MINUTES
OXNARD CITY COUNCIL
Regular Meeting
December 6, 2016

A. ROLL CALL/POSTING OF AGENDA

At 6:06 p.m., the regular meeting of the Oxnard City Council was called to order in the Council Chambers concurrently with the Oxnard Community Development Commission Successor Agency, Oxnard Financing Authority, and Oxnard Housing Authority. The City Clerk called the roll: Councilmembers Bryan A. MacDonald, Dorina Padilla, Bert Perello, Mayor Pro Tem Ramirez, and Mayor Tim Flynn were present. The City Clerk stated that the agenda was posted December 1, 2016 at City Hall. Staff members present were Greg Nyhoff, City Manager; Stephen Fischer, City Attorney; Ruth Osuna, Assistant City Manager; Darwin Base, Fire Chief; Keith Brooks, IT Director; Arturo Castillo, Housing Director; Ashley Golden, Development Services Director; Ingrid Hardy, Cultural and Community Services Director; Kymberly Horner, Economic Development Director; Daniel Rydberg, Public Works Director; James Throop, Chief Financial Officer; Scott Whitney, Chief of Police; Jefferson Billingsley, Assistant City Attorney; Michael More, Financial Services Manager; and Daniel Martinez, City Clerk.

Also present were incoming Councilmember Oscar Madrigal, incoming City Treasurer Phillip Molina, and incoming City Clerk Michelle Ascencion.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS
C. CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Mayor Flynn announced that the closed session, which had been scheduled for 5:00 p.m., was cancelled.

D. OPENING CEREMONIES

The flag salute was followed by a moment of silence in memory of the victims of the recent fire in Oakland, and Pearl Harbor Day.

E. INSTALLATION OF NEWLY ELECTED CITY OFFICIALS/CEREMONIAL CALENDAR

1. SUBJECT: Motion That the Regular Order of Business be suspended until after the Installation of Newly Elected City Officials.

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

2. SUBJECT: Results of the Canvass of Returns of the General Municipal Election Held on November 8, 2016.
   RECOMMENDATION: Adopt **Resolution No. 14,976** stating the results of the canvass of the returns of the general municipal election held on November 8, 2016.

The City Clerk gave a report.

3. SUBJECT: Presentation of a Resolution to Dorina Padilla, Councilmember.
RECOMMENDATION: Adopt **Resolution No. 14,977.**

Mayor Flynn presented the resolution and other recognition items to Councilmember Padilla, who made some remarks, followed by remarks from the Council and City Manager.

It was moved by Mayor Pro Tem Ramirez, seconded by Councilmember Perello, to adopt Resolutions 14,976 and 14,977 as presented. VOTE: Flynn, MacDonald, Padilla, Perello, and Ramirez voted in favor; the motion carried 5-0.

4. SUBJECT: Presentation of a Resolution to Daniel Martinez, City Clerk.
RECOMMENDATION: Adopt **Resolution No. 14,978.**

Mayor Flynn presented the resolution and other recognition items to the City Clerk, who made some remarks. Patricia Herrera from the Oxnard-Ocotlán Sister City Committee made a presentation to the City Clerk, followed by remarks from the Council.

It was moved by Mayor Pro Tem Ramirez, seconded by Councilmember Perello, to adopt Resolution No. 14,978 as presented. VOTE: Flynn, MacDonald, Padilla, Perello, and Ramirez voted in favor; the motion carried 5-0.

5. SUBJECT: Special Presentations to Dorina Padilla, Councilmember and Daniel Martinez, City Clerk.

Dr. Manuel Lopez presented the Oxnard Harbor District's President's Award to the City Clerk. Comments were received from Irma Lopez and Larry Stein.

6. SUBJECT: City Clerk Administers Oath of Office to Mayor, Councilmembers, City Treasurer, and City Clerk.

The City Clerk administered the Oath of Office to Tim Flynn, Mayor; Bryan MacDonald, Councilman; Oscar Madrigal, Councilmember; Phillip Molina, City Treasurer; and Michelle Ascencion, City Clerk.

7. SUBJECT: Mayor, Councilmembers, City Treasurer, and City Clerk are installed. Remarks by Mayor, Councilmembers, City Treasurer, and City Clerk.

The newly installed officials made some remarks, followed by remarks from the Council and City Manager.

8. SUBJECT: Selection by Mayor of Mayor Pro Tem.

Mayor Flynn re-appointed Carmen Ramirez to serve as Mayor Pro Tem.

(Mayor Flynn paused the meeting at 7:14 p.m; at 7:42 the meeting resumed.)

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from: Woodrow Thomas, Sr. (status of claim); George Miller (election results and Parade of Lights); Greg Kenney (La Dolce Vita restaurant settlement); Michelle Kenney (La Dolce Vita); Pete R. Placencia (Colonia boxing gym); Manuel Herrera (Citizens for a Better Oxnard); Larry Stein (public records request); Pat Brown (Pearl Harbor anniversary event); Cynthia Gonzalez (public safety, CCTV cameras); Dan Pinedo (election results); Daniel Chavez, Jr. (accountability); Larry Barbarine (Pearl Harbor, election results); and Jack Villa (election results, INCO installation).

G. REPORT OF CITY MANAGER

The City Manager announced that the newly-hired Assistant City Manager, Jesús Nava, will start at the City on December 19, 2016. He announced that there will be a special meeting on December 19, 2016, regarding Downtown Revitalization.

H. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

Councilmember Perello reported on projects by the County of Ventura and Ventura Regional Sanitation District; various community events; recent meetings of FEMA, the Utilities Task Force, and the PACC Board; streetlight outages; SOAR; wheelchairs from the Moorpark Knights of Columbus; Pearl Harbor and veterans.

Councilman MacDonald reported on a recent Regional Defense Partnership for the 21st Century (RDP-21) meeting and the upcoming Santa to the Sea half-marathon.

Mayor Pro Tem Ramirez reported on the recent tree lighting, Christmas Parade, and Tamale Festival; George Lopez's downtown store "Fifty150"; the Oakland fire; the SCAG Economic Summit; meeting with State Controller Betty Yee; and Pearl Harbor and veterans.

Councilmember Madrigal commented on the Pearl Harbor anniversary.

Mayor Flynn reported on recent holiday events, the Pearl Harbor anniversary and former Mayor Nao Takasugi.

City Clerk Department

2. SUBJECT: 2017 Meeting Schedule for Legislative Bodies.
RECOMMENDATION: That City Council, Community Development Commission Successor Agency, Financing Authority, and Housing Authority meet on the following dates during the calendar year 2017: January 10 and 24; February 7, 14 and 28; March 7, 21 and 28; April 4, 11, 18 and 25; May 2, 9, 16 and 23; June 6, 13, 20 and 27; July 11, 18 and 25; August NO MEETINGS; September 12, 19 and 26; October 3, 10 and 17; November 7, 14 and 28; December 5, 12 and 19.

The City Clerk gave a report. Discussion ensued among the Council and staff.

It was moved by Councilman MacDonald, seconded by Mayor Pro Tem Ramirez, to adopt the 2017 meeting schedule as presented. VOTE: Flynn, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 5-0.

I. REVIEW OF INFORMATION/CONSENT AGENDA

Items K-1, K-2, K-3 and K-5 were pulled for discussion.

Regarding K-1: Councilmember Perello made a correction to the November 15, 2016 meeting minutes (should have said "fiscal year," not "calendar year").

Regarding K-4: Councilmember Perello inquired whether the purchase of the tires included installation (the Public Works Director confirmed that installation is included).

Regarding K-3: Councilmember Perello asked if the CCTV cameras work (the Development Services Director confirmed that the cameras do work). Mayor Flynn inquired about the funding source (the Development Services Director stated that it is the Gold Coast Transit District allocation).

Regarding K-5: Councilmember Perello asked if the firefighters can install the pads for the new generators to save money, and if the old generators have any scrap value. Discussion ensued among Council and staff.

Comments were received from Larry Stein and Daniel Chavez Jr. Discussion ensued among Council and staff.

K. INFORMATION/CONSENT AGENDA

City Clerk Department

1. SUBJECT: Regular City Council Minutes of November 15, 2016; Regular Housing Authority Minutes of June 14, 21, 28, July 12, 19, 26, September 6, 13, 20, October 4, 11, 18, 25, November 1 and 15, 2016; Special Housing Authority Minutes of June 14 and 15, 2016. Regular Financing Authority Minutes of September 6, 13, 20, October 4, 11, 18, 25, November 1, 15 and 29, 2016; Regular Community Development Commission Successor Agency Minutes of October 18, 25, November 1, 15 and 29, 2016.
   RECOMMENDATION: Approve Regular City Council Minutes of November 15, 2016; Regular Housing Authority Minutes of June 14, 21, 28, July 12, 19, 26, September 6, 13, 20, October 4, 11, 18, 25, November 1 and 15, 2016; Special Housing Authority Minutes of June 14 and 15, 2016. Regular Financing Authority Minutes of September 6, 13, 20, October 4, 11, 18, 25, November 1, 15 and 29, 2016; Regular Community Development Commission Successor Agency Minutes of October 18, 25, November 1, 15 and 29, 2016.

City Manager Department

2. SUBJECT: Agreements for City Council Review.
   RECOMMENDATION: That City Council, pursuant to Ordinance 2835, and Resolution No. 13,932, approve and authorize the City Manager to execute the agreements/contracts and change orders/amendments in amounts more than $25,000 but no more than $250,000, which are described on the attached list: (A) SM Tires for purchase of wheels and tires for 950K Caterpillar Wheel Loads at Del Norte Facility ($42,782).

Development Services Department

3. SUBJECT: Trade Services Agreement with Weiser Security Services Inc. for Security for Oxnard Transit Center (OTC).
RECOMMENDATION: That City Council approve the award and authorize the Mayor to execute a trade services agreement with living wage to Weiser Security Services, Inc., beginning December 7, 2016, for security patrol services for up to three years at the Oxnard Transit Center (OTC) at 201 East Fourth Street in the estimated amount of $190,467 for the first year and is not to exceed $220,000, for a three-year estimated total of $582,905 (Agreement No. A-7919).

4. SUBJECT: Gold Coast Transit District Lease at 201 E. Fourth Street.
RECOMMENDATION: That City Council: 1) Approve a lease in the estimated amount of $271,575 with Gold Coast Transit District (GCTD) for 10 years beginning January 1, 2017, and ending December 31, 2026, for Suite 103A at the Oxnard Transit Center (OTC) at 201 East Fourth Street (Agreement No. A-7907) and 2) Approve a special budget appropriation to increase the lease revenue for Fiscal Year (FY) 2016-17 for the OTC operating budget by $15,780 resulting in a new total of $208,753.

Fire Department

5. SUBJECT: Additional Appropriation for Fire Station Generators.
RECOMMENDATION: That City Council approve the additional appropriation of $60,000 from the Community Development Block Grant (CDBG) reprogrammed funds from prior year completed projects to Annual Action Plan 2016-17 Capital Improvement Project Fire Station Generators, for Stations 1, 2, 3 and 5; and The City Manager or designee to execute the grant agreement.

6. SUBJECT: Authorization to Submit Two FEMA Grants.
RECOMMENDATION: That City Council adopt **Resolution No. 14,979** authorizing: the submittal of two grant applications by the City Manager, one application for a Light & Air Emergency Response Vehicle and a second application for Leadership Training; the City Manager or designee to execute grant agreements; the Chief Financial Officer or designee to submit financial reports and grant claims, approve special budget appropriations for the use of the grant funds and perform all other required financial actions; and the Fire Chief or designee to submit non-financial reports.

It was moved by Councilman MacDonald, seconded by Mayor Flynn, to approve the Information/Consent Agenda items as presented, with the stated amendment to the November 15, 2016 meeting minutes (Item K-1). VOTE: Flynn, MacDonald, Madrigal, Perello, and Ramirez voted in favor (Madrigal abstained on K-1). The motion carried 4-0-1 on Item K-1; and 5-0 on Items K-2 through K-6.

L. PUBLIC HEARING

Housing Department

1. SUBJECT: Extremely-Low to Low-Income Needs Assessment FY2017-18 AAP.

RECOMMENDATION: That City Council conduct the first Public Hearing to receive comments and provide direction to staff concerning unmet needs of extremely-low to low-income persons residing in the City of Oxnard, for affordable housing, community development and homelessness for the preparation of the FY2017-18 Annual Action Plan.

The City Clerk presented the affidavit of publication and reported that three 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 Steve Nash, Cynthia Gonzalez, Larry Stein, and George Miller. Councilmember Perello, seconded by Councilman MacDonald, moved to close the public testimony portion of the public hearing; the Council approved unanimously.

Discussion ensued among the Council and staff. No action was taken.

(As it was nearing 10:00 p.m., the City Council voted unanimously to allow for all remaining items on the agenda to be heard.)

N. REPORTS

City Attorney Department

1. SUBJECT: Marijuana Code Amendment.
RECOMMENDATION: That City Council approve the first reading by title only and waive further reading of an ordinance amending Section 7-282 of the City Code to provide that indoor marijuana cultivation in compliance with state law is not prohibited.

The Assistant City Attorney gave a report.

Public comments were received from Steve Nash, Lucy Cartagena Martinez, Daniel Chavez Jr., Dan Pinedo, and George Miller.

Discussion ensued among the Council and staff.

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

Finance Department

2. SUBJECT: External Auditor Contract Amendment.
RECOMMENDATION: That the City Council: 1) Appropriate an additional $84,145 for costs associated with the State Controller's review of the FY 2014-15 Single Audit, 2) Authorize the City Manager to sign a letter acknowledging that Eadie & Payne, LLP., will bill the City for the cost of producing documents in response to a subpoena related to the Measure M litigation, and 3) Appropriate an additional $5,000 for costs associated with responding to the subpoena related to the Measure M litigation.

The Chief Financial Officer gave a report and introduced Eden Casareno, partner with Eadie & Payne, who gave a report. Discussion ensued among Council, staff, and Ms. Casareno.

Public comments were received from Steve Nash, Daniel Chavez Jr., and George Miller.

Further discussion ensued among the Council and staff.

It was moved by Councilman MacDonald, seconded by Mayor Pro Tem Ramirez, to approve staff's recommendation as presented. VOTE: Flynn, MacDonald, Madrigal, and Ramirez voted in favor; Councilmember Perello voted against. The motion carried 4-1.

3. SUBJECT: Formation of Wagon Wheel Community Facilities District.
   RECOMMENDATION: That City Council adopt **Resolution No. 14,980**: 1) Authorizing the California Statewide Communities Development Authority ("CSCDA") to form a Community Facilities District within the City of Oxnard to finance certain improvements, services, and development impact fees; 2) Incorporating a Joint Community Facilities Agreement setting forth the terms and conditions of the Community Facilities District financing; 3) Approving an Acquisition Agreement between the City and the Developer; and 4) Authorizing City staff to cooperate with CSCDA and its consultants in connection with the Community Facilities District formation and financing

The Financial Services Manager gave a report.

Public comments were received from Larry Stein, Gerard Kapuscik, Daniel Chavez Jr., and Steve Nash.

Discussion ensued among the Council, staff, and Tony Telemonte, developer of The Village at Wagon Wheel.

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

R. ADJOURNMENT

There being no further business, and without objection, Mayor Flynn adjourned the meeting at 11:28 p.m.

Michelle Ascencion

MICHELLE ASCENCION, CMC
City Clerk

Tim Flynn

TIM FLYNN
Mayor