

MINUTES
OXNARD CITY COUNCIL
Regular Meeting
December 16, 2014

A. ROLL CALL/POSTING OF AGENDA

At 4:33 p.m., the regular meeting of the Oxnard City Council convened in the Council Chambers. Councilmembers Tim Flynn, Bryan A. MacDonald, Dorina Padilla and Bert Perello were present. Mayor Pro Tem Carmen Ramirez was absent. 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 and Stephen Fischer, Interim Acting City Attorney. At 4:34 p.m., Mayor Pro Tem Carmen Ramirez and Greg Nyhoff, City Manager was present.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

Public comment was received from: Joseph Contaoi.

C. CLOSED SESSION

At 4:37 p.m. the City Council recessed to a closed session, pursuant to Government Code section 54956.9(d)(1), to confer with its attorneys. The title and case number of the litigation being discussed is Edmund Sotelo v. City of Oxnard, United States District Court, Case No. CV13-6039 FMO(MRWx).

The City Council also recessed to a closed session, pursuant to Government Code Section 54957.6 to review the status of labor negotiations and to provide instructions to the City's negotiators, Greg Nyhoff, City Manager; Dania Torres Wong, and Burke Dunphy, City's labor attorneys. Employee organizations: International Association of Firefighters, AFL-CIO (IAFF), Local No. 1684; the Oxnard Peace Officers' Association (OPOA); Service Employees International Union CTW, CLC, Local 721 (SEIU Local 721); International Union of Operating Engineers AFL-CIO, Local No. 501 (IUOE Local 501); Oxnard Public Safety Management Employees' Association (Police Unit); Oxnard Public Safety Management Employees' Association (Fire Unit); and Oxnard Mid-Managers' Association. Unrepresented employees: Assistant City Manager, Chief Financial Officer, City Clerk, City Treasurer, Deputy City Manager, Development Services Director, Fire Chief, Housing Director, Human Resources Director, Redevelopment Services Manager, Library Director, Police Chief, Utilities Director (Department Directors); Assistant City Attorney, Deputy City Attorney, Law Office Manager, Human Resources Manager, Workers' Compensation Manager, Management Analyst III (C) (Confidential Mid-Managers); and Accountant II (C80), Accounting Technician (C67), Administrative Assistant (C70), Administrative Legal Assistant (C70), Administrative Legal Secretary I (C25), Administrative Legal Secretary II (C35), Administrative Legal Secretary III (C50), Administrative Secretary I (C15), Administrative Secretary II (C30), Administrative Secretary III (C40), Administrative Services Assistant (C70), Administrative Technician (C60), Employee Relations Coordinator (C67), Executive Assistant I (C80), Executive Assistant II (C85), Human Resources Technician (C70), Office Assistant I (C10), Office Assistant II (C20), Paralegal (C75), Safety Specialist (C72), Senior Administrative Legal Secretary (C65), Senior Administrative Secretary (C55), Senior Human Resources Coordinator (C75), Workers' Compensation Specialist (C69) (Confidential Employees).

At 6:14 p.m. the City Council reconvened and recessed to the evening session.

D. OPENING CEREMONIES

At 6:22 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 Jim McComb. Mayor Flynn presided. Additional staff members present were: Jeri Williams, Police Chief; James Williams, Fire Chief; Barbara Murray, Library Director; Matthew Winegar, Development Services Director; James Cameron, Chief Financial Officer; Carrie Sabatini, Interim Housing Director; Martin Erickson, Deputy City Manager; Michael Henderson, General Services Manager; Daniel Rydberg, Interim Utilities Director; Christina Aerenlund, Public Information Officer; Kymberly Horner, Interim Redevelopment Services Manager; Todd Housley, Environmental Resources Manager; Susan Duenas, Disaster Preparedness Coordinator and Eric S. Sonstegard, Police Commander.

E. CEREMONIAL CALENDAR

1. SUBJECT: Recognition of Community Emergency Response Team (CERT) Graduates (J. Williams)

DISCUSSION: The Fire Chief and Disaster Preparedness Coordinator commented on the CERT Program and the contributions of the volunteers.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from: Morey Navarro; Ed Ellis; Lee Cobb; Jim Milstead; Dan Pinedo; Daniel Lechlitter; Mike Barber; Dick Jaquez; Michael Stubblefield and George Miller.

G. TRANSMITTAL OF INFORMATION ONLY ITEMS

H. INFORMATION/CONSENT PUBLIC HEARINGS

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

1. SUBJECT: Planning and Zoning Permit No. 13-300-03 (Tentative Parcel Map), for Property Located at 701 Mandalay Beach Road. Filed by Kath McCunney with M3 Civil, Inc. on Behalf of Property Owners Bruce and Carolyn Matthias. (001)

RECOMMENDATION: Adopt **Resolution No. 14,710** approving Planning and Zoning Permit No. 13-300-03 (Tentative Parcel Map), subject to certain findings and conditions.

DISCUSSION: The Development Services Director reported that Planning Commission approved this item unanimously.

ACTION: Close the public hearing. (MacDonald/Ramirez) unanimously. Approved as recommended. (MacDonald/Ramirez). Ayes: Ramirez; MacDonald, Padilla, Perello and Flynn.

I. PUBLIC HEARINGS

J. APPOINTMENT ITEMS

K. REPORTS

L. REPORT OF CITY MANAGER/EXECUTIVE DIRECTOR/SECRETARY

1. SUBJECT: Internal Control Over Financial Reporting Related to Employee Leave Balances. (025)

RECOMMENDATION: Receive a report and provide comments.

DISCUSSION: The City Manager and Donna Torres-Wong reviewed internal findings, proposed corrections and definitions of types of leaves.

Public comments were received from: Joseph Contaoi; Mike Johnson; Jim Lavery; Daniel Lechlitter; Roger Brooks; Steve Nash and Aaron Starr.

The City Council discussed: past "leave" policy; being a transparent organization; the need for future changes and having the possible office of "controller/auditor" for the City.

ACTION: Received report and provided comments to staff.

M. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

1. SUBJECT: Verbal Update on Southern California Edison (SCE) Request for Offer Selection of NRG and Energy Commission Siting Permit Process.

RECOMMENDATION: Receive and file

DISCUSSION: The Principal Planner reviewed: 1) the selection of the NRG to place a power plant at Mandalay Beach; 2) California Public Utility Commission (CPUC) process; 3) the process for the NRG application to be certified; 4) finding to be made by CPUC; 5) roles of Commissioners/regulations; and 6) possible options including a letter of "Protest" and discussions with NRG.

Public comments were received from: Katharine Merrill; Dawn Gleriter NRG; Francine Castanon; Norm Bernstein; Howard Krevtzing; Chris Curry, NRG; Ron Whitehurst; Tony Skinner; Mike Barber; Janis McCormick; Michael Stubblefield, Sierra Club; Lupe Anguiano; Nancy Lindholm; Steve Huber; Lucas Zucker; Shirley Godwin; Daniel Lechlitter; George Miller; Larry Godwin; Steve Nash and Sandra Sunc.

The Council discussed several issues including: ability for public participation; moratorium of placing Power Plants along coast; other possible siting locations; local regulation; Coastal Commission authority regarding coastal site; sending a protest letter by December 31, 2014 and possible need to negotiate with NRG.

The City Manager stated he would contact Southern California Edison and NRG regarding the position of the City Council.

ACTION: Received report and directed staff to return to Council with a letter of "protest" and have staff contact Southern California Edison and NRG regarding this matter.

At 10:27 p.m., Mayor Flynn left the meeting and Mayor Pro Tem Ramirez presided. The Council concurred to act on the Information/Consent Agenda.

N. PUBLIC COMMENTS ON REPORTSO. PUBLIC COMMENTS ON STUDY SESSIONP. STUDY SESSIONQ. REVIEW OF INFORMATION/CONSENT AGENDA

Comments were received from: Interim Redevelopment Services Manager (S-1(c)); City Manager (S-2); Environmental Resources Manager (S-3); Development Service Director (S-4); General Services Manager (S-7); Library Director (S-9); Police Commander (S-11) and Interim Utilities Director (S-12).

R. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDAS. INFORMATION/CONSENT AGENDACity Manager Department

1. SUBJECT: Agreements for City Council Review. (031)
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.
2. SUBJECT: First Amendment to Agreement with Management Partners, Inc., for Interim Chief Financial Officer. (035)
RECOMMENDATION: Approve and authorize the City Manager to execute a First Amendment to the Agreement for Consulting Services with Management Partners, Inc. (6926-14-CM), in the amount of \$70,000 for an Interim Chief Financial Officer bringing the total amount of the contract to a not to exceed amount of \$195,000.
3. SUBJECT: Purchase Order with Accent Wire for Supply and Delivery of Material Recovery Facility Baling Wire. (045)
RECOMMENDATION: Approve and authorize the Mayor to execute a purchase order with Accent Wire in an amount not to exceed \$420,000 for supply and delivery of baling wire for recyclables for a three year term from December 16, 2014 to December 16, 2017.

Development Services Department

4. SUBJECT: Modification to Two Declarations of Restrictive Covenants on Properties Located at: 1) 561 Kinetic Drive (APN 216-0-231-01) and; 2) 2100 Solar Drive (APN 213-0-052-02) to Facilitate the Owners Obtaining Small Business Administration Loans. (049)
RECOMMENDATION: Approve and authorize the Mayor to execute modifications to the terms of two Declaration of Restrictive Covenants executed by previous owners in favor of the City of Oxnard.
5. SUBJECT: Planning and Zoning Permit No. 14-300-01 (Final Map for Tract 5796) The Colonial House Mixed-Use Project, Located at 705 N. Oxnard Boulevard (Southwest Corner of Oxnard Boulevard and Roderick Avenue). Filed by Caleb Roope on Behalf of Oxnard Pacific Associates. (061)

RECOMMENDATION: Adopt **Resolution No. 14,711** approving Planning and Zoning Permit No. 14-300-01 (Final Map for Tract 5796) for the subdivision of an improved 2.187-acre mixed-use development, located at 705 N. Oxnard Boulevard, into two parcels: one parcel for seven commercial condominium units and one parcel for forty-four rental apartments located at 705 N. Oxnard Boulevard and to authorize the Mayor to sign Final Tract Map 5796 on behalf of the City of Oxnard as beneficiary under deeds of trust recorded June 26, 2012.

6. SUBJECT: Second Reading of **Ordinance No. 2887** Approving Planning and Zoning Permit No. 14-630-02 (Specific Plan Repeal) to repeal the *Las Cortes Specific Plan* in its entirety. (071)
RECOMMENDATION: Second reading and adoption.

General Services Department

7. SUBJECT: Specification GS13-14 - Oxnard Transportation Center (OTC)-Heating and Air Conditioning System (HVAC) Upgrade and Solicitation of Public Bid. (073)
RECOMMENDATION: 1) Approve project Specification GS13-14 and plans for the upgrade of the Oxnard Transportation Center Heating and Air Conditioning System and authorize staff to solicit bids for the project; and 2) Approve a budget appropriation in the amount of \$600,000 from the fund balance of the TDA/LTF4-TRANS.FND-99400c to the Oxnard Transportation Center Heating and Air Conditioning System Upgrade Project No. 143105.
8. SUBJECT: Approval of Lowest Responsible Responsive Bid and Authorization to Issue and Execute a Contract for GS11-06 Campus Park Gym North Wing Tenant Improvements. (077)
RECOMMENDATION: 1) Award contract to the lowest responsible and responsive bidder, SBS Corporation (A-7737) in the amount of \$1,257,828.78 for GS11-06 Campus Park Gym North Wing Tenant Improvements, and authorize the purchasing agent to execute the contract upon receipt of final documents; and 2) Approve a budget appropriation in the amount of \$131,000 from Community Development Block Grant (CDBG) funds.

Library Department

9. SUBJECT: Ordinance for Public Library Rules of Conduct and Exclusion Process. (119)
RECOMMENDATION: Approve the first reading by title only and subsequent adoption of **Ordinance No. 2888** establishing the Oxnard Public Library Rules of Conduct and Exclusion Process.
10. SUBJECT: Approval of Five-Year Agreement with Polaris Library Systems for an Integrated Library System. (129)
RECOMMENDATION: Approve and authorize the Mayor to execute a five-year agreement with Polaris Library Systems (6962-14-LI) in the amount of \$397,733.00 for the purchase and maintenance of an integrated library system.

Police Department11. SUBJECT: Gang Injunction Prosecutor Contract. (169)

RECOMMENDATION: Approve and authorize the City Manager to execute a one-year agreement to fund one-half the cost of a full-time deputy district attorney with the Ventura County District Attorney's Office (A-7697). This deputy district attorney would prosecute virtually all gang injunction violation cases arising from the two injunctions in effect in the city. The cost of funding one-half of the full-time deputy district attorney position is approximately \$98,667.50.

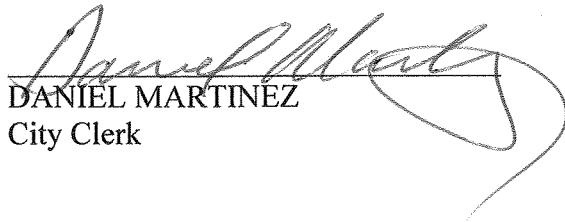
Utilities Department12. SUBJECT: Second Amendment to Water Supply Agreement between the City of Oxnard and Procter & Gamble Paper Products Company. (183)

RECOMMENDATION: Approve and authorize the Mayor to execute the Second Amendment to the Water Supply Agreement between the City of Oxnard and Procter & Gamble Paper Products Company (A-6168) to extend the expiration date to December 31, 2015.

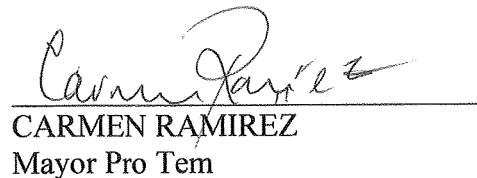
INFORMATION/CONSENT AGENDA ACTION: Approved as recommended. (MacDonald/ Padilla) Ayes: MacDonald, Padilla, Perello and Ramirez. Absent: Flynn.

T. ADJOURNMENT

At 10:52 p.m. the City Council concurred to adjourn the meeting.


DANIEL MARTINEZ
City Clerk


TIM FLYNN
Mayor


CARMEN RAMIREZ
Mayor Pro Tem