MINUTES
OXNARD CITY COUNCIL
Regular Meeting
July 10, 2018

A. ROLL CALL/POSTING OF AGENDA

At 4:32 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. Councilmembers Bryan A. MacDonald, Oscar Madrigal, Bert Perello, Mayor Pro Tem Carmen Ramirez, and Mayor Tim Flynn were present.

Staff members present were Alexander Nguyen, City Manager; Stephen Fischer, City Attorney; and Michelle Ascencion, City Clerk.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS (None received.)

C. CLOSED SESSION

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."

At 4:33 p.m., the City Council recessed to a closed session. At 5:04 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 Jesús Nava, Assistant City Manager; Ashley Golden, Interim Assistant City Manager; Darwin Base, Fire Chief; Arturo Casillas, Housing Director; Scott Whitney, Police Chief; Lisa Boerner, Purchasing Manager; Sandra Burkhart, Special Districts Administrator; Jay Duncan, Public Works Customer Services Manager; Kathleen Mallory, Planning Division Manager; Deanne Purcell, Assistant Chief Financial Officer; Chelsea Reynolds, Interim Cultural and Community Services Director; Kenneth Rozell, Assistant City Attorney; Denise Shadinger, Police Commander; and Karen Moore, Assistant City Clerk.

E. CEREMONIAL CALENDAR

1. SUBJECT: Oath of Office for City Manager Alexander Nguyen.

The City Clerk administered the oath of office to the City Manager. The Council and Mayor made some remarks and the City Manager made some remarks.

The meeting took a brief break from 5:15 p.m. to 5:27 p.m. Public comments for the new City Manager were received from Laura Reige, Yvonne Gutierrez, Ailien Dang, Roy Prince, Manuel

Herrera, Edward Castillo, Lupe Anguiano, Danny Carrillo, Julie Pena, Karl Lawson, Peggy Rivera, Cynder Sinclair, Genevieve Flores-Haro, and Dan Pinedo.

F. APPOINTMENT ITEM

Finance Department

1. SUBJECT: Corrective Action Plan Update.
   RECOMMENDATION: That the City Council receive and file an update on the City's adopted Corrective Action Plan (CAP), which concerns the 135 audit findings stemming primarily from the FY2015 annual audit.

The Assistant Chief Financial Officer gave a report. Public comments were received from Phillip Molina. Discussion ensued among the Council and staff. No action was taken.

G. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from Jackie Tedeschi (invited City Manager to attend Inter-Neighborhood Council Organization meetings), Steve Nash (family separation at the border), Woodrow Thomas Sr. (status of his claims against the city), Martin Jones (city's past audits), Manuel Herrera (city's budget issues and management problems), Francisco Zapien (parking at Villa Victoria Apartments), Michael Gleason (interaction with city staff, landscape maintenance districts), Brian Paumier (invited City Manager to visit the Carnegie Art Museum), Edward Castillo (accountability and transparency), Ymelda Estrada (parking at Villa Victoria Apartments), Daniel Kalbacher (issue with gate near his complex), Julie Kalbacher (issue with gate near her complex), Larry Barbarine (veteran memorial exhibits, recent gang murders, "opportunity zones"), Elena Salaverria (parking issues in the neighborhoods around Doris Avenue), Daniel Chavez Jr. (accountability and transparency), and Greg Runyon (homelessness).

H. REPORT OF CITY MANAGER

Public comments were received by Larry Stein (seeking responses to his budget questions from the City Manager's office).

I. CITY COUNCIL REPORTS

Councilmember Madrigal commented on parking issues in the city and the need for curb cuts, the recent Downtown end-of-the-year celebration, the La Colonia neighborhood meeting, a "Families Belong Together" rally in Camarillo, illegal fireworks, a concert and dance at Palm Vista Senior Center, the City Clerk's candidate education session, recent homicides in the city and the need to reach the youth in the community.

Mayor Pro Tem Ramirez commented on the need to reach the youth in the community, curbing gun violence, the recent League of Cities conference, a rally in support of immigrants, and the City Manager's contract.

Councilman MacDonald commented on recently hosting visiting exchange students in his home, and announced upcoming meetings of the Gold Coast Transit board, Fiscal Policy Task Force, Utilities Task Force, Ventura County Transportation Commission, and the LOSSAN board.

Councilmember Perello commended the City Corps members who assisted with the recent Vietnam Memorial Wall exhibit, an upcoming Ventura County Military Collaborative meeting, recent homicides in the city and community involvement, an upcoming Channel Islands Harbor task force meeting, parking problems at Villa Victoria, the City Clerk's candidate education session, and the city's financial issues.

Mayor Flynn commented on neighborhood councils initiating parking permit programs, and utilitzing senior volunteers to intervene for at-risk youth. The Police Chief gave a brief report about the recent homicides in the city.

J. REVIEW OF INFORMATION/CONSENT AGENDA

Items L-1, L-3, L-9, and L-15 were discussed among the Council and staff.

K. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Public comments were received from Armando Vasquez, Rebecca Madigan, Michael Gleason, Margaret Cortese, Jackie Tedeschi, Dan Pinedo, and Barbara Macri-Ortiz.

L. INFORMATION/CONSENT AGENDA

City Attorney Department

1. SUBJECT: Response to Grand Jury Report - Campaign Signs.

(This item was tabled until the next meeting.)

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. Tomahawk Strategic Solutions (8092-17-FI) to provide tactical emergency training services ($13,500).
B. Granite Construction (Purchase Order No. 6924) for hot asphalt material for street pavement repair ($200,000).
C. Vulcan Materials (Purchase Order No. 6912) for hot asphalt material for street pavement repair ($50,000).
D. WBCP, Inc. (8198-18-CO) to close out City Manager Executive Recruiter contract ($2,620).

Cultural and Community Services Department

3. SUBJECT: Cultural Arts Grants.
RECOMMENDATION: That the City Council approve the disbursement of recommended grant awards from the Art in Public Places fund to Oxnard-based legacy and emerging

organizations and Oxnard-based artists (emerging, mid-career and collaborative) named in Attachment A, as part of the 2018/19 Cultural Arts Grant program.

Finance Department

4. SUBJECT: City of Oxnard General Fund Loan to LMD 31 Rancho De La Rosa.
RECOMMENDATION: That City Council approve and authorize:
1. The Mayor to execute Agreement No. A-8072 between the City of Oxnard and Landscape Maintenance District 31 – Rancho De La Rosa for a loan in the amount of $45,000 plus 2.9% interest to fund the replacement of fencing at LMD 31 Rancho De La Rosa;
2. The obligation created by this Agreement as memorialized by the Promissory Note and the Chief Financial Officer is authorized to effectuate this loan;
3. A budget appropriation in the amount of $45,000 to LMD 31 Rancho De La Rosa (Fund 157) for replacement of fencing (Fenceworks, Inc. 8242-18-FN).

5. SUBJECT: Annual Report on Development Impact Fees.
RECOMMENDATION: To receive and file the annual development impact fee report (AB1600) to the City Council for the fiscal year ended June 30, 2017.

Fire Department

6. SUBJECT: Agreement Amendment - Coastal Occupational Medical Group.
RECOMMENDATION: That City Council approve the first amendment to Agreement 7153-15-FI with Coastal Occupational Medical Group in the amount of $300,000 for pre-employment and annual medical examinations as part of the Fire Department's Wellness Program and to provide consultation and treatment following communicable disease exposures.

7. SUBJECT: Agreement Amendment - Performance Wellness.
RECOMMENDATION: That City Council approve the First Amendment to Agreement 7152-15-FI with Performance Wellness and Injury Prevention, Inc. in the not to exceed amount of $280,000 for Fitness Services (quarterly and annual evaluations) as part of the Fire Department's Wellness/Fitness Program.

8. SUBJECT: Oxnard Fire Department to Offer Advanced Life Support Services.
RECOMMENDATION: That City Council:
1. Adopt **Resolution No. 15,156** authorizing the Oxnard Fire Department to participate in the Ventura County Emergency Medical Services Agency Advanced Life Support (ALS) System;
2. Approve and authorize the City Manager to execute a three-year Agreement 8283-18-FI with Dr. Todd Larsen in the amount of $121,290, not to exceed $40,430 per year; and
3. Approve and authorize the Mayor to execute Agreement A-8092 with Ventura County Emergency Medical Services Agency, a no-cost agreement, to allow Oxnard to participate in the County Emergency Medical Services system.

Police Department

9. SUBJECT: MOUs with School Districts.
RECOMMENDATION: That City Council approve and authorize the City Manager to

execute the cost-sharing memoranda of understanding (MOU's) between the: Rio School District (RSD), Hueneme School District (HSD), Oxnard School District (OSD), and the Oxnard Union High School District (OUHSD) for the School Resource Officer (SRO) Program.

10. SUBJECT: Response to Grand Jury Report Titled "Grand Jury Annual Detention Report."
RECOMMENDATION: That City Council authorizes the Mayor, the City Manager, and the Police Chief to respond, on behalf of the City Council, to the Grand Jury Report titled "Grand Jury Annual Detention Report" dated May 16, 2018, in the form included as Attachment B.

Public Works Department

11. SUBJECT: Award Contract for Desalter Reverse Osmosis Membrane Procurement Project PW 18-25.
RECOMMENDATION: That City Council award and authorize the Mayor to execute Purchase Order No. 6788 in the amount of $415,426 for the Desalter Reverse Osmosis Membrane Procurement Project PW 18-25 with Toray Membrane USA, Inc.

12. SUBJECT: Approve the First Amendment to Agreement A-7929 with Univar USA, Inc.
RECOMMENDATION: That City Council approve and authorize the Mayor to execute the First Amendment with Univar USA, Inc. for the increased cost per gallon for chemicals.

13. SUBJECT: Hazard Mitigation Grant Program Application Resolution and Agreement.
RECOMMENDATION: That City Council:
1. Adopt **Resolution No. 15,157** authorizing the City Manager to submit applications up to $15,030,000 in California Governor's Office of Emergency Services (Cal OES) grant funds; and
2. Award and authorize the Mayor to execute Agreement No. 8231-18-PW with M6 Consulting in the amount of $175,000.

14. SUBJECT: Purchase Order with Accent Wire for Supply and Delivery of Material Recovery Facility Baling Wire.
RECOMMENDATION: That City Council approve and authorize the Mayor to execute a purchase order with ADSG, Inc. dba Accent Wire-Tie, in an amount not to exceed $400,000 for supply and delivery of baling wire for recyclables for a three year term, effective June 1, 2018, to May 31, 2021.

15. SUBJECT: Utility Rate Assistance Program.
RECOMMENDATION: That the City Council:
1. Receive an update on the first year of "Project Assist" that began July 1, 2017;
2. Approve the second year of the utilities rate assistance program called Project Assist, effective July 1, 2018, to assist low-income Oxnard residential customers, and authorize staff to grant financial relief equal to a $10.00 credit for the monthly utility service charged to customers who meet the eligibility requirements discussed in Resolution No. 15,008, adopted by Council on April 25, 2017; and
3. Authorize staff to direct up to $100,000 in Fiscal Year 2018-2019 from penalty fees charged to current customers who pay their bills late to fund Project Assist.

It was moved by Mayor Pro Tem Ramirez, seconded by Mayor Flynn, to table Item L-1 until the next meeting. VOTE: Flynn, MacDonald, Madrigal, Perello, and Ramirez voted in favor, the motion carried 5-0.

It was moved by Councilman MacDonald, seconded by Mayor Pro Tem Ramirez, to approve the remaining Information/Consent items (L-2 through L-15) as presented. VOTE: Flynn, MacDonald, Madrigal, Perello, and Ramirez voted in favor, the motion carried 5-0.

M. PUBLIC HEARINGS

Development Services Department

1. SUBJECT: Appeal of Planning Commission's Decision on Planning and Zoning Permit No. 17-400-04 (Coastal Development Permit); Beachfront Residence at 1125 Capri Way (APN191-0-091-045).
   RECOMMENDATION: That City Council adopt **Resolution No. 15,158** upholding the Planning Commission's approval of Planning and Zoning Permit No. 17-400-04 (Coastal Development Permit), subject to certain findings and conditions set forth in Planning Commission Resolution No. 2018-11.

The City Clerk announced the affidavit of publication and stated that four written communications had been received. The Planning Division Manager gave a report. The appellants, David and Faith Grant, gave a report. Attorney Ted Schneider and architect Martha Picciotti gave reports on behalf of the applicants, Jeff and Rita Weiss.

Mayor Flynn opened the public testimony portion of the public hearing. Public comments were received from Matthew Winegar, Ken Tratner, Brian Dror, and Larry Stein.

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 Councilmember Perello, seconded by Mayor Pro Tem Ramirez, to approve the recommended action as presented. VOTE: Flynn, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 5-0.

Housing Department

2. SUBJECT: Public Hearing 2013-17 Consolidated Plan (Extending the Plan for an Additional Two Plan Years, 2018 and 2019); FY2018-19 CDBG, HOME, and ESG Annual Action Plan Funding Recommendations; and Amended Citizens' Participation Plan.
   RECOMMENDATION: That the City Council:
   1. Conduct a public hearing to consider public testimony regarding project funding recommendations for use of entitlement grant funds;
   2. Approve the 2018 Annual Action Plan (AAP) with final recommended use of funds for the three entitlement grants, Community Development Block Grant (CDBG), Home Investments Partnership (HOME) grant and the Homeless Emergency Solutions Grant (HESG);
   3. Approve the 2nd amendment to the 2013-17 Consolidated Plan (ConPlan), extending

the plan for an Additional Two Plan Years, 2018 and 2019;
4. Approve an Amended Citizens' Participation Plan (CPP);
5. Authorize the City Manager to make any changes to the AAP, Consolidated Plan, and amended CPP, as directed by the City Council, including amending any budget appropriations approved by the City Council and requiring amendment to reflect the additional federal funding received.
6. Authorize the City Manager to execute the required applications, certifications, and other pertinent documents for the submission of the ConPlan and AAP to the U.S. Department of Housing and Urban Development (HUD);
7. Authorize the City Manager to execute HUD agreements and sign all agreements for the implementation of the ConPlan and AAP including subrecipients, interdepartmental, and intradepartmental agreements.

The City Clerk announced the affidavit of publication and stated that no written communications had been received. The Housing Director gave a report.

Mayor Flynn opened the public testimony portion of the public hearing. Public comments were received from Cynder Sinclair, Pastor Sam Gallucci, Molly Corbett, Hank Laubacher, Barbara Macri-Ortiz, Steve Nash, Larry Stein, Ed Espinoza, Laura Kirchnoit, and Pat Brown.

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 Mayor Pro Tem Ramirez, seconded by Councilmember Madrigal, to approve the recommended action as presented. VOTE: Flynn, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 5-0.

(As it was after 10:00 p.m., the City Council voted unanimously for the following items to be heard.)

N. <u>REPORTS</u>

<u>Police Department</u>

1. <u>SUBJECT</u>: 2018/2019 Agreement with Ventura County Animal Services (VCAS) for Sheltering of Animals.
<u>RECOMMENDATION</u>: That City Council:
1. Receive a report from staff on animal safety services within the City.
2. Approve and authorize the Mayor to execute a one year-agreement A-8082 with the County of Ventura's Public Health Agency for animal sheltering services, in an amount not to exceed $1,948,039.12 for Fiscal Year 2018-2019

The Police Commander gave a report. Public comments were received from Julie Kalbacher, Daniel Kalbacher, Jenny Walsh, and Larry Stein. Discussion ensued among the Council and staff.

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

Fire Department

2. SUBJECT: Purchase of Two (2) Fire Engines.
   RECOMMENDATION: That City Council approves and authorizes the Mayor to execute a purchase order (Requisition #3999) in the amount of $1,360,900.43 for the purchase of two (2) fire engines from South Coast Fire Equipment.

The Fire Chief gave a report. Public comments were received from Larry Stein, Jackie Tedeschi, and Pat Brown. Discussion ensued among the Council and staff.

It was moved by Mayor Pro Tem Ramirez, seconded by Councilmember Madrigal, to approve the recommended action as presented [a memorandum distributed to the Council corrected the purchase order amount to $1,397,088.43, to include an additional warranty]. VOTE: Flynn, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 5-0.

CONTINUATION OF PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Public comments were received from Larry Stein (cars racing through the Lemonwood neighborhood).

O. ADJOURNMENT

There being no further business on the agenda, and without objection, Mayor Flynn adjourned the meeting at 11:02 p.m.

Michelle Ascencion
MICHELLE ASCENCION, CMC
City Clerk

Tim Flynn 9/11/18
TIM FLYNN
Mayor