MINUTES
OXNARD CITY COUNCIL
Regular Meeting
November 14, 2017

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, 305 W. Third Street, Oxnard, California. The City Clerk called the roll and announced the posting of the agenda. Councilmembers Bryan A. MacDonald, Oscar Madrigal, Bert Perello; and Mayor Tim Flynn were present. Mayor Pro Tem Carmen Ramirez was absent (arrived at 4:36 p.m.).

Staff members present were Greg Nyhoff, City Manager; Stephen Fischer, City Attorney; Jesús Nava, Assistant City Manager; Ruth Osuna, Assistant City Manager; and Michelle Ascencion, City Clerk.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS (None)

C. CLOSED SESSION

The Mayor 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 and case number of the litigation being discussed is State of California, Regents of the University of California; et al. v. Cellco Partnership dba Verizon Wireless; et al.; Sacramento County Superior Court Case No. 34-2012-00127517.

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.

The Successor Agency will recess to a closed session, pursuant to Government Code section 54956.8, to give instructions to its negotiators, Ruth Osuna, Assistant Executive Director, and Kymberly Horner, Economic Development Director, concerning negotiations with Michelle and Greg Kenney regarding the potential sale of real property located at 740 South B Street."

At 4:35 p.m., the City Council recessed to a closed session. At 5:41 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, Development Services Director; Kymberly Horner, Economic Development Director; Ralph Alamillo, Public Works Project Manager; Justin Link, Transportation Services Manager; Kathleen Mallory, Planning Division Manager; Karen Moore, Assistant City Clerk; and Kenneth Rozell, Assistant City Attorney.

E. APPOINTMENT ITEMS

Public Works Department

1. SUBJECT: Housing-Related Parks Program Grant Agreement.
RECOMMENDATION: That City Council:
1. Approve and authorize the City Manager to execute an Agreement with the California Department of Housing and Community Development (HCD) for grant fund distribution of $1,333,574 awarded to the City for the Housing-Related Parks (HRP) Program (Agreement A-8019).
2. Approve the recommended list of park facility improvement projects for eligible parks.
3. Authorize the City Manager or designee to recognize State grant revenue and appropriate funds in the total amount of $1,333,574 to the park facility improvement projects approved by City Council in Recommendation #2.
4. Authorize the City Manager or designee to appropriate funds in the total amount of a $671,973 in Measure O funding for park facility improvement projects in Recommendation #2.

Due to a real property conflict of interest, as his residence is in close proximity to one of the parks on the grant list, Councilman MacDonald recused himself from the discussion and left the dais. The City Manager announced that Councilmember Madrigal, due to a real property conflict of interest, would recuse himself from considering funding regarding Del Sol Park, due to his residence's close proximity.

Assistant City Manager Osuna and the Public Works Project Manager gave a report.

Public comments were received from Phaedra Miller, Roger Poirier, Gabriel Teran, Dan Pinedo, Pat Brown, and Al Velasquez.

Discussion ensued among the Council and staff.

Councilmember Madrigal left the dais at this time.

It was moved by Councilmember Perello, seconded by Mayor Pro Tem Ramirez, to approve the proposed funding for Del Sol Park as presented. VOTE: Flynn, Perello, and Ramirez voted in favor; the motion carried 3-0 (MacDonald and Madrigal were absent [recused]).

Councilmember Madrigal returned to the dais at this time.

It was moved by Councilmember Perello to approve the remaining proposed funding, with the amendment that the lights at Colonia Park be given highest priority, and directing the City Manager to hold a joint meeting between the City Council, Parks and Recreation Commission, and the ad hoc committees as soon as possible. The motion died for lack of a second.

It was moved by Mayor Flynn, seconded by Mayor Pro Tem Ramirez, to approve the remaining proposed funding as presented. VOTE: Flynn, Madrigal, Perello, and Ramirez voted in favor; the motion carried 4-0 (MacDonald absent [recused]).

Councilman MacDonald returned to the dais at this time.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from Nancy Pederson (removal of invasive plant species at Ormond Beach), Daniel Chavez Jr. (city employee salaries), Peggy Larios (Halaco homeless encampment), Albert Rivera (Halaco homeless encampment), Woodrow Thomas Sr. (personal injury complaint), Jackie Tedeschi (Veterans Day, recent road repairs), Alicia Percell (potential recall), Al Velasquez (Halaco homeless encampment), Raul Arce (helping the homeless), Margaret Cortese (Cultural Arts Commission, potential recall), Greg Runyon (council districts, community cooperation), Lucy Cartagena (downtown restrooms, homelessness), Harold Ceja (La Colonia infrastructure improvements), and Aaron Starr (potential recall).

G. REPORT OF CITY MANAGER

The City Manager commented on staff's follow-up process for community concerns presented at Council meetings. Assistant City Manager Osuna gave a brief report on a grant the city recently received for the La Colonia Green Alleys Program.

H. CITY COUNCIL REPORTS

Councilmember Madrigal reported on attending the recent La Colonia Neighborhood Council meeting and local Veterans Day events.

Mayor Pro Tem Ramirez commented on the Vietnam War exhibit at Plaza Park. She reported on attending the recent memorial service for John R. Hatcher, the La Paloma Restaurant celebration, and meeting with a Southern California Edison vice president regarding clean renewable energy. Councilman MacDonald "dittoed" Mayor Pro Tem Ramirez's comments, as he had attended the same events.

Councilmember Perello commented on a recent Homelessness ad hoc committee meeting and the recent Hepatitis A outbreak in San Diego. He reported on attending the John R. Hatcher memorial. He commended the Performing Arts Center on several recent sold-out events. He announced an upcoming racing event at the Ventura County Fairgrounds. He announced that he will fight the recall, if it should happen.

Mayor Flynn reported on attending the Veterans Day event and acknowledged the city staff who organized the event. He commented on the upcoming Thanksgiving holiday, homelessness and public health, and the possibility of declaring a homeless emergency.

I. REVIEW OF INFORMATION/CONSENT AGENDA

Mayor Flynn announced that Item K-5 has been removed from the agenda.

Item K-4 was discussed among the Council and staff.

J. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Public comments were received from Al Velasquez.

K. INFORMATION/CONSENT AGENDA

City Attorney Department

1. SUBJECT: Adoption of **Ordinance No. 2929** Documenting Cannabis Restrictions in the City Zoning Code.
RECOMMENDATION: That City Council approves Ordinance No. 2929 amending Chapter 16 of the Oxnard City Code to prohibit cannabis and cannabis related uses unless specifically provided in individual zones, and to specifically prohibit such uses in the following zones: Commercial Office (C-O), Neighborhood Shopping (C-1), General Commercial (C-2), Central Business District (Cbd), Commercial and Light Manufacturing (Cm), Business and Research Park (Brp), Limited Manufacturing (M-L), and Light Manufacturing (M-1) Zones.

City Clerk Department

2. SUBJECT: Minutes of the September 12, 2017, September 19, 2017, and September 26, 2017, Regular Meetings.
RECOMMENDATION: That the City Council approve the Minutes as presented.

City Manager Department

3. SUBJECT: Agreements for City Council Review.
RECOMMENDATION: That City Council, pursuant to Ordinance No. 2835, and Resolution No. 13,932, approve and authorize the City Manager to execute the following agreements/contracts and change orders/amendments in amounts more than $25,000 but no more than $250,000:
A. LDP Associates (A-8020) for data room battery and cooling tower maintenance ($38,175).
B. Encompass Consultant Group, Inc. (A-8013) for on-call civil engineering services ($250,000).
C. KEH & Associates, Inc. (A-8014) for on-call civil engineering services ($250,000).
D. MV Engineering, LLC. (A-8005) for on-call civil engineering services ($250,000).
E. Motorola Solutions, Inc. (Purchase Order No. 6482) for purchase of handheld radios and accessories ($79,106).
F. AppleOne Employment Services (7379-16-HR) for temporary staffing to several City departments ($100,000).
G. Nesco, LLC. for the purchase of two (2) one ton cab and chassis mounted with three yard container handling body ($150,794).

Economic Development Department

4. SUBJECT: Disposition of Property, 852 South "A" Street.
RECOMMENDATION: That City Council:
1. Adopt **Resolution No. 15,064** entitled "Resolution of the City of Oxnard, as the

Entity Assuming the Housing Functions of the Former Oxnard Community Development Commission Pursuant to California Health and Safety Code Section 34176 and Resolution No. 14,136, Approving the Standard Offer, Agreement and Escrow Instructions for Purchase of Real Estate (Vacant Land), by and between the City, as Seller, and George & Manal Jobeh, or Nominee, as Buyer, With Regard to Vacant Land Located at 852 South A Street;"
2. Authorize the City Manager (or designee) to execute the agreement with such non-substantive changes as may be acceptable to the City Attorney and Redevelopment Special Counsel; and
3. Authorize the City Manager (or designee) to prepare, revise and execute all associated documents necessary to carry out and implement the agreement, and to administer the City's obligations, responsibilities and duties thereunder.

5. SUBJECT: Disposition of Successor Agency Owned Property Located at 720 South B Street.

(This item was removed from the agenda.)

It was moved by Councilman MacDonald, seconded by Mayor Pro Tem Ramirez, to approve the Information/Consent items as presented. VOTE: Flynn, MacDonald, Madrigal, and Ramirez voted in favor; Perello voted against item K-4, stating he felt the process was wrong, doesn't help the taxpayers, and plants seeds of doubt in the public's mind. The motion carried 4-1 on item K-4, and 5-0 on the remaining items.

At this time, the City Manager and Mayor discussed which items should be removed from the agenda due to time. It was decided that Report items M-1 and M-4 would be postponed.

L. PUBLIC HEARINGS

Development Services Department

1. SUBJECT: Planning and Zoning Permit Nos. 16-400-04 (Coastal Development Permit); 17-590-01 (Coastal Zone Variance); and 16-300-07 (Tentative Subdivision Map No. 5984). Property Located at the Northeast Corner of Harbor Boulevard & Wooley Road (APN: 196-0-033-295). Filed by Designated Agent Patric Lynam, Planet Home Living, 1451 Quail Street Suite. 204, Newport Beach, CA 92660, on Behalf of the Property Owner.
RECOMMENDATION: That the City Council:
1. Adopt **Resolution No. 15,065** upholding the Planning Commission's approval of Planning and Zoning Permit No. 16-400-04 (Coastal Development Permit), subject to certain findings and conditions;
2. Adopt **Resolution No. 15,066** upholding the Planning Commission's approval of Planning and Zoning Permit No. 17-590-01 (Coastal Zone Variance), subject to certain findings and conditions; and
3. Adopt **Resolution No. 15,067** approving Planning and Zoning Permit No. 16-300-07 (Tentative Subdivision Map No. 5984) subject to certain findings and conditions; and in lieu of construction of affordable housing units, authorize the applicant to pay the City's affordable housing fees for the 3.96-acre subdivision project.

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

The Planning Division Manager gave a report. A brief report was given by Michael Marini, principal of Planet Home Living.

Mayor Flynn opened the public testimony portion of the public hearing. Public comments were received from Steve Nash and Jackie Tedeschi. Discussion ensued among the Council and staff.

Without objection, the Council approved closing the public testimony portion of the public hearing. Discussion ensued among the Council, staff, Mr. Marini, and architect Robert Talmadge of Jensen Design & Survey.

It was moved by Mayor Pro Tem Ramirez, seconded by Councilmember Perello, to approve the staff recommendation, amended to not allow the payment of in-lieu fees and require that the five affordable units be built on site. The motion failed 2-3 (Perello and Ramirez in favor; Flynn, MacDonald, and Madrigal opposed).

It was moved by Mayor Flynn, seconded by Councilman MacDonald, to approve staff's recommendation as presented. VOTE: Flynn, MacDonald, and Madrigal voted in favor; Perello and Ramirez voted against. The motion carried 3-2.

2. SUBJECT: Planning and Zoning Permit Nos. 16-500-06 (Special Use Permit); 16-535-01 (Density Bonus); and 16-300-06 (Tentative Subdivision Map No. 5995). Property Located at 5489 Saviers Road (APN: 222-0-011-29). Filed by Designated Agent Henry Casillas, 451 West Fifth Street, Oxnard, California, 93030, on Behalf of the Property Owner (The "Applicant").
   RECOMMENDATION: That the City Council:
   1. Adopt **Resolution No. 15,068** upholding the Planning Commission's approval of Planning and Zoning Permit No. 16-500-06 (Special Use Permit), subject to certain findings and conditions;
   2. Adopt **Resolution No. 15,069** upholding the Planning Commission's approval of Planning and Zoning Permit No. 16-535-01 (Density Bonus), subject to certain findings and conditions; and
   3. Adopt **Resolution No. 15,070** approving Planning and Zoning Permit No. 16-300-06 (Tentative Subdivision Map No. 5995), subject to certain findings and conditions.

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

The Planning Division Manager gave a report and introduced project applicant Henry Casillas. Resident Kelly Ann Christiansen gave a presentation on behalf of the opponents of the project.

Mayor Flynn opened the public testimony portion of the public hearing. Public comments were received from Fabian Leon, Daniel Juarez-Diaz, Sofia Vega, Israel Hernandez, Pat Brown, Steve Nash, and Austin Dillon.

Without objection, the Council approved closing the public testimony portion of the public hearing. Discussion ensued among the Council, staff, and Mr. Casillas.

It was moved by Councilmember Perello, seconded by Mayor Pro Tem Ramirez, to continue the item to January 23, 2018 to allow the developer time to resolve the issues raised in the discussion. VOTE: Flynn, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 5-0.

M. REPORTS

City Attorney Department

1. SUBJECT: Utility Fee Adjustment Ordinance and Procedures.

(This item was postponed due to time.)

Public Works Department

2. SUBJECT: Agreement with Ventura County to Assist with Rice Avenue Grade Separation Project.
RECOMMENDATION: That City Council:
1. Award and authorize the Mayor to execute an agreement with the County of Ventura to have its Transportation Department assist the City in the Rice Avenue Grade Separation Project over Fifth Street (State Route 34) and the Union Pacific Railroad; and
2. Approve a budget appropriation in the amount of $150,000 from Circulation Systems Improvement Fees Fund 354.

3. SUBJECT: Second Amendment to Agreement No. 6944-14-DS with WKE, Inc.
RECOMMENDATION: That City Council:
1. Approve and authorize the Mayor to execute the Second Amendment to Agreement No. 6944-14-DS with WKE, Inc., to complete the preliminary design effort for the Rice Avenue Grade Separation Project, in the amount of $1,023,469.82, which will increase the total cost of the Agreement to $2,943,468.82.
2. Approve a budget appropriation in the amount of $1,023,500 in Circulation System Improvement Fees Fund 354, Account No. 354-3109-826.82-09 for Project No. 133101 Rice Avenue at Fifth Street Grade.

It was moved by Councilman MacDonald, seconded by Mayor Pro Tem Ramirez, to approve staff's recommendations on items M-2 and M-3 as presented. VOTE: Flynn, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 5-0.

4. SUBJECT: Award Contract for Street Overlays PW 18-02.

(This item was postponed due to time.)

N. ADJOURNMENT

There being no further business on the agenda, and without objection, Mayor Flynn adjourned the meeting at 10:44 p.m.

Michelle Ascencion
MICHELLE ASCENCION, CMC
City Clerk

Tim Flynn
TIM FLYNN
Mayor