MINUTES
OXNARD CITY COUNCIL
Regular Meeting
April 7, 2020

A. ROLL CALL, POSTING OF AGENDA

At 5:00 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, Oscar Madrigal, Bert E. Perello, Mayor Pro Tem Carmen Ramirez, and Mayor Tim Flynn were present via telephone. Housing Commissioner Jose Andrade arrived at 6:15 p.m. Commissioner Francisco Vega was absent.

Staff members present were Alexander Nguyen, City Manager; Stephen M. Fischer, City Attorney; 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: 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 LEGAL COUNSEL – EXISTING LITIGATION (Government Code Section 54956.9(d)(1)) (City Council)
   Name of case: City of Oxnard v. Fox Canyon Groundwater Management Agency
   Los Angeles County Superior Court, Case No. 20STCP00929.

The City Attorney 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 *State of California, Regents of the University of California; et al v. Cellco Partnership dba Verizon Wireless; et al.* and *City of Oxnard v. Fox Canyon Groundwater Management Agency.* 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.

At 5:02 p.m., the City Council recessed to a closed session. At 6:25 p.m. the City Council reconvened in open session in the Council Chambers. The City Attorney made the following announcement:

"The City Council by a unanimous vote 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 the City's advantage."

D. OPENING CEREMONIES

The flag salute was followed by a moment of silence.

Additional staff members present at this time were Ashley Golden, Assistant City Manager; Scott Whitney, Police Chief; Eric Sonstegard, Assistant Police Chief; Jeffrey Lambert, Community Development Director (via telephone); and Emilio Ramirez, Housing Director.

E. CEREMONIAL CALENDAR

1. SUBJECT: Proclamation Designating April 22, 2020 as "Earth Day."

Mayor Flynn read the proclamation and made some remarks.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from Ray Blattel (public safety overtime) and PW Robinson (homelessness). Written comments were received from Ray Blattel (public safety overtime), PW Robinson (homelessness), and George Miller (status of City Treasurer).

G. REPORT OF CITY MANAGER

City Manager Department

1. SUBJECT: COVID-19 Update, Ratification of Director of Emergency Services Orders.
RECOMMENDATION: That the City Council:
1. Receive an update from the Director of Emergency Services;
2. Adopt **Resolution No. 15,311** ratifying orders issued by the Director in response to the COVID-19 Local Emergency.

The City Attorney gave a report. Discussion ensued among the Council and staff. The City Attorney announced that the resolution had been updated since agenda publication due to additional Director's Orders.

It was moved by Councilmember Perello, seconded by Councilman MacDonald, to approve the resolution as amended. VOTE: Basua, Flynn, Lopez, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 7-0.

The City Manager and Police Chief gave updates on the COVID-19 emergency. Further discussion ensued. No additional action was required.

H. CITY COUNCIL REPORTS

Mayor Pro Tem Ramirez commented on property tax payments, single payer health insurance, and thanked first responders and other essential workers.

Councilmember Perello commented on the recent passing of longtime activist Martin Jones and asked that the meeting be adjourned in his honor, the Pinedos' 42nd anniversary, economic hard times ahead due to the COVID-19 crisis, disclosures of ex-parte communication, property taxes, leadership during the current world health crisis, and sheltering in place.

Councilmember Madrigal thanked essential workers and encouraged people to follow the shelter at home orders.

Councilwoman Basua encouraged people to get closer to their families during the COVID-19 crisis.

Councilmember Lopez encouraged people to follow the shelter in place orders.

Mayor Flynn announced he is giving weekly COVID-19 updates on Facebook.

I. REVIEW OF INFORMATION/CONSENT AGENDA

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

J. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA (None received.)

K. INFORMATION/CONSENT AGENDA

City Clerk Department

1. SUBJECT: Approval of Minutes.
   RECOMMENDATION: That the City Council approve the minutes of the March 17, 2020 regular meeting as presented.

Human Resources Department

2. SUBJECT: Extension of Contract for Investigative Services.
   RECOMMENDATION: That the City Council approve a third amendment to Agreement No. 7866-17-HR with the Law Firm of Atkinson, Andelson, Loya, Ruud & Romo to perform investigative services for the City.

Police Department

3. SUBJECT: Office of Traffic Safety Selective Enforcement Program Grant.
   RECOMMENDATION: That the City Council adopt **Resolution No. 15,312** authorizing:
   1. The City Manager to apply for $435,596.27 in grant funds from the State of California, Office of Traffic Safety (OTS), to be used for the FY 2020-2021 Selective Traffic Enforcement Program (S.T.E.P.);
   2. The City Manager or designee to execute grant agreements and appropriate funds upon

confirmation of grant award;
3. The Chief Financial Officer or designee to submit financial reports and grant claims and approve budget appropriations for use of OTS funds; and
4. The Chief of Police or designee to submit all program related progress or status reports.
(Public Safety Committee approved 2-0)

4. SUBJECT: Office of Traffic Safety Pedestrian and Bicycle Safety Program Grant.
RECOMMENDATION: That the City Council adopt **Resolution No. 15,313** authorizing:
1. The City Manager to apply for $46,335.95 in grant funds from the State of California, Office of Traffic Safety (OTS), to be used for Pedestrian and Bicycle Safety;
2. The City Manager or designee to execute grant agreements and appropriate funds upon confirmation of grant award;
3. The Chief Financial Officer or designee to submit financial reports and grant claims and approve budget appropriations for use of OTS funds; and
4. The Chief of Police or designee to submit all program related progress or status reports.
(Public Safety Committee approved 2-0)

5. SUBJECT: Memorandum of Agreement with the Oxnard Community K-9 Foundation, and Acceptance of Equipment in the amount of $39,888.08.
RECOMMENDATION: That the City Council adopt **Resolution No. 15,314**:
1. Accepting a donation of one (1) Chevrolet Tahoe sport utility vehicle to the City of Oxnard, for use by the Oxnard Police Department's K-9 Unit; and
2. Authorizing the Mayor to execute a Memorandum of Agreement (Agreement No. 8906-20-PO) with the Oxnard Community K-9 Foundation relating to the City's use of the vehicle.

It was moved by Councilmember Perello, seconded by Councilman MacDonald, to approve the Information/Consent items as presented. VOTE: Basua, Flynn, Lopez, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 7-0.

L. PUBLIC HEARINGS

Community Development Department

1. SUBJECT: Rio Urbana Development Project: Request For Re-Approval Of Planning and Zoning Permit (PZ) No. 17-610-01 (Annexation) to Include Local Agency Formation Commission (LAFCo) Requested Language. The Project Consists of a 15,000 SF Office Building and 167 For Sale Residential Units Over Nine Individual Buildings. Filed By Rio School District, 2500 East Vineyard Avenue, Oxnard, California and The Pacific Companies, 430 East State Street #100, Eagle, Idaho.
RECOMMENDATION: That the City Council adopt **Resolution No. 15,315** amending Resolution No. 15,299 to include LAFCo requested language and instruct staff to submit an application to the Ventura County LAFCo for a reorganization that includes Annexation of the parcel located at 2714 East Vineyard Avenue (APN 145-0-232-010) and the adjoining Rio School Lane Right of Way (ROW), subject to approval of Tax Sharing Agreement and certain findings and conditions.

The City Clerk announced the affidavit of publication for the previous public hearing on the same topic, held on February 4, 2020. The Community Development Director gave a report.

Mayor Flynn opened the public testimony portion of the public hearing. Public comments were received from Tony Talamante. Written comments were received from Tony Talamante.

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.

Housing Department

2. SUBJECT: Five-Year Public Housing Agency (PHA) Plan, Annual Agency Plan and Capital Fund Program (CFP) Five-Year Action Plan for Low Rent Public Housing.
RECOMMENDATION: 1. Hold a public hearing to receive comments concerning the 2020 Annual Agency Plan, the 5-Year PHA Plan, the 2020 CFP Budget, and the CFP Five-Year Action Plan; and
2. Adopt **Resolution No. 1316**:
a. Approving the 2020 Annual Agency Plan, 5-Year PHA Plan for the Housing Authority;
b. Authorizing and directing the Chairman to execute the Department of Housing and Urban Development (HUD) Public Housing Agency Certification Compliance Form certifying the Housing Authority's compliance with HUD's policies and procedures;
c. Authorizing the Housing Director to execute and submit all reports, documents and all other certifications required to comply with HUD's policies and procedures regarding the Annual Agency Plan and the 5-Year PHA Plan;
d. Approving the 2020 CFP Budget and CFP Five-Year Action Plan; and
e. Authorizing the Housing Director to accept and expend the funds as indicated in the 2020 CFP Budget and CFP Five-Year Action Plan.

The City Clerk announced the affidavit of publication and stated that no written communications had been received. The Housing Director gave a report.

Mayor Flynn opened the public testimony portion of the public hearing. With no requests to speak and 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. VOTE: Andrade, Basua, Flynn, Lopez, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 8-0.

M. ADJOURNMENT

There being no further business on the agenda, and without objection, Mayor Flynn adjourned the meeting in honor of Martin Jones, at 9:20 p.m.

Michelle Ascencion

MICHELLE ASCENCION, CMC
City Clerk

Tim Flynn 4/21/20

TIM FLYNN
Mayor