MINUTES
OXNARD CITY COUNCIL
Regular Meeting
February 18, 2020

A. ROLL CALL, POSTING OF AGENDA

At 4:48 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 Vianey Lopez, Bryan A. MacDonald, Oscar Madrigal, Mayor Pro Tem Carmen Ramirez (via telephone), and Mayor Tim Flynn were present. Councilmembers Bert E. Perello and Gabriela Basua arrived at 4:50 p.m. and 7:15 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; and Michelle Ascencion, City Clerk.

B. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA (None received.)

C. CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION (Government Code Section 54956.9(d)(1)) (City Council)
Name of case: State of California, Regents of the University of California; et al v. Cellco Partnership dba Verizon Wireless; et al.
Sacramento County Superior Court, Case No. 34-2012-00127517

2. 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.

3. CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Government Code Section 54956.8) (City Council)
Property: Portion of vacant City property located behind the Del Norte Regional Recycling and Transfer Station located at 111 S. Del Norte Blvd.
Agency negotiators: Jeff Lambert, Rosemarie Gaglione and Ashley Golden.
Negotiating parties: Agromin (Bill Camarillo, CEO).
Under negotiation: Price and terms of payment.

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 *State of California, Regents of the University of California; et al v. Cellco Partnership dba Verizon Wireless; et al.* 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 54956.8, to give instructions to its real property negotiators regarding Item C-3 of the meeting agenda."

At 4:49 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: "On item C-3, real estate negotiations, the Council gave direction to the city's negotiator. On item C-2, the City Council by unanimous vote with Councilwoman Basua absent, 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 item C-1, the UC Regents case, by unanimous vote the City Council has accepted a proposal to settle the action entitled *Regents of the University of California ; et al v. Cellco Partnership dba Verizon Wireless; et al.* which is a qui tam proceeding alleging wireless phone carriers have failed to meet contractual obligations under wireless service contracts with public agencies. This settlement pertains to Verizon Wireless Corporation. Under the proposed settlement with Verizon, the city's allocation of settlement proceeds would be approximately $119,000."

D. OPENING CEREMONIES

The flag salute was followed by a moment of silence.

Additional staff members present at this time were Phillip Molina, City Treasurer; Terrel Harrison, Cultural and Community Services Director; Kevin Riper, Chief Financial Officer; and Adam Smith, Project Manager.

E. CEREMONIAL CALENDAR

1. SUBJECT: Presentation of **Resolution No. 15,301** to Catherine G. Garcia for Twenty-Two Years of Exemplary Service to the City of Oxnard.

Ms. Garcia made some remarks and Mayor Flynn read the resolution and presented it to Ms. Garcia.

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

2. SUBJECT: Presentation of a Commendation to Oxnard PAL U14 Girls Soccer Team for Winning the CSL 2019 League Cup Tournament.

Mayor Flynn read the commendation and presented it to Coach Juan Melgoza who made some remarks. And the Councilmembers presented certificates to the players.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from PW Robinson (death rate among the homeless), Ray Blattel (Oxnard Measure B), Steve Nash (Board of Supervisors race), Casey Barker (proposed special tax for Saviers Road area properties), Pat Brown (political ads), Al Velasquez (Board of Supervisors race), Andy Devine (lack of parking in industrial areas), Aaron Starr (Oxnard Measure B), and Alicia Percell (Oxnard Measure B).

G. REPORT OF CITY MANAGER

The City Manager made some remarks about Oxnard Measure B.

H. CITY COUNCIL REPORTS

Councilmember Madrigal announced upcoming Rose Park, West Village, and Rio Lindo neighborhood council meetings. He commented on several high school championship teams in Oxnard. He encouraged people to vote in the upcoming March primary election.

Mayor Pro Tem Ramirez announced she is in Sacramento for the Southern California Association of Governments' annual Lobby Day to advocate for homeless/housing funding for Oxnard. As the new chair of the Animal Services Commission, she commented on shelter costs and programs to assist pet owners. She expressed condolences on the recent passing of local musician and artist Javier Lopez.

Councilman MacDonald commented on the various options for submitting vote-by-mail ballots for the March primary election.

Councilmember Perello commented on youth sports teams' academic standards. He commended the police department for getting guns out of the hands of criminals. He commented on a recent theft at Santa Clara Church and sobriety checkpoints. He attended the Cabrillo neighborhood council meeting, an event at Harrington School, and the Senior Services Valentine dance. He commented on the Senior Services Commission's ORCA committee and recent servicemember deaths in Afghanistan. Later he announced an upcoming Board of Supervisors District 1 candidates debate.

Councilmember Lopez announced the voter registration deadline for the March primary election.

Mayor Flynn announced an upcoming job fair hosted by the Oxnard Housing Department.

I. REVIEW OF INFORMATION/CONSENT AGENDA

Items K-2 and K-4 were discussed among the Council and staff.

J. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Public comments were received from Ray Blattel, Debbie Mitchell, Carol Taylor, Al Velasquez, and Pat Brown. Written comments were received from Vicente Macias, Debbie Mitchell, Alison Gabel, Allan Gabel, Carol Taylor, Connie Heagy, and Judy Havas.

(Councilwoman Basua arrived during this time.)

K. INFORMATION/CONSENT AGENDA

City Clerk Department

1. SUBJECT: Approval of Minutes.
RECOMMENDATION: That the City Council approve the minutes of the February 4, 2020 regular meeting as presented.

City Manager Department

2. SUBJECT: Appointment of Councilmember Lopez to Economic Development Collaborative - Ventura County.
RECOMMENDATION: That the Mayor, with the approval of the City Council, appoint Councilmember Lopez to the Economic Development Collaborative - Ventura County (EDC-VC) Board of Directors.

Community Development Department

3. SUBJECT: Adoption of **Ordinance No. 2975** to approve PZ No. 17-560-01 (Pre-Zoning) to General Commercial Planned Development (C2-PD) for Rio Urbana Development Project located at 2714 East Vineyard Avenue consisting of 15,000 SF Office Building and 167 For Sale Residential Units Over Nine Individual Buildings. Filed By Rio School District and The Pacific Companies.
RECOMMENDATION: That the City Council approve for second reading (by title only and waive further reading) and adoption of Ordinance No. 2975 approving PZ No. 17-560-01 (Pre-Zoning) to General Commercial Planned Development (C2-PD) for Rio Urbana Development Project located at 2714 East Vineyard Avenue.

Public Works Department

4. SUBJECT: Award Contract to Harbour Constructors for Pilaster Jacket Repairs at Mandalay Bay Seawalls Project PW 17-16.
RECOMMENDATION: That the City Council:
1. Award and authorize the Mayor to execute Agreement A-8206 in the amount of $634,000 to Harbour Constructors Co. for the Pilaster Jacket Repairs at Mandalay Bay Seawalls Project PW 17-16;
2. Approve $63,400 for Project contingency for the Pilaster Jacket Repairs at Mandalay Bay Seawalls Project;
3. Approve $63,400 for engineering, inspection, survey and project management for the Pilaster Jacket Repairs at Mandalay Bay Seawalls Project, and
4. Approve budget appropriation in the amount of $625,728 from the Waterways Assessment District Fund 121 for completion of the project.

5. SUBJECT: Award Agreement A-8204 to Kennedy Jenks Consultants Inc., for Construction Management Services for the Hueneme Road Recycled Water Pipeline Phase II Project PW 17-42.
RECOMMENDATION: That the City Council award and authorize the Mayor to execute

Agreement A-8204 in an amount of $733,120 with Kennedy Jenks Consultants Inc., for Constructability Review, Construction Management, Observation and Inspection Services for the Hueneme Road Recycled Water Pipeline Phase II Project PW17-42 (Project no. 106002). (Public Works and Transportation Committee approved 3-0)

6. SUBJECT: Approve AutoZone Parts, Inc. Agreement A-8149 for Fleet Services.
RECOMMENDATION: That the City Council:
1. Approve and authorize the Mayor to execute Agreement A-8149 with AutoZone Parts, Inc. (AutoZone) to provide off-site automotive parts, supplies and services required by the Fleet Services Division, for an amount not to exceed $4,600,000 and valid through November 30, 2024; and
2. Ratify the change order to the existing AutoZone Blanket Purchase Order 7155, for parts and supplies needed until Agreement A-8149 is approved by City Council.
(Public Works and Transportation Committee approved 3-0)

7. SUBJECT: Purchase of New Sewer Cleaning Vehicle.
RECOMMENDATION: That the City Council approve and authorize the Mayor to execute a Purchase Order (PO) with Municipal Maintenance Equipment for the purchase of a new VAC-CON sewer cleaning combination truck in the amount of $411,934.45. (Public Works and Transportation Committee approved 3-0)

8. SUBJECT: Award Trade Services Agreement A-8192 to PBC Commercial Cleaning Systems, Inc. for Custodial Services for the Oxnard Transit Center (OTC).
RECOMMENDATION: That the City Council approve and authorize the Mayor to execute Trade Services Agreement No. A-8192 with PBC Commercial Cleaning Systems, Inc., (CCS) for a term of three (3) years for a total contract value of $436,425 to provide custodial services at the Oxnard Transit Center located at 201 East Fourth Street. (Public Works and Transportation Committee approved 3-0)

9. SUBJECT: Award Agreement A-8201 to Toro Enterprises for the Cast Iron Pipe Replacement Project.
RECOMMENDATION: That City Council:
1. Award and authorize the Mayor to execute Agreement A-8201 in the amount of $4,643,679 for the Bryce Canyon North/South and Fremont North Neighborhood Water Cast Iron Pipe Replacement Project PW 19-94 with Toro Enterprises, Inc.;
2. Approve $464,368 for Project contingency and $325,058 for engineering, inspection, survey and project management for the Bryce Canyon North/South and Fremont North Neighborhood Water Cast Iron Pipe Replacement Project; and
3. Approve a budget appropriation of $3,939,827 from the Water Operating Fund (601) for the Bryce Canyon North/South and Fremont North Neighborhood Water Cast Iron Pipe Replacement Project Project Nos. 183108 and 153117, respectively.
(Public Works and Transportation Committee approved 3-0)

City Clerk Department

10. SUBJECT: Conflict of Interest Code Amendment.
RECOMMENDATION: That the City Council adopts **Resolution No. 15,302** that repeals all previous Conflict of Interest Code resolutions and approves an amended Conflict of

Interest Code pursuant to the Political Reform Act to update the list of designated positions filing Statements of Economic Interests ("Form 700").

It was moved by Councilman MacDonald, seconded by Councilmember Perello, to approve the Information/Consent items as presented. VOTE: Flynn, Lopez, MacDonald, Madrigal, Perello, and Ramirez voted in favor; Basua abstained. The motion carried 6-0-1.

L. REPORTS

City Treasurer Department

1. SUBJECT: Monthly Investment Report for the period ending December 31, 2019.
RECOMMENDATION: That the City Council receive and file the report.

The City Treasurer gave a report. Public comments were received from Al Velasquez. Discussion ensued among the Council and Mr. Molina. No action was required.

Cultural & Community Services Department

2. SUBJECT: Award Agreement with Sterling Venue Ventures for the management and operations of the Oxnard Performing Arts and Convention Center.
RECOMMENDATION: That the City Council authorize the Mayor to execute the facility management agreement between the City and Sterling Venue Ventures for:
1. A five (5) year agreement for the operation, maintenance, and management of the Oxnard Performing Arts and Convention Center Auditorium; and
2. A five (5) year agreement for the operation, maintenance, and management of the Oxnard Performing Arts and Convention Center Meeting Rooms, in coordination with the Oxnard Performing Arts non-profit Corporation Board of Directors.

The Cultural and Community Services Director announced that the facility charges exhibit for the agreement had been updated. He gave a report and introduced Lance Sterling of Sterling Venue Ventures, who made some remarks. Public comments were received from Ray Blattel, Rebecca Roling, Mike Doty, Gary Blum, Len Shulman, Stephanie Hagiwara, Pat Brown, Al Velasquez, and Jack Villa. Councilman MacDonald announced he has a potential real property conflict of interest, due to his home being within 1000 feet of the Performing Arts Center, and left the dais. Discussion ensued among the Council and staff.

It was moved by Member Lopez, seconded by Councilmember Perello, to approve the recommended action as presented. VOTE: Basua, Flynn, Lopez, Madrigal, Perello, and Ramirez voted in favor; MacDonald was absent (abstained). The motion carried 6-0-1. (Councilman MacDonald returned to the dais after the vote.)

City Manager Department

3. SUBJECT: Begin the Process to Wean Off of Measure O.
RECOMMENDATION: That the City Council deliberate and provide feedback and direction on the proposed initial list of savings, reabsorptions, reductions, and cuts. (Reviewed by Measure O Citizen Oversight Committee)

The Deputy City Manager gave a report. Discussion ensued among the Council and staff. Council members provided direction; no formal action was required.

City Manager Department

4. SUBJECT: Amended MOU concerning sale of Rule 20A credits to City of Laguna Beach.
RECOMMENDATION: That the City Council:
1. Adopt **Resolution No. 15,303** and enter into an amended Memorandum of Understanding (MOU) between the City of Oxnard (City) and the City of Laguna Beach (Laguna Beach) for the sale of \$3,231,245 in unallocated Southern California Edison (SCE) Rule 20A credits from the City to Laguna Beach in the amount of \$1,777,185, and apply one-time revenue from proposed sale to the General Fund reserve;
2. Issue a payment to Laguna Beach for the difference between the original MOU and amended MOU in the amount of \$403,998; and
3. Authorize the City Manager to take whatever actions are necessary and appropriate to carry out the purpose and intent of the resolution.

The Project Manager gave a report. 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.

M. ADJOURNMENT

There being no further business on the agenda, and without objection, Mayor Flynn adjourned the meeting at 9:15 p.m.

Michelle Ascencion

MICHELLE ASCENCION, CMC
City Clerk

Tim Flynn 3/17/20

TIM FLYNN
Mayor