MINUTES
OXNARD CITY COUNCIL
Regular Meeting
September 6, 2016

A. ROLL CALL/POSTING OF AGENDA

At 4:36 p.m., the regular meeting of the Oxnard City Council convened in the Council Chambers. 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 at the Oxnard City Hall and the Library. 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 and Stephen Fischer, City Attorney.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

Public comment received from: Cyndi Hookstra.

C. CLOSED SESSION

At 4:40 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 are Mladen Buntich Construction Company, Inc. v. City of Oxnard, Ventura County Superior Court Case No. 56-2015-00469185-CU-BC-VTA

The City Council also recessed to a closed session, pursuant to Government Code Section 54957.6(a), to review the status of labor negotiations and to review its available funds and funding priorities for the purpose of providing instructions to the City's negotiators, Maria Hurtado, Assistant City Manager; and Burke Dunphy, City's labor attorney. Employee organizations: International Association of Firefighters, AFL-CIO (**IAFF**), Local No. 1684; 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 (**OMMA**); **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, Economic Development Director, I.T. Director, Library Director, Police Chief, Utilities Director (**Department Directors**); Assistant City Attorney, Assistant Director of Human Resources, Community Relations and Public Affairs Manager, Deputy City Attorney, Law Office Manager, Human Resources Manager, Workers' Compensation Manager, Management Analyst III (C) (**Confidential Mid-Managers**); 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 Benefits Coordinator (C75), Senior Human Resources Coordinator (C75), Workers' Compensation Specialist (C69) (**Confidential Employees**); unrepresented Limited Benefit Employees.

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

D. OPENING CEREMONIES

At 6:17 p.m., the regular meeting of the Oxnard City Council reconvened in the Council Chambers, concurrently with the Oxnard Financing Authority. The meeting opened with the pledge of allegiance to the flag of the United States, followed by a moment of silence for Ed Ellis and Patrick Barrios. Mayor Flynn presided. Additional staff members present were: Jeri Williams, Police Chief; Kymberly Horner, Economic Development Director; Arturo Castillo, Housing Director; Ingrid Hardy, Cultural and Community Services Director; Ashley Golden, Development Services Director; Daniel Rydberg, Public Works Director; Kathleen Mallory, City Planner; Jefferson Billingsley, Assistant City Attorney; Kenneth Rozell, Assistant City Attorney; Darwin Base, Interim Fire Chief and Raja Bamrungpong, Computer Network Engineer.

E. CEREMONIAL CALENDAR

SUBJECT: Presentation of a Commendation to Chuck Dennis for His Dedication to Promoting the Arts and the Upcoming Oxnard Jazz Festival.
DISCUSSION: Daphne King received commendation on behalf of Chuck Dennis for creating the first Oxnard Jazz Festival at the Oxnard Beach Park.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from: Peter De Domenico (City Clerk candidate); Larry Stein (meeting with staff, City Treasurer candidate); Phillip Molina (City Treasurer candidate); Steve Huber (budget audit questions, hiring of CFO, Council candidate); Connie Kornenstein (petition regarding "Kiddie" beach safety); Sandra McLaughlin (opposed the proposed development of apartments at Channels Islands & Victoria); Armen Moleian (short-term rentals); Tiffany Lopez (community events, City Clerk candidate); Genevieve Flores-Haro (City Council candidate); Daniel Chavez (selection of Police Chief); George Miller (completion of audit; "whistle-blower" program; harbor development); Celeste Garnino (Southwinds Neighbor lights); Martin Jones (Council listening to the public); and Jack Villa (City Council candidate, tour of the "wasterwater" plant).

G. REPORT OF CITY MANAGER

The City Manager commented: on funding for park improvements; selection of Scott Whitney as Police Chief and future audit report of State Controller's Office.

H. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

The City Council discussed: development of the Downtown Vision Plan; expanding local train/bus services; upcoming California Coastal Commission meeting regarding placing a "power" plant on the beach and review of the City audit by the State Controller's Office.

2. SUBJECT: Informational Report on August 12th Meeting with State Controller's Audit Team (Councilmember Perello).
DISCUSSION: Councilmember Perello provided comments regarding meeting with State Controller's Office.

1. SUBJECT: League of California Cities Annual Conference Voting Delegate/Alternate 2016.
RECOMMENDATION: (1) designate a voting delegate and a voting alternate to the League of California Cities Annual Conference business meeting to be held on October 7 and (2) discuss the City's position on the League's resolution committing the League to supporting Vision Zero, Toward Zero Deaths, and other programs or initiatives to make safety a top priority for transportation projects and policy formulation, while encouraging cities to pursue similar initiatives.
DISCUSSION: The Council discussed who was going to the conference and the City's position on California League conference positions and questioned any "financial" commitments by supporting League positions on issues.

ACTION: Mayor Flynn moved to appoint Mayor Pro Tem Ramirez as primary designate with Councilmember Perello and Greg Nyhoff as Alternates.

I. REVIEW OF INFORMATION/CONSENT AGENDA

Comments received from: Public Works Director (K-2(g)) and Assistant City Manager (Hurtado) (K-3).

J. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Public comment received from Margaret Cortese (K-3); Larry Stein (K-2); and George Miller (H-1).

K. INFORMATION CONSENT AGENDA

City Clerk Department

1. SUBJECT: City Council Minutes of May 10, 17 and 24, 2016, June 7, 2016. Special Council Minutes of June 6, 2016.
RECOMMENDATION: Approve regular minutes of May 10, 17 and 24, 2016, June 7, 2016; Special Council Minutes of June 6, 2016.

City Manager Department

2. SUBJECT: Agreements for City Council Review
RECOMMENDATION: 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, which are further described on the attached list: A) Muni Services, LLC. for financial management assistance with the audit ($10,000); B) Urban Futures for accounting and technical assistance with the audit ($27,095); C) MV Cheng & Associates for assistance with audit, bank reconciliation, capital assets and other general accounting ($146,000); D) Municipal Resources Group for onsite Human Resources leadership and assistance with recruitment ($198,500); E) AppleOne Employment Services for short-term staffing ($175,000); F) Allstar Fire Equipment for purchase of 15 turnouts for academy recruits ($39,491); I) Diversified Minerals Inc. for concrete material for street infrastructure repair ($40,000); H) Vulcan Materials Company for hot asphalt material for street pavement repair ($210,000); G) Granite Construction for hot asphalt material for street pavement repair ($210,000)

Development Services Department

3. SUBJECT: Authorization to Disburse and Appropriate Revenue from the Public Art Fund
RECOMMENDATION: 1) authorize the disbursement of Public Art Fund revenues in the amount of $175,000 for the purpose of providing funding to various cultural arts organizations, programs, and artists, and 2) approve a one-time appropriation of revenue in the amount of $175,000 from the Public Art Fund-Fund balance.

4. SUBJECT: Consider Resolution Approving Participation in the Institute for Local Government's Beacon Program
RECOMMENDATION: Adopt **Resolution No. 14,957** approving participation in the Institute for Local Government's Recognition Program, the Beacon Program (Attachment A).

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

FINANCING AUTHORITY

At 8:19 p.m., the joint meeting with the Oxnard Financing Authority concluded.

L. 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. 16-300-02 (Vesting Tentative Subdivision Map for Tract No. 5974) Filed by David Webber, Retail Development Solutions for Property Owner Red Mountain Asset Fund III, LLC, 1234 E. 17Th St., Santa Ana, CA 92701.
RECOMMENDATION: Adopt **Resolution No. 14,958** approving Planning and Zoning Permit No. 16-300-02 (Vesting Tentative Subdivision Map For Tract No. 5974) to subdivide an improved 12.8-acre site containing a commercial shopping center at the northeast corner of S. Ventura Rd. and W. Channel Islands Blvd. into 8 separate parcels ranging from 0.82 to 2.47 acres.

At 8:26 p.m., Mayor Flynn left the meeting and Mayor Pro Tem Ramirez presided.

DISCUSSION: The Development Services Director and City Planner discussed the proposed development of dividing the property, traffic impact fees and Title 24 building (green building) code requirements.

At 8: 29 p.m., Mayor Flynn returned to meeting and presided.

David Weber, Retail Development Solutions, commented there was one sole owner of the property, payment of development fees and transfer of "alcohol" license.

Public comments received from: Larry Stein, Daniel Chavez and Pat Brown.

ACTION: Close the public hearing. (Ramirez/Perello) unanimously.

DISCUSSION: The Council discussed traffic impact; green building practices; hours of construction, alcohol sales and parking requirements.

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

M. APPPOINTMENT ITEMS

N. REPORTS

City Attorney Department

1. SUBJECT: Smoking Ordinance
RECOMMENDATION: Approve the first reading by title only and subsequent adoption of an ordinance regulating smoking.

DISCUSSION: The Assistant City Attorney reviewed changes to State law, past "smoking" discussions, electronic "smoking" devices and recreation areas.

Public comments received from: Kaz Iwamoto, Primo Castro, Gabriel Teran, Daniel Chavez, George Miller and Pat Brown.

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

The City Council discussed enforcement of Ordinance and prohibited "non-smoking" areas.

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

2. SUBJECT: First Amendment to Attorney Services Agreement with Hunt Ortmann Palffy Nieves Darling & Mah, Inc.
RECOMMENDATION: Approve and authorize the Mayor to execute the First Amendment to Attorney Services Agreement with Hunt Ortmann Palffy Nieves Darling & Mah, Inc. ("Hunt Ortmann") (A-7795) to increase the amount by $500,000 for a total not to exceed amount of $1,000,000.
ACTION: Approved as recommended. (MacDonald/Ramirez). Ayes: Perello and Flynn Ramirez, MacDonald and Padilla.

Fire Department

3. SUBJECT: Agreements with Ventura County Fire Protection for Oxnard Fire Dispatch and Automatic Aid (10/25/20)
RECOMMENDATION: Approve and authorize the Mayor to execute Fire Dispatch Agreement (A-7909) with the Ventura County Fire Protection District (VCFPD) for dispatch services And: Approve and authorize the Fire Chief to execute Automatic Aid Agreement (A-7910) for automatic aid between VCFPD and City of Oxnard Fire Department.

DISCUSSION: The Interim Fire Chief and Computer Network Engineer reviewed the mutual dispatch agreement which included computer upgrades, grants, training and reduction of call for service to County and City.

Public comment received from: Pat Brown.

The City Council discussed: cost savings, "mutual aid" assistance system and regional partnership.

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

O. PUBLIC COMMENTS ON REPORTS

P. PUBLIC COMMENTS ON STUDY SESSION

Q. STUDY SESSION

R. ADJOURNMENT

At 10:16 p.m. the City Council concurred to adjourn the meeting.

DANIEL MARTINEZ
City Clerk

TIM FLYNN
Mayor

CARMEN RAMIREZ
Mayor Pro Tem