

MINUTES
OXNARD CITY COUNCIL
Regular Meeting
November 5, 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, Oxnard Community Development Successor Agency, and 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 Gabriela Basua and Oscar Madrigal arrived at 4:36 p.m. and 5:24 p.m. respectively. Housing Commissioner Jose Andrade arrived at 5:55 p.m.; Commissioner Francisco Vega was absent.

Staff members present were Alexander Nguyen, City Manager; Stephen M. Fischer, City Attorney; Ashley Golden, Assistant City Manager; Shiri Klima, Deputy City Manager; Tara Mazzanti, Assistant City Attorney; Jennie Kelly, Assistant City Attorney; Steve Naveau, Human Resources Director; Thien Ng, Assistant Public Works Director; and Michelle Ascencion, City Clerk.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

Public comments were received from Blair Brim, Mark Moise, Cliff Reilly, Laura Ledesma, and Nellie Estrada.

C. CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Government Code section 54956.9 (d)(1)) (City Council)
Name of Case: April Kittel v. City of Oxnard; et al.
United States District Court Case No. CV-17-6709-MWF (GJSx).
2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Government Code section 54956.9 (d)(1)) (City Council)
Name of Case: County of Alameda; et al. v. Richard S. Sackler; et al.
Orange County Superior Court Case No. 30-2019-01101802-CU-BT-CXC.
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)) (City Council)
Based on existing facts and circumstances, the City Council shall decide whether to initiate litigation in one potential case.

5. CONFERENCE WITH LABOR NEGOTIATORS (Government Code section 54957.6) (City Council)

Agency designated representatives: Alex 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); International Union of Operating Engineers AFL-CIO, Local No. 501 (IUOE Local 501); and unrepresented employees: Assistant City Manager, Chief Financial Officer, City Clerk, City Treasurer, Deputy City Manager, Community Development Director, Fire Chief, Housing Director, Human Resources Director, I.T. Director, Cultural and Community Services Director, Police Chief, Public Works Director (Department Directors); Chief Assistant City Attorney, Assistant City Attorney, Deputy City Attorney; Accountant II (C80), Accounting Technician (C67), Administrative Assistant (C70), Administrative Legal Assistant (C70), Administrative Legal Secretary I (C25), Administrative Legal Secretary II (C35), Administrative Legal Secretary III (C50), Administrative Secretary I (C15), Administrative Secretary II (C30), Administrative Secretary III (C40), Administrative Services Assistant (C70), Administrative Technician (C60), Employee Relations Coordinator (C67), Executive Assistant I (C80), Executive Assistant II (C85), Human Resources Technician (C70), Office Assistant I (C10), Office Assistant II (C20), Paralegal (C75), Senior Administrative Secretary (C55), Senior Human Resources Coordinator (C75), (Confidential Employees).

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. April Kittel v. City of Oxnard; and 2. County of Alameda; et al. v. Richard S. Sackler; 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 the payment of public safety employee overtime under the Fair Labor Standards Act.

“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 one potential case.

“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.5 of the meeting agenda.”

At 4:48 p.m., the City Council recessed to a closed session. At 5:46 p.m. the City Council reconvened in open session in the Council Chambers. The City Attorney made the following announcement: “On the matter of Kittel v. Oxnard, Council was briefed on the case status and authorized settlement terms. If those terms are accepted by the plaintiff, the case will be settled and a settlement agreement will be available for inspection once it is final. In the case of County of Alameda et al v. Sackler et al., which is the opioids litigation, Council was briefed on the case status and provided direction to legal counsel. On the initiation of litigation matter, the Council by

a vote of 6-0 (with Councilmember Madrigal not present for the vote) directed the City Attorney to initiate an action to challenge the recently adopted Fox Canyon Groundwater Management Agency's groundwater allocation ordinance. 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 labor negotiations matter, Council was briefed on the status of labor negotiations with the listed bargaining units and unrepresented employees and provided direction to the city's negotiators. Once agreements are finalized, those will be agendaized for Council action at open session."

D. APPOINTMENT ITEM

City Manager Department

1. SUBJECT: Presentation by Oxnard School Superintendent Karling Aguilera-Fort.
RECOMMENDATION: Informational presentation only.

Superintendent Aguilera-Fort made some remarks and was welcomed by the Council.

City Manager Department

2. SUBJECT: Ventura County Civic Alliance State of the Region Report.
RECOMMENDATION: That the City Council receive the State of the Region Report from the Ventura County Civic Alliance.

David Maron of the Civic Alliance gave a report. Discussion ensued among the Council and Mr. Maron.

E. OPENING CEREMONIES

The flag salute was followed by a moment of silence.

Additional staff members present at this time were Tatiana Arnaout, City Engineer; Emilio Ramirez, Housing Director; Jeffrey Lambert, Community Development Director; Kenneth Rozell, Chief Assistant City Attorney; and Steve Newman, Deputy Building Official.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from Mary Rose (homeless advocate), Harold Ceja (dangers of marijuana use, street conditions in La Colonia), P.W. Robinson (homelessness), Jackie Tedeschi (thanked first responders; recent Municipal Budgeting 101 and RHNA process special meeting; recent Southbank neighborhood council meeting; upcoming Ready & Resilient presentation), Wendy Leung (upcoming Ventura Storytellers Project event at the Oxnard PACC), Kathy Guerrero (gun violence prevention), Steve Guerrero (traffic safety on Harbor Boulevard), Pat Brown (homeless shelter), Gabriel Teran (Ventura Storytellers Project), Luis Garcia (excessive speed of trains running through the city), Wendy Lee (Fisherman's Wharf), and Sandra McLaughlin (Fisherman's Wharf).

G. REPORT OF CITY MANAGER

The City Manager announced the upcoming “Disruption of Autonomous Cars, Traffic, and Parking” mobility lecture at Oxnard College, and the Assistant City Manager announced the National PAL “last chance” USA Olympic Boxing qualifier tournaments taking place at the Oxnard PAL Gymnasium.

H. CITY COUNCIL REPORTS

Councilmember Lopez reported on attending the USA Boxing tournament opening ceremony and participating in a recent panel discussion on housing.

Councilmember Perello reported on attending the USA Boxing tournament opening ceremony, commented on horse deaths at professional racetracks, oil and gas drilling near the Fox Canyon aquifer, safety around train tracks, and the upcoming mobility lecture.

Mayor Pro Tem Ramirez reported on attending the recent League of California Cities annual conference and the status of the Regional Housing Needs Assessment process. She commented on the Natural Solutions for Climate Change symposium and an Ocean Protection Council planning grant. She requested a future agenda item on pedestrian and bicycle safety. She commented on the County Board of Supervisors’ continued moratorium on oil and gas drilling.

Councilmember Madrigal wished Jackie Tedeschi and Councilmember Perello a happy birthday. He reported on the recent CERT graduation, the USA Boxing tournament, a senior prom in Port Hueneme, Halloween and Dia de los Muertos celebrations at Las Cortes, a Rio Lindo neighborhood cleanup, First Generation College Student Day, and the Borderline shooting anniversary.

Mayor Flynn announced the upcoming Veterans Day parade and commemoration ceremony and reported on the recent League of California Cities annual conference. He commented on the ordinance against camping in public areas that recently took effect and gave additional updates on the homelessness issue.

I. REVIEW OF INFORMATION/CONSENT AGENDA

Items K-3, K-4, K-8, and K-9 were discussed among the Council and staff.

J. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Public comments were received from Tony Talamante, Pat Brown, and Joel Kirschenstein.

K. INFORMATION/CONSENT AGENDA

City Attorney Department

1. SUBJECT: First Amendment to Agreement for Special Counsel on Water and Wastewater Issues.

RECOMMENDATION That City Council approve and authorize the Mayor to execute a First Amendment to the Attorney Services Agreement with Meyers, Nave, Riback, Silver &

Wilson ("Meyers Nave") (Agreement No. 8603-19-CA, Purchase Order 7340) for services relating to water and wastewater issues for an increase of \$300,000 for a total contract amount not to exceed \$500,000.

City Clerk Department

2. SUBJECT: Approval of Minutes.

RECOMMENDATION: That the City Council approve the minutes of the October 1, 2019 and October 15, 2019 regular meetings as presented.

City Manager Department

3. SUBJECT: 2020 Meeting Schedule for Legislative Bodies.

RECOMMENDATION: That City Council, Community Development Commission Successor Agency, Financing Authority, and Housing Authority approve the proposed meeting dates for the calendar year 2020.

Community Development Department

4. SUBJECT: Planning and Zoning Permit No. 18-680-01 (Mills Act Agreement-Henry T. Oxnard-Landmark No. 161), Daniel Barcela House at 320 South F Street. Filed by Jake Donaldson and Nicole Janelle, Property Owners.

RECOMMENDATION: That the City Council authorize the Mayor to execute a Mills Act Contract (Agreement No. A-8185) with Jake D. Donaldson and Nicole S. Janelle (Property Owners) to maintain and preserve a historic property located at 320 S F Street (Oxnard-Landmark No. 161).

5. SUBJECT: California Department of Housing and Community Development Senate Bill (SB) 2 Planning Grant Application.

RECOMMENDATION: That the City Council:

1. Adopt **Resolution No. 15,273** authorizing the City Manager to submit an application for \$625,000 in SB2 grant program funds to be used for 2021-2029 Housing Element Sites Inventory, Downtown Infrastructure Study, and Comprehensive Zoning Ordinance Update and Development of Web Based Zoning Code; and
2. Approve a budget appropriation, to be executed upon award, in the amount of \$625,000 to be funded with SB2 State Grant Funds.

Police Department

6. SUBJECT: Service Authority for Freeway Emergencies (SAFE) Grant Program.

RECOMMENDATION: That the City Council adopt **Resolution No. 15,274**:

1. Authorizing the City Manager to execute \$50,000 in grant funds from the Service Authority for Freeway Emergencies (SAFE) Grant Program, to be used for the purchase of two variable message trailers;
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 special budget appropriations for use of SAFE grant 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)

7. SUBJECT: Department of Alcoholic Beverage Control / Office of Traffic Safety (ABC/OTS) Grant.

RECOMMENDATION: That the City Council adopt **Resolution No. 15,275**:

1. Authorizing the City Manager to execute and apply for \$20,000 in grant funds from the Department of Alcoholic Beverage Control/Office of Traffic Safety (ABC/OTS) Grant Program, to be used for overtime to conduct four (4) Minor Decoy Operations, four (4) Shoulder Tap Operations, and two (2) IMPACT Inspections.

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 special budget appropriations for use of ABC/OTS grant funds.

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

8. SUBJECT: Award Contract to Taft Electric for Flashing Pedestrian Beacon Project.

RECOMMENDATION: That City Council:

1. Award and authorize the Mayor to execute Agreement No. A-8186 in the amount of \$540,581.56 with Taft Electric Company for the Flashing Pedestrian Beacon Project;

2. Approve \$54,058.16 for project contingency for the Flashing Pedestrian Beacon Project;

3. Approve \$54,058.16 for engineering, inspection, survey and project management for the Flashing Pedestrian Beacon Project; and

4. Approve a Budget Appropriation in the total amount of \$297,864 for the Flashing Pedestrian Beacon Project. This amount includes \$181,188 from the Air Pollution Buy Down fund (118) and, an increase in Congestion Mitigation Air Quality (CMAQ) grant revenue fund (275) in the amount of, \$116,676 for project 163105.

9. SUBJECT: Award of a Three-Year Contract for Landscape and Ballfield Maintenance in RiverPark Community Facilities District 5.

RECOMMENDATION: That the City Council approve and authorize the Mayor to:

1. Execute Agreement A-8171 with Garcia's Landscaping Maintenance, Inc. to provide landscape and ballfield maintenance services to RiverPark Community Facilities District 5 in the total amount of \$3,120,435 for a three year term;

2. Approve a contingency in the amount of \$150,000 for Agreement A-8171 for landscape and irrigation rehabilitation services with Garcia's Landscaping Maintenance, Inc., identified at the time of transfer of services from the previous contractor; and

3. Authorize the Public Works Director or designee to change service levels within the Agreement based on the available funding in the facilities district.

10. SUBJECT: Approval of Second Amendment to Trade Services Agreement 8446-18-PW with U.S. Peroxide, LLC.

RECOMMENDATION: That the City Council approve and authorize the Mayor to

execute a Second Amendment to Agreement 8446-18-PW with USP Technologies, Inc. to increase the amount by \$754,950 for a new total Agreement value of \$947,232 through June 30, 2022, to control sulfide at the headworks and clarifiers of the Oxnard Wastewater Treatment Plant. (The 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-3 (Council/Housing/Financing/Successor Agency item), and 7-0 on the remaining items (City Council items).

L. PUBLIC HEARINGS

Housing Department

1. SUBJECT: Public Hearing for Issuance of Exempt Facility Bonds for a Qualified Residential Rental Project for The Holiday Manor Apartments.

RECOMMENDATION: That the City Council:

1. Hold a public hearing regarding the issuance by the California Statewide Communities Development Authority of up to \$68,000,000 of exempt facility bonds for a qualified residential rental project pursuant to Section 142(a)(7) of the Internal Revenue Code of 1986 to finance or refinance the acquisition, rehabilitation and development of a 252-unit multi-family rental housing project located at 1924 and 1928 Camino Del Sol, 1805 and 1915 San Geronio, and 100 and 320 North Rose Avenue, Oxnard, California (known as The Holiday Manor Apartments); and
2. Adopt **Resolution No. 15,276** approving the issuance of bonds.

The City Clerk announced the affidavit of publication and stated that no written communications had been received. Councilmember Madrigal announced that he has a real property conflict of interest and left the dais.

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, staff, and Robert Lee, who spoke on behalf of the property owner.

It was moved by Councilman MacDonald, seconded by Councilmember Lopez, to approve the recommended action as presented. VOTE: Basua, Flynn, Lopez, MacDonald, Perello, and Ramirez voted in favor; the motion carried 6-0 (Madrigal recused).

Councilmember Madrigal returned to the dais following the vote.

Community Development Department

2. SUBJECT: Planning and Zoning Permit No. 19-580-04 - Zoning Text Amendment to Create Regulations for Short Term Rentals, to include recommendations of the City Council Housing and Economic Development Committee (HEDC).

RECOMMENDATION: That the City Council:

1. Receive a report regarding the regulations for Short Term Rentals;
2. Open a public hearing;
3. Determine the zoning text amendment is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15061 and 15305 of Title 14, Division 6, Chapter 3 of the California Code of Regulations;
4. Introduce by title only and waive further reading of the following Ordinances by title only approving the following amendments to Chapters 7 (Nuisances), 16 (Zoning Code) and 17 (Coastal Zoning) of the Oxnard City Code:
 - a. Chapter 7: modify Section 7-56 (Civil Fines: Amounts) to establish fine amounts for violations;
 - b. Chapter 16: add Article XI to Chapter 16 regarding short-term rentals; add Subsection (19) to Section 16-21 (B) to the Residential Single-Family Zone and amend Section 16-148, Table 16-148 of the Downtown Code, add short-term rentals as an allowed, by right residential use in the DT-E, DT-G and DT-C zones subject to Article XI of Chapter 16;
 - c. Chapter 17: add Section 17-53 to Chapter 17 in Article IV regarding short term rentals and amend Chapter 17 of the Oxnard City Code by adding Subsection (B) (10) to Section 17-10; R-B-1, Single-Family Beach, Sub-Zone; Subsection (B) (10) to Section 17-11. R-W-1, Single-Family Water-Oriented, Sub-Zone; Subsection (B) (10) to Section 17-12. R-W-2, Townhouse Water-Oriented, Sub-Zone; Subsection (B) (10) Section 17-13; R-2-C, Coastal Multiple-Family, Sub-Zone; Subsection (B) (10) to Section 17-14; R-3-C, Coastal Medium Density Multiple-Family, Subsection (B) (3) to Section 17-15; CPC, Coastal Planned Community Sub-Zone; and Subsection (B) (9) to Section 17-25; R-BF, Beachfront Residential, Sub-Zone regarding allowing short-term rental units subject to Section 17.53;
 - d. Incorporate the following revisions to the proposed ordinances: (1) include a 100' separation between STRs, (2) add a 5% cap to the R-BF zone, (3) limit annual rental days to 100, (4) require property manager/owner to be within 25 miles of the STR, (5) prohibit outdoor amplified music during quiet hours, (6) include parking limitations on STR advertisements, and (7) increase fines as noted; and
5. Set the Ordinances for a second reading and adoption at the City Council meeting of November 19, 2019.

The City Clerk announced the affidavit of publication and stated that a high number of written communications had been received. The City Attorney advised the Council to disclose their meetings and discussions with members of the public or other agencies, and the Councilmembers each made announcements.

The Community Development Director gave a report. Mayor Flynn opened the public testimony portion of the public hearing. Public comments were received from Victoria Chandler, Ralph Hirschman, Deirdre Frank, Charles Boyd, Angela Slaff, Kathy Guerrero, Steve Guerrero, Pat Brown, Walter Hagedohm, Diane Delaney, Dori Holland, Bob Murphy, Robert Dushane, Nancy Lindholm, Sharon Cerrell, Tony Rondinella, Gail Sherman, Rita Weiss, Perry Ferguson, Eliangela Schlotfeldt, and Julie Pena.

Without objection, the Council approved closing the public testimony portion of the public hearing. Discussion ensued among the Council and staff.

The Council took a brief recess at 9:55 p.m. to allow the staff to confer. The meeting resumed at 10:02 p.m. Further discussion ensued.

It was moved by Councilmember Perello, seconded by Councilmember Lopez, to approve the recommended action, amending the minimum separation between rentals from 100 feet to 200 feet, eliminating the prohibition on outdoor amplified music, and reviewing the possibility of not allowing short-term rentals in the Harbour Island neighborhood and making timeshares exempt from the 200-foot separation requirements. 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 remaining agenda items to be heard.)

3. 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.

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. 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 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. REPORTS

City Manager Department

1. SUBJECT: Exception to CalPERS 180 day Wait Period for Appointment of a Retired Annuitant to Perform Limited Term Specialized Project Work.

RECOMMENDATION: That City Council adopt **Resolution No. 15,277** approving an exception to the CalPERS 180 day wait period for Paul Wendt.

It was moved by Councilmember Perello, 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.

City Attorney Department

2. SUBJECT: Ballot Arguments for the Oxnard Government Accountability and Ethics Act.
RECOMMENDATION: 1. That the City Council determine that City Council will file the written argument in support of the Oxnard Government Accountability and Ethics Act (measure designation to be determined) with five Councilmembers signing on behalf of the City; and
2. That the City Council determine that the Councilmembers that do not sign the argument in favor of the measure are authorized to sign the rebuttal argument along with representatives of organizations or members of the public designated by the Mayor.

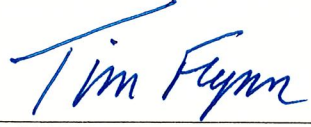
The City Attorney gave a report. Discussion ensued among the Council and staff. The Council approved the recommended action 7-0, and designated the members who will sign the argument (Basua, Flynn, Lopez, Madrigal, Ramirez) and the rebuttal (MacDonald, Perello).

N. ADJOURNMENT

There being no further business on the agenda, and without objection, Mayor Flynn adjourned the meeting at 10:20 p.m.



MICHELLE ASCENCION, CMC
City Clerk

 12/3/19

TIM FLYNN
Mayor