MINUTES
OXNARD CITY COUNCIL
Regular Meeting
October 20, 2015

A. ROLL CALL/POSTING OF AGENDA

At 6:07 p.m., the regular meeting of the Oxnard City Council convened in the Council Chambers concurrently with Oxnard Community Development Commission Successor Agency. 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.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

C. CLOSED SESSION

D. OPENING CEREMONIES

The meeting opened with the pledge of allegiance to the flag of the United States, followed by a moment of silence. 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; Stephen Fischer, Interim City Attorney; Jeri Williams, Police Chief; J Tobin Cosio, Human Resources Director; Kymberly Horner, Economic Development Director and Ashley Golden, Development Services Director.

E. CEREMONIAL CALENDAR

1. SUBJECT: Presentation of a Proclamation Designating October 13, 2015 as "Community Safety and Anti-Violence Day."
   DISCUSSION: The Police Chief commented on the need for the City to work with the community to create a "safer" environment.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from: Marisela Alatorre, (Police Chief); Pat Brown (pot hole fixed) and Lydia Kaplan (landscape districts).

The following individuals spoke against the proposed "utility" rate increase: Al Velasquez; Ventura Fernandez; Harold Ceja; Alicia Percell; Aaron Starr; Michael Gleason; George Miller; Inez Tuttle; Nancy Kobashigawa; Phillip Molina and Patrick Barrios.

The following individuals spoke supporting the Alfonso Limon family: Claudia Limon Regina Limon; Monica Morales; Karla Alejandra and Alejandra Limon.

G. REVIEW OF INFORMATION/CONSENT AGENDA

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Public comment was received from: Pat Brown (I-3).

I. INFORMATION/CONSENT AGENDA

City Clerk Department

1. SUBJECT: Minutes of the Regular Meetings of the Oxnard City Council for September 15, 2015; and Minutes of the Regular Meetings of the Oxnard Community Development Successor Agency for September 1, 15, 22 and October 6 and 13, 2015. (001)
RECOMMENDATION: Approve.

City Manager Department

2. SUBJECT: Agreements for City Council Review. (015)
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.

General Services Division

3. SUBJECT Second Reading and Adoption of **Ordinance No. 2897** Adding Section 7-93 to Article V of Chapter 7 (Graffiti) of the Oxnard City Code Authorizing Graffiti Abatement Cost Recovery Through the Juvenile Courts and Setting Costs and Expenses for Such Recovery. (017)
RECOMMENDATION: Second reading and adoption.

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

J. PUBLIC HEARINGS

K. APPOINTMENT ITEMS

L. REPORTS

Community Development Department

1. SUBJECT: Sixth Amendment to the RiverPark Owner Participation Agreement ("RiverPark OPA") and Corresponding Memorandum of Understanding. (021)
RECOMMENDATION: That the Oxnard Community Development Commission Successor Agency ("SA"): 1) Approve the proposed Sixth Amendment to the RiverPark OPA (A-5965) (Attachment 1) and authorize the Chairman (or designee) to execute the document with such non-substantive changes as may be acceptable to the SA's Interim General Counsel and SA Special Counsel; and 2) Authorize the Executive Director of the SA (or designee) to prepare, revise and sign all associated documents necessary to carry out and implement the Sixth Amendment to the RiverPark OPA (A-5965), and to administer the SA's obligations, responsibilities and duties thereto; and That the City Council of the City of Oxnard ("City"): 1) Approve the proposed Memorandum of Understanding ("MOU") (Attachment 4) and authorize the Mayor (or designee) to execute the document with such non-substantive changes as may be acceptable to the Interim City Attorney and City Special Counsel; and 2) Authorize the City Manager (or designee) to prepare, revise and sign all associated documents necessary to carry out and implement the MOU, and to administer the City's obligations, responsibilities and duties thereto.

DISCUSSION: The Economic Development Director reviewed proposed site of a "hotel" in the Riverpark area including: changes to Owner Participation Agreement (hotel type, rates, number of rooms), building of second hotel, approval rights and future sales taxes.

The Development Services Director stated an EIR was "not" necessary due to the fact that the site was zoned for hotel.

The Interim City Attorney reviewed entitlement right(s) of the developer.

Public comments received from: Larry Stein; Steve Nash; James Lavery; Aaron Starr and Pat Brown.

Andres Freeman, developer, commented on research to place hotel at the site and future projected sales taxes.

The City Council commented on: type of hotel to be sited at located; history of the RiverPark development; building a quality hotel and levee issue.

ACTION: Moved to have "Sixth Amendment to the "RiverPark OPA" and Corresponding Memorandum of Understanding" returned to staff in order to present other possible development options. (Flynn/Ramirez) Ayes: Perello, Flynn and Ramirez. Noes: MacDonald and Padilla.

RECESS

At 8:41 p.m., the City Council recessed and at 8:47 p.m., the City Council reconvened.

Q. STUDY SESSION

City Attorney Department

1. SUBJECT: Smoking Ordinance Study Session. (203)
RECOMMENDATION: Conduct a study session regarding a potential smoking ordinance and provide direction to staff.
DISCUSSION: The Interim City Attorney outlined: existing State regulations and options to the City Council regarding a possible "smoking" policy and need for public outreach including new municipal regulations, enforcement issues and violation penalties.

Public comments were received from: Rigoberto Vargas, Public Health Director; Primo Castro; Becky Haycox; Gabriel Teran; George Miller; Jack Villa; Kaz Iwamoto; Pat Brown; Vicky Gonzalez and Andrew Hernandez.

The City Council discussed several issues: public health issue of smoking; possible municipal "smoking" rules; smoking policy of other County cities and "smoking policy" of the Housing Authority.

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

L. REPORTS

Finance Department

3. SUBJECT: Review of Proposed New Internal Audit Program and Request for Proposal (RFP). (127)
   RECOMMENDATION: 1) Review and approve the proposed Internal Audit Program Charter; and 2) Review and approve the proposed Request for Proposals for Internal Audit Program services.
   ACTION: The City Council concurred to continue to future date.

Human Resources Department

4. SUBJECT: Adoption of a Section 457 Deferred Compensation for Part-time, Temporary and Seasonal Employees. (187)
   RECOMMENDATION: 1) Adopt a resolution authorizing the establishment of the Part-time, Temporary, and Seasonal 457(b) deferred compensation plan; and 2) Authorize the City Manager or designee to execute an agreement with the International City Management Association Retirement Corporation ("ICMA-RC") for administration of the plan.
   DISCUSSION: The Human Resources Director outlined the need to approve the resolution to provide a 457(b) deferred compensation plan.

   Public comments were received from: Larry Stein and George Miller.

   The City Council discussed providing (part-time, temporary and seasonal) employees with a retirement option.

   ACTION: Approved as recommended, adopting **Resolution No. 14, 866**. (MacDonald/Perello). Ayes: Padilla, Perello, Flynn, Ramirez and MacDonald.

Fire Department

5. SUBJECT: Verbal Report on Evacuation Procedures for the City of Oxnard in the Event of a Major Emergency.
   RECOMMENDATION: Receive and consider report.
   ACTION: The City Council concurred to continue to future date.

RECESS

At 10:16 p.m., the City Council recessed while the Community Development Commission Successor Agency held a meeting and at 10:57 p.m., the City Council reconvened.

SUCCESSOR AGENCY

At 10:57 p.m. the joint meetings with the Community Development Commission Successor Agency concluded.

M. REPORT OF CITY MANAGER/EXECUTIVE DIRECTOR/SECRETARY

1. SUBJECT: Verbal Report of Implementation Action Plan Agreements.
   RECOMMENDATION: Receive the report on agreements with Renee Sloan Holtzman Sakai, LLP. in the amount of $98,000 for assistance with the Implementation Action Plan (Bob Deis) and an agreement with Management Partners in the amount of $75,000 for assistance with implementation of priority base budgeting and financial advisory.
   ACTION: The City Council concurred to continue to future date.

The City Manager commented on the "hard work" of City employees.

N. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

The Council discussed: graffiti on Santa Clara bridge (MacDonald) and upcoming Veteran's Day events (Flynn).

O. PUBLIC COMMENTS ON REPORTS

P. PUBLIC COMMENTS ON STUDY SESSION

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comment was received from: Larry Stein.

R. ADJOURNMENT

At 11:27 p.m. the City Council concurred to adjourn the meeting.

Daniel Martinez
DANIEL MARTINEZ
City Clerk

Tim Flynn
TIM FLYNN
Mayor