

MINUTES
OXNARD CITY COUNCIL
Regular Meeting
September 7, 2021

A. ROLL CALL, POSTING OF AGENDA

5:00 p.m., Mayor John C. Zaragoza called to order the regular meeting of the Oxnard City Council, 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. Mayor Pro Tem Bryan A. MacDonald and Councilmembers Gabriela Basua, Vianey Lopez, Oscar Madrigal, Bert E. Perello, Gabriel (Gabe) Teran were present via videoconference. Mayor Zaragoza was present in person.

Councilmember Basua joined the meeting at 5:15 p.m.

Housing Authority Commissioners Andrade and Vega joined the meeting at 6:00 p.m., via videoconference as well.

Staff members present in person were Alexander Nguyen, City Manager; Stephen M. Fischer, City Attorney; and Rose Chaparro, City Clerk.

Staff members Shiri Klima, Deputy City Manager; Ken Rozell, Chief Assistant City Attorney; Jason Benites, Police Chief; Denise Shadinger, Assistant Chief of Police; Eric Sonstegard, Assistant Chief of Police; Delia Campbell, Police Finance Manager; Alexander Hamilton, Fire Chief; Brian Yanez, Acting Public Works Director; Steve Howlett, Assistant Public Works Director; Juanita Guzman, Administrative Services Manager; Timothy Beaman, Supervising Civil Engineer; Jan Hauser, Wastewater Division Manager; Ray Trevino, Wastewater Collections Manager; Emilio Ramirez, Housing Director; Vyto Adomaitis, Community Development Director; Jeffrey Pengilley, Community Development Assistant Director; Isidro Figueroa, Principal Planner; Betsy George, Chief Financial Officer; and Victor Zambrano, Utilities Finance Officer; participated via videoconference.

John A. Gebhardt Principal, SEG Advisors; Maryann Goodkind, Counsel at Norton Rose Fullbright; Sara Mares, Director at NBS Local Government Consultants; Fernando Villa, Partner at Allen Matkins; Scott Bordogna, Director at GTIS Partners also participated via videoconference.

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

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

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

At 5:05 p.m., the City Council recessed to a closed session. At 6:20 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 (6:20 PM)

The flag salute was followed by a moment of silence.

E. CEREMONIAL ITEMS

1. SUBJECT: Presentation of a Proclamation in Remembrance of the 20th Anniversary of 9/11.

Mayor Zaragoza read the proclamation and presented it to Fire Chief Alexander Hamilton, who made a few remarks.

2. SUBJECT: Presentation of a Proclamation Designating the Week of September 17 - 23, 2021 as "Constitution Week."

Mayor Zaragoza read the proclamation and presented it to Marc Anderson, Vice President of the Ventura County Bar Association, who was not able to be present to accept the proclamation.

3. SUBJECT: Presentation of a Proclamation Designating September 18, 2021 as "Coastal Cleanup Day in the City of Oxnard."

Mayor Zaragoza read the proclamation and presented it to Isabel Ayala with Coastal Keepers, who made a few remarks.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from Michael Mercurio (vehicles parked on the west side of Victoria Avenue), Manuel Herrera (positive budget/Measure E improvements), Karla Alejandra Ramirez (restroom maintenance for city's parks), Douglas D. Partello (Measure O funds/road maintenance), Jillian Hall (ban fossil fuels), Alexis (ban fossil fuels), Ray Blattel (Measure O mailer), Debbie Reeves (hazard pay distribution), and Jesus Vazquez (ban fossil fuels).

G. CITY MANAGER REPORT

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.

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

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.

Alexander Nguyen, City Manager, presented and answered questions from Council. Public

comments were received from Douglas D. Partello and Aaron Starr. Discussion ensued among the Council and staff.

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

H. CITY COUNCIL REPORTS

Councilmember Teran thanked the speakers. He recognized the three ceremonial items on the agenda including the September 11th tragedy. Legislative recess for the month of August, will allow time for staff to continue working and catch-up on projects and review items that are coming down the line and for Council it will allow time to focus on their Districts and meet with constituents. He met with several Council Committee Chairs and River Park residents. He sent condolences to his grandmother Josie for the passing of his grandfather which passed this morning.

Councilmember Madrigal thanked the Parks and Recreation staff, City Corps, and the many volunteers for the clean-up work done at La Colonia Park. He also thanked Mariposa Landscape for the work done at the outskirts of West and East Village. The new piping continues to be installed on Colonia streets. He received complaints about the quality of the roads on Cooper Road and Juanita Street being left bumpy after the pipes are installed. He thanked the students at Oxnard High School for reaching out to express their concerns about the current use of Measure E funds for trimming trees on Patterson and instead should be used to clean up the parks which need maintenance. He will be meeting with the students.

Mayor Pro Tem MacDonald thanked Council for holding tonight's meeting in memory of the military personnel that lost their lives. He attended the mural unveiling event at Del Sol Park. He had an opportunity to speak to some exceptional students about their future life goals.

Councilmember Basua welcomed back City Council members and staff. She also attended the mural unveiling at Del Sol Park. She enjoyed the amazing art work done by local students. She addressed the speaker which made a comment about the aquatic center and said that the aquatic center will be for the entire community.

Councilmember Lopez announced it has been great start to September; it will be a busy month with many virtual meeting to attend. She attended the check presentation of \$5 million dollars from Senator Monique Limon, representing California Senate District 19, for the aquatic center in Oxnard. She is very much looking forward to having the aquatic center built for the community.

Councilmember Perello talked about Congresswoman Barbara Lee, U.S. Representative for California's 13th Congressional District in Congress. He made a request to add an item for

future Council discussion to address the safety concerns regarding vehicles being parked along Victoria Avenue.

Mayor Zaragoza mentioned that he has been in communications with Chief Benites about the vehicles being parked along Victoria Avenue. Police Chief Benites announced that there are efforts already being done to address these concerns. Mayor Zaragoza announced the creation of the Mayor's Gateways Task Force, a group of five everyday residents that the Mayor has appointed to lead the effort to create gateways into the City of Oxnard. The Mayor's Gateways Task Force will work collaboratively with City staff, community members and the Mayor to identify and create gateways to Oxnard that complement the City's restored landscaping efforts.

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.

Alexander Nguyen, City Manager, presented. No public comments were received. Discussion ensued among the Council and staff.

*It was moved by Councilmember Perello, seconded by Councilmember Madrigal, to approve the recommended action as presented, to vote to **not** support the sharing of online sales tax equity and vote to support the securing railroad property maintenance. VOTE: Perello, MacDonald, Madrigal, Basua, Zaragoza, Lopez, and Teran voted in favor; the motion carried 7-0.*

I. REVIEW OF INFORMATION/CONSENT AGENDA

Items K-1 through K-3 were discussed among the Council and staff.

J. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA (None received.)

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.

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.)

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.)

Consent Agenda Items: K.1 and K.2:

It was moved by Councilmember Perello, seconded by Councilmember Lopez, to approve the Information/Consent items K.1 and K.2 as presented. VOTE: MacDonald, Perello, Basua, Madrigal, Zaragoza, Teran, and Lopez voted in favor; motion passed 7-0.

Consent Agenda Item: K.3:

It was moved by Councilmember Perello, seconded by Councilmember Lopez, to approve the Information/Consent item K.3 as presented. VOTE: MacDonald, Perello, Basua, Madrigal, Zaragoza, Teran, Lopez, Housing Authority Commissioner Andrade and Commissioner Vega voted in favor, motion passed 9-0.

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 **Resolution No. 15,480:**

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.)

The City Clerk announced the affidavit of publication and stated that no written communications were received. Police Chief Jason Benites gave a report and was available to answer questions.

Delia Campbell, Police Finance Manager, presented and answered questions from Council.

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

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

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.)

Treasurer Molina was available to answer questions. No public comments were received.

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

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)

Brian Yanez, Acting Public Works Director, was available to answer questions. No public comments were received. Discussion ensued among the Council and staff.

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

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. **Resolution No. 15,481** 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. **Resolution No. 15,482** of Intention to Establish City of Oxnard Community Facilities District No. 9 (Northshore At Mandalay Bay); and
3. **Resolution No. 15,483** 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.)

Ken Rozell, Chief Assistant City Attorney and Steve Howlett, Assistant Public Works Director were available to answer questions. No public comments were received. Discussion ensued among the Council and staff.

Ken Rozell, Chief Assistant City Attorney, notified Council that staff is recommending that (2.) **Resolution No. 15,482** of Intention to Incur Bonded Indebtedness is modified to indicate that the services for maintenance would be for the Edison Canal and the Channel Islands Harbor maintenance, and delete the reference to beach maintenance and beach patrol.

Also, on the exhibit which lays out the budget and the same changes will be made, that the Mandalay State Beach maintenance and patrol funding will be modified and changed to maintenance of the Edison Canal and the Channel Islands Harbor maintenance.

It was moved by Mayor Pro Tem MacDonald, seconded by Councilmember Perello, to approve

the recommended action with the additional staff recommendations, as amended. VOTE: Teran, Basua, Zaragoza, Lopez, MacDonald, Madrigal, and Perello voted in favor; motion passed 7-0.

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 **Resolution No. 15,484** 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.)

Vyto Adomaitis, Community Development Director; Jeffrey Pengilley, Community Development Assistant Director; and Isidro Figueroa, Principal Planner; were available to answer questions. No public comments were received. Discussion ensued among the Council and staff.

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

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.)

Vyto Adomaitis, Community Development Director, was available to answer questions. No

public comments were received. Discussion ensued among the Council and staff.

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

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.)

Jeffrey Pengilley, Community Development Assistant Director, presented and answered questions. No public comments were received. Discussion ensued among the Council and staff.

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

7. Public Works Department

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

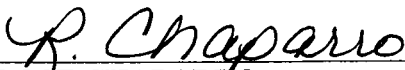
RECOMMENDATION: That the City Council adopt **Resolution No. 15,485**, and repeal Resolution 15,429, authorizing the City Manager to submit an application for an amount not to exceed \$49,792,000 from the Water Infrastructure Finance and Innovation Act Loan program administered by the U.S. Environmental 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.

Brian Yanez, Assistant Public Works Director and Timothy Beaman, Supervising Civil Engineer, presented and answered questions. Discussion ensued among the Council and staff.

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

N. ADJOURNMENT

There being no further business on the agenda, and without objection, Mayor Zaragoza adjourned the meeting at 9:02 p.m.



ROSE CHAPARRO
City Clerk



JOHN C. ZARAGOZA
Mayor