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.

CITY OF OXNARD CALIFORNIA

AGENDA
OXNARD CITY COUNCIL
OXNARD COMMUNITY DEVELOPMENT COMMISSION SUCCESSOR AGENCY
OXNARD FINANCING AUTHORITY
OXNARD HOUSING AUTHORITY
Council Chambers, 305 West Third Street
September 17, 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

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 (4:30 PM)

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Government Code section 54956.9 (d)(1))
(City Council)
Name of cases: Green Energy Holdings, LLC; Auto Fuels, Inc. v. City of Oxnard, et al. Ventura County Superior Court, Case Nos. 56-2015-00470344-CU-EI-VTA; 56-2018-00512103-CU-MC-VTA.

2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Government Code section 54956.9(d)(2))
(City Council)
Based on existing facts and circumstances, there is significant exposure to litigation against the City in one potential case.

3. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Government Code section 54956.9(d)(4))
(City Council)
Based on existing facts and circumstances, the City Council shall decide whether to initiate litigation in three potential cases.

4. CONFERENCE WITH LABOR NEGOTIATORS (Government Code section 54957.6)
(City Council)

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)

Agency designated representatives: Alexander Nguyen, City Manager, Steve Naveau, Director of Human Resources; and Jennie Kelly, Assistant City Attorney.
Employee organization: Service Employees International Union CTW, CLC, Local 721 (SEIU Local 721); and International Union of Operating Engineers AFL-CIO, Local No. 501 (IUOE Local 501).

D. OPENING CEREMONIES (6:00 PM)

Pledge of allegiance to the flag of the United States.

E. CEREMONIAL ITEMS

1. SUBJECT: Presentation of a Commendation to the Boys & Girls Clubs of Greater Oxnard and Port Hueneme on the Occasion of Their 65th Anniversary.

2. SUBJECT: Presentation of a Commendation to El Rio Boys Little League Seniors for Winning a State Championship and Finishing 4th in the Western Regionals.

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.

1. City Manager Department

SUBJECT: League of California Cities Annual Conference 2019 Voting Delegate/Alternate

and Resolutions. (5/5/5)

RECOMMENDATION: That City Council designate a voting delegate and a voting alternate to the League of California Cities Annual Conference and discuss the City's position on the League's resolutions regarding CPUC Rule 20A and funding for the U.S. - Mexico Border Water Infrastructure Program.

Legislative Body: City Council

Contact: Alexander Nguyen, (805) 385-7430

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

1. City Clerk Department

SUBJECT: Approval of Minutes.

RECOMMENDATION: That the City Council approve the minutes of the September 3, 2019 regular meeting as presented.

Legislative Body: City Council

Contact: Michelle Ascencion, (805) 385-7805

2. City Clerk Department

SUBJECT: Appointment of Citizen Advisory Group ("CAG") Member.

RECOMMENDATION: That the Mayor, with the concurrence of the City Council, appoint Mayor Flynn's nominee to the Commission on Homelessness.

Legislative Body: City Council

Contact: Michelle Ascencion, (805) 385-7805

3. Police Department

SUBJECT: Appropriation for FY18-19 4th Quarter Payment to Ventura County Animal Services.

RECOMMENDATION: That City Council approve a budget appropriation of $195,568 from the General Fund-Fund Balance Reserved (101-0000-302-2500) for the 4th quarter invoice to Ventura County Animal Services (VCAS).

Legislative Body: City Council

Contact: Scott Whitney, (805) 385-7624

L. PUBLIC HEARINGS

1. Housing Department

   SUBJECT: Consolidated Annual Performance and Evaluation Report (CAPER) for Fiscal Year 2018-19. (10/5/5)

   RECOMMENDATION: That the City Council receive and file the City of Oxnard's CAPER for FY2018-19.

   Legislative Body: City Council

   Contact: Emilio Ramirez, (805) 385-8094

2. Community Development Department

   SUBJECT: Tentative Parcel Map for the Subdivision of Vacant Property Located on the South Side of Highway 101 between the West and East Terminus of Lockwood Street, A.P.N. 213-0-090-10. (10/5/5)

   RECOMMENDATION: That the City Council adopt a resolution approving Planning & Zoning Permit No. 18-300-10 (Tentative Parcel Map), subject to certain findings and conditions.

   Legislative Body: City Council

   Contact: Jeffrey Lambert, (805) 385-7882

3. Community Development Department

   SUBJECT: Planning & Zoning Permit No. 19-580-03 (Zoning Text Amendment - ZTA) – Amendment to Ordinance No. 2960 - Chapters 11 and 16 of the Oxnard City Code (OCC) Pertaining to Buffer Requirements and Approval Authority for Manufacturing, Testing, and Distribution of Cannabis. (15/15/15)

   RECOMMENDATION: That the City Council approve the first reading by title only of an amendment to Ordinance No. 2960 to Chapters 11 and 16 of the Oxnard City Code pertaining to siting and permitting of manufacturing, testing, and distribution of cannabis.

   Legislative Body: City Council

   Contact: Jeffrey Lambert, (805) 385-7882

M. REPORTS

1. Human Resources Department

   SUBJECT: Resolutions Approving Successor Memorandum of Understanding with the Oxnard Mid-Managers' Association and Approving Salary and Benefits for the Confidential Non-Management, Confidential Management, and Executive Employees. (10/5/5)

   RECOMMENDATION: That the City Council adopt the attached resolutions approving the Successor Memorandum of Understanding with the Oxnard Mid-Managers' Association and approving the salary and benefits for the Confidential Non-Management, Confidential Management, and Executive employees.

   Legislative Body: City Council

   Contact: Steve Naveau, (805) 385-7947

2. City Attorney Department

SUBJECT: Camping, Removal and Storage of Personal Property, Park Exclusion, and Aggressive Panhandling and Solicitation Ordinances. (20/20/20)

RECOMMENDATION: That City Council approve the first reading by title only and waive further reading of an ordinance amending Article XVIII of Chapter 7 of the Oxnard City Code related to Ormond Beach, and adding Articles XX, XXI and XXII to Chapter 7 of the Oxnard City Code regulating Camping, Removal and Storage of Personal Property, Park and Park Facility Exclusion, and Aggressive Panhandling and Solicitation.

Legislative Body: City Council

Contact: Stephen Fischer, (805) 385-7483

N. ADJOURNMENT

CITY OF OXNARD CALIFORNIA

CITY COUNCIL AGENDA REPORT

CITY COUNCIL/HOUSING AUTHORITY/SUCCESSOR AGENCY/FINANCING AUTHORITY BUSINESS/COMMITTEE REPORTS
AGENDA ITEM NO. H.1.

DATE: September 17, 2019

TO: City Council

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

SUBJECT: League of California Cities Annual Conference 2019 Voting Delegate/Alternate and Resolutions. (5/5/5)

RECOMMENDATION

That City Council designate a voting delegate and a voting alternate to the League of California Cities Annual Conference and discuss the City's position on the League's resolutions regarding CPUC Rule 20A and funding for the U.S. - Mexico Border Water Infrastructure Program.

BACKGROUND

This year's League of California Annual Conference is scheduled for Wednesday, October 16 through Friday, October 18, 2019, at the Long Beach Convention Center. An important part of the conference is the Annual Business Meeting. The League's annual business meeting will be held at 12:00 noon on Friday, October 18th. At this meeting, the League membership considers and takes action on resolutions that establish League policy. At the request of the League, and in order to expedite the conduct of business at this policy-making meeting, a City Councilmember from each City is designated as the voting delegate. Only those individuals who are voting delegates (or alternates) may sign petitions to initiate a resolution pertaining to League policy.

Each City Council is asked to designate a voting delegate and a voting alternate who will be present at the annual business meeting. This year, Mayor Flynn will be attending the conference. League bylaws provide that each city is entitled to one vote in matters affecting municipal or League policy. It has been past practice for City Council to designate the Mayor as voting delegate and the Mayor Pro Tem as voting alternate; however, City Council may choose to designate the voting delegate and alternate differently.

The League will consider two resolutions at this year's annual conference. Additional background on the resolutions listed below are included.

1. Calling on the California Public Utilities Commission (CPUC) to amend Rule 20A program by expanding the criteria for undergrounding overhead utilities to include projects in Very High Fire Hazard Severity Zones (VHFHSZ). This Resolution also proposes that the League call upon the CPUC to increase utilities' funding allocations for Rule 20A projects.

2. Call upon the State and Federal governments to restore and ensure proper funding for the U.S. - Mexico Border Water Infrastructure Program (BWIP) and work bi-nationally to address water quality issues resulting from transboundary flows from Mexico's Tijuana River into the United States containing untreated sewage, polluted sediment, and trash.

The League requests that the City of Oxnard City Council discuss the resolution and determine the City's position so that the Council's designated voting delegate Mayor Flynn or alternate voting delegate can represent the City's position on the

resolutions at the Annual Business Meeting.

STRATEGIC PRIORITIES

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

Goal 3. Ensure Funding is adequate to meet the goals of the master plans.

Objective 3a. Maximize funding sources.

FINANCIAL IMPACT

This action alone does not require funding.

COMMITTEE OUTCOME

This item did not originate in committee.

Prepared by: Luly Lopez, Executive Assistant I

ATTACHMENTS

1. Attachment A - Annual Conference Voting Procedures
2. Attachment B - Voting Delegate Form
3. Attachment C - 2019 Annual Conference Resolutions

LEAGUE OF CALIFORNIA CITIES

Council Action Advised by August 30, 2019

June 10, 2019

TO: Mayors, City Managers and City Clerks

RE: DESIGNATION OF VOTING DELEGATES AND ALTERNATES
League of California Cities Annual Conference – October 16 - 18, Long Beach

The League's 2019 Annual Conference is scheduled for October 16 – 18 in Long Beach. An important part of the Annual Conference is the Annual Business Meeting (during General Assembly), scheduled for 12:30 p.m. on Friday, October 18, at the Long Beach Convention Center. At this meeting, the League membership considers and takes action on resolutions that establish League policy.

In order to vote at the Annual Business Meeting, your city council must designate a voting delegate. Your city may also appoint up to two alternate voting delegates, one of whom may vote in the event that the designated voting delegate is unable to serve in that capacity.

Please complete the attached Voting Delegate form and return it to the League's office no later than Friday, October 4. This will allow us time to establish voting delegate/alternate records prior to the conference.

Please note the following procedures are intended to ensure the integrity of the voting process at the Annual Business Meeting.

- **Action by Council Required.** Consistent with League bylaws, a city's voting delegate and up to two alternates must be designated by the city council. When completing the attached Voting Delegate form, please attach either a copy of the council resolution that reflects the council action taken, or have your city clerk or mayor sign the form affirming that the names provided are those selected by the city council. Please note that designating the voting delegate and alternates **must** be done by city council action and cannot be accomplished by individual action of the mayor or city manager alone.

- **Conference Registration Required.** The voting delegate and alternates must be registered to attend the conference. They need not register for the entire conference; they may register for Friday only. To register for the conference, please go to our website: www.cacities.org. In order to cast a vote, at least one voter must be present at the

  Business Meeting and in possession of the voting delegate card. Voting delegates and alternates need to pick up their conference badges before signing in and picking up the voting delegate card at the Voting Delegate Desk. This will enable them to receive the special sticker on their name badges that will admit them into the voting area during the Business Meeting.

- **Transferring Voting Card to Non-Designated Individuals Not Allowed.** The voting delegate card may be transferred freely between the voting delegate and alternates, but *only* between the voting delegate and alternates. If the voting delegate and alternates find themselves unable to attend the Business Meeting, they may *not* transfer the voting card to another city official.

- **Seating Protocol during General Assembly.** At the Business Meeting, individuals with the voting card will sit in a separate area. Admission to this area will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate. If the voting delegate and alternates wish to sit together, they must sign in at the Voting Delegate Desk and obtain the special sticker on their badges.

The Voting Delegate Desk, located in the conference registration area of the Sacramento Convention Center, will be open at the following times: Wednesday, October 16, 8:00 a.m. – 6:00 p.m.; Thursday, October 17, 7:00 a.m. – 4:00 p.m.; and Friday, October 18, 7:30 a.m.–11:30 a.m.. The Voting Delegate Desk will also be open at the Business Meeting on Friday, but will be closed during roll calls and voting.

The voting procedures that will be used at the conference are attached to this memo. Please share these procedures and this memo with your council and especially with the individuals that your council designates as your city's voting delegate and alternates.

Once again, thank you for completing the voting delegate and alternate form and returning it to the League's office by Friday, October 4. If you have questions, please call Darla Yacub at (916) 658-8254.

Attachments:
- Annual Conference Voting Procedures
- Voting Delegate/Alternate Form

Annual Conference Voting Procedures

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to League policy.

2. **Designating a City Voting Representative.** Prior to the Annual Conference, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the Voting Delegate Form provided to the League Credentials Committee.

3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city's voting card at the Voting Delegate Desk in the conference registration area. Voting delegates and alternates must sign in at the Voting Delegate Desk. Here they will receive a special sticker on their name badge and thus be admitted to the voting area at the Business Meeting.

4. **Signing Initiated Resolution Petitions.** Only those individuals who are voting delegates (or alternates), and who have picked up their city's voting card by providing a signature to the Credentials Committee at the Voting Delegate Desk, may sign petitions to initiate a resolution.

5. **Voting.** To cast the city's vote, a city official must have in his or her possession the city's voting card and be registered with the Credentials Committee. The voting card may be transferred freely between the voting delegate and alternates, but may not be transferred to another city official who is neither a voting delegate or alternate.

6. **Voting Area at Business Meeting.** At the Business Meeting, individuals with a voting card will sit in a designated area. Admission will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate.

7. **Resolving Disputes.** In case of dispute, the Credentials Committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the Business Meeting.

ITEM # H-1

LEAGUE OF CALIFORNIA CITIES

CITY: Oxnard

2019 ANNUAL CONFERENCE
VOTING DELEGATE/ALTERNATE FORM

Please complete this form and return it to the League office by Friday, October 4, 2019. Forms not sent by this deadline may be submitted to the Voting Delegate Desk located in the Annual Conference Registration Area. Your city council may designate one voting delegate and up to two alternates.

In order to vote at the Annual Business Meeting (General Assembly), voting delegates and alternates must be designated by your city council. Please attach the council resolution as proof of designation. As an alternative, the Mayor or City Clerk may sign this form, affirming that the designation reflects the action taken by the council.

Please note: Voting delegates and alternates will be seated in a separate area at the Annual Business Meeting. Admission to this designated area will be limited to individuals (voting delegates and alternates) who are identified with a special sticker on their conference badge. This sticker can be obtained only at the Voting Delegate Desk.

1. VOTING DELEGATE

Name: _____

Title: _____

2. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

3. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

PLEASE ATTACH COUNCIL RESOLUTION DESIGNATING VOTING DELEGATE AND ALTERNATES.

OR

ATTEST: I affirm that the information provided reflects action by the city council to designate the voting delegate and alternate(s).

Name: _____ Email _____

Mayor or City Clerk _____ Date _____ Phone _____
(circle one) (signature)

Please complete and return by Friday, October 4, 2019

League of California Cities
ATTN: Darla Yacub
1400 K Street, 4th Floor
Sacramento, CA 95814

FAX: (916) 658-8240
E-mail: dyacub@cacities.org
(916) 658-8254

LEAGUE OF CALIFORNIA CITIES

Annual Conference Resolutions Packet

2019 Annual Conference Resolutions

2019 ANNUAL CONFERENCE & EXPO
LEAGUE OF CALIFORNIA CITIES
LONG BEACH OCTOBER 16-18

Long Beach, California

October 16 – 18, 2019

INFORMATION AND PROCEDURES

RESOLUTIONS CONTAINED IN THIS PACKET: The League bylaws provide that resolutions shall be referred by the president to an appropriate policy committee for review and recommendation. Resolutions with committee recommendations shall then be considered by the General Resolutions Committee at the Annual Conference.

This year, two resolutions have been introduced for consideration at the Annual Conference and referred to League policy committees.

POLICY COMMITTEES: Two policy committees will meet at the Annual Conference to consider and take action on the resolutions referred to them. The committees are: Environmental Quality and Transportation, Communication & Public Works. The committees will meet from 9:00 – 11:00 a.m. on Wednesday, October 16, at the Hyatt Regency Long Beach. The sponsors of the resolutions have been notified of the time and location of the meeting.

GENERAL RESOLUTIONS COMMITTEE: This committee will meet at 1:00 p.m. on Thursday, October 17, at the Hyatt Regency Long Beach, to consider the reports of the policy committees regarding the resolutions. This committee includes one representative from each of the League's regional divisions, functional departments and standing policy committees, as well as other individuals appointed by the League president. Please check in at the registration desk for room location.

ANNUAL LUNCHEON/BUSINESS MEETING/GENERAL ASSEMBLY: This meeting will be held at 12:30 p.m. on Friday, October 18, at the Long Beach Convention Center.

PETITIONED RESOLUTIONS: For those issues that develop after the normal 60-day deadline, a resolution may be introduced at the Annual Conference with a petition signed by designated voting delegates of 10 percent of all member cities (48 valid signatures required) and presented to the Voting Delegates Desk at least 24 hours prior to the time set for convening the Annual Business Meeting of the General Assembly. This year, that deadline is 12:30 p.m., Thursday, October 17. Resolutions can be viewed on the League's Web site: www.cacities.org/resolutions.

Any questions concerning the resolutions procedures may be directed to Carly Shelby cshelby@cacities.org 916-658-8279 or Nick Romo nromo@cacities.org 916-658-8232 at the League office.

GUIDELINES FOR ANNUAL CONFERENCE RESOLUTIONS

Policy development is a vital and ongoing process within the League. The principal means for deciding policy on the important issues facing cities is through the League's seven standing policy committees and the board of directors. The process allows for timely consideration of issues in a changing environment and assures city officials the opportunity to both initiate and influence policy decisions.

Annual conference resolutions constitute an additional way to develop League policy. Resolutions should adhere to the following criteria.

Guidelines for Annual Conference Resolutions

1. Only issues that have a direct bearing on municipal affairs should be considered or adopted at the Annual Conference.

2. The issue is not of a purely local or regional concern.

3. The recommended policy should not simply restate existing League policy.

4. The resolution should be directed at achieving one of the following objectives:

   (a) Focus public or media attention on an issue of major importance to cities.

   (b) Establish a new direction for League policy by establishing general principles around which more detailed policies may be developed by policy committees and the board of directors.

   (c) Consider important issues not adequately addressed by the policy committees and board of directors.

   (d) Amend the League bylaws (requires 2/3 vote at General Assembly).

LOCATION OF MEETINGS

Policy Committee Meetings
Wednesday, October 16, 9:00 – 11:00 a.m.
Hyatt Regency Long Beach
200 South Pine Avenue, Long Beach

The following committees will be meeting:

1. Environmental Quality 10:00 - 11:00 a.m.
2. Transportation, Communication & Public Works 9:00 - 10:00 a.m.

General Resolutions Committee
Thursday, October 17, 1:00 p.m.
Hyatt Regency Long Beach
200 South Pine Avenue, Long Beach

Annual Business Meeting and General Assembly Luncheon
Friday, October 18, 12:30 p.m.
Long Beach Convention Center
300 East Ocean Boulevard, Long Beach

KEY TO ACTIONS TAKEN ON RESOLUTIONS

Resolutions have been grouped by policy committees to which they have been assigned.

Number	Key Word Index	Reviewing Body Action		
		1	2	3

1 - Policy Committee Recommendation to General Resolutions Committee
2 – General Resolutions Committee
3 - General Assembly

ENVIRONMENTAL QUALITY POLICY COMMITTEE

		1	2	3
1	Amendment to Rule 20A			
2	International Transboundary Pollution Flows			

TRANSPORTATION, COMMUNICATION & PUBLIC WORKS POLICY COMMITTEE

		1	2	3
1	Amendment to Rule 20A			

Information pertaining to the Annual Conference Resolutions will also be posted on each committee's page on the League website: www.cacities.org. The entire Resolutions Packet is posted at: www.cacities.org/resolutions.

KEY TO ACTIONS TAKEN ON RESOLUTIONS *(Continued)*

Resolutions have been grouped by policy committees to which they have been assigned.

KEY TO REVIEWING BODIES

1. Policy Committee
2. General Resolutions Committee
3. General Assembly

ACTION FOOTNOTES

* Subject matter covered in another resolution

** Existing League policy

*** Local authority presently exists

KEY TO ACTIONS TAKEN

A	Approve
D	Disapprove
N	No Action
R	Refer to appropriate policy committee for study
a	Amend+
Aa	Approve as amended+
Aaa	Approve with additional amendment(s)+
Ra	Refer as amended to appropriate policy committee for study+
Raa	Additional amendments and refer+
Da	Amend (for clarity or brevity) and Disapprove+
Na	Amend (for clarity or brevity) and take No Action+
W	Withdrawn by Sponsor

Procedural Note:
The League of California Cities resolution process at the Annual Conference is guided by League Bylaws. A helpful explanation of this process can be found on the League's website by clicking on this link: Guidelines for the Annual Conference Resolutions Process.

League of California Cities Resolution Process

REGULAR RESOLUTIONS

Policy Committee Action	General Resolutions Committee Action	Calendar
Approve	Approve	Consent Calendar[1]
Approve	Disapprove or Refer	Regular Calendar[2]
Disapprove or Refer	Approve	Regular Calendar
Disapprove or Refer	Disapprove or Refer	Does not proceed to General Assembly

PETITION RESOLUTIONS

Policy Committee Action	General Resolutions Committee Action	Calendar
Not Heard in Policy Committee	Approve	Consent Calendar
Not Heard in Policy Committee	Disapprove or Refer	Regular Calendar
Not Heard in Policy Committee	Disqualified per Bylaws Art. VI	Does not proceed to General Assembly

Resolutions

- Submitted 60 days prior to conference *Bylaws Article VI, Sec. 4(a)*
- Signatures of at least 5 supporting cities or city officials submitted with the proposed resolution *Bylaws Article VI, Sec. 2*
- Assigned to policy committee(s) by League president *Bylaws Article VI, Sec. 4(b)(i)*
- Heard in policy committee(s) and report recommendation, if any, to GRC *Bylaws Article VI, Sec. 4(b)(ii)*
- Heard in GRC
  - Approved by policy committee(s) and GRC, goes on to General Assembly on consent calendar *2006 General Assembly Resolution Sec. 2(C)*
  - If amended/approved by all policy committee(s) to which it has been referred and disapproved by GRC, then goes on to General Assembly on the regular calendar. If not all policy committees to which it has been referred recommend amendment or approval, and the GRC disapproves or refers the resolution, the resolution does not move to the General Assembly *2006 General Assembly Resolution Sec. 2(A),(C); 1998 General Assembly Resolution, 1st Resolved Clause*
  - If disapproved by all policy committees to which it has been referred and disapproved by the GRC, resolution does not move to the General Assembly *2006 General Assembly Resolution Sec. 2(C)*
- Heard in General Assembly

[1] The consent calendar should only be used for resolutions where there is unanimity between the policy committees and the GRC that a resolution should be approved by the General Assembly, and therefore, it can be concluded that there will be less desire to debate the resolution on the floor.

[2] The regular calendar is for resolutions for which there is a difference in recommendations between the policy committees and the GRC.

Petitioned Resolutions

- Submitted by voting delegate *Bylaws Article VI, Sec. 5 (a)*
- Must be signed by voting delegates representing 10% of the member cities *Bylaws Article VI, Sec. 5 (c)*
- Signatures confirmed by League staff
- Submitted to the League president for confirmation 24 hours before the beginning of the General Assembly. *Bylaws Article VI, Sec. 5 (d)*
- Petition to be reviewed by Parliamentarian for required signatures of voting delegates and for form and substance *Bylaws Article VI, Sec. 5(e)*
- Parliamentarian's report is presented to chair of GRC
- Will be heard at GRC for action (GRC cannot amend but may recommend by a majority vote to the GA technical or clarifying amendments) *2006 General Assembly Resolution sec. 6(A), (B)*
- GRC may disqualify if:
  - Non-germane to city issues
  - Identical or substantially similar in substance to a resolution already under consideration *Bylaws Article VI, Sec. 5(e)*, (f)
- Heard in General Assembly
  - General Assembly will consider the resolution following the other resolutions[3] *Bylaws Article VI, Sec. 5(g)*
  - Substantive amendments that change the intent of the petitioned resolution may only be adopted by the GA *2006 General Assembly Resolution sec. 6(C)*

Voting Procedure in the General Assembly

Consent Calendar: Resolution approved by Policy Committee(s) and GRC. Petitioned resolution approved by GRC)

- GRC Chair will be asked to give the report from the GRC and will ask for adoption of the GRC's recommendations
- Ask delegates if there is a desire to call out a resolution for discussion
- A voting delegate may make a motion to remove a resolution from the consent calendar for discussion
- If a motion is made to pull a resolution, the General Assembly votes on whether to pull the resolution from the consent calendar.
- If a majority of the General Assembly votes to pull the resolution, set "called out" reso(s) aside. If the motion fails, the resolution remains on the consent calendar.
- If reso(s) not called out, or after 'called out" reso is set aside, then ask for vote on remaining resos left on consent
- Move on to debate on reso(s) called out
- After debate, a vote is taken
- Voting delegates vote on resolutions by raising their voting cards.[4]

[3] Petitioned Resolutions on the Consent Calendar will be placed after all General Resolutions on the Consent Calendar. Petitioned Resolutions on the Regular Calendar will be placed after all General Resolutions on the Regular Calendar.

[4] Amendments to League bylaws require 2/3 vote

Regular Calendar: Regular resolutions approved by Policy Committee(s)[5], and GRC recommends disapproval or referral; Regular resolutions disapproved or referred by Policy Committee(s)[6] and GRC approves; Petitioned resolutions disapproved or referred by the GRC.

- Open the floor to determine if a voting delegate wishes to debate a resolution on the regular calendar.
- If no voting delegate requests a debate on the resolution, a vote to ratify the recommendation of the GRC on the resolution is taken.
- Upon a motion by a voting delegate to debate a resolution, a debate shall be held if approved by a majority vote of the General Assembly. If a majority of the General Assembly to debate the resolution is not achieved, then a vote shall be taken on whether to ratify the GRC's recommendation. If a majority of the General Assembly approves of the motion to debate the resolution, debate will occur. After debate on the resolution, a vote is taken based upon the substitute motion that was made, if any, or on the question of ratifying the GRC's recommendation.
- Voting delegates vote by raising their voting cards.

[5] Applies in the instance where the GRC recommendation of disapproval or refer is counter to the recommendations of the policy committees.

[6] Applies in the instance where the GRC recommendation to approve is counter to the recommendations of the policy committees.

1. **RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES CALLING ON THE CALIFORNIA PUBLIC UTILITIES COMMISSION TO AMEND RULE 20A TO ADD PROJECTS IN VERY HIGH FIRE HAZARD SEVERITY ZONES TO THE LIST OF ELIGIBILITY CRITERIA AND TO INCREASE FUNDING ALLOCATIONS FOR RULE 20A PROJECTS**

Source: City of Rancho Palos Verdes
Concurrence of five or more cities/city officials
Cities: City of Hidden Hills, City of La Cañada Flintridge, City of Laguna Beach, City of Lakeport, City of Malibu, City of Moorpark, City of Nevada City, City of Palos Verdes Estates, City of Rolling Hills Estates, City of Rolling Hills, City of Ventura
Referred to: Environmental Quality Policy Committee; Transportation, Communications, and Public Works Policy Committee

WHEREAS, the California Public Utilities Commission regulates the undergrounding conversion of overhead utilities under Electric Tariff Rule 20 and;

WHEREAS, conversion projects deemed to have a public benefit are eligible to be funded by ratepayers under Rule 20A; and

WHEREAS, the criteria under Rule 20A largely restricts eligible projects to those along streets with high volumes of public traffic; and

WHEREAS, the cost of undergrounding projects that do not meet Rule 20A criteria is left mostly or entirely to property owners under other parts of Rule 20; and

WHEREAS, California is experiencing fire seasons of worsening severity; and

WHEREAS, undergrounding overhead utilities that can spark brush fires is an important tool in preventing them and offers a public benefit; and

WHEREAS, brush fires are not restricted to starting near streets with high volumes of public traffic; and

WHEREAS, expanding Rule 20A criteria to include Very High Fire Hazard Severity Zones would facilitate undergrounding projects that would help prevent fires; and

WHEREAS, expanding Rule 20A criteria as described above and increasing funding allocations for Rule 20A projects would lead to more undergrounding in Very High Fire Hazard Severity Zones; and now therefore let it be,

RESOLVED that the League of California Cities calls on the California Public Utilities Commission to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility and to increase funding allocations for Rule 20A projects.

Background Information on Resolution No. 1

Source: City of Rancho Palos Verdes

Background:
Rancho Palos Verdes is the most populated California city to have 90 percent or more of residents living in a Cal Fire-designated Very High Fire Hazard Severity Zone. Over the years, the Palos Verdes Peninsula has seen numerous brush fires that were determined to be caused by electrical utility equipment.

Across the state, some of the most destructive and deadly wildfires were sparked by power equipment. But when it comes to undergrounding overhead utilities, fire safety is not taken into account when considering using ratepayer funds to pay for these projects under California's Electric Tariff Rule 20 program. The program was largely intended to address visual blight when it was implemented in 1967. Under Rule 20A, utilities must allocate ratepayer funds to undergrounding conversion projects chosen by local governments that have a public benefit and meet one or more of the following criteria:

- Eliminate an unusually heavy concentration of overhead lines;
- Involve a street or road with a high volume of public traffic;
- Benefit a civic or public recreation area or area of unusual scenic interest; and,
- Be listed as an arterial street or major collector as defined in the Governor's Office of Planning and Research (OPR) Guidelines.

As we know, brush fires are not restricted to erupting in these limited areas. California's fire season has worsened in severity in recent years, claiming dozens of lives and destroying tens of thousands of structures in 2018 alone.

Excluding fire safety from Rule 20A eligibility criteria puts the task of undergrounding power lines in Very High Fire Hazard Severity Zones squarely on property owners who are proactive, willing and able to foot the bill.

The proposed resolution calls on the California Public Utilities Commission to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the proposed resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

If adopted, utilities will be incentivized to prioritize undergrounding projects that could potentially save millions of dollars and many lives.

League of California Cities Staff Analysis on Resolution No. 1

Staff: Rony Berdugo, Legislative Representative, Derek Dolfie, Legislative Representative, Caroline Cirrincione, Legislative Policy Analyst
Committees: Environmental Quality; Transportation, Communications, and Public Works

Summary:
This Resolution, in response to intensifying fire seasons and hazards associated with exposed energized utility lines, proposes that the League of California Cities (League) call upon the California Public Utilities Commission (CPUC) to amend the Rule 20A program by expanding the criteria for undergrounding overhead utilities to include projects in Very High Fire Hazard Severity Zones (VHFHSZ). This Resolution also proposes that the League call upon the CPUC to increase utilities' funding allocations for Rule 20A projects.

Background

California Wildfires and Utilities

Over the last several years, the increasing severity and frequency of California's wildfires have prompted state and local governments to seek urgent prevention and mitigation actions. Record breaking wildfires in Northern and Southern California in both 2017 and 2018 have caused destruction and loss of life. This severe fire trend has local officials seeking solutions to combat what is now a year-round fire season exacerbated by years of drought, intense weather patterns, untamed vegetation and global warming.

These conditions create a dangerous catalyst for wildfires caused by utilities as extreme wind and weather events make downed power lines more of a risk. In response to recent catastrophic wildfires, Governor Newsom established a Strike Force tasked with developing a "comprehensive roadmap" to address issues related to wildfires, climate change, and utilities. The Strike Force report acknowledges that measures to harden the electrical grid are critical to wildfire risk management. A key utility hardening strategy: undergrounding lines in extreme high-fire areas.

Governor Newsom's Wildfire Strike Force program report concludes, "It's not a question of "if" wildfire will strike, but "when."

Very High Fire Hazard Severity Zones

This Resolution seeks to expand the undergrounding of overhead utility lines in VHFHSZ. California Government Code Section 51178 requires the Director of the California Department of Forestry and Fire Protection (CalFIRE) to identify areas in the state as VHFHSZ based on the potential fire hazard in those areas. VHFHSZ are determined based on fuel loading, slope, fire weather, and other relevant factors. These zones are in both local responsibility areas and state responsibility areas. Maps of the statewide and county by county VHFHSZ can be found here.[1]

[1] https://osfm.fire.ca.gov/divisions/wildfire-prevention-planning-engineering/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/

More than 25 million acres of California wildlands are classified under very high or extreme fire threat. Approximately 25 percent of the state's population, 11 million people, live in those high-risk areas. Additionally, over 350,000 Californians live in cities that are nearly encompassed within Cal Fire's maps of VHFHSZ. Similar to the proponents of this Resolution, City of Rancho Palos Verdes, over 75 communities have 90 percent or more of residents living in a VHFHSZ.

CPUC Rule 20 Program

The CPUC's Rule 20 program lays out the guidelines and procedures for converting overhead electric and telecommunication facilities to underground electric facilities. Rule 20 funding and criteria is provided at four levels. Levels A, B, and C, reflect progressively diminishing ratepayer funding for undergrounding projects. Recently added Rule 20D is a relatively new program that is specific to San Diego Gas and Electric (SDG&E), which was created in response to the destructive 2007 wildfires. Each of these levels will be discussed below:

Rule 20A

The first California overhead conversion program, Rule 20A, was created in 1967 under then Governor Ronald Reagan. The program was created to provide a consistent and structured means of undergrounding utility lines throughout the state with costs covered broadly by utility ratepayers.

Each year, Investor Owned Utilities (IOUs) propose their Rule 20A allocation amounts to the CPUC during annual general rate case proceedings. In this process, IOUs propose revised utility customer rates based on expected service costs, new energy procurement and projects for the following year, including Rule 20 allocations. The CPUC then reviews, amends, and approves IOU rates. Currently, the cumulative budgeted amount for Rule 20A for Pacific Gas and Electric (PG&E), Southern California Edison (SCE), and San Diego Gas and Electric (SDG&E) totals around $95.7 million.

The funding set aside by IOUs for Rule 20A is allocated to local governments through a credit system, with each credit holding a value to be used solely for the costs of an undergrounding project. The credit system was created so that local governments and IOUs can complete undergrounding projects without municipal financing. Through Rule 20A, municipalities that have developed and received city council approval for an undergrounding plan receive annual credits from the IOU in their service area. At the last count by the CPUC, over 500 local governments (cities and counties) participate in the credit system.

While these credits have no inherent monetary value, they can be traded in or banked for the conversion of overhead lines. Municipalities can choose to accumulate their credits until their credit balance is sufficient to cover these conversion projects, or choose to borrow future undergrounding allocations for a period of up to five years. Once the cumulative balance of credits is sufficient to cover the cost of a conversion project, the municipality and the utility can move forward with the undergrounding. All of the planning, design, and construction is performed by the participating utility. Upon the completion of an undergrounding project, the utility is compensated through the local government's Rule 20A credits.

At the outset of the program, the amount of allocated credits were determined by a formula which factored in the number of utility meters within a municipality in comparison to the utilities' service territory. However, in recent years the formula has changed. Credit allocations for IOUs, except for PG&E, are now determined based on the allocation a city or county received in 1990 and is then adjusted for the following factors:

- 50% of the *change from the 1990* total budgeted amount is allocated for the ratio of the number of overhead meters in any city or unincorporated area to the total system overhead meters; and
- 50% of the *change from the 1990* total budgeted amount is allocated for the ratio of the number of meters (which includes older homes that have overhead services, and newer homes with completely underground services) in any city or the unincorporated area to the total system meters.

As noted, PG&E has a different funding formula for their Rule 20A credit allocations as they are not tied to the 1990 base allocation. Prior to 2011, PG&E was allocating approximately five to six percent of its revenue to the Rule 20A program. The CPUC decided in 2011 that PG&E's Rule 20A allocations should be reduced by almost half in an effort to decrease the growing accumulation of credits amongst local governments. Since 2011, PG&E's annual allocations for Rule 20A have been around $41.3 million annually, which is between two and three percent of their total revenue.

Criteria for Rule 20A Projects

For an undergrounding project to qualify for the Rule 20A program, there are several criteria that need to be met. The project must have a public benefit and:

1. Eliminate an unusually heavy concentration of overhead lines
2. Involve a street or road with a high volume of public traffic
3. Benefit a civic or public recreation area or area of unusual scenic interest,
4. Be listed as an arterial street or major collector as defined in the Governor's Office of Planning and Research (OPR) Guidelines

Notably, fire safety is excluded from the list of criteria that favors aesthetic and other public safety projects.

Rule 20A Credit System Imbalance Threatens Program Effectiveness

Allocations are made by utilities each year for Rule 20A credits. These current budget allocations total $95.7 million a year. Currently, the cumulative balance of credits throughout the state totals over $1 billion dollars. The Rule 20A cumulative balances aggregated by region can be found here.[2]

[2] Program Review, California Overhead Conversion Program, Rule 20A for Years 2011-2015, "The Billion Dollar Risk," California Public Utilities Commission.
https://www.cpuc.ca.gov/uploadedFiles/CPUC_Public_Website/Content/About_Us/Organization/Divisions/Policy_and_Planning/PPD_Work_Products_(2014_forward)(1)/PPD_Rule_20-A.pdf

Note: The existing credit allocation formulas do not consider a municipality's need or plans for overhead conversion projects, resulting in large credit balances in some jurisdictions.

Cities and counties are, however, able to trade or sell unallocated Rule 20A credits if they will not be used to fund local undergrounding projects. There have been several cases where one agency has sold their unused credits, often for less than the full dollar value of the credits themselves to another agency.

Rule 20B
Rule 20B projects are those that do not fit the Rule 20A criteria, but do, however, involve both sides of the street for at least 600 feet. These projects are typically done in conjunction with larger developments and are mostly paid for by the developer or applicant. Additionally, the applicant is responsible for the installation.

Rule 20C
Rule 20C projects are usually small projects that involve property owners. The majority of the cost is usually borne by the applicants. Rule 20C applies when the project does not qualify for either Rule 20A or Rule 20B.

Rule 20D--Wildfire Mitigation Undergrounding Program
Rule 20D was approved by the CPUC in January of 2014 and only applies to SDG&E. The Rule 20D program was established largely in response to the destructive wildfires that occurred in San Diego in 2007 as a wildfire mitigation undergrounding program. According to SDG&E, the objective of the Rule 20D undergrounding is exclusively for fire hardening as opposed to aesthetics. The program is limited in scope and is restricted to communities in SDG&E's Fire Threat Zone (now referred to as the High Fire Threat District or HFTD). As of this time, the program has yet to yield any projects and no projects are currently planned.

For an undergrounding project to qualify for the Rule 20D program, a minimum of three of the following criteria must be met. The project must be near, within, or impactful to:

- Critical electric infrastructure
- Remaining useful life of electric infrastructure
- Exposure to vegetation or tree contact
- Density and proximity of fuel
- Critical surrounding non-electric assets (including structures and sensitive environmental areas)
- Service to public agencies
- Accessibility for firefighters

Similar to Rule 20A, SDG&E must allocate funding each year through their general rate case proceedings to Rule 20D to be approved by the CPUC. This funding is separate from the allocations SDG&E makes for Rule 20A. However, the process of distributing this funding to localities is different. The amount of funding allocated to each city and county for Rule 20D is based on the ratio of the number of miles of overhead lines in SDG&E Fire Threat Zones in a city or county to the total miles of SDG&E overhead lines in the entire SDG&E fire zone. The

Rule 20D program is administered by the utility consistent with the existing reporting, engineering, accounting, and management practices for Rule 20A.

The Committee may want to consider whether Rule 20D should instead be expanded, adapted, or further utilized to support funding for overhead conversions within VHFHSZ throughout the state.

Fiscal Impact:
The costs to the State associated with this Resolution will be related to the staff and programmatic costs to the CPUC to take the necessary measures to consider and adopt changes to Rule 20A to include projects in VHFHSZ to the list of criteria for eligibility.

This Resolution calls for an unspecified increase in funding for Rule 20A projects, inferring that portions of increased funds will go towards newly eligible high fire hazard zones. While the Resolution does not request a specific amount be allocated, it can be assumed that these increased costs will be supported by utility ratepayers. According to the CPUC, the annual allocations towards Rule 20A are $95.7 million.

The CPUC currently reports a cumulative credit surplus valued at roughly $1 billion that in various regions, given the approval of expanded eligibility called for by this Resolution, could be used to supplement and reduce the level of new dollars needed to make a significant impact in VHFHSZ. The CPUC follows that overhead conversion projects range from $93,000 per mile for rural construction to $5 million per mile for urban construction.

The Resolution states that "California is experiencing fire seasons of worsening severity" which is supported by not only the tremendous loss of property and life from recent wildfires, but also in the rising costs associated with clean up, recovery, and other economic losses with high estimates in the hundreds of billions of dollars.

The Committee may wish to consider the costs associated with undergrounding utility lines in relation to the costs associated with past wildfires and wildfires to come.

Comments:
CPUC Currently Exploring Revisions to Rule 20
In May 2017, the CPUC issued an Order Instituting Rulemaking to Consider Revisions to Electric Rule 20 and Related Matters. The CPUC will primarily focus on revisions to Rule 20A but may make conforming changes to other parts of Rule 20. The League is a party in these proceedings will provide comments.

Beyond Rule 20A: Additional Options for Funding Undergrounding Projects
There are various ways in which cities can generate funding for undergrounding projects that fall outside of the scope of Rule 20A. At the local level, cities can choose to forgo the Rule 20A process and opt to use their own General Fund money for undergrounding. Other options are also discussed below:

Rule 20D Expansion
The City of Berkley in a 2018 study titled "Conceptual Study for Undergrounding Utility Wires in Berkley," found that the city could possibly qualify for Rule 20D funding if they actively pursued this opportunity in partnership with PG&E and the CPUC.

One of the study's recommendations is to advocate for release of 20D funds (now earmarked exclusively for SDG&E) to be used for more aggressive fire hardening techniques for above-ground utility poles and equipment, for undergrounding power lines, and for more aggressive utility pole and vegetation management practices in the Very High Hazard Fire Zone within Berkeley's city limits.

As an alternative to changing the criteria for Rule 20A, the Committee may wish to consider whether there is the opportunity to advocate for the expansion of Rule 20D funding more broadly, expanding its reach to all IOU territories.

Franchise Surcharge Fees
Aside from Rule 20 allocations, cities can generate funding for undergrounding through franchise fee surcharges. For example, SDG&E currently operates under a 50-year City franchise that was granted in 1970. Under the franchises approved by the San Diego City Council in December 1970, SDG&E agreed to pay a franchise fee to the City equivalent to 3% of its gross receipts from the sales of both natural gas and electricity for 30 years.

These fees were renegotiated in 2000 and in 2001 an agreement was between the City of San Diego, SDG&E, and the CPUC to extend the existing franchise fee to include revenues collected from surcharges. SDG&E requested an increase of 3.88% to its existing electric franchise fee surcharge. The bulk, 3.53% of this increase is to be used for underground conversion of overhead electric wires.

Based on SDG&E's revenue projections, the increase would result in an additional surcharge revenue amount of approximately $36.5 million per year. SDG&E estimates that this would create a monthly increase of approximately $3.00 to a typical residential customer's electric bill. These surcharge revenues would pay for additional undergrounding projects including those that do not meet the Rule 20A criteria. The City of Santa Barbara has also adopted a similar franchise surcharge fee.

Having this funding source allows the City of San Diego to underground significantly more miles of above ground utility lines than other municipalities. However, the surcharge is currently being challenged in court, as it is argued that the City had SDG&E impose a tax without a ballot measure.

Utility Bankruptcy and Undergrounding Funding
In considering this Resolution, it is important to understand that Rule 20A allocations have been more substantial in the past. As mentioned earlier, prior to 2011, PG&E was allocating approximately 5% to 6% of its revenue to the Rule 20A program. Therefore, it is not unreasonable to encourage an increase in Rule 20A allocations as history shows that utilities had the capacity to do so in the past.

However, in a time where IOUs such as PG&E are facing bankruptcy as the result of utility caused wildfires, there is the possibility that expanding rule 20A funding will generate more costs for the ratepayers.

Questions to Consider:

1) Is Rule 20A or Rule 20D the more appropriate program to advocate for such an expansion?
2) Are there any wildfire risks outside of VHFHSZ that could be mitigated by undergrounding projects?

Existing League Policy:

Public Safety:
The League supports additional funding for local agencies to recoup the costs associated with fire safety in the community and timely mutual aid reimbursement for disaster response services in other jurisdictions. (pg. 43)

The League supports the fire service mission of saving lives and protecting property through fire prevention, disaster preparedness, hazardous-materials mitigation, specialized rescue, etc., as well as cities' authority and discretion to provide all emergency services to their communities. (pg. 43)

Transportation, Communication, and Public Works:
Existing telecommunications providers and new entrants shall adhere to local city policies on public utility undergrounding. (pg. 54)

The League supports protecting the additional funding for local transportation and other critical unmet infrastructure needs. (pg. 51)

The League supports innovative strategies including public private partnerships at the state and local levels to enhance public works funding. (pg. 52)

Environmental Quality
The League opposes any legislation that interferes with local utility rate setting authority and opposes any legislation that restricts the ability of a city to transfer revenue from a utility (or other enterprise activity) to the city's general fund. (pg. 9)

Cities should continue to have the authority to issue franchises and any program should be at least revenue neutral relative to revenue currently received from franchises. (pg. 9)

The League is concerned about the impacts of escalating energy prices on low income residents and small businesses. The League supports energy pricing structures and other mechanisms to soften the impacts on this segment of our community. (pg. 10)

2019 Strategic Goals

Improve Disaster Preparedness, Recovery and Climate Resiliency.

- Provide resources to cities and expand partnerships to better prepare for and recover from wildfires, seismic events, erosion, mudslides and other disasters.
- Improve community preparedness and resiliency to respond to climate-related, natural and man-made disasters.

Support:

The following letters of concurrence were received:
The City of Hidden Hills
The City of La Cañada Flintridge
The City of Laguna Beach
The City of Lakeport
The City of Malibu
The City of Moorpark
The City of Nevada City
The City of Palos Verdes Estates
The City of Rolling Hills Estates
The City of Rolling Hills
The City of Ventura

LETTERS OF CONCURRENCE

Resolution No. 1

Amendment to Rule 20A

City of Hidden Hills

6165 Spring Valley Road * Hidden Hills, California 91302
(818) 888-9281 * Fax (818) 719-0083

August 14, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, Suite 400
Sacramento, California 95814

Dear President Arbuckle:

The City of Hidden Hills supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

Larry G. Weber
Mayor

City Council
Leonard Pieroni, Mayor
Gregory C. Brown, Mayor Pro Tem
Jonathan C. Curtis
Michael T. Davitt
Terry M. Walker

August 14, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Arbuckle:

The City of La Cañada Flintridge supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The City of La Cañada Flintridge is one of the few Southern California cities in which 100% of the community within a Very High Fire Hazard Severity Zone. The City, in 1987, committed 100% of its 20A allocation for forty-five years from this year for a major downtown undergrounding project. Therefore, the only way our City can directly benefit from this Resolution is if there is an additional annual increased allocation for this purpose. Due to the extreme threat the City experienced at the time of the Station Fire, the City is keenly aware of the damage a fire may potentially cause, whether from utility issues or from natural causes. The City strongly supports any effort, including this Resolution, to reduce fire danger for the City's residents.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly with the City of La Cañada Flintridge in support.

Sincerely,

Leonard Pieroni
Mayor

One Civic Center Drive, La Cañada Flintridge, CA 91011 • (818) 790-8880 • Fax (818) 790-7536
www.lcf.ca.gov

July 25, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Arbuckle:

The City of Laguna Beach supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. Ten to the Top 20 most destructive fires in California were caused by electrical sources. The California's Rule 20A program, which allows local governments to pay for undergrounding of utilities costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it. We also believe that this program should redirect unused Rule 20A allocations from cities who have no undergrounding projects planned to the cities in Very High Fire Hazard Severity zones.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects. The City of Laguna Beach recommends that the resolution also be amended to call on the CPUC to redirect unused Rule 20A allocations from cities who have no undergrounding projects planned to the cities in Very High Fire Hazard Severity zones.

Nearly 90% of the City of Laguna Beach land area is designated under State Law and local ordinance as Very High Fire Hazard Severity Zone. While the City has used Rule 20A and 20B funding in the past to underground more than half of its overhead utilities, sufficient funding is not available to underground the remaining parts of the City.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

505 FOREST AVE. • LAGUNA BEACH, CA 92651 • TEL (949) 497-3311 • FAX (949) 497-0771

RECYCLED PAPER

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

Bob Whalen
Mayor

CITY OF LAKEPORT

Over 125 years of community pride, progress and service

August 7, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Arbuckle:

The City of Lakeport supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

Tim Barnes
Mayor
City of Lakeport

City of Malibu

Jefferson Wagner, Mayor

23825 Stuart Ranch Road · Malibu, California · 90265-4861

Phone (310) 456-2489 · Fax (310) 456-3356 · www.malibucity.org

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

RE: City of Rancho Palos Verdes Proposed Resolution to Amend California Public Utilities Commission Rule 20A – SUPPORT

Dear Ms. Arbuckle:

At its Regular meeting on August 12, 2019, the Malibu City Council unanimously voted to support the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state, but California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, as well as willing and able to foot the bill. The City of Malibu agrees with Rancho Palos Verdes that Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission (CPUC) should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects. As a recent series of news stories on wildfire preparedness in California pointed out, there are more than 75 communities across the state with populations over 1,000, including Rancho Palos Verdes and Malibu, where at least 90 percent of residents live in a Cal Fire-designated Very High Fire Hazard Severity Zone.

It is well-known that electric utility equipment is a common fire source, and has sparked some of the most destructive blazes in our state's history. Moving power lines underground is, therefore, a critical tool in preventing them. Currently, Rule 20A primarily addresses visual blight, but with fire seasons worsening, it is key that fire safety also be considered when local governments pursue Rule 20A projects, and that annual funding allocations for the program be expanded.

It is worth noting that the State does have a program, Rule 20D, that factors in fire safety for funding undergrounding projects. However, this is limited to San Diego Gas & Electric Company projects in certain areas only. This needs to be expanded to include projects in all projects within designated Very High Fire Hazard Severity Zones.

The proposed resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, the City of Malibu strongly concurs that the resolution should go before the General Assembly.

Sincerely,

Jefferson Wagner

Jefferson Wagner
Mayor

Cc: Honorable Members of the Malibu City Council
Reva Feldman, City Manager
Megan Barnes, City of Rancho Palos Verdes, mbarnes@rpvca.gov

Recycled Paper

CITY OF MOORPARK

799 Moorpark Avenue, Moorpark, California 93021
Main City Phone Number (805) 517-6200 | Fax (805) 532-2205 | moorpark@moorparkca.gov

July 24, 2019

SUBMITTED ELECTRONICALLY

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

RE: SUPPORT FOR RANCHO PALOS VERDES RESOLUTION RE: POWER LINE UNDERGROUNDING

Dear President Arbuckle:

The City of Moorpark supports the City of Rancho Palos Verdes effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

All cities in Ventura County, including Moorpark, have wildfire prevention fresh in our memories following the highly destructive 2017-2018 Thomas Fire, which was caused by above-ground power lines. The 2018 Woolsey Fire similarly affected Ventura County, and lawsuits have been filed alleging it was also caused by above-ground power lines. Each of these fires caused billions of dollars in damages and highlight the importance of undergrounding power lines.

JANICE S. PARVIN, Mayor | CHRIS ENEGREN, Councilmember | ROSEANN MIKOS, Ph.D., Councilmember | DAVID POLLOCK, Councilmember | KEN SIMONS, Councilmember

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

Janice Parvin
Mayor

cc: City Council
City Manager

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Arbuckle:

The City of Nevada City supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission (CPUC) should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The City of Nevada City would also like to add that the local agency be given the power to use private firms to do design, inspect and construct Rule 20A projects in local jurisdiction rather than be required to use the designated local utility. In addition, the City of Nevada City wants the CPUC to allow local jurisdictions to transfer excess funds between agencies to better serve projects in high fire hazard severity zones.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

Reinette Senum

Reinette Senum
Mayor
City of Nevada City

CITY OF
Palos Verdes Estates
INCORPORATED 1939
CALIFORNIA

July 25, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Arbuckle:

The City of Palos Verdes Estates supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's current Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

Mayor Kenneth J. Kao
City of Palos Verdes Estates

cc: PVE City Council
PVE Interim City Manager Petru
RPV City Manager Willmore

City of
Rolling Hills Estates

Judith Mitchell
Mayor

Velveth Schmitz
Mayor Pro Tem

Britt Huff
Council Member

Frank V. Zerunyan
Council Member

Steven Zuckerman
Council Member

August 14, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Arbuckle:

The City of Rolling Hills Estates supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

Judith Mitchell

Judith Mitchell
Mayor

4045 Palos Verdes Drive North, Rolling Hills Estates, CA 90274 | (310) 377-1577 | www.RHE.city

City of Rolling Hills INCORPORATED JANUARY 24, 1957

NO. 2 PORTUGUESE BEND ROAD
ROLLING HILLS, CALIF. 90274
(310) 377-1521
FAX: (310) 377-7288

August 14, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear Board of Directors:

The City of Rolling Hills supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

Leah Mirsch
Mayor

Printed on Recycled Paper

July 29, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Arbuckle:

The City of Ventura supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

Alex D. McIntyre
City Manager

2. A RESOLUTION CALLING UPON THE FEDERAL AND STATE GOVERNMENTS TO ADDRESS THE DEVASTATING IMPACTS OF INTERNATIONAL TRANSBOUNDARY POLLUTION FLOWS INTO THE SOUTHERNMOST REGIONS OF CALIFORNIA AND THE PACIFIC OCEAN

Source: San Diego County Division
Concurrence of five or more cities/city officials
Cities: Calexico; Coronado; Imperial Beach; San Diego
Individual City Officials: City of Brawley: Mayor Pro Tem Norma Kastner-Jauregui; Council Members Sam Couchman, Luke Hamby, and George Nava. City of Escondido: Deputy Mayor Consuelo Martinez. City of La Mesa: Council Member Bill Baber. City of Santee: Mayor John Minto, City of Vista: Mayor Judy Ritter and Council Member Amanda Young Rigby
Referred to: Environmental Quality Policy Committee

WHEREAS, international transboundary rivers that carry water across the border from Mexico into Southern California are a major source of sewage, trash, chemicals, heavy metals and toxins; and

WHEREAS, transboundary flows threaten the health of residents in the United States and Mexico, harm important estuarine land and water of international significance, force closure of beaches, damage farmland, adversely impact the South San Diego County and Imperial County economy; compromise border security, and directly affect U.S. military readiness; and

WHEREAS, a significant amount of untreated sewage, sediment, hazardous chemicals and trash have been entering southern California through both the Tijuana River Watershed (75 percent of which is within Mexico) and New River flowing into southern California's coastal waterways and residential and agricultural communities in Imperial County eventually draining into the Salton Sea since the 1930s; and

WHEREAS, in February 2017, an estimated 143 million gallons of raw sewage flowed into the Tijuana River and ran downstream into the Pacific Ocean and similar cross border flows have caused beach closures at Border Field State Park that include 211 days in 2015; 162 days in 2016; 168 days in 2017; 101 days in 2018; and 187 days to date for 2019 as well as closure of a number of other beaches along the Pacific coastline each of those years; and

WHEREAS, approximately 132 million gallons of raw sewage has discharged into the New River flowing into California through communities in Imperial County, with 122 million gallons of it discharged in a 6-day period in early 2017; and

WHEREAS, the presence of pollution on state and federal public lands is creating unsafe conditions for visitors; these lands are taxpayer supported and intended to be managed for recreation, resource conservation and the enjoyment by the public, and

WHEREAS, the current insufficient and degrading infrastructure in the border zone poses a significant risk to the public health and safety of residents and the environment on both

sides of the border, and places the economic stress on cities that are struggling to mitigate the negative impacts of pollution; and

WHEREAS, the 1944 treaty between the United States and Mexico regarding *Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande* allocates flows on trans-border rivers between Mexico and the United States, and provides that the nations, through their respective sections of the International Boundary Water Commission shall give control of sanitation in cross border flows the highest priority; and

WHEREAS, in 1993, the United States and Mexico entered into the *Agreement Between the Government of the United States of America and the Government of the United Mexican States Concerning the Establishment of a North American Development Bank* which created the North American Development Bank (NADB) to certify and fund environmental infrastructure projects in border-area communities; and

WHEREAS, public concerns in response to widespread threats to public health and safety, damage to fish and wildlife resources and degradation to California's environment resulting from transboundary river flow pollution in the southernmost regions of the state requires urgent action by the Federal and State governments, and

WHEREAS, Congress authorized funding under the U.S. Environmental Protection Agency's (EPA) Safe Drinking Water Act and established the State and Tribal Assistance Grants (STAG) program for the U.S.-Mexico Border Water Infrastructure Program (BWIP) in 1996 to provide grants for high-priority water, wastewater, and storm-water infrastructure projects within 100 kilometers of the southern border; and

WHEREAS, the EPA administers the STAG and BWIP programs, and coordinates with the North American Development Bank (NADB) to allocate BWIP grant funds to projects in the border zone; and

WHEREAS, since its inception, the BWIP program has provided funding for projects in California, Arizona, New Mexico and Texas that would not have been constructed without the grant program; and

WHEREAS, the BWIP program was initially funded at $100 million per year, but, over the last 20 years, has been continuously reduced to its current level of $10 million; and

WHEREAS, in its FY 2020 Budget Request, the Administration proposed to eliminate the BWIP program; and

WHEREAS, officials from EPA Region 9, covering California, have identified a multitude of BWIP-eligible projects along the southern border totaling over $300 million; and

WHEREAS, without federal partnership through the BWIP program and state support to address pollution, cities that are impacted by transboundary sewage and toxic waste flows are

left with limited resources to address a critical pollution and public health issue and limited legal remedies to address the problem; and

WHEREAS, the National Association of Counties, (NACo) at their Annual Conference on July 15, 2019 and the U.S. Conference of Mayors at their Annual Conference on in July 1, 2019 both enacted resolutions calling on the federal and state governments to work together to fund and address this environmental crisis; and

WHEREAS, local governments and the public support the State's primary objectives in complying with environmental laws including the Clean Water Act, Porter-Cologne Water Quality Control Act, and Endangered Species Act and are supported by substantial public investments at all levels of government to maintain a healthy and sustainable environment for future residents of California, and

WHEREAS, League of California Cities policy has long supported efforts to ensure water quality and oppose contamination of water resources; and

NOW, THEREFORE, BE IT RESOLVED at the League General Assembly, assembled at the League Annual Conference on October 18, 2019 in Long Beach, that the League calls upon the Federal and State governments to restore and ensure proper funding to the U.S- Mexico Border Water Infrastructure Program (BWIP) and recommit to working bi-nationally to develop and implement long-term solutions to address serious water quality and contamination issues, such as discharges of untreated sewage and polluted sediment and trash-laden transboundary flows originating from Mexico, that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.

Background Information on Resolution No. 2

Source: San Diego County Division

Background:
Along California's southern border with Mexico, the New River in Imperial County and the Tijuana River in San Diego County are a major sources of raw sewage, trash, chemicals, heavy metals, and toxins that pollute local communities. Sewage contaminated flows in the Tijuana River have resulted in significant impacts to beach recreation that includes the closure of Border Field State Beach for more than 800 days over the last 5-years. Similarly, contaminated flows in the New River presents comparable hazards, impacts farm land, and contributes to the ongoing crisis in the Salton Sea. These transboundary flows threaten the health of residents in California and Mexico, harms the ecosystem, force closures at beaches, damage farm land, makes people sick, and adversely affects the economy of border communities. The root cause of this cross border pollution is from insufficient or failing water and wastewater infrastructure in the border zone and inadequate federal action to address the problem through existing border programs.

The severity of cross border pollution has continued to increase, due in part to the rapid growth of urban centers since the passage of the North American Free Trade Agreement (NAFTA). While economic growth has contributed to greater employment, the environmental infrastructure of the region has not kept pace, which is why Congress authorized the Border Water Infrastructure Program (BWIP) in 1996. The U.S. Environmental Protection Agency (EPA) administers the BWIP and coordinates with the North American Development Bank (NADB) to provide financing and technical support for projects on both sides of the U.S./Mexico border. Unfortunately, the current BWIP funding at $10 million per year is only a fraction of the initial program budget that shares funding with the entire 2,000 mile Mexican border with California, Arizona, New Mexico and Texas. EPA officials from Region 9 have identified an immediate need for BWIP projects totaling over $300 million just for California. Without federal partnerships through the BWIP and state support to address cross border pollution, cities that are impacted by transboundary sewage and toxic waste flows are left with limited resources to address a critical pollution and public health issue.

The International Boundary and Water Commission (IBWC) is another important federal stakeholder that, under the Treaty of 1944 with Mexico, must address border sanitation problems. While IBWC currently captures and treats some of the pollution generated in Mexico, it also redirects cross border flows without treatment directly into California.

Improving environmental and public health conditions for communities along the border is essential for maintaining strong border economy with Mexico. The IBWC, EPA, and NADB are the important federal partners with existing bi-national programs that are able to immediately implement solutions on cross border pollution. California is in a unique position to take the lead and work with local and federal partners to implement real solutions that will addresses the long standing and escalating water quality crisis along the border.

For those reasons, the cities of Imperial Beach and Coronado requested the San Diego County Division to propose a resolution at the 2019 League Annual Conference calling upon the federal

and state governments to address the devastating impacts of international transboundary pollution flows into the waterways of the southernmost regions of California, San Diego and Imperial Counties and the Pacific Ocean.

On August 12, 2019 at the regularly scheduled meeting of the San Diego County Division, the membership unanimously endorsed submittal of the resolution, with close to 75% membership present and voting.

The Imperial County Division does not have a schedule meeting until after the deadline to submit proposed resolutions. However, the City of Calexico, which is most directly impacted by initial pollution flow of the New River from Mexicali, sent a letter in concurrence of this resolution as well as numerous city official from cities within Imperial County and the Imperial County Board of Supervisors. The League Imperial County Division will place a vote to support this resolution on the agenda of their September 26, 2019 meeting.

League of California Cities Staff Analysis on Resolution No. 2

Staff: Derek Dolfie, Legislative Representative
Carly Shelby, Legislative and Policy Development Assistant
Committees: Environmental Quality

Summary:
This Resolution states that the League of California Cities should call upon the State and Federal governments to restore and ensure proper funding for the U.S. – Mexico Border Water Infrastructure Program (BWIP) and work bi-nationally to address water quality issues resulting from transboundary flows from Mexico's Tijuana River into the United States containing untreated sewage, polluted sediment, and trash.

Background:
The League of California Cities' San Diego County Division is sponsoring this resolution to address their concerns over the contaminated flows from the Tijuana River into California that have resulted in the degradation of water quality and water recreational areas in Southern California.

The Tijuana River flows north through highly urbanized areas in Mexico before it enters the Tijuana River Estuary and eventually the Pacific Ocean via waterways in San Diego County in California. Urban growth in Tijuana has contributed to a rise in rates of upstream flows from water treatment facilities in Mexico. These treatment facilities have raised the amount of untreated sewage and waste in the Tijuana River due to faulty infrastructure and improper maintenance. The federal government refers to the river as an "impaired water body" because of the presence of pollutants in excess, which pose significant health risks to residents and visitors in communities on both sides of the border.

Federal Efforts to Address Pollution Crisis
To remedy the Tijuana River's low water quality, the United States and Mexico entered into a Treaty in 1944 entitled: *Utilization of Waters of the Colorado River and Tijuana Rivers and of the Rio Grande – the International Boundary and Water Commission* (IBWC). The IBWC was designed to consist of a United States section and a Mexico section. Both sections were tasked with negotiating and implementing resolutions to address water pollution in the area, which includes overseeing the development of water treatment and diversion infrastructure.

After the formation of the IBWC, the U.S. and Mexico entered into a treaty in 1993 entitled: *Agreement Concerning the Establishment of a Border Environment Cooperation Commission and a North American Development Bank.* This agreement established the North American Development Bank (NADB), which certifies and funds infrastructure projects located within 100 kilometers (62 miles) of the border line. The NADB supports federal programs like the Border Water Infrastructure Program (BWIP), which was initially funded at $100 million, annually.

The degradation of existing water treatment infrastructure along the border coincides with the federal government's defunding of the BWIP, which has steadily decreased from $100 million in 1996 to $10 million today. The Federal FY 2020 Budget proposes eliminating BWIP funding

altogether. EPA's regions 6 and 9 (includes U.S. states that border Mexico) have identified a number of eligible projects that address public health and environmental conditions along the border totaling $340 million.

The NADB has funded the development of water infrastructure in both the U.S. and Mexico. Water diversion and treatment infrastructure along the U.S – Mexico border includes, but is not limited to, the following facilities:

- *The South Bay International Wastewater Treatment Plant (SBIWTP).* This facility was constructed by the U.S. in 1990 and is located on the California side of the border and is operated under the jurisdiction of the IBWC. The SBIWTP serves as a diversion and treatment sewage plant to address the flow of untreated sewage from Mexico into the United States.
- *Pump Station CILA.* CILA was constructed by Mexico in 1991 and is located along the border in Mexico. This facility serves as the SBIWTP's Mexican counterpart.

Both the SBIWTP and CILA facilities have had a multitude of overflows containing untreated sewage and toxic waste that spills into the Tijuana River. The cause of overflows can be attributed to flows exceeding the maximum capacity that the infrastructure can accommodate (this is exacerbated during wet and rainy seasons) and failure to properly operate and maintain the facilities. Much of the existing infrastructure has not had updates or repairs for decades, causing overflows to become more frequent and severe. The most notable overflow occurred in February 2017, wherein 143 million gallons of polluting waste discharged into the Tijuana River; affecting the Tijuana Estuary, the Pacific Ocean, and Southern California's waterways.

State Actions

In response to the February 2017 overflow, the San Diego Water Board's Executive Officer sent a letter to the U.S. and Mexican IBWC Commissioners which included recommendations on how to improve existing infrastructure and communications methods between both nations.

In September of 2018, California Attorney General Xavier Becerra submitted a lawsuit against IBWC for Violating the Clean Water Act by allowing flows containing sewage and toxic waste to flow into California's waterways, posing a public health and ecological crisis. The cities of Imperial Beach, San Diego, Chula Vista, the Port of San Diego, and the San Diego Regional Water Quality Board have also filed suit against the IBWC. The suit is awaiting its first settlement conference on October 19, 2019. If parties are unable to reach a settlement, the case will go to trial.

Fiscal Impact:

California's economy is currently the sixth largest in the world, with tourism spending topping $140.6 billion in 2018. In the past five years, San Diego's Border Field State Park has been closed for over 800 days because of pollution from the Tijuana River. A decline in the State's beach quality and reputation could carry macroeconomic effects that could ripple outside of the San Diego County region and affect coastal communities throughout California.

Existing League Policy

The League of California Cities has extensive language on water in its Summary of Existing Policy and Guiding Principles. Fundamentally, the League recognizes that beneficial water quality is essential to the health and welfare of California and all of its citizens. Additionally, the League advocates for local, state and federal governments to work cooperatively to ensure that water quality is maintained.

The following policy relates to the issue of water quality:

- Surface and groundwater should be protected from contamination.
- Requirements for wastewater discharge into surface water and groundwater to safeguard public health and protect beneficial uses should be supported.
- When addressing contamination in a water body, water boards should place priority emphasis on clean-up strategies targeting sources of pollution, rather than in stream or end-of-pipe treatment.
- Water development projects must be economically, environmentally and scientifically sound.
- The viability of rivers and streams for instream uses such as fishery habitat, recreation and aesthetics must be protected.
- Protection, maintenance, and restoration of fish and wildlife habitat and resources.

Click here to view the **Summary of Existing Policy and Guiding Principles 2018**.

Comments:

1. Water quality issues are prevalent across California and have been a constant priority of the State's legislature and residents. In 2014, California's voters approved Proposition 1, which authorized $7.5 billion in general obligation bonds to fund water quality improvement projects. In 2019, the Legislature reached an agreement to allocate $130 million from the State's Greenhouse Gas Reduction Fund (GGRF) to address failing water infrastructure and bad water qualities for over one million of California's residents in rural communities. Water quality is not an issue unique to the County of San Diego and communities along the border.

2. Tijuana River cross-border pollution has caught national attention. Members of Congress have proposed recent funding solutions to address the pollution crisis, including:
   - In February of 2019, California Congressional Representatives Vargas, Peters, and Davis helped secure $15 million for the EPA to use as part of its BWIP.
   - *H.R. 3895 (Vargas, Peters, 2019), The North American Development Bank Pollution Solution Act.* This bill seeks to support pollution mitigation efforts along the border by increasing the NADB's capital by $1.5 billion.
   - *H.R. 4039 (Levin, 2019), The Border Water Infrastructure Improvement Act.* This bill proposes increasing funding to the BWIP from the existing $10 million to $150 million as a continuous appropriation until 2025.

   Additionally, the National Association of Counties (NACo) and the U.S. Conference of Mayors enacted resolutions in support of increased funding for U.S. – Mexico border water infrastructure to address the environmental crisis in 2019.

3. The border pollution problem has sparked action from local, state, and federal actors. Should this resolution be adopted, League membership should be aware that future action will be adapted by what is explicitly stated in the resolution's language. In current form, the resolution's resolve clause cites the BWIP as the only program that should receive reinstated and proper funding. League staff recommends the language be modified to state:

   > **"NOW, THEREFORE, BE IT RESOLVED** at the League General Assembly, assembled at the League Annual Conference on October 18, 2019 in Long Beach, that the League calls upon the Federal and State governments to restore and ensure proper funding *for environmental infrastructure on the U.S. – Mexico Border, including* ~~to~~ the ~~U.S–Mexico~~ Border Water Infrastructure Program (BWIP), and recommit to working bi-nationally to develop and implement long-term solutions to address serious water quality and contamination issues, such as discharges of untreated sewage and polluted sediment and trash-laden transboundary flows originating from Mexico, that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state."

   Modifying the language would ensure enough flexibility for the League to support funding mechanisms outside of the prescribed federally-operated BWIP.

4. It remains unclear if there is an appetite in Washington to fund border-related infrastructure projects that address environmental quality. Given the high probability of another overflow containing waste and sewage from the existing infrastructure operated by the IBWC, League membership should consider the outcome if no resolution is reached to address the issue.

Support:
The following letters of concurrence were received:
Cities:
The City of Calexico
The City of Coronado
The City of Imperial Beach
The City of San Diego
In their individual capacity:
Amanda Young Rigby, City of Vista Council Member
Bill Baber, City of La Mesa Council Member
Consuelo Martinez, City of Escondido Deputy Mayor
George A. Nava, City of Brawley Council Member
John Minto, City of Santee Mayor
Judy Ritter, City of Vista Mayor
Luke Hamby, City of Brawley Council Member
Norma Kastner-Jauregui, City of Brawley Mayor Pro-Tempore
Sam Couchman, City of Brawley Council Member

LETTERS OF CONCURRENCE
Resolution No. 2

International Transboundary
Pollution Flows

CITY OF CALEXICO

608 Heber Ave.
Calexico, CA 92231-2840
Tel: 760.768.2110
Fax: 760.768.2103
www.calexico.ca.gov

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

RE: **Environmental and Water Quality Impacts Of International Transboundary River Pollution Flow Resolution**

President Arbuckle:

The city of Calexico strongly supports the San Diego County Division's effort to submit a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

The Division's resolution calls upon the Federal and State governments to restore and ensure proper funding of the Border Water Infrastructure Program (BWIP) to address the devastating impacts of international transboundary pollution flows into the waterways of the southernmost regions of California (San Diego and Imperial Counties) and the Pacific Ocean.

Local government and the public support the State's water and environmental quality objectives and League policy has long supported efforts to ensure water quality and oppose contamination of water resources. This resolution addresses the critical need for the federal and state governments to recommit to work bi-nationally to develop and implement long-term solutions to address serious water quality and contamination issues, such as discharges of untreated sewage and polluted sediment and trash-laden transboundary flows originating from Mexico, that result in significant heath, environmental and safety concerns in communities along California's southern border impacting the state.

As members of the League, our city values the policy development process provided to the General Assembly. We appreciate your time on this issue.

Viva Calexico!

If you have any questions or require additional information, please do not hesitate to contact me at 760/768-2110.

Sincerely,

CITY OF CALEXICO

David Dale
City Manager

Cc: Honorable Mayor Bill Hodge

Viva Calexico!

CITY OF CORONADO

1825 STRAND WAY
CORONADO, CA 92118

OFFICE OF THE CITY MANAGER
(619) 522-7335
FAX (619) 522-7846

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

RE: Environmental and Water Quality Impacts of International Transboundary River Pollution Flows Resolution

This letter is written on behalf of and with the support of the Coronado City Council. The City of Coronado wholeheartedly supports the resolution adopted by the San Diego County and Imperial County Division of the California League of Cities.

The San Diego County Division's resolution calls upon the federal and state governments to restore and ensure proper funding of the U.S.-Mexico Border Water Infrastructure Program (BWIP) to address the devastating impacts of international transboundary pollution flows into the waterways of the southernmost regions of California (San Diego and Imperial Counties) and the Pacific Ocean.

The City has been working closely with the Environmental Protection Agency and other federal partners on the matter since early 2018. City leaders are committed to finding long-term, sustainable solutions to this problem. Through its advocacy and education efforts, the City of Coronado has raised national awareness of the problem among legislators, political appointees and career staff at federal agencies. These efforts have been successful. However, the City along with our coalition partners, look forward to more action to swiftly resolve this issue.

Local government and the public support the state's water and environmental quality objectives and League policy has long supported efforts to ensure water quality and oppose contamination of water resources. This resolution addresses the critical need for the federal and state governments to recommit to work bi-nationally to develop and implement long-term solutions to address serious water quality and contamination issues, such as discharges of untreated sewage and polluted sediment and trash-laden transboundary flows originating from Mexico, that result in significant health, environmental and safety concerns in communities along California's southern border impacting the state.

As members of the League, Coronado values the policy development process provided to the General Assembly. We appreciate your time on this issue. Please feel free to contact me if you have any questions.

Sincerely,

Blair King
Coronado City Manager

cc: Coronado Mayor and City Council
Bill Baber, President, San Diego County Division
c/o Catherine Hill, Regional Public Affairs Manager, San Diego County Division chill@cacities.org

City of Imperial Beach, California

OFFICE OF THE CITY MANAGER

825 Imperial Beach Blvd., Imperial Beach, CA 91932 Tel: (619) 423-8303 Fax: (619) 628-1395

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K St. Suite 400
Sacramento, CA 95814

RE: Environmental and Water Quality Impacts Of International Transboundary River Pollution Flow Resolution

President Arbuckle:

The city of Imperial Beach appreciates and supports the San Diego County Division's effort to submit a resolution for consideration by the full membership of the League of California Cities.

The Division's resolution calls on Federal and State government to address the impacts of transboundary pollution flows into the Southwestern regions of California. The pollution in these areas is an environmental disaster that threatens the health and general welfare of residents near the Mexican border in Imperial and San Diego Counties.

I encourage all voting delegates and elected officials in attendance at the 2019 Annual League of California Cities Conference in Long Beach to support this important resolution as it addresses the critical need for the federal and state government to recommit to work bi-nationally to address the serious contamination issues and to develop and implement long-term solutions.

I am available for any questions or additional information related to this letter of support.

Sincerely,

Andy Hall
City Manger

Cc: Honorable Mayor Serge Dedina
Honorable Mayor Pro Tem Robert Patton
Honorable Councilmember Paloma Aguirre
Honorable Councilmember Ed Spriggs
Honorable Councilmember Mark West

City of Imperial Beach, California

OFFICE OF THE MAYOR

825 Imperial Beach Blvd., Imperial Beach, CA 91932 Tel: (619) 423-8303 Fax: (619) 628-1395

August 16, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

RE: Environmental and Water Quality Impacts Of International Transboundary River Pollution Flow Resolution

President Arbuckle:

The city of Imperial Beach strongly supports the San Diego County Division's effort to submit a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

The Division's resolution calls upon the Federal and State governments to restore and ensure proper funding of the Border Water Infrastructure Program (BWIP) to address the devastating impacts of international transboundary pollution flows into the waterways of the southernmost regions of California (San Diego and Imperial Counties) and the Pacific Ocean.

Local government and the public support the State's water and environmental quality objectives and League policy has long supported efforts to ensure water quality and oppose contamination of water resources. This resolution addresses the critical need for the federal and state governments to recommit to work bi-nationally to develop and implement long-term solutions to address serious water quality and contamination issues, such as discharges of untreated sewage and polluted sediment and trash-laden transboundary flows originating from Mexico, that result in significant heath, environmental and safety concerns in communities along California's southern border impacting the state.

As members of the League, our city values the policy development process provided to the General Assembly. We appreciate your time on this issue. If you have any questions or require additional information, please do not hesitate to contact me at 619-423-8303.

Sincerely,

Serge Dedina
Mayor

THE CITY OF SAN DIEGO

KEVIN L. FAULCONER
Mayor

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

RE: **Environmental and Water Quality Impacts of International Transboundary River Pollution Flow Resolution**

President Arbuckle:

The City of San Diego supports the San Diego County Division in their effort to submit a resolution to the General Assembly at the League of California Cities' 2019 Annual Conference in Long Beach.

To suppress the flow of pollution between the Mexico and Southern California's water channels, the Division requests for the Federal and State governments to give proper funding to the Border Water Infrastructure Program (BWIP).

The City of San Diego and its citizens have expressed their concerns about untreated sewage, polluted sediment and trash flowing from Mexico, into California, causing health, environmental and safety concerns. The State's water and environmental quality objectives and League policy has long supported efforts to ensure water quality and oppose contamination of water resources. With the Division's resolution, the great need for federal and state governments to reconsider working together, will help in developing a long-term solution to address serious water quality and contamination issues.

As members of the League, our City values the policy development process provided to the General Assembly. We appreciate your time on this issue.

Please contact me at (619)453-9946 if you have any questions.

Sincerely,

Denice Garcia
Director of International Affairs

Cc: Honorable Mayor Kevin L. Faulconer

202 C STREET, 11TH FLOOR • SAN DIEGO, CA 92101

AMANDA YOUNG RIGBY

CITY COUNCILWOMAN

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Re: Border Sewage Issues

Dear President Arbuckle;

As a Council Member in the City of Vista, and solely in my individual capacity as such, I write in ***support*** of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the constant sewage pollution issues at the international border with Mexico.

This Resolution requests that the federal and state governments recognize the paramount importance of this issue and address the devastating impacts that this constant contamination has on the southernmost regions of California and the Pacific coastline by requesting the necessary funding to develop and implement effective and long term solutions to the raw sewage contamination coming into San Diego and Imperial Counties from Mexico.

Although I have lived in Vista for 27 years now, I grew up in Imperial Beach and know well the severe health and environmental impact that this situation has had on our border communities for the ***decades***.

As a member of the League, I value the League's ability to effectively advocate on behalf of not only our cities but in effect, our citizens, and this is an important issue for our entire state. Should you have any questions or comments, please contact me at the number below. Thank you for your consideration.

Most Sincerely,

Amanda Young Rigby
Council Member, City of Vista

cc: Vista City Council
Vista City Manager
Vista City Attorney
City of Imperial Beach
City of Coronado
City of Calexico
City of San Diego

200 Civic Center Drive, Vista, California 92084-6275 | T: (760) 643-5213 | F: (760) 639-6132 | E: arigby@cityofvista.com | cityofvista.com

CITY OF
LA MESA
JEWEL of the HILLS

August 16, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

RE: Environmental and Water Quality Impacts Of International Transboundary River Pollution Flows Resolution

President Arbuckle:

As a Council Member for the City of La Mesa and in my individual capacity, not on behalf of the full La Mesa City Council as a body or the City, I am writing you in support of the San Diego County Division's effort to submit a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

The Division's resolution calls upon the Federal and State governments to restore and ensure proper funding of the Border Water Infrastructure Program (BWIP) to address the devastating impacts of international transboundary pollution flows into the waterways of the southernmost regions of California (San Diego and Imperial Counties) and the Pacific Ocean.

As San Diego County Division President and a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at 619-667-1106, should you have any questions.

Sincerely,

Bill Baber

BILL BABER
COUNCIL MEMBER CITY OF LA MESA
PRESIDENT, LEAGUE SAN DIEGO COUNTY DIVISION

8130 ALLISON AVENUE • LA MESA, CA 91941 • TEL: 619.667.1105 FAX: 619.462.7528

ESCONDIDO
City of Choice

Consuelo Martinez, Deputy Mayor
201 North Broadway, Escondido, CA 92025
Phone: 760-839-4638

August 16, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Dear President Arbuckle:

As one Council Member of the city of Escondido, and in my individual capacity and not on behalf of the Council as a body or the City, I write in support of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the transboundary river flow pollution impacting cities in San Diego and Imperial Counties.

This resolution calls upon the federal and state governments to address the devastating impacts of international transboundary pollution flows into the southernmost regions of California and the Pacific Ocean by requesting the necessary funding to develop solutions for pollution coming into San Diego County and Imperial County waterways through the Tijuana River and New River, respectively.

The passage of the proposed resolution by the San Diego County Division would provide support for the restoration of much needed funding and development and implementation of long-term solutions to address serious water quality and contamination issues, such as discharge of untreated sewage and polluted sediment and trash-laden transboundary flows that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.

As a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at cmartinez@escondido.org if you have any questions.

Sincerely,

Consuelo Martinez
Deputy Mayor

cc: Honorable Mayor and City Council Members
Jeffrey R. Epp, City Manager

CITY OF BRAWLEY

ADMINISTRATIVE OFFICES
383 Main Street
Brawley, CA 92227
Phone: (760) 351-3048
FAX: (760) 351-3088

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Dear President Arbuckle:

As one Council Member of the City of Brawley, and in my individual capacity and not on behalf of the Council as a body or the City, I write in support of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the transboundary river flow pollution impacting cities in San Diego and Imperial Counties.

This resolution calls upon the federal and state governments to address the devastating impacts of international transboundary pollution flows into the southernmost regions of California and the Pacific Ocean by requesting the necessary funding to develop solutions for pollution coming into San Diego County and Imperial County waterways through the Tijuana River and New River, respectively.

The passage of the proposed resolution by the San Diego County Division would provide support for the restoration of much needed funding and development and implementation of long-term solutions to address serious water quality and contamination issues, such as discharge of untreated sewage and polluted sediment and trash-laden transboundary flows that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.

As a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at (City email) if you have any questions.

Sincerely,

George A. Nava
City Council Member
City of Brawley

MAYOR
John W. Minto

CITY COUNCIL
Ronn Hall
Stephen Houlahan
Laura Koval
Rob McNelis

CITY OF SANTEE

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Dear President Arbuckle:

As Mayor of the city of Santee, and in my individual capacity and not on behalf of the Council as a body or the City, I write in support of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the transboundary river flow pollution impacting cities in San Diego and Imperial Counties.

This resolution calls upon the federal and state governments to address the devastating impacts of international transboundary pollution flows into the southernmost regions of California and the Pacific Ocean by requesting the necessary funding to develop solutions for pollution coming into San Diego County and Imperial County waterways through the Tijuana River and New River, respectively.

The passage of the proposed resolution by the San Diego County Division would provide support for the restoration of much needed funding and development and implementation of long-term solutions to address serious water quality and contamination issues, such as discharge of untreated sewage and polluted sediment and trash-laden transboundary flows that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.

As a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at (JMinto@cityofsanteeca.gov) if you have any questions.

Sincerely,

JOHN W. MINTO
Mayor
City of Santee

10601 Magnolia Avenue • Santee, California 92071 • (619) 258-4100 • www.cityofsanteeca.gov

Printed on recycled paper

JUDY RITTER
MAYOR

August 16, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Dear President Arbuckle:

As Mayor of the city of Vista, and in my individual capacity and not on behalf of the Council as a body or the City, I write in support of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the transboundary river flow pollution impacting cities in San Diego and Imperial Counties.

This resolution calls upon the federal and state governments to address the devastating impacts of international transboundary pollution flows into the southernmost regions of California and the Pacific Ocean by requesting the necessary funding to develop solutions for pollution coming into San Diego County and Imperial County waterways through the Tijuana River and New River, respectively.

The passage of the proposed resolution by the San Diego County Division would provide support for the restoration of much needed funding and development and implementation of long-term solutions to address serious water quality and contamination issues, such as discharge of untreated sewage and polluted sediment and trash-laden transboundary flows that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.

As a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at jritter@cityofvista.com if you have any questions.

Sincerely,

Judy Ritter
Mayor
City of Vista

200 Civic Center Drive, Vista, California 92084-6275 | P: (760) 639-6130 | F: (760) 639-6132 | E: jritter@cityofvista.com | cityofvista.com

CITY OF BRAWLEY

ADMINISTRATIVE OFFICES
383 Main Street
Brawley, CA 92227
Phone: (760) 351-3048
FAX: (760) 351-3088

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Dear President Arbuckle:

As one Council Member of the City of Brawley, and in my individual capacity and not on behalf of the Council as a body or the City, I write in support of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the transboundary river flow pollution impacting cities in San Diego and Imperial Counties.

This resolution calls upon the federal and state governments to address the devastating impacts of international transboundary pollution flows into the southernmost regions of California and the Pacific Ocean by requesting the necessary funding to develop solutions for pollution coming into San Diego County and Imperial County waterways through the Tijuana River and New River, respectively.

The passage of the proposed resolution by the San Diego County Division would provide support for the restoration of much needed funding and development and implementation of long-term solutions to address serious water quality and contamination issues, such as discharge of untreated sewage and polluted sediment and trash-laden transboundary flows that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.

As a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at (City email) if you have any questions.

Sincerely,

Luke Hamby
City Council Member
City of Brawley

CITY OF BRAWLEY

ADMINISTRATIVE OFFICES
383 Main Street
Brawley, CA 92227
Phone: (760) 351-3048
FAX: (760) 351-3088

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Dear President Arbuckle:

As one Council Member of the City of Brawley, and in my individual capacity and not on behalf of the Council as a body or the City, I write in support of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the transboundary river flow pollution impacting cities in San Diego and Imperial Counties.

This resolution calls upon the federal and state governments to address the devastating impacts of international transboundary pollution flows into the southernmost regions of California and the Pacific Ocean by requesting the necessary funding to develop solutions for pollution coming into San Diego County and Imperial County waterways through the Tijuana River and New River, respectively.

The passage of the proposed resolution by the San Diego County Division would provide support for the restoration of much needed funding and development and implementation of long-term solutions to address serious water quality and contamination issues, such as discharge of untreated sewage and polluted sediment and trash-laden transboundary flows that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.

As a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at (City email) if you have any questions.

Sincerely,

Norma Kastner-Jauregui
Mayor Pro-Tempore
City of Brawley

CITY OF BRAWLEY

ADMINISTRATIVE OFFICES
383 Main Street
Brawley, CA 92227
Phone: (760) 351-3048
FAX: (760) 351-3088

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Dear President Arbuckle:

As one Council Member of the City of Brawley, and in my individual capacity and not on behalf of the Council as a body or the City, I write in support of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the transboundary river flow pollution impacting cities in San Diego and Imperial Counties.

This resolution calls upon the federal and state governments to address the devastating impacts of international transboundary pollution flows into the southernmost regions of California and the Pacific Ocean by requesting the necessary funding to develop solutions for pollution coming into San Diego County and Imperial County waterways through the Tijuana River and New River, respectively.

The passage of the proposed resolution by the San Diego County Division would provide support for the restoration of much needed funding and development and implementation of long-term solutions to address serious water quality and contamination issues, such as discharge of untreated sewage and polluted sediment and trash-laden transboundary flows that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.

As a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at (City email) if you have any questions.

Sincerely,

Sam Couchman
City Council Member
City of Brawley

CITY OF OXNARD CALIFORNIA

CITY COUNCIL AGENDA REPORT

INFORMATION/CONSENT AGENDA
AGENDA ITEM NO. K.1.

DATE: September 17, 2019

TO: City Council

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

SUBJECT: Approval of Minutes.

RECOMMENDATION

That the City Council approve the minutes of the September 3, 2019 regular meeting as presented.

BACKGROUND

Not applicable.

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. This agenda items does provide transparency of Council meetings to the public.

FINANCIAL IMPACT

There is no financial impact.

COMMITTEE OUTCOME

This item did not originate in Committee.

Prepared by: Michelle Ascencion, City Clerk

ATTACHMENTS

1. Minutes 09.03.2019 CC regular meeting

MINUTES
OXNARD CITY COUNCIL
Regular Meeting
September 3, 2019

A. ROLL CALL/POSTING OF AGENDA

At 4:34 p.m., Mayor Flynn called to order the regular meeting of the Oxnard City Council in the City Hall Council Chambers at 305 W. Third Street, Oxnard, California. The City Clerk called the roll and announced the posting of the agenda. Councilmembers Gabriela Basua, Bryan A. MacDonald, Bert E. Perello, Mayor Pro Tem Carmen Ramirez, and Mayor Tim Flynn were present. Councilmembers Vianey Lopez and Oscar Madrigal were absent (arrived at 4:35 and 4:37 p.m. respectively).

Staff members present were Alexander Nguyen, City Manager; Stephen M. Fischer, City Attorney; Shiri Klima, Deputy City Manager; and Michelle Ascencion, City Clerk.

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

C. CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Government Code section 54956.9 (d)(1)) (City Council)
   Name of Case: City of Oxnard v. URS Corporation; et al.
   Los Angeles County Superior Court Case No. BC698461.

2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Government Code section 54956.9(d)(2)) (City Council)
   Based on existing facts and circumstances, there is significant exposure to litigation against the City in two potential cases.

3. PUBLIC EMPLOYEE ANNUAL PERFORMANCE EVALUATION (Government Code section 54957) (City Council)
   Title: City Manager
   The City Attorney requested that this item be discussed in closed session under the Brown Act exception of Government Code section 54957(b)(1) (public employee performance evaluation).

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 City of Oxnard v. URS Corporation; et al.

"The City Council will also recess to a closed session pursuant to Government Code section 54956.9(d)(2), based on existing facts and circumstances, there is significant exposure to litigation against the City in one potential case regarding RiverPark B LLC's allegations that the City has failed to discharge its duties under the 'Four-Party Agreement Regarding Oxnard Plain Groundwater Recharge Program and RiverPark Reclamation Plan.'

DRAFT

"The City Council will also recess to a closed session, pursuant to Government Code section 54957, annual evaluation of public employee, City Manager."

At 4:36 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 announced that the Council had been briefed on the closed session agenda items but there were no reportable actions out of closed session. Councilman MacDonald announced that the Council completed the City Manager's annual evaluation and a copy would be placed in his personnel file.

D. OPENING CEREMONIES

The flag salute was followed by a moment of silence.

Additional staff members present at this time were Ashley Golden, Assistant City Manager; Jeffrey Lambert, Community Development Director; Kenneth Rozell, Chief Assistant City Attorney; Katie Casey, Communications Manager; Kathleen Mallory, Planning and Sustainability Manager; Scott Kolwitz, Planning Manager; and Jay Dobrowalski, Associate Planner.

E. CEREMONIAL CALENDAR

1. SUBJECT: Presentation of a Commendation to The Arc of Ventura County on the Occasion of Their 65th Anniversary.

Mayor Flynn read the commendation and presented it to Patty Schultz, Chief Executive Officer of The Arc of Ventura County, who made some remarks.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from Maria Melendez (problems with parking citations), Jackie Tedeschi (updates on recent Inter-Neighborhood Council Organization events and announcements), Lang Martinez (homelessness), Dorothy Nugent (trash along railroad tracks), Marvin Boos (overgrown weeds and trash along Wooley Road), Jim Naumann (overgrown weeds near Summerfield Homes), Therese Mendonca (landscaping cleanup needed in medians and parkways), Ray Blattel (layoffs and new hires), Pat Brown (gratitude for code enforcement at Magic Auto used car lot), Paul Barickman (homeless loitering at Plaza Park), and Princess Sudal (homelessness). Written comments were received from Carlos Melendez and Marvin Boos.

G. REVIEW OF INFORMATION/CONSENT AGENDA

Items I-2, I-3, and I-4 were discussed among the Council and staff.

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Public comments were received from Jackie Tedeschi, Frank Laza, Mike Schultz, Akshay Manek, Werner Keller, Audrey Keller, Mike de Martino, Pat Brown, Rocco Belmonte, Debbie Mitchell, Carol Taylor, Connie Heagy, Chuck Carter, Patricia Younis. Written comments were received from Audrey Keller.

DRAFT

Further discussion ensued among Council and staff.

I. INFORMATION/CONSENT AGENDA

City Clerk Department

1. SUBJECT: Approval of Minutes.
RECOMMENDATION: That the City Council approve the minutes of the July 30, 2019 adjourned regular meeting as presented.

Community Development Department

2. SUBJECT: Notice of Pending Approval - Planning and Zoning No. 05-300-08 (Final Map for Phase 2 of Tract No. 5592-2) to Subdivide 52.76-acres of the 90.26 acres of Tract 5592 for Property Located at the Northeast Corner of West Fifth Street and Harbor Boulevard (Commonly Known as North Shore at Mandalay Bay). Filed by John Mellon with MPL Property Holdings, LLC.
RECOMMENDATION: That City Council receive and file this Notice of Pending Approval for Planning and Zoning No. 05-300-08 (Final Map for Phase 2 of Tract No. 5592-2).

Cultural and Community Services Department

3. SUBJECT: Authorization to Disburse and Appropriate Revenue from the Public Art Fund.
RECOMMENDATION: That the City Council:
1. Authorize the disbursement of Public Art Fund revenues in the amount of $170,000 for the purpose of providing funding for a range of cultural activities by various cultural arts organizations and artists; and
2. Approve a one-time appropriation of revenue in the amount of $170,000 from the Public Art Fund.
(Community Services Committee approved 3-0)

Police Department

4. SUBJECT: Office of Traffic Safety "Selective Traffic Enforcement Program" Grant.
RECOMMENDATION: That the City Council adopt **Resolution No. 15,255**:
1. Authorizing the City Manager to execute and apply for $435,538 in grant funds from the State of California Office of Traffic Safety (OTS), to be used for the FY 19-20 Selective Traffic Enforcement Program (S.T.E.P.);
2. Authorizing the City Manager or designee to execute grant agreements and appropriate funds upon confirmation of grant award;
3. Authorizing the Chief Financial Officer or designee to submit financial reports and grant claims and approve budget appropriations for use of OTS funds; and
4. Authorizing the Chief of Police or designee to submit all program related progress or status reports.
(Public Safety Committee approved 3-0)

DRAFT

Public Works Department

5. SUBJECT: Award Fourth Amendment to Agreement A-7590 with Clean Harbors Environmental Services, Inc. for business and residential household hazardous waste disposal.
RECOMMENDATION: That City Council approve and authorize the Mayor to execute a Fourth Amendment to Agreement A-7590 ("Agreement") with Clean Harbors Environmental Services, Inc. ("Clean Harbors") that:
1. Extends the Agreement term to June 30, 2020;
2. Increases the per load and pick up disposal rates for residential household hazardous waste (HHHW); and
3. Allows Conditionally Exempt Small Quantity Generator (CESQG) waste.

6. SUBJECT: Approve Third Change Order to extend and add funds to the McCain, Inc. Blanket Purchase Order for traffic signal components and supplies.
RECOMMENDATION: That City Council approve and authorize the Mayor to execute a Third Change Order to Blanket Purchase Order 6714 with McCain, Inc. to extend the term to June 30, 2021, and add $400,000 for a new total amount of $600,000.

7. SUBJECT: Award and execute a Trade Services Agreement (8601-19-CM) with Parkhouse Tire, Inc. in the not-to-exceed amount of $600,000 for a three-year term.
RECOMMENDATION: That the City Council award and authorize the Mayor to execute a Trade Services Agreement (8601-19-CM) with Parkhouse Tire, Inc. in the not-to-exceed amount of $600,000 for a three-year term. (Public Works and Transportation Committee approved 3-0)

8. SUBJECT: Approval of Agreements for On-Call Professional Engineering Services.
RECOMMENDATION: That the City Council approve and authorize the Mayor to execute:
1. Agreement No. A-8154 with Kennedy Jenks Consultants Inc. for On-Call Professional Engineering Services for a three year term, not to exceed $750,000;
2. Agreement No. 8699-19-PW with Filippin Engineering, Inc for On-Call Professional Engineering Services for a three year term, not to exceed $250,000; and
3. Agreement No. A-8159 with MNS Engineering for On-Call Professional Engineering Services for a three year term, not to exceed $750,000.
(Public Works and Transportation Committee approved 3-0)

9. SUBJECT: Grant Resolution for the Ormond Beach Community Restoration Project.
RECOMMENDATION: That the City Council:
1. Adopt **Resolution No. 15,256** authorizing the Public Works Director to negotiate and execute Agreement No. 8771-19-PW (State of California Grant Agreement No. 19-010) for the Ormond Beach Community Restoration Project; and
2. Appropriate awarded grant funds in the amount of $30,000 to the Public Works Department's Ormond Beach Community Restoration at Perkins Road project, State / Local Grant Fund (219) to implement the Ormond Beach Community Restoration Project.

It was moved by Mayor Pro Tem Ramirez, seconded by Councilwoman Basua, 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.

DRAFT

J. REPORT OF CITY MANAGER

The City Manager made remarks on the progress of landscape maintenance and illegal dumping cleanup, homelessness and housing efforts, Ormond Beach, and full-count efforts for the upcoming 2020 Census. The Deputy City Manager introduced the new Communications Manager, who made some remarks.

K. CITY COUNCIL REPORTS

Councilmember Lopez reported on a recent Ventura County Community Foundation meeting about the 2020 Census, a tour of the city water campus on A Street, Storytelling in the Park at Southwinds Park, and the Oxnard Fire Department's participation in peer support training at the Ventura County Fire Department.

Councilmember Perello thanked Pat Brown and Marvin Boos for their service and advocacy, commented on Storytelling in the Park at Southwinds Park, the strength of neighborhood councils, the recent Santa Cruz Island boat accident and Odessa, Texas mass shooting tragedy, labor unions and pay equity, Casitas Lake channel cleaning, and solar panels at Oxnard College.

Councilman MacDonald commented on overgrown weeds in the medians and announced an upcoming Gold Coast Transit District board meeting.

Mayor Pro Tem Ramirez commented on trash, dumping, and homelessness, potential utility outages, the upcoming Fiestas Patrias events, the Oxnard Jazz Festival, and praised first responders for their selflessness.

Councilwoman Basua commented on overgrown weeds, homelessness, Ormond Beach, the new welcome sign on Pleasant Valley Road, and taking her son to college on the East Coast.

Councilmember Madrigal reported on a recent Ventura County Community College District board meeting, the East Village neighborhood cleanup event, the book fair at Southwinds neighborhood, and commented on safety around schools and showing kindness on 9/11. He announced an upcoming concert at the Performing Arts Center and requested an update on the 3-1-1 citizen app.

Mayor Flynn commented on homelessness and the housing crisis, the visible appearance of the city, and a requested a timeline for dealing with both.

Community Development Department

1. SUBJECT: Regional Housing Needs Assessment (RHNA) Housing Allocation Methodology.
   RECOMMENDATION: That the City Council discuss the Southern California Association of Governments' (SCAG) upcoming Regional Housing Needs Assessment (RHNA) housing allocation methodology and implications to the City of Oxnard.

Mayor Pro Tem Ramirez gave a report. Discussion ensued among the Council and staff. No action was required.

DRAFT

L. PUBLIC HEARINGS

Community Development Department

1. SUBJECT: Appeal of the Planning Commission's Decision to Uphold Approval of Planning and Zoning Permit No. 17-500-19 (Special Use Permit), Subject to Certain Findings and Conditions.
RECOMMENDATION: That the City Council deny the appeal and uphold the Planning Commission's approval of Planning and Zoning Permit No. 17-500-19 (Special Use Permit) authorizing the construction of a 41,024 square-foot medical office building with a reduction in the number of on-site parking spaces, a reduction in the number of loading and unloading parking spaces, and an increase in the maximum allowable building height, on a 2.76-acre parcel, located at 2001 Statham Boulevard (APN: 220-0-010-325), subject to certain findings and conditions.

The City Clerk announced the affidavit of publication and stated that no written communications had been received. The Community Development Director and Associate Planner gave a report. Appellant Antonio Alatorre of Clinicas del Camino Real also gave a report.

Mayor Flynn opened the public testimony portion of the public hearing. Public comments were received from Pat Brown. Without objection, the Council approved closing the public testimony portion of the public hearing. Discussion ensued among the Council and staff.

It was moved by Councilwoman Basua, seconded by Councilmember Perello, to continue the public hearing to a date uncertain, and direct staff to continue talks with the applicant and complete the parking study. VOTE: Basua, Flynn, Lopez, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 7-0.

CONTINUATION OF PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Public comments were received from Jeff Kroll (cannabis retail permits).

M. ADJOURNMENT

There being no further business on the agenda, and without objection, Mayor Flynn adjourned the meeting at 9:46 p.m.

MICHELLE ASCENCION, CMC City Clerk	TIM FLYNN Mayor

DRAFT

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CITY OF OXNARD CALIFORNIA

CITY COUNCIL AGENDA REPORT

INFORMATION/CONSENT AGENDA
AGENDA ITEM NO. K.2.

DATE: September 17, 2019

TO: City Council

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

SUBJECT: Appointment of Citizen Advisory Group ("CAG") Member.

RECOMMENDATION

That the Mayor, with the concurrence of the City Council, appoint Mayor Flynn's nominee to the Commission on Homelessness.

BACKGROUND

On May 21, 2019, Mayor Flynn with the Council's concurrence made several appointments to the eight Citizen Advisory Groups for the current term. Additional appointments were approved on June 4, June 18, and July 30, 2019. One more applicant has successfully completed his background check:

David Littell - Commission on Homelessness (Flynn) through December 31, 2022

As additional applicants complete the background check process, their names will be submitted for Council approval on future agendas.

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 3. Strengthen neighborhood development, and connect City, community and culture.
Objective 3b. Empower and connect our Inter-Neighborhood Council Organizations (INCOs), Community Advisory Groups (CAGs) and Neighborhood Watch Program.

FINANCIAL IMPACT

There is no financial impact.

COMMITTEE OUTCOME

This item did not originate in Committee.

Prepared by: Michelle Ascencion, City Clerk

ATTACHMENTS None

CITY OF OXNARD CALIFORNIA

CITY COUNCIL AGENDA REPORT

INFORMATION/CONSENT AGENDA
AGENDA ITEM NO. K.3.

DATE: September 17, 2019

TO: City Council

FROM: Scott Whitney, Police Chief, (805) 385-7624, scott.whitney@oxnardpd.org

SUBJECT: Appropriation for FY18-19 4th Quarter Payment to Ventura County Animal Services.

RECOMMENDATION

That City Council approve a budget appropriation of $195,568 from the General Fund-Fund Balance Reserved (101-0000-302-2500) for the 4th quarter invoice to Ventura County Animal Services (VCAS).

BACKGROUND

On July 10, 2018, the City Council authorized the Mayor to execute a one-year agreement (A-8082) with the County of Ventura's Public Health Agency for animal sheltering services, up to an amount of $1,948,039.12 for Fiscal Year (FY)18-19. Our annual animal shelter costs are offset each year with approximately $500,000 in dog and cat licensing revenue.

Historically, the amount in this agreement was based on an estimate provided by VCAS. The County provides a cost estimate prior to the development of the subsequent fiscal year's agreement, and the contract amount is based upon it. The agreement estimates are based on the percentage of animal intake from the City relative to all other entities that contract with VCAS. Under the terms of the Agreement, the City is charged for its proportion of the total VCAS service costs based on the City's percentage of total animal intakes at the County's animal shelter. The estimated animal intake for FY 18-19 was 34.1% of the total animal intake countywide.

The Police Department received the FY 18-19 4th quarter invoice. This invoice contained an end of year true-up. This true-up amount was due to the animal intake percentage for FY 18-19 exceeding the projected 34.1%. The actual animal intake percentage for FY 18-19 was 36.6%, which increased the cost to $2,101,048.83. Of note, while the percentage of the animal intake countywide was higher than anticipated, the actual number of animals brought to the shelter decreased year to year (2017-4,196 vs. 2018-4,112).

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

Additional appropriation of $195,568 is required to fully pay the 4th Quarter of 2019 Animal Shelter Invoice. The appropriation would come from General Fund Designated Fund Balance. The General Fund-Fund Balance-Reserved (101-0000-302-2500) is an account that has revenue from different sources. These different revenue sources, including the animal spay/neuter voucher program, are designated for use on specific projects. The current balance designated for

Animal Safety is $221,559.

COMMITTEE OUTCOME

This item did not originate in Committee.

Prepared by: Denise Shadinger, Police Commander, Delia Campbell, Police Finance Manager

ATTACHMENTS

1. FY 2018-19 City costs estimates - Final 04-19-18
2. Agreement for Ventura County Animal Services
3. Q4 FY18-19 Invoice - Oxnard
4. BA -Animal Shelter 4Qtr FY19

Ventura County Animal Services

City Billing Summary w/ All Expenses and Offsetting Revenues

Fiscal Yeal 2018-19

FY 18/19 Contract Estimate	Camarillo	Fillmore	Moorpark	Ojai	Oxnard	Port Hueneme	Simi Valley	Ventura	County	TOTAL
Percentage of Intake (CY 2017)	9.9%	2.6%	2.0%	0.9%	34.1%	3.5%	11.1%	12.6%	23.3%	100.0%
Shelter costs	570,465	149,263	114,280	50,843	1,957,214	201,505	635,768	725,326	1,335,906	5,740,571
Field Services	55,120	11,448	-	27,666	-	12,720	88,510	55,332		250,796
License Processing	24,210	3,618	16,650	2,268	4,401	4,446	37,638	30,695		123,926
License Canvassing	13,075	1,473	16,114	2,364	-	2,394	17,242	5,341		58,003
Nuisance Hearings	-	-	-	-	-	-	-	-		-
Confiscates held beyond 15 days										-
NSF Checks										-
Chameleon Access ($19.95/mo)	239		239		239	239	239	239		1,434
Total Cost	663,110	165,802	147,283	83,141	1,961,854	221,304	779,397	816,933	1,335,906	6,174,730
License Revenue	164,373	31,167	164,223	14,787		37,993	253,887	203,087		869,517
Redemption Revenue	5,745	780	555	-	13,815	2,483	3,030	4,808		31,215
Total Revenue	170,118	31,947	164,778	14,787	13,815	40,476	256,917	207,894	-	900,732
Total Estimated Contract for FY 18-19	**$ 492,991.48**	**$ 133,855.56**	**$ (17,495.67)**	**$ 68,354.12**	**$ 1,948,039.12**	**$ 180,828.61**	**$ 522,480.41**	**$ 609,038.35**	**$ 1,335,905.92**	**$ 5,273,997.90**
Projected Costs for FY 17-18	$ 412,384.98	$ 74,812.45	$ (8,646.70)	$ 38,500.15	$ 1,854,979.03	$ 195,292.60	$ 440,180.63	$ 434,493.81		
2018-19 Variance to 2017-18 Projected	(80,606)	(59,043)	8,849	(29,854)	(93,060)	14,464	(82,300)	(174,545)		
Auto-Citation Program										
Citations Issued (7/1/17 to 4/15/18)*	82,460.00	360.00		100.00		15,000.00	20,700.00	149,885.00		
Potential AutoCitation Program Revenue		22,000		15,200		30,730	185,730			
Variance with Potential Citation Revenue*	1,854	(36,683)	8,849	(14,554)	(93,060)	60,194	124,130	(24,660)		

*Check with your city staff on actual revenue realized from citations issued
*Ventura and Camarillo currently participate in Citation Program

Prelim Budget FY 18-19		
Veterinary Services	$	1,401,401.00
Shelter Services	$	3,431,380.00
Administrative Costs	$	907,789.58
Total Shelter Services Budget	**$**	**5,740,570.58**
2017 Care Days		133,250
Cost Per Animal	$	466.45
Cost per Shelter Day	$	43.08
Variable Cost Per Animal	$	139.94
Fixed Cost %		70%
Variable %		30%

Total Animal Services Proposed budget is 8,584,863

	2017 INTAKE		2016 INTAKE	
Camarillo	1,223	9.9%	1,109	10.4%
	320	2.6%	192	1.8%
Moorpark	245	2.0%	321	3.0%
Ojai	109	0.9%	50	0.5%
Oxnard	4,196	34.1%	3,947	37.2%
Port Hueneme	432	3.5%	470	4.4%
Simi Valley	1,363	11.1%	1,306	12.3%
Ventura	1,555	12.6%	1,253	11.8%
County	2,864	23.3%	1,971	18.5%
Total Intake	**12,307**	**100.0%**	**10,619**	**100.0%**

CITY	Lic Sold (FY17/18 annualized)	Field Hrs Requested	Total @ $53.00	Canvassing Fees ($23.02)	Lic Rev (FY17/18 annualized)	Redemption Rev (FY17/18 annualized)
Camarillo	24,210.00	1040	55,120.00	$ 13,075.00	$ 164,373.33	5,745.00
Fillmore	3,618.00	216	11,448.00	$ 1,473.00	$ 31,166.67	780.00

Ventura County Animal Services

City Billing Summary w/ All Expenses and Offsetting Revenues

Fiscal Yeal 2018-19

Moorpark	16,650.00		-	$ 16,114.00	$ 164,223.33	555.00
Ojai	2,268.00	522	27,666.00	$ 2,364.00	$ 14,786.67	-
Oxnard	4,401.00		-	$ -	$ -	13,815.00
Port Hueneme	4,446.00	240	12,720.00	$ 2,394.08	$ 37,993.33	2,482.50
Simi Valley	37,638.00	1670	88,510.00	$ 17,242.00	$ 253,886.67	3,030.00
Ventura	30,694.50	1044	55,332.00	$ 5,341.00	$ 203,086.67	4,807.50
	$ 123,925.50		$ 250,796.00	$ 58,003.08	$ 869,516.67	$ 31,215.00

Agreement No. A-8082

CITY OF OXNARD
AGREEMENT/AMENDMENT REVIEW FORM

Consultant/Contractor: Ventura County Animal Services

Department: Police

Project Manager: Denise Shadinger

Phone: 385-7619

Amendment Number:

Replaces Agreement No.:

Agreement Termination Date: 6/30/2019

Funding Source:

Current Value of Agreement
(including Previous Amendments): $ 1,948,039.12
(Attach copies of original agreement and all previous amendments.)

Value of this Amendment: $ 0

Total Value of Amended Agreement: $ N/A

P.O. No. (if existing agreement):

Req. No. (if new agreement): **3970**

Please attach list of account numbers and amounts if multiple accounts.

Purpose of Agreement/Amendment: For Animal Sheltering Services

Route Two Original Agreements for Signature and One Copy of This Form to the City Clerk. Please refer to Page 2 for information prior to processing and an explanation of review process below.

Review Sequence	Initials	Date
1. Contractor/Vendor (Project Manager to initial)	OS	5/30/18
2. Project Manager	OS	5/30/18
3. Department Director	OS	6/5/18
4. City Attorney	JR	6/5/18
5. Budget Management		
6. Risk Management	MM	6/13/18
7. Purchasing Agent		
8. Contract Compliance Review Committee	N/A	
9. Purchasing Agent/City Manager/City Council	N/A	
10. City Clerk		

Agreement No. A-8082

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

CITY OF OXNARD

☐ Tim Flynn, Mayor (if agreement is $250,000.01 or more) — Date

ATTEST:

Michelle Ascencion, City Clerk (if agreement is $250,000.01 or more) — Date

APPROVED AS TO FORM:

FOR — 06/05/18

Stephen M. Fischer, City Attorney (required for any agreement amount) — Date

APPROVED AS TO CONTENT:

5/30/18

Denise Shadinger, Project Manager (required for any agreement amount) — Date

6/5/18

Scott Whitney, Department Head (if agreement is $25,000.01 or more) — Date

APPROVED AS TO AMOUNT:

6/19/18

Scott Whitney, Interim City Manager (if agreement is $250,000.01 or more) — Date

APPROVED AS TO INSURANCE:

6/13/18

Mike More, Risk Manager (required for any agreement amount) — Date

VENDOR/CONTRACTOR/CONSULTANT

Tara Diller, Director of Animal Services — Date 5/30/18

Date

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.

PLEASE DO NOT REMOVE THIS BOX

ANIMAL SERVICES AGREEMENT

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COUNTY OF VENTURA AND CITY OF OXNARD

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ANIMAL SERVICES AGREEMENT
COUNTY OF VENTURA AND CITY OF OXNARD

THIS AGREEMENT is made by and between the COUNTY OF VENTURA, hereinafter referred to as the County, and the CITY OF OXNARD, hereinafter referred to as the City.

RECITALS

a. The City is desirous of contracting with the County for the performance of animal services described herein by the County.

b. The County is agreeable to rendering such services on the terms and conditions set forth in this Agreement.

1.0 AGREEMENT TO PROVIDE SERVICES UNDER STATE AND LOCAL STATUTES

1.1 The County agrees, through the Animal Services Division of the Department of Public Health ("Animal Services"), to provide animal services to the City as set forth herein and in the attached Service Level Request (Attachment A), as it may be amended by the parties from time to time.

1.2 Such services shall comply with applicable County ordinance, the municipal code of the City and the statutes of the State of California. The County will provide only those services set forth in the attached Service Level Request.

2.0 ADMINISTRATION OF PERSONNEL

2.1 All City employees who work in conjunction with Animal Services pursuant to this Agreement shall remain employees of the City and shall not have any claim or right to employment, civil service protection, salary, or benefits or claims of any kind from the County based on this Agreement. The County shall not be called upon to assume any liability for the direct payment of any salaries, wages, or other compensation to any City personnel performing services hereunder. The County shall not be liable for compensation or indemnity to any City employee or agent of the City for injury or sickness arising out of his/her employment.

2.2 All County employees who perform services for the City pursuant to this Agreement shall remain employees of the County and shall not have any claim or right to employment, civil service protection, salary, or benefits or claims of any kind from the City based on this Agreement. The City shall not be called upon to assume any liability for the direct payment of any salaries, wages, or other compensation to any County personnel performing services hereunder. The City shall not be liable for compensation or indemnity to any County employee or agent of the County for injury or sickness arising out of his/her employment.

3.0 AMENDMENT OF SERVICE LEVEL REQUEST FORM

3.1 The City agrees to provide to the County a proposed Service Level Request form annually, by no later than January 31, for the upcoming contract year commencing July 1. By no later than March 1, the parties shall agree to the terms of the Service Level Request for the upcoming contract year, which shall be signed by both parties and attached to this Agreement as an amendment. If the parties fail to reach agreement on the terms of the Service Level Request by March 1, this Agreement shall expire at the end of the then current contract year.

4.0 PERFORMANCE OF AGREEMENT

4.1 The County shall furnish and supply all labor, supervision, equipment, communication facilities, and supplies necessary to maintain the agreed level of service to be rendered hereunder.

4.2 Notwithstanding the foregoing, the City may provide additional resources for the County to utilize in performance of the services.

4.3 The County, in its sole and exclusive discretion, shall determine the specific days and specific hours that any County animal shelter shall be open to the public and the staffing of the County animal shelters; however, the County will open its animal shelters to the public on at least five calendar days per week. The County will notify the City regarding any changes in hours and days that its animal shelters are open to the public.

5.0 INDEMNIFICATION

5.1 The County shall defend, indemnify and hold harmless City, its agents, officials, officers, representatives, and employees, from and against all

claims, lawsuits, liabilities or damages arising from the sole and exclusive negligence of the County, its agents, employees, and subcontractors, and employees thereof in the performance or nonperformance of this Agreement.

5.2 The City shall defend, indemnify and hold harmless County, its agents, officials, officers, representatives and employees, from and against all claims, lawsuits, liabilities or damages arising from the sole and exclusive negligence of the City, its agents, employees, and subcontractors, and employees thereof in the performance or nonperformance of this Agreement.

5.3 Each party agrees to provide the indemnifying party with written notification of any claim within thirty calendar days of notice thereof and shall cooperate with the indemnifying party in the defense of the claim.

5.4 Each party's right to, and responsibility for, indemnification shall survive the termination of this Agreement.

6.0 TERM OF AGREEMENT

6.1 Unless sooner terminated as provided for herein, this Agreement shall be effective July 1, 2018, and shall remain in effect until June 30, 2019.

6.2 Upon mutual agreement of the parties, this Agreement may be renewed for up to five successive periods of one year each.

7.0 RIGHT OF TERMINATION

7.1 This Agreement may be terminated at any time, with or without cause, by either party upon written notice given to the other party at least 90 days before the date specified for such termination.

7.2 In the event of a termination, each party shall fully discharge all obligations owed to the other party accruing prior to the date of such termination (including, but not limited to, payment for services already rendered), and each party shall be released from all obligations which would otherwise accrue subsequent to the date of termination.

8.0 RATES FOR SERVICES AND CREDIT FOR REVENUES

8.1 The City shall pay for the services provided under the then current Service Level Request (Attachment A) in accordance with the provisions thereof.

8.2 The rates indicated in the Service Level Request shall be readjusted by the County annually effective the first day of July each year to reflect the reasonable average cost of such service in accordance with the policies and procedures for the determination of such rate as adopted by the County Board of Supervisors and in compliance with Government Code section 54985.

8.3 The County shall credit the City with the following revenues paid by City residents toward the amounts owed by the City for services provided under the City's Service Level Request in Attachment A: revenues received from City animal licenses (less applicable license processing fees); revenues from redemption fees (consisting of impound fees, board fees, quarantine fees, and microchipping fees) paid by the City's residents if the animal is redeemed within the first three days of an animal stay each time an animal is admitted to a County shelter; and revenues from administrative citations and civil penalties (less administrative processing costs).

8.4 The County shall retain any of the following fees paid by City residents without crediting such fees toward the amounts owned by the City for services provided under the City's Service Level Request in Attachment A: revenues from redemption fees (consisting of impound fees, board fees, quarantine fees, and microchipping fees) paid by City residents for any day after the first three days of an animal stay each time an animal is admitted to a County shelter; adoption fees; spay/neuter fees (and other veterinary fees for services); copying fees; return check charges; euthanasia and disposal fees; pickup and disposal of dead animal fees; cremation fees; owner relinquishment of animal fees; capture and transport fees; license fees for other than dog and cat licenses; permit fees; and inspection fees.

9.0 PAYMENT PROCEDURES

9.1 The County shall invoice the City during October for services performed during the period July 1 through September 30; during January for services performed during the period October 1 through December 31; during April for services performed during the period January 1 through March 31; and during July for services performed during the period April 1 through June 30; and the City shall pay the County all undisputed amounts within 30 days after the date of said invoice.

9.2 If such payment is not delivered to the County office which is described on said invoice within 60 days after the date of the invoice, the County is entitled to recover interest thereon. For all disputed amounts, the City shall provide County with written notice of the dispute including the invoice date, amount, and reasons for dispute within 30 days after receipt of the invoice. The parties shall memorialize the resolution of the dispute in writing. For any disputed amounts, interest shall accrue if payment is not receive within 60 days after the dispute resolution is memorialized.

9.3 Interest shall be calculated at the rate of two percent (2%) annually or any portion thereof, calculated from the last day of the month in which the services were performed, or in the case of disputed amounts, calculated from the date the resolution was memorialized.

10.0 RECORD RETENTION

10.1 The County shall maintain adequate financial records during the term of this Agreement to document its cost of providing services under this Agreement. The County shall retain financial records for a period of seven years after payment for services under this Agreement, and shall make such financial records available for inspection to the City, or the City's designee, upon reasonable notice. The City shall ensure such records are handled in a manner consistent with all applicable privacy laws and all laws related to public records.

11.0 NOTICES

11.1 All notices (excluding invoices) required by, or related to, this Agreement shall be in writing and sent by Certified Mail, Return Receipt Requested, postage prepaid and addressed as listed below. Neither party to this Agreement shall refuse to accept such mail; the parties to this Agreement

shall promptly inform the other party of any change of address. All notices required by this Agreement are effective on the date of receipt, unless otherwise indicated herein. The mailing address of each party to the Agreement is as follows:

CITY:	City Manager, City of Oxnard Attn: Scott Whitney 300 West Third Street, Fourth Floor Oxnard, CA 93030
COUNTY	Director, Animal Services Division Attn: Tara Diller 600 Aviation Drive Camarillo, California 93010

12.0 SEVERABILITY

12.1 If a court of competent jurisdiction declares any provision of this Agreement, or application thereof to any person or circumstances to be unenforceable or in violation of law, the remaining provisions of this Agreement shall remain in full force and effect, and to that extent the provisions of this Agreement are severable.

13.0 WAIVER

13.1 Waiver of any default or breach of this Agreement shall not be considered a waiver of any subsequent default or breach, nor shall it be considered a modification of the terms of this Agreement.

14.0 ENTIRE AGREEMENT

14.1 This Agreement, including Attachment A hereto and any amendment thereof, constitutes the complete and exclusive statement of the parties which supersedes all previous agreements, written or oral, and all communications between the parties relating to the subject matter hereof. All changes or amendments to this Agreement must be in writing and mutually executed by authorized personnel on behalf of the City and the County.

IN WITNESS WHEREOF, the County and the City enter into this Agreement as of the last date set forth below.

COUNTY OF VENTURA

Dated:_____

By_____
TARA DILLER
Director, Animal Services

CITY OF OXNARD

Dated:_____

By_____
TIMOTHY FLYNN
City of Oxnard, Mayor

ATTEST:

By_____ _____
City Clerk Date

APPROVED AS TO FORM:

By_____ 06/05/18
City Attorney Date

ATTACHMENT A TO COUNTY-CITY ANIMAL SERVICES AGREEMENT

COUNTY OF VENTURA

AND

CITY OF

OXNARD

FY 2018-19 SERVICE LEVEL REQUEST

Part One: Available Services and Applicable Billing Rates and Credits

Shelter Services

As may be required, the County shall provide shelter services to the City for all those animals originating within the boundaries of the City (whether picked up in the City or dropped off at the County's animal shelter) as a result of: confiscation, requests for euthanasia, owner surrender, owner return, pick-up of stray animals and transfers. For animals originating in the City, the County shall provide the following shelter services: impoundment, boarding, quarantine, veterinary services, euthanasia services, over-the-counter animal license sales, animal adoptions, disposal of dead animals and related administrative services. Impounded animals will be vaccinated and provided necessary care, food and shelter in accordance with the provisions of state law. The animal's picture will be posted on the Animal Services website as soon as practicable to assist the City's residents in reclaiming a missing pet. The County, in its sole and exclusive discretion, shall determine the public and non-public hours of operation and the staffing of the County animal shelters.

The owner or person entitled to the custody of any animal originating within the boundaries of the City and impounded at a County animal shelter can redeem such animal by paying applicable fees according to the Ventura County Animal Services approved schedule of rates and fees accruing up to the time of such redemption.

The City shall be charged for its proportion of the total County shelter service costs incurred during the fiscal year identified above as set forth below. The County shall bill the City on a quarterly basis for shelter services based on a combination of a base charge and a variable charge, as follows:

1. The base charge will consist of 70 percent of the actual costs attributable to the City in the prior fiscal year for shelter services (including veterinary and administrative services). The base charge will be billed quarterly to the City at 25 percent per quarter.

2. The variable charge will consist of the product of 30 percent of the average cost per animal multiplied by actual County shelter animal intakes from the City in the quarter. The average cost per animal used to calculate the variable charge shall be determined by dividing the County's total costs for shelter services (including veterinary and administrative services) budgeted in the current fiscal year by the total number of animal intakes during the prior calendar year.

3. Following the end of the fiscal year, the County will prepare a reconciliation comparing (a) County billings to contracting jurisdictions for shelter services during that fiscal year and (b) the lesser of the County's budgeted annual amount for shelter services or the County's actual costs for shelter services during the same period (not including imputed charges incurred for shelter services for the unincorporated areas). The difference will be either credited or charged to each contracting jurisdiction based on that contracting jurisdiction's percentage of County animal shelter intakes for the fiscal year, and will be included on the County's invoice to the contracting jurisdictions for services provided during the fourth quarter.

If any current contracting jurisdiction terminates its contract with the County, the County will make every practicable effort to reduce the County's variable shelter operating costs which are based on the volume of shelter animals served (including, but not limited to, personnel costs), in order to keep total County shelter service costs at the lowest reasonable level.

In the event of an animal intake at a County animal shelter originating from the City due to any police request and/or pending court case that results in a County shelter stay of more than 15 days, the County shall charge the City for shelter services according to the Ventura County Animal Services approved schedule of rates and fees for each day that each such animal receives shelter services. Should an animal cruelty or neglect investigation regarding an animal originating from the City result in a court case, the City is responsible for reimbursing the County for all resulting costs, including, but not limited to, attorneys' fees and costs incurred by the County, according to the schedule of rates and fees adopted by the County.

Field Services

At the election of the City, the County shall provide the City with the following field services as may be required: responding to calls for service; pick up of dead animals; capture and transportation of animals; license, permit and other inspections; pre-hearing investigation of nuisance complaints; post-nuisance hearing compliance checks; investigation of potential cases of animal abuse and mistreatment; investigation of potential animal nuisances in violation of Ventura County Ordinance Code section 4467 or an equivalent municipal code provision; assistance with animal evacuations due to disaster or emergency; and similar or related field services. The City shall be charged according to the standard hourly rate for field services set forth in the Ventura County Animal Services approved schedule of rates and fees based on actual hours expended, and the City shall identify a not to exceed amount for field services per fiscal year, as well as the average level of service that the City authorizes the County to provide per week. The County shall notify the City in writing on a quarterly basis regarding actual hours expended for field services to the City, to enable the City to make the determination of whether the City wishes to authorize a higher annual not to exceed amount for field services. The County shall be under no obligation to provide the City with any field services in excess of the City's identified not to exceed amount.

In the event the City declines to have the County perform field services, the City shall be responsible for:

(i) Scanning animals for an existing microchip and making all efforts to reunite a lost animal with its owner based on any microchip information prior to transporting that animal to a County shelter;

(ii) Making all efforts to use information available from any animal's personal ID tag or a pet license to reunite a lost animal with its owner prior to transporting that animal to a County shelter; and

(iii) For FY 18-19, VCAS will not require the City Animal Control Officers provide their impounds the initial intake treatments per protocol directed from Ventura County Animal Services managing veterinarians to maintain a disease free population, as all other impounding officers are required to complete, with the understanding that this year all City Union or Human Resource concerns be addressed. Should Union or safety concerns arise from the City of Oxnard that would limit the officer's ability to perform this task in FY 18-19, VCAS Management requests a meeting to confer prior to the abandonment of this portion of the contract.

Rabies Control

At the election of the City, the County shall provide the City with the following rabies control program as may be required: response and investigation of reported animal bite and intimate contact cases to establish that state mandated quarantine procedures are complied with. This includes a follow-up visit to verify the health of the animal after quarantine. Shelter quarantine will be at the discretion of the County.

Animal Nuisance Hearings

At the election of the City, the County shall provide the City with the services of one Hearing Officer and one administrative assistant to conduct animal nuisance hearings for animal nuisance complaints (based on violation of Ventura County Ordinance Code section 4467 or its equivalent City municipal code provision) originating within the boundaries of the City. The County shall charge the City according to the standard hourly rate (for salary and fringe benefits) of the actual Hearing Officer and administrative assistant providing services based on the actual hours expended per hearing. The County will not conduct animal nuisance hearings for a violation of local leash law absent nuisance based on violation of Ventura County Ordinance Code section 4467 or its equivalent City municipal code provision. Should there be an appeal from the findings and orders of the Hearing Officer after an animal nuisance hearing regarding an animal originating from the City, the City will be responsible for reimbursing the County for all resulting costs, including, but not limited to, attorneys' fees and costs incurred by the County, according to the schedule of rates and fees adopted by the County.

Animal License Processing per License

At the election of the City, the County shall provide the City with animal license processing services at the annual fiscal year cost of $4.00 per applicable cat or dog license for each animal within the boundaries of the City. The County shall mail license renewal notices to the animal owner of record; and when the renewal and payment are received, the County will process licenses. City residents can use the County's online weblicensing feature at no additional cost to the City. Licenses will be required before the County will release an animal to a resident of the City. The City animal license fees that the County collects (less the County's license processing fee) will be credited to the City quarterly in arrears against the amount that the City owes the County under the parties' animal services agreement.

Administrative Citation Processing

At the election of the City, the County shall provide the City with administrative citation processing services for citations issued to animal owners within the boundaries of the City. The citation processing services provided to the City shall be substantially equivalent to any services that the County contracts for with respect to processing of County administrative citations. In the event that the County reaches a determination, in its sole and exclusive discretion, that it no longer desires to provide administrative citation processing services to the City, the County shall provide the City with 60 days' prior written notice before ceasing to provide such services. The County will provide the following administrative citation processing services to the City contingent upon the City's reimbursement of actual County costs incurred (including, but not limited to, actual costs charged by the County's General Services Agency for mailing and processing of citations and the cost of one hour per month for the services of a Supervising Animal Control Officer): generate auto citations in Chameleon software; send files to the General Services Agency for processing; receive and review auto citation files from the General Services Agency to ensure accuracy; send reviewed and completed files to the General Services Agency for processing and mailing to animal owners; receive and store finalized PDF file from the General Services Agency; generate email notification to the City's staff with PDF files for further collection and appeals; receive, through a Supervising Animal Control Officer, communication from City staff regarding citizen appeals when necessary; and receive updates from the City regarding customer data to be updated, with the County updating data in Chameleon software.

The City will be solely responsible for collections once citations are issued to animal owners and for paying for collections, including, but not limited to, costs for contracted collections services. The City will be solely responsible for processing any administrative appeals from citations issued. The County will not be responsible for collections or processing administrative appeals from citations.

License Canvassing

At the election of the City, the County shall provide the City with license canvassing services within the boundaries of the City. The County shall charge the City according to the standard hourly rate set forth in the Ventura County Animal Services approved schedule of rates and fees for license team canvassing based on actual hours expended, and the City shall identify a not to exceed amount for license canvassing per fiscal year. The County shall promptly notify the City in writing when the City reaches 80% of its existing not to exceed amount, to enable the City to make the determination of whether the City wishes to authorize a higher not to exceed amount for license canvassing. The County shall be under no obligation to provide the City with any license canvassing services in excess of the City's identified not to exceed amount.

Part Two: Specific Service Requests and Approvals

The County will provide the City with the services authorized below:

☒ Shelter Services. The City authorizes the County to provide shelter services for animals originating within the boundaries of the City during fiscal year 2018-19 according to the terms and conditions set forth in Part One of this Agreement.

Field Services:

☐ The City authorizes the County to provide field services at a not to exceed amount during fiscal year 2018-19 of _____; with field services of _____ hours per week, to be provided by the County to the City, according to the terms and conditions set forth in Part One. The City hereby agrees to the County's enforcement of the City's municipal code provisions in providing field services.

☒ The City authorizes the County to provide field services only for emergency calls (requests for an animal services officer by law enforcement or fire personnel, vicious animal at large threatening the public, wild animal at large in City area, livestock at large and in sight, stray animal bite with the animal at large or confined by a non-owner) at a not to exceed amount of 50 hours for the fiscal year. This level of service is intended to provide emergency response on an as-needed basis from the County on behalf of a City that employs its own field services when requested by the City and the County is able to respond. The City hereby agrees to the County's enforcement of the City's municipal code provisions in providing field services.

☐ The City declines to have the County provide field services.

Rabies Control

☐ The City authorizes the County to provide rabies control services.

☒ The City declines to have the County provide rabies control services.

Animal Nuisance Hearings:

☐ The City authorizes the County to conduct animal nuisance hearings during fiscal year 2018-19 according to the terms and conditions set forth in Part One. The City hereby agrees to the County's enforcement of the City's municipal code provisions in conducting animal nuisance hearings, and the City agrees to enact, and maintain in full force and effect, municipal code provisions substantially equivalent to Ventura County Ordinance Code section 4467.

☒ The City declines to have the County conduct animal nuisance hearings.

Animal License Processing:

☐ The City authorizes the County to provide animal license processing services for the City during fiscal year 2018-19 according to the terms and conditions set forth in Part One.

☐ The City has adopted the license fees set forth in the Ventura County Animal Services approved schedule of rates and fees.

☐ The City has adopted the following license fees that differ from the license fees set forth in the Ventura County Animal Services approved schedule of rates and fees:

Specify:

Current City license fees were adopted by the City on _____, 20__.

☒ The City declines to have the County provide animal license processing.

Administrative Citation Processing:

☐ The City authorizes the County to provide administrative citation processing services for the City during fiscal year 2018-19 according to the terms and conditions set forth in Part One.

☒ The City declines to have the County provide administrative citation processing services.

License Canvassing:

☐ The City authorizes the County to provide license canvassing services within the boundaries of the City at a not to exceed amount during fiscal year 2018-19 of _____.

☒ The City declines to have the County provide license canvassing services.

CITY OF OXNARD	COUNTY OF VENTURA
Signature:_____ City Mayor	Signature:_____ Tara Diller, Director of Animal Services
Date:_____	Date:_____

VENTURA COUNTY
ANIMAL SERVICES
600 Aviation Drive
Camarillo, CA 93010
Ph. 805 . 388 . 4341
Email: Info@VCAS.us
Web: www.VCAS.us

Invoice Date: 07/19/19

ORIGINAL INVOICE - Q4 FY18-19

City of Oxnard Billing for April 1, 2019 through June 30, 2019

Service	Unit Cost	Contracted Hours (yr)	Total through Prior Qtr	Actual Hours	Actual Total Cost
Shelter Services For FY 18-19 Q4					
Shelter Services - Fixed	$ 1,280,706.34			0.25	$ 320,176.58
Shelter Services - Variable	$ 139.94			1423	$ 199,127.51
Licenses Processed *	$ 4.00			383.0	$ 1,532.00
License Canvassing	$ 23.02	0		0.0	$ -
Field Services	$ 53.00	0	3	176.17	$ 9,337.01
Confiscates days held beyond 15 days	$ 27.00			0	$ -
Chameleon Access	$19.95/mo			3	$ 59.85
Nuisance Hearings - Hearing Officer	$ 66.00				$ -
Nuisance Hearings - Mgmt Assistant	$ 48.00				$ -
Returned (NSF) Checks**				-	$ -
Total Additional Services					**$ 530,232.95**

* Less Penalties
**Returned checks for licenses sold

Total Services Cost	**$ 530,232.95**

Fees collected from city residents	Amount Collected
Licenses	$ -
Redemption Fees	$ 6,828.00
Total Credit	**$ 6,828.00**

Total Service Cost for April 1, 2019 through June 30, 2019 is:	**$ 530,232.95**	
Less Revenue Credit for April 1, 2019 through June 30, 2019 is:	**$ 6,828.00**	
Total Billing for April 1, 2019 through June 30, 2019 is:	**$ 523,404.95**	(a)

End-of-Year True-Up

Actual Intake Percentage for FY18-19: **36.6%** (Projected Intake: 34.1%)		
Shelter Services For FY 18-19 based on Actual Intake Percentage and Proposed Budget Estimate:	**$ 2,101,048.83**	
Less: Total Fixed and Variable Costs Paid Q1 - Q4:	**$ 1,888,863.85**	
	$ 212,184.98	(b)
Total Due For 4th Quarter and True-up: (a+ b)	**$ 735,589.93**	

Please remit payment to the address above within 30 days of Invoice Date

Any questions, please contact:

Monica Rodriguez
Senior Accounting Technician
(805) 388-4326
monicag.rodriguez@ventura.org

REQUEST FOR BUDGET APPROPRIATION - FY18-19

Department: Police **Date:** September 17, 2019

Project/Program Manager: Scott Whitney **Phone:** 805-385-7612

Reason for Appropriation:

Appropriate Animal Spray Neuter General Fund Restricted Revenue from Reserve to fund partial of 4th Quarter of 2019 Animal Shelter Invoices. *Appropriation will not impact Unreserved Fund Balance, rather a reduction to Reserve Revenue balance on Balance Sheet for FY18-19.

Accounts and Descriptions		AMOUNT
Fund: 101 GENERAL FUND		
Expenditures/Transfers Out		
ANIMAL SAFETY (2106)		
101-2106-802.82-28	CONTRACTS AND SERVICES / ANIMAL SHELTER	195,568
	Sub-total Expenditures	195,568
	*** Net Change to General Fund Restricted Revenue (Account 101-0000-302-2500)**	**(195,568)**
	Net Appropriation Change	**195,568**

Approvals

Department Director _____

Chief Financial Officer _____

City Manager _____

BA# (Finance Use Only)_____

BA Doc# (Finance Use Only)_____

REQUIRES CITY COUNCIL AUTHORIZATION

Revised : 2/23/2012

CITY OF OXNARD CALIFORNIA

CITY COUNCIL AGENDA REPORT

PUBLIC HEARINGS
AGENDA ITEM NO. L.1.

DATE: September 17, 2019

TO: City Council

FROM: Emilio Ramirez, Housing Director, (805) 385-8094, emilio.ramirez@oxnard.org

SUBJECT: Consolidated Annual Performance and Evaluation Report (CAPER) for Fiscal Year 2018-19. (10/5/5)

RECOMMENDATION

That the City Council receive and file the City of Oxnard's CAPER for FY2018-19.

BACKGROUND

Jurisdictions receiving Community Planning and Development formula grant funds from the United States Department of Housing and Urban Development are required to prepare and submit a Consolidated Annual Performance and Evaluation Report no later ninety days after the end of the fiscal year. This report provides a complete accounting of the use of grant funding and an assessment of how the accomplishments meet the goals established in the current Consolidated Plan and Annual Action Plan.

For the fiscal year ending on June 30, 2019, the City of Oxnard's Annual Action Plan approved $2,733,719 for Community Development Block Grant funding, $916,219 in HOME Investment Partnerships Act funding, and $196,549 in Emergency Solutions Grant funds.

The Consolidated Annual Performance and Evaluation Report for Fiscal Year 2018 - 2019 (Attachment A) contains narratives of performance results, and reports on expenditures generated by the Integrated Disbursement and Information System, which documents program accomplishments and beneficiaries related to the goals and objectives identified in the Consolidated Plan and Annual Action Plan. The Consolidated Annual Performance and Evaluation Report provides information during the reporting period as follows:

1. Description of the City's progress in attaining and meeting its goals of providing affordable housing, and of reducing and ending homelessness;

2. Description of race and ethnicity of Oxnard families and persons assisted as a basis for compliance with non-discrimination requirements;

3. Description of actions taken in the program year for the public housing needs, the involvement of residents in management and homeownership participation;

4. Description of the standards and procedures in place for monitoring to ensure the long-term compliance of the involved programs;

5. Description of any changes in the Community Development Block Grant objectives;

6. Report on the Emergency Solutions Grant financial data, and its accomplishments in helping the homeless population.

The Consolidated Annual Performance and Evaluation Report must be submitted to within 90 days after June 30, 2019. The notice of availability for public review was published in the VIDA and Ventura County Star Newspapers on August 29, 2019 and was made available for at least fifteen days in the Main Public Library, the City Clerk's Office and the Housing Department, as required by the City's Citizen Participation Plan (Attachment B).

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 2. Address homelessness through the development and implementation of a multi-tiered strategy.

Objective 2a. Identify the City's homelessness mission and create a 5-year plan to address homelessness.

Goal 3. Strengthen neighborhood development, and connect City, community and culture.

Objective 3a. Create a renewed focus on establishing a positive outlook and orientation of our City, neighborhoods and overall community.

Objective 3b. Empower and connect our Inter-Neighborhood Council Organizations (INCOs), Community Advisory Groups (CAGs) and Neighborhood Watch Program.

Objective 3e. Create a pilot revitalization project for Southwinds Neighborhood.

FINANCIAL IMPACT

There is no financial impact.

COMMITTEE OUTCOME

This item did not originate in Committee.

Prepared by: Roel Briones, Denise Ledesma, Grants Coordinator

ATTACHMENTS

1. Consolidated Annual Performance and Evaluation Report for Fiscal Year 2018 - 2019
2. Citizen Participation Plan
3. CAPER POWER POINT 8-29-19

Due to the size of this attachment, the full version is available at the Oxnard City Clerk's Office and at the Oxnard Main Library, and on the City website: https://www.oxnard.org/wp-content/uploads/2019/08/CAPER-2018-Draft_9.17.19_pr.pdf

ITEM #L-1

DRAFT

City of Oxnard

Consolidated Annual Performance and Evaluation Report

FY2018-2019

September 2019

Prepared By:

City of Oxnard Housing Department
Grants Management Division
435 South "D" Street
Oxnard, CA 9303

City of Oxnard

Citizen Participation Plan

Amended July 10, 2018

Prepared by:

City of Oxnard – Housing Department – Grants Management

435 South D Street, Oxnard, California, 93030

E-mail Address: grantsmanagement@oxnard.org

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Introduction

Pursuant to Title 24, Code of Federal Regulations, Part 91.105, HUD entitlement cities are required to adopt a citizen participation plan. Subsection (a) requires that citizen participation plans adopted prior to August 17, 2015 need to incorporate newer provisions of the 24 CFR 91.105. The City of Oxnard originally adopted its Citizen Participation Plan on October 18, 1994. On July 25, 2000 the original document was amended. This amended Citizen Participation Plan will incorporate provisions to comply with 24 CFR 91.105.

Purpose of the Citizen Participation Plan (OCPP)

The Citizen Participation Plan sets forth the policies and procedures for citizen participation in the development of the City of Oxnard (City) Consolidated Plan and Annual Action Plan, any substantial amendments to these plans and the preparation of the Consolidated Annual Performance and Evaluation Report (CAPER), and the Assessment of Fair Housing (AFH), in coordination with the Oxnard Housing Authority (OHA).

The City shall provide the public with a reasonable opportunity to comment on the original Citizen Participation Plan and any amendments thereto. Amendments to the Citizen Participation Plan may be considered substantial or less than substantial as determined by the City based on the nature of the amendment and applicable HUD regulations. The 2018 amendment to the Citizen Participation Plan is substantial.

Encouragement of Citizen Participation

A key component of the Citizen Participation Plan is that it must provide for and encourage citizen participation, especially by low- and moderate-income persons, and in particular those persons living in areas designated by the City as a revitalization area or in a slum or blighted areas and residents of predominantly low- and moderate-income neighborhoods, and where CDBG funds are proposed to be used.

The City shall explore alternative public involvement techniques and quantitative ways to measure efforts that encourage citizen participation in a shared vision for change in communities and neighborhoods. Efforts must be taken to encourage the participation of all its citizens, including minorities and non-English speaking persons, and persons with disabilities.

Consolidated Plan and Annual Action Plan Preparation

The Citizen Participation Plan addresses the preparation cycles for the Oxnard Consolidated Plans and Annual Action Plans.

The U.S. Department of Housing and Urban Development (HUD) requires a community receiving funding under Community Planning and Development formula grant programs to submit to HUD a multi-year consolidated plan and annual action plan.

The consolidated plan is a program and funding implementation plan combined in one document that states the City of Oxnard's goals and objectives for housing and community planning and development. In addition, a community must have a consolidated plan approved by HUD before receiving funds under the formula grant programs; Community Development Block Grant (CDBG), including activities under Section 108, such as guaranteed loan funds, Emergency Shelter Grants (ESG), HOME Investment Partnerships (HOME), and Housing Opportunities for Persons With Aids (HOPWA).

The consolidated plan is typically a five-year strategic plan to address unmet public service and housing needs of low-income persons and families within the City. For each of the five years, an annual action plan is developed in preparation for the subsequent grant year which identifies specific activities, goals and funding allocations.

Environmental Reviews

The City maintains a written record of the environmental review undertaken for every project or program receiving federal funds from HUD. This environmental review record is available for public inspection. Certain projects require publication of specific actions or findings, which include a description of the activity, its location, and identification of any measures required to mitigate potentially significant adverse effects. Public comment periods are included in the review process as prescribed by NEPA and 24 CFR Part 58.

Citizen Participation for Section 108 Loan Guarantee Program

In accordance with Section 108 regulations, Subpart M-Loan Guarantees, 24 CFR 570.704, the City will comply with the following pre-submission and citizen participation requirements before submitting an application for Section 108 loan guarantee assistance to HUD. These requirements will also apply to the submission of an Economic Development Initiative (EDI), and Brownfield Economic Development Initiative (BEDI) application.

- The City will develop a proposed application to include the community development objectives and activities the City proposes to pursue and carry out with the Section 108 funds. Each activity will be described in sufficient detail, including the provision under which the project is eligible, the national objective it meets, the amount of funds expected to be used, and the activity's location to allow citizens to determine the degree to which they will be affected. The proposed application will also indicate which activities will generate program income and where citizens may obtain additional information about proposed activities. The proposed application will also include a description of the pledge of grants required under 24 CFR 570.705(b)(2).

- The City will also publish a public notice which will include its proposed application so as give affected citizens an opportunity to examine the application's contents and to make comments. The public notice will also advise citizens on how and where to submit comments as well as notify citizens of when and where a public hearing will be held at which they can provide further input on the proposed application. The public notice will be published at least 30 calendar days in advance of the public hearing.

- A minimum of two (2) public hearings, held at different stages of the Consolidated Plan citizen participation process, will be held for the purpose of obtaining the views of citizens and formulating or responding to proposals and questions. At least one of these hearings will be held before submission of a Section 108 application to HUD to obtain the views of citizens on community development and housing needs. At the hearing, each activity will be described in sufficient detail including: the provision under which the project is eligible, the national objective to be met, the amount of funds expected to be used, and the activity's location so that citizens can determine the degree to which they will be affected. Citizens will have up to 30 calendar days and including the day of the public hearing to comment.

- Once the City has published the public notice and held the public hearing, the City will determine if the proposed application needs to be modified, based on comments and views received, before submitting the application to HUD. Upon completion, the final application will be made available to the public at the City Clerk's office.

Assessment of Fair Housing Plan/Analysis of Impediments Revisions and Administrative Updates (AFH/AI)

The City shall provide community residents with reasonable notice and an opportunity to comment on revisions to the AFH/AI, as specified under 24 CFR 5.164.

The City has determined that an AFH/AI revision is necessary when:

- The material change in circumstances affects the information on which the AFH/AI is based;
- The analysis, fair housing contributing factors, or the priorities and goals of the AFH/AI no longer reflect actual circumstances.

The City will provide affected citizens a period of not less than 30 calendar days to make comments on a significant AFH/AI revision before it is implemented. Acceptable methods of meeting the citizen participation requirements include:

- Publication of the availability of the substantial change(s) in a local newspaper. The publication will provide a link to a City Housing Department web page which will provide more detailed information on the significant revision(s) and how to provide comments.
- Publication of any proposed change shall appear in a local newspaper whose primary circulation is within the area serving the community of affected citizens;
- Advertisement of the availability of the proposed change on the City's website;
- Posting notices in public buildings within the City, which include, but are not limited to, public libraries; or
- Holding meetings with citizens' advisory groups within the area affected by the significant revision.

Notification to the public shall advise citizens of how and where to submit comments on the proposed changes. A summary of these comments, and a summary of comments not accepted and the reasons therefore, shall be attached to the significant revision that is submitted to HUD.

Access to Meetings for Persons with Disabilities and Non-English Speaking Persons

The Citizen Participation Plan shall provide for and encourage participation by all citizens, including minorities, non-English speaking persons, and persons with mobility, visual, or hearing impairments. Persons with disabilities needing special assistance to participate in the meetings shall contact the City Clerk's Office at least 72 hours prior to the meeting to mobility, visual or hearing impairments shall be accommodated.

To accommodate non-English speaking persons, a translator shall be provided at each hearing and other translators may be made available upon request with at least three business days' notice. Requests can be made by email or telephone to Housing Department, Grants Management Division.

Public Outreach and Access

The consolidated plan and annual action plan development processes shall include consultation with organizations that provide community services, public and private organizations, community

based organizations, faith based organizations, philanthropic organizations, businesses and developers.

Commencing with consolidated plans submitted on or after January 1, 2018, consultations must occur with broadband internet service providers, organizations engaged in narrowing the digital divide, agencies that manage flood prone areas, public land or water resources, and emergency management agencies.

Citizens are encouraged to participate in an advisory role in the planning, implementation, and assessment of the projects recommended under the plan(s).

Notices of public hearings meetings will be sent to members of the Inter-Neighborhood Council Committee (INCC), the presidents of the public housing tenant advisory councils.

Funding Recommendations

Prior to the adoption of the Consolidated Plan and/or Annual Action Plan by the City Council, the following information shall be made available to citizens, public agencies and other interested parties:

- Grant funds that will be available or anticipated to be available for the proposed plan (including program income).

- Range of activities that may be undertaken, including the estimated amount that will benefit persons of low- and moderate-income.

A summary of the proposed Consolidated Plan and/or Annual Action Plan shall be published in at least one newspaper of countywide circulation and the announcement may also appear in at least one Spanish language newspaper of general circulation. Public service announcements may also be provided for local radio stations. The summary shall describe the plans and purpose of the plan(s) and include a list of the locations where copies of the entire plan(s) may be examined. As a minimum, digital or hard copies of the proposed plan(s) shall be available for public review at the main Oxnard Public Library, City Clerk’s Office and the City’s Housing Department offices on 435 South D St., Oxnard, CA.

The Consolidated Plan and/or Annual Action Plan and the Activities to be funded shall be made available on the City's Housing Department, Grants Management web page.

The Consolidated Plan and/or Annual Action Plan shall be made available for public comments for a minimum of 30 days prior to submission to HUD.

Written comments can be mailed to Grants Manager, City of Oxnard Housing Department, 435 South D Street, Oxnard, CA 93030 or emailed to grantsmanagement@oxnard.org.

Displacement of Persons

The Citizen Participation Plan must, as required by 24 CFR Part 91, Section 91.105, "set forth the jurisdiction's plans to minimize displacement of persons and to assist any persons displaced...."

The City will pursue projects which promote affordable housing, i.e., new construction and rehabilitation, which will not dislocate persons or families. (Some temporary relocation may be required for rehabilitation projects). If permanent relocation is necessary (due to the acquisition of an occupied residence planned for major reconstruction or demolition, etc.), the City will comply with the Uniform Relocation and Real Property Acquisition Policies Act of 1970 as amended, which establishes types and levels of assistance required depending upon the circumstances. Certification of compliance is included in the City of Oxnard Consolidated Plan.

The City has on file its Residential Anti-displacement and Relocation Assistance Plan as required under Section 104(d) of the Housing and Community Development Act of 1974, as amended, which pertains to any activity assisted with funding under the CDBG, ESG or HOME programs.

Public Hearings

The public hearings will be held at City of Oxnard Council Chambers and/or in facilities in or adjacent to low/moderate income neighborhoods. Public hearings may be scheduled during the evening to ensure the maximum attendance by residents.

The City shall hold a minimum of two public hearings per plan year (fiscal year). The purpose of the hearings is to obtain public comments, to address housing and community development needs, and to outline the development of proposed activities, to address the unmet needs of low-and moderate-income persons regarding housing, community and economic development and public services.

The first hearing may be held in facilities in or adjacent to low/moderate income neighborhoods or City Council Chambers. The purpose of this initial hearing is to obtain the public comments on housing and community development needs, including priority non-housing community development needs. This meeting is mandatory for all applicants recommended for funding.

An optional public hearing may be held to solicit public comment on activities which could be implemented to address the unmet needs identified at the first public hearing but prior to the

adoption of the proposed plan by the City Council. The purpose of this hearing is to obtain citizens' comments on proposed activities and funding allocations.

The final public hearing will be held to obtain citizens' comments on proposed activities and to present the Consolidated Plan and/or the Annual Action Plan to the City Council for adoption. The final hearing shall be held in the City Council Chambers.

The hearings shall be announced in at least one newspaper of general circulation in English. The announcement will also appear in at least one Spanish language newspaper of general circulation. The hearings may also be announced as a public announcement on radio stations as appropriate and announced through an informational flyer distributed/posted by Housing Authorities, public service and other organizations. At least one Spanish language radio station may be informed and the flyer may be prepared in Spanish. The announcement for the public hearings will also be e-mailed, or mailed upon request to the current list of HUD partners, sub-recipients and other interested parties in the City of Oxnard.

Technical Assistance

The City shall provide, upon request, technical assistance to organizations and individuals representative of low- and moderate-income residents wishing to develop proposals for funding assistance under any of the programs covered by the Consolidated Plan. The City shall determine the level and type of assistance consistent with HUD policies and questions.

Amendments to the Plan

The City shall amend its approved Consolidated Plan and/or Annual Action Plan if:

- A change in its allocation priorities or a change in the method of distribution of funds occurs;
- A decision to carry out an activity using funds not previously described in an action plan covered by the consolidated plan (including program income, reimbursements, repayment, recaptures, or reallocations from HUD); or
- A change in the purpose, scope, location, or beneficiaries of an activity occurs.

Amendments will be considered <u>substantial changes</u> and require official action if;

- Grant funds are allocated to a new activity for the first time;
- A funding increase in a current activity, or a change in the use of funding from one eligible activity to another, of more than $100,000 in CDBG or HOME funding, or more $30,000 in ESG funding; or if,
- A funded activity is cancelled during the program year.

Changes which are less than substantial are changes which represent less than the amounts listed above, and which do not have a significant impact on the project's purpose, scope, location, or beneficiaries. If an activity is not funded in the current year, but is the same or similar to an activity funded in another program year, and the addition is less than amounts above, and there is no significant change in the project (purpose, scope, location, or beneficiaries), it is not considered a substantial change. The authorized City official may approve changes which are less than substantial.

Reallocation of funding among program years is not considered a substantial change.

Program income will be allocated consistent with the Annual Action Plan and with HUD requirements. If program income is greater or less than the approved annual amount it will be cause for an amendment or an increase to funds available in subsequent year.

The City must submit a copy of each amendment to HUD. HUD allows amendments as they occur or at the end of the program year. Letters transmitting copies of amendments must be signed by the official representative of the City authorized to take such action.

Substantial amendments of the Consolidated Plan or Annual Action Plan will require a Public Hearing and City Council approval. Notice of public hearing will be posted on City's Housing Department, Grants Management Division webpage and noticed in a newspaper of general circulation a minimum of 30 days prior to implementation. A public hearing will be held to obtain citizens' comments on the proposed substantial amendment and to present the substantial amendment to the City Council for adoption.

Consolidated Annual Performance and Evaluation Report (CAPER)

The City will prepare the CAPER as required at the close of the grant year which shall be made available for public comment for a minimum of 15 days prior to submission to HUD.

Public comments will be considered and responded to as appropriate with a summary of the comments attached to the CAPER for submittal to HUD.

Availability of Documents

The Consolidated Plan, Annual Action Plans, substantial amendments, CAPER and the Citizen Participation Plan will be available to the public, including the availability of materials in a form accessible to persons with disabilities, upon request.

The Consolidated Plan, Annual Action Plans, CAPER, the Citizen Participation Plan and the Uniform Relocation and Real Property Acquisition Policies Act of 1970 as amended, will be available for review at the City of Oxnard Housing Department, 435 South D Street, Oxnard, CA during working hours.

Citizen Participation Coordinator

The Citizen Participation Coordinator shall be a member of Grants Management Division staff in the Housing Department of the City of Oxnard.

The Citizen Participation Coordinator shall make past and present programmatic and funding information available to citizens during all phases of the HUD Community Planning and Development Program cycle, upon request.

Comments and Complaints

The City shall consider all verbal or written comments or views of citizens received at the public hearings in preparing the final Consolidated Plan, Annual Action Plans, amendments to these plans, Section 108 Loan applications, CAPER or the Citizen Participation Plan.

A summary of these comments or views shall be attached to the final Consolidated Plan, amendment to the Plan, CAPER or Citizen Participation Plan and submitted to HUD as appropriate.

The City shall respond in a timely manner, within 15 days where practical, to all written complaints, grievances and requests for information about the Consolidated Plan.

Written comments, complaints and/or grievances can be submitted to Housing Director, City of Oxnard Housing Department, 435 South D Street, Oxnard, CA 93030.

Contingency Plan in the Event of an Emergency/Disaster

In the event of an emergency or disaster that presents a serious and immediate threat to the health and welfare of the citizens of the City, the noticing requirements for public hearings shall be reduced to ten calendar days.

Reprogramming of funds in the event of such an emergency will require approval by the City Council when they are in session or ratification of the reallocation when the City of Council is in recess.

Citizen Participation Plan (CPP) Procedural History

1. Originally adopted CPP by City Council on October 18, 1994
2. Modifications to CPP adopted by City Council on July 25, 2000
3. Amended CPP adopted by City Council on July 10, 2018

CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT

FISCAL YEAR 2018-2019

CITY OF OXNARD CALIFORNIA

CAPER FY 2018-2019

Annual year-end grant report required by U.S. Department of Housing and Urban Development to report financial and performance measures

1. Community Development Block Grant
2. HOME Investment Partnerships Act
3. Hearth Emergency Solutions Grant

CITY OF OXNARD STRATEGIC PRIORITY

Quality of Life Strategy: To build relationships and create opportunities within the community for safe and vibrant neighborhoods

Goal 2: Address homelessness through the development and implementation of a multi-tiered strategy

Goal 3: Strengthen neighborhood development and connect City, community and culture

Objective 3b Empower and connect our Inter-Neighborhood Council Organizations (INCOs), Community Advisory Groups (CAGs) and Neighborhood Watch Program.

Objective 3e Create a pilot revitalization project for Southwinds Neighborhood

GRANT ALLOCATIONS

FIVE YEAR ENTITLEMENT SUMMARY

	2015	2016	2017	2018	2019
CDBG	$2,131,803	$2,201,149	$2,183,330	$2,502,719	$2,516,091
HOME	$561,174	$595,832	$532,053	$791,219	$726,527
ESG	$191,219	$191,905	$198,164	$196,549	$212,361
TOTAL	$2,884,196	$2,988,886	$2,913,547	$3,490,487	$3,454,979

CAPER FY 2018-2019

ACCOMPLISHMENTS

Activity	Source	Proposed	Actual
Code Compliance	CDBG	1,800 inspections	3,162
Homebuyer Assistance	CDBG & HOME	20 Buyers	12 Buyers
Home Rehabilitation	CDBG & HOME	0 Units	6 Units
Infrastructure & Facilities	CDBG	207,906 persons	207,906 persons
Public Services-Persons	CDBG	2,050 persons	2,830 persons

CAPER FY 2018-2019

ACCOMPLISHMENTS

Activity	Source	Proposed Persons	Actual Persons
Public Service	CDBG	150	126
Rapid Re-Housing	ESG	25	28
Overnight Shelter	ESG	155	132
Homeless Prevention	ESG	26	59
Street Outreach	ESG	368	451

2018-19 GOALS VS ACCOMPLISHMENTS

Goal	Indicator	Proposed Strategic Plan	Actual Strategic Plan	Ratio of Completion	Expected First Program Year	Actual First Program Year	Ratio of Completion 2018-2019
Homeownership	Direct Financial	40	12	30%	20	12	60%
New Rental Units	Housing units	81	0	0	81	0	0
Housing Services	Direct Financial Assistance	15	12	80%	20	12	60%
Housing Services	Housing units Rehabilitation	40	6	15%	6	6	100%
Housing Preservation	Housing units	7	6	85%	0	6	0%
Decent and Affordable Housing							
Code Enforcement	Housing units	3,600	3,162	87%	1800	3,162	175%
Infrastructure and Facilities	LMI Persons	210,000	207,906	99%	207,906	207,906	100%
Public Services	LMI Persons	3,500	2,830	80%	2050	2830	138%
Public Services	LMI Households	250	126	50%	150	126	84%

2018-19 GOALS VS ACCOMPLISHMENTS

Goal	Indicator	Proposed Strategic Plan	Actual Strategic Plan	Complete Ratio	Expected Program Year	Actual Program Year	Ratio of Completion 2018-2019
Suitable Living Enhancement							
Reduce Homelessness	Sheltered Persons	300	132	44%	155	132	85.16%
Reduce Homelessness	Rapid Re-Housing	8	28	350%	25	28	112%
Reduce Homelessness	Homeless Prevention	30	59	196%	26	59	226%
Reduce Homelessness	Street Outreach	700	451	64.4%	368	451	122%

CAPER FY 2018-2019

Hearth Emergency Solutions Grant

As of July 1, 2018	$74,853
2018 Grant	$196,549
Program Income	$0.00
Total Resources	$271,402
Estimated Expenditures	$179,426
Balance, June 30, 2019	**$91,976**

CAPER FY 2018-2019

Hearth Emergency Solutions Grant Expenditures

Administration and Planning	$13,132
Rapid Rehousing (VC-HSA/SVDP)	$37,480
Homeless Prevention (VC-HSA)	$21,162
Shelter Operations (TP & KC)	$78,854
Outreach (CAVC/SVDP)	$28,798
Total 2018 - 2019 Expenditures	**$179,426**

EMERGENCY SOLUTIONS GRANT LIMITS

1. Up to 7.5% of Allocation for administration and planning
2. Up to 60% of Allocation for Shelter and Outreach
3. Grantees have two years to spend the total allocation awarded by HUD for each grant year.
4. FY 2018-19 expenditures utilized the following grants

2017 HESG agreement E-17-MC06-534	$71,281
2018 HESG agreement E-18-MC06-534	$108,145

CAPER FY 2018-2019

HOME Investment Partnership Grant

As of July 1, 2018	$679,728
2018 Grant	$791,219
Program Income	$183,743
Total Resources	$1,654,690
Estimated Expenditures	$532,844
Balance, June 30, 2019	**$1,121,846**

CAPER FY 2018-2019

HOME Expenditures

Administration and Planning	$103,087
Community Housing Development Organization	$192,624
Homebuyer Program	$237,133
Total 2018-2019 Expenditures	**$532,844**

CAPER FY 2018-2019

Community Development Block Grant

As of July 1, 2018	$1,931,016
2018 Grant	$2,502,719
Program Income	$128,062
Total Resources	$4,561,797
Estimated Expenditures	$1,750,952
Balance, June 30, 2019	**$2,810,845**

CAPER FY 2018-2019

CDBG Expenditures

Administration and Planning	$464,700
Public Services	$342,056
Direct Benefits	$944,196
Total 2018-2019 Expenditures	**$1,750,952**

CITY OF OXNARD CALIFORNIA

QUESTIONS?

CITY OF OXNARD CALIFORNIA

CITY COUNCIL AGENDA REPORT

PUBLIC HEARINGS
AGENDA ITEM NO. L.2.

DATE: September 17, 2019

TO: City Council

FROM: Jeffrey Lambert, Community Development Director, (805) 385-7882, jeffrey.lambert@oxnard.org

SUBJECT: Tentative Parcel Map for the Subdivision of Vacant Property Located on the South Side of Highway 101 between the West and East Terminus of Lockwood Street, A.P.N. 213-0-090-10. (10/5/5)

RECOMMENDATION

That the City Council adopt a resolution approving Planning & Zoning Permit No. 18-300-10 (Tentative Parcel Map), subject to certain findings and conditions.

BACKGROUND

On July 18, 2019 the Planning Commission voted 5-0, with two commissioners absent, to recommend City Council approval of subdividing a vacant undeveloped parcel into two lots and construction of the connection of Lockwood Street, a private street, along with associated infrastructure improvements (see Attachment A - Planning Commission staff report). No members of the public spoke in support or opposition to the project. The project site is located on the south side of Highway 101 between the West and East terminus of Lockwood Street. The application is for subdivision purposes only and other than the connection of Lockwood Street, no construction is proposed.

ANALYSIS/DISCUSSION

The Project involves subdividing an 11.85 acre undeveloped, commercially zoned property into two lots of net size 6.13 and 4.86 acres and construction of Lockwood Street, which connection will be a private street as are the east and west portions of the existing street system. Required infrastructure associated with the connection of Lockwood Street, such as sidewalk, street curb, and improvements for compliance with storm water quality requirements, is also proposed. This Project does not involve the construction of buildings at this time. Future development and use of these parcels will be required to adhere to the development standards of the Business Research Park (BRP) zone in Division 12 of Chapter 16 "Zoning Ordinance" of the Oxnard City Code (OCC).

In accordance with Division 2 of Chapter 15 "Subdivision Ordinance" of the OCC, the City Council is the final decision making body for subdivision applications. As proposed the new lots comply with the minimum standards of the BRP zone such as: (1) minimum lot size of 20,000 square feet; (2) minimum dimensions of 150 feet in depth; (3) 100 feet width for interior lots and 150 feet width for corner lots. Each proposed lot is over 4 acres in size and their dimensions exceed 300 feet in width and depth. There is no future financial cost to the City due to the connection of Lockwood Street, because it would be a private street.

ENVIRONMENTAL IMPACT

In accordance with Section 15315, Class 15 of the State of California Environmental Quality Act (CEQA) Guidelines, projects complying with City zoning, General Plan designation, and involving the subdivision of property into four or

fewer parcels may be found to be exempt from the requirements of CEQA. The proposed subdivision is consistent with City zoning of BRP, General Plan 2030, is a subdivision to create two lots, and is substantially surrounded by urban uses. Additionally, all City services to serve future development of the new lots are in place. Therefore, staff has determined that there is no substantial evidence that the project will have a significant effect on the environment and recommends that City Council accept the Notice of Exemption found in the Planning Commission staff report as Attachment B.

STRATEGIC PRIORITIES

This agenda item supports the Economic Development strategy, because it creates additional commercially zoned lots providing the opportunity for new commercial development that could generate new property and retail tax revenues. The purpose of the Economic Development strategy is to develop and enhance Oxnard's business climate, promote the City's fiscal health, and support economic growth in a manner consistent with the City's unique character. This item supports the following goals and objectives:

Goal 1. Create vibrant and economically sustainable commercial, industrial and retail industries throughout the City.

Goal 2. Enhance business development throughout the City.

Objective 2a. Develop a strong citywide economy which attracts investment, increases the tax base, creates employment opportunities, and generates public revenue.

FINANCIAL IMPACT

The approval of the map provides the opportunity for future development that will result in increased property tax revenue to the City.

COMMITTEE OUTCOME

This is a Public Hearing and was heard by the Planning Commission, therefore this item did not originate in Committee.

Prepared by: Veronica Ortiz-De Anda, Contract Planner

ATTACHMENTS

1. Attachment A - Planning Commission Staff Report July 18, 2019
2. Attachment B - Planning Commission Resolution No. 2019-26 with Project Conditions
3. Attachment C - City Council Resolution
4. CC Lockwood St-Outlet Drive PPT CC 09.17.19

CITY OF OXNARD CALIFORNIA

Planning Commission
Staff Report

To: Planning Commission

From: Veronica Ortiz-De Anda, Contract Planner

Date: July 18, 2019

Subject: Planning & Zoning Permit No. 18-300-10 (Tentative Parcel Map) – Subdivision of an undeveloped 11.85 acre parcel into two (2) lots and construction of Lockwood Street for purposes to connect the street along with associated infrastructure improvements.

1) **Recommendation:** That the Planning Commission adopt a resolution recommending approval of Planning and Zoning Permit No. 18-300-10 (TPM) to the City Council for property located on the south side of Highway 101 between the West and East terminus of Lockwood Street, A.P.N 213-0-090-10, subject to certain findings and conditions.

2) **Project Description and Applicant:** The proposed project involves a request to subdivide an existing undeveloped 11.85 acre parcel located on the south side of Highway 101 between the east and west terminus of Lockwood Street into two (2) lots of net size 6.13 and 4.86 acres; and construct the connection of Lockwood Street with associated infrastructure. For purposes of this staff report, the foregoing project description shall be referred to as the "**Project**." Filed by Eric Widmer on behalf of Sunbelt Enterprises, LLC, 5715 Mesmer Avenue, Los Angeles, CA 90230, the property owner and "**Applicant**".

Existing & Surrounding Land Uses: The project site is a vacant undeveloped parcel located directly west of The Palms Marketplace Center. The following table summarizes the land uses and zoning designation of the project site and adjacent properties, which are also illustrated on attachment A:

Location	Zoning	General Plan	Existing land use
Project site	Business Research Park (BRP)	Business Research Park (BRP)	Vacant/Undeveloped
North	-	-	HWY 101
South	Business Research Park (BRP)	Business Research Park (BRP)	Medical Office Building
East	Business Research Park (BRP)	Business Research Park (BRP)	The Palms Marketplace Center
West	Business Research Park (BRP)	Business Research Park (BRP)	CarMax Auto Sales

3) **Background Information:** The Project site is part of Tract 4881 approved by City Council on November 16, 1993 and recorded on December 8, 1993. Subsequent lot line adjustments, LLA 99-5-151 (recorded on February 2, 2000) and LLA 00-5-103 (recorded on October 31, 2000), were completed, however, no development was proposed. The parcel has remained undeveloped since it was created.

4) **Environmental Determination:** In accordance with Section 15315, class 15 of the California Environmental Quality Act (CEQA), projects complying with City zoning, General Plan designation, and involving the subdivision of property into four or fewer parcels where there are no exceptions proposed and all City services and access exist are exempt from further environmental review. The proposed Project complies with the City's zoning and 2030 General Plan and involves the subdivision of property into two lots. The Project site is surrounded by urban development and all City services are in place. Direct access to the property is available at the east and west terminus of Lockwood Street and the proposed construction of Lockwood Street, a private street, will provide direct access to the new lots as well.

   Therefore, staff has determined that there is no substantial evidence that the Project will have a significant effect on the environment and recommends that the Planning Commission accept the Notice of Exemption (see attachment B).

5) **Analysis:**

   a. **General Discussion:** The Project involves subdividing an 11.85 acre undeveloped commercially zoned property into two lots of net size 6.13 and 4.86 acres and construction of Lockwood Street, which connection will be a private street as are the east and west portions of the existing street. Necessary infrastructure associated, with the connection of Lockwood Street, such as sidewalk, curb, and improvements for compliance with storm water quality requirements, is also proposed.

      This Project does not involve construction of buildings at this time. Future development and use of these parcels will be required to adhere to the development standards of the BRP zone in Division 12 of Chapter 16 of the Oxnard City Code (OCC) (See Attachment C).

   b. **General Plan Consistency:** Section 15-61 of the City's Subdivision Ordinance requires consistency of the proposed parcel map with the 2030 General Plan. The City's 2030 General Plan land use designation for the subject site is for Business and Research Park (BRP), which allows a variety of commercial uses such as but not limited to research and development facilities, restaurants, and office uses as well as certain manufacture and assembly uses. The proposed Project will allow for these types of land uses to be established in the future.

Consistency with the 2030 General Plan is defined by the relationship between 2030 General Plan policies and the proposed Project. The three consistency classification levels are:

I. Direct applicability to a proposed project or program (full text of the policy and an explanation).

II. Related or indirect applicability to the proposed project or program (policy title and an explanation for each or groups of related or indirectly related policies).

III. No or distant applicability to the proposed project or program (all policies not listed as level i and ii are assumed to be consistent).

Policy	Level	Policy or title	Explanation
CD-1.2	II	In-fill development, priority to mixed uses that reduce vehicle trips and GHG emissions and promote sustainable development.	The project site is within a developed area of the City and qualifies as infill.
CD-15.6		Share of regional taxable sales	The project will provide new lots for the location or relocation of businesses, which may generate retails tax sales revenue to the City.
CD-14.1 CD-14.2		Design review process Development advisory committee functions (DAC)	The Development Advisory Committee (DAC) review process led to changes in the project and/or conditions of approval that meet these level II policies.
CD 18.1 CD 18.5		Attract new businesses Increase the availability of land for new businesses	The subdivision will provide for more land options to businesses/companies to open a new business or relocate to the City.
ICS 2.6		Minimize and monitor traffic and parking issues associated with construction activities, require additional traffic lanes and/or other traffic improvements for ingress and egress for new developments for traffic and safety reasons, where appropriate.	The proposed street connection of Lockwood Street will provide vehicles, bicyclists, and pedestrians to use Lockwood Street as an unobstructed route to reach North Rose Avenue and/or Gonzales Road improving the use efficiency of this street.
All others	III	All policies not listed above	No or distant applicability to the proposed project

c. **Tentative Parcel Map:** The proposed Project is for subdivision of the parcel only and construction of the Lockwood Street connection. In accordance with Division 2 of the City's Subdivision Ordinance, the Planning Commission considers the proposed TPM and provides a recommendation to the City Council. The proposed dimensions and size of the lots comply with the minimum lot size requirement of the BRP zone. The BRP zone requires a minimum lot size of 20,000 square feet with minimum dimensions of 150 feet in depth, width of 100 feet interior lots, and 150 feet for corner lots. Each proposed lot is over 4 acres in size and their dimensions exceed 300 feet in width and 300 feet in depth.

If the TPM is approved by City Council, the Applicant will submit materials for final map review and approval. These materials will be reviewed by staff and by the City surveyor to ensure that the map is technically correct. With the City surveyor's recommendation, the Development Services Director will then forward the map to City Council as a "consent" item in the agenda for acceptance.

6) **Development Advisory Committee:** Section 15-38 of the City's Subdivision Ordinance requires that the proposed TPM be reviewed by the Development Advisory Committee (DAC). This project was distributed to members of the DAC on January 2, 2019 and March 26, 2019 for their review. Recommended conditions by the DAC have been incorporated into the attached resolution (see attachment D).

7) **Review By Other Agencies:** In accordance with Sections 66453-66455.9 of the Subdivision Map Act, the proposed project was distributed to other agencies for comment. Comments were received from Ventura County Watershed Protection District, Southern California Gas Company, and Southern California Edison. The comments received did not state objection or concerns on the implementation of this subdivision.

8) **Community Workshop:** A Community Workshop is not required for this Project, because it involves the creation of new lots and construction of a private street only. No other development is proposed.

9) **Appeal Procedure:** In accordance with Section 15-25 of the City's Subdivision Ordinance, an appeal from the Planning Commission's action may be taken in the manner provided by cal. Gov. Code Section 66452.5.

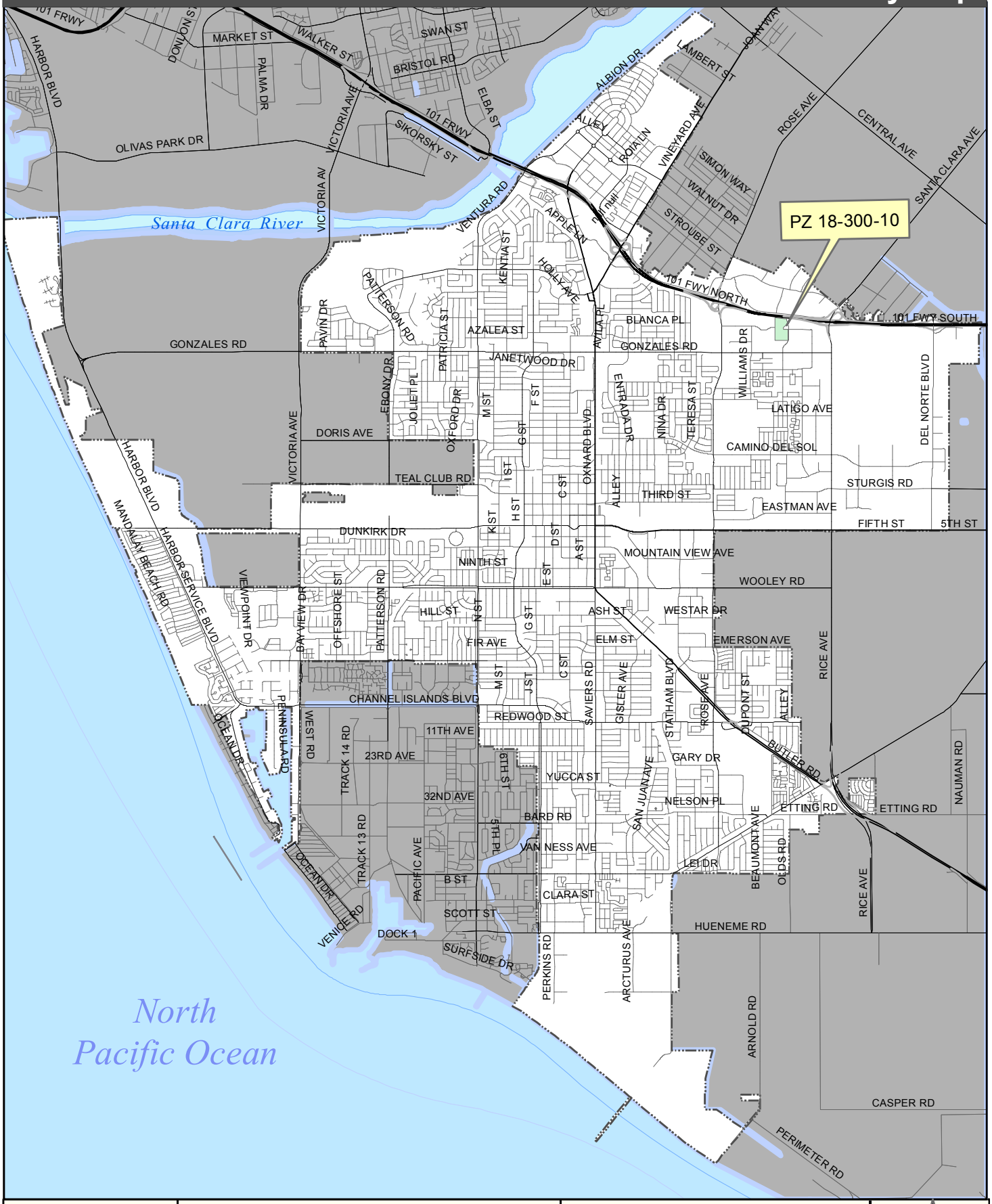
Attachments

A. Maps (General Plan, Zoning, Aerial)
B. Notice of Exemption
C. Map and Street Improvement Plans
D. Resolution & Conditions of Approval PZ 18-300-10 (Tentative Parcel Map)

Prepared by: _____
VD

Approved by: _____
IF

Vicinity Map



OXNARD
Oxnard Planning
June 26, 2019

PZ 18-300-10
Location: Lockwood/Outlet Center Dr
APN: 213009010

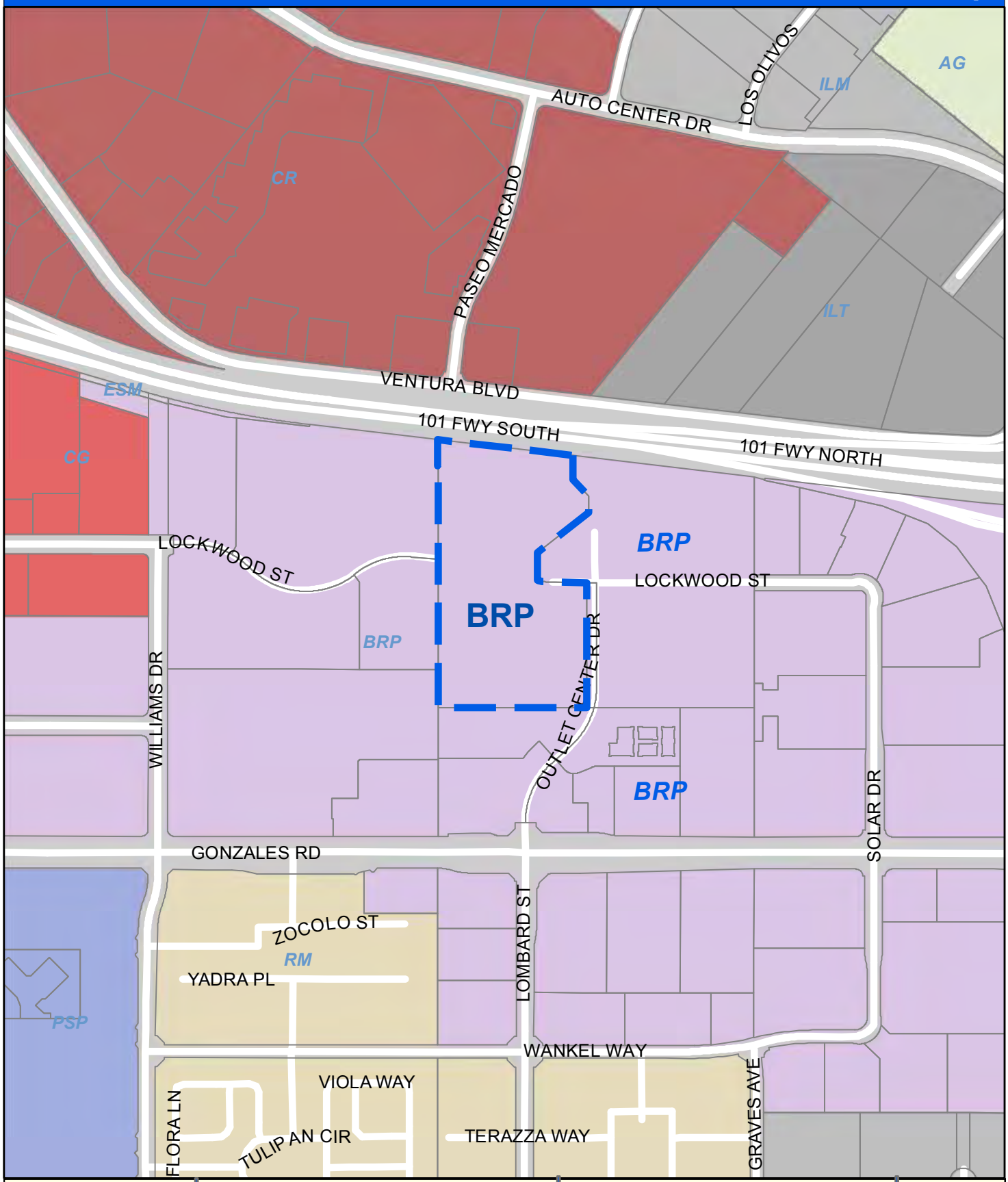
Vicinity Map

0 0.5 1 1.5 2 Miles

N

1:70,000

2030 General Plan Land Use Map



OXNARD

! "#$%&($##)#*

June 26, 2019

PZ 18-300-10
Location: Lockwood/Outlet Center Dr
APN: 213009010

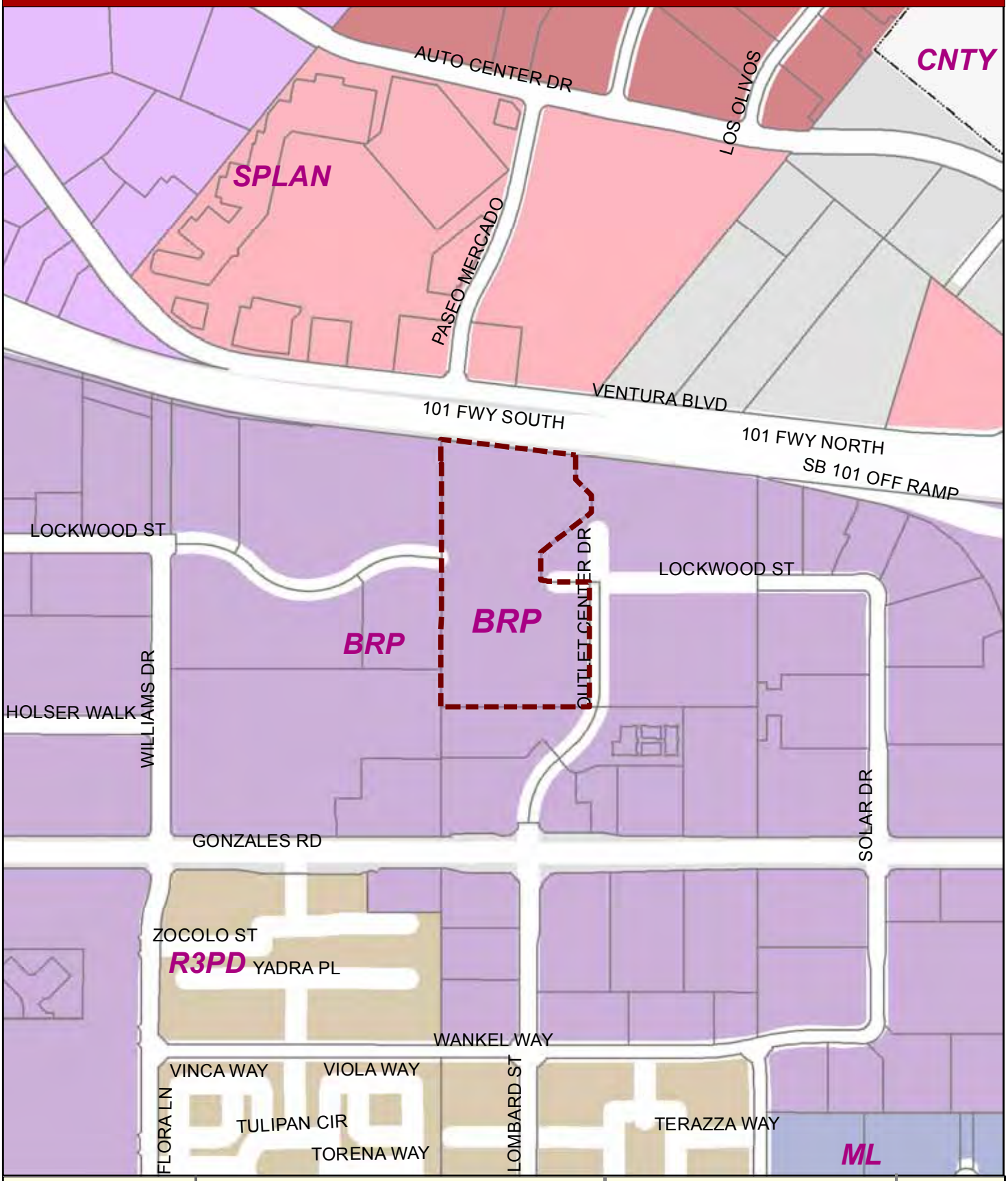
Feet
0 150 300 600 134

2030 General Plan Land Use Map

N
W E
S

1:6,000

Zoning/Specific Plan Map



OXNARD

Oxnard Planning

June 26, 2019

PZ 18-300-10
Location: Lockwood/Outlet Center Dr
APN: 213009010

0 80 160 320 480 640 Feet

Zoning/Specific Plan Map

1:6,000

ITEM #L-2

Aerial Map

OXNARD CALIFORNIA

Oxnard Planning

June 26, 2019

PZ 18-300-10
Location: Lockwood/Outlet Center Dr
APN: 213009010

Feet
0 62.5 125 250 375 136 500

Aerial Map

N W E S

OXNARD PLANNING DIVISION
214 SOUTH C STREET
OXNARD, CALIFORNIA 93030

CITY OF OXNARD CALIFORNIA

NOTICE OF EXEMPTION

Project Description:

PZ No. 18-300-10 (TENTATIVE PARCEL MAP): A request to subdivide an existing undeveloped 11.85 acre parcel located on the south side of Highway 101 between the east and west terminus of Lockwood Street into two (2) lots of net size 6.13 and 4.86 acres; and construct the connection of Lockwood Street with associated infrastructure.

Finding:

The Planning Division of the Community Development Department of the City of Oxnard has reviewed the above proposed project and found it to be exempt from the provisions of the California Environmental Quality Act (CEQA).

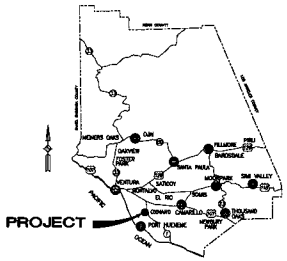
- ☐ Ministerial Project
- ☒ Categorical Exemption
- ☐ Statutory Exemption
- ☐ Emergency Project
- ☐ Quick Disapproval [CEQA Guidelines, 14 Cal. Code of Regs. 15270]
- ☐ No Possibility of Significant Effect [CEQA Guidelines, 14 Cal. Code of Regs. 15061(b)(3)]

Supporting Reasons: In accordance with Section 15315, class 15 of the California Environmental Quality Act (CEQA), projects complying with City zoning, General Plan designation, and involving the subdivision of property into four or fewer parcels where there are no exceptions proposed and all City services and access exist are exempt from further environmental review. The proposed Project complies with the City's zoning and General Plan and involves the subdivision of property into two lots. The Project site is surrounded by urban development and all City services are in place. Direct access to the property is available at the east and west terminus of Lockwood Street and the proposed construction of Lockwood Street, a private street, will provide direct access to the new lots as well.

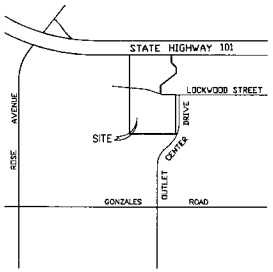
(Date)	Isidro Figueroa Acting Planning Manager

C14. LOCKWOOD WATER PLAN

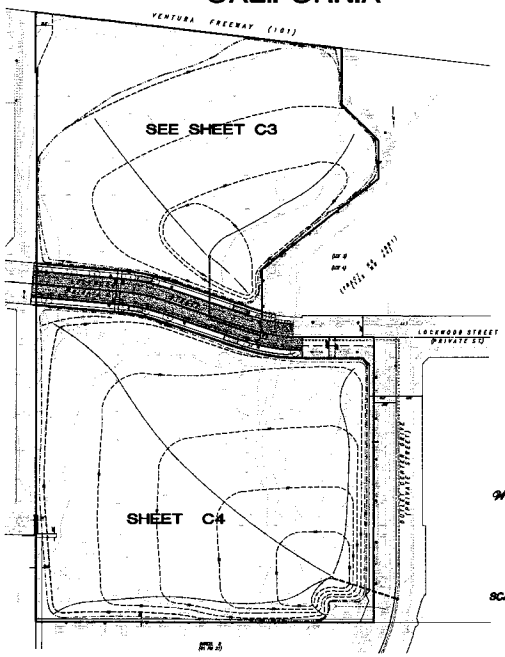
OUTLET CENTER
PZ 18-300-10
CITY OF OXNARD, VENTURA COUNTY
CALIFORNIA



VICINITY MAP
NTS



LOCATION MAP
NTS



SCALE: 1" = 80'

SHEET INDEX

C1. TITLE SHEET
C2. GRADING PLAN COVER SHEET
C3. GRADING PLAN LOT 1 (NORTH)
C4. GRADING PLAN LOTS 2 & 3 (SOUTH)
C5. GRADING DETAILS
C6. COVER SHEET STREET IMPROVEMENT
C7. LOCKWOOD STREET PLAN & PROFILE
C8. SIGNING AND STRIPING PLANS
C9. COVER SHEET STORM DRAIN IMPROVEMENT PLANS
C10. LOCKWOOD STREET STORM DRAIN PLANS
C11. LOCKWOOD STREET STORM DRAIN DETAILS
C12. COVER SHEET – SEWER PLANS
C13. LOCKWOOD SEWER PLAN & PROFILE
C14. COVER SHEET WATER PLANS
C15. LOCKWOOD WATER PLAN

ABBREVIATIONS

AB	AGGREGATE BASE
AC	ASPHALT CONCRETE
BC	BEGINNING OF CURVE
BOC	BUTTERFLY VALVE
BR	BEGINNING OF CURVE RETURN
CF	CURB FACE
CBG	CURB AND GUTTER
CL	CENTER LINE
CMP	CORRUGATED METAL PIPE
CONC	CONCRETE
—CTV—	CABLE TV
C/O	CLEAN OUT
D/W	DRIVEWAY
—E—	EDISON LINE
EC	END OF CURVE
ECR	END OF CURVE RETURN
EG	EXISTING GRADE
ETB	EMULSION TREATED BASE
E.J.	EXPANSION JOINT
FG	FINISH GRADE
FH	FIRE HYDRANT
FL	FLOW LINE
—G—	GAS LINE
GA	GAUGE
GV	GATE VALVE
IL	IRRIGATION LINE
MH	MANHOLE
PCC	PORTLAND CEMENT CONCRETE
PL	PROPERTY LINE
P/C	POINT OF CURVE
PRC	POINT OF REVERSE CURVE
PVMT	PAVEMENT
R	RADIUS
RCP	REINFORCED CONCRETE PIPE
R/W	RIGHT OF WAY
S	SLOPE
—SD—	STORM DRAIN
SL	SURVEY LINE
—S.S.—	SANITARY SEWER
STA	STATIONING
S/W	SIDE WALK
TL	TELEPHONE LINE
TC	TOP OF CURB
VB	VALVE BOX
VERT	VERTICAL
—W—	WATER LINE

MAPPING SYMBOLS
AIRLE
BENCH MARK
BLOW-OFF
CLEAN OUT
DELTA
FENCE WIRE
FENCE WOOD
VALVE

MANHOLES
ELECTRICAL
GAS
SANITARY SEWER
STORM DRAIN
TELEPHONE

METERS
GAS
WATER
SANITARY SEWER

POLES
COMBINATION POWER & TELEPHONE
GUY ANCHOR
LAMP POST
POWER
TELEPHONE

STREET IMPROVEMENT S.T.D. SYMBOLS
CENTER LINE
CITY BOUNDARY
PROPERTY LINE

CROSS SECTIONS
PROPOSED NATURAL MATERIAL
ASPHALT CONCRETE
PORTLAND CEMENT CONCRETE
SAND
SELECTED NATURAL MATERIAL

UTILITIES
(EXISTING UTILITIES)
—E— —E— EDISON
—G— —G— GAS
—T— —T— TELEPHONE
—CTV— —CTV— CABLE TV

BENCH MARK
BM # 308-WILLIAMS ELEV=73.35
ALUMINUM DISK, AT THE NORTHWESTERLY CORNER OF GONZALES ROAD AND WILLIAMS DRIVE, 55 FEET WESTERLY FROM THE CENTER OF WILLIAMS DRIVE, 48 FEET NORTHERLY FROM THE CENTER DIVIDE OF GONZALES ROAD, 33 FEET SOUTHERLY FROM THE EGR 12 FEET EASTERLY FROM THE BCR
NAVD 1988 DATUM

PRELIMINARY

OWNER / DEVELOPER
SUABELT ENTERPRISES, LLC
AGENT:
24 HOUR PHONE NO.

THESE PLANS HAVE BEEN REVIEWED FOR POSSIBLE CONSTRUCTION CONFLICTS

UTILITY CO.	SIGNATURE	TITLE	DATE
SO. CAL. GAS			
EDISON			
G.T.E.			
CABLE T.V.			

RECOMMENDED FOR APPROVAL

OPERATIONS DEPARTMENT	DATE
TRAFFIC MANAGER	DATE
FIRE DEPARTMENT	DATE
WASTEWATER MANAGER	DATE

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www.peakinc.com

R.C.E. No. DATE

AS BUILT CERTIFICATE
I HEREBY THAT THE WORK SHOWN ON DRAWING NO. SHEET NO. THROUGH MARKED AS "AS-BUILT" HAS BEEN CONSTRUCTED IN CONFORMANCE WITH LINES AND GRADES AS SHOWN ON SAID PLAN, DRAWING, REFERENCED SPECIFICATIONS AND APPROVED CHANGE ORDER AS INDICATED IN REVISION BLOCK

DATE SIGNATURE
NAME R.C.E.

REVISIONS

MARK	DATE	DESCRIPTION	BY

Development Services Department
SITE IMPROVEMENT PARCEL MAP 18-300-10
TITLE SHEET

ADOPTED BY: R.C.E. EXP. DATE
ACCEPTED BY: CITY ENGINEER R.C.E. EXP. DATE
SCALE: HORIZ. NONE VERT. NONE
DRAWN BY: D.M.
CHECKED BY: G.L.
DRAWING NUMBER DWG NO. C1 - C15
SHEET No.

G:\PROJECTS\17-6187\DOT 51\Dwg\OUTLET CENTER GRADING & SITE PLAN.dwg 06/05/2019

DEVELOPMENT SERVICES DEPARTMENT
SITE IMPROVEMENT / GRADING PLAN COVER SHEET

GENERAL NOTES

1. All Grading shall conform to the City of Oxnard Grading Ordinance and the latest editions of the City of Oxnard Department of Public Works Standards, Standard Specifications for Public Works Construction (SSPWC), and the City of Oxnard Standard Land Development Specifications.
2. Contractor shall notify the City Inspection Division and all other interested parties and arrange for a preconstruction conference 48 hours prior to the beginning of construction.
3. At least two (2) working days prior to commencing construction, the contractor shall contact the Regional Notification Center (Underground Service Alert of Southern California U.S.A. at 1-800-422-4133) to obtain an inquiry identification number and to request the utility owners to mark or otherwise indicate the location of their subsurface facilities. The contractor shall determine the location and depth of all utilities, including all service connections, which have been marked by the respective owners and which may affect or be affected by its operations. The contractor shall take all necessary measures to protect all utilities and all structures found at the site. At least two (2) working days before commencing excavation, the contractor shall pothole and expose the existing utilities at all crossings and at the point of tie-in; then contact the Engineer to verify the elevation of the existing facilities.
4. All permits necessary prior to beginning construction shall be obtained by the contractor.
5. Throughout all phases of construction, including suspension of work, until final acceptance of the project, the contractor shall keep the work site clean and free from rubbish and debris. The contractor shall also abate dust nuisance by cleaning, sweeping and sprinkling with water and using dust fences or other methods as directed by the City throughout the construction operation.
6. The contractor shall keep a strict record of all changes and submit this record to the City of Oxnard Development Services Department. Certified "As-Built" plans shall be provided to the City of Oxnard by the developer's engineer before the release for occupancy will be issued.
7. All damage caused to public streets, including haul routes, alleys, sidewalks, curbs or street furnishings, or to private property shall be repaired at the sole expense of the contractor to the engineer's satisfaction.
8. The contractor shall remove and replace any existing broken or damaged sidewalk, curb, gutter or asphalt paving (patch, repair or overlay) and upgrade the alley adjacent to the property to current City standards as directed by the Engineer.
9. Sawcut existing pavement to a clean straight edge as directed by the City Inspector.
10. Pavement removal and replacement shall be in conformance with the City of Oxnard Standards and Specifications. Compaction efforts shall not disturb adjacent street structural section. Contractor shall be responsible for any such damage.
11. All underground sewer, storm drain, and water pipelines, electric power, telephone or cable TV conduits and cable and gas pipelines shall be installed prior to construction of curbs, gutters, sidewalks and pavement.
12. Where joining the existing pavement, sawcut to sound pavement and overlay as required to provide proper grade and cross-slope. Any unsound pavement shall be replaced as required by the engineer.
13. The developer shall obtain final approval of reimbursement amounts prior to beginning construction on reimbursable items.
14. All water wells located within the site shall be reported to the City of Oxnard Water Superintendent prior to their modification or destruction (City of Oxnard Ordinance No. 2219).
15. The contractor is required to protect all existing survey monumentation during grading and all subsequent construction. Contractor shall give the engineer adequate notice, before disturbing said monuments, so the engineer can replace or relocate any existing survey monumentation.
16. All unsuitable material shall be removed as required by the Soils Engineer (and Engineering Geologist, where employed) from all areas to receive compacted fill or drainage structures.
17. All deleterious material (e.g. – lumber, logs, brush, rubbish, etc.) shall be removed from all areas to receive compacted fill and hauled to a dump-site approved by the Engineer.
18. All areas to receive compacted fill shall be inspected and approved by the Soils Engineer (and Engineering Geologist, where employed) after removal of unsuitable material and excavation of keyways and benches, and prior to placement of subsurface drainage systems or any fills.
19. All soil or rock materials deemed unsuitable for placement in compacted fill shall be removed from the site. Any imported material shall be approved by the Soils Engineer prior to use in compacted fill. Blocky material shall be broken into suitable particle sizes before being used as fill in conformance with the City standards.
20. All tree roots, abandoned irrigation lines, utility services, septic tanks and similar materials shall be removed from the site and voids created thereby shall be properly filled and compacted as directed by the Soils Engineer.
21. All excavated back slopes and keys for buttress fills must be examined by the Engineering Geologist and Soils Engineer to insure all potential planes of failure have been exposed in the excavation and will be adequately supported by the proposed buttress fills.
22. The Soils Engineer shall submit recommendations for corrective work to insure slope stability where unstable material is exposed at the top of cuts.
23. During the rainy season (approximately October through April), the developer shall be responsible for providing storm damage prevention measures or erosion control devices and/or to perform certain grading to prevent soil or excess runoff from flowing into public streets or adjacent properties. In the event of such an occurrence, cleanup shall commence immediately. Should City forces or the City contractor perform any cleanup resulting from this development, the developer shall pay the cost incurred within ten (10) working days upon receipt of billing.
24. The developer or his agent shall be responsible for removal and cleanup of any spill on public streets during the grading operation, as well as repair of damage to haul routes and existing facilities.
25. Maximum slopes for both cut and fill shall be 2:1.
26. No oversize or overweight loads are permitted without a separate moving permit.
37. Haul routes must be on official truck routes as shown on the City truck route map. A separate encroachment permit is required when it is necessary to flag traffic or install any traffic control devices on City right-of-way.
28. All work contemplated under the permit shall be completed within the time limit specified in the permit or any time extensions granted thereon and shall be done in accordance with the approved plans and in compliance with the terms and conditions of the Grading Permit to the satisfaction of the Development Services Director and all other provisions of the code, applicable laws, and ordinances.
29. In the event the developer fails to comply with the provisions of the permit and applicable laws, the surety will promptly complete the work to the satisfaction of the Development Services Director. In the event said surety fails to promptly do so, the surety shall pay the City all costs and expenses incurred by said City in making the premises safe to the satisfaction of the Development Services Director.
30. Fine grading to be no less than the following:

	Longitudinal-Slope	Cross-Slope
Pervious surfaces	1.00%	2.0%
Asphalt surfaces	0.50%	1.0%
Concrete surfaces	.25%	0.5%

31. If the property grades have an elevation differential of 12 inches, a retaining wall shall be required (any permits required shall be obtained from Building Division before approval of grading plan). Grade differential greater than three feet shall require a double wall with a 3 foot planting strip between walls. Maximum wall height shall not exceed 8 feet between lots.
32. Prior to a final inspection and acceptance of the grading operation, all certification hereon shall be fully executed by the appropriate registered professionals.
33. All sewers and storm drain lines shall be videotaped by the contractor in VHS format and the tapes(s) shall be delivered to the city inspector at the time of taping.

CAUTION: UNDERGROUND STRUCTURES

All underground utilities or structures reported by the owner or those shown on records examined are indicated with their approximate location and extent. The developer, by accepting these plans or proceeding with improvements pursuant thereto, understands that they agree to assume liability, and agree to hold the undersigned harmless for any liability for damage resulting from the existence of underground utilities or structures not reported to the undersigned, not indicated on the public records examined, located at variance with that reported or shown on records examined. The contractor is required to take due precautionary measures to protect the utilities or structures found at the site. It shall be the contractors responsibility to notify the owners of the utilities or structures concerned before starting to work.

ENGINEERED GRADING CERTIFICATE

JOB ADDRESS OR TRACT No.: _____

OWNER: _____

ROUGH GRADING CERTIFICATION

(A) BY SOILS ENGINEER

I CERTIFY THAT THE ROUGH GRADING WORK INCORPORATES ALL RECOMMENDATIONS CONTAINED IN THE REPORT OR REPORTS FOR WHICH I AM RESPONSIBLE, AND ALL RECOMMENDATIONS THAT I HAVE MADE BASED ON FIELD INSPECTION OF THE WORK AND TESTING DURING GRADING. I FURTHER CERTIFY THAT WHERE REPORTS OF AN ENGINEERING GEOLOGIST, RELATIVE TO THIS SITE, HAVE RECOMMENDED THE INSTALLATION OF BUTTRESS FILLS OR OTHER SIMILAR STABILIZATION MEASURES, SUCH EARTHWORK CONSTRUCTION HAS BEEN COMPLETED IN ACCORDANCE WITH THE APPROVED DESIGN.

LOT NOS. _____

SEE REPORTS DATED _____ FOR TEST DATA, RECOMMENDED ALLOWABLE SOIL BEARING VALUES, AND OTHER SPECIAL RECOMMENDATIONS.

REMARKS: _____

ENGINEER: _____ REG No.: _____ DATE: _____
(SIGNATURE)

(B) BY ENGINEERING GEOLOGIST

I CERTIFY THAT THE ROUGH GRADING WORK INCORPORATES ALL RECOMMENDATIONS CONTAINED IN THE REPORT OR REPORTS FOR WHICH I AM RESPONSIBLE, AND ALL RECOMMENDATIONS THAT I HAVE MADE BASED ON FIELD INSPECTION OF THE WORK DURING GRADING.

LOT NOS. _____

REMARKS: _____

ENGINEERING GEOLOGIST: _____ CERT. No.: _____
(SIGNATURE) DATE: _____

(C) BY CIVIL ENGINEER

I CERTIFY TO THE SATISFACTORY COMPLETION OF ROUGH GRADING INCLUDING: GRADING TO THE APPROXIMATE FINAL ELEVATIONS, PROPERTY LINES LOCATED AND STAKED, CUT AND FILL SLOPES GRADED AND LOCATED IN ACCORDANCE WITH THE APPROVED DESIGN, SWALES AND TERRACES GRADED READY FOR PAVING, BERMS INSTALLED, AND REQUIRED DRAINAGE SLOPES PROVIDED ON THE BUILDING PADS. I FURTHER CERTIFY THAT WHERE A REPORT OR REPORTS OF AN ENGINEERING GEOLOGIST AND/OR SOILS ENGINEER HAVE BEEN PREPARED RELATIVE TO THIS SITE, THE RECOMMENDATIONS CONTAINED IN SUCH REPORTS HAVE BEEN INCORPORATED IN THE DESIGN.

LOT NOS. _____

REMARKS: _____

ENGINEER: _____ REG No.: _____ DATE: _____
(SIGNATURE)

FINAL GRADING CERTIFICATION

(D) BY CIVIL ENGINEER

I CERTIFY TO THE SATISFACTORY COMPLETION OF GRADING IN ACCORDANCE WITH THE APPROVED PLANS. ALL DRAINAGE DEVICES REQUIRED BY THE GRADING PERMIT, GRADING PLANS AND GRADING ORDINANCE HAVE BEEN INSTALLED. EROSION TREATMENT OF SLOPES AND IRRIGATION SYSTEMS (WHERE REQUIRED) HAVE BEEN INSTALLED. ADEQUATE PROVISIONS HAVE BEEN MADE FOR DRAINAGE OF SURFACE WATER FROM EACH BUILDING SITE.

LOT NOS. _____

REMARKS: _____

ENGINEER: _____ REG No.: _____ DATE: _____
(SIGNATURE)

DETENTION BASIN CERTIFICATION

(E) BY CIVIL ENGINEER

I CERTIFY THAT ALL DETENTION BASIN ELEVATIONS AND STORM DRAIN OUTLET CONTROL DEVICES HAVE BEEN CONSTRUCTED IN ACCORDANCE WITH THESE PLANS.

ENGINEER: _____ REG No.: _____ DATE: _____
(SIGNATURE)

FEDERAL EMERGENCY MANAGEMENT AGENCY CERTIFICATION

(F) BY CIVIL ENGINEER

BASED ON POST-CONSTRUCTION FIELD SURVEY, I CERTIFY THAT THE LOWEST FLOOR OR HORIZONTAL STRUCTURAL MEMBER HAS BEEN CONSTRUCTED ABOVE THE F.E.M.A. BASE FLOOD ELEVATION. (ANY CHANGES ARE NOTED)

ENGINEER: _____ REG No.: _____ DATE: _____
(SIGNATURE)

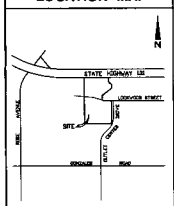
(CIVIL ENGINEER IS REQUIRED TO FILE AN "ELEVATION CERTIFICATE" FOR ALL "A" OR "V" ZONES)

DEVELOPER NOTE

NEWLY CONSTRUCTED STREET IMPROVEMENT PLANS TO BE MAINTAINED PER MAINTENANCE AGREEMENT BETWEEN LOTS 1 THROUGH 3

LAND DEVELOPMENT PERMIT NO. PZ 18-300-10

LOCATION MAP



APPROVAL BY CONSULTANTS

THIS PLAN IS ACCEPTABLE IN REGARD TO SOILS (AND GEOLOGIC, IF APPLICABLE) CONDITIONS AND CONFORMS TO THE RECOMMENDATIONS OF SUPPORTING REPORTS.

SOILS ENGINEERING REPORT(S) No. _____ DATED _____
_____ DATED _____
_____ DATED _____

ENGINEERING GEOLOGIC REPORT No. _____ DATED _____

BY: _____ SOILS ENGINEER R.C.E.

COMPANY: _____, _____ 20____

BY: _____ ENGINEERING GEOLOGIST CERT. No.

COMPANY: _____, _____ 20____

BENCH MARK

BM # 300-WILLIAMS ELEV=33.55
ALUMINUM DISC, AT THE NORTHWESTERLY CORNER OF GONZALES ROAD AND WILLIAMS DRIVE, 55 FEET WESTERLY FROM THE CENTER OF WILLIAMS DRIVE, 48 FEET NORTHERLY FROM THE CENTER (MIDE OF GONZALES ROAD, 33 FEET SOUTHERLY FROM THE EDR 12 FEET EASTERLY FROM THE BCR
NAVD 1988 DATUM

F.E.M.A.

FLOOD ZONE FROM F.I.R.M. _____

BASE FLOOD ELEVATION _____
(REQUIRED FOR ALL "A" OR "V" ZONES)

EARTHWORK QUANTITIES:

CUT= _____ CU. YDS.

FILL= _____ CU. YDS.

EXPORT= _____ CU. YDS.

IMPORT= _____ CU. YDS.

DESIGNATED SITE FOR IMPORT/EXPORT:

OWNER'S AGENT

AGENT _____

24 HRS. PHONE No. ( ) _____

NOTICE OF INTENT

THE LAND OWNERS MUST FILE A NOTICE OF INTENT (N.O.I.) WITH THE STATE WATER RESOURCES CONTROL BOARD WHEN THE GRADING CONSTRUCTION ACTIVITY RESULTS IN LAND DISTURBANCE OF ONE ACRE OR MORE WDID# _____

AS-BUILT CERTIFICATE

I HEREBY CERTIFY THAT THE WORK SHOWN ON DRAWING No. _____ SHEET No. ____ THROUGH ____, MARKED AS "RECORD DRAWING", HAS BEEN CONSTRUCTED IN CONFORMANCE WITH LINES AND GRADES AS SHOWN ON SAID PLANS, DRAWINGS, REFERENCED SPECIFICATIONS, AND APPROVED CHANGE ORDERS, AS INDICATED IN THE REVISION BLOCK.

DATE _____ SIGNATURE _____ R.C.E. No. _____

DIGALERT
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1-800-422-4133
AT LEAST TWO DAYS BEFORE YOU DIG
UNDERGROUND SERVICE ALERT(USA) OF SOUTHERN CALIFORNIA

PLACE THE ENGINEER'S SEAL IN THIS SPACE

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P: 805.497.0102 F: 805.493.7014
www.peaksc.com

R.C.E. No. _____ DATE _____

RECOMMENDED FOR APPROVAL			
DEPARTMENT	SIGNATURE	TITLE	DATE
PUBLIC WORKS			
TRAFFIC			
FIRE			
PLANNING			
PARKS			

REVIEWED BY: _____ DATE _____
_____ DATE _____

REVISIONS			
MARK	DATE	DESCRIPTION	BY

DEVELOPMENT SERVICES DEPARTMENT

OUTLET CENTER SITE IMPROVEMENT
GRADING PLAN COVER SHEET

APPROVALS: CITY ENGINEER R.C.E. EXP. DATE SIGN

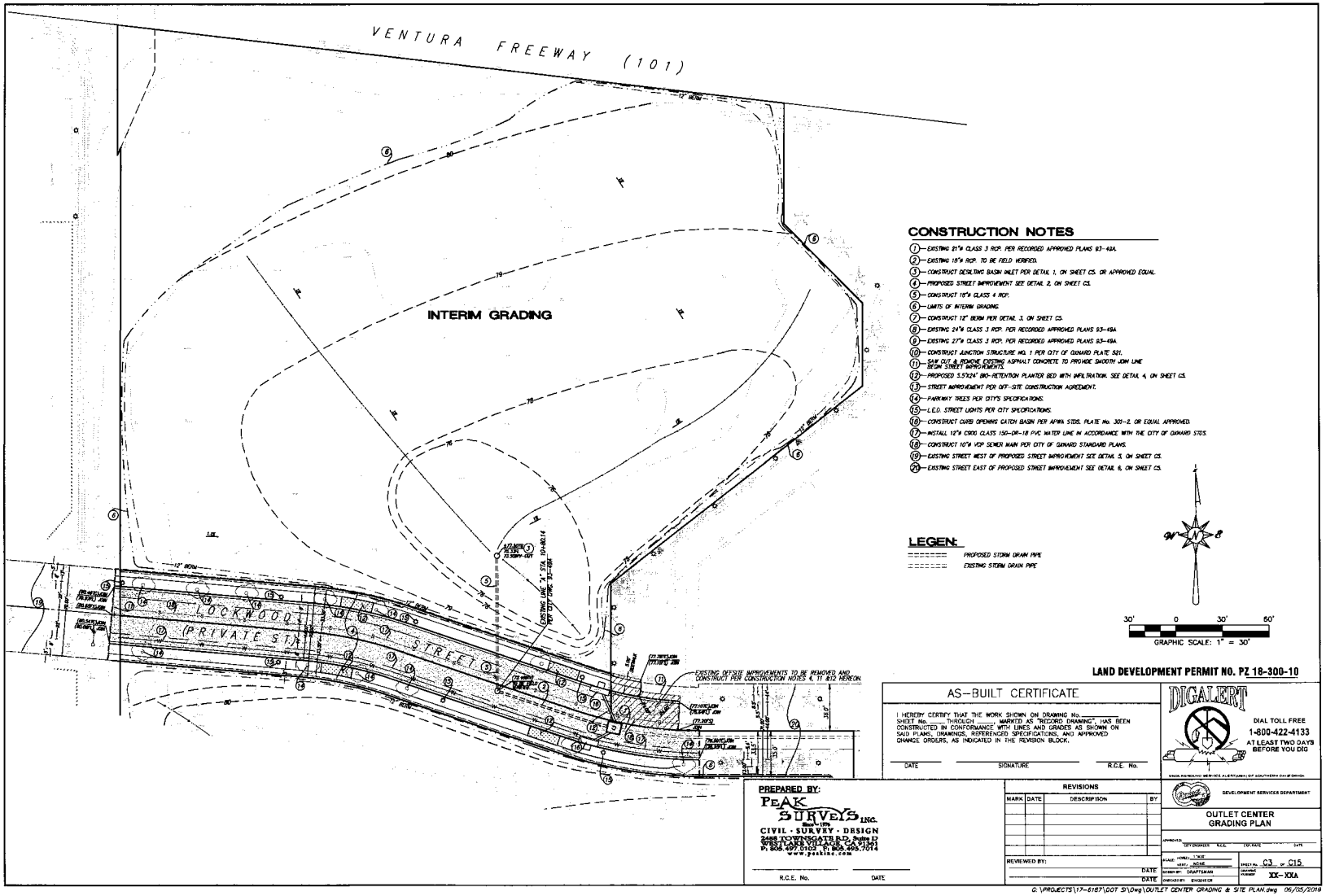
SCALE: HORIZ. NONE VERT. NONE

SHEET No. C2 of C15

DRAWN BY: DRAFTSMAN
CHECKED BY: ENGINEER

DRAWING NUMBER XX-XXA

G:\PROJECTS\17-6187\DOT S1\Dwg\OUTLET CENTER GRADING & SITE PLAN.dwg 06/03/2019


VENTURA FREEWAY (101)
INTERIM GRADING
LOCKWOOD STREET
PRIVATE STREET
EXISTING DETSIE IMPROVEMENTS TO BE REMOVED AND CONSTRUCT PER CONSTRUCTION NOTES 4, 11 &12 HEREON.
EXISTING LINE "A" STA. 104+80.14
PER CITY DWG. 32-1481
CONSTRUCTION NOTES
1—EXISTING 21"ø CLASS 3 RCP. PER RECORDED APPROVED PLANS 93-49A.
2—EXISTING 18"ø RCP. TO BE FIELD VERIFIED.
3—CONSTRUCT DESILTING BASIN INLET PER DETAIL 1, ON SHEET C5. OR APPROVED EQUAL.
4—PROPOSED STREET IMPROVEMENT SEE DETAIL 2, ON SHEET C5.
5—CONSTRUCT 18"ø CLASS 4 RCP.
6—LIMITS OF INTERIM GRADING.
7—CONSTRUCT 12" BERM PER DETAIL 3, ON SHEET C5.
8—EXISTING 24"ø CLASS 3 RCP. PER RECORDED APPROVED PLANS 93-49A
9—EXISTING 27"ø CLASS 3 RCP. PER RECORDED APPROVED PLANS 93-49A.
10—CONSTRUCT JUNCTION STRUCTURE NO. 1 PER CITY OF GUNARD PLATE 521.
11—SAW CUT & REMOVE EXISTING ASPHALT CONCRETE TO PROVIDE SMOOTH JOIN LINE BETW STREET IMPROVEMENTS.
12—PROPOSED 5.5'X24' BIO-RETENTION PLANTER BED WITH INFILTRATION. SEE DETAIL 4, ON SHEET C5.
13—STREET IMPROVEMENT PER OFF-SITE CONSTRUCTION AGREEMENT.
14—PARKWAY TREES PER CITY'S SPECIFICATIONS.
15—L.E.D. STREET LIGHTS PER CITY SPECIFICATIONS.
16—CONSTRUCT CURB OPENING CATCH BASIN PER APWA STDS. PLATE No. 301-2, OR EQUAL APPROVED.
17—INSTALL 12"ø C900 CLASS 150-DR-18 PVC WATER LINE IN ACCORDANCE WITH THE CITY OF GUNARD STDS.
18—CONSTRUCT 10"ø VCP SEWER MAIN PER CITY OF GUNARD STANDARD PLANS.
19—EXISTING STREET WEST OF PROPOSED STREET IMPROVEMENT SEE DETAIL 5, ON SHEET C5.
20—EXISTING STREET EAST OF PROPOSED STREET IMPROVEMENT SEE DETAIL 6, ON SHEET C5.
LEGEN:
PROPOSED STORM DRAIN PIPE
EXISTING STORM DRAIN PIPE
N
30' 0 30' 60'
GRAPHIC SCALE: 1" = 30'
LAND DEVELOPMENT PERMIT NO. PZ 18-300-10
AS-BUILT CERTIFICATE
I HEREBY CERTIFY THAT THE WORK SHOWN ON DRAWING No. ____ SHEET No. ____ THROUGH ____ MARKED AS "RECORD DRAWING", HAS BEEN CONSTRUCTED IN CONFORMANCE WITH LINES AND GRADES AS SHOWN ON SAID PLANS, DRAWINGS, REFERENCED SPECIFICATIONS, AND APPROVED CHANGE ORDERS, AS INDICATED IN THE REVISION BLOCK.
DATE SIGNATURE R.C.E. No.
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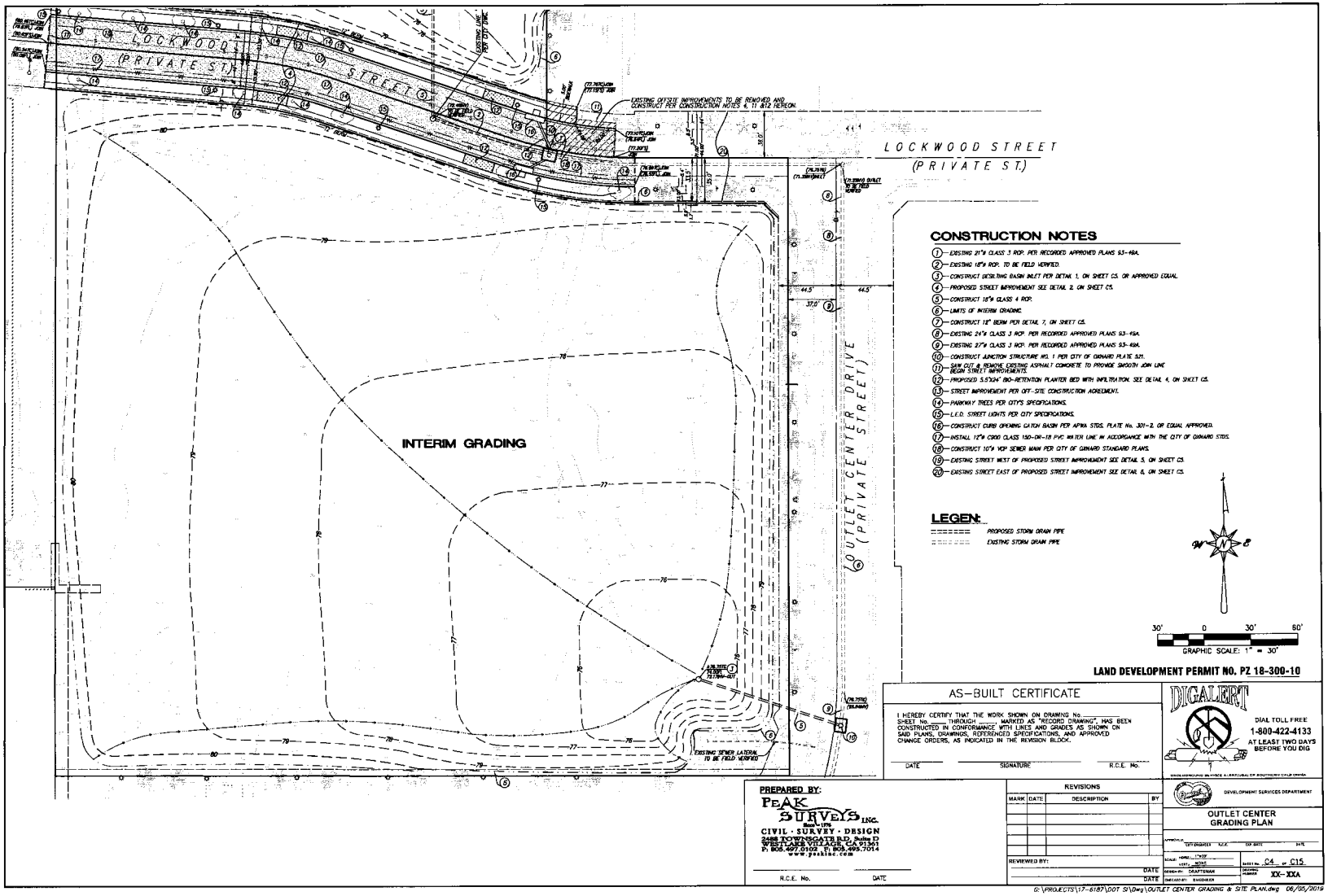
www.peakinc.com
R.C.E. No. DATE
REVISIONS
MARK DATE DESCRIPTION BY
REVIEWED BY:
DATE
DATE
DEVELOPMENT SERVICES DEPARTMENT
OUTLET CENTER
GRADING PLAN
APPROVED:
CITY ENGINEER R.C.E. EXP. DATE DATE
SCALE: HORIZ. 1"=30' VERT. NONE
DESIGN BY: DRAFTSMAN
DRAWN BY: ENGINEER
SHEET No. C3 - C15
DRAWING NUMBER XX-XXA
G:\PROJECTS\17-6187\DOT SI\Dwg\OUTLET CENTER GRADING & SITE PLAN.dwg 06/03/2019



CONSTRUCTION NOTES

1. EXISTING 21"ø CLASS 3 RCP. PER RECORDED APPROVED PLANS 53-49A.
2. EXISTING 18"ø RCP. TO BE FIELD VERIFIED.
3. CONSTRUCT DESILTING BASIN INLET PER DETAIL 1, ON SHEET C5. OR APPROVED EQUAL.
4. PROPOSED STREET IMPROVEMENT SEE DETAIL 2, ON SHEET C5.
5. CONSTRUCT 18"ø CLASS 4 RCP.
6. LIMITS OF INTERIM GRADING.
7. CONSTRUCT 18" BERM PER DETAIL 7, ON SHEET C5.
8. EXISTING 24"ø CLASS 3 RCP. PER RECORDED APPROVED PLANS 53-49A.
9. EXISTING 27"ø CLASS 3 RCP. PER RECORDED APPROVED PLANS 53-49A.
10. CONSTRUCT JUNCTION STRUCTURE WG. 1 PER CITY OF OXNARD PLATE 521.
11. SAW CUT & REMOVE EXISTING ASPHALT CONCRETE TO PROVIDE SMOOTH JOIN LINE BEGIN STREET IMPROVEMENTS.
12. PROPOSED 5.5'X24' BIO-RETENTION PLANTER BED WITH INFILTRATION. SEE DETAIL 4, ON SHEET C5.
13. STREET IMPROVEMENT PER OFF-SITE CONSTRUCTION AGREEMENT.
14. PARKWAY TREES PER CITY'S SPECIFICATIONS.
15. L.E.D. STREET LIGHTS PER CITY SPECIFICATIONS.
16. CONSTRUCT CURBS OPENING CATCH BASIN PER APWA STDS. PLATE No. 301-2, OR EQUAL APPROVED.
17. INSTALL 12"ø C900 CLASS 150-DR-18 PVC WATER LINE IN ACCORDANCE WITH THE CITY OF OXNARD STDS.
18. CONSTRUCT 10"ø VCP SEWER MAIN PER CITY OF OXNARD STANDARD PLANS.
19. EXISTING STREET WEST OF PROPOSED STREET IMPROVEMENT SEE DETAIL 5, ON SHEET C5.
20. EXISTING STREET EAST OF PROPOSED STREET IMPROVEMENT SEE DETAIL 6, ON SHEET C5.

LEGEND:

PROPOSED STORM DRAIN PIPE
EXISTING STORM DRAIN PIPE

LAND DEVELOPMENT PERMIT NO. PZ 18-300-10

AS-BUILT CERTIFICATE

I HEREBY CERTIFY THAT THE WORK SHOWN ON DRAWING No. _____ SHEET No. _____ THROUGH _____ MARKED AS "RECORD DRAWING", HAS BEEN CONSTRUCTED IN CONFORMANCE WITH LINES AND GRADES AS SHOWN ON SAID PLANS, DRAWINGS, REFERENCED SPECIFICATIONS, AND APPROVED CHANGE ORDERS, AS INDICATED IN THE REVISION BLOCK.

DATE _____ SIGNATURE _____ R.C.E. No. _____

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WESTLAKE VILLAGE, CA 91361
P: 805.497.0102 F: 805.496.7014
www.peakinc.com

R.C.E. No. _____ DATE _____

REVISIONS

MARK	DATE	DESCRIPTION	BY

REVIEWED BY:
DATE _____
DATE _____

DEVELOPMENT SERVICES DEPARTMENT

OUTLET CENTER
GRADING PLAN

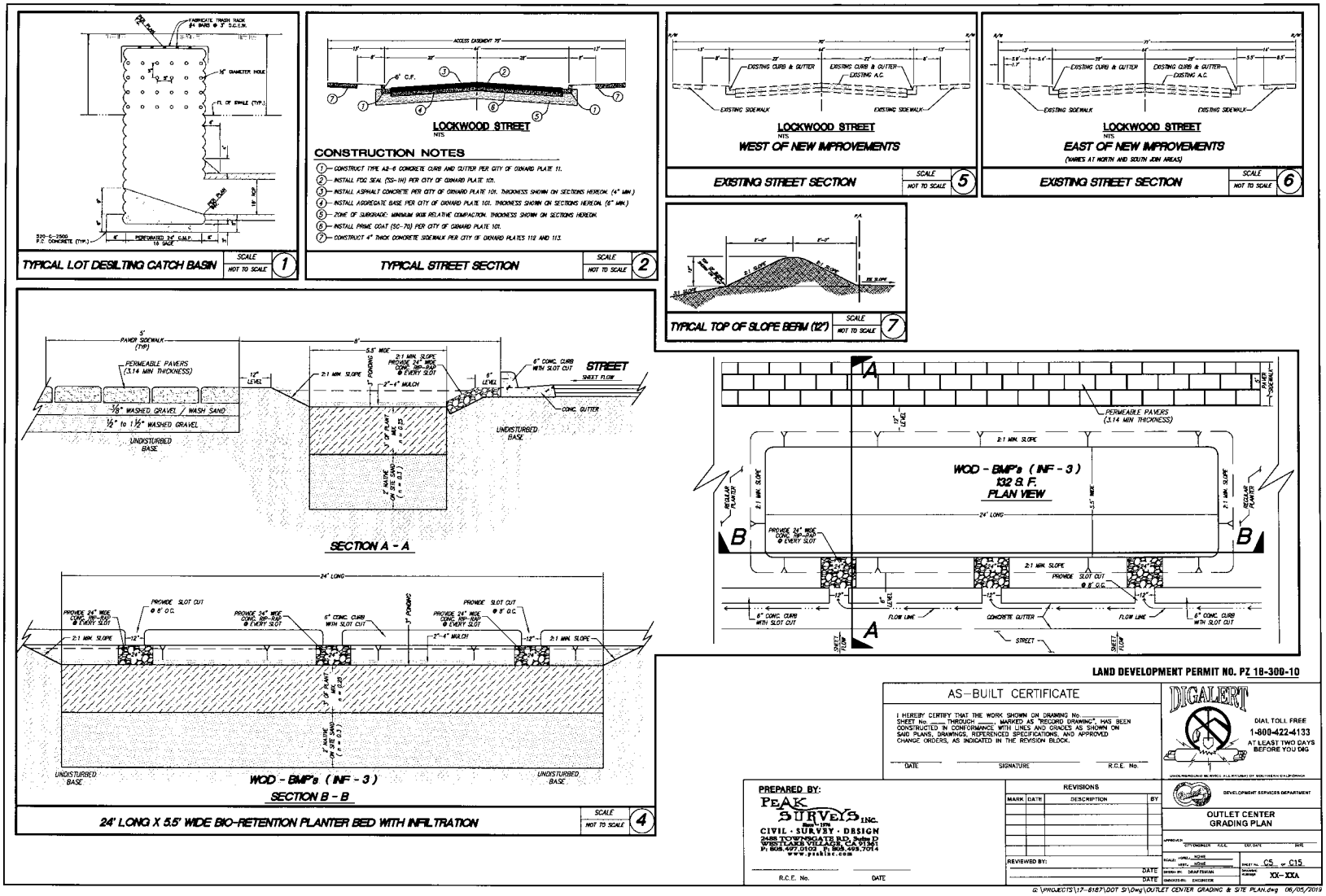
APPROVED BY: CITY ENGINEER R.C.E. EXP. DATE DATE

SCALE: HORZ. 1"=30' VERT. NONE

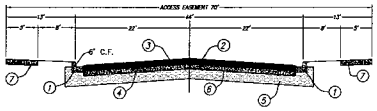
DESIGN BY: DRAFTSMAN
CHECKED BY: ENGINEER

SHEET No. C4 of C15
DRAWING NUMBER XX-XXA

C:\PROJECTS\17-6187\DOT S\Dwg\OUTLET CENTER GRADING & SITE PLAN.dwg 06/05/2019


TYPICAL LOT DESILTING CATCH BASIN
SCALE NOT TO SCALE
1
LOCKWOOD STREET
NTS
CONSTRUCTION NOTES
1 CONSTRUCT TYPE A2-6 CONCRETE CURB AND GUTTER PER CITY OF GUAMAR PLATE 11.
2 INSTALL FOG SEAL (SS-1H) PER CITY OF GUAMAR PLATE 101.
3 INSTALL ASPHALT CONCRETE PER CITY OF GUAMAR PLATE 101. THICKNESS SHOWN ON SECTIONS HEREON. (4" MIN.)
4 INSTALL AGGREGATE BASE PER CITY OF GUAMAR PLATE 101. THICKNESS SHOWN ON SECTIONS HEREON. (6" MIN.)
5 ZONE OF SUBGRADE: MINIMUM 90% RELATIVE COMPACTION. THICKNESS SHOWN ON SECTIONS HEREON.
6 INSTALL PRIME COAT (SC-70) PER CITY OF GUAMAR PLATE 101.
7 CONSTRUCT 4" THICK CONCRETE SIDEWALK PER CITY OF GUAMAR PLATES 112 AND 113.
TYPICAL STREET SECTION
SCALE NOT TO SCALE
2
LOCKWOOD STREET
NTS
WEST OF NEW IMPROVEMENTS
EXISTING STREET SECTION
SCALE NOT TO SCALE
5
LOCKWOOD STREET
NTS
EAST OF NEW IMPROVEMENTS
(VARIES AT NORTH AND SOUTH JOIN AREAS)
EXISTING STREET SECTION
SCALE NOT TO SCALE
6
TYPICAL TOP OF SLOPE BERM (12")
SCALE NOT TO SCALE
7
SECTION A - A
SECTION B - B
WOD - BMP's (INF - 3)
132 S.F.
PLAN VIEW
24' LONG X 5.5' WIDE BIO-RETENTION PLANTER BED WITH INFILTRATION
SCALE NOT TO SCALE
4
LAND DEVELOPMENT PERMIT NO. PZ 18-300-10
AS-BUILT CERTIFICATE
DIGALERT
DIAL TOLL FREE
1-800-422-4133
AT LEAST TWO DAYS BEFORE YOU DIG
PREPARED BY:
PEAK SURVEYS INC.
CIVIL · SURVEY · DESIGN
REVISIONS
MARK DATE DESCRIPTION BY
REVIEWED BY:
DEVELOPMENT SERVICES DEPARTMENT
OUTLET CENTER
GRADING PLAN
SHEET No. C5 - C15
XX-XXA

IMPROVEMENT PLANS
FOR
PARCEL MAP 18-300-10
CITY OF OXNARD, VENTURA COUNTY
CALIFORNIA

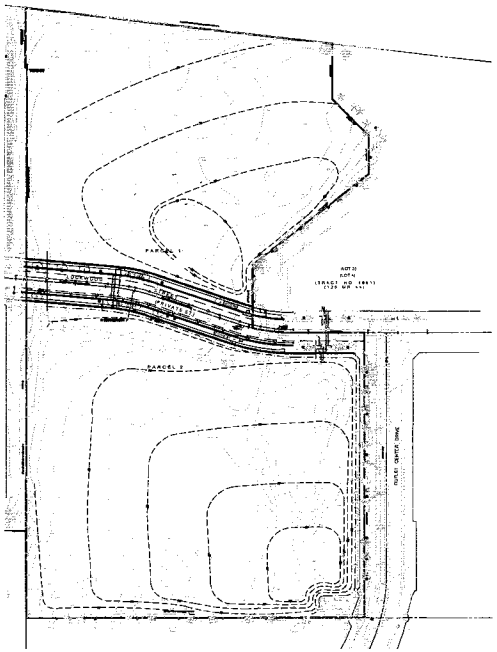


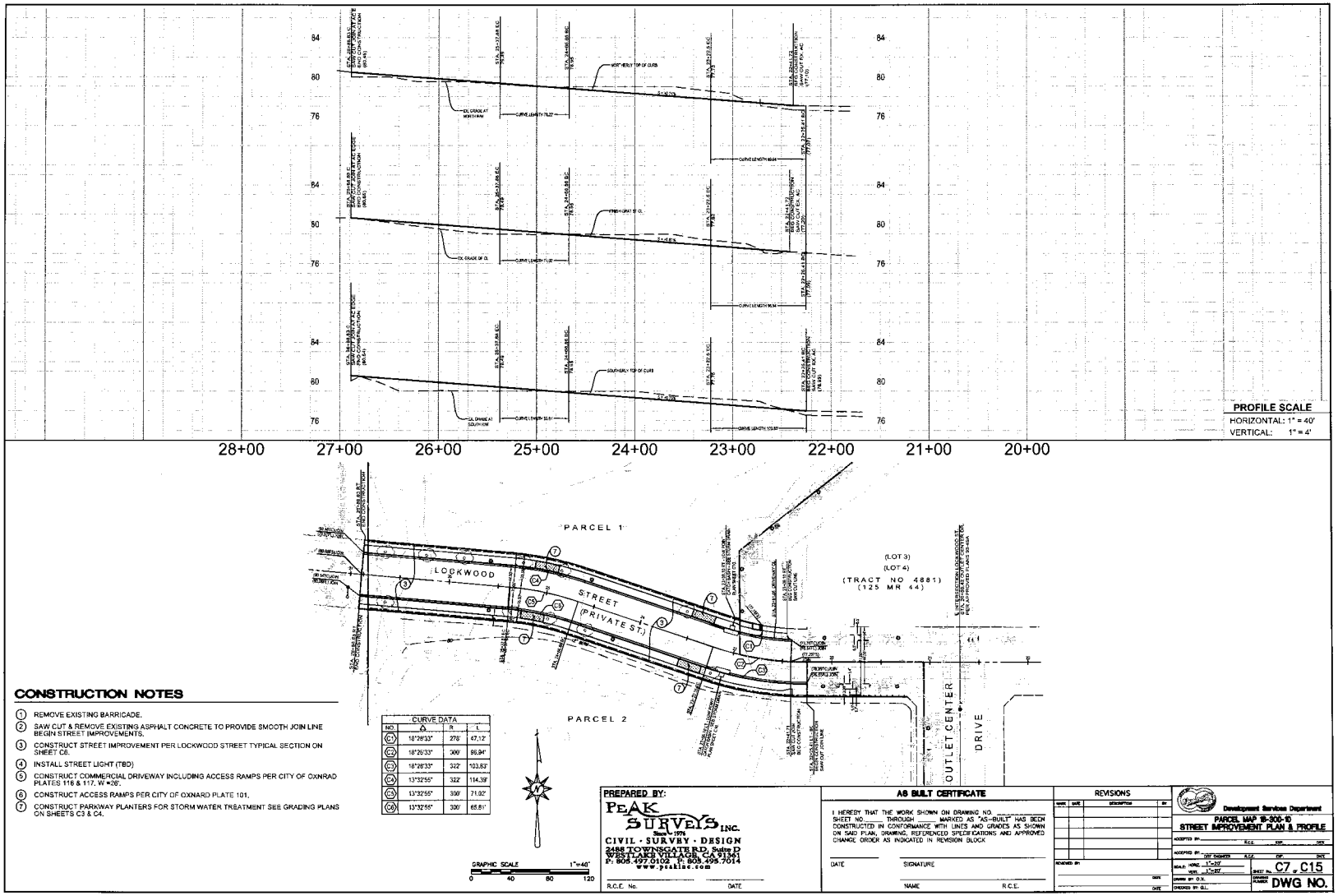
LOCKWOOD STREET
NTS

CONSTRUCTION NOTES

1. CONSTRUCT TYPE A2-6 CONCRETE CURB AND GUTTER PER CITY OF OXNARD PLATE 11.
2. INSTALL FOG SEAL (SS-1H) PER CITY OF OXNARD PLATE 101.
3. INSTALL ASPHALT CONCRETE PER CITY OF OXNARD PLATE 101. THICKNESS SHOWN ON SECTIONS HEREON. (4" MIN.)
4. INSTALL AGGREGATE BASE PER CITY OF OXNARD PLATE 101. THICKNESS SHOWN ON SECTIONS HEREON. (6" MIN.)
5. ZONE OF SUBGRADE: MINIMUM 90% RELATIVE COMPACTION. THICKNESS SHOWN ON SECTIONS HEREON.
6. INSTALL PRIME COAT (SC-70) PER CITY OF OXNARD PLATE 101.
7. CONSTRUCT 4" THICK CONCRETE SIDEWALK PER CITY OF OXNARD PLATES 112 AND 113.

SCALE: 1" = 80'

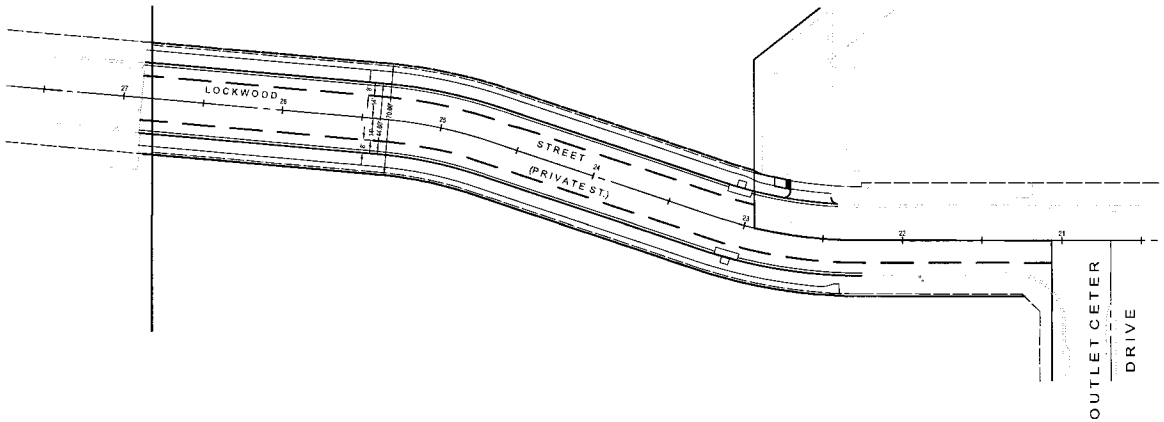




CONSTRUCTION NOTES

1. REMOVE EXISTING BARRICADE.
2. SAW CUT & REMOVE EXISTING ASPHALT CONCRETE TO PROVIDE SMOOTH JOIN LINE BEGIN STREET IMPROVEMENTS.
3. CONSTRUCT STREET IMPROVEMENT PER LOCKWOOD STREET TYPICAL SECTION ON SHEET C6.
4. INSTALL STREET LIGHT (TBD)
5. CONSTRUCT COMMERCIAL DRIVEWAY INCLUDING ACCESS RAMPS PER CITY OF OXNRAD PLATES 116 & 117, W =26'.
6. CONSTRUCT ACCESS RAMPS PER CITY OF OXNARD PLATE 101.
7. CONSTRUCT PARKWAY PLANTERS FOR STORM WATER TREATMENT SEE GRADING PLANS ON SHEETS C3 & C4.

CURVE DATA			
NO.	Δ	R	L
C1	18°28'33"	278'	47.12'
C2	18°26'33"	300'	96.94'
C3	18°28'33"	322'	103.83'
C4	13°32'55"	322'	114.39'
C5	13°32'55"	300'	71.02'
C6	13°32'55"	300'	65.81'



GRAPHIC SCALE 1"=30'
0 30 60 90

PREPARED BY:
PEAK SURVEYS INC.
Since 1976
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P: 805.497.0102 F: 805.495.7014
www.peakinc.com

R.C.E. No. DATE

AS BUILT CERTIFICATE

I HEREBY THAT THE WORK SHOWN ON DRAWING NO. ____ SHEET NO. ____ THROUGH ____ MARKED AS "AS-BUILT" HAS BEEN CONSTRUCTED IN CONFORMANCE WITH LINES AND GRADES AS SHOWN ON SAID PLAN, DRAWING, REFERENCED SPECIFICATIONS AND APPROVED CHANGE ORDER AS INDICATED IN REVISION BLOCK

DATE SIGNATURE

NAME R.C.E.

REVISIONS

MARK	DATE	DESCRIPTION	BY

REVIEWED BY:
DATE
DATE

Development Services Department

PARCEL MAP 15-300-10
SIGNING AND STRIPING PLAN

ACCEPTED BY: R.C.E. EXP. DATE
CITY ENGINEER R.C.E. EXP. DATE

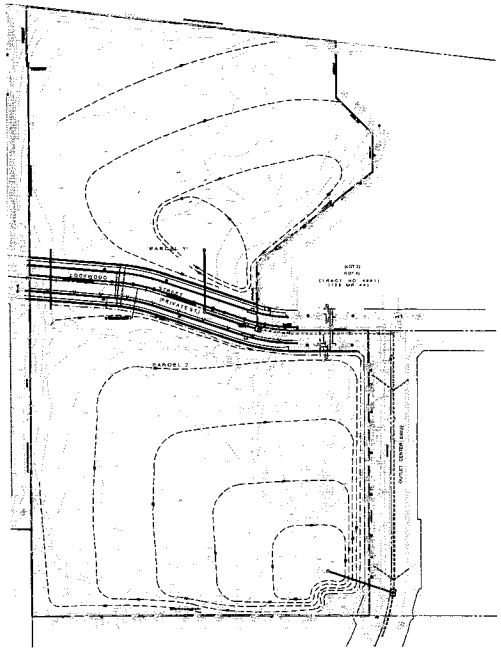
SCALE: HORIZ. 1"=20'
VERT. 1"=20'

DRAWN BY: G.H.
CHECKED BY: D.L.

SHEET No. C8 of C15

DRAWING NUMBER DWG NO.

IMPROVEMENT PLANS
FOR
PARCEL MAP 18-300-10
CITY OF OXNARD, VENTURA COUNTY
CALIFORNIA



SCALE: 1" = 80'

SHEET INDEX

C1. TITLE SHEET
C2. GRADING PLAN COVER SHEET
C3. GRADING PLAN LOT 1 (NORTH)
C4. GRADING PLAN LOTS 2 & 3 (SOUTH)
C5. GRADING DETAILS
C6. COVER SHEET STREET IMPROVEMENT
C7. LOCKWOOD STREET PLAN & PROFILE
C8. SIGNING AND STRIPING PLANS
C9. COVER SHEET STORM DRAIN IMPROVEMENT PLANS
C10. LOCKWOOD STREET STORM DRAIN PLANS
C11. LOCKWOOD STREET STORM DRAIN DETAILS
C12. COVER SHEET – SEWER PLANS
C13. LOCKWOOD SEWER PLAN & PROFILE
C14. COVER SHEET WATER PLANS
C15. LOCKWOOD WATER PLAN

BENCH MARK

BM # 306–WILLIAMS ELEV=73.35
ALUMINUM DISK, AT THE NORTHWESTERLY CORNER OF GONZALES ROAD AND WILLIAMS DRIVE, 55 FEET WESTERLY FROM THE CENTER OF WILLIAMS DRIVE, 48 FEET NORTHERLY FROM THE CENTER OFADE OF GONZALES ROAD, 33 FEET SOUTHERLY FROM THE EOR 12 FEET EASTERLY FROM THE BCR
NAVD 1988 DATUM

REFERENCE CITY STD. PLATES

PLATE 101 – COMMERCIAL/LOCAL ARTERIAL
PLATE 110 – ACCESS RAMP
PLATE 111 – CONCRETE CURB, CURB & GUTTER
PLATE 112 – EXPANSION JOINTS
PLATE 113 – CURB & SIDEWALK JOINTS
PLATE 116 – COMMERCIAL DRIVEWAYS
PLATE 117 – ALLEY AND PRIVATE DRIVEWAY STANDARD
PLATE 118 – STREET NAME SIGN
PLATE 124 – BARRICADE

GENERAL STREET NOTES

1. THE STORM SYSTEM SHALL BE CONSTRUCTED IN CONFORMANCE WITH THE LATEST EDITIONS OF THE CITY OF OXNARD DEPARTMENT OF PUBLIC WORKS STANDARDS, "STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION" (SSPWC), AND THE CITY OF OXNARD STANDARD LAND DEVELOPMENT SPECIFICATIONS.
2. CONTRACTOR SHALL NOTIFY THE CITY INSPECTION DIVISION AND ALL OTHER INTERESTED PARTIES AND ARRANGE FOR A PRE–CONSTRUCTION CONFERENCE 48 HOURS PRIOR TO THE BEGINNING OF CONSTRUCTION PHONE (805) 385–7940.
3. AT LEAST TWO (2) WORKING DAYS PRIOR TO COMMENCING CONSTRUCTION THE CONTRACTOR SHALL CONTACT REGIONAL NOTIFICATION CENTER (UNDERGROUND SERVICE ALERT OF SOUTHERN CALIFORNIA–U.S.A. AT 1–800–422–4133) TO OBTAIN INQUIRY IDENTIFICATION NUMBER AND TO REQUEST UTILITY OWNERS TO MARK OR OTHERWISE INDICATE THE LOCATION OF THEIR SUBSURFACE FACILITIES. THE CONTRACTOR SHALL DETERMINE THE LOCATION AND DEPTH OF ALL UTILITIES, INCLUDING ALL SERVICE CONNECTIONS, WHICH HAVE BEEN MARKED BY RESPECTIVE OWNERS AND WHICH MAY AFFECT OR BE AFFECTED BY ITS OPERATIONS. THE CONTRACTOR SHALL TAKE ALL NECESSARY MEASURES TO PROTECT ALL UTILITIES AND ALL STRUCTURES FOUND AT SITE
4. ALL PERMITS NECESSARY PRIOR TO BEGINNING CONSTRUCTION SHALL BE OBTAINED BY THE CONTRACTOR.
5. THROUGHOUT ALL PHASES OF CONSTRUCTION, INCLUDING SUSPENSION OF WORK, UNTIL FINAL ACCEPTANCE OF THE PROJECT, THE CONTRACTOR SHALL KEEP THE WORK SITE CLEAN AND FREE FROM RUBBISH AND DEBRIS. THE CONTRACTOR SHALL ALSO ABATE DUST NUISANCE BY GLEANING, SWEEPING AND SPRINKLING WITH WATER AND USING DUST FENCES OR OTHER METHODS AS DIRECTED BY THE CITY THROUGHOUT THE CONSTRUCTION OPERATION.
6. THE DEVELOPER'S ENGINEER SHALL KEEP A STRICT RECORD OF ALL CHANGES AND SUBMIT THIS RECORD TO THE CITY OF OXNARD DEVELOPMENT SERVICES DEPARTMENT. CERTIFIED "AS–BUILT" PLANS SHALL BE PROVIDED TO THE CITY OF OXNARD BY THE DEVELOPER'S ENGINEER BEFORE THE RELEASE FOR OCCUPANCY WILL BE ISSUED.
7. ALL DAMAGE CAUSED TO PUBLIC STREETS, INCLUDING HAUL ROUTES, ALLEYS, SIDEWALKS, CURBS OR STREET FURNISHINGS, OR TO PRIVATE PROPERTY SHALL BE REPAIRED AT THE SOLE EXPENSE OF THE CONTRACTOR TO THE ENGINEER'S SATISFACTION.
8. SAWCUT EXISTING PAVEMENT TO A CLEAN STRAIGHT EDGE AS DIRECTED BY THE CITY INSPECTOR.
9. PAVEMENT REMOVAL AND REPLACEMENT SHALL BE IN CONFORMANCE WITH THE CITY OF OXNARD STANDARDS AND SPECIFICATIONS. COMPACTION EFFORTS SHALL NOT DISTURB ADJACENT STREET STRUCTURAL SECTION. CONTRACTOR SHALL BE RESPONSIBLE FOR ANY SUCH DAMAGE.
10. AT LEAST TWO(2) WORKING DAYS BEFORE COMMENCING EXCAVATION FOR THE STORM DRAIN, THE CONTRACTOR SHALL POTHOLE AND EXPOSE THE EXISTING STORM DRAINS AT ALL CROSSINGS AND AT THE POINT OF TIE–IN; THE CONTACT THE ENGINEER SO THAT THE ELEVATION OF THE EXISTING FACILITIES CAN BE VERIFIED.
11. THE DEVELOPER SHALL OBTAIN FINAL APPROVAL OF REIMBURSEMENT AMOUNTS PRIOR TO BEGINNING CONSTRUCTION ON REIMBURSABLE ITEMS.
12. STATIONS SHOWN ON STORM DRAIN DRAWINGS ARE ALONG CENTERLINE OF STREET.
13. THE CONTRACTOR IS REQUIRED TO PROTECT ALL EXISTING SURVEY MONUMENTATION DURING GRADING BEFORE DISTURBING SAID MONUMENTS, SO THE ENGINEER CAN REPLACE OR RELOCATE ANY EXISTING SURVEY MONUMENTATION.
14. VERTICAL SIGNING SHALL CONFORM WITH THE ORDERS OF THE STATE OF CALIFORNIA, DIVISION OF INDUSTRIAL SAFETY (DIS) AND O.S.H.A. STANDARDS. CONTRACTOR SHALL HAVE D.I.S. EXCAVATION PERMIT (COPY TO CITY).
15. TRENCH BACKFILL SHALL BE ACCOMPLISHED IN ACCORDANCE WITH CITY OF OXNARD STANDARD PLAN REQUIREMENTS
16. ALL MANHOLE RIMS, LIDS, VALVE BOXES AND OTHER STREET APPURTENANCES SHALL BE SET TO FINISH GRADE BY THE CONTRACTOR AS PART OF THIS PROJECT.
17. SPECIAL BEVELED PIPE SHALL BE USED WHERE CURVE RADII EXCEEDS THE MANUFACTURE'S RECOMMENDATION CAN BE COMPLETED TO LINES AND GRADES SHOWN ON THESE PLANS.
18. WHERE CLEARANCE BETWEEN UTILITIES AND STORM DRAIN IS LIMITED AND CRITICAL, THE CONTRACTOR SHALL DETERMINE BEFORE CONSTRUCTION (BY "POTHOLING OR OTHER MEANS) THAT THE STORM DRAIN CONSTRUCTION CAN BE COMPLETED TO TIE LINES AND GRADES SHOWN ON THESE PLANS
19. ALL STORM DRAIN 30" OR SMALLER IN DIAMETER SHALL BE VIDEOTAPED BY CONTRACTOR IN VHS FORMAT AND THE SHALL BE DELIVERED TO THE CITY INSPECTOR AT THE TIME OF TAPING.

CAUTION: UNDERGROUND STRUCTURES

PRELIMINARY

OWNER / DEVELOPER
SUNBOLT ENTERPRISES, LLC
AGENT:
XXXXX
24 HOUR PHONE NO._____

THESE PLANS HAVE BEEN REVIEWED FOR POSSIBLE CONSTRUCTION CONFLICTS

UTILITY CO.	SIGNATURE	TITLE	DATE
SO. CAL. GAS			
EDISON			
C.T.E.			
CABLE T.V.			

RECOMMENDED FOR APPROVAL

OPERATIONS DEPARTMENT DATE
TRAFFIC MANAGER DATE
FIRE DEPARTMENT DATE
WASTEWATER MANAGER DATE

PREPARED BY:
PEAK SURVEYS INC.
Since 1976
CIVIL · SURVEY · DESIGN
2488 TOWNSGATE RD. Suite D
WESTLAKE VILLAGE, CA 91361
P: 805.497.0102 F: 805.495.7014
www.peaksc.com
R.C.E. No. DATE

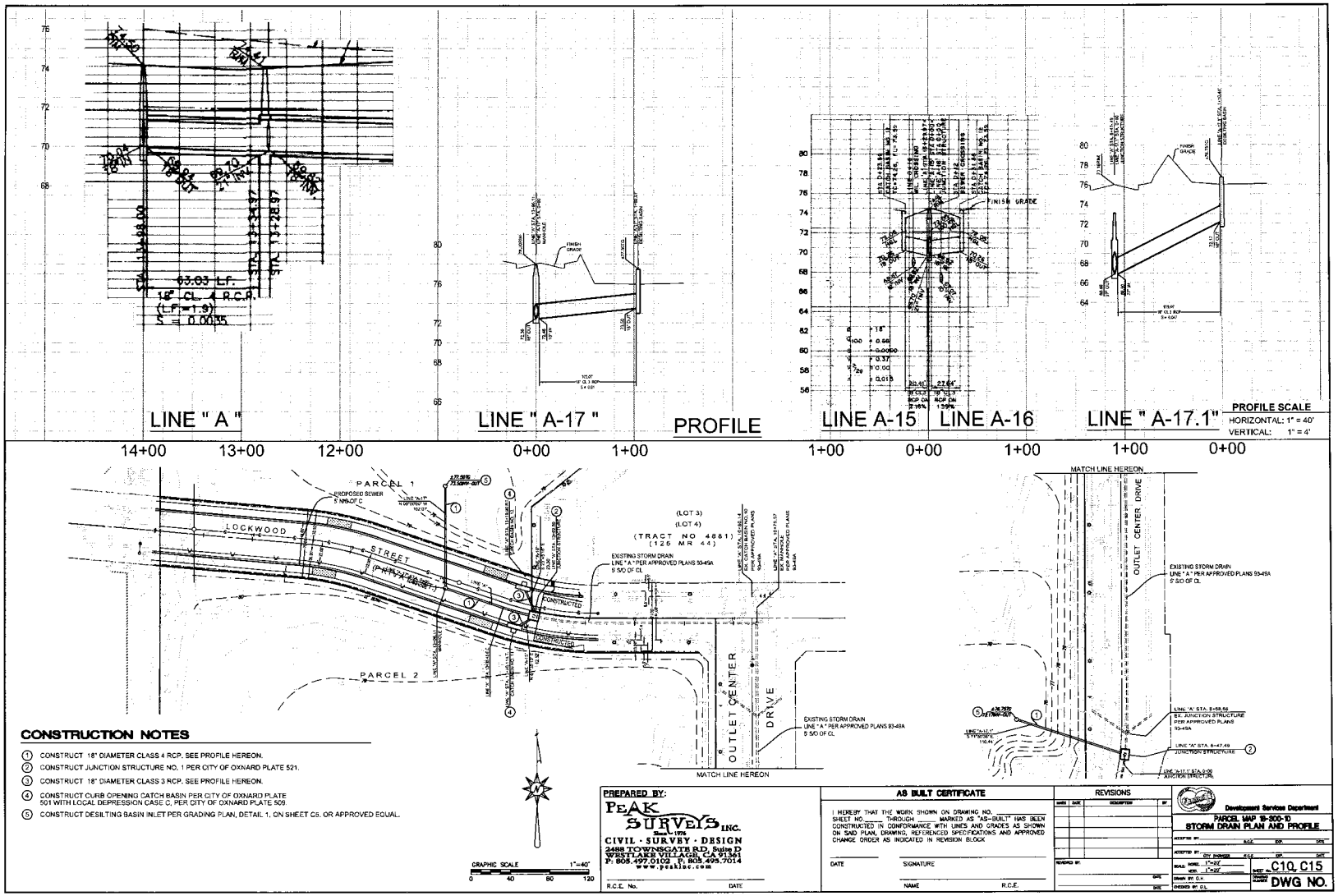
AS BUILT CERTIFICATE
I HEREBY THAT THE WORK SHOWN ON DRAWING NO. SHEET NO._____ THROUGH _____ MARKED AS "AS–BUILT" HAS BEEN CONSTRUCTED IN CONFORMANCE WITH LINES AND GRADES AS SHOWN ON SAID PLAN, DRAWING, REFERENCED SPECIFICATIONS AND APPROVED CHANGE ORDER AS INDICATED IN REVISION BLOCK
DATE SIGNATURE
NAME R.C.E.

REVISIONS

MARK	DATE	DESCRIPTION	BY

REVIEWED BY
DATE
DATE

Development Services Department
PARCEL MAP 18-300-10
STORM DRAIN COVER SHEET
ACCEPTED BY: R.C.E. EXP. DATE
ACCEPTED CITY ENGINEER R.C.E. EXP. DATE
SCALE HORIZ. 1"=20' VERT. 1"=20'
SHEET no. C9 of C15
DRAWN BY: O.H.
CHECKED BY: G.L.
DWG NO.



CONSTRUCTION NOTES

1. CONSTRUCT 18" DIAMETER CLASS 4 RCP. SEE PROFILE HEREON.
2. CONSTRUCT JUNCTION STRUCTURE NO. 1 PER CITY OF OXNARD PLATE 521.
3. CONSTRUCT 18" DIAMETER CLASS 3 RCP. SEE PROFILE HEREON.
4. CONSTRUCT CURB OPENING CATCH BASIN PER CITY OF OXNARD PLATE 501 WITH LOCAL DEPRESSION CASE C, PER CITY OF OXNARD PLATE 509.
5. CONSTRUCT DESILTING BASIN INLET PER GRADING PLAN, DETAIL 1, ON SHEET C5, OR APPROVED EQUAL.

STORM DRAIN PLAN DETAILS

PREPARED BY:
PEAK SURVEYS INC.
Since 1974
CIVIL · SURVEY · DESIGN
2488 TOWNSGATE RD. Suite D
WESTLAKE VILLAGE, CA 91361
P: 805.497.0102 F: 805.495.7014
www.peakinc.com

R.C.E. No. DATE

AS BUILT CERTIFICATE

I HEREBY THAT THE WORK SHOWN ON DRAWING NO. SHEET NO.____ THROUGH ____ MARKED AS "AS-BUILT" HAS BEEN CONSTRUCTED IN CONFORMANCE WITH LINES AND GRADES AS SHOWN ON SAID PLAN, DRAWING, REFERENCED SPECIFICATIONS AND APPROVED CHANGE ORDER AS INDICATED IN REVISION BLOCK

DATE SIGNATURE

NAME R.C.E.

REVISIONS

MARK	DATE	DESCRIPTION	BY

REVIEWED BY:

DATE

DATE

Development Services Department

PARCEL MAP 19-800-10
STORM DRAIN PLAN DETAILS

ACCEPTED BY: R.C.E. EXP. DATE

ACCEPTED BY: CITY ENGINEER R.C.E. EXP. DATE

SCALE: HORZ. 1"=20' VERT. 1"=20'

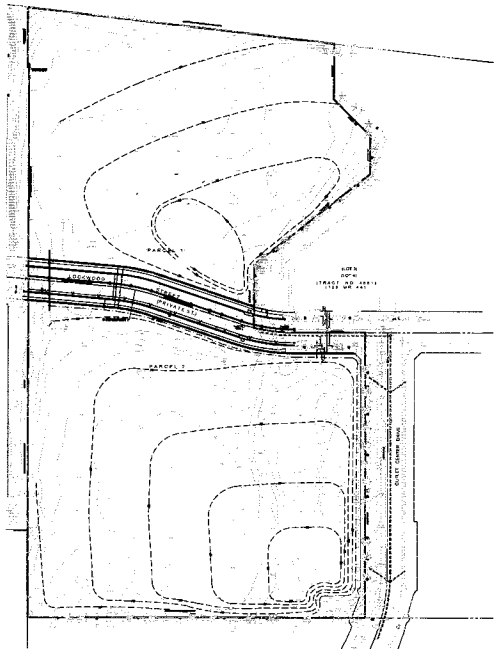
DRAWN BY: G.H.

CHECKED BY: G.L.

SHEET NO. C11, C15

DRAWING NUMBER DWG NO.

IMPROVEMENT PLANS
FOR
PARCEL MAP 18-300-10
CITY OF OXNARD, VENTURA COUNTY
CALIFORNIA



SCALE: 1" = 80'

GENERAL STREET NOTES

1. THE SEWER SYSTEM SHALL BE CONSTRUCTED IN CONFORMANCE WITH THE LATEST EDITIONS OF THE CITY OF OXNARD DEPARTMENT OF PUBLIC WORKS STANDARDS, "STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION" (SSPWC), AND THE CITY OF OXNARD STANDARD LAND DEVELOPMENT SPECIFICATIONS.
2. CONTRACTOR SHALL NOTIFY THE CITY INSPECTION DECISION AND ALL OTHER INTERESTED PARTIES AND ARRANGE FOR A PRE-CONSTRUCTION CONFERENCE 48 HOURS PRIOR TO THE BEGINNING OF CONSTRUCTION PHONE (805) 385-7940.
3. AT LAST TWO (2) WORKING DAYS PRIOR TO COMMENCING CONSTRUCTION THE CONTRACTOR SHALL CONTACT REGIONAL NOTIFICATION CENTER UNDERGROUND SERVICE ALERT OF SOUTHERN CALIFORNIA-U.S.A AT 1-800-422-4133 TO OBTAIN INQUIRY IDENTIFICATION NUMBER AND TO REQUEST UTILITY OWNERS TO MARK OR OTHERWISE INDICATE THE LOCATION OF THEIR SUBSURFACE FACILITIES. THE CONTRACTOR SHALL DETERMINE THE LOCATION AND DEPTH OF ALL UTILITIES, INCLUDING ALL SERVICE CONNECTIONS, WHICH HAVE BEEN MARKED BY RESPECTIVE OWNERS AND WHICH MAY AFFECT OR BE AFFECTED BY ITS OPERATIONS. THE CONTRACTOR SHALL TAKE ALL NECESSARY MEASURES TO PROTECT ALL UTILITIES AND ALL STRUCTURES FOUND AT SITE.
4. ALL PERMITS NECESSARY PRIOR TO BEGINNING CONSTRUCTION SHALL BE OBTAINED BY THE CONTRACTOR.
5. THROUGHOUT ALL PHASES OF CONSTRUCTION, INCLUDING SUSPENSION OF WORK, UNTIL FINAL ACCEPTANCE OF THE PROJECT, THE CONTRACTOR SHALL KEEP THE WORK SITE CLEAN AND FREE FROM RUBBISH AND DEBRIS. THE CONTRACTOR SHALL ALSO ABATE DUST NUISANCE BY CLEANING, SWEEPING AND SPRINKLING WITH WATER AND USING DUST FENCES OR OTHER METHODS AS DIRECTED BY THE CITY THROUGHOUT THE CONSTRUCTION OPERATION.
6. THE DEVELOPER'S ENGINEER SHALL KEEP A STRICT RECORD OF ALL CHANGES AND SUBMIT THIS RECORD TO THE CITY OF OXNARD DEVELOPMENT SERVICES DEPARTMENT. CERTIFIED "AS-BUILT" PLANS SHALL BE PROVIDED TO THE CITY OF OXNARD BY THE DEVELOPER'S ENGINEER BEFORE THE RELEASE FOR OCCUPANCY WILL BE ISSUED.
7. ALL DAMAGE CAUSED TO PUBLIC STREETS, INCLUDING HAUL ROUTES, ALLEYS, SIDEWALKS, CURBS OR STREET FURNISHINGS, OR TO PRIVATE PROPERTY SHALL BE REPAIRED AT THE SOLE EXPENSE OF THE CONTRACTOR TO THE ENGINEER'S SATISFACTION.
8. SAWCUT EXISTING PAVEMENT TO A CLEAN STRAIGHT EDGE AS DIRECTED BY THE CITY INSPECTOR.
9. PAVEMENT REMOVAL AND REPLACEMENT SHALL BE IN CONFORMANCE WITH THE CITY OF OXNARD STANDARDS AND SPECIFICATIONS. COMPACTION EFFORTS SHALL NOT DISTURB ADJACENT STREET STRUCTURAL SECTION CONTRACTOR SHALL BE RESPONSIBLE FOR ANY SUCH DAMAGE.
10. ALL UNDERGROUND SEWER, STORM DRAIN, AND WATER PIPELINES, ELECTRIC POWER, TELEPHONE OR CABLE TV CONDUITS AND CABLE AND GAS PIPELINES SHALL BE INSTALLED PRIOR TO CONSTRUCTION OF CURBS, GUTTERS, SIDEWALKS AND PAVEMENT.
11. AT LEAST TWO(2) WORKING DAYS BEFORE COMMENCING EXCAVATION FOR THE STORM DRAIN, THE CONTRACTOR SHALL POTHOLE AND EXPOSE THE EXISTING STORM DRAINS AT ALL CROSSINGS AND AT THE POINT OF TIE-IN; THE CONTACT THE ENGINEER SO THAT THE ELEVATION OF THE EXISTING FACILITIES CAN BE VERIFIED.
12. THE DEVELOPER SHALL OBTAIN FINAL APPROVAL OF REIMBURSEMENT AMOUNTS PRIOR TO BEGINNING CONSTRUCTION ON REIMBURSABLE ITEMS.
13. STATIONS SHOWN ON SEWER DRAWINGS ARE ALONG CENTERLINE OF STREET.
14. SEPARATION OF SEWER AND WATER SHALL BE IN CONFORMANCE WITH THE LATEST REQUIREMENTS OF THE STATE OF CALIFORNIA DEPARTMENT OF HEALTH.
15. VERTICAL SHORING SHALL CONFORM WITH THE ORDERS OF THE STATE OF CALIFORNIA, DIVISION OF INDUSTRIAL SAFETY (DIS) AND O.S.H.A. STANDARDS. CONTRACTOR SHALL HAVE D.I.S. EXCAVATION PERMIT (COPY TO CITY).
16. TRENCH BACKFILL SHALL BE ACCOMPLISHED IN ACCORDANCE WITH CITY OF OXNARD STANDARD PLAN PLATES.
17. SEWER CONTRACTOR SHALL INSCRIBE AN "S" IN THE VERTICAL FACE OF OR TOP OF CURB WHERE THE LATERAL PASSES UNDER THE CURB.
18. EXTEND SEWER LATERAL A MINIMUM OF 5 FEET INSIDE PROPERTY LINE OF ALL LOTS. SEWER LATERALS SHALL NOT BE LOCATED UNDER DRIVEWAYS.
19. ALL MANHOLE RIMS, LIDS, SHALL BE SET TO FINISH GRADE BY THE CONTRACTOR AS PART OF THIS PROJECT.
20. ALL SEWERS SHALL BE VIDEOTAPED BY CONTRACTOR IN VHS FORMAT AND THE SHALL BE DELIVERED TO THE CITY INSPECTOR AT THE TIME OF TAPING.

SHEET INDEX

C13. LOCKWOOD SEWER PLAN & PROFILE
C14. COVER SHEET WATER PLANS

BENCH MARK

BM # 306-WILLIAMS ELEV=73.35
ALUMINUM DISK, AT THE NORTHWESTERLY CORNER OF GONZALES ROAD AND WILLIAMS DRIVE, 33 FEET WESTERLY FROM THE CENTER OF WILLIAMS DRIVE, 48 FEET NORTHERLY FROM THE CENTER BRIDGE OF GONZALES ROAD, 33 FEET SOUTHERLY FROM THE EOR 12 FEET EASTERLY FROM THE BCR
NAVD 1988 DATUM

REFERENCE CITY STD. PLATES

PLATE 400 – PRE-CAST CONCRETE MANHOLE
PLATE 401 – SEWER MANHOLE PROTECTIVE COATING
PLATE 403 – HOUSE CONNECTION (6" & BELOW)
PLATE 412 – MANHOLE FRAME AND COVER
PLATE 407 – TERMINAL CLEANOUT

CAUTION: UNDERGROUND STRUCTURES

PRELIMINARY

OWNER / DEVELOPER
SUNBELT ENTERPRISES, LLC
AGENT:
XXXXX
24 HOUR PHONE NO.

THESE PLANS HAVE BEEN REVIEWED FOR POSSIBLE CONSTRUCTION CONFLICTS

UTILITY CO.	SIGNATURE	TITLE	DATE
SO. CAL. GAS			
EDISON			
G.T.E.			
CABLE T.V.			

RECOMMENDED FOR APPROVAL

OPERATIONS DEPARTMENT DATE
TRAFFIC MANAGER DATE
FIRE DEPARTMENT DATE
WASTEWATER MANAGER DATE

PREPARED BY:
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www.peakinc.com
R.C.E. No. DATE

AS BUILT CERTIFICATE

I HEREBY THAT THE WORK SHOWN ON DRAWING NO. SHEET NO. ____ THROUGH ____ MARKED AS "AS-BUILT" HAS BEEN CONSTRUCTED IN CONFORMANCE WITH LINES AND GRADES AS SHOWN ON SAID PLAN, DRAWING, REFERENCED SPECIFICATIONS AND APPROVED CHANGE ORDER AS INDICATED IN REVISION BLOCK

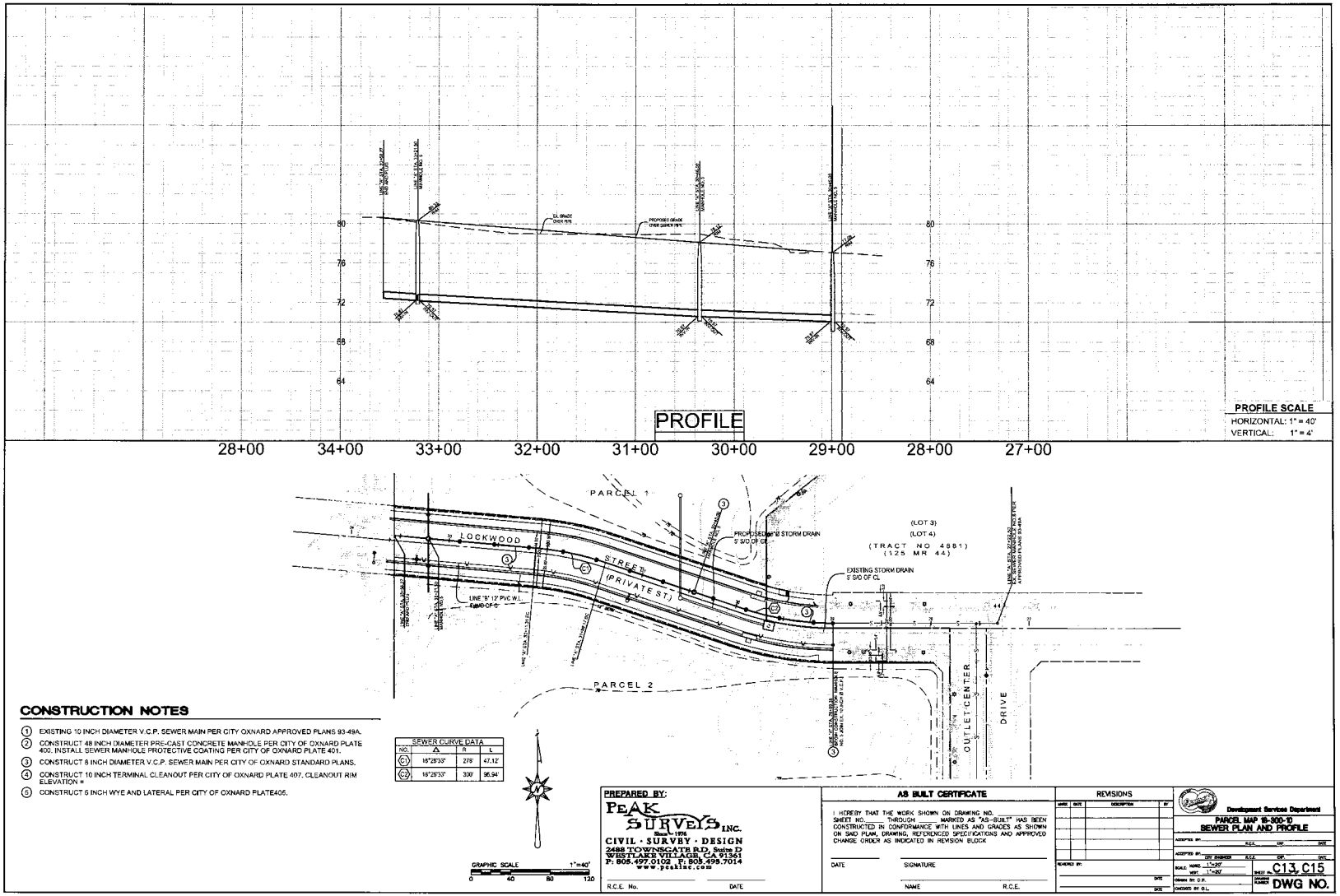
DATE SIGNATURE
NAME R.C.E.

REVISIONS

NOTE	DATE	DESCRIPTION	BY

Development Services Department
PARCEL MAP 18-300-10
SEWER COVER SHEET

ACCEPTED BY: R.C.E. EXP. DATE
ACCEPTED BY: CITY ENGINEER R.C.E. EXP. DATE
REVIEWED BY: DATE
HORIZ. SCALE: 1"=20'
VERT. SCALE: 1"=20'
DRAWN BY: D.K.
CHECKED BY: G.L.
SHEET NO. C12, C15
DRAWING NUMBER DWG NO.


PROFILE
PROFILE SCALE
HORIZONTAL: 1" = 40'
VERTICAL: 1" = 4'
28+00
34+00
33+00
32+00
31+00
30+00
29+00
28+00
27+00
PARCEL 1
LOCKWOOD
STREET
(PRIVATE ST)
PROPOSED 18"Ø STORM DRAIN
5' S/O OF CL
(LOT 3)
(LOT 4)
(TRACT NO 4881)
(125 MR 44)
EXISTING STORM DRAIN
5' S/O OF CL
LINE "B" 12" PVC W.L.
PARCEL 2
OUTLET CENTER
DRIVE
CONSTRUCTION NOTES
1 EXISTING 10 INCH DIAMETER V.C.P. SEWER MAIN PER CITY OXNARD APPROVED PLANS 93-49A.
2 CONSTRUCT 48 INCH DIAMETER PRE-CAST CONCRETE MANHOLE PER CITY OF OXNARD PLATE 400. INSTALL SEWER MANHOLE PROTECTIVE COATING PER CITY OF OXNARD PLATE 401.
3 CONSTRUCT 8 INCH DIAMETER V.C.P. SEWER MAIN PER CITY OF OXNARD STANDARD PLANS.
4 CONSTRUCT 10 INCH TERMINAL CLEANOUT PER CITY OF OXNARD PLATE 407. CLEANOUT RIM ELEVATION =
5 CONSTRUCT 6 INCH WYE AND LATERAL PER CITY OF OXNARD PLATE406.
SEWER CURVE DATA
NO. Δ R L
C1 18°28'33" 278' 47.12'
C2 18°28'33" 300' 96.94'
GRAPHIC SCALE 1"=40'
0 40 80 120
PREPARED BY:
PEAK SURVEYS INC.
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WESTLAKE VILLAGE, CA 91361
P: 805.497.0102 F: 805.495.7014
www.peakinc.com
R.C.E. No.
DATE
AS BUILT CERTIFICATE
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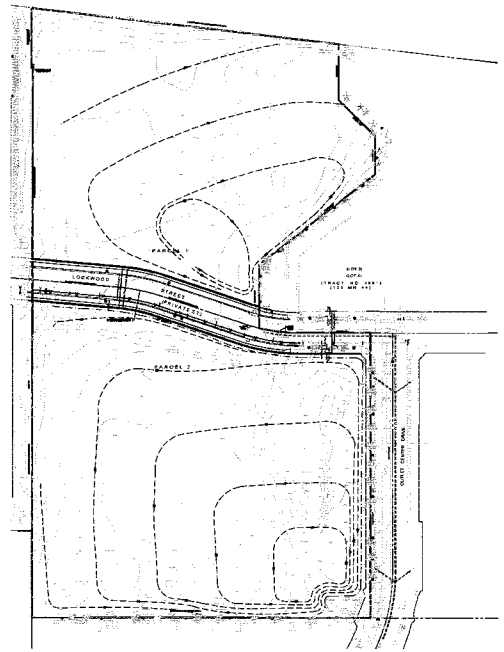
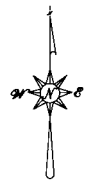
DATE
SIGNATURE
NAME
R.C.E.
REVISIONS
MARK DATE DESCRIPTION BY
Development Services Department
PARCEL MAP 15-900-10
SEWER PLAN AND PROFILE
ACCEPTED BY:
R.C.E. EXP. DATE
ACCEPTED BY: CITY ENGINEER R.C.E. EXP. DATE
SCALE: HORIZ. 1"=20' VERT. 1"=20'
DRAWN BY: D.R.
CHECKED BY: G.L.
SHEET C13 C15
DRAWING NUMBER DWG NO.

IMPROVEMENT PLANS
FOR
PARCEL MAP 18-300-10
CITY OF OXNARD, VENTURA COUNTY
CALIFORNIA





SCALE: 1" = 80'

SHEET INDEX

C1. TITLE SHEET
C2. GRADING PLAN COVER SHEET
C3. GRADING PLAN LOT 1 (NORTH)
C4. GRADING PLAN LOTS 2 & 3 (SOUTH)
C5. GRADING DETAILS
C6. COVER SHEET STREET IMPROVEMENT
C7. LOCKWOOD STREET PLAN & PROFILE
C8. SIGNING AND STRIPING PLANS
C9. COVER SHEET STORM DRAIN IMPROVEMENT PLANS
C10. LOCKWOOD STREET STORM DRAIN PLANS
C11. LOCKWOOD STREET STORM DRAIN DETAILS
C12. COVER SHEET – SEWER PLANS
C13. LOCKWOOD SEWER PLAN & PROFILE
C14. COVER SHEET WATER PLANS
C15. LOCKWOOD WATER PLAN

BENCH MARK

BM # 306–WILLIAMS ELEV=23.35
ALUMINUM DISK, AT THE NORTHWESTERLY CORNER OF GONZALES ROAD AND WILLIAMS DRIVE, 55 FEET WESTERLY FROM THE CENTER OF WILLIAMS DRIVE, 48 FEET NORTHERLY FROM THE CENTER CHROE OF GONZALES ROAD, 33 FEET SOUTHERLY FROM THE ECR 12 FEET EASTERLY FROM THE BCR
NAVD 1988 DATUM

REFERENCE CITY STD. PLATES

PLATE 101 – COMMERCIAL/LOCAL ARTERIAL
PLATE 110 – ACCESS RAMP
PLATE 111 – CONCRETE CURB, CURB & GUTTER
PLATE 112 – EXPANSION JOINTS
PLATE 113 – CURB & SIDEWALK JOINTS
PLATE 116 – COMMERCIAL DRIVEWAYS
PLATE 117 – ALLEY AND PRIVATE DRIVEWAY STANDARD
PLATE 118 – STREET NAME SIGN
PLATE 124 – BARRICADE

GENERAL STREET NOTES

1. THE ATER SYSTEM SHALL BE CONSTRUCTED IN CONFORMANCE WITH THE LATEST EDITIONS OF THE CITY OF OXNARD DEPARTMENT OF PUBLIC WORKS STANDARDS, "STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION" (SSPWC), AND THE CITY OF OXNARD STANDARD LAND DEVELOPMENT SPECIFICATIONS.
2. CONTRACTOR SHALL NOTIFY THE CITY INSPECTION DECISION AND ALL OTHER INTERESTED PARTIES AND ARRANGE FOR A PRE-CONSTRUCTION CONFERENCE 48 HOURS PRIOR TO THE BEGINNING OF CONSTRUCTION PHONE (805) 385-7944.
3. AT LEAST TWO (2) WORKING DAYS PRIOR TO COMMENCING CONSTRUCTION THE CONTRACTOR SHALL CONTACT REGIONAL NOTIFICATION CENTER (UNDERGROUND SERVICE ALERT OF SOUTHERN CALIFORNIA–U.S.A AT 1-800-422-4133) TO OBTAIN INQUIRY IDENTIFICATION NUMBER AND TO REQUEST UTILITY OWNERS TO MARK OR OTHERWISE INDICATE THE LOCATION OF THEIR SUBSURFACE FACILITIES. THE CONTRACTOR SHALL DETERMINE THE LOCATION AND DEPTH OF ALL UTILITIES, INCLUDING ALL SERVICE CONNECTIONS, WHICH HAVE BEEN MARKED BY RESPECTIVE OWNERS AND WHICH MAY AFFECT OF BE AFFECTED BY ITS OPERATIONS. THE CONTRACTOR SHALL TAKE ALL NECESSARY MEASURES TO PROTECT ALL UTILITIES AND ALL STRUCTURES FOUND AT SITE.
4. ALL PERMITS NECESSARY PRIOR TO BEGINNING CONSTRUCTION SHALL BE OBTAINED BY THE CONTRACTOR.
5. THROUGHOUT ALL PHASES OF CONSTRUCTION, INCLUDING SUSPENSION OF WORK, UNTIL FINAL ACCEPTANCE OF THE PROJECT, THE CONTRACTOR SHALL KEEP THE WORK SITE CLEAN AND FREE FROM RUBBISH AND DEBRIS. THE CONTRACTOR SHALL ALSO ABATE DUST NUISANCE BY CLEANING, SWEEPING AND SPRINKLING WITH WATER AND USING DUST FENCES OR OTHER METHODS AS DIRECTED BY THE CITY THROUGHOUT THE CONSTRUCTION OPERATION.
6. THE DEVELOPER'S ENGINEER SHALL KEEP A STRICT RECORD OF ALL CHANGES AND SUBMIT THIS RECORD TO THE CITY OF OXNARD DEVELOPMENT SERVICES DEPARTMENT. CERTIFIED "AS-BUILT" PLANS SHALL BE PROVIDED TO THE CITY OF OXNARD BY THE DEVELOPER'S ENGINEER BEFORE THE RELEASE FOR OCCUPANCY WILL BE ISSUED.
7. ALL DAMAGE CAUSED TO PUBLIC STREETS, INCLUDING HAUL ROUTES, ALLEYS, SIDEWALKS, CURBS OR STREET FURNISHINGS, OR TO PRIVATE PROPERTY SHALL BE REPAIRED AT THE SOLE EXPENSE OF THE CONTRACTOR TO THE ENGINEER'S SATISFACTION.
8. SAWCUT EXISTING PAVEMENT TO A CLEAN STRAIGHT EDGE AS DIRECTED BY THE CITY INSPECTOR.
9. PAVEMENT REMOVAL AND REPLACEMENT SHALL BE IN CONFORMANCE WITH THE CITY OF OXNARD STANDARDS AND SPECIFICATIONS. COMPACTION EFFORTS SHALL NOT DISTURB ADJACENT STREET STRUCTURAL SECTION. CONTRACTOR SHALL BE RESPONSIBLE FOR ANY SUCH DAMAGE.
10. ALL UNDERGROUND SEWER, STORM DRAIN, AND WATER PIPELINES, ELECTRIC POWER, TELEPHONE OR CABLE TV CONDUITS AND CABLE AND GAS PIPELINES SHALL BE INSTALLED PRIOR TO CONSTRUCTION OF CURBS, GUTTERS, SIDEWALKS AND PAVEMENT.
11. AT LEAST TWO(2) WORKING DAYS BEFORE COMMENCING EXCAVATION FOR THE STORM DRAIN, THE CONTRACTOR SHALL POTHOLE AND EXPOSE THE EXISTING STORM DRAINS AT ALL CROSSINGS AND AT THE POINT OF TIE-IN; THE CONTACT THE ENGINEER SO THAT THE ELEVATION OF THE EXISTING FACILITIES CAN BE VERIFIED.
12. THE DEVELOPER SHALL OBTAIN FINAL APPROVAL OF REIMBURSEMENT AMOUNTS PRIOR TO BEGINNING CONSTRUCTION ON REIMBURSABLE ITEMS.
13. ALL WATER WELLS LOCATED WITHIN THE SITE SHALL BE REPORTED TO THE CITY OF OXNARD WATER SUPERINTENDENT PRIOR TO THEIR MODIFICATION OF DESTRUCTION (CITY OF OXNARD ORDINANCE NO 2218). A SEPARATE PERMIT FROM THE CITY IS REQUIRED PRIOR TO DRILLING, ALTERING OR ABANDONING A WATER WELL.
14. STATIONS SHOWN ON WATER DRAWINGS ARE ALONG CENTERLINE OF STREET.
15. THE CONTRACTOR IS REQUIRED TO PROTECT ALL EXISTING SURVEY MONUMENTATION DURING GRADING BEFORE DISTURBING SAID MONUMENTS, SO THE ENGINEER CAN REPLACE OR RELOCATE ANY EXISTING SURVEY MONUMENTATION.
18. SEPARATION OF SEWER AND WATER SHALL BE IN CONFORMANCE WITH THE LATEST REQUIREMENTS OF THE STATE OF CALIFORNIA DEPARTMENT OF HEALTH.
17. VERTICAL SHORING SHALL CONFORM WITH THE GRADES OF THE STATE OF CALIFORNIA, DIVISION OF INDUSTRIAL SAFETY (DIS) AND O.S.H.A. STANDARDS. CONTRACTOR SHALL HAVE D.I.S. EXCAVATION PERMIT (COPY TO CITY).
18. TRENCH BACKFILL SHALL BE ACCOMPLISHED IN ACCORDANCE WITH CITY OF OXNARD STANDARD PLAN PLATES.
19. STERILIZATION AND TESTING THE NEW INSTALLATION SHALL BE COMPLETED PRIOR TO MAKING FINAL CONNECTIONS TO EXISTING SYSTEM. THE CONTRACTOR SHALL SEE THAT ALL VALVES IN THE SYSTEM REMAIN OPEN AFTER THE TEST.
20. WATER SERVICES WITH DOUBLE METER STOPS, TAIL ASSEMBLY AND METER BOX SHALL BE INSTALLED PER CITY OF OXNARD STANDARD PLAN PLATES BY THE CONTRACTOR. THE CITY OF OXNARD WILL SET THE METERS AFTER FINANCIAL ARRANGEMENTS ARE MADE.
21. ALL VALVES SHALL BE MUELLER RS GATE VALVES OR APPROVED EQUAL AND SHOP COATED WITH AN APPROVED THERMO TYPE EPOXY.
22. ALL VALVE BOXES SHALL BE SET TO FINISH GRADE BY THE CONTRACTOR AS A PART OF THIS PROJECT.
23. 12 GAUGE COPPER LOCATION WIRE SHALL BE INSTALLED ON ALL PVC PIPE MAIN AND 14 GAUGE INSULATED POLYETHYLENE WATER SERVICES.
24. ALL FIRE HYDRANTS SHALL BE BRONZE, BURPS AND SPOOLS SHALL COATED ON THE INTERIOR FERROUS SURFACES WITH AN APPROVED THERMO TYPE EPOXY.
25. ADEQUATE FIRE PROTECTION AS DETERMINED BY THE FIRE CHIEF SHALL BE AVAILABLE PRIOR TO THE ISSUANCE OF BUILDING PERMIT.
26. CONTRACTOR SHALL THE WATER DIVISION WITH 48 HOURS ADVANCED NOTICE WHEN REQUESTING VALVE CLOSURES.

CAUTION: UNDERGROUND STRUCTURES

ALL UNDERGROUND UTILITIES OR STRUCTURES REPORTED BY THE OWNER OR THOSE SHOWN ON RECORDS RECORDS EXAMINED ARE INDICATED WITH THEIR APPROXIMATE LOCATION AND EXTENT. THE UDSIGNED BY ACCEPTING THESE PLANS OR PROCEEDING WITH IMPROVEMENTS PURSUANT THERETO, UNDERSTANDS THAT THEY AGREE TO ASSUME LIABILITY AND AGREE TO HOLD THE UNDERSIGNED HARMLESS FOR ANY LIABILITY FOR DAMAGE RESULTING FROM THE EXISTING OF UNDERGROUND UTILITIES OR STRUCTURES NOT REPORTED TO THE UNDERSIGNED, NOT INDICATED ON THE PUBLIC RECORDS EXAMINED, LOCATED AT VARIANCE WITH THAT REPORTED OR SHOWN ON RECORDS EXAMINED. THE CONTRACTOR IS REQUIRED TO TAKE DUE PRECAUTIONARY MEASURES TO PROTECT THE UTILITIES OR STRUCTURES FOUND AT THE SITE. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY THE OWNERS OF THE UTILITIES OR STRUCTURES CONCERNED BEFORE STARTING TO WORK.

PRELIMINARY

OWNER / DEVELOPER
SUNBELT ENTERPRISES, LLC
AGENT:
XXXXX
24 HOUR PHONE NO._____

THESE PLANS HAVE BEEN REVIEWED FOR POSSIBLE CONSTRUCTION CONFLICTS

UTILITY CO.	SIGNATURE	TITLE	DATE
SO. CAL. GAS			
EDISON			
G.T.E.			
CABLE T.V.			

RECOMMENDED FOR APPROVAL

OPERATIONS DEPARTMENT	DATE
TRAFFIC MANAGER	DATE
FIRE DEPARTMENT	DATE
WASTEWATER MANAGER	DATE

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WESTLAKE VILLAGE, CA 91361
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www.peaksurvey.com

R.C.E. No. DATE

AS BUILT CERTIFICATE

I HEREBY THAT THE WORK SHOWN ON DRAWING NO. _____ SHEET NO. ___ THROUGH ____ MARKED AS "AS-BUILT" HAS BEEN CONSTRUCTED IN CONFORMANCE WITH LINES AND GRADES AS SHOWN ON SAID PLAN, DRAWING, REFERENCED SPECIFICATIONS AND APPROVED CHANGE ORDER AS INDICATED IN REVISION BLOCK

DATE SIGNATURE

NAME R.C.E.

REVISIONS

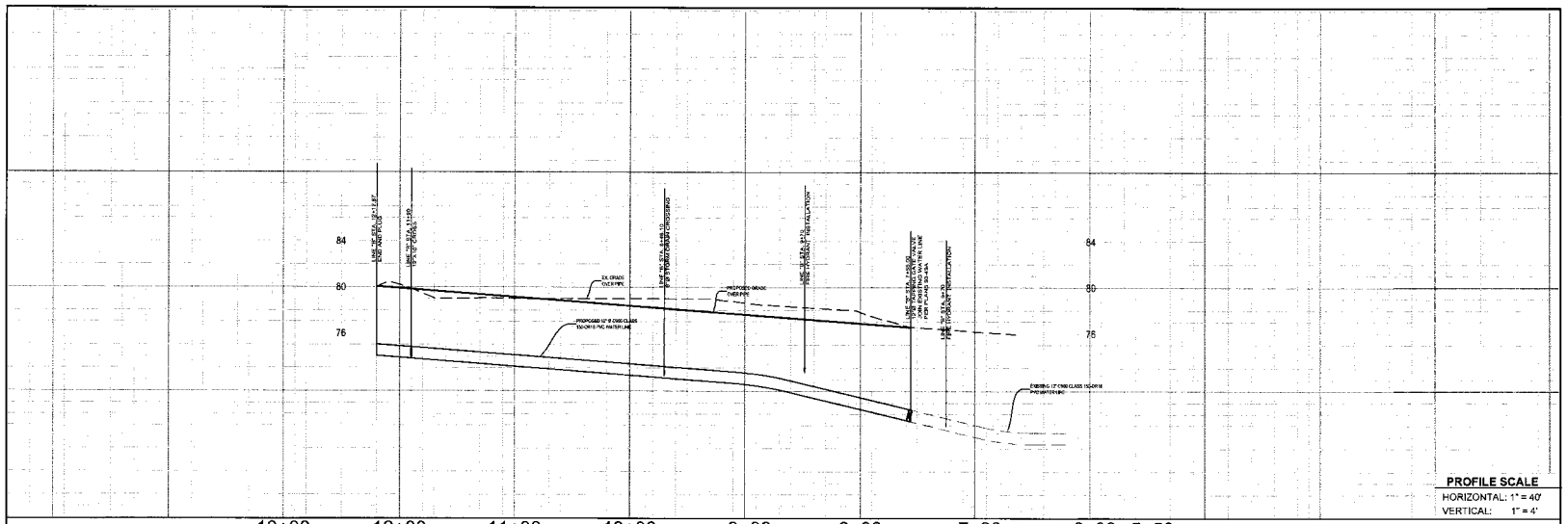
MARK	DATE	DESCRIPTION	BY

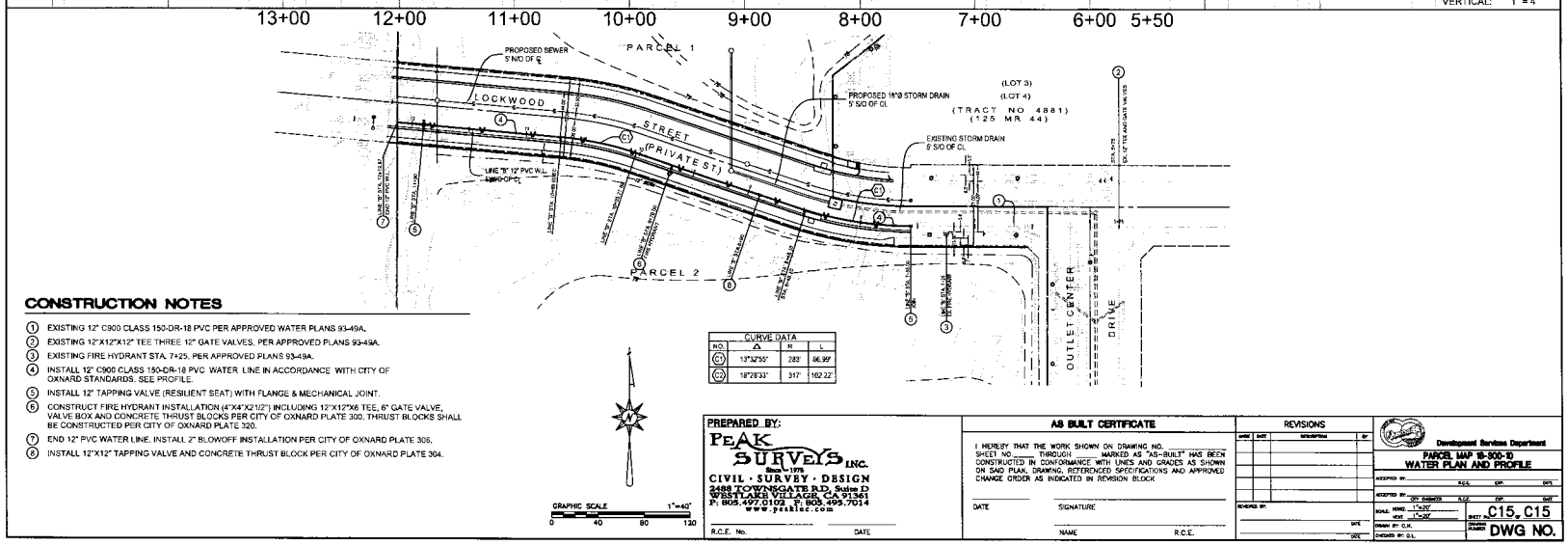
REVIEWED BY: _____ DATE
_____ DATE

Development Services Department

PARCEL MAP 18-300-10
WATER COVER SHEET

ACCEPTED BY: R.C.E. EXP. DATE
ACCEPTED BY: CITY ENGINEER R.C.E. EXP. DATE
SCALE: HORIZ. 1"=20' VERT. 1"=20'
DRAWN BY: D.H.
CHECKED BY: D.L.
SHEET No. C14, C15
DRAWING NUMBER DWG NO.





CONSTRUCTION NOTES

1. EXISTING 12" C900 CLASS 150-DR-18 PVC PER APPROVED WATER PLANS 93-49A.
2. EXISTING 12"X12"X12" TEE THREE 12" GATE VALVES, PER APPROVED PLANS 93-49A.
3. EXISTING FIRE HYDRANT STA. 7+25, PER APPROVED PLANS 93-49A.
4. INSTALL 12" C900 CLASS 150-DR-18 PVC WATER LINE IN ACCORDANCE WITH CITY OF OXNARD STANDARDS. SEE PROFILE.
5. INSTALL 12" TAPPING VALVE (RESILIENT SEAT) WITH FLANGE & MECHANICAL JOINT.
6. CONSTRUCT FIRE HYDRANT INSTALLATION (4"X4"X2-1/2") INCLUDING 12"X12"X6 TEE, 6" GATE VALVE, VALVE BOX AND CONCRETE THRUST BLOCKS PER CITY OF OXNARD PLATE 302. THRUST BLOCKS SHALL BE CONSTRUCTED PER CITY OF OXNARD PLATE 320.
7. END 12" PVC WATER LINE. INSTALL 2" BLOWOFF INSTALLATION PER CITY OF OXNARD PLATE 308.
8. INSTALL 12"X12" TAPPING VALVE AND CONCRETE THRUST BLOCK PER CITY OF OXNARD PLATE 304.

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DATE SIGNATURE

NAME R.C.E.

REVISIONS

MARK	DATE	DESCRIPTION	BY

REVIEWED BY: DATE DATE

Development Services Department

PARCEL MAP 16-800-10
WATER PLAN AND PROFILE

ACCEPTED BY: R.C.E. EXP. DATE

REVIEWED BY: CITY ENGINEER R.C.E. EXP. DATE

SCALE: HORIZ. 1"=20' VERT. 1"=20'

DRAWN BY: C.K.

CHECKED BY: G.L.

SHEET NO. C15, C15

DRAWING NUMBER DWG NO.

RESOLUTION NO. 2019-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING APPROVAL TO CITY COUNCIL OF PLANNING AND ZONING PERMIT NO. 18-300-10 (TENTATIVE PARCEL MAP), A REQUEST TO SUBDIVIDE AN EXISTING 11.85 ACRE UNDEVELOPED PARCEL INTO (2) TWO PARCELS OF NET SIZE 6.13 AND 4.86 ACRES AND CONSTRUCTION OF THE STREET AND INFRASTRUCTURE IMPROVEMENTS ASSOCIATED WITH THE CONNECTION OF LOCKWOOD STREET, A PRIVATE STREET , SUBJECT TO CERTAIN CONDITIONS. THE PROJECT SITE (A.P.N. 213-0-090-10) IS LOCATED ON THE SOUTH SIDE OF HIGHWAY 101 BETWEEN THE WEST AND EAST TERMINUS OF LOCKWOOD STREET. FILED BY DESIGNATED AGENT ERIC WIDMER ON BEHALF OF THE PROPERTY OWNER, SUNBELT ENTERPRISES, LLC, 5715 MESMER AVENUE, LOS ANGELES, CA 90230

WHEREAS, on October 12, 2018, Eric Widmer (the **"Applicant"** and/or **"Developer"** and/or **"Permittee"**) submitted a request to subdivide an undeveloped parcel generally located south of Highway 101 between CarMax auto sales lot off of Lockwood Street and The Palms Marketplace Center off of Outlet Center Drive Street (the "**Project"**); and

WHEREAS, said tentative parcel map was referred to various public utility companies and City departments for recommendations, and

WHEREAS, the Planning Commission finds the tentative parcel map conforms to the City's 2030 General Plan and elements thereof; and

WHEREAS, the Project was reviewed against the California Environmental Quality Act (CEQA) and found to be exempt from further CEQA review per Section 15315, "Minor Land Divisions"; and

WHEREAS, on July 18, 2019, the Planning Commission of the City of Oxnard (**"Planning Commission"**) considered the Applicant's request to approve Planning and Zoning Permit No. 18-300-10 (Tentative Parcel Map), in accordance with Chapter 15 "Subdivisions" of the Oxnard City Code.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby recommends to the City Council the approval of the tentative parcel map, subject to the following conditions:

CONDITIONS OF APPROVAL

Note: The abbreviations below identify the City department or division responsible for determining compliance with these standard conditions. The first department or division listed has responsibility for compliance at plan check, the second during inspection and the third at final inspection, prior to issuance of a certificate of occupancy, or at a later date, as specified in the condition. If more than one department or division is listed, the first will check the plans or inspect the project before the second confirms compliance with the condition. The italicized code at the end of each condition provides internal information on the source of each condition: Some are standard permit conditions (e.g. *G-1*) while some are taken from environmental documents (e.g. *MND-S2*).

DEPARTMENTS AND DIVISIONS			
CA	City Attorney	PL	Planning Division
DS	Dev Services/Eng Dev/Inspectors	TR	Traffic Division
PD	Police Department	B	Building Plan Checker
SC	Source Control	FD	Fire Department
PK	Landscape Design	CE	Code Compliance

GENERAL PROJECT CONDITIONS

1. This permit is granted for the property described in the application on file with the Planning Division, and may not be transferred from one property to another. (PL, *G-1*).

2. This permit is granted for the plans on file with the Planning Division. The Final Map shall conform to these plans, except as otherwise specified in these conditions, or unless a minor modification to the plans is approved by the Planning Manager or a major modification to the plans is approved by the Planning Commission. A major modification shall be required for substantial changes, including changes to the Project Conditions. (PL, *G-2*)

3. By commencing any activity related to the project or using any structure authorized by this permit, Developer accepts all of the conditions and obligations imposed by this permit and waives any challenge to the validity of the conditions and obligations stated therein. (CA, G-5)

4. Any covenants, conditions, and restrictions (CC&Rs) applicable to the project property shall be consistent with the terms of this permit. If there is a conflict between the CC&Rs and this permit, this permit shall prevail. (CA, *G-7*)

5. Developer shall complete the “Notice of Land Use Restriction and Conditions” form, using the form provided by the City for recording with the Ventura County Recorder. Before the City issues building permits, Developer shall submit the original completed signed and notarized document, together with the required fees to the Planning Manager (PL, G-8)

DEVELOPMENT SERVICES DEPARTMENT STANDARD CONDITIONS

6. Developer shall pay plan check and processing fees in effect at the time of construction plan submittal and shall pay development fees, encroachment permit fees, and other applicable fees in effect at permit issuance. (DS-1)

7. Developer shall have the site improvement plans prepared using standard Development Services Division format(s) by a civil engineer licensed in the State of California. The plans shall incorporate recommendations from soil engineering and geology reports. Prior to issuance of a grading permit, improvement plans must be approved by the City Engineer and ink-on-mylar plans filed with the Development Services Division. (DS-3)

8. Developer shall submit improvement plans and drainage calculations demonstrating that storm drain runoff from the project property and all upstream areas will be safely conveyed to an approved drainage facility. The design and conveyance route shall be compatible with the City's Master Plan of Drainage and shall be approved by the City Engineer prior to approval of improvement plans. (DS-4)

9. Developer shall enter into an agreement, approved as to form by the City Attorney, to install and construct all public improvements required by this permit and by the City Code. Developer shall post security satisfactory to the Finance Director, guaranteeing the installation and construction of all required improvements within the time period specified in the agreement or any approved time extension. (DS-14)

10. A California licensed civil engineer shall prepare the public improvement plans and documents for this project in accordance with City standards and shall submit all such plans to the City Engineer. Submittal shall include, but not necessarily be limited to, grading, street, drainage, sewer, water and other appurtenant improvement plans, construction cost estimates, soils reports, and all pertinent engineering design calculations. City will not approve a parcel map or final map nor issue a grading, site improvement or building permit until the City Engineer has approved all improvement plans. (DS-15)

11. Prior to issuance of a site improvement permit, Developer shall provide to the Development Services Division a compact Disc (CD) containing digital copies of all project maps, address map, and/or civil improvements drawings in DWG format. Prior to improvement bond release, Developer shall provide an updated CD containing all changes that occur during construction. (DS-16)

12. Developer agrees, as a condition of approval of this resolution, to indemnify, defend and hold harmless, at Developer's expense, City and its agents, officers and employees from and against any claim, action or proceeding commenced within the time period provided for in Government Code Section 66499.37, to attack, review, set aside, void or annul the approval of this resolution or to determine the reasonableness, legality or validity of any condition attached thereto. City shall promptly notify Developer of any such claim, action

or proceeding of which City receives notice, and City will cooperate fully with Developer in the defense thereof. Developer shall reimburse City for any court costs and attorney's fees that City may be required to pay as a result of any such claim, action or proceeding. City may, in its sole discretion, participate in the defense of any such claim, action or proceeding, but such participation shall not relieve Developer of the obligations of this condition. Developer's acceptance of this resolution or commencement of construction or operations under this resolution shall be deemed to be acceptance of all conditions thereof. (DS-18)

13. Developer shall provide all necessary easements for streets, highways, alleys, sidewalks, parkways, landscaping, utilities, drainage facilities, or other improvements as required by City. If such easements cannot be obtained from the property owner by negotiation, City may acquire them at the expense of Developer by exercise of the power of eminent domain. Developer shall bear all costs of eminent domain proceedings, including appraisal, acquisition, attorney's fees, and court costs. Before City issues a site improvement permit, Developer shall dedicate all required easements to City. (DS-19)

14. Developer shall remove graffiti from the project, including graffiti on offsite public infrastructure under construction by Developer, within 24 hours of its appearance. If Developer fails to remove graffiti in accordance with this condition, the City may at the discretion of the Development Services Manager issue a stop work order until such time as the graffiti is removed. (DS-20)

15. The conditions of this resolution shall prevail over all omissions, conflicting notations, specifications, dimensions, typical sections, and the like, that may or may not be shown on the improvement plans. (DS-21)

16. Developer shall pay the cost of all inspections of on-site and off-site improvements. (DS-22)

17. Developer shall be responsible for all project-related actions of Developer's employees, contractors, subcontractors, and agents until City accepts the improvements. (DS-23)

18. Prior to beginning construction, Developer shall designate in writing an authorized agent who shall have complete authority to represent and to act for Developer. The authorized agent shall be present at the work site whenever work is in progress. Developer or the authorized agent shall make arrangements acceptable to City for any emergency work. When City gives orders to the authorized agent to do work required for the convenience and safety of the general public because of inclement weather or any other cause, and the orders are not immediately acted upon by the authorized agent, City may do or have such work done by others at Developer's expense. (DS-24)

19. Prior to approval of the final map or parcel map, Developer shall provide the City Engineer with written evidence from the Ventura County Clerk's Office that Developer has executed

and filed with the Clerk all certificates, statements and securities required by Government Code Sections 66492 and 66493. (DS-26)

20. "Standard Specifications for Public Works Construction" latest edition (including modifications thereto by City) and applicable City Standard Plates and Design Criteria shall be the project specifications, except as noted otherwise on the approved improvement plans. City reserves the right to upgrade, add to, or revise these specifications and plans and all other City ordinances, policies, and standards. If the improvements required of this project are not completed within 12 months from the date of City's approval of the improvement plans, Developer shall comply with and conform to any and all upgraded, additional or revised specifications, plans, ordinances, policies and standards. (DS-27)

21. Developer shall retain a California licensed Civil Engineer to ensure that the construction work conforms to the approved improvement plans and specifications and to provide certified "as-built" plans after project completion. Developer's submittal of certified "as-built" plans is a condition of City's final acceptance of the project and release of any associated security. (DS-29)

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26. Prior to issuance of a site improvement permit, Developer shall provide to the City Engineer easements or written consent (as determined appropriate by the Development Services Director) from all affected landowners for any diversion of historical flows or change in drainage conditions caused by the project. (DS-36)

27. Developer shall dispose of sewage and solid waste from the project by City's wastewater and solid waste systems in a manner approved by the City Engineer. (DS-38)

28. Developer shall dedicate to the City all water rights for the project property by title sheet dedication on the final map or parcel map. (DS-39)

29. Developer shall install water mains, fire hydrants and water services in conformance with City standard plates, design criteria and specifications as directed by the City Engineer. (DS-41)

30. Street and road improvements shall conform to City standard plates, design criteria and policies. Improvements shall include upgrading of existing pavement along the project frontage to City standards by removing and replacing or overlaying, as directed by the City Engineer. (DS-51)

31. Developer shall improve all streets, alleys, sidewalks, curbs, and gutters adjacent to the project in accordance with City standards, as necessary to provide safe vertical and horizontal transitions. (DS-52)

32. Developer shall provide soils reports, "R" value tests, and compaction tests for all streets. Determination of the actual structural sections shall be based on City's design procedure, "R" value tests of in-place soils, and approved traffic indices. (DS-53)

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34. Prior to release of the final map or parcel map for recordation, Developer shall post security satisfactory to the City Attorney guaranteeing that all survey monuments will be set as required by the Government Code and the City Code. (DS-57)

35. Developer shall submit a street lighting plan as a part of the civil improvement plans. Developer shall install streetlights in accordance with the plan. (DS-60)

36. Developer shall be responsible for and bear the cost of replacement of all existing survey monumentation (e.g., property corners) disturbed or destroyed during construction, and shall file appropriate records with the Ventura County Surveyor's Office. (DS-64)

37. Developer shall design project to minimize degradation of stormwater quality by complying with the applicable sections of the Los Angeles Regional Water Quality Control Board's municipal separate storm sewer system ("MS4") permit (Order R4-2010-0108 including all revisions) for new development and redevelopment projects. Developer shall submit stormwater quality calculations and associated construction plans demonstrating compliance with the MS4 permit. Calculations shall generally be organized to follow the steps outlined in Chapter 2 of the 2011 Technical Guidance Manual for Stormwater Control Measures ("2011 TGM"). (DS-78)

38. Developer's stormwater quality calculations shall include site specific analysis and recommendations from a geotechnical engineer, and if applicable, a landscape architect for design and implementation of stormwater treatment and infiltration devices. Geotechnical Engineering analysis and recommendations shall include, but not necessarily be limited to, determination of site specific soil infiltration rates, depth to permeable soil layers, methods

to reach permeable soil layers, appropriate compaction rates, recommendations to enhance infiltration, and other requirements of the 2011 TGM. Landscape architectural recommendations shall include, but not necessarily be limited to, suggestions regarding appropriate vegetation and soil amendments for vegetated infiltration devices. Project plans shall implement approved design recommendations. (DS-81)

39. Using forms provided by the Development Services Division, Developer shall submit a stormwater quality control measures maintenance and operations plan ("the Plan") for this project. If the BMPs implemented with this project include proprietary products that require regular replacement and/or cleaning, Developer shall provide proof of a contract with an entity qualified to provide such periodic maintenance. The property owner is responsible for the long-term maintenance and operation of all BMPs included in the project design. Upon request by City, property owner shall provide written proof of ongoing BMP maintenance operations. No grading or building permit shall be issued until the Development Services Manager approves the Plan and Developer provides an executed copy of the City's stormwater covenant with the Plan included as an exhibit for recordation by the City. (DS-82)

40. Developer's stormwater quality control measures maintenance and operations plan shall include: 1) Requirement to clean on-site storm drains at least twice a year; once immediately before the first of October (the beginning of the rainy season) and once in January. The City Engineer may require additional cleaning; 2) Requirement to maintain parking lots free of litter and debris. Developer shall sweep sidewalks, drive aisles, and parking lots regularly to prevent the accumulation of litter and debris. When swept or cleaned, debris must be trapped and collected to prevent entry into the storm drain system. Developer may not discharge any cleaning agent into the storm drain system; 3) Requirement to label all on-site storm drain inlets with the message "Don't Dump - Drains to Ocean" in accordance with City standards. (DS-83)

41. Developer's engineer shall submit written confirmation that the project landscape drawings comply with the landscape requirements of the Technical Guidance Manual for Stormwater Quality Control Measures for all landscape based stormwater quality best management practices. (DS-84)

42. Prior to issuance of a grading, building or demolition permit and prior to commencement of any clearing, grading or excavation, Developer shall provide evidence of assignment of a permit identification number by the California State Water Resources Control Board indicating submittal of a Notice of Intent (NOI) by the Developer in accordance with the NPDES Construction General Permit. Developer shall comply with all requirements of the General Permit and the Ventura Countywide MS4 Permit, including preparation of a Stormwater Pollution Prevention Plan (SWPPP). Developer shall keep the SWPPP updated to reflect current site conditions and a copy of the SWPPP shall be kept onsite and available for City or designated representative to review upon request. (DS-86)

43. Developer shall install 'Full Capture System Devices' ("Devices") certified by the State Water Resources Control Board Executive Director in compliance with the Statewide Trash Amendments ("Amendments") in all catch basins accepting stormwater runoff from any portion of this project that meets the definition of 'Priority Land Use' as defined by the Amendments at the time of issuance of a grading/site improvement permit. The Devices shall be sized and designed in accordance with requirements of the Amendments and the Technical Guidance Manual for Stormwater Quality Control Measures ("TGM"). (DS-88)

DEVELOPMENT SERVICES DIVISION SPECIAL CONDITIONS

44. The roadway improvements to be constructed concurrent with recordation of this parcel map exceed 10,000 square feet of impervious surface area and require implementation of stormwater quality mitigations for "Streets, roads, highways, and freeway construction" in conformance with the Ventura County 2011 Technical Guidance Manual for Stormwater Quality Control Measures ("TGM"). (DS)

45. The percolation tests for this project shall include implementation of the reduction factor specified in the "Guidelines for Design, Investigation, and Reporting for Low Impact Development Stormwater Infiltration" published in the Administrative Manual of the County of Los Angeles Department of Public Works. This reduction factor is in addition to the safety factor specified in the TGM. (DS)

46. Developer's geotechnical engineer shall perform percolation tests on the exposed bottom of all infiltration facilities immediately prior to facility construction and provide the City with a written opinion that the exposed soil layer is suitable for the proposed infiltration facility based on review of the existing geotechnical reports, percolation tests, infiltration facility design, and characteristics of the exposed soil layer. This requirement shall be clearly noted on the improvement plans. The report shall be reviewed and approved by the project civil engineer. (DS)

47. Stormwater runoff from this site shall be limited and on-site detention shall be provided in conformance with the "Agreement for Stormwater Retention within Rice Road Drain Watershed" and the approved drainage report for Tract 4317. The detention basin(s) shall be designed in accordance with Public Works standards and policies. The Developer shall provide a City standard Declaration of Restrictive Covenant for Detention Basin Perpetual Maintenance by the property owner as each lot within this subdivision is developed. (DS)

48. Developer shall clearly note future stormwater detention requirements on the grading and storm drain improvement plans associated with the subdivision. (DS)

49. Developer shall construct de-silting basins that treat the stormwater runoff from the disturbed areas (graded areas) of the site prior to discharge into the underground storm drain system. De-silting basin design shall meet or exceed the California Stormwater Quality Association (CASQA) sediment basin and sediment trap design standards and are subject to approval of

the Development Services Manager. (DS)

50. Developer shall obtain construction plan approval and issuance of a construction permit for the roadway and utility improvements proposed by this project concurrent with processing of the parcel map for recordation. (DS)

51. Developer shall remove and reconstruct the existing driveway (serving an existing parking lot) on the north side of Lockwood Street near the southeast corner of proposed parcel 1. The reconstruction shall extend the sidewalk and gutter across the driveway similar to City standard plate 115. The final design shall accommodate the existing drainage pattern and is subject to approval of the Development Services Manager and the adjacent property owner. (DS)

52. Prior to recordation of the parcel map, Developer shall provide evidence of a shared maintenance agreement between the lots created by this map for the private roadway and drainage improvements proposed for construction by this project. Maintenance agreement shall be recorded prior to or concurrent with the parcel map. (DS)

53. Developer shall install fire hydrants along the Lockwood Street frontage of this map in conformance with City design standards and City Fire Marshal direction. (DS)

54. The proposed water main extension shall be designed in conformance with City Water Division standards and shall be dedicated to the City. (DS)

55. Developer shall construct sewer laterals to each proposed parcel concurrent with construction of the sewer main. (DS)

56. Developer shall install LED street lights along the Lockwood Street frontage of the map. The final location and style of lighting to be approved by the City Traffic Engineer and Planning Manager. (TR)

57. Developer shall install “No Parking” signs along the Lockwood Street frontage of the map. The final location of signs to be approved by the City Traffic Engineer. (TR)

58. Developer shall remove the “Not a Through Street” sign at the southeast corner of the Lockwood Street/Williams Drive intersection. (TR)

PLANNING DIVISION STANDARD CONDITIONS

59. An approved tentative map shall expire thirty-six (36) months after its approval, unless an extension is applied for and approved by the City Council pursuant to Section 15-46 of the City’s Subdivisions Code.

60. Before the City issues building permits, Developer shall include a reproduction of all conditions of this permit as adopted by resolution of the Planning Commission and/or the

City Council in all sets of construction documents and specifications for the project. (PL, *PL-3*).

61. During construction, Developer shall water the area to be graded or excavated prior to commencement of grading or excavation operations. Such application of water shall be at least twice per day and shall penetrate sufficiently to minimize fugitive dust during grading activities.

PLANNING DIVISION SPECIAL CONDITIONS

Air Quality

62. Developer shall ensure that all construction equipment is maintained and tuned to recommended manufacture's specifications. (MND, C-1)

63. At all times during construction activities, Developer shall minimize the area disturbed by clearing, grading, earth moving, or excavation operations to prevent excessive amounts of dust. (MND, C-2)

64. During construction, Developer shall water the area to be graded or excavated prior to commencement of grading or excavation operations. Such application of water shall be at least twice per day and shall penetrate sufficiently to minimize fugitive dust during grading activities. (MND, C-3)

65. During construction, Developer shall control dust by the following activities:
    a. All trucks hauling graded or excavated material offsite shall be required to cover their loads as required by California Vehicle Code §23114, with special attention to Sections 23114(b)(F), (e)(2) and (e)(4) as amended, regarding the prevention of such material spilling onto public streets and roads.
    b. All graded and excavated material, exposed soils areas, and active portions of the construction site, including unpaved onsite roadways, shall be treated to prevent fugitive dust. Treatment shall include, but not necessarily be limited to, periodic watering, application of environmentally-safe soil stabilization materials, and/or roll-compaction as appropriate. Watering shall be done as often as necessary and reclaimed water shall be used whenever possible. (MND, C-4)

66. During construction, Developer shall post and maintain onsite signs, in highly visible areas, restricting all vehicular traffic to 15 miles per hour or less. (MND, C-5)

67. During periods of high winds (i.e. wind speed sufficient to cause fugitive dust to impact adjacent properties), Developer shall cease all clearing, grading, earth moving, and excavation operations to prevent fugitive dust from being a nuisance or creating a hazard, either onsite or offsite. (MND, C-6)

68. The Permittee shall comply with the provisions of applicable VCAPCD Rules and Regulations, which include but are not limited to, Rule 50 (Opacity), Rule 51 (Nuisance), Rule 55 (Fugitive Dust), and Rule 55.1 (Removal of Visible Roadway Accumulations). ((MND, C-7)

69. Prior to issuance of demolition permits for any structure on the site, Developer shall provide evidence of notifying the Air Pollution Control District of such demolition. Demolition and/or renovation activities shall be conducted in compliance with APDC regularities regarding Asbestos (Rule 63.7). (MND, C-8)

70. Developer shall mitigate air quality emissions associated with development of the subject site through a contribution to the City's Transportation Demand Management (TDM) program. Such fee shall be calculated at the time of building permit issuance in accordance with the Ventura County Air Quality Assessment Guidelines, as amended. Such fee shall be collected in full prior to building permit issuance. (MND, C-9)

71. Prior to grading permit approval, Developer shall include on the grading plans a reproduction of all conditions of this permit pertaining to dust control requirements. (PL)

Cultural Resources

72. Developer shall contract with a qualified archaeologist to conduct a Phase I cultural resources survey of the project site prior to issuance of any grading permits. The survey shall include: (1) an archaeological and historical records search through the California Historical Resources Information System at CalState Fullerton; and (2) a field inspection of the project site. Upon completion, the Phase I survey report shall be submitted to the Planning Division for compliance verification. A copy of the contract for these services shall be submitted to the Planning Division Manager for review and approval prior to initiation of the Phase I activities.

    The contract shall include provisions in case any cultural resources are discovered onsite. In the event that any historic or prehistoric cultural resources are discovered, work in the vicinity of the find shall be halted immediately. The archaeologist shall evaluate the discovery and determine the necessary mitigations for successful compliance with all applicable regulations. Developer or its successor in interest shall be responsible for paying all salaries, fees and the cost of any future mitigation resulting from the survey. (MND, E-1)

73. Developer shall contract with a Native American monitor to be present during all subsurface grading, trenching or construction activities on the project site. The monitor shall provide a weekly report to the Planning Division summarizing the activities during the reporting period. A copy of the contract for these services shall be submitted to the Planning Division Manager for review and approval prior to issuance of any grading

permits. The monitoring report(s) shall be provided to the Planning Division prior to approval of final building permit signature. (MND, E-2)

FIRE DEPARTMENT CONDITIONS

All listed items shall be included on the plan check notes detailing fire department requirements.

74. Prior to any construction or storage of equipment on the project site, approval for such work shall be obtained from the Fire Code official.

75. Proposed road improvements will need to be approved by the Fire Department and Traffic Division prior to commencing work.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 18th day of July, 2019, by the following vote:

_____ _____
Deidre Frank, Chairman

I hereby certify that the foregoing is a true copy of the Resolution adopted by the Planning Commission of the City of Oxnard at a meeting held this 18th day of July 2019 and carried by the following vote:

AYES: Commissioners:

NOES: Commissioner:

ABSENT: Commissioner:

ATTEST: _____
Isidro Figueroa, Acting Secretary

RESOLUTION NO. NO. 2019-26

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING APPROVAL TO CITY COUNCIL OF PLANNING AND ZONING PERMIT NO. 18-300-10 (TENTATIVE PARCEL MAP), A REQUEST TO SUBDIVIDE AN EXISTING 11.85 ACRE UNDEVELOPED PARCEL INTO (2) TWO PARCELS OF NET SIZE 6.13 AND 4.86 ACRES AND CONSTRUCTION OF THE STREET AND INFRASTRUCTURE IMPROVEMENTS ASSOCIATED WITH THE CONNECTION OF LOCKWOOD STREET, A PRIVATE STREET , SUBJECT TO CERTAIN CONDITIONS. THE PROJECT SITE (A.P.N. 213-0-090-10) IS LOCATED ON THE SOUTH SIDE OF HWY 101 BETWEEN THE WEST AND EAST TERMINUS OF LOCKWOOD STREET. FILED BY DESIGNATED AGENT ERIC WIDMER ON BEHALF OF THE PROPERTY OWNER, SUNBELT ENTERPRISES, LLC, 5715 MESMER AVENUE, LOS ANGELES, CA 90230

WHEREAS, on October 12, 2018, Eric Widmer (the **"Applicant"** and/or **"Developer"** and/or **"Permittee"**) submitted a request to subdivide an undeveloped parcel generally located south of highway 101 between CarMax auto sales lot off of Lockwood Street and The Palms Marketplace Center off of Outlet Center Drive Street (the "**Project"**); and

WHEREAS, said tentative parcel map was referred to various public utility companies and City departments for recommendations, and

WHEREAS, the Planning Commission finds the tentative parcel map conforms to the City's General Plan and elements thereof; and

WHEREAS, the Project was reviewed against the California Environmental Quality Act (CEQA) and found to be exempt from further CEQA review per Section 15315, "Minor Land Divisions"; and

WHEREAS, on July 18, 2019, the Planning Commission of the City of Oxnard (**"Planning Commission"**) considered the Applicant's request to approve Planning and Zoning Permit No. 18-300-10 (Tentative Parcel Map), in accordance with Chapter 15 "Subdivisions" of the Oxnard City Code.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby recommends to the City Council the approval of the tentative parcel map, subject to the following conditions:

CONDITIONS OF APPROVAL

Note: The abbreviations below identify the City department or division responsible for determining compliance with these standard conditions. The first department or division listed has responsibility for compliance at plan check, the second during inspection and the third at final inspection, prior to issuance of a certificate of occupancy, or at a later date, as specified in the condition. If more than one department or division is listed, the first will check the plans or inspect the project before the second confirms compliance with the condition. The italicized code at the end of each condition provides internal information on the source of each condition: Some are standard permit conditions (e.g. *G-1*) while some are taken from environmental documents (e.g. *MND-S2*).

DEPARTMENTS AND DIVISIONS			
CA	City Attorney	PL	Planning Division
DS	Dev Services/Eng Dev/Inspectors	TR	Traffic Division
PD	Police Department	B	Building Plan Checker
SC	Source Control	FD	Fire Department
PK	Landscape Design	CE	Code Compliance

GENERAL PROJECT CONDITIONS

1. This permit is granted for the property described in the application on file with the Planning Division, and may not be transferred from one property to another. (PL, *G-1*).

2. This permit is granted for the plans on file with the Planning Division. The Final Map shall conform to these plans, except as otherwise specified in these conditions, or unless a minor modification to the plans is approved by the Planning Manager or a major modification to the plans is approved by the Planning Commission. A major modification shall be required for substantial changes, including changes to the Project Conditions. (PL, *G-2*)

3. By commencing any activity related to the project or using any structure authorized by this permit, Developer accepts all of the conditions and obligations imposed by this permit and waives any challenge to the validity of the conditions and obligations stated therein. (CA, G-5)

4. Any covenants, conditions, and restrictions (CC&Rs) applicable to the project property shall be consistent with the terms of this permit. If there is a conflict between the CC&Rs and this permit, this permit shall prevail. (CA, *G-7*)

5. Developer shall complete the "Notice of Land Use Restriction and Conditions" form, using the form provided by the City for recording with the Ventura County Recorder. Before the City issues building permits, Developer shall submit the original completed signed and notarized document, together with the required fees to the Planning Manager (PL, G-8)

DEVELOPMENT SERVICES DEPARTMENT STANDARD CONDITIONS

6. Developer shall pay plan check and processing fees in effect at the time of construction plan submittal and shall pay development fees, encroachment permit fees, and other applicable fees in effect at permit issuance. (DS-1)

7. Developer shall have the site improvement plans prepared using standard Development Services Division format(s) by a civil engineer licensed in the State of California. The plans shall incorporate recommendations from soil engineering and geology reports. Prior to issuance of a grading permit, improvement plans must be approved by the City Engineer and ink-on-mylar plans filed with the Development Services Division. (DS-3)

8. Developer shall submit improvement plans and drainage calculations demonstrating that storm drain runoff from the project property and all upstream areas will be safely conveyed to an approved drainage facility. The design and conveyance route shall be compatible with the City's Master Plan of Drainage and shall be approved by the City Engineer prior to approval of improvement plans. (DS-4)

9. Developer shall enter into an agreement, approved as to form by the City Attorney, to install and construct all public improvements required by this permit and by the City Code. Developer shall post security satisfactory to the Finance Director, guaranteeing the installation and construction of all required improvements within the time period specified in the agreement or any approved time extension. (DS-14)

10. A California licensed civil engineer shall prepare the public improvement plans and documents for this project in accordance with City standards and shall submit all such plans to the City Engineer. Submittal shall include, but not necessarily be limited to, grading, street, drainage, sewer, water and other appurtenant improvement plans, construction cost estimates, soils reports, and all pertinent engineering design calculations. City will not approve a parcel map or final map nor issue a grading, site improvement or building permit until the City Engineer has approved all improvement plans. (DS-15)

11. Prior to issuance of a site improvement permit, Developer shall provide to the Development Services Division a compact Disc (CD) containing digital copies of all project maps, address map, and/or civil improvements drawings in DWG format. Prior to improvement bond release, Developer shall provide an updated CD containing all changes that occur during construction. (DS-16)

12. Developer agrees, as a condition of approval of this resolution, to indemnify, defend and hold harmless, at Developer's expense, City and its agents, officers and employees from and against any claim, action or proceeding commenced within the time period provided for in Government Code Section 66499.37, to attack, review, set aside, void or annul the approval of this resolution or to determine the reasonableness, legality or validity of any condition attached thereto. City shall promptly notify Developer of any such claim, action

or proceeding of which City receives notice, and City will cooperate fully with Developer in the defense thereof. Developer shall reimburse City for any court costs and attorney's fees that City may be required to pay as a result of any such claim, action or proceeding. City may, in its sole discretion, participate in the defense of any such claim, action or proceeding, but such participation shall not relieve Developer of the obligations of this condition. Developer's acceptance of this resolution or commencement of construction or operations under this resolution shall be deemed to be acceptance of all conditions thereof. (DS-18)

13. Developer shall provide all necessary easements for streets, highways, alleys, sidewalks, parkways, landscaping, utilities, drainage facilities, or other improvements as required by City. If such easements cannot be obtained from the property owner by negotiation, City may acquire them at the expense of Developer by exercise of the power of eminent domain. Developer shall bear all costs of eminent domain proceedings, including appraisal, acquisition, attorney's fees, and court costs. Before City issues a site improvement permit, Developer shall dedicate all required easements to City. (DS-19)

14. Developer shall remove graffiti from the project, including graffiti on offsite public infrastructure under construction by Developer, within 24 hours of its appearance. If Developer fails to remove graffiti in accordance with this condition, the City may at the discretion of the Development Services Manager issue a stop work order until such time as the graffiti is removed. (DS-20)

15. The conditions of this resolution shall prevail over all omissions, conflicting notations, specifications, dimensions, typical sections, and the like, that may or may not be shown on the improvement plans. (DS-21)

16. Developer shall pay the cost of all inspections of on-site and off-site improvements. (DS-22)

17. Developer shall be responsible for all project-related actions of Developer's employees, contractors, subcontractors, and agents until City accepts the improvements. (DS-23)

18. Prior to beginning construction, Developer shall designate in writing an authorized agent who shall have complete authority to represent and to act for Developer. The authorized agent shall be present at the work site whenever work is in progress. Developer or the authorized agent shall make arrangements acceptable to City for any emergency work. When City gives orders to the authorized agent to do work required for the convenience and safety of the general public because of inclement weather or any other cause, and the orders are not immediately acted upon by the authorized agent, City may do or have such work done by others at Developer's expense. (DS-24)

19. Prior to approval of the final map or parcel map, Developer shall provide the City Engineer with written evidence from the Ventura County Clerk's Office that Developer has executed

and filed with the Clerk all certificates, statements and securities required by Government Code Sections 66492 and 66493. (DS-26)

20. "Standard Specifications for Public Works Construction" latest edition (including modifications thereto by City) and applicable City Standard Plates and Design Criteria shall be the project specifications, except as noted otherwise on the approved improvement plans. City reserves the right to upgrade, add to, or revise these specifications and plans and all other City ordinances, policies, and standards. If the improvements required of this project are not completed within 12 months from the date of City's approval of the improvement plans, Developer shall comply with and conform to any and all upgraded, additional or revised specifications, plans, ordinances, policies and standards. (DS-27)

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26. Prior to issuance of a site improvement permit, Developer shall provide to the City Engineer easements or written consent (as determined appropriate by the Development Services Director) from all affected landowners for any diversion of historical flows or change in drainage conditions caused by the project. (DS-36)

27. Developer shall dispose of sewage and solid waste from the project by City's wastewater and solid waste systems in a manner approved by the City Engineer. (DS-38)

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39. Using forms provided by the Development Services Division, Developer shall submit a stormwater quality control measures maintenance and operations plan ("the Plan") for this project. If the BMPs implemented with this project include proprietary products that require regular replacement and/or cleaning, Developer shall provide proof of a contract with an entity qualified to provide such periodic maintenance. The property owner is responsible for the long-term maintenance and operation of all BMPs included in the project design. Upon request by City, property owner shall provide written proof of ongoing BMP maintenance operations. No grading or building permit shall be issued until the Development Services Manager approves the Plan and Developer provides an executed copy of the City's stormwater covenant with the Plan included as an exhibit for recordation by the City. (DS-82)

40. Developer's stormwater quality control measures maintenance and operations plan shall include: 1) Requirement to clean on-site storm drains at least twice a year; once immediately before the first of October (the beginning of the rainy season) and once in January. The City Engineer may require additional cleaning; 2) Requirement to maintain parking lots free of litter and debris. Developer shall sweep sidewalks, drive aisles, and parking lots regularly to prevent the accumulation of litter and debris. When swept or cleaned, debris must be trapped and collected to prevent entry into the storm drain system. Developer may not discharge any cleaning agent into the storm drain system; 3) Requirement to label all on-site storm drain inlets with the message "Don't Dump - Drains to Ocean" in accordance with City standards. (DS-83)

41. Developer's engineer shall submit written confirmation that the project landscape drawings comply with the landscape requirements of the Technical Guidance Manual for Stormwater Quality Control Measures for all landscape based stormwater quality best management practices. (DS-84)

42. Prior to issuance of a grading, building or demolition permit and prior to commencement of any clearing, grading or excavation, Developer shall provide evidence of assignment of a permit identification number by the California State Water Resources Control Board indicating submittal of a Notice of Intent (NOI) by the Developer in accordance with the NPDES Construction General Permit. Developer shall comply with all requirements of the General Permit and the Ventura Countywide MS4 Permit, including preparation of a Stormwater Pollution Prevention Plan (SWPPP). Developer shall keep the SWPPP updated to reflect current site conditions and a copy of the SWPPP shall be kept onsite and available for City or designated representative to review upon request. (DS-86)

43. Developer shall install 'Full Capture System Devices' ("Devices") certified by the State Water Resources Control Board Executive Director in compliance with the Statewide Trash Amendments ("Amendments") in all catch basins accepting stormwater runoff from any portion of this project that meets the definition of 'Priority Land Use' as defined by the Amendments at the time of issuance of a grading/site improvement permit. The Devices shall be sized and designed in accordance with requirements of the Amendments and the Technical Guidance Manual for Stormwater Quality Control Measures ("TGM"). (DS-88)

DEVELOPMENT SERVICES DIVISION SPECIAL CONDITIONS

44. The roadway improvements to be constructed concurrent with recordation of this parcel map exceed 10,000 square feet of impervious surface area and require implementation of stormwater quality mitigations for "Streets, roads, highways, and freeway construction" in conformance with the Ventura County 2011 Technical Guidance Manual for Stormwater Quality Control Measures ("TGM"). (DS)

45. The percolation tests for this project shall include implementation of the reduction factor specified in the "Guidelines for Design, Investigation, and Reporting for Low Impact Development Stormwater Infiltration" published in the Administrative Manual of the County of Los Angeles Department of Public Works. This reduction factor is in addition to the safety factor specified in the TGM. (DS)

46. Developer's geotechnical engineer shall perform percolation tests on the exposed bottom of all infiltration facilities immediately prior to facility construction and provide the City with a written opinion that the exposed soil layer is suitable for the proposed infiltration facility based on review of the existing geotechnical reports, percolation tests, infiltration facility design, and characteristics of the exposed soil layer. This requirement shall be clearly noted on the improvement plans. The report shall be reviewed and approved by the project civil engineer. (DS)

47. Stormwater runoff from this site shall be limited and on-site detention shall be provided in conformance with the "Agreement for Stormwater Retention within Rice Road Drain Watershed" and the approved drainage report for Tract 4317. The detention basin(s) shall be designed in accordance with Public Works standards and policies. The Developer shall provide a City standard Declaration of Restrictive Covenant for Detention Basin Perpetual Maintenance by the property owner as each lot within this subdivision is developed. (DS)

48. Developer shall clearly note future stormwater detention requirements on the grading and storm drain improvement plans associated with the subdivision. (DS)

49. Developer shall construct de-silting basins that treat the stormwater runoff from the disturbed areas (graded areas) of the site prior to discharge into the underground storm drain system. De-silting basin design shall meet or exceed the California Stormwater Quality Association (CASQA) sediment basin and sediment trap design standards and are subject to approval of

the Development Services Manager. (DS)

50. Developer shall obtain construction plan approval and issuance of a construction permit for the roadway and utility improvements proposed by this project concurrent with processing of the parcel map for recordation. (DS)

51. Developer shall remove and reconstruct the existing driveway (serving an existing parking lot) on the north side of Lockwood Street near the southeast corner of proposed parcel 1. The reconstruction shall extend the sidewalk and gutter across the driveway similar to City standard plate 115. The final design shall accommodate the existing drainage pattern and is subject to approval of the Development Services Manager and the adjacent property owner. (DS)

52. Prior to recordation of the parcel map, Developer shall provide evidence of a shared maintenance agreement between the lots created by this map for the private roadway and drainage improvements proposed for construction by this project. Maintenance agreement shall be recorded prior to or concurrent with the parcel map. (DS)

53. Developer shall install fire hydrants along the Lockwood Street frontage of this map in conformance with City design standards and City Fire Marshal direction. (DS)

54. The proposed water main extension shall be designed in conformance with City Water Division standards and shall be dedicated to the City. (DS)

55. Developer shall construct sewer laterals to each proposed parcel concurrent with construction of the sewer main. (DS)

56. Developer shall install LED street lights along the Lockwood Street frontage of the map. The final location and style of lighting to be approved by the City Traffic Engineer and Planning Manager. (TR)

57. Developer shall install "No Parking" signs along the Lockwood Street frontage of the map. The final location of signs to be approved by the City Traffic Engineer. (TR)

58. Developer shall remove the "Not a Through Street" sign at the southeast corner of the Lockwood Street/Williams Drive intersection. (TR)

PLANNING DIVISION STANDARD CONDITIONS

59. An approved tentative map shall expire thirty-six (36) months after its approval, unless an extension is applied for and approved by the City Council pursuant to Section 15-46 of the City's Subdivisions Code.

60. Before the City issues building permits, Developer shall include a reproduction of all conditions of this permit as adopted by resolution of the Planning Commission and/or the City Council in all sets of construction documents and specifications for the project. (PL, *PL-3*).

61. During construction, Developer shall water the area to be graded or excavated prior to commencement of grading or excavation operations. Such application of water shall be at least twice per day and shall penetrate sufficiently to minimize fugitive dust during grading activities.

PLANNING DIVISION SPECIAL CONDITIONS

Air Quality

62. Developer shall ensure that all construction equipment is maintained and tuned to recommended manufacture's specifications. (MND, C-1)

63. At all times during construction activities, Developer shall minimize the area disturbed by clearing, grading, earth moving, or excavation operations to prevent excessive amounts of dust. (MND, C-2)

64. During construction, Developer shall water the area to be graded or excavated prior to commencement of grading or excavation operations. Such application of water shall be at least twice per day and shall penetrate sufficiently to minimize fugitive dust during grading activities. (MND, C-3)

65. During construction, Developer shall control dust by the following activities:
    a. All trucks hauling graded or excavated material offsite shall be required to cover their loads as required by California Vehicle Code §23114, with special attention to Sections 23114(b)(F), (e)(2) and (e)(4) as amended, regarding the prevention of such material spilling onto public streets and roads.
    b. All graded and excavated material, exposed soils areas, and active portions of the construction site, including unpaved onsite roadways, shall be treated to prevent fugitive dust. Treatment shall include, but not necessarily be limited to, periodic watering, application of environmentally-safe soil stabilization materials, and/or roll-compaction as appropriate. Watering shall be done as often as necessary and reclaimed water shall be used whenever possible. (MND, C-4)

66. During construction, Developer shall post and maintain onsite signs, in highly visible areas, restricting all vehicular traffic to 15 miles per hour or less. (MND, C-5)

67. During periods of high winds (i.e. wind speed sufficient to cause fugitive dust to impact adjacent properties), Developer shall cease all clearing, grading, earth moving, and

excavation operations to prevent fugitive dust from being a nuisance or creating a hazard, either onsite or offsite. (MND, C-6)

68. The Permittee shall comply with the provisions of applicable VCAPCD Rules and Regulations, which include but are not limited to, Rule 50 (Opacity), Rule 51 (Nuisance), Rule 55 (Fugitive Dust), and Rule 55.1 (Removal of Visible Roadway Accumulations). ((MND, C-7)

69. Prior to issuance of demolition permits for any structure on the site, Developer shall provide evidence of notifying the Air Pollution Control District of such demolition. Demolition and/or renovation activities shall be conducted in compliance with APDC regularities regarding Asbestos (Rule 63.7). (MND, C-8)

70. Developer shall mitigate air quality emissions associated with development of the subject site through a contribution to the City's Transportation Demand Management (TDM) program. Such fee shall be calculated at the time of building permit issuance in accordance with the Ventura County Air Quality Assessment Guidelines, as amended. Such fee shall be collected in full prior to building permit issuance. (MND, C-9)

71. Prior to grading permit approval, Developer shall include on the grading plans a reproduction of all conditions of this permit pertaining to dust control requirements. (PL)

Cultural Resources

72. Developer shall contract with a qualified archaeologist to conduct a Phase I cultural resources survey of the project site prior to issuance of any grading permits. The survey shall include: (1) an archaeological and historical records search through the California Historical Resources Information System at CalState Fullerton; and (2) a field inspection of the project site. Upon completion, the Phase I survey report shall be submitted to the Planning Division for compliance verification. A copy of the contract for these services shall be submitted to the Planning Division Manager for review and approval prior to initiation of the Phase I activities.

    The contract shall include provisions in case any cultural resources are discovered onsite. In the event that any historic or prehistoric cultural resources are discovered, work in the vicinity of the find shall be halted immediately. The archaeologist shall evaluate the discovery and determine the necessary mitigations for successful compliance with all applicable regulations. Developer or its successor in interest shall be responsible for paying all salaries, fees and the cost of any future mitigation resulting from the survey. (MND, E-1)

73. Developer shall contract with a Native American monitor to be present during all subsurface grading, trenching or construction activities on the project site. The monitor shall provide a weekly report to the Planning Division summarizing the activities during

the reporting period. A copy of the contract for these services shall be submitted to the Planning Division Manager for review and approval prior to issuance of any grading permits. The monitoring report(s) shall be provided to the Planning Division prior to approval of final building permit signature. (MND, E-2)

FIRE DEPARTMENT CONDITIONS

All listed items shall be included on the plan check notes detailing fire department requirements.

74. Prior to any construction or storage of equipment on the project site, approval for such work shall be obtained from the Fire Code official.

75. Proposed road improvements will need to be approved by the Fire Department and Traffic Division prior to commencing work.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 18th day of July, 2019:

Deidre Frank, Chairman

I hereby certify that the foregoing is a true copy of the Resolution adopted by the Planning Commission of the City of Oxnard at a meeting held this 18th day of July 2019 and carried by the following vote:

AYES: Commissioners: Meyer, Sanchez, Dozier, Vice Chair Chua, Chair Frank

NOES: Commissioner:

ABSENT: Commissioner: Huber, Fuhring

ATTEST: _____
Jeff Lambert, AICP, Acting Secretary

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 18-300-10, A REQUEST TO SUBDIVIDE AN EXISTING UNDEVELOPED 11.85 ACRE PARCEL LOCATED ON THE SOUTH SIDE OF HIGHWAY 101 BETWEEN THE WEST AND EAST TERMINUS OF LOCKWOOD STREET, A.P.N. 213-0-090-10, INTO TWO LOTS OF SIZES 4.86 AND 6.13 NET ACRES AND CONSTRUCT THE CONNECTION OF LOCKWOOD STREET WITH ASSOCIATED INFRASTRUCTURE IMPROVEMENTS. FILED BY DESIGNATED AGENT ERIC WIDMER OF PEAK SURVEYS, INC. ON BEHALF OF THE PROPERTY OWNER, SUNBELT ENTERPRISES, LLC, 5715 MESMER AVENUE, LOS ANGELES, CA 90230.

WHEREAS, on October 12, 2018, Eric Widmer, (the **"Applicant"**), submitted a request to subdivide an existing 11.85 acre undeveloped parcel located on the south side of Highway 101 between the West and East terminus of Lockwood Street also known as APN 213-0-090-10; and

WHEREAS, said request was reviewed by City staff, including the Development Advisory Committee for recommendations, and referred to various public utility companies in accordance with the Subdivision Map Act; and

WHEREAS, on September 17, 2019, the City Council of the City of Oxnard ("**City Council")** carefully reviewed the Planning Commission action taken on July 18, 2019 recommending approval thereof, subject to certain conditions, and the staff report for the subject matter; and

WHEREAS, on September 17, 2019, the City Council of the City of Oxnard (**"City Council"**) conducted a duly noticed public hearing to consider the Applicant's request to approve Planning and Zoning Permit No. 18-300-10 (Tentative Parcel Map), to subdivide an existing undeveloped parcel into two lots and construct the street connection of Lockwood Street along with necessary infrastructure improvements (the "**Project**") in accordance with Chapter 15 "Subdivisions" of the City Code; and

WHEREAS, at the September 17, 2019 public hearing, the City Council received and considered all written and oral public testimony and evidence related to the proposed Project; and

WHEREAS, the Planning and Environmental Services Division has completed an environmental assessment of the Project in accordance with the California Environmental Quality Act (CEQA) and found the Project is exempt from further CEQA review per Section 15315, Class 15; and

WHEREAS, the City Council finds that the Project complies with the Subdivision Map Act, Chapters 15 "Subdivision Ordinance" and 16 "Zoning Ordinance" of the Oxnard City Code, and the General Plan.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Oxnard hereby approves the Project, subject to the following conditions:

Resolution No. XXX
PZ 18-300-10 (TPM)
City Council Meeting of September 17, 2019

CONDITIONS OF APPROVAL

Note: The abbreviations below identify the City department or division responsible for determining compliance with these standard conditions. The first department or division listed has responsibility for compliance at plan check, the second during inspection and the third at final inspection, prior to issuance of a certificate of occupancy, or at a later date, as specified in the condition. If more than one department or division is listed, the first will check the plans or inspect the project before the second confirms compliance with the condition. The italicized code at the end of each condition provides internal information on the source of each condition: Some are standard permit conditions (e.g. *G-1*) while some are taken from environmental documents (e.g. *MND-S2*).

DEPARTMENTS AND DIVISIONS			
CA	City Attorney	PL	Planning Division
DS	Dev Services/Eng Dev/Inspectors	TR	Traffic Division
PD	Police Department	B	Building Plan Checker
SC	Source Control	FD	Fire Department
PK	Landscape Design	CE	Code Compliance

GENERAL PROJECT CONDITIONS

1. This permit is granted for the property described in the application on file with the Planning Division, and may not be transferred from one property to another. (PL, *G-1*).

2. This permit is granted for the plans on file with the Planning Division. The Final Map shall conform to these plans, except as otherwise specified in these conditions, or unless a minor modification to the plans is approved by the Planning Manager or a major modification to the plans is approved by the Planning Commission. A major modification shall be required for substantial changes, including changes to the Project Conditions. (PL, *G-2*)
100.
3. By commencing any activity related to the project or using any structure authorized by this permit, Developer accepts all of the conditions and obligations imposed by this permit and waives any challenge to the validity of the conditions and obligations stated therein. (CA, G-5)

4. Any covenants, conditions, and restrictions (CC&Rs) applicable to the project property shall be consistent with the terms of this permit. If there is a conflict between the CC&Rs and this permit, this permit shall prevail. (CA, *G-7*)

5. Developer shall complete the "Notice of Land Use Restriction and Conditions" form, using the form provided by the City for recording with the Ventura County Recorder. Before the City issues building permits, Developer shall submit the original completed signed and notarized document, together with the required fees to the Planning Manager (PL, G-8)

DEVELOPMENT SERVICES DEPARTMENT STANDARD CONDITIONS

6. Developer shall pay plan check and processing fees in effect at the time of construction plan submittal and shall pay development fees, encroachment permit fees, and other applicable fees in effect at permit issuance. (DS-1)

7. Developer shall have the site improvement plans prepared using standard Development Services Division format(s) by a civil engineer licensed in the State of California. The plans shall incorporate recommendations from soil engineering and geology reports. Prior to issuance of a grading permit, improvement plans must be approved by the City Engineer and ink-on-mylar plans filed with the Development Services Division. (DS-3)

8. Developer shall submit improvement plans and drainage calculations demonstrating that storm drain runoff from the project property and all upstream areas will be safely conveyed to an approved drainage facility. The design and conveyance route shall be compatible with the City's Master Plan of Drainage and shall be approved by the City Engineer prior to approval of improvement plans. (DS-4)

9. Developer shall enter into an agreement, approved as to form by the City Attorney, to install and construct all public improvements required by this permit and by the City Code. Developer shall post security satisfactory to the Finance Director, guaranteeing the installation and construction of all required improvements within the time period specified in the agreement or any approved time extension. (DS-14)

10. A California licensed civil engineer shall prepare the public improvement plans and documents for this project in accordance with City standards and shall submit all such plans to the City Engineer. Submittal shall include, but not necessarily be limited to, grading, street, drainage, sewer, water and other appurtenant improvement plans, construction cost estimates, soils reports, and all pertinent engineering design calculations. City will not approve a parcel map or final map nor issue a grading, site improvement or building permit until the City Engineer has approved all improvement plans. (DS-15)

11. Prior to issuance of a site improvement permit, Developer shall provide to the Development Services Division a compact Disc (CD) containing digital copies of all project maps, address map, and/or civil improvements drawings in DWG format. Prior to improvement bond release, Developer shall provide an updated CD containing all changes that occur during construction. (DS-16)

12. Developer agrees, as a condition of approval of this resolution, to indemnify, defend and hold harmless, at Developer's expense, City and its agents, officers and employees from and against any claim, action or proceeding commenced within the time period provided for in Government Code Section 66499.37, to attack, review, set aside, void or annul the approval of this resolution or to determine the reasonableness, legality or validity of any condition attached thereto. City shall promptly notify Developer of any such claim, action or proceeding of which City receives notice, and City will cooperate fully with Developer in the defense thereof. Developer shall reimburse City for any court costs and attorney's fees that City may be required to pay as a result of any such claim, action or proceeding. City

may, in its sole discretion, participate in the defense of any such claim, action or proceeding, but such participation shall not relieve Developer of the obligations of this condition. Developer's acceptance of this resolution or commencement of construction or operations under this resolution shall be deemed to be acceptance of all conditions thereof. (DS-18)

13. Developer shall provide all necessary easements for streets, highways, alleys, sidewalks, parkways, landscaping, utilities, drainage facilities, or other improvements as required by City. If such easements cannot be obtained from the property owner by negotiation, City may acquire them at the expense of Developer by exercise of the power of eminent domain. Developer shall bear all costs of eminent domain proceedings, including appraisal, acquisition, attorney's fees, and court costs. Before City issues a site improvement permit, Developer shall dedicate all required easements to City. (DS-19)

14. Developer shall remove graffiti from the project, including graffiti on offsite public infrastructure under construction by Developer, within 24 hours of its appearance. If Developer fails to remove graffiti in accordance with this condition, the City may at the discretion of the Development Services Manager issue a stop work order until such time as the graffiti is removed. (DS-20)

15. The conditions of this resolution shall prevail over all omissions, conflicting notations, specifications, dimensions, typical sections, and the like, that may or may not be shown on the improvement plans. (DS-21)

16. Developer shall pay the cost of all inspections of on-site and off-site improvements. (DS-22)

17. Developer shall be responsible for all project-related actions of Developer's employees, contractors, subcontractors, and agents until City accepts the improvements. (DS-23)

18. Prior to beginning construction, Developer shall designate in writing an authorized agent who shall have complete authority to represent and to act for Developer. The authorized agent shall be present at the work site whenever work is in progress. Developer or the authorized agent shall make arrangements acceptable to City for any emergency work. When City gives orders to the authorized agent to do work required for the convenience and safety of the general public because of inclement weather or any other cause, and the orders are not immediately acted upon by the authorized agent, City may do or have such work done by others at Developer's expense. (DS-24)

19. Prior to approval of the final map or parcel map, Developer shall provide the City Engineer with written evidence from the Ventura County Clerk's Office that Developer has executed and filed with the Clerk all certificates, statements and securities required by Government Code Sections 66492 and 66493. (DS-26)

20. "Standard Specifications for Public Works Construction" latest edition (including modifications thereto by City) and applicable City Standard Plates and Design Criteria shall be the project specifications, except as noted otherwise on the approved improvement plans. City reserves the right to upgrade, add to, or revise these specifications and plans and all other City ordinances, policies, and standards. If the improvements required of this project

are not completed within 12 months from the date of City's approval of the improvement plans, Developer shall comply with and conform to any and all upgraded, additional or revised specifications, plans, ordinances, policies and standards. (DS-27)

21. Developer shall retain a California licensed Civil Engineer to ensure that the construction work conforms to the approved improvement plans and specifications and to provide certified "as-built" plans after project completion. Developer's submittal of certified "as-built" plans is a condition of City's final acceptance of the project and release of any associated security. (DS-29)

22. All grading shall conform to City's standard grading notes, City Code, and recommendations of Developer's soils engineer as approved by the City Engineer. (DS-30)

23. Developer shall construct sufficient drainage facilities concurrent with rough grading operations to mitigate any potential flooding or erosion affecting adjacent properties and public rights-of-way. (DS-31)

24. Developer shall design all slopes steeper than 5 (horizontal) to 1 (vertical) with a minimum 18 inch wide level area (at both top and bottom of slope) where it adjoins a wall, fence, sidewalk, trail, curb or similar improvement. (DS-32)

25. Storm drain, sewer and water facilities shall conform to applicable City Master Plans. Developer shall prepare plans for these facilities in accordance with City's engineering design criteria in effect at the time of improvement plan submittal. Developer shall submit plans with pertinent engineering analyses and design calculations for review and approval by the City Engineer prior to issuance of a site improvement permit. (DS-34)

26. Prior to issuance of a site improvement permit, Developer shall provide to the City Engineer easements or written consent (as determined appropriate by the Development Services Director) from all affected landowners for any diversion of historical flows or change in drainage conditions caused by the project. (DS-36)

27. Developer shall dispose of sewage and solid waste from the project by City's wastewater and solid waste systems in a manner approved by the City Engineer. (DS-38)

28. Developer shall dedicate to the City all water rights for the project property by title sheet dedication on the final map or parcel map. (DS-39)

29. Developer shall install water mains, fire hydrants and water services in conformance with City standard plates, design criteria and specifications as directed by the City Engineer. (DS-41)

30. Street and road improvements shall conform to City standard plates, design criteria and policies. Improvements shall include upgrading of existing pavement along the project frontage to City standards by removing and replacing or overlaying, as directed by the City Engineer. (DS-51)

31. Developer shall improve all streets, alleys, sidewalks, curbs, and gutters adjacent to the project in accordance with City standards, as necessary to provide safe vertical and horizontal transitions. (DS-52)

32. Developer shall provide soils reports, "R" value tests, and compaction tests for all streets. Determination of the actual structural sections shall be based on City's design procedure, "R" value tests of in-place soils, and approved traffic indices. (DS-53)

33. Developer shall install all water, gas, sewer, storm drain, electrical, cable television, and telephone lines before any paving is placed. (DS-54)

34. Prior to release of the final map or parcel map for recordation, Developer shall post security satisfactory to the City Attorney guaranteeing that all survey monuments will be set as required by the Government Code and the City Code. (DS-57)

35. Developer shall submit a street lighting plan as a part of the civil improvement plans. Developer shall install streetlights in accordance with the plan. (DS-60)

36. Developer shall be responsible for and bear the cost of replacement of all existing survey monumentation (e.g., property corners) disturbed or destroyed during construction, and shall file appropriate records with the Ventura County Surveyor's Office. (DS-64)

37. Developer shall design project to minimize degradation of stormwater quality by complying with the applicable sections of the Los Angeles Regional Water Quality Control Board's municipal separate storm sewer system ("MS4") permit (Order R4-2010-0108 including all revisions) for new development and redevelopment projects. Developer shall submit stormwater quality calculations and associated construction plans demonstrating compliance with the MS4 permit. Calculations shall generally be organized to follow the steps outlined in Chapter 2 of the 2011 Technical Guidance Manual for Stormwater Control Measures ("2011 TGM"). (DS-78)

38. Developer's stormwater quality calculations shall include site specific analysis and recommendations from a geotechnical engineer, and if applicable, a landscape architect for design and implementation of stormwater treatment and infiltration devices. Geotechnical Engineering analysis and recommendations shall include, but not necessarily be limited to, determination of site specific soil infiltration rates, depth to permeable soil layers, methods to reach permeable soil layers, appropriate compaction rates, recommendations to enhance infiltration, and other requirements of the 2011 TGM. Landscape architectural recommendations shall include, but not necessarily be limited to, suggestions regarding appropriate vegetation and soil amendments for vegetated infiltration devices. Project plans shall implement approved design recommendations. (DS-81)

39. Using forms provided by the Development Services Division, Developer shall submit a stormwater quality control measures maintenance and operations plan ("the Plan") for this project. If the BMPs implemented with this project include proprietary products that require regular replacement and/or cleaning, Developer shall provide proof of a contract with an entity qualified to provide such periodic maintenance. The property owner is responsible for

the long-term maintenance and operation of all BMPs included in the project design. Upon request by City, property owner shall provide written proof of ongoing BMP maintenance operations. No grading or building permit shall be issued until the Development Services Manager approves the Plan and Developer provides an executed copy of the City's stormwater covenant with the Plan included as an exhibit for recordation by the City. (DS-82)

40. Developer's stormwater quality control measures maintenance and operations plan shall include: 1) Requirement to clean on-site storm drains at least twice a year; once immediately before the first of October (the beginning of the rainy season) and once in January. The City Engineer may require additional cleaning; 2) Requirement to maintain parking lots free of litter and debris. Developer shall sweep sidewalks, drive aisles, and parking lots regularly to prevent the accumulation of litter and debris. When swept or cleaned, debris must be trapped and collected to prevent entry into the storm drain system. Developer may not discharge any cleaning agent into the storm drain system; 3) Requirement to label all on-site storm drain inlets with the message "Don't Dump - Drains to Ocean" in accordance with City standards. (DS-83)

41. Developer's engineer shall submit written confirmation that the project landscape drawings comply with the landscape requirements of the Technical Guidance Manual for Stormwater Quality Control Measures for all landscape based stormwater quality best management practices. (DS-84)

42. Prior to issuance of a grading, building or demolition permit and prior to commencement of any clearing, grading or excavation, Developer shall provide evidence of assignment of a permit identification number by the California State Water Resources Control Board indicating submittal of a Notice of Intent (NOI) by the Developer in accordance with the NPDES Construction General Permit. Developer shall comply with all requirements of the General Permit and the Ventura Countywide MS4 Permit, including preparation of a Stormwater Pollution Prevention Plan (SWPPP). Developer shall keep the SWPPP updated to reflect current site conditions and a copy of the SWPPP shall be kept onsite and available for City or designated representative to review upon request. (DS-86)

43. Developer shall install 'Full Capture System Devices' ("Devices") certified by the State Water Resources Control Board Executive Director in compliance with the Statewide Trash Amendments ("Amendments") in all catch basins accepting stormwater runoff from any portion of this project that meets the definition of 'Priority Land Use' as defined by the Amendments at the time of issuance of a grading/site improvement permit. The Devices shall be sized and designed in accordance with requirements of the Amendments and the Technical Guidance Manual for Stormwater Quality Control Measures ("TGM"). (DS-88)

DEVELOPMENT SERVICES DIVISION SPECIAL CONDITIONS

44. The roadway improvements to be constructed concurrent with recordation of this parcel map

exceed 10,000 square feet of impervious surface area and require implementation of stormwater quality mitigations for "Streets, roads, highways, and freeway construction" in conformance with the Ventura County 2011 Technical Guidance Manual for Stormwater Quality Control Measures ("TGM"). (DS)

45. The percolation tests for this project shall include implementation of the reduction factor specified in the "Guidelines for Design, Investigation, and Reporting for Low Impact Development Stormwater Infiltration" published in the Administrative Manual of the County of Los Angeles Department of Public Works. This reduction factor is in addition to the safety factor specified in the TGM. (DS)

46. Developer's geotechnical engineer shall perform percolation tests on the exposed bottom of all infiltration facilities immediately prior to facility construction and provide the City with a written opinion that the exposed soil layer is suitable for the proposed infiltration facility based on review of the existing geotechnical reports, percolation tests, infiltration facility design, and characteristics of the exposed soil layer. This requirement shall be clearly noted on the improvement plans. The report shall be reviewed and approved by the project civil engineer. (DS)

47. Stormwater runoff from this site shall be limited and on-site detention shall be provided in conformance with the "Agreement for Stormwater Retention within Rice Road Drain Watershed" and the approved drainage report for Tract 4317. The detention basin(s) shall be designed in accordance with Public Works standards and policies. The Developer shall provide a City standard Declaration of Restrictive Covenant for Detention Basin Perpetual Maintenance by the property owner as each lot within this subdivision is developed. (DS)

48. Developer shall clearly note future stormwater detention requirements on the grading and storm drain improvement plans associated with the subdivision. (DS)

49. Developer shall construct de-silting basins that treat the stormwater runoff from the disturbed areas (graded areas) of the site prior to discharge into the underground storm drain system. De-silting basin design shall meet or exceed the California Stormwater Quality Association (CASQA) sediment basin and sediment trap design standards and are subject to approval of the Development Services Manager. (DS)

50. Developer shall obtain construction plan approval and issuance of a construction permit for the roadway and utility improvements proposed by this project concurrent with processing of the parcel map for recordation. (DS)

51. Developer shall remove and reconstruct the existing driveway (serving an existing parking lot) on the north side of Lockwood Street near the southeast corner of proposed parcel 1. The reconstruction shall extend the sidewalk and gutter across the driveway similar to City standard plate 115. The final design shall accommodate the existing drainage pattern and is subject to approval of the Development Services Manager and the adjacent property owner. (DS)

52. Prior to recordation of the parcel map, Developer shall provide evidence of a shared

maintenance agreement between the lots created by this map for the private roadway and drainage improvements proposed for construction by this project. Maintenance agreement shall be recorded prior to or concurrent with the parcel map. (DS)

53. Developer shall install fire hydrants along the Lockwood Street frontage of this map in conformance with City design standards and City Fire Marshal direction. (DS)

54. The proposed water main extension shall be designed in conformance with City Water Division standards and shall be dedicated to the City. (DS)

55. Developer shall construct sewer laterals to each proposed parcel concurrent with construction of the sewer main. (DS)

56. Developer shall install LED street lights along the Lockwood Street frontage of the map. The final location and style of lighting to be approved by the City Traffic Engineer and Planning Manager. (TR)

57. Developer shall install "No Parking" signs along the Lockwood Street frontage of the map. The final location of signs to be approved by the City Traffic Engineer. (TR)

58. Developer shall remove the "Not a Through Street" sign at the southeast corner of the Lockwood Street/Williams Drive intersection. (TR)

PLANNING DIVISION STANDARD CONDITIONS

59. An approved tentative map shall expire thirty-six (36) months after its approval, unless an extension is applied for and approved by the City Council pursuant to Section 15-46 of the City's Subdivisions Code.
101.

60. Before the City issues building permits, Developer shall include a reproduction of all conditions of this permit as adopted by resolution of the Planning Commission and/or the City Council in all sets of construction documents and specifications for the project. (PL, *PL-3*).

61. During construction, Developer shall water the area to be graded or excavated prior to commencement of grading or excavation operations. Such application of water shall be at least twice per day and shall penetrate sufficiently to minimize fugitive dust during grading activities.

PLANNING DIVISION SPECIAL CONDITIONS

Air Quality

62. Developer shall ensure that all construction equipment is maintained and tuned to recommended manufacture's specifications. (MND, C-1)

63. At all times during construction activities, Developer shall minimize the area disturbed by clearing, grading, earth moving, or excavation operations to prevent excessive amounts of dust. (MND, C-2)

64. During construction, Developer shall water the area to be graded or excavated prior to commencement of grading or excavation operations. Such application of water shall be at least twice per day and shall penetrate sufficiently to minimize fugitive dust during grading activities. (MND, C-3)

65. During construction, Developer shall control dust by the following activities:
    a. All trucks hauling graded or excavated material offsite shall be required to cover their loads as required by California Vehicle Code §23114, with special attention to Sections 23114(b)(F), (e)(2) and (e)(4) as amended, regarding the prevention of such material spilling onto public streets and roads.
    b. All graded and excavated material, exposed soils areas, and active portions of the construction site, including unpaved onsite roadways, shall be treated to prevent fugitive dust. Treatment shall include, but not necessarily be limited to, periodic watering, application of environmentally-safe soil stabilization materials, and/or roll-compaction as appropriate. Watering shall be done as often as necessary and reclaimed water shall be used whenever possible. (MND, C-4)

66. During construction, Developer shall post and maintain onsite signs, in highly visible areas, restricting all vehicular traffic to 15 miles per hour or less. (MND, C-5)

67. During periods of high winds (i.e. wind speed sufficient to cause fugitive dust to impact adjacent properties), Developer shall cease all clearing, grading, earth moving, and excavation operations to prevent fugitive dust from being a nuisance or creating a hazard, either onsite or offsite. (MND, C-6)

68. The Permittee shall comply with the provisions of applicable VCAPCD Rules and Regulations, which include but are not limited to, Rule 50 (Opacity), Rule 51 (Nuisance), Rule 55 (Fugitive Dust), and Rule 55.1 (Removal of Visible Roadway Accumulations). ((MND, C-7)

69. Prior to issuance of demolition permits for any structure on the site, Developer shall provide evidence of notifying the Air Pollution Control District of such demolition. Demolition and/or renovation activities shall be conducted in compliance with APDC regularities regarding Asbestos (Rule 63.7). (MND, C-8)

70. Developer shall mitigate air quality emissions associated with development of the subject site through a contribution to the City's Transportation Demand Management (TDM) program. Such fee shall be calculated at the time of building permit issuance in accordance

with the Ventura County Air Quality Assessment Guidelines, as amended. Such fee shall be collected in full prior to building permit issuance. (MND, C-9)

71. Prior to grading permit approval, Developer shall include on the grading plans a reproduction of all conditions of this permit pertaining to dust control requirements. (PL)

Cultural Resources

72. Developer shall contract with a qualified archaeologist to conduct a Phase I cultural resources survey of the project site prior to issuance of any grading permits. The survey shall include: (1) an archaeological and historical records search through the California Historical Resources Information System at CalState Fullerton; and (2) a field inspection of the project site. Upon completion, the Phase I survey report shall be submitted to the Planning Division for compliance verification. A copy of the contract for these services shall be submitted to the Planning Division Manager for review and approval prior to initiation of the Phase I activities.

    The contract shall include provisions in case any cultural resources are discovered onsite. In the event that any historic or prehistoric cultural resources are discovered, work in the vicinity of the find shall be halted immediately. The archaeologist shall evaluate the discovery and determine the necessary mitigations for successful compliance with all applicable regulations. Developer or its successor in interest shall be responsible for paying all salaries, fees and the cost of any future mitigation resulting from the survey. (MND, E-1)

73. Developer shall contract with a Native American monitor to be present during all subsurface grading, trenching or construction activities on the project site. The monitor shall provide a weekly report to the Planning Division summarizing the activities during the reporting period. A copy of the contract for these services shall be submitted to the Planning Division Manager for review and approval prior to issuance of any grading permits. The monitoring report(s) shall be provided to the Planning Division prior to approval of final building permit signature. (MND, E-2)

FIRE DEPARTMENT CONDITIONS
All listed items shall be included on the plan check notes detailing fire department requirements.

74. Prior to any construction or storage of equipment on the project site, approval for such work shall be obtained from the Fire Code official.

75. Proposed road improvements will need to be approved by the Fire Department and Traffic Division prior to commencing work.

PASSED AND ADOPTED THIS 17th day of September, 2019 by the following vote:

AYES:

Resolution No. XXX
PZ 18-300-10 (TPM)
City Council Meeting of September 17, 2019

NOES:

ABSENT:

ABSTAIN:

_____
Tim Flynn, Mayor

ATTEST:

_____
Michelle Ascencion, City Clerk

APPROVED AS TO FORM:

_____
Stephen Fischer, City Attorney

Tentative Parcel Map Planning & Zoning Permit No. 18-300-10

Located on the South Side of Highway 101 between the West and East Terminus of Lockwood Street

Jeffrey Lambert, Community Development Director
Veronica Ortiz-De Anda, Contract Planner

City Council Meeting
September 17, 2019

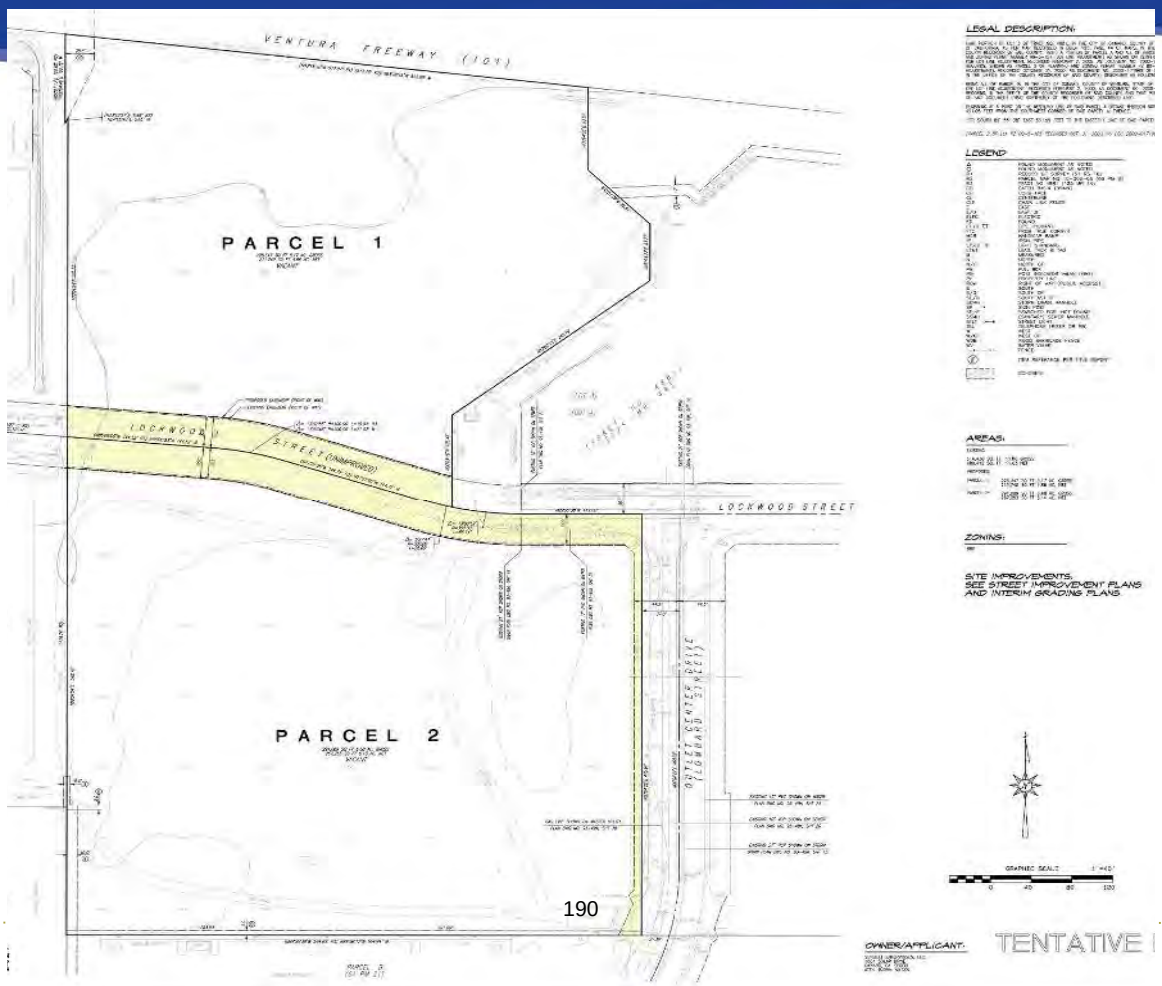
CITY OF OXNARD CALIFORNIA

Description

- Subdivide an existing undeveloped 11.85 acre parcel into two lots:
  - 6.13 acres
  - 4.86 acres
- Construction of private street to connect Lockwood Streets
- Associated infrastructure includes
  - curb, gutter, sidewalk and parkway
  - bioretention areas
  - street lights
- Development of the individual lots is not proposed at this time.

Aerial Map

Parcel Map



Zoning Conformity

- **Compliance with BRP zone lot standards:**

ZONE STANDARD	PROPOSED FOR PARCEL 1	PROPOSED FOR PARCEL 2
MINIMUM LOT SIZE 20,000 SQUARE FEET	211,740 SQFT (4.86 ACRES NET) ✔	267,253 SQFT (6.13 ACRES NET) ✔
MINIMUM LOT DEPTH 150 FEET	over 300 FEET ✔	over 300 FEET ✔
MINIMUM LOT WIDTH 100 FEET INTERIOR LOTS 150 FEET CORNER LOTS	over 300 FEET ✔	over 300 FEET ✔

Environmental Analysis

- Exempt from California Environmental Quality Act / Section 15315, Class 15.
- Project is a land division for four or fewer parcels.

Community Outreach

- A Community Workshop was not held for this project because the site is not within a neighborhood.
- Proper notice was completed for the Planning Commission hearing held on July 18, 2019.
- To date no inquiries or comments have been received by staff.

Planning Commission Action

- On July 18, 2019 Planning Commission approved 5-0 with two Commissioners absent.
- At the hearing no members from the public spoke in favor or against the project.

Staff Recommendation

- Adopt a resolution approving Planning & Zoning Permit No. 18-300-10 (Tentative Parcel Map), subject to certain findings and conditions.

CITY OF OXNARD CALIFORNIA

Discussion

CITY OF OXNARD CALIFORNIA

CITY COUNCIL AGENDA REPORT

PUBLIC HEARINGS
AGENDA ITEM NO. L.3.

DATE: September 17, 2019

TO: City Council

FROM: Jeffrey Lambert, Community Development Director, (805) 385-7882, jeffrey.lambert@oxnard.org

SUBJECT: Planning & Zoning Permit No. 19-580-03 (Zoning Text Amendment - ZTA) – Amendment to Ordinance No. 2960 - Chapters 11 and 16 of the Oxnard City Code (OCC) Pertaining to Buffer Requirements and Approval Authority for Manufacturing, Testing, and Distribution of Cannabis. (15/15/15)

RECOMMENDATION

That the City Council approve the first reading by title only of an amendment to Ordinance No. 2960 to Chapters 11 and 16 of the Oxnard City Code pertaining to siting and permitting of manufacturing, testing, and distribution of cannabis.

BACKGROUND

On June 18, 2019 City Council adopted Ordinance No. 2960 establishing regulations for the Manufacturing, Testing, and Distribution of Cannabis. These regulations are contained in Chapters 11 (Permits) and 16 (Zoning) of the Oxnard City Code. Ordinance No. 2960 identified the permit procedure of a Special Use Permit subject to City Council approval, as the approval authority for these license types.

Planning Commission, at their August 15, 2019 meeting, considered an amendment to Ordinance No. 2960, to allow a Development Design Review (DDR) permit to be considered by the Community Development Director, rather than a Special Use Permit. The ordinance amendment also made other minor grammatical modifications which are non-substantive. Finally, the ordinance amendment clarified that a residentially zoned parcel is not considered a sensitive use and should not be considered in the 600 foot buffer requirement. At this meeting, the Commission did not express concern regarding the manufacturing, testing, and distribution ordinance amendments.

The August 15th ordinance amendment also included the addition of a retail cannabis ordinance. As it relates to the retail cannabis ordinance, the Commission was divided on if a residential land use should be considered a sensitive use. If a residential land is considered a sensitive use it would require a buffer between the retail dispensaries and the residential uses. For this reason, Commission voted 4 to 3 to recommend Council approval of the ordinance amendments. Due to the discussion on the buffer from residential uses, the retail ordinance will be presented to the Housing and Economic Development Committee on October 8, 2019. Since the Commission supported the changes to the Manufacturing, Testing, and Distribution of Cannabis ordinance staff has advanced those amendments ahead of the retail cannabis ordinance.

ANALYSIS/DISCUSSION

State law is silent on the buffer zone from a cannabis use to residential properties, and in October 2018, Council determined that the City should adhere to the state mandated 600 foot buffers and not impose more stringent distance separation requirements or add additional sensitive uses for manufacturing, testing, and distribution uses. Given these licenses are tightly regulated by the State of California and the City's regulations are very specific, it is recommended

that the authority be shifted to the Community Development Director. Coupled with the operational standards contained in the City's ordinance, and the City's development review process, the permit requirements and regulatory authority will be clearly defined to ensure the public health, safety, and welfare are protected.

For this reason, staff recommends changing the permit process for manufacturing, testing, and distribution of cannabis from a Special Use Permit to be considered by the City Council to a Development Design Review (DDR) permit to be considered by the Community Development Director. This change modifies the industrial permit requirement identified in Chapters 11 and 16 of the Oxnard City Code (11-442, 11-443, 11-444, and 16-173 B., respectively) to stipulate the permit process to require a Development Design Review (DDR) instead of a Special Use Permit. Public notice through the City's community workshop process, along with site posting, and public hearing mailings (600 feet) would still occur as part of the DDR process to ensure that community notice and input is received.

ENVIRONMENTAL IMPACT

There is no environmental impact associated with this action.

STRATEGIC PRIORITIES

This agenda item supports the Economic Development strategy. The purpose of the Economic Development strategy is to develop and enhance Oxnard's business climate, promote the City's fiscal health, and support economic growth in a manner consistent with the City's unique character. This item supports the following goals and objectives:

Goal 1. Create vibrant and economically sustainable commercial, industrial and retail industries throughout the City.
Objective 1a. Focus available resources on a comprehensive effort to promote economic activity in Oxnard, including a marketing program that communicates the City's available resources and assets.

Goal 2. Enhance business development throughout the City.
Objective 2a. Develop a strong citywide economy which attracts investment, increases the tax base, creates employment opportunities, and generates public revenue.
Objective 2b. Improve relationships and communication between the City and the business community.
Objective 2d. Public safety will collaborate with the business community to promote an environment that supports economic development.

Goal 3. Enhance business retention and attraction.
Objective 3a. Implement an economic development plan for attracting and retaining business.

FINANCIAL IMPACT

There are no financial impacts associated with the subject zone text amendment.

COMMITTEE OUTCOME

This is a Public Hearing and was heard by the Planning Commission, therefore this item did not originate in Committee.

Prepared by: Kathleen Mallory, Planning & Sustainability Manager

ATTACHMENTS

1. Attachment A - City Council Ordinance
2. Cannabis ZTA M T D CC 09.17.19

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD AMENDING SPECIFIC SECTIONS OF ARTICLE XVI, CHAPTER 11 AND CHAPTER 16 OF THE OXNARD CITY CODE REGARDING COMMERCIAL CANNABIS ACTIVITIES BY AMENDING SECTION 11-415(D), SECTION 11-415(H), SECTION 11-415(J), SECTION 11-425, SECTION 11-426(A), SECTION 11-426(B), SECTION 11.433, SECTION 11-448, SECTION 11-449, SECTION 11-450, SECTION 11-451, SECTION 11-452, SECTION 11-453; AND ADDING SECTION 11-454, SECTION 11-455, SECTION 11-456, AND 16-273 (C); ADDING SECTION 11-442 (H), SECTION 11-443 (G), AND SECTION 11-444 (N) PERTAINING TO THE REQUIRED DISCRETIONARY PERMIT PROCESS FOR CANNABIS TESTING LABS, DISTRIBUTORS, AND MANUFACTURING; ADDING SECTION 16-173 REGARDING DEVELOPMENT DESIGN REVIEW PERMIT REQUIREMENTS FOR COMMERCIAL CANNABIS ACTIVITIES IN THE BRP BUSINESS AND RESEARCH PARK ZONE, THE M-L LIMITED MANUFACTURING ZONE, THE M-1 LIGHT MANUFACTURING ZONE, AND THE M-2 HEAVY MANUFACTURING ZONE; AND AMENDING SECTIONS 4.2.1.,B. (AUTO SALES AND SERVICE), 4.2.2,B. (BUSINESS PARK), AND 4.2.4.,B. (COMMERCIAL MANUFACTURING) OF THE ROSE SANTA CLARA CORRIDOR SPECIFIC PLAN SUBJECT TO THE REQUIREMENTS STIPULATED IN ARTICLE XVI OF CHAPTER 11

The City Council of the City of Oxnard does hereby ordain as follows:

Section 1. Section 11-415(d) of the Oxnard City Code is amended to read as follows:

"(d) The applicable Department Head or his/her designee(s) shall review the application for completeness, shall conduct a background check to determine whether the applicant was convicted of a crime or left a previous employer for reasons that show the applicant:

(1) Has been convicted of a crime involving dishonesty, fraud or deceit, including but not limited to fraud, forgery, theft, or embezzlement as those offenses are defined in California Penal Code sections 186.11, 470, 484, and 504a, respectively; or

(2) Has committed a felony or misdemeanor involving fraud, deceit, embezzlement; or

(3) Was convicted of a violent felony, a crime of moral turpitude; or

(4) The illegal use, possession, transportation, distribution or similar activities related to controlled substances, as defined in the Federal Controlled Substances Act, except for cannabis related offenses for which the conviction occurred after the passage of the Compassionate Use Act of 1996.

Discovery of these facts showing that the applicant is dishonest or has been convicted of the requisite crimes are grounds for denial of the permit. Where the applicant's sentence (including any term of probation, incarceration, or supervised release) for possession of, possession for sale, sale, manufacture, transportation, or cultivation of a controlled substance is

completed, such underlying conviction shall not be the sole ground for denial of a commercial cannabis work permit. Furthermore, an applicant shall not be denied a permit if the denial is based solely on any of the following: (i) a conviction for any crime listed in subsection (d) (4) above for which the applicant has obtained a certificate of rehabilitation pursuant to Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the California Penal Code or (ii) a conviction that was subsequently dismissed pursuant to Sections 1203.4, 1203.4a, or 1203.41 of the California Penal Code or any other provision of state law allowing for dismissal of a conviction."

Section 2. Section 11-415(h) of the Oxnard City Code is amended to read as follows:

"(h) The City may immediately revoke the commercial cannabis employee permit should the permit holder be convicted of a crime listed in subsection (c) and (d) above or if facts become known to the City that the permit holder has engaged in activities showing that he or she been convicted of a crime involving dishonesty."

Section 3. Section 11-415(j) of the Oxnard City Code is amended to read as follows:

"(j) The applicant may appeal the denial or revocation of a commercial cannabis employee permit by filing a notice of appeal with the City Clerk within ten (10) days of the date the applicant received the notice of denial; which appeal shall be conducted as set forth in Sections 11-423 to 11-425."

Section 4. Section 11-425 of the Oxnard City Code is amended to read as follow:

"Section 11-425. Appeal Hearing.

(a) Upon receipt of the written appeal of a decision rendered by the City Manager regarding application review ranking, the City Clerk shall set the matter for a hearing before the City Council. The City Council shall hear the matter de novo and shall conduct the hearing pursuant to the procedures set forth by the City.

(b) The appeal shall be held within a reasonable time after the filing the appeal, but in no event later than ninety (90) days from the date of such filing. The City shall notify the appellant of the time and location at least ten (10) days prior to the date of the hearing.

(c) At the hearing, the appellant may present any information they deem relevant to the decision appealed. The formal rules of evidence and procedure applicable in a court of law shall not apply to the hearing.

(d) The decision of the City Council shall be final for an appeal of a Planning Commission action. The decision of the Planning Commission shall be final for an appeal of the Community Development Director's decision."

Section 5. Section 11-426(a) of the Oxnard City Code is amended to read as follows:

"(a) The City Manager shall adopt a procedure guideline and Review Criteria by which the top applicants in each category of each commercial cannabis business shall be evaluated."

Section 6. Section 11-426(b) of the Oxnard City Code is amended to read as follows:

"(b) At least ten (10) days prior to the public hearing, notice of the public hearing shall be sent to all property owners located within six hundred (600) feet of the proposed business locations of each of the finalists to be considered by the Planning Commission or Community Development Director depending upon the cannabis permit being sought."

Section 7. Section 11-433 is amended to read as follows:

"Section 11-433. Location and Design of Cannabis Businesses.

Cannabis businesses permitted to engage in Manufacturing, Testing, or Distribution of cannabis and cannabis products are subject to the following zoning and locational requirements:

(a) All cannabis manufacturing, testing, and distribution businesses have been conceptually identified on land use maps, with actual siting subject to land use siting criteria and buffer requirements stipulated in this Article. Manufacturing, testing, and distribution facilities are conceptually permitted on property must be located on property zoned Limited Manufacturing (ML), Light Manufacturing (M1), Heavy Industrial (M2), and Business and Research Park (BRP), as well as Auto Sales and Service, Business Park, and Commercial Manufacturing zones within the Rose Santa Clara Corridor Specific Plan. Manufacturing, Testing, and/or Distribution facilities may also be located in the following Specific Plan areas subject to relevant Specific Plan requirements, and input from the Business Park Association (if operational): Northeast Community Specific Plan, Sakioka Farms, Camino Real Business Park, McInnes Ranch Business Park Specific Plan, and Northfield Seagate Business Park Specific Plan.

(b) [Reserved]

(c) Compliance with any Specific Plan requirements, including a letter of support from the specific plan management company or association.

(d) The property on which any commercial cannabis business is located must also meet all of the following distance requirements:

(1) It shall be no closer than six hundred (600) feet of any of the following:

(A) Any school providing instruction in kindergarten or any grades 1 through 12, whether public, private, or charter, including pre-school, transitional kindergarten, and K-12.

(B) A commercial daycare center licensed by the City or County that is in existence at the time the license is issued, unless the State licensing authority or the City specifies a different radius.

(C) A youth center that is in existence at the time the license is issued, unless the State licensing authority or the City specifies a different radius.

(2) The distance specified in this section shall be the horizontal distance measured in a straight line from the property line of the identified use to the closest property line of the lot on which the cannabis use is located without regard to intervening structures.

(e) Each proposed cannabis manufacturing, testing, and distribution use shall:

(1) Conform with the City's General Plan, any applicable specific plans, master plans, and design requirements.

(2) Comply with all applicable zoning, and specific plan requirements, and related development standards.

(3) Be constructed in a manner that minimizes odors to surrounding uses, and promotes quality design and construction, and consistency with the surrounding properties.

(4) Be adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and all items required for the development.

(5) Be served by highways adequate in width and improved as necessary to carry the kind and quantity of traffic such use will generate.

(6) Be provided with adequate electricity, sewerage, disposal, water, fire protection (sprinkler and alarm; retrofit when determined necessary by the Fire Marshal) and storm drainage facilities for the intended purpose."

Section 8. Subsection (h) is added to Section 11-442 to read as follows:

"(h) Approval of Testing Labs shall be through approval of a Development Design Review (DDR) Permit.to be issued by the Community Development Director of the City of Oxnard."

Section 9. Subsection (g) is added to Section 11-443 to read as follows:

"(g) Approving of distributor shall be through the approval of a Development Design Review (DDR) Permit to be issued by the Community Development Director of the City of Oxnard."

Section 10. Subsection (n) is added to Section 11-444 to read as follows:

"(n) Approval of manufacturing facilities shall be through approval of a Development Design Review (DDR) Permit to be issued by the Community Development Director of the City of Oxnard."

Section 11. Section 11-448 is amended to read as follows:

"Section 11-448. Promulgation of Regulations, Standards and Other Legal Duties.

(a) In addition to any regulations adopted by the City Council, the City Manager or his/her designee is authorized to establish any additional rules, regulations and standards governing the issuance, denial or renewal of commercial cannabis business permits, the ongoing operation of commercial cannabis businesses and the City's oversight, or concerning any other subject determined to be necessary to carry out the purposes of this Article.

(b) Regulations shall be published on the City's website.

(c) Regulations promulgated by the City Manager shall become effective upon date of publication. Commercial cannabis businesses shall be required to comply with all state and local

laws and regulations, including but not limited to any rules, regulations or standards adopted by the City Manager or his/her designee.

(d) Testing Labs, Distribution facilities and Special Events shall be subject to state law and shall be subject to additional regulations as determined from time to time as more regulations are developed pursuant to this section and any subsequent State of California legislation regarding the same."

Section 12. Section 11-449 is amended to read as follows:

"Section 11-449. Community Relations.

(a) Each commercial cannabis business shall provide the name, telephone number, and email address of a community relations contact to whom notice of problems associated with the commercial cannabis business can be provided. Each commercial cannabis business shall also provide the above information to all businesses and residences located within six hundred (600) feet of the commercial cannabis business.

(b) During the first year of operation pursuant to this Article, the owner, manager, and community relations representative from each commercial cannabis business holding a permit issued pursuant to this Article shall attend quarterly meetings with the City Manager or his/her designee(s), and other interested parties as deemed appropriate by the City Manager or his/her designee(s), to discuss costs, benefits, and other community issues arising as a result of implementation of this Article. After the first year of operation, the owner, manager, and community relations representative from each such commercial cannabis business shall meet with the City Manager or his/her designee(s) when and as requested by the City Manager or his/her designee(s).

c. Commercial cannabis businesses to which a permit is issued pursuant to this Article shall describe benefits that the cannabis business would provide to the local community, such as community contributions, volunteer services and/or economic incentives."

Section 13. Section 11-450 is amended to read as follows:

"Section 11-450. Permit Holder Responsible for Violations.

The person to whom a permit is issued pursuant to this Article shall be responsible for all violations of the laws of the State of California or of the regulations and/or the ordinances of the City of Oxnard, whether committed by the permittee or any employee or agent of the permittee, which violations occur in or about the premises of the commercial cannabis business whether or not said violations occur within the permit holder's presence."

Section 14. Section 11-451 is amended to read as follows:

"Section 11-451. Inspection and Enforcement.

(a) The City Manager, or his/her designee(s) charged with enforcing the provisions of the City of Oxnard Code, or any provision thereof, may enter the location of a commercial cannabis

business at any time, without notice, and inspect the location of any commercial cannabis business as well as any recordings and records required to be maintained pursuant to this Article or under applicable provisions of State law.

(b) It is unlawful for any person having responsibility over the operation of a commercial cannabis business, to impede, obstruct, interfere with, or otherwise not to allow, the City to conduct an inspection, review or copy records, recordings or other documents required to be maintained by a commercial cannabis business under this Article or under state or local law. It is also unlawful for a person to conceal, destroy, deface, damage, or falsify any records, recordings or other documents required to be maintained by a commercial cannabis business under this Article or under state or local law.

(c) The City Manager, or his/her designee(s) charged with enforcing the provisions of this Article may enter the location of a commercial cannabis business at any time during the hours of operation and without notice to obtain samples of the cannabis to test for public safety purposes. Any samples obtained by the City of Oxnard shall be logged, recorded, and maintained in accordance with established procedures by the City of Oxnard City Manager or these regulations."

Section 15. Section 11-452 is amended to read as follows:

"Section 11-452. Compliance with State Regulations.

It is the stated intent of this Article to regulate commercial cannabis activity in the City of Oxnard in compliance with all provisions MAUCRSA and any subsequent state legislation."

Section 16. Section 11-453 is amended to read as follows:

"Section 11-453. Violations declared a public nuisance.

Each and every violation of the provisions of this Article is hereby deemed unlawful and a public nuisance."

Section 17. Section 11-454 is added to read as follows:

"Section 11-454. Each violation a separate offense.

Each and every violation of this Article shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the City of Oxnard. Additionally, as a nuisance per se, any violation of this Article shall be subject to injunctive relief, any permit issued pursuant to this Article being deemed null and void, disgorgement and payment to the City for any monies unlawfully obtained, costs of abatement, costs of investigation, attorney fees, and any other relief or remedy available at law or in equity. The City of Oxnard may also pursue any and all remedies and actions available and applicable under state and local laws for any violations committed by the commercial cannabis business or persons related to, or associated with, the commercial cannabis activity. Additionally, when there is determined to be an imminent threat to public health, safety or welfare, the City Manager, or his/her designee(s),

may take immediate action to temporarily suspend a commercial cannabis business permit issued by the City, pending a hearing before the City Manager, or his/her designee(s).”

Section 18. Section 11-455 is added to read as follows:

“Section 11-455. Criminal Penalties.

Each and every violation of the provisions of this Article may in the discretion of the District Attorney or City Attorney be prosecuted as a misdemeanor and upon conviction be subject to a fine not to exceed one thousand dollars ($1,000) or imprisonment in the County jail for a period of not more than twelve (12) months, or by both such fine and imprisonment. Each day a violation is committed or permitted to continue shall constitute a separate offense.”

Section 19. Section 11-456 is added to read as follows:

“Section 11-456. Remedies cumulative and not exclusive.

The remedies provided herein are not to be construed as exclusive remedies. The City is authorized to pursue any proceedings or remedies provided by law.”

Section 20. Section 16-173 is hereby added to read as follows:

“16-173 Development Design Review Permit Required for Specific Commercial Cannabis Activities

A. A commercial cannabis business for manufacturing, testing and/or distribution of cannabis may be permitted in the BRP Business and Research Park Zone, the M-L Limited Manufacturing Zone, the M-1 Light Manufacturing Zone and the M-2 Heavy Manufacturing Zone, provided that the owner has first obtained a commercial cannabis business permit pursuant to Article XVI, Chapter 11 of the Oxnard City Code and a Development Design Review (DDR) Permit.

B. [Reserved].

C. Commercial cannabis businesses not specifically authorized by this Section are prohibited in the industrial zoning districts.”

Section 21. Subsection (c) is added Section 16-273 to read as follows:

“C. A commercial cannabis business for manufacturing, testing and/or distribution of cannabis may be permitted in the Planned Development (Additive) Zone, provided that the owner has first obtained a commercial cannabis business permit pursuant to Article XVI, Chapter 11 of the Oxnard City Code and a Development Design Review (DDR) Permit.

Section 22. Section 4.2.1., B. (Auto Sales and Service) of the Rose Santa Clara Corridor Specific Plan is hereby amended to read as follows:

“5. Commercial Cannabis uses, subject to the requirement of Oxnard City Code, Chapter 11, Article XVI.”

Section 23. Section 4.2.2., B. (Business Park) of the Rose Santa Clara Corridor Specific Plan is hereby amended to read as follows:

"5. Commercial Cannabis uses, subject to the requirement of Oxnard City Code, Chapter 11, Article XVI."

Section 24. Section 4.2.4., B. (Commercial Manufacturing) of the Rose Santa Clara Corridor Specific Plan is hereby amended to read as follows:

5. Commercial Cannabis uses, subject to the requirement of Oxnard City Code, Chapter 11, Article XVI."

Section 25. If any section, subsection, phrase, or clause of this Ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declared unconstitutional.

Section 26. Within 15 days after passage, the City Clerk shall cause a summary of 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 _____, 2019, and finally adopted on A_____, 2019, to become effective thirty (30) days thereafter.

Section 27**.** This ordinance shall become effective thirty (30) days after it is finally adopted. The foregoing Ordinance was adopted at a regular meeting of the City Council of the City of Oxnard, State of California, held on the _____ day of _____, _____, 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

Amendment to Ord. No. 2960 Pertaining to Buffer Requirements and Permitting of Manufacturing, Testing, and Distribution of Cannabis

Jeffrey Lambert, Community Development Director
Kathleen Mallory, Planning & Sustainability Manager

City Council
September 17, 2019

BACKGROUND

- June 18, 2019 - City Council adopted Ord. No. 2960 establishing regulations for the Manufacturing, Testing, and Distribution of Cannabis
  - Ordinance No. 2960 identified the permit procedure of a Special Use Permit subject to City Council approval, as the approval authority for these license types
- August 15, 2019 - Planning Commission considered amendments to ordinance to permit manufacturing, testing, and distribution via a Development Design Review (DDR) permit instead of a Special Use Permit and to clarify a sensitive use is not considered a residential use
  - No Commission concerns pertaining to these changes

BACKGROUND

- Ordinance amendment also included the addition of a retail cannabis ordinance
  - Retail cannabis is NOT part of the subject Ordinance
- Commission voted 4 to 3 to recommend Council approval of the Ord. amendments
  - The Commission was divided only on the retail cannabis aspects of the ordinance.

BACKGROUND

- Planning Commission concerns with retail cannabis were specific to buffering the retail use from residential uses.
  - State law silent on the buffer zone from a cannabis use to residential properties;
  - October 2018, Council determined City should adhere to the state 600 foot buffer and not impose more stringent distance separation requirements
- The retail cannabis ordinance will be presented to the Housing and Economic Development Committee on Oct. 8th

PERMIT PROCESS JUSTIFICATION

Permit procedures for cannabis manufacturing, testing, and distribution at a Director approved DDR because:

- Licenses tightly regulated by the State of California
- City's regulations are very specific
- Operational standards in the ordinance and the review process
  - Permit includes review through Development Advisory Committee (DAC)
- Regulatory requirements ensures the public health, safety, and welfare is protected
- Public notice for community workshop, site posting, public hearing notification (600) feet would still occur

RECOMMENDATION

That the City Council approve the first reading by title only of an amendment to Ordinance No. 2960 to Chapters 11 and 16 of the Oxnard City Code pertaining to siting and permitting of manufacturing, testing, and distribution of cannabis.

CITY OF
OXNARD
CALIFORNIA

QUESTIONS?

CITY OF OXNARD CALIFORNIA

CITY COUNCIL AGENDA REPORT

REPORTS
AGENDA ITEM NO. M.1.

DATE: September 17, 2019

TO: City Council

FROM: Steve Naveau, Human Resources Director, (805) 385-7947, steve.naveau@oxnard.org

SUBJECT: Resolutions Approving Successor Memorandum of Understanding with the Oxnard Mid-Managers' Association and Approving Salary and Benefits for the Confidential Non-Management, Confidential Management, and Executive Employees. (10/5/5)

RECOMMENDATION

That the City Council adopt the attached resolutions approving the Successor Memorandum of Understanding with the Oxnard Mid-Managers' Association and approving the salary and benefits for the Confidential Non-Management, Confidential Management, and Executive employees.

BACKGROUND

The Oxnard Mid Management Association ("OMMA"), a City bargaining group, was initially formed during tough economic times when this group of employees was forced to shoulder the largest burden of status quo cuts. The prior City Manager's administration as well as the current administration have been working diligently with this group to repair that damaged relationship. The goal in this round of negotiations was to bring this group to parity with all other employee groups in the City in terms of annual step increases and to also address the health care benefits that has hampered our recruitment and retention efforts.

All classifications in the City are assigned a salary range that an employee can move through during his or her career with the City. In all represented bargaining groups other than OMMA, an employee may receive a five percent annual merit increase, also known as a step increase, with a satisfactory evaluation. In the last round of negotiations, the City gave OMMA step increases; however, an OMMA member received a maximum of a three percent increase, which is still less than the other represented employee groups. In this round of negotiations, the City wants to bring the group into alignment with all other represented employee groups. The salaries and benefits of the management group need to have consistency with the salaries and benefits of the employee groups who promote into the management ranks. Currently, employees in SEIU and IUOE are forgoing promotional opportunities due to the OMMA benefits package being inferior to the packages offered in SEIU and IUOE.

The health care costs were the second item that the City has been focused on addressing during its negotiations with all employee groups. As was reported in the public safety agenda items, an employee who enrolls in a family medical plan with the City will pay over $1,000 per month in for that plan while neighboring jurisdictions offer the same medical plans which will conservatively cost those employees $400 per month. Over the term of the OMMA contract, the City will move into the range where the cost of healthcare is becoming more manageable to our employees.

Also included in this item is the resolution setting salaries and benefits for the confidential non-managers, confidential managers, and executive employees. The confidential employees are those employees who through the Myers-Milias-Brown Act are exempt from joining a union due to the nature of their work. These employees work closely with Human Resources and the City Manager's Office and are privy to discussions pertaining to employer-employee relations. As such, it is a conflict of interest for these employees to be represented by a bargaining group. Additionally, both department heads (executives) and attorneys in the City Attorney's Office are designated as at-will through employees,

and likewise, they are not part of a bargaining group. (For medical and deferred compensation benefits, the attorneys are grouped with the executive employees.) Though confidential non-managers, confidential managers, and executive employees are unrepresented, the City endeavors to provide these employees with the same salary and benefits they would receive should they be represented by one of the bargaining units.

The specific economic changes to the OMMA contract are:

- Term: October 1, 2019, through June 30, 2022
- Advancement within Salary Range: Increase the annual performance step increase from 3% to 5%.
- Bilingual Pay: Employees who are bilingual at level I will receive $50 per pay period; employees who are level II will receive $100 per pay period.
- Call Back: Employees who are required to return to work outside of their normal work time will receive two hour of compensation. This is subject to approval of the department head.
- Safety Boots: For those employees who are in positions that require the wearing of safety boots, the City will provide safety boots annually when needed.
- Medical Insurance: Beginning January 2020 the City will provide the following contribution to the medical plan: year one of $803 per month; year two $1,173 per month; year three $1,543 per month. Those employees who are waiving coverage and can provide proof of other coverage will receive $703 per month in year one; $973 per month in year two; $1243 per month in year three. If the participation in the medical plan does not reach and maintain an 80% participation rate, the waive will be reduced to $900 per month.
- Deferred Compensation: The City will contribute 1% of the employee's salary to a 401(a) deferred compensation account beginning with the first pay period of January 2020.

The specific economic changes to the confidential non-management employees are:

- Medical Insurance: Beginning January 2020, the City will provide the following contribution to the medical plan: year one $993.91 per month; year two $1,268.46 per month; year three $1,543 per month. Those employees who are waiving coverage and can provide proof of other coverage will receive $893.91 per month in year one; $1,068.46 per month in year two; $1,243 per month in year three. If the participation in the medical plan does not maintain a 68% participation rate, the waive will be reduced to $900 per month.
- Deferred Compensation: The City will contribute 1% of the employee's salary to a 401(a) deferred compensation account beginning with the first pay period of January 2020.

The specific economic changes to the confidential management employees are:

- Advancement within Salary Range: Increase the annual performance step increase from 3% to 5%.
- Medical Insurance: Beginning January 2020 the City will provide the following contribution to the medical plan: year one $864.34 per month; year two $1,203.67 per month; year three $1,543 per month. Those employees who are waiving coverage and can provide proof of other coverage will receive $764.34 per month in year one; $1,003.67 per month in year two; $1,243 per month in year three. If the participation in the medical plan does not maintain a 68% participation rate, the waive will be reduced to $900 per month.
- Deferred Compensation: The City will contribute 1.4% of the employee's salary to a 401(a) deferred compensation account beginning with the first pay period of January 2020.

The specific economic changes to the executives and employees classified as attorneys are:

- Medical Insurance: Beginning January 2020, the City will provide the following contribution to the medical plan: year one $864.34 per month; year two $1,203.67 per month; year three $1,543 per month. Those employees who are waiving coverage and can provide proof of other coverage will receive $764.34 per month in year one; $1,003.67 per month in year two; $1,243 per month in year three. If the participation in the medical plan does not maintain a 68% participation rate, the waive will be reduced to $900 per month.
- Deferred Compensation: The City will contribute an additional 1.5% of the employee's salary to a 401(a) deferred compensation account beginning with the first pay period of January 2020.

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

The financial impact may be depicted in two ways. One is a year over year cost increase, which is what is used predominantly in the labor relations field. There are jurisdictions within Ventura County that depict their employee costs in this manner, and that is what has been presented to Council in prior MOU agenda items. This methodology shows what the increased cost is as compared with the previous year. Using this methodology, the impact in FY 2019-20 will be $1,045,737, the impact in FY 2020-21 will be $812,356, and the impact in FY 2021-22 will be $825,346, for a total impact of $2,683,439, as shown in the chart below.

LABOR COSTING METHODOLOGY

Group	Calendar Year 2020	Calendar Year 2021	Calendar Year 2022	3 Year Total
OMMA	$ 775,228	$ 677,796	$ 690,686	$ 2,143,710
Executive/Confidential Mgt/Confidential	$ 270,509	$ 134,560	$ 134,660	$ 539,729
Totals	**$ 1,045,737**	**$ 812,356**	**$ 825,346**	**$ 2,683,439**
% Increase	5.55%	4.31%	4.38%	**14.24%**

The other methodology is more common for budget and finance professionals, who compare all of the financial costs of that contract to the base year (pre-contract), which in this situation is last fiscal year, FY 2018-19. This methodology compounds the increased costs over the term of the entire contract. In the case of the agreements presented here, this would be comparing the increase in costs in FY 2019-20 to the budgeted cost of the group in FY 2018-19, the increase in costs in FY 2020-21 to the budgeted cost of the group in FY 2018-19, and the increase in costs in FY 2021-22 to the budgeted cost of the group once again in FY 2018-19. Using this methodology, the budget impact in FY 2019-20 will be $1,045,737, the impact in FY 2020-21 will be $1,838,093, and the impact in FY 2021-22 will be $2,683,439, for a total three-year impact of $5,587,269, as shown in the chart below.

BUDGET METHODOLOGY (CUMULATIVE)

Group	Calendar Year 2020	Calendar Year 2021	Calendar Year 2022	3 Year Total
OMMA	$ 775,228	$ 1,453,024	$ 2,143,710	$ 4,371,962
Executive/Confidential Mgt/Confidential	$ 270,509	$ 405,069	$ 539,729	$ 1,215,307
Totals	**$ 1,045,737**	**$ 1,858,093**	**$ 2,683,439**	**$ 5,587,269**
% Increase (Cumulative)	5.55%	9.86%	**14.24%**	

As seen in these charts, the costs look different under the two calculations; however, the cumulative percentage increase is the same.

The cost for these agreements in the current fiscal year, FY 2019-20, are half of the Year 1 totals shown in the tables above or $522,868, because the effective date of the agreements is January 1, 2020, which is exactly halfway through the fiscal year. Budget assumptions made back in March for the anticipated cost of the still-to-be-negotiated agreements were for $386,000, so the FY 2019-20 adopted budget appropriation for these labor costs is about $137,000 short, on a base of $18,842,108 total labor costs for these groups, or about seven-tenths of one percent. Staff believes this relatively small appropriation shortfall can be made up during the course of the fiscal year so is not recommending any change to the adopted budget.

COMMITTEE OUTCOME

This item did not originate in Committee.

Prepared by: Steve Naveau, Human Resources Director, Mike More, Human Resources Manager

ATTACHMENTS

1. OMMA MOU Resolution
2. OMMA MOU
3. Executive and Confidential Resolution

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING THE SUCCESSOR MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF OXNARD AND THE OXNARD MID-MANAGERS ASSOCIATION AUTHORIZING THE CITY MANAGER OR DESIGNEE TO TAKE THE NECESSARY ADMINISTRATIVE ACTIONS NECESSARY TO IMPLEMENT THE AGREEMENT

WHEREAS, the Oxnard Mid-Managers Association is the recognized representative for the Oxnard Mid-Managers; and

WHEREAS, the City's memoranda of understanding with the Oxnard Mid-Managers Association expires September 30, 2019; and

WHEREAS, representatives of the City met and conferred in good faith with representatives of the Oxnard Mid-Managers Association concerning wages, hours, terms, and conditions of employment for employees in the bargaining unit consistent with their obligations under the Meyers-Milias-Brown Act; and

WHEREAS, the City has reached agreement with the Oxnard Mid-Managers Association attached as Attachment 1 of this report which sets forth the modified terms and conditions of employment for this bargaining unit.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OXNARD RESOLVES that the agreement is adopted and the City Manager and/or his designee is directed to perform all acts necessary to implement its terms, including but not limited to executing the Memorandum of Understanding on behalf of the City.

PASSED AND ADOPTED this 17th day of September 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
Tim Flynn, Mayor

ATTEST:

_____
Michelle Ascencion, City Clerk

APPROVED AS TO FORM:

_____
Stephen Fischer, City Attorney

MEMORANDUM OF UNDERSTANDING

BETWEEN

CITY OF OXNARD

AND

OXNARD MID MANAGER'S ASSOCIATION

OCTOBER 1, 2019 – JUNE 30, 2022

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OMMA MOU October 1, 2019 through June 30, 2022

PREAMBLE

This Memorandum of Understanding (MOU) is entered into by the City of Oxnard (City) and Oxnard Mid-Managers Association ("Association") as a result of meeting and conferring in good faith concerning wages, hours and other terms and conditions of employment, pursuant to the City's Employer-Employee Relations Ordinance and the Meyers-Milias-Brown Act (MMBA), California Government Code Section 3500 *et. seq*.

It is the intent of this MOU to establish and maintain fair, equitable, competitive, and sustainable wages, hours and other terms and conditions of employment that recognize the unique duties and organization context of mid-managers within the City's workforce.

ARTICLE 1 Recognition

This MOU shall apply to all City employees occupying or exercising duties in the City's "M" classification, listed in Attachment "A," including any further additions.

The term "members" hereinafter shall refer to bargaining unit members, unless otherwise designated.

ARTICLE 2 Term

This MOU shall be effective October 1, 2019 and shall remain in full force and effect through June 30, 2022.

ARTICLE 3 Salaries and Compensation

1. Cost of Living Adjustment

   There shall be no cost of living adjustments during the term of this contract.

2. Advancement within the Salary Range

   Effective beginning January 2020, employees who receive a satisfactory performance evaluation during the preceding calendar year will be eligible for a five percent (5.0%) merit increase within that employee's salary range unless the employee is less than five percent (5.0%) from the top of the range and in such a case, the increase shall be to the top of the salary range. No advancement shall be given to any member whose most recent performance evaluation rating was "unsatisfactory."

   Eligible employees will receive their annual merit increase effective the first full pay period of January. Newly hired employees or employees who promote into the bargaining unit during the preceding calendar year will have their merit increase pro-rated based on their service during the calendar year (for example, an eligible employee with six months of service in the OMMA bargaining unit in calendar year 2019 will receive a 2.5% merit increase in January 2020.)

3. Payroll Period - Biweekly

Wages are paid on a biweekly basis. The payroll checks or direct-deposit stubs for each pay period shall be issued to authorized representatives of City departments not later than the second Friday following the end of each biweekly pay period.

However, in cases where the Friday payday falls on a holiday, payroll checks shall be issued before the last workday prior to the holiday.

4. Payment Upon Separation

All wages and applicable leave accruals due upon separation shall be paid by the end of the pay period after the member's separation.

5. Promotions

The beginning base wage for promotions shall be at least five percent (5%) greater than the member's rate of pay prior to promotion, or, shall place the member at the bottom of the range of the position into which the member is promoted if five percent (5%) does not place the member into the range of the promotional position.

6. Merit Increases

When the City Manager determines, based upon a Department Director's recommendation, that a member has demonstrated an exceptional level of job performance and efficiency, the City Manager may increase the base wages for that employee by a maximum of 5%.

This increase may not exceed the top of the salary matrix established for the classification.

7. Interim Appointments

Upon recommendation by the department head and approval by the Human Resources Director, a member may be assigned to a higher classification to fill a vacancy caused by an approved leave of absence or any other valid vacancy. The member will receive the minimum of the new pay/salary range, or ten percent (10%) over their present pay, whichever is greater and which will not exceed the new pay/salary range maximum. The change in pay/salary related to the appointment shall be effective the first day of the new pay period following such appointment. The member shall not receive any other benefit assigned to the higher classification that they are not already receiving.

8. Out of Class Pay

A member who is assigned to assume the majority of duties and responsibilities of a higher classification shall receive additional compensation while such duties are performed. The member shall be compensated at the minimum base salary established for the higher classification, or five percent (5%) above the member's present pay, whichever is greater, and which will not exceed the new pay/salary range maximum. The change in pay/salary related to the assignment shall be effective the first day of the new pay period following such appointment, once the member has performed such duties for at least forty hours (40) in any one calendar year. The member shall then continue to receive the additional pay for the duration of the assignment. The member shall not receive any other benefit assigned to the higher classification that they are not already receiving. The member's time worked performing the duties of the higher classification shall not count toward the completion of probationary requirements in the higher classification.

9. Bilingual Pay

A Department Director may request that certain eligible members receive bilingual pay. A member shall be certified by the City as possessing the skills necessary to communicate effectively with the public in English and a second language for the purpose of conducting City business.

A. Level I - Written and/or Conversational Bilingual. Members proficient in a second language must meet the following criteria:

(i) The member must pass the bilingual competency test administered by the City, and

(ii) The member shall provide basic oral translations as part of their regular job duties.

Members shall receive fifty dollars ($50) per pay period for Level I competency.

B. Level II - Bilingual Translators. Members who pass a skills-based test administered by the City to demonstrate competency in written translation and oral interpretation.

(i) The member shall provide advanced oral communication and translation, as well as written translations, as part of their regular job duties, including, but not limited to, writing and reviewing translated documents for distribution to City residents (i.e. City mailers, press releases, inserts in City utility bills, surveys, etc.).

Members shall receive one hundred dollars ($100) per pay period for Level II competency.

Employees who are receiving bilingual pay will be required to recertify every three years. Employees who fail their recertification examine will have their bilingual pay cease on the following paycheck and will be eligible for retesting one year form the date of their previous test.

10. Call Back

For employees who are called back to work outside of their normal work time, the City will pay two hours of their hourly rate of pay when they are required to return to work. The call back pay is subject to approval of the Department Head to ensure it is being requested appropriately.

11. Safety Boots

The City will replace the safety boots for any employees who, due to their regular job duties, are required by Cal OSHA to wear protective footwear. Such boots may be replaced at the City's expense once per year if the boots, in the estimation of the department head, are worn enough to require a new pair. The amount to be provided to employees will be the same amount as that provided to employees in the IUOE bargaining unit whether through their MOU or through City policy. In no event should managers receive a greater boot allowance than that of their subordinate staff.

ARTICLE 4 Reimbursements - Mileage, Tuition, and Damaged Personal Property

1. Mileage

When members are required by City to use their personal vehicle to perform their assigned duties for City, and they so utilize their own vehicles in traveling directly and uninterruptedly from one assigned work location to another assigned work location, City shall compensate the employee as provided herein:

A. Members shall make claims for mileage compensation that are consistent with current IRS rates on City designated forms.

2. Tuition

A. Amount of Reimbursement/Conditions

City shall pay for seventy five (75%) percent of tuition, registration fees, laboratory fees, campus parking fees and books, up to a maximum of $5,000 per City fiscal year for work-related courses provided by accredited academic institutions, subject to the following conditions:

Only full-time members shall be eligible for reimbursement. To be eligible, a member must complete and submit the tuition reimbursement pre-approval form to the Human Resources Department.

Courses that qualify for reimbursement are those that directly relate to the member's duties with the City or that directly relate to and are part of a planned course of study being actively pursued for promotion within City service, that are presented by an accredited high school, college, university or other accredited institution, and that are satisfactorily completed with a grade of "C" or higher.

Courses that do not qualify for reimbursement are those taken to bring unsatisfactory job performance up to an acceptable level, those duplicating in-service training or other training the member has already received, and those for which the member received reimbursement from any other source.

To receive reimbursement, the member must submit acknowledgement of a "C" or better to the Human Resources Department within thirty (30) days of completion of the course of study.

There shall be no obligation for City to re-schedule the work hours of any member to facilitate attendance at any course of study.

3. Personal Property

A. Conditions for Reimbursement

When, through no fault of their own, members have an item of personal property damaged or stolen while in the performance of City employment, and when that item is necessarily worn, carried or required as part of the job, the employee may submit a claim for reimbursement to the Human Resources Department. Such claim must be filed within five (5) working days after the loss occurred.

B. Amount of Claim

The minimum claim shall be for ten dollars ($10) per loss. Claims of fewer than ten dollars ($10) shall not be paid. The maximum amount City shall pay any employee is two hundred fifty ($250) dollars in one calendar year.

C. Level of Reimbursement

Reimbursement will be based on the depreciated value of the item at the time of the loss or damage, or cost of repair, whichever is less, after offset for any insurance reimbursement the employee receives.

The amount of reimbursement for glasses, hearing aids or other personal prosthesis will be replacement cost or the repair cost of items that are repairable, whichever is less, less any insurance payment the employee receives.

The amount of reimbursement shall not include the cost of fittings or examinations and will be subject to the ten dollar ($10) minimum claim limit and the annual maximum payment of two hundred fifty ($250) dollars.

Stolen or damaged watches required by employment will be reimbursed at their functional value, (i.e., minus their jewelry value) to the annual maximum of two hundred fifty ($250) dollars. An employee shall be reimbursed for such stolen or damaged watches subject to a ten dollar ($10) deductible.

D. Exclusions

The damage or theft of jewelry, automobiles or automobile equipment, as well as tools and uniform items covered by a City allowance, will not be reimbursable.

ARTICLE 5 Insurance, Health & Wellness

1. Health Insurance

The City will provide current active employees with a cafeteria payment as provided below:

The City offers affordable health coverage that meets minimum value standards under the Patient Protection and Affordable Care Act (PPACA) to all eligible members. An eligible member is one who qualifies under the Look Back Measurement Safe Harbor (average of 30 hours per week), as adopted by Resolution and implemented under the City's implementation plan.

Medical - The City will increase the monthly contribution to medical by $370 at the beginning of the 2020 benefits plan year which is reflected in the first pay check of the 2020 calendar year. The total new contribution is as follows:

Employee Only – $803.00
Employee plus one - $803.00

Family - $803.00

The City will make an additional $370 contribution for each tier of medical effective at the beginning of the 2021 benefit year which is reflected in the first pay check of 2021. The total new contribution is as follows:

Employee Only – $1173.00
Employee plus One - $1173.00
Family - $1173.00

The City will make an additional $370 contribution for each tier of medical effective at the beginning of the 2022 benefit year which is reflected in the first pay check of 2022 in the third benefit year following Council approval. The total new contribution is as follows:

Employee Only – $1543.00
Employee plus One - $1543.00
Family - $1543.00

Any contributions remaining will be issued as cash back after applied to the medical plan premium.

For those employees who waive the medical, the City will contribute the following per month in each plan year
Year 1 - $703
Year 2 - $973
Year 3 – 1243

In the final year of the contract if the bargaining group does not obtain and maintain an 80% participation then the contribution for those who "waive" will be reduced to $900 per month in the subsequent benefit year.

2. Dental Insurance

The City shall contribute the sum of thirty dollars and eighty three cents ($30.83) biweekly to the member's dental insurance cafeteria plan for dental programs provided by the City. Regular full time members that are employees for more than ninety (90) days that "opt-out" will receive $30.83 bi-weekly additional taxable income.

3. Life Insurance

The City shall continue to pay 100% of the premiums for Mid Management employee-only coverage as Basic Life Coverage ($5,000) + 1x annual salary under the existing level of benefits for life insurance. The member may purchase additional life insurance coverage from the carrier at a discounted rate.

4. Long Term Disability Insurance

The City provides employees a long-term disability insurance program with coverage equal to 66 2/3% of basic monthly earnings up to $6,000. The City shall contribute the monthly premium calculated for the member. The City shall provide each member under this program with a certificate of coverage upon request.

5. Flex Spending Plan

Members may participate in the voluntary Flex Spending Plan so long as the plan is offered by the City and permitted under IRS rules and regulations.

6. Wellness Program

Members will be reimbursed for all eligible health and wellness expenses, including, but not limited to: preventative medical examinations (minus any amount paid by a private insurance plan), health club or gym memberships, licensed weight loss facility memberships, physical therapy sessions, and smoking cessation programs up to a maximum of $500 per fiscal year. Changes to the Wellness Program – including to the $500 fiscal year reimbursement cap – are subject to mutual agreement by the parties.

Items which are eligible for reimbursement are as follows:
Wearable exercise technology that are intended exclusively to monitor fitness activity, heart rate, calories, etc.
Weightlifting equipment – Weight plates, barbells, dumbbells, kettle bells, weight lifting bars, benches, racks, and machines
Cardio machines – Elliptical, treadmills, stair machines, rowing machines
Membership fees – gym memberships, weight loss membership, smoking cessation programs, yoga memberships, etc.

ARTICLE 6 Retirement

1. CalPERS Defined Benefit Pension Plan

The Public Employees' Pension Reform Act of 2013 ("PEPRA") defines "Classic" and "New" Members.

"Classic" Members include employees hired prior to January 1, 2013, and those who are hired on or after that date who were already members of CalPERS or a public retirement system/plan with reciprocity with CalPERS and are hired by the City within six (6) months of separation from their prior CalPERS or such prior employment.

"New" Members are those employees who become members of a public retirement system for the first time on or after January 1, 2013 and who do not otherwise meet the tests for being defined as a "Classic" Member.

Benefits for "Classic" Members.

A. The City's contract with CalPERS provides for the two percent (2%) at age fifty-five (55) retirement formula.

B. The City's contract with CalPERS provides for the "Single Highest Year" retirement benefit.

C. Classic members shall pay the full employee rate of seven percent (7%) of their salary to CalPERS towards the employee costs of the retirement benefit. This will be paid through a pre-tax payroll deduction. Payments shall be made pursuant to Section 414(h)(2) of the Internal Revenue Code on a pre-tax basis.

Benefits for "New" Members.

A. New Members are covered by the two percent (2%) at age sixty two (62) retirement formula.

B. New Members retirement benefit will be based on the highest 36 consecutive months of compensation earnable.

C. New Members will pay a member contribution to PERS at the rate of fifty percent (50%) of the total "normal cost" of the plan (set at 6.75% for FY2015-16 and 6.00% for FY2016-17), as defined by CalPERS. This will be paid through a payroll deduction.

D. The City has adopted the CalPERS resolution in accordance with IRS Code section 414(h) (2) to ensure that the employee contribution is made on a pre-tax basis.

The City's contract with CalPERS contains the Fourth Level Survivor Benefit and Military Service Credit for all members.

2. PARS Supplemental Retirement Benefit Plan

City shall provide to all members hired prior to January 1, 2013 PARS supplemental retirement benefits to include the three percent (3%) at age sixty (60) supplemental retirement formula and the highest consecutive twelve-month period retirement formula.

The City's total contribution to PARS on behalf of members shall be equal to 5.63% of the wages upon which the member's retirement contributions are computed. Members' contribution is equal to 5%.

New employees hired on or after January 1, 2013, are not eligible to receive any PARS benefit.

3. Deferred Compensation

Members may participate in a 457 deferred compensation program so long as such program is offered by the City.

Beginning the first full pay period of 2020, the City will contribute 1% of employee salary to a 401(a) plan of its choosing.

ARTICLE 7 Leaves

1. Holiday Leave

A. Observed Holidays Include:

New Year's Day (January 1st)
Martin Luther King's Day (the third Monday in January)
Presidents' Day (the third Monday in February)
Cesar Chavez Day
Memorial Day (the last Monday in May)
Independence Day (July 4th)
Labor Day (the first Monday in September)
Veterans' Day (November 1lth)
Thanksgiving Day
Day after Thanksgiving
Christmas Eve Day (December 24th) - ½ day
Christmas Day (December 25th)
New Years Eve Day (December 31st) - ½ day

B. Leave Hours

Members shall be credited with holiday leave hours for all City observed holidays based upon the assigned customary daily work schedule of the member sufficient to compensate the member for all hours regularly worked by such employee.

C. Holidays on Weekends

City observed holidays that fall on Sunday shall be observed on the following Monday. City observed holidays that fall on Saturday shall be observed on the preceding Friday.

2. Promotion into the Bargaining Unit

Upon promotion into the bargaining unit, the member shall begin accruing annual leave pursuant to this Article.

3. Annual Leave

Annual leave is provided to all members in this unit. Members shall earn annual leave for each biweekly pay period of service or major fraction thereof, as set forth in the table below.

Years of Svc	Months of Svc	Biweekly Accrual	Annual Accrual	Max Accrual
Less than 5	0-59	6.24	162.24	324.48
5-6	60-71	7.47	194.22	388.44
6-7	72-83	7.78	202.28	404.56
7-8	84-95	8.09	210.34	420.68
8-9	96-107	8.40	218.40	436.80
9-10	108-119	8.70	226.20	452.40
10-11	120-131	9.54	248.04	496.08
11-12	132-143	9.85	256.10	512.20
12-13	144-155	10.16	264.16	528.32
13-14	156-167	10.46	271.96	543.92
14-15	168-179	10.77	280.02	560.04
More than 15	180+	11.78	306.28	612.56

Annual leave can be taken as earned. Annual leave may be carried forward in accordance with the following provisions.

A. The maximum amount of annual leave a member may carry forward from pay period to pay period shall not exceed twice the number of hours of annual leave that the employee currently earns in twenty-six (26) biweekly pay periods.

B. The City Manager may waive the maximum amount of annual leave authorized to be carried forward under extraordinary circumstances, subject to such conditions as the City Manager may deem appropriate.

C. Members shall cease accrual of any additional leave hours beyond the maximum cap, beginning with the pay period in which the member exceeds

the maximum amount of leave, until the member's accrued leave is brought under the maximum allowable cap.

D. Members may elect to convert accrued and unused annual leave or vacation leave into cash for transfer into a City-sponsored Section 457(k) deferred compensation plan. The amount of annual leave and/or vacation leave that may be transferred shall be limited to either the redemption amounts specified herein or the contribution caps set forth in the Internal Revenue Code, whichever is lower. A member electing to transfer annual leave and/or vacation leave into the deferred compensation plan must enroll in the plan before any leave can be transferred. Members must request a transfer using the City-approved form, which is available from the City's payroll department.

E. Prior to separation, members may elect to convert accrued and unused annual leave or vacation leave into cash for transfer into a City-sponsored Section 457(k) deferred compensation plan in their final year of employment with the City. The amount of annual leave and/or vacation leave that may be transferred shall be limited to the contribution caps set forth in the Internal Revenue Code. A member electing to transfer annual leave and/or vacation leave into the deferred compensation plan must enroll in the plan before any leave can be transferred. Members must request a transfer using the City-approved form, which is available from the City's payroll department.

4. Reserve Leave Fund ("RLF") & Excess Leave Accounts.

Members with "grandfathered" leave in their Reserve Leave Fund ("RLF") and/or their excess leave accounts are subject to the following terms:

A. Reserve Leave Fund: Members may use their RLF balance to cover leaves of absence, consistent with the terms governing the use of annual leave, as set forth in this Article. Members may not transfer any additional accrued leave into their RLFs and employees who join the bargaining unit after February 24, 2015 shall not have the right to create a RLF.

B. Excess Leave Account: Excess leave hours are subject to the following terms.

1. 80% grandfathered excess leave bank account: This leave is available for use and has cash value as set forth in this paragraph. Members may use this leave as paid time off, on an hour for hour basis, while employed. Upon separation, the remaining balance, if any, will be cashed-out. The cash value is calculated at the member's pay rate as of December 4, 2014.

2. 20% grandfathered excess leave bank account: This leave is available to use but will not have cash value. Members may use this leave as paid time off, on an hour for hour basis, while employed. Upon separation, the remaining balance will not be cashed out and instead will be forfeited.

C. Prior to taking leave, members shall inform the City which account the City shall charge leave to. In the absence of any designation, the City shall charge leave to Annual Leave.

5. Redemption

Members may cash out leave as follows:

After five (5) regular full-time years of service, a member may receive pay in lieu of up to forty (40) hours of accrued leave.

After ten (10) regular full-time years of service, a member may receive pay in lieu of up to eighty (80) hours of accrued leave.

Leave may be cashed out twice annually during the months of July and December. Members may cash out leave during either month, or both months, but shall be subject to the total redemption amounts specified above in any one calendar year.

6. Payment Upon Separation

Any member who leaves City service shall be paid at the time of separation the then current cash value of all accrued and unused leave.

7. Administrative Leave

The job requirements of exempt management employees may require them to work more than forty (40) hours per designated work week and the time worked frequently is in addition to their regular work schedule. Employees in this bargaining unit shall be granted forty (40) hours of administrative leave at the beginning of each fiscal year. Administrative leave balances shall be capped at forty (40) hours per fiscal year.

Use of administrative leave is subject to operational necessity but shall not be unreasonably denied.

Administrative leave cannot be carried over to the next fiscal year, has no cash value and cannot be cashed out if unused at the end of the fiscal year in which it was granted or upon separation.

This benefit shall be pro-rated for new members during the first year of hire or promotion.

8. Bereavement Leave

The Department Director/ Division Supervising Manager may grant up to three (3) days leave of absence with pay to any eligible employee on the death of any member of the member's immediate family.

Immediate family shall include the following individuals related to the member or the member's spouse by reason of blood line, marriage, adoption or foster care: parents, grandparents, spouse, spouse's parents, brother(s), sister(s), child(ren), son(s)-in-law, daughter(s)-in-law, grandchild(ren), great grandchild(ren), registered domestic partner, and any blood relative(s) living in the immediate household.

Immediately upon return from bereavement leave, the member shall furnish to the Department Director/ Division Supervising Manager some evidence of the death, e.g., a newspaper clipping, obituary notice, funeral card, or other record of death. If such evidence is not provided, the bereavement leave shall be converted to leave without pay.

9. Industrial Disability Leave

Injury or illnesses arising out of and occurring in the course of employment will be administered under the Workers' Compensation Laws of the State of California.

Members may coordinate industrial disability leave with accrued leave balances to obtain full salary while on leave.

10. Leave Without Pay

The City shall provide leaves of absence without pay under the current policy and shall endeavor to return the absent member to his/her former position upon the member's return to work.

A member absent on authorized leave may return to work prior to expiration of the period of authorized leave upon written notice to the City Manager.

11. Jury Duty & Witness Leave

Jury Duty – if a member is called for jury duty, the member shall be granted a leave of absence with pay.

Witness Leave – if a member is called as a witness to testify in litigation as to matters arising out of or in the course of the scope of the member's employment, the member shall be granted a leave of absence with pay.

12. Military Leave

The City complies with the California Military and Veterans Code, the Uniformed Services Employment and Reemployment Rights Act (USERRA), and the Oxnard City Council resolutions and policies applicable to City employees who are members of the Armed Forces of the United States.

ARTICLE 8 Fair Labor Standards Act

The City defines all members as "exempt employees" under the Fair Labor Standards Act.

Exempt employees are not eligible to receive overtime pay, but they do receive Administrative Leave as specified above.

The City believes that flexibility should be afforded to employees in this bargaining unit who work additional time outside of a standard 40 hour week. The City Manager allows Department Heads to use their discretion in determining when and how a manager may flex their time in response to attending meetings and events that are over and above what is usual and customary for any given position in their department. Employees are still expected to accurately complete their time sheets to show a minimum of 80 hours worked or in a paid status in a given pay period.

Employees who violate or abuse the City's flex time policy or who have an attendance or tardiness problem may be denied eligibility for this flex time policy at the discretion of the employee's supervisor.

ARTICLE 9 Labor/Management Committee

The City agrees to establish a Labor/Management Committee to discuss issues of mutual concern, including salary compaction. Meetings shall be held periodically at mutually agreed times and dates within fourteen (14) calendar days of any request, dependent upon availability of the parties.

ARTICLE 10 Grievances

Every effort should be made to resolve the grievance at the lowest possible level.

1. Definition

A "Grievance" is an allegation by a member claiming that the member has been affected adversely by a violation of the specific express terms of this MOU, and for which there is no specific method of review provided by Federal, State or local law.

2. Time Limits

Failure of City representatives to comply with time limits specified below shall entitle the employee to appeal to the next level of review. Failure of the employee to comply with the time limits shall constitute abandonment of the grievance, except, however, the parties may, in writing, extend time limits by mutual written agreement in advance of expiration of the established time limit.

3. Informal Resolution

A member with a bona fide grievance concerning terms and conditions of employment shall informally discuss the grievance with the Department Director/ Division Supervising Manager or designee within twenty-one (21) business days from the date of the action causing the complaint, or from the date the incident is first discovered, in order to, in good faith, endeavor to resolve the matter expeditiously and informally.

4. Formal Grievance Procedure

If informal discussion does not resolve the grievance to the member's satisfaction, the member may file a formal grievance. The member, or a representative, shall reduce the grievance to writing and submit it to the member’s Department Director/ Division Supervising Manager within ten (10) business days of receipt of the answer from the informal resolution procedure. The Department Director/ Division Supervising Manager shall further consider and discuss the grievance with the member and/or the member's representative, and shall, within ten (10) business days of having received the written grievance, submit a response in writing to the member.

5. Formal Grievance Appeal

If the written response does not result in a resolution of the grievance, the member may appeal the formal grievance by presenting it to the Human Resources Director or his/her designee within ten (10) business days of receipt of the written response to the formal grievance. The Human Resources Director or his/her designee may investigate the grievance and may set a meeting with the member, the member's designated representative and such other persons as deemed appropriate to consider the grievance. Within ten (10) business days of the meeting, the Human Resources Director or his/her designee shall submit a response to the grievance to the member and the member's representative.

6. Administrative Appeal of a Formal Grievance

If the response by the Human Resources Director or his/her designee does not result in resolution of the formal grievance, the member may appeal the grievance to the City Manager's Office within ten (10) business days of the member's receipt of the Human Resources Director's or his/her designee's response. The City Manager may set a meeting with the member, the member's designated representative, and such other persons as deemed appropriate to consider the grievance. Within twenty-one (21) business days of receipt of the formal grievance, the City Manager will submit a response to the member and the member's representative.

ARTICLE 11 Discipline

1. Definition of Disciplinary Action

A "Disciplinary Action" is any suspension, demotion, or discharge of regular non-probationary members taken for disciplinary reasons.

2. Pre-Deprivation Due Process - Notice of Intent

Within ten (10) working days of receipt of a notice of intent to impose disciplinary action, a member may respond orally or in writing. The member may also request a meeting with the person proposing the disciplinary action.

In accordance with state law, the notice of intent shall include, at a minimum, the notice of the proposed action, the reasons therefore, a copy of the charges and materials upon which the action is based, and the right to respond orally or in writing, to the authority initially imposing discipline.

3. Post Deprivation Due Process - Advisory Arbitration

Within ten (10) working days of the receipt of a notice imposing a disciplinary action, a member may file an appeal to advisory arbitration.

The parties, or their designated representatives, in good faith shall attempt to agree on an arbitrator. If they are unable to agree on an arbitrator within a reasonable time, either party may request the State Mediation and Conciliation Service to submit a list of seven (7) arbitrators. The parties shall select the arbitrator by alternately striking names from a list until one name remains. Such person shall then become the arbitrator.

The arbitrator so selected shall hold a hearing as expeditiously as possible at a time and place convenient to the parties, and shall be bound by the following:

A. The relevant MOU language and applicable City rules and regulations,

B. The precise issue(s) submitted, including what is the remedy, and

C. Federal, State and local law.

The arbitrator may not recommend changes in established wages or benefits, nor recommend the payment of back wages or benefits to a date prior to ten working days before the notice of intent was issued and/or the member was placed on administrative leave, whichever is earlier.

The arbitrator shall issue a decision within thirty (30) calendar days unless additional time is granted by the parties. The decision shall be submitted to the City Manager with copies to all parties. The City Manager may adopt, reject, or modify the arbitrator's decision. The City Manager's determination shall be rendered in writing within twenty-one (21) calendar days of receipt of the arbitrator's decision. The City Manager's determination constitutes a final administrative action by the City subject to judicial review pursuant to Code of Civil Procedure §1094.5.

If the employee is represented by an Association, the cost of the arbitrator shall be borne equally by the parties. If the employee is not represented by an Association, the arbitrator's charges shall be borne by the City.

ARTICLE 12 Reduction in Force

1. Definitions

For purposes of this Article, "City Length of Service" is defined as the member's total continuous service in regular City employment.

2. Impact Bargaining

The City shall promptly notify the Association of the proposed RIF and extend meaningful opportunity for the Association to meet and confer over the negotiable effects of the proposed action.

3. Procedure

The City shall identify those classifications within departments to be reduced.

4. Notification

All members to be laid off shall be given written notice no less than thirty (30) calendar days before the effective date of the layoff.

The written notice shall specify the member's displacement (bumping) rights, if any, as well as state the member's reinstatement and/or reemployment rights.

5. Order

Once the classifications to be reduced have been identified, the City shall determine the employee(s) in the identified classification(s) to be laid off in the following order, if there is more than one (1) employee in a classification designated for layoff:

A. Employees who are temporary

B. Employees in limited-term positions in reverse order of their City Length of Service

C. Employees serving an initial probationary period with the least continuous City Length of Service.

D. Employees serving a promotional probationary period with the least continuous City Length of Service.

E. Employees with the least continuous City Length of Service.

F. If there are two (2) or more employees who have identical continuous City Length of Service, their order of layoff shall be randomly determined by the City.

6. Displacement Rights

Members who are designated to be laid off and have previously held regular status in another classification may displace members occupying positions in the previously held classification provided that the member exercising the displacement privilege has greater continuous City Length of Service than the member currently in the classification to which the member is seeking a position.

If the member did not complete a probationary period in the previously held classification, then no displacement rights accrue to that member for that classification.

Conditions which affect displacement rights are as follows:

A. A member's displacement rights shall be calculated to each previously held classification in reverse of the order in which the member was employed until a displacement right is determined or the City determines that no displacement right exists. A member does not have displacement rights to a classification if the employee vacated the classification as a result of a disciplinary action.

B. The member exercising the displacement right will displace members in previously held classifications in the same order as specified herein.

C. A member must exercise the member's displacement right within nine (9) working days after receipt of the notice of layoff, by written request to the City. If the displacement right is not exercised within the specified time period, the right is forfeited.

7. Demotion in lieu of Displacement

A. Upon request of a member and with the City's approval, a regular full time member, not in a probationary status, may be permitted to demote into a vacant authorized position within this bargaining unit, only if the City establishes that the member meets all the requirements of the classification.

B. All members who are demoted within this bargaining unit will be paid at the same base wages as prior to demotion, if, and only if, the base wage is within the salary range of the classification that the member occupies after the demotion. If this is not the case, the base wage to be paid shall be within the salary range of the demoted to classification which is closest to the member's base wage prior to demotion.

C. Any member subject to a demotion who has not previously completed the probationary period in the classification to which the member is demoted shall serve the applicable probationary period without credit for the earlier service in classification.

8. Transfer

A. The City may transfer a regular member in non-probationary status to a vacant authorized classification within this bargaining unit if the City has established that the member is qualified and technically capable of performing the duties of the classification.

B. A member who is transferred will be paid base wages equal to the member's base wages prior to transfer. Any such member who does not accept a transfer within five (5) working days after notice of transfer is given will have forfeited the member's ability to transfer to that classification.

C. Any member subject to a transfer who has not previously completed the probationary period in the classification to which the member is transferred shall serve the applicable probationary period without credit for the earlier service in classification.

9. Reinstatement

A member who is demoted as a result of a reduction in force shall have the member's name placed on a classification reinstatement list, in the order of the City Length of Service. Vacant positions within a classification shall be first offered to members on this reinstatement list.

10. Reemployment

A member who has been laid off shall have the member's name placed on a reemployment list for classifications in which the member previously held and for classifications at the same or lower salary range for which the member qualifies in the order of the City Length of Service.

Vacant positions in such classifications will be offered to members on the reemployment list after members on the reinstatement list have been reinstated, and prior to an open or promotional recruitment to fill vacant positions in that classification.

11. Duration of Lists

The member's name shall remain on the reinstatement list and reemployment list for a period of two (2) years from the date of demotion or layoff.

A member not responding to written notification of an opening within nine (9) working days shall have the member's name removed from either the reemployment list or reinstatement list.

12. Restoration of Benefits

A member will have the following benefits restored if re-employed by the City within 2 years of separation due to a reduction in force:

A. Seniority at time of layoff for purposes of determining step increases, vacation leave accrual, and future layoff priority.

B. Base wages paid to a member who is reemployed in the same classification he/she held at time of layoff shall be the base wages then in effect for the salary range and step the member held at the time of layoff. If the member chooses to be reemployed in a classification which has a salary range lower than the classification from which the member was laid off, then the base wages shall be those at the step in the lower salary range that is closest to the member's base wages immediately prior to layoff, then the member shall receive the maximum base wages provided in such salary range.

13. No Credit for Earlier Service in Classification

Under any circumstances, a member subject to a demotion or transfer who has not previously completed the probationary period in the classification to which the member is demoted or transferred shall serve the applicable probationary period for the classification to which the member is demoted or transferred without credit for the earlier service in the member's prior classification.

14. Severance

Members who are laid off will be offered the following severance package:

A. One (1) week of salary for each year of service, plus one additional week with a maximum benefit of thirteen (13) weeks of salary. A partial year of service will be rounded up to the next whole year.

B. Six (6) months of the average monthly Cafeteria Payment provided to all employees, to allow for continuation of health insurance coverage.

C. One (1) month of access to professional outplacement services.

ARTICLE 13 Resignation

1. Advance Notice

A member may resign from City service at any time. A member resigning from City service, however, shall give a minimum of two (2) weeks' notice to the member's Department Director/ Division Supervising Manager in order to enable City to make proper provisions for filling the member's position. This notice period may be shortened by mutual agreement between the member and the City. If the member fails to provide at least two (2) weeks' notice and the parties have not mutually agreed to a shorter notice period, the City may enter a notation of that fact in the member's personnel file.

2. Forfeiture of Privileges

Upon resignation, the member shall forfeit all seniority and employment privileges allowed by this MOU and applicable City policies. Any person resigning may, at the discretion of the City Manager, be reinstated in accordance with Section 3.

3. Reinstatement

A member who has resigned from City service in good standing (i.e. not under threat of termination) may apply for reinstatement within one year by means of a written request. If the City Manager approves reinstatement, the applicant may be reemployed in the same job classification as occupied upon resignation.

ARTICLE 14 Outside Employment

1. Purpose

The purpose of this Article is to regulate the practice of employment other than City employment (outside employment) by members, particularly where there is a potential that such employment would impair a member's ability to perform the member's City duties.

2. Prohibiting Conditions

Members are prohibited from holding employment or occupations other than City service when the following conditions may result:

A. The employment or occupation has the potential for interfering with satisfactory service due to physical or mental fatigue; or

B. The other-than-City employment or occupation is deemed by the City Manager to be inconsistent with or detrimental to City service.

3. Authorization

A written request on the designated City form duly completed must be provided by the employee to the Department Director for approval of any other-than-City employment. Such employment may not be undertaken without prior written approval of the Department Director of such request.

4. Limitation

In no event shall other-than-City employment exceed twenty (20) hours per week.

5. Order to Cease Working

A Department Director may order an employee to cease other-than-City employment if the employment violates any of the provisions of this Article.

ARTICLE 15 No Strikes

1. The Association, its officers, agents, representatives, and/or members agree that during the term of this Agreement, they will not cause or condone any unlawful strike, walkout, slowdown, sick-out, or any other unlawful job action by withholding or refusing to perform services.

2. Any employee who participates in any conduct prohibited in Section 1 above shall be subject to termination by the City.

3. In addition to any other lawful remedies or disciplinary actions available to the City, if the Association fails, in good faith, to perform all responsibilities listed below in Section 1, above, the City may suspend any and all of the rights, privileges, accorded to the Association under the Employer-Employee Relations Resolution in this MOU, including but not limited to suspension of the Grievance Procedure and dues deduction.

4. In the event that the Association, its officers, agents, representatives, or members engage in any of the conduct prohibited in Section 1, above, the Association shall immediately instruct any persons engaging in such conduct that their conduct is in violation of this MOU and unlawful, and they must immediately cease engaging in conduct prohibited in Section 1 above, and return to work.

ARTICLE 16 City Rights

1. The City reserves, retains, and is vested with, solely and exclusively, all rights of management which have not been expressly abridged by specific provisions of this MOU or by law to manage the City, as such rights existed prior to the execution of this MOU. The City may exercise its management rights unilaterally without the obligation to meet and confer on the decision to exercise such rights. However the City shall meet and confer on the impact thereof pursuant to Section 2 of this Article. The sole and exclusive rights of management, as they are not abridged by this MOU or by law shall include, but not be limited to, the following rights:

    A. To manage the City generally and to determine the issues of policy;
    B. To determine the existence or nonexistence of facts which are the basis of the management decision;
    C. To determine the necessity of organization of any service or activity conducted by the City and expand or diminish services;
    D. To determine the nature, manner, means and technology and extent of services to be provided to the public;
    E. Methods of financing;
    F. Types of equipment or technology to be used;

G. To determine and/or change the facilities, methods, technological means, and size of the work force by which the City operations are to be conducted;
H. To determine and change the number of locations, relocations and type of operations, processes and materials to be used in carrying out all City functions including, but not limited to, the right to contract or subcontract any work or operation of the City to the extent permitted by law;
I. To assign work to and schedule employees in accordance with requirements as determined by the City and to establish and change work schedules and assignments upon reasonable notice;
J. To establish and modify productivity and performance program and standards;
K. To relieve employees from duties for lack of work, or funds, or similar non-disciplinary reasons;
L. To discharge, suspend, demote, or otherwise discipline classified non at will employees for proper cause;
M. To determine job classification and to reclassify employees;
N. To hire, transfer, promote and demote employees for non-disciplinary reasons;
O. To determine and administer policies, procedures and standards for selection, training, and promotion of employees;
P. To establish employee performance standards including, but not limited to, qualification and quantity standards and to require compliance therewith;
Q. To maintain order and efficiency in its facilities and operations;
R. To establish and promulgate and/or modify Rules and Regulations to maintain order and safety in the City which are not in contravention with this MOU;
S. To take any and all necessary action to carry out the mission of the City in emergencies.

2. Except in emergencies, or where the City is required to make changes in its operations because of the requirements by law, whenever the exercise of management's rights shall impact on employees of the Association, the City agrees to meet and confer with representatives of the Association regarding the impact of the exercise of such rights. By agreeing to meet and confer with the Association as to the impact of the exercise of any of the foregoing City rights, management's discretion in the exercise of these rights shall not be diminished.

ARTICLE 17 Association Rights

1. Release Time for Representatives

City agrees that association representatives have the right to paid release time for the time spent representing a member under the grievance procedure and the disciplinary action procedure herein subject to the following:

A. Association may designate up to eight (8) members as Representatives and shall in writing notify the City Manager and Human Resources Director of such designations. City has no obligation to change or adjust normal program scheduling or assignments of members as a result of such designations.

B. One such designated representative may, without loss of pay or benefits, attend mutually scheduled grievance or disciplinary action meetings and hearings with Department Directors or other non-bargaining association management staff; gather information; or interview the subject member or witnesses. Attendance is subject to permission of the representative's Manager. Denial of attendance at meetings, hearings, or other member related activities shall be based upon operational needs and shall not unreasonably be denied.

C. Up to eight (8) such designated representatives may, without loss of pay or benefits, attend meet and confer sessions related to negotiations of successor MOUs and any other meet and confer sessions regarding proposed changes in terms and conditions of employment. Requests for release time under this paragraph shall not be unreasonably denied and such denial shall be based upon operational needs.

D. Representatives and/or officers, with immediate supervisor approval, may leave to attend employer-employee relations seminars. Such approval shall not be unreasonably denied. The representatives and/or officers may elect to use accrued leave to be paid for the absence.

2. Job Classifications

The City shall provide to OMMA representatives:

(i) Written notice related to new job classifications, or modifications to existing job classifications, including any changes to salary ranges, class specifications, or job descriptions; and

(ii) An opportunity to request meet and confer over such changes, and good faith negotiations within a reasonable time period thereafter;

Each to the extent required under the Meyers Milias Brown Act.

3. Association Security

A. All Unit employees who are employed in classifications set forth on Attachment A on the effective date of the MOU who are members of OMMA and all such employees who thereafter voluntarily become members of OMMA shall maintain their membership in OMMA, subject to the right to resign from membership during the period thirty (30) days prior to the expiration of this MOU.

B. If an employee is on leave without pay, no deduction shall be made for that period.

C. OMMA agrees that it has a duty to provide fair and non-discriminatory representation to all employees in this bargaining unit, regardless of their status as members in accordance with SB866.

D. OMMA agrees to fully indemnify the City and its officers, employees and agents against any and all claims, proceedings and liability arising, directly or indirectly, out of any actions taken by or on behalf of the City under this section.

E. Association Sponsored Deductions:

In the event OMMA wishes to utilize a new payroll deduction code for an Association sponsored activity, OMMA shall make a request of the Payroll Division. Existing codes and changes shall be processed without cost to the Association. Activating new codes is subject to availability and may require a cost to OMMA. The City and OMMA agree that both parties shall be saved, indemnified, and held harmless from any liability due to errors and omissions arising out of the other party's use of the OMMA sponsored deductions codes.

4. List of Members

Pursuant to AB119 the City shall provide association with a list of unit employees, their membership status, their address and telephone number, their classifications and departments, and updates as to transfers, promotions, new City employees, and separations from service within the Association.

The City shall notify the Association of all new appointments of persons to the bargaining unit, whether said appointment or assignment is on a permanent basis or on an interim or other temporary or non-permanent basis. Notice shall be as soon as reasonably practicable, but not to exceed sixty (60) days from the date of appointment.

5. Payroll Deductions & Membership Dues

A. Members may execute a written authorization for dues deduction. City shall deduct dues from their paychecks and transmit promptly those dues to the Association.

B. City shall deduct from the biweekly paycheck of members the regular periodic membership dues (as certified in writing to the City Manager by an authorized official of association), and the cost of regular periodic association-sponsored benefits or other voluntary deductions, pursuant to receipt of the City's deduction authorization form, duly completed and signed by the members. City shall transmit such deductions biweekly to the association.

C. Dues deductions shall be made only when the association member's earnings for a pay period are sufficient after other legally required deductions are made.

D. City and Association agree that City assumes no liability on account of any actions taken or not taken pursuant to this section.

6. Meeting Locations

A. Upon request, City may provide association with a location for a meeting to occur outside working hours of the attendees, provided the space is available and association complies with all City and department rules, policies, and directions.

B. Meetings shall not interfere with City operations. Requests for use of City facilities will be made in advance to the City Manager or designee, and will indicate the date, time and general purpose of the meeting for which the facilities are being requested.

C. Association understands and agrees that the City Manager or designee may deny the request when the purpose of the meeting makes such use inappropriate.

7. Distribution of Association Materials

A. Bulletin Boards

City agrees that association may use designated bulletin boards or portions of boards in each work location in which members work. City and association shall jointly identify bulletin board space. Posted materials may include notices of association meetings, association news, and appointments and results of elections or ratification votes.

A copy of all material to be displayed upon bulletin board shall be provided to the Director of Human Resources upon request. If the Director objects

to the material, the Director shall notify association staff. In such event, the materials shall not be placed on the bulletin board, based upon the Director's objections. Association is responsible for posting and removal of material on the designated bulletin board and for the neat and orderly maintenance thereof.

B. City Email

Association shall, with the approval of the City Manager or designee, have the use of the City email for the purpose of communication of association business including, but not limited to, scheduling joint meetings and appointments and informing members of possible tentative agreements.

ARTICLE 18 Employee Rights

1. Review of Personnel Actions

Employees shall have the opportunity to review their performance evaluations with their Manager. If, after review, the employee disagrees with the Manager's assessment, the employee may provide a written response within thirty (30) days of the meeting, explaining the difference of fact or opinion. The employee's response shall then be attached to the performance evaluation.

2. Written Reprimands

Written reprimands shall be removed from the employee file five (5) years after the date they were issued.

3. Personnel File Inspection

A member shall have the right to inspect the contents of the member's personnel file, or may designate in writing a representative to inspect the member's file.

4. Non-Interference in Administrative Affairs.

Except to respond to inquiries, a member shall not be required to carry out orders directly from a City Councilmember. Instead, the member must consult and follow the direction of the City Manager or department head. All communications from Council members about the administration of the City must only be made through the City Manager. A member shall be free from coercion or influence by a City Councilmember in respect to any contract, purchase of supplies or any other administrative action.

ARTICLE 19 Miscellaneous Terms

1. Personnel Rules & Regulations

The City's Personnel Rules and Regulations are available from the City's Human Resources Department. Where the Personnel Rules and Regulations are inconsistent with this MOU, the terms of this MOU shall govern. The City agrees to meet and confer with the Association over any proposed changes to the Personnel Rules and Regulations which pertain to wages, hours, and other terms and conditions of employment, as required by the MMBA.

2. Administrative Manual

The City's Administrative Manual is available from the City's Human Resources Department. Where the Administrative Manual is inconsistent with this MOU, the terms of this MOU shall govern. The City agrees to meet and confer with the Association over any proposed changes to the Administrative Manual which pertain to wages, hours, and other terms and conditions of employment, as required by the MMBA.

3. Prior Documents

This MOU contains all covenants, stipulations, and provisions agreed upon by the City and the Association. It is intended to supersede all prior MOUs, and any contrary provisions of the Administrative Manual or Personnel Rules & Regulations.

4. No Meet and Confer Requirement

Except as expressly provided in this MOU, by law, or by mutual agreement, neither the City nor the association shall be required to meet and confer during the term of this MOU on subjects within the scope of representation.

Nothing in this MOU shall release the City from the meet and confer process as required by State law on issues not addressed in the MOU, or regarding matters subject to impact bargaining if requested by the association.

5. Reopener

The parties agree to reopen the contract during the negotiations over the compensation element of the class and compensation study to discuss the differentials between supervisor and subordinate positions including how education pay and longevity pay impact the differentials between pay grades.

6. Complete Agreement

Except as otherwise specifically provided herein, this MOU fully and completely incorporates the understanding of the parties hereto. The parties agree that this MOU shall supersede the terms of all prior MOUs and other written agreements, if any. The parties retain the right to change the terms of this MOU by mutual agreement.

7. Savings Clause

If the implementation of any article or section of this MOU shall be frustrated on account of the operation of law or by any tribunal of competent jurisdiction, or if compliance with any article or section would be frustrated or restrained by such law or tribunal, the City and association shall, if possible, meet and confer for the purpose of endeavoring to agree on a replacement for such article or section.

8. Successor MOU

Either party shall notify the other, in writing, of its desire to negotiate a successor MOU. Within 7 days of receipt of notice, the parties and/or their representatives shall coordinate the scheduling of negotiation sessions. Both parties agree “"writing” includes email communications. The City and association shall then commence meet and confer concerning modifications, additions revisions, and/or deletions proposed by the parties as are within the statutory scope of meet and confer and in accordance with State law and the Oxnard City Code.

CITY OF OXNARD	*OXNARD MID-MANAGERS ASSOCIATION*
Alexander Nguyen, City Manager	Jeffrey Miller, President
Steve Naveau, Human Resources Director	Roger Brooks, Vice-President
	Sabrina Rodriguez, Treasurer
	Karl Lawson, Secretary
	Melissa Garibay, Director
	Jerome Staszewski, Director

_____
Beth Ward, Director

_____
Luis Gureca, Negotiations Committee

_____
Jeff Pengilley, Negotiations Committee

_____
Armida Monares, Negotiations Committee

Attachment A

Represented Classifications

Classification Title	Class Code	Salary Range
Accounting Manager	7208	M48
Assistant City Clerk	1402	M11
Assistant City Treasurer/Revenue Account Manager	7309	M48
Budget Manager	7210	M62
Chief Operator	20137	M32
City Surveyor	5110	M34
Code Compliance Manager	13240	M40
Communications Manager	14147	M36
Community Affairs Manager	14126	M38
Community Outreach & Prod. Spec.	2108	M22
Community Services Manager	15124	M29
Compliance Services Manager	9214	M29
Construction & Maintenance Engineer	17117	M66
Construction Project Manager	13227	M29
Controller	7211	M62
Cultural Arts Supervisor	2205	M11
CUPA Coordinator	14313	M44
Custodial Supervisor	6120	M14
Deputy Building Official	13247	M74
Deputy Housing Director	9160	M66
Design & Construction Services Manager	4542	M83
Development Services Manager	4518	M87
Disaster Preparedness Coordinator	14315	M44
Emergency Medical Services Coordinator	14312	M44
Environmental Resources/MRF Manager	16129	M87
Environmental Resources Supervisor	16122	M19
Facilities Maintenance Supervisor	6159	M19
Financial Analyst I	7126	M14
Financial Analyst II	7129	M22
Financial Analyst III	7132	M29
Financial Services Manager	7202	M62
Fleet Services Manager	17219	M44

Classification Title	Class Code	Salary Range
Fleet Services Mechanic Supervisor	17212	M16
Fleet Services Operations Manager	17215	M19
Geographic Info Systems Coordinator	3113	M51
Grants Coordinator	7134	M36
Homeless Assistance Program Coordinator	9150	M29
Housing Financial Officer	9160	M48
Housing Maintenance Superintendent	9123	M38
Housing Maintenance Supervisor	9121	M14
Housing Modernization Superintendent	9118	M38
Housing Program Supervisor	9132	M29
Housing Programs Manager	9208	M51
Housing Rehabilitation Program Manager	9202	M38
Laboratory Supervisor	20127	M26
Legislative Affairs Manager	1204	M40
Leisure and Recreation Supt	15126	M48
Library Circulation Supervisor	10116	M14
Library Services Supervisor	10127	M26
Maintenance Services Manager	4543	M85
Management Accountant/Auditor	7136	M29
Management Analyst I	1544	M14
Management Analyst II	1547	M22
Management Analyst III	1550	M29
Network Services Coordinator	3110	M14
Parks Maintenance Supervisor	15223	M14
Parks Manager	15230	M44
Planning & Environmental Services Manager	13119	M81
Police Finance & Grants Manager	14118	M62
Police Records Manager	14115	M40
Police Records Supervisor	14117	M11
Principal Planner	13114	M44
Project Manager	13230	M40
Public Information Officer	2125	M38
Public Safety Communications Manager	14748	M66
Public Safety Information Technician Manager	3111	M62
PW Construction Project Manager	13221	M38
Recreation Supervisor	15123	M19
Recycling Manager	16128	M36
Redevelopment Project Manager	4201	M40

Classification Title	Class Code	Salary Range
Redevelopment Services Manager	4205	M74
Senior Planner	13111	M32
Special Asst. to the City Manager	1206	M66
Streets Manager	17115	M44
Supervising Building Inspector	13210	M40
Supervising Civil Engineer	5136	M83
Systems Administrator	3103	M62
Systems Analyst I	3107	M29
Systems Analyst II	3109	M40
Systems Analyst III	3112	M51
Technical Services Manager	19149	M44
Traffic Engineer	18129	M59
Treasury Supervisor	7312	M11
Wastewater Collections Supervisor	19110	M19
Wastewater Maintenance Manager	19169	M32
Wastewater Maintenance Supervisor	19170	M19
Wastewater Operations Manager	19172	M62
Wastewater Operations Supervisor	19171	M19
Wastewater Superintendent	4541	M66
Water Resources Manager	20138	M66

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD ESTABLISHING RULES FOR THE APPLICATION OF COMPENSATION RATES AND BENEFIT LEVELS FOR EXECUTIVE, CONFIDENTIAL MID-MANAGEMENT AND CONFIDENTIAL NON-MANAGEMENT EMPLOYEES THROUGH JUNE 30, 2022

RESOLVED, by the City Council of the City of Oxnard, as follows:

Section I. Applicability

A. General. Employees subject to this Resolution are classified as at least one of the following: Executive, Confidential Non-Management, and Confidential Mid-Management.

B. Council Authority Necessary to Amend Resolution. Any exception to these provisions must be authorized by the City Council prior to the action, or in the case of a bona fide emergency, at the next scheduled City Council meeting following the action. Actions are submitted through the agenda process by the City Manager or the Human Resources Director, as applicable, in open session or through the City Attorney in closed session as permitted under the Ralph M. Brown Act and ultimately placed on the City Council's open agenda prior to final approval. Government Code Section 36506 requires the City Council to fix the compensation of all appointive officers and employees by resolution or ordinance, and Section 10 of Article XI of the California Constitution prohibits the grant of extra compensation to a public officer or employee after service has been rendered. Therefore, the City, as a municipal corporation subject to the general laws of California, must abide by these statutory and constitutional provisions in establishing compensation policies and practices.

Section II. Salaries

A. The following salary increases are provided:

There are no salary increases during the term of this Resolution.

Employees in classifications designated as executive or confidential will be paid in accordance with the hourly rate established in the annual classification and salary resolution.

Employees who are designated as confidential and are assigned to a classification represented by a bargaining group, shall be paid an hourly rate which is in accordance with that bargaining unit's MOU.

B. Merit Increases

i. Effective beginning January 1, 2020, Confidential Non-Management Employees, Confidential Mid-Management Employees and Executive Employees who receive a satisfactory performance evaluation during the preceding calendar year will be eligible for a merit increase of not less than five percent (5.0%) within that employee's salary range. Notwithstanding the foregoing, if an employee is less than five percent (5.0%) from the top of the range, the increase shall be to the top of the salary range.

ii. When the City Manager determines that a Confidential Mid-Management Employee or an Executive Employee has demonstrated an exceptional level of job performance and efficiency,

the City Manager may grant a merit increase in excess of five percent (5.0%). Such an increase for Confidential Mid-Management Employees must be based upon the applicable Department Director's recommendation. No merit increase shall cause an employee's salary to exceed the top of the salary matrix established for the classification. No advancement shall be given to any employee whose most recent performance evaluation rating was "unsatisfactory," or "needs improvement."

iii. Eligible employees will receive their annual merit increase effective the first full pay period of January. Newly hired employees or employees promoted during the preceding calendar year will have their merit increase pro-rated based on their service during the calendar year (for example, an eligible employee with six months of service in a classification in calendar year 2020 will receive not less than a 2.5% merit increase in January 2021.)

C. Salary Upon Temporary Promotion

i. A qualified employee, as determined and approved by the City Manage, may be assigned to a higher classification to fill a vacancy. The City's Personnel Rules and Regulations must be followed when making such an appointment.

ii. Upon temporary promotion, an employee will receive either the minimum of the new pay/salary range or ten percent (10%) over their present rate of pay, whichever is greater and which will not exceed the new pay/salary range maximum. The change in pay/salary related to the promotion shall be effective at the start of the first full pay period following such promotion. The temporarily promoted employee shall not receive any other benefit assigned to the higher classification that they are not already receiving.

D. Interim/Acting Department Head Assignment Pay

i. An employee who has been designated by the City Manager as Interim/Acting Department Head shall vacate the current classification and assume the higher classification for the duration of the assignment, and shall receive an assignment pay of ten percent (10%) above his/her present rate of pay. In no case shall such pay/salary adjustment place the employee beyond the pay/salary range of the position to which they have been temporarily promoted. The change in pay/salary related to the assignment of Interim/Acting Department Head shall be effective at the start of the first full pay period following such assignment by the City Manager. The Interim/Acting Department Head shall not receive any other benefit assigned to the higher classification that they are not already receiving.

E. Automobile Allowance

i. Executive Employees will be provided a biweekly automobile allowance as follows:

1.	Assistant City Manager	$184.62
2.	Department Heads / Deputy City Manager	$161.54

ii. Eligible employees who receive approval to use a City vehicle instead of receiving an automobile allowance shall have computations of other benefits/compensation calculated as if they received an allowance.

iii. Mileage reimbursement for local in County travel will not be reimbursed if the employee receives a car allowance. Mileage reimbursement shall be approved for out of area business travel at a rate equivalent to the standard mileage rate established by proclamation of the Internal Revenue Service.

Section III. Other Compensation Provisions

A. Mileage for Travel Outside City Limits

i. Except as provided in Section II.E, when employees are required by City to use their personal vehicle to perform their assigned duties for City, and they so utilize their own vehicles in traveling directly and uninterruptedly from one assigned work location to another assigned work location, at least one of which is located outside of the City limits, City shall compensate the employee. Employees shall make claims for mileage compensation that are consistent with current IRS rates on City designated forms.

B. Bilingual Pay:

A Department Director may request that certain eligible employees receive bilingual pay. An employee shall be certified by the City as possessing the skills necessary to communicate effectively with the public in English and a second language for the purpose of conducting City business. The Department Director in consultation with Human Resources shall determine the level of competency needed and which level the employee shall be tested for.

i. Level I - Written and/or Conversational Bilingual. Employees proficient in a second language at an advanced level and meeting the following criteria shall receive fifty dollars ($50) per pay period for Level I competency:

(i) The employee must pass the bilingual competency test administered by the City, and

(ii) The employee shall provide basic oral translations as part of their regular job duties.

ii. Level II - Bilingual Translators. Employees who pass a skills-based test administered by the City to demonstrate advanced competency in written translation and oral interpretation shall receive one hundred dollars ($100) per pay period for Level II competency:

(i) The employee shall provide oral communication and translation, as well as written translations, as part of their regular job duties, including, but not limited to, writing and reviewing translated documents for distribution to City residents (i.e. City mailers, press releases, inserts in City utility bills, surveys, etc.).

iii. Level III - Bilingual Translators. Employees who pass a skills-based test administered by the City to demonstrate superior competency in written translation and oral interpretation shall receive one hundred twenty-five dollars ($125) per pay period for Level III competency:

(i) The employee shall provide superior oral communication and translation, as well as written translations, as part of their regular job duties, including, but not limited to, writing and reviewing translated documents for distribution to City residents (i.e. City mailers, press releases, inserts in City utility bills, surveys, etc.).

Employees who are receiving bilingual pay will be required to recertify every three years. Employees who fail their recertification examine will have their bilingual pay cease on the following paycheck and will be eligible for retesting one year from the date of their previous test.

C. Longevity Pay

i. Confidential Non-Management Employees who have completed five (5) Regular full- time years of service shall be paid a sum equal to one percent (1%) of the base wages paid to the

employee. Confidential Non-Management Employees who have completed ten (10) regular full-time years of service shall be paid a sum equal to an additional one percent (1%), making a total of two percent (2%) of the base wages paid to the employee. Confidential Non-Management Employees who have completed fifteen (15) regular full-time years of service shall be paid a sum equal to an additional one percent (1%), making a total of three percent (3%) of the base wages paid to the employee. The additional payment for longevity of service shall be made at each time any installment of base wages is made to the employee.

D. Tuition Reimbursement

i. City shall pay Confidential Mid-Management Employees seventy five (75%) percent of tuition, registration fees, laboratory fees, campus parking fees and books, up to a maximum of $5,000 per fiscal year for work-related courses provided by accredited academic institutions. Confidential Non-Management Employees shall receive 100% of the costs of tuition, registration fees, laboratory fees, and books to a maximum of $1000 per fiscal year. These reimbursements are subject to the following conditions:

- Only full-time employees shall be eligible for reimbursement. To be eligible, an employee must complete and submit the tuition reimbursement pre-approval form to the Human Resources Department.

- Courses that qualify for reimbursement are those that directly relate to the employee's duties with the City or that directly relate to and are part of a planned course of study being actively pursued for promotion within City service, that are presented by an accredited high school, college, university or other accredited institution, and that are satisfactorily completed with a grade of "C" or higher.

- Courses that do not qualify for reimbursement are those taken to bring unsatisfactory job performance up to an acceptable level, those duplicating in-service training or other training the employee has already received, and those for which the employee received reimbursement from any other source.

- To receive reimbursement, the employee must submit acknowledgement of a "C" or better to the Human Resources Department within thirty (30) days of completion of the course of study.

- There shall be no obligation for City to re-schedule the work hours of any employee to facilitate attendance at any course of study.

E. Education Incentive Award Program

i. Confidential Non-Management Employees shall be eligible to receive an educational incentive award, in addition to base wages, for educational attainments not specifically required by the Unit employee's classification pursuant to the official class specifications maintained by the Human Resources Department. The education incentive award shall be related to the attainment of the following degrees:

- Associate of Arts Degree - 2.5%
- Bachelor's Degree - 3%
- Graduate Degree - 3.5%

ii. Employees eligible for an educational incentive award shall be entitled to receive only one level of educational incentive award for the highest degree attained. Incentive awards shall be granted pursuant to this section only after the employee submits to the Human Resources Department official transcripts noting the degree which has been earned.

Section IV. Holidays

A. Observed holidays include:

New Year's Day (January 1st)
Martin Luther King's Day (the third Monday in January)
Presidents' Day (the third Monday in February)
Cesar Chavez Day (March 31)
Memorial Day (the last Monday in May)
Independence Day (July 4th)
Labor Day (the first Monday in September)
Veterans' Day (November 11th)
Thanksgiving Day
The day after Thanksgiving
Christmas Eve half day (December 24th)
Christmas Day (December 25th)
New Year's Eve half day (December 31st)

Employees shall be entitled to holiday pay if an observed holiday falls on an employee's regularly scheduled workday and if the employee is in paid status on the day before or the day after an observed holiday.

Section V. Paid Leaves

A. Annual Leave

i. Accrual Levels:

Confidential Non-Management Employees and Confidential Mid-Management Employees will accrue annual leave based on the following schedule:

Years of Service	Months of Service	Biweekly Accruals	Annual Accruals	Maximum Accrual
<5	0-59	6.24	162.24	324.48
5-6	60-71	7.47	194.22	388.44
6-7	72-83	7.78	202.28	404.56
7-8	84-95	8.09	210.34	420.68
8-9	96-107	8.40	218.40	436.80
9-10	108-119	8.70	226.20	452.40

10-11	120-131	9.54	248.04	496.08
11-12	132-143	9.85	256.10	512.20
12-13	144-155	10-16	264.16	528.32
13-14	156-167	10.46	271.96	543.92
14-15	168-179	10.77	280.02	560.04
15+	180+	11.78	306.28	612.56

Executive Employees will accrue annual leave based on the following schedule:

Years of Service	Months of Service	Biweekly Accruals	Annual Accruals	Maximum Accruals
<2	0-23	7.16	186.16	372.34
2-5	24-59	9.62	250.12	500.24
5	60+	12.08	314.08	628.16

ii. Usage

a. Accrued annual leave may be taken at one day at a time, or it may be taken several days at a time. The annual leave is to be scheduled between the employee and his or her supervisor in such a manner that such employee's absence will not impair division operations.

iii. Maximum Annual Leave Accrual

a. Once an employee reaches his or her maximum annual leave accrual, he or she will not be permitted to accrue any additional annual leave until he or she uses sufficient annual leave so as to bring his or her annual leave balance below the applicable cap. Accrual will recommence in the following pay period.

iv. Redemption

a. After five (5) years of regular full-time service, a Confidential Non-Management Employee or a Confidential Mid-Management Employee may receive pay in lieu of up to forty (40) hours of annual leave provided that funds are allocated to cover these costs in the employee's department's budget and that such employee has taken at least forty (40) hours of annual leave in the preceding twelve (12) months.

b. After ten (10) years of regular full-time service, a Confidential Non-Management Employee or a Confidential Mid-Management Employee may receive pay in lieu of up to eighty (80) hours of annual leave provided that funds are allocated to cover these costs in the employee's department's budget.

c. Executive Employee, regardless of full-time years of service, may receive pay for redemption of up to one hundred (100) hours of annual leave during each calendar year.

d. Executive employees who have any leave banks outside of their current annual leave bank, administrative leave bank, or sick leave bank, may convert the hours which equate to $25,000 per year at their current hourly rate and have that sum placed into their 401(a) account. The amount to be converted and deposited into the 401(a) account may not exceed the annual IRS limits.

e. All requests for annual leave redemption must be made by the employee, in writing, using a City form. Said requests must be submitted to the City's payroll department during the months of July and December for the employee to receive the redemption. Pay under this subsection shall be calculated based on base wages, longevity pay, educational incentive pay, confidential pay, and bilingual pay, as applicable.

v. Payment Upon Separation

a. Any employee who leaves the service of the City shall be paid for accrued annual leave to which such employee is otherwise entitled at his/her then current base wages plus longevity pay, educational incentive pay, confidential pay, and bilingual pay, as applicable, as of the effective date of separation from City service.

b. Executive Employees who are retiring from City Service and were promoted from a lower level position into an executive position and accrued sick leave in a previous bargaining unit, shall be eligible to receive cash for their accrued sick leave at the rate of pay they made when they last held a non-executive position. The cash out will be fifty percent (50%) of the bank not to exceed 600 hours. Public Safety Employees who opt to purchase the CalPERS service credit are not eligible for this cash out.

vi. Discontinuance of Reserve Leave Program and Treatment of Accrued Reserve Leave.

b. If an employee were previously permitted to create and maintain a reserve leave bank, such employee's reserve leave bank balance will remain available for use by employees as annual leave, subject to the conditions for use set forth in this section. Employees will no longer be permitted to add additional hours to their reserve leave banks and new employees will not be permitted to create reserve leave banks.

B. <u>Administrative Leave</u>

i. Full time Confidential Mid-Management Employees in permanent positions who are classified as "exempt" for purposes of the Fair Labor Standards Act, such that they are not eligible for payment of overtime or an equivalent amount of compensatory time off shall be granted administrative leave. At the start of each fiscal year, such employees will be granted forty (40) hours of administrative leave.

ii. Full time Executive Employees in permanent positions who classified as "exempt" for purposes of the Fair Labor Standards Act, such that they are not eligible for payment of overtime or an equivalent amount of compensatory time off shall be granted administrative leave. At the start of each fiscal year, such employees will be granted eighty (80) hours of administrative leave.

iii. Administrative leave not taken during the fiscal year in which it is granted shall not be carried over to the subsequent fiscal year; employees shall not be permitted to maintain an administrative leave balance in excess of forty (40) hours for Confidential Mid-Management Employees or eighty (80) hours for Executive Employees. Administrative Leave has no cash value and cannot be cashed out if unused at the end of the fiscal year in which it was granted or upon separation.

iv. Administrative leave shall be scheduled at the convenience of the employee's department and must be approved by the employee's supervisor prior to its use.

Section VI. Health and Welfare Benefits

A. Health Insurance

i. The City offers affordable health coverage that meets minimum value standards under the Patient Protection and Affordable Care Act (PPACA) to all eligible employees. An eligible employee is one who qualifies under the Look Back Measurement Safe Harbor (average of 30 hours per week), as adopted by Resolution and implemented under the City's implementation plan.

ii. The City offers health coverage under the Public Employees' Medical and Hospital Care Act ("PEMHCA"). In accordance with the requirements of PEMHCA, the City shall make a direct contribution of $136 per month towards active employees' health care costs in calendar year 2019. This amount is equal to the statutory minimum contribution set by CalPERS and is subject to change as further required by CalPERS.

iii. In addition to the direct PEMHCA contribution described above, the City will make an additional contribution towards a cafeteria plan for active employees subject to this Resolution as follows:

Medical – For Executive Employees and Confidential Mid-Management Employees - The City will increase the monthly contribution for each tier of medical at the beginning of the 2020 benefits year which is reflected in the first pay check of the 2020 calendar year. The total new contribution for employee, employee plus one, and family is $864.34.

The City will increase the monthly contribution for each tier of medical at the beginning of the 2021 benefits year which is reflected in the first pay check of the 2021 calendar year. The total new contribution for employee, employee plus one, and family is $1,203.67.

The City will increase the monthly contribution for each tier of medical at the beginning of the 2022 benefits year which is reflected in the first pay check of the 2022 calendar year. The total new contribution for employee, employee plus one, and family is $1,543.00.

Any contributions remaining will be issued as cash back after applied to the medical plan premium.

For those employees who waive the medical, the City will contribute the following per month in each plan year:

Year 1 - $764.34
Year 2 - $1,003.67
Year 3 – $1,243.00

In the final year of the contract if the employees in this Resolution do not maintain a 68% combined participation in the plan including all confidential employees, then the contribution for those who "waive" will be reduced to $900 per month in the subsequent benefit year.

Medical – For Confidential Non-Management Employees - The City will increase the monthly contribution for each tier of medical at the beginning of the 2020 benefits year which is reflected in the first pay check of the 2020 calendar year. The total new contribution for employee, employee plus one, and family is $993.91.

The City will increase the monthly contribution for each tier of medical at the beginning of the 2021 benefits year which is reflected in the first pay check of the 2021 calendar year. The total new contribution for employee, employee plus one, and family is $1,268.46.

The City will increase the monthly contribution for each tier of medical at the beginning of the 2022 benefits year which is reflected in the first pay check of the 2022 calendar year. The total new contribution for employee, employee plus one, and family is $1,543.00.

Any contributions remaining will be issued as cash back after applied to the medical plan premium.

For those employees who waive the medical, the City will contribute the following per month in each plan year:

Year 1 - $893.91
Year 2 - $1,068.46
Year 3 – $1,243.00

In the final year of the contract if the employees in this Resolution do not maintain a 68% combined participation in the plan including all confidential employees, then the contribution for those who "waive" will be reduced to $900 per month in the subsequent benefit year.

B. Dental Insurance

i. The City shall contribute the sum of thirty dollars and eighty-three cents ($30.83) biweekly to the employee's dental insurance cafeteria plan for dental programs provided by the City. Regular full time employees that are employees for more than ninety (90) days and who "opt-out" of dental coverage will receive $30.83 bi-weekly additional taxable income.

C. Flex Spending Plan

i. Employees may participate in the voluntary Flex Spending Plan so long the plan is offered by the City and permitted under IRS rules and regulations.

D. Wellness Program

i. Employees may participate in the City wellness program as described in the City of Oxnard Personnel Rules and Regulations, which includes an annual reimbursement cap of $500 for eligible expenses.

Section VII. Term Life Insurance/STD/LTD

A. The City shall provide a term life insurance policy to all employees covered by this Resolution in the amount of five thousand dollars ($5,000). Additionally, Confidential Mid-Managers and Executive Employees will be provided a term life insurance policy of one time their annual salary. City-provided life insurance coverage is only in effect as long as the employee is employed by the City. Additional group term life insurance may be purchased by the individual employee.

B. The City shall provide a Short Term Disability (STD) plan and a Long Term Disability (LTD) plan to all Executive and Confidential management employees.

Section VIII. Deferred Compensation

A. Employees shall be permitted to participate in the City's section 457 deferred compensation plan for as long as such a plan is maintained by the City. Confidential Non-Management Employees and Mid-Management Employees will also have the option to convert up to forty (40) hours of accrued vacation or annual leave for deposit into a section 457 deferred compensation plan each calendar year. Executive Employees will have the option to convert up to eighty (80) hours of accrued vacation or annual leave for deposit into a section 457 deferred compensation plan each calendar year.

B. The City shall make a non-elective employer contribution of three percent (3%) of employee base pay/salary to the City-sponsored and designated deferred compensation plan for all permanent Executive Employees, including City Manager, City Attorney, Assistant City Attorney, Chief Assistant City Attorney, and Deputy City Attorney. At the beginning of the first full pay period in January 2020 the City will increase its contribution by 1.5% for a total of four point five percent (4.5%) for all permanent Executive Employees, including City Manager, City Attorney, Assistant City Attorney, Chief Assistant City Attorney, and Deputy City Attorney. At the beginning of the first full pay period in January 2020 Confidential Non-Management Employees subject to this Resolution will receive a City contribution of one percent (1%) of employee base salary to the City sponsored and designated deferred compensation plan; Confidential Mid-Management Employees will receive a City contribution of one point four percent (1.4%) of employee base salary to the City sponsored and designated deferred compensation plan.

Section IX. Retirement

A. CalPERS Retirement for Miscellaneous Employees Hired before January 1,2013

i. The City's contract with CalPERS provides for the two percent (2%) at age fifty- five (55) retirement formula.
ii. The City's contract with CalPERS provides for the "Single Highest Year" retirement benefit.
iii. Permanent miscellaneous Executive Employees will pay the full employee share of seven percent (7%).
iv. Confidential Non-Management Employees and Confidential Mid-Management Employees will pay the full employee share of seven percent (7%).
v. The City has adopted the CalPERS resolution in accordance with IRS Code section 4l 4(h)(2) to ensure that the employee contribution is made on a pre-tax basis

B. CalPERS Retirement for Miscellaneous Employees Hired on or after January 1, 2013

i. "New Members", as defined by the Public Employees' Pension Reform Act ("PEPRA") are

covered by the two percent (2%) at age sixty two (62) retirement formula.

ii. New Members' retirement benefit will be based on the highest 36 consecutive months of compensation earnable.

iii. New Members will pay an employee contribution to CalPERS at the rate of fifty percent (50%) of the total "normal cost" of the plan as defined by CalPERS. This amount may change from year to year, as determined by CalPERS. This employee contribution will be paid through a payroll deduction.

iv. The City has adopted the CalPERS resolution in accordance with IRS Code section 4l 4(h)(2) to ensure that the employee contribution is made on a pre-tax basis. The City's contract with CalPERS contains the Fourth Level Survivor Benefit and Military Service Credit for all employees.

C. CalPERS Retirement for Safety Employees Hired before January 1, 2013

i. The City's contract with CalPERS provides for the three percent (3%) at age fifty (50) retirement formula.

ii. The City's contract with CalPERS provides for the "Single Highest Year" retirement benefit.

iii. Permanent safety Executive Employees will pay 7% of the employee contribution and the City will pick up the remaining 2%.

iv. The City has adopted the CalPERS resolution in accordance with IRS Code section 414(h)(2) to ensure that the employee contribution is made on a pre-tax basis.

D. CalPERS Retirement for Safety Employees Hired on or after January 1, 2013

i. The City's contract with CalPERS provides for the two point seven percent (2.7%) at age fifty-seven (57) retirement formula.

ii. New Members retirement benefit will be based on the highest 36 consecutive months of compensation earnable.

iii. New Members of the City's police retirement plan will pay an employee contribution to PERS at the rate of fifty percent (50%) of the total "normal cost" of the plan as defined by CalPERS. This amount may change from year to year, as determined by CalPERS. This employee contribution will be paid through a payroll deduction.

E. PARS Contribution

i. City shall provide to all miscellaneous Confidential Employees, miscellaneous Mid-Management Employees and miscellaneous Executive Employees Public Agency Retirement System (PARS) supplemental retirement benefits to include the three percent (3%) at age sixty (60) supplemental retirement formula and the highest consecutive twelve-month period retirement formula.

ii. The employees' contribution to PARS shall be eight percent (8%) of the wages upon which

the employee's retirement contributions are computed. The City shall pay three percent (3%) of the employee contribution for Executive and Confidential Mid-Management Employees, in addition to the actuarially calculated employer contribution. Executive and Confidential Mid- Management Employees shall contribute the remaining five percent (5%). The City shall pay two point five percent (2.5%) of the employee contribution for Confidential Non- Management Employees, in addition to the actuarially calculated employer contribution. Confidential Non-Management Employees shall contribute the remaining five point five percent (5.5%).

iii. City shall report to PARS as compensation earnable pursuant to California Government Code section 20636(c)(4) the City's payment of the required employee retirement contributions to PERS.

iv. Employees hired on or after January 1, 2013, who are "new members" as defined in PEPRA, including "classic" employees coming from another CalPERS jurisdiction, shall not be eligible to receive any PARS benefit.

Section X. City Rights

A. The City has and will continue to retain, whether exercised or not, the unilateral and exclusive right operate, administer and manage its municipal services and workforce performing those services in all respects. The exclusive rights of City shall include, but not be limited to, the right to determine the organization of City government and the purpose and mission of its constituent agencies, to set standards of services to be offered to the public, and, through its City Manager and department directors to exercise control and discretion over its organization and operations, to establish and implement administrative regulations and employment rules and regulations consistent with law, to direct employees, to classify and reclassify positions, to take disciplinary action for just cause, to relieve employees from duty because of lack of work or for other legitimate reasons, to determine whether goods or services shall be made, purchased or contracted for, to determine the methods, means and numbers and kinds of personnel by which City's services are provided, including the right to schedule and assign work and overtime, and to otherwise act in the interest of efficient service to the community.

Section XI. Severability

A. It is understood and agreed that this Resolution is subject to all current and future applicable Federal and State laws and regulations and the current provisions of the Oxnard City Code. If any part or provision of this Resolution is in conflict or inconsistent with such applicable provisions of those Federal, State, or City enactments or is otherwise held to be invalid or unenforceable by any court of competent jurisdiction, such part or provisions shall be suspended and superseded by such applicable law or regulations, and the remainder of this Resolution shall not be affected

Section XII. Conflicting Resolutions

A. All resolutions, parts of resolutions, contracts, or City policies and procedures in conflict with this Resolution, except as such resolutions or parts thereof approving a Memorandum of Understanding, are hereby repealed. This Resolution hereby supersedes Resolution No. 15,039 adopted by the City Council on June 27, 2017.

Section XIII. Effective Date

A. This Resolution shall become effective following adoption by the City Council in accordance with the Ralph M. Brown Act. This Resolution shall remain in full force and effect until June 30, 2022, unless amended, repealed or otherwise modified by the City Council in accordance with the Ralph M. Brown Act.

Section XIV. Classifications Solely Contained in this Resolution

A. Positions in the City service designated as confidential are set forth in the following list and are provided the benefits contained in this resolution. Employees whose classifications are not listed in this Resolution but whose position is designated as confidential will receive the benefits listed which are commensurate with the classification group most like one of the three categories of positions contained in this resolution. Example: A management analyst designated as confidential would receive the benefits under this resolution as a Confidential Mid-Manager. As it pertains to confidential employees, any benefit that is not contained in this resolution but is contained in the commensurate MOU for the same or similar classification is conferred on the confidential employee.

Classifications which are assigned solely to the Confidential/ Group

Confidential Non-Management
Administrative Assistant (C)
Administrative Services Assistant (C)
Administrative Legal Assistant
Human Resource Technician
Paralegal
Sr. Human Resources Coordinator

Executive Employees
Assistant City Manager
Chief Financial Officer
Deputy City Manager
City Attorney
City Clerk
City Manager
City
Treasurer
Cultural & Community Services Director
Development Services Director
Fire Chief
Housing Director
Human Resources Director
Information Technology
Director
Police Chief
Public Works Director

Confidential, Mid Management
Assistant Director of Human Resources
Executive Assistant I/II
Human Resources Analyst I/II
Human Resources Manager
Law Office Manager
Principal Human Resources Analyst
Public Relations & Community Affairs Manager
Risk Manager
Sr. Human Resources Analyst
Assistant Chief Financial
Officer
Assistant City Attorney
Chief Assistant City Attorney
Deputy City Attorney I/II/III

PASSED AND ADOPTED this 17th day of September, 2019, by the following vote:

AYES: Councilmembers

NOES: None.

ABSENT: None.

ABSTAIN: None.

ATTEST:

APPROVED AS TO FORM:

_____

_____

Michelle Ascencion, City Clerk

Stephen Fischer, City Attorney

OMMA MOU

- **Term**: Through June 30, 2022
- **Medical Contribution**
  - Employees who purchase insurance: Incremental increase to final amount of $1,543 per month over the term of the contract
  - Employees who waive insurance: Incremental increase to final amount of $1,243 per month over the term of the contract
    - Reduced to $900 after end of contract term unless OMMA has 80% of members participating in the medical plan
- **Advancement within Salary Range**: Increase from 3% to 5%, consistent with other bargaining groups
- **Deferred Compensation**: The City will make a 1.0% contribution to a 401(a) Deferred Compensation Plan
- **Bilingual Pay**: City will increase bilingual pay as follows:
  - Level I - Written and/or Conversational Bilingual: From $25/pay period to $50/pay period
  - Level II - Bilingual Translators: From $50/pay period to $100/pay period
- **Call Back:** Employees who are required to return to work outside of their normal work time will receive two hour of compensation
- **Safety Boots:** For those employees who are in positions that require the wearing of safety boots, the City will provide safety boots annually when needed

Confidential Non-Management

- **Term**: Through June 30, 2022
- **Medical Contribution**
  - Employees who purchase insurance: Incremental increase to final amount of $1,543 per month over the term of the contract
  - Employees who waive insurance: Incremental increase to final amount of $1,243 per month over the term of the contract
    - Reduced to $900 after end of contract term unless entire Confidential group (executive, management, non-management) has 68% of members participating in the medical plan
- **Deferred Compensation**: The City will make a 1.0% contribution to a 401(a) Deferred Compensation Plan

Confidential Management

- **Term**: Through June 30, 2022
- **Medical Contribution**
  - Employees who purchase insurance: Incremental increase to final amount of $1,543 per month over the term of the contract
  - Employees who waive insurance: Incremental increase to final amount of $1,243 per month over the term of the contract
    - Reduced to $900 after end of contract term unless entire Confidential group (executive, management, non-management) has 68% of members participating in the medical plan
- **Advancement within Salary Range**: Increase from 3% to 5%, consistent with other bargaining groups
- **Deferred Compensation**: The City will make a 1.4% contribution to a 401(a) Deferred Compensation Plan

Executives/Attorneys

- **Term**: Through June 30, 2022
- **Medical Contribution**
  - Employees who purchase insurance: Incremental increase to final amount of $1,543 per month over the term of the contract
  - Employees who waive insurance: Incremental increase to final amount of $1,243 per month over the term of the contract
    - Reduced to $900 after end of contract term unless entire Confidential group (executive, management, non-management) has 68% of members participating in the medical plan
- **Deferred Compensation**: The City will make an additional 1.5% contribution to a 401(a) Deferred Compensation Plan

Financial Impact

LABOR COSTING METHODOLOGY

Group	Year 1	Year 2	Year 3	3 Year Total
OMMA	$ 775,228	$ 677,796	$ 690,686	$ 2,143,710
Executive/Confidential Mgt/Confidential	$ 270,509	$ 134,560	$ 134,660	$ 539,729
Totals	**$ 1,045,737**	**$ 812,356**	**$ 825,346**	**$ 2,683,439**
% Increase	5.55%	4.31%	4.38%	**14.24%**

BUDGET METHODOLOGY (CUMULATIVE)

Group	Year 1	Year 2	Year 3	3 Year Total
OMMA	$ 775,228	$ 1,453,024	$ 2,143,710	$ 4,371,962
Executive/Confidential Mgt/Confidential	$ 270,509	$ 405,069	$ 539,729	$ 1,215,307
Totals	**$ 1,045,737**	**$ 1,858,093**	**$ 2,683,439**	**$ 5,587,269**
% Increase (Cumulative)	5.55%	9.86%	**14.24%**	

CITY OF OXNARD CALIFORNIA

CITY COUNCIL AGENDA REPORT

REPORTS
AGENDA ITEM NO. M.2.

DATE: September 17, 2019

TO: City Council

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

SUBJECT: Camping, Removal and Storage of Personal Property, Park Exclusion, and Aggressive Panhandling and Solicitation Ordinances. (20/20/20)

RECOMMENDATION

That City Council approve the first reading by title only and waive further reading of an ordinance amending Article XVIII of Chapter 7 of the Oxnard City Code related to Ormond Beach, and adding Articles XX, XXI and XXII to Chapter 7 of the Oxnard City Code regulating Camping, Removal and Storage of Personal Property, Park and Park Facility Exclusion, and Aggressive Panhandling and Solicitation.

BACKGROUND

Overview

Homelessness is a broad and complicated social problem that has many causes. It impacts entire communities, including residents, businesses, and local economies. Homelessness is also a topic that is subjected to a wide variety of opinions and perspectives, which can often make it a divisive issue.

Like other cities throughout the state, the City is experiencing an increase in encampments, visible storage of personal property on public property, and aggressive solicitation. City staff and officials continue to receive a steady influx of complaints about adverse impacts and demands that the City "do something" about these issues. The complaints come from residents, business owners, and tourists who complain of uncivil, aggressive, and even criminal behavior exhibited by some panhandlers and/or individuals occupying public and private spaces with encampments.

This report emphasizes that homelessness itself is not a crime. This report also emphasizes that homelessness and vagrancy are two separate matters; the former is specifically the state of being homeless, while the latter refers to a variety of negative behaviors that impact communities.

City staff proposes an ordinance to address these issues for the Council's consideration and approval.

Camping Ordinance

In recent months, the City has experienced an increase of persons that are camping on public property, impacting the cleanliness and accessibility of certain areas of the City. Trash, debris, and unsanitary conditions have become commonplace in public areas where such camping occurs, which in turn deprives residents, visitors, and the business community the use and enjoyment of certain public areas. Further, as was recently the case in Los Angeles, camping on public property could lead to health hazards and the spread of disease if unchecked. The proposed ordinance prohibits camping in the Central Business District ("CBD"), Wilson Park, Community Center Park East, Community Center Park

West, and the Oxnard Transit Center ("OTC").

The Central Business District ("CBD") is the home of historic places such as Heritage Square, Plaza Park, and the Carnegie building. The CBD is also the home of a weekly Farmers Market, the Plaza Stadium Cinemas, the Civic Center, and other important businesses. Historically, Plaza Park has served as Oxnard's "town square" and is the host location for dozens of community events each year. Immediately to the north of the CBD, Wilson Park hosts some of the City's most vital senior services at its Senior Center, as well as lawn bowling facilities. To the west of the CBD, Community Center Park East and Community Center Park West are larger parks with youth activities (Oxnard City Corps has an office at the former), sports facilities, and have ongoing neighborhood and/or civic events throughout the year. Encampments have significantly limited the public's use and enjoyment of these parks in recent months.

The impacts of case law: *Martin v. City of Boise*

On September 4, 2018, the Ninth Circuit Court of Appeals issued a decision in the case of *Martin v. City of Boise* ("*Boise*"). This case involved multiple homeless individuals who had been cited for camping on public property or sleeping in public buildings or places, in violation of the city's ordinance. The court concluded that it is a violation of the Eighth Amendment, which protects against cruel and unusual punishment, for a municipality to criminalize the act of sleeping outside where no sleeping space is practically available in any shelter. As a result, the City may not completely prohibit the act of sleeping on public property when an individual has no other option. Further, the City may not ban camping in public where there is not a clear distinction between the act of simply sleeping and the act of camping. Although the *Boise* decision limited how municipalities may regulate their own property as it relates to sleeping in public, the decision was narrowly focused. The fundamental, biological need for sleep was a driving consideration in the Ninth Circuit's decision. However, the case does not stand for a total prohibition on a city's right to reasonably regulate the behavior, nor does it require cities to allow sleeping at any time and in every publicly owned location.

Consistent with the *Boise* ruling, the proposed ordinance makes it unlawful for people to camp or occupy camp facilities in specific designated Public Areas - the CBD, the OTC, Community Center Park East, and Community Center Park West. The proposed ordinance includes the following definitions:

> CAMP OR CAMPING - one or more of the following activities: pitching or occupying camp facilities; or the use of camp paraphernalia. These activities constitute camping when it reasonably appears, in considering all the circumstances, that the individual, in conducting these activities, is in fact using the area as a living accommodation, regardless of the intent of the individual or the nature of any other activities in which they may be engaging. The act of sleeping, on its own, does not constitute camping.
>
> CAMP FACILITIES - include, but are not limited to, tents, huts, temporary shelters, or other similar facilities.
>
> CAMP PARAPHERNALIA - includes, but is not limited to, tarpaulins, cots, beds, mattresses, sleeping bags, hammocks, cookware, cooking equipment, kitchen utensils, or other similar equipment.

Encampment Plan

City staff is developing a plan to address homeless encampments.

The City will create an engagement team to address homeless encampments on public right of way and public property. The team will work to ensure:

- City facilities are being used in a safe manner;
- Issues in the parks and public areas are addressed quickly;
- Conduct is in accordance with applicable City codes/ordinances.

The team will work to connect individuals to services to assist with housing options (i.e. shelter, shared housing, inpatient

substance treatment, transitional housing, family reunification), mental health, physical health, and employment opportunities.

The plan will also address due process and the lawful abatement of property that is being stored on public property consistent with the City's *Removal and Storage of Personal Property* regulations.

Removal and Storage of Personal Property

Recent case law has provided guidance on the steps that the City must take when removing personal property from public property. The proposed ordinance makes it unlawful for any person to store personal property, including camp facilities and camp paraphernalia, in any public place without the City's permission.

Unattended Stored Property

If the City believes that property left in a public place is merely unattended, steps must be taken before any seizure and before any disposal occurs. At a minimum, the City must provide the person who is storing such property in public with both notice (typically 24 hours) and a reasonable period of time in which to retrieve the property. While there is no "bright-line" rule for how long persons should be given to retrieve their belongings before they are discarded, it should be noted that in cases where cities have entered into settlement agreements to change these practices, the time provided has ranged from 30 to 90 days. Public agencies may elect to be governed by the provisions of California Civil Code Section 2080 et seq., under which it must hold the property for at least three months prior to disposing of the property. (Civ. Code, §§ 2080.4, 2080.6.)

Under the proposed ordinance, the City must take the following steps when removing unlawfully stored and unattended property on public property:

- Provide the following notice nearby or on the property (if possible), "It is illegal to store personal property on a public place such as public open space, parks and parking lots. If this personal property is not removed within 48 hours of the date of this posting, THE PERSONAL PROPERTY SHALL BE DEEMED INTENTIONALLY ABANDONED AND SUBJECT TO REMOVAL AND POSSIBLE DESTRUCTION."
- The City may remove any personal property unlawfully stored or remaining in a public place after the posting period has expired.

Abandoned Property

California Civil Code Sections 2080.4 and 2080.6 have no application to intentionally abandoned property. (Civ. Code, § 2080.7.) Nor do these provisions prohibit the City from determining a time at which property may be considered abandoned.

Where City staff has a good faith belief that the property has been intentionally abandoned, summary seizure and destruction is permissible. City staff will develop policies and procedures, and will receive training on how to determine when property may be considered to be abandoned.

Under the proposed ordinance, personal property stored on public property may be removed immediately when:

- It has been abandoned, or
- It poses an imminent threat to public health or safety, or
- It is contraband or evidence of a crime

Property meeting one of the criteria are subject to the above requirements and may be removed immediately by the City.

Storage of Property

Under the proposed ordinance, following the removal of unlawfully stored personal property, the City shall do the following:

- Post notice identifying where the subject property will be stored including the process to reclaim the property;
- Maintain an inventory identifying the personal effects (medication, identification cards, medical records, sleeping bags, usable tents, certain clothing, non-perishable food items, etc.);
- Describe where the property was located;
- Place the removed personal effects in containers labeled in a manner facilitating identification by the City and owner and which reasonably protect such property from damage or theft;
- Store removed personal effects in an area designated by the City for a period of no less than ninety (90) days.

Personal property stored by the City which is claimed within ninety (90) days from removal shall be released to the person claiming ownership, provided the claimant identifies the property and the location where the property was left. Property which remains unclaimed after 90 days may be dedicated for public use, may be given to a local nonprofit agency for charitable use, or may be destroyed.

Park Exclusion Ordinance

Exclusionary ordinances similar to the one being proposed have been enacted in several cities as a practical approach to making parks and other similar public spaces safe by removing repeat offenders from the area. The Ordinance aims to ensure that unacceptable behavior does not endanger the general public or prevent people from enjoying public resources. The Ordinance would be an additional enforcement tool for the City.

The proposed Park Exclusion Ordinance (the "Ordinance") applies citywide, and is largely patterned after similar ordinances adopted in the cities of Roseville and Ventura. The Ordinance permits the City to exclude any individual who violates certain laws, rules and regulations while in a City park or park facility. Exclusions range from one day to one year. Violation of an exclusion notice constitutes a misdemeanor. The individual to be excluded may not be excluded until he or she is put on notice of such exclusion, and has the opportunity to have an appeal hearing before an administrative hearing officer.

Typical offenses to which the Ordinance may apply include, but are not limited to the following:

- Consumption or Possession of Alcohol (OCC Sec. 7-125 or Business and Professions Code §25620)
- Urination or defecation in public (OCC Sec. 7-143)
- Being in a Park or Park Facility When Closed (OCC Sec. 7-136)
- Camping Where Prohibited
- Battery (Penal Code §242)
- Battery with great bodily injury (Penal Code §243)
- Assault with a deadly weapon (Penal Code §245)
- Indecent exposure (Penal Code §314)
- Littering (Penal Code §374)
- Fighting in public (Penal Code §415)
- Vandalism (Penal Code §594)
- Public intoxication (Penal Code §647(f))
- Possession of a controlled substance (Health and Safety Code §11350)
- Under the influence of a controlled substance (Health and Safety Code §11550)
- Possession of narcotics paraphernalia (Health and Safety Code §11364)

Exclusion periods, as well as the breadth thereof (i.e., one or more park sites) are graduated under the proposed

Ordinance to ensure that it is proportional to violation(s) committed by the individual and the impact of those violations on others' use of the park(s), as follows:

- One (1) Day: Single infraction of park rules or ordinance. Such exclusion shall be limited to the park or park facility in which the offense occurred, and shall be for a period of twenty-four (24) hours.
- Thirty (30) Days: Arrest or citation for misdemeanor nonviolent offense (e.g., public intoxication), or two (2) or more infractions of park rules or ordinances within the previous 365 days. Such exclusion shall be limited to the park or park facility in which the offense occurred.
- Ninety (90) Days: Two (2) arrests or two (2) citations for misdemeanor nonviolent offenses within the previous 365 days. Such exclusion shall be limited to the park or park facility in which the offense occurred.
- Six (6) Months: Three (3) arrests or three (3) citations for nonviolent offenses within the previous 365 days, or an arrest for one (1) felony nonviolent offense. Such exclusion shall apply to any park or park facility within the City.
- One (1) Year: Four (4) or more arrests or four (4) or more citations for nonviolent offenses within the previous 365 days, or any arrest for any violent offense. Such exclusion shall apply to any park or park facility within the City.

The Ordinance includes a robust appeal process, wherein excluded individuals are afforded extensive pre-deprivation due process rights. This process would include an administrative review by the Police Chief or his or her designee, and if the appeal is denied, contesting the administrative review decision to a neutral administrative hearing officer. The Ordinance establishes clearly defined administrative hearing procedures including:

- A limited scope (did the violation occur and did the excluded person commit the violation)
- Clearly defined evidentiary rules (preponderance of the evidence, opportunity to testify and present evidence)
- Decision (within 10 days of the closing of the hearing).

Further, an excluded individual will have the opportunity to contest the administrative hearing officer's decision in a court of competent jurisdiction.

Aggressive Solicitation and Solicitation Ordinance

Aggressive Solicitation

The proposed ordinance makes it unlawful for a person to aggressively solicit, intimidate or harass (collectively, "aggressive solicitation") in a public place. Aggressive solicitation occurs when the solicitor's conduct would cause a reasonable person in the position of the solicitee to fear for his or her safety; the solicitor intentionally blocks the path of the solicitee; or the solicitor persists in following the solicitee closely, or continues to demand money or other thing of value after the solicitee has rejected the solicitation by words or conduct. Under the proposed ordinance, the following facts, among others, are relevant in deciding whether a reasonable person would have cause to fear for his or her safety: the solicitor makes physical contact with the solicitee; the proximity of the solicitor to the solicitee; the duration of the solicitation; or the solicitor makes threatening gestures or other threatening conduct including closely following the solicitee.

Solicitation

Under the proposed ordinance, solicitation, including any request made in person seeking an immediate donation of money or other items of value, is prohibited when the person being solicited is in the following locations:

- Within twenty-five (25) feet of public transportation vehicles or facilities;
- Motor vehicles that are located within one hundred (100) feet of any intersection controlled by an official traffic signal as set forth in Vehicle Code Section 21450;
- City owned parking lots and parking structures;

- Outdoor dining areas of restaurants; and
- Within twenty-five (25) feet of the entrance or exit of a bank during business hours or automatic teller machine during the time it is available for customer's use.

Aggressive solicitation and panhandling ordinances are generally subject to a particular standard of review by the courts. Accordingly, such ordinances will be upheld if they are: (1) narrowly tailored, (2) serve a significant government interest, and (3) leave open ample alternative avenues of communication. It is important to note that enforcement, alone, of panhandling laws does not adequately or completely address the issues. Rather, public education to discourage people from giving money to panhandlers and the availability of adequate social services (especially alcohol and drug treatment) for panhandlers are necessary components of any effective response.

Ormond Beach

Ormond Beach is a natural wetland that hosts migratory bird species, including the endangered Snowy Plover and California Least Tern. These wetlands are crucial to the continued survival of these species. In 2016, the City Council adopted an ordinance to protect and preserve the unique natural wildlife and other attributes of Ormond Beach for the public enjoyment of current and future generations. The following is a list of prohibited activities at Ormond Beach: walking or bringing domesticated or exotic animals, interfering with any protected habitat, altering or removing any sand dune, plants or vegetation; flying kites, camping, setting fires, or operating motorized vehicles.

In recent months, Ormond Beach has experienced a dramatic increase in activities that are currently prohibited and/or have a negative impact on this zone. These activities have centered around a proliferation of campsites and larger encampments. The impacts from these activities have also resulted in a dramatic increase in litter, illegal dumping, the depositing of refuse in the wetlands, as well as the proliferation of human waste and other biological hazards.

The activities that have been occurring at Ormond Beach are a threat to public health and safety, have surpassed a tipping point, and require intervention. In order to halt the further deterioration of this fragile ecological system, the existing regulations must be amended to address the current issues at Ormond Beach. Currently, a violation of the City's Ormond Beach ordinance is limited to being enforced as an infraction. The proposed ordinance change would clearly establish the City Attorney's discretion to prosecute violations of the City's Ormond Beach ordinance as either an infraction or a misdemeanor.

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 2. Address homelessness through the development and implementation of a multi-tiered strategy.

Goal 3. Strengthen neighborhood development, and connect City, community and culture.

Objective 3a. Create a renewed focus on establishing a positive outlook and orientation of our City, neighborhoods and overall community.

This agenda item supports the Economic Development strategy. The purpose of the Economic Development strategy is to develop and enhance Oxnard’s business climate, promote the City’s fiscal health, and support economic growth in a manner consistent with the City’s unique character. This item supports the following goals and objectives:

Goal 1. Create vibrant and economically sustainable commercial, industrial and retail industries throughout the City.

Goal 2. Enhance business development throughout the City.

Objective 2b. Improve relationships and communication between the City and the business community.

Objective 2d. Public safety will collaborate with the business community to promote an environment that supports economic development.

FINANCIAL IMPACT

None at this time.

COMMITTEE OUTCOME

This item did not originate in Committee.

Prepared by: Jason Zaragoza, Deputy City Attorney, Jason Benites, Assistant Police Chief, Emilio Ramirez, Housing Director, Alexander Nguyen, City Manager

ATTACHMENTS

1. Quality of Life Ordinances.final
2. Quality of Life Ordinances Redline.final
3. Quality of Life Ordinances Presentation

CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO.

ORDINANCE OF THE CITY OF OXNARD, CALIFORNIA, AMENDING CHAPTER 7 OF THE OXNARD CITY CODE TO STRENGTHEN THE ORMOND BEACH REGULATIONS, PROHIBIT CAMPING IN CERTAIN AREAS OF THE CITY, ESTABLISH REMOVAL OF STORAGE AND PERSONAL PROPERTY REGULATIONS, ESTABLISH PARK EXCLUSION REGULATIONS, AND PROHIBIT AGGRESSIVE PANHANDLING AND SOLICITATION

WHEREAS, the Central Business District ("CBD") is home to the Heritage Square, Farmer's Market, Historic Plaza Park and Plaza Stadium Cinemas; and

WHEREAS, the CBD is host to many special events, festivals and concerts; and

WHEREAS, Community Center Park East, Community Center Park West, Wilson Park, and the Oxnard Transit Center are widely used by Oxnard residents, visitors and businesses; and

WHEREAS, the use of the areas within the CBD, Community Center Park East, Community Center Park West, Wilson Park, and the Oxnard Transit Center (collectively the "Public Areas") for camping purposes or storage of personal property interferes with the rights of others to use the Public Areas for which they were intended to be used; and

WHEREAS, camping within the Public Areas can constitute a public health and safety hazard; and

WHEREAS, the City Council desires to maintain the Public Areas in a clean and accessible condition, to prevent the accumulation of trash and debris, to prevent the spread of disease and other potential health hazards, and to maintain the use and enjoyment of the Public Areas by Oxnard residents, visitors, and businesses; and

WHEREAS, in adopting a Park Exclusion Ordinance, the City Council desires to specifically exempt conduct and activities involving the exercise of First Amendment rights from its application, purpose, and intent; and

WHEREAS, the exclusion from certain City parks and park facilities by violators of City rules, regulations and laws enables proper use of the same by others and provides a tangible consequence for violating these rules, regulations, and laws; and

WHEREAS, in adopting a prohibition on aggressive panhandling and solicitation, the City Council desires to protect the public safety of the City's residents and visitors against intrusive solicitation by imposing reasonable restrictions while respecting the constitutional rights of free speech for all residents and visitors; and

WHEREAS, aggressive solicitation for money or anything of value directed at residents of and visitors to the city threatens public safety, impairs commercial activity and harms public welfare.

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

Section 1. Subsection (A) of Section 7-302 of the Oxnard City Code is hereby amended to read as follows:

"(A) A violation of this article shall be enforced according to the provisions of section 1-10 of the City Code."

Section 2. Article XX is hereby added to Chapter 7 of the Oxnard City Code to read as follows:

"ARTICLE XX. REGULATIONS ON CAMPING

SEC. 7-318. FINDINGS

The city council finds that the Public Areas should be readily accessible and available to residents and the public at large. The use of these areas for camping purposes or storage of personal property interferes with the rights of others to use the areas for which they were intended. Such action can constitute a public health and safety hazard which adversely impacts public property, and the use thereof. The purpose of this article is to maintain public places within the city in a clean and accessible condition, to prevent the accumulation of trash and debris, and to prevent the spread of disease and other potential health hazards.

SEC. 7-319. DEFINITIONS

For the purposes of this Article, the following definitions shall apply:

(A) CAMP OR CAMPING - one or more of the following activities: pitching or occupying camp facilities; or the use of camp paraphernalia. These activities constitute camping when it reasonably appears, in considering all the circumstances, that the individual, in conducting these activities, is in fact using the area as a living accommodation, regardless of the intent of the individual or the nature of any other activities in which they may be engaging. The act of sleeping, on its own, does not constitute camping.

(B) CAMP FACILITIES - include, but are not limited to, tents, huts, temporary shelters, or other similar facilities.

(C) CAMP PARAPHERNALIA - includes, but is not limited to, tarpaulins, cots, beds, mattresses, sleeping bags, hammocks, cookware, cooking equipment, kitchen utensils, or other similar equipment.

(D) CENTRAL BUSINESS DISTRICT: an area in Oxnard that is bounded by: West 2nd Street to the north and the north side of Wooley Road to the south. The area is bounded

to the west by: the west side of ‘C’ Street from West 2nd Street to West 3rd Street; the west alley of 'C’ Street from West 3rd Street to West 6th Street, and the west side of ‘C’ Street from West 6th Street to Wooley Road to the west. The area is bounded to the east by: the Oxnard Transit Center property’s easternmost edge, and east alley of Meta Street; the east alley of Oxnard Boulevard from East 7th Street to Driffill Boulevard, and the West side of Donlon Avenue from Driffill Boulevard to the north side of Wooley Road.

(E) CITY MANAGER - the city manager or his or her designee.

(F) COMMUNITY CENTER PARK EAST - a municipal public park in Oxnard, also known to some as “Lions Park,” that is bordered by: West 7th Street to the north; West 9th Street to the south; ‘G’ Street to the east, and Hobson Way to the West.

(G) COMMUNITY CENTER PARK WEST - a municipal public park in Oxnard that is bordered by: West 7th Street to the north; West 9th Street to the south; Hobson Way to the east, and the east side Kingfisher Way to the west.

(H) OXNARD TRANSIT CENTER - the property located within the Central Business District at 201 East 4th Street, its parking lots and their entrances on both Meta Street and East 5th Street.

(I) PERSONAL EFFECTS. Personal Property consisting of the following items: medication, medical devices, eyeglasses or other prescription lenses; identification records such as identification cards, birth certificates, social security cards or medical records; sleeping bags or bed rolls which are sanitary and non-verminous; tents in usable and reasonably good condition; clothes stored in a manner protecting them from the elements, which are not unsanitary, soiled, or verminous; and non-perishable food items.

(J) PERSONAL PROPERTY - tangible personal belongings. Tangible personal belongings include any movable or tangible thing that is subject to ownership; property or chattels that can be seen, weighed, measured, felt, or touched, such as furniture, cooking utensils, and books. For the purposes of this article, personal property shall not include real property, vehicles or animals.

(K) PLAZA PARK - a municipal public park in Oxnard that is bordered by: North 5th Street to the north; South 5th Street to the south; ‘B’ Street to the east, and ‘C’ Street to the west.

(L) POLICE CHIEF - the chief of police of the Oxnard Police Department or the designee thereof.

(M) PUBLIC AREAS - the Central Business District, the Oxnard Transit Center, Community Center Park East, Community Center Park West, and Wilson Park.

(N) PUBLIC PLACE - public property, improved or unimproved, including, but not limited to, open space, parks, plazas, parking lots, streets, bridges, alleys, driveways, sidewalks, and walkways.

(O) STORE - to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.

(P) UNCLAIMED PERSONAL PROPERTY - personal property that has been turned into the city and that has not been claimed within a period of ninety (90) days by its true owner or finder.

(Q) WILSON PARK - a municipal public park in Oxnard that is bordered by: the south alley of Deodar Drive to the north; Beverly Drive to the south; 'C' Street to the west, and the west alley of 'A' Street to the east.

SEC. 7-320. CAMPING IN PUBLIC AREAS PROHIBITED

(A) It is unlawful for any person to camp and/or occupy camp facilities in Public Areas without a permit issued by the city.

(B) It is unlawful to cook food in Public Areas, except as otherwise allowed by this code or by specific permit. This section shall not prohibit cooking in areas designated for such purposes.

(C) A violation of this article may be enforced according to the provisions of Section 1-10 of the City Code.

SEC. 7-321. REMOVAL AND STORAGE OF PERSONAL PROPERTY

(A) *Storage of personal property in public places*. It shall be unlawful for any person to store personal property, including camp facilities and camp paraphernalia, in any public place, improved or unimproved, except as otherwise provided by the city manager. Nothing herein shall be construed to allow storage where otherwise prohibited by this code.

(B) *Property removal*. The city may remove personal property unlawfully stored or found on public places as follows.

(1) The location of any personal property including camp facilities and paraphernalia shall be noticed as follows: "It is illegal to store personal property on a public place such as public open space, parks and parking lots. If this personal property is not removed within 48 hours of the date of this posting, THE PERSONAL PROPERTY SHALL BE DEEMED INTENTIONALLY ABANDONED AND SUBJECT TO REMOVAL AND POSSIBLE DESTRUCTION."

(2) The city may remove any personal property unlawfully stored or remaining in a public place after the posting period has expired.

(3) Personal property which has been intentionally abandoned, poses an imminent threat to public health or safety, is contraband or which is evidence of a crime shall not be subject to the above notice requirements and shall be removed immediately by the city and stored or destroyed according to the provisions below.

(C) *Personal Effects.* At the time of removal of unlawfully stored personal effects, the city shall conspicuously post and date a notice either at the exact location from which the personal effects were removed or at another nearby location giving the following information: a general description of the personal effects removed; a telephone number where the personal effects are temporarily stored; and the length of time during which the personal effects may be claimed.

(D) Following the removal of unlawfully stored or remaining personal property, including personal effects, the city shall do the following: maintain an inventory identifying the

personal property and where the personal property was approximately located; place the personal property in containers labeled in a manner facilitating identification by the city and owner and which reasonably protect such property from damage or theft; and store removed personal property in an area designated by the city for a period of ninety (90) days.

(E) Personal property, including personal effects, stored by the city which is claimed within ninety (90) days from removal shall be released to the person claiming ownership provided they identify the property and the approximate location where the property was left.

(F) *Disposition of property.* Personal property which remains unclaimed after 90 days may be dedicated for public use, may be given to a local nonprofit agency for charitable use, or may be destroyed. Intentionally abandoned property may be summarily abated and destroyed."

Section 3. Article XXI is hereby added to Chapter 7 of the Oxnard City Code to read as follows:

"ARTICLE XXI. PARK AND PARK FACILITY EXCLUSION

SEC. 7-323 FINDINGS

The city council finds as follows:

(A) City parks and park facilities should be open to use and enjoyment by all city residents, businesses, and visitors during specific hours that the city parks and facilities are open to the public;

(B) Violators of local park laws, rules or regulations infringe upon the enjoyment and use of city parks and park facilities; and

(C) In adopting this article, the city council has specifically exempted conduct and activities involving the exercise of First Amendment rights from its application, purpose, and intent.

SEC. 7-324. DEFINITIONS

For the purposes of this article, the following definitions shall apply:

(A) CITED INDIVIDUAL - a person who receives an exclusion notice.

(B) CITY - the City of Oxnard

(C) PARK OR PARK FACILITY - any body of water, park, athletic field, tennis court, picnic site, skateboard facility, dog park area, open space land, land, campsite, recreation area, open space park facility, building, structure, system, equipment, machinery, or other appurtenance managed, controlled, or operated by the city, and includes any public parking lot facility adjacent thereto.

(D) POLICE CHIEF - the chief of police of the Oxnard Police Department or the designee thereof.
(E) POLICE DEPARTMENT - the Oxnard Police Department.
(F) REQUEST - the written request for administrative review submitted to the police chief by a person excluded from a Park or Park Facility.

SEC. 7-325. EXCLUSION AUTHORIZATION AND DATABASE

(A) Any police officer, when specifically authorized in writing by the police chief to enforce this article, may exclude any person who, while present in a park or park facility, violates any applicable ordinance, statute, posted rule or regulation, or city policy after being put on notice of the same. Nothing in this article shall be construed to authorize the exclusion of any person lawfully exercising free speech rights or other rights protected by the state or federal constitutions unless that person is also committing acts that are not protected that violate a specific provision of the law that would allow for exclusion.
(B) The police department shall maintain a database of those persons excluded from Parks or Park Facilities.

SEC. 7-326. EXCLUSION PERIOD

Exclusion from a Park or Park Facility under the provisions of this article shall be for the specified time periods following the occurrence of the following violations in a Park or Park Facility:

(A) One (1) Day: Single infraction of park rules or ordinance. Such exclusion shall be limited to the park or park facility in which the offense occurred, and shall be for a period of twenty-four (24) hours.
(B) Thirty (30) Days: Arrest or citation for nonviolent offense (e.g., public intoxication), or two (2) or more infractions of park rules or ordinances within the previous 365 days. Such exclusion shall be limited to the park or park facility in which the offense occurred.
(C) Ninety (90) Days: Two (2) arrests or two (2) citations for nonviolent offenses within the previous 365 days. Such exclusion shall be limited to the park or park facility in which the offense occurred.
(D) Six (6) Months: Three (3) arrests or three (3) citations for nonviolent offenses within the previous 365 days, or an arrest for one (1) felony nonviolent offense. Such exclusion shall apply to any park or park facility within the city.
(E) One (1) Year: Four (4) or more arrests or four (4) or more citations for nonviolent offenses within the previous 365 days, or any arrest for any violent offense. Such exclusion shall apply to any park or park facility within the city.

SEC. 7-327. EXCLUSION NOTICE

The police chief or his/her designee shall provide written notice to any person excluded from any park or park facility under this Article. Such notice shall specify the date the exclusion begins

and ends, shall identify the conduct leading to the exclusion, and shall inform the Cited Individual of the right to appeal the exclusion.

SEC. 7-328. ADMINISTRATIVE REVIEW AND ADMINISTRATIVE HEARING

(A) *Requesting an administrative review*: A Cited Individual may request an administrative review of the exclusion as set forth in this Section. A request for administrative review is a mandatory prerequisite to a request for an administrative hearing.

1. The Request must be made by the person excluded from a Park or Park Facility, in writing, to the police chief, within three calendar days following the date the police chief issued the exclusion notice.
2. The Request shall include the exclusion notice number, a reason the person should not have been excluded, and an address at which the city may serve the Cited Individual a response to his or her Request.

(B) *Responding to a request for administrative review*. Within five days of receiving the Request, the police chief or his/her shall review the Request, the exclusion notice, and any other pertinent information, and based on the totality of the circumstances, uphold or vacate the exclusion order.

(C) *Notice of determination for administrative review*. Upon making his or her determination on a Request, the police chief shall cause a notice of the determination to be served on the Cited Individual at the address set forth in the Request and shall cause a copy of the notice to be provided to the city clerk. Where the police chief has upheld the exclusion, the notice shall also set forth a new date by which the exclusion shall begin, as well as the individual subject to the exclusion notice's right to request an administrative hearing to further contest the exclusion in the manner provided for below.

(D) *Request for administrative hearing*. A Cited Individual dissatisfied with the determination of a police chief following a request for an administrative review of an exclusion notice may further contest the exclusion by requesting an administrative hearing in the manner provided for by this Section.

1. Such request must be made in writing and must be served on the city at the address set forth in the police chief's notice of determination within ten calendar days after the date the individual subject to the exclusion notice is served with notice of such determination.

2. Requests for an administrative hearing must be filed in the office of the city clerk and shall be in a form required by the city clerk.

3. The city manager, or a designee, will select the hearing officer for the administrative citation hearing.

4. Hearing date. Upon receiving a timely request for an administrative hearing to contest an exclusion notice, the city clerk will set an administrative hearing on a date not less than 15, nor more than 60 calendar days from the date the hearing is requested. Written notice of the date, time, and location of the administrative hearing will be provided to the individual subject to the exclusion notice at least 15 days prior to the hearing date.

(E) *Administrative hearing procedures*.

1. *Hearing Scope*. The issues to be determined at the hearing are limited to whether the violation alleged in the exclusion notice actually occurred; and whether the individual subject to the exclusion notice was responsible for the violation.

2. *Burden of proof and evidentiary rules*. At the hearing, the hearing officer shall render his or her decision based on the preponderance of the evidence. However, the exclusion notice shall constitute prima facie evidence of the facts contained in the notice.

a. Both the individual subject to the exclusion notice and police officer shall have the opportunity to testify and present additional evidence concerning the exclusion notice.

b. Evidence may include, without limitation, witness testimony, documents, or other similar evidence.

c. The hearing officer shall conduct the hearing in an informal fashion and shall not be bound by the technical rules of evidence. Evidence sought to be introduced shall not be limited to any legal rules of evidence, save and except for the rule that it is relevant and material to the issues of whether the violation alleged in the exclusion notice occurred and whether the individual subject to the exclusion notice was responsible for the violation.

3. *Personal appearance.* In lieu of personally appearing at an administrative hearing, the Cited Individual may request that the hearing officer decide the matter based on the notice's face and any other documentary evidence submitted to the city clerk by the Cited Individual or police officer prior to the hearing date.

4. *Attendance and Continuation*. Failure of the Cited Individual to appear at the hearing shall be deemed a waiver of the right to be personally present at the hearing. The hearing officer shall then decide the matter based upon the facts set forth in the notice, any documentary evidence previously submitted, and any additional evidence that may be presented at the hearing by the police officer. The police officer who issued the exclusion notice shall attend the hearing. The

hearing officer may continue any hearing and request additional information from the police officer or the Cited Individual prior to issuing a written decision.

5. *Decision*. Within ten days after closing the hearing, the hearing officer shall issue a written decision to uphold or set aside the exclusion, shall set forth the reasons for such decision, and shall forward a copy of the decision to the city clerk. After receiving the hearing officer's decision, the city clerk shall promptly cause the hearing officer's decision to be served on the Cited Individual at the address set forth in the request for an administrative hearing together with the notice hereinafter required by this Section, and shall cause a copy of the decision and such notice to be provided to the police chief. If the decision of the hearing officer is to sustain the exclusion, then the city clerk shall accompany the hearing officer's decision with a notice advising the individual subject to the exclusion notice the new date by which the exclusion shall begin.

(F) *Penalty for violation of exclusion order*

It shall be unlawful and a misdemeanor, subject to the provisions of section 1-10 of the City Code, for any person subject to the exclusion notice to enter or remain in any park or park facility at any time during the period indicated by the exclusion notice."

Section 4. Article XXII is hereby added to Chapter 7 of the Oxnard City Code to read as follows:

"ARTICLE XXII. PROHIBITION ON AGGRESSIVE PANHANDLING AND SOLICITATION

SEC. 7-330. FINDINGS

The city council finds that aggressive panhandling for money or anything of value directed at residents of and visitors to the city threatens public safety, impairs commercial activity, and harms public welfare. Aggressive panhandling interferes with the public's inherent right to use and enjoy public places without fear of intimidation caused by those persons who harass others by asking for money or goods. Such conduct can undermine economic vitality by deterring patrons and thus reduces shopping activity within the city. Such conduct can discourage visitors and prospective customers from coming to the city for business, shopping or recreation because it creates an atmosphere of discomfort and fear.

Further, the intent of the city council in enacting this ordinance is to protect the public safety of the city's residents and visitors against intrusive solicitation by imposing reasonable restrictions while respecting the constitutional rights of free speech for all residents. The city council finds that solicitation in certain locations throughout the city is extremely disturbing and dangerous to residents, visitors, and businesses and will contribute to the loss of access to public places due to

fear and intimidation. Solicitation in specific locations near banks, automatic teller machines, and traffic intersections is especially threatening and dangerous to both persons and property. The city council further finds that solicitation from people in public places where they are a "captive" restricts residents' ability to decline or avoid solicitation. These public places include: public transportation vehicles and stops, banks, public parking lots or structures, and indoor/outdoor dining areas. The restrictions contained herein are narrowly tailored to serve a substantial government interest. The city seeks to protect citizens from fear, intimidation and dangerous conditions that accompany certain kinds of solicitation that occurs in specific locations within the city.

SEC. 7-331. DEFINITIONS

For the purposes of this article, the following definitions shall apply:

(A) AGGRESSIVE PANHANDLING - to ask, gesture, or otherwise solicit alms in a manner that intimidates another person into giving money or goods.
(B) AUTOMATIC TELLER MACHINE - any electronic information processing device which dispenses or accepts cash in connection with a credit deposit or convenience account.
(C) BANK - any bank, banking association, trust company, savings bank, check-cashing business, credit union, or other banking institution.
(D) HARASS OR HOUND - to closely follow the person solicited, touch the person solicited, or direct profane or abusive language toward the person solicited after the person solicited either expressly or impliedly makes it known that he or she does not want to give money or anything of value to the solicitor.
(E) INTIMIDATE - to engage in conduct which would make a reasonable person fearful or feel compelled to comply.
(F) OUTDOOR DINING AREA - shall mean an area used to serve food for immediate consumption located adjacent to a restaurant or other food service establishment.
(G) PANHANDLE - to ask for money or goods as a charity or gift, whether by words, bodily gestures, signs, or other means.
(H) PUBLIC PLACE - includes but it not limited to, city owned alleys, bridges, buildings, driveways, parking lots, parks, plazas, sidewalks and streets.
(I) PUBLIC TRANSPORTATION VEHICLES OR FACILITIES - any vehicle including a trailer bus designed for carrying more than ten (10) persons and the designated or posted stop for the public transportation vehicle.
(J) SOLICITATION - any request made in person seeking an immediate donation of money or other items of value. This shall include passively displaying a sign or any other indication that the person is seeking donations. Solicitation includes panhandling.

SEC. 7-332. PROHIBITION ON AGGRESSIVE PANHANDLING

(A) It shall be unlawful for any person on the streets, sidewalks or in any public place within the city to aggressively panhandle, intimidate, harass or hound another person for the purpose of inducing that person to give money or anything of value.
(B) For purposes of this article, a person aggressively panhandles, intimidates, harasses or hounds another person when: the solicitor's conduct would cause a reasonable person in the position of the solicitee to fear for his or her safety; the solicitor intentionally blocks the path of the solicitee; or the solicitor persists in following the solicitee closely, and continues to demand money or other thing of value after the solicitee has rejected the solicitation by words or conduct.
(C) For the purposes of this article, the following facts, among others, are relevant in deciding whether a reasonable person would have cause to fear for his or her safety: the solicitor makes physical contact with the solicitee; the proximity of the solicitor to the solicitee; the duration of the solicitation; or the solicitor makes threatening gestures or other threatening conduct including closely following the solicitee.

SEC. 7-333. LOCATIONS WHERE SOLICITATION IS PROHIBITED

Solicitation shall be prohibited when the person solicited is in any of the following locations:

(A) Within twenty-five (25) feet of public transportation vehicles or facilities;
(B) Motor vehicles that are located within one hundred (100) feet of any intersection controlled by an official traffic signal as set forth in Vehicle Code Section 21450;
(C) City owned parking lots or structures;
(D) Outdoor dining areas; and
(E) Within twenty-five (25) feet of the entrance or exit of a bank during business hours or automatic teller machine during the time it is available for customer's use.

SEC. 7-334. VIOLATION

A violation of this article may be enforced according to the provisions of section 1-10 of the City Code."

Section 5. 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.

Section 6. 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 (5) days before the City council's adoption of the ordinance.

Section 7. 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 September 17, 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

CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO.

ORDINANCE OF THE CITY OF OXNARD, CALIFORNIA, AMENDING CHAPTER 7 OF THE OXNARD CITY CODE TO STRENGTHEN THE ORMOND BEACH REGULATIONS, PROHIBIT CAMPING IN CERTAIN AREAS OF THE CITY, ESTABLISH REMOVAL OF STORAGE AND PERSONAL PROPERTY REGULATIONS, ESTABLISH PARK EXCLUSION REGULATIONS, AND PROHIBIT AGGRESSIVE PANHANDLING AND SOLICITATION

WHEREAS, the Central Business District ("CBD") is home to the Heritage Square, Farmer's Market, Historic Plaza Park and Plaza Stadium Cinemas; and

WHEREAS, the CBD is host to many special events, festivals and concerts; and

WHEREAS, Community Center Park East, Community Center Park West, Wilson Park, and the Oxnard Transit Center are widely used by Oxnard residents, visitors and businesses; and

WHEREAS, the use of the areas within the CBD, Community Center Park East, Community Center Park West, Wilson Park, and the Oxnard Transit Center (collectively the "Public Areas") for camping purposes or storage of personal property interferes with the rights of others to use the Public Areas for which they were intended to be used; and

WHEREAS, camping within the Public Areas can constitute a public health and safety hazard; and

WHEREAS, the City Council desires to maintain the Public Areas in a clean and accessible condition, to prevent the accumulation of trash and debris, to prevent the spread of disease and other potential health hazards, and to maintain the use and enjoyment of the Public Areas by Oxnard residents, visitors, and businesses; and

WHEREAS, in adopting a Park Exclusion Ordinance, the City Council desires to specifically exempt conduct and activities involving the exercise of First Amendment rights from its application, purpose, and intent; and

WHEREAS, the exclusion from certain City parks and park facilities by violators of City rules, regulations and laws enables proper use of the same by others and provides a tangible consequence for violating these rules, regulations, and laws; and

WHEREAS, in adopting a prohibition on aggressive panhandling and solicitation, the City Council desires to protect the public safety of the City's residents and visitors against

intrusive solicitation by imposing reasonable restrictions while respecting the constitutional rights of free speech for all residents and visitors; and

WHEREAS, aggressive solicitation for money or anything of value directed at residents of and visitors to the city threatens public safety, impairs commercial activity and harms public welfare.

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

Section 1. Subsection (A) of Section 7-302 of the Oxnard City Code is hereby amended to read as follows:

"(A) A violation of this article ~~is designated an infraction and may~~ shall be enforced according to the provisions of section 1-10 of the ~~c~~City ~~c~~Code."

Section 2. Article XX is hereby added to Chapter 7 of the Oxnard City Code to read as follows:

"ARTICLE XX. REGULATIONS ON CAMPING

SEC. 7-318. FINDINGS

The city council finds that the Public Areas should be readily accessible and available to residents and the public at large. The use of these areas for camping purposes or storage of personal property interferes with the rights of others to use the areas for which they were intended. Such action can constitute a public health and safety hazard which adversely impacts public property, and the use thereof. The purpose of this article is to maintain public places within the city in a clean and accessible condition, to prevent the accumulation of trash and debris, and to prevent the spread of disease and other potential health hazards.

SEC. 7-319. DEFINITIONS

For the purposes of this Article, the following definitions shall apply:

(A) CAMP OR CAMPING - one or more of the following activities: pitching or occupying camp facilities; or the use of camp paraphernalia. These activities constitute camping when it reasonably appears, in considering all the circumstances, that the individual, in conducting these activities, is in fact using the area as a living accommodation, regardless of the intent of the individual or the nature of any other activities in which they may be engaging. The act of sleeping, on its own, does not constitute camping.

(B) CAMP FACILITIES - include, but are not limited to, tents, huts, temporary shelters, or other similar facilities.

(C) CAMP PARAPHERNALIA - includes, but is not limited to, tarpaulins, cots, beds, mattresses, sleeping bags, hammocks, cookware, cooking equipment, kitchen utensils, or other similar equipment.

(D) CENTRAL BUSINESS DISTRICT: an area in Oxnard that is bounded by: West 2nd Street to the north and the north side of Wooley Road to the south. The area is bounded to the west by: the west side of 'C' Street from West 2nd Street to West 3rd Street; the west alley of 'C' Street from West 3rd Street to West 6th Street, and the west side of 'C' Street from West 6th Street to Wooley Road to the west. The area is bounded to the east by: the Oxnard Transit Center property's easternmost edge, and east alley of Meta Street; the east alley of Oxnard Boulevard from East 7th Street to Driffill Boulevard, and the West side of Donlon Avenue from Driffill Boulevard to the north side of Wooley Road.

(E) CITY MANAGER - the city manager or his or her designee.

(F) COMMUNITY CENTER PARK EAST - a municipal public park in Oxnard, also known to some as "Lions Park," that is bordered by: West 7th Street to the north; West 9th Street to the south; 'G' Street to the east, and Hobson Way to the West.

(G) COMMUNITY CENTER PARK WEST - a municipal public park in Oxnard that is bordered by: West 7th Street to the north; West 9th Street to the south; Hobson Way to the east, and the east side Kingfisher Way to the west.

(H) OXNARD TRANSIT CENTER - the property located within the Central Business District at 201 East 4th Street, its parking lots and their entrances on both Meta Street and East 5th Street.

(I) PERSONAL EFFECTS. Personal Property consisting of the following items: medication, medical devices, eyeglasses or other prescription lenses; identification records such as identification cards, birth certificates, social security cards or medical records; sleeping bags or bed rolls which are sanitary and non-verminous; tents in usable and reasonably good condition; clothes stored in a manner protecting them from the elements, which are not unsanitary, soiled, or verminous; and non-perishable food items.

(J) PERSONAL PROPERTY - tangible personal belongings. Tangible personal belongings include any movable or tangible thing that is subject to ownership; property or chattels that can be seen, weighed, measured, felt, or touched, such as furniture, cooking utensils, and books. For the purposes of this article, personal property shall not include real property, vehicles or animals.

(K) PLAZA PARK - a municipal public park in Oxnard that is bordered by: North 5th Street to the north; South 5th Street to the south; 'B' Street to the east, and 'C' Street to the west.

(L) POLICE CHIEF - the chief of police of the Oxnard Police Department or the designee thereof.

(M) PUBLIC AREAS - the Central Business District, the Oxnard Transit Center, Community Center Park East, Community Center Park West, and Wilson Park.

(N) PUBLIC PLACE - public property, improved or unimproved, including, but not limited to, open space, parks, plazas, parking lots, streets, bridges, alleys, driveways, sidewalks, and walkways.

(O) STORE - to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.

(P) UNCLAIMED PERSONAL PROPERTY - personal property that has been turned into the city and that has not been claimed within a period of ninety (90) days by its true owner or finder.

(Q) WILSON PARK - a municipal public park in Oxnard that is bordered by: the south alley of Deodar Drive to the north; Beverly Drive to the south; 'C' Street to the west, and the west alley of 'A' Street to the east.

SEC. 7-320. CAMPING IN PUBLIC AREAS PROHIBITED

(A) It is unlawful for any person to camp and/or occupy camp facilities in Public Areas without a permit issued by the city.

(B) It is unlawful to cook food in Public Areas, except as otherwise allowed by this code or by specific permit. This section shall not prohibit cooking in areas designated for such purposes.

(C) A violation of this article may be enforced according to the provisions of Section 1-10 of the City Code.

SEC. 7-321. REMOVAL AND STORAGE OF PERSONAL PROPERTY

(A) *Storage of personal property in public places*. It shall be unlawful for any person to store personal property, including camp facilities and camp paraphernalia, in any public place, improved or unimproved, except as otherwise provided by the city manager. Nothing herein shall be construed to allow storage where otherwise prohibited by this code.

(B) *Property removal*. The city may remove personal property unlawfully stored or found on public places as follows.

(1) The location of any personal property including camp facilities and paraphernalia shall be noticed as follows: "It is illegal to store personal property on a public place such as public open space, parks and parking lots. If this personal property is not removed within 48 hours of the date of this posting, THE PERSONAL PROPERTY SHALL BE DEEMED INTENTIONALLY ABANDONED AND SUBJECT TO REMOVAL AND POSSIBLE DESTRUCTION."

(2) The city may remove any personal property unlawfully stored or remaining in a public place after the posting period has expired.

(3) Personal property which has been intentionally abandoned, poses an imminent threat to public health or safety, is contraband or which is evidence of a crime shall not be subject to the above notice requirements and shall be removed

immediately by the city and stored or destroyed according to the provisions below.

(C) *Personal Effects.* At the time of removal of unlawfully stored personal effects, the city shall conspicuously post and date a notice either at the exact location from which the personal effects were removed or at another nearby location giving the following information: a general description of the personal effects removed; a telephone number where the personal effects are temporarily stored; and the length of time during which the personal effects may be claimed.

(D) Following the removal of unlawfully stored or remaining personal property, including personal effects, the city shall do the following: maintain an inventory identifying the personal property and where the personal property was approximately located; place the personal property in containers labeled in a manner facilitating identification by the city and owner and which reasonably protect such property from damage or theft; and store removed personal property in an area designated by the city for a period of ninety (90) days.

(E) Personal property, including personal effects, stored by the city which is claimed within ninety (90) days from removal shall be released to the person claiming ownership provided they identify the property and the approximate location where the property was left.

(F) *Disposition of property.* Personal property which remains unclaimed after 90 days may be dedicated for public use, may be given to a local nonprofit agency for charitable use, or may be destroyed. Intentionally abandoned property may be summarily abated and destroyed."

Section 3. Article XXI is hereby added to Chapter 7 of the Oxnard City Code to read as follows:

"ARTICLE XXI. PARK AND PARK FACILITY EXCLUSION

SEC. 7-323 FINDINGS

The city council finds as follows:

(A) City parks and park facilities should be open to use and enjoyment by all city residents, businesses, and visitors during specific hours that the city parks and facilities are open to the public;

(B) Violators of local park laws, rules or regulations infringe upon the enjoyment and use of city parks and park facilities; and

(C) In adopting this article, the city council has specifically exempted conduct and activities involving the exercise of First Amendment rights from its application, purpose, and intent.

SEC. 7-324. DEFINITIONS

For the purposes of this article, the following definitions shall apply:

(A) CITED INDIVIDUAL - a person who receives an exclusion notice.
(B) CITY - the City of Oxnard
(C) PARK OR PARK FACILITY - any body of water, park, athletic field, tennis court, picnic site, skateboard facility, dog park area, open space land, land, campsite, recreation area, open space park facility, building, structure, system, equipment, machinery, or other appurtenance managed, controlled, or operated by the city, and includes any public parking lot facility adjacent thereto.
(D) POLICE CHIEF - the chief of police of the Oxnard Police Department or the designee thereof.
(E) POLICE DEPARTMENT - the Oxnard Police Department.
(F) REQUEST - the written request for administrative review submitted to the police chief by a person excluded from a Park or Park Facility.

SEC. 7-325. EXCLUSION AUTHORIZATION AND DATABASE

(A) Any police officer, when specifically authorized in writing by the police chief to enforce this article, may exclude any person who, while present in a park or park facility, violates any applicable ordinance, statute, posted rule or regulation, or city policy after being put on notice of the same. Nothing in this article shall be construed to authorize the exclusion of any person lawfully exercising free speech rights or other rights protected by the state or federal constitutions unless that person is also committing acts that are not protected that violate a specific provision of the law that would allow for exclusion.
(B) The police department shall maintain a database of those persons excluded from Parks or Park Facilities.

SEC. 7-326. EXCLUSION PERIOD

Exclusion from a Park or Park Facility under the provisions of this article shall be for the specified time periods following the occurrence of the following violations in a Park or Park Facility:

(A) One (1) Day: Single infraction of park rules or ordinance. Such exclusion shall be limited to the park or park facility in which the offense occurred, and shall be for a period of twenty-four (24) hours.
(B) Thirty (30) Days: Arrest or citation for nonviolent offense (e.g., public intoxication), or two (2) or more infractions of park rules or ordinances within the previous 365 days. Such exclusion shall be limited to the park or park facility in which the offense occurred.

(C) Ninety (90) Days: Two (2) arrests or two (2) citations for nonviolent offenses within the previous 365 days. Such exclusion shall be limited to the park or park facility in which the offense occurred.

(D) Six (6) Months: Three (3) arrests or three (3) citations for nonviolent offenses within the previous 365 days, or an arrest for one (1) felony nonviolent offense. Such exclusion shall apply to any park or park facility within the city.

(E) One (1) Year: Four (4) or more arrests or four (4) or more citations for nonviolent offenses within the previous 365 days, or any arrest for any violent offense. Such exclusion shall apply to any park or park facility within the city.

SEC. 7-327. EXCLUSION NOTICE

The police chief or his/her designee shall provide written notice to any person excluded from any park or park facility under this Article. Such notice shall specify the date the exclusion begins and ends, shall identify the conduct leading to the exclusion, and shall inform the Cited Individual of the right to appeal the exclusion.

SEC. 7-328. ADMINISTRATIVE REVIEW AND ADMINISTRATIVE HEARING

(A) *Requesting an administrative review*: A Cited Individual may request an administrative review of the exclusion as set forth in this Section. A request for administrative review is a mandatory prerequisite to a request for an administrative hearing.

1. The Request must be made by the person excluded from a Park or Park Facility, in writing, to the police chief, within three calendar days following the date the police chief issued the exclusion notice.
2. The Request shall include the exclusion notice number, a reason the person should not have been excluded, and an address at which the city may serve the Cited Individual a response to his or her Request.

(B) *Responding to a request for administrative review*. Within five days of receiving the Request, the police chief or his/her shall review the Request, the exclusion notice, and any other pertinent information, and based on the totality of the circumstances, uphold or vacate the exclusion order.

(C) *Notice of determination for administrative review*. Upon making his or her determination on a Request, the police chief shall cause a notice of the determination to be served on the Cited Individual at the address set forth in the Request and shall cause a copy of the notice to be provided to the city clerk. Where the police chief has upheld the exclusion, the notice shall also set forth a new date by which the exclusion shall begin, as well as the individual subject to the exclusion notice's right to request an administrative hearing to further contest the exclusion in the manner provided for below.

(D) *Request for administrative hearing*. A Cited Individual dissatisfied with the determination of a police chief following a request for an administrative review of an exclusion notice may further contest the exclusion by requesting an administrative hearing in the manner provided for by this Section.

1. Such request must be made in writing and must be served on the city at the address set forth in the police chief's notice of determination within ten calendar days after the date the individual subject to the exclusion notice is served with notice of such determination.

2. Requests for an administrative hearing must be filed in the office of the city clerk and shall be in a form required by the city clerk.

3. The city manager, or a designee, will select the hearing officer for the administrative citation hearing.

4. Hearing date. Upon receiving a timely request for an administrative hearing to contest an exclusion notice, the city clerk will set an administrative hearing on a date not less than 15, nor more than 60 calendar days from the date the hearing is requested. Written notice of the date, time, and location of the administrative hearing will be provided to the individual subject to the exclusion notice at least 15 days prior to the hearing date.

(E) *Administrative hearing procedures*.

1. *Hearing Scope*. The issues to be determined at the hearing are limited to whether the violation alleged in the exclusion notice actually occurred; and whether the individual subject to the exclusion notice was responsible for the violation.

2. *Burden of proof and evidentiary rules*. At the hearing, the hearing officer shall render his or her decision based on the preponderance of the evidence. However, the exclusion notice shall constitute prima facie evidence of the facts contained in the notice.

a. Both the individual subject to the exclusion notice and police officer shall have the opportunity to testify and present additional evidence concerning the exclusion notice.

b. Evidence may include, without limitation, witness testimony, documents, or other similar evidence.

c. The hearing officer shall conduct the hearing in an informal fashion and shall not be bound by the technical rules of evidence. Evidence sought to be introduced shall not be limited to any legal rules of evidence, save and except for the rule that it is relevant and material to the issues of whether the violation alleged in the exclusion notice occurred and whether the individual subject to the exclusion notice was responsible for the violation.

3. *Personal appearance.* In lieu of personally appearing at an administrative hearing, the Cited Individual may request that the hearing officer decide the matter based on the notice's face and any other documentary evidence submitted to the city clerk by the Cited Individual or police officer prior to the hearing date.

4. *Attendance and Continuation*. Failure of the Cited Individual to appear at the hearing shall be deemed a waiver of the right to be personally present at the hearing. The hearing officer shall then decide the matter based upon the facts set forth in the notice, any documentary evidence previously submitted, and any additional evidence that may be presented at the hearing by the police officer. The police officer who issued the exclusion notice shall attend the hearing. The hearing officer may continue any hearing and request additional information from the police officer or the Cited Individual prior to issuing a written decision.

5. *Decision.* Within ten days after closing the hearing, the hearing officer shall issue a written decision to uphold or set aside the exclusion, shall set forth the reasons for such decision, and shall forward a copy of the decision to the city clerk. After receiving the hearing officer's decision, the city clerk shall promptly cause the hearing officer's decision to be served on the Cited Individual at the address set forth in the request for an administrative hearing together with the notice hereinafter required by this Section, and shall cause a copy of the decision and such notice to be provided to the police chief. If the decision of the hearing officer is to sustain the exclusion, then the city clerk shall accompany the hearing officer's decision with a notice advising the individual subject to the exclusion notice the new date by which the exclusion shall begin.

(F) *Penalty for violation of exclusion order*

It shall be unlawful and a misdemeanor, subject to the provisions of section 1-10 of the City Code, for any person subject to the exclusion notice to enter or remain in any park or park facility at any time during the period indicated by the exclusion notice."

Section 4. Article XXII is hereby added to Chapter 7 of the Oxnard City Code to read as follows:

"ARTICLE XXII. PROHIBITION ON AGGRESSIVE PANHANDLING AND SOLICITATION

SEC. 7-330. FINDINGS

The city council finds that aggressive panhandling for money or anything of value directed at residents of and visitors to the city threatens public safety, impairs commercial activity, and harms public welfare. Aggressive panhandling interferes with the public's inherent right to use and enjoy public places without fear of intimidation caused by those persons who harass others by asking for money or goods. Such conduct can undermine economic vitality by deterring patrons and thus reduces shopping activity within the city. Such conduct can discourage visitors and prospective customers from coming to the city for business, shopping or recreation because it creates an atmosphere of discomfort and fear.

Further, the intent of the city council in enacting this ordinance is to protect the public safety of the city's residents and visitors against intrusive solicitation by imposing reasonable restrictions while respecting the constitutional rights of free speech for all residents. The city council finds that solicitation in certain locations throughout the city is extremely disturbing and dangerous to residents, visitors, and businesses and will contribute to the loss of access to public places due to fear and intimidation. Solicitation in specific locations near banks, automatic teller machines, and traffic intersections is especially threatening and dangerous to both persons and property. The city council further finds that solicitation from people in public places where they are a "captive" restricts residents' ability to decline or avoid solicitation. These public places include: public transportation vehicles and stops, banks, public parking lots or structures, and indoor/outdoor dining areas. The restrictions contained herein are narrowly tailored to serve a substantial government interest. The city seeks to protect citizens from fear, intimidation and dangerous conditions that accompany certain kinds of solicitation that occurs in specific locations within the city.

SEC. 7-331. DEFINITIONS

For the purposes of this article, the following definitions shall apply:

(A) AGGRESSIVE PANHANDLING - to ask, gesture, or otherwise solicit alms in a manner that intimidates another person into giving money or goods.
(B) AUTOMATIC TELLER MACHINE - any electronic information processing device which dispenses or accepts cash in connection with a credit deposit or convenience account.
(C) BANK - any bank, banking association, trust company, savings bank, check-cashing business, credit union, or other banking institution.
(D) HARASS OR HOUND - to closely follow the person solicited, touch the person solicited, or direct profane or abusive language toward the person solicited after the

person solicited either expressly or impliedly makes it known that he or she does not want to give money or anything of value to the solicitor.

(E) INTIMIDATE - to engage in conduct which would make a reasonable person fearful or feel compelled to comply.

(F) OUTDOOR DINING AREA - shall mean an area used to serve food for immediate consumption located adjacent to a restaurant or other food service establishment.

(G) PANHANDLE - to ask for money or goods as a charity or gift, whether by words, bodily gestures, signs, or other means.

(H) PUBLIC PLACE - includes but it not limited to, city owned alleys, bridges, buildings, driveways, parking lots, parks, plazas, sidewalks and streets.

(I) PUBLIC TRANSPORTATION VEHICLES OR FACILITIES - any vehicle including a trailer bus designed for carrying more than ten (10) persons and the designated or posted stop for the public transportation vehicle.

(J) SOLICITATION - any request made in person seeking an immediate donation of money or other items of value. This shall include passively displaying a sign or any other indication that the person is seeking donations. Solicitation includes panhandling.

SEC. 7-332. PROHIBITION ON AGGRESSIVE PANHANDLING

(A) It shall be unlawful for any person on the streets, sidewalks or in any public place within the city to aggressively panhandle, intimidate, harass or hound another person for the purpose of inducing that person to give money or anything of value.

(B) For purposes of this article, a person aggressively panhandles, intimidates, harasses or hounds another person when: the solicitor's conduct would cause a reasonable person in the position of the solicitee to fear for his or her safety; the solicitor intentionally blocks the path of the solicitee; or the solicitor persists in following the solicitee closely, and continues to demand money or other thing of value after the solicitee has rejected the solicitation by words or conduct.

(C) For the purposes of this article, the following facts, among others, are relevant in deciding whether a reasonable person would have cause to fear for his or her safety: the solicitor makes physical contact with the solicitee; the proximity of the solicitor to the solicitee; the duration of the solicitation; or the solicitor makes threatening gestures or other threatening conduct including closely following the solicitee.

SEC. 7-333. LOCATIONS WHERE SOLICITATION IS PROHIBITED

Solicitation shall be prohibited when the person solicited is in any of the following locations:

(A) Within twenty-five (25) feet of public transportation vehicles or facilities;

(B) Motor vehicles that are located within one hundred (100) feet of any intersection controlled by an official traffic signal as set forth in Vehicle Code Section 21450;

(C) City owned parking lots or structures;

(D) Outdoor dining areas; and
(E) Within twenty-five (25) feet of the entrance or exit of a bank during business hours or automatic teller machine during the time it is available for customer's use.

SEC. 7-334. VIOLATION

A violation of this article may be enforced according to the provisions of section 1-10 of the City Code."

Section 5. 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.

Section 6. 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 (5) days before the City council's adoption of the ordinance.

Section 7. 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 September 17, 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

Oxnard City Council Meeting
September 17, 2019

Camping, Removal and Storage of Personal Property, Park Exclusion, and Aggressive Panhandling and Solicitation Ordinances

Jason Zaragoza, Deputy City Attorney
Eric Sonstegard, Assistant Police Chief
Emilio Ramirez, Housing Director

Recommendation

That City Council approve the first reading by title only and waive further reading of an ordinance strengthening Article XVIII of Chapter 7 of the Oxnard City Code related to Ormond Beach, and adding Articles XX, XXI and XXII to Chapter 7 of the Oxnard City Code regulating Camping, Removal and Storage of Personal Property, Park and Park Facility Exclusion, and Aggressive Panhandling and Solicitation.

Complex Issue, No Easy Solutions

- Widespread, societal problem
- Affecting public health and safety
- Sensitive, vulnerable population
  - Multiple factors involved
  - We want to help them
  - Service resistance

- Must address criminal behavior
  - Realize that we cannot arrest our way out of this
- We must also never lose sight of
  - Constitutional rights
  - Humanity and compassion
  - Potential liability

Situation Overview

Encampments and property stored in public places

- Illegal Dumping
- Unsafe
- Unsanitary
- Denies use to the public

Situation Overview

Increasing problems and complaints in parks

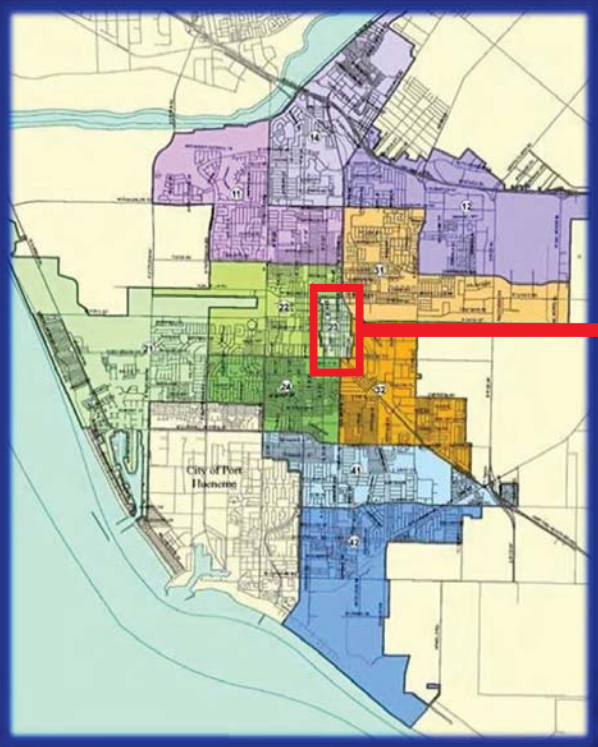
- Disturbances
- Aggressive solicitation
- Public urination / defecation
- Alcohol and public intoxication
- Narcotics activity
- Syringes and paraphernalia
- Indecent exposure
- Violence

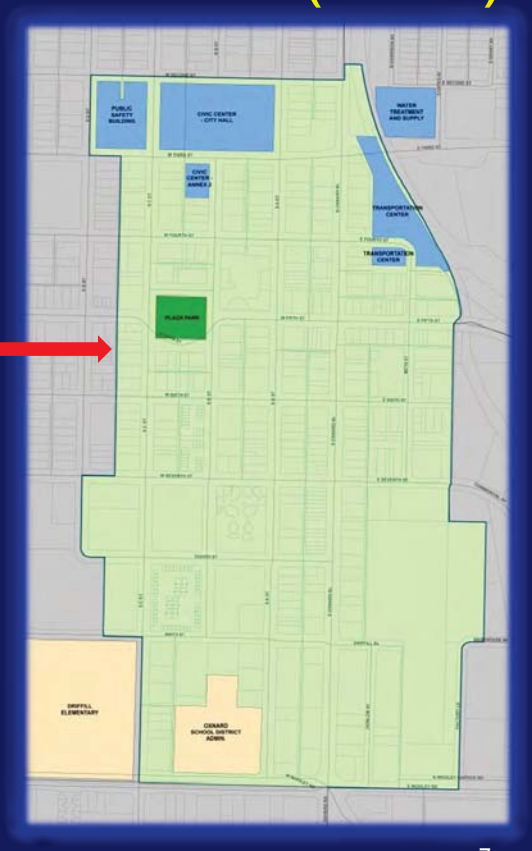
Public frustration and demands that the City "do something"

Heavily Impacted Areas

- Ormond Beach
- Wilson Park
- Community Center Parks (East/West)
- Oxnard Transit Center
- Plaza Park
- Central Business District

Central Business District (CBD)





"Beat 23"

Impact on City Resources

Police Department: 4,599 homeless-related incidents YTD

- 29% of all arrests (1,771)

Fire Department / EMS annual calls related to homeless: 1,460

Encampment complaints

- City departments receive complaints on a daily basis
- 34 tons of encampment-related refuse picked up by Environmental Services YTD

Encampments

Storage of Property in Public Places

Storage of Property in Public Places

Storage of Property in Public Places

Storage of Property in Public Places

Camping on Public Property

Camping on Public Property

Camping on Public Property

Encampment Plan

City staff is developing an outreach-based plan to address homeless encampments.

The City will create an engagement team to address homeless encampments on public right of way and public property. The team will work to ensure:

- City facilities are being used in a safe and enjoyable manner;
- Issues in the parks and public areas are addressed quickly;
- Conduct is in accordance with applicable City codes/ordinances.

The team will work to connect individuals to services to assist with housing options (i.e. shelter, shared housing, inpatient substance treatment, transitional housing, family reunification), mainstream benefits, mental health, physical health, health benefits, and employment opportunities.

Legal Considerations

Can the City adopt ordinances prohibiting:

- Camping on public property?
  - Yes.
- Storage of personal property in public spaces?
  - Yes.

Can the City enforce these ordinances?

- *Yes, with certain limitations.*

Legal Considerations

Martin v. City of Boise

- Homeless individuals cited for camping on public property or sleeping in public buildings or spaces, in violation of a city ordinance
- Court concluded: violation of the Eighth Amendment for a municipality to criminalize the act of sleeping outside where no sleeping space is practically available in any shelter

Legal Considerations

Martin v. City of Boise

- However, the case does not stand for a total prohibition on a city's right to reasonably regulate the behavior,
- Nor does it require cities to allow camping at any time and in every publicly owned location.

- The Court further indicated that prohibitions on the obstruction of public rights-of-way or the erection of structures will remain permissible.

Camping Ordinance

The proposed ordinance makes it unlawful for people to camp or occupy camp facilities in specific designated "Public Areas": CBD, the OTC, Wilson Park, Community Center Park East, and Community Center Park West.

Storage and Removal of Property

- City MAY remove personal property unlawfully stored on public property
- City MUST provide notice before removing property (48 hours)
- City MUST store property for 90-days; opportunity to retrieve
- City MAY remove property that is obviously abandoned, poses an imminent threat to health and safety, is contraband or evidence of a crime without notice

Park Exclusion Ordinance

- Temporary exclusion from parks and park facilities for violating state and local laws
- Exclusions are tiered based on number of violations and/or types
  - Minor: shorter period of time; limited to park at issue
  - Major: longer period of time; not limited to park at issue
- 1 day: single infraction (where offense occurred)
- One Year: Four arrests/citations for nonviolent offenses within 365 days OR any arrest for a violent offense
- Exclusion Notice Required
- Thorough Administrative Appeal Process

Aggressive Panhandling / Soliciting

Aggressive Panhandling- unlawful to aggressively panhandle, intimidate, harass or hound another for the purpose of inducing that person to give money or anything or value

Solicitation Specifically prohibited:

- Within 25 feet of public transportation vehicles or facilities
- Within 100 feet of any intersection
- Public parking lots or structures
- Outdoor dining areas of restaurants
- Within 25 feet of the entrance or exit of a bank during business hours, or ATM during the time it is available for customer's use.

Ormond Beach

The proposed ordinance change would clearly establish the City Attorney's discretion to prosecute violations of the City's Ormond Beach ordinance as <u>either</u> an infraction or a misdemeanor.

Questions?