MINUTES
OXNARD CITY COUNCIL
Regular Meeting
February 7, 2017

A. ROLL CALL/POSTING OF AGENDA

At 6:05 p.m., the regular meeting of the Oxnard City Council was called to order in the Council Chambers. The City Clerk called the roll: Councilmembers Bryan A. MacDonald, Bert Perello, Mayor Pro Tem Carmen Ramirez, and Mayor Tim Flynn were present; Councilmember Oscar Madrigal was absent (arrived at 6:22 p.m.). The City Clerk announced that the agenda was posted on February 2, 2017, with an amendment posted on February 3, 2017.

Staff members present were Greg Nyhoff, City Manager; Stephen Fischer, City Attorney; Jesús Nava, Assistant City Manager; Ruth Osuna, Assistant City Manager; Darwin Base, Fire Chief; Keith Brooks, Information Technology Director; Arturo Casillas, Housing Director; Ashley Golden, Development Services Director; Kymberly Horner, Economic Development Director; Steve Janice, Human Resources Director; Daniel Rydberg, Public Works Director; James Throop, Chief Financial Officer; Scott Whitney, Chief of Police; Sandra Burkhart, Special Districts Administrator; George Iafrete, Computer Network Engineer III; Shiri Klima, Assistant City Attorney; Karl Lawson, Housing Compliance Services Manager; Michael More, Financial Services Manager; Thien Ng, Wastewater Division Manager; Chelsea Reynolds, Performing Arts Center Manager; and Michelle Ascencion, City Clerk.

B. OPENING CEREMONIES

Councilmember Perello led the flag salute, followed by a moment of silence.

C. CEREMONIAL CALENDAR

1. SUBJECT: Presentation of a Proclamation Designating the Month of February 2017 as "Black History Month."

Mayor Flynn presented a proclamation to former Mayor Pro Tem Dr. Irene Pinkard, who acknowledged her husband, former City Councilmember Bedford Pinkard, and several others in the audience. She thanked the Council and made some remarks.

2. SUBJECT: Announcement of the Gene and Jerry Jones Family Foundation Grant Recipients.

Mayor Flynn made some remarks and announced the recipients of the Jones Family Foundation Grants: Acuña Gallery & Cultural Center / Café on A (represented by Armando Vasquez), The Children's Wall of Tears (represented by Leo Alvarez), El Rio Fastpitch Girls Softball (represented by Carlo Goodoy and Valeria Balderrama), and Ventura County Arts Council - Oxnard Music Advocacy Group (represented by Laurie Preston and Cherie Moraga). The recipients were presented with ceremonial checks and made some remarks.

(Councilmember Madrigal arrived during the grant presentations.)

D. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from: Kelvin Santacruz and Daniela Cortez (Oxnard PAL Youth Director's Council); Woodrow Thomas Sr. (status of claim); Denis O'Leary ("safe zones" and sanctuary cities); Michelle Avitia (Ventura Axxess shop local campaign); Michael Gleason (ethics); Dan Pinedo (utility rate panel video); Pat Brown (trucks on Oxnard Boulevard); George Miller (transparency, utility rate panel); Aaron Starr (utility rate panel); Alicia Percell (utility fund financials); Robert Chatenever (community maintenance districts).

E. REPORT OF CITY MANAGER

The City Manager announced that the CAFR will be presented at upcoming Fiscal Policy Task Force and City Council meetings. Standard & Poor's will soon issue a report on the wastewater fund's financial position, particularly its bond ratings. The upcoming Utility Ratepayer Advisory Panel meeting will present various rate scenarios.

F. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

Councilmember Perello commented on Bethel AME Church's mentoring program, public records requests, the city's audit and warrant registers, the upcoming Standard and Poor's meeting, the City Treasurer, truck traffic on Oxnard Boulevard, former city employees working as consultants, and reports of malfunctioning water meters.

Councilman MacDonald reported on the City's bid to acquire a bank-owned parcel in Lemonwood Park. He is the newly elected chair of VCTC and vice chair of LOSSAN. He discussed an upcoming Washington DC trip with RDP-21.

Mayor Pro Tem Ramirez discussed the Halaco EPA superfund site. She reported on the public hearings regarding the proposed power plant. She expressed appreciation for community leaders' recent comments on protecting immigrants and commended Dr. Pinkard's work with youth in the community. She commented on the City's financial position.

Councilmember Madrigal reported on attending the recent Latino Thoughtmakers event at Oxnard College. He commended some local student-athletes who recently signed with Division 1 colleges.

Mayor Flynn commented on the Utility Ratepayers Advisory Panel's meetings and efforts to gather information and reach consensus on a recommendation to the City Council on wastewater rates. Discussion ensued among the Council and staff.

Public comments were received from George Miller and Aaron Starr. Discussion ensued among the Council and staff.

G. REVIEW OF INFORMATION/CONSENT AGENDA

Items I-1, I-3(a), I-3(c), I-4 were pulled for discussion.

Regarding I-1: Councilmember Perello inquired about parking congestion in Habitat for Humanity developments (the Housing Director responded).

Regarding I-3(a): Councilmember Perello inquired about the terms "landscape maintenance districts" versus "maintenance assessment districts" (the Special Districts Administrator responded).

Regarding I-3(c): Mayor Pro Tem Ramirez inquired about the timing of the copier lease agreements (the Financial Services Manager responded).

Regarding I-4: Councilmember Perello inquired about former employees working for consultant firms and if any break-in-service requirements exist. Mayor Flynn asked if the proposed contracts help create a one-stop shop. The Development Services Director and City Attorney responded.

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Comments were received from Michael Gleason, Daniel Chavez Jr., and Harold Ceja. Discussion ensued among Council and staff.

I. INFORMATION/CONSENT AGENDA

Housing Department

1. SUBJECT: First Amendments to Loan Agreements with Habitat for Humanity of Ventura County (H4HVC) for the First Street and Hayes Avenue Affordable Housing Development Project to Construct 6 Single-Family Homes.
   RECOMMENDATION: That City Council:
   1. Approve and authorize the Mayor to execute First Amendments to the HOME Participation Agreement (A-7897-001), to the Affordable Housing Agreement A-7898-001), and to the Affordable Housing HOME CHDO Set-Aside Loan (A-7899-001) with Habitat for Humanity of Ventura County (H4HVC):
      a. To modify the construction completion date to reflect September 30, 2018, as requested by U.S. Department of Housing and Urban Development (HUD),
      b. To include HUD as an agent for approval of any extensions,
      c. To remove verbiage related to granting extensions of time for completion, and
      d. To include an updated Exhibit-A Schedule of Performance.

   2. Approve a contingency plan that, in the unlikely event that H4HVC is not able to complete the project by the HUD deadline, and HUD does not grant an extension, H4HVC will retain ownership of the land for an additional 12 months to complete the project through non-HUD sources, provided though that construction of the housing units is already underway at that time.

   3. Authorize the City Manager or designee to make necessary corrections or modifications in the attached Amendments and related agreements in order to conform them to each other or to make them consistent with the provisions of the staff report.

City Clerk Department

2. SUBJECT: Approval of Minutes: December 13, 2016 Regular Meeting.
   RECOMMENDATION: Approve the Minutes of the City Council Regular Meeting of December 13, 2016.

City Manager Department

3. 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 below:
A. NBS Government Finance Group (A-7950) to provide consulting support for the landscape maintenance districts ($166,700).
B. Gallagher Benefit Services (7674-16-HR) for a city-wide classification and compensation study ($230,000).
C. Toshiba Business Solutions (5173-10-FN) for lease of photocopy equipment ($61,875).
D. New Image 2000 Car Wash (6386-13-PO) for police vehicle car washing ($45,000).
E. AllStar Fire for the purchase of 24 turnout pants and 24 turnout jackets equipment required for firefighter safety ($63,185).
F. BMW Motorcycle of Burbank for the purchase of two BMW motorcycles for the Police Department ($56,719).
G. Wastequip for the purchase of 2 cubic yard and 4 cubic yard front-end loader refuse containers ($114,000).

Development Services Department

4. SUBJECT: Agreements for On-Call Permit Processing.
RECOMMENDATION: That City Council approve and authorize the City Manager to execute agreements with Rincon Consultants, Inc. in an amount not to exceed $250,000 (Agreement Number 7690-16-DS) and with Stantec in an amount not to exceed $75,000 (Agreement Number 7729-16-DS) for on-call permit processing and planning services.

Public Works Department

5. SUBJECT: Antiscalant Purchases for Water and Recycled Water Treatment Facilities.
RECOMMENDATION: That the City Council approve and authorize the Mayor to execute an agreement (Agreement No. A-7938) with King Lee Chemical Company d.b.a. King Lee Technologies for the as-needed supply and delivery of antiscalant to water and recycled water treatment in an amount not to exceed $350,000.

Development Services Department

6. SUBJECT: Notice of Pending Approval – Parcel Map No. 11-300-02.
RECOMMENDATION: Receive and file only.

It was moved by Mayor Pro Tem Ramirez, seconded by Councilman MacDonald, to approve the staff recommendation as presented. VOTE: Flynn, MacDonald, Madrigal, Perello and Ramirez voted in favor (Perello voted against Item I-3); the motion carried 5-0 (4-1 vote on Item I-3).

J. REPORTS

Finance Department

1. SUBJECT: Approval of $178,357 in Assessment Credits for Ineligible Utilities Costs and

Administrative Fees Charged to Certain City of Oxnard Maintenance Assessment Districts in Fiscal Year 2015-16.
RECOMMENDATION: That City Council approve:
1. Assessment credits to the twelve (12) Maintenance Assessment Districts for Fiscal Year 2015-16 utility charges in excess of the 5% increase allowed per the Engineer's Report, totaling $108,729.
2. Assessment credits to the twenty-five (25) Maintenance Assessment Districts that did not receive a subsidy from the General Fund and had an over collection of administrative fees in Fiscal Year 2015-16, totaling $69,628.
3. A budget appropriation from General Fund Operating Reserve to Transfer Out to Assessment District Account in the amount of $178,357 to repay the affected Maintenance Assessment Districts for ineligible utility charges and administrative fees.
4. Authorizing the City Manager to take all necessary actions required to implement the assessment credits and repay the Maintenance Assessment Districts for excess utility charges and the over collection of administrative fees.

Special Districts Administrator gave a report and introduced Pablo Perez, consultant with NBS Government Finance, who also gave a report.

Public comments were received from Michael Gleason.

Discussion ensued among Council, staff, and Mr. Perez.

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

2. SUBJECT: Proposed Water Pass-Through Rates.
RECOMMENDATION: That the City Council: 1. Receive a report on the proposed water pass-through rates effective March 15, 2017, due to increased third-party costs for water; and 2. Authorize the City Manager to take any and all needed steps to administratively approve the water pass-through charges as authorized by the City of Oxnard Ordinance Number 2859.

The Chief Financial Officer gave a report.

Public comments were received from Pat Brown and George Miller.

Discussion ensued among Council and staff.

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

CONTINUATION OF PUBLIC COMMENT

Public comments were received from Daniel Chavez Jr. (transparency, City Council duties and pay).

K. ADJOURNMENT

There being no further business on the agenda, and without objection, Mayor Flynn adjourned the meeting at 9:43 p.m.

MICHELLE ASCENCION, CMC
City Clerk

TIM FLYNN
Mayor