

MINUTES
OXNARD CITY COUNCIL
Regular Meeting
February 19, 2019

A. ROLL CALL/POSTING OF AGENDA

At 4:32 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 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 4:36 p.m.)

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.)

C. CLOSED SESSION

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 titles of the litigation being discussed are: 1. April Kittel v. City of Oxnard; and 2. Manuel Covarrubias v. City of Oxnard.

The City Council will also recess to a closed session, pursuant to Government Code section 54957.6, to review the status of labor negotiations and to review its available funds and funding priorities for the purpose of providing instructions to the City’s negotiators regarding the organizations specified in Item C-3 of the meeting agenda.

The City Council will re-convene to closed session following the end of open session business, pursuant to Government Code section 54957, to discuss the performance evaluation of the City Manager.”

At 4:33 p.m., the City Council recessed to a closed session. At 5:14 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.

Additional staff members present at this time were Kevin Riper, Chief Financial Officer; and Darwin Base, Fire Chief.

D. APPOINTMENT ITEM

Finance Department

1. SUBJECT: Comprehensive Annual Financial Report.
RECOMMENDATION: That City Council:

1. Receive and file the Comprehensive Annual Financial Report (CAFR) for the fiscal year ended June 30, 2018, as recommended by the Finance and Governance Committee; and
2. Ratify and approve budgeted payrolls and demands paid by warrants or checks for the fiscal year ended June 30, 2018, as provided in Government Code section 37208.

The Chief Financial Officer introduced Eden Casareno of Eadie & Payne LLP, who gave a report. Public comments were received from Alicia Percell. Discussion ensued among the Council and staff.

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

The City Council took a brief recess at 5:45 p.m.; the meeting resumed at 6:00 p.m.

E. OPENING CEREMONIES

The flag salute was followed by a moment of silence.

Additional staff members present at this time were Hoon Han, City Engineer; and Kathleen Mallory, Planning and Environmental Services Manager.

F. CEREMONIAL CALENDAR

1. SUBJECT: Presentation of a Commendation to Alicia P. Llinas for 40 Years of Service to Local Broadcasting.

Mayor Flynn read the commendation and presented it to Ms. Llinas, who made some remarks.

2. SUBJECT: Presentation of the Annual Community Relations Commission Community Recognition Awards.

Community Relations Commissioners Tiffany Lopez and Helaine Stallion presented the Community Recognition awards to Jose Reveles with Commercial Auto Body (Outstanding Business), Martha "Martita" Garcia (Outstanding Senior), Christopher Ehrman (Outstanding Youth), Bertha Garcia (Outstanding Individual), and Vanessa Teran with the Mixteco/Indigena Community Organizing Project (Outstanding Community-Based Organization).

G. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from Erica McCree (roach problems and broken water heater), Woodrow Thomas Sr. (roaches and needed repairs in his apartment building), Guadalupe Murillo (project deadlines for new high school construction), Manuel Herrera (resident Irene Avila, who recently passed away), Nioia Alvarado (overcrowding at Pacifica High School), Ariana Ortiz (overcrowding at Pacifica High School), Pat Brown (against the proposed outdoor vehicle storage lot near Ormond Beach), Lucy Cartagena (gun violence), and Angel Garcia (cybersecurity, leadership).

H. REPORT OF CITY MANAGER

The Assistant City Manager gave a timeline of the progress of the proposed high school construction project.

I. CITY COUNCIL REPORTS

Councilmember Madrigal reported on attending the Rio Lindo and Cal Gisler neighborhood council meetings. He commented on the recent Rotary elementary school basketball tournaments and the recent passing of Irene Avila, the wife of La Colonia neighborhood chair Ramon Lopez.

Councilwoman Basua reported on touring her district with the City Manager to discuss areas of concern within District 5. She reported on a recent lunch and tour with the Fire Chief and wished the Santa Clara High School basketball team good luck in their upcoming CIF tournament.

Mayor Pro Tem Ramirez congratulated the police department on its third consecutive year of violent crime reduction, reported on a recent Sacramento lobbying trip with SCAG, and announced the upcoming "RescueCon" event at the PACC.

Councilmember Perello expressed condolences on the recent passings of Irene Avila and Larry White. He requested a future agenda item for a gun buy-back program. He commented on security cameras in the Sierra Linda neighborhood and dead eucalyptus trees falling on Rose Avenue.

Councilmember Lopez thanked the Police Chief for addressing recent concerns regarding crossing guards near the elementary schools and general public safety concerns in District 6.

Mayor Flynn commented on the gang injunction and the need for gang intervention programs, and announced an upcoming Finance and Governance Committee meeting that will feature a presentation on unfunded pension liabilities from the city's financial advisors.

City Attorney Department

1. SUBJECT: Resolution Opposing Offshore Oil Drilling and Related Onshore Development, Fracking, and Related Techniques.

RECOMMENDATION: That City Council adopt **Resolution No. 15,198** opposing new or expansion of existing offshore oil and gas leases off the coast of Ventura County and related onshore development, fracking, and related techniques; and supporting a phase-out of oil and gas extraction and a framework to develop new responsible renewable energy projects.

Mayor Pro Tem Ramirez and the City Attorney gave a report.

Public comments were received from Patty Quiroz (on behalf of Hannah Beth Jackson), Margaret Cortese, Jose Barerra, Rudy Zamora, Tony Skinner, Maira Castro, Marc Traut, Mauricio Cruz, Bill Lind, Ken Bork, Justin Peters, Anthony Mireles, Otto Tillman, Daniel Adams, Dan Smith, Jeff Bode, Anne Traut, Chris Huston, Dane Sutherland, Andy Castillo, Martin Rodriguez, Julie Berge, Joshua Medrano, Christian Quirino, Jason Skillingsted, Kevin Ward, Trevor Zierhut, Deborah Savalla, Steve Nash, Stacy Miller, Larry Janssen, Andrew Fish, Kristen Hislop, Tomas Morales Rebecchi, Patty Einstein, Chris Bueling, Pat Brown, Carin Wafford, Angel Garcia, Troy Corley,

Mike deMartino, Arturo Guido, and Helen Conly. Discussion ensued among the Council and staff.

It was moved by Mayor Flynn, seconded by Councilman MacDonald, to approve items 1 and 4 ([support] a ban on new offshore drilling, fracking, and related techniques; and a framework to develop new responsible renewable energy projects, respectively) and remove items 2 and 3 ([support] a ban on new onshore development that would support offshore oil and gas development; and a phase-out of oil and gas extraction, respectively) from the last paragraph of the proposed resolution. VOTE: Basua, Flynn, Lopez, MacDonald, Madrigal, and Ramirez voted in favor; Perello voted against. The motion carried 6-1.

The City Council took a brief recess at 8:33 p.m.; the meeting resumed at 8:45 p.m.

2. SUBJECT: Letter Opposing Gun Shows at Ventura County Fairgrounds.
RECOMMENDATION: That City Council approve and authorize the Mayor to sign a letter requesting the Ventura County Fairgrounds Board of Directors cease contracting for new gun shows at the Fairgrounds and pursue any legal or legislative remedies as may be necessary for this cessation; and transmit such letter and communicate the Council position to the Board of Director and State and regional officials.

Mayor Pro Tem Ramirez and the City Attorney gave a report. Public comments were received from Margaret Cortese, Deborah Savalla, Steve Nash, Pat Brown, Troy Corley, Steven Auclair, Julie Diaz Martinez, Veronica Miranda, Amy Hart, and Justin Schimmel. Discussion ensued among the Council and staff.

It was moved by Mayor Pro Tem Ramirez, seconded by Councilwoman Basua, to approve the recommended action as presented. VOTE: Basua, Lopez, Madrigal, Perello, and Ramirez voted in favor; Flynn and MacDonald voted against. The motion carried 5-2.

J. REVIEW OF INFORMATION/CONSENT AGENDA

Items L-4 were discussed among the Council and staff.

K. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA (None)

L. INFORMATION/CONSENT AGENDA

City Clerk Department

1. SUBJECT: Approval of Minutes.
RECOMMENDATION: That the City Council approve the minutes of the February 5, 2019 Regular Meeting as presented.

Development Services Department

2. SUBJECT: Adoption of Ordinance No. 2956 Pertaining to the RiverPark Specific Plan Amendment.
RECOMMENDATION: That the City Council adopt **Ordinance No. 2956** approving an amendment to the RiverPark Specific Plan (Planning and Zoning Permit No. 18-630-01);

and adopt an Addendum to the Environmental Impact Report No. 00-03 certified by City Council on July 16, 2002.

Public Works Department

3. SUBJECT: Award Agreement A-8112 On-Call Asphalt and Concrete Repairs Agreement to Paveco Construction.
RECOMMENDATION: That City Council award and authorize the Mayor to execute Agreement A-8112 with Paveco Construction, Inc., for a three year term for an amount up to \$225,000 for on-call concrete and asphalt repair services.
4. SUBJECT: Award Contract A-8118 to Toro Enterprises for Vineyard Avenue Street Resurfacing Project.
RECOMMENDATION: That City Council:
1. Award and authorize the Mayor to execute Agreement A-8118 in the amount of \$2,793,079.50 for the Vineyard Avenue Street Resurfacing Project Specification No. PW 16-12 with Toro Enterprises, Inc.;
 2. Approve \$279,300 for Project contingency for the Vineyard Avenue Street Resurfacing Project;
 3. Approve \$279,300 for technical engineering support, inspection, survey and project management (City staff) for the Vineyard Avenue Street Resurfacing Project; and
 4. Approve a net appropriation of \$3,351,680 as follows:

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| Federal Earmark Repurposing Fund (275) | \$976,632 |
| Federal Surface Transportation Program | |
| Local (STPL) Fund (275) | \$924,469 |
| State Toll Credit (219) | \$119,774 |
| State Senate Bill Roadway Maintenance | |
| And Rehabilitation (RMRA) Fund (181) | |
| And Rehabilitation (RMRA) Fund (185) | \$747,223 |
| Local Transportation Development Act (TDA) | |
| Article 8a Fund (212) | \$583,582 |

It was moved by Councilman 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.

M. PUBLIC HEARING

Development Services Department

1. SUBJECT: Appeal of Planning Commission's Decision on Planning and Zoning Permit No. 16-540-03 (Special Use Permit for a Planned Development Permit); Retail Shopping Center at 2441 N. Vineyard Ave. (APN 141-0-021-250 & 142-0-010-060).
RECOMMENDATION: That City Council adopt **Resolution No. 15,199** upholding the Planning Commission's approval of Planning and Zoning Permit No. 16-540-03 (Special Use Permit for a Planned Development Permit), subject to certain findings and conditions set forth in Planning Commission Resolution No. 2018-38.

The City Clerk announced the affidavit of publication and stated that one written communication had been received, as well as a request to speak from the appellant.

The Planning and Environmental Services Manager gave a report. Mark Sellers gave a presentation on behalf of the appellant. Alex Kang and Alex Sosa gave a presentation on behalf of the project applicant.

Mayor Flynn opened the public testimony portion of the public hearing. Public comments were received from Bonnie Brown, Alex Kang, Mark Sellers, and Roy Prince.

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 Councilman MacDonald, seconded by Mayor Flynn, 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. CLOSED SESSION

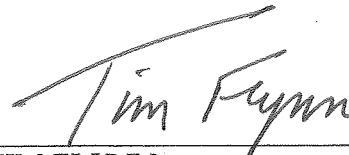
At 10:21 p.m., the City Council recessed to a closed session pursuant to Government Code section 54957, to discuss the performance evaluation of the City Manager. At 11:12 p.m. the City Council reconvened in open session in the Council Chambers. The City Attorney announced that there were no reportable actions out of closed session.

O. ADJOURNMENT

There being no further business on the agenda, and without objection, Mayor Flynn adjourned the meeting at 11:13 p.m.



MICHELLE ASCENCION, CMC
City Clerk



TIM FLYNN
Mayor

3/5/19