# MINUTES
# OXNARD CITY COUNCIL
## Regular Meeting
## December 17, 2019

A. ROLL CALL, POSTING OF AGENDA

At 5:39 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, 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; Jeffrey Lambert, Community Development Director; Emilio Ramirez, Housing Director; Kenneth Rozell, Chief Assistant City Attorney; Jay Dobrowalski, Associate Planner; Mike More, Human Resources Manager; Kevin Riper, Chief Financial Officer; Adam Smith, Project Manager; and Michelle Ascencion, City Clerk.

B. OPENING CEREMONIES

The flag salute was followed by a moment of silence.

C. APPOINTMENT ITEM

City Manager Department

1. SUBJECT: Oxnard Housing Report Update by Central Coast Alliance United for A Sustainable Economy (CAUSE).

Nidia Bello and Ocil Herrejon from CAUSE gave a report, and residents Teresa and Arturo made remarks about the difficulties of their rental situation. Public comments were received from Grasiela Silva. Discussion ensued among the Council; no action was required.

CEREMONIAL PRESENTATION

Mayor Flynn presented a commendation to the Pacifica High School football team, who recently won the CIF Division 2-A State Championship.

E. REPORT OF CITY MANAGER

The City Manager gave a status update on negotiations for the Performing Arts Center operations.

D. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from Vincent Ines (homelessness/vagrancy), Ray Blattel (Pacifica football championship), Jeff Burum (Performing Arts Center), Jessica St. Pierre (Performing Arts

Center), Gary Blum (Performing Arts Center), Manuel Herrera (Performing Arts Center), Michael Doty (Performing Arts Center), Marvin Boos (Performing Arts Center), Douglas Brooks (Performing Arts Center), Cheryl Kewley (Performing Arts Center), Savannah Atchison (Performing Arts Center), Olivia Kewley (Performing Arts Center), Lauren and Hannah Cagle (Performing Arts Center), Alyssa Cagle (Performing Arts Center), Richard Tucker (outreach meeting for homeless navigation center), Pastor Terrence Nivens (Performing Arts Center), Stephanie Hagiwara (Performing Arts Center), Dan Pinedo (Pacifica and Newton football championships), Aaron Starr (Brown Act warning), and Angela Montgomery Timmons (Pacifica football team).

E. REPORT OF CITY MANAGER (continued)

Community Development Department

1. SUBJECT: Downtown Oxnard Revitalization Presentation.
RECOMMENDATION: That the City Council receive a presentation from Marco LiMandri, President of New City America Inc., describing the success of San Diego's Little Italy Property Based Improvement District (PBID) and the potential for Downtown Oxnard.

The Community Development Director introduced Mr. LiMadri, who gave a report. Public comments were received from Ray Blattel, Pat Brown, Jeff Burum, and Aaron Starr. Discussion ensued among the Council and staff. No action was required.

City Manager Department

2. SUBJECT: List of City Manager Approved Contracts - Informational Only.
RECOMMENDATION: That City Council receive and file the list of City Manager approved contracts for the period January 2019 through November 26, 2019.

The City Manager made some brief remarks. No action was required.

The City Manager made an additional announcement on the availability of census jobs for the upcoming 2020 Census.

F. CITY COUNCIL REPORTS

Mayor Pro Tem Ramirez congratulated Police Sergeant David Walker on his upcoming retirement, and commented on the Performing Arts Center and the holiday season.

Councilmember Perello commented on the Pacifica High School CIF championship game, and congratulated Purchasing Manager Lisa Boerner on her upcoming retirement. He commented on the Performing Arts Center, downtown redevelopment, improving South Oxnard, and the importance of teaching civics in school.

Councilmember Madrigal commented on O'My Theater, a recent toy giveaway at Camino Del Sol Park, and an upcoming Rose Park holiday potluck and toy giveaway.

Councilman MacDonald commented on the Pacifica football team, the importance of giving back to the community, and the Performing Arts Center.

Councilwoman Basua thanked the city staff for their hard work over the year, and commented on the future of the Performing Arts Center.

Councilmember Lopez congratulated the Pacifica football team, announced an upcoming town hall meeting on the homeless navigation center, and thanked city staff for their hard work.

Mayor Flynn reported on a recent Elks Club holiday event for foster children, and commented on the future of the Performing Arts Center.

Councilmember Perello acknowledged Councilman MacDonald and his wife for their service to the community during the holidays.

G. REVIEW OF INFORMATION/CONSENT AGENDA

Items I-4, I-5, I-8 were discussed among the Council and staff. The Housing Director announced a correction to Item I-4.

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Public comments were received from Ray Blattel, David Forsyth, Ed Gutierrez, Pat Brown, and Carlyn Abul-Haj. Written comments were received from Robert Congelliere, Kimberly Lopez, Chayanne Rodriguez, Arely Castellon, Rosa Aguina, Anahi Medina, Brenda Olvera, Sayli A., Aaliyah Fisher, Alyssa Hernandez, Francisco Garibay Jr., Esmeralda Olivera, Bellanira Ruiz, Nathan Salinas, Josie Isiordia, Adrina Cervantes, Lisseth Solano, Katia Soto, Brisa Rodriguez, Katyrose Vasquez, Michelle Navarro, April Beltran, Judith Rojas, Jasmin Ambriz Garcia, Juan Catalan, Rosiselda Feliciano, Presley Walker, and John Grant. Discussion ensued among the Council and staff.

I. INFORMATION/CONSENT AGENDA

City Clerk Department

1. SUBJECT: Approval of Minutes.
   RECOMMENDATION: That the City Council approve the minutes of the December 3, 2019 regular meeting as presented.

City Manager Department

2. SUBJECT: Resolution Revising Appointment to and Meetings of the Measure O Citizen Oversight Committee.
   RECOMMENDATION: That the City Council adopt **Resolution No. 15,288** revising Resolution No. 13,776 regarding the Measure O Citizen Oversight Committee.

Community Development Department

3. SUBJECT: Adoption of Ordinance Nos. 2969, 2970, and 2971 for Planning and

Zoning Permit No. 19-580-04 - Zoning Text Amendment to Create Regulations for Short Term Rentals.
RECOMMENDATION: That the City Council approve for second reading (by title only and waive further reading) and adoption of **Ordinance Nos. 2969, 2970, and 2971** regarding short term rentals.

Housing Department

4. SUBJECT: Agreement for Continuation of Homeless Shelter Services at 351 South K Street.
RECOMMENDATION: That the City Council approve agreement with Mercy House (Agreement No. A-8194) for the continued operation and management of the Oxnard Navigation Center at its temporary location at 351 South K Street, Oxnard, in the amount of $1,177,560 for the remainder of Fiscal Year 2019-20. ***(Corrected to $1,186,560)***

Human Resources Department

5. SUBJECT: Resolution Approving the Benefits for the Classifications Designated as Confidential Non-Management.
RECOMMENDATION: That the City Council approve **Resolution No. 15,289** approving benefits for the classifications designated as confidential non-management.

Public Works Department

6. SUBJECT: Award Agreement A-8150 with MNS Engineers, Inc. for Construction Inspection Services for the OWTP Emergency Repairs Project.
RECOMMENDATION: That City Council approve and authorize the Mayor to execute Agreement A-8150 in the amount of $248,944 with MNS Engineers, Inc., for Construction Inspection Services for the Oxnard Wastewater Treatment Plant (OWTP) Emergency Repairs Project PW 18-04 (196602). (Public Works and Transportation Committee approved 3-0)

Police Department

7. SUBJECT: Adoption of Ordinance No. 2973 Banning the Sale of Flavored Tobacco Products.
RECOMMENDATION: That the City Council adopt **Ordinance No. 2973** amending Article XIV of Chapter 11 of the Oxnard City Code related to Tobacco Retailer Permits and the sale of flavored tobacco products.

Community Development Department

8. SUBJECT: Adoption of Ordinance No. 2972 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 adopts **Ordinance No. 2972** (read by title only, waiving further reading) approving Planning and Zoning Permit No. 19-580-05 (Zoning Text Amendment) – Amendment to the Oxnard City Code to Create Regulations for Cannabis Retail Dispensaries.

*It was moved by Councilman MacDonald, seconded by Mayor Pro Tem Ramirez,* to approve the Information/Consent items as presented, with the stated amendment to item I-4. VOTE: Basua, Flynn, Lopez, MacDonald, Madrigal, and Ramirez voted in favor; Perello voted against item I-8 (stating the buffer should be 1000 feet from sensitive uses) and item I-5 (stating he can't support extending benefits that management previously provided without proper authority). The motion carried 6-1 on items I-5 and I-8, and 7-0 on the remaining items.

## J. PUBLIC HEARINGS

### Community Development Department

1. SUBJECT: Appeal of the Planning Commission's Decision to Uphold Approval of Planning and Zoning Permit No. 17-500-19 (Special Use Permit) for a new Clinicas Medical Office Building at 2001 Statham Boulevard, Subject to Certain Findings and Conditions.
   RECOMMENDATION: That the City Council, upon conclusion of the public hearing, adopt **Resolution No. 15,290** denying the appeal and upholding a revised version of the Planning Commission's approval of Planning and Zoning Permit No. 17-500-19 (Special Use Permit) authorizing the construction of a smaller 34,074 square-foot medical office building on a 2.76-acre parcel located at 2001 Statham Boulevard (APN: 220-0-010-325). The project requires:
   1) a reduction in the number of on-site parking spaces justified by a parking study,
   2) a reduction in the number of loading and unloading parking spaces, and
   3) an increase in the maximum allowable building height subject to certain findings and conditions.

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 Pat Brown. Written comments were received from Charles Hookstra.

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

*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.

## K. REPORTS

### Human Resources Department

1. SUBJECT: Resolutions Approving Successor Memoranda of Understanding with Service Employees International Union and International Union of Operating Engineers.
   RECOMMENDATION: That the City Council approve **Resolution Nos. 15,291 and 15,292** approving successor Memoranda of Understanding with Service Employees International Union and International Union of Operating Engineers.

The Human Resources Manager gave a report. Public comments were received from Ray Blattel and Aaron Starr. 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.

City Manager Department

2. SUBJECT: Internal Auditor's 2018-19 Annual Work Plan, Contract Amendment and Resolution.
RECOMMENDATION: That the City Council:
1. Ratify the Internal Auditor Annual Work Plan Proposal for 2018-19;
2. Approve and authorize the Mayor to execute a First Amendment to Agreement No. A-7986 with Price Paige and Company to amend required protocols; and
3. Adopt **Resolution No. 15,293** delegating to the Finance and Governance Committee and its Chair (and in limited circumstances, the City Manager or City Attorney) oversight and coordination of Internal Auditor services, and amending the Whistleblower Hotline Policy.

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

*It was moved by Councilmember Perello, 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.

3. SUBJECT: Sale of City of Oxnard Rule 20A Credits.
RECOMMENDATION: That the City Council approve **Resolution No. 15,294**: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING THE MEMORANDUM OF UNDERSTANDING FOR THE TRANSFER OF SOUTHERN CALIFORNIA EDISON RULE 20A CREDITS TO THE CITY OF LAGUNA BEACH IN EXCHANGE FOR GENERAL FUND DOLLARS AND AUTHORIZING THE CITY MANAGER TO TAKE ALL NECESSARY AND APPROPRIATE ACTIONS TO CARRY OUT THE PURPOSE AND INTENT OF THIS RESOLUTION; with the proceeds from the sale of the Rule 20A credits to be applied to the General Fund reserve.

The Project Manager gave a report. 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.

4. SUBJECT: Certificates of Sufficiency of Signatures for Four Initiative Petitions.
RECOMMENDATION: That the City Council receive and file the certificates of sufficiency for the following four initiatives:
1. "New Requirements Regarding the Way in Which City Council Meetings, Council Committees and Other City Legislative Bodies Are Run"

2. "Early Termination of Measure O Sales Tax If Specific Pavement Standards for City Streets and Alleys Are Not Met; Extension of Measure O Sales Tax For Additional Five Year Periods If Specific Pavement Standards Are Met"
3. "Expedited Processing of Certain City-Issued Development Permits If Projects Meet Specific Requirements and Project Applications Are Filed By Specified Professionals Who Have Received Required Training Pursuant to the New Program; Program Includes Audits of Approved Permits and Appeals of Certain Denied Permits and Adverse Certification Actions of the Specified Professionals to Newly Created Appeals Board and to the City Council" and
4. "Expansion of Duties of Elected City Treasurer By Appointing the City Treasurer as Director of Finance and Giving the City Treasurer Additional Duties Pursuant to that New Role: Authority Over City's Finance Department; Selection and Oversight of Internal Auditor; Establishment, Preparation and Submittal of Monthly Financial Reports; Establishment, Preparation and Submittal of Monthly Performance Measurements for City Departments; and Preparation and Submittal of Annual City Budget."

The City Clerk gave a report. Public comments were received from Aaron Starr. Discussion ensued among the Council and staff. No action was required.

5. SUBJECT: Consideration of Action on Certified Initiative Measures Titled:
1. "New Requirements Regarding the Way in Which City Council Meetings, Council Committees and Other City Legislative Bodies Are Run;"
2. "Early Termination of Measure O Sales Tax If Specific Pavement Standards for City Streets and Alleys Are Not Met; Extension of Measure O Sales Tax For Additional Five Year Periods If Specific Pavement Standards Are Met;"
3. "Expedited Processing of Certain City-Issued Development Permits If Projects Meet Specific Requirements and Project Applications Are Filed By Specified Professionals Who Have Received Required Training Pursuant to the New Program; Program Includes Audits of Approved Permits and Appeals of Certain Denied Permits and Adverse Certification Actions of the Specified Professionals to Newly Created Appeals Board and to the City Council;" and
4. "Expansion of Duties of Elected City Treasurer By Appointing the City Treasurer as Director of Finance and Giving the City Treasurer Additional Duties Pursuant to that New Role: Authority Over City's Finance Department; Selection and Oversight of Internal Auditor; Establishment, Preparation and Submittal of Monthly Financial Reports; Establishment, Preparation and Submittal of Monthly Performance Measurements for City Departments; and Preparation and Submittal of Annual City Budget."
RECOMMENDATION: That the City Council:
1. For each initiative certified to date as sufficient by the City Clerk, either: a) adopt the ordinance, b) call an election, or c) order a report pursuant to Elections Code Section 9212; and
2. If calling the election, adopt resolution(s) ordering consolidation with the November 3, 2020 statewide election and requesting the County Clerk to conduct the election and authorizing the Board of Supervisors to canvass the returns.

The City Attorney and City Manager gave a report. Public comments were received from Aaron Starr and Greg Runyon. Written comments were received from Aaron Starr. Discussion ensued among the Council and staff.

*It was moved by Mayor Pro Tem Ramirez, seconded by Mayor Flynn,* to order a report pursuant to Elections Code Section 9212 for the four certified initiatives. Councilmember Perello added an amendment to the motion to also order a report for the initiative regarding term limits, which had not yet qualified for the ballot. Mayor Pro Tem Ramirez and Mayor Flynn agreed to allow the amendment. The City Attorney confirmed that the reports' scope should include fiscal impact, impact on funding for infrastructure, impact on Council governance of the city organization, and impact on administrative oversight functions within the city organization. VOTE: Basua, Flynn, Lopez, MacDonald, Perello, and Ramirez voted in favor; Madrigal voted against. The motion carried 6-1.

L. ADJOURNMENT

There being no further business on the agenda, and without objection, Mayor Flynn adjourned the meeting at 10:18 p.m.

Michelle Ascencion

MICHELLE ASCENCION, CMC
City Clerk

Tim Flynn 12/17/19

TIM FLYNN
Mayor