MINUTES
OXNARD CITY COUNCIL
Regular Meeting
November 17, 2020

A. ROLL CALL, POSTING OF AGENDA

At 4:35 p.m., Mayor Flynn called to order the regular meeting of the Oxnard City Council (concurrently with the Oxnard Financing Authority, Oxnard Housing Authority, and Oxnard Community Development Successor Agency) 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. Housing Commissioners Jose Andrade and Francisco Vega were absent.

Staff members present were Alexander Nguyen, City Manager; Stephen M. Fischer, City Attorney; Kenneth Rozell, Chief Deputy City Attorney; Ashley Golden, Assistant City Manager; 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))
Based on existing facts and circumstances, there is significant exposure to litigation against the City in one potential case.
Legislative Body: City Council

The City Attorney 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 retail cannabis permits."

Mayor Flynn announced that items D-1, D-2, and D-3 are removed from the agenda.

At 4:38 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. APPOINTMENT ITEM

Public Works Department

1. SUBJECT: Award Contract for Hueneme Road Recycled Water Pipeline Phase II (Rebid) PW 17-42R.

(This item was removed from the agenda.)

2. SUBJECT: Award Contract for Aquifer Storage and Recovery (ASR) Completion Project PW 20-08R.

(This item was removed from the agenda.)

Finance Department

3. SUBJECT: 2020 Water Revenue Bonds. [Financing Authority]

(This item was removed from the agenda.)

E. OPENING CEREMONIES

The flag salute was followed by a moment of silence.

Additional staff members present at this time were Tatiana Arnaout, City Engineer; Kathleen Mallory, Planning and Sustainability Manager; Jeff Pengilley, Interim Community Development Director; Phillip Molina, City Treasurer; Christine Williams, Senior Manager of Internal Controls; Alexander Hamilton, Interim Fire Chief; Adam Smith, Project Manager; Emilio Ramirez, Housing Director; and Shiri Klima, Deputy City Manager.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from James Aragon (elected offices),Walter Snyder (complaint about his car being towed), Ray Blattel (truck routes), and Larry Barbarine (upcoming departures and incoming elected officers, construction equipment safety/oversight, opportunity zones). Written comments were received from Ray Blattel (truck routes) and Walter Snyder (evictions moratorium).

G. 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 gave a progress report on the City's COVID-19 response. No formal action was required.

H. CITY COUNCIL REPORTS

Councilmember Lopez commented on COVID-19 testing, thanked city staff for their hard work, and shared Thanksgiving wishes.

Councilmember Perello shared Thanksgiving wishes, commented on COVID-19 safety, inquired about construction equipment safety and oversight, and expressed condolences to the family of Terrel Harrison Sr.

Mayor Pro Tem Ramirez expressed condolences to the family of Terrel Harrison Sr., congratulated Chief Whitney on his retirement and Assistant Chief Benites on his promotion to Chief of Police, and commented on Measure E, the COVID-19 surge, supporting local businesses, the importance of wearing masks and testing, and safety during the upcoming Thanksgiving holiday.

Councilwoman Basua thanked city staff for recent infrastructure repairs, congratulated the outgoing and incoming Police Chiefs, expressed condolences to the family of Terrel Harrison Sr., and shared Thanksgiving wishes.

Councilmember Madrigal expressed condolences to the family of Terrel Harrison Sr., congratulated the outgoing and incoming Police Chiefs, and commented on celebrating Thanksgiving safely.

Mayor Flynn expressed gratitude during the Thanksgiving season, congratulated newly elected officials and the outgoing and incoming Police Chiefs, expressed hope for resuming Veterans Day celebrations next year, and shared Thanksgiving wishes.

I. REVIEW OF INFORMATION/CONSENT AGENDA

Items K-3 and K-10 were discussed among the Council and staff.

J. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Public comments were received from Dona Lacayo, James Aragon, Dan Peragallo, Pat Brown, Walter Hagedohm, Michael Hoch, Rob Zeilon, Alfred English, Angela Slaff, Robert Murphy, Diane Delaney, and Marcie Hoch. Written comments were received from Alfred English, Peter and Catherine Fleming, Deirdre Frank, Karen and Dave Brooks, Neal Berger, Robert Zeilon, Robert Murphy, and Ted Kuepper.

K. INFORMATION/CONSENT AGENDA

City Clerk Department

1. SUBJECT: Approval of Minutes.
   RECOMMENDATION: That the City Council approve the minutes of the October 20, 2020 regular meeting as presented.

City Manager Department

2. SUBJECT: Third Amendment to Exclusive Negotiation Agreements between the City of Oxnard and Clear Channel Outdoor, LLC and between the City of Oxnard and Outfront Foster Interstate, LLC, both regarding potential digital billboard sites on City-owned property and rights-of-way along U.S. Highway 101.
   RECOMMENDATION: That the City Council authorize the Mayor to execute a Third Amendment to Exclusive Negotiation Agreement:
   1. Between the City of Oxnard and Clear Channel Outdoor, LLC regarding potential digital billboard sites on City-owned property and rights-of-way on the north side of U.S. Highway 101 between Rose Avenue and Del Norte Boulevard and the south side of U.S. Highway 101 between Vineyard Avenue and Rice Avenue; and

2. Between the City of Oxnard and Outfront Foster Interstate, LLC regarding potential digital billboard sites adjacent to RiverPark Boulevard near Vineyard Avenue (APN 132-003-301) and City-owned property and right-of-way on the north side of U.S. Highway 101 between Vineyard Avenue and Rose Avenue.
(Housing and Economic Development Committee to hear this item on November 10, 2020)

Community Development Department

3. SUBJECT: Second Reading and Adoption of Ordinance No. 2986 - Amending Section 17-53 of the Oxnard City Code (OCC) consistent with the California Coastal Commission's (CCC) 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 Local Coastal Plan (LCP), and direct the Planning & Environmental Services Manager to transmit said Ordinance to the CCC Executive Director as requested.
RECOMMENDATION: That the City Council:
1. Receive the California Coastal Commission's (CCC) Action Letter of Local Coastal Plan (LCP) Amendment No. LCP-4-OXN-20-0008-1 (See Attachment 1) and the Planning Commission's adopted Resolution 2020-15 (See Attachment 2) 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;
3. Adopt **Resolution No. 15,392** (See Attachment 3) (1) acknowledging receipt of the CCC's Resolution of certification, including any terms or modifications suggested for final certification; (2) accepts and agrees to any such terms and modifications and takes whatever formal action is required to satisfy the terms and modifications; and (3) agrees to issue Coastal Development Permits for the total area included in the certified Local Coastal Program, and adopts the LCP Amendment with the suggested modifications;
4. Approve for second reading (by title only and waive further reading) and adoption of **Ordinance No. 2986** (See Attachments 4) in regards to amending Section 17-53 of the 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
5. Direct the Planning & Environmental Services Manager to transmit said Resolution and Ordinance to the CCC Executive Director as requested.

City Manager Department

4. SUBJECT: First Amendment to Tyler Technologies Software as a Service "SaaS" Agreement (A-8767) to Remove the Bid Management Module from the Scope of Services; Delegation of Authority for Future Tyler Technologies Deductive Amendments.
RECOMMENDATION: That the City Council:
1. Approve and authorize the City Manager to execute a First Amendment with Tyler Technologies Software as a Service "SaaS" Agreement resulting in a contract savings of $34,280; and

2. Authorize the City Manager to approve and execute all future deductive amendments to this SaaS Agreement.

Human Resources Department

5. SUBJECT: A Resolution of the City Council of the City of Oxnard Amending Resolution No. 15,357, Authorizing Full-Time Equivalent Positions Pursuant to Chapter 4 of the City's Personnel Rules and Regulations for Enterprise Resource Planning (ERP) System Positions Previously Approved and Budgeted in the Fiscal Year 2020/2021 Budget by the City Council.
RECOMMENDATION: That the City Council approve **Resolution No. 15,393** amending Resolution No. 15,357 of the City of Oxnard (commonly referred to as "The Position Control Resolution," which authorizes all full-time equivalent positions for the 2020/2021 fiscal year), for the Enterprise Resource Planning System (ERP) implementation project.

Police Department

6. SUBJECT: High Tech Task Force Agreement.
RECOMMENDATION: That the City Council approve and authorize the City of Oxnard Purchasing Manager to execute a two-year agreement (Agreement 8992-20-PO) with the Ventura County Sheriff's Office (VCSO) for High Tech Task Force services, in an amount not to exceed $100,000 annually. (Public Safety Committee approved 3-0)

Public Works Department

7. SUBJECT: Purchase Orders to McLaughlin Waste Equipment, Inc. and Confab Manufacturing Company, LLC. for Purchase of Metal Refuse Containers.
RECOMMENDATION: That the City Council authorize the Mayor to execute:
1. Purchase Order 7878 with McLaughlin Waste Equipment, Inc. for an amount not to exceed $1,095,000 for a three (3) year term for purchase of metal refuse containers; and
2. Purchase Order 7879 with Confab Manufacturing Company, LLC. for an amount not to exceed $105,000 for a three (3) year term for purchase of metal refuse containers.
(Public Works and Transportation Committee approved 3-0)

8. SUBJECT: Purchase Order to Exeloo Corporation for Prefabricated Automatic Public Toilet Restroom Facilities.
RECOMMENDATION: That the City Council approve and authorize the Mayor to execute Purchase Order No. 7877 and single source authorization with Exeloo Corporation for $569,604 for the purchase of three (3) prefabricated Automatic Public Toilet restroom facilities for Del Sol Park, Seaview Park, and Pleasant Valley Park.

9. SUBJECT: Purchase Order to Eagle Aerial Photography, Inc. for Water Conservation Software.
RECOMMENDATION: That the City Council approve and authorize the City Manager to execute Purchase Order 7869 and sole source authorization with Eagle Aerial Photography, Inc. for a three-year term in the amount of $126,675 for a subscription to WaterView, water conservation software. (Public Works and Transportation Committee approved 3-0)

10. SUBJECT: Harbour Island Homeowners Association Donation to Waterways Zone 2 Harbour Island Assessment District.
RECOMMENDATION: That the City Council approve and authorize the Mayor and City Manager to:
1. Authorize Agreement A-8242 for the donation of $4,853.37 from the Harbour Island Homeowners Association towards the costs of water quality testing and analysis associated with the Channel Islands Water Quality; and
2. Approve a budget appropriation to recognize the donation and use of funds in the Waterways Zone 2 Harbour Island Fund (177).

11. SUBJECT: Grant Applications for FEMA's Building Resilient Infrastructure and Communities (BRIC) Program.
RECOMMENDATION: That the City Council adopt **Resolution No. 15,394**:
1. Authorizing the City Manager to submit applications for $29,905,000 in grant funds to the California Governor's Office of Emergency Services (Cal OES) to be used for the Mandalay Bay Seawalls Structural Retrofit Project, the Arterial Street Cast Iron Pipe and Asbestos Pipe Replacement Project, the 45-inch Diameter Water Transmission Main Replacement Project, and the Data Center for Disaster Recovery Project (each grant will cover 75% of the total project cost and have a match requirement of 25% of total project cost); and
2. Authorizing the City Manager or the Public Works Director to execute grant agreements and provide the assurances and agreements required by Cal OES pertaining to open and future disaster assistance grants for a period of three years.

12. SUBJECT: Channel Islands Beach Community Services District Third Amendment for Wastewater Transportation and Treatment Services.
RECOMMENDATION: That the City Council approve and authorize the Mayor to execute a Third Amendment to Agreement A-7864 with Channel Islands Beach Community Services District to extend the term from December 31, 2020 to December 31, 2022 for wastewater transportation and treatment services. (Public Works and Transportation Committee approved 3-0)

13. SUBJECT: Amendment of Designated Heavy Container (Oversized Vehicles) Corridors.
RECOMMENDATION: That the City Council adopt **Resolution No. 15,395**, pursuant to Oxnard City Code Section 19-242, amending the list of Routes that may be used for transportation of Heavy Containers by adding the following road segments:
1. Fifth Street from Rose Avenue to Rice Avenue;
2. Rose Avenue from Third Street to Fifth Street;
3. Third Street from Juanita Avenue to Rose Avenue.
(Public Works and Transportation Committee approved 3-0)

14. SUBJECT: Third Amendment with Aquatic Bioassay & Consulting Laboratories, Inc. for Ocean Monitoring and Testing Services.
RECOMMENDATION: That the City Council approve and authorize the Mayor to execute a Third Amendment to Agreement A-8093 with Aquatic Bioassay & Consulting Laboratories, Inc. in the amount of $963,093 for a new not to exceed contract amount of $2,123,026 and to extend the term from June 30, 2021, to November 30, 2023, for ocean monitoring and testing services. (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.

L. PUBLIC HEARINGS

Public Works Department

1. SUBJECT: Amendments to Chapter 18 (Floodplain Management) of the Oxnard City Code. RECOMMENDATION: That the City Council approve the first reading (by title only) of an ordinance amending various sections of Chapter 18 (Floodplain Management) of the Oxnard City Code to comply with the current California Model Floodplain Management Ordinance. (Public Works and Transportation Committee approved 3-0)

The City Clerk announced the affidavit of publication and stated that one written communication had been received. The City Engineer gave a report.

Mayor Flynn opened the public testimony portion of the public hearing. Public comments were received from Walter Hagedohm. Written comments were received from Walter Hagedohm.

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 Councilman MacDonald, 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.

Community Development Department

2. SUBJECT: The Village Specific Plan (AKA "Wagon Wheel Specific Plan") Amendment, Tentative Tract Map Revision, Development Agreement Amendment, and certification of Addendum to Final Environmental Impact Report (FEIR) No. 06-03 and Supplemental Environmental Impact Report (SEIR) 14-01. Located in The Village Specific Plan area generally bounded by the Ventura Freeway (Highway 101) to the north, Oxnard Boulevard to the east, the Union Pacific Railroad (UPRR) and El Rio Drain to the south, and North Ventura Road and the Santa Clara River to the west.
RECOMMENDATION: That the City Council:
1. Conduct a public hearing;
2. Introduce an Ordinance (by title only, waiving further reading) approving Planning and Zoning Permit No. 19-630-01 (Specific Plan Amendment No. 2 to The Village Specific Plan) for map and text amendments to The Village Specific Plan ("Specific Plan"), subject to certain findings;
3. Adopt **Resolution No. 15,396** approving Planning and Zoning Permit No. 19-300-01 (Revision to Tentative Subdivision Map for Tract No. 5745), subject to certain findings and conditions;
4. Introduce an Ordinance (by title only, waiving further reading) approving Planning and Zoning Permit No. 20-670-02 (Second Amendment to Development Agreement No. A-

7122) between the City of Oxnard and Oakwood Communities, Inc. or Successor, subject to certain findings; and
5. Certify an Addendum to FEIR No. 06-03 and SEIR No. 14-01.

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

The Planning and Sustainability Manager gave a report. Applicant Corey Harpole of Oakwood Communities gave a presentation.

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 Councilman MacDonald, 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

City Treasurer

1. SUBJECT: Quarterly Investment Report for the period ending September 30, 2020.
RECOMMENDATION: That the City Council receive and file the quarterly investment report.

The City Treasurer gave a report. Public comments were received from James Aragon. Discussion ensued among the Council and Mr. Molina. No formal action was required.

Finance Department

2. SUBJECT: Presentation on the Corrective Action Plan.
RECOMMENDATION: That the City Council receives an update on the Corrective Action Plan (CAP).

The Senior Manager of Internal Controls gave a report. Discussion ensued among the Council and staff. No formal action was required.

Fire Department

3. SUBJECT: Ambulance Consulting Agreement.
RECOMMENDATION: That City Council approve and authorize the City Manager to execute a First Amendment with AP Triton Consulting, LLC (Agreement No. 9027-20-FI) to increase the amount by $95,000 for a total contract amount not to exceed $157,000, to conduct an ambulance feasibility study and provide consultation for ambulance services and billing, and to extend the term to January 31, 2022. (Public Safety Committee approved 3-0)

The Interim Fire Chief gave a report. Public comments were received from Ray Blattel. Written comments were received from Ray Blattel. Discussion ensued among the Council and staff.

It was moved by Councilmember Perello, 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.

Community Development Department

4. SUBJECT: Exclusive Negotiating Agreements for Downtown Successor Agency Owned Parcels.
   RECOMMENDATION: That the Oxnard Community Development Commission Successor Agency:
   1. Authorize the Executive Director or designee to execute Agreement No. A-8246 with Many Mansions for the parcel located at 538 S. Meta Street; and
   2. Authorize the Executive Director or designee to execute Agreement No. A-8247 with the City Housing Authority for the parcel located at 544 Meta Street and parcel APNs 201-0-272-030, 201-0-272-020, and 201-0-213-130.
   That the Housing Authority Board of Commissioners authorize the Housing Director to execute Agreement No. A-8247 with the Successor Agency for the parcel located at 544 Meta Street and parcel APNs 201-0-272-030, 201-0-272-020, and 201-0-213-130.
   (Housing and Economic Development Committee heard this item on November 10, 2020)

The Project Manager gave a report. Public comments were received from Pat Brown. Discussion ensued among the Council and staff.

It was moved by Councilman MacDonald, 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.

(As it was after 10:00 p.m., the City Council voted unanimously for the following item to be heard.)

City Manager Department

5. SUBJECT: Contract for On-Call Internal Auditing Services.
   RECOMMENDATION: That the City Council award and authorize the Mayor to execute a $25,000 contract for on-call internal auditing services with Vasquez & Company LLP.

The Deputy City Manager gave a report. 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.

N. ADJOURNMENT

There being no further business on the agenda, and without objection, Mayor Flynn adjourned the meeting at 10:21 p.m.

MICHELLE ASCENCION, CMC
City Clerk

TIM FLYNN
Mayor