDATION: That City Council:

1. Hold a public hearing regarding proposed assessments for the Waterway Maintenance District for Fiscal Year 2017-2018, and
2. Adopt **Resolution No. 15,034** for Fiscal Year 2017-2018 fixing assessments for the Waterway Maintenance District.

The City Clerk announced the affidavit of publication and stated that no written communications had been received.

The Special Districts Administrator gave a report. Discussion ensued among the Council and staff.

Mayor Flynn opened the public testimony portion of the public hearing. Public comments were received from George Miller.

Councilmember Perello, seconded by Mayor Pro Tem Ramirez, moved to close the public testimony portion of the public hearing; the Council approved unanimously.

It was moved by Councilman MacDonald, seconded by Councilmember Perello, to approve staff's recommendation as presented. VOTE: Flynn, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 5-0.

Development Services Department

5. SUBJECT: Planning and Zoning Permit Nos. 16-500-08 (Special Use Permit), 16-535-02 (Density Bonus), and 15-300-09 (Tentative Tract Map), "First and Hayes." Steven J Dwyer, Habitat for Humanity of Ventura County, 1850 Eastman Avenue, Oxnard, CA 93030.

RECOMMENDATION: That the City Council:

- a) Approve **Resolution No. 15,035**, Planning and Zoning Permit No. 16-500-08 (Special

- Use Permit), subject to certain findings and conditions;
- b) Approve **Resolution No. 15,036**, Planning and Zoning Permit No. 16-535-02 (Density Bonus), subject to certain findings and conditions; and
- c) Approve **Resolution No. 15,037**, Planning and Zoning Permit No. 16-300-09 (Tentative Subdivision Map for Tract No. 5597), subject to certain findings and conditions.

The City Clerk announced the affidavit of publication and stated that no written communications had been received.

The Planning Division Manager gave a report. Discussion ensued among the Council and staff.

Mayor Flynn opened the public testimony portion of the public hearing. Public comments were received from Steve Dwyer, Steve Nash, and George Miller.

Mayor Pro Tem Ramirez, seconded by Councilman MacDonald, moved to close the public testimony portion of the public hearing; the Council approved unanimously.

It was moved by Councilman MacDonald, seconded by Councilmember Perello, to approve staff's recommendation as presented. VOTE: Flynn, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 5-0.

(As it was after 10:00 p.m., the City Council voted unanimously for the remaining agenda items to be heard.)

M. REPORTS

Economic Development Department

1. SUBJECT: Agreement Between Oxnard Convention & Visitors Bureau & City of Oxnard.
RECOMMENDATION: Staff requests approval to enter into a one-year agreement beginning July 1, 2017 through June 30, 2018 between the City of Oxnard ("City") and the Oxnard Convention and Visitors Bureau ("OCVB") to provide services in the promotion of the City and area in order to attract more visitors and generate economic benefits. For these services, the City will compensate the OCVB in the amount of \$712,360 which is an increase of \$77,124 over the current amount of City funding for OCVB.

The Economic Development gave a report. Public comments were received from George Miller and Pat Brown. Discussion ensued among the Council and staff.

It was moved by Councilman MacDonald, seconded by Mayor Pro Tem Ramirez, to approve staff's recommendation as presented. VOTE: Flynn, MacDonald, Madrigal, and Ramirez voted in favor; Perello was opposed, stating that he didn't feel the matter was appropriately handled. The motion carried 4-1.

It was moved by Councilman MacDonald, seconded by Mayor Pro Tem Ramirez, to approve the recommended budget appropriation of \$712,360. VOTE: Flynn, MacDonald, Madrigal, and Ramirez voted in favor; Perello was opposed, stating that he didn't feel the matter was appropriately handled. The motion carried 4-1.

Public Works Department

3. SUBJECT: Fourth Amendment to Agreement No. A-7620 with Aquatic Bioassay Consulting Laboratories, Inc.

RECOMMENDATION: That City Council approve and authorize the Mayor to execute a Fourth Amendment to Agreement No. A-7620 with Aquatic Bioassay and Consulting Laboratories, Inc. for water monitoring services, adding an amount of \$449,111 for a total agreement amount of \$1,995,074 and extending the termination date to July 1, 2018.

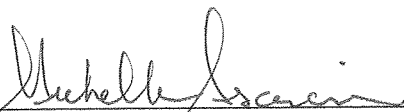
The Wastewater Division Manager gave a report. No public comments were received. Discussion ensued among the Council and staff.

It was moved by Councilman MacDonald, seconded by Mayor Pro Tem Ramirez, to approve the recommendation as presented. VOTE: Flynn, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 5-0.

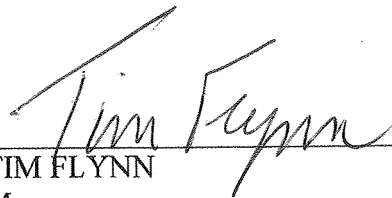
N. PUBLIC COMMENTS ON REPORTS (None)

O. ADJOURNMENT

There being no further business on the agenda, and without objection, Mayor Flynn adjourned the meeting at 10:52 p.m.



MICHELLE ASCENCION, CMC
City Clerk



TIM FLYNN
Mayor