MINUTES
OXNARD CITY COUNCIL
Regular Meeting
May 5, 2020

A. ROLL CALL, POSTING OF AGENDA

At 4:36 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 via telephone.

Staff members present were Alexander Nguyen, City Manager; Stephen M. Fischer, City Attorney; Ashley Golden, Assistant City Manager; Kenneth Rozell, Chief Assistant City Attorney; and Michelle Ascencion, City Clerk.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS (None received.)

C. CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Government Code section 54956.9(d)(2)) (City Council): Based on existing facts and circumstances, there is significant exposure to litigation against the City 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)(2), based on existing facts and circumstances, there is significant exposure to litigation against the City in one potential case regarding correspondence dated April 7, 2020 threatening litigation against the City by Phillip Molina."

At 4:37 p.m., the City Council recessed to a closed session. At 5:19 p.m. the City Council reconvened in open session in the Council Chambers. The City Attorney announced that there were no reportable actions out of closed session.

Additional staff members present at this time were Keith Brooks, Chief Information Officer; Kevin Pisacich, Information Technology Manager; and Jeffrey Lambert, Community Development Director (via telephone).

D. APPOINTMENT ITEM

Information Technology Department

1. SUBJECT: Fiber Master Plan Adoption.
   RECOMMENDATION: That the City Council:
   1. Adopt the Fiber Master Plan; and
   2. Discuss and provide direction on

a. Adopting a requirement that Development Agreements include deployment of fiber optic network infrastructure;
b. Evaluating and adopting a requirement that discretionary permit approvals include deployment of fiber optic network infrastructure; and
c. Creating a broadband infrastructure development impact fee to expand and maintain broadband infrastructure.
(Housing and Economic Development Committee approved 3-0)

The Chief Information Officer, Information Technology Manager, and Jory Wolf of Magellan Advisors gave a report. Public comments were received from Nancy Lindholm, Reina Bejerano, Barbara Macri-Ortiz, and Michael Gleason. Written comments were received from Michael Gleason. Discussion ensued among the Council and staff.

It was moved by Councilmember Perello, 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.

E. OPENING CEREMONIES

The flag salute was followed by a moment of silence.

Additional staff members present at this time were Darwin Base, Fire Chief; Scott Whitney, Police Chief; Jaime Villa, Emergency Services Coordinator; Phillip Molina, City Treasurer; Kevin Riper, Chief Financial Officer; and Christine Williams, Senior Manager of Internal Controls.

F. CEREMONIAL CALENDAR

1. SUBJECT: Proclamation Designating the Month of May 2020 as "Older Americans Month."

Mayor Flynn read the proclamation and Alice Sweetland, chair of the Senior Services Commission, made some remarks.

2. SUBJECT: Proclamation Designating the Week of May 3-9, 2020 as "Municipal Clerks Week."

Mayor Flynn read the proclamation and the City Clerk made some remarks.

G. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from Lawrence Paul Stein (GREAT Program debt service), Larry Barbarine (current and upcoming holidays, COVID-19, pension liabilities), and Lang Martinez (advocacy for the homeless).

H. 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. 15,319** ratifying orders issued by the Director in response to the COVID-19 Local Emergency.

The Fire Chief, Police Chief, and City Manager gave a report. 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: Basua, Flynn, Lopez, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 7-0.

I. CITY COUNCIL REPORTS

Councilmember Lopez reported on a recent food distribution event in Southwinds Park.

Councilmember Perello commented on a recent food distribution event at College Park. He acknowledged Wilfredo Chua, who recently stepped down from the Planning Commission. He commented on speeding motorists, and maintaining city functions during the COVID-19 emergency.

Councilman MacDonald thanked the first responders and medical providers who are assisting the community during the COVID-19 crisis.

Mayor Pro Tem Ramirez commented on the forthcoming "Great Plates" senior meals program. She encouraged everyone to complete their 2020 Census forms. She encouraged supporting local restaurants and asked everyone to remain patient during the continued stay-at-home orders.

Councilwoman Basua commented on a recent food distribution event at Lemonwood School and commented on Mothers Day.

Councilmember Madrigal thanked the front-line workers who are serving during the COVID-19 emergency, commented on his mother's birthday and Mothers Day, congratulated the Channel Islands High School boys and Oxnard High School girls soccer teams for their recent championship victories, and commented on the Hueneme High School boys volleyball team.

Mayor Flynn commented on the upcoming transition to stage 2 of lifting the stay-at-home orders.

The Council gave a round of applause for college graduates this month.

J. REVIEW OF INFORMATION/CONSENT AGENDA

Items L-2, L-3, and L-5 were discussed among the Council and staff.

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

L. INFORMATION/CONSENT AGENDA

City Clerk Department

1. SUBJECT: Approval of Minutes.
RECOMMENDATION: That the City Council approve the minutes of the April 21, 2020 regular meeting as presented.

Fire Department

2. SUBJECT: Accept 2019 Emergency Management Performance Grant (EMPG).
RECOMMENDATION: That the City Council adopt **Resolution No. 15,320** authorizing:
1. The City Manager to accept a grant in the amount of $47,569.81 to the Ventura County Office of Emergency Services for 2019 Emergency Management Performance Grant for the purpose of printing public education material and for offsetting the salary of the Emergency Services Manager;
2. The Chief Financial Officer or designee to submit financial reports and grant claims, approve special budget appropriations for the use of the grant funds and perform all other required financial actions; and
3. The Fire Chief or designee to submit non-financial reports.

3. SUBJECT: FEMA Public Assistance Program Coronavirus Application.
RECOMMENDATION: That City Council adopt **Resolution No. 15,321** authorizing:
1. The City Manager or designee to submit an application for Federal Emergency Management Agency's (FEMA) Public Assistance Program in accordance with the COVID-19 Emergency Declaration to receive reimbursement for emergency protective measures taken by the City;
2. The City Manager or designee to appropriate funds upon notification of award;
3. The Chief Financial Officer or designee to submit financial reports and claims and approve administrative budget appropriation for the use of FEMA funds upon award; and
4. The Fire Chief or designee to submit all program related progress or status reports.

Police Department

4. SUBJECT: FY 2020 Coronavirus Emergency Supplemental Funding Grant Application.
RECOMMENDATION: That the City Council adopt **Resolution No. 15,322** authorizing:
1. The City Manager to execute and apply for $209,498 in unmatched grant funds from the U.S. Department of Justice, Bureau of Justice Assistance, FY 2020 Coronavirus Emergency Supplemental Funding (CESF) Program;
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 special budget appropriations for use of CESF Microgranț funds; and
4. The Chief of Police or designee to submit all program related progress or status reports.

Public Works Department

5. SUBJECT: Restructuring of Public Works Engineering and Traffic Engineering Divisions.
RECOMMENDATION: That the City Council approve and authorize:
1. The Mayor to adopt **Resolution No. 15,323** to amend Resolution No. 15,241 authorizing full-time equivalent positions pursuant to Chapter 4 of the City Personnel Rules and Regulations; and
2. The City Manager to approve a budget appropriation in the amount of $18,469. (Public Works and Transportation Committee approved 3-0)

6. SUBJECT: Trade Services Agreement with BC Laboratories, Inc. for Samples Testing Services. RECOMMENDATION: That the City Council approve and authorize the Mayor to execute Agreement A-8214 with BC Laboratories, Inc. for water, wastewater, and recycled water samples testing services in the amount of $800,000 through May 5, 2023. (Public Works and Transportation Committee approved 3-0)

It was moved by Councilmember Perello, seconded by Councilmember Lopez, 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.

M. REPORTS

City Attorney Department

1. SUBJECT: Amendment of City Treasurer Functions; Persons Authorized to Sign Financial Instruments and Initiate Electronic Bank Transactions; Oversight of Payroll Functions; and Adjustment of Future Benefits and Compensation of the Office of City Treasurer Beginning in December 2020.
RECOMMENDATION: That the City Council:
1. Approve the first reading by title only and waive further reading of an ordinance entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD AMENDING AND ADDING PROVISIONS TO THE CITY CODE TO DESIGNATE THE ASSISTANT CITY TREASURER AS THE "COLLECTOR" OR "LICENSE COLLECTOR" FOR SPECIFIC PERMITTING AND LICENSING FUNCTIONS; AMENDING THE CITY CODE AND ORDINANCE NO. 2350 TO LIMIT CITY TREASURER DUTIES TO THAT POSITION'S STATUTORY DUTIES NOT OTHERWISE ASSIGNED TO THE ASSISTANT CITY TREASURER, AND TO CHANGE CITY TREASURER COMPENSATION AND BENEFITS EFFECTIVE WHEN THE CITY COUNCIL DECLARES THE RESULTS OF THE CANVASS OF THE RETURNS FOR THE NOVEMBER 2020 MUNICIPAL ELECTION; AND ADDING SECTION 2-187 REGARDING PAYROLL FUNCTIONS BEING MANAGED BY THE DIRECTOR OF HUMAN RESOURCES;
2. Adopt **Resolution No. 15,324** entitled:
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD AUTHORIZING CERTAIN PERSONS TO SIGN AND ENDORSE CHECKS AND DRAFTS AND INITIATE AND APPROVE ELECTRONIC BANK TRANSACTIONS FOR THE CITY OF OXNARD, ASSESSMENT DISTRICTS AND THE OXNARD COMMUNITY DEVELOPMENT COMMISSION SUCCESSOR AGENCY; AND AMENDING THE TITLE AND EXHIBIT B OF RESOLUTION NO. 10,820 REGARDING THE JOB SPECIFICATIONS FOR THE CITY TREASURER; and
3. Adopt **Resolution No. 15,325** entitled:
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD AMENDING EXHIBIT A OF RESOLUTION NO. 15,242 AS IT RELATES TO THE SALARY RANGE FOR THE CITY TREASURER.

The City Manager and City Attorney gave a report. The City Treasuer made some remarks. Public comments were received from Daniel Chavez Jr., Lawrence Stein, Manuel Gonzales, Barbara Macri-Ortiz, Michael Gleason, Ruben Martinez, and George Miller. Written comments were received from Larry and Shirley Godwin, Alex Rey Rivera, and George Miller. Discussion ensued among the Council and staff.

It was moved by Councilmember Perello, seconded by Mayor Pro Tem Ramirez, to approve the recommended action as presented. VOTE: Basua, Flynn, Lopez, MacDonald, Perello, and Ramirez voted in favor; Madrigal voted no on Recommendation No. 3. The motion carried 7-0 on Recommendation Nos. 1 and 2, and 6-1 on Recommendation No. 3.

Community Development Department

2. SUBJECT: Formation of the City of Oxnard Community Facilities District No. 8 (Sakioka Farms Business Park).
   RECOMMENDATION: That the City Council approve **Resolution No. 15,326** declaring its intention to establish the City of Oxnard Community Facilities District No. 8 (Sakioka Farms Business Park), authorize the levy of a special tax within said District, and designate certain property for future annexation to the District.

The Community Development Director gave a report. The City Clerk announced receipt of a Petition Requesting the Establishment of a Community Facilities District from representatives of the Sakioka Farms Business Park. Discussion ensued among the Council and staff.

It was moved by Councilmember Madrigal, 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.

Finance Department

3. SUBJECT: Presentation of Single Audit Report and Update on Corrective Action Plan.
   RECOMMENDATION: That the City Council receive the Single Audit Report from the audit firm Eadie + Payne, and an update on the Corrective Action Plan (CAP) from staff. (Finance and Governance Committee approved 2-0)

Eden Casareno of Eadie+Payne and the Senior Manager – Internal Controls gave reports. Discussion ensued among the Council and staff. No formal action was required.

N. ADJOURNMENT

There being no further business on the agenda, and without objection, Mayor Flynn adjourned the meeting at 9:45 p.m.

Michelle Ascencion
MICHELLE ASCENCION, CMC
City Clerk

Tim Flynn 5/19/20
TIM FLYNN
Mayor