

Written materials relating to an item on this agenda that are distributed to the legislative bodies within 72 hours before the item is to be considered at its regularly scheduled meeting will be made available for public inspection at the City Clerk's Office, 300 West Third Street 4th Floor during customary business hours. Agenda reports are also on the City of Oxnard web site at www.oxnard.org.



AMENDED AGENDA
Section G, Item 2 Added

AGENDA

OXNARD CITY COUNCIL

OXNARD COMMUNITY DEVELOPMENT COMMISSION SUCCESSOR AGENCY

OXNARD FINANCING AUTHORITY

OXNARD HOUSING AUTHORITY

Council Chambers, 305 West Third Street

September 7, 2021

Closed Session - 5:00 PM

Regular Meeting - 6:00 PM

This meeting is held pursuant to the State Emergency Services Act, the Governor's Emergency Declaration, and Governor's Executive Order N-29-20 as extended by N-21-08 to allow members of the City Council or staff to participate via teleconference.

As a precautionary measure to help slow the spread of COVID-19, the City Council facilities are temporarily closed to the public. The public is encouraged to view the meeting from home on the City's website at Oxnard.org/city-meetings, Spectrum channel 10, Frontier channel 35, or YouTube at Youtube.com/oxnardnews. Video recordings are typically available online immediately following the meeting. *Please see the link for the Measure M pre-recorded presentation video for each agenda item below.

The public may provide comments to the City Council via email at cityclerk@oxnard.org no later than 2:00 p.m. on the day of the meeting. Please identify the meeting date and agenda item in the Subject line.

A telephone option for public comments is also available at this time. Requests to speak must be submitted no later than 2:00 p.m. on the day of the meeting. Use the form on the city's website to submit your request: Oxnard.org/city-meetings, or call the City Clerk's Office at (805) 385-7803, or email your request to cityclerk@oxnard.org.

*The City has filed pre-election and post-election lawsuits regarding the validity of Measure M. The judge has not yet ruled on the legal sufficiency of Measure M.

A. ROLL CALL, POSTING OF AGENDA

THE FOLLOWING LEGISLATIVE BODIES ARE MEETING: City Council and the Oxnard Housing Authority.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

At this time, a person may address the legislative body only on matters appearing on the closed session agenda. The presiding officer shall limit public comments to three minutes.

C. CLOSED SESSION (5:00 PM)

1. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION (Government Code Section 54956.9(d)(1))

Name of case: City of Oxnard v. Brownstein, Hyatt, Farber, Schreck, LLP

Los Angeles County Superior Court, Case No. 20STCV19575

Legislative Body: City Council

2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS – (Government Code section 54956.8)

Properties: 715 South A Street, Oxnard, CA (APN 2020144240); 731 South A Street, Oxnard (APN 2020144280); 720 South B Street, Oxnard (APN 2020144220)

Agency Negotiators: Emilio Ramirez and Al Barkley

In compliance with the Americans with Disabilities Act, if you require special assistance to participate in a meeting, please contact the City Clerk's Office at 385-7803. Notice at least 72 hours prior to the meeting will enable the City to reasonably arrange for your accessibility to the meeting.

Agenda Item time estimates: (Presentation / Council Discussion / Public Comment)

Negotiating Parties: City of Oxnard and Heritage Square
Under Negotiation: Price and terms of payment
Legislative Body: City Council

D. OPENING CEREMONIES (6:00 PM)

Pledge of allegiance to the flag of the United States.

E. CEREMONIAL ITEMS

1. SUBJECT: Presentation of a Proclamation in Remembrance of the 20th Anniversary of 9/11.
2. SUBJECT: Presentation of a Proclamation Designating the Week of September 17 - 23, 2021 as "Constitution Week."
3. SUBJECT: Presentation of a Proclamation Designating September 18, 2021 as "Coastal Cleanup Day in the City of Oxnard."

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

At this time, the legislative body will consider public comments for a maximum of thirty minutes. A person may address the legislative body only on matters not appearing on the agenda and within the subject matter jurisdiction of the legislative body. Speaker requests shall be submitted as set forth on the first page of this agenda. Speakers are limited to three minutes. If the allotted 30 minute time period expires before all speakers have had the opportunity to speak, the remaining speakers will be given an opportunity to speak prior to adjournment of the meeting. The legislative body cannot enter into a detailed discussion or take action on any items presented during public comments at this time. Such items may only be referred to the City Manager/Executive Director/Secretary for administrative action or scheduled on a subsequent agenda for discussion. Persons wishing to speak on public hearing items should do so at the time of the hearing.

G. REPORT OF CITY MANAGER/EXECUTIVE DIRECTOR/SECRETARY

The City Manager/Executive Director/Secretary shall report on items of interest to the legislative body occurring since the last meeting. The legislative body cannot enter into detailed discussion or take action on any item presented during this report. Such items may only be referred to the City Manager/Executive Director/Secretary for administrative action or scheduled on a subsequent agenda for discussion.

1. City Manager Department

SUBJECT: COVID-19 Update from Director of Emergency Services. (10/5/5)

RECOMMENDATION: That the City Council receive and file an update from the Director of Emergency Services on the COVID-19 Local Emergency.

Legislative Body: City Council

Contact: Alexander Nguyen, (805) 385-7430

2. City Manager Department

SUBJECT: Infrastructure Use Fee Refund and Utility Rate Reduction.

RECOMMENDATION: That the City Council receive a report regarding the Infrastructure Use Fee (IUF) credit and utility rate reduction, and approve and authorize the following:

1. The refund of IUF funds totaling \$7,112,897 paid by Oxnard utility customers during the period of January 1, 2020 through August 31, 2021, with Water customers receiving a credit

totaling \$3,208,214, Wastewater customers receiving a credit totaling \$2,015,000, and Environmental Resources customers receiving a credit totaling \$1,889,683;

2. The reduction of utility rates by a combined estimated total of \$3,556,448 (a 3.2 percent reduction) for the period September 1, 2021 through June 30, 2022 to reflect the elimination of the IUF for this time period. Water rates will be reduced by an estimated \$1,604,106, Wastewater rates by an estimated \$1,007,500, and Environmental Resources rates by an estimated \$944,842;

3. In Fiscal Year 2022-23 and beyond, the City's full and continued compliance with the Second Amended Final Judgment filed July 13, 2021 regarding utility rates and a new IUF consistent with this judgment. (Case No.: 56-2017-00494475-CU-WM-VTA); and

4. The Chief Financial Officer or designee to approve administrative budget adjustment for the impacted revenue reductions in the Water, Wastewater and Environmental Resources funds for Fiscal Year 2021-22.

Legislative Body: City Council

Contact: Alexander Nguyen, (805) 385-7430

H. CITY COUNCIL/HOUSING AUTHORITY/SUCCESSOR AGENCY/FINANCING AUTHORITY
BUSINESS/COMMITTEE REPORTS

At this time, a member of the legislative body may make a brief announcement, or make a brief report on his or her activities. Further, members of the legislative body may request to schedule consideration of whether to place an item on a future agenda. The legislative body cannot enter into detailed discussion or take action on any item presented during this report. The member's report shall not exceed three minutes, unless additional time is granted by the presiding officer.

1. City Manager Department

SUBJECT: League of California Cities Annual Conference Voting Delegate 2021.

RECOMMENDATION: That City Council designate Councilwoman Gabriela Basua as the voting delegate at the League of California Cities Annual Conference and determine the City's position on the League's resolutions regarding online sales tax equity and securing railroad property maintenance.

Legislative Body: City Council

Contact: Alexander Nguyen, (805) 385-7430

I. REVIEW OF INFORMATION/CONSENT AGENDA

The members of the legislative body will consider whether to remove Information/Consent Agenda items for discussion later during the meeting.

J. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

At this time, a person may address the legislative body only on matters appearing on the information/consent agenda. The presiding officer shall limit public comments to three minutes.

K. INFORMATION/CONSENT AGENDA

1. City Clerk Department

SUBJECT: Approval of Minutes.

RECOMMENDATION: That the City Council approve the minutes of the April 6, 2021; April 20, 2021, April 29, 2021, and May 4, 2021 regular meetings as presented.

Legislative Body: City Council

Contact: Rose Chaparro, (805) 385-7805

2. Public Works Department

SUBJECT: Approval of Changes to Chapter 19: Public Works, Article I: Sewerage System; Wastewater Disposal of the Oxnard City Code.

RECOMMENDATION: That the City Council adopt Ordinance No. 2997 amending various sections of Chapter 19 (Public Works, Sewerage System; Wastewater Disposal) of the Oxnard City Code:

- 19-3 Abbreviations;
 - 19-4 Definitions;
 - 19-25 Prohibited; discharge standards;
 - 19-26 Local limits;
 - 19-36 Additional pretreatment measures;
 - 19-43 Discharges from food establishments, vehicle maintenance facilities, and commercial and industrial laundries; and
 - 19-51 Industrial wastewater discharge permit requirements
- (The Public Works and Transportation Committee approved 3-0.)

Legislative Body: City Council

Contact: Brian Yanez, (805) 200-5412

3. Housing Department

SUBJECT: Trade Services Agreement with Alltech Industries, Inc. for Security Services.

RECOMMENDATION: That the Board of Commissioners of the Housing Authority of the City of Oxnard approve and authorize the Executive Director to execute a firm-fixed price trade services agreement in the amount of \$106,055.04 with Alltech Industries, Inc. (Agreement No. 9292-21-HO) for the provision of security services at public housing sites.

(This item did not originate in Committee.)

Legislative Body: Housing Authority Board of Commissioners

Contact: Emilio Ramirez, (805) 385-8094

L. PUBLIC HEARINGS

1. Police Department

SUBJECT: Edward Byrne Memorial Justice Assistance Grant Program FY2021 Local JAG

RECOMMENDATION: That City Council conduct a public hearing and adopt a resolution:

1. Authorizing the City Manager a prior execution and submission of an application for U.S. Department of Justice (DOJ) grant funds in the amount of \$107,007 from the Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program's FY 2021 Local Solicitation with no matching fund requirement;
2. Authorizing the City Manager to execute a Memorandum of Understanding with the County of Ventura and the City of San Buenaventura designating the City of Oxnard as the lead agency and fiscal agent for the JAG;
3. Authorizing the City Manager or designee to execute grant agreements and appropriate funds upon notification of grant award;
4. Authorizing the Chief Financial Officer or designee to submit financial reports and grant claims and approve administrative budget appropriation for the use of JAG funds upon award; and
5. Authorizing the Chief of Police or designee to submit all program-related progress or status reports.

(This item did not originate in Committee.)

Please click the following link to view the required Measure M pre-recorded presentation video:

<https://youtu.be/kTeaHsVnNXo>

Legislative Body: City Council

Contact: Jason Benites, (805) 385-7624

M. REPORTS

1. City Treasurer

SUBJECT: Quarterly Investment Report for the Period Ending June 30, 2021

RECOMMENDATION: That the City Council receive and file the Quarterly Investment Report for the period ending June 20, 2021.

(This item did not originate in Committee.)

Please click the following link to view the required Measure M pre-recorded presentation video: <https://youtu.be/d8unqRYW3fE>

Legislative Body: City Council

Contact: Phillip Molina, (805) 385-7808

2. Public Works Department

SUBJECT: Approval of Purchase Order #8164 with VAC-CON, Inc., for a New Sewer Cleaning Vehicle. (0/5/5)

RECOMMENDATION: That the City Council approve and authorize the Mayor to execute Purchase Order #8164 with VAC-CON, Inc. for the purchase of a new VAC-CON sewer cleaning combination truck, model VPD4211HE/1300, mounted on a Freightliner 114SD truck chassis in the amount of \$558,637.71.

(Public Works and Transportation Committee approved 3-0)

Please click the following link to view the required Measure M pre-recorded presentation video:

https://youtu.be/-5V86_mS2wQ

Legislative Body: City Council

Contact: Brian Yanez, (805) 200-5412

3. Public Works Department

SUBJECT: Proposed Formation of the City of Oxnard Community Facilities District No. 9 (Northshore at Mandalay Bay) and Approval of Deposit and Reimbursement Agreement and Special Tax Disbursement Agreement. (0/5/5)

RECOMMENDATION: That the City Council adopt the following resolutions:

1. A Resolution Approving a Deposit and Reimbursement Agreement A-8373 and Special Tax Disbursement Agreement A-8374 Relating to the Proposed City of Oxnard Community Facilities District No. 9 (Northshore At Mandalay Bay);
 2. A Resolution of Intention to Establish City of Oxnard Community Facilities District No. 9 (Northshore At Mandalay Bay); and
 3. A Resolution of Intention to Incur Bonded Indebtedness in the Amount Not to Exceed \$22,000,000 within the Proposed City of Oxnard Community Facilities District No. 9 (Northshore At Mandalay Bay).
- (Finance and Governance Committee approved 3-0.)

Please click the following link to view the required Measure M pre-recorded presentation video:

https://youtu.be/9Nde_zwZfTA

Legislative Body: City Council

Contact: Brian Yanez, (805) 200-5412

4. Community Development Department

SUBJECT: Peninsula Road Street Vacation and Acceptance of a Public Access Easement; Planning and Zoning (PZ) Permit No. 21-660-01 (Street Vacation)- A Resolution of Intention to vacate the southernmost 272 feet of Peninsula Road fronting 3605 Peninsula Road and acceptance of a public access easement to allow for the continuation of vehicular circulation. (0/10/10)

RECOMMENDATION: That the City Council:

1. Find the project Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3);
2. Adopt a Resolution declaring its intention to vacate its right, title and interest in the southernmost 272 feet of the right-of-way fronting 3605 Peninsula Road and accept a public access easement to allow for the continuation of vehicular circulation; and
3. Direct the City Clerk to schedule a public hearing in accordance with the vacation procedures contained in California Streets and Highway Code Section 8300 et seq to be held on Tuesday, October 5, 2021 at 6:00 p.m. at the at the City Council Chambers of the City of Oxnard located at 305 West Third Street in Oxnard, California.

(This item did not originate in Committee.)

Please click the following link to view the required Measure M pre-recorded presentation video: <https://youtu.be/Dd6DOzxacEM>

Legislative Body: City Council

Contact: Vyto Adomaitis, (805) 385-7882

5. Community Development Department

SUBJECT: Encroachment Protection Agreement Amendment; Sixth Amendment to the Encroachment Protection Agreement Between the Department of the Navy, the Nature Conservancy, the Trust for Public Land, the Ventura Land Trust and the City of Oxnard. (0/5/5)

RECOMMENDATION: That the City Council approve and authorize the Mayor to execute a Sixth Amendment to the Encroachment Protection Agreement between the United States Department of the Navy, The Nature Conservancy, the Trust for Public Land, the Ventura Land Trust and the City of Oxnard (A-7734), for the purpose of acquiring long-term interests in lands, for a period of five (5) years beginning on September 30, 2021 and ending on September 29, 2026.

(This item did not originate in Committee.)

Please click the following link to view the required Measure M pre-recorded presentation video:

<https://youtu.be/1sU7iBSXXp8>

Legislative Body: City Council

Contact: Vyto Adomaitis, (805) 385-7882

6. Community Development Department

SUBJECT: First Amendment to Agreement Number 9041-20-CD for Consulting Services. (0/5/5)

RECOMMENDATION: That City Council approve and authorize the Mayor to execute a contract amendment to increase the contract amount by \$375,000 for a total contract amount of \$525,000 with Bureau Veritas North America, Inc., (Agreement Number 9041-20-CD) for on-call plan check and inspection services, ending on December 31, 2022.

(This item did not originate in Committee.)

Please click the following link to view the required Measure M pre-recorded presentation

video: <https://youtu.be/xaywa-NBchk>

Legislative Body: City Council

Contact: Vyto Adomaitis, (805) 385-7882

7. Public Works Department

SUBJECT: Water Infrastructure Finance and Innovation Act (WIFIA) Application Update. (0/5/5)

RECOMMENDATION: That the City Council adopt a resolution, and repeal Resolution 15,429, authorizing the City Manager to submit an application for an amount not to exceed \$49,792,000 from the Water Infrastructure Finance and Innovation Act Loan program administered by the U.S. Environmental Protection Agency; designating the amount of project expenditures to be reimbursed by proceeds from the Water Infrastructure Finance and Innovation Act loan; and dedicating and pledging revenues and funds for the repayment of the Water Infrastructure Finance and Innovation Act loan from the U.S. Environmental Protection Agency.

Please click the following link to view the required Measure M pre-recorded presentation video:

<https://youtu.be/F0IV94BEQ48>

Legislative Body: City Council

Contact: Brian Yanez, (805) 200-5412

N. ADJOURNMENT