

MINUTES  
OXNARD CITY COUNCIL  
Special/Regular Meeting  
July 18, 2017

A. ROLL CALL/POSTING OF AGENDA

At 2:04 p.m., the special meeting of the Oxnard City Council was called to order by Mayor Pro Tem Ramirez in the Council Chambers. The City Clerk called the roll: Councilmembers Bryan A. MacDonald, Oscar Madrigal, Bert Perello; and Mayor Pro Tem Carmen Ramirez were present. Mayor Tim Flynn was absent (arrived at 2:42 p.m.). The City Clerk stated that the agenda was posted July 13, 2017 at City Hall, with a correction posted on July 17, 2017 to clarify that the 2:00 p.m. study session and 3:00 p.m. closed session are special meetings.

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

B. STUDY SESSION

City Attorney Department

1. SUBJECT: Marijuana Recommendations and Direction.

RECOMMENDATION: That City Council direct staff to prepare updates to the Oxnard City Code to:

- 1) Allow for deliveries of medical marijuana;
- 2) Incorporate existing medical marijuana restrictions into the zoning code; and
- 3) Prohibit commercial marijuana activities.

Assistant City Attorney Billingsley gave a report. Public comments were received from Jaime Moreno, Steve Nash, Jackie Tedeschi, and Joe Kyle. Discussion ensued among the Council and staff.

(Mayor Flynn arrived during this time.)

*It was moved by Councilman MacDonald, seconded by Mayor Pro Tem Ramirez, to provide the following direction to staff:*

Recommendation No. 1 – Allow for deliveries of medical marijuana: Flynn, MacDonald, Madrigal, Perello, and Ramirez voted in favor. (Approved 5-0)

Recommendation No. 2 – Incorporate existing medical marijuana restrictions into the zoning code: Flynn, MacDonald, Madrigal, Perello, and Ramirez voted in favor. (Approved 5-0)

Recommendation No. 3 – Prohibit commercial marijuana activities: Flynn, MacDonald, and Ramirez voted in favor; Madrigal and Perello voted no. (Approved 3-2)

C. PUBLIC COMMENTS ON STUDY SESSION (None)

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

Public comments were received from Steve Nash.

#### E. CLOSED SESSION

The City Attorney announced that Item 4 (Conference with Legal Counsel – Potential Litigation, pursuant to Government Code section 54956.9(d)(2)) was pulled from the Closed Session agenda.

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)(1), to confer with its attorneys on two cases. The titles and case numbers of the litigation being discussed are:

1. In the Matter of: Application of the Puente Power Project, (California Energy Commission Docket No. 15-AFC-01); and
2. Application of Southern California Edison Company (U338E) for Approval of the Results of Its 2013 Local Capacity Requirements Request for Offers for the Moorpark Sub-Area, (California Public Utilities Commission Application 14-11-016).

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.

The City Council will also recess to a closed session, pursuant to Government Code section 54957(b)(1), evaluation of public employee, City Attorney.”

At 3:17 p.m. the City Council recessed to a closed session. At 6:07 p.m. the City Council reconvened in open session in the Council Chambers. The City Attorney made the following announcement:

“The City Council by unanimous vote has directed the City Attorney to initiate an action. The action, the defendants, and the other particulars shall, once unsealed, be disclosed to any person upon inquiry, unless to do so would jeopardize the City’s ability to effectuate service of process on one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage.”

#### F. OPENING CEREMONIES

At 6:08 p.m., Mayor Flynn called the regular meeting of the Oxnard City Council to order. The flag salute was followed by a moment of silence.

Additional staff members present at this time were Ashley Golden, Development Services Director; Phillip Molina, City Treasurer; Daniel Rydberg, Public Works Director; Jim Throop, Chief Financial Officer; Scott Whitney, Police Chief; Robert Hearne, Senior Civil Engineer; Shiri Klima, Assistant City Attorney; and Randy Latimer, Police Commander.

## G. CEREMONIAL CALENDAR

1. SUBJECT: Presentation of the 2017 Ventura County Fair Poster.

Ventura County Fair representative Marty Lieberman presented the poster to Mayor Flynn and made some remarks.

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

Public comments were received from Daniel Chavez Jr. (medians, crosswalks, economic development), Alvaro Lombero Jr. (Carpenters Local 150 volunteer committee), Jose Garcia (Laborers International Union of North America opposition to SCE proposed rate hike), and John Jay (illegal fireworks).

## I. REPORT OF CITY MANAGER

The City Manager announced the Dallas Cowboys annual training camp dates, reported on sending a Request for Developer Qualifications for the downtown revitalization projects, and announced upcoming National Night Out events. The Police Chief reported on a recent fatal pedestrian hit-and-run collision and National Night Out.

## J. CITY COUNCIL REPORTS

Councilmember Madrigal reported on touring the Housing Department and Housing Authority locations, and attending the recent Oxnard Relay for Life event and Blackstock South neighborhood activation meeting.

Mayor Pro Tem Ramirez commended the Fire Department for a recent rescue on Pacific Coast Highway, commented on the recent hit-and-run collision, announced an upcoming meeting regarding the proposed Puente Power Plant, reminded the community about the Utility Rate Assistance Program, and commented on a recent sewage spill (the Public Works Director gave a brief report).

Councilmember Perello commented on the recent meetings of the Blackstock South neighborhood, the Airport Authority, the Ventura Regional Sanitation District, and the Fiscal Policy Task Force. He requested a future item on potential sea level rise and FEMA, and a list of parcels from Assistant City Manager Osuna.

Mayor Flynn reported on the recent Airport Authority meeting and announced that he will miss the next City Council meeting due to a family vacation. He commented on the Community Relations Commission and the "Sanctuary City" issue.

1. SUBJECT: Consideration of Council Requests for Future Agenda Items (5/10/10)  
RECOMMENDATION: That City Council discuss recent Council requests for future agenda items, and provide direction to staff as desired.

City Manager gave a brief report.

Public comments were received from Chris Collier, Maureen Carson, Marc Traut, Karina Kaye, Jessica McCurdy, Kitty Merrill, Erin Merrill, Frank Naumann, Dave Rippey, Ken Oplinger, Nancy Lindholm, Christine Brown, Jeff Pfeiler, Sandy Smith, John Williams, Mayra Velasquez, Adam Vega, Arthur Valenzuela, Martin Rodriguez, Brian Baca, Eric Crow, Noemi Tungui, Ryan Clantan, and Lynn Jensen.

Discussion ensued among Council and staff.

*It was moved by Mayor Pro Tem Ramirez, seconded by Councilmember Madrigal, to direct staff to agendaize an item on the next City Council meeting for a letter expressing the City's concerns about the proposed Renaissance Oil facility expansion. VOTE: Flynn, Madrigal, and Ramirez voted in favor; MacDonald and Perello voted no. The motion carried 3-2.*

(There was a brief break in the meeting from 7:55 to 8:04 p.m.)

K. REVIEW OF INFORMATION/CONSENT AGENDA

Items K1-C and K5 were pulled for discussion.

Regarding K1-C: Councilmember Perello commented on anti-theft systems for the new trucks.

Regarding K5: Councilmember Perello inquired about upcoming road repairs planned for south Oxnard. Assistant City Manager Osuna responded.

L. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Public comments were received from Daniel Chavez Jr.

M. INFORMATION/CONSENT AGENDA

City Manager Department

1. 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. Elavon (7948-17-CT) for credit card service (\$70,000).

B. TargetSolutions Learning, LLC. (7935-17-FI) for a Fire Department learning management system (\$50,000).

C. Vista Ford of Oxnard (Purchase Order No. 6393) for the purchase of three one-half ton super cab pickup trucks for Environmental Resources (\$83,697).

Development Services Department

2. SUBJECT: Second Amendment to Agreement for Consulting Services.

RECOMMENDATION: That City Council approve and authorize the City Manager to execute a contract amendment to extend the term by one year and increase the contract

amount by \$400,000 for a total contract amount of \$625,000 with California Code Check, Inc., (Agreement Number 7221-15-DS) for on-call plan check and inspection services, ending on June 30, 2019.

3. SUBJECT: Amendment to Rincon Consultants, Inc. Agreement (Agreement Number 7690-16-DS) and Stantec Consulting Services, Inc. (Agreement Number 7729-16-DS).  
RECOMMENDATION: That City Council approve and authorize the City Manager to execute an amendment to the agreements with Rincon Consultants (Agreement Number 7690-16-DS) in the amount of \$250,000 for a total not to exceed \$500,000 and Stantec Consulting Services, Inc. (Agreement Number 7729-16-DS) in the amount of \$175,000 for a total not to exceed \$250,000 for on-call permit processing and planning services.

#### Human Resources Department

4. SUBJECT: Personnel Rules and Regulations.  
RECOMMENDATION: That City Council adopt **Resolution No. 15,042** to receive and file new Personnel Rules and Regulations, rescind all previous Personnel Rules and Regulations, and affirm the City Manager's authority to promulgate and modify personnel rules and regulations except as required by City Code Section 3-2.

#### Public Works Department

5. SUBJECT: Approval of Plans & Specifications for Vineyard Avenue Resurfacing, Authorization to Solicit Bids.  
RECOMMENDATION: That City Council approves project plans, specifications, and working details, and authorizes staff to solicit bids for the Vineyard Avenue Street Resurfacing Project No. PW16-12.
6. SUBJECT: Ventura County Work Release Agreement No. A-7974.  
RECOMMENDATION: That City Council approve and authorize the Mayor to execute an agreement with Ventura County in the amount not to exceed \$180,000 per year for a total of \$540,000 for landscaping services at College Park, RiverPark, City alleys and for other City projects.
7. SUBJECT: Response to Grand Jury Report Titled "Water Considerations for Cities."  
RECOMMENDATION: That the City Council approve, authorize the City Manager to execute, and authorize the City Manager or his designee to submit to the presiding judge of the superior court the City of Oxnard's response to the Ventura County Grand Jury's report titled "Water Considerations for Cities," dated May 8, 2017, in the form included as Attachment C.
8. SUBJECT: Approve Plans and Specifications for Pump Repair and Well Maintenance for Wells 29 and 34 PW 17-38.  
RECOMMENDATION: That City Council approves project plans, specifications and working details and authorize staff to solicit bids for the Pump Repair and Well Maintenance for Well Nos 29 and 34 Project (PW 17-38).
9. SUBJECT: First Amendment to Agreement No. 7401-16-PW and Task Order No. 6 with

TranSystems Corporation for On-Call, As-Needed Marine Engineering Consulting Services.

RECOMMENDATION: That the City Council:

1. Approves and authorizes the City Manager to execute the First Amendment and Task Order No. 6 to Agreement No. 7401-16-PW with TranSystems Corporation in the amount of \$137,600 for a total not to exceed \$1,067,100 for the On-Call, As-Needed Marine Engineering Consulting Services.

2. Approves an appropriation in the amount of \$137,000 from the Waterways Assessment District Fund Balance, Account Number 121-3108-803.82-09.

10. SUBJECT: Agreement for Trade Services with Professional Security Consultants (PSC) to Provide Security Services at the Del Norte Regional Recycling and Transfer Station (MRF) (Agreement No. A-7895).

RECOMMENDATION: That the City Council approves and authorizes the Mayor to execute a three-year agreement with Professional Security Consultants (PSC) in an amount not to exceed \$450,000 to provide security services at the MRF (Agreement No. A-7895).

11. SUBJECT: Approval of Plans & Specifications for B St. Improvements, Authorization to Solicit Bids.

RECOMMENDATION: That City Council approves project plans, specifications, and working details, and authorizes staff to solicit bids for the B Street Improvements No. PW17-37.

12. SUBJECT: Adoption of Ordinance No. 2921.

RECOMMENDATION: That City Council waive the second reading and adopt **Ordinance No. 2921**, establishing fees and charges for the use of and for services relating to City water services.

*It was moved by Councilman MacDonald, seconded by Councilmember Perello, to approve the Information/Consent Agenda as presented. VOTE: Flynn, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 5-0.*

## N. REPORTS

### Police Department

1. SUBJECT: Response to Grand Jury Report Titled "Oxnard Red Light Cameras."

RECOMMENDATION: That City Council authorizes the Mayor, the City Manager, and the Police Chief to respond, on behalf of the City Council, to the Grand Jury report titled "Oxnard Red Light Cameras" dated May 25, 2017, in the form included as Attachment A.

The Police Commander gave a report. 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.*

City Treasurer Department

2. SUBJECT: Credit Card Merchant Interchange Fees.  
RECOMMENDATION: That City Council provide direction on whether to continue absorbing the "merchant interchange fee" costs within the city's operating budget, or to pass on that fee to our clients as a convenience fee for using credit or debit cards.

The City Treasurer gave a report. Discussion ensued among the Council and staff. The Council directed the City Treasurer to proceed with Option #3, "to direct staff to return with a resolution to pass through the merchant interchange fees, prices, etc. to the customers thus reducing the impact to the budget."

City Manager Department

3. SUBJECT: Administrative Waivers of City Penalties.  
RECOMMENDATION: That the City Council adopt **Resolution No. 15,043** providing administrative authority to grant one-time waivers of penalty fees.

Assistant City Manager Nava gave a report. Discussion ensued among the Council and staff.

Public comments were received from Phillip Molina and Martin Jones.

*It was moved by Mayor Pro Tem Ramirez, seconded by Councilman MacDonald, to approve staff's recommendation with an amendment, to add the word "penalty" before the phrase "fee waiver" in Sections I and II in the resolution. VOTE: Flynn, MacDonald, Madrigal, Ramirez voted in favor, Perello voted no; the motion carried 4-1.*

Public Works Department

4. SUBJECT: Street Maintenance Program Update.  
RECOMMENDATION: That City Council receive the Street Maintenance Program Update.

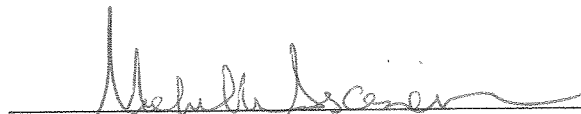
The Public Works Director made some brief comments and introduced the Senior Civil Engineer, who gave a report. Discussion ensued among the Council and staff.

Public comments were received from Jackie Tedeschi and Pat Brown. No action was taken.

O. PUBLIC COMMENTS ON REPORTS (None)

P. ADJOURNMENT

There being no further business on the agenda, and without objection, Mayor Flynn adjourned the meeting at 10:29 p.m.

  
MICHELLE ASCENCION, CMC  
City Clerk

  
TIM FLYNN  
Mayor