

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, 305 West Third Street 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.ci.oxnard.ca.us.



AGENDA

OXNARD CITY COUNCIL

*OXNARD COMMUNITY DEVELOPMENT COMMISSION SUCCESSOR AGENCY

*OXNARD FINANCING AUTHORITY

*OXNARD HOUSING AUTHORITY

Regular Meetings

City Council Chambers, 305 West Third Street, Oxnard

January 26, 2016

4:30 P.M. Closed Session

A. ROLL CALL/POSTING OF AGENDA

*** The Oxnard Community Development Commission Successor Agency, the Oxnard Financing Authority and the Oxnard Housing Authority will not meet because there are no items requiring consideration on this date.**

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

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

C. CLOSED SESSION – (Please see Page 5 for a description of the closed session items)

D. OPENING CEREMONIES – 6:00 P.M.

Pledge of allegiance to the flag of the United States.

E. CEREMONIAL CALENDAR

1. SUBJECT: Presentation of Employee of the Year.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA (30 Minutes)

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. 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 any 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. The presiding officer shall limit public comments to three minutes.

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.ci.oxnard.ca.us.

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 Attorney Department

1. SUBJECT: Adoption of Ordinance Prohibiting Marijuana Activities. (001)

RECOMMENDATION: Adopt Ordinance No. 2898 imposing an express prohibition on marijuana cultivation, deliveries and dispensaries within the City.

Legislative Body: CC

Contact: Stephen Fischer

Phone: 385-7483

City Manager Department

2. SUBJECT: Agreements for City Council Review. (007)

RECOMMENDATION: Pursuant to Ordinance 2835 and Resolution 13,932, approve and authorize the City Manager, to execute the attached agreements/contracts and change orders/amendments in amounts more than \$25,000 but no more than \$250,000, which are described on the attached list.

Legislative Body: CC

Contact: Greg Nyhoff

Phone: 385-7430

Development Services Department

3. SUBJECT: Second reading and adoption of an ordinance approving Planning and Zoning Permit No. 15-670-01. (009)

RECOMMENDATION: Adopt Ordinance No. 2899 (First Amendment to Development Agreement No. A-7121 for the project known as Devco, for Property Located on the Northwest Corner of Ventura Road and Vineyard Avenue. Filed by Ravello Holdings, LLC.)

Legislative Body: CC

Contact: Ashley Golden

Phone: 385-7868

4. SUBJECT: First Amendment to Agreement with Planning & Energy/Entitlement Services. (011)

RECOMMENDATION: Approve the first amendment to the agreement with Planning & Energy/Entitlement Services (P&ES) (6487-17-DS) in the amount of \$240,000 for on-call permit processing and planning services, which increases the total cost of the agreement to \$480,000 over four years.

Legislative Body: CC

Contact: Ashley Golden

Phone: 385-7868

Police Department

5. SUBJECT: Memorandum of Agreement with the Oxnard Community K-9 Foundation, and Acceptance of Equipment in the Amount of \$109,280.00. (019)

RECOMMENDATION: Adopt a resolution accepting a donation of three (3) Chevrolet Tahoe sport utility vehicles to the City of Oxnard, for use by the Oxnard Police Department's K-9 Unit, and

authorizing the Mayor to execute a Memorandum of Agreement (MOA) with the Oxnard Community K-9 Foundation relating to the City's use of the same.

Legislative Body: CC

Contact: Jeri Williams

Phone: 385-7624

Utilities Department

6. SUBJECT: Ordinance No's 2900, 2901, and 2902 Regarding Utility Rates.

RECOMMENDATION: 1) Adopt Ordinance No. 2,900 continuing and establishing water user fees and charges; 2) Adopt Ordinance No. 2,901 continuing and establishing wastewater user fees and charges; and 3) Adopt Ordinance No. 2,902 continuing and establishing solid waste user fees and charges. (029)

Legislative Body: CC

Contact: Daniel Rydberg

Phone: 385-8280

J. PUBLIC HEARINGS – 6:15 P.M.

Development Services Department

1. SUBJECT: Planning and Zoning Permit Nos. 15-520-02 (Special Use Permit); 15-620-02 (General Plan Amendment) for the Property Located at 2311 Statham Boulevard; and 15-570-02 (Zone Change) for the Properties Located at 2311 Statham Boulevard and 2231-2274 Statham Boulevard. Filed by Pastor Fernando Franco with Victory Outreach Church on Behalf of Property Owner Gruny, LLC, P.O. Box 547, Port Hueneme, California 93044. (065)

RECOMMENDATION: 1) Adopt a resolution upholding the Planning Commission's approval of Planning and Zoning Permit No. 15-520-02 (Special Use Permit) for a church to operate at property located at 2311 Statham Boulevard, subject to the finding and conditions set forth in Planning Commission Resolution No. 2015-36; 2) Adopt a resolution upholding the Planning Commission's recommendation, relating to 2311 Statham Boulevard, to: (i) approve Planning and Zoning Permit No. 15-620-02 (General Plan Amendment) to change the existing General Plan land use designation from Industrial Light (ILT) to Industrial Limited (ILM); and (ii) amend the 2030 General Plan Land Use Map, subject to the findings and conditions set forth in Planning Commission Resolution No. 2015-37; and 3) Adopt a resolution upholding the Planning Commission's recommendation relating to 2231-2274 Statham Boulevard and 2311 Statham Boulevard to: (i) approve Planning and Zoning Permit No. 15-570-02 (Zone Change) to change the existing zoning designation from Light Manufacturing (M-1) to Limited Manufacturing (M-L); and (ii) amend the City of Oxnard Zoning Map to change the zoning designations, subject to the findings and conditions set forth in Planning Commission Resolution No. 2015-38.

Legislative Body: CC

Contact: Ashley Golden

Phone: 385-7868

Housing Department

2. SUBJECT: Extremely-Low to Low-Income Needs Assessment – FY 2016-17 Annual Action Plan. (135)

RECOMMENDATION: Conduct the first Public Hearing to receive comments and provide direction to staff concerning such unmet needs as affordable housing, community development and homelessness of extremely-low to low-income persons residing in the City of Oxnard.

Legislative Body: CC

Contact: Arturo Casillas

Phone: 385-8094

K. APPOINTMENT ITEMS

L. REPORTS**Development Services Department**

1. **SUBJECT:** Change Order No. 126 for Security Paving Co. Inc. for Rice/101 Interchange. (143)
RECOMMENDATION: Approve and authorize the Mayor to execute Change Order No. 126 for Project Specification No. PW03-19 with Security Paving Co., Inc. (A-7228) to decrease the amount by \$455,237 (a new total of \$35,835,331.75) for the Rice Avenue/Santa Clara Avenue interchange improvements at U.S. Highway 101.
Legislative Body: CC Contact: Ashley Golden Phone: 385-7868
2. **SUBJECT:** Planning and Zoning Permit No. 15-650-01 (Street Naming), Ogden Court. (155)
RECOMMENDATION: Adopt a Resolution Approving the Request to Name a Currently Unnamed Street "Ogden Court".
Legislative Body: CC Contact: Ashley Golden Phone: 385-7868

Finance Department

3. **SUBJECT:** Recommendations Regarding the Use of One-Time Successor Agency Loan Proceeds. (161)
RECOMMENDATION: Discuss and approve the recommended use of a portion of the one-time funds received from the Successor Agency "(Agency)" loan proceeds.
Legislative Body: CC Contact: Joseph Lillio Phone: 385-7475

M. REPORT OF CITY MANAGER

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.

1. **SUBJECT:** Close Out of the City Manager's \$500,000 Delegated Purchasing Authority Resulting from the Organizational Assessment. (163)
RECOMMENDATION: Accept the close out of the City Manager's \$500,000 delegated purchasing authority resulting from the Organizational Assessment and granted pursuant to Resolution No. 14,743.
Legislative Body: CC Contact: Greg Nyhoff Phone: 385-7430

N. CITY COUNCIL BUSINESS/COMMITTEE REPORTS**City Clerk Department**

1. **SUBJECT:** Appointment of Citizen Advisory Groups. (175)
RECOMMENDATION: That the Mayor, with approval of the City Council, 1) appoint: a) One member to the Cultural Arts Commission; b) One member to the Parks, Recreation & Community Services Commission and c) Two members to the Senior Services Commission; and. 2) That the City Council appoint: One member to the Community Relations Commission.
Legislative Body: CC Contact: Daniel Martinez Phone: 385-7803

O. PUBLIC COMMENTS ON REPORTS

At this time, a person may address the legislative body only on matters appearing on the reports. The presiding officer shall permit a person to address the legislative body after the staff presentation on the report and before the consideration of the report by the legislative body. The presiding officer shall limit public comments to three minutes.

P. PUBLIC COMMENTS ON STUDY SESSION

At this time, a person may address the legislative body only on matters appearing on the study session agenda. The presiding officer shall permit a person to address the legislative body after the staff presentation on the item and before the consideration of the item by the legislative body. The presiding officer shall limit public comments to three minutes.

Q. STUDY SESSION

C. CLOSED SESSION – Continued from Page 1

1. CONFERENCE WITH LEGAL COUNSEL – LABOR NEGOTIATIONS

CC Agency designated representatives: J. Tabin Cosio, Director of Human Resources; Jon Holtzman and Burke Dunphy, City's labor attorneys. Employee organizations: International Association of Firefighters, AFL-CIO (**IAFF**), Local No. 1684; Oxnard Peace Officers' Association (**OPOA**); Service Employees International Union CTW, CLC, Local 721 (**SEIU Local 721**); International Union of Operating Engineers AFL-CIO, Local No. 501 (**IUOE Local 501**); Oxnard Public Safety Management Employees' Association (**Police Unit**); Oxnard Public Safety Management Employees' Association (**Fire Unit**); and Oxnard Mid-Managers' Association (**OMMA**); **Unrepresented employees**: Assistant City Manager, Chief Financial Officer, City Clerk, City Treasurer, Deputy City Manager, Development Services Director, Fire Chief, Housing Director, Human Resources Director, Economic Development Director, I.T. Director, Library Director, Police Chief, Utilities Director (**Department Directors**); Assistant City Attorney, Assistant Director of Human Resources, Community Relations and Public Affairs Manager, Deputy City Attorney, Law Office Manager, Human Resources Manager, Workers' Compensation Manager, Management Analyst III (C) (**Confidential Mid-Managers**); Accountant II (C80), Accounting Technician (C67), Administrative Assistant (C70), Administrative Legal Assistant (C70), Administrative Legal Secretary I (C25), Administrative Legal Secretary II (C35), Administrative Legal Secretary III (C50), Administrative Secretary I (C15), Administrative Secretary II (C30), Administrative Secretary III (C40), Administrative Services Assistant (C70), Administrative Technician (C60), Employee Relations Coordinator (C67), Executive Assistant I (C80), Executive Assistant II (C85), Human Resources Technician (C70), Office Assistant I (C10), Office Assistant II (C20), Paralegal (C75), Safety Specialist (C72), Senior Administrative Legal Secretary (C65), Senior Administrative Secretary (C55), Senior Benefits Coordinator (C75), Senior Human Resources Coordinator (C75), Workers' Compensation Specialist (C69) (**Confidential Employees**); unrepresented Limited Benefit Employees.

The Human Resources Director requested that this item be discussed in closed session pursuant to Government Code section 54957.6. The purpose of the closed session is for the City Council to review the status of negotiations and to provide instructions to the City's negotiators regarding salaries, salary schedules and compensation paid in form of fringe benefits for employees represented by the employee organizations identified above and for employees unrepresented, and other matters within the scope of representation for represented employees.

2. PUBLIC EMPLOYEE APPOINTMENT.

CC Title: City Attorney

The City Manager requested that this item be discussed in closed session under the Brown Act exception pertaining to appointment of a public employee (Government Code section 54957).

R. ADJOURNMENT



**CITY COUNCIL
AGENDA REPORT**

TYPE OF ITEM: Info/Consent

AGENDA ITEM NO.: I-1

DATE: January 26, 2016

TO: City Council

FROM: Stephen M. Fischer, Interim City Attorney
City Attorney

A handwritten signature in black ink, appearing to be "S. Fischer", written over a horizontal line.

SUBJECT: Adoption of Ordinance Prohibiting Marijuana Activities

CONTACT: Stephen M. Fischer, Interim City Attorney
stephen.fischer@ci.oxnard.ca.us, 385-7483

RECOMMENDATION

That City Council adopt Ordinance No. 2898 imposing an express prohibition on marijuana cultivation, deliveries and dispensaries within the City.

BACKGROUND

Ordinance No. 2898 was introduced at the January 12, 2016 City Council meeting. At that time, State legislation (AB 21) had been introduced for the purpose of deleting the March 1, 2016 deadline set forth in Health and Safety Code section 11362.777 for local agencies to enact regulations regarding marijuana cultivation. As explained at the January 12 meeting, the League of California Cities has advised that the bill's outcome is not certain and it is prudent for city governments to adopt an ordinance in order to preserve local control. The proposed ordinance does not foreclose the City enacting a regulatory program in the future should the City Council choose to do so.

The City Attorney's Office has reached out to the regional city attorney community to organize a group discussion of options for regulation of medical marijuana. The regional law enforcement and city manager groups have also been discussing the issue. Staff will continue to seek opportunities to develop a consistent regional approach to medical marijuana regulation.

As of the submittal of this agenda report, AB 21 has not made it out of the Legislature. The League of California Cities continues to advise cities that have agendized a cultivation ordinance to move forward with such measures. Staff is recommending that Ordinance 2898 be adopted in order to retain local regulatory control should the March 1 deadline remain in State law.

FINANCIAL IMPACT

There is no fiscal impact at this time.

ATTACHMENTS

Attachment #1 - Ordinance No. 2898

ORDINANCE OF THE CITY OF OXNARD

ORDINANCE NO. 2898

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD ADDING
ARTICLE XVI TO CHAPTER 7 OF THE OXNARD CITY CODE RELATING TO
PROHIBITED MARIJUANA ACTIVITIES

WHEREAS, Congress passed the Federal Controlled Substances Act (CSA) in 1970, which prohibits the manufacture, cultivation, distribution and possession of marijuana and classifies it as a Schedule 1 drug meaning it has no accepted medical value in treatment; and

WHEREAS, California law generally makes it a crime to possess and cultivate marijuana under Health and Safety (H&S) Code Sections 11357 and 11358; and

WHEREAS, California voters approved Proposition 215 (Health and Safety Code Sections 11362.5 et seq.), entitled the Compassionate Use Act (CUA), in 1996, for which the intent was to ensure that seriously ill individuals have the right to obtain and use marijuana for medical purposes when recommended by a physician. The CUA also exempted patients and their primary caregivers from criminal prosecution or sanctions under H&S Code Sections 11357 and 11358; and

WHEREAS, the California Legislature passed Senate Bill 420 (H&S Code Sections 11362.7 et seq.) in 2003 to create the Medical Marijuana Program (MMPA), which established a voluntary program for the issuance of medical marijuana identification cards for qualified patients; set limits on the amount of marijuana any individual could possess; and provided an exemption from State criminal liability for persons "who associate within the State of California in order collectively or cooperatively to cultivate marijuana for medical purposes"; and

WHEREAS, on October 9, 2015, Governor Brown approved the Medical Marijuana Regulation and Safety Act (MMRSA), which took effect January 1, 2016, and establishes a comprehensive State licensing and regulatory framework for the cultivation, manufacture, transportation, storage, distribution, and sale of medical marijuana through Assembly Bills 243 and 266 and Senate Bill 643; and

WHEREAS, according to the provisions of the MMRSA, unless local agencies have an ordinance in place by March 1, 2016 that expressly regulates or prohibits the cultivation of marijuana within their jurisdictions, those activities will be permitted and regulated by the State under the MMRSA; and

WHEREAS, the City Council adopted Ordinance 2756 in 2007 providing that the sale, supply or provision of marijuana is not authorized within the City of Oxnard; and

WHEREAS, while Ordinance 2756 prohibits the sale and supply of marijuana, the MMRSA requires explicit prohibition language addressing cultivation and delivery in order for the City to retain local regulatory authority; and

WHEREAS, the City Council finds that commercial medical marijuana activities, as well as cultivation for personal medical use as allowed by the CUA and MMP can adversely affect the health, safety, and well-being of City residents. Citywide prohibition is proper and necessary to avoid the risks of criminal activity, degradation of the natural environment, malodorous smells and indoor electrical fire hazards that may result from such activities. Further, as recognized by the Attorney General's August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use, marijuana cultivation or other concentration of marijuana in any location or premises without adequate security increases the risk that surrounding homes or businesses may be negatively impacted by nuisance activity such as loitering or crime; and

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, in Kirby v County of Fresno (2015) the Court of Appeal affirmed the ability of local governments to prohibit the cultivation of marijuana; and

WHEREAS, Health and Safety Code section 11362.777(b)(3) provides that the Department of Food and Agriculture may not issue a State license to cultivate medical marijuana within a city that prohibits cultivation; and

WHEREAS, Business and Professions Code section 19340 provides that marijuana delivery may not occur within a city that explicitly prohibits it; and

WHEREAS, the City wishes to add Article XVI (Prohibited Marijuana Activities) to Chapter 7 ("Nuisances") of the Oxnard City Code to prohibit marijuana dispensaries, cultivation and delivery and any and all associated services, operational activities and businesses within the City of Oxnard.

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

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

"ARTICLE XVI. PROHIBITED MARIJUANA ACTIVITIES

SEC. 7.280. DEFINITIONS.

(A) MEDICAL MARIJUANA DISPENSARY or DISPENSARY - Any facility or location, whether fixed or mobile, where medical marijuana is made available to or distributed by or distributed to one (1) or more of the following: a primary caregiver, a qualified patient, or a patient with an identification card. All three of these terms are identified in strict accordance with California Health and Safety Code Section 11362.5 et. seq. A "medical marijuana

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 Chapter 1 of Division 2 of the Health and Safety Code, a healthcare facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code, a facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code, a residential care facility for persons with chronic life- threatening illnesses licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code, a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code, a residential hospice, or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code, 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.

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

(C) MARIJUANA DELIVERY - The commercial 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 marijuana, marijuana edibles, and/or any marijuana products to or from any location within the jurisdictional limits of the city, and any and all associated business and/or operational activities.

7.281. MEDICAL MARIJUANA DISPENSARIES PROHIBITED.

A medical marijuana dispensary as defined in section 7.280(A) is prohibited within the city.

7.282. CULTIVATION OF MARIJUANA PROHIBITED.

Marijuana cultivation by any person or entity, including clinics, collectives, cooperatives and dispensaries, is prohibited within the city.

7.283. DELIVERY OF MARIJUANA PROHIBITED.

Marijuana delivery by any person or entity, including clinics, collectives, cooperatives and dispensaries, is prohibited within the city.

7.284. 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.”

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

Part 5. The City Clerk shall certify as to the adoption of this ordinance and shall cause the summary thereof to be published within fifteen 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. Ordinance No. 2898 was first read on January 12, 2016, and finally adopted on _____, 2016, to become effective thirty days thereafter.

AYES:

NOES:

ABSENT:

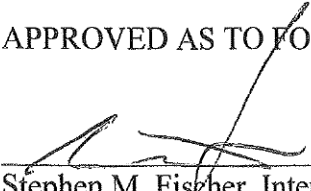
ABSTAIN:

Tim Flynn, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Stephen M. Fischer, Interim City Attorney



**CITY COUNCIL
AGENDA REPORT**

TYPE OF ITEM: Info/Consent

AGENDA ITEM NO.: I-2

DATE: January 26, 2016

TO: City Council

FROM: Greg Nyhoff, City Manager
Office of the City Manager

SUBJECT: Agreements for City Council Review

CONTACT: Greg Nyhoff, City Manager
greg.nyhoff@ci.oxnard.ca.us, 385-7430

RECOMMENDATION

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

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

Funding information is included on the attached list.

Attachment - #1 – List of Agreements/Contracts and/or Change Orders/Amendments

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.

City Manager Contract List for 01/26/2016

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

Financial Consulting Services

Vendor:
Type:
Agreement No.:
Amendment No.:
Purchase Order No.:
Begin Date:
End Date:
Term:

Management Partners, Inc.
 Original Agreement
 7357-16-CM
 N/A
 N/A
 01/27/2016
 06/30/2016
 6 months

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

\$175,000
 \$175,000
 \$175,000
 101 - General Fund
 Negotiated Contract
 N/A
 Joseph Lillio
 Finance - Administration
 385-7475
 joseph.lillio@ci.oxnard.ca.us

Purpose:

This contract will provide for on-call financial consulting services from Dave Millican and Bob Leland for the period of January - June 2016. Specifically, the Consultant will provide advice and recommendations regarding the following:

- implementing changes needed to address complex financial issues
- improving internal controls
- rate studies
- financial forecast implementation
- improving financial policies
- budget development

8

05 Auditing and accounting professional services.

Vendor:
Type:
Agreement No.:
Amendment No.:
Purchase Order No.:
Begin Date:
End Date:
Term:

Eadie & Payne, LLP
 Amendment
 A-7819
 1
 5697
 09/01/2015
 12/31/2017
 3 years

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

\$98,500
 \$204,225
 \$415,675
 General Fund, Contracts and Audit Services
 Request for Proposals (RFP)
 4
 Joseph Lillio
 Finance
 385-7475
 Joseph.Lillio@ci.oxnard.ca.us

Purpose:

On September 1, 2015, City Council approved a 3-year agreement with Eadie & Payne, LLP in an amount not to exceed \$317,175 for audit and related accounting services. The City issued a Request for Proposal in June 2015 for professional auditing and accounting services. The City received four proposals and based upon staff review Eadie & Payne, LLP was selected as the firm best meeting the needs of the City.

Due to additional auditing and accounting services related to the FY 2014-15 audit the First Amendment will increase the cost of the agreement by \$98,500 for a total amount not to exceed \$415,675.

ATTACHMENT
 PAGE 1 OF 1

ORDINANCE NO. 2899

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD
APPROVING FIRST AMENDMENT TO DEVELOPMENT AGREEMENT
NO. A-7121 FILED BY DEVCO OXNARD VINEYARD AVENUE, LLC (LOS
ANGELES, CALIFORNIA).

WHEREAS, the City Council of the City of Oxnard ("City") has considered an application for approval of the First Amendment to Development Agreement ("Amendment") submitted by Devco Oxnard Vineyard Avenue, LLC, formerly known as Casden Oxnard Vineyard Avenue, LLC ("Devco"); and

WHEREAS, Devco, Casden Oxnard LLC, and the City entered into that certain Development Agreement dated as of January 27, 2009 (No. A-7121) and recorded as Document No. 2090326-0004781-0 in the Official Records of the County of Ventura on March 26, 2009 (the "2009 Development Agreement") concerning, among other properties, the real property comprised of 18.97 acres and more particularly described in Exhibit A hereto (the "Devco Site"); and

WHEREAS, in January 2009 when it approved the 2009 Development Agreement, the City Council approved the following entitlements for the development of a residential project on the Devco Site: amendments to the City's 2020 General Plan, amendments to the Northwest Community Specific Plan, special use permits, zone changes, tentative tract maps and the 2009 Development Agreement. (Those approvals are referenced as the "Existing Approvals" in the 2009 Development Agreement.); and

WHEREAS, the City certified a final environmental impact report, State Clearinghouse No. 2007071087 on January 13, 2009 pursuant to the California Environmental Quality Act ("CEQA") in connection with the Existing Approvals; and

WHEREAS, the Existing Approvals included approval of a tentative map for the Devco Site, which map is designated as Tentative Map No. 5672. Tentative Map No. 5672 authorized development of residential units on the Devco Site. Devco has submitted to the City for approval a final tract map consistent with Tentative Map No. 5672 for the development of 152 residential units (the "Project"). Previously, on or about February 26, 2015, the City approved Minor Modification No. 14-140-08 to Special Use Permit No. PZ 06-540-01 and Tentative Map No. 5672 for the Project to slightly modify lot configuration, grading and drainage, sewer and water line configuration, and offsite public improvements; and

WHEREAS, the documents and other material that constitute the record of proceedings upon which the decision to approve the Amendment is based is located in the Planning Division, and the custodian of the record is the Planning Manager; and

WHEREAS, the City Council finds that the content of the Amendment is consistent with the City's 2030 General Plan, City Council Resolution 8139 (Development Agreement Resolution), California Government Code Section 65864 et seq. (Development Agreement Statute) and the Oxnard City Code; and

WHEREAS, the City Council finds that Devco agrees with the necessity of and accepts all elements, requirements, and conditions of this permit as being reasonable manner of preserving, protecting, providing for, and fostering the health, safety and welfare of the consistency in general and the persons who will visit or live in the Project.

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

Part 1. The First Amendment to Development Agreement No. A-7121 between City and Devco, a copy of which is on file with the City Clerk, is hereby adopted.

Part 2. The Mayor is hereby authorized on behalf of the City to execute the Amendment between the City and Devco.

Part 3. Within 15 days after passage, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation within the City. Ordinance No. 2899 was first read on January 12, 2016 and finally adopted on _____, 2016 to become effective thirty days thereafter.

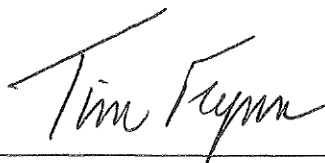
PASSED AND ADOPTED this ____ day of _____, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

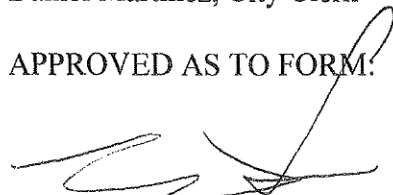


Tim Flynn, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Stephen M. Fischer, Interim City Attorney



**CITY COUNCIL
AGENDA REPORT**

TYPE OF ITEM: Info/Consent

AGENDA ITEM NO.: I-4

DATE: January 26, 2016

TO: City Council

THROUGH: Greg Nyhoff, City Manager
Office of the City Manager

FROM: Ashley Golden, Development Services Director

SUBJECT: First Amendment to Agreement No. 6487-14-DS with Planning & Energy/Entitlement Services

CONTACT: Dan O'Friel, Development Services
dan.ofriel@ci.oxnard.ca.us, 385-7868

RECOMMENDATION

That City Council approve the first amendment to the agreement with Planning & Energy/Entitlement Services (P&ES) in the amount of \$240,000 for on-call permit processing and planning services (Agreement No. 6487-14-DS), which increases the total cost of the agreement to \$480,000 over four years.

BACKGROUND

The City issued a Request for Qualifications in November 2013 for on-call permit processing and planning services and four firms responded. The City entered agreements with two of the firms, Rincon Consultants and Planning & Energy/Entitlement Services (P&ES). Agreement No. 6487-14-DS with P&ES was approved by City Council on March 18, 2014 in the amount of \$240,000 over a two year period, with two 1-year extension options. P&ES was selected based on their breadth of knowledge of planning issues, energy management ability, and knowledge of ongoing City projects. This first amendment will increase the cost of the agreement by \$240,000 and extend the term by two years, for a total on-call contract amount of \$480,000 over four years.

Among other tasks, P&ES currently manages the Wagon Wheel Specific Plan buildout, Daly/Dansk Senior and Apartment project, Teal Club EIR, Avalon Homes (Harbor Blvd. and Fifth Street), Westerlies (Victoria and Hemlock), Devco (Vineyard/Ventura site), and Gold Coast Transit Bus Yard project (Paseo Mercado and Auto Center Drive). P&ES also manages the Southern California Energy (SCE) funded energy programs including the implementation of the

utility manager software system and the expedited energy efficiency self-permitting pilot program. These energy projects, as well as existing and anticipated planning projects, require extensive coordination, project management, and energy facilities expertise that often extends beyond a given fiscal year, and beyond the capabilities of existing staff.

Currently, the Planning Division is operating without a Planning Manager and Principal Planner. Typically, the use of consultants is on an as needed basis, but at this time contract services are necessary to maintain the department's current level of services. If this amendment is approved, it is anticipated that P&ES will continue to work on the projects listed above, as well as manage the Local Coastal Plan Update and Housing Element until the Principal Planner position is filled.

FINANCIAL IMPACT

There are sufficient funds appropriated in the FY 15-16 budget to cover anticipated expenditures through June 30, 2016. The anticipated expenditures for the FY 16-17 budget will be requested as part of the budget process. Over the past two years, costs for the original agreement totaling \$240,000 were paid for using approximately 35% planning fees, 22% grant funds, 28% developer deposits, and 15% general fund.

ATTACHMENTS

Attachment 1 - First Amendment to Agreement No. 6487-14-DS

FIRST AMENDMENT TO AGREEMENT FOR CONSULTING SERVICES

This First Amendment ("First Amendment") to the Agreement for Consulting Services ("Agreement") is made and entered into in the County of Ventura, State of California, this 5th day of January, 2016, by and between the City of Oxnard, a municipal corporation ("City"), and Planning & Energy/Entitlement Services ("Consultant"). This First Amendment amends the Agreement entered into on January 29, 2014, by City and Consultant.

City and Consultant agree as follows:

1. In section 11 of the Agreement, Term of Agreement, the date "March 1, 2016" is replaced by the date "March 1, 2018".
2. In subsection a of Section 13 of the Agreement, the figure "240,000.00" is deleted and replaced by the figure "480,000.00".
3. As so amended, the Agreement remains in full force and effect.

CITY OF OXNARD:

Tim Flynn, Mayor

CONSULTANT:

Kathleen Mallory, Principal

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:

Stephen M. Fischer, Interim City Attorney

APPROVED AS TO INSURANCE:

Joseph Lillio, Risk Manager

APPROVED AS TO CONTENT:

Ashley Golden, Development Services
Director

APPROVED AS TO AMOUNT:

Greg Nyhof, City Manager



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
12/8/2015

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Tolman & Wiker Insurance Services LLC #0E52073 196 S. Fir Street PO Box 1388 Ventura CA 93002-1388		CONTACT NAME: Nikki Raunsbak, CISR PHONE (A/C No. Ext.): (805) 585-6172 FAX (A/C No.): (805) 585-6272 E-MAIL ADDRESS: nraunsbak@tolmanandwiker.com	
INSURED Planning & Energy / Entitlement Services Po Box 19204 Newbury Park CA 91320		INSURER(S) AFFORDING COVERAGE INSURER A: Travelers Indemnity Co of CT INSURER B: Hiscox Ins Co INSURER C: INSURER D: INSURER E: INSURER F:	
		NAIC # 25682 AH 10200 A	

COVERAGES

CERTIFICATE NUMBER: GL/PROF/AUTO 15/16

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	GENERAL LIABILITY			680-9F18503A	6/16/2015	6/16/2016	EACH OCCURRENCE	\$ 1,000,000
	☒ COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 300,000
	☐ CLAIMS-MADE ☒ OCCUR						MED EXP (Any one person)	\$ 5,000
							PERSONAL & ADV INJURY	\$ 1,000,000
							GENERAL AGGREGATE	\$ 2,000,000
							PRODUCTS - COMP/OP AGG	\$ 2,000,000
								\$
		GEN'L AGGREGATE LIMIT APPLIES PER:						
☒ POLICY ☐ PROJECT ☐ LOC								
A	AUTOMOBILE LIABILITY			680-9F18503A	6/16/2015	6/16/2016	COMBINED SINGLE LIMIT (Ea accident)	\$ 1,000,000
	☐ ANY AUTO						BODILY INJURY (Per person)	\$
	☐ ALL OWNED AUTOS	☐ SCHEDULED AUTOS					BODILY INJURY (Per accident)	\$
	☒ HIRED AUTOS	☒ NON-OWNED AUTOS					PROPERTY DAMAGE (Per accident)	\$
								\$
								\$
	UMBRELLA LIAB						EACH OCCURRENCE	\$
	EXCESS LIAB						AGGREGATE	\$
	DED							\$
	RETENTION \$							\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						WC STATUTORY LIMITS	OTH-ER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	☐ Y/N	N/A				E.L. EACH ACCIDENT	\$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	\$
							E.L. DISEASE - POLICY LIMIT	\$
B	Professional Liability			MPL1488130.15	2/18/2015	2/18/2016		\$1,000,000
							Deductible \$5,000	

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

GL: Certificate Holder and its City Council, officers, employees and volunteers and officials, are named as Additional Insureds as respects to operations of our insured, per form #CGD381 0907.

GL: This Insurance is Primary & Non-Contributory to any other Insurance per form #CGD381 0907.

Endorsements only when required by written contract.

CERTIFICATE HOLDER**CANCELLATION**

City of Oxnard
Risk Manager
Ref #6487-14-DS
300 West Third St Suite 302
Oxnard, CA 93030

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

N Raunsbak, CISR/NIKK

ACORD 25 (2010/05)

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ATTACHMENT

PAGE 2 OF 5

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

BLANKET ADDITIONAL INSURED (ARCHITECTS, ENGINEERS AND SURVEYORS)

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

A. The following is added to WHO IS AN INSURED (Section II):

Any person or organization that you agree in a "contract or agreement requiring insurance" to include as an additional insured on this Coverage Part, but only with respect to liability for "bodily injury", "property damage" or "personal injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:

- a. In the performance of your ongoing operations;
- b. In connection with premises owned by or rented to you; or
- c. In connection with "your work" and included within the "products-completed operations hazard".

Such person or organization does not qualify as an additional insured for "bodily injury", "property damage" or "personal injury" for which that person or organization has assumed liability in a contract or agreement.

The insurance provided to such additional insured is limited as follows:

- d. This insurance does not apply on any basis to any person or organization for which coverage as an additional insured specifically is added by another endorsement to this Coverage Part.
- e. This insurance does not apply to the rendering of or failure to render any "professional services".
- f. The limits of insurance afforded to the additional insured shall be the limits which you agreed in that "contract or agreement requiring insurance" to provide for that additional insured, or the limits shown in the Declarations for this Coverage Part, whichever are less. This endorsement does not increase the limits of insurance stated in the LIMITS OF

INSURANCE (Section III) for this Coverage Part.

B. The following is added to Paragraph a. of 4. Other Insurance in COMMERCIAL GENERAL LIABILITY CONDITIONS (Section IV):

However, if you specifically agree in a "contract or agreement requiring insurance" that the insurance provided to an additional insured under this Coverage Part must apply on a primary basis, or a primary and non-contributory basis, this insurance is primary to other insurance that is available to such additional insured which covers such additional insured as a named insured, and we will not share with the other insurance, provided that:

- (1) The "bodily injury" or "property damage" for which coverage is sought occurs; and
- (2) The "personal injury" for which coverage is sought arises out of an offense committed;

after you have entered into that "contract or agreement requiring insurance". But this insurance still is excess over valid and collectible other insurance, whether primary, excess, contingent or on any other basis, that is available to the insured when the insured is an additional insured under any other insurance.

C. The following is added to Paragraph 8. Transfer Of Rights Of Recovery Against Others To Us in COMMERCIAL GENERAL LIABILITY CONDITIONS (Section IV):

We waive any rights of recovery we may have against any person or organization because of payments we make for "bodily injury", "property damage" or "personal injury" arising out of "your work" performed by you, or on your behalf, under a "contract or agreement requiring insurance" with that person or organization. We waive these rights only where you have agreed to do so as part of the "contract or agreement requiring insurance" with such person or organization entered into by you before, and in effect when, the "bodily

COMMERCIAL GENERAL LIABILITY

injury" or "property damage" occurs, or the "personal injury" offense is committed.

D. The following definition is added to DEFINITIONS (Section V):

"Contract or agreement requiring insurance" means that part of any contract or agreement under which you are required to include a person or organization as an additional insured on this Cov-

erage Part, provided that the "bodily injury" and "property damage" occurs, and the "personal injury" is caused by an offense committed:

- a. After you have entered into that contract or agreement;
- b. While that part of the contract or agreement is in effect; and
- c. Before the end of the policy period.

**M
E
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O**

DATE: December 8, 2015
TO: Sabrina Rodriguez
FROM: Kathleen Mallory, AICP, Project Planner

Kathleen M. Mallory

SUBJECT: Worker's Compensation for 2015-2017 Contract

Recently, the City requested that I provide evidence of Worker's Compensation. I do not have any employees and therefore, Worker's Compensation should not be required for my contract.

Feel free to contact me at (805) 512-9800 if you would like to discuss this memo further.



**CITY COUNCIL
AGENDA REPORT**

TYPE OF ITEM: Info/Consent

AGENDA ITEM NO.: I-5

DATE: January 26, 2016

TO: City Council

THROUGH: Greg Nyhoff, City Manager
Office of the City Manager

FROM: Jeri Williams, Police Chief

SUBJECT: Memorandum of Agreement with the Oxnard Community K-9 Foundation, and
Acceptance of Equipment in the Amount of \$109,280.00

CONTACT: Kevin Baysinger, Police Department
Kevin.Baysinger@oxnardpd.org,

RECOMMENDATION

That City Council adopt a resolution accepting a donation of three (3) Chevrolet Tahoe sport utility vehicles to the City of Oxnard, for use by the Oxnard Police Department's K-9 Unit, and authorizing the Mayor to execute a Memorandum of Agreement (MOA) with the Oxnard Community K-9 Foundation relating to the City's use of the same.

BACKGROUND

The Oxnard Community K-9 Foundation (Donor) offered to assist the City of Oxnard and the Oxnard Police Department in addressing the recent fiscal challenges of replacing police vehicles. Donor, a non-profit organization, recently secured a grant for the expressed purpose of purchasing three vehicles for use by the Oxnard Police Department's K-9 Unit.

The Donor's purchase of \$109,280.00 was used to acquire three (3) Chevrolet Tahoe sport utility vehicles. The Donor has taken delivery of these vehicles, and currently owns them. Donor intends to provide these vehicles to the Oxnard Police Department, and has requested the City of Oxnard enter into a Memorandum of Agreement (MOA) with the Donor, for the purpose of memorializing their transfer to the Oxnard Police Department's police vehicle fleet.

Under the provisions of the MOA, the three vehicles would be transferred to the Oxnard Police Department's possession, and added to the police vehicle fleet. Per the MOA, the City of

Memorandum of Agreement with the Oxnard Community K-9 Foundation, and Acceptance of
Equipment in the Amount of \$109,280.00

January 26, 2016

Page 2

Oxnard and the Oxnard Police Department would accept the equipment and all responsibilities related to such ownership, and indemnify the Donor. The vehicles shall be specifically assigned to the Police Department's K-9 Unit, and used for deploying K-9 officers. Once the vehicles are determined to no longer be suitable for such service, the ownership of the equipment and responsibility for them shall revert back to the Donor.

The Chevrolet Tahoe is a suitable platform for police patrol functions, and is used by other Ventura County law enforcement agencies, such as the Ventura Police Department and Ventura County Sheriff's Office. The latter agency uses them to field K-9 deputies.

The addition of the three Chevy Tahoes will provide relief to the current inventory of patrol vehicles, as the Ford Crown Victoria vehicles currently being used by the Oxnard Police Department K-9 Unit would be reallocated for conventional patrol services.

FINANCIAL IMPACT

This Agreement does not impact nor require contribution from the General Fund.

ATTACHMENTS

Attachment No. 1 - Resolution

Attachment No. 2 - MOA

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD ACCEPTING A DONATION OF THREE (3) CHEVROLET TAHOES AND AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF AGREEMENT RELATING TO THE CITY'S USE OF THE SAME

WHEREAS, the Oxnard Community K9 Foundation ("Foundation") has applied for and was awarded a grant for the purchase of three (3) Chevrolet Tahoe vehicles in the amount of \$109,280; and

WHEREAS, the Foundation wishes to donate the vehicles to the City of Oxnard for the benefit of, and for the sole use by the Oxnard Police Department K9 Unit; and

WHEREAS, the City of Oxnard desires to accept ownership of the vehicles and all responsibilities and liabilities related to such ownership.

NOW, THEREFORE, the City Council of the City of Oxnard resolves to accept the vehicles from the Foundation valued at \$109,280 and authorizes the Mayor to execute a Memorandum of Agreement with the Foundation relating to the City's use of the vehicles.

PASSED AND ADOPTED THIS 26th day of January, 2016, by the following vote:

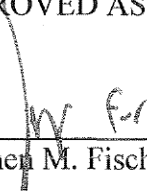
AYES:
NOES:
ABSENT:
ABSTAIN
:

Tim Flynn, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Stephen M. Fischer, Interim City Attorney

ATTACHMENT 1
PAGE 1 OF 1

MEMORANDUM OF AGREEMENT FOR THE RECEIPT AND USE OF DONATED EQUIPMENT

THIS MEMORANDUM OF AGREEMENT FOR THE RECEIPT AND USE OF DONATED EQUIPMENT ("Agreement") by and between the City of Oxnard, a California municipal corporation (referred to herein as "City") and the Oxnard Community K9 Foundation, a California non-profit corporation (referred to herein as "Donor") is made and entered into as of _____ 2016. City and Donor are sometimes individually referred to as "Party" and collectively as "Parties."

RECITALS

- A. WHEREAS, Donor has applied for and has received a grant for the purchase of certain Equipment (defined below); and
- B. WHEREAS, the Equipment was purchase for the price of \$109,280.00; and
- C. WHEREAS, Donor has purchased the Equipment and wishes to donate the Equipment to the City for the benefit of, and for the sole use by the Oxnard Police Department K9 Unit (referred to herein as "OPD K9 Unit").
- D. WHEREAS, City desires to accept ownership of the Equipment for the benefit of and sole use by the OPD K9 Unit, along with all responsibilities and liabilities related to such ownership, and subject to the terms and conditions of this Agreement.

NOW, THEREFORE, in consideration of the mutual promises contained herein, the parties agree as follows:

1. **Equipment.** Subject to the terms and conditions of this Agreement, Donor transfers all right, title and ownership of the equipment described in the attached Exhibit A (referred to herein as "Equipment"), which is incorporated herein by this reference, to City. Title to the Equipment will vest in City and promptly upon execution of this Agreement by the Parties, Donor shall take all steps and provide any and all documentation necessary to record the transfer of title in the Equipment from Donor to City.

2. **Use of Equipment.** Donor intends that the Equipment is being donated for the benefit of and for the sole use by the OPD K9 Unit, and no other departments of City or the Oxnard Police Department. City acknowledges and agrees that the Equipment shall only be used by the OPD K9 Unit. City further agrees that upon retirement of the Equipment, or at such time as the Equipment is no longer needed or the Equipment is no longer being utilized by the OPD K9 Unit, ownership of the Equipment shall revert back to Donor, and City shall execute all necessary documents required to

ATTACHMENT 2
PAGE 1 OF 6

transfer ownership of the Equipment back to Donor. City shall comply with all local, state and federal laws relating to the use, insurance, and maintenance of the Equipment while it is in use by the City.

3. **No Payment.** Donor and City agree that each party's performance of this Agreement constitutes full consideration and that City is not obligated to pay for the Equipment.

4. **"Outfitting" Equipment.** City shall, at its sole cost and expense, be responsible for all work and costs associated with "outfitting" the Equipment with radios, lights, sirens, and the like and all other necessary accessories so the Equipment can be utilized as Oxnard Police Department vehicles by the OPD K9 Unit.

5. **Maintenance.** City, at its sole cost and expense, shall be responsible for all necessary and required maintenance and repair of the Equipment.

6. **Transportation of Equipment.** Donor shall be responsible for transporting the Equipment to the Oxnard Police Department following execution of this Agreement.

7. **No Warranty.** City agrees and acknowledges that the Equipment is sold, conveyed, donated, or otherwise transferred "AS IS" without any warranties of any kind, either express or implied, in fact or in law, including but not limited to, the implied warranties of merchantability and fitness for a particular purpose. Donor shall not be liable for any damages caused by City's receipt and/or use of the Equipment, including but not limited to, special, incidental, exemplary, indirect or consequential damages or for loss of profits, revenues or data, even if Donor has been advised of the possibility of such damages.

8. **Release of Liability.** By executing this Agreement, City expressly waives, exempts, releases and discharges Donor, its directors, officers and employees, to the fullest extent allowed by law, from any and all claims, demands and actions for injury, loss or damage, arising out of or in any way connected to City's receipt and/or use of the Equipment, whether or not caused by any act, omission, negligence, or other fault of Donor, its directors, officers and employees, or by any other cause.

9. **Successors and Assigns.** All the covenants and provisions of this Agreement shall be binding upon and inure to the benefit of successors, legal representatives and assigns of Donor and City to the same extent and effect as the same are binding upon and inure to the benefit of the parties hereto.

10. **Assignment.** City shall not assign or transfer (whether voluntary or involuntary) this Agreement in whole or in part, or permit any other person or entity to use the rights or privileges hereby conveyed, without the prior written consent of Donor, which may not be unreasonably withheld. Any attempted act in violation of this Section shall be void and without effect and give Donor the right to immediately terminate this Agreement.

11. **Amendments and Modification.** This Agreement may be amended, modified or supplemented only by a written agreement signed by all of the parties hereto.

12. **Governing Law.** This Agreement shall be governed by the laws of the State of California.

13. **Venue.** Any legal action brought under this Agreement shall be instituted in the Superior Court of Ventura County, State of California, in an appropriate court in that county, or in the Federal District Court in the Central District of California.

14. **Attorneys' Fees.** In the event of a dispute between the parties with respect to the terms and conditions of this Agreement, the prevailing party shall be entitled to collect from the other its reasonable attorneys' fees as established by the judge or arbitrator presiding over such dispute.

15. **Severability.** If any term, covenant, condition or provision of this Agreement, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the terms, covenants, conditions, or provisions of this Agreement, or the application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated thereby.

16. **Counterparts.** This Agreement may be executed in separate counterparts, each of which shall be deemed an original and all of which, when taken together, shall constitute one and the same agreement.

17. **Authority to Enter Agreement.** Each of the persons executing this Agreement on behalf of a party hereto warrants that: (i) such party is duly organized and existing; (ii) the signer is duly authorized to execute and deliver the Agreement on behalf of said party; (iii) by so executing this Agreement, such party is formally bound; and (iv) there is no litigation or legal proceeding that would prevent said party from entering into this Agreement.

ATTACHMENT 2
PAGE 3 OF 6

18. **Effective Date.** This Agreement shall take effect on the date first written above, or immediately upon execution by all parties and any necessary approval by the City Council.

19. **Entire Agreement.** This Agreement and the exhibits referenced or attached hereto constitute the entire agreement between the parties with respect to the subject matter hereof and shall supersede all prior agreements, understandings and negotiations, both written and oral, between the parties with respect to the subject matter hereof. This Agreement is not intended to confer upon any person other than the parties hereto any rights and remedies hereunder.

ALL SIGNATURES ON THE NEXT PAGE

ATTACHMENT 2
PAGE 4 OF 6

MEMORANDUM OF AGREEMENT FOR USE OF DONATED EQUIPMENT

CITY OF OXNARD

OXNARD COMMUNITY K9 FOUNDATION

Tim Flynn, Mayor

Daniel Casson, President

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM

Stephen M. Fischer, Deputy City Attorney
Interim

APPROVED AS TO INSURANCE

N/A
Joseph Lillio, Risk Manager

APPROVED AS TO CONTENT

Jeri Williams, Police Chief

ATTACHMENT 2
PAGE 5 OF 6

EXHIBIT A

DESCRIPTION OF DONATED EQUIPMENT

Three (3) Chevrolet Tahoe vehicles, with the following Vehicle Identification Numbers:

- 1GNLC2EC0FR716749
- 1GNLC2EC8FR670829
- 1GNLC2EC3FR713540

ATTACHMENT 2
PAGE 6 OF 6

CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO. 2900ORDINANCE ESTABLISHING FEES AND CHARGES FOR THE USE OF
AND FOR SERVICES RELATING TO CITY WATER SERVICES

WHEREAS, Section 22-60 of the Oxnard City Code requires that the City Council establish by ordinance the rates charged for all water supplied by the City; and

WHEREAS, Section 22-60 of the Oxnard City Code provides that the rates charged for water supplied by the City shall be increased by the same percentage that the rates paid by the City to its water supply wholesalers increase; and

WHEREAS, the Water Resources Division – Water Section operates as a self-supporting enterprise fund (Water Fund) that depends upon revenues derived from the sale of water to City customers; and

WHEREAS, on the 18th of September, 2012, the City Council adopted City ordinance 2859, establishing the current rates and charges applicable to City water customers; and

WHEREAS, the City's Public Works Department completed a Cost of Services Study, dated September 2015 (Rate Study). The Rate Study assesses the Water Enterprise operation, maintenance, repair, replacement, and capital improvement program budgets and requirements, which collectively are incorporated into the recommended rates provided in this ordinance, so that the proportional cost of providing water service to the City's various customer classes are allocated consistently with all applicable legal requirements. The Rate Study and all the studies, plans and documents relied upon and incorporated in the Rate Study provide the basis for the rates and charges set forth herein; and

WHEREAS, the Rate Study and this ordinance reflect updated supplemental fees and charges for certain special services available upon request throughout the City; and

WHEREAS, this ordinance includes provision for the automatic adjustment of rates based on inflation, changes in certain third-party costs and mandatory water shortage conditions. The proposed rates displayed as effective beginning March 1, 2016, show the authorized rates applicable March 1, 2016. However, the actual rates effective March 1, 2016 may vary based on the implementation of any automatic rate adjustments as may be authorized as provided in Ordinance 2859, prior to the effective date of this ordinance; and

WHEREAS, Public Resources Code Section 21080(b)(8) and Section 15273 of the California Environmental Quality Act (CEQA) Guidelines provide that CEQA does not apply to the modification of public agency rates and other charges which the public agency finds are intended for certain purposes.

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

1. The adoption of this ordinance is exempt from the California Environmental Quality Act because the fees adopted herein are for the following purposes:
 - a. Meeting operating expenses, including the increased cost of water supplies, treatment chemicals, electricity costs, debt service, and Water Division employee wages and fringe benefits; and
 - b. Purchasing and leasing supplies, equipment, and materials associated with the provision of water service; and
 - c. Meeting financial reserve needs and requirements; and
 - d. Obtaining funds for capital projects necessary to maintain water service within the City service area, including cast iron pipe replacement, water quality treatment upgrades, fire hydrant upgrades, hydraulic improvements to the existing system, control system improvements, and groundwater well rehabilitation.
2. The basis for the foregoing claim of exemption is found in the Rate Study.

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

Part 1. Section 22-61 of the Oxnard City Code is amended to read as follows:

SEC. 22-61. FEES AND CHARGES.

The following fees and methods for charging and collecting for services relating to the water system of the city are established and effective during the dates indicated, as follows:

I. Monthly Water Use Rates

A. Monthly Rates for Single Family Residential Water Use, including Ocean View Residential:

Tier	Usage in HCF	Effective March 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019	Effective January 1, 2020
1	0 to 9	\$3.87	\$3.91	\$4.11	\$4.41	\$4.77
2	> 9 to 15	\$4.57	\$4.61	\$4.85	\$5.21	\$5.63
3	> 15	\$6.12	\$6.18	\$6.51	\$6.98	\$7.55

B. Monthly Rates for Multi-Family Residential Water Use

Tier	Usage in HCF	Effective March 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019	Effective January 1, 2020
1	0 to 8 per DU*	\$3.90	\$3.94	\$4.14	\$4.44	\$4.81
2	> 8 to 12 per DU	\$4.32	\$4.35	\$4.58	\$4.91	\$5.32
3	> 12 per DU	\$4.97	\$5.01	\$5.28	\$5.66	\$6.12

*Tiers for Multi-family/Multi-unit Residential water rates are variable and are determined by multiplying each tier allotment by the number of dwelling units (DUs).

C. Monthly Rates for Commercial/Institutional/Industrial/Fireline/Landscape Irrigation Water Use, including Ocean View Commercial/Industrial/Institutional

Tier	Usage in HCF	Effective March 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019	Effective January 1, 2020
1	0 to 100	\$3.72	\$3.75	\$3.95	\$4.23	\$4.58
2	> 100	\$4.33	\$4.37	\$4.60	\$4.93	\$5.34

D. Monthly Rates for Metered Construction Water Use

Tier	Usage in HCF	Effective March 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019	Effective January 1, 2020
1	0 to 100	\$3.72	\$3.75	\$3.95	\$4.23	\$4.58
2	> 100	\$4.33	\$4.37	\$4.60	\$4.93	\$5.34

E. Monthly Rates for Irrigation Water Use

Tier	Usage in HCF	Effective March 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019	Effective January 1, 2020
1	0 to 50	\$4.06	\$4.10	\$4.31	\$4.62	\$5.00
2	> 50	\$4.29	\$4.33	\$4.55	\$4.88	\$5.28

F. Monthly Rates for Oceanview Agricultural Irrigation Water Use

	Effective March 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019	Effective January 1, 2020
Uniform Volumetric Rate per HCF	\$1.49	\$1.57	\$1.62	\$1.67	\$1.74

G. Recycled Water for Industrial/Irrigation in Lieu of Potable Water

Tier	Usage in HCF	Effective March 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019	Effective January 1, 2020
1	0 to 50	\$3.46	\$3.49	\$3.67	\$3.93	\$4.25
2	> 50	\$3.65	\$3.69	\$3.87	\$4.15	\$4.49

II. Monthly Meter Rates

In addition to monthly rates for water use (per HCF) as set forth in subsection I, all accounts shall pay one of the following monthly meter rates, based on service connection or meter size, and the associated customer class or use:

A. Single Family Residential, Multi-Family Residential,
Ocean View Commercial/Institutional/Industrial, and Metered Construction

Meter Size	Effective March 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019	Effective January 1, 2020
3/4"	\$16.08	\$18.49	\$23.09	\$25.77	\$27.64
1"	\$24.25	\$27.89	\$34.82	\$38.87	\$41.69
1 1/2"	\$44.49	\$51.17	\$63.90	\$71.32	\$76.50
2"	\$68.89	\$79.23	\$98.92	\$110.41	\$118.44
3"	\$125.84	\$144.73	\$180.72	\$201.70	\$216.37
4"	\$207.19	\$238.30	\$297.54	\$332.09	\$356.23
6"	\$451.10	\$518.84	\$647.82	\$723.05	\$775.62
8"	\$735.63	\$846.09	\$1,056.43	\$1,179.11	\$1,264.83
10"	\$1,142.12	\$1,313.61	\$1,640.18	\$1,830.66	\$1,963.74

B. Commercial/Institutional/Industrial/Landscape Irrigation and Oceanview Agricultural

Meter Size	Effective March 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019	Effective January 1, 2020
3/4"	\$14.16	\$17.97	\$23.94	\$27.30	\$27.64
1"	\$21.36	\$27.10	\$36.10	\$41.18	\$41.69
1 1/2"	\$39.19	\$49.73	\$66.25	\$75.56	\$76.50
2"	\$60.68	\$77.00	\$102.57	\$116.99	\$118.44
3"	\$110.85	\$140.66	\$187.37	\$213.71	\$216.37
4"	\$182.51	\$231.58	\$308.49	\$351.87	\$356.23
6"	\$397.37	\$504.22	\$671.68	\$766.12	\$775.62
8"	\$648.00	\$822.26	\$1,095.33	\$1,249.34	\$1,264.83
10"	\$1,006.07	\$1,276.61	\$1,700.58	\$1,939.68	\$1,963.74

III. Special Water Services: Each customer shall pay the following fees, according to the service received.

A. Flat Rates: Effective March 1, 2016

Where meters are not installed, water services shall be paid for each dwelling facility, business activity, construction site, or service, whether or not such facility, activity, site or service is at the same location, at a monthly rate which shall be determined by the public works director subject to the approval of the city manager. Any unmetered service shall be temporary and limited to the shortest duration practical.

B. Fire Services

In addition to the monthly rate for water service (per HCF) set forth in subsection 1, and the monthly meter rates set forth in subsection 2, those accounts with separate, private fire lines used exclusively for fire protection, whether such lines are attached to automatic sprinkler systems, fire hydrants or hose attachments, shall pay monthly meter rates, based on meter or connection size:

Meter Size	Effective March 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019	Effective January 1, 2020
3/4"	\$2.06	\$2.31	\$2.50	\$2.70	\$2.92
1"	\$3.56	\$3.99	\$4.31	\$4.66	\$5.04
1 1/2"	\$6.81	\$7.63	\$8.25	\$8.91	\$9.63
2"	\$10.94	\$12.26	\$13.25	\$14.31	\$15.46
3"	\$24.13	\$27.03	\$29.20	\$31.54	\$34.07
4"	\$41.23	\$46.18	\$49.88	\$53.88	\$58.20
6"	\$86.00	\$96.32	\$104.03	\$112.36	\$121.35
8"	\$123.72	\$138.57	\$149.66	\$161.64	\$174.58
10"	\$199.43	\$223.37	\$241.24	\$260.54	\$281.39

C. Unmetered Sites (Temporary Jumper)

In new subdivisions and other projects where meters are not installed immediately, water use shall be paid for at rate determined as set forth in subsection III (A). In addition to those monthly rates for water use, a monthly charge based on the size of the service connection shall be imposed as follows:

Meter Size	Effective March 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019	Effective January 1, 2020
3/4"	\$33.98	\$36.54	\$42.10	\$46.12	\$49.68
1"	\$61.89	\$65.83	\$74.79	\$81.67	\$88.03
1 1/2"	\$156.09	\$163.67	\$182.40	\$198.22	\$213.90
2"	\$254.89	\$266.73	\$296.42	\$321.91	\$347.44

D. Service to City

1. The city shall pay for all installation services furnished to the city at the rates established by this section. However, the water division shall be exempt from paying for installation service.
2. The city shall pay for all water furnished to the city at the rates established by this section. However, the water division and the fire department shall be exempt from paying for water provided to them.
3. Unmetered water used for street sweeping, plant watering, storm drain flushing, construction purposes, and all miscellaneous uses not herein specifically mentioned shall be deemed to have been furnished through a single meter for each department.

The Public Works Director shall estimate the monthly volume of unmetered water used for such purposes.

4. All water furnished to property owned by the city shall be metered.

E. Temporary Agricultural Use

The city may provide water on a temporary basis for agricultural purposes in accordance with section 22-65 of the City Code. Monthly water rates for temporary agricultural purposes shall be the same as commercial/industrial blended rates.

F. Broken locks

In the event a customer breaks a lock placed on the water meter, in addition to all other amounts due, the customer shall pay a fee of \$12.00 to replace the broken lock.

G. Billing and collection; delinquent bills; nonpayment

The customer shall pay a fee of \$13.00 for each visit to a customer's property to collect a water bill that is delinquent. If water service is discontinued due to nonpayment or non-compliance with the City Code or this ordinance, in addition to all other amounts due, the customer shall pay a fee of \$80.00 for resuming service.

H. Billing Procedure for Periodic Charge for City Water Service

Water service bills shall be computed according to the rates then in effect and the number of days in the service period at each rate.

Part 2. As provided in section 22-37 of the City Code, the customer shall pay for installation of each water service and water meter:

- (A) In addition to the cost of administration and materials, the rates for installing each new service and each new meter, which amount shall be paid in advance, shall be as follows:

Service	Meter	Meter Box and Tail Piece	Effective January 1, 2013
3/4"	3/4"	3/4"	\$1,500.00
1"	1"	1"	\$1,700.00
1-1/2"	1-1/2"	1-1/2"	\$2,200.00
2"	2"	2"	\$2,500.00

- (B) The rates for installing each new meter on a service, previously installed and paid for, shall be as follows in addition to the cost of materials:

Meter	Service	New Box	Effective January 1, 2013
3/4"	3/4"	3/4"	\$450.00
1"	1"	1"	\$525.00
1-1/2"	1-1/2"	1-1/2"	\$925.00
2"	2"	2"	\$1,100.00

Part 3. As provided in sections 22-19, 22-26, 22-33, 22-35, 22-39, 22-40, 22-46, 22-48, 22-49 and 22-61 of the City Code, the city shall require the payment of deposits, fees and charges as follows:

- (A) Fully Allocated Hourly Rates

	Effective January 1, 2013
Meter Repair Worker	\$68.00
Water Distribution Operator I	\$62.00
Water Distribution Operator II	\$71.00
Senior Water Distribution Operator	\$78.00

- (B) Deposit guaranteeing payment

Each applicant for service shall be required to place a deposit with the city to guarantee the payment of all water charges. The amount of this deposit for monthly water service shall be:

	Meter	Effective January 1, 2013
For each	3/4"	\$44.00
For each	1"	\$65.00
For each	1-1/2"	\$120.00
For each	2"	\$185.00

For each meter over two inches, an amount equal to an approximate one-month minimum bill, but not less than \$205.00.

- (C) Meter testing

Upon written request to test a meter, the customer shall deposit \$100.00 for a meter size of up to eight inches and \$200.00 for a meter size of over eight inches.

(D) Turning water on or off – non-emergency

Except in an emergency situation, the charge to have water turned on or off during customary business hours (8:00 a.m. to 5:00 p.m., Monday through Friday) shall be \$80.00. To have the water turned on or off at any time after hours (this includes weekends and City-observed holidays), the charge shall be \$145.00.

(E) Removal of meter and reinstallation

In the event a customer turns on the water service or permits or causes water service to be turned on after water service has been turned off for nonpayment or noncompliance, the city shall again turn off the service and remove the meter, and the customer shall pay a fee of \$120.00, in addition to other amounts due, before water service is restored.

(F) Request for Relocation or Abandonment of Meters or Service will be estimated in accordance with the following schedule:

1. Relocate meter box laterally (not in paved area):

Meter	Effective January 1, 2013	Effective January 1, 2013
3/4"	\$440.00 + Abandonment Cost	\$560.00
1"	\$615.00 + Abandonment Cost	\$735.00
1-1/2"	\$835.00 + Abandonment Cost	\$985.00
2"	\$1,190.00 + Abandonment Cost	\$1,370.00

2. Relocate meter box from yard to sidewalk

Service	Effective January 1, 2013
Relocate meter box from yard to sidewalk	\$240.00

3. Relocate meter box from driveway to sidewalk

Service	Effective January 1, 2013
Relocate meter box from driveway to sidewalk	\$300.00

4. Abandonment of water services:

Meter	Effective January 1, 2013
3/4"	\$120.00
1"	\$120.00
1-1/2"	\$150.00
2"	\$180.00

*** Relocation or abandonment of services will be done by Water Distribution personnel unless it is determined by the Water Division Manager that a contractor will be used. It is required that the contractor follow the proper Public Works procedures, obtain all necessary permits, have all necessary inspections performed and pay all required fees.**

5. Credit for existing meter removed and replaced with a larger service and meter in the same location:

Meter	Effective January 1, 2013
3/4"	\$235.00
1"	\$290.00
1-1/2"	\$505.00
2"	\$715.00

(G) Backflow Prevention and Cross-Connection Control

Timely submission of forms demonstrating completed testing and inspection compliance for backflow prevention and cross-connection control device(s) shall include a \$21.00 fee for each device. If the properly completed compliance forms are not returned within 30 days, the Water Division Manager shall send a second notice, and assess an additional \$16.00 late fee. If the properly completed compliance forms are not returned within 60 days of the original notice, the Water Division Manager shall send a third notice, and assess an additional \$27.00 late fee. If the properly completed compliance forms are not returned within 90 days of the original notice, the customer or owner shall pay an additional \$53.00, plus the cost of all administrative, labor and materials required to complete the work. Inspection services by City employees shall be provided for a fee of \$48.00 plus, \$16.00 per device.

(H) Fire Hydrant Test, Inspection and Repairs Fees

Service	Effective January 1, 2013
Hydrant Flow Test Inspection	\$150.00

Temporary Hydrant Meter	Effective January 1, 2013
Setup/Retrieval	\$100.00
Move	\$65.00
Deposit – Meter Replacement Cost	\$850.00
Damaged Hydrant Meter Repair	Labor + Materials
Water Curbs Stop Repair	Labor + Materials

Part 4. Other Rate Adjustment Authorizations:

Pursuant to Government Code section 53756, section 22-60(B) (C) and (D) are amended and restated in their entirety as follows:

(B) Each applicable rate provided in Ordinance No. 2900 shall adjust at the same percentage as the percentage or magnitude change in the rates or charges that the City pays to each and every third party water supplier (e.g., United Water Conservation District, Calleguas Municipal Water District, etc.) and management agency from whom the City purchases some or all its water supplies, or to whom the City pays a groundwater extraction, replenishment or pump charge, as those rates and charges are calculated and applied in the Rate Study. Any rate provided in Ordinance No 2900 that is not impacted by rates or charges imposed by City purchases of water from third party suppliers, or payment of groundwater extraction, replenishment or pump charges, shall not be subject to adjustment for these costs. Such adjustments shall be effective concurrent with the date of any adjustments in rates and charges applicable to and imposed on the City as described in this subsection.

(C) Annually on July 1 of each year, the rates provided in Ordinance No. 2900 shall automatically adjust to reflect the prior year, April to April, annual percentage change in the Consumer Price Index – All Urban Consumers, Los Angeles – Riverside – Orange County, California, published by the U.S. Bureau of Labor Statistics. For example, on July 1, 2016, the inflation adjustment percent is to be calculated based on the percentage change from April 2015 to April 2016 for the above referenced index.

(D) When the City Council declares the existence of a water shortage condition pursuant to City of Oxnard, Municipal Code Section 22-154, the water rates and charges provided in Ordinance No. 2900 that are based on water use shall be adjusted to reflect the level of severity and corresponding mandatory water conservation percentage reflected in the water shortage condition declaration. For example, if the Council declares a Stage 2 water

shortage condition with a mandatory water use reduction goal of 20%, then the rates provided in Ordinance No. 2900 that are based on water use, shall be concurrently adjusted upward by the same percentage – 20%. This adjustment shall be initiated as of the effective date of the water shortage declaration and terminate as of the date of the termination of that water shortage declaration.

Part 5. Severability. If any provision of this ordinance, or part thereof, is for any reason held to be invalid or unconstitutional, the remaining sections shall not be affected, but shall remain in full force and effect, and to this end the provisions of this ordinance are severable.

Part 6. Pursuant to Government Code Section 36933(c)(1), the City Attorney was designated to prepare, and the City Clerk published, a summary of this ordinance, and a certified copy of the ordinance was posted in the Office of the City Clerk a minimum of five days before the City Council's adoption of the ordinance.

Part 7. 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. Ordinance No. 2900 was first read on January 19th, 2016, finally adopted on _____, 2016, to become effective thirty (30) days thereafter.

APPROVED AND ADOPTED this _____ day of _____ 2016, by the following vote:

AYES: Councilmembers

NOES:

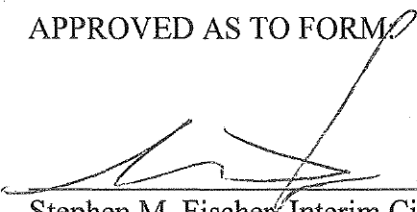
ABSENT:

Tim Flynn, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM



Stephen M. Fischer, Interim City Attorney

CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO. 2901

(UNCODIFIED)

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD
ESTABLISHING WASTEWATER SYSTEM USER FEES AND CHARGES

WHEREAS, the regulations of the Federal Environmental Protection Agency (EPA) and the California State Water Resources Control Board (SWRCB) Revenue Program Guidelines require that the City of Oxnard's wastewater service charges conform to grant specifications for fair and equitable user fees; and

WHEREAS, the EPA and SWRCB revenue programs require the City to conduct periodic rate adjustment studies and to implement the recommendations thereof, to keep municipal wastewater services on a self-supporting basis; and

WHEREAS, pursuant to Chapter 19 of the Oxnard City Code, Ordinance No. 2860 was adopted the 18th of September, 2012, to set forth the City's wastewater system fees, charges, and user rates in accordance with the provisions of the City Code and EPA/SWRCB guidelines; and

WHEREAS, the City's Public Works Department completed a Cost of Services Study, dated September 2015 (Rate Study). The Rate Study assesses the Wastewater Enterprise operation, maintenance, repair, replacement, and capital improvement program budgets and requirements, which collectively are incorporated into the recommended rates provided in this ordinance, so that the proportional cost of providing wastewater treatment and disposal service to the City's various customer classes are allocated consistently with all applicable legal requirements. The Rate Study and all the studies, plans and documents relied upon and incorporated in the Rate Study provide the basis for the rates and charges set forth herein; and

WHEREAS, this ordinance reflects the Rate Study to provide updated supplemental fees and charges for certain special services available upon request throughout the City; and

WHEREAS, this ordinance includes a provision for the automatic adjustment of rates based on inflation and changes in certain third-party costs. The proposed rates displayed as effective beginning March 1, 2016, show the pre-authorized rates applicable March 1, 2016. However, the actual rates effective March 1, 2016 may vary based on the implementation of any automatic rate adjustments as may be authorized as provided in Ordinance 2860, prior to the effective date of this ordinance; and

WHEREAS, Public Resources Code Section 21080(b)(8) and Section 15273 of the California Environmental Quality Act (CEQA) Guidelines provide that CEQA does not apply to the modification of public agency rates and other charges which the public agency finds are intended for certain purposes.

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

1. The adoption of this ordinance is exempt from the California Environmental Quality Act because the fees adopted herein are for the following purposes:

- a. Meeting operating expenses, including the increased cost of chemicals and energy sources, biosolids management, more stringent regulatory requirements, debt service, and Wastewater Division employee wages and fringe benefits; and
- b. Purchasing and leasing supplies, equipment, and materials associated with the provision of wastewater service; and
- c. Meeting financial reserve needs and requirements; and
- d. Obtaining funds for capital projects necessary to maintain wastewater service within the City service area, including repair and replacement of the extensive collection and disposal systems and treatment plant; and
- e. Obtaining funds necessary to maintain those intracity transfers as are authorized.

2. The basis for the foregoing claim of exemption is found in the Rate Study.

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

Part 1. The fees, charges and rates set forth below shall be charged and collected for the use of and for other privileges and services relating to the Regional Wastewater Treatment System of the City of Oxnard:

A. Regional Treatment and Disposal Facility User Charges

The monthly rate for regional users (Oxnard, Port Hueneme, Naval Base Ventura County (Port Hueneme and Point Mugu)) of the facility shall be calculated by the "Regional User Charge Formula" as follows:

$$RMUC = e (Vm) + f (Bm) + g (Sm)$$

Where:

RMUC = regional monthly user charge in dollars

Vm = monthly wastewater discharge in millions of gallons (volume)

Bm = monthly biological oxygen demand (BOD) discharge in thousands of pounds

Sm = monthly suspended solids (SS) discharge in thousands of pounds

e, f and g are unit cost coefficients established as follows:

Service		Effective October 18, 2012	Effective January 1, 2013	Effective October 1, 2013
Monthly Wastewater Discharge/Millions of Gallons	e =	\$1,037.46	\$1,099.70	\$1,165.69
Monthly BOD Discharge/Thousands of Pounds	f =	\$117.53	\$124.59	\$132.06

Monthly SS Discharge/Thousands of Pounds	g =	\$172.24	\$182.58	\$193.53
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B. City of Oxnard User Charge for Wastewater System

The rate for City user classes or individual users of the wastewater system shall be calculated by the "City of Oxnard User Charge Formula" (the Oxnard Formula) as follows:

$$\text{OMUC} = p (\text{Vm}) + q (\text{Bm}) + r (\text{Sm})$$

Where:

OMUC = Oxnard monthly user charge in dollars

Vm = monthly wastewater discharge in millions of gallons

Bm = monthly BOD discharge in thousands of pounds

Sm = monthly SS discharge in thousands of pounds

p, q and r are unit cost coefficients established as follows:

Service		Effective March 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019	Effective January 1, 2020
Monthly Wastewater Discharge/Millions of Gallons	p =	\$2,908.78	\$3,199.66	\$3,455.64	\$3,732.10	\$4,030.67
Monthly BOD Discharge/Thousands of Pounds	q =	\$662.79	\$729.07	\$787.40	\$850.40	\$918.44
Monthly SS Discharge/Thousands of Pounds	r =	\$524.18	\$576.60	\$622.73	\$672.55	\$726.36

1. Formula Users (Industrial & Commercial)

The monthly user charge for formula users shall be calculated using the Oxnard Formula. Industrial and commercial users billed by Oxnard Formula shall be those so designated by the Public Works Director. For those formula users that do not provide metered wastewater flow data, the wastewater flow shall be assumed to be 90% of water consumed. For those users that provide engineering data acceptable to the Public Works Director showing a different percentage, the wastewater flows will be based on that data.

2. Non-Formula Users (Industrial, Commercial & Governmental)

The monthly user charge for non-residential users of the system that are not classified as formula users by the Public Works Director shall be as follows. The rate per hundred cubic feet (HCF) of water used is based on the assumption that a percent of

the water consumed is returned to the wastewater system. The applicable percentage differs based on customer class. The percentage return is included for each customer class in the tables below. The Public Works Director shall have the authority to review the water consumption of any metered user of the wastewater system and to adjust the rate based on the average water consumption over a reasonable period of time:

a. Commercial/School Wastewater Use (Percentage Wastewater Return = 85%):

Tier	Usage	Effective March 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019	Effective January 1, 2020
1	0 to 50 HCF/Month	\$3.31	\$3.65	\$3.95	\$4.27	\$4.62
2	> 50 to 930 HCF/Month	\$4.14	\$4.56	\$4.93	\$5.33	\$5.76
3	> 930 HCF/Month	\$8.28	\$9.11	\$9.84	\$10.63	\$11.49

b. Restaurant Wastewater Use (Percentage Wastewater Return = 80%):

Tier	Usage	Effective March 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019	Effective January 1, 2020
1	0 to 20 HCF/Month	\$3.31	\$3.65	\$3.95	\$4.27	\$4.62
2	> 20 to 160 HCF/Month	\$4.14	\$4.56	\$4.93	\$5.33	\$5.76
3	> 160 HCF/Month	\$8.28	\$9.11	\$9.84	\$10.63	\$11.49

c. Laundry/Laundromat Wastewater Use (Percentage Wastewater Return = 90%):

Tier	Usage	Effective March 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019	Effective January 1, 2020
1	0 to 105 HCF/Month	\$3.31	\$3.65	\$3.95	\$4.27	\$4.62
2	> 105 to 525 HCF/Month	\$3.66	\$4.03	\$4.36	\$4.71	\$5.09
3	> 525 HCF/Month	\$4.57	\$5.03	\$5.44	\$5.88	\$6.36

3. Non-Formula Users - Residential

Residential wastewater service is deemed to begin when water service begins. Monthly residential user charges by type of dwelling units are as follows. The rate per hundred cubic feet (HCF) of water used is based on the assumption that a percentage of the water consumed is returned to the wastewater system. The applicable percentage differs based on customer class. The percentage return is included for each customer class in the tables below. The Public Works Director shall have the authority to review the water consumption of any metered user of the wastewater system and to adjust the rate based on the average water consumption over a reasonable period of time:

- a. Single Family Residential Wastewater Use (Percentage Wastewater Return = 80%):

Tier	Usage	Effective March 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019	Effective January 1, 2020
1	0 to 9 HCF/Month	\$1.85	\$2.04	\$2.21	\$2.39	\$2.59
2	> 9 to 18 HCF/Month	\$2.06	\$2.27	\$2.46	\$2.66	\$2.88
3	> 18 HCF/Month	\$2.87	\$3.16	\$3.42	\$3.70	\$4.00

- b. Single Family Residential Wastewater Use; Large Lots (lot size of over 7,000 square feet) (Percentage Wastewater Return = 60%):

Tier	Usage	Effective March 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019	Effective January 1, 2020
1	0 to 16 HCF/Month	\$1.85	\$2.04	\$2.21	\$2.39	\$2.59
2	> 16 to 25 HCF/Month	\$2.06	\$2.27	\$2.46	\$2.66	\$2.88
3	> 25 HCF/Month	\$2.87	\$3.16	\$3.42	\$3.70	\$4.00

- c. Multi-Family, Multi-Unit Residential Wastewater Use (Percentage Wastewater Return = 90%). Tiers for Multi-Family and Multi-Unit Residential are variable and are determined by multiplying each tier allotment by the number of dwelling units:

Tier	Usage	Effective March 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019	Effective January 1, 2020
1	0 to 6 HCF/Month	\$1.50	\$1.65	\$1.79	\$1.94	\$2.10
2	> 6 to 12 HCF/Month	\$1.68	\$1.85	\$2.00	\$2.16	\$2.34
3	> 12 HCF/Month	\$2.34	\$2.58	\$2.79	\$3.02	\$3.27

4. Monthly Base Rates

In addition to monthly rates based on water use (per HCF) as set forth above, the following customer classes shall pay monthly meter rates:

Service		Effective March 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019	Effective January 1, 2020
Single Family		\$28.45	\$31.30	\$33.81	\$36.52	\$39.45
Multi-family/Unit:	1 to 6 Units	\$20.81	\$22.90	\$24.74	\$26.72	\$28.86
	7+ Units	\$10.37	\$11.41	\$12.33	\$13.32	\$14.39

5. Minimum Monthly Fees

The following customer classes shall pay the greater of the applicable monthly rates set forth in the table below, or the monthly rates based on the actual water use (per HCF) as set forth above:

Service	Effective March 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019	Effective January 1, 2020
Commercial	\$18.90	\$20.79	\$22.46	\$24.26	\$26.21
Restaurant	\$17.53	\$19.29	\$20.84	\$22.51	\$24.32
Laundry/Laundromat	\$87.00	\$95.70	\$103.36	\$111.63	\$120.57
School	\$66.36	\$73.00	\$78.84	\$85.15	\$91.97

6. Non-metered Water Users

Except as provided in subsection B3 for residential water users, other non-metered water users, including commercial and industrial users, shall pay a monthly rate as determined by the Public Works Director based upon the monthly rate charged a metered water user of comparable size and character of use, provided, however, that the minimum monthly charge shall be the same as that charged for a multi-family dwelling unit.

Effective March 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019	Effective January 1, 2020
\$48.85	\$53.74	\$58.04	\$62.69	\$67.71

7. Wastewater System Rate for Wastewater Treated by Another Agency

Where wastewater is collected by the City and is accepted by another agency for transmission, treatment and disposal, the monthly wastewater rates shall be equal to the rate charged by such agency for transmission, treatment and disposal of such wastewater, anything to the contrary herein notwithstanding.

8. Additional Charges for Outside the City Users of City Wastewater System

Those outside the City users of the Las Posas sewer line shall be charged a monthly rate for wastewater service as follows. Wastewater service is deemed to begin when water service begins. The rate per hundred cubic feet (HCF) of water used is based on the assumption that 85 percent of the water consumed is returned to the wastewater system. The Public Works Director shall have the right to review the water consumption of any metered user of the wastewater system and to adjust the rate based on the average water consumption over a reasonable period of time:

a. Monthly Rates for User Charge Formula – Outside City

Service	Effective March 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019	Effective January 1, 2020
Single Family Residential per	\$98.58	\$108.44	\$117.12	\$126.49	\$136.61
Multi-family Residential per	\$66.06	\$72.67	\$78.49	\$84.77	\$91.56

b. Monthly Rates for Las Posas Commercial/Institutional Wastewater Use

Tier	Service	Effective March 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019	Effective January 1, 2020
1	0 to 50 HCF/Month	\$6.62	\$7.29	\$7.88	\$8.52	\$9.21
2	> 50 to 930 HCF/Month	\$8.28	\$9.11	\$9.84	\$10.63	\$11.49
3	> 930 HCF/Month	\$16.54	\$18.20	\$19.66	\$21.24	\$22.94

C. Industrial and Liquid Waste Sampling, Analysis and Flow Measurement

Dischargers whose wastewater charges are individually calculated using the Oxnard Formula shall be responsible for costs of required sampling, analysis and flow measurement associated therewith as provided in Chapter 19 of the Oxnard City Code. If sampling, analysis and flow data are not provided to the City as required, the Public Works Director shall cause monitoring to be performed or an estimate made to enable charges to be rendered. The discharger shall be billed for these extra costs.

D. Charges for Unusual or Non-Compatible Wastewater

A charge for unusual or non-compatible waste constituents of such quality or character as to impose upon the City unusual operation and/or maintenance or capital costs whether or not related to total flow volume, biochemical oxygen demand, or suspended solids, shall be set by the Public Works Director and paid by the discharger. These charges shall be reasonably calculated to defray costs attributable to such wastes.

E. Fee for Appeal

For each appeal to the City Council of a ruling by the Public Works Director a fee of \$100 will be charged.

F. Industrial Wastewater Discharge Permits

The Industrial Wastewater Discharge Permits (permit) specified in Chapter 19 of the Oxnard City Code shall be granted for a specific time period, not to exceed five years. Application for permit and permit renewal shall be made in accordance with Chapter 19. All users classified as significant industrial wastewater users according to Chapter 19 shall be assessed a fee of \$2,500 per year per permit. All other industrial users shall be assessed a fee of \$100 per year per permit. In addition to the permit fee, new applicants for a permit shall be assessed a one time new application processing fee of \$100.

G. Billing Procedure for Monthly Service Charge for Use of City Wastewater System

Bills shall be computed according to the rates then in effect and the number of days in the service period at each rate.

H. Other Pre-Authorized Adjustments.

1. Pursuant to Government Code section 53756, the rates adopted herein shall automatically adjust as follows: (1) each applicable rate provided herein shall adjust at the same percentage as the percentage change in the rates that the City pays to power providers that supply electricity and natural gas sources to power the wastewater collection, treatment and disposal systems, as those rates are calculated in the Rate Study. Any rate provided herein that is not impacted by rates or charges imposed by City used power suppliers shall not be subject to adjustment for these costs. Such adjustments shall be effective concurrent with the date of any adjustments in rates that the City pays to power providers that supply electricity and natural gas sources to power the wastewater collection, treatment and disposal systems; and (2) annually on July 1 of each year, the rates provided herein shall automatically adjust to reflect the prior year, April to April, annual percentage change in the Consumer Price Index – All Urban Consumers, Los Angeles – Riverside – Orange County, California, published by the U.S. Bureau of Labor Statistics. For example, on July 1, 2016, the inflation adjustment percent is to be calculated based on the percentage change from April 2015 to April 2016 for the above referenced index.

2. When the City Council declares the existence of a water shortage condition pursuant to City of Oxnard, Municipal Code Section 22-154, the wastewater treatment rates and charges provided herein that are based on water use shall be adjusted to reflect the level of severity and corresponding mandatory water conservation percentage reflected in the water shortage condition declaration. For example, if the Council declares a Stage 2 water shortage condition with a mandatory water use reduction goal of 20%, then the rates provided herein that are based on water use, shall be concurrently adjusted upward by the same percentage – 20%. This adjustment shall be initiated as of the effective date of the water shortage declaration and terminate as of the date of the termination of that water shortage declaration.

Part 2. The provisions of this ordinance shall be applicable to all service provided or charges incurred on and after March 1, 2016. Upon the effective date of this Ordinance, Ordinance No. 2860 is repealed.

Part 3. If for any reason this ordinance is held invalid or unenforceable, the City Council intends that the ordinance provisions which would have been repealed by this ordinance shall remain in effect as if this ordinance had not been adopted.

Part 4. If for any reason any part of this ordinance is held invalid or unenforceable, the City Council intends that the remaining parts of this ordinance remain in effect.

Part 5. This ordinance shall be uncodified.

Part 6. Pursuant to Government Code Section 36933(c)(1), the City Attorney was designated to prepare, and the City Clerk published, a summary of this ordinance, and a certified copy of the ordinance was posted in the Office of the City Clerk a minimum of five days before the City Council's adoption of the ordinance.

Part 7. 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. Ordinance No. 2901 was first read on January 19th, 2016, finally adopted on _____, 2016, to become effective thirty (30) days thereafter.

APPROVED AND ADOPTED this _____ day of _____ 2016, by the following vote:

AYES:

NOES:

ABSENT:

[See signatures on next page.]

Tim Flynn, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Stephen M. Fischer, Interim City Attorney

CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO. 2902

(UNCODIFIED)

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD
ADOPTING AND ESTABLISHING SOLID WASTE SYSTEM USER FEES
AND CHARGES

WHEREAS, the City Council has adopted Chapter 19 of the Code of the City of Oxnard to regulate solid waste collection and disposal of the City's solid waste; and

WHEREAS, the Solid Waste Fund (Environmental Resources Division) is a self-supporting enterprise fund that depends on the revenues derived from services rendered for solid waste collection, processing, disposal and street sweeping; and

WHEREAS, on September 18, 2012, the City Council approved Ordinance No. 2861 establishing solid waste system user fees and charges; and

WHEREAS, the City's Public Works Department completed a Cost of Services Study, dated September 2015 (Rate Study). The Rate Study assesses the Environmental Resources Enterprise operation, maintenance, repair, replacement, and capital improvement program budgets and requirements, which collectively are incorporated into the recommended rates provided in this ordinance, so that the proportional cost of providing solid waste system service to the City's various customer classes are allocated consistently with all applicable legal requirements. The Rate Study and all the studies, plans and documents relied upon and incorporated in the Rate Study provide the basis for the rates and charges set forth herein; and

WHEREAS, this ordinance reflects updated cost allocation evaluated in the Rate Study and includes certain supplemental fees and charges for specific special collection services available upon request throughout the City; and

WHEREAS, this ordinance includes provision for the automatic adjustment of rates based on inflation and changes in certain third party costs. The proposed rates displayed as effective beginning March 1, 2016, show the pre-authorized rates applicable March 1, 2016. However, the actual rates effective March 1, 2016 may vary based on the implementation of any automatic rate adjustments as may be authorized as provided in Ordinance 2861, prior to the effective date of this ordinance; and

WHEREAS, Public Resources Code Section 21080(b)(8) and Section 15273 of the California Environmental Quality Act (CEQA) Guidelines provide that CEQA does not apply to the modification of public agency rates and other charges which the public agency finds are intended for certain purposes.

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

1. The adoption of this ordinance is exempt from the California Environmental Quality Act because the fees adopted herein are for the following purposes:
 - a. Meeting operating expenses, including the increased cost of solid waste disposal, and Public Works Department – Environmental Resources Section employee wages and fringe benefits; and
 - b. Purchasing and leasing supplies, equipment, and materials associated with the provision of solid waste system service; and
 - c. Meeting financial reserve needs and requirements; and
 - d. Obtaining funds for capital projects necessary to maintain solid waste system service within the City service area, including repair and replacement of aging facilities, equipment and trucks, and retrofitting trucks with diesel exhaust particulate filters to meet increased regulatory emissions requirements, none of which expand the solid waste system.
2. The basis for the foregoing claim of exemption is found in the Rate Study.

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

Part 1. Monthly Rates

The fees, charges and rates set forth below shall be charged and collected for the use of and for the privileges and services relating to the Solid Waste System of the City of Oxnard.

A. Residential dwellings

Weekly residential service in dwellings not using mechanical front-end loaded containers:

Customer	Effective March 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019	Effective January 1, 2020
Single Family Variable Service [individually billed single and multiple unit dwellings that generate lesser amounts of refuse, recyclables and green waste or have medical disabilities that limit ability to maneuver larger containers (64 gallon refuse, 64 gallon recycle and 64 gallon green waste containers)]	\$25.57	\$26.34	\$27.13	\$27.94	\$28.78
Single Family Standard Service [individually billed single and multiple unit dwellings (64 or 96 gallon refuse, 96 gallon recycle and 96 gallon green waste containers)]	\$31.96	\$32.92	\$33.91	\$34.93	\$35.98
Jointly Billed Multiple-unit Dwellings (such as apartments, duplexes, triplexes, boarding houses, mobile home parks, hotels or motels): First Unit *	\$31.96	\$32.92	\$33.91	\$34.93	\$35.98
Second Unit *	\$28.77	\$29.63	\$30.52	\$31.44	\$32.38
Third Unit *	\$27.18	\$28.00	\$28.84	\$29.71	\$30.60
Each Unit in Excess of Three *	\$25.57	\$26.34	\$27.13	\$27.94	\$28.78
Each Extra 64-gallon Container (Refuse)	\$11.73	\$12.08	\$12.44	\$12.81	\$13.19
Each Extra 96-gallon Container (Refuse)	\$15.10	\$15.55	\$16.02	\$16.50	\$17.00
Each Extra 64-gallon Container (Green Waste)	\$14.98	\$15.43	\$15.89	\$16.37	\$16.86
Each Extra 64-gallon Container (Recycling)	\$6.04	\$6.22	\$6.41	\$6.60	\$6.80
Each Extra 96-gallon Container (Green Waste)	\$18.72	\$19.28	\$19.86	\$20.46	\$21.07
Each Extra 96-gallon Container (Recycling)	\$7.55	\$7.78	\$8.01	\$8.25	\$8.50

*Based on capacity for Single Family Standard Service.

B. Commercial and Industrial Users; Not Using Mechanical Front-End Loaded Containers

1. Weekly collection service for commercial and industrial businesses not using mechanical front-end loaded containers:

Customer	Effective March 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019	Effective January 1, 2020
One 96-gallon Container	\$44.83	\$46.17	\$47.56	\$48.99	\$50.46
Two 96-gallon Containers	\$78.39	\$80.74	\$83.16	\$85.65	\$88.22
Three 96-gallon Containers	\$100.76	\$103.78	\$106.89	\$110.10	\$113.40
Four 96-gallon Containers	\$123.15	\$126.84	\$130.65	\$134.57	\$138.61
Five 96-gallon Containers	\$145.52	\$149.89	\$154.39	\$159.02	\$163.79
Five 96-gallon Containers (2 collections per week)	\$254.62	\$262.26	\$270.13	\$278.23	\$286.58

2. Weekly recyclables and green waste collection service for commercial and industrial businesses not using mechanical front-end loaded containers:

Customer	Effective March 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019	Effective January 1, 2020
One 96-gallon Refuse Container	\$22.44	\$23.11	\$23.80	\$24.51	\$25.25

3. Weekly and daily refuse collection service for multiple unit dwellings and commercial and industrial businesses using mechanical front-end loaded containers:

Container Size	Effective March 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019	Effective January 1, 2020
<i>One Collection per Week</i>					
2-cubic yard	\$136.97	\$141.08	\$145.31	\$149.67	\$154.16
2-cubic yard shared	\$68.48	\$70.53	\$72.65	\$74.83	\$77.07
2-cubic yard compactor	\$293.51	\$302.32	\$311.39	\$320.73	\$330.35
4-cubic yard	\$238.27	\$245.42	\$252.78	\$260.36	\$268.17
4-cubic yard shared	\$119.12	\$122.69	\$126.37	\$130.16	\$134.06
4-cubic yard compactor	\$479.98	\$494.38	\$509.21	\$524.49	\$540.22

<i>Two Collections per Week</i>					
2-cubic yard	\$239.72	\$246.91	\$254.32	\$261.95	\$269.81
2-cubic yard shared	\$119.85	\$123.45	\$127.15	\$130.96	\$134.89
2-cubic yard compactor	\$513.65	\$529.06	\$544.93	\$561.28	\$578.12
4-cubic yard	\$416.95	\$429.46	\$442.34	\$455.61	\$469.28
4-cubic yard shared	\$208.48	\$214.73	\$221.17	\$227.81	\$234.64
4-cubic yard compactor	\$839.95	\$865.15	\$891.10	\$917.83	\$945.36
<i>Three Collections per Week</i>					
2-cubic yard	\$308.18	\$317.43	\$326.95	\$336.76	\$346.86
2-cubic yard shared	\$154.11	\$158.73	\$163.49	\$168.39	\$173.44
2-cubic yard compactor	\$660.39	\$680.20	\$700.61	\$721.63	\$743.28
4-cubic yard	\$536.08	\$552.16	\$568.72	\$585.78	\$603.35
4-cubic yard shared	\$268.05	\$276.09	\$284.37	\$292.90	\$301.69
4-cubic yard compactor	\$1,079.94	\$1,112.34	\$1,145.71	\$1,180.08	\$1,215.48
<i>Four Collections per Week</i>					
2-cubic yard	\$376.66	\$387.96	\$399.60	\$411.59	\$423.94
2-cubic yard shared	\$188.35	\$194.00	\$199.82	\$205.81	\$211.98
2-cubic yard compactor	\$807.15	\$831.36	\$856.30	\$881.99	\$908.45
4-cubic yard	\$655.21	\$674.87	\$695.12	\$715.97	\$737.45
4-cubic yard shared	\$327.60	\$337.43	\$347.55	\$357.98	\$368.72
4-cubic yard compactor	\$1,319.92	\$1,359.52	\$1,400.31	\$1,442.32	\$1,485.59
<i>Five Collections per Week</i>					
2-cubic yard	\$445.17	\$458.53	\$472.29	\$486.46	\$501.05
2-cubic yard shared	\$222.58	\$229.26	\$236.14	\$243.22	\$250.52
2-cubic yard compactor	\$953.91	\$982.53	\$1,012.01	\$1,042.37	\$1,073.64
4-cubic yard	\$774.34	\$797.57	\$821.50	\$846.15	\$871.53
4-cubic yard shared	\$387.18	\$398.80	\$410.76	\$423.08	\$435.77
4-cubic yard compactor	\$1,559.91	\$1,606.71	\$1,654.91	\$1,704.56	\$1,755.70
<i>Six Collections per Week</i>					
2-cubic yard	\$513.65	\$529.06	\$544.93	\$561.28	\$578.12
2-cubic yard shared	\$256.83	\$264.53	\$272.47	\$280.64	\$289.06
2-cubic yard compactor	\$1,100.66	\$1,133.68	\$1,167.69	\$1,202.72	\$1,238.80
4-cubic yard	\$893.48	\$920.28	\$947.89	\$976.33	\$1,005.62
4-cubic yard shared	\$446.74	\$460.14	\$473.94	\$488.16	\$502.80
4-cubic yard compactor	\$1,799.90	\$1,853.90	\$1,909.52	\$1,966.81	\$2,025.81
<i>Each Container In Excess of the Regular Service Level on an Established Account</i>					
2-cubic yard	\$58.20	\$59.95	\$61.75	\$63.60	\$65.51
4-cubic yard	\$101.46	\$104.50	\$107.64	\$110.87	\$114.20

4. Weekly and daily recyclables and green waste collection service for multiple unit dwellings and commercial and industrial businesses using mechanical front-end loaded containers:

Container Size	Effective March 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019	Effective January 1, 2020
<i>One Collection per Week</i>					
2-cubic yard	\$66.56	\$68.56	\$70.62	\$72.74	\$74.92
2-cubic yard shared	\$33.27	\$34.27	\$35.30	\$36.36	\$37.45
2-cubic yard compactor	\$142.62	\$146.90	\$151.31	\$155.85	\$160.53
4-cubic yard	\$115.76	\$119.23	\$122.81	\$126.49	\$130.28
4-cubic yard shared	\$57.89	\$59.63	\$61.42	\$63.26	\$65.16
4-cubic yard compactor	\$233.22	\$240.22	\$247.43	\$254.85	\$262.50
<i>Two Collections per Week</i>					
2-cubic yard	\$116.47	\$119.96	\$123.56	\$127.27	\$131.09
2-cubic yard shared	\$58.24	\$59.99	\$61.79	\$63.64	\$65.55
2-cubic yard compactor	\$249.59	\$257.08	\$264.79	\$272.73	\$280.91
4-cubic yard	\$202.61	\$208.69	\$214.95	\$221.40	\$228.04
4-cubic yard shared	\$101.30	\$104.34	\$107.47	\$110.69	\$114.01
4-cubic yard compactor	\$408.15	\$420.39	\$433.00	\$445.99	\$459.37
<i>Three Collections per Week</i>					
2-cubic yard	\$149.76	\$154.25	\$158.88	\$163.65	\$168.56
2-cubic yard shared	\$74.88	\$77.13	\$79.44	\$81.82	\$84.27
2-cubic yard compactor	\$320.90	\$330.53	\$340.45	\$350.66	\$361.18
4-cubic yard	\$260.50	\$268.32	\$276.37	\$284.66	\$293.20
4-cubic yard shared	\$130.25	\$134.16	\$138.18	\$142.33	\$146.60
4-cubic yard compactor	\$524.76	\$540.50	\$556.72	\$573.42	\$590.62
<i>Four Collections Per Week</i>					
2-cubic yard	\$183.03	\$188.52	\$194.18	\$200.01	\$206.01
2-cubic yard shared	\$91.51	\$94.26	\$97.09	\$100.00	\$103.00
2-cubic yard compactor	\$392.21	\$403.98	\$416.10	\$428.58	\$441.44
4-cubic yard	\$318.37	\$327.92	\$337.76	\$347.89	\$358.33
4-cubic yard shared	\$159.19	\$163.97	\$168.89	\$173.96	\$179.18
4-cubic yard compactor	\$641.37	\$660.61	\$680.43	\$700.84	\$721.87

<i>Five Collections Per Week</i>					
2-cubic yard	\$216.31	\$222.80	\$229.48	\$236.36	\$243.45
2-cubic yard shared	\$108.15	\$111.39	\$114.73	\$118.17	\$121.72
2-cubic yard compactor	\$463.51	\$477.42	\$491.74	\$506.49	\$521.68
4-cubic yard	\$376.26	\$387.55	\$399.18	\$411.16	\$423.49
4-cubic yard shared	\$188.14	\$193.78	\$199.59	\$205.58	\$211.75
4-cubic yard compactor	\$757.69	\$780.42	\$803.83	\$827.94	\$852.78
<i>Six Collections Per Week</i>					
2-cubic yard	\$249.59	\$257.08	\$264.79	\$272.73	\$280.91
2-cubic yard shared	\$124.78	\$128.52	\$132.38	\$136.35	\$140.44
2-cubic yard compactor	\$534.82	\$550.86	\$567.39	\$584.41	\$601.94
4-cubic yard	\$434.15	\$447.17	\$460.59	\$474.41	\$488.64
4-cubic yard shared	\$217.06	\$223.57	\$230.28	\$237.19	\$244.31
4-cubic yard compactor	\$874.60	\$900.84	\$927.87	\$955.71	\$984.38
<i>Each Recyclables or Green Waste Container In Excess of the Regular Service Level on an Established Account</i>					
2-cubic yard	\$29.10	\$29.97	\$30.87	\$31.80	\$32.75
4-cubic yard	\$50.73	\$52.25	\$53.82	\$55.43	\$57.09

5. Per pickup charge for businesses regularly using roll-off containers. In addition to the fees for use of the container(s) presented below, the user shall pay all disposal fees. Minimum pickup is twice per month. If use is for less than one month, user shall pay a container rental fee of \$20.00 per day, plus all disposal fees:

Refuse Container Size	Effective March 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019	Effective January 1, 2020
10-cubic yard	\$157.67	\$162.40	\$167.27	\$172.29	\$177.46
13.4-cubic yard	\$157.67	\$162.40	\$167.27	\$172.29	\$177.46
20-cubic yard compactor	\$205.84	\$212.02	\$218.38	\$224.93	\$231.68
30-cubic yard	\$206.60	\$212.80	\$219.18	\$225.76	\$232.53
30-cubic yard compactor	\$233.79	\$240.80	\$248.02	\$255.46	\$263.12
Two 30-cubic yard single pickup	\$396.90	\$408.81	\$421.07	\$433.70	\$446.71
40-cubic yard	\$254.93	\$262.58	\$270.46	\$278.57	\$286.93
40-cubic yard compactor	\$288.16	\$296.80	\$305.70	\$314.87	\$324.32

Recyclables and Green Waste Container Size	Effective March 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019	Effective January 1, 2020
10-cubic yard	\$78.84	\$81.21	\$83.65	\$86.16	\$88.74
13.4-cubic yard	\$78.84	\$81.21	\$83.65	\$86.16	\$88.74
20-cubic yard compactor	\$102.81	\$105.89	\$109.07	\$112.34	\$115.71
30-cubic yard	\$103.31	\$106.41	\$109.60	\$112.89	\$116.28
30-cubic yard compactor	\$116.89	\$120.40	\$124.01	\$127.73	\$131.56
Two 30-cubic yard single pickup	\$198.45	\$204.40	\$210.53	\$216.85	\$223.36
40-cubic yard	\$127.46	\$131.28	\$135.22	\$139.28	\$143.46
40-cubic yard compactor	\$144.08	\$148.40	\$152.85	\$157.44	\$162.16

6. Walking Floor Transfer Trailer. Each customer making use of a walking floor transfer trailer shall pay the following per pickup fee, along with all disposal charges:

Effective March 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019	Effective January 1, 2020
\$396.90	\$408.81	\$421.07	\$433.70	\$446.71

Part 2. Special Collection Services and Fees

Special collection services are available for each class of user or type of service upon request and dependent upon the availability of containers for service.

A. Special Collection Services

For large, bulk items that will not fit in a container, contact the Environmental Resources Division at (805) 385-8060 to request a special pick-up. A cost will be quoted according to size and quantity of items. The minimum charge will be \$35.00. Charges will be placed on the next month's utility bill. Special collection debris includes refrigerators, sofas, washing machines, water heaters, furniture, accumulated materials, and other bulky items except for large commercial-type items.

B. Mechanical Loading Special Services

1. Commercial Size Special Service (2 and 4 cubic yards)

Commercial containers are available for special collection service. A delivery fee of \$15.00 shall be charged per container. Commercial container special services shall be provided at the following rates, not including the disposal fee, for a maximum of fourteen days, for an established account.

Container Size	Charge Per Refuse Pickup
2-cubic yard	\$50.00
4-cubic yard	\$75.00

2. Industrial Size Special Service (10 - 40 Yards)

Industrial-type containers are available for special collection service. A delivery fee of \$15.00 shall be charged per container. Industrial container special services shall be provided at the following rates for a maximum of seven days, for an established account. In addition, the user shall pay all disposal fees.

Container Size	Per Pickup Charge
10-yard	\$102.30
13.4-yard	\$102.30
30-yard	\$137.88
40-yard	\$172.35
(2) 30-yard	\$275.76

3. Commercial, Industrial and Multi-Unit Residential Food Waste Collection

Charges for weekly and daily commercial, industrial and multi-unit residential food waste collection service for multiple unit dwellings and commercial and industrial businesses using mechanical front-end loaded containers shall be as follows:

Container Size *	Effective March 1, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019	Effective January 1, 2020
Three Collections Per Week					
64-gallon Container	\$65.71	\$67.68	\$69.71	\$71.80	\$73.95
Four Collections Per Week					
64-gallon Container	\$82.51	\$84.99	\$87.54	\$90.17	\$92.88
Five Collections Per Week					
64-gallon Container	\$97.36	\$100.28	\$103.29	\$106.39	\$109.58
Six Collections Per Week					
64-gallon Container	\$111.96	\$115.32	\$118.78	\$122.34	\$126.01

* Additional bins are charged by multiplying the rate for a single container with the corresponding collection frequency.

C. Freon Extraction Fee

Service	Per Unit
Residential Type Size (refrigerators and air conditioners)	\$20.00
Commercial Type Large Size	\$35.00

D. Lost or Damaged (Burned) Container

Service	Per Unit
Residential 95-gallon container	\$51.25
Residential 65-gallon container	\$47.35
Commercial 2-cubic yard	\$445.12
Commercial 4-cubic yard	\$542.80
Industrial 1-cubic yard	\$585.00
Industrial 13.4 cubic yard	\$635.00
Industrial 30-cubic yard	\$700.00
Industrial 4-cubic yard	\$750.00

E. Tire Collection – Size

Service	Per Unit Tire Charge
36-inches and under	\$5.00
36 to 60 inches	\$30.00
Over 60 inches	\$200.00

F. Commercial Container Cleaning

At the user's request, the City will steam clean commercial containers of 2-cubic yard and 4-cubic yard sizes. The City will also steam clean commercial compactors. The City will pick up the container or compactor, steam clean the container or compactor at the City Yard, and return the container or compactor to the user location. The charge shall be:

Container Type & Size	Per Unit
Commercial 2-cubic yard	\$40.00
Commercial 4-cubic yard	\$60.00
Commercial Compactor	\$110.00
Trash Enclosures	\$110.00

G. Commercial Container Security-Locking Device

At the user's request, the City will provide a security locking device for 2-cubic yard and 4-cubic yard containers. The fee shall be \$60.00 for each locking device per container, covering materials and installation.

H. Commercial Container Casters

A fee of \$20.00 per caster shall be charged to the user for a damaged caster on a 2-cubic yard container or a 4-cubic yard container.

I. Industrial Container Casters

A fee of \$30.00 per caster shall be charged to the user for a damaged caster on a 13.4-cubic yard container or a 30-cubic yard container.

J. Change of Service Level

A fee of \$5.00 shall be charged to the user for each request of a change of service level.

K. Overweight Container

A surcharge of 40% to the user's regular service shall be charged to the user for an overweight container in excess of the posted rate on the container.

L. Return Truck Trip

A fee of \$40.00 shall be charged to the user for each return trip due to a commercial or industrial container relocation, blocked access to the container, improper filling, contamination, or other causes that prevent the safe pickup of the container due to customer error or misuse.

Part 3. Service Levels for Residential Automated Collections

A. Basic Levels

Single-family dwelling units with individual curbside refuse pickup shall each receive a 96-gallon automated refuse container, a 96-gallon automated recycle container, and a 96-gallon automated green waste container that will be serviced weekly. Minimum service level shall be one 64-gallon automated refuse container, a 64-gallon automated recycle container, and a 64-gallon automated green waste container once per week.

B. Service Above Basic Levels

A special service collection fee of \$12.00 shall be charged for collection when requested by a resident for reasons not the fault of the collection personnel, including but not limited to: late set-out of container, overfilling of container, refuse in recycle container, refuse or recycled in green waste container, green waste in recycle container, or blocked access or other causes that prevent safe pickup.

Part 4A. Del Norte Regional Recycling and Transfer Charges for Regular Materials

Except as otherwise provided by the City Council, the fees set forth below shall be charged and collected for the use of and for the privileges and services relating to use of the Del Norte Regional Recycling and Transfer Station (DNRRTS) to process regular materials.

A. By Weight

Material	Per Ton Charge
Refuse	\$47.00 to \$70.00
Green waste	\$47.00 to \$70.00
Mixed recyclables	\$ 0.00 to \$30.00
Construction and demolition debris	\$50.00 to \$70.00

B. By Load - Self-Haul Vehicle

Material	Per Ton Charge
Refuse	\$25.00 to \$30.00 up to 1/2 ton
Refuse	\$47.00 to \$70.00 per 1/2 ton or more

Part 4B. DNRRTS Charges for Special Materials

Except as otherwise provided by the City Council, the fees set forth below shall be charged and collected for the use of, and for the privileges and services relating to the use of the DNRRTS to process special materials.

Material	Charge
Hard to handle or bulky items	\$100.00 per ton
Special handling	\$65.00 per ton
Special pull-offs	\$75.00 each plus disposal fee
Uncovered loads capable of producing litter	\$5.00/ton surcharge in addition to applicable charge for material disposal
Tires: less than 36-inches	\$5.00 each or \$100.00/ton
Tires: 36 inches to 60 inches	\$30.00 each
Tires: over 60 inches	\$200.00 each
Freon extraction (refrigerators and air conditioners)	\$20.00 each, plus disposal fee
Appliances	\$15.00 each

Part 4C. DNRRTS Charges for Other Special Materials

The actual cost shall be charged and collected for the use of and for the privileges and services relating to the use of the DNRRTS to process other special materials not listed in Part 4B. Except as otherwise provided by the City Council, such actual cost shall be based on the rate of \$60.00 per hour.

Part 4D. In addition to charges for regular materials in subsection A and B of Part 4A, the DNRRTS shall charge a host fee of \$2.00 per ton of solid waste collected outside Oxnard city limits and delivered to DNRRTS.

Part 4E. Administration Regulations

The City Manager or designee may adopt administrative regulations to implement this ordinance.

Part 5. Billing Procedure for Monthly Service Charge for Use of the City's Solid Waste System.

Bills for solid waste services shall be computed according to the rates then in effect and the number of days in the service period at each rate.

Part 6. Other Pre-Authorized Adjustments. Pursuant to Government Code section 53756, the rates adopted herein shall automatically adjust as follows: (1) each applicable rate provided herein shall adjust at the same percentage as the percentage change in the rates that the City pays to landfill operators for disposal of solid waste collected through the City's Solid Waste Disposal System, as those rates are calculated in the Rate Study. Any rate provided herein that is not impacted by rates or charges imposed by City used landfill operators shall not be subject to adjustment for these costs. Such adjustments shall be effective concurrent with the date of any adjustments in rates the City pays to landfill operators for disposal of solid waste collected through the City's Solid Waste Disposal System; and (2) annually on July 1 of each year, the rates provided herein shall automatically adjust to reflect the prior year, April to April, annual percentage change in the Consumer Price Index – All Urban Consumers, Los Angeles – Riverside – Orange County, California, published by the U.S. Bureau of Labor Statistics. For example, on July 1, 2016, the inflation adjustment percent is to be calculated based on the percentage change from April 2015 to April 2016 for the above referenced index.

Part 7. The provisions of this ordinance shall be applicable to all solid waste services provided or charges incurred on and after March 1, 2016. Ordinance No. 2861 is repealed by this ordinance, effective _____, 2016.

Part 8. If any term, condition or provision of this ordinance is held to be invalid, void or unenforceable, the remainder of the provisions hereof shall remain in full force and effect and shall in no way be affected, impaired or invalidated thereby.

Part 9. If for any reason this ordinance is held invalid or unable to be implemented according to its terms, the City Council intends that Ordinance No. 2861, which would have been repealed by this ordinance, shall remain in effect as if this ordinance had not been adopted.

Part 10. This ordinance shall be uncoded.

Part 11. Pursuant to Government Code Section 36933(c)(1), the City Attorney was designated to prepare, and the City Clerk published, a summary of this ordinance, and a certified copy of the ordinance was posted in the Office of the City Clerk a minimum of five days before the City Council's adoption of the ordinance.

Part 12. 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. Ordinance No. 2902 was first read on January 19th, 2016, finally adopted on _____, 2016, to become effective thirty (30) days thereafter.

APPROVED AND ADOPTED on this _____ day of _____, 2016, by the following vote:

AYES:

NOES:

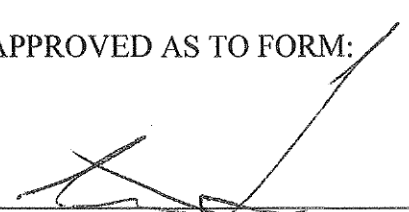
ABSENT:

Tim Flynn, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Stephen M. Fischer, Interim City Attorney



**CITY COUNCIL
AGENDA REPORT**

**TYPE OF ITEM: Public
Hearing**

AGENDA ITEM NO.: J-1

DATE: January 26, 2016

TO: City Council

THROUGH: Greg Nyhoff, City Manager
Office of the City Manager

FROM: Ashley Golden, Development Services Director

SUBJECT: Planning and Zoning Permit Nos. 15-520-02 (Special Use Permit); 15-620-02 (General Plan Amendment) for the Property Located at 2311 Statham Boulevard; and 15-570-02 (Zone Change) for the Properties Located at 2311 Statham Boulevard and 2231-2274 Statham Boulevard. Filed by Pastor Fernando Franco with Victory Outreach Church on Behalf of Property Owner Gruny, LLC, P.O. Box 547, Port Hueneme, California 93044.

CONTACT: Juan Martinez, Development Services
Juan.Martinez@ci.oxnard.ca.us, 385-7556

RECOMMENDATION

That City Council

1. Adopt a resolution upholding the Planning Commission's approval of Planning and Zoning Permit No. 15-520-02 (Special Use Permit) for a church to operate at property located at 2311 Statham Boulevard, subject to the finding and conditions set forth in Planning Commission Resolution No. 2015-36.
2. Adopt a resolution upholding the Planning Commission's recommendation, relating to 2311 Statham Boulevard, to: (i) approve Planning and Zoning Permit No. 15-620-02 (General Plan Amendment) to change the existing General Plan land use designation from Industrial Light (ILT) to Industrial Limited (ILM); and (ii) amend the 2030 General Plan Land Use Map, subject to the findings and conditions set forth in Planning Commission Resolution No. 2015-37.
3. Adopt a resolution upholding the Planning Commission's recommendation relating to 2231-2274 Statham Boulevard and 2311 Statham Boulevard to: (i) approve Planning and Zoning Permit No. 15-570-02 (Zone Change) to change the existing zoning designation from Light Manufacturing (M-1) to Limited Manufacturing (M-L); and (ii) amend the City of Oxnard

Zoning Map to change the zoning designations, subject to the findings and conditions set forth in Planning Commission Resolution No. 2015-38.

BACKGROUND

A pre-application review is necessary prior to initiating a general plan amendment. On April 14, 2015, City Council was presented with Pre-Application No. 14-600-01 filed by Victory Outreach to operate a church at 2311 Statham Boulevard. Churches are allowed, with a special use permit, in the Limited Manufacturing zone (M-L), but not in the Light Manufacturing zone (M-1), which this property is currently zoned. Furthermore, the zoning designation and general plan must be consistent. Therefore, to change the zone designation to M-L, the general plan also needs to be amended from Industrial Light (ILT) to Industrial Limited (ILM). At the April 14th meeting, City Council discussed the need to determine if a church would be compatible with the surrounding industrial uses, including noise, parking, and safety.

The applicant submitted an application on June 4, 2015, for a special use permit, general plan amendment and zone change to request a church use within an industrial zone. On July 20, 2015, a Community Workshop meeting was held. Forty four notices were mailed for the community workshop meeting, and approximately 50 persons showed up to the meeting to offer their support. Although the project is not within a designated neighborhood, Planning Staff met with Francine Castanon, the Chairperson of the adjacent Cal-Gisler Neighborhood. Ms. Castanon, indicated that there were other churches in their neighborhood and that may intermittently cause parking issues, but churches are generally not a problem in the community. There is no direct vehicular access through to the Cal-Gisler neighborhood from the church site, so traffic or parking would not have an impact on the neighborhood.

On December 17, 2015, the Planning Commission held a public hearing and, with a 7-0 vote, approved Special Use Permit No. 15-520-02 to allow a church to operate within the existing 36,480 square foot single story building and to make minor site improvements. The site improvements will facilitate additional parking, better access, lighting, and landscaping. The Planning Commission's action recommended City Council approval of PZ Nos. 15-620-02 (General Plan Amendment) and 15-570-02 (Zone Change), requests to amend the 2030 General Plan Land Use map designation and zoning map designations to create consistency between the general plan and zoning, and to allow the church use. The 2030 General Plan Amendment proposes to change the land use for the property at 2311 Statham Boulevard from Light Industrial (ILT) to Limited Industrial (ILM). The zone change includes changing the zoning from Light Manufacturing (M-1) to Limited Manufacturing (M-L) for 2311 Statham Boulevard and the adjacent properties at 2231-2274 Statham Blvd. This zone change for 2231-2274 Statham Blvd corrects an inconsistency in the existing general plan designation of ILM.

At the public hearing held on December 17, 2015, the Planning Commission considered staff's recommendation along with oral and written comments by persons who attended the meeting. Approximately 50-60 persons, mostly church members, attended the public hearing. Seven people spoke in support of the project and encouraged the Planning Commission to approve the subject entitlements. Although Planning Commission unanimously approved and recommended

City Council approval of the proposed applications, Chair Frank expressed concerns that non-industrial uses may be taking away industrial space needed to meet the long range industrial needs of the City.

FINANCIAL IMPACT

None

ATTACHMENTS

- 1 - Planning Commission Staff Report (December 17, 2015)
- 2 - PowerPoint Presentation (Hearing of December 17, 2015)
- 3 - Notice Requesting Review (December 30, 2015)
- 4 - City Council Resolution: Approval PZ 15-520-02 (SUP)
- 5 - City Council Resolution: Approval PZ 15-620-02 (GPA)
- 6 - City Council Ordinance: Approval PZ 15-570-02 (ZC)

**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission

FROM: Juan Martinez, Associate Planner

DATE: December 17, 2015

SUBJECT: Planning and Zoning Permit Nos. 15-520-02 (Special Use Permit); 15-620-02 (General Plan Amendment) for the Property Located at 2311 Statham Boulevard; and 15-570-02 (Zone Change) for the Properties Located at 2311 Statham Boulevard and 2231-2274 Statham Boulevard

1) Recommendation: That the Planning Commission:

- a) Adopt a resolution approving Planning and Zoning Permit No. 15-520-02 (Special Use Permit) for the property located at 2311 Statham Boulevard, subject to certain findings and conditions.
- b) Adopt a resolution recommending that the City Council: (i) approve Planning and Zoning Permit No. 15-620-02 (General Plan Amendment) to change the existing General Plan land use designation from Industrial Light (ILT) to Industrial Limited (ILM); and (ii) amend the 2030 General Plan Land Use Map, for the property located at 2311 Statham Boulevard, subject to certain findings and conditions.
- c) Adopt a resolution recommending that the City Council: (i) approve Planning and Zoning Permit No. 15-570-02 (Zone Change) to change the existing zoning designation from Light Manufacturing (M-1) to Limited Manufacturing (M-L); and (ii) amend the City of Oxnard Zoning Map to change the zoning designations, for the properties located at 2311 Statham Boulevard, and 2231 through 2274 Statham Boulevard, subject to certain findings and conditions.

2) Project Description and Applicant:

Planning and Zoning Permit Nos. 15-520-02 (Special Use Permit) a special use permit to allow a church (Victory Outreach Church) to operate within an existing 36,480 square foot single story building and minor site improvements to property located at 2311 Statham Boulevard; PZ Nos. 15-620-02 (General Plan Amendment) and 15-570-02 (Zone Change), requests to amend the 2030 General Plan Land Use map designation and zoning map designations to create consistency between the general plan and zoning, and to allow the church use. The 2030 General Plan Amendment proposes to change the land use for the property at 2311 Statham Boulevard from Light Industrial (ILT) to Limited Industrial (ILM). The Zone Change proposes to change the zoning from Light

Industrial (M-1) to Limited Manufacturing (M-L) for properties at 2311 and 2231-2274 Statham Blvd. For purposes of this Staff Report, the foregoing project description shall be referred to as the **“Project.”** Filed by Pastor Fernando Franco with Victory Outreach Church on behalf of property owner Gruny, LLC, P.O. Box 547, Port Hueneme, California 93044. (the **“Applicant”**).

- 3) Existing & Surrounding Land Uses:** The Project consists of two developed sites that are surrounded by other industrially zoned properties. The property addressed as 2311 Statham Boulevard is developed and consists of Parcels 3 (1.79ac) and 4 (0.57ac) of Parcel Map recorded in book 13 at page 20. Parcel 3 has an existing 36,480 square foot industrial building that is currently vacant and Parcel 4 is a shared drive connection that serves three properties.

The second property is a 1.6-acre site with an existing 36,952 square foot industrial building that is addressed 2231-2274 Statham Boulevard.

LOCATION	ZONING	GENERAL PLAN	EXISTING LAND USE
Project Site	Light Manufacturing (M-1)	Industrial Light (ILT)	Three Tenant Vacant Building
North	Light Manufacturing (M-1)	Industrial Light (ILT)	Oxnard Lemon Company (Packing House)
South	Light Manufacturing (M-1)	Industrial Light (ILT)	Industrial: Diversified Panel Systems; and Berry Pack Inc
East	Light Manufacturing (M-1)	Industrial Limited (ILM)	Six Industrial Condos Warehousing; Office; and Automotive
West	Light Manufacturing (M-1)	Industrial Light (ILT)	Industrial: Packaging Corp of America

- 4) Background Information:** On April 14, 2015, Staff presented the proposed Project to City Council as Pre-Application No. 14-600-01. The Council discussed the need to determine if a church is compatible with the surrounding industrial uses, including noise, parking, and safety. In addition Council requested that the residential community west of the Ventura County Flood Control Channel (Cal-Gisler Neighborhood) and the industrial business owners in the area be contacted, prior to a hearing on the Project.

On April 15, 2010, the Planning Commission granted Planning and Zoning Permit Nos. 10-500-03 (Special Use Permit) and 10-300-01 (Tentative Parcel Map) approving a subdivision of the 2311 Statham Boulevard property for condominium purposes and a lot merger for Lots 3 and 4 (Parcel Map recorded in book 13 at page 20). Lots 3 and 4 provide access to the property. The tentative map and special use permit expired in April of 2014. However, approval of this Application includes a condition of approval requiring the Applicant to merge lots 3 and 4 (Parcel Map recorded in book 13 at page 20).

In November of 2006, Tract No. 5691 subdivided the building at 2231-2274 Statham Boulevard for condominium purposes and created eight community ownership commercial spaces.

5) Environmental Determination:

In accordance with Section 15061 and 15301 of the State CEQA Guidelines, projects involving “existing facilities” and “new gardening or landscaping” may be found to be exempt from the requirements of the California Environmental Quality Act (CEQA). A Class 1 categorical exemption under CEQA Guidelines Section 15301 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination.

The Applicant proposes to reuse an existing vacant building and make upgrades to an existing parking lot that includes new finger planters to meet the City’s standards. Based on the foregoing, the Planning Division recommends that the Planning Commission direct the Planning Manager to file a Notice of Exemption with the Ventura County Clerk pursuant to Section 15062 of the State CEQA Guidelines within five (5) working days of passage, approval and adoption of the attached Resolution. (See Attachment D).

6) Analysis:

a) General Discussion: The special use permit, general plan amendment and zone change applications were received on June 4, 2015. Since January of 2014, the Applicant has been holding its religious gatherings at 575 East Surfside Drive in the City of Port Hueneme. Prior to this location and since 1985, the Applicant has operated in the City of Oxnard. From 1995 to January of 2014, the Applicant operated at 232 West Pleasant Valley Road within a 17,000 square foot building having a 475-seat sanctuary.

If the Project is approved, the Applicant will acquire the property, and obtain building permits for interior tenant improvements necessary to accommodate the use.

The Applicant proposes services on Friday evenings between the hours of 7:30 p.m. and 9:00 p.m. and on Tuesdays youth evening meetings will take place between 7:00 p.m. and 9:00 p.m. Sunday church services will take place between the hours of 9:00 a.m., 11:00 a.m., and 6:00 p.m. Sunday school and childcare will be provided during Sunday church services and childcare or day school services will not be provided during the week. From Monday through Friday between the hours of 9:00 a.m. and 4:00 p.m., the facility will have approximately ten office staff operating.

b) General Plan and Zoning Consistency:

2311 Statham Boulevard

The General Plan Amendment (GPA) proposes to amend the 2030 Land Use Map designation for the property addressed 2311 Statham Boulevard. The GPA proposal would change 2.36-acres currently designated as Industrial Light (ILT) to Industrial Limited (ILM). In addition, and

for general plan and zoning consistency, the Zone Change would amend the zoning designation of the same property from Light Manufacturing (M-1) to Limited Manufacturing (M-L).

Industrial Limited provides for “light manufacturing, assembly, work/live, and warehousing uses developed to high performance and development standards. All activity occurs within buildings with the exception of incidental outdoor uses.” Permitted and related uses vary from the M-1 to the M-L zone, but in accordance with Section 16-239 of the M-1 zone the performance standards of the M-L zone consistently apply to both zones. Concurrent approval of Special Use Permit and Zone Change will make the property consistent with the General Plan and the property’s land use designation.

2231-2274 Statham Boulevard

The Light Manufacturing (M-1) zoning designation of the eight unit condominium 1.65-acre site is not consistent with the existing 2030 General Plan Land Use Designation of Industrial Limited. Therefore, the zone change application includes re-designating the subject 1.65-acre site that is currently zoned Light Manufacturing (M-1) to Limited Manufacturing (M-L) so that the property is consistent with the 2030 General Plan Land Use Designation.

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

- I. Direct Applicability to a Proposed Project or Program (full text of the policy and an explanation).
- II. Related or Indirect Applicability to the Proposed Project or Program (policy title and an explanation for each or groups of related or indirectly related policies).
- III. No or Distant Applicability to the Proposed Project or Program (all policies not listed as Level I and II are assumed to be consistent).

POLICY	LEVEL	POLICY OR TITLE	EXPLANATION
CD-2.1 CD-18.1 CD-18.10	I	Amend the zoning code, zoning map, and other land use regulations to make them consistent with the adopted and/or subsequently amended 2030 General Plan.	As proposed, via the requested amendments, the General Plan and zone designations will be consistent with one another and with existing land uses on the subject properties. The Project includes general plan and zoning consistency review of abutting properties. With Zone Change approval, the property described as 2231 through 2274 Statham Boulevard will be consistent with the 2030 General Plan land use designation
CD-15.1 CD-17.5	I	Strive to maintain and enhance the City’s quality of life through better business opportunities; increased leisure, cultural, and	Minor site changes and new interior tenant improvement to 2311 Statham Boulevard will accommodate a church facility that proposes to contribute to religious

		recreational opportunities; upgraded public facilities and amenities	community practices within our community. Services include youth programs and opportunities to promote well being.
CD-3.4 CD-4.4 CD-14.1 CD-14.2 CD-14.3 ER-10.1	II	- Neighborhood Quality of life. - Commercial Area Aesthetics. - Design Review Process - Development Advisory Committee Functions (DAC) - Quality of Design - Water Supply Findings for Smaller Projects - Design of Sound or Zone Walls - Promote use of Native and Water Wise Plants	The Development Advisory Committee (DAC) review process led to changes in the Project and/or conditions of approval that meet these Level II policies. The Project involves parking lot upgrades and tenant improvements.

c) **Conformance with Zoning Development Standards:** In accordance with the proposed zone change, the subject properties will be subject to the development standards of the M-L zone (Oxnard Code sections 16-185 through 16-215). Development standards of the two zones are generally similar as illustrated in development standards comparison table following.

M-1 DEVELOPMENT STANDARD	M-L DEVELOPMENT STANDARDS	2311 Statham Blvd EXISTING	COMPLIES ?
Min. Lot Area (16-230) = 15,000 square feet	Min Lot Area (16-195(A)) = 15,000 square feet	82,150 sf	Yes
Min. Lot Width (16-230) = 100 feet	Min. Lot Width (16-195(B)) = 100 feet	278-Feet	Yes
Min. Lot Depth (16-230) = 150 feet	Min. Lot Depth (16-195(C)) = 150 feet	285-Feet	Yes
Max. Building Height (16-231) = 55 feet	Max. Building Height (16-196) = 35 feet (1ft for each additional 1ft of building setback provided.	17-Feet (existing).	Yes
Front Yard Setback (16-232) = 10 feet	Front yard setback (16-197(A)(1)) = 20 feet; 30 feet (adjacent to designated/minor thoroughfare)	71-Feet (existing)	Yes
Side Yard Setback (16-232) = 0 if interior abuts M-1/M-2 Lot	Side yard setback (16-197(B)(1)) = Height of the building/50 feet when abutting residential zone/Street side shall meet front yard requirement. 0-setback with exchange & recording of necessary documents to insure adequate access, parking and easements to serve development	West = 5-Feet East = 44-Feet	Yes

M-1 DEVELOPMENT STANDARD	M-L DEVELOPMENT STANDARDS	2311 Statham Blvd EXISTING	COMPLIES ?
Rear Yard Setback (16-232) = Not less than height of bldg.	Rear yard setback (16-232) = Not less than height of bldg. 50- feet when abutting residential zone	61-Feet	Yes
Max. Lot Coverage (16-233) = Ground floor of structure shall not exceed 70% of total area	Max. lot coverage (16-233) = Ground floor of structure shall not exceed 50% of total area	43%	Yes

- d) **Site Design and Circulation:** The church site is comprised of two parcels (Parcel 3 and Parcel 4) that are required to merge via a Condition of Approval No. 87 of the SUP. After the two lots are merged, the driveway will continue to serve and provide vehicular access to two abutting properties via existing access agreements. The 36,480 square foot building is approximately in the middle of the parcel with two-way driveways on all sides.

The eight unit condominium industrial building has two separate access drives connecting to Statham Boulevard. Four industrial units are oriented to the northerly drive aisle and parking area and the remaining four industrial units face the southerly drive and parking areas. There are no changes proposed to the physical design of this property.

- e) **Parking Upgrades to Church Site:** Parking areas within the church property occur on three sides of the building. The SUP includes striping of the parallel parking stalls along the easterly and northerly sides of the building, and redesign of the southerly parking field. With the redesigned parking areas, the number of parking spaces increases from 71 parking spaces to 119 total parking spaces.

New plant material will be added to the existing landscape planters on the easterly and northerly property line. Although City Code requires a 5 foot wide landscape strip throughout the parking area, this property is considered to be legal non-conforming as an existing building. It is not feasible to require the requisite landscape without reducing the drive aisles to widths unacceptable for emergency vehicle access. Furthermore, the City of Oxnard approved building permits in 1989 and 2000 that did not include additional landscape areas for the property. The applicant's proposal improves the current situation to the maximum extent feasible.

The restriping and reconfiguration of southerly parking lot will accommodate an increased number of parking spaces and eliminate existing design conflicts due to back-up, disabled access, and unsafe pedestrian paths of travel.

At the request of the applicant and under the review of the City's Traffic Engineer, Associated Transportation Engineers prepared a Trip Generation and Parking Study for the church use. The study includes review of operational days and hours for adjacent businesses to evaluate peak service times and potential vehicle trip conflicts with conversion of industrial building use to

church use. According to the study, the church use would result in a net increase in average daily trips, but a reduction in a.m. and p.m. peak hour trips when compared to the existing light industrial and the proposed manufacturing zoning designations.

The parking study evaluated the City's parking requirements and found that the church will require 100 parking spaces during peak church service needs. In accordance with the City Ordinance, the parking study evaluates hours of operation and building space uses for the various church components. The building uses do not overlap and the table following shows a breakdown showing parking requirement compliance when considering hours of operations, expected hours of operation, and breaks down the parking requirement ratios for office and church use

Building	Use	SQUARE FOOTAGE PROPOSED	PARKING STANDARD	PARKING	
				REQUIRED	PROVIDED
Church Building 2311 Statham Blvd 36,480 SF	Office	2,163 SF	1 stall per 250sf of gross floor area	9	119
	Church	500 Fixed Seats	1 stall per 5 seats within auditorium	100	
	Total:			109	

f) **Building Design:** At this time, no major exterior changes are proposed to any of the buildings; however, minor exterior changes are anticipated as a result of interior tenant improvements for the church. Site lighting repairs and upgrades are necessary to bring lighting conditions to the City's current lighting illumination standards of 1-foot candle minimum and not to exceed 7-footcandles.

g) **Signs:** Signs are not proposed as part of these permits. However, future signs for the church building will be subject to the City's sign regulations, which are codified in Chapter 16 of the Oxnard City Code. Since the church building does not front Statham Boulevard, Oxnard City Code section 16-608(A)(3) limits businesses that do not front a public road to ½ square foot of sign area per linear foot of building frontage. For purposes of calculating sign area, the building frontage shall be the southern facing elevation which shall be limited to 113.5 square feet since the width of the building is 227-feet wide.

7) **Development Advisory Committee:** The Development Advisory Committee (DAC) reviewed this Project on Wednesday, September 23, 2015. Recommendations of the DAC are included in the attached resolution(s).

8) **Community Workshop:** On Friday, July 10, 2015, the Applicant mailed 44 notices of the Community Workshop meeting to all property owners within the Statham Business Park community and all property owners bounded by Oxnard Boulevard, Rose Avenue, Channel Islands, and the Ventura County Flood Control District. In addition, Staff mailed out separate notice to the eight condominium property owners and included zone change exhibits and information that included

application zone sections of the M-1 and M-L zoning ordinance handouts. A notice of this meeting was posted on the Project site with a brief description and contact information. The Community Workshop was conducted on at 6:00 p.m. Monday, July 20, 2015 in the City of Oxnard Community Room located at 300 West Third Street. Approximately, 50 persons attended the two-item Community Workshop meeting. Most persons in attendance were church members who were there to support the church's request to acquire and operate the church within the industrial business park.

At the April 14, 2015, City Council meeting, a City Council member suggested that community outreach include the Cal-Gisler neighborhood. Therefore, staff met with Francine Castanon, Chairperson with the Cal-Gisler Neighborhood Council. According to Ms. Castanon, there are other churches in their neighborhood and there may be some parking issues, but churches are generally not a problem in their community. Victory Outreach Church does not have direct vehicular connections with the Cal-Gisler neighborhood, so traffic or parking is not anticipated to directly impact the Cal-Gisler neighborhood.

- 9) Appeal Procedure:** In accordance with Section 16-545 of the Oxnard City Code, the Planning Commission's action may be appealed to the City Council within 18 days after the decision date. Appeal forms may be obtained from the City Clerk and must be submitted with the appropriate fees before the end of the appeal period. However, because the Project involves a General Plan Amendment and Zone Change, the Planning Commission's action on such items is a recommendation; therefore, the matter together with the special use permit will be considered by the City Council at a later date.

Attachments:

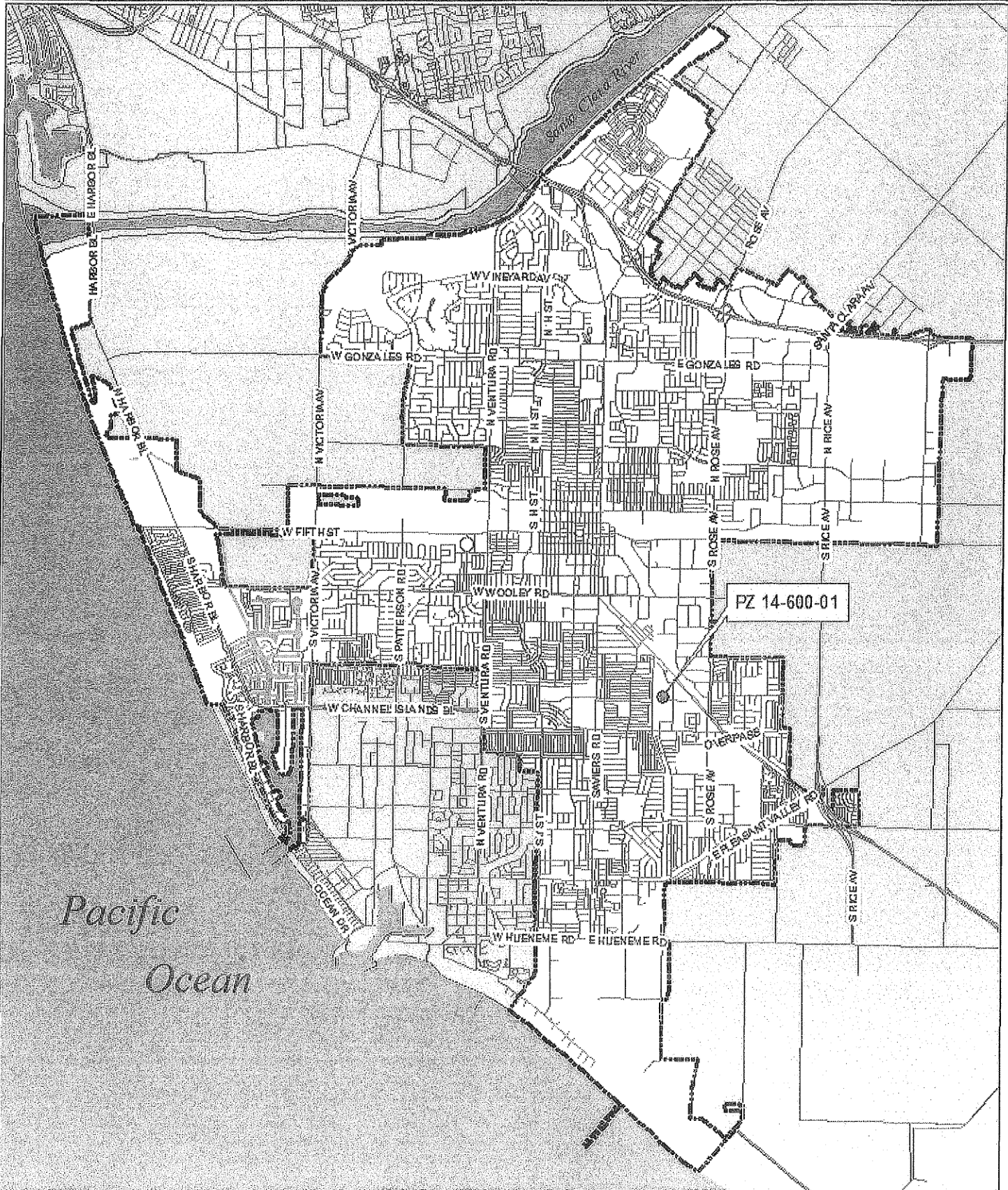
- A. Maps (Vicinity, General Plan, Zoning)
- B. Reduced Project Plans
- C. Trip Generation and Parking Study by Associated Transportation Engineers
- D. Notice of Exemption
- E. Resolution PZ 15-520-02 (Special Use Permit)
- F. Resolution PZ 15-620-02 (General Plan Amendment)
- G. Resolution PZ 15-570-02 (Zone Change)

Prepared by:	
Approved by:	

**ATTACHMENT
A

MAPS
(VICINITY, ZONING, GENERAL PLAN MAP)**

Vicinity Map



OXNARD
CALIFORNIA

Oxnard Planning
April 2, 2015

PZ 14-600-01
Location: 2311 Statham Blvd
APN: 220001021

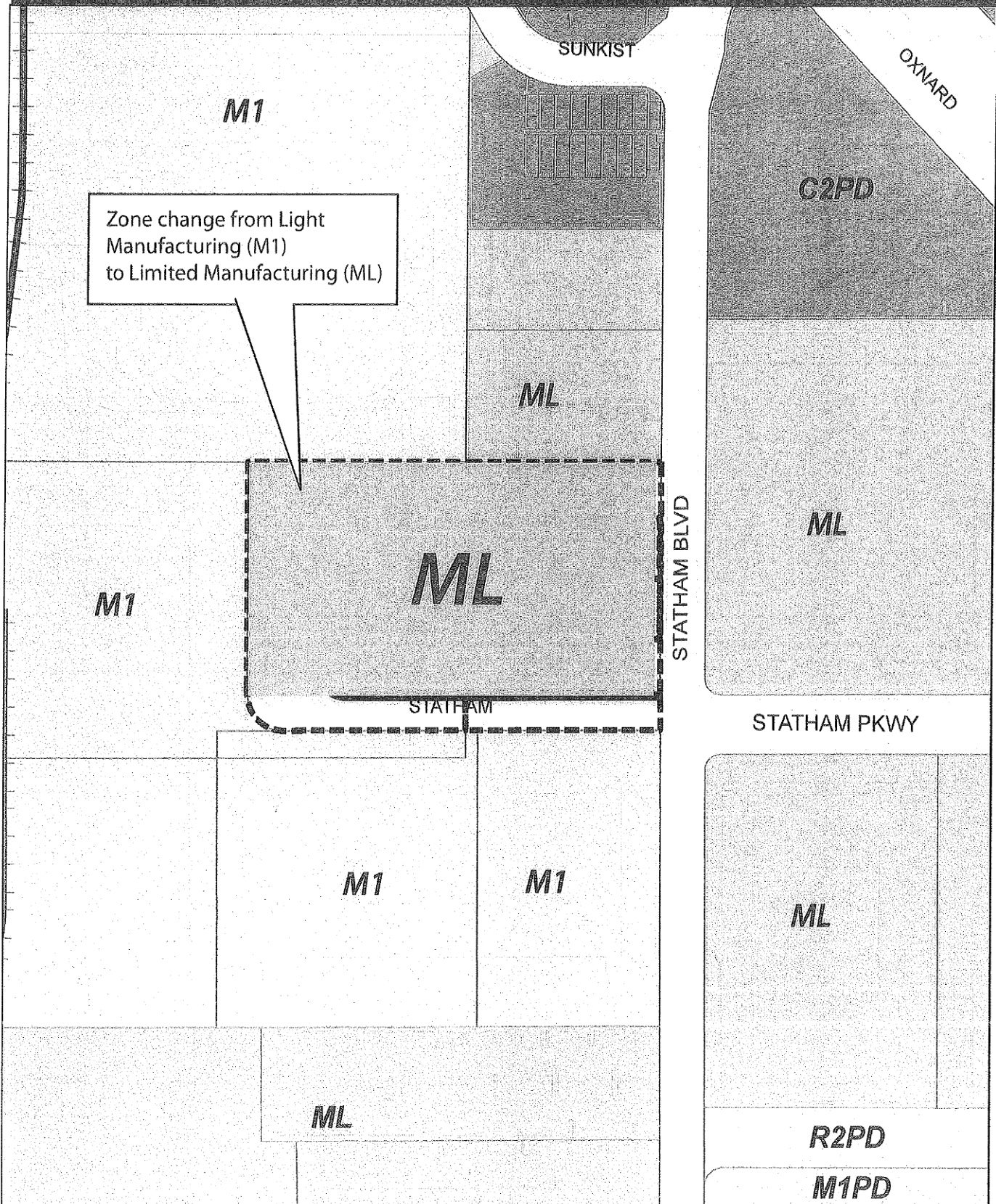
Vicinity Map

N



Map is not to Scale

Zoning Change



Oxnard Planning
July 1, 2015

PZ 15-520-02, 15-570-02, 15-560-02
Location: 2311 Statham Bl
APN: 220010215
Victory Outreach

0 37.5 75 150 225 300 Feet

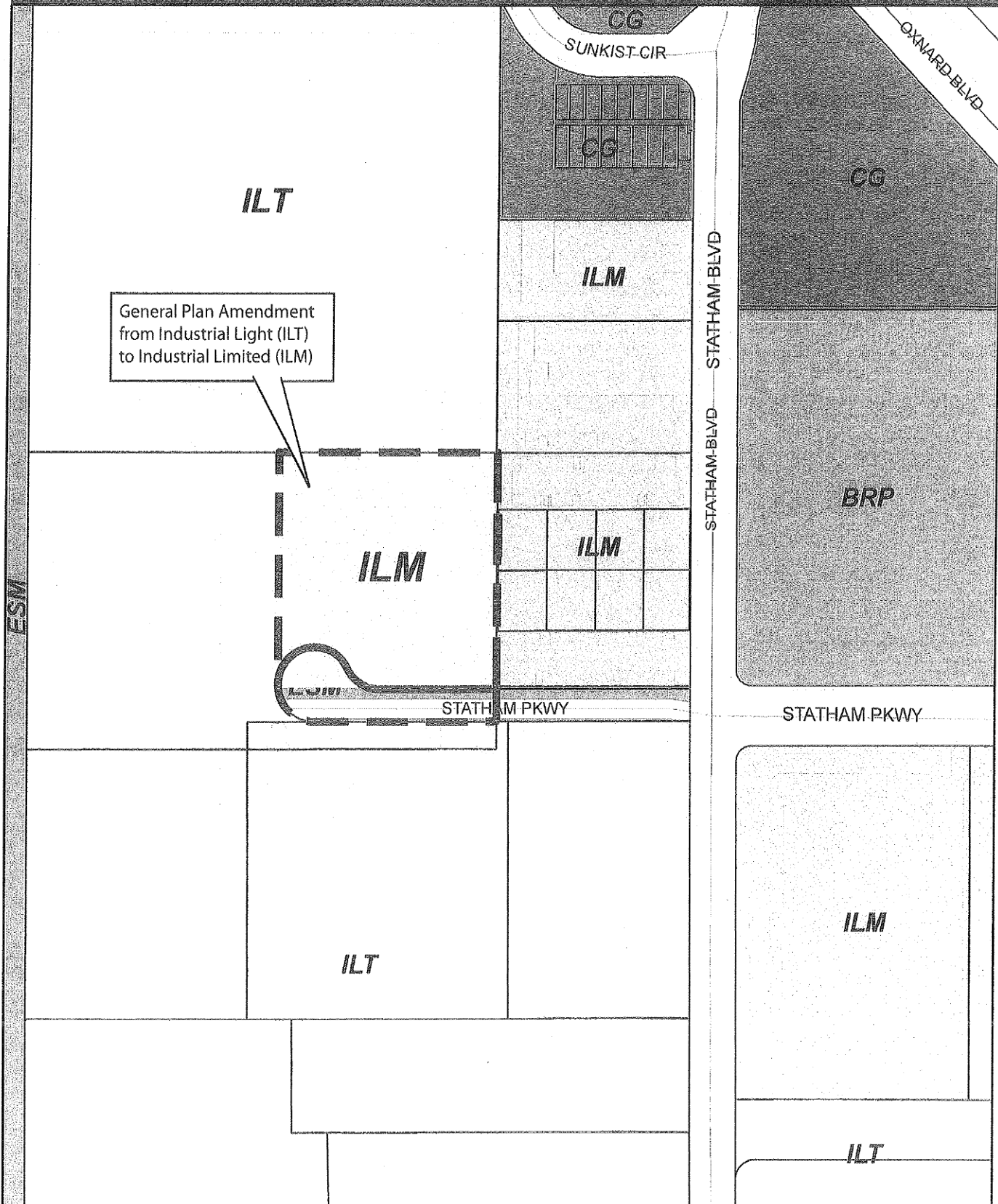
Zoning Change

Exhibit A



1:2,000

2030 General Plan Land Use Amendment

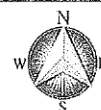


CITY OF OXNARD
CALIFORNIA
Oxnard Planning
July 1, 2015

PZ 15-520-02, 15-570-02, 15-560-02
Location: 2311 Statham Bl
APN: 220010215
Victory Outreach
0 37.575 150 225 300 Feet

2030 General Plan Land Use Amendment

Exhibit A



1:2,000

ATTACHMENT B

REDUCED PROJECT PLANS



**JAMES E. ARMSTRONG
ARCHITECT, AIA**
LICENSE C22059
2300 KNOX DRIVE SUITE A
VENTURA, CA 93003
805-644-8180

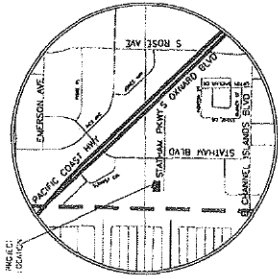


KEYNOTE LEGEND

1. REPAIRS OF (1) BUILDING TO REMAIN UNCHANGED
2. (2) NEWLY FINISH TO REMAIN
3. (3) EXISTING EXTERIOR WALLS TO BE DEMOLISHED AND RECONSTRUCTED WITH APPROVED SHOOT WALL MATERIALS, SETBACK AND FINISH TO MATCH THE EXISTING FINISH
4. (4) EXISTING MAP WITH SHOWN WORK AND BOUNDARIES TO BE RECORDED
5. (5) DEMOLISH THE EXISTING PATIERS ON THE FRONT SIDE OF THE BUILDING
6. (6) DEMOLISH EXISTING TRASH ENCLOSURE
7. (7) EXISTING TRASH ENCLOSURE TO REMAIN
8. (8) ELECTRICAL TRANSFORMER TO REMAIN
9. (9) ELECTRICAL MAIN PANEL WITH ELECTRICAL METERS TO REMAIN
10. (10) NEW CAGE TO BE DEMOLISHED
11. (11) EXISTING METERS TO REMAIN
12. (12) REMOVE ALL THE EXISTING WHEEL STOPPERS AT THE PARKING
13. (13) FIRE HYDRANT TO REMAIN
14. (14) FIRE LANE DOCS

PARKING CALCULATION:

EXISTING PARKING SPACES 71 SPACES



VICINITY MAP

PROJECT TITLE

**VICTORY
OUTREACH CHURCH**
FOR
PERMANENT PARCEL
RECONSTRUCTION
PROJECT

SHEET TITLE

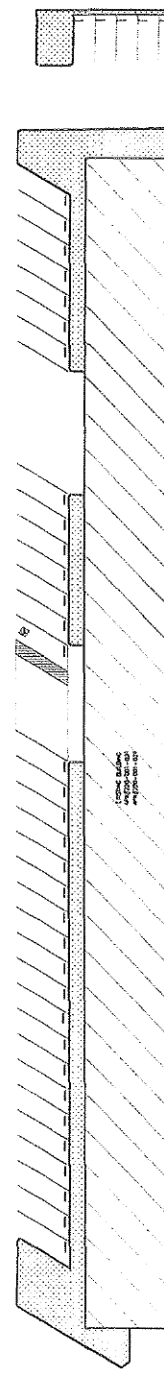
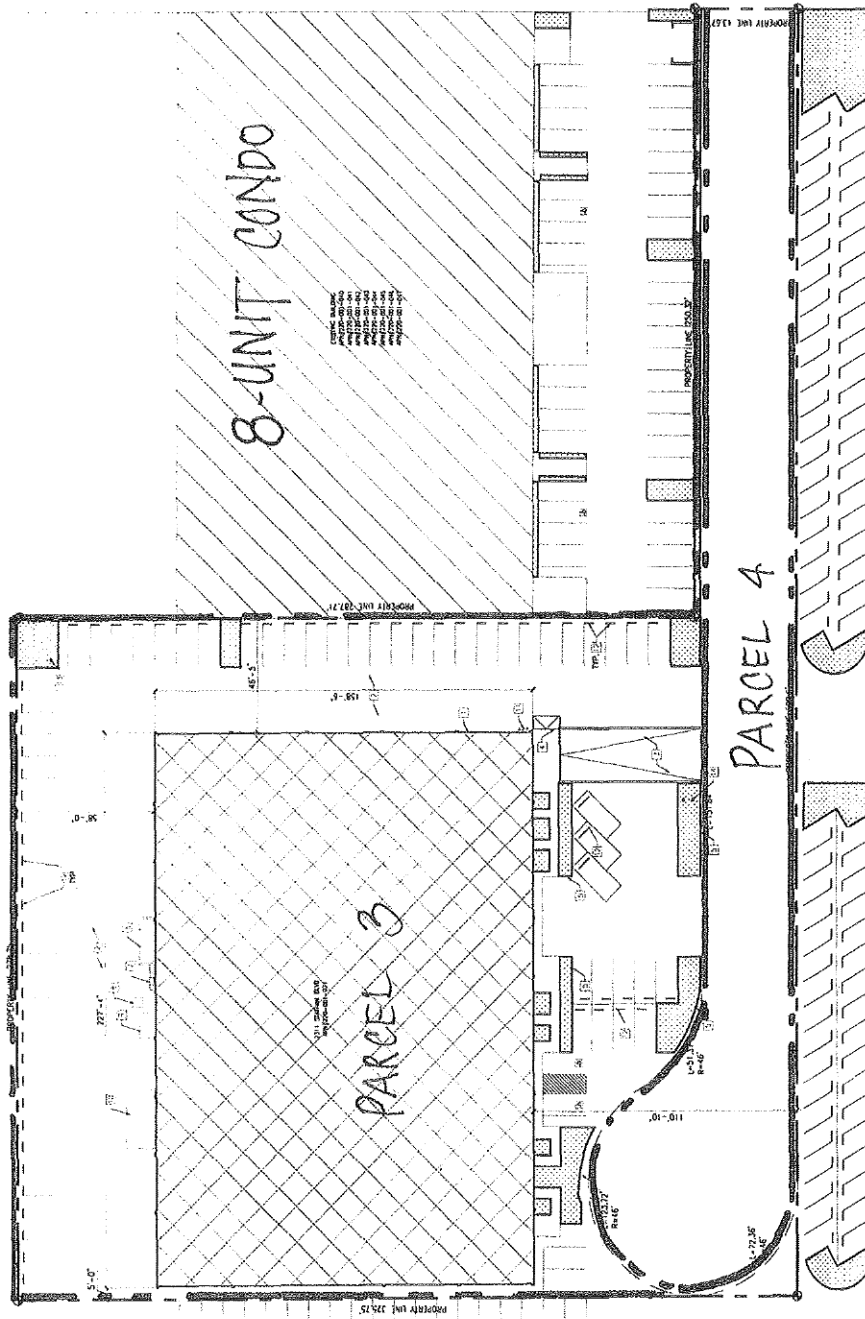
EXISTING
SITE PLAN

FOR PERMIT

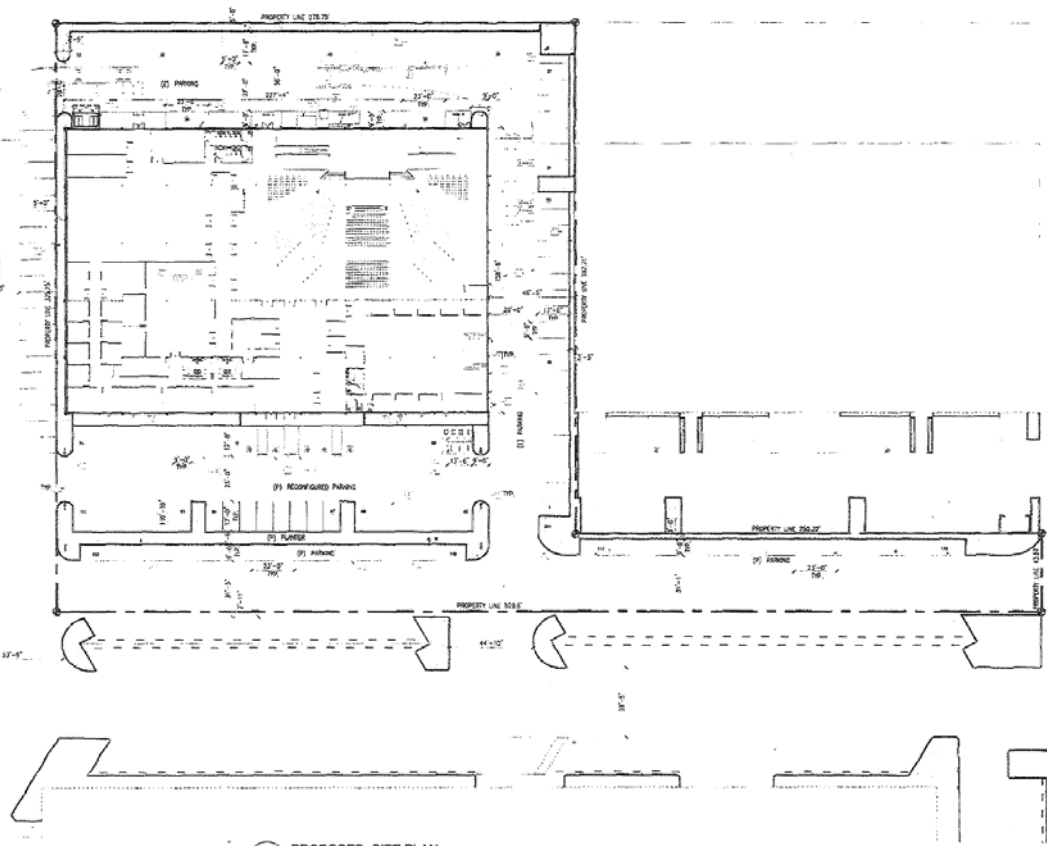
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15	11-20-15	JA	EXISTING SITE PLAN
16	11-20-15	JA	EXISTING SITE PLAN
17	11-20-15	JA	EXISTING SITE PLAN
18	11-20-15	JA	EXISTING SITE PLAN
19	11-20-15	JA	EXISTING SITE PLAN
20	11-20-15	JA	EXISTING SITE PLAN

A1.0

SHEET 2 OF 3



EXISTING SITE PLAN
SCALE: 1"=20'-0"



KEYNOTE LEGEND

1. FOOTING OF (1) BUILDING TO REMAIN UNCHANGED.
2. (2) ASPHALT PAVING TO REMAIN.
3. (3) LOCATION OF 4-WHEEL DRIVE RAMP, PER CITY STANDARDS.
4. (4) PARKING SPOT, PER CITY STANDARDS.
5. (5) LOCATION OF MOTORCYCLE STALLS, PER CITY STANDARDS.
6. (6) LOCATION OF (14'-4"X10'-2") TRUCK ENCLOSURE PER CITY STANDARDS.
7. (7) ELECTRICAL GEAR TO REMAIN.
8. (8) ELECTRICAL TRANSFORMER TO REMAIN.
9. (9) ELECTRICAL MAIN PANEL WITH ELECTRICAL METERS TO REMAIN.
10. (10) NO PARKING ZONE.
11. (11) ACCESSIBLE PARKING SPACE.
12. (12) PARKING METERS TO REMAIN.
13. (13) SIDE WALK.
14. (14) ON STREET TRIP PARKING SPACE.
15. (15) SIDE LOADING DOCK.
16. (16) WALL FLOOR LIGHTS.
17. (17) PLANTER.
18. (18) FIRE HYDRANT.
19. (19) FIRE LANE DOCKS.

PARKING CALCULATION

(1) PARKING SPACES: 71 SPACES
(2) PARKING SPACES: 115 SPACES
REQUIRED PARKING PROVIDED TO BE CONSISTENT WITH THE PARKING STUDY PERFORMED FOR THE SITE.

AREA CALCULATION

PROPOSED LOT AREA:	246.57 (0.3479 ACRES)
EXISTING BUILDING AREA:	26,000 S.F.
PROPOSED BUILDING AREA:	30,000 S.F.
MINIMUM ALLOWED AREA COVERAGE:	70 %
AREA COVERAGE:	26.3 %
EXISTING SIDEWALK AREA:	1,385 S.F.
PROPOSED SIDEWALK AREA:	1,732 S.F.
EXISTING LANDSCAPE AREA:	3,708 S.F.
PROPOSED LANDSCAPE AREA:	7,496 S.F.
EXISTING LANDSCAPE COVERAGE:	3.708/7,496=49.33%
PROPOSED LANDSCAPE COVERAGE:	7,496/7,496=100%
EXISTING PAVED AREA:	61,102 S.F.
PROPOSED PAVED AREA:	55,801 S.F.



VICTORY OUTREACH CHURCH
BY FERNANDO FRANCO
DATE 12/15/16

SHEET TITLE

PROPOSED SITE PLAN

FOR PERMIT

DESIGNER	DATE	PROJECT #	SCALE
J.E.A.	12-15-16	15-520-02	1/8" = 1'-0"
CHECKED BY	DATE	PROJECT #	SCALE
F.F.	12-15-16	15-520-02	1/8" = 1'-0"

A2.0
SHEET 2 OF 3



**JAMES E. ARMSTRONG
ARCHITECT, AIA**
LICENSE C22050
2900 KNOX DRIVE, SUITE A
VENTURA, CA. 93003
(805) 644-8190

FOR PERMIT

REVISIONS:

DESIGNED BY: XXXXXXXXXX

CHECKED BY: XXXXXXXXXX

DATE: 12-08-2012 TIME: 15:30

PROJECT NO: 1530 DRAWING NO: 54

CONTRACT NO: XXXXXXXXXX REVISION NO: 001

A3.0

SHEET 3 OF 5



A SOUTH ELEVATION - EXISTING
SCALE: 1/8"=1'-0"



B SOUTH ELEVATION - PROPOSED
SCALE: 1/8" = 1'-0"



C WEST ELEVATION -EXISTING & PROPOSED
SCALE: 1/8"=1'-0"



JAMES E. ARMSTRONG
ARCHITECT, AIA
LICENSE C22060
2300 KNOLL DRIVE, SUITE A
VENTURA, CA 93003
805-644-8130



PRODCI INT:

VICTORY
OUTREACH CHURCH
FOR
FERNANDO FRANCO
278-844-4753
2014-21
1000

2001 104.

EXISTING AND
PROPOSED
SOUTH
AND WEST
ELEVATION

FOR PERMIT

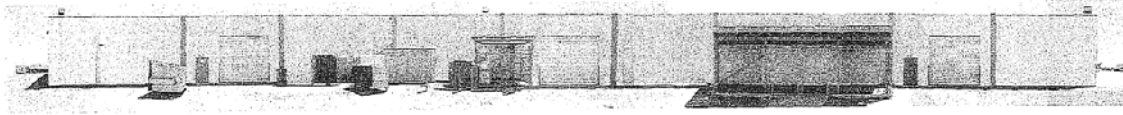
Write the words in the boxes.

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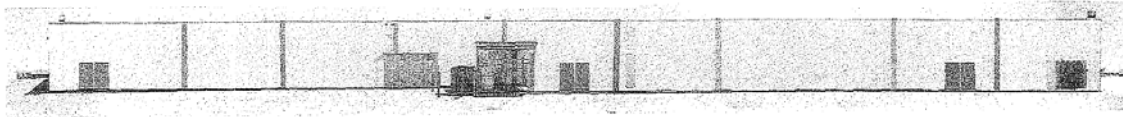
DESCRIPTION OF DOCUMENT 1. TITLE: ... 2. DATE: ... 3. AUTHOR: ... 4. SUBJECT: ... 5. LOCATION: ... 6. ACCESS: ... 7. STATUS: ... 8. COMMENTS: ...	
DATE: 05-08-2018	FILENAME: 13-0-018
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CONSULTANT'S P. 1336	REVIEWED BY JSA

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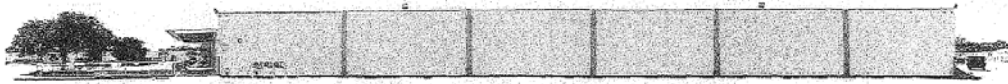
Page 4 of 9



D NORTH ELEVATION - EXISTING
SCALE: 1/8"=1'-0"



E NORTH ELEVATION - PROPOSED
SCALE: 1/8"=1'-0"



F EAST ELEVATION - EXISTING
SCALE: 1/8"=1'-0"



G EAST ELEVATION - PROPOSED
SCALE: 1/8"=1'-0"



JAMES E. ARMSTRONG
ARCHITECT, AIA
LICENSE C22046
2903 WINDY DRAGON, SUITE 4
VENTURA, CA 93003
805.624.8180



PROJECT TITLE
VICTORY
OUTREACH CHURCH
OF
FERNANDO BRANCO
JEFERSONVILLE
CHURCH
TER

SHEET 18/22

EXISTING AND
PROPOSED
NORTH AND
EAST
ELEVATION

FOR PERMIT	
REVISIONS	
NO.	DATE
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98	12/17/16
99	12/17/16
100	12/17/16

A4.0
SHEET 18 OF 22

ATTACHMENT C

TRIP GENERATION AND PARKING STUDY BY ASSOCIATED TRANSPORTATION ENGINEERS



ASSOCIATED TRANSPORTATION ENGINEERS

100 N. Hope Avenue, Suite 4, Santa Barbara, CA 93110 • (805) 687-4418 • FAX (805) 682-8509

Since 1978

Richard L. Pool, P.E.
Scott A. Schell, AICP, PTP

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PLANNING DIVISION
CITY OF OXNARD

October 30, 2015

15048L03.wpd

Mr. Joe Lucio
Victory Outreach Church
1300 West Gonzales Road, Suite 102-A
Oxnard, CA 93036

TRIP GENERATION AND PARKING STUDY FOR THE VICTORY OUTREACH CHURCH, CITY OF OXNARD, CALIFORNIA

Associated Transportation Engineers (ATE) has prepared the following trip generation and parking study for the Victory Outreach Church, proposed at 2311 Statham Boulevard in the City of Oxnard. The trip generation analysis is based on the rates published in the Institute of Transportation Engineers (ITE), Trip Generation, 9th Edition and provides a comparison between the proposed church land use and the existing zoning use. The parking analysis reviews the City Zoning Ordinance parking requirements for the project, then provides an analysis of the project's parking demands based on empirical parking demand data published by the Institute of Transportation Engineers (ITE) to determine if the parking supply is sufficient.

PROJECT DESCRIPTION

The Victory Outreach Church is proposing to convert a vacant 36,000 square-foot (SF) light industrial building located at 2311 Statham Boulevard into a church with office space, a sanctuary and meeting space. The church use requires a General Plan Amendment from Light Industrial to Limited Light Industrial and a Zone Change from Light Industrial (M-1) to Limited Manufacturing (M-L) respectively. Churches are allowed to operate under the Limited Manufacturing zoning. The trip generation analysis was prepared to address the traffic generated by the conversion of the building use to a church.

The church employs 10 office staff members. The office hours of operation would be between 9:00 A.M. - 4:00 P.M., Monday through Friday. On Tuesdays, between the hours of 7:00 P.M. - 9:00 P.M., youth group meetings would be held at the church. The church sanctuary would be open on Friday evening (7:30 P.M. - 9:00 P.M.) and Sundays for three services (9:00 A.M., 11:00 A.M., 6:00 P.M.) The proposed seating capacity for the sanctuary is 500 seats. As illustrated on the attached site plan, the church will provide a total of 119 parking spaces.

PROJECT TRIP GENERATION

Trip generation estimates were calculated for the building based on the rates published in the Institute of Transportation Engineers (ITE), Trip Generation, 9th Edition for General Light Industrial (Land-Use Code #110), Manufacturing (Land-Use Code #140) and Church (Land-Use Code #560)).¹ Table 1 summarizes the weekday average daily, A.M. and P.M. peak hour trip generation estimates for the existing Light Industrial zoning, the proposed Manufacturing zoning, and the proposed church.

Table 1
Zoning/Land Use Weekday Trip Generation Comparison

Zoning/Land Use	Size	Average Daily Trips	A.M. Peak Hour	P.M. Peak Hour
Existing Zoning: Light Industrial	36,000 S.F.	251	33	35
Proposed Zoning: Manufacturing	36,000 S.F.	138	26	26
Proposed Land Use: Church	36,000 S.F.	328	20	20

The data presented in Table 1 show that the proposed church would generate 328 average daily trips, 20 A.M. peak hour trips, and 20 P.M. peak hour trips. The conversion of the building use to a church would result in a net increase in average daily trips but a reduction in the A.M. and P.M. peak hour trips compared to the existing Light Industrial zoning and the proposed Manufacturing zoning. Since the church's peak period occurs on Sunday, the weekday trip generation during peak hour periods would be below the level allowed under the current Light Industrial zoning.

¹ Trip Generation, Institute of Transportation Engineers, 9th Edition, 2013.

PARKING ANALYSIS

The site components, hours of operation and building space for the church components are presented in Table 2. The church office and the adjacent Statham Boulevard businesses would be open at the same weekday time. The church sanctuary however would be open on Friday evening and during the weekend, when the adjacent businesses are closed for the day. The days and hours of operation for the adjacent businesses are presented in Table 3.

Table 2
2311 Statham Boulevard Building Square Footages

Site Components	Expected Hours of Operation	Size
Office	Monday - Friday 9:00 A.M. - 4:00 P.M.	2,163 SF
Youth Group	Tuesday 7:00 P.M. - 9:00 P.M.	100 Persons
Sanctuary	Sunday 9:00 A.M./11:00 A.M./6:00 P.M.	500 Seats
	Friday 7:30 P.M. - 9:00 P.M.	500 Seats

Table 3
Adjacent Statham Boulevard Businesses Days/Hours of Operation

Adjacent Businesses	Days/Hours of Operation
Meissner Industrial	Monday - Thursday/7:00 A.M. - 5:30 P.M.
Sunrise Growers Storage Warehouse	Monday - Friday/On an as needed basis
DPS Systems	Monday - Friday/6:00 A.M. - 4:30 P.M.
Berry Packing Storage Warehouse	Monday - Friday/On an as needed basis

CITY OF OXNARD ZONING ORDINANCE REQUIREMENTS

The City of Oxnard Zoning Ordinance parking requirement ratios for the project office and church components are summarized below:

Office: 1 space/250 SF

Church: 1 parking space/5 seats

Based on these ratios, the Zoning Ordinance parking requirements for the church during the weekday daytime/evening and the weekend time periods were calculated as shown in the following Tables 4, 5 and 6.

Weekday Parking Requirement

The weekday daytime parking requirement assumes that only the church office use is open during daytime weekday hours.

Table 4
City of Oxnard Zoning Ordinance Parking Requirements
Daytime Weekday Use

Site Component	Size	City Parking Ratio	Parking Requirement	Parking Provided
Church Office	2,163 SF	1 space/250 SF	9 spaces	119 spaces

Based on the Zoning Ordinance, the parking requirement during the daytime for the church office is 9 spaces. The 119 on and off-site parking spaces would accommodate the weekday office parking requirement as shown in Table 4.

The Friday evening parking requirement assumes that only the church sanctuary use is open during evening hours. The adjacent businesses are closed Friday evening.

Table 5
City of Oxnard Zoning Ordinance Parking Requirements
Friday Evening Use

Site Component	Size	City Parking Ratio	Parking Requirement	Parking Provided
Church Sanctuary	500 seats	1 space/5 seats	100 spaces	119 spaces

Based on the Zoning Ordinance, the parking requirement during the evening for the church sanctuary is 100 spaces. The 119 parking spaces would accommodate the Friday evening sanctuary parking requirement as shown in Table 5.

Weekend Parking Requirement

The weekend parking requirement assumes that only the church sanctuary and related Sunday School is open. The adjacent businesses are closed on Sunday.

Table 6
City of Oxnard Zoning Ordinance Parking Requirements
Weekend Use

Site Component	Size	City Parking Ratio	Parking Requirement	Parking Provided
Church Sanctuary	500 seats	1 space/5 seats	100 spaces	119 spaces

Based on the Zoning Ordinance, the parking requirement for the 500-seat church during weekends is 100 spaces. The 119 parking spaces would accommodate the weekend parking requirement as shown in Table 6.

PROJECT PARKING DEMANDS

In addition to evaluating the proposed parking supply based on the City of Oxnard Zoning Ordinance parking requirements, ATE evaluated the project based on empirical parking demand data to determine if the parking supply is sufficient to meet the peak parking demands.

Peak weekday and weekend parking demand estimates were developed for the Victory Outreach Church based on parking rates for office and church land uses published in the Institute of Transportation Engineers (ITE), Parking Generation, 4th Edition, as reviewed in the following sections.

Weekday Parking Demand

The weekday parking demand analysis assumes that only the church office use is open during daytime weekday hours. Based the ITE parking demand rates, the church office with 10 employees would generate a peak parking demand of 8 spaces. Table 7 summarizes the results of the weekday parking demand analysis.

Table 7
ITE Peak Parking Demand
Daytime Weekday Use

Site Component	Size	City Parking Ratio	Parking Requirement	Parking Provided
Church Office	10 employees	1 space/0.83 employee	8 spaces	119 spaces

The data presented in Table 7 indicates that the 119 parking spaces would accommodate the weekday parking demands.

The Friday evening parking demand analysis assumes that only the church sanctuary use is open during evening hours. Based the ITE parking demand rates, the church sanctuary with 500 seats would generate a peak parking demand of 100 spaces. Table 8 summarizes the results of the Friday evening parking demand analysis.

Table 8
ITE Peak Parking Demand
Friday Evening Use

Site Component	Size	City Parking Ratio	Parking Requirement	Parking Provided
Church Sanctuary	500 seats	1 space/0.20 seat	100 spaces	119 spaces

The data presented in Table 8 indicates that the 119 parking spaces would accommodate the Friday evening parking demands.

Weekend Parking Demand

The weekend parking demand analysis assumes that the office is closed and that only the church sanctuary is open. The adjacent businesses are closed on Sunday. Based on the ITE parking demand rates, the peak parking demand for the 500 seat church is 100 spaces. Table 9 summarizes the results of the weekend parking demand analysis.

Table 9
ITE Peak Parking Demand
Weekend Use

Site Component	Size	City Parking Ratio	Parking Requirement	Parking Provided
Church Sanctuary	500 seats	1 space/0.20 seats	100 spaces	119 spaces

The data presented in Table 9 indicate that the 119 parking spaces would accommodate the weekend peak parking demands.

Evening Youth Group Meetings

The Victory Outreach Church will hold youth group meetings on Tuesday evenings from 7:00 P.M. to 9:00 P.M. The church is estimating approximately 100 persons including 15 staff members and 85 kids each Tuesday night. The ages of the youth group members range from 12 to 18 years old. Because of age, most of the youth group members will be driven to the meetings and dropped-off. Approximately 5 kids of the youth group members will drive themselves.

Table 10
Youth Group Parking Demand
Evening Use

Attendees	Number	Parking Demand	Parking Provided
Staff - Drive Themselves	15 adults	15 spaces	119 spaces
Youth - Drive Themselves	5 youth	5 spaces	
Youth - Dropped-Off/Picked-Up	80 youth	<u>73 spaces*</u> 93 spaces	

* Assumes 1.1 youth per car dropped-off and picked-up.

The estimated parking demand for the evening youth group meetings would be 93 parking spaces as shown in Table 10. This is a conservative assumption as it assumes all drop-off/pick-up vehicles are on-site at the same time. The 119 spaces would satisfy the parking requirement for evening youth group meetings.

Associated Transportation Engineers

By: 
Scott A. Schell AICP, PTP
Vice President

SAS/DFN/wp

Attachment: Project Site Plan

ATTACHMENT D

NOTICE OF EXEMPTION

NOTICE OF EXEMPTION

Project Description:

Planning and Zoning Permit Nos. 15-520-02 (Special Use Permit) a special use permit to allow a church (Victory Outreach Church) to operate within an existing 36,480 square foot single story building and minor site improvements to property located at 2311 Statham Boulevard; PZ Nos. 15-620-02 (General Plan Amendment) and 15-570-02 (Zone Change), requests to amend the 2030 General Plan Land Use map designation and zoning map designations to create consistency between the general plan and zoning, and to allow the church use. The 2030 General Plan Amendment proposes to change the land use for the property at 2311 Statham Boulevard from Light Industrial (ILT) to Limited Industrial (ILM). The Zone Change proposes to change the zoning from Light Industrial (M-1) to Limited Manufacturing (M-L) for properties at 2311 and 2231-2274 Statham Blvd. Filed by Pastor Fernando Franco with Victory Outreach Church on behalf of property owner Gruny, LLC, P.O. Box 547, Port Hueneme, California 93044. (the "Applicant")..

Finding:

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

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

Supporting Reasons: In accordance with Section 15061 and 15301 of the State CEQA Guidelines, projects involving "existing facilities" and "new gardening or landscaping" may be found to be exempt from the requirements of the California Environmental Quality Act (CEQA). A Class 1 categorical exemption under CEQA Guidelines Section 15301 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

The Applicant proposes to reuse an existing vacant building and make upgrades to an existing parking lot that includes new finger planters to meet the City's standards. Therefore, staff has determined that there is no substantial evidence that the project may have a significant effect on the environment.

(Date)

Ashley Golden,
Development Services Director

ATTACHMENT E

RESOLUTION PZ 15-520-02 (SPECIAL USE PERMIT)

RESOLUTION NO. 2015-____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 15-520-02 (SPECIAL USE PERMIT) A REQUEST TO ALLOW A CHURCH (VICTORY OUTREACH CHURCH) TO OPERATE WITHIN AN EXISTING 36,480 SQUARE FOOT, SINGLE STORY BUILDING LOCATED AT 2311 STATHAM BOULEVARD, SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY PASTOR FERNANDO FRANCO WITH VICTORY OUTREACH CHURCH ON BEHALF OF PROPERTY OWNER GRUNY, LLC P.O. BOX 547, PORT HUENEME, CALIFORNIA 93044.

WHEREAS, on June 4, 2015, Pastor Fernando Franco with Victory Outreach Church on behalf of the property owner, Gruny, LLC (the “**Applicant**” and/or “**Permittee**”) submitted a request to allow a church (Victory Outreach Church) to operate within an existing 36,480 square foot single story building, located at 2311 Statham Boulevard (APN 220-0-010-215) (the “**Project**”), filed by Pastor Fernando Franco with Victory Outreach Church on behalf of property owner Gruny, LLC, P.O. Box 547, Port Hueneme, California 93044 (the “**Applicant**”; and

WHEREAS, on December 17, 2015, the Planning Commission of the City of Oxnard (“**Planning Commission**”) conducted a duly noticed public hearing to consider Applicant’s request to allow a church (Victory Outreach Church) to operate within an existing 36,480 square foot single story building, located at 2311 Statham Boulevard (the “**Project**”) in accordance with Section 16-530 through 16-553 of the Oxnard City Code; and

WHEREAS, the Planning and Environmental Services Division has completed a preliminary environmental assessment of the Project in accordance with the California Environmental Quality Act (CEQA) and determined that the Project is subject to a categorical exemption.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF OXNARD:

SECTION 1. Based on the entire record before the Planning Commission and all written and oral evidence presented, including the Planning Commission Staff Report and all attachments thereto, the Planning Commission finds:

- (1) **The proposed use is in conformance with the City of Oxnard 2030 General Plan and the elements thereof and other adopted standards.**

The proposed use is consistent with the 2030 General Plan since the proposed use is consistent with the proposed General Plan land use designation for the site, being heard concurrently with this application, of Industrial Limited (ILM) and development policies of the 2030 General Plan in that churches are permitted uses

listed in the Industrial Limited classification and further described in the zoning ordinance.

- (2) **The proposed use will not adversely affect or be materially detrimental to the adjacent uses, buildings or structures or to the public health, safety or general welfare.**

The proposed use is consistent with uses considered and permitted by the Limited Manufacturing (M-L) zone. Interior tenant improvements will be subject to standard construction requirements of the California Building and Fire Codes, and the Project exceeds the parking requirements and complies with all other development standards for the proposed use. Therefore, the proposed use and improvements are not expected to have adverse effects or be materially detrimental the adjacent uses, buildings or structures or to the public health, safety or general welfare.

- (3) **The site for the proposed use is adequate in size and shape to accommodate the setbacks, parking, landscaping, and other City standards except as may be specifically excepted by the special findings and conditions of this Resolution.**

The already developed site has existing infrastructure in place and the proposed use will meet the parking standards as described and shown in Section 6e of the Planning Commission Staff Report. As such, the subject site is adequate in terms of size and as developed the development meets or exceeds City's design, development standards and parking will be met.

- (4) **The site for the proposed use will be served by streets and highways adequate in width and structure to carry the kind and quantity of traffic such use will generate.**

The project site will be served by existing driveways that connect with Statham Boulevard as described in Section 6e of the Planning Commission Staff Report. As described, the site has sufficient access to streets and highways that are adequate in size.

- (5) **The site for the proposed use will be provided with adequate sewerage, water, fire protection and storm drainage facilities.**

The proposed use will occupy an existing building that has existing sewer, water, fire, and storm drainage services in place to serve the buildings. Interior tenant improvements requiring plumbing connections for sewer and water connections to services already serving the property will be subject to City permits and the California Plumbing and Fire Codes.

SECTION 2. The Planning Commission, in accordance with the California Environmental Quality Act (CEQA), determines that the Project will not have a significant impact on the environment and is categorically exempt from CEQA pursuant to Article 19, Section 15301 (Existing Facilities), Class 1 of the State CEQA Guidelines. This section pertains to projects involving existing facilities where there is negligible or no expansion of use; and found consistent with the applicable General Plan designation policies as well as with applicable zoning designation and regulations; and approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site can be adequately served by all required utilities and public services. The Planning Manager is hereby authorized and directed to file a Notice of Exemption with the Ventura County Clerk pursuant to Section 15062 of the State CEQA Guidelines within five (5) working days of passage, approval and adoption of this Resolution.

SECTION 3. Based on the findings set forth herein, the Planning Commission hereby approves Planning and Zoning Permit 15-520-02 (Special Use Permit), subject to the attached conditions of approval.

SECTION 4. The decision of the Planning Commission shall be final unless an appeal of the action is filed in accordance with the provisions of Section 16-545 of the Oxnard City Code.

SECTION 5. The Secretary shall certify the adoption of this Resolution.

STANDARD CONDITIONS OF APPROVAL FOR LAND USE PERMITS

Note: The abbreviations below identify the City department or division responsible for determining compliance with these standard conditions. The first department or division listed has responsibility for compliance at plan check, the second during inspection and the third at final inspection, prior to issuance of a certificate of occupancy, or at a later date, as specified in the condition. If more than one department or division is listed, the first will check the plans or inspect the project before the second confirms compliance with the condition. The italicized code at the end of each condition provides internal information on the source of each condition: Some are standard permit conditions (e.g. *G-1*) while some are taken from environmental documents (e.g. *MND-S2*).

DEPARTMENTS AND DIVISIONS			
CA	City Attorney	PL	Planning Division
DS	Dev Services/Eng Dev/Inspectors	TR	Traffic Division
PD	Police Department	B	Building Plan Checker
SC	Source Control	FD	Fire Department
PK	Landscape Design	CE	Code Compliance

GENERAL PROJECT CONDITIONS

1. This permit is granted for the property described in the application on file with the Planning Division, and may not be transferred from one property to another. (PL, G-1).
2. This permit is granted for the plans dated December 17, 2015, ("the plans") on file with the Planning Division. The project shall conform to the plans, except as otherwise specified in these conditions, or unless a minor modification to the plans is approved by the Planning and Environmental Services Manager ("Planning Manager") or a major modification to the plans is approved by the Planning Commission. A minor modification may be granted for minimal changes or increases in the extent of use or size of structures or of the design, materials or colors of structures or masonry walls. A major modification shall be required for substantial changes or increases in such items. (PL, G-2)
3. This permit shall automatically become null and void 36 months from the date of its issuance, unless Developer has diligently developed the proposed project, as shown by the issuance of a grading, foundation, or building permit and the construction of substantial improvements. (PL, G-3)
4. All required off-site and on-site improvements for the project, including structures, paving, and landscaping, shall be completed prior to occupancy unless the Planning Manager allows Developer to provide security or an executed agreement approved by the City Attorney to ensure completion of such improvements. (DS, G-4)
5. By commencing any activity related to the project or using any structure authorized by this permit, Developer accepts all of the conditions and obligations imposed by this permit and waives any challenge to the validity of the conditions and obligations stated therein. (CA, G-5)
6. Any covenants, conditions, and restrictions (CC&Rs) applicable to the project property shall be consistent with the terms of this permit and the City Code. If there is a conflict between the CC&Rs and the City Code or this permit, the City Code or this permit shall prevail. (CA, G-7)
7. Developer shall complete the "Notice of Land Use Restrictions and Conditions" form, using the form provided by the City, for recording with the Ventura County Recorder. Before the City issues building permits, Developer shall submit the original completed, signed and notarized document, together with the required fees to the Planning Manager. (PL, G-8)
8. Developer shall provide off-street parking for the project, including the number of spaces, stall size, paving, striping, location, and access, as required by the City Code. (PL/B, G-9)

9. Before placing or constructing any signs on the project property, Developer shall obtain a sign permit from the City. Except as provided in the sign permit, Developer may not change any signs on the project property. (PL/B, G-10)
10. Developer shall obtain a building permit for any new construction or modifications to structures, including interior modifications, authorized by this permit. (B, G-11)
11. Developer shall not permit any combustible refuse or other flammable materials to be burned on the project property. (FD, G-12)
12. Developer shall not permit any materials classified as flammable, combustible, radioactive, carcinogenic or otherwise potentially hazardous to human health to be handled, stored or used on the project property, except as provided in a permit issued by the Fire Chief. (FD, G-13)
13. If Developer, owner or tenant fails to comply with any of the conditions of this permit, the Developer, owner or tenant shall be subject to a civil fine pursuant to the City Code. (CA, G-14)
14. Prior to issuance of building permits, Developer shall correct all violations of the City Code existing on the project property for which the Code Compliance Division has open cases. (PL, G-15).

LANDSCAPE STANDARD CONDITIONS

15. Prior to submittal of landscape and irrigation plans, Developer shall obtain approval of the Planning Manager or designee of a plan showing on the project property all existing trees and identifying the trees to be saved, transplanted or removed. (PK, PK-1)
16. Prior to issuance of building permits or the proposed use is initiated, whichever comes first, Developer shall submit two copies of landscape and irrigation plans, along with the appropriate permit application and fees, to the Development Services Division and obtain approval of such plans. (PK/DS, PK-2)
17. Prior to issuance of a certificate of occupancy, Developer shall install landscape and automatic irrigation systems that have been approved by Parks and Facilities Superintendent. (PK, PK-3)
18. Developer shall properly maintain landscape planting and all irrigation systems as required by the City Code and as specified by this permit. Failure of Developer to do so may result in the revocation of this permit and initiation of legal proceedings against Developer to ensue compliance (PK, PK-4)
19. Prior to the issuance of City issues a certificate of occupancy, Developer shall provide a watering schedule to the building owner or manager and to Planning Division or designee. The

irrigation system shall include automatic rain shut-off devices, or instructions on how to override the irrigation system during rainy periods. (PK, PK-5)

20. At the time of planting, Developer shall provide at least 24-inch box size for all new trees planted on the subject property by. All shrubs and vines planted under the subject permit by the Developer shall be at least five-gallon size, except as otherwise specified by this permit. (PK, PK-6)

FIRE DEPARTMENT STANDARD CONDITIONS

21. Developer shall construct all vehicle access driveways on the project property to be at least 26 feet wide. Developer shall mark curbs adjacent to designated fire lanes in parking lots to prohibit stopping and parking in the fire lanes. Developer shall mark all designated fire lanes in accordance with the California Vehicle Code. (FD/B, F-1)
22. All roof covering materials on the project property shall be of non-combustible or fire retardant materials approved by the Fire Chief and in compliance with the City Code. (FD, F-2)
23. Before the City issues building permits, Developer shall obtain the Fire Chief's approval of a plan to ensure fire equipment access and the availability of water for fire combat operations to all areas of the project property. The Fire Chief shall determine whether or not the plan provides adequate fire protection. (FD/DS, F-3)
24. At Developer's expense, Developer shall obtain two certified fire flow tests for the project property. The first test shall be completed before City approval of building plans and the second shall be completed after construction and prior to the issuance of a certificate of occupancy. A mechanical, civil, or fire protection engineer must certify the tests. Developer shall obtain permits for the tests from the Engineering Division. Developer shall send the results of the tests to the Fire Chief and the City Engineer. (FD/DS, F-4)
25. All structures on the project property shall conform to the minimum standards prescribed in Title 19 of the California Code of Regulations. (FD, F-5)
26. The project shall meet the minimum requirements of the "Fire Protection Planning Guide" published by the Fire Department. (FD, F-6)
27. At all times during construction, developer shall maintain paved surfaces capable of handling loads of 72,000 pounds which will provide access for fire fighting apparatus to all parts of the project property. (FD/DS, F-7)
28. Developer shall identify all hydrants, standpipes and other fire protection equipment on the project property as required by the Fire Chief. (FD, F-8)

29. Developer shall provide central station monitoring of the fire sprinkler system and all control valves. (FD, *F-10*)
30. The turning radius of all project property driveways and turnaround areas used for emergency access shall be a minimum of 48 feet outside diameter for a semi-trailer. (FD, *F-11*)
31. Developer shall provide automatic fire sprinklers as required by the City Code and shall contact the Fire Chief to ascertain the location of all connections. (FD, *F-12*)

FIRE DEPARTMENT SPECIAL CONDITIONS

32. Areas designated by the Fire Marshal as Fire Lanes shall be identified by a red curb and signage per the California Department of Motor Vehicles.
33. Before the city issues a certificate of occupancy, the developer shall install a Knox key vault at a location to be determined by the Fire Department.

PLANNING DIVISION STANDARD CONDITIONS

34. Plans submitted by Developer with building permit applications shall show on the building elevation sheets all exterior building materials and colors, including product and finish manufacturer name, color name and number, and surface finish type (such as: stucco with sand finish, plaster with smooth finish) to be used in construction. (PL/*B*, *PL-1*)
35. Any application for a minor modification to the project shall be accompanied by four copies of plans reflecting the requested modification, together with applicable processing fees. (PL, *PL-2*)
36. Before the City issues building permits, Developer shall include a reproduction of all conditions of this permit as adopted by resolution of the Planning Commission and/or the City Council in all sets of construction documents and specifications for the project. (PL, *PL-3*)
37. Before the City issues building permits, Developer shall provide to the Planning Division Manager color photographic reductions (8 1/2" by 11") of full-size colored elevations and any other colored exhibit approved by the Planning Commission. Developer may retain the full-size colored elevations after the reductions are so provided. (PL, *PL-4*)
38. Developer may not modify any use approved by this permit unless the Planning Division Manager determines that Developer has provided the parking required by the City Code for the modified use. (PL, *PL-7*)

39. During the plan check review process, the Developer shall provide a lighting plan that provides design details (light standards, bollards, wall mounted packs, etc.) and illumination site information within alleyways, pathways, streetscapes, and open spaces proposed throughout the development. An electrical engineer shall prepare the site lighting plan demonstrating that adequate lighting ranges will be provided throughout the development without creating light spillover, light pollution, or conflicts with surrounding factors such as tree locations, off-site or adjacent lighting. (PL)
40. Prior to issuance of building permits, Developer shall demonstrate that light standards illustrated on conceptual lighting plan do not conflict with tree locations. Developer shall submit a plan showing both the lighting and landscape on the same sheet.
41. Project on-site lighting shall be of a type and in a location that does not constitute a hazard to vehicular traffic, either on private property or on adjoining streets. To prevent damage from vehicles, standards in parking areas shall be mounted on reinforced concrete pedestals or otherwise protected. Developer shall recess or conceal under-canopy lighting elements so as not to be directly visible from a public street. Developer shall submit a lighting plan showing standard heights and light materials for design review and approval of the Planning Division Manager. (PL/B, PL-8)
42. In order to minimize light and glare on the project property, all parking lot and exterior structure light fixtures shall be high cut-off type that divert lighting downward onto the property and shall not cast light on any adjacent property or roadway. (PL, PL-9)
43. Developer shall provide for dust control at all times during project property preparation and construction activities. (B/DS, PL-13)
44. Developer agrees to participate in a water conservation program that includes refitting water fixtures existing on the project property with water conserving devices within residences or businesses in the City's water service area, if such a program is in effect when building permits are issued for this project. Among the requirements of such a program might be refitting existing toilets, faucets, shower heads, landscaping irrigation or other fixtures and items that consume water within the structure. (PL, PL-14)
45. Because of water limitations placed upon the City by its water providers, approval of this permit does not guarantee that the City will issue building permits. Issuance of building permits may be delayed as a result of implementation of a water conservation or allocation plan. (PL, PL-15)
46. Prior to issuance of building permits, Developer shall pay a document imaging fee for the planning files in an amount calculated by planning staff at the time of building permit review based on fees then in effect. (PL/B, PL-16).

47. Developer shall participate in the City's Public Art Program by paying the Public Art fee prior to issuance of building permits, in accordance with City Council Resolution No. 14,124. (PL, PL-50)
48. Developer shall recess or screen roof heating and cooling systems and other exterior mechanical equipment from adjoining property and public streets, as required by this permit. Plumbing vents, ducts and other appurtenances protruding from the roof of structures shall be placed so that they will not be visible from the front of the property or other major public vantage points. Developer shall include a note on the construction plumbing drawings of exterior elevations to indicate to contractors that roof features shall be grouped and located in the described manner. Roof vents shall be shown on construction drawings and painted to match roof material color. (PL/B, PL-41)
49. Developer shall install all roof and building drainpipes and downspouts inside building elements. These items shall not be visible on any exterior building elevations. (PL, PL-42)
50. For any exterior utility meter panels, Developer shall paint such panels to match the structure upon which it is located. Such panels shall be located to take advantage of screening (e.g. landscaping or other building elements) from public right-of-ways, to the maximum extent feasible. (PL, PL-43)

PLANNING DIVISION SPECIAL CONDITIONS

51. Developer shall remove any and all graffiti from the project premises, including but not limited to graffiti within the building, such as in restrooms or fitting rooms, within 24 hours of its appearance. The surface of such affected areas shall be matched to blend in with the underlying colors and/or design, and shall not look like a paint patch. (PL)
52. This permit is granted subject to the approval of a zone change for the project property. (PL)
53. This permit is granted subject to the approval of a general plan amendment for the project property. (PL)

ENVIRONMENTAL RESOURCES DIVISION

54. To ensure that solid waste generated by the project is diverted from the landfill and reduced, reused or recycled, Developer shall complete and submit a "City of Oxnard C&D Environmental Resources Management & Recycling Plan" ("Plan") to the City for review and approval. The Plan shall provide that at least 50% of the waste generated on the project be diverted from the landfill. The Plan shall include the entire project area, even if tenants are pursuing or will pursue independent programs. The Plan shall be submitted to and approved by the Environmental Resources Division prior to issuance of a building permit. The Plan shall include the following information: material type to be recycled, reused, salvaged or

disposed; estimated quantities to be processed; management method used; destination of material including the hauler name and facility location. Developer shall use the Plan form.

55. Developer shall follow the approved "City of Oxnard C&D Environmental Resources Management & Recycling Plan" and provide for the collection, recycling, and/or reuse of materials (i.e., concrete, wood, metal, cardboard, green waste, etc.) and document results during construction and/or demolition of the proposed project. After completion of demolition and/or construction, Developer shall complete and submit the "City of Oxnard C&D Environmental Resources Management & Recycling Report For Work Completed" ("Work Completed Report") and provide legible copies of weight tickets, receipts, or invoices for materials sent to disposal or reuse/recycling facilities. For other discarded or salvaged materials, Developer shall provide documentation, on the disposal facility's letterhead, identifying where the materials were taken, type of materials, and tons or cubic yards disposed, recycled or reused, and the project generating the discarded materials. Developer shall submit and obtain approval of the Work Completed Report prior to issuance of a certificate of occupancy.
56. Developer shall arrange for materials collection during construction, demolition, and occupancy with the City's Environmental Resources Division or Developer shall arrange for self-hauling. Regardless of hauling methods, all materials collected must be conveyed to the Del Norte Regional Recycling and Transfer Station.
57. Developer shall make provisions to divert at least 50% of the waste material generated during occupancy through source reduction, recycling, reuse, and green waste programs. Developer shall complete and submit a "City of Oxnard C&D Environmental Resources Management & Recycling Occupancy Plan" ("Occupancy Plan") to the City's Environmental Resources Division. An Occupancy Plan must be submitted and approved prior to issuance of a certificate of occupancy. An Occupancy Plan must be submitted and approved prior to issuance of a certificate of occupancy. A "City of Oxnard C&D Environmental Resources Management and Recycling Occupancy Report" shall be submitted to the Environmental Resources Division annually for approval on the anniversary date of the certificate of occupancy or at any such time that the facility's operational functions change significantly.

DEVELOPMENT SERVICES DIVISION STANDARD CONDITIONS

58. Developer shall pay plan check and processing fees in effect at the time of construction plan submittal and shall pay development fees, encroachment permit fees, and other applicable fees in effect at permit issuance. (DS-1)
59. Developer's Engineer shall design parking lot structural sections based on an analysis of the soils R-value and a traffic index (T.I.) approved by the City Engineer. The minimum structural section for parking lots is two inches of asphalt on four inches of base material.

Developer shall indicate the proposed structural section and design T.I. on the site improvement plans. (DS-2)

60. Developer shall have the site improvement plans prepared using standard Development Services Division format(s) by a civil engineer licensed in the State of California. The plans shall incorporate recommendations from soil engineering and geology reports. Prior to issuance of a grading permit, improvement plans must be approved by the City Engineer and ink-on-mylar plans filed with the Development Services Division. (DS-3)
61. Developer shall submit improvement plans and drainage calculations demonstrating that storm drain runoff from the project property and all upstream areas will be safely conveyed to an approved drainage facility. The design and conveyance route shall be compatible with the City's Master Plan of Drainage and shall be approved by the City Engineer prior to approval of improvement plans. (DS-4)
62. Developer shall protect building pads from inundation during a 1% chance (100-year) storm. (DS-5)
63. Prior to issuance of a site improvement permit, Developer shall provide to the Development Services Division a compact Disc (CD) containing digital copies of all project maps, address map, and/or civil improvements drawings in DWG format. Prior to improvement bond release, Developer shall provide an updated CD containing all changes that occur during construction. (DS-16)
64. Developer shall remove graffiti from the project, including graffiti on offsite public infrastructure under construction by Developer, within 24 hours of its appearance. If Developer fails to remove graffiti in accordance with this condition, the City may at the discretion of the Development Services Manager issue a stop work order until such time as the graffiti is removed. (DS-20)
65. The conditions of this resolution shall prevail over all omissions, conflicting notations, specifications, dimensions, typical sections, and the like, that may or may not be shown on the improvement plans. (DS-21)
66. Developer shall pay the cost of all inspections of on-site and off-site improvements. (DS-22)
67. Developer shall be responsible for all project-related actions of Developer's employees, contractors, subcontractors, and agents until City accepts the improvements. (DS-23)
68. Prior to beginning construction, Developer shall designate in writing an authorized agent who shall have complete authority to represent and to act for Developer. The authorized agent shall be present at the work site whenever work is in progress. Developer or the authorized agent

shall make arrangements acceptable to City for any emergency work. When City gives orders to the authorized agent to do work required for the convenience and safety of the general public because of inclement weather or any other cause, and the orders are not immediately acted upon by the authorized agent, City may do or have such work done by others at Developer's expense. (DS-24)

69. "Standard Specifications for Public Works Construction" latest edition (including modifications thereto by City) and applicable City Standard Plates and Design Criteria shall be the project specifications, except as noted otherwise on the approved improvement plans. City reserves the right to upgrade, add to, or revise these specifications and plans and all other City ordinances, policies, and standards. If the improvements required of this project are not completed within 12 months from the date of City's approval of the improvement plans, Developer shall comply with and conform to any and all upgraded, additional or revised specifications, plans, ordinances, policies and standards. (DS-27)
70. Prior to issuance of a grading/site improvement permit, developer shall obtain Development Services Director approval for any proposed construction phasing. The improvement plans (and associated phasing plans) shall clearly indicate any interim or off-site improvements required by City. (DS-28)
71. Developer shall retain a California licensed Civil Engineer to ensure that the construction work conforms to the approved improvement plans and specifications and to provide certified "as-built" plans after project completion. Developer's submittal of certified "as-built" plans is a condition of City's final acceptance of the project and release of any associated security. (DS-29)
72. Developer shall design all slopes steeper than 5 (horizontal) to 1 (vertical) with a minimum 18 inch wide level area (at both top and bottom of slope) where it adjoins a wall, fence, sidewalk, trail, curb or similar improvement. (DS-32)
73. Developer shall install City approved backflow prevention devices for water connections if so ordered by the City Engineer. (DS-45)
74. Developer shall submit a landscape irrigation plan prepared by a licensed professional, showing proper water meter size, backflow prevention devices, and cross-connection control. (DS-59)
75. Developer shall construct a concrete apron along the length of the trash enclosure opening that extends a minimum of 15 feet from the face of the enclosure. (DS-69)
76. Developer shall provide adequate vehicle sight distance as specified by CalTrans specifications at all driveways and intersections. (TR-71)

77. Developer shall install bike racks in accordance with City standards at locations approved by City Traffic Engineer. (TR-73)

STORMWATER QUALITY CONDITIONS

78. Developer shall design project to minimize degradation of stormwater quality by complying with the applicable sections of the Los Angeles Regional Water Quality Control Board's municipal separate storm sewer system ("MS4") permit (Order R4-2010-0108 including all revisions) for new development and redevelopment projects. Developer shall submit stormwater quality calculations and associated construction plans demonstrating compliance with the MS4 permit. Calculations shall generally be organized to follow the steps outlined in Chapter 2 of the 2011 Technical Guidance Manual for Stormwater Control Measures ("2011 TGM"). (DS-78)
79. Developer shall construct double-bin trash enclosures (one bin for recycle use) with a solid non-combustible roof (8-foot minimum clearance) that prevents stormwater from entering the refuse bins. Developer shall construct all other components of the trash enclosure in accordance with the approved City Standard Plan on file with the Development Services Division. Developer shall finish the trash enclosure to match the major design elements of the main structure subject to approval by the Planning Division. The location and configuration of the enclosure shall be approved by the Environmental Resources Division. All site refuse bins shall be stored in an approved enclosure. No objects other than refuse bins may be stored in the enclosure without the written permission of the Environmental Resources Division. (DS-79)
80. Developer's stormwater quality calculations shall include site specific analysis and recommendations from a geotechnical engineer, and if applicable, a landscape architect for design and implementation of stormwater treatment and infiltration devices. Geotechnical Engineering analysis and recommendations shall include, but not necessarily be limited to, determination of site specific soil infiltration rates, depth to permeable soil layers, methods to reach permeable soil layers, appropriate compaction rates, recommendations to enhance infiltration, and other requirements of the 2011 TGM. Landscape architectural recommendations shall include, but not necessarily be limited to, suggestions regarding appropriate vegetation and soil amendments for vegetated infiltration devices. Project plans shall implement approved design recommendations. (DS-81)
81. Using forms provided by the Development Services Division, Developer shall submit a stormwater quality control measures maintenance and operations plan ("the Plan") for this project. If the BMPs implemented with this project include proprietary products that require regular replacement and/or cleaning, Developer shall provide proof of a contract with an entity qualified to provide such periodic maintenance. The property owner is responsible for the long-term maintenance and operation of all BMPs included in the project design. Upon request

by City, property owner shall provide written proof of ongoing BMP maintenance operations. No grading or building permit shall be issued until the Development Services Manager approves the Plan and Developer provides an executed copy of the City's stormwater covenant with the Plan included as an exhibit for recordation by the City. (DS-82)

82. Developer's stormwater quality control measures maintenance and operations plan shall include: 1) Requirement to clean on-site storm drains at least twice a year; once immediately before the first of October (the beginning of the rainy season) and once in January. The City Engineer may require additional cleaning; 2) Requirement to maintain parking lots free of litter and debris. Developer shall sweep sidewalks, drive aisles, and parking lots regularly to prevent the accumulation of litter and debris. When swept or cleaned, debris must be trapped and collected to prevent entry into the storm drain system. Developer may not discharge any cleaning agent into the storm drain system; 3) Requirement to label all on-site storm drain inlets with the message "Don't Dump - Drains to Ocean" in accordance with City standards. (DS-83)
83. Developer's engineer shall submit written confirmation that the project landscape drawings comply with the landscape requirements of the Technical Guidance Manual for Stormwater Quality Control Measures for all landscape based stormwater quality best management practices. (DS-84)
84. Developer shall provide pre-treatment for all infiltration based stormwater quality Best Management Practices ("BMPs".) Pre-treatment devices must effectively reduce sediment load entering infiltration BMPs to minimize occlusion of underlying soils and reduce long term maintenance requirements and thereby maintain the infiltration capacity of the BMP. 2011 TGM compliant pre-treatment such as vegetated swales are an approved form of pre-treatment. Proprietary pre-treatment devices must be capable of removing 80% of 50 micron particles to be considered adequate pre-treatment. Typical catch basin inserts do not provide the sufficient sediment storage to provide pre-treatment. (DS-85)
85. Prior to issuance of a grading, building or demolition permit and prior to commencement of any clearing, grading or excavation, Developer shall provide evidence of assignment of a permit identification number by the California State Water Resources Control Board indicating submittal of a Notice of Intent (NOI) by the Developer in accordance with the NPDES Construction General Permit. Developer shall comply with all requirements of the General Permit and the Ventura Countywide MS4 Permit, including preparation of a Stormwater Pollution Prevention Plan (SWPPP). Developer shall keep the SWPPP updated to reflect current site conditions and a copy of the SWPPP shall be kept onsite and available for City or designated representative to review upon request. (DS-86)

DEVELOPMENT SERVICES DIVISION SPECIAL CONDITIONS

86. Developer shall pay to the County of Ventura a road mitigation fee in accordance with the agreement between the City and the County of Ventura. Proof of payment shall be provided to the Development Services Division prior to issuance of a building permit. (DS-105)
87. Prior to issuance of a site improvement permit, Developer shall provide evidence of merger of the lots (Parcels 3 and 4 of Parcel Map recorded in book 13 at page 20) underlying this project into a single lot. (DS)
88. The percolation tests for this project shall include implementation of the reduction factor specified in the latest version of "Guidelines for Design, Investigation, and reporting for Low Impact Development Stormwater Infiltration" published in the Administrative Manual of the County of Los Angeles Department of Public Works. This reduction factor is in addition to the required safety factor. (DS)
89. Developer shall provide a 6" minimum vertical drop between the flow line of the parking lot concrete gutter and the flow line of the grass swale filter at each location where stormwater enters the filter swale. The transition between gutter flow line and swale flow line shall be constructed similar to a concrete ribbon gutter. (DS)
90. Developer's geotechnical engineer shall test the exposed bottom of infiltration facilities immediately prior to facility construction and provide the City with a written opinion that the exposed soil layer is suitable for an infiltration facility based on review of the existing geotechnical reports, percolation tests, infiltration facility design, and characteristics of the exposed soil layer. (DS)
91. Developer shall install U shape bike racks and provide clearance between racks as specified in the City of Oxnard Bicycle & Pedestrian Facilities Master Plan. The proposed concrete pad for the racks shall be constructed level with the adjacent sidewalk. (TR)

[SIGNATURES ON FOLLOWING PAGE]

PASSED, APPROVED, AND ADOPTED by the Planning Commission of the City of Oxnard on this 17th day of December 2015.

Deirdre Frank, Chair

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Commission of the City of Oxnard at a meeting held on this 17th day of December 2015, and carried by the following vote:

AYES: Commissioner(s):

NOES: Commissioner(s):

ABSENT: Commissioner(s):

ABSTAIN: Commissioner(s):

Ashley Golden, Secretary

ATTACHMENT F

RESOLUTION PZ 15-620-02 (GENERAL PLAN AMENDMENT)

RESOLUTION NO. 2015-____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING THAT THE CITY COUNCIL ADOPT A RESOLUTION APPROVING PLANNING AND ZONING PERMIT NO. 15-620-02 (GENERAL PLAN AMENDMENT) TO CHANGE THE EXISTING GENERAL PLAN LAND USE DESIGNATION FROM INDUSTRIAL LIGHT (ILT) TO INDUSTRIAL LIMITED (ILM) FOR THE PROPERTY LOCATED AT 2311 STATHAM BOULEVARD, SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY PASTOR FERNANDO FRANCO WITH VICTORY OUTREACH CHURCH ON BEHALF OF PROPERTY OWNER GRUNY, LLC P.O. BOX 547, PORT HUENEME, CALIFORNIA 93044.

WHEREAS, on June 4, 2015, Pastor Fernando Franco with Victory Outreach Church on behalf of the property owner, Gruny, LLC (the “**Applicant**” and/or “**Permittee**”) submitted a request to change the existing 2030 General Plan land use designation from Industrial Light (ILT) to Industrial Limited (ILM) for developed property located at 2311 Statham Boulevard (APN 220-0-010-215) (the “**Project**”), filed by Pastor Fernando Franco with Victory Outreach Church on behalf of property Owner Gruny, LLC P.O. Box 547, Port Hueneme, California 93044 (the “**Applicant**”; and

WHEREAS, on December 17, 2015, the Planning Commission of the City of Oxnard (“**Planning Commission**”) conducted a duly noticed public hearing to consider Applicant’s request to change the existing 2030 General Plan land use designation from Industrial Light (ILT) to Industrial Limited (ILM) for developed property located at 2311 Statham Boulevard (APN 220-0-010-215) (the “**Project**”) in accordance with Section 16-530 through 16-553 of Oxnard City Code; and

WHEREAS, the Planning and Environmental Services Division has completed a preliminary environmental assessment of the Project in accordance with the California Environmental Quality Act (CEQA) and determined that the Project is subject to a categorical exemption.

WHEREAS, the City of Oxnard mailed notices to all the property owners of the subject real properties as shown on the latest equalized assessment roll and all owners of real property as shown on the latest equalized assessment roll within 350 feet of the real properties that are the subject of the Planning Commission public hearing pursuant to Government Code Section 65353 and 65091; and

WHEREAS, the City of Oxnard published notice of the City Council public hearing on the proposed Project in the Vida Newspaper pursuant to Government Code Section 65090; and

WHEREAS, Government Code Section 65358(a) allows an amendment to an adopted general plan if such amendment is in the public interest; and

WHEREAS, the Planning Commission finds, after review of the Planning Commission Staff Report and all written and oral evidence presented at the public hearing, that the proposed Project is in the public interest; and

WHEREAS, Government Code Section 65358(b) precludes the City from amending a mandatory element of the City of Oxnard 2030 General Plan more than four times during any calendar year, and approval of the proposed Project would comply with said limitation; and

WHEREAS, the Planning Commission's recommendation for City Council adoption of a resolution approving the Project was made by an affirmative vote of not less than a majority of the total membership of the Planning Commission pursuant to Government Code Section 65354.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF OXNARD hereby recommends that the City Council adopt a resolution: (i) approving Planning and Zoning Permit No. 15-620-02 (General Plan Amendment) to change the existing 2030 General Plan land use designation from Industrial Light (ILT) to Industrial Limited (ILM); (ii) amending the 2030 General Plan Land Use Map (Figure 3-1) as shown in Exhibit "A", attached hereto and incorporated herein by reference, for property located at 2311 Statham Boulevard (APN 220-0-010-215).

[SIGNATURES ON FOLLOWING PAGE]

PASSED, APPROVED, AND ADOPTED by the Planning Commission of the City of Oxnard on this 17th day of December 2015.

Deirdre Frank, Chair

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Commission of the City of Oxnard at a meeting held on this 17th day of December 2015, and carried by the following vote:

AYES: Commissioner(s):

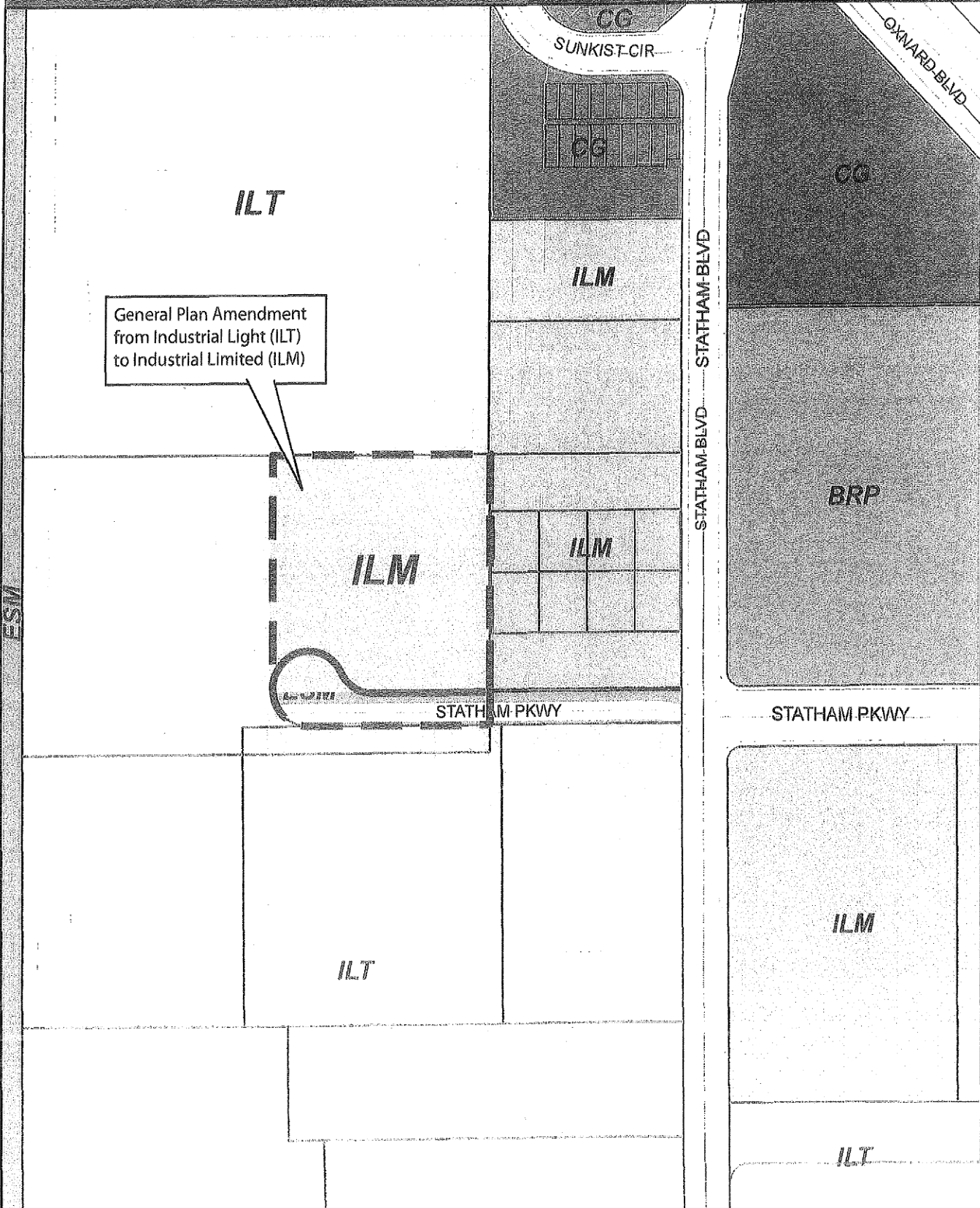
NOES: Commissioner(s):

ABSENT: Commissioner(s):

ABSTAIN: Commissioner(s):

Ashley Golden, Secretary

2030 General Plan Land Use Amendment



OXNARD
CALIFORNIA

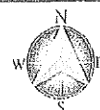
Oxnard Planning
July 1, 2015

PZ 15-520-02, 15-570-02, 15-560-02
Location: 2311 Statham Bl
APN: 220010215
Victory Outreach

0 37.575 150 225 300 Feet

2030 General Plan Land Use Amendment

Exhibit A



1:2,000

Attachment 1
Page 50 of 54

RESOLUTION NO. 2015-_____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE APPROVING PLANNING AND ZONING PERMIT NO. 15-570-02 (ZONE CHANGE) TO CHANGE THE EXISTING ZONING DESIGNATION FROM LIGHT INDUSTRIAL (M-1) TO LIMITED MANUFACTURING (M-L), AMENDING THE CITY OF OXNARD ZONING MAP FOR THE PROPERTIES LOCATED AT 2311 STATHAM BOULEVARD AND 2231 THROUGH 2274 STATHAM BOULEVARD, SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY PASTOR FERNANDO FRANCO WITH VICTORY OUTREACH CHURCH ON BEHALF OF PROPERTY OWNER GRUNY, LLC 423 NORTH FIFTH STREET, PORT HUENEME, CALIFORNIA 93041.

WHEREAS, on June 4, 2015, Pastor Fernando Franco with Victory Outreach Church on behalf of the property owner, Gruny, LLC (the “**Applicant**” and/or “**Permittee**”) submitted a request to change the existing zoning designation from Light Industrial (M-1) to Limited Manufacturing (M-L) for the properties located at 2311 Statham Boulevard (220-0-010-215), and 2231 through 2274 Statham Boulevard (220-0-010-405 through 475) (the “**Project**”), filed by Pastor Fernando Franco with Victory Outreach Church on behalf of property Owner Gruny, LLC 423 North Fifth Street, Port Hueneme, California 93041 (the “**Applicant**”; and

WHEREAS, on December 17, 2015, the Planning Commission of the City of Oxnard (“**Planning Commission**”) conducted a duly noticed public hearing to consider Applicant’s request to existing zoning designation from Light Industrial (M-1) to Limited Manufacturing (M-L) for the properties located at 2311 Statham Boulevard (220-0-010-215), and 2231 through 2274 Statham Boulevard (220-0-010-405 through 475) (the “**Project**”) in accordance with Section 16-530 through 16-553 of Oxnard City Code; and

WHEREAS, the Planning and Environmental Services Division has completed a preliminary environmental assessment of the Project in accordance with the California Environmental Quality Act (CEQA) and determined that the Project is subject to a categorical exemption.

WHEREAS, the City of Oxnard published notice of the Planning Commission public hearing on the proposed Project in the Vida Newspaper pursuant to Government Code Section 65854 and 65090; and

WHEREAS, the City of Oxnard mailed notices to all the property owners of the subject real properties as shown on the latest equalized assessment roll and all owners of real property as shown on the latest equalized assessment roll within 350 feet of the real properties that are the subject of the Planning Commission public hearing pursuant to Government Code Section 65854 and 65091; and

WHEREAS, Government Code Section 65860(a) requires that all City zoning be consistent with the City of Oxnard 2030 General Plan; and

WHEREAS, the Planning Commission finds, after review of the Planning Commission Staff Report and all written and oral evidence presented at the public hearing, that the proposed Project is consistent with the City of Oxnard 2030 General Plan as amended for the reasons set forth in Section 6.b of the Staff Report; and

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF OXNARD hereby recommends that the City Council adopt an ordinance: (i) approving Planning and Zoning Permit No. 15-570-02 (Zone Change) to change the existing zoning designation from Light Industrial (M-1) to Limited Manufacturing (M-L); (ii) amending the City of Oxnard Zoning Map to change the zoning designations for property as shown in Exhibit "A", attached hereto and incorporated herein by reference, for the properties located at 2311 Statham Boulevard (220-0-010-215), and 2231 through 2274 Statham Boulevard (220-0-010-405 through 475).

PASSED, APPROVED, AND ADOPTED by the Planning Commission of the City of Oxnard on this 17th day of December 2015.

Deirdre Frank, Chair

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Commission of the City of Oxnard at a meeting held on this 17th day of December 2015, and carried by the following vote:

AYES: Commissioner(s):

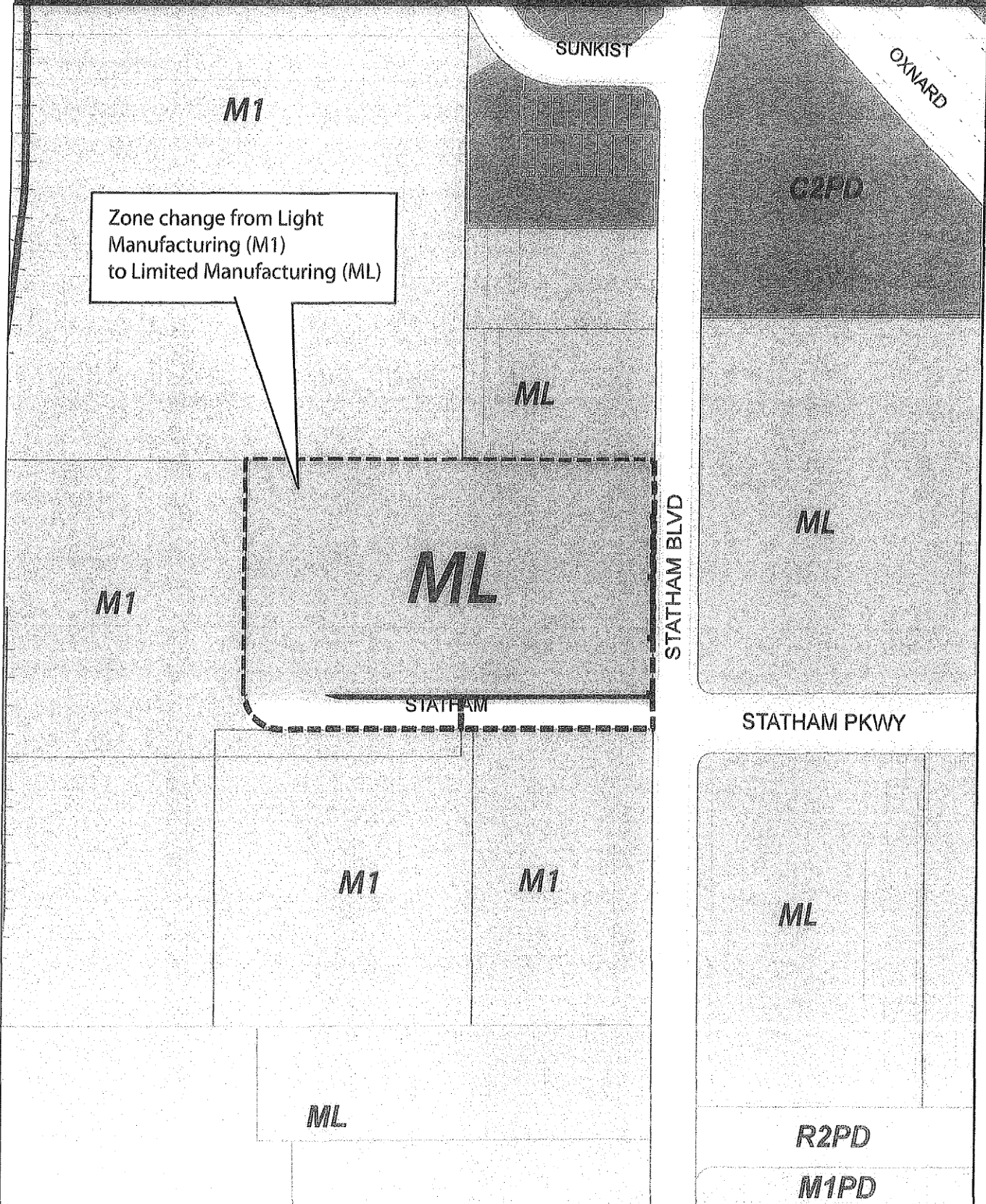
NOES: Commissioner(s):

ABSENT: Commissioner(s):

ABSTAIN: Commissioner(s):

Ashley Golden, Secretary

Zoning Change

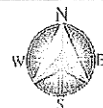


OXNARD
CALIFORNIA
Oxnard Planning
July 1, 2015

PZ 15-520-02, 15-570-02, 15-560-02
Location: 2311 Statham Bl
APN: 220010215
Victory Outreach
0 37.5 75 150 225 300 Feet

Zoning Change

Exhibit A



1:2,000

Victory Outreach Church

2311 Statham Boulevard
2231-2274 Statham Boulevard

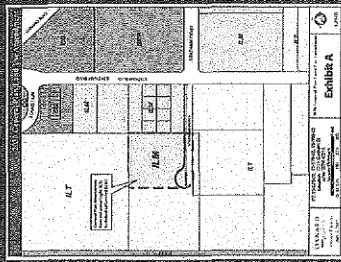
Pastor Fernando Franco
Victory Outreach on behalf of
Grunny LLC Property Owner

December 17, 2015



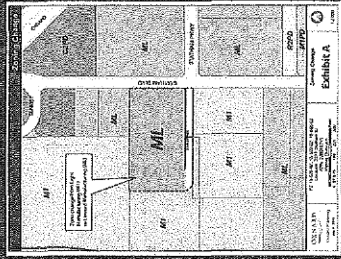
2030 General Plan

Industrial Light (ILT) to
Industrial Limited (ILM)



Zoning Map

Light Manufacturing (M-1) to
Limited Manufacturing (M-L)



2

ENTITLEMENTS

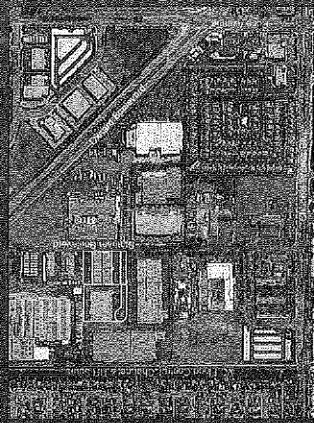
- PZ 15-520-02 (SUP) minor site improvements for a proposed church to operate within existing 36,480 sf vacant building at 2311 Statham Blvd.
- PZ 15-620-02 (GPA) proposes to change land use designation from Industrial Light (ILT) to Industrial Limited (ILM) for property 2311 Statham Blvd.
- PZ 15-570-02 (ZC) proposes to change zoning designation from Light Manufacturing (M-1) to Limited Manufacturing (M-L) for 2311 Statham Blvd; and 2231-2274 Statham Blvd.



3

VICINITY INFORMATION

- Cal-Gisler Neighborhood (west)
- North: Oxnard Lemon Company (Packing House)
- West and South: Commercial Packaging
- Packaging Corp of America
- Diversified Panel Systems
- Berry Pack Inc
- East: Eight Industrial Condos
- Warehousing, office, auto
- East: Murphy Auto Museum
- Truck Parking Storage Yard

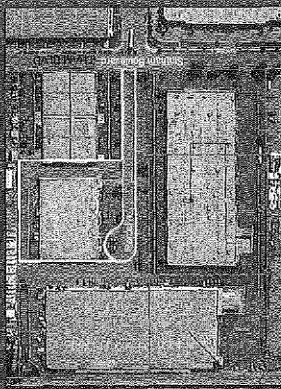


4

SITE INFORMATION

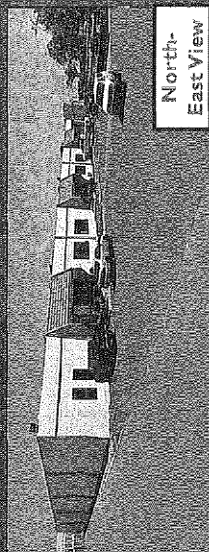
2311 Statham Boulevard

- Existing 36,480 sf (228'x160'), tilt up building on 1.8-acre site. (1973 Permits)
- Vacant Building
- Shared vehicular access with surrounding properties
- Victory Outreach Church intends to acquire the property
- Consists of Parcel 3 (1.79ac) and Parcel 4 (0.57ac) - Access Easement
- SUP Condition No. 87 requires Parcel 3 and 4 to be merged as one

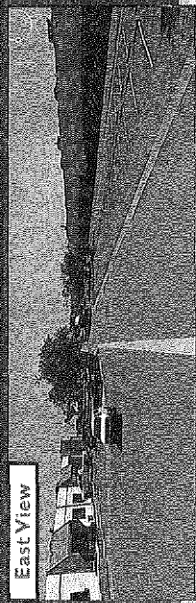


5

Pictures



North-East View



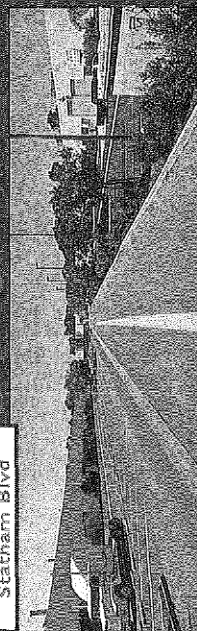
East View



6

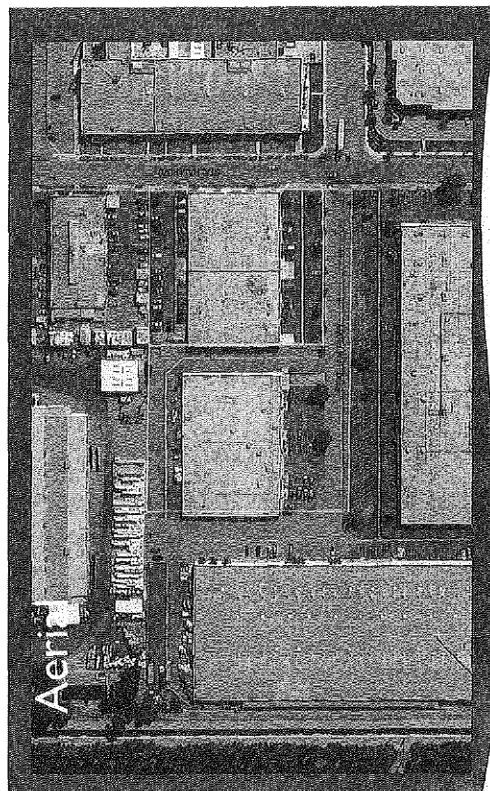
Pictures

West View - from Statham Blvd



7

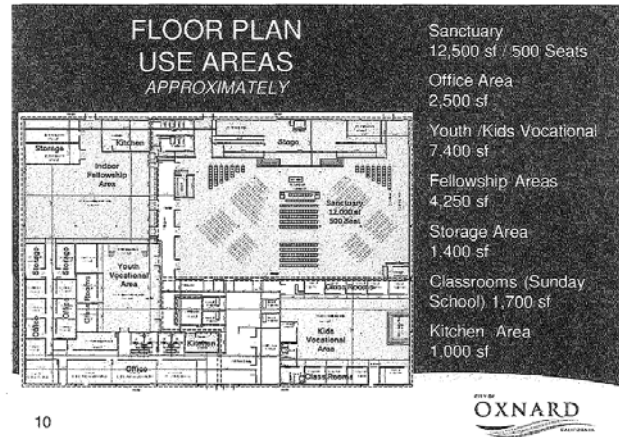
Aerial



8



9



10

Off-Street Parking

- Associated Transportation Engineering prepared a *Trip Generation and Parking Study*. The City's Traffic Engineer reviewed and concurred with the analysis.
 - The study evaluated operational hours for adjacent businesses, peak service times, potential vehicle trip conflicts with conversion of industrial use to church use, and parking needs.
 - 119 spaces with parking lot upgrades (100 required for church peak hours per the parking study)
 - Parking areas on three sides of the building
 - Study evaluated church parking needs against available parking.
- OXNARD

11

Staff Recommendation

That the Planning Commission adopted a resolution:

- Approving PZ 15-520-02 (SUP) to allow minor site improvements for a church to operate within existing 36,480 sf vacant building at 2311 Statham Blvd.
 - Recommending City Council Approval of PZ 15-620-02 (GPA) to change land use designation from Industrial Light (ILT) to Industrial Limited (ILM) for property 2311 Statham Blvd.
 - Recommending City Council Approval of PZ 15-570-02 (ZC) to change zoning designation from Light Manufacturing (M-1) to Limited Manufacturing (M-L) for property 2311 Statham Blvd; and property 2231-2274 Statham Blvd.
- OXNARD

12

2015 DEC 30 A 8:37

NOTICE REQUESTING REVIEW

I, Juan Martinez, Associate Planner, on behalf of the Planning Division request that the City Council review the December 17, 2015 decision of the Planning Commission regarding Planning and Zoning Permit Nos. 15-520-02 (Special Use Permit); 15-620-02 (General Plan Amendment) for the Property Located at 2311 Statham Boulevard; and 15-570-02 (Zone Change) for the Properties Located at 2311 Statham Boulevard and 2231-2274 Statham Boulevard, on the following grounds:

(X) To provide efficient and coordinated review of a multiple permit project.

() (insert other grounds for appeal)

 Dec 29, 2015
(Signature and Date)

cc: - City Attorney
- Development Services Director
- Project Planner
- Pastor Fernando Franco
Victory Outreach Church
P.O. Box 547
Port Hueneme, California 93044

CITY COUNCIL OF THE CITY OF OXNARD
RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD UPHOLDING THE DECISION OF THE PLANNING COMMISSION AND APPROVING PLANNING AND ZONING PERMIT NO. 15-520-02 (SPECIAL USE PERMIT) A REQUEST TO ALLOW A CHURCH (VICTORY OUTREACH CHURCH) TO OPERATE WITHIN AN EXISTING 36,480 SQUARE FOOT, SINGLE STORY BUILDING LOCATED AT 2311 STATHAM BOULEVARD, SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY PASTOR FERNANDO FRANCO WITH VICTORY OUTREACH CHURCH ON BEHALF OF PROPERTY OWNER GRUNY, LLC P.O. BOX 547, PORT HUENEME, CALIFORNIA 93044.

WHEREAS, on June 4, 2015, Pastor Fernando Franco with Victory Outreach Church on behalf of the property owner, Gruny, LLC (the "Applicant" and/or "Permittee") submitted a request to allow a church (Victory Outreach Church) to operate within an existing 36,480 square foot single story building, located at 2311 Statham Boulevard (APN 220-0-010-215) (the "Project"), filed by Pastor Fernando Franco with Victory Outreach Church on behalf of property owner Gruny, LLC, P.O. Box 547, Port Hueneme, California 93044 (the "Applicant"; and

WHEREAS, on December 17, 2015, the Planning Commission of the City of Oxnard ("Planning Commission") conducted a duly noticed public hearing to consider Applicant's request to allow a church (Victory Outreach Church) to operate within an existing 36,480 square foot single story building, located at 2311 Statham Boulevard (the "Project") in accordance with Section 16-530 through 16-553 of the Oxnard City Code; and

WHEREAS, the Planning Commission considered Planning and Zoning Permit No. 15-520-02 (Special Use Permit) and took action to approve the Project; and

WHEREAS, the City Council has considered the Notice Requesting Review of the Planning Commission action to approve the Project, filed on Wednesday, December 30, 2015, by Planning Division Staff and has carefully reviewed the decision of the Planning Commission; and

WHEREAS, the Planning Division has completed a preliminary environmental assessment of the Project in accordance with the California Environmental Quality Act (CEQA) and determined that the Project is subject to a categorical exemption; and

WHEREAS, the Project was referred to various public utility companies, City departments and the Development Advisory Committee for recommendations.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OXNARD:

SECTION 1. Based on the entire record before the City Council and all written and oral evidence presented, including the Planning Commission Staff Report and all attachments thereto, the City Council finds:

- (1) **The proposed use is in conformance with the City of Oxnard 2030 General Plan and the elements thereof and other adopted standards.**

The proposed use is consistent with the 2030 General Plan since the proposed use is consistent with the proposed General Plan land use designation for the site, being heard concurrently with this application, of Industrial Limited (ILM) and development policies of the 2030 General Plan in that churches are permitted uses listed in the Industrial Limited classification and further described in the zoning ordinance.

- (2) **The proposed use will not adversely affect or be materially detrimental to the adjacent uses, buildings or structures or to the public health, safety or general welfare.**

The proposed use is consistent with uses considered and permitted by the Limited Manufacturing (M-L) zone. Interior tenant improvements will be subject to standard construction requirements of the California Building and Fire Codes, and the Project exceeds the parking requirements and complies with all other development standards for the proposed use. Therefore, the proposed use and improvements are not expected to have adverse effects or be materially detrimental the adjacent uses, buildings or structures or to the public health, safety or general welfare.

- (3) **The site for the proposed use is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, and other city imposed requirements except as may be specifically excepted by the special findings and conditions of this Resolution.**

The already developed site has existing infrastructure in place and the proposed use will meet the parking standards as described and shown in Section 6e of the Planning Commission Staff Report. As such, the subject site is adequate in terms of size and as developed the development meets or exceeds City's design, development standards and parking will be met.

- (4) **The site for the proposed use will be served by streets and highways adequate in width and improved as necessary to carry the kind and quantity of traffic such use will generate.**

The project site will be served by existing driveways that connect with Statham Boulevard as described in Section 6e of the Planning Commission Staff Report. As described, the site has sufficient access to streets and highways that are adequate in size.

- (5) **The site for the proposed use will be provided with adequate sewerage, water, fire protection and storm drainage facilities.**

The proposed use will occupy an existing building that has existing sewer, water, fire, and storm drainage services in place to serve the buildings. Interior tenant

improvements requiring plumbing connections for sewer and water connections to services already serving the property will be subject to City permits and the California Plumbing and Fire Codes.

SECTION 2. The City Council, in accordance with the California Environmental Quality Act (CEQA), determines that the Project will not have a significant impact on the environment and is categorically exempt from CEQA pursuant to Article 19, Section 15301 (Existing Facilities), Class 1 of the State CEQA Guidelines. This section pertains to projects involving existing facilities where there is negligible or no expansion of use; and found consistent with the applicable General Plan designation policies as well as with applicable zoning designation and regulations; and approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site can be adequately served by all required utilities and public services. The Planning Manager is hereby authorized and directed to file a Notice of Exemption with the Ventura County Clerk pursuant to Section 15062 of the State CEQA Guidelines within five (5) working days of passage, approval and adoption of this Resolution.

SECTION 3. Based on the findings set forth herein, the City Council hereby upholds the decision of the Planning Commission and approves Planning and Zoning Permit 14-520-02 (Special Use Permit), subject to the findings and conditions set forth in Planning Commission Resolution No. 2015-36, on file in the Planning Division, and incorporated herein by Reference.

[SIGNATURES ON FOLLOWING PAGE]

PASSED AND ADOPTED by the City Council of the City of Oxnard on the 26th day of January 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Tim Flynn, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Stephen M. Fischer, Interim City Attorney

CITY COUNCIL OF THE CITY OF OXNARD
RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 15-620-02 (GENERAL PLAN AMENDMENT) TO CHANGE THE EXISTING GENERAL PLAN LAND USE DESIGNATION FROM INDUSTRIAL LIGHT (ILT) TO INDUSTRIAL LIMITED (ILM) FOR THE PROPERTY LOCATED AT 2311 STATHAM BOULEVARD, SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY PASTOR FERNANDO FRANCO WITH VICTORY OUTREACH CHURCH ON BEHALF OF PROPERTY OWNER GRUÑY, LLC P.O. BOX 547, PORT HUENEME, CALIFORNIA 93044.

WHEREAS, on June 4, 2015, Pastor Fernando Franco with Victory Outreach Church on behalf of the property owner, Gruny, LLC (the “**Applicant**” and/or “**Permittee**”) submitted a request to change the existing 2030 General Plan land use designation from Industrial Light (ILT) to Industrial Limited (ILM) for developed property located at 2311 Statham Boulevard (APN 220-0-010-215) (the “**Project**”), filed by Pastor Fernando Franco with Victory Outreach Church on behalf of property Owner Gruny, LLC P.O. Box 547, Port Hueneme, California 93044 (the “**Applicant**”); and

WHEREAS, on December 17, 2015, the Planning Commission of the City of Oxnard (“**Planning Commission**”) conducted a duly noticed public hearing to consider Applicant’s request to change the existing 2030 General Plan land use designation from Industrial Light (ILT) to Industrial Limited (ILM) for developed property located at 2311 Statham Boulevard (APN 220-0-010-215) (the “**Project**”) in accordance with Section 16-530 through 16-553 of Oxnard City Code; and

WHEREAS, the Planning Commission considered Planning and Zoning Permit No. 15-620-02 (General Plan Amendment) and took action to recommend City Council approval of the Project; and

WHEREAS, the City Council has considered the Notice Requesting Review of the Planning Commission action to approve the Project, filed on Wednesday, December 30, 2015, by Planning Division Staff and has carefully reviewed the decision of the Planning Commission; and

WHEREAS, the City of Oxnard mailed notices to all the property owners of the subject real properties as shown on the latest equalized assessment roll and all owners of real property as shown on the latest equalized assessment roll within 300 feet of the real properties that are the subject of the City Council public hearing pursuant to Government Code Section 65353 and 65091; and

WHEREAS, the City of Oxnard published notice of the City Council public hearing on the proposed Project in the Vida Newspaper pursuant to Government Code Section 65090; and

WHEREAS, Government Code Section 65358(a) allows an amendment to an adopted general plan if such amendment is in the public interest; and

WHEREAS, the Planning Division has completed a preliminary environmental assessment of the Project in accordance with the California Environmental Quality Act (CEQA) and determined that the Project is subject to a categorical exemption; and

WHEREAS, the City Council finds, after review of the Planning Commission Staff Report and all written and oral evidence presented at the public hearing, that the proposed Project is in the public interest; and

WHEREAS, Government Code Section 65358(b) precludes the City from amending a mandatory element of the City of Oxnard 2030 General Plan more than four times during any calendar year, and approval of the proposed Project would comply with said limitation; and

WHEREAS, the Planning Commission's recommendation for City Council adoption of a resolution approving the Project was made by an affirmative vote of not less than a majority of the total membership of the Planning Commission pursuant to Government Code Section 65354.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OXNARD hereby adopts a resolution: (i) approving Planning and Zoning Permit No. 15-620-02 (General Plan Amendment) to change the existing 2030 General Plan land use designation from Industrial Light (ILT) to Industrial Limited (ILM); (ii) amending the 2030 General Plan Land Use Map (Figure 3-1) as shown in Exhibit "A", attached hereto and incorporated herein by reference, for property located at 2311 Statham Boulevard (APN 220-0-010-215).

[SIGNATURES ON FOLLOWING PAGE]

PASSED AND ADOPTED by the City Council of the City of Oxnard on the 26th day of
January 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Tim Flynn, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Stephen M. Fischer, Interim City Attorney

CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 15-570-02 (ZONE CHANGE) TO CHANGE THE EXISTING ZONING DESIGNATION FROM LIGHT INDUSTRIAL (M-1) TO LIMITED MANUFACTURING (M-L), AMENDING THE CITY OF OXNARD ZONING MAP FOR THE PROPERTIES LOCATED AT 2311 STATHAM BOULEVARD AND 2231 THROUGH 2274 STATHAM BOULEVARD, SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY PASTOR FERNANDO FRANCO WITH VICTORY OUTREACH CHURCH ON BEHALF OF PROPERTY OWNER GRUNY, LLC 423 NORTH FIFTH STREET, PORT HUENEME, CALIFORNIA 93041.

WHEREAS, on June 4, 2015, Pastor Fernando Franco with Victory Outreach Church on behalf of the property owner, Gruny, LLC (the “**Applicant**” and/or “**Permittee**”) submitted a request to change the existing zoning designation from Light Industrial (M-1) to Limited Manufacturing (M-L) for the properties located at 2311 Statham Boulevard (220-0-010-215), and 2231 through 2274 Statham Boulevard (220-0-010-405 through 475) (the “**Project**”), filed by Pastor Fernando Franco with Victory Outreach Church on behalf of property Owner Gruny, LLC 423 North Fifth Street, Port Hueneme, California 93041 (the “**Applicant**”); and

WHEREAS, on December 17, 2015, the Planning Commission of the City of Oxnard (“**Planning Commission**”) conducted a duly noticed public hearing to consider Applicant’s request to existing zoning designation from Light Industrial (M-1) to Limited Manufacturing (M-L) for the properties located at 2311 Statham Boulevard (220-0-010-215), and 2231 through 2274 Statham Boulevard (220-0-010-405 through 475) (the “**Project**”) in accordance with Section 16-530 through 16-553 of Oxnard City Code; and

WHEREAS, the City Council carefully reviewed Planning Commission Resolution No. 2015-38 recommending approval of Zone Change No. 15-570-02; and

WHEREAS, the City of Oxnard published notice of the City Council public hearing on the proposed Project in the Vida Newspaper pursuant to Government Code Section 65854 and 65090; and

WHEREAS, the City of Oxnard mailed notices to all the property owners of the subject real properties as shown on the latest equalized assessment roll and all owners of real property as shown on the latest equalized assessment roll within 300 feet of the real properties that are the subject of the Planning Commission public hearing pursuant to Government Code Section 65854 and 65091; and

WHEREAS, Government Code Section 65860(a) requires that all City zoning be consistent with the City of Oxnard 2030 General Plan; and

WHEREAS, the City Council finds, after review of the Planning Commission Staff Report and all written and oral evidence presented at the public hearing, that the proposed Project is

consistent with the City of Oxnard 2030 General Plan as amended for the reasons set forth in Section 6.b of the Staff Report; and

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

Part 1. With respect to 2311 Statham Boulevard (220-0-010-215), and 2231 through 2274 Statham Boulevard (220-0-010-405 through 475), (i) the zoning governing is changed from Light Industrial (M-1) to Limited Manufacturing (M-L); and (ii) the City of Oxnard Zoning Map is changed for said properties as shown in Exhibit "A", attached hereto and incorporated herein by reference.

Part 2. Pursuant to Government Code Section 65863.5, the City Clerk shall mail a copy of this ordinance to the Assessor of Ventura County within thirty (30) days from the adoption of this ordinance.

Part 3. 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 _____, and finally adopted on _____, to become effective thirty (30) days thereafter.

[SIGNATURES ON FOLLOWING PAGE]

PASSED AND ADOPTED by the City Council of the City of Oxnard on the 26th day of January 2016, by the following vote:

AYES:

NOES:

ABSENT:

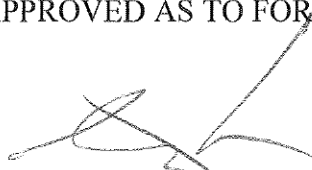
ABSTAIN:

Tim Flynn, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Stephen M. Fischer, Interim City Attorney



**CITY COUNCIL
AGENDA REPORT**

**TYPE OF ITEM: Public
Hearing**

AGENDA ITEM NO.: J-2

DATE: January 26, 2016

TO: City Council

THROUGH: Greg Nyhoff, City Manager
Office of the City Manager

FROM: Arturo Casillas, Housing Director

SUBJECT: Extremely-Low to Low-Income Needs Assessment – FY 2016-17 Annual Action Plan

CONTACT: Norma J. Owens, Grants Manager
norma.owens@ci.oxnard.ca.us, 385-7959

RECOMMENDATION

That the City Council conduct the first Public Hearing to receive comments and provide direction to staff concerning unmet needs, such as affordable housing, community development and homelessness of extremely-low to low-income persons residing in the City of Oxnard.

BACKGROUND

The City Council approved the FY 2013-2018 Consolidated Plan (ConPlan) on June 11, 2013. The ConPlan is required by the U.S. Department of Housing and Urban Development (HUD) for the submission of goals and objectives to be achieved for HUD's Community Development Block Grant, (CDBG), HOME Investment Partnerships Act (HOME) and Housing Emergency Solutions Grant (HESG) programs over the five-year life of the document. The ConPlan is based on a comprehensive needs assessment, including input from the public, and establishes the priority programs and activities that may be funded through the Annual Action Plan (AAP) process during the five-year period, subject to amendments which may be done at any time, and must also be approved by HUD. The FY 2013-2018 ConPlan also contained the first year AAP.

The ConPlan and first year AAP were approved by HUD in August 2013 and now serve as the planning documents for comprehensive housing affordability strategies, homelessness strategies and community planning for the City of Oxnard. Each year of the ConPlan's existence, the City must submit an Annual Action Plan (AAP). The AAP serves as the application for the CDBG, HOME and HESG entitlement grants and specifies what will be accomplished in a one-year period. The City is required to submit the FY 2016-17 AAP to HUD no later than 45 days prior to the commencement of the next program year, which begins on July 1, 2016. Therefore, the City must submit the next AAP to HUD by May 15, 2016.

HUD's Entitlement Grant Programs

The City of Oxnard has been receiving CDBG funding for approximately 40 Years (since 1975); HOME funding for 23 years (since 1992); and HESG funding for 25 years (since 1990). The grant amounts are determined by the level of Federal appropriations and a HUD prescribed formula. The level of funding for the past five years has been steadily declining as illustrated in the HUD Five-Year Entitlement Summary (Attachment 1).

The City has used the CDBG funding for neighborhood street and park improvements; homeownership assistance; owner-occupied mobile home replacements and housing rehabilitation; and public service activities targeted to low-income persons. HOME funding has provided low-income families with down payment assistance, allowing them to become first-time home owners, and has provided funding for the rehabilitation of single family and mobile home units. HOME funds have also been used for the construction of new affordable housing units, for sale or for rent, through partnerships with several Community Housing Development Organizations or CHDOs. HESG funding has provided funding for homeless prevention, rapid re-housing, the operation of emergency and transitional homeless shelters and the HUD required Homeless Management Information System.

Citizen Participation Process

In October 1994, the City adopted a Citizen Participation Plan (CPP), which was updated in July 2000 (Attachment 2). The CPP encourages citizens to participate in the development of both the Consolidated and the Annual Action Plans. The CPP requires the City to conduct at least two public hearings for the AAP. The first hearing was noticed (Attachment 3) and is intended to obtain Council direction and input from individuals and organizations on the unmet housing, homeless and community development needs that the City may want to address in the next AAP. This hearing also begins the program and activities application process for City departments and nonprofit agencies to receive funding under the three entitlement grant programs beginning July 1, 2016. The second public hearing, usually conducted in late April or early May, is for Council to provide direction to staff on the grant priorities and allocations for the use of the CDBG, HOME and HESG grant funds in the upcoming program year.

FINANCIAL IMPACT

There is no financial impact involved with this action.

ATTACHMENTS

- Attachment 1: - HUD Formula Grant Programs, Five Year Entitlement Summary**
- Attachment 2: - Citizen Participation Plan**
- Attachment 3: - Notice of Public Hearing**

HUD FORMULA GRANT PROGRAMS
FIVE-YEAR ENTITLEMENT SUMMARY

	2012	2013	2014	2015	Estimates 2016
Community Development Block Grant (CDBG)	\$2,063,138	2,185,785	2,145,231	2,131,803	<i>2,131,803</i>
HOME Investment Partnerships Act (HOME)	\$667,268	646,077	638,502	561,174	<i>561,174</i>
Emergency Shelter Grant (ESG)	\$214,100	\$150,512	177,570	191,219	<i>191,219</i>
Total	\$2,994,504	\$2,982,374	2,684,133	2,665,171	<i>2,665,171</i>

CITY OF OXNARD CITIZEN PARTICIPATION PLAN CONSOLIDATED PLAN

Introduction

The U.S. Department of Housing and Urban Development (HUD) required a community receiving funding under Community Planning and Development formula grant programs to submit to HUD a multi-year Consolidated Plan and Annual Action Plan component. The Consolidated Plan is a program and funding implementation plan combined in one document, and states the City's objectives for housing and community planning and development. The formula grant programs include Community Development Block Grant (CDBG), including activities under Section 108, such as guaranteed loan funds, Emergency Shelter Grants (ESG), HOME Investment Partnerships (HOME), and Housing Opportunities for Persons With Aids (HOPWA). In addition, a community must have a Consolidated Plan approved by HUD before receiving funds under a variety of other programs including, but not limited to, the following: the HOPE Public Housing programs; Supportive Housing for the Elderly (Section 202); Single-Room Occupancy Housing (SRO); Shelter Plus Care; John Heinz Neighborhood Development; and, Lead-Based Paint Hazard Reduction.

An important component in the preparation of the Consolidated Plan is a Citizen Participation Plan (CP Plan), which must be adopted by City Council. The CP Plan must assure participation by all citizens will be encouraged including minorities, non-English speaking persons, and persons with mobility, visual, or hearing impairments. The CP Plan is also designed to specifically encourage participation in the development of the Consolidated Plan by low- and very-low income persons, especially in blighted areas, and by persons in areas proposed to receive CDBG funded programs.

The Oxnard CP Plan consists of the following elements:

Public Outreach and Access

- Prior to the adoption of the Consolidated Plan by City Council the following information shall be made available to citizens, public agencies and other interested parties.
 - Amount of funds available for the proposed plan
 - Range of activities that may be undertaken
 - Activities and funds that will benefit person of low- and very-low income
 - Plans to minimize displacement of persons and to assist any persons displaced.
- A summary of the proposed Consolidated Plan shall be published in one or more newspapers of general, local circulation. The summary shall describe the contents and purpose of the plan and include a list of the locations where copies of the entire plan may be examined. At a minimum, copies of the plan shall be available for public review at the Oxnard Public Library and City Clerk's Office.
- The Consolidated Plan and amendments to the plan shall be made available for public comment for a minimum of 30 days prior to submission to HUD.

Annual Action Plan
2015

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OMB Control No: 2506-0117 (exp. 07/31/2015)

- The Consolidated Annual Performance and Evaluation Report (CAPER) shall be made available for public comment for a minimum of 15 days prior to submission to HUD.
- Citizens shall be notified of the availability and given a reasonable opportunity to examine the adopted Consolidated Plan, any amendments, and its CAPER.
- The Housing Director shall be notified about housing and community development plan activities relating to the Oxnard Housing Authority development and surrounding communities.
- The City shall provide citizens, public agencies, and other interested parties with reasonable and timely access to information and records relating to the City's Consolidated Plan and the City's use of assistance under the programs covered by the plan during the preceding multi-year or single year planning process.

Public Hearings

- The City shall hold a minimum of two public hearings per program (Fiscal) year. The purpose of the hearings is to obtain public comments, to address housing and community development needs, and to outline the development of proposed activities.
One of these hearings must be held prior to the time that a public notice is published inviting comments on the proposed Consolidated Plan.

The purpose of this initial hearing is to obtain the public comments on housing and community development needs, including priority non-housing community development needs. The second hearing shall be held prior to adoption of the Consolidated Plan and/or Annual Action Plan by the City Council.

- The first hearing may be held in facilities in or adjacent to low/moderate income neighborhoods or City Council Chambers. The second hearing presenting the Consolidated Plan shall be held in the City Council Chambers.
- The hearings shall be scheduled at times to ensure the maximum attendance by residents. Persons with disabilities needing special assistance to participate in the meetings shall contact the City Clerk's Office at least 72 hours prior to the meeting to mobility, visual or hearing impairments shall be accommodated. A Spanish language translator shall be provided at each hearing and other translators may be made available upon request.
- Notices of the hearings shall be sent to members of the Inter-Neighborhood Council Committee (INCC) and the presidents of the public housing tenant advisory councils.

Technical Assistance

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

Annual Action Plan
2015

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OMB Control No: 2506-0117 (exp. 07/31/2015)

Comments and Complaints

- The City shall consider any comments or views of citizens received in writing or orally at the public hearings in preparing the final Consolidated Plan, amendment to the Plan, or CAPER.
A summary of these comments or views, and a summary of any comments or views not accepted and the reasons therefore, shall be attached to the final Consolidated Plan, amendment to the Plan, or CAPER.
- The City shall respond in a timely manner, within 15 days where practical, to all written complaints, grievances and requests for information about the Consolidated Plan.
- The City shall amend the Consolidated Plan when there is a substantial change, defined as follows:
 - A change of 25 percent of an annual grant amount; or
 - A change in an activity's address, where activity is defined as any program or project identified in the Annual Action Plan with an allocated dollar amount.

Adoption of the CP Plan

The City shall provide the public with a reasonable opportunity to comment on the original CP Plan and any amendments thereto, and shall make the CP Plan available. The CP Plan will be made available in other formats for persons with disabilities upon request.

Originally adopted by City Council on October 18, 1994. Modifications adopted by City Council on July 25, 2000.

Certificate of Publication

Ad #831992

In Matter of Publication of:

Public Notice

State of California)

))§

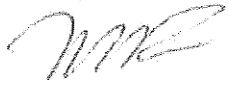
County of Ventura)

I, Maria Rodriguez, hereby certify that the Ventura County Star Newspaper has been adjudged a newspaper of general circulation by the Superior Court of California, County of Ventura within the provisions of the Government Code of the State of California, printed in the City of Camarillo, for circulation in the County of Ventura, State of California; that I am a clerk of the printer of said paper; that the annexed clipping is a true printed copy and publishing in said newspaper on the following dates to wit:

Dec. 13, 2015

I, Maria Rodriguez certify under penalty of perjury, that the foregoing is true and correct.

Dated this Dec. 14, 2015; in Camarillo, California, County of Ventura.


Maria Rodriguez
(Signature)

CITY OF OXNARD
Notice of Public Hearing
Unmet Needs of Low-Income Persons Related to Affordable Housing, Homelessness, Public Facilities and Improvements, Public Services and Economic Development
January 12, 2016 at 6:00 p.m. and or soon thereafter

Notice is hereby given that the Oxnard City Council will conduct a public hearing on Tuesday, January 12, 2016, at 6:00p.m., or as soon thereafter as the matter may be heard, in the Council Chambers, 306 West Third Street, Oxnard, California.

Notice is hereby further given that the purpose of the public hearing is to receive input on the housing, homelessness, public facilities and improvements, public services and economic development unmet needs of extremely low-, to low-income persons residing in the City of Oxnard, which are not currently being addressed by the City or local agencies and organizations. Presentations may be made by local agencies, organizations and individuals on proposed or current projects to satisfy those needs. Topics which may be addressed include the following: affordable housing; homelessness; transitional and permanent housing for homeless persons/households or those who are at-risk of becoming homeless; public facilities; infrastructure improvements; public services; disabled accessibility; economic development; or other community development needs.

Comments about these and other related issues will be used in the preparation of the City's Fiscal Year 2016-2017 Annual Action Plan (AAP), as required by the U.S. Department of Housing and Urban Development (HUD). This AAP is the fourth annual plan component of the FY2013-2018 Consolidated Plan. HUD requires the submission of an AAP prior to the release of Community Development Block Grant (CDBG), HOME Investment Partnership Act (HOME), and Emergency Solutions Grant (HESG) monies to fund local projects starting on July 1, 2016.

The City is estimated to receive \$2,000,000 in CDBG, \$500,000 in HOME and \$180,000 in HESG funds for the fiscal year 2016-2017, which includes an anticipated reduction in allocations of the three entitlement grants. CDBG funds may be utilized for affordable housing, economic development, public facilities and improvements, public services (limited to 15% of the grant amount), planning and general administration (limited to 20%). HOME funds may be utilized to increase the supply of affordable housing for low-income persons, or to assist low-income families to purchase housing. Eligible projects include administration (limited to 10% of the grant amount), acquisition, new construction, first-time homebuyer assistance, and rehabilitation of housing units. HESG funds may be utilized for street outreach, emergency shelter, homelessness prevention, rapid rehousing assistance, the Homeless Management Information system (HMIS) and administrative costs (limited to 7.5% of the grant amount).

Please note the following important dates for the preparation of FY 2016-2017 Annual Action Plan as follows:

January 12, 2016 First Public Hearing related to Needs Assessments for FY 2016-2017 Annual Action Plan in the City Council Chambers

January 19 & 21, 2016: Mandatory pre-application meeting for all potential applicants at Oxnard Main Library, Room B. Detailed information will be posted to the website.

February 19, 2016: Project applications are due to the Grants Management Division

April 26, 2016: Second public hearing related to priorities and needs determination and funding recommendations

If you plan to attend the hearing, staff suggests that you contact the City Clerk's Office at (805) 385-7803 the Thursday prior to the scheduled date to confirm that the hearing has not been rescheduled. Persons with disabilities needing special assistance to participate in the hearing, or persons requiring a translator, should also contact the City Clerk's Office at least 72 hours prior to the meeting.

For further information, contact Norma J. Owens, Grants Manager, at (805) 385-7959. Written comments may be addressed to the following:

City of Oxnard Housing Department
Grants Management Division
435 South "D" Street
Oxnard, CA 93030

Published: Dec. 13, 2015 Ad No.831992



In the Superior Court of the State of California

IN AND FOR THE COUNTY OF VENTURA

CERTIFICATE OF PUBLICATION

TYPE OF NOTICE

CIUDAD DE OXNARD

AVISO DE AUDIENCIA PÚBLICA

STATE OF CALIFORNIA
COUNTY OF VENTURA

I Luis Ayala

hereby certify that Ventura County VIDA Newspaper, is a newspaper of general circulation within the provision of the Government Code of the State of California, printed and published in the County of Ventura, State of California; that I am the Principal Clerk of said newspaper; that the annexed clipping is a true printed copy and published in said newspaper on the following dates, to wit.

Dec 10, 2015

I certify under penalty of perjury that the foregoing is true and correct, at Oxnard, County of Ventura, State of California, on the

10th day of December 2015

CIUDAD DE OXNARD

Aviso de Audiencia Pública

Necesidades insatisfechas de personas de bajos ingresos relacionadas a la vivienda asequible, la indigencia, las instalaciones públicas y su mejoramiento, Servicios Públicos y desarrollo económico 12 de enero de 2016 a las 6:00 p.m. y posteriormente

Con el presente se da aviso que el consejo de la Ciudad de Oxnard llevará a cabo una audiencia pública el martes, 12 de enero de 2016 a las 6:00 p.m., o, posteriormente, tan pronto como el asunto se pueda escuchar en la sala del Consejo, en 395 West Third Street, Oxnard, California.

Se hace saber, además, que el propósito principal de la audiencia pública es el de recibir la aportación del público sobre el tema de necesidades insatisfechas de personas de bajos y muy bajos recursos en cuanto a vivienda, indigencia, instalaciones públicas y su mejoramiento, servicios públicos y el desarrollo económico en la Ciudad de Oxnard, los cuales actualmente no están siendo atendidos por la Ciudad ni por agencias y organizaciones locales. Podrá haber presentaciones por agencias, organizaciones o individuos locales acerca de proyectos actuales o propuestos para satisfacer esas necesidades. Los temas que se pueden tratar incluyen: vivienda asequible; la indigencia; vivienda transitoria y permanente para los desamparados o aquellos que corren el riesgo de quedar sin hogar; instalaciones públicas; mejoramiento a la infraestructura; servicios públicos; accesibilidad para las discapacidades; desarrollo económico; u otras necesidades de desarrollo comunitario.

Los comentarios sobre estas y otras cuestiones relacionadas se usarán en la preparación del Plan de Acción Anual de la Ciudad de Oxnard, Año Fiscal 2016-2017, como lo requiere el Departamento (Ministerio) estadounidense de Vivienda y Desarrollo Urbano (HUD por sus siglas en inglés). Este Plan de Acción Anual es el tercer componente del Plan Consolidado para el año fiscal 2013-2018. HUD exige la presentación de un Plan de Acción Anual antes de liberar los fondos del Programa de Subvenciones en Bloque para el Desarrollo Comunitario (CDBG), la ley de Colaboración en la Inversión HOME, y el Programa de Subvenciones para Soluciones de Emergencias (HESG) para financiar proyectos locales a partir del 1º de julio de 2016.

Se estima que La Ciudad recibirá \$2,000,000 en fondos de CDBG, \$500,000 de HOME y \$100,000 en fondos de HESG para el año fiscal 2016-2017, cual incluye una reducción prevista en la asignación para las tres subvenciones para el próximo ciclo. Los fondos de CDBG pueden ser utilizados para vivienda asequible, desarrollo económico, instalaciones públicas y su mejoramiento, y servicios públicos (límite de 15% del monto de la subvención), planificación y administración general (límite de 20%). Los fondos de HOME pueden ser utilizados para sustentar el suministro de vivienda asequible para las personas de bajos ingresos o para ayudar a familias de bajos ingresos a comprar vivienda. Proyectos elegibles para administración (límite de 10% del monto de la subvención), adquisición, construcción nueva, ayuda para el comprador de vivienda primeriza, rehabilitación de viviendas, y asistencia con la renta tomando en cuenta a los inquilinos. Los fondos de HESG pueden ser utilizados para acercamiento a personas viviendo en las calles, refugio de emergencia, prevención de indigencia, asistencia rápida de reemplazo y aislamiento de información para el manejo de indigentes (HMI) y costos administrativos (límite de 7.5% del monto de la subvención).

Por favor, tome nota de fechas importantes para la preparación del Plan de Acción Anual Año Fiscal 2016-2017:

12 de enero de 2016:

Primera Audiencia Pública relacionada con la Evaluación de Necesidades para el Plan de Acción Anual Año Fiscal 2016-17 en la Sala del Consejo de la Ciudad. Reunión obligatoria previa a la elección para todos los solicitantes potenciales que se llevará a cabo en la biblioteca principal de Oxnard. Información detallada se publicará en el sitio web en cuanto esta sea disponible.

19 de febrero de 2016:

Fecha límite para presentar solicitudes de financiación de proyectos en la Oficina de Subvenciones.

26 de abril de 2016:

Segunda audiencia pública relacionada con la Evaluación de Necesidades y de las Recomendaciones de Financiación para Proyectos de CDBG, HOME y HESG en la Sala del Consejo de la Ciudad.

Si planea asistir a esta audiencia, le sugerimos que llame a las Oficinas de la Secretaría Municipal al (805) 395-7603 al menos anterior a la audiencia para confirmar que no ha habido cambio a la fecha de la audiencia. Las personas con discapacidades que requieren ayuda especial para participar en la audiencia o quien necesite servicios de intérprete, deben comunicarse con la Oficina de Secretaría Municipal por lo menos 72 horas antes de la junta.

Para más información comuníquese con Norma Osuna al (805) 395-7603.

Comentarios por escrito deben presentarse ante:
City of Oxnard Housing Department
Grants Management Division
435 South "D" Street
Oxnard, CA 93030

FILED IN VC-00 Date: 12/10/15



**CITY COUNCIL
AGENDA REPORT**

TYPE OF ITEM: Report

AGENDA ITEM NO.: L-1

DATE: January 26, 2016

TO: City Council

THROUGH: Greg Nyhoff, City Manager
Office of the City Manager

FROM: Ashley Golden, Development Services Director

SUBJECT: Change Order No. 126 for Security Paving Co. Inc. for Rice /101 Interchange

CONTACT: Cynthia Daniels, Development Services
Cynthia.Daniels@ci.oxnard.ca.us, 385-7871

RECOMMENDATION

That City Council approve and authorize the Mayor to execute Change Order No. 126 for Project Specification No. PW03-19 with Security Paving Co., Inc. to decrease the amount by \$455,237 (a new total of \$35,835,331.75) for the Rice Avenue/Santa Clara Avenue interchange improvements at U.S. Highway 101 (Agreement No. A-7228).

BACKGROUND

This final change order adjusts costs of the bid item quantities and change orders, balancing the payments to reflect the amount actually installed by the contractor and verified in the field by the City's consultant construction manager, AECOM Technical Services. The construction bid included 212 bid items. Security Paving Co. Inc. was awarded the construction contract for the Rice Avenue/Santa Clara Avenue interchange improvements at U.S. Highway 101 on October 20, 2009 for \$31,189,493.23. Work started in February 2010. Work included constructing roadways and a bridge; widening the freeway; replacing city sewer, water, and drainage systems; and installing highway planting, irrigation, signals, lighting, signs, public art, fencing, and electrical systems. The schedule at award was 743 calendar days to complete the project. The current completion date is June 20, 2014 (1,594 calendar days). The contractor finished construction in February 2015. The notice of completion was recorded in May 2015, and all retention released.

FINANCIAL IMPACT

The change order would decrease the amount of Agreement No. A-7228 by \$455,237 to a total of \$35,835,331.75, which is 14.9 percent above the original award amount. The decrease from the change order will be unencumbered from the construction contract. Federal and state grants, an assessment district, HERO redevelopment funds, California's underground storage tank cleanup fund, and city contributions funded the project (Attachment 3 is a table of city contributions). Attachment 2 is a summary of the change orders approved to date.

ATTACHMENTS

- #1 - Change Order 126
- #2 - Summary of Change Orders To Date
- #3 - Table of City Contributions

[X] CONTR ADMIN
[X] ACCOUNTING
[X] CONTRACTOR
[X] PURCHASING SERVICE
[X] CONTRACT INSPECTION



Department Contact: Cynthia Daniels

Phone: 385-7871

CHANGE ORDER NO.

126

Date: 12/17/2015

Contractor Name.: **Security Paving Co. Inc.**

Project Title: **Rice/Hwy 101 Interchange Improvements**

Specification No.: **PW03-19**

Contract No.: **A-7228**

P.O. No.: **3516**

Fed. Proj. No.: **STPL 5129(012), ESPL 5129(058),
HPLUL 5129(051/056/063), TILUL 5129(057)**

Account No.: **000-0000-000-0001**

Account No.: **000-0000-000-0002**

Account No.: **000-0000-000-0003**

Account No.: **000-0000-000-0004**

Account No.: **000-0000-000-0005**

Project No.: **873114** \$ -

Project No.: **873114** \$ -

Project No.: **873114** \$ -

Project No.: **000004** \$ -

Project No.: **000005** \$ -

You are hereby directed to make the following changes in this contract:

Description:

Item No.	Description	Quantity	Units	Unit Price	Net Amount
9	Sand Bag Barrier	M	-2,807.00	\$ 6.50	(\$18,245.50)
100.113	Repairing MBGR	LS	-14,143.79	\$ 1.00	(\$14,143.79)
100.115	Replace damaged signal pole	LS	-2,000.00	\$ 1.00	(\$2,000.00)
100.116	Install for telephone service	LS	-3,087.78	\$ 1.00	(\$3,087.78)
100.118	Repair MBGR	LS	-5,591.40	\$ 1.00	(\$5,591.40)
100.119	Repair sidewalks	LS	-3,764.86	\$ 1.00	(\$3,764.86)
12	Storm drain inlet protection	EA	-29.00	\$ 125.00	(\$3,625.00)
17-S	Flashing arrow sign	EA	2.00	\$ 500.00	\$1,000.00
18-S	Type III barricade	EA	40.00	\$ 80.00	\$3,200.00
19-S	Temp pavement mark--paint	M2	37.21	\$ 21.40	\$796.36
21-S	Channelizer- surface mount	EA	-329.00	\$ 35.00	(\$11,515.00)
23-S	Temporary sign overlay	M2	-3.55	\$ 280.00	(\$994.00)
25-S	Portable changeable sign	EA	1.00	\$ 5,000.00	\$5,000.00
26-S	Temp Railing-Type K	M	36.00	\$ 37.00	\$1,332.00
28	Abandon culvert	M	-12.00	\$ 65.00	(\$780.00)
29	Abandon steel pipe	M	-274.88	\$ 65.00	(\$17,867.15)
30	Abandon sewer	M	7.90	\$ 49.00	\$387.10
31	Obliterate surfacing	M2	2,138.77	\$ 1.55	\$3,315.10
32	Remove chain link fence	M	544.00	\$ 10.75	\$5,848.00
35	Remove traffic stripe	M	-25,263.54	\$ 0.91	(\$22,989.82)
36	Remove pavement marking	M2	-374.22	\$ 17.10	(\$6,399.11)
37	Remove pavement marker	EA	-3,835.00	\$ 0.80	(\$3,068.00)
40	Remove culvert	M	12.79	\$ 130.00	\$1,662.70
41	Remove pipe	M	92.77	\$ 65.00	\$6,030.05
44	Remove retaining wall	M	-65.00	\$ 60.00	(\$3,900.00)
45	Remove sewer pipe	M	84.70	\$ 20.00	\$1,694.00
47	Relocate sign post	EA	-3.00	\$ 348.00	(\$1,044.00)
50	Adjust manhole	EA	2.00	\$ 900.00	\$1,800.00
52	Modify sewer manhole base	EA	-2.00	\$ 2,250.00	(\$4,500.00)
53-S	Cold plane AC pavement	M2	-2,020.80	\$ 3.00	(\$6,062.40)
54	Remove concrete	M3	83.75	\$ 45.00	\$3,768.75
55	Remove concrete barrier	M	-20.00	\$ 37.00	(\$740.00)
60	Roadway excavation	M3	8,624.26	\$ 9.20	\$79,343.20
72-S	Erosion control Type D	M2	-67.00	\$ 12.80	(\$857.60)
77-S	300 MM HDPE pipe	M	-3.84	\$ 147.00	(\$564.47)
78-S	450 MM HDPE pipe	M	0.75	\$ 375.00	\$281.25
79	Class 2 aggregate base	M3	-691.01	\$ 36.50	(\$25,221.82)
80	Class 3 aggregate base	M3	235.21	\$ 34.90	\$8,208.83
82	Hot mix asphalt B-HMA B	Tonn	744.09	\$ 83.75	\$62,317.55
83	pavement reinforcing fabric	M2	-1.00	\$ 2.50	(\$2.50)
84	Place AC misc area	M2	525.08	\$ 4.80	\$2,520.38
85	Place AC dike Type A	M	(13.00)	\$ 13.90	(\$180.70)
86	Place AC dike Type E	M	-268.91	\$ 13.90	(\$3,737.85)
87	Place AC dike Type F	M	-3.91	\$ 13.90	(\$54.41)
88	Concrete pavement	M3	-69.97	\$ 198.00	(\$13,854.65)
89	Class 4 aggregate base	M3	-15.89	\$ 30.10	(\$478.29)
CCO 3	Settlement monitoring	LS	-66,660.49	\$ 1.00	(\$66,660.49)
CCO 4	Removed buried objects	LS	-3,332.62	\$ 1.00	(\$3,332.62)

Item No.	Description	Quantity	Units	Unit Price	Net Amount
CCO5	Maintain freeway lighting	LS	-2,455.52	\$ 1.00	(\$2,455.52)
CCO 6	Drainage reconciling	LS	1,838.23	\$ 1.00	\$1,838.23
CCO8	Detouring traffic-Edison 66 kV	LS	1,811.71	\$ 1.00	\$1,811.71
CCO9	Excavate 45" water line	LS	-4,760.26	\$ 1.00	(\$4,760.26)
CCO 11	Increase items SWPPP	LS	-1,487.81	\$ 1.00	(\$1,487.81)
CCO 13	Install temp sidewalk	LS	591.98	\$ 1.00	\$591.98
CCO 14	NPDES General permit	LS	-64.45	\$ 1.00	(\$64.45)
CCO 15	Extra excavation & import	LS	-2,197.98	\$ 1.00	(\$2,197.98)
CCO 19	Adjust sewer line elevations	LS	-55,532.55	\$ 1.00	(\$55,532.55)
CCO 20	Remove Type I concrete channel		-20,931.93	\$ 1.00	(\$20,931.93)
CCO 27	Relocate off ramp lights	LS	-14,842.33	\$ 1.00	(\$14,842.33)
CCO 29	Sewer bypass line	LS	-44.61	\$ 1.00	(\$44.61)
CCO 31	Add/decrease/delete water line		-14,945.11	\$ 1.00	(\$14,945.11)
CCO 32	Survey services	LS	-18,764.20	\$ 1.00	(\$18,764.20)
CCO 34	Utilities potholing	LS	-65.65	\$ 1.00	(\$65.65)
CCO 36	Add MBGR	LS	-7,094.18	\$ 1.00	(\$7,094.18)
CCO 40	Sign guard rails & barriers	LS	-14,330.21	\$ 1.00	(\$14,330.21)
CCO 43	CT req'd MBGR adj.	LS	2,168.61	\$ 1.00	\$2,168.61
CCO 46	Modify drainage sys #10	LS	-2,094.97	\$ 1.00	(\$2,094.97)
CCO 48	Modify gas sta. driveway	LS	3,968.88	\$ 1.00	\$3,968.88
CCO 49	12" water line Ventura Blvd	LS	-21,050.07	\$ 1.00	(\$21,050.07)
CCO 53	Shoulder widen NB on-ramp	LS	-11,187.88	\$ 1.00	(\$11,187.88)
CCO 54	Paving portion Ventura Bl	LS	-44,553.50	\$ 1.00	(\$44,553.50)
CCO 55	Splicing overhead sig poles	LS	-9,432.24	\$ 1.00	(\$9,432.24)
CCO 57	Analysis testing req'd	LS	-0.30	\$ 1.00	(\$0.30)
CCO 58	Credit for revised shoulders	LS	-45,866.52	\$ 1.00	(\$45,866.52)
CCO 60	Add'l traffic control	LS	-689.71	\$ 1.00	(\$689.71)
CCO 61	Embankment drain pipe	LS	-2,112.00	\$ 1.00	(\$2,112.00)
CCO 62	Realign ROW fence	LS	976.86	\$ 1.00	\$976.86
CCO 64	Deduct utility line items	LS	26,133.55	\$ 1.00	\$26,133.55
CCO 65	Install retaining wall & fence		-1,933.03	\$ 1.00	(\$1,933.03)
CCO 66	Labor to remove	LS	-6,873.49	\$ 1.00	(\$6,873.49)
CCO 72	Pave area DS#4 & fence	LS	-16,347.75	\$ 1.00	(\$16,347.75)
CCO 76	Regrade DG area basin	LS	-1,431.59	\$ 1.00	(\$1,431.59)
CCO 83	install irrigation crossover	LS	-6,934.52	\$ 1.00	(\$6,934.52)
CCO 93	Additional SWPPP	LS	-1,895.25	\$ 1.00	(\$1,895.25)
CCO 95	Replacedamaged controller	LS	-2,410.17	\$ 1.00	(\$2,410.17)
CCO 97	Replace sidewalk Santa Clara	LS	5,156.47	\$ 1.00	\$5,156.47
CCO 98	SWPPP annual report	LS	-427.87	\$ 1.00	(\$427.87)
CCO 103	Repair collision damage	LS	-4,581.79	\$ 1.00	(\$4,581.79)
CCO 105	Repair crash cushions	LS	3,817.28	\$ 1.00	\$3,817.28
CCO 120	Vehicle accident repairs	LS	-446.14	\$ 1.00	(\$446.14)
CCO 122	Clean drain	LS	-2,467.88	\$ 1.00	(\$2,467.88)
	install irrigation crossover		-7,285.23	\$ 1.00	(\$7,285.23)
C60	Install irrigation & landscaping		-2,851.78	\$ 1.00	(\$2,851.78)
C76	Extra work remove/dispose rock		-11,240.00	\$ 1.00	(\$11,240.00)
C80	Deductive amount		16,865.92	\$ 1.00	\$16,865.92
C81	Added amount		-9,344.00	\$ 1.00	(\$9,344.00)
x103-F	Minor concrete	M3	0.30	\$ 2,385.00	\$703.58
x105-S	Joint seal (MR 50MM)	M	2.00	\$ 150.00	\$300.00
x115	Roadside sign - one post	LS	-2.00	\$ 348.00	(\$696.00)
x116	Roadside sign - two post	LS	-1.00	\$ 803.00	(\$803.00)
x117	Install sign (strap and...)	LS	-1	\$ 160.00	(\$160.00)
x118	450 MM RC Pipe	M	80.57	\$ 156.00	\$12,568.92
x120	750 MM RC Pipe	M	4.00	\$ 228.00	\$912.00
x121	450 M Corrugated Pipe	M	-3.35	\$ 213.00	(\$713.98)
x123	100 Plastic pipe edge dr	M	-5.40	\$ 78.00	(\$421.20)
x125	300 MM Corrugated steel pipe	M	-0.40	\$ 215.00	(\$86.00)
x126	Welded steel pipe casing	M	-44.87	\$ 275.00	(\$12,339.25)
x127	750 MM welded steel casing	M	12.60	\$ 350.00	\$4,410.00
x129	Jacked 750 MM Welded steel pipe	M	-52.00	\$ 2,082.00	(\$108,264.00)
x130	Jacked 750 MM Welded steel pipe	M	-0.23	\$ 2,082.00	(\$488.54)
x131	300 MM Ductile iron pipe	M	5.72	\$ 222.00	\$1,270.06
x133	400 MM Ductile iron pipe	M	90.77	\$ 235.00	\$21,330.02
x134	400 MM Welded steel pipe	M	-118.70	\$ 155.00	(\$18,398.50)
x139	150 MM Gate valve	EA	-1.00	\$ 1,445.00	(\$1,445.00)
x141	250 MM Gate valve	EA	-1.00	\$ 2,355.00	(\$2,355.00)
x145	100 MM Air vacuum release valve	EA	-5.00	\$ 7,810.00	(\$39,050.00)
x146	200 MM air vacuum release valve	EA	-1.00	\$ 8,560.00	(\$8,560.00)
x151	500 air vacuum release valve	EA	-5.00	\$ 4,710.00	(\$23,550.00)
x153	900 MM precast concrete inlet	M	-1.60	\$ 642.00	(\$1,027.20)

Item No.	Description	Quantity	Units	Unit Price	Net Amount
x154	375 MM Vitrified clay pipe	M	272.00	\$ 369.00	100,368.00
x159	Minor concrete (ditch lining)	M3	145.67	\$ 555.00	80,846.85
x160	Minor concrete (misc. construction)	M3	12.94	\$ 423.00	5,473.62
x161	Minor concrete (colored paving)	M2	-262.50	\$ 88.00	(23,100.00)
x164-s	Chain link fence (Type CI-1.8)	M	79.66	\$ 44.35	3,532.92
x165-s	Chain link fence (Type CI-1.2)	M	-80.54	\$ 44.40	(3,575.98)
x168	Delinicator Class 1	EA	-20.00	\$ 37.50	(750.00)
x169	Object marker (Type P)	EA	-9.00	\$ 91.00	(819.00)
x171	Barrier marker (reflective)	EA	-149.00	\$ 8.55	(1,273.95)
x175-F	Cable railing	M	-0.50	\$ 183.00	(91.50)
x180	Concrete barrier (Type 60C)	M	-65.47	\$ 365.00	(23,896.55)
x182	Concrete barrier (Type 738B mod)	M	-0.08	\$ 295.00	(24.78)
x183-F	Concrete barrier (Type 738 mod)	M	-0.19	\$ 167.00	(32.40)
x184-S	Thermoplastic pavement marking	M2	-371.00	\$ 32.10	(11,909.10)
x185-S	100 MM Thermoplastic traffic strip	M	-11,660.00	\$ 1.07	(12,476.20)
x186-S	200 MM Thermoplastic traffic strip	M	-519.00	\$ 1.50	(778.50)
x187-S	200 MM Thermoplastic traffic strip	M	-1,207.00	\$ 1.39	(1,677.73)
x189-S	100 MM Thermoplastic Traffic strip	M	944.00	\$ 0.75	708.00
x190-S	Paint traffic stripe (2 coat)	M	-266.00	\$ 0.43	(114.38)
x191-S	Paint pavement marking (2-coat)	M2	-390.37	\$ 23.55	(9,193.21)
x192-S	Pavement marker (non-reflective)	EA	312.00	\$ 1.07	333.84
x193-s	Pavement marker (retroreflective)	EA	-731.00	\$ 2.15	(1,571.65)
x229	Rip rap	Tonn	1.75	\$ 150.00	262.50
	Misc adjustment for Expedition err	LS	-1.00	\$ 14,211.80	(14,211.80)
					(455,237.00)

Reasons for Changes:

To account for actual quantities.

1. Amount of original contract	\$ 31,489,493.23
2. Sum of prior change orders (NO. <u>1</u> THRU <u>125</u>)	5,101,075.52
3. Sum of contract prior to this change order	36,290,568.75
4. Amount of this change order	(\$455,237.00)
5. Sum of contract including this change order	\$ 35,835,331.75

Contract time will be changed by 0 days

Completion date of this change order is

6/20/2014

City Council/Mayor _____ Date _____

Contractor _____ Date _____

Affest: City Clerk _____ Date _____

N/A _____ Date _____

Cynthia Daniel 12/29/15
Project Manager _____ Date _____

Department Director _____ Date _____

Attn: For: A.R. 12/29/15
AECOM Technical Services _____ Date _____

Hejckles 1/5/16
Contract Compliance Committee _____ Date _____

Inc for City of Oxnard _____ Date _____

Budget/Grants _____ Date _____

1/3/16
Dept/Section/Purchasing Agent _____ Date _____

N/A _____ Date _____

City Manager _____ Date _____

Item No.	Description	Quantity	Units	Unit Price	Net Amount
x154	375 MM Vitrified clay pipe	M	272.00	\$ 369.00	\$100,368.00
x159	Minor concrete (ditch lining)	M3	145.67	\$ 555.00	\$80,846.85
x160	Minor concrete (misc. construction)	M3	12.94	\$ 423.00	\$5,473.62
x161	Minor concrete (colored paving)	M2	-262.50	\$ 88.00	(\$23,100.00)
x164-s	Chain link fence (Type CI-1.8)	M	79.66	\$ 44.35	\$3,532.92
x165-s	Chain link fence (Type CI-1.2)	M	-80.54	\$ 44.40	(\$3,575.98)
x168	Delineator Class 1	EA	-20.00	\$ 37.50	(\$750.00)
x169	Object marker (Type P)	EA	-9.00	\$ 91.00	(\$819.00)
x171	Barrier marker (reflective)	EA	-149.00	\$ 8.55	(\$1,273.95)
x175-F	Cable railing	M	-0.50	\$ 183.00	(\$91.50)
x180	Concrete barrier (Type 60C)	M	-65.47	\$ 365.00	(\$23,896.55)
x182	Concrete barrier (Type 736B mod)	M	-0.08	\$ 295.00	(\$24.78)
x183-F	Concrete barrier (Type 736 modifi)	M	-0.19	\$ 167.00	(\$32.40)
x184-S	Thermoplastic pavement marking	M2	-371.00	\$ 32.10	(\$11,909.10)
X185-S	100 MM Thermoplastic traffic strip	M	-11,660.00	\$ 1.07	(\$12,476.20)
x186-S	200 MM Thermoplastic traffic strip	M	-519.00	\$ 1.50	(\$778.50)
x187-S	200 MM Thermoplastic traffic strip	M	-1,207.00	\$ 1.39	(\$1,677.73)
x189-S	100 MM Thermoplastic Traffic strip	M	944.00	\$ 0.75	\$708.00
x190-S	Paint traffic stripe (2 coat)	M	-266.00	\$ 0.43	(\$114.38)
x191-S	Paint pavement marking (2-coat)	M2	-390.37	\$ 23.55	(\$9,193.21)
x192-S	Pavement marker (non-reflective)	EA	312.00	\$ 1.07	\$333.84
x193-s	Pavement marker (retroreflective)	EA	-731.00	\$ 2.15	(\$1,571.65)
x229	Rip rap	Tonn	1.75	\$ 150.00	\$262.50
	Misc adjustment for Expedition err	LS	-1.00	\$ 14,211.80	(\$14,211.80)
					(\$455,237.00)

Reasons for Changes:

To account for actual quantities.

1. Amount of original contract	\$ 31,189,493.23
2. Sum of prior change orders (NO. 1 THRU 125)	5,101,075.52
3. Sum of contract prior to this change order	36,290,568.75
4. Amount of this change order	(\$455,237.00)
5. Sum of contract including this change order	\$ 35,835,331.75

Contract time will be changed by 0 days

6/20/2014

Completion date of this change order is

City Council/Mayor Date

Attest: City Clerk Date

Project Manager Date

City Engineer Date

Dept/Section/Purchasing Agent Date

Contractor Date 12/29/15

N/A

Department Director Date

Contract Compliance Committee Date 1/5/16

Budget/Grants Date

N/A

City Manager Date

CONTRACT CHANGE ORDER SUMMARY**Rice Ave - Santa Clara Ave Interchange Improvements Over Highway 101****CONTRACT AMOUNT = \$31,189,493.23****City of Oxnard - PW03-19**

CCO NUMBER	CCO DESCRIPTION	METHOD OF PAY	CCO AMOUNT AUTHORIZED	APPROVAL DATE	CHANGES TO DAYS
1	Pothole and Shoulder Repair (+9 days)	EWFA	\$119,224.00	3/25/2010	9
2	Additional Traffic Control	EWFA	\$30,000.00	4/27/2010	
3	Geotech Test Pile	EWFA	\$136,097.69	7/19/2010	
4	Remove Buried Manmade Objects	EWFA	\$15,000.00	7/19/2010	
5	Maintain Highway Lighting	EWFA	\$35,000.00	7/19/2010	
6	Drainage Revisions	ACUP / EWFA	\$62,373.75	7/19/2010	
7	Steel casing	ACLS	\$33,580.00	9/8/2010	
8	Santa Clara detour	Incr Item/EWFA	\$21,274.30	9/8/2010	
9	Waterline (45") monitoring	EWFA	\$6,000.00	9/8/2010	
10	Change Pipe Pile Thickness (Credit)	ACUP (Credit)	(\$316,007.50)	9/8/2010	
11	Additional SWPPP Measures	ACUP	\$50,000.00	9/8/2010	
12	Remove excess fill due to survey discrepancy, removing additional chain link fence due to survey discrepancy	Incr Item/EWFA	\$24,851.81	9/8/2010	
13	Temporary sidewalk (V1)	EWFA	\$17,000.00	9/8/2010	
14	SWPPP/ New general Permit Requirements	ACUP/Items	\$193,744.45	7/31/2012	
15	Remove embankment fill next to 45" water line	Incr Item/EWFA	\$245,292.50	12/14/2010	
16	Utility Tables	NO COST	\$0.00	11/29/2010	
17	Shell Station driveway	Incr Item/EWFA		N/A	
18	Pavement Repair (+1 day)	EWLS	\$91,442.08	12/14/2010	1
19	Sewer Elevation Changes (MH 3 & 4)	EWFA	\$23,855.00	9/15/2011	
20	DS 4 Type 1 channel changes	EWFA	\$30,504.67	10/11/2011	
21	Caltrans City Spec Conflicts	Unilateral (EWFA)	\$0.00		
22	Concrete V Ditch Changes DS3 DS4	ACLS			
23	County Sewer Relocation	ACLS	\$9,710.96	9/9/2011	
24	QC/QC Pay Factor 1	NO COST	\$0.00	4/7/2011	
25	Wick Drains	EWFA / EWAP	(\$5,651.00)	8/22/2011	
26	Wick Drain Material	NO COST	\$0.00	4/7/2011	
27	Type 60 Barrier Lighting	EWFA/ ACLS	\$20,000.00	4/7/2011	
28	V-ditch at V2	Item Inc/EWLS	\$44,443.36	10/11/2011	
29	Sewer Bypass	EWFA/EWAP	\$135,999.62	7/26/2011	
30	DS # 3 Channel Alignment	No Cost	\$0.00	6/1/2011	
31	Water Lines	EWFA/AP/LS	\$862,223.13	7/12/2011	
32	Survey by Contractor	Lump Sum/EWFA	\$116,952.75	7/26/2011	
33	Survey by Contractor	EWLS	\$24,000.00	6/21/2011	
34	Potholing	EWFA	\$24,000.00	8/22/2001	
35	Survey bust Abut 3	ACLS	\$18,804.80	9/27/2011	
36	Traffic Opening	NO COST	\$0.00	11/16/2011	

CONTRACT CHANGE ORDER SUMMARY

Rice Ave - Santa Clara Ave Interchange Improvements Over Highway 101

CONTRACT AMOUNT = \$31,189,493.23

City of Oxnard - PW03-19

CCO NUMBER	CCO DESCRIPTION	METHOD OF PAY	CCO AMOUNT AUTHORIZED	APPROVAL DATE	CHANGES TO DAYS
37	R2 Loading	Item Inc/EWUP	\$7,734.19	9/27/2011	
38	Oil Price Index Adjustment	ACLS	\$201,249.26	7/31/2012	
39	Settlement Monitors	ACLS	\$40,462.80	12/6/2011	
40	MBGR @ OH Signs	EWFA/Item Dec/UP	\$53,148.51	12/6/2011	
41	Credit for CCO # 40	Dec in EW	(\$18,900.00)	1/26/2012	
42	Additional MBGR	Item Increase	\$23,457.62	3/20/2012	
43	Close NB MBGR	Item Increase/Decrease	\$10,196.20	3/21/2012	
44	Additional Calendar Days (+74 days)	NO COST	\$0.00	3/12/2012	74
45	Delete Gateway Sign	Item Delete	(\$23,750.00)	3/19/2012	
46	Modify drainage system #10	EWFA/Inc/Dec	\$36,483.42	5/1/2012	
47	Delete surveyors	Deleted change order	\$0.00	4/18/2012	
48	Modify gas station driveway	EWFA/Inc/Dec/ACLS	\$31,680.39	5/1/2012	
49	Ventura Blvd water line	EWFA/Inc/Dec/ACLS	\$314,134.00	5/15/2012	
50	Portland concrete cement specification	ACLS	\$325,621.92	7/31/2012	
51	Not used				
52	Not used				
53	Widen northbound shoulder on-ramp	EWFA	\$15,000.00	6/27/2012	
54	Ventura Blvd west	Inc/Dec	\$48,518.70	7/31/2012	
55	Splice overhead sign poles		\$69,554.88	7/31/2012	
56	Water lines service laterals	EWFA/ACLS	\$16,586.83	7/17/2012	
57	Pile driving tests	ACLS	\$52,658.86	7/31/2012	
58	Revised shoulder structural section	ACLS/Inc/Dec	(\$29,564.93)	10/2/2012	
59	MSE wall top panels				
60	Additional Traffic Control	EWFA	\$24,000.00	9/20/2012	
61	Drain pipe	EWFA	\$22,500.00	12/5/2012	
62	Move right of way fence	EWFA	\$18,000.00	11/26/2012	
63	Plant Establishment (+365 days)	NA	\$0.00	7/25/2013	365
64	Deduction for sewer line	EWFA/Dec	(\$21,856.71)	1/23/2013	
65	Retaining wall, chain link fence, & slope paving	EWFA	\$45,000.00	4/23/2013	
66	Remove Buried Manmade Objects--Asphalt Slab	EWFA	\$24,000.00	4/24/2013	
67	Missing irrigation cross over	EWFA	\$20,000.00	4/23/2013	
68	Landscaping for Sunbelt	EWFA	\$7,500.00	5/17/2013	
69	Landscaping revisions	ACUP, ACLS	(\$108,429.08)	1/28/2014	
70	Asphalt paving index	ACLS	\$94,991.44	1/28/2014	
71	Not used				
72	Asphalt NB 101 at Nyeland Acres	EWFA	\$40,000.00	10/15/2013	

CONTRACT CHANGE ORDER SUMMARY**Rice Ave - Santa Clara Ave Interchange Improvements Over Highway 101**CONTRACT AMOUNT = **\$31,189,493.23**

City of Oxnard - PW03-19

CCO NUMBER	CCO DESCRIPTION	METHOD OF PAY	CCO AMOUNT AUTHORIZED	APPROVAL DATE	CHANGES TO DAYS
73	Fence, claim settlement	ACLS	\$12,293.13	1/29/2014	
74	Replace mulch with erosion control in detention basin \$30,514.88	EWAP, ACUP	\$30,514.88	11/5/2013	
75	Additional SWPPP \$52,400.25	EWAP	\$52,400.25	11/5/2013	
76	Re-grade detention basin for decomposed granite edge	EWFA	\$7,000.00	9/26/2013	
77	Rice & Gonzales median repair \$17,072.27 (+2 days)	EWAP	\$17,072.27	10/3/2013	2
78	Gas station slope landscaping	EWAP	\$20,949.08	1/22/2014	
79	Place excess rock in swale	N/A	\$0.00	10/29/2013	
80	Dispose of rocks	EWAP	\$15,000.00	11/7/2013	
81	More SWPPP--Annual Report	EWAP	\$1,312.50	11/21/2013	
82	Rock Blanket	NO COST	\$0.00	2/21/2014	
83	Bore in Auto Center for median irrigation	EWFA	\$20,000.00	12/3/2013	
84	Extra work for conflicts 2010-2012	EWAP	\$218,077.08	1/14/2014	
85	Additional Traffic Control	ACLS	\$14,119.16	1/7/2014	
86	Additional Potholing	EWAP	\$27,169.70	1/14/2014	
87	Pumps & Irrigation Controllers	ACLS	\$11,182.52	12/23/2013	
88	Auto Center median	ACLS	\$19,040.70	12/23/2013	
89	Misc. Work	ACLS	\$20,660.89	1/22/2014	
90	Misc. Work Sunbelt et al.	ACLS	\$24,887.22	1/22/2014	
91	Grind & Pave Santa Clara	ACLS	\$23,911.00	1/22/2014	
92	Weed clearing	ACLS	\$39,000.00	4/8/2014	
93	Additional SWPPP	ACUP	\$15,036.00	1/22/2014	
94	Mobile home park extra work	ACLS	\$7,397.19	1/22/2014	
95	Replace irrigation controller	EWAP, EWFA	\$14,131.48	1/23/2014	
96	Irrigation Credits	ACLS	(\$56,674.54)	5/29/2014	
97	Sidewalk Repair Santa Clara	EWFA	\$12,000.00	2/20/2014	
98	More SWPPP--Annual Report	EWAP	\$2,331.00	2/20/2014	
99	Emergency Repair Guard Rail	ACLS	\$6,759.90	3/24/2014	
100	Sewer Bypass Extra Work	ACLS	\$23,969.36	3/6/2014	
101	Weep Holes	ACLS	\$43,768.81	4/8/2014	
102	Repair MGBR from accident	ACLS, EWFA	\$12,981.75	3/19/2014	
103	Repair fence, asphalt from collision	EWFA	\$7,000.00	4/3/2014	
104	Extend MBGR NB 101 Ramp	EWAP	\$1,123.08	6/9/2014	
105	Replace crash barrels	EWAP	\$5,338.11	8/14/2014	
106	Sewer line, misc. work	EWAP	\$24,079.58	6/17/2014	
107	Sleeve in drainage system	EWAP	\$18,255.00	7/7/2014	

CONTRACT CHANGE ORDER SUMMARY**Rice Ave - Santa Clara Ave Interchange Improvements Over Highway 101****CONTRACT AMOUNT = \$31,189,493.23****City of Oxnard - PW03-19**

CCO NUMBER	CCO DESCRIPTION	METHOD OF PAY	CCO AMOUNT AUTHORIZED	APPROVAL DATE	CHANGES TO DAYS
108	Weed clearing	EWAP	\$12,074.57	7/7/2014	
109	Misc extra work	EWAP	\$17,827.64	7/7/2014	
110	Misc extra work 2010-2013	EWAP	\$19,786.21	7/16/2014	
111	Drainage pipe, embankment	EWAP	\$14,061.16	7/15/2014	
112	Item Adjustments	ACLS	\$168,287.00	10/28/2014	
113	MBGR Repair for collisions	EWFA	\$15,000.00	2/19/2015	
114	Item Adjustment #28 Water Line Credit	ACLS	(\$62,560.07)	3/3/2015	
115	Replace damaged traffic pole	EWAP, EWFA	\$11,171.02	9/16/2014	
116	Verizon wires for ramp meter	EWFA	\$5,000.00	9/18/2014	
117	Delete pre-construction video	N/A	\$0.00	10/16/2014	
118	Repair low spot, MBGR	EWFA	\$8,500.00	11/5/2014	
119	Repair sidewalk cracks	EWFA	\$12,500.00	1/20/2015	
120	Repair MBGR from collision	EWFA	\$10,000.00	1/20/2015	
121	Delay claim for 45" water line	ACLS	\$445,321.80	10/14/2015	245
122	Clean drainage inlets	EWFA	\$6,000.00	3/19/2015	
123	Maintenance signs for asphalt	ACLS	\$8,306.85	9/22/2015	
124	Delay claims for TIAs #2-6	ACLS	\$281,734.20	12/15/2015	155
125	Sweeping	EWAP	\$6,283.37	11/17/2015	
126	Final balancing order	Inc/Dec	(\$455,237.00)		
	APPROVED CCO TOTAL		\$4,645,838.52	14.9%	851

APPROVED CONTRACT AMOUNT:**\$35,835,331.75**

** EWAP Extra work at Agreed Price
 EWFA Extra Work at Force Account
 Adjustment of Compensation at
 ACUP Unit Price
 Adjustment of Compensation at
 ACLS Agreed Lump Sum
 Inc/Dec Item Increase / Item Decrease
 DT Deferred Time

City Contributions

Fund Name	Fund Number	Budget Amount
Transportation Development Fund	184	\$ 291,502
Capital Outlay Fund	301	\$ 1,760,687
Circulation System Improvement Fees	354	\$ 9,745,088
Water Operating Fund	601	\$ 406,787
Wastewater Collection Fund	611	\$ 31,600
Total		\$ 12,235,664



**CITY COUNCIL
AGENDA REPORT**

TYPE OF ITEM: Report

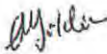
AGENDA ITEM NO.: L-2

DATE: January 26, 2016

TO: City Council

THROUGH: Greg Nyhoff, City Manager
Office of the City Manager

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FROM: Ashley Golden, Development Services Director 

SUBJECT: Planning and Zoning Permit No. 15-650-01 (Street Naming), Ogden Court

CONTACT: Juan Martinez, Development Services
Juan.Martinez@ci.oxnard.ca.us, 385-7556

RECOMMENDATION

That the City Council Adopt a Resolution Approving the Request to Name a Currently Unnamed Street "Ogden Court".

BACKGROUND

There is an unnamed street off Auto Center Drive within the Rose-Santa Clara Corridor Specific Plan area. The 435-foot unnamed street section intersects with Auto Center Drive approximately 670-feet west of the intersection of Santa Clara Avenue and Auto Center Drive. City Council action is necessary to officially name a street. On September 5, 2013, the Street Naming Committee (SNC) reviewed and recommended "Ogden Court" as the name for the unnamed street.

The SNC makes recommendations based on City Council Resolution No. 13,448, which established street naming policies such as the City's alphabetical grid system, thematic quadrants, ease of spelling and pronunciation, and conflicts with similar existing named streets. The street is located within the Del Norte Quadrant which establishes that streets be assigned a geographic place name (such as cities, countries, rivers, valleys, mountain, lakes, or parks). Ogden is the name of a City in the State of Utah with a population of approximately 85,000 that is approximately 10 miles east of the Great Salt Lakes and 40 miles north of Salt Lake City. The street name suffix is Court because of the street's physical configuration.

The street abuts three commercial properties, Gibbs International Truck Center, Security Self Storage, and Valley Trailer Villa. None of the properties have addresses on the subject street and Gibbs International is the only property with secondary access. The self-storage facility has

buildings backing up to street side and the trailer park has a 60 foot portion that abuts an unfinished portion of the street, but no access is available. The Police Department requested the street be named to facilitate response calls for service.

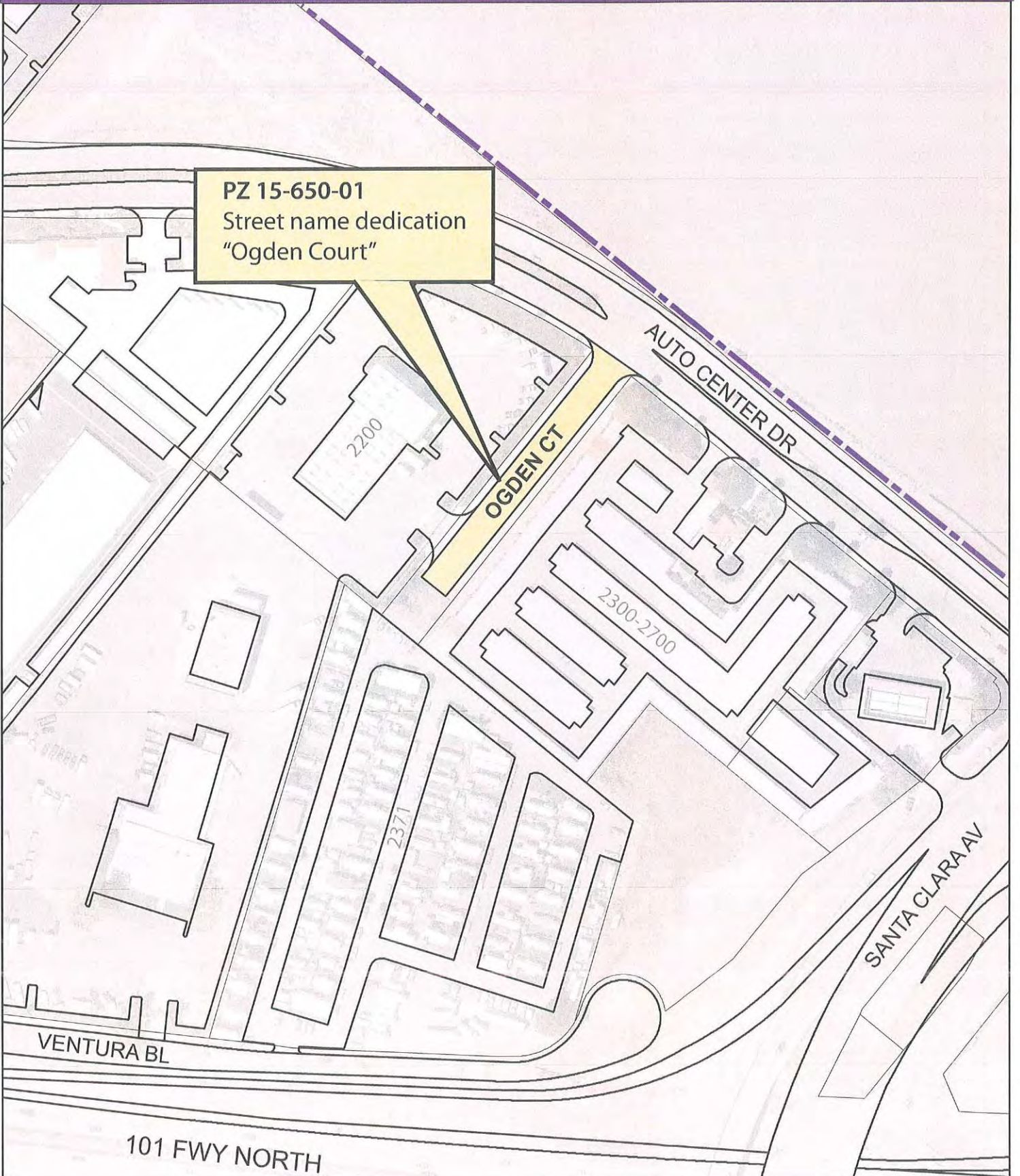
The proposed street renaming is exempt from the California Environmental Quality in accordance with Section 15061(b)(3) of the CEQA Guidelines, which applies to projects involving activities that can be seen with certainty to have no possibility for causing a significant effect on the environment, such as the proposed street naming. Therefore, staff has determined that there is no substantial evidence that the project may have a significant effect on the environment.

FINANCIAL IMPACT

None.

ATTACHMENTS

- 1 - Street Naming Location Exhibit
- 2 - Resolution



CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVE PLANNING AND ZONING PERMIT NO. 15-650-01 (STREET NAMING) TO NAME A CURRENTLY UNNAMED STREET THAT INTERSECTS WITH AUTO CENTER DRIVE AND IS LOCATED APPROXIMATELY 670-FEET WESTERLY OF THE INTERSECTION OF SANTA CLARA AVENUE AND AUTO CENTER DRIVE. FILED BY THE CITY OF OXNARD, PLANNING DIVISION, 214 SOUTH C STREET, OXNARD, CALIFORNIA 93030.

WHEREAS, in accordance with City Council Resolution No. 14,448, the Street Naming Committee has reviewed and recommended that the City Council approve Planning and Zoning Permit No. 15-650-01, to name an unnamed street within the Rose-Santa Clara Corridor Specific Plan, filed by the City of Oxnard, Planning Division; and

WHEREAS, the California Environmental Quality Act (CEQA) provides a general rule exemption in accordance with State CEQA Guidelines section 15061(b)(3) for projects that have no potential for causing significant effects on the environment; and

WHEREAS, the Street Naming Committee has followed the procedure and policies as set forth in City Council Resolution No. 13,448; and

WHEREAS, the Street Naming Committee determined that there are no site addresses along the existing unnamed street; and

WHEREAS, the Street Naming Committee is in favor of naming the unnamed street as "Ogden Court"; and

NOW, THEREFORE, the City Council of the City of Oxnard resolves that the request (Planning & Zoning Permit No. 15-650-01) to name the currently unnamed street as "Ogden Court" is hereby approved.

[SIGNATURES ON FOLLOWING PAGE]

Attachment 2
Page 1 of 2

PASSED AND ADOPTED this 26th day of January 2016, by the following vote:

AYES:

NOES:

ABSENT:

Tim Flynn, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:

Stephen M. Fischer, Interim City Attorney



**CITY COUNCIL
AGENDA REPORT**

TYPE OF ITEM: Report

AGENDA ITEM NO.: L-3

DATE: January 26, 2016

TO: City Council

THROUGH: Greg Nyhoff, City Manager
Office of the City Manager

A handwritten signature in dark ink, appearing to be "GN", located to the right of the "THROUGH:" line.

FROM: Joseph Lillio, Chief Financial Officer Finance Department

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SUBJECT: Recommendations Regarding the Use of One-Time Successor Agency Loan Proceeds

CONTACT: Joseph Lillio, Chief Financial Officer
Joseph.Lillio@ci.oxnard.ca.us, 385-7475

RECOMMENDATION

That City Council discuss and approve the recommended use of a portion of the one-time funds received from the Successor Agency "(Agency)" loan proceeds.

BACKGROUND

In July 2015, the City received a payment in the amount of \$3,502,934 from the California Department of Finance. These funds were placed in the General Fund Reserve as unrestricted and remain there. The \$3.5 million payment to the City was from a 1968 loan from the City to the redevelopment Agency to assist with the formation of the Redevelopment Agency. The State and the Oversight Board have approved the Successor Agency repayment of the redevelopment Agency debt (formation loan) to the City.

Staff recommends that a portion of the one-time revenue be used for some key immediate needs in this fiscal year to address some of priority areas. These immediate needs relate to the (1) implementation of some of the organizational assessment recommendations, (2) budget development, (3) legal assistance related to the IRS audit, and (4) some immediate building maintenance and repair needs.

Table 1: Recommended Use of A Portion of One-time Revenue

Use of One-Time Revenue Recommendations	Amount
Organizational Assessment Related Costs • Implementation of Projects from the IT Master Plan Phase I - \$427k • Class and Comp Study Phase I - \$50k • Worker's Comp Audit - \$15k • Fleet Management Review and Study - \$15k	\$ 507,000
Professional Legal Assistance with IRS Audit	\$ 25,000
Development of the FY 16-17 Budget (Priority Based) & Augmentation of Finance Staff	\$ 175,000
Current Building Maintenance and Repair	\$ 100,000
Subtotal of Use of One-Time Revenue:	\$ 807,000

Table 1 above outlines the specific recommendations for the use of a portion of the One-time revenue. With regard to the Organizational assessment related costs, there are four critical recommendations that require funding in order to move them forward. The first is for year one funding for specific projects outlined in the IT Master Plan, totaling \$427,000. The projects include an assessment for an ERP System, a Citywide Time and Attendance System, a Contract and Insurance Certificate Management, and Email Evaluation/Consolidation/Google Vault to ensure efficiency and compliance with Public Records Requests, and for Utility Billing enhancements and remote Credit Card Processing. The second recommendation relates to the completion of the Class and Comp. Study. The proposed funding pays for a portion of the Class and Comp Study Phase 1 totaling \$50,000. The third recommendation relates to completion of a Worker's Compensation Audit totaling \$15,000, and lastly, a Fleet Management evaluation totaling \$15,000 resulting in greater efficiency and cost savings long-term.

Additional recommended use of one-time revenue is for professional legal assistance with the IRS Audit, funding for augmentation of finance staff for the development of the FY 16-17 Budget (Priority Based), and critical building maintenance and repair needs.

Staff recommends the balance of \$2,695,934 remain in the General Fund Reserve fund.

FINANCIAL IMPACT

If approved, staff will return to Council on February 9, 2016 with a budget adjustment request during the Mid-Year budget discussion.

ATTACHMENTS

None.



**CITY COUNCIL
AGENDA REPORT**

TYPE OF ITEM: City Managers' Report

AGENDA ITEM NO.: M-1

DATE: January 26, 2016

TO: City Council

FROM: Greg Nyhoff, City Manager
Office of the City Manager

A handwritten signature in black ink, appearing to read "Greg Nyhoff", written over the printed name and title.

SUBJECT: Close Out of City Manager's \$500,000 Delegated Purchasing Authority resulting from the Organizational Assessment

CONTACT: Joseph Lillio, Chief Financial Officer
joseph.lillio@ci.oxnard.ca.us, 385-7475

RECOMMENDATION

That the City Council accept the close out of the City Manager's \$500,000 delegated purchasing authority resulting from the Organizational Assessment and granted pursuant to Resolution No. 14,743.

BACKGROUND

On May 12, 2015, City Council adopted Resolution No. 14,743, which provided the City Manager two things: (1) a budget appropriation in the amount of \$500,000 and (2) delegated authority to administratively select service providers and execute contracts in amounts up to \$100,000 for the \$500,000 appropriation approved by the City Council. This \$500,000 budget appropriation and delegated authority's intent was to expedite contracts necessary to implement any of the 128 recommendations identified in the Organizational Assessment.

Table 1 below illustrates that to date, the City Manager has used this delegated authority to execute four agreements over the course of the last eight months totaling \$351,000. Please note that because the NBS \$100,000 contract was cost-allocated to the Maintenance Assessment Districts, the City Manager has only used \$249,000 of the \$500,000 general fund budget appropriation, leaving a balance of \$251,000 general fund budget appropriation for this purpose to be used for the remainder of the fiscal year.

Consultant	Contract Description	City Agreement #	Agreement Amount
NBS	Maintenance Assessment Districts (MADS)	7117-15-FN	\$100,000
Revenue & Cost Specialists, LLC	User Fees and Indirect Cost Plan	7269-15-FN	\$ 78,000
Renee Sloan Holtzman Sakai, LLP	Process Management	A-7809	\$ 98,000
Management Partners, Inc.	Finance, Fire Service, Executive Coaching, On-Call	6926-14-CM	\$75,000
Total Delegated Authority Used To Date:			\$351,000
Delegated Authority Balance for Remainder of Fiscal Year:			\$149,000
Total General Fund Budget Appropriation Used to Date:			\$251,000
General Fund Balance for Remainder of Fiscal Year:			\$249,000

The City Manager proposes to close out his delegated purchasing authority with this staff report and plans to bring any future contracts related to the implementation of the organizational assessment report to Council via the normal purchasing process.

FINANCIAL IMPACT

There is no financial impact resulting from this action.

ATTACHMENTS

ATTACHMENT 1: RESOLUTION NO. 14,743

ATTACHMENT 2: 1/26/16 City Manager Memorandum regarding Use of Consultants

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. 14,743

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING DELEGATION OF PURCHASING AUTHORITY TO THE CITY MANAGER FOR THE PURPOSE OF IMPLEMENTING THE RECOMMENDATIONS OF THE CITY'S CONSULTANTS: MANAGEMENT PARTNERS INC. AND THE PUBLIC LAW GROUP (RENNE, SLOAN, HOLTZMAN, SAKAI, LLP)

WHEREAS, Chapter 4 of the Oxnard City Code sets out the requirements of the City's purchasing process; and

WHEREAS, Section 4-32 of the City Code provides for delegation of authority relating to the purchasing process by passage of a resolution; and

WHEREAS, the City Council of the City of Oxnard expects to make a series of decisions regarding implementation of the recommendations that will require research and legal and financial analysis involving specialized experts and will require augmented temporary staffing levels in City departments to implement recommendations promptly; and

WHEREAS, time is of the essence in protecting the assets and interests of the City and its residents and delegation of expanded authority to the City Manager to contract for personal and professional services will improve the City's ability to act promptly to protect the health, safety and welfare of the Oxnard community.

NOW, THEREFORE, the City Council of the City of Oxnard resolves to delegate the authority to select service providers and execute contracts in amounts up to \$100,000 for the \$500,000 appropriation approved by the City Council on May 12, 2015, for the express purpose of analyzing and implementing solutions relating to issues reported to the City Council in the findings of the City's consultants. Such contracts shall be funded from appropriations established consistent with the policies of the City Council except that the City Manager is authorized to transfer appropriations within funds in amounts up to \$100,000 and that both contracts and appropriation transfers approved pursuant to this authority shall be reported to the City Council on the second regular City Council Meeting of each month.

PASSED AND ADOPTED this 12th day of May, 2015 by the following vote:

AYES: Councilmembers Flynn, Ramirez, MacDonald, Padilla and Perello.

NOES: None.

ABSTAIN: None.

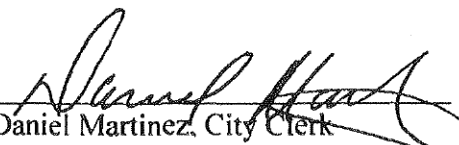
ABSENT: None.



Tim Flynn, Mayor

ATTACHMENT 1
PAGE 1 OF 2

ATTEST:


Daniel Martinez, City Clerk

APPROVED AS TO FORM:


Stephen M. Fischer, Interim City Attorney

Greg Nyhoff
City Manager



Office of the City Manager

300 West Third Street
Oxnard, CA 93030
(805) 385-7430
Fax (805) 385-7595
www.ci.oxnard.ca.us

DATE: January 13, 2016
TO: Mayor and City Council
FROM: Greg Nyhoff, City Manager
SUBJECT: Use of Consultants

A handwritten signature in black ink, appearing to read "Greg Nyhoff".

This memorandum is to address the concerns expressed by some members of the public about the City's use and reliance on consultants to conduct our business in Oxnard. While I have responded to these concerns informally at Council meetings, I wish to respond in a more comprehensive manner and clarify my position on this issue.

I heard various explanations for people's concerns around the use of consultants, including: 1) they are much more expensive than City staff; 2) questioning why the current City staff cannot deal with some of these issues; and 3) the consultants are running the City i.e. the proverbial "tail wagging the dog". I will respond to each of these concerns by: explaining why cities typically use consultants; why specifically I have used consultants since coming here in June, 2014; address the perceived cost premium; and where I need to continue to use them to satisfy the Council's goals and ultimately achieve my standards for high-performance and good governance.

WHY CITY MANAGERS UTILIZE CONSULTANTS

There are four basic reasons why City Managers (and Oxnard is no different) temporarily bring in consultants to assist City staff. First, it is due to temporary workload demands with tight timeframes for completion. Second, it actually is more cost effective to bring in a consultant, conduct their work and let them go, rather than have a "full time equivalent" permanent staffer that may not be busy all year. Third, some municipal issues have become so complex that special skills or unique technological applications are developed in consultant practices that simply isn't cost effective to be replicated in the City. This is no different than going to a general practitioner vs. a specialist doctor. Fourth, sometimes contracting out for a certain function provides an extra level of independence that the Council or I might want in a particular situation e.g. the Internal Audit Program or the organizational assessment.

ATTACHMENT 2
PAGE 1 OF 7

My use of consultants has been for the exact same four reasons mentioned above; however, I am acutely aware of the extra consultant activity in certain areas. It is largely due to extreme executive staff turnover, especially in departments that were distressed and the need to quickly complete time sensitive work such as personnel investigations, address past deficient practices e.g. leave accruals, maintenance assessment districts, etc. and completing a budget during difficult times. I will elaborate later on this, but I think this is a temporary phenomenon due to what we inherited and will gradually dissipate over time.

Looking at a mountain range into the distance can best visually portray workload in larger complex cities such as Oxnard. In the distance, you see peaks and valleys repeated across the horizon and are a metaphor for the ebbs and flows of work demands. The most cost effective cities staff up for the valleys and either use overtime or outside contracted help to handle the peaks in workload. The thought is of course, you can quickly reduce overtime or eliminate outside help once you are on the other side of the peak. This metaphor explains a large part of our consultant use. We are definitely barely staffed for the "valleys" as Oxnard's staffing levels are extremely lean for a city our size. If we are to address complex problems and still maintain basic service levels, we need to use consultants when it is in the best interest of the City. Once a project is done, the consultants should be training and transitioning to staff and they are let go.

MY USE OF CONSULTANTS REVISITED

The purpose of this section is to remind the reader exactly where I used consultant help since arriving at the City and I think you will find the common themes described earlier on why cities resort to consultants.

AUGUST 2014 TO MARCH 2015

ORGANIZATIONAL ASSESSMENT

As you know upon my arrival in June 2014, I soon began to see irregularities around the way the City was conducting business. Things like ignoring Council policy and labor agreements or over-stepping delegated authority boundaries were concerns that I took, and will continue to take, very seriously. As a result, I recommended and with your concurrence we commissioned an organizational assessment of the corporate support and accountability systems. This was a large project between Management Partners and Rene Sloan Holtzman Sakai (RSHS) and well worth it. It produced 128 recommendations and highlighted various concerns that had the City on a path leading to a major fiscal crisis. Had we not done the assessment, these financial and mismanagement issues would have been much more difficult to address later, than what we experienced in the FY 2015-16 budget. I can think of many findings and recommendations that will produce savings to the General Fund or penalties avoided by assertively correcting errors that far exceed the cost of this project. Having said this, I am very sensitive to a protracted dependence on consultants, so a key focus of mine is when consultants are brought in to fix

inherited problems e.g. maintenance assessment districts, user fee schedule, etc. they will train staff to assume responsibility going forward.

INTERIM STAFFING OF HUMAN RESOURCES AND FINANCE

During this time frame, we experienced turnover in two key positions, the Directors of Human Resources and Finance, when we could least afford vacancies given the massive backlog in position vacancies and the upcoming budget process that was already on a difficult trajectory, we just did not know it. I asked Management Partners and RSHS to provide me a seasoned interim Finance Director and Human Resources Director respectively. I recommended to Council an augmentation of the organizational assessment contract given Management Partners and RSHS were now inside the organization and strived to make improvements in those two distressed departments. I'd like to point out that senior executive's pay and benefit costs are high in the marketplace for these positions of responsibility. Likewise, experienced consultants with the same skill sets are paid commensurately; and not much different than what we would pay in-house staff, when completing an "apples to apples" comparison (see below for further explanation). This item was not a new cost since the budget savings from the vacant positions covered most of this costs.

LEAVE ACCRUALS

Additionally, during this time period we uncovered various inappropriate practices around compensation and leave accruals. This required an inordinate amount of investigation, research, Council briefings and negotiations with labor groups in a compressed timeframe. And yes, this greatly added to our consultant costs. I am confident the long-term savings from the fix will more than pay for the related consultant costs.

SURPRISES

As you may recall, two months after my arrival, the Department of Housing and Urban Development (HUD) surprised us all in August of 2014 by communicating their frustration around numerous past audit findings that were not being addressed with our homeless grants. Given the time sensitive nature and my concern about the Housing Department I asked Bob Deis, then employed with Management Partners, to engage HUD and City staff and propose an amicable solution, which he did. While this was not a large dollar figure in the total scheme of things, this is just one example of the emergencies that needed addressing in a compressed timeframe with concerns about City staff performance.

HUMAN RESOURCE SUPPORT TO THE DEPARTMENTS

It is well documented that Human Resources lacked the capacity to adequately support the City of our size and complexity given the myriad of findings in the organizational assessment. Adding to this problem was the exit of the HR Director, without a well-planned transition to the next "permanent" Director. This required a multi-prong approach that included: RSHS providing

basic HR advice to departments on a daily basis regarding disciplinary issues, Family Medical Leave Act (FMLA) compliance, Americans With Disabilities Act (ADA) compliance and accommodations, drug testing, pre-employment background work, among other sensitive issues to keep the organization operating; researching and reviewing processes that were in disrepair as documented in the organizational assessment; and, triaging and fixing the highest priority deficiencies. It should be noted that, with the addition of Tabin Casio, our new HR Director, the costs in this category have noticeably decreased over time.

INVESTIGATIONS

Given Oxnard's unique history, I have taken very seriously any and all accusations of inappropriate behavior by our employees. It is important in these situations that professional investigations of each one occur in a quick but thorough manner. Appropriate findings must be developed that can withstand legal challenges and the "court" of public review. This is important to the City as a public agency and it is important to employees for fairness and due process reasons. We simply lack the capacity to complete these investigations consistent with the standards that I just mentioned, so RSHS stepped up and completed these. Additionally, this is one area where independence from the organization is beneficial to the credibility of the reviews and is a common business cost in cities.

APRIL 2015 TO NOVEMBER 2015

Council may recall that between April and November of 2015, a number of activities required consultant assistance, again, due to lack of staffing: development of an extremely challenging budget; completion of a new long range financial forecast to provide guidance on budget development; a full throttle implementation of the 128 recommendations found in the assessment; the quick and complete rewrite of our outdated personnel rules and procedures; and the rebooting of our labor negotiations that were essentially suspended until the budget was completed.

FORMULATING A DIFFICULT FY 2015-16 BUDGET

As Management Partners completed their assessment work, they observed how much of the expertise and responsibility for managing the City's finances stayed with one position, the previous Finance Director. As a consequence, with his leaving, the budget process was extremely challenging due to this knowledge/process vacuum and because our financial position so radically changed largely to fix previous financial management decisions that were detrimental to this City. As a result, the FY 2015-16 budget was compiled with a heavy use of Management Partners. While we have more work to do in this area, I think you will agree the budget document and process was more comprehensive and accountable (of all the City resources) than in previous years.

A glaring deficiency found in the assessment was that we were not complying with your Council's Financial Management Policies (FMP's) including the complete lack of any long range

financial forecasting. As a result, I asked Management Partners to create that long range forecast to provide us context on our fiscal challenges. The model has now been given to staff to maintain in the future.

THE OXNARD ORGANIZATIONAL ASSESSMENT IMPLEMENTATION ACTION PLAN (IAP)

Again, given the huge workload of repairing the organization through completion of the 128 recommendations, I asked Bob Deis to work with staff to help facilitate this effort. This is a huge project with 128 moving parts requiring a project manager, at least in the early stages of its development. In addition to acting as project manager for the implementation of these complex issues, he has augmented staff by developing Request For Proposals e.g. maintenance assessment districts, user fees, etc. and new programs like the Internal Audit Program. It is imperative to understand that at this point in time, we simply do not have the capacity to do all the work that needs to be done with current staff. Mr. Deis augments staff by getting projects and programs started to ensure they are not delayed. Once he gets them started, he hands them back to staff so they can manage the day-to-day efforts of the City.

PERSONNEL POLICIES AND PROCEDURES

The organizational assessment found many programs, practices, policies and procedures in disarray and we have been triaging the fixes. One that I decided needed immediate attention was the complete rewrite of our Personnel Rules and Procedures. These were long overdue for an update to conform to an ever-changing legal landscape. Given that RSHS provided the interim HR Director resource and they completed the assessment of that department, it simply was more cost effective to have them complete the update. This was a large project and I expect staff to maintain this manual going forward.

LABOR NEGOTIATIONS

Once the budget was adopted, as you know, we have attempted to reboot the labor negotiations to hopefully get agreement on new MOU's that comport with our cost parameters. This will be the primary expense category for RSHS in the foreseeable future. To my knowledge, the City has had a contracted labor relations program for some time; which I support given the "peaks" in workload and the desire to provide some independence from the organizational culture. As you know, under California public sector labor law there are various processes and procedures available to parties to pursue their interests. Thus, the cost of this function can be inherently high.

SECOND OPINIONS

Finally, with the concurrence of the City Attorney, I have requested RSHS input on a couple of outstanding litigation matters with huge cost implications. Their input benefitted the City with extremely positive outcomes.

COST OF CONSULTANTS VS. EMPLOYEES

There appears to be misconceptions around the costs of consultants that are important to clarify. For many consulting services the actual costs are not that much different than using City staff when you consider an “apples-to-apples” comparison. In other words, when you include all costs of an employee and convert these into a billable hour format, much like how costs are determined for consultants, there is not such a large deviation between the two. There are some exceptions to this statement in highly specialized areas where the consultant market extracts a premium, particularly in technical areas like some legal and engineering practices. This is when the employer must weigh the benefit of acquiring a specialty skill vs. the cost. Often times these specialty areas extract a premium because the issues or projects they work on carry such large consequences, and the impact of a mistake may far outweigh the premium in costs.

With respect to the cost comparison described above, it is important to identify the full cost of an employee. Besides their basic wage, “full cost” include their benefits e.g. medical, dental, life, vision, etc.; but it also includes retirement costs, vacation, sick leave and holiday costs. Once you determine the total costs, you then estimate the total “productive” work hours for an employee for the year. This starts with 2080 hours (52 weeks times 40 hours/wk.) but is reduced by vacation, sick leave and holiday hours, where the employee gets paid but they are not doing the work. The mathematical result is the total “productive” hours for the year. The billable rate equivalent is then calculated by taking the “full cost” of an employee divided by the “productive” hours.

Once you take the consultant billable rate and compare to the employee billable rate, you then have a true “apples-to-apples” comparison; since you are only paying a consultant for “productive” time.

We completed this calculation for one position, a department head. The results are:

- Oxnard Department Head Calculated Billable Rate \$176-\$188/hr.
- Management Partners Billable Rate For Similar Skill Sets \$160-\$190/hr.
- RSHS Billable Rate For Similar Skill Sets \$150-\$215/hr.

The costs are not radically different, notwithstanding the fact that these two firms have provided excellent staff that is at the pinnacle of their profession.

SUMMARY

Again, the mountain range metaphor I think accurately describes Oxnard’s challenges since my arrival. The organizational assessment and dealing with its results; the quick turnover of executive staff and the condition of some departments; responding to allegations of inappropriate conduct; the difficult budget and dealing with other surprises like the leave

accruals or the condition of our books are all examples of the extreme "peaks" in workload that could only be effectively handled by consultants. This of course assumes we were keeping the business of the City going at the same time.

We are seeing reduced use of consultants in the Human Resources area because we consciously added staff with skill sets to increase the capacity of that department and we have addressed some of the capacity issues in my office. We've made some headway in Finance, however, we will likely recommend more staff for Finance given our continued reliance on consultants to get our basic work done, like preparing budgets and completing our audits. The use of consultants to complete the day-to-day operations effectively should not continue. But this will require adequately staffing that department so they can meet their operational demands.

I still see a need for consultant assistance in this coming year. We have critical tasks to complete that will require expertise, such as the work that needs to be done with labor negotiations, fixing the maintenance assessment districts, updating our development impact fees, selective training and development to build capacity in staff, completing our user fees schedule and continued implementation of the 128 organizational assessment recommendations, and when conducting needed investigations around an allegation of inappropriate behavior.

Again, consultant costs are trending down and this trend will continue as we stabilize the organization, correct the errors of the past and invest in the professional development of City staff. I too, am uncomfortable that we continue to need to use consultants, but I know it has been a good investment for the City given what we have addressed in such a short period of time.

We cannot have it both ways. Keeping a lean staff level to provide basic services and expecting them to handle the extreme workload fluctuations associated with massive and complex projects is not sustainable long term, particularly if we want the basic services to be executed professionally, accurately, and with best practices. As we staff at the appropriate levels the use of consultants will diminish.

Finally, let me assure everyone that all direction to consultants and their work product are appropriately vetted by my office; they are not managing the City as suggested by others. However, I have a standard for good governance that requires best management practices, the highest standards for ethics, and accountability to the community and to their elected representatives i.e. the City Council through implementation and compliance with your policies. This has not been the case, evidently for a while, but we are making fantastic strides towards this goal, largely with the assistance of consultants. This will change as we fix problems and create adequate capacity in our staff.



**CITY COUNCIL
AGENDA REPORT**

TYPE OF ITEM: Council

AGENDA ITEM NO.: N-1

DATE: January 26, 2016
TO: City Council
FROM: Daniel Martinez, Oxnard City Clerk *DM*
SUBJECT: Appointment of Citizen Advisory Groups
CONTACT: Daniel Martinez, Oxnard City Clerk
Daniel.Martinez@ci.oxnard.ca.us 805-385-7803

RECOMMENDATION

1. That the Mayor, with approval of the City Council, appoint:
 - a. One member to the Cultural Arts Commission;
 - b. One member to the Parks, Recreation & Community Services Commission;
 - c. Two members to the Senior Services Commission; and.
2. That the City Council appoint: One member to the Community Relations Commission.

BACKGROUND

Appointments to Citizen Advisory Groups are usually made following a general election involving the office of Mayor. These proposed appointments are due to vacancies and a need to have enough commissioners for a required quorum.

Staff recommends that the Mayor, with approval of the City Council, appoint: one individual to the Cultural Arts Commission; one individual to the Parks, Recreation & Community Services Commission and two individuals to the Senior Services Commission.

Staff recommends that the City Council, as a whole, appoint: one individual to the Community Relations Commission. The City Council nominates individuals and will be polled as to their selection for the commission.

Applications are available and may be submitted at the Oxnard City Clerk's Office during the entire year. Applicants have been recruited through local advertisement placed in the newspaper, through government channel, on the City's web site, in neighborhood packets and by public notice at City Hall. Applications are valid for one year and efforts are made to contact applications to renew application if desired. .

FINANCIAL IMPACT None.

ATTACHMENTS

Attachment 1 – Vacancy Lists

VACANCY LIST
CULTURAL ARTS COMMISSION
9 Members with 2-year terms
Need to fill 1 Position to Expire 12/31/16

<u>INCUMBENT NAME</u>	<u>TERM NUMBER</u>	<u>EXPIRATION DATE</u>
1. Cortese, Margaret	1	12-31-16
2. De Vries, Deborah	1	12-31-16
3. Gomez, Javier	1	12-31-16
4. Gonzales, Jesus	1	12-31-16
5. Hirata, Oneita	1	12-31-16
6. Kelly, Autumn	1	12-31-16
7. Morla, Christine	1	12-31-16
8. Perez, Cesar	1	12-31-16
9. VACANT	1	12-31-16

APPLICANTS

1. Akin, Debra
2. Limbaugh, Patricia
3. Placencia, Pete
4. Ramirez, Jose Manuel
5. Woodland, Mary Ann

(Appointed by the Mayor)

Service Term: 9 Members 2-year terms to coincide with the term of the Mayor
Meeting Schedule: Second Wednesday of each month, 5:00 p.m., City Council Chambers
Staff Liaison: Michelle Kantor
Creation: 11/18/14; O-2886

MUST FILE STATEMENT OF ECONOMIC INTERESTS FORM

VACANCY LIST
PARKS, RECREATION AND COMMUNITY SERVICES COMMISSION
7 Members with 2-year terms
Need to fill 1 Position to Expire 12/31/16

<u>INCUMBENT NAME</u>	<u>TERM NUMBER</u>	<u>EXPIRATION DATE</u>
1. Barber, Johnnie	8	12-31-16
2. Greene Moraga, Cherie	1	12-31-16
3. Ocampo, Aurelio	1	12-31-16
4. Poirier, Roger	1	12-31-16
5. Postel, Gloria	8	12-31-16
6. Summersille, Dale	1	12-31-16
7. VACANT	1	12-31-16

APPLICANTS

1. Cody, Donald B.
2. Guerra, Lilly
3. Lemos, Paul
4. Lopez, Adam Santos
5. Lopez, Tiffany
6. Ortiz Jr., Federico
7. Villa, Jack
8. Whitecomb, Angela

Appointed by Mayor - O-2657, 5/18/04 Terms Coincide with Mayor.

Service Term: 9 members 2- year terms

Meeting Schedule: Fourth Wednesday of each month, 5:30 p.m., at the City Council Chambers

Staff Liaison: Gregory Barnes

Creation: 5/02/78, R-7328; R-8402; 9/14/82

VACANCY LIST
SENIOR SERVICES COMMISSION
9 Members with 2-year terms
Need to fill 2 Positions to Expire 12/31/16

<u>INCUMBENT NAME</u>	<u>TERM NUMBER</u>	<u>EXPIRATION DATE</u>
1. Brainard, Kay	1	12-31-16
2. Fischer, Ron	1	12-31-16
3. Lanker, Kathie	1	12-31-16
4. Madrid, Alice	1	12-31-16
5. Owens, Clark	1	12-31-16
6. Sweetland, Alice	1	12-31-16
7. Yu, Lourdes Villareal	1	12-31-16
8. VACANT	1	12-31-16
9. VACANT	1	12-31-16

APPLICANTS

1. Clemens, Albert
2. Garcia, Reynaldo
3. Hussung, Valerie
4. Johnson, Shirley
5. McCafferty, Cathy

Appointed by Mayor - O-2657, 5/18/04 Terms Coincide with Mayor.

Service Term: 9 members 2- year terms

Meeting Schedule: Second Tuesday of each month, 9:00 a.m., at the Oxnard Public Library

Staff Liaison: Gregory Barnes and Renee Rakestraw

Creation: 5/02/78, R-7328; R-8402; 9/14/82

VACANCY LIST
COMMUNITY RELATIONS COMMISSION
7 Members with 2-year terms
Need to fill 1 Position to Expire 12/31/16

<u>INCUMBENT NAME</u>	<u>TERM NUMBER</u>	<u>EXPIRATION DATE</u>
1. Davitt-Cornyn, Theadora	1	12-31-16
2. Kelly, Travis	1	12-31-16
3. Moreno, Jaime	1	12-31-16
4. Quintana, Mario	1	12-31-16
5. Reynoso, Juan	1	12-31-16
6. Sorkin, George	1	12-31-16
7. VACANT	1	12-31-16

APPLICANTS

1. Akin, Debra
2. Baxter, Mike
3. Lopez, Adam Santos
4. Lopez, Tiffany
5. Molina, Phillip
6. Ortiz, Federico
6. Ramirez, Jose Manuel
7. Stallion, Helaine

(Appointed by Council -- O-2322 Part 1(A) on 12/14/93)

Service Term: 7 members, 2-year terms

Meeting schedule: Third Monday of each month, 6:00 p.m., City Council Chambers

Staff Liaison Luis Guereca

Creation: 10/12/61 O-722; 05/19/98 O-2467; 2/26/13 O-2863