

MINUTES
OXNARD CITY COUNCIL
Regular Meeting
October 3, 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. Dee Lai, Assistant 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 Valenzuela Zavala arrived at 4:48 p.m.

THE FOLLOWING LEGISLATIVE BODIES ARE MEETING: City Council
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))
Name of case: *City of Oxnard v. Aaron Starr*
Court of Appeal, Second Appellate District, Division Six Case No. B314601 (Superior Court Case No. 56-2020-00539039-CU-MC-VTA)

At 4:32 p.m., the City Council recessed into a closed session. At 5:04 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.

D. APPOINTMENT ITEMS (5:00 PM)

1. City Manager Department
SUBJECT: Oxnard Convention & Visitors Bureau (OCVB) Annual Report.
RECOMMENDATION: That the City Council receive the OCVB Fiscal Year 22-23 Annual Report.

(Live presentation by Oxnard Convention & Visitors Bureau President & CEO, Julie Mino Buffo.)
Brittney Hendricks, Oxnard Convention & Visitors Bureau Vice President of Marketing and Communications, presented and answered the City Council's questions.

No public comments were received.

2. City Manager Department
SUBJECT: Community Relations Commission Annual Report
RECOMMENDATION: That the City Council receive the Community Relations Commission annual report.

Martha Guillen, Executive Assistant to the Mayor, Tiffany Lopez, Community Relations Commission Chair, Adam Lopez, Community Relations Commissioner, presented and answered the City Council's questions.

No public comments were received.

E. OPENING CEREMONIES (6:00 PM)

Mayor Pro Tem MacDonald led the pledge of allegiance.

F. CEREMONIAL ITEMS

1. SUBJECT: Presentation of a Proclamation Designating the Month of October, 2023 as "Multicultural Month."

Mayor Zaragoza read the Proclamation and delivered it to Tiffany Lopez, Community Relations Commission Chair. Tiffany Lopez and members of the Community Relations Commission joined the Council on the dais to accept the Proclamation, thanked the Council, and spoke briefly.

No public comments were received.

2. SUBJECT: Presentation of a Proclamation Designating the Month of October, 2023 as "Breast Cancer Awareness Month."

Mayor Zaragoza read the Proclamation and delivered it Alex Hamilton, Fire Chief, and Jason Benites, Police Chief. Alex Hamilton and Jason Benites joined the Council on the dais to accept the Proclamation, thanked the Council, and spoke briefly.

No public comments were received.

3. SUBJECT: Presentation of a Proclamation Designating the Month of October, 2023 as "Fire Prevention Month."

Mayor Zaragoza read the Proclamation and delivered it Alex Hamilton, Fire Chief. Alex Hamilton joined the Council on the dais to accept the Proclamation, thanked the Council, and spoke briefly.

No public comments were received.

4. SUBJECT: Presentation of a Proclamation Designating October 9, 2023 as "Indigenous People's Day."

Mayor Zaragoza read the Proclamation and delivered it Alikoi Parra. Alikoi Parra joined the Council on the dais to accept the Proclamation, thanked the Council, and spoke briefly.

No public comments were received.

G. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from Chuck Dennis, Pat Brown, Diego Martinez, and Manuel Herrera.

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 statistics as compared with other cities in the region.

Alex Nguyen, City Manager, provided community updates and budget statistics for the community colleges.

No public comments were received.

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

The members of the Council provided brief announcements regarding their various activities.

J. REVIEW OF INFORMATION/CONSENT AGENDA

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

K. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Public comment was received from Pat Brown on item L.2.

L. INFORMATION/CONSENT AGENDA

1. City Clerk Department

SUBJECT: Approval of Minutes.

RECOMMENDATION: That the City Council approve the minutes of September 5, 2023, regular meetings as presented.

2. Police Department

SUBJECT: ABC-OTS Local Law Enforcement Grant FY 23-24

RECOMMENDATION: That the City Council adopt a **Resolution No. 15,743** authorizing:

1. The City Manager to apply for \$40,000 in grant funds from the Department of Alcoholic Beverage Control and the Office of Traffic Safety to be used for overtime to conduct four (4) Minor Decoy Operations, four (4) Shoulder Tap Operations, four (4) IMPACT Inspections and 5 Holiday Enforcements;
2. The City Manager or designee to execute grant agreements and appropriate funds upon confirmation of the 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-OTS Grant funds; and
4. The Chief of Police or designee to submit all program-related progress or status reports.

(This item did not originate in Committee.)

3. Police Department

SUBJECT: Resolution Commending Timothy Kelley for over Twenty-Seven Years of Service to the City of Oxnard

RECOMMENDATION: That the City Council adopt a **Resolution No. 15,744** commending Timothy Kelley for over twenty-seven years of service to the City of Oxnard Police Department.

(This item did not originate in Committee.)

4. Police Department

SUBJECT: Edward Byrne Memorial Justice Assistance Grant Program FY2023 Local JAG

RECOMMENDATION: That City Council adopt a **Resolution No. 15,745:**

1. Ratifying the prior execution and submission of an application for U.S. Department of Justice (DOJ) grant funds in the amount of \$107,288 from the Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY2023 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 the 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.)

5. Public Works Department

SUBJECT: Second Amendment to Agreement A-8141 with Dokken Engineering for Mandalay Bay Bridge and Edison Canal Bridge, Specification No. PW 18-61.

RECOMMENDATION: That the City Council approve and authorize the Mayor to execute a Second Amendment with Dokken Engineering in the amount of \$50,118 for a new not to exceed contract value of \$343,612 to continue to provide Professional Engineering Services associated with the Mandalay Bay Bridge and Edison Canal Bridge, Project Nos. C1306 and C1307.

(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.)

6. Public Works Department

SUBJECT: Harbour Island Homeowners Association Donation Agreement A-8531 to Waterway Maintenance District - Zone 2 (Harbour Island).

RECOMMENDATION: That the City Council, acting as the legislative body of the Waterway Maintenance District, approve and authorize:

1. An Agreement from the Harbour Island Homeowners Association for the donation of \$15,446 for landscape maintenance and on-call services; and
2. Recognize the acceptance of the \$15,446 donation from the Harbour Island Homeowners Association, and therefrom appropriate \$15,446 to the Waterway Zone 2 Harbour Island District (Fund 40203801).

(Public Works Transportation Committee approved 2-0)

7. Police Department

SUBJECT: Fifth Amendment with Speak Write, LLC. for Transcription Services

RECOMMENDATION: That the City Council approve and authorize the Mayor to execute a Fifth Amendment to the Trade Services Agreement for Speak Write, LLC. increasing the not to exceed value from \$200,000 to \$275,000 and extending the contract to June 30, 2025.

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

Consent Items L.1 – L.7

It was moved by Councilmember Teran, 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.

M. PUBLIC HEARINGS1. Community Development Department

SUBJECT: Appeal of the Planning Commission's Decision to Approve the construction and conversion of 1,419 square feet of existing ground floor tenant space into a donut/coffee shop (Dunkin Donuts) and the conversion of one existing drive-through lane, including the reduction of on-site required parking, located at 2151 East Gonzales Road (60 minutes).

RECOMMENDATION: That the City Council conduct a public hearing and:

- a. Adopt an Addendum to Mitigated Negative Declaration No. 01-09; and
- b. Adopt a **Resolution No. 15,746** denying the appeal and upholding the Planning Commission's approval of Planning and Zoning Permit No. 22-550-01 (Major Modification to Special Use Permit), subject to certain findings and conditions.

(This item is a public hearing and was heard by the Planning Commission; therefore, this item did not originate in Committee.)

Dee Lai, Assistant City Clerk announced the affidavit of publication and stated that written communications were received and forwarded to Council for consideration.

Jay Dobrowalski, Senior Planner, Joe Pearson, Planning Manager, Jeff Pengilley, Community Development Director, and Ken Rozell, Assistant City Attorney, were available to answer questions.

The applicant team, Daniel Bednar, CBC Federal Credit Union, SVP, Chief Strategy Officer, and James Bargfrede, Momentum, Inc., Project Manager, presented and were available to answer questions.

Stuart Nielson, Nelson Comis Kettle & Kinney LLP., Attorney for the Appellant, presented and was available to answer questions.

Mayor Zaragoza opened the public testimony portion of the public hearing. Public comment was received from Ronald Arruejo.

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 Madrigal, seconded by Councilmember Valenzuela Zavala, to approve the recommended action as presented. VOTE: Basua, MacDonald, Madrigal, Teran, Valenzuela Zavala, and Zaragoza voted in favor; motion passed 6-1. Councilmember Perello voted no.

2. Community Development Department

SUBJECT: Continuance of Noticed Public Hearing from September 19, 2023 City Council meeting. Planning & Zoning (PZ) Permit No. 23-580-02: Zoning Text Amendments (ZTA) to the existing regulation of commercial cannabis manufacturing, distribution, testing, and retail dispensaries and creation of indoor commercial cannabis cultivation regulations (20 minutes).

RECOMMENDATION: That the City Council:

- a. Conduct a public hearing to introduce an ordinance amending Chapters 11 and 16 of the Oxnard City Code;
- b. Determine if the City Council wishes to include the Trabajo Dr. area, and Camino Real Business Park Specific Plan area for indoor cannabis cultivation, as originally depicted in the 2018 cannabis cultivation map presented to the City Council;
- c. If the City Council does not wish to include the Trabajo Dr. area, and Camino Real Business Park Specific Plan area for indoor cannabis cultivation, 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 the Oxnard City Code (OCC) Chapters 11 and 16 pertaining commercial cannabis activity (Zoning Text Amendment; PZ No. 23-580-02); and incorporate commercial cannabis cultivation (Section 16-163 and an amendment to OCC Chapters 11 and 16 to allow up to five (5) indoor commercial cannabis cultivators in six (6) identified areas of the City.

- d. Alternatively, if the City Council does wish to include Trabajo Dr. area, and Camino Real Business Park Specific Plan area for indoor cultivation, approve the introduction and first reading by title only and waive further reading of the following ordinance with the direction that the Trabajo Dr. area, and Camino Real Business Park Specific Plan area be included within the areas in which cultivation is allowed:

An ordinance of the City Council of the City of Oxnard amending the Oxnard City Code (OCC) Chapters 11 and 16 pertaining commercial cannabis activity (Zoning Text Amendment; PZ No. 23-580-02); and incorporate commercial cannabis cultivation (Section 16-163 and an amendment to OCC Chapters 11 and 16 to allow up to five (5) indoor commercial cannabis cultivators in eight (8) identified areas of the City.

(Council and Council Committee provided feedback in 2020 and 2023 respectively. That feedback was incorporated into a draft indoor cultivation ordinance and presented to the Planning Commission for the subject item before the City Council)

Dee Lai, Assistant City Clerk announced the affidavit of publication and stated that no written communications were received.

Kathleen Mallory, Planning & Sustainability Manager, Jeff Pengilley, Community Development Director, Mat

Simpkins, Management Analyst, and Ken Rozell, Assistant City Attorney, were available to answer 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 Valenzuela Zavala, seconded by Councilmember Madrigal, to approve the recommended action option d (An ordinance of the City Council of the City of Oxnard amending the Oxnard City Code (OCC) Chapters 11 and 16 pertaining commercial cannabis activity (Zoning Text Amendment; PZ No. 23-580-02); and incorporate commercial cannabis cultivation (Section 16-163 and an amendment to OCC Chapters 11 and 16 to allow up to five (5) indoor commercial cannabis cultivators in eight (8) identified areas of the City). VOTE: Basua, MacDonald, Madrigal, Perello, Teran, Valenzuela Zavala, and Zaragoza voted in favor; motion passed 7-0.

N. REPORTS

1. Finance Department

SUBJECT: Recommendation to Acquire and Implement Budget Software. (10 minutes)

RECOMMENDATION: That the City Council:

1. Approve and authorize the City Manager to execute a five-year agreement with OpenGov, Inc. for OpenGov Budgeting & Planning software as well as OpenGov Reporting & Transparency software for a not to exceed amount of \$771,493; and
2. Approve a budget appropriation of \$60,110 in the Fiscal Year 2023-24 Information Technology Fund, from the available fund balance.

(The Finance & Governance Committee approved 3-0 on September 26, 2023)

Javier Chagoyen-Lazaro, Interim Chief Financial Officer, was available to answer questions. No public comments were received. Discussion ensued among the council and staff.

It was moved by Councilwoman Basua, seconded by Councilmember Perello, 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: Public Project Agreement 32400153 with Toro Enterprises, Inc. for Arterial Street Resurfacing - Hueneme Road Improvement Project, Specification No. PW 23-111. (10 minutes)

RECOMMENDATION: That the City Council approve and authorize:

1. A total of \$2,745,575.80 in Project funds for the Arterial Street Resurfacing Hueneme Road Street Improvement Project, Specification No. PW 23-111;
2. The Mayor to Execute an Agreement with Toro Enterprises, Inc., in the amount of \$2,287,979.80 for the Project;
3. A Project contingency amount of \$228,798 (10%) with Toro Enterprises, Inc. for a total not to exceed value of \$228,798 for the Project;
4. A Project allocation amount of \$228,798 (10%) for engineering, inspection, survey and project management (EISPM) for the Project; and

5. A project budget appropriation transfer in the amount of \$975,066 from Ormond Beach Neighborhood Street Resurfacing Project C2109 to Arterial Street Resurfacing Project C2205 within the TAB HERO Fund (315).

(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.)

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

It was moved by Councilmember Perello, 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.

3. Public Works Department

SUBJECT: Public Project Agreement 32400207 with C.A. Rasmussen, Inc. for Arterial Street Resurfacing East and West Gonzales Road and Oxnard Boulevard Street Improvement Project, Specification No. PW 23-100. (10 minutes)

RECOMMENDATION: That the City Council approve and authorize:

1. A total of \$11,636,763.05 in Project funds for the Arterial Street Resurfacing East and West Gonzales Road and Oxnard Boulevard Street Improvement Project, Specification No. PW 23-100;
2. The Mayor to Execute an Agreement with C.A. Rasmussen, Inc. in the amount of \$9,697,303.05 for the Project;
3. A Project contingency amount of \$969,730 (10%) with C.A. Rasmussen, Inc. for a total not to exceed value of \$969,730 for the Project;
4. A Project allocation amount of \$969,730 (10%) for engineering, inspection, survey and project management for the Project; and
5. A project budget appropriation transfer in the amount of \$3,328,400 from Neighborhood Street Resurfacing Project C2209 to Arterial Street Resurfacing Project C2205 within the Measure O Fund (104).

(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.)

Michael Wolfe, 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 Pro Tem MacDonald, seconded by Councilwoman 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.

O. ADJOURNMENT

There being no further business on the agenda, and without objection, Mayor Zaragoza adjourned the meeting at 9:04 p.m.

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DEE LAI

Assistant City Clerk



JOHN C. ZARAGOZA

Mayor