

MINUTES
OXNARD CITY COUNCIL
Regular Meeting
July 21, 2020

A. ROLL CALL, POSTING OF AGENDA

At 4:32 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, Mayor Pro Tem Carmen Ramirez, and Mayor Tim Flynn were present via videoconference; Councilmember Bert E. Perello arrived at 4:37 p.m. Housing Commissioner Jose Andrade arrived at 6:00 p.m. via videoconference; Commissioner Francisco Vega was absent.

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

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

Public comments were received from Rene G. Aiu. Written comments were received from Judy Dugan and Wendy Lee.

C. CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION (Government Code Section 54956.9(d)(1))
Name of case: California Coastal Commission Local Coastal Program Amendment No. LCP-4-OXN-20-0007-1 (City of Oxnard LCP Amendment Override)
Legislative Body: City Council
2. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION (Government Code Section 54956.9(d)(1))
Name of case: Martin Garcia v. City of Oxnard Workers' Compensation Case Nos. ADJ10718746; ADJ11972923; ADJ11972893
Legislative Body: City Council
3. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Government Code section 54956.9(d)(4))
Based on existing facts and circumstances, the City Council shall decide whether to initiate litigation in one potential case.
Legislative Body: City Council

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 matters being discussed are: 1. City of Oxnard LCP Amendment Override before the California Coastal Commission; and 2. Martin Garcia 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 4:36 p.m., the City Council recessed to a closed session. At 6:06 p.m. the City Council reconvened in open session in the Council Chambers. The City Attorney made the following announcement: “On item C-1 of the closed session agenda, the Council by unanimous vote has authorized the City Attorney’s office to seek judicial review, should the Coastal Commission, in its review of the Oxnard LCP amendment override matter pending before it, filed by the Ventura County Harbor Department, decide against the City. We sought that authorization tonight because the City Council may not meet for several weeks after the Coastal Commission decides the matter. On item C-3, the Council also by unanimous vote has directed the City Attorney’s office 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 the City’s ability to conclude existing settlement negotiations to its 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; Emilio Ramirez, Housing Director; Rosemarie Gaglione, Public Works Director; Jeffrey Lambert, Community Development Director; Scott Kolwitz, Planning Division Manager; and Kathleen Mallory, Planning and Sustainability Manager.

E. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from Pat Brown (suggested mixed-use development for former used-car lot properties on Oxnard Boulevard), Walter Hagedohm (Oxnard Shores wastewater services, recent Coastal Commission approval of short-term rentals ordinance), Lucy Cartagena (responses made to her public comments), Irene Pinkard (questioned the process for renaming city facilities after residents), and Greg Runyon (the importance of civility and kindness).

F. REPORT OF CITY MANAGER

City Manager Department

1. SUBJECT: List of City Manager Approved Contracts - Informational Only.
RECOMMENDATION: That the City Council receive and file the list of City Manager approved contracts for the period November 30, 2019 through June 30, 2020.

The City Manager gave a brief report. No formal action was required.

2. 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 ratifying orders issued by the Director in response to the COVID-19 Local Emergency.

The City Manager gave a report and announced that the planned resolution ratifying Director Order 20-12, the restoration of street sweeping and citations, is withdrawn due to the ongoing COVID-19 emergency. Brief discussion ensued. No formal action was required.

G. CITY COUNCIL REPORTS

Councilmember Lopez encouraged people to participate in the upcoming citywide neighborhood cleanup event.

Councilmember Perello commented on employee givebacks to help reduce the budget deficit and the importance of employing competent people to run the city.

Councilman MacDonald commented on the upcoming citywide neighborhood cleanup event.

Mayor Pro Tem Ramirez commented on restoring trust in society and working together towards positive solutions. She urged people to wear masks and avoid gatherings to slow the spread of COVID-19. She acknowledged healthcare workers and first responders, and commemorated San Joaquin Councilmember Jose Ornelas, who recently died of COVID-19.

Councilwoman Basua acknowledged parents' anxiety and frustration over the continuation of remote learning with the start of the new school year.

Councilmember Madrigal commented on the demolition of the former Las Cortes housing projects in the La Colonia neighborhood and announced he is now a member of the California Lutheran University Dean's Advisory Council.

Mayor Flynn commented on the upcoming citywide neighborhood cleanup event and the importance of volunteerism in the community.

H. REVIEW OF INFORMATION/CONSENT AGENDA

Items J-4, J-5, and J-7 were discussed among the Council and staff. The Public Works Director announced a revision to item J-7, to add approval of a budget adjustment to the recommendation.

I. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Public comments were received from Pat Brown.

J. INFORMATION/CONSENT AGENDA

City Clerk Department

1. SUBJECT: Approval of Minutes.

RECOMMENDATION: That the City Council approve the minutes of the June 30, 2020 regular meeting; July 1, 2020 special meeting; and July 7, 2020 regular meeting as presented.

Community Development Department

2. SUBJECT: Sakioka Farms Business Park Final Tract Map - Notice of Pending Approval - Planning and Zoning No. 20-300-01 (Final Map for Tract No. 5996) to subdivide a 430 acre site located south of the 101 Freeway between Rice Avenue and the City's eastern boundary, and north of Latigo Avenue. Filed by Scott Uhles with Delane Engineering.
RECOMMENDATION: That the City Council receive and file this Notice of Pending Approval for Planning and Zoning No. 20-300-01 (Final Map for Tract No. 5996).

Housing Department

3. SUBJECT: Annual Approval of the Housing Authority Investment Policy.
RECOMMENDATION: That the Board of Commissioners of the Oxnard Housing Authority ("Authority") adopt **Resolution No. 1321** adopting an investment policy for the Oxnard Housing Authority for FY 2020-2021.
4. SUBJECT: Agreement with Major Event Trailers for Rental of Mobile Restrooms, Showers, and Laundry Facilities for the K Street Temporary Emergency Shelter.
RECOMMENDATION: That the City Council approve and authorize the Mayor to execute an agreement with Major Event Trailers (A-8227) in the amount of \$285,000 to provide the rental of mobile restrooms, showers and laundry facilities for the Temporary Emergency Shelter at 351 South K Street through December 31, 2021.

Public Works Department

5. SUBJECT: Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program Emergency Backup Generators Budget Appropriation.
RECOMMENDATION: That the City Council authorize:
1. The recognition and appropriation of FEMA Hazard Mitigation Grant Program funding for the Oxnard Shores Emergency Backup Generator Project #PJ0460 in the amount of \$79,833 with a grant award of \$59,875 and a City match of \$19,959 to Wastewater Emergency Backup Generator Project No. 206604;
 2. The recognition and appropriation of FEMA Hazard Mitigation Grant Program funding for the Main Police Station Emergency Backup Generator Project #DR-4353-0195 in the amount of \$400,160 with a grant award of \$300,120 and a City match of \$100,040 to the Police Emergency Backup Generator Project No. 662164.
6. SUBJECT: Award Trade Services Agreement A-8208 to Natural Green Landscape, Inc., for Landscape Maintenance Services at Various City Facilities.
RECOMMENDATION: That the City Council approve and authorize the Mayor to execute Trade Services Agreement No. A-8208 with Natural Green Landscape, Inc., for a total agreement value of \$356,112 for a term of three (3) years to provide landscape maintenance services at various City facilities. (Public Works and Transportation Committee approved 3-0)
7. SUBJECT: Award Agreement A-8220 to Toro Enterprises, Inc. for Arterial Street Resurfacing Project at Various Locations PW 20-28.
RECOMMENDATION: That the City Council approve and authorize:

1. The Mayor to award and execute Agreement A-8220 with Toro Enterprises, Inc. for \$2,847,918.65 for the Arterial Street Resurfacing Project at Various Locations;
2. A Project contingency amount of \$284,791 for the Arterial Street Resurfacing Project at Various Locations Project No. 183113, 203006, 203007, 206901; and
3. A Project allocation of \$284,791 for engineering, inspection, survey and project management for the Arterial Street Resurfacing Project at Various Locations Project No. 183113, 203006, 203007, 206901.

It was moved by Councilmember Perello, seconded by Councilmember Lopez, to approve the Information/Consent items as presented (with the stated amendment to item J-7). VOTE: Andrade, Basua, Flynn, Lopez, MacDonald, Madrigal, Perello, and Ramirez voted in favor. The motion carried 8-0 on item J-3 (Housing Authority item), and 7-0 on the remaining items (City Council items).

K. PUBLIC HEARINGS

Housing Department

1. SUBJECT: Permanent Local Housing Allocation Program Grant Application.
RECOMMENDATION: That the City Council:
 1. Conduct a public hearing to receive comments from the public relating to a draft Permanent Local Housing Allocation program application;
 2. Adopt **Resolution No. 15,369** authorizing the City Manager to submit an application for an amount not to exceed \$6,950,574 in Permanent Local Housing Allocation formula grant funds, with no local match required, to be issued over the next five program years to create affordable housing opportunities, as well as execute a Standard Agreement, amendments, and modifications with the California Department of Housing and Community Development, upon award, and for the City Manager or designee to submit any related documents necessary to participate in the Permanent Local Housing Allocation program; and
 3. Authorize an administrative budget adjustment by the Chief Financial Officer upon award of the grant.

The City Clerk announced the affidavit of publication and stated that no written communications had been received. The Housing Director gave a report on the proposed five-year Permanent Local Housing Allocation Plan.

Mayor Flynn opened the public testimony portion of the public hearing. Public comments were received from Pat Brown. With no further 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 Councilman MacDonald, to approve the recommended action as presented [including the five-year Permanent Local Housing Allocation Plan]. VOTE: Basua, Flynn, Lopez, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 7-0.

Community Development Department

2. SUBJECT: Updates to Oxnard City Code Chapters 11 and 16: to Create Consistency with Accessory Dwelling Units State Law; Incorporate Certain Cannabis Activities into the Zone Use Tables and Correct Typographical Errors (Chapter 16 Divisions 10 and 11); and Related to Cannabis Uses (Chapter 11).

RECOMMENDATION: That the City Council:

1. Conduct a public hearing;
2. Determine the zoning text amendments are exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) and exempt under Public Resources Code Section 21080.17; and
3. Introduce Ordinances (by title only, waiving further reading) approving the following Ordinance Amendments to Oxnard City Code (OCC) Chapter 11 (Permits) and Chapter 16 (Zoning Code): (a) Chapter 16 to create consistency with State Accessory Dwelling Unit (ADU) legislation (Planning and Zoning Permit No. 20-580-03: Accessory Dwelling Units); and (b) Chapter 11 related to Cannabis uses and Chapter 16 use tables and various typographical corrections (Planning and Zoning Permit Nos. 20-580-01: Industrial Code; 20-580-04: Cannabis). (Planning Commission Approved 5-0)

The City Clerk announced the affidavit of publication and stated that no written communications had been received.

The Community Development Director introduced the Planning Division Manager and the Planning and Sustainability Manager, who gave reports.

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 Madrigal, to approve the recommended action as presented. VOTE: Basua, Lopez, MacDonald, Madrigal, Perello, and Ramirez voted in favor; Flynn voted against. The motion carried 6-1.

L. REPORTS

City Attorney Department

1. SUBJECT: Authorization for one member of the City Council to sign the ballot argument for the City measure entitled the "City of Oxnard 911 Safety, Medical Response, Financial Recovery and Accountability Measure," and determination of whether the City Council or authorized member(s) of the City Council will sign ballot argument(s) against one or more measures that will be on the November 3, 2020 ballot.

RECOMMENDATION: That the City Council:

1. Authorize one member of the City Council to sign the ballot argument for the City measure entitled "City of Oxnard 911 Safety, Medical Response, Financial Recovery and Accountability Measure;"
2. Determine if the Council wishes for all of the members of the City Council to sign the argument against the ballot measure and/or the rebuttal argument or if the City Council

wishes to authorize one or more members of the City Council to file a written argument against the ballot measure entitled, "Expedited Processing of Certain City-Issued Development Permits If Projects Meet Specific Requirements and Project Applications Are Filed By Specified Professionals Who Have Received Required Training Pursuant to the New Program; Program Includes Audits of Approved Permits and Appeals of Certain Denied Permits and Adverse Certification Actions of the Specified Professionals to Newly Created Appeals Board and to the City Council;" and

3. If one or more of the four ballot measures currently the subject of litigation in the Ventura County Superior Court are ordered to be placed on the November 3, 2020 ballot, determine if it wishes to authorize the City Council as a whole or one or more authorized members of the City Council to file a written argument against the ballot measure(s), if any, that are ordered to be placed on the ballot.

The Chief Assistant City Attorney gave a report. Public comments were received from Pat Brown, Lucy Cartagena, and George Miller. Discussion ensued among the Council and staff.

It was moved by Councilmember Perello, seconded by Mayor Pro Tem Ramirez, to authorize Councilmember Perello as the signer for the 1½-cent sales tax measure. VOTE: Basua, Flynn, Lopez, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 7-0.

It was moved by Councilman MacDonald, seconded by Councilmember Lopez, to authorize Councilmember Lopez as the signer for the expedited permits measure. VOTE: Basua, Flynn, Lopez, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 7-0.

It was moved by Mayor Pro Tem Ramirez, seconded by Councilmember Lopez, to authorize Mayor Pro Tem Ramirez as the signer for the city treasurer measure. VOTE: Basua, Flynn, Lopez, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 7-0.

It was moved by Councilmember Perello, seconded by Councilman MacDonald, to authorize Councilwoman Basua as the signer for the streets measure. VOTE: Basua, Flynn, Lopez, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 7-0.

It was moved by Councilman MacDonald, seconded by Councilwoman Basua, to authorize Councilman MacDonald as the signer for the meetings measure. 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 8:45 p.m.


MICHELLE ASCENCION, CMC
City Clerk


TIM FLYNN
Mayor