MINUTES
OXNARD CITY COUNCIL
Special Meeting
January 15, 2020

A. ROLL CALL, POSTING OF AGENDA

At 5:33 p.m., Mayor Flynn called to order the special 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, Bryan A. MacDonald, Bert E. Perello, Mayor Pro Tem Carmen Ramirez, and Mayor Tim Flynn were present; Councilmembers Vianey Lopez and Oscar Madrigal were absent (arrived at 5:46 p.m. and 6:26 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; Jeffrey Lambert, Community Development Director; 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))
   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 5:35 p.m., the City Council recessed to a closed session. At 6:10 p.m. the City Council reconvened in open session in the Council Chambers. The City Attorney made the following announcement: "The City Council met in closed session on the matter of the PUC proceeding and provided direction to legal counsel."

D. OPENING CEREMONIES

The flag salute was followed by a moment of silence.

E. REPORTS

City Attorney Department

1. SUBJECT: 9212 Report regarding:

A. "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";
B. "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"; and
C. "New Requirements Regarding the Way in Which City Council Meetings, Council Committees and Other City Legislative Bodies Are Run."
RECOMMENDATION: That the City Council receive the Election Code Section 9212 report prepared by Russ Branson of Russ Branson Consulting regarding the following three initiatives certified by the City Clerk as sufficient:
A. "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";
B. "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"; and
C. "New Requirements Regarding the Way in Which City Council Meetings, Council Committees and Other City Legislative Bodies Are Run."

The City Attorney introduced Russ Branson of Russ Branson Consulting, who gave a report. Public comments were received from Christopher Williams, Phillip Molina, Ray Blattel, Peter Martinez, Nancy Lindholm, Kay Brainard, Deborah Baber, Lauraine Effress, Steve McNaughten, Aaron Starr, Alicia Percell, Alex Burum, Steve Buenger, Pat Brown, Greg Runyon, Daniel Chavez Jr., Tim Lumas, Mike Gregson, Gabriel Teran, and Armando Delgado. Written comments were received from Lauraine Effress and Aaron Starr. Discussion ensued among the Council and staff. No action was required.

City Attorney Department

2. SUBJECT: 9212 Report Regarding "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."
RECOMMENDATION: That the City Council receive an Election Code Section 9212 report prepared by Community Development Director Jeff Lambert regarding the following initiative certified by the City Clerk as sufficient: "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."

The City Attorney introduced the Community Development Director, who gave a report. Public comments were received from Lauraine Effress, Mac McLaughlin, Nancy Lindholm, Corey Harpole, Armando Delgado, Jonathan Duran, Scott Zimmerman, Pat Brown, Aaron Starr, Alicia Percell, Miguel Rodriguez, Jackie Tedeschi, and Greg Runyon. No action was required.

F. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

Public comments were received from Aaron Starr and Alicia Percell.

G. CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Initiation of litigation pursuant to Government Code Section 54956.9, subd. (d)(4): Four 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)(4), based on existing facts and circumstances, to decide whether to initiate litigation in four potential cases."

At 9:39 p.m., the City Council recessed to a closed session. At 10:43 p.m. the City Council reconvened in open session in the Council Chambers. The City Attorney made the following announcement: "The City Council has directed the City Attorney to initiate legal actions regarding three of the four initiatives. By a vote of 6-1, with Councilmember Madrigal dissenting, the City Council voted to initiate litigation on the measure entitled, 'New Requirements Regarding the Way in Which City Council Meetings, Council Committees and Other City Legislative Bodies Are Run.' By a vote of 6-1, with Councilmember Madrigal dissenting, the City Council voted to initiate litigation on the measure entitled, '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.' By a vote of 6-1, with Councilmember Madrigal dissenting, the City Council voted to initiate litigation on the measure entitled, '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.' "

H. REPORTS

City Attorney Department

1. SUBJECT: Consideration of Action on 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 of the four initiatives, either: a) adopt the ordinance, or b) call an election; and
2. If calling the election, adopt **Resolution No. 15,296 [permits initiative]** 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.

(As it was after 10:00 p.m., the City Council voted unanimously to proceed with the item.)

The City Attorney explained that based on the actions taken in closed session which were previously announced, the recommended action pertained only to the third initiative (regarding permits) in the Subject list, since the others will be subjected to a court challenge. The City Attorney gave a report. Public comments were received from Greg Runyon. Discussion ensued among the Council and staff.

It was moved by Councilman MacDonald, seconded by Councilmember Madrigal, to call an election and adopt the consolidation resolution for the permits initiative only. VOTE: Basua, Flynn, Lopez, MacDonald, Madrigal, and Ramirez voted in favor; Perello voted no, stating he feels the permits initiative should also go to litigation. The motion carried 6-1.

I. ADJOURNMENT

There being no further business on the agenda, and without objection, Mayor Flynn adjourned the meeting at 10:55 p.m.

Michelle Ascencion

MICHELLE ASCENCION, CMC
City Clerk

Tim Flynn 2/4/20

TIM FLYNN
Mayor