

MINUTES

OXNARD CITY COUNCIL

Regular Meeting

January 12, 2016

A. ROLL CALL/POSTING OF AGENDA

At 5:32 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; Greg Nyhoff, City Manager; Maria Hurtado, Assistant City Manager; Scott Whitney, Assistant City Manager; and Stephen Fischer, Interim City Attorney.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

C. CLOSED SESSION

At 5:33 p.m. the City Council recessed to a closed session, pursuant to Government Code section 54956.9(d)(2). The purpose of the closed session is for the City Council to consider whether to allow the late claim for damages of Ivan Covaarrubias for be filed: Re the Late Claim Application of Ivan Covarrubias City Attorney Claim No. 2015-0173.

At 6:05 p.m. the City Council reconvened and recessed to the evening session. The City Council decided by a unanimous vote to deny the application of Ivan Covarrubias to present a claim for damages against the City beyond the six-month filing period provided by Government Code section 911.2(a).

D. OPENING CEREMONIES

At 6:05 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 for Diane Arnold and Richard Bryan, former City employee. Mayor Flynn presided. Additional staff members present were: Jeri Williams, Police Chief; Bryan Brice, Fire Chief; Joseph Lillio, Chief Financial Officer; Tabin Cosio, Human Resources Director; Keith Brooks, IT Director; Kymberly Horner, Economic Development Director; Arturo Castillo, Housing Director; Ashley Golden, Development Services Director; Daniel Rydberg, Utilities Director; Todd Vasquez-Housley, Interim Deputy Public Works Director and Michael More, Financial Resources Manager.

E. CEREMONIAL CALENDAR

1. SUBJECT: Presentation of a Proclamation Designating the Month of January 2016 as "Big Brother, Big Sister Mentoring Month."

DISCUSSION: Mayor Flynn introduced Lynn West, CEO Big Brother & Big Sister of Ventura County, who invited the community to get involved with the youth who need this service. Mayor Flynn commented on the importance of being involved with the youth of the community.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments received opposing the proposed utility rates: Phil Molina; Al Velasquez; Ventura Fernandez; Jim Millstead; Aaron Starr and George Miller.

Comments were received from: Woodrow Thomas (claims); Pat Brown (truck routes); Steve Nash (downtown development planning); David Moorman (parking issues) and Larry Stein, (utility rate assistance program and opening of East Village Park).

G. REVIEW OF INFORMATION/CONSENT AGENDA

Comment was received from: Utilities Director (I-3).

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA**I. INFORMATION/CONSENT AGENDA****City Clerk Department**

1. **SUBJECT:** Minutes of the Regular Meetings of the Oxnard City Council for December 1 and 8, 2015; and Minutes of the Special Meetings of the Oxnard City Council for December 9 and 10, 2015. (001)

RECOMMENDATION: Approve.

Recreation and Community Services Department

2. **SUBJECT:** Senior Services Contribution Awards to Agencies. (017)

RECOMMENDATION: 1) Approve the Senior Services Commission's (SSC) recommended distribution of \$44,600 from the General Fund for Senior Services Contribution Awards to ten agencies providing services to seniors; 2) Direct the Interim Recreation Superintendent to notify recipients of Senior Services Contribution Awards; 3) Authorize the Interim Recreation Superintendent to execute a letter of agreement for each recipient; and 4) Authorize the Chief Financial Officer to make disbursements in accordance with the letter agreements.

Utilities Department

3. **SUBJECT:** Agreement with Hopkins Groundwater Consultants, Inc. for Hydrogeologic Design, Technical Review, and Consulting Support Services. (023)

RECOMMENDATION: Approve and authorize the Mayor to execute a Consulting Services Agreement with Hopkins Groundwater Consultants, Inc. (A-7848) for Hydrogeologic Design, Technical Review, and Consulting Support Services for a three year term in an annual amount of \$250,000 for a total contract amount not to exceed \$750,000.

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

J. PUBLIC HEARINGS

At 7:19 p.m., Councilmember Perello left the meeting due to possible conflict of interest.

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: Planning and Zoning Permit (PZ) Nos. 15-300-07 (Final Subdivision Map for Tract No. 5672-1); and 15-670-01 (First Amendment to Development Agreement) for Property Located on the Northwest Corner of Ventura Road and Vineyard Avenue. Filed by Ravello Holdings, 211 Village Commons, Suite 11 Camarillo, CA 93012 (for Development Agreement) and City of Oxnard (Tentative Subdivision Map for Tract No. 5672). (063)

RECOMMENDATION: 1) Adopt **Resolution No. 14,886** approving Planning and Zoning Permit No. 15-300-07 (Final Subdivision Map for Tract 5672-1) for the property located on the northwest corner of Ventura Road and Vineyard Avenue, subject to certain findings and conditions; and 2) Approve the first reading by title only and subsequent adoption of **Ordinance No. 2899** approving Planning and Zoning Permit No. 15-670-01 (First Amendment to Development Agreement No. A-7121) for the project known as Devco, filed by Ravello Holdings, LLC.

DISCUSSION: The Development Services Director reviewed the reasons for approving Final Subdivision Map and first amendment to Development Agreement which would include additional payment to the City and levee improvements.

Ed Casey, applicant counsel, and Sandy Smith, commented on the requested changes to Development Agreement including off-site improvements, flood control, municipal fees to be paid and community outreach.

The Interim City Attorney commented on development rights and requirements to approve of the final map.

The following individuals opposed the development: Aaron Green; Irene Rauschenberger; Vickie Bowber; Jim Lavery; Jackie Tedeschi; Pat Brown; Steve Nash and Irma Lopez.

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

DISCUSSION: The City Council commented on: development standards, property owner's rights, past approval of development rights and development benefits.

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

At 8:55 p.m., Councilmember Perello returned to the meeting.

RECESS

At 8:55 p.m., the City Council recessed and at 9:01 p.m. the City Council reconvened.

L. REPORTS**City Attorney Department****4. SUBJECT: Ordinance Prohibiting Marijuana Activities. (055)**

RECOMMENDATION: Approve the first reading by title only and subsequent adoption of an ordinance imposing an express prohibition on marijuana cultivation, deliveries and dispensaries within the City.

DISCUSSION: The Interim City Attorney reviewed legal issues (Proposition 215 and recent State actions) including cultivation and delivery issues.

At 9:06 p.m., Mayor Flynn left the meeting and Mayor Pro Tem Ramirez presided.

The following individuals opposed the proposed Ordinance: Risea Horewitz; Edgar Castellanos; Chelsea Sutula; Fernando Negrete; Joel Perkins; Michella Ortega; Monica Lindsay; Stanlee Cox; Marcie Jennings; Mari Scott; Lianne Alvarez; Federico Ortiz; Woodrow Thomas; George Miller; Daniel Elkanica; Jackie Tedeschi; Cassandra Carrillo; Larry Stein and Jeff Kroll.

The following individual supported the proposed Ordinance: Pat Brown.

At 9:18 p.m., Mayor Flynn returned to the meeting and presided.

The City Council discussed: proposed State law; control of local government; having a regional approach; negative impacts and possible municipal options.

ACTION: Moved to deny the recommendation (Perello/Padilla) Ayes: Padilla and Perello. Noes: Flynn, Ramirez and MacDonald. Motion failed. Approved as recommended, **Ordinance No. 2898**. (Flynn/Ramirez) Ayes: Flynn, Ramirez and MacDonald. Noes: Padilla and Perello.

J. PUBLIC HEARINGS**Housing Department****3. SUBJECT: Extremely-Low to Low-Income Needs Assessment – FY 2016-17 Annual Action Plan.**

RECOMMENDATION: Continue to January 26, 2016.

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

ACTION: The City Council voted to act on the remaining items L-1 and L-2 with L-3 which would be continued to a future date, unanimously.

K. APPOINTMENT ITEMS

L. REPORTSFinance Department

1. SUBJECT: Agreement with NBS for Administration of Maintenance Assessment Districts. (257)

RECOMMENDATION: 1) Approve a one-year agreement with NBS (7281-15-FN) for the administration of Maintenance Assessment Districts (MADs); and 2) Approve a budget appropriation in the amount of \$59,900 to allocate the administrative costs to the MADs.

DISCUSSION: The Finance Director and Financial Resources Manager commented on: the “work” performed by NBS; the selection of NBS for administrative duties for assessment districts; not using “internal City” personnel for this proposed district assessment work and reasons to use consultants for the assessment districts.

The City Manager and Interim City Attorney reviewed possible impact to the general fund.

Pablo Perez, NBS, reviewed possible service options which would be selected by each individual assessment districts.

Public comments received from: Larry Stein and Michael Gleason.

The City Council discussed: landscape service options of the neighborhoods which have assessment districts; City owned property options; administrative services to be provided by NBS and responsibility of assessment districts.

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

2. SUBJECT: Second Amendment to Agreement with NBS for Consulting Services - Maintenance Assessment Districts. (281)

RECOMMENDATION: 1) Approve a second amendment to Agreement with NBS (7117-15-FN) in the amount of \$87,960 for consulting services related to the completion of the engineer reports for the Maintenance Assessment Districts (MADs); and 2) Approve a budget appropriation in the amount of \$87,960 to allocate this agreement to the MADs.

DISCUSSION: The Finance Director and Financial Resources Manager commented on: “work” performed by NBS and the reasons to use consultants for the assessment districts.

Public comments received from: Larry Stein and Michael Gleason.

The City Council discussed services to be provided by NBS.

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

3. SUBJECT: Recommendations Regarding the Use of One-Time Successor Agency Loan Proceeds. (299)

RECOMMENDATION: Discuss and approve the recommended use of a portion of the one-time funds received from the Successor Agency “(Agency)” loan proceeds.

ACTION: Continue to future date.

M. REPORT OF CITY MANAGER

The City Manager commented on staff's efforts of providing community outreach regarding the proposed "utility" rates and upcoming financial data (CAFER) that would be presented to the City Council

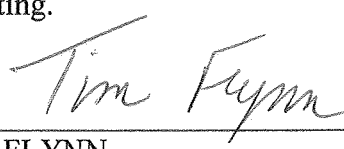
N. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

The City Council discussed the following: Utility Rate Assistance Program (Ramirez); decision to have a full EIR on proposed fourth power plant (Ramirez); short-term rental of beach homes (Perello) and closing of Children's Museum (Flynn).

O. PUBLIC COMMENTS ON REPORTSP. PUBLIC COMMENTS ON STUDY SESSIONQ. STUDY SESSIONR. ADJOURNMENT

At 12:06 a.m. the City Council concurred to adjourn the meeting.



DANIEL MARTINEZ
City Clerk

TIM FLYNN
Mayor

CARMEN RAMIREZ
Mayor Pro Tem