

MINUTES
OXNARD CITY COUNCIL
Regular Meeting
July 16, 2019

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 Housing Authority, Oxnard Community Development Successor Agency, and Oxnard Parking 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, Bryan A. MacDonald, Oscar Madrigal, Bert Perello, Mayor Pro Tem Carmen Ramirez, and Mayor Tim Flynn were present; Councilmember Vianey Lopez was absent (arrived at 5:00 p.m.). Housing Commissioner Jose Andrade arrived at 6:00 p.m.; Commissioner Francisco Vega was absent.

Staff members present were Alexander Nguyen, City Manager; Stephen Fischer, City Attorney; Ashley Golden, Assistant City Manager; Shiri Klima, Deputy City Manager; and Michelle Ascencion, City Clerk.

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

C. CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Government Code section 54956.9 (d)(1)) (City Council)
Name of Case: April Kittel v. City of Oxnard; et al.
United States District Court Case No. CV-17-6709-MWF (GJSx)
2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Government Code section 54956.9 (d)(1)) (City Council)
Name of Case: City of Oxnard v. URS Corporation; et al.
Los Angeles County Superior Court Case No. BC698461
3. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Government Code section 54956.9(d)(2)) (City Council)
Based on existing facts and circumstances, there is significant exposure to litigation against the City in two potential cases.

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 April Kittel v. City of Oxnard.

“The City Council will also 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 two potential cases regarding: 1. The County of Ventura’s claimed sovereign

immunity on County-owned property located within the City, its issuance of permits on County-owned property located within the City, and threats of litigation regarding the proposed Fisherman's Wharf project; and 2. The payment of controlled standby pay under the Fair Labor Standards Act and the IUOE Memorandum of Understanding to employees of the Public Works Department."

The City Attorney announced that item C-2 is removed from the agenda.

At 4:37 p.m., the City Council recessed to a closed session. At 5:45 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 El Rio Little League Seniors team led the flag salute, which was followed by a moment of silence.

Additional staff members present at this time were Jeffrey Lambert, Community Development Director; Eric Sonstegard, Assistant Police Chief; Renee Rakestraw, Recreation Manager; Jessy Tapia, Recreation Coordinator; Mike More, Risk Manager; Rosemarie Gaglione, Public Works Director; Jay Duncan, Customer Service Manager; Kenneth Rozell, Chief Assistant City Attorney; Emilio Ramirez, Housing Director; Mark Alvarado, Homeless Services Coordinator; and Elizabeth Rubalcava, Assistant City Clerk.

E. CEREMONIAL CALENDAR

1. SUBJECT: Presentation of the 2019 Ventura County Fair Poster.

Kayla Garcia from the Ventura County Fair presented the 2019 poster and made some remarks.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from Marie Lakin (environmental concerns around Oxnard Pacific Mobile Estates), Jackie Tedeschi (video broadcasting of INCO meetings), and Pat Brown (recent telephone scams targeting seniors).

G. REPORT OF CITY MANAGER

Community Development Department

1. SUBJECT: Property-Based Improvement District ("PBID") Ballot.
RECOMMENDATION: That City Council, Housing Authority, Successor Agency, and Parking Authority approve and authorize the City Manager to sign, on behalf of the City of Oxnard, Oxnard Housing Authority, and Oxnard Parking Authority, as owners of certain properties located in the Oxnard Downtown Management District ("District"), the ballot in support of the renewal of the District.

The Community Development Director gave a report.

It was moved by Councilman MacDonald, seconded by Councilmember Perello, to approve the recommended action as presented. VOTE: Andrade, Basua, Flynn, Lopez, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 8-0.

The Assistant Police Chief gave a report on illegal fireworks during the recent Independence Day holiday. The Community Development Director gave an update on the status of code enforcement efforts at the Magic Auto Center lots on Oxnard Boulevard. The City Manager announced that final confirmation was received today of the forthcoming \$9.5 million grant from the State for wastewater treatment plant emergency repairs.

H. CITY COUNCIL REPORTS

Councilmember Lopez reported on the recent INCO town hall meeting in South Oxnard.

Councilmember Perello reported on the memorial service for former Port Hueneme City Councilmember Jim Hensley and commented on the City Manager's announcements.

Councilman MacDonald reported on the recent ribbon cutting for the new Gold Coast Transit District facility and a LOSSAN Rail Corridor Agency meeting, and commented on the danger of walking on railroad tracks.

Mayor Pro Tem Ramirez commented on illegal fireworks, an upcoming Clean Power Alliance stakeholders' meeting, the recent Gold Coast Transit District facility ribbon cutting, environmental concerns in South Oxnard, homelessness, and the recent passing of Jim Hensley.

Councilwoman Basua wished her son a happy birthday, reported on the recent South Oxnard INCO town hall, and was a recent guest speaker for students at Channel Islands High School and Oxnard Middle College High School.

Councilmember Madrigal expressed condolences to the Hensley family and Aguirre family for their recent losses, and reported on a recent tour of Fire Station #1 and a book signing for the memoir "Growing up in La Colonia."

Mayor Flynn addressed complaints he's received from residents regarding median landscaping, browning grass, and dying trees. He encouraged people to use the 3-1-1 app to report concerns to the City.

I. REVIEW OF INFORMATION/CONSENT AGENDA

Items K-5 and K-13 were discussed among the Council and staff.

J. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Public comments were received from Peggy Rivera.

K. INFORMATION/CONSENT AGENDA

City Clerk Department

1. SUBJECT: Approval of Minutes.

RECOMMENDATION: That the City Council approve the minutes of the July 2, 2019 regular meeting as presented.

Community Development Department

2. SUBJECT: Transfer of Housing and Governmental Purpose Assets from the Community Development Commission Successor Agency to the City of Oxnard.

RECOMMENDATION: 1. That the City Council adopt **Resolution No. 15,247** titled "Resolution Of The City Council Of The City Of Oxnard Approving (1) The Acceptance Of Housing And Governmental Purpose Assets From The Oxnard Community Development Commission Successor Agency, Pursuant To The Provisions Of The Dissolution Law, And (2) Related Actions To Effectuate The Acceptance Of The Assets"; and 2. That the Successor Agency adopt **Resolution No. 35** titled "Resolution Of The Board Of Directors Of The Oxnard Community Development Commission Successor Agency, Approving, And Recommending to Its Oversight Board Approval Of, (1) The Transfer Of Housing And Governmental Purpose Assets To The City Of Oxnard, Pursuant To The Provisions Of The Dissolution Law, and (2) Related Actions To Effectuate The Transfer Of The Assets."

3. SUBJECT: PZ No. 19-580-02 (Zone Text Amendment) - An Amendment to Chapters 11 (Permits) and 16 (Zoning) of the Oxnard City Code Pertaining to the Permitting and Development of Firearm Ranges and Businesses Engaged in the Sale of Firearms and Ammunition.

RECOMMENDATION: That the City Council approve the second reading by title only and adoption of **Ordinance No. 2961** of the City Council of the City of Oxnard for PZ No. 19-580-02 (Zone Text Amendment) amending Chapters 11 (Permits) and 16 (Zoning) of the Oxnard City Code pertaining to the permitting and development of firearm ranges and businesses engaged in the sale of firearms and ammunition.

4. SUBJECT: Appropriate Funds for the Oxnard Performing Arts and Convention Center (PACC).

RECOMMENDATION: That the City Council:

1. Recognize additional PACC revenue in the amount of \$32,086 for FY 18-19;
2. Approve a Measure O Half Cent Sales Tax Operating Transfer in the amount of \$96,270 to PACC Fund 641;
3. Ratify Agreement No. A-8156 with the Oxnard Performing Arts not-to-exceed \$150,000 for immediate PACC expenses necessary for the operation, maintenance and management of the PACC; and
4. Ratify a one-time appropriation of \$130,205 for costs associated with PACC salaries and benefits for FY 18-19.

Cultural and Community Services Department

5. SUBJECT: Response to Grand Jury Report Titled “Youth Sports and Public Liability.”
RECOMMENDATION: That the City Council authorizes the Mayor, the City Manager, and the Cultural and Community Services Director to respond, on behalf of the City Council, to the Grand Jury Report titled “Youth Sports and Public Liability Report” dated April 14, 2019, in the form included as Attachment B. (Item heard by Community Services Committee on July 9, 2019)

Finance Department

6. SUBJECT: Appropriate Funds for Transient Occupancy Tax audit services.
RECOMMENDATION: That the City Council approves a budget appropriation for Fiscal Year 2019-20 that recognizes a \$52,400 increase in General Fund transient occupancy tax (TOT) revenues (101-1001-513-7014) and a \$52,400 increase in General Fund contract services for audit expenditures (101-1001-801-8203).

Housing Department

7. SUBJECT: Building Equity and Growth in Neighborhoods grant program income.
RECOMMENDATION: That the City Council:
1. Appropriate all program income from the California Building Equity and Growth in Neighborhoods (BEGIN) grant to the down payment homeownership assistance program, including eligible administrative expenses; and
 2. Authorize the City Manager or designee to execute all budget appropriations and documents related to implementation of these grant programs.

Human Resources Department

8. SUBJECT: Purchase Order for Property Insurance for Fiscal Year 2019-20.
RECOMMENDATION: That the City Council approve and authorize the Mayor to execute a purchase order in the amount of \$395,829.67 with Alliant Insurance Services, Inc. for property insurance for coverage during Fiscal Year 2019-20.

Police Department

9. SUBJECT: Response to Grand Jury's Annual “Detention Facilities and Law Enforcement Report.”
RECOMMENDATION: That City Council authorizes the Mayor, the City Manager, and the Police Chief to respond, on behalf of the City Council, to the Grand Jury's annual “Detention Facilities and Law Enforcement Report” dated April 16, 2019, in the form included as Attachment B.
10. SUBJECT: Response to Grand Jury’s “Drugs and Sharps Disposal” Report.
RECOMMENDATION: That City Council authorizes the Mayor, the City Manager, and the Police Chief to respond, on behalf of the City Council, to the Grand Jury’s “Drugs and Sharps Disposal” dated May 2, 2019, in the form included as Attachment B.

11. SUBJECT: Animal Safety Unit Update and FY 19-20 Animal Shelter Agreement.
RECOMMENDATION: That the City Council approve and authorize the Mayor to execute a one year-agreement (A-8151) with the County of Ventura Public Health Agency for animal sheltering services, in an amount not to exceed \$2,113,884 (or net value of \$1,333,884 based on credit of projected animal licensing revenue of \$780,000), for Fiscal Year 2019-2020. (Public Safety Committee approved 3-0).

Public Works Department

12. SUBJECT: Grant Resolutions for the Tšumaš Creek Trail Project.
RECOMMENDATION: That City Council adopt **Resolution Nos. 15,248 and 15,249** authorizing the City Manager to submit a grant application and execute grant agreement (if awarded) for the Tšumaš Creek Trail Project, and authorizing the Finance Director to submit financial reports and claims, and approve special budget appropriations for the use of the grant funds. Staff anticipate the project cost not to exceed \$4 Million. There is no City funding or match required for the proposed project.
13. SUBJECT: Utility Rates Assistance Program (“Project Assist”).
RECOMMENDATION: That the City Council:
1. Adopt **Resolution No. 15,250** repealing Resolution 15,008 for the Rate Assistance Program (Project Assist) for year three to increase the monthly relief rate from \$10 to \$15;
 2. Authorize staff to direct up to \$145,000 annually from penalty fees charged to current customers who pay their bills late to fund the Utilities Rate Assistance Program; and
 3. Receive an update on the second year of “Project Assist” that began July 1, 2018.
- (Public Works and Transportation Committee approved 3-0, however Councilmember Perello did not support the amount of the contribution increase.)
14. SUBJECT: Approve Budget Appropriation for Special Districts Division.
RECOMMENDATION: That the City Council approve and authorize a budget appropriation to Westport CFD 2 Special Project (Fund 175-1606-805-8229) in the amount of \$169,900 for additional amenity improvement projects from Westport CFD 2 Fund Balance. (Public Works and Transportation Committee approved 3-0)

It was moved by Councilman MacDonald, 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

Community Development Department

1. SUBJECT: Public Hearing on Renewal of the Oxnard Downtown Management District and Levy of Assessments.
RECOMMENDATION: That City Council:
1. Conduct a public hearing concerning the renewal of the Oxnard Downtown Management District (“District”) Property-Based Business Improvement District (“PBID”) and tabulate the ballots for and against its establishment; and

2. If a weighted majority of the ballots are in support of the renewal of the District, adopt **Resolution No. 15,251** renewing the District and levying assessments in the District for fiscal year 2019-2020 to fiscal year 2024-2025.

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

Mayor Flynn opened the public testimony portion of the public hearing. Public comments were received from Fernando Garcia, Vincent Behrens, Tila Estrada, Peggy Rivera, and Suzi Gonzales.

Without objection, the Council approved closing the public testimony portion of the public hearing. Discussion ensued among the Council and staff. The Council recessed the meeting at 7:12 p.m. so the ballots could be tabulated. The meeting reconvened at 7:36 p.m.

The City Clerk announced the weighted ballot counts were: Yes 79.76%, No 20.24%.

It was moved by Mayor Pro Tem Ramirez, 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.

2. SUBJECT: Planning & Zoning (PZ) Permit Numbers 18-620-01 (General Plan Amendment), 18- 580-01 (Zone Text Amendment), and 18-570-02 (Zone Change) – The Downtown Code and Removal of Conditional Downtown East Transit Oriented District Urban Village Designation.
RECOMMENDATION: That the City Council, following the public hearing, approve PZ Nos. 18-620-01 (General Plan Amendment) [**Resolution No. 15,252**], 18-580-01 (Zone Text Amendment), and 18-570-02 (Zone Change) to adopt and implement the proposed Downtown Code and remove the conditional Downtown East Transit Oriented District (DETOD) Urban Village designation.

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

Mayor Flynn opened the public testimony portion of the public hearing. Public comments were received from Gary Blum, Roy Prince, Jacqueline Pollino, Aurelio Ocampo Jr., Pat Brown, Abel Magana, and Tila Estrada.

Without objection, the Council approved closing the public testimony portion of the public hearing. Discussion ensued among the Council and staff. The City Attorney clarified that the recommended action is to adopt the resolution amending the General Plan and introduce two ordinances (Zone Text Amendment and Zone Change), whose titles he read aloud.

It was moved by Councilwoman Basua, seconded by Mayor Pro Tem Ramirez, to approve the recommended action as presented, stating the Council's preference for traditional architecture styles in the two zones, and zero-foot setbacks. VOTE: Basua, Flynn, Lopez, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 7-0.

M. REPORTS

Community Development Department

1. SUBJECT: Approval of Agreement with the Oxnard Union High School District Regarding Future Civic Center Act Use of Specific Portions of New High School to be Constructed on 51.8 Acres of the 107-acre Maulhardt Property Located on the Northeast Corner of Rose Avenue and Camino del Sol; Approval of Agreement with Members of Maulhardt Family Regarding Mitigation of Park Requirements Upon the Subsequent Development of Remainder of Maulhardt Property.
RECOMMENDATION: That the City Council approve and authorize the Mayor to sign on the City's behalf two agreements relating to the 107-acre project known as the East Village Development Project (Maulhardt Property):
 1. Agreement Between Oxnard Union High School District and City of Oxnard for Community Use of Facilities; and
 2. Agreement Affecting Real Property (Agreement for Mitigation of Park Requirements).

The Community Development Director gave a report. Public comments were received from Pat Brown and Keith Valdez. Discussion ensued among the Council, staff, and Kenneth High, attorney for the Maulhardt family.

It was moved by Councilmember Perello, seconded by Councilmember Madrigal, to approve the recommended action as presented, with the exception that the City will provide no funding for the reconstruction, preservation, maintenance, or operation of the barn or house. VOTE: Basua, Flynn, Lopez, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 7-0. Brief discussion ensued among the Council and Dr. Gary Davis of the Oxnard Union High School District Board.

Housing Department

2. SUBJECT: Homeless Programs Update and Shelter Agreement.
RECOMMENDATION: That the City Council:
 1. Receive and file a homeless program update;
 2. Waive the City's land use regulations to permit the use of the National Guard Armory as a 24-hour a day shelter through December 31, 2019;
 3. Authorize the Mayor to execute Professional Services Agreement A-8143 with Mercy House to provide homeless shelter services; and
 4. Approve a \$1,500,000 budget appropriation in Homeless Emergency Aid Program (HEAP) grant funding from the State and Local Grant Fund (219) to Shelter Operations and Downtown Pilot Efforts.

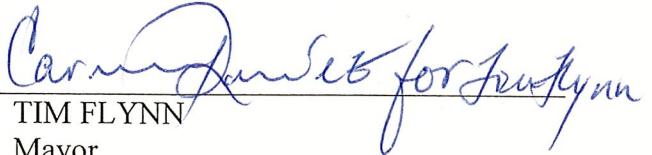
The Housing Director gave a report. Public comments were received from Peggy Rivera, Mike Pettit, Yukio Okano, and Keith Valdez. Discussion ensued among the Council and staff.

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.

N. ADJOURNMENT

There being no further business on the agenda, and without objection, Mayor Flynn adjourned the meeting at 10:44 p.m. to an Adjourned Regular Meeting to be held July 30, 2019, 5:00 p.m. at the City Hall Council Chambers, 305 W. Third Street.


MICHELLE ASCENCION, CMC
City Clerk


TIM FLYNN
Mayor