MINUTES
OXNARD CITY COUNCIL
Special Meeting
November 27, 2017

A. ROLL CALL/POSTING OF AGENDA

At 5:38 p.m., Mayor Flynn called to order the special meeting of the Oxnard City Council in the City Hall Council Chambers, 305 W. Third Street, Oxnard, California. The City Clerk called the roll and announced the posting of the agenda. Councilmembers Bryan A. MacDonald, Oscar Madrigal, Bert Perello, Mayor Pro Tem Carmen Ramirez, and Mayor Tim Flynn were present.

Staff members present were Greg Nyhoff, City Manager; Stephen Fischer, City Attorney; Jesús Nava, Assistant City Manager; Ruth Osuna, Assistant City Manager; and Michelle Ascencion, City Clerk.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS (None)

Public comments were received from Lawrence Stein, Steve Nash, and Hector.

C. CLOSED SESSION

The Mayor read the following closed session statement:

"The City Council will recess 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 regarding the notice of violation regarding City elections dated October 7, 2017 by Jason Dominguez."

At 5:48 p.m., the City Council recessed to a closed session. At 6:38 p.m. the City Council reconvened in open session in the Council Chambers. The City Attorney announced that there were no reportable actions out of closed session.

D. OPENING CEREMONIES

The flag salute was followed by a moment of silence.

Additional staff members present at this time were Robert Hearne, Interim City Engineer; Karen Moore, Assistant City Clerk; and Jason Zaragoza, Deputy City Attorney.

Mayor Flynn announced that Item E-3 would be heard ahead of Item E-2.

E. REPORTS

City Attorney Department

1. SUBJECT: Resolution Declaring Intent to Transition to District-Based Elections.
RECOMMENDATION: 1. That City Council consider the adoption of **Resolution No. 15,068** declaring its intent to transition from at-large to district-based elections for

members of the City Council pursuant to Elections Code Section 10010.
2. If the City Council adopts the resolution declaring its intent to transition to district-based elections, that the City Council authorize the Mayor to execute an agreement with National Demographics Corporation for demographic services relating to the drawing of districts in a not-to-exceed amount of $70,000.
3. If the City Council chooses to adopt the resolution declaring its intent to transition to district-based elections, that the City Council provide direction to staff whether it wishes to consider increasing the number of City Council seats.

The City Attorney gave a report. Public comments were received from Lawrence Stein, Arthur Valenzuela Jr., Dave Rodriguez, George Miller, Lupe Anguiano, Eileen Tracy, Manuel Herrera, Lucy Cartagena, Erin Merrill, Al Velasquez, Alicia Percell, Aaron Starr, Jack Villa, and Barbara Macri-Ortiz.

Discussion ensued among the Council and staff.

It was moved by Mayor Pro Tem Ramirez, seconded by Councilmember Madrigal, to approve Recommendation #1 (adoption of the resolution) as presented. VOTE: Flynn, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 5-0.

It was moved by Councilman MacDonald, seconded by Councilmember Madrigal, to approve Recommendation #2 (execution of National Demographics Corporation agreement) as presented. VOTE: Flynn, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 5-0.

It was moved by Councilman MacDonald, seconded by Mayor Flynn, to direct staff to examine the options of having four districts or six districts. VOTE: Flynn, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 5-0.

<u>City Attorney Department</u>

3. <u>SUBJECT</u>: Utility Fee Adjustment Ordinance and Procedures.
<u>RECOMMENDATION</u>: That City Council:
1. Approve the first reading by title only and waive further reading of an ordinance amending section 2-183 of the Oxnard City Code ("OCC") concerning refunds of taxes, assessments and utility fees; and
2. Adopt **Resolution No. 15,069** creating an administrative appeal process for parties seeking adjustment or refund of utility fees.

The Deputy City Attorney gave a report. Public comments were received from Eileen Tracy and Barbara Macri-Ortiz. Discussion ensued among the Council and staff.

It was moved by Councilman MacDonald, seconded by Councilmember Perello, to approve staff's recommendation as presented. VOTE: Flynn, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 5-0.

<u>Finance Department</u>

2. <u>SUBJECT</u>: Agreement with Resource X for Priority Based Budgeting Tools and Implementation in the Amount of $50,000.

RECOMMENDATION: That the City Council approve an agreement with Resource X in the amount of $50,000 for use of Priority Based Budgeting Tools and Implementation of Priority Based Budgeting, contingent upon final approval by risk management and city attorney of all applicable requirements. Funding will initially be from the City's Non-departmental account, but will be included in the FY18-19 annual budget for all funds.

Assistant City Manager Nava and Chris Fabian, co-founder of Resource X gave a report. Discussion ensued among the Council, staff, and Mr. Fabian.

It was moved by Mayor Pro Tem Ramirez, seconded by Councilmember Perello, to approve staff's recommendation as presented. VOTE: Flynn, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 5-0.

Public Works Department

4. SUBJECT: Award Contract for Street Overlays Project--Phase I PW 18-02.
RECOMMENDATION: That City Council:
1. Award and authorize the Mayor to execute Agreement A-8024 with Toro Enterprises, Inc., in the amount of $3,767,700 for the Streets Overlay Project—Phase I PW 18-02;
2. Approve an additional appropriation of $400,000 as a contingency for the Streets Overlay Project—Phase I PW 18-02; and
3. Approve an appropriation of $4,167,700 from Street Maintenance Fund 105 to Street Overlay Project—Phase I (Non-Capital) Project No. 18IN03.

The Interim City Engineer gave a report. Public comments were received from Pat Brown and Jackie Tedeschi. Discussion ensued among the Council and staff.

It was moved by Councilman MacDonald, seconded by Mayor Flynn, to approve staff's recommendation as presented. VOTE: Flynn, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 5-0.

F. ADJOURNMENT

There being no further business on the agenda, and without objection, Mayor Flynn adjourned the meeting at 9:03 p.m.

Michelle Ascencion
MICHELLE ASCENCION, CMC
City Clerk

Tim Flynn
TIM FLYNN
Mayor