

MINUTES  
OXNARD CITY COUNCIL  
Regular Meeting  
July 2, 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 (concurrently with the Oxnard Housing Authority) 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 Vianey Lopez, Bryan A. MacDonald, Oscar Madrigal, Bert Perello, and Mayor Tim Flynn were present; Mayor Pro Tem Carmen Ramirez and Councilwoman Gabriela Basua arrived at 4:36 p.m. and 5:35 p.m., respectively. Housing Commissioner Jose Andrade arrived at 6:00 p.m.; Commissioner Francisco Vega was absent.

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

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

Written communications were received from Debbie Mitchell.

C. CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

(Government Code section 54956.9 (d)(1)) (City Council)

Name of case: Green Energy Holdings, LLC; Auto Fuels, Inc. v. City of Oxnard, et al.

Ventura County Superior Court, Case Nos. 56-2015-00470344-CU-EI-VTA; 56-2018-00512103-CU-MC-VTA

2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

(Government Code section 54956.9(d)(2)) (City Council)

Based on existing facts and circumstances, there is significant exposure to litigation against the City in two potential cases.

3. PUBLIC EMPLOYEE ANNUAL PERFORMANCE EVALUATION

(Government Code section 54957)

Title: City Manager

The City Attorney requested that this item be discussed in closed session under the Brown Act exception of Government Code section 54957(b)(1) (public employee performance evaluation).

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., two cases.

“The City Council will also recess to a closed session pursuant to Government Code section 54956.9(d)(2), based on existing facts and circumstances, there is significant exposure to litigation against the City in two potential cases. One being 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 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, annual evaluation of public employee, City Manager.”

At 4:37 p.m., the City Council recessed to a closed session. At 6:04 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.

Mayor Flynn announced that item L-1 under Public Hearings (Establishment of Fees for Cannabis Related Land Use Permits) would move to Reports.

#### D. OPENING CEREMONIES

The flag salute was followed by a moment of silence.

Additional staff members present at this time were Ashley Golden, Assistant City Manager; Terrel Harrison, Cultural and Community Services Director; Erik Garwick, Parks Manager; Renee Rakestraw, Recreation Supervisor; Emilio Ramirez, Housing Director; Donna Ventura, Assistant Chief Financial Officer; Isidro Figueroa, Principal Planner; Scott Whitney, Police Chief; and Kathleen Mallory, Planning and Sustainability Manager.

#### E. CEREMONIAL CALENDAR

1. SUBJECT: Presentation of Donation From Pangasinan Association of Ventura County to Improve Bus Stops/Shelters in Oxnard.

Vida Soncoan, Nori Estrada, and Pol Barcena of the Pangasinan Association of Ventura County made some remarks and presented a \$3,000 check for solar lighting at the bus stop shelter at St. John’s Hospital.

2. SUBJECT: Recognition of Outgoing Citizen Advisory Group (CAG) Members.

Councilmembers presented certificates of commendation to outgoing CAG members Lilly Guerra and Ramon Tejada (Parks and Recreation Commission), Stephen Huber (Planning Commission),

Ruby Durias (Library Board), Alice Madrid and Kathy Lanker (Senior Services Commission), and Roy Prince (Downtown Design Review Committee), who all made remarks.

3. SUBJECT: Presentation of a Proclamation Designating the Month of July, 2019 as “Parks and Recreation Month.”

The Cultural and Community Services Director made some remarks, and Mayor Flynn presented proclamations to the Parks Manager and Recreation Supervisor, who made some remarks.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from Jackie Tedeshi (recent Southbank neighborhood council meeting, disaster preparedness, water quality), Keith Valdez (chemicals emitted from cell phones, budget process transparency), Randy Latimer (Oxnard PAL boxing program), Ray Blattel (public safety overtime), Dorina Padilla (55<sup>th</sup> celebration of the Oxnard-Ocotlan Sister City annual visitation), Julie Miller Kalbacher (commended beat officer Mike Kohr), Roy Prince (downtown code and architecture), Phillip Molina (payments to CalPERS), Gabriel Teran (upcoming South Oxnard District 5 & 6 town hall), Pat Brown (scam phone calls, money for park redevelopment), Roger Poirier (upcoming South Oxnard District 5 & 6 town hall, disaster preparedness), Zachary Collins (upcoming Dallas Cowboys summer training camp), and Dan Pinedo (salvage cars at Oxnard Blvd. used car lot, recent street resurfacing on Channel Islands Blvd. and Vineyard Avenue).

G. REPORT OF CITY MANAGER (No report given.)

H. CITY COUNCIL REPORTS

Councilmember Lopez announced the upcoming South Oxnard District 5 & 6 town hall and an Ormond Beach restoration public access plan meeting.

Councilmember Perello commented on the recent street resurfacing on Vineyard Avenue, payments to CalPERS, the utility assistance program, recent Labor events, and labor compliance.

Councilman MacDonald reported on the recent Police/Fire charity basketball tournament.

Mayor Pro Tem Ramirez reported on a recent cancer fundraiser, requested a status update on laid-off employees, encouraged people to assist the public housing fire victims, commented on the drinking water consumer confidence report, illegal fireworks, and children detained at the U.S.-Mexico border.

Councilwoman Basua commented on her recent meeting with Assemblywoman Jacqui Irwin and the upcoming South Oxnard District 5 & 6 town hall.

Councilmember Madrigal reported on recent meetings of the Downtown Management District and Carnegie Art Museum, recent Oxnard Relay for Life events, the grand opening of Boys & Girls Club’s “Friends Club,” and commented on community donations for victims of the recent public housing fire.

Mayor Flynn commented on the Boys & Girls Club “Friends Club,” the recent budget adoption and improvements for future budget processes and public involvement.

I. REVIEW OF INFORMATION/CONSENT AGENDA

Items K-3 and K-4 were discussed among the Council and staff.

J. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Public comments were received from Ray Blattel.

K. INFORMATION/CONSENT AGENDA

City Clerk Department

1. SUBJECT: Approval of Minutes.

RECOMMENDATION: That the City Council approve the minutes of the June 18, 2019 regular meeting as presented.

Community Development Department

2. SUBJECT: Fourth Amendment to Agreement with HdL Companies for Cannabis Management Services.

RECOMMENDATION: That the City Council:

1. Approve and authorize the Mayor to execute a Fourth Amendment to Agreement No. 7748-17-FN with Hinderliter, de Llamas and Associates (“HdL”) to increase the amount of the Agreement from \$551,250 to \$666,350 which includes Sales Tax and Economic Analysis, Allocation Audit and Recovery, and Cannabis Fiscal Analysis and Taxation Strategies consulting services; and

2. Approve the appropriation of \$115,100 for the Fourth Amendment to Agreement No. 7748-17-FN with Hinderliter, de Llamas and Associates, which is recoverable through the Cannabis Business Permit Fee.

Finance Department

3. SUBJECT: Public Safety Property Tax Assessment FY 2019-20.

RECOMMENDATION: That the City Council adopts **Resolution No. 15,245** establishing the FY 2019-20 tax rates on property in the City of Oxnard for the payment of voter-approved obligations related to public safety pensions.

Housing Department

4. SUBJECT: Award of contract to Continental Flooring Company to replace flooring at the Felicia Court public housing site.

RECOMMENDATION: That the Housing Authority of the City of Oxnard Board of Commissioners approve and authorize the Chairman to execute Agreement No. A-8146, a firm-fixed price contract in the amount of \$376,372 with Continental Flooring Company.

Information Technology Department

5. **SUBJECT:** Hazard Mitigation Grant Program application for City Hall backup generator.  
**RECOMMENDATION:** That the City Council adopt **Resolution No. 15,246** authorizing the City Manager to submit an application for \$600,000 in California Office of Emergency Services (Cal OES) Hazard Mitigation Grant Program (HMGP) grant funds, to be used for a backup generator to power City facilities at 300 West 3rd Street. (Project would require a \$200,000 city match.)

Public Works Department

6. **SUBJECT:** Award Contract A-8145 to GI Endurant, LLC for OWTP Cogeneration Engine Refurbishment Phase II.  
**RECOMMENDATION:** That City Council:
1. Award and authorize the Mayor to execute Agreement A-8145 to GI Endurant, LLC in the amount of \$499,632 for the Oxnard Wastewater Treatment Plant Cogeneration Engine Refurbishment Phase II, Project PW 19-42;
  2. Approve \$49,963 for Project contingency for the Oxnard Wastewater Treatment Plant Cogeneration Engine Refurbishment Phase II, Project PW 19-42;
  3. Approve \$49,963 for engineering, inspection, survey and project management for the Oxnard Wastewater Treatment Plant Cogeneration Engine Refurbishment Phase II, Project PW 19-42; and
  4. Approve an appropriation of \$599,558 to the Oxnard Wastewater Treatment Plant Cogeneration Rehabilitation, Project No. 186610.
- (Public Works and Transportation Committee approved 3-0)

*It was moved by Mayor Pro Tem Ramirez, seconded by Councilmember Perello, to approve the Information/Consent items as presented. VOTE: Andrade, Basua, Flynn, Lopez, MacDonald, Madrigal, Perello, and Ramirez voted in favor. The motion carried 8-0 on item K-4 (Housing Authority item), and 7-0 on the remaining items (City Council items).*

L. PUBLIC HEARINGS

(Item L-1 was moved to the Reports section as item M-3)

Community Development Department

2. **SUBJECT:** PZ No. 19-580-02 (Zone Text Amendment) - An Amendment to Chapters 11 (Permits) and 16 (Zoning) of the Oxnard City Code Pertaining to the Permitting and Development of Firearm Ranges and Businesses Engaged in the Sale of Firearms and Ammunition.  
**RECOMMENDATION:** That the City Council approve for first reading (by title only, waiving further reading) an ordinance establishing regulations to address firearm ranges and the sale of firearms and ammunition citywide.

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

Mayor Flynn opened the public testimony portion of the public hearing. Public comments were received from Ray Blattel, Pat Brown, John Barrison, and Keith Allen Valdez.

Without objection, the Council approved closing the public testimony portion of the public hearing. Discussion ensued among the Council, staff, and Peter Pierce of Richards, Watson, and Gershon.

*It was moved by Councilman MacDonald, seconded by Mayor Pro Tem Ramirez, to approve the recommended action as presented, and direct staff to return to the Planning Commission to consider amending the ordinance to include hospitals and/or clinics as "sensitive uses." VOTE: Basua, Flynn, Lopez, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 7-0.*

#### M. REPORTS

##### Community Development Department

1. SUBJECT: Authorization for Wagon Wheel Project to Receive Early Issuance of Quimby Fee Credit for Completed Parks.

RECOMMENDATION: That City Council authorize early issuance of Quimby fee credits for the Wagon Wheel Project for completed and opened parks.

The Planning and Sustainability Manager and Corey Harpole of Oakwood Communities gave a report. Public comments were received from Jackie Tedeschi and Keith Allen Valdez. Discussion ensued among the Council, staff, and Mr. Harpole.

*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: 2013-2021 Mid-Cycle Housing Element 2018 Annual Progress Report.

RECOMMENDATION: That the City Council receive and file a report summarizing the 2018 Annual Progress Report (APR) filed with the Department of Housing and Community Development (HCD) on April 1, 2019.

The Planning and Sustainability Manager gave a report. Public comments were received from Keith Allen Valdez. Discussion ensued among the Council and staff. No action was required.

3. SUBJECT: Establishment of Fees for Cannabis Related Land Use Permits. *(formerly public hearing item L-1)*

RECOMMENDATION: That the City Council hold a public hearing on the proposed cannabis permit fees, and adopt a resolution establishing new fees for the services identified in the attachment to the resolution.

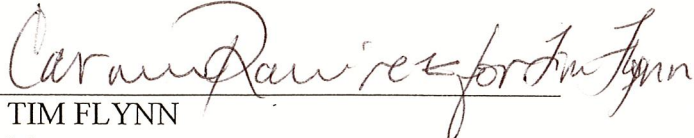
Mayor Flynn announced that rather than a public hearing, staff will present a report, and a resolution will not be adopted until the item returns as a public hearing on a later agenda.

The Planning and Sustainability Manager gave a report. Public comments were received from Barry Carlisi, Rodney Medina, and Keith Allen Valdez. Written comments were submitted by Barry Carlisi. Discussion ensued among the Council, staff, and Mark Lovelace of HdL Companies. No action was taken.

N. ADJOURNMENT

There being no further business on the agenda, and without objection, Mayor Flynn adjourned the meeting at 9:49 p.m.

  
MICHELLE ASCENCION, CMC  
City Clerk

  
TIM FLYNN  
Mayor