

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 Library, 251 South "A" Street and the City Clerk's Office, 300 West Third Street 4th Floor during customary business hours. Any materials to be presented at this meeting will be made available electronically 24 hours prior to the meeting, at the end of this agenda. The agenda reports are on the City of Oxnard web site at www.oxnard.org.



AGENDA
OXNARD CITY COUNCIL
OXNARD COMMUNITY DEVELOPMENT COMMISSION SUCCESSOR AGENCY
OXNARD FINANCING AUTHORITY
OXNARD HOUSING AUTHORITY
Council Chambers, 305 West Third Street
April 3, 2018
Regular Meeting - 6:00 PM

A. ROLL CALL/POSTING OF AGENDA

THE FOLLOWING LEGISLATIVE BODIES ARE MEETING: City Council and Housing Authority.

B. OPENING CEREMONIES

Pledge of allegiance to the flag of the United States.

C. CEREMONIAL CALENDAR

1. SUBJECT: Presentation of a Proclamation Designating the Month of April 2018 as "Fair Housing Month."
2. SUBJECT: Presentation of a Proclamation Designating the Week of April 8-14, 2018 as "Library Week."

D. 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.

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.

City of Oxnard internet address: www.oxnard.org.

E. 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.

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

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

City Attorney Department

1. **SUBJECT:** City Manager Recruitment Announcement and Local Applicants. (5/10/10)

RECOMMENDATION: That City Council:

1. Review the draft City Manager recruitment job announcement and provide direction.
2. Discuss and determine whether to limit the City Manager candidate pool to local applicants.

Legislative Body: CC

Contact: Stephen M. Fischer

Phone: 385-7483

G. 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.

H. 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.

I. INFORMATION CONSENT AGENDA**City Clerk Department**

1. **SUBJECT:** Calling of Election for Initiative Measure for CFD No. 4 (Seabridge at Mandalay Bay).

RECOMMENDATION: That the City Council (acting as the legislative body of Community Facilities District No. 4 (Seabridge at Mandalay Bay) of the City of Oxnard) adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD ACTING AS
THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 4
(SEABRIDGE AT MANDALAY BAY) OF THE CITY OF OXNARD ORDERING AN

ELECTION TO BE HELD ON NOVEMBER 6, 2018 TO CONSIDER THE ADOPTION OF A MEASURE ENTITLED "ORDINANCE REDUCING SPECIAL TAX IN COMMUNITY FACILITIES DISTRICT NO. 4 (SEABRIDGE AT MANDALAY BAY)", REQUESTING THE COUNTY CLERK TO CONDUCT THE ELECTION, AND AUTHORIZING THE BOARD OF SUPERVISORS TO CANVASS THE RETURNS.

Legislative Body: CC

Contact: Michelle Ascencion

Phone: 385-7805

City Manager Department

2. SUBJECT: Agreements for City Council Review.

RECOMMENDATION: That City Council, pursuant to Ordinance No. 2835, and Resolution No. 13,932, approve and authorize the City Manager to execute the following agreements/contracts and change orders/amendments in amounts more than \$25,000 but no more than \$250,000:

A. RRM Design Group, Inc. (8184-18-DS) for contract planning services for the Fisherman's Wharf project (\$240,638).

B. Bartel & Associates, LLC. (A-8060) to provide actuarial services for the PARS Retirement Enhancement Plan; CalPERS, calculations of GASB 68 for safety plans and applicability of the Pension Override Tax for fiscal year 2018-19 (\$50,000).

Legislative Body: CC

Contact: Scott Whitney

Phone: 385-7624

Cultural and Community Service Department

3. SUBJECT: Authorization to Disburse and Appropriate Revenue from the Public Art Fund.

RECOMMENDATION: That 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.

Legislative Body: CC

Contact: Ingrid Hardy

Phone: 385-7993

Development Services Department

4. SUBJECT: Adoption of Ordinance No. 2936.

RECOMMENDATION: That the City Council adopts Ordinance No. 2936 (read by title only, waiving further reading) approving a two-year pilot program for the installation of parklets within the public right-of-way in the Central Business District zone; authorizing the Development Services Director the authority to approve licensing agreements associated with the installation of parklets within the public right-of-way; and waiving the collection of traffic impact fees associated with the installation of parklets within the public right-of-way.

Legislative Body: CC

Contact: Ashley Golden

Phone: 385-7882

Finance Department

5. SUBJECT: Update to Debt Management Policy to Comply with State Requirements.
RECOMMENDATION: That City Council adopts a resolution of the City Council of the City of Oxnard adopting a local debt management policy and taking actions related to the policy.
- | | | |
|----------------------|---------------------|-----------------|
| Legislative Body: CC | Contact: Jim Throop | Phone: 385-7475 |
|----------------------|---------------------|-----------------|

Housing Department

6. SUBJECT: Housing Authority Investment Policy.
RECOMMENDATION: That the Board of Commissioners of the Housing Authority of the City of Oxnard (“Authority”) adopt a resolution approving an investment policy for the Housing Authority of the City of Oxnard for FY 2018-2019.
 Legislative Body: HA Contact: Arturo Casillas Phone: 385-8094

Human Resources Department

7. SUBJECT: First Amendment to Agreement with Kelly Services, Inc.
RECOMMENDATION: That City Council approve a First Amendment to Agreement No. 7770-17-HR with Kelly Services, Inc. in the amount of \$10,113.02 for temporary labor services.
- | | | |
|----------------------|-----------------------|-----------------|
| Legislative Body: CC | Contact: Steve Naveau | Phone: 385-7947 |
|----------------------|-----------------------|-----------------|

J. REPORTS

City Attorney Department

1. SUBJECT: Medical Cannabis Delivery Ordinance Introduction. (10/10/10)
RECOMMENDATION: That City Council approve the first reading by title only and waive further reading of an ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD AMENDING ARTICLE XVI OF CHAPTER 7 OF THE OXNARD CITY CODE REGARDING PROHIBITED CANNABIS ACTIVITIES, REPEALING UNCODIFIED ORDINANCE NO. 2756 REGARDING MEDICAL MARIJUANA, AND ADDING ARTICLE XV TO CHAPTER 11 OF THE OXNARD CITY CODE REGARDING MEDICAL CANNABIS DELIVERIES

- Legislative Body: CC Contact: Stephen M. Fischer Phone: 385-7483
2. SUBJECT: Fireworks Social Host Liability Ordinance Introduction. (10/5/5)
RECOMMENDATION: That City Council approve the first reading by title only and subsequent adoption of an ordinance amending section 7-147.1 of the Oxnard City Code concerning fireworks.
- Legislative Body: CC Contact: Stephen M. Fischer Phone: 385-7483

Finance Department3. SUBJECT: Remodel of Third Floor - City Hall (5/5/5)RECOMMENDATION: That City Council:

1. Award and authorize the Mayor to execute an agreement in the amount of \$719,000 for the 300 W. Third Street, 3rd Floor Renovation Project (Rebid) PW 17-24R with Y.Ko.Construction Co, Inc.;
2. Approve \$72,000 for Project contingency for the 300 W. Third Street, 3rd Floor Renovation Project (Rebid);
3. Approve \$72,000 for consultant and staff engineering, inspection, surveying, and Project management for the 300 W. Third Street, 3rd Floor Renovation Project (Rebid); and
4. Approve a project cost of \$1,066,000, for the 300 W. Third Street, 3rd Floor Renovation Project No. 171601, (Rebid) No. PW17-24. Of this amount, \$650,000 has already been appropriated, with the remaining \$416,000 to be appropriated in the FY2018-19 budget. Of this amount, \$863,000 will be for construction related costs, and \$203,000 is related to furniture and IT cabling costs.

Legislative Body: CC

Contact: Jim Throop

Phone: 385-7475

K. ADJOURNMENT

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**CITY COUNCIL
AGENDA REPORT**

TYPE OF ITEM: Council Business
AGENDA ITEM NO.: 1

DATE: April 3, 2018

TO: City Council

FROM: Stephen Fischer
City Attorney

A handwritten signature in dark ink, appearing to be "S. Fischer".

SUBJECT: City Manager Recruitment Announcement and Local Applicants. (5/10/10)

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

RECOMMENDATION:

That City Council:

1. Review the draft City Manager recruitment job announcement and provide direction.
2. Discuss and determine whether to limit the City Manager candidate pool to local applicants.

BACKGROUND

The City is in the process of recruiting to fill the City Manager vacancy. To facilitate this process, the City Council appointed Mayor Pro Tem Ramirez and Councilmember Perello to an ad hoc recruitment subcommittee (the "Subcommittee"). The Subcommittee worked with staff to procure the services of W. Brown Creative Partners ("WBCP") as executive recruiter. WBCP has conducted stakeholder outreach regarding the desired qualities and characteristics of the next City Manager, and worked with the Subcommittee and staff to produce the attached draft job announcement for the City Manager position. Upon receipt of Council's final edits and approval, the job announcement will be released and the recruitment opened on April 4, 2018.

As the recruitment process has progressed, members of the Oxnard community have expressed interest in either applying for the City Manager position or have recommended the hiring of particular Oxnard residents. At the March 20 Council meeting, Councilmember Perello requested consideration of the issue at a future Council meeting. To the extent Council's action regarding this request would impact the recruitment process, it is necessary to receive direction at this time so that any necessary changes can be made to the job announcement or direction be provided to WBCP for the posting of the job announcement.

City Manager Recruitment Announcement and Local Applicants (5/10/10)

April 3, 2018

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STRATEGIC PRIORITIES

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

Goal 1. To help foster a healthy and accountable corporate foundation by strengthening the support functions of the organization, which include Finance, Information Technology and Human Resources.

FINANCIAL IMPACT

Limiting the applicant pool may reduce the costs to complete the recruitment process, but the extent of such reduction cannot be determined at this time.

ATTACHMENTS:

Attachment A: WBCP_OX-CM_R4.Announcement Proof.032918

— career —
opportunity

CITY MANAGER

City of Oxnard, California

Salary Range: \$250,000–\$325,000 DOE/DOQ

The City of Oxnard is seeking a City Manager who is an experienced public administrator and well-grounded in the practices and principles of human resource management, fiscal management, budget development and staff leadership. The ideal candidate will be forthright and resilient, and a strategic organizational leader who demonstrates confidence balanced with humility and empathy for others. You will create and support an organizational culture that embraces diversity, and fosters professionalism, honesty, creative thinking, and an enjoyable work environment. Interested applicants should have a desire to make a long-term commitment and become part of our community, taking an interest in our city's culture, history and vision.

the community

THE CITY OF OXNARD is found along California's "Gold Coast region", north of Los Angeles County and south of Santa Barbara County, and offers miles of uncrowded beaches, oceanfront recreation and year-round mild climate in which to enjoy it. The City is the largest in Ventura County with a population of over 200,000, with over 73% of the population of Latino descent, and is a thriving center of commerce, agriculture, tourism, and industry. Oxnard boasts some of the richest agricultural land in California and is home to a variety of museums and a performing arts center, the California Strawberry Festival, wine cellars, and over 50 park facilities. The Community is neighbor to the breathtaking Channel Islands National Park, the Channel Islands National Marine Sanctuary and the Naval Base Ventura County. Oxnard is home to the Oxnard Community College and near C.S.U. Channel Islands and California Lutheran University. The City maintains steady growth with new development, and also promotes the preservation and economic health of its historic downtown. Oxnard has an engaged historic downtown and benefits from its proximity to the international Port of Hueneme Oxnard Harbor District, which contributes \$1.5 billion in overall economic impact, and provides an exciting future to further enhance business development and the quality of life for residents. More information about Oxnard can be found at the City's website at www.oxnard.org



the city

OXNARD IS A GENERAL LAW CITY operating under a council-manager form of government. The City Council currently consists of an elected Mayor holding a two-year term and four council members elected at large for four-year overlapping terms. Starting in November, the Council will expand to six members elected by district, with the Mayor remaining at large. Oxnard is a full-service city with fire, police and utilities (water, wastewater and solid waste) which generate enterprise funds. The City employs over 1,350 full-time employees and has a general fund operating budget of \$125 million (FY17-18). The population has grown over the last 50 years and the City has managed a good balance between preserving its agricultural heritage, while offering opportunities for business growth to meet the needs of its residents, as evidenced by the development of the 2030 General Plan. The people who live in Oxnard are engaged citizens, who are invested, dedicated, and proud of their community.



the job/department

THE CITY MANAGER IS AN AT-WILL POSITION appointed by the City Council. This position serves as the top administrative officer of the City of Oxnard. Responsibilities include comprehensive management and leadership for the organization, including policy development and interpretation, administration of programs, processes, functions, and oversight of a total budget of \$414 million and over 1,350 employees. This position oversees all phases of city operations while engaging and working closely with constituents, businesses and City Council members.

CHALLENGES / OPPORTUNITIES

- ▶ Oxnard has a small-town atmosphere but is a big older city (founded in 1903) and has some big city problems, like many cities in California.
- ▶ Finance improvements to aging infrastructure.
- ▶ Implement water supply sustainability programs, including a state of the art recycled water facility.
- ▶ Create opportunities to provide affordable housing, reduce poverty and alleviate homelessness.
- ▶ Lead the Ormond Beach Restoration Project, considered by wetland experts to be the most important wetland restoration opportunity in southern California.
- ▶ Spearhead the revitalization of the Historic Downtown District.
- ▶ Improve opportunities for all, including Oxnard's youth, to thrive and develop their potential.

the ideal candidate

INTERESTED APPLICANTS should have a desire to make a long-term commitment and become part of our community, taking an interest in our city's culture, history and vision. The ideal candidate will be an experienced public administrator, well-grounded in the practices and principles of human resource management, fiscal management, budget development and staff leadership. You are forthright and resilient, and will be a strategic organizational leader who demonstrates confidence balanced with humility and empathy for others. The ideal candidate will create and support an organizational culture that embraces diversity, and fosters professionalism, honesty, creative thinking, and an enjoyable work environment.

SUCCESSFUL CANDIDATES WILL HAVE...

- ▶ A Bachelor's degree in public administration or related field, *and*

- ▶ Management experience at the department director, and/or assistant/deputy city manager, or administrative officer level in communities of comparable size and complexity.

—OR—

- ▶ An equivalent combination of education and experience sufficient to successfully perform the essential duties of the job.

Preferred:

- ▶ Master's degree in Public Administration or related field.
- ▶ ICMA Certified Public Manager (CPM) designation.

IDEAL CANDIDATES WILL ALSO...

Administrative & Organizational Oversight

- ▶ Operate within a strong ethical framework and strive to uphold the public trust while improving accountability, customer service, and efficiency.
- ▶ Provide fiscal oversight and accountability of a \$414 million total budget, and oversee budget development, revenue forecasting, grants and loans.
- ▶ Oversee the effectiveness of utility billing and services, and management of enterprise funds.
- ▶ Be a business and industry powerhouse, taking a leadership role in economic development to support commerce and the generation of new jobs to improve salary and economic inequalities.
- ▶ Oversee the performance of long-term financing for the City's operational and capital needs, and provide financial analysis for the City Council, executive team, and Budget Committee.
- ▶ Be a big picture visionary to advance the City's goals and objectives.
- ▶ Ensure the effective and efficient implementation of Council policy and direction.
- ▶ Be responsible for enforcement of city ordinances, policies, contracts, franchises and leases.
- ▶ Keep the full Council informed of issues, trends and matters of city-wide interest and other matters.
- ▶ Select, appoint, supervise, and evaluate department directors on a regular basis.
- ▶ Be the face of the City of Oxnard and participate on a variety of boards, commissions, and groups, and attend all City Council meetings.
- ▶ Negotiate contracts and solutions on a variety of administrative, fiscal, and special projects, including collective bargaining agreements with City labor unions.

Strategic & Visionary Leader

- ▶ Be outstanding at providing equal and fair customer service to a diverse clientele with varied agendas and often competing needs, and be a brilliant communicator, and an adept mediator.
- ▶ Be a strategic thinker, creative problem solver, trust builder, and accountable decision maker.
- ▶ Set and communicate a clear vision and organizational objectives, be a supportive leader, provide tools and pathways to assist others with getting work done, acknowledge excellence, and hold staff accountable via regular performance evaluations.
- ▶ Be an assertive and influential leader, able to advocate and advance initiatives for city departments, the business community, and citizens.
- ▶ Build and support a culture that is progressive, collaborative, transparent, and that builds trust with others.
- ▶ Be a positive team builder and provide staff opportunities for professional growth.
- ▶ Empower others and promote interdepartmental teamwork and collaboration and rely on the expertise of department leaders.
- ▶ Be a clear and concise communicator, and understand the importance of effective communication and presentation skills.
- ▶ Be politically savvy and able to address complex issues in public settings.
- ▶ Support public safety and improvements to the quality of life for all who live in Oxnard.
- ▶ Be a diplomatic truth teller to political and civic leaders as well as staff.

Community & Business Partner & Collaborator

- ▶ Value the importance of connecting with other community organizations, listen to their needs, build trust, and leverage their ideas and partnerships to effectively address community issues.
- ▶ Collaborate with other jurisdictions, agencies, businesses and institutions to produce partnered solutions.
- ▶ In concert with other community and jurisdictional leaders, take a leadership role in addressing homelessness in our community.
- ▶ Appreciate the economic and cultural diversity of Oxnard's community.
- ▶ Build a strong community presence, and be responsive, approachable and accessible to City Council, staff, and constituents.

salary & benefits

The salary for this position is **\$250,000 to \$325,000** annually dependent on experience and qualifications. The City also offers an excellent benefits package including:

Vacation: Starting at 186.16 hours per year, increasing to 314.08 hours beginning the 5th year of service. The City also provides 80 hours of annual Administrative Leave per fiscal year.

Vehicle allowance: Department Heads are eligible for \$161.54 biweekly automobile allowance.

Retirement: CalPERS Retirement Plan – New members 2% @ 62 as defined under PEPRA; classic members 2% @ 55. The City participates in Medicare but not in Social Security.

Deferred Compensation: City contributes three percent (3%) of employee base pay.

Holidays: City observes 13 holidays each year.

Medical and Dental Insurance: City provides \$525.01 per month to use towards medical premiums and \$66.79 for dental premiums or to use as taxable income if employee provides proof of other coverage.

Life Insurance: The City provides life insurance in an amount equal to one times annual earnings plus \$5,000.

Long Term Disability: The City provides coverage at no cost to the employee.

Wellness Program: The City provides \$500 per fiscal year for reimbursement of medical exams, health club membership, or fitness equipment.



how to apply

*This position is open until filled, however **for first consideration apply by MAY 2**; candidates are encouraged to submit as soon as possible.*

SAVE THE DATES!

Interviews will take place on **May 24 & 25**; candidates will need to be available for both days.

Apply at: wbrowncreative.com/job-board/

Please contact your recruiter, **Wendi Brown**, with any questions:

866.929.WBCP (toll free) | **541.664.0376** (direct)

wendi@wbrowncreative.com



**CITY COUNCIL
AGENDA REPORT**

TYPE OF ITEM: Info/Consent

AGENDA ITEM NO.: 1

DATE: April 3, 2018

TO: City Council

FROM: Michelle Ascencion
City Clerk

A handwritten signature in cursive script, appearing to read "mj", located to the right of the "FROM:" field.

SUBJECT: Calling of Election for Initiative Measure for CFD No. 4 (Seabridge at Mandalay Bay).

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

RECOMMENDATION:

That the City Council (acting as the legislative body of Community Facilities District No. 4 (Seabridge at Mandalay Bay) of the City of Oxnard) adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 4 (SEABRIDGE AT MANDALAY BAY) OF THE CITY OF OXNARD ORDERING AN ELECTION TO BE HELD ON NOVEMBER 6, 2018 TO CONSIDER THE ADOPTION OF A MEASURE ENTITLED "ORDINANCE REDUCING SPECIAL TAX IN COMMUNITY FACILITIES DISTRICT NO. 4 (SEABRIDGE AT MANDALAY BAY)", REQUESTING THE COUNTY CLERK TO CONDUCT THE ELECTION, AND AUTHORIZING THE BOARD OF SUPERVISORS TO CANVASS THE RETURNS.

BACKGROUND

On February 2, 2018, the City Clerk received a notification letter that a Notice of Intention to Circulate a Petition for Community Facilities District No. 4 (Seabridge at Mandalay Bay) had been posted and published as required by Elections Code Sections 9302 and 9303.

The initiative proponent delivered the completed petitions to the City Clerk's office on February 13, 2018, which were forwarded to the Ventura County Elections Division for signature verification. On March 2, 2018, the Elections Division finalized its count of the signatures and

Calling of Election for Initiative Measure for CFD No. 4 (Seabridge at Mandalay Bay)

April 3, 2018

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provided a signature verification certificate. Because the required number of valid signatures were submitted in favor of the proposed measure, the City Clerk provided a Certificate of Sufficiency for the measure for the City Council's information at the March 20, 2018 meeting. After receiving the Certificate of Sufficiency, the City Council is required to issue an order calling the election.

The attached resolution calls the election as required by state law and requests that this election be consolidated with the statewide general election to be held on November 6, 2018. If the County agrees to the consolidation of the election, then the County will run this election.

FINANCIAL IMPACT

The cost of the election will be funded and included in the FY2018-2019 Proposed Budget of Community Facilities No. 4 (Seabridge at Mandalay Bay). The City or General Fund will not occur any expenses relating to the election.

ATTACHMENTS:

Attachment A: Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 4 (SEABRIDGE AT MANDALAY BAY) OF THE CITY OF OXNARD ORDERING AN ELECTION TO BE HELD ON NOVEMBER 6, 2018 TO CONSIDER THE ADOPTION OF A MEASURE ENTITLED "ORDINANCE REDUCING SPECIAL TAX IN COMMUNITY FACILITIES DISTRICT NO. 4 (SEABRIDGE AT MANDALAY BAY)", REQUESTING THE COUNTY CLERK TO CONDUCT THE ELECTION, AND AUTHORIZING THE BOARD OF SUPERVISORS TO CANVASS THE RETURNS

WHEREAS, on February 2, 2018, Robert Chatenever submitted to the City Clerk of the City of Oxnard (acting as the Clerk of Community Facilities District No. 4 (Seabridge at Mandalay Bay) of the City of Oxnard (hereafter, the "CFD")) a Notice of Intention to Circulate Initiative Petition entitled "Initiative Measure to be Submitted Directly to the Voters" that proposes to adopt an ordinance entitled "Ordinance Reducing Special Tax in Community Facilities District No. 4 (Seabridge at Mandalay Bay)", and a Proof of Publication of the Notice; and

WHEREAS, the initiative measure proposes to reduce the maximum special taxes for developed properties within the boundaries of the CFD; and

WHEREAS, on March 2, 2018, the Ventura County Registrar of Voters verified that the number of valid signatures on the initiative petition is 87, which is sufficient for the initiative measure to qualify for the ballot; and

WHEREAS, pursuant to California Elections Code Section 9215, the City Council (acting as the legislative body of the CFD) must either: (a) adopt the ordinance, without alteration, either at the regular meeting at which the certification of the petition is presented or within 10 days after it is presented; (b) submit the ordinance, without alteration, to the voters pursuant to Elections Code Section 1405; or (c) order a report pursuant to Elections Code Section 9212 at the regular meeting at which the certification of the petition is presented; and

WHEREAS, California Elections Code Section 1405 provides that the election for a municipal or district initiative that qualifies pursuant to Elections Code Section 9215 or 9310 shall be held at the jurisdiction's next regular election occurring not less than 88 days after the date of the order of election, unless the governing body calls a special election; and

NOW, THEREFORE, the City Council of the City of Oxnard (acting as the legislative board of the CFD) hereby resolves as follows:

SECTION 1. The foregoing recitals are adopted as the findings of the City Council of the City of Oxnard (acting as the legislative board of the CFD) as though fully set forth herein.

SECTION 2. The initiative measure shall be submitted to the voters of the CFD at the regular election to be held on November 6, 2018.

SECTION 3. This Resolution is adopted pursuant to Elections Code Section 10403 requesting that the Board of Supervisors of Ventura County, pursuant to Elections Code Section 10401, order that this election of the CFD be consolidated with the statewide general election to be held on November 6, 2018, which consolidated election shall be held and conducted in the manner prescribed in Elections Code Section 10418.

SECTION 4. Pursuant to Elections Code Section 10411, the Board of Supervisors is authorized to canvass the returns of the election to be held within the boundaries of the CFD on November 6, 2018.

SECTION 5. Pursuant to Elections Code Section 10002, the Board of Supervisors is requested to permit the County Clerk to render the services and supplies shown on Exhibit A, which is attached hereto and a made a part hereof, and any and all other services and supplies necessary to complete the election on November 6, 2018.

SECTION 6. The City Manager is authorized to execute all documents and to perform all necessary acts to enter into one or more agreements for the provisions of election services consistent with this Resolution.

SECTION 7. The text of the proposed ordinance is attached to this Resolution as Exhibit B. The text of the proposed ordinance shall be printed in the ballot materials; a copy of the measure shall be available for public inspection in the City Clerk's office located at 300 West Third Street, 4th Floor in the City of Oxnard. If not provided in the voter guide, upon request, copies will be sent at the expense of the CFD.

SECTION 8. The ballot question shall be substantially as follows:

“Measure of Community Facilities District No. 4 (Seabridge at Mandalay Bay) of the City of Oxnard

Shall Table 1 of Attachment C “Rate and Method of Appointment” to Resolution No. 12716 be amended to reduce by 17 percent the maximum special tax that can be imposed on developed properties located within Community Facilities District No. 4 (Seabridge at Mandalay Beach) of the City of Oxnard?

Yes (_____)

No (_____)

SECTION 9. The ballots to be used at the election shall be in the form and content as required by law.

SECTION 10. The City Council directs the City Clerk to transmit a copy of the initiative measure to the City Attorney and directs the City Attorney to prepare an impartial analysis of the measure pursuant to Elections Code Section 9280 in the manner required by law.

SECTION 11. The initiative measure shall only pass if a majority of votes cast on the measure are "yes" votes.

SECTION 12. In all particulars not recited in this Resolution, the election shall be held and conducted in the manner required by law.

SECTION 13. The City Council (acting as the legislative board of the CFD) shall meet to declare the results of the election called for by this Resolution at its first regular meeting following the certification of election results.

SECTION 14. The CFD shall pay the reasonable cost of services and supplies rendered by the County Clerk.

SECTION 15. The City Clerk is hereby directed to file a certified copy of this Resolution with the Board of Supervisors and the County Clerk.

SECTION 16. The City Clerk shall publish a copy of this Resolution in a newspaper of general circulation once within fifteen (15) days after the adoption of this Resolution.

PASSED AND ADOPTED THIS 3rd day of April, 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Tim Flynn, Mayor

ATTEST:

Michelle Ascencion, City Clerk

APPROVED AS TO FORM:

Stephen M. Fischer, City Attorney

Exhibit A

MARK A. LUNN
Clerk-Recorder, Registrar of Voters
Elections Division

VENTURA COUNTY
REQUEST FOR SPECIFIED ELECTION SERVICES
MEASURES

TO: **MARK A. LUNN**, Clerk-Recorder, Registrar of Voters

FROM: City of Oxnard Michelle Ascencion, City Clerk
City, School District or Special District Name Signature of Authorization

ELECTION: General Municipal Election DATE: November 6, 2018

SERVICES REQUESTED: Place a mark next to the desired services.

ITEM #1 PUBLICATIONS

☒

A. County elections official is requested to publish: Notice of Election of Measure, Election Officers and Polling Places.

☐

B. City/District will publish.

ITEM #2 COUNTY VOTER INFORMATION GUIDE PUBLICATION

☒

A. Print Full Measure Text.

☐

B. Full Measure Text will not be printed in the County Voter Information Guide.

ITEM #3 MEASURE/INITIATIVE PROPONENT FILINGS

☐

A. Random sample of 500 signatures.

☐

B. Full check of all signatures submitted.

ITEM #4 ELECTION NIGHT RESULTS

☒

On-line results

☐

E-mail _____

PERCENTAGE OF VOTES REQUIRED FOR PASSAGE OF MEASURE:

ELECTIONS DIVISION SERVICES PROVIDED:

SIGNATURE CHECKING – County elections to prepare the set-up and verification of signatures submitted on an initiative, recall or referendum attempting to qualify for the ballot.

OFFICIAL FILING – County elections to serve as filing official for all measure document filings, i.e. deadline filing dates, maximum number of words, forms, and format.

MEASURE FORMS/CAMPAIGN REPORTING MATERIAL – Ventura County Elections Division to provide one master set for copying.

SPANISH TRANSLATIONS – County elections official will arrange for all translations pursuant to Elections Code Section 13307.

PRINTING OF COUNTY VOTER INFORMATION GUIDES – County elections official will arrange for all printing of arguments/analyses in the County Voter Information Guide for each election.

VOTE BY MAIL BALLOTS – County elections official will handle all Vote By Mail ballots, including the checking of applications and ballot mailing. Applications and envelopes will be provided to City Clerks.

The undersigned requests the above election services to be performed by the County Elections Official and pursuant to Elections Code Section 10002, agrees to reimburse the County in full for services requested upon presentation of a bill.

Name of City: City of Oxnard

Signature & Title: Michelle Ascencion, City Clerk

Date: April 3, 2018

Rev. 10/04/17

Exhibit B

**ORDINANCE REDUCING SPECIAL TAX IN
COMMUNITY FACILITIES DISTRICT NO. 4 (SEABRIDGE AT MANDALAY BAY)**

The people of Community Facilities District No. 4 (Seabridge at Mandalay Bay) do ordain as follows:

SECTION 1. REDUCTION OF MAXIMUM SPECIAL TAXES FOR DEVELOPED PROPERTY

Table 1 of Attachment C, "Rate and Method of Apportionment," to Resolution No. 12716, adopted as Ordinance No. 2677 by the City Council of the City of Oxnard acting as the governing body of Community Facilities District No. 4 (Seabridge at Mandalay Bay), establishing the maximum special tax for each Land Use Class, is hereby amended to read as follows:

(Text to be inserted into the Table is indicated in ***bold italics*** type. Text to be deleted from the Table is indicated in ~~strike through~~ type. Text in standard, bold or underlined type, which currently appears in that fashion in the Table, remains unchanged by this Initiative)

TABLE 1
Maximum Special Taxes for Developed Property
For Fiscal Year ~~2004-2005~~ 2018-2019
Community Facilities District No. 4

Land Use Classes	Description	Waterfront / Non-Waterfront	Residential Floor Area	Maximum Special Tax
1	Single Family Detached Property	Waterfront	≥ 3,500 SF	\$3,746 3,108 per unit
2	Single Family Detached Property	Waterfront	3,100 – 3,499 SF	\$3,443 2,857 per unit
3	Single Family Detached Property	Waterfront	< 3,100 SF	\$3,235 2,684 per unit
4	Single Family Detached Property	Non-Waterfront	≥ 3,100 SF	\$3,213 2,666 per unit
5	Single Family Detached Property	Non-Waterfront	2,700 – 3,099 SF	\$2,810 2,331 per unit
6	Single Family Detached Property	Non-Waterfront	< 2,700 SF	\$2,568 2,131 per unit
7	Single Family Attached Property	NA	≥ 1,800 SF	\$2,022 1,678 per unit
8	Single Family Attached Property	NA	1,400 – 1,799 SF	\$1,640 1,361 per unit
9	Single Family Attached Property	NA	1,000 – 1,399 SF	\$1,407 1,167 per unit
10	Single Family Attached Property	NA	< 1,000 SF	\$1,193 990 per unit
11	Non-Residential Property	NA	NA	\$0.6366 0.5282 per square foot of Non-Residential Floor Area

Received
Oxnard City Clerk
2018 FEB -5 PM 7:15

SECTION 2. GENERAL PROVISIONS

1. Section 3 of Article XIII C of the California Constitution provides that "the initiative power shall not be prohibited or otherwise limited in matters of reducing or repealing any local tax, assessment, fee or charge." Further, such power "to affect local taxes, assessments, fees and charges shall be applicable to all local governments," including special districts. (Id., see also Cal. Const. Art. XIII C, § 1(b) and (c).)
2. The purpose of this initiative is to exercise the power reserved to voters by Section 3 of Article XIII C of the California Constitution to reduce the special tax currently imposed on the landowners in Community Facilities District No. 4 (Seabridge at Mandalay Bay).
3. This initiative is intended only to reduce the Maximum Special Taxes for Developed Property, as set forth in Table 1 of Attachment C of Resolution 12716, which special taxes were originally levied by the City Council of the City of Oxnard, acting as the legislative body of Community Facilities District No. 4 (Seabridge at Mandalay Bay), by its adoption of Ordinance 2677, following approval by the then-landowner of the proposition proposing the special tax.
4. The Maximum Special Taxes for Developed Property amended by this initiative to go into effect in the 2018-2019 fiscal year are based on the Actual Special Tax Rate for 2016-2017 fiscal year, multiplied by the 2% increase permitted by subdivision (1)(C)(1)(c) of Exhibit C to Resolution 12716, incorporated into Ordinance 2677, which states: "Increase in the Maximum Special Tax and Expected Special Tax On each July 1, commencing on July 1, 2005, the Maximum Special Tax and the Expected Special Tax shall be increased by an amount equal to two percent (2%) of the amount in effect for the previous Fiscal Year."
5. This initiative does not amend or repeal any other provision of Ordinance 2677, including but not limited to subdivision (1)(C)(1)(c) of Exhibit C to Resolution 12716, incorporated into Ordinance 2677. All such provisions not amended by this initiative shall remain in effect.
6. This initiative does not preclude the City of Oxnard from proposing a new or different special tax to the electorate of Community Facilities District No. 4 (Seabridge at Mandalay Bay), in accordance with subdivision (d) of Section 2 of Article XIII C of the California Constitution.

Received
Oxnard City Clerk

2018 FEB -5 PM 7:15



**CITY COUNCIL
AGENDA REPORT**

TYPE OF ITEM: Info/Consent

AGENDA ITEM NO.: 2

DATE: April 3, 2018

TO: City Council

THROUGH: Scott Whitney
Interim City Manager

A handwritten signature in dark ink, appearing to read "S. Whitney".

FROM: Scott Whitney
Interim City Manager/Police Chief

A handwritten signature in dark ink, appearing to read "S. Whitney".

SUBJECT: Agreements for City Council Review.

CONTACT: Scott Whitney, Interim City Manager/Police Chief
Scott.Whitney@OxnardPD.org, 385-7624

RECOMMENDATION:

That City Council, pursuant to Ordinance No. 2835, and Resolution No. 13,932, approve and authorize the City Manager to execute the following agreements/contracts and change orders/amendments in amounts more than \$25,000 but no more than \$250,000:

- A. RRM Design Group, Inc. (8184-18-DS) for contract planning services for the Fisherman's Wharf project (\$240,638).
- B. Bartel & Associates, LLC. (A-8060) to provide actuarial services for the PARS Retirement Enhancement Plan; CalPERS, calculations of GASB 68 for safety plans and applicability of the Pension Override Tax for fiscal year 2018-19 (\$50,000).

BACKGROUND

On November 16, 2010, the City Council approved changes to the City's Purchasing Procedures reducing the threshold for City agreements/contracts and change orders/amendments requiring City Council approval to \$25,000. The agreements/contract and change orders/amendments described on the attached list involve amounts above \$25,000 and up to \$250,000.

FINANCIAL IMPACT

Agreements for City Council Review
April 3, 2018
Page 2

A complete explanation of the agreement and funding sources are attached.

NOTE: Copies of the agreement/contracts and change orders/amendments on the list are available in the City Clerk's Office prior to the Council meeting.

ATTACHMENTS:

Attachment A: City Manager Contract List for April 3, 2018

City Manager Contract List for 04/03/2018

Contracts from \$25,000 to \$250,000

A Contract Planning Services for VC Fisherman's Wharf project

Vendor: RRM Design Group, Inc.
Type: Original Agreement
Agreement No.: 8184-18-DS
Amendment No.: N/A
Purchase Order No.: 03/20/2018
Begin Date: 06/30/2020
End Date: 2 yrs 3 months
Term:

Amount to be Approved:
Current FY Amount:
Total Contract Amount:
Funding Source:
Vendor Selection Process:
of Bids/Proposals/Quotes:
Project Manager:
Department:
Telephone:
Email:

\$240,638
 \$30,000
 \$240,638
 Developer funds/deposits
 Negotiated Contract
 N/A
 Kathleen Mallory
 Development Services Department
 805-385-7858
 Kathleen.Mallory@oxnard.org

Purpose:

Staff is requesting authorization to enter into an Agreement with RRM Design Group, Inc. (8184-18-DS) in the amount of \$240,638 for contract planning services for the Ventura County Fisherman's Wharf project. RRM is capable, available, and has the necessary coastal niche work experience to successfully manage the project. The firms references for a similar type of project were favorable. A Request for Proposals was not distributed given the quick turnaround to secure the firm and because of the specialized services and skill set necessary for this type of work.

The total cost of the agreement is \$240,638, which includes: an estimated \$150,580 for services related to the Fisherman's Wharf project, along with a 10% contingency, and a not to exceed of \$75,000 for contract planning services for other projects, if requested by the Planning Manager. The cost of the Fisherman's Wharf work is fully funded by the developer. Developer deposits and planning fees will cover any costs incurred for contract planning services for other projects.

B Actuarial Services

Vendor: Bartel & Associates LLC
Type: Original Agreement
Agreement No.: A-8060
Amendment No.: N/A
Purchase Order No.: 3813
Begin Date: 04/01/2018
End Date: 12/31/2019
Term: 18 months

Amount to be Approved:
Current FY Amount:
Total Contract Amount:
Funding Source:
Vendor Selection Process:
of Bids/Proposals/Quotes:
Project Manager:
Department:
Telephone:
Email:

\$50,000
 \$50,000
 \$50,000
 General Fund 101-1600-801-8209
 Negotiated Contract
 N/A
 Jim Throop, Chief Financial Officer
 Finance Department
 805-385-7461
 jim.throop@oxnard.org

Purpose:

Staff is requesting authorization to enter into an agreement with Bartel & Associates LLC. (A-8060) in the amount of \$50,000 to provide Actuarial Services for the PARS Retirement Enhancement Plan; CalPERS review of historical CalPERS actuarial information; Calculation of GASB 68 for safety plans and applicability of the Pension Override Tax for fiscal years 2017/18 thru 2024/25.

Bartel & Associates was selected based on their extensive knowledge in this field.

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**CITY COUNCIL
AGENDA REPORT**

TYPE OF ITEM: Info/Consent

AGENDA ITEM NO.: 3

DATE: April 3, 2018

TO: City Council

THROUGH: Scott Whitney
Interim City Manager

FROM: Ingrid Hardy
Cultural & Comm Services Director

SUBJECT: Authorization to Disburse and Appropriate Revenue from the Public Art Fund.

CONTACT: Ingrid Hardy, Cultural & Comm Services Director
Ingrid.Hardy@oxnard.org, 385-7993

RECOMMENDATION:

That 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.

BACKGROUND

Beginning in 2011, the City Council Cultural Arts Committee administered grants in support of the arts community in Oxnard. The funding for the grants comes from the Arts in Public Places Trust Fund, which is funded by the Public Art Program (Resolution No. 14,124). All new development (detailed in the resolution) is required to pay a public art fee of \$0.20 per square foot of roofed building area prior to issuance of a building permit. Public art fees, as well as monetary contributions from private sources, are deposited into the fund. This fund shall be used to acquire, purchase, install and maintain artwork on public property and to reimburse the City's costs to administer the Program. Disbursements from the fund may also be allocated to visual, performing or literary arts such as dance, voice, music or poetry.

Authorization to Disburse and Appropriate Revenue from the Public Art Fund

April 3, 2018

Page 2

In 2014, City Council Ordinance No. 2886 established the Cultural Arts Commission powers and duties. Division 11, Sec 2- 134(H), of the ordinance authorizes the Cultural Arts Commission (CAC) to “Recommend to the city council the distribution of revenues collected through fundraising, grants and public art funds consistent with the needs of the community, including solicitation and analysis of cultural arts grant proposals.”

The process of selecting grant recipients has been through a Request for Proposal (RFP). For each cycle a RFP was developed by City staff and the CAC to establish the criteria for grant eligibility, categories of grant recipients, and ranges of potential grant awards. RFPs were issued in May 2012, July 2013, December 2014, and April 2017. In 2017, grants were made available in the following categories:

Project Grants: For the creation by an individual artist (emerging, mid-career, or established) or group of Oxnard-based artists, for a specific art project.

Operating Fund Grants: To sustain the work of an arts organization without being tied to a specific project, but to the artistic work/activities in general.

Funding Recommendation for 2018-19 Grant Cycle

For each cycle, the grant amount has been determined by staff based on the balance of the Arts in Public Places Trust Fund, taking into consideration potential future expenditure requests of the Fund. In previous grant cycles, the total grant amount has typically been approximately 70% of the available funds. Prior year funding amounts were a \$150,000 for two years, and most recently \$175,000.

The current fund balance is \$272,859. At the February 14, 2018 Cultural Arts Commission meeting, staff recommended a \$100,000 disbursement for this year’s grant program, which is about 37% of the available funds. This amount, and percentage, is lower than what has been historically disbursed from the Public Art Fund. Staff’s recommendation for a lower percentage was based on:

1. The funds deposited into this account are dependent upon development activity which is susceptible to fluctuations, so staff wanted to plan for building up a stronger reserve for either a larger project or a downturn in the economy.
2. The City Council prioritized the Downtown Vision Plan; therefore staff believes it is important to have funds available for forthcoming recommendations. Staff anticipates bringing the Downtown Arts Hub business plan, a guiding document with arts and cultural strategies for downtown, to the City Council on April 17, 2018.
3. The necessity of developing a reporting mechanism to ensure there are measurable outcomes to demonstrate the impact of the grant.

Although staff recommended a lower grant distribution amount, the CAC recommended \$170,000 in distribution. In consideration of the Commission’s authority to recommend to the City Council the distribution of revenues, in accordance with Ordinance 2886, the Commission

Authorization to Disburse and Appropriate Revenue from the Public Art Fund

April 3, 2018

Page 3

recommends that the City Council appropriate \$170,000 from the Public Art Fund to various Oxnard-based arts organizations and artists through the 2018/2019 Cultural Arts Grant Program. The grants will support ongoing operations and cultural activities in the City of Oxnard.

Anticipated/approximate timeline for the 2018/2019 grant cycle is as follows:

Week of April 9	RFP available
Weeks of April 16, 23	Mandatory meetings for potential grantees
Thursday, May 3	RFPs due to City
Week of May 7	RFPs in hard copy delivered to evaluators
Week of May 14	Evaluators' meetings
Week of June 5	Grantees and funding announced
June 11	2018/2019 grant cycle begins

All applicants must be Oxnard-based (artists must be Oxnard residents; organizations must be based in Oxnard with a physical address). Government organizations and organizations that receive budgetary support from the City independent of this grant program are not eligible to apply.

As in previous grant cycles, City staff will establish review panels (evaluators) for the grant applications. Evaluators will be experts in the arts such as arts educators, arts executive directors, performers, curators, poets, authors, art critics, philanthropists, etc. Evaluators undergo a thorough training by City staff to cover the intent of the RFP which is reflective of the mission and vision of the Cultural Arts Commission (CAC). The review panels will score the grants. The CAC will review the recommendation and, if approved by majority vote, recommend to City Council approval of the grant awards at a future City Council meeting.

In 2017, due to the fact that a number of Commissioners had a conflict of interest because they were also potential grant recipients, the City Council Cultural Arts Committee was specially reconvened to approve the evaluators' recommendations. If the Commission is unable to establish a quorum to recommend approval of 2018-19 grant recipients, due to conflict of interest, staff will reconvene the Cultural Arts Committee again.

Tonight's item was originally scheduled for City Council consideration on March 6, 2018. However, the item was delayed due to potential conflict of interest concerns, which have since been addressed.

STRATEGIC PRIORITIES

The agenda item supports the Quality of Life strategy – 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

Authorization to Disburse and Appropriate Revenue from the Public Art Fund

April 3, 2018

Page 4

culture.

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

Objective 3f. Develop a co-sponsorship policy with criteria that would enable the City to encourage local community events.

FINANCIAL IMPACT

The “Arts in Public Places” Trust Fund has an available balance of \$272,859. Of these funds \$18,000 is committed for ongoing salaries and benefits of temporary staff, leaving more than the requested \$170,000 in available funding from the “Arts in Public Places” Trust Fund. Approval of this action authorizes an appropriation of \$170,000 for the FY18/19 award cycle from the fund balance in the Arts in Public Places Trust Fund. Similar to FY17/18 cycle, the award of FY18/19 cycle will be disbursed in two fiscal years, e.g., FY18/19 and carryover to FY19/20.

ATTACHMENTS:

Attachment A: Special Budget Appropriation

REQUEST FOR SPECIAL BUDGET APPROPRIATION

Department: Cultural & Community Services

Date: February 5, 2018

Project/Program

Manager: Ingrid Hardy

Phone: x.7993

Reason for Appropriation:

To appropriate fund balance of Public Art Funds in the amount of \$170,000 for the purpose of providing funding over 2 fiscal years to various cultural arts organizations, programs, and artists.

Accounts and Descriptions

AMOUNT

Fund: 547- ARTS IN PUBLIC PLACE TRUST

Revenues/Transfers In

enter division or project name and number here

547-4270-804.84-79	OTHER SERVICES / ONE TIME MISC EXPENSE	<u>170,000</u>
--------------------	--	----------------

Sub-total Expenditures	<u>170,000</u>
------------------------	----------------

Net Change to Fund Balance	<u>(100,000)</u>
-----------------------------------	-------------------------

Net Appropriation Change	<u>170,000</u>
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Approvals

Department Director

Chief Financial Officer

City Manager

REQUIRES CITY COUNCIL AUTHORIZATION

BA# (Finance Use Only) _____

BA Doc# (Finance Use Only) _____

Rev _____

Packet Pg. 33

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**CITY COUNCIL
AGENDA REPORT**

TYPE OF ITEM: Info/Consent

AGENDA ITEM NO.: 4

DATE: April 3, 2018

TO: City Council

THROUGH: Scott Whitney
Interim City Manager

FROM: Ashley Golden
Development Services Director

SUBJECT: Adoption of Ordinance No. 2936.

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

RECOMMENDATION:

That the City Council adopts Ordinance No. 2936 (read by title only, waiving further reading) approving a two-year pilot program for the installation of parklets within the public right-of-way in the Central Business District zone; authorizing the Development Services Director the authority to approve licensing agreements associated with the installation of parklets within the public right-of-way; and waiving the collection of traffic impact fees associated with the installation of parklets within the public right-of-way.

BACKGROUND

This Ordinance was introduced at the March 27, 2018 City Council meeting. If the Ordinance is adopted on April 3, 2018, it will take effect after 30 days.

STRATEGIC PRIORITIES

The Downtown Parklet Pilot Program 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:

Adoption of Ordinance No. 2936

April 3, 2018

Page 2

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

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

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.

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 4a. Streamline internal process to ensure government efficiencies.

Goal 5. Revitalize Oxnard's downtown and pursue economic development opportunities.

Objective 5a. Develop a vision and plan (with timelines) for downtown revitalization to create a vibrant center for our community, emphasizing cultural arts, diversity and historic assets.

FINANCIAL IMPACT

This request includes a waiver of traffic impact fees associated with the development of parklets. In approving the proposed traffic impact fee waiver, the City agrees to forego collection of fees in the amount of \$3.86 per square-foot. An average parklet is expected to be approximately 250 square-feet in size. If ten parklets are permitted within the next two years, the amount of traffic impact fees to be waived equates to \$9,650.

Adoption of Ordinance No. 2936
April 3, 2018
Page 3

ATTACHMENTS:

Attachment A: Ordinance No. 2936 Parklet Pilot Program

ORDINANCE OF THE CITY OF OXNARD

ORDINANCE NO. 2936 (UNCODIFIED)

AN UNCODIFIED ORDINANCE (PZ NO. 18-04) OF THE CITY COUNCIL OF THE CITY OF OXNARD ESTABLISHING A TWO-YEAR DOWNTOWN PARKLET PILOT PROGRAM WITHIN THE CENTRAL BUSINESS DISTRICT ZONE, GRANTING THE CITY DEVELOPMENT SERVICES DIRECTOR THE AUTHORITY TO APPROVE LICENSING AGREEMENTS ASSOCIATED WITH THE INSTALLATION OF PARKLETS WITHIN THE PUBLIC RIGHT-OF-WAY, AND WAIVING THE COLLECTION OF TRAFFIC IMPACT FEES ASSOCIATED WITH THE INSTALLATION OF PARKLETS.

WHEREAS, on April 4, 2017, the City Council voted to proceed with the Downtown Design Guidelines and Land Use Policies projects described in the Downtown Three-Year Implementation Plan and Congress for New Urbanism's 2016 Downtown Vision Plan; and

WHEREAS, these projects support allowing parklets within the City's Central Business District zone, as parklets encourage Downtown revitalization, activate the Downtown streetscape, and encourage pedestrian activity; and

WHEREAS, it is in the best interest of the public to establish and update reasonable standards relating to development and approval of parklets within the Central Business District; and

WHEREAS, Section 15304 of the California Code of Regulations exempts the project from the requirement for the preparation of environmental documents imposed by the California Environmental Quality Act; and

WHEREAS, the proposed Downtown Parklet Pilot Program is consistent with Goal CD-19 of the 2030 General Plan, which encourages the "continued revitalization of the Central Business District".

NOW THEREFORE, the City Council of the City of Oxnard hereby ordains as follows:

Part 1. The City Development Services Director is hereby granted the authority to implement and administer the proposed Downtown Parklet Pilot Program pursuant to the terms outlined in **Exhibit A** (the Parklet Design Guidelines handout). Similarly, the Director is also vested with the authority to approve Parklet Maintenance and Licensing Agreement contained in **Exhibit B** to permit private use and development within the public right-of-way and impose reasonable terms and conditions to ensure the public safety development.

Part 2. Traffic Impact Fees associated with the development of parklets are to be waived for the duration of this pilot program.

Ordinance No. 2936
 Downtown Parklet Pilot Program
 Page 2 of 7

Part 3. This Ordinance shall become effective (30) days after it is adopted and shall remain in effect until April 3, 2020, when it shall expire and be of no further force or effect.

Part 4. Within 15 days after passage, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation published and circulated in the City. Ordinance No. 2936 was first read on March 27, 2018, and was adopted on April 3, 2018, to become effective thirty (30) days thereafter.

The foregoing Ordinance was adopted at a regular meeting of the City Council of the City of Oxnard, State of California, held on the 3rd day of April, 2018, 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

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**CITY COUNCIL
AGENDA REPORT**

TYPE OF ITEM: Info/Consent

AGENDA ITEM NO.: 5

DATE: April 3, 2018

TO: City Council

THROUGH: Scott Whitney
Interim City Manager

A handwritten signature in blue ink, appearing to read "S. Whitney".

FROM: Jim Throop
Chief Financial Officer

Jim Throop

SUBJECT: Update to Debt Management Policy to Comply with State Requirements.

CONTACT: Jim Throop, Chief Financial Officer
Jim.Throop@oxnard.org, 385-7475

RECOMMENDATION:

That City Council adopts a resolution of the City Council of the City of Oxnard adopting a local debt management policy and taking actions related to the policy.

BACKGROUND

During the process of refinancing the two remaining General Fund Variable Bonds, of which both have a SWAP agreements (the City swapped its fixed rate for a variable rate product) and Letter of Credit (LOC – a bank essentially acts as a cosigner) attached, it was determined that the current debt policy did not meet the new debt policy standards as required by the California government code.

In order to become in compliance with the new legislation, the City requested assistance from its Financial Advisors in crafting the new debt policy. The proposed policy is more encompassing than the City's current financial management policy on debt service. With this new policy, it will not only comply with State requirements, but will be updated and incorporated into the City's overall financial management policies with the adoption of the FY2018-19 budget.

The newly adopted Senate Bill 1029 ("SB 1029"), which became effective January 1, 2017, amended Government Code Section 8855. Among other things, SB 1029 effectively requires a

Update to Debt Management Policy to Comply with State Requirements

April 3, 2018

Page 2

local government agency to adopt a formal local debt policy before issuing bonds. The City of Oxnard and its related entities (such as the Successor Agency to the Oxnard Redevelopment Agency and the City of Oxnard Financing Authority) have issued bonds from time to time.

The City Council recently adopted a resolution authorizing the issuance of lease revenue bonds to refund outstanding obligations. The City and its related entities will likely issue additional bonds in the future, when the City deems it prudent and appropriate to do so. Staff recommends that the City Council approve the proposed Debt Management Policy, to formally establish guidelines for the City's future bond issuances (and the administration of bond records, reporting obligations and bond proceeds expenditures) and comply with the requirements of SB 1029.

Pursuant to Government Code Section 8855, a Report of Proposed Debt Issuance must be filed with the California Debt and Investment Advisory Commission ("CDIAC") before the sale of any bond issue. Usually, Bond Counsel makes these filings on behalf of the City.

SB 1029 was signed into law on September 12, 2016. Among other things, SB 1029 imposes a new requirement that each Report of Proposed Debt Issuance must include the issuer's certification that it has adopted a local debt policy and that the contemplated bond issue is consistent with such adopted policy.

The City currently does not have a formal written debt policy pertaining to the issuance of bonds and the maintenance of bond-related records.

SB 1029 provides that the local debt policy must include the following:

1. The purpose for which the debt proceeds may be used;
2. The types of debt that may be issued;
3. The relationship of the debt to, and integration with the issuer's capital improvement program or budget, if applicable;
4. Policy goals related to the issuer's planning goals and objectives; and,
5. The internal control procedures that the issuer has implemented, or will implement, to ensure that the proceeds of the proposed debt issuance will be directed to the intended use.

The Local Debt Policy has been drafted in furtherance of the City's goals of fiscal sustainability and financial prudence. It sets forth formal written guidelines for the City's bond issuances and the administration of bond records, reporting obligations and bond proceeds expenditures. It contains provisions that reflect the City's current practices and comply with the requirements of SB 1029. Upon adoption and acceptance, the City will incorporate the Debt Management Policy into its Administrative Policies and Procedures

STRATEGIC PRIORITIES

This agenda item supports the Organizational Effectiveness strategy. The purpose of the Organizational Effectiveness strategy is to strengthen and stabilize the organizational foundation

Update to Debt Management Policy to Comply with State Requirements

April 3, 2018

Page 3

of the City in the areas of Finance, Information Technology, and Human Resources, and to improve workforce quality while increasing transparency to the public. This item supports the following goals and objectives:

Goal 1. To help foster a healthy and accountable corporate foundation by strengthening the support functions of the organization, which include Finance, Information Technology and Human Resources.

Goal 2. Increase transparency with Council, community and staff related to the City's budget and financial management processes.

FINANCIAL IMPACT

None.

ATTACHMENTS:

Attachment A: Oxnard Debt Management Policy Resolution

Attachment B: Oxnard Debt Policy 031518

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. _____

A RESOLUTION OF CITY COUNCIL OF THE CITY OF OXNARD ADOPTING A DEBT MANAGEMENT POLICY AND TAKING RELATED ACTIONS

WHEREAS, the City of Oxnard and its related entities (such as the Oxnard Financing Authority and the Successor Agency to the Oxnard Redevelopment Agency) (together, the “City”) have issued or may issue bonds or other financing obligations (“Local Debt”) that are subject to requirements for the filing of reports to the California Debt and Investment Advisory Commission (“CDIAC”) pursuant to California Government Code Section 8855 (“Section 8855”); and

WHEREAS, under Section 8855, municipal issuers of Local Debt must file a report (the “Report of Proposed Debt Issuance”) at least 30 days before the sale of any Local Debt issue; and

WHEREAS, Senate Bill No. 1029 (“SB 1029”), which became effective on January 1, 2017, amended Section 8855 to augment the information that a municipal issuer must provide to CDIAC in connection with Local Debt issuances; and

WHEREAS, Section 8855, as amended by SB 1029, requires the Report of Proposed Debt Issuance to include a certification that the municipal issuer has adopted a local debt policy and the contemplated Local Debt issuance is consistent with such local debt policy; and

WHEREAS, Section 8855(i)(1) requires that the local debt policy must include the following elements:

1. The purposes for which the debt proceeds may be used;
2. The types of debt that may be issued;
3. The relationship of the debt to, and integration with, the issuer's capital improvement program or budget, if applicable;
4. Policy goals related to the issuer's planning goals and objectives; and
5. The internal control procedures that the issuer has implemented, or will implement, to ensure that the proceeds of the proposed debt issuance will be directed to the intended use; and

WHEREAS, the City expects that it will continue to issue Local Debt from time to time;

WHEREAS, This City desires to adopt the Local Debt Policy, as set forth in Exhibit A (the “Policy”);

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

1. The above recitals are true and correct and are a substantive part of this Resolution.
2. The City Council hereby determines and finds that the Policy complies with the requirements of Section 8855(i)(1).
3. The Policy, as set forth in Exhibit A is hereby approved and adopted. The Policy shall be applicable to Local Debt issued by or on behalf of the City (including its related entities

such as, but not limited to, the Oxnard Financing Authority and the Successor Agency to the Oxnard Redevelopment Agency).

4. The City Manager, the Chief Financial Officer, and other officers of the City are hereby authorized and directed, jointly and severally, to execute such instruments and do any and all things which they may deem necessary or advisable to effectuate this Resolution and any such actions previously taken by such officers and staff are hereby ratified and confirmed.

PASSED AND ADOPTED THIS 3rd day of April, 2018 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Tim Flynn, Mayor

ATTEST:

Michelle Ascencion, City Clerk

APPROVED AS TO FORM:

Stephen M. Fischer, City Attorney

**CITY OF OXNARD
DEBT MANAGEMENT POLICY**

I. INTRODUCTION

The policies set forth in this Debt Management Policy (“Policy”) have been developed to provide clear and comprehensive guidelines for the issuance and financial management of the debt portfolio of the City of Oxnard and its related entities (such as the City of Oxnard Financing Authority and the Successor Agency to the Former Redevelopment Agency). This policy confirms the commitment of the City Council, management, staff, and other decision makers to adhere to sound financial management practices, including full and timely repayment of borrowings, achieving the lowest possible cost of capital within prudent risk parameters. This Policy is not intended to be so restrictive that it interferes with the City of Oxnard’s legitimate efforts to prudently provide public services and facilities. The Policy is also intended to comply with Government Code Section 8855(i), effective January 1, 2017.

The guidelines established by this Policy will govern the issuance and management of all debt funded for long-term capital financing and cash flow needs. The City recognizes that changes in the capital markets and other unforeseen circumstances may require exception to this Policy, upon approval by the City Council. The Policy may be amended by the City Council as it deems appropriate from time to time in the prudent management of the debt of the City. Any approval of debt by the City Council that is not consistent with this Policy shall constitute a waiver of this Policy.

As used in this Policy, “City” shall mean the City of Oxnard and/or its related entities. As used in this Policy, “debt” shall be interpreted broadly to mean bonds, notes, certificates of participation, financing leases, or other financing obligations. The use of such term in this Policy shall be solely for convenience and shall not be interpreted to characterize any such obligation as an indebtedness or debt within the meaning of any constitutional debt limitation where the substance and terms of the obligation falls within exceptions to the constitutional debt limitations. This Policy shall apply to all debt issued or sold to third party lenders or investors as well as pertaining to City internal borrowing. The Policy does not pertain to any unfunded accrued liabilities relating to employee benefit obligations including but not limited to the Public Employee’s Retirement System (PERS), Other Post-Employment Benefits (OPEB) and compensated absences nor does it pertain to certain obligations related to the City’s landfill closure, post-closure or corrective actions.

II. OBJECTIVES OF DEBT ISSUANCE

The purpose of the Policy is to provide a functional tool for debt management and capital planning, as well as to enhance the City’s ability to manage its debt obligations in a conservative and prudent manner. In following this policy, the City shall pursue the following objectives:

1. The City shall issue debt only for capital improvements or special non-recurring expenditure projects that cannot be financed from current revenues. The City will not use debt for current operations.
2. The City shall issue debt only if it is the most cost-effective funding means available, taking into consideration cash flow needs, fund reserves, risk, and other funding alternatives.

3. The City shall, when issuing debt, assess financial alternatives to include new and innovative financing approaches such as categorical grants, revolving loans, and/or other State and Federal aid, in order to minimize the contribution from the City.
4. The City shall take all practical precautions and proactive measures to avoid any financial decision that will negatively impact current credit ratings on existing or future debt issues.
5. The City shall endeavor to attain the best possible credit rating for each debt issuance in order to reduce interest costs while preserving financial flexibility and meeting capital funding requirements.
6. The City shall obtain the shortest debt period feasible taking into consideration the debt structure, debt type, and amount. Debt period shall not exceed the expected useful life of the asset.
7. The City shall be mindful of its statutory debt limit in relation to assessed value growth and the tax burden needed to meet long-term capital requirements. The City shall consider the impact of new debt on overlapping debt of local, state and other governments that overlap with the City.

Prior to the issuance of debt to finance a project, the City will carefully consider the overall long-term affordability of the proposed debt issuance. The City shall not assume more debt without conducting an objective analysis of the City's ability to assume and support additional debt service payments. The City will consider its long-term revenue and expenditure trends, the impact on operational flexibility, and the overall debt burden on taxpayers. The evaluation process shall include a review of generally accepted measures of affordability and will strive to achieve and/or maintain debt levels consistent with the City's current and future operating and capital needs. The City will limit the debt ratio (debt guaranteed by the General Fund) to 10%. The debt ratio is calculated by dividing the total debt, interest, and principal, by the total operating, recurring revenues.

III. ACCEPTABLE USE OF DEBT PROCEEDS

The City will consider long-term financing for the acquisition, substantial refurbishment, replacement, or expansion of capital assets. Specifically, acceptable uses of debt include:

1. Acquisition and/or improvement of land, right-of-way, or long-term easements.
2. Acquisition of a capital asset with a useful life of three years or more.
3. Construction, reconstruction or expansion of a facility.
4. Preconstruction costs including but not limited to project planning design, engineering, and other preconstruction efforts.
5. Project-associated furniture fixtures and equipment.
6. Capitalized interest, when applicable.
7. Original issue discount, underwriters' discount, and other costs of issuance, when applicable.

IV. TYPES OF DEBT

There are numerous types of financing structures and funding sources available, each with specific benefits, risks, and costs. The City shall review all potential funding sources within the context of this Policy and the overall portfolio, to ensure that any financial product or structure is consistent with the City's objectives. Regardless of which financing structure is utilized, due diligence review shall be performed for each transaction.

The following are types of debt the City can issue:

1. **New Money Debt:** New money debt is debt issued to finance the cost of capital improvement project or other large and extraordinary costs.
2. **Refunding Debt:** Refunding debt is debt issued to refinance (refund) previously issued outstanding debt. The City may issue refunding debt to refinance the principal and interest on outstanding bonds or other debt to achieve debt service savings, restructure schedule debt service or convert from variable to fixed interest rate, change or modify the source(s) of payment and security for the refunded debt, or modify covenants otherwise binding upon the City. Refunding may be issued on either a current or advance basis under federal tax law. See section VII for further detail.
3. **Revenue Debt:** Revenue debt is generally issued for enterprise funds that are financially self-sustaining without the use of general fund revenue sources and therefore rely on the revenues collected by the enterprise fund to repay the debt.
4. **Land-Secured Debt:** Examples of land-secured debt include special tax revenue bonds issued under the Mello-Roos Community Facilities Act of 1982, as amended, and limited obligation bonds issued under applicable assessment statutes. Land-secured debt is payable from special taxes or assessments that the City will levy on the secured property tax roll.
5. **General Obligation Bonds:** General obligation (GO) bonds require a supermajority voter approval. Most GO bonds are backed by the issuer's ability to level ad valorem tax in amounts sufficient to meet debt service.
6. **Lease Financing:** Lease revenue bonds, certificates of participation (COPS), and lease-purchase transactions are examples of lease financings.
7. **Bond and Grant Anticipation Notes:** This type of debt is issued to finance a project in anticipation of other funding sources becoming available at a later time.
8. **Tax Increment Financing:** Tax increment financing may be used to the extent available under California law.
9. **Conduit Financing:** The City may agree to provide conduit financing for specific public purposes, such as financings for affordable rental housing, qualified 501(c)(3) organization, other governmental agencies and/or joint power authorities. In a conduit financing, the debt is typically repaid with non-City revenues.
10. **Inter-fund loans:** The City may use available fund from another City fund to finance the cost of a capital project. A formal promissory note shall be established and shall include a specific interest rate. The interest rate can be market average, weighted average of the City's investment portfolio, or other logical and justifiable rate as determined by the Chief Financial Officer. Regardless, the interest rate shall be no less than the current interest yield percentage paid by the Local Agency Investment Fund (LAIF).

Debt is typically issued under either a competitive or a negotiated sale, but also may be sold in a private placement. The City shall have the flexibility to determine which method of sale is appropriate for each debt issuance. Determination of the appropriate method of sale will rest collectively with the City Manager, Assistant City Manager, and Chief Financial Officer. There are a number of market factors that will affect the success of a debt offering and each should be carefully considered before selecting a method of sale. These factors include, but are not limited to:

1. Market perception of the City's credit quality,
2. Interest rate volatility,

3. Size of the proposed issue,
4. Complexity of the proposed issue, and
5. Competition with other issuers for investor interest (bond supply).

V. DEBT TERM

The City Council recognizes that new debt obligations may impact the long-term affordability of all outstanding debt and any future planned debt, as well as budgetary impacts associated with the maintenance and operating costs of debt-financed facilities.

The debt will be structured for the shortest period possible, consistent with a fair allocation of costs to current and future beneficiaries or users. As already discussed, debt shall not be issued for a term that exceeds the useful life of the debt-financed asset.

The City generally prefers level debt service payments over the term of the debt. However, the cost of capital, financial risk, current economic conditions, future financial flexibility, credit rating, and available cash flow will be evaluated to determine the most appropriate method of debt amortization for each debt issue. Back loading of debt service (debt service payments are lower in the initial years of a debt term and higher toward the later years of a debt term) is not authorized in this Policy and can occur only by City Council waiver from this policy.

VI. DEBT MANAGEMENT

The Chief Financial Officer shall employ appropriate internal controls, including but not limited to:

1. Perform redundant review to ensure all approved contracts and expenditures are consistent with the terms of the bond sale and ballot language by following the City's established workflow procedures.
2. Monitor the use of debt proceeds and the use of debt-financed assets (e.g., facilities, furnishings or equipment) throughout the term of the debt (and in some cases beyond the term of the debt) to ensure compliance with covenants and restrictions set forth in applicable City resolutions and Tax Certificates. The Chief Financial Officer, or their designee, shall report apparent deviations from the intended use in debt proceeds to the City Manager for further discussion, and if the City Manager determines appropriate in consultation with legal counsel (which may be bond counsel or the City Attorney or both), to the City Council.
3. Maintain records identifying the assets or portion of assets that are financed or refinanced with proceeds of each issue of debt.
4. Consult with Bond Counsel, Municipal Advisor and other professional expert advisers in the review of any contracts or arrangements involving use of debt-financed facilities to ensure compliance with all covenants and restrictions set forth in applicable City resolutions and Tax Certificates.
5. Maintain proper accounting records for any contracts or arrangements involving the use of debt-financed facilities as might be necessary or appropriate to document compliance with all covenants and restrictions set forth in applicable City resolutions and Tax Certificates.
6. Meet at least annually with personnel responsible for debt-financed assets to identify and discuss any existing or planned use of debt-financed assets to ensure that those

uses are consistent with all covenants and restrictions set forth in applicable City resolutions and Tax Certificates.

7. Report feedback from rating agencies to City Council, when and if available, regarding the City's financial strengths and weaknesses, and areas of concern relating to the City's existing credit ratings.

VII. REFUNDING GUIDELINES

The Chief Financial Officer shall monitor all outstanding debt obligations for potential refinancing opportunities, particularly in declining interest rate environment. The City will consider refinancing of outstanding debt to achieve annual savings, to shorten the period of the debt amortization, or to remove an undesirable covenant, condition, or restriction.

The City will generally seek to achieve debt service savings that, on a net present value basis, are at least 3% of the debt being refinanced. The net present value assessment shall factor in all costs, including issuance, escrow, and foregone interest earnings on any contributed funds on hand. Any potential refinancing shall additionally consider whether an alternative refinancing opportunity with higher savings is reasonably expected in the future. Refunding that will produce a net present value of less than 3% will be considered on a case-by-case basis.

Notwithstanding the foregoing, a refunding by the Successor Agency to the former Redevelopment Agency of Oxnard shall be based on the requirements stated in California Health and Safety Code Section 34177.5.

VIII. ARBITRAGE REBATE

The use and investment of tax-exempt debt proceeds shall be monitored to ensure compliance with arbitrage restrictions. Existing regulation require that issuers calculate rebate liabilities related to tax-exempt debt issues, with rebates paid to the Federal Government every five years and otherwise required by applicable provisions of the Internal Revenue Code and regulations. The Chief Financial Officer shall contract with a specialist to ensure that proceeds and investments are tracked in a manner that facilitates accurate, complete calculations and, if necessary, timely rebate payments.

IX. RELATIONSHIP OF DEBT WITH OTHER CITY POLICIES

The City is committed to long-term capital planning. The City intends to issue debt for the purposes stated in this Policy and to implement policy decisions incorporated in the City's capital budget and the capital improvement plan.

The City will integrate its debt issuances with the goals of its capital improvement program by timing the issuance of debt to ensure that projects are available when needed in furtherance of the City's public purposes.

The City is committed to long-term financial planning, maintaining appropriate reserves levels, and employing prudent practices in governance, management and budget administration.

X. DEBT MANAGEMENT AND DISCLOSURE POLICY

The Chief Financial Officer shall review this Debt Management Policy at a minimum of every five years or as required by law and recommend any changes to the City Manager and City Council.



**CITY COUNCIL
AGENDA REPORT**

TYPE OF ITEM: Info/Consent

AGENDA ITEM NO.: 6

DATE: April 3, 2018

TO: Housing Authority

THROUGH: Scott Whitney
Interim City Manager

FROM: Arturo Casillas
Housing Director

SUBJECT: Housing Authority Investment Policy.

CONTACT: Arturo Casillas, Housing Director
Arturo.Casillas@oxnard.org, 385-8094

RECOMMENDATION:

That the Board of Commissioners of the Housing Authority of the City of Oxnard (“Authority”) adopt a resolution approving an investment policy for the Housing Authority of the City of Oxnard for FY 2018-2019.

BACKGROUND

On June 13, 2017, the Housing Authority adopted an Investment Policy. The law requires that the Housing Authority Board of Commissioners adopt an Investment Policy each year. The Housing Authority is bound by State law, as is the City, but has further constraints imposed by the federal government involving the investment of Housing Authority funds. The investment policy governs investment of funds, including funds on deposit. The Department of Housing and Urban Development (“HUD”) has defined ‘funds on deposit’ as comprised of the funds listed below:

1. Funds for current transactions
2. Capital or development funds
3. Funds exceeding daily requirements
4. Operation reserve funds

This Investment Policy deals with Items 3 and 4 above. In recent history, the Housing Authority has invested excess cash utilizing a combination of in-house efforts and an outside agent (State of California Local Agency Investment Fund), which is permitted by HUD and State law. Staff is recommending this practice be continued through FY 2018-2019 because it is a safe, cost effective and successful program. Additionally, should any further eligible investment opportunities arise, staff will investigate and pursue as appropriate.

This Investment Policy insures prudent investing, and adequate reporting of investment results and position to the Housing Authority Board of Commissioners and the public. It also provides for periodic reporting and annual approval.

Safety is assured by adherence to HUD-approved investments. The restriction placed on allowable investments provides a degree of diversification to assure that potential loss on individual investments does not compromise the remainder of the portfolio. The Housing Authority is not permitted to invest in instruments, except those authorized by HUD.

Liquidity is addressed by HUD to assure the Authority is able to meet its operating requirements on a daily basis.

The final objective is earnings. The portfolio shall be designed to provide a reasonable rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and the cash flow characteristics of the portfolio.

The Investment Policy includes a delegation of authority from the Housing Authority to an Investment Committee consisting of the Housing Director, Housing Finance Officer and Housing Accountant. This action continues to formalize procedures, which have been in place for a number of years.

The adoption of this Investment Policy will not affect the operations of the Housing Authority to any material extent. The Investment Policy does not contain any material alterations in policy or procedures of the Housing Authority. The Investment Policy satisfies requirements of State law combined with HUD's existing requirements.

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.

FINANCIAL IMPACT

This is a None-City Housing Authority Investment Policy and has no impact on General Fund.

OHA Investment Policy
April 3, 2018
Page 3

ATTACHMENTS:

Attachment A: Investment Policy FY 18-19

Attachment B: Investment Guidelines FY 18-19

Attachment C: Investment Resolution FY 18-19

INVESTMENT POLICY OF THE HOUSING AUTHORITY OF THE CITY OF OXNARD

1.0 INTRODUCTION

This policy is intended to provide guidance for the investing of surplus cash of the Housing Authority of the City of Oxnard (Authority). The U.S. Department of Housing and Urban Development (HUD) has established requirements governing cash management and approved investment instruments for certain funds under the control of Public Housing Authorities. The Legislature of the State of California (CGC53600.6) has declared that the deposit and investment of funds by officials and local agencies is an issue of statewide concern. The Board of Commissioners of the Authority (Board) may invest surplus moneys not required for the immediate necessities of the Authority in accordance with the provisions of HUD Notice PIH 2002-13 and California Government Code Sections 5922 and 53607. The authority of the Board to invest or to reinvest funds, or to sell or exchange securities so purchased, may be delegated for a one-year period by the Board to the Housing Finance Officer of the Authority, who shall thereafter assume full responsibility for those transactions until the delegation of authority is revoked or expires, and shall make a monthly report of those transactions to the Board. Subject to review, the Board may renew the delegation of authority pursuant to this section each year. The Housing Finance Officer of the Authority shall annually prepare and submit a statement of investment policy and such policy, and any changes thereto shall be considered by the Board at a public meeting. The policy of the Authority is to invest funds in a manner which will provide the highest investment return with the maximum security while meeting the daily cash flow demands of the Authority and conforming to all statutes governing the investment of Authority funds.

2.0 SCOPE

This investment policy applies to the Authority's pooled investment fund, which encompasses all money under the direct oversight of the Housing Finance Officer. These include the Public Housing Funds, Section 8 Voucher Funds, Grant Funds and the Central Fund. This policy is generally applicable to bond proceeds with consideration given to specific provisions of each issuance. Reports of the investment of bond proceeds are issued periodically by the Trustee and are not included in the Housing Finance Officer's quarterly report of the pooled investment fund. The employee's retirement and deferred compensation funds are also not included.

3.0 PRUDENCE

Investments shall be made with foresight and care -- under circumstances then prevailing -- which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

3.1 The standard of prudence to be used by investment officials shall be the 'prudent person' standard and shall be applied in the context of managing an overall portfolio. Investment officers acting in accordance with written procedures and the investment policy and exercising due

diligences shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

4.0 OBJECTIVES

The Authority's cash management system is designed to accurately monitor and forecast revenues and expenditures thus enabling the Housing Finance Officer to invest funds to the fullest extent possible. The Housing Finance Officer shall maintain a portfolio, which accomplishes the primary objectives of safety, liquidity, and yield (in that order of priority).

4.1 Safety: According to HUD Notice PIH 2002-13, safety is achieved through adherence to the list of permitted investments which are backed by the full faith and credit of, or a guarantee of principal and interest by, the U. S. Government, a Government agency or issued by a Government sponsored agency, coupled with an appropriate maturity date.

4.2 Liquidity: All investments must be capable of being liquidated on one days notice.

4.3 Yield: The Authority should strive to achieve the highest yield consistent with the objectives of the Investment Policy.

5.0 DELEGATION OF AUTHORITY

Authority to manage the investment program is derived from Section 401 (E) of the HUD/PHA Annual Contributions Contract and California Government Code Sections 53607, et seq. Management responsibility for the investment program is hereby delegated to the Housing Finance Officer, who shall establish written procedures for the operation of the investment program consistent with Section 12.2 of this investment policy. Procedures should include references to: safekeeping, PSA repurchase agreements, wire transfer agreements, collateral/depository agreements and banking services contracts, as appropriate. Such procedures shall include explicit delegation of authority to persons responsible for investment transactions. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Housing Finance Officer. The Housing Finance Officer shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of the investment committee. The Housing Finance Officer is a trustee and a fiduciary subject to the prudent investor standard. The other housing staff with signatory authority on Authority checking and other accounts is the Housing Director.

6.0 ETHICS AND CONFLICTS OF INTEREST

The Housing Finance Officer shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair the ability to make impartial investment decisions. The Housing Finance Officer is governed by the Political Reform Act of 1974 regarding disclosure of material financial interests.

7.0 AUTHORIZED FINANCIAL DEALERS AND INSTITUTIONS

The Housing Finance Officer shall transact business only with banks, savings and loans, securities dealers and approved State and county investment pools.

7.1 Authorization: The Authority may conduct business with major registered broker/dealers and with dealers designated Primary by the Federal Reserve provided all the following criteria are met. Broker/Dealers must: 1) have offices located in the State of California, 2) be adequately capitalized, 3) locate markets for securities appropriate to the Authority needs, and 4) agree to abide by the conditions set forth in the Authority's Investment Policy and be among the authorized institutions approved by the City Treasurer.

7.2 Certification: Before engaging in investment transactions with a broker/dealer, the Housing Finance Officer shall have received from said firm a signed certification that the responsible party from that firm has reviewed the Authority's Investment Policy. The Certification shall also state that the firm understands the policy and intends to present investment recommendations and transactions to the Authority that are appropriate under the terms and conditions of the Investment Policy.

8.0 AUTHORIZED AND SUITABLE INVESTMENTS

HUD Notice PIH 2002-13 states an Authority should compare the return of an 'in house' cash management program with a program managed by an agent. It also states the Authority may contract with an approved governmental unit such as a State agency established for this purpose, such as a Local Agency Investment Fund (LAIF). The Notice also sets forth the following HUD-approved investments. The types of HUD-approved investments may change from time to time. It is the responsibility of the Housing Finance Officer to stay informed of the latest California Government Code and HUD-approved investments. HUD approved investments may be further limited by California Government Code Section 53607.

8.1 U.S. Treasury Bills, Notes and Bonds

8.2 Obligations issued by Agency or Instrumentality of the U.S. Government.

8.3 State or Municipal Depository Funds, such as LAIF, or pooled cash investment funds managed by County Treasurers.

8.4 Insured Demand and Savings Deposits, provided that deposits in excess of the insured amounts must be 100% collateralized by securities listed in 8.1 or 8.2 above.

8.5 Insured Money Market Deposit Accounts, provided that deposits in excess of the insured amount must be 100% collateralized by securities listed in 8.1 or 8.2 above.

8.6 Insured Super NOW Accounts, provided that deposits in excess of the insured amount must be 100% collateralized by Securities listed in 8.1 or 8.2 above.

8.7 Negotiable Certificates of Deposit issued by Federally or state chartered banks or associations. Not more than 30% of surplus funds can be invested in certificates of deposit.

8.8 Repurchase/Reverse Repurchase Agreements of any securities authorized by this section (See special limits and qualifications in HUD Notice PIH 1999-48, and CGC 53607).

8.9 Sweep Accounts that are 100% collateralized by securities listed in 8.1 or 8.2 above.

8.10 Shares of beneficial interest issued by diversified management companies (money market mutual funds) investing in the securities and obligations authorized by this section. Such Funds must carry the highest rating of at least two national rating agencies. Not more than 20% of surplus funds can be invested in money market mutual funds.

8.11 Funds held under the terms of a Trust Indenture or other contract or agreement, including the HUD/PHA Annual Contributions Contract, may be invested according to the provisions of those indentures or contracts.

8.12 Principal only STRIPS.

8.13 Any other investment security authorized under the provisions of HUD Notice PIH 2002-13.

8.14 Prohibit securities that take the form of inverse floaters, range notes, mortgage-backed interest-only strips and floating-rate investments without a floor.

9.0 COLLATERAL

Collateral requirements are addressed in HUD Notice PIH 2002-13 as well as California Government Code Section 53652. All Certificates of Deposits must be collateralized by US Treasury Obligations. Collateral must be held by a third party, and valued on a monthly basis.

10.0 SAFEKEEPING AND CUSTODY

Security transactions entered into by the Authority shall be conducted on a delivery-versus-payment (DVP) basis. Securities of duration exceeding 30 days to maturity shall be held by a third party custodian designated by the Housing Finance Officer. Evidence of account for each time deposit will be held in the Housing Authority safe.

11.0 DIVERSIFICATION

In an effort to reduce portfolio risk while attaining market average rates, the Authority's portfolio will be suitably diversified by type and institution.

11.1 With the exception of U. S. Treasury securities and authorized pools, no more than 50 percent of the total portfolio will be invested in a single security type. Investments are further limited by specific language relating to each investment type as stated in Section 8 of this Policy.

11.2 To the extent possible, the Housing Finance Officer will attempt to match investments with anticipated cash flow requirements. Operating reserve funds may not be invested in securities exceeding five years (maturity of such investments should coincide as nearly as practicable with expected use of funds).

12.0 INTERNAL CONTROLS

A system of internal controls will be maintained to assure compliance with Federal and State regulations, Housing Commission direction, and prudent cash management procedures.

12.1 Investment Review Committee: The Housing Director, Housing Finance Officer, and Housing Accountant are the members of the Investment Review Committee tasked with quarterly review of procedures and adherence to this Investment Policy.

12.2 Investment Portfolio Guidelines: Guidelines have been established for procedures within the Housing Finance Officer's office to assure internal investment controls and a segregation of responsibilities of investment functions. (Attachment No. 2)

12.3 Annual Audit: The Authority portfolio is included in the Independent Auditors' scope of examination during testing of the Authority's financial management at the annual audit.

13.0 REPORTING

The Housing Finance Officer shall provide investment information to the Housing Commission.

13.1 Periodic Reports: The Housing Finance Officer will provide detailed reports of the investments in the pooled investment fund portfolio on a quarterly basis to the Housing Commission. Within thirty days of the end of each quarter, these reports will be provided with such additional information as market pricing. Summarized reports from Trustees regarding investments of bond proceeds will be provided as they become available.

13.2 Annual Report: This Investment Policy will be presented annually, following the close of the fiscal year, to the Housing Commission for approval. Each of the four quarterly reports, which are submitted to the commission as briefing reports, will provide a detailed report of the current status of the portfolio.

HOUSING AUTHORITY OF THE CITY OF OXNARD

INVESTMENT PORTFOLIO GUIDELINES

July 1, 2018

INTRODUCTION. These guidelines are established to direct and control investment activities in such a manner to assure that the goals established in the Investment Policy are attained.

A. **GENERAL FACTORS.** Several factors must be considered in preparation for effective portfolio management.

1. **Cash Forecast.** The projected cash flow of the Authority shall be prepared annually, and updated as required throughout the year. A close working relationship with Authority Divisions having a significant impact on cash flow is maintained to maximize the efficiency of the Investment Program.
2. **Pooled Cash.** Whenever practical, the Authority cash will be consolidated into one bank account and invested on a pooled concept basis. Interest earnings are allocated according to the average daily balances specific to fund ledger balances. No Authority bank account may be opened without the knowledge and consent of the Housing Finance Officer.
3. **Authorized Institution.** A list of institutions that meet the criteria of the Investment Policy and have been authorized by the Housing Finance Officer to do business with the Authority will be established, maintained and regularly updated. Investment transactions will be executed only with approved broker/dealers, banks, and savings and loans.

B. **INVESTMENT PROCEDURES.** The Housing Finance Officer has developed internal investment procedures to provide for effective cash management. Segregation of responsibilities is maintained to assure an adequate system of internal control over the investment function.

1. **Investment Transactions.** The Housing Finance Officer will authorize investment transactions. In his/her absence, the Housing Director will execute transactions as prescribed by the Housing Finance Officer prior to his/her absence.
2. **Wire Transfers.** The Authority will use pre-formatted wire transfers to restrict the transfer of funds to pre-authorized accounts only. All wire transfers require an initiator plus an approval by an authorized employee.
3. **Safekeeping.** Securities purchased from broker/dealers (on which maturity is greater than 30 days) shall be held in third party safekeeping. All purchases will be on a delivery versus-payment basis. Evidences of accounts for certificates of deposit will be issued in the Authority name and held in Housing Finance Officer's safe.

C. **INVESTMENT CRITERIA.** All investments will be made in compliance with Federal, State, and Local laws governing the investment of Authority funds, and in accordance with the Authority's Investment Policy.

1. **Maturity of Investment.** Investments longer than one year may be made if consistent with the Authority cash flow needs and related intent of holding until maturity. Securities may be sold prior to maturity for cash flow purposes or to otherwise enhance the portfolio. If the rating of any depository declines to an unacceptable level prior to the maturity of an investment of Authority funds, the investment will be matured at the earliest possible convenience. If the rating drops below the allowable level of any one of the rating services, the investment will be sold if no significant loss of principal is involved. The Housing Finance Officer will determine such sales.
2. **Certificate of Deposit Evaluation.** Time Certificates of Deposit shall be evaluated in terms of FDIC coverage. For deposits in excess of the insured maximum of \$100,000, approved collateral shall be required at the percentage above market value as specified by HUD Notice PIH 2002-13 and CGC Section 53652 and/or 53651.

F. **INTERNAL CONTROL OF INVESTMENTS.** Investment transactions are controlled through distribution of responsibilities within the Housing Finance Officer's office by the following procedures:

1. The Housing Finance Officer initiates each investment transaction.
2. A journal entry detailing the investment is prepared by the Housing Accountant and approved by the Housing Finance Officer.
3. The journal entry entered on a cash balance spread sheet by the Housing Accountant.
4. At month end the book balances, maintained by the Housing Accountant, must balance with the portfolio balance maintained independently by the Housing Accountant.

HOUSING AUTHORITY OF THE CITY OF OXNARD

RESOLUTION NO. _____

RESOLUTION OF THE HOUSING AUTHORITY OF THE CITY OF
OXNARD APPROVING ADOPTION OF AN INVESTMENT POLICY
FOR THE HOUSING AUTHORITY OF THE CITY OF OXNARD

WHEREAS, the U. S. Department of Housing & Urban Development has established requirements governing cash management and approved investment instruments for certain funds under the control of public housing authorities (HUD Notice PIH 2002-13); and

WHEREAS, the Legislature of the State of California has declared that the deposit and investment of public funds by local officials and local agencies is an issue of statewide concern (California Government Code Section 53600.6); and

WHEREAS, the legislative body of the Housing Authority may invest surplus monies not required for the immediate necessities of the local agency in accordance with the provisions of U.S. Department of Housing & Urban Development Notice PIH 2002-13 and California Government Code sections 5922 and 53601; and

WHEREAS, the Housing Finance Officer of the Housing Authority of the City of Oxnard (Authority) is required to annually prepare and submit a statement of investment policy and such policy, and any changes thereto, shall be considered by the Authority at a public meeting [California Government Code Section 53646(a)]; and

WHEREAS, the Board of Commissioners of the Authority ("Commission") determines that the policy of the Authority is to invest funds in a manner which will provide the highest investment return with the maximum security while meeting the daily cash flow demands of the Authority and conforming to all statutes governing the investment of Authority funds.

NOW, THEREFORE, the Board of Commissioners of the Housing Authority of the City of Oxnard resolves: the Investment Policy of the Housing Authority of the City of Oxnard along with the Investment Portfolio Guidelines are hereby approved and adopted as the instruments to govern investments for the Housing Authority of the City of Oxnard.

PASSED AND ADOPTED on this 3rd day of April 2018 by the following votes:

AYES:

NOES:

ABSENT:

Tim Flynn, Chairperson

ATTEST:

APPROVED AS TO FORM:

Michelle Ascencion, Secretary-Designate

Stephen Fischer, General Counsel

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**CITY COUNCIL
AGENDA REPORT**

TYPE OF ITEM: Info/Consent

AGENDA ITEM NO.: 7

DATE: April 3, 2018

TO: City Council

THROUGH: Scott Whitney
Interim City Manager

A handwritten signature in blue ink, appearing to read "S. Whitney".

FROM: Steve Naveau
Director of Human Resources

SUBJECT: First Amendment to Agreement with Kelly Services, Inc.

CONTACT: Steve Naveau, Director of Human Resources
Steve.Naveau@oxnard.org, 385-7947

RECOMMENDATION:

That City Council approve a First Amendment to Agreement No. 7770-17-HR with Kelly Services, Inc. in the amount of \$10,113.02 for temporary labor services.

BACKGROUND

Staff is requesting authorization to enter a first amendment to agreement with Kelly Services, Inc. in the amount of \$10,113 for a total contract amount of \$35,113 for temporary staffing services.

This agreement provided temporary staffing services Citywide. Both the Human Resources and Treasurer's Departments utilized this vendor for administrative staffing. This first amendment adds an additional \$10,113.02 to close out the remaining outstanding invoices from the Treasurer's Department. No additional work will be done under this agreement.

Kelly Services, Inc. was selected along with other local temporary staffing services agencies (AppleOne, Accountemps, and Manpower Group) to fill vacancies on a temporary basis.

STRATEGIC PRIORITIES

First Amendment with Kelly Services, Inc.
April 3, 2018
Page 2

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

FINANCIAL IMPACT

Contract is funded from servicing department's operating budget. There is sufficient funding in the City Treasurer's operating budget to cover the first amended value of the contract.

ATTACHMENTS:

Attachment A: First Amendment - Kelly Services, Inc (7770-17-HR)

Agreement No. 7770-17-HR

FIRST AMENDMENT TO AGREEMENT FOR CUSTOMER SERVICE AGREEMENT

This First Amendment ("First Amendment") to the Agreement for Customer Service ("Agreement") is made and entered into in the County of Ventura, State of California, this 19th day of March, 2018, by and between the City of Oxnard, a municipal corporation ("Customer"), and Kelly Services, Inc. ("Kelly"). This First Amendment amends the Agreement entered into on January 19, 2017, by Customer and Kelly Services, Inc.

Customer and Kelly Services, Inc. agree as follows:

1. Section 18 is amended to read as follows:
"Customer shall pay Kelly an amount not exceed \$35,113.02 for services performed during the term of this Agreement."
2. Section 11 is amended to read as follows"
"This Agreement shall expire June 30, 2018"
3. As so amended, the Agreement remains in full force and effect.

[Signatures on next page]

Agreement No. 7770-17-HR

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

CITY OF OXNARD

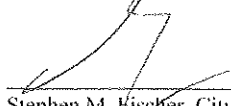
VENDOR/CONTRACTOR/CONSULTANT

☐ Lisa Boerner, Purchasing Agent Date

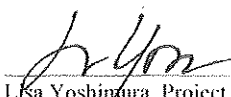
My Vilorio, District Manager Date

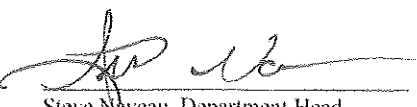
☐ Scott Whitney, Interim City Manager Date

APPROVED AS TO FORM:

 3/20/18
 Stephen M. Fischer, City Attorney Date

APPROVED AS TO CONTENT:

 3/20/18
 Lisa Yoshimura, Project Manager Date

 3/20/18
 Steve Naveau, Department Head Date

APPROVED AS TO INSURANCE:

 3/20/18
 Mike More, Risk Manager 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

FIRST AMENDMENT TO AGREEMENT FOR CUSTOMER SERVICE

Agreement No. 7770-17-HR

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

CITY OF OXNARD

VENDOR/CONTRACTOR/CONSULTANT

☐ Lisa Boerner, Purchasing Agent _____ Date _____

 3-20-18
Julie Spear, Manager _____ Date _____

☐ Scott Whitney, Interim City Manager _____ Date _____

APPROVED AS TO FORM:

Stephen M. Fischer, City Attorney _____ Date _____

APPROVED AS TO CONTENT:

Lisa Yoshimura, Project Manager _____ Date _____

Steve Naveau, Department Head _____ Date _____

APPROVED AS TO INSURANCE:

Mike More, Risk Manager _____ 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.

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FIRST AMENDMENT TO AGREEMENT FOR CUSTOMER SERVICE

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**CITY COUNCIL
AGENDA REPORT**

TYPE OF ITEM: Report

AGENDA ITEM NO.: 1

DATE: April 3, 2018

TO: City Council

FROM: Stephen Fischer
City Attorney

A handwritten signature in dark ink, appearing to read "S. Fischer".

SUBJECT: Medical Cannabis Delivery Ordinance Introduction. (10/10/10)

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

RECOMMENDATION:

That City Council approve the first reading by title only and waive further reading of an ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD AMENDING ARTICLE XVI OF CHAPTER 7 OF THE OXNARD CITY CODE REGARDING PROHIBITED CANNABIS ACTIVITIES, REPEALING UNCODIFIED ORDINANCE NO. 2756 REGARDING MEDICAL MARIJUANA, AND ADDING ARTICLE XV TO CHAPTER 11 OF THE OXNARD CITY CODE REGARDING MEDICAL CANNABIS DELIVERIES

BACKGROUND

On November 8, 2016, California voters passed the Control, Regulate, and Tax Adult Use of Marijuana Act ("AUMA") as Proposition 64. AUMA legalized the nonmedical use of cannabis (marijuana) by persons 21 years of age and over, the personal cultivation of up to six cannabis plants per household, and certain commercial cannabis businesses. All commercial cannabis businesses must have a state license in order to operate, but AUMA does not limit the City's authority to adopt and enforce local ordinances regulating or prohibiting state-licensed cannabis businesses.

On July 18, 2017, the City Council held a study session on cannabis and directed staff to move forward with the following three recommendations:

Medical Cannabis Delivery Ordinance Introduction (10/10/10)

April 3, 2018

Page 2

1. Enact a zone text amendment explicitly banning commercial cannabis activities.
2. Incorporate existing medical cannabis restrictions into the zoning code.
3. Revise existing regulations to allow for delivery of medical cannabis.

The three directives approved by the City Council on July 18, 2017 were consistent with the City Council's "go slow" approach that was discussed at the April 4, 2017 study session on cannabis. With this approach, the City has been able to examine and study the experiences of neighboring jurisdictions and other agencies throughout the state, and observe how the federal government reacts to state cannabis activities – particularly recreational ones.

Based upon the City Council's direction, on October 5, 2017, the Planning Commission considered and unanimously recommended that the City Council adopt an ordinance prohibiting all cannabis-related uses within the City's commercial and industrial zones. The proposed ban applied to both commercial and medical cannabis uses. On November 7, 2017, the City Council considered this ordinance and adopted the ordinance at its November 14, 2017 meeting. The new regulations became effective 30 days later.

ANALYSIS

The ordinance before the City Council this evening would implement the City Council's third recommendation regarding delivery of medical cannabis. The proposed ordinance updates existing cannabis/marijuana prohibitions in Article XVI of Chapter 7 of the Oxnard City Code (Section 7-280 *et seq.*) and adds Article XV to Chapter 11 of the Oxnard City Code to allow medical cannabis deliveries in the City under specific conditions. These conditions include the following:

1. The delivery occurs from a medical cannabis dispensary that is licensed by the State of California and the jurisdiction in which it is physically located.
2. The medical cannabis dispensary and the employees making deliveries within the City have obtained permits issued by the City Manager or his/her designee to conduct medical cannabis deliveries within the City and have agreed to abide by all of the conditions of the permit.
3. All employees of the medical cannabis dispensary making deliveries within the City have specific documentation with them on each delivery to demonstrate that they are authorized to make deliveries within the City and authorized to make the delivery to the specific recipient.
4. Delivery vehicles are not marked or otherwise identified with advertisements, the name of the medical cannabis dispensary, or any other distinctive marking associated with cannabis.

Medical Cannabis Delivery Ordinance Introduction (10/10/10)

April 3, 2018

Page 3

5. Delivery of medical cannabis and medical cannabis product are delivered directly to the residence or business address of the designated recipient, with deliveries to any other location within the City expressly prohibited.

6. Deliveries of medical cannabis and medical cannabis product within the City can only occur between the hours of 8:00 a.m. and 8:00 p.m.

The proposed ordinance also outlines a specific process for the issuance of the permits necessary for the medical cannabis deliveries, as well as outlining the process for revocation or nonrenewal of the permits if proper grounds exist for such actions to occur.

The proposed ordinance does not specify the fees that would be imposed on the issuance of the permits. If the City Council elects to move forward with the approval of the ordinance allowing medical cannabis deliveries, then the proposed fees would be brought back to the City Council for consideration at a later date.

Going forward, there are a number of different types of potential cannabis permits that the State of California could issue, including manufacturing, testing, retail recreational and retail medicinal - subject to local approval of these uses. Interim City Manager/Police Chief Scott Whitney has formed a Cannabis Committee to take a comprehensive look at the City's options regarding cannabis and to make recommendations to the City Council on what could work for the City. The Cannabis Committee includes representatives from Planning, the Police Department, Finance, the Fire Department, the City Manager's office and the City Attorney's office.

STRATEGIC PRIORITIES

Not applicable.

FINANCIAL IMPACT

The new ordinance would allow medical cannabis deliveries within the City after the licensed medical cannabis dispensary and the proposed delivery drivers have obtained permits from the City. While the fees for these permits have not been set at this time, it is recommended that the permit fees be set at a level that covers the City's costs to process and issue the permits.

ATTACHMENTS:

Attachment A: Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD AMENDING ARTICLE XVI OF CHAPTER 7 OF THE OXNARD CITY CODE REGARDING PROHIBITED CANNABIS ACTIVITIES, REPEALING UNCODIFIED ORDINANCE NO. 2756 REGARDING MEDICAL MARIJUANA, AND ADDING ARTICLE XV TO CHAPTER 11 OF THE OXNARD CITY CODE REGARDING MEDICAL CANNABIS DELIVERIES

The City Council of the City of Oxnard does hereby ordain as follows:

Section 1. Article XVI of Chapter 7 of the Oxnard City Code is hereby amended to read as follows:

“ARTICLE XVI. CANNABIS AND MEDICAL CANNABIS ACTIVITIES

SEC. 7-280 DEFINITIONS.

(A) CANNABIS – All parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from cannabis. “Cannabis” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this article, “cannabis” does not mean “industrial hemp” as defined by Health and Safety Code Section 11018.5.

(B) CANNABIS CULTIVATION - The planting, growing, harvesting, drying or processing of cannabis plants or any part thereof, and any and all associated business and/or operational activities.

(C) CANNABIS DISPENSARY – Any facility or location, whether fixed or mobile, where cannabis and/or cannabis products are made available to customers, patients or clients. A "cannabis dispensary" shall not include the following uses, as long as the location of such uses is otherwise regulated by this Code or applicable law: a clinic licensed pursuant to Health and Safety Code, Chapter 1 of Division 2; a healthcare facility licensed pursuant to Health and Safety Code, Chapter 2 of Division 2; a facility licensed pursuant to Health and Safety Code, Chapter 2 of Division 2; a residential care facility for persons with chronic life-threatening illnesses licensed pursuant to Health and Safety Code, Chapter 3.01 of Division 2; a residential care facility for the elderly licensed pursuant to Health and Safety Code, Chapter 3.2 of Division 2; a residential hospice; or a home health agency licensed pursuant to Health and Safety Code, Chapter 8 of Division 2, as long as such use complies strictly with applicable law, including but not limited to, Health and Safety Code Section 11362.5 et seq., and the City Code.

(D) **CANNABIS PRODUCT** – Cannabis that has undergone a process whereby the plant material has been transformed into concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing cannabis and other ingredients.

(E) **MEDICAL CANNABIS** and **MEDICAL CANNABIS PRODUCT** – Cannabis or a cannabis product intended to be sold for use pursuant to applicable state regulations (including, but not limited, to the Compassionate Use Act of 1996 (Proposition 215), found at Health and Safety Code Section 11362.5) by a qualified patient.

(F) **MEDICAL CANNABIS DELIVERY** – The delivery, transfer or transport of medical cannabis, medical cannabis product, medical cannabis edibles, and/or any cannabis product from a medical cannabis dispensary to a medicinal cannabis patient who possesses a physician's recommendation that complies with the requirements of state law.

(G) **MEDICAL CANNABIS DISPENSARY** – Any facility or location where medical cannabis and/or medical cannabis product are made available to customers, patients or clients that is also duly licensed by the State of California and the local jurisdiction in which the medical cannabis dispensary is physically located. A "medical cannabis dispensary" shall not include the following uses, as long as the location of such uses is otherwise regulated by this Code or applicable law: a clinic licensed pursuant to Health and Safety Code, Chapter 1 of Division 2; a healthcare facility licensed pursuant to Health and Safety Code, Chapter 2 of Division 2; a facility licensed pursuant to Health and Safety Code, Chapter 2 of Division 2; a residential care facility for persons with chronic life-threatening illnesses licensed pursuant to Health and Safety Code, Chapter 3.01 of Division 2; a residential care facility for the elderly licensed pursuant to Health and Safety Code, Chapter 3.2 of Division 2; a residential hospice; or a home health agency licensed pursuant to Health and Safety Code, Chapter 8 of Division 2, as long as such use complies strictly with applicable law, including but not limited to, Health and Safety Code, Section 11362.5 et seq., and the City Code.

(H) **QUALIFIED PATIENT** – This term shall have the meaning set forth in California Health and Safety Code Section 11362.7 and also includes a person with an identification card as defined in that section as it now appears or may hereafter be amended or renumbered.

(I) **RECREATIONAL CANNABIS DELIVERY** – The delivery, transfer or transport, or arranging for the delivery, transfer or transport, or the use of any technology platform to arrange for or facilitate the commercial delivery, transfer or transport of cannabis, cannabis edibles, and/or any cannabis products to or from any location, and any and all associated business and/or operational activities.

SEC. 7-281. CANNABIS DISPENSARIES AND MEDICAL CANNABIS DISPENSARIES PROHIBITED.

(A) No cannabis dispensary shall be located within the City.

(B) No medicinal cannabis dispensary shall be located within the City.

SEC. 7-282. CANNABIS CULTIVATION PROHIBITED.

Cannabis cultivation by any person or entity, including clinics, collectives, cooperatives, cannabis dispensaries and medical cannabis dispensaries, is prohibited within the City, with the exception of indoor personal, non-commercial cannabis cultivation not to exceed six plants in compliance with Health and Safety Code Section 11362.2.

SEC. 7-283. RECREATIONAL CANNABIS DELIVERY PROHIBITED.

Recreational cannabis delivery by any person or entity, including clinics, collectives, cooperatives and dispensaries, is prohibited within the City.

SEC. 7-284. MEDICAL CANNABIS DELIVERY.

Medical cannabis delivery is prohibited within the City unless the necessary permits are first obtained pursuant to the requirements of Article XV of Chapter 11 of the City Code.

SEC. 7-285. REMEDIES.

(A) A violation of any section of this article and any use or condition caused, or permitted to exist, in violation of any provision of this article shall be, and hereby is declared to be, a public nuisance and may be abated by the city.

(B) A violation of any section of this article may be also be enforced under sections 1-10(B)(2) and (3) of the city code. Sections 1-10(A) and (B)(1) of the city code shall not apply to violations of this article.”

Section 2. Uncodified Ordinance No. 2756 entitled “An Uncodified Ordinance of the City of Oxnard Prohibiting the Sale, Supply or Provision of Medical Marijuana within the City” is hereby repealed.

Section 3. Article XV of Chapter 11 of the Oxnard City Code is hereby added to read as follows:

“ARTICLE XV. MEDICAL CANNABIS DELIVERY

SEC. 11-390. DEFINITIONS.

The following definitions apply to this article:

(A) CANNABIS - All parts of the plant Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from cannabis. “Cannabis” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant,

any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this article, “cannabis” does not mean “industrial hemp” as defined by Health and Safety Code Section 11018.5.

(B) COLLECTOR - The city manager or designee.

(C) DELIVERY DRIVER - Any person who drives or operates a delivery vehicle for a delivery service by which medical cannabis is delivered.

(D) DELIVERY SERVICE - A person engaged in the business, whether for profit or nonprofit, of owning, controlling and/or operating one or more delivery vehicles which transport, carry, distribute, and/or deliver medical cannabis anywhere in the city.

(E) DELIVERY VEHICLE - A motor vehicle, as that term is defined in the California Vehicle Code, used for the transportation of medical cannabis.

(F) MEDICAL CANNABIS and MEDICAL CANNABIS PRODUCT – Cannabis or a cannabis product intended to be sold for use pursuant to applicable state regulations (including, but not limited, to the Compassionate Use Act of 1996 (Proposition 215), found at Health and Safety Code Section 11362.5) by a qualified patient.

(G) MEDICAL CANNABIS DELIVERY PERMIT and PERMIT - A permit issued pursuant to this article authorizing a medical cannabis dispensary to deliver medical cannabis and/or medical cannabis product within the city to a qualified patient or primary caregiver.

(H) DELIVERY DRIVER PERMIT – A permit issued pursuant to this article to a delivery driver who delivers medical cannabis and/or medical cannabis product within the city from a licensed medical cannabis dispensary that has a valid medical cannabis delivery permit.

(I) PERSON - Any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.

(J) PRIMARY CAREGIVER – This term shall have the same meaning as set forth in Health and Safety Code Section 11362.7 as that section now appears or may hereafter be amended or renumbered.

(K) QUALIFIED PATIENT – This term shall have the meaning set forth in California Health and Safety Code Section 11362.7 and also includes a person with an identification card as defined in that section as it now appears or may hereafter be amended or renumbered.

SEC. 11-391. PERMITS REQUIRED, COMPLIANCE WITH OTHER LAWS

(A) Deliveries of medical cannabis or medical cannabis product may only occur within the city if all of the following conditions exist:

(1) The delivery originates from a licensed medical cannabis dispensary that has a valid medical cannabis delivery permit issued by the city; and

(2) The delivery is conducted by a delivery driver who has a valid delivery driver permit issued by the City.

(3) The delivery is to a primary caregiver or qualified patient

(B) A business tax certificate shall be obtained pursuant to Section 11-4 of this code prior to issuance of a medical cannabis delivery permit. The issuance of a permit shall not eliminate compliance with any other requirements, including the requirement for another permit, certificate or clearance, imposed by any other local, state, or federal rule, regulation, or law.

(C) A medical cannabis delivery permit or delivery driver permit issued under this article is non-transferrable.

(D) Nothing in this article shall be construed to allow a delivery service to have a physical base of operation within the city.

SEC. 11-392. PERMIT EXCEPTION

A qualified patient or primary caregiver engaged in the transportation of medical cannabis for his or her own personal use is exempt from the requirement of obtaining a medical cannabis delivery permit.

SEC. 11-393. TERM; FEES

(A) Every delivery service shall first apply to the collector for a medical cannabis delivery permit and pay a permit application fee, an annual renewal fee, and any associated incidental fees.

(B) Every proposed delivery driver shall first apply to the collector for a delivery driver permit and pay a permit application fee, an annual renewal fee, and any associated incidental fees.

(C) All permits issued to delivery services and delivery drivers shall be valid for a term of one year.

(D) None of the fees established pursuant to this article may be prorated or refunded by the city to an applicant.

(E) All fees applicable to this article shall be as established by resolution of the city council.

SEC. 11-394. APPLICATION FOR MEDICAL CANNABIS DELIVERY PERMIT AND RENEWAL.

(A) Every application for a medical cannabis delivery permit shall be signed by the applicant and shall contain:

(1) Name and address of the applicant. If the applicant is a legal entity, such as a corporation, the application shall have names and address for the business and shall have an “active” status with the California Secretary of State of California, if applicable. The application shall also identify each person that owns 10 percent or more of the entity. Any applicant and recipient of a medical cannabis delivery permit shall have an obligation to continuously provide updated contact information.

(2) Valid driver’s license(s) and driving record for all delivery drivers, and current registration for any and all delivery vehicle(s).

(3) The applicant shall present proof of their permit to operate a medical cannabis dispensary from the city or county in which the dispensary is located and shall present proof of required state license(s) issued by the state licensing authority as defined in Business and Professions Code Section 26010 as that section now appears or may hereafter be amended or renumbered.

(4) Whether the applicant has been cited or fined by any other city or a county for a violation of that city’s or county’s municipal code regulations concerning cannabis related uses or cannabis activities.

(5) All information required of applicants for a city business tax certificate.

(6) Proof of liability insurance and approval of Risk Management.

(B) All applicants shall submit to a background check as determined by the police chief.

SEC. 11-395. APPLICATION FOR DELIVERY DRIVER PERMIT AND RENEWAL.

(A) Every application for a delivery driver permit shall be signed by the applicant and shall contain:

(1) Name and address of the applicant.

(2) Copy of a valid driver’s license and driving record.

(3) Whether the applicant has any of the following:

(i) A felony conviction, any other convictions involving theft, the manufacture, transportation, sale or possession of a controlled substance, or, within seven (7) years prior to the application (or renewal), any convictions involving driving under the influence of alcohol or drugs.

(ii) The requirement to register as a sex offender under the provisions of Penal Code Section 290 or has any convictions involving elder abuse.

(iii) Within three years immediately preceding the application submittal date (or renewal), whether the applicant has been under suspension, revocation or probation by the California Department of Motor Vehicles for a cause involving the safe operation of a motor vehicle, or has been convicted of driving under the influence involving bodily injury or reckless driving involving bodily injury.

(iv) Within the past three years immediately preceding the application submittal date (or renewal), whether the applicant has been found responsible for a motor vehicle accident causing death or personal injury.

(v) Within the past one year immediately preceding the application submittal date (or renewal), whether the applicant has been involved in three or more motor vehicle accidents unless evidence shows that none of the accidents were caused by the applicant.

(B) All applicants shall submit to a background check as determined by the police chief.

SEC. 11-396. INVESTIGATION OF APPLICATION; DECISION AND NOTIFICATION.

(A) Each application shall be referred to the collector or designated department in the city for review.

(B) The collector shall notify the applicant in writing of a decision on an application. A decision on an application (or renewal) shall be to issue a valid medical cannabis delivery service permit (or renewal) or a valid delivery driver permit (or renewal) or deny the application and not issue a permit.

(C) A decision for denial of an application shall include the reasons therefor, and shall advise the applicant of the right to appeal. No permit shall be issued unless a successful appeal of the denial is made.

SEC. 11-397. SUSPENSION OR REVOCATION OF PERMIT.

(A) The collector shall give notice of its intention to revoke a medical cannabis delivery permit or a delivery driver permit. If there is an apparent risk to the general public's health, safety or welfare for the delivery service and/or the delivery driver(s) to continue operations pending a revocation hearing, the collector may immediately suspend the permit(s) and all rights and privileges thereunder until the hearing on revocation.

(B) The notice shall specify the reasons for the proposed revocation in sufficient detail so as to fully inform the delivery service and/or the delivery driver of the reasons which have caused the notice to be given, and if the permit has been suspended, the reasons for such suspension.

SEC. 11-398. GROUNDS FOR DENIAL, SUSPENSION, OR REVOCATION OF MEDICAL CANNABIS DELIVERY PERMIT.

(A) A medical cannabis delivery permit (or renewal) may be denied, and an existing license may be revoked or suspended, if a delivery driver, permit holder, or applicant:

(1) Has knowingly made a false statement in a material matter either in his or her application (or renewal) or in any reports or other documents furnished by him or her to the city.

(2) Does not maintain and operate a delivery vehicle and other equipment in the manner and in the condition required by law and applicable state and city regulations.

(3) The applicant or any delivery driver has a felony conviction, any other convictions involving theft, the manufacture, transportation, sale or possession of a controlled substance, or, within seven (7) years prior to the application (or renewal), any convictions involving driving under the influence of alcohol or drugs.

(4) The applicant or any delivery driver is or has been required to register as a sex offender under the provisions of Penal Code Section 290 or has any convictions involving elder abuse.

(5) Within three years immediately preceding the application submittal date (or renewal), has been under suspension, revocation or probation by the California Department of Motor Vehicles for a cause involving the safe operation of a motor vehicle, or has been convicted of driving under the influence involving bodily injury or reckless driving involving bodily injury.

(6) Within three years immediately preceding the application submittal date (or renewal), has been found responsible for a motor vehicle accident causing death or personal injury.

(7) Within one year immediately preceding the application submittal date (or renewal), has been involved in three or more motor vehicle accidents unless evidence shows that none of the accidents were caused by or the fault of the delivery driver, license holder, or applicant.

(8) Has failed to pay the required permit fees or remit city taxes.

(9) Has violated any provision of this article, any other provision of the city's code, or any state law concerning the regulation of cannabis.

(B) The grounds for denial identified above are based on the powers of the city under its general police power and obligation to protect and promote the public health, safety, and welfare. Nothing in this section shall preclude the police chief or other city or law enforcement official from providing grounds for the denial of an application, or a revocation or suspension of an existing permit, based on relevant facts and circumstances that affect the ability of a delivery driver or delivery service to comply with this article.

(C) The decision to permanently revoke or temporarily suspend a permit shall be at the discretion of the collector based on the underlying circumstances.

SEC. 11-399. GROUNDS FOR DENIAL, SUSPENSION, OR REVOCATION OF DELIVERY DRIVER PERMIT.

(A) A delivery driver permit (or renewal) may be denied, and an existing license may be revoked or suspended, if the permit holder or applicant:

(1) Has knowingly made a false statement in a material matter either in his or her application (or renewal) or in any reports or other documents furnished by him or her to the city.

(2) The applicant or delivery driver has a felony conviction, any other convictions involving theft, the manufacture, transportation, sale or possession of a controlled substance, or within seven (7) years prior to the application, or any convictions involving driving under the influence of alcohol or drugs.

(3) The applicant or delivery driver is or has been required to register as a sex offender under the provisions of Penal Code Section 290 or has any convictions involving elder abuse.

(4) Within three years immediately preceding the application submittal date (or renewal), the applicant or delivery driver has been under suspension, revocation or probation by the California Department of Motor Vehicles for a cause involving the safe operation of a motor vehicle, or has been convicted of driving under the influence involving bodily injury or reckless driving involving bodily injury.

(5) Within three years immediately preceding the application submittal date (or renewal), the applicant or delivery driver has been found responsible for a motor vehicle accident causing death or personal injury.

(6) Within one year immediately preceding the application submittal date (or renewal), the applicant or delivery driver has been involved in three or more motor vehicle accidents unless evidence shows that none of the accidents were caused by or the fault of the delivery driver, license holder, or applicant.

(7) The applicant or delivery driver has violated any provision of this article, any other provision of the city's code, or any state law concerning the regulation of cannabis.

(B) The grounds for denial identified above are based on the powers of the city under its general police power and obligation to protect and promote the public health, safety, and welfare. Nothing in this section shall preclude the police chief or other city or law enforcement official from providing grounds for the denial of an application, or a revocation or suspension of an existing permit, based on relevant facts and circumstances that affect the ability of a delivery driver to comply with this article.

(C) The decision to permanently revoke or temporarily suspend a permit shall be at the discretion of the collector based on the underlying circumstances.

SEC. 11-400. APPEAL OF DENIAL OF APPLICATION OR SUSPENSION OR REVOCATION OF MEDICAL CANNABIS DELIVERY PERMIT OR DELIVERY DRIVER PERMIT.

(A) An appeal of the decision to deny an application or suspend or revoke a permit shall utilize the procedures and timelines set forth in Chapter 1, Article V of this code.

(B) Upon receiving a written appeal, a hearing shall be scheduled pursuant to the procedures set forth in Section 1-58. The purpose of the hearing is for the applicant to state any reasons why the permit should not be denied, suspended or revoked.

(C) The failure of any person to file an appeal in accordance with these provisions shall constitute a waiver of the right to an administrative hearing and be deemed a failure to exhaust administrative remedies.

SEC. 11-401. DELIVERY SERVICE REGULATIONS

(A) Each delivery service shall comply with all local and state laws, including those specified in Business and Professions Code Section 26090 as that section now appears or may hereafter be amended or renumbered.

(B) No delivery service or delivery driver shall deliver or authorize the delivery of any cannabis other than medical cannabis to a qualified patient or primary caregiver.

(C) Each delivery service shall maintain a written record of every request for medical cannabis, including the name of the requestor, whether they are a qualified patient or primary caregiver, the address for the delivery, the quantity and type of cannabis requested, the date and time the delivery request is received, the delivery vehicle that is assigned to make the delivery, and the delivery driver who is assigned to make the delivery.

(D) All orders shall be securely packaged and labelled by name of the qualified patient. Each delivery service shall assure that every delivery driver shall have a copy of the record of the delivery request during the delivery of any medical cannabis in the city.

(E) Whenever a delivery vehicle is making a delivery pursuant to this article, no delivery service shall permit any person other than a delivery driver with a permit issued in accordance with this article, to operate its delivery vehicles in the city. All delivery drivers shall maintain a copy of the current permits within the delivery vehicle.

(F) A delivery driver may possess no more than 8 ounces of dried cannabis. These limits may be adjusted in accordance with paragraph Q of this section.

(G) Delivery drivers shall be at least 21 years of age and have a delivery driver permit from the city.

(H) A list of the names and contact information of each delivery driver shall be maintained by the delivery service and updates shall be provided to the collector on a continual basis. The delivery service shall immediately provide the names and contact information of delivery drivers to the city upon request.

(I) Each delivery vehicle shall display a city business tax certificate vehicle. A list of all delivery vehicles shall be maintained by the delivery service and updates shall be provided to the collector on a timely basis.

(J) Delivery drivers shall not have more than \$2,500 in cash on their person or in a delivery vehicle at any time.

(K) Cannabis shall be secured in a locked container in the delivery vehicle and shall not be accessible while the delivery vehicle is being driven.

(L) Each delivery service shall maintain accurate records of cannabis activity as required by Business & Professions Code Section 26160 as that section now appears or may hereafter be amended or renumbered.

(M) Each delivery service shall pay all applicable state and local taxes for the delivery of medical cannabis within the city.

(N) Delivery vehicles shall not advertise any commercial cannabis activity nor shall it advertise the name of the dispensary.

(O) Deliveries shall be directly to the residence or business address of the qualified patient or that person's primary caregiver, and shall not be delivered to any other location within the city. Deliveries made pursuant to this article shall not include the delivery of any non-medical cannabis product.

(P) Deliveries shall occur only between the hours of 8:00 a.m. and 8:00 p.m.

(Q) The city manager is delegated authority to enact administrative policies consistent with this ordinance.

SEC. 11-402. INSURANCE AND HOLD HARMLESS REQUIREMENTS.

(A) No medical cannabis delivery permit shall be issued until the applicant first files with the city a certificate of insurance, on a form acceptable by the city. The certificate shall provide evidence of insurance in amounts and with conditions acceptable to the city.

(B) Each delivery service shall, and by acceptance of the permit does agree to indemnify, defend, and hold harmless the city, its officers, agents and employees from any and all damages,

claims, liabilities, costs (including attorney's fees), suits or other expenses resulting from and arising out of the delivery service's operations.

SEC. 7-403. ENFORCEMENT.

(A) The remedies provided by this article are cumulative and in addition to any other remedies available at law or in equity.

(B) A violation of any section of this article and any use or condition caused, or permitted to exist, in violation of any provision of this article shall be, and hereby is declared to be, a public nuisance and may be abated by the city."

Section 4. 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 5. Within 15 days after passage, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation published and circulated in the City. Ordinance No. _____ was first read on _____, 2018, and finally adopted on _____, to become effective thirty (30) days thereafter.

Section 6. 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

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**CITY COUNCIL
AGENDA REPORT**

TYPE OF ITEM: Report

AGENDA ITEM NO.: 2

DATE: April 3, 2018

TO: City Council

FROM: Stephen Fischer
City Attorney

A handwritten signature in cursive script, appearing to read "S. Fischer".

SUBJECT: Fireworks Social Host Liability Ordinance Introduction. (10/5/5)

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

RECOMMENDATION:

That City Council approve the first reading by title only and subsequent adoption of an ordinance amending section 7-147.1 of the Oxnard City Code concerning fireworks.

BACKGROUND

On May 13, 2008, the City Council adopted Ordinance 2773, adding Section 7-147.1 to the Oxnard City Code ("OCC") prohibiting the sale, offer to sell, use, or possession of fireworks. The proposed social host ordinance related to fireworks enforcement imposes liability on homeowners and tenants for fireworks violations that occur on their property.

Illegal fireworks are a concern for several reasons. Apart from fire hazards, the noise from fireworks has negative impacts upon the quality of life of infants and small children, the infirm, and persons with post-traumatic stress disorder. Animals, such as house pets and wildlife, are easily terrified by fireworks. Pets are prone to panic, and commonly escape from their owners because of this. Complaints about fireworks places strain on public safety resources, especially on the Independence Day holiday. During 2017, the Police Department received 2,368 disturbance calls that involved fireworks (2,033 of these calls were received during the months of June and July). On July 4 alone, the Police Department received 428 fireworks disturbance calls.

Fireworks can cause serious injuries and property damage, and may end up in the hands of children. The U.S. Fire Administration recently determined that children under the age of fifteen

Host Liability Fireworks Ordinance Introduction (10/5/5)

April 3, 2018

Page 2

(15) years suffered 45% of all injuries from fireworks. According to national statistics issued by the United States Consumer Product Safety Commission in their 2016 Fireworks Annual Report, which was released in June 2017, there were four (4) fireworks-related deaths and an estimated 11,100 fireworks-related injuries. These injuries frequently resulted from users playing with lit fireworks or igniting fireworks while holding them.

When fireworks are being used illegally, it is often difficult for an enforcement officer to cite for violations, because offenders flee the scene before the enforcement officer can respond. The proposed amendment allows for the citing of homeowners and tenants of properties where fireworks violations occur. Enforcement of the amended ordinance would typically be triggered by an officer's observation, a neighborhood disturbance complaint, or a complaint filed on Oxnard's 311 application. Information provided in a 311 complaint could potentially include photographs and/or video, would be reviewed by designated City staff. Dependent upon the usefulness of the provided information, a civil citation could be issued to the homeowner or tenant.

Other jurisdictions, including the cities of San Jose, Pacifica, San Fernando, and Rosemead, as well as Santa Clara and Kern County, have enacted social host ordinances similar to that proposed here.

Violators of the proposed ordinance would be fined in accordance with the City Council adopted fee schedule established by Resolution 13,459, which is as follows:

- \$250 for the first violation, if the involved fireworks are classified as "safe and sane." Safe and sane fireworks are defined by California Health and Safety Code section 12,529 as any fireworks that have not been classified as "dangerous" or "exempt." These fireworks typically comply with California's fireworks laws, unless prohibited by local ordinances.
- \$500 for the second violation within twelve (12) months of the first violation.
- \$1,000 for each subsequent violation within twelve (12) months of the first violation.
- \$1,000 per offense related to "dangerous fireworks," as defined by Health & Safety Code Section 12,505. In general, dangerous fireworks are those that "explode, skip, fly, travel, or dart."

The recommended amendment to Oxnard City Code Section 7-147.1 is necessary for the protection of the public peace, health, and safety within the City.

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:

Host Liability Fireworks Ordinance Introduction (10/5/5)

April 3, 2018

Page 3

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

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

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

FINANCIAL IMPACT

None at this time

ATTACHMENTS:

Attachment A -Fireworks Ordinance Amendment- Redline

Attachment B- Fireworks Ordinance Amendment- Clean

ORDINANCE OF THE CITY OF OXNARD

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD AMENDING
SECTION 7-147.1 OF THE CITY CODE CONCERNING FIREWORKS

WHEREAS, Article XI, Section 7 of the California Constitution provides that the City may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws; and

WHEREAS, Health and Safety Code Section 12541 authorizes the City Council to establish local firework regulations; and

WHEREAS, the City Council wishes to amend its regulations to make homeowners and tenants responsible for fireworks violations that occur on their property.

NOW, THEREFORE, the City Council of the City of Oxnard does ordain as follows:

Part 1. Section 7-147.1 of Article XIII of Chapter 7 of the Oxnard City Code is hereby amended to read as follows:

“SEC. 7-147.1. FIREWORKS.

(A) Definitions. For the purposes of this section, the following words and phrases shall have the following meanings:

(1) DANGEROUS FIREWORKS shall be defined as set forth in Cal. Health and Safety Code section 12505, as such definition may be amended from time to time by the California Legislature.

(2) FIREWORKS shall be defined as set forth in Cal. Health and Safety Code section 12511, as such definition may be amended from time to time by the California Legislature.

(B) Prohibition.

(1) Except as authorized by the fire chief in accordance with the ~~2007~~ currently adopted California Fire Code section 3308, no person shall sell, offer to sell, use or have in his or her possession within the city any fireworks or dangerous fireworks.

(2) Except as authorized by the fire chief in accordance with the currently adopted California Fire Code, no property owner or tenant shall allow or permit the sale, offer to sell, use or possession of fireworks on their property when the property owner or tenant knows or should know of the sale, offer to sell, use or possession of fireworks at the property.

(C) Violation. Any person violating a provision of division (B) of this section shall be subject to a fine in accordance with article III of chapter 7 of this code or is guilty of a misdemeanor.

Part 2. The foregoing recitals are true and correct.

Part 3. If any section, sentence, clause or phrase of this Ordinance is determined to be invalid, illegal or unconstitutional by a decision or order of any court or agency of competent jurisdiction, then such decision or order will not affect the validity and enforceability of the remaining portions of this Ordinance. The City Council declares that it would have passed and adopted the Ordinance, and each section, sentence, clause or phrase thereof, regardless of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

Part 4. The City Clerk shall certify as to the adoption of this ordinance and shall cause this ordinance to be published with fifteen (15) calendar 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(a). Ordinance No. _____ was first read on _____, 2018, and finally adopted on _____, 2018, 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

ORDINANCE OF THE CITY OF OXNARD

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD AMENDING
SECTION 7-147.1 OF THE CITY CODE CONCERNING FIREWORKS

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(C) Violation. Any person violating a provision of division (B) of this section shall be subject to a fine in accordance with article III of chapter 7 of this code or is guilty of a misdemeanor.

Part 2. The foregoing recitals are true and correct.

Part 3. If any section, sentence, clause or phrase of this Ordinance is determined to be invalid, illegal or unconstitutional by a decision or order of any court or agency of competent jurisdiction, then such decision or order will not affect the validity and enforceability of the remaining portions of this Ordinance. The City Council declares that it would have passed and adopted the Ordinance, and each section, sentence, clause or phrase thereof, regardless of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

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AYES:

NOES:

ABSENT:

ABSTAIN:

Tim Flynn, Mayor

ATTEST:

Michelle Ascencion, City Clerk

APPROVED AS TO FORM:

Stephen M. Fischer, City Attorney

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**CITY COUNCIL
AGENDA REPORT**

TYPE OF ITEM: Report

AGENDA ITEM NO.: 3

DATE: April 3, 2018

TO: City Council

THROUGH: Scott Whitney
Interim City Manager

A handwritten signature in blue ink, appearing to read "S. Whitney".

FROM: Jim Throop
Chief Financial Officer

Jim Throop

SUBJECT: Remodel of Third Floor - City Hall (5/5/5)

CONTACT: Jim Throop, Chief Financial Officer
Jim.Throop@oxnard.org, 385-7475

RECOMMENDATION:

That City Council:

1. Award and authorize the Mayor to execute an agreement in the amount of \$719,000 for the 300 W. Third Street, 3rd Floor Renovation Project (Rebid) PW 17-24R with Y.Ko.Construction Co, Inc.;
2. Approve \$72,000 for Project contingency for the 300 W. Third Street, 3rd Floor Renovation Project (Rebid);
3. Approve \$72,000 for consultant and staff engineering, inspection, surveying, and Project management for the 300 W. Third Street, 3rd Floor Renovation Project (Rebid); and
4. Approve a project cost of \$1,066,000, for the 300 W. Third Street, 3rd Floor Renovation Project No. 171601, (Rebid) No. PW17-24. Of this amount, \$650,000 has already been appropriated, with the remaining \$416,000 to be appropriated in the FY2018-19 budget. Of this amount, \$863,000 will be for construction related costs, and \$203,000 is related to furniture and IT cabling costs.

BACKGROUND

The Project

A year ago, on March 28, 2017, the City Council approved the plans and specifications for this

Remodel of Third Floor - City Hall (5/5/5)

April 3, 2018

Page 2

project and authorized staff to solicit bids for the 300 West Third Street, 3rd Floor Renovation Project PW 17-24.

The Finance Department currently uses a portion of the second floor and the entire third floor of the 300 West Third Street building of City Hall. This situation makes operations within the department extremely difficult. The current floor plan is a remnant from multiple prior offices occupying the space and does not allow the department to function in an efficient and effective manner, nor does it provide for a secured office space.

The Finance Department proposes to relocate Purchasing, Payroll, and the Mailroom from the second floor to the third floor in order to create more efficient working groups which can better apply resources, utilize staff, and coordinate financial functions. The plan will establish an open-floor concept with the center space housing work cubicles. The goal is to maximize the number of staff that can be housed on the third floor.

The improvements will also address security concerns; ceiling system issues; as well as lighting, heating, ventilation and air-conditioning (HVAC). New modular desk systems, an additional conference/training room, and file storage will also be a part of this project. The existing restrooms will be updated to meet current plumbing standards and Americans with Disabilities Act (ADA) compliance requirements. The selected contractor will be responsible for furnishing all materials, tools, equipment, and labor required to complete the project per the cost of services schedule established in the bid and contract documents. Contract agreement will state a 90-day construction period for this project.

Security for staff and documentation of visitors is critical and the current floor plan does not allow for any security measures. The Finance staff has had to remove, at numerous times, unauthorized individuals who have easily gained entry to all areas of the department. This lack of security also allows individuals to potentially gain access to files, documents, and other secured information, as well as personal items of the city staff. The new layout will provide for a secured lobby for visitors to enter and to request access to staff.

This Project was originally put out to bid on August 31, 2017. After receiving the bids staff decided to reject all bids in order to revise the scope of work for the project and then rebid it at a later date.

During the construction process, the Finance employees on the third floor will be temporarily housed in the former Social Security Building for approximately 4 months. Payroll and Purchasing will remain on the second floor during construction.

Historical footnote is that other than some very minor work on the third floor, there are no records of any updates to the floor since the City took possession of the building.

Lowest Responsive Bid

Remodel of Third Floor - City Hall (5/5/5)

April 3, 2018

Page 3

The notice inviting formal bids (NIFB) on the Rebid Project was published on January 11, 2018, and all bids were due on February 13, 2018. The City received the bid listed below:

Y.Ko., Construction Co, Inc.:	\$719,000.00
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There was a higher bid submitted by Sapien Construction however this bidder was unable to provide the required bid bond and so the bid was rejected. The lowest bidder was Y.Ko., Construction Co., Inc. and its bid is responsive to the City's NIFB. Following this determination, procurement staff reviewed all documentation received from Y.Ko. and its subcontractors. Staff verified possession of required currently valid licenses, reviewed the federal Occupational Safety and Health Administration (OSHA) website for safety violations, and verified registration with the California Department of Industrial Relations (DIR). Staff has no reason at this time to believe that either the contractor or its subcontractor is not legally responsible, which means trustworthy and fit and capable to satisfactorily complete the Project. Thus, staff recommends that the City Council award the contract for this Project to Y.Ko., Construction, Inc.

In addition, during the rebid process, the City requested an engineering cost estimate on the proposed project. The construction cost estimate from the engineer was \$885,000, including contingency. This bid of \$791,000, including contingency, is a savings of approximately \$94,000 from the engineering cost estimate.

Additionally, funds estimated in the amount of \$72,000 are needed for Project contingency, and \$72,000 for the cost of consultant engineering services and City staff to perform the following activities during construction: engineering, inspection, surveying, and project management. The indirect cost and expense for project procurement are also included in this estimate. The total estimated project cost is \$1,066,000, as detailed below.

Agreement with Y.Ko, Construction, Inc.	\$719,000
Furniture and Cabling	203,000
Project Management	72,000
Project Contingency (20% of construction cost)	<u>72,000</u>
Total	<u>\$1,066,000</u>

The sources of funds for the project are:

Original Appropriation Budgeted for 300 W. Third Street, 3 rd Floor Renovation Project (Rebid) No. PW17-24	\$340,000
Additional Appropriation Feb. 2018	\$310,000
Additional Required Appropriation FY2018-19	<u>\$416,000</u>
Total Budget Appropriation	<u>\$1,066,000</u>

Remodel of Third Floor - City Hall (5/5/5)

April 3, 2018

Page 4

It is important to note that the entire cost of the remodel will not be borne completely by the General Fund, rather, during the next cost allocation model update, the costs allocated to all other funds within the City will be given a proportional share of the remodel cost. The amount that will be due back to the General Fund is not yet known, but it will be in the next model update.

STRATEGIC PRIORITIES

Organizational Effectiveness

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

Goal 1. To help foster a healthy and accountable corporate foundation by strengthening the support functions of the organization, which include Finance, Information Technology and Human Resources.

Objective 1d. Ensure adequate systems are established, reviewed, and updated within the Human Resources Department related to personnel policies and procedures, employee compensation, benefits, recruitments, testing and other human resources related systems.

FINANCIAL IMPACT

Funding in amount of \$340,000 has been previously approved in FY16/17 Budget and an additional appropriation in the amount of \$310,000 was recently approved in the Mid-year FY17/18 Budget. The total project funding to date is \$650,000. Approval of this action will not require any additional appropriation for this current fiscal year (FY2017-18), but will require an additional appropriation in the upcoming FY2018-19 budget of \$416,000 from the General Fund to fully fund the Finance 3rd Floor Remodel Project 171601 in the amount of \$1,066,000.

ATTACHMENTS:

Attachment A: Pictures of Third Floor

Attachment B: PW 17-24R BID TABULATION

Attachment C: Y.Ko. Bid packet PW 17-24R









This is a tabulation of bid results not an offer of award or contract. The City reserves the right to reject all bids.

PW 17-24R 300 W. Third Street, 3rd Floor Renovation Project (Rebid)			
Owner: City of Oxnard			
Bid Opening: 2/20/18			Y.Ko. Construction Co, Inc.
			20144 Wells Drive Woodland Hills, CA 91364
			#1
<i>Item #</i>	<i>Description</i>	<i>Unit of Measure</i>	<i>Total Cost</i>
1	Mobilization and Demobilization	LS	\$34,000.00
2	Site Protection, Staging and Clean-Up	LS	\$7,000.00
3	Demolition and Disposal	LS	\$47,000.00
4	Construction, Wall Framing, Drywall, Taping, Texture, Painting	LS	\$107,000.00
5	Acoustical Ceiling	LS	\$28,000.00
6	Electrical, Lighting, Data	LS	\$180,000.00
7	Plumbing	LS	\$30,000.00
8	Mechanical and HVAC	LS	\$174,000.00
9	Flooring and Carpeting	LS	\$29,000.00
10	Doors, Frames, Hardware	LS	\$53,000.00

11	Security Counter and Window	LS	\$10,000.00
12	Restroom, Finishes and Fixtures	LS	\$20,000.00
Bid List Total -SUBMITTED			\$719,000.00
Total Bid Amount -VERIFIED			\$719,000.00
			Y.Ko. Construction Co, Inc.

Listed Subs

Ebrahim Khanzadch
Studio City, CA

Penner Partition
Anaheim, Ca

Bon Air, Inc.
Los Angeles, CA

Arm Glen, Inc.
Glendale, CA

Prime Acoustics
Westlake Village, CA

Moore Flooring
Chino, CA

BID PACKET

CITY OF

OXNARD



CALIFORNIA

FOR

**300 W. THIRD STREET, 3RD FLOOR
RENOVATION PROJECT (REBID)**

SPECIFICATION NO. PW 17-24R

Submitted by:

Contractor's Name: Y.Ko. Construction Co., Inc.

Address: 20144 Wells Dr.

City: Woodland Hills State: CA Zip Code: 91364

Contact Person: Yahya John Kokabi Phone: 818-884-8490

Email: ykoinc@gmail.com Date: Feb. 13, 2018

**CHECKLIST FOR BIDDERS OF 300 W. THIRD STREET, 3RD FLOOR
RENOVATION PROJECT (REBID)
SPECIFICATION NO. PW 17-24R**

The following information is required of all Bidders at the time of Bid submission:

- ☒ Completed and Signed Bid Cover Form
- ☒ Completed and Signed Bid Sheets
- ☒ Completed, Signed and Notarized Questionnaire
- ☒ Completed References Form
- ☒ Completed Subcontractor Designation Form
- ☒ Completed and Signed Industrial Safety Record Form
- ☒ Completed, Signed and Notarized Bid Bond or Cashier's Check
- ☒ Signed and Notarized Non-Collusion Declaration Form
- ☒ Completed and signed Escrow Document Cover Page and Escrow Bid Documents (required for projects with Bids over \$500,000 and due within three (3) Business Days of bid opening from three (3) lowest Bidders)

Failure of the Bidder to provide all required information in a complete and accurate manner may be considered non-responsive.

Other evaluation elements:

- Bid documents are typed or completed in blue or black ink
- All blanks are filled where information is requested
- Documents are signed and notarized, as required. City requires the following:
 - For a corporation or s-corporation, two signatures: (1) the Board President, CEO or Vice President, and (2) the Board Secretary, Assistant Secretary, CFO or Assistant Treasurer
 - For an LLC, two signatures, both of whom must be managers of the LLC
 - For a partnership or limited partnership, the signatures of all partners.

If your entity 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 Contractor.

- All changes are crossed out and initialed
- Bidder possesses license(s) required
- If a pre-bid meeting and/or site visit was mandatory, a representative attended

**BID FOR 300 W. THIRD STREET, 3RD FLOOR RENOVATION PROJECT (REBID) --
SPECIFICATION NO. PW 17-24R**

The undersigned, as Bidder, declares that:

1. The Bidder has carefully examined the Contract Documents, all Addenda, and the 300 W. THIRD STREET, 3RD FLOOR RENOVATION PROJECT (REBID) ("Project") site and is satisfied as to the conditions, character, quality and quantities of Work to be performed, and the materials to be furnished.
2. The Bid includes all taxes, fees and costs, and as such is the total amount required for the Bidder to complete this Project in accordance with the Contract Documents.
3. The Bidder is properly licensed by the State as a contractor to perform this type of Work.

The undersigned, as Bidder, agrees to the following:

1. The submission of this Bid shall be conclusive evidence that the Bidder has examined and investigated the surface, subsurface and other conditions affecting the Work, including also the groundwater conditions, transportation, the disposal, handling and storage of materials, and the availability of labor, water, electric power, roads and the equipment and facilities needed for the Work. No information derived from an inspection of records or investigation will relieve the Bidder from its obligations under the Contract Documents nor entitle the Bidder to any additional compensation. The Bidder shall not make any claim, including for additional compensation, against the City based upon ignorance or misunderstanding of any condition of the Project site or of the Contract Documents' or any Addendum's requirements.
2. Accompanying this Bid is a permissible form of Bid security in an amount equal to at least ten percent (10%) of the total Bid price submitted. The Bid security is given as a guarantee that, if selected, the Bidder will execute the Contract in conformity with the Contract Documents, provide evidence of all required insurance, provide a copy of its City business license and furnish the Performance and Payment Bonds (as well as a photocopy of each Bond)---each in the amount of one hundred percent (100%) of the Contract Price---within fourteen (14) Calendar Days of the date of delivery of the Contract to the Bidder. If the Bidder refuses or fails to do so, the City may award the Contract to the next lowest responsible Bidder, and this Bid security may be forfeited to the City as permitted by law.
3. In the event the Contract is awarded to the Bidder, the Bidder shall execute the Contract to perform the Project in accordance with the Contract Documents and all Addenda. Should the undersigned be awarded the Contract and thereafter fail or refuse to execute the Contract and provide the required evidence of the business license, insurance and Bonds (plus photocopies) within fourteen (14) Calendar Days after the Contract award, then the cashier's check or Bid Bond shall be forfeited to the City to the extent permitted by law.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on Feb. 13, 2018 [date], at Woodland Hills [city], California [state].

Bidder's Name (Company): Y.Ko. Construction Co., Inc.

Signature:  Title: President Date: 02/13/2018

Print: Yahya John Kokabi



CITY OF OXNARD

**BID SHEETS FOR 300 W. THIRD STREET, 3RD FLOOR RENOVATION PROJECT (REBID)
- SPECIFICATION NO. PW 17-24R**

Bidder's Name: Y.Ko. Construction Co., Inc.

To the Honorable Mayor and Members of the City Council:

In compliance with the Notice Inviting Bids, the undersigned hereby agrees to execute the Contract to furnish all labor, materials, equipment and supplies for the Project in accordance with the Contract Documents to the satisfaction and under the direction of the Project Manager at the following prices:

ITEM NO.	DESCRIPTION	UNIT OF MEASURE	ESTIMATED QUANTITY	AMOUNT
1	Mobilization and Demobilization (3% maximum of Total Bid Price)	LS	1	\$ 34,000.00
2	Site Protection, Staging and Clean-Up	LS	1	\$ 7,000.00
3	Demolition and Disposal	LS	1	\$ 47,000.00
4	Construction, Wall Framing, Drywall, Taping, Texture, Painting	LS	1	\$ 107,000.00
5	Acoustical Ceiling	LS	1	\$ 28,000.00
6	Electrical, Lighting, Data Conduit	LS	1	\$ 140,000.00
7	Plumbing	LS	1	\$ 30,000.00
8	Mechanical and HVAC	LS	1	\$ 174,000.00
9	Flooring and Carpeting	LS	1	\$ 29,000.00
10	Doors, Frames, Hardware	LS	1	\$ 53,000.00
11	Security Counter and Window	LS	1	\$ 10,000.00
12	Restroom, Finishes and Fixtures	LS	1	\$ 20,000.00
TOTAL AMOUNT: 679,000.00 719,000.00				

Note: Several items may be adjusted or deleted. Any changes to the quantities for these items shall not classify as a substantial change as stipulated in Greenbook Section 3-2.2.1. Regardless of total actual volume compared to estimated quantities, the unit prices provided above shall be applied to the final quantity when payment is calculated for these items. No adjustment in the unit prices will be allowed. The City reserves the right to not use any of the estimated quantities, and if this right is exercised, the Contractor will not be entitled to any additional compensation. Cost of all export of material shall be included in the above unit costs; no additional compensation will be granted for such expenses.

TOTAL BID PRICE IN DIGITS: \$ ~~679,000.00~~ 719,000.00

TOTAL BID PRICE IN WORDS: ~~Six hundred seventy nine thousand and no/100~~

Seven hundred nineteen thousand and 90/100

Contractor must complete all Work within ninety (90) Working Days of the City's Notice to Proceed.

Signature: *Ralph J. Korman*

Title: President Date: 02/13/2018

Bidder acknowledges receipt of all addenda

Addendum	Date Received:
#01 Noted	Jan. 30, 2018
#02 Noted	Feb. 12, 2018
#03 Noted	Feb. 13, 2018
#04	

Addendum	Date Received:
#05	
#06	
#07	
#08	

QUESTIONNAIRE FORM

Fill out all of the following information. Attach additional sheets if necessary. Do not leave any question blank. If the question does not apply, write "N/A."

(1) Bidder's Name: Y.Ko. Construction Co., Inc.

(2) If the Bidder's name is a fictitious name, what is the full name of the registered owner?

Yahya John Kokabi

* If you are doing business under a fictitious name, provide a copy of the filed valid Fictitious Business Name Statement with your submitted Bid.

(3) Business Address: 20144 Wells Dr.
Woodland Hills, CA 91364

Phone 1: 818-884-8490 Office Phone 2: 818-438-4812 Cell.

Email: ykoinc@gmail.com

(4) Type of Firm (Partnership, LLC, Corporation, S-Corp, etc.): Corporation

Corporation or S-Corp organized under the laws of the State of: California

(5) California State Contractor's License Number and Class: 659721, A & B

Original Date Issued: Dec. 01, 1992 Expiration Date: Oct. 31, 2018

(6) DIR Contractor Registration Number: 1000031072

(7) List the person who attended the mandatory pre-Bid meeting or site visit for your firm:

Name: Yahya John Kokabi Title: President

(8) Does the Bidder have a minimum of three (3) consecutive years of current experience in the type of Work related to the Project, and is this experience in actual operation of the Bidder with permanent employees performing a part of the Work as distinct from a firm operating entirely by subcontracting all-phases of the Work? Circle one: YES NO

(9) List the names, titles, addresses and phone numbers of all individuals, members, partners, joint venturers and company officers having a principal interest in this Bid:

Yahya John Kokabi

- (10) List all current and prior D.B.A.'s, aliases, and fictitious business names for any principal having interest in this Bid:

Y.Ko. Consruction Co.

- (11) List the dates of any voluntary or involuntary bankruptcy judgments against any principal having an interest in this Bid:

None

- (12) For all arbitrations, lawsuits, settlements and the like (in/out of court) that the Bidder or any principal with an interest in this Bid has been involved with in the past five (5) years:

- a. List the names, addresses and phone numbers of contact persons for the parties.

None

- b. Briefly summarize the parties' claims and defenses:

None

- c. State the tribunal (e.g., Superior Court, American Arbitration Association, etc.), the matter number, and the outcome:

None

- (13) If the Bidder or any principal having an interest in this Bid has ever had a contract terminated by the owner or agency, explain below:

None

- (14) If the Bidder or any principal having an interest in this Bid ever failed to complete a project, explain below:

None

- (15) If the Bidder or any principal having an interest in this Bid has ever been terminated for cause, even if it was converted to a "termination of convenience," explain below:

None

- (16) List the dates of any voluntary or involuntary bankruptcy judgments against any principal having an interest in this Bid:

None

For the final questions, the word "you" and "your" shall refer to the Bidder and all individuals, members, partners, joint venturers and company officers having a principal interest in this Bid.

- (17) For projects that the company or any principal having an interest in this Bid has been involved with in the last five (5) years, did you have any claims or actions:

- | | | | |
|--|-------------|-----|--|
| a. By you against the owner? | Circle one: | Yes | No ☒ |
| b. By the owner against you? | Circle one: | Yes | No ☒ |
| c. By any agency or individual for labor compliance? | Circle one: | Yes | No ☒ |
| d. By Subcontractors? | Circle one: | Yes | No ☒ |
| e. Are any such claims/actions unresolved/outstanding? | Circle one: | Yes | No ☒ |

If your answer is "yes" to any part or parts of this question, explain.

N/A

Upon request of the City, the Bidder shall furnish evidence showing a notarized financial statement, financial data, construction experience or other additional information.

The Bidder certifies under penalty of perjury under the laws of the State of California that the information provided in this Questionnaire Form is true and correct.

Signature: 

Title: President Date: 02/13/2018

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

This Questionnaire Form must be notarized below.

State of California)

County of Los Angeles) ss

City of Woodland Hills)

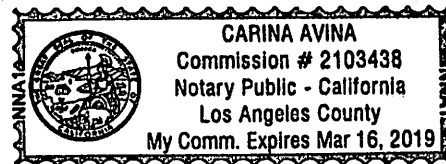
On February 13, 2018 before me, Carina Anna, Notary Public

(insert name and title of the officer) personally appeared Yahya Kokabi,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she~~/they executed the same in his/~~her~~/their authorized capacity(ies), and that by his/~~her~~/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct. WITNESS my hand and official seal.

Signature Carina Anna

(Seal)



REFERENCES FORM

For all like work that you are currently working on or have worked on for public agencies in the past two (2) years, provide the information requested below. If all such work does not fit on this page, attach another page listing all information for all other such work. You may, but are not obligated to, attach a separate page to explain why a final contract amount differed from the original contract amount (e.g., change orders, extra work, or other circumstances), or if you or the Agency filed any claims against each other, the substance and outcome of those claims

Project 1 Description: Valencia HS, Renovation of 2 Classrooms and 2 Labs

Construction Dates From: Dec. 2015 To: Jan. 2016

Agency Name: William S. Hart Union High School District

Project Manager: Mons Mendoza Telephone: 661-513-7404

Original Contract Amount: \$ 107,000.00 Final Contract Amount: \$ 128,135.00

Did you file any claims against the Agency? Circle one: Yes No ☒ X

Did the Agency file any claims against you? Circle one: Yes No ☒ X

Project 2 Description: Estella and North ranch Parks Playground Improvement

Construction Dates From: April 2016 To: July 2016

Agency Name Conejo Recreation and Park District

Project Manager: Andrew Mooney Telephone: 805-495-6471

Original Contract Amount: \$ 476,000.00 Final Contract Amount: \$ 512,172.00

Did you file any claims against the Agency? Circle one: Yes No ☒ X

Did the Agency file any claims against you? Circle one: Yes No ☒ X

Project Description: Utility Relocation

Construction Dates From: Oct. 2106 To: April 2016

Agency Name: William S. Hart Union High School District

Project Manager: Daniel Wastaferro Telephone: 661-510-7429

Original Contract Amount: \$ 212,000.00 Final Contract Amount: \$ 245,608.00

Did you file any claims against the Agency? Circle one: Yes No ☒ X

Did the Agency file any claims against you? Circle one: Yes No ☒ X

I hereby give my permission to the City of Oxnard and its employees, representatives and agents to contact references of Contractor and/or its officers, managers, members, general partners, limited partners and other owners (collectively, the "Owners") and/or request information from other agencies in which Contractor and/or its Owners have worked. This permission includes the City reviewing any criminal records of the Owners and obtaining public records regarding the Owners, such as records of arrests, indictments, convictions, civil judicial actions, tax liens, or outstanding judgments. I have authority to waive, and I do waive, any and all rights and claims Contractor and its Owners, employees, representatives and agents may have against the City, its employees, representatives and agents, as well as any agency providing feedback or the mentioned records, and those agencies' employees, representatives and agents, regarding any actions taken pursuant to, related to or incidental to, the authorization given in this paragraph.

Bidder's Name: Y.Ko. Construction Co., Inc.

Signature:  Title: Presient Date: 02/13/2018

DESIGNATION OF SUBCONTRACTORS

List all Subcontractors who will perform Work or labor or render service to the Contractor in or about the construction of the Work or improvement, or a Subcontractor licensed by the State of California who, under subcontract to the Contractor, specially fabricates and installs a portion of the Work or improvement according to detailed drawings contained in the Plans and Specifications, in an amount in excess of one-half percent (0.5%) of the Contractor's total Bid or, in the case of bids or offers for the construction of streets or highways, including bridges, in excess of one-half percent (0.5%) of the Contractor's total Bid or \$10,000, whichever is greater. If all Subcontractors do not fit on this page, photocopy it onto blue paper and attach that page or those pages listing all other Subcontractors. If there is any change in this list of Subcontractors, Contractor must provide a new list to Project Manager before any unlisted Subcontractor can perform any Work.

Name under which Subcontractor is Licensed and Registered	CSLB License Number(s) and Classes	DIR Contractor Registration Number	Address and Phone Number	Type of Work (e.g., Electrical)	Percentage of Total Bid (e.g., 10%)
Elbrahim Khanzadgh MT Rostami	376008	1000026566	Woodland Hill, CA	Electrical	14%
Bon Air, Inc.	499561	1000001141	Los Angeles, CA	HVAC	20% 15%
Prime Acoustics	739826	1000004361	Westlake Village, CA	T-Bar	3%
Moore Flooring	472436	1000001027	Chino, CA	Flooring	4%

Bidder's Name: Y.Ko. Construction Co., Inc. Signature: *Y.Ko. Construction Co., Inc.* Title: President Date: 02/13/2018

The percentage of the total Bid shall represent the "portion of the work" for the purposes of Public Contract Code Section 4104(b).

DESIGNATION OF SUBCONTRACTORS

List all Subcontractors who will perform Work or labor or render service to the Contractor in or about the construction of the Work or improvement, or a Subcontractor licensed by the State of California who, under subcontract to the Contractor, specially fabricates and installs a portion of the Work or improvement according to detailed drawings contained in the Plans and Specifications, in an amount in excess of one-half percent (0.5%) of the Contractor's total Bid or, in the case of bids or offers for the construction of streets or highways, including bridges, in excess of one-half percent (0.5%) of the Contractor's total Bid or \$10,000, whichever is greater. If all Subcontractors do not fit on this page, photocopy it onto blue paper and attach that page or those pages listing all other Subcontractors. If there is any change in this list of Subcontractors, Contractor must provide a new list to Project Manager before any unlisted Subcontractor can perform any Work.

Name under which Subcontractor is Licensed and Registered	CSLB License Number(s) and Class(es)	DIR Contractor Registration Number	Address and Phone Number	Type of Work (e.g., Electrical)	Percentage of Total Bid (e.g., 10%)
Penner Partition	924223	1000004040	Anaheim, CA	Partition	0.8%
Arm Glen, Inc.	850814	1000014508	Glendale, CA	Plumbing	4%

Bidder's Name: Y.Ko. Construction Co., Inc. Signature:  Title: President Date: 02/13/2018

* The percentage of the total Bid shall represent the "portion of the work" for the purposes of Public Contract Code Section 4104(b).

INDUSTRIAL SAFETY RECORD FORM

This Safety Record must include all construction work undertaken in California by the undersigned and any partnership, joint venture corporation or s-corporation that any principal of the undersigned participated in as a principal or owner for the listed years. Separate information must be submitted for each such partnership, joint venture, or corporate or individual Bidder. The undersigned may attach any additional information or explanation of data that it would like to be taken into consideration in evaluating the Safety Record. An explanation of the circumstances surrounding any and all fatalities must be attached.

	2017 (so far)	2016	2015	2014	2013	2012	Total
Number of contracts	4	4	1	0	0	0	6
Total dollar amount of contracts (in thousands)	900	890	107	0	0	0	1,897
Number of fatalities	None	None	None	None	None	None	None
Number of lost workday cases	None	None	None	None	None	None	None
Number of lost workday cases involving permanent transfer to another job or termination of employment	None	None	None	None	None	None	None

The above information was compiled from the records that are available to me at this time, and I declare under penalty of perjury that the information is true and accurate within the limitations of those records.

Bidder's Name: Y.Ko. Construction Co., Inc.

Signature: 

Title: President

Date: Feb. 13, 2018

**NONCOLLUSION DECLARATION
TO BE EXECUTED BY BIDDER AND SUBMITTED WITH BID**

The undersigned declare(s):

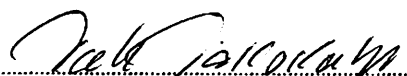
I/we am/are the Yahya Kokabi of Y.Ko. Construction Co., Inc.
the party making the foregoing bid.

The bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, LLC, corporation or s-corporation. The bid is genuine and not collusive or sham. The bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid. The bidder has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or to refrain from bidding. The bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder. All statements contained in the bid are true. The bidder has not, directly or indirectly, submitted its, his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, to any corporation, s-corporation, LLC, partnership, company, association, organization, bid depository, or to any member or agent thereof, or to any individual, to effectuate a collusive or sham bid, and has not paid, and will not pay, any person or entity for such purpose.

Any person(s) executing this declaration on behalf of a bidder that is a corporation, partnership, joint venture, limited liability company, limited liability partnership, or any other entity, hereby represents that he or she has full power to execute, and does execute, this declaration on behalf of the bidder.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on Feb. 12, 2018 [date], at Woodland Hills [city], California [state].

Bidder's Name: Y.Ko. Construction Co., Inc.

Signature:  Title: President Date: 02/12/2018

This Noncollusion Declaration must be notarized on the following page.

(Continuation of Noncollusion Declaration)

State of California)

County of Los Angeles) ss

City of Woodland Hills)

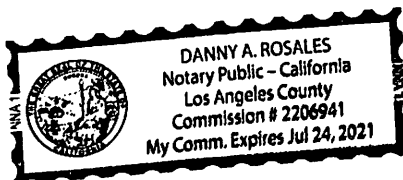
On February 12, 2018 before me,

Danny A. Rosales Notary Public (insert name and title of the officer)

personally appeared Yahya Kokabi, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct. WITNESS my hand and official seal.

Signature

(Seal)



CITY OF OXNARD
300 W. THIRD STREET, 3RD FLOOR RENOVATION PROJECT (REBID)
Specification Number PW 17-24R

ESCROW BID DOCUMENTS COVER PAGE

ESCROW BID DOCUMENT CERTIFICATION

The undersigned hereby certifies under penalty of perjury that the bid documentation contained herein constitutes the complete, only and all documentary information used in preparation of the bid for the 300 W. THIRD STREET, 3RD FLOOR RENOVATION PROJECT (REBID), and that I have personally examined these contents and have found that this bid documentation is complete.

By: 
Title: President
Firm: Y.Ko. Construction Co., Inc.
Date: Feb. 13, 2018

IF PROJECT BID IS IN EXCESS OF \$500,000, IT REQUIRES SUBMITTAL OF ESCROW BID DOCUMENTS BY THE THREE LOWEST BIDDERS AND THIS DOCUMENT WILL BE INCLUDED WITH THOSE ESCROW BID DOCUMENTS. THIS DOCUMENT PACKAGE IS DUE WITHIN THREE (3) BUSINESS DAYS FOLLOWING BID OPENING

THIS DOCUMENT PACKAGE IS TO BE SUBMITTED TO:

Public Works
305 W. 3rd Street, East Wing, 3rd floor
Oxnard, CA 93030
Attn: Renee Hatcher

SMALL LOCAL BUSINESS PURCHASING PREFERENCE REQUEST

The City offers a bidding preference for small local businesses. A small local business is defined as a business entity that meets all of the following criteria:

1. Has for at least 36 months immediately preceding submittal of its Bid held a current City business license;
2. Has maintained within the City of Oxnard's boundaries its principal business office, which is defined as the place where the principal officers or owners generally transact business, to which reports are made and from which orders and payments are made, and the place which the business represents to government authorities as its principal office or principal place of business;
3. Has average annual gross receipts of \$20 million or less over the 36 months immediately preceding submittal of its bid, and
4. Employs fewer than 100 employees.

Additionally, a small local business must certify one of the following:

5. At least 50 percent of its employees are Oxnard residents and have been Oxnard residents for at least 90 days prior to submission of the bid; or
6. For a Bidder who intends to hire employees and/or obtain Subcontractors for the Project, the Bidder submits with its Bid a certification confirming it has verified its own proposed employee base for performance of the Contract and confirmed with all Subcontractors providing bids used to formulate the Contractor's Bid that at least 50 percent of the labor hours devoted to performance of the Contract will be provided by residents of the City of Oxnard.

Please note that under City Code Section 4-2, you may be subject to audit and may be required to provide proof of compliance with the requirements of the Section. You will be subject to penalties for falsely claiming to be a Small Local Business under the Section. More information is available at City Code Section 4-2.

If you wish to certify as a small local business, please submit the certification on the next page with the rest of your Bid.

**SMALL LOCAL BUSINESS PURCHASING PREFERENCE:
BIDDER'S CERTIFICATION**

Please refer to Oxnard City Code Section 4-2 to verify that your company is eligible for this Small Local Business Purchasing Preference Program.

The undersigned hereby certifies under penalty of perjury that:

- ☐ At least 50 percent of the Bidder's employees are Oxnard residents and have been Oxnard residents for at least 90 days prior to submission of the bid; or
- ☐ For a Bidder who intends to hire employees and/or obtain Subcontractors for the Project, the Bidder has verified its own proposed employee base for performance of the Contract and confirmed with all Subcontractors providing bids used to formulate the Bid that at least 50 percent of the labor hours devoted to performance of the Contract will be provided by residents of the City of Oxnard.

Any person(s) executing this certification on behalf of the Bidder hereby represents that he or she has full power to execute, and does execute, this declaration on behalf of the Bidder.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on Feb. 13, 2018 [date], at Woodland Hills [city], California [state].

By: 
 Title: President
 Bidder: Y.Ko. Construction Co., Inc.
 Date: Feb. 13, 2018

By: _____
 Title: _____
 Bidder: _____
 Date: _____

*If the Bidder is not requesting a Small Local Business Purchasing Preference, this form is not required to be completed and submitted with Bid.

Please note: The Small Local Business Purchasing Preference is not applicable for projects funded by grants or programs outside the City's General Fund, such as federal or State grants.

Public Works Department

305 West Third Street, East Wing, Third Floor
 Oxnard, California 93030
 Tel 805.385.8280



January 30, 2018

ADDENDUM NO. 1

300 W. Third Street, 3rd Floor Renovation Project (Rebid)
Specification No. PW 17-24R

SCHEDULED BID DUE DATE: 2:00 p.m. on February 13, 2018

TO ALL BIDDERS:

Acknowledge receipt of this addendum by enclosing one signed copy with your bid documents. Failure to do so may subject bidder to disqualification. This addendum forms a part of the bid documents as follows:

1. Plans

The architectural pages and electrical pages were not included with the initial publication of the plans for the Project. These additional pages are attached and will be posted to the public plan room with Cybercopy USA.

Addendum No. 1 Received: Date: Jan. 30, 2018

Y. Ko. Conct. Co., INC
 Contractor's Name

20144 Wells Dr.
 Address

Yab. Ya. Kovalev
 Authorized Signature

Woodland Hills CA 91364
 City State Zip Code

Yab. Ya. Kovalev, President
 Name and Title

818-884-8490
 Telephone Number, Including Area Code

Public Works Department
 305 West Third Street, East Wing, Third Floor
 Oxnard, California 93030
 Tel 805.385.8280



February 12, 2018

ADDENDUM NO. 2
300 W. Third Street, 3rd Floor Renovation Project (Rebid)
Specification No. PW 17-24R

SCHEDULED BID DUE DATE: 2:00 p.m. on February 13, 2018

TO ALL BIDDERS:

Acknowledge receipt of this addendum by enclosing one signed copy with your bid documents. Failure to do so may subject bidder to disqualification. This addendum consists of two (2) pages. The following items are clarifications or modifications to the Contract Documents :

1. There are two existing locations where doors are used to conceal existing electrical equipment and panels. One location is in the Open Office opposite Stairway #2. The other location is in the Hallway opposite the Men's Restroom. These doors will remain.

The existing doors shall be painted to match the adjacent wall color, Valspar "Blizzard Fog" 7006-18, semi-gloss.

The existing frames at these doors shall be painted black, semi-gloss to match the new door frames and top-set base.

2. The existing doors listed as #5 and #35 at Stairs #1 and #2 shall be removed and replaced with new solid core wood doors to match the other new doors in the suite. These doors shall have a 90 minute fire rating. The existing door frames will remain and shall be painted black, semi-gloss.
 Provide hardware as follows:

HARDWARE SET 7

QTY	ITEM	CATALOG	FINISH	MFR
1	Rim Panic Device	99L-NL-Fire	613	V
1	Cylinder	3216	613	SC
3	Hinges	BB 1279 4-1/2 x 4-1/2 NRP	613	HAG
1	Closer	P8501BF	STAT	N
1	Wall stop	WS402CCV	613	IV
1	Kick plate	285 10" x 2" LWD	613	IV

3. The City will receive such Bids at Oxnard City Hall, 300 West Third Street, Fourth Floor, Oxnard, California 93030, attention: City Clerk, until **2:00 p.m.** on February 13, 2018. This is a correction to the time that was stated in the Notice Inviting Bids of the Contract Documents.

Addendum No. 2 Received: Date: Feb 12, 2018

YKO Const. Co., Inc.
Contractor's Name

20144 Wells Dr.
Address

Yahya Korkabi
Authorized Signature

Woodland Hills CA 91364
City State Zip Code

Yahya Korkabi, President
Name and Title

818-884-8490
Telephone Number, Including Area Code

Public Works Department

305 West Third Street, East Wing, Third Floor
 Oxnard, California 93030
 Tel 805.385.8280



February 13, 2018

ADDENDUM NO. 3

300 W. Third Street, 3rd Floor Renovation Project (Rebid)
Specification No. PW 17-24R

SCHEDULED BID DUE DATE: 2:00 p.m. on February 20, 2018

TO ALL BIDDERS:

Acknowledge receipt of this addendum by enclosing one signed copy with your bid documents. Failure to do so may subject bidder to disqualification. This addendum consists of one (1) page. The following items are clarifications or modifications to the Contract Documents :

1. The bid date has been extended for this project.

The City will receive such Bids at Oxnard City Hall, 300 West Third Street, Fourth Floor, Oxnard, California 93030, attention: City Clerk, **until 2:00 p.m. on February 20, 2018**. There will be a public bid opening immediately afterwards at 305 W. Third Street, First Floor, Oxnard, California 93030 at the City Council Chambers.

Addendum No. 3 Received: Date: Feb. 13 2018

Y.Ko. Const. Co., Inc.
 Contractor's Name

20142 Wells Dr.
 Address

Yahya Rokabi
 Authorized Signature

Woodland Hills CA 91364
 City State Zip Code

Yahya Rokabi, President
 Name and Title

Yahya Rokabi: 818-884-8490
 Telephone Number, Including Area Code