

MINUTES
OXNARD CITY COUNCIL
Regular Meeting
October 15, 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 (also at a teleconference location at the Westgate Hotel, 1055 Second Avenue, San Diego, California). The City Clerk called the roll and announced the posting of the agenda. Councilmembers Gabriela Basua (via telephone), Vianey Lopez, Bryan A. MacDonald, Oscar Madrigal, Bert E. Perello, Mayor Pro Tem Carmen Ramirez, and Mayor Tim Flynn were present.

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: Karen Hernandez v. City of Oxnard Workers' Compensation Case Nos. ADJ2668365; ADJ9975613; ADJ2595162; ADJ10575192
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 two potential cases.

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 Karen Hernandez v. City of Oxnard.

“The City Council also will 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 involving the City’s contractual obligations to Riverpark B LLC regarding conveyance of the Riverpark reclamation basins.

“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 two potential cases.”

At 4:36 p.m., the City Council recessed to a closed session. At 6:03 p.m. the City Council reconvened in open session in the Council Chambers. The City Attorney made the following announcement:

“In closed session, the Council considered initiation of litigation in two cases. In one case, on a vote of 6-1 with Councilmember Madrigal voting no and all others voting yes, the Council 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. On the second matter, the City Council unanimously approved directing the City Attorney to seek appellate review of an action by the Department of Finance related to disposition of loan repayment proceeds, and more information will be available once that matter has been filed.”

Mayor Flynn announced that Councilwoman Basua was joining the meeting remotely from San Diego, and public hearing item L-1 is pulled from the agenda and rescheduled for November 5, 2019.

D. OPENING CEREMONIES

The flag salute was followed by a moment of silence.

Additional staff members present at this time were Dave Walker, Police Sergeant; Scott Whitney, Police Chief; Rosemarie Gaglione, Public Works Director; Kenneth Rozell, Chief Assistant City Attorney; Tatiana Arnaout, City Engineer; and Jason Benites, Assistant Police Chief.

E. CEREMONIAL CALENDAR

1. SUBJECT: Presentation of a Proclamation Designating the Month of October, 2019 as “Domestic Violence Awareness Month” in the City of Oxnard.

Mayor Flynn read the proclamation and presented it to Police Sergeant Walker, who made some remarks. Olga Lydia Media of Lideres Campesinas read a poem about domestic violence.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from Walter Hagedohm (short-term rentals), Robert Murphy (short-term rentals), Ben Di Benedetto (short-term rentals), Ray Blattel (employee benefits), Roberto Garcia (downtown improvement projects), Robert Dushane (short-term rentals), Jill Van Zeebroeck (short-term rentals), Cruz Castillo Chaidez (proposing a football stadium), Jack Villa (recent Hobson Park East neighborhood cleanup, new PACC operator), Nancy Cozza (upcoming Monarch Butterfly Festival, dumping on Olds Road), Pat Brown (proposed Building Codes Ordinance, short-term rentals), Lucy Cartagena (potential homeless shelter near Five Points), Aaron Starr (bylaws for council committees; city website complaint), and Julie Pena (homelessness, the housing crisis, and short-term rentals).

G. REPORT OF CITY MANAGER

The Police Chief reported on the recent Oxnard Serve Day event where churches performed various community service projects. The City Manager commented on the free fruit tree giveaway program, upcoming Plaza Park homeless outreach event, Great Shakeout annual earthquake preparedness event, availability of safety videos for pedestrians and motorists, an upcoming mobility forum at Oxnard College, and a special meeting on the proposed Fisherman's Wharf project on November 7, 2019.

H. CITY COUNCIL REPORTS

Councilmember Madrigal reported on the Rio Lindo and Bryce Canyon North neighborhood meetings, the La Colonia Green Alley Project event, parent meetings at Ramona and Cesar Chavez school regarding a recent student pedestrian fatality, the Wagon Wheel grand opening, Multicultural Festival, Knights of Columbus Civic Night, and the recent Pacifica v. Oxnard High football game. He later announced a free medical, dental, and vision exams event at Our Lady of Guadalupe church.

Mayor Pro Tem Ramirez commented on the recent NAACP awards, the fruit tree giveaway program, housing and services for the homelessness, the Regional Housing Needs Assessment process, and pedestrian safety. She later thanked the Public Works Grant Specialist on his work for the fruit tree giveaway program.

Councilman MacDonald reported on the Multicultural Festival, the grand opening ceremony for the new dog park, and the Wagon Wheel grand opening.

Councilmember Perello commented on the fruit tree giveaway program, Knights of Columbus Civic Night event, the importance of modern building standards, development near airport fly zones, and council committee bylaws.

Councilmember Lopez reported on visiting a class at Fremont Junior High school and participated in a police ride along.

Mayor Flynn commented on the upcoming Plaza Park homeless outreach event, transitioning people into permanent housing, efforts to secure state funding, and the recently adopted camping/pan-handling ordinance.

I. REVIEW OF INFORMATION/CONSENT AGENDA

Items K-6, K-7, and K-11 were discussed among the Council and staff.

J. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Public comments were received from Pat Brown.

K. INFORMATION/CONSENT AGENDA

Community Development Department

1. SUBJECT: Notice of Pending Approval - Fourth Phase of Planning & Zoning Permit No. 06-300-19 (Tract No. 5644-4) to subdivide 11 open space lots previously associated with

sand and gravel mining operations for detention basins, maintenance roads, and a public multi-use trails located northwest of the Vineyard Drive and Thames River Drive intersection within the RiverPark Specific Plan Area; inclusive of ownership quitclaim deeds by RiverPark and City for ownership lots subdivided, filed by Tony Talamante with RiverPark Legacy, LLC.

RECOMMENDATION: That City Council:

1. Authorize the Mayor to sign the owner statement on the title page of the Tract 5644-4 Final Map Phase 4;
2. Authorize the Mayor to sign a deed that quitclaims certain properties from the City to RiverPark Legacy;
3. Authorize the Mayor to sign a Certificate of Acceptance and a deed that quitclaims certain properties from RiverPark Legacy to the City of Oxnard; and
4. Receive and file a Notice of Pending Approval for Planning and Zoning Permit No. 06-300-19 (Final Map for Tract 5644-4 Phase 4).

2. SUBJECT: Adoption of **Ordinance No. 2967**.

RECOMMENDATION: That the City Council approve for second reading (by title only and waive further reading) and adoption of Ordinance No. 2967, authorizing Citywide General Plan Consistency Zone Change Program Planning and Zoning (PZ) Permit No. 17-570-02 (Zone Change).

Cultural and Community Services Department

3. SUBJECT: Appropriate Funds for FY 18-19 for the Oxnard Performing Arts and Convention Center (PACC).

RECOMMENDATION: That the City Council ratify a one-time appropriation of \$70,000 for costs associated with operating the PACC during FY 18-19.

Information Technology Department

4. SUBJECT: Purchase of Cisco network equipment from Insight Public Sector, Inc.

RECOMMENDATION: That the City Council approve a purchase order of \$362,946.50 for Cisco networking equipment from Insight Public Sector, Inc., and a budget appropriation adjustment (Finance & Governance Committee approved 3-0)

Police Department

5. SUBJECT: Resolution Amendments for Reclassification of Full Time Positions and Salary Schedules.

RECOMMENDATION: That the City Council approve the establishment of a new classification title and salary range for Supervising Animal Safety Officer by:

1. Approving and adopting **Resolution No. 15,264** to amend Resolution No. 15,241 authorizing full-time equivalent positions pursuant to Chapter 4 of the City Personnel Rules and Regulations; and
2. Approving and adopting **Resolution No. 15,265** to amend Resolution No. 15,242 authorizing and approving classification and salary schedules pursuant to Chapter 4 of the City Personnel Rules and Regulations;
3. Approving a budget adjustment, shifting budget of Community Services Officer from

Patrol Division to Supervising Animal Safety Officer in Animal Services Division, with no net impact to General Fund.

Public Works Department

6. SUBJECT: Notice of Completion – Fire Station Generator Installation Project at Stations 1, 2, 3 and 5.
RECOMMENDATION: That the City Council receive an update following the Fire Station Generator Installation Project at Stations 1, 2, 3 and 5 and acknowledge the Notice of Completion recorded on August 7, 2019.
7. SUBJECT: Notice of Completion – Oxnard Wastewater Treatment Plant Cogeneration Engine Refurbishment Project.
RECOMMENDATION: That the City Council receive an update following a Notice of Completion for the first phase of the Oxnard Wastewater Treatment Plant Cogeneration Engine Refurbishment Project recorded on August 15, 2019.
8. SUBJECT: CalRecycle Rubberized Pavement Grant Program Application.
RECOMMENDATION: That City Council adopt **Resolutions No. 15,266 and 15,267** ratifying authorization for the City Manager to submit grant applications for \$348,760 in California Department of Recycling and Recovery (CalRecycle) Rubberized Pavement Grant Program funds, to be used for the resurfacing of several streets identified in the FY19-20 and FY20-21 Capital Improvement Plan (CIP).
9. SUBJECT: Parks and Recreation Per Capita Grant Program.
RECOMMENDATION: That City Council adopt **Resolutions No. 15,268 and 15,269** approving the filing of project application(s) for the State Department of Parks and Recreation Per Capita Grant Program.
10. SUBJECT: Approval of Second Amendment to Aquatic Bioassay Laboratories, Inc. Professional Services Agreement A-8093.
RECOMMENDATION: That City Council approve and authorize the Mayor to execute a Second Amendment to Professional Services Agreement A-8093, with Aquatic Bioassay Laboratories, Inc. (Consultant), that:
 1. Adds \$400,000 for testing requirements to the wastewater treatment plant ocean monitoring program in order to comply with the National Pollutant Discharge Elimination System (NPDES) permit; and
 2. Increases the Agreement from \$759,933 to a new total of \$1,159,933.
11. SUBJECT: Ratification of Purchase Orders for Auto Parts and Fuel for the Fleet Division.
RECOMMENDATION: That City Council ratify Purchase Orders for auto parts and fuel adding additional time and increasing the dollar amounts as follows:
 1. PO 7155, adding \$640,000 for a total of \$840,000, extending time through 12/31/2019;
 2. PO 6260, adding \$980,000 for a total of \$17,647,000, extending time through 12/31/2019; and
 3. PO 6279, adding \$120,000 for a total of \$420,000, extending time through 12/31/2019.

12. SUBJECT: Appropriation for Fleet Services in Fiscal Year 2018/19.

RECOMMENDATION: That City Council;

1. Adopt **Resolution No. 15,270** approving a four-year loan of \$306,808 from the General Fund (101) to the Fleet Services Fund (741) for Fiscal Year 18/19 in connection with restructuring the on-site parts program;
2. Authorize the City Manager to sign a Financial Agreement (A-8189) approving a four-year loan of \$306,808 from the General Fund (101) to the Fleet Services Fund (741); and
3. Approve a budget appropriation in the amount of \$306,808 to cover the budget shortfall.

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

Community Development Department

1. SUBJECT: California Building Standards Regulations.

RECOMMENDATION: That City Council approve the first reading by title only and subsequent adoption of an ordinance repealing and reenacting Articles II through XI, XV, and XVI of Chapter 14 of the Oxnard City Code, pertaining to the California Building Code, California Residential Code, California Green Building Standards Code, International Property Maintenance Code, Uniform Code for the Abatement of Dangerous Buildings, California Historical Building Code, California Electrical Code, California Existing Buildings Code, California Mechanical Code, California Referenced Standards Code, California Plumbing Code, Fire Codes, and Fire Sprinklers.

(This item was pulled from the agenda.)

M. REPORTS

City Manager Department

1. SUBJECT: The Oxnard Government Accountability and Ethics Act.

RECOMMENDATION: That the City Council approve **Resolution No. 15,271** placing the Oxnard Government Accountability and Ethics Act (the Act) on the March 3, 2020 primary election ballot.

The City Manager gave a report. Public comments were received from Jeff Burum, Alicia Percell, Aaron Starr, Angel Garcia, Chuck Covarrubias, and Pat Brown. Written comments were received from Gabriel Teran. Discussion ensued among the Council and staff.

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

Public Works Department

2. SUBJECT: Update on Lease and Operating Agreement with the Oxnard Historic Farm Park Foundation.

RECOMMENDATION: That City Council consider selling the Farm Museum. (Public Works and Transportation Committee voted 2-0 to forward the item for City Council consideration)

The Public Works Director gave a report. Public comments were received from Jeff Maulhardt, Forrest Weatherhead, and Pat Brown. Discussion ensued among the Council and staff.

It was moved by Councilmember Perello, seconded by Mayor Pro Tem Ramirez, to direct staff to work towards selling the property, and for the deed restrictions to include that the property reverts back to the city should any conditions not be met. VOTE: Basua, Flynn, Lopez, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 7-0.

3. SUBJECT: Acceptance of Conveyance of Title to the Recharge Basins Property from RiverPark B, LLC to the City of Oxnard.

RECOMMENDATION: That City Council adopt a Resolution authorizing acceptance of a Grant Deed for the conveyance of title to the recharge basins parcels from RiverPark B, LLC pursuant to the terms of the Four Party Agreement Regarding Oxnard Plain Groundwater Recharge Program and RiverPark Reclamation Plan.

The City Engineer gave a report. Discussion ensued among the Council and staff. Public comments were received from Tony Talamante.

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.

Police Department

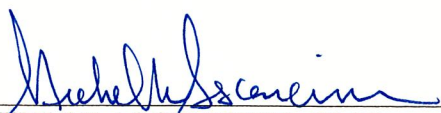
4. SUBJECT: Use of Small Unmanned Aerial Vehicles ("Drones") for Public Safety.

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.

The Assistant Police Chief gave a report. Public comments were received from Pat Brown. Discussion ensued among the Council and staff. No action was required.

N. ADJOURNMENT

There being no further business on the agenda, and without objection, Mayor Flynn adjourned the meeting at 9:32 p.m.


MICHELLE ASCENCION, CMC
City Clerk


TIM FLYNN
Mayor