MINUTES
OXNARD CITY COUNCIL
Regular Meeting
January 17, 2023

A. ROLL CALL, POSTING OF AGENDA

At 4:33 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 Bert E. Perello, Gabriel (Gabe) Teran, Mayor Pro Tem Bryan A. MacDonald, and Mayor John C. Zaragoza were present.

Councilmember Gabriela Basua joined the meeting at 4:54 p.m.

Councilmember Oscar Madrigal joined the meeting at 6:39 p.m.

Staff members present in person were Alexander Nguyen, City Manager; Ashley Golden, Assistant City Manager; Stephen M. Fischer, City Attorney; Ken Rozell, Chief Assistant City Attorney; Michelle (Elle) McCarron, Assistant City Attorney; Jason Benites, Police Chief; Alexander Hamilton, Fire Chief; Michael Wolfe, Public Works Director; Brian Yanez, Assistant Public Works Director; Steve Howlett, Assistant Public Works Director; Joseph Marcinko, Assistant Public Works Director; Joe Pearson II, AICP, Planning & Sustainability Manager; Tai P. Chau, PE, QSD/P, Supervising Civil Engineer; Betsy George, Chief Financial Officer; Steve Naveau, Human Resources Director; Emilio Ramirez, Housing Director; Elsa Brown, Affordable Housing Manager; Terrel Harrison, Cultural & Community Services Director; Adam Smith, Project Manager; Samantha Shapiro, Project Manager; Dee Lai, Assistant City Clerk and Rose Chaparro, City Clerk.

Staff member Shiri Klima, Deputy City Manager; Eden Alomeri, Revenue & Licensing Director & Assistant City Treasurer; and Kathleen Mallory, Planning & Sustainability Manager participated via videoconference.

Rachel Om, AICP, with Fehr & Peers; Randy Westhaus with Tetra Tech; and Jeff Hoskinson with Atkinson, Andelson, Loya, Ruud & Romo also participated via videoconference.

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

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

C. CLOSED SESSION (4:30 PM)

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
   (Government Code section 54956.9(d)(4))
   Based on existing facts and circumstances, the City Council shall decide whether to initiate litigation in one potential case. Legislative Body: City Council

At 4:33 p.m., the City Council recessed to a closed session. At 5:02 p.m., the City Council reconvened in open session in the Council Chambers. The City Council by a vote of 4 to 0, with Councilmember Madrigal and Councilwoman Basua absent has directed the City Attorney to initiate an action. The action, the defendants, and the other particulars shall, once unsealed, be disclosed to any person upon inquiry, unless to do so would jeopardize the City's ability to effectuate service of process on one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage.

D. <u>OPENING CEREMONIES (5:00 PM)</u>
The flag salute was followed by a moment of silence.

E. <u>PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA</u>
Public comments were received from Maria Ventura (Gas Company increased rates).

F. <u>REPORT OF CITY MANAGER/EXECUTIVE DIRECTOR/SECRETARY</u>
City Manager Nguyen reminded the community about the series of meetings being conducted to inform residents about the cost of water and future water rates. The next community meeting is scheduled for Monday, January 23, 2023, starting at 6:00 – 8:00 p.m., at the River Ridge Clubhouse. City Manager Nguyen made an additional announcement concerning the rate increases for natural gas (additional $250,000 increase in costs), compressed natural gas rates (costs tripled), and diesel fuel. ($300,000 increase in costs).

1. <u>City Manager Department</u>
   <u>SUBJECT</u>: COVID-19 Update from Director of Emergency Services.
   <u>RECOMMENDATION</u>: 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.

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

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

1. City Manager Department
SUBJECT: Appointment of Members to Serve on the City's CAGs.
RECOMMENDATION: That the Mayor, with the approval of the City Council, make the following appointments:

    1. To Senior Services Commission: Alice Sweetland (D2);
    2. To Community Relations Commission: Cynthia Gonzalez (D2);
    3. To Parks, Recreation and Community Services Commission: Chris Hernandez (D2);
    4. To Commission on Homelessness: Rene Camper-Stewart (D2); and
    5. To Planning Commission: Vincent Stewart (D2).

It was moved by Councilmember Teran, seconded by Councilmember Basua, to approve the recommended action as presented. VOTE: Basua, MacDonald, Perello, Teran, and Zaragoza voted in favor; motion passed 5-0. Councilmember Madrigal was absent during this vote.

H. REVIEW OF INFORMATION/CONSENT AGENDA
Items J-1 through J.10 were discussed among the Council and staff.

I. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA
Public comments were received from Tevin Schmitt (J.8) and Luis Montalvo (J.8).

J. INFORMATION/CONSENT AGENDA

1. City Clerk Department
SUBJECT: Approval of Minutes.
RECOMMENDATION: That the City Council approve the minutes of the December 20, 2022 regular meeting as presented.

2. Public Works Department
SUBJECT: Purchase Order #7991 Change Order with Velocity Truck Centers.
RECOMMENDATION: That the City Council approve and authorize the Purchasing Agent to execute a Purchase Order Change Order with Velocity Truck Centers for an additional $116,278.00 for a new not-to-exceed amount of $8,476,576.80 for the purchase of refuse trucks for the Environmental Resources Division.

(This item is not subject to the California Environmental Quality Act.)

(The original Purchase Order with Velocity Truck Centers was approved by Council on March 2, 2021.)

3. Public Works Department
SUBJECT: Agreement 32300160 with Venco Electric Inc. for Advanced Water Purification Facility Finished Water Pump Variable Frequency Drive Electrical Rehabilitation Project, Specification No. PW 23-04.
RECOMMENDATION: That the City Council approve and authorize the following for a total of $262,560.00 in Project funds for the Advanced Water Purification Facility Finished Water Pump Variable Frequency Drive Electrical Rehabilitation Project (No. 226504/C2023):

1. The execution of an Agreement with Venco Electric Inc. in the amount of $218,800.00 for the Project;
2. A Project contingency amount of $21,880.00 for the Project; and
3. A Project allocation amount of $21,880.00 for engineering, inspection, and project management for the Project.

(This item is categorically exempt from the California Environmental Quality Act pursuant to Title 14 of the California Code of Regulations section 15301(b)).

(This item did not originate in Committee.)

4. Public Works Department
SUBJECT: Construction Agreement 32300166 with Commercial Waterproofing Systems Inc., dba ERC Roofing and Waterproofing for South Oxnard Center Roof Replacement Project, Specification No. PW 23-32.
RECOMMENDATION: That the City Council approve and authorize the following for a total of $779,952 in Project funds for the South Oxnard Center Roof Replacement Project (Project No. 205502/C2010):

1. Execute Agreement 32300166 with Commercial Waterproofing Systems Inc., dba ERC Roofing and Waterproofing in the amount of $649,960 for the Project;
2. A Project contingency amount of $64,996 with Commercial Waterproofing Systems Inc., dba ERC Roofing and Waterproofing for a total not to exceed value of $714,956 for the Project; and
3. A Project allocation amount of $64,996 for engineering, inspection, survey and project management for the Project.

(This item is categorically exempt from the California Environmental Quality Act pursuant to Title 14 of the California Code of Regulations Section 15301(d).)

(This item did not originate in Committee as this is a capital improvement project specifically listed in the City's Capital Improvement Program budget, which was previously approved by the City Council.)

5. Public Works Department
SUBJECT: Agreement 32300156 with CCS Los Angeles Janitorial, Inc. for Custodial Services at Oxnard Transportation Center.
RECOMMENDATION: That the City Council approve and authorize an Agreement with CCS Los Angeles Janitorial, Inc. for a term of one year with the option to extend for two consecutive periods of one year each upon the written agreement of both parties for a maximum possible contract term of three (3) years, and for a total contract not-to-exceed amount over the entire possible contract term of $600,000 to provide custodial services for the Oxnard Transportation Center.

(This item is not considered a project under the California Environmental Quality Act).

(This item did not originate in Committee.)

6. City Manager Department
SUBJECT: Eighth Annual Recognized Obligation Payment Schedule 2023-24.
RECOMMENDATION: That the Community Development Commission Successor Agency adopt **CDCSA Resolution No. 43** approving the Eighth Annual Recognized Obligation Payment Schedule (ROPS) 23-24 covering the period of July 1, 2023 - June 30, 2024.

7. Police Department
SUBJECT: **Resolution No. 15,661** Commending Regina Martin for Thirty-Two Years of Service to the City of Oxnard.
RECOMMENDATION: That the City Council adopt **Resolution No. 15,661** commending Regina Martin for Thirty-Two Years of Service to the City of Oxnard.

(This item did not originate in Committee.)

8. Community Development Department
SUBJECT: Adoption of **Ordinance No. 3022** - Regulating the Use and Distribution of Expanded Polystyrene Foodware and Products in the City of Oxnard.
RECOMMENDATION: That the City Council adopt **Ordinance No. 3022** titled "Ordinance of the City of Oxnard, California adding Article XXV to Chapter 7 of the Oxnard City Code prohibiting the use, manufacturing, distribution, and sale of designated polystyrene products" and find that the ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to section 15061(b)(3) of the CEQA Guidelines.

9. Public Works Department
SUBJECT: Public Project Agreement 32300205 with Pacific Builders and Roofing, Inc. dba WSP Roofing for Sturgis Annex Roof Replacement Project, Specification No. PW 23-31.
RECOMMENDATION: That the City Council approve and authorize the following for a total of $1,277,685.36 in Project funds for the Sturgis Annex Roof Replacement Project, Specification No. PW 23-31 (Project No. MO2111 / C2039):

1. The execution of Agreement 32300205 with Pacific Builders and Roofing, Inc. dba WSP Roofing in the amount of $1,064,737.80 for the Project;
2. Authorize a Project contingency amount of $106,473.78 with Pacific Builders and Roofing, Inc. dba WSP Roofing for a total not to exceed value of $1,171,211.58 for the Project; and
3. A Project allocation amount of $106,473.78 for engineering, inspection, survey and project management for the Project; and
4. Authorize the Finance Director or designee to approve a budget appropriation for the use of this Project in the total amount of $278,686 from the available fund balance in the Measure O Sales Tax Fund (104).

(This item is categorically exempt from the California Environmental Quality Act pursuant to Title 14 of the California Code of Regulations Section 15301(c).)

(This item did not originate in Committee as this is a capital improvement project specifically listed in the City's Capital Improvement Program budget, which was previously approved by the City Council.)

10. Fire Department
SUBJECT: Professional Services Agreement No. 32300227 with On Duty Health, PLLC for Fire Department Annual Wellness Exams.
RECOMMENDATION: 1. That the City Council authorize approval of Agreement No. 32300227 with On Duty Health, PLLC to provide annual wellness exams for the Fire Department in the amount of $98,280 per year for three years for a total not to exceed amount of $294,840.

2. That the City Council find that the approval of the agreement is not subject to the California Environmental Quality Act pursuant to California Code of Regulations, Title 14, Chapter 3, section 15060(c)(2).

It was moved by Mayor Pro Tem MacDonald, seconded by Councilmember Perello, to approve the Information/Consent items as presented. VOTE: Basua, MacDonald, Perello, Teran, and Zaragoza voted in favor; motion passed 5-0. Councilmember Madrigal was absent during this vote.

K. REPORTS

1. Public Works Department
SUBJECT: Caltrans Required Local Roadway Safety Plan.
RECOMMENDATION: That the City Council:

1. Receive a presentation and comment on the Local Roadway Safety Plan and

2. Adopt the Caltrans Required Local Roadway Safety Plan as final.

(This item is not considered a project under the California Environmental Quality Act.)

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

Michael Wolfe, Public Works Director introduced Rachel Om, AICP, with Fehr & Peers who presented and answered questions. Public comments were received from Lawrence Stein. 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, MacDonald, Perello, Teran, and Zaragoza voted in favor; motion passed 5-0. Councilmember Madrigal was absent during this vote.

2. Human Resources Department
SUBJECT: **Resolution No. 15,662** Approving Increase to the Fire Department's Total Allocated Positions.
RECOMMENDATION: That the City Council Approve and Adopt **Resolution No. 15,662** to Amend Resolution No. 15,593 Authorizing Full-Time Equivalent Positions Pursuant to Chapter 4 of the City Personnel Rules and Regulations.

Steve Naveau, Human Resources Director and Alexander Hamilton, Fire Chief presented and answered questions. Public comments were received from Lawrence Stein.

It was moved by Mayor Pro Tem MacDonald, seconded by Councilmember Perello, to approve the recommended action as presented. VOTE: Basua, MacDonald, Perello, Teran, and Zaragoza voted in favor; motion passed 5-0. Councilmember Madrigal was absent during this vote.

3. Housing Department
SUBJECT: Downtown Oxnard Improvement Association Annual Update.
RECOMMENDATION: That the City Council receive and file the 2021-22 Fiscal Year Annual Update and presentation on the Downtown Oxnard Improvement Association.

(This item did not originate in Committee.)

Emilio Ramirez, Housing Director and Steve Huber, President of the Downtown Oxnard Improvement Association presented and answered questions. No public comments were received. The report was received and filed, no formal action was required.

4. Community Development Department
SUBJECT: Planning and Zoning Permit No. 22-600-02 (Pre-Application); Pre-Application Review of the Rio Del Valle Campus Expansion Master Plan, Located at 3100 North Rose Avenue (APN: 144-0-110-445; -220; -055; & -590). Project Name: Rio Del Valle Campus Expansion Master Plan.
RECOMMENDATION: That the City Council review and provide preliminary comments on a pre-application for a master plan to expand the Rio Del Valle school campus, including the required annexation, general plan amendment, pre-zoning, greenbelt amendment, expanded school uses, and bus storage and maintenance facility.

Joe Pearson II, AICP, Planning & Sustainability Manager; Tanner Shelton, AICP, Senior Planner and Consultants Randy Westhaus with Tetra Tech and Jeff Hoskinson with Atkinson, Andelson, Loya, Ruud & Romo presented and answered questions.

Public comments were received from the applicant, Dr. John Puglisi, Superintendent for the Rio School District and Eleanor Torres, Vice President of Programs and Board President for the Rio School District. Written comments were received and provided to Council. The report was received and filed, no formal action was required.

5. City Manager Department
SUBJECT: Determination of Future Uses of Sports Park & College Park.
RECOMMENDATION: 1. That the City Council, based on the Parks and Recreation Master Plan and outcomes of Sports Park Idea Day, designate the future use at Sports Park to be a baseball/softball complex and designate the future use at College Park to be a soccer complex.

2. That the City Council find that its action is not subject to the California Environmental Quality Act pursuant to California Code of Regulations, Title 14, Chapter 3, section 15060(c)(2).

(Community Services, Public Safety, Housing and Development Committee voted 2-1 to move this item forward for Council discussion without a recommendation.)

Alexander Nguyen, City Manager presented and answered questions.

Public comments were received from Margo Byrne, Michael Gleason, Carla Andres, Jenny Cardenas, Leyna Jones, Tito Rojas, Lawrence Stein, Luciano Ortiz, Bella Webb, Justin

Tapia, Chris Crotty, Wendi Cool, Larry Bruyere, Greg Kunyda, Sopia Drake, Juan Aregon, Chris Hernandez, Angela Whitecomb, Miguel Fernandez, and Francisco Cardena. Written comments were received and provided to Council.

It was moved by Councilmember Basua, seconded by Mayor Zaragoza, to approve the recommended action as presented. VOTE: Basua, Madrigal, Teran, and Zaragoza voted in favor; MacDonald and Perello voted against; motion passed 4-2.

At 9:52 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 Basua, to approve the recommended action as presented. VOTE: Basua, MacDonald, Madrigal, Perello, Teran, and Zaragoza voted in favor; motion passed 6-0.

6. Finance Department
SUBJECT: Discuss General Fund Bonding/Debt Capacity and Long Range Planning Considerations. (20 minutes)
RECOMMENDATION: That the City Council receive and file a report from the Finance Department regarding General Fund bonding capacity and long-range planning considerations

(This item did not originate in Committee)

Betsy George, Chief Financial Officer presented and answered questions. Public comments were received from Lawrence Stein. The report was received and filed, no formal action was required.

7. City Manager Department
SUBJECT: Revision of the Approved Conceptual Design for South Oxnard Aquatics Center and Professional Services Agreement Amendment with the design architect, ELS Architecture + Urban Design. (40 minutes)
RECOMMENDATION: That the City Council:

1. Approve a revision to the approved conceptual design for the South Oxnard Aquatics Center (SOAC) Improvement Project (Project No. 225502) to include a 30-meter pool;
2. Approve an amendment to the professional services agreement with ELS Architecture + Urban Design in an amount of $75,000 for a total not to exceed amount of $3,975,057 and extend the contract terms to July 24, 2026; and
3. Find this project is currently undergoing California Environmental Quality Act Mitigated Negative Declaration (CEQA - MND) study pursuant to Title 14 of the California Code of Regulations Sections 15070 through 15075. The CEQA - MND will be completed and ready for final review and approval by the City

Council at the time of construction award.

(This item did not originate in Committee as this is a capital improvement project specifically listed in the Capital Improvement Program budget, which was previously approved by the City Council.)

Ashley Golden, Assistant City Manager and Michael Wolfe, Public Works Director presented and answered questions. Public comments were received from Angela Whitecomb, David Vandenberg, and Miguel Fernandez. Discussion ensued among the Council and staff.

It was moved by Mayor Zaragoza, 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.

L. ADJOURNMENT

There being no further business on the agenda, and without objection, Mayor Zaragoza adjourned the meeting at 11:22 p.m.

R. Chaparro

ROSE CHAPARRO

City Clerk

John C. Zaragoza

JOHN C. ZARAGOZA

Mayor