MINUTES
OXNARD CITY COUNCIL
Regular Meeting
July 29, 2020

A. ROLL CALL, POSTING OF AGENDA

At 4:33 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 videoconference.

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

Public comments were received from James Aragon and Lawrence Stein. Written comments were received from Debbie Mitchell.

C. CLOSED SESSION

1. PUBLIC EMPLOYEE ANNUAL PERFORMANCE EVALUATION (Government Code section 54957) Title: City Manager
   This item is to be discussed in closed session under the Brown Act exception of Government Code section 54957(b)(1) (public employee performance evaluation).
   Legislative Body: City Council

2. PUBLIC EMPLOYEE ANNUAL PERFORMANCE EVALUATION (Government Code section 54957) Title: City Attorney
   This item is to be discussed in closed session under the Brown Act exception of Government Code section 54957(b)(1) (public employee performance evaluation).
   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 54957, for annual evaluation of public employees, City Manager and City Attorney."

At 4:39 p.m., the City Council recessed to a closed session. At 6:04 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.

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; Shiri Klima, Deputy City Manager; Darwin Base, Fire Chief; Scott Whitney, Police Chief; Jeffrey Lambert, Community Development Director; Jeri Cooper, Special Districts Project Manager; Rosemarie Gaglione, Public Works Director; Jose Coyotl, Associate Planner; Paul McClaren, Associate Planner; Kenneth Rozell, Chief Assistant City Attorney; Omar Castro, Water Division Manager; and Phillip Molina, City Treasurer.

E. CEREMONIAL CALENDAR

1. SUBJECT: Presentation of **Resolution No. 15,370** to Fire Chief Darwin Base for Thirty-Two Years of Outstanding Service to the City of Oxnard.

The Fire Chief made some remarks and Mayor Flynn read the resolution.

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

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from James Aragon (acknowledged Chief Base, against increasing the city sales tax), Tamara Moore (weeds in medians and sidewalks), Nicholas Focil (upcoming clinical trials for COVID-19 treatments), Lucy Cartagena (homeless issues), Paul Whaley (allegations of police harassment), Francisco Romero (dismissal of civil gang injunctions), Burt Handy (treatment of effluent from Ventura water utility), Pat Brown (parking issues and accessory dwelling units), Rev. Gregory Runyon (allowing churches to meet during social-distancing restrictions), Larry Barbarine (civil rights, war veterans, Chief Base's retirement), and Armando Vazquez (dismissal of civil gang injunction). Written comments were received from Tamara Moore (lack of landscape maintenance in roadways) and Armando Vazquez (Green New Deal proposal).

G. REPORT OF CITY MANAGER

The City Manager commented on use of emergency reimbursement funds for homeless issues, discussions with the City of Ventura to partner on water/sewer treatment services, COVID-19 regulations for business reopening, employee labor group givebacks to help reduce the budget deficit, business support during the COVID-19 crisis, and an upcoming citywide neighborhood cleanup event.

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. 15,371** 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.

It was moved by Mayor Pro Tem Ramirez, 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.

H. CITY COUNCIL REPORTS

Councilmember Madrigal emphasized the importance of social distancing.

Councilwoman Basua wished everyone a good summer during the Council's August recess.

Mayor Pro Tem Ramirez requested an update on the state of homelessness during the COVID-19 crisis, urged people to stay home as much as possible to slow the spread, discussed Federal business assistance programs, encouraged participation in the US Census, commented city financial restrictions, and expressed support for Medicare for all.

Councilman MacDonald reminded the public that the Council will still be available during the August recess.

Councilmember Perello commented on the upcoming city-wide neighborhood cleanup event.

Councilmember Lopez commented on the upcoming city-wide neighborhood cleanup event and staying busy during the upcoming August recess.

Mayor Flynn commented on the upcoming city-wide neighborhood cleanup event and commended the organizers and volunteers, and commented on the dismissal of the civil gang injunction and the importance of finding other resources to address the gang issue.

The City Manager announced there will be a short City Council special meeting sometime in August.

I. REVIEW OF INFORMATION/CONSENT AGENDA

Item K-4 was discussed among the Council and staff. Information Technology staff submitted a memo with a minor revision to item K-7.

J. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Public comments were received from James Aragon and Pat Brown.

K. INFORMATION/CONSENT AGENDA

City Manager Department

1. SUBJECT: Annual Delegation of Investment Authority and Investment Policy.
   RECOMMENDATION: That the City Council adopt **Resolution No. 15,372**:
   1. Delegating investment authority to the City Treasurer; and
   2. Adopting the FY 2020-21 investment policy for the City.
   (Finance and Governance Committee approved 3-0)

Community Development Department

2. SUBJECT: Fifth Amendment to Agreement No. 7748-17-FN with HdL Companies for Cannabis Management Services.
RECOMMENDATION: That the City Council:
1. Approve and authorize the Mayor to execute the Fifth Amendment to Agreement No. 7748-17-FN with Hinderliter, de Llamas and Associates ("HdL") to extend the term and increase the amount of the Agreement from $666,350 to $791,593 which includes Sales Tax and Economic Analysis, Allocation Audit and Recovery, and Cannabis Fiscal Analysis and Taxation Strategies consulting services; and
2. Approve the budget appropriation of $125,243 for the Fifth Amendment to Agreement No. 7748-17-FN with Hinderliter, de Llamas and Associates, which is recoverable through the Cannabis Business Permit Fee and does not impact fund balance.
(Housing and Economic Development Committee approved 2-0 with Councilmember Basua absent)

3. SUBJECT: Vacation of a City Access Easement for Slope Maintenance associated with the Final Map of Tract 6004 (PZ No. 17-300-08) for "The Landing" at RiverPark located on the Southside of Town Center Drive Between Oxnard Boulevard and North Ventura Road within the RiverPark Specific Plan Area. Filed by Ann Walsh of Shea Properties.
RECOMMENDATION: That the City Council:
1. Adopt **Resolution No. 15,373** to vacate an existing City Access Easement for Slope Maintenance;
2. Authorize the Mayor to sign the Quitclaim Deed releasing City authority and/or rights to the Access Easement for Slope Maintenance back to Sunflower, LP for parcels 132-0-470-125 and 132-0-470-155; and
3. Authorize the Mayor to sign the Quitclaim Deed releasing City authority and/or rights to the Access Easement for Slope Maintenance back to Riverpark Landing, LLC for parcels 132-0-470-115 and 132-0-470-145.

4. SUBJECT: Planning and Zoning Permit No. 20-300-03 (Final Subdivision Map for Tract 5745-2) Associated with Planning & Zoning Permit No. 11-300-07 for Wagon Wheel "The Village" Specific Plan. Filed by Corey Harpole for CRFL Partners, LLC, 64 Maxwell, Irvine, CA. 92618, the owner.
RECOMMENDATION: That the City Council:
1. Accept Final Map 5745-2 associated with PZ No. 11-300-07 Tentative Subdivision Map 5745 for The Village Specific Plan;
2. Adopt **Resolution No. 15,374** to authorize the Mayor to sign the owner statement on the title page of Final Map 5747-2 related to infrastructure easements;
3. Authorize the City Clerk to sign the "Abandonment Certificate" for the vacation of certain infrastructure easements; and
4. Receive and file a "Notice of Pending Approval" for Final Map of Tract 5745-2 by the Community Development Director including signature of "City Council's Certificate" on the title sheet.

Fire Department

5. SUBJECT: Coronavirus Relief Funds.

RECOMMENDATION: That City Council adopt **Resolution No. 15,375** ratifying the signature and submission by the City Manager of a certification titled "Certification for Receipt of Funds Pursuant to Paragraphs (2) or (3) of Subdivision of Control Section 11.90 of the Budget Act of 2020," signed and submitted by the City Manager on July 2, 2020.

6. SUBJECT: FEMA Grant Application for Prevention Training.
RECOMMENDATION: That City Council adopt **Resolution No. 15,376** authorizing:
1. The City Manager to submit a grant application to the Federal Emergency Management Agency (FEMA) Fire Prevention and Safety (FP&S) program in the amount of $142,513;
2. The City Manager or designee to execute the grant agreement if funds are awarded to the City;
3. The Chief Financial Officer or designee to submit financial reports and grant claims, approve budget appropriations during FY2020-21 for the use of grant funds and perform all other required financial actions; and
4. The Fire Chief or designee to submit non-financial reports.

Information Technology Department

7. SUBJECT: Response to Grand Jury Report titled "Cybersecurity Strategies for Cities in Ventura County."
RECOMMENDATION: That the City Council authorizes the Mayor, the City Manager, and the Chief Information Officer to respond on behalf of the City Council, to the Grand Jury Report titled "Cybersecurity Strategies for Cities in Ventura County" dated May 21, 2020, in the form included as the attachment titled "Response To Grand Jury Report Form." (Finance and Governance Committee approved 3-0)

Police Department

8. SUBJECT: City of Oxnard Response to the Ventura County Grand Jury's Report on Detention Facilities.
RECOMMENDATION: That the City Council authorize the Mayor, the City Manager, and the Police Chief to respond, on behalf of the City Council, to the Grand Jury's "Annual Detention Report" dated April 8, 2020. (Public Safety Committee approved 2-0)

9. SUBJECT: City of Oxnard Response to Grand Jury Report Titled "Human Trafficking in Ventura County."
RECOMMENDATION: That the City Council authorize the Mayor, the City Manager, and the Police Chief to respond, on behalf of the City Council, to the Grand Jury Report titled "Human Trafficking in Ventura County" dated April 8, 2020, in the attached response form. (Public Safety Committee approved 2-0)

Public Works Department

10. SUBJECT: Purchase Order to Fastenal Company for Personal Protective Equipment for the Environmental Resources (ER) Division.
RECOMMENDATION: That the City Council authorize the City Manager to execute Purchase Order No. 7740 (PO) with Fastenal Company (Fastenal) for an amount not to exceed $200,000 for a three (3) year term for personal protective equipment. (Public Works and Transportation Committee approved 3-0)

11. SUBJECT: Second Amendment to Agreement A-7974 with the County of Ventura for a Work Release Program.
RECOMMENDATION: That the City Council approve and authorize the Mayor to execute a Second Amendment to Agreement A-7974 with the County of Ventura in the amount of $235,000 for a new not to exceed contract amount of $925,000, and to extend the contract term from July 18, 2020, to July 18, 2021. (Public Works and Transportation Committee approved 3-0)

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

L. PUBLIC HEARINGS

Community Development Department

1. SUBJECT: Appeal of the Planning Commission's Decision to Deny Planning and Zoning Permit No. 18-500-12 (Special Use Permit) Regarding Property at 2900 Saviers Road - 7-Eleven (APN 219-018-035), Subject to Certain Findings and Conditions.
RECOMMENDATION: That the City Council:
1. Conduct a public hearing;
2. Find the Project to be Statutorily Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15270 (Projects Which Are Disapproved); and
3. Adopt **Resolution No. 15,377** denying the appeal and upholding the Planning Commission's denial of Planning and Zoning Permit No. 18-500-12 (Special Use Permit) because the record does not contain the evidence necessary to make all of the Findings required by Oxnard City Code Section 16-531 and City Council Resolution No. 11,896 in order to grant a Special Use Permit.

The City Clerk announced the affidavit of publication and stated that approximately 50 written communications had been received.

The Community Development Director introduced Associate Planner Coyotl, who gave a report. Michael Gonzales of Gonzales Law Group gave a report on behalf of the appellant.

Mayor Flynn opened the public testimony portion of the public hearing. Public comments were received from James Aragon, Chris Hernandez, Shaheen, Gloria, Shirley Godwin, Pat Brown, Daniel Chavez Jr., Max Ghenis, Lucy Cartagena, Leopoldo Rojas, Sonia Salcedo, Amber Thomas, Peggy Rivera, Monica Zamora, Mayra Plascencia, Jon Huycke, Jackie, Manuel Macias, and Yaderi Salazar. Written comments were received from David and Rosalie Lopez, Shaheen, Stephen Schafer, Katherine Nishimori, Baljit Kaur, Louise Ivers, Sue Parsons, John Huycke, Param Singh, Celeste Ornelas, Jaswant Tiwana, Lauraine Effress, Max Ghenis, Sukhjit Singh, Daniel Coreas, Alexus Majeno, Craig Walker, Deja Barboza, Destiny Martinez, Genesis Zavala, Hanuman Ramsita, Jagjit Manan, Linda Calderon, Mandeep Sudwal, Marrisa Wright, Samantha Tamayo, Sidney and Nancy Pedersen, Agustin Morales, Alena Zuniga, Donald Nielsen, Gerardo Perez, Gloria, Jackson Piper, Jaqueline Gonzalez, Mayra Plascencia, Michael Petris, Nathaly Galvan, and Michael Gonzales.

With no further requests to speak and without objection, the Council approved closing the public testimony portion of the public hearing. Mr. Gonzales made some rebuttal remarks. Discussion ensued among the Council and staff.

It was moved by Councilman MacDonald, 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.

(As it was approaching 10:00 p.m., the City Council voted unanimously for the remaining agenda items to be heard.)

2. SUBJECT: Implementation of Monitoring Contract for Short-Term Rentals and Resolution Establishing Fees.
   RECOMMENDATION: That the City Council:
   1. Authorize the City Manager to enter into a contract with Host Compliance (Agreement No. A-8232) to assist in the implementation of, and ensure compliance with, Short-Term Rental (STR) regulations;
   2. Hold a public hearing on proposed new STR fees recommended by staff for services related to the issuance of STR Permits and Business Licenses and adopt **Resolution No. 15,378** establishing the new STR fees; and
   3. Approve the budget appropriation of $30,367 in FY 20-21 for the agreement with Host Compliance, which will recognize and appropriate STR Permit fee revenue and does not impact fund balance.

The City Clerk announced the affidavit of publication and stated that three written communications had been received. Associate Planner McClaren gave a report.

Mayor Flynn opened the public testimony portion of the public hearing. Public comments were received from James Aragon, Rita Weiss, Pat Brown, and Gary Trenda. Written comments were received from Bob Launius and Gary Trenda.

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, staff, and Kyle Solanga of Host Compliance.

It was moved by Mayor Pro Tem Ramirez, 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.

M. REPORTS

Community Development Department

1. SUBJECT: Microenterprise Home Kitchen Operations.
   RECOMMENDATION: That the City Council receive a report on Microenterprise Home Kitchen Operations (MEHKO) and provide direction to City Manager to prepare a letter for the Mayor's signature recommending that the Ventura County Board of Supervisors

"opt out" of the MEHKO program. (Housing and Economic Development Committee approved 2-1)

The Community Development Director and Charles Genkel of Ventura County Public Health gave reports. Public comments were received from James Aragon, Pat Brown, Lucy Cartagena, and Peggy Rivera. Written comments were received from Nikki Chen. Discussion ensued among the Council and staff.

It was moved by Councilmember Lopez, seconded by Mayor Pro Tem Ramirez, to approve the recommended action as presented, with direction to staff to explore other ways to support small businesses. VOTE: Basua, Flynn, Lopez, MacDonald, Perello, and Ramirez voted in favor; Madrigal voted against. The motion carried 6-1.

Public Works Department

2. SUBJECT: Purchase Order with Famcon Pipe & Supply for Essential and Critical Spare Parts and Supplies for the Water Division.
   RECOMMENDATION: That the City Council approve and authorize the Mayor to execute Purchase Order No. 7732 with Famcon Pipe & Supply (Famcon) for $367,282.19 for essential and critical water distribution and treatment spare parts and supplies for the Water Division during COVID-19 pandemic period.

The Water Division Manager gave a report. Public comments were received from James Aragon. Discussion ensued among the Council and staff.

It was moved by Mayor Pro Tem Ramirez, 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.

City Treasurer Department

3. SUBJECT: Monthly Investment Report for the period ending June 30, 2020.
   RECOMMENDATION: That the City Council receive and file the report.

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

N. ADJOURNMENT

There being no further business on the agenda, and without objection, Mayor Flynn adjourned the meeting at 11:39 p.m.

Michelle Ascencion

MICHELLE ASCENCION, CMC
City Clerk

Tim Flynn 9/16/20

TIM FLYNN
Mayor