

MINUTES
OXNARD CITY COUNCIL
Regular Meeting
April 21, 2020

A. ROLL CALL, POSTING OF AGENDA

At 5:03 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 (arrived at 5:10 p.m.), Mayor Pro Tem Carmen Ramirez, and Mayor Tim Flynn were present via telephone.

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: Jose Alvarez et al. v. City of Oxnard,
United States District Court, Central District, Case No. 2:19-CV-08044-PSG-JC.
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.

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 *Jose Alvarez; et al. v. City of Oxnard*. 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 5:05 p.m., the City Council recessed to a closed session. At 6:35 p.m. the City Council reconvened in open session in the Council Chambers. The City Attorney announced that the Council was briefed on the listed items and there were no reportable actions out of closed session.

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; Kevin Ripper, Chief Financial Officer; Scott Whitney, Police Chief; Emilio Ramirez, Housing

Director; Rosemarie Gaglione, Public Works Director (via telephone); and Thien Ng, Assistant Public Works Director.

E. CEREMONIAL CALENDAR

1. SUBJECT: Presentation of a Proclamation Designating the Month of April 2020 as "Sexual Violence Awareness Month."

Mayor Flynn read the proclamation and Olga Medina of Lideres Campesinas made some remarks.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from Joan Tharp (homeless encampments at Ormond Beach). Written comments were received from Joan Tharp, Danielle Rose, and Cassandra Rogers (homeless encampments at Ormond Beach).

G. REPORT OF CITY MANAGER

The two items were considered concurrently:

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. 15,316** ratifying orders issued by the Director in response to the COVID-19 Local Emergency.

Housing Department

2. SUBJECT: Modifications to Provision of Homeless Shelter Services in response to COVID-19 Pandemic.
RECOMMENDATION: That the City Council ratify the First Amendment to Agreement No. A-8194 with Mercy House, increasing the total cost by \$236,707 for a not-to exceed amount of \$1,423,267, to provide for the partial re-location and dispersal of homeless shelter beds in order to comply with the COVID-19 emergency public health social distancing requirements.

The City Manager, Chief Financial Officer, Ana Maria Lugo of the U.S. Department of Commerce – 2020 Census, Police Chief, and Housing Director gave reports. The City Attorney announced that the resolution had been updated since agenda publication due to additional Director's Orders. Public comments were received from Armando Delgado. Written comments were received from Maria Elena Saldana Aldana, Peggy Rivera, and Lucy Cartagena. Discussion ensued among the Council and staff.

It was moved by Councilman MacDonald, seconded by Mayor Pro Tem Ramirez, to approve the recommended actions. VOTE: Basua, Flynn, Lopez, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 7-0.

H. CITY COUNCIL REPORTS

Councilmember Madrigal urged everyone to stay safe during the COVID-19 emergency.

Councilwoman Basua commented on the homeless encampments at Ormond Beach.

Mayor Pro Tem Ramirez commented on the homeless encampments at Ormond Beach, holding neighborhood council meetings via videoconference, Earth Day, and the COVID-19 emergency.

Councilmember Perello reported on a recent meeting with Congresswoman Julia Brownley on COVID-19 financial aid, commented on federal stimulus programs and accountability, and the COVID-19 emergency.

Councilmember Lopez urged everyone to stay safe during the COVID-19 emergency.

Mayor Flynn commented on the city's programs to assist small businesses to apply for federal stimulus funds and individuals to apply for unemployment during the COVID-19 emergency.

I. REVIEW OF INFORMATION/CONSENT AGENDA

Items K-1, K-3, and K-4 were discussed among the Council and staff. Councilmember Perello requested that item K-1 be amended to reflect the April 7, 2020 meeting was adjourned in honor of the passing of Martin Jones.

J. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Public comments were received from Laura Gallardo and Khalilah Durias.

K. INFORMATION/CONSENT AGENDA

City Clerk Department

1. SUBJECT: Approval of Minutes.
RECOMMENDATION: That the City Council approve the minutes of the April 7, 2020 regular meeting as presented.
2. SUBJECT: Declare Results of the Canvass of Returns of the March 3, 2020 Special Municipal Election.
RECOMMENDATION: That the City Council adopt **Resolution No. 15,317** declaring the results of the canvass of returns of the "Oxnard Government Accountability and Ethic Act" (Measure B) in the March 3, 2020 Special Municipal Election (held during the Statewide Presidential Primary Election).

Cultural and Community Services Department

3. SUBJECT: Art in Public Places Cultural Arts Grants Award 2019-2020.
RECOMMENDATION: That the City Council approve the Cultural Arts Commission's

recommended disbursement of grant awards from the Art in Public Places fund.
(Community Services Committee approved 3-0)

Public Works Department

4. SUBJECT: Senate Bill 1 (SB1) Local Streets and Road Maintenance and Rehabilitation Account (RMRA) Funding and Project List.
RECOMMENDATION: That the City Council adopt **Resolution No. 15,318** to:
 1. Adopt the Fiscal Year 2020-21 project list of Senate Bill 1 (SB1) newly proposed projects which will be funded in part or solely with Road Maintenance and Rehabilitation Account revenues;
 2. Authorize the use of funds for prior year Road Maintenance and Rehabilitation Account in the amount of \$6,529,977, and the new Fiscal Year 2020-21 funds of \$3,963,952 for a total amount of \$10,493,929; and
 3. Authorize the City Manager to take whatever actions are necessary and appropriate to carry out the purpose and intent of the resolution.(Public Works and Transportation Committee approved 3-0)
5. SUBJECT: Execute Contract Amendments and Approve Budget Appropriations for the Rice Avenue at Fifth Street Grade Separation Project.
RECOMMENDATION: That the City Council approve and authorize:
 1. The Mayor to execute the first amendment to Caltrans Cooperative Agreement No. 07-5065, upon receipt, identifying that Caltrans will perform the Right of Way Acquisition, Relocation Assistance, and Condemnation in the amount of \$1,200,000 for Project 133101 from State Trade Corridor Enhancement Program Fund (189);
 2. The Mayor to execute the second amendment to WKE, Inc. Agreement A-8094, to increase the amount by \$3,056,880.66, for a total of \$8,909,080.94 to complete the Plans, Specification and Estimates for Project 133101 from State Trade Corridor Enhancement Program Fund (189);
 3. The City Manager to execute a budget appropriation increase of \$116,075 in the Circulation System Improvement Fees Fund (354) for Project 133101; and
 4. The City Manager to execute a budget appropriation decrease of \$537,000 in the State Trade Corridor Enhancement Program Fund (189) for Project 133101.(Public Works and Transportation Committee approved 3-0)
6. SUBJECT: Award Agreement A-8205 to Hardy & Harper, Inc. for Thin Maintenance Overlay Project Phase II (Rebid) PW 18-58R2.
RECOMMENDATION: That the City Council approve and authorize:
 1. The Mayor to execute Agreement A-8205 in the amount of \$6,550,000 to Hardy & Harper, Inc. for the Thin Maintenance Overlay Project Phase II (Rebid) PW 18-58R2;
 2. A Project contingency in the amount of \$655,000 for the Thin Maintenance Overlay Project Phase II;
 3. A Project allocation of \$458,500 for engineering, inspection, survey and project management for the Thin Maintenance Overlay Project Phase II; and
 4. The City Manager to execute a budget appropriation of \$100,000 from the Tab Hero/SW Ormond Fund (315) and project fund transfers within the Street Maintenance Fund (181) and RMRA Gas Tax Fund (185).(Public Works and Transportation Committee approved 3-0)

It was moved by Mayor Pro Tem Ramirez, seconded by Councilmember Lopez, to approve the Information/Consent items as presented, with the stated amendment to item K-1. VOTE: Basua, Flynn, Lopez, MacDonald, Perello, and Ramirez voted in favor; Madrigal abstained from item K-4 due to a real property conflict of interest. The motion carried 6-0-1 on item K-4, and 7-0 on the remaining items.

L. REPORTS

Public Works Department

1. SUBJECT: Update of Wastewater Division Capital Improvement Projects.
RECOMMENDATION: That the City Council receive and file a presentation on the Wastewater System Capital Improvement Program. (Public Works and Transportation Committee received this item.)

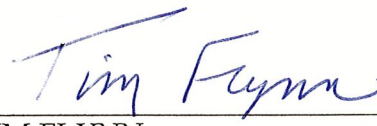
The Assistant Public Works Director gave a report. Discussion ensued among the Council and staff. No formal action was required.

M. ADJOURNMENT

There being no further business on the agenda, and without objection, Mayor Flynn adjourned the meeting at 9:09 p.m.



MICHELLE ASCENCION, CMC
City Clerk

 5/5/20

TIM FLYNN
Mayor