

MINUTES
OXNARD CITY COUNCIL
Regular Meeting
December 1, 2020

A. ROLL CALL, POSTING OF AGENDA

At 5:07 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; Ashley Golden, Assistant City Manager; Scott Whitney, Police Chief; and Michelle Ascencion, City Clerk.

B. APPOINTMENT ITEM

City Manager Department

1. SUBJECT: Presentation of **Resolution No. 15,397** Commending Chief of Police Scott Whitney for over Thirty Years of Exemplary Service to the City of Oxnard.

Comments were received from Ventura County Sheriff William Ayub, Ventura County District Attorney Greg Totten, and California State Assemblywoman Jacqui Irwin. The City Manager gave a report. Public comments were received from Walter Snyder, Lucy Cartagena, Rev. Greg Runyon, Pastor Fernie Franco, and Peggy Rivera. Written comments were received from Rev. Freda Wiggins and Grace Tuazon. The Police Chief made some remarks. Discussion ensued among the Council and staff.

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

C. OPENING CEREMONIES

The flag salute was followed by a moment of silence.

Additional staff members present at this time were Jason Benites, Assistant Police Chief; Kevin Riper, Chief Financial Officer; Kathleen Mallory, Planning and Sustainability Manager; Kenneth Rozell, Chief Assistant City Attorney; and Alexander Hamilton, Interim Fire Chief.

D. CEREMONIAL CALENDAR

1. SUBJECT: Special Guest From the North Pole.

Mayor Flynn welcomed Santa Claus, who expressed holiday wishes to the community and announced the upcoming Santa Float tour through the city.

2. SUBJECT: Presentation of a Proclamation Designating December 1, 2020 as "World AIDS Day."

Mayor Flynn read the proclamation and made some remarks.

E. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from Walter J. Snyder (COVID-19 prevention) and Lucy Cartagena (recent election and filling upcoming vacancy for Council District 2).

F. 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. Public comments were received from Walter J. Snyder. No formal action was required.

City Clerk Department

2. SUBJECT: Preview of New Public Records Request Software.
RECOMMENDATION: That the City Council receive an informational presentation on the new Public Records Request portal.

The City Clerk gave a presentation. Discussion ensued among the Council and staff. No formal action was required.

City Manager Department

3. 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 July 1, 2020 through November 19, 2020.

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

G. CITY COUNCIL REPORTS

Councilmember Madrigal commented on preventing the spread of COVID-19 and the final results of the November election.

Councilwoman Basua commented on COVID-19 prevention and expressed condolences to the family of Port Hueneme Councilmember Jonathan Sharkey, who recently passed away.

Mayor Pro Tem Ramirez expressed condolences to the family of Jonathan Sharkey, and commented on COVID-19 prevention and the November election.

Councilman MacDonald commented on his upcoming Gold Coast Transit and Ventura County Transportation Commission meetings.

Councilmember Perello commented COVID-19 prevention, the November election, the recent Windsor North Neighborhood Council meeting, expressed condolences to the family of Jonathan Sharkey, and commended volunteers for recent cleanups of street medians. He later commented on the recent passage of Measure E.

Councilmember Lopez commented on COVID-19 prevention, and commended volunteers and organizations for helping the community over the Thanksgiving holiday.

Mayor Flynn expressed hope for a positive future, and commented on the November election and COVID-19 prevention.

H. REVIEW OF INFORMATION/CONSENT AGENDA

Item J-3 was discussed among the Council and staff.

I. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Public comments were received from Ray Blattel.

J. INFORMATION/CONSENT AGENDA

City Clerk Department

1. SUBJECT: Approval of Minutes.

RECOMMENDATION: That the City Council approve the minutes of the November 17, 2020 regular meeting as presented.

Community Development Department

2. SUBJECT: Second Reading and Adoption of **Ordinance No. 2987 and No. 2988** - The Village Specific Plan (AKA "Wagon Wheel Specific Plan") Amendment, 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. Approve for second reading (by title only and waive further reading) and adoption of Ordinance No. 2987 in regards to 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; and
2. Approve for second reading (by title only and waive further reading) and adoption of Ordinance No. 2988 in regards to 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.

Finance Department

3. SUBJECT: Accounts Receivable Clean-Up.
RECOMMENDATION: That the City Council approve writing off accounts receivable for three individual customer accounts totaling \$138,736 with aging between 11 and 14 years. (Finance and Governance Committee approved 3-0)

Fire Department

4. SUBJECT: Ventura County COVID-19 Cities Assistance Program.
RECOMMENDATION: That City Council adopt **Resolution No. 15,398** ratifying the Subaward Agreement for the Ventura County COVID-19 Cities Assistance Program (A-8264) between Ventura County and the City of Oxnard for Coronavirus Relief Funds (CRF) in an amount not to exceed \$1,379,570, and authorizing and approving the execution and submittal by the City Manager or designee of any additional agreements, forms and documentation that may be required regarding the City's allocation of such funds. (Finance & Governance Committee approved 3-0)

Public Works Department

5. SUBJECT: Adoption of **Ordinance No. 2989** Amending Chapter 18 (Floodplain Management) of the Oxnard City Code.
RECOMMENDATION: That the City Council waive further reading and adopt Ordinance No. 2989 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)

It was moved by Councilmember 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.

K. PUBLIC HEARINGS

Community Development Department

1. SUBJECT: Amendment to Chapter 11, Article XVII of the Oxnard City Code (OCC) Pertaining to Commercial Cannabis Regulations, Repeal of Chapter 11, Article XV of the OCC Pertaining to Medical Cannabis Delivery, and Repeal of Chapter 7, Article XVI of the OCC Pertaining to Cannabis and Medical Cannabis Activities.
RECOMMENDATION: That the City Council:
1. Introduce an Ordinance (by title only, waiving further reading) that:
A. Repeals and readopts Chapter 11, Article XVII of the Oxnard City Code (Oxnard City Code Sections 11-450 to 11-496) regarding Commercial Cannabis Regulations;
B. Repeals Chapter 11, Article XV of the Oxnard City Code (Oxnard City Code Section 11-390 to 11-403) regarding medical cannabis delivery; and

- C. Repeals Chapter 7, Article XVI of the Oxnard City Code (Oxnard City Code Sections 7-280 to 7-285) regarding cannabis and medical cannabis activities; and
2. Authorize the waiver of permit fees (Phases 1 to 3) for the City's new retail cannabis and local equity retail cannabis program for those entities that participated in the City's prior retail cannabis and local equity retail cannabis program.

The City Clerk announced the affidavit of publication and stated that five written communications had been received. The Planning and Sustainability Manager gave a report.

Mayor Flynn opened the public testimony portion of the public hearing. Public comments were received from Lesa Slaughter, Violeta Aguilar-Wyrick, Gene S. Fein, Nancy Lindholm, Jim Gilmer, Tigran Khachatryan, Margarita Tsalyuk, Kirill Merkulov, Kevin Krivitsky, Ronney Jenkins, Mike Saghian, Courtney Caron, Trevor Zierhut, Yvonne DeLa Rosa Geen, Zach McKinnon, Vanessa Hernandez, Jessica Reuven, and Michael Chernis. Written comments were received from James Aragon, Michael Chernis, Vanessa Hernandez, David Osborne, Yvonne DeLaRosa-Green, Lauren Fontein, Amanda Kilroe, and Jesus Torres.

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 Council Member Lopez, seconded by Councilmember Perello, to approve the recommended action as presented, including the suggested revision to Section 11-457(D) as presented during the report from staff. VOTE: Basua, Flynn, Lopez, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 7-0.

L. REPORTS

Fire Department

1. SUBJECT: Ambulance Services Feasibility Study.

RECOMMENDATION: That the City Council receive a report on the findings of the Ambulance Valuation and Feasibility study conducted by AP Triton, LLC; and adopt **Resolution No. 15,399** directing the City Manager to:

1. Assert the City's statutory right to provide emergency ambulance and medical services pursuant to California Health and Safety Code Section 1797.201; and
2. Provide the City's notice of intention to withdraw from the Joint Powers Agreement regarding countywide ambulance services to all pertinent parties.

(Public Safety Committee approved 3-0)

The Interim Fire Chief gave a report. Public comments were received from Ray Blattel, Tony Norton, Pat Brown, Daniel Shepherd, Nancy Lindholm, Jeremy Shumaker, Steve Carroll, and Trevor Zierhut. Written comments were received from Tom Holstein, Pamela Johnston, Steve Carroll, and Daniel Shepherd. Discussion ensued among the Council and staff.

It was moved by Mayor Flynn, seconded by Mayor Pro Tem Ramirez, to approve the recommended action as presented, with direction to the City Manager to meet with the County to discuss the city's the current ambulance service. VOTE: Basua, Flynn, Lopez, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 7-0.

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

N. CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION (Government Code Section 54956.9(d)(1))
Name of case: Ray v. Heritage Square Property Owners Association; et al.
Ventura County Superior Court Case No. 56-2019-00535251-CU-PO-VTA
Legislative Body: City Council

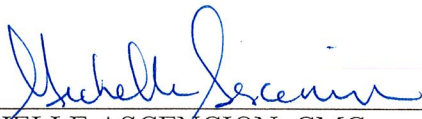
Mayor Flynn read the following closed session statement:

“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 Ray v. Heritage Square Property Owners Association; et al.”

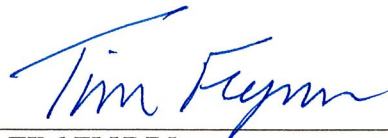
At 10:14 p.m., the City Council recessed to a closed session. At 10:33 p.m. the City Council reconvened in open session in the Council Chambers. The City Attorney announced that there were no reportable actions out of closed session.

O. ADJOURNMENT

There being no further business on the agenda, and without objection, Mayor Flynn adjourned the meeting at 10:33 p.m.



MICHELLE ASCENCION, CMC
City Clerk



TIM FLYNN
Mayor