MINUTES
OXNARD CITY COUNCIL
Regular Meeting
September 3, 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 at 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, Bert E. Perello, Mayor Pro Tem Carmen Ramirez, and Mayor Tim Flynn were present. Councilmembers Vianey Lopez and Oscar Madrigal were absent (arrived at 4:35 and 4:37 p.m. respectively).

Staff members present were Alexander Nguyen, City Manager; Stephen M. Fischer, City Attorney; 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: City of Oxnard v. URS Corporation; et al.
   Los Angeles County Superior Court Case No. BC698461.

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) (City Council)
   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 title of the litigation being discussed is City of Oxnard v. URS Corporation; et al.

"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 one potential case regarding RiverPark B LLC's allegations that the City has failed to discharge its duties under the 'Four-Party Agreement Regarding Oxnard Plain Groundwater Recharge Program and RiverPark Reclamation Plan.'

"The City Council will also recess to a closed session, pursuant to Government Code section 54957, annual evaluation of public employee, City Manager."

At 4:36 p.m., the City Council recessed to a closed session. At 6:06 p.m. the City Council reconvened in open session in the Council Chambers. The City Attorney announced that the Council had been briefed on the closed session agenda items but there were no reportable actions out of closed session. Councilman MacDonald announced that the Council completed the City Manager's annual evaluation and a copy would be placed in his personnel file.

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; Jeffrey Lambert, Community Development Director; Kenneth Rozell, Chief Assistant City Attorney; Katie Casey, Communications Manager; Kathleen Mallory, Planning and Sustainability Manager; Scott Kolwitz, Planning Manager; and Jay Dobrowalski, Associate Planner.

E. CEREMONIAL CALENDAR

1. SUBJECT: Presentation of a Commendation to The Arc of Ventura County on the Occasion of Their 65th Anniversary.

Mayor Flynn read the commendation and presented it to Patty Schultz, Chief Executive Officer of The Arc of Ventura County, who made some remarks.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from Maria Melendez (problems with parking citations), Jackie Tedeschi (updates on recent Inter-Neighborhood Council Organization events and announcements), Lang Martinez (homelessness), Dorothy Nugent (trash along railroad tracks), Marvin Boos (overgrown weeds and trash along Wooley Road), Jim Naumann (overgrown weeds near Summerfield Homes), Therese Mendonca (landscaping cleanup needed in medians and parkways), Ray Blattel (layoffs and new hires), Pat Brown (gratitude for code enforcement at Magic Auto used car lot), Paul Barickman (homeless loitering at Plaza Park), and Princess Sudal (homelessness). Written comments were received from Carlos Melendez and Marvin Boos.

G. REVIEW OF INFORMATION/CONSENT AGENDA

Items I-2, I-3, and I-4 were discussed among the Council and staff.

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Public comments were received from Jackie Tedeschi, Frank Laza, Mike Schultz, Akshay Manek, Werner Keller, Audrey Keller, Mike de Martino, Pat Brown, Rocco Belmonte, Debbie Mitchell, Carol Taylor, Connie Heagy, Chuck Carter, Patricia Younis. Written comments were received from Audrey Keller.

Further discussion ensued among Council and staff.

I. INFORMATION/CONSENT AGENDA

City Clerk Department

1. SUBJECT: Approval of Minutes.
RECOMMENDATION: That the City Council approve the minutes of the July 30, 2019 adjourned regular meeting as presented.

Community Development Department

2. SUBJECT: Notice of Pending Approval - Planning and Zoning No. 05-300-08 (Final Map for Phase 2 of Tract No. 5592-2) to Subdivide 52.76-acres of the 90.26 acres of Tract 5592 for Property Located at the Northeast Corner of West Fifth Street and Harbor Boulevard (Commonly Known as North Shore at Mandalay Bay). Filed by John Mellon with MPL Property Holdings, LLC.
RECOMMENDATION: That City Council receive and file this Notice of Pending Approval for Planning and Zoning No. 05-300-08 (Final Map for Phase 2 of Tract No. 5592-2).

Cultural and Community Services Department

3. SUBJECT: Authorization to Disburse and Appropriate Revenue from the Public Art Fund.
RECOMMENDATION: That the City Council:
1. Authorize the disbursement of Public Art Fund revenues in the amount of $170,000 for the purpose of providing funding for a range of cultural activities by various cultural arts organizations and artists; and
2. Approve a one-time appropriation of revenue in the amount of $170,000 from the Public Art Fund.
(Community Services Committee approved 3-0)

Police Department

4. SUBJECT: Office of Traffic Safety "Selective Traffic Enforcement Program" Grant.
RECOMMENDATION: That the City Council adopt **Resolution No. 15,255**:
1. Authorizing the City Manager to execute and apply for $435,538 in grant funds from the State of California Office of Traffic Safety (OTS), to be used for the FY 19-20 Selective Traffic Enforcement Program (S.T.E.P.);
2. Authorizing the City Manager or designee to execute grant agreements and appropriate funds upon confirmation of grant award;
3. Authorizing the Chief Financial Officer or designee to submit financial reports and grant claims and approve budget appropriations for use of OTS funds; and
4. Authorizing the Chief of Police or designee to submit all program related progress or status reports.
(Public Safety Committee approved 3-0)

Public Works Department

5. SUBJECT: Award Fourth Amendment to Agreement A-7590 with Clean Harbors Environmental Services, Inc. for business and residential household hazardous waste disposal.
RECOMMENDATION: That City Council approve and authorize the Mayor to execute a Fourth Amendment to Agreement A-7590 ("Agreement") with Clean Harbors Environmental Services, Inc. ("Clean Harbors") that:
1. Extends the Agreement term to June 30, 2020;
2. Increases the per load and pick up disposal rates for residential household hazardous waste (HHHW); and
3. Allows Conditionally Exempt Small Quantity Generator (CESQG) waste.

6. SUBJECT: Approve Third Change Order to extend and add funds to the McCain, Inc. Blanket Purchase Order for traffic signal components and supplies.
RECOMMENDATION: That City Council approve and authorize the Mayor to execute a Third Change Order to Blanket Purchase Order 6714 with McCain, Inc. to extend the term to June 30, 2021, and add $400,000 for a new total amount of $600,000.

7. SUBJECT: Award and execute a Trade Services Agreement (8601-19-CM) with Parkhouse Tire, Inc. in the not-to-exceed amount of $600,000 for a three-year term.
RECOMMENDATION: That the City Council award and authorize the Mayor to execute a Trade Services Agreement (8601-19-CM) with Parkhouse Tire, Inc. in the not-to-exceed amount of $600,000 for a three-year term. (Public Works and Transportation Committee approved 3-0)

8. SUBJECT: Approval of Agreements for On-Call Professional Engineering Services.
RECOMMENDATION: That the City Council approve and authorize the Mayor to execute:
1. Agreement No. A-8154 with Kennedy Jenks Consultants Inc. for On-Call Professional Engineering Services for a three year term, not to exceed $750,000;
2. Agreement No. 8699-19-PW with Filippin Engineering, Inc for On-Call Professional Engineering Services for a three year term, not to exceed $250,000; and
3. Agreement No. A-8159 with MNS Engineering for On-Call Professional Engineering Services for a three year term, not to exceed $750,000.
(Public Works and Transportation Committee approved 3-0)

9. SUBJECT: Grant Resolution for the Ormond Beach Community Restoration Project.
RECOMMENDATION: That the City Council:
1. Adopt **Resolution No. 15,256** authorizing the Public Works Director to negotiate and execute Agreement No. 8771-19-PW (State of California Grant Agreement No. 19-010) for the Ormond Beach Community Restoration Project; and
2. Appropriate awarded grant funds in the amount of $30,000 to the Public Works Department's Ormond Beach Community Restoration at Perkins Road project, State / Local Grant Fund (219) to implement the Ormond Beach Community Restoration Project.

It was moved by Mayor Pro Tem Ramirez, seconded by Councilwoman Basua, 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.

J. REPORT OF CITY MANAGER

The City Manager made remarks on the progress of landscape maintenance and illegal dumping cleanup, homelessness and housing efforts, Ormond Beach, and full-count efforts for the upcoming 2020 Census. The Deputy City Manager introduced the new Communications Manager, who made some remarks.

K. CITY COUNCIL REPORTS

Councilmember Lopez reported on a recent Ventura County Community Foundation meeting about the 2020 Census, a tour of the city water campus on A Street, Storytelling in the Park at Southwinds Park, and the Oxnard Fire Department's participation in peer support training at the Ventura County Fire Department.

Councilmember Perello thanked Pat Brown and Marvin Boos for their service and advocacy, commented on Storytelling in the Park at Southwinds Park, the strength of neighborhood councils, the recent Santa Cruz Island boat accident and Odessa, Texas mass shooting tragedy, labor unions and pay equity, Casitas Lake channel cleaning, and solar panels at Oxnard College.

Councilman MacDonald commented on overgrown weeds in the medians and announced an upcoming Gold Coast Transit District board meeting.

Mayor Pro Tem Ramirez commented on trash, dumping, and homelessness, potential utility outages, the upcoming Fiestas Patrias events, the Oxnard Jazz Festival, and praised first responders for their selflessness.

Councilwoman Basua commented on overgrown weeds, homelessness, Ormond Beach, the new welcome sign on Pleasant Valley Road, and taking her son to college on the East Coast.

Councilmember Madrigal reported on a recent Ventura County Community College District board meeting, the East Village neighborhood cleanup event, the book fair at Southwinds neighborhood, and commented on safety around schools and showing kindness on 9/11. He announced an upcoming concert at the Performing Arts Center and requested an update on the 3-1-1 citizen app.

Mayor Flynn commented on homelessness and the housing crisis, the visible appearance of the city, and a requested a timeline for dealing with both.

Community Development Department

1. SUBJECT: Regional Housing Needs Assessment (RHNA) Housing Allocation Methodology. RECOMMENDATION: That the City Council discuss the Southern California Association of Governments' (SCAG) upcoming Regional Housing Needs Assessment (RHNA) housing allocation methodology and implications to the City of Oxnard.

Mayor Pro Tem Ramirez gave a report. Discussion ensued among the Council and staff. No action was required.

L. PUBLIC HEARINGS

Community Development Department

1. SUBJECT: Appeal of the Planning Commission's Decision to Uphold Approval of Planning and Zoning Permit No. 17-500-19 (Special Use Permit), Subject to Certain Findings and Conditions.
   RECOMMENDATION: That the City Council deny the appeal and uphold the Planning Commission's approval of Planning and Zoning Permit No. 17-500-19 (Special Use Permit) authorizing the construction of a 41,024 square-foot medical office building with a reduction in the number of on-site parking spaces, a reduction in the number of loading and unloading parking spaces, and an increase in the maximum allowable building height, on a 2.76-acre parcel, located at 2001 Statham Boulevard (APN: 220-0-010-325), subject to certain findings and conditions.

The City Clerk announced the affidavit of publication and stated that no written communications had been received. The Community Development Director and Associate Planner gave a report. Appellant Antonio Alatorre of Clinicas del Camino Real also gave a report.

Mayor Flynn opened the public testimony portion of the public hearing. Public comments were received from 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 Perello, to continue the public hearing to a date uncertain, and direct staff to continue talks with the applicant and complete the parking study. VOTE: Basua, Flynn, Lopez, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 7-0.

CONTINUATION OF PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Public comments were received from Jeff Kroll (cannabis retail permits).

M. ADJOURNMENT

There being no further business on the agenda, and without objection, Mayor Flynn adjourned the meeting at 9:46 p.m.

Michelle Ascencion
MICHELLE ASCENCION, CMC
City Clerk

Tim Flynn 9/17/19
TIM FLYNN
Mayor