

MINUTES
OXNARD CITY COUNCIL
Regular Meeting
November 29, 2016

A. ROLL CALL/POSTING OF AGENDA

At 4:38 p.m., the regular meeting of the Oxnard City Council was called to order in the Council Chambers. Councilmembers Bryan A. MacDonald and Bert Perello, Mayor Pro Tem Ramirez, and Mayor Tim Flynn were present. Councilmember Dorina Padilla was absent. The City Clerk stated that the agenda was posted November 24, 2016 at Oxnard City Hall. Staff members present were Greg Nyhoff, City Manager; Stephen Fischer, City Attorney; and Daniel Martinez, City Clerk.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

Public comments were made by Steve Nash, Pat Brown, and Alicia Percell.

C. CLOSED SESSION

At 4:49 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 was City of Oxnard; et al. v. Aaron Starr, Ventura County Superior Court, Case No. 56-2016-00479696-CU-MC-VTA.

The City Council also 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.

At 6:17 p.m. the City Council reconvened in open session in the Council Chambers. There was no announcement following closed session.

D. OPENING CEREMONIES

The City Clerk called the roll and announced the posting of the agenda. Additional staff members present were Ruth Osuna, Assistant City Manager; Ashley Golden, Development Services Director; Daniel Rydberg, Public Works Director; James Throop, Chief Financial Officer; Scott Whitney, Chief of Police; Thien Ng, Wastewater Division Manager; and Alexander Hamilton, Battalion Chief. The flag salute, led by Frank Carreto, Jr. and Ronald Garcia, was followed by a moment of silence.

E. CEREMONIAL CALENDAR

1. SUBJECT: Presentation of a Commendation to Frank Carreto, Jr. and Ronald Garcia for Their Selfless Acts of Heroism in Assisting Officer Fernando Espinosa on September 14, 2016.

Mayor Flynn and Chief Whitney described the September 14th incident and presented Mr. Carreto and Mr. Garcia with a commendation from the city. Mr. Carreto made some remarks and thanked the Mayor.

2. SUBJECT: Swearing in of New Fire Chief Darwin Base.

The City Clerk administered the oath of office to Fire Chief Base, who then made some remarks and introduced his family. The City Manager and Council Members made some remarks and congratulated the Chief.

(The Council meeting recessed at 6:30 p.m. and reconvened at 7:02 p.m.)

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from: Daniel Chavez, Jr. (recognized citizens, thanked employees); Steve Fleischer (Christmas Tree Lane, safety rules); Harold Ceja (street conditions in La Colonia); Pablo Ortiz (downtown Christmas activities); Martin Jones (maintenance of wastewater facilities); Lucy C. Martinez (marijuana issue); Pete R. Placencia (rehabilitation of La Colonia boxing building); Larry Stein (public records request, check signatories) and Abel Ramirez Magana (downtown shopping and entertainment).

G. REPORT OF CITY MANAGER

The City Manager commented on upcoming holiday activities and introduced Ruth Osuna, the new Assistant City Manager, who made some remarks.

H. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

The City Council welcomed the new Assistant City Manager. Councilman MacDonald reported on attending the Los Angeles-San Diego-San Luis Obispo (LOSSAN) Rail Corridor Agency meeting. Mayor Pro Tem Ramirez reported on upcoming holiday activities. Councilmember Perello announced the upcoming Big Independent Cities Excess Pool and the Utilities Task Force meetings. Mayor Flynn commented on the upcoming holiday season.

I. REVIEW OF INFORMATION/CONSENT AGENDA

Items K-2 and K-4 be pulled for discussion.

Regarding K-2: Councilmember Perello stated that the November 15, 2016 meeting minutes did not state the reason for his objection as he requested for the record.

Regarding K-4: Councilmember Perello asked about the possibility of pooling resources with the City of Ventura and the County of Ventura. Discussion ensued among Council and staff.

K. INFORMATION/CONSENT AGENDA

City Attorney Department

1. SUBJECT: Change to the Neighborhood Council Bylaws.

RECOMMENDATION: That City Council adopt **Resolution No. 14,974** approving amended bylaws for the Neighborhood Councils removing the mandatory requirement for physical delivery of flyers to each household.

City Clerk Department

2. SUBJECT: Approval of Council Minutes of November 1 and 15, 2016.
RECOMMENDATION: Approval of Council Minutes of November 1 and 15, 2016.

City Manager Department

3. SUBJECT: Agreements for City Council Review.
RECOMMENDATION: That City Council, pursuant to Ordinance 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, which are described on the attached list: (A) Jensen Design & Survey, Inc., construction management and litigation support for recycled water backbone Phase 1 (\$25,000); (B) Granite Construction Company, Inc., Change Order No. 1 a reduction in the contract for Orchard Park Neighborhood Resurfacing (-\$55,752); (C) Toro Enterprises, Inc., Change Order No. 1 a reduction in the contract for College Estates Neighborhood Resurfacing (-\$145,863) and (D) Zumar Industries, Inc., for street maintenance-signage material (\$27,962).

Fire Department

4. SUBJECT: Acceptance of Assistance to Firefighters Grant Program (AFG) Federal Emergency Management Agency (FEMA) for Hazardous Materials Technician Training as a Subrecipient to the Ventura City Fire Department in the Amount of \$88,000.
RECOMMENDATION: That City Council: 1) Adopt **Resolution No. 14,975** authorizing the City Manager or designee to accept the Federal Emergency Management Agency (FEMA) Assistance to Firefighters Grant designation from Ventura City Fire Department (VFD) to the City of Oxnard Fire Department in the amount of \$88,000; The Chief Financial Officer or designee to submit financial reports and grant claims, and perform all other required financial actions; The Fire Chief or designee to submit non-financial reports and 2) Approve a budget appropriation recognizing the Firefighters Grant designation from Ventura City Fire Department (VFD) in the amount of \$88,000 and transfer a 10% match from FY16-17 budgeted General Fund Fire Suppression Training in the amount of \$8,800.

It was moved by Councilman MacDonald, seconded by Councilmember Perello, to approve the Information/Consent Agenda items as presented, except for the November 15, 2016 meeting minutes (Item K-2b). The City Clerk stated that he would correct the November 15, 2016 minutes and bring them back for approval at the next meeting. VOTE: Flynn, MacDonald, Perello, and Ramirez voted in favor; the motion carried 4-0 (Padilla absent).

N. REPORTSPublic Works Department

1. SUBJECT: Agreement Number A-7927 with JCI Jones Chemical, Inc. for Chemical Purchases for Water, Wastewater and Recycled Water Facilities.
RECOMMENDATION: That City Council approve and authorize the Mayor to execute an agreement with JCI Jones Chemical, Inc. for supply and delivery of sodium hydroxide and sodium hypochlorite to the Water Campus and Blending Station No. 3 in the amounts of \$214,744 and \$132,692, respectively, sodium hydroxide and sodium hypochlorite to the Wastewater Treatment Plant (WWTP) in the amounts of \$119,801 and \$597,010,

respectively, and sodium hydroxide and sodium hypochlorite to the Advanced Water Purification Facility (AWPF) in the amounts of \$23,960 and \$36,340, respectively, for a total purchase amount of \$1,124,547.

The Wastewater Division Manager gave a report.

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

Finance Department

2. SUBJECT: Repeal of Wastewater Rates.

RECOMMENDATION: That City Council receive a report on the potential impacts if the Measure "M" wastewater rate repeal takes effect, and direct staff to request the court issue a stay of the operative date of Measure "M" after the election results are certified, continue with the current litigation seeking the court's determination of the legality of Measure "M", proceed with an updated rate study, and begin the next Proposition 218 notification process for setting new wastewater rates.

The City Manager, Public Works Director, Chief Financial Officer, and Phillip Curls of FirstSouthwest (city's financial advisor) made reports to the City Council. Discussion ensued among the Council, staff, and Mr. Curls.

Public comments were received from Daniel Chavez Jr., Steve Fleischer, George Miller, Larry Godwin, Shirley Godwin, Nancy Lindholm, Jim Lavery, Steve Nash, and Aaron Starr.

Further discussion ensued among the Council, staff, Mr. Curls, Mr. Starr, Holly Whatley of Colantuono, Highsmith & Whatley, PC (city's bond counsel) and Alexander Bugbee of Carollo Engineers (city's bond advisor).

It was moved by Mayor Pro Tem Ramirez, seconded by Councilman MacDonald, to: 1) direct staff to request the court issue a stay of the operative date of Measure "M" after the election results are certified; 2) review litigation options of the court's determination of the legality of Measure "M"; 3) proceed with an updated rate study, and 4) begin the next Proposition 218 notification process for setting new wastewater rates. VOTE: Flynn, MacDonald, Perello, and Ramirez voted in favor; the motion carried 4-0 (Padilla absent). The Council also requested a future agenda item/workshop to discuss the worst-case financial scenario.

City Attorney Department

3. SUBJECT: Marijuana Code Amendment.

(Due to time, this item was postponed to a future meeting.)

4. SUBJECT: Adoption of Claims Adjusting and Settlement Policy.

(Due to time, this item was postponed to a future meeting.)

R. ADJOURNMENT

There being no further business, and without objection, the meeting was adjourned at 10:56 p.m.



DANIEL MARTINEZ
City Clerk



TIM FLYNN
Mayor