MINUTES
OXNARD CITY COUNCIL
Regular Meeting
October 17, 2023

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. 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, Mayor Pro Tem Bryan A. MacDonald, and Mayor John C. Zaragoza were present.

Councilmember Valenzuela Zavala was absent. Councilwoman Basua arrived at 4:45 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 – 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 two potential cases.
Legislative Body: City Council

2. CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION (Government Code Section 54956.9(d)(1))
Name of case: *City of Oxnard v. Rio School District; et al.*
Ventura County Superior Court Case No. 56-2023-00575575-CU-WM-VTA
Legislative Body: City Council

At 4:32 p.m., the City Council recessed into a closed session. At 5:59 p.m., the City Council reconvened in an open session in the Council Chambers. Stephen Fischer, City Attorney, announced that for closed session item C.2, the council approved the settlement entitled City of Oxnard versus Rio School District by a vote of 5-0. Mayor Zaragoza, Mayor Pro Tem MacDonald, Councilmember Perello, Councilmember Madrigal, and Councilwoman Basua voted in favor. Councilmember Teran recused himself due to his professional working relationship with the school district. Councilmember Valenzuela Zavala was absent. Under the terms of the settlement, the Rio School District will prepare an appropriate supplemental environmental review of its project to expand the Rio Del Valle Middle School under a modified project description, including a requirement that the northern 10-acre parcel remain agricultural for the duration of the existing Save Open Space and agricultural resources restrictions.

D. OPENING CEREMONIES (6:00 PM)

Mayor Zaragoza led the pledge of allegiance followed by a moment of silence.

E. CEREMONIAL ITEMS

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

Mayor Zaragoza read the Proclamation and delivered it to Dale McAlpine, Police Sergeant. Dale McAlpine and staff joined the Council on the dais to accept the Proclamation, thanked the Council, and spoke briefly.

No public comments were received.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from Paul Sanaston, Mechael Wright-Hodges, Gary Davis, and Karla Alejandra.

G. REPORT OF CITY MANAGER/EXECUTIVE DIRECTOR/SECRETARY

1. City Manager Department
SUBJECT: Local Government Fun Fact: Investments in South Oxnard.
RECOMMENDATION: That the Public and City Council receive a City Manager discussion about Oxnard's investments in south Oxnard in recent years.

Alex Nguyen, City Manager, provided summary of investments and projects in South Oxnard.

Public comments were received by Carolina Magana, Sofia Vega, Carlos Quiroz, Manuel Herrera, and Deirdre Frank.

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

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

Public comment was received from Mandy Torres.

I. REVIEW OF INFORMATION/CONSENT AGENDA

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

J. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

No public comments were received.

K. INFORMATION/CONSENT AGENDA

1. City Clerk Department
SUBJECT: Approval of Minutes.
RECOMMENDATION: That the City Council approve the minutes of September 19, 2023, regular meetings as presented.

2. Community Development Department
SUBJECT: Adoption of Ord. No. 3032 - 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.
RECOMMENDATION: That the City Council adopt **Ordinance No. 3032** amending Chapters 11 and 16 of the Oxnard City Code pertaining to regulation of cannabis manufacturing, distribution, testing, and retail dispensaries; and amending Oxnard City Code Chapters 11 and 16 to allow up to

five (5) indoor cannabis cultivators and eight (8) identified areas in the City where indoor cannabis cultivation is permitted.

(Council and Council Committee provided feedback in 2020 and 2023, respectively. That feedback and the Committee's 3:0 support of cultivation was incorporated into a draft indoor cultivation ordinance and presented to the Planning Commission for the subject item before the City Council).

3. Public Works Department
SUBJECT: Grant Application Resolution for California Department of Fish and Wildlife Watershed Grants Program.
RECOMMENDATION: That the City Council adopt a **Resolution No. 15,747**:

1. Authorizing the City Manager or designee to submit a grant application to the California Department of Fish and Wildlife for an amount not to exceed $300,000 (no local match) in Watershed Grants Program Funding for the Perkins Road Area Restoration and Enhancement Project;
2. Authorizing the City Manager or designee to execute grant agreements;
3. Authorizing the Finance Director or designee to submit financial reports and grant claims and approve budget appropriations for the use of the grant funds; and
4. Authorizing the Public Works Director or designee to submit non-financial reports.

(This item did not originate in Committee.)

4. City Manager Department
SUBJECT: Resolution Updating Grant Application Procedures.
RECOMMENDATION: That the City Council adopt a **Resolution No. 15,748** updating procedures to submit grant applications.

(The Finance and Governance Committee approved this item by a vote of 3-0 on September 26, 2023)

5. Public Works Department
SUBJECT: Agreement 32400183 with Black Gold Industries for On-Call Citywide Hazardous and Unknown Waste Identification, Collection, and Disposal Services.
RECOMMENDATION: That the City Council approve and authorize the Mayor to execute an Agreement with Black Gold Industries for citywide known and unknown hazardous waste identification, collection, and disposal services for a total amount not to exceed $500,000, beginning with a one-year term ending October 17, 2024, with the option for two consecutive one-year extensions. If extended, the final term date will be October 17, 2026.

(Public Works and Transportation Committee approved 3-0)

6. Public Works Department
SUBJECT: Amend Department-Wide Contracts and Blanket Purchase Orders for a Not to Exceed Amount Greater than $200,000 Each.

RECOMMENDATION: That the City Council approve and authorize the Purchasing Agent to amend the following:

1. Contract #32400034 with Amazon.com Services LLC for an additional $150,000 for a new not to exceed amount of $350,000 through June 30, 2024;
2. Purchase Order #22400103 with Consolidated Electrical Distributors DBA Royal Industrial Solutions for an additional $100,000 for a new not to exceed amount of $300,000 through June 30, 2024;
3. Contract #32400031 with Famcon Pipe & Supply Inc. for an additional $500,000 for a new not to exceed amount of $700,000 through June 30, 2024;
4. Contract #32400092 with Ferguson Enterprise, LLC for an additional $150,000 for a new not to exceed amount of $350,000 through June 30, 2024;
5. Contract #32400048 with W.W. Grainger, Inc. for an additional $250,000 for a new not to exceed amount of $450,000 through June 30, 2024;
6. Contract #32400033 with Hach Company for an additional $135,000 for a new not to exceed amount of $285,000 through June 30, 2024;
7. Contract #32400050 with Home Depot U.S.A., Inc. for an additional $150,000 for a new not to exceed amount of $350,000 through June 30, 2024;
8. Contract #32400069 with Office Depot, Inc. for an additional $50,000 for a new not to exceed amount of $250,000 through June 30, 2024;
9. Contract #32400045 with Sunbelt Rentals, Inc. for an additional $125,000 for a new not to exceed amount of $325,000 through June 30, 2024;
10. Contract #32400047 with Waxie's Sanitary Supply, Inc. dba Waxie Sanitary Supply for an additional $150,000 for a new not to exceed amount of $350,000 through June 30, 2024; and
11. Contract #32400146 with Vista Paint Corporation for an additional $100,000 for a new not to exceed amount of $300,000 through June 30, 2024.

(Public Works and Transportation Committee approved 3-0)

Consent Items K.1 – K.6

It was moved by Mayor Pro Tem MacDonald, seconded by Councilwoman Basua, to approve the information/consent items as presented. VOTE: Basua, MacDonald, Madrigal, Perello, Teran, and Zaragoza voted in favor; the motion passed 6-0. Councilmember Valenzuela Zavala was absent.

L. REPORTS

1. Housing Department
SUBJECT: Approval of the Downtown Oxnard Improvement Association Annual Work Plan and Budget for Fiscal Year 2023-24. (10 minutes)
RECOMMENDATION: That the City Council approve the Downtown Oxnard Improvement Association annual work plan and budget for fiscal year 2023-24.

(This item did not originate in Committee.)

Emilio Ramirez, Housing Director, 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 Madrigal, to approve the recommended ction as presented. VOTE: Basua, MacDonald, Madrigal, Perello, Teran, and Zaragoza voted in favor; the ıotion passed 6-0. Councilmember Valenzuela Zavala was absent.

2. Public Works Department
SUBJECT: Update on the Speed Hump Program (15 minutes)
RECOMMENDATION: That the City Council receive and file an update on the Speed Hump Program to include amendments to the Program's eligibility criteria as outlined in this staff report.

(This item did not originate in Committee. This is a continuation of an item approved by Council on October 18, 2022.)

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

The report was received and file. No action was taken.

3. Public Works Department
SUBJECT: Public Project Agreement 32400201 with Toro Enterprises, Inc. for Etting Road Sidewalk And Bicycle Lane Improvement Project (Rebid), Specification No. PW 21-34R, State Project No. ATPL-5129(098). (10 minutes)
RECOMMENDATION: That the City Council approve and authorize:

1. A total of $2,864,373.45 in Project funds for the Etting Road Sidewalk And Bicycle Lane Improvement Project (Rebid), Specification No. PW 21-34R (C2005);
2. The Mayor to Execute an Agreement with Toro Enterprises, Inc. in the amount of $2,386,979.45 for the Project;
3. A Project contingency amount of $238,697 (10%) with Toro Enterprises, Inc. for the Project;
4. A Project allocation amount of $238,697 (10%) for engineering, inspection, survey and project management for the Project; and
5. Budget appropriations of $1,000,000 from the Air Pollution Buydown Fee Fund (360) and $411,147 from the Circulation System Improvement Fees Fund (350) available fund balances 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.)

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

4. City Attorney Department
SUBJECT: Resolution of the City Council of the City of Oxnard Adopting a Conflict Policy and Procurement Procedures for Design-Build Projects (15 minutes).
RECOMMENDATION: That the City Council adopt a **Resolution No. 15,749** entitled:

"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD, CALIFORNIA, ADOPTING A CONFLICT POLICY AND PROCUREMENT PROCEDURES TO ALLOW THE CITY TO USE THE DESIGN-BUILD METHOD FOR CERTAIN ELIGIBLE PUBLIC PROJECTS IN ACCORDANCE WITH PUBLIC CONTRACT CODE SECTIONS 22160 THROUGH 22169."

(As of the date of this City Council agenda being posted, there is not yet an outcome from the October 10, 2023 Public Works and Transportation Committee.)

Michelle McCarron, Assistant City Attorney, was 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 Teran, to approve the recommended action as presented. VOTE: Basua, MacDonald, Madrigal, Perello, Teran, and Zaragoza voted in favor; the motion passed 6-0. Councilmember Valenzuela Zavala was absent.

M. ADJOURNMENT

There being no further business on the agenda, and without objection, Mayor Zaragoza adjourned the meeting at 8:14 p.m.

DEE LAI
Assistant City Clerk

JOHN C. ZARAGOZA
Mayor