# MINUTES

OXNARD CITY COUNCIL
Regular Meeting
September 5, 2023

## 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, in the City Hall Council Chambers at 305 W. Third Street, Oxnard, California. The Interim City Clerk called the roll and announced the posting of the agenda. Councilmembers Gabriela Basua, Councilmember Oscar Madrigal; Bert E. Perello, Gabriel (Gabe) Teran, Arthur Valenzuela Zavala, Mayor Pro Tem Bryan A. MacDonald, and Mayor John C. Zaragoza were present.

Councilmember Madrigal arrived at 4:33 p.m.

Housing Authority Commissioners Jose Andrade and Francisco Vega were absent.

THE FOLLOWING LEGISLATIVE BODIES ARE MEETING: City Council and Oxnard Housing Authority
CONSIDERATION OF TELECONFERENCE PARTICIPATION PURSUANT TO ASSEMBLY BILL 2449

## B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

No public comments were received.

## C. CLOSED SESSION (4:30 PM)

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Government Code section 54956.9(d)(1))
   *Jason Gonzalez v. City of Oxnard*, Ventura County Superior Court Case No. 56-2019-00523147-CU-PA-VTA

2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS – (Government Code section 54956.8)
   Property: 209 East Sixth Street, Oxnard, CA (APN 201-0-213-120)
   Agency Negotiator: Emilio Ramirez
   Negotiating Party: Fausto Solis
   Under Negotiation: Price and terms of payment
   Legislative Body: City Council

3. CONFERENCE WITH REAL PROPERTY NEGOTIATORS – (Government Code section 54956.8)
   Property: (Street Address Not Assigned) (APN 201-0-213-150)
   Agency Negotiator: Emilio Ramirez
   Negotiating Party: Alice Flores
   Under Negotiation: Price and terms of payment
   Legislative Body: City Council

At 4:32 p.m., the City Council recessed into a closed session. At 5:12 p.m., the City Council reconvened in an open session in the Council Chambers. Stephen Fischer, City Attorney announced that no reportable actions resulted from the closed session on item C.1. The City Council will reconvene at the conclusion of the meeting to discuss items C.2 and C.3.

D. APPOINTMENT ITEMS (5:00 PM)

1. Police Department
SUBJECT: Police Department Update. (50 minutes)
RECOMMENDATION: That the City Council receive a report from the Police Chief on a variety of current public safety-related topics.

Jason Benites, Police Chief, presented a variety of current public safety-related topics and answered the City Council's questions. No public comments were received. Discussion ensued among the council and staff.

E. OPENING CEREMONIES (6:00 PM)

Mayor Zaragoza led the pledge of allegiance.

F. CEREMONIAL ITEMS

1. SUBJECT: Presentation of a Commendation to Chuck Carter for his outstanding contribution to the ongoing water quality issues in the Channel Islands Harbor.

Mayor Zaragoza read the Commendation and delivered it to Chuck Carter. Chuck Carter joined the Council on the dais to accept the Commendation, thanked the Council, and spoke briefly.

Public comment was received from Joan Tharp.

G. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

No public comments were received.

H. REPORT OF CITY MANAGER/EXECUTIVE DIRECTOR/SECRETARY

1. City Manager Department
SUBJECT: Local Government Fun Fact: Comparative Cities Demographics.
RECOMMENDATION: That the Public and City Council receive a City Manager discussion about Oxnard's utilities rates as compared with other cities in the region.

Alex Nguyen, City Manager, provided community updates.

Michael Wolfe, Public Works Director, provided Oxnard's utility rates as compared with other cities in the region.

Public comment was received from Pat Brown.

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

The members of the Council provided brief announcements regarding their various activities. Councilmember Perello requested that a future agenda item be added to address religious icon and the separation of church and state.

J. REVIEW OF INFORMATION/CONSENT AGENDA

Items L-1 through L.9 were discussed among the Council and staff.

K. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Public comment was received from Greg Runyon.

L. INFORMATION/CONSENT AGENDA

1. City Clerk Department
SUBJECT: Approval of Minutes.
RECOMMENDATION: That the City Council approve the minutes of July 5, 18, and 27, 2023, regular meetings as presented.

2. City Attorney Department
SUBJECT: Resolution Commending Eleanor Ebdon for over Twenty-Two Years of Service to the City of Oxnard.
RECOMMENDATION: That the City Council adopt a **Resolution No. 15,739** commending Eleanor Ebdon for over twenty-two years of service to the City of Oxnard.

(This item did not originate in Committee.)

3. Police Department
SUBJECT: Officer Wellness and Mental Health Grant.
RECOMMENDATION: That the City Council adopt a **Resolution No. 15,740**:

1. Accepting a grant from the Board of State and Community Corrections (BSCC) California in the amount of $152,351.94 for officer wellness and mental health, with no matching funds requirement; and
2. Authorizing the City Manager or designee to execute the grant agreement and appropriate funds for the grant award; and
3. Authorizing the Chief Financial Officer or designee to submit financial reports and grant claims for the use of officer wellness and mental health funds award; and
4. Authorizing the Chief of Police or designee to submit all program-related progress or status reports.

(This item did not originate in Committee)

4. Public Works Department
SUBJECT: Trade Services Agreement 32400020 with Blackpointe Group Construction & Management Inc., for On-Call Storm Channel Cleaning Services.
RECOMMENDATION: That the City Council approve and authorize the execution of an Agreement with Blackpointe Group Construction & Management Inc. (Blackpointe), for an amount not to exceed $900,000 for a three-year term ending September 19, 2026, for On-Call Storm Channel Cleaning Services for the Public Works Department.

(Public Works and Transportation Committee approved 3-0)

5. Public Works Department
SUBJECT: Trade Services Agreement 32400014 with SNF Polydyne Inc. dba Polydyne Inc. for the Supply and Delivery of Cationic Polymer to the Wastewater Division.
RECOMMENDATION: That the City Council approve and authorize the Mayor to execute an agreement with SNF Polydyne Inc. dba Polydyne Inc. (Polydyne) for an initial one-year term through September 6, 2024, with the option to extend through September 6, 2026, for a total

contract not-to-exceed amount of $900,000, if extended, for the supply and delivery of cationic polymer to the Wastewater Division.

(Public Works and Transportation Committee approved 3-0.)

6. City Manager Department
SUBJECT: 2024 Meeting Schedule for Legislative Bodies.
RECOMMENDATION: That City Council, Community Development Commission Successor Agency, Financing Authority, and Housing Authority adopt the proposed meeting dates for the calendar year 2024.

(This item did not originate in Committee.)

7. Police Department
SUBJECT: Audit Services with Eadie & Payne, LLP for the 2020-2023 California Violence Intervention and Prevention (CalVIP) Grant
RECOMMENDATION: That the City Council approve an agreement in the amount not to exceed $25,000 with Eadie and Payne, LLP to perform an audit of the 2020-2023 California Violence Intervention and Prevention (CalVIP) grant.

(This item did not originate in Committee)

8. Fire Department
SUBJECT: Response to Grand Jury Finding and Recommendation
RECOMMENDATION: That the City Council comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the Council's control related to the Ventura County Grand Jury Report "Water Availability for Wildfires in Ventura County" dated June 12, 2023, and the Mayor also comment on the findings and recommendations and submit such comments through the form titled "Response to 2022-2023 Ventura County Grand Jury Report Form."

(This item did not originate in Committee)

9. Public Works Department
SUBJECT: First Amendment to Professional Services Agreement A-8491 with Tetra Tech, Inc. for Professional Engineering Services for the Kamala and Hobson Cast Iron Pipe Replacement Project PW 22-83.
RECOMMENDATION: That the City Council approve and authorize the execution of a First Amendment to a Professional Services Agreement with Tetra Tech, Inc. (Tetra Tech) to increase the not to exceed amount from $850,000 to $947,000 for additional design work required for the Kamala and Hobson Cast Iron Pipe Replacement Project.

(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.)

**Consent Items L.1 – L.9**

*It was moved by Mayor Pro Tem MacDonald, seconded by Councilmember Valenzuela Zavala,* to approve the recommended action with the correction to the July 5, 2023 minutes, agenda item G.1 (Local Government Fun 'act), to remove the word "counties" in the first sentence, to read as follows:
*'he City Manager, Alex Nguyen, provided statistics from the California Department of Education on the Best ͜Schools in Ventura County and the Ventura County School District Performance to offer a comparison of how public school systems in the community and ~~counties~~ surrounding the City of Oxnard are doing.* VOTE: Basua, MacDonald, Madrigal, Perello, Teran, Valenzuela Zavala, and Zaragoza voted in favor; the motion passed 7-0.

M. PUBLIC HEARINGS

1. City Manager Department
SUBJECT: Resolution Declaring Results of Majority Protest Proceedings, adoption of Resolution and Second Reading and Adoption of the Ordinance to Renew the Oxnard Tourism Marketing District. (10 minutes)
RECOMMENDATION: That the City Council:

    1. Hold a final public hearing, declare results of the majority protest proceeding, and adopt a **Resolution No. 15,741** renewing the Oxnard Tourism Marketing District; and
    2. Adopt **Ordinance No. 3030** adding Sections 13-3 through 13-13 to Article 1.5 of Chapter 13 of the Oxnard City Code regarding the Oxnard Tourism Marketing District.

(This item did not originate in Committee. Related items were heard at the June 29, 2023 and July 18, 2023 Council meetings.)

'he Interim City Clerk announced that the notices required by law have been mailed to record business owners ,ithin the proposed district and that no written communications have been received.

Ashley Golden, Assistant City Manager, posted a video presentation and was available to answer questions.

Mayor Zaragoza opened the public testimony portion of the public hearing. Public comment was received from Pat Brown.

Without objection, the Council approved closing the public testimony portion of the public hearing. Discussion ensued among the council and staff.

The Interim City Clerk announced that written protests were not received from owners or authorized representatives of businesses in the proposed district that will pay 50 percent or more of the assessments proposed to be levied. A majority protest has not been achieved.

*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, Valenzuela Zavala, and Zaragoza voted in favor; the motion passed 7-0.

N. REPORTS

1. City Attorney Department
SUBJECT: Omnibus City Code Update. (10 minutes)
RECOMMENDATION: That the City Council approve the introduction and first reading by title only and waive further reading of an ordinance titled:

"AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD AMENDING

VARIOUS SECTIONS OF THE OXNARD CITY CODE TO ADDRESS CHANGES IN STATE LAW, CORRECT ERRORS, AND UPDATE GENDER-NEUTRAL REFERENCES."

(The Finance & Governance Committee approved 3-0 on July 25, 2023)

Jason Zaragoza, Deputy City Attorney, and Stephen Fischer, City Attorney, 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 Councilmember Madrigal,* to approve the recommended action as presented. VOTE: Basua, MacDonald, Madrigal, Perello, Teran, Valenzuela Zavala, and Zaragoza voted in favor; the motion passed 7-0.

2. Public Works Department
SUBJECT: Draft Ventura County Stormwater Permit Implementation and Cost-Sharing Agreement A-8537. (10 minutes)
RECOMMENDATION: That the City Council approve and authorize the Mayor to sign, once finalized, the Ventura County Stormwater Permit Implementation and Cost-Sharing Agreement (Agreement) with the County of Ventura, the Ventura County Watershed Protection District, and the Cities of Camarillo, Fillmore, Moorpark, Ojai, Port Hueneme, San Buenaventura, Santa Paula, Simi Valley, and Thousand Oaks.

(This item did not originate in Committee)

Michael Wolfe, Public Works Director, was available to answer questions. Public comment was received from Pat Brown. Discussion ensued among the council and staff.

Prior to consideration of this item, Councilmember Teran recused himself and announced his conflict due to his professional relationship with the Ventura County Public Health Department.

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

3. Public Works Department
SUBJECT: Public Project Agreement 32400076 with Toro Enterprises, Inc. for Neighborhood Street Resurfacing Kamala Park And Bartolo Square South Project, Specification No. PW 23-104. (10 mins)
RECOMMENDATION: That the City Council approve and authorize:

1. A total of $4,170,133.72 in Project funds for the Neighborhood Street Resurfacing Kamala Park And Bartolo Square South Project, Specification No. PW 23-104 (Project No. C2209);
2. The Mayor to execute an Agreement with Toro Enterprises, Inc. in the amount of $3,475,111.72 for the Project;
3. Authorize a Project contingency amount of $347,511 (10%) with Toro Enterprises, Inc. for a total not to exceed value of $3,822,622.72 for the Project; and
4. A Project allocation amount of $347,511 (10%) for engineering, inspection, survey and project management for the Project.

(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.)

Iichael Wolfe, Public Works Director, was available to answer questions. Public comment was received from at Brown. Discussion ensued among the council and staff.

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

At the conclusion of agenda item N.3, at 7:45 p.m., the City Council recessed into a closed session. At 8:02 p.m., the City Council reconvened in an open session. Stephen Fischer, City Attorney, announced that no reportable actions resulted from closed session on items C.2 and C.3.

O. ADJOURNMENT

There being no further business on the agenda, and without objection, Mayor Zaragoza adjourned the meeting at 8:03 p.m.

DEE LAI
Interim City Clerk

JOHN C. ZARAGOZA
Mayor