

MINUTES
OXNARD CITY COUNCIL
Regular Meeting
March 5, 2019

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 Gabriela Basua, Vianey Lopez, Bryan A. MacDonald, Bert Perello, Mayor Pro Tem Carmen Ramirez, and Mayor Tim Flynn were present; Councilmember Oscar Madrigal arrived at 4:38 p.m.

Staff members present were Alexander Nguyen, City Manager; Stephen Fischer, City Attorney; Ashley Golden, Assistant City Manager; Shiri Klima, Deputy City Manager; and Michelle Ascencion, City Clerk.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS (None.)

C. CLOSED SESSION

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. The title of the litigation being discussed is City of Oxnard v. Dale Belcher; Arthur Lopez; et al.

“In accordance with Government Code section 54956.9(d)(2), a point has been reached where, in the opinion of City Council on the advice of its Assistant City Attorney, based on existing facts and circumstances, there is significant exposure to litigation against the City and all the other entities claiming groundwater rights in the Oxnard sub-basin. Due to the current drought and lack of surface water, the agricultural community is especially vulnerable to restrictions in groundwater pumping. As the Fox Canyon Groundwater Management Agency considers a proposal to restrict such pumping, and as the GMA has stated publicly that it wants to put a groundwater sustainability plan in place by this fall, some members of the agricultural community may file suit to adjudicate the basin, which would bring the City into litigation. Such suit has already been filed on March 27, 2018, against the GMA regarding the Las Posas Valley groundwater basin, which is a neighboring basin that is separate from, but hydrologically connected to, the Oxnard sub-basin, which is the City’s basin.

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

At 4:36 p.m., the City Council recessed to a closed session. At 5:05 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, but that closed session will resume after the open session to consider items 2 and 3.

D. APPOINTMENT ITEM**City Manager Department**

1. **SUBJECT:** Report from Ventura County Watershed Protection District on Oxnard Projects.
RECOMMENDATION: That the Oxnard City Council receive and file a report on the status of joint, collaborative projects between the City of Oxnard and the Ventura County Watershed Protection Agency from Gerard Kapuscik, Strategic Resiliency Group Manager, Ventura County Watershed Protection District.

Watershed Director Glenn Shephard and Mr. Kapuscik gave a report. Public comments were received from Jackie Tedeschi. Discussion ensued among the Council and staff. No action was required.

2. **SUBJECT:** Citizen Advisory Groups Ordinance.
RECOMMENDATION: That City Council approve the first reading by title only and waive further reading of an ordinance amending Article II of Chapter 2 of the Oxnard City Code related to Citizen Advisory Group.

The City Manager gave a report. Public comments were received from Sofia Vega, Lucy Cartagena, Vincent Stewart, Daniel Chavez Jr., Alicia Percell, and Lang Martinez. Discussion ensued among the Council and staff.

It was moved by Councilman MacDonald, seconded by Councilmember Lopez, to approve the recommended action with an amendment to the Ordinance to specify that three consecutive unexcused absences, or absence from half of the meetings in a calendar year for any reason, shall be deemed a resignation by absences. VOTE: Basua, Flynn, Lopez, MacDonald, and Perello voted in favor; Madrigal voted against and Ramirez abstained. The motion carried 5-1-1.

E. OPENING CEREMONIES

The flag salute was followed by a moment of silence.

Additional staff members present at this time were Barbara Wulf, Public Works Outreach/Education Specialist; Kathleen Mallory, Planning and Environmental Services Manager; Steve Naveau, Human Resources Director; and Jeffrey Lambert, Development Services Director.

F. CEREMONIAL CALENDAR

1. **SUBJECT:** Presentation of a Commendation to Saint Paul Baptist Church on the Occasion of Their 100th Anniversary.

Mayor Flynn read the commendation and presented it to Dr. Angela Timmons, chair of the Saint Paul Baptist Church 100th Anniversary Committee, who made some remarks.

2. **SUBJECT:** Presentation of a Commendation to Oxnard Certified Green Businesses.

Mayor Flynn and the Public Works Outreach/Education Specialist made some remarks and presented the commendations to representatives from Honey Cup Coffee and Kitchen, Heritage Coffee & Gifts, JaniTek Cleaning Solutions, and Bimbo Bakeries USA.

G. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from Larry Barbarine (city crime statistics, the council's recent resolution regarding oil production, employee pension reform), Jackie Tedeschi (article on Oxnard in Westways magazine), Daniel Chavez Jr. (employee pensions and revenue streams), Pat Brown (conflict over Channel Islands Harbor, aesthetic condition of Oxnard Boulevard), Julie Miller Kalbacher (upcoming Earth Day event, noticing for upcoming planning projects), and Tina Rivera (upcoming Ronald MacDonald House Charities "Walk for Kids").

H. PUBLIC HEARINGS

City Manager Department

1. SUBJECT: Resolution Declaring Results of Majority Protest Proceedings and Establishing the Oxnard Tourism Marketing District.
RECOMMENDATION: That City Council: 1) hold a final public hearing, 2) declare results of the majority protest proceeding, and 3) adopt **Resolution No. 15,200** establishing the Oxnard Tourism Marking District.

The City Clerk announced the affidavit of publication and stated that no written communications had been received. Gina Reed of Civitas gave a report.

Mayor Flynn opened the public testimony portion of the public hearing. Public comments were received from Pat Brown, Alicia Percell, and Rafael Narcia. Without objection, the Council approved closing the public testimony portion of the public hearing. Discussion ensued among the Council and staff.

It was moved by Mayor Pro Tem Ramirez, seconded by Councilman MacDonald, to approve the recommended action as presented. VOTE: Basua, Flynn, Lopez, MacDonald, Madrigal, and Ramirez voted in favor; Perello voted against, stating he felt the resolution should have addressed short-term rentals. The motion carried 6-1.

Development Services Department

2. SUBJECT: Appeal of Planning and Zoning Permit No. 18-500-01 (Special Use Permit for a Planned Development); 18-300-05 (Tentative Tract Map for Tract No. 6009); and 18-535-01 (Density Bonus). Heritage Homes Development Project, Located at 130-184 North H Street and 838 Palm Drive.
RECOMMENDATION: That City Council:
 1. Adopt **Resolution No. 15,201** upholding the Planning Commission's approval of Planning and Zoning Permit No. 18-500-01 (Special Use Permit for a Planned Development Permit), subject to certain findings and conditions set forth in Planning Commission Resolution No. 2018-35;
 2. Adopt **Resolution No. 15,202** upholding the Planning Commission's approval of Planning and Zoning Permit No. 18-535-01 (Density Bonus Permit), subject to certain findings and conditions set forth in Planning Commission Resolution No. 2018-37; and
 3. Adopt **Resolution No. 15,203** approving Planning and Zoning Permit No. 18-300-05

(Tentative Tract Map for Tract No. 6009), subject to certain findings and conditions set forth in Planning Commission Resolution No. 2018-36.

The City Clerk announced the affidavit of publication and stated that a petition and one written communication had been received. Mayor Flynn recused himself from the discussion citing a potential real estate conflict of interest, and left the dais.

The Planning and Environmental Services Manager and applicant Henry Casillas gave a report.

Mayor Pro Tem Ramirez opened the public testimony portion of the public hearing. Public comments were received from Gary Blum, Julie Miller Kalbacher, Steve Fleischer, Mark DiCecco, Barbara Macri Ortiz, and Pat Brown. Without objection, the Council approved closing the public testimony portion of the public hearing. Discussion ensued among the Council and staff.

It was moved by Councilwoman Basua, seconded by Councilmember Lopez, to approve the recommended action as presented. VOTE: Basua, Lopez, MacDonald, Madrigal, Perello, and Ramirez voted in favor; Flynn was absent (recused). The motion carried 6-0.

Mayor Flynn returned to the dais at this time.

I. REPORT OF CITY MANAGER (None.)

J. CITY COUNCIL REPORTS

Councilmember Lopez commented on International Women's Day, recent meetings of the Redwood neighborhood council and Southwinds neighborhood council, and the recent AIDS Walk event.

Councilmember Perello announced an upcoming job fair, suggested sobriety checkpoints on Patterson Road/Vineyard Avenue and Vineyard Avenue/Ventura Road, commented on the recent donation of beds for the homeless shelter, and recommended simplifying planning related jargon for better public understanding.

Mayor Pro Tem Ramirez commented on SCAG's Regional Housing Needs Assessment process restarting, the Strawberry Festival annual poster unveiling, Read Across America, and the upcoming Firefighter of the Year awards luncheon.

Councilwoman Basua reported on the Strawberry Festival annual poster unveiling, congratulated Santa Clara High School boys basketball team on winning the CIF Championship, and reported on attending the recent Big Brand Tire grand opening event.

Councilmember Madrigal commented on the recent Rose Park neighborhood council meeting, an informational meeting about college at Lemonwood school, newly reconstructed Elm School, upcoming little league opening day, safe passage, and marijuana revenues.

Mayor Flynn commented on the Santa Clara High School boys basketball team's CIF Championship win, working with Southwinds residents on issues around Cuesta Del Mar and the "Safe Homes, Safe Families" program, and the recent committee presentation on public employee pensions.

K. REVIEW OF INFORMATION/CONSENT AGENDA

The City Manager and Human Resources Director announced an amendment to item M-3.

L. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA (None.)M. INFORMATION/CONSENT AGENDACity Clerk Department

1. SUBJECT: Approval of Minutes.

RECOMMENDATION: That the City Council approve the minutes of the February 19, 2019 Regular Meeting as presented.

Development Services Department

2. SUBJECT: Sixth Amendment and Budget Appropriation for Jan-Pro Cleaning Systems – Central Coast Trade Services Agreement No. A-7846 for Janitorial Services at the Oxnard Transit Center.

RECOMMENDATION: That City Council:

1. Approve and authorize the Mayor to execute the Sixth Amendment to the Trade Services Agreement No. A-7846 with Jan-Pro Cleaning Systems – Central Coast to increase the amount from \$502,996 not to exceed \$531,193 (an increase of \$27,197 plus a \$1,000 contingency) and to extend the expiration date to May 1, 2019, for janitorial services at the Oxnard Transit Center at 201 East Fourth Street.
2. Approve the appropriation of \$28,197, which includes a contingency of \$1,000, for an additional two months of janitorial services at the Oxnard Transit Center (Account No. 213-3110-803-8209).

Human Resources Department

3. SUBJECT: Amending the City's Position Control Resolution and Classification and Salary Resolution.

RECOMMENDATION: That City Council adopt pursuant to Chapter 4 of the City's Personnel Rules and Regulations:

1. **Resolution No. 15,204** amending Resolution No. 15,153 authorizing and approving classification and salary schedules.
2. **Resolution No. 15,205** amending Resolution No. 15,152 authorizing full-time equivalent positions in the City service.

Public Works Department

4. SUBJECT: Personnel Classifications for Public Works, Environmental Resources Division.
RECOMMENDATION: That City Council adopt pursuant to Chapter 4 of the City Personnel Rules and Regulations:

1. **Resolution No. 15,206** amending Resolution No. 15,153, adding six (6) new classifications.
2. **Resolution No. 15,207** amending Resolution No. 15,152, authorizing full time equivalent positions for the 2018-2019 fiscal year.

5. SUBJECT: Approve Second Amendment to Ventura County Watersheds Coalition Interagency Agreement.
RECOMMENDATION: That City Council approve and authorize the Mayor to execute a Second Amendment to the Memorandum of Understanding (MOU) Agreement A-7091 with the Watersheds Coalition of Ventura County, to:
 1. Extend the term of the MOU Agreement for five (5) years through August 22, 2023; and
 2. Increase the value of the MOU by \$40,000 per Fiscal Year, for a total amount of \$200,000.
6. SUBJECT: Third Amendment to VRSD Santa Clara Landfill Gas and Water Monitoring Agreement.
RECOMMENDATION: That City Council approve and authorize the Mayor to execute the Third Amendment to Agreement No. 7167-15-CM with Ventura Regional Sanitation District for monitoring and reporting for the City of Oxnard's closed Santa Clara Landfill to increase the amount of the Agreement by \$99,987 to \$418,215.91, and extend the term to June 30, 2019.
7. SUBJECT: Second Amendment to Agreement for Supplemental Waste Transfer Hauling.
RECOMMENDATION: That City Council approves and authorizes the Mayor to execute a Second Amendment to Agreement No. 7978-17-PW with Finish Line Transport, to:
 1. Extend the term to May 8, 2021; and
 2. Add \$150,000; increasing the agreement value from \$210,000 to \$360,000.

It was moved by Mayor Pro Tem Ramirez, seconded by Councilman MacDonald, to approve the Information/Consent items as presented. VOTE: Basua, Flynn, Lopez, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 7-0.

N. REPORTS

Development Services Department

1. SUBJECT: Exception Finding for Villa Las Brisas Renovation Project Located at 1700 East Fifth Street.
RECOMMENDATION: That the City Council find that the proposed renovation of Villa Las Brisas farmworker employee housing facility located at 1700 East Fifth Street is needed in the interest of the public health, safety, and welfare and qualifies for the exception under Oxnard City Code (OCC) Section 16-511, "Exemptions."

The Development Services Director gave a report. Public comments were received from Pat Brown, Mark DiCecco, Barbara Macri Ortiz, Yissel Barajas. Discussion ensued among the Council and staff.

It was moved by Councilman MacDonald, seconded by Councilmember Perello, to approve the recommended action as presented. VOTE: Basua, Flynn, Lopez, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 7-0.

CONTINUATION OF CLOSED SESSION

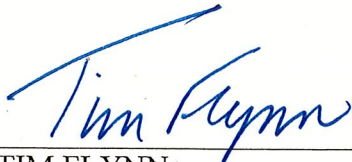
At 8:48 p.m., the City Council recessed to closed session to consider the previously-announced

items 2 and 3 (anticipated litigation, and City Attorney performance evaluation). At 9:42 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.

O. 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

 3/13/19
TIM FLYNN
Mayor