

MINUTES
OXNARD CITY COUNCIL
Regular Meeting
November 1, 2022

A. ROLL CALL, POSTING OF AGENDA

At 4:31 p.m., Mayor John C. Zaragoza called to order the regular meeting of the Oxnard City Council (concurrently with the Community Development Commission Successor Agency), 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, Oscar Madrigal, Bert E. Perello, Gabriel (Gabe) Teran, Mayor Pro Tem Bryan A. MacDonald, and Mayor John C. Zaragoza were present.

Staff members present in person were Alexander Nguyen, City Manager; Ashley Golden, Assistant City Manager; Shiri Klima, Deputy City Manager; Stephen M. Fischer, City Attorney; Jason Benites, Police Chief; Jose Diaz, Police Commander; Alexander Hamilton, Fire Chief; Michael Wolfe, Public Works Director; Joseph Marcinko, Assistant Public Works Director; Steve Howlett, Assistant Public Works Director; Tatiana B. Arnaout, P.E., City Engineer; Eric L. Storrie, CPRP - Special Districts Manager; Jeff Pengilley, P.E., CDD Assistant Director & Building Official; Emilio Ramirez, Housing Director; Adam Smith, Project Manager; Dee Lai, Assistant City Clerk and Rose Chaparro, City Clerk.

Staff members Michelle (Elle) McCarron, Assistant City Attorney; Betsy George, Chief Financial Officer; and Anthony Miller, Special Districts Project Manager participated via videoconference.

Gerard Kapuscik and Glenn Shephard with the County of Ventura; Doug Books with Oakwood Communities, Andrew Yi with LSY Enterprise (in person); Todd Mooney, Successor Agency Counsel KBB Law; Christian Sprunger, Assistant Vice President at NHA Advisors also participated via videoconference.

THE FOLLOWING LEGISLATIVE BODIES ARE MEETING: City Council and the Community Development Commission Successor Agency.

B. APPOINTMENT ITEMS (5:30 PM)

1. Public Works Department

SUBJECT: Presentation by the County of Ventura on the Santa Clara River (SCR) Levees 1 and 3 Update.

RECOMMENDATION: That the City Council receive a verbal report and presentation from the County of Ventura on the Santa Clara River (SCR) Levees 1 and 3 Update.

(Live presentation by the County of Ventura.)

Glenn Shephard, Watershed Protection Director and Gerard Kapuscik, Strategic Resiliency Group and Levee Certification Program Manager with the Ventura County Watershed Agency, and Doug Books, Vice President of Construction with Oakwood Communities provided an information status update presentation to Council on the Santa Clara River (SCR-3) and (SCR-1) levee rehabilitation projects. They discussed the work planned for the levees and answered Council's questions.

C. OPENING CEREMONIES (6:00 PM)

The flag salute was followed by a moment of silence.

D. CEREMONIAL ITEMS

1. **SUBJECT:** Presentation of a Proclamation Designating November 11, 2022 as "Veterans Day" in the City of Oxnard.

Mayor Zaragoza read the proclamation and presented it to the Sal Gonzales, first lieutenant, US Army Veteran, Robert Cruz and Manuel Gonzales, Vietnam Veterans of Ventura County. He thanked our local Veterans for their bravery in defending our freedom. Mr. Gonzales made a few remarks. They invited the community to attend this year's Veterans Day Ceremony at Plaza Park to honor and remember all who have served our country.

E. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Douglas D. Partello (City's financial position re: pensions), Lang Martinez (Statements of Economic Interest Form 700's), Tai Hartley (Manuel Herrera), Larry Stein (Public Records Requests, Housing Element), Mohammed Hasan (Re-election for the United Water Conservation District, Division 3), Reverend Greg Runyon (Election common ground among candidates), Unidentified (Police enforcement ignoring violations, speed humps); Manuel Herrera, Citizens for a Better Oxnard (Tai Hartley, Lang Martinez, and Doug Partello).

F. REPORT OF CITY MANAGER/EXECUTIVE DIRECTOR/SECRETARY

1. **Public Works Department**

SUBJECT: Resolution Ratifying Director Orders. (5 minutes)

RECOMMENDATION: That the City Council adopt a resolution ratifying orders issued by the Director of Emergency Services in response to the previously proclaimed water shortage emergency and mandatory water conservation measures and receive an update on the emergency and measures.

Public comments were received by Lawrence Stein.

There were no orders to ratify the Director Orders; no formal action was taken on this item.

2. **City Manager Department**

SUBJECT: Agreement to Fund Development of Future Ormond Beach Public Access Park. (15 minutes)

RECOMMENDATION: That the City Council approve and authorize the Mayor to execute Agreement No. A-8509 with Ormond Beach Power, LLC (GenOn) establishing a dedicated fund for the development of a future public access park at Ormond Beach if the State extends the operating life of Ormond Beach Generating Station.

(This item did not originate in Committee.)

City Manager Nguyen presented and answered questions.

Public comments were received from Lawrence Stein, Pat Brown, Doug Partello, and Kimball Lucine. Written comments were received and provided to Council. 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: Basua, MacDonald, Madrigal, Perello, Teran, and Zaragoza voted in favor; motion passed 6-0.

3. City Manager Department

SUBJECT: COVID-19 Update from Director of Emergency Services.

RECOMMENDATION: That the City Council re-authorize remote teleconference meetings of the legislative bodies of the City of Oxnard in accordance with Assembly Bill 361 based on the following findings: (i) the current COVID-19 situation, particularly with its variants, is causing, and will continue to cause, imminent risks to the health and safety of persons within the City, including City Council members, City staff, appointed officials, and members of the public; (ii) state and local officials continue to impose or recommend measures to promote social distancing; and (iii) the Governor's COVID-19 State of Emergency is still in effect; and (iv) numerous public agencies throughout Ventura County are still operating in accordance with Assembly 361, for the reasons stated herein.

City Manager Nguyen presented this item and announced the Special Election to fill the vacancy for District 6 Councilmember seat on March 7, 2023. Nomination period opens on Monday November 14 and will run until Thursday, December 8, 2022. For more information, visit the City Clerk's Office website or call the office at (805) 385-7803. The City of Oxnard is continuing to make steady progress to improve Oxnard's S&P rating.

It was moved by Councilmember Teran, seconded by Councilmember Perello, to approve the recommended action as presented. VOTE: Basua, MacDonald, Madrigal, Perello, Teran, and Zaragoza voted in favor; motion passed 6-0.

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

Councilmember Teran stated that during the October 18th Council meeting discussion about the March 2023 Special Election to fill the District 6 Councilmember seat vacancy, he was clear that he supported the special election. However, he voted "no" strictly around equity. He supports and stands for fair and equal treatment of the South Oxnard residents in District 6. He recently attended the Riverpark Neighborhood Council meeting. He wished his Grandmother Mary a very happy birthday.

Councilmember Basua addressed untrue and inappropriate comments posted about her on the Nextdoor app during her re-election campaign. She reminded everyone to be kind to one another at all times.

Councilmember Perello thanked all the residents and speakers that attend the public meetings in person and via the internet. He attended the Channel Islands Neighborhood Council (CINC) meeting. Police Chief Benites and Assistant Police Chief Shadinger were also in attendance. They were able to answer and address questions from the residents in attendance. Councilmember Perello also addressed comments made on social media during his re-election campaign.

Councilmember Madrigal has been attending the Channel Islands Raiders football games. He was impressed by the players' sportsmanship. After a long season, the players were still committed, they finished the season strong and did not quit.

Mayor Pro Tem MacDonald announced that it was the first time in over two years that he was able to hand out candy (about 500-600 people in his neighborhood) for Halloween. He said everyone was very nice and polite; it was great to see the families walking around and trick-or-treaters visiting the neighborhood during Halloween night.

Mayor Zaragoza thanked Terrel Harrison, Cultural & Community Services Director and the Recreation & Community Services staff for their hard work and efforts in organizing the Inaugural Fall Festival held at Plaza Park in Downtown Oxnard. It was a fun filled event which included fall-themed activities including a Halloween carnival area, fun contests, food vendors, music and arts and crafts. It was really nice to see families get together and enjoy the event on a beautiful day in Oxnard. The Mayor announced that he attended several neighborhood meetings. He attended the Cal-Gisler Neighborhood Council, Tierra Vista Neighborhood Council, Bryce Canyon North Neighborhood Council, and the Bryce Canyon South Neighborhood Council meetings to talk about the priorities for the City. The Police Department received positive feedback from the residents. He stated that it has been very helpful to have staff from both the Police and Fire Departments available to answer questions from the residents at the neighborhood meetings. He once again thanked the Recreation and Community Services staff for the Dia de los Muertos altar, a giant display of photos of loved ones and offerings on the steps of the Carnegie Museum for the community to visit. He also announced that Senator Monique Limon will be presenting a \$1 million dollars to the California Police Activities League (PAL) to fund the Youth Apprenticeship Readiness Accelerator Program (YARA) which will provide Oxnard youth job training opportunities.

H. REVIEW OF INFORMATION/CONSENT AGENDA

Items J-1 through J-7 were discussed among the Council and staff.

I. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Public comments were received from Pat Brown (J.6) and Douglas Partello (J.7).

J. INFORMATION/CONSENT AGENDA

1. City Clerk Department

SUBJECT: Approval of Minutes.

RECOMMENDATION: That the City Council approve the minutes of the September 20, 2022 and October 4, 2022 regular meetings as presented.

2. Public Works Department

SUBJECT: Additional Budget Appropriation for the Tree Mortality Grant – Round 1.

RECOMMENDATION: That the City Council approve and authorize the recognition of additional grant revenues and a budget appropriation in the amount of \$1,181 for additional grant funding received in the State/Local Grant Fund (210) for dead tree removal services.
(This item did not originate in Committee.)

3. Public Works Department

SUBJECT: **Resolution #15,642** for SMART Grant Program from U.S. Department of Transportation.

RECOMMENDATION: That the City Council adopt **Resolution #15,642:**

1. Authorizing the City Manager to submit a grant application for an amount not to exceed \$2,000,000 in Strengthening Mobility and Revolutionizing Transportation grant funds to be used for the City of Oxnard Citywide Mobility and Safety Enhancements Planning Project; and
 2. Authorizing the City Manager or designee to execute grant agreements; the Finance Director or designee to submit financial reports and grant claims and approve budget appropriations for the use of grant funds; and the Director of Public Works or designee to submit non-financial reports.
- (This item did not originate in Committee.)

4. Police Department

SUBJECT: Department of Alcoholic Beverage Control Local Enforcement Grant.

RECOMMENDATION: That the City Council adopt **Resolution #15,643** authorizing:

1. The City Manager to apply for \$35,000 in grant funds from the Department of Alcoholic Beverage Control to be used for overtime to conduct four (4) Minor Decoy Operations, four (4) Shoulder Tap Operations, and six (6) Holiday Enforcement operations.
 2. The City Manager or designee to execute grant agreements and appropriate funds upon confirmation of grant award.
 3. The Chief Financial Officer or designee to submit financial reports and grant claims and approve budget appropriations for the use of ABC Grant funds.
 4. The Chief of Police or designee to submit all program-related progress or status reports.
- (This item did not originate in Committee.)

5. Housing Department

SUBJECT: Ratification of the Fourth Amendment to the Mercy House Shelter Agreement and Approval for Carryover of Measure O Funds for the Mercy House Shelter Operations.

RECOMMENDATION: That the City Council:

1. Ratify the Fourth Amendment to Agreement No. A-8194 with Mercy House, an immediate need amendment, for the provision of shelter and navigation center operations in Fiscal Year 2021-2022; and
 2. Authorize the City Manager, or designee, to approve a carryover of Measure O funds in the amount of \$641,202.23 (Project M1908 - Homeless Program) from fiscal year 2021-2022 to the 2022-2023 fiscal year for the Homeless Shelter operations.
- (This item did not originate in Committee.)

6. City Manager Department

SUBJECT: Exempt Surplus Land Declaration - Successor Agency Meta Street Parcels.

RECOMMENDATION: That the Oxnard Community Development Commission Successor Agency:

1. Adopt **CDCSA Resolution # 42** titled, "A Resolution Of The Oxnard Community Development Commission Successor Agency Declaring Successor Agency Owned

Property, As Described Herein, To Be Exempt Surplus Land Pursuant To Government Code Section 54221(F)(1)(D) and Authorizing The Staff To Take Related Actions"; and

2. Enter into two separate Grant Deeds with the City for the transfer of two parcels from the Successor Agency, located at 6th Street and Meta Street in Downtown Oxnard (APNs 201-0-272-170 and 201-0-272-200), to the City for governmental use for one dollar (\$1) each.

That the City Council:

1. Enter into two separate Grant Deeds with the Successor Agency for the transfer of two parcels from the Successor Agency, located at 6th Street and Meta Street in Downtown Oxnard (APNs 201-0-272-170 and 201-0-272-200), to the City for governmental use for one dollar (\$1) each.

(Community Services, Public Safety, Housing & Development Committee approved 3-0.)

7. City Manager Department

SUBJECT: Professional Services Agreement A-8501 for Whistleblower Hotline Services.

RECOMMENDATION: That the City Council approve and authorize the execution of Agreement No. A-8501 with Syntrio, Inc. in the amount of \$30,500.00 for a duration of five years to provide whistleblower hotline services.

Consent Item J.6 – Oxnard Community Development Committee:

It was moved by Commissioner Teran, seconded by Commissioner Basua, to approve the recommended action as presented. VOTE: Basua, MacDonald, Madrigal, Perello, Teran, and Zaragoza voted in favor; motion passed 6-0.

Consent Items J.1 – J.7 – Oxnard City Council:

It was moved by Commissioner MPT MacDonald, seconded by Commissioner Perello, to approve the recommended action as presented. VOTE: Basua, MacDonald, Madrigal, Perello, Teran, and Zaragoza voted in favor; motion passed 6-0.

K. PUBLIC HEARINGS

1. Community Development Department

SUBJECT: **Ordinance #3021** Regarding Building Regulations. (15 minutes)

RECOMMENDATION: That City Council approve the first reading by title only and subsequent adoption of Ordinance #3021 repealing and reenacting Articles II through XII, XV, and XVI of Chapter 14 of the Oxnard City Code, pertaining to the California Building Code, California Residential Code, California Green Building Standards Code, International Property Maintenance Code, Uniform Code for the Abatement of Dangerous Buildings, California Historical Building Code, California Electrical Code, California Existing Buildings Code, California Mechanical Code, California Referenced Standards Code, California Plumbing Code, California Energy Code, Fire Codes, and Fire Sprinklers.

(This item did not originate in Committee.)

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

Jeff Pengilly, P.E., CDD Assistant Director & Building Official, presented 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.

City Attorney Fischer asked for the motion to be amended to include a waiver of further reading of the Ordinance.

It was moved by Councilmember Perello, seconded by Councilmember Basua, to approve the recommended action with additional language as amended. VOTE: Basua, MacDonald, Madrigal, Perello, Teran, and Zaragoza voted in favor; motion passed 6-0.

L. REPORTS

1. City Treasurer

SUBJECT: City Treasurer's Monthly Investment Report for the Period Ending September 30, 2022. (10 minutes)

RECOMMENDATION: That the City Council receive and file the report.

Phillip Molina, City Treasurer presented. No public comments were received. Report was received and filed, no formal action was required.

2. Finance Department

SUBJECT: Purchase and Financing of Two Fire Engines. (20 Minutes)

RECOMMENDATION: That the City Council:

1. Approve and authorize the execution of a Purchase Order with South Coast Emergency Fire Equipment for the purchase of two fire engines; and

2. Adopt **Resolution #15,644** approving and authorizing the execution of Equipment Schedule No. 26 to Agreement A-7667 Master Equipment Lease/Purchase Agreement with Banc of America Public Capital Corp. in an amount not to exceed \$2.1 million to reimburse the City for the purchase of two Fire Engines; authorizing the execution and delivery of other documents required in connection therewith; and authorizing the taking of all other actions necessary to the consummation of the transactions contemplated by this resolution.

(Community Services, Public Safety, Housing & Development Committee approved 3-0.)
(Presentation will be live upon consultant's request.)

Betsy George, Chief Financial Officer introduced Christian Sprunger, Assistant Vice President at NHA Advisors who presented and answered questions from Council. Public comments were received from Lawrence Stein. Discussion ensued among the Council and staff.

It was moved by Mayor Pro Tem MacDonald, seconded by Councilmember Teran, to approve the recommended action as presented. VOTE: Basua, MacDonald, Madrigal, Perello, Teran, and Zaragoza voted in favor; motion passed 6-0.

3. City Attorney Department

SUBJECT: Urgency Ordinance #3018 Amending Chapter 22, Article VIII of the Oxnard City Code Regarding Water Waste. (20 minutes)

RECOMMENDATION: That the City Council introduce for first reading by title only and adopt Urgency Ordinance #3018 pursuant to Government Code section 36937(b), amending certain sections of Article VIII of Chapter 22 of the Oxnard City Code and implementing water conservation measures that is entitled:

“AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD AMENDING CHAPTER 22, ARTICLE VIII OF THE OXNARD CITY CODE TO COMPLY WITH AND ENFORCE EMERGENCY DROUGHT-RELATED WATER USE RESTRICTIONS”.

(This item did not originate in Committee.)

Stephen M. Fischer, City Attorney; Michelle (Elle) McCarron, Assistant City Attorney; and Michael Wolfe, Public Works Director presented and answered questions from Council. Public comments were received from Lawrence Stein and Patricia Brown. 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: Basua, MacDonald, Madrigal, Perello, Teran, and Zaragoza voted in favor; motion passed 6-0.

4. City Attorney Department

SUBJECT: Ordinance #3019 Amending Chapter 22, Article VIII of the Oxnard City Code Regarding Water Waste (Non-Urgency). (20 minutes)

RECOMMENDATION: That the City Council introduce for first reading by title only Ordinance #3019 amending certain sections of Article VIII of Chapter 22 of the Oxnard City Code and implementing water conservation measures that is entitled:

“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD AMENDING CHAPTER 22, ARTICLE VIII OF THE OXNARD CITY CODE TO COMPLY WITH AND ENFORCE EMERGENCY DROUGHT-RELATED WATER USE RESTRICTIONS”.

(This item did not originate in Committee.)

Stephen M. Fischer, City Attorney presented and answered questions. No public comments were received.

City Attorney Fischer asked for the motion to be amended to include a waiver of further reading of the Ordinance.

It was moved by Councilmember Perello, seconded by Councilmember Teran, to approve the recommended action with the additional language as amended. VOTE: Basua, MacDonald, Madrigal, Perello, Teran, and Zaragoza voted in favor; motion passed 6-0.

5. Public Works Department

SUBJECT: Recommended Speed Limits-2022 Engineering and Traffic Survey Results and Amending Section 8-2 of Article I of Chapter 8 of the Oxnard City Code. (15 minutes)

RECOMMENDATION: That the City Council:

1. Receive and comment on the 2022 speed limit survey results on 49 streets (175 roadway segments) in the City of Oxnard; and
2. Approve introduction of the 2022 Speed Limit **Ordinance #3020** for the first reading by title only waiving further reading of the ordinance amending Section 8-2 of Article I of Chapter 8 of the Oxnard City Code.

(Public Works and Transportation Committee approved 2-0.)

Michael Wolfe, Public Works Director introduced Andrew Yi with LSY Enterprise who presented and answered Council's questions. Jose Diaz, Police Commander was also available to answer questions. No public comments were received. 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: Basua, MacDonald, Madrigal, Perello, Teran, and Zaragoza voted in favor; motion passed 6-0.

6. Public Works Department

SUBJECT: Amendment to Trade Services Agreement A-8171 with Garcia's Landscaping Maintenance Inc. for Landscape and Ballfield Maintenance in Riverpark CFD 5. (20 minutes)

RECOMMENDATION: That the City Council approve and authorize the execution of the First Amendment to Trade Services Agreement No. A-8171 with Garcia's Landscaping Maintenance, Inc. to increase the not to exceed amount from \$3,120,435 to \$4,300,607 and to extend the term from November 5, 2022 to November 5, 2023 for the performance of Landscape and Ballfield Maintenance in Riverpark CFD 5.

(Public Works and Transportation Committee approved 2-0.)

Eric L. Storrie, CPRP - Special Districts Manager presented and answered questions. Public comments were received from Tai Hartley. 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: Basua, MacDonald, Madrigal, Perello, Teran, and Zaragoza voted in favor; motion passed 6-0.

7. Public Works Department

SUBJECT: Update Report by Public Works Department Regarding Traffic Signal Improvement Projects. (15 minutes)

RECOMMENDATION: That the City Council receive and file a verbal report from the Public Works Department regarding traffic signal improvement projects.

(This item did not originate in Committee as it was a request at the September 20, 2022 City Council meeting.)

Tatiana B. Arnaout, P.E., City Engineer presented and answered Council's questions. Public comments were received from Patricia Brown. Report was received and filed, no formal action was required.

8. Public Works Department

SUBJECT: Grant Application for the 2022 Urban Community Drought Relief Grant Program.
(10 minutes)

RECOMMENDATION: That the City Council adopt **Resolution #15,645:**

1. Authorizing the City Manager to submit a grant application for an amount not to exceed \$9,450,000 in 2022 Urban Community Drought Relief Grant Program funds to be used for Education, Outreach, Direct Installation Programs, Rebate Programs, and Other Activities to Increase Water Conservations and Large-Scale Turf Replacement Projects (matching requirement of up to \$2,400,000); and
 2. Authorizing the City Manager or designee to execute grant agreements; the Finance Director or designee to submit financial reports and grant claims; and the Director of Public Works or designee to submit non-financial reports.
- (This item did not originate in Committee.)

Eric L. Storrie, CPRP, Special Districts Manager presented and answered questions. No public comments were received.

It was moved by Councilmember Basua, seconded by Councilmember Teran, to approve the recommended action as presented. VOTE: Basua, MacDonald, Madrigal, Perello, Teran, and Zaragoza voted in favor; motion passed 6-0.

M. ADJOURNMENT

There being no further business on the agenda, and without objection, Mayor Zaragoza adjourned the meeting at 9:28 p.m.



ROSE CHAPARRO

City Clerk



JOHN C. ZARAGOZA

Mayor