

MINUTES
OXNARD CITY COUNCIL
Regular Meeting
October 1, 2019

A. ROLL CALL, POSTING OF AGENDA

At 4:33 p.m., Mayor Flynn called to order the regular meeting of the Oxnard City Council (concurrently with the Oxnard Community Development Successor Agency and the Oxnard Financing Authority) 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 Vianey Lopez, Bryan A. MacDonald, Bert E. Perello, Mayor Pro Tem Carmen Ramirez, and Mayor Tim Flynn were present. Councilmembers Oscar Madrigal and Gabriela Basua were absent (arrived at 4:35 p.m. and 5:03 p.m., respectively).

Staff members present were Alexander Nguyen, City Manager; Stephen M. 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: Melissa Stillwagon v. City of Oxnard; and the California Public Employees' Retirement System.
Ventura County Superior Court, Case No. 56-2018-00511341-CU-WM-VTA
2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Government Code Section 54956.9(d)(1)) (City Council)
Name of case: Andrew Ulrich v. City of Oxnard.
Workers' Compensation Case No. ADJ10883734
3. 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.
4. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Government Code Section 54956.9(d)(4)) (Successor Agency)
Based on existing facts and circumstances, the Successor Agency shall decide whether to initiate litigation in one potential case.
5. CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Government Code section 54956.8) (City Council)
Property: 1258 Saviers Road, Oxnard
Agency Negotiators: Emilio Ramirez, Housing Director

Negotiating Party: Mahmoud Farahani
Under negotiation: Price and terms of payment.

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: 1. Melissa Stillwagon v. City of Oxnard, and the California Public Employees’ Retirement System; and 2. Andrew Ulrich v. City of Oxnard.

“The City Council will also recess to closed session pursuant to Government Code section 54956.9, subdivision (d)(2) to confer with its attorneys regarding significant exposure to litigation against the City resulting from the temporary suspension of the City Treasurer’s e-mail account for the duration of a confidential personnel investigation.

“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, Emilio Ramirez, Housing Director, concerning negotiations with Mahmoud Farahani regarding Item C-5 of the meeting agenda.

“The Successor Agency will recess to a closed session, pursuant to Government Code section 54956.9(c) to decide whether to initiate litigation in one potential case.”

At 4:36 p.m., the City Council recessed to a closed session. At 6:18 p.m. the City Council reconvened in open session in the Council Chambers. The City Attorney made the following announcement:

“The City Council by a unanimous vote approved seeking appellate review of the ruling in Stillwagon v. City of Oxnard ordering the city to grant plaintiff industrial disability retirement. The Successor Agency by a vote of 4-2 with Mayor Flynn, Mayor Pro Tem Ramirez, Councilmember Perello, and Councilmember Lopez voting for, and Councilman MacDonald and Councilmember Madrigal voting no (Councilwoman Basua was absent) 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.”

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; Scott Whitney, Police Chief; Keith Brooks, Chief Information Officer; Kevin Riper, Chief Financial Officer; Steve Naveau, Human Resources Director; Beth Vo, Budget Manager; and Delia Campbell, Police Finance Manager.

E. CEREMONIAL CALENDAR

1. SUBJECT: Presentation of a Proclamation Designating October 2, 2019 as “Clean Air Day” in the City of Oxnard.

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

2. SUBJECT: Presentation of a Proclamation Designating the Month of October 2019 as "Multicultural Month" in the City of Oxnard.

Mayor Flynn read the proclamation and presented it to the Community Relations Commission. Chairwoman Tiffany Lopez made some remarks about the upcoming Multicultural Festival.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from Chief Scott Whitney (recent pedestrian fatality), Neal Berger (short term rentals in Oxnard Shores), Lisa Guillen (overgrown trees at Imperial Oxnard mobile home park), Jill Van Zeebroeck (short term rentals at The Colony at Mandalay Beach), William Hernandez (overgrown weeds and lack of landscape maintenance), Walter Ontiveros (dead/dying trees, crosswalk safety), Jeff Miller (labor negotiations), Pat Brown (trucks on Oxnard Boulevard), Maria Contreras (recent pedestrian collisions), Angie Quintino (pedestrian safety in La Colonia), Carmen Ruiz (pedestrian safety in La Colonia), Carolina Gallardo Magana (recent Neighborhood Resource Fair in Southwinds, neighborhood council meeting flyers, pedestrian safety), Sofia Vega (recent Southwinds PAL event), Kevin Pisacich (recent tree trimming), Diane Delaney (short term rentals in the beach area), Larry Barbarine (acknowledged upcoming Jewish holidays and Columbus Day), Peggy Rivera (negotiations for homeless shelter property), and Aurora Ortiz-Alcantar (pedestrian safety in La Colonia).

G. REPORT OF CITY MANAGER

The Deputy City Manager introduced Dianna Guevara of the U.S. Census Bureau - Ventura County Region, who gave a report on the upcoming 2020 Census. Discussion ensued among the Council and Ms. Guevara.

The Assistant City Manager gave an update on the PAL gymnasium roof replacement project.

H. CITY COUNCIL REPORTS

Councilmember Lopez commented on pedestrian safety and driving carefully, and reported on the recent Cal-Gisler neighborhood cleanup event and the Southwinds Community Resource Fair.

Councilmember Perello commented on pedestrian safety and driving carefully, the recent passing of Harry Cortez, the Library Board citizen advisory group, a grand opening event for veterans affordable housing, and a free medical event at Our Lady of Guadalupe church.

Councilman MacDonald announced upcoming Gold Coast Transit District and Ventura County Transportation Commission meetings, and a police department "Coffee for a Cause" event to benefit breast cancer awareness.

Mayor Pro Tem Ramirez commented on pedestrian safety and driving carefully, a fundraiser for the family of the student killed in the traffic accident, and the recent passing of Harry Cortez.

Councilwoman Basua commented on traffic around schools in the La Colonia area and the recent student fatality. She wished her mother a happy birthday

Councilmember Madrigal commented on the recent student fatality and a fundraiser for his family. He reported on the Lemonwood School grand opening, Rose Park neighborhood meeting, Boys & Girls Club kids day event, 5k walk at Camino Del Sol Park, and the Banana Festival.

Mayor Flynn commented on landscaping issues in the city and the upcoming volunteer day to help clean up the city. He announced that there will regular updates given on what the city is doing to address homelessness.

City Manager Department

1. SUBJECT: "No Place Like Home - Ventura County" Presentation.
RECOMMENDATION: That the City Council receives a presentation from Ventura County Behavioral Health.

Susan White Wood of Ventura County Behavioral Health gave a report. Discussion ensued among the Council and staff. No action was required.

I. REVIEW OF INFORMATION/CONSENT AGENDA

Item K-8 was discussed among the Council and staff.

J. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Public comments were received from Pat Brown and Lucy Cartagena.

K. INFORMATION/CONSENT AGENDA

City Clerk Department

1. SUBJECT: Approval of Minutes.
RECOMMENDATION: That the City Council approve the minutes of the September 17, 2019 regular meeting as presented.

City Manager Department

2. SUBJECT: Resolution Commemorating the Life of Karen Renee Burnham and her Thirty-Seven Years of Service to the City of Oxnard.
RECOMMENDATION: That City Council adopt **Resolution No. 15,259** commemorating the life of former longtime employee Karen Renee Burnham and her thirty-seven years of service to the city.

City Attorney Department

3. SUBJECT: Adoption of Camping, Removal and Storage of Personal Property, Park Exclusion, and Aggressive Panhandling and Solicitation Ordinance.

RECOMMENDATION: That City Council adopt **Ordinance No. 2966** 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.

Cultural and Community Services Department

4. SUBJECT: Agreement No. 8503-18-LI with Baker & Taylor, LLC for Purchasing, Cataloging, and Processing of Library Materials.
RECOMMENDATION: That the City Council authorize the Mayor to execute Agreement No. 8503-18-LI for the total amount of \$570,000 with Baker & Taylor, LLC for three years for the purposes of purchasing library materials, cataloging, and processing. (Community Services Committee approved 3-0)

Community Development Department

5. SUBJECT: Adoption of Ordinance No. 2965.
RECOMMENDATION: That the City Council adopts **Ordinance No. 2965** (read by title only, waiving further reading) approving 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.

Fire Department

6. SUBJECT: Purchase Order with L.N. Curtis & Sons for fire/rescue equipment and supplies.
RECOMMENDATION: That the City Council approve and authorize the Mayor to execute the change order to Purchase Order No. 6673 with L.N. Curtis & Sons (L.N. Curtis) for a not-to-exceed amount of \$351,000 for Fiscal Year 19/20 and \$125,000 for Fiscal Year 20/21 for the purchase of Fire Department supplies and equipment for two years. (Public Safety Committee approved 2-0)

Human Resources Department

7. SUBJECT: Third Amendment to Agreement with York Insurance Services.
RECOMMENDATION: That City Council approve and authorize the Mayor to execute a Third Amendment to Agreement No. 7494-16-FN with York Insurance Services Group, Inc. in the amount of \$195,000, for a total contract value of \$780,000 for liability claims administration and adjustment services.

Public Works Department

8. SUBJECT: Notice of Completion – Durley Park Improvement Project.
RECOMMENDATION: That the City Council receive an update following the Durley Park Improvement Project Notice of Completion recorded on August 15, 2019.
9. 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-8164 with Huitt-Zollars, Inc. for On-Call Professional Engineering Services for a three year term, not to exceed \$500,000.
 2. Agreement No. A-8165 with Dokken Engineering, Inc. for On-Call Professional Engineering Services for a three year term, not to exceed \$250,000.
 3. Agreement No. A-8166 with Wallace Group for On-Call Professional Engineering Services for a three year term, not to exceed \$1,000,000.
 4. Agreement No. A-8167 with AECOM for On-Call Professional Engineering Services for a three year term, not to exceed \$750,000.
 5. Agreement No. A-8168 with Kier & Wright Civil Engineers and Surveyors, Inc. for On-Call Professional Engineering Services for a three year term, not to exceed \$250,000.
 6. Agreement No. A-8170 with Interwest Consulting Group, Inc. for On-Call Professional Engineering Services for a three year term, not to exceed \$1,000,000.
- (Public Works and Transportation Committee approved 3-0)

10. SUBJECT: Approve Trade Services Agreement No. A-8175 for Foaming Root Control Services to Various Locations Within the City of Oxnard for Duke's Root Control, Inc.

RECOMMENDATION: That the City Council award and authorize the Mayor to execute Agreement No. A-8175 to Duke's Root Control, Inc., for a three (3) year term for an amount not to exceed \$325,561.50. (Public Works and Transportation Committee approved 3-0)

11. SUBJECT: Sustainable Transportation Planning Grant Application - California Department of Transportation.

RECOMMENDATION: That the City Council adopt **Resolution No. 15,260** authorizing the City Manager to submit an application for \$410,000 in California Department of Transportation Sustainable Transportation Planning Grant Program funds, to be used for multimodal transportation and land use planning that furthers sustainable community strategies and contributes to the State's greenhouse gas reduction targets. This grant would require a match of 11.47%, or \$53,121 which can be in-kind.

It was moved by Councilmember Perello, seconded by Mayor Pro Tem Ramirez, 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.

L. REPORTS

Information Technology Department

1. SUBJECT: Enterprise Resource Planning (ERP) System Purchase.

RECOMMENDATION: That the City Council:

1. Award and authorize the Mayor to execute the agreement with Tyler Technologies, Inc. for an enterprise resource planning (ERP) system in an amount not to exceed \$9,117,985 (which is \$8,245,085 plus \$872,900 implementation contingency) over a five-year term with future years' funding contingent on Council budget approval (recognizing the agreement is one component of the total, five-year project cost of \$14,893,817, which also includes \$5,775,832 in additional implementation costs and hardware/ software costs);
2. Authorize the Mayor to approve a budget appropriation in amount of \$522,644

(\$81,992 of Tyler fees plus \$440,652 of implementation costs) for FY 2019-20 from future debt proceeds based on proposed Resolution of Intent to Reimburse from Lease Revenue Bond Proceeds; and

3. Adopt **Resolution No. 15,261** amending Resolution No. 15,241 to increase by two the full-time equivalent positions in the City service pursuant to Chapter 4 of the City Personnel Rules and Regulations.

(Finance & Governance Committee approved 3-0)

The Chief Information Officer and Chief Financial Officer gave a report. Public comments were received from Nancy Lindholm. 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.

M. PUBLIC HEARINGS

Finance Department

1. SUBJECT: Refinancing of 2011 Lease Revenue Bonds.

RECOMMENDATION: 1. That the City Council approve **Resolution No. 15,262**:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING THE ISSUANCE BY THE CITY OF OXNARD FINANCING AUTHORITY OF (I) NOT TO EXCEED \$9,050,000 OF CITY OF OXNARD FINANCING AUTHORITY LEASE REVENUE BONDS, SERIES 2019A (FEDERALLY TAXABLE), AND (II) NOT TO EXCEED \$22,940,000 OF CITY OF OXNARD FINANCING AUTHORITY LEASE REVENUE REFUNDING BONDS, SERIES 2021A (TAX EXEMPT); APPROVING THE EXECUTION AND DELIVERY OF VARIOUS RELATED DOCUMENTS IN CONNECTION WITH THE OFFERING AND SALE OF SUCH BONDS; AND AUTHORIZING OTHER MATTERS RELATED THERETO; and

2. That the City of Oxnard Financing Authority approve **Resolution No. 53**:

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY OF OXNARD FINANCING AUTHORITY AUTHORIZING THE ISSUANCE OF (I) NOT TO EXCEED \$9,050,000 OF CITY OF OXNARD PUBLIC FINANCING AUTHORITY LEASE REVENUE BONDS, SERIES 2019A (FEDERALLY TAXABLE), AND (II) NOT TO EXCEED \$22,940,000 OF CITY OF OXNARD FINANCING AUTHORITY LEASE REVENUE REFUNDING BONDS, SERIES 2021A (TAX EXEMPT); APPROVING THE EXECUTION AND DELIVERY OF VARIOUS RELATED DOCUMENTS IN CONNECTION WITH THE OFFERING AND SALE OF SUCH BONDS; AND AUTHORIZING OTHER MATTERS RELATED THERETO.

(Finance & Governance Committee approved 2-0)

The City Clerk announced the affidavit of publication and stated that no written communications had been received. The Chief Financial Officer introduced Craig Hill of NHA Advisors, who 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 and staff.

It was moved by Councilmember Perello, 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: Citywide General Plan Consistency Zone Change Program Planning and Zoning (PZ) Permit No. 17-570-02 (Zone Change).
RECOMMENDATION: That the City Council:
 1. Receive a report regarding the General Plan Consistency Zone Change Program;
 2. Open a public hearing;
 3. Introduce and waive the first reading of an Ordinance by title only approving a Zone Change to parcels as listed in Exhibit A; and
 4. Set the Ordinance for a second reading and adoption at the City Council meeting of October 15, 2019

The City Clerk announced the affidavit of mailing and stated that three 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 Luis Alberto Torres Martinez and Sukhi Sandun. Written comments were received from Gene Haake, Mary Louise Meeker, and Janet Marie Wolf.

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 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.

Police Department

3. SUBJECT: Justice Assistance Grant ("JAG") FY 2019.
RECOMMENDATION: That City Council conduct a public hearing and adopt **Resolution No. 15,263:**
 1. Authorizing the City Manager to execute and submit an application for U.S. Department of Justice (DOJ) grant funds in the amount of \$117,724 from the Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program's FY 2019 Local Solicitation;
 2. Authorizing the City Manager to execute a Memorandum of Understanding with the County of Ventura and the Cities of San Buenaventura and Simi Valley designating the City of Oxnard as the lead agency and fiscal agent for the JAG;
 3. Authorizing the City Manager or designee to execute grant agreements and appropriate funds upon notification of grant award;
 4. Authorizing the Chief Financial Officer or designee to submit financial reports and grant claims and approve administrative budget appropriation for the use of JAG funds upon award; and

5. Authorizing the Chief of Police or designee to submit all program related progress or status reports.

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

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.

N. REPORTS

Police Department

1. SUBJECT: Use of Small Unmanned Aerial Vehicles ("Drones") for Public Safety.
RECOMMENDATION: That the City Council receive a report from the Police Department regarding its progress towards the use of small unmanned aerial vehicles in public safety applications.

(This item was postponed due to time.)

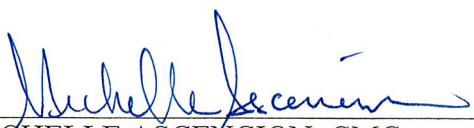
Public Works Department

2. SUBJECT: Update on Lease and Operating Agreement with the Oxnard Historic Farm Park Foundation.
RECOMMENDATION: That the City Council consider selling the Farm Museum. (Public Works and Transportation Committee voted 2-0 to forward the item for City Council consideration)

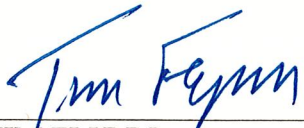
(This item was postponed due to time.)

N. ADJOURNMENT

There being no further business on the agenda, and without objection, Mayor Flynn adjourned the meeting at 9:48 p.m.



MICHELLE ASCENCION, CMC
City Clerk

 10/1/19

TIM FLYNN
Mayor