MINUTES
OXNARD CITY COUNCIL
Regular Meeting
December 7, 2021

A. ROLL CALL, POSTING OF AGENDA

At 4:30 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, and Bert E. Perello were present via videoconference. Mayor Zaragoza was present in person.

Councilmember Gabriel (Gabe) Teran joined the meeting in person at 6:00 p.m. to be sworn into office; and returned to the meeting via videoconference at 6:25 p.m., after receiving the Oath of Office.

Councilmember Oscar Madrigal joined the meeting via videoconference at 6:25 p.m.

Housing Authority Commissioner 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; Ken Rozell, Chief Assistant City Attorney; Terrel Harrison, Cultural & Community Services Director; and Rose Chaparro, City Clerk.

Staff members Ashley Golden, Assistant City Manager; Shiri Klima, Deputy City Manager; Adam Smith, Project Manager; Jason Benites, Police Chief; Delia Campbell, Police Finance Manager; Alexander Hamilton, Fire Chief; Michael Wolfe, Public Works Director; Brian Yanez, Assistant Public Works Director; Steve Howlett, Assistant Public Works Director; Tatiana Arnaout, Senior Civil Engineer; Todd Vasquez-Housley, Environmental Resources Division Manager; Emilio Ramirez, Housing Director; Vyto Adomaitis, Community Development Director; Isidro Figueroa, Principal Planner; Joe Pearson II, AICP, Senior Planner; Steve Naveau, Human Resources Director; Betsy George, Chief Financial Officer; Jennifer Hiraoka, Sr. Manager of Internal Controls & Acting Controller; and Eden Alomeri, Revenue & Licensing Director & Assistant City Treasurer; participated via videoconference.

David Maron, Chief Executive Officer with the Ventura County Civic Alliance; Alfredo Palomar, Real Estate Officer at the State of California, Department of General Services; Laura K. McAvoy, Attorney at MusickPeeler; Stan Rothbart, Rothbart Development Attorney; Beverly Gutierrez, Managing Partner with Hoffman, Vance & Worthington; Seena Max Samimi, Counsel at JMBM; Alex Soriano; David Garcia, Chief Operating Officer at FGH Retail Services, LLC; and Michael Chernis, Legal Counsel at Chernis Law also participated via videoconference.

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

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

C. CLOSED SESSION (4:30 PM)

1. CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION (Government Code

Section 54956.9(d)(1))
Name of cases: National Prescription Opiate Litigation commonly known as the "Distributor" and "Janssen" settlements (see, www.nationalopioidsettlement.com and www.oag.ca.gov/opioids).
Legislative Body: City Council

2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Government Code section 54956.9(d)(2))
Based on existing facts and circumstances, there is significant exposure to litigation against the City in one potential case regarding change orders requested by Harbour Constructors, Inc. for specification No. PW 17-16.
Legislative Body: City Council

At 4:41 p.m., the City Council recessed to a closed session. At 5:10 p.m., the City Council reconvened in open session in the Council Chambers. The City Attorney made the following announcement: By a vote of 5 to 0, with Councilmember Madrigal absent and a vacant Council seat, the City Council has given its legal counsel approval to enter into two proposed settlements resolving claims against the nation's 3 largest opioid Distributors (AmerisourceBergen, Cardinal Health, and McKesson) and manufacturer Janssen Pharmaceuticals and its parent company Johnson & Johnson for their roles in the opioid epidemic. City would receive approximately $3.5 million in settlement funds over the course of between 7 and 18 years. The settlement funds would have to be used for substance use prevention, harm reduction, treatment, and recovery programs. More information about the settlements is posted at www.nationalopioidsettlement.com.

D. APPOINTMENT ITEMS (5:30 – 6:00 PM)

1. City Manager Department
SUBJECT: Ventura County Civic Alliance State of the Region Report. (5:30 p.m.)
RECOMMENDATION: That the City Council receive the State of the Region Report from the Ventura County Civic Alliance.

David Maron, Chief Executive Officer with the Ventura County Civic Alliance, presented and answered questions. Discussion ensued among the Council and staff. Report was received and filed, no formal action was required.

E. OPENING CEREMONIES (6:00 PM)

The flag salute was followed by a moment of silence.

F. CEREMONIAL ITEMS

1. SUBJECT: Declare Results of the Canvass of Returns of the November 2, 2021 District 2 Special Municipal Vacancy Election and Administer the Oath of Office. (5/10/10)

The City Council adopted **Resolution No. 15,512** declaring the results of the canvass of returns of the November 2, 2021 City of Oxnard, District 2 (short term), Special Municipal Vacancy Election.

The City Clerk administered the oath of office to newly elected Councilmember Gabriel Teran, followed by remarks from the Mayor and Councilmembers.

It was moved by Mayor Pro Tem MacDonald, seconded by Councilmember Perello, to approve the recommended action as presented. VOTE: Lopez, MacDonald, Basua, Perello, and Zaragoza voted in favor; the notion carried 5-0. Councilmember Madrigal was absent.

2. SUBJECT: Special Guest from the North Pole.

Santa Claus came to visit the City of Oxnard from the North Pole to spread some holiday cheer.

G. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from Tai M. Hartley (Complaint against Councilmember Perello), Armando Delgado, Carpenters Union Local 805 Representative (Cost of living, employment opportunities, wages and benefits for local hires), and Lang Martinez (Homeless concerns).

H. REPORT OF CITY MANAGER

1. City Manager Department
   SUBJECT: COVID-19 Update from Director of Emergency Services. (10/5/5)
   RECOMMENDATION: That the City Council:

   1. Receive and file an update from the Director of Emergency Services on the COVID19 Local Emergency.

   2. Approve the re-authorization of remote teleconference meetings of the legislative bodies of the City of Oxnard in accordance with Assembly Bill 361.

Alexander Nguyen, City Manager, presented and answered questions from Council. No public comments were received.

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

I. CITY COUNCIL REPORTS

Councilmember Teran thanked everyone again for electing him to City Council and he is looking forward to continuing his work as a Councilmember. Announced that he is a very proud graduate of Oxnard College. Encouraged young resident to enroll and benefit from attending classes. Councilmember Teran participated in the Tree Lighting and the Christmas Parade. He congratulated the Freemont South Neighborhood Council which elected a new executive board during this meeting. Congratulated Jaime Moreno for being elected chair. Selected to support Aswell Trophy as his local business.

Councilmember Lopez welcomed back Councilmember Teran to the City Council. Councilmember Lopez participated in the Tree Lighting and the Christmas Parade. She thanked everyone involved in organizing the events and those that participated as well. She attended with Councilmember Basua and Councilmember Perello, the World Aids Day program about HIV / Aids statics in Ventura County. Encouraged the public to get tested and be safe. She encouraged residents to attend the Aquatic Center meeting at College Park this

Saturday Selected to support Jungle Juice as her local business.

Councilmember Madrigal selected to support Tacos El Centenario Food Truck. Announced that there was a large crowd that attended the Tree Lighting and that it was also great that the entire City Council was together in one place at this event. He also participated in the Christmas Parade and thanked everyone that participated this year.

Councilmember Basua selected to support In The Sauce as her local business. She thanked Mayor Pro Tem MacDonald for his dedication and hard work toward the Halaco Superfund Site clean-up efforts. She also attended the Tree Lighting and the Christmas Parade, and thanked staff for organizing these events. She encouraged residents to attend the upcoming Aquatic Center meeting at College Park. She also attended the World's Aids Day event.

Councilmember Perello selected to support the Golden Egg Restaurant as his local business. He attended the eighth night of the lighting of the menorah for Hanukkah at the Jewish Council. He also attended the Christmas Parade and the World's Aid Day events.

Mayor Zaragoza thanked everyone that attended and participated in the Tree Lighting and the Christmas Parade events.

J. REVIEW OF INFORMATION/CONSENT AGENDA

Items L-1 through L-5 were discussed among the Council and staff.

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

L. INFORMATION/CONSENT AGENDA

1. City Clerk Department
   SUBJECT: Approval of Minutes.
   RECOMMENDATION: That the City Council approve the minutes of the October 19, 2021 regular meeting as presented.

2. City Manager Department
   SUBJECT: State of California Grant for the South Oxnard Aquatic Center.
   RECOMMENDATION: That the City Council:

   1. Adopt **Resolution No. 15,513** approving the filing of project applications for $5,000,000 in State of California Specified Grant funds for the South Oxnard Aquatic Center at College Park, delegating authority to the City Manager regarding negotiations and execution of all documents necessary for the completion of the project scopes, and making required certifications and agreements to comply; and
   2. Approve a budget appropriation for the use of the awarded grant funds.

3. Police Department
   SUBJECT: **Resolution No. 15,514** Commending John Brisslinger for 21 Years of Exemplary Service to the City of Oxnard.

RECOMMENDATION: That the City Council adopt **Resolution No. 15,514** commending John Brisslinger for twenty-one years of outstanding service to the City of Oxnard Police Department.

4. Police Department
   SUBJECT: Federal and State Asset Forfeiture Funds.
   RECOMMENDATION: That City Council approve a budget appropriation in the amount of $217,000 for the use of Federal ($60,000) and State ($157,000) asset forfeiture funds allocated to the City of Oxnard's Police Department.
   (The Community Services, Public Safety, Housing and Development Committee approved 2-0 on November 9, 2021.)

5. City Manager Department
   SUBJECT: 2022 Meeting Schedule for Legislative Bodies.
   RECOMMENDATION: That City Council, Community Development Commission Successor Agency, Financing Authority, and Housing Authority approve the proposed meeting dates for the calendar year 2022.

The minutes of the October 19, 2021 regular meeting were pulled for revisions and will be brought back for Council approval at a future meeting.

Consent Agenda Item: L.1:
It was moved by Councilmember Perello, seconded by Mayor Zaragoza, to pull consent item L.1 from the consent agenda. VOTE: MacDonald, Perello, Basua, Madrigal, Zaragoza, Teran, and Lopez voted in favor; motion passed 7-0.

Consent Agenda Items: L.2 – L.5:
It was moved by Councilmember Lopez, seconded by Mayor Zaragoza, to approve the Information/Consent items L.2 – L.5 as presented. VOTE: MacDonald, Perello, Basua, Madrigal, Zaragoza, Teran, and Lopez voted in favor, motion passed 7-0.

M. PUBLIC HEARINGS

1. Community Development Department
   SUBJECT: Project Name: FGH Retail Services, LLC. - Appeal of the Planning Commission's Decision to Approve Planning and Zoning Permit No. 21-516-36 (Special Use Permit- Cannabis Retail) regarding property at 2320 North Rose Avenue (APN: 213-0-011-255). (20/10/10)
   RECOMMENDATION: That the City Council:

   1. Conduct a public hearing;
   2. Find the Project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities); and
   3. Adopt **Resolution No. 15,515** denying the appeal and upholding the Planning Commission's approval of Planning and Zoning Permit No. 21-516-36 (Special Use Permit- Cannabis Retail), subject to certain conditions and findings.

The City Clerk announced the affidavit of publication. A supplemental letter from Seena M. Samimi on behalf of Jeffer Mangels Butler & Mitchell LLP, regarding FGH Retail Services, LLC was dated and received on December 7, 2021, and it was forwarded to Council.

Jose Coyotl, Associate Planner; Scott Kolwitz, Planning & Environmental Services Manager; and Ken Rozell, Chief Assistant City Attorney; gave a report and answered questions.

Mayor Zaragoza opened the public testimony portion of the public hearing. The Appellant (Seena Max Samimi and Stanley Rothbart) made a presentation and the Applicant (Vanessa Hernandez and Michael Chernis) made a presentation.

Public comments were received from Nancy Lindholm, Marissa Roman, Ariella Dragonberg, Bobby Martinez, Jesse Ramos, Andrew Salinas, Ofer Rosenzweig, Eileen [unknown last name], Christina Zbko, Laura McAvoy, and Beverly Gutierrez.

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

2. Community Development Department

SUBJECT: SUBJECT: Planning & Zoning (PZ) Permit No. 21-580-05 Bed and Breakfast Parking Regulations (Zone Text Amendment) – Amendment to the Oxnard City Code Section 16-374 "Standards for Traditional Bed and Breakfast (Homestay)" allowing Bed and Breakfast Homestays (containing no more than two guest bedrooms) located on corner lots may credit the nonprimary street frontage toward the parking requirement, with 25 linear feet equal to one parking space, subject to approval of the decision maker associated with the underlying permit. (5/5/5)

RECOMMENDATION: That the City Council:

1. Conduct a public hearing;
2. Determine the Zone Text Amendment is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines 15060(c)(2) and (3) and 15061(b)(3); and
3. Introduce **Ordinance No. 3006** for first reading (by title only, waiving further reading) allowing Bed and Breakfast Homestays (containing no more than two guest bedrooms) located on corner lots may credit the nonprimary street frontage toward the parking requirement, with 25 linear feet equal to one parking space, subject to approval of the decision maker associated with the underlying permit. (Planning Commission recommend approval 7-0.)

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

Isidro Figueroa, Principal Planner and Scott Kolwitz, Planning & Environmental Services Manager gave a report and answered questions.

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 Basua, seconded by Councilmember Teran, to approve the recommended action as presented. VOTE: Perello, Madrigal, Basua, Zaragoza, Lopez, and Teran voted in favor; the motion carried 6-0-1. Mayor Pro Tem MacDonald recused himself and abstained due to owning property near the project location.

N. REPORTS

1. Community Development Department

   SUBJECT: DMV Oxnard Field Office Drainage Easement Vacation; Planning and Zoning (PZ) Permit No. 21-660-02 (Easement Vacation); A Resolution of Intention to vacate two forty (40) foot wide drainage easements, totaling approximately 24,600 square feet, located at 4050 South Saviers Road. (0/5/5)

   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. 15,516** declaring its intention to vacate its right, title and interest in two forty (40) foot wide drainage easements, totaling approximately 24,600 square feet, crossing the two parcels located at 4050 South Saviers Road; 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, January 4, 2022 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.

Scott Kolwitz, Planning & Environmental Services Manager, presented and answered questions. 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. VOTE: Teran, MacDonald, Zaragoza, Perello, Madrigal, Basua, and Lopez voted in favor; motion passed 7-0.

2. Finance Department

   SUBJECT: Update on Corrective Action Plan (CAP). (0/5/5)

   RECOMMENDATION: That the City Council receive an update on the Corrective Action Plan (CAP). (Finance and Governance Committee approved 3-0.)

Betsy George, Chief Financial Officer and Jennifer Hiraoka, Sr. Manager of Internal Controls & Acting Controller presented and answered questions. No public comments were received. Discussion ensued among the Council and staff. Report was received and filed, no formal action was required.

3. City Manager Department

   SUBJECT: American Rescue Plan Act budget appropriation, authorization of new FTEs for ARPA projects, and delegation of ARPA contract awarding and executing authority to the City Manager.

(0/5/5)
RECOMMENDATION: That the City Council:

1. Approve a budget appropriation recognizing $16,192,200 in federal grant revenue and appropriating $48,192,200 for the Council approved City's American Rescue Plan Act (ARPA) funding of projects and programs that will respond to the COVID-19 pandemic, address its economic fallout, and lay the foundation for a strong and equitable recovery in the City of Oxnard;
2. Adopt **Resolution No. 15,517** approving an amendment to the classification and salary range resolution for the Senior Project Manager classification to implement ARPA projects;
3. Adopt **Resolution No. 15,518** approving an amendment to the position control resolution to add four (4) Full-time Equivalent employees to implement ARPA projects; and
4. Adopt **Resolution No. 15,519** delegating contract awarding and executing authority to City Manager for non-public projects, and for subrecipient agreements funded in whole or in part by ARPA.

Alexander Nguyen, City Manager presented and answered questions. Public comments were received from Wendi Cool with Ventura County Ice Sports and Armando Delgado, Carpenters Union Local 805 Representative. Written comments were also received from Wendi Cool. Discussion ensued among the Council and staff.

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

At 9:58 p.m. City Council voted to continue the meeting past 10:00 p.m., and take action on the remainder of the items on the agenda.

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

4. Public Works Department

SUBJECT: Agreement A-8400 to G2K Construction, Inc. for the Replacement of Truck Weigh Scales at the Del Norte Recycling Center and Transfer Station Project Specification No. PW 20-59. (0/5/5)

RECOMMENDATION: That the City Council approve and authorize the following for a total of $3,576,216 in Project funds for the Replacement of Truck Weigh Scales at the Del Norte Recycling Center and Transfer Station Project, Specification No. PW 20-59 (Project No. 216803):

1. The Mayor to execute Agreement A-8400 with G2K Construction, Inc. in the amount of $2,980,180 for the Project;

2. A Project contingency amount of $298,018 for the Project;

3. A Project allocation amount of $298,018 for engineering, inspection, survey and project management for the Project; and

4. A budget appropriation in the amount of $1,126,216 from the available fund balance in the Solid Waste Operating Fund (631) for the Project.

'atiana Arnaout, Senior Civil Engineer presented and answered questions. No public comments were received. Discussion ensued among the Council and staff.

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

O. ADJOURNMENT

There being no further business on the agenda, and without objection, Mayor Zaragoza adjourned the meeting at 10:17 p.m.

R. Chaparro

ROSE CHAPARRO

City Clerk

John C. Zaragoza

JOHN C. ZARAGOZA

Mayor