MINUTES
OXNARD CITY COUNCIL
Regular Meeting
July 11, 2017

A. ROLL CALL/POSTING OF AGENDA

At 4:34 p.m., the regular meeting of the Oxnard City Council was called to order by Mayor Flynn 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 July 6, 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; Ashley Golden, Development Services Director; Steve Naveau, Human Resources Director; Kenneth Rozell, Assistant City Attorney; 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)(1), to confer with its attorneys on three cases. The titles and case number of the litigation being discussed are:

1. Green Energy Holdings, LLC; Auto Fuels, Inc. v. City of Oxnard, et al., Ventura County Superior Court, Case No. 56-2015-00470344-CU-EI-VTA;

2. John C. Zaragoza v. City of Oxnard; et al., Ventura County Superior Court, Case No. 56-2017-00498218-CU-WM-VTA;

3. Susan Engbrecht; Linda Gray v. City of Oxnard, Ventura County Superior Court, Case No. 56-2017-00496779-CU-WM-VTA.

The City Council will also recess 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 regarding County of Ventura and Channel Islands Harbor Properties LLC's threat to sue the City concerning their proposed development of Fisherman's Wharf at the corner of Victoria Avenue and Channel Islands Boulevard with a 400-unit apartment and commercial mixed use project.

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

Mayor Flynn announced that he would be recusing himself from Items 2 and 3, as they pertain to the

PARS supplemental retirement system, of which he also is a member, and there are similarities in the facts of these cases to his own situation.

At 4:39 p.m. the City Council recessed to a closed session. At 6:22 p.m. the City Council reconvened in open session in the Council Chambers. The City Attorney made the following announcement:

"Regarding Item 4 on the Closed Session agenda, regarding Ventura County's and Channel Islands Harbor Properties LLC's threat to sue the City concerning their proposed development of Fisherman's Wharf, the City Council deliberated and instructed the City Manager to send a letter to the Harbor Director and County CEO stating the City's position."

D. OPENING CEREMONIES

The flag salute was followed by a moment of silence.

Additional staff members present at this time were James Throop, Chief Financial Officer; Shiri Klima, Assistant City Attorney; and Thien Ng, Wastewater Division Manager.

E. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from Lucy Cartagena Martinez (Fiestas Patrias event), Hector Pelayo (Fiestas Patrias event), Jesus Gonzalez (Fiestas Patrias event), Maricela Lopez (Fiestas Patrias event), Jessie Gonzalez (Fiestas Patrias event), Malio Correa (Fiestas Patrias event), Woodrow Thomas Sr. (senior apartment building on C Street), Daniel Chavez Jr. (recent homicide), Francisco Ferreyra (appeal of oil facility expansion), Karina Kaye (appeal of oil facility expansion), Noemi Tungui (appeal of oil facility expansion), Jackie Tedeschi (upcoming INCO activities), Pat Brown (trucks and store security doors on Oxnard Boulevard), Lawrence Stein (budget discrepancies), Greg Kenney (La Dolce Vita rent agreement), Roy Prince (Oxnard Community Planning Group), Dan Pinedo (potential recall), and Genevieve Flores-Haro (potential recall).

F. REPORT OF CITY MANAGER

The City Manager responded to some of the public comments about the Fiestas Patrias event, announced a housing grant award to improve several Oxnard parks, announced the upcoming National Night Out on August 1st, the Dallas Cowboys opening ceremonies on July 24th, and a special City Council meeting on July 18 at 2:00 p.m. He announced that consideration of the proposed Measure O expenditures would be moved to September.

G. CITY COUNCIL REPORTS

Councilmember Madrigal commented on the recent heat wave and sun safety, issues with illegal fireworks, and a recent Oxnard Downtown Improvement District meeting and awards ceremony.

Mayor Pro Tem Ramirez commended the Fire Department for assisting with the recent Santa Barbara County fires, commented on the Ed Hunt Rehab Point's 25 year anniversary, asked the Police Chief for a future presentation on effects of illegal fireworks, commented on the housing grant, and requested Council support for a future agenda item on the oil facility expansion appeal.

Councilman MacDonald announced the upcoming Fiscal Policy Task Force meeting, upcoming Relay for Life event at Rio Mesa High School, and a sleeping bag drive for homeless veterans.

Councilmember Perello requested Council support for a future agenda item regarding waiving penalty fees, attended a recent Oxnard Downtown Improvement District meeting, recommended that a City facility should be named after Ignacio Carmona, commented on illegal fireworks, lauded the Ed Hunt anniversary event, and recent Los Angeles Times articles about the tsunami warning system and public pensions.

Mayor Flynn lauded the Ed Hunt event, commented on illegal fireworks and proposed a block captain approach to assist with community policing. He said he will revisit the Council committee issue in September.

Further discussion ensued about the potential recall election and the illegal fireworks.

H. REVIEW OF INFORMATION/CONSENT AGENDA

Items J-1 and J-2 were pulled for discussion.

Regarding J-1: Councilmember Perello and Assistant City Attorney Klima discussed the proposed bid timeline under the new ordinance.

Regarding J-2: Councilmember Perello commented on the proposed contract award.

I. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Public comments were received from Pat Brown and Manuel Munoz.

J. INFORMATION/CONSENT AGENDA

City Attorney Department

1. SUBJECT: Adoption of Construction and Repair Work Ordinance No. 2920.
   RECOMMENDATION: That City Council adopt **Ordinance No. 2920** amending Article II of Chapter 4 of the City Code regarding public projects to increase bidding thresholds; to amend the change order threshold; to allow the City Council to award projects over the Tier 2 limit as authorized by statute; to increase the City Manager's authority to award and execute public project contracts; to allow delivery of notices by any legally permissible method and to reduce required delivery time for notices inviting formal bids; to delegate the adoption of formally bid project plans, specifications and working details to the City Engineer; and to amend the requirements for the prequalification of contractors.

City Clerk Department

2. SUBJECT: Legal Advertising Agreement.
   RECOMMENDATION: That the City Council approve and authorize the Mayor to execute an agreement (A- 7994) with Vida Newspaper for the publication of legal notices and legal advertisements for fiscal year 2017-18.

Public Works Department

3. SUBJECT: Resolution for Right of Way Certifications.
RECOMMENDATION: That City Council adopt **Resolution No. 15,041** authorizing the Public Works Director, City Engineer, and Development Services Director to each individually approve and execute right of way certifications.

It was moved by Councilman MacDonald, seconded by Mayor Pro Tem Ramirez, to approve the Information/Consent Agenda as presented. VOTE: Flynn, MacDonald, Madrigal, and Ramirez voted in favor; Perello voted no on J-2, because the contract was not awarded to the lowest bidder. The motion carried 5-0 on J-1 and J-3, and 4-1 on J-2 (Perello opposed).

K. PUBLIC HEARINGS

Public Works Department

1. SUBJECT: Public Hearing Regarding and First Reading of Ordinance for Water Rate Increases.
RECOMMENDATION: That City Council:
1. Holds a public hearing to receive public testimony and consider all protests concerning the adoption of an ordinance establishing water system user fees and charges.
2. Finds that, according to the CEQA exemption listed in 14 CCR section 15273, CEQA does not apply because this ordinance establishes rates, which the Council finds are for the purposes of: meeting operating expenses, including employee wage rates and fringe benefits; purchasing or leasing supplies, equipment, or materials; meeting financial reserve needs and requirements; and obtaining funds for capital projects, necessary to maintain service within existing service areas.
3. Approves the introduction and first reading by title only and waives further reading of an ordinance establishing fees and charges for the use of and for services relating to City water services.

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

Assistant City Manager Osuna gave a brief report and introduced Alex Bugbee of Carollo Engineers, who gave a report.

Mayor Flynn opened the public testimony portion of the public hearing. Public comments were received from Victor Pandolfi, Mike Bruketta, Lawrence Stein, John Jay, Cheryl Hodge, Pat Brown, Alicia Percell, Aaron Starr, Dan Pinedo, and Daniel Chavez Jr.

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

Discussion ensued among the Council and staff. The City Clerk declared that, pursuant to Resolution No. 14,877, the number of written protests received was manifestly less than half of the parcels served by the City's water utility. Further discussion ensued.

It was moved by Mayor Pro Tem Ramirez, seconded by Councilmember Perello, to approve staff's recommendations (numbers 2 and 3) 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 Council voted unanimously to hear Item L-1.)

L. REPORTS

Public Works Department

1. SUBJECT: Approval of Lowest Responsive Bid and Authorization to Issue and Execute a Contract for Rio Lindo Neighborhood Street Resurfacing Project PW 16-15.
RECOMMENDATION: That City Council award and approve Agreement 7949-17-PW to the lowest bidder, All American Asphalt, in the amount of $1,547,034 for the Rio Lindo Neighborhood Street Resurfacing Project and authorize the Mayor to execute the Agreement upon receipt of final documents.

The Wastewater Division Manager gave a report. 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.

2. SUBJECT: Ventura County Work Release Agreement No. A-7974.

(Due to time, this item was postponed to the next meeting.)

M. PUBLIC COMMENTS ON REPORTS (None)

N. ADJOURNMENT

There being no further business on the agenda, and without objection, Mayor Flynn adjourned the meeting at 10:16 p.m.

MICHELLE ASCENCION, CMC
City Clerk

TIM FLYNN
Mayor