

MINUTES
OXNARD CITY COUNCIL
Regular Meeting
May 19, 2020

A. ROLL CALL, POSTING OF AGENDA

At 4:34 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 teleconference. Housing Commissioner Jose Andrade arrived at 6:00 p.m.; Commissioner Francisco Vega was absent.

Staff members present were Alexander Nguyen, City Manager; Stephen M. Fischer, City Attorney; Ashley Golden, Assistant City Manager; Keith Brooks, Chief Information Officer; and Michelle Ascencion, City Clerk.

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

C. CLOSED SESSION

1. THREAT TO PUBLIC SERVICES OR FACILITIES (Government Code section 54957(a)) (City Council)
Consultation with: Stephen Fischer, City Attorney; Keith Brooks, Chief Information Officer.

Mayor Flynn read the following closed session statement:

“The City Council will recess to a closed session pursuant to Government Code section 54957(a) to consult with Stephen Fischer, City Attorney, and Keith Brooks, Chief Information Officer, regarding a threat to public services or facilities.”

At 4:36 p.m., the City Council recessed to a closed session. At 5:28 p.m., the City Council reconvened in open session in the Council Chambers. The City Attorney made the following announcement: “The Council was briefed on a recent ongoing threat to city services, and there were no actions taken in closed session.”

Additional staff members present at this time were: Janice Zaragoza, Recreation Coordinator; Eric Sonstegard, Assistant Police Chief; and Phillip Molina, City Treasurer.

D. APPOINTMENT ITEM

Cultural & Community Services Department

1. SUBJECT: Renaming of La Colonia Boxing Gym.
RECOMMENDATION: That the City Council adopt **Resolution No. 15,327** re-naming La Colonia Boxing Gym to “La Colonia Boxing Gym, Dr. Manuel Lopez Youth Center.” (Community Services Committee approved 3-0)

The Recreation Coordinator gave a report. Public comments were received from Barbara Macri-Ortiz and Manuel Herrera. Written comments were received from Tiffany Lopez. Discussion ensued among the Council and staff.

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

Police Department

2. SUBJECT: Report on the Police Department's Fireworks Enforcement/Prevention Efforts.
RECOMMENDATION: That the City Council receive a verbal report on the Police Department's enforcement and education efforts related to illegal fireworks.

The Assistant Police Chief gave a report. Discussion ensued among the Council and staff. No formal action was required.

City Treasurer

3. SUBJECT: Quarterly Investment Report for the period ending March 31, 2020.
RECOMMENDATION: That the City Council receive and file the report.

The City Treasurer gave a report. Discussion ensued among the Council and the City Treasurer. No formal action was required.

E. OPENING CEREMONIES

The flag salute was followed by a moment of silence.

Additional staff members present at this time were Rosemarie Gaglione, Public Works Director; Jeffrey Lambert, Community Development Director; Kenneth Rozell, Chief Assistant City Attorney; Terrel Harrison, Cultural and Community Services Director; Sofia Kimsey, City Librarian; Renee Rakestraw, Recreation Manager; Kevin Ripper, Chief Financial Officer; and Adam Smith, Project Manager/Interim Special Districts Manager.

F. CEREMONIAL CALENDAR

1. SUBJECT: Presentation of a Proclamation Designating the Week of May 17-23, 2020 as "Public Works Week."

The Public Works Director made some remarks and presented a short highlight video, and Mayor Flynn read the proclamation.

G. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from Manuel Herrera (finding creative solutions to help local businesses and restaurants during the COVID-19 crisis), Lawrence Stein (GREAT Program, Park Master Plan, Developer Fees), Larry Barbarine (Memorial Day, unfunded liabilities), and Lang Martinez (the need for homeless services).

Mayor Flynn announced that the public hearing item would be considered next.

M. PUBLIC HEARINGS

Community Development Department

1. SUBJECT: Revision of Existing Fees and Adoption of New Fees Related to Development Impact Fees and the Affordable Housing In-Lieu Fee and Inclusionary Housing Ordinance Amendments.

RECOMMENDATION: That the City Council:

1. Receive a presentation and public comments regarding proposed new fees and revisions to existing Development Impact Fees (DIF);
2. Review and provide comments on the new Development Impact Fee Nexus Study and Development Impact Fees pertaining to a resolution for a Growth Requirement Capital Fee, Park and Recreation Fee, Traffic Circulation Fee, Storm Drainage Fee, Utility Undergrounding In-Lieu Fee, Public Art Program Fee, and Mobility Fee, including an automatic annual inflation factor, and amendments and additions to Chapters 15 of the Oxnard City Code;
3. Receive a presentation and public comments on the Affordable Housing In-Lieu Nexus Study; review the proposed in-lieu fee, recommended modifications to the City's Inclusionary Housing Ordinance (Ord. No. 2721); and provide direction regarding timing for updating the City's Inclusionary Housing Ordinance;
4. Adopt the referenced Development Impact Fee Nexus Studies;
5. Adopt the Development Impact Fee and Affordable Housing **Resolution Nos. 15,329 and 15,330** entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD ADOPTING THE DEVELOPMENT IMPACT FEE NEXUS STUDY AND DEVELOPMENT IMPACT FEES FOR THE GROWTH REQUIREMENT CAPITAL FEE, PARK AND RECREATION FEE, TRAFFIC CIRCULATION FEE, STORM DRAINAGE FEE, MOBILITY FEE, PUBLIC ART PROGRAM FEE, AND UTILITY UNDERGROUNDING IN-LIEU FEE" and "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD ADOPTING THE AFFORDABLE HOUSING IN-LIEU FEE NEXUS STUDY AND AFFORDABLE HOUSING IN-LIEU FEES";
6. Introduce for first reading by title only and waive further reading of an Ordinance entitled: "ORDINANCE OF THE CITY OF OXNARD AMENDING ARTICLE VI, CHAPTER 15, DIVISION 1, SECTIONS 15-165, 15-166, 15-167, 15-170, 15-171, 15-173, 15-174, 15-178, AND ADDING SECTIONS 15-183 AND 15-184, AMENDING DIVISION 2, SECTIONS 15-186 AND 15-188, AMENDING DIVISION 5, SECTIONS 15-216, 15-218, 15-219, AND ADDING SECTION 15-220, AMENDING DIVISION 6, SECTIONS 15-225, AND 15-229, ADDING DIVISION 8, SECTIONS 15-242, 15-243, AND 15-244, AND ADDING DIVISION 9, SECTIONS 15-245, 15-246, 15-247, and 15-248, AND MAKING FINDINGS PURSUANT TO CEQA"; and
7. Introduce for first reading by title only and waive further reading of an uncodified Ordinance entitled: "ORDINANCE OF THE CITY OF OXNARD, CALIFORNIA, CONCERNING AFFORDABLE HOUSING REQUIREMENTS FOR NEW DEVELOPMENTS AND IN-LIEU AFFORDABLE HOUSING PAYMENT."

(Reviewed by Public Works & Transportation and Housing & Economic Development committees on April 28, 2020)

The City Clerk announced the affidavit of publication and stated that eight written communications had been received. The Community Development Director, and Alison Bouley and Hitta Mosesman of Harris & Associates gave a report.

Mayor Flynn opened the public testimony portion of the public hearing. Public comments were received from Barbara Macri-Ortiz, Ann Walsh, Jonathan Cornelius, Lawrence Stein, and Nancy Lindholm. Written comments were received from Gail Weller Brown, Eduardo Espinosa, Corey Harpole, Louise Lampara, Nancy Lindholm, Barbara Macri-Ortiz, Anthony Mireles, Christine Rangel, Maury Ruano, Alondra Serna, and Ann Walsh.

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 Councilwoman Basua, seconded by Councilmember Madrigal, that any fees that are increasing by more than 50 percent be phased in over a three-year period, with 50 percent of the increase imposed in year one, an additional 25 percent in year two, and the remaining 25 percent in year three; while fees that are increasing by less than 50 percent be fully implemented right away. VOTE: Basua, Flynn, Lopez, Madrigal, Perello, and Ramirez voted in favor; MacDonald voted against. The motion carried 6-1.

Councilman MacDonald left the meeting at this time (9:00 p.m.).

H. REPORT OF CITY MANAGER

City Manager Department

1. SUBJECT: COVID-19 Update from Director of Emergency Services.

RECOMMENDATION: That the City Council receive and file an update from the Director of Emergency Services on the COVID-19 Local Emergency.

The City Manager, Cultural and Community Services Director, City Librarian, and Recreation Manager gave reports. Discussion ensued among the Council and staff. No formal action was required.

I. CITY COUNCIL REPORTS

Councilmember Madrigal congratulated this year's college graduates and commented on the importance of wearing face coverings in public.

Mayor Pro Tem Ramirez congratulated this year's graduates, and commented on the new solar battery storage facility in Oxnard, the 2020 U.S. Census, and staying safe through the COVID-19 crisis.

Councilmember Perello read a letter to the editor from Randy Sanford on politics and division, and commented on the new solar battery storage facility, short-term rentals, and Memorial Day.

Councilmember Lopez thanked the staff for their hard work through the COVID-19 crisis and congratulated this year's college graduates.

Mayor Flynn commented that the Council's short-term rental ordinance is expected to be considered

by the California Coastal Commission this summer, and suggested sending a letter to the Commission requesting the item be scheduled as quickly as possible.

J. REVIEW OF INFORMATION/CONSENT AGENDA

The City Clerk announced a minor correction to item L-1.

K. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Public comments were received from Phillip Molina and Larry Barbarine.

L. INFORMATION/CONSENT AGENDA

City Clerk Department

1. SUBJECT: Approval of Minutes.

RECOMMENDATION: That the City Council approve the minutes of the May 5, 2020 regular meeting as presented.

City Attorney Department

2. SUBJECT: Adoption of Ordinance No. 2977.

RECOMMENDATION: That the City Council adopt **Ordinance No. 2977** 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.

Cultural and Community Services Department

3. SUBJECT: Ventura County Area Agency on Aging Senior Nutrition Program Grant.

RECOMMENDATION: That City Council adopt **Resolution No. 15,328**:

1. Authorizing the Cultural and Community Services Director or designee to submit an application in the amount of \$160,563 for the next Ventura County Area Agency on Aging (VCAAA) Older Senior Nutrition Program grant cycle (July 2020 to June 2021); and
2. If funding is received, authorize the City Manager or designee to execute grant agreements; the Chief Financial Officer or designee to submit financial reports and grant claims and approve special budget appropriations for the use of the grant funds; and the City Manager or designee to submit non-financial reports.

Housing Department

4. SUBJECT: Award of Contract for the Kitchen Rehabilitation Project at Palm Vista.
RECOMMENDATION: That the Housing Authority Board of Commissioners approve and authorize the Chairman to execute a firm-fixed price contract in the amount of \$577,165 with Bentley Construction Group, Inc. (Agreement No. A-8215).

Public Works Department

5. SUBJECT: Purchase Order to Badger Meter, Inc. for Water Meters and Parts.
RECOMMENDATION: That the City Council approve and authorize the Mayor to execute a Purchase Order with Badger Meter, Inc. to purchase residential, commercial, irrigation, industrial, and fire service water meters and parts in the amount of \$250,000 for a one-year term. (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 L-1). VOTE: Andrade, Basua, Flynn, Lopez, Madrigal, Perello, and Ramirez voted in favor. The motion carried 7-0 on item L-4 (Housing Authority item), and 6-0 on the remaining items (City Council items).

(As it was approaching 10:00 p.m., it was moved by Councilmember Perello; seconded by Mayor Pro Tem Ramirez, to hear the remaining items on the agenda. VOTE: Basua, Flynn, Lopez, Madrigal, Perello, and Ramirez voted in favor; the motion carried 6-0.)

Mayor Flynn announced that item N-2 would be considered ahead of N-1.

N. REPORTS

City Manager Department

2. SUBJECT: City of Oxnard Environmental Resources Division Cash Handling Report.
RECOMMENDATION: That the City Council receive and file the Internal Auditor Report on the Environmental Resources Division Cash Handling. (Finance and Governance Committee approved 3-0)

Henry Oum of Price Paige & Company gave a report. Discussion ensued among the Council and staff. No formal action was required.

City Clerk Department

1. SUBJECT: Ordinance Authorizing Electronic Filing of Campaign Disclosure Statements.
RECOMMENDATION: That the City Council introduce for first reading an ordinance adding subsection (C) "Electronic Filing of Campaign Disclosure Statements" to Chapter 2, Article VI, Section 2-247 of the Oxnard City Code to make the necessary findings and adopt regulations allowing for the electronic and paperless filing of Campaign Finance Disclosure forms.

The City Clerk gave a report. 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, Madrigal, Perello, and Ramirez voted in favor; the motion carried 6-0.

Finance Department

3. **SUBJECT:** Contract with Audit Firm for Annual Financial Audits and Single Audits for Federally Funded Programs for Fiscal Years 2019-20 through 2023-24.
RECOMMENDATION: That the City Council award Agreement No. A-8223 to Eadie+Payne LLP for a five-year agreement in the amount of \$1,075,100 for annual financial audits and Single Audits for Federally funded programs. (Finance and Governance Committee approved 3-0)

The Chief Financial Officer gave a report. Discussion ensued among the Council and staff.

It was moved by Councilmember Perello, seconded by Councilmember Lopez, to approve the recommended action as presented. VOTE: Basua, Flynn, Lopez, Madrigal, Perello, and Ramirez voted in favor; the motion carried 6-0.

Public Works Department

4. **SUBJECT:** FY 2020-21 Landscape Maintenance Districts - Initiation of Proceedings, Declaration of Intention to Levy and Collect Assessments, and Scheduling of Public Hearing.
RECOMMENDATION: That the City Council approve and authorize:
1. The Mayor to adopt **Resolution No. 15,331** initiating proceedings for the annual levy and collection of assessments for Fiscal Year 2020-21 within the City of Oxnard's (City) Landscape Maintenance Districts (LMDs);
 2. The Mayor to adopt **Resolution No. 15,332** declaring intention to levy and collect assessments for Fiscal Year 2020-21 within the City's Landscape Maintenance Districts pursuant to the Landscaping and Lighting Act of 1972;
 3. The Mayor to preliminarily approve the Annual Engineer's Report;
 4. The Mayor to preliminarily approve the Fiscal Year 2020-21 budget for each Landscape Maintenance District;
 5. The City Clerk to publish notice of a public hearing to occur on June 2, 2020; and
 6. The City Manager to take appropriate and necessary action to carry out the purpose and intent of the Resolution.

The Project Manager/Interim Special Districts Manager gave a report. Councilmember Perello announced that he has a real estate conflict for LMD #13 and he will be abstaining from voting on that item. 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, Madrigal, and Ramirez voted in favor; Perello abstained from voting on LMD #13. The motion carried 6-0 (5-0-1 for LMD #13).

O. ADJOURNMENT

There being no further business on the agenda, and without objection, Mayor Flynn adjourned the meeting at 10:45 p.m.


MICHELLE ASCENCION, CMC
City Clerk


TIM FLYNN
Mayor