MINUTES

OXNARD CITY COUNCIL
Regular Meeting
December 3, 2013

A. ROLL CALL/POSTING OF AGENDA

At 5:01 p.m., the regular meeting of the Oxnard City Council convened in the Council Chambers Councilmembers Tim Flynn, Carmen Ramirez, Bryan A. MacDonald, Dorina Padilla and Bert Perello were present. The City Clerk stated that the agenda was posted on Thursday in the Library and City Clerk's Office. Mayor Flynn presided and called the meeting to order. Staff members present were: Daniel Martinez, City Clerk: Stephen Fischer, Interim City Attorney and Grace Magistrale Hoffman, Deputy City Manager.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

C. CLOSED SESSION

At 5:04 p.m., Councilmember Perello left meeting due to possible conflict of interest. At 5:04 p.m. the City Council recessed to give instructions to negotiators, Karen Burnham, Interim City Manager, and Matthew Winegar, Development Services Director, concerning negotiations with Ravello Holdings, Inc., Brighton Management LLC, Ventura County Fusion Soccer Academy and Cerberus California, LLC, regarding the price and terms of payment for the purchase and/or sale of (a) 4.53 acres of land located immediately east of the River Ridge Golf Club and west of Ventura Road, commonly referred to as River Ridge Fields, (b) 20 acres of land west of Ventura Road and North of Vineyard Avenue and (c) 9.54 acres of land located east of the River Ridge Golf Club, west of Ventura Road and south of the Santa Clara River.

At 5:57 p.m. the City Council reconvened and recessed to the evening session.

D. OPENING CEREMONIES

At 6:08 p.m., the regular meeting of the Oxnard City Council reconvened in the Council Chambers, concurrently with the Community Development Commission Successor Agency, Housing Authority, Financing Authority and Parking Authority. The meeting opened with the pledge of allegiance to the flag of the United States, followed by a moment of silence. Mayor Flynn presided with all members of the Council present. Additional staff members present were: James Cameron, Chief Financial Officer; Rob Roshanian, Interim Public Works Director; Jason Benites, Assistant Police Chief; William Wilkins, Housing Director; Matthew Winegar, Development Services Director; Michelle Tellez, Human Resources Director; Michael Henderson, General Services Manager; Martin Erickson, Deputy City Manager; Anthony Emmert, Water Resources Manager; Kymberly Horner, Interim Redevelopment Services Manager; Todd Housley, Environmental Resources Manager; Martin Erickson, Deputy City Manager; and Lou Balderrama, City Engineer.

E. CEREMONIAL CALENDAR

ITEMS REMOVED FROM AGENDA

The Council concurred to remove (S-6) from agenda.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from: Socorro Estrada; Mary Herrera; Dianne Aucutt; Ben Cohen; William Terry; Franz Lopez; Miguel Lopez; Alberto Garcia; Larry Stein; Gary Blum and Elias Banales.

Q. REVIEW OF INFORMATION/CONSENT AGENDA

Comments were received from: Interim City Manager and Chief Financial Officer (S-11).

R. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Public comments were received from: Armida Monares (S-11) and Danny Carrillo (S-11).

S. INFORMATION/CONSENT AGENDA

11. SUBJECT: Memorandum of Understanding with the Service Employees International Union, SEIU, Local 721, CLC. (455)
RECOMMENDATION: 1) Adopt **Resolution No. 14,448** ratifying and implementing a Memorandum of Understanding (MOU) between the City and the Service Employees International Union, SEIU, Local 721, CLC commencing January 1, 2013, and expiring on June 30, 2018; and 2) Authorize the City Manager to transfer funds between accounts, in amounts to be determined, to implement the terms and conditions of the MOU.
DISCUSSION; The Interim City Manager and Chief Financial Officer commented on the calculations of the MOU.

The Council discussed the approval process and MOU costs.

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

City Clerk Department

1. SUBJECT: Minutes of the Regular Meetings of the Oxnard City Council for October 8, 15 and 22, 2013. (229)
RECOMMENDATION: Approve.
ACTION: Approved as recommended (Padilla/Perello) Ayes: Flynn, Ramirez, MacDonald, Padilla and Perello.

N. CITY COUNCIL / BUSINESS/COMMITTEE REPORTS

City Manager Department

1. SUBJECT: 2014 Meeting Schedule for Legislative Bodies. (217)
RECOMMENDATION: That City Council meet on the following dates during the calendar year 2014: January 7, 14 and 28; February 4, 11 and 25; March 4, 18 and 25; April 8, 15 and 22; May 6, 13 and 20; June 3, 10, 17 and 24; July 1, 8, 15 and 22; August **NO MEETINGS;** September 9, 16 and 23; October 7, 14, 21 and 28; November 18; and December 2, 9, and 16, 2014.

DISCUSSION: The Council discussed the proposed schedule and possibility of adding special meetings if necessary.

Public comments were received from: Larry Stein.

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

HOUSING AUTHORITY/PARKING AUTHORITY

At 7:23 p.m. the joint meetings with the Housing Authority and Parking Authority concluded.

H. INFORMATION/CONSENT PUBLIC HEARINGS

I. PUBLIC HEARINGS

Mayor Flynn opened the public hearing. The City Clerk reported on "Notice of Public Hearing" and that no written communications were received.

Public Works Department

1. SUBJECT: Award of Contract for PW03-18 Hueneme Road Widening Improvement Project. (019) RECOMMENDATION: Council hear testimony and consider evidence from Los Angeles Engineering Inc. related to their safety record and determine if Los Angeles Engineering Inc. is deemed 'Responsible' to perform work as specified in PW03-18 for the Hueneme Road Widening Improvement Project. OPTIONS: 2) If Council determines that Los Angeles Engineering Inc. is non-responsible, authorize staff to prepare the contract documents to award the contract to the next lowest responsive and responsible bidder, and assuming Council makes such a finding, approve and authorize the Mayor to execute Contract No. A-7630 with Granite Construction Company, in the amount of $2,301,268.60 for project Specification No. PW03-18 for construction of the Hueneme Road Widening Improvement Project.
   DISCUSSION: The City Engineer reviewed: the use of an on-site inspector; project safety; and bid process.

   Jeff McDermott, (L.A. Engineering) Project Manager, reviewed the bidding process, qualifications of L.A. Engineering and requested selection of his company.

   Public comments were received from: Ralph Valenzuela; Dan Pinedo; David Valenzuela; William Terry; Jose Garcia; Larry Stein and Erin O'Brien.

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

   DISCUSSION: The Interim City Attorney and Interim Public Works Director discussed the State requirements for safety and the bidding process.

   The Council discussed: possible options; funding of project; and construction requirements of the project.

   ACTION: Moved that Los Angeles Engineering Inc. is not responsible and select Granite Construction Company as the responsible low bidder. (Ramirez/Perello) Ayes: MacDonald, Perello, Flynn and Ramirez. Noes: Padilla.

J. APPOINTMENT ITEMS

1. SUBJECT: United Water Conservation District Verbal Update on Water Supply.
RECOMMENDATION: Receive the verbal report.
DISCUSSION: Michael Solomon, General Manager of United Water Conservation District, outlined: 1) the United Water Conservation District; 2) projected future "water" project(s) costs; 3) State regulations; 4) use of ground water: and 5) future use of recycled water.

Public comments were received from: Larry Stein; Steve Nash; Pat Brown; William Terry and Gloria Roman.

The Council discussed: future funding needed for water projects; needed "water education" of the public and the use of ground water.

The Interim Public Works Director stated a future "GREAT Program" report would answer some of the questions of the Council.

ACTION: Received the report.

G. TRANSMITTAL OF INFORMATION ONLY ITEMS

Finance Department

1. SUBJECT: Monthly Budget Status Report for the Period Ending October 31, 2013. (001)
RECOMMENDATION: Approve Report.
ACTION: Continue to future date.

L. PUBLIC COMMENTS ON REPORTS

K. REPORTS

Public Works Department

1. SUBJECT: Agreement for Waste Disposal at the Simi Valley Landfill between the City of Oxnard and Waste Management of California (WMC), Incorporated. (179)
RECOMMENDATION: Authorize the Mayor to execute an Agreement for Waste Disposal at the Simi Valley Landfill with Waste Management of California, Incorporated (WMC) (A-7618) for an estimated annual amount of $4,469,400 based on 130,000 tons disposed per year.
DISCUSSION: The Environmental Resources Manager reviewed the recent negotiations, calculations of moving materials to different sites and information to use Chiquita Land-Fill.

Comments were received from: Steve Cassulo, Chiquita Land-Fill; and Scott Tignac, Simi Valley Landfill.

The Council discussed: changes in the proposed contract; competition of other land-fill sites; proposed "exit" time period; possible use of Chiquita Land-Fill.

ACTION: Approved with changes to proposed contract (rate cost, option to deliver waste to another facility and 60 day exit notice) and direction to staff (MacDonald/ Ramirez). Ayes: Padilla, Flynn, Ramirez and MacDonald. Noes: Perello.

P. PUBLIC COMMENTS ON STUDY SESSION

O. STUDY SESSION

Finance Department

1. SUBJECT: City Debt Status. (221)
RECOMMENDATION: Receive a presentation on the status of the City's debt.
DISCUSSION: The Chief Financial Officer outlined the City's bond ratings; how bonds are rated within different funds (water, waste water, solid waste, general fund); comparison of other cities; amount of City's debt service amount and debt management.

Public comments were received from: Larry Stein and William Terry.

The Council discussed: community job growth; City's bond rating; reasons to refinance bonds, and educational growth of the community.

ACTION: The City Council provided comments and directions to staff.

Q. REVIEW OF INFORMATION/CONSENT AGENDA

Comments were received from: General Services Manager (S-2b), (S-3) & (S-4); Housing Director (S-3); Water Resources Manager (S-4); and Fire Chief (S-8).

R. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Public comments were received from: Larry Stein (S-3), (S-4) & (S-11); and Pat Brown (S-3) & (S-8).

S. INFORMATION/CONSENT AGENDA

Development Services Department

6. SUBJECT: Vista Urbana/RiverPark: Consent to Proposed Amendments to Assignment and Assumption Agreements Between RiverPark A, L.L.C. and Aldersgate Investment, LLC. Filed by Aldersgate Investment, LLC, 300 Esplanade Drive, Suite 1550, Oxnard, CA 93036. (399)
RECOMMENDATION: Removed from agenda.

City Manager Department

2. SUBJECT: Agreements for City Council Review. (267)
RECOMMENDATION: Pursuant to Ordinance 2835 and Resolution 13,932, approve and authorize the Interim City Manager, to execute the attached agreements/contracts and change orders/amendments in amounts more than $25,000 but less than $250,000.

At 11:51 p.m., Councilman MacDonald left the meeting due to possible conflict of interest.

3. SUBJECT: Reprogram CDBG Funds to the Campus Park Gymnasium Wing Interior Remodel Balance from Completed Projects. (271)
RECOMMENDATION: Removed from agenda.

At 11:58 p.m., Councilman MacDonald returned to the meeting.

4. SUBJECT: Agreements for On-Call Soils and Material Testing and Inspection Services. (275)
RECOMMENDATION: Approve and authorize the Interim City Manager to execute the four Professional Services Agreements for On-Call Soils & Material Testing and Inspection Services to be provided by Fugro Consultants, Earth Systems, BTC Lab Vertical Five and Leighton Consulting (6387-13-CM, 6388-13-CM, 6389-13-CM and 6396-13-CM), each in an amount not to exceed $250,000.

Development Services Department

5. SUBJECT: Approve Easement Deed to County of Ventura for Santa Clara Avenue Parcel. (393)
RECOMMENDATION: Approve and authorize the Mayor to execute the easement deed for 0.669 acres at Santa Clara Avenue north of Auto Center Drive for public road and related purposes to the County of Ventura.

Fire Department

8. SUBJECT: State Homeland Security Grant. (443)
RECOMMENDATION: Approve a special budget appropriation and recognize grant revenue in the amount of $53,833 from the Federal Department of Homeland Security and subgranted through the State of California for Hazardous Material Response, Urban Search and Rescue (USAR) and Community Emergency Response Team (CERT) training.

9. SUBJECT: Authorization to Submit Three Grant Applications to the Federal Emergency Management Agency for $895,000 in Assistance to Firefighters Grants Program (AFG) Grant Funds. (447)
RECOMMENDATION: Adopt **Resolution No. 14,446** authorizing: 1) The City Manager to submit three grant applications totaling $895,000 in Assistance to Firefighters Grants Program (AFG) grant funds to be used for Urban Search and Rescue (USAR) training, a comprehensive behavioral health program and vehicle extrication and stabilization equipment for Fire Department personnel; 2) The City Manager to execute the grant agreement if grant funds are awarded to the City; 3) The Finance Director to appropriate the funds and perform all other required financial actions; and 4) The Fire Chief or designee to submit non-financial reports.

Human Resources Department

10. SUBJECT: Safe Harbor Provision of the Affordable Care Act. (451)
RECOMMENDATION: Adopt **Resolution No. 14,447** the Safe Harbor Provision.

Public Works Department

12. SUBJECT: First Amendment to Purchase Order No. 4203 with Kemira Water Solutions for the Supply and Delivery of Ferric Chloride to the Wastewater Treatment Plant. (509)
RECOMMENDATION: Approve and authorize the Mayor to execute a First Amendment to Purchase Order No. 4203 with Kemira Water Solutions (Kemira) for the supply and delivery of Ferric Chloride to the Wastewater Treatment Plant, extending the expiration date from October 16, 2013 to October 16, 2014, and adding $432,000 to the amount, increasing the total from $482,790 to $914,790.

13. SUBJECT: Special Budget Appropriation for Water System Improvements for the Ventura Boulevard Improvement Project Specification No. 12-14. (513)
    RECOMMENDATION: Approve a Special Budget Appropriation of $314,000 from the Water Operating Capital Outlay Fund to the Ventura Boulevard Improvement Project for Water Improvements.

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

COMMUNITY DEVELOPMENT SUCCESSOR AGENCY/ FINANCING AUTHORITY

At 12:27 a.m. the joint meetings with the Community Development Successor Agency and Financing Authority concluded.

M. REPORT OF CITY MANAGER

1. SUBJECT: Verbal Report on Oxnard Community Development Commission Successor Agency and Status of Redevelopment Activities in the City of Oxnard.
   ACTION: Continue to future date.

2. SUBJECT: Verbal Update on the Materials Recycling Facility (MRF).
   RECOMMENDATION: Receive and consider verbal report.
   DISCUSSION: The Environmental Resources Manager briefly commented on the transition.
   ACTION: Continue to future date.

N. CITY COUNCIL/ BUSINESS/COMMITTEE REPORTS

2. SUBJECT: City Manager Recruitment Process Update. (Mayor Flynn)
   DISCUSSION: The Council discussed the proposed recruitment brochure and timeline.

   Public comments were received from: Larry Stein.

   The Interim City Attorney confirmed changes to the recruitment brochure.

   ACTION: The City Council directed changes of the brochure to the Interim City Attorney.

T. ADJOURNMENT

At 12:31 a.m. the City Council concurred to adjourn the meeting.

DANIEL MARTINEZ
City Clerk

TIM FLYNN
Mayor