MINUTES
OXNARD CITY COUNCIL
Regular Meeting
December 12, 2017

A. ROLL CALL/POSTING OF AGENDA

At 5:07 p.m., Mayor Flynn called to order the regular 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 and a notice of adjournment for two closed session items. Councilmembers Bryan A. MacDonald, Bert Perello, Mayor Pro Tem Carmen Ramirez, and Mayor Tim Flynn were present; Councilmember Oscar Madrigal was absent (arrived at 5:35 p.m.).

Staff members present were Greg Nyhoff, City Manager; Stephen Fischer, City Attorney; Jesús Nava, Assistant City Manager; Ruth Osuna, Assistant City Manager; Jim Throop, Chief Financial Officer; Karen Moore, Assistant City Clerk; and Michelle Ascencion, City Clerk.

B. OPENING CEREMONIES

The flag salute was followed by a moment of silence.

The City Council heard the Appointment Item (D-1) ahead of the Ceremonial Calendar (Items C-1 and C-2).

D. APPOINTMENT ITEMS

Finance Department

1. SUBJECT: Substitution of Letter of Credit Provider, Appointment of New Remarketing Agent, and Remarketing of City of Oxnard Financing Authority Variable Rate Demand Wastewater Bonds, 2004 Series B.
   RECOMMENDATION: That City Council:
   1. Adopt **Resolution No. 15,073** authorizing the provision of a new Letter of Credit for the City of Oxnard Financing Authority's outstanding Variable Rate Demand Wastewater Revenue Bonds (Headworks and Septic System Conversion Projects), 2004 Series B, the remarketing of such bonds in connection therewith, and the amendment of certain documents in connection therewith, and approving certain documents and authorizing certain actions in connection therewith; and
   2. Approve an appropriation of $225,000 from the Wastewater Collection Operating Fund (611) and Wastewater Treatment Operating Fund (621) to pay the upfront cost of remarketing the 2004 bonds.

   That City of Oxnard Financing Authority:
   3. Adopt **Financing Authority Resolution No. 49** authorizing the provision of a new Letter of Credit for its outstanding Variable Rate Demand Wastewater Revenue Bonds (Headworks and Septic System Conversion Projects), 2004 Series B, the remarketing of such bonds in connection therewith, and the amendment of certain documents in connection therewith, and approving certain documents and authorizing certain actions in connection therewith.

Assistant City Manager Nava, the Chief Financial Officer, and financial advisor Phillip Curls of FirstSouthwest, gave a report. (Councilmember Madrigal arrived during this time.)

Public comments were received from Jim Lavery, Alicia Percell, Aaron Starr, Lawrence Stein, and Al Velasquez.

Discussion ensued among the Council, staff, Mr. Curls, and bond counsel Lewis Feldman of Feldman Law Group.

It was moved by Mayor Pro Tem Ramirez, seconded by Councilman MacDonald, to approve staff's recommendation as presented. VOTE: Flynn, MacDonald, Madrigal, and Ramirez voted in favor; Perello voted against, as his motion to make an amendment that would consider the outcome of the pending Measure M litigation, was not entertained. The motion carried 4-1.

C. CEREMONIAL CALENDAR

Additional staff members present at this time were Ingrid Hardy, Cultural and Community Services Director; Phillip Molina, City Treasurer; Steve Naveau, Human Resources Director; Thien Ng, Interim Public Works Director; Kathleen Mallory, Planning Division Manager; Kenneth Rozell, Assistant City Attorney

1. SUBJECT: Congratulations to the City Treasurer's Staff for Receiving the Coveted Certification for the City of Oxnard's Investment Policy from California Municipal Treasurers Association (CMTA).

The City Treasurer made some comments and introduced his staff. Mayor Flynn congratulated the City Treasurer's office.

2. SUBJECT: Visitor from the North Pole.

Santa Claus announced the upcoming Santa Float schedule and wished everyone a Merry Christmas.

E. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from Jackie Tedeschi (announced upcoming INCO meeting), Julie Miller Kalbacher (Thomas Fire, water education, upcoming Planning Commission meeting), Daniel Kalbacher (upcoming Planning Commission meeting), Cindy Hulsey (Halaco homeless encampment), Pat Brown (trucks on Oxnard Boulevard), Al Velasquez (Halaco homeless encampment), Lawrence Stein (city responses to public questions), Stephen Fleischer (upcoming Planning Commission meeting), Daniel Chavez Jr. (Thomas Fire, public comment speaking time), Raymond Mendez (Halaco homeless encampment), and Alicia Percell (parliamentary procedure).

F. REPORT OF CITY MANAGER

The City Manager reported on the recent fire emergency and power outage, and city staff's role in assisting the community during these events.

City Manager Department

1. SUBJECT: **Resolution No. 15,072** of the City Manager of the City of Oxnard Declaring an Emergency (for Public Bidding Purposes Only) Due to the Thomas Fire Throughout the County of Ventura, Making Findings Therefor, and Ordering that All City Facilities be Immediately Repaired and/or Replaced as Needed.
   RECOMMENDATION: That City Council:
   1. Receive and file an oral report from the City Manager; and
   2. Approve the need to continue the emergency bidding action if the City Manager has not already terminated it.

The City Manager gave a report on the emergency resolution.

Public comments were received from Lucy Cartagena, Lawrence Stein, Alicia Percell, Al Velasquez, and Cindy Hulsey.

Discussion ensued among the Council and staff.

It was moved by Councilmember Perello, seconded by Councilman MacDonald, to approve the need to continue the emergency bidding action. VOTE: Flynn, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 5-0.

G. CITY COUNCIL REPORTS

Councilmember Madrigal expressed condolences to the victims of the Thomas Fire and commended people who have assisted the victims.

Mayor Pro Tem Ramirez commented on the beginning of Hanukkah, and expressed gratitude for the way the community has come together to assist the Thomas Fire victims.

Councilman MacDonald commented on the first responders' efforts in fighting the Thomas Fire and assisting those affected by the disaster. He stated that he is unable to attend tomorrow's special meeting as he had already committed to attending a community event at the same time.

Councilmember Perello thanked the people who helped make the Downtown Christmas Parade a success. He reported on attending a performance of the Nutcracker at the Performing Arts Center. He encouraged city Planning Commissioners to visit the fire disaster sites, and commented on various other Thomas Fire related matters. He commended the INCO on its sock drive for the holidays. He thanked the City Manager for his service.

Mayor Flynn announced the upcoming Chabad of Oxnard Hanukkah event at The Collection.

H. REVIEW OF INFORMATION/CONSENT AGENDA

Items J-1, J-2(B), J-2(C), J-3, were discussed among the Council and staff.

I. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Public comments were received from Lawrence Stein.

J. INFORMATION/CONSENT AGENDA

City Clerk Department

1. SUBJECT: Minutes of the November 7, 2017 Regular Meeting, November 14, 2017 Regular Meeting, November 27, 2017 Special Meeting, and the November 28, 2018 Regular Meeting.
RECOMMENDATION: That the City Council approve the Minutes as presented.

City Manager Department

2. SUBJECT: Agreements for City Council Review.
RECOMMENDATION: That City Council, pursuant to Ordinance No. 2835, and Resolution No. 13,932, approve and authorize the City Manager to execute the following agreements/contracts and change orders/amendments in amounts more than $25,000 but no more than $250,000:
A. Safety-Kleen Systems, Incorporated (A-7988) for removal, transportation and recycling of household hazardous waste material such as antifreeze, used oil, batteries and water based paint ($100,000).
[REMOVED] B. Atkinson, Andelson, Loya, Ruud, & Romo (7866-17-HR) as needed-employee investigative consulting services ($225,000).
C. Tri County Office Furniture (Purchase Order No. 6609) for the purchase of tables and chairs for two training/briefing rooms at the Police Department's Sturgis Building ($39,820).

Cultural and Community Services Department

3. SUBJECT: Continuing Development Incorporated Lease Agreement at South Oxnard Center.
RECOMMENDATION: That City Council:
1. Authorize the City Manager to execute a lease agreement with Continuing Development, Incorporated (CDI) for a portion of South Oxnard Community Center, 200 East Bard Road; and
2. Approve a budget appropriation recognizing the net increase of rental income in the amount of $1,148 to Recreation Lease Revenue Account.

Police Department

4. SUBJECT: Supplemental Law Enforcement Services Fund.
RECOMMENDATION: That City Council:
1. Recognize $317,892 in grant revenue from the State Supplemental Law Enforcement Services Fund (SLESF) for Citizens Option for Public Safety (COPS) Program.
2. Approve a budget appropriation in the amount of $317,892 for a Force Option Simulator (FOS) training system, FOS room remodel, Word Processing remodel and Body Worn Camera agreement.
3. Authorize the Chief Financial Officer or designee to approve additional budget appropriations if awarded.

It was moved by Councilmember Perello, seconded by Mayor Pro Tem Ramirez, to remove Item J-2(B) until more information could be obtained, and approve the balance of the Information/Consent items as presented. VOTE: Flynn, MacDonald, Madrigal, Perello, and Ramirez voted in favor, the motion carried 5-0 [item J-2(B) removed].

K. PUBLIC HEARINGS

Development Services Department

1. SUBJECT: Planning and Zoning Permit Nos. 17-620-03 (General Plan Amendment); 17-560-03 (Pre-Zoning); and 17-610-03 (Annexation). Property Located at 4600 Olds Road (APN: 232-0-010-06) Ocean View Annexation.
   RECOMMENDATION: That the City Council:
   1. Adopt a resolution to approve Planning and Zoning Permit No. 17-620-03 (General Plan Amendment), subject to certain findings and conditions; and
   2. Introduce for first reading by title only (and waive further reading) an Ordinance approving Planning and Zoning Permit No. 17-560-03 (Pre-zoning), subject to certain findings and conditions; and
   3. Approve Planning and Zoning Permit No. 17-610-03 (Annexation), subject to certain findings and conditions.

The City Clerk announced the affidavit of publication and stated that no written communications had been received.

The Planning Division Manager gave a report.

Mayor Flynn opened the public testimony portion of the public hearing. As no members of the public requested to speak, without objection, the Council approved closing the public testimony portion of the public hearing. 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.

City Attorney Department

2. SUBJECT: First Public Hearing Regarding Composition of Possible City Council Districts.
   RECOMMENDATION: That City Council hold a public hearing to review the districting process for City Council elections and receive public input regarding the composition of potential City Council districts.

The City Clerk announced the affidavit of publication and stated that four written communications had been received.

The Assistant City Attorney gave a brief report and introduced Robert McEntire of National Demographics Corporation, who gave a report.

Mayor Flynn opened the public testimony portion of the public hearing. Public comments were received from Lawrence Stein, Sergio Lagunas, Al Velasquez, Lucy Cartagena, Steve Fleischer, Steve Nash, Pat Brown, Greg Runyon, Aaron Starr, Alicia Percell, Barbara Macri-Ortiz, Arthur Valenzuela Jr., Roy Prince, and Gabriel Teran.

Without objection, the Council approved closing the public testimony portion of the public hearing. Discussion ensued among the Council and staff. No action was taken.

CLOSED SESSION (adjourned items from the City Council December 11, 2017 Special Meeting)

Mayor Flynn read the following closed session statement:

"The City Council will recess to a closed session, pursuant to Government Code section 54957(b)(1), evaluation of public employee, City Manager. The City Attorney requested that this item be discussed in closed session under the Brown Act exception of Government Code section 54957(b)(1) (public employee performance evaluation).

The City Council will also recess to a closed session, pursuant to Government Code section 54957(b)(1), public employment, Interim City Manager. The City Attorney requested that this item be discussed in closed session under the Brown Act exception of Government Code section 54957(b)(1) (public employment)."

At 10:17 p.m., the City Council recessed to a closed session. At 10:53 p.m. the City Council reconvened in open session in the Council Chambers. The City Attorney announced that the City Council had accepted the resignation of City Manager Greg Nyhoff, effecting January 5, 2018.

L. ADJOURNMENT

There being no further business on the agenda, and without objection, Mayor Flynn adjourned the meeting at 10:54 p.m.

Tim Flynn 1/10/18

MICHELLE ASCENCION, CMC
City Clerk

TIM FLYNN
Mayor