

## MINUTES

### OXNARD CITY COUNCIL Regular Meeting December 1, 2015

#### A. ROLL CALL/POSTING OF AGENDA

At 6:07 p.m., the regular meeting of the Oxnard City Council convened in the Council Chambers. Councilmembers Carmen Ramirez, Dorina Padilla and Bert Perello were present. Councilmembers Tim Flynn and Bryan A. MacDonald was absent. The City Clerk stated that the agenda was posted on Thursday in the Library and City Clerk's Office. Mayor Pro Tem Ramirez presided and called the meeting to order.

#### B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

#### C. CLOSED SESSION

#### D. OPENING CEREMONIES

The meeting opened with the pledge of allegiance to the flag of the United States, followed by a moment of silence for Claudia Sanchez, Margaret Ramirez, Thomas Randy Cooper, Christina Ramirez and Scott Carroll. Staff members present were: Daniel Martinez, City Clerk; Greg Nyhoff, City Manager; Maria Hurtado, Assistant City Manager; Scott Whitney, Assistant City Manager; Stephen Fischer, Interim City Attorney; Jeri Williams, Police Chief; Ashley Golden, Development Services Director; Keith Brooks, Interim IT Manager; Jason M. Samonte, Traffic Engineer; Arturo Castillo, Housing Director; Daniel Rydberg, Interim Utilities Director; David Endelman, GIS Coordinator and Karl Lawson, Compliance Services Manager.

#### E. CEREMONIAL CALENDAR

#### F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from: Armando Vazquez (school program at Café @ A Street); Brett Munoz (banking system); Ed Ellis (list of Ormond Beach visitors); Juanita Alvarez (Housing needs); Miguel Marquez (helping with Housing needs); Dina Ontiveras (water service at Nyeland Acres and Ventura Road); Dan Pinedo (dog scared due to fireworks); Martin Jones (lending rates); Maria C. Ovando (sewer odors at Redwood, the Interim Utilities Director addressed issue) and Karl Lawson (homeless shelter).

#### G. REVIEW OF INFORMATION/CONSENT AGENDA

Comment was received from: Traffic Engineer (I-3). Councilmember Perello commented on proposed design & questioned type of concrete work.

#### H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Public comment was received from: George Miller (I-3).

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

1. **SUBJECT:** Minutes of the Regular Meetings of the Oxnard City Council for October 20, 2015. (001)  
**RECOMMENDATION:** Approve.

**City Manager Department**

2. **SUBJECT:** Agreements for City Council Review. (007)  
**RECOMMENDATION:** Approve and authorize the City Manager, to execute the attached 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.

**Development Services Department**

3. **SUBJECT:** Installation of a Raised Median along Victoria Avenue from Gonzales Road to Fifth Street. (011)  
**RECOMMENDATION:** 1) Adopt Project Specification No. DS 15-43 for the installation of a raised median along Victoria Avenue from Gonzales Road to Fifth Street; and 2) Approve a budget appropriation recognizing additional Federal grant funding of \$831,900 from the Highway Safety Improvement Program (HSIP) and appropriate additional match of \$251,834 from Circulation System Improvement Fund to the Victoria from 5<sup>th</sup> Street to Gonzales Project 143102.

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

**J. PUBLIC HEARINGS**

**ACTION:** Mayor Pro Tem Ramirez declared the public hearing open.

**DISCUSSION:** The City Clerk reported on posting, publication and that there were no written communications received.

**Development Services Department**

1. **SUBJECT:** Review of Planning Commission's Approval of Planning and Zoning Permit No. 14-510-03 (Special Use Permit-Alcohol Sales) to allow an existing 76,639 square foot Wal-Mart, located at 2701 Saviers Road to sell beer, wine, and liquor for off-site consumption (ABC Type 21) within the store. Filed by Brent McManigal on behalf of Wal-Mart Stores, Inc and the property owner, 550 East Hospitality Lane, Suite 300, San Bernardino, California 92408. (015)  
**RECOMMENDATION:** Adopt a resolution upholding the Planning Commission's action and approve Planning and Zoning Permit No. 14-510-03 (Special Use Permit – Alcohol) to allow an existing 76,639 square foot Wal-Mart, located at 2701 Saviers Road to sell beer, wine, and liquor for off-site consumption (ABC Type 21) within the store, subject to certain findings and conditions.

DISCUSSION: The Development Services Director reviewed request to sell beer, wine and liquor at Walmart site and conditions placed by the Police Department including allowed selling hours and types of sales.

At 6:57 p.m., Mayor Flynn was present and presided.

The Police Chief reviewed the crime rate compared to other commercial sites.

Lisa Kolieb and Christina Gosen representing Walmart commented on: contact with Police Department and schools; in-house liquor training; store security and following required Police restrictions.

Public comments were received from: Cesar Morales (Oxnard School District Superintendent); Nancy Pedersen; Denis O'Leary (Oxnard School District Trustee); Salvador Ayala; Tammy Tripp; Ana Quiroz; Francine Castanon and Pat Brown.

The Interim City Attorney reviewed standards and process for allowing liquor licenses.

The City Council discussed: crime rate statistics; density of local community and requirements for allowing liquor licenses.

ACTION: Close the public hearing. (Ramirez/Perello) unanimously. Moved to deny recommendation (Perello/Ramirez). Ayes: Perello, Flynn, Ramirez and Padilla. Absent: MacDonald.

#### K. APPOINTMENT ITEMS

##### Public Works Department

1. SUBJECT: Appropriate Funds from Streets Improvement Fund Balance in the amount of \$1,250,000 to the La Colonia Resurfacing, Phase I, Project 143116. (087)  
RECOMMENDATION: Approve a budget appropriation in the amount of \$1,250,000 from the Street Improvement Fund Balance to the La Colonia Resurfacing, Phase I, Project 143116.  
DISCUSSION: The Interim Utilities Director commented on the options for the community streets may include replacing funding for resurfacing of four streets.

Public comment was received from: Harold Ceja.

The City Council discussed: funding for street repair and future "street improvement" plans.

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

#### L. REPORTS

##### City Manager Department

1. SUBJECT: Presentation of Information Technology Four-Year Master Plan from NexLevel Information Technology, Inc. (089)

RECOMMENDATION: Receive a presentation and report on the Information Technology Four-Year Master Plan from NexLevel Information Technology, Inc.

DISCUSSION: The Interim IT Manager outlined the proposed updated of “computer” services which would include: email system, web site, high speed internet; agenda process and a proposed Oxnard 311 (citizen relationship communications).

Patrick Griffin and Linda Lang with NexLevel Information Technology reviewed the process to appraise current computer services and assessed future “computer” needs including “public” input.

Public comments were received from: Steve Nash, George Miller and Phillip Molina.

The City Council discussed: staff plans for internal municipal “computer” needs; funding issues and working with a company such as “Google” to produce a “state of the art” municipal communications system.

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

2. SUBJECT: Third Amendment to Purchase Order No. 4203 with Kemira Water Solutions for Supply and Delivery of Ferric Chloride to the Wastewater Treatment Plant. (095)

RECOMMENDATION: Approve and authorize the Mayor to execute a Third Amendment to Purchase Order No. 4203 with Kemira Water Solutions (Kemira) for the supply and delivery of Ferric Chloride to the Wastewater Treatment Plant, extending the expiration date from October 16, 2015 to June 30, 2016 and adding \$175,000 to the amount, increasing the total from \$1,354,790 to \$1,529,790.

DISCUSSION: The Interim Utilities Director commented on the reason for the amendment and cost.

The City Council discussed having a future “Request For Proposal” for this service.

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

O. PUBLIC COMMENTS ON REPORTS

P. PUBLIC COMMENTS ON STUDY SESSION

Q. STUDY SESSION

City Attorney Department

1. SUBJECT: Review and Discuss Whistleblower Policy Guidelines. (103)

RECOMMENDATION: Discuss a Whistleblower Policy and provide staff direction to return to Council with a recommended Whistleblower Policy for adoption.

DISCUSSION: The Interim City Attorney reviewed current municipal, State and federal guidelines regarding “Whistleblower” laws; other cities’ “Whistleblower” programs; actions that may be taken if incidents are found and establishment of program.

Public comments were received from: Phillip Molina, Jackie Tedeschi, George Miller and Pat Brown.

The City Manager recommended that process be independent from the City Manager's Office or City Auditor who answers directly to the City Council to be successfully.

The City Council discussed reasons to have an "ethics" program, possible use of a vendor, other cities' programs, cost of a program and having an "ethics" officer.

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

M. REPORT OF CITY MANAGER

The City Manager commented on discussions with the Ventura County Civil Grand Jury regarding the future of Oxnard and municipal issues.

N. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

The City Council discussed: Downtown restroom facilities for homeless individuals; questioned who was the "key" person regarding homelessness issues and what would be next year's plan for a winter warming shelter (Ramirez) ; Cultural Arts Commission creation of (501(c)) organization (Padilla): the proposal of moving of trucks with sand to City of Malibu on City streets (Ramirez) and Priority budgeting (Flynn).

R. ADJOURNMENT

At 11:23 p.m., the City Council concurred to adjourn the meeting.

  
DANIEL MARTINEZ  
City Clerk

  
TIM FLYNN  
Mayor

  
CARMEN RAMIREZ  
Mayor Pro Tem