

MINUTES
OXNARD CITY COUNCIL
Regular Meeting
July 25, 2017

A. ROLL CALL/POSTING OF AGENDA

At 6:05 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, and Mayor Pro Tem Carmen Ramirez were present; Mayor Tim Flynn was absent. The City Clerk stated that the agenda was posted July 20, 2017 at City Hall, with an amendment posted on July 21, 2017.

Staff members present were Greg Nyhoff, City Manager; Stephen Fischer, City Attorney; Jesús Nava, Assistant City Manager; Ruth Osuna, Assistant City Manager; Phillip Molina, City Treasurer; Daniel Rydberg, Public Works Director; Jim Throop, Chief Financial Officer; Scott Whitney, Police Chief; Eden Alomeri, Assistant City Treasurer; Shiri Klima, Assistant City Attorney; Kenneth Rozell, Assistant City Attorney; Todd Vasquez-Housley, Environmental Resources Manager; and Michelle Ascencion, City Clerk.

B. OPENING CEREMONIES

The flag salute was followed by a moment of silence.

C. CEREMONIAL CALENDAR

1. SUBJECT: Update by Oxnard-Ocotlan Sister Cities Committee Visitation.

Oxnard-Ocotlan Sister Cities Committee Members Priscilla Herrera and Daniel Martinez announced upcoming Sister Cities events and invited the public to attend.

(Mayor Pro Tem Ramirez announced that the City Manager's item, E-1, would be heard next.)

E. REPORTS

City Manager Department

1. SUBJECT: 2016 Community Relations Commission Report, Bylaws Amendment, Safe City Resolution.

RECOMMENDATION: That City Council:

1. Receive and file the Community Relations Commission Annual Report for 2016;
2. Adopt a resolution approving amended bylaws for the Community Relations Commission regarding the procedure for motions from the floor for future agenda items;
3. Receive a Resolution of the Community Relations Commission (CRC) of the City of Oxnard Deeming The City of Oxnard a Sanctuary City;
4. Consider adoption of one of the following two proposed resolutions:
 - a. A Resolution of the City of Council of the City of Oxnard Reaffirming the Public

Safety Function of the Oxnard Police Department and the Importance of Immigrants to the City; or

- b. A Resolution of the City Council of the City of Oxnard Deeming the City of Oxnard a Sanctuary City.

Assistant City Manager Nava gave a report. Community Relations Commission Chair Tiffany Lopez gave a report of the Commission's activities over the previous year and the proposed amendment to the Commission's bylaws. Discussion ensued among the Council and staff.

It was moved by Councilman MacDonald, seconded by Councilmember Madrigal, to approve Recommendation #2 regarding the proposed bylaws amendment (Resolution No. 15,045) as presented. VOTE: MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 4-0 (Flynn absent).

Commissioner Lopez gave a report on the Commission's proposed sanctuary city resolution. Councilman MacDonald, Assistant City Attorney Klima, and the Police Chief gave a report on a proposed alternate resolution.

Public comments were received from Steve Nash, Arthur Schaper, Shirley Lang, Deborah Baber Savalla, Mario Quintana, Lily Bello, Nathan Ramos, Paulina Lopez, Jorge Toledano, Irma Lopez, Ruth Maria Capelle, Sofia Vega, George Miller, Patti Suttle, Michael Hernandez, Hector Moreno, Edelmira Shuman, Valerie White, Shannon Lopez, Dr. Richard Neve, Lupe Anguiano, Roberto Camacho, Genevieve Flores-Haro, Yissel Barajas, Musa Bassey, Martin Jones, Joan Lopez, Peggy Rivera, and Manuel Herrera.

Discussion ensued among the Council and staff.

It was moved by Councilman MacDonald, seconded by Councilmember Madrigal, to adopt the alternate resolution presented by Councilman MacDonald (Resolution No. 15,046), with an amendment to spell out the "OPD" acronyms to read "Oxnard Police Department." VOTE: MacDonald, Madrigal, and Ramirez voted in favor; Perello voted against. The motion carried 3-1 (Flynn absent).

D. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from Aaron Greer (potential recall election), Arthur Schaper (immigration), Gloria Roman (condition of wastewater treatment plant), Deborah Baber Savalla (immigration), Vincent Ines (debris on J Street), Alicia Percell (potential recall election), Celeste Gamino (Southwinds Park), and Peggy Rivera (safe city resolution).

(Mayor Pro Tem Ramirez announced that the City Treasurer's item, K-2, would be heard next.)

K. REPORTS

City Treasurer Department

2. SUBJECT: FY 16-17 4th Quarterly Investment Report.

RECOMMENDATION: That the City Council receive, accept and file the 4th Quarterly

Report from the Oxnard City Treasurer.

The City Treasurer and Assistant City Treasurer gave a report. Discussion ensued among the Council, staff, and Phillip Curls of FirstSouthwest. No action was taken.

F. REPORT OF CITY MANAGER (None)

G. CITY COUNCIL REPORTS

Councilman MacDonald commented on the upcoming Oxnard-Ocotlan Sister City events.

Councilmember Perello honored his mother-in-law who recently passed away. He commented on the recent public announcement of Arizona Senator John McCain's brain cancer diagnosis.

Councilmember Madrigal commented on his recent tours of various city facilities and departments, reported on attending the Meet Up Clean Up event at Campus Park, announced an upcoming Oxnard Downtown Improvement District meeting, reported on a recent La Colonia Neighborhood Council meeting, and commented on the city's homelessness issue.

Mayor Pro Tem Ramirez announced the upcoming Salsa Festival, reported on the Cowboys opening ceremonies, announced an upcoming California Energy Commission evidentiary hearing regarding the proposed Puente power plant, and reported on the Cowboys' \$10,000 gift to non-profit organizations in the city.

H. REVIEW OF INFORMATION/CONSENT AGENDA

Items J-1(B), J-4, and J-8 were pulled for discussion.

Regarding J-1(B): Councilmember Perello and the Environmental Resources Manager discussed the disposal of biological material.

Regarding J-4: Councilmember Perello and Assistant City Attorney Rozell discussed the proposed letter. Further discussion ensued among the Council.

Regarding J-8: Councilman MacDonald invited Mauricio Guardado of United Water Conservation District to comment on the item. Discussion ensued among the Council and staff.

(As it was nearing 10:00, the Council voted unanimously to hear all the remaining items on the agenda.)

I. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Public comments were received from Bonnie Luke, Tomas Rebecchi, Karina Kaye, Noemi Tungui, Troy Corley, Marc Traut, Maureen Carson, Pat Brown, Clay Downing, Steve Nash, John Mathews, Richard Neve, Barbara Macri-Ortiz, and Vicki Paul.

J. INFORMATION/CONSENT AGENDA

City Manager Department

1. 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 following agreements/contracts and change orders/amendments in amounts more than \$25,000 but no more than \$250,000.

A. Oxnard Housing Authority (A-7727) for use of property at 1500 Camino Del Sol (\$72,000).

B. Stericycle Environmental Solutions, Inc. (A-7888) for transportation and recycling of household hazardous waste material (\$75,000).

C. Kelly Cleaning & Supplies, Inc. (7592-16-PW) for janitorial services for water, wastewater and environmental resources (\$90,000).

D. Granite Construction for hot asphalt material for street pavement repair (\$200,000).

E. Vulcan Materials for hot asphalt material for street pavement repair (\$50,000).

F. Diversified Minerals to purchase concrete material (\$30,000).

G. Sam Hill & Sons, Inc. (A-7721) for non-scheduled repairs to wastewater and storm drain systems (groundwater infiltration) (\$92,517).

H. Sam Hill & Sons, Inc. (A-7721) for non-scheduled repairs to wastewater and storm water drain systems (manhole repair at Rose Avenue and La Puerta Avenue with severe structural defects) (\$46,144).

2. SUBJECT: Amending Classification and Salary Schedule for Downtown Revitalization Manager.

RECOMMENDATION: That City Council: 1.) Adopt **Resolution No. 15,047** amending Resolution No. 15,029 authorizing changes in Classification and Salary Schedule to set a revised salary range for the Downtown Revitalization Manager; and 2.) Approve a budget appropriation in the amount of \$46,500 from Downtown Improvement Fund 481.

Development Services Department

3. SUBJECT: Deferred Impact Fee Agreement.

RECOMMENDATION: That Council authorize the City Manager or designee be given authority to finalize the negotiations with Oxnard Pacific Associates II, a California Limited Partnership, the developer of the 240-unit Gateway Station project (PZ 15-200-02) on the former Skyview Drive-In theater site located at 1250 S. Oxnard Boulevard, regarding the terms of the agreement and authorize the execution of the final agreement to defer and secure payment of \$2,053,740.74 of impact fees on the project.

4. SUBJECT: Letter to the Ventura County Planning Commission Concerning the Appeal of the Cabrillo Oil Field Expansion Project.

RECOMMENDATION: That the City Council send a Letter to the Ventura County Planning Commission regarding the Citizens for Responsible Oil and Gas' ("CFROG") appeal of the Ventura County Planning Director's determination regarding the Renaissance Petroleum, LLC Oil and Gas Facility (Case No. PL 14-0103).

Housing Department

5. SUBJECT: CDBG Appropriation to Southwinds Park.
RECOMMENDATION: That the City Council:
1. Approve the appropriation of \$83,008 in Community Development Block (CDBG) Grant funding for the Southwinds Park Improvements Phase I and II from the FY 2017-18 Annual Action Plan allocation.
 2. Authorize the Chief Financial Officer to approve the special budget appropriation of \$83,008 from Fund 285 (CDBG Entitlement) and encumber these funds for the Southwinds Park Phase I & II Project.

Human Resources Department

6. SUBJECT: First Amendment - York Insurance Services.
RECOMMENDATION: That City Council approve and authorize the Mayor to execute a First Amendment to Agreement No. 7494-16-FN with York Insurance Services Group, Inc. in the amount of \$195,000 to increase the amount from \$195,000 to a total amount of \$390,000 for liability claims administration and adjustment services.

Public Works Department

7. SUBJECT: Granite Construction Change Order No. 1 for Project Specification No. DS15-43, Move Bus Stop on Victoria Ave.
RECOMMENDATION: That City Council:
1. Approve and authorize the City Manager to execute Change Order No. 1 for Project Specification No. DS15-43 with Granite Construction Company to increase the amount by \$64,595 (a total of \$978,693.60) to relocate a bus stop on southbound Victoria Avenue south of Gonzales Road (Agreement No. A-7873).
 2. Approve a budget appropriation for \$64,595 from the Transportation Development Act/Local Transportation Fund (TDA/LTF) Article 4-99400c to the Victoria Avenue from Fifth St. to Gonzales Road Project No. 143102..
8. SUBJECT: Approve Plans and Specifications for Recycled Water Pipeline Phase II Project PW17-42.
RECOMMENDATION: That City Council approves project plans and specifications and authorizes staff to solicit bids for the Recycled Water Pipeline Phase II Project PW17-42.
9. SUBJECT: Fourth Amendment to Agreement with Genuine Parts Company.
RECOMMENDATION: That City Council approve and authorize the Mayor to execute the Fourth Amendment to the Agreement (6212-13-CM) with Genuine Parts Company dba NAPA Auto Parts for \$115,000, for a total contract amount of \$8,115,000, for a three-month period for vendor to provide on-site repair parts and tires to City until staff finalizes a new agreement for this service.
10. SUBJECT: Approve Plans and Specifications for ASR Pipeline Phase I PW 17-28.
RECOMMENDATION: That City Council approves project plans, specifications and working details and authorize staff to solicit bids for the Pump Repair and Well Maintenance for Well Nos 29 and 34 Project (PW 17-38).
11. SUBJECT: Award Contract for Windrow Dog Park Riverpark Community Facilities

District No.5 GS 15-15.

RECOMMENDATION: That City Council:

1. Award and authorize the Mayor to execute Agreement A-7995 to the lowest bidder, C.S. Legacy Construction, in the amount of \$320,181 for the Windrow Dog Park River Park Community Facilities District No. 5 GS 15-15.
2. Approve an additional \$32,000 for this project for engineering, inspection, survey, and project management.
3. Approve just under a ten percent (\$32,000) contingency for this project.
4. Approve a budget appropriation in the amount of \$221,920 for the current Fiscal Year 2017-18 from fund balance of CFD No. 5 Riverpark and a transfer within the project from design to construction in the amount of \$162,261 for a total budget of \$384,181.

It was moved by Councilman MacDonald, seconded by Councilmember Madrigal, to approve the Information/Consent Agenda items, with minor amendments to items J-4 and J-8. VOTE: MacDonald, Madrigal, and Ramirez voted in favor; Perello voted against item J-8, stating he felt the project was incomplete. The motion carried 4-0 on items J-1 through J-7 and J-9 through J-11; and 3-1 on item J-8 (Flynn absent).

K. REPORTS

City Council Business

1. SUBJECT: League of California Cities Annual Conference Voting Delegate/Alternate 2017.

RECOMMENDATION: That City Council designate a voting delegate and a voting alternate to the League of California Cities Annual Conference.

(Councilman MacDonald briefly left the dais.)

The City Manager gave a brief report.

It was moved by Councilmember Madrigal, seconded by Councilmember Perello, to designate Mayor Pro Tem Ramirez as the voting delegate and the City Manager as the alternate. VOTE: Madrigal, Perello, and Ramirez voted in favor; the motion carried 3-0 (Flynn, MacDonald absent).

Public Works Department

3. SUBJECT: Change Order Nos. 1 – 12 to Aegis ITS, Inc. Contract A-7755 for the Oxnard Blvd Intelligent Transportation System (ITS) Extension Project.

RECOMMENDATION: That City Council approve and authorize the City Manager to execute Change Orders No. 1 through 12 to the Aegis ITS, Inc. agreement number A-7755, for the Oxnard Boulevard Intelligent Transportation System (ITS) Extension Project.

(Councilman MacDonald returned to the dais at this time.)

The Interim City Engineer gave a report. Discussion ensued among the Council and staff.

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

City Manager Department

4. SUBJECT: Public Works Department Reorganization.

RECOMMENDATION: That City Council:

1. Receive a report regarding the Public Works Department.
2. Adopt **Resolution No. 15,048** amending Resolution No. 15,029 to authorize changes to the Classification and Salary Schedule to reorganize the Public Works Department into 477 regular full-time positions including the creation of new full-time positions within this re-organization of the Public Works Department.
3. Adopt **Resolution No. 15,049** amending Resolution No. 15,028 to amend the list of full-time equivalent positions within the Public Works Department.
4. Authorize the City Manager to make the necessary budgetary adjustments.

Assistant City Manager Osuna gave a report. Discussion ensued among the Council and staff.

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

Finance Department

4. SUBJECT: Urgent Finance Department Agreements.

RECOMMENDATION: 1. That City Council award and authorize the City Manager to execute the following agreements contingent upon final review and approval of the City Attorney and Risk Manager:

- a. An agreement with HCA Consulting in an amount of \$210,450 plus a 10% contingency for a total not to exceed amount of \$231,000 for capital assets inventory and valuation.
 - b. A second amendment to the Agreement with Management Partners (A-7952) in an amount not to exceed \$150,000 for a total not to exceed amount of \$238,000 for assistance on the correction of the FY2014-15 111 audit findings. This appropriation is part of the FY2017-18 adopted budget.
 - c. A third amendment to the Agreement with MV Cheng (A-7867) in an amount not to exceed \$165,000 for a total not to exceed amount of \$385,000 for accounting services.
2. That the City Council approve a budget appropriation for the HCA Agreement in the amount of \$231,000 from multiple fund reserves, General Fund – 65%, or \$150,000, Water Fund – 10%, or \$23,000, Wastewater Fund – 10%, or \$23,000, Environmental Resources – 10%, or \$23,000, and other funds – 5%, or \$12,000, for the capital assets inventory and valuation project
3. That the City Council approve a budget appropriation for the MV Cheng Amendment in the amount of \$165,000 from the General Fund reserves. Approximately \$35,000 will be covered by salary savings in Finance, and the remaining \$130,000 will be allocated to all funds via the City's cost allocation plan. Total approximate cost to General Fund reserves is \$65,000, with remaining amount being allocated to other funds.

The Chief Financial Officer gave a report. Discussion ensued among the Council and staff.

Public comments were received from Phillip Molina and Martin Jones.

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

L. PUBLIC COMMENTS ON REPORTS (None)

M. ADJOURNMENT

There being no further business on the agenda, and without objection, Mayor Pro Tem Ramirez adjourned the meeting at 10:43 p.m.


MICHELLE ASCENCION, CMC
City Clerk


TIM FLYNN
Mayor