MINUTES

OXNARD CITY COUNCIL
Regular Meeting
September 24, 2013

A. ROLL CALL/POSTING OF AGENDA

At 5:09 p.m., the regular meeting of the Oxnard City Council convened in the Council Chambers. Councilmembers Tim Flynn, Bryan A. MacDonald, Carmen Ramirez, Dorina Padilla and Bert Perello were present. The City Clerk stated that the agenda was posted on Friday in the Library and City Clerk's Office. Mayor Flynn presided and called the meeting to order. Staff members present were: Daniel Martinez, City Clerk: Karen Burnham, Interim City Manager; and Stephen Fischer, Acting City Attorney.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

Public comments were received from: Steve Nash and Christina Aerenlund.

C. CLOSED SESSION

At 5:14 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 is United States, et al., ex rel. Hendrix v. J-M Manufacturing Company, Inc., et al., United States District Court for the Central District of California, Case No. ED CV 06-00055-GW.

The City Council also recessed to a closed session, pursuant to Government Code section 54956.9(d)(4), based on existing facts and circumstances, to decide whether to initiate litigation in one potential case.

The City Council also recessed to a closed session, pursuant to Government Code section 54957.6, to ascertain if the Oxnard Mid-Managers' Association has met the requirements of the City Code to be recognized as a certified collective bargaining group and to provide instructions to designated representatives Michelle Téllez, Human Resources Director and City's labor attorney, Jeffrey C. Freeman.

At 6:09 p.m. the City Council reconvened and recessed to the evening session. The Acting City Attorney announced the City Council voted to recognize the Mid-Manager group.

D. OPENING CEREMONIES

At 6:13 p.m., the regular meeting of the Oxnard City Council reconvened in the Council Chambers. The meeting opened with the pledge of allegiance to the flag of the United States, followed by a moment of silence. Mayor Flynn presided. Additional staff members present were: Danielle Navas, City Treasurer; Jeri Williams, Police Chief; James Cameron, Chief Financial Officer; Rob Roshanian, Interim Public Works Director; Michelle Tellez, Human Resources Director; Chris Williamson, Principal Planner; and Todd Housley, Environmental Resources Management Superintendent.

E. CEREMONIAL CALENDAR

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments received from: Rebecca Ralph; Lydia Rivera; Rebekah Evans; Neneyda Magdaleno; Dan Lechliter; Thomas Greer; Morey Navarro; Martin Glatt; Larry Stein and Abel Magana.

G. TRANSMITTAL OF INFORMATION ONLY ITEMS

Finance Department

1. SUBJECT: Monthly Budget Status Report for the Period Ending August 31, 2013. (001)
   RECOMMENDATION: Approve Report.
   DISCUSSION: The Interim City Manager and Chief Financial Officer reviewed the financial information that can be made available online.

   The City Council discussed types of financial information that should be available.

   Public comments received from: Larry Stein.

   ACTION: Provided comments to staff and filed.

H. INFORMATION/CONSENT PUBLIC HEARINGS

I. PUBLIC HEARINGS

Mayor Flynn opened the public hearing. The City Clerk reported on publication and that there were no written communications received.

Planning Department

1. SUBJECT: Planning & Zoning Permit Nos. 13-500-01 (Special Use Permit), 13-570-03 (Zone Change), 13-580-04 (Zone Text Amendment) and 13-310-01 (Lot Line Adjustment): Proposed Fire Station No. 8 Located at 3000 South Rose Avenue. Filed by the Oxnard Fire Department. (019)
   RECOMMENDATION: 1) Approve the first reading by title only and subsequent adoption of **Ordinance No. 2872** approving a Zone Change (PZ No. 13-570-03) from Multiple-Family Residential (R-2-PD) to Community Reserve (C-R) for three properties located at the southeast corner of South Rose Avenue and East Channel Islands Boulevard; 2) Approve the first reading by title only and subsequent adoption of **Ordinance No. 2873** approving a Zone Text Amendment (PZ No. 13-580-04) to City Code Sections 16-257(N) and 16-260 to 16-263; and 3) Adopt **Resolution No. 14,435** upholding the Planning Commission's approval of Planning & Zoning Permit No. 13-500-01 (Special Use Permit) and condition of approval for Planning & Zoning Permit No. 13-310-01 (Lot Line Adjustment), subject to the conditions set forth in Planning Commission Resolution No. 2013-22.
   DISCUSSION: The Principal Planner reviewed: actions of the Planning Commission; the proposed zone change and property boundaries. The Acting City Attorney reviewed: 1) past use of the property; 2) Board of Supervisors discussions; and 3) the proposed use of property.

Public comments were received from: Sergio Martinez; William Terry; Tina Martinez; Larry Stein; Courtney Perez; Morey Navarro; Lonnie McCowan; Theadora Daritt-Cornyn; Sonny Sajor, Mylihn Sajor; Veronica Mendoza; Steve Nash; Jim Lavery; Patty Einstein; Salvador Ayala; David Haynes; Darlene Miller and Rebecca Ralph.

The Council discussed: comments of the Board of Supervisors; location of proposed Fire Station No. 8; financing of the proposed Fire Station No. 8; municipal services to be provided to the community and past community specific plans regarding the building and location of a fire station.

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

N. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

City Clerk Department

1. SUBJECT: Appointment Councilmember to Various Boards, Commissions, and Committees. (147)
RECOMMENDATION: 1) That the Mayor, with the approval of the City Council, appoint Councilmember Perello to the following boards, commissions and committees: A) Big Independent Cities Excess Pool Joint Powers Authority; B) Channel Islands Harbor Task Force; C) Economic Development Corporation of Oxnard; D) Oxnard Convention & Visitors Bureau (Alternate); E) Oxnard Plain/RiverPark Reclamation and Recharge Joint Powers Authority; F) Ventura County Regional Energy Alliance; G) Ventura County Regional Sanitation District (Alternate); H) Ormond Beach Property Oversight Ad Hoc Committee; I)Policies and Procedures Concerning City Council Business; and 2) That the Mayor, with the approval of the City Council, appoint or move Councilmembers from an assigned appointment(s) if necessary: a) Association of Water Agencies for Ventura County (one primary and alternate); b) Beach Erosion Authority for Control of Operation & Nourishment (one primary and alternate); c) Big Independent Cities Excess Pool Joint Powers Authority (one primary and alternate*); d) Economic Development Collaborative –Ventura County (one primary); e) Economic Development Corporation of Oxnard (two primary); f) Gold Coast Transit (one primary and alternate); g) InterCity Transit (sub-committee of VCTC Vista) (one primary); h) Las Cortes Housing Development Corporation (two primary); i) Oxnard Convention & Visitors Bureau (one primary and alternate); j) Oxnard Plain/RiverPark Reclamation and Recharge Joint Powers Authority (two primary and alternate); k) Performing Arts and Convention Center Corporation (two primary); l) Point Mugu Regional Airport Authority (one primary and alternate); m) Regional Defense Partnership for the 21st Century (one primary and alternate); n) Oxnard Successor Agency Oversight Board (one primary); p) Southern California Association of Governments (one primary and alternate); q)Ventura Council of Governments (one primary and alternate); r) Ventura County Animal Regulation Commission (one primary and alternate); s) Ventura County Regional Energy Alliance (one primary and alternate); t) Ventura County Local Agency Formation Commission (one primary if appointed); u) Ventura County Air Pollution Control District Board (one primary); v) Ventura County Transportation Commission (one primary); w) Ventura Regional Sanitation District (one primary and alternate); x) Channel

Islands Harbor Task Force (two primary); y) City Wide Enhancement Program (two primary); z) City Manager Recruitment Ad Hoc Committee (two primary); aa) Cultural Arts Committee (two primary); bb) Downtown Improvement Task Force (two primary); cc) Fiscal Policy Task Force (two primary); dd) Graffiti Task Force (two primary); ee) Homeless Plan Working Group; ff) Mobile Food Facilities (MFF) Ad Hoc Committee (two primary); gg) Ormond Beach Property Oversight Ad Hoc Committee (two primary); hh) Oxnard Downtown Management District (two primary); ii) Policies and Procedures Concerning City Council Business (two primary); jj) Transportation Policy Committee (two primary); kk) Utilities Task Force (two primary); and 3) That the City Council, as a whole, appoint or move Councilmembers from the Oxnard Airport Authority if necessary. * Alternate may be a staff member.
ACTION: Mayor Flynn announced that Mayor Pro Tem Ramirez had been appointed to the Southern California Association of Governments. The Mayor, with the approval of the City Council, appointed Councilmember Perello to the following boards, commissions and committees: A) Big Independent Cities Excess Pool Joint Powers Authority; B) Channel Islands Harbor Task Force; C) Economic Development Corporation of Oxnard; D) Oxnard Convention & Visitors Bureau (Alternate); E) Oxnard Plain/RiverPark Reclamation and Recharge Joint Powers Authority; F) Ventura County Regional Energy Alliance; G) Ventura County Regional Sanitation District (Alternate); H) Ormond Beach Property Oversight Ad Hoc Committee; I) Policies and Procedures Concerning City Council Business; J) Performing Art Center Corporation; and K) Graffiti Task Force; and Moved to appoint Councilmember Perello to the Oxnard Airport Authority (Ramirez/ MacDonald) Ayes: Padilla, Perello, Flynn, Ramirez and MacDonald.

J. APPOINTMENT ITEMS

Public Works Department

1. SUBJECT: Study Session on Del Norte Facility Business and Transition Plan. (073)
RECOMMENDATION: Receive a report and provide comments regarding the Del Norte Facility Business and Transition Plan.
DISCUSSION: The Interim Public Works Director outlined the creation of the business plan. Dr. Eugene Tseng, Solid Waste Consultant, presented possible facility options that the Council may consider to manage solid waste facility. The Interim City Manager, Human Resources Director and Environmental Resources Manager commented on process to hire employees for the facility. The Chief Financial Officer reviewed projected costs including future revenues, maintenance costs, operation expenses, labor costs and equipment costs and possible use of material broker. The Interim Public Works Director stated staff would investigate past maintenance of facility equipment.

At 10:07 p.m., Mayor Flynn left the meeting and Mayor Pro Tem Ramirez presided. At 10:10 p.m., Mayor Flynn returned to the meeting and presided.

Public comments were received from: Larry Stein; Jim Ambroso; Pat Brown; Jim Gilmer; Gerard Kapuscik; Dick Jaquez; Vincent Gasca; Jeffrey Palma; Lucas Zucker; Baltazer Paz; Silvia Renteria; Salvador Cabrero; Elva Ortega; Carmen Ochoa; Ramon Pena; Rosa Huasto; Ruben Chavez; Gus Sanchez; Elizabeth Wolfel; Justin Remo; Steve Nash; Abel Magana; Harold Ceja; William Terry; Dan Pinedo; Daniel Lechliter and Barbara Macri-Ortiz.

The Council discussed: 1) transferring the MRF facility from private management to public management; 2) hiring of personnel; 3) capital expenses; 4) operating costs; 5) labor options; 6) regulation costs; 7) maintenance of equipment; and 8) use of transfer truck drivers.

ACTION: The City Council received the report and provided comments to staff.

S. INFORMATION/CONSENT AGENDA

Public Works Department

6. SUBJECT: First Amendment to Agreement for Waste Disposal at Toland Road Landfill between the Ventura Regional Sanitation District (VRSD) and the City of Oxnard. (187)
RECOMMENDATION: Approve and authorize the Mayor to execute the First Amendment to the Agreement for Waste Disposal at the Toland Road Landfill between VRSD and the City (A-5906).
DISCUSSION: The Interim Public Works Director briefly reviewed the proposed agreement.

The Council commented on issues regarding approving this contract.

Public comments were received from: Mark Lawler; Mark Zirbel; Jon Sharkey; Kevin Kildee; David Grau and Dan Lechliter.

ACTION: Continue to October 1, 2013.

7. SUBJECT: Agreement for Waste Disposal at the Simi Valley Landfill between the City of Oxnard and Waste Management of California, Incorporated. (213)
RECOMMENDATION: Approve and authorize the Mayor to execute an Agreement for Waste Disposal at the Simi Valley Landfill with Waste Management of California, Incorporated (A-7618).
ACTION: Continue to October 1, 2013.

K. REPORTS

City Treasurer Department

1. SUBJECT: Investment Policy and Annual Report of Investment Activity. (113)
RECOMMENDATION: 1) Approve the Investment Policy for the City of Oxnard; and 2) Adopt a resolution delegating investment authority to the City Treasurer.
ACTION: Continue to October 1, 2013.

L. PUBLIC COMMENTS ON REPORTS

M. REPORT OF CITY MANAGER

O. STUDY SESSION

P. PUBLIC COMMENTS ON STUDY SESSION

Q. REVIEW OF INFORMATION/CONSENT AGENDA

Comments were received from: Interim Public Works Director (S-9).

R. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Public comments were received from: Pat Brown (S-4) and Daniel Lechliter (S-4).

S. INFORMATION/CONSENT AGENDA

City Clerk Department

1. SUBJECT: Minutes of the Special Meetings of the Oxnard City Council for July 30, 2013. (157)
RECOMMENDATION: Approve.

City Manager Department

2. SUBJECT: Agreements for City Council Review. (165)
RECOMMENDATION: Approve and authorize the Interim City Manager, to execute the attached agreements/contracts and change orders/amendments in amounts more than $25,000 but less than $250,000.

City Treasurer Department

3. SUBJECT: Quarterly Investment Report for the Fourth Quarter F/Y 2012-2013. (167)
RECOMMENDATION: Accept the quarterly Investment Report for the Fourth Quarter F/Y 2012-2013.

Police Department

4. SUBJECT: State of California Grant for Selective Traffic Enforcement. (175)
RECOMMENDATION: Adopt **Resolution No. 14,437**: 1) Authorizing the City Manager to execute and submit an application for $252,357 in grant funds to the State of California Office of Traffic Safety (OTS), to be used for the FY-2013/14 Selective Traffic Enforcement Program; 2) Authorizing the City Manager or designee to execute grant agreement; 3) Authorizing the Chief Financial Officer or designee to submit financial reports and grant claims and approve special budget appropriations for the use of grant funds; and 4) Authorizing the Chief of Police or designee to submit non-financial reports.

5. SUBJECT: State of California AVOID the 14 DUI Enforcement Grant. (183)
RECOMMENDATION: Adopt **Resolution No. 14,438**: 1) Authorizing the City Manager to execute and submit an application for $175,000 in grant funds to the State of California Office of Traffic Safety (OTS), to be used for the FY-2013/14 AVOID the 14 DUI Enforcement Program; 2) Authorizing the City Manager or designee to execute grant agreements; 3) Authorizing the City Manager or designee to execute a Memorandum of Understanding between coalition agencies and the City of Oxnard; 4) Authorizing the Chief Financial Officer or designee to submit financial reports and grant claims and approve special budget appropriations for the use of grant funds; and 5) Authorizing the Chief of Police or designee to submit non-financial reports.

Public Works Department

8. SUBJECT: Second Amendment to the Agreement for Trade Services with Ashland Hercules Water Technologies for Supply and Delivery of Praestol K144L Polymer to the Wastewater Treatment Plant. (249)
RECOMMENDATION: Approve and authorize the Mayor to execute a Second Amendment with Ashland Hercules Water Technologies (A-7456) for supply and delivery of Praestol K144L Polymer to the Wastewater Treatment Plant to extend the contract to September 30, 2014 and increase the total by $275,000 for a total contract value of $825,000.

9. SUBJECT: Project Specification PW 14-03 Kingsbridge Way Seawall Stabilization Project. (253)
RECOMMENDATION: Approve Project Specification No. PW 14-03 for the major repair of the Kingsbridge Way Seawall Stabilization Project located in the Mandalay Bay Waterway and to authorize staff to solicit bids.

10. SUBJECT: First Amendment to Agreement for Professional Services with Harbor Offshore, Inc. for On-Call Diving and Maintenance Services for Mandalay Waterways of Mandalay Bay, Westport and Seabridge Communities. (257)
RECOMMENDATION: Approve and authorize the Mayor to execute the First Amendment to the Agreement with Harbor Offshore, Incorporated (A-7449) to increase the amount by $250,000 from an agreement value of $200,000 to $450,000 and to extend the expiration date from November 14, 2013 to November 14, 2014, for on-call diving and maintenance services for the Mandalay Waterways of Mandalay Bay, Westport, and Seabridge Communities.

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

N. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

Councilmembers discussed: housing concerns in Colonia neighborhood; activation of the Youth Commission; storage of wastewater from oil industry; reimbursement letter status regarding former $300 management retirement benefit; theft/loss of recyclable items to be collected for the MRF; and unlicensed group homes.

T. ADJOURNMENT

At 12:56 a.m. the City Council concurred to adjourn the meeting.

DANIEL MARTINEZ
City Clerk

TIM FLYNN
Mayor

CARMEN RAMIREZ
Mayor Pro Tem