MINUTES
OXNARD CITY COUNCIL
Regular Meeting
May 23, 2017

A. ROLL CALL/POSTING OF AGENDA

At 4:33 p.m., the regular meeting of the Oxnard City Council was called to order by Mayor Pro Tem Ramirez in the Council Chambers. 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. The City Clerk stated that the agenda was posted May 18, 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; Steve Naveau, Human Resources Director; Daniel Rydberg, Public Works Director; James Throop, Chief Financial Officer; Thien Ng, Wastewater Division Manager; Christine Williams, Controller; and Michelle Ascencion, City Clerk.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS (None)

C. CLOSED SESSION

Mayor Flynn 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 two potential cases.

The City Council will also recess to a closed session, pursuant to Government Code section 54957.6(a), to review the status of labor negotiations and to review its available funds and funding priorities for the purpose of providing instructions to the City's negotiators, Steve Naveau, Director of Human Resources, and Burke Dunphy, City's labor attorney, regarding the Oxnard Public Safety Management Employees' Association (Fire Unit)."

At 4:34 p.m. the City Council recessed to a closed session. At 6:03 p.m. the City Council reconvened in open session in the Council Chambers. The City Attorney made the following announcement:

"The City Council by a unanimous vote has directed the City Attorney's Office to initiate an action. The action, the defendants, and the other particulars shall, once formally commenced, be disclosed to any person upon inquiry, unless to do so would jeopardize the City's ability to effectuate service of process on one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage."

D. OPENING CEREMONIES

The flag salute, led by Mayor Pro Tem Ramirez, was followed by a moment of silence in honor of the victims of the Manchester terror attacks.

Additional staff members present at this time were Darwin Base, Fire Chief; Arturo Casillas, Housing Director; Ashley Golden, Development Services Director; Ingrid Hardy, Cultural and Community Services Director; Scott Whitney, Police Chief; Raja Bamrungpong, Information Technology Manager; Roger Brooks, Interim Code Compliance Manager; Art Gutierrez, Facilities Maintenance Supervisor; John Kessler, Assistant Planner; Shiri Klima, Assistant City Attorney; Randy Latimer, Police Commander; Karl Lawson, Housing Compliance Services Manager; Licette Maldonado, Utilities Finance Officer; Jeff Miller, Wastewater Maintenance Manager; Kenneth Rozell, Assistant City Attorney; James Torrez, Environmental Resources Supervisor; Todd Vasquez-Housley, Environmental Resources Manager; and Christine Williams, Controller.

E. CEREMONIAL CALENDAR

1. SUBJECT: Presentation of **Resolution No. 15,009** Commending Walter Fuller for Over 20 Years of Outstanding Volunteer Service to the City of Oxnard.

It was moved by Mayor Pro Tem Ramirez, seconded by Councilmember Perello, to adopt the resolution; the motion carried 5-0. Mayor Flynn read the resolution and presented it to Mr. Fuller, who thanked the Council and made some remarks. Public comments were received from Steve Nash.

At this time, the City Manager announced that Item M-2, "Landscape Maintenance District Contracts for FY 17-18, 18-19, and 19-20," would be removed from the agenda.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from Woodrow Thomas Sr. (status of claim), Aaron Greer (transparency), Steve Nash (potential recall) Karen Salas (Seabreeze Apartments), Alvaro Luquin (Seabreeze Apartments), Amparo Camacho Gasca (Seabreeze Apartments), Al Velasquez (recent murders in Oxnard), Jack Villa (Neighborhood Council elections, transparency), Dan Pinedo (potential recall), Pat Brown (advertising/billboard trucks), Peggy Rivera (potential recall), and Rev. Edgar Mohorko (gang intervention and violence prevention).

G. REPORT OF CITY MANAGER

The City Manager reported that staff is in the process of finalizing the FY 2017-18 annual budget and announced there will be upcoming Council work sessions to review the draft budget.

H. CITY COUNCIL REPORTS

Councilmember Madrigal wished mothers a belated happy Mothers Day, announced the upcoming La Colonia Neighborhood Council meeting, and expressed condolences for the victims of the recent Manchester terrorist attack.

Mayor Pro Tem Ramirez commended the organizers of the California Strawberry Festival and the Rebozo Festival. She invited the Police Chief to speak about the recent violence in the community.

Councilman MacDonald commented on the violence in the city and the Rebozo Festival.

Councilmember Perello acknowledged Jack Villa and the Neighborhood Councils, and urged the public to share information about crimes with the police.

Mayor Flynn commended the recent California Strawberry Festival, commented on recent violence, hiring more police, priority-based budgeting, and revising the gang injunction.

I. REVIEW OF INFORMATION/CONSENT AGENDA

Items K2.B, K2.D, K4, and K9 were pulled for discussion.

Regarding K2.B and K2.D: Councilmember Perello and the City Attorney discussed the scope of services for the two contracts.

Regarding K4: Mayor Pro Tem Ramirez, Councilmember Perello, and Mayor Flynn commended Ms. Dang for her years of service to the City.

Regarding K9: This item was pulled from the Information/Consent agenda for individual consideration.

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

K. INFORMATION/CONSENT AGENDA

City Clerk Department

1. SUBJECT: Minutes of the May 16, 2017 Regular Meeting.
RECOMMENDATION: That the City Council approve the Minutes as presented.

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. Liebert Cassidy Whitmore (7876-17-CA) for attorney services regarding FLSA compliance issues ($40,000).
B. Olivarez Madruga Lemieux & O'Neill, LLP (7910-17-CA) for attorney services related to water and related utility issues ($250,000).
C. NeoGov (7859-17-HR) for employee performance evaluation module ($75,098).
D. Brownstein Hyatt Farber Schreck, LLP (5373-11-CA) for legal services in connection with the GREAT program and Regional Water Policy issues during transition to new special counsel ($125,000).
E. Empathia Pacific, Inc. (6012-12-HR) for employee assistance program ($70,000).
F. AllStar Fire Equipment, Inc. to purchase 26 turnouts pants and jackets for firefighter academy recruits ($70,732).
G. U.S. Bank for purchase of compressed natural gas for refuse trucks and other vehicles ($100,000).

Cultural and Community Services Department

3. SUBJECT: Appointment of One Representative to the Ventura County Area Agency on Aging Advisory Council.
   RECOMMENDATION: That City Council approve the recommendation from the Senior Services Commission and appoint Alice Sweetland to the Ventura County Area Agency on Aging Advisory Council.

Housing Department

4. SUBJECT: Resolution Commending Juliette Dang for Over Twenty-Three Years of Service.
   RECOMMENDATION: That City Council adopt **Resolution No. 15,010** commending Juliette Dang for over twenty-three years of exemplary service to the City of Oxnard.

5. SUBJECT: Emergency Solution Grant Polices.
   RECOMMENDATION: That the City Council approve and certify the attached Emergency Solutions Grant Policies and Procedures Manual and Emergency Solutions Grant Subrecipient Handbook for use in the City's Emergency Solutions Grant (ESG) program.

Human Resources Department

6. SUBJECT: Fifth Amendment to Agreement – AppleOne Employment Services.
   RECOMMENDATION: That City Council approve and authorize the Mayor to execute a Fifth Amendment to Agreement No. 7379-16-HR with AppleOne Employment Services in the amount of $14,776.53 to pay final invoices for short-term staffing for various City departments.

Public Works Department

7. SUBJECT: Approve Plans and Specifications for Elevator Renovation at 305 W. Third Street (PW 17-34).
   RECOMMENDATION: That City Council approve project plans, specifications and working details and authorize staff to solicit bids for the Elevator Renovation Project at 305 W. Third Street (PW 17-34).

8. SUBJECT: Approve Plans and Specifications for the Police Station Roof Replacement Project.
   RECOMMENDATION: That City Council approve project plans, specifications and working details and authorize staff to solicit bids for the Police Station Roof Replacement Project (PW 17-33).

9. SUBJECT: Second Reading and Adoption of Ordinance No. 2917.

(Item K9 was pulled from the Information/Consent agenda for individual consideration.)

10. SUBJECT: Second Amendment to Agreement No. 6676-14-CM with Jordan Gilbert & Bain Landscape Architect, Inc. for On-Call Landscape Architectural Design and Review Services.
RECOMMENDATION: That City Council approve the Second Amendment to Agreement No. 6676-14-CM with Jordan, Gilbert & Bain Landscape Architect, Inc. for on-call landscape architectural design services and landscape plan review. This amendment is to extend the expiration date to June 30, 2020, and increase the agreement in an amount of $300,000 for a total amount not to exceed amount of $750,000.

It was moved by Councilman MacDonald, seconded by Councilmember Perello, to approve the Information/Consent Agenda as amended (Items K1 through K8, and K10). VOTE: Flynn, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 5-0.

9. SUBJECT: Second Reading and Adoption of **Ordinance No. 2917.**
RECOMMENDATION: That City Council waive the second reading and adopt Ordinance No. 2917, setting new wastewater rates; and
That City Council direct the City Manager and the Public Works Director that $500,000 per year in projected additional wastewater rate revenue be earmarked and placed into a "lock box" available only for unanticipated, unbudgeted and unscheduled emergency wastewater repairs each year over the next five year period.

The City Attorney, Assistant City Manager Osuna, Alex Bugbee of Carollo Engineers, and Assistant City Manager Nava gave a report. Discussion ensued among Council and staff.

Public comments were received from Steve Nash, Dick Jaquez, Peggy Rivera, Alicia Percell, Aaron Starr, Manuel Herrera, Pat Brown, David Littell, Al Velasquez, Daniel Chavez Jr., Woodrow Thomas Sr., Barbara Macri-Ortiz, Dan Pinedo, Elva Lindsey, Francine Castanon, and Harold Ceja. Further discussion ensued.

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

L. PUBLIC HEARINGS

Development Services Department

1. SUBJECT: Appeal of Planning Commission Denial of a Special Use Permit (SUP) to Allow the Sale of Beer, Wine, and Distilled Spirits for Off-Site Consumption (ABC License Type 21 Off-Sale General) at a Proposed Liquor Store (Marina Liquor), Which Will be Located at 1601 South Victoria Avenue, Suite 120 (Seabridge Marina Center).
RECOMMENDATION: As a result of the Applicant's refusal to accept two Police Department conditions of approval, adopt **Resolution No. 15,011** to uphold the Planning Commission's denial of Planning and Zoning Permit No. 16-510-02 (Special Use Permit), subject to certain findings.

The City Clerk announced the affidavit of publication and stated that one written communication had been received.

The Development Services Director and Police Commander gave a report. Applicants Essam Salameh and Rick Nyznyk made some comments.

Mayor Flynn opened the public testimony portion of the public hearing. Public comments were received from David Baumwall, Gregg Hughes, Jim Quinlan, Kris Bugbee, Marjorie Cole, Helene Goodman, Daniel Chavez Jr., Pat Brown, and Woodrow Thomas Sr.

Councilmember Perello, 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 Councilmember Perello, to approve staff's recommendation as presented, upholding the Planning Commission's denial of PZ Permit No. 16-510-02. 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 following item to be heard.)

M. REPORTS

Human Resources Department

3. SUBJECT: Adoption of Successor Memoranda of Understanding and Amended Salary and Benefits Resolutions.
   RECOMMENDATION: That the City Council:
   1) Adopt **Resolution Nos. 15,012 and 15,013** approving successor memoranda of understanding (MOU) with the following bargaining units:
      a. International Union of Operating Engineers Local 501 (IUOE); and
      b. Oxnard Mid-Managers Association (OMMA).
   2) Adopt **Resolution No. 15,014** approving the side letter agreement between the City and Service Employees International Union, Local #721, CLC (SEIU).
   3) Adopt a resolution repealing and replacing Resolution No. 14,883 establishing the salary and benefits for unrepresented Confidential Non-Managers, Confidential Mid-Managers, and Executive Employees.

The Human Resources Director announced that Recommendation #3 would be removed, and introduced Burke Dunphy from Renne Sloan Holtzman Sakai LLP, who gave a report.

Public comments were received from OMMA Board Members Karl Lawson, Jeff Miller, Tammy Gutierrez, and Ron Dunne; and IUOE Chief Steward Roger Brooks.

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 amended (Recommendations 1 and 2 only). VOTE: Flynn, MacDonald Madrigal, Perello, and Ramirez voted in favor; the motion carried 5-0.

Public Works Department

1. SUBJECT: Purchase of 15 Compressed Natural Gas Trucks.

(This item was postponed due to time.)

Finance Department

2. SUBJECT: Landscape Maintenance District Contracts for FY 17-18, 18-19 and 19-20.

(This item was pulled from the agenda.)

Public Works Department

4. SUBJECT: Blanket Purchase Order No. 6260 with Shell Fleet Card Services to Extend Agreement a Sixth Year for Gas Station Fuel and Car Wash Service for FY 2017-18.

(This item was postponed due to time.)

N. PUBLIC COMMENTS ON REPORTS (None)

CONTINUATION OF PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Public comments were received from Daniel Chavez Jr.

O. ADJOURNMENT

There being no further business on the agenda, and without objection, Mayor Flynn adjourned the meeting at 11:02 p.m.

Michelle Ascencion

MICHELLE ASCENCION, CMC
City Clerk

Tim Flynn

TIM FLYNN
Mayor