

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
December 11, 2017
Adjourned Regular Meeting - 5:00 PM

A. ROLL CALL/POSTING OF AGENDA

THE FOLLOWING LEGISLATIVE BODIES ARE MEETING: City Council.

B. OPENING CEREMONIES

Pledge of allegiance to the flag of the United States.

C. 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.

D. 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.

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. 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.

F. 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.

G. INFORMATION CONSENT AGENDA

City Attorney Department

1. SUBJECT: Adoption of Utility Fee Refund and Adjustment Ordinance

RECOMMENDATION: That City Council adopt Ordinance No. 2930 amending section 2-183 of the Oxnard City Code ("OCC") concerning refunds of taxes, assessments and utility fees.

Legislative Body: CC

Contact: Stephen M. Fischer

Phone: 385-7483

Development Services Department

2. SUBJECT: Adoption of Ordinance No. 2931 Amending Ordinance No. 2481 for the Vineyard Gardens Project

RECOMMENDATION: That the City Council approve Ordinance No. 2931 amending Ordinance No. 2481 for the Vineyard Gardens project located at 161 West Stroube Street to delete the requirement that the existing 62 affordable housing units be converted to condominium or cooperative ownership by 12/31/2016.

Legislative Body: CC

Contact: Ashley Golden

Phone: 385-7882

H. ADJOURNMENT



**CITY COUNCIL
AGENDA REPORT**

TYPE OF ITEM: Info/Consent

AGENDA ITEM NO.: 1

DATE: December 11, 2017

TO: City Council

FROM: Stephen Fischer
City Attorney

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

SUBJECT: Adoption of Utility Fee Refund and Adjustment Ordinance

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

RECOMMENDATION:

That City Council adopt Ordinance No. 2930 amending section 2-183 of the Oxnard City Code ("OCC") concerning refunds of taxes, assessments and utility fees.

BACKGROUND

This agenda item is for the adoption of the ordinance authorizing the City Council to adopt a resolution establishing an administrative appeal process for customers seeking adjustments or refunds of utility fees prior to filing a claim. The ordinance was introduced and approved by City Council at the meeting of November 27, 2017.

STRATEGIC PRIORITIES

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

FINANCIAL IMPACT

The fiscal impact will depend on the amount of refunds or billing adjustments that are granted. Information will be collected to assess the financial impact of the policy.

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ATTACHMENTS:

Attachment A: Ordinance 2930- Amending Section 2-183

ORDINANCE OF THE CITY OF OXNARD**ORDINANCE NO. 2930****AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD AMENDING SECTION 2-183 CONCERNING REFUNDS OF TAXES, ASSESSMENTS AND UTILITY FEES**

WHEREAS, customers seeking refunds or adjustments of utility fees must file claims pursuant to Oxnard City Code section 2-183; and

WHEREAS, the City wishes to streamline the process for review of disputed utility fees under \$1,000 and delegate authority for administrative review.

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

Part 1. Section 2-183 of Article III of Chapter 2 of the Oxnard City Code is hereby amended to read as follows:

“SEC. 2-183. CLAIMS FOR REFUND OF TAXES, ASSESSMENTS AND UTILITY FEES.

(A) The provisions of this section are enacted pursuant to Cal. Gov't Code, Section 935 and shall apply to all claims presented to the city for refund of taxes, assessments or utility fees levied or imposed by the city. For purposes of this section, "utility fees" shall mean fees for water services, wastewater services or solid waste collection services.

(B) A claim for refund shall be in writing, signed under penalty of perjury by the claimant or the claimant's guardian, executor, conservator or administrator and shall be filed with the city clerk no later than one year after the date the claimant paid the taxes, assessments or utility fees of which refund is requested.

(C) A claim shall include the name and address of the claimant or the name and address of the claimant's guardian, executor conservator or administrator; the facts and reason on which the claim is based; the date and method of payment of the taxes, assessments or utility fees of which refund is requested; and the name and title of the person to whom such payment was made.

(D) No claim may be filed on behalf of a class of claimants.

(E) No suit for refund of taxes, assessments or utility fees shall be filed unless a claim has been filed and rejected in accordance with this section. Any such suit shall be commenced within six months from and after the date on which the city council rejects the claim. No recovery shall be allowed in any such suit on any ground not specified in the claim.”

(F) Prior to filing a claim pursuant to this section any party seeking a refund or adjustment of utility fees that does not exceed one thousand dollars (\$1,000) shall file for review of the dispute utilizing the administrative appeal process adopted by City Council resolution.”

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. 2930 was first read on November 27, 2017, and finally adopted on December 11, 2017, to become effective thirty days thereafter.

AYES:

NOES:

ABSENT:

ABSTAIN:

Tim Flynn, Mayor

ATTEST:

Michelle Ascencion, City Clerk

APPROVED AS TO FORM:

Stephen M. Fischer, City Attorney



**CITY COUNCIL
AGENDA REPORT**

TYPE OF ITEM: Info/Consent

AGENDA ITEM NO.: 2

DATE: December 11, 2017

TO: City Council

THROUGH: Greg Nyhoff
City Manager

FROM: Ashley Golden
Development Services Director

SUBJECT: Adoption of Ordinance No. 2931 Amending Ordinance No. 2481 for the Vineyard Gardens Project

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

RECOMMENDATION:

That the City Council approve Ordinance No. 2931 amending Ordinance No. 2481 for the Vineyard Gardens project located at 161 West Stroube Street to delete the requirement that the existing 62 affordable housing units be converted to condominium or cooperative ownership by 12/31/2016.

BACKGROUND

This Ordinance was introduced at the November 28, 2017 City Council meeting. If the ordinance is adopted on December 11, 2017, it will take effect after 30 days.

STRATEGIC PRIORITIES

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

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

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culture.

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

Objective 2b. Improve relationships and communication between the City and the business community.

FINANCIAL IMPACT

This project will result in the private investment of funds towards the renovation of an apartment housing project.

ATTACHMENTS:

Attachment A - Ordinance No. 2931

ORDINANCE NO. 2931

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD AMENDING ORDINANCE NO. 2481 FOR THE PROPERTY LOCATED AT 161 WEST STROUBE STREET, OXNARD TO REMOVE PART 2 B PERTAINING TO CONVERSION OF RENTAL UNITS TO FOR SALE UNITS. FILED BY VINEYARD GARDENS ASSOCIATES, L.P., 330 WEST VICTORIA STREET, GARDENA, CA 90248

WHEREAS, on January 12, 1999, the Oxnard City Council adopted Ordinance No. 2481 approving a zone change (PZ No. 98-5-6) for the property located at 161 West Stroube Street; and

WHEREAS, Part 2B of Ordinance No. 2481 contained a requirement that the units be converted to condominium or cooperative ownership no sooner than the expiration of 15 years from the date of issuance of the first certificate of occupancy, and no later than December 31, 2016, in accordance with applicant federal law and regulations for affordable housing tax credits; and

WHEREAS, the conversion of the rental units to condominium or cooperative ownership is not allowed by California Tax Credit Allocation Committee (CTAC) financing subsequently issued for the project and currently provided to the project; and

WHEREAS, the removal of the Part 2B has been requested by Vineyard Gardens Associates, L.P. as part of Planning & Zoning Permit No. 17-550-03; and

WHEREAS, the removal of the Part 2B requirements within Ordinance No. 2481 will ensure the long term affordability of 62-rental units through the year 2073; and

WHEREAS, no residents will be displaced by this Ordinance amendment; and

WHEREAS, this Ordinance amendment will facilitate investment and renovation of the project site.

WHEREAS, this Ordinance modification has been found to be exempt from environmental review based on the general rule exemption, in accordance with the California Environmental Quality Act (CEQA) Guidelines, Section 15061(b)(3) where it can be seen with certainty that changing a local regulatory agreement to be consistent with a state agency regulation will not have a significant effect on the environment.

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

Section 1. Ordinance No. 2481 is hereby amended to remove Part 2B in its entirety.

Section 2. Severability. If any provision(s) of this ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional by any court of competent jurisdiction, such

invalidity or unconstitutionality shall not affect any other provision or application, and to this end, the provisions of this ordinance are declared to be severable. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, even though any one or more sections, subsections, clauses, phrases, parts or portions thereof was declared invalid or unconstitutional.

Section 3. Effective date. This ordinance shall become effective thirty (30) days after it is finally adopted.

Section 4. Publication. The City Clerk shall certify as to the adoption of this ordinance and shall cause the summary thereof to be published within fifteen calendar (15) days of the adoption and shall post a certified copy of this ordinance, including the vote for and against the same, in the office of the City Clerk in accordance with Government Code Section 36933.

The foregoing Ordinance was adopted at an adjourned regular meeting of the City Council of the City of Oxnard, State of California, held on the 11th day of December, 2017, 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