

MINUTES
OXNARD CITY COUNCIL
Regular Meeting
October 6, 2020

A. ROLL CALL, POSTING OF AGENDA

At 4:39 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; Shiri Klima, Deputy City Manager; 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))

Name of case: James Langford v. City of Oxnard
Workers' Compensation Case No. ADJ11048868
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 title of the litigation being discussed is James Langford v. City of Oxnard.”

At 4:41 p.m., the City Council recessed to a closed session. At 5:02 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 Ashley Golden, Assistant City Manager; and Rosemarie Gaglione, Public Works Director.

D. APPOINTMENT ITEM

Public Works Department

1. SUBJECT: Resolution to Affirm City Commitment to Seawall Funding.

RECOMMENDATION: That the City Council adopt **Resolution No. 15,387** affirming the City of Oxnard's commitment to share the repair/replacement costs associated with the Mandalay Bay seawalls in the amount of 50% of the total repair/replacement costs with the funding mechanism to be determined at a later date. (Public Works and Transportation Committee approved 3-0)

The Public Works Director gave a report. Debbie Mitchell, Carol Taylor, Bill Clark, Patricia Younis, and Connie Heagy of the Channel Islands Waterfront Homeowners Association gave a report. Public comments were received from James Aragon and Jim Cowell.

Written comments were received from Alisa Miller, Darcy Antonellis, Keith Beckwith, Lisa Bowman, Jay and Leslie Braun, Bonnie and Chuck Carter, RC and Freddy Croft, Laura Frame, Allan and Alison Gabel, Christine Gardner, Lee Hilbert and Denise Thuot, Eric Knutson, Lorraine Paulson, Carson Ludwig, Marjorie Miller, Charles McLaughlin, Kim Mekelburg, Richard Paulson, Anastacio Robles Jr., Robert and Donna Seecof, Tom Shideler, Paula Skinner, Matthew Steinorth, Francis Sullivan, Tina Verder, Dave and Alice Whelden, Angie and Brian Wiggins, Warner and Patricia Younis, Ken and Susan Bauer, Bill Elswick, Mike and Gina Haase, Judy Havas, Gary Johnson, Margaret Mathews, Noel Nosseck, Tom Petersen, Stacy Stetz, Robert Wolff, Paul and Barbara Youngblood, Connie Heagy, Jules Melillo, and Steven Donia.

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, held earlier, was followed by a moment of silence.

Additional staff members present at this time were Scott Aaron, Police Sergeant; Sharon Giles, Police Commander; Roger Brooks, Code Compliance Manager; John Colamarino, Interim Assistant Fire Chief; Tatiana Arnaout, City Engineer; Emilio Ramirez, Housing Director; Scott Kolwitz, Planning and Environmental Services Manager; Paul McClaren, Associate Planner; Kenneth Rozell, Chief Assistant City Attorney; and Kathleen Mallory, Planning and Sustainability Manager.

F. CEREMONIAL CALENDAR

1. SUBJECT: Presentation of a Proclamation Designating the Month of October 2020 as "Domestic Violence Awareness Month" in the City of Oxnard.

Mayor Flynn read the proclamation and presented it to the Police Sergeant and Police Commander, who made some remarks.

2. SUBJECT: Presentation of a Proclamation Designating the Week of October 4-10, 2020 as "Code Enforcement Officer Appreciation Week."

Mayor Flynn read the proclamation and presented it to the Code Compliance Manager, who made some remarks.

3. SUBJECT: Presentation of a Proclamation Designating the Week of October 4-10, 2020 as "Fire Prevention Week."

Mayor Flynn read the proclamation and presented it to the Interim Assistant Fire Chief, who made some remarks.

G. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from Douglas Partello (government checks and balances and professionalism), James Aragon (freedom of speech, morality of laws), Tom Cady (disputed allegations of corruption against the city), Jenelle Ward (homelessness), Zuleth (rent control), Cecilia (rent control), Adriana (rent control), Ana (rent control), Teresa (rent control), Arturo (rent control), Arturo (rent control), Manuel (rent control), Yesenia (rent control), Eduardo Miranda (support for Measure E), Alicia Percell (city Sunshine Ordinance), Larry Barbarine (upcoming holidays, Measure E, pension reform), and Alberto Santana (support for Measure E).

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 Attorney and City Manager gave reports on recent coronavirus developments. The City Manager also reported on an upcoming community workshop on the proposed Homeless Solutions Center, receipt of a grant to upgrade the wastewater treatment plant, the upcoming US Census deadline, recent homeless encampment cleanups, and a recent video from the Recreation Department. No formal action was required.

2. SUBJECT: Public Safety Budgets, State Reporting of City Payroll Data, Response from State Fair Political Practices Commission, and Local Political Campaign Signage Regulations.
RECOMMENDATION: That the City Council receive a verbal report from the City Manager regarding the City's public safety budgets compared to other cities, the status of City payroll data reported to the California Secretary of State in June 2020, Fair Political Practices Commission's response to complaint of Phillip Molina (COM-09162020-01716), and local political campaign signage regulations.

The City Manager gave a report. Public comments were received from Ray Blattel, Phillip Molina, Alicia Percell, and Aaron Starr. No formal action was required.

I. CITY COUNCIL REPORTS

Councilmember Lopez acknowledged Filipino-American History Month and LGBT History Month.

Councilmember Perello commented on the upcoming election and city ballot measures.

Councilman MacDonald commented on the possibility of reopening the Santa Paula Branch Rail Line, and complaints he has received about the condition of Rice Avenue.

Mayor Pro Tem Ramirez commented on the importance of remaining vigilant against COVID-19, rent control and the eviction moratorium, buying local for the upcoming holidays, making informed voting decisions, a cap on food delivery fees, and lauded the recently completed mural by Mauricio Ramirez.

Councilwoman Basua wished the City Clerk a happy birthday.

Councilmember Madrigal extended birthday wishes to the City Clerk and his grandmother, reported on a recent community event at Our Lady of Guadalupe Church, and encouraged people to shop local to help our small businesses.

Mayor Flynn commented on election forums and the 100th anniversary of women's right to vote, and commended the League of Women Voters for its efforts in educating voters.

J. REVIEW OF INFORMATION/CONSENT AGENDA

Items L-3, L-4, L-5, L-6, and L-7 were discussed among the Council and staff.

K. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Public comments were received from Pat Brown, James Aragon, Ray Blattel, Jim Cowell, and Debbie Mitchell. Written comments were received from Debbie Mitchell.

L. INFORMATION/CONSENT AGENDA

City Clerk Department

1. SUBJECT: Approval of Minutes.

RECOMMENDATION: That the City Council approve the minutes of the September 3, 2020 special meeting, September 15, 2020 regular meeting, and September 22, 2020 special meeting as presented.

Public Works Department

2. SUBJECT: Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program Recognition and Budget Appropriations.

RECOMMENDATION: That the City Council approve and authorize the City Manager:

1. To recognize FEMA Hazard Mitigation Grant Program funding for the Mandalay Bay Seawall Retrofit Project (FEMA Project #DR-4353-47-41) in the amount of \$176,750.00 with a grant award of \$132,562.50 and an existing appropriation of City match of \$44,187.50 (Project No. 191601) from Waterway Assessment District Fund 12;
2. To recognize FEMA Hazard Mitigation Grant Program funding for the Central Trunk Sanitary Sewer Reconstruction Project (FEMA Project #DR-4707-431-097R) in the amount of \$217,466.00 with a grant award of \$163,100.00 and an existing appropriation of City match of \$54,366.00 (Project No. 206602) from WW Collection Fund 611; and
3. To approve budget appropriations for the FEMA Hazard Mitigation Grant Program to the corresponding projects as needed for these grants.

3. SUBJECT: Notice of Completion for Flashing Pedestrian Beacon Project PW 19-71 in 14 Locations Citywide.
RECOMMENDATION: That the City Council receive an update following a Notice of Completion for the Flashing Pedestrian Beacon Project executed on May 14, 2020.
4. SUBJECT: City of Oxnard Proposed Truck Route Modifications.
RECOMMENDATION: That the City Council adopt **Resolution No. 15,388**, pursuant to Oxnard City Code Section 8-3, amending the City of Oxnard Truck Route Map and removing the following road segments from the designated truck routes in the City: Oxnard Boulevard from the US 101 Freeway to Gonzales Road, and Vineyard Avenue from the US 101 Freeway to Oxnard Boulevard. (Public Works and Transportation Committee approved 3-0)
5. SUBJECT: Letters of Support for Designation of United States Bicycle Route 95 and Clean Mobility Options Grant Application.
RECOMMENDATION: That the City Council approve and authorize the City Manager to:
 1. Submit a letter of support for bicycling and non-motorized use by designating United States Bicycle Route 95; and
 2. Submit a letter of support for Bike Ventura's Application from California Climate Investments, Clean Mobility Options, for a Community Transportation Needs Assessment, in the City of Oxnard.(Public Works and Transportation Committee approved 3-0)
6. SUBJECT: Agreement for Citywide Street Sweeping Service.
RECOMMENDATION: That the City Council approve and authorize the Mayor to execute Agreement A-8230 with Venco Power Sweeping, Inc. in the amount not to exceed \$1,800,000 for a three-year term ending September 30, 2023 for street sweeping services for citywide streets, alleyways, parking lots and City facilities. (Public Works and Transportation Committee approved 3-0)
7. SUBJECT: Amendment to Agreement for Geotechnical Investigation and Seismic Analysis of Seawalls.
RECOMMENDATION: That the City Council approve and authorize the Mayor to execute a Second Amendment to Agreement 8554-19-PW with TetraTech, Inc. for geotechnical investigation and seismic analysis of seawalls in the amount of \$121,319 for a new not to exceed contract amount of \$296,801 and to extend the term from March 14, 2021 to March 14, 2022. (Public Works and Transportation Committee approved 3-0)
8. SUBJECT: Caltrans Landscape Maintenance Agreement and Wagon Wheel Reimbursement Agreement.
RECOMMENDATION: That the City Council authorize the City Manager to execute:
 1. Agreement Number A-8238 between the State of California Department of Transportation (Caltrans) and the City of Oxnard (City) for landscape maintenance within the right-of-way of State Highway 101 within the City; and
 2. Agreement Number A-8239 between Wagon Wheel Master Property Owners Association (Master Association) and the Wagon Wheel Community Facilities District (CFD) No. 2018-01, an agency formed by the City for Landscape Maintenance funding.(Public Works and Transportation Committee approved 3-0)

It was moved by Councilman MacDonald, seconded by Councilmember Perello, 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. PUBLIC HEARINGS

Housing Department

1. SUBJECT: First Amendment of the 2020 Annual Action Plan CARES Act for Coronavirus Response Grants and Adoption of an addendum to the Citizen Participation Plan.
RECOMMENDATION: That the City Council:
 1. Conduct a public hearing to receive comments from the public relating to the following documents to be submitted to the United States Department of Housing and Urban Development, Office of Community Planning and Development;
 - a. 2020 Annual Action Plan CARES Act Amendment;
 - b. Addendum to the Citizen Participation Plan;
 2. Approve the 2020 Annual Action Plan CARES Act Amendment, inclusive of proposed activities that conform with Community Development Block Grant and Emergency Solutions Grant requirements, as well as CARES Act requirements described below;
 3. Authorize the City Manager to incorporate any recommended changes resulting from public input to the Annual Action Plan CARES Act Amendment and Addendum to the Citizen Participation Plan as directed by the City Council;
 4. Authorize the City Manager to execute the required applications, certifications, and other pertinent documents for the submission of the Annual Action Plan CARES Act Amendment to the United States Department of Housing and Urban Development; and
 5. Authorize the City Manager to execute HUD agreements and sign all agreements for the implementation of the Annual Action Plan Substantial Amendment including subrecipients, interdepartmental, and intradepartmental agreements.

The City Clerk announced the affidavit of publication and stated that no written communications had been received. The Housing Director gave a report.

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 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.

Community Development Department

2. SUBJECT: Zoning Text Amendment to Create Regulations for Short Term Rentals and Acceptance of Three California Coastal Commission Modifications.
RECOMMENDATION: That the City Council:
 1. Acknowledge receipt of the California Coastal Commission's (CCC) Action Letter of Local Coastal Plan (LCP) Amendment No. LCP-4-oxn-20-0008-1 and the Planning Commission's adopted Resolution 2020-15 recommending that the City Council accept

three modifications recommended by the CCC;

2. Find the proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060 (C)(2) and (3) and 15061(b)(3) of the CEQA Guidelines; and

3. Introduce an Ordinance (by title only, waiving further reading) amending Section 17-53 of the Oxnard City Code (OCC) consistent with the CCC's modifications suggested for final certification relating to Vacation Rental Permit Cap, Separation Requirement and Ineligible Dwellings, Structures and Spaces into the City's Short Term Rental regulations for the Coastal Zone; agree to issue Coastal Development Permits for the total area included in the certified LCP, and direct the Planning & Environmental Services Manager to transmit said Ordinance to the Commission Executive Director as requested.

The City Clerk announced the affidavit of publication and stated that 13 written communications had been received. The Planning and Environmental Services Manager and Associate Planner gave a report.

Mayor Flynn opened the public testimony portion of the public hearing. Public comments were received from Gary Trenda, Walter Hagedohm, David Durboraw, Robert Murphy, Angela Slaff, Julie Pena, George White, Michael Velthoen, Karen Brooks, Ira Green, Ken Coopman, Ericka Espino, Michael Hoch, Yana Gracile, Marcie Hoch, Bob Greenfield, Ashley Gracile, Kristina Brewer, Neal Berger, Michael Gilmore, Leonel Medel, Jeremy Bennett, Rob Zeilon, Peter Fleming, Demetra Constantinou, Susanne Lamot, Steven Shoham, and Diane Delaney.

Written comments were received from Michael Velthoen, Ken Coopman, Jim Ardell, Bob Greenfield, Karen Brooks, Demetra Constantinou, Deirdre Frank, Michael and Deborah Gilmore, Susanne Lamot, Marcie Hoch, Michael Hoch, Rita and Jeff Weiss, Doris Yamanaka, Steven Shoham, and Nancy Horwitz.

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 Councilwoman Basua, 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 after 10:00 p.m., the City Council voted unanimously for the remaining agenda items to be heard.)

N. REPORTS

Community Development Department

1. SUBJECT: Preparation of the 2021-2029 Housing Element and Policy Direction.

RECOMMENDATION: That the City Council:

1. Receive a report on the preparation of the 2021-2029 Housing Element (6th Cycle Housing Element); and
2. Concur with Housing and Economic Development Committee (HEDC) direction and provide further direction on if the City Council supports utilizing up to 1,000 ADUs and Jr. ADUs during the next 2021-2029 Housing Element to achieve compliance with the 2,903 lower income RHNA.

The Planning and Sustainability Manager gave a report. Public comments were received from James Aragon. Written comments were received from Barbara Macri-Ortiz and Salvador Gonzalez. Discussion ensued among the Council and staff. The Councilmembers provided their individual direction on the four policy questions. No formal action was required.

Human Resources Department

2. SUBJECT: Amendment to City Attorney Employment Agreement.
RECOMMENDATION: That the City Council adopt **Resolution No. 15,389** approving and authorizing the Mayor to execute the Second Amendment to the employment agreement between the City and Stephen Fischer (Agreement No. A-7880) to extend the term by two years to April 8, 2023, and update references to the resolution establishing executive and unrepresented employee benefits.

The City Attorney gave a report. Public comments were received from Ray Blattel. 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.

3. SUBJECT: Amendment to City Manager Employment Agreement.
RECOMMENDATION: That the City Council adopt **Resolution No. 15,390** approving and authorizing the Mayor to execute the First Amendment to the employment agreement between the City and Alexander Nguyen (Agreement No. A-8087) to extend the term by three years to July 8, 2024, update references to the resolution establishing executive and unrepresented employee benefits, specify that annual leave shall accrue according to the schedule for Executive Employees, delete the relocation expense provision, and change the severance payment for termination without cause from six months salary to nine months salary.

The City Attorney gave a report. Public comments were received from Douglas Partello, Ray Blattel, and Tom Cady. 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, with a correction to a typo in Section 13. VOTE: Basua, Flynn, Lopez, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 7-0.

O. ADJOURNMENT

There being no further business on the agenda, and without objection, Mayor Flynn adjourned the meeting at 12:01 a.m.


MICHELLE ASCENCION, CMC
City Clerk

 10/21/20
TIM FLYNN
Mayor