

MINUTES
OXNARD CITY COUNCIL
Regular Meeting
December 3, 2019

A. ROLL CALL, POSTING OF AGENDA

At 4:36 p.m., Mayor Flynn called to order the regular meeting of the Oxnard City Council (concurrently with the Oxnard Housing 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 Gabriela Basua, Vianey Lopez, Bryan A. MacDonald, Bert E. Perello, Mayor Pro Tem Carmen Ramirez, and Mayor Tim Flynn were present; Councilmember Oscar Madrigal arrived at 4:42 p.m. Housing Commissioner Jose Andrade arrived at 6:10 p.m.; Commissioner Francisco Vega was absent.

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: In the Matter of: Order Instituting Rulemaking to Develop an Electricity Integrated Resource Planning Framework and to Coordinate and Refine Long-Term Procurement Planning Requirements.
Public Utilities Commission Proceeding No. R.16-02-007.

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 the ‘California Public Utilities Commission Proceeding to Develop an Electricity Integrated Resource Planning Framework and to Coordinate and Refine Long-Term Procurement Planning Requirements.’ ”

At 4:37 p.m., the City Council recessed to a closed session. At 5:32 p.m. the City Council reconvened in open session in the Council Chambers. The City Attorney made the following announcement: “The Council met in closed session to discuss the pending proceeding before the California Public Utilities Commission that includes electricity reliability up and down the state but also as it pertains to Ormond Beach, and the Council gave direction to the City Manager and the City Attorney regarding the city’s position in that matter.”

Additional staff members present at this time were Ashley Golden, Assistant City Manager; Scott Brewer, Emergency Services Manager; Emilio Ramirez, Housing Director; Scott Whitney, Police Chief; Tatiana Arnaout, City Engineer; Jeffrey Lambert, Community Development Director; Kathleen Mallory, Planning and Sustainability Manager; Eric Sonstegard, Assistant Police Chief; Hannah Estrada, Senior Police Officer; and Jason Zaragoza, Deputy City Attorney.

D. APPOINTMENT ITEM

Fire Department

1. SUBJECT: Southern California Edison, Wildfire Mitigation Planning and the Public Safety Power Shutoff Program.

RECOMMENDATION: That the City Council receive a presentation from Ms. Rondi Guthrie, Government Relations Manager with Southern California Edison, on their current efforts in Wildfire Mitigation Planning and the Public Safety Power Shutoff Program.

The Emergency Services Manager introduced Ms. Guthrie, who gave a report. Discussion ensued among the Council, staff, and Ms. Guthrie.

E. OPENING CEREMONIES

The flag salute was followed by a moment of silence.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from Jeff Burum (recommendations for city improvement), Jackie Tedeschi (upcoming INCO meeting), Jorge Escalera (Saviors Road homeless navigation shelter), Robert Schaefer (Saviors Road shelter), Walter Ontiveros (Saviors Road shelter, mylar balloons), Luis Garcia (Saviors Road shelter, railroad safety), Richard Tucker (Saviors Road shelter), Lucy Cartagena (Saviors Road shelter), Paul Sinjh (Saviors Road shelter), Vatche Ghanimian (Saviors Road shelter), and Pat Brown (Camarillo airport, Saviors Road shelter). There was also a visit from Santa Claus during public comment, announcing upcoming holiday events in the city.

G. REPORT OF CITY MANAGER

The City Manager and Housing Director gave a brief report on the city's homeless crisis. The City Manager made announcements about the city's YouTube channel.

H. CITY COUNCIL REPORTS

Councilmember Lopez reported on attending a recent World AIDS Day event, and requested a future agenda item on an update of economic development efforts.

Councilmember Perello announced that former Neighborhood Council/Neighborhood Watch leader Eleanor Branthoover recently passed away. He requested flyers be distributed for upcoming Saviors Road homeless navigation center outreach meetings. He commented on the Rescue Mission's Thanksgiving celebration, and the Pacifica High School football team's recent CIF Championship victory.

Councilman MacDonald announced an upcoming Gold Coast Transit meeting, and urged people to drive carefully through the Wilson neighborhood's annual Christmas Tree Lane display.

Mayor Pro Tem Ramirez acknowledged outgoing INCO Chair Jackie Tedeschi, expressed gratitude

for the recent Thanksgiving season, and commented on the homeless crisis.

Councilwoman Basua commented on the homeless crisis and reported on a recent “Women in Politics” panel at Ventura College.

Councilmember Madrigal reported on attending the Rescue Mission’s Thanksgiving celebration, the Pacifica High School football team’s recent CIF Championship victory, and a recent meeting on pedestrian safety at Ramona School.

Mayor Flynn gave an update on the city’s recent actions on solving homeless issues, shared a recent “success story” of a formerly homeless individual, and announced the upcoming point-in-time count of the city’s homeless population. The City Manager made some additional remarks about the progress made in solving homelessness.

I. REVIEW OF INFORMATION/CONSENT AGENDA

Items K-3, K-5, and K-10 were discussed among the Council and staff.

J. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Public comments were received from Jackie Tedeschi and Jackson Piper. Written comments were received from Christopher Tull, Cameron Gray, and Max Ghenis.

K. INFORMATION/CONSENT AGENDA

City Clerk Department

1. SUBJECT: Approval of Minutes.

RECOMMENDATION: That the City Council approve the minutes of the November 5, 2019 regular meeting, November 7, 2019 special meeting, and November 19, 2019 regular meeting as presented.

City Attorney Department

2. SUBJECT: Council Committee Bylaws.

RECOMMENDATION: That the City Council adopt **Resolution No. 15,286** setting forth bylaws to establish regular meeting schedules for, powers and duties of, and types of business to be reviewed by the City Council committees established by Oxnard City Code Section 2-1.1. (Finance and Governance Committee approved 3-0)

Fire Department

3. SUBJECT: FY 18 Assistance to Firefighters Grant.

RECOMMENDATION: That the City Council adopt **Resolution No. 15,287** authorizing:

1. The City Manager or designee to execute \$291,818.18 in grant funds from the Fiscal Year (FY) 18 Assistance to Firefighters Grant (AFG) to educate and license three firefighters as paramedics;
2. The City Manager or designee to execute grant agreements and appropriate funds upon

notification of grant award;

3. The Chief Financial Officer or designee to submit financial reports and grant claims and approve administrative budget appropriation for the use of AFG funds upon award; and

4. The Fire Chief or designee to submit all program related progress or status reports.
(Public Safety Committee approved 2-0)

Housing Department

4. SUBJECT: Amending Funding Loan Agreement between Citibank, N.A., Funding Lender, and the Housing Authority of the City of Oxnard for \$14,000,000 for Las Villas de Paseo Nuevo, which secured the issuance of Multi-Family Housing Revenue Bonds.

RECOMMENDATION: 1. That the City Council approve and amend the Funding Loan Agreement between Citibank, N.A. and Housing Authority of the City of Oxnard for the \$14,000,000 loan originated on February 1, 2012 for the 72-unit affordable rental project Las Villas de Paseo Nuevo Apartments located 5637 to 5727 Cypress Road, Oxnard, allowing Citibank to standardize and securitize loans within its portfolio providing more capital for future project loans.

2. That the Housing Authority Board of Commissioners approve and amend the Funding Loan Agreement between Citibank, N.A. and Housing Authority of the City of Oxnard for the \$14,000,000 loan originated on February 1, 2012 for Las Villas de Paseo Nuevo Apartments located at 5637 to 5727 Cypress Road, Oxnard, allowing Citibank to standardize and securitize or consolidate their loans within its portfolio providing more capital for future project loans.

Police Department

5. SUBJECT: Supplemental Law Enforcement Services Fund.

RECOMMENDATION: That the City Council:

1. Recognize \$318,079 in grant revenue from the State Supplemental Law Enforcement Services Fund (SLESF) for Citizens Option for Public Safety (COPS) Program;
2. Approve a budget appropriation in the amount of \$318,079 for Body Worn Camera Storage Fees; and
3. Authorize the Chief Financial Officer or designee to approve additional budget appropriations if awarded.

(Public Safety Committee approved 2-0)

6. SUBJECT: Federal and State Asset Forfeiture Funds.

RECOMMENDATION: That the City Council approve a budget appropriation in the amount of \$320,786 for the use of Federal (\$207,786) and State (\$113,000) asset forfeiture funds allocated to the City of Oxnard Police Department. The funds will be used for training and equipment purchases not normally associated with general fund expenditures. (Public Safety Committee approved 2-0)

Public Works Department

7. SUBJECT: Award Agreement A-8184 to Huitt-Zollars for the Bicycle and Pedestrian Facilities Project.

RECOMMENDATION: That the City Council authorize the Mayor to sign and execute

Agreement A-8184 in the amount of \$218,137 with Huitt-Zollars for the Bicycle and Pedestrian Facilities Project No. 133102/163101. (Public Works and Transportation Committee approved 3-0)

8. SUBJECT: Approval of Purchase Order with Gibbs Truck Centers for Two (2) Semi-Tractors.
RECOMMENDATION: That City Council approve and authorize the Mayor to execute a Purchase Order with Gibbs Truck Centers in an amount not-to-exceed \$209,048.46 for two (2) semi-tractors. (Public Works and Transportation Committee approved 3-0)
9. SUBJECT: Award Agreements for On-Call Professional Engineering Services.
RECOMMENDATION: That the City Council approve and authorize the Mayor to execute:
 1. Agreement No. A-8177 with Encompass Consultant Group, Inc. for On-Call Professional Engineering and Surveying Services for a three year term, not to exceed \$500,000; and
 2. Agreement No. A-8178 with Gannett Fleming, Inc. for On-Call Professional Engineering Services for a three year term, not to exceed \$250,000.(Public Works and Transportation Committee approved 3-0)
10. SUBJECT: Appropriate Funds for C Street Bicycle Facilities Installation (Project No. 133103) and Oxnard Boulevard Bicycle Facilities Installation (Project No. 183101).
RECOMMENDATION: That the City Council approve a budget appropriation in the total amount of \$169,494 from the fund balance of the Air Pollution Buydown Fee Fund (118) to the following projects: \$62,821 for the C Street Bicycle Facilities Installation Project No. 133103, and \$106,673 for the Oxnard Boulevard Bicycle Facilities Installation Project No. 183101. (Public Works & Transportation Committee approved 3-0)

It was moved by Councilman MacDonald, seconded by Councilmember Perello, to approve the Information/Consent items as presented, with a minor amendment to item K-1. VOTE: Andrade, Basua, Flynn, Lopez, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 8-0 on item K-4 (Housing Authority item), and 7-0 on the remaining items (City Council items).

L. PUBLIC HEARINGS

Community Development Department

1. SUBJECT: Planning and Zoning Permit No. 19-580-05 (Zoning Text Amendment) – Amendment to the Oxnard City Code to Create Regulations for Cannabis Retail Dispensaries.
RECOMMENDATION: That the City Council approve the first reading by title only of an Ordinance to regulate retail cannabis within Chapters 11 and 16 of the Oxnard City Code pertaining to permitting and siting of cannabis dispensaries. (Housing and Economic Development Committee approved 3-0)

The City Clerk announced the affidavit of publication and stated that two written communications had been received.

The Community Development Director made some brief remarks and the Planning and Sustainability Manager gave a report.

Mayor Flynn opened the public testimony portion of the public hearing. Public comments were received from Carolyn Casas Hedgepeth, Rick Casas, Ed Gutierrez, Juan Garcia, Shawn Belschner, Lonnie Jarvis, Devon Wardlow, Nancy Lindholm, and Pat Brown. Written comments were received from Beth Thuna, Ed Gutierrez, Cherie Egbert, and Louis DeLuca.

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

It was moved by Councilman MacDonald, seconded by Mayor Pro Tem Ramirez, to approve the recommended action as presented. VOTE: Basua, Flynn, Lopez, MacDonald, Madrigal, and Ramirez voted in favor; Perello voted against, stating the sensitive use buffer should be 1000 feet. The motion carried 6-1.

2. SUBJECT: Planning and Zoning Permit No. 19-580-04 - Zoning Text Amendment to Create Regulations for Short Term Rentals.

RECOMMENDATION: That the City Council:

1. Conduct a public hearing;
2. 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;
3. 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 ordinances that were proposed at the November 5, 2019 hearing: (1) include a 200' separation between STRs, (2) remove language that prohibits outdoor amplified music during quiet hours and rely on the existing sound regulations in Chapter 7, Article XI, (3) prohibit STRs in the Colony and Harbour Island HOAs, and (4) include exemptions for existing timeshare properties.

The City Clerk announced the affidavit of publication and stated that one written communication 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 Dick Elzinga, Victoria Chandler, Deirdre Frank, Jill Van Zeebroeck, Walter Hagedohm, Beth Hansen, and Dori Holland. Written comments were received from Robert Congelliere.

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 Lopez, to approve the recommended action as presented (minor amendments to Chapter 17). VOTE: Basua, Flynn, Lopez, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 7-0.

3. SUBJECT: Appeal of Planning Commission Action of PZ 18-500-12, Special Use Permit Regarding Property Located at 2900 Saviers Road; Request for Continuance to Date Certain.
RECOMMENDATION: That the City Council continue until February 4, 2020 the appeal hearing for Planning and Zoning Permit No. 18-500-12 (SUP) for property located at 2900 Saviers Road.

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

The Community Development Director made some brief remarks. Public comments were received from Daniel Chavez Jr. Discussion ensued among the Council and staff.

It was moved by Councilman MacDonald, 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.

M. REPORTS

Community Development Department

1. SUBJECT: Downtown Improvement Program Settlement Funds (DIPSF) - Priority Funding Recommendations.
RECOMMENDATION: That the City Council:
 1. Receive a report of Downtown Improvement Program Settlement Funds to benefit the revitalization of Downtown Oxnard; and
 2. Approve a budget appropriation in the amount of \$540,000 from the fund balance of the City-Downtown Improvement Fund (481).(Housing and Economic Development Committee approved 3-0)

The Community Development Director gave a report. Public comments were received from Pat Brown and Abel Magana. Discussion ensued among the Council and staff.

It was moved by Mayor Pro Tem Ramirez, seconded by Councilmember Lopez, 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

2. SUBJECT: Ordinance revision to ban the sale of flavored tobacco products.
RECOMMENDATION: That City Council approve the first reading by title only and waive further reading of an ordinance amending Article XIV of Chapter 11 of the Oxnard City Code related to Tobacco Retailer Permits and the sale of flavored tobacco products.

Gabriel Teran of the Ventura County Office of Education and the Assistant Police Chief gave a report. Public comments were received from Cherie Egbert, Nancy Maxson, and Alejandra Valencia. Written comments were received from Primo Castro and Nancy Maxson. Discussion ensued among the Council and staff.

It was moved by Councilman MacDonald, 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.

Public Works Department

3. SUBJECT: Approve Purchase Order with WEX Bank for Fleet Fuel Cards Program.
RECOMMENDATION: That the City Council award and authorize the Mayor to establish a Purchase Order with WEX Bank in the not to exceed amount of \$7,200,000 for a three year term for Fuel Cards. (Public Works and Transportation Committee approved 3-0; expenditures for FY19 have been updated since PWTC approval.)

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. ADJOURNMENT

There being no further business on the agenda, and without objection, Mayor Flynn adjourned the meeting at 10:24 p.m.


MICHELLE ASCENCION, CMC
City Clerk


TIM FLYNN
Mayor

12/3/19