

MINUTES
OXNARD CITY COUNCIL
Regular Meeting
September 19, 2017

A. ROLL CALL/POSTING OF AGENDA

At 4:33 p.m., Mayor Flynn called to order the regular meeting of the Oxnard City Council 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.

Staff members present were Stephen Fischer, City Attorney; Jesús Nava, Assistant City Manager; Ruth Osuna, Assistant City Manager; and Michelle Ascencion, City Clerk.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

Public comments were received from Alicia Percell.

C. CLOSED SESSION

The Mayor read the following closed session statement:

“The City Council will recess to a closed session pursuant to Government Code section 54956.9(d)(1)), to confer with its attorneys on two cases. The titles and case numbers of the litigation being discussed are:

1. City of Oxnard; et al. v. Aaron Starr, Ventura County Superior Court, Case No. 56-2016-00479696-CU-MC-VTA; and
2. Aaron Starr v. City of Oxnard, Ventura County Superior Court, Case No. 56-2017-00494475-CU-WM-VTA.

The City Council will also recess to a closed session pursuant to Government Code section 54956.9(d)(4), based on existing facts and circumstances, the City Council shall decide whether to initiate litigation in one potential case.”

At 4:38 p.m., the City Council recessed to a closed session. At 6:03 p.m. the City Council reconvened in open session in the Council Chambers. The City Attorney announced that there were no reportable actions out of closed session.

D. OPENING CEREMONIES

The flag salute was followed by a moment of silence.

Additional staff members present at this time were Greg Nyhoff, City Manager; Ashley Golden, Development Services Director; Phillip Molina, City Treasurer; Thien Ng, Interim Public Works Director; Scott Whitney, Police Chief; Eden Alomeri, Assistant City Treasurer; Jefferson

Billingsley, Assistant City Attorney; Robert Hearne, City Engineer; Eric Sonstegard, Assistant Police Chief.

E. CEREMONIAL CALENDAR

1. SUBJECT: Presentation of a Proclamation Designating the Week of September 17–23, 2017 as “Constitution Week.”

Mayor Flynn read the proclamation and presented it to Matt Nehmer, Ph.D., Executive Director of the Santa Barbara and Ventura Colleges of Law.

Public comments were received by Mike Smith, Deborah Baber Savalla, Rolando and Gloria Chinae, George Miller, Peter Godinez, Edward Castillo, and Woodrow Thomas Sr.

2. SUBJECT: Presentation by the Ventura County Civic Alliance and Oxnard Union High School District Regarding the Second Annual Linked Learning Summer at City Hall Program.

Remarks were made by David Maron of the Civic Alliance, Dr. Tom McCoy of OUHSD, the Assistant Police Chief, Jaime Moreno of OUHSD, and student Ashley Hernandez.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from Dan Pinedo (potential recall), Denis O’Leary (invitation to speak in classroom, recent accident on Ventura Road), Jackie Tedeschi (emergency preparedness), Woodrow Thomas Sr. (offered paralegal services, contract safeguards), Timothy Gingrass (speed bumps), Ramon Lopez (La Colonia neighborhood cleanup event), Renee Ostrove (proposed a dog park in Oxnard Shores), Aaron Greer (recent accident on Ventura Road, potential recall), Edward Castillo (checks and balances), George Miller (emergency preparedness, checks and balances), Pat Brown (checks and balances), Abel Magana (art in the Downtown), Soledad Trevino (potential recall), and Alicia Percell (potential recall).

G. APPOINTMENT ITEM

City Manager Department

1. SUBJECT: Ventura County Civic Alliance Annual Report.
RECOMMENDATION: That City Council receive the Annual Report from the Ventura County Civic Alliance.

David Maron, Vice Chair of the Ventura County Civic Alliance Executive Committee, gave a presentation. Discussion ensued among the Council and Mr. Maron.

H. REPORT OF CITY MANAGER

The City Manager reported on street resurfacing projects currently underway. He announced the City’s recent Beacon Spotlight platinum award from the League of California Cities/Institute for Local Government for instituting sustainability best practices. He commented on the recent

Standard & Poor's downgrade of the General Fund bond ratings, the Downtown Manager recruitment process, and the Miami Dolphins' recent practice camp held in Oxnard.

Public comments were received by George Miller and Woodrow Thomas Sr. (after City Council Reports).

I. CITY COUNCIL REPORTS

Councilmember Madrigal reported on attending the Fiestas Patrias parade and a Pacifica football game, and commented on the recent retirement of police officer Umberto Jimenez.

Mayor Pro Tem Ramirez reported on attending the Fiestas Patrias parade, the Third Street Murals event, the State Natural Resources department visit tour for the Green Alleys Program, and the energy commission's hearing on the proposed Puente power plant. She expressed support for the Laborers Union International resolution opposing Edison's proposed increase. She commented on emergency preparedness in the wake of the recent devastating earthquake in Mexico City, and the recent screening of the film "Delores" about the life of Delores Huerta.

Councilman MacDonald reported on attending the recent transportation roundtable, "Mobility 21." He commented on a KDF Brewmaster competition that featured the use of reclaimed water. He announced that the Ventura County Transportation Commission dispute with Fillmore Western Railway has finally been resolved.

Councilmember Perello commented on Standard & Poor's recent report and requested a special City Council workshop regarding the city's financial crisis. He commented on the city's Financial Advisor contract, the La Colonia "green alleys" tour, beach cleanup events, the recent emergency preparedness event, and upcoming County Health Department free flu shot events. He commented on the SCR-3 levy project's contractor Rock Structures, and the Rio School District's grand opening of a new school.

Mayor Flynn commented on pension obligations bonds, the city's reserve policy, and developing a more vigorous council committee structure. He reported on the recent Fiscal Policy Task Force meeting, where there was discussion on best practices in the City Treasurer's Department, benchmarking with other cities, and the certification of the city's investment policy. Discussion ensued.

J. REVIEW OF INFORMATION/CONSENT AGENDA

Items L-2(D) and L-4 were pulled for discussion.

Regarding L-2(D): Mayor Pro Tem Ramirez and the Development Services Director discussed the Downtown parking study.

Regarding L-4: Councilmember Perello made a motion to amend the recommendation to the item to not allow any additional extensions after one year. Discussion ensued among the Council and staff. The motion died for lack of a second.

K. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA (None)

L. INFORMATION/CONSENT AGENDA**City Clerk Department**

1. **SUBJECT:** Minutes of the June 13, 2017 Regular Meeting.
RECOMMENDATION: That the City Council approve the Minutes as presented.

City Manager Department

2. **SUBJECT:** Agreements for City Council Review.
RECOMMENDATION: That City Council, pursuant to Ordinance No. 2835, and Resolution No. 13,932, approve and authorize the City Manager to execute the following agreements/contracts and change orders/amendments in amounts more than \$25,000 but no more than \$250,000:
 - A. County of Ventura (A-7218) for cultural heritage review services (\$57,000).
 - B. WestRux, International, Inc. (Purchase Order No. 6470) to purchase a replacement engine for a 2001 Kenworth semi-tractor used to transport waste to the landfills (\$28,693).
 - C. Motorola Solutions (Purchase Order No. 6482) to purchase 16 portable radios, microphones, chargers and batteries to be used by the Firefighters (\$84,453).
 - D. Stantec Consulting Services (6856-14-CM) to conduct a downtown parking study (\$27,700).

Development Services Department

3. **SUBJECT:** Notice of Pending Approval – Parcel Map No. 17-300-06.
RECOMMENDATION: Receive and file only.
4. **SUBJECT:** Adoption of Ordinance No. 2922, Pertaining to Financial Plaza Tower III Development Agreement Amendment.
RECOMMENDATION: That the City Council adopt **Ordinance No. 2922** (by title only, further reading waived), approving the First Amendment to Development Agreement No. 02-670-01 (PZ Permit No. 16-670-01); and adopting Addendum No. 2017-01 to Final Environmental Impact Report No. 89-4 for the Financial Plaza Tower III, and imposing mitigation measures identified within said addendum.

It was moved by Councilman MacDonald, seconded by Mayor Pro Tem Ramirez, to approve the Information/Consent items as presented. VOTE: MacDonald, Madrigal, and Ramirez voted in favor; Perello voted against item L-4, stating he felt the citizens were being “shafted” 25 years in a row due to the multiple extensions that have been granted to the project. The motion carried 5-0 on items L-1, L-2, and L-3; and 4-1 on item L-4.

M. REPORTS**City Treasurer Department**

1. **SUBJECT:** Stale Dated Checks and Unclaimed Funds.
RECOMMENDATION: The Treasurer recommends that Council receive a report on

stale dated checks and unclaimed funds, confirm support for the actions and time tables provided and file this report.

The City Treasurer and Assistant City Treasurer gave a report.

Public comments were received from Jackie Tedeschi, Peter Godinez, and Woodrow Thomas Sr.

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

Public Works Department

2. SUBJECT: Award Contract for La Colonia Neighborhood Street Improvement Project Phase I PW 15-03.

RECOMMENDATION: That City Council:

1. Award and authorize the Mayor to execute Agreement A-7999 with Toro Enterprises, Inc., in the amount of \$1,116,575 for the La Colonia Neighborhood Street Improvement Project Phase I PW 15-03.
2. Approve an additional appropriation of \$120,000 as a contingency for the La Colonia Resurfacing Project No. 143116.

The City Engineer gave a report. Public comments were received from Pat Brown. 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, Perello, and Ramirez voted in favor; the motion carried 5-0.

N. ADJOURNMENT

There being no further business on the agenda, and without objection, Mayor Flynn adjourned the meeting at 9:17 p.m.



MICHELLE ASCENCION, CMC
City Clerk



TIM FLYNN
Mayor