

MINUTES
OXNARD CITY COUNCIL
Regular Meeting
May 21, 2019

A. ROLL CALL/POSTING OF AGENDA

At 4:34 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, Bryan A. MacDonald, Oscar Madrigal, Mayor Pro Tem Carmen Ramirez (via teleconference), and Mayor Tim Flynn were present; Councilmembers Vianey Lopez and Bert Perello were absent (arrived at 4:40 p.m. and 4:34 p.m., respectively.)

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 received.)

C. CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Government Code section 54956.9 (d)(1)) (City Council)
Name of case: Daniel Gallinot v. City of Oxnard
Ventura County Superior Court, Case No. 56-2019-00524951-CU-BC-VTA
Workers' Compensation Appeals Board Case No. ADJ10151241
In re Industrial Disability Retirement Appeal of Daniel Gallinot.
2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Government Code section 54956.8) (City Council)
The purpose of the closed session is for the City Council to review the status of negotiations for the potential sale of real property and to provide instructions to the negotiators pursuant to Government Code section 54956.8.
Properties:
425 South B St. (202-0-101-415, SSA Building);
202-0-101-205; 202-0-101-225; 202-0-101-360; 202-0-101-405; 202-0-101-435
538 South B St. (202-0-105-120); 202-0-105-170; 202-0-105-195; 202-0-105-210; 202-0-105-235; 202-0-105-260; 202-0-105-305
Agency negotiators: Jeffrey Lambert, Community Development Director, and Kenneth Rozell, Assistant City Attorney.
Negotiating party: Madison Park Financial Corp.
Under negotiation: Price and terms of payment for the potential sale of City properties.

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 Daniel

Gallinot v. City of Oxnard and industrial disability retirement appeal of Daniel Gallinot. 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, Jeffrey Lambert, Community Development Director, and Kenneth Rozell, Assistant City Attorney, concerning negotiations with Madison Park Financial Corp. regarding item C-2 of the meeting agenda.” The City Manager announced that he was recusing himself from item C-2.

At 4:34 p.m., the City Council recessed to a closed session. At 5:02 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 on item C-1 and will return to closed session at the end of the meeting to finish discussing item C-2.

Additional staff present at this time were Donna Ventura, Assistant Chief Financial Officer; Kevin Riper, Chief Financial Officer; Keith Brooks, Information Technology Director; Mike Shaffer, GIS Manager; Phillip Molina, City Treasurer; Rosemarie Gaglione, Public Works Director; and Jeffrey Lambert, Community Development Director.

D. APPOINTMENT ITEM

Finance Department

1. SUBJECT: Single Audit Report and Corrective Action Plan Update.
RECOMMENDATION: That the City Council receive an update on the FY 2018 Single Audit Report (presented by external auditors Eadie & Payne) and the Corrective Action Plan addressing audit findings for FY 2015 through 2018. (Finance and Governance Committee approved 3-0)

Eden Casareno of Eadie & Payne and the Assistant Chief Financial Officer gave reports. Public comments were received from Dan Pinedo. Discussion ensued among the Council and staff. No action was required.

2. SUBJECT: Status Update of Internal Audit Projects Memo.
RECOMMENDATION: That the City Council receive an update from the Internal Auditors on the status of the current projects in progress related to the Internal Audit Department. (Finance and Governance Committee approved 3-0)

Henry Oum of Price Paige & Company gave a report. Discussion ensued among the Council and staff. No action was required.

3. SUBJECT: Internal Audit Department Protocol For Investigation of City Management Personnel.
RECOMMENDATION: That the City Council receive an update from the Internal Auditors on the appropriate protocol for investigating members of the City of Oxnard’s management. (Finance and Governance Committee approved 3-0)

Henry Oum of Price Paige & Company gave a report. Discussion ensued among the Council and staff. No action was required.

The Council took a brief recess at 5:53 p.m.; the meeting resumed at 6:05 p.m.

E. OPENING CEREMONIES

The flag salute was followed by a moment of silence.

F. CEREMONIAL CALENDAR

1. SUBJECT: Presentation of a Commendation to employee Mike Shaffer for Receiving the "Up and Coming Leader" Award at the 2019 Public Sector Chief Information Officer Academy.

Mayor Flynn read the commendation and presented it to the GIS Manager. The Information Technology Director made some remarks.

2. SUBJECT: Recognition of the City of Oxnard City Treasurer's Staff for Receiving the California Municipal Treasurers Association Investment Policy Certification.

Mayor Flynn read the commendation and presented it to the City Treasurer. The City Treasurer's Department staff introduced themselves.

3. SUBJECT: Presentation of a Proclamation Designating the Week of May 19-25, 2019 as "Public Works Week."

Mayor Flynn read the proclamation and presented it to the Public Works Director, who made some remarks. The Public Works Department staff introduced themselves.

G. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from Robert Theiss (cultural arts), Christine Morla (Carnegie Art Museum), Bob Auletta (cultural arts), Kat Auletta (Performing Arts Center), Paul Finkel (cultural arts), David Smith (Performing Arts Center), Roy Jarrett (Performing Arts Center), Betsy Chess (Performing Arts Center), Susan Scott (Performing Arts Center), Cheryl Kewley (Performing Arts Center), Joanne Julian (cultural arts), Sue Chadwick (Carnegie Art Museum), Savannah Atchinson (Performing Arts Center), Yvonne Lai (Performing Arts Center), Joy MacKinnon (Performing Arts Center), Carolina Alcala (cultural arts), John Hook (Performing Arts Center), Alyssa Cagel (Performing Arts Center), MC de Martino (Performing Arts Center), M. Jones (California Constitution article 1 sections 2 and 3), Al Velasquez (Performing Arts Center), Mary Chappell (Fair Housing workshop), Larry Vahl (Performing Arts Center), Linda Vahl (Performing Arts Center), Ross Goldberg (Performing Arts Center), Vernell Edwards (Performing Arts Center), Anjanette Mensa (Performing Arts Center), Martin Gonzalez (youth programs in La Colonia neighborhood), Manuel Herrera (budget cut options), K. Hinton (Performing Arts Center), Ernie Morrison (Performing Arts Center), Kathy Noblin (Performing Arts Center), Denise Danne (Performing Arts Center), Patricia Younis (donations for arts programs), Natalie McCallick (Carnegie Art Museum), Laura Cook (Carnegie Art Museum and Performing Arts Center), Raul Lopez (cultural arts), Susan Jones (Performing Arts Center), Lucy Cartagena (cultural arts and youth programs), Anthony Salas (Performing Arts Center), Celeste Gamino (proposed budget cuts), Donna Granata (Performing Arts Center), Carol Taylor (Mandalay Bay seawalls), Debbie Mitchell

(budget corrections), Jim Black (layoffs at Lucent Technologies in the 90s), Richard Fine (Performing Arts Center and Carnegie Art Museum), Jim Hendrickson (Performing Arts Center), Elaina Viola Sloan (Performing Arts Center), Pete Placencia (La Colonia Boxing Gym), Adam Vega (privatization of public spaces, use of Roundup at schools), Lupe Anguiano (delaying budget and development approvals), Tila Estrada (finding solutions for the city's issues), Sofia Orejel (La Colonia Library and Performing Arts Center), Miguel Rodriguez (budget issues), Peggy Rivera (finding solutions for the city's issues), and Ivan Shobe (Performing Arts Center).

H. REPORT OF CITY MANAGER

The City Manager reported that although the Vineyard Avenue Acres Mutual Water Company is facing issues with its water quality, the City of Oxnard water system is clean and safe. He announced the upcoming inaugural Oxnard Insect Festival.

I. CITY COUNCIL REPORTS

Mayor Pro Tem Ramirez commented on the importance of the arts in the community and the budget process. She later explained that she joined the meeting remotely because she is out of town attending a meeting regarding the upcoming 2020 Census.

Councilmember Lopez commented on the budget process, the recent Police Memorial Ceremony, a tour of Fire Station No. 1, and expressed congratulations to recent graduates.

Councilmember Perello acknowledged Dan and Barbara Pinedo for filming the recent budget meetings, and commented on the Vineyard Avenue sidewalk and curb/gutter resurfacing project.

Councilman MacDonald commented on homeless problems in the Downtown.

Councilwoman Basua requested a presentation on the city's homeless problem, reported on the recent Pleasant Valley neighborhood council meeting and the Strawberry Festival, and commented on Memorial Day.

Councilmember Madrigal commented on the City of Thousand Oaks' homeless solutions, the recent budget presentation at the Rose Park neighborhood meeting, the La Colonia Library, and expressed congratulations to recent graduates.

Mayor Flynn commended Planning staff for their recent assistance with the Strawberry Festival, proposed homelessness services, and encouraged public engagement in finding solutions for the city's budget issues.

City Clerk Department

1. SUBJECT: Appointment of Members to Serve on City of Oxnard Citizen Advisory Groups ("CAGs").
RECOMMENDATION That the Mayor, with the concurrence of the City Council, make the following appointments:
 - a. Four (4) members to the Commission on Homelessness,
 - b. Four (4) members to the Community Relations Commission,

- c. Seven (7) members to the Cultural Arts Commission,
- d. Seven (7) members to the Parks, Recreation and Community Services Commission,
- e. Two (2) members to the Planning Commission,
- f. Six (6) members to the Senior Services Commission,
- h. Four (4) members to the Downtown Design Review Committee (DDRC), and
- i. One (1) member to the Mobilehome Park Rent Review Board.

The City Clerk gave a report. Public comments were received from Margaret Cortese and Lang Martinez. Discussion ensued among the Council and staff.

It was moved by Councilmember Perello, 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.

J. REVIEW OF INFORMATION/CONSENT AGENDA

Item L-3 was discussed among the Council and staff.

K. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Public comments were received from Pat Brown. The City Attorney announced a minor correction to the funding amount on item L-4.

L. INFORMATION/CONSENT AGENDA

City Clerk Department

1. SUBJECT: Approval of Minutes.
RECOMMENDATION: That the City Council approve the minutes of the May 7, 2019 regular meeting as presented.
2. SUBJECT: Budget Appropriation for Use of PEG Funds to purchase equipment used to expand the City's PEG channel capacity.
RECOMMENDATION: That City Council approve an appropriation in the amount of \$16,568 from the Public, Educational, and Governmental ("PEG") Fees Capital Improvement Fund 311 to Council Chambers A/V Upgrade (Project 151401) for:
 1. Previous expenditures of \$2,483 for microphones and monitors in the Council Chambers;
 2. Purchase of video encoding equipment and accessories for broadcasting meetings in the amount of \$2,045; and
 3. Purchase of an electronic voting and speaker management system in the amount of \$12,040.

Community Development Department

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 **Ordinance No. 2959** 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).

Cultural and Community Services Department

4. SUBJECT: Senior Nutrition Program Grant Application and Revenue Approval for FY 2019-20.

RECOMMENDATION: That the City Council:

1. Adopt **Resolution No. 15,221** authorizing the City Manager or designee to submit an application for the Ventura County Area Agency on Aging Senior Nutrition Grant; and
2. If funding is received, authorize:
 - a) the City Manager or designee to execute the grant agreements;
 - b) the Chief Financial Officer or designee to submit financial reports and grant claims and approve special budget appropriations for the use of the grant funds; and
 - c) the City Manager or designee to submit non-financial reports.

5. SUBJECT: Oxnard School District After School Education and Safety Grant.

RECOMMENDATION: That the City Council approve and authorize the Mayor to execute an agreement with the Oxnard School District (OSD) (A-8138) for the City to receive an amount not to exceed \$2,100,000 for after school program Primary Services with contingency for \$50,000 in Additional Services at OSD's discretion. (Community Services Committee to review on May 14, 2019)

Finance Department

6. SUBJECT: Amendment to External Auditor Agreement for Annual Auditing Services.

RECOMMENDATION: That the City Council approve and authorize the Mayor to execute the Seventh Amendment to Agreement A-7819 with Eadie + Payne, LLP, to increase the amount by \$329,347, for a total amended not-to-exceed amount over 5 years of \$1,975,910 for FY 2018-19 CAFR/Single-Audit/Ancillary Assistance and for out-of-scope work for the FY 2017-18 audit and legal support for litigation.

Human Resources Department

7. SUBJECT: Fiscal Year 2019-20 Purchase Order for General Liability Insurance.

RECOMMENDATION: That the City Council approve the expenditure of Fiscal Year 2019-20 funds in the amount of \$576,676 for general liability insurance to be purchased through the City's broker, Arthur J. Gallagher & Co., and authorize the Mayor to execute a purchase order in Fiscal Year 2019-20 for the payment thereof.

Public Works Department

8. SUBJECT: Award Contract A-8134 to Oilfield Electric Company for On-Call Electrical Repair, Maintenance and Replacement Services

RECOMMENDATION: That the City Council award and authorize the Mayor to execute an agreement with Oilfield Electric Company (Agreement No. 8134) in the amount of \$800,000 for On-Call Electrical Repair, Maintenance and Replacement Services for a three-year term. (Public Works and Transportation Committee approved 3-0)

9. SUBJECT: City of Oxnard Proposed Truck Route Modifications.
RECOMMENDATION: That the City Council adopt **Resolution No. 15,222**, pursuant to Oxnard City Code Section 8-3, amending the City of Oxnard Truck Route Map. (Public Works and Transportation Committee approved 3-0)
10. SUBJECT: Agreement for Delivery of Bulk Fuel (Unleaded Gasoline, Clear Diesel and Red Dye Diesel) to City Facilities.
RECOMMENDATION: That the City Council approve and authorize the Mayor to execute Agreement A-8126 with Conico MacValley, LLC (MacValley), for a term of three (3) years, for a total contract value not to exceed \$1,420,200, to provide bulk fuel delivery services to City facilities for the Wastewater Division, Environmental Resources Division, Fire Stations 1-6 & 8 and River Ridge Golf Course. (Public Works and Transportation Committee approved 3-0)
11. SUBJECT: Agreement for Delivery of Lubricants and Antifreeze to City Facilities.
RECOMMENDATION: That City Council approve and authorize the Mayor to execute Agreement A-8135 with Conico MacValley, LLC, (MacValley), for a term of three (3) years, for a total contract value not to exceed \$356,100, to provide delivery of Lubricants and Antifreeze to City facilities for the Wastewater Division, Environmental Resources Division, Fleet Services Division and River Ridge Golf Course. (Public Works and Transportation Committee approved 3-0)

It was moved by Councilman MacDonald, seconded by Councilmember Perello, to approve the Information/Consent items as presented, with the stated amendment to item L-4. VOTE: Basua, Flynn, Lopez, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 7-0.

M. REPORTS

City Manager Department

1. SUBJECT: 2019-2024 Oxnard Convention & Visitors Bureau Annual Report and Five-Year Agreement.
RECOMMENDATION: That City Council:
 1. Receive the annual report from the Oxnard Convention and Visitors Bureau; and
 2. Approve a new five-year contract between the City of Oxnard and the Oxnard Convention and Visitors Bureau for marketing activities.(Housing and Economic Development Committee to review May 14, 2019)

Julie Mino of the Oxnard Convention & Visitors Bureau and the Assistant City Manager gave a report. Public comments were received from Pat Brown. Discussion ensued among the Council and staff.

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

Community Development Department

2. SUBJECT: Renewal of the Oxnard Downtown Management District.

RECOMMENDATION: That the City Council adopt **Resolution No. 15,223** of Intention to renew the Oxnard Downtown Management District ("ODMD"), in the amount of \$502,357 in fiscal year 2019-20, and to hold a public hearing on July 16, 2019.

The Community Development Director gave a report, and Abel Magana and Vincent Behrens of the Oxnard Downtown Management District made remarks. Public comments were received from Tila Estrada and Pat Brown. Discussion ensued among the Council and staff.

It was moved by Councilmember Lopez, 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: Development Review Process Improvements.

RECOMMENDATION: That the City Council receive staff presentation and provide direction regarding recommendations for improvements to the development review process and provide comments. (Housing and Economic Development Committee reviewed April 9, 2019).

The City Manager and Community Development Director gave a report. Public comments were received from Corey Harpole, Nancy Lindholm, Patricia Younis, and Abel Magana. Written comments were received from Tim Wallace. Discussion ensued among the Council and staff. No action was required.

As it was after 10:00 p.m., the City Council voted unanimously to go back into Closed Session.

CLOSED SESSION

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

Properties: 425 South B St. (202-0-101-415, SSA Building); 202-0-101-205; 202-0-101-225; 202-0-101-360; 202-0-101-405; 202-0-101-435; 538 South B St. (202-0-105-120); 202-0-105-170; 202-0-105-195; 202-0-105-210; 202-0-105-235; 202-0-105-260; 202-0-105-305

Agency negotiators: Jeffrey Lambert, Community Development Director, and Kenneth Rozell, Assistant City Attorney.

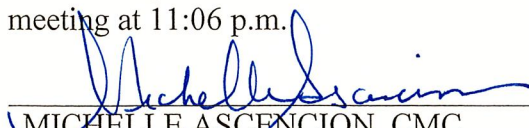
Negotiating party: Madison Park Financial Corp.

Under negotiation: Price and terms of payment for the potential sale of City properties.

At 10:10 p.m., the City Council recessed to a closed session. At 11:05 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 the Council provided instruction to its negotiators.

N. ADJOURNMENT

There being no further business on the agenda, and without objection, Mayor Flynn adjourned the meeting at 11:06 p.m.


MICHELLE ASCENCION, CMC
City Clerk

 6/4/19
TIM FLYNN
Mayor