

MINUTES
OXNARD CITY COUNCIL
Regular Meeting
September 12, 2017

A. ROLL CALL/POSTING OF AGENDA

At 4:37 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 Greg Nyhoff, City Manager; 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 Edward Castillo.

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 54957.6(a), to provide instructions to the City’s negotiator regarding the position of City Attorney.

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

At 4:40 p.m., the City Council recessed to a closed session. At 6:10 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 Darwin Base, Fire Chief; Ashley Golden, Development Services Director; Ingrid Hardy, Cultural and Community Services Director; Phillip Molina, City Treasurer; Thien Ng, Interim Public Works Director; Scott Whitney, Police Chief; Scott Brewer, Emergency Services Manager; Trish Honigsberg, Public Works Outreach/Education Specialist; Eric Hummel, Public Works Sustainability Coordinator; Kathleen Mallory, Planning Division Manager; Kenneth Rozell, Assistant City Attorney; and Nathan West, CUPA Coordinator.

E. CEREMONIAL CALENDAR

1. SUBJECT: Presentation of a Proclamation Designating September 16, 2017 as “Coastal Clean-Up Day.”

Mayor Flynn read the proclamation and presented it to the Public Works Outreach/Education Specialist, who made some remarks.

2. SUBJECT: Presentation of a Proclamation Designating September 17, 2017 as "Hispanic Heritage Month."

Mayor Flynn read the proclamation and presented it to Mexican Consulate Deputy Consul Karina Blas, Consul of Documentation Patricia Loranzo, and Consul of Administration Airy Devesa, who made some remarks.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Mayor Flynn announced that Item M-1 is removed from the agenda.

Public comments were received from Dan Pinedo (potential recall), Aaron Greer (potential recall), Armando Vasquez ("Latino Visions" art presentation), Sumie Mishima (infrastructure), Renee Aiu (development at Channel Islands Harbor), Martin Jones (Council districts), Walter Hagedohm (short term rentals), Len Shulman (potential recall), Woodrow Thomas Sr. (public safety), Connie Korenstein (development at Channel Islands Harbor), Tony Rondinella (short term rentals), Lauraine Effress (infrastructure), Sarah Kaplan (upcoming Disaster Preparedness Fair), George Miller (potential recall, recent State of the Neighborhoods presentation, sanctuary city vote), Debbie Mitchell (potential recall), Bill Higgins (development at Channel Islands Harbor and potential recall), Pat Brown (Miami Dolphins practice camp, recent proposed developments), Juan Vasquez (restrooms in Downtown), Larry Barbarine (public safety, SCR-3 levy, Multicultural Festival), and Alicia Purcell (potential recall).

Councilman MacDonald announced that the upcoming meeting of the California Coastal Commission scheduled for September 14, 2017 had been cancelled.

G. REPORT OF CITY MANAGER

The City Manager commented on the recent INCO State of the City presentation. He reported on the recent Firefighter Academy graduation, and stated that the Fire Department is now fully staffed. He announced that the City has been certified as "Storm Ready" and "Tsunami Ready" by the National Weather Service. He introduced the new Emergency Services Manager, who made some remarks. He commented on the Miami Dolphins' temporary practice camp in Oxnard while displaced from their home fields due to the recent hurricanes.

H. CITY COUNCIL REPORTS

Councilmember Madrigal commented on the recent hurricanes and the Miami Dolphins. He reported on attending the July Meet Up Clean Up event at Campus Park, the Seabee anniversary celebration, the La Colonia neighborhood cleanup, and Chief Whitney's Pastors Forum. He commented on improving the high school A-G requirements for students in Oxnard via new Upward Bound programs at Oxnard College and Channel Islands High School. He reported on attending the PAL Police/Fire basketball game, Assemblywoman Irwin's backpack giveaway, the Cal State Channel Islands cleanup service event, National Night Out events, and the INCO State of the Neighborhoods presentation. He expressed support for those affected by changes in Deferred

Action against Childhood Arrivals ("DACA") legislation and spoke of 9/11 heroism and remembrance.

Mayor Pro Tem Ramirez praised those who helped others during the 9/11 tragedy and the recent hurricanes, commented on earthquake preparedness, expressed concern for those affected by changes in "DACA" legislation, commented on the recent passing of musician Alicia Juarez, and recognized Jack Villa for his efforts with the Inter Neighborhood Council Organization (INCO).

Councilman MacDonald reported on attending National Night Out, the INCO State of the City Presentation, and the PAL basketball game. He honored first responders for their work in saving lives during the hurricanes and 9/11.

Councilmember Perello commented on FEMA and the possibility of flooding in the City. He reported on attending a recent Veterans Event and visiting the Hueneme Museum. He reported on attending the La Colonia neighborhood cleanup, the Police Chief's Clergy Council, the Utilities Task Force meeting, the Southwinds park dedication, the Ventura Regional Sanitation District meeting, and a graffiti cleanup with Cal State Channel Islands. He stated that restrooms are needed Downtown. He commented on the State of the Neighborhoods presentation and thanked the INCO Board. He commented on the need for Council districts and requested monthly reports of the General Fund balance.

1. SUBJECT: City Council Committees.

RECOMMENDATION: That the City Council:

1. Consider restructuring the current City Council committees,
2. Direct the City Attorney to prepare additions and revisions to the Procedures Manual and City Code to reflect the purpose, structure and mission of existing and new City Council committees, and
3. Approve a time line for implementing changes to the City Council committee structure.

Mayor Flynn gave a report. Public comments were received from George Miller and Dan Pinedo. Discussion ensued among the Council and staff.

Additional public comments were received from Greg Runyon, Phillip Molina, and Woodrow Thomas Sr. Further discussion ensued. It was suggested that the Council hold a workshop to further explore the concept of implementing a committee structure.

At 8:22 pm the Council took a brief break; the meeting reconvened at 8:31 p.m.

I. REVIEW OF INFORMATION/CONSENT AGENDA

Items K-4, K-7, and K-8 were pulled for discussion.

Regarding K-4: Councilmember Perello inquired about the proposed amendment. The Cultural and Community Services Director responded.

Regarding K-7: Councilmember Perello inquired about the proposed parcel map. The Planning Division Manager responded. Discussion ensued among the Council and staff.

Regarding K-8: Councilmember Perello inquired about the fiscal impact of the proposed resolution. The CUPA Coordinator responded. Discussion ensued among the Council and staff.

J. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Public comments were received from George Miller and Dan Pinedo.

K. INFORMATION/CONSENT AGENDA

City Attorney Department

1. SUBJECT: First Amendment to Attorney Services Agreement for Special Counsel for Rice Avenue/Santa Clara Avenue Interchange Improvements Over Highway 101.
RECOMMENDATION: That City Council:
 1. Approve and authorize the Mayor to execute the First Amendment to Attorney Services Agreement (Agreement No. 6540-14-CA) with Hunt Ortmann Palffy Nieves Darling & Mah, Inc. ("Hunt Ortmann") to increase the amount by \$380,000 for a total not to exceed amount of \$480,000.
 2. Authorize the budget appropriation in the amount of \$380,000 from the Capital Outlay Fund 301.

City Clerk Department

2. SUBJECT: Minutes of the June 5, 2017 Special Meeting, June 6, 2017 Regular Meeting, and June 7, 2017 Special Meeting.
RECOMMENDATION: That the City Council approve the Minutes as presented.

City Manager Department

3. 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. Governor's Office of Emergency Services ("CAL OES") {A-8008} for temporary transfer of vehicular equipment (fire engine).
 - B. Google/Waze (A-7967) for City's participation in Waze Connected Citizens Program. There is no cost for the data sharing.
 - C. CIRGIS Collaborative Business Office (A-7990) for regional aerial imagery project (\$46,000).
 - D. Shute Mihaly & Weinberger, LLP (7002-15-CA) for continued legal representation before the CA Public Utilities Commission and the California Energy Commission in relation to the proposed new NRG electrical generating facility at Mandalay Beach (\$250,000).
 - E. Crafc0, Inc. to purchase cold asphalt material for street repairs (\$50,000).

Cultural and Community Services Department

4. SUBJECT: Performing Arts Center Agreement Extension.

RECOMMENDATION: That City Council approves an extension of the Agreement between the City and the Oxnard Performing Arts Center Corporation (A-5904) for the operation, maintenance and management of the Performing Arts and Convention Center through June 30, 2018.

5. SUBJECT: RSVP Grant Recycle.

RECOMMENDATION: That City Council:

- 1) Recognize revenue in the amount of \$16,944 and authorize a budget appropriation in the amount of \$7,262 of matching funds for the Retired and Senior Volunteer Program grant.
- 2) Authorize the City Manager or designee to execute grant agreements and the Finance Director or designee to submit financial reports and grant claims.

Development Services Department

6. SUBJECT: Notice of Pending Approval – Parcel Map No. 17-300-05.

RECOMMENDATION: Receive and file only.

7. SUBJECT: Notice of Pending Approval – Parcel Map No. 13-300-03.

RECOMMENDATION: Receive and file only.

Fire Department

8. SUBJECT: Adjustment of State Surcharge Fees for Certified Unified Program Agency (CUPA) Services and Permits.

RECOMMENDATION: That City Council adopts **Resolution No. 15,050** adjusting the existing State General Oversight Surcharge and Underground Storage Tank Surcharge fees.

It was moved by Councilman MacDonald, seconded by Mayor Pro Tem Ramirez, to approve the Information/Consent items as presented. VOTE: Flynn, MacDonald, Madrigal, Perello, and Ramirez voted in favor on Items K-1 through K-6, and K-8. Madrigal and Perello voted against Item K-7, with Perello stating that the flooding predictions raised at the recent FEMA meeting have not been addressed. Items K-1 through K-6, and K-8 were approved 5-0; Item K-7 was approved 3-2.

L. PUBLIC HEARINGS

Development Services Department

1. SUBJECT: Financial Plaza Tower III Development Agreement Amendment.

RECOMMENDATION: That City Council:

- 1) Adopt Addendum No. 2017-01 to Final Environmental Impact Report (FEIR) No. 1989-04 and imposition of mitigation measures identified within said Addendum on the parcels known as APN: 142-0-022-615 and 142-0-022-625, subject to certain findings and conditions; and
- 2) Approve the first reading by title only and subsequent adoption of an ordinance approving PZ No. 16-670-01 (Amendment No. 1 to Development Agreement No. 02-670-01) for one year, subject to certain findings and conditions.

The City Clerk announced the affidavit of publication and stated that no written communications had been received.

The Planning Division Manager gave a report. Applicants Jim Brooks and Fernando Villa of Topa Management Company gave a presentation.

Mayor Flynn opened the public testimony portion of the public hearing. Public comments were received from Pat Brown, George Miller, and Woodrow Thomas Sr.

Mayor Pro Tem Ramirez moved to close the public testimony portion of the public hearing; the Council approved unanimously. Discussion ensued among the Council and staff.

It was moved by Mayor Pro Tem Ramirez, seconded by Councilmember Perello, to approve staff's recommendation for a one-year extension, with a proviso that it will be denied for a second year if there is no activity. VOTE: Perello and Ramirez voted in favor; Flynn, MacDonald, and Madrigal voted against. With a 2-3 vote, the motion failed.

It was moved by Councilman MacDonald, seconded by Councilmember Madrigal, to approve staff's recommendation for a one-year extension. VOTE: Flynn, MacDonald, Madrigal, and Ramirez voted in favor; Perello voted no. The motion carried 4-1.

M. REPORTS

Development Services Department

1. SUBJECT: Consideration to Authorize Establishment of a Development Agreement Negotiating Team and Approval Payment of Affordable Housing Fees for the Avalon Subdivision Project Located on the Southeast Corner of West Fifth Street and Harbor Boulevard. Filed by Oxnard Dunes, LLC.

(Item M-1 was removed from the agenda. Item M-3 was considered ahead of M-2.)

3. SUBJECT: Payment of Past and Future Utility Bills from the Channel Islands Beach Community Services District for Services Within the Channel Islands Harbor Relating to Parks and Street Medians.

RECOMMENDATION: That City Council approve a motion that:

1. Authorizes payment of past utility bills from the Channel Islands Beach Community Services District for services provided within the Channel Islands Harbor for park and median landscaping and maintenance of bathrooms; and
2. Authorizes payment of utility services provided by the Channel Islands Beach Community Services District within the Channel Islands Harbor for park and median landscaping and maintenance of bathrooms through December 31, 2017; and
3. Makes a specific finding that a public purpose exists for the payment of such utility bills because the utility services are necessary for park and median landscaping and maintenance of bathrooms within the Channel Islands Harbor that benefit the residents of the City of Oxnard and visitors to the City of Oxnard.

The Interim Public Works Director gave a report. Public comments were received from Lyn Kreiger, Bill Higgins, Sumie Mishima, Debbie Mitchell, and Diane Delaney. Discussion ensued among the Council and staff.

It was moved by Councilman MacDonald, seconded by Councilmember Madrigal, to approve staff's recommendation as presented. VOTE: Flynn, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 5-0.

(As it was after 10:00 p.m., the City Council voted unanimously for the remaining agenda item to be considered.)

Public Works Department

2. SUBJECT: Urban Greening Grant Application and Oxnard Green Alleys Plan Adoption.
RECOMMENDATION: That City Council:
 1. Adopt the Oxnard Green Alleys Plan.
 2. Adopt **Resolution Nos. 15,051 and 15,052** authorizing the City Manager to submit an application for \$1,016,647 in the State of California Natural Resource Agency Urban Greening Program grant funds, to be used for green alleys within and serving disadvantaged communities.

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 10:08 p.m.


MICHELLE ASCENCION, CMC
City Clerk

 4/28/17
TIM FLYNN
Mayor