MINUTES
OXNARD CITY COUNCIL
Regular Meeting
June 7, 2016

A. ROLL CALL/POSTING OF AGENDA

At 4:34 p.m., the regular meeting of the Oxnard City Council convened in the Council Chambers Councilmembers Carmen Ramirez, Bryan A. MacDonald, Dorina Padilla and Bert Perello were present. Mayor Tim Flynn was absent. The City Clerk stated that the agenda was posted on Thursday in the Library and City Clerk's Office. Mayor Pro Tem Ramirez 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, City Attorney.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

C. CLOSED SESSION

At 4:36 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.

At 5:58 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. Mayor Flynn presided. Additional staff members present were: Ashley Golden, Development Services Director; Karl Lawson, Compliance Services Manager; Chris Williamson, Principal Planner; Randy Latimar, Police Commander; Kymberly Horner, Economic Development Director and Michael More, Financial Resources Manager.

E. CEREMONIAL CALENDAR

The City Council concurred to remove the following items off the agenda: G-1, N-1, N-6, O-1 and O-2.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from: Woodrow Thomas (encounters with Police); Inez Tuttle (making complaints to Council); Michael Gleason (Landscape district information); Dan Chavez (salaries of City Managers); Cesar Hernandez (salary of City Manager/budget); Terry Bray (Habitat for Humanity of Ventura County); Matthew Lorimor (Habitat for Humanity of Ventura County); Mike Johnson (crime rate within the community); Mari Scott (use of medical marijuana); Daniel Kalbacker (budget of Police Department); Julie Miller (salary comparison/budget); Aaron Starr (lawsuit costs); Dan Pinedo (City Manager agreement); Steve Nash (salaries of employees); Cyndi Hooksta (City Manager agreement) and Rich Tooten (landscape budget, City Manager salary).

G. APPPOINTMENT ITEMS

1. SUBJECT: Presentation by Executive Director Darren Kettle, Ventura County Transportation Commission on Ventura County Local Transportation Authority Transportation Investment/ Expenditure Plan.
RECOMMENDATION: Adopt a resolution approving the Ventura County Transportation Commission (VCTC) Transportation Investment/Expenditure Plan for placing a ½ cent Countywide Transportation Sales Tax Measure on the November 8, 2016 general election ballot.
ACTION: Remove from agenda.

H. REPORT OF CITY MANAGER

The City Manager commented that the 2015 salary report would be available online, making "budget work" session available for public viewing and upcoming audit report.

I. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

The City Council commented on: working with other local organizations such as Future Leaders of America; Memorial Day events & update of local military activities; local visit of Hillary Clinton; salary and agreement of the City Manager; importance of voting and EDCO issues.

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: Public Hearing for Issuance of Multifamily Housing Revenue Bonds for Sea Breeze Apartments.
RECOMMENDATION: That the City Council: 1) Hold a public hearing regarding the issuance of up to $17,500,000 of multifamily housing revenue bonds by the California Municipal Finance Authority to finance the acquisition, rehabilitation and development of Sea Breeze Apartments, a 92-unit multi-family rental housing project located at 3610 Samuel Avenue, Oxnard; and 2) Adopt **Resolution No. 14,924** approving the issuance of bonds.
DISCUSSION: The Compliance Services Manager reviewed the financing of the project and why the T.E.F.R.A. hearing needs to take place.

Anthony Stubbs, State of California Municipal Financing Authority commented that 'no" State funding would be used, prevailing wages and training program are not required.

Cathy Colder stated the funding would be used for capital update the apartments including energy efficiency updates.

Public comments were received from: Inez Tuttle and Woodrow Thomas.

The City Council commented on: quality of work; management of property and City's authority to hold a hearing regarding the issuance of the T.E.F.R.A. bonds.

ACTION: Close the public hearing. (Ramirez/Padilla) unanimously. Approved as recommended. (MacDonald/Padilla) Ayes: MacDonald, Padilla, Perello, Flynn, and Ramirez.

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

2. SUBJECT: General Plan Amendment Regarding 50 MW Power Plant Prohibition. (15/60)
RECOMMENDATION: Adopt **Resolution No. 14,925** approving a four-part 2030 General Plan Amendment within the Goals and Policies document: 1) update sea level rise background information in Chapter 2 (page 2-6); 2) replace and retitle Figure 2-1 "Sea Level Rise Map" with "2030 Moderate SLR [sic "Sea Level Rise"] Combined Hazards Map" (page 2-8); 3) modify Policy ICS-17.1 regarding electric generation and transmission facilities by adding references to the 2016 Coastal Commission Sea Level Rise Policy Guidance and California Energy Commission policies and regulations (page 4-20); and 4) add new policy SH-3.5 to prohibit development of electric generation facilities of 50 megawatt (MW) or greater capacity in areas subject to coastal and other environmental hazards (page 6-5).
DISCUSSION: The Principal Planner commented on: the expiration of moratorium; having a planning policy to locating a "power" plant creating less than 50 megawatts; update of "sea" level rise and adopting general plan amendment.

Public comments received from: George Pientka, NRG; Inez Tuttle; Al Velasquez; George Miller; Steve Nash and Phil Molina (Public Hearing reopened and closed for comments of Mr. Molina.)

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

DISCUSSION: The City Council discussed: the placement of the fourth "power" plant on an Oxnard beach; the amount of information being provided and restoring a "brown" field (former power plant or industrial site).

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

ACTION: Mayor Flynn declared the public hearing open.
DISCUSSION: The City Clerk reported on posting, publication and that there were no written communications received.

3. SUBJECT: Appeal of Planning and Zoning Permit No. 15-510-05 (Special Use Permit – Alcohol), Located at 200 South Ventura Road, Suite 250. Filed by Alfred Velasquez.
RECOMMENDATION: Adopt a resolution upholding the Planning Commission's approval of Planning and Zoning Permit No. 15-510-05 approving the sale of beer and wine for off-site consumption.
DISCUSSION: The Development Services Director reviewed alcohol restrictions, public outreach; action of Planning Commission and reviewed "alcohol" permit process.

Police Commander Latimar reviewed outreach to the Adult School and National Army Guard location and reported on number of "calls" for service.

Public comments were received from: Inez Tuttle; Pat Brown; Al Velasquez; Pablo Garcia; Jess Ramirez; Paul Scott; Aldo Ceceno; Roberto Trass; Margaret Cortese; Angel Hernandez; Clarissa Mora; Gilberto Duarte; Janet Burgus and Larry Stein.

Narinda Singh, store representative, outlined reasons for his request to sell alcohol.

The City Attorney reviewed possible "alcohol" sales restrictions and resolution guidelines adopted in 2001.

ACTION: Close the public hearing. (Ramirez/Flynn)

DISCUSSION: The City Council discussed: Planning Commission decision; "not" having standards in place or adopted; balance the needs of the public and special use permit guidelines.

ACTION: Moved to approve Planning Commission recommendation with added condition to sell beer/wine only from the sub-continent of Asia (not cold alcohol and "no" single bottle/can sale) (Ramirez/Flynn) Ayes: Flynn and Ramirez. Noes: Perello, MacDonald and Padilla. Motion failed. Moved to approve appeal "over-turning" Planning Commission approval (Perello/MacDonald) Ayes: Ramirez; MacDonald, Padilla and Perello. Noes: Flynn.

K. REPORTS

FINANCE DEPARTMENT

1. SUBJECT: Adoption of Resolution Initiating Proceedings and Scheduling of Public Hearing To Levy FY 2016-2017 Assessments for Landscape Maintenance District Nos. 1 Through 3, and 5 through 60.
RECOMMENDATION: That City Council: 1) Adopt **Resolution No. 14,926** initiating proceedings for the annual levy and collection of assessments for Fiscal Year 2016-2017 within the City's Landscape Maintenance Districts, and 2) Adopt **Resolution No. 14,927** declaring intention to levy and collect assessments for Fiscal Year 2016-2017 within the City's Landscape Maintenance pursuant to the Landscaping and Lighting Act of 1972.
DISCUSSION: The Financial Resources Manager and Pablo Perez, NBS, reviewed future landscape funding including improvements, assessments, consultants fees, general fund contribution and internal improvements and resident involvement.

Public comments received from: Michael Gleason; Julie Miller; David Ward; Phil Molina; Larry Stein; Jackie Tedeschi; George Miller and Al Velasquez.

The City Council discussed several issues including funding changes and new methods to analyze administration maintenance costs.

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

REVIEW OF INFORMATION/CONSENT AGENDA

Comments received from Assistant City Manager (Whitney), Cynthia Hartly, Ormond Beach Monitor (N-2) and City Manager (N-11).

PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Public comments were received from: Michael Gleason (N-3); Daniel Chavez (N-11); Cynthi Hooksta (N-11); Julie Miller (N-11); Blair Brim (N-11); Linda Claderon (N-4); Gerard Kapusck (N-4); Miguel Lopez (N-11); Pat Brown (N-2); Rich Rollins (N-3(b)); Ray Blattel (N-3(b)): David Harper (N-11); Larry Stein (N-11); Al Velasquez (N-11); Greg Runyon (N-11) and Daniel Kalbacker (N-11) and George Miller (N-11).

N. INFORMATION CONSENT AGENDA

City Attorney Department

1. SUBJECT: City Manager Employment Agreement Extension.
   RECOMMENDATION: Removed from agenda.

2. SUBJECT: Adoption of **Ordinance 2906** Regulating Activities at Ormond Beach.
   RECOMMENDATION: That City Council Waive the Second Reading and Adopt Ordinance 2906 Regulating Activities at Ormond Beach.

City Manager Department

3. SUBJECT: Agreements for City Council Review.
   RECOMMENDATION: 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.

Development Services Department

4. SUBJECT: Authorization to Submit Two Grant Applications to the California Strategic Growth Council (SGC) and Department of Housing and Community Development (HCD) for the Affordable Housing and Sustainable Communities (AHSC) Program for the Following Projects: 1) J Street Greenway Trail & Complete Streets Project; and 2) Oxnard Corridor Community Transportation Improvement Plan, Segment 8
   RECOMMENDATION: 1) Adopt **Resolution No. 14,928** authorizing: The Development Services Department to submit two grant applications requesting Affordable Housing and Sustainable Communities (AHSC) Program grant funds which will be used for qualifying improvements for the following projects: (a) J Street Greenway Trail & Complete Streets Project - Completion of a segment of the Pacific Coast Bikeway Route from J Street between Pleasant Valley and Hueneme Roads; construction of a new 3.7 acre greenway/parklet over a covered flood protection channel that presently divides J Street between Pleasant Valley and Hueneme Roads; and qualifying roadway improvements at the intersection of Hueneme Road and J Street; and (b) Oxnard Corridor Community Transportation Improvement Plan (OCCTIP) – Completion of multimodal bicycle, pedestrian and transit facility improvement along East Fifth Street between Oxnard Blvd. and Rose Ave. as identified in OCCTIP, Segment 8 of the Plan; 2) The City Manager to execute grant agreements if grant funds are awarded to the City; 3) The Finance Director to appropriate the funds and perform all other required financial actions in accordance with the parameters of the grant applications and any cost sharing agreement required; and 4) The Development Services Department or designee to submit non-financial reports to HCD.

5. SUBJECT: Appropriation of General Plan Maintenance Fee to Local Coastal Program Update.
RECOMMENDATION: Appropriate available General Plan Maintenance fees collected through June 30, 2016 to Project 14IN01, Local Coastal Plan (LCP) Update.

Finance Department

6. SUBJECT: Second Amendment to Lease - Western Federal Credit Union
RECOMMENDATION: Removed from agenda.

7. SUBJECT: Special Tax Levy for Community Facilities District No. 5 (Riverpark) and Agreement for Billing of Direct Assessments.
RECOMMENDATION: That City Council 1) Acting as the legislative body of Community Facilities District (CFD) No. 5, adopt **Resolution No. 14,929** setting a special tax rate within CFD No. 5 (Riverpark) for FY 2016-17, and 2) Authorize the City Manager to execute an Agreement for Billing of Direct Assessments with the Ventura County Auditor-Controller to provide the service of placement of direct assessments on the Ventura County Secured Tax Roll.

8. SUBJECT: Special Tax Levy for Community Facilities District No. 2000-3 (Oxnard Blvd/Highway 101 Interchange).
RECOMMENDATION: That City Council, acting as the legislative body of Community Facilities District No. 2000-3 ("CFD No. 2000-3"), adopt **Resolution No. 14,930** setting a special tax rate within CFD No. 2000-3 (Oxnard Boulevard/Highway 101 Interchange) for Fiscal Year 2016-2017.

9. SUBJECT: Special Tax Levy for Community Facilities Districts No. 3 and No. 4 (Seabridge at Mandalay Bay).
RECOMMENDATION: That City Council acting as the legislative body of Community Facilities District (CFD) No. 3 and Community Facilities District (CFD) No. 4: 1) Adopt **Resolution No. 14,931** setting a special tax rate within CFD No. 3 (Seabridge at Mandalay Bay) for FY 2016-2017; and 2) Adopt **Resolution No. 14,932** setting a special tax rate within CFD No. 4 (Seabridge at Mandalay Bay) for FY 2016-2017.

10. SUBJECT: Special Tax Levy for Community Facilities Districts No. 1 and No. 2 (Westport at Mandalay Bay).
RECOMMENDATION: That City Council acting as the legislative body of Community Facilities District (CFD) No. 1 and of Community Facilities District (CFD) No. 2: 1) Adopt **Resolution No. 14,933** setting a special tax rate within CFD No. 1 (Westport at Mandalay Bay) for FY 2016-2017; and 2) Adopt **Resolution No. 14,934** setting a special tax rate within CFD No. 2 (Westport at Mandalay Bay) for FY 2016-2017.

Human Resource Department

11. SUBJECT: Resolution Authorizing Accelerated Annual Leave Benefits for the Chief Financial Officer
RECOMMENDATION: Adopt a resolution authorizing the City Manager to accelerate Annual Leave benefits for the incoming Chief Financial Officer.* FAILED

INFORMATION/CONSENT ACTION: Approved as recommended. (Ramirez/Flynn) Ayes: Ramirez, MacDonald, Padilla, Perello and Flynn. *Noes MacDonald, Padilla and Perello (N-11); Perello N-2: Flynn N-9 & N-10. (Agenda item N-11 failed.)

O. REPORTS

Cultural and Community Services Department

1. SUBJECT: Agreement with the Oxnard School District to Receive Grant Funds from the State After School Education and Safety Grant to Operate the Oxnard Scholars After School Program in FY 2016-2017.
   RECOMMENDATION: That City Council: Approve and authorize the Mayor to execute an agreement with the Oxnard School District (OSD) (A-7883) for the City to receive an amount not to exceed $2,000,000, to provide after school services as part of the California Department of Education's After School Education and Safety (ASES) Program at OSD 20 schools during FY 2016-2017.
   ACTION: Removed from agenda.

2. SUBJECT: Partnership Agreement and Memorandum of Understanding (MOU) of the Hueneme Elementary School District (HESD) and the City of Oxnard to Operate a State of California After School Education and Safety (ASES) Program in FY 2016-17 and FY 2017-18. (10/15)
   RECOMMENDATION: That City Council: Approve and authorize the Mayor to execute the Partnership Agreement (A-7876) and a Memorandum of Understanding (A-7879) with the Hueneme Elementary School District (HESD) for the City of Oxnard to receive the total amount of $1,684,584, to provide services under the California After School Education and Safety (ASES) at ten (10) HESD schools during FY 16-17 and FY 17-18.
   ACTION: Removed from agenda.

P. PUBLIC COMMENTS ON REPORTS

Q. PUBLIC COMMENTS ON STUDY SESSION

R. STUDY SESSION

S. ADJOURNMENT

At 12:49 a.m. the City Council concurred to adjourn the meeting.

DANIEL MARTINEZ
City Clerk

TIM FLYNN
Mayor

CARMEN RAMIREZ
Mayor Pro Tem