

MINUTES
OXNARD CITY COUNCIL
Regular Meeting
September 17, 2019

A. ROLL CALL, POSTING OF AGENDA

At 4:31 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, Oscar Madrigal, Bert E. Perello, Mayor Pro Tem Carmen Ramirez, and Mayor Tim Flynn were present; Councilmember Vianey Lopez was absent (arrived at 5:07 p.m.).

Staff members present were Alexander Nguyen, City Manager; Stephen M. Fischer, City Attorney; 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))
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 one potential case.
3. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Government Code section 54956.9(d)(4))
(City Council)
Based on existing facts and circumstances, the City Council shall decide whether to initiate litigation in three potential cases.
4. CONFERENCE WITH LABOR NEGOTIATORS (Government Code section 54957.6)
(City Council)
Agency designated representatives: Alexander Nguyen, City Manager, Steve Naveau, Director of Human Resources; and Jennie Kelly, Assistant City Attorney.
Employee organization: Service Employees International Union CTW, CLC, Local 721 (SEIU Local 721); and International Union of Operating Engineers AFL-CIO, Local No. 501 (IUOE Local 501).

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 one potential case. 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.

“The City Council will also recess to a closed session, pursuant to Government Code section 54956.9(d)(4), based on existing facts and circumstances, to decide whether to initiate litigation in three potential cases.

“The City Council will also recess to a closed session, pursuant to Government Code section 54957.6, to review the status of labor negotiations and to review its available funds and funding priorities for the purpose of providing instructions to the City’s negotiators regarding the organizations specified in Item C.4 of the meeting agenda.”

At 4:34 p.m., the City Council recessed to a closed session. At 6:14 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 will continue discussion on item #3 following the regular agenda.

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; Eric Sonstegard, Assistant Police Chief; Jason Zaragoza, Deputy City Attorney; Emilio Ramirez, Housing Director; Scott Whitney, Police Chief; Jeffrey Lambert, Community Development Director; Veronica Ortiz, Contract Planner; Kathleen Mallory, Planning and Sustainability Manager; Mike More, Human Resources Manager; and Steve Naveau, Human Resources Director.

E. CEREMONIAL CALENDAR

1. SUBJECT: Presentation of a Commendation to the Boys & Girls Clubs of Greater Oxnard and Port Hueneme on the Occasion of Their 65th Anniversary.

Mayor Flynn read the commendation and presented it to Boys & Girls Club executive boardmember Richard Duarte, who made some remarks.

2. SUBJECT: Presentation of a Commendation to El Rio Boys Little League Seniors for Winning a State Championship and Finishing 4th in the Western Regionals.

The Council members presented certificates to the players, and Coach Matt May made some remarks.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from Alice Sweetland (senior fall prevention forum), John Jay (alarm system permits), Peggy Rivera (homelessness), Stan Moorman and Roberto Garcia (construction of modular homes and downtown dining patios), Jack Villa (upcoming District 4 Town Hall meeting), Kevin Ward (climate activism), Lawrence Paul Stein (water neutrality policy and the GREAT Program), Steve Nash (Ormond Beach and the Ventura Land Trust), Deborah Baber Savalla (Constitution Week), Larry Barbarine (Constitution Week, juvenile crime, drought water restrictions), Pat Brown (upcoming District 4 Town Hall meeting), and Lucy Cartagena (city employee political statements).

G. REPORT OF CITY MANAGER

The Assistant City Manager announced an upcoming meeting to receive public input on the Housing Consolidated Plan.

H. CITY COUNCIL REPORTS

City Manager Department

1. SUBJECT: League of California Cities Annual Conference 2019 Voting Delegate/Alternate and Resolutions.
RECOMMENDATION: That City Council designate a voting delegate and a voting alternate to the League of California Cities Annual Conference and discuss the City's position on the League's resolutions regarding the City's position on the League's resolutions regarding CPUC Rule 20A and funding for the U.S. - Mexico Border Water Infrastructure Program.

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

It was moved by Councilmember Perello, seconded by Councilwoman Basua, to nominate Mayor Flynn as the voting delegate and Mayor Pro Tem Ramirez as the voting alternate. VOTE: Basua, Flynn, Lopez, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 7-0.

It was moved by Councilmember Perello, seconded by Mayor Pro Tem Ramirez, to vote in support of the two League resolutions. VOTE: Basua, Flynn, Lopez, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 7-0.

Councilmember Madrigal commented on a recent concert at the Performing Arts Center, Marshall School's new building grand opening, upcoming grand reopening of Lemonwood school and other school improvement projects, the Boys & Girls Club Day for Kids, and recent juvenile crimes.

Councilwoman Basua reported on a recent Mandalay seawalls tour, meetings with representatives

from United Water Conservation District and the Central Coast Labor Council, the Fiestas Patrias celebration, and she assured residents their communications about problems in the city are being received and addressed.

Mayor Pro Tem Ramirez reported on the Fiestas Patrias celebration, a recent emergency management conference, and accepting the "Hard Won Victories" award from the American Planning Association - California Chapter on behalf of the city. She expressed condolences to the family of former interim City Manager Karen Burnham who recently passed away.

Councilman MacDonald reported on Gold Coast Transit's recognition of the Filipino-American Council's recent donation bus shelter improvements, and announced upcoming transit funding to construct shade structures for bus stops on J Street. He announced the upcoming Chamber of Commerce Military Appreciation dinner.

Councilmember Perello commented on a recent Mandalay seawalls tour, Constitution Week, and urged people to help the police department if they have information about recent crimes in the community.

Councilmember Lopez reported on recent Cal Gisler and Bryce Canyon North neighborhood council meetings, the Mandalay seawalls tour, and wished her niece a happy birthday.

Mayor Flynn commented on recent complaints from the public about the city's appearance and expressed a desire to address the issues with citizen involvement. He commented on Constitution Week and the importance of compromise in a democracy.

I. REVIEW OF INFORMATION/CONSENT AGENDA

Items K-2 and K-3 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 September 3, 2019 regular meeting as presented.
2. SUBJECT: Appointment of Citizen Advisory Group ("CAG") Member.
RECOMMENDATION: That the Mayor, with the concurrence of the City Council, appoint Mayor Flynn's nominee to the Commission on Homelessness.

Police Department

3. SUBJECT: Appropriation for FY 18-19 4th Quarter Payment to Ventura County Animal Service.

RECOMMENDATION: That City Council approve a budget appropriation of \$195,568 from the General Fund-Fund Balance Reserved (101-0000-302-2500) for the 4th quarter invoice to Ventura County Animal Services (VCAS).

It was moved by Councilmember Perello, 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.

At this time the Council decided to consider item M-2 next. The City Manager announced an amendment to item M-1, to remove the resolution to approve the salary and benefits for the Confidential Non-Management, Confidential Management, and Executive employees.

M. REPORTS

City Attorney Department

2. SUBJECT: Camping, Removal and Storage of Personal Property, Park Exclusion, and Aggressive Panhandling and Solicitation Ordinances.
RECOMMENDATION: That City Council approve the first reading by title only and waive further reading of an ordinance amending Article XVIII of Chapter 7 of the Oxnard City Code related to Ormond Beach, and adding Articles XX, XXI and XXII to Chapter 7 of the Oxnard City Code regulating Camping, Removal and Storage of Personal Property, Park and Park Facility Exclusion, and Aggressive Panhandling and Solicitation.

The Deputy City Attorney, Assistant Police Chief, and Housing Director gave a report. Public comments were received from Jon Huycke, Patrick Skinner, Peggy Rivera, Pat Brown, Lucy Cartagena, Nancy Lindholm, Abel Magana, Darlene Miller Gonzalez, Gabriel Teran, Ray Lopez, Sal Gonzalez, Larry Pollock, Miguel Tovar, Joel Hammetter, Manuel Peralta, Lorenzo Castillo, and Albert Romo. Written comments were received from Gabriel Teran and Sal Gonzalez. 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.

(The Council took a brief recess at 9:50 p.m.; the meeting resumed at 9:53 p.m.)

L. PUBLIC HEARINGS

Housing Department

1. SUBJECT: Consolidated Annual Performance and Evaluation Report (CAPER) for Fiscal Year 2018-19.
RECOMMENDATION: That the City Council receive and file the City of Oxnard's CAPER for FY2018-19.

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

Mayor Flynn opened the public testimony portion of the public hearing. No public comments were received. Without objection, the Council approved closing the public testimony portion of the public hearing. Discussion ensued among the Council and staff. No action was required.

Community Development Department

2. SUBJECT: Tentative Parcel Map for the Subdivision of Vacant Property Located on the South Side of Highway 101 between the West and East Terminus of Lockwood Street, A.P.N. 213-0-090-10.

RECOMMENDATION: That the City Council adopt a resolution approving Planning & Zoning Permit No. 18-300-10 (Tentative Parcel Map), 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 gave a report.

Mayor Flynn opened the public testimony portion of the public hearing. Public comments were received from Ray Blattel. 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 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.

3. SUBJECT: Planning & Zoning Permit No. 19-580-03 (Zoning Text Amendment - ZTA) -- Amendment to Ordinance No. 2960 - Chapters 11 and 16 of the Oxnard City Code (OCC) Pertaining to Buffer Requirements and Approval Authority for Manufacturing, Testing, and Distribution of Cannabis.

RECOMMENDATION: That the City Council approve the first reading by title only of an amendment to Ordinance No. 2960 to Chapters 11 and 16 of the Oxnard City Code pertaining to siting and permitting of manufacturing, testing, and distribution of cannabis.

The City Clerk announced the affidavit of publication and stated that no written communications had been received. The Planning and Sustainability Manager 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 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.

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

M. REPORTSHuman Resources Department

1. SUBJECT: Resolutions Approving Successor Memorandum of Understanding with the Oxnard Mid-Managers' Association ~~[REMOVED] and Approving Salary and Benefits for the Confidential Non-Management, Confidential Management, and Executive Employees.~~
RECOMMENDATION: That the City Council adopt the attached resolutions approving the Successor Memorandum of Understanding with the Oxnard Mid-Managers' Association ~~[REMOVED] and approving the salary and benefits for the Confidential Non-Management, Confidential Management, and Executive employees.~~

The City Manager repeated his earlier announcement that only the Oxnard Mid-Managers' Association MOU and resolution would be considered for this item.

The Human Resources Manager gave a report. Public comments were received from Roger Brooks and Ray Blattel. Discussion ensued among the Council and staff.

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.

CONTINUATION OF CLOSED SESSION

3. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Government Code section 54956.9(d)(4)) Based on existing facts and circumstances, the City Council shall decide whether to initiate litigation in three potential cases.

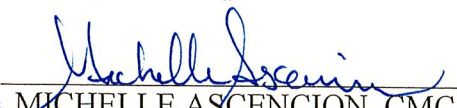
At 10:29 p.m., the City Council recessed to a closed session. At 11:09 p.m. the City Council reconvened in open session in the Council Chambers. The City Attorney made the following announcements:

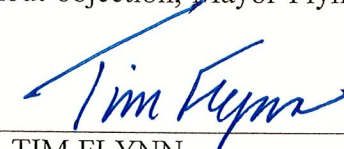
“The City Council by unanimous vote has directed the City Attorney to intervene in the Integrated Resource Procurement proceeding before the California Public Utilities Commission rulemaking 16-02-007 regarding the request to extend use of once-through cooling at coastal power generating facilities, including the Ormond Beach Generating Station.

“The City Council by unanimous vote has directed the City Attorney to initiate an action. The action, the defendants, and the other particulars shall, once unsealed, be disclosed to any person upon inquiry, unless to do so would jeopardize the City’s ability to effectuate service of process on one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage.”

N. ADJOURNMENT

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


MICHELLE ASCENCION, CMC
City Clerk


TIM FLYNN
Mayor

10/1/19