

Written materials relating to an item on this agenda that are distributed to the legislative bodies within 72 hours before the item is to be considered at its regularly scheduled meeting will be made available for public inspection at the City Clerk's Office, 300 West Third Street 4th Floor during customary business hours. Agenda reports are also on the City of Oxnard web site at www.oxnard.org.



AGENDA
OXNARD CITY COUNCIL
OXNARD COMMUNITY DEVELOPMENT COMMISSION SUCCESSOR AGENCY
OXNARD FINANCING AUTHORITY
OXNARD HOUSING AUTHORITY
Council Chambers, 305 West Third Street
January 8, 2019
Closed Session - 4:30 PM
Regular Meeting - 6:00 PM

A. ROLL CALL/POSTING OF AGENDA

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

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

At this time, a person may address the legislative body only on matters appearing on the closed session agenda. The presiding officer shall limit public comments to three minutes

C. CLOSED SESSION

1. Conference with Legal Counsel – Existing Litigation

CC (Government Code section 54956.9 (d)(1))

Name of case: City of Oxnard; et al. v. Aaron Starr

Ventura County Superior Court, Case No. 56-2016-00479696-CU-MC-VTA

2. Conference with Legal Counsel – Existing Litigation

CC (Government Code section 54956.9 (d)(1))

Name of case: Aaron Starr and Nancy Pedersen v. City of Oxnard

Ventura County Superior Court, Case No. 56-2018-00510828-CU-CO-VTA

3. Conference with Legal Counsel – Existing Litigation

CC (Government Code section 54956.9 (d)(1))

Name of case: Aaron Starr v. City of Oxnard

Ventura County Superior Court, Case No. 56-2017-00494475-CU-WM-VTA

4. Conference with Legal Counsel – Existing Litigation

CC (Government Code section 54956.9 (d)(1))

Name of case: Moving Oxnard Forward v. Jim Throop; et al.

Ventura County Superior Court, Case No. 56-2018-00514769-CU-WM-VTA

In compliance with the Americans with Disabilities Act, if you require special assistance to participate in a meeting, please contact the City Clerk's Office at 385-7803. Notice at least 72 hours prior to the meeting will enable the City to reasonably arrange for your accessibility to the meeting.

Agenda Item time estimates: (Staff Presentation / Council Discussion / Public Comment)

D. OPENING CEREMONIES

Pledge of allegiance to the flag of the United States.

E. CEREMONIAL CALENDAR

1. **SUBJECT:** Presentation of a Commendation to Lutheran Church of Our Redeemer on the Occasion of Their 70th Anniversary on January 12, 2019.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

At this time, the legislative body will consider public comments for a maximum of thirty minutes. A person may address the legislative body only on matters not appearing on the agenda and within the subject matter jurisdiction of the legislative body. Speaker cards will not be accepted after the beginning of the general public comment period. Based on the number of speaker cards submitted, the presiding officer may impose time limits per speaker. Typically, speakers are limited to three minutes, but shorter time may be established as deemed necessary. A person not able to address the legislative body at this time because the thirty minutes expires may do so just prior to adjournment of the meeting. The legislative body cannot enter into a detailed discussion or take action on any items presented during public comments at this time. Such items may only be referred to the City Manager/ Executive Director/Secretary for administrative action or scheduled on a subsequent agenda for discussion. Persons wishing to speak on public hearing items should do so at the time of the hearing.

G. REPORT OF CITY MANAGER/EXECUTIVE DIRECTOR/SECRETARY

The City Manager/Executive Director/Secretary shall report on items of interest to the legislative body occurring since the last meeting. The legislative body cannot enter into detailed discussion or take action on any item presented during this report. Such items may only be referred to the City Manager/Executive Director/Secretary for administrative action or scheduled on a subsequent agenda for discussion.

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

At this time, a member of the legislative body may make a brief announcement, or make a brief report on his or her activities. Further, members of the legislative body may request to schedule consideration of whether to place an item on a future agenda. The legislative body cannot enter into detailed discussion or take action on any item presented during this report. The member's report shall not exceed three minutes, unless additional time is granted by the presiding officer.

City Manager Department

1. **SUBJECT:** City of Oxnard 2019 Federal and State Legislative Program. (10/15/5)

RECOMMENDATION: That the City Council:

1. Receive and file the report;
2. Adopt a Resolution approving the 2019 Legislative Program for the City of Oxnard; and
3. Take such additional, related action as may be desired.

Legislative Body: CC

Contact: Alexander Nguyen

Phone: (805) 385-7430

2. SUBJECT: Appointment of Council Committee Membership, Including Committee Chairs (5/10/5)

RECOMMENDATION: That City Council ratifies the Mayor's appointments of Council Committee Membership, including Committee Chairs.

Legislative Body: CC

Contact: Alexander Nguyen

Phone: (805) 385-7430

City Attorney Department

3. SUBJECT: Request of Mayor Pro Tem Ramirez: for the City Council to Request the Ventura County Fairgrounds Board of Directors to Cease Contracting for New Gun Shows at the Fairgrounds. (5/5/10)

RECOMMENDATION: That City Council discuss and determine whether an item related to consideration of sending a letter to the Ventura County Fairgrounds Board of Directors to cease contracting for additional gun shows should be placed on a future City Council agenda for Council discussion.

Legislative Body: CC

Contact: Stephen M. Fischer

Phone: (805) 385-7483

4. SUBJECT: Request of Mayor Pro Tem Ramirez for the City Council to Consider a Resolution Opposing Offshore Oil Drilling. (5/5/10)

RECOMMENDATION: That City Council discuss and determine whether an item to consider adopting a resolution declaring the Council's opposition to offshore oil drilling should be placed on a future City Council agenda for Council discussion.

Legislative Body: CC

Contact: Stephen M. Fischer

Phone: (805) 385-7483

I. REVIEW OF INFORMATION/CONSENT AGENDA

The members of the legislative body will consider whether to remove Information/Consent Agenda items for discussion later during the meeting.

J. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

At this time, a person may address the legislative body only on matters appearing on the information/consent agenda. The presiding officer shall limit public comments to three minutes.

K. INFORMATION CONSENT AGENDA

City Attorney Department

1. SUBJECT: Adoption of Security Alarm and Fire Alarm Ordinance.

RECOMMENDATION: That City Council adopt Ordinance No. 2951 amending Chapter 11 Article II of the Oxnard City Code concerning the regulation of security alarm systems and fire alarm systems.

Legislative Body: CC

Contact: Stephen M. Fischer

Phone: (805) 385-7483

2. SUBJECT: Vending Ordinance Adoption.

RECOMMENDATION: That City Council adopt Ordinance No. 2952 amending Chapter 8, Article IV, Division 1, Sec. 8-47 of the Oxnard City Code regarding operating regulations for vending on public property.

Legislative Body: CC

Contact: Stephen M. Fischer

Phone: (805) 385-7483

City Clerk Department

3. SUBJECT: Approval of Minutes.

RECOMMENDATION: That the City Council approve the minutes of the December 11, 2018 and December 18, 2018 Regular Meetings as presented.

Legislative Body: CC

Contact: Michelle Ascencion

Phone: (805) 385-7805

Economic Development Department

4. SUBJECT: Recognized Obligation Payment Schedule 2019-2020

RECOMMENDATION: That the Community Development Commission Successor Agency adopt a Resolution approving the Annual Recognized Obligation Payment Schedule 19-20 covering the period of July 1, 2019 - June 30, 2020.

Legislative Body: SA

Contact: Ashley Golden

Phone: (805) 385-7882

Fire Department

5. SUBJECT: Funding of Equipment and Supplies from CUPA Capital Equipment Fund.

RECOMMENDATION: That City Council approve the use of \$5,634 in previously appropriated unspent capital within the CUPA Capital Equipment Fund 373 for the replacement of personal protective equipment and resupply of chemical reagents.

Legislative Body: CC

Contact: Darwin Base

Phone: (805) 385-7700

Public Works Department

6. SUBJECT: Approval of a Budget Appropriation for Northshore CFD to Establish a Budget in FY 2018-19.

RECOMMENDATION: That City Council approve a budget appropriation in the amount of \$30,000 from the surplus fund balance of the Northshore CFD #6 (Fund 176) to establish a budget for expected expenditures in Fiscal Year 2019.

Legislative Body: CC

Contact: Rosemarie Gaglione

Phone: (805) 385-8055

L. PUBLIC HEARINGS

City Attorney Department

1. SUBJECT: Extension of Ordinance No. 2950 (Moratorium on the Establishment of New Retail Uses Selling Firearms and Ammunition). (5/10/20)

RECOMMENDATION: That City Council conduct a public hearing and adopt an ordinance to extend the moratorium on the establishment of new retail uses selling firearms and ammunition to allow the City to study this land use and make recommendations to the Planning Commission and City Council for a period of eight (8) months from the date Ordinance No. 2950 would otherwise expire.

Legislative Body: CC

Contact: Stephen M. Fischer

Phone: (805) 385-7483

M. REPORTS**Public Works Department**

1. **SUBJECT:** Funding for Purchase of 15 Collection Vehicles (5/5/5)

RECOMMENDATION: That City Council:

1. Ratify an appropriation in the amount of \$4,847,373 to fund the purchase of fifteen Environmental Resources collection vehicles;
2. Ratify revised Purchase Order No. 6304 to Velocity Truck Center Ventura County in the additional amount of \$45,175.12 for additional safety equipment for 12 collection vehicles; and
3. Approve an additional appropriation in the amount of \$45,176 to fund the purchase of the additional safety equipment.

Legislative Body: CC

Contact: Rosemarie Gaglione

Phone: (805) 385-8055

2. **SUBJECT:** Award Contract A-8109 to Granite Construction for Channel Islands Boulevard Street Resurfacing Project. (5/5/5)

RECOMMENDATION: That City Council:

1. Award and authorize the Mayor to execute Agreement A-8109 in the amount of \$2,995,295 for the Channel Islands Boulevard Street Resurfacing Project Specification No. PW 17-20 with Granite Construction Company;
2. Approve \$299,529 for Project contingency for the Channel Islands Boulevard Street Resurfacing Project;
3. Approve \$299,529 for technical engineering support, inspection, survey and project management (City staff) for the Channel Islands Boulevard Street Resurfacing Project; and
4. Approve an appropriation of \$3,105,953 from the Street Maintenance Fund and \$38,400 from the Water Operating Fund for the Channel Islands Boulevard Street Resurfacing Project No. 183111.

Legislative Body: CC

Contact: Rosemarie Gaglione

Phone: (805) 385-8055

City Attorney Department

3. **SUBJECT:** Taxi Cab Ordinance (5/5/5)

RECOMMENDATION: That City Council approve the first reading by title only and waive further reading of an ordinance amending Article XI to Chapter 11 of the City Code establishing taxicab licensing and operating regulations.

Legislative Body: CC

Contact: Stephen M. Fischer

Phone: (805) 385-7483

N. ADJOURNMENT

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**CITY COUNCIL
AGENDA REPORT**

TYPE OF ITEM: Council Business

AGENDA ITEM NO.: 1

DATE: January 8, 2019

TO: City Council

FROM: Alexander Nguyen
City Manager

SUBJECT: City of Oxnard 2019 Federal and State Legislative Program. (10/15/5)

CONTACT: Alexander Nguyen, City Manager
Alexander.Nguyen@oxnard.org, (805) 385-7430

RECOMMENDATION:

That the City Council:

1. Receive and file the report;
2. Adopt a Resolution approving the 2019 Legislative Program for the City of Oxnard; and
3. Take such additional, related action as may be desired.

In October 2017, the City of Oxnard contracted Ms. Elisabeth Paniagua, Principal of E.P. Consulting Services to serve as the city's Intergovernmental Relations and Legislative Liaison Officer to conduct a comprehensive update of the city's Legislative Program and provide ongoing legislative and advocacy services. Since there had been limited city staffing focused on the program, it created limited dedicated attention. The city's interests had been represented by federal and state lobbyist teams who communicated with City Management and City Council.

In January 2018, the City Council adopted the 2018 Legislative Program, a comprehensive document whose goal was to provide a new legislative foundation for legislative issues the city might face and provide a more defined avenue to convey its funding need priorities at the regional, State and Federal levels. As a result, during 2018, the city was successful in responding quickly to changes in legislative circumstances and strategically pursue funding opportunities, and establish new relationships with its federal and state elected representatives and agencies. Some of the major highlight activities of the 2018 Legislative Program include:

- Tracking of over 50 legislative State of California initiatives and taking position on over 25 items.

City of Oxnard 2019 Federal and State Legislative Program (10/15/5)

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- Conducted meetings with federal representative and agency to advocate for city priority projects including:
 - GREAT-Recycled Water Pipeline Phase 2
 - Ormond Beach Conservation and Restoration
 - Halaco Site
 - Economic Development Program
 - Fire Department Programs
- Conducted meetings with state representatives and agencies to advocate for city priority projects including:
 - Oxnard City Corps
 - Downtown Arts Hub
 - Wastewater Treatment Plant
 - Fiber Master Plan
 - Mandalay and Ormond Beach Power Plants
- Advocated for the state and federal designation of City of Oxnard- Economic Development Opportunity Zones to encourage investment opportunities in specific industrial and commercial areas across the city.
- Advocated for state and federal grants submitted by city departments.
- Advocated to secure a \$9.5 million state grant and additional low interest loan for emergency repairs of the Wastewater Treatment Plant.
- Conducted a citywide tour for state and federal representatives to showcase citywide infrastructure needs, including the Wastewater Treatment Plant, Recycled Water Pipeline Phase 2 and Environmental Resources Facility.
- Renewed communication between city departments, state and federal representatives, and the city's state and federal lobbyists.

In preparation for the 2019 Legislative Program, meetings were conducted with all city departments and city council members to explore citywide legislative concerns and project funding needs. After conducting a full analyzes of the city's priorities and collaboration with the city's federal and state lobbyists, new focused legislative and project priorities were identified. The proposed 2019 Legislative Program (Attachment A) includes a variety of important city priorities, which will be the focus of advocacy efforts to secure future funding resources. The 2019 Legislative Program outlines specific federal and state legislative and project priorities under the following 13 general areas:

- | | |
|-------------------------|---|
| 1. Community Services | 8. Military Bases |
| 2. Economic Development | 9. Public Safety |
| 3. Finance | 10. Sustainability (Energy and Environment) |
| 4. Housing | 11. Telecommunications |
| 5. Labor Relations | 12. Transportation |
| 6. Land Use | 13. Water |
| 7. Local Control | |

City of Oxnard 2019 Federal and State Legislative Program (10/15/5)

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The goal for 2019 is to continue to maintain a proactive approach to ensure City of Oxnard interests and concerns are expressed through:

- a) monitoring and analysis of federal and state legislation;
- b) advising on whether to adopt a position either in favor or against a particular legislation;
- c) collaborating with the city's lobbyist teams to engage advocacy efforts to advance the city's interests in Washington, D.C., and Sacramento; and
- d) maintaining ongoing communication with federal and state representatives and agencies.

In addition, a list of 2019 Staff Identified Priorities (Attachment B) is included as a reference item for City Council. This list includes other significant legislative items and project funding need areas, which the City Council may consider specific line items to add into the 2019 Legislative Program document.

In order to continue a proactive approach for future years, it is recommended that the city maintain an active Legislative Program throughout the calendar year and prepare for upcoming legislative sessions by annually updating the Legislative Program 3- 4 months before the end of the calendar year.

Staff requests the City Council's consideration to adopt a resolution approving the City of Oxnard 2019 Legislation Program with any desired changes.

An update and preview of the upcoming 2019 legislative year will also be provided by the city's federal lobbyist team, MMO Partners and state lobbyist team, Arnold and Associates.

PERSONNEL IMPACT

Consultant will track federal and state legislation, issue letters of support or opposition on behalf of the city, and advocate for funding opportunities for city projects and programs

Prepared by Elisabeth Paniagua, Principal, E.P. Consulting Services.

ATTACHMENTS:

Resolution Oxnard2019 Legislative Program 1.8.19

2019 Legislative Program Final - City of Oxnard 1-8-19

City of Oxnard 2019 STAFF Identified Priorities 1-8-19

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD
APPROVING THE 2019 CITY OF OXNARD LEGISLATIVE PROGRAM

BE IT RESOLVED by the Council of the City of Oxnard as follows:

SECTION 1: The City Council finds as follows:

- A. The major objective of the City Council is to adopt a legislative program which strengthens local government, promotes city interests and defends the city against legislative actions by regional, state and federal authorities that would weaken or threaten local governments and/or take away traditional revenue sources; and
- B. It is vital to the fiscal health and the self determination of the city to effectively communicate with state legislators and federal representatives in order to favorably influence state and federal legislation, regulations and grant requests.

SECTION 2: The City Council desires to be proactive and involved in the government decision making processes through implementation of the City of Oxnard 2019 Legislative Program as identified in Exhibit "A," which is attached hereto and incorporated by this reference.

SECTION 3: This Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

PASSED, APPROVED, and ADOPTED, this 8th day of January, 2019 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Tim Flynn, Mayor

ATTEST:

APPROVED AS TO FORM:

Michelle Ascencion, City Clerk_____
Stephen M. Fischer, City Attorney

2019

LEGISLATIVE PROGRAM



DRAFT
January 8, 2019

Prepared by
E.P. Consulting Services

PROGRAM SUMMARY

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COMMUNITY PROFILE

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LEGISLATIVE AND PROJECT PRIORITIES

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City of Oxnard

PROGRAM SUMMARY

The 2019 Legislative Program provides a framework for the City of Oxnard's legislative and project priorities. It serves as the foundation of a focused advocacy strategy to assist the City Council and staff in evaluating federal and state legislative initiatives against city interests. The City Council annually establishes the Legislative Program to guide advocating efforts of city positions on clearly stated legislative issues and stipulated funding needs for city projects.

The Legislative Program is a result of an annual evaluation of citywide legislative and project funding priorities. The identified legislative priorities include those directly impacting municipal services and programs. Federal and state legislative proposals will be reviewed throughout the calendar year. Proposed legislation that is consistent with the Legislative Program may be supported, while initiatives inconsistent with city interests may be opposed. The associated project priorities include capital improvement projects and other emergency city funding needs. Project priorities will be used to seek funding opportunities throughout the year. Additional issues not addressed may acquire further City Council direction.

City of Oxnard

COMMUNITY PROFILE

“The City of Oxnard will have clean, safe, prosperous and attractive neighborhoods with open, transparent government.”

(Mission Statement- adopted January 2005)

Incorporated as a general law city in 1903, Oxnard is a vibrant and culturally diverse community. Located on the beautiful “Gold Coast” of Southern California, the city has a small-town charm and has become a hub of manufacturing, agriculture, financial services, defense, international trade and tourism. Named for the Oxnard brothers who began the agricultural community by opening a sugar beet factory, today Oxnard is a thriving center of commerce, tourism and industry in Ventura County. Oxnard is the largest city in Ventura County with a population of over 210,000 residents.

As the only full-service city in Ventura County, Oxnard provides residents with a full range of municipal services, including police and fire protection, parks and recreational services, library services, cultural events, water, wastewater, and solid waste disposal services. During the last fifty years, the population has grown significantly, providing many challenges and opportunities for the community. Oxnard offers many growth options for its enterprising and forward-thinking business community, while maintaining a family-friendly environment. As Oxnard grows and evolves, it will continue to strive to maintain a balance between its residents needs and business friendly services.

Population	210,037
Median Household Income	\$61,709 (2016)
Hispanic or Latino	74.3%
Total Households	50,839
Average household size	4
Individuals below poverty level	16.3%
Median Home Value	\$486,500
Median Rent Price	\$2,448

(U.S. Census 2017 and Zillow Index 2018 Estimates)

City of Oxnard
FEDERAL AND STATE REPRESENTATION

U.S. House of Representatives 26th District

<i>Congresswoman Julia Brownley</i>	www.juliabrownley.house.gov
1019 Longworth House Office Building	Phone: (202) 225-5811
Washington, DC 20515	Fax: (202) 225-1100
300 E. Esplanade Drive, Suite 470	Phone: (805) 379-1779
Oxnard, CA 93036	

U.S. Senate

<i>Senator Dianne Feinstein</i>	www.feinstein.senate.gov
331 Hart Senate Office Building	Phone: (202) 224-3841
Washington, D.C. 20510	Fax: (202) 228-3954
11111 Santa Monica Blvd., Suite 915	Phone: (310) 914-7300
Los Angeles, CA 90025	

<i>Senator Kamala D. Harris</i>	www.harris.senate.gov
112 Hart Senate Office Building	Phone: (202) 224-3553
Washington, D.C. 20510	Fax: (202) 224-2200
312 N. Spring Street, Suite 1748	Phone: (213) 894-5000
Los Angeles, CA 90012	

State Senate 19th District

<i>Senator Hannah- Beth Jackson</i>	www.sd19.senate.ca.gov
State Capital, Rm 2032	Phone: (916) 651-4019
Sacramento, CA 95814	
300 E. Esplanade Drive, Suite 430	Phone: (805) 988-1940
Oxnard, CA 93036	

State Assembly 37th District

<i>Assembly Member Monique Limon</i>	www.a37.asmdc.org
State Capital	Phone: (916) 319-2037
P.O. Box 942849	Fax: (916) 319-2137
Sacramento, CA 94249-0037	
89 S. California Street, Suite F	Phone: (805) 641-3700
Ventura, CA 93001	Fax: (805) 641-3708

State Assembly 44th District

<i>Assembly Member Jacqui Irwin</i>	www.a44.asmdc.org
State Capitol	Phone: (916) 319-2044
P.O. Box 942849, Rm #5119	Fax: (916) 319-2144
Sacramento, CA 94249-0044	
230 W. 7 th Street, Suite B	Phone: (805) 483-4488
Oxnard, CA 93030	

City of Oxnard

LEGISLATIVE AND PROJECT PRIORITIES

1. Community Services

STATE

Support:

- Legislation that provides adequate and consistent funding to support acquisition, development, operation and maintenance of recreation and parks facilities.

Oppose:

- Legislation that reduces or eliminates funding for recreation, senior and art programs.

PROJECT PRIORITIES

1. Improvements and expansion of parks, recreation facilities, and open space areas to provide sufficient and safe recreational opportunities for all residents.
2. Highest level of funding for the California Violence Intervention and Prevention (CalVIP) grant to provide community programs for at-risk youth.
3. Highest level of funding for 21st Century Community Learning Center programs to provide academic enrichment and achievement opportunities during non-school hours for low-income and at-risk children.

2. Economic Development

FEDERAL

Support:

- Legislation that provides economic expansion opportunities to Naval Base Ventura County, Air National Guard and the Port of Hueneme.
- Legislation that provides resources focused on supporting local economic development activities including business retention and business attraction.
- Legislation that expands economic development initiatives to provide business investments and the creation of new jobs in disadvantaged communities.

PROJECT PRIORITIES

1. Development of an Economic Development Strategic Plan to identify opportunities to support economic growth, job creation, and business investments.
2. Highest level of funding for Economic Development Administration (EDA) grant programs to promote and expand local economic development opportunities.

3. Finance

STATE

Support:

- Legislation that allows states and cities to collect their fair share allocation of sales taxes on internet, catalog or other remote sales.
- Legislation that reforms the local government financing structure to create long term stability for local government, including public services, facilities and future growth.
- Legislation that provides cities with a greater share of fines and forfeitures.

Oppose:

- Legislation that proposes changes to the tax system and local tax allocations, which would result in a negative impact on local government.
- Legislation that would impose state mandated costs with no guarantee of local reimbursement for city services.
- Legislation that restricts local taxing authority over new development, including changes to development taxes and fees.

4. Housing

FEDERAL - STATE

Support:

- Legislation that supports local government's ability to provide affordable housing options and programs for all income levels in the community.

PROJECT PRIORITIES

1. Affordable workforce housing projects and programs for all residents, families and special populations.
2. Highest level of funding for Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), Emergency Solutions Grant (ESP), Continuum of Care (COC) programs focused on affordable housing and homeless assistance.
3. Highest level of funding for Cal-HOME and Building Equity and Growth in Neighborhoods (BEGIN) programs to assist housing rehabilitation and first-time homebuyers.

5. Labor Relations

STATE

Support:

- Legislation that reforms the workers compensation system to lower employer costs while continuing to protect employees.
- Legislation that reforms the Public Employees Retirement System (PERS) pension system and post-employment benefits to decrease long-term costs.

Oppose:

- Legislation that restricts the ability of local authorities to determine employee's benefit levels.

6. Land Use

STATE

Support:

- Legislation that develops a statewide earthquake disaster prevention model for new development and a structural seismic retrofit program for existing buildings.
- Legislation that provides for better oversight and accountability during the sale of private properties with unpermitted improvements.

7. Local Control

STATE

Oppose:

- Legislation that fails to provide full cost reimbursement for all mandated programs.
- Legislation that attempts to preempt local authority.
- Legislation that interrupts or weakens city services and infrastructure

8. Military Bases

FEDERAL

Support:

- Legislation that protects the presence of Naval Base Ventura County (NBVC) and expands new missions for NBVC operations.
- Legislation that provides the Ventura County Regional Defense Partnership for the 21st Century (RDP-21) with resources and economic expansion opportunities.
- Legislation that includes aircraft for the firefighting capability of the Air National Guard within Ventura County.

9. Public Safety

FEDERAL - STATE

Support:

- Legislation that assists local law enforcement and community policing efforts to expand public safety services.
- Legislation that provides tool and resources to local law enforcement tools to protect the public from crime.
- Legislation that creates intervention and prevention programs to reduce crime and youth violence.
- Legislation that allows law enforcement to better combat violence through investigation, interdiction, and prevention of firearm related crimes.

Oppose:

- Legislation that allows non-public safety individuals, except certified retired law enforcement personnel to carry a concealed firearm outside their state of residence or the state issuing the permit.

PROJECT PRIORITIES

- Expansion of community fire prevention safety programs and emergency disaster preparedness education programs, including Community Emergency Response Team (CERT) training and Emergency Operations Centers (EOC) training.
- Support for job training for specialized civil service positions to expand fire prevention and safety education outreach programs.
- Highest level of funding for Federal Emergency Management Agency (FEMA) grant programs to support new staffing, equipment needs, and emergency disaster training for public safety.
- Highest level of funding for Community Oriented Policing Services (COPS), Department of Justice, and Bureau of Justice Assistance (BJA) grant programs to expand law enforcement efforts and crime reduction.

10. Sustainability (Energy and Environment)***FEDERAL - STATE****Support:*

- Legislation that assists with the cleanup of contaminated soil and polluted water including underground fuel tanks, surface water, groundwater, and coastal areas.
- Legislation that requires the disclosure of chemicals used in hydraulic fracturing and well stimulation treatments.

Oppose:

- Legislation that promotes or expands off shore coastal drilling compromising the environmental integrity of the ocean and coastal communities.

PROJECT PRIORITIES

1. Complete remediation of the Environmental Protection Agency (EPA) Superfund designated Halaco site.
2. Conservation of the Ormond Beach area and construction of passive recreation opportunities to promote public access.

11. Telecommunications***FEDERAL - STATE****Support:*

- Legislation that preserves public access to Public, Educational and Government (PEG) television channels through funding for facilities and equipment, and provides for the use of PEG fees for operational needs.

PROJECT PRIORITIES

1. Implementation of the Fiber Master Plan to expand and deploy the local broadband infrastructure to support opportunities for increased economic growth.

12. Transportation

FEDERAL - STATE

Support:

- Legislation that supports local transportation improvements for arterial streets, road widenings, bridges and regional state highways.

PROJECT PRIORITIES

- Construction of street, pedestrian and transportation infrastructure projects, including resurfacing, pedestrian-ADA, traffic signal upgrades and a pedestrian traffic safety study.
- Highest level of funding for the Transportation Investment Generating Economic Recovery (TIGER) grant program to provide improved transportation infrastructure, regional connectivity, and economic growth.
- Highest level of funding for the Surface Transportation Block grant program to preserve and improve the conditions of public roads, pedestrian and bicycle infrastructure, and transit capital projects.

13. Water

FEDERAL - STATE

Support:

- Legislation that amends the California Recycled Water policy encouraging the sustainable use of recycled water and conservation of water.

PROJECT PRIORITIES

- Construction of the Aquifer Storage and Recovery project to reduce reliance on imported water and improve the availability of the local water supply.
- Construction of the Hueneme Road Recycled Water Pipeline Phase 2 project to expand the use of recycled water in the region.
- Implementation of automatic meter reading devices and fire flow systems upgrades to reduce water use and ensure adequate water capacity.
- Rehabilitation of the citywide stormwater systems to expand stormwater capacity and reduce the risk of local flooding.
- Rehabilitation of the Mandalay seawalls to maintain structure integrity.
- Implementation of long-term water quality monitoring of Channel Island Harbor and installation of equipment to reduce and prevent algae bloom threats.
- Highest level of funding for U.S. Army Corps of Engineers (USACE) grant programs for local flood control and restoration projects.
- Highest level of funding for Federal Emergency Management Agency (FEMA) grant programs to provide planning and prevention efforts for identified local flood hazards.
- Highest level of funding for U.S. Bureau of Reclamation (USBR) grant programs to expand local water conservation and efficiency.

**City of Oxnard
(Staff Identified)
LEGISLATIVE AND PROJECT PRIORITIES**

1. Community Services

STATE

Support:

- A. Legislation that expands programs and services for senior citizen programs, including nutrition, transportation, adult day care, recreation and emergency preparedness education.
- B. Legislation that supports and expands community cultural arts programs to improve quality of life and promote art education.
- C. Legislation that supports the creation and development of programs for at-risk youth to provide academic and life skills, job and career mentorship, and job training opportunities.

PROJECTS

- 1. State certification of the Oxnard City Corps program to provide community youth with mentorship, skills and work experience.
- 2. Expansion of recreational, sports, and health and wellness programs for youth, seniors and adults.
- 3. Development of technology and long-distance educational programs to expand public access to computers at local library facilities.

2. Economic Development

FEDERAL

Support:

- A. Legislation that creates local jobs in manufacturing and service sectors in the United States that do not compromise environmental standards.

STATE

- B. Legislation that improves California's business climate by supporting the development of industry specific workforce training programs for both youth and adults, including on the job training focused on regional industry needs.
- C. Legislation that creates new incentives to better attract and expand the film industry in Ventura County.
- D. Legislation that creates a California tourism program to promote and support local cultural arts programs.
- E. Legislation that returns local government's ability to enact property tax increment financing or other redevelopment tools that can be used for economic expansion.

PROJECTS

- 1. Implementation of the Downtown Arts Plan to support and encourage local arts, cultural programs and economic benefits.
- 2. Highest level of funding to ensure an accurate 2020 Census count of all Oxnard residents.

**City of Oxnard
(Staff Identified)
LEGISLATIVE AND PROJECT PRIORITIES**

3. Housing

FEDERAL-STATE

Support:

- A. Legislation that reforms and streamlines the Veteran Assistance Voucher Program requirements to ensure broader qualification of homeless veterans.
- B. Legislation that expands Section 8 Housing Voucher and Public Housing Programs.
- C. Legislation that expands the project-based Voucher Program to authorize the use of more than 20 percent of public housing agency vouchers in any one project.
- D. Legislation that creates renewable energy programs for lower-income residents to improve residential housing units.

PROJECTS

- 1. Highest level of funding for the Choice Neighborhoods grant program to improve public housing areas with comprehensive neighborhood revitalization.

4. Labor Relations

FEDERAL-STATE

Oppose:

- A. Legislation that reduces local control in public employee disputes and/or imposes regulations from an outside governmental agency or special interest group.
- B. Legislation that limits local government's ability to contract for services.

5. Land Use

STATE

Support:

- A. Legislation that strengthens local control for land use and zoning regulations.
- B. Legislation that provides for shared land use determination among counties and cities when a city's General Plan is consistent with Government Code provisions.
- C. Legislation that revises and streamlines the California Environmental Quality Act (CEQA) permitting and environmental review process to promote local economic vitality.

6. Libraries

STATE

Support:

- A. Legislation that limits library contributions to the Educational Revenue Augmentation Fund (ERAF).
- B. Legislation that provides more flexibility in the local use of Library Services and Technology Act (LSTA) funding to support local library services and technology development services for low-income residents.

Oppose:

- C. Legislation that reduce funding for public libraries.

**City of Oxnard
(Staff Identified)
LEGISLATIVE AND PROJECT PRIORITIES**

7. Public Safety

FEDERAL-STATE

Support:

- A. Legislation that requires federal law enforcement agencies to communicate with local public safety officials as threats become known.
- B. Legislation that protects local control to restrict and regulate the sale, manufacture and use of marijuana under the Adult Use of Marijuana Act.
- C. Legislation that provides local law enforcement agencies with technology, training and funding to create a standard to detect cannabis DUIs.
- D. Legislation that enhance school safety, intervention and prevention programs of local schools.
- E. Legislation to support the inclusion of advanced life support services as part of local fire services to provide improved emergency medical services.
- F. Legislation that creates a requirement for high school students to complete an emergency preparedness class to better educate youth about local emergency situations.

Oppose:

- G. Legislation that reduces or limits local law enforcement efforts to serve and protect the community.

8. Sustainability (Energy and Environment)

FEDERAL-STATE

Support:

- A. Legislation that provides statutory and regulatory protection from potential environmental hazards, including groundwater quality, air quality, seismic safety and public health.
- B. Legislation that provides a comprehensive statutory framework for regulation of hydraulic fracturing and well stimulation treatments in California.
- C. Legislation that assists local government to evaluate and address potential climate change impacts, including rising sea levels.
- D. Legislation that assists improvement projects to expand alternative renewable energy sources, energy efficiency and conservation measures, including street lights, public recreation areas and public buildings.
- E. Legislation that encourages the reduction of greenhouse gas emissions through energy efficient upgrades to local government vehicles and equipment.

Oppose:

- F. Legislation that prevents local government from protecting the environmental integrity of the community.

PROJECTS

- 1. Permanent removal of the decommissioned Mandalay and Ormond Beach power plants by private owners and/ or state regulators.

**City of Oxnard
(Staff Identified)
LEGISLATIVE AND PROJECT PRIORITIES**

9. Telecommunication

FEDERAL-STATE

Support:

- A. Legislation that preserves local government authority to zone and plan for the deployment of telecommunication infrastructure.

Oppose:

- B. Legislation that negatively impacts local authority to manage and control public-right-of way and not require fair and reasonable compensation from telecommunication providers for use.
- C. Legislation that reduces the collection of local franchise fees or diverts collection by the state or the Public Utilities Commission.
- D. Legislation that reduces the community's equal access to affordable cable television, internet and other digital services.

PROJECTS

- 1. Development of a Security Master Plan to upgrade security and communication systems of citywide facilities and public areas.
- 2. Implementation of the network systems and data center disaster recovery system upgrades to protect critical data, prevent security breaches and provide redundancy in a major emergency.

10. Transportation

FEDERAL-STATE

Support:

- A. Legislation that restores funding and programs for local public transit services, including transportation options for buses, bicycles and pedestrians.

Oppose:

- B. Legislation that reduces funding to transportation programs, including funding associated with the Americans with Disabilities Act and the Capital Investment grant program.

**City of Oxnard
(Staff Identified)
LEGISLATIVE AND PROJECT PRIORITIES**

11. Waste Management

FEDERAL-STATE

Support:

- A. Legislation that strengthens local authority to direct municipal solid waste flow to designated solid waste facilities.
- B. Legislation that streamlines the Integrated Waste Management Act requirements for local agency tracking, permitting and reporting.
- C. Legislation that promotes and expands the market for recycled materials.
- D. Legislation that encourages the innovative use of biosolids for alternative regional beneficial uses.

Oppose:

- E. Legislation that restricts local government ability to franchise and collect fees for refuse and recycling collection services and require contractors to guarantee achievement of Integrated Waste Management Act requirement goals (AB 393, AB 341 and AB 1826).

PROJECTS

- 1. Rehabilitation of the Del Norte Recycling Facility infrastructure and equipment to provide safe disposal of solid, hazardous, and special waste.

12. Water

FEDERAL-STATE

Support:

- A. Legislation that encourages the development of consistent statewide water quality policies for the implementation of standards for impaired water bodies, including Total Maximum Daily Loads (TMDL) allocations, National Pollutant Elimination System (NPDES) permits, and monitoring programs.
- B. Legislation that amends the existing California Water Code to further support the local collection and discharge of groundwater.

Oppose:

- C. Legislation that establishes drinking water or treated water quality standards without sound scientific basis and increases costs to local communities.

PROJECTS

- 1. Implementation of waterwise landscaping in parks and public areas to reduce water use and protect the local water supply.

**City of Oxnard
(Staff Identified)
LEGISLATIVE AND PROJECT PRIORITIES**

**13. Intergovernmental and Nongovernmental Partnership
Opportunities**

1. Construction of critical local regional transportation projects, including the Port Intermodal Corridor, Del Norte/ 101 Freeway Interchange, and Rice/ 5th Street Overpass.
2. California Cultural District certification of culturally diverse and artistically significant areas within the community.
3. Rehabilitation and construction of the Santa Clara River levee system (SR1 and SR3) and a riverside linear park.
4. Partnerships between local businesses and military bases to expand business opportunities and improve efficiency of services to military bases.
5. Expansion of regional supportive social services to prevent homelessness and expand mental health services.
6. Expansion of the Groundwater Recovery Enhancement and Treatment (GREAT) program to expand recycled water supplies to regional city partners.
7. Rehabilitation and construction of the J Street flood control system and a linear park to Ormond Beach.
8. Improvements to the Intercoastal Pacific Coast Bike Route within the Oxnard city limits.
9. Regional partnerships to support environmental protection and coastal sustainability.

City of Oxnard

2019 Legislative Program

Elisabeth V. Paniagua, Principal

E.P. CONSULTING SERVICES

January 8, 2019

Legislative Program Background

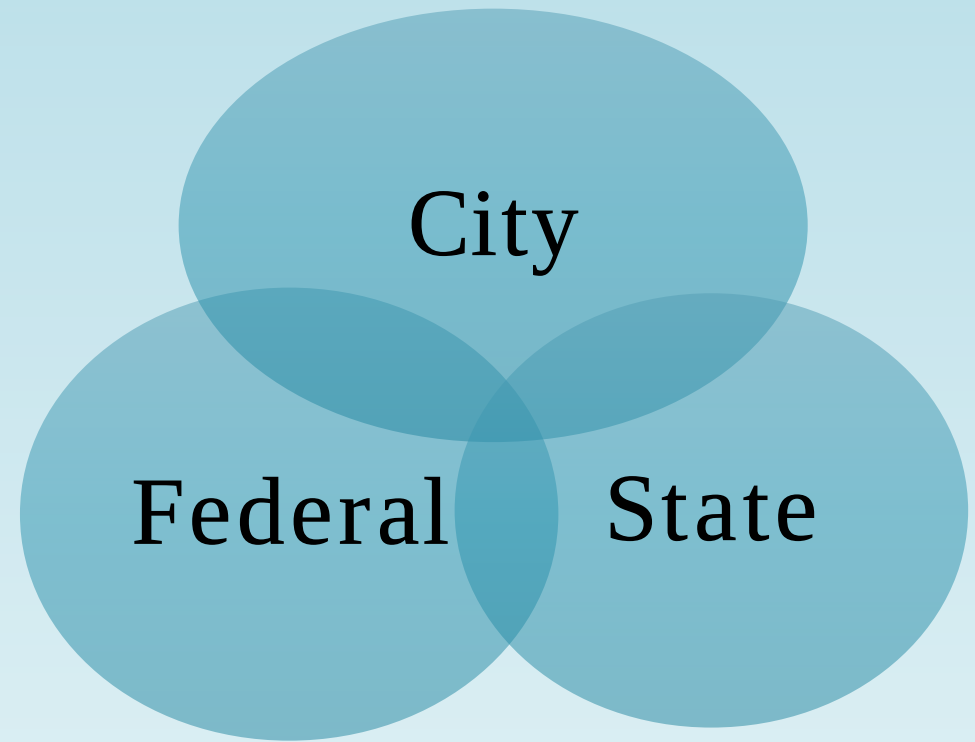
- Legislative Program was inactive since 2015.
- Limited city staffing created limited dedicated attention.
- Lack of governmental relations with federal and state representation.
- City's interests at federal and state level not fully represented.
- E.P. Consulting Services contracted to conduct comprehensive update and provide ongoing Intergovernmental Relations and Legislative Liaison Services.

2018 Legislative Program Review

- Adopted Jan. 2018
- Provided new legislative foundation for city.
- Defined avenue for funding need priorities.
- Renewed communication-city, state, federal.
- Advocated for:
 - 10 city projects at federal and state level.
 - Opportunity Zones.
 - State and federal grants.
 - Wastewater Treatment Plant
- Tracked 50+ state items.
- Citywide infrastructure tour.

2019 Analysis and Process

- Preparation of 2019 Legislative Program
- Citywide cooperation and input.
- Priority legislative concerns.
- Priority projects and programs with funding needs.
- Federal and state lobbyist cooperation and input.



2019 Legislative Program

Proactive approach for city interest and concerns:

- a) monitor and analyze federal and state legislation;
- b) advise on city position either in favor or against particular legislation;
- c) collaborate with lobbyist teams to engage advocacy efforts to advance city's interests in Washington, D.C., and Sacramento;
- d) maintain ongoing communication with federal, state and local representatives and agencies.

2019 Priority Areas

1. Community Services
2. Economic Development
3. Finance
4. Housing
5. Labor Relations
6. Land Use
7. Local Control
8. Military Bases
9. Public Safety
10. Sustainability
(Energy and Environment)
11. Telecommunications
12. Transportation
13. Water

2019 Priority Areas Details

1. Community Services: Parks- facilities, youth programs, grants.
2. Economic Development: ED growth, jobs, EDA grants.
3. Finance: Finance and tax reform to benefit city.
4. Housing: Homeless assistance, housing options for all, grants.
5. Labor Relations: Public benefit system reform to reduce costs.
6. Land Use: Earthquake prevention and unpermitted oversight.
7. Local Control: Protect local control across all items.

2019 Priority Areas Details

- 8. Military Bases: NBVC, RDP-21, Air National Guard
- 9. Public Safety: Crime reduction, fire prevention, staffing, grants.
- 10. Sustainability: Prevent contamination, Halaco, Ormond, grants.
- 11. Telecommunications: PEG TV, Fiber Master Plan, grants
- 12. Transportation: Streets-pedestrian, roads, bridges, grants.
- 13. Water: Recycled water, supply, conservation, stormwater, flood prevention, seawalls, CI.

Next Steps

- *Recommendations:*
 - Consider addition of other items-Staff Identified Priorities, if desired.
 - Maintain an active Legislative Program in future years.
 - Prepare upcoming years by updating priorities annually.
 - Adopt the 2019 Legislative Program with desired changes.
- *Next- 2019 legislative year preview by the city's lobbyist teams*

Thank You



**CITY COUNCIL
AGENDA REPORT**

TYPE OF ITEM: Council Business

AGENDA ITEM NO.: 2

DATE: January 8, 2019

TO: City Council

FROM: Alexander Nguyen
City Manager

SUBJECT: Appointment of Council Committee Membership, Including Committee Chairs
(5/10/5)

CONTACT: Alexander Nguyen, City Manager
Alexander.Nguyen@oxnard.org, (805) 385-7430

RECOMMENDATION:

That City Council ratifies the Mayor's appointments of Council Committee Membership, including Committee Chairs.

BACKGROUND

The City Council voted 4-1 (Perello dissenting) in November 2018 to adopt Ordinance No. 2949, establishing the new Council Committee meeting structure, effective in January 2019.

DISCUSSION

The City Council will have full Council meetings on the 1st and 3rd Tuesday evenings of each month, and the Council Committees will meet on the 2nd and 4th Tuesdays of each month, beginning January 22, 2019.

The Council Committee meetings will be held in the Council Chambers, conducted in similar fashion as a regular Council Meeting, with formal agendas published consistent with the City's new Sunshine Ordinance, provide a public comment period, and provide for public comment on specific agenda items.

The Mayor's proposed slate of Membership, including the Chairpersons, for the Council Committees is as follows:

Council Committee Appointments (5/10/5)

January 8, 2019

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COMMITTEE	MEMBERSHIP
1. Finance & Governance 9:30 – 10:45 a.m.	Flynn - Chair Perello Basua
2. Public Works & Transportation 11:00 a.m. – 12:15 p.m.	Perello – Chair MacDonald Flynn
3. Public Safety 2:00 – 3:15 p.m.	MacDonald – Chair Ramirez Lopez
5. Housing & Economic Development 4:30 – 5:45 p.m.	Madrigal – Chair Flynn Lopez
4. Community Services 6:00 – 7:15 p.m.	Ramirez – Chair Basua Madrigal

After 12 months, we can examine the progress and make any desired tweaks to improve the process.

STRATEGIC PRIORITIES

This agenda item supports the Organizational Effectiveness strategy. The purpose of the Organizational Effectiveness strategy is to strengthen and stabilize the organizational foundation of the City in the areas of Finance, Information Technology, and Human Resources, and to improve workforce quality while increasing transparency to the public.

FINANCIAL IMPACT

This new structure will require additional support from the City Clerk's Office and the City Attorney's office. Staff will have to determine how to fund additional positions and return to City Council for authority.

Prepared by Alexander Nguyen, City Manager.

COMMITTEE		MEMBERSHIP
1.	Finance & Governance 9:30 – 10:45	Flynn - Chair Perello Basua
2.	Public Works & Transportation 11:00 – 12:15	Perello – Chair MacDonald Flynn
3.	Public Safety 2:00 – 3:15	MacDonald – Chair Ramirez Lopez
4.	Housing & Economic Development 4:30 – 5:45	Madrigal – Chair Flynn Lopez
5.	Community Services 6:00 – 7:15	Ramirez – Chair Basua Madrigal

DATE

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**CITY COUNCIL
AGENDA REPORT**

TYPE OF ITEM: Council Business

AGENDA ITEM NO.: 3

DATE: January 8, 2019

TO: City Council

FROM: Stephen Fischer
City Attorney

SUBJECT: Request of Mayor Pro Tem Ramirez: for the City Council to Request the Ventura County Fairgrounds Board of Directors to Cease Contracting for New Gun Shows at the Fairgrounds. (5/5/10)

CONTACT: Stephen Fischer, City Attorney
Stephen.Fischer@oxnard.org, (805) 385-7483

RECOMMENDATION:

That City Council discuss and determine whether an item related to consideration of sending a letter to the Ventura County Fairgrounds Board of Directors to cease contracting for additional gun shows should be placed on a future City Council agenda for Council discussion.

BACKGROUND

At the City Council meeting held on December 11, 2018, Mayor Pro Tem Ramirez requested that City Council consider placing an item on a future Council agenda to discuss consideration of sending a letter to the Ventura County Fairgrounds Board of Directors to cease contracting for additional gun shows.

Pursuant to the Procedures Manual, the Council discussion will be limited to determining whether staff time and City resources should be spent researching the particular agenda item and whether to direct staff to conduct further analysis on the item. Council will not take action on the item itself.

Concurrence that staff time and City resources will be devoted to the item does not signify approval of the item. It only indicates that the Council wishes to have it studied further. Additionally, the Council may, at any time, decide to drop the matter, even after the matter has been analyzed by staff.

Request of Mayor Pro Tem Ramirez: Gun Shows at the Ventura County Fairground (5/5/10)

January 8, 2019

Page 2

Upon the concurrence of a majority of the Council that the item should be researched and agenized, the City Manager will determine when to place the item on a future agenda based on time necessary to complete the research and staff workload considerations and the effect on City Council established priorities.

FINANCIAL IMPACT

None.

Prepared by Luly Lopez, Executive Assistant.



**CITY COUNCIL
AGENDA REPORT**

TYPE OF ITEM: Council Business

AGENDA ITEM NO.: 4

DATE: January 8, 2019

TO: City Council

FROM: Stephen Fischer
City Attorney

SUBJECT: Request of Mayor Pro Tem Ramirez for the City Council to Consider a Resolution Opposing Offshore Oil Drilling. (5/5/10)

CONTACT: Stephen Fischer, City Attorney
Stephen.Fischer@oxnard.org, (805) 385-7483

RECOMMENDATION:

That City Council discuss and determine whether an item to consider adopting a resolution declaring the Council's opposition to offshore oil drilling should be placed on a future City Council agenda for Council discussion.

BACKGROUND

At the City Council meeting held on December 18, 2018, Mayor Pro Tem Ramirez requested that City Council consider placing an item on a future Council agenda to discuss adopting a resolution declaring the Council's opposition to offshore oil drilling.

Pursuant to the Procedures Manual, the Council discussion will be limited to determining whether staff time and City resources should be spent researching the particular agenda item and whether to direct staff to conduct further analysis on the item. Council will not take action on the item itself.

Concurrence that staff time and City resources will be devoted to the item does not signify approval of the item. It only indicates that the Council wishes to have it studied further. Additionally, the Council may, at any time, decide to drop the matter, even after the matter has been analyzed by staff.

Upon the concurrence of a majority of the Council that the item should be researched and

Request of Mayor Pro Tem Ramirez: Offshore Oil Drilling (5/5/10)

January 8, 2019

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agendized, the City Manager will determine when to place the item on a future agenda based on time necessary to complete the research and staff workload considerations and the effect on City Council established priorities.

STRATEGIC PRIORITIES

This agenda item is a routine operational item or does not relate to the four strategic plans adopted by City Council on May 17, 2016.

FINANCIAL IMPACT

Placing the requested item on a future Council agenda has no financial impact.

Prepared by Stephen Fischer, City Attorney.



**CITY COUNCIL
AGENDA REPORT**

TYPE OF ITEM: Info/Consent

AGENDA ITEM NO.: 1

DATE: January 8, 2019

TO: City Council

FROM: Stephen Fischer
City Attorney

SUBJECT: Adoption of Security Alarm and Fire Alarm Ordinance.

CONTACT: Stephen Fischer, City Attorney
Stephen.Fischer@oxnard.org, (805) 385-7483

RECOMMENDATION:

That City Council adopt Ordinance No. 2951 amending Chapter 11 Article II of the Oxnard City Code concerning the regulation of security alarm systems and fire alarm systems.

BACKGROUND

Ordinance No. 2951 amends Chapter 11 Article II of the Oxnard City Code concerning the regulation of security alarm systems and fire alarm systems. The City Council approved the first reading by title only and waived further reading of Ordinance No. 2951 at its regular meeting of December 18, 2018. If adopted, Ordinance No. 2951 would take effect February 7, 2019.

STRATEGIC PRIORITIES

This agenda item supports the Quality of Life strategy. The purpose of the Quality of Life strategy is to build relationships and create opportunities within the community for safe and vibrant neighborhoods, which will showcase the promising future of Oxnard. This item supports the following goals and objectives:

Goal 1, Objective 1d. Examine options for long term sustainability of public safety services to ensure an efficient and effective public safety service delivery model.

FINANCIAL IMPACT

Security Alarm and Fire Alarm Ordinance Adoption

January 8, 2019

Page 2

There is no cost to the General Fund. Changes in revenue from fees, fines, and penalties are anticipated to be negligible.

Prepared by: Jason Benites, Assistant Police Chief; Jason Zaragoza, Deputy City Attorney; and Sergio Martinez, Fire Department Battalion Chief.

ATTACHMENTS:

Ordinance 2951

CITY COUNCIL OF THE CITY OF OXNARD
ORDINANCE NO. 2951

ORDINANCE OF THE CITY OF OXNARD, CALIFORNIA, AMENDING CHAPTER 11
 ARTICLE II OF THE OXNARD CITY CODE REGARDING ALARM SYSTEMS.

WHEREAS, the Oxnard Police Department classifies security alarm calls into two general categories: commercial and residential; and

WHEREAS, about 98% of alarm calls received by communication centers nationwide are false alarms; and

WHEREAS, in 2017, 97.23% of Oxnard's commercial alarms and residential alarms were false alarms, and an additional 1.69% were caused by uncontrollable events such as weather; and

WHEREAS, police response to false alarms, and the time spent investigating these calls detracts from availability to promptly respond to bona fide calls for service; and

WHEREAS, the proposed ordinance promotes alarm user responsibility, and holds users accountable if their system(s) cause an excessive number of false alarms; and

WHEREAS, a high incidence of Fire Alarm and/or Nuisance Fire Alarms dispatching causes a significant use of fire department resources by the dispatch of emergency units to the scene of non-emergency Fire Alarm signal, which renders them out of service and unavailable to respond to other emergency situations; and

WHEREAS, continued high incidence of Fire Alarm and/or Nuisance Fire Alarm dispatching are a threat to the health, safety and welfare of the citizens and fire department personnel of the City of Oxnard.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OXNARD DOES ORDAIN AS FOLLOWS:

Part 1. Sections 11-65 through 11-125 of Article II of Chapter 11 of the Oxnard City Code are hereby repealed.

Part 2. Sections 11-63 through 11-91 are hereby added to the Oxnard City Code to read as follows:

///
 ///
 ///

**“ARTICLE II. ALARM SYSTEMS
DIVISION 1. SECURITY ALARMS (POLICE)**

SEC. 11-63. SECURITY ALARMS: DEFINITIONS.

For the purpose of this article, the following words and terms shall have the following meanings:

(A) **ALARM** - A sound, signal or message generated by an alarm system, alarm user or other person.

(B) **ALARM ADMINISTRATOR** - The person or entity designated by the Police Chief to administer and determine security alarm system permit applications, permits, and alarm dispatch requests.

(C) **ALARM AGENT** - A person employed by an alarm business, whose duties include installing, maintaining, moving, repairing, altering, replacing, or servicing alarm systems.

(D) **ALARM BUSINESS** - A business that sells, leases, installs, moves, maintains, repairs, alters, replaces, services or monitors alarm systems, not including a business that only sells alarm systems from a fixed location, or that only manufactures alarm systems sold to retailers, and not to the public.

(E) **ALARM CALL CONFIRMATION** - An attempt by the alarm company or its representative to contact the alarm site by telephonic or other electronic means, whether or not actual contact with a person is made, before requesting law enforcement dispatch, in an attempt to avoid an unnecessary alarm dispatch request.

(F) **ALARM CANCELLATION** - The termination of an alarm response following an alarm business's dispatch request, when the alarm business advises the Police Department that there is not a situation at the alarm site that requires a response. If cancellation occurs prior to police or fire personnel arriving at the scene, this shall not be considered a false alarm for the purpose of civil penalty.

(G) **ALARM DISPATCH** - A notification to police or fire personnel that an alarm has been activated at an alarm site and a response is requested.

(H) **ALARM SITE** - A single fixed premises or location served by an alarm system or systems. Each unit, if served by a separate alarm system in a multi-unit building or complex, shall be considered a separate alarm site.

(I) **ALARM SYSTEM** - Any device, whether mechanical or electrical, designed and used to notify police or fire personnel, either directly or through a third party, of an event to which police or fire personnel are requested to respond. An alarm system does not include a battery operated smoke detector or the conventional use of a cellular or landline telephone. An alarm system

includes both manual and automatic alarm systems. An alarm system that notifies police personnel is a security alarm system. An alarm system that notifies fire personnel is a fire alarm system.

(J) ALARM USER - An individual, corporation, partnership, association, organization or other entity, including a permittee, owning, leasing or controlling an alarm site.

(K) AUDIBLE ALARM - An alarm system device that, when activated, emits an audible sound at or around the alarm site.

(L) AUTOMATIC ALARM SYSTEM - An alarm system that is activated automatically by one or more sensors such as, but not limited to, motion detectors, reed switches, vibration sensors, acoustic sensors, glass break detectors, smoke sensors, heat detectors or fire suppression devices. Manually activated alarms or alarms operating from a mobile security device are not automatic alarms.

(M) AUTOMATIC DIALING DEVICE - A device that automatically sends over regular telephone lines, by direct connection or otherwise, a prerecorded voice message or coded signal indicating the existence of some type of emergency to which police or fire personnel are requested to respond.

(N) BUILDING - A structure used or intended for use as human habitation, including attached non-habitable areas, such as storage and garage areas, and excluding yards and open areas, and detached accessory buildings not used or intended for use as human habitation.

(O) DURESS ALARM - A silent alarm system signal generated by the entry of a designated code into an arming station, in order to signal that the alarm user is being forced to turn off the system and requests a law enforcement response.

(P) EXCESSIVE FALSE ALARM - The occurrence of two (2) or more false alarms, generated by an alarm user's alarm system, within a twelve (12) month period.

(Q) FALSE ALARM - An alarm to which responding personnel, having investigated the alarm site, find no evidence of a situation requiring a response by such personnel, or, except for an alarm based on fire or medical emergency, find that the alarm site contains one or more unsecured exterior doors or windows. A false alarm includes an alarm caused by a power outage, but does not include an alarm caused by a force majeure or an extraordinary condition not reasonably within the control of the alarm business or alarm user. False alarms include situations involving an authorized person or persons at the alarm location who do not use the proper alarm code.

(R) FEE - means the assessment of a monetary charge based on the cost of services provided by the city, payable to the city pursuant to this Division.

(S) FINE - means the assessment of a monetary charge for noncompliance with this Division payable to the city pursuant to this Division.

(T) HEARING OFFICER - A person appointed by the city to hear and decide certain matters arising under this article.

(U) MANUAL ALARM SYSTEM - An alarm system that is hand-activated by one or more devices such as, but not limited to: buttons, keys, switches, rails, and are sometimes referred to as panic alarms, panic buttons, trouble alarms, hold-up alarms, emergency buttons, emergency keys, medical alarms, robbery alarms, duress alarms, takeover alarms, hostage alarms, ambush alarms, bill traps, money traps, medical alarms, pull stations, early morning switches, foot rails, or foot switches.

(V) MONITORING - The process by which an alarm business or alarm user receives signals from alarm systems, or otherwise monitors alarm sites and relays an alarm dispatch request to response personnel.

(W) “MONITOR IT YOURSELF” ALARM SITE - An alarm site that is monitored directly by its alarm user and not by an alarm business.

(X) PANIC ALARM - A manual alarm system designed to alert others of emergency situations where an immediate threat to persons or property exists.

(Y) PERMITTEE - A person holding a valid alarm system permit issued pursuant to this article, or a person having an alarm system for which this article does not require a permit.

(Z) PERMIT REVOKED - The status of an alarm permit that has been rendered null and void as a result of excessive false alarms and/or other violations of this article.

(AA) PERMIT SUSPENDED - The status of an alarm permit that has been rendered inactive as a result of excessive false alarms and/or other violations of this article, and until corrected is not valid.

(BB) PERSON - Any person as defined in section 1-3 of the city code or any other firm, institution or public entity.

(CC) POLICE OR FIRE PERSONNEL – sometimes referred to as “officer” throughout this article; employees of the city’s police and fire departments; employees of police and fire departments of other public entities with which the city has entered into mutual aid agreements.

(DD) PRIVATE PATROL OPERATOR - A person licensed as a private patrol operator by the Chief of the California Bureau of Security and Investigative Services pursuant to Cal. Business and Professions Code, Section 7582.11, and holding a current city business tax certificate for a private patrol business.

(EE) **ROBBERY ALARM / HOLD UP ALARM /211 ALARM** - A silent alarm generated by a manual alarm system located at a place of business, or residence, intended to signal that a robbery is in progress or that the alarm site is being taken over by intruders.

(FF) **SECURITY ALARM SYSTEM** - An alarm system that is intended to notify and/or request the dispatching of police personnel.

(GG) **SILENT ALARM** - An alarm system device that is connected to a telephone line, and when activated, automatically transmits a message or signal to an alarm business, indicating the request for an response to the alarm site.

(HH) **UNSECURED** - Not equipped with a functioning lock, bar or other device that is attached to or in contact with the door or window, that is in the fixed or locked position, and that prevents the door or window from being opened from the exterior of the alarm site without breaking the door or window.

SEC. 11-64. DUTIES

The city council finds and determines that alarm businesses, alarm agents, and alarm users shall adhere to the requirements prescribed in this article.

SEC. 11-64.1. SECURITY ALARM BUSINESS DUTIES.

A security alarm business performing or contracting monitoring services shall:

(A) Establish and maintain written procedures to ensure efforts are made to verify alarm signal activations prior to making a dispatch request to the Police Department, with exception given to robbery alarms, panic alarms, or duress alarms.

(B) Alarm call confirmation requirements: With exception to robbery, panic, or duress alarms, alarm signals received from a commercial burglar alarm system or a residential burglar alarm system shall be processed in accordance with the following procedures:

- (1) Call #1: Upon receipt of the alarm signal, and prior to making an alarm dispatch request, the monitoring facility shall attempt telephonic confirmation with the alarm site's designated primary contact number.
- (2) Call #2: If a monitoring facility operator is not successful at making direct, verbal contact with a person on the first call to the alarm site's primary designated number, the monitoring facility shall make a call to the alarm site's designated secondary contact number before making an alarm dispatch request.
- (3) Person on premises without proper alarm code: If the monitoring facility reaches a designated contact number, and the person answering the phone does not have the

correct pass code, the monitoring facility may notify the Police Department to initiate an alarm dispatch.

- (4) Scheduled events: If an alarm signal is received in connection with an abort/cancel event, then the operator shall not contact the Police Department.
 - (5) Alarm confirmed as false: If the alarm is confirmed as being false during the first, second, or succeeding call, or as a result of getting a valid pass code, the monitoring facility operator shall cancel any previous alarm dispatch request. If cancellation occurs prior to police or fire personnel arriving at the scene, this shall not be considered a false alarm for the purposes of assessing civil penalties.
 - (6) Notification call: The monitoring facility's operator shall notify the Police Department and initiate an alarm dispatch.
 - (7) Call lists and priority: Following the notification to the Police Department and subsequent alarm dispatch request, the monitoring facility shall continue efforts to attempt to contact additional designated telephone numbers on the alarm site's entire designated call list, with the intent to achieve a cancellation of the alarm dispatch request if it is verified that no emergency exists. Subsequent to dispatch of police personnel, the priority of notification calls to the telephone numbers in a customer's database shall first be two telephone numbers with the highest probability of reaching an alarm user or their authorized designee.
 - (8) Additional methods: Audio-based confirmation, video-based confirmation, or cross-zoning shall be permitted in place of first and second layer call confirmation, and shall be considered in compliance with this section.
 - (9) Call confirmation procedures in subsections (B)(1) and (B)(2) of this section shall not apply to gun stores, banks, pharmacies, and other specific locations determined by the Police Chief.
- (C) Maintain records for at least two (2) years following a request for an alarm dispatch to an alarm site: records relating to the dispatch, including the name, address and telephone number of the alarm user; the alarm system zones or points activated; the time of request for dispatch; and information concerning the alarm businesses attempt to contact the alarm site's designated contacts by telephone or other electronic means before requesting the dispatch.
- (D) Make such records available to the Alarm Administrator upon request.
- (E) Not install a single-action, non-recessed button as a device to activate a manual alarm.
- (F) Not install an automatic dialing device in an alarm system.

(G) When making alarm dispatch requests, not use incorrect, misleading or unverified information or terminology, or withhold information to facilitate an alarm dispatch.

(H) After making an alarm dispatch request, remain in continuous contact with police or fire personnel if requested.

(I) Provide its alarm user clients with a written or digital copy of this article, in order to inform them of its provisions and requirements.

SEC. 11-64.2. ALARM AGENT DUTIES.

An alarm agent shall, on request, display the registration issued by the California Department of Consumer Affairs to any alarm user, police or fire personnel, or Alarm Administrator.

SEC. 11-64.3. ALARM USER DUTIES.

(A) If requested, an alarm user shall respond or make a representative available to respond to the alarm site within forty-five (45) minutes of notification by City staff to deactivate a malfunctioning alarm system, to provide needed access to the alarm site, or to assume responsibility for an alarm site that is unsecured.

- 1) If the alarm user is unwilling or unable to respond to the alarm site within forty-five (45) minutes) after city staff requests a response from the alarm user, the alarm user shall be subject to cost recovery from the city, for personnel and equipment costs incurred for the time after the forty-five (45) minutes of being notified by city staff has passed.
- 2) If the alarm user is unresponsive, unwilling, or unable to respond to the alarm site, and the site cannot be secured by police personnel, the city shall be held harmless for leaving the site unsecured.

(B) An alarm user shall maintain at each alarm site a set of operating instructions for each alarm system.

SEC. 11-64.4. ALARM USER DUTIES IMPOSED JOINTLY AND SEVERALLY.

The duties imposed by this article on alarm users are imposed jointly and severally on each alarm user for an alarm site, regardless of whether each alarm user installed, operated or knew of the existence of an alarm system at the alarm site.

SEC. 11-64.5. BUSINESS TAX CERTIFICATES.

Before doing any business in the city, alarm businesses and those alarm agents who are independent contractors shall obtain a business tax certificate from the city.

SEC. 11-65. SILENT OR AUDIBLE ALARM, PRESUMPTION.

When a silent or audible alarm of an alarm system is activated, a conclusive presumption arises that an alarm dispatch request is made, whether by an alarm user, an alarm business, or another person hearing or otherwise alerted by the alarm.

SEC. 11-66. NO DUTY TO RESPOND.

Nothing in this article shall impose a duty on city personnel to respond to any security alarm, whether or not the alarm is false.

SEC. 11-67. EXEMPTIONS.

The provisions of this article shall not apply to:

- (A) Mobile security devices.
- (B) Alarm systems that are designed to alert only the inhabitants of the alarm site and that do not have audible alarms that can be heard beyond the interior of the alarm site.
- (C) Video doorbell systems.

SEC. 11-68. PROHIBITED ACTS.

(A) It shall be unlawful to intentionally or willfully activate a security alarm system, including a robbery, panic, or duress alarm for the purpose of summoning law enforcement when no burglary, robbery, or other crime dangerous to life or property is being committed or attempted on the premises, or otherwise to cause a false alarm. Violators of this provision shall be subject to a civil penalty of two hundred fifty dollars (\$250) per occurrence.

(B) Any person who makes any intentionally false statement of a material matter in the application for their permit shall be subject to a fine of five hundred dollars (\$500), and their alarm permit may be subject to suspension or revocation for a period of up to one (1) year.

DIVISION 2. ALARM SYSTEM PERMITS**SEC. 11-69. ALARM SYSTEM PERMIT REQUIRED.**

(A) Alarm user: An alarm user is required to apply for, and pay for, an alarm system permit within thirty (30) days after the installation of an alarm system.

(B) Alarm user: Except as provided in Section [11-67](#), no person or business shall operate a security alarm system in the city without first obtaining a permit from the Police Department or Alarm Administrator, in accordance with the provisions of this article.

- 1) Operating a security alarm system without a valid permit for the alarm site is an infraction, punishable by a fine in an amount adopted by city council resolution.
- 2) Operating a security alarm system with an expired permit is an infraction, punishable by a fine in an amount adopted by city council resolution.
 - a) Operating an alarm system with an expired permit is a correctable violation, provided that the alarm permit had been in an expired status for less than sixty (60) days, and that the alarm user pays the required permit renewal fee within ten (10) calendar days of being noticed for the violation.
 - b) Penalties for responses to false alarms at the alarm system site are considered separately.

(C) Any alarm site that is monitored by an alarm business is required to obtain a permit.

SEC. 11-70. SECURITY ALARM APPLICATION; FEES, APPEALS

Sections 11-70.1 through 11-70.5 shall govern the security alarm application process, related fees, and appeals process.

SEC. 11-70.1 SECURITY ALARM APPLICATION

(A) An initial application for an alarm system permit shall be on a form provided by the Alarm Administrator, and shall be filed with the Alarm Administrator. Renewal applications for alarm system permits shall require the permittee to update the information contained in the initial application. The Alarm Administrator shall advise the alarm permittee at least thirty (30) days before the permit expires.

(B) The owner or property manager of a multi-unit structure containing alarm systems in unoccupied units or in common, storage or equipment areas shall obtain an alarm system permit in accordance with subsection (A) of this section for each such alarm system.

(C) Each initial and renewal application shall be submitted with a nonrefundable fee, in an amount set by resolution of the city council.

(D) A person whose request to submit an application without paying a fee or surcharge is denied by the Alarm Administrator may file with the Alarm Administrator a notice of appeal, stating the reasons why the applicant is entitled to file such application without paying the fee or surcharge. The notice of appeal shall be accompanied by the appeal fee set by resolution of the city council. The appeal procedure is provided in Section [11-70.4](#), excluding subsection (D) thereof. Instead of the procedure provided in Subsection [11-70.4\(E\)](#), the appellant shall first present evidence, by written statement or otherwise, that he/she is entitled to exemption from the

fee or surcharge, and the Alarm Administrator may then present evidence that the appellant is not entitled to exemption.

(E) Permits are not transferable to another alarm user or another alarm site.

(F) Permits shall be issued for one (1) year periods, and are valid from the date the permit is issued until one (1) calendar year after the permit is issued.

SEC. 11-70.2. PERMIT ISSUANCE OR DENIAL.

The Alarm Administrator shall determine whether the alarm system described in the application meets the standards established by this article. If so, the permit shall be issued. If not, the permit shall be denied. If denied, the Alarm Administrator shall state in writing the reasons why an alarm system does not meet the standards established by this article.

SEC. 11-70.3. RIGHT TO APPEAL.

(A) Within ten (10) days after the Alarm Administrator determines whether the alarm system meets the standards established by this article, the Alarm Administrator shall send a permit to an applicant whose alarm system meets such standards, or shall send to an applicant whose alarm system does not meet such standards a notice that the application is denied, together with a statement of reasons why the alarm system does not meet such standards.

(B) A notice that the application is denied shall also advise the applicant of the right to appeal by filing a notice of appeal with the Alarm Administrator within fifteen (15) days after the notice of denial was mailed. The notice of appeal shall state the reasons why the alarm system is claimed to meet the standards established by this article and shall be accompanied by the appeal fee set by resolution of the city council.

SEC. 11-70.4. APPEAL PROCEDURE.

(A) On receipt of the notice of appeal and the appeal fee, the Alarm Administrator shall immediately refer the notice of appeal to a hearing officer, who shall schedule a hearing within thirty (30) days after the notice of appeal is filed.

(B) The hearing officer shall provide the appellant at least ten (10) calendar days notice of the time and place of hearing by personal service, or by depositing the notice in the United States mail, postage prepaid, addressed to the appellant at the address stated in the notice of appeal.

(C) The appellant may appear at the hearing in person or through a representative. The appellant may also submit a written statement of the appellant's position, which the hearing officer shall consider if the hearing officer receives the statement at or before the time of the hearing.

(D) The hearing officer shall determine all issues raised in the appeal. The hearing officer shall conduct the appeal in an informal manner, and shall not be bound by the technical rules of evidence. The hearing officer shall make a decision on the basis of the preponderance of the evidence.

(E) The Alarm Administrator shall first present evidence that the alarm system does not meet the standards established by this article. The appellant may then present evidence, by written statement or otherwise, that the alarm system does meet the standards established by this article.

(F) Within fourteen (14) calendar days of the conclusion of the appeal, the hearing officer shall issue and mail to the appellant a written decision containing a statement of the reasons on which the decision is based.

(G) The decision of the hearing officer shall be final and may be reviewed only within the time and in the manner provided by California Code of Civil Procedure, Sections 1094.5 and 1094.6.

SEC. 11-70.5. CHANGE IN APPLICATION INFORMATION.

Whenever any change occurs in the information contained in the application, the alarm permittee shall give the Alarm Administrator written notice of the change within thirty (30) days of the date that the change becomes effective. Failure to do so may prompt a review of the permit's status by the Alarm Administrator.

DIVISION 3. SECURITY ALARM SYSTEM STANDARDS

SEC. 11-71. SECURITY ALARM SYSTEM STANDARDS.

All security alarm systems and appurtenant equipment shall meet the standards contained in this article.

SEC. 11-71.1. DEACTIVATION OF AUDIBLE ALARM.

(A) Every audible alarm shall have a timer that automatically deactivates the alarm within fifteen (15) minutes after it begins to emit sound.

(B) If an audible alarm continues to emit sound after police personnel has been on the scene for at least forty-five (45) minutes, whether continuously or intermittently, police personnel may take reasonable measures to silence the alarm, and shall not be liable to the alarm user for any damage to the alarm system caused thereby, or for any other matter arising out of silencing the alarm.

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SEC. 11-71.2. EMERGENCY POWER SUPPLY.

Alarm systems shall be equipped with an uninterruptible power supply so that the failure or interruption of utility electricity will not activate or deactivate the alarm system. The emergency power supply must be capable of at least four (4) hours of operation.

SEC. 11-71.3. AUTOMATIC DIALING DEVICE.

An alarm system shall not consist of or include an automatic dialing device.

SEC. 11-71.4. AUDIBLE ALARMS.

An alarm system shall not consist of or include an audible alarm that:

- (A) Sounds similar to the noise made by an emergency vehicle, siren, or civil defense warning system.
- (B) Activates for any purpose other than detection of an unauthorized entry into the alarm site, or a hazard requiring attention.

SEC. 11-71.5. ACTIVATION OF ALARMS.

- (A) Manual alarms installed on or after January 1, 2018 shall not be activated by means of a single-action, non-recessed button.
- (B) An alarm user shall not activate a manual alarm system for any situation other than an unauthorized entry into the alarm site or a hazard requiring attention.

DIVISION 4. EXCESSIVE FALSE ALARMS**SEC. 11-72. EXCESSIVE FALSE ALARMS PROHIBITED.**

- (A) A false alarm generated by a security alarm system with two (2) or more false alarms during a twelve (12) month period is an excessive false alarm, and is a violation of this article.
- (B) The excessive false alarm fees and penalties referred to in Section [11-73](#) are civil penalties for which an alarm user is liable. If an alarm user does not timely pay the fees and penalties when billed in accordance with Section [11-74.2](#), the city may recover such fees and penalties by any legally enforceable means.
- (C) If an alarm user does not make payment within sixty (60) days for excessive false alarm fees and penalties referred to in Section [11-73](#), when billed in accordance with Section [11-74.2](#), the city shall suspend the alarm user's permit.

(D) A suspension of an alarm user's permit includes the cessation of police responses to burglary alarm calls to a specified alarm site.

- (1) Absent the alarm user's written request to their alarm service and the Alarm Administrator that indicates otherwise, the suspension of an alarm user's permit will not discontinue dispatch responses to the alarm site for robbery, panic, and duress alarms.
- (2) All police alarm dispatch responses to the alarm site whose permit has been suspended shall be treated and fined as the equivalent of a response to an excessive false alarm, regardless of circumstance or call disposition.

(E) If a security alarm system generates five (5) or more false alarms within a period of twelve (12) consecutive months, the city may revoke the permit for the alarm system, regardless of whether or not the alarm user has made timely payment excessive false alarm penalties.

- (1) Absent the alarm user's written request to their alarm service and the Alarm Administrator that indicates otherwise, the revocation of an alarm user's permit will not discontinue dispatch responses to the alarm site for robbery, panic, and duress alarms.
- (2) All police alarm dispatch responses to an alarm site whose permit has been revoked shall be treated and fined at an amount established by city council resolution, regardless of circumstance or call disposition.
- (3) Revoked alarm permits that persist with five (5) or more false alarms following the permit's revocation shall be deemed a nuisance, and may be abated at the alarm user's cost.

(F) Sections [11-72 \(A\)\(B\)](#) shall apply to "monitor it yourself" alarm sites.

SEC. 11-73. FEES AND PENALTIES FOR EXCESSIVE FALSE SECURITY ALARMS.

(A) Alarm related fees and penalties shall be established by city council resolution.

(B) An alarm user shall pay for each excessive false alarm, and its associated fees and penalties, amounts established by city council resolution.

(C) An alarm business shall pay fees and penalties established by city council resolution.

- 1) A false alarm includes an alarm activation directly caused by an onsite employee of an alarm business.

- a) A false alarm directly caused by an onsite employee shall be counted toward the number of excessive false alarms against the alarm business, and not counted against the alarm user.
 - b) The count toward the number of excessive false alarms against the alarm business is limited to the alarm site's location, and not count toward the overall operation of the alarm business.
- 2) If a pattern of improper alarm call confirmation is established by an officer, the alarm business shall be issued a civil fine of one hundred dollars (\$100) per occurrence for failure to follow the required alarm call confirmation procedures, as prescribed in Section [11-64.1](#). Prior to the issuance of a civil fine, the Alarm Administrator shall first warn the alarm business in writing that improper alarm call confirmation was detected, cite the instance(s) in which the improper call confirmation occurred, and warn that additional lapses within twelve (12) months of the warning may result in a civil fine.
- 3) If an alarm business employee, or alarm agent willfully makes a false statement concerning the inspection of an alarm site or the performance of an alarm system, the alarm business shall be issued a civil fine of one thousand dollars (\$1,000) per occurrence.

SEC. 11-74. FALSE ALARM NOTICES, BILLS FOR FINES AND FEES; HEARING

Sections 11-74.1 through 11-74.2 shall govern the security alarm application process for noticing false alarms, bills for fines and fees, and the hearing process.

SEC. 11-74.1. FALSE ALARM NOTICES.

- (A) A retrievable record shall be generated for every alarm dispatch request to which police personnel respond.
- (B) The Alarm Administrator shall prepare a notice of false alarm responses, including the date and time of response; an identification of the responding agency; a statement urging the alarm user to ensure proper operation of the alarm system in order to avoid fees and penalties; and the fees and penalties that are in effect for false alarms.
- (C) The Alarm Administrator shall deposit such notice in the United States mail, postage prepaid, addressed to the alarm user at the mailing address stated in the application for the alarm permit for the alarm site. If an alarm permit is not in effect for the alarm site, the Alarm

Administrator shall address the bill to the owner of the alarm site, as shown in the records of the Ventura County Assessor.

SEC. 11-74.2. BILLS FOR FINES, FEES AND PENALTIES; HEARING.

(A) The Alarm Administrator shall review each record prepared for alarm dispatch requests, and determine whether an alarm permit is required for the alarm site, and if so, whether an alarm permit is in effect for the alarm site. The Alarm Administrator shall determine if the permit was valid at the time of the alarm dispatch requests. If an alarm permit is required and is either not in effect or never existed, the Alarm Administrator shall mail to the alarm user an application form for an alarm permit and a bill for the fee and penalty referred to in Section [11-69 \(B\)](#).

(B) When the Alarm Administrator determines that an excessive false alarm has occurred, whether or not an alarm permit is required for the alarm site, the Alarm Administrator shall mail to the alarm user a bill for the prescribed fees and penalties.

(C) The Alarm Administrator shall mail a bill to each alarm user that incurs a fine, fee or penalty.

(D) The fines, fees and penalties referred to in this article are cumulative. The Alarm Administrator may prepare a separate bill for each fine, fee and penalty, or may include in the same bill all or some of the fines, fees, and penalties incurred by an alarm user.

(E) Each bill shall state that the alarm user shall pay the bill within thirty (30) days of the date the bill was mailed.

(F) The Alarm Administrator shall deposit each bill in the United States mail, postage prepaid, addressed to the alarm user at the mailing address stated in the application for the alarm permit for the alarm site. If an alarm permit is not in effect for the alarm site, the Alarm Administrator shall address the bill to the owner of the alarm site, as shown in the records of the Ventura County Assessor.

(G) The Alarm Administrator shall include with every bill such information that provides an overview of the process, including fees, fines and penalties if not timely paid.

(H) If the fees, fines and penalties are not timely paid, the hearing officer shall hold a hearing and issue a decision as to whether imposition of the fees, fines and penalties is justified by this article. The hearing officer shall hold the hearing in the manner set out in Subsections [11-75.2 \(C\)](#) through (F) of this article, whether or not the alarm user attends the hearing.

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DIVISION 5. SUSPENSION OR REVOCATION OF SECURITY ALARM PERMIT

SEC. 11-75. SUSPENSION OR REVOCATION OF SECURITY ALARM PERMIT; PROCEDURES

Sections 11-75.1 through 11-75.3 shall govern the suspension and revocation of security alarm permits, and related procedures.

SEC. 11-75.1 SUSPENSION OR REVOCATION OF SECURITY ALARM PERMIT

(A) An alarm user's permit shall be suspended or revoked when an alarm system generates five (5) or more false alarms in a period of twelve (12) consecutive months.

(B) In accordance with the procedure contained in Section [11-72\(C\)](#), a permit may be suspended or revoked if the permittee fails to make timely payment of false alarm dispatch fees, or false alarm fines or penalties.

(C) The city shall suspend burglary alarm call dispatches to alarm sites whose permit is in a suspended or revoked status.

- 1) Absent the alarm user's written request to their alarm business and the Alarm Administrator that indicates otherwise, the suspension of an alarm user's permit will not discontinue responses to robbery, panic, and duress alarms.
- 2) Regardless of circumstance or call disposition, all police alarm dispatches to the alarm site whose permit is under suspension shall be treated and fined as the equivalent of a response to an excessive false alarm, as prescribed in Subsection [11-72\(D\)\(2\)](#).
- 3) Regardless of circumstance or call disposition, all police alarm dispatches to an alarm site with a revoked alarm permit shall be treated and fined at an amount established by city council resolution, regardless of circumstance or call disposition, as prescribed in Subsection [11-72\(E\)\(2\)](#).

SEC. 11-75.2. NOTICE AND HEARING.

(A) The hearing officer shall give to the permittee written notice of the Alarm Administrator's recommendation for revocation or suspension of the permit. Such notice shall include the reason for the proposed revocation or suspension and the time, place and date of a hearing thereon, which date shall be no sooner than ten (10) days or longer than fifteen (15) days from the date of

the notice. Such notice shall be deposited in the United States mail, postage prepaid, addressed to the permittee at the mailing address stated in the application for the permit.

(B) The hearing shall be held before a hearing officer, who shall decide all issues raised by the proposed revocation or suspension. The permittee may appear at the hearing in person or through a representative. The permittee may also submit a written statement of the permittee's position, which the hearing officer shall consider if the hearing officer receives the statement at or before the time of the hearing.

(C) The hearing officer shall conduct the hearing in an informal manner and shall not be bound by the technical rules of evidence. The hearing officer shall make a decision based on the preponderance of the evidence presented at the hearing.

(D) The Alarm Administrator shall first present evidence of the basis for the recommended action. The permittee (or other person billed pursuant to Section [11-74.2](#)) may then present evidence, by written statement or otherwise. The burden of proof by preponderance of the evidence is on the Alarm Administrator.

(E) Within fourteen (14) days of the conclusion of the hearing, the hearing officer shall issue and mail to the permittee (or other person billed pursuant to Section [11-74.2](#)) a written decision containing a statement of reasons on which the decision is based. If the hearing was held pursuant to Subsection [11-74.2\(H\)](#), and the decision is that imposition of the fees and penalties is justified by this article, the decision shall also add to the amount of the fees and penalties a fee for the hearing and provide that interest at the rate provided by resolution of the city council shall be added to the total amount until paid.

(F) The decision of the hearing officer shall be final and may be reviewed only within the time and in the manner provided by Cal. Code of Civil Procedure, Sections 1094.5 and 1094.6.

(G) A hearing not yet held or completed may be terminated or a suspension may be rescinded if the permittee proves to the satisfaction of the Alarm Administrator that action has been taken to resolve the basis for suspension.

SEC. 11-75.3. DUTIES AFTER SUSPENSION OR REVOCATION.

After a permit is suspended or revoked, the Alarm Administrator shall not issue a new permit for the same type of alarm system for which the permit was revoked at the same alarm site unless the applicant:

(A) Submits a new application; and

(B) Pays the application fee, and all due fines and penalties, and

(C) Submits a signed letter from an alarm business, indicating that the alarm business has inspected the alarm system, and has found that the alarm system is in good operating condition, and complies with the standards contained in this article.

DIVISION 6. ENFORCEMENT

SEC. 11-75.4. COLLECTION OF CIVIL DEBT.

The fees, fines and penalties imposed by this chapter shall be deemed a civil debt owed to the city by the alarm user or alarm business. If legal action is brought by the city or its assignee against the alarm user or alarm business to enforce collection of such fees, fines or penalties, any judgment rendered in favor of the city shall include costs of suit incurred by the city or its assignee, including reasonable attorneys' fees.

DIVISION 7. CONFIDENTIALITY

SEC. 11-76. CONFIDENTIALITY.

In the interest of public safety, to the extent allowed by local, state and federal laws, information contained in and gathered through the alarm registration applications, records relating to alarm dispatch requests, and applications for appeals shall be held in confidence by all employees or representatives of the city, and by any third-party administrator or employees of a third-party administrator with access to such information.

DIVISION 8. GOVERNMENT IMMUNITY

SEC. 11-77 GOVERNMENT IMMUNITY.

Alarm registration is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. By applying for an alarm registration, the alarm user acknowledges that law enforcement response may be influenced by factors such as: the availability of response resources, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels, and prior response history.

DIVISION 9. FIRE ALARMS

SEC. 11-78. PURPOSE

(A) The purpose of this Division is to encourage Owners and Fire Alarm Businesses to properly use and maintain the operational effectiveness of Fire Alarm Systems in order to improve their

reliability and reduce or eliminate false Fire Alarm and Nuisance Fire Alarm dispatching.

(B) This Division governs Fire Alarm Systems intended to summon fire department personnel and requires reporting the state mandated annual testing results to the Oxnard Fire Department via the Department's third party vendor for data collection. Assessment of fee based inspections for excessive Fire Alarms and Nuisance Fire Alarms dispatching, provides procedures for repeat offenders which may include cost recovery for the fire department response.

SEC. 11-79. FIRE ALARMS: DEFINITIONS

As used in this division, the following words and terms shall have the following meanings:

(A) **ADOPTED CODE(S)** - Codes adopted by this code. In the absence of any such Code adoption, the National Fire Protection Association National Fire Alarm & Signaling Code 72 ("NFPA 72") shall apply as referenced in one or more of the following codes; the National Fire Protection Association, Life Safety Code 101 ("NFPA 101"), International Building Code ("IBC"), California Fire Code ("CFC"), International Residential Code ("IRC").

(B) **COMMERCIAL FIRE ALARM SYSTEMS** - Those alarm systems installed in other than one-family and two-family homes.

(C) **INITIATING DEVICE** - A system component that originates transmission of a change-of-state condition, such as in a smoke detector, manual fire alarm box, or supervisory switch.

(D) **ENFORCEMENT OFFICIAL** - The Fire Chief or his or her designee.

(E) **FALSE FIRE ALARM** - The activation of any Fire Alarm System not caused by heat, smoke or fire, exclusive of a Nuisance Fire Alarm.

(F) **FEE** - The assessment of a monetary charge based on the cost of services provided by the City, payable to the City of Oxnard pursuant to this Division.

(G) **FINE** - The assessment of a monetary charge for noncompliance with this Division payable to the City of Oxnard pursuant to this Division.

(H) **FIRE ALARM ACTIVATION REPORT** - A document issued by the Enforcement Official indicating that the activation was deemed to be the result of fire alarm activation due to fire, a Nuisance Fire Alarm, or a False Fire Alarm.

(I) **FIRE ALARM BUSINESS** - Any individual, partnership, corporation or other entity that is appropriately licensed in the state/jurisdiction and installs, causes to be installed, permits to be installed, alters, maintains, repairs, replaces or services any Fire Alarm System.

(J) **FIRE ALARM SYSTEM** - A commercial or household system or portion of a combination

system consisting of components and circuits arranged to monitor and/or annunciate the status of a fire alarm or supervisory signal-initiating device(s) and to initiate the appropriate response to those signals.

(K) FIRE DEPARTMENT – The Oxnard Fire Department

(L) FIRE WATCH - An Enforcement Official approved person or persons assigned to the Premises for the purpose of protecting the occupants from fire or similar emergencies. A Fire Watch may involve at least some special action beyond normal staffing, such as assigning an additional security guard(s) to walk the Premises, who has been specially trained in fire prevention and in the use of fire extinguishers, in notifying the fire department, in sounding the Fire Alarm System located on the Premises, and in understanding the particular fire safety situation.

(M) MONITORED SYSTEM - The process by which a supervising station receives fire alarm, supervisory, and trouble signals, from a Fire Alarm System for the purpose of re-transmission.

(N) NUISANCE FIRE ALARM - The activation of any Fire Alarm System, which results in a response by the Fire Department, caused by mechanical failure, malfunction, improper installation, lack of proper maintenance, human activity that is determined by the Fire Chief or his or her designee to be negligent, or any other response for which the Fire Department personnel are unable to determine the apparent cause of the alarm activation. A false alarm includes an alarm caused by a power outage, but does not include an alarm caused by a force majeure or an extraordinary condition not reasonably within the control of the alarm business or alarm user.

(O) OWNER - Any person who owns the Premises in which a Fire Alarm System is installed or the person or persons, who lease, operate, occupy or manage the Premises.

(P) PREMISES - Any building, structure or combination of buildings and structures which serve as dwelling units such as single-family, multi-family or any other area within a building, structure or combination thereof which is used for any purpose, wherein a Fire Alarm System is installed.

(Q) QUALIFIED FIRE ALARM TECHNICIAN - Any person who inspects, installs, repairs or performs maintenance on Fire Alarm Systems. This person shall be: a) factory trained and certified; b) National Institute of Certification in Engineering Technologies (NICET) Fire Alarm Level II certified; c) Electronic Security Association (ESA) Certified Fire Alarm Technician; or d) licensed or certified by state or local authority.

(R) RECORD OF COMPLETION - The completion of a form equivalent to the record of completion form included in the National Fire Protection Association's National Fire Alarm

Code (“NFPA 72”).

(S) REPORTING - The annual notification by the occupant/owner’s contractor to the Fire Department’s third party vendor for data collection, that a Commercial Fire Alarm System is installed and 100% tested.

(T) REPORT OF SERVICE/REPAIR - Appropriate documentation in a format acceptable to the Fire Department’s third party vendor for data collection that verifies proper repairs or maintenance performed by the Fire Alarm Business and/or the Owner.

(U) RESPONSIBLE PERSON - Owner or Occupant responsible for the alarm system for the building /occupancy.

(V) SUPERVISING STATION - An approved facility that monitors the signals transmitted from a protected premises fire alarm system, at which trained personnel are in constant attendance to take the appropriate action in response to those signals.

SEC. 11-80. NOTIFICATION OF FIRE ALARM SYSTEM

(A) An annual notification shall be required for each commercial Fire Alarm System and a Record of Completion shall be submitted to the Fire Department or its third party vendor for data collection.

(B) The responsible person shall be required to give notification to the Fire Department via its third party vendor for data collection whenever there is a change in the Fire Alarm Business responsible for maintaining, servicing, and/or monitoring the Fire Alarm System.

(C) Every Fire Alarm Business shall notify the Fire Department via its third party vendor for data collection of the existence of a commercial Fire Alarm System prior to the Fire Alarm System being operational. It shall be the responsibility of the installing Fire Alarm Business to advise the responsible person with notice of the existence of this Division a copy of the Fire Alarm System operation instructions in accordance with Adopted Codes, and the manufacturer’s instructions.

(D) Commercial Fire Alarm contact information to Fire Department’s third party vendor for data collection shall include the following information:

- (1) The name(s), address of the Premises, mailing address (if different from the address of the Premises), business and home and/or cell telephone number of the Owner, lessee, operator, manager or person in possession of the Premises wherein the Fire Alarm System is installed;

- (2) The name, address and telephone number of a minimum of two (2) persons who can

be notified by the Enforcement Official, in the event of the activation of the Fire Alarm System, who shall be capable of responding to the Premises within a time period adopted by code, and who are authorized to enter the Premises to ascertain the status thereof;

(3) The name, address and telephone number of the Fire Alarm Business which has contracted to service the Fire Alarm System and proof of proper state licensing/registration with the Enforcement Official, if required. Proof of proper state licensing may be a valid state licensing number.

(4) Any other documentation that is required by Adopted Codes.

(E) When any of the information required in Subsections [11-80\(D\)\(1-3\)](#) has changed, it shall be reported to the Fire Department via its third party vendor for data collection by the responsible person within fifteen (15) days of becoming aware of such change;

SEC. 11-81. FIRE ALARM SYSTEM APPROVAL

All newly installed commercial Fire Alarm Systems shall be approved by the Enforcement Official. The Record of Completion document shall indicate that the Fire Alarm System is in compliance with Adopted Codes, and when the Fire Alarm System is approved and accepted, it shall be signed and dated by a Qualified Fire Alarm Technician and by the Enforcement Official.

SEC. 11-82. FIRE ALARM INSPECTION, TESTING, AND MAINTENANCE

(A) The Responsible Person shall ensure that all Fire Alarm Systems are inspected and tested at least once per year or in accordance with Adopted Codes. The results of the required annual testing shall be submitted to the Fire Department via its third party vendor for data collection.

(B) The responsible person shall ensure that all Fire Alarm Systems are periodically maintained per manufacturer specifications and Adopted Codes.

(C) The responsible person shall be responsible for notifying the Enforcement Official, in writing, when, for any reason, a monitoring contract or testing contract has been discontinued or canceled, and for any other interruption in service required by the Adopted Code.

(D) The responsible person shall provide the Enforcement Official a current copy of the Record of Completion or test/inspection reports utilizing the designated and approved single point repository service to file all records of all system inspections, tests, and maintenance required by the referenced standards.

SEC. 11-83. FIRE ALARM ACTIVATION; RESPONSE

(A) The responsible person shall be responsible for the operation of a Fire Alarm System.

(B) A response to the activation of a Fire Alarm Signal shall result when any officer or member of the Fire Department is dispatched to the Premises where the Fire Alarm System has been activated.

(1) If the Commercial Fire Alarm System is not a Monitored System, the Fire Department shall notify any person identified in the notification documents pursuant to Subsections [11-80 \(D\)\(1-3\)](#) and shall require such person to respond to the Premises.

(2) If the responsible person of the Commercial Fire Alarm System has a contract with a Remote Station for the monitoring of the system, the Remote Station personnel shall notify any person identified by the responsible person.

(3) If a household Fire Alarm System is a Monitored System, the Remote Station shall verify the Fire Alarm signal before dispatch, as allowed by the Adopted Code.

(4) If a household Fire Alarm System is a Monitored System, the Remote Station shall forward any cancellation of a Fire Alarm signal to the Fire Department.

(C) The member of the Fire Department who responds to the Premises shall serve the responsible person or authorized representative with a Fire Alarm Activation Report.

SEC. 11-84. NUISANCE FIRE ALARMS

(A) If the activation of a Fire Alarm System is deemed by the Enforcement Official to be a Nuisance Fire Alarm, the responsible person shall be served with a Fire Alarm Activation Report by an officer or member of the Fire Department, indicating that the activation was deemed to be the result of a Nuisance Fire Alarm.

(1) The responsible person shall return a completed Report of Service/Repair within (30) days of receipt of the Fire Alarm Activation Report to verify, to the reasonable satisfaction of the Enforcement Official, that:

(a) The Fire Alarm System has been examined by a Qualified Fire Alarm Technician; and

(b) Inspection has been made to identify and correct any defect of design, installation or improper operation of the Fire Alarm System which was identifiable as the cause of the Nuisance Fire Alarm.

(2) Failure to return a Report of Service/Repair within said (30) day period, which is reasonably satisfactory to the Enforcement Official, shall result in a fee-based Fire Life Safety inspection by an Oxnard Fire Inspector to determine the condition of the facility. Such fees are based upon those adopted by City Council resolution.

SEC. 11-85. FIRE ALARM SERVICE FEES AND FINES

(A) The provisions of this Section shall not apply to a newly installed Fire Alarm System.

(1) No Fee or Fine shall be assessed for the first two (2) residential or commercial False Fire Alarms at the same Premises responded to by the Fire Department during each calendar year. Thereafter, the Fire Marshal shall have a Fire Inspector conduct a Fire Life Safety inspection to determine the condition of the facility. A cost recovery fee for all responding units shall apply for additional false alarms at the same Premises, after the Fire Life Safety inspection.

(2) The activation of a Fire Alarm System will not be considered a False Fire Alarm if the alarm is activated due to malicious causes beyond the control of the responsible person.

(B) Nuisance Fire Alarms - After the first two (2) residential or commercial False Fire Alarms at the same Premises responded to by the fire department during each calendar year, the Fire Marshal shall have a Fire Inspector conduct a complete Fire Life Safety inspection to determine the condition of the facility. A cost recovery fee for all responding units shall apply for additional false alarms at the same Premises, after the Fire Life Safety inspection.

SEC. 11-86. REMEDIES AND PENALTIES

(A) Due to repetitive Nuisance Fire Alarms and/or False Fire Alarms, the Enforcement Official has the authority to order a Fire Watch in accordance with Adopted Codes, until corrective action is taken, or to revoke the occupancy certificate for the premises by written notice to the Owner of the Premises, for any of the following reasons:

(1) Failure to meet all requirements or pay the Fees required by this Chapter within thirty (30) days after the notice is mailed to the responsible person;

(2) Failure of the responsible person to provide a written Report of Service/Repair required by this Chapter;

(3) A fourth False Fire Alarm or Nuisance Fire Alarm at a Premises for which a Fee is charged pursuant to this Chapter as a result of the failure of the responsible person to take corrective action to eliminate the cause of the False Fire Alarm or Nuisance Fire Alarm.

(B) The Enforcement Official has the authority to temporarily suspend the occupancy Certificate for non-compliance of this Chapter.

(C) Anyone convicted of falsifying reports as required under this Chapter is subject to penalties established by City Council resolution.

SEC. 11-87. APPEALS

(A) A responsible person may appeal the assessment of fees and fines to the Enforcement Official. A filing of an appeal with the Enforcement Official stays the assessment of the fee or fine until the Enforcement Official makes a final decision. The responsible person shall file a written appeal to the Enforcement Official setting forth the reasons for the appeal within fifteen (15) calendar days of the date of the notice.

(B) The Enforcement Official or designee shall review the facts and circumstances and shall determine whether the responsible person has shown good cause to withdraw the order.

(C) If the appeal is not upheld, the responsible person is entitled to an administrative hearing as set forth in Chapter 1, Article V of this Code.

SEC. 11-88. FIRE ALARM SYSTEM RETURN TO SERVICE

(A) After the responsible person has taken corrective action to remedy the cause of the disconnect or deactivation of the Fire Alarm System, a Fire Alarm System may be returned to service upon Enforcement Official approval.

(B) In making a request for a Fire Alarm System reactivation, the responsible person shall have the burden of proving that corrective action has been taken.

(C) Prior to approving the reactivation of the Fire Alarm System, the Enforcement Official shall have the right to inspect and test the Fire Alarm System.

(D) The Enforcement Official shall not approve the reactivation if the responsible person has failed to pay any fee or fine pursuant to this Chapter.

SEC. 11-89. EXEMPTIONS

Unless preempted by applicable law, local, state and federal government facilities (including educational use groups) are not exempt from the provisions of this Chapter and must pay assessed fees, and otherwise comply with all requirements of this Chapter.

SEC. 11-90. CONFIDENTIALITY

To the extent allowed by local, state and federal laws, information contained in and gathered

through the alarm notifications, records relating to Alarm Dispatch Requests, and applications for appeals shall be held in confidence by all employees or representatives of the municipality and by any third-party administrator or employees of a third-party administrator with access to such information.

SEC. 11-91 GOVERNMENT IMMUNITY

Notification to the Fire Department of a Fire Alarm System is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. The Fire Alarm System Owner acknowledges that fire department response may be based on factors such as: availability of fire department units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels and or adopted Fire Alarm Codes. The city of Oxnard, its officers, employees and agents shall not assume any duty or responsibility for the installation, maintenance, operation, repair or effectiveness of any privately owned Fire Alarm System, those duties or responsibilities being solely those of the Occupant/Owner of the Premises.”

Part 3. Severability. If any section, subsection, sentence, clause, phrase, part or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, parts or portions be declared invalid or unconstitutional.

Part 4. The City Council determines and finds that this ordinance is exempt from the California Environmental Quality Act under section 15061(b)(3) because the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Part 5. Pursuant to Cal. Gov. Code Section 36933(c)(1), the City Attorney was designated to prepare, and the City Clerk published, a summary of this ordinance, and a certified copy of the ordinance was posted in the Office of the City Clerk a minimum of five days before the City Council’s adoption of the ordinance.

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Part 6. The City Clerk shall certify as to the adoption of this ordinance and shall cause the summary thereof to be published within fifteen (15) days of the adoption and shall post a certified copy of this ordinance, including the vote for and against the same, in the office of the City Clerk, in accordance with Government Code Section 36933. Ordinance No. 2951 was first read on December 18, 2018, and finally adopted on January 8, 2019 to become effective thirty days thereafter.

AYES:

NOES:

ABSENT:

ABSTAIN:

Tim Flynn, Mayor

ATTEST:

Michelle Ascencion, City Clerk

APPROVED AS TO FORM:

Stephen M. Fischer, City Attorney

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**CITY COUNCIL
AGENDA REPORT**

TYPE OF ITEM: Info/Consent

AGENDA ITEM NO.: 2

DATE: January 8, 2019

TO: City Council

FROM: Stephen Fischer
City Attorney

SUBJECT: Vending Ordinance Adoption.

CONTACT: Stephen Fischer, City Attorney
Stephen.Fischer@oxnard.org, (805) 385-7483

RECOMMENDATION:

That City Council adopt Ordinance No. 2952 amending Chapter 8, Article IV, Division 1, Sec. 8-47 of the Oxnard City Code regarding operating regulations for vending on public property.

BACKGROUND

Ordinance No. 2952 amends Chapter 8, Article IV, Division 1, Sec. 8-47 of the Oxnard City Code regarding operating regulations for vending on public property. The City Council approved the first reading by title only and waived further reading of Ordinance No. 2952 at its regular meeting of December 18, 2018. If adopted, Ordinance No. 2952 would take effect February 7, 2019.

STRATEGIC PRIORITIES

This agenda item supports the Quality of Life strategy. The purpose of the Quality of Life strategy is to build relationships and create opportunities within the community for safe and vibrant neighborhoods, which will showcase the promising future of Oxnard. This item supports the following goals and objectives: Goal 1. Improve community safety and quality of life through a combination of prevention, intervention, and suppression efforts that address crime and underlying issues. Goal 3. Strengthen neighborhood development, and connect City, community and culture.

FINANCIAL IMPACT

Vending Ordinance Adoption
January 8, 2019
Page 2

The City may incur additional costs in regulating vendors as it relates to this ordinance, but those costs are not estimated to be significant at this time.

Prepared by Deputy City Attorney Jason Zaragoza, Planning Manager Kathleen Mallory, and Code Compliance Manager Roger Brooks.

ATTACHMENTS:

VENDING ORDINANCE 2952

CITY COUNCIL OF THE CITY OF OXNARD
ORDINANCE NO. 2952

ORDINANCE OF THE CITY OF OXNARD, CALIFORNIA,
AMENDING THE OXNARD CITY CODE BY UPDATING OPERATING REGULA-
TIONS FOR VENDING ON PUBLIC PROPERTY.

WHEREAS, on September 17, 2018, Governor Brown signed Senate Bill No. 946 (“SB 946”), adding sections 51036–51039 to the Government Code; and

WHEREAS SB 946 decriminalizes sidewalk vending and limits local regulations to those expressly provided for in the bill or are otherwise “directly related to objective health, safety, or welfare concerns”; and

WHEREAS, the City desires to adopt a sidewalk vending ordinance and amend its vending ordinance to ensure compliance with state law.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OXNARD DOES
ORDAIN AS FOLLOWS:

PART 1. Chapter 8, Article IV, Division 1, Sec. 8-47 of the Oxnard City Code is hereby repealed and replaced in its entirety.

PART 2. Chapter 8, Article IV, Division 1, Sec. 8-47 of the Oxnard City Code is added to read as follows:

“CHAPTER 8: VEHICLES, TRAFFIC AND VENDING

SEC. 8-47. VENDING FROM VEHICLES AND HUMAN POWERED DEVICES.

(A) DEFINITIONS - For the purposes of this section, the following words shall have the following meanings.

- (1) GOODS OR MERCHANDISE - Items and products of every kind and description, including all food, produce, and beverage items.
- (2) HUMAN POWERED DEVICE - Any device moved by human power, including, but not limited to, a pushcart, wagon, bicycle, tricycle, pedal-driver cart, other non-motorized conveyance, or other wheeled container or mechanism, or from one’s person.
- (3) ROAMING SIDEWALK VENDOR - A Sidewalk Vendor who moves from place to place and stops only to complete a transaction.
- (4) SIDEWALK VENDOR - A person who Vends Goods or Merchandise upon a public Sidewalk from a structure, stand, display, showcase, rack, or Human Powered Device.
- (5) SPECIAL EVENT - A city permitted event including, but not limited to, carnivals, sporting events, fairs, art shows, and/or cultural events.

- (6) STATIONARY SIDEWALK VENDOR- A Street Vendor who Vends from a fixed location with a valid encroachment permit.
- (7) STREET VENDOR- A person who drives a vehicle for the purposes of vending on a public street.
- (8) VEND OR VENDING - Any act of hawking, operating noise-making devices to attract attention to the vendor, or the displaying, selling, or offering for sale of any displayed Goods or Merchandise to the public from any carrying device, box, bag, stand, or Human Powered Device.

(B) STREET VENDING

- (1) Except as provided in this section, no person shall park any vehicle from which merchandise, food or other items are sold or displayed or offered for sale, barter or exchange, on any portion of any street, alley, sidewalk or public property within the city.
 - a. No person shall park such vehicle within or from the following locations:
 - i. The public right-of-way on C Street, Channel Islands Boulevard, Camino Del Sol, Del Norte Boulevard, Fifth Street, Gonzales Road, Harbor Boulevard, Hueneme Road, Oxnard Boulevard, Pleasant Valley Road, Rice Avenue, Rose Avenue, Saviers Road, Ventura Road, Victoria Avenue, Vineyard Avenue, or Wooley Road; or
 - ii. The public right of way within 100 feet of any intersection, or within 50 feet of any driveway or of another such vehicle parked on the public right of way.
 - b. Every person operating such vehicles shall have in his or her possession a valid business tax certificate issued by the city.
 - c. No person shall park any such vehicle within 900 feet of any school or day-care center between 7:00 a.m. and 4:00 p.m., on the days school is in session.
 - d. In residential areas, as shown on a map on file with the license collector, no person shall park any such vehicle or container on any day before 9:00 a.m. or sunrise, whichever is later, or after 7:00 p.m. or sunset, whichever is earlier.
 - e. When parked, the person operating such vehicle or container shall:
 - i. Stop playing music, ringing bells or making other noise that advertises such person's presence or wares; and
 - ii. Provide a visible trash receptacle for use by bona fide purchasers.
 - f. The provisions of this section shall not apply to:

- i. A person delivering items from a store or other fixed place of business or distribution to a customer pursuant to an order of, or by agreement with, such customer;
- ii. A person who has obtained a temporary use permit to park such a vehicle on specific public property; or
- iii. A person who has a written license agreement with the city to park such vehicle on specific public property.

(C) SIDEWALK VENDING

(1) In residential areas, only a Sidewalk Vendor with a valid vendor permit issued pursuant to Chapter 11, Article 1, Division 3 of the City Code may vend upon the City's public right of way.

(2) Every person to whom a valid business tax certificate and/or permit is issued shall:

- a. Comply with the California Retail Food Code as codified in Part 7 of California Health and Safety Code 113.700 et. Seq., if Vending food;
- b. Not vend from any structure, stand, display, showcase, rack, ground placed display, or Human Powered Device which exceeds eighteen (18) square feet, or exceeds a linear distance greater than six (6) feet, on any one side;
- c. Not occupy space on any sidewalk or path of travel in such a way that would impede upon the required sidewalk width or path of travel requirement pursuant to the federal Americans with Disabilities Act of 1990 or other disability access standards;
- d. Not vend within five hundred (500) feet of an area designated for a Special Event;
- e. Not vend upon a street median;
- f. Not vend within one hundred (100) feet of any intersection;
- g. Not vend within five hundred (500) feet of any freeway on-ramp or off-ramp as defined in the Vehicle Code;
- h. Not vend within nine hundred (900) feet of the property line of any school or any day care center between the hours of 7:00 a.m. and 4:00 p.m. on the days the school is in session;
- i. Sidewalk Vending hours' limitations in areas zoned for nonresidential use shall be as restrictive as any limitations on hours of operation imposed on other businesses or uses on the same street, excluding those permitted to operate 24 hours;
- j. In residential areas, Roaming Sidewalk Vending shall be limited to the hours of 9:00 a.m. or sunrise, whichever is later, and 7:00 p.m. or sunset, whichever is earlier;

- k. Stationary Sidewalk Vending is prohibited in areas that are exclusively residential; and
- l. Stationary Sidewalk Vendors are prohibited from operating in a city park if the city has entered into exclusive agreements for the sale of food or merchandise by one or more concessionaries for that city park.

(D) PENALTIES

- (1) Every person Vending in violation of this Section is guilty of administrative violation punishable by administrative fines established by city council resolution.
- (2) Failure to pay an administrative fine is not punishable as an infraction or misdemeanor.
- (3) If a violator of this Section fails to pay any fines, fees, or other assessments, the City may levy a lien on a violator's real or personal property, including the vehicle used for vending purposes."

PART 3. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

PART 4. Pursuant to Government Code Section 36933(c)(1), the City Attorney was designated to prepare, and the City Clerk published, a summary of this ordinance, and a certified copy of the ordinance was posted in the Office of the City Clerk a minimum of five days before the City council's adoption of the ordinance.

PART 5. The City Clerk shall certify as to the adoption of this ordinance and shall cause the summary thereof to be published within fifteen (15) days of the adoption and shall post a certified copy of this ordinance, including the vote for and against the same, in the office of the City Clerk, in accordance with Government Code Section 36933. Ordinance No. 2952 was first read on December 18, 2018 and finally adopted on January 8, 2019 to become effective thirty days thereafter.

AYES:

NOES:

ABSENT:

ABSTAIN:

Tim Flynn, Mayor

ATTEST:

APPROVED AS TO FORM:

Michelle Ascencion, City Clerk

Stephen M. Fischer, City Attorney



**CITY COUNCIL
AGENDA REPORT**

TYPE OF ITEM: Info/Consent

AGENDA ITEM NO.: 3

DATE: January 8, 2019

TO: City Council

FROM: Michelle Ascencion
City Clerk

SUBJECT: Approval of Minutes.

CONTACT: Michelle Ascencion, City Clerk
Michelle.Ascencion@oxnard.org, (805) 385-7805

RECOMMENDATION:

That the City Council approve the minutes of the December 11, 2018 and December 18, 2018 Regular Meetings as presented.

STRATEGIC PRIORITIES:

This agenda item is a routine operational item that does not directly relate to the four strategic plans adopted by City Council on May 17, 2016. This agenda items does provide transparency of Council meetings to the public.

FINANCIAL IMPACT:

There is no financial impact.

Prepared by Michelle Ascencion, City Clerk

ATTACHMENTS:

Minutes 12.11.2018 CC,FA,HA,SA regular meeting

Approval of Minutes
January 8, 2019
Page 2

Minutes 12.18.2018 CC regular meeting

MINUTES
 OXNARD CITY COUNCIL
 Regular Meeting
 December 11, 2018

A. ROLL CALL/POSTING OF AGENDA

At 6:06 p.m., Mayor Flynn called to order the regular meeting of the Oxnard City Council (concurrently with the Oxnard Financing Authority, Oxnard Housing Authority, and the Oxnard Community Development Successor Agency) in the City Hall Council Chambers, 305 W. Third Street, Oxnard, California. The City Clerk called the roll and announced the posting of the agenda. Councilmembers Bryan A. MacDonald, Oscar Madrigal, Bert Perello, Mayor Pro Tem Carmen Ramirez, and Mayor Tim Flynn were present. Also present were incoming Councilmembers Gabriela Basua and Vianey Lopez. Housing Commissioner Jose Andrade arrived at 7:25 p.m.; Commissioner Francisco Vega was absent.

Staff members present were Alexander Nguyen, City Manager; Stephen Fischer, City Attorney; Jesús Nava, Assistant City Manager; Ashley Golden, Assistant City Manager; and Michelle Ascencion, City Clerk.

B. OPENING CEREMONIES

The flag salute was followed by a moment of silence.

C. CITY COUNCIL INSTALLATION

City Council Department

1. Motion That the Regular Order of Business be suspended until after the Installation of Newly Elected Officials.

It was moved by Councilman MacDonald, seconded by Mayor Pro Tem Ramirez, to approve the recommended action as presented. VOTE: Flynn, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 5-0.

2. SUBJECT: Declare Results of the Canvass of Returns of the November 6, 2018 General Election and Administer the Oath of Office.
RECOMMENDATION: That the City Council:
 1. Adopt **Resolution No. 15,185** declaring the results of the canvass of returns of the November 6, 2018 General Election in the City of Oxnard; and
 2. Authorize the City Clerk to administer the oath of office, followed by remarks from the newly elected officers.

The City Clerk gave a report. Discussion ensued among the Council and staff.

It was moved by Councilman MacDonald, seconded by Councilmember Perello, to approve the recommended action as presented. VOTE: Flynn, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 5-0.

The City Clerk administered the Oath of Office to Tim Flynn, Mayor; Bert Perello, Councilmember District 1; Carmen Ramirez, Councilmember District 2; Gabriela Basua, Councilmember District 5; and Vianey Lopez, Councilmember District 6. The newly installed officials made some remarks, followed by remarks from the Council and City Manager.

3. Recess for Brief Reception.

The Council took a recess at 6:41 p.m.; the meeting resumed at 7:12 p.m.

4. Public Comments on City Council Installation.

Public comments were received from Kent Leroy Spurlock, Daniel Chavez Jr., Jackie Tedeschi, Irma Lopez, Fernando Lupian, Martin Jones, Ramon Flores, Manuel Herrera, Kelly Christiansen, Larry Barbarine, Woodrow Thomas Sr., and Pat Brown.

Housing Commissioners Andrade arrived during this time.

D. APPOINTMENT ITEM

Additional staff members present at this time were Karl Lawson, Housing Compliance Services Manager; and Nathan West, CUPA Coordinator.

City Manager Department

1. SUBJECT: 2020 Census Presentation.

RECOMMENDATION: That City Council receive a presentation on the 2020 Census from Vanessa Bechtel, Executive Director of the Ventura County Community Foundation.

Ms. Bechtel gave a report. Public comments were received from Daniel Chavez Jr. and Woodrow Thomas Sr. Discussion ensued among the Council and staff. No action was taken.

E. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from Woodrow Thomas Sr. (his lawsuit against the city), Ray Blattel (funding for wastewater treatment facility repairs), Dan Pinedo (outcome of November election), Luis Guereca (thanked retiring Assistant City Manager Nava), Pete Plascencia (recent repairs at La Colonia boxing gym, thanked Assistant City Manager Nava for his support), Paul Robinson (concerns about police not responding to a call for service), Pat Brown (need for more low-income housing with sufficient parking), and Daniel Chavez Jr. (the need to address traffic, parking, and livable wage jobs).

F. REPORT OF CITY MANAGER

The City Manager gave an update on a failed transformer and emergency backup generators at the wastewater treatment plant. Assistant City Manager Nava gave a farewell speech as this is his last meeting before retirement.

G. CITY COUNCIL REPORTS

City Attorney Department

1. SUBJECT: Selection of Mayor Pro Tem.
RECOMMENDATION: That City Council, pursuant to Government Code sections 34905 and 36801, select a Mayor Pro Tem to serve in the event of the Mayor's absence.

The City Attorney gave a report. No public comments were received. Discussion ensued among the Council and staff. Councilmembers Perello and Madrigal nominated Councilman MacDonald to serve as Mayor Pro Tem for a two-year term. Councilmember Lopez nominated Mayor Pro Tem Ramirez to continue to serve as Mayor Pro Tem for a two-year term.

Votes for MacDonald: Madrigal, MacDonald, and Perello.

Votes for Ramirez: Lopez, Basua, Ramirez, and Flynn.

Mayor Pro Tem Ramirez was selected by a 4-3 vote to serve as Mayor Pro Tem for the next two years.

City Clerk Department

2. SUBJECT: Resolution Affirming Citywide Governance by the Newly-Formed District-Elected City Council.
RECOMMENDATION: That the City Council adopt **Resolution No. 15,186** regarding its intention to continue its practice of governing with a citywide perspective following the shift to district-based elections.

The City Clerk gave a report. No public comments were received. Discussion ensued among the Council and staff.

It was moved by Mayor Pro Tem Ramirez, seconded by Councilmember Lopez, to approve the recommended action as presented. VOTE: Basua, Flynn, Lopez, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 7-0.

City Manager Department

3. SUBJECT: Begin the Process to Appoint Council Committee Membership, Including Committee Chairs.
RECOMMENDATION: That City Council discuss Council Committee Membership, including Committee Chairs, in preparation for appointments to be made at the January 8, 2019 City Council meeting.

The City Manager gave a report. No public comments were received. Discussion ensued among the Council and staff. No action was taken.

The City Council gave the following report:

Councilmember Madrigal announced the upcoming Rose Park Posadas event, and thanked Assistant City Manager Nava for his assistance and service.

Councilwoman Basua congratulated Assistant City Manager Nava on his retirement.

Mayor Pro Tem Ramirez recommended the Friends of the Library gift shop as a holiday shopping option. She announced upcoming mailings on energy choices from the Clean Power Alliance. She reported on a recent CFROG presentation to the Air Pollution Control District Board and the recent memorial service for two victims of the Borderline shooting. She requested a future agenda item on a resolution supporting a ban of gun shows at the Ventura County Fairgrounds, and expressed best wishes for Assistant City Manager Nava.

Councilman MacDonald commended Assistant City Manager Nava, and reported on the recent Heroes & Helpers and Santa-to-the-Sea events.

Councilmember Perello thanked Assistant City Manager Nava for his service to the City, and commended the leaders of the Rose Park Neighborhood Council. He commented on parking issues and Governor Brown's farewell interview, and recommended that people be generous to those in need this holiday season. He later commented on the recent memorial service for Leo Valenzuela.

Councilmember Lopez commented on the Oxnard Christmas Parade and thanked Assistant City Manager Nava.

Mayor Flynn thanked those who helped him during the election and commended Assistant City Manager Nava for his service. He commented on the recent memorial service for two victims of the Borderline shooting and reminded people to express their love to their families. He expressed optimism for the new year and the new Council.

H. REVIEW OF INFORMATION/CONSENT AGENDA

Items J-1, J-3, and J-4 were discussed among the Council and staff.

I. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA (None received.)

J. INFORMATION/CONSENT AGENDA

City Clerk Department

1. SUBJECT: Approval of Minutes.
RECOMMENDATION: That the City Council approve the minutes of the December 4, 2018 Regular Meeting as presented.

City Manager Department

2. SUBJECT: 2019 Meeting Schedule for Legislative Bodies.
RECOMMENDATION: That City Council, Community Development Commission Successor Agency, Financing Authority, and Housing Authority approve the proposed meeting dates for the calendar year 2019.

Fire Department

3. SUBJECT: Funding of One Vehicle from CUPA Capital Equipment Fund.
RECOMMENDATION: That City Council appropriate \$61,728.21 from the CUPA

Capital Equipment Fund 373 fund balance for the purchase and outfitting of one vehicle for the Certified Unified Program Agency (CUPA) inspectors.

Housing Department

4. SUBJECT: Personnel Classifications for Temporary Emergency Shelter Positions.
RECOMMENDATION: That City Council:
1. Establish five new personnel classifications to support and accurately reflect the necessary work by staff in the Temporary Emergency Shelter; and
 2. Adopt **Resolution No. 15,187** amending Resolution No. 15,153, pursuant to Chapter 4 of the City Personnel Rules and Regulations, incorporating the five new classifications and the salary ranges for each.

It was moved by Councilman MacDonald, seconded by Mayor Pro Tem Ramirez, to approve the Information/Consent items as presented. VOTE: Andrade, Flynn, MacDonald, Madrigal, Perello, and Ramirez voted in favor; Basua and Lopez abstained on item J-1, as they were not present at the December 4, 2018 meeting. The motion carried 5-0-2 on item J-1, 8-0 on item J-2 (City Council/Housing Authority/Financing Authority/Successor Agency item), and 7-0 on the remaining items (City Council items).

K. ADJOURNMENT

There being no further business on the agenda, and without objection, Mayor Flynn adjourned the meeting at 9:43 p.m.

MICHELLE ASCENCION, CMC
City Clerk

TIM FLYNN
Mayor

MINUTES
 OXNARD CITY COUNCIL
 Regular Meeting
 December 18, 2018

A. ROLL CALL/POSTING OF AGENDA

At 4:36 p.m., Mayor Flynn called to order the regular meeting of the Oxnard City Council in the City Hall Council Chambers, 305 W. Third Street, Oxnard, California. The City Clerk called the roll and announced the posting of the agenda. Councilmembers Gabriela Basua, Bryan A. MacDonald, Bert Perello, Mayor Pro Tem Carmen Ramirez, and Mayor Tim Flynn were present. Councilmembers Oscar Madrigal and Vianey Lopez were absent (arrived at 4:39 p.m. and 4:45 p.m., respectively).

Staff members present were Alexander Nguyen, City Manager; Stephen Fischer, City Attorney; Ashley Golden, Assistant City Manager; and Michelle Ascencion, City Clerk.

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

C. CLOSED SESSION

Mayor Flynn read the following closed session statement:

“The City Council will recess to a closed session, pursuant to Government Code section 54956.9(d)(1), to confer with its attorneys. The title of the litigation being discussed is Green Energy Holdings, LLC; Auto Fuels, Inc. v. City of Oxnard, et al.

The City Council will also recess to a closed session pursuant to Government Code section 54956.9(d)(4), based on existing facts and circumstances, to decide whether to initiate litigation in one potential case.

For clarification, City Council will discuss whether to initiate litigation in one potential case only. Item C-2 was inadvertently included on the closed session agenda.”

At 4:37 p.m., the City Council recessed to a closed session. At 6:06 p.m. the City Council reconvened in open session in the Council Chambers. The City Attorney made the following announcement:

“The City Council, by a unanimous vote, 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. OPENING CEREMONIES

The flag salute was followed by a moment of silence.

Additional staff members present at this time were Karl Lawson, Housing Compliance Services Manager; Kathleen Mallory, Planning and Environmental Services Manager; Ryan King, City

Traffic Engineer/Interim Transportation Services Manager; Scott Whitney, Police Chief; Eric Sonstegard, Assistant Police Chief; Jason Benites, Assistant Police Chief; Jason Zaragoza, Deputy City Attorney.

E. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from Bill Terry (requested extension of mitigated negative declaration review period), Patty Andrade (issues with transients near Clinicas del Camino Real), Armando Vasquez (recommended against “band-aid” solutions for systemic addictive behavior in the community), Martin Jones (faded striping on streets), Steve Nash (request for gun show ban at the Fairgrounds property, updating 2030 General Plan with a climate action plan to address global warming), Larry Stein (monthly expense report and quarterly financial reports for transparency), Gabriel Teran (congratulated newly elected council, upcoming forums on the Parks Master Plan, presentation to the Fremont South Neighborhood on the homeless shelter opening, tree trimming), Pat Brown (emergency preparedness), and Ray Blattel (upcoming Parks Master Plan input meetings).

F. REPORT OF CITY MANAGER

The Housing Compliance Services Manager gave a report on the status of the opening of the winter warming shelter.

G. CITY COUNCIL REPORTS

Councilmember Lopez wished everyone a happy holiday season.

Councilmember Perello expressed holiday wishes; thanked Assistant Police Chief Benites for recent assistance to a resident; commented on a recent Oxnard School District Board meeting and the recent Rose Park holiday gathering, and reminded everyone to count their blessings.

Councilman MacDonald reported on the recent Santa-to-the -Sea and Santa at the Station events. He announced an upcoming toy giveaway for the young cancer patients at Ventura County Medical Center. He acknowledged public safety for keeping the community safe during the holidays.

Mayor Pro Tem Ramirez expressed holiday wishes. She requested an extension of the comment period for the mitigated negative declaration. She reported on attending the recent opening ceremonies for the Fire Department’s Advanced Life Support program. She requested a future agenda item on a resolution supporting a ban of gun shows at the Ventura County Fairgrounds and opposing offshore drilling in federal waters. She commented on the failed Puente Power Plant project proposal.

Councilwoman Basua thanked staff for addressing concerns about people loitering around the former Citibank building, and expressed holiday wishes.

Councilmember Madrigal announced the upcoming Downtown Improvement Task Force meeting, commented on school safety, and reported on attending the retirement party for Oxnard School District board member Ernie Morrison, the Rose Park Christmas/Posadas celebration and the speaker event of author Martin Gonzalez. He commented on the Library and expressed holiday wishes.

Mayor Flynn expressed holiday wishes and optimism for the new year. He commented on upcoming budget challenges and priority based budgeting.

The Council and staff discussed the process for Council requests to add an item to future agendas.

H. REVIEW OF INFORMATION/CONSENT AGENDA

Items J-1 and J-4 were discussed among the Council and staff.

I. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Public comments were received from Larry Stein and Barbara Macri-Ortiz.

J. INFORMATION/CONSENT AGENDA

City Attorney Department

1. SUBJECT: Budget Appropriation for Legal Services.
RECOMMENDATION: That City Council recognize \$480,000 in expected settlement proceeds from litigation regarding former auditor Mayer, Hoffman and McCann, and approve a budget appropriation in the amount of \$480,000 to fund legal services and costs.

Fire Department

2. SUBJECT: Authorization to Submit Three Grant Applications to the Federal Emergency Management Agency (FEMA) for \$694,419 in Grant Funds for the Purpose of Purchasing Defibrillators, Smoke/Carbon Detector Installation, and Paramedic Training.
RECOMMENDATION: That City Council adopt **Resolution No. 15,188** authorizing:
 1. The City Manager to submit two grant applications to the Federal Emergency Management Agency (FEMA) Assistance to Firefighters Grant program in the amount of \$521,000 for the purpose of purchasing Automated External Defibrillators (AED) and Paramedic Training;
 2. The City Manager to submit a grant application to the FEMA Fire Protection and Safety Grant in the amount of \$173,419 for the purchase of smoke/carbon monoxide detectors and salary and benefits for oversight of the installation of detectors;
 3. The City Manager or designee to execute the grant agreement if grant funds are awarded to the City;
 4. The Chief Financial Officer or designee to submit financial reports and grant claims, approve special budget appropriations for the use of the grant funds and perform all other required financial actions; and
 5. The Fire Chief or designee to submit non-financial reports.

Police Department

3. SUBJECT: Supplemental Law Enforcement Services Fund.
RECOMMENDATION: That City Council:
 1. Recognize \$313,843 in grant revenue from the State Supplemental Law Enforcement Services Fund (SLESF) for Citizens Option for Public Safety (COPS) Program;
 2. Approve a budget appropriation in the amount of \$313,843 for an Interview Room

Recording System and Body Worn Camera Storage Fees; and

3. Authorize the Chief Financial Officer or designee to approve additional budget appropriations if awarded.

4. SUBJECT: Agreement for Parking and Civil Citation Processing.

RECOMMENDATION: That City Council:

1. Approve and authorize the City Manager to execute Agreement No. 8463-18-PO with Phoenix Group Information Services (“Phoenix Group”), for the next three (3) years, with an annual amount not to exceed \$175,000, for parking citation processing and collection services; and

2. Approve a budget appropriation recognizing \$65,000 in increased General Fund revenue (101-2101).

Public Works Department

5. SUBJECT: Second Amendments to Chemical Delivery Agreements for the Water and Wastewater Divisions.

RECOMMENDATION: That City Council approve and authorize the Mayor to execute the Second Amendments with JCI Jones Chemicals, Inc. (A-7927) and Univar USA, Inc. (A-7929) for the increased cost per gallon of chemicals used by the Public Works Department’s Water and Wastewater Divisions.

It was moved by Councilman MacDonald, seconded by Councilmember Madrigal, to approve the Information/Consent items as presented. VOTE: Basua, Flynn, Lopez, MacDonald, Madrigal, Perello, and Ramirez voted in favor, the motion carried 7-0.

K. REPORTS

Development Services Department

1. SUBJECT: Planning & Zoning No. 18-600-01 - Pre-Application Review of the East Village Development Project (Known as the Maulhardt Development Project), Located on the Northeast Corner of Rose Avenue and Camino Del Sol. Filed by Rob Talmadage of Jensen Design and Survey on Behalf of the Maulhardt RF-JW. Trust.

RECOMMENDATION: That the City Council review and provide preliminary comments on a pre-application to master plan and develop 107 acres (e.g., East Village Development Project) with residential, open space (including parks and detention areas), a high school with a joint use agreement, and commercial area.

The Planning and Environmental Services Manager and Joel Kirkenstein of the Oxnard High School District, gave reports. Public comments were received from Barbara Macri-Ortiz, Pat Brown, Steve Nash, and Dan Pinedo. Discussion ensued among the Council and staff. No action was taken.

Police Department

2. SUBJECT: Update on Civil Gang Injunctions.

RECOMMENDATION: That City Council receives a report on a) Community feedback received during neighborhood meetings on civil gang injunctions, and b) Future direction of Oxnard’s civil gang injunctions.

The Police Chief and Assistant Chief Sonstegard gave a report. Public comments were received from Jackie Tedeschi, Armando Vasquez, Julie Medina, Francisco Romero, Dr. Frank Barajas, Barbara Macri-Ortiz, Marisa Martinez, and Mike Johnson. Discussion ensued among the Council and staff. No action was taken.

City Attorney Department

3. SUBJECT: Police Alarm and Fire Alarm Ordinance.

RECOMMENDATION: That City Council:

1. Approve the first reading by title only and waive further reading of an ordinance amending Chapter 11 Article II of the Oxnard City Code concerning the regulation of security alarm systems and fire alarm systems;
2. Adopt **Resolution No. 15,189** adjusting fees for security alarm systems; and
3. Adopt **Resolution No. 15,190** amending the fee schedule for civil fines to include fines for various alarm violations.

Assistant Police Chief Benites gave a report. Public comments were received from Dave Michel and Dan Pinedo. Discussion ensued among the Council and staff.

It was moved by Councilman MacDonald, seconded by Councilmember Perello, to approve the recommended action as presented. VOTE: Basua, Flynn, Lopez, MacDonald, Madrigal, Perello, and Ramirez voted in favor, the motion carried 7-0.

4. SUBJECT: Vending Ordinance.

RECOMMENDATION: That City Council approve the first reading by title only and waive further reading of an ordinance amending Chapter 8, Article IV, Division 1, Sec. 8-47 of the Oxnard City Code regarding operating regulations for vending on public property.

The Deputy City Attorney gave a report. Public comments were received from Pat Brown and Dan Pinedo. Discussion ensued among the Council and staff.

It was moved by Mayor Pro Tem Ramirez, seconded by Councilmember Lopez, to approve the recommended action as presented. VOTE: Basua, Flynn, Lopez, MacDonald, Madrigal, Perello, and Ramirez voted in favor, the motion carried 7-0.

L. ADJOURNMENT

There being no further business on the agenda, and without objection, Mayor Flynn adjourned the meeting at 9:59 p.m.

MICHELLE ASCENCION, CMC
City Clerk

TIM FLYNN
Mayor



**CITY COUNCIL
AGENDA REPORT**

TYPE OF ITEM: Info/Consent

AGENDA ITEM NO.: 4

DATE: January 8, 2019

TO:
Successor Agency

FROM: Ashley Golden
Development Services Director

SUBJECT: Recognized Obligation Payment Schedule 2019-2020

CONTACT: Ashley Golden, Development Services Director
Ashley.Golden@oxnard.org, (805) 385-7882

RECOMMENDATION:

That the Community Development Commission Successor Agency adopt a Resolution approving the Annual Recognized Obligation Payment Schedule 19-20 covering the period of July 1, 2019 - June 30, 2020.

BACKGROUND

As part of the 2011 Budget Act, and in order to protect funding for core public services at the local level, the California Legislature approved the dissolution of the state's 400 plus Redevelopment Agencies ("RDAs"). On February 1, 2012, all RDAs in the state of California were officially dissolved. As a result of the elimination of the RDAs, property tax revenues are now being used to pay required payments on existing bonds, other obligations, and pass-through payments to local governments. The remaining property tax revenues that exceed the enforceable obligations are allocated to cities, counties, special districts, and school and community college districts.

To help facilitate the wind-down process at the local level, each city formed a Successor Agency ("SA") which manages redevelopment projects currently underway, make payments on enforceable obligations, and dispose of redevelopment assets and properties. In the City of Oxnard, the City Council acts as the SA to Oxnard's former RDA, the Community Development Commission. Each SA has an Oversight Board ("OB") that supervises its work. As specified in California Senate Bill 107 and beginning on July 1, 2018, all OB's in the County were

Recognized Obligation Payment Schedule 2019-2020

January 8, 2019

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consolidated into one OB, the Ventura County Consolidated Oversight Board. The 7-member OB is comprised of representatives of the local agencies from Ventura County cities, special districts, K-14 educational agencies. The County OB members have a fiduciary responsibility to holders of enforceable obligations, as well as to the local agencies that would benefit from property tax distributions from the former redevelopment project areas.

Pursuant to California Health and Safety Code Section 34177(l)(1), the City, as SA to the former Oxnard Community Development Commission, is required to prepare an annual Recognized Obligation Payment Schedule (“ROPS”), documenting the enforceable obligations of the former RDA for the coming fiscal year. This ROPS covers the period July 1, 2019 through June 30, 2020 (ROPS 19-20) and, per California Health and Safety Code Section 34177(m), must be submitted to the California Department of Finance (“DOF”), after approval by the OB, no later than February 1, 2019.

Attached to this staff report is the City's Annual ROPS 19-20, covering the period beginning July 1, 2019 and ending June 30, 2020. This period totals \$9,937,786 in SA enforceable obligations. These obligations include bond debt service, developer agreement payments, special tax district assessment, property tax analysis agreements, and contracts enforceable by the SA.

In prior years, total funding requested by the SA for the payment of enforceable obligations has totaled \$10,114,652 in Fiscal Year (“FY”) 18-19, \$10,360,974 in FY 17-18, and \$11,131,611 in FY 16-17.

The majority of the SA’s ROPS 19-20 enforceable obligations, approximately \$5.9 million, come from the debt service from the bonds issued by the former RDA in prior years, before the dissolution of redevelopment in the City.

STRATEGIC PRIORITIES

This agenda item is a routine operational item or does not relate to the four strategic plans adopted by City Council on May 17, 2016.

FINANCIAL IMPACT

Approval of ROPS 19-20 will facilitate the ability of the SA to continue payment of the enforceable obligations of the former Community Development Commission and is among the reasonable measures required to be taken to avoid triggering an event of default under any enforceable obligations. Certification of the ROPS allows the SA to collect property tax revenues from the Ventura County Auditor-Controller in an amount sufficient to pay the obligations listed on the ROPS 19-20 in a timely manner.

The total obligations for the ROPS for 19-20 equal \$9,937,786, down from \$10,114,652 from the prior year. The General Fund is not responsible for these enforceable obligations.

Recognized Obligation Payment Schedule 2019-2020

January 8, 2019

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ROPS 19-20 must be submitted to the DOF by February 1, 2019. If this deadline is not met, the City is subject to a civil penalty of \$10,000 for every day that a SA is past due on submission.

Prepared by Adam Smith, Project Manager.

ATTACHMENTS:

Attachment A: SA Resolution ROPS 19-20

Attachment B: Oxnard ROPS 19-20

OXNARD COMMUNITY DEVELOPMENT COMMISSION SUCCESSOR AGENCY

RESOLUTION NO. _____

RESOLUTION OF THE OXNARD COMMUNITY DEVELOPMENT
COMMISSION SUCCESSOR AGENCY ADOPTING A FOURTH
ANNUAL RECOGNIZED OBLIGATION PAYMENT SCHEDULE
(ROPS 19-20) FOR JULY 1, 2019 – JUNE 30, 2020

WHEREAS, Assembly Bill x1 26 (“AB 26”) and AB x1 27 (“AB 27”) were passed by the State Legislature on June 15, 2011 and signed by the Governor on June 28, 2011; and

WHEREAS, among other things, AB 26 amends Sections 33500, 33501, 33607.5 and 33607.7 of the California Health and Safety Code and adds Part 1.8 and Part 1.85 to Division 24 of the California Health and Safety Code; and

WHEREAS, by enactment of Part 1.85 of Division 24 of the Health and Safety Code, subject to all reservations herein stated, the Community Development Commission was dissolved as of February 1, 2012 such that the Community Development Commission shall be deemed a former redevelopment agency under Health and Safety Code section 34173(a); and

WHEREAS, Health and Safety Code section 34173(a) designates successor agencies as successor entities to former redevelopment agencies; and

WHEREAS, on January 10, 2012, by Resolution 14,135, the City Council of the City of Oxnard declared itself as the successor agency upon the dissolution of the Community Development Commission, subject to all reservations stated in such resolution; and

WHEREAS, the California Supreme Court in *California Redevelopment Association v. Matosantos*, Case No. S194861 upheld the constitutionality of ABx1 26 and established May 1, 2012 as the date by which the draft Recognized Obligation Payment Schedule (“ROPS”) must be prepared; and

WHEREAS, California Health and Safety Code Section 34171(h) and 34177(m) provide that a successor agency must prepare a ROPS every six months after the initial ROPS period; and

WHEREAS, on April 24, 2012 the Successor Agency adopted a Draft ROPS; and

WHEREAS, on April 25, 2012 the Oversight Board to the Oxnard Community Development Commission Successor Agency directed Successor Agency Staff to amend the ROPS to incorporate the State Department of Finance’s revised ROPS format; and

WHEREAS, on May 8, 2012 a revised Amended ROPS I was adopted by the Successor Agency and identified enforceable obligations for the period of February 1, 2012 through June

30, 2012; and

WHEREAS, on May 8, 2012 a ROPS II was adopted by the Successor Agency and identified enforceable obligations for the period of July 1, 2012 through December 31, 2012; and

WHEREAS, on July 22, 2012 a ROPS III was adopted by the Successor Agency and identified enforceable obligations for the period of January 1, 2013 through June 30, 2013; and

WHEREAS, on February 12, 2013 a ROPS IV (13-14A) was adopted by the Successor Agency and identified enforceable obligations for the period of July 1, 2013 through December 31, 2013; and

WHEREAS, on September 10, 2013 a ROPS V (13-14B) was adopted by the Successor Agency and identified enforceable obligations for the period of January 1, 2014 through June 30, 2014; and

WHEREAS, on February 11, 2014 a ROPS VI (14-15A) was adopted by the Successor Agency and identified enforceable obligations for the period of July 1, 2014 through December 31, 2014; and

WHEREAS, on September 9, 2014 a ROPS VII (14-15B) was adopted by the Successor Agency and identified enforceable obligations for the period of January 1, 2015 through June 30, 2015; and

WHEREAS, on February 24, 2015 a ROPS VIII (15-16A) was adopted by the Successor Agency and identified enforceable obligations for the period of July 1, 2015 through December 31, 2015; and

WHEREAS, on September 1, 2015 a ROPS IX (15-16B) was adopted by the Successor Agency and identified enforceable obligations for the period of January 1, 2016 through June 30, 2016; and

WHEREAS, SB 107 terminates the every six months ROPS timeline as of December 31, 2015 and instead requires annual ROPS reporting starting with the first annual ROPS 16-17 for the period beginning July 1, 2016 and ending June 30, 2017; and

WHEREAS, California Health and Safety Code Section 34177(o) provide that a successor agency must prepare a ROPS every twelve months; and

WHEREAS, on January 19, 2016 the First Annual ROPS (16-17) was adopted by the Successor Agency and identified enforceable obligations for the period of July 1, 2016 through June 30, 2017; and

WHEREAS, on January 24, 2017 the Second Annual ROPS (17-18) was adopted by the Successor Agency and identified enforceable obligations for the period of July 1, 2017 through June 30, 2018; and

WHEREAS, on January 23, 2018 the Third Annual ROPS (18-19) was adopted by the Successor Agency and identified enforceable obligations for the period of July 1, 2018 through June 30, 2019; and

WHEREAS, on September 11, 2018 an amended Third Annual ROPS (18-19B) was adopted by the Successor Agency and identified enforceable obligations for the period of January 1, 2019 through June 30, 2019; and

WHEREAS, on January 8, 2019 the proposed Fourth Annual ROPS (19-20) identifies each enforceable obligation on which payments will be required during the period of July 1, 2019 through June 30, 2020.

NOW, THEREFORE, THE OXNARD COMMUNITY DEVELOPMENT COMMISSION SUCCESSOR AGENCY HEREBY FINDS, DETERMINES, RESOLVES AND ORDERS AS FOLLOWS:

Section 1. The Oxnard Community Development Commission Successor Agency hereby finds and determines that the foregoing recitals are true and correct.

Section 2. All legal prerequisites to the adoption of this Resolution have occurred.

Section 3. The attached Proposed ROPS is hereby adopted.

Section 4. Successor Agency staff is hereby authorized to administratively amend the ROPS in order to modify, adjust or remove line items pending the outcome of review by the Oversight Board, the County Auditor-Controller, and/or the California Department of Finance and to format the ROPS to conform with State Department of Finance requirements not yet published, and to take all necessary and appropriate actions to prepare and submit the ROPS, provided, however, that neither such authorization nor such removal shall be deemed to be, nor are they intended as, an acknowledgment of the validity of ABx1 26 and AB 1484 or such action by the Oversight Board, the County Auditor-Controller and/or the California Department of Finance. The Successor Agency reserves all rights to challenge the validity and/or application of any or all provisions of ABx1 26 and AB 1484 in any administrative or judicial proceeding, without prejudice to the Successor Agency's right to list any such removed item on this or a future ROPS. The Successor Agency reserves the right to pursue any and all appeals and any available legal or equitable remedy provided or available by law to obtain the correction of any erroneous decision regarding the ROPS.

Section 5. This Resolution shall take effect immediately upon its adoption.

Section 6. The Successor Agency's Secretary Designate shall certify as to the adoption of this resolution.

PASSED, APPROVED and ADOPTED this ____ day of _____, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Tim Flynn, Chairman

ATTEST:

Michelle Ascencion, Secretary Designate

APPROVED AS TO FORM:

Stephen M. Fischer, General Counsel

[illegible]



**CITY COUNCIL
AGENDA REPORT**

TYPE OF ITEM: Info/Consent
AGENDA ITEM NO.: 5

DATE: January 8, 2019

TO: City Council

FROM: Darwin Base
Fire Chief

SUBJECT: Funding of Equipment and Supplies from CUPA Capital Equipment Fund.

CONTACT: Darwin Base, Fire Chief
Darwin.Base@oxnard.org, (805) 385-7700

RECOMMENDATION:

That City Council approve the use of \$5,634 in previously appropriated unspent capital within the CUPA Capital Equipment Fund 373 for the replacement of personal protective equipment and resupply of chemical reagents.

BACKGROUND

Californians are protected from hazardous waste and materials by a Unified Program that ensures consistency throughout the state in regard to administrative requirements, permits, inspections, and enforcement. CalEPA oversees the program as a whole, and certifies 83 local government agencies known as Certified Unified Program Agencies (CUPA) to implement the hazardous waste and materials standards set by five different state agencies. The Oxnard Fire Department is the local administrator for the CUPA program that conducts inspections and provides oversight for businesses that store hazardous materials and generates hazardous waste.

Through the administration of requirements, permits, inspections and enforcement processes, revenue is generated from penalties, fines or from legal action. These funds are regulated by the State of California and can be spent on equipment and training for program activities.

The division maintains a 24/7 emergency response capability to mitigate hazardous materials incidents and investigate environmental crimes, with one inspector on standby after hours and on weekends on a rotating basis. Personal protective equipment (PPE) is necessary for incident response, and PPE issued to existing CUPA staff is now past its ten year service life. The cost to

Funding of Equipment and Supplies from CUPA Capital Equipment Fund

January 8, 2019

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replace five helmets and five response jackets is \$2,637.

During hazardous materials incidents and investigations, division staff perform field chemistry tests to identify unknown materials. Each test performed for field analysis or training consumes a small amount of several chemical reagents, and resupply of the kits carried by HM-67 and the CUPA response vehicle is now required. The cost to resupply the field chemistry kits is \$2,997.

Appropriate PPE and field supplies are necessary to maintain division operations. The use of the CUPA funds for the purchase of the vehicle is an allowable expense per California Health and Safety Code 25404.1.1(i):

All administrative penalties collected from actions brought by a UPA pursuant to this section shall be paid to the UPA that imposed the penalty, and shall be deposited into a special account that shall be expended to fund the activities of the UPA in enforcing this chapter.

On September 10, 2018, the City Council appropriated \$37,539 for the purchase of a CUPA inspector vehicle. A used vehicle was purchased instead of new, resulting in cost savings (and therefore an unspent balance).

Per the City's new Capital Asset Policy and Procedures, which went into effect July 1, 2018, City Council approval is required to repurpose funds previously appropriated for capital asset purchase. The recommendation of this staff report is to request that City Council approve the use of existing, previously appropriated funds for this purchase.

STRATEGIC PRIORITIES

This agenda item is a routine operational item or does not relate to the four strategic plans adopted by City Council on May 17, 2016.

FINANCIAL IMPACT

Funding in the amount of \$5,634 is available from previously appropriated unspent capital within the CUPA Capital Equipment Fund 373 for the replacement of personal protective equipment and resupply of chemical reagents. There would be no general fund impact as the result of the purchase.

Prepared by Nathan West, CUPA Manager.

ATTACHMENTS:

Attach 1 Budget Adjustment

Funding of Equipment and Supplies from CUPA Capital Equipment Fund
January 8, 2019
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Attach 2 Oxnard Fire Policy

REQUEST FOR BUDGET APPROPRIATION

Department: Fire / CUPA
Project/Program
Manager: Nathan West

Date: December 4, 2018
Phone: 385-7720

Reason for Appropriation:

For purchase of 5 replacement helmets & response jackets; and resupply of two field chemistry kits

Accounts and Descriptions

AMOUNT

Fund: CUPA Capital Equipment Fund (373)

Expenditures/Transfers Out

CUPA PROGRAM (2205)

373-2205-871.81-35	MATERIALS AND SUPPLIES / MINOR EQP- SHOP/FIELD	5,634
373-2205-871-8606	CAPITAL OUTLAY / MACHINERY AND EQUIP NEW	(5,634)

Sub-total Expenditures	0
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Net Change to Fund Balance	0
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Approvals

Department Director _____

Chief Financial Officer _____

City Manager _____

Oxnard Fire Department Certified Unified Program Agency

Enforcement Trust Fund Account Policy and Guidelines

March 2010

“The Fund serves to foster and assist the City of Oxnard Fire Department Certified Unified Program Agency (CUPA) in program development, training, and other program functions”.

1. PURPOSE OF GUIDELINES

- 1.1. Creation of Trust Account.** The Oxnard Fire Certified Unified Program Agency (CUPA) (OFD) hereby establishes the Enforcement Trust Account to be administered by the OFD.
- 1.2. Purpose of Guidelines.** These Fund Guidelines govern management of the Enforcement Trust Account Fund for expenditures outlines below.
- 1.3. Authority.** Administrative Enforcement Order (AEO) Authority and issuance of administrative penalties and establishment of a special account. California Health & Safety code, Section 25404.1.1 (i) and 25187 (a) and (k).

2. OBJECTIVES AND PURPOSES

- 2.1 General and Specific Purposes.** This Trust Account has been organized solely and exclusively for the purpose of CUPA program development and specific program functions.

3. **TRUST FUND**

3.1 Definition. The Fund is established to disburse and manage monies obtained from AEO case settlements and other state-wide enforcement cases.

3.2 Fund. The Fund shall be held exclusively by an account established by the OFD CUPA and managed by the CUPA Coordinator. The Fund shall also include all interest derived from monies in the Fund.

- 4. EXPENDITURES FROM THE TRUST FUND** Proposed expenditures shall be authorized and approved by the CUPA Coordinator. The following is a list of examples of qualified expenditures:

Qualified Expenditure	Examples
Enhancement in data management hardware, contract services, and/or enforcement capabilities	Laptop, field tablets, scanners, software, and contract services to convert from paper to electronic (scanning and data entry), purchase of applicable software for electronic data management.
Specific database applications	Statewide training database
Field instrument for hazardous materials applications, hazardous materials applications, investigations, and enforcement	IR's, CGI's, PID's, gas meters, TLV's or other equipment that will assist inspectors/emergency responders in evaluating field situations.
Training	Travel and other related expenses for staff training.
Enforcement investigations/case development	Case specific such as sample collection, and laboratory analysis
Other equipment to support the CUPA program	Vehicles, PPE, and others
Training assistance, projects or efforts with other Division/departments to enhance interagency cooperation	Travel and other related expenses for Fire Prevention and other departments such as wastewater and environmental services (assist in obtaining scholarships).
Consultants	Develop program related projects

5. MISCELLANEOUS

5.1 Expenses of Administration All expenses incurred in the administration of the Fund shall be paid from the Fund.

6. RECORDS AND FILES The CUPA Coordinator shall maintain a copy of all expenditure records, receipts, correspondence, and any other records and files related to the Fund. All records shall be maintained indefinitely.



**CITY COUNCIL
AGENDA REPORT**

TYPE OF ITEM: Info/Consent

AGENDA ITEM NO.: 6

DATE: January 8, 2019

TO: City Council

FROM: Rosemarie Gaglione
Public Works Director

SUBJECT: Approval of a Budget Appropriation for Northshore CFD to Establish a Budget in FY 2018-19.

CONTACT: Rosemarie Gaglione, Public Works Director
rosemarie.gaglione@oxnard.org, (805) 385-8055

RECOMMENDATION:

That City Council approve a budget appropriation in the amount of \$30,000 from the surplus fund balance of the Northshore CFD #6 (Fund 176) to establish a budget for expected expenditures in Fiscal Year 2019.

BACKGROUND

On June 14, 2005, the City Council approved a tentative subdivision map PZ 05-300-8 for Tract No. 5592 for the Northshore at Mandalay Bay project (Northshore) located north and east of the intersection of Fifth Street and Harbor Boulevard. The Northshore project consists of 90.26 acres for subsequent development into 183 single-family homes and 109 detached condominiums. Northshore is oriented primarily towards the move-up and luxury housing market segment.

On February 14, 2006, the City Council adopted Resolution 13,007, which established its intention to form Community Facilities District (CFD) #6 and Resolution 13,008, which established its intention to incur bonded indebtedness in an amount not to exceed \$30,000,000 within the proposed CFD 6, which is also known as the Northshore CFD.

On March 21, 2006, the City Council held the required public hearings to consider the formation of the Northshore CFD and all persons desiring to be heard on this matter were allowed to speak. After the close of the public hearings, the City Council adopted the required resolutions to establish the Northshore CFD.

Approval of a Budget Appropriation for Northshore CFD to Establish a Budget in FY 2018-19

January 8, 2019

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The Northshore CFD was established to provide financing for the construction, purchase, modification, expansion or improvement of all or a portion of the public improvements, incidental expenses, and to pay for the public services associated with this CFD. The public improvements include public facilities for school, water supply and distribution, sewer, storm drain, street improvements, parks, libraries, and land for environmental mitigation, including restoration and remediation. The developer has agreed to fund the cost of police and fire services for Northshore, in addition to landscaping maintenance and other public services allowed by California Government Code 53313.

The Northshore CFD has been dormant since Fiscal Year 2016 due to substantial outside environmental remediation requirements on the property. As a result, there has been no budget for this CFD for the past several years.

City staff met with the developer of the Northshore CFD and were told there had been changes to the authorized services for the CFD. The Northshore CFD consists of a facilities component and a services component. These two components determine the Special Tax rate table which sets the beginning annual levy amounts. The facilities component has decreased and the services component has increased, therefore altering the Notice of Special Tax Lien tax rate table. As a result, outside consulting services, as well as legal services, will be needed to amend and/or reform the Northshore CFD.

Tax levies were collected from 2008-2015, resulting in a surplus fund balance of \$516,761. For the past several years, there has been no activity, and, therefore, no budget was established. It is estimated that \$30,000 will be needed for outside consulting and legal services to reform the Northshore CFD. These expenses can be paid for by funds from the reserve fund balance.

STRATEGIC PRIORITIES

This agenda item is a routine operational item or does not relate to the four strategic plans adopted by City Council on May 17, 2016.

FINANCIAL IMPACT

There will be no impact on the General Fund. The \$30,000 budget will be paid for out of the surplus fund balance of the Northshore CFD (Fund 176). The estimated unallocated reserve fund balance after this transfer will be \$486,761.82. Funds will be allocated to Northshore CFD Special District professional contract (account no. 176-1606-805-8209).

Prepared by Sandra Burkhart, Special Districts Manager

ATTACHMENTS:

Approval of a Budget Appropriation for Northshore CFD to Establish a Budget in FY 2018-19
January 8, 2019
Page 3

Budget Appropriation

REQUEST FOR BUDGET APPROPRIATION

Department: Public Works/Special Districts
Project/Program
Manager: Sandra Burkhart

Date: January 8, 2019
Phone: 805-385-7496

Reason for Appropriation:

Transfer funds from the reserve fund balance to include a budget in the current fiscal year for unanticipated expenses related to amending or reforming the North Shore Community Facilities District.

Accounts and Descriptions

AMOUNT

Fund: 176 North Shore CFD 6

Expenditures/Transfers Out

176-1606-805-8209	Contracts & Services/Professional Services-Special Projects	30,000
	Sub-total Expenditures	30,000

Net Change to Fund Balance	30,000
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Net Appropriation Change	(30,000)
---------------------------------	-----------------

Department Director	
Chief Financial Officer	
City Manager	

BA# (Finance Use Only) _____

BA DOC.# (Finance) _____

Rev _____

DOES NOT REQUIRES CITY COUNCIL AUTHORIZATION

Packet Pg. 99



**CITY COUNCIL
AGENDA REPORT**

TYPE OF ITEM: Public Hearing
AGENDA ITEM NO.: 1

DATE: January 8, 2019

TO: City Council

FROM: Stephen Fischer
City Attorney

SUBJECT: Extension of Ordinance No. 2950 (Moratorium on the Establishment of New Retail Uses Selling Firearms and Ammunition). (5/10/20)

CONTACT: Stephen Fischer, City Attorney
Stephen.Fischer@oxnard.org, (805) 385-7483

RECOMMENDATION:

That City Council conduct a public hearing and adopt an ordinance to extend the moratorium on the establishment of new retail uses selling firearms and ammunition to allow the City to study this land use and make recommendations to the Planning Commission and City Council for a period of eight (8) months from the date Ordinance No. 2950 would otherwise expire.

BACKGROUND

The City Council, at its November 27, 2018 meeting, voted unanimously to adopt Urgency Ordinance No. 2950 imposing a 45-day moratorium on retail establishments selling ammunition or firearms. Council made this decision after receiving over one hundred written communications and holding a noticed public hearing at which testimony was received from nineteen individuals both in support and in opposition to the moratorium.

In adopting the Urgency Ordinance, the Council made several factual, health, safety and welfare findings as the basis for the moratorium, including that City staff needs time to: 1) analyze the City's current Zoning Ordinance with respect to retail ammunition and firearms establishments in the City; 2) consider whether to recommend changes to the City Code; and 3) present its analysis and recommendations to the Planning Commission and City Council for consideration and for input from the public.

Urgency Ordinance No. 2950 prohibits new retail establishments selling ammunition or firearms

from locating in Oxnard for a period of up to forty-five (45) days to provide staff time to study this land use and develop recommendations for consideration by the Planning Commission and City Council. While staff has begun analyzing appropriate public review and safety measures in the context of existing zoning regulations for retail firearms stores, more time is needed.

The forty-fifth day of the moratorium is Friday, January 11. The holiday schedule and recently-adopted Sunshine Ordinance necessitated preparation and publication of the January 8 Council agenda by December 24, the twenty-seventh day of the moratorium. State law permits the City to extend an Urgency Ordinance for up to two years. However, in response to concerns raised at the November 27 hearing, staff has committed to bringing its recommendations to the Council by September, 2019, following the August recess. Thus, staff is requesting an extension of the Urgency Ordinance for eight (8) months, which the Council may approve by making appropriate findings and with a 4/5th vote (i.e., 6 affirmative votes).

ANALYSIS

Stores selling firearms and ammunition are considered retail uses and prior to the enactment of the moratorium on November 27, 2018 were a permitted use that can be located within the C-2 General Commercial Zone, and the Coastal Visitor-Serving Commercial Sub-Zone with an administrative development review permit. The City Code does not currently include health and safety performance standards or location restrictions (proximity to residential zones, parks or schools) for retail establishments selling firearms and ammunition, nor is there a mechanism to review and impose reasonable conditions on the operation of such businesses.

Following adoption of the moratorium, staff has continued to review regulations in other cities faced with similar zoning, health, safety and welfare issues. In addition, staff reviewed the public testimony at the meeting and materials provided by the community and interested groups, such as the attorney representing the California Rifle & Pistol Association. Staff has begun the extensive research required to review the nature and scope of permissible local regulation, including review of published court decisions considering the extent to which state law has preempted or allowed certain local firearm regulations.

Since staff's expertise in the issues of firearms regulation is limited, staff has consulted with an attorney advising other cities reviewing firearm retailer regulations to assist staff in making recommendations for appropriate City Code amendments. This work is ongoing and will require additional time to draft and present recommendations to the Planning Commission and City Council.

In order to analyze appropriate restrictions on locations of firearm retailers, staff is utilizing mapping of sensitive areas that was recently developed for consideration of cannabis uses. Because these uses raise different concerns, the maps developed for cannabis uses must be revised to address concerns specific to firearm retail uses.

Staff is reviewing the existing provisions in Chapter 11 of the City Code requiring a permit to be

Extension of Firearm Retailer Moratorium (5/10/20)

January 8, 2019

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issued by the Police Chief in order to sell concealable firearms to determine whether amendments to those provisions could address safety and security concerns with firearm retailer operations. Such modifications would need to be within the local regulatory authority permitted by state law. Staff has not yet concluded whether it would be more efficient to administer all local firearm retailer regulations through conditions of approval imposed through a review process under the Zoning Ordinance.

Whether by zoning or administrative law enforcement permit, possible regulatory requirements could include expanded background investigations of applicants and employees, applicants' agreement to indemnify and hold the City harmless from claims relating to firearms retailer operations, evidence of possessory interest in the proposed business location, applicants' consent to initial and ongoing inspection of the business location, security measures such as inventory storage standards, video monitoring, and exterior bollards to prevent vehicles from penetrating exterior access points of the business.

CONCLUSION AND RECOMMENDATION

There continues to be an immediate threat to the public peace, health, welfare and safety arising from new firearms and ammunition retail uses under the current City Code. There is no current zoning authority to review and impose reasonable conditions on such businesses in the City's Zoning Ordinance. An extension of the moratorium imposed in Urgency Ordinance No. 2950 is necessary to allow staff the time needed to develop proposals for appropriate regulation of firearms and ammunition retail uses.

Pursuant to Government Code Section 65858(a), Urgency Ordinance No. 2950 automatically expires

after 45 days, but can be extended by a vote of the City Council for up to 10 months and 15 days to allow time for review of the public testimony, information provided to the City, local regulation by other California cities faced with similar issues, further public outreach, research, analysis, drafting of findings, and Planning Commission and City Council consideration of appropriate amendments to the City Code.

Staff recommends that the City Council adopt the attached Ordinance extending Urgency Ordinance No. 2950 for eight (8) months. A 4/5th vote of the entire City Council is required to extend the Urgency Ordinance.

STRATEGIC PRIORITIES

This agenda item supports the Quality of Life strategy. The purpose of the Quality of Life strategy is to build relationships and create opportunities within the community for safe and vibrant neighborhoods, which will showcase the promising future of Oxnard. This item supports the following goals and objectives:

Goal 1. Improve community safety and quality of life through a combination of prevention, intervention, and suppression efforts that address crime and underlying issues.

Extension of Firearm Retailer Moratorium (5/10/20)

January 8, 2019

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FINANCIAL IMPACT

There is no financial impact to the General Fund

Prepared by Stephen Fischer, City Attorney and Eric Sonstegard, Assistant Chief of Police.

ATTACHMENTS:

Oxnard Firearm Moratorium.Extension Ordinance.Final

CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO. _____

**AN INTERIM URGENCY ORDINANCE OF THE CITY OF OXNARD, CALIFORNIA,
EXTENDING URGENCY ORDINANCE NO. 2950 PURSUANT TO GOVERNMENT
CODE SECTION 65858(a) IMPOSING A TEMPORARY MORATORIUM ON THE
ESTABLISHMENT OF NEW RETAIL USES SELLING AMMUNITION OR
FIREARMS FOR EIGHT (8) MONTHS.**

WHEREAS, Government at all levels has a substantial interest in protecting the people from those who acquire guns lawfully or illegally and then use them to commit crimes resulting in injury or death of their victims, or who use them in the commission of other crimes such as robbery, sexual assault or homicide, particularly mass shootings such as those that have occurred since October of 2017 in Chicago, Illinois; Thousand Oaks, California; Pittsburgh, Pennsylvania; Perryman, Maryland; Bakersfield, California; Cincinnati, Ohio; Annapolis, Maryland; Santa Fe, Texas; Nashville, Tennessee; Yountville, California; Parkland, Florida; Melcroft, Pennsylvania; Rancho Tehama, California; Sutherland Springs, Texas; Thornton, Colorado; Edgewood, Maryland; Las Vegas, Nevada; as well as the many other mass shootings over the past several years; and

WHEREAS, The City Council, at its November 27, 2018 meeting, voted unanimously to adopt Ordinance No. 2950 as an urgency measure imposing a 45-day moratorium on retail establishments selling ammunition or firearms after receiving over one hundred written communications and holding a noticed public hearing at which testimony was received from nineteen individuals both in support and in opposition to the moratorium; and

WHEREAS, in adopting Ordinance No. 2950, the Council made several factual, health, safety and welfare findings as the basis for the moratorium; and

WHEREAS, following adoption of Ordinance No. 2950, there has been insufficient time for staff to study retail establishments selling ammunition or firearms and develop recommendations for consideration by the Planning Commission and City Council for consideration of adoption so as to alleviate the conditions which led to the adoption of Ordinance No. 2950; and

WHEREAS, various zones within the City allow a wide range of uses (as of right and with a special use permit), including various types of retail businesses, churches, liquor stores, and bars, that may not be compatible with retail sales of firearms and ammunition; and

WHEREAS, the City is authorized by Article XI, Section 7 of the California Constitution to make and enforce all local, police, and other ordinances and regulations not in conflict with general laws; and

WHEREAS, other California cities have adopted zoning ordinances and business regulations that govern the sales of ammunition and firearms, and several municipalities, including the Town of

Windsor, Town of Los Gatos, City of San Carlos, City of Healdsburg, and the County of Santa Cruz, have adopted moratoria on an urgency basis prohibiting new commercial sales of ammunition or firearms while such ordinances or regulations are studied and considered; and

WHEREAS, the City Council finds that it is necessary for the City staff, Planning Commission and City Council to study and develop regulations within a reasonable time regarding new retail establishments selling ammunition or firearms in the City of Oxnard; and

WHEREAS, six (6) retail establishments that sell ammunition or firearms are operating in the City; and

WHEREAS, the City Council finds and declares that it has questions and concerns about the appropriate land use regulations and zoning for additional retail establishments that sell ammunition and firearms, and wishes to prohibit such uses that may be in conflict with zoning proposals to be studied and considered within a reasonable time to address these questions and concerns; and

WHEREAS, without extending the moratorium, there is no way to study and consider the appropriate location of retail establishments that sell ammunition or firearms in the City, and the nature and extent of health and safety regulations that could be imposed on such businesses due to the nature of the products they sell in relation to neighboring uses; and

WHEREAS, without extending the moratorium, the City will not have the authority to review new retail establishments selling ammunition or firearms under the City's current zoning ordinance, thus impairing the City's substantial interests in orderly, economically sustainable development, health, public safety, vitality and image of the City; and

WHEREAS, the City Council has directed City staff to study, develop, and propose for review by the Planning Commission and adoption by the City Council, an ordinance for appropriate zoning of retail establishments selling ammunition or firearms; and

WHEREAS, given the potential deleterious effect an otherwise lawful but unregulated business selling ammunition or firearms can have on other incompatible neighboring uses, passage of this ordinance to extend Ordinance No. 2950 will provide staff sufficient time to research this issue and present a comprehensive zoning proposal to help ensure that the establishment of a retail sales use engaged in the sale of firearms or ammunition within the City will not be located as to be detrimental to the public health, safety and welfare.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OXNARD DOES ORDAIN AS FOLLOWS:

Part 1. Purpose and Findings.

A. The above recitals are incorporated herein, and each relied upon independently by the City Council as findings for its adoption of this urgency interim ordinance.

B. The City of Oxnard Zoning Ordinance does not currently include comprehensive zoning or other regulation concerning the retail sale of ammunition or firearms.

C. California is among the minority of states that impose licensing requirements on firearms dealers, but the standards are not comprehensive. (See Penal Code Sections 26500 et seq.)

D. In *Suter v. City of Lafayette*, 57 Cal. App. 4th 1109 (1997), the California Court of Appeal held that State law authorizes local governments to impose additional licensing requirements on firearms dealers.

E. The Penal Code requires local jurisdictions to accept applications for firearms dealer licenses, and emphasizes the authority of cities and counties to regulate firearms dealers. (Penal Code Section 26705.)

F. The United States Supreme Court has held that localities enacting zoning laws must be given the chance to “experiment with solutions to admittedly serious problems.” (*Renton v. Playtime Theaters*, 475 U.S. 41, 52 (1986).)

G. City staff needs time to analyze the current zoning ordinance with respect to retail ammunition and firearms establishments in the City and recommend changes providing for orderly review of retail establishments selling ammunition or firearms with appropriate public review. The residents of Oxnard will be well-served if the City more fully addresses the potential impacts of retail establishments selling ammunition or firearms on health, safety, economic sustainability, and aesthetics in the downtown core, other zoning districts and the community as a whole, the impacts of new firearms and ammunition businesses in the City, including the safety of the public at large and other health, safety, and welfare impacts.

H. The most appropriate way to ensure public review is to enact a moratorium while the issue of the appropriate zoning and health and safety regulations are studied for future consideration by the Planning Commission and City Council.

I. The City Council finds that there is a current and immediate threat to the public peace, health, welfare and safety, specifically including possible permanent damage to the City’s aesthetic, health, safety and economic interests arising from the potential new retail uses selling ammunition or firearms prior to the City completing such planning review considering the circumstances and effect such development would have on the City.

J. The City Council finds that the protection of the health, safety, and welfare, and specifically the City’s and the public’s interests in the City’s aesthetic, economic sustainability and safety arising from retail establishments selling ammunition or firearms, will not be subject to public hearing and review by the Planning Commission for compatibility with the City’s General Plan and will not take into account the circumstances and effect such retail establishments selling ammunition or firearms being approved could have on the City until additional staff and Planning Commission review has been completed and any necessary zoning and municipal code revisions have been adopted by the City Council.

K. The City Council finds that it is necessary to adopt this Ordinance pursuant to Government Code Section 65858 to extend Ordinance No. 2950 in order to protect the public health, welfare and safety, and to prevent irreversible approval of permits and development and the health and safety impacts identified herein.

Part 2. The City Council does hereby, pursuant to Government Code Section 65858, extend Ordinance No. 2950, which imposed a forty-five (45) day moratorium, for eight (8) months prohibiting new retail establishments selling ammunition or firearms, and during the period of such extension, no business license, variance, special use permit, building permit, firearms dealer permit, approval or any other applicable license or entitlement nor any other authorization or form of approval shall be approved or issued by the City allowing new retail establishments selling firearms in the City. For the reasons set forth in the legislative findings, this ordinance is declared to be an urgency ordinance intended to preserve the public peace, health and safety and is adopted as such pursuant to California Government Code section 36937. This ordinance shall take effect immediately on expiration of the initial forty-five (45) day urgency ordinance. Ten (10) days prior to the expiration of this ordinance or any extension thereof, the City Council shall issue a written report describing the measures that have been taken to study the relevant issues and to establish policies and regulations regarding retail sales of ammunition or firearms within the City.

Part 3. Environmental Analysis. This ordinance is exempt from review under the California Environmental Quality Act (CEQA), pursuant to Sections 15060(c)(2), 15060(c)(3), and 15601(b)(3), because the proposal will not result in a direct or reasonably foreseeable indirect physical change in the environment, and only directs that a planning study be undertaken. The ordinance is categorically exempt from CEQA under Section 15308 of the State CEQA Guidelines. This ordinance is a regulatory action taken by the City in accordance with Government Code Section 65858, to assure maintenance and protection of the environment pending the completion of contemplated zoning ordinance revisions.

Part 4. For purposes of this Ordinance, “firearm” shall have the meaning set forth in Penal Code Section 16520(a), but shall exclude antique firearms as defined in Penal Code Section 16170.

Part 5. For purposes of this Ordinance, “ammunition” shall have the meaning set forth in Penal Code Section 16150(a).

Part 6. Pending applications. As to applications for permits for a new retail firearms and/or ammunition stores in the City, which have been accepted as complete, processing and review of such applications may continue, but shall not be finally approved during the pendency of this Ordinance or any extensions thereof.

Part 7. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and

such section, subsection, sentence, clause, phrase or portion may be declared invalid or unconstitutional.

Part 8. This is an Urgency Ordinance and requires a four-fifths vote of approval of all of the members of the City Council and goes into effect immediately upon its adoption.

Part 9. A public hearing was held on January 8, 2019, before the City Council pursuant to the requirements of Government Code Section 65858(a) and this Urgency Ordinance was adopted on that date.

Part 10. This Urgency Ordinance shall be published once within fifteen (15) days of its adoption in accordance with Government Code Section 36933.

AYES:

NOES:

ABSENT:

ABSTAIN:

Tim Flynn, Mayor

ATTEST:

Michelle Ascencion, City Clerk

APPROVED AS TO FORM:

Stephen M. Fischer, City Attorney

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**CITY COUNCIL
AGENDA REPORT**

TYPE OF ITEM: Report
AGENDA ITEM NO.: 1

DATE: January 8, 2019

TO: City Council

FROM: Rosemarie Gaglione
Public Works Director

SUBJECT: Funding for Purchase of 15 Collection Vehicles (5/5/5)

CONTACT: Rosemarie Gaglione, Public Works Director
rosemarie.gaglione@oxnard.org, (805) 385-8055

RECOMMENDATION:

That City Council:

1. Ratify an appropriation in the amount of \$4,847,373 to fund the purchase of fifteen Environmental Resources collection vehicles;
2. Ratify revised Purchase Order No. 6304 to Velocity Truck Center Ventura County in the additional amount of \$45,175.12 for additional safety equipment for 12 collection vehicles; and
3. Approve an additional appropriation in the amount of \$45,176 to fund the purchase of the additional safety equipment.

BACKGROUND

Ratification of Funds for Collection Vehicle Purchase

On June 6, 2017, the City Council approved Purchase Order Number 6304 in the amount of \$4,851,760 for the purchase of ten (10) residential refuse collection vehicles, two (2) commercial ("front-loader") collection vehicles, and three (3) industrial ("roll-off") collection vehicles. The City financed the vehicles through a master lease / purchase agreement with Banc of America. The estimated annual interest rate is 3% for a ten (10) year term. The estimated \$584,075 payment will be scheduled and budgeted semi-annually through the term of the lease / purchase agreement.

At this time, the vehicles have been received and are being rotated into use. Due to the high value of the trucks and the fact that they are in use by the City, staff determined it necessary to

Funding for Purchase of 15 Collection Vehicles (5/5/5)

January 8, 2019

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pay the vendor for the equipment. The City Council had been told in two separate staff reports the Banc of America line of credit would be used for large equipment purchases and then specifically for the purchase of collection vehicles; however, the City Council has taken no formal action to appropriate the funds. To rectify these actions, staff requests that the Council ratify the appropriation of funds from the Banc of America line of credit. Please note that staff negotiated a discount of \$4,386.95, so the appropriation request is for \$4,847,373 rather than the original purchase order amount of \$4,851,760.

Ratification of Purchase Order for Additional Safety Equipment

During the initial assembly process, staff recognized that additional items would be required to make the vehicles compatible with existing Environmental Resources Division safety systems and satisfy data recording requirements for public agencies. These items included: one (1) Digital Video Recording (DVR) device per vehicle; one (1) visual backup light for the hearing impaired per vehicle; and two (2) additional cameras to ensure 360-degree coverage for each front-loader and residential vehicle.

In a similar situation, in fiscal year 2015-16, five (5) CNG collection vehicles had been ordered and received to initiate the planned conversion of the ER collection fleet from diesel to CNG. After delivery of these vehicles, the same safety and data storage items were added by an outside vendor. Because these items were added after delivery, the process expended additional time and staff resources and resulted in higher costs. In the current situation, staff opted to add the safety and data storage items during production to prevent these higher costs; however, staff did not properly follow the purchasing policy. To rectify this, staff requests that the City Council ratify the amended purchase order, which adds \$45,175.12 for the additional safety equipment.

Appropriate funds for the Additional Safety Equipment

Staff requests that the Council approve a total appropriation in the amount of \$45,175.12 to Environmental Resources accounts 634-6307-891.86-06 (Residential) in the amount of \$35,604.60 and 634-6308-891.86-06 (Commercial Front-Loader) in the amount of \$9,570.52 through the Environmental Resources Debt Fund (634) in order to complete the payment to the vendor, Velocity Truck Center, for the additional safety equipment.

STRATEGIC PRIORITIES

This agenda item is a routine operational item or does not relate to the four strategic plans adopted by City Council on May 17, 2016.

FINANCIAL IMPACT

1. Ratification of recommendation 1 will require an appropriation in the amount of \$4,847,373 from the line of credit by Banc of America. The funding will be recorded in the Environmental Resources Debt Fund (634) for the cost of the Residential vehicles

Funding for Purchase of 15 Collection Vehicles (5/5/5)

January 8, 2019

Page 3

(account 634-6307-891.86-06), cost of Commercial Front-Loader (account 634-6308-891.86-06), and cost of Industrial Roll-off (account 634-6308-891.86-06).

2. Ratification of recommendation 2 and approval of recommendation 3 will authorize an additional appropriation in the amount of \$45,176 from the line of credit by Banc of America for additional equipment for 12 collection vehicles.
3. Current ratepayer rates will be sufficient to cover the annual lease/purchase expense of approximately \$584,075 and will be budgeted annually for ten (10) years. The FY18-19 budget includes funding for year one of the debt payment.
4. The vehicles will be purchased at the end of the lease for \$1.00, and title of the vehicles will transfer to the City of Oxnard.

Prepared by the Finance and Public Works Departments

ATTACHMENTS:

Attachment A - BA

Attachment B - PO 6304 REVISED

Attachment C - Staff Report, June 6 2017

REQUEST FOR BUDGET APPROPRIATION

Department: PW - Environmental ResourcesDate: November 27, 2018

Project/Program

Manager: Todd HousleyPhone: 385-7957**Reason for Appropriation:**

To appropriate funds for the purchase of 15 collection vehicles from Bank of America line of credit

Accounts and Descriptions**AMOUNT****Fund: ENVIRONMENTAL RESOURCES DEBT FUND (634)****Expenditures/Transfers Out****RESIDENTIAL COLLECTION (6307)**

634-6307-891.86-06 CAPITAL OUTLAY / MACHINERY AND EQUIPT.-NEW 3,552,214

COMMERCIAL COLLECTION (6308)

634-6308-891.86-06 CAPITAL OUTLAY / MACHINERY AND EQUIPT.-NEW 610,975

INDUSTRIAL COLLECTION (6309)

634-6309-891.86-06 CAPITAL OUTLAY / MACHINERY AND EQUIPT.-NEW 729,360

Sub-total Expenditures 4,892,549

Net Change to Fund Balance (4,892,549)**Net Appropriation Change (4,892,549)****Approvals**

Department Director _____

Chief Financial Officer _____

City Manager _____



PURCHASE ORDER
CITY OF OXNARD
300 WEST 3RD STREET
OXNARD, CA 93030

**PURCHASE
ORDER NO.
006304**

DATE: 10/25/2018

VENDOR PHONE: (562)447-1260

VENDOR FAX: () -

VENDOR #: 19164

VENDOR ADDRESS: VELOCITY TRUCK CENTER OF VC
P.O. BOX 101284
PASADENA, CA 91189-1284

SHIP TO: ENVIRONMENTAL RESOURCES
DEL NORTE RECYCLING CTR.
111 DEL NORTE BLVD.
OXNARD, CA 93030

Our P.O. # MUST Appear on ALL Invoices, Packages and Correspondence

DELIVER BY		REQUISITION #	REQUISITION DATE	CONFIRMED BY	
06/30/2017		N/A	10/25/2018	FORMELY BIG T'S	
FOB		ACCOUNT NUMBER		AUTHORIZED BY	
		63163078918606		MARISELA HART	
ITEM #	QUANTITY/ UNIT	DESCRIPTION ARTICLE OR SERVICE		UNIT COST	EXTENDED COST

CHANGE ORDER

1	0.00 / DL	PURCHASE OF FIFTEEN (15) COMPRESSED NATURAL GAS	1.0000	0.00
2	4,892,548.1 7 / DL	PURCHASE OF (15) COMPRESSED NATURAL GAS	1.0000	4,892,548.17
0				

THIS PURCHASE SHALL BE FINANCED THROUGH A THIRD

PARTY LEASING COMPANY. THIS THIRD PARTY
ARRANGEMENT SHALL NOT AFFECT THE CONTRACTUAL

By acceptance of this purchase order, you agree to the attached terms and conditions of the City of Oxnard

PURCHASE ORDER
CITY OF OXNARD
300 WEST 3RD STREET
OXNARD, CA 93030

**PURCHASE
ORDER NO.
006304**

DATE: 10/25/2018

VENDOR PHONE: (562)447-1260

VENDOR FAX: () -

VENDOR #: 19164

VENDOR ADDRESS: VELOCITY TRUCK CENTER OF VC
P.O. BOX 101284
PASADENA, CA 91189-1284

SHIP TO: ENVIRONMENTAL RESOURCES
DEL NORTE RECYCLING CTR.
111 DEL NORTE BLVD.
OXNARD, CA 93030

Our P.O. # *MUST* Appear on *ALL* Invoices, Packages and Correspondence

DELIVER BY		REQUISITION #	REQUISITION DATE	CONFIRMED BY	
06/30/2017		N/A	10/25/2018	FORMELY BIG T'S	
FOB		ACCOUNT NUMBER		AUTHORIZED BY	
		63163078918606		MARISELA HART	
ITEM #	QUANTITY/ UNIT	DESCRIPTION ARTICLE OR SERVICE		UNIT COST	EXTENDED COST

RELATIONSHIP BETWEEN THE CITY AND YOUR FIRM.
BECAUSE OF THE THIRD PARTY FINANCING, THE AMOUNT
INDICATED IN THE "AMOUNT" COLUMN REFLECTS ONLY
AMOUNTS DUE TO YOUR COMPANY DIRECTLY FROM THE
CITY. THE CITY GENERALLY FINANCES 100% OF THE COST
AND THEREFOERE, THIS AMOUNT IS USUALLY \$0.00.

LIEN HOLDER:

BANC OF AMERICA PUBLIC CAPTIAL CORP

ATTN: EILEEN HARWELL

2059 NORTHLAKE PARKWAY, 4TH FLOOR

TUCKER, GA 30084

EMAIL: EILEEN.HARWELL@BAML.COM

PAYMENT TERMS - FOR CALCULATING DUE DATES FOR
PAYMENT TERMS, THE CITY WILL USE EITHER THE DATE
THE INVOICE IS RECEIVED BY THE CITY OR THE DATE
THE GOODS/SERVICES ARE RECEIVED, WHICHEVER IS
LATER.

NET 30 FOB DESTINATION; PRICE INCLUDES SHIPPING
AND HANDLING. IN THE EVENT OF CONTRADICTION
BETWEEN THE CITY'S AND SELLER'S CONDITIONS, THE
CITY'S TERMS AND CONDITIONS SHALL PREVAIL.

AMOUNT TO BE FINANCED: \$4,892,548.17. PG

TOTAL PURCHASE AMOUNT

\$4,892,548.17

By acceptance of this purchase order, you agree to the attached terms and conditions of the City of Oxnard

PURCHASE ORDER
CITY OF OXNARD
300 WEST 3RD STREET
OXNARD, CA 93030

**PURCHASE
ORDER NO.
006304**

DATE: 10/25/2018

VENDOR PHONE: (562)447-1260

VENDOR FAX: () -

VENDOR #: 19164

VENDOR ADDRESS: VELOCITY TRUCK CENTER OF VC
P.O. BOX 101284
PASADENA, CA 91189-1284

SHIP TO: ENVIRONMENTAL RESOURCES
DEL NORTE RECYCLING CTR.
111 DEL NORTE BLVD.
OXNARD, CA 93030

Our P.O. # MUST Appear on ALL Invoices, Packages and Correspondence

DELIVER BY		REQUISITION #	REQUISITION DATE	CONFIRMED BY	
06/30/2017		N/A	10/25/2018	FORMELY BIG T'S	
FOB		ACCOUNT NUMBER		AUTHORIZED BY	
		63163078918606		MARISELA HART	
ITEM #	QUANTITY/ UNIT	DESCRIPTION ARTICLE OR SERVICE		UNIT COST	EXTENDED COST

In order to receive payment, email all invoices to:
invoices@oxnard.org

In the subject line, reference the Purchase
Order number above.

AUTHORIZED SIGNATURE. _____

By acceptance of this purchase order, you agree to the attached terms and conditions of the City of Oxnard

PURCHASE ORDERS
TERMS AND CONDITIONS

The City Purchasing Officer and the Vendor agree as follows:

1. Vendor shall furnish to City the labor, materials, equipment, supplies and/or services described in the Purchase Order preceding this page.
2. City shall pay to Vendor the price, or prices, specified in the Purchase Order upon delivery of the labor, materials, equipment, supplies and/or services, and acceptance thereof by the City Purchasing Officer, or upon the completion of the services to be performed and acceptance thereof.
3. If the Purchase Order is continuing in nature, City shall pay to Vendor the amount due Vendor for labor, materials, equipment or supplies furnished, or services completed and accepted.
4. Vendor shall deliver the labor, materials, equipment or supplies, or cause the services to be performed, within the time and in the manner specified in the Purchase Order. Vendor shall be excused in performance for delays resulting from causes beyond the control of Vendor.
5. If services are performed or labor furnished to City under the Purchase Order, Vendor agrees to indemnify, hold harmless and defend City, its City Council, and each member thereof, and every officer, employee, representative or agent of City, from any and all liability claims, demands, actions, damages (whether in contract or tort, including personal injury, death at any time, or property damage), costs and financial loss, including all costs and expenses and fees of litigation or arbitration, that arise directly or indirectly from any acts or omissions related to this Agreement performed by Vendor or its agents, employees, subcontractors, consultants and other persons acting on Vendor's behalf. This agreement to indemnify, hold harmless and defend shall apply whether such acts or omissions are the product of active negligence, passive negligence, willfulness or acts for which Vendor or its agents, employees, subcontractors, consultants and other persons acting on Vendor's behalf would be held strictly liable. Vendor's obligation to defend shall arise when a claim, demand or action is made or filed, whether or not such claim, demand or action results in a determination of liability or damages as to which Vendor is obligated to indemnify and hold harmless.
6. Insurance
 - a) Vendor shall obtain and maintain during the performance of any services under this Agreement the following insurance coverage issued by a company satisfactory to the Risk Manager, unless the Risk Manager waives, in writing, the requirement that Vendor obtain and maintain such insurance coverage.
 - i. Commercial general liability insurance, including a contractual liability endorsement, in an amount not less than \$1,000,000 combined single limit for bodily injury and property damage for each claimant for general liability with coverage equivalent to Insurance Services Office Commercial General Liability coverage (Occurrence Form CG0001ED, November 1988);
 - ii. Business automobile liability insurance in an amount not less than \$1,000,000 combined single limit for bodily injury and property damage for each claimant for automobile liability with coverage equivalent to Auto Liability Insurance Services Office coverage (Occurrence Form CA000TED, June 1992) covering Code No. 1, "any auto";
 - iii. Workers' compensation insurance in compliance with the laws of the State of California, including employer's liability insurance in an amount not less than \$1,000,000 per claimant.
7. Vendor, in the performance of any services or the furnishing of any labor under this Purchase Order, shall be considered an independent contractor, and Vendor and Vendor's agents and employees shall not be considered officers or employees of the City.
8. Vendor, without the written consent of the City Purchasing Officer, shall not:
 - a) Assign the Purchase Order, or any interest therein, or any money due thereunder; or
 - b) Make any changes, alterations or variations in the terms of the Purchase Order.
9. The cost of inspection on deliveries, or offers to make deliveries that do not meet specifications, will be paid by Vendor or deducted by City from amounts due Vendor.
10. Vendor shall indemnify and hold harmless City, its officers and employees, from liability, claims, loss or expense of any kind or nature on account of any copyrighted or uncopyrighted composition, patented or unpatented process or invention, article or appliance furnished or used under this Purchase Order.
11. Vendor shall comply with all applicable federal, state and local ordinance, laws and regulations and shall obtain and pay for all required licenses and permits, including a City of Oxnard business license.
12. Return or exchange of materials, equipment or supplies will not be permitted without written approval by the City Purchasing Officer.
13. All materials, supplies and equipment furnished under the Purchase Order shall, where applicable, be in full compliance with the Safety Orders and Regulations of the Division of Industrial Safety of the State of California and the Williams-Steiger Federal Occupational Health and Safety Act of 1970.
14. City may terminate this Purchase Order at any time by giving written notice of termination to Vendor. If termination is for cause, termination shall become effective on the date of the notice or at a later date, specified in the notice. If termination is without cause, termination shall become effective five days after the date of the notice or at a later date specified in the notice.
15. Vendor shall comply with all applicable equal employment opportunity requirements of the California Department of Fair Employment and Housing in performing or contracting for any services under this Purchase Order.
16. For public projects, Vendor shall pay prevailing wages in accordance with Labor Code Sections 1720 et seq.

ADDITIONAL REQUIREMENTS FOR GRANT-FUNDED PROJECTS

17. The following requirements apply to any Purchase Order funded in whole or in part by federal grant funds.
 - a) Upon expiration of the time specified on the reverse side, this Purchase Order shall terminate unless City and Vendor have mutually agreed in writing to an extension of time.
 - b) If legal action is brought by either party because the other has failed to comply with terms or conditions of this Purchase Order, the prevailing party shall be awarded its attorney's fees and costs in addition to its damages and/or equitable relief.
 - c) Vendor shall comply with all applicable requirements of Executive Order 11246 as amended by Executive Order 11375 and the regulations adopted pursuant thereto (41 CFR Chapter 60), which provide that no person shall be discriminated against on the basis of race, color, religion, sex or national origin.
 - d) Vendor shall insure that the grantee (City), the Federal Grantor Agency, the Comptroller General of the United States, or any duly authorized representative, shall have access to any books, records, documents and papers, specifically relating to this Purchase Order, for the purpose of making audit, examination, excerpts and transcriptions for not less than three years after completion of the project and/or until the completion of the final project audit as required by the Federal Grants Agency.



**CITY COUNCIL
AGENDA REPORT**

TYPE OF ITEM: Report
AGENDA ITEM NO.: 3

DATE: June 6, 2017

TO: City Council

FROM: Daniel Rydberg
Public Works Director

SUBJECT: Purchase of 15 Compressed Natural Gas Trucks (5/10/10)

CONTACT: Daniel Rydberg, Public Works Director
Daniel.Rydberg@oxnard.org, 385-8055

RECOMMENDATION:

That City Council approve and authorize the Mayor to execute Purchase Order #6034 in the amount of \$4,851,760 for the purchase of ten (10) residential refuse collection vehicles, two (2) commercial ("front-loader") collection vehicles, and three (3) industrial ("roll-off") collection vehicles from Velocity Truck Center.

BACKGROUND

On April 28, 2015 the City Council approved the purchase of five CNG refuse trucks to begin phasing out existing diesel powered trucks that have exceeded their useful life and continue to require an increasing high level of maintenance. The Environmental Resources Division (ER) requests approval to purchase an additional fifteen (15) CNG powered refuse collection trucks to continue the ER fleet upgrade process.

The ER fleet is currently comprised of vehicles with an average age of over 12 years. According to the Organizational Assessment and Audit of Corporate Support, Accountability and Value Systems received by Council on March 17, 2015, many of the vehicles are beyond their prescribed, serviceable life. While safe to operate, down-times and maintenance costs to keep these vehicles on the road safely are continually increasing as the vehicles age.

With the exception of five (5) recently-acquired CNG collection vehicles now in service, the remaining ER collection fleet vehicles are diesel. The cost of diesel fuel can be up to three times as high as CNG fueled vehicles; the exact ratio of diesel to CNG varies with oil prices and

Purchase of 15 Compressed Natural Gas Trucks (5/10/10)

June 6, 2017

Page 2

market conditions. Most solid waste, refuse and organic collection agencies in California (public and private) and high-density urban environments nationwide are in the process of converting, or have completely converted their diesel fleets to CNG or other alternative fuel vehicles. This is now recognized as a fundamental Best Management Practice (BMP) in the industry. Further, CNG fuel is a much cleaner alternative to diesel and greatly reduces a vehicle's effect on the environment by reducing greenhouse emissions by up to 90%. CNG is also domestically produced and its use reduces dependence on foreign oil.

In order to continue the fleet modernization and CNG conversion process, staff evaluated the operational needs after incorporating the five (5) new CNG vehicles into ER's overall operation. Currently, the vehicles most in need of replacement are ten (10) residential refuse collection vehicles. Additionally, two (2) commercial ("front-loader") collection vehicles and three (3) industrial ("roll-off") collection vehicles; are needed. ER and Fleet Division staff worked together to develop specifications for the fifteen (15) proposed CNG replacement vehicles.

CNG vehicles are approximately 10% more costly initially to purchase than diesel equivalents, but the difference is quickly offset by lower fuel and maintenance costs and the community's appreciation of the improved air quality. Additional safety and diagnostic items also contribute more to the unit cost of each vehicle. These items include cameras, maintenance software, GPS systems and fire suppression apparatus. The efficiencies and risk reductions submit to offsetting the initial costs of these devices. Staff consulted with other public and private collection agencies to ensure that industry standards were included in the specifications. All of the essential and accessory items on these vehicles are accepted in the industry as fundamental BMPs. A determination was also made to replace diesel vehicles with CNG not only due to the cost and environmental factors, but also due to the potential to fuel these vehicles in the future with gas produced by the Del Norte facility through the conversion of organic waste.

Staff recommends to piggy back on a bid issued by the City of Los Angeles on August 12, 2014 for fifteen (15) CNG powered refuse collection vehicles in lieu of issuing a formal request for bid. The City will acquire the fifteen (15) new CNG trucks with competitive pricing previously vetted through a public agency competitive bid process completed by the City of Los Angeles. Velocity Truck Center is a local vendor, located at 2501 Camino Del Sol in Oxnard. Velocity Truck Center will honor the City of Los Angeles piggy back bid. The proximity of Velocity Truck Center to the Del Norte Facility and the City of Oxnard Fleet Garage provides quicker response times for maintenance and warranty work not provided by the City's Fleet Division.

The cost of the fifteen (15) refuse collection vehicles is \$4,851,760. A Master Lease Agreement with Bank of America provides financing at low interest rates allowing the Environmental Resources Enterprise Fund to efficiently utilize working capital, thereby adding to ratepayer value while upgrading the fleet. The estimated annual interest rate is 2.1% for a five (5) year term. The estimated \$529,327 payment will be scheduled and budgeted semi-annually.

STRATEGIC PRIORITIES

Purchase of 15 Compressed Natural Gas Trucks (5/10/10)

June 6, 2017

Page 3

This agenda item is a routine operational item or does not relate to the four strategic plans adopted by City Council on May 17, 2016. However, this item does address findings of the Organizational Assessment and Audit Corporate Support, Accountability, and Value System received by the Council on March 17, 2015.

FINANCIAL IMPACT

The funding for these vehicles will be part of the FY2017-18 Environmental Resources budget. Current user rates will be sufficient to cover the annual lease/purchase expense of approximately \$530,000, and will be budgeted annually for five years. The vehicles will be purchased at the end of the lease for \$1.00 and title of the vehicles will transfer to the City of Oxnard.

ATTACHMENTS:

Attachment A: Velocity Vehicle PO 6304 (1)

Funding for Purchase of Fifteen (15) Compressed Natural Gas (CNG) Collection Vehicles

City Council Meeting of January 8, 2019

Recommendation

Recommendation:

That the City Council:

- 1. Ratify an appropriation in the amount of \$4,847,373 to fund the purchase of fifteen Environmental Resources collection vehicles;**
- 2. Ratify revised Purchase Order No. 6304 to Velocity Truck Center Ventura County in the additional amount of \$45,175.12 for additional safety equipment for 12 collection vehicles; and**
- 3. Approve an additional appropriation in the amount of \$45,176 to fund the purchase of the additional safety equipment.**

Background

- **June 6, 2017 – Council approved PO #6304 for \$4,851,760 for the purchase of 15 new CNG collection vehicles**
- **During assembly process, additional cameras and data recording devices added through manufacturer to match ER 360 degree standard and data preservation requirements for municipalities**
- **Increased total cost by \$45,176**
- **City of Oxnard Purchasing Policy not followed**
- **Returning to transparently resolve the matter per policy**



Background

- **Vehicles have been received and are being rotated into use**
- **Additional costs must be approved by Council**
- **During process of resolving this matter, staff able to negotiate reduction of \$4,386.95**
- **Total purchase price is \$4,892,549 from \$4,851,760**

Questions?



**CITY COUNCIL
AGENDA REPORT**

TYPE OF ITEM: Report
AGENDA ITEM NO.: 2

DATE: January 8, 2019

TO: City Council

FROM: Rosemarie Gaglione
Public Works Director

SUBJECT: Award Contract A-8109 to Granite Construction for Channel Islands Boulevard Street Resurfacing Project. (5/5/5)

CONTACT: Rosemarie Gaglione, Public Works Director
rosemarie.gaglione@oxnard.org, (805) 385-8055

RECOMMENDATION:

That City Council:

1. Award and authorize the Mayor to execute Agreement A-8109 in the amount of \$2,995,295 for the Channel Islands Boulevard Street Resurfacing Project Specification No. PW 17-20 with Granite Construction Company;
2. Approve \$299,529 for Project contingency for the Channel Islands Boulevard Street Resurfacing Project;
3. Approve \$299,529 for technical engineering support, inspection, survey and project management (City staff) for the Channel Islands Boulevard Street Resurfacing Project; and
4. Approve an appropriation of \$3,105,953 from the Street Maintenance Fund and \$38,400 from the Water Operating Fund for the Channel Islands Boulevard Street Resurfacing Project No. 183111.

BACKGROUND

The Project

On July 18, 2017, the City Council received the recommendations included in the Street Maintenance Plan, which included the Channel Islands Boulevard Street Resurfacing Project (Project).

Channel Islands Blvd. Street Resurfacing Project (5/5/5)

January 8, 2019

Page 2

The Project includes furnishing all necessary labor, materials, equipment and other incidentals. The scope of work includes:

- Modifications to the existing median curb and gutter on Channel Islands Blvd.
- Reconstruction of the structural section in isolated areas where pavement has failed
- Asphalt concrete (AC) pavement crack fill and slurry seal
- Construction/reconstruction of access ramps
- Striping and signage
- Green pavement markings for bike lanes
- Removal and replacement of damaged driveways and sidewalks
- Replacement of 8 inch diameter cast iron water distribution pipe with 8 inch diameter PVC pipe across Channel Island Boulevard east of South C Street
- Grinding existing AC pavement and replacing it with a 3 layer system:
 - AC leveling course
 - Asphalt rubber stress adsorbing membrane interlayer (ARAM-asphalt rubber aggregate membrane)
 - Asphalt rubber hot mix (ARHM) overlay
 - The asphalt rubber pavement has a higher coefficient of friction than conventional pavement (more tire grab)
 - Suffers less oxidation of pavement material which makes striping more visible for extended period of time.
 - Increases fatigue resistance
 - Provides a longer pavement life
 - Generates less traffic noise

The location of the Project is shown on the attached map and includes the AC pavement along Channel Islands Boulevard from Harbor Boulevard to the City limits. The work is tentatively scheduled to begin in March 2019 and continue through August 2019. Staff will work closely with the neighborhoods affected by the work to keep them informed of the schedule, and signs will be posted along the work route to help keep the public informed as well.

Lowest Responsive Bid

The notice inviting formal bids (NIFB) on the Project was advertised on September 13, 2018, and all bids were due on October 16, 2018. The City received the bids listed below:

Granite Construction Company	\$2,995,295.00
Toro Enterprises, Inc.	\$2,998,710.90
All American Asphalt	\$3,527,770.00

The lowest bidder is Granite Construction Company, and its bid is responsive to the City's NIFB. Following this determination, staff reviewed all documentation received from Granite Construction Company and its subcontractors. Staff verified possession of required valid licenses, reviewed the Federal Occupational Safety and Health Administration (OSHA) website for safety violations, and verified registration with the California Department of Industrial

Channel Islands Blvd. Street Resurfacing Project (5/5/5)

January 8, 2019

Page 3

Relations (DIR). Staff has no reason at this time to believe that either the contractor or its subcontractors are not legally responsible, which means trustworthy and fit and capable to satisfactorily complete the Project. Thus, staff recommends that the City Council award the contract for this Project to Granite Construction Company.

Additionally, \$299,529 is required for construction contingency (10% of the contract value) and \$299,529 for the cost to perform technical engineering support, inspection, survey and project management services (City staff) during construction. The total estimated total cost of the Project is \$3,594,354.

STRATEGIC PRIORITIES

This item supports the Infrastructure and Natural Resources strategy. The purpose of the Infrastructure and Natural Resources strategy is to establish, preserve and improve the City's infrastructure and natural resources through effective planning, prioritization, and efficient use of available funding. This item supports the following goals and objectives:

Goal 4. Ensure proper construction and maintenance of infrastructure to provide maximum benefit with lowest life cycle cost following CIP plans.

FINANCIAL IMPACT

The Channel Islands Boulevard Street Resurfacing Project No. 183111 has an available balance of approximately \$450,000. Approval of this action would require an appropriation of \$3,105,953 from the Street Maintenance Fund (105). In addition, an appropriation of \$38,400 from the Water Operating Fund (601) is necessary to fund the cast iron pipe replacement portion of the Project. The FY19 estimated unreserved fund balance (net of this appropriation) in the Street Maintenance Fund (105) and the Water Operating Fund (601) is \$5.2M and \$15.4M, respectively.

Prepared by Renee Hatcher, Public Contracts Coordinator

ATTACHMENTS:

Agreement A-8109 with Granite Construction

BA - Channel Islands Street Resurfacing

Channel Islands Blvd Street Resurfacing Bid Tabulation

CONTRACT**CITY OF OXNARD CONTRACT FOR
CHANNEL ISLANDS BOULEVARD STREET RESURFACING PROJECT PW 17-20**

THIS CONTRACT ("Contract") is made and entered this _____ day of _____, 20____ ("Effective Date"), by and between the CITY OF OXNARD, a California municipal corporation ("City") and GRANITE CONSTRUCTION COMPANY ("Contractor"). Contractor's license number is 89.

In consideration of the covenants set forth herein, the parties hereto agree as follows:

1. Incorporation. The Contract consists of all Contract Documents, which shall include the Notice Inviting Bids, Instructions to Bidders, General Provisions, Special Provisions, Plans, Standard Plans, Greenbook, Reference Specifications, Bid (including documentation accompanying the Bid and post-Bid documentation submitted before the notice of award), insurance documentation, Bonds, the City business license, permits from regulatory agencies, Addenda, Change Orders and Supplemental Agreements. These documents are incorporated herein by reference.
2. Scope of Services. Contractor shall perform the Work in a good and workmanlike manner for the project identified as Channel Islands Boulevard Street Resurfacing Project PW 17-20 ("Project"), as described in this Contract and in the incorporated Contract Documents.
3. Compensation. In consideration of the services rendered hereunder, City shall pay Contractor a not to exceed amount of two million nine hundred ninety five thousand two hundred ninety five dollars (\$2,995,295) in accordance with the prices as submitted in the Bid, attached hereto as Exhibit "B" and incorporated herein by this reference.
4. Antitrust Claims. In entering into this Contract, Contractor assigns to City all rights, title, and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 U.S.C. Section 15) or under the Cartwright Act (Business and Professions Code Section 16700 *et seq.*) arising from purchases of goods, services, or materials pursuant to the Contract. This assignment shall be made and become effective at the time City tenders final payment to Contractor without further acknowledgment by the parties.
5. Prevailing Wages. City and Contractor acknowledge that the Project is a public work to which prevailing wages apply. Copies of the prevailing rate of per diem wages for each craft, classification, or type of worker needed to perform the Project are on file with the Project Coordinator at City Hall and will be made available to any interested party on request. Contractor and all Subcontractors are not qualified to bid on, be listed in a Bid proposal, or engage in the performance of any contract for public work, as defined in Labor Code Sections 1720 through 1861, unless registered and qualified to perform public work pursuant to Labor Code Section 1725.5 at the time of Bid submission.
6. Workers' Compensation. Labor Code Sections 1860 and 3700 provide that every contractor will be required to secure the payment of compensation to its employees. In accordance with the provisions of Labor Code Section 1861, by signing this Contract, the Contractor certifies as follows: "I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for workers' compensation or to undertake self-insurance

in accordance with the provisions of that Code, and I will comply with such provisions before commencing the performance of the Work of this Contract.”

7. Titles. The titles used in this Contract are for convenience only and shall in no way define, limit or describe the scope or intent of this Contract or any part of it.

8. Authority. Any person executing this Contract on behalf of Contractor warrants and represents that he or she has the authority to execute this Contract on behalf of Contractor and has the authority to bind Contractor to the performance of its obligations hereunder.

9. Entire Agreement. This Contract, including all incorporated documents, constitutes the entire agreement between the parties hereto with respect to the Project, and supersedes all previous agreements, promises, proposals, representations, understandings and negotiations, whether written or oral, between the parties regarding the subject matter.

10. Amendment. No Contract modification, amendment or supplement to this Contract other than Change Orders will be binding unless written and signed by the parties' duly authorized representatives.

11. Counterparts. This Contract may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. A signed copy of this Contract transmitted by facsimile, email or other means of electronic transmission shall be deemed to have the same legal effect as delivery of an original executed copy of this Contract for all purposes.

[signatures on following page]

IN WITNESS WHEREOF, the parties hereto have executed the Agreement on the first written above.

CITY OF OXNARD

GRANITE CONSTRUCTION COMPANY

☐ Tim Flynn, Mayor¹ _____ Date
☐ Alexander Nguyen, City Manager
☐ Rosemarie Gaglione, Public Works Director
☐ Lisa Boerner, Purchasing Manager

 Jigisha Desai, Vice President² _____ Date

 Kenneth B. Olson, Asst. Secretary _____ Date

ATTEST:

 Michelle Ascencion, City Clerk (only if Mayor signs) _____ Date

APPROVED AS TO FORM:

 Stephen M. Fischer, City Attorney (always required) _____ Date

¹ The City Council must authorize and the Mayor must sign a public project agreement over \$175,000 annually. The City Manager may authorize and sign any agreement up to \$175,000 annually. The Public Works Director and Purchasing Manager may each authorize and sign a public project agreement up to \$100,000 annually.

² The City requires the following for any contract:

- For a corporation, the signatures of the Board President, CEO or Vice President and of the Board Secretary, Assistant Secretary, CFO or Assistant Treasurer;
- For an LLC, the signatures of at least two managers of the LLC; or
- For a partnership, the signature of a partner. If the partnership is a limited partnership, the signer must be a general partner.

If the company has a different structure, or if the above-listed persons are not the appropriate signers, please submit to the City Attorney legally-binding documentation stating who can sign and bind your company.

**Exhibit INS-G
INSURANCE REQUIREMENTS FOR CONSTRUCTION PROJECTS
(WITHOUT BUILDER'S RISK REQUIREMENT)**

1. Contractor shall obtain and maintain during the performance of any services under this Contract the following insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of services hereunder by Contractor, its agents, representatives, employees or subcontractors.

a. Commercial General Liability Insurance, including Contractual Liability, in an amount not less than \$2,000,000 combined single limit for bodily injury and property damage for each claimant for general liability with coverage equivalent to Insurance Services Office Commercial General Liability Coverage (Occurrence Form CG 0001). If a general aggregate limit is used, that limit shall apply separately to the project location or shall be twice the occurrence amount;

b. Business Automobile Liability Insurance in an amount not less than \$1,000,000 combined single limit for bodily injury and property damage for each claimant for automobile liability with coverage equivalent to Insurance Services Office Automobile Liability Coverage (Occurrence Form CA0001) covering Code No. 1, "any auto;"

c. If architectural, engineering, or electrical work will be performed under the Contract, Professional Liability/Errors and Omissions Insurance appropriate to the work being done in an amount not less than \$1,000,000, with neither Contractor nor listed subcontractors having less than \$500,000 individually. The Professional Liability/Errors and Omissions Insurance must be project specific with at least a one year extended reporting period, or longer upon request.

d. Workers' Compensation Insurance in compliance with the laws of the State of California, and Employer's Liability Insurance in an amount not less than \$1,000,000 per claimant. Additionally, the workers' compensation policy shall include a waiver of all rights of subrogation which the insurer may have against the City.

2. Contractor shall, prior to performance of any services, file with the Risk Manager certificates of insurance with original endorsements effecting coverage required by this Exhibit INS-G. The certificates and endorsements for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. The certificates and endorsements are to be on the attached forms or on other forms approved by the Risk Manager. All certificates and endorsements are to be received and approved by the Risk Manager before work commences. City reserves the right to require complete certified copies of all required insurance policies at any time. The certificates of insurance and endorsements shall be sent via email (or fax if necessary) to the Risk Manager, addressed as follows (do not send hard copies):

City of Oxnard
Insurance Compliance
Reference No. A-8109
P.O. Box 100085 – OX
Duluth, GA 30096
Via Email: cityofoxnard@ebix.com
Via Fax: 678-259-1007

3. Contractor agrees that all insurance coverages shall be provided by a California admitted insurance carrier with an A.M. Best rating of A:VII or better and shall be endorsed to state that coverage may not be suspended, voided, canceled by either party, or reduced in coverage or limits without 30 days' prior written notice to the Risk Manager. The Risk Manager shall not approve or accept any endorsement if the endorsement contains "best effort" modifiers or if the insurer is relieved from the responsibility to give such notice.

4. Contractor agrees that the Commercial General Liability and Business Automobile Liability Insurance policies shall be endorsed to name City, its City Council, officers, employees and volunteers as additional insureds as respects: liability arising out of activities performed by or on behalf of Contractor; products and completed operations of Contractor; premises owned, occupied or used by Contractor; or automobiles owned, leased, hired or borrowed by Contractor. The coverage shall contain no special limitations on the scope of protection afforded to City, its City Council, officers, employees and volunteers. **The General Liability Special Endorsement Form and Automobile Liability Special Endorsement Form attached to this Exhibit INS-G or substitute forms containing the same information and acceptable to the Risk Manager shall be used to provide the endorsements (ISO form CG 2010 11/85 or if not available, CG 2010 with an edition date prior to 01/04 and CG 2037).**

5. The coverages provided to City shall be primary and not contributing to or in excess of any existing City insurance or self-insurance coverages (**this must be endorsed**). Additionally, the workers' compensation policy shall include a waiver of all rights of subrogation which the insurer may have against the City. Any failure to comply with reporting provisions of the policies shall not affect coverage provided to City, its City Council, officers, employees and volunteers. The insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

6. Any deductibles or self-insured retentions must be declared to and approved by the Risk Manager. At the option of the Risk Manager, either the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects City, its City Council, officers, employees and volunteers, or the Contractor shall procure a bond guaranteeing payment of losses and related investigations, claim administration and defense expenses.

7. All insurance standards applicable to Contractor shall also be applicable to Contractor's subcontractors. Contractor agrees to maintain appropriate agreements with subcontractors and to provide proper evidence of coverage upon receipt of a written request from the Risk Manager.

INSTRUCTION FOR SUBMITTING INSURANCE CERTIFICATES AND ENDORSEMENT FORMS***Certificates of Insurance***

The sample accord form on the following page is provided to facilitate your preparation and submission of certificates of insurance. You may use this or any industry form that shows coverage as broad as that shown on the attached sample. **Please note the certificate holder address must be as shown on the attached sample accord form with the contract number and insurance exhibit identification information completed.** Improperly addressed certificates may delay the contract start-up date because the City's practice is to return unidentifiable insurance certificates to the insured for clarification as to the contract number. **Cancellation provisions must be endorsed to the policy. Modifying the certificate does not change coverage or obligate the carrier to provide notice of cancellation.**

Endorsement Forms

Original endorsements are required for general liability and automobile liability insurance policies and must be attached to the applicable certificate of insurance. City preference is that you use the endorsement forms which are attached. Substitute forms will be accepted, however, as long as they include provisions comparable to the attached.

INS-G.doc

ACORD CERTIFICATE OF INSURANCE

ISSUE

DATE

(MM/DD/YY)

PRODUCER

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

CODESUB-CODE

COMPANIES AFFORDING INSURANCE COVERAGE

INSURED

COMPANY
LETTER **A** SPECIFY COMPANY NAMES IN THIS SPACE

COMPANY
LETTER **B**

COVERAGES

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	GENERAL LIABILITY ☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS MADE ☒ OCCUR. ☒ OWNER'S & CONTRACTOR'S PROT.				GENERAL AGGREGATE \$2,000,000 PRODUCTS COMP/OP AGG. \$2,000,000 PERSONAL & ADV. INJURY \$2,000,000 EACH OCCURRENCE \$2,000,000 FIRE DAMAGE (Any one fire) \$ MED. EXPENSE (Any one person) \$
A	AUTOMOBILE LIABILITY ☒ ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS HIRED AUTOS NON-OWNED AUTOS GARAGE LIABILITY				COMBINED SINGLE LIMIT \$1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE \$
A	EXCESS LIABILITY UMBRELLA FORM OTHER THAN UMBRELLA FORM				EACH OCCURRENCE \$ AGGREGATE \$
A	WORKERS' COMPENSATION AND EMPLOYERS' LIABILITY				STATUTORY LIMITS EACH ACCIDENT \$1,000,000 DISEASE-POLICY LIMIT \$1,000,000 DISEASE-EACH EMPLOYEE \$1,000,000
A	OTHER Errors and omissions insurance or malpractice insurance available for the insured's profession; if architectural, engineering or electrical work will be performed under the Contract				Minimum coverage \$1,000,000 Each consultant/ \$500,000 & listed sub-consultant

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/RESTRICTIONS/SPECIAL ITEMS
CERTIFICATE HOLDER
CITY OF OXNARD
Attn: Insurance Compliance
Reference No A-8109
P.O. Box 100085 – OX
Duluth, GA 30096
Via Email: cityofoxnard@ebix.com
Via Fax: 678-259-1007
CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

Bond No. _____

PAYMENT BOND
(LABOR AND MATERIALS)

KNOW ALL PERSONS BY THESE PRESENTS that:

WHEREAS the City of Oxnard ("Agency"), State of California, has awarded to _____

(Name and address of Contractor) ("Principal")

a contract (the "Contract") for the Work described as CHANNEL ISLANDS BOULEVARD STREET RESURFACING PROJECT PW 17-20.

WHEREAS, under the terms of the Contract, the Principal is required before entering upon the performance of any Work, to file a good and sufficient Payment Bond with the Agency to secure the claims to which reference is made in Title 3 (commencing with Section 9000) of Part 6 of Division 4 of the Civil Code.

NOW, THEREFORE, we, the undersigned Principal, and _____

(Name and address of Surety)

a corporation organized and existing under the laws of _____
 ("Surety") a duly admitted surety insurer under the laws of the State of California, as Surety, and
 our heirs, assignees, successors, executors and administrators are held and firmly bound,
 jointly and severally, unto the Agency and all Contractors, Subcontractors, laborers, material
 suppliers, and other persons employed in the performance of the Contract and referred to in
 Title 3 (commencing with Section 9000) of Part 6 of Division 4 of the Civil Code in the penal sum
 of _____ Dollars (\$ _____), this
 amount being not less than a hundred percent (100%) of the total Contract Price in lawful
 money of the United States of America, for materials furnished or labor thereon of any kind, or
 for amounts due under the Unemployment Insurance Act with respect to this Work or labor, that
 the Surety will pay the same in an amount not exceeding the amount hereinabove set forth, and
 also in case suit is brought upon this Bond, will pay, in addition to the face amount thereof, costs
 and reasonable expenses and fees, including reasonable attorneys' fees, incurred by Agency in
 successfully enforcing this obligation, to be awarded and fixed by the court, and to be taxed as
 costs and to be included in the judgment therein rendered.

It is hereby expressly stipulated and agreed that this Bond shall inure to the benefit of any and all persons, companies, and corporations entitled to file claims under Title 3 (commencing with Section 9000) of Part 6 of Division 4 of the Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this Bond.

Upon expiration of the time within which the California Labor Commissioner may serve a civil wage and penalty assessment against the principal, any of its Subcontractors, or both the principal and its Subcontractors pursuant to Labor Code Section 1741, and upon expiration of the time within which a joint labor management committee may commence an action against the principal, any of its Subcontractors, or both the principal and its Subcontractors pursuant to

Labor Code Section 1771.2, if the condition of this Bond be fully performed, then this obligation shall become null and void; otherwise, it shall be and remain in full force and effect.

The Surety hereby stipulates and agrees that no change, extension of time, alteration, or addition to the terms of the Contract, including all incorporated documents, shall in any manner affect its obligations on this Bond. The Surety hereby waives notice of any such change, extension, alteration, or addition. Additionally, the Surety hereby waives California Civil Code 2845 and 2849 as well as any statutes of limitation, statutes of repose and laches as they may apply to an action on this Bond.

IN WITNESS WHEREOF, this instrument has been duly executed by Principal and Surety, on the date set forth below, the name of each party being hereto affixed and these presents duly signed by its undersigned representative(s) pursuant to authority of its governing body.

Dated: _____

“Principal”

“Surety”

By: _____

By: _____

Its: _____

Its: _____

By: _____

By: _____

Its: _____

Its: _____

(Seal)

(Seal)

Notes: This Bond must be executed in duplicate and dated, all signatures must be notarized, and evidence of the authority of any person signing as attorney-in-fact must be attached. Date of Bond must not be before the Effective Date of the Contract. Surety companies executing Bonds must appear on the Treasury Department's most current list (Circular 570 as amended) and be authorized to transact business in the State of California.

Bond No. _____

PERFORMANCE BOND

KNOW ALL PERSONS BY THESE PRESENTS that:

WHEREAS the City of Oxnard ("Agency"), has awarded to _____

(Name and address of Contractor) ("Principal")

a contract (the "Contract") for the Work described as CHANNEL ISLANDS BOULEVARD STREET RESURFACING PROJECT PW 17-20.

WHEREAS, Principal is required under the terms of the Contract to furnish a Bond for the faithful performance of the Contract.

NOW, THEREFORE, we, the undersigned Principal, and _____

(Name and address of Surety)

a corporation organized and existing under the laws of the State of _____
 ("Surety") a duly admitted surety insurer under the laws of the State of California, as Surety, are
 held and firmly bound unto the Agency in the penal sum of _____

_____ Dollars (\$_____), this amount being not less than a hundred percent (100%) of the total Contract Price in lawful money of the United States of America, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, assignees, successors, executors and administrators, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH THAT, if the hereby bounded Principal, his, her or its heirs, executors, administrators, successors or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in the Contract and any alteration thereof made as therein provided, on the Principal's part, to be kept and performed at the time and in the manner therein specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the Agency, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void one (1) year from the date of recordation of the Notice of Completion for the Project; otherwise, it shall be and remain in full force and effect.

As a part of the obligation secured hereby and in addition to the face amount specified therefor, there shall be included costs and reasonable expenses and fees, including reasonable attorneys' fees, incurred by Agency in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered. Surety hereby waives any statutes of limitation, statutes of repose and laches as they may apply to an action on this Bond.

The Surety hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the Contract, including all incorporated documents, or of the Work to be performed thereunder or the Specifications accompanying the same shall in any way affect the Surety's obligations under this Bond. The Surety hereby waives notice of any such change, extension of time, alteration or addition to the terms of the Contract or to the Work or to the

Specifications. Surety hereby waives California Civil Code 2845 and 2849. The City is the principal beneficiary of this Bond and has all rights of a party hereto.

IN WITNESS WHEREOF, this instrument has been duly executed by Principal and Surety, on the date set forth below, the name of each party being hereto affixed and these presents duly signed by its undersigned representative(s) pursuant to authority of its governing body.

Dated: _____

“Principal”

“Surety”

By: _____

By: _____

Its: _____

Its: _____

By: _____

By: _____

Its: _____

Its: _____

(Seal)

(Seal)

Notes: This Bond must be executed in duplicate and dated, all signatures must be notarized, and evidence of the authority of any person signing as attorney-in-fact must be attached. Date of Bond must not be before the Effective Date of the Contract. Surety companies executing Bonds must appear on the Treasury Department's most current list (Circular 570 as amended) and be authorized to transact business in the State of California.

EXHIBIT B

CITY OF OXNARD

**BID SHEETS FOR CHANNEL ISLANDS BOULEVARD STREET RESURFACING PROJECT
PW 17-20**

Bidder's Name: GRANITE CONSTRUCTION COMPANY

To the Honorable Mayor and Members of the City Council:

In compliance with the Notice Inviting Bids, the undersigned hereby agrees to execute the Contract to furnish all labor, materials, equipment and supplies for the Project in accordance with the Contract Documents to the satisfaction and under the direction of the Project Manager at the following prices:

ITEM NO.	DESCRIPTION	PAYMENT REF.	UNIT OF MEASURE	EVALUATION QUANTITY	UNIT PRICE	EXTENDED AMOUNT
	STREET IMPROVEMENT					
1	Mobilization/Demobilization	1001-3	LS	1	54,223	54,223
2	Traffic Control And Public Convenience And Safety	1505-4	LS	1	80,000	80,000
3	Storm Water Pollution Prevention Plan	1800-3	LS	1	7,500	7,500
4	Cold Mill AC Pavement (2" Max)	1110-3	SY	90,000	1.95	175,500
5	Unclassified Excavation	1120-4	CY	200	105	21,000
6	Class 2 Aggregate Base	1130-4	TN	300	26	7,800
7	Asphalt Concrete, Type III (DGAC-B2 PG 64-10)	1150-10	TN	200	145	29,000
8	Asphalt Concrete, Type III (DGAC-C2 PG 64-10)	1150-10	TN	350	170	59,500
9	Asphalt Rubber Aggregate Membrane (ARAM)	1151-4	SY	86,400	4.25	367,200
10	Asphalt Rubber Hot Mix (ARHM-GG-C PG 64-16)	1152-10	TN	12,600	107	1,348,200
11	Crack Seal	1155-4	LB	1,780	7.35	13,083
12	Slurry Seal Type II (RAP)	1160-5	SY	21,470	3	64,410
13	Remove And Replace PCC Sidewalk	1174-6	SF	2,250	12	27,000
14	Remove And Replace PCC Driveway – Commercial	1174-6	SF	400	20	8,000
15	Remove And Replace PCC Curb (Type A1-8)	1174-6	SF	2,500	85	212,500
16	Remove And Replace PCC Curb And Gutter (Type A2-6)	1174-6	LF	400	54	21,600
17	Remove And Replace PCC Curb Ramp, Case A Type 3	1174-6	EA	1	2,100	2,100

18	Remove And Replace PCC Curb Ramp, Case B Type 1	1174-6	EA	1	2,100	2,100
19	Remove And Replace PCC Curb Ramp, Case B Type 2	1174-6	EA	22	2,100	46,200
20	Remove And Replace PCC Curb Ramp, Case D Type 2	1174-6	EA	1	2,100	2,100
21	Remove And Replace PCC Cross Gutter and Spandrel	1174-6	SF	600	30	18,000
22	Install 24-Inch Root Barrier	1174-6	LF	200	26	5,200
23	Grind PCC Sidewalk	1174-6	SF	100	16	1,600
24	Adjust Manhole Cover To Finished Grade	1185-4	EA	54	400	21,600
25	Adjust Water Valve Cover To Finished Grade	1185-4	EA	78	400	31,200
26	Adjust Water Meter Cover To Finished Grade	1185-4	EA	11	400	4,400
27	Adjust Survey Monument Cover To Finished Grade	1185-4	EA	20	400	8,000
28	Adjust Pullbox To Finished Grade	1185-4	EA	7	400	2,800
29	Install Bike Lane Symbol With Arrow Pavement Marking (T)	1515-4	EA	15	75	1,125
30	Install White Yield Line (Isosceles Triangle) Pavement Marking (T)	1515-4	SF	70	5	350
31	Install Type I 10'-0" Arrow Pavement Marking (T)	1515-4	EA	1	75	75
32	Install Type I 18'-0" Arrow Pavement Marking (T)	1515-4	EA	1	100	100
33	Install Type III (B) Arrow Pavement Marking (T)	1515-4	EA	2	125	250
34	Install Type IV Arrow Pavement Marking (T)	1515-4	EA	114	75	8,550
35	Install Type VI Arrow Pavement Marking (T)	1515-4	EA	3	150	450
36	Install Type VII (L) Arrow Pavement Marking (T)	1515-4	EA	2	125	250
37	Install 24" Yellow Crosswalk Ladder Type (T)	1515-4	SF	882	6	5,292
38	Install Green Pavement Marking	1515-4	SF	230	19	4,370
39	Install "RR-XING" Pavement Marking (T)	1515-4	EA	4	500	2,000
40	Install "STOP" Pavement Marking (T)	1515-4	EA	4	150	600
41	Install "SIGNAL" Pavement Marking (T)	1515-4	EA	4	200	800
42	Install "AHEAD" Pavement Marking (T)	1515-4	EA	4	200	800
43	Install "PED" Pavement Marking (T)	1515-4	EA	3	135	405
44	Install "XING" Pavement Marking (T)	1515-4	EA	3	150	450

45	Install "ONLY" Pavement Marking (T)	1515-4	EA	1	150	150
46	Install Bike Loop Detector Symbol Pavement Marking (T)	1515-4	EA	17	50	850
47	Install 24" RR Transverse Line (T)	1515-4	SF	110	6	660
48	Install 6" Solid White (T)	1515-4	LF	3,800	2 ⁵⁰	9,500
49	Install 12" Solid White (T)	1515-4	LF	6,000	5	30,000
50	Install 12" Solid Yellow (T)	1515-4	LF	320	5	1,600
51	Install Detail 2 (T)	1515-4	LF	400	0 ⁸⁰	320
52	Install Detail 9 (T)	1515-4	LF	24,000	0 ⁸⁰	19,200
53	Install Detail 22 (T)	1515-4	LF	8,800	1 ⁵⁰	13,200
54	Install Detail 27 (T)	1515-4	LF	420	1 ¹⁰	462
55	Install Detail 27B (T)	1515-4	LF	6,000	1 ¹⁰	6,600
56	Install Detail 29 (T)	1515-4	LF	1,500	2	3,000
57	Install Detail 32 (T)	1515-4	LF	1,200	2	2,400
58	Install Detail 38 (T)	1515-4	LF	8,000	2	16,000
59	Install Detail 39 (T)	1515-4	LF	12,000	1 ³⁵	16,200
60	Install Detail 39A (T)	1515-4	LF	1,200	1 ³⁵	1,620
61	Install Detail 40 (T)	1515-4	LF	1,300	2	2,600
62	Paint Curb Red	1515-4	LF	3,000	2 ⁵⁰	7,500
63	Paint Curb Yellow (@ Median Nose)	1515-4	LF	50	5	250
64	Install Blue RPM	1515-4	EA	30	15	450
65	Install Green Pavement Marking	1515-4	SF	1,240	19	23,560
66	Install Traffic Inductive Loop Detector (Type D)	1520-3	EA	39	425	16,575
67	Install Traffic Inductive Loop Detector (Type E)	1520-3	EA	75	300	22,500
68	Remove And Replace Street Name Sign	1530-4	EA	16	315	6,000
69	Remove And Replace Advance Street Name Sign	1530-4	EA	9	315	3,375
70	Remove And Replace Overhead Street Name Sign	1530-4	EA	2	750	1,500
71	Install R7-9a Sign, No Parking (Symbol) Bike Lane	1530-4	EA	24	275	6,600

72	Install R81 (CA) Sign, Bike Symbol	1530-4	EA	5	275	1,375
73	Install W4-2 Sign, Right Lane Ends (Symbol)	1530-4	EA	1	350	350
74	Install W9-1 Sign, Right Lane Ends	1530-4	EA	1	350	350
75	Install/Remove And Replace Sign Post	1530-4	EA	30	25	750
76	Re-Install Stop Sign	1530-4	EA	3	150	450
77	Install Object Marker Type K-1 (CA)	1530-4	EA	7	75	525
78	Install Stamped Colored Concrete	1901-1	SF	6,140	9	55,260
79	Install 8" PVC Class 200 And Connect To Exist 8" CIP	1407-3	LF	80	350	28,000
80	Abandon-In-Place Exist 8" CIP	1408-2	LF	80	50	4,000
81	Furnish And Install Detectable Warning Surface Tiles	1902-4	SF	540	32	17,280
82	Remove and Retrofit PCC Curb Ramp & Wing Panel To Comply With ADA	1174-6	SF	550	12	6,600
TOTAL AMOUNT					\$ 2,995,295	

Note: Several items may be adjusted or deleted. Any changes to the quantities for these items shall not classify as a substantial change as stipulated in Greenbook Section 3-2.2.1. Regardless of total actual volume compared to estimated quantities, the unit prices provided above shall be applied to the final quantity when payment is calculated for these items. No adjustment in the unit prices will be allowed. The City reserves the right to not use any of the estimated quantities, and if this right is exercised, the Contractor will not be entitled to any additional compensation. The cost of all labor, materials, export of material shall be included in the above unit costs; no additional compensation will be granted for such expenses.

TOTAL BID PRICE IN DIGITS: \$ 2,995,295

TOTAL BID PRICE IN WORDS: TWO MILLION, NINE HUNDRED NINETY-FIVE THOUSAND,
TWO HUNDRED NINETY-FIVE DOLLARS

Contractor must complete all Work within seventy-five (75) Working Days of the City's Notice to Proceed.

Bidder acknowledges receipt of all addenda

Addendum: Date Received:
#01
#02
#03



Bidder's Name (Company): GRANITE CONSTRUCTION COMPANY

Signature: R. Scott McArthur

Print: RICHARD SCOTT MCARTHUR

Title: VP NORTHERN LOS ANGELES REGION

Date: OCTOBER 16, 2018

REQUEST FOR BUDGET APPROPRIATION

Department: Public Works/Engineering

Date: November 29, 2018

Project/Program

Manager: Hoon Hung

Phone: _____

Reason for Appropriation:

Appropriate funds for award of contract for Channel Island Street Resurfacing Project No. 183111.

Accounts and Descriptions

AMOUNT

Fund: 105 Street Maintenance Fund

Expenditures/Transfers Out

Project 183111 - Channel Islands Street Resurfacing

105-3015-826-8208	Other services/Services Construction	3,105,953
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Sub-total Expenditures

3,105,953

Net Change to Fund Balance

(3,105,953)

Fund: 601 - Water Operating Fund

Expenditures/Transfers Out

Project 183111 - Channel Islands Street Resurfacing

601-3015-826-8208	Other services/Services Construction	35,200
-------------------	--------------------------------------	--------

601-3015-826-8451	Services from other programs	3,200
-------------------	------------------------------	-------

Sub-total Expenditures

38,400

Net Change to Fund Balance

(38,400)

Net Appropriation Change

(3,144,353)

Approvals

Department Director _____

Chief Financial Officer _____

City Manager _____

BA# (Finance Use Only) _____

BA Doc# (Finance Use Only) _____

Rev# _____

REQUIRES CITY COUNCIL AUTHORIZATION

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This is a tabulation of bid results not an offer of award or contract. The City reserves the right to reject all bids.

PW 17-20 CHANNEL ISLANDS BOULEVARD STREET RESURFACING PROJECT										
Owner: City of Oxnard										
Bid Opening: 10/16/18					Granite Construction Company		Toro Enterprises, Inc.		All American Asphalt	
					2151 Allesandro Drive Suite 209 Ventura, CA 93001		2101 E. Ventura Blvd. Oxnard, CA 93036		400 East Sixth Street Corona, CA 92879	
					#1		#2		#3	
Item #	Item Description	Payment Code	Unit of Measure	Quantity	Unit Price	Item Total	Unit Price	Item Total	Unit Price	Item Total
1	Mobilization/Demobilization	1001-3	LS	1	\$54,223.00	\$54,223.00	\$69,000.00	\$69,000.00	\$156,783.00	\$156,783.00
2	Traffic Control And Public Convenience And Safety	1505-4	LS	1	\$80,000.00	\$80,000.00	\$240,000.00	\$240,000.00	\$100,000.00	\$100,000.00
3	Storm Water Pollution Prevention Plan	1800-3	LS	1	\$7,500.00	\$7,500.00	\$18,500.00	\$18,500.00	\$15,000.00	\$15,000.00
4	Cold Mill AC Pavement (2" Max)	1110-3	SY	90,000	\$1.95	\$175,500.00	\$2.23	\$200,700.00	\$3.30	\$297,000.00
5	Unclassified Excavation	1120-4	CY	200	\$105.00	\$21,000.00	\$126.00	\$25,200.00	\$175.00	\$35,000.00
6	Class 2 Aggregate Base	1130-4	TN	300	\$26.00	\$7,800.00	\$43.00	\$12,900.00	\$105.00	\$31,500.00
7	Asphalt Concrete, Type III (DGAC-B2 PG 64-10)	1150-10	TN	200	\$145.00	\$29,000.00	\$141.50	\$28,300.00	\$150.00	\$30,000.00
8	Asphalt Concrete, Type III (DGAC-C2 PG 64-10)	1150-10	TN	350	\$170.00	\$59,500.00	\$156.00	\$54,600.00	\$110.00	\$38,500.00
9	Asphalt Rubber Aggregate Membrane (ARAM)	1151-4	SY	86,400	\$4.25	\$367,200.00	\$4.35	\$375,840.00	\$4.10	\$354,240.00
10	Asphalt Rubber Hot Mix (ARHM-GG-C PG 64-16)	1152-10	TN	12,600	\$107.00	\$1,348,200.00	\$102.00	\$1,285,200.00	\$110.00	\$1,386,000.00
11	Crack Seal	1155-4	LB	1,780	\$7.35	\$13,083.00	\$5.50	\$9,790.00	\$9.00	\$16,020.00
12	Slurry Seal Type II (RAP)	1160-5	SY	21,470	\$3.00	\$64,410.00	\$3.10	\$66,557.00	\$2.60	\$55,822.00
13	Remove And Replace PCC Sidewalk	1174-6	SF	2,250	\$12.00	\$27,000.00	\$6.85	\$15,412.50	\$9.00	\$20,250.00

14	Remove And Replace PCC Driveway – Commercial	1174-6	SF	400	\$20.00	\$8,000.00	\$10.00	\$4,000.00	\$35.00	\$14,000.00	M.2.c
15	Remove And Replace PCC Curb (Type A1-8)	1174-6	SF	2,500	\$85.00	\$212,500.00	\$25.50	\$63,750.00	\$72.00	\$180,000.00	
16	Remove And Replace PCC Curb And Gutter (Type A2-6)	1174-6	LF	400	\$54.00	\$21,600.00	\$55.00	\$22,000.00	\$90.00	\$36,000.00	
17	Remove And Replace PCC Curb Ramp, Case A Type 3	1174-6	EA	1	\$2,100.00	\$2,100.00	\$3,350.00	\$3,350.00	\$6,000.00	\$6,000.00	
18	Remove And Replace PCC Curb Ramp, Case B Type 1	1174-6	EA	1	\$2,100.00	\$2,100.00	\$3,350.00	\$3,350.00	\$6,000.00	\$6,000.00	
19	Remove And Replace PCC Curb Ramp, Case B Type 2	1174-6	EA	22	\$2,100.00	\$46,200.00	\$3,350.00	\$73,700.00	\$6,000.00	\$132,000.00	
20	Remove And Replace PCC Curb Ramp, Case D Type 2	1174-6	EA	1	\$2,100.00	\$2,100.00	\$3,350.00	\$3,350.00	\$6,000.00	\$6,000.00	
21	Remove And Replace PCC Cross Gutter and Spandrel	1174-6	SF	600	\$30.00	\$18,000.00	\$16.15	\$9,690.00	\$35.00	\$21,000.00	
22	Install 24-Inch Root Barrier	1174-6	LF	200	\$26.00	\$5,200.00	\$34.50	\$6,900.00	\$35.00	\$7,000.00	
23	Grind PCC Sidewalk	1174-6	SF	100	\$16.00	\$1,600.00	\$13.00	\$1,300.00	\$20.00	\$2,000.00	
24	Adjust Manhole Cover To Finished Grade	1185-4	EA	54	\$400.00	\$21,600.00	\$633.00	\$34,182.00	\$900.00	\$48,600.00	
25	Adjust Water Valve Cover To Finished Grade	1185-4	EA	78	\$400.00	\$31,200.00	\$622.00	\$48,516.00	\$700.00	\$54,600.00	
26	Adjust Water Meter Cover To Finished Grade	1185-4	EA	11	\$400.00	\$4,400.00	\$363.00	\$3,993.00	\$800.00	\$8,800.00	
27	Adjust Survey Monument Cover To Finished Grade	1185-4	EA	20	\$400.00	\$8,000.00	\$584.00	\$11,680.00	\$700.00	\$14,000.00	
28	Adjust Pullbox To Finished Grade	1185-4	EA	7	\$400.00	\$2,800.00	\$480.00	\$3,360.00	\$940.00	\$6,580.00	
29	Install Bike Lane Symbol With Arrow Pavement Marking (T)	1515-4	EA	15	\$75.00	\$1,125.00	\$21.00	\$315.00	\$125.00	\$1,875.00	
30	Install White Yield Line (Isosceles Triangle) Pavement Marking (T)	1515-4	SF	70	\$5.00	\$350.00	\$4.20	\$294.00	\$14.00	\$980.00	
31	Install Type I 10'-0" Arrow Pavement Marking (T)	1515-4	EA	1	\$75.00	\$75.00	\$58.00	\$58.00	\$80.00	\$80.00	
32	Install Type I 18'-0" Arrow Pavement Marking (T)	1515-4	EA	1	\$100.00	\$100.00	\$105.00	\$105.00	\$80.00	\$80.00	
33	Install Type III (B) Arrow Pavement Marking (T)	1515-4	EA	2	\$125.00	\$250.00	\$262.00	\$524.00	\$300.00	\$600.00	
34	Install Type IV Arrow Pavement Marking (T)	1515-4	EA	114	\$75.00	\$8,550.00	\$63.00	\$7,182.00	\$80.00	\$9,120.00	
35	Install Type VI Arrow Pavement Marking (T)	1515-4	EA	3	\$150.00	\$450.00	\$176.00	\$528.00	\$300.00	\$900.00	
36	Install Type VII (L) Arrow Pavement Marking (T)	1515-4	EA	2	\$125.00	\$250.00	\$113.00	\$226.00	\$200.00	\$400.00	
37	Install 24" Yellow Crosswalk Ladder Type (T)	1515-4	SF	882	\$6.00	\$5,292.00	\$4.20	\$3,704.40	\$2.50	\$2,205.00	
38	Install Green Pavement Marking	1515-4	SF	230	\$19.00	\$4,370.00	\$8.00	\$1,840.00	\$22.00	\$5,060.00	
39	Install "RR-XING" Pavement Marking (T)	1515-4	EA	4	\$500.00	\$2,000.00	\$293.00	\$1,172.00	\$300.00	\$1,200.00	

40	Install “STOP” Pavement Marking (T)	1515-4	EA	4	\$150.00	\$600.00	\$105.00	\$420.00	\$300.00	\$1,200.00
41	Install “SIGNAL” Pavement Marking (T)	1515-4	EA	4	\$200.00	\$800.00	\$166.00	\$664.00	\$300.00	\$1,200.00
42	Install “AHEAD” Pavement Marking (T)	1515-4	EA	4	\$200.00	\$800.00	\$162.00	\$648.00	\$300.00	\$1,200.00
43	Install “PED” Pavement Marking (T)	1515-4	EA	3	\$135.00	\$405.00	\$94.00	\$282.00	\$300.00	\$900.00
44	Install “XING” Pavement Marking (T)	1515-4	EA	3	\$150.00	\$450.00	\$110.00	\$330.00	\$300.00	\$900.00
45	Install “ONLY” Pavement Marking (T)	1515-4	EA	1	\$150.00	\$150.00	\$120.00	\$120.00	\$300.00	\$300.00
46	Install Bike Loop Detector Symbol Pavement Marking (T)	1515-4	EA	17	\$50.00	\$850.00	\$42.00	\$714.00	\$100.00	\$1,700.00
47	Install 24” RR Transverse Line (T)	1515-4	SF	110	\$6.00	\$660.00	\$4.20	\$462.00	\$2.50	\$275.00
48	Install 6” Solid White (T)	1515-4	LF	3,800	\$2.50	\$9,500.00	\$1.05	\$3,990.00	\$1.00	\$3,800.00
49	Install 12” Solid White (T)	1515-4	LF	6,000	\$5.00	\$30,000.00	\$4.20	\$25,200.00	\$2.40	\$14,400.00
50	Install 12” Solid Yellow (T)	1515-4	LF	320	\$5.00	\$1,600.00	\$4.20	\$1,344.00	\$2.50	\$800.00
51	Install Detail 2 (T)	1515-4	LF	400	\$0.80	\$320.00	\$0.68	\$272.00	\$1.00	\$400.00
52	Install Detail 9 (T)	1515-4	LF	24,000	\$0.80	\$19,200.00	\$0.68	\$16,320.00	\$0.65	\$15,600.00
53	Install Detail 22 (T)	1515-4	LF	8,800	\$1.50	\$13,200.00	\$1.57	\$13,816.00	\$1.80	\$15,840.00
54	Install Detail 27 (T)	1515-4	LF	420	\$1.10	\$462.00	\$1.05	\$441.00	\$2.00	\$840.00
55	Install Detail 27B (T)	1515-4	LF	6,000	\$1.10	\$6,600.00	\$1.05	\$6,300.00	\$1.00	\$6,000.00
56	Install Detail 29 (T)	1515-4	LF	1,500	\$2.00	\$3,000.00	\$1.57	\$2,355.00	\$4.00	\$6,000.00
57	Install Detail 32 (T)	1515-4	LF	1,200	\$2.00	\$2,400.00	\$1.31	\$1,572.00	\$2.00	\$2,400.00
58	Install Detail 38 (T)	1515-4	LF	8,000	\$2.00	\$16,000.00	\$1.05	\$8,400.00	\$1.50	\$12,000.00
59	Install Detail 39 (T)	1515-4	LF	12,000	\$1.35	\$16,200.00	\$0.94	\$11,280.00	\$1.00	\$12,000.00
60	Install Detail 39A (T)	1515-4	LF	1,200	\$1.35	\$1,620.00	\$0.73	\$876.00	\$1.00	\$1,200.00
61	Install Detail 40 (T)	1515-4	LF	1,300	\$2.00	\$2,600.00	\$0.52	\$676.00	\$1.50	\$1,950.00
62	Paint Curb Red	1515-4	LF	3,000	\$2.50	\$7,500.00	\$1.31	\$3,930.00	\$1.75	\$5,250.00

63	Paint Curb Yellow (@ Median Nose)	1515-4	LF	50	\$5.00	\$250.00	\$1.30	\$65.00	\$5.00	\$250.00	M.2.c
64	Install Blue RPM	1515-4	EA	30	\$15.00	\$450.00	\$10.50	\$315.00	\$25.00	\$750.00	
65	Install Green Pavement Marking	1515-4	SF	1,240	\$19.00	\$23,560.00	\$7.30	\$9,052.00	\$22.00	\$27,280.00	
66	Install Traffic Inductive Loop Detector (Type D)	1520-3	EA	39	\$425.00	\$16,575.00	\$445.00	\$17,355.00	\$400.00	\$15,600.00	
67	Install Traffic Inductive Loop Detector (Type E)	1520-3	EA	75	\$300.00	\$22,500.00	\$315.00	\$23,625.00	\$400.00	\$30,000.00	
68	Remove And Replace Street Name Sign	1530-4	EA	16	\$375.00	\$6,000.00	\$157.00	\$2,512.00	\$200.00	\$3,200.00	
69	Remove And Replace Advance Street Name Sign	1530-4	EA	9	\$375.00	\$3,375.00	\$314.00	\$2,826.00	\$650.00	\$5,850.00	
70	Remove And Replace Overhead Street Name Sign	1530-4	EA	2	\$750.00	\$1,500.00	\$2,300.00	\$4,600.00	\$700.00	\$1,400.00	
71	Install R7-9a Sign, No Parking (Symbol) Bike Lane	1530-4	EA	24	\$275.00	\$6,600.00	\$79.00	\$1,896.00	\$150.00	\$3,600.00	
72	Install R81 (CA) Sign, Bike Symbol	1530-4	EA	5	\$275.00	\$1,375.00	\$52.00	\$260.00	\$150.00	\$750.00	
73	Install W4-2 Sign, Right Lane Ends (Symbol)	1530-4	EA	1	\$350.00	\$350.00	\$105.00	\$105.00	\$150.00	\$150.00	
74	Install W9-1 Sign, Right Lane Ends	1530-4	EA	1	\$350.00	\$350.00	\$105.00	\$105.00	\$150.00	\$150.00	
75	Install/Remove And Replace Sign Post	1530-4	EA	30	\$25.00	\$750.00	\$314.00	\$9,420.00	\$200.00	\$6,000.00	
76	Re-Install Stop Sign	1530-4	EA	3	\$150.00	\$450.00	\$105.00	\$315.00	\$150.00	\$450.00	
77	Install Object Marker Type K-1 (CA)	1530-4	EA	7	\$75.00	\$525.00	\$52.00	\$364.00	\$150.00	\$1,050.00	
78	Install Stamped Colored Concrete	1901-1	SF	6,140	\$9.00	\$55,260.00	\$7.00	\$42,980.00	\$18.00	\$110,520.00	
79	Install 8" PVC Class 200 And Connect To Exist 8" CIP	1407-3	LF	80	\$350.00	\$28,000.00	\$465.00	\$37,200.00	\$450.00	\$36,000.00	
80	Abandon-In-Place Exist 8" CIP	1408-2	LF	80	\$50.00	\$4,000.00	\$52.00	\$4,160.00	\$120.00	\$9,600.00	
81	Furnish And Install Detectable Warning Surface Tiles	1902-4	SF	540	\$32.00	\$17,280.00	\$45.00	\$24,300.00	\$100.00	\$54,000.00	
82	Remove and Retrofit PCC Curb Ramp & Wing Panel To Comply With ADA	1174-6	SF	550	\$12.00	\$6,600.00	\$10.50	\$5,775.00	\$25.00	\$13,750.00	
TOTAL AMOUNT SUBMITTED TOTAL AMOUNT VERIFIED Subcontractors List						\$2,995,295.00		\$2,998,710.90		\$3,527,770.00	
						\$2,995,295.00		\$2,998,710.90		\$3,527,700.00	
					Granite Construction Company		Toro Enterprises, Inc.		All American Asphalt		
					Cindy Trump, Inc. American Pavement Systems, Inc. Rubberized Crackfiller Sealant, Inc. Traffic Loops Crackfilling, Inc. All American Asphalt Super Seal & Stripe		American Pavement Systems, Inc. Case Land Survey, Inc. Traffic Loops Crackfilling, Inc. Total Barricade Service Super Seal & Stripe All American Asphalt		American Pavement Systems Superior Pavement Markings California Professional Engineering Rubberized Crackfiller		

Subcontractors List

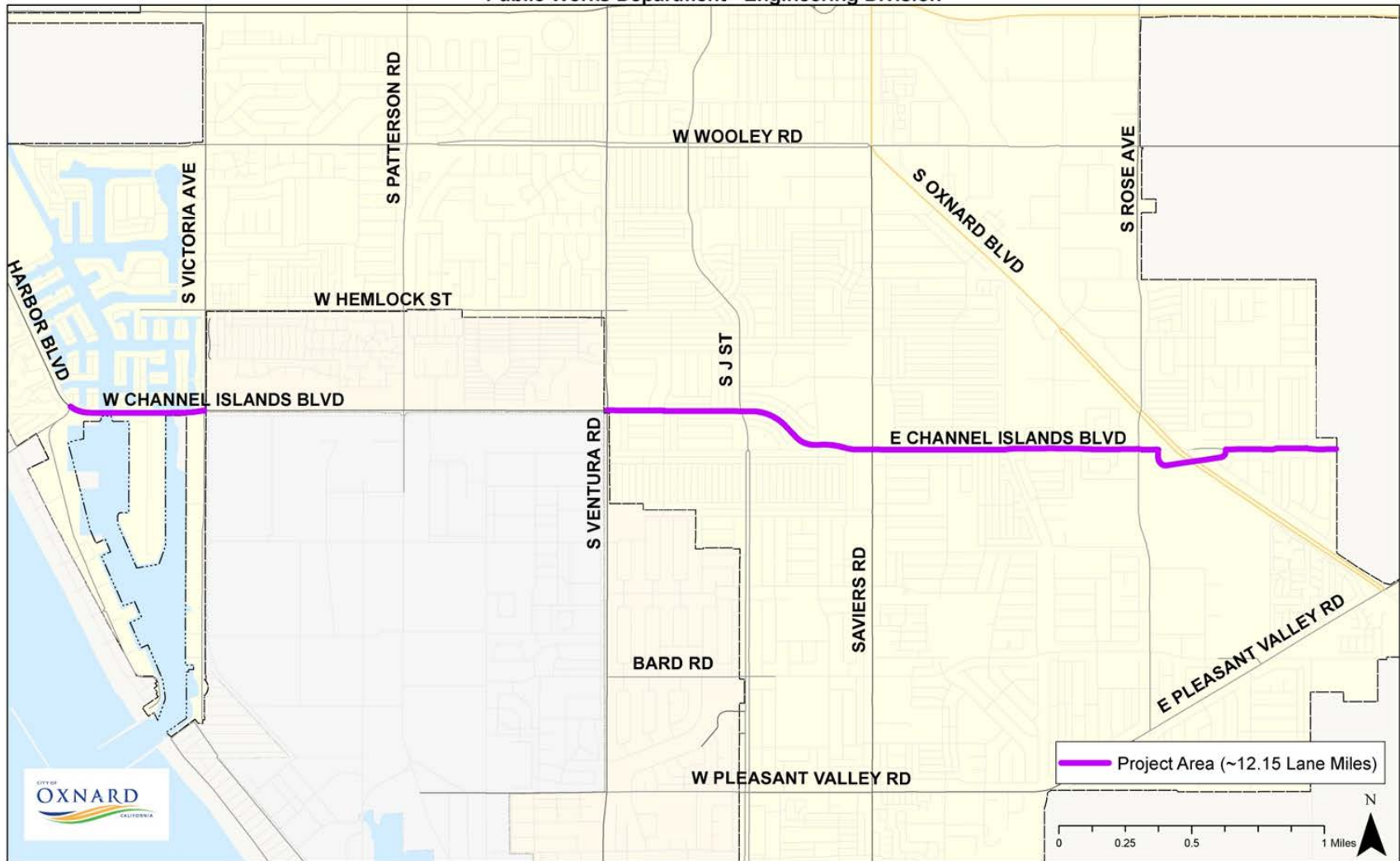
Channel Islands Boulevard Street Resurfacing Project

January 8, 2019



CHANNEL ISLANDS BLVD STREET RESURFACING PROJECT

Public Works Department - Engineering Division



Channel Islands Boulevard Existing Condition



Channel Islands Boulevard Existing Condition



Channel Islands Boulevard Resurfacing Project

The scope of work includes:

1. Grinding existing AC pavement and replace with an asphalt rubber, three layer system:

- a. AC leveling course
 - b. Asphalt rubber stress-absorbing membrane interlayer (ARAM)
 - c. Asphalt rubber hot mix (ARHM) overlay
- Asphalt rubber pavement has a higher coefficient of friction (tires grab better) than conventional pavement
 - Reduced oxidation of pavement which makes striping more visible for extended period of time
 - Increased fatigue resistance
 - Longer pavement life & less traffic noise

Channel Islands Boulevard Resurfacing Project

Included in the Contract:

1. Modifications to the existing median curb and gutter on Channel Islands Blvd
2. Reconstruction of pavement section in isolated areas where pavement has failed
3. AC pavement crack fill and slurry seal
4. Construction of new access ramps and/or reconstruction of existing access ramps where necessary

Channel Islands Boulevard Resurfacing Project

Included in the Contract:

1. Striping and signage
2. Green pavement markings for bike lanes
3. Removal and replacement of damaged driveways and sidewalks
4. Replacement of 10 inch cast iron water distribution pipe with 10 PVC pipe across Channel Island Boulevard east of South C Street

Channel Islands Boulevard Resurfacing Project

1. First day of advertisement of Notice Inviting Formal Bids (NIFB) on September 13, 2018, and all bids were due on October 16, 2018.
1. The lowest responsive bidder is Granite Construction Company.
1. Staff verified possession of required currently valid licenses, reviewed the federal Occupational Safety and Health Administration (OSHA) website for safety violations, checked that all City business licenses are current, and verified registration with the State of California Department of Industrial Relations (DIR).
1. The recommended contractor has worked on prior City projects and completed work in a satisfactory manner. Staff has no reason at this time to believe that the contractor or any of its subcontractors are not legally responsible, which means trustworthy and fit and capable to satisfactorily complete the Project.
1. Staff recommends that the City Council award the contract for this Project to Granite Construction Company, in the amount of \$2,995,295

Channel Islands Boulevard Resurfacing Project

The bid results are as follows:

- | | |
|---------------------------------|----------------|
| 1. Granite Construction Company | \$2,995,295.00 |
| 2. Toro Enterprises, Inc. | \$2,998,710.90 |
| 3. All American Asphalt | \$3,527,770.00 |

RECOMMENDATION

That City Council:

1. Award and authorize the Mayor to execute Agreement A-8109 with Granite Construction Company in the amount of \$2,995,295.00 for the Channel Islands Boulevard Street Resurfacing Project PW 17-20; and
1. Approve \$299,529 as Project contingency for the Channel Islands Boulevard Street Resurfacing Project PW 17-20; and
1. Approve \$299,529 for engineering, survey, inspection, project management for the Channel Islands Boulevard Street Resurfacing Project PW 17-20; and
1. Approve an appropriation of \$3,074,954 from Street Maintenance Fund(105) and \$38,400 from Water Operating Fund(601) for Channel Islands Street Resurfacing Project No. 183111.

Financial Impact

1. The Channel Islands Boulevard Street Resurfacing project No. 183111 has a balance of approximately \$481,000. Approval of \$3,074,954 from Street Maintenance Fund(105) and \$38,400 from Water Operating Fund(601) is necessary to fund the Total project Cost of \$3,594,354.00



QUESTIONS



ANSWERS



**CITY COUNCIL
AGENDA REPORT**

TYPE OF ITEM: Report
AGENDA ITEM NO.: 3

DATE: January 8, 2019

TO: City Council

FROM: Stephen Fischer
City Attorney

SUBJECT: Taxi Cab Ordinance (5/5/5)

CONTACT: Stephen Fischer, City Attorney
Stephen.Fischer@oxnard.org, (805) 385-7483

RECOMMENDATION:

That City Council approve the first reading by title only and waive further reading of an ordinance amending Article XI to Chapter 11 of the City Code establishing taxicab licensing and operating regulations.

BACKGROUND

California Government Code Section 53075.5 requires all cities to adopt a resolution or ordinance for taxicab service regulations. This Section was repealed and replaced on September 18, 2018 with the passage of AB 939. Commencing in 2019, Section 53075.5 limits the applicability of local government permitting and licensing to cities and counties in which a taxicab company and driver are substantially located. The City's current City Code provisions must be amended to meet State requirements as defined in Sections 53075.5-53075.52.

In 2017, Governor Brown signed SB 182 which requires drivers of transportation network companies to procure a single business license, regardless of the number of local jurisdictions in which the driver operates. The popularity of ride sharing companies, coupled with the minimal tax burden on the industry, has impacted the taxi industry statewide.

The amendment to Section 53075.5 is an attempt to equate licensing requirements for the taxicab industry in response to SB 182. AB 939 modifies taxicab permitting from various local requirements to permitting exclusively in jurisdictions in which taxicab services have the most substantial connection.

This ordinance does not currently include drivers for transportation network companies (Uber, Lyft).

DISCUSSION

In addition to the substantial location permitting requirement, under the new law, the State mandates taxicab requirements which promote public safety. These requirements include the following:

- A controlled substance and alcohol testing certification program;
- Participation in the Department of Motor Vehicles (DMV) pull-notice system to promote driver safety;
- Implementation of a safety education and training program;
- Implementation of a disabled access education and training program; and
- A registration of rates to prevent drivers from overcharging.

Current Process

Applicants for either a taxicab driver permit or a taxicab operator permit are required to submit a permit application to the City Treasurer's Office, together with fees for the permit and such licenses, certificates, documents and other materials required by the Treasurer's Office.

The application form for a taxicab driver permit includes the following:

- A letter from a prospective employer offering employment to the applicant as a taxicab driver in the City, whether as an independent contractor or as an employee, or a letter from an employer stating that the applicant is employed as a taxicab driver in the City, whether as an independent contractor or as an employee, or a written statement from the applicant that he/she wishes to be a self-employed taxicab driver in the City, not employed by another person, whether as an independent contractor or as an employee;
- Proof of compliance with the requirements of the City's mandatory controlled substance and alcohol testing certification program;
- Proof that the applicant is at least 18 years of age;
- The applicant's name, residence and business addresses, and if the applicant is self-employed, the name and address of the taxicab business for which the applicant drives;
- A document issued by the DMV, dated no more than ten days before the application is submitted, showing that the applicant holds a valid, current California driver's license;
- If the applicant is self-employed, the make, type, vehicle identification number and license number of each taxicab owned or leased by the applicant, the address from which the taxicabs will be operated, and a certificate of inspection for each such taxicab;
- The distinctive color scheme, name, monogram or insignia by which each taxicab will be marked; and
- If the applicant is self-employed, proof of insurance.

Taxi Cab Ordinance (5/5/5)

January 8, 2019

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The application form for a taxicab operator permit includes the following:

- The applicant's name and residence and business addresses;
- The name of each owner of the taxicab business, including the owners, partners or officers of a firm, partnership, corporation or other entity, and their residence and business addresses;
- The name and address of the taxicab business;
- The make, type, vehicle identification number and license number of each taxicab owned or leased by the taxicab business, and a certificate of inspection for each such taxicab;
- The distinctive color scheme, name, monogram or insignia by which each taxicab will be marked;
- The name and address of each taxicab driver employed by the taxicab operator, whether as an independent contractor or as an employee;
- The address from which the taxicabs will be operated; and
- Proof of insurance.

Proposed Ordinance

The proposed ordinance provides the following revisions:

- Definition of “substantially located” as expressed by the State;
- Detail regarding required taxicab vehicle conditions;
- Allows the City Treasurer’s Office to deny an application for a taxicab driver permit if within three years of the date an application is filed, the applicant was convicted of driving under the influence of alcohol or drugs or of reckless driving;
- Participation in the California DMV pull-notice program;
- Trip Data Document requirement for all taxicab companies; and
- Allows for a taxicab driver or operator to operate in the City if that driver or operator possesses a permit from the County or at least one City in the County.

The City currently has 19 permitted taxicab drivers and 15 permitted taxicab operators.

STRATEGIC PRIORITIES

This agenda item supports the Quality of Life strategy. The purpose of the Quality of Life strategy is to build relationships and create opportunities within the community for safe and vibrant neighborhoods, which will showcase the promising future of Oxnard. This item supports the following goals and objectives:

Goal 1. Improve community safety and quality of life through a combination of prevention, intervention, and suppression efforts that address crime and underlying issues.

Goal 3. Strengthen neighborhood development, and connect City, community and culture.

FINANCIAL IMPACT:

Taxi Cab Ordinance (5/5/5)

January 8, 2019

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The City currently issues 34 permits that generate \$4,560, and 34 BTC (business tax certificates) that currently generates \$22,963.50. The combined total amounts for both the permits and the BTC is \$27,523.50. The small numbers in this data do not lend themselves to statistical analysis. However, logically we can estimate a range of the fiscal impact at \$55,047 plus or minus.

Prepared by Deputy City Attorney Jason Zaragoza, City Treasurer Phil Molina, Assistant City Treasurer Eden Alomeri, and Treasury Supervisor Armida Monares.

ATTACHMENTS:

TAXICAB ORDINANCE

Taxicab Ordinance (Redline)

CITY COUNCIL OF THE CITY OF OXNARD
ORDINANCE NO. _____

ORDINANCE OF THE CITY OF OXNARD, CALIFORNIA,
AMENDING ARTICLE XI OF CHAPTER 11 OF THE OXNARD CITY CODE TO
UPDATE LICENSING AND OPERATING REGULATIONS FOR TAXICABS.

WHEREAS, on September 18, 2018, Governor Brown signed Assembly Bill No. 939 (“AB 939”), codified in California Government Sections 53075.5-53075.52; and

WHEREAS, California Government Code Section 53075.5 limits applicability of local government permitting and licensing to cities and counties in which a taxicab company and driver are substantially located; and

WHEREAS, the City’s existing City Code provisions governing licensing and operating requirements for taxicabs must be amended to meet State requirements.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OXNARD DOES
ORDAIN AS FOLLOWS:

Part 1. Chapter 11, Division 6, Article XI of the Oxnard City Code is hereby amended to read as follows:

“ARTICLE XI. TAXICABS

SEC. 11-260. PURPOSE.

The purpose of this chapter is to protect the public health, safety and welfare in regard to taxicab transportation service.

The purpose of this article is to regulate taxicabs and other vehicles for hire with the objective of modernizing the regulation of taxicab transportation services. The requirements set forth in this chapter are intended to protect the public’s health, safety, and welfare by ensuring that taxicabs and other vehicles for hire charge reasonable rates, are adequately insured, provide safe vehicle for transport of the general public, and employ persons that do not pose a threat to passengers, pedestrians, or other drivers.

SEC. 11-261. DEFINITIONS.

For the purpose of this chapter, the following words shall have the following meanings:

(A) **CERTIFICATE OF INSPECTION** - A written statement from an automotive repair establishment registered with the State Department of Consumer Affairs, dated no more than 15 days before the date the application is submitted to the license collector, that a certain vehicle (including its brakes and lights) was thoroughly inspected and either found to be in good operating condition or repaired to be in good operating condition.

(B) **DRIVE A TAXICAB** - To drive a taxicab that picks up passengers within the city, but not including driving a taxicab that only discharges within the city passengers picked up outside the city or that travels through the city without picking up or discharging passengers, if the taxicab operator's principal place of business is not within the city.

(C) **COUNTY** – County of Ventura.

(D) **LICENSE COLLECTOR** - The city's treasurer or designee.

(E) **TAXICAB** - A motor driven vehicle designed for carrying not more than eight persons, not including the driver, having a meter, that calculates amounts due from passengers, and used to carry passengers for hire.

(F) **PREARRANGED TRIP** – A trip using and online enabled application, dispatch, or Internet Website.

(G) **POLICE CHIEF** - The department director of the Oxnard Police Department and the head officer.

(H) **SUBSTANTIALLY LOCATED** – A Taxicab Operator meets either of the following:

1. Has its primary business address within the city. A new Taxicab Operator or Taxicab Driver shall use this method of determination only for its first year of operation and may use either test for subsequent years; or
2. The total number of Prearranged and Non-Prearranged Trips that originate in the City account for the largest share of Taxicab Operator's total number of trips within the County over the past fiscal year as determined annually.

(I) **TAXICAB BUSINESS** - The business of providing taxicab transportation services.

(J) **TAXICAB DRIVER** - A person who drives a taxicab, whether as an employee, an independent contractor or a self-employed person.

(K) **TAXICAB OPERATOR** - A person or entity that employs a taxicab driver to drive a taxicab, whether as an independent contractor or as an employee. A Taxicab Operator shall include a Taxicab Driver if a Taxicab Operator consists of only one driver.

(L) **TRIP DATA DOCUMENTATION** – Documentation as determined by the License Collector that substantiates that the total number of Prearranged and non-Prearranged trips that originate within the City account for the largest share of the Taxicab Operator's total number of trips in the County over the previous fiscal year.

SEC. 11-262. TAXICAB PERMITS REQUIRED; FEES.

(A) No person shall drive a taxicab that is substantially located in the city without first obtaining a valid taxicab driver permit pursuant to this chapter.

(B) No person shall be a taxicab operator that is substantially located in the city without first obtaining a valid taxicab operator permit pursuant to this chapter.

(C) No person shall both drive a taxicab that is substantially located in the city and employ another person to drive a taxicab that is substantially located in the city without first obtaining a valid taxicab driver permit and a valid taxicab operator permit pursuant to this chapter.

(D) A Taxicab Operator that is not Substantially Located in the city shall possess a permit from the County or at least one city within the County.

(E) A Taxicab Driver that is not Substantially Located in the city shall possess a permit from the County or at least one city within the County.

(F) A Taxicab Operator who is also a Taxicab Driver that is not Substantially Located in the city shall possess applicable permit from the County or at least one city within the County.

(G) Fees for such permits shall be established by resolution of the city council.

(H) It shall be unlawful to operate a taxicab that is Substantially Located in the city without a valid, city-issued permit. The city may impose a penalty for violation pursuant to Section 11-22(A).

(I) A Taxicab Operator shall notify the city no less than six (6) months prior to changing its Substantial Location from another jurisdiction to the city.

SEC. 11-263. APPLICATION FOR TAXICAB PERMIT.

(A) The applicant for a taxicab driver permit or a taxicab operator permit shall submit to the license collector a completed application form obtained from the license collector, together with fees for the permit and such licenses, certificates, documents and other material as is required by the application form or the license collector, including an application form and fees for a business tax certificate if applicable. The applicant for a taxicab driver permit shall also submit a fee for a fingerprint report from the State Department of Justice.

(B) The application form for a taxicab driver permit shall require the following information, licenses, certificates, documents and such other material as the license collector deems necessary.

(1) A letter from a prospective employer offering employment to the applicant as a taxicab driver Substantially Located in the city, whether as an independent contractor or as an employee; or a letter from an employer stating that the applicant is employed as a taxicab driver Substantially Located in the city, whether as an independent contractor or as an employee; or a written statement from the applicant that he/she wishes to be a self-employed taxicab driver Substantially Located in the city, not employed by another person, whether as an independent contractor or as an employee;

- (2) Proof of compliance with the requirements of the city's mandatory controlled substance and alcohol testing certification program;
- (3) Proof that the applicant is at least 18 years of age;
- (4) The applicant's name, residence, phone number and business address, and if the applicant is self-employed, the name and address of the taxicab business for which the applicant drives;
- (5) A document issued by the Department of Motor vehicles, dated no more than ten days before the application is submitted, showing that the applicant holds a valid, current California driver's license;
- (6) If the applicant is self-employed, the make, type, vehicle identification number and license number of each taxicab owned or leased by the applicant, the address from which the taxicabs will be operated, and a certificate of inspection for each such taxicab;
- (7) The distinctive color scheme, name, monogram or insignia by which each taxicab will be marked; and
- (8) If the applicant is self-employed, proof of insurance required by subsections (F) and (G) of section 11-268.

(C) An application form for a taxicab operator permit shall require the following information and such other material as the license collector deems necessary:

- (1) The applicant's name and residence and business addresses;
- (2) The name of each owner of the taxicab business, including the owners, partners or officers of a firm, partnership, corporation or other entity, and their residence and business addresses;
- (3) The name and address of the taxicab business;
- (4) The make, type, vehicle identification number and license number of each taxicab owned or leased by the taxicab business, and a certificate of inspection for each such taxicab;
- (5) The distinctive color scheme, name, monogram or insignia by which each taxicab will be marked;
- (6) The name and address of each taxicab driver employed by the taxicab operator, whether as an independent contractor or as an employee;
- (7) The address from which the taxicabs will be operated; and
- (8) Proof of the insurance required by subsections (F) and (G) of section 11-268.
- (9) Trip data Documentation. For a new Taxicab Operator, a primary business address in the city shall satisfy the Trip Data Documentation requirement. A Taxicab Operator shall begin collection of trip data during its first year of operation; and
- (10) Registration of rates of fare to be charged.

SEC. 11-264. CONTROLLED SUBSTANCE AND ALCOHOL TESTING PROGRAM.

As a condition of permit issuance and renewal, taxicab drivers shall test negative for controlled substances and for alcohol. Procedures, standards and regulations concerning such testing shall be adopted by resolution of the city council.

SEC. 11-265. GRANT OR DENIAL OF TAXICAB APPLICATION.

(A) The license collector shall refer to the police chief a completed application for a taxicab driver permit or a taxicab operator permit.

(B) The police chief shall take a photograph and obtain the fingerprints of the applicant for a taxicab driver permit and shall send the fingerprints to the State Department of Justice for a report.

(C) After receipt of a report from the department of justice, the police chief shall direct the license collector to grant or deny the application for a taxicab driver permit. The police chief shall direct the license collector to deny the application on any of the following grounds:

- (1) The applicant is under the age of 18 years;
- (2) The applicant does not hold a valid, current California driver's license;
- (3) The applicant did not submit one or more of the items required by the application form;
- (4) The applicant did not test negative for controlled substances and alcohol, as required by the city's controlled substance and alcohol testing program;
- (5) Within seven years of the date the application was filed, the applicant was convicted of driving under the influence of alcohol or drugs or of reckless driving; and/or
- (6) Within seven years of the date the application was filed, the applicant was convicted of any of the following crimes, or of an attempt or conspiracy to commit any of the following crimes, as defined in Cal. Penal Code, and such conviction indicates that the applicant may pose a danger to the public if granted a taxicab driver permit: murder, mayhem, kidnapping, robbery, assault with intent to commit a felony, assault, battery, rape, arson, burglary, possession of burglarious instruments or deadly weapons, or any crime for which the applicant is required to register as a sex offender pursuant to Cal. Penal Code, Section 290.

SEC. 11-266. NOTICE TO APPLICANT.

(A) The license collector shall give written notice to the applicant for a taxicab driver permit or a taxicab operator permit that the application is granted or denied. If the application is granted, the license collector shall enclose with such notice a taxicab driver permit or a taxicab operator permit issued to the applicant.

(B) A taxicab driver permit shall include the name of the permittee, the name of the employer, a statement that the permit is subject to the conditions imposed by section 11-269, and the requirement that the permittee return the permit to the license collector upon termination of the permittee's employment. A photograph of the applicant shall be attached to the permit.

(C) A taxicab operator permit shall include the name of the permittee and a statement that the permit is subject to the conditions imposed by section 11-268.

(D) If the application is denied, the license collector shall include in such notice a statement of the grounds on which the application is denied.

SEC. 11-267. REQUEST FOR HEARING BY APPLICANT.

(A) (1) The applicant for a taxicab driver permit or a taxicab operator permit may request a hearing if the applicant receives written notice that the application is denied.

(2) The request for hearing must be received by the license collector within 14 days after the license collector mailed the notice of denial to the applicant.

(B) An applicant's request for hearing shall be in writing, shall attach a copy of the notice of denial, and shall state the reasons that the applicant alleges the notice to be incorrect.

(C) An applicant's request for hearing shall be accompanied by the hearing fee set by resolution of the city council.

(D) Procedures to set and hold the hearing, issue the decision and seek judicial review of the decision shall be as set out in sections 11-150 through 11-153 of the code.

SEC. 11-268. CONDITIONS OF TAXICAB OPERATOR PERMIT.

Every person or entity issued a taxicab operator permit shall:

(A) Display on the exterior of each taxicab the name or trademark of the person under whose authority the taxicab is being operated or the name of the lessor or lessee thereof;

(B) Display in the interior of each taxicab the sign required by Cal. Vehicle Code, Section 27908;

(C) Display the schedule of rates and charges in a conspicuous place in each taxicab, visible to all passengers, together with the name, business address and telephone number of the taxicab operator;

(D) Calculate taxicab fares on an accurate meter approved and inspected by the county weights and measures officer;

(E) Collect from taxicab passengers only the amounts displayed on the schedule of rates and charges, plus any tip that the passenger offers;

(F) Obtain for each taxicab and keep in force during the term of the permit, public liability and bodily injury insurance, issued by a California admitted insurance carrier or an insurance carrier with an A.M. Best rating of A-VII or better. The insurance policy shall be endorsed to state that coverage may not be suspended, voided, canceled or reduced in coverage or limits without 15 days' prior written notice to the license collector. The insurance policy shall insure the operator and shall name the city as an additional insured of such taxicab against loss by reason of injury or damage that may result to persons or property from the negligent operation or defective construction of such taxicab, or from violation of this chapter or of any other law of the State or the United States. The insurance policy shall be in the sum of not less than \$500,000 combined single limit for personal injury and property damage for each taxicab in any one accident. The risk manager may authorize the license collector to accept insurance that does not

meet the foregoing criteria or require insurance that exceeds the foregoing criteria if the risk manager determines that such insurance will provide adequate protection, based on, but not limited to, factors such as whether the applicant belongs to a risk retention group satisfactory to the risk manager; whether the applicant's operating risks are less than or more than standard risks; and whether the required insurance is reasonably available to a qualified applicant.

- (G) Obtain and keep in force during the term of the permit, workers' compensation insurance, covering all employees of the permittee;
- (H) Maintain each taxicab in good repair and in a clean and sanitary condition;
- (I) Notify the license collector immediately when any vehicle not described in the application for the permit is placed in service as a taxicab and submit the information about the vehicle and the certificate of inspection required by the application form;
- (J) Notify the license collector immediately on termination of a taxicab driver's employment.
- (K) Require that each taxicab driver have a valid California driver's license and a valid city taxicab driver permit; and
- (L) Comply with any other reasonable conditions imposed by the license collector or the police chief.;
- (M) A Taxicab Operator shall participate in the pull-notice program pursuant to Section 1808.1 of the Vehicle Code to regularly check the driving records of all Taxicab Drivers;
- (N) A Taxicab Operator shall maintain a safety education and training program in effect for all Taxicab Drivers, whether employees or independent contractors; and
- (O) A Taxicab Operator shall maintain a disabled access education and training program to instruct its Taxicab Drivers on compliance with the Federal Americans with Disabilities Act of 1990 and amendments thereto, and state disability rights laws, including making clear that it is illegal to decline to serve a person with a disability or who has a service animal.

SEC. 11-269. CONDITIONS OF TAXICAB DRIVER PERMIT.

Every person to whom a taxicab driver permit is issued shall:

- (A) Display the permit in the taxicab in a place conspicuous from the passenger area;
- (B) If the taxicab driver is self-employed, comply with all the conditions of a taxicab operator's permit set forth in subsections (A) through (F) and (H) through (I) of section 11-268;
- (C) Return the permit to the license collector immediately on termination of employment or self-employment as a taxicab driver; and

(D) Comply with any other reasonable condition imposed by the license collector or the police chief.

SEC. 11-270. ANNUAL PERMIT RENEWAL.

(A) Taxicab driver permits and taxicab operator permits shall continue in effect for the remainder of the fiscal year in which they are issued, unless revoked or modified as provided in section 11-271; provided, however, that taxicab driver permits shall automatically become void on termination of employment or self-employment as a taxicab driver. A taxicab driver permit or taxicab operator permit issued in the last quarter of a fiscal year shall continue in effect for the remainder of the fiscal year in which it is issued, and for the next fiscal year, subject to the foregoing provisions regarding revocation, modification and automatically becoming void.

(B) Permittees shall submit to the license collector applications to renew taxicab driver permits and operator's permits for following fiscal years, together with fees for the renewal and any changes in the information provided in the initial application or a previous renewal application; evidence that required insurance will be in effect for the new fiscal year; and a new certificate of vehicle inspection for each taxicab. In addition, an applicant for renewal of a taxicab driver permit shall submit proof of a negative test for controlled substances and alcohol as required by the city's controlled substance and alcohol testing program, have a new photograph taken by the police chief, and provide a document issued by the Department of Motor Vehicles, dated no more than ten days before the application is submitted, showing that the applicant holds a valid, current California driver's license.

(C) The license collector shall refer to the police chief completed applications for renewal of taxicab driver permits and taxicab operator permits. The police chief and the license collector shall process, grant and deny the applications for renewal as provided in sections 11-265 and 11-266. An applicant for renewal whose application is denied may request a hearing as provided in section 11-267. Conditions on renewal permits shall be as provided in sections 11-268 and 11-269.

(D) Applications for renewal of taxicab permits and taxicab operator permits should be submitted by June 15 of each year to allow sufficient time for processing before the current permit expires on June 30.

SEC. 11-271. REVOCATION, SUSPENSION OR MODIFICATION OF TAXICAB PERMIT.

(A) A taxicab operator permit or a taxicab driver permit may be revoked or suspended or additional conditions imposed thereon for failure of the permittee to comply with applicable laws, regulations and conditions, based on matters occurring after the permit is issued or on matters not considered at the time of issuance of the permit that would have authorized denial of the permit or the imposition of conditions on the permit.

(B) The police chief may file with the license collector a written request for revocation, suspension or modification of a taxicab operator permit or a taxicab driver permit, stating facts showing that the permittee has not complied with applicable laws, regulations or permit conditions and recommending that the permit be revoked or suspended or in what respect the permit should be conditioned.

(C) On receiving the request, the license collector shall mail to the permittee a notice that the permit is recommended for revocation, suspension or conditioning in a specific manner and stating the reasons for that recommendation. The notice shall inform the permittee that the recommendation will be adopted and the permittee will be deemed to concur with the recommendation if the permittee does not make a written request for a hearing in the manner provided in subsection (D) of this section.

(D) On receiving the notice, the permittee may make a written request for a hearing. The request must be received by the license collector within 14 days after the license collector mailed the notice of recommended revocation, suspension or conditioning to the permittee and shall be accompanied by the hearing fee set by resolution of the city council. The request for hearing shall state the reasons that the permittee alleges the notice of recommended revocation, suspension or conditioning to be incorrect.

(E) The procedures for holding a hearing, rendering a decision and seeking judicial review of the decision shall be as provided in subsections (H) through (N) of section 11-154 of the code.”

Part 2. Severability. If any section, subsection, sentence, clause, phrase, part or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one of more section, subsections, sentences, clauses, phrases, parts or portions be declared invalid or unconstitutional.

Part 3. The City Council determines and finds that this ordinance is exempt from the California Environmental Quality Act under section 15061(b)(3) because the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Part 4. Pursuant to Cal. Gov. Code Section 36933(c)(1), the City Attorney was designated to prepare, and the City Clerk published, a summary of this ordinance, and a certified copy of the ordinance was posted in the Office of the City Clerk a minimum of five days before the City Council’s adoption of the ordinance.

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Part 5. The City Clerk shall certify as to the adoption of this ordinance and shall cause the summary thereof to be published within fifteen (15) days of the adoption and shall post a certified copy of this ordinance, including the vote for and against the same, in the office of the City Clerk, in accordance with Government Code Section 36933. Ordinance No. _____ was first read on January 8, 2019, and finally adopted on _____, 20__, to become effective thirty days thereafter.

AYES:

NOES:

ABSENT:

ABSTAIN:

Tim Flynn, Mayor

ATTEST:

Michelle Ascencion, City Clerk

APPROVED AS TO FORM:

Stephen M. Fischer, City Attorney

CITY COUNCIL OF THE CITY OF OXNARD
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD
AMENDING THE OXNARD CITY CODE BY UPDATING LICENSING AND
OPERATING REGULATIONS FOR TAXICABS

WHEREAS, on September 18, 2018, Governor Brown signed Assembly Bill No. 939 (“AB 939”), codified in California Government Sections 53075.5-53075.52; and

WHEREAS, California Government Code Section 53075.5 limits applicability of local government permitting and licensing to cities and counties in which a taxicab company and driver are substantially located; and

WHEREAS, the City’s existing City Code provisions governing licensing and operating requirements for taxicabs must be amended to meet State requirements.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OXNARD DOES
ORDAIN AS FOLLOWS:

PART 1. Chapter 11, Division 6, Article XI of the Oxnard City Code is hereby amended to read as follows:

“ARTICLE XI. TAXICABS

SEC. 11-260. PURPOSE.

~~The purpose of this chapter is to protect the public health, safety and welfare in regard to taxicab transportation service.~~

The purpose of this article is to regulate taxicabs and other vehicles for hire with the objective of modernizing the regulation of taxicab transportation services. The requirements set forth in this chapter are intended to protect the public’s health, safety, and welfare by ensuring that taxicabs and other vehicles for hire charge reasonable rates, are adequately insured, provide safe vehicle for transport of the general public, and employ persons that do not pose a threat to passengers, pedestrians, or other drivers.

SEC. 11-261. DEFINITIONS.

For the purpose of this chapter, the following words shall have the following meanings:

(A) CERTIFICATE OF INSPECTION - A written statement from an automotive repair establishment registered with the State Department of Consumer Affairs, dated no more than 15 days before the date the application is submitted to the license collector, that a certain vehicle (including its brakes and lights) was thoroughly inspected and either found to be in good operating condition or repaired to be in good operating condition.

(B) DRIVE A TAXICAB - To drive a taxicab that picks up passengers within the city, but not including driving a taxicab that only discharges within the city passengers picked up outside the city or that travels through the city without picking up or discharging passengers, if the taxicab operator's principal place of business is not within the city.

(C) COUNTY – County of Ventura.

(D) LICENSE COLLECTOR - The city's treasurer or designee.

(E) TAXICAB - A motor driven vehicle designed for carrying not more than eight persons, not including the driver, having a meter, that calculates amounts due from passengers, and used to carry passengers for hire.

(F) PREARRANGED TRIP – A trip using and online enabled application, dispatch, or Internet Website.

(G) POLICE CHIEF - The department director of the Oxnard Police Department and the head officer.

(H) SUBSTANTIALLY LOCATED – A Taxicab Operator meets either of the following:

1. Has its primary business address within the city. A new Taxicab Operator or Taxicab Driver shall use this method of determination only for its first year of operation and may use either test for subsequent years; or
2. The total number of Prearranged and Non-Prearranged Trips that originate in the City account for the largest share of Taxicab Operator's total number of trips within the County over the past fiscal year as determined annually.

(I) TAXICAB BUSINESS - The business of providing taxicab transportation services.

(J) TAXICAB DRIVER - A person who drives a taxicab, whether as an employee, an independent contractor or a self-employed person.

(K) TAXICAB OPERATOR - A person or entity that employs a taxicab driver to drive a taxicab, whether as an independent contractor or as an employee. A Taxicab Operator shall include a Taxicab Driver if a Taxicab Operator consists of only one driver.

(L) TRIP DATA DOCUMENTATION – Documentation as determined by the License Collector that substantiates that the total number of Prearranged and non-Prearranged trips that originate within the City account for the largest share of the Taxicab Operator's total number of trips in the County over the previous fiscal year.

SEC. 11-262. TAXICAB PERMITS REQUIRED; FEES.

(A) No person shall drive a taxicab that is substantially located in the city without first obtaining a valid taxicab driver permit pursuant to this chapter.

(B) No person shall be a taxicab operator that is substantially located in the city without first obtaining a valid taxicab operator permit pursuant to this chapter.

(C) No person shall both drive a taxicab that is substantially located in the city and employ another person to drive a taxicab that is substantially located in the city without first obtaining a valid taxicab driver permit and a valid taxicab operator permit pursuant to this chapter.

(D) A Taxicab Operator that is not Substantially Located in the city shall possess a permit from the County or at least one city within the County.

(E) A Taxicab Driver that is not Substantially Located in the city shall possess a permit from the County or at least one city within the County.

(F) A Taxicab Operator who is also a Taxicab Driver that is not Substantially Located in the city shall possess applicable permit from the County or at least one city within the County.

(G) Fees for such permits shall be established by resolution of the city council.

(H) It shall be unlawful to operate a taxicab that is Substantially Located in the city without a valid, city-issued permit. The city may impose a penalty for violation pursuant to Section 11-22(A).

(I) A Taxicab Operator shall notify the city no less than six (6) months prior to changing its Substantial Location from another jurisdiction to the city.

SEC. 11-263. APPLICATION FOR TAXICAB PERMIT.

(A) The applicant for a taxicab driver permit or a taxicab operator permit shall submit to the license collector a completed application form obtained from the license collector, together with fees for the permit and such licenses, certificates, documents and other material as is required by the application form or the license collector, including an application form and fees for a business tax certificate if applicable. The applicant for a taxicab driver permit shall also submit a fee for a fingerprint report from the State Department of Justice.

(B) The application form for a taxicab driver permit shall require the following information, licenses, certificates, documents and such other material as the license collector deems necessary.

(1) A letter from a prospective employer offering employment to the applicant as a taxicab driver Substantially Located in the city, whether as an independent contractor or as an employee; or a letter from an employer stating that the applicant is employed as a taxicab driver Substantially Located in the city, whether as an independent contractor or as an employee; or a written statement from the applicant that he/she wishes to be a self-employed taxicab driver Substantially Located in the city, not employed by another person, whether as an independent contractor or as an employee;

- (2) Proof of compliance with the requirements of the city's mandatory controlled substance and alcohol testing certification program;
- (3) Proof that the applicant is at least 18 years of age;
- (4) The applicant's name, residence, phone number and business address, and if the applicant is self-employed, the name and address of the taxicab business for which the applicant drives;
- (5) A document issued by the Department of Motor vehicles, dated no more than ten days before the application is submitted, showing that the applicant holds a valid, current California driver's license;
- (6) If the applicant is self-employed, the make, type, vehicle identification number and license number of each taxicab owned or leased by the applicant, the address from which the taxicabs will be operated, and a certificate of inspection for each such taxicab;
- (7) The distinctive color scheme, name, monogram or insignia by which each taxicab will be marked; and
- (8) If the applicant is self-employed, proof of insurance required by subsections (F) and (G) of section 11-268.

(C) An application form for a taxicab operator permit shall require the following information and such other material as the license collector deems necessary:

- (1) The applicant's name and residence and business addresses;
- (2) The name of each owner of the taxicab business, including the owners, partners or officers of a firm, partnership, corporation or other entity, and their residence and business addresses;
- (3) The name and address of the taxicab business;
- (4) The make, type, vehicle identification number and license number of each taxicab owned or leased by the taxicab business, and a certificate of inspection for each such taxicab;
- (5) The distinctive color scheme, name, monogram or insignia by which each taxicab will be marked;
- (6) The name and address of each taxicab driver employed by the taxicab operator, whether as an independent contractor or as an employee;
- (7) The address from which the taxicabs will be operated; and
- (8) Proof of the insurance required by subsections (F) and (G) of section 11-268.
- (9) Trip data Documentation. For a new Taxicab Operator, a primary business address in the city shall satisfy the Trip Data Documentation requirement. A Taxicab Operator shall begin collection of trip data during its first year of operation; and
- (10) Registration of rates of fare to be charged.

SEC. 11-264. CONTROLLED SUBSTANCE AND ALCOHOL TESTING PROGRAM.

As a condition of permit issuance and renewal, taxicab drivers shall test negative for controlled substances and for alcohol. Procedures, standards and regulations concerning such testing shall be adopted by resolution of the city council.

SEC. 11-265. GRANT OR DENIAL OF TAXICAB APPLICATION.

(A) The license collector shall refer to the police chief a completed application for a taxicab driver permit or a taxicab operator permit.

(B) The police chief shall take a photograph and obtain the fingerprints of the applicant for a taxicab driver permit and shall send the fingerprints to the State Department of Justice for a report.

(C) After receipt of a report from the department of justice, the police chief shall direct the license collector to grant or deny the application for a taxicab driver permit. The police chief shall direct the license collector to deny the application on any of the following grounds:

- (1) The applicant is under the age of 18 years;
- (2) The applicant does not hold a valid, current California driver's license;
- (3) The applicant did not submit one or more of the items required by the application form;
- (4) The applicant did not test negative for controlled substances and alcohol, as required by the city's controlled substance and alcohol testing program;
- (5) Within ~~three years~~ seven years of the date the application was filed, the applicant was convicted of driving under the influence of alcohol or drugs or of reckless driving; and/or
- (6) Within seven years of the date the application was filed, the applicant was convicted of any of the following crimes, or of an attempt or conspiracy to commit any of the following crimes, as defined in Cal. Penal Code, and such conviction indicates that the applicant may pose a danger to the public if granted a taxicab driver permit: murder, mayhem, kidnapping, robbery, assault with intent to commit a felony, assault, battery, rape, arson, burglary, possession of burglarious instruments or deadly weapons, or any crime for which the applicant is required to register as a sex offender pursuant to Cal. Penal Code, Section 290.

SEC. 11-266. NOTICE TO APPLICANT.

(A) The license collector shall give written notice to the applicant for a taxicab driver permit or a taxicab operator permit that the application is granted or denied. If the application is granted, the license collector shall enclose with such notice a taxicab driver permit or a taxicab operator permit issued to the applicant.

(B) A taxicab driver permit shall include the name of the permittee, the name of the employer, a statement that the permit is subject to the conditions imposed by section 11-269, and the requirement that the permittee return the permit to the license collector upon termination of the permittee's employment. A photograph of the applicant shall be attached to the permit.

(C) A taxicab operator permit shall include the name of the permittee and a statement that the permit is subject to the conditions imposed by section 11-268.

(D) If the application is denied, the license collector shall include in such notice a statement of the grounds on which the application is denied.

SEC. 11-267. REQUEST FOR HEARING BY APPLICANT.

(A) (1) The applicant for a taxicab driver permit or a taxicab operator permit may request a hearing if the applicant receives written notice that the application is denied.

(2) The request for hearing must be received by the license collector within 14 days after the license collector mailed the notice of denial to the applicant.

(B) An applicant's request for hearing shall be in writing, shall attach a copy of the notice of denial, and shall state the reasons that the applicant alleges the notice to be incorrect.

(C) An applicant's request for hearing shall be accompanied by the hearing fee set by resolution of the city council.

(D) Procedures to set and hold the hearing, issue the decision and seek judicial review of the decision shall be as set out in sections 11-150 through 11-153 of the code.

SEC. 11-268. CONDITIONS OF TAXICAB OPERATOR PERMIT.

Every person or entity issued a taxicab operator permit shall:

(A) Display on the exterior of each taxicab the name or trademark of the person under whose authority the taxicab is being operated or the name of the lessor or lessee thereof;

(B) Display in the interior of each taxicab the sign required by Cal. Vehicle Code, Section 27908;

(C) Display the schedule of rates and charges in a conspicuous place in each taxicab, visible to all passengers, together with the name, business address and telephone number of the taxicab operator;

(D) Calculate taxicab fares on an accurate meter approved and inspected by the county weights and measures officer;

(E) Collect from taxicab passengers only the amounts displayed on the schedule of rates and charges, plus any tip that the passenger offers;

(F) Obtain for each taxicab and keep in force during the term of the permit, public liability and bodily injury insurance, issued by a California admitted insurance carrier or an insurance carrier with an A.M. Best rating of A-VII or better. The insurance policy shall be endorsed to state that coverage may not be suspended, voided, canceled or reduced in coverage or limits without 15 days' prior written notice to the license collector. The insurance policy shall insure the operator and shall name the city as an additional insured of such taxicab against loss by reason of injury or damage that may result to persons or property from the negligent operation or defective construction of such taxicab, or from violation of this chapter or of any other law of the State or the United States. The insurance policy shall be in the sum of not less than \$500,000 combined single limit for personal injury and property damage for each taxicab in any one

accident. The risk manager may authorize the license collector to accept insurance that does not meet the foregoing criteria or require insurance that exceeds the foregoing criteria if the risk manager determines that such insurance will provide adequate protection, based on, but not limited to, factors such as whether the applicant belongs to a risk retention group satisfactory to the risk manager; whether the applicant's operating risks are less than or more than standard risks; and whether the required insurance is reasonably available to a qualified applicant.

- (G) Obtain and keep in force during the term of the permit, workers' compensation insurance, covering all employees of the permittee;
- (H) Maintain each taxicab in good repair and in a clean and sanitary condition;
- (I) Notify the license collector immediately when any vehicle not described in the application for the permit is placed in service as a taxicab and submit the information about the vehicle and the certificate of inspection required by the application form;
- (J) Notify the license collector immediately on termination of a taxicab driver's employment.
- (K) Require that each taxicab driver have a valid California driver's license and a valid city taxicab driver's permit; and
- (L) Comply with any other reasonable conditions imposed by the license collector or the police chief.;
- (M) A Taxicab Operator shall participate in the pull-notice program pursuant to Section 1808.1 of the Vehicle Code to regularly check the driving records of all Taxicab Drivers; and
- (N) A Taxicab Operator shall maintain a safety education and training program in effect for all Taxicab Drivers, whether employees or independent contractors; and
- (O) A Taxicab Operator shall maintain a disabled access education and training program to instruct its Taxicab Drivers on compliance with the Federal Americans with Disabilities Act of 1990 and amendments thereto, and state disability rights laws, including making clear that it is illegal to decline to serve a person with a disability or who has a service animal.

SEC. 11-269. CONDITIONS OF TAXICAB DRIVER PERMIT.

Every person to whom a taxicab driver permit is issued shall:

- (A) Display the permit in the taxicab in a place conspicuous from the passenger area;
- (B) If the taxicab driver is self-employed, comply with all the conditions of a taxicab operator's permit set forth in subsections (A) through (F) and (H) through (I) of section 11-268;

(C) Return the permit to the license collector immediately on termination of employment or self-employment as a taxicab driver; and

(D) Comply with any other reasonable condition imposed by the license collector or the police chief.

SEC. 11-270. ANNUAL PERMIT RENEWAL.

(A) Taxicab driver permits and taxicab operator permits shall continue in effect for the remainder of the fiscal year in which they are issued, unless revoked or modified as provided in section 11-271; provided, however, that taxicab driver permits shall automatically become void on termination of employment or self-employment as a taxicab driver. A taxicab driver permit or taxicab operator permit issued in the last quarter of a fiscal year shall continue in effect for the remainder of the fiscal year in which it is issued, and for the next fiscal year, subject to the foregoing provisions regarding revocation, modification and automatically becoming void.

(B) Permittees shall submit to the license collector applications to renew taxicab driver's permits and operator's permits for following fiscal years, together with fees for the renewal and any changes in the information provided in the initial application or a previous renewal application; evidence that required insurance will be in effect for the new fiscal year; and a new certificate of vehicle inspection for each taxicab. In addition, an applicant for renewal of a taxicab driver's permit shall submit proof of a negative test for controlled substances and alcohol as required by the city's controlled substance and alcohol testing program, have a new photograph taken by the police chief, and provide a document issued by the Department of Motor Vehicles, dated no more than ten days before the application is submitted, showing that the applicant holds a valid, current California driver's license.

(C) The license collector shall refer to the police chief completed applications for renewal of taxicab driver permits and taxicab operator permits. The police chief and the license collector shall process, grant and deny the applications for renewal as provided in sections 11-265 and 11-266. An applicant for renewal whose application is denied may request a hearing as provided in section 11-267. Conditions on renewal permits shall be as provided in sections 11-268 and 11-269.

(D) Applications for renewal of taxicab permits and taxicab operator permits should be submitted by June 15 of each year to allow sufficient time for processing before the current permit expires on June 30.

SEC. 11-271. REVOCATION, SUSPENSION OR MODIFICATION OF TAXICAB PERMIT.

(A) A taxicab operator permit or a taxicab driver permit may be revoked or suspended or additional conditions imposed thereon for failure of the permittee to comply with applicable laws, regulations and conditions, based on matters occurring after the permit is issued or on matters not considered at the time of issuance of the permit that would have authorized denial of the permit or the imposition of conditions on the permit.

(B) The police chief may file with the license collector a written request for revocation, suspension or modification of a taxicab operator permit or a taxicab driver permit, stating facts showing that the permittee has not complied with applicable laws, regulations or permit conditions and recommending that the permit be revoked or suspended or in what respect the permit should be conditioned.

(C) On receiving the request, the license collector shall mail to the permittee a notice that the permit is recommended for revocation, suspension or conditioning in a specific manner and stating the reasons for that recommendation. The notice shall inform the permittee that the recommendation will be adopted and the permittee will be deemed to concur with the recommendation if the permittee does not make a written request for a hearing in the manner provided in subsection (D) of this section.

(D) On receiving the notice, the permittee may make a written request for a hearing. The request must be received by the license collector within 14 days after the license collector mailed the notice of recommended revocation, suspension or conditioning to the permittee and shall be accompanied by the hearing fee set by resolution of the city council. The request for hearing shall state the reasons that the permittee alleges the notice of recommended revocation, suspension or conditioning to be incorrect.

(E) The procedures for holding a hearing, rendering a decision and seeking judicial review of the decision shall be as provided in subsections (H) through (N) of section 11-154 of the code.”

Part 2. Severability. If any section, subsection, sentence, clause, phrase, part or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one of more section, subsections, sentences, clauses, phrases, parts or portions be declared invalid or unconstitutional.

Part 3. The City Council determines and finds that this ordinance is exempt from the California Environmental Quality Act under section 15061(b)(3) because the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Part 4. Pursuant to Cal. Gov. Code Section 36933(c)(1), the City Attorney was designated to prepare, and the City Clerk published, a summary of this ordinance, and a certified copy of the ordinance was posted in the Office of the City Clerk a minimum of five days before the City Council’s adoption of the ordinance.

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Part 5. Within fifteen days after passage, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation, published and circulated in the City. Ordinance No. _____ was first read on January 8, 2019, and finally adopted on _____, 2019, to become effective thirty days thereafter.

AYES:

NOES:

ABSENT:

ABSTAIN:

Tim Flynn, Mayor

ATTEST:

Michelle Ascencion, City Clerk

APPROVED AS TO FORM:

Stephen M. Fischer, City Attorney