

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

October 6, 2015

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 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 a Proclamation Designating the Month of October, 2015 as "Domestic Violence Awareness Month".
2. SUBJECT: Update by Public Safety Chief on Citywide Efforts in the Southwinds Neighborhood.

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.

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.

G. REVIEW OF INFORMATION/CONSENT AGENDA

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

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

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

I. INFORMATION/CONSENT AGENDA

City Clerk Department

1. SUBJECT: Minutes of the Regular Meetings of the Oxnard City Council for June 16 and 23, July 7, 14, 21 and 28, and September 1, 2015; and Minutes of the Special Meetings of the Oxnard City Council for July 27 and September 15, 2015. (001)

RECOMMENDATION: Approve.

Legislative Body: CC

Contact: Daniel Martinez

Phone: 385-7803

City Manager Department

2. SUBJECT: Agreements for City Council Review. (047)

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

General Services Division

3. SUBJECT: GS13-17-Beck Park Improvements Including Playground Equipment Installation. (051)
RECOMMENDATION: Approve plans and specifications for Project Specification No. GS13-17 and authorize staff to conduct a public bid for installation of new playground equipment at Beck Park located at 600 West Kamala Street; and authorize use of Housing Related Parks (HRP) grant funds approved for this purpose.

Legislative Body: CC

Contact: Michael Henderson

Phone: 385-7950

Utilities Department

4. SUBJECT: Ratification of Agreement with A & J Oxnard, LLC. (067)

RECOMMENDATION: Ratify the Agreement with A & J Oxnard, LLC (A-7831) in the amount of \$16,000 for a temporary construction easement to allow staging for the installation of a temporary connector pipeline to the Calleguas Municipal Water Company Salinity Management Pipeline.

Legislative Body: CC

Contact: Lou Balderrama

Phone: 385-7839

J. PUBLIC HEARINGS – 6:15 P.M.

Development Services Department

1. SUBJECT: Planning and Zoning Permit Nos. 14-540-01 (Special Use Permit - Planned Development); PZ 14-535-01 (Density Bonus); PZ 14-570-02 (Zone Change); and Mitigated Negative Declaration (MND) 2015-01 for the Construction of a 101-Unit Mixed Income Apartment Project (Coastal Apartment Homes). The Project Site is Located at 2250 E. Pleasant Valley Road (APN 225-0-014-190) and Bounded by Pleasant Valley Road to the north; Etting Road to the south; a Senior Living Project Proposed by the Same Applicant to the east; and the Masonic Cemetery to the west. Filed by Vince Daly of Dansk Investments, 6591 Collins, Ste. E11, Moorpark, California 93021. (075)

RECOMMENDATION: 1) Adopt an ordinance approving Planning and Zoning Permit No. 14-570-02 (Zone Change) from Community Reserve (CR) to Multiple-Family Residential Planned Development (R-2-PD), subject to certain findings and conditions; 2) Adopt a resolution approving Planning and Zoning Permit No. 14-535-01 (Density Bonus), subject to certain findings and conditions; and 3) Adopt a resolution upholding the decision of the Planning Commission approving Planning and Zoning Permit No. 14-540-01 (Special Use Permit – Planned Development Permit) and Mitigated Negative Declaration No. 2015-01, subject to certain findings and conditions.

Legislative Body: CC

Contact: Kathleen Mallory

Phone: 385-7858

2. SUBJECT: Planning and Zoning Permit No. 14-500-04 (Special Use Permit - Planned Residential Group); PZ 14-580-01 (Zoning Text Amendment); PZ 14-570-02 (Zone Change); and Mitigated Negative Declaration (MND) 2015-01 for the Construction of a 70-Unit Senior Living and Memory Care Facility (Coastal Senior/Assisted Living). The Project Site is Located at 2300 E. Pleasant Valley Road (APN 225-0-014-160) and Bounded by Pleasant Valley Road to the north; Single Family Residential to the east; a Mobile Home Park to the south; and a 101-unit Apartment Project Proposed by the Same Applicant to the west. Filed by Vince Daly of Dansk Investments, 6591 Collins, Ste. E11, Moorpark, California 93021. (129)

RECOMMENDATION: 1) Adopt an ordinance approving Planning and Zoning Permit No. 14-570-02 (Zone Change) from Community Reserve (CR) to Multiple-Family Residential Planned Development (R-2-PD), subject to certain findings and conditions; 2) Adopt an ordinance approving Planning and Zoning Permit No. 14-580-01 (Zoning Text Amendment), subject to certain findings and conditions.; and 3) Adopt a resolution upholding the decision of the Planning Commission approving Planning and Zoning Permit No. 14-500-04 (Special Use Permit – Planned Residential Group) and Mitigated Negative Declaration No. 2015-01, subject to certain findings and conditions.

Legislative Body: CC

Contact: Kathleen Mallory

Phone: 385-7858

K. APPOINTMENT ITEMS

L. REPORTS

City Manager Department

1. SUBJECT: Maintenance Assessment District Overview. (183)

RECOMMENDATION: Receive a report on proposed solutions and timelines for maintenance assessment districts.

Legislative Body: CC

Contact: Maria Hurtado

Phone: 385-7430

Utilities Department

2. SUBJECT: Proposed Comprehensive Five-Year Utilities Rate Increases. (199)

RECOMMENDATION: 1) Review and provide direction on recommendations including: utility vision and guiding principles statements; utility rate policy; utility capital improvement program (CIP); and utility rate structure; 2) Review and provide direction on implementation of rate increases for the Water, Wastewater, and Environmental Resources Enterprises. The proposed rate increase for Wastewater is 35% for Fiscal Year 2015-16, 10% for Fiscal Year 2016-17, 8% for Fiscal Year 2017-18, 8% for Fiscal Year 2018-19, and 8% for Fiscal Year 2019-20. The proposed rate increase for Water is 15% for Fiscal Year 2015-16, 12% for Fiscal Year 2016-17, 8% for Fiscal Year 2017-18, 8% for Fiscal Year 2018-19, and 8% for Fiscal Year 2019-20. The proposed rate increase for Environmental Resources is 6% for Fiscal Year 2015-16, 4% for Fiscal Year 2016-17, 4% for Fiscal Year 2017-18, 4% for Fiscal Year 2018-19, and 3% for Fiscal Year 2019-20; and 3) Authorize staff to proceed with the Proposition 218 public notification process.

Legislative Body: CC

Contact: Daniel Rydberg

Phone: 385-8055

M. REPORT OF CITY MANAGER/EXECUTIVE DIRECTOR/SECRETARY

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

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

City Manager Department

1. SUBJECT: Appointments of Councilmembers to Boards and Commissions. (225)

RECOMMENDATION That the Mayor, with the approval of the City Council appoint members from the City Council to the: 1) Fiscal Policy Task Force (appoint Councilmember Perello); and 2) Ventura County Regional Energy Alliance (appoint Mayor Pro Tem Ramirez).

Legislative Body: CC

Contact: Greg Nyhoff

Phone: 385-7430

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 - EXISTING LITIGATION.**

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

Name of case: Guillermo Ramirez, et al. v. Oxnard Police Department, et al.
United States District Court, Case No. CV13-01615-MWF-AN

The Interim City Attorney requested that this item be discussed in closed session under the Brown Act exception of Conference with Legal Counsel – Existing Litigation.

2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION.

CC On the advice of the Interim City Attorney, based on existing facts and circumstances, the City shall decide whether to initiate litigation by joining in the Qui Tam Lawsuit filed under seal – *Plaintiff Under Seal v. Defendant Under Seal*, pursuant to Government Code section 54956.9(d)(4).

The Interim City Attorney requested that this item be discussed in closed session under the Brown Act exception of Conference with Legal Counsel - Anticipated Litigation.

3. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION.

CC On the advice of the Interim City Attorney, pursuant to Government Code section 54956.9(d)(2), based on existing facts and circumstances, there is significant exposure to litigation against the City in one potential case relating to Rachel Burr (DFEH Complaint No. 394716-78454-R).

The Interim City Attorney requested that this item be discussed in closed session under the Brown Act exception of Conference with Legal Counsel – Anticipated Litigation.

4. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION.

CC On the advice of the Interim City Attorney, pursuant to Government Code section 54956.9(d)(2), based on existing facts and circumstances, there is significant exposure to litigation against the City in one potential case.

The Interim City Attorney requested that this item be discussed in closed session under the Brown Act exception of Conference with Legal Counsel – Anticipated Litigation.

R. ADJOURNMENT

MINUTES
OXNARD CITY COUNCIL
Regular Meeting
June 16, 2015

AGENDA ITEM NO.

I-1

A. ROLL CALL/POSTING OF AGENDA

At 6:05 p.m., the regular meeting of the Oxnard City Council convened in the Council Chambers concurrently with the Housing Authority. Councilmembers Tim Flynn, Carmen Ramirez, Bryan A. MacDonald, Dorina Padilla and Bert Perello were present. The City Clerk stated that the agenda was posted on Thursday in the Library and City Clerk's Office. Mayor Flynn presided and called the meeting to order. Staff members present were: Daniel Martinez, City Clerk; Greg Nyhoff, City Manager; Maria Hurtado, Assistant City Manager; David Millican, Interim Finance Director; Scott Whitney, Interim Assistant City Manager; Rahsaan Tilford, Deputy City Attorney; Jeri Williams, Police Chief (Acting Fire Chief); Carrie Sabatini, Interim Housing Director; Daniel Rydberg, Interim Utilities Director; Chris Williamson, Principal Planner; Todd Housley, Environmental Resources Manager; Gregory Barnes; Recreation Supervisor and Eden Alomeri, Assistant City Treasurer.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

C. CLOSED SESSION

D. OPENING CEREMONIES

The meeting opened with the pledge of allegiance to the flag of the United States, followed by a moment of silence.

E. CEREMONIAL CALENDAR

1. SUBJECT: Presentation of the Youth Commission Anti-Bullying Video
DISCUSSION: Video presented to City Council regarding "Anti-Bullying" to be presented to the community.
2. SUBJECT: Resolution Commending Leona Belcher, Library Aide III, for 24 Years of Outstanding Service to the City of Oxnard. (001)
ACTION: Moved to approve **Resolution No. 14,774** (Ramirez/Perello) unanimously.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from: Robert Rexford; George Miller; Harold Ceja; Ed Ellis; Freda Wiggins; Martin Jones; Larry Stein; Aaron Starr; Inez Tuttle and Bill Kiefer.

G. REVIEW OF INFORMATION/CONSENT AGENDA

Comments were received from: Police Chief (I-2b); Recreation Supervisor (I-3) and Environmental Resources Manager (I-6).

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

I. INFORMATION/CONSENT AGENDA

City Clerk Department

1. SUBJECT: Minutes of the Regular Meetings of the Oxnard City Council for February 24, 2015 and March 3, 2015 and Minutes of the Special Meetings of the Oxnard City Council for March 5, 2015. (003)
RECOMMENDATION: Approve.

City Manager Department

2. SUBJECT: Agreements for City Council Review. (027)
RECOMMENDATION: 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.

Recreation and Community Services Department

3. SUBJECT: Appointment of two representatives to the Ventura County Area Agency on Aging Advisory Council. (029)
RECOMMENDATION: Approve the recommendation from the Senior Services Commission and appoint Alice Sweetland and Kay Brainard to the Ventura County Area Agency on Aging Advisory Council.
4. SUBJECT: Acceptance of Senior Nutrition Grant Funds from the Ventura County Area Agency on Aging ("VCAAA") for FY 2015-2016. (033)
RECOMMENDATION: 1) Authorize the City Manager or designee to execute Amendment No. 8 to the Ventura County Area Agency on Aging Grant Contract No. 3C-007-071212 (A-7513) for the Provision of Services (Senior Nutrition Program) ("Senior Nutrition Program Grant Agreement") and any other document or instrument necessary to carry out the purposes of Senior Nutrition grant; the Finance Director or designee to submit financial reports, grant claims and approve budget adjustments for the use of Senior Nutrition grant funds; and 2) Approve a special budget appropriation to recognize the Senior Nutrition grant award in the amount of \$85,906 and program donations for the FY 2015-2016 Senior Nutrition Program.

City Manager Department

5. SUBJECT: Agreements for City Council Review. (077)
RECOMMENDATION: 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.
6. SUBJECT: Agreement for Trade Services with Agromin, Incorporated for Supplemental Transfer Hauling Services. (079)
RECOMMENDATION: Approve and authorize the Mayor to execute an Agreement for Trade Services with Agromin, Incorporated (Agromin) (A-7759) for Supplemental Waste Transfer Hauling Services for one year with an option to renew for two (2) consecutive (1) one-year terms at a cost for the first term of \$250,000 with a not-to-exceed total of \$750,000 for the entire contract duration..

Community Development Department

7. SUBJECT: Resolution Approving Levy and Collection of Assessments for Fiscal Year 2015-16 within the Oxnard Downtown Management District. (087)
RECOMMENDATION: Adopt **Resolution No. 14,775** ordering the levy and collection of assessments within the Oxnard Downtown Management District (the "ODMD") for Fiscal Year ("FY") 2015-16.

Development Services Department

8. SUBJECT: Plans and Specifications for Project No. DS15-21 for Citywide Crosswalk Beacons in 2015. (111)
RECOMMENDATION: Adopt plans, specifications, and working details for Project Specification No. DS15-21 for the citywide crosswalk beacons 2015 project for 13 crosswalk locations throughout the city.
9. SUBJECT: Special Budget Appropriation for Rice Avenue/Santa Clara Avenue Interchange Construction Project. (113)
RECOMMENDATION: Recognize federal grant revenue from the American Recovery and Reinvestment Act (ARRA) and appropriate funds in the amount of \$127,349 for the Rice Avenue/Santa Clara Avenue interchange improvements at U.S. Highway 101.

Utilities Department

10. SUBJECT: Neighborhood Street Resurfacing Projects for UD15-07 Pleasant Valley Estates, UD15-32 Sierra Linda and UD15-38 Orchard Park. (115)
RECOMMENDATION: Approve Project Specifications and authorize staff to solicit bids for the following Neighborhood Street Resurfacing Projects: 1) UD15-07 Pleasant Valley Estates Neighborhood Street Resurfacing Project; 2) UD15-32 Sierra Linda Neighborhood Street Resurfacing Project; and 3) UD15-38 Orchard Park Neighborhood Street Resurfacing Project

INFORMATION/CONSENT AGENDA ACTION: Approved as recommended. (MacDonald/Padilla) Ayes: Ramirez, MacDonald, Padilla, Perello and Flynn.

L. REPORTSCity Treasurer Department

1. SUBJECT: Quarterly Investment Report for the Third Quarter Fiscal Year (FY) 2014-2015. (047)
RECOMMENDATION: Accepts the quarterly Investment Report for the Third Quarter FY 2014-2015.
DISCUSSION: The Assistant City Treasurer and Interim Finance Director reviewed the quarterly Investment Report including investment and reporting policies.

Public comments were received from: Larry Stein and Al Velasquez.

The City Council discussed: investment and "financial" reporting policies.

ACTION: Received quarterly Investment Report.

Development Services Department

2. SUBJECT: Authorization to Appropriate \$250,000 General Plan Maintenance Fee Revenue. (055)
RECOMMENDATION: Recognize and approve \$250,000 collected in Fiscal Year 2014-2015 from the General Plan Maintenance Fee for the four tasks that are related to preparation, maintenance, and/or revision of the 2030 General Plan and the Oxnard Local Coastal Program (LCP).
DISCUSSION: The Principal Planner reviewed the collection of funds for LCP work, use of funds and requested funding for tasks to be performed.
ACTION: Approved as recommended (Ramirez/Perello) Ayes: MacDonald, Padilla, Perello, Flynn and Ramirez.

RECESS

At 7:37 p.m., the City Council concurred to recess while the Housing Authority held a meeting. At 8:09 p.m. the City Council meeting reconvened.

Fire Department

5. SUBJECT: Appropriate \$775,000 from General Fund Operating Reserve to Provide Funding for Staffing for Fiscal Year (FY) 2014/15. (143)
RECOMMENDATION: Authorize a budget appropriation of \$775,000 from General Fund Operating Reserve to provide for Fire Department staffing costs.
DISCUSSION: The Police Chief (Acting Fire Chief) outlined required "personnel" funding (salary & benefits) and use of "SAFER" grant. The City Manager and Interim Finance Director commented on the funding process.

Public comments were received from: Larry Stein and Al Velasquez.

The City Council questioned: the "funding" process; use of "SAFER" grant and use of "general" fund reserves.

ACTION: Approved as recommended (MacDonald/Ramirez) Ayes: Flynn, Ramirez, MacDonald, Padilla and Perello.

Utilities Department

6. SUBJECT: Response to Grand Jury Report titled "City of Oxnard and its Adjoining Agricultural and Business Water Resources, Final Report", Dated April 1, 2015. (147)
RECOMMENDATION: Authorize the Mayor, the City Manager and the Interim Utilities Director to respond, on behalf of the Council and City staff, to the Grand Jury report titled "City of Oxnard and its Adjoining Agricultural and Business Water Resources, Final Report", dated April 1, 2015, in the form included as Attachment 1.
DISCUSSION: The Interim Utilities Director reported on response to Grand Jury report and reviewed findings regarding "use" of recycled water.

Public comment was received from: Larry Stein.

The City Council discussed: timeline to hook-up “recycled” water and use of “recycled” water within the community.

ACTION: Approved as recommended (Padilla/Perello) Ayes: Ramirez, MacDonald, Padilla, Perello and Flynn.

J. PUBLIC HEARINGS

ACTION: Mayor Flynn declared the public hearing open.

DISCUSSION: The City Clerk reported on posting, publication and that there were no written communications received.

Utilities Department

2. SUBJECT: FY 2015-16 Assessments in Waterway Maintenance District. (121)

RECOMMENDATION: 1) Hold a public hearing to receive public testimony regarding proposed assessments for the Waterway Maintenance District for FY 2015-16; and 2) Adopt **Resolution No. 14,776** for FY 2015-16 fixing assessments for the Waterway Maintenance District.

DISCUSSION: The Interim Utilities Director and Interim Finance Director reviewed the assessment “fund” balance(s) and commented on the future maintenance analysis of “sea” wall.

Public comments were received from: George Miller and Larry Stein.

The City Council discussed: ownership of “sea” wall and future analysis to what is needed to be done.

ACTION: Close the public hearing. (Ramirez/Perello) unanimously. Approved as recommended. (Ramirez/Padilla) Ayes: MacDonald, Padilla, Perello, Flynn and Ramirez.

RECESS

At 8:55 p.m., the City Council concurred to recess and at 9:06 p.m., the City Council reconvened.

ACTION: Mayor Flynn declared the public hearing open.

DISCUSSION: The City Clerk reported on posting, publication and that there were no written communications received.

Finance Department

1. SUBJECT: Fiscal Year 2015-16 Operating and Capital Budget Public Hearing. (119)

RECOMMENDATION: That City Council conduct a public hearing on the Fiscal Year 2015-16 operating and capital budgets for the City of Oxnard and Oxnard Housing Authority.

DISCUSSION: The City Manager outlined: the proposed budget including service level impacts of department(s); proposed use of Measure O funds; presenting a “balanced” budget; staffing impact; retirement issues; public safety; having a “budget” overview and past “budgeting” practices. The Interim Finance Director commented on leadership within the City to plan a financially “sound” budget to reduce “bond” interest rate(s).

Public comments were received from: Jason Zaragoza; Gavin Koon; Blair Brim; Paul Lemos; Mary Diamond; Cyndi Hooksta; Cynthia Daniels; Julie Miller; Daniel Kalbacher; Larry Stein; Jesse Calvillo; Glenn Genaro; Ed Genaro; Al Velasquez; Helen Mitchell; Larry Barbarwe; Daniel Nahmias; Kevin Todd; George Todd; John Cecena; Robert Ross; Nancy Greenfield; David Feigin; Greg Runyon; Inez Tuttle; Doug Stuart; Jason Watkins; Phil Palmer; Steve McNaughten; James Crilly; Tammy Gutierrez; Jim Lavery; George Miller; Mana Isabel Garcia and Alejandro Rivera.

ACTION: Close the public hearing. (MacDonald/Perello) approved unanimously.

DISCUSSION: The City Council commented on: actions of other cities to deal with City budgets; "bond" rating; proposed "budget" adjustments; reduction of service; proposed staffing levels and services provided by the Oxnard Economic Development Corporation (EDC).

ACTION: The City Council conducted a public hearing for the Fiscal Year 2015-16 operating and capital budgets for the City of Oxnard.

K. APPOINTMENT ITEMS

L. REPORTS

K. APPOINTMENT ITEMS

M. REPORT OF CITY MANAGER

The City Manager requested that more "innovated" thinking and action take place within the City.

HOUSING AUTHORITY

At 12:12 a.m., the joint meeting with the Housing Authority concluded.

N. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

City Clerk Department

1. SUBJECT: Agreement for Publication of Legal Notices and Legal Advertisements. (153)

RECOMMENDATION: Approve and authorize the Mayor to execute an agreement with Vida Newspaper (A-7786) for the publication of legal notices and legal advertisements for Fiscal Year (FY) 2015-16.

ACTION: The Council concurred to continue to a future date.

At 12:13 a.m., Mayor Flynn left the meeting and Mayor Pro Tem Ramirez presided.

The City Council discussed: upcoming "Juneteenth" activities and Council meeting process.

At 12:14 a.m., Mayor Flynn returned to the meeting and presided.

O. PUBLIC COMMENTS ON REPORTS

P. PUBLIC COMMENTS ON STUDY SESSION

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comment was received from: Al Velasquez.

Q. STUDY SESSION

R. ADJOURNMENT

At 12:19 a.m. the City Council concurred to adjourn the meeting.

DANIEL MARTINEZ
City Clerk

TIM FLYNN
Mayor

CARMEN RAMIREZ
Mayor Pro Tem

MINUTES

OXNARD CITY COUNCIL

Regular Meeting

June 23, 2015

A. ROLL CALL/POSTING OF AGENDA

At 4:36 p.m., the regular meeting of the Oxnard City Council convened in the Council Chambers. Councilmembers Carmen Ramirez, Bryan A. MacDonald, Dorina Padilla and Bert Perello were present. Mayor Flynn was absent. The City Clerk stated that the agenda was posted on Thursday in the Library and City Clerk's Office. Mayor Pro-Tem Ramirez presided and called the meeting to order. Staff members present were: Daniel Martinez, City Clerk; Greg Nyhoff, City Manager; Maria Hurtado, Assistant City Manager; Scott Whitney, Interim Assistant City Manager; Stephen Fischer, Interim City Attorney; Rob Silverstein, Code Compliance Officer.

J. PUBLIC HEARINGS

Police Department

ACTION: Mayor Pro Tem Ramirez declared the public hearing open.

DISCUSSION: The City Clerk reported on mailing and that there were no written communications received.

1. SUBJECT: Recovery of Civil Citation Fines. (001)

RECOMMENDATION: 1) Conduct a public hearing to consider objections to the cost report of property owners whose property is to be assessed for civil citation fines; 2) Approve the cost report; and 3) Direct the City Manager or designee to file a certified copy of the cost report with the Ventura County Auditor-Controller.

DISCUSSION: The Code Compliance Officer reviewed the process, history of issuing civil citations and efforts to solve issues. The Interim City Attorney review possible options of the City Council.

Public comments were received from: Anthony von Teuber; Elmore Fowlie and Earl Sullivan.

ACTION: Close the public hearing. (Ramirez/Padilla) approved unanimously.

DISCUSSION: The City Council discussed possible "property owners" options including having an administrative hearing.

ACTION: Approved as recommended. (Perello/MacDonald) MacDonald, Padilla, Perello and Ramirez. Absent: Flynn.

ACTION: Mayor Pro Tem Ramirez declared the public hearing open.

DISCUSSION: The City Clerk reported on mailing and that there were no written communications received.

2. SUBJECT: Recovery of Nuisance Abatement Costs. (019)

RECOMMENDATION: 1) Conduct a public hearing to consider objections to the cost report of property owners whose property is to be assessed for nuisance abatement costs; 2) Approve the cost report; and 3) Direct the City Manager or designee to file a certified copy of the cost report with the Ventura County Auditor-Controller.

ACTION: Close the public hearing. (Padilla/Perello) approved unanimously. Approved as recommended. (MacDonald/Perello) Padilla, Perello, Ramirez and MacDonald. Absent: Flynn.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMSC. CLOSED SESSION

At 5:02 p.m., the City Council recessed to a closed session, pursuant to Government Code section 54956.9(d)(1) to confer with its attorneys. The title and case number of the litigation being discussed was City of Oxnard v. Dale Belcher, et al. Ventura County Superior Court, Case No. 56-2014-00450216-CU-CO-VTA.

The City Council also recessed to a closed session, pursuant to Government Code section 54956.9(d)(1) to confer with its attorneys. The title and case number of the litigation being discussed was Edmund Sotelo v. City of Oxnard, United States District Court, Case No. CV13-6039 FMO(MRWx)

At 6:02 p.m. the City Council reconvened and recessed to the evening session.

D. OPENING CEREMONIES

At 6:04 p.m., the regular meeting of the Oxnard City Council reconvened in the Council Chambers, concurrently with the Housing Authority. The meeting opened with the pledge of allegiance to the flag of the United States, followed by a moment of silence. Mayor Pro-Tem Ramirez presided. Additional staff members present were: Jeri Williams, Police Chief; J. Tabin Cosio, Human Resources Director; Dave Millican, Interim Finance Director; Daniel Rydberg, Interim Utilities Director; Michael Henderson, General Services Manager; Michael More, Financial Resources Manager; and Cynthia Daniels, Project Manager.

E. CEREMONIAL CALENDARF. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from: Mike Hernandez (Special Olympics); Jack Villa; Larry Stein; Patrick Barrios, Robert Rexford and Bricio Zaragoza.

G. REVIEW OF INFORMATION/CONSENT AGENDA

Comments were received from: City Manager (I-1(k)); General Services Manager and Interim Financial Director (I-3) and General Services Manager (I-4).

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Public comment was received from: Larry Stein (I-1(k) and (I-3).

I. INFORMATION/CONSENT AGENDA**City Manager Department**

1. **SUBJECT:** Agreements for City Council Review. (023)
RECOMMENDATION: 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.

Finance Department

2. **SUBJECT:** Special Tax Levy for Community Facilities District No. 2000-3 (Oxnard Boulevard/Highway 101 Interchange). (029)
RECOMMENDATION: That City Council, acting as the legislative body of Community Facilities District No. 2000-3 ("CFD No. 2000-3"), adopt **Resolution No. 14,777** setting a special tax rate within CFD No. 2000-3 (Oxnard Boulevard/Highway 101 Interchange) for Fiscal Year 2015-2016.

General Services Department

3. **SUBJECT:** Approval and Execution of Change Order #10 to Contract A-7671 for GS09-04 East Village Park Construction. (041)
RECOMMENDATION: Approve and authorize the Mayor to execute Change Order #10 to Contract A-7671 to C.S. Legacy Construction, Inc., in the amount of \$557,866.43 for GS09-04 East Village Park, a newly constructed park located at 2051 Jacinto Drive.
4. **SUBJECT:** Approval of Low Responsible Responsive Bid and Authorization to Issue and Execute a Contract (A-7785) for GS14-16 Thompson Park Construct Restroom and Site Improvements Project. (069)
RECOMMENDATION: Award contract A-7785 to the low responsible and responsive bidder, Hansons and Son Construction Inc., in the amount of \$217,000 for GS14-16 for Thompson Park to construct a new restroom in the park and authorize the purchasing agent to execute the contract upon receipt of final documents.

INFORMATION/CONSENT AGENDA ACTION: Approved as recommended with removal of I-5. (MacDonald/ Perello) Ayes: Padilla, Perello, Ramirez and MacDonald. Absent: Flynn.

K. APPOINTMENT ITEMS

1. **SUBJECT:** Verbal Report on Assessment Districts Project.
RECOMMENDATION: Receive and consider the verbal report.
DISCUSSION: The City Manager and Interim Finance Director commented on investigating landscape district issues, district budgets, assessment fees and maintenance standards.

At 7:24 p.m., Mayor Flynn was present and presided.

The Council discussed: possible district elections; "landscaping" responsibilities and providing desired "assessment" services for each district.

ACTION: The Council received the report and provided comments.

I. INFORMATION/CONSENT AGENDAGeneral Services Department

5. SUBJECT: Adoption of Resolutions Levying FY 2015-2016 Assessments in Landscape Maintenance District Nos. 27 through 60. (091)
- RECOMMENDATION: Adopt resolutions levying FY 2015-2016 assessments for Landscape Maintenance District Nos. 27 through 60 as follows: • **Resolution No. 14,778** Tract No. 5016, District No. 27 (Rose Island); • **Resolution No. 14,779** Tract No. 4268, District No. 28 (Harborside); • **Resolution No. 14,780** APN 202-0-110-175 and 202-0-110-295, District No. 29 (Mercy Charities Housing Project); • **Resolution No. 14,781** Tract No. 5020, District No. 30 (Haas Automation); • **Resolution No. 14,782** Tract No. 4714, District No. 31 (Rancho de la Rosa); • **Resolution No. 14,783** Tract No. 5070, District No. 32 (Oak Park); • **Resolution No. 14,784** Tract No. 5153, District No. 33 (El Paseo); • **Resolution No. 14,785** Tract No. 5136, District No. 34 (Sunrise/Sunset Cove); • **Resolution No. 14,786** Parcel Map No. 97-5-55, District No. 35 (Airport Marina Center); • **Resolution No. 14,787** Tract No. 5135, District No. 36 (Villa Carmel/Villa Santa Cruz); • **Resolution No. 14,788** Tract No. 5137, District No. 37 (Pacific Breeze); • **Resolution No. 14,789** Tract No. 5148, District No. 38 (Aldea Del Mar); • **Resolution No. 14,790** Tract No. 5198-1 and 5198-2, District No. 39 (Promesa/Sueno); • **Resolution No. 14,791** Tract No. 5214, District No. 40 (Cantada); • **Resolution No. 14,792** Tract No. 5171, District No. 41 (Pacific Cove); • **Resolution No. 14,793** Tract No. 5228, District No. 42 (Cantabria/ Coronado); • **Resolution No. 14,794** Parcel Map No. 98-5-117, Tract Nos. 4317, 5293 and 5294, District No. 43 (Parc Rose, Tierra Vista, Sonrisa II and Mayfield Village); • **Resolution No. 14,795** Tract No. 5253, District No. 44 (American Pacific Homes); • **Resolution No. 14,796** Parcel Map No. 00-5-55, District No. 45 (Channel Point); • **Resolution No. 14,797** Tract No. 5276, District No. 46 (Daily Ranch); • **Resolution No. 14,798** Tract No. 5339, District No. 47 (Sycamore Place); • **Resolution No. 14,799** Tract No. 5234, District No. 48 (Victoria Estates); • **Resolution No. 14,800** Tract No. 5296, District No. 49 (Cameron Ranch); • **Resolution No. 14,801** Tract No. 5273, District No. 50 (Pleasant Valley Senior Housing); • **Resolution No. 14,802** Tract No. 5389-1, 2 and 3, District No. 51 (Pfiler); • **Resolution No. 14,803** Tract No. 5340, District No. 52 (Wingfield); • **Resolution No. 14,804** Tract No. 5305, District No. 53 (Huff Court); • **Resolution No. 14,805** Tract No. 5459, District No. 54 (Meadowcrest); • **Resolution No. 14,806** Tract No. 5640, District No. 55 (Wingfield West); • **Resolution No. 14,807** Tract No. 5450, District No. 56 (The Cottages); • **Resolution No. 14,808** APN 144-0-150-085, APN 144-0-150-075, District 57 (Golden State Self Storage); • **Resolution No. 14,809** Tract No. 5441, District No. 58 (Westwind); • **Resolution No. 14,810** Tract No. 5542, District No. 59 (Orbela); and • **Resolution No. 14,811** APN 213-0-031-250, APN 213-0-031-260, APN 213-0-031-450, District 60 (The Artisan).
- DISCUSSION: The General Services Manager commented on the set-up of landscape districts, follow-up investigations of districts and district elections.

Public comments were received from: Julie Miller and Michael Gleason.

The Council discussed the services to be provided to homeowners (landscape) districts and having a basic standard for "landscaping" services though out the city.

ACTION: Approved as recommended. (Ramirez/Perello) Ayes: Perello, Flynn, Ramirez. MacDonald and Padilla.

J. PUBLIC HEARINGS

ACTION: Mayor Flynn declared the public hearing open.

DISCUSSION: The City Clerk reported on posting, publication and that there were no written communications received.

General Services Department

3. **SUBJECT:** Public Hearing and Adoption of Resolution to Levy FY2015-2016 Assessments for Landscape Maintenance District Nos. 1 through 3, and 7 through 26. (199)

RECOMMENDATION: 1) Hold a public hearing to receive public testimony regarding the proposed FY 2015-2016 assessments for Landscape Maintenance District Nos. 1 through 3, and 7 through 26; and 2) Adopt resolutions for FY 2015-2016 confirming assessments for Landscape Maintenance District Nos. 1 through 3, and 7 through 26 in the following tracts: • **Resolution No. 14,812** Tract No. 2247, District No. 1 (Summerfield); • **Resolution No. 14,813** Tract Nos. 4065, 4164, 4355 and 4225, District No. 2 (Channel Islands Business Park); • **Resolution No. 14,814** Tract No. 3384, District No. 3 (River Ridge); • **Resolution No. 14,815** Tract Nos. 4183 and 3943, District Nos. 7 and 8 (Northfield/Seagate Business Park); • **Resolution No. 14,816** Tract Nos. 3051-2, 3051-3, and 4351, District No. 9 (Strawberry Fields); • **Resolution No. 14,817** Tract No. 4405, District No. 10 (Country Club Estates); • **Resolution No. 14,818** Tract No. 4376, District No. 11 (St. Tropez); • **Resolution No. 14,819** Tract No. 4294, District No. 12 (Standard Pacific); • **Resolution No. 14,820** Tract No. 4424, District No. 13 (Le Village); • **Resolution No. 14,821** Tract No. 4492, District No. 14 (California Cove); • **Resolution No. 14,822** Tract No. 4443, District No. 15 (Pelican Pointe); • **Resolution No. 14,823** Tract No. 4810, District No. 16 (California Lighthouse); • **Resolution No. 14,824** Tract No. 4702, District No. 17 (Village of San Miguel); • **Resolution No. 14,825** Parcel Map Nos. 213-0-031-355, 375, 385, 405, 415 and 425, District No. 18 (St. John's Regional Medical Center); • **Resolution No. 14,826** Tract No. 4827, District No. 19 (Shopping at the Rose); • **Resolution No. 14,827** Parcel Map Nos. 231-0-020-200, 210, 240, District No. 20 (Wallenius Vehicle Preparation Center); • **Resolution No. 14,828** Tract No. 3384-7, 8, District No. 21 (Cypress Pointe); • **Resolution No. 14,829** Tract No. 4611, District No. 22 (McDonald's Median); • **Resolution No. 14,830** Tract No. 4529, District No. 23 (Greystone); • **Resolution No. 14,831** Tract No. 4529, District No. 24 (Vineyards); • **Resolution No. 14,832** Tract No. 4840, District No. 25 (The Pointe); and • **Resolution No. 14,833** Parcel Map No. 202-0-010-685, District No. 26 (Albertson's).*

DISCUSSION: The City Manager and General Services Manager commented on the need to be "transparent" regarding landscape services provided.

Public comments were received from: Julie Miller; Larry Stein and Jackie Tedeschi.

ACTION: Close the public hearing. (MacDonald/Perello) unanimously.

DISCUSSION: The City Council discussed: providing "transparent" information; differences between districts and having proper maps displaying districts.

ACTION: Approved as recommended. (Ramirez/Padilla) Ayes: Flynn, Ramirez, MacDonald, Padilla and Perello. *Abstain: Perello only on District No. 13.

ACTION: Mayor Flynn declared the public hearing open.

DISCUSSION: The City Clerk reported on posting, publication and that there were no written communications received.

Police Department

4. SUBJECT: Edward Byrne Memorial Justice Assistance Grant Formula Program (JAG): FY 2015 Local Solicitation. (247)

RECOMMENDATION: Adopt **Resolution No. 14,834:** 1) Authorizing the City Manager to execute and submit an application for U.S. Department of Justice (DOJ) grant funds in the amount of \$89,657 from the Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program's FY 2015 Local Solicitation; 2) Authorizing the City Manager to execute a Memorandum of Understanding (City of Oxnard Agreement A-7780) with the County of Ventura and the Cities of San Buenaventura and Thousand Oaks, designating the City of Oxnard as the lead agency and fiscal agent for the JAG; 3) Authorizing the City Manager or designee to execute grant agreements and appropriate funds upon notification of grant award; 4) Authorizing the Chief Financial Officer or designee to submit financial reports and grant claims and approve administrative budget adjustments for the use of JAG funds; and 5) Authorizing the Chief of Police or designee to submit all program related progress or status reports.

ACTION: Close the public hearing. (MacDonald/Perello) approved unanimously. Approved as recommended. (MacDonald/Perello) Ayes: Ramirez, MacDonald, Padilla, Perello and Flynn.

K. APPOINTMENT ITEMS

L. REPORTS

Finance Department

1. SUBJECT: Consideration of Adoption of Fiscal Year 2015-2016 Operating Budget. (269)

RECOMMENDATION: 1) That City Council adopt resolutions: (a) **Resolution No. 14,835** approving the City's Fiscal Year 2015-16 Operating Budget; (b) **Resolution No. 14,836** authorizing the Full-Time Equivalent Positions in the City effective July 1, 2015; (c) **Resolution No. 14,837** authorizing the Classification and Salary Schedule effective July 1, 2015; (d) **Resolution No. 14,838** approving the Appropriation Limit for Fiscal Year 2015-16; and (e) **Resolution No. 14,839** approving Financial Management Policies; 2) That City Council authorizes the City Manager to transfer and make adjustment of interfund loans on June 30, 2015 to eliminate cash deficits in the Capital Improvement Impact Fee funds, assessment districts funds, and Golf and Performing Arts and Convention Center funds.

DISCUSSION: The City Manager and Interim Finance Director reviewed the proposed 2015-16 budget including Council expenses, financial impacts and budget forecasts.

Public comments received from: Julie Miller; Daniel Kalbacher; Robert Chatenever; Larry Stein; Steve Huber; Greg Runyon and Dan Pinedo.

The City Council discussed: citywide staffing; having a Citywide "balance" of services; Councilmember Perello's proposed "budget" recommendations and reduction of services.

ACTION: Moved to approve recommendation with Councilmember's Perello recommendations: motion died due to lack of second. Approved as recommended (Flynn/ Ramirez). Ayes: Padilla, Perello, Flynn and Ramirez. Noes: MacDonald,

HOUSING AUTHORITY

At 9:55 p.m. the joint meeting the Housing Authority concluded.

RECESS

At 9:55 p.m., City Council concurred to recessed and at 10:07 p.m., reconvened the Council meeting.

2. SUBJECT: FY 2015-16 Property Tax Rate for Voter Approved Obligations. (315)
RECOMMENDATION: Adopt **Resolution No. 14,840** establishing the FY 2015-16 tax rates on property in the City of Oxnard for the payment of voter approved obligations.
DISCUSSION: The Interim Finance Director commented on necessary changes.
ACTION: Approved as recommended. (MacDonald/Perello). Ayes: Padilla, Perello, Flynn; Ramirez and MacDonald.
3. SUBJECT: Special Tax Levy for Community Facilities District No. 5 (Riverpark) and Agreement for Billing of Direct Assessments. (319)
RECOMMENDATION: That City Council: 1) Acting as the legislative body of Community Facilities District (CFD) No. 5, adopt **Resolution No. 14,841** setting a special tax rate within CFD No. 5 (Riverpark) for FY 2015-16; and 2) Authorize the City Manager to execute an Agreement for Billing of Direct Assessments with the Ventura County Auditor-Controller to provide the service of placement of direct assessments on the Ventura County Secured Tax Toll.
DISCUSSION: The Financial Resources Manager reviewed budget requirements and County costs.
ACTION: Approved as recommended. (Ramirez/Padilla). Ayes: Perello, Flynn; Ramirez, MacDonald and Padilla.
4. SUBJECT: Special Tax Levy for Community Facilities Districts No. 1 and No. 2 (Westport at Mandalay Bay). (345)
RECOMMENDATION: That City Council acting as the legislative body of Community Facilities District (CFD) No. 1 and of Community Facilities District (CFD) No. 2: 1) Adopt **Resolution No. 14,842** setting a special tax rate within CFD No. 1 (Westport at Mandalay Bay) for FY 2015-2016; and 2) Adopt **Resolution No. 14,843** setting a special tax rate within CFD No. 2 (Westport at Mandalay Bay) for FY 2015-2016.
DISCUSSION: The Financial Resources Manager reviewed setting tax rate for bonds, upgrades and reviewed a proposed two percent tax increase.
ACTION: Approved as recommended. (MacDonald/Perello). Ayes: Flynn, Ramirez, MacDonald, Padilla and Perello.
5. SUBJECT: Special Tax Levy for Community Facilities Districts No. 3 and No. 4 (Seabridge at Mandalay Bay). (369)
RECOMMENDATION: That City Council acting as the legislative body of Community Facilities District (CFD) No. 3 and Community Facilities District (CFD) No. 4: 1) Adopt **Resolution No. 14,844** setting a special tax rate within CFD No. 3 (Seabridge at Mandalay Bay) for FY 2015-16; and 2) Adopt **Resolution No. 14,845** setting a special tax rate within CFD No. 4 (Seabridge at Mandalay Bay) for FY 2015-16.
DISCUSSION: The Financial Resources Manager reviewed setting tax rate for bonds, upgrades and reviewed a proposed two percent tax rate.
ACTION: Approved as recommended. (Ramirez/Padilla). Ayes: Ramirez, MacDonald, Padilla, Perello and Flynn.

Development Services Department

6. SUBJECT: Thirteenth Amendment to Agreement with AECOM Technical Services, Inc. (AECOM) for the Rice Avenue/Santa Clara Avenue Interchange Improvement Project at U.S. Highway 101. (389)

RECOMMENDATION: Approve and authorize the City Manager to execute a thirteenth amendment to the agreement with AECOM (A-7235) to increase the amount by \$90,239 (a total of \$5,142,454) to provide construction management services for the Rice Avenue/Santa Clara Avenue interchange improvement project at U.S. Highway 101.

DISCUSSION: The Project Manager reviewed the project delay and completion of project.

Public comment was received: Larry Stein.

ACTION: Approved as recommended. (Ramirez/Perello). Ayes: MacDonald, Padilla, Perello, Flynn and Ramirez.

General Services Department

7. SUBJECT: Blanket Purchase Order to Extend Agreement with SC Fuels for Gasoline, Diesel, Biodiesel, Lubricants, and Antifreeze from July 1-December 31, 2015. (399)

RECOMMENDATION: Approve and authorize the Mayor to sign a blanket purchase order (No. 4866) to extend the agreement with Southern Counties Fuel DBA SC Fuels. The agreement extension period is for six months from July 1, 2015, to December 31, 2015, to increase the amount by \$350,000 for a total amount not to exceed \$600,000. The blanket purchase order is for delivery of gasoline, diesel, biodiesel, lubricants, and antifreeze to various City sites.

DISCUSSION: The General Services Manager reviewed the contract and reasons for changes.

Public comment was received from: Larry Stein.

The City Council discussed: maintenance of equipment; fuel costs and finding 'cost' efficiency.

ACTION: Approved as recommended. (MacDonald/Perello). Ayes: Padilla, Perello, Flynn, Ramirez and MacDonald.

M. REPORT OF CITY MANAGERN. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

1. SUBJECT: Report on Contributions to the California Public Employees' Retirement System and Level of Salary and Benefits for City Council and the Mayor. (405)

RECOMMENDATION: 1) Receive the report on contributions to the California Public Employees' Retirement System and level of salary and benefits for City Council and the Mayor; and 2) Provide direction to the City Manager regarding the contributions to the California Public Employees' Retirement System and level of salary and benefits for City Council and Mayor.

DISCUSSION: The Human Resources Director reviewed Councilmembers benefits including salary, City "sponsored" benefits and expense reimbursements. The Interim City Attorney recommended that staff return to Council with a resolution regarding Council benefits.

The Council discussed options regarding contributions to be for the retirement of Councilmembers.

ACTION: The City Council received the report and provided comments to staff.

City Clerk Department

2. SUBJECT: Agreement for Publication of Legal Notices and Legal Advertisements. (407)
RECOMMENDATION: Approve and authorize the Mayor to execute an agreement with Vida Newspaper (A-7786) for the publication of legal notices and legal advertisements for Fiscal Year (FY) 2015-16.
DISCUSSION: The City Clerk outlined the newspaper selection progress including the City staff "selection" committee. The Interim City Attorney reviewed the legal process.

Public comments were received from: Pat Brown and Dan Pinedo.

The Council reviewed the newspaper selection process and questioned the evaluation (factors/weights) process.

ACTION: Authorize the selection of Vida Newspaper (MacDonald/Ramirez). Ayes: Perello, Flynn, Ramirez, MacDonald and Padilla.

The Council discussed: Downtown Management meeting; One-Stop Service to attract businesses; request of information regarding recent wastewater spill (comments were received from the Interim Utilities Director regarding the Wooley Road site); and having more "civic" involvement.

O. PUBLIC COMMENTS ON REPORTS

P. PUBLIC COMMENTS ON STUDY SESSION

Q. STUDY SESSION

R. ADJOURNMENT

At 12:28 a.m., the City Council concurred to adjourn the meeting.

DANIEL MARTINEZ
City Clerk

TIM FLYNN
Mayor

CARMEN RAMIREZ
Mayor Pro Tem

MINUTES
OXNARD CITY COUNCIL
Regular Meeting
July 7, 2015

A. ROLL CALL/POSTING OF AGENDA

At 4:36 p.m., the regular meeting of the Oxnard City Council convened in the Council Chambers. Councilmembers Tim Flynn, Carmen Ramirez, Bryan A. MacDonald, Dorina Padilla and Bert Perello were present. The Deputy City Clerk stated that the agenda was posted on Thursday in the Library and City Clerk's Office. Mayor Tim Flynn presided and called the meeting to order. Staff members present were: Greg Nyhoff, City Manager; Stephen Fischer, Interim City Attorney and Lyn McGraw, Deputy City Clerk.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

C. CLOSED SESSION

At 4:38 p.m. the City Council recessed to a closed session, pursuant to Government Code section 54956.9(d)(1) to confer with its attorneys. The title and case number of the litigation being discussed was California Public Utilities Commission Application 14-11-016.

The City Council also recessed to a closed session, pursuant to Government Code section 54956.9(d)(1) to confer with its attorneys. The title and case number of the litigation being discussed was In the Matter of: Application of the Puente Power Project, Docket No. 15-AFC-01.

The City Council also recessed to a closed session, pursuant to Government Code section 54956.9(d)(1) to confer with its attorneys. The title and case number of the litigation being discussed was Guillermo Ramirez v. Oxnard Police Department, United States District Court, Case No. CV13-01615-MWF-AN.

At 6:21 p.m. the City Council reconvened and recessed to the evening session.

D. OPENING CEREMONIES

At 6:24 p.m., the regular meeting of the Oxnard City Council reconvened in the Council Chambers. The meeting opened with the pledge of allegiance to the flag of the United States, followed by a moment of silence for Aurora Magana Lopez, a teacher and long-term resident. Mayor Flynn presided. Additional staff members present were: Jeri Williams, Police Chief; Grace Magistrale Hoffman, Deputy City Manager; Martin Erickson, Deputy City Manager; Carrie Sabatini, Interim Housing Director; Brad Windsor, Assistant Fire Chief; Karl Lawson, Compliance Services Manager; Michael Henderson, General Services Manager; Terrel Harrison, Recreation Supervisor/PAL Co-Director and Tom Clock, Systems Administrator.

E. CEREMONIAL CALENDAR

1. SUBJECT: Employee of the Second Quarter 2015.

DISCUSSION: The Police Chief introduced Miguel Lopez as the Employee of the Second Quarter. The City Council presented Mr. Lopez the Employee of Quarter award and a check. Mr. Lopez thanked the Council, recognized his family and friends that were present.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from: Host Town Oxnard Committee (Steve Huber and Mike Ramirez); Jerrold Felsenthal; Ed Ellis; Robert Rexford; Stephanie Brown; Aaron Starr; Greg Runyon; Manuel Munoz; Woodrow Thomas Sr.; Pat Brown; Larry Stein and Chris Janke, Ventura County Naval Commander.

G. REVIEW OF INFORMATION/CONSENT AGENDA

Comments were received from: Recreation Supervisor/PAL Co-Director (1(a)); Assistant Fire Chief (1(b)); Systems Administrator (1(c)); and General Services Manager (1(d)) and (I-2).

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA**I. INFORMATION/CONSENT AGENDA****City Manager Department**

1. **SUBJECT:** Agreements for City Council Review. (001)
RECOMMENDATION: 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.

General Services Department

2. **SUBJECT:** Approval of Responsible Responsive Bid and Authorization to Issue and Execute a Contract for GS15-28 for Oxnard Transit Center (OTC) Bus Islands Re-roofing. (005)
RECOMMENDATION: Award contract to the responsible and responsive bidder, Best Contracting Services, Inc. (A-7991) in the amount of \$177,400 for GS15-28 to re-roof the Bus Islands located at the Oxnard Transit Center, 200 East Fourth Street and authorize the purchasing agent to execute the contract upon receipt of final documents.*

INFORMATION/CONSENT AGENDA ACTION: Approved as recommended. (MacDonald/Ramirez) Ayes: Flynn, Ramirez, MacDonald, Padilla and Perello. *Noes: Perello only for item (I-2) due to only having one (1) responsive bid.

J. PUBLIC HEARINGS

ACTION: Mayor Flynn declared the public hearing open.

DISCUSSION: The City Clerk reported on posting, publication and that there were no written communications received.

Housing Department

1. **SUBJECT:** Public Hearing for Issuance of Multifamily Housing Revenue Bonds for Las Cortes, located at Northeast Corner of Marquita Street and First Street. (041)

RECOMMENDATION: 1) Hold a public hearing regarding the issuance of up to \$35,000,000 of multifamily housing revenue bonds by the California Statewide Communities Development Authority to finance the development and construction of Las Cortes, a 144-unit multi-family rental housing project located at the north-east corner of Marquita Street and First Street; and 2) Adopt **Resolution No 14,846** approving the issuance of bonds.

DISCUSSION: The Compliance Services Manager reviewed the process for a TEFRA hearing to issue bonds. The Interim Housing Director reviewed the enforcement of housing requirements and location of washers/dryers at the Los Cortes facilities.

Public comment was received from: Pat Brown.

ACTION: Close the public hearing (Perello/Flynn) Approved unanimously.

DISCUSSION: The City Council discussed: the location of washer/dryer facilities; residents returning to proposed housing site and the process to issue TEFRA bonds to construct the Los Cortes housing project.

ACTION: Approved as recommended. (Padilla/Perello) Ayes: Padilla, Perello, Flynn, Ramirez and MacDonald.

K. APPOINTMENT ITEMS

L. REPORTS

Recreation and Community Services Department

2. SUBJECT: Agreement with the Oxnard School District to Receive Grant Funds from the State After School Educational and Safety Grant to Operate the Oxnard Scholars After School Program in FY15-16. (059)

RECOMMENDATION: 1) Approve and authorize the Mayor to execute an agreement with the Oxnard School District (A-7790) for the City to receive an amount not to exceed \$2,130,000 to provide after school services as part of the California Department of Education's After School Education and Safety (ASES) Program at 20 schools in FY 2015-2016; and 2) Approve a special budget appropriation in the amount of \$2,130,000 from the After School Education and Safety (ASES) Program.

DISCUSSION: The Recreation Supervisor/PAL Co-Director commented on grant funding for the program and the City's "in-kind" match. Ginger Shea, Manager of Special Programs, explained the evaluation of the program at participating schools and individuals hired for the program.

Public comments were received from: Larry Stein; Dan Pinedo and Steve Nash.

The City Council discussed several issues including evaluation of the program, cost of the program and the educational "gap" of students.

ACTION: Approved as recommended (Padilla/Ramirez). Ayes: MacDonald, Padilla, Perello, Flynn and Ramirez.

Police Department

1. SUBJECT: Memorandums of Understanding between Various Local School Districts and the City of Oxnard Police Department. (047)

RECOMMENDATION: Approve and authorize the City Manager to execute the Memorandums of Understanding (MOU) (7089-15-PO) between the Rio School District (6663-14-PO), Hueneme School District (6661-14-PO), Oxnard School District (6679-14-PO) and Oxnard Union High School District (6665-14-PO) for the School Resource Officer (SRO) Program.

DISCUSSION: The Police Chief reviewed the cost recovery of the Police service.

Public comments were received from: Lucy Cartagena; George Miller; Pat Brown and Larry Stein.

The City Council discussed: evaluation of the program including "bullying" concerns, costs of recovery for Police services; fees paid by different local districts and seeking grants.

ACTION: Approved as recommended. (Ramirez/MacDonald). Ayes: Perello, Flynn, Ramirez, MacDonald, and Padilla.

M. REPORT OF CITY MANAGER

The City Manager commented on submitting a temporary permit to provide "recycled water" from Wastewater Facility to local farmlands and Wastewater Facility tour on July 16.

N. CITY COUNCIL BUSINESS / COMMITTEE REPORTS

The City Council discussed: Sister City Visitation July 22 to 28; Ventura County Transportation Commission meeting (MacDonald); issues of having "military" presence in community (MacDonald); smoking regulations (electronic smoking); Public Utility Commission meeting (power plant at beach) and understanding of possible "utility" rate increases to be discussed at a community committee meeting.

O. PUBLIC COMMENTS ON REPORTS

P. PUBLIC COMMENTS ON STUDY SESSION

Q. STUDY SESSION

R. ADJOURNMENT

At 9:57 p.m. the City Council concurred to adjourn the meeting.

DANIEL MARTINEZ
City Clerk

TIM FLYNN
Mayor

MINUTES

OXNARD CITY COUNCIL Regular Meeting July 14, 2015

A. ROLL CALL/POSTING OF AGENDA

At 4:37 p.m., the regular meeting of the Oxnard City Council convened in the Council Chambers. Councilmembers Carmen Ramirez, Bryan A. MacDonald, Dorina Padilla and Bert Perello were present. Mayor Flynn was absent. The City Clerk stated that the agenda was posted on Thursday in the Library and City Clerk's Office. Mayor Pro Tem Ramirez presided and called the meeting to order. Staff members present were: Daniel Martinez, City Clerk; Greg Nyhoff, City Manager; Scott Whitney, Interim Assistant City Manager and Stephen Fischer, Interim City Attorney.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

Public comments were received from: Steve Nash and Larry Stein.

C. CLOSED SESSION

At 4:46 p.m. the City Council recessed to a closed session, pursuant to Government Code section 54956.9(d)(1) to confer with its attorneys. The title and case number of the litigation being discussed was California Public Utilities Commission Application 14-11-016.

The City Council also recessed to a closed session, pursuant to Government Code section 54956.9(d)(1) to confer with its attorneys. The title and case number of the litigation being discussed was In the Matter of: Application of the Puente Power Project, California Energy Commission Docket No. 15-AFC-01.

The City Council also recessed to a closed session, pursuant to Government Code section 54956.9(d)(2). Based on existing facts and circumstances, there is significant exposure to litigation against the City in one potential case relating to construction activity adjacent to property located at 2460 South Center Drive, Oxnard, California.

At 6:06 p.m. the City Council reconvened and recessed to the evening session.

D. OPENING CEREMONIES

At 6:07 p.m., the regular meeting of the Oxnard City Council reconvened in the Council Chambers. The meeting opened with the pledge of allegiance to the flag of the United States, followed by a moment of silence. Mayor Pro Tem Ramirez presided. Additional staff members present were: Danielle Navas, City Treasurer; Daniel Rydberg, Interim Utilities Director; Carrie Sabatini, Interim Housing Director; Ashley Golden, Planning and Environmental Services Manager; Jason M. Samonte, Traffic Engineer; Todd Housley, Environmental Resources Manager; Karl Lawson, Compliance Services Manager; Robert Silverstein, Code Compliance Manager and Chris Williamson, Principal Planner.

E. CEREMONIAL CALENDAR

1. **SUBJECT:** Presentation of 2015 Ventura County Fair Poster.
DISCUSSION: Garrett Newman, Nolan Woodruff, Kristen Harvey and Emily Inez presented a poster for the Ventura County Fair and invited the public to attend the Fair.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from: Len Shulman; William Terry; Larry Stein; Miguel Lopez; George Miller; Pat Brown; Sandra Sudac and Dan Pinedo.

G. REVIEW OF INFORMATION/CONSENT AGENDA

Comments received from: Interim Utilities Director (S-2(f)); Interim Housing Director and Compliance Services Manager (S-5).

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Public comment was received from: Larry Stein

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

1. **SUBJECT:** Minutes of the Regular Meetings of the Oxnard City Council for March 17 and 24, 2015. (001)
RECOMMENDATION: Approve.

City Manager Department

2. **SUBJECT:** Agreements for City Council Review. (011)
RECOMMENDATION: 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.

Development Services Department

3. **SUBJECT:** Cooperative Agreement with the California Transportation Department (CALTRANS). (015)
RECOMMENDATION: Approve a Cooperative Agreement with CALTRANS for the development of a project initiation document (PID) that will result in improvements at the Fifth Street (State Route 34) and Rice Avenue intersection within the State Highway System (SHS) and authorize the City Manager to execute the same.

Fire Department

4. SUBJECT: Memorandum of Agreement with Oxnard Firefighters Foundation, Inc. and Acceptance of Equipment in the Amount of \$25,000. (025)
RECOMMENDATION: Adopt **Resolution No. 14,847** accepting a donation of a Rescue Water Craft and associated equipment and authorizing the Mayor to execute a Memorandum of Agreement with the Oxnard Firefighters Foundation, Inc. (7149-15-FI) relating to the City's use of the same.

Housing Department

5. SUBJECT: Approval of Memorandum of Agreement Relating to the Distribution of Surplus Funds Resulting from Trustee's Sale of Property at 226 East Seventh Street. (033)
RECOMMENDATION: 1) Approve a Memorandum of Agreement (A-7808) between the City and Cabrillo Economic Development Corporation regarding distribution of \$66,164.78 of surplus funds resulting from the Trustee's sale of 226 East Seventh Street; 2) Authorize a budget appropriation recognizing distribution of funds from the Trustee; and 3) Authorize and direct the Mayor to execute the Memorandum of Agreement and authorize the City Manager or his designee to execute any documents necessary to effectuate the distribution of funds.

INFORMATION/CONSENT AGENDA ACTION: Approved as recommended. (MacDonald /Perello) Ayes: MacDonald, Padilla, Perello and Ramirez. Absent: Flynn.

J. PUBLIC HEARINGSK. APPOINTMENT ITEMSDevelopment Services Department

2. SUBJECT: City Council Position Letter to the California Public Utilities Commission (CPUC), California Energy Commission (CEC), California Coastal Commission (CCC), Southern California Edison (SCE), and California Independent System Operation (ISO) Regarding the Oxnard NRG "Puente" Energy Facility Application. (039)
RECOMMENDATION: 1) Approve a position letter regarding the proposed NRG "Puenete" Energy Facility Application; 2) Direct the City Manager to transmit the letter to the CPUC, CEC, CCC, SCE, and ISO; and 3) Authorize Councilmember(s) to present the City's position at the CEC Public Hearing on July 15, 2015 and at subsequent hearings related to the NRG application process.
DISCUSSION: The Principal Planner reviewed the proposed placement of a power plant by NRG, risk of "sea level" rise, proposed "letter" wording and revised "letter" wording.

Public comments were received from: Larry Stein and Mike Stubblefield.

The City Council discussed: position letter wording and proposed word changes.

ACTION: Moved to approve letter with changes to wording (Padilla/Perello) Ayes: Padilla, Perello, Ramirez and MacDonald. Absent: Flynn.

1. SUBJECT: Verbal Presentation by Energy Commission Public Advisor Alana Mathews.
RECOMMENDATION: Receive a verbal presentation regarding the proposed NRG Puente power plant Energy Commission (CEC) permitting process from the CEC Public Advisor.

DISCUSSION: Alana Matthews, State Public Information Advisor, reviewed several issues including permitting process procedures, timeline of the process, jurisdiction of the California Energy Commission and appropriate questions to be asked.

Public comment was received from: Larry Stein

The City Council discussed: the timeline of the process and the jurisdiction of the California Energy Commission.

ACTION: The City Council provided comments to staff.

L. REPORTS

City Manager Department

1. SUBJECT: Third Amendment to Agreement for Trade Services with Select Staffing for Contract Labor Services at the Del Norte Regional Recycling and Transfer Station. (045)
RECOMMENDATION: Approve and authorize the Mayor to execute a Third Amendment to Agreement for Trade Services with Select Staffing (A-7632) to increase the amount by \$375,000 to a not to exceed amount of \$2,775,000 for contract labor services at the Del Norte Regional Recycling and Transfer Station (Del Norte Facility).
DISCUSSION: The Environmental Resources Manager outlined the timeline for staffing.
ACTION: Approved as recommended. (MacDonald/Perello). Ayes: Padilla, Perello, Ramirez and MacDonald. Absent: Flynn.

Development Services Department

2. SUBJECT: Sixth Amendment to Agreement with Iteris, Inc. (049)
RECOMMENDATION: Approve and authorize the Mayor to execute a Sixth Amendment to Agreement for Engineering Consulting Services with Iteris, Inc. (5217-10-DS) to increase the amount by \$146,779 to a not to exceed amount of \$2,808,358 for design, construction support, and integration services connecting the Wastewater Division Supervisory Control and Data Acquisition (SCADA) system to the City's fiber optic backbone as part of the Intelligent Transportation System (ITS) Master Plan project.
DISCUSSION: The Traffic Engineer commented on the optic backbone project.
ACTION: Approved as recommended. (Padilla/MacDonald). Ayes: Ramirez, MacDonald, Padilla and Perello. Absent: Flynn.
3. SUBJECT: Expedited and Streamlined Permitting Process for Small Residential Rooftop Solar Systems. (061)
RECOMMENDATION: Approve the first reading by title only and subsequent adoption of an **Ordinance No. 2892** relating to an expedited, streamlined permitting process for small residential rooftop solar systems and determining that the project is exempt from the California Environmental Quality Act pursuant to Section 15061 (b)(3).
DISCUSSION: The Planning and Environmental Services Manager outlined the proposed changes and fees.

Public comment was received from: Larry Stein

The City Council discussed fees

ACTION: Approved as recommended. (MacDonald/Perello). Ayes: MacDonald, Padilla, Perello and Ramirez. Absent: Flynn.

Utilities Department

4. SUBJECT: Approval of Lowest Responsible and Responsive Bid and Authorization to Issue and Execute a Contract for UD15-17- Electrical Rehabilitation-Water Well Nos. 30, 32, 33 and 34 Project and Budget Appropriation. (069)

RECOMMENDATION: 1) Award contract to the lowest responsible and responsive bidder, Taft electric Company (A-7792), in the amount of \$869,800 for UD15-17-Electrical Rehabilitation-Water Well Nos. 30, 32, 33 and 34 Project, and authorize the purchasing agent to issue and execute the contract upon receipt of final documents; and 2) Approve a budget appropriation in the amount of \$1,032,890 from Water Operating Fund balance to UD15-17-Electrical Rehabilitation-Water Well Nos. 30, 32, 33 and 34 Project 156004 to fund the work.

DISCUSSION: The City Manager and Interim Utilities Director commented on the bidding process.

Public comment was received from: George Miller

Councilmember Perello expressed concern with only having a "single" bid for this project.

ACTION: Approved as recommended. (MacDonald/Padilla). Ayes: Padilla, Ramirez and MacDonald. Noes: Perello. Absent: Flynn.

K. APPOINTMENT ITEMS

City Manager Department

3. SUBJECT: "Community Cats" Presentation on Strategies for Reducing Feral Cats in Oxnard. (043)

RECOMMENDATION: Receive a report entitled "Community Cats" from Jon Cicerelli, Director of San Jose Animal Care focusing on strategies to reduce the numbers of feral cats in Oxnard and thereby limit the intake of cats to the Ventura County Animal Shelter.

DISCUSSION: The Code Compliance Manager; Tara Diller, Director of Ventura County Animal Services and Jon Cicerelli, Director Animal Care and Services (San Jose, CA) presented information on a program that works to "rescue healthy" cats in a community.

Public comment was received from: Pat Brown

The City Council questioned strategies to reduce or keep a "cat" population stable.

ACTION: The City Council provided comments and directions to staff.

M. REPORT OF CITY MANAGERN. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

The City Council discussed: Downtown Management meeting (Padilla); update on Public Access process; use of Campus Park (former Oxnard High School) grant funds; "spill" information near Wooley Road; status of Anterra violations; sewer spill in El Rio; Utility Task Force Meeting (committee to review possible "utility" rates) and placement of washers and dryers at the Los Cortes development.

O. PUBLIC COMMENTS ON REPORTSP. PUBLIC COMMENTS ON STUDY SESSIONQ. STUDY SESSIONR. ADJOURNMENT

At 9:09 p.m. the City Council concurred to adjourn the meeting.

DANIEL MARTINEZ
City Clerk

CARMEN RAMIREZ
Mayor Pro Tem

MINUTES
OXNARD CITY COUNCIL
Regular Meeting
July 21, 2015

A. ROLL CALL/POSTING OF AGENDA

At 4:34 p.m., the regular meeting of the Oxnard City Council convened in the Council Chambers. Councilmembers Tim Flynn, Carmen Ramirez, Bryan A. MacDonald, Dorina Padilla and Bert Perello were present. The Deputy City Clerk stated that the agenda was posted on Thursday in the Library and City Clerk's Office. Mayor Flynn presided and called the meeting to order. Staff members present were Lyn McGraw, Deputy City Clerk; Greg Nyhoff, City Manager; Maria Hurtado, Assistant City Manager; J. Tabin Cosio, Human Resources Director; Stephen Fischer, Interim City Attorney and Scott Whitney, Interim Assistant City Manager.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

C. CLOSED SESSION

At 4:35 p.m. the City Council recessed to a closed session, pursuant to Government Code section 54956.9(d)(1) to confer with its attorneys. The title and case number of the litigation being discussed George Todd v. City of Oxnard, Workers' Compensation Claim No. OX-20140216

The City Council also recessed to a closed session, pursuant to Government Code section 54957.6 to review its available funds and funding priorities and to provide instructions to the City's negotiators, Greg Nyhoff, City Manager, J. Tabin Cosio, Director of Human Resources; Dania Torres Wong, and Burke Dunphy, City's labor attorneys. Employee organizations: Local No. 1684; the 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); and Oxnard Mid-Managers' Association. Unrepresented employees: unrepresented Limited Benefit Employees.

At 6:13 p.m. the City Council reconvened and recessed to the evening session.

D. OPENING CEREMONIES

At 6:17 p.m., the regular meeting of the Oxnard City Council reconvened in the Council Chambers. The meeting opened with the pledge of allegiance to the flag of the United States, followed by a moment of silence for Donald Thibeault. Mayor Flynn presided. Additional staff members present were: Daniel Martinez, City Clerk; Danielle Navas, City Treasurer; Jeri Williams, Police Chief; J. Tabin Cosio, Human Resources Director; Daniel Rydberg, Interim Utilities Director; Kymberly Horner, Redevelopment Services Manager; Ashley Golden, Development Services Director; Martin Erickson, Deputy City Manager and Michael Henderson, General Services Manager.

E. CEREMONIAL CALENDAR

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from: Jim Milstead; Larry Stein; Martin Jones; Pat Brown; Sofia Rivera and George Miller.

G. REVIEW OF INFORMATION/CONSENT AGENDA

Public comments were received from: Interim City Attorney (I-2); Redevelopment Services Manager (I-4); Development Services Director (I-5) and Interim Utilities Director (I-7).

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Public comments was received from: Larry Stein (I-7).

I. INFORMATION/CONSENT AGENDA

City Clerk Department

1. SUBJECT: Minutes of the Regular Meetings of the Oxnard City Council for April 7, 14, 21 and 28, and May 5, 2015; and Minutes of the Special Meeting of the Oxnard City Council for May 4, 2015. (001)
RECOMMENDATION: Approve.

City Attorney Department

2. SUBJECT: Cultural Arts Commission Bylaws. (027)
RECOMMENDATION: Adopt **Resolution No. 14,848** approving the Cultural Arts Commission Bylaws.

City Manager Department

3. SUBJECT: Agreements for City Council Review. (035)
RECOMMENDATION: 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.

Community Development Department

4. SUBJECT: Agreement with the Economic Development Corporation of Oxnard ("EDCO") for Economic Development Services throughout the Oxnard Area and Funding. (039)
RECOMMENDATION: Approve and authorize the Mayor to execute Agreement with EDCO (A-7811) in an amount not to exceed \$151,088, and for EDCO to provide economic development services to the City for one year.

Development Services Department

5. SUBJECT: Planning and Zoning Permit No. 12-300-01 (Parcel Map No. 12-300-01), Food-4-Less Shopping Center Located at 130, 150, 250, and 300 West Esplanade Drive (Northwest Corner of Vineyard Ave. and Esplanade Drive). Filed by Greg Peters on behalf of Kroger Company. (053)
RECOMMENDATION: Adopt **Resolution No. 14,849** approving Planning and Zoning Permit No. 12-300-01 (Parcel Map No. 12-300-01) for the property located at 130, 150, 250 and 300 West Esplanade Drive (APN 142-0-010-435;-204; &-415), subject to certain findings and conditions.

6. SUBJECT: Planning and Zoning Permit No. 14-300-02 (Parcel Map 14-300-02) to Subdivide a 2.52-acre Property Located at 450 North Rose Avenue. Filed by Thomas Davies with Canyon Cardiff Oxnard, LLC on behalf New Trinity Community Church. (067)
RECOMMENDATION: Adopt **Resolution No. 14,850** approving Planning and Zoning Permit No. 14-300-02 (Parcel Map No. 14-300-02), for the subdivision located at 450 North Rose Avenue.

Utilities Department

7. SUBJECT: Project Specification UD15-29 Non-Scheduled Repairs – Water System. (093)
RECOMMENDATION: Approve Project Specification UD15-29 for non-scheduled (emergency and operational priority) repairs to water and recycled water lines, valves, hydrants, and appurtenances located throughout the City, and authorize staff to conduct a public bid solicitation.*

INFORMATION/CONSENT AGENDA ACTION: Approved as recommended. (Ramirez/Padillo)
Ayes: Ramirez, MacDonald, Padilla, Perello and Flynn. *Noes: Perello only 1-7.

J. PUBLIC HEARINGS

K. APPOINTMENT ITEMS

L. REPORTS

General Services Department

4. SUBJECT: Proposed Dog Park in the RiverPark Community Facilities District #5 (CFD). (197)
RECOMMENDATION: 1) Approve the design of the proposed dog park; and 2) Authorize the appropriation of \$126,436 from the RiverPark Community Facilities District (CFD) No. 5 (CFD5) fund balance for the construction of a dog park.
DISCUSSION: The General Services Manager discussed the process to place a “dog” park at Winthrow Park, noise impact, parking concerns, design layout and EIR of the original RiverPark community.

The Interim City Attorney commented on “liability” at the “dog” park.

RECESS

At 7:58 p.m., the City Council recessed and at 8:07 p.m., the City Council reconvened.

Public comments were received from; Justin Glenn; Jill Perella; Teri Villegas; Robert Villegas; Branon Castaneda; John Victuria; Sandra Sudac; Ann Walsh and Roy Prince.

The City Council discussed the proposed location, the selection process, parking issues, working with Rio School District and proposed size of “dog” park.

ACTION: Approved as recommended. (Perello/Ramirez). Ayes: MacDonald, Padilla, Perello, Flynn and Ramirez.

At 9:27 p.m., Mayor Flynn left the meeting and Mayor Pro Tem Ramirez presided.

City Manager Department

1. SUBJECT: Organizational Assessment Phase 1: "Implementation Action Plan" and Creation of an Internal Audit Program. (095)

RECOMMENDATION: 1) Approve the attached Implementation Action Plan (IAP) that prioritizes 128 findings and recommendations in response to the organizational assessment report that was presented and accepted by Council on March 17, 2015; and 2) Approve the creation of a new Internal Audit program and the revision of the name and purpose of the Council Committee formerly known as the Fiscal Policy Task Force to the Fiscal Policy and Audit Council Committee. The initial charge for the reconstituted committee as it relates to the creation of a new Internal Audit program will be to create: a) A Request for Proposals for Internal Audit services and b) The Internal Audit program parameters for Council consideration and adoption.

DISCUSSION: The Assistant City Manager reviewed action plans and/or corrections regarding management and fiscal concerns.

Bob Deis, Management Partners, outlined having a proposed internal contracted audit program to review fiscal policy.

Public comments were received from: Larry Stein; Steve Nash; George Miller and Dan Pinedo.

The City Council discussed financial issues of the City and the proposed "audit" process.

ACTION: Approved as recommended. (MacDonald/Perello). Ayes Padilla, Perello, Ramirez and MacDonald. Absent: Flynn.

Human Resources Department

2. SUBJECT: Amendments to No. 14,836 Authorizing Full-Time Equivalent Positions and Resolution No. 14,837 Authorizing Changes to section XII of the Personnel Rules and Regulations. No Additional Budget Appropriations Required. (175)

RECOMMENDATION: 1) Authorize the Mayor to execute an amendment to Resolution No. 14,836 authorizing the addition of five (5) new full-time positions and to reclassify two (2) job titles, **Resolution No. 14,851**; and 2) Authorize the Mayor to execute an amendment to Resolution No. 14,837 authorizing changes to Section XII of the Personnel Rules and Regulations to set the salary ranges for three (3) newly created job classifications, **Resolution No. 14,852**.

DISCUSSION: The Human Resources Director outlined the follow-up to approved staffing levels and communicating with other departments.

Public comment was received from: Larry Stein.

ACTION: Approved as recommended. (Perello/Padilla). Ayes: Perello, Ramirez, MacDonald and Padilla. Absent: Flynn.

Development Services Department

3. SUBJECT: Ordinance Adopting a Temporary Waiver of Encroachment and Related Fees For Residential Turf Removal and Drought Tolerant Replacement Projects Consistent With City Guidelines and Determining That the Project is Exempt from the California Environmental Quality Act Pursuant to Section 15304. (189)

RECOMMENDATION: Approve the first reading by title only and subsequent adoption of an ordinance adopting a temporary waiver of encroachment and related fees for residential turf removal and drought tolerant replacement projects consistent with city guidelines.

DISCUSSION: The Development Services Director requested “temporary” waiver due to water drought.

ACTION: Moved to append motion (Perello/Padilla). Ayes: Padilla and Perello. Noes: MacDonald and Ramirez. Absent: Flynn. Motion died. Approved as recommended **Ordinance No. 2893** (MacDonald/Padilla). Ayes: MacDonald, Padilla, Perello and Ramirez. Absent: Flynn.

At 10:44 p.m., Councilman MacDonald left the meeting due to a possible conflict of interest.

General Services Department

5. SUBJECT: Reprogram CDBG Funds to the Campus Park Gymnasium North Wing Interior Remodel Balance from Completed Projects. (201)

RECOMMENDATION: Approve a special budget appropriation reprogramming \$35,000 of CDBG funding to the Campus Park Gymnasium Project No. 137401 for the completion of remodel of the Gymnasium North Wing.

ACTION: Approved as recommended (Padilla/Perello). Ayes: Padilla, Perello and Ramirez. Absent: Flynn and MacDonald.

At 10:46 p.m., Councilman MacDonald returned to the meeting.

Police Department

6. SUBJECT: Resolution of the City Council of the City of Oxnard in Support of the “My Brother’s Keeper” (MBK) Initiative and Accepting the “MBK Community Challenge”. (205)

RECOMMENDATION: Adopt a resolution pledging the City’s commitment and formal support of President Obama’s “My Brother’s Keeper” Initiative and accepting the “MBK Community Challenge” to collaboratively address persistent opportunity gaps faced by boys and young men of color and to ensure that all young people can reach their full potential.

DISCUSSION: The Police Chief commented on the program.

Public comment was received from: George Miller.

ACTION: Approved as recommended, **Resolution No. 14,853** (Perello /Padilla). Ayes: Padilla, Ramirez and MacDonald. Noes: Perello. Absent: Flynn.

7. SUBJECT: Response to Grand Jury Report Titled “Final Report Countywide Bicycle Safety” Dated June 1, 2015. (209)

RECOMMENDATION: Authorize the Mayor, the City Manager, and the Police Chief to respond, on behalf of the City Council, to the Grand Jury report titled “Final Report Countywide Bicycle Safety” dated June 1, 2015.

ACTION: Approved as recommended (MacDonald/Perello). Ayes: Ramirez, MacDonald, Padilla and Perello. Absent: Flynn.

Utilities Department

8. SUBJECT: Second Amendment to Agreement for Professional Services with Aquatic Bioassay and Consulting Laboratories, Inc. (215)
RECOMMENDATION: Approve and authorize the Mayor to execute a Second Amendment to Agreement with Aquatic Bioassay and Consulting Laboratories, Inc., (A-7620) in the amount of \$459,788 for a total amount of \$1,122,167 for receiving water monitoring services and to extend the expiration date to July 1, 2016.
DISCUSSION: The Interim Utilities Director commented on the requested amendment.

Public comment received from: Larry Stein.

The City Council discussed the bid process.

ACTION: Approved as recommended (MacDonald/Perello). Ayes: MacDonald, Padilla, Perello, Ramirez and. Absent: Flynn.

9. SUBJECT: Sixth Amendment to the Consulting Agreement with Carollo Engineers, Inc. for the Recycled Water Retrofit Project. (231)
RECOMMENDATION: 1) Approve and authorize the Mayor to execute a Sixth Amendment to the Consulting Services Agreement with Carollo Engineers, Inc. (A-7338), to increase the total by \$804,585 for a total contract value of \$6,139,109; and 2) Approve a Budget Appropriation in the amount of \$650,000 to appropriate funds from the Water Operating Fund to Project 116503 to complete funding for the Amendment.
DISCUSSION: The Interim Utilities Director explained use of Carollo Engineers for this project.

Public comment received from: Larry Stein.

The City Council discussed the benefits of the agreement.

ACTION: Approved as recommended (MacDonald/Padilla). Ayes: Padilla, Perello, Ramirez and MacDonald. Absent: Flynn.

M. REPORT OF CITY MANAGER

The City Manager commended on recycled water at River Ridge golf course.

N. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

The City Council commented on: upcoming Salsa Festival; upcoming Sister City Visitation and Utilities Tour of Wasterwater facilities.

O. PUBLIC COMMENTS ON REPORTS

P. PUBLIC COMMENTS ON STUDY SESSION

Q. STUDY SESSIONDevelopment Services Department

1. SUBJECT: Pre-Application Review (15-600-01) of a request for: 1) Annexation to the City of Oxnard; 2) A General Plan Amendment changing the land use designation from School to Residential Medium; 3) Preliminary zoning designation of Garden Apartment Planned Development Zone (R-3-PD); 4) A Special Use Permit to allow the construction of 228 residential, multi-family units (20%-100% affordable); 5) A Density Bonus Permit to allow for a maximum density of 24 units per acre; and 6) A Tentative Subdivision Map for condominiums on a 9.9-acre property located at 2714 East Vineyard Avenue (APN 145-0-232-010) and owned by the Rio Elementary School District. Filed by: Jordan Marshall on Behalf of Aldersgate Investments, LLC. (245)

RECOMMENDATION: Review and provide preliminary comments on a pre-application.

ACTION: The City Council concurred to continue to future date.

R. ADJOURNMENT

At 11:27 p.m. the City Council concurred to adjourn the meeting.

DANIEL MARTINEZ
City Clerk

TIM FLYNN
Mayor

LYN MCGRAW
Deputy City Clerk

CARMEN RAMIREZ
Mayor Pro Tem

MINUTES
OXNARD CITY COUNCIL
Regular Meeting
July 28, 2015

A. ROLL CALL/POSTING OF AGENDA

At 4:36 p.m., the regular meeting of the Oxnard City Council convened in the Council Chambers. Councilmembers Carmen Ramirez, Bryan A. MacDonald, Dorina Padilla and Bert Perello were present. Mayor Tim Flynn was absent. The City Clerk stated that the agenda was posted on Thursday in the City Clerk's Office. Mayor Pro Tem Ramirez presided and called the meeting to order. Staff members present were: Daniel Martinez, City Clerk; Greg Nyhoff, City Manager; Maria Hurtado, Assistant City Manager; Stephen Fischer, Interim City Attorney; Scott Whitney, Interim Assistant City Manager; Michael More, Financial Services Manager; Martin Erickson, Deputy City Manager; Ashley Golden, Development Services Director; Daniel Rydberg, Interim Public Works Director; Grant Dunne, Management Analyst and Lyn McGraw, Deputy City Clerk.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

C. CLOSED SESSION

D. OPENING CEREMONIES

The meeting opened with the pledge of allegiance to the flag of the United States by Plyometric Fusion Track Club (Kathleen Nelson, Finagalo Nelson, Robert Hernandez, Desiree Hernandez and Santino Aina), followed by a moment of silence.

E. CEREMONIAL CALENDAR

1. SUBJECT: Resolution Commending Vickie Swainson for 31 Years of Outstanding Service to the City of Oxnard. (001)
DISCUSSION: Grant Dunne, Management Analyst, remarked on the career of Ms. Swainson commented on her career activities and joy of working at the City.
ACTION: Moved to approve **Resolution No. 14,854** (Perello/Padilla) unanimously.
2. SUBJECT: Special Olympics Gifts.
DISCUSSION: Mayor Pro Tem Ramirez presented gifts that were received from teams participating in Special Olympics and being assisted by local Oxnard organizations.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from: Jim Nelson; Larry Stein; Steve Nash; Felipe Flores and Miguel Lopez.

G. REVIEW OF INFORMATION/CONSENT AGENDA

Comments were received from: Interim City Attorney (I-1) and Financial Services Manager (I-3(c)).

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Public comments received from: Larry Stein (I-3(c)), (I-4) and (I-5).

I. INFORMATION/CONSENT AGENDA

City Attorney Department

1. SUBJECT: Attorney Services Agreement for Special Counsel for Mladen Buntich Construction Company Litigation. (003)
RECOMMENDATION: Approve and authorize the Mayor to execute an Attorney Services Agreement ("Agreement") in a sum not to exceed \$500,000 with Hunt Ortmann Palffy Nieves Darling & Mah, Inc. ("Hunt Ortmann") (A-7795) for services relating to litigation with Mladen Buntich Construction Company.

City Clerk Department

2. SUBJECT: Minutes of the Regular Meetings of the Oxnard City Council for May 12 and 19, 2015. (029)
RECOMMENDATION: Approve.

City Manager Department

3. SUBJECT: Agreements for City Council Review. (041)
RECOMMENDATION: 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.

Development Services Department

4. SUBJECT: Second Reading of **Ordinance No. 2892** of the City Council of the City of Oxnard adding Section 14-80 of Article XXIV to the Municipal Code relating to expedited permitting procedures for small residential rooftop solar systems. (045)
RECOMMENDATION: Second reading and adoption.
5. SUBJECT: Second Reading of **Ordinance No. 2893** Amending Chapter 19, Article III, Section 220 of the Oxnard City Code Relating to Waiver of Encroachment and Inspection Fees for Replacement of Parkway Turf. (051)
RECOMMENDATION: Second reading and adoption.
6. SUBJECT: Planning & Zoning Permit No. 05-300-8 (Final Map for Phase 1 of Tract No. 5592-01) to Subdivide 37.5-acres of the 90.26 acres of Tract 5592 for Property Located at the Northeast Corner of West Fifth Street and Harbor Boulevard. Filed by John Mellon with MPL Property Holdings, LLC. (055)
RECOMMENDATION: Adopt **Resolution No. 14,855** approving Planning and Zoning Permit No. 05-300-08 (Final Map for Phase 1 of Tract No. 5592-01), for property located at the northeast corner of Harbor Boulevard and West Fifth Street.

Police Department

7. SUBJECT: Approval of Agreements with participants in the Oxnard Police Tow Program. (109)
RECOMMENDATION: Authorize the City Manager to sign agreements for Towing Services with the participants in the Oxnard Police Garage program: Airport Towing (A-7799), Bob's Towing (A-7800), McCarty and Sons Towing (A-7801), McCulloch Towing (A-7802), Nachos Towing (A-7803), Owl Towing (A-7804), Oxnard Towing (A-7805) and Payless Towing (A-7806).

INFORMATION/CONSENT AGENDA ACTION: Approved as recommended. (MacDonald/ Padilla) Ayes: Ramirez, MacDonald, Padilla and Perello. Absent: Flynn.

K. APPOINTMENT ITEMSL. REPORTSCity Manager Department

1. SUBJECT: License Agreement for Temporary Storage of Parking New Automobiles at Del Norte. (553)
RECOMMENDATION: 1) Approve and authorize the Mayor to execute a month-to-month License Agreement for up to a one year period with Global Auto Processing Services, Incorporated (GAPS) (A-7818) for the temporary storage of new automobiles on a City vacant lot at the southeast corner of Del Norte Boulevard and Fifth Street next to the Del Norte Regional Recycling and Transfer Station (Del Norte Facility); and 2) Approve a budget appropriation recognizing revenue from permit fees for the temporary storage of parking new automobiles by GAPS in the amount of \$203,040 to the Environmental Resources Operating Fund.
ACTION: Approved as recommended. (MacDonald /Padilla). Ayes: Ramirez, MacDonald, Padilla and Perello. Absent: Flynn.

Utilities Department

2. SUBJECT: Agreement with Calleguas Municipal Water District for Construction and Use of Salinity Management Pipeline Temporary Discharge Service Connection for City of Oxnard. (569)
RECOMMENDATION: Approve and authorize the Mayor to execute an agreement with Calleguas Municipal Water District (A-7814) for use of the Salinity Management Pipeline as a recycled water conveyance distribution system to agricultural users on the Oxnard Plain.
DISCUSSION: The Interim Public Works Director reviewed projected "water" use/costs including agricultural use and mixed "use" from several "water" sources.

Susan Mulligan, General Manager of Calleguas Water District, discussed Oxnard "water" activities and being "open" to future activities.

Public comments received from: Larry Stein and Steve Nash.

The City Council discussed representation of the City, water costs and future potable "water" use from recycled water.

ACTION: Approved as recommended. (MacDonald /Padilla). Ayes: MacDonald, Padilla, Perello and Ramirez. Absent: Flynn.

3. SUBJECT: Agreement with the County of Ventura for the Proposition 84, 2014 Drought Round Integrated Regional Water Management Subgrant for the Groundwater Replenishment and Reuse Project. (705)

RECOMMENDATION: 1) Approve and authorize the Mayor to execute the Proposition 84, 2014 Drought Round Integrated Regional Water Management Subgrant Agreement for the Groundwater Replenishment and Reuse Project (A-7813) in the amount of \$1,730,050; and 2) Approve a budget appropriation in the amount of \$1,730,050, recognizing the grant award of \$1,109,250 and providing matching funds from the Water Operating Fund Balance in the amount of \$620,800 to the GREAT ASR Well Project 116505.

DISCUSSION: The Interim Public Works Director remarked on the process of "water" pumping into the ground.

Public comment received from: Larry Stein.

The City Council discussed funding sources and water recovery.

ACTION: Approved as recommended. (MacDonald/Perello). Ayes: Ramirez, MacDonald, Padilla and Perello. Absent: Flynn.

At 5:50 p.m., Councilmember Perello left the meeting due to possible conflict of interest.

4. SUBJECT: Approval of Responsible Responsive Bid and Authorization to Issue and Execute a Contract for UD15-09- South Bank Neighborhood Street Resurfacing Project. (785)

RECOMMENDATION: Award contract to the responsible and responsive bidder, All American Asphalt, (A-7812) in the amount of \$911,020 for UD15-South Bank Neighborhood Street Resurfacing Project, and authorize the purchasing agent to execute the contract upon receipt of final documents.

DISCUSSION: The Interim Public Works Director reviewed the "bidding" process and schedule of other projects.

Public comment received from: Jackie Tedeschi.

ACTION: Approved as recommended. (Padilla/MacDonald). Ayes: Ramirez, Padilla and MacDonald. Absent: Flynn and Perello.

At 5:56p.m. Councilmember Perello returned to meeting.

- 5 SUBJECT: First Amendment to Agreement for Professional Services with Prousys, Inc. for Supervisory Control and Data Acquisition Systems Support Services for the Water, Wastewater and Recycled Water Systems. (843)

RECOMMENDATION: Approve and authorize the Mayor to execute the First Amendment to Agreement with Prousys, Inc. (A-7612) increasing the contract amount from \$600,000 to a total not to exceed amount of \$900,000, for three years of Supervisory Control and Data Acquisition (SCADA) systems support services for the Water, Wastewater and Recycled Water Systems.

DISCUSSION: The Interim Public Works Director commented on upgrading of equipment at the Utility Plant creating more efficiency.

Public comment received from: Larry Stein.

ACTION: Approved as recommended. (Padilla/Perello). Ayes: MacDonald, Padilla, Perello and Ramirez. Absent: Flynn.

6. SUBJECT: Agreement for Consulting Services with AECOM Technical Services, Inc. for the Wastewater Treatment Plant Improvements Design Project. (857)
RECOMMENDATION: Approve and authorize the Mayor to execute an Agreement for Consulting Services with AECOM Technical Services, Inc. (A-7815) in the amount of \$218,475 for the Wastewater Treatment Plant Improvements Design Project Initial Phase.
DISCUSSION: The Interim Public Works Director stated this would be to start the design work and an upgrade of equipment at the Utility Plant creating more efficiency.

Public comment received from: Larry Stein.

ACTION: Approved as recommended. (MacDonald/Perello). Ayes: Padilla, Perello, Ramirez and MacDonald. Absent: Flynn.

RECESS

At 6:09 p.m., the City Council recessed and at 6:16 p.m., the City Council reconvened.

O. PUBLIC COMMENTS ON REPORTS

J. PUBLIC HEARINGS

ACTION: Mayor Pro Tem Ramirez declared the public hearing open.

DISCUSSION: The City Clerk reported on posting, publication and that there were one written communications received.

Development Services Department

1. SUBJECT: Planning and Zoning Permit (PZ) Nos. 11-300-07 (Tentative Subdivision Map for Tract No. 5745); 13-670-01 (First Amendment to Development Agreement Amendment); and Certification of Final Supplemental Environmental Impact Report (SEIR) No. 2014-01 for property bounded by Highway 101, Oxnard Boulevard, Union Pacific Railroad and North Ventura Road, commonly referred to as Wagon Wheel and/or The Village. Filed by Oakwood Communities, Inc., 64 Maxwell, Irvine, California 92618. (287)
RECOMMENDATION: 1) Adopt **Resolution No. 14,856** certifying Supplemental Environmental Impact Report (SEIR) No. 2014-01 for Tentative Subdivision Map for Tract No. 5745; 2) Adopt **Resolution No. 14,857** approving Planning and Zoning Permit No. 11-300-07 (Tentative Subdivision Map for Tract No. 5745), subject to certain findings and conditions; and 3) Approve the first reading by title only and subsequent adoption of **Ordinance No. 2894** approving Planning and Zoning Permit No. 13-670-01 (First Amendment to Development Agreement A-7122) for the Village Specific Plan.
DISCUSSION: The Development Services Director outlined the approved development plan, site design, "water" supply, river "levee" improvements, EIR improvement and development amendment requests.

Carl Renezeder and Tony Talamante, Wagon Wheel Project, reviewed development "amendments" requests and community improvements including parks, roads and the river "levee" and future vision of the project.

Public comments were received from: Pat Brown and Larry Stein.

ACTION: Close the public hearing. (Perello/MacDonald) unanimously.

DISCUSSION: Gerard Kapuscik, Ventura County Public Works Agency, reviewed future “map” revision and closing of the “levee” gap.

The City Council commented on: Planning Commission actions; river “levee” improvements (flood protection); golf course fees; EIR update requirements; Rio School District’s “development” position and the former Wagon Wheel signage.

ACTION: Approved as recommended. (MacDonald/Perello) Ayes: MacDonald, Padilla, Perello, and Ramirez. Absent: Flynn.

P. PUBLIC COMMENTS ON STUDY SESSION

Q. STUDY SESSION

Utilities Department

1. SUBJECT: Verbal Presentation of Utilities Rate Options.

RECOMMENDATION: Receive the Report and provide staff with direction on the rate setting process.

DISCUSSION: The Interim Public Works Director reviewed possible “utilities” rate options and possible implementation “rate” schedule.

Steve MacDonald, Project Manager (Carollo Engineers), outlined two wastewater rehabilitation options, benefits of construction of new wastewater plants, cost comparison between rehabilitation and construction, possible rate increase and comparison with other State communities.

Public comments were received from: Larry Stein; Pat Brown; Jim Lavery; Steve Nash and George Miller.

The City Council discussed: past management actions, providing “safe” water to the community, and having a “water” assistance program.

The City Manager reviewed current situation due to past practices.

ACTION: The City Council provided comments to staff.

M. REPORT OF CITY MANAGER

1. SUBJECT: Verbal Report of Implementation Action Plan Agreements.

RECOMMENDATION: Receive the report on an agreement with NBS in the amount of \$100,000 for landscape maintenance district analysis executed by the City Manager pursuant to the authority delegated through City Council Resolution No. 14,743.

DISCUSSION: The City Manager reported that funds were used for landscape districts, Downtown improvements, use of recycled "water" at golf course and supporting community events.

Public comment received from: Larry Stein.

ACTION: The City Council received the report.

N. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

The City Council discussed: local activities including Sister City Visitation, Salsa Festival, Special Olympics events, upcoming Cowboys Camp and Disaster preparedness program.

R. ADJOURNMENT

At 8:59 p.m., the City Council concurred to adjourn the meeting.

DANIEL MARTINEZ
City Clerk

CARMEN RAMIREZ
Mayor Pro Tem

LYN MCGRAW
Deputy City Clerk

OXNARD CITY COUNCIL

Regular Meeting
September 1, 2015

A. ROLL CALL/POSTING OF AGENDA

At 5:00 p.m., the regular meeting of the Oxnard City Council convened in the Council Chambers concurrently with the Community Development Commission Successor Agency. Councilmembers Tim Flynn, Carmen Ramirez, Bryan A. MacDonald, Dorina Padilla and Bert Perello were present. The City Clerk stated that the agenda was posted on Thursday in the Library and City Clerk's Office. Mayor Flynn presided and called the meeting to order. Staff members present were: Lyn McGraw, Deputy City Clerk; Greg Nyhoff, City Manager;; Stephen Fischer, Interim City Attorney;.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

Public comment received from Steve Nash (City Manager Evaluation)

C. CLOSED SESSION

At 5:02 p.m. the City Council recessed to a closed session, pursuant to Government Code section 54956.9(d)(1), to confer with its attorneys. The title and case number of the litigation being discussed United States, et al., ex rel. Hendrix v. J-M Manufacturing Company, Inc., et al., United States District Court for the Central District of California, Case No. ED CV 06-00055-GW.

The City Council also recessed to a closed session, Pursuant to Government Code section 54957(b)(1) (public employee performance evaluation – City Manager).

D. OPENING CEREMONIES

At 6:10 p.m. the City Council and Successor Agency reconvened and recessed to the evening session. The meeting opened with the pledge of allegiance to the Flag of the United States, followed by a moment of science for the Families of Julie Flynn, Ernest Borjas, Andrew Voth and Mason Peters. Mayor Flynn thanked the community City Council and staff for their support on the loss of his wife. Additional staff members present were: Maria Hurtado, Assistant City Manager; Jeri Williams, Police Chief; Lou Balderamma, City Engineer; Joseph Lillio, Finance Director; Arturo Casillas, Housing Director; Kymberly Horner, Economic Development Director; Daniel Rydberg, Interim Public Works Director; Ashley Golden, Development Services Director; Jeffrey Miller, Wastewater Maintenance Manager; Todd Vasquez Housley, Environmental Resources Manager; Philip Gregoire, Streets Manager; Karl Lawson, Compliance Services Manager; and Christopher Williamson, Principal Planner.

E. CEREMONIAL CALENDAR

1. SUBJECT: Introduction of New Finance Director, Joseph Lillio and New Housing Director, Arturo Casillas

DISCUSSION: City Manager made introductions and provided a brief background on the new Finance Director and Housing Director's work experience.

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

Public comments were received from: Ed Ellis; Mohammed Hasan; Len Shulman; Larry Stein; Dawn Gleiter; Mike Barber; Wayne Peudrey; Ventura Fernandez; Celeste Gamino; Alejandra Martinez Jazmin Rodriguez; Inez Tuttle; Pat Brown; Diane Delanal.

G. REVIEW OF INFORMATION/CONSENT AGENDA**H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA**

Public comments were received from Larry Stein (I-3) and Dan Pinedo.

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

1. **SUBJECT:** Minutes of the Regular Meetings of the Oxnard City Council for June 2 and 9, 2015; and Minutes of the Special Meetings of the Oxnard City Council for May 26 and 28, 2015. (001)
RECOMMENDATION: Approve.

City Manager Department

2. **SUBJECT:** Agreements for City Council Review. (045)
RECOMMENDATION: 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.
3. **SUBJECT:** Blanket Purchase Order with Granite Construction, Incorporated. (051)
RECOMMENDATION: Approve and authorize the Mayor to execute a Blanket Purchase Order No. 5527 with Granite Construction, Incorporated (Granite), for a not-to-exceed amount of \$400,000 for the purchase of hot mix asphalt and class 2 road base for street pavement repair and for the processing and recycling of concrete and asphalt demolition debris throughout Fiscal Year 2015-2016.

Development Services Department

4. **SUBJECT:** Second reading of **Ordinance No. 2894** approving Planning and Zoning Permit No. 13-670-01 for the Village Specific Plan. (063)
RECOMMENDATION: Second reading and adoption.

INFORMATION/CONSENT AGENDA ACTION: Approved as recommended. (Ramirez/Padilla).
Ayes: Ramirez, MacDonald, Padilla, Perello and Flynn.

J. PUBLIC HEARINGS**K. APPOINTMENT ITEMS**

L. REPORTS**Finance Department****2. SUBJECT:** Financial Auditing Services. (079)

RECOMMENDATION: Approve and authorize the Mayor to execute a 3-year agreement and engagement letter with Eadie & Payne, LLP (A-7819) in an amount not to exceed \$317,175 for audit and related accounting services.

DISCUSSION: Presentation by John Prentice Managing Partner, Eadie & Payne, LLP, and Eden Casareno, CPA, Engagement Partner providing an overview of the services being provided.

The City Council discussed: reviewing documents; providing prior audits and Grand Jury Reports to Eadie & Payne, LLP. and possible formation of an Ad hoc Committee under Fiscal Policy Task Force.

ACTION: Approve Agreement No. A-7819 (MacDonald/Ramirez) Ayes: MacDonald, Padilla, Perello, Ramirez and Flynn.

M. REPORT OF CITY MANAGER**N. CITY COUNCIL BUSINESS/COMMITTEE REPORTS****1. SUBJECT:** League of California Cities Annual Conference Voting Delegate/Alternate 2015. (111)

RECOMMENDATION: Designate a voting delegate and a voting alternate to the League of California Cities Annual Conference and discuss the City's position on the League's resolutions.

DISCUSSION: Reviewed who could attend the Annual Conference and discussed the League's resolutions.

ACTION: Appoint Mayor Pro Tem Ramirez as voting Delegate and Councilmember Bryan MacDonald as alternate (MacDonald/Perello) Ayes: Flynn, Ramirez, MacDonald, Padilla and Perello.

Approve League's resolutions 1-4 (Ramirez/Padilla) Ayes: Ramirez, MacDonald, Padilla, Perello* and Flynn. *Noes: Perello only Resolution #4.

The Council also discussed: SOAR Initiative; Southwinds Community and possible use of CDBG Funds; Winter Warming Shelter (Padilla); National Night Out (Padilla); Fire Station 8 Grand Opening (Perello) and Cowboys Training Camp (Perello).

O. PUBLIC COMMENTS ON REPORTS

Public comments received from Larry Stein and Steve Nash (L-2)

P. PUBLIC COMMENTS ON STUDY SESSION

Public comments received from: Larry Stein; Francine Castanon; Sal Gonzalez; John Puacisi PhD, Superintendent Rio School District; Joel Kirschenstein; Pat Brown; George Miller; Dan Pinedo; Steve Nash and Roy Prince.

Q. STUDY SESSION**Development Services Department**

1. **SUBJECT:** Pre-Application Review (PZ No. 15-600-01) of a request for: 1) Annexation to the City of Oxnard; 2) a General Plan Amendment changing the land use designation from School to Residential Medium; 3) Preliminary Zoning Designation of Garden Apartment Planned Development (R-3-PD); 4) a Special Use Permit to allow construction of 228 residential, multi-family units (20-100% affordable); 5) a Density Bonus Permit to allow for a maximum density of 24 units per acre; and 6) a Tentative Subdivision Map for condominiums on a 9.9-acre property located at 2714 East Vineyard Avenue (APN 145-0-232-010) and owned by the Rio School District. Filed By: Jordan Marshall on behalf of Aldersgate Investments, LLC. (171)
RECOMMENDATION: Review and provide preliminary comments on a pre-application.
DISCUSSION: Jeff Zouck, Coastal Architects provided a presentation on the subdivision plan for condominiums.

The Council discussed several issues including: parking; location of project; traffic; water and efficiencies of buildings.

ACTION: Received presentation.

OXNARD COMMUNITY DEVELOPMENT SUCCESSOR AGENCY

At 10:53 p.m. the joint meeting with the Oxnard Community Development Successor Agency concluded.

R. ADJOURNMENT

At 10:54 p.m. the City Council concurred to adjourn the meeting

LYN MCGRAW
Deputy City Clerk

TIM FLYNN
Mayor

MINUTES

OXNARD CITY COUNCIL Special Meeting July 27, 2015

A. ROLL CALL/POSTING OF AGENDA

At 4:35 p.m., the special meeting of the Oxnard City Council convened in the Council Chambers. Councilmembers Tim Flynn, Carmen Ramirez, Bryan A. MacDonald, and Dorina Padilla were present. The Deputy City Clerk stated that the agenda was posted on Monday in the Library and City Clerk's Office. Mayor Flynn presided and called the meeting to order. Staff members present were: Lyn McGraw, Deputy City Clerk; Maria Hurtado, Assistant City Manager; Stephen Fischer, Interim City Attorney; Scott Whitney, Interim Assistant City Manager, and Jeri Williams, Police Chief.

B. PUBLIC COMMENTS

C. CLOSED SESSION

At 4:35p.m. the City Council recessed to a closed session, pursuant to Government Code section 54956.9(d)(1), to confer with its attorneys. The title and case number of the proceeding being discussed is Guillermo Ramirez, et al. v. Oxnard Police Department, et al. United States District Court, Case No. CV13-01615-MWF-AN.

D. ADJOURNMENT

At 5: 51 p.m. the City Council reconvened and concurred to adjourn the meeting.

LYN MCGRAW
Deputy City Clerk

TIM FLYNN
Mayor

OXNARD CITY COUNCIL
Special Meeting
September 15, 2015

A. ROLL CALL/POSTING OF AGENDA

At 4:09 p.m., the special meeting of the Oxnard City Council convened in the Council Chambers concurrently. Councilmembers Tim Flynn, Carmen Ramirez, Dorina Padilla and Bert Perello were present. Councilmember Bryan A. MacDonald was absent. The Deputy City Clerk stated that the agenda was posted on Thursday in the Library and City Clerk's Office. Mayor Flynn presided and called the meeting to order. Staff members present were: Lyn McGraw, Deputy City Clerk; Greg Nyhoff, City Manager; and Stephen Fischer, Interim City Attorney.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

Public comments received from Larry Stein on both closed session items.

C. CLOSED SESSION

At 4:14 p.m. the City Council recessed to a closed session, pursuant to Government Code section 54956.9(d)(2). Based on existing facts and circumstances, there is significant exposure to litigation against the City in one potential case.

The City Council also recessed to a closed session, pursuant to Government Code section 54957.6, to review the status of labor negotiations and to review its available funds and funding priorities for the sole purpose of providing instructions to the City's negotiators, J. Tabin Cosio, Director of Human Resources; Dania Torres Wong and Jon Holtzman, City's labor attorneys, regarding the matters specified in Item C.2 of the Special Meeting agenda.

D. ADJOURNMENT

At 6:14 p.m. the City Council concurred to adjourn the meeting

LYN MCGRAW
Deputy City Clerk

TIM FLYNN
Mayor



Meeting Date: 10/06/2015

ACTION	TYPE OF ITEM
☐ Approved Recommendation	☒ Info/Consent
☐ Ord. No(s). _____	☐ Report
☐ Res. No(s). _____	☐ Public Hearing (Info/consent)
☐ Other _____	☐ Other _____

Prepared By: Luly Lopez/Greg Nyhoff, City ManagerAgenda Item No. I-2Reviewed By: City Manager City Attorney Finance 

Other (Specify) _____

DATE: October 6, 2015**TO:** City Council**FROM:** Greg Nyhoff, City Manager
City Manager's Office**SUBJECT:** Agreements for City Council Review**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.

DISCUSSION

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 10/06/2015

Item	Type	Department/Contact	Vendor/Agreement Number	Description/Purpose	Amount
A	Original Agreement	Police Department Sylvia Paniagua	SpeakWrite Agreement No. 7086-15-PO	Report Transcription Services Transcription of police reports. Vendor will transcribe dictated police reports that are uploaded to its system, and then return electronically within a 3-hour time period. Staff issued a Request for Bid (RFB) and received three bids. SpeakWrite had the best turnaround times and was the lowest bidder. This is a three-year agreement through August 31, 2018. Total Contract Amount: \$100,000 Current FY Amount: \$30,000 FundingSource: General Fund	\$100,000
		385-7608			
B	Original Agreement	Utilities Department - Water Kevin Watson	Cummins Pacific, LLC Agreement No. A-7826	Automatic Transfer Switch and Emergency Generator Maintenance This project includes service, maintenance and load bank testing of seven power generators and six automatic transfer switches that serve as emergency power generating systems for the Oxnard Water Distribution System. There are five locations within the City which require this service. Staff issued a Request for Bid (RFB) and received three bids. Cummins Pacific, LLC was the lowest responsible bidder. This is a three-year maintenance agreement through September 22, 2018. Total Contract Amount: \$73,120 Current FY Amount: \$25,000 FundingSource: Water Enterprise Fund	\$73,120
		814-4158			
C	Purchase Order	General Services Patricia Friend for Ralph Alamillo	Landscape Structures Purchase Order No. 5573	Beck Park Playground -GS 13-17 City Council approved State Agreement 14-HRPP-9169 for Housing Related Parks grant funds from Housing & Community Development in the amount of \$956,700 and authorized use of \$461,900 of those funds for the replacement of the Beck Park Playground (Project #155703). General Services is requesting to purchase playground equipment from Landscape Structures under a joint purchase agreement with National Purchasing Alliance (NPA), Agreement #NCPA 10-01-07/16/2012-2015. A public bid process will be conducted to install the new playground. Total Contract Amount: \$172,081 Current FY Amount: \$172,081 FundingSource: Funds in Beck Park HCD Improvements -Project 155703	\$172,081
		385-7821			

ATTACHMENT
PAGE 1 OF 2

City Manager Contract List for 10/06/2015

Item	Type	Department/Contact	Vendor/Agreement Number	Description/Purpose	Amount
D	Change Order	Utilities Department Lou Balderrama	Toro Enterprises, Inc. Agreement No. A-7586	Ventura Boulevard Improvements Project This change order is a credit in the amount of \$118,433.29 which reduces the final contract cost from \$1,766,416.53 to \$1,647,983.24 due to changes made during construction to resolve project conflicts. It is the final and balancing Change Order that reconciles the project's bid schedule of estimated contract quantities to actual quantities of work performed and is typical with a unit cost construction contract. This contact was procured through the Public Works Bid process in accordance with the Public Contract Code and the City's contract procurement policy.	-\$118,433
		340-5358	Change Order 4	Total Contract Amount: \$1,647,983 FundingSource: Federal Grant Funds, Water Operating Funds, & State Gas Tax Funds	Current FY Amount: -\$118,433

49

ATTACHMENT
PAGE 2 OF 2



Meeting Date: 10/06/15

ACTION	TYPE OF ITEM
☐ Approved Recommendation	☒ Info/Consent
☐ Ord. No(s). _____	☐ Report
☐ Res. No(s). _____	☐ Public Hearing (Info/consent)
☐ Other _____	☐ Other _____

Prepared By: Patricia Friend

Agenda Item No. I-3

Reviewed By: City Manager

City Attorney SBRFinance JL

Other _____

DATE: September 17, 2015**TO:** City Council**FROM:** Michael Henderson, General Services Manager
General Services Department**SUBJECT:** GS13-17-Beck Park Improvements Including Playground Equipment Installation**RECOMMENDATION**

That City Council approve plans and specifications for Project Specification No. GS13-17 and authorize staff to conduct a public bid for installation of new playground equipment at Beck Park located at 600 West Kamala Street; and authorize use of Housing Related Parks (HRP) grant funds approved for this purpose.

DISCUSSION

The installation of playground equipment is for two age groups and includes rubber safety surface at Beck Park. Staff will conduct a public bid process to secure the services of a qualified contractor for work included in the project plans and specification and includes all required site preparation with proper drainage system. Housing and Community Development grant funds under State of California Agreement 14-HRPP-9169 for Housing Related Parks (HRP) Grant and Resolution No. 14,705 have been approved and authorized by Council and the purchase of and installation of new playground equipment for this park was one of the approved areas for use of those funds.

FINANCIAL IMPACT

State grant funds in the amount of \$461,900 are appropriated in Project 155703. City is purchasing the material for the project for \$172,081. The current unencumbered balance is \$288,931 and available for this project installation work.

MH/pcf

Attachments: #1 – State of California Agreement 14-HRPP-9169
#2 - City Resolution No. 14,705
#3 – Admin Budget Adjustment

STATE OF CALIFORNIA
STANDARD AGREEMENT
STD 213 (Rev 06/03)

AGREEMENT NUMBER

14-HRPP-9169

REGISTRATION NUMBER

1. This Agreement is entered into between the State Agency and the Contractor named below:

STATE AGENCY'S NAME

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

CONTRACTOR'S NAME

City of Oxnard

2. The term of this Agreement is: **Upon HCD Approval through 09/30/2016**
3. The maximum amount of this Agreement is: **\$956,700.00**
4. The parties agree to comply with the terms and conditions of the following exhibits which are by this reference made a part of the Agreement.

Exhibit A - Authority, Purpose and Scope of Work	2
Exhibit B - Budget Detail and Payment Provisions	2
Exhibit C - State of California General Terms and Conditions*	GTC - 610
Exhibit D - HRPP Terms and Conditions	2
Exhibit E - Special Terms and Conditions	1
Exhibit F - Additional Provisions	0

TOTAL NUMBER OF PAGES ATTACHED: 7 pages

Items shown with an Asterisk (*), are hereby incorporated by reference and made part of this agreement as if attached hereto. These documents can be viewed at <http://www.documents.dgs.ca.gov/ols/GTC-610.doc>

IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.

CONTRACTOR

CONTRACTOR'S NAME (if other than an individual, state whether a corporation, partnership, etc)

City of Oxnard

BY (Authorized Signature)

DATE SIGNED (Do not type)

PRINTED NAME AND TITLE OF PERSON SIGNING

Michael Henderson, General Services Director

ADDRESS

214 South C Street, Oxnard, CA 93030

STATE OF CALIFORNIA

AGENCY NAME

Department of Housing and Community Development

BY (Authorized Signature)

DATE SIGNED (Do not type)

PRINTED NAME AND TITLE OF PERSON SIGNING

Cathy Parr, Contracts Manager, Business & Contract Services Branch

ADDRESS

2020 W. El Camino Ave, Sacramento, CA 95833

California Department of
General Service
Use Only

APR 02 2015

X Exempt per: SCM 4.04.A.3 (DGS
Memo dated 6/12/81)

ATTACHMENT
PAGE 1 OF 11

AGREEMENT NUMBER

14-HRPP-9169

REGISTRATION NUMBER

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STATE AGENCY'S NAME

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

CONTRACTOR'S NAME

City of Oxnard

2. The term of this

Agreement is:

Upon HCD Approval through 09/30/2016

3. The maximum amount of this

Agreement is:

\$956,700.00

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Exhibit A - Authority, Purpose and Scope of Work

2

Exhibit B - Budget Detail and Payment Provisions

2

Exhibit C - State of California General Terms and Conditions*

GTC - 610

Exhibit D - HRPP Terms and Conditions

2

Exhibit E - Special Terms and Conditions

1

Exhibit F - Additional Provisions

0

TOTAL NUMBER OF PAGES ATTACHED:

7 pages

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IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.

CONTRACTOR

CONTRACTOR'S NAME (if other than an individual, state whether a corporation, partnership, etc)

City of Oxnard

BY (Authorized Signature)

DATE SIGNED (Do not type)

PRINTED NAME AND TITLE OF PERSON SIGNING

Michael Henderson, General Services Director

ADDRESS

214 South C Street, Oxnard, CA 93030

STATE OF CALIFORNIA

AGENCY NAME

Department of Housing and Community Development

BY (Authorized Signature)

DATE SIGNED (Do not type)

PRINTED NAME AND TITLE OF PERSON SIGNING

Cathy Parr, Contracts Manager, Business & Contract Services Branch

ADDRESS

2020 W. El Camino Ave, Sacramento, CA 95833

California Department of
General Service
Use Only

X Exempt per: SCM 4.04.A.3 (DGS
Memo dated 6/12/81)

EXHIBIT A

AUTHORITY, PURPOSE AND SCOPE OF WORK

Housing-Related Parks (HRP) Program Grant

1. Authority

Pursuant to Chapter 8 of Part 2 of Division 31 of the California Health and Safety Code, commencing with Section 50700, as added by Section 1 of Chapter 641 of the Statutes of 2008, the State of California Department of Housing and Community Development (herein referred to as the "State" or the "Department") has established the Housing-Related Parks (HRP) Program (the "Program"). This Standard Agreement (the "Agreement") is entered into under the authority of, and in furtherance of the purposes of, the Program as set forth in Health and Safety Code Section 50701. Pursuant to Health and Safety Code Sections 50702 and 50704.5, the State has issued a Notice of Funding Availability, dated October 2, 2013 (NOFA) and Program guidelines dated September 2013 (the "Guidelines") governing the Program.

2. Purpose

In accordance with the authority cited above, the Contractor has applied to the State for financial assistance (the "Application") in the form of a grant from the Program (the "Grant"). The State has agreed to make the Grant, as a financial incentive based on the issuance of housing starts, for housing units affordable to very low- and low-income households by the Contractor pursuant to the terms of the NOFA, the Guidelines and this Agreement. Based on the representations made by the Contractor in its Application, which is hereby incorporated as if set forth in full, the State shall provide a Grant in the amount shown below for the purpose of paying for capital improvement(s) related to the acquisition, rehabilitation, or construction of a Park and Recreation Facility.

The State and the Contractor have agreed to enter into this Agreement in accordance with the terms and conditions herein, subject to all the provisions of the applicable statutes, the NOFA, the Guidelines and further subject to the State laws and requirements governing State contracts. Capitalized terms herein shall have the meaning of the definitions set forth in the Guidelines.

3. Scope of Work

Improvements to Beck Park, Campus Park, Colonia Park and Wilson Park.

HRP Program Grant – Round 3
NOFA Date: 10/02/13
Rev. Date: 8/15/14
Prep Date: 8/20/14

EXHIBIT A

Grant Timelines

No work performed prior to the effective date of this Agreement or after June 30, 2016, shall be funded. The effective date of this Agreement is the date it is executed by the State, after execution by the Contractor. All funds must be requested from the Department no later than April 30, 2016. For the purpose of this Agreement, no funds may be expended after June 30, 2016. It is the responsibility of the Contractor to monitor the project and timeliness of draws within the specified dates.

4. Grant Amount

The total amount of this Grant is \$ 956,700.00.

HRP Program Grant – Round 3
NOFA Date: 10/02/13
Rev. Date: 8/15/14
Prep Date: 8/20/14

EXHIBIT B

BUDGET DETAIL AND PAYMENT PROVISIONS

HRP Program Grant

1. Allowable Uses of Grant Funds

- A. Grant funds shall only be used for projects approved by the State that involve the construction, rehabilitation, and/or acquisition of capital assets as defined by the California Government Code, Section 16727(a) that benefit the community within the Contractor's jurisdiction and as further set out in Section 108 of the Guidelines. Capital assets include tangible physical property with an expected useful life of fifteen (15) years or more, equipment with an expected useful life of two (2) years or more, or major maintenance, reconstruction, or demolition for purposes of reconstruction and/or retrofitting work.
- B. Incidental expenses shall not be paid by Grant funds unless they are directly related to the construction or acquisition of an eligible capital asset. Such expenses include costs associated with planning, engineering, construction management, environmental impact reports, appraisals, site acquisitions, or necessary easements.
- C. Grant funds shall not be expended for the administrative costs of persons directly employed by the Contractor or for other "soft" costs that are not directly related to the construction, rehabilitation or acquisition of capital assets.

2. Performance

Contractor shall take such actions, pay such expenses and do all things necessary to complete the Work specified in Exhibit A in accordance with the schedule for completion set forth therein and within the terms and conditions of this Agreement.

3. Fiscal Administration

- A. Term: The effective date of this Agreement is the date upon which it is executed by the State (the date stamped in the lower right portion of the Standard Agreement (Std. 213) through September 30, 2016. All funds must be requested by the Contractor by April 30, 2016 and expended by June 30, 2016. This Agreement shall terminate September 30, 2016.
- B. The Contractor shall make any and all request(s) for disbursement no earlier than ninety (90) days from the anticipated need for the funds, using the forms provided by the State. The forms will be made available at <http://www.hcd.ca.gov/hpd/hrpp>. The Contractor shall expend the funds within 90 days from the date of receipt from the State, or by June 30, 2016, whichever occurs earlier and subsequent supporting documentation shall be submitted to the Department.
- C. Failure to expend contract funds in a timely manner may affect future funding.

HRP Program Grant – Round 3
NOFA Date: 10/02/13
Rev. Date: 8/15/14
Prep Date: 8/20/14

EXHIBIT B

- D. A separate checking account for the Grant funds is not required. However, the Contractor shall deposit Grant funds in an interest bearing checking or savings account, or the State may require the Contractor to deposit all Grant funds into a segregated account in an institution whose deposits are insured by the federal or state government. All interest earned from the deposit of Grant funds shall be used for allowable, Program purposes and accounted for to the State. All funds not expended within 90 days of receipt, or by June 30, 2016, as applicable, shall be returned to the State with accrued interest.
- E. The Contractor shall make a good faith effort to minimize the number of disbursement requests to the State by anticipating and requesting in advance the maximum amount of funds that can be expended within the (ninety) 90 day time frame.
- F. The Contractor shall inform the State within a reasonable amount of time in the event that expenditures related to an authorized project(s) are less than the total Grant award. The Contractor may expend the balance of Grant funds on additional capital assets projects, upon written State approval. Contractor shall provide the State with a letter of request that describes the additional project(s) to be funded.
- G. The Contractor shall immediately inform the State, no later than December 31, 2015, if the Contractor anticipates it will not be able to expend all Grant funds by June 30, 2016.
- H. The Contractor is responsible for maintaining records which fully disclose the activities funded by the Grant. Adequate documentation of each transaction shall be maintained to permit the determination, through an audit if requested by the State, of the accuracy of the records and the allowability of expenditures charged to Grant funds. If the allowability of expenditure cannot be determined because records or documentation are inadequate, the expenditure may be disallowed, and the State shall determine the reimbursement method for the amount disallowed. The State's determination of the allowability of any expense shall be final, absent fraud, mistake or arbitrariness.
- I. Any Grant funds remaining unexpended as of June 30, 2016, must be returned to the State with accrued interest. Checks shall be made payable to the Department of Housing and Community Development (HCD) and shall be mailed to the Department at the address below, no later than July 31, 2016.

Department of Housing and Community Development
Accounting Division
2020 W. El Camino Ave.
P.O. Box 952050
Sacramento, California 94252-2050

EXHIBIT D

HRP PROGRAM GENERAL TERMS AND CONDITIONS

HRP Program Grant

1. Report Requirements

During the term of this Agreement, the Contractor shall submit the following reports by the deadlines specified, or as otherwise required at the discretion of the State:

- A. The Contractor shall submit annual reports to the State thirty (30) days after December 31st of each year ("Annual Report"), during the term of this Agreement for as long as the Contractor has not expended all Grant funds. The Annual Report shall contain (1) the progress the Contractor has made in completing the approved projects partially or wholly funded by the Grant, including a description of the community benefit; (2) the amount of Grant funds drawn down and expended to date by the Contractor; and (3) a description of projects completed. The Contractor shall use the forms provided by the State made available at <http://www.hcd.ca.gov/hpd/hrpp>; and,
- B. Upon complete expenditure of the Grant funds, the Contractor shall submit a final report in a manner satisfactory to the State ("Final Report"). The Final Report shall be submitted to the State within 60 days of June 30, 2016, the date all funds must be expended. The Final Report shall contain (1) a description of the final capital assets constructed or purchased with the Grant funds; and, (2) the number of certificates of occupancy issued in relation to the number of building permits issued in the program year. The Contractor shall use the forms provided by the State made available at <http://www.hcd.ca.gov/hpd/hrpp>.

2. State Contract Coordinator

The state contract coordinator of this Agreement for the Department is the HRP Program Manager, Division of Housing Policy Development, or the Manager's designee ("State Contract Coordinator"). Unless otherwise informed, any notice, report, or other communication required by this Agreement shall be mailed first class to the State Contract Coordinator at the following address:

Department of Housing and Community Development
Division of Housing Policy Development
2020 W. El Camino Ave, P.O. Box 95250
Sacramento, California 94252-2050
Attention: HRP Program Manager

3. Audit/Retention and Inspection of Records

Contractor agrees that the Department or its delegatee will have the right to review, obtain, and copy all records pertaining to performance of this Agreement. Contractor agrees to provide the Department or its delegatee with any relevant information requested and shall permit the Department or its delegatee access to its premises, upon reasonable notice, during normal

HRP Program Grant – Round 3
NOFA Date: 10/02/13
Rev. Date: 8/15/14
Prep Date: 8/20/14

EXHIBIT D

business hours for the purpose of interviewing employees and inspecting and copying such books, records, accounts, and other material that may be relevant to a matter under investigation for the purpose of determining compliance with the California Public Contract Code Section 10115 et seq., the California Government Code Section 8546.7 and Title 2, California Code of Regulations, Section 1896.60 et seq. Contractor further agrees to maintain such records for a period of three (3) years after final payment under this Agreement. Contractor shall comply with the caveats and be aware of the penalties for violations of fraud and for obstruction of investigation as set forth in the California Public Contract Code Section 10115.10.

4. Special Conditions

The State reserves the right to add any special conditions to this Agreement it deems necessary to assure that the policy and goals of the Program are achieved.

5. Prevailing Wages

- A. Where funds provided through this Agreement are used for construction work, or in support of construction work, Contractor shall ensure that the requirements of Chapter 1 (commencing with Section 1720) of Part 7 of the California Labor Code (pertaining to the payment of prevailing wages and administered by the California Department of Industrial Relations) are met.
- B. For the purpose of this requirement "construction work" includes, but is not limited to rehabilitation, alternation, demolition, installation or repair done under contract and paid for, in whole or in part, through this Agreement. All construction work shall be done through the use of a written contract, with the properly licensed building contractor incorporating these requirements (the "construction contractor"). Where the construction contract will be between the Contractor and a licensed building contractor the Contractor shall serve as the "awarding body" as that term is defined in the California Labor Code. Where the Contractor will provide funds to a third party that will enter into the construction contract with a licensed building contractor, the third party shall serve as the "awarding body". Prior to any disbursement of funds, including but not limited to release of any final retention payment, the State may require a certification from the awarding body that prevailing wages have been or will be paid.

EXHIBIT E

HRP PROGRAM SPECIAL TERMS AND CONDITIONS

HRP Program Grant

The following Special Terms and Conditions are applicable to this Agreement and shall control notwithstanding anything to the contrary herein:

1. No grant funds will be disbursed until the Department has been provided with and approves an acceptable updated resolution authorizing the exact grant award amount encumbered by this Standard Agreement.

HRP Program Grant – Round 3
NOFA Date: 10/02/13
Rev. Date: 8/15/14
Prep Date:

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
ADMINISTRATION AND MANAGEMENT DIVISION**

2020 W. El Camino Avenue, Suite 330, 95833
P. O. Box 952050, Sacramento, CA 94252-2050
(916) 263-6928 / FAX (916) 263-6917
www.hcd.ca.gov



DEC 23 2014

Mr. Michael Henderson
General Services Manager
City of Oxnard
214 South C Street
Oxnard, CA 93030

Dear Mr. Henderson:

**Re: Housing-Related Parks Program
Contract No. 14-HRPP-9169**

Attached is an electronic copy of the State's Housing-Related Parks (HRP) Program Standard Agreement which includes the following:

- Standard Agreement (Std. 213)
- Exhibit A – Authority, Purpose, and Scope of Work
- Exhibit B – Budget Detail and Payment Provisions
- Exhibit C – State of California General Terms and Conditions (Incorporated by reference)
- Exhibit D – HRP Program General Terms and Conditions
- Exhibit E – HRP Program Special Terms and Conditions

To ensure efficient processing of the Standard Agreement, please do the following:

1. Review the Standard Agreement thoroughly and if necessary discuss the requirements with your legal and financial advisors;
2. Print five (5) copies of the Standard Agreement, Std. 213 cover page.
3. Ensure all copies of the Standard Agreement are signed by the appropriate authorized official as designated in the resolution. Please be sure to include the printed name, title and date signed. If a signed resolution was not submitted with the HRP Program Application, please return a certified copy of the resolution along with the signed Standard Agreement copies.
4. Return the five (5) copies of the Standard Agreement along with a certified copy of the resolution, if needed; no later than 30 days from the date of this letter to:

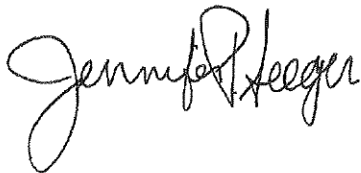
Department of Housing and Community Development
Business and Contract Services Branch
P.O. Box 952050
Sacramento, CA 94252-2050

Standard Agreements not returned within the required 30-day period may be subject to cancellation by the Department.

Maintain the electronic version of the Standard Agreement (Std. 213 and Exhibits A through D) in your pending file. Upon receipt of the five (5) original, signed Standard Agreement cover pages, HCD will complete the approval process and send you an electronic copy of the completed, fully executed, original Standard Agreement along with an originally signed copy sent by U.S. Mail.

Please contact Lindy Suggs, your HRP Program representative, at lindy.suggs@hcd.ca.gov or (916) 263-7433 if you have any questions regarding the Standard Agreement or the provisions therein.

Sincerely,



Jennifer P. Seeger
HRP Program Manager

cc: Kathleen Mallory, AICP, Project Planner

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. 14,705

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD
AUTHORIZING EXECUTION OF STATE STANDARD AGREEMENT FOR
HOUSING RELATED PARKS PROGRAM GRANT

WHEREAS, The State of California, Department of Housing and Community Development (HCD) issued a Notice of Funding Availability dated October 2, 2013 (NOFA), under its Housing-Related Parks (HRP) Program; and

WHEREAS, by Resolution No. 14,566 the City of Oxnard (Applicant) was authorized to apply for a HRP Program grant and submit the 2013 Designated Program Year Application Package released by the Department for the HRP Program; and

WHEREAS, HCD is authorized to approve funding allocations for the HRP Program, subject to the terms and conditions of the NOFA, Program Guidelines, Application Package, and Standard Agreement; and

WHEREAS, HCD awarded the City of Oxnard an HRP Program Grant in the amount of \$956,700.

WHEREAS, the General Services Department of the City of Oxnard has requested that City Council authorize execution of the Standard Agreement with HCD for the Housing Related Parks Program grant funds to be used for qualifying park improvements at City parks located in Park Deficient and Disadvantaged areas of the City as identified under HCD guidelines.

NOW, THEREFORE, IT IS RESOLVED THAT:

1. Applicant is hereby authorized and directed to enter into, execute, and deliver a State of California Standard Agreement (Standard Agreement), for an HRP Program Grant in the amount of \$956,700 and any and all other documents required or deemed necessary or appropriate to secure the HRP Program Grant from HCD, and all amendments thereto (collectively, the "HRP Grant Documents").

2. Applicant shall be subject to the terms and conditions as specified in the Standard Agreement. Funds are to be used for allowable capital asset project expenditures to be identified in the Standard Agreement. The application in full is incorporated as part of the Standard Agreement. Any and all activities funded, information provided, and timelines represented in the application are enforceable through the Standard Agreement. Applicant hereby agrees to use the funds for eligible capital asset(s) in the manner presented in the application as approved by the Department and in accordance with the NOFA and Program Guidelines and Application Package.

3. That the City Manager or designee is authorized to execute this agreement on behalf of the City of Oxnard, the HRP Grant Documents as required by HCD for participation in the HRP Program.

4. City Council of the City of Oxnard authorize execution of the State Agreement with HCD for the Housing Related Parks Program grant funds to be used for qualifying park improvements

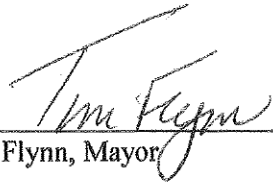
as identified under HCD guidelines. The City Council further resolves that the Finance Director or designee is authorized on behalf of the City of Oxnard to submit financial reports and grant claims and approve special budget appropriations for the use of grant funds; and the General Services Manager or designee is authorized to submit non-financial reports on behalf of the City of Oxnard.

PASSED AND ADOPTED this 2nd day of December, 2014, by the following vote:

AYES: Councilmembers Flynn, Ramirez, and Perello.

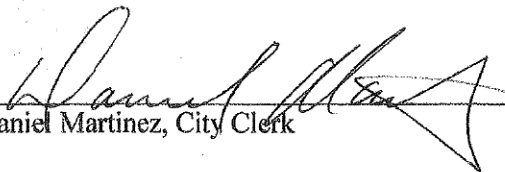
NOES: Councilmember Padilla.

ABSENT: Councilman MacDonald.



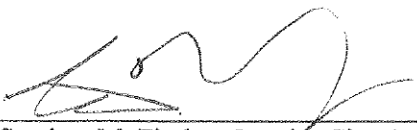
Tim Flynn, Mayor

ATTEST:



Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Stephen M. Fischer, Interim City Attorney

REQUEST FOR ADMINISTRATIVE BUDGET ADJUSTMENT

Department: GS - Parks and Facilities
Project/Program
Manager: Ralph Alamillo

Date: May 6, 2015
Phone: 805-385-8341

Reason for Appropriation:

To recognize the Housing-Related Parks (HRP) Grant from the Dept. of Housing and Community Development in the amount of \$956,700. State agreement number 14-HRPP-9169.

Accounts and Descriptions

AMOUNT

Fund: **PARKS/REC. GRANTS FUND (178)**

Revenues:

178-5737-532.72-31	STATE /LOCAL SOURCES / STATE GRANT REVENUES	956,700
	Total Revenues	956,700

Expenditures:

CAMPUS PARK HCD IMPROVEMENTS (Project 155702)

178-5737-826.82-09	PROF/CONTRACT	11,000
178-5737-826.86-05	CAPITAL OUTLAY / IMPROV NOT BLDG.MAJOR REP	108,800
	Sub-total Expenditures for Project 155702	119,800

BECK PARK HCD IMPROVEMENTS (Project 155703)

178-5737-826.82-09	PROF/CONTRACT	7,000
178-5737-826.86-05	CAPITAL OUTLAY / IMPROV NOT BLDG.MAJOR REP	454,900
	Sub-total Expenditures for Project 155703	461,900

COLONIA PARK HCD IMPROVEMENTS (Project 155704)

178-5737-826.82-09	PROF/CONTRACT	17,720
178-5737-826.86-05	CAPITAL OUTLAY / IMPROV NOT BLDG.MAJOR REP	87,280
	Sub-total Expenditures for Project 155704	105,000

WILSON PARK HCD IMPROVEMENTS (Project 155705)

178-5737-826.82-09	PROF/CONTRACT	25,380
178-5737-826.86-05	CAPITAL OUTLAY / IMPROV NOT BLDG.MAJOR REP	244,620
	Sub-total Expenditures for Project 155705	270,000

Net Change to Fund Balance

0

Approvals

Department Director

Chief Financial Officer

DOES NOT REQUIRE CITY COUNCIL AUTHORIZATION

BA# (Finance Use Only) 61-N
BA DOC# (Finance) 1511-134

PAGE 1 Revised: 2/23/2012

Project Master Inquiry

12:10:57

Project : 155703 BECK PARK HCD IMPROVE
Position to . . . : - - - - - Starting character(s)

Type options, press Enter.
1=Select

Opt Account number	Budget	Actual	Balance
178-5737-826.82-09	7,000	.00	7,000.00
178-5737-826.86-05	454,900	.00	454,900.00

	Pre-encumb:	.00	Encumb:	.00
	2015 YTD:	.00	Pending:	.00
Budg:	461,900.00	PTD:	.00	Balance: 461,900.00

F3=Exit F5=Refresh F9=Misc. info F11=Proj-to-dt F12=Cancel F17=Subset
F18=Encumbrance detail F19=Project activity list

ACTION	TYPE OF ITEM
☐ Approved Recommendation	☒ Info/Consent
☐ Ord. No(s). _____	☐ Report
☐ Res. No(s). _____	☐ Public Hearing (Info/consent)
☐ Other _____	☐ Other _____

Prepared By: Lou Balderrama City EngineerAgenda Item No. I-4Reviewed By: City Manager [Signature]City Attorney [Signature]Finance [Signature]Utilities [Signature]**DATE:** October 6, 2015**TO:** City Council**FROM:** Daniel Rydberg, P.E., Interim Utilities Director [Signature]
Utilities Department**SUBJECT:** Ratification of Agreement No. A-7831 with A & J Oxnard, LLC**RECOMMENDATION**

That City Council ratify the Agreement No. A-7831 with A & J Oxnard, LLC in the amount of \$16,000 for a temporary construction easement to allow staging for the installation of a temporary connector pipeline to the Calleguas Municipal Water Company Salinity Management Pipeline.

DISCUSSION

On June 2, 2015, the Council approved the permanent easement with A & J Oxnard, LLC as part of the Hueneme Road Recycled Water Backbone Project Phase II. The temporary construction easement is needed for the contractor to stage his equipment and materials to install the temporary connection. Due to the tight schedule to get the SMP line operational, staff pursued the temporary easement acquisition approval through Ratification due to the urgency, and as allowed per Resolution No. 13,932, adopted by Council on November 16, 2010.

A contractor has been procured for the pipeline installation by the Pleasant Valley County Water District (PVCWD) and is ready to initiate the work. Access to the Temporary Construction Easement area was necessary to mobilize equipment and perform potholing before the construction of the pipeline.

FINANCIAL IMPACT

Funds are available in the Recycled Water Backbone Project 106002 to cover the cost of this agreement.

Attachment #1 - Agreement No. A-7831

Project PARCEL NO.: 231-0-092-245

OWNER: A&J Oxnard, LLC

PROJECT: Oxnard -Recycled Waterline Phase II Project/Interim SMP Connection

RIGHT OF ENTRY AGREEMENT
(For Use of a Temporary Construction Easement Area)

This Right of Entry Agreement ("Agreement") is between the A & J Oxnard, LLC, a California Limited Liability Company ("Grantor"), and City of Oxnard ("City") and is effective as of September 3, 2015 ("Effective Date").

City and Grantor agree as follows:

Recitals

- A. Grantor is the current owner of land in the City of Oxnard identified as Assessor's Parcel Number 231-0-092-245 ("Property").
- B. City intends to construct a new subsurface Recycled Waterline within a previously acquired City easement and associated connection with existing Calleguas Municipal Water District ("CMWD") facilities on the Property ("Project").
- C. City seeks a Temporary Construction Easement ("TCE") on a portion of the Property to assist with construction. The TCE area is described in attached Exhibit "A" and shown on attached Exhibit "B". The intent of the TCE area is to be located on the surface areas of the Property adjacent to existing Preeminent Easements on the Property. The City will be working within the TCE area and the already existing City/CMWD Permanent Easement areas on the Property.
- D. Grantor hereby gives the City permission to work within the Permanent Easement areas on the Property and use the TCE area adjacent thereto to assist with City's construction of the Project subject to the following terms and conditions.

Section 1. TCE Area.

Grantor hereby grants City (including its employees, agents and contractors) a Temporary Construction Easement with the right to enter the TCE area for the establishment of a temporary work area on the Property in the location as shown in Exhibit A and Exhibit B. City will use the TCE area for construction purposes related to the Project and the TCE and Grantor will have rights to use of this area as well if not in conflict with City uses. City will coordinate and cooperate with Grantor with respect to any shared use of the TCE area during the term of this Agreement.

Section 2. TCE Compensation.

City will pay directly to Grantor the amount of **\$16,000** within Sixty (60) days of the effective date of this Agreement. This payment is intended to compensate Grantor for City's use of the TCE area and to compensate for any and all costs, losses and expenses caused by City use of the TCE area.

This amount was calculated as follows:

0.49 acres x \$653,000* acre x 50% of fee value** (\$159.985)x 10%*** rent rate per year =
\$15,998
\$16,000 (rounded).

*Fee simple value of underlying land parcel based on \$653,000 per acre (or \$15.00 per square foot).

**50% of fee value for non-exclusive City use.

*** Annual rate of return estimated at 10% for annual rental rate.

Section 3. Term.

This Agreement will be for a period of One (1) Year commencing on the Effective Date of this Agreement.

Section 4. Indemnification.

City shall indemnify, defend and hold harmless Grantor, its members, partners, shareholders, agents, representatives, employees, officers, directors, property managers and their respective successors and assigns from any and all claims, damages, costs, judgments, actions, causes of action, demands, obligations, expenses and fees, including without limitation, attorneys fees and consultant's fees, or liability (collectively "Claims") caused by City or its officers, employees, representatives, consultants or agents specifically arising from City construction activities on Grantor's Property. City's obligations hereunder shall not extend to that portion of any Claims that are caused by the negligence or intentional misconduct of Grantor, its representatives or agents.

Section 5. Property Restoration.

At conclusion of City uses, the City will restore the surface of the TCE area to a similar condition that existed prior to City's Project construction use.

Section 6. Grantor Authority.

Grantor represents and warrants to the City that it is the current fee simple owner of the subject Property and that the undersigned representative is authorized to execute this Agreement on behalf of the Property owner(s).

Section 7. City Approval.

This Agreement is subject to and conditioned upon approval and ratification by the City of Oxnard. This Agreement is not binding upon the City until executed by the appropriate City official(s) acting in their authorized capacity.

GRANTOR:

A & J Oxnard, LLC, a California Limited Liability Company

By: _____

Name: Artranik Sinaian
Title: managing member

Date: 8/20/2015

CITY: City of Oxnard

By: _____

Name: Tim Flynn, Mayor
Title: Mayor

Date: 9/3/15

ATTEST:

Daniel Martinez
Daniel Martinez, City Clerk

APPROVED AS TO FORM:

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

APPROVED AS TO INSURANCE:

N/A
Risk Manager

APPROVED AS TO CONTENT:

Daniel Rydberg
Daniel Rydberg, Interim Utilities Director

APPROVED AS TO AMOUNT:

Greg Nyhoff
Greg Nyhoff, City Manager

Lou Balderrama
Lou Balderrama, City Engineer

EXHIBIT "A"
(Temporary Construction Easement)
A & J OXNARD, LLC
APN: 231-0-092-245
(S400.00TCE)

That portion of Lot 3 of Subdivision 84 of Map No. 2 of Rancho El Rio de Santa Clara O'Lea Colonia, in the City of Oxnard, County of Ventura, State of California, as per the map recorded November 15, 1888 in Book 3, Page 14 of Miscellaneous Records (Maps) in the Office of the County Recorder of said county, described as follows:

Being that portion of land described in the deed to A & J Oxnard, LLC, recorded December 27, 1999 per the Document No. 1999-0228649 of Official Records of said county, described as follows:

Commencing at the centerline intersection of Hueneme Road, (100 feet wide) with Perkins Road (50.00 feet wide); thence along the centerline of Perkins Road, South 01°18'51" West, 50.00 feet to the westerly prolongation of the southerly line of said Hueneme Road; thence along said westerly prolongation, South 88°46'46" East, 25.00 feet to the Point of Beginning, being the intersection of the southerly line of said Hueneme Road and the easterly line of said Perkins Road; thence along said southerly line,

- 1st South 88°46'46" East, a distance of 380.03 feet; thence at right angles,
- 2nd South 01°13'14" West, a distance of 55.89 feet; thence,
- 3rd South 68°36'09" West, a distance of 96.43 feet to a line that is parallel with, and distant southerly 92.98 feet from, said southerly line of Hueneme Road; thence along said parallel line,
- 4th North 88°46'46" West, a distance of 113.87 feet; thence at right angles,
- 5th North 01°13'14" East, a distance of 31.98 feet to a line that is parallel with, and distant southerly 60.99 feet from, said southerly line of Hueneme Road; thence along last said parallel line,
- 6th North 88°46'46" West, a distance of 132.27 feet to a line that is parallel with, and distant easterly 45.00 feet from, said easterly line of Perkins Road; thence along last said parallel line,
- 7th South 01°18'51" West, a distance of 327.36 feet to the northerly line of the deed to the City of Oxnard recorded on March 22, 2006 as Instrument No. 20060322-0060720 of Official Records; thence along said northerly line,
- 8th North 88°34'04" West, a distance of 45.00 feet to said easterly line of Perkins Road; thence along said easterly line,

Page 1 of 2
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9th North 01°18'51" East, a distance of 388.19 feet, more or less, to the Point of Beginning.

EXCEPT that portion of land within the Water Pipeline Easement to Calleguas Municipal Water District recorded February 19, 2009 per Instrument No. 20090219-21947 of Official Records.

ALSO EXCEPT the westerly 15.00 feet of said deed to A & J Oxnard, LLC.

Contains: 21396 Square Feet/ 0.49 Acres, more or less.

The above described parcel of land is delineated on the attached Exhibit "B".

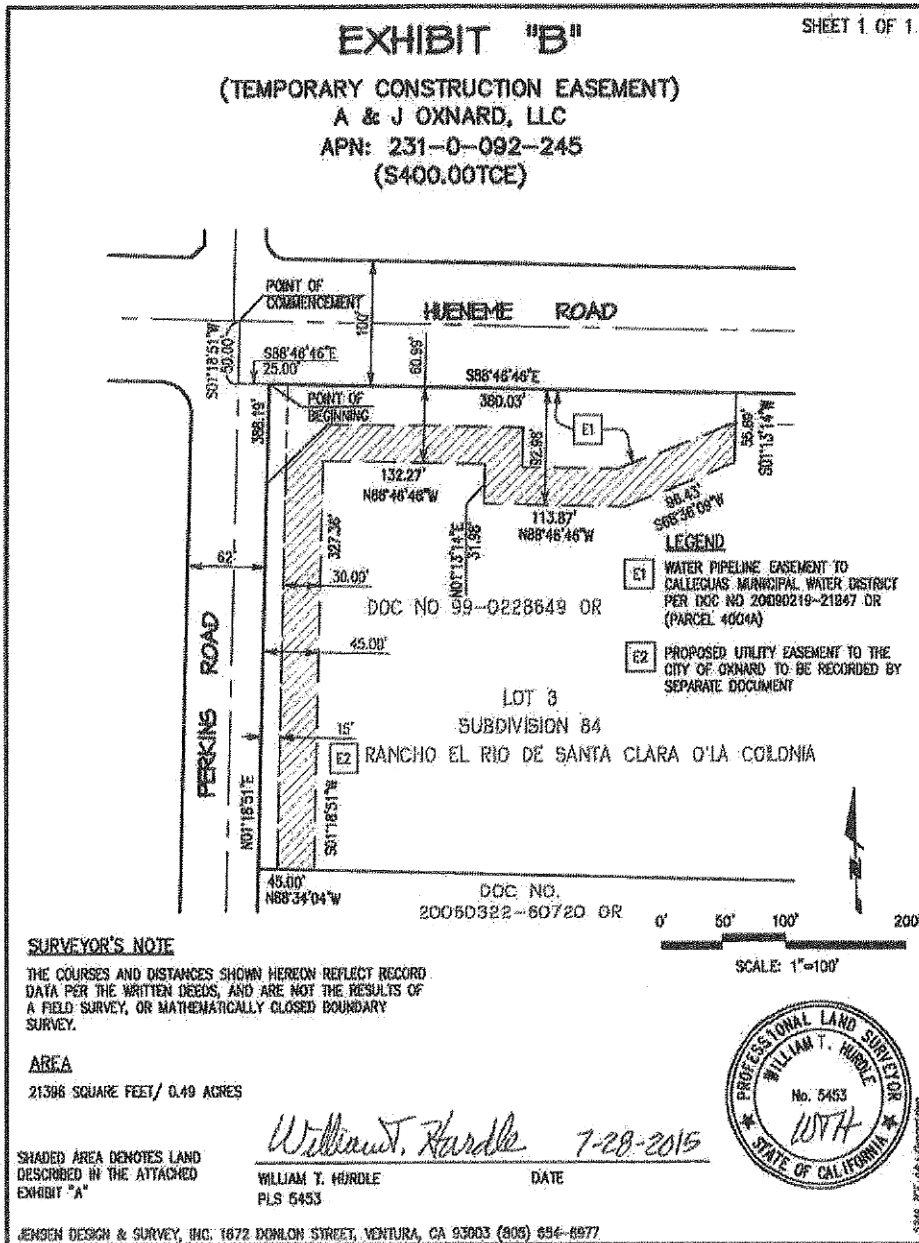
William T. Hurdle
William T. Hurdle
PLS 5453

7-28-2015
Date



Page 2 of 2

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ACTION	TYPE OF ITEM
☐ Approved Recommendation	☐ Info/Consent
☐ Ord. No(s). _____	☐ Report
☐ Res. No(s). _____	☒ Public Hearing
☐ Other _____	☐ Other _____

Prepared By: Kathleen Mallory AICP, LEED Green Associate, Contract PlannerAgenda Item No. J-1Reviewed By: City Manager [Signature] City Attorney [Signature] Finance [Signature] Other (Specify) _____

DATE: October 6, 2015

TO: City Council

FROM: Ashley Golden, Development Services Director
Development Services Department

SUBJECT: Planning and Zoning Permit Nos. 14-540-01 (Special Use Permit - Planned Development); PZ 14-535-01 (Density Bonus); PZ 14-570-02 (Zone Change); and Mitigated Negative Declaration (MND) 2015-01 for the Construction of a 101-Unit Mixed Income Apartment Project (Coastal Apartment Homes). The Project Site is Located at 2250 E. Pleasant Valley Road (APN 225-0-014-190) and Bounded by Pleasant Valley Road to the north; Etting Road to the south; a Senior Living Project Proposed by the Same Applicant to the east; and the Masonic Cemetery to the west. Filed by Vince Daly of Dansk Investments, 6591 Collins, Ste. E11, Moorpark, California 93021

RECOMMENDATION

That City Council:

1. Adopt an ordinance approving Planning and Zoning Permit No. 14-570-02 (Zone Change) from Community Reserve (CR) to Multiple-Family Residential Planned Development (R-2-PD), subject to certain findings and conditions.
2. Adopt a resolution approving Planning and Zoning Permit No. 14-535-01 (Density Bonus), subject to certain findings and conditions.
3. Adopt a resolution upholding the decision of the Planning Commission approving Planning and Zoning Permit No. 14-540-01 (Special Use Permit - Planned Development Permit) and Mitigated Negative Declaration No. 2015-01, subject to certain findings and conditions.

DISCUSSION

On September 3, 2015, the Planning Commission held a public hearing and received comments regarding the proposed Project to develop a 3-story, 101-unit mixed income apartment building on the 6.23 acre-vacant site (2250 E. Pleasant Valley Road - APN 225-0-014-190). The project includes 85 market rate and 15 affordable apartments units, one manager unit and on-site amenities. The project includes a density bonus request for 26 residential units in addition to the 75 residential units allowed by the Oxnard City Code under the R-2 standards (a 35% increase in density). The project includes

two concessions (a request to increase the building height and to increase the unit count per building and utilization of reduced parking standards under the Density Bonus Law (DBL). These incentives/concessions are discussed under Section i. of the September 3, 2015 Planning Commission staff report (see Attachment 1).

The proposed project has been reviewed for consistency with the Oxnard City Code (OCC) for development of attached dwellings in the R-2 Multiple Family zone. The applicant is also requesting Planned Development modifications (OCC 16-271) to permit a deviation of up to 25% for numeric standards as follows: the size of: individual dwelling units; storage areas; and patio dimension. With approval of the DB and the SUP/PD, the project complies with the OCC Zoning Development Standards. Analysis tables of consistency with the 2030 General Plan and conformance with the OCC Zoning Development Standards are provided in the Planning Commission staff report (Attachment 1).

The Planning Commission considered Staff's recommendation along with oral and written comments by persons who attended the public hearing. The Commission's discussion, comments and concerns centered on the following issues:

1. Traffic. The public expressed concern regarding potential traffic and traffic impacts on Pleasant Valley and Etting Roads as a result of the project.
2. Density. The public expressed concern on whether the 101-unit multi-family residential use is considered compatible with the surrounding single-family residential neighborhood.
3. Massing. The public expressed concern regarding the massing and scale of building on the project site with consideration to the adjacent residential character.
4. Parking. The public expressed concern if the number of parking spaces provided was sufficient to support the project and not impact the adjacent neighborhoods.

After the close of the public hearing and Planning Commission deliberation, the Planning Commission voted (6-0; Commissioner Frank was absent) to adopted Resolution Nos. 2015-23, 2015-24, and 2015-25 recommending City Council approval of the Zone Change, and Density Bonus, and approving the Special Use Permit, Planned Development Permit and Mitigated Negative Declaration. The SUP/PD and MND are being appealed to the City Council in order to allow the City Council to consider the entitlement permits as one integrated project. The City initiated Zone Change from Community Reserve (CR) to Multiple Family Zone (R-2-PD) will bring the property into compliance with the 2030 General Plan designation of Residential Low Medium (RLM, 7-12 units per acre). The Density Bonus (DB) and SUP/PD are necessary for the number of units proposed and residential construction on the project site.

In accordance with Section 15070 of the California Environmental Quality Act (CEQA) Guidelines, the City of Oxnard prepared Mitigated Negative Declaration (MND) No. 2015-01 to analyze the potential environmental effects of the Project and the adjacent proposed "Coastal" Senior/Assisted living project. The MND identified mitigation measures for six areas of potential concern which included: a) Air Quality - short term air quality impacts associated with construction; b) Cultural Resources – tree protection for historic trees onsite and offsite within the immediate proximity; c) Geology/Soils – implement recommendations in the Geotechnical Engineering Study; d) Hydrology/Water Quality – water supply and conservation; e) Noise - impacts from traffic and construction; and f) Transportation - circulation mitigations. The proposed mitigations would ensure that any impacts associated with the proposed apartment complex project would be less than significant. No significant adverse effects are

expected to result from the proposed project.

FINANCIAL IMPACT

The base property tax assessment at the time of purchase of the property in 2014 was \$2.8 Million for both the apartment and senior projects sites. If the project is approved, the base property tax for the apartment project will be based upon an appraised value of approximately \$33 Million. The project will be subject to payment of applicable development and impact fees and development will contribute to future property tax revenues.

Attachment

- #1 - Planning Commission Staff Report (September 3, 2015)
- #2 - PowerPoint Presentation (Hearing of September 3, 2015)
- #3 - Planning Commission Resolutions No. 2015-23, 24, and 25
- #4 – City Council Resolution for PZ 14-540-01 (SUP-PD) and MND 2015-01
- #5 – City Council Resolution for PZ 14-535-01 (DB)
- #6 – City Council Ordinance for PZ 14-570-02 (ZC)

Note: Attachment # 1 has been provided to City Council under separate cover. Copies for review are available at the Help Desk in the Library after 6:00 p.m. on Thursday prior to the Council meeting and in the City Clerk's Office after 8:00 a.m. on Friday prior to the Council meeting.

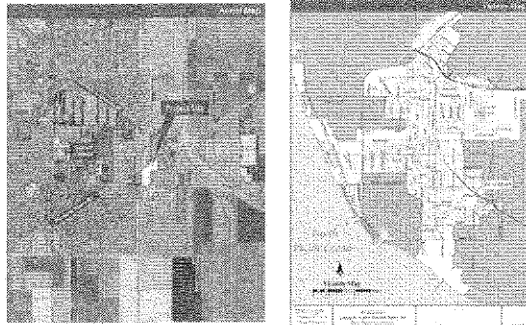
Coastal Apartment Homes 2250 E. Pleasant Valley Rd

- PZ No. 14-540-01- SUP- PD
- PZ No. 14-535-01 – Density Bonus
- PZ No. 14-570-02 – Zone Change
- MND No. 2015-01

Public Hearing

Planning Commission, September 3, 2015

Aerial and Vicinity:



2

Project Location:



View of project site looking South from Pleasant Valley Road

3 Site Photographs

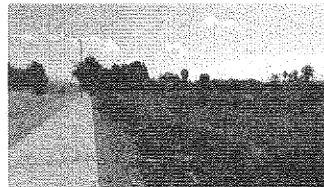
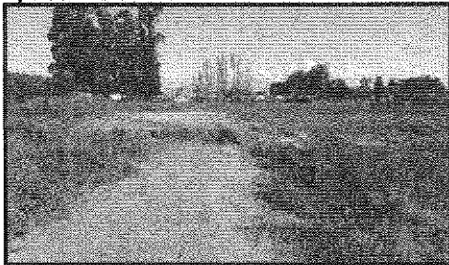


Photo 6: View looking west along Pleasant Valley Road from project site

4

Project Location:



View of project site looking North from Etting Road

5 Site Photographs

Project Description:

- Coastal Apartment Homes
 - PZ 14-540-01 (Special Use Permit - Planned Development): 83,121 sf, 101-unit Apartment Building, and
 - PZ 14-535-01 (Density Bonus); 35% Density Bonus for 15 affordable units, and
 - PZ 14-570-02 (Zone Change) CR to R-2-PD; City-initiated for compliance with the 2030 General Plan designation (RLM).

6

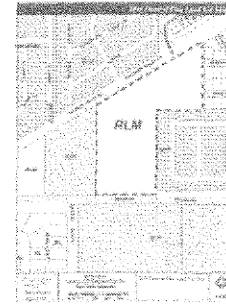
Project Development Summary:

- Coastal Apartment Homes
 - Develop 6.23 acre site with 3-Story, 101-unit Apartment Building (85 market rate, 1 manager, 15 affordable for low income)
 - 23 1-bdrm, 70 2-bdrm, & 8 3-bdrm units; 2,250 sf Rec. bldg w/3rd floor Manager unit (1 bdrm)
 - Project involves the retention, maintenance, and monitoring of on site Eucalyptus trees.
 - Public improvements on Etting and Pleasant Valley

7

General Plan:

- Res. Low Med. (RLM) designation allows up to 12 dwelling units/acre (75 units).
- Applicant requesting 101 units with 15 low income.



8

Density Bonus – Analysis (14-535-01):

- Under the Density Bonus Law, the City shall grant a density bonus if the applicant agrees to construct any of the following:
 - 10% of the total units within the project for lower income households;
 - 5% of the total units for very low income households;
 - A senior citizen housing dev or mobile home park restricted to older persons;
 - 10% of the total dwelling units in a common interest development for moderate-income families or persons.

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Density Bonus – Analysis (14-535-01):

- Once a project meets one of the thresholds previously stated, the size of the density bonus is governed by the number of affordable units the project will provide.
- The Density Bonus law establishes the following Density Bonus calculation for the provision of low-income affordable units.

Number of Affordable Units	Density Bonus
10	20
11	21.5
13	23
14	24.5
15	26
17	27.5
18	30.5
19	33.5
20	35

10

Density Bonus – Analysis (14-535-01):

- 15 low income affordable units proposed.
- The otherwise allowable density for the project site is 75 units.
- Therefore, 20% of the units being constructed are low income affordable units.
- The applicant is entitled to a 35% density increase.

Number of Affordable Units	Density Bonus
10	20
11	21.5
13	23
14	24.5
15	26
17	27.5
18	30.5
19	33.5
20	35

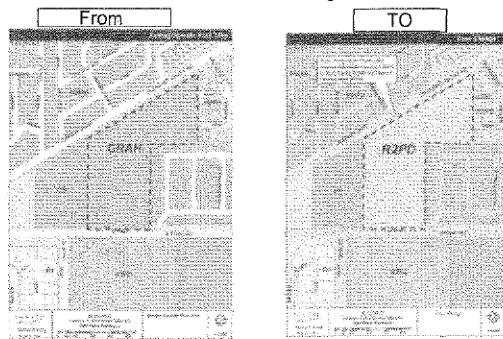
11

Density Bonus (14-535-01):

- To grant two (2) incentives/concessions due to 20% low income units.
- Project requested 2 Density Bonus concessions:
 - - Increase Building Height (2 stories to 3 stories)
 - - Increase Unit Count per bldg (from max 6 du/bldg.)
- Density Bonus law ~ Allows outright no covered garage spaces and no visitor parking. These incentives granted without a Density Bonus request (criteria allowed under Density Bonus Law).

12

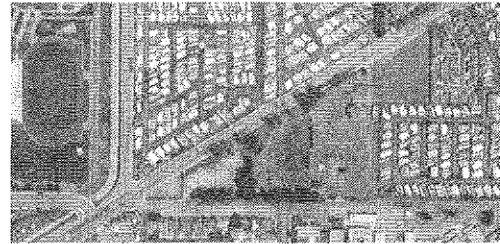
Zoning and Zone Change:



13

13

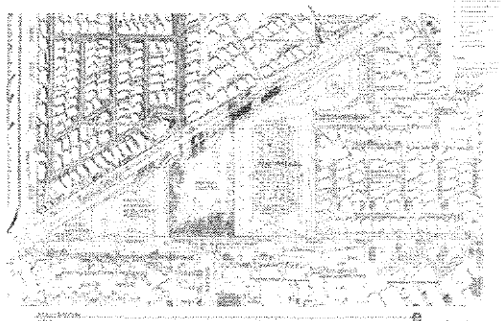
Overall Project Context:



14

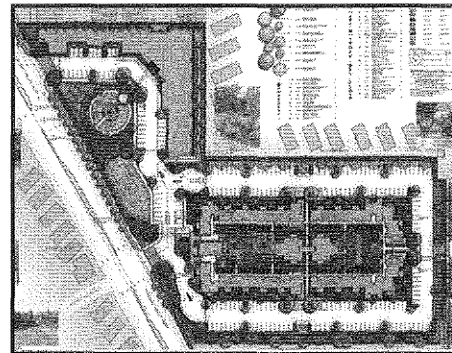
Project Site and Vicinity Map

Overall Project Context:



15

Coastal Apartment Homes

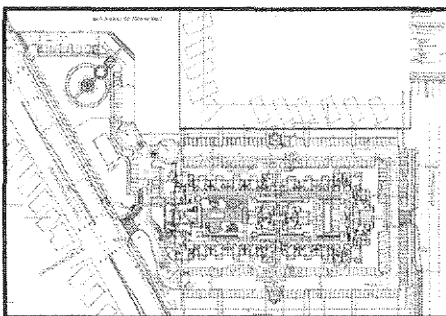


16

Coastal Apartment Homes

North

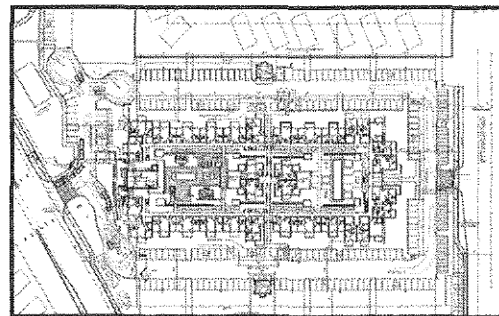
Site Plan:



17

Coastal Apartment Homes

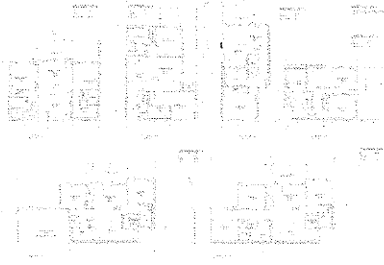
Site Plan:



18

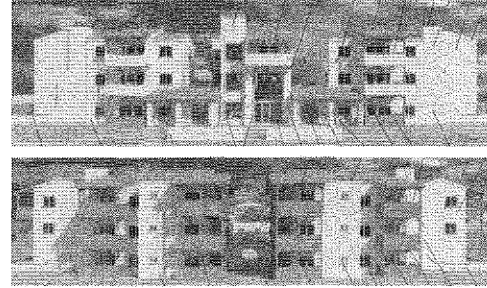
Coastal Apartment Homes

**Floor
Plan:**



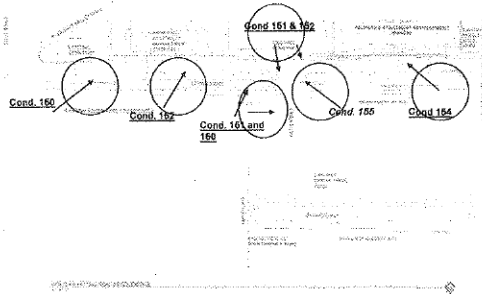
19 Coastal Apt Homes

Project Elevations:



20 Coastal Apartment Homes

Roadway Improvements:



21 Coastal Apartment Homes

Development Code Consistency:

- Project consistent with R-2PD development code requirements.
- Through the SUP approval process, independent of DB request, three modifications requested: (up to 25% numeric reduction allowed):
 - Reduce min. dwelling size (5-20%)
 - Reduce min. balcony dimensions (25%)
 - Reduce min. storage area size (8-25%)

22

Environmental:

- MND No. 2015-01 prepared for Coastal Apartment Homes and Coastal Senior/Assisted Living.
- Public Review June 4 to 24, 2015; Comment letters did not change environmental analysis or conclusion.
- No substantial evidence that the proposed project would have a significant effect on the environment; an MND may be adopted.

23

MND Public Review (20 days)

- 5 Comment letters from public & agencies
- Comment Themes:
 - Additional mitigations to protect trees, cultural resources, bird species and monarch butterfly habitat.
 - Mitigations measures added and clarified to address concerns. No further agency comment received.
- Comments did not change environmental analysis or conclusion.

24

9/24/2015

Response to MND:

- Two conditions added - biological resources (Bird/Raptor; and Monarch Butterfly)
- Eucy. Tree Grove – Goal is preservation of existing 14 on site trees; five trees located off site. Measures in place to address pruning, and removal if ultimately needed.
- Oxnard Cultural (County) Heritage board staff in support of revised mitigation measures; no objection.

25

Recommendations:

- Adopt Resolution recommending City Council adopt Ordinance approving PZ 14-570-02 for Zone Change.
- Adopt Resolution recommending City Council approve PZ 14-535-01 for a Density Bonus.
- Adopt Resolution approving of PZ 14-540-01 for Special Use Permit – Planned Dev. and MND 2015-01.

26

- End Slide Show

27



28

Project Site and Vicinity Map

RESOLUTION NO. 2015-23

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. 14-570-02 (ZONE CHANGE) ON PARCELS LOCATED ON PLEASANT VALLEY ROAD AND ETTING ROAD, (APN: 225-0-014-160 AND 225-0-014-190). FILED BY CITY OF OXNARD, DEVELOPMENT SERVICES DEPARTMENT, 214 SOUTH C STREET, OXNARD, CA 93030

WHEREAS, on June 3, 2014, Mark Pettit with Lauterbach & Associates, on behalf of Vince Daly of Dansk Investments (the "**Applicant**" and/or "**Developer**"), submitted a request to allow construction of a 101-unit mixed income apartment community and on-site amenities on a 6.23 acre site (2250 E. Pleasant Valley Road - APN 225-0-014-190) and to allow construction of a 70 unit senior/assisted living residential facility and on-site amenities on a 1.05 acre site (2300 E. Pleasant Valley Road - APN 225-0-014-160); and

WHEREAS, the City of Oxnard has initiated a zone change for the two above-referenced parcels (APN: 225-0-014-160 and 225-0-014-190) to bring the subject properties into compliance with the 2030 General Plan land use designation; and

WHEREAS, on August 20, 2015, the Planning Commission of the City of Oxnard ("**Planning Commission**") conducted a duly noticed public hearing to consider Applicant's request to approve Planning and Zoning Permit Nos. 14-540-01 (Special Use Permit – Planned Development Permit), 14-535-01 (Density Bonus), and 14-570-02 (Zone Change) to allow the construction of a 101-unit mixed income apartment community (the "**Coastal Apartment Project**") in accordance with the Oxnard City Code; and

WHEREAS, on August 20, 2015, the Planning Commission of the City of Oxnard ("**Planning Commission**") conducted a duly noticed public hearing to consider Applicant's request to approve Planning and Zoning Permit Nos. 14-500-04 (Special Use Permit – Planned Residential Group), 14-580-01 (Zone Text Amendment), and 14-570-02 (Zone Change) to allow construction of a 70 unit senior/assisted living residential facility and on-site amenities on a 1.05 acre site (the "**Senior/Assisted Living Project**") in accordance with the Oxnard City Code; and

WHEREAS, the Etting Project site and Pleasant Valley Project site (collectively referred to as the "**Project sites**") are identified in the 2006-2014 Housing Element Supplement Part II as All-Affordable Housing Opportunity Program (AAHOP) sites and if a developer decides to participate in the AAHOP it is required to make all housing units affordable to extremely low-, very low-, or low-income households; and

WHEREAS, at this time the Applicant is not seeking to develop the Project sites under the AAHOP due to the fact that the City has initiated a contract to update the Housing Element in order to reevaluate existing policies and new and existing AAHOP affordable housing sites; and

WHEREAS, the Project sites will most likely not be identified as AAHOP affordable housing sites within the updated Housing Element; and

WHEREAS, due to the fact that the City is in the process of updating its Housing Element and the Project sites will most likely not be identified as AAHOP affordable housing sites, the City is in support of both the Projects moving forward without Applicant's participation in the AAHOP; and

WHEREAS, the Planning and Environmental Services Division has determined that the proposed Projects are subject to environmental review pursuant to Section 15070 of Title 14 of the California Code of Regulations; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA), the City of Oxnard prepared Mitigated Negative Declaration (MND No. 2015-01) to analyze the potential environmental effects of the Project; and

WHEREAS, the Planning Commission has found on the basis of the whole record before it (including the Initial Study and any comments received) that there is no substantial evidence that the Projects will have a significant effect on the environment and that MND No. 2015-01 reflects the independent judgment and analysis of the City; and

WHEREAS, the Planning Commission adopted MND No. 2015-01 for the project described therein, adopted a mitigation monitoring and reporting program for the project described in MND No. 2015-01, and imposed mitigation measures identified within MND No. 2015-01 on the parcels known as APN: 225-0-014-160 and 225-0-014-190 based upon the project description evaluated within IS/MND No. 2015-01.

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 that the proposed Zone Change to change the zone designation for the subject property (APN 225-0-014-160 and -019) from Community Reserve (CR) to Multiple-Family Residential Planned Development (R-2-PD) is in conformity with the City of Oxnard 2030 General Plan since the Multiple-Family Residential Planned Development (R-2-PD) zoning designation is consistent with the City of Oxnard 2030 General Plan Land Use Designation of Residential Low Medium (RLM).

SECTION 2. Based on the findings set forth herein, the Planning Commission hereby recommends that the City Council adopt an ordinance approving Planning and Zoning Permit No. 14-570-02 (Zone Change) to change the zone designation for the subject property (APN 225-0-014-160 and -019) from Community Reserve (CR) to Multiple-Family Residential Planned Development (R-2-PD) to be consistent with the City of Oxnard 2030 General Plan Land Use Designation of Residential Low Medium (RLM) as set forth in Exhibit A, attached hereto.

PASSED, APPROVED, AND ADOPTED by the Planning Commission of the City of Oxnard on this 20th day of August, 2015.

Stephen Huber, 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 the 20th day of August, 2015, and carried by the following vote:

AYES: Commissioner(s): Dozier, Huber, Mullin, Nash, Stewart, and Okada

NOES: Commissioner(s): None

ABSENT: Commissioner(s): Frank

ABSTAIN: Commissioner(s): None

Ashley Golden, Secretary

Exhibit A

Zone Change Map

RESOLUTION NO. 2015-24

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD ADOPTING A RESOLUTION APPROVING PLANNING AND ZONING PERMIT NO. 14-540-01 (SPECIAL USE PERMIT - PLANNED DEVELOPMENT) TO ALLOW THE CONSTRUCTION OF A 101-UNIT MIXED INCOME APARTMENT BUILDING ON A 6.23 PARCEL LOCATED AT 2250 E. PLEASANT VALLEY ROAD, APN 225-0-014-190, SUBJECT TO CERTAIN FINDINGS AND CONDITIONS; AND ADOPTING MITIGATED NEGATIVE DECLARATION NO. 2015-01 FOR THE COASTAL APARTMENT HOMES PROJECT AND COASTAL SENIOR/ASSISTED LIVING PROJECT AND IMPOSING MITIGATION MEASURES IDENTIFIED WITHIN SAID MITIGATED NEGATIVE DECLARATION ON THE PARCELS KNOWN AS APN: 225-0-014-160 AND 225-0-014-190 BASED UPON THE PROJECT DESCRIPTION EVALUATED WITHIN IS/MND NO. 2015-01. FILED BY VINCE DALY OF DANSK INVESTMENTS, 6591 COLLINS, STE. E11, MOORPARK, CALIFORNIA 93021

WHEREAS, on June 3, 2014, Mark Pettit with Lauterbach & Associates, on behalf of Vince Daly of Dansk Investments (the “**Applicant**” and/or “**Developer**”), submitted a request to allow construction of a 101 unit mixed income apartment community and on-site amenities on a 6.23 acre site (2250 E. Pleasant Valley Road - APN 225-0-014-190); and

WHEREAS, on August 20, 2015, the Planning Commission of the City of Oxnard (“**Planning Commission**”) conducted a duly noticed public hearing to consider Applicant’s request to approve Planning and Zoning Permit Nos. 14-540-01 (Special Use Permit – Planned Development Permit), 14-535-01 (Density Bonus), and 14-570-02 (Zone Change) to allow the construction of a 101-unit mixed income apartment community (the “**Project**”) in accordance with the Oxnard City Code; and

WHEREAS, the Project site is identified in the 2006-2014 Housing Element Supplement Part II as an All-Affordable Housing Opportunity Program (AAHOP) site and if a developer decides to participate in the AAHOP it is required to make all housing units affordable to extremely low-, very low-, or low-income households; and

WHEREAS, at this time the Applicant is not seeking to develop the Project site under the AAHOP due to the fact that the City has initiated a contract to update the Housing Element in order to reevaluate existing policies and new and existing AAHOP affordable housing sites; and

WHEREAS, the Project site will most likely not be identified as an AAHOP affordable housing site within the updated Housing Element; and

WHEREAS, due to the fact that the City is in the process of updating its Housing Element and the Project site will most likely not be identified as an AAHOP affordable housing site, the City is in support of the Project moving forward without Applicant’s participation in the AAHOP; and

WHEREAS, the Planning and Environmental Services Division has determined that the proposed Project is subject to environmental review pursuant to Section 15070 of Title 14 of the California Code of Regulations; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA), the City of Oxnard prepared Mitigated Negative Declaration (MND No. 2015-01) to analyze the potential environmental effects of the Project and the adjacent proposed "Coastal" Senior/Assisted living project; and

WHEREAS, in accordance with CEQA, the Planning Manager provided public notice of the intent of the City to adopt MND No. 2015-01, the Planning and Environmental Services Division allowed the public to review and comment on proposed MND No. 2015-01 in compliance with CEQA, and the Planning Commission considered the proposed MND, together with comments received during the public review process; and

WHEREAS, the documents and other materials that constitute the record of proceedings upon which the decision to adopt the mitigated negative declaration is based is located in the Planning Division of the City of Oxnard, and the custodian of the record is the Planning Manager; 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 PLANNING COMMISSION OF THE CITY OF OXNARD:

SECTION 1. The Planning Commission, in accordance with CEQA, reviewed the Mitigated Negative Declaration (MND No. 2015-01) for potential environmental effects of the Project and the adjacent proposed "Coastal" Senior/Assisted living project, and finds on the basis of the whole record before it (including the Initial Study and any comments received), that there is no substantial evidence that the Project will have a significant effect on the environment and that MND No. 2015-01 reflects the independent judgment and analysis of the City. As such, the Planning Commission hereby (i) adopts MND No. 2015-01 for the project described therein; (ii) adopts a mitigation monitoring and reporting program for the project described within MND No. 2015-01; and (iii) imposes mitigation measures identified within MND No. 2015-01 on the parcels known as APN: 225-0-014-160 and 225-0-014-190 based upon the project description evaluated within IS/MND No. 2015-01.

SECTION 2. 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 apartment use is consistent with the site's land use designation of Low Medium Density Residential (RLM). As discussed in Section 6b of the Planning Commission Staff Report, the proposed Project is also consistent with the development policies of the 2030 General Plan.

- (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 Multiple-Family Residential Planned Development (R-2-PD) zone. Construction activities, anticipated uses, and development design will be subject to standard construction requirements of the Building and Fire Codes. 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.**

Development as proposed will meet the development standards of the Multiple-Family Residential Planned Development (R-2-PD) zone, parking and landscape design standards as described and shown in Section 6d 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 standards.

- (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 development is located along a major thoroughfare in the City and as described in Section 6f of the Planning Commission Staff Report, the Project will construct appropriate primary and emergency access driveways between Pleasant Valley Road and Etting Road. As a result, the site has sufficient access to streets and highways that are adequate in size and after construction intersections considered in the review of the Project will operate at acceptable levels of service.

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

The Project is considered infill development that has been found to be consistent with anticipated development for this site. The Project will be served by existing water, sewer and wastewater facilities along Pleasant Valley Road and Etting Road. In accordance with the Stormwater Quality Conditions of this Resolution, the Project's design will comply with stormwater control measures as required by the

Los Angeles Regional Water Quality Control Board's municipal separate storm sewer system ("MS4") permit.

SECTION 3. Based on the findings set forth herein, the Planning Commission hereby approves Planning and Zoning Permit (PZ) 14-540-01 (Special Use Permit for Planned Development) for the proposed Project, subject to the attached conditions of approval and contingent upon City Council approval of PZ 14-570-02 (Zone Change) and 14-535-01 (Density Bonus).

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.

CONDITIONS OF APPROVAL

Note:

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

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

GENERAL PROJECT CONDITIONS

1. This permit is granted for the property described in the application on file with the Planning Division, and may not be transferred from one property to another. (PL, *G-1*).
2. This permit is granted for the plans dated May 12, 2015 (architectural plans), May 8, 2015 (Planting Plan) and February 2015 (engineered site plan), ("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 Development Services 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. Developer agrees, as a condition of adoption of this resolution, at Developer's own expense, to indemnify, defend and hold harmless the City and its agents, officers and employees from and against any claim, action or proceeding to attack, review, set aside, void or annul the approval of the resolution or any condition attached thereto or any proceedings, acts or determinations taken, done or made prior to the approval of such resolution that were part of the approval process. (CA, G-6)
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, expected as permitted per Government Code Section 65915 with approval of Density Bonus Permit No. 14-535-01. (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 ensure 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-ince box size for all new trees planted on the subject property. 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)

PARKWAY

21. Developer shall submit four sets of parkway landscape and irrigation plans with the first submittal of public improvement plans. The City shall approve median and parkway landscape and irrigation plans when the City approves public improvement plans. Before the

City issues a building permit, the irrigation plans must be approved for proper meter size, backflow prevention device, and cross connection control by the Water Production Supervisor or designee. (DS/ PK, PK-14)

22. Before the City accepts parkways from Developer, the landscaping thereon must complete a plant establishment period of 90 days or such other time as specified in this permit. (PK/DS, PK-15)

WATER CONSERVATION

23. Developer shall install an irrigation system that includes a water sensor shut off device as a water conservation measure. (PK, PK-22)
24. At time of submittal to the Building and Engineering Division for plan check, Developer's Landscape Architect or Architect shall provide the City with written confirmation that they have reviewed the civil engineering construction drawings and that the NPDES requirements are not in conflict with meeting the City's landscape requirements. (PK, PK-23)
25. Developer shall include a note on the Landscape Plans submitted to the Building and Engineering Division for a building permit that "All landscaping and irrigation comply with Ordinance No. 2822", which adopted the City of Oxnard Landscape Water Conservation Standards. (PK, PK-24)
26. At the time of Plan Check submittal, the landscape plans shall contain an exhibit titled "Tree Tabulation Chart". The Tree Tabulation Chart shall contain a listing of all existing trees on site and shall refer to them by number as identified in the Arborist's Tree Report. The Tree Tabulation Chart shall clearly list all trees to remain, be removed or transplanted. The Chart shall contain the Arborist's economic appraisal value of each tree(s) removed as well as computations and calculations showing how the value of the removed tree(s) was put back into new tree sizes for the project that are in addition to meeting the City's minimum tree size of 24" box. (PK)

FIRE DEPARTMENT STANDARD CONDITIONS

27. 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)
28. 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)
29. 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)

30. 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)
31. 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)
32. The project shall meet the minimum requirements of the "Fire Protection Planning Guide" published by the Fire Department. (FD, F-6)
33. At all times during construction, developer shall maintain paved surfaces capable of handling loads of 76,000 pounds which will provide access for firefighting apparatus to all parts of the project property. (FD/DS, F-7)
34. Developer shall identify all hydrants, standpipes and other fire protection equipment on the project property as required by the Fire Chief. (FD, F-8)
35. Developer shall provide central station monitoring of the fire sprinkler system and all control valves. (FD, F-10)
36. 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

37. Fire sprinkler coverage is required for:
 - a. Patios, overhangs or any other projections that are 48" or more from the structure.
 - b. Open areas beneath stairs that serve a habitable space or when that area is accessible for storage or has mechanical equipment.
 - c. The protection of the forced air unit when located in the attic or other areas that are normally inaccessible.
38. The proposed final design and specifications of the emergency access along Pleasant Valley Road and Etting Road, shall be approved by the Fire Marshal.
39. 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.
40. 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.

41. Class 1 standpipe system will be required.
42. Gurney size elevators shall be required.
43. The turning radius of all project property driveways and turnaround areas used for emergency access shall be approved by the City Traffic Engineering Department. (FD/TR)
44. Developer shall install in each structure in the project an alarm system with a central station monitor that will automatically notify the Fire Department in the event of a fire in the structure. The alarm system shall include a UL or State Fire Marshal approved device, which shall not exceed design specifications, that reports the location of the fire by floor and allows the central station monitor to inform the Fire Department. (FD)
45. All signalized intersections shall be equipped with pre-emption equipment per traffic division specifications. (FD/TR)

PLANNING DIVISION STANDARD CONDITIONS

46. 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)
47. 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)
48. 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)
49. 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)
50. Developer acknowledges that because of population limitations placed on the City by the Air Quality Management Program, approval of this permit does not guarantee that the City will issue building permits. The City's issuance of building permits may be delayed as a result of implementation of an air quality plan. (PL, PL-5)
51. 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, State Density Bonus Law and the Shared Parking Study prepared by ATE, September 22, 2014. (PL, PL-7)

52. 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)
53. 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. (PL)
54. 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)
55. 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)
56. Developer shall provide graphic site directories at principal access walkway points. (PL/B, PL-10)
57. During construction, Developer shall water the area to be graded or excavated prior to commencement of grading or excavation operations. Such application of water shall be at least twice per day and shall penetrate sufficiently to minimize fugitive dust during grading activities. (PL-11)
58. Developer shall provide for dust control at all times during project property preparation and construction activities. (B/DS, PL-13)
59. 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)
60. 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*)

61. 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*).
62. Developer shall provide elevators in structures of three stories or more, except where the third story consists entirely of upper levels of residence that have entrances at the first or second story. (PL/B, *PL-17*)
63. Developer shall install all roof and building rain gutters and downspouts to integrate as closely as possible with building design elements, including matching adjacent building colors as closely as possible. Developer shall submit a plan and scheme for approval by the Planning Division Manager prior to issuance of building permits. (PL, *PL-18*)
64. Developer shall provide utility meters, mailboxes and address directories, placed in decorative cabinets and clustered for efficient access for residents and service persons. Developer shall coordinate placement and design of such items accordingly, with the Planning Division Manager, the appropriate utility service provider and the United States Postal Service, prior to issuance of building permits. (PL, *PL-19*)
65. Railings and enclosures for patios and balconies shall provide at least 50 percent enclosure for screening and privacy. Developer shall include details of the railings and enclosures on the construction documents. (PL/B, *PL-24*)
66. Walls separating the patio areas of different units shall be of solid construction, such as masonry, stucco, or wood over wood. Ground level patios shall be enclosed by walls not less than five feet high, except as otherwise approved by this permit. (PL/B, *PL-25*)
67. Developer shall provide a rear patio concrete slab of at least 100 square feet, or as modified by this permit. (PL/B, *PL-26*)
68. All residential dwelling unit developments shall include architectural articulation on all four sides. Such articulation shall include, but not be limited to, window treatment; trim and a variety of finishes matching front facades; and balconies, porches, and trellises. Developer shall submit elevations depicting such articulation to the Planning Division for approval prior to issuance of building permits. (PL, *PL-28*)
69. Light standards illuminating interior walkways shall be no more than eight feet high. Light shall not intrude into private living or patio areas. Light standards serving recreational areas held in common shall be no more than 15 feet high. Light shall be directed away from dwelling units. (B, *PL-30*)

70. Developer shall construct each dwelling unit with separate utility systems and meters. Developer shall paint utility meter panels to match structures 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. (DS/B, PL-34)
71. Developer shall include in all rental agreements a prohibition against parking recreational vehicles over 20 feet long in the project. (CE/PL, PL-35)
72. Developer shall pay Quimby Fees (fees for park acquisition and improvement) before issuance of building permits. The amount of the fee shall be calculated by the Planning Division, and verified by the Parks Division at the time of payment. (PK/B, PL-36)

PLANNING DIVISION SPECIAL CONDITIONS

73. Trash enclosure areas shall be screened by a six foot screen wall (PL).
74. Developer shall provide masonry walls on street side yards and along project perimeter property lines or as amended via the approved project plans. (PL)
75. This permit is granted subject to the City's approval of Density Bonus Permit No. 14-535-01 and Zone Change No. 14-570-02. The City shall issue building permits only after such approval and ordinance adoption. (PL/DS)
76. Before occupying any structures or initiating any use approved by this permit, Developer shall comply with all conditions of the density bonus. (PL/DS)
77. 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)
78. Before the City issues building permits, Developer shall provide a Graffiti Deterrent Plan, subject to the approval the Planning Division Manager. Such plan shall include such elements as clear film on windows and/or mirrors within public areas, as well as washable paint and sealers on the building and perimeter walls. (PL)
79. Developer shall comply with mitigation measures specified in MND 2015-01 attached here as the project Mitigation Monitoring and Reporting Program (MMRP) herein made conditions of project approval. (PL)
80. Nesting Bird and Raptor Survey. Before the City issues a grading or building permit(s), the Planning Division must verify that construction and grading is occurring outside the nesting season, or that nesting bird and raptor surveys have been conducted, and buffer requirements specified above are in place (if applicable).

To avoid indirect construction impacts to nesting birds and raptors, consistent with Oxnard General Plan (Environmental Resource Policies) and the California Fish and Game Code and Migratory Bird Treaty Act, vegetation removal and initial ground disturbance must occur outside the bird and raptor breeding season, which is typically February 1 through August 31 (as early as January 1 for some raptors). If construction and ground disturbance must begin within this breeding season, then not more than one week before ground disturbance and/or vegetation removal commences, a nesting bird and raptor pre-construction survey must be conducted by a City-approved biologist (biologist) within the disturbance footprint plus a 300-foot buffer, as feasible. If the project is phased, a subsequent pre-construction nesting bird and raptor survey is required before each phase of construction within the project site and suitable habitat within 300 feet. If no raptor or other bird nests are observed no further mitigation is required. Pre-construction nesting bird and raptor surveys must be conducted during the time of day when bird species are active and be of sufficient duration to reliably conclude presence/absence of nesting birds and raptors within the 300 foot buffer. A report of the nesting bird and raptor survey results, if applicable, be submitted to the Planning Division for review and approval before issuance of grading or building permits (whichever occurs first). If active raptor or Migratory Bird Treaty Act protected bird nests are found within 300 feet of the project site, their locations must be flagged and mapped. A nesting raptor buffer must be 500 feet, consistent with California Department of Fish and Wildlife guidance. If the 500-foot buffer is infeasible, the biologist may reduce the buffer distance and/or monitor construction as appropriate, dependent upon the species and the proposed work activities. If any active *non-raptor* bird nests are found, a suitable buffer area (varying from 25-300 feet), depending on the particular species found, shall be established by the biologist. No ground disturbance can occur within the buffer until the biologist confirms that the breeding/nesting is completed and all the young have fledged. Alternately, the biologist may monitor the active nest full-time during construction activities within the buffer to ensure project activities are not indirectly impacting protected nesting birds and raptors. The Planning Division must verify compliance before issuance any grading or building permit(s) (whichever is first) and conduct periodic site inspections to ensure compliance throughout the construction period.

81. Overwintering Monarch Butterfly Surveys and Avoidance. Prior to issuance of a grading or building permit(s) (whichever occurs first), the Planning Division must verify that construction and grading is occurring outside the winter roosting season, or that monarch surveys have been conducted, and buffer requirements specified above are in place (if applicable). The biologist must prepare and submit a written report of the findings of the pre-construction survey to the Planning Division.

To avoid impacts to protected overwintering butterfly roost consistent with the Oxnard General Plan (Environmental Resource Policies), if an active overwintering roost (defined as an aggregation of 10 or more butterflies, present in the same tree or area for one week or more) is present within 100 feet of the project site, all construction, grading, or noise-generating work associated with this project must be seasonally timed to avoid noise- and human activity-related impacts to active overwintering roosts. If work must occur during the overwintering season (generally between October and March), before work, a City-approved biologist (biologist) must survey all habitat trees (e.g., eucalyptus) within 100 feet of the

development envelope to determine use by monarchs. If eucalyptus trees within 100 feet of the development envelope are found to serve as monarch butterfly overwintering roost, indirect impacts must be minimized to the extent practicable. Construction and grading within 100 feet of an aggregation may be monitored by a biologist, and construction within 50 feet of an active overwintering roost must be delayed until the butterflies abandon the aggregation. With Planning Division approval, construction and grading may occur within 50 feet of aggregations under the direction of a biological monitor ensure project activities are not indirectly impacting protected aggregations. Surveys must be conducted in favorable conditions to identify any active overwintering roosts within 100 feet of the development envelope, at least seven days before construction activities commence. If active overwintering roosts are not observed, no further mitigation is required. If active overwintering roosts are detected, a temporary fence must be installed along the outer boundary of the buffer zone prior to and during any grading and construction activities on the site. The Planning Division must verify compliance prior to issuance of any grading or building permit(s) (whichever comes first) and conduct periodic site inspections to ensure compliance throughout the construction period.

81. At all times during construction activities, Developer shall minimize the area disturbed by clearing, grading, earth moving, or excavation operations to prevent excessive amounts of dust. (PL)
82. During construction, Developer shall post and maintain onsite signs, in highly visible areas, restricting all vehicular traffic to 15 miles per hour or less. (PL)

ENVIRONMENTAL RESOURCES DIVISION

83. 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.
82. 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.

83. 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 to an authorized facility.
84. Developer and operator shall install clearly labeled storage containers in the kitchen base cabinet within each apartment unit to facilitate separate disposal of recyclable and non-recyclable waste typically generated by guests. The location and specifications (size, materials, etc.) of such storage unit shall be shown on the construction document floor plans submitted to the City for building permits. Recycling guidelines shall be clearly posted on the door of the storage cabinet. The intent of this mitigation measure is to create a situation wherein recycling is as convenient for project guests as disposing of trash.
85. Developer and operator shall provide recycling containers near the point of use in common areas for residents to dispose of their recyclable waste (examples: indoors for newspapers and beverage containers; outdoors for beverage containers). Containers used exclusively for recycling shall be clearly identified as "recycling only" with clear icons or other graphics on each container appropriate to the container's content.
86. Management shall provide literature in each unit (including on the door of the storage cabinet) explaining the importance of recycling, what can be recycled, and providing suggestions for source reduction, as well as water and energy conservation. City contacts for waste reduction, water conservation, and energy savings shall be listed in the literature.

DEVELOPMENT SERVICES DIVISION STANDARD CONDITIONS

87. 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)
88. 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)
89. 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)

90. 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)
91. Developer shall protect building pads from inundation during a 1% chance (100-year) storm. (DS-5)
92. Developer shall replace all broken, uplifted, or missing curb, gutter, or sidewalk along the street frontage(s) of the project. (DS-6)
93. Before connecting the project to existing sewer and water service laterals, Developer shall inspect (pothole or video) existing lateral(s) and arrange for City staff to view inspection results. Developer shall make repairs to such facilities as determined necessary by City staff. Developer shall bring all existing water services into compliance with current City standards including removal of unused water or sewer laterals by disconnection at the main. (DS-7)
94. Each structure shall be served by separate sewer and water services in accordance with City Code. (DS-8)
95. Curb cut widths and design shall conform to City ordinances, standards, and policies in effect at the time City issues an encroachment permit. (DS-9)
96. Developer's site improvement plans shall include an on-site sewer plan. (DS-10)
97. Developer shall provide fire hydrants such that all points of all structures are within one hundred fifty (150) feet of a fire hydrant, or as otherwise approved by the Fire Department. Fire hydrant line improvements shall be designed in accordance with City standards and shown on the civil site improvement plans prior to issuance of a site improvement/grading permit. Developer shall provide the City with an easement over onsite waterlines using standard City format. (DS-11)
98. Developer shall install on-site and off-site electric, cable, telephone and similar utility service laterals underground in accordance with City ordinances in effect at the time City issues a building permit. Services shall be installed underground to the nearest suitable riser pole as determined by the appropriate utility service provider. (DS-12)
99. Developer shall enter into an agreement, approved as to form by the City Attorney, to install and construct all public improvements required by this permit and by the City Code. Developer shall post security satisfactory to the Finance Director, guaranteeing the installation

and construction of all required improvements within the time period specified in the agreement or any approved time extension. (DS-14)

100. A California licensed civil engineer shall prepare the public improvement plans and documents for this project in accordance with City standards and shall submit all such plans to the City Engineer. Submittal shall include, but not necessarily be limited to, grading, street, drainage, sewer, water and other appurtenant improvement plans, construction cost estimates, soils reports, and all pertinent engineering design calculations. City will not approve a parcel map or final map nor issue a grading, site improvement or building permit until the City Engineer has approved all improvement plans. (DS-15)
101. 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)
102. Developer shall process permanent master planned improvements that are eligible for reimbursement in accordance with City policies, resolutions, and ordinances in effect at the time of recordation of the final map or parcel map or if there is no map, then at the time of public improvement plan approval. (DS-17)
103. 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)
104. 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)
105. Developer shall pay the cost of all inspections of on-site and off-site improvements. (DS-22)
106. Developer shall be responsible for all project-related actions of Developer's employees, contractors, subcontractors, and agents until City accepts the improvements. (DS-23)
107. 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)

108. "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)
109. 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)
110. 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)
111. All grading shall conform to City's standard grading notes, City Code, and recommendations of Developer's soils engineer as approved by the City Engineer. (DS-30)
112. Developer shall construct sufficient drainage facilities concurrent with rough grading operations to mitigate any potential flooding or erosion affecting adjacent properties and public rights-of-way. (DS-31)
113. 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)
114. Storm drain, sewer and water facilities shall conform to applicable City Master Plans. Developer shall prepare plans for these facilities in accordance with City's engineering design criteria in effect at the time of improvement plan submittal. Developer shall submit plans with pertinent engineering analyses and design calculations for review and approval by the City Engineer prior to issuance of a site improvement permit. (DS-34)
115. Prior to issuance of a site improvement permit, Developer shall provide to the City Engineer easements or written consent (as determined appropriate by the Development Services Director) from all affected landowners for any diversion of historical flows or change in drainage conditions caused by the project. (DS-36)
116. Developer shall dispose of sewage and solid waste from the project by City's wastewater and solid waste systems in a manner approved by the City Engineer. (DS-38)

117. Developer shall install water mains, fire hydrants and water services in conformance with City standard plates, design criteria and specifications as directed by the City Engineer. (DS-41)
118. Prior to issuance of building permits, Developer shall present to the City Engineer a "Proof of Payment - Authorization for Building Permits" form issued by the Calleguas Municipal Water District. (DS-44)
119. Developer shall install City approved backflow prevention devices for water connections if so ordered by the City Engineer. (DS-45)
120. Prior to designing the water system for the project, Developer shall have a certified fire flow test performed to determine existing water pressure and flow characteristics. The water system shall be designed to allow for a 10 psi drop in the static water pressure measured during the fire flow test. After construction and before City issues a certificate of occupancy, the City Engineer may require a second test. Developer shall obtain permits from the City Engineer prior to performing tests. Developer shall have all tests certified by a mechanical, civil, or fire protection engineer and provide written results of all tests to the City Engineer. (DS-47)
121. Street and road improvements shall conform to City standard plates, design criteria and policies. Improvements shall include upgrading of existing pavement along the project frontage to City standards by removing and replacing or overlaying, as directed by the City Engineer. (DS-51)
122. Developer shall provide soils reports, "R" value tests, and compaction tests for all streets. Determination of the actual structural sections shall be based on City's design procedure, "R" value tests of in-place soils, and approved traffic indices. (DS-53)
123. 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)
124. Developer shall submit a street lighting plan as a part of the civil improvement plans. Developer shall install streetlights in accordance with the plan. (DS-60)
125. Developer shall be responsible for and bear the cost of replacement of all existing survey monumentation (e.g., property corners) disturbed or destroyed during construction, and shall file appropriate records with the Ventura County Surveyor's Office. (DS-64)
126. 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)
127. Developer shall provide adequate vehicle sight distance as specified by CalTrans specifications at all driveways and intersections. (TR-71)

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

STORMWATER QUALITY CONDITIONS

129. 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)
130. 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)
131. 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)
132. 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)

133. 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)
134. 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)
135. 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

136. Developer shall construct proposed walkways that cross vehicular drive aisles of colored enhanced concrete. The concrete color shall contrast with the parking lot paving material to clearly identify pedestrian areas. (DS-101)
137. 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)
138. Prior to issuance of a site improvement permit, Developer shall dedicate right-of-way along the Pleasant Valley Road and Etting Road frontages of the project sufficient to encompass the proposed public improvements required by these conditions of approval and project site plans. (DS)
139. Developer shall construct multi-bin trash enclosures (at least one bin for recycle use in each enclosure) with a solid non-combustible roof (8-foot minimum clearance) that prevents stormwater from entering the refuse bins. 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)

140. Developer shall construct a minimum 7-foot wide sidewalk at all locations where the sidewalk is constructed adjacent to the front of parking spaces. (DS)
141. Prior to approval of permits for connection to the 50-inch x 31-inch CMPA storm drain in Etting Road, Developer shall provide an evaluation and, if necessary, rehabilitation recommendations for the portion of the pipe along the project frontage. Developer shall implement rehabilitation recommendations as approved by the Development Services Manager. (DS)
142. Developer shall provide proof of recordation of a document that holds the owners of this property and the adjacent property (subject to Planning and Zoning Permit 14-500.004) jointly and severally responsible for implementation and perpetual maintenance of the long-term post-construction BMPs not located exclusively on the property served by the BMP. (DS)
143. Developer shall construct an onsite public water distribution system serving the proposed fire hydrants. The system shall be dedicated to the City via a standard waterline easement and shall not include backflow devices on the water mains. Project water meters and fire sprinkler connections may be connected to this distribution system using adopted City design standards. The final design is subject to approval of the Development Services Manager. (DS)
144. Prior to issuance of a site improvement permit, Developer shall provide evidence of issuance of a water well destruction permit for all onsite water wells. Developer shall complete the well destruction prior to issuance of a certificate of occupancy. (DS)
145. The percolation tests for this project shall include implementation of the reduction factor specified in the "Guidelines for Design, Investigation, and reporting for Low Impact Development Stormwater Infiltration" published in the Administrative Manual of the County of Los Angeles Department of Public Works. This reduction factor is in addition to the required safety factor. (DS)
146. Prior to the issuance of a site improvement permit, Developer shall provide evidence of recordation of a reciprocal access, surface drainage, and utility agreement between this property and the adjacent project subject to Planning and Zoning Permit 14-540-01. (DS)
147. Prior to issuance of building permit, the Developer shall record a reciprocal access and maintenance agreement for shared access between the Project and the adjacent proposed Senior/Assisted Living facility to provide access from Pleasant Valley Road to the Senior/Assisted Living facility. Developer shall also show access easements on the construction site plans and engineering plans. (TR)

148. Prior to issuance of building permit, the Developer shall record a reciprocal parking agreement between the Project and the adjacent proposed Senior/Assisted Living facility to provide the Senior/Assisted Living facility with access and use of 35 shared parking spaces on the subject apartment property. (TR)
149. Developer shall install "Click 2 Enter" or compatible entry system on all entry gates that is programmed to provide access for City refuse vehicles. (DS)
150. Prior to issuance of a certificate of occupancy, Developer shall widen Etting Road from Pleasant Valley Road to Olds Road. Widening shall accommodate a 6 foot wide westbound bike lane, one westbound through lane and one westbound right turn lane at its approach to Pleasant Valley Road and a 6 foot wide eastbound bike lane, one eastbound through lane, and one eastbound right turn lane at its approach to Olds Road. These improvements shall include construction of a curb return on the southwest corner of the Etting Road/Olds Road intersection. Final design shall be approved by the City Traffic Engineer. Construction plans shall be processed concurrent with site improvement plans. (TR)
151. Prior to issuance of a certificate of occupancy, Developer shall install a north-south pedestrian crosswalk and associated disabled access ramps on the westbound approach to the Etting Road/Olds Road intersection to enhance pedestrian safety. These improvements shall also include construction of approximately 65 feet of 10 foot wide sidewalk connecting the intersection to the existing Olds Road sidewalk southerly of the intersection. Construction plans shall be processed concurrent with site improvement plans. Developer shall coordinate these improvements with the City's proposed safe routes to school project at this location and shall not be required to construct improvements if funding has been awarded under the safe routes to school program. (TR)
152. Widen Etting Road from Pleasant Valley Road to Olds Road to provide two eastbound travel lanes. At the Etting Road/Olds Road intersection, the two eastbound travel lanes shall transition to a through lane and exclusive right-turn lane on the eastbound approach. Install a north-south pedestrian crosswalk on the westbound approach of the Etting Road/Olds Avenue intersection in order to enhance the pedestrian route. This shall be completed prior to issuance of Certificate of Occupancy for the Apartment Homes (TR).
153. Traffic Special Condition 1 shall be completed by the project applicant as specified by T-1 in the MND. If the improvements are constructed, are under construction, or are planned for construction by another developer at the time the project applicant is ready for first occupancy, the project applicant shall be relieved of this responsibility (TR).
154. Prior to issuance of a certificate of occupancy, Developer shall construct a 6 foot wide sidewalk extending from the Etting Road/Olds Road intersection to the shared property line with the adjacent mobile home park. The sidewalk alignment shall include an 8 foot wide landscaped parkway except in locations where existing trees are being protected. The final layout of the sidewalk is subject to approval of the Development Services Manager. Construction plans shall be processed concurrent with site improvement plans. (TR)

155. Prior to the issuance of site improvement permit, Developer shall obtain necessary right-of-way from the property owner (school district) to construct conditioned improvements at the southeast corner of the Etting Road/Olds Road intersection. Developer's right-of-way legal description shall include additional property encompassing existing (Olds Road frontage) and future (safe routes to school) school frontage sidewalk improvements if the dedication is approved by the school district without acquisition cost to the Developer. (TR)
156. Developer shall install a "No Entry" sign at the proposed gated driveway along Etting Road. (TR)
157. Developer shall install a sign at the northerly Pleasant Valley Road driveway indicating that the driveway is for emergency vehicle use only. (TR)
158. Developer shall install a "No Left-turn" sign for traffic exiting the project at the primary (westerly) driveway along Pleasant Valley Road. (TR)
159. Prior to issuance of the first certificate of occupancy, Developer shall install a bus stop at a location to be approved by the City Traffic Engineering Division. The bus stop shall be for eastbound Pleasant Valley Road and shall include a bench, shelter, and trash receptacle. (TR)

PASSED, APPROVED, AND ADOPTED by the Planning Commission of the City of Oxnard on this 20th day of August, 2015.

Stephen Huber, 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 20th day of August, 2015, and carried by the following vote:

AYES: Commissioner(s): Dozier, Mullin, Nash, Stewart, and Okada

NOES: Commissioner(s): None

ABSENT: Commissioner(s): Frank

ABSTAIN: Commissioner(s): None

Ashley Golden, Secretary

RESOLUTION NO. 2015-25

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING CITY COUNCIL APPROVAL OF PLANNING AND ZONING PERMIT NO. 14-535-01 (DENSITY BONUS) FOR AN AFFORDABLE HOUSING PROJECT WITH A TOTAL OF 85 MARKET RATE APARTMENT UNITS, 15 AFFORDABLE APARTMENT UNITS AND ONE MANAGER UNIT ON A PROPOSED 6.23 ACRE PARCEL LOCATED AT 2250 E. PLEASANT VALLEY ROAD, APN 225-0-014-190, SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY VINCE DALY OF DANSK INVESTMENTS, 6591 COLLINS, STE. E11, MOORPARK, CALIFORNIA 93021

WHEREAS, on June 3, 2014, Mark Pettit with Lauterbach & Associates, on behalf of Vince Daly of Dansk Investments (the “**Applicant**” and/or “**Developer**”), submitted a request to allow construction of a 101 unit mixed income apartment community and on-site amenities on a 6.23 acre site (2250 E. Pleasant Valley Road - APN 225-0-014-190); and

WHEREAS, on August 20, 2015, the Planning Commission of the City of Oxnard (“**Planning Commission**”) conducted a duly noticed public hearing to consider Applicant’s request to approve Planning and Zoning Permit Nos. 14-540-01 (Special Use Permit – Planned Development Permit), 14-535-01 (Density Bonus), and 14-570-02 (Zone Change) to allow the construction of a 101-unit mixed income apartment community (the “**Project**”) in accordance with the Oxnard City Code; and

WHEREAS, the Planning and Environmental Services Division has determined that the proposed Project is subject to environmental review pursuant to Section 15070 of Title 14 of the California Code of Regulations; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA), the City of Oxnard prepared Mitigated Negative Declaration (MND No. 2015-01) to analyze the potential environmental effects of the Project and the adjacent proposed “Coastal” Senior/Assisted living project; and

WHEREAS, the Planning Commission has found on the basis of the whole record before it (including the Initial Study and any comments received) that there is no substantial evidence that the Project will have a significant effect on the environment and that MND No. 2015-01 reflects the independent judgment and analysis of the City; and

WHEREAS, the Planning Commission adopted MND No. 2015-01 for the project described therein, adopted a mitigation monitoring and reporting program for the project described in MND No. 2015-01, and imposed mitigation measures identified within MND No. 2015-01 on the parcels known as APN: 225-0-014-160 and 225-0-014-190 based upon the project description evaluated within IS/MND No. 2015-01.

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 policies of the City of Oxnard, with the approval of the requested density bonus.**

The proposed use is consistent with the 2030 General Plan since the proposed apartment use is consistent with the site's land use designation of Low Medium Density Residential (RLM). As discussed in Section 6b of the Planning Commission Staff Report, the proposed Project is also consistent with the development policies of the 2030 General Plan.

- (2) **That the proposed Project meets the criteria set out in Government Code section 65915(b).**

The proposed Project meets the criteria set out in Government Code section 65915(b) since the Applicant is proposing to set-aside 15 affordable units for lower income households, as defined in Section 50079.5 of the Health and Safety Code.

- (3) **That the waiver or reduction is necessary to prevent physically precluding the construction of the Project at the densities or with the concessions or incentives permitted by the statute.**

The proposed Project design and site features, density and unit construction can only be secured with approval of the concessions and incentives requested.

- (4) **The Applicant has provided a satisfactory method to guarantee that the rental prices will be established as stated in the application.**

As a condition of Project approval, the Applicant has agreed that prior to approval of a final map or parcel map or, if a map is not a part of the Project, before issuance of building permits, to enter into an agreement with the City, in a form acceptable to the City Attorney and the Director of Housing or the Secretary of the Community Development Commission, that ensures the continued affordability of the affordable units that qualified the Applicant for the award of a density bonus (15 low- income affordable units). The Agreement will ensure that the affordable units that qualified the Applicant for the award of a density bonus remain affordable for 55 years or a longer period of time if required by any construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. Rents

for the lower income density bonus units will be set at an affordable rent as defined in Section 50053 of the Health and Safety Code.

- (5) **The Applicant has agreed to execute the agreement referred to in section 16-421 of the Oxnard City Code.**

As a condition of Project approval, the Applicant has agreed that prior to approval of a final map or parcel map or, if a map is not a part of the Project, before issuance of building permits, to enter into an agreement with the City, in a form acceptable to the City Attorney and the Director of Housing or the Secretary of the Community Development Commission, that ensures the continued affordability of the affordable units that qualified the Applicant for the award of a density bonus (15 low- income affordable units). The Agreement will ensure that the affordable units that qualified the Applicant for the award of a density bonus remain affordable for 55 years or a longer period of time if required by any construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. Rents for the lower income density bonus units will be set at an affordable rent as defined in Section 50053 of the Health and Safety Code.

- (6) **The affordable units are dispersed throughout the Project, have a number of bedrooms proportionate to the number of bedrooms in other units in the Project, and do not differ in appearance, size and amenities from other units in the Project.**

The 15 affordable units have a number of bedrooms proportionate to the number of bedrooms in other units in the Project and do not differ in appearance, size, and amenities from other units of the same size in the Project.

SECTION 2. Based on the findings set forth herein, the Planning Commission hereby recommends that the City Council approve Planning and Zoning Permit (PZ) 14-535-01 (Density Bonus), a thirty-five percent (35%) density bonus over the otherwise maximum allowable residential density and two (2) incentives/concessions, which include (i) an increase in building height from 2 stories and 25 feet to 3 stories and 42 feet, 4 inches, and (ii) an increase in unit count per building from 6 dwelling units per building to 101 dwelling units in one building.

CONDITIONS OF APPROVAL

Note:

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

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

GENERAL PROJECT CONDITIONS

1. This permit is granted for the property described in the application on file with the Planning Division, and may not be transferred from one property to another. (PL, *G-1*).
2. This permit is granted for the plans dated May 12, 2015 (architectural plans), May 8, 2015 (Planting Plan) and February 2015 (engineered site plan), ("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 Development Services 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. 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)
7. This permit is granted subject to approval of Planning and Zoning Permit No. 14-540-01 (Planned Development) and Planning, Zoning Permit No.14-570-02 (Zone Change) and MND 2015-01 for the "Coastal" Apartment Homes and "Coastal" Senior/Assisted living projects.
8. Prior to approval of a final map or parcel map or, if a map is not a part of the Project, before issuance of building permits, Developer shall enter into an agreement with the City, in a form acceptable to the City Attorney and the Director of Housing or the Secretary of the Community Development Commission, that ensures the continued affordability of the affordable units that qualified Developer for the award of a density bonus (15 low- income affordable units). The Agreement shall ensure that the affordable units that qualified Developer for the award of a density bonus remain affordable for 55 years or a longer period of time if required by any construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. Rents for the lower income density bonus units shall be set at an affordable rent as defined in Section 50053 of the Health and Safety Code.

The Agreement shall establish specific compliance standards and specific remedies available to the City if such compliance standards are not met. The Agreement shall, among other things, specify the number of low income affordable units by number of bedrooms, standards for qualifying household incomes or other qualifying criteria, standards for maximum sales price, a required annual report, and monitoring fees. Developer hereby agrees to deposit funds for any staff time expended for preparation of the Agreement and subsequent compliance with said Agreement.

9. Developer agrees, as a condition of adoption of this resolution, at Developer's own expense, to indemnify, defend and hold harmless the City and its agents, officers and employees from and against any claim, action or proceeding to attack, review, set aside, void or annul the approval of the resolution or any condition attached thereto or any proceedings, acts or determinations taken, done or made prior to the approval of such resolution that were part of the approval process. (CA, G-6)

PASSED, APPROVED, AND ADOPTED by the Planning Commission of the City of Oxnard on this 20th day of August, 2015.

Stephen Huber, 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 the 20th day of August, 2015, and carried by the following vote:

AYES: Commissioner(s): Dozier, Mullin, Nash, Stewart, and Okada

NOES: Commissioner(s): None

ABSENT: Commissioner(s): Frank

ABSTAIN: Commissioner(s): None

Ashley Golden, Secretary

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD UPHOLDING THE DECISION OF THE PLANNING COMMISSION APPROVING PLANNING AND ZONING PERMIT NO. 14-540-01 (SPECIAL USE PERMIT - PLANNED DEVELOPMENT) TO ALLOW THE CONSTRUCTION OF A 101-UNIT MIXED INCOME APARTMENT BUILDING ON A 6.23 PARCEL LOCATED AT 2250 E. PLEASANT VALLEY ROAD, APN 225-0-014-190, SUBJECT TO CERTAIN FINDINGS AND CONDITIONS; AND ADOPTING MITIGATED NEGATIVE DECLARATION NO. 2015-01 FOR THE COASTAL APARTMENT HOMES PROJECT AND COASTAL SENIOR/ASSISTED LIVING PROJECT AND IMPOSING MITIGATION MEASURES IDENTIFIED WITHIN SAID MITIGATED NEGATIVE DECLARATION ON THE PARCELS KNOWN AS APN: 225-0-014-160 AND 225-0-014-190 BASED UPON THE PROJECT DESCRIPTION EVALUATED WITHIN IS/MND NO. 2015-01. FILED BY VINCE DALY OF DANSK INVESTMENTS, 6591 COLLINS, STE. E11, MOORPARK, CALIFORNIA 93021

WHEREAS, on June 3, 2014, Mark Pettit with Lauterbach & Associates, on behalf of Vince Daly of Dansk Investments (the “**Applicant**” and/or “**Developer**”), submitted a request to allow construction of a 101 unit mixed income apartment community and on-site amenities on a 6.23 acre site (2250 E. Pleasant Valley Road - APN 225-0-014-190); and

WHEREAS, on September 3, 2015, the Planning Commission of the City of Oxnard (“**Planning Commission**”) conducted a duly noticed public hearing, received comments, considered Staff's recommendation along with oral and written presentation by persons who attended the meeting, and approved Planning and Zoning Permit No. 14-540-01 (Special Use Permit – Planned Development Permit) to allow the construction of “Coastal” Apartment Homes, a 101-unit mixed income apartment community (the “**Project**”) in accordance with the Oxnard City Code; and

WHEREAS, on September 3, 2015, the Planning Commission adopted Mitigated Negative Declaration (MND No. 2015-01) and imposed Mitigation Measures identified within said Mitigated Negative Declaration for of the Project and the adjacent proposed “Coastal” Senior/Assisted Living project; and

WHEREAS, Planning Commission approvals of Planning and Zoning Permit No. 14-540-01 (Special Use Permit – Planned Development Permit) and Mitigated Negative Declaration (MND No. 2015-01) are being appealed to the City Council in order to provide the Council with a sense of context and comprehensiveness of the remaining permits that make up the application, including Planning and Zoning Permit No 14-535-01 (Density Bonus) and Planning and Zoning Permit No 14-570-02 (Zone Change); and

WHEREAS, the Project site is identified in the 2006-2014 Housing Element Supplement Part II as an All-Affordable Housing Opportunity Program (AAHOP) site and if a developer decides to participate in the AAHOP it is required to make all housing units affordable to extremely low-, very low-, or low-income households; and

WHEREAS, at this time the Applicant is not seeking to develop the Project site under the AAHOP due to the fact that the City has initiated a contract to update the Housing Element in order to reevaluate existing policies and new and existing AAHOP affordable housing sites; and

WHEREAS, the Project site has not be identified as an AAHOP affordable housing site within the 2013-2021 updated Housing Element; and

WHEREAS, with the updated Housing Element, the City is in support of the Project moving forward without Applicant's participation in the AAHOP; and

WHEREAS, the documents and other materials that constitute the record of proceedings upon which the decision to adopt the mitigated negative declaration is based is located in the Planning Division of the City of Oxnard, and the custodian of the record is the Planning Manager; and

WHEREAS, on October 6, 2015, the City Council conducted a duly noticed public hearing and carefully reviewed Planning Commission Resolution No. 2015-24 approving Planning and Zoning Permit 14-540-01 (Special Use Permit – Planned Development Permit), Mitigated Negative Declaration No. 2015-01, and the Mitigation Monitoring and Reporting Program contained in the MND, and the City Council has considered the MND before making its decision herein; 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 that the City Council of the City of Oxnard upholds the decision of the Planning Commission approving Planning and Zoning Permit No. 14-540-01 (Special Use Permit– Planned Development Permit), MND No. 2015-01, and the Mitigation Monitoring and Reporting Program contained in the MND, for the reasons set forth and described in Planning Commission Resolution No. 2015-24, and subject to the conditions of approval therein.

[SIGNATURES ON FOLLOWING PAGE]

PASSED AND ADOPTED by the City Council of the City of Oxnard on this 6th day of October, 2015, by the following vote

AYES:

NOES:

ABSENT:

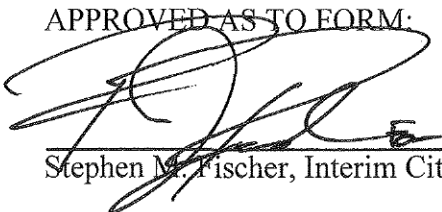
ABSTAIN:

Tim Flynn, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Stephen M. Fischer, Interim City Attorney

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 14-535-01 (DENSITY BONUS) TO AUTHORIZE A THIRTY-FIVE PERCENT DENSITY INCREASE OVER THE OTHERWISE MAXIMUM ALLOWED DENSITY AND TWO INCENTIVES/CONCESSIONS TO PERMIT CONSTRUCTION OF AN AFFORDABLE HOUSING PROJECT WITH A TOTAL OF 85 MARKET RATE APARTMENT UNITS, 15 AFFORDABLE APARTMENT UNITS AND ONE MANAGER UNIT ON A PROPOSED 6.23 ACRE PARCEL LOCATED AT 2250 PLEASANT VALLEY ROAD, APN 225-0-014-190, SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY VINCE DALY OF DANSK INVESTMENTS, 6591 COLLINS, STE. E11, MOORPARK, CALIFORNIA 93021

WHEREAS, on June 3, 2014, Mark Pettit with Lauterbach & Associates, on behalf of Vince Daly of Dansk Investments (the “**Applicant**” and/or “**Developer**”), submitted a request to allow construction of a 101 unit mixed income apartment community and on-site amenities on a 6.23 acre site (2250 E. Pleasant Valley Road - APN 225-0-014-190); and

WHEREAS, on September 3, 2015, the Planning Commission of the City of Oxnard (“**Planning Commission**”) conducted a duly noticed public hearing, approved Planning and Zoning Permit Nos. 14-540-01 (Special Use Permit – Planned Development Permit), and recommended that City Council approve 14-535-01 (Density Bonus), and 14-570-02 (Zone Change) to allow the construction of a 101-unit mixed income apartment community (the “**Project**”) in accordance with the Oxnard City Code; and

WHEREAS, on September 3, 2015, the Planning Commission adopted MND No. 2015-01 for the project described therein, adopted a mitigation monitoring and reporting program for the project described in MND No. 2015-01, and imposed mitigation measures identified within MND No. 2015-01 on the parcels known as APN: 225-0-014-160 and 225-0-014-190 based upon the project description evaluated within IS/MND No. 2015-01; and

WHEREAS, the Planning Commission approvals of Planning and Zoning Permit No. 14-540-01 (Special Use Permit – Planned Development Permit) and Mitigated Negative Declaration (MND No. 2015-01) were appealed to the City Council in order to provide the Council with a sense of context and comprehensiveness of the remaining permits that make up the application, including Planning and Zoning Permit No 14-535-01 (Density Bonus) and Planning and Zoning Permit No 14-570-02 (Zone Change);and

WHEREAS, on October 6, 2015, the City Council conducted a duly noticed public hearing and received all written and oral evidence in favor of and in opposition to the Project, considered an application for the Project; 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 City Council Staff Report, 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 policies of the City of Oxnard, with the approval of the requested density bonus.**

The proposed use is consistent with the 2030 General Plan since the proposed apartment use is consistent with the site's land use designation of Low Medium Density Residential (RLM). As discussed in Section 6b of the Planning Commission Staff Report, the proposed Project is also consistent with the development policies of the 2030 General Plan.

- (2) **That the proposed Project meets the criteria set out in Government Code section 65915(b).**

The proposed Project meets the criteria set out in Government Code section 65915(b) since the Applicant is proposing to set-aside 15 affordable units for lower income households, as defined in Section 50079.5 of the Health and Safety Code.

- (3) **That the waiver or reduction is necessary to prevent physically precluding the construction of the Project at the densities or with the concessions or incentives permitted by the statute.**

The proposed Project design and site features, density and unit construction can only be secured with approval of the concessions and incentives requested.

- (4) **The Applicant has provided a satisfactory method to guarantee that the rental prices will be established as stated in the application.**

As a condition of Project approval, the Applicant has agreed that prior to approval of a final map or parcel map or, if a map is not a part of the Project, before issuance of building permits, to enter into an agreement with the City, in a form acceptable to the City Attorney and the Director of Housing or the Secretary of the Community Development Commission, that ensures the continued affordability of the affordable units that qualified the Applicant for the award of a density bonus (15 low- income affordable units). The Agreement will ensure that the affordable units that qualified the Applicant for the award of a density bonus remain affordable for 55 years or a longer period of time if required by any construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. Rents

for the lower income density bonus units will be set at an affordable rent as defined in Section 50053 of the Health and Safety Code.

- (5) **The Applicant has agreed to execute the agreement referred to in section 16-421 of the Oxnard City Code.**

As a condition of Project approval, the Applicant has agreed that prior to approval of a final map or parcel map or, if a map is not a part of the Project, before issuance of building permits, to enter into an agreement with the City, in a form acceptable to the City Attorney and the Director of Housing or the Secretary of the Community Development Commission, that ensures the continued affordability of the affordable units that qualified the Applicant for the award of a density bonus (15 low-income affordable units). The Agreement will ensure that the affordable units that qualified the Applicant for the award of a density bonus remain affordable for 55 years or a longer period of time if required by any construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. Rents for the lower income density bonus units will be set at an affordable rent as defined in Section 50053 of the Health and Safety Code.

- (6) **The affordable units are dispersed throughout the Project, have a number of bedrooms proportionate to the number of bedrooms in other units in the Project, and do not differ in appearance, size and amenities from other units in the Project.**

The 15 affordable units have a number of bedrooms proportionate to the number of bedrooms in other units in the Project and do not differ in appearance, size, and amenities from other units of the same size in the Project.

SECTION 2. Based on the findings set forth herein, the City Council hereby approves Planning and Zoning Permit (PZ) 14-535-01 (Density Bonus), a thirty-five percent (35%) density bonus over the otherwise maximum allowable residential density and two (2) incentives/concessions, which include (i) an increase in building height from 2 stories and 25 feet to 3 stories and 42 feet, 4 inches, and (ii) an increase in unit count per building from 6 dwelling units per building to 101 dwelling units in one building, subject to the Conditions of Approval listed in Planning Commission Resolution 2015-25.

[SIGNATURES ON FOLLOWING PAGE]

PASSED AND ADOPTED by the City Council of the City of Oxnard on this 6th day of October, 2015, by the following vote

AYES:

NOES:

ABSENT:

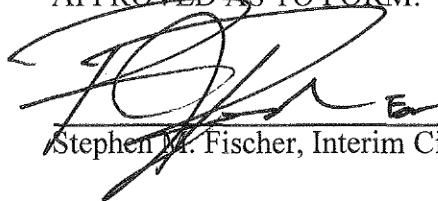
ABSTAIN:

Tim Flynn, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Stephen M. Fischer, Interim City Attorney

ORDINANCE NO. _____

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. NO. 14-570-02 (ZONE CHANGE) ON PARCELS LOCATED ON PLEASANT VALLEY ROAD AND ETING ROAD, (APN: 225-0-014-160 AND 225-0-014-190). FILED BY CITY OF OXNARD, DEVELOPMENT SERVICES DEPARTMENT, 214 SOUTH C STREET, OXNARD, CA 93030.

WHEREAS, on June 3, 2014, Mark Pettit with Lauterbach & Associates, on behalf of Vince Daly of Dansk Investments (the "**Applicant**" and/or "**Developer**"), submitted a request to allow construction of a 101-unit mixed income apartment community and on-site amenities on a 6.23 acre site (2250 E. Pleasant Valley Road - APN 225-0-014-190) and to allow construction of a 70 unit senior/assisted living residential facility and on-site amenities on a 1.05 acre site (2300 E. Pleasant Valley Road - APN 225-0-014-160); and

WHEREAS, the City of Oxnard is initiating the Zone Change for the two above-referenced parcels (APN: 225-0-014-160 and 225-0-014-190) to bring the properties into compliance with the 2030 General Plan land use designation; and

WHEREAS, on September 3, 2015, the Planning Commission of the City of Oxnard ("**Planning Commission**") conducted a duly noticed public hearing, approved Planning and Zoning Permit Nos. 14-540-01 (Special Use Permit – Planned Development Permit), and recommended that City Council approve 14-535-01 (Density Bonus), and 14-570-02 (Zone Change) to allow the construction of a 101-unit mixed income apartment community (the "**Coastal Apartment Project**") in accordance with the Oxnard City Code; and

WHEREAS, on September 3, 2015, the Planning Commission conducted a duly noticed public hearing and received comments, approved Planning and Zoning Permit No. 14-500-04 (Special Use Permit for a Planned Residential Group), and recommended that City Council approve Planning and Zoning Permit No. 14-580-01 (Zoning Text Amendment), and Planning and Zoning Permit No. 14-570-02 (Zone Change) to allow the construction of a 70-unit senior/assisted living residential facility (the "**Senior/Assisted Living Project**") in accordance with the Oxnard City Code; and

WHEREAS, on September 3, 2015, the Planning Commission adopted MND No. 2015-01 pursuant to the California Environmental Quality Act (CEQA) for the Project described therein, adopted a mitigation monitoring and reporting program for the Project described in MND No. 2015-01, and imposed mitigation measures identified within MND No. 2015-01 on the parcels known as APN: 225-0-014-160 and 225-0-014-190 based upon the project description evaluated within IS/MND No. 2015-01; and

WHEREAS, the Planning Commission approvals of Planning and Zoning Permit No. 14-540-01 (Special Use Permit – Planned Development Permit) and Mitigated Negative Declaration (MND No. 2015-01) were appealed to the City Council in order to provide the Council with a sense of context and comprehensiveness of the remaining permits that make up the applications for the Coastal Apartment Project and the Senior/Assisted Living Project; and

WHEREAS, on October 6, 2015, the City Council of the City of Oxnard ("**City Council**") conducted a duly noticed public hearing to consider Applicant's request to approve Planning and Zoning Permit Nos. 14-540-01 (Special Use Permit – Planned Development Permit), 14-535-01 (Density Bonus), and 14-570-02 (Zone Change) to allow the construction of the Coastal Apartment Project in accordance with the Oxnard City Code; and

WHEREAS, on October 6, 2015, the City Council conducted a duly noticed public hearing to consider Applicant's request to approve Planning and Zoning Permit Nos. 14-500-04 (Special Use Permit – Planned Residential Group), 14-580-01 (Zone Text Amendment), and 14-570-02 (Zone Change) to allow construction of the Senior/Assisted Living Project in accordance with the Oxnard City Code; and

WHEREAS, the two Project sites on Pleasant Valley (collectively referred to as the "**Project sites**") are identified in the 2006-2014 Housing Element Supplement Part II as Ail-Affordable Housing Opportunity Program (AAHOP) sites and if a developer decides to participate in the AAHOP it is required to make all housing units affordable to extremely low-, very low-, or low-income households; and

WHEREAS, at this time the Applicant is not seeking to develop the Project sites under the AAHOP due to the fact that the City has initiated a contract to update the Housing Element in order to reevaluate existing policies and new and existing AAHOP affordable housing sites; and

WHEREAS, the Project site has not be identified as an AAHOP affordable housing site within the 2013-2021 updated Housing Element; and

WHEREAS, with the updated Housing Element, the City is in support of the Project moving forward without Applicant's participation in the AAHOP; and

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

SECTION 1. Based on the entire record before the City Council and all written and oral evidence presented, including the City Council Staff Report, the Planning Commission Staff Report and all attachments thereto, the City Council finds that the proposed Zone Change to change the zone designation for the subject property (APN 225-0-014-160 and -019) from Community Reserve (CR) to Multiple-Family Residential Planned Development (R-2-PD) is in conformity with the City of Oxnard 2030 General Plan since the Multiple-Family Residential Planned Development (R-2-PD) zoning designation is consistent with the City of Oxnard 2030 General Plan Land Use Designation of Residential Low Medium (RLM).

SECTION 2. Based on the findings set forth herein, the City Council adopts an ordinance approving Planning and Zoning Permit No. 14-570-02 (Zone Change) to change the zone designation for the subject property (APN 225-0-014-160 and 019) from Community Reserve (CR) to Multiple-Family Residential Planned Development (R-2-PD) to be consistent with the City of Oxnard 2030 General Plan Land Use Designation of Residential Low Medium (RLM) as set forth in Exhibit A, attached hereto.

SECTION 3. If any section, subsection, phrase, or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declared unconstitutional.

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

PASSED AND ADOPTED this 6th day of October, 2015 by the following votes:

AYES:

NOES:

ABSENT:

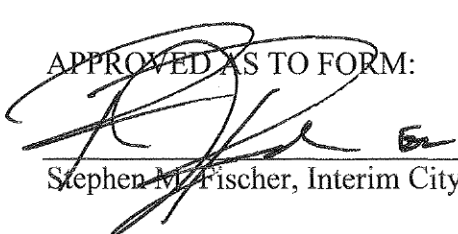
ABSTAIN:

Tim Flynn, Mayor

ATTEST:

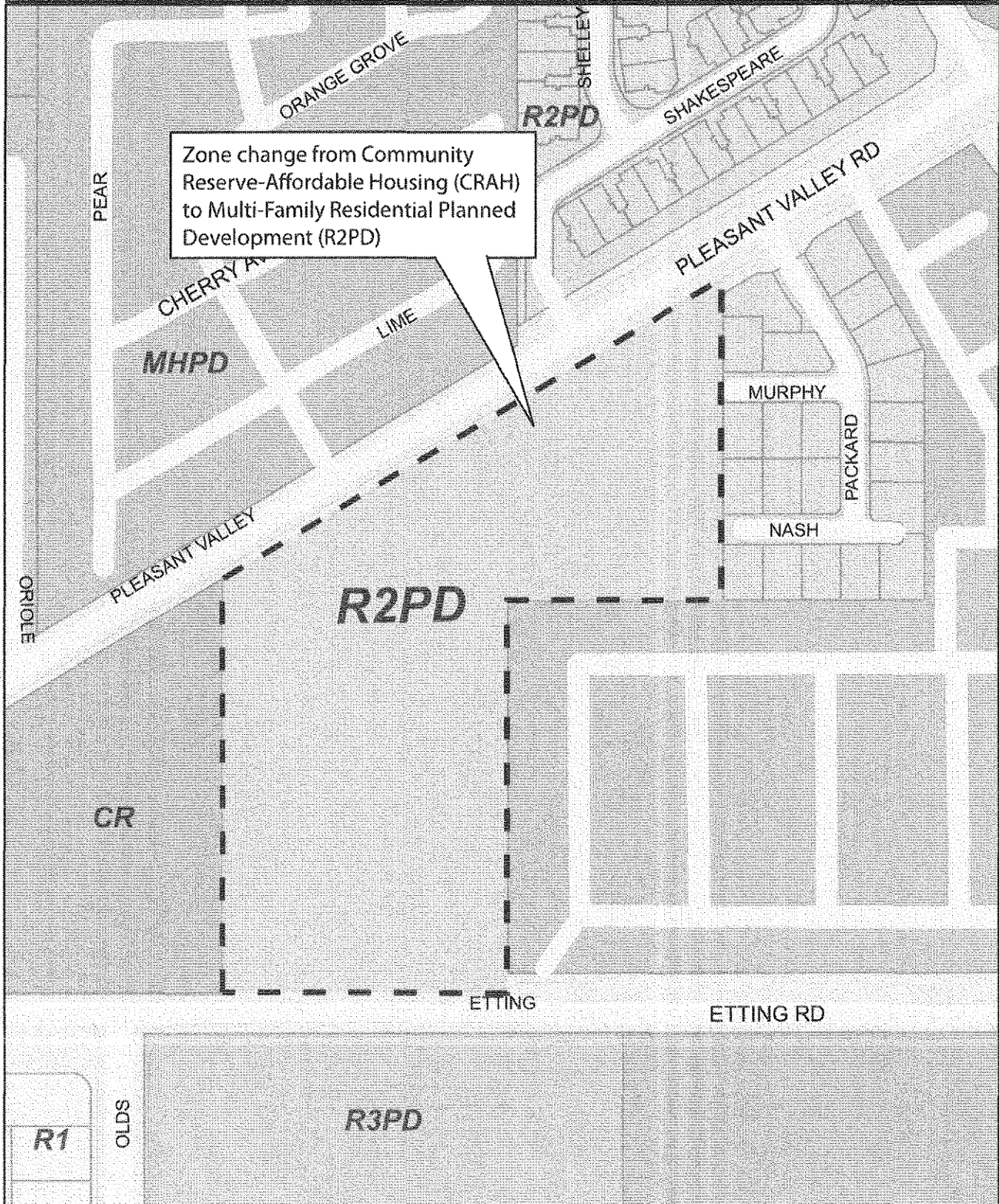
Daniel Martinez, City Clerk

APPROVED AS TO FORM:



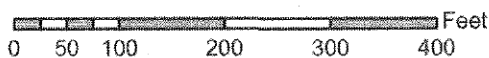
Stephen M. Fischer, Interim City Attorney

EXHIBIT A
ZONE CHANGE MAP



Oxnard Planning
August 12, 2015

PZ 14-500-04
Location: 2300 E Pleasant Valley Rd
Daly/Dansk SR Project



Zone Change



1:2,000

ACTION	TYPE OF ITEM
☐ Approved Recommendation	☐ Info/Consent
☐ Ord. No(s). _____	☐ Report
☐ Res. No(s). _____	☒ Public Hearing
☐ Other _____	☐ Other _____

Prepared By: Kathleen Mallory, AICP, LEED Green Associate, Contract Planner

Agenda Item No. J-2

Reviewed By: City Manager [Signature]

City Attorney [Signature]

Finance [Signature]

Other (Specify) _____

DATE: October 6, 2015

TO: City Council

FROM: Ashley Golden, Development Services Director
Development Services Department

SUBJECT: Planning and Zoning Permit No. 14-500-04 (Special Use Permit - Planned Residential Group); PZ 14-580-01 (Zoning Text Amendment); PZ 14-570-02 (Zone Change); and Mitigated Negative Declaration (MND) 2015-01 for the Construction of a 70-Unit Senior Living and Memory Care Facility (Coastal Senior/Assisted Living). The Project Site is Located at 2300 E. Pleasant Valley Road (APN 225-0-014-160) and Bounded by Pleasant Valley Road to the north; Single Family Residential to the east; a Mobile Home Park to the south; and a 101-unit Apartment Project Proposed by the Same Applicant to the west. Filed by Vince Daly of Dansk Investments, 6591 Collins, Ste. E11, Moorpark, California 93021

RECOMMENDATION

That City Council:

1. Adopt an ordinance approving Planning and Zoning Permit No. 14-570-02 (Zone Change) from Community Reserve (CR) to Multiple-Family Residential Planned Development (R-2-PD), subject to certain findings and conditions.
2. Adopt an ordinance approving Planning and Zoning Permit No. 14-580-01 (Zoning Text Amendment), subject to certain findings and conditions.
3. Adopt a resolution upholding the decision of the Planning Commission approving Planning and Zoning Permit No. 14-500-04 (Special Use Permit - Planned Residential Group) and Mitigated Negative Declaration No. 2015-01, subject to certain findings and conditions.

DISCUSSION

On September 3, 2015, the Planning Commission held a public hearing and received comments regarding the proposed Project to develop a two-story, 70-unit, 51,589 square foot senior living and memory care residential building and site improvements and amenities on a 1.05 acre site (2300 E. Pleasant Valley Road - APN 225-0-014-160).

The proposed project has been reviewed for consistency with the Oxnard City Code (OCC) for development of attached dwellings in the R-2 Multiple Family zone. The proposed ZTA and SUP/PRG allows flexibility in the density, building height, minimum dwelling size, balcony, storage, and parking of the underlying zone to accommodate the proposed type of senior/assisted living residential use. Analysis tables of consistency with the 2030 General Plan and conformance with the OCC Zoning Development Standards are provided in the Planning Commission staff report (Attachment 1). With approval of the ZTA and SUP/PRG, the project complies with the OCC Zoning Development Standards.

The Planning Commission considered Staff's recommendation along with oral and written comments by persons who attended the meeting. The Commission's discussion, comments and concerns centered on traffic concerns. The public expressed concern regarding potential traffic and traffic impacts on Pleasant Valley and Etting Roads as a result of the project.

After the close of the public hearing and Planning Commission deliberation, the Planning Commission voted (6-0; Commissioner Frank was absent) to adopted Resolution Nos. 2015-21, 2015-22, and 2015-23 recommending City Council approval of the Zone Change and ZTA and approving the Special Use Permit, Planned Residential Group Permit and Mitigated Negative Declaration. The SUP/PRG and MND are being appealed to the City Council in order to allow the City Council to consider the entitlement permits as one integrated project. The City initiated Zone Change from Community Reserve (CR) to Multiple Family Zone (R-2-PD) will bring the property into compliance with the 2030 General Plan designation of Residential Low Medium (RLM). A ZTA is proposed to add "Senior and/or Senior Assisted Living Commercial Residential Facility" to the Oxnard City Code.

In accordance with Section 15070 of the California Environmental Quality Act (CEQA) Guidelines, the City of Oxnard prepared Mitigated Negative Declaration (MND) No. 2015-01 to analyze the potential environmental effects of the project and the adjacent proposed "Coastal" Apartment Homes project. The MND identified mitigation measures for six areas of potential concern which included: a) Air Quality - short term air quality impacts associated with construction; b) Cultural Resources - tree protection for historic trees onsite and offsite within the immediate proximity; c) Geology/Soils - implement recommendations in the Geotechnical Engineering Study; d) Hydrology/Water Quality - water supply and conservation; e) Noise - impacts from traffic and construction; and f) Transportation - circulation mitigations. The proposed mitigations would ensure that any impacts associated with the proposed project would be less than significant. No significant adverse effects are expected to result from the proposed project.

FINANCIAL IMPACT

The base property tax assessment at the time of purchase of the property in 2014 was \$2.8 Million for both the apartment and senior projects sites. If the project is approved, the base property tax for the senior project will be based upon an appraised value of approximately \$11.2 Million. The project will be subject to payment of applicable development and impact fees and development will contribute to future property tax revenues.

Attachment

- #1 - Planning Commission Staff Report (September 3, 2015)
- #2 - PowerPoint Presentation (Hearing of September 3, 2015)
- #3 - Planning Commission Resolutions No. 2015-21, 22, and 23 (Draft not yet signed)
- #4 – Proposed Resolution for PZ 14-500-04 (SUP-PRG) and MND 2015-01
- #5 – Proposed Ordinance for PZ 14-580-01 (ZTA)
- #6 – Proposed Ordinance for PZ 14-570-02 (ZC)

Note: Attachment # 1 has been provided to City Council under separate cover. Copies for review are available at the Help Desk in the Library after 6:00 p.m. on Thursday prior to the Council meeting and in the City Clerk's Office after 8:00 a.m. on Friday prior to the Council meeting.

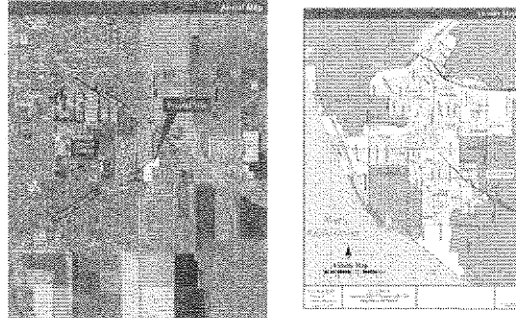
Coastal Senior/Assisted Living 2300 E. Pleasant Valley Road

- PZ No. 14-540-04- SUP- PRG
- PZ No. 14-580-01 – Zoning Text Amendment
- PZ No. 14-570-02 – Zone Change
- MND No. 2015-01

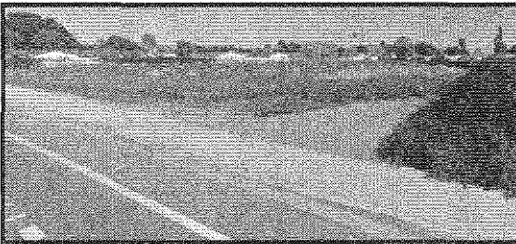
Public Hearing

Planning Commission, August 20, 2015

Aerial and Vicinity:



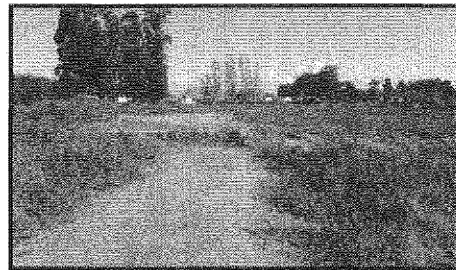
2



View of project site from Pleasant Valley Road

3

Site Photographs



View of Coastal Apartment Homes project site looking North from Etting Road

4

Site Photographs

Project Description:

- Coastal Senior Assisted Living Project
 - PZ 14-540-02(Special Use Permit - Planned Residential Group): 51,589 sf, 70-unit Senior/Assisted Living residential building,
 - PZ 14-580-01 (Zoning Text Amendment) to add "Senior and/or Senior Assisted Living Residential Facility" to Oxnard City Code, and
 - PZ 14-570-02 (Zone Change) CR to R-2-PD; City-initiated for compliance with the 2030 GP.

5

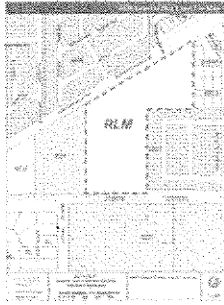
Project Development Summary:

- Coastal Senior/Assisted Living
 - Develop 1.05 acre site with 2-Story, 70-unit Senior/Assisted Living Residential Bldg w/ 53 senior living units (43 studio & 10 one-bdrm) w/kitchenettes, & 17 memory care rooms.
 - Commercial kitchen; common dining rooms, lounge, bar and lobby; movie room; gym; craft & game rooms, doctor's office; salon; offices for manager, reception, sales.

6

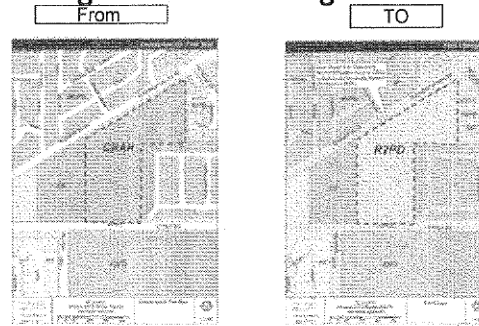
General Plan:

- Res. Low Med. (RLM) designation allows up to 12 dwelling units/acre (75 units).
- Applicant requesting 101 units with 15 low income.



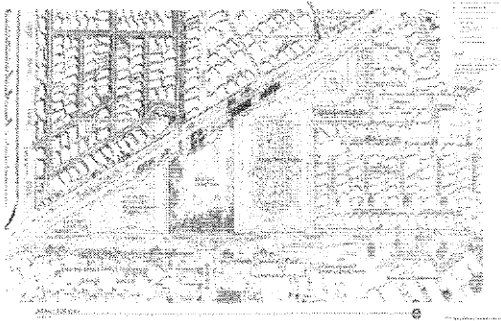
7

Zoning and Zone Change:

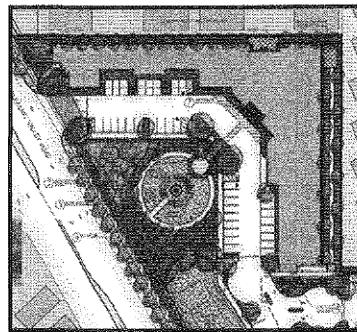


8

Overall Project Context:

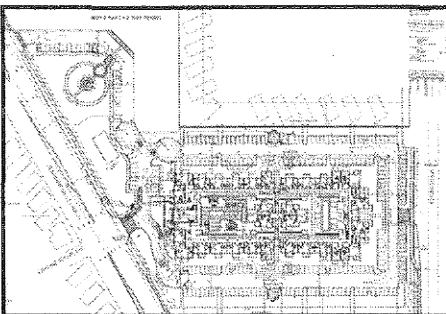


9 Coastal Apartment Homes



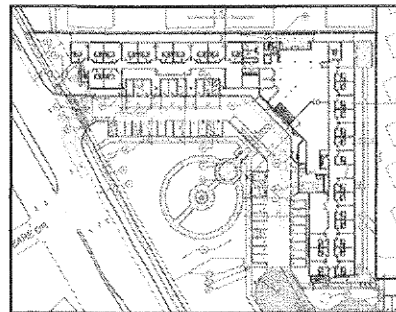
10 Coastal Senior/Assisted Living

Site Plan:



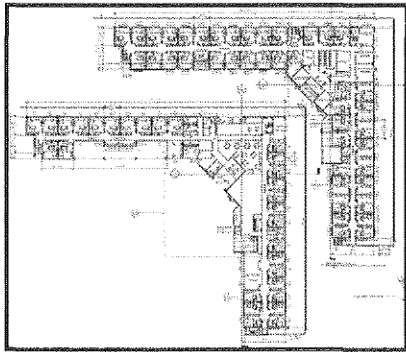
11 Coastal Apartment Homes

Site Plan:



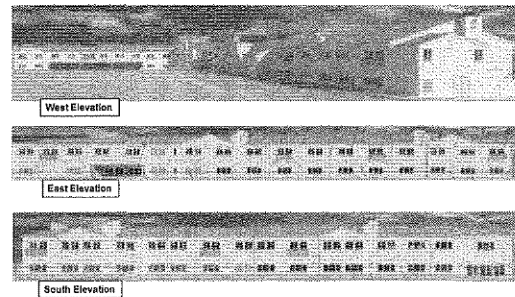
12 Coastal Senior/Assisted Living

Floor Plan:



13 Coastal Senior/Assisted Living

Project Elevations:



14 Coastal Senior/Assisted Living

Development Code Consistency:

- Zone change C-R to R-2-PD (City initiated to comply with GP).
- Zoning Text Amendment: add "Senior and/or Senior Assisted Living Commercial Residential Facility" to various relevant sections of the Oxnard City Code.
- ZTA allows flexibility in dev. standards for new use as PRG through SUP.

15

Proposed ZTA:

- To address increased need for senior /assisted housing. Use includes both assisted living and memory care units within the same facility.
- Non medical residential care – limited medical support.
- Includes non typical community or assisted care living uses.
- Requires PRG/SUP permit in R2*, CO*, CBD,& BRP zones. (*and related zones)

16

Zoning Code Consistency:

- Through approval of the ZTA with this project variations to specific development standards for the project would be permitted:
 - Increase Building Height (2 stories to 3 stories)
 - Increase Unit Count per bldg (from max 6 du/bldg)
 - Decrease Min. Dwelling Unit size
 - Reduce Parking Requirement
 - Eliminate requirement for Storage Areas
 - Eliminate requirement for 2nd Story Balcony
- Project is consistent w/ all other dev. standards.

17

Environmental:

- MND No. 2015-01 prepared for Coastal Apartment Homes and Coastal Senior/Assisted Living.
- Public Review June 4 to 24, 2015; Comment letters did not change environmental analysis or conclusion.
- No substantial evidence that the proposed project would have a significant effect on the environment; an MND may be adopted.

18

9/24/2015

MND Public Review (20 days)

- 5 Comment letters from public & agencies
- Comment Themes:
 - Additional mitigations to protect trees, cultural resources, bird species and monarch butterfly habitat.
 - Mitigations measures added and clarified to address concerns. No further agency comment received.
- Comments did not change environmental analysis or conclusion.

19

Response to MND:

- Two conditions added - biological resources (Bird/Raptor; and Monarch Butterfly)
- Eucy. Tree Grove – Goal is preservation of existing 14 on site trees; five trees located off site. Measures in place to address pruning, and removal if ultimately needed.
- Oxnard Cultural (County) Heritage board staff in support of revised mitigation measures; no objection.

20

Recommendations:

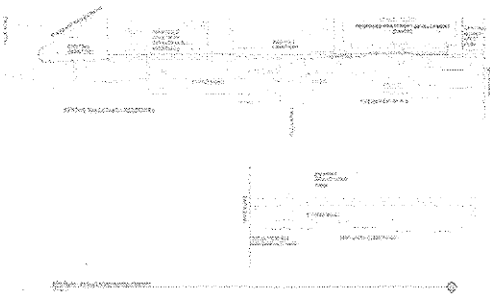
- Adopt Resolution recommending City Council adopt Ordinance approving PZ 14-570-02 for Zone Change
- Adopt Resolution recommending City Council adopt Ordinance approving PZ 14-580-01 for a Zoning Text Amendment
- Adopt Resolution approving of PZ 14-500-04 for Special Use Permit – Planned Res Group and MND 2015-01

21

- End Slide Show

22

Roadway Improvements:



23 Coastal Apartment Homes

General Plan Consistency:

- RLM designation allows up to 12 dwelling units/acre (13 units).
- ZTA allows flexibility in development standards of zone to accommodate proposed senior/assisted living use
- Site surrounded by urban dev., w/ existing utilities in Pleasant Valley Rd
- Enhances neighborhood diversity by developing Senior/Assisted Housing in aesthetic design.

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RESOLUTION NO. 2015-21

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD ADOPTING A RESOLUTION APPROVING PLANNING AND ZONING PERMIT NO. 14-500-04 (SPECIAL USE PERMIT - PLANNED RESIDENTIAL GROUP) TO ALLOW THE CONSTRUCTION OF A 70-UNIT SENIOR ASSISTED LIVING AND MEMORY CARE RESIDENTIAL BUILDING ON A 1.05 PARCEL LOCATED ON PLEASANT VALLEY ROAD, APN 225-0-014-160, SUBJECT TO CERTAIN FINDINGS AND CONDITIONS; AND ADOPTING MITIGATED NEGATIVE DECLARATION NO. 2015-01 FOR THE COASTAL SENIOR/ASSISTED LIVING PROJECT AND COASTAL APARTMENT HOMES PROJECT AND IMPOSE MITIGATION MEASURES IDENTIFIED WITHIN SAID MITIGATED NEGATIVE DECLARATION ON THE PARCELS KNOWN AS APN: 225-0-014-160 AND 225-0-014-190 BASED UPON THE PROJECT DESCRIPTION EVALUATED WITHIN IS/MND NO. 2015-01. FILED BY VINCE DALY OF DANSK INVESTMENTS, 6591 COLLINS, STE. E11, MOORPARK, CALIFORNIA 93021

WHEREAS, on June 3, 2014, Mark Pettit with Lauterbach & Associates, on behalf of Vince Daly of Dansk Investments (the “**Applicant**” and/or “**Developer**”) submitted a request to allow construction of a 70 unit senior/assisted living residential facility and on-site amenities on a 1.05 acre site (APN 225-0-014-160); and

WHEREAS, on August 20, 2015, the Planning Commission of the City of Oxnard (“**Planning Commission**”) conducted a duly noticed public hearing to consider Applicant’s request to approve Planning and Zoning Permit Nos. 14-500-04 (Special Use Permit – Planned Residential Group), 14-580-01 (Zoning Text Amendment), and 14-570-02 (Zone Change) to allow the construction of a 70 unit senior/assisted living residential facility and on-site amenities on a 1.05 acre site (the “**Project**”) in accordance with the Oxnard City Code; and

WHEREAS, the Project site is identified in the 2006-2014 Housing Element Supplement Part II as an All-Affordable Housing Opportunity Program (AAHOP) site and if a developer decides to participate in the AAHOP it is required to make all housing units affordable to extremely low-, very low-, or low-income households; and

WHEREAS, at this time the Applicant is not seeking to develop the Project site under the AAHOP due to the fact that the City has initiated a contract to update the Housing Element in order to reevaluate existing policies and new and existing AAHOP affordable housing sites; and

WHEREAS, the Project site will most likely not be identified as an AAHOP affordable housing site within the updated Housing Element; and

WHEREAS, due to the fact that the City is in the process of updating its Housing Element and the Project site will most likely not be identified as an AAHOP affordable housing site, the City is in support of the Project moving forward without Applicant’s participation in the AAHOP; and

WHEREAS, the Planning and Environmental Services Division has determined that the proposed Project is subject to environmental review pursuant to Section 15070 of Title 14 of the California Code of Regulations; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA), the City of Oxnard prepared Mitigated Negative Declaration (MND No. 2015-01) to analyze the potential environmental effects of the Project and the adjacent proposed "Coastal" apartment project; and

WHEREAS, the Planning Commission has found on the basis of the whole record before it (including the Initial Study and any comments received) that there is no substantial evidence that the Project will have a significant effect on the environment and that MND No. 2015-01 reflects the independent judgment and analysis of the City; and

WHEREAS, the Planning Commission adopted MND No. 2015-01 for the project described therein, adopted a mitigation monitoring and reporting program for the project described in MND No. 2015-01, and imposed mitigation measures identified within MND No. 2015-01 on the parcels known as APN: 225-0-014-160 and 225-0-014-190 based upon the project description evaluated within IS/MND No. 2015-01; and

WHEREAS, the documents and other materials that constitute the record of proceedings upon which the decision to adopt the mitigated negative declaration is based is located in the Planning Division of the City of Oxnard, and the custodian of the record is the Planning Manager; 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 PLANNING COMMISSION OF THE CITY OF OXNARD:

SECTION 1. The Planning Commission, in accordance with CEQA, reviewed the Mitigated Negative Declaration (MND No. 2015-01) for potential environmental effects of the Project and the adjacent proposed "Coastal" apartment project, and finds on the basis of the whole record before it (including the Initial Study and any comments received), that there is no substantial evidence that the Project will have a significant effect on the environment and that MND No. 2015-01 reflects the independent judgment and analysis of the City. As such, the Planning Commission hereby (i) adopts MND No. 2015-01 for the project described therein; (ii) adopts a mitigation monitoring and reporting program for the project described within MND No. 2015-01; and (iii) imposes mitigation measures identified within MND No. 2015-01 on the parcels known as APN: 225-0-014-160 and 225-0-014-190 based upon the project description evaluated within IS/MND No. 2015-01.

SECTION 2. 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 residential use proposed is permitted within the zone and is in conformance with the general plan.**

The residential use is consistent with uses considered and permitted by the Multiple-Family Residential Planned Development (R-2-PD) zone. The proposed Project is contingent upon City Council approval of PZ 14-570-02 for a Zone Change from Community Reserve (CR) to Multiple-Family Residential Planned Development (R-2-PD), and PZ 14-580-01 for a Zone Text Amendment to add "Senior and/or Assisted Living Residential Facility" to the Oxnard City Code.

The residential use is consistent with the 2030 General Plan since the proposed residential facility is consistent with the site's land use designation of Low Medium Density Residential (RLM). As discussed in Section 6b of the Planning Commission Staff Report, the proposed Project is also consistent with the development policies of the 2030 General Plan.

- (2) **Through project design features and conditions, the residential use will not adversely affect or be materially detrimental to adjacent uses, buildings or structures or to the public health, safety or general welfare.**

Construction activities, anticipated uses, and development design will be subject to standard construction requirements of the Building and Fire Codes. The environmental impacts of the Project were reviewed in the Mitigated Negative Declaration. With the imposition of mitigation measures as conditions of approval, there is no substantial evidence that the Project and foreseeable subsequent development will have a significant effect on the environment. Therefore, the proposed residential use is not expected to have any detrimental effect upon adjacent uses, buildings or structures or to the public health, safety or general welfare.

- (3) **The site that is subject to the special use permit is adequately served by sufficient parking as demonstrated in the submitted parking study.**

The site that is subject to the special use permit is adequately served by sufficient parking as demonstrated in the submitted parking study as discussed in the Planning Commission Staff Report.

- (4) **The site that is subject to the special use permit 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 development is located along a major thoroughfare in the City and as described in Section 6f of the Planning Commission Staff Report, the Project will construct appropriate primary and emergency access driveways off of Pleasant Valley Road. As a result, the site has sufficient access to streets and highways that are adequate in

size and after construction intersections considered in the review of the Project will operate at acceptable levels of service.

- (5) **The applicant has demonstrated that the proposed population densities can be accommodated by existing and future public facilities, services and infrastructure such as sewerage, water, fire protection and storm drainage facilities.**

The Project is considered infill development that has been found to be consistent with anticipated development for this site. The Project will be served by existing water, sewer and wastewater facilities along Pleasant Valley Road. In accordance with the Stormwater Quality Conditions of this Resolution, the Project's design will comply with stormwater control measures as required by the Los Angeles Regional Water Quality Control Board's municipal separate storm sewer system ("MS4") permit.

SECTION 3. Based on the findings set forth herein, the Planning Commission hereby approves Planning and Zoning Permit (PZ) 14-500-04 (Special Use Permit - Planned Residential Group) for the proposed Project, subject to the attached conditions of approval and contingent upon City Council approval of PZ 14-570-02 (Zone Change) and 14-580-01 (Zoning Text Amendment).

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.

CONDITIONS OF APPROVAL

Note:

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

DEPARTMENTS AND DIVISIONS			
CA	City Attorney	PL	Planning Division
DS	Dev Services/Eng Dev/Inspectors	TR	Traffic Division

DEPARTMENTS AND DIVISIONS			
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 May 12, 2015 (architectural plans), May 8, 2015 (Planting Plan) and February 2015 (engineered site plan), ("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 Development Services 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. Developer agrees, as a condition of adoption of this resolution, at Developer's own expense, to indemnify, defend and hold harmless the City and its agents, officers and employees from and against any claim, action or proceeding to attack, review, set aside, void or annul the approval of the resolution or any condition attached thereto or any proceedings, acts or determinations taken, done or made prior to the approval of such resolution that were part of the approval process. (CA, G-6)
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 and the Shared Parking Study prepared by ATE, September 22, 2014. (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 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)
16. 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)
17. 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 ensure compliance (PK, PK-4)

18. 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)
19. At the time of planting, Developer shall provide at least 24-ince box size for all new trees planted on the subject property. 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)

PARKWAY

20. Developer shall submit four sets of parkway landscape and irrigation plans with the first submittal of public improvement plans. The City shall approve median and parkway landscape and irrigation plans when the City approves public improvement plans. Before the City issues a building permit, the irrigation plans must be approved for proper meter size, backflow prevention device, and cross connection control by the Water Production Supervisor or designee. (DS/ PK, PK-14)
21. Before the City accepts parkways from Developer, the landscaping thereon must complete a plant establishment period of 90 days or such other time as specified in this permit. (PK/DS, PK-15)

WATER CONSERVATION

22. Developer shall install an irrigation system that includes a water sensor shut off device as a water conservation measure. (PK, PK-22)
23. At time of submittal to the Building and Engineering Division for plan check, Developer's Landscape Architect or Architect shall provide the City with written confirmation that they have reviewed the civil engineering construction drawings and that the NPDES requirements are not in conflict with meeting the City's landscape requirements. (PK, PK-23)
24. Developer shall include a note on the Landscape Plans submitted to the Building and Engineering Division for a building permit that "All landscaping and irrigation comply with Ordinance No. 2822", which adopted the City of Oxnard Landscape Water Conservation Standards. (PK, PK-24)

FIRE DEPARTMENT STANDARD CONDITIONS

25. Permittee shall construct all vehicle access driveways on the project property to be at least 26 feet wide. Permittee shall mark curbs adjacent to designated fire lanes in parking lots to prohibit stopping and parking in the fire lanes. Permittee shall mark all designated fire lanes in accordance with the California Vehicle Code. (FD/B, F-1)

26. 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)
27. Before the City issues building permits, Permittee 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)
28. At Permittee's expense, Permittee 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. Permittee shall obtain permits for the tests from the Engineering Division. Permittee shall send the results of the tests to the Fire Chief and the City Engineer. (FD/DS, F-4)
29. 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)
30. The project shall meet the minimum requirements of the "Fire Protection Planning Guide" published by the Fire Department. (FD, F-6)
31. At all times during construction, Permittee shall maintain paved surfaces capable of handling loads of 76,000 pounds which will provide access for fire fighting apparatus to all parts of the project property. (FD/DS, F-7)
32. Permittee shall identify all hydrants, standpipes and other fire protection equipment on the project property as required by the Fire Chief. (FD, F-8)
33. Permittee shall provide central station monitoring of the fire sprinkler system and all control valves. (FD, F-10)
34. Permittee 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)
35. Permittee shall install a carbon monoxide detector on each level of the residence in accordance with the manufacturer's specifications. The detector shall be hardwired with a battery backup. (FD, F-17)

FIRE DEPARTMENT SPECIAL CONDITIONS

36. This project will require an automatic external defibrillator.
37. The turning radius of all project property driveways and turnaround areas used for emergency access shall be approved by the City Traffic Engineering Department. (FD/TR)

38. Developer shall install in each structure in the project an alarm system with a central station monitor that will automatically notify the Fire Department in the event of a fire in the structure. The alarm system shall include a UL or State Fire Marshal approved device, which shall not exceed design specifications, that reports the location of the fire by floor and allows the central station monitor to inform the Fire Department. (FD)
39. 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.
40. 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.
41. Gurney size elevators shall be required.

PLANNING DIVISION STANDARD CONDITIONS

42. 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)
43. 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)
44. 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)
45. 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)
46. Developer acknowledges that because of population limitations placed on the City by the Air Quality Management Program, approval of this permit does not guarantee that the City will issue building permits. The City's issuance of building permits may be delayed as a result of implementation of an air quality plan. (PL, PL-5)
47. 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 and the Shared Parking Study prepared by ATE, September 22, 2014. (PL, PL-7)

48. 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)
49. 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. (PL)
50. 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)
51. 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)
52. Developer shall provide graphic site directories at principal access walkway points. (PL/B, PL-10)
53. Developer shall provide for dust control at all times during project property preparation and construction activities. (B/DS, PL-13)
54. 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)
55. 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)
56. 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).

57. Developer shall install all roof and building rain gutters and downspouts to integrate as closely as possible with building design elements, including matching adjacent building colors as closely as possible. Developer shall submit a plan and scheme for approval by the Planning Division Manager prior to issuance of building permits. (PL, PL-18)
58. The project shall include architectural articulation on all four sides. Such articulation shall include, but not be limited to, window treatment; trim and a variety of finishes matching front facades; and balconies, porches, and trellises. Developer shall submit elevations depicting such articulation to the Planning Division for approval prior to issuance of building permits. (PL, PL-28)
59. Light standards illuminating interior walkways shall be no more than eight feet high. Light shall not intrude into private living or patio areas. Light standards serving recreational areas held in common shall be no more than 15 feet high. Light shall be directed away from dwelling units. (B, PL-30)
60. Developer shall pay Quimby Fees (fees for park acquisition and improvement) before issuance of building permits. The amount of the fee shall be calculated by the Planning Division, and verified by the Parks Division at the time of payment. (PK/B, PL-36)

PLANNING DIVISION SPECIAL CONDITIONS

61. Developer shall provide masonry walls on street side yards and along project perimeter property lines. The measured inside wall height on the subject property shall be no taller than 6 feet or as stipulated by State Licensing requirements. In no instance shall the wall height measured on the project site exceed 7 feet. (PL/B, PL-31)
62. All parking spaces that encroach into a required walkway (9' x 17' parking stalls) shall provide a minimum 48" sidewalk with 3 foot landscaped planter (PL).
63. A minimum of 5% of the parking area shall be landscaped (PL).
64. This permit is granted subject to the City's approval of Zoning Text Amendment No. 14-580-01 and Zone Change No. 14-570-02. The City shall issue building permits only after such approvals and ordinance adoptions. (PL/DS)
65. Developer shall include in all rental agreements a prohibition against resident parking or storing a vehicle on the project site or within the shared parking on the adjacent site. (PL)
66. 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)

67. Before the City issues building permits, Developer shall provide a Graffiti Deterrent Plan, subject to the approval the Planning Division Manager. Such plan shall include such elements as clear film on windows and/or mirrors, as well as washable paint and sealers on the building and perimeter walls. (PL)
68. At all times during construction activities, Developer shall minimize the area disturbed by clearing, grading, earth moving, or excavation operations to prevent excessive amounts of dust. (PL)
69. During construction, Developer shall post and maintain onsite signs, in highly visible areas, restricting all vehicular traffic to 15 miles per hour or less. (PL)
70. Developer shall comply with mitigation measures specified in MND 2015-01 attached here as the project Mitigation Monitoring and Reporting Program (MMRP) herein made conditions of project approval. (PL)
71. Nesting Bird and Raptor Survey. Before the City issues a grading or building permit(s), the Planning Division must verify that construction and grading is occurring outside the nesting season, or that nesting bird and raptor surveys have been conducted, and buffer requirements specified above are in place (if applicable).

To avoid indirect construction impacts to nesting birds and raptors, consistent with Oxnard General Plan (Environmental Resource Policies) and the California Fish and Game Code and Migratory Bird Treaty Act, vegetation removal and initial ground disturbance must occur outside the bird and raptor breeding season, which is typically February 1 through August 31 (as early as January 1 for some raptors). If construction and ground disturbance must begin within this breeding season, then not more than one week before ground disturbance and/or vegetation removal commences, a nesting bird and raptor pre-construction survey must be conducted by a City-approved biologist (biologist) within the disturbance footprint plus a 300-foot buffer, as feasible. If the project is phased, a subsequent pre-construction nesting bird and raptor survey is required before each phase of construction within the project site and suitable habitat within 300 feet. If no raptor or other bird nests are observed no further mitigation is required. Pre-construction nesting bird and raptor surveys must be conducted during the time of day when bird species are active and be of sufficient duration to reliably conclude presence/absence of nesting birds and raptors within the 300 foot buffer. A report of the nesting bird and raptor survey results, if applicable, be submitted to the Planning Division for review and approval before issuance of grading or building permits (whichever occurs first). If active raptor or Migratory Bird Treaty Act protected bird nests are found within 300 feet of the project site, their locations must be flagged and mapped. A nesting raptor buffer must be 500 feet, consistent with California Department of Fish and Wildlife guidance. If the 500-foot buffer is infeasible, the biologist may reduce the buffer distance and/or monitor construction as appropriate, dependent upon the species and the proposed work activities. If any active *non-raptor* bird nests are found, a suitable buffer area (varying from 25-300 feet), depending on the particular species found, shall be established by the biologist. No ground disturbance can occur within the buffer until the biologist confirms that the breeding/nesting is completed and

all the young have fledged. Alternately, the biologist may monitor the active nest full-time during construction activities within the buffer to ensure project activities are not indirectly impacting protected nesting birds and raptors. The Planning Division must verify compliance before issuance any grading or building permit(s) (whichever is first) and conduct periodic site inspections to ensure compliance throughout the construction period.

72. Overwintering Monarch Butterfly Surveys and Avoidance. Prior to issuance of a grading or building permit(s) (whichever occurs first), the Planning Division must verify that construction and grading is occurring outside the winter roosting season, or that monarch surveys have been conducted, and buffer requirements specified above are in place (if applicable). The biologist must prepare and submit a written report of the findings of the pre-construction survey to the Planning Division.

To avoid impacts to protected overwintering butterfly roost consistent with the Oxnard General Plan (Environmental Resource Policies), if an active overwintering roost (defined as an aggregation of 10 or more butterflies, present in the same tree or area for one week or more) is present within 100 feet of the project site, all construction, grading, or noise-generating work associated with this project must be seasonally timed to avoid noise- and human activity-related impacts to active overwintering roosts. If work must occur during the overwintering season (generally between October and March), before work, a City-approved biologist (biologist) must survey all habitat trees (e.g., eucalyptus) within 100 feet of the development envelope to determine use by monarchs. If eucalyptus trees within 100 feet of the development envelope are found to serve as monarch butterfly overwintering roost, indirect impacts must be minimized to the extent practicable. Construction and grading within 100 feet of an aggregation may be monitored by a biologist, and construction within 50 feet of an active overwintering roost must be delayed until the butterflies abandon the aggregation. With Planning Division approval, construction and grading may occur within 50 feet of aggregations under the direction of a biological monitor ensure project activities are not indirectly impacting protected aggregations. Surveys must be conducted in favorable conditions to identify any active overwintering roosts within 100 feet of the development envelope, at least seven days before construction activities commence. If active overwintering roosts are not observed, no further mitigation is required. If active overwintering roosts are detected, a temporary fence must be installed along the outer boundary of the buffer zone prior to and during any grading and construction activities on the site. The Planning Division must verify compliance prior to issuance of any grading or building permit(s) (whichever comes first) and conduct periodic site inspections to ensure compliance throughout the construction period.

ENVIRONMENTAL RESOURCES DIVISION

73. 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.

74. 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.
75. 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 to an authorized facility.
76. Developer shall dispose of sewage and solid waste from the project by City's wastewater and solid waste systems in a manner approved by the City Engineer.
77. Developer and operator shall install clearly labeled storage containers in the kitchenette base cabinet within each unit to facilitate separate disposal of recyclable and non-recyclable waste typically generated by guests. The location and specifications (size, materials, etc.) of such storage unit shall be shown on the construction document floor plans submitted to the City for building permits. Recycling guidelines shall be clearly posted on the door of the storage cabinet. The intent of this mitigation measure is to create a situation wherein recycling is as convenient for project guests as disposing of trash.
78. Developer and operator shall provide recycling containers near the point of use in common areas for residents to dispose of their recyclable waste (examples: indoors for newspapers and beverage containers; outdoors for beverage containers). Containers used exclusively for recycling shall be clearly identified as "recycling only" with clear icons or other graphics on each container appropriate to the container's content.
79. Management shall provide literature in each unit (including on the door of the storage cabinet) explaining the importance of recycling, what can be recycled, and providing suggestions for source reduction, as well as water and energy conservation. City contacts for waste reduction, water conservation, and energy savings shall be listed in the literature.

80. Management shall provide training to the housekeeping/janitorial staff (including visual aids for each housekeeping cart) for separating refuse into recyclable and disposable trash.
81. Management shall provide housekeeping/janitorial carts which accommodate separated recyclable and non-recyclable trash. Visual aids for each housekeeping cart shall include a general list of mixed recyclables accepted and the standard 3-arrow recycling symbol on the collection container. (P-11)

DEVELOPMENT SERVICES DIVISION STANDARD CONDITIONS

82. 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)
83. 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)
84. 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)
85. 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)
86. Developer shall protect building pads from inundation during a 1% chance (100-year) storm. (DS-5)
87. Developer shall replace all broken, uplifted, or missing curb, gutter, or sidewalk along the street frontage(s) of the project. (DS-6)
88. Each structure shall be served by separate sewer and water services in accordance with City Code. (DS-8)
89. Developer's site improvement plans shall include an on-site sewer plan. (DS-10)

90. Developer shall provide fire hydrants such that all points of all structures are within one hundred fifty (150) feet of a fire hydrant, or as otherwise approved by the Fire Department. Fire hydrant line improvements shall be designed in accordance with City standards and shown on the civil site improvement plans prior to issuance of a site improvement/grading permit. Developer shall provide the City with an easement over onsite waterlines using standard City format. (DS-11)
91. Developer shall install on-site and off-site electric, cable, telephone and similar utility service laterals underground in accordance with City ordinances in effect at the time City issues a building permit. Services shall be installed underground to the nearest suitable riser pole as determined by the appropriate utility service provider. (DS-12)
92. Developer shall enter into an agreement, approved as to form by the City Attorney, to install and construct all public improvements required by this permit and by the City Code. Developer shall post security satisfactory to the Finance Director, guaranteeing the installation and construction of all required improvements within the time period specified in the agreement or any approved time extension. (DS-14)
93. A California licensed civil engineer shall prepare the public improvement plans and documents for this project in accordance with City standards and shall submit all such plans to the City Engineer. Submittal shall include, but not necessarily be limited to, grading, street, drainage, sewer, water and other appurtenant improvement plans, construction cost estimates, soils reports, and all pertinent engineering design calculations. City will not approve a parcel map or final map nor issue a grading, site improvement or building permit until the City Engineer has approved all improvement plans. (DS-15)
94. 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)
95. Developer shall provide all necessary easements for streets, highways, alleys, sidewalks, parkways, landscaping, utilities, drainage facilities, or other improvements as required by City. If such easements cannot be obtained from the property owner by negotiation, City may acquire them at the expense of Developer by exercise of the power of eminent domain. Developer shall bear all costs of eminent domain proceedings, including appraisal, acquisition, attorney's fees, and court costs. Before City issues a site improvement permit, Developer shall dedicate all required easements to City. (DS-19)
96. 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)

97. 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)
98. Developer shall pay the cost of all inspections of on-site and off-site improvements. (DS-22)
99. Developer shall be responsible for all project-related actions of Developer's employees, contractors, subcontractors, and agents until City accepts the improvements. (DS-23)
100. 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)
101. "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)
102. 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)
103. 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)
104. All grading shall conform to City's standard grading notes, City Code, and recommendations of Developer's soils engineer as approved by the City Engineer. (DS-30)
105. Developer shall construct sufficient drainage facilities concurrent with rough grading operations to mitigate any potential flooding or erosion affecting adjacent properties and public rights-of-way. (DS-31)

106. 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)
107. Storm drain, sewer and water facilities shall conform to applicable City Master Plans. Developer shall prepare plans for these facilities in accordance with City's engineering design criteria in effect at the time of improvement plan submittal. Developer shall submit plans with pertinent engineering analyses and design calculations for review and approval by the City Engineer prior to issuance of a site improvement permit. (DS-34)
108. Developer shall design project grading to convey stormwater to a street, alley, or approved drain so that there are no undrained depressions. (DS-35)
109. Prior to issuance of a site improvement permit, Developer shall provide to the City Engineer easements or written consent (as determined appropriate by the Development Services Director) from all affected landowners for any diversion of historical flows or change in drainage conditions caused by the project. (DS-36)
110. Developer shall dispose of sewage and solid waste from the project by City's wastewater and solid waste systems in a manner approved by the City Engineer. (DS-38)
111. Developer shall install water mains, fire hydrants and water services in conformance with City standard plates, design criteria and specifications as directed by the City Engineer. (DS-41)
112. Prior to issuance of building permits, Developer shall present to the City Engineer a "Proof of Payment - Authorization for Building Permits" form issued by the Calleguas Municipal Water District. (DS-44)
113. Developer shall install City approved backflow prevention devices for water connections if so ordered by the City Engineer. (DS-45)
114. Prior to designing the water system for the project, Developer shall have a certified fire flow test performed to determine existing water pressure and flow characteristics. The water system shall be designed to allow for a 10 psi drop in the static water pressure measured during the fire flow test. After construction and before City issues a certificate of occupancy, the City Engineer may require a second test. Developer shall obtain permits from the City Engineer prior to performing tests. Developer shall have all tests certified by a mechanical, civil, or fire protection engineer and provide written results of all tests to the City Engineer. (DS-47)
115. Street and road improvements shall conform to City standard plates, design criteria and policies. Improvements shall include upgrading of existing pavement along the project frontage to City standards by removing and replacing or overlaying, as directed by the City Engineer. (DS-51)

116. Developer shall improve all streets, alleys, sidewalks, curbs, and gutters adjacent to the project in accordance with City standards, as necessary to provide safe vertical and horizontal transitions. (DS-52)
117. Developer shall provide soils reports, "R" value tests, and compaction tests for all streets. Determination of the actual structural sections shall be based on City's design procedure, "R" value tests of in-place soils, and approved traffic indices. (DS-53)
118. Developer shall submit a street lighting plan as a part of the civil improvement plans. Developer shall install streetlights in accordance with the plan. (DS-60)
119. Developer shall be responsible for and bear the cost of replacement of all existing survey monumentation (e.g., property corners) disturbed or destroyed during construction, and shall file appropriate records with the Ventura County Surveyor's Office. (DS-64)
120. 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)
121. Developer shall provide adequate vehicle sight distance as specified by CalTrans specifications at all driveways and intersections. (TR-71)
122. Developer shall install bike racks in accordance with City standards at locations approved by City Traffic Engineer. (TR-73)
123. Prior to issuance of a building permit, all traffic signal, pavement marking and sign plans shall be prepared by a registered California traffic engineer and approved by the City Engineer prior to issuance of a grading, site improvement or a building permit. (TR-74)

STORMWATER QUALITY CONDITIONS

124. 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)
125. 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)

126. 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)
127. 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)
128. 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)
129. 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)
130. 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

131. Developer shall construct proposed walkways that cross vehicular drive aisles of colored enhanced concrete. The concrete color shall contrast with the parking lot paving material to clearly identify pedestrian areas. (DS-101)
132. 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)
133. Developer shall construct utility, pavement, and other improvements serving this project, but located on the adjacent lot (proposed Planning and Zoning Permit 14-540-01), prior to issuance of a certificate of occupancy for this project. Construction plans for these offsite improvements shall be processed and permitted concurrent with the plans for this project. (DS)
134. Developer shall dedicate right-of-way along Pleasant Valley Road sufficient to encompass the proposed sidewalk along the property frontage. (DS)
135. Developer shall install a grease interceptor serving the proposed kitchen unless specifically waived by the City Wastewater Superintendent based on project specific conditions. (DS)
136. 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. If the project is required to install a grease interceptor for the kitchen facilities, Developer shall provide a traffic rated drainage inlet within the enclosure to catch all enclosure wash water. This drain shall connect to the sanitary sewer system via a grease interceptor. 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)
137. Developer shall construct a minimum 7-foot wide sidewalk at all locations where the sidewalk is constructed adjacent to the front of parking spaces. (DS)

138. Developer shall design the onsite fire hydrant system as a public system without backflow devices. Developer shall dedicate to the City a waterline easement over this system. Final design to be approved by the Development Services Manager. (DS)
139. Developer shall connect the water meter and fire sprinkler connection for this project to the existing water main along the Pleasant Valley Road frontage of this property unless otherwise directed by the Development Services Manager. (DS)
140. Prior to the issuance of a site improvement permit, Developer shall provide evidence of recordation of a reciprocal access, surface drainage, and utility agreement between this property and the adjacent project subject to Planning and Zoning Permit 14-540-01. (DS)
141. Prior to issuance of building permit, the Developer shall record a reciprocal access and maintenance agreement for shared access between the Project and the adjacent proposed Apartment site to verify project access from Pleasant Valley Road to the Senior/Assisted Living facility. Developer shall also show access easements on the construction site plans and engineering plans. (TR)
142. Prior to issuance of building permit, the Developer shall record a reciprocal parking agreement between the Project and the adjacent proposed apartment facility to provide shared access and use of 35 shared parking spaces on the apartment property. (TR)
143. Developer shall provide proof of recordation of a document that holds the owners of this property and the adjacent property (subject to Planning and Zoning Permit 14-500-004) jointly and severally responsible for implementation and perpetual maintenance of the long-term post-construction BMPs not located exclusively on the property served by the BMP. (DS)
144. The percolation tests for this project shall include implementation of the reduction factor specified in the "Guidelines for Design, Investigation, and reporting for Low Impact Development Stormwater Infiltration" published in the Administrative Manual of the County of Los Angeles Department of Public Works. This reduction factor is in addition to the required safety factor.
145. Prior to the issuance of a site improvement permit, Developer shall provide evidence of recordation of a reciprocal access, parking, surface drainage, and utility agreement between this property and the adjacent project subject to Planning and Zoning Permit 14-540-01. (DS/TR)

PASSED, APPROVED, AND ADOPTED by the Planning Commission of the City of Oxnard on this 20th day of August, 2015.

Stephen Huber, 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 20th day of August, 2015, and carried by the following vote:

AYES: Commissioner(s): Dozier, Mullin, Nash, Stewart, and Okada

NOES: Commissioner(s): None

ABSENT: Commissioner(s): Frank

ABSTAIN: Commissioner(s): None

Ashley Golden, Secretary

RESOLUTION NO. 2015-22

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. 14-580-01 (ZONING TEXT AMENDMENT) TO AMEND SECTIONS 16-10 DEFINITIONS, 16-42 R-2 MULTIPLE-FAMILY ZONE, RELATED USES, 16-107 C-0 COMMERCIAL OFFICE ZONE, RELATED USES, 16-148 CBD, CENTRAL BUSINESS DISTRICT, CONDITIONALLY PERMITTED USES, 16-177 BRP BUSINESS AND RESEARCH PARK ZONE, RELATED USES, 16-178 BRP PROHIBITED USES AND ARTICLE V, DIVISION 11 PLANNED RESIDENTIAL GROUP OF THE OXNARD CITY CODE TO ADD A NEW "SENIOR AND/OR SENIOR ASSISTED LIVING RESIDENTIAL FACILITY" USE DESIGNATION, SUBJECT TO CERTAIN FINDINGS. FILED BY CITY OF OXNARD, DEVELOPMENT SERVICES DEPARTMENT, 214 SOUTH C STREET, OXNARD, CALIFORNIA 93030

WHEREAS, on June 3, 2014, Mark Pettit with Lauterbach & Associates, on behalf of Vince Daly of Dansk Investments (the "**Applicant**" and/or "**Developer**"), submitted a request to allow construction of a 70 unit senior/assisted living residential facility and on-site amenities on a 1.05 acre site (APN 225-0-014-160); and

WHEREAS, the City of Oxnard is initiating the zoning text amendment to amend Chapter 16 of the Oxnard City Code to accommodate construction of a 70 unit senior/assisted living residential facility and on-site amenities on a 1.05 acre site (APN 225-0-014-160) by adding a new "Senior and/or Senior Assisted Living Residential Facility" use designation; and

WHEREAS, on August 20, 2015, the Planning Commission of the City of Oxnard ("**Planning Commission**") conducted a duly noticed public hearing to consider Applicant's request to approve Planning and Zoning Permit Nos. 14-500-04 (Special Use Permit – Planned Residential Group), 14-580-01 (Zoning Text Amendment), and 14-570-02 (Zone Change) to allow the construction of a 70 unit senior/assisted living residential facility and on-site amenities on a 1.05 acre site (the "**Project**") in accordance with the Oxnard City Code; and

WHEREAS, the Planning Commission has determined that the proposed Zoning Text Amendment serves the public interest and general welfare by encouraging development of the "Senior and/or Senior Assisted Living Residential Facility" use with increased flexibility in the density, area, yards, open space, balcony, storage, height, recreation, parking and fencing requirements; and

WHEREAS, the Planning Commission has determined that the proposed Zoning Text Amendment conforms to the City of Oxnard 2030 General Plan Goals and Policies; and

WHEREAS, the Planning and Environmental Services Division has determined that the proposed Project is subject to environmental review pursuant to Section 15070 of Title 14 of the California Code of Regulations; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA), the City of Oxnard prepared Mitigated Negative Declaration (MND No. 2015-01) to analyze the potential environmental effects of the Project and the adjacent proposed "Coastal" apartment project; and

WHEREAS, the Planning Commission has found on the basis of the whole record before it (including the Initial Study and any comments received) that there is no substantial evidence that the Project will have a significant effect on the environment and that MND No. 2015-01 reflects the independent judgment and analysis of the City; and

WHEREAS, the Planning Commission adopted MND No. 2015-01 for the project described therein, adopted a mitigation monitoring and reporting program for the project described in MND No. 2015-01, and imposed mitigation measures identified within MND No. 2015-01 on the parcels known as APN: 225-0-014-160 and 225-0-014-190 based upon the project description evaluated within IS/MND No. 2015-01.

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 that the proposed Zoning Text Amendment to amend Chapter 16 of the Oxnard City Code to add the "Senior and/or Senior Assisted Living Residential Facility" use designation is in conformity with the City of Oxnard 2030 General Plan Goals and Policies for the reasons set forth below:

CD-1.5: Housing Variety. The proposed zoning text amendment conforms to the City of Oxnard 2030 General Plan Goals and Policies since its approval promotes the development of a variety of housing types throughout the City, specifically Senior and/or Assisted Living Housing.

CD-1.7: Compact Development. The proposed zoning text amendment conforms to the City of Oxnard 2030 General Plan Goals and Policies since its approval promotes the use of development patterns that can be more compactly built and use space in an efficient aesthetic manner as part of the community vision.

CD-3.3: Innovative Redevelopment. The proposed zoning text amendment conforms to the City of Oxnard 2030 General Plan Goals and Policies since its approval promotes innovative design flexibility and possibly different residential densities through the use of alternative performance-oriented development standards.

CD-3.6: Barrier-Free Housing and Reasonable Accommodation. The proposed zoning text amendment conforms to the City of Oxnard 2030 General Plan Goals and Policies since its approval Support development of barrier-free housing and

reasonable accommodation for people of all ages and supportive for those with disabilities.

SECTION 2. Based on the findings set forth herein, the Planning Commission hereby recommends that the City Council adopt an ordinance approving Planning and Zoning Permit No. 14-580-01 (Zoning Text Amendment) to amend the Oxnard City Code to add the "Senior and/or Senior Assisted Living Residential Facility" use designation to the listed sections and regulations related to the aforementioned use as set forth in Exhibit A, attached hereto.

PASSED, APPROVED, AND ADOPTED by the Planning Commission of the City of Oxnard on this 20th day of Aug, 2015.

Stephen Huber, 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 the 20th day of August, 2015, and carried by the following vote:

AYES: Commissioner(s): Dozier, Mullin, Nash, Stewart, and Okada

NOES: Commissioner(s): None

ABSENT: Commissioner(s): Frank

ABSTAIN: Commissioner(s): None

Ashley Golden, Secretary

EXHIBIT A

PROPOSED ZONING TEXT AMENDMENTS

Planning and Zoning Permit No. 14-580-01 (Zoning Text Amendment) contemplates the following amendments to Chapter 16 of the Oxnard City Code (OCC) to accommodate construction of a 70 unit senior/assisted living residential facility and on-site amenities on a 1.05 acre site (APN 225-0-014-160) by adding a new "Senior and/or Senior Assisted Living Residential Facility" use designation.

- (1) Add the following definition to Section 16-10 (Definitions) of the OCC:

"SENIOR AND/OR SENIOR ASSISTED LIVING RESIDENTIAL FACILITY - A State-licensed residential facility with 7 or more residents that provides a range of community dining and/or recreation areas integrated with individual apartment units that may have individual cooking facilities; that provides at least one non-medical and/or medical support service to residents such as housekeeping, laundry, media room facility, library, hair care, recreation, and transportation services; that is restricted to qualifying residents or senior citizens as those terms are defined in Cal. Civil Code Section 51.11; that may include a secure area(s) for residents with limited memory or cognitive abilities and/or limited physical mobility; and that is subject to the regulations for Planned Residential Groups set forth in section 16-446 of this code."

- (2) Add the following use to Section 16-42 (R-2 Multiple-Family Zone, Related Uses) of the OCC:¹

"(M) Senior and/or Senior Assisted Living Residential Facility."

- (3) Add the following use to Section 16-107 (C-O, Commercial Office Zone, Related Uses) of the OCC:²

"(L) Senior and/or Senior Assisted Living Residential Facility."

- (4) Add the following use to Section 16-148 (CBD, Central Business District, Conditionally Permitted Uses) of the OCC:

"(R) Senior and/or Senior Assisted Living Residential Facility."

1 Note: OCC 16-57 (R-3 Related Uses) & OCC 16-72 (R-4 Related Uses) allow R-2 related uses and therefore will not need to be amended to accommodate the Senior and/or Assisted Living Residential Facility use.

2 Note: OCC 16-136 (C-2 Related Uses) allows C-O related uses and therefore will not need to be amended to accommodate the new use.

- (5) Add the following use to Section 16-177 (BRP, Business and Research Park Zone, Related Uses) of the OCC:

“(P) Senior and/or Senior Assisted Living Residential Facility.”

- (6) Amend and replace Section 16-178 (BRP, Prohibited Uses) of the OCC with the following:

“(A) Residential uses other than caretakers and Senior and/or Senior Assisted Living Residential Facility;”

- (7) Add the following to Division 11 of Article V of the OCC:

“SEC. 16-446. SENIOR AND/OR SENIOR ASSISTED LIVING RESIDENTIAL FACILITIES.

(A) A Senior and/or Senior Assisted Living Residential Facility may be approved as a planned residential group by issuance of a special use permit in accordance with sections 16-530 to 16-553 of this code. Notwithstanding the foregoing, the requirements of section 16-531 shall not apply to a special use permit for a Senior and/or Senior Assisted Living Residential Facility.

(B) In addition to the requirements of sections 16-530 to 16-553, an applicant for a Senior and/or Senior Assisted Living Residential Facility shall evaluate parking, including resident, guest, employee and shuttle parking, through a parking study. The parking study shall be based on intended population level of assistance, project location and proximity to public transportation and services for senior citizens. The applicant shall prepare and submit the parking study for review and approval by the city traffic engineer. Once the city traffic engineer approves the traffic study, said study shall be submitted with any special use permit submitted pursuant to this section to the planning commission for review and approval.

(C) The commission may grant a special use permit pursuant the requirements of this section and sections 16-530 to 16-553 of this code for a Senior and/or Senior Assisted Living Residential Facility planned residential group to permit departures from the development standards of the zone in which the use is located and to permit departures from the attached dwelling unit development standards when such action is in accordance with the basic principles and intent of this chapter and the commission finds and determines all of the following:

(1) The residential use proposed is permitted within the zone and is in conformance with the general plan;

(2) Through project design features and conditions, the residential use will not adversely affect or be materially detrimental to adjacent uses, buildings or structures or to the public health, safety or general welfare;

(3) The site that is subject to the special use permit is adequately served by sufficient parking as demonstrated in the submitted parking study;

(4) The site that is subject to the special use permit will be served by streets and highways adequate in width and structure to carry the kind and quantity of traffic such use will generate; and

(5) The applicant has demonstrated that the proposed population densities can be accommodated by existing and future public facilities, services and infrastructure such as sewerage, water, fire protection and storm drainage facilities.”

RESOLUTION NO. 2015-23

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. 14-570-02 (ZONE CHANGE) ON PARCELS LOCATED ON PLEASANT VALLEY ROAD AND ETING ROAD, (APN: 225-0-014-160 AND 225-0-014-190). FILED BY CITY OF OXNARD, DEVELOPMENT SERVICES DEPARTMENT, 214 SOUTH C STREET, OXNARD, CA 93030

WHEREAS, on June 3, 2014, Mark Pettit with Lauterbach & Associates, on behalf of Vince Daly of Dansk Investments (the "**Applicant**" and/or "**Developer**"), submitted a request to allow construction of a 101-unit mixed income apartment community and on-site amenities on a 6.23 acre site (2250 E. Pleasant Valley Road - APN 225-0-014-190) and to allow construction of a 70 unit senior/assisted living residential facility and on-site amenities on a 1.05 acre site (2300 E. Pleasant Valley Road - APN 225-0-014-160); and

WHEREAS, the City of Oxnard has initiated a zone change for the two above-referenced parcels (APN: 225-0-014-160 and 225-0-014-190) to bring the subject properties into compliance with the 2030 General Plan land use designation; and

WHEREAS, on August 20, 2015, the Planning Commission of the City of Oxnard ("**Planning Commission**") conducted a duly noticed public hearing to consider Applicant's request to approve Planning and Zoning Permit Nos. 14-540-01 (Special Use Permit – Planned Development Permit), 14-535-01 (Density Bonus), and 14-570-02 (Zone Change) to allow the construction of a 101-unit mixed income apartment community (the "**Coastal Apartment Project**") in accordance with the Oxnard City Code; and

WHEREAS, on August 20, 2015, the Planning Commission of the City of Oxnard ("**Planning Commission**") conducted a duly noticed public hearing to consider Applicant's request to approve Planning and Zoning Permit Nos. 14-500-04 (Special Use Permit – Planned Residential Group), 14-580-01 (Zone Text Amendment), and 14-570-02 (Zone Change) to allow construction of a 70 unit senior/assisted living residential facility and on-site amenities on a 1.05 acre site (the "**Senior/Assisted Living Project**") in accordance with the Oxnard City Code; and

WHEREAS, the Etting Project site and Pleasant Valley Project site (collectively referred to as the "**Project sites**") are identified in the 2006-2014 Housing Element Supplement Part II as All-Affordable Housing Opportunity Program (AAHOP) sites and if a developer decides to participate in the AAHOP it is required to make all housing units affordable to extremely low-, very low-, or low-income households; and

WHEREAS, at this time the Applicant is not seeking to develop the Project sites under the AAHOP due to the fact that the City has initiated a contract to update the Housing Element in order to reevaluate existing policies and new and existing AAHOP affordable housing sites; and

WHEREAS, the Project sites will most likely not be identified as AAHOP affordable housing sites within the updated Housing Element; and

WHEREAS, due to the fact that the City is in the process of updating its Housing Element and the Project sites will most likely not be identified as AAHOP affordable housing sites, the City is in support of both the Projects moving forward without Applicant's participation in the AAHOP; and

WHEREAS, the Planning and Environmental Services Division has determined that the proposed Projects are subject to environmental review pursuant to Section 15070 of Title 14 of the California Code of Regulations; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA), the City of Oxnard prepared Mitigated Negative Declaration (MND No. 2015-01) to analyze the potential environmental effects of the Project; and

WHEREAS, the Planning Commission has found on the basis of the whole record before it (including the Initial Study and any comments received) that there is no substantial evidence that the Projects will have a significant effect on the environment and that MND No. 2015-01 reflects the independent judgment and analysis of the City; and

WHEREAS, the Planning Commission adopted MND No. 2015-01 for the project described therein, adopted a mitigation monitoring and reporting program for the project described in MND No. 2015-01, and imposed mitigation measures identified within MND No. 2015-01 on the parcels known as APN: 225-0-014-160 and 225-0-014-190 based upon the project description evaluated within IS/MND No. 2015-01.

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 that the proposed Zone Change to change the zone designation for the subject property (APN 225-0-014-160 and -019) from Community Reserve (CR) to Multiple-Family Residential Planned Development (R-2-PD) is in conformity with the City of Oxnard 2030 General Plan since the Multiple-Family Residential Planned Development (R-2-PD) zoning designation is consistent with the City of Oxnard 2030 General Plan Land Use Designation of Residential Low Medium (RLM).

SECTION 2. Based on the findings set forth herein, the Planning Commission hereby recommends that the City Council adopt an ordinance approving Planning and Zoning Permit No. 14-570-02 (Zone Change) to change the zone designation for the subject property (APN 225-0-014-160 and -019) from Community Reserve (CR) to Multiple-Family Residential Planned Development (R-2-PD) to be consistent with the City of Oxnard 2030 General Plan Land Use Designation of Residential Low Medium (RLM) as set forth in Exhibit A, attached hereto.

PASSED, APPROVED, AND ADOPTED by the Planning Commission of the City of Oxnard on this 20th day of August, 2015.

Stephen Huber, 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 the 20th day of August, 2015, and carried by the following vote:

AYES: Commissioner(s): Dozier, Huber, Mullin, Nash, Stewart, and Okada

NOES: Commissioner(s): None

ABSENT: Commissioner(s): Frank

ABSTAIN: Commissioner(s): None

Ashley Golden, Secretary

Exhibit A

Zone Change Map

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD UPHOLDING THE DECISION OF THE PLANNING COMMISSION APPROVING PLANNING AND ZONING PERMIT NO. 14-500-04 (SPECIAL USE PERMIT - PLANNED RESIDENTIAL GROUP) TO ALLOW THE CONSTRUCTION OF A 70-UNIT SENIOR ASSISTED LIVING AND MEMORY CARE RESIDENTIAL BUILDING ON A 1.05 PARCEL LOCATED AT 2300 E. PLEASANT VALLEY ROAD, APN 225-0-014-160, SUBJECT TO CERTAIN FINDINGS AND CONDITIONS; AND ADOPTING MITIGATED NEGATIVE DECLARATION NO. 2015-01 FOR THE COASTAL SENIOR/ASSISTED LIVING PROJECT AND COASTAL APARTMENT HOMES PROJECT AND IMPOSE MITIGATION MEASURES IDENTIFIED WITHIN SAID MITIGATED NEGATIVE DECLARATION ON THE PARCELS KNOWN AS APN: 225-0-014-160 AND 225-0-014-190 BASED UPON THE PROJECT DESCRIPTION EVALUATED WITHIN IS/MND NO. 2015-01. FILED BY VINCE DALY OF DANSK INVESTMENTS, 6591 COLLINS, STE. E11, MOORPARK, CALIFORNIA 93021

WHEREAS, on June 3, 2014, Mark Pettit with Lauterbach & Associates, on behalf of Vince Daly of Dansk Investments (the “**Applicant**” and/or “**Developer**”) submitted a request to allow construction of a 70 unit senior/assisted living residential facility and on-site amenities on a 1.05 acre site (2300 E. Pleasant Valley Road - APN 225-0-014-160); and

WHEREAS, on September 3, 2015, the Planning Commission of the City of Oxnard (“**Planning Commission**”) conducted a duly noticed public hearing, received comments, considered Staff’s recommendation along with oral and written presentation by persons who attended the meeting, and approved Planning and Zoning Permit No. 14-500-04 (Special Use Permit for a Planned Residential Group) to allow the construction of “Coastal” Senior/Assisted Living, a 70-unit senior/assisted living residential facility (the “**Project**”) in accordance with Oxnard City Code; and

WHEREAS, on September 3, 2015, the Planning Commission adopted Mitigated Negative Declaration (MND No. 2015-01) and imposed Mitigation Measures identified within said Mitigated Negative Declaration for of the Project and the adjacent proposed “Coastal” Apartment Homes project; and

WHEREAS, Planning Commission approvals of Planning and Zoning Permit No. 14-500-04 (Special Use Permit for a Planned Residential Group) and Mitigated Negative Declaration (MND No. 2015-01) are being appealed to the City Council in order to provide the Council with a sense of context and comprehensiveness of the remaining permits that make up the application, including Planning and Zoning Permit No. 14-580-01 (Zoning Text Amendment) and Planning and Zoning Permit No 14-570-02 (Zone Change); and

WHEREAS, the Project site is identified in the 2006-2014 Housing Element Supplement Part II as an All-Affordable Housing Opportunity Program (AAHOP) site and if a developer decides to participate in the AAHOP it is required to make all housing units affordable to extremely low-, very low-, or low-income households; and

WHEREAS, at this time the Applicant is not seeking to develop the Project site under the AAHOP due to the fact that the City has initiated a contract to update the Housing Element in order to reevaluate existing policies and new and existing AAHOP affordable housing sites; and

WHEREAS, the Project site has not be identified as an AAHOP affordable housing site within the 2013-2021 updated Housing Element; and

WHEREAS, with the updated Housing Element, the City is in support of the Project moving forward without Applicant's participation in the AAHOP; and

WHEREAS, the documents and other materials that constitute the record of proceedings upon which the decision to adopt the mitigated negative declaration is based is located in the Planning Division of the City of Oxnard, and the custodian of the record is the Planning Manager; and

WHEREAS, on October 6, 2015 the City Council conducted a duly noticed public hearing and carefully reviewed Planning Commission Resolution No. 2015-21 approving Planning and Zoning Permit No. 14-500-04 (Special Use Permit – Planned Residential Group), Mitigated Negative Declaration No. 2015-01, and the Mitigation Monitoring and Reporting Program contained in the MND, and the City Council has considered the MND before making its decision herein; 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 that the City Council of the City of Oxnard upholds the decision of the Planning Commission approving Planning and Zoning Permit No. 14-500-04 (Special Use Permit), MND No. 2015-01, and the Mitigation Monitoring and Reporting Program contained in the MND, for the reasons set forth and described in Planning Commission Resolution No. 2015-21, and subject to the conditions of approval therein.

[SIGNATURES ON FOLLOWING PAGE]

PASSED AND ADOPTED by the City Council of the City of Oxnard on this 6th day of October, 2015, by the following vote

AYES:

NOES:

ABSENT:

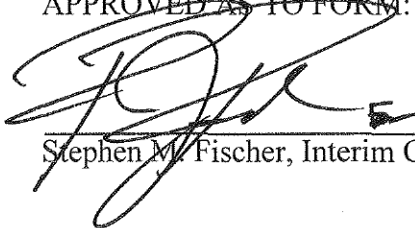
ABSTAIN:

Tim Flynn, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Stephen M. Fischer, Interim City Attorney

ORDINANCE NO. _____

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 14-580-01 (ZONING TEXT AMENDMENT) TO AMEND SECTIONS 16-10 DEFINITIONS, 16-42 R-2 MULTIPLE-FAMILY ZONE, RELATED USES, 16-107 C-0 COMMERCIAL OFFICE ZONE, RELATED USES, 16-148 CBD, CENTRAL BUSINESS DISTRICT, CONDITIONALLY PERMITTED USES, 16-177 BRP BUSINESS AND RESEARCH PARK ZONE, RELATED USES, 16-178 BRP PROHIBITED USES AND ARTICLE V, DIVISION 11 PLANNED RESIDENTIAL GROUP OF THE OXNARD CITY CODE TO ADD A NEW "SENIOR AND/OR SENIOR ASSISTED LIVING RESIDENTIAL FACILITY" USE DESIGNATION, SUBJECT TO CERTAIN FINDINGS. FILED BY CITY OF OXNARD, DEVELOPMENT SERVICES DEPARTMENT, 214 SOUTH C STREET, OXNARD, CALIFORNIA 93030

WHEREAS, on June 3, 2014, Mark Pettit with Lauterbach & Associates, on behalf of Vince Daly of Dansk Investments (the "**Applicant**" and/or "**Developer**"), submitted a request to allow construction of a 70 unit senior/assisted living residential facility and on-site amenities on a 1.05 acre site (2300 E. Pleasant Valley Road; APN 225-0-014-160); and

WHEREAS, the City of Oxnard is initiating the zoning text amendment to amend Chapter 16 of the Oxnard City Code to accommodate construction of the Project by adding a new "Senior and/or Senior Assisted Living Residential Facility" use designation; and

WHEREAS, on September 3, 2015, the Planning Commission of the City of Oxnard ("**Planning Commission**") conducted a duly noticed public hearing and received comments, considered Staff's recommendation along with oral and written presentation by persons who attended the meeting, approved Planning and Zoning Permit No. 14-500-04 (Special Use Permit for a Planned Residential Group), and recommended that City Council approve Planning and Zoning Permit No. 14-580-01 (Zoning Text Amendment), and Planning and Zoning Permit No. 14-570-02 (Zone Change); and

WHEREAS, on September 3, 2015, the Planning Commission adopted MND No. 2015-01 pursuant to CEQA for the Project described therein, adopted a mitigation monitoring and reporting program for the Project described in MND No. 2015-01, and imposed mitigation measures identified within MND No. 2015-01 on the parcels known as APN: 225-0-014-160 and 225-0-014-190 based upon the project description evaluated within IS/MND No. 2015-01; and

WHEREAS, Planning Commission approvals of Planning and Zoning Permit No. 14-500-04 (Special Use Permit for a Planned Residential Group) and Mitigated Negative Declaration (MND No. 2015-01) are being appealed to the City Council in order to provide the Council with a sense of context and comprehensiveness of the remaining permits that make up the application, including Planning and Zoning Permit No. 14-580-01 (Zoning Text Amendment) and Planning and Zoning Permit No 14-570-02 (Zone Change); and

WHEREAS, on October 6, 2015, the City Council conducted a duly noticed public hearing on the proposed Zone Text Amendment.

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

SECTION 1. Based on the entire record before the City Council and all written and oral evidence presented, including the City Council Staff Report, the Planning Commission Staff Report and all attachments thereto, the City Council finds that the proposed Zoning Text Amendment to amend Chapter 16 of the Oxnard City Code to add the "Senior and/or Senior Assisted Living Residential Facility" use designation is in conformity with the City of Oxnard 2030 General Plan Goals and Policies for the reasons set forth below:

CD-1.5: Housing Variety. The proposed zoning text amendment conforms to the City of Oxnard 2030 General Plan Goals and Policies since its approval promotes the development of a variety of housing types throughout the City, specifically Senior and/or Assisted Living Housing.

CD-1.7: Compact Development. The proposed zoning text amendment conforms to the City of Oxnard 2030 General Plan Goals and Policies since its approval promotes the use of development patterns that can be more compactly built and use space in an efficient aesthetic manner as part of the community vision.

CD-3.3: Innovative Redevelopment. The proposed zoning text amendment conforms to the City of Oxnard 2030 General Plan Goals and Policies since its approval promotes innovative design flexibility and possibly different residential densities through the use of alternative performance-oriented development standards.

CD-3.6: Barrier-Free Housing and Reasonable Accommodation. The proposed zoning text amendment conforms to the City of Oxnard 2030 General Plan Goals and Policies since its approval Support development of barrier-free housing and reasonable accommodation for people of all ages and supportive for those with disabilities.

SECTION 2. Based on the findings set forth herein, the City Council hereby approves Planning and Zoning Permit No. 14-580-01 (Zoning Text Amendment) to amend the Oxnard City Code to add the "Senior and/or Senior Assisted Living Residential Facility" use designation to the listed sections and regulations related to the aforementioned use as set forth in **Exhibit A**, attached hereto.

SECTION 3. If any section, subsection, phrase, or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declared unconstitutional.

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

PASSED AND ADOPTED this 6th day of October, 2015 by the following votes:

AYES:

NOES:

ABSENT:

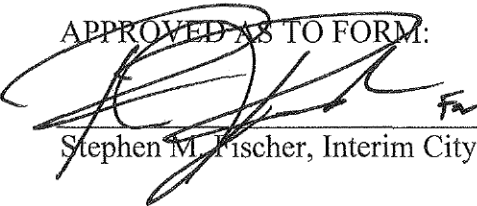
ABSTAIN:

Tim Flynn, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Stephen M. Fischer, Interim City Attorney

EXHIBIT A

PROPOSED ZONING TEXT AMENDMENTS

Planning and Zoning Permit No. 14-580-01 (Zoning Text Amendment) contemplates the following amendments to Chapter 16 of the Oxnard City Code (OCC) to accommodate construction of a 70 unit senior/assisted living residential facility and on-site amenities on a 1.05 acre site (2300 E. Pleasant Valley Road; APN 225-0-014-160) by adding a new "Senior and/or Senior Assisted Living Residential Facility" use designation.

- (1) Add the following definition to Section 16-10 (Definitions) of the OCC:

"SENIOR AND/OR SENIOR ASSISTED LIVING RESIDENTIAL FACILITY - A State-licensed residential facility with 7 or more residents that provides a range of community dining and/or recreation areas integrated with individual apartment units that may have individual cooking facilities; that provides at least one non-medical and/or medical support service to residents such as housekeeping, laundry, media room facility, library, hair care, recreation, and transportation services; that is restricted to qualifying residents or senior citizens as those terms are defined in Cal. Civil Code Section 51.11; that may include a secure area(s) for residents with limited memory or cognitive abilities and/or limited physical mobility; and that is subject to the regulations for Planned Residential Groups set forth in section 16-446 of this code."

- (2) Add the following use to Section 16-42 (R-2 Multiple-Family Zone, Related Uses) of the OCC:¹

"(M) Senior and/or Senior Assisted Living Residential Facility."

- (3) Add the following use to Section 16-107 (C-O, Commercial Office Zone, Related Uses) of the OCC²:

"(L) Senior and/or Senior Assisted Living Residential Facility."

- (4) Add the following use to Section 16-148 (CBD, Central Business District, Conditionally Permitted Uses) of the OCC:

"(R) Senior and/or Senior Assisted Living Residential Facility."

¹ Note: OCC 16-57 (R-3 Related Uses) & OCC 16-72 (R-4 Related Uses) allow R-2 related uses and therefore will not need to be amended to accommodate the Senior and/or Assisted Living Residential Facility use.

² Note: OCC 16-136 (C-2 Related Uses) allows C-O related uses and therefore will not need to be amended to accommodate the new use.

- (5) Add the following use to Section 16-177 (BRP, Business and Research Park Zone, Related Uses) of the OCC:

“(P) Senior and/or Senior Assisted Living Residential Facility.”

- (6) Amend and replace Section 16-178 (BRP, Prohibited Uses) of the OCC with the following:

“(A) Residential uses other than caretakers and Senior and/or Senior Assisted Living Residential Facility;”

- (7) Add the following to Division 11 of Article V of the OCC:

“SEC. 16-446. SENIOR AND/OR SENIOR ASSISTED LIVING RESIDENTIAL FACILITIES.

(A) A Senior and/or Senior Assisted Living Residential Facility may be approved as a planned residential group by issuance of a special use permit in accordance with sections 16-530 to 16-553 of this code. Notwithstanding the foregoing, the requirements of section 16-531 shall not apply to a special use permit for a Senior and/or Senior Assisted Living Residential Facility.

(B) In addition to the requirements of sections 16-530 to 16-553, an applicant for a Senior and/or Senior Assisted Living Residential Facility shall evaluate parking, including resident, guest, employee and shuttle parking, through a parking study. The parking study shall be based on intended population level of assistance, project location and proximity to public transportation and services for senior citizens. The applicant shall prepare and submit the parking study for review and approval by the city traffic engineer. Once the city traffic engineer approves the traffic study, said study shall be submitted with any special use permit submitted pursuant to this section to the planning commission for review and approval.

(C) The planning commission may grant a special use permit pursuant the requirements of this section and sections 16-530 to 16-553 of this code for a Senior and/or Senior Assisted Living Residential Facility planned residential group to permit departures from the development standards of the zone in which the use is located and to permit departures from the attached dwelling unit development standards when such action is in accordance with the basic principles and intent of this chapter and the planning commission finds and determines all of the following:

(1) The residential use proposed is permitted within the zone and is in conformance with the general plan;

(2) Through project design features and conditions, the residential use will not adversely affect or be materially detrimental to adjacent uses, buildings or structures or to the public health, safety or general welfare;

(3) The site that is subject to the special use permit is adequately served by sufficient parking as demonstrated in the submitted parking study;

(4) The site that is subject to the special use permit will be served by streets and highways adequate in width and structure to carry the kind and quantity of traffic such use will generate; and

(5) The applicant has demonstrated that the proposed population densities can be accommodated by existing and future public facilities, services and infrastructure such as sewerage, water, fire protection and storm drainage facilities.”

ORDINANCE NO. _____

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. NO. 14-570-02 (ZONE CHANGE) ON PARCELS LOCATED ON PLEASANT VALLEY ROAD AND ETING ROAD, (APN: 225-0-014-160 AND 225-0-014-190). FILED BY CITY OF OXNARD, DEVELOPMENT SERVICES DEPARTMENT, 214 SOUTH C STREET, OXNARD, CA 93030.

WHEREAS, on June 3, 2014, Mark Pettit with Lauterbach & Associates, on behalf of Vince Daly of Dansk Investments (the "**Applicant**" and/or "**Developer**"), submitted a request to allow construction of a 101-unit mixed income apartment community and on-site amenities on a 6.23 acre site (2250 E. Pleasant Valley Road - APN 225-0-014-190) and to allow construction of a 70 unit senior/assisted living residential facility and on-site amenities on a 1.05 acre site (2300 E. Pleasant Valley Road - APN 225-0-014-160); and

WHEREAS, the City of Oxnard is initiating the Zone Change for the two above-referenced parcels (APN: 225-0-014-160 and 225-0-014-190) to bring the properties into compliance with the 2030 General Plan land use designation; and

WHEREAS, on September 3, 2015, the Planning Commission of the City of Oxnard ("**Planning Commission**") conducted a duly noticed public hearing, approved Planning and Zoning Permit Nos. 14-540-01 (Special Use Permit – Planned Development Permit), and recommended that City Council approve 14-535-01 (Density Bonus), and 14-570-02 (Zone Change) to allow the construction of a 101-unit mixed income apartment community (the "**Coastal Apartment Project**") in accordance with the Oxnard City Code; and

WHEREAS, on September 3, 2015, the Planning Commission conducted a duly noticed public hearing and received comments, approved Planning and Zoning Permit No. 14-500-04 (Special Use Permit for a Planned Residential Group), and recommended that City Council approve Planning and Zoning Permit No. 14-580-01 (Zoning Text Amendment), and Planning and Zoning Permit No. 14-570-02 (Zone Change) to allow the construction of a 70-unit senior/assisted living residential facility (the "**Senior/Assisted Living Project**") in accordance with the Oxnard City Code; and

WHEREAS, on September 3, 2015, the Planning Commission adopted MND No. 2015-01 pursuant to the California Environmental Quality Act (CEQA) for the Project described therein, adopted a mitigation monitoring and reporting program for the Project described in MND No. 2015-01, and imposed mitigation measures identified within MND No. 2015-01 on the parcels known as APN: 225-0-014-160 and 225-0-014-190 based upon the project description evaluated within IS/MND No. 2015-01; and

WHEREAS, the Planning Commission approvals of Planning and Zoning Permit No. 14-540-01 (Special Use Permit – Planned Development Permit) and Mitigated Negative Declaration (MND No. 2015-01) were appealed to the City Council in order to provide the Council with a sense of context and comprehensiveness of the remaining permits that make up the applications for the Coastal Apartment Project and the Senior/Assisted Living Project; and

WHEREAS, on October 6, 2015, the City Council of the City of Oxnard ("**City Council**") conducted a duly noticed public hearing to consider Applicant's request to approve Planning and Zoning Permit Nos. 14-540-01 (Special Use Permit – Planned Development Permit), 14-535-01 (Density Bonus), and 14-570-02 (Zone Change) to allow the construction of the Coastal Apartment Project in accordance with the Oxnard City Code; and

WHEREAS, on October 6, 2015, the City Council conducted a duly noticed public hearing to consider Applicant's request to approve Planning and Zoning Permit Nos. 14-500-04 (Special Use Permit – Planned Residential Group), 14-580-01 (Zone Text Amendment), and 14-570-02 (Zone Change) to allow construction of the Senior/Assisted Living Project in accordance with the Oxnard City Code; and

WHEREAS, the two Project sites on Pleasant Valley (collectively referred to as the "**Project sites**") are identified in the 2006-2014 Housing Element Supplement Part II as Ail-Affordable Housing Opportunity Program (AAHOP) sites and if a developer decides to participate in the AAHOP it is required to make all housing units affordable to extremely low-, very low-, or low-income households; and

WHEREAS, at this time the Applicant is not seeking to develop the Project sites under the AAHOP due to the fact that the City has initiated a contract to update the Housing Element in order to reevaluate existing policies and new and existing AAHOP affordable housing sites; and

WHEREAS, the Project site has not be identified as an AAHOP affordable housing site within the 2013-2021 updated Housing Element; and

WHEREAS, with the updated Housing Element, the City is in support of the Project moving forward without Applicant's participation in the AAHOP; and

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

SECTION 1. Based on the entire record before the City Council and all written and oral evidence presented, including the City Council Staff Report, the Planning Commission Staff Report and all attachments thereto, the City Council finds that the proposed Zone Change to change the zone designation for the subject property (APN 225-0-014-160 and -019) from Community Reserve (CR) to Multiple-Family Residential Planned Development (R-2-PD) is in conformity with the City of Oxnard 2030 General Plan since the Multiple-Family Residential Planned Development (R-2-PD) zoning designation is consistent with the City of Oxnard 2030 General Plan Land Use Designation of Residential Low Medium (RLM).

SECTION 2. Based on the findings set forth herein, the City Council adopts an ordinance approving Planning and Zoning Permit No. 14-570-02 (Zone Change) to change the zone designation for the subject property (APN 225-0-014-160 and 019) from Community Reserve (CR) to Multiple-Family Residential Planned Development (R-2-PD) to be consistent with the City of Oxnard 2030 General Plan Land Use Designation of Residential Low Medium (RLM) as set forth in Exhibit A, attached hereto.

SECTION 3. If any section, subsection, phrase, or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declared unconstitutional.

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

PASSED AND ADOPTED this 6th day of October, 2015 by the following votes:

AYES:

NOES:

ABSENT:

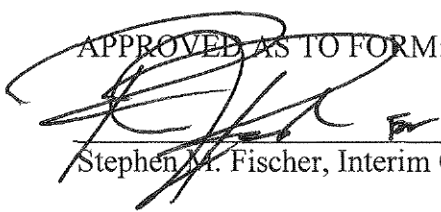
ABSTAIN:

Tim Flynn, Mayor

ATTEST:

Daniel Martinez, City Clerk

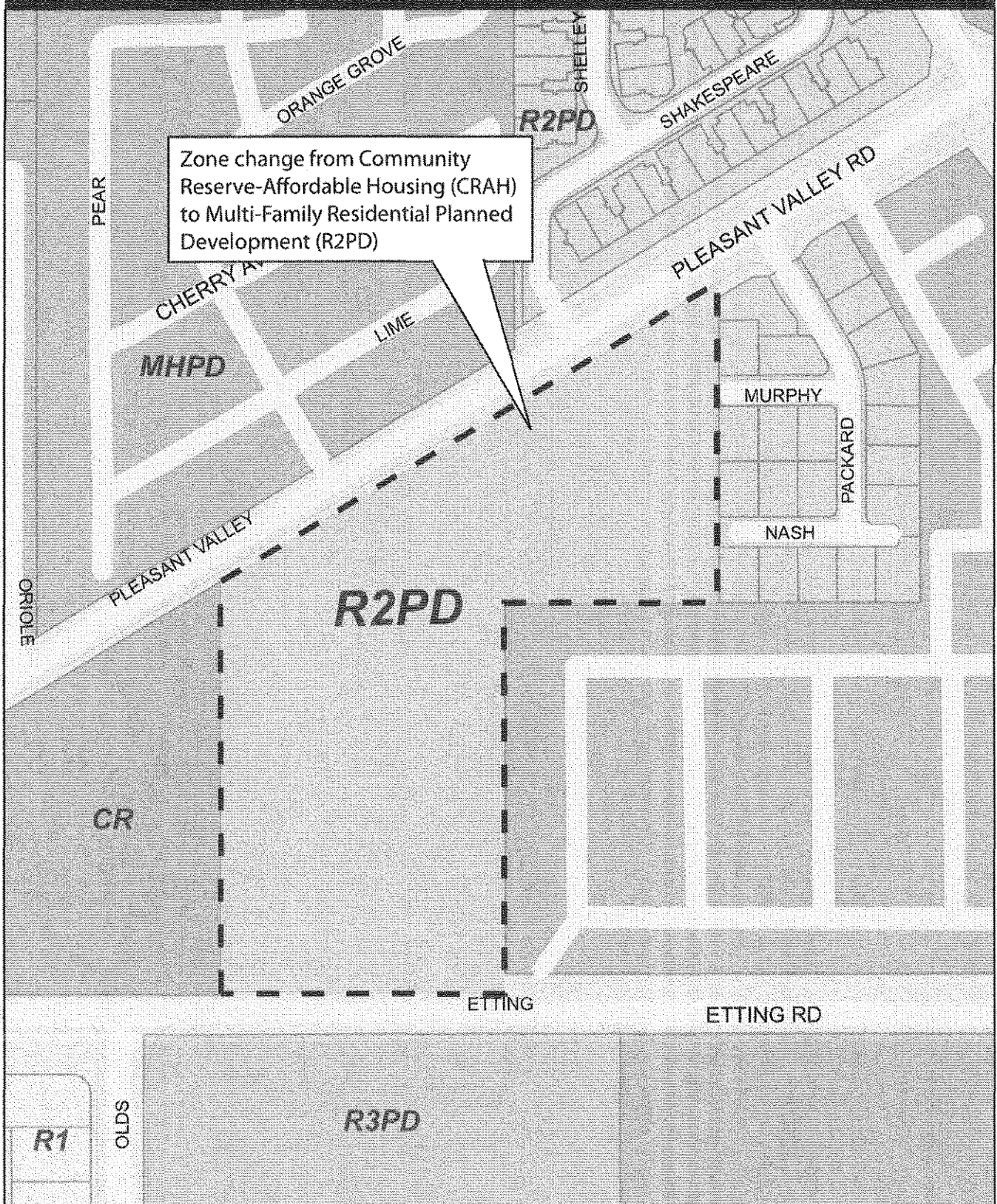
APPROVED AS TO FORM:



Stephen M. Fischer, Interim City Attorney

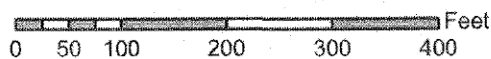
EXHIBIT A
ZONE CHANGE MAP

Zone Change

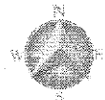


OXNARD
Oxnard Planning
August 12, 2015

PZ 14-500-04
Location: 2300 E Pleasant Valley Rd
Daly/Dansk SR Project



Zone Change



1:2,000



Meeting Date: 10/06/2015

ACTION	TYPE OF ITEM
☐ Approved Recommendation	☐ Info/Consent
☐ Ord. No(s). _____	☒ Report
☐ Res. No(s). _____	☐ Public Hearing (Info/consent)
☐ Other _____	☐ Other _____

Prepared By: Michael More, Financial Services Manager Agenda Item No. L-1Reviewed By: City Manager [Signature] City Attorney SMF Finance JL Other (Specify) _____**DATE:** October 6, 2015**TO:** City Council**FROM:** Joseph Lillio, Chief Financial Officer
Finance Department**SUBJECT:** Maintenance Assessment District Overview**RECOMMENDATION**

That City Council receive a report on proposed solutions and timelines for maintenance assessment districts.

DISCUSSION

As part of the City Manager's organizational assessment, it was disclosed that the City's Maintenance Assessment Districts ("Districts") needed a more comprehensive review, due to deficits or surplus funds that had been allowed to accumulate in various Districts. The deficits in 25 of the Districts required a transfer of approximately \$3 million from the General Fund in FY 14-15 to eliminate the accumulated negative fund balances and a General Fund allocation of \$600,000 in the FY 15-16 budget to subsidize these same districts for another year until a fix was implemented.

On May 20, 2015, the City contracted with NBS to conduct an in-depth review of the Districts. For its review, NBS interviewed City staff, reviewed the Districts' formation and other annual documents, fund balances, the California Constitution, state statutes, recent judicial rulings relating to assessments, conducted site visits to all of the Districts, and reviewed the City's internal processes and procedures. On August 25, 2015, NBS issued its findings in the attached report titled "Maintenance Assessment Districts Review Findings and Recommendations Report" (Attachment No. 1).

NBS' key findings are as follows:

- The parcel database used to prepare the annual assessment rolls is incomplete.
- Twenty five (25) of the Districts have deficit fund balances and operate with expenses that exceed revenues.
- District budgets don't reflect actual District costs, nor do budgets align with annual revenues.
- The original findings by the assessment engineers need review to ensure compliance with the legal landscape present today.

Maintenance Assessment District Overview

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- The management of the Districts and the associated roles, responsibilities, and District related tasks has been compartmentalized beyond a point of efficiency or effectiveness.
- Standards documented in the Districts' engineer's reports are not always implemented.
- Constituents are not aware of the Districts' financial situation, deficit fund balances, or options to rectify financially strained Districts.
- The City does not have the resources, systems and tools needed to effectively track the District expenses and the internal and external labor costs.

These areas of concern should be addressed to ensure the City's special financing district program has a strong foundation that is compliant with the legal landscape surrounding assessments in California. The foundation of the City's special financing district program should be established upon the following principles and practices: transparency, accountability, efficiency and effectiveness, and industry best practices.

A high-level summary of NBS' findings can be found on page 1-1 of Attachment No. 1. A detailed discussion of these findings and their recommendations for improvement are found in Sections 5 and 6 of the report. A high-level summary of their recommendations can be found in Section 7 of the report. The recommendations outlined in this report will require the City to commit resources to ensure implementation. It's anticipated that a majority of the recommendations outlined in this report will be completed within the first year.

Below is a general list of the recommendations discussed in this report. Each recommendation listed has been prioritized and been assigned a proposed timeline to complete each task. The proposed timeline and order of priority is subject to change by City staff and Council.

Category Proposed Timeline

- | | |
|--|--------------------|
| • Community Outreach | 10/2015 to 04/2016 |
| • Establish District Internal Goals and Policies and Landscape Maintenance Service Levels | 10/31/2015 |
| • Consolidate District Responsibilities | 10/31/2015 |
| • District Boundary Audits | 10/31/2015 |
| • District Fund Balance Review and Budget Audits | 11/30/2015 |
| • District Levy Audits | 12/31/2015 |
| • GIS/Regis/Monitoring of District Assets and Costs | 12/31/2015 |
| • Training of Staff | 01/31/2016 |
| • Administrative and Operational Manual | 02/28/2016 |
| • Rewrite All Engineer's Reports and Resolutions Including General and Special Benefits Quantified and Separated | 03/31/2016 |
| • Increase/Replace Assessments | 06/30/2016 |
| • Sustainability and Water Conservation Program | 12/31/2016 |

Maintenance Assessment District Overview

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A majority of the recommendations listed above should be implemented for all of the City's MADs prior to preparing and submitting the Fiscal Year 2016/17 assessment rolls.

Community Outreach

Communication between the City and property owners is a critical component of any special financing district program. Public outreach is an important tool for government agencies to communicate with their constituents about expectations and to receive feedback from the citizenry being served. Successful public outreach efforts relay regular messages about a variety of topics; topics that may include, but are not limited to the overall health of the districts, upcoming projects that may impact the properties, any surpluses/deficits, change in budgets and levels of services, any problems, and potential needs for additional revenue that may result in Proposition 218 ballot proceedings.

The purpose of these efforts in keeping the public informed is to ensure that as situations arise, whether it is a need to cut services, changes in budget, or the need to ask for additional revenue, the property owners aren't blindsided by these events. These efforts help ensure that constituents are well informed about any special circumstances that may impact them directly. These communications should occur at a minimum of quarterly, and may come in many forms, such as community meetings or mailers. Ongoing public outreach efforts build a productive relationship between the City and property owners within the districts based on transparency and accountability, to earn the public's trust.

The initial public outreach efforts should be aimed at informing the public about each District's unique circumstances, what can be expected in the coming months and years, and establish a system and procedures for how property owners will direct any future inquiries, feedback, and/or complaints. Currently, the Director of General Services is overseeing a number of inquiries by property owners and interest groups. REGIS Connect can assist via its public application in managing the inquiries for the City. Public inquiries related to the Districts should be managed and overseen by the individual tasked with the responsibility of managing the MAD program.

Presentation

NBS staff will provide a verbal presentation at this meeting providing greater detail on its findings, recommendations, and timelines for remedial action.

FINANCIAL IMPACT

None at this time. City agreement No. 7117-FN-15 in the amount of \$100,000 was previously approved on May 12, 2015. The services included in this initial cost include: Establish MAD Internal Goals and Policies and Landscape Maintenance Service Levels, Consolidate District Responsibilities, District Boundary Audits, and District Fund Balance Review and Budget Audits. To Date, approximately \$50,000 of the initial contract has been expensed.

Attachment No. 1 – Maintenance Assessment District Review Findings and Recommendations Report

Attachment No. 2 – Six-Month Implementation Action Plan

Attachment No. 3 – One-Year Implementation Action Plan

Note: Attachment #1 has been provided to City Council under separate cover. Copies for review are available at the Help Desk in the Library after 6:00 p.m. on Wednesday prior to the Council meeting and in the City Clerk's Office after 10:00 a.m. on Thursday prior to the Council meeting.

Rec #	Recommendation	Implementation Steps	Timeline	Lead Staff	Comments	Status	Progress To Date/Next Steps
Community Outreach							
1	Perform Community Outreach for Assessment Increase	<u>General/Educational/Foundation for program (All Districts)</u> - Identify benefits, issues, and major stakeholders for a customized community outreach plan for the Districts (October 2015). - Develop a timeline for community outreach efforts (October 2015). - Create a link on the City's webpage dedicated to Community Outreach for the City's Maintenance Assessment Districts (October 2015). - Verify situational factors, demographics, needs, constraints, and review any further documents or data to confirm the relevant facts and circumstances surrounding the improvements, maintenance and services provided by each District (November 2015). - Gather and review parcel characteristics data relevant to community outreach efforts. Gather and review projected improvements, maintenance and services to be funded with cost estimates and cost increase expectations (December 2015). - Design and prepare a public informational mailer to educate property owners about the need for the assessment increase in relation to the ongoing maintenance of the public improvements. Post related information to the City's website. The public informational mailer also provides the date, time and location of public meetings (December 2016). - Hold public meetings to educate and discuss with property owners MAD's and obtain feedback (Starting in 1st Quarter of 2016). - Update City Council with progress to date and outline next steps in the outreach effort (1st Quarter of 2016). <u>District Specific Outreach (Individual Districts)</u> - District Specific Outreach will be approached in a similar manner as General Outreach (Starting in 1st Quarter of 2016). - Develop a timeline for community outreach efforts congruent with Proposition 218 assessment increase efforts (1st Quarter of 2016). - Hold public meetings for each District to discuss the need for the assessment increase with property	10/2015 to 04/2016	Julie Hernandez and NBS			

ATTACHMENT NO. 2

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		owners and obtain feedback (Starting in 1 st Quarter of 2016).					
Rec #	Recommendation	Implementation Steps	Timeline	Lead Staff	Comments	Status	Progress To Date/Next Steps
Internal Goals/Policies and Maintenance Service Levels							
2	Establish Internal Goals/Policies and Maintenance Service Levels for the Maintenance Assessment Districts	- Gather current policies and procedures used for the formation of new maintenance assessment districts and any other related documents. - Review policies and procedures, forms, documents, fees, and staff understanding of the 1972 Act, Proposition 218, and the district formation process. - Review historical and anticipated property development data to identify specific development scenarios to incorporate in the modification and creation of new policies and procedures. - Modify and create policies, procedures, forms, documents, updated fees, timelines and systems consistent with the 1972 Act, Proposition 218 and the development goals and standards of the City also incorporating the use of Community Facilities Districts for future district formations. - Establish citywide landscape maintenance graded service levels identifying the type and frequency of maintenance services to be provided for each grade level. - Develop and establish fiscal goals and policies, including ongoing revenue and cost projections in accordance with industry best practices to ensure the financial viability of the Districts. - Coordinate with the City Attorney for review and	10/31/2015	NBS			

		implementation of all policies and procedures, fees, timelines, and systems created and modified.					
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Rec #	Recommendation	Implementation Steps	Timeline	Lead Staff	Comments	Status	Progress To Date/Next Steps
Boundary Audits							
3	Audit Maintenance Assessment District Boundaries	- Research and compare the 2015/16 fiscal year assessment rolls, County Assessor's secured roll data, boundaries from GIS data, and the original formation and 2015/16 fiscal year engineer's reports to identify parcel levied outside the boundaries of each District and parcels missed within the boundaries of each District. - Document findings including proposed corrections and fiscal impact. - Perform corrective measures with the County Auditor-Controller's Office and the redistribution of funds where applicable. - Prepare an updated parcel listing to ensure future assessment rolls reflect only parcels within the boundaries of each District.	10/31/2015	NBS			

Rec #	Recommendation	Implementation Steps	Timeline	Lead Staff	Comments	Status	Progress To Date/Next Steps
Funds and Budget Audits							
4	Audit Funds and Budgets for Maintenance Assessment Districts	- Research and compare historical fund balances and costs of maintenance and services to create new audited budgets. - Document findings including proposed corrections, fiscal impact, and related goals and policies. Identify Districts subject to an assessment increase through Proposition 218 proceedings or a reduction in levels of service and Districts where surplus funds can be used for authorized improvements and services currently not being provided. Provide five-year projections based on anticipated assessment revenue considering an allocation for operational reserve funds. - Perform corrective measures and the redistribution of funds where applicable. - Update fund balance information and budgets to ensure future assessment levy calculations reflect correct funding needs.	11/30/2015	NBS			

Rec #	Recommendation	Implementation Steps	Timeline	Lead Staff	Comments	Status	Progress To Date/Next Steps
Levy Audits							
5	Audit Maintenance Assessment District Levy Calculations	- Research and compare the 2015/16 fiscal year assessment rolls as corrected by the boundary audits, County Assessor's secured roll data and the method of assessment (rates) to recalculate and apply assessment levies to all parcels based on applicable property characteristics as required by each method of assessment. - Document findings including historical modifications, misinterpretation and misapplication of the method of assessment, proposed corrections and fiscal impact. - Perform corrective measures with the County Auditor-Controller's Office and the redistribution of funds where applicable. - Prepare an updated assessment roll and supporting data and calculations in an Excel spreadsheet to ensure future assessment rolls reflect the correct application of the Method of Assessment of each District for approximately sixty-one (61) maintenance assessment districts.	12/31/2015	NBS			

Rec #	Recommendation	Implementation Steps	Timeline	Lead Staff	Comments	Status	Progress To Date/Next Steps
Staff Training							
6	Train Staff on Maintenance Assessment Districts	- Identify training needs and objectives related to the use of special financing districts including Maintenance Assessment Districts and Community Facilities Districts to create a customized training session. - Provide staff, at least ten (10) days before training day, with an outline of the training session for review and feedback to ensure a successful training session. - Host a one (1) day in-depth training with all applicable staff. The training will include, but not be limited to, 1972 Act background and current environment, Proposition 218 and impact, determination of special and general benefit, formation policies and procedures, forms, documents, timelines, systems, ongoing administration of the Districts, anticipated challenges to assessment district law and an introduction to Community Facilities Districts.	01/31/2016	NBS			

Rec #	Recommendation	Implementation Steps	Timeline	Lead Staff	Comments	Status	Progress To Date/Next Steps
Administrative and Operational Manual							
7	Create an Administrative and Operational Manual for Maintenance Assessment Districts	Create an Administrative and Operational Manual describing the procedures necessary for proper administrative and operational practices by all applicable City staff to ensure compliance with requirements of the 1972 Act and Proposition 218. The Manual will include but not be limited to background and supporting information about the Districts, annual administrative and operational timelines, inventory and assignment of necessary tasks throughout the organization, templates, forms and spreadsheets to track and accomplish such tasks, and related administrative and operational procedures.	02/28/2016	NBS			

Rec #	Recommendation	Implementation Steps	Timeline	Lead Staff	Comments	Status	Progress To Date/Next Steps
Resolutions, Engineer's Reports - General and Special Benefits							
8	Rewrite Resolutions and Engineer's Reports Including General and Special Benefits Quantified and Separated	• Prepare 2016/17 fiscal year resolutions and staff reports compliant with the 1972 Act and Proposition 218 for the placement of assessment levies on the County secured tax roll and to serve as templates for subsequent fiscal years. • Review annexation documents, if any, and special circumstances that may impact the engineer's reports. • Analyze improvements, maintenance, services, boundaries, district characteristics, parcel characteristics, special and general benefits conferred, and assessment engineering industry standards and sources to separate and quantify special vs. general benefit in compliance with the special benefit requirements of Proposition 218. • Create and add a map of improvements and assessment diagram to the engineer's reports. • Document findings and recommendations for inclusion into the updated engineer's reports. Provide analysis and numerical support for the breakdown of special vs. general benefit. Identify general fund contributions for general benefit and assessment amounts representing special benefit. • Prepare updated 2016/17 fiscal year engineer's reports	03/31/2016	NBS			

		compliant with the 1972 Act and Proposition 218 for the placement of assessment levies on the County secured tax roll and to serve as templates for subsequent fiscal years.					
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Rec #	Recommendation	Implementation Steps	Timeline	Lead Staff	Comments	Status	Progress To Date/Next Steps
Proposition 218 Assessment Increase							
1	Perform Proposition 218 Assessment Increase for Maintenance Assessment Districts	- Create a budget for the projected costs of improvements, maintenance, and services. - Establish a parcel database relevant to the spread of the assessments. - Analyze improvements, maintenance, services, proposed boundaries, district characteristics, parcel characteristics, special and general benefits conferred, and assessment engineering industry standards and sources to separate and quantify special vs. general benefit in compliance with the special benefit requirements of Proposition 218. - Prepare a Method of Assessment, including rates, in compliance with the proportionality requirements of Proposition 218. - Document findings and recommendations for inclusion into engineer's report. Provide analysis and numerical support for the breakdown of special vs. general benefit. Identify general fund contributions for general benefit and assessment amounts representing special benefit. Use report for community outreach efforts where all stakeholders may provide input, and participate. - Prepare mailed and published legal notices.	06/30/2016	NBS			

		determine dates for public meetings and public hearing, verify scheduling, approach, requirements, and other issues related to a successful assessment increase.					
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Rec #	Recommendation	Implementation Steps	Timeline	Lead Staff	Comments	Status	Progress To Date/Next Steps
		• Prepare resolutions, notices and ballots, as required, for compliance with the 1972 Act and Proposition 218. Prepare notice of the public hearing to be published by the Clerk, as required, by the 1972 Act. • Prepare engineer's report with description of improvements, map of improvements, plans and specifications, cost estimate, assessment methodology, assessment roll and diagram for approval by City Council. • Tabulate ballots and report results at the conclusion of the public hearing. • Record assessment diagram with the County Recorder. • Calculate the first year's levy and process for approval by City Council simultaneously with the assessment increase proceedings.	06/30/2016	NBS			



Meeting Date: 10/06/15

ACTION	TYPE OF ITEM
☐ Approved Recommendation	☐ Info/Consent
☐ Ord. No(s). _____	☒ Report
☐ Res. No(s). _____	☐ Public Hearing (Info/consent)
☐ Other _____	☐ Other _____

Prepared By: Daniel Rydberg, P.E., Interim Utilities Director *DR* Agenda Item No. L-2
Reviewed By: City Manager *SM* City Attorney *BT* Finance *JL* Utilities *DR*

DATE: October 6, 2015

TO: City Council

FROM: Daniel Rydberg, P.E., Interim Utilities Director *DR*
Utilities Department

SUBJECT: Proposed Comprehensive Five-Year Utilities Rate Increases

RECOMMENDATION

That City Council:

1. Review and provide direction on recommendations including: utility vision and guiding principles statements; utility rate policy; utility capital improvement program (CIP); and utility rate structure.
2. Review and provide direction on implementation of rate increases for the Water, Wastewater, and Environmental Resources Enterprises. The proposed rate increase for Wastewater is 35% for Fiscal Year 2015-16, 10% for Fiscal Year 2016-17, 8% for Fiscal Year 2017-18, 8% for Fiscal Year 2018-19, and 8% for Fiscal Year 2019-20. The proposed rate increase for Water is 15% for Fiscal Year 2015-16, 12% for Fiscal Year 2016-17, 8% for Fiscal Year 2017-18, 8% for Fiscal Year 2018-19, and 8% for Fiscal Year 2019-20. The proposed rate increase for Environmental Resources is 6% for Fiscal Year 2015-16, 4% for Fiscal Year 2016-17, 4% for Fiscal Year 2017-18, 4% for Fiscal Year 2018-19, and 3% for Fiscal Year 2019-20.
3. Authorize staff to proceed with the Proposition 218 public notification process.

DISCUSSION

Financial Requirements

The City's primary financial goal for its utilities enterprises is to ensure that revenues from rates and fees are adequate to fund daily operations and maintenance, capital improvement, debt service and reserves. The rates and fees are set following specific legal requirements and industry best practices.

Operations and maintenance costs include labor, electricity, chemicals, and replacement parts. Capital improvements include rehabilitation and replacement of existing facilities, construction of new facilities or expansion of existing facilities to meet new regulatory requirements or for growth as defined in the City's General Plan. Capital improvements can also include large equipment such as

solid waste sorting equipment. Debt service includes principal and interest payments on borrowing. Reserves are required by bond holders and best practices. Types of reserves funds include operating, capital improvement program (sinking fund), rate stabilization, debt service, and emergency.

Environmental and water quality regulations significantly impact cost of services for utilities. Several agencies and multiple regulations govern the operation of utilities. The City maintains a number of permits that implement specific requirements for the City facilities. The cost associated with meeting these requirements is a large driver of rates. Generally, new regulations increase the cost of providing services; however, in the case of recycled water, future regulations may actually decrease the cost of providing services.

The City's 2030 General Plan estimates the population and associated requirements for its residents and businesses. These estimates are used to determine the requirements for utilities infrastructure. Other planning documents such as the Urban Water Management Plan also assist in determining utility requirements. Periodic condition assessments of utility infrastructure determine the need for maintenance and rehabilitation. These requirements are documented in master plans and asset management plans.

Rate Setting

Utility rates are calculated following regulatory requirements, including Proposition 218, and shall not exceed the estimated reasonable cost of providing the service for which the rate is imposed. Costs are allocated to customer classifications and tiers, when appropriate, by conducting a cost of service study. The study estimates expenses, divides them among user groups, and calculates rates required to generate required revenue. Due to a recent court decision involving the City of San Juan Capistrano, tiered rates must be justified by cost of service. For example, the City receives water from three sources with different costs, so the tiers may correspond to these different sources of water and their respective costs. In the past, cities were asked to set rates with increasing tiers in order to encourage water conservation. This can now only be done if there is a cost justification. However, penalty charges can be assessed for water use considered to be wasteful.

Cost of Service

The City recently conducted a cost of service study for the Wastewater, Water and Environmental Resources Enterprises (See Attachment #1). The study determined that rates need to be raised in order to meet the financial requirements of each enterprise.

The study determined that the cost allocations between residential and businesses was appropriate. However, there were two instances, commercial wastewater and commercial water, where the cost allocation between large and small businesses needs to be adjusted to meet the requirements of Proposition 218. The report recommends completing a wastewater loadings study for commercial customers prior to the next cost of service study. This cannot be done in time for the current rate process because of the length of time for monitoring and testing and the number of potential customer classes. The report also recommends modifying tiers for commercial and irrigation water rates. In

addition, rate tiers need to be adjusted to meet new interpretation of Proposition 218 based on the recent ruling in San Juan Capistrano. Tiers can continue to be used, but must be based on actual expenses. In the past cities were encouraged to set rates with tiers that increased with use. This was intended to encourage water conservation.

In the past, the ratio of fixed costs to variable costs was not aligned with fixed and variable rate components. Part of this was intended to encourage water conservation. However, while this can encourage conservation it can also lead to revenue shortfalls. This is because revenue will fall faster than expenses if the top tier rate is disproportional to expenses and the fixed rate component is inadequate. Historically, water rates were set with a high top tier to encourage water conservation. Since this is no longer permissible, the rates will more closely match expenses. However, it is also recommended that rates include a fixed component, or readiness to serve charge, of at least 30%. The City's current fixed water rate component is only about 21%. The cost of service study recommends increasing this to 30% over a three year period. The report also recommends that multi-family tier allotments will be based on the number of dwelling units.

Recommended rates have been developed based on the above noted changes in the rate structure and the results of updated functional and customer demand allocations. These recommended rates are included in the Final Draft Utilities Cost of Services Study in Attachment #1 and the .

Capital Improvement Requirements

Over the past 18 months the City has been developing an Integrated Public Works Master Plan. As part of this effort, a detailed assessment of all utility infrastructures was completed. Based on this, a comprehensive capital improvement program (CIP) was developed. The CIP plan details the capital improvement and replacement needs, as well as various operational and maintenance needs, some of which should be addressed immediately. There are 10 structures within the Wastewater Treatment Plant (WWTP) that need to be replaced due to their inadequacy from a seismic safety standpoint. Various other structures in the WWTP require structural or non-structural retrofit and other significant repairs. The wastewater system also has operational and maintenance needs to address regulatory compliance, optimization of treatment plant operations for energy efficiency and reduced chemical consumption, and staffing shortfalls and efficiencies. There are also immediate needs to enhance safety, control nuisance odors, and improve overall maintenance and operability of the system.

The water system has immediate needs that include rehabilitation of wells, upgrades and replacement in the distribution and treatment systems, and replacement of a significant number of automatic meter readers.

The 25-year Capital Improvement Program (CIP) requirements are estimated to be: \$668 million for the Wastewater; \$333 million for Water, and \$75 million for Environmental Resources.

Proposed Comprehensive Five-Year Utilities Rate Increases

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Rate Policy

Following sound rate policy is essential to effective utility operations. Policy provides guidelines for financial management with an overall long-range perspective, provides a basis for coping with fiscal emergencies, helps maintain financial solvency, and enhances financial transparency. The goals of financial policy are to mitigate risk and stabilize rates, to maintain a desirable credit rating in order to reduce interest expense, to determine the optimum ratio of cash and debt funding of capital projects, and to determine the opportune time to issue debt. Recommended policy includes maintaining a debt coverage ratio of 1.25, maintaining reserves totaling 365 days of operations and maintenance expenses, and increasing the fixed component of rates to more closely match actual utility fixed costs.

Recommended Rates

Based on operational requirements and recommended rate policy and CIP, the combined average revenue increase over current rates is 19% for Fiscal Year 2015-16, 9% Fiscal Year 2016-17, and 7% for each of the Fiscal Years 2017-18 through 2019-20 as shown in the table below. However, the actual increase for individual customers would vary depending on actual use. For Example, the average single-family residential customer with median water use would see an increase of approximately 25%, or \$23.71 per month in the first year. Proposed rate increases for the average single-family residential customer for Fiscal Year 2015-16 are shown in Attachment #3.

Year	Water	Wastewater	Environmental Resources	Combined Weighted Average
2015-16	15%	35%	6%	19%
2016-17	12%	10%	4%	9%
2017-18	8%	8%	4%	7%
2018-19	8%	8%	4%	7%
2019-20	8%	8%	3%	7%
Net 5 yr	62%	87%	23%	60%

Rate Setting Process

If the City Council directs staff to proceed with a Proposition 218 notification process, property owners and ratepayers will be notified in mid-October 2015. This will begin the 45-day notice period. After the notice period, a Public Hearing is scheduled to be held at the regular Council meeting on December 8 introducing the proposed rate ordinances for the first reading. A Public Hearing for the second reading and potential approval of the rates is scheduled to be held at the regular Council meeting on December 15, 2015. Upon approval, the rate increases would become effective February 1, 2016.

FINANCIAL IMPACT

There is no financial impact with this report. Staff will return to the City Council to hold a Public Hearing after the required 45 day public notice period. This will be followed by a second Public Hearing at which rates may be approved.

(DRR)

- Attachment #1 – Final Draft Utilities Cost of Services Study.
#2 – Draft Utility Vision and Guiding Principles statements, Utility Rate Policy, Capital Improvement Program (CIP), and rate structure.
#3 – Proposed rates
#4 - Proposed Rate Increase Notice Text

Note: Attachment #1 has been provided to City Council under separate cover. Copies for review are available at the Help Desk in the Library and in the City Clerk's Office prior to the Council meeting.

Water Resources Vision and Guiding Principles

The City of Oxnard utility enterprises will provide cost-effective, reliable, sustainable, and transparent services. To achieve this, the City of Oxnard will:

- Provide utility services to meet the requirements of the General Plan
- Meet all regulatory requirements for water, wastewater, storm water and recycled water services
- Implement effective City-wide utility policy including a reserve fund for long-term capital improvements
- Implement best management practices to provide cost effective service with rates competitive with other comparable jurisdictions
- Implement master plans and asset management plans to meet infrastructure needs in a cost effective manner over the short and long term
- Provide a long-term sustainable and reliable water supply, and decrease reliance on imported water
- Provide a public forum for community involvement to increase transparency

Our foremost mission is to protect public health and provide quality service to customers.

Recommended Utility Rate Policy

The City of Oxnard utility rates will objectively and transparently meet the requirements of Proposition 218 and will phase in new policy and industry best practices proportionally* over a 5 year period for each utility enterprise fund.

1. Rates will be reviewed annually to ensure that revenues meet, but not exceed, the requirements of new policy and industry best practices.
2. The rate setting process will adhere to Proposition 218 such that each customer pays their share of the cost of service.
3. A rate assistance program will be implemented and funded from donations and other sources as allowed by Proposition 218 such as a portion of the interest from O&M fund balance.
4. Utility operations will adhere to published industry best practices, including American Water Works Association Manual M1 and Water Environmental Federal Manual of Practice No. 27, to ensure that the utility enterprise funds are financially stable.
5. Maximize use of grants and low interest loans, and leverage partnerships with other public and private agencies to minimize project costs and impacts to customer rates.

*May need to be accelerated to meet bond coverage requirements.

Recommended Utility Rate Policy

Debt

- Each utility enterprise will maintain a minimum debt coverage ratio of 1.25 or such lower ratio to optimize bonding capacity at optimal interest rates.
- Debt payment term will be no longer than 75% of the life of facilities being funded.

Reserves

- Each utility enterprise will hold total reserves of at least 365 days of operations and maintenance expenditures including an emergency reserve of a minimum of 1.0% of the replacement value of current assets.
- Maintain a Capital Improvement Program (CIP) reserve adequate to minimize impact on rates with a target of cash funding of 100% of assets with lives under 15 years and 50% of assets with lives over 15 years.

Rates

- To stabilize future rates and avoid overestimating revenue requirements, rates will:
 - Include appropriate readiness-to-serve charges, standby charges and capital surcharges with a target of funding fixed costs with fixed customer charges.
 - Include appropriate pass-through of regular third-party cost increases such as imported water purchases and landfill tipping fees.
 - Include applicable cost weighted escalators for labor and commodities such as electricity, natural gas and chemicals.
- Will include penalty charges when appropriate such as during times of drought. Penalty charges will not fund normal operating expenses but will be used for appropriate mitigation such as water conservation programs.

Recommended Capital Improvement Program

Wastewater

- Implement a plan to reduce the risk of failures of aging infrastructure and allow time for design, permitting, and construction of a more efficient and effective plant.
 - Use stopgap projects to delay wastewater plant replacement
 - Use proactive preventative maintenance program to mitigate risks associated with aging infrastructure
- Use a combination of existing facilities in good condition and new facilities to optimize operational efficiency, maintenance requirements, energy efficiency, water quality, life cycle cost, and flooding and sea level rise.

Water

- Implement a preventative maintenance program and complete existing phases of water supply and quality projects, such as the desalter and Advanced Water Purification Facility (AWPF) to increase operational reliability.
- Continue to implement the Groundwater Recovery Enhancement and Treatment (GREAT) Program to ensure that water is available for residents, businesses, and growth defined in the 2030 General Plan.
- Maximize grants, low interest loans, and public and private partnerships to minimize impact to rates.

Environmental Resources

- Replace aging fleet with CNG vehicles and construct CNG fueling and maintenance facilities.
- Replace aging sorting equipment and develop food waste to meet 2020 requirements.
- Coordinate needs at Environmental Resources and Wastewater to implement waste to energy projects.

Proposed Rate Structure Updates

Wastewater

- No change in wastewater rate structure
- Update rates based on the revenue requirements increase
- Recommend completing a loadings study for commercial customers prior to the next Cost of Service Study to update the rate structure
- Recommendation for commercial water rates to meet Prop 218
 - Shifts costs from high users to lower users to meet Proposition 218 requirements

Water

- Volumetric Rates
 - Revise rates based on the results of the updated functional and customer demand allocations.
 - Remove tiered rates for commercial and irrigation customers and separate them into distinct rate classes.
 - Base multi-family tier allotments on number of dwelling units.
- Fixed Charges
 - Use constant monthly fixed charges per meter size for each customer class.
 - Fixed charges will be updated to collect 30% of rate revenues

Environmental Resources

- No change in Environmental Resources rate structure
- Update rates based on the revenue requirements increase

WATER FIXED RATES IMMEDIATE CONSISTENT RATES

Proposed Monthly Fixed Charges No Phase In to Consistent Rates						
Meter Size	Existing	FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20
		All Classes	All Classes	All Classes	All Classes	All Classes
3/4"	Varies by Class	\$16.08	\$18.49	\$23.09	\$25.77	\$27.64
1"		\$16.08	\$18.49	\$23.09	\$25.77	\$27.64
1.5"		\$24.25	\$27.89	\$34.82	\$38.87	\$41.89
2"		\$44.49	\$51.17	\$63.90	\$71.32	\$76.50
3"		\$68.89	\$79.23	\$98.92	\$110.41	\$118.44
4"		\$125.84	\$144.73	\$180.72	\$201.70	\$216.37
6"		\$207.19	\$238.30	\$297.54	\$332.09	\$356.23
8"		\$451.10	\$518.84	\$647.82	\$723.05	\$775.62
10"		\$735.63	\$846.09	\$1,056.43	\$1,179.11	\$1,264.83
Percent of Revenue From Fixed		23%	25%	28%	28%	28%

WATER FIXED RATES WITH PHASE IN TO CONSISTENT RATES

OCEANVIEW IRRIGATION

Proposed Monthly Fixed Charges with Smoothing - Oceanview Irrigation						
Meter Size	Existing	FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20
3/4"	\$10.86	\$14.16	\$17.97	\$23.94	\$27.30	\$27.64
1"	\$16.55	\$21.36	\$27.10	\$36.10	\$41.18	\$41.69
1.5"	\$29.85	\$39.19	\$49.73	\$66.25	\$75.56	\$76.50
2"	\$46.39	\$60.68	\$77.00	\$102.57	\$116.99	\$118.44
3"	\$99.23	\$110.85	\$140.66	\$187.37	\$213.71	\$216.37
4"	\$169.71	\$182.51	\$231.58	\$308.49	\$351.87	\$356.23
6"	\$347.35	\$397.37	\$504.22	\$671.68	\$766.12	\$775.62
8"	\$506.71	\$648.00	\$822.26	\$1,095.33	\$1,249.34	\$1,264.83
10"	\$803.43	\$1,006.07	\$1,276.61	\$1,700.58	\$1,939.68	\$1,963.74

OXNARD IRRIGATION

Proposed Monthly Fixed Charges with Smoothing - Oxnard Irrigation						
Meter Size	Existing	FY 2016/16	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20
3/4"	\$10.76	\$14.16	\$17.97	\$23.94	\$27.30	\$27.64
1"	\$10.76	\$14.16	\$17.97	\$23.94	\$27.30	\$27.64
1.5"	\$16.55	\$21.36	\$27.10	\$36.10	\$41.18	\$41.69
2"	\$29.85	\$39.19	\$49.73	\$66.25	\$75.56	\$76.50
3"	\$46.39	\$60.68	\$77.00	\$102.57	\$116.99	\$118.44
4"	\$99.23	\$110.85	\$140.66	\$187.37	\$213.71	\$216.37
6"	\$169.71	\$182.51	\$231.58	\$308.49	\$351.87	\$356.23
8"	\$347.35	\$397.37	\$504.22	\$671.68	\$766.12	\$775.62
10"	\$506.71	\$648.00	\$822.26	\$1,095.33	\$1,249.34	\$1,264.83

OXNARD COMMERCIAL, INDUSTRIAL, AND INSTITUTIONAL

Proposed Monthly Fixed Charges with Smoothing - Oxnard Commercial, Industrial, Institutional, and Irrigation						
Meter Size	Existing	FY 2016/16	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20
3/4"	\$10.76	\$14.16	\$17.97	\$23.94	\$27.30	\$27.64
1"	\$16.55	\$21.36	\$27.10	\$36.10	\$41.18	\$41.69
1.5"	\$29.85	\$39.19	\$49.73	\$66.25	\$75.56	\$76.50
2"	\$46.39	\$60.68	\$77.00	\$102.57	\$116.99	\$118.44
3"	\$99.23	\$110.85	\$140.66	\$187.37	\$213.71	\$216.37
4"	\$169.71	\$182.51	\$231.58	\$308.49	\$351.87	\$356.23
6"	\$347.35	\$397.37	\$504.22	\$671.68	\$766.12	\$775.62
8"	\$506.71	\$648.00	\$822.26	\$1,095.33	\$1,249.34	\$1,264.83
10"	\$803.43	\$1,006.07	\$1,276.61	\$1,700.58	\$1,939.68	\$1,963.74

MULTI-FAMILY

Proposed Monthly Fixed Charges with Smoothing - Multi Family						
Meter Size	Existing	FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20
3/4"	\$13.32	\$16.08	\$18.49	\$23.09	\$25.77	\$27.64
1"	\$20.98	\$24.25	\$27.89	\$34.82	\$38.87	\$41.69
1.5"	\$38.24	\$44.49	\$51.17	\$63.90	\$71.32	\$76.50
2"	\$59.25	\$68.89	\$79.23	\$98.92	\$110.41	\$118.44
3"	\$166.10	\$125.84	\$144.73	\$180.72	\$201.70	\$216.37
4"	\$216.34	\$207.19	\$238.30	\$297.54	\$332.09	\$356.23
6"	\$452.61	\$451.10	\$518.84	\$647.82	\$723.05	\$775.62
8"	\$650.27	\$735.63	\$846.09	\$1,056.43	\$1,179.11	\$1,264.83
10"	\$1,046.44	\$1,142.12	\$1,313.61	\$1,640.18	\$1,830.66	\$1,963.74

SINGLE FAMILY

Proposed Monthly Fixed Charges with Smoothing - Single Family						
Meter Size	Existing	FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20
3/4"	\$15.61	\$16.08	\$18.49	\$23.09	\$25.77	\$27.64
1"	\$24.60	\$24.25	\$27.89	\$34.82	\$38.87	\$41.69
1.5"	\$45.50	\$44.49	\$51.17	\$63.90	\$71.32	\$76.50
2"	\$75.92	\$68.89	\$79.23	\$98.92	\$110.41	\$118.44
3"	\$155.03	\$125.84	\$144.73	\$180.72	\$201.70	\$216.37
4"	\$263.13	\$207.19	\$238.30	\$297.54	\$332.09	\$356.23
6"	\$545.90	\$451.10	\$518.84	\$647.82	\$723.05	\$775.62
8"	\$784.16	\$735.63	\$846.09	\$1,056.43	\$1,179.11	\$1,264.83
10"	\$1,262.25	\$1,142.12	\$1,313.61	\$1,640.18	\$1,830.66	\$1,963.74

Water Volumetric Rates

OCEANVIEW IRRIGATION

Proposed Rates for Oceanview Irrigation Usage					
Proposed Oceanview Irrigation Rates					
	FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20
All Usage	\$1.20	\$1.26	\$1.32	\$1.38	\$1.45

OXNARD IRRIGATION

Proposed Rates for Commercial, Industrial and Institutional Users						
Proposed Commercial, Industrial, and Oxnard Irrigation Rates						
		FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20
Tier 1	0 to 50 HCF	\$4.06	\$4.10	\$4.31	\$4.62	\$5.00
Tier 2	Over 100 HCF	\$4.29	\$4.33	\$4.55	\$4.88	\$5.28

OXNARD COMMERCIAL, INDUSTRIAL, AND INSTITUTIONAL

Proposed Rates for Commercial, Industrial and Institutional Users						
Proposed Commercial, Industrial, and Oxnard Irrigation Rates						
		FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20
Tier 1	0 to 100 HCF	\$3.72	\$3.75	\$3.95	\$4.23	\$4.58
Tier 2	Over 100 HCF	\$4.33	\$4.37	\$4.60	\$4.93	\$5.34

MULTI-FAMILY

Proposed Oxnard Multi-Family Rates						
Proposed Oxnard Multi-Family Rates						
		FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20
Rate per HCF - Tier 1	0 to 8 HCF per DU	\$3.90	\$3.94	\$4.14	\$4.44	\$4.81
Rate per HCF - Tier 2	9 to 12 HCF per DU	\$4.32	\$4.35	\$4.58	\$4.91	\$5.32
Rate per HCF - Tier 3	13 + HCF per DU	\$4.97	\$5.01	\$5.28	\$5.66	\$6.12

SINGLE FAMILY

Proposed Oxnard Single Family Rates						
Proposed Oxnard Single Family Rates		FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20
Rate per HCF - Tier 1	0 to 9 HCF	\$3.87	\$3.91	\$4.11	\$4.41	\$4.77
Rate per HCF - Tier 2	10 to 15 HCF	\$4.57	\$4.61	\$4.85	\$5.21	\$5.63
Rate per HCF - Tier 3	16 + HCF	\$6.12	\$6.18	\$6.51	\$6.98	\$7.55

		FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20	
Proposed Wastewater Rates							
Regional Users							
City of Oxnard User Charge Formula:		$RMUC=e(Vm)+f(Bm)+g(Sm)$					
Where:							
RMUC= Regional 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							
Regional Users - Proposed Rates					Effective Date		
Service		Current Rates	2/1/2016	1/1/2017	1/1/2018	1/1/2019	1/1/2020
Monthly Wastewater Discharge/Millions of Gallons	p =	\$1,165.69	\$1,573.69	\$1,731.06	\$1,869.55	\$2,019.12	\$2,180.65
Monthly Biological Oxygen Demand Discharge/Thousands of Lbs.	q =	\$132.06	\$178.29	\$196.12	\$211.81	\$228.76	\$247.07
Monthly Suspended Solids (SS) Discharge/Thousands of Lbs.	r =	\$193.53	\$261.27	\$287.40	\$310.40	\$335.24	\$362.06
Formula Users							
City of Oxnard User Charge Formula:		$OMUC=p(Vm)+q(Bm)+r(Sm)$					
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							
Formula Users - Proposed Rates			Effective Date				
Service		Current Rates	2/1/2016	1/1/2017	1/1/2018	1/1/2019	1/1/2020
Monthly Wastewater Discharge/Millions of Gallons	p =	\$2,154.65	\$2,908.78	\$3,199.66	\$3,455.64	\$3,732.10	\$4,030.67
Monthly Biological Oxygen Demand Discharge/Thousands of Lbs.	q =	\$490.95	\$662.79	\$729.07	\$787.40	\$850.40	\$918.44
Monthly Suspended Solids (SS) Discharge/Thousands of Lbs.	r =	\$388.28	\$524.18	\$576.60	\$622.73	\$672.55	\$728.36

Non-Formula Users (Industrial, Commercial, & Governmental)						
Commercial/Schools Wastewater Use - Proposed Rates						
Percentage Wastewater Return = 85%		Effective Date				
Rate Per Hundred Cubic Feet (HCF)	Current Rates	2/1/2016	1/1/2017	1/1/2018	1/1/2019	1/1/2020
0 to 50 HCF/Month	\$2.45	\$3.31	\$3.65	\$3.95	\$4.27	\$4.62
51 to 930 HCF/Month	\$3.06	\$4.14	\$4.56	\$4.93	\$5.33	\$5.76
Over 930 HCF/Month	\$6.13	\$8.28	\$9.11	\$9.84	\$10.63	\$11.49
Restaurants Wastewater Use - Proposed Rates						
Percentage Wastewater Return = 80%		Effective Date				
Rate Per Hundred Cubic Feet (HCF)	Current Rates	2/1/2016	1/1/2017	1/1/2018	1/1/2019	1/1/2020
0 to 20 HCF/Month	\$2.45	\$3.31	\$3.65	\$3.95	\$4.27	\$4.62
21 to 160 HCF/Month	\$3.06	\$4.14	\$4.56	\$4.93	\$5.33	\$5.76
Over 160 HCF/Month	\$6.13	\$8.28	\$9.11	\$9.84	\$10.63	\$11.49
Laundry/Laundromat Wastewater Use - Proposed Rates						
Percentage Wastewater Return = 90%		Effective Date				
Rate Per Hundred Cubic Feet (HCF)	Current Rates	2/1/2016	1/1/2017	1/1/2018	1/1/2019	1/1/2020
0 to 105 HCF/Month	\$2.45	\$3.31	\$3.65	\$3.95	\$4.27	\$4.62
106 to 525 HCF/Month	\$2.71	\$3.66	\$4.03	\$4.36	\$4.71	\$5.09
Over 525 HCF/Month	\$3.38	\$4.57	\$5.03	\$5.44	\$5.88	\$6.36
Non-Formula Users (Residential)						
Single Family Wastewater Use - Proposed Rates						
Percentage Wastewater Return = 80%		Effective Date				
Rate Per Hundred Cubic Feet (HCF)	Current Rates	2/1/2016	1/1/2017	1/1/2018	1/1/2019	1/1/2020
0 to 9 HCF/Month	\$1.37	\$1.85	\$2.04	\$2.21	\$2.39	\$2.59
10 to 18 HCF/Month	\$1.52	\$2.06	\$2.27	\$2.46	\$2.66	\$2.88
Over 18 HCF/Month	\$2.12	\$2.87	\$3.16	\$3.42	\$3.70	\$4.00

Single Family Wastewater Use; Large Lots* - Proposed Rates						
Percentage Wastewater Return = 60%		Effective Date				
Rate Per Hundred Cubic Feet (HCF)	Current Rates	2/1/2016	1/1/2017	1/1/2018	1/1/2019	1/1/2020
0 to 16 HCF/Month	\$1.37	\$1.85	\$2.04	\$2.21	\$2.39	\$2.59
17 to 25 HCF/Month	\$1.52	\$2.06	\$2.27	\$2.46	\$2.66	\$2.88
Over 25 HCF/Month	\$2.12	\$2.87	\$3.16	\$3.42	\$3.70	\$4.00
*Lot Size of over 7,000 square feet						
Multi-Family and Multi-Unit Wastewater Use - Proposed Rates						
Percentage Wastewater Return = 90%		Effective Date				
Rate Per Hundred Cubic Feet (HCF)	Current Rates	2/1/2016	1/1/2017	1/1/2018	1/1/2019	1/1/2020
0 to 6 HCF/Month*	\$1.11	\$1.50	\$1.65	\$1.79	\$1.94	\$2.10
7 to 12 HCF/Month*	\$1.24	\$1.68	\$1.85	\$2.00	\$2.16	\$2.34
Over 12 HCF/Month*	\$1.73	\$2.34	\$2.68	\$2.79	\$3.02	\$3.27
*Tiers for Multi-Family/Multi-Unit Residential wastewater rates are variable and are determined by multiplying each tier allotment by the number of units.						
Monthly Base Rates (Residential)						
Monthly Base Rates (Residential) - Proposed Rates		Effective Date				
Service	Current Rates	2/1/2016	1/1/2017	1/1/2018	1/1/2019	1/1/2020
Single Family	\$21.07	\$28.45	\$31.30	\$33.81	\$36.52	\$39.45
Multi-Family/Unil. Units 1 to 6	\$15.41	\$20.81	\$22.90	\$24.74	\$26.72	\$28.86
Units 7+	\$7.68	\$10.37	\$11.41	\$12.33	\$13.32	\$14.39
Minimum Monthly Fees (Non-Residential)						
Minimum Monthly Fees (Non-Residential) - Proposed Rates		Effective Date				
Service	Current Rates	2/1/2016	1/1/2017	1/1/2018	1/1/2019	1/1/2020
Commercial	\$14.00	\$18.90	\$20.79	\$22.46	\$24.26	\$26.21
Restaurant	\$12.98	\$17.53	\$19.29	\$20.84	\$22.51	\$24.32
Laundry/Laundromat	\$64.44	\$87.00	\$95.70	\$103.36	\$111.63	\$120.57
School	\$49.15	\$66.36	\$73.00	\$78.84	\$85.15	\$91.97

Security and Contamination Fee						
Security and Contamination Fee - Proposed Rates		Effective Date				
	Current Rates	2/1/2016	1/1/2017	1/1/2018	1/1/2019	1/1/2020
Monthly Charge Per Account	\$0.65	\$0.65	\$0.65	\$0.65	\$0.65	\$0.65
Non-Metered Water Users						
Non-Metered Water Users - Proposed Rates		Effective Date				
	Current Rates	2/1/2016	1/1/2017	1/1/2018	1/1/2019	1/1/2020
Monthly Charge Per Account	\$36.18	\$48.85	\$53.74	\$58.04	\$62.89	\$67.71
Outside City Users						
Outside City Users - Proposed Rates		Effective Date				
Service	Current Rates	2/1/2016	1/1/2017	1/1/2018	1/1/2019	1/1/2020
Outside City - Residential Monthly Charge Per Account	\$73.02	\$98.58	\$108.44	\$117.12	\$126.49	\$136.61
Outside City - Multi Monthly Charge Per Account	\$48.93	\$66.05	\$72.67	\$78.49	\$84.77	\$91.56
Las Posas Commercial/Institutional Wastewater Use - Proposed Rates						
Service	Current Rates	2/1/2016	1/1/2017	1/1/2018	1/1/2019	1/1/2020
0 to 50 HCF/Month	\$4.36	\$5.89	\$6.46	\$7.00	\$7.56	\$8.17
51 to 930 HCF/Month	\$5.45	\$7.38	\$8.10	\$8.75	\$9.45	\$10.21
Over 930 HCF/Month	\$10.91	\$14.73	\$16.21	\$17.51	\$18.92	\$20.44

Proposed ER Rates - Residential Customers; Not Using Mechanical Front-End Load Containers								
Customer	Effective October 18, 2012	Effective January 1, 2013	March 2013 Pass-Through	FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20
Single family variable service (individually billed single and multiple unit dwellings that generate lesser amounts of waste, recyclables, and green waste or have medical disabilities that limit ability to maneuver larger containers (65 gallon refuse, 65 gallon recycle and 65 gallon green waste containers))	\$23.90	\$24.13	\$24.83	\$26.32	\$27.38	\$28.48	\$29.62	\$30.51
Single family standard service (individually billed single and multiple unit dwellings (65 or 95 gallon refuse, 95 gallon recycle, and 95 gallon green waste containers))	\$29.86	\$30.15	\$31.02	\$32.89	\$34.21	\$35.58	\$37.01	\$38.13
Jointly billed multiple-unit dwellings (such as apartments, duplexes, triplexes, boarding houses, mobile home parks, hotels or motels):								
First Unit	\$29.86	\$30.15	\$31.02	\$32.89	\$34.21	\$35.58	\$37.01	\$38.13
Second Unit	\$28.88	\$27.13	\$27.92	\$29.60	\$30.79	\$32.03	\$33.32	\$34.32
Third Unit	\$25.39	\$25.64	\$26.38	\$27.97	\$29.09	\$30.26	\$31.48	\$32.43
Each Unit in excess of three	\$23.90	\$24.13	\$24.83	\$26.32	\$27.38	\$28.48	\$29.62	\$30.51
Each Extra Container (Trash, Recycling, or Green Waste)	\$10.96	\$11.07	\$11.39	\$12.08	\$12.57	\$13.08	\$13.61	\$14.02

Proposed ER Rates - Commercial and Industrial Users; Not Using Mechanical Front-End Loaded Containers								
Weekly collection service for commercial and industrial businesses not using mechanical front-end loaded containers:								
Customer	Effective October 18, 2012	Effective January 1, 2013	March 2013 Pass-Through	FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20
One 95-gallon refuse container	\$41.57	\$42.29	\$43.52	\$46.13	\$47.98	\$49.90	\$51.90	\$53.46
Two 95-gallon refuse containers	\$73.24	\$73.96	\$76.10	\$80.68	\$83.91	\$87.27	\$90.77	\$93.50
Three 95-gallon refuse containers	\$94.14	\$95.07	\$97.83	\$103.70	\$107.85	\$112.17	\$116.66	\$120.16
Four 95-gallon refuse containers	\$115.05	\$116.19	\$119.56	\$126.74	\$131.81	\$137.09	\$142.58	\$146.86
Five 95-gallon refuse containers	\$135.96	\$137.30	\$141.28	\$149.76	\$155.76	\$162.00	\$168.48	\$173.54
Six 95-gallon refuse containers (2 collections per week)	\$237.88	\$240.23	\$247.20	\$262.03	\$272.52	\$289.43	\$299.77	\$303.62
Weekly recyclables and green waste collection service for commercial and industrial businesses not using mechanical front-end loaded containers:								
Customer	Effective October 18, 2012	Effective January 1, 2013	March 2013 Pass-Through	FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20
One 95-gallon refuse container	\$20.97	\$21.18	\$21.79	\$23.11	\$24.04	\$25.01	\$26.02	\$26.81

Proposed ER Rates - Commercial and Industrial User; Using Mechanical Front-End Loaded Containers									
Weekly and daily refuse collection service for multiple unit dwellings and commercial and industrial businesses using mechanical front-end loaded containers:									
Container Size	Effective October 18, 2012	Effective January 1, 2013	March 2013 Pass-Through	FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20	
Number of Collections Per Week	1	1	1	1	1	1	1	1	
2-cubic yard	\$127.97	\$129.23	\$132.98	\$140.95	\$146.60	\$152.47	\$158.57	\$168.33	
2-cubic yard shared	\$63.98	\$64.62	\$66.49	\$70.49	\$73.31	\$76.25	\$79.30	\$81.68	
2-cubic yard compactor	\$274.22	\$276.93	\$284.96	\$302.08	\$314.15	\$326.72	\$339.79	\$349.99	
4-cubic yard	\$222.60	\$224.81	\$231.33	\$245.21	\$255.02	\$265.23	\$275.84	\$284.12	
4-cubic yard shared	\$111.29	\$112.39	\$115.65	\$122.59	\$127.50	\$132.60	\$137.91	\$142.05	
4-cubic yard compactor	\$448.43	\$452.87	\$466.00	\$493.97	\$513.73	\$534.28	\$555.66	\$572.33	
Number of Collections Per Week	2	2	2	2	2	2	2	2	
2-cubic yard	\$223.95	\$226.18	\$232.74	\$246.71	\$256.58	\$266.85	\$277.53	\$285.86	
2-cubic yard shared	\$111.97	\$113.08	\$116.36	\$123.35	\$128.29	\$133.43	\$138.77	\$142.94	
2-cubic yard compactor	\$479.88	\$484.63	\$498.68	\$529.61	\$549.76	\$571.76	\$594.64	\$612.48	
4-cubic yard	\$389.55	\$399.40	\$404.81	\$429.10	\$446.27	\$464.13	\$482.70	\$497.19	
4-cubic yard shared	\$194.78	\$196.71	\$202.41	\$214.56	\$223.15	\$232.08	\$241.37	\$248.62	
4-cubic yard compactor	\$784.74	\$792.51	\$815.49	\$864.43	\$899.01	\$934.98	\$972.38	\$1,001.56	
Number of Collections Per Week	3	3	3	3	3	3	3	3	
2-cubic yard	\$287.92	\$290.77	\$299.20	\$317.16	\$329.85	\$343.05	\$356.78	\$367.49	
2-cubic yard shared	\$143.98	\$145.40	\$149.62	\$160.60	\$164.95	\$171.55	\$178.42	\$183.78	
2-cubic yard compactor	\$616.98	\$623.09	\$641.16	\$679.63	\$706.82	\$735.10	\$764.51	\$787.45	
4-cubic yard	\$500.84	\$509.80	\$520.47	\$551.70	\$573.77	\$596.73	\$620.60	\$639.22	
4-cubic yard shared	\$250.43	\$252.91	\$260.24	\$275.86	\$286.90	\$298.38	\$310.32	\$319.63	
4-cubic yard compactor	\$1,008.95	\$1,018.94	\$1,048.45	\$1,111.40	\$1,155.86	\$1,202.10	\$1,250.19	\$1,287.70	
Number of Collections Per Week	4	4	4	4	4	4	4	4	
2-cubic yard	\$351.90	\$355.39	\$365.70	\$387.64	\$403.15	\$419.28	\$436.06	\$449.15	
2-cubic yard shared	\$175.96	\$177.70	\$182.95	\$193.83	\$201.59	\$209.66	\$218.05	\$224.60	
2-cubic yard compactor	\$754.09	\$761.55	\$783.63	\$830.66	\$863.89	\$898.45	\$934.39	\$962.43	
4-cubic yard	\$612.14	\$618.20	\$636.13	\$674.30	\$701.28	\$729.34	\$758.52	\$781.28	
4-cubic yard shared	\$306.07	\$309.10	\$318.08	\$337.15	\$350.64	\$364.67	\$379.26	\$390.64	
4-cubic yard compactor	\$1,233.16	\$1,245.37	\$1,281.49	\$1,356.38	\$1,412.72	\$1,469.23	\$1,528.00	\$1,573.84	
Number of Collections Per Week	5	5	5	5	5	5	5	5	
2-cubic yard	\$415.90	\$420.02	\$432.20	\$458.14	\$476.47	\$495.53	\$515.36	\$530.83	
2-cubic yard shared	\$207.95	\$210.01	\$216.10	\$229.07	\$238.24	\$247.77	\$257.69	\$265.43	
2-cubic yard compactor	\$891.20	\$900.03	\$926.13	\$981.70	\$1,020.97	\$1,061.91	\$1,104.29	\$1,137.42	
4-cubic yard	\$723.44	\$730.61	\$751.80	\$790.91	\$828.79	\$861.95	\$896.43	\$923.33	
4-cubic yard shared	\$361.72	\$365.30	\$375.89	\$396.45	\$414.39	\$430.97	\$448.21	\$461.66	
4-cubic yard compactor	\$1,457.37	\$1,471.80	\$1,514.48	\$1,605.36	\$1,669.58	\$1,736.37	\$1,805.83	\$1,860.01	

	6	6	6	6	6	6	6	6
Number of Collections Per Week	\$479.88	\$484.63	\$498.68	\$528.81	\$549.76	\$571.76	\$594.64	\$612.48
2-cubic yard	\$239.95	\$242.32	\$249.35	\$264.31	\$274.89	\$285.89	\$297.33	\$306.25
2-cubic yard shared	\$1,028.30	\$1,038.48	\$1,068.60	\$1,132.72	\$1,178.03	\$1,225.16	\$1,274.17	\$1,312.40
2-cubic yard compactor	\$834.74	\$843.01	\$867.46	\$919.81	\$956.30	\$994.56	\$1,034.35	\$1,065.39
4-cubic yard	\$417.37	\$421.50	\$433.72	\$459.76	\$478.14	\$497.27	\$517.17	\$532.69
4-cubic yard shared	\$1,681.58	\$1,698.23	\$1,747.48	\$1,852.33	\$1,926.43	\$2,003.49	\$2,083.63	\$2,146.14
4-cubic yard compactor								
Each container in excess of the regular service level on an established account	Effective January 1, 2013	March 2013 Pass-Through	FY 2016/16	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20	
Solid Waste	\$56.50	\$58.14	\$81.63	\$64.10	\$66.67	\$69.34	\$71.43	
2-cubic yard	\$98.50	\$101.36	\$107.44	\$111.74	\$116.21	\$120.86	\$124.49	
4-cubic yard								
Recyclables or Green Waste	\$28.25	\$29.07	\$30.82	\$32.06	\$33.35	\$34.69	\$35.74	
2-cubic yard	\$49.25	\$50.68	\$53.72	\$55.87	\$58.11	\$60.44	\$62.26	
4-cubic yard								

Proposed ER Rates - Commercial and Industrial User; Using Mechanical Front-End Loaded Containers									
Weekly and daily recyclables and green waste collection service for multiple unit dwellings and commercial and industrial businesses using mechanical front-end loaded containers:		Effective October 18, 2012	Effective January 1, 2013	March 2013 Pass-Through	FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20
Container Size									
Number of Collections Per Week		1	1	1	1	1	1	1	1
2-cubic yard		\$63.98	\$64.62	\$86.49	\$70.49	\$79.31	\$76.25	\$79.30	\$81.68
2-cubic yard shared		\$31.99	\$32.30	\$39.24	\$35.24	\$36.65	\$38.12	\$39.65	\$40.84
2-cubic yard compactor		\$137.11	\$138.47	\$142.49	\$151.04	\$157.09	\$163.38	\$169.92	\$175.02
4-cubic yard		\$111.29	\$112.39	\$115.65	\$122.59	\$127.50	\$132.60	\$137.01	\$142.05
4-cubic yard shared		\$55.65	\$56.20	\$57.83	\$61.30	\$63.76	\$66.32	\$68.98	\$71.05
4-cubic yard compactor		\$224.21	\$226.43	\$235.00	\$246.98	\$256.86	\$267.14	\$277.83	\$286.17
Number of Collections Per Week		2	2	2	2	2	2	2	2
2-cubic yard		\$111.97	\$113.08	\$116.36	\$123.35	\$128.29	\$133.43	\$138.77	\$142.94
2-cubic yard shared		\$55.98	\$56.54	\$58.18	\$61.68	\$64.15	\$66.72	\$69.29	\$71.48
2-cubic yard compactor		\$239.95	\$242.32	\$249.35	\$264.31	\$274.89	\$285.89	\$297.33	\$306.25
4-cubic yard		\$194.78	\$196.71	\$202.41	\$214.56	\$223.15	\$232.08	\$241.37	\$248.62
4-cubic yard shared		\$97.38	\$98.35	\$101.20	\$107.28	\$111.58	\$116.05	\$120.70	\$124.33
4-cubic yard compactor		\$392.37	\$396.26	\$407.75	\$432.22	\$449.51	\$467.50	\$486.20	\$500.79
Number of Collections Per Week		3	3	3	3	3	3	3	3
2-cubic yard		\$143.98	\$145.40	\$149.62	\$158.60	\$164.95	\$171.55	\$178.42	\$183.78
2-cubic yard shared		\$71.98	\$72.70	\$74.81	\$79.30	\$82.48	\$85.78	\$88.22	\$91.80
2-cubic yard compactor		\$308.49	\$311.55	\$320.58	\$339.63	\$353.43	\$367.57	\$382.28	\$393.75
4-cubic yard		\$250.43	\$252.91	\$260.24	\$275.86	\$286.30	\$298.38	\$310.32	\$319.63
4-cubic yard shared		\$125.22	\$126.46	\$130.13	\$137.94	\$143.46	\$149.20	\$155.17	\$159.83
4-cubic yard compactor		\$504.48	\$509.48	\$524.25	\$555.72	\$577.95	\$601.07	\$625.12	\$643.88
Number of Collections Per Week		4	4	4	4	4	4	4	4
2-cubic yard		\$175.96	\$177.70	\$182.85	\$193.83	\$201.59	\$209.66	\$218.05	\$224.60
2-cubic yard shared		\$87.97	\$88.84	\$91.41	\$96.91	\$100.79	\$104.83	\$109.08	\$112.31
2-cubic yard compactor		\$377.05	\$380.79	\$391.83	\$416.35	\$431.97	\$449.25	\$467.32	\$481.24
4-cubic yard		\$306.07	\$309.10	\$318.06	\$337.15	\$350.64	\$364.67	\$379.26	\$390.64
4-cubic yard shared		\$153.04	\$154.55	\$159.03	\$168.69	\$175.33	\$182.35	\$189.65	\$195.84
4-cubic yard compactor		\$616.58	\$622.69	\$640.75	\$679.20	\$706.37	\$734.62	\$764.02	\$786.95
Number of Collections Per Week		5	5	5	5	5	5	5	5
2-cubic yard		\$207.95	\$210.01	\$216.10	\$229.07	\$238.24	\$247.77	\$257.69	\$265.43
2-cubic yard shared		\$103.97	\$105.00	\$108.05	\$114.53	\$119.12	\$123.89	\$128.85	\$132.72
2-cubic yard compactor		\$445.60	\$450.01	\$463.06	\$490.85	\$510.49	\$530.91	\$552.15	\$568.72
4-cubic yard		\$361.72	\$365.30	\$375.89	\$398.45	\$414.39	\$430.97	\$448.21	\$461.66
4-cubic yard shared		\$180.87	\$182.66	\$187.95	\$199.24	\$207.21	\$215.50	\$224.12	\$230.85
4-cubic yard compactor		\$728.41	\$735.62	\$756.95	\$802.38	\$834.48	\$867.86	\$902.58	\$929.66
Number of Collections Per Week		6	6	6	6	6	6	6	6
2-cubic yard		\$239.95	\$242.32	\$249.35	\$264.31	\$274.89	\$285.89	\$297.33	\$306.25
2-cubic yard shared		\$119.96	\$121.15	\$124.66	\$132.15	\$137.44	\$142.94	\$148.66	\$153.12
2-cubic yard compactor		\$514.15	\$519.24	\$534.30	\$566.36	\$589.02	\$612.89	\$637.10	\$656.22
4-cubic yard		\$417.37	\$421.50	\$433.72	\$469.76	\$478.14	\$497.27	\$517.17	\$532.69
4-cubic yard shared		\$208.68	\$210.74	\$216.85	\$229.87	\$239.07	\$248.84	\$258.59	\$266.35
4-cubic yard compactor		\$840.80	\$849.13	\$873.75	\$926.19	\$963.24	\$1,001.77	\$1,041.85	\$1,073.11

Proposed ER Rates - Commercial and Industrial User; Roll-Off Containers

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 \$15.00 per day, plus all disposal fees:

	Effective October 18, 2012	Effective January 1, 2013	March 2013 Pass-Through	FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20
Charge per Refuse Pickup								
10-cubic yard	\$151.58	\$153.08	\$157.52	\$166.88	\$173.66	\$180.61	\$187.84	\$193.48
13.4-cubic yard	\$151.58	\$153.08	\$157.52	\$166.88	\$173.66	\$180.61	\$187.84	\$193.48
20-cubic yard compactor	\$197.86	\$199.84	\$205.64	\$217.90	\$226.70	\$235.77	\$245.21	\$252.57
30-cubic yard	\$198.62	\$200.58	\$206.40	\$218.79	\$227.55	\$236.66	\$246.13	\$253.52
30-cubic yard compactor	\$224.76	\$226.98	\$233.56	\$247.68	\$257.40	\$267.79	\$278.51	\$286.87
(2) 30-cubic yard single pickup	\$381.56	\$385.34	\$396.51	\$420.31	\$437.13	\$454.62	\$472.81	\$487.00
40-cubic yard compactor	\$277.02	\$279.77	\$287.88	\$306.16	\$317.37	\$330.07	\$343.28	\$353.58
Charge per Recyclables or Green Waste Pickup								
10-cubic yard	\$75.79	\$76.54	\$78.76	\$83.49	\$86.83	\$90.31	\$93.93	\$96.75
13.4-cubic yard	\$75.79	\$76.54	\$78.76	\$83.49	\$86.83	\$90.31	\$93.93	\$96.75
20-cubic yard compactor	\$98.93	\$99.82	\$102.71	\$108.88	\$113.24	\$117.77	\$122.49	\$126.17
30-cubic yard	\$99.31	\$100.30	\$103.21	\$109.41	\$113.79	\$118.35	\$123.09	\$126.79
30-cubic yard compactor	\$112.37	\$113.49	\$116.78	\$123.79	\$128.75	\$133.90	\$139.26	\$143.44
(2) 30-cubic yard single pickup	\$190.78	\$192.67	\$198.26	\$210.16	\$218.57	\$227.32	\$236.42	\$243.52
40-cubic yard compactor	\$138.51	\$139.88	\$143.94	\$162.88	\$158.09	\$165.04	\$171.65	\$176.80

Proposed ER Rates - Walking Floor Transfer Trailer Pickup Fee

Walking Floor Transfer Trailer. Each customer making use of a walking floor transfer trailer is

	Effective October 18, 2012	Effective January 1, 2013		FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20
Container Size								
Walking Floor Transfer Trailer	\$381.56	\$385.34	\$385.34	\$408.47	\$424.81	\$441.81	\$459.49	\$479.28

Proposed ER Rates - Security and Contamination Fee

Monthly Security and Contamination Fee: In addition to any other applicable charges, each customer shall pay a monthly security and contamination prevention fee, per container in use, as follows:

	Effective October 18, 2012	Effective January 1, 2013		FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20
Service								
Security and Contamination Fee	\$0.00	\$0.12	\$0.12	\$0.13	\$0.14	\$0.15	\$0.16	\$0.17

NOTICE OF PUBLIC HEARING REGARDING PROPOSED INCREASES IN WATER SERVICE RATES, WASTEWATER RATES, AND SOLID WASTE RATES

Notice is hereby given that the City of Oxnard's City Council will hold a public hearing to consider utilities systems rates increases. The proposed rate increases will help the City to continue to provide reliable, high quality wastewater, water, and solid waste collection services.

The wastewater rates fund the City's costs to collect, treat and dispose of wastewater from the City's sewer service customers. The water rates fund the City's costs to procure, treat and distribute water to the City's water service customers. The solid waste rates fund the City's costs to collect and dispose of trash from the City's solid waste service customers.

The proposed rate increases are designed to capture the amount needed to fund the actual costs of providing the wastewater, water, and solid waste services. Wastewater services are increasing due to debt service coverage needs, and the need to maintain, repair, upgrade, and replace the City's aging infrastructure, equipment and facilities. The service costs for water are increasing due to the need to maintain, repair, upgrade and replace aging infrastructure, debt service coverage needs, and new infrastructure projects to improve the future reliability of the water supply. Solid waste services are increasing as a result of the need to resume replacing trucks and aging facilities and to meet regulatory requirements for increased landfill diversion.

The proposed rate increase for Wastewater is 35% for Fiscal Year 2015-16, 10% for Fiscal Year 2016-17, 8% for Fiscal Year 2017-18, 8% for Fiscal Year 2018-19, and 8% for Fiscal Year 2019-20. The proposed rate increase for Water is 15% for Fiscal Year 2015-16, 12% for Fiscal Year 2016-17, 8% for Fiscal Year 2017-18, 8% for Fiscal Year 2018-19, and 8% for Fiscal Year 2019-20. The proposed rate increase for Environmental Resources is 6% for Fiscal Year 2015-16, 4% for Fiscal Year 2016-17, 4% for Fiscal Year 2017-18, 4% for Fiscal Year 2018-19, and 3% for Fiscal Year 2019-20.

The rate increase ordinances for wastewater, water, and solid waste will also include authorization for subsequent automatic adjustment based on certain increases in third party costs, including but not be limited to increase in wholesale water purchase costs, power costs, and solid waste disposal fees.

The City Council will conduct a public hearing on December 8, 2015, to consider adopting the proposed rates. The hearing will occur at 7:30 p.m., at 305 West Third Street, Oxnard, California 93030. You may provide oral or written comments at the public hearing.

You have a right to file one written protest per parcel against one or more of the proposed rate increases. Both the owner of the parcel and the person receiving the service for which the fee is charged may submit a written protest, but only one protest per parcel will be counted. Owners of multiple parcels may submit one written protest as protest for each parcel owned, provided that a list of all appropriate parcel numbers or addresses is included. Any written protests must be submitted to the City Clerk's Office at 305 West Third Street, Oxnard, CA 93030 prior to the City council meeting or submitted directly to the City Council prior to the conclusion of the public hearing. A written protest must include (1) your original signature; (2) identification of the parcel(s) by parcel number(s) or address(es); (3) whether you are the owner of the parcel(s) or the person receiving the service for which the fee is charged; (4) which fee increase(s) you are protesting; and (5) your statement that you protest the increase in the fee(s). Written protests will not be accepted by e-mail or by fax. Verbal protests will not be counted. The City Council will not adopt the proposed rate increase(s) if the City Council receives written protests from owners of and/or utility customers representing a majority of parcels of property who pay the proposed utility rate(s).

For more information, please contact: Public Works Administration (805) 385-8136.



ACTION	TYPE OF ITEM
☐ Approved Recommendation	☐ Info/Consent
☐ Ord. No(s). _____	☐ Report
☐ Res. No(s). _____	☐ Public Hearing (Info/consent)
☐ Other _____	☒ Other City Council Business

Prepared By: Luly A. Lopez *Luly* Agenda Item No. N-1

Reviewed By: City Manager *[Signature]* City Attorney *[Signature]* Finance *[Signature]* Other (Specify) _____

DATE: October 6, 2015

TO: City Council

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

SUBJECT: Appointments of Councilmembers to Boards and Commissions

RECOMMENDATION

That the Mayor, with the approval of the City Council appoint members from the City Council to the:

1. Fiscal Policy Task Force (appoint Councilmember Perello).
2. Ventura County Regional Energy Alliance (appoint Mayor Pro Tem Ramirez).

DISCUSSION

On January 27, 2015, appointments were made to the various boards and commission. Currently, Mayor Pro Tem Ramirez serves on the Fiscal Policy Task Force and has requested to move to the Ventura County Regional Energy Alliance. At the same time, Councilmember Perello who serves on the Ventura County Regional Energy Alliance has requested to move to the Fiscal Policy Task Force.

FINANCIAL IMPACT

None.

GN:lal