MINUTES
OXNARD CITY COUNCIL
Regular Meeting
March 6, 2018

A. ROLL CALL/POSTING OF AGENDA

At 5:35 p.m., Mayor Pro Tem Ramirez 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 Pro Tem Carmen Ramirez were present; Mayor Tim Flynn was absent (arrived at 5:40 p.m.).

Staff members present were Scott Whitney, Interim City Manager/Police Chief; Stephen Fischer, City Attorney; Jesús Nava, Assistant City Manager; Ashley Golden, Interim Assistant City Manager; Shiri Klima, Assistant City Attorney; and Michelle Ascencion, City Clerk.

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

C. CLOSED SESSION

Mayor Pro Tem Ramirez 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 Workers' Compensation proceeding being discussed is Aaron Zavala v. City of Oxnard. [Case Nos. ADJ10088458 (OXN) and ADJ10519898 (OXN)]"

At 5:35 p.m., the City Council recessed to a closed session. (Mayor Flynn arrived during this time.) At 6:02 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.

D. OPENING CEREMONIES

The flag salute was followed by a moment of silence.

Additional staff members present at this time were Eric Hummel, Public Works Sustainability Coordinator; Kathleen Mallory, Planning Division Manager; Thien Ng, Assistant Public Works Director; Todd Vasquez-Housley, Environmental Resources Division Manager; and Karen Moore, Assistant City Clerk.

E. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from Woodrow Thomas Sr. (public records requests and status of claim against the city), Jackie Tedeschi (upcoming Inter Neighborhood Council Organization meeting with the City Manager recruiter), Steve Nash (gun control), George Miller and Manuel Arriola (upcoming recall debate event), Miguel Espinosa (2012 Alfonso Limon shooting), Abel Magana (Downtown Vision Plan), Martin Jones (District Attorney's investigation of 2012 Alfonso Limon shooting), and Jeffrey Burum (candidate for U.S. Congress).

F. REPORT OF CITY MANAGER

The Interim City Manager announced various upcoming meetings and special events, and provided program updates. He highlighted the upcoming spring session of the Oxnard Police Department's Citizen Academy and the Council's priority-based budgeting initiative.

The City Clerk gave an update on the upcoming May 1st Special Election.

G. CITY COUNCIL REPORTS

Councilmember Madrigal commented on the Lemonwood Elementary School soft opening, a recent Oxnard Downtown Improvement District meeting, a recent Teatro de las Americas performance at Oxnard College, and the championship Hueneme High School girls basketball team.

Mayor Pro Tem Ramirez spoke on the upcoming National League of Cities conference, gun control and illegal guns, a recent Los Angeles Times series of articles on homelessness, and the city's winter warming shelter.

Councilmember Perello commented on the Santa Clara River levees, the Police Department's Citizens Academy, the El Rio Little League's opening weekend, and the new train route to Santa Barbara.

Councilman MacDonald commented on the upcoming Northside Little League opening weekend.

Mayor Flynn requested joint meetings with neighboring public agencies including the Port of Hueneme, City of Port Hueneme, and school districts, after the new fiscal year.

H. REVIEW OF INFORMATION/CONSENT AGENDA

Items J-1, J-2(A), and J-2(C) were discussed among the Council and staff.

I. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Public comments were received from Jackie Tedeschi, Pat Brown, and Woodrow Thomas Sr.

J. INFORMATION/CONSENT AGENDA

City Attorney Department

1. SUBJECT: Adoption of **Ordinance No. 2934** Regarding the Election of Members of the City Council by Districts, Establishing the Boundaries and Identification Number of Each District, and Establishing the Election Order in Each District.
   RECOMMENDATION: That the City Council adopt Ordinance No. 2934 (by title only, with further reading waived) adding Sections 2-2 to 2-3.5 to the Oxnard City Code regarding the election of members of the City Council by six districts, establishing the boundaries and identification number of each district, and establishing the election order in each district.

City Manager Department

2. 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. Shute Mihaly & Weinberger, LLP (7002-15-CA) for legal representation before the California Public Utilities Commission and the California Energy Commission in relation to the proposed NRG electrical generating facility at Mandalay Beach ($25,000).
B. McCain Traffic (Purchase Order No. 6714) for the purchase of traffic signal equipment ($100,000).
C. Wondries Toyota (Purchase Order No. 6729) for the purchase of a pickup truck to support City Corps' beverage container recycling and litter abatement efforts ($32,956).

Cultural and Community Services Department

3. SUBJECT: Cultural Arts Commission Bylaw Amendment.
RECOMMENDATION: That City Council adopt **Resolution No. 15,095** approving amended bylaws for the Cultural Arts Commission, changing the regular meeting day and time from the second Wednesday of each month at 5:00 p.m. to the first Wednesday of each month at 4:30 p.m. in the City Council Chambers.

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 J-1, stating that although he supports Council districts, he cannot support it without voter approval. The motion carried 4-1 on item J-1, and 5-0 on the remaining items.

K. PUBLIC HEARINGS

Development Services Department

1. SUBJECT: Appeal of Planning Commission Approval of Planning & Zoning Permit No. 17-500-04, Special Use Permit for the Construction of a 5,648 Sq. Ft. Automated Car Wash (Waterdrops Express) with 21 Canopy-Covered Vacuum Stations on a 1.42 Acre Vacant Parcel Located at 3600-3700 W. Fifth Street, Commonly Known as Rancho Victoria Plaza.
RECOMMENDATION: Adopt **Resolution No. 15,096** upholding the Planning Commission's approval of Planning & Zoning Permit No. 17-500-04 for the Waterdrops Express car wash subject to certain findings and conditions of approval in Resolution No. 2018-04.

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

The Planning Division Manager gave a report. Appellant Julie Miller Kalbacher gave a presentation. Sandy Smith of Sespe Consulting presented on behalf of the applicant.

Mayor Flynn opened the public testimony portion of the public hearing. Public comments were received from Jaime Smith, Scott Schell, Deborah DeAngelis, Diane Tindall, John Battle, Parviz Riazi, Shane O'Neill, Mylin Villareal, Gloria Ambriz, Pat Brown, Kenneth Slaught, Troy White, Randy Latimer, Daniel Kalbacher, Woodrow Thomas Sr., Al Velasquez, and Noreen Ednanl.

Mr. Smith and Ms. Kalbacher provided rebuttals to the public comments. Without objection, the Council approved closing the public testimony portion of the public hearing.

Discussion ensued among the Council, staff, and speakers for the appellant and the applicant.

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

(The meeting took a brief break at 9:05 p.m. and resumed at 9:14 p.m. Mayor Flynn announced that item L-5 would be removed from the agenda due to time.)

L. <u>REPORTS</u>

<u>Development Services Department</u>

1. <u>SUBJECT</u>: Adoption of **Ordinance No. 2935**.
<u>RECOMMENDATION</u>: That the City Council:
1. Adopt Ordinance No. 2935 (read by title only, waiving further reading) approving the Joint Powers Agreement for the Los Angeles Community Choice Energy program/Clean Power Alliance; and Authorize the Implementation of the Community Choice Aggregation Program.
2. Designate one Director to the Clean Power Alliance; and designate two alternates to the Clean Power Alliance Board.

The Planning Division Manager gave a report. Discussion ensued among the Council and staff.

Councilman MacDonald, seconded by Mayor Flynn, nominated Mayor Pro Tem Ramirez to serve as Director and Councilmember Perello to serve as Alternate; and Mayor Flynn nominated the Planning and Environmental Services Manager (or designee) to serve as the staff alternate. No further nominations were made. The Council approved the nominations unanimously.

It was moved by Councilman MacDonald, seconded by Councilmember Madrigal, to approve adoption of the ordinance as presented. VOTE: Flynn, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 5-0.

<u>Public Works Department</u>

2. <u>SUBJECT</u>: La Colonia Green Alleys Grant Budget Appropriation.
<u>RECOMMENDATION</u>: That City Council:
1. Appropriate funds in the total amount of $1,380,065 (grant and match) to implement the La Colonia Green Alleys project.

2. Approve a match of $180,065, consisting of $80,065 of in-kind contributions and a $100,000 appropriation to project number 183104 – La Colonia Green Alleys project.

The Public Works Sustainability Coordinator gave a report. Public comments were received from Ramon Lopez. Discussion ensued among the Council and staff.

It was moved by Councilmember Madrigal, seconded by Councilmember Perello, to approve staff's recommendation as presented. VOTE: Flynn, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 5-0.

3. SUBJECT: City-Wide Street Sweeping - Second Amendment to Agreement No. A-7659.
RECOMMENDATION: That City Council approve and authorize the Mayor to execute the Second Amendment to the Agreement with Venco Power Sweeping, Incorporated (Agreement No. A-7659) for City-wide street sweeping services, extending the original agreement from a four-year term expiring on March 31, 2018, to a six-year term expiring March 31, 2020, and increase the original contract total by $1,186,000 for a new contract not to exceed of $3,150,000.

The Environmental Resources Division Manager gave a report. Discussion ensued among the Council and staff.

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

4. SUBJECT: Agreement with Solenis LLC for Polymer Supply to the Wastewater Treatment Plant.
RECOMMENDATION: That City Council:
1. Award and authorize the Mayor to execute an Agreement with Solenis LLC in the amount of $1,012,000 for a three (3) year term for the supply of Praestol K144L-371220 Polymer to the Wastewater Treatment Plant (Agreement No. 8172-17-PW).
2. Approve an appropriation of $130,000 for the purchase of polymer in Account No. 621-6202-843.81-06.

The Assistant Public Works Director gave a report.

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

5. SUBJECT: Intelligent Transportation Systems Update.

(This item was postponed due to time.)

M. ADJOURNMENT

There being no further business on the agenda, and without objection, Mayor Flynn adjourned the meeting at 9:40 p.m.

Michelle Ascencion

MICHELLE ASCENCION, CMC
City Clerk

Tim Flynn 6/6/18

TIM FLYNN
Mayor