

MINUTES
OXNARD CITY COUNCIL
Regular Meeting
May 7, 2019

A. ROLL CALL/POSTING OF AGENDA

At 4:35 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, Oscar Madrigal, Bert Perello, Mayor Pro Tem Carmen Ramirez, and Mayor Tim Flynn were present.

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

Public comments were received from Carol Taylor and Debbie Mitchell.

C. CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Government Code section 54956.9 (d)(1))
Name of case: Green Energy Holdings, LLC; Auto Fuels, Inc. v. City of Oxnard, et al.
Ventura County Superior Court, Case No. 56-2015-00470344-CU-EI-VTA
2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Government Code section 54956.9 (d)(1))
Name of case: William Scarpino; et al. v. City of Oxnard
Ventura County Superior Court, Case No. 56-2015-00475721-CU-OR-VTA

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 titles of the litigation being discussed are: Green Energy Holdings, LLC; Auto Fuels, Inc. v. City of Oxnard, et al.; and William Scarpino; et al. v. City of Oxnard.”

3. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Government Code section 54956.9(d)(2))
Based on existing facts and circumstances, there is significant exposure to litigation against the City in one potential case.

Statement: “The City Council will also recess to a closed session 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 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 subbasin. 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 subbasin, which is the City's basin."

4. CONFERENCE WITH REAL PROPERTY NEGOTIATORS – (Government Code section 54956.8)

Property: APN 132-003-301 (adjacent to RiverPark Boulevard near Vineyard Avenue); City-owned property and right-of-way on the north side of U.S. Highway 101 between Rose Avenue and Rice Avenue; City-owned property and right-of-way on the south side of U.S. Highway 101 between Rose Avenue and Rice Avenue; City-owned property and right-of-way on the north side of U.S. Highway 101 between Vineyard Avenue and Rose Avenue; and City-owned property and right-of-way on the south side of U.S. Highway 101 between Vineyard Avenue and Rose Avenue.

Agency negotiator: Alexander Nguyen, Ashley Golden

Negotiating parties: Clear Channel Outdoor, Inc.; Outfront Foster Interstate, LLC

Under negotiation: Price and terms of payment

Statement: "The City Council will also recess to a closed session, pursuant to Government Code section 54956.8, to give instructions to its real property negotiators, Alexander Nguyen, City Manager, and Ashley Golden, Assistant City Manager, concerning negotiations with Clear Channel Outdoor, Inc. and Outfront Foster Interstate, LLC regarding Item C.4 of the meeting agenda."

5. CONFERENCE WITH REAL PROPERTY NEGOTIATORS – (Government Code section 54956.8)

Property: 220 South K Street; 309 to 315 South K Street; 1101 West Second Street

Agency negotiators: Ashley Golden, Kenneth Rozell

Negotiating party: Oxnard Union High School District

Under negotiation: Price and terms of payment.

Statement: "The City Council will also recess to a closed session, pursuant to Government Code section 54956.8, to give instructions to its real property negotiators, Ashley Golden, Assistant City Manager, and Kenneth Rozell, Assistant City Attorney, concerning negotiations with Oxnard Union High School District regarding Item C.5 of the meeting agenda."

At 4:43 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 but that the Council provided direction to its litigators and real property negotiators, and will reconvene in closed session at the end of the meeting to consider item C-3.

D. OPENING CEREMONIES

The flag salute was followed by a moment of silence.

Additional staff members present at this time were Jeffrey Lambert, Community Development Director; Jeff Pengilley, Deputy Building Official; Marisue Eastlake, Senior Services Coordinator; Brian Yanez, Assistant Public Works Director; Rosemarie Gaglione, Public Works Director; Jeri Cooper, Interim Special Districts Manager; Veronica Ortiz-De Anda, Contract Planner; Kenneth Rozell, Assistant City Attorney; Kathleen Mallory, Planning and Environmental Services Manager; Kevin Riper, Chief Financial Officer; Phillip Molina, City Treasurer; Omar Castro, Water Division Manager; Thien Ng, Assistant Public Works Director; and Mike More, Human Resources Manager.

The Ceremonial Items were moved ahead of the Appointment Item.

F. CEREMONIAL CALENDAR

1. SUBJECT: Presentation of a Proclamation Designating the Month of May 2019 as “Older Americans Month.”

Mayor Flynn read the proclamation and presented it to the Senior Services Commission. Chairwoman Alice Sweetland made some remarks and introduced the commissioners.

2. SUBJECT: Presentation of a Commendation to Gordon and Louise Dilger for Winning the Countywide and Statewide Award for Their Service.

Mayor Flynn read the commendation and presented it to Mr. and Mrs. Dilger, who made some remarks. The Senior Services Coordinator also made some remarks.

3. SUBJECT: Presentation of a Proclamation Designating the Month of May 2019 as “Building Safety Month.”

Mayor Flynn read the proclamation and presented it to the Community Development Director and Deputy Building Official, who made some remarks.

E. APPOINTMENT ITEM

Cultural and Community Services Department

1. SUBJECT: Senior Services Commission Annual Report.
RECOMMENDATION: That the City Council receives the Senior Services Commission annual report.

Chair Sweetland and Vice Chair Kay Brainard of the Senior Services Commission gave a report. Discussion ensued among the Council and commissioners. No action was required.

G. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from Chris Hancock (homelessness and vagrancy), Ray Blattel (recently approved Police Department MOU), Lang Martinez (homelessness), Angel Garcia (CSUCI “Humanizing Homelessness” town hall), Patricia Garcia (layoffs and service reduction), Lupe Montano (layoffs and service reduction), Danny Carrillo (layoffs and service reduction), Julie Kalbacher (dust blowing from development project at Fifth Street and Victoria Avenue), Maria

(emergency preparation outreach to the Latino community), Pat Brown (recent Channel Islands Harbor meeting), Debbie Mitchell (Mandalay Bay pilaster repairs), Carol Taylor (Mandalay Bay pilaster repairs), Manuel Herrera (downtown Cruise Night events), and Judy Havas (Mandalay Bay pilaster repairs).

H. REPORT OF CITY MANAGER

The City Manager announced that there will be upcoming meetings of the California Coastal Commission and California Public Utilities Commission held in Oxnard. He also highlighted the achievements of Brooke Yanez, star softball player and daughter of Assistant Public Works Director Yanez. Mr. Yanez also gave an update on a recently beached whale at Oxnard Shores.

I. CITY COUNCIL REPORTS

Councilmember Madrigal reported on the Rose Park Neighborhood cleanup event, Dia del Nino, youth baseball at Eastwood Park, his mother's birthday, Mothers Day, college selections and graduations, and Teacher Appreciation Day.

Councilwoman Basua commented on Mothers Day and International Municipal Clerks Week.

Mayor Pro Tem Ramirez reported on Teacher Appreciation Day, migrating whales and protecting the environment, the California Coastal Commission meeting in Oxnard and environmental justice, upcoming District 2 Town Hall meeting, the Community Development Director's recent award from the American Planning Association, and Mental Health Awareness Month.

Councilman MacDonald commented on the beached whale.

Councilmember Perello commented on Mothers Day, thanked Councilmember Lopez for providing recent assistance, the beached whale, the District 2 Town Hall, AB 147, USA Boxing events, commended Interim Cultural and Community Services Director Terrel Harrison, and the upcoming U.S. Postal Service food drive.

Councilmember Lopez reported on recent elementary school college/career events, an Oxnard Adult School resolution for Adult Education Week, a First Five reading event, the "Humanizing Homelessness" meeting, and upcoming community budget meetings.

Mayor Flynn reported on his recent trip to the Midwest and the condition of some cities' economies, and commented on his daughter's college water polo team reaching the playoffs.

J. REVIEW OF INFORMATION/CONSENT AGENDA

Items L-1 and L-8 were discussed among the Council and staff.

K. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Public comments were received from Debbie Mitchell. Discussion ensued among the Council and staff.

L. INFORMATION/CONSENT AGENDACity Manager Department

1. SUBJECT: Citizen Advisory Group Ordinance Adoption.
RECOMMENDATION: That the City Council adopt **Ordinance No. 2957** amending Article II Chapter 2 of the Oxnard City Code relating to Citizen Advisory Groups.

It was moved by Councilman MacDonald, seconded by Councilmember Madrigal, to remove the Nepotism section from Ordinance No. 2957. VOTE: Lopez, MacDonald, Madrigal, voted in favor; Basua, Flynn, and Perello voted against; Ramirez abstained. Without a majority, the motion failed by a 3-3 vote.

City Clerk Department

2. SUBJECT: Approval of Minutes.
RECOMMENDATION: That the City Council approve the minutes of the April 16, 2019 regular meeting as presented.

Cultural and Community Services Department

3. SUBJECT: Appointment of two representatives to the Ventura County Area Agency on Aging Advisory Council.
RECOMMENDATION: That the City Council approve the recommendation from the Senior Services Commission and appoint two Senior Services Commissioners to the Ventura County Area Agency on Aging Advisory Council.

Housing Department

4. SUBJECT: Homeless Emergency Aid Program funding for a permanent shelter and operational support.
RECOMMENDATION: That the City Council authorize the City Manager to accept \$1,500,000 in Homeless Emergency Aid Program funding from the State of California for a permanent shelter and operational support. (Housing and Economic Development Committee approved 3-0)

Human Resources Department

5. SUBJECT: Change to Administrator of Defined Benefit Plan from Phase II Systems, Inc. to Mass Mutual.
RECOMMENDATION: That the City Council:
 1. Adopt **Resolution No. 15,215** authorizing the adoption of a trust agreement and the transfer of PARS supplemental retirement plan assets to a successor trustee; and
 2. Authorize the City Manager to execute Agreement No. A-8123 (Administrative Services Agreement for Defined Benefit Plans on Mutual Fund Platform) with MassMutual. (Finance & Governance Committee approved 3-0)

Police Department

6. SUBJECT: Donation of Used Diving Equipment to the Ventura County Sheriff's Volunteer Search and Rescue Inc., a 501(c)(3) non-profit organization (77-0295203).
RECOMMENDATION: That the City Council adopt **Resolution No. 15,216**:
1) authorizing the donation of diving equipment previously used by the former Oxnard Public Safety Dive Team to the all-volunteer Ventura County Sheriff's Office Search and Rescue Dive Team; and
2) approving the related donation agreement. (Public Safety Committee approved 2-0)

Public Works Department

7. SUBJECT: Approval of Third Amendment to Agreement for Trade Services with Weck Laboratories, Inc. for processing water testing samples for the Channel Islands Water Quality Issue.
RECOMMENDATION: That the City Council approve and authorize the Mayor to execute the Third Amendment to Agreement No. A-7583 with Weck Laboratories, Inc. to:
1. Add the Special Districts Division to the Agreement's Scope of Services; and
2. Increase the value of the Agreement from \$900,000 to \$960,000 for ongoing services relating to the Channel Islands Harbor water quality issue.
8. SUBJECT: Award Agreement A-8128 for Rose Ave. and Gary Drive Traffic Signal Project.
RECOMMENDATION: That City Council:
1. Award and authorize the Mayor to execute Agreement A-8128 in the amount of \$678,072.40 with California Professional Engineering, Inc. for the Rose Avenue and Gary Drive Traffic Signal Project PW 18-74 State Project No. ATPL-5129 (094);
2. Approve \$67,807.00 for Project contingency for the Rose Avenue and Gary Drive Traffic Signal Project PW 18-74;
3. Approve \$67,807.00 for construction engineering, inspection, labor compliance and project management for the Rose Avenue and Gary Drive Traffic Signal Project PW 18-74; and
4. Approve an appropriation of \$495,000 from the State/Local Grant Fund (219) and \$318,686 from the Air Pollution Buydown Fee Fund (118) for the Rose Avenue and Gary Drive Signal Project 183105.
9. SUBJECT: Award Agreement A-8131 On-Call Mechanical Facility Repair, Maintenance, Replacement and Construction Services Project to Toro Enterprises, Inc.
RECOMMENDATION: That the City Council approve and authorize the Mayor to execute Agreement A-8131 to the lowest responsible bidder, Toro Enterprises, Inc., for a three year term for an amount up to \$4,500,000 for on-call mechanical facility repair, maintenance, replacement and construction services.

It was moved by Councilwoman Basua, seconded by Councilmember Lopez, to approve the Information/Consent items as presented. VOTE: Basua, Flynn, Lopez, Perello, and Ramirez voted in favor; MacDonald and Madrigal voted against item L-1. The motion carried 5-2 on item L-1, and 7-0 on the remaining items.

M. PUBLIC HEARINGSCommunity Development Department

1. SUBJECT: Planning & Zoning (PZ) Permit Nos. 18-500-10 (Special Use Permit for a Planned Development Permit); and PZ No. 18-300-09 (Tentative Tract Map) for the Property Located on the 700 Block of Doris Avenue.

RECOMMENDATION: That the City Council:

1. Adopt **Resolution No. 15,217** upholding the Planning Commission's approval of PZ No. 18-500-10 (Special Use Permit for a Planned Development Permit), subject to certain findings and conditions set forth in Planning Commission Resolution No. 2019-09; and
2. Adopt **Resolution No. 15,218** approving PZ No. 18-300-09 (Tentative Tract Map for Tract No. 6010), subject to certain findings and conditions set forth in Planning Commission Resolution No. 2019-10.

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

Mayor Flynn opened the public testimony portion of the public hearing. Public comments were received from Blake Rasmussen.

Without objection, the Council approved closing the public testimony portion of the public hearing. Discussion ensued among the Council, staff, and Mr. Rasmussen.

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.

2. SUBJECT: Planning & Zoning Permit No. 18-500-11 (Special Use Permit) to construct a 7,059 square-foot building to serve as a dog boarding facility at the Property Located at 481 & 491 Ventura Boulevard.

RECOMMENDATION: That the City Council adopt **Resolution No. 15,219** approving Planning & Zoning Permit No. 18-500-11 (Special Use Permit), subject to certain findings and conditions.

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

Mayor Flynn opened the public testimony portion of the public hearing. No one requested to speak. Without objection, the Council approved closing the public testimony portion of the public hearing. Discussion ensued among the Council, staff, applicant Jennifer Greiman, and architect Jeff Zook.

It was moved by Mayor Pro Tem Ramirez, 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.

3. SUBJECT: Planning & Zoning (PZ) Permit No. 19-580-01 (Zone Text Amendment - ZTA) - Amendments to Chapter 16, Article II and Article V, Division 13, of the Oxnard

City Code (OCC) Pertaining to Accessory Dwelling Units.

RECOMMENDATION: That the City Council approve the first reading by title only and waive further reading of an ordinance amending Chapter 16, Article II and Article V, Division 13, of the Oxnard City Code (OCC) pertaining to definitions and regulations governing Accessory Dwelling Units (ADU).

The City Clerk announced the affidavit of publication and stated that one written communication had been received.

The Community Development Director gave a report.

Mayor Flynn opened the public testimony portion of the public hearing. Public comments were received from Barbara Macri-Ortiz and Pat Brown. Written comments were received from Barbara Macri-Ortiz.

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 Mayor Pro Tem Ramirez, to approve the recommended action as presented, amending Section 16-469.6(a) (Large Lot Exception) by reducing the minimum to 9,000 square feet, and Section 16-469.6(f) to change the relationship between the existing home and the new ADU to 150 percent. VOTE: Basua, Flynn, Lopez, MacDonald, Madrigal, and Ramirez voted in favor; Perello voted against. The motion carried 6-1.

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

N. REPORTS

Finance Department

1. SUBJECT: General Fund Budget Projections.

RECOMMENDATION: That the City Council receive an update on the latest budget projections for the General Fund. (Finance & Governance Committee approved 3-0)

The Chief Financial Officer gave a report. Discussion ensued among the Council and staff. No action was required.

City Treasurer Department

2. SUBJECT: The City of Oxnard Quarterly Investment Report for the period ending March 31, 2019.

RECOMMENDATION: That the City Council review and accept the report.

The City Treasurer gave a report. Discussion ensued among the Council and staff. No action was required.

The Mayor announced that items N-3 and N-4 would be considered concurrently:

Public Works Department

3. SUBJECT: Approve Agreement A-8119 with Gannett Fleming, Inc. for the City's Water Business Plan.
RECOMMENDATION: That the City Council award and authorize the Mayor to execute a Professional Services Agreement (PSA) A-8119 with Gannett Fleming, Inc. for consultation on the development of the City's future Water Business Plan at a cost not to exceed \$519,143.
4. SUBJECT: Agreement No. 8562-19-PW with Raftelis Financial Consulting, Inc. for Water Rate Study Consulting Services.
RECOMMENDATION: That the City Council approve and authorize the City Manager to execute Agreement Number 8562-19-PW with Raftelis Financial Consulting, Inc. for a sixteen (16) month agreement for Professional Services for Water Rate Study at a cost not to exceed \$160,442.

The Water Division Manager gave a report. Discussion ensued among the Council and staff.

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

Human Resources Department

5. SUBJECT: Adoption of Successor Memorandum of Understanding Between the City of Oxnard and the International Association of Firefighters.
RECOMMENDATION: That the City Council adopt **Resolution No. 15,220** the attached successor memorandum of understanding with the International Association of Firefighters (IAFF).

The Human Resources Manager gave a report. Discussion ensued among the Council and staff.

It was moved by Councilman MacDonald, seconded by Mayor Pro Tem Ramirez, 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

3. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
(Government Code section 54956.9(d)(2))
Based on existing facts and circumstances, there is significant exposure to litigation against the City in one potential case.

At 11:31 p.m., the City Council recessed to a closed session. At 11:41 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 the Council provided direction.

O. ADJOURNMENT

There being no further business on the agenda, and without objection, Mayor Flynn adjourned the meeting at 11:41 p.m.



MICHELLE ASCENCION, CMC
City Clerk



TIM FLYNN
Mayor