MINUTES
OXNARD CITY COUNCIL
Regular Meeting
June 19, 2018

A. ROLL CALL/POSTING OF AGENDA

At 4:36 p.m., Mayor Flynn called to order the regular meeting of the Oxnard City Council (concurrently with the Oxnard Housing Authority) 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. Housing Commissioners Jose Andrade and Francisco Vega arrived at 6:00 p.m.

Staff members present were Scott Whitney, Interim City Manager/Police Chief; Stephen Fischer, City Attorney; Jesús Nava, Assistant City Manager; Ashley Golden, Interim Assistant City Manager; 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 54956.9(d)(4), based on existing facts and circumstances, to decide whether to initiate litigation in one potential case.

The City Council will also recess 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.

The City Council will also recess to a closed session, pursuant to Government Code section 54957.6(a), to provide instructions to the City's negotiator regarding the position of City Manager.

The City Council will also recess to a closed session, pursuant to Government Code section 54957(b)(1), to consider the appointment and employment of a City Manager."

At 4:37 p.m., the City Council recessed to a closed session. At 6:12 p.m. the City Council reconvened in open session in the Council Chambers. The City Attorney made the following announcement: "In closed session, the Council by unanimous vote has appointed Alexander Nguyen as the new Oxnard City Manager and contract consideration for the new City Manager is later on this agenda." Discussion ensued among the Council.

D. OPENING CEREMONIES

The flag salute was followed by a moment of silence.

Additional staff members present at this time were Darwin Base, Fire Chief; Keith Brooks, Information Technology Director; Jason Benitez, Assistant Police Chief; Sandra Burkhart, Special Districts Administrator; Shiri Klima, Assistant City Attorney; Thien Ng, Assistant Public Works Director; Deanne Purcell, Assistant Chief Financial Officer; Beth Vo, Budget Manager; and Karen Moore, Assistant City Clerk.

Mayor Flynn announced that item K-5 will be the first Public Hearing conducted.

E. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from Woodrow Thomas Sr. (recent Juneteenth event), Becky Quinn (need for more Police K-9 units), Morey Navarro (homelessness in the Downtown), Steve Nash (expressed appreciation to City Management staff), Michael Gleason (expressed hopes for ethical leadership), Pat Brown (upcoming Air Pollution Control District community workshop), and Richard Kristofferson (complaints about animal control).

F. REPORT OF CITY MANAGER

The Interim City Manager announced various upcoming meetings and special events, and provided program updates. He highlighted the upcoming Educational Sessions for residents interested in running for City Council, the Mayor's upcoming State of the City presentation, and reminded residents that all fireworks are illegal in Oxnard.

The Assistant Public Works Director gave an update on water quality in the Channel Islands Harbor and the stoppage of the NRG cooling pumps. Discussion ensued among the Council and staff.

Public comments were received from Steve Nash.

G. CITY COUNCIL REPORTS

Councilmember Madrigal thanked Chief Whitney for serving as Interim City Manager. He reported on attending the West Village neighborhood meeting, Juneteenth celebration, Carnegie Art Museum special exhibit, and recent high school graduations. He commented on fireworks, pothole repairs, and the importance of child welfare.

Mayor Pro Tem Ramirez commented on fireworks, an upcoming free pet microchipping event, and the upcoming Air Pollution Control District community workshop. She reported on attending the Juneteenth celebration, thanked Chief Whitney for serving as Interim City Manager, and spoke out against children being separated from their parents at the U.S./Mexico border.

Councilman MacDonald reported on attending the Juneteenth celebration, Carnegie Art Museum special exhibit, Los Angeles/San Diego/San Luis Obispo Rail Corridor ("LOSSAN") meeting, and thanked Chief Whitney and welcomed the new City Manager.

Councilmember Perello commented on K-9s and budget restraints. He commended the City Attorney's office for recent important negotiations. He commented on the city's recent credit card breach, fireworks, Measure O funds, the incoming City Manager, and the Vietnam Memorial Wall's visit to Ventura County.

Mayor Flynn commented on fireworks, encouraged residents to report fireworks, and suggested establishing block captains to help with fireworks reporting. Discussion ensued among the Council and staff.

City Attorney Department

1. SUBJECT: Approval of City Manager Employment Agreement.
   RECOMMENDATION: That City Council approve and authorize the Mayor to execute an agreement (Agreement No. 8087) with Alexander T. Nguyen to serve as City Manager for an initial term to expire on July 8, 2021, with two automatic one year extensions, with a base salary of $285,000 and providing terms and conditions concerning his employment as the City Manager.

The City Attorney gave a report. Public comments were received from Daniel Chavez Jr. and Woodrow Thomas Sr. Discussion ensued among the Council and staff.

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

H. REVIEW OF INFORMATION/CONSENT AGENDA

Items J-3, J-4, J-6, and J-8 were discussed among the Council and staff.

I. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Public comments were received from Pat Brown, Larry Stein, and Woodrow Thomas Sr.

J. INFORMATION/CONSENT AGENDA

City Clerk Department

1. SUBJECT: Approval of Minutes.
   RECOMMENDATION: That the City Council approve the minutes of the April 17, 2018 Regular Meeting, April 24, 2018 Regular Meeting, May 8, 2018 Regular Meeting, May 10, 2018 Special Meeting, May 15, 2018 Special Meeting, and May 15, 2018 Regular Meeting, as presented.

City Manager Department

2. SUBJECT: Oxnard Development Impact Fee Program Phase II.
   RECOMMENDATION: That City Council approve the agreement with Harris & Associates (No. 8300-18-CM) for the Oxnard Development Impact Fees Program Phase II Project in the amount of $440,045.

Finance Department

3. SUBJECT: April 2018 Month-End Financial Summary with Dashboard.

RECOMMENDATION: That the City Council receive and file the April 2018 monthly financial summary report, with the dashboard highlights included.

4. SUBJECT: Adopt a Resolution Authorizing the Special Tax Levy for Community Facilities District No. 5 (Riverpark).
RECOMMENDATION: That City Council:
1. Acting as the legislative body of Community Facilities District (CFD) No. 5, adopt **Resolution No. 15,142** setting a special tax rate within CFD No. 5 (Riverpark) for FY 2018-19; and
2. Authorize the Special Districts Manager to execute an agreement for Billing of Direct Assessments with the Ventura County Auditor-Controller to provide the service of placement of direct assessments on the Ventura County Secured Tax Roll.

5. SUBJECT: Adoption of the New Purchasing Ordinance No. 2943.
RECOMMENDATION: That City Council adopt **Ordinance No. 2943** (read by title only, waiving further reading) amending Oxnard City Code Chapter 4, the Purchasing Manual, the Administrative Manual, and a variety of purchasing resolutions and policies.

6. SUBJECT: Budget Appropriation Adjustment for External Auditors.
RECOMMENDATION: For the City Council to approve a total appropriation of $102,785 from General Fund Reserves to General Fund General Accounting Audit (Account No. 101-1601-801-8203) and Finance Legal Services (Account No. 101-1600-801-8204) for the additional out of scope work and the additional costs due to existing City litigation concerning the City's prior external auditors. The contract amendment (Agreement A-7819) was approved on May 22, 2018; however, the staff report omitted a budget recommendation to appropriate the funding.

Information Technology Department

7. SUBJECT: Extension of Compuwave Blanket Purchase Order for Computer Upgrade.
RECOMMENDATION: That City Council authorize a request to raise the not-to-exceed amount of Compuwave Purchase Order #6668 from $225,000 to $350,000. This purchase order was approved on February 6, 2018 and issued for the purchase of computers, network hardware and software.

Public Works Department

8. SUBJECT: Approve Funding for Street Project Design.
RECOMMENDATION: That City Council approve a budget appropriation for project design funding for residential and arterial street resurfacing projects and preventative maintenance projects in the amount of $3,383,972.

Regarding item J-4: it was moved by Councilman MacDonald, seconded by Councilmember Perello, to continue the assessments for Community Facilities District No. 5 (Riverpark) at the current levels, and once the Reserve study is completed, re-examining the rates. Discussion ensued among the Council and staff. Councilman MacDonald withdrew his motion.

It was moved by Councilman MacDonald, seconded by Councilmember Perello, to table item J-4 until the next City Council meeting. VOTE: Flynn, MacDonald, Perello, and Ramirez voted in favor; Madrigal voted against. The motion carried 4-1. Further discussion ensued.

It was moved by Mayor Pro Tem Ramirez, seconded by Councilman MacDonald, to rescind the action to table item J-4. VOTE: Flynn, MacDonald, Madrigal, and Ramirez voted in favor; Perello voted against. The motion carried 4-1. Further discussion ensued.

It was moved by Councilman MacDonald, seconded by Councilmember Perello, to approve the assessments for Community Facilities District No. 5 (Riverpark) (Item J-4) at the current levels, removing the half-percent increase. VOTE: Flynn, MacDonald, Perello, and Ramirez voted in favor; Madrigal voted against. The motion carried 4-1.

It was moved by Councilman MacDonald, seconded by Mayor Pro Tem Ramirez, to approve the remaining Information/Consent agenda items (J-1, J-2, J-3, J-5, J-6, J-7, and J-8) as presented. VOTE: Flynn, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 5-0.

Mayor Flynn announced that due to time, items L-1 and L-2 are pulled from the agenda and will be considered at the next meeting.

K. PUBLIC HEARINGS

City Manager Department

5. SUBJECT: Public Hearing on the Fiscal Year 2018-19 Operating Budget.
RECOMMENDATION: That the City Council and Housing Authority, for the City of Oxnard, conduct a public hearing on the Fiscal Year 2018-19 operating budget for the City of Oxnard and Oxnard Housing Authority; and provide staff direction regarding any adjustments to the proposed budgets, in preparation for final budget adoption on June 26, 2018.

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

Mayor Flynn opened the public testimony portion of the public hearing. Public comments were received from Daniel Chavez Jr., Larry Stein, and Michael Gleason. Mayor Flynn clarified that the City Clerk's office had received seven written communications (emails) from Mr. 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 Councilman MacDonald, seconded by Mayor Pro Tem Ramirez, to accept the Budget as presented, with a one-time addition from Measure O for $145,855 to offset the money that would have come from CFD-5 for public safety. VOTE: Andrade, Flynn, MacDonald, Madrigal, Ramirez, and Vega voted in favor; Perello voted against. The motion carried 6-1.

The Council took a brief break at 10:12 p.m.; the meeting resumed at 10:14 p.m. As it was after 10:00 p.m., the City Council voted unanimously for the meeting to continue and the following items to be heard.

Finance Department

1. SUBJECT: Levy of Fiscal Year 2018-19 Assessments in Mandalay Beach Maintenance District (MAD 4).
RECOMMENDATION: That City Council:
1. Hold a public hearing to receive public testimony regarding the proposed Fiscal Year 2018-2019 assessments for the Mandalay Beach Maintenance District; and
2. Adopt **Resolution No. 15,143** fixing the special assessments in the Mandalay Beach Maintenance District for Fiscal Year 2018-2019.

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

Mayor Flynn opened the public testimony portion of the public hearing. No public comments were received. 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 Councilman MacDonald, 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.

2. SUBJECT: Levy of Waterway Maintenance District Assessments Fiscal Year 2018-19.
RECOMMENDATION: That City Council:
1. Hold a public hearing regarding proposed assessments for the Waterway Maintenance District for Fiscal Year 2018-2019; and
2. Adopt **Resolution No. 15,144** for Fiscal Year 2018-2019 fixing assessments for the Waterway Maintenance District.

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

Mayor Flynn opened the public testimony portion of the public hearing. No public comments were received. 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.

3. SUBJECT: Adoption of Resolution Ordering the Dissolution of Two Landscape Maintenance Districts: LMD 9 – Strawberry Fields and LMD 15 – Pelican Pointe.
RECOMMENDATION: That City Council:
1. Hold a public hearing to receive public testimony regarding the dissolution of two (2) of the City's Landscape Maintenance Districts for Fiscal Year 2018-2019 pursuant to the Landscaping and Lighting Act of 1972, Part 2, Division 15 of the California Streets and Highways Code (commencing with Section 22500); and
2. Adopt **Resolution No. 15,145** approving the dissolution of two (2) of the City's Landscape Maintenance Districts for Fiscal Year 2018-2019 pursuant to the Landscaping

and Lighting Act of 1972, Part 2, Division 15 of the California Streets and Highways Code (commencing with Section 22500).

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

Mayor Flynn opened the public testimony portion of the public hearing. No public comments were received. 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 Councilman MacDonald, 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.

4. SUBJECT: Adoption of Resolution Approving Engineer's Report and Ordering the Levy and Collection of Assessments for the Fiscal Year 2018-19 Within the City's Landscape Maintenance Districts.
   RECOMMENDATION: That City Council:
   1. Hold a public hearing to receive public testimony regarding the proposed Fiscal Year 2018-2019 assessments in the City's Landscape Maintenance Districts; and
   2. Adopt **Resolution No. 15,146** approving the Fiscal Year 2018-2019 Consolidated Engineer's Report and ordering the levy and collection of assessments for Fiscal Year 2018-2019 within the City's Landscape Maintenance Districts pursuant to the Landscaping and Lighting Act of 1972.

The City Clerk announced the affidavit of publication and stated that no written communications had been received. Councilmember Perello announced that he has a real property conflict of interest with this matter and left the dais.

The Special Districts Administrator gave a report.

Mayor Flynn opened the public testimony portion of the public hearing. Public comments were received from Michael Gleason and Dan Pinedo.

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 Councilman MacDonald, seconded by Mayor Pro Tem Ramirez, to approve the recommended action as presented. VOTE: Flynn, MacDonald, Madrigal, and Ramirez voted in favor; the motion carried 4-0 (Perello absent [recused]).

L. REPORTS

Housing Department

1. SUBJECT: Section 8 Housing Choice Voucher Program Budget for Fiscal Year 2019.

(This item was postponed due to time.)

2. SUBJECT: Low Rent Public Housing Budget for Fiscal Year 2019.

(This item was postponed due to time.)

M. ADJOURNMENT

There being no further business on the agenda, and without objection, Mayor Flynn adjourned the meeting at 10:53 p.m.

MICHELLE ASCENCION, CMC
City Clerk

TIM FLYNN
Mayor