MINUTES
OXNARD CITY COUNCIL
Regular Meeting
December 15, 2020

A. ROLL CALL, POSTING OF AGENDA

At 5:39 p.m., Mayor Flynn called to order the regular meeting of the Oxnard City Council (concurrently with the Oxnard Housing Authority, Oxnard Community Development Successor Agency, and Oxnard Financing Authority) 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 also present via videoconference.

Staff members present were Alexander Nguyen, City Manager; Stephen M. Fischer, City Attorney; Michelle Ascencion, City Clerk and Rose Chaparro, City Clerk Elect.

Staff members that participated via videoconference were Ashley Golden, Assistant City Manager; Shiri Klima, Deputy City Manager; Emilio Ramirez, Housing Director; Scott Whitney, Chief of Police; Jason Benites, Assistant Chief of Police; Alexander Hamilton, Interim Fire Chief; Rosemarie Gaglione, Public Works Director; Brian Yanez, Assistant Public Works Director; Steve Howlett, Assistant Public Works Director; Tatiana Arnaout, City Engineer; Jeff Pengilley, Interim Community Development Director; Scott Kolwitz, Planning & Environmental Services Manager; Joe Pearson II, AICP, Senior Planner; Rosie Ornelas, Economic Development; Kevin Riper, Chief Financial Officer; and Donna Ventura, Assistant Chief Financial Officer.

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

C. CLOSED SESSION

City Attorney Department

C.1 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."

At 5:42 p.m., the City Council recessed to a closed session. At 5:59 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.

E. RECOGNITION OF DEPARTING OFFICIALS, INSTALLATION OF NEWLY ELECTED OFFICIALS

City Manager Department

1. SUBJECT: Recognition of Outgoing Elected Officials.
RECOMMENDATION: That the City Council:
1. Adopt **Resolution No. 15,400** honoring Mayor Tim Flynn's service on the City Council;
2. Adopt **Resolution No. 15,401** honoring Mayor Pro Tem Carmen Ramirez's service on the City Council; and
3. Adopt **Resolution No. 15,402** honoring Michelle Ascencion's service as City Clerk.

The City Manager gave a report. Public comments were received from Trevor Zierhut, Pat Brown, Manuel Herrera, Christopher Ortiz, Tayzia Santiago, Larry Barbarine, Daniel Chavez, Jr., Karl Lawson, Gabriel Teran, and Armando Delgado. Discussion ensued among the Council and staff.

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

City Clerk Department

2. SUBJECT: Declare Results of the Canvass of Returns of the November 3, 2020 General Municipal Election and Administer the Oath of Office.
RECOMMENDATION: That the City Council:
1. Adopt **Resolution No. 15,403** declaring the results of the canvass of returns of the November 3, 2020 General Municipal Election in the City of Oxnard;
2. Authorize the City Clerk to administer the oath of office to the newly elected officers, followed by remarks from the City Treasurer, City Clerk, Councilmembers, and Mayor.

The City Manager gave a report. Public comments were received from Trevor Zierhut, Renee Zaragoza, Lynda Zaragoza, Patricia Garcia, Elizabeth Ramirez, Mike Gregson, Doug Stuart, Anthony Mireles, Debbie Acosta, Bill Gallaher, Jacob Zaragoza, Manuel Herrera, Armando Delgado, Karl Lawson, Christopher Ortiz, and Abel Magana. Discussion ensued among the Council and staff.

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

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received regarding street vendors from Walter Snyder, Manuel Herrera, Ian Hernandez, Beatriz Basurto, Daizy Contreras, Larisa Penaloza, Manuel Solos, Sulema Curiel, Alex Ruiz, Jennifer Vasquez, Claudia Rangel, Raul Rojas, Sofia Vega, Khloe Partido, Angel Cerda, Cynthia Martinez, Manuel Lupian, Chris Araujo, Elisa Ramirez, Patricia Guillen, Antonio Gonzalez, Armanda Gomez, Charlotte Mayeda, Gyssel Cleynick, Amparo Mazariegos, Celena Torres, Celeste Gambino, Melissa Bivian, Rosa Aguilar, Dr. Martin Alberto Gonzalez, Melissa Soriano, Kevin

Antonio, Jennifer Flores, Santillan, Moises Fino, Veronica Esquivel, Angel Garcia, Ana Chavez, Gabriel Ambriz, Stefanie Becerra, Peggy Rivera, Michelle Ramos, David Little, Isaura Gomez, Greg Minier, Armanda Ulman, Lucy Cartagena, Matthew Merricks, Ricardo Torres, Chris Ramirez, Lang Martinez, Chris Hernandez, Carolina Gallardo-Magana, and Brenda Tungui.

At 9:26 p.m., Councilmember Ramirez made a motion to continue the meeting, seconded by Councilmember Perello. VOTE: Basua, Lopez, MacDonald, Madrigal, Perello, Ramirez and Zaragoza voted in favor; the motion carried 7-0.

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

H. CITY COUNCIL REPORTS

City Attorney Department

1. SUBJECT: Selection of Mayor Pro Tem.
RECOMMENDATION: That City Council, pursuant to Government Code sections 34905 and 36801, select a Mayor Pro Tem to serve in the event of the Mayor's absence.

The City Attorney gave a report. No public comments were received. Councilmember Perello made a motion to nominate and appoint Councilmember MacDonald to serve as Mayor Pro Tem to serve in the event of the Mayor's absence.

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

I. REVIEW OF INFORMATION/CONSENT AGENDA

Items K-1 though K-13 were discussed among the Council and staff.

J. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Public comments were received from Pat Brown regarding items K-4, K-9, and K-10.

K. INFORMATION/CONSENT AGENDA

City Clerk Department

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

City Manager Department

2. SUBJECT: 2021 Meeting Schedule for Legislative Bodies.
   RECOMMENDATION: That City Council, Community Development Commission Successor Agency, Financing Authority, and Housing Authority approve the proposed meeting dates for the calendar year 2021.

City Attorney Department

3. SUBJECT: Measure E Transactions and Use Tax Implementation.
   RECOMMENDATION: That the City Council:
   1. Adopt **Resolution No. 15,404** approving and authorizing the Mayor to execute the Agreement for Preparation to Administer and Operate City's Transactions and Use Tax Ordinance (A-8277) and the Agreement for State Administration of City Transactions and Use Taxes (A-8278) with the California Department of Tax and Fee Administration (CDTFA); and
   2. Adopt **Resolution No. 15,405** Authorizing the Examination of Transactions (Sales) and Use Tax Records.

Community Development Department

4. SUBJECT: Update and Six-Month Extension of Agreement Between the City and Oxnard Downtown Management District (ODMD).
   RECOMMENDATION: That the Council:
   1. Receive an update on the efforts to strengthen the Downtown Oxnard Property Based Improvement District; and
   2. Approve an extension and amendments to Agreement No. 4192-07-CD (Fifth Amendment) with the Oxnard Downtown Management District, Inc. to extend services to a maximum date of June 30, 2021 and provide for additional ODMD Board appointments.

Community Development Department

5. SUBJECT: Planning and Zoning Permit No. 18-300-09 (Final Map for 18-300-09) for the 700 Block of Doris Avenue Subdivision. Filed by James Rasmussen for Rasmussen Living Trust, LLC, 26500 West Agoura Rd. #652, CA 91392.
   RECOMMENDATION: That the City Council:
   1. Accept Final Map 18-300-09 for the 700 Block of Doris Avenue Subdivision;
   2. Receive and file a "Notice of Pending Approval" for Tract Map 18-300-09 by the Interim Community Development Director including signature of "City Council's Certificate" on the title sheet.

Community Development Department

6. SUBJECT: Second Reading and Adoption of Ordinance No. 2994 - 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. Adopt Ordinance No. 2994 (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.

Community Development Department

7. SUBJECT: Seventh 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 Seventh 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, which provides for Sales Tax and Economic Analysis, Allocation Audit and Recovery, and Cannabis Fiscal Analysis and Taxation Strategies consulting services, from $791,593 to $988,893; and
2. Approve the budget appropriation of $197,300 for the Seventh 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.

Community Development Department

8. SUBJECT: Planning and Zoning Permit No. 20-300-05 (Final Tract Map for Tract No. 5968-2 for Condominium Purposes) Associated with Planning and Zoning Permit No. 15-300-06 for Wagon Wheel "The Village" Specific Plan. Filed by Corey Harpole, Oxnard CRFL Partners, LLC, 64 Maxwell, Irvine, California 92618.
RECOMMENDATION: That the City Council:
1. Accept Final Map 5968-2 for condominium purposes associated with PZ 15-300-06 Tentative Tract Map No. 5968 of The Village Specific Plan.
2. Receive and file a "Notice of Pending Approval" for Final Map for Tract 5968-2 by the Interim Community Development Director including signature of "City Council's Certificate" on the title sheet.

Housing Department

9. SUBJECT: Appropriation of $744,209 of Permanent Local Housing Allocation (PLHA) fund for the purpose of supporting the cost of Agreement A-8194 for Fiscal Year 2020-21 shelter and navigation center operations.
RECOMMENDATION: That the City Council recognize and appropriate the

Permanent Local Housing Allocation (PLHA) funds awarded by the California Department of Housing and Community Development (HCD) in the amount of $744,209 to operate and support the City's Homeless Shelter on K- Street (outlined as Activity 3 - Project 215102).

Human Resources Department

10. SUBJECT: Conditional Approval of HOME Program Funding for Cabrillo Economic Development Corporation for the Etting Road Affordable Housing Development.
RECOMMENDATION: That the City Council adopt **Resolution No. 15,406** granting conditional approval to the Oxnard Housing Department to provide gap financing to Cabrillo Economic Development Corporation in the amount of $1,000,000 using federal HOME Investments Partnership Program funds for construction of a multi-family affordable housing development project, known as the Etting Road Apartments, consisting of forty-one affordable rental units and one manager's unit.

Police Department

11. SUBJECT: Federal and State Asset Forfeiture Funds.
RECOMMENDATION: That City Council approve a special budget appropriation in the amount of $115,000 for the use of Federal ($91,000) and State ($24,000) asset forfeiture funds allocated to the City of Oxnard's Police Department.

Police Department

12. SUBJECT: Supplemental Law Enforcement Services Fund (SLESF).
RECOMMENDATION: That the City Council:
1. Recognize $313,465 in grant revenue from the State Supplemental Law Enforcement Services Fund (SLESF) for Citizens Option for Public Safety (COPS) Program;
2. Approve a budget appropriation in the amount of $313,465 to support the Police Department's body worn camera deployment; and
3. Authorize the Chief Financial Officer or designee to approve additional budget appropriations if awarded.

Public Works Department

13. SUBJECT: Agreement for Landscape Maintenance Services for Westport Community Facilities District (CFD) 2.
RECOMMENDATION: That the City Council:
1. Approve and authorize the Mayor to execute Agreement A-8244 with Garcia's Landscape Maintenance Inc. in the amount of $686,592 for a three-year term ending December 31, 2023 for landscape maintenance services for Westport CFD 2; and
2. Authorize the City Manager to approve a budget appropriation in the amount of $21,788 from available fund balance in the Westport CFD 2 Fund 175.

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

L. PUBLIC HEARINGS

1. Housing Department

   SUBJECT: Consolidated Annual Performance and Evaluation Report for Fiscal Year 2019-20.

   RECOMMENDATION: That the City Council:
   1. Conduct a public hearing to receive comments from the public relating to Consolidated Annual Performance and Evaluation Report for Fiscal Year 2019-20 to be submitted to the United States Department of Housing and Urban Development, Office of Community Planning and Development; and
   2. Approve the City of Oxnard's Consolidated Annual Performance and Evaluation Report for FY2019-20.

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

Mayor Zaragoza opened the public testimony portion of the public hearing. No public comments were heard.

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 Councilmember MacDonald, seconded by Councilmember Madrigal, 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

Finance Department

1. SUBJECT: Amendment to the Existing City Debt Policies.

   RECOMMENDATION: That the City Council:
   1. Receive a presentation on an amendment to the existing City Debt Policies; and
   2. Adopt a resolution amending the existing City's Debt Policies in Resolution No. 15,359 to address bond continuing disclosure and compliance requirements and ensuring debt compliance.

Due to the length of time of the meeting, this item was postponed.

Public Works Department

2. SUBJECT: Award Agreement A-8248 to MIG Inc., for Landscape Architecture and Engineering Design Services for Campus Park Activation Project PW 20-95.

   RECOMMENDATION: That the City Council award and authorize the Mayor to execute Agreement A-8248 with MIG Inc., in an amount of $1,099,938.75 for Landscape Architecture and Engineering Design Services for the Campus Park Activation Project PW 20-95 (Project No. 215701).

The City Engineer gave a report. Public comments were received from Pat Brown and Gabriel Teran. Discussion ensued among the Council and staff.

It was moved by Ramirez, seconded by Basua, to approve the recommended action as presented. VOTE: Ramirez, Basua, Zaragoza, Lopez, MacDonald, Madrigal, and Perello voted in favor; the motion carried 6-0-1. Mayor Pro Tem MacDonald abstained and did not participate, due to the proximity of his residence to the location of campus park.

Public Works Department

3. SUBJECT: Public Works Department Additional Full-time Equivalent Positions and Position Reclassifications.
   RECOMMENDATION: That the City Council, in order to meet staffing requirements for purposes including Council approved projects, regulatory compliance, improved customer service, and employee safety:
   1. Adopt **Resolution No. 15,407** to amend Resolution No. 15,357 authorizing an additional 23 full-time equivalent positions and reclassifying eight (8) full-time equivalent positions pursuant to Chapter 4 of the City Personnel Rules and Regulations;
   2. Adopt **Resolution No. 15,408** to amend Resolution No. 15,358 authorizing and approving classification and salary schedules pursuant to Chapter 4 of the City Personnel Rules and Regulations; and
   3. Authorize the City Manager to approve a budget appropriation in the amount of $638,619 for FY 2020-21 with an annual fiscal impact of $2,595,881 within the General Fund, Stormwater Fund, Landscape Maintenance District Fund, State Gas Tax Fund, Transportation Development Act Fund, Water Operating Fund, Wastewater Collections Fund, Wastewater Treatment Fund, and Solid Waste Operating Fund.

The Public Works Director gave a report. No public comments were heard. Discussion ensued among the Council and staff.

It was moved by Perello, seconded by Lopez, to approve the recommended action as presented. VOTE: Ramirez, Basua, Zaragoza, Lopez, MacDonald, Madrigal, and Perello voted in favor; the motion carried 7-0.

Recess to closed session to conference room.

N. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

Public comments were received from Aaron Starr.

O. CLOSED SESSION

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)(1), to confer with its attorneys the title of the litigation being discussed is City of Oxnard v. Starr. The Council will also recess to a close 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."

At 12:07 a.m., the City Council recessed to a closed session. At 12:37 a.m. the City Council reconvened in open session in the Council Chambers. The City Attorney announced that the Council by unanimous vote has directed its attorneys to initiate an action and that this action the defendants, and the other particulars shall, once formally commenced, be disclosed to any person upon inquiry, unless to do so would jeopardize the City's ability to effectuate service of process on one or more unserved parties, or that to do so would jeopardize its ability to conclude settlement negotiations to its advantage.

City Attorney Department

1. SUBJECT: CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION
   (Government Code Section 54956.9(d)(1))
   Name of case: City of Oxnard v. Starr
   Ventura County Superior Court Case No. 56-2020-00539039-CU-MC-VTA

City Attorney Department

2. SUBJECT: CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
   (Government Code section 54956.9(d)(4))
   Based on existing facts and circumstances, the City Council shall decide whether to initiate litigation in one potential case.

P. ADJOURNMENT

There being no further business on the agenda, and without objection, Mayor Zaragoza adjourned the meeting at 12:39 a.m.

R. Chaparro
ROSE CHAPARRO
City Clerk

JOHN C. ZARAGOZA
Mayor