MINUTES
OXNARD CITY COUNCIL
Regular Meeting
November 15, 2016

A. ROLL CALL/POSTING OF AGENDA

At 4:38 p.m., the regular meeting of the Oxnard City Council convened in the Council Chambers. Councilmembers Carmen Ramirez, Bryan A. MacDonald, Dorina Padilla and Bert Perello were present. Mayor Flynn was absent. The City Clerk stated that the agenda was posted on Thursday at the Oxnard City Hall. Mayor Pro Tem Ramirez presided and called the meeting to order. Staff members present were: Daniel Martinez, City Clerk; Greg Nyhoff, City Manager and Stephen Fischer, City Attorney.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

Public comments received from: Shirley Godwin; Steve Nash; Alicia Percell; Edward Castillo and Larry Godwin.

C. CLOSED SESSION

At 4:49 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 was City of Oxnard; et al. v. Aaron Starr Ventura County Superior Court, Case No. 56-2016-00479696-CU-MC-VTA

At 5:14 p.m., Mayor Flynn was present.

The City Council also recessed to a closed session pursuant to Government Code section 54956.9(d)(2), based on existing facts and circumstances, there is significant exposure to litigation against the City in one potential case.

At 6:21 p.m. the City Council reconvened and recessed to the evening session.

D. OPENING CEREMONIES

At 6:23 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: Maria Hurtado, Assistant City Manager; Daniel Rydberg, Public Works Director; Arturo Castillo, Housing Director; Thien Ng, Wastewater Division Manager; Shiri Klima, Assistant City Attorney; Ashley Golden, Development Services Director; Karl Lawson, Compliance Services Manager and Raja Bamrungpong, Public Safety IT Manager.

ITEMS REMOVED FROM AGENDA

The City Manager requested to remove reports N-5 and N-6 with the City Council concurrence.

E. CEREMONIAL CALENDAR

1. SUBJECT: Presentation of a Commendation to Jessy Tapia for Receiving the California Expanded Learning Emerging Leadership Award from the California Department of Education.
DISCUSSION: Terrel Harrison, Community Service Manager commented the recognition of Jessy Tapia who oversees the after-school enrichment and academic activities offered at 20 different schools with Oxnard School District.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments received from: Armando Vazquez (looking for location); Laura Gallardo (community); Victor Gallardo (wresting match at Cal Poly); Daniel Chavez (voting & election activity); Steve Nash (community); Harold Ceja (Colonia Road project); Pete Placencia (reducing speeding in neighborhood); Dan Pinedo (local student protest); Aaron Starr (election results); George Miller (Veteran's Day activities, election results); Pat Brown (traffic "truck" signs) and Larry Stein (election results).

G. REPORT OF CITY MANAGER

The City Manager commented on meeting with the Senior Services Commission and the availability of Cultural Arts Commission grants.

H. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

The City Council commented on: the election process; Veteran's Day activities; Oxnard Visitors and Convention Bureau meeting and recent Oxnard Boulevard "Clean-Up" activities.

I. REVIEW OF INFORMATION/CONSENT AGENDA

Comments were received from: Assistant City Manager (K-2(a))(K-3) and Public Safety IT Manager (K-2(c)).

J. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Public comments received from: Gloria Delgado (K-3) and Daniel Chavez (K-3).

K. INFORMATION CONSENT AGENDA

City Clerk Department

1. SUBJECT: Approval of Council Minutes of October 18 and 25, 2016 and Special Council Minutes of October 27, 2016.
RECOMMENDATION: Approval of Council Minutes of October 18 and 25, 2016 and Special Council Minutes of October 27, 2016.

City Manager Department

2. SUBJECT: Agreements for City Council Review
RECOMMENDATION: 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) (7417-16-HR) Management Partners for assistance in recruiting for technical positions within Public Works ($25,500); (B) (7592-16-PW) Kelly Cleaning & Supplies, Inc., amendment for custodial services for Public Works facilities ($84,785); and (C) (P.O. 006042) Sungard HTE for annual software maintenance ($127,835).

3. SUBJECT: Amendment to Agreement for Translation Services for City Council Meetings
RECOMMENDATION: Approve and authorize the Mayor to enter into a Third Amendment to Agreement No. 5753-12-CM with All Languages Interpreting and Translating in the amount of $57,800 for Interpreting Services at City Council meetings and the Inter-Neighborhood Council Organization's annual town hall meeting.

Development Services Department

4. SUBJECT: Second Reading and Adoption of Ordinance 2910 Approving Planning and Zoning Permit No. 16-580-01 (Zone Text Amendment) - Final and Parcel Subdivision Map Approval, and Acceptance and Consent to Deeds or Grants
RECOMMENDATION: Adopt **Ordinance 2910** approving Planning and Zoning Permit No. 16-580-01 (Zone Text Amendment) - Final and Parcel Subdivision Map Approval, and Acceptance and Consent to Deeds or Grants.

Public Works Department

5. SUBJECT: Approval of Lowest Responsible and Responsive Bid and Authorization to Issue and Execute a Contract (A-7915) for PW16-13 - Del Norte Regional Recycling & Transfer Station Facility (Del Norte Facility) Waste Tipping Floor Restoration.
RECOMMENDATION: 1) Award A-7915 to the lowest responsible and responsive bidder, American Restore, Inc., in the amount of $169,750 for PW16-13 - Del Norte Facility Waste Tipping Floor Restoration Project, and authorize the purchasing agent to execute the contract upon receipt of final documents. 2) Approve an additional 15% ($25,462) of the contract value of $169,750 for a total potential funding of $195,212 for contingency reserves in the event of unforeseeable change orders for this project.

6. SUBJECT: Administering Agency-State Master Agreement 07-5129F15 for Federal Aid Projects and Resolution Authorizing the Mayor to Execute Program Supplements
RECOMMENDATION: 1) Approve Administering Agency-State Master Agreement for Federal Aid Projects Agreement No. 07-5129F15 (A-7935) and authorize the Mayor to execute this Master Agreement; and 2) Adopt **Resolution No. 14,972** authorizing the Mayor or his or her designee to execute all future project- or grant- specific supplemental agreements and related documents that fall under this Master Agreement.

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

L. PUBLIC HEARINGS

M. APPOINTMENT ITEMS

N. REPORTS

Public Works Department

1. 1.SUBJECT: Chemical Purchases for Water and Wastewater Treatment Facilities.
RECOMMENDATION: 1) Approve and authorize the Mayor to execute four agreements for the as-needed supply and delivery of chemicals to Water and Wastewater Treatment Facilities in the period of November 15, 2016, through November 14, 2019: (a) Agreement A-7924 with Argo Chemical, Inc. for supply and delivery of aqueous ammonia to the Water Facilities in the amount of $61,722; (b) Agreement A-7927 with JCI Jones Chemical, Inc. for supply and delivery of sodium hydroxide and sodium hypochlorite to the Water Campus and Blending Station No. 3 in the amounts of $214,744 and $132,692, respectively, sodium hydroxide and sodium hypochlorite to the Wastewater Treatment Plant (WWTP) in the amounts of $119,801 and $597,010, respectively, and sodium hydroxide and sodium hypochlorite to the Advanced Water Purification Facility (AWPF) in the amounts of $23,960 and $36,340, respectively, for a total purchase amount of $1,124,547; (c) Agreement A-7928 with Kemira Water Solutions, Inc. for supply and delivery of ferric chloride to the WWTP in the amount of $1,358,546; (d) Agreement A-7929 with Univar USA, Inc. for supply and delivery of sodium bisulfite to the WTTP in the amount of $138,969 and of citric acid, hydrogen peroxide, sodium bisulfite and sulfuric acid to the AWPF in the amounts of $119,402, $206,777, $13,897 and $357,008, respectively, for a total purchase amount of $836,053; and 2) Approve and authorize the Mayor to execute Purchase Order 6039 for the as-needed supply and delivery of liquid lime to the AWPF in the period of November 15, 2016 through November 14, 2017, in the amount of $117,300.*
DISCUSSION: The Wastewater Division Manager commented on the required use of chemicals and bid process.

The Assistant City Attorney reviewed the bid process and City options.

The City Council commented on: storage requirements and chain of "custody" information.

ACTION: Approved as recommended with removal of N-1(b)* (MacDonald/Perello). Ayes: MacDonald, Padilla, Perello, Flynn and Ramirez.

City Attorney Department

2. 2.SUBJECT: Emergency Work at Golf Course Clubhouse
RECOMMENDATION: Adopt **Resolution No. 14,973** terminating the action regarding the emergency at the River Ridge Golf Club's clubhouse, making findings therefor, and ordering that the remainder of the clean-up, demolition and repair work at the facility be completed by giving notice for bids.
DISCUSSION: The City Manager, City Attorney and Assistant City Attorney reviewed the emergency actions taken, completion of emergency work, the need for more work, insurance information and request to terminate "emergency" resolution.

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

Housing Department

4. SUBJECT: Funding Request for Homeless Winter Shelter
RECOMMENDATION: Authorize the use of $30,000 of Salary Savings from the Housing Department to fund a Winter Warming Shelter for the Homeless at the Oxnard National Guard Armory for the 2016-2017 winter, and authorize the City Manager or designee to execute agreements necessary to participate in the 2016-2017 Winter Warming Shelter for Homeless at the Oxnard National Guard Armory.
DISCUSSION: The Housing Director reviewed: proposed change of location to Oxnard; the proposed budget and services to be provided at an Oxnard location.

The City Manager discussed the financial position for hosting Winter Shelter.

Public comments received from: Daniel Chavez; Steve Nash; Gloria Delgado; Abel Magana; Francine Castanon; Barbara Maci-Ortiz and Aaron Starr.

The City Council discussed homeless issues including the partnership with Ventura, proposed winter location, funding, services and possible future options.

ACTION: Approved as recommended (MacDonald/Ramirez). Ayes: Flynn, Ramirez, MacDonald and Padilla. Noes: Perello (stating that due to limited funds …. that "no" additional funds (over the $30,000) be approved at any later date this fiscal year.)

Finance Department

3. SUBJECT: Repeal of Wastewater Rates
RECOMMENDATION: Report on the repeal of the wastewater rates and the issues that it has created for the Wastewater fund, as well as a general process to move forward in securing the proper funding for the Enterprise fund.
DISCUSSION: The City Manager reported on impacts of the initiative including possible financial penalties, possible availability of funds, stopping Wastewater Capital Improvement Projects, maintenance of immediate needs and essential "Wastewater" needs.

Public comments received from: Aaron Starr; Robert Chatenever; Alicia Percell; Larry Stein; George Miller; Steve Nash and Daniel Chavez.

The City Attorney commented on the past infrastructure "fee" study.

The Public Works Director reviewed proposed projects

The City Council discussed: the established infrastructure fee; providing "bare minimums" services, providing "safe" wastewater system; community "trust" and possible increased of "interest" rates.

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

Public Works Department

5. SUBJECT: Progress Report on City Operation of Del Norte Regional Recycling and Transfer Station (MRF) and Environmental Resources Division Optimization Planning and Implementation Project, Approval of Agreement (A-7764) for Development of an Environmental Resources Division Optimization Planning and Implementation Project, and Approval of a Budget Appropriation of Funds
RECOMMENDATION: 1) Receive An Annual Progress Report on City Operation of Del Norte Regional Recycling and Transfer Station (MRF); 2) Approve and authorize the Mayor to execute a three-year agreement with E. Tseng and Associates, Inc. (A-7764) in the amount of $842,500 for the development of an Environmental Resources Division Optimization Planning and Implementation Project; and 3) Approve an appropriation of funds in the amount of $280,833 from Environmental Resources Operating Fund Balance to the Environmental Resources Administrative & Planning for the optimization planning and implementation assessment.
ACTION: Removed from agenda

City Attorney Department

6. 6SUBJECT: Marijuana Code Amendment
RECOMMENDATION: 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.
ACTION: Removed from agenda

O. PUBLIC COMMENTS ON REPORTS

P. PUBLIC COMMENTS ON STUDY SESSION

Q. STUDY SESSION

R. ADJOURNMENT

At 10:49 p.m. the City Council concurred to adjourn the meeting.

Michelle Ascencion for:
DANIEL MARTINEZ
City Clerk

Tim Flynn
TIM FLYNN
Mayor

Carmen Ramirez
CARMEN RAMIREZ
Mayor Pro Tem