

MINUTES
OXNARD CITY COUNCIL
Regular Meeting
April 19, 2016

A. ROLL CALL/POSTING OF AGENDA

At 4:34 p.m., the regular meeting of the Oxnard City Council convened in the Council Chambers. Councilmembers Tim Flynn, Carmen Ramirez, Bryan A. MacDonald and Bert Perello were present. Councilmember Dorina Padilla was absent. The City Clerk stated that the agenda was posted on Thursday in the City Hall. 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 comments were received from Steve Nash and Edward Castillo

C. CLOSED SESSION

At 4:42 p.m. the City Council recessed to a closed session, pursuant to Government Code section 54956.9(d)(1), to confer with its attorneys on three separate cases. The titles and case numbers of the litigation being discussed are: 1) City of Oxnard v. Dale Belcher, et al., Ventura Superior Court, Case No. 56-2014-00450216-CU-CO-VTA; 2) City of Oxnard v. Aaron Starr, Ventura County Superior Court, Case No. 56-2016-00479696-CU-MC-VTA and 3) Aaron Starr v. City of Oxnard; et al. Ventura County Superior Court, Case No. 56-2016-00480094-CU-PT-VTA.

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

The City Council also recessed to a closed session, pursuant to Government Code section 54956.9(d)(2). The purpose of the closed session is for the City Council to consider whether to allow the late claim of Margarito Nino as Guardian ad Litem for Paola Nino, a minor, to be filed (City Attorney Claim No. 2016-0041).

At 6:18 p.m., the City Council reconvened and the City Attorney reported: 1) that the City Council by unanimous vote, "has decided to refrain from seeking appellate review of the Courts order in Starr vs City of Oxnard and Stephen Fischer. Regarding the issuance of rite of mandate, we look forward to an expedited hearing on the merits of this case, namely that the initiative would be illegally prevent the City from meeting bond obligations and protecting the public health and safety by providing wastewater services"; and 2) that the City Council by unanimous vote, has decided to grant the application to file late claim (2016-0041), the claim of Margarito Nino as Guardian ad Litem for Paola Nino, a minor.

D. OPENING CEREMONIES

At 6:19 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: J Tabin Cosio,

Human Resources Director; Ashley Golden, Development Services Director; Todd Housley, Environmental Resources Manager; Jason M. Samonte, Traffic Engineer and Renee Rakestraw, Recreation/Human Services Coordinator.

E. CEREMONIAL CALENDAR

1. SUBJECT: Presentation of a Commendation to Dr. Richard R. Rush for his Leadership and Commitment to Higher Education.
DISCUSSION: Mayor Flynn commented on the accomplishments at CSUCI. Dr. Rush stated the "need" to serve the residents and provide opportunities to the local community.
2. SUBJECT: Presentation of a Proclamation Designating April 28, 2016 as "Arbor Day".
DISCUSSION: The Environmental Resources Manager thanked the Council for the recognition of "Arbor Day".

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments received from: Mike Johnson (crime statistics); Martin Jones (reporting of closed session items); Ernest Eglan (Police equipment); Arthur Valenzuela (Greater Oxnard Democrats activities); Aaron Starr (initiative process); Pete Placencia (Senior Health Care Fair); Guadalupe Banuelos (streets repairs on Third Street); Inez Tuttle (2050 SOAR option, use of interim employees); Pat Brown (trucks on Oxnard Boulevard, crime statistics); Patrick Barrios (Colonia street options); George Miller (fiscal policy meetings, hiring of consultants) and Harold Ceja (Colonia improvements meetings).

G. REVIEW OF INFORMATION/CONSENT AGENDA

Public comments received from: Recreation/Human Services Coordinator (I-3) and Traffic Engineer (I-4).

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Public comments received from: Dona Lacayo (I-4) and Pat Brown (I-4).

I. INFORMATION/CONSENT AGENDA

City Clerk Department

1. SUBJECT: Minutes of the Regular Meeting of the Oxnard City Council for March 29 and April 5, 2016.
RECOMMENDATION: Approve.

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.

Cultural and Community Service Department

3. SUBJECT: Recognize Revenue and Appropriate Funds for the Retired and Senior Volunteer Program (RSVP), Fiscal Year 2016/2017.
RECOMMENDATION: That City Council: 1) Approve a Special Budget Appropriation recognizing grant award in the amount of \$67,777 and matching funds of \$29,047 for the Retired and Senior Volunteer Program grant; and 2) Authorize the City Manager or designee to execute grant agreements; the Finance Director or designee to submit financial reports and grant claims and approve special budget appropriations for the use of grant funds.

Development Services Department

4. SUBJECT: Amendment of Designated Heavy Container Corridors.
RECOMMENDATION: That City Council adopt **Resolution No 14,909** designating certain City streets for the operation and movement of overweight vehicles and repealing Resolution No. 14,449.

Public Works Department

5. SUBJECT: Approve Plans and Specifications for UD14-02 Alley Reconstruction at Various Locations - Phase II.
RECOMMENDATION: Removed from the agenda.

INFORMATION/CONSENT AGENDA ACTION: Approved as recommended with removal of I-5. (Ramirez/Perello) Ayes: Ramirez, MacDonald, Perello and Flynn. Absent: Padilla.

J. PUBLIC HEARINGSK. APPOINTMENT ITEMSL. REPORTSCultural and Community Service Department

3. SUBJECT: Senior Services Commission Annual Report.
RECOMMENDATION: That City Council receive the Senior Services Commission annual verbal report.
DISCUSSION: Senior Commissioners Alice Sweetland, Kay Brainard, Albert Clemens, Alice Madrid and Lourdes Yu were present and commented on the senior activities and services provided including volunteer options and future goals (building a new senior center.)

The City Council commented on the future "senior" services goals including improvements of "C" Street facility.

ACTION: The City Council received and provided comments.

Economic Development Department

5. SUBJECT: Verbal Report on Oxnard Convention and Visitors Bureau Annual Report.
RECOMMENDATION: That the City Council receive the Oxnard Convention and Visitors Bureau's verbal report.

DISCUSSION: Steven Buenger and Alyce Bosacki, Oxnard Convention and Visitors Bureau, reviewed accomplishments, budget and goals including marketing, press releases and economic impact to the community.

Public comment received from: Jim Lavery.

The City Council commented on: local economic impact; the relationship between VCTC (train ridership) and Visitors Bureau; the benefit of having the 2016 North American Travel Journalists Association Conference in Oxnard and efforts to promote the community.

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

City Manager Department

2. SUBJECT: Update on Maintenance Assessment District Audits and Community Outreach Plan.
RECOMMENDATION: That City Council receive a status update on the community outreach meetings to various special assessment districts conducted by the City's consultant, NBS.
DISCUSSION: Pablo Perez, NBS, reviewed maintenance assessment districts including public outreach efforts to provide assessment district information, development of budgets, assessment of rates, level of service and analysis of specific benefits (indirect and direct service costs).

Public comments received from: Michael Gleason; Dale Dean; Steve Huber; Jackie Tedeschi; George Miller; Dan Pinedo and Sandra Sudac.

The City Council discussed the need for public outreach (including the filming of district meetings), hiring of special district administrator,

The City Council questioned: how expenses of landscape maintenance districts were paid when there was a deficit; funding formula to be used for administration costs; record keeping practices and type of landscape "services" to be provided to landscape maintenance districts.

ACTION: Received report and provided comments to staff.

City Attorney Department

1. SUBJECT: Debt Forgiveness.
RECOMMENDATION: That City Council consider the request of Edward Idukas to modify restitution payments owing to the City of Oxnard and adopt a resolution approving the request.
DISCUSSION: The City Attorney outlined the request and current procedure to act.

Public comments received from: Pat Brown and George Miller.

The City Council commented on a having "management" policy (not having Council deciding case by case) in which staff follow Council "policy" to provide these types of decisions.

ACTION: Moved to deny request **Resolution No 14,910** (Perello/MacDonald). Ayes: MacDonald, Perello and Flynn. Noes: Ramirez. Absent: Padilla.

Development Services Department

4. SUBJECT: First Amendment to Agreement No. 6944-14-DS with WKE, Inc.
RECOMMENDATION: Removed from the agenda.
ACTION: The Council concurred to continue this item.

Human Resource Department

6. SUBJECT: Approval of Resolutions Authorizing Full-Time Equivalent Positions and Approving Salary Schedule.
RECOMMENDATION: That City Council Adopt Two Resolutions: 1) **Resolution No 14,912** Repealing Resolution No. 14,905 authorizing full-time equivalent positions and setting the authorized full-time equivalent positions; and 2) **Resolution No 14,911** Repealing Resolution No. 14,904 setting the classification and salary schedule; and approving changes to Section XII of the Personnel Rules and Regulations setting the classification and salary schedule.
DISCUSSION: The Human Resources Director reviewed the procedures to fill positions and the overall "city" rate of vacant positions.

Public comments received from: Jim Lavery and George Miller.

The Council discussed: the procedures to fill City positions and the effect of not filling positions.

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

M. REPORT OF CITY MANAGER

The City Manager reviewed the amount of time to accomplish the goals of the City.

N. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

1. SUBJECT: Consider Fiscal Policy Task Force Recommendation that Council Send a Letter to SCO Requesting a Financial Audit. (10/30)
RECOMMENDATION: That City Council consider the Fiscal Policy Task Force's recommendation that Council send a letter to the State Controller's Office (SCO) requesting SCO conduct a financial audit of the City of Oxnard and provide direction on whether or not to send a letter to the SCO.
DISCUSSION: The City Manager and Assistant City Manager (Hurtado) outlined the request to contact the SCO and the schedule of the current audit and final input of the State regarding Comprehensive Annual Financial Report (CAFR).

Public comments received from: Jim Lavery and George Miller.

The City Council discussed the value of contacting the SCO, the current "audit" process and schedule to complete CAFR.

ACTION: The City Council concurred to table this matter

The Council discussed: Council meeting protocol to discuss legal issues; public health view of youth violence in the community; attending the California Public Utilities Commission regarding charging of public utilities rates; Regional Defense Partnership meeting in Washington D.C.; 110th Anniversary of Our Lady of Guadalupe School and the City's responsibility to pay municipal debts.

O. PUBLIC COMMENTS ON REPORTS

P. PUBLIC COMMENTS ON STUDY SESSION

Q. STUDY SESSION

R. ADJOURNMENT

At 11:29 p.m., the City Council concurred to adjourn the meeting.


DANIEL MARTINEZ
City Clerk


TIM FLYNN
Mayor