MINUTES
OXNARD CITY COUNCIL
Regular Meeting
December 15, 2015

A. ROLL CALL/POSTING OF AGENDA

At 4:35 p.m., the regular meeting of the Oxnard City Council convened in the Council Chambers. Councilmembers Carmen Ramirez, Bryan A. MacDonald and Dorina Padilla were present. Councilmembers Tim Flynn and Bert Perello were 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; Stephen Fischer, Interim City Attorney and Jeri Williams, Police Chief.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

C. CLOSED SESSION

At 4:37 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, Claimant: Raul Arias, City of Oxnard Claim No. 2015-0186.

At 5:04 p.m. the City Council reconvened and recessed to the evening session.

D. OPENING CEREMONIES

At 5:05 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. Mayor Flynn and Councilmember Perello were present and Mayor Flynn presided. Additional staff members present were: Joseph Lillio, Chief Financial Officer; Tobin Cosio, Human Resources Director; Ashley Golden, Development Services Director; Daniel Rydberg, Interim Utilities Director; Todd Housley, Deputy Public Works Director; Michael Henderson, General Services Manager; Cynthia Daniels, Project Manager and Eric Sonstegard, Assistant Police Chief.

Q. STUDY SESSION

Finance Department

1. SUBJECT: Status Update on Budget Reduction Goals – Fiscal Year (FY) 2015-16. (001)
RECOMMENDATION: Receive a status update on budget reduction goals for Fiscal Year 2015-16.
DISCUSSION: The City Manager reviewed: the efforts to reduce budget costs; impact to services; audit information; past use of "vacant" positions to balance budget; budget reduction goals and other possible budget reduction options.

   The Chief Financial Officer and David Milligan, Financial Consultant, commented on finance controls, budget reconciliations and "budget" projections including Transient Occupancy Tax (TOT) revenues.

The Human Resources Director outlined the hiring process including recruitment.

Public comments were received from: Jim Lavery; Cyndi Hookstra; Francine Castanon; Larry Stein; Steve Nash; Martin Jones; Inez Tuttle and Woodrow Thomas.

The City Council discussed: use of consultants; recommendations of City Manager; the hiring process; projected "budget" savings; projected revenues (collection of fees) and having an on-going "financial" progress report.

ACTION: Received and provided comments to staff.

E. CEREMONIAL CALENDAR

1. SUBJECT: Presentation of a Resolution to Donna Angell for 27 Years of Service (009)
DISCUSSION: The Police Chief and Development Services Director commented on the work of Donna Angell.
ACTION: Approve **Resolution No. 14,878** (Flynn/Ramirez) Ayes: Flynn, Ramirez, MacDonald, Padilla and Perello.

2. SUBJECT: A Visitor From the North Pole
DISCUSSION: Santa Claus wished everyone a Merry Christmas and invited the community to the Oxnard Santa tour.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from: Al Velasquez (opposed utility rate increases); Theadore Christensen (questioned insurance increase); George Miller (federal immigration process); Pat Brown (presenting public comments at meeting); Larry Stein (public records); Inez Tuttle (homelessness issues); Peggy Rivera (homelessness issues) and Woodrow Thomas.

G. REVIEW OF INFORMATION/CONSENT AGENDA

Comments were received from: City Manager and Development Services Director (I-2(a)); Project Manager (I-3) and General Services Manager (I-5 & I-7).

At 7:54 p.m., Mayor Pro Tem Ramirez left the meeting due to possible conflict of interest (Eastwood Park) and at 7:58 p.m. Mayor Pro Tem Ramirez returned.

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Public comments were received from: Bruce Schoppe (I-2(a)); Janis McCormick (I-2(a)); Shirley Godwin (I-2(a)); Michael Stubblefield (I-2(a)); Pat Brown (I-2(a)); and Steve Nash (I-2(a)).

I. INFORMATION/CONSENT AGENDA

City Clerk Department

1. SUBJECT: Minutes of the Regular Meetings of the Oxnard City Council for October 27, and November 3, 2015; and Minutes of the Special Meeting of the Oxnard City Council for October 29, 2015. (011)
RECOMMENDATION: Approve.

City Manager Department

2. SUBJECT: Agreements for City Council Review. (023)
RECOMMENDATION: Approve and authorize the City Manager, to execute the attached 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

3. SUBJECT: Transportation Development Act (TDA) Bicycle/Pedestrian Funds Resolution and Budget Appropriation for $38,256. (025)
RECOMMENDATION: 1) Adopt **Resolution No. 14,879** approving the submittal of a claim to the Ventura County Transportation Commission (VCTC) for allocation of Fiscal Year (FY) 2015/16 TDA Article 3 bicycle/pedestrian funds in the amount of $38,256 for pedestrian safety beacons at 13 crosswalk locations; and 2) Recognize revenue and appropriate $38,256 to Project No. 153101 for "Crosswalk Beacons 2015" for the pedestrian safety beacons project.

4. SUBJECT: Approval of Public Access Easement and Deed Restrictions for that certain real property located at 935 Mandalay Beach Road (APN No. 191-0-051-110). (031)
RECOMMENDATION: Approve Public Access Easement and Deed Restrictions (A-7847) for that certain real property located at 935 Mandalay Beach Road (APN No. 191-0-051-110) pursuant to Section 17-39 of the Oxnard City Code, authorize the Mayor to execute the Public Access Easement and Deed Restrictions, authorize the Mayor to execute the attached Certificate of Acceptance, and authorize City staff to record the Public Access Easement and Deed Restrictions on the behalf of the City.

General Services Division

5. SUBJECT: Approval of Plans and Specifications for GS16-02 Eastwood Park Improvements Project. (041)
RECOMMENDATION: Approve plans and specifications for Project Specification No. GS16-02 Eastwood Park Improvements for the reconstruction of the burnt out roof of the restroom building at Eastwood Park, lighting improvements at Eastwood Park; replacement of a monument sign at Eastwood Park; and authorize staff to conduct a public bid for this project.*

6. SUBJECT: Approval of Lowest Responsible Responsive Bid and Authorization to Issue and Execute a Contract for GS13-17 Beck Park Playground Equipment Installation. (043)
RECOMMENDATION: Award contract to the lowest responsible and responsive bidder, R.E. Schultz Construction Company (A-7851) in the amount of $143,500 for Beck Park Playground Equipment Installation Project, and authorize the purchasing agent to issue and execute the contract upon receipt of final documents.

7. SUBJECT: Approval of Lowest Responsible Responsive Bid and Authorization to Issue and Execute a Contract for Three Parks Improvement Project: Colonia Park (GS11-12), Wilson Park (GS15-16); and Campus Park (GS16-08). (081)
RECOMMENDATION: 1) Award contract to the lowest responsible and responsive bidder, C.S. Legacy Construction Company (A-7852) in the amount of $588,097 for a Three Parks Improvement Project: Colonia Park (GS11-12); Wilson Park (GS15-16); and Campus Park (GS16-08); and authorize the Purchasing Agent to issue and execute the contract upon receipt of final documents from C.S. Legacy Construction Company; and 2) Approve a Budget Adjustment transferring $133,121 from Beck Park Housing & Community Development (HCD) to Wilson Park (GS15-16) in the amount of $100,733; Campus Park (GS16-08) in the amount of $29,286; and Colonia Park (GS11-12) in the amount of $3,102; and a Budget Adjustment transferring $53,132 in Quimby funds from the Citywide Park Rehab Program to Colonia Park (GS11-12).*

8. SUBJECT: First Amendment to Agreement with Harbor Offshore, Incorporated for On Call Diving and Maintenance Services for Mandalay Waterways of Mandalay Bay, Westport and Seabridge Communities. (163)
RECOMMENDATION: Approve and authorize the Mayor to execute a First Amendment to the Agreement with Harbor Offshore, Incorporated (A-7736) to increase the amount by $500,000 from an agreement value of $250,000 to $750,000 and extend the expiration date from December 15, 2015 to December 16, 2017.

INFORMATION/CONSENT AGENDA ACTION: Approved as recommended. (MacDonald/ Perello) Ayes: Ramirez, MacDonald, Padilla, Perello and Flynn. *Abstain: Ramirez (I-5) only and MacDonald (I-7) only.

J. PUBLIC HEARINGS

K. APPOINTMENT ITEMS

L. REPORTS

Finance Department

1. SUBJECT: Update on the City's Annual Financial Audit. (179)
RECOMMENDATION: Receive an update on the annual financial audit.
DISCUSSION: The Chief Financial Officer and David Milligan, Financial Consultant; John Prentice, Managing Partner; Eden Casareno, Engagment Partner and Don Ecker, Director, Consulting and Transactions, reviewed the audit process and reported financial problems including "non" reporting of liabilities; bank reconciliation; golf course issues and deferred compensation fund,

Public comments received from: Larry Stein; Phillip Molina; Al Velasquez and Steve Nash.

The Council discussed: the need for software; monitoring of financial records, reconciliations of funds, closed session discussions and financial practices of past City Council(s).

ACTION: The Council received and provided comments to staff.

RECESS

At 9:36 p.m., the City Council recessed and at 9:46 p.m., the City Council reconvened.

ACTION: The Council voted to continue the meeting unanimously.

Development Services Department

2. SUBJECT: Citywide Sidewalk Survey Final Report and Recommendations. (181)
RECOMMENDATION: Adopt **Resolution No. 14,880** approving the Final Report and adopting the negative declaration for the citywide sidewalk survey and recommendations for improvements to the pedestrian facilities within the public rights of way adjacent to areas built before 1992, consistent with available funding.
DISCUSSION: The Project Manager and Brad Becker, Sally Swanson Architects, and Chelsea Richer, Fehr and Peers, briefly reviewed the survey for "upgrade of crosswalks" and public outreach.

Public comment was received from: Pat Brown (curb cut).

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

3. SUBJECT: Fourteenth Amendment to Agreement with AECOM Technical Services, Inc. (AECOM) for the Rice Avenue/Santa Clara Avenue Interchange Improvement Project at U.S. Highway 101. (299)
RECOMMENDATION: Approve and authorize the City Manager to execute a Fourteenth Amendment to the Agreement with AECOM (A-7235) to increase the amount by $113,537 from an Agreement value of $5,142,454 to $5,255,991 and revise the project scope, schedule, and fees for claims management and project closeout activities, and extend the expiration date from December 31, 2015 to June 30, 2016 for construction management services for the Rice Avenue/Santa Clara Avenue interchange improvement project at U.S. Highway 101.
ACTION: Approved as recommended (Ramirez/Padilla) Ayes: Padilla, Perello, Flynn, Ramirez and MacDonald.

4. SUBJECT: Change Order 124 for Security Paving Co. Inc. to increase the amount by $281,734.20 (a total of $36,284,285.38) for Project Specification No. PW03-19 for Rice Avenue/Santa Clara Avenue Interchange Improvements at Highway 101. (309)
RECOMMENDATION: Approve and authorize the Mayor to execute Change Order No. 124 for Project Specification No. PW03-19 with Security Paving Co., Inc. (A-7228) to increase the amount by $281,734.20 (a new total of $36,284,285.38) for the Rice Avenue/Santa Clara Avenue interchange improvements at U.S. Highway 101.
ACTION: Approved as recommended. (MacDonald/ Perello) Ayes: Perello, Flynn, Ramirez, MacDonald and Padilla.

General Services Department

5. SUBJECT: First Amendment With Ecology Auto Parts, Incorporated for Supplemental Waste Hauling Transfer Services. (321)
RECOMMENDATION: Approve and authorize the Mayor to execute the First Amendment to the Agreement with Ecology Auto Parts, Incorporated (Ecology) (A-7766), to increase the amount by $150,000 from an agreement value of $1,950,000 to $2,100,000 and to extend the expiration date from February 15, 2016 to February 15, 2018, for supplemental waste transfer hauling services.
ACTION: Approved as recommended. (Perello/MacDonald) Ayes: Flynn, Ramirez, MacDonald, Padilla and Perello.

Human Resources Department

6. SUBJECT: Adoption of Resolutions (1) Approving Paying and Reporting the Value of Employer Paid Member Contributions to CalPERS for Unrepresented Top Management Employees, (11) To Tax Defer Member-Paid Contributions, and (III) Repealing and Replacing Resolution No. 14,721 Establishing the Salary and Benefits for Unrepresented Employees. (353)
RECOMMENDATION: 1) Adopt **Resolution No. 14,881** to approve paying and reporting the value of employer paid member contributions for unrepresented top management employees; 2) Adopt **Resolution No. 14,882** to tax defer member paid contributions – IRC 414(h)(2) Employer Pickup for all employees and employee groups; and 3) Adopt **Resolution No. 14,883** repealing and replacing Resolution No. 14,721 establishing the salary and benefits for unrepresented employees.
DISCUSSION: The Human Resources Director reviewed the benefits to be recognized by the City Council and future payment of retirement costs by top management employees.
ACTION: Approved as recommended. (Ramirez/Perello) Ayes: Ramirez, MacDonald, Padilla, Perello and Flynn.

7. SUBJECT: Adoption of **Resolution No. 14,884** Approving the Paying and Reporting the Value of Employer Paid Member Contributions to CalPERS for City Council Including the Mayor. (407)
RECOMMENDATION: Adopt a Resolution approving the paying and reporting the value of employer paid member contributions for City Council including the Mayor.
ACTION: Approved as recommended and starting date would be as soon as possible. (Macdonald/Ramirez) Ayes: MacDonald, Padilla, Perello, Flynn and Ramirez.

Police Department

8. SUBJECT: Federal and State Asset Forfeiture Funds. (413)
RECOMMENDATION: Approve a budget appropriation from fund balance in the amount of $178,000 for the use of Federal ($148,000) and State ($30,000) asset forfeiture funds allocated to the City of Oxnard Police Department. The funds will be used for training and equipment purchases including body-worn cameras (BWC).
DISCUSSION: The Police Chief and Assistant Police Chief outlined how funds are spent and items purchased.

Public comment was received from: Larry Stein.

The City Council discussed "use" of forfeiture funds.

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

M. REPORT OF CITY MANAGER

The City Manager discussed City of Oxnard being closed Christmas Eve and Santa to the Sea Run.

N. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

The City Council discussed: Santa Clara levee (Perello); need to create a vision and mission to address the Homelessness issue (Padilla) and create a Downtown Plan vision (Padilla/Greg Nyhoff).

O. PUBLIC COMMENTS ON REPORTS

P. PUBLIC COMMENTS ON STUDY SESSION

Q. STUDY SESSION

R. ADJOURNMENT

At 11:02 p.m. the City Council concurred to adjourn the meeting.

DANIEL MARTINEZ
City Clerk

TIM FLYNN
Mayor

CARMEN RAMIREZ
Mayor Pro Tem