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. The agenda reports are on the City of Oxnard web site at www.ci.oxnard.ca.us.

CITY OF OXNARD CALIFORNIA

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
May 1, 2012
6:00 P.M.

A. ROLL CALL/POSTING OF AGENDA

*** 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 4 for a description of closed session items)

D. OPENING CEREMONIES – 7:00 P.M.

Pledge of allegiance to the flag of the United States.

E. CEREMONIAL CALENDAR

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

At this time, the legislative body will consider public comments for a maximum of thirty minutes. A person may address the legislative body only on matters not appearing on the agenda and within the subject matter jurisdiction of the legislative body. A person not able to address the legislative body at this time because the thirty minutes expires may do so just prior to adjournment of the meeting. The legislative body cannot enter into a detailed discussion or take any action on any items presented during public comments at this time. Such items may only be referred to the City Manager/ Executive Director/Secretary for administrative action or scheduled on a subsequent agenda for discussion. Persons wishing to speak on public hearing items should do so at the time of the hearing. The presiding officer shall limit public comments to three minutes.

In compliance with the Americans with Disabilities Act, if you require special assistance to participate in a meeting, please contact the City Clerk's Office at 385-7803. Notice at least 72 hours prior to the meeting will enable the City to reasonably arrange for your accessibility to the meeting.

City of Oxnard internet address: www.ci.oxnard.ca.us.

G. REVIEW OF INFORMATION/CONSENT AGENDA

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

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

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

I. INFORMATION/CONSENT AGENDA

City Clerk Department

1. SUBJECT: Minutes of the Regular Meeting of the Oxnard Community Development Successor Agency for February 28, 2012, March 6, 20 and 27, 2012, April 3, 10 and 17, 2012; and Minutes of the Special Meeting of the Oxnard Community Development Successor Agency for February 14, 2012. (001)
RECOMMENDATION: Approve.
Legislative Body: SA Contact: Daniel Martinez Phone: 385-7803

City Manager Department

2. SUBJECT: Agreements for City Council Review. (015)
RECOMMENDATION: Pursuant to Ordinance 2835, approve and authorize the Interim City Manager, to execute the attached agreements/contracts and change orders/amendments in amounts more than $25,000 but less than $250,000.
Legislative Body: CC Contact: Karen Burnham Phone: 385-7430

Housing Department

3. SUBJECT: Affordable Housing and Rehabilitation Division Loan Policies. (017)
RECOMMENDATION: Approve revisions to the Affordable Housing and Rehabilitation Division loan program policies.
Legislative Body: CC Contact: Ruth Johnson Hopkins Phone: 385-7404

J. TRANSMITTAL OF INFORMATION ONLY ITEMS

1. SUBJECT: Monthly Budget Status Report for the Period Ending March 31, 2012. (021)
RECOMMENDATION: Receive report.
The monthly budget status report for revenues and expenses include both Governmental and Enterprise Funds for the period ending March 31, 2012. Because this report includes year-end accruals for Fiscal Year 2011, there are timing issues on offsetting revenues and expenditures.
Legislative Body: CC Contact: James Cameron Phone: 385-7461

K. INFORMATION/CONSENT PUBLIC HEARINGS

L. PUBLIC HEARINGS – 7:15 P.M.

Development Services Department

1. SUBJECT: Appeal of the Planning Commission's denial of Planning & Zoning Permit No. 11-550-01 for Ruby's Café. Located at 348 and 350 South Oxnard Boulevard. Filed by designated agent David Mora Plascencia, Mora Entertainment Enterprises, Inc. (037)
RECOMMENDATION: Adopt a resolution denying the appeal and upholding the Planning Commission's denial of Planning and Zoning Permit No. 11-550-01.
Legislative Body: CC Contact: Brian Foote Phone: 385-8312

Housing Department

2. SUBJECT: Public Hearing to Consider Oxnard's Fiscal Year 2012-2013 Annual Action Plan Component of Fiscal Years 2008-2013 Consolidated Plan, Including Applications to the U.S. Department of Housing and Urban Development (HUD) and Projected Use of Community Development Block Grant (CDBG), HOME Investment Partnerships Act (HOME) and Emergency Solutions Grant (ESG) Funds. (063)
RECOMMENDATION: 1) Conduct a public hearing to receive comments and provide direction to the Housing Director regarding any changes to the Annual Plan; 2) Authorize the City Manager to make changes to the Annual Plan as directed by City Council; 3) Approve the Annual Plan and the recommended proposed use of funds; 4) Authorize the City Manager to execute the required applications, certifications, and other pertinent documents and submit the Annual Plan to HUD; and 5) Authorize the City Manager to execute any agreements and other documents necessary to implement the Annual Plan after approval by HUD.
Legislative Body: CC Contact: Juliette Dang Phone: 385-7493

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.

1. SUBJECT: Verbal Report on Oxnard Community Development Commission Successor Agency and Status of Redevelopment Activities in the City of Oxnard.
RECOMMENDATION: Receive and consider report.
Legislative Body: CC/SA Contact: Karen Burnham Phone: 385-7430

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

O. REPORTS

Community Development Department

1. SUBJECT: Oxnard Business Improvement Zone. (075)
RECOMMENDATION: 1) Set the date of May 15, 2012 at 7:15 p.m. for a Public Meeting on the proposed OBIZ; 2) Set the date of June 12, 2012 at 7:15 p.m. for a Public Meeting on the proposed OBIZ; and 3) Direct Staff to mail notice of the meetings and dates to all registered businesses in Oxnard.
Legislative Body: CC Contact: Curtis Cannon Phone: 385-7409

P. 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.

Q. APPOINTMENT ITEMS

R. STUDY SESSION

Finance Department

1. SUBJECT: Requests for Proposal, Qualifications, and Bids (077)
RECOMMENDATION: Receive a presentation on the City's procedures and practices concerning use of Requests for Proposal (RFP), Requests for Qualifications, (RFQ) and Requests for Bids (RFB).
Legislative Body: CC Contact: James Cameron Phone: 385-7461

S. 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.

C. CLOSED SESSION - (Continued from page 1)

1. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION.

CC On the advice of the City Attorney, based on existing facts and circumstances, the City Council shall decide whether to initiate litigation in one potential case, pursuant to Government Code section 54956.9(c).

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

T. ADJOURNMENT

AGENDA ITEM NO.
I-1

MINUTES

OXNARD COMMUNITY DEVELOPMENT COMMISSION SUCCESSOR AGENCY
Special Meeting
February 14, 2012

A. ROLL CALL/POSTING OF AGENDA

At 7:05 p.m., the special meeting of the Oxnard Community Development Commission Successor Agency convened in the Council Chambers, concurrently with the City Council and Housing Authority. Commissioners Thomas E. Holden, Irene G. Pinkard, Bryan A. MacDonald, Timothy B. Flynn, and Carmen Ramirez were present. The Deputy Secretary Designate stated that the agenda was posted on Thursday in the Library and City Clerk's Office. Chairman Holden presided and called the meeting to order. Staff members present were: Daniel Martinez, Secretary Designate; Karen Burnham, Interim Executive Director; Alan Holmberg, General Counsel; Curtis Cannon, Community Development Director; Grace Magistrale Hoffman, Deputy Executive Secretary; and Kymberly Horner, Redevelopment Project Manager.

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

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

G. REVIEW OF INFORMATION/CONSENT AGENDA

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

The following individual presented comments Larry Stein. The Community Development Director reviewed reasons for "Amending the Enforceable Obligation Payment Schedule" item to be on the agenda and outlined several contracts.

I. INFORMATION/CONSENT AGENDA

Oxnard Community Development Commission Successor Agency

5. SUBJECT: Adoption of a Draft Recognized Obligation Payment Schedule ("ROPS") Pursuant to the Provisions of ABx1 26. (041)
RECOMMENDATION: The Community Development Commission Successor Agency ("Successor Agency") in accordance with the requirements of ABx1 26, passed by the State legislature on June 15, 2011, and signed into law by the Governor on June 29, 2011, adopt **Resolution No. 1** approving a Draft ROPS, setting forth a schedule of payments for obligations of the Successor Agency.*

INFORMATION/CONSENT AGENDA ACTION: Approved as recommended. (MacDonald/ Holden) Ayes: Pinkard, MacDonald, Flynn, Ramirez, and Holden. *Councilmember Flynn stated his negative position on line item 27 and 28 and abstain on item number 83.

J. TRANSMITTAL OF INFORMATION ONLY ITEMS

K. INFORMATION/CONSENT PUBLIC HEARINGS

L. PUBLIC HEARINGS

M. REPORT OF SECRETARY

N. COMMUNITY DEVELOPMENT COMMISSION BUSINESS/COMMITTEE REPORTS

1. SUBJECT: Accept a Verbal Report on the Establishment of a Regular Meeting Schedule for the Community Development Successor Agency ("Successor Agency").
RECOMMENDATION: Adopt the regular meeting schedule of the Oxnard City Council as the successor agency's regular meeting schedule
ACTION: Approve recommendation (Holden/MacDonald), unanimously.

2. SUBJECT: Cancellation of the Regular Meetings Scheduled for February 28, 2012. (065)
RECOMMENDATION: Cancel their regular meetings scheduled for February 28, 2012.
ACTION: Approve recommendation (Holden/Pinkard), unanimously.

CITY COUNCIL/HOUSING AUTHORITY/FINANCING AUTHORITY

At 9:21 p.m. the joint meetings with the City Council, Housing Authority and Financing Authority concluded.

O. REPORTS

P. PUBLIC COMMENTS ON REPORTS

Q. APPOINTMENT ITEMS

R. STUDY SESSION

S. PUBLIC COMMENTS ON STUDY SESSION

T. ADJOURNMENT

At 9:21 p.m., the Community Development Commission Successor Authority concurred to adjourn the meeting.

DANIEL MARTINEZ
Secretary Designate

DR. THOMAS E. HOLDEN
Chairman

MINUTES

OXNARD COMMUNITY DEVELOPMENT COMMISSION SUCCESSOR AGENCY
Regular Meeting
February 28, 2012

The regular scheduled meeting was cancel by the Commissioners on February 14, 2012.

DANIEL MARTINEZ
Secretary Designate

DR. THOMAS E. HOLDEN
Chairman

MINUTES

OXNARD COMMUNITY DEVELOPMENT COMMISSION SUCCESSOR AGENCY
Regular Meeting
March 6, 2012

A. ROLL CALL/POSTING OF AGENDA

At 7:34 p.m., the regular meeting of the Oxnard Community Development Commission Successor Agency convened in the Council Chambers, concurrently with the City Council and Housing Authority. Commissioners Thomas E. Holden, Irene G. Pinkard, Bryan A. MacDonald, Timothy B. Flynn, and Carmen Ramirez were present. The Deputy Secretary Designate stated that the agenda was posted on Thursday in the Library and City Clerk's Office. Chairman Holden presided and called the meeting to order. Staff members present were: Daniel Martinez, Secretary Designate; Edmund F. Sotelo, Executive Director; Alan Holmberg, General Counsel; Karen Burnham, Assistant Executive Director; Curtis Cannon, Community Development Director; Grace Magistrale Hoffman, Deputy Executive Secretary; and Kymberly Horner, Redevelopment Project Manager.

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

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

G. REVIEW OF INFORMATION/CONSENT AGENDA

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

The following individual presented comments Larry Stein. The Community Development Director reviewed reasons for "Amending the Enforceable Obligation Payment Schedule" item to be on the agenda and outlined several contracts.

I. INFORMATION/CONSENT AGENDA

J. TRANSMITTAL OF INFORMATION ONLY ITEMS

K. INFORMATION/CONSENT PUBLIC HEARINGS

L. PUBLIC HEARINGS

M. REPORT OF SECRETARY

N. COMMUNITY DEVELOPMENT COMMISSION BUSINESS/COMMITTEE REPORTS

O. REPORTS

Community Development Department

2. SUBJECT: Affordable Housing Loan Agreement for ED-KOH (RiverPark Lots 3, 11, 12 and 17A – Letter Agreement #3). (103)
RECOMMENDATION: That City Council and Successor Agency: 1) Approve and authorize the Mayor and Chairperson of the Successor Agency to execute the Letter Agreement #3 (Attachment 1) and direct the Community Development Director (or designee) to prepare and execute an amendment to the Loan Agreement in conformance with the Letter Agreement #3, in a form acceptable to the City Attorney. 2) Authorize the City Manager and Community Development Director (or designees), with approval from the City Attorney and the Successor Agency Counsel, to revise and sign all documents necessary and appropriate to carry out and implement the Letter Agreement #3, and to administer the obligations, responsibilities and duties of the City and Successor Agency pursuant to those documents.
DISCUSSION: The Community Development Director reviewed the conditions: 1) to sell the property; 2) affordable housing requirements; 3) different developers of the development; and 4) the affordable housing density. The Planning and Environmental Services Manager reviewed future planning meetings and requirements for public notice.

The following individuals provided comments: Cheryl Pease; Ellie Smith; Orlando Dozier; Pat Brown; Bert Perello; and Larry Stein.

ACTION: Moved to postpone this item and have dialog with developer (Ramirez/Flynn) Ayes: Ramirez and Flynn. Noes: Holden, Pinkard and MacDonald. Approve as recommended (Holden/Pinkard) Ayes: Holden, Pinkard and MacDonald. Noes: Flynn and Ramirez.

CITY COUNCIL

At 9:25 p.m. the joint meeting with the City Council concluded.

P. PUBLIC COMMENTS ON REPORTS

Q. APPOINTMENT ITEMS

R. STUDY SESSION

S. PUBLIC COMMENTS ON STUDY SESSION

T. ADJOURNMENT

At 9:25 p.m., the Community Development Commission Successor Authority concurred to adjourn the meeting.

DANIEL MARTINEZ Secretary Designate	DR. THOMAS E. HOLDEN Chairman

MINUTES

OXNARD COMMUNITY DEVELOPMENT COMMISSION SUCCESSOR AGENCY
Regular Meeting
March 20, 2012

Because there were no items requiring consideration on this date, there was no regular meeting.

DANIEL MARTINEZ Secretary Designate	DR. THOMAS E. HOLDEN Chairman

MINUTES

OXNARD COMMUNITY DEVELOPMENT COMMISSION SUCCESSOR AGENCY
Regular Meeting
March 27, 2012

A. ROLL CALL/POSTING OF AGENDA

At 7:04 p.m., the regular meeting of the Oxnard Community Development Commission Successor Agency convened in the Council Chambers, concurrently with the City Council and Housing Authority. Commissioners Thomas E. Holden, Irene G. Pinkard, Bryan A. MacDonald, Timothy B. Flynn, and Carmen Ramirez were present. The Secretary Designate stated that the agenda was posted on Thursday in the Library and City Clerk's Office. Chairman Holden presided and called the meeting to order. Staff members present were: Daniel Martinez, Secretary Designate; Karen Burnham, Interim Executive Director; Alan Holmberg, General Counsel; Karen Burnham, Assistant Executive Director; Curtis Cannon, Community Development Director; Grace Magistrale Hoffman, Deputy Executive Secretary; and Kymberly Horner, Redevelopment Project Manager.

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

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

G. REVIEW OF INFORMATION/CONSENT AGENDA

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

I. INFORMATION/CONSENT AGENDA

FINANCING AUTHORITY

At 8:02 p.m., the joint meeting with the Financing Authority concluded.

J. TRANSMITTAL OF INFORMATION ONLY ITEMS

K. INFORMATION/CONSENT PUBLIC HEARINGS

L. PUBLIC HEARINGS

HOUSING AUTHORITY

At 8:51 p.m. the joint meeting with the Housing Authority concluded.

M. REPORT OF SECRETARY

1. SUBJECT: Verbal Report on Oxnard Community Development Commission Successor Agency and Status of Redevelopment Activities in the City of Oxnard.
   RECOMMENDATION: Receive and consider report.
   DISCUSSION: The Community Development Director commented on communications with other cities and recent State assembly actions.

At 9:03 p.m., Mayor Holden left the meeting and Mayor Pro Tem Pinkard presided.

Comments from Vincent Daly. The City Attorney reviewed the Wagon Wheel situation and working with Oversight Committee.

ACTION: Received report and provided comments to staff.

CITY COUNCIL

At 9:26 p.m. the joint meeting with the City Council concluded.

N. COMMUNITY DEVELOPMENT COMMISSION BUSINESS/COMMITTEE REPORTS

O. REPORTS

P. PUBLIC COMMENTS ON REPORTS

Q. APPOINTMENT ITEMS

R. STUDY SESSION

S. PUBLIC COMMENTS ON STUDY SESSION

T. ADJOURNMENT

At 9:26 p.m., the Community Development Commission Successor Authority concurred to adjourn the meeting.

DANIEL MARTINEZ
Secretary Designate

DR. THOMAS E. HOLDEN
Chairperson

DR. IRENE G. PINKARD
Vice-Chairperson

MINUTES

OXNARD COMMUNITY DEVELOPMENT COMMISSION SUCCESSOR AGENCY
Regular Meeting
April 3, 2012

A. ROLL CALL/POSTING OF AGENDA

At 7:07 p.m., the regular meeting of the Oxnard Community Development Commission Successor Agency convened in the Council Chambers, concurrently with the City Council. Commissioners Thomas E. Holden, Bryan A. MacDonald, Timothy B. Flynn, and Carmen Ramirez were present. Vice-Chairperson Irene G. Pinkard was absent. The Secretary Designate stated that the agenda was posted on Thursday in the Library and City Clerk's Office. Chairman Holden presided and called the meeting to order. Staff members present were: Daniel Martinez, Secretary Designate; Karen Burnham, Interim Executive Director; Alan Holmberg, General Counsel; Curtis Cannon, Community Development Director; Grace Magistrale Hoffman, Deputy Executive Secretary; and Kymberly Horner, Redevelopment Project Manager.

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 for Raymond Teran.

E. CEREMONIAL CALENDAR

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

G. REVIEW OF INFORMATION/CONSENT AGENDA

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

I. INFORMATION/CONSENT AGENDA

J. TRANSMITTAL OF INFORMATION ONLY ITEMS

K. INFORMATION/CONSENT PUBLIC HEARINGS

L. PUBLIC HEARINGS

M. REPORT OF SECRETARY

1. SUBJECT: Verbal Report on Oxnard Community Development Commission Successor Agency and Status of Redevelopment Activities in the City of Oxnard.
   RECOMMENDATION: Receive and consider report, provide suggestions for Ventura County Board of Supervisors final County appointment to Oversight Board.
   DISCUSSION: The Community Development Director updated the City Council/Community Development Commission Successor Agency on the process.

   Comments received from Pat Brown and Bert Perello.

   ACTION: Received the report.

CITY COUNCIL

At 8:42 p.m. the joint meeting with the City Council concluded.

N. COMMUNITY DEVELOPMENT COMMISSION BUSINESS/COMMITTEE REPORTS

O. REPORTS

P. PUBLIC COMMENTS ON REPORTS

Q. APPOINTMENT ITEMS

R. STUDY SESSION

S. PUBLIC COMMENTS ON STUDY SESSION

T. ADJOURNMENT

At 8:42 p.m., the Community Development Commission Successor Authority concurred to adjourn the meeting.

DANIEL MARTINEZ Secretary Designate	DR. THOMAS E. HOLDEN Chairman

MINUTES

OXNARD COMMUNITY DEVELOPMENT COMMISSION SUCCESSOR AGENCY
Regular Meeting
April 10, 2012

Because there were no items requiring consideration on this date, there was no regular meeting.

DANIEL MARTINEZ
Secretary Designate

DR. THOMAS E. HOLDEN
Chairman

MINUTES

OXNARD COMMUNITY DEVELOPMENT COMMISSION SUCCESSOR AGENCY
Regular Meeting
April 17, 2012

A. ROLL CALL/POSTING OF AGENDA

At 7:05 p.m., the regular meeting of the Oxnard Community Development Commission Successor Agency convened in the Council Chambers concurrently with the City Council. Commissioners Thomas E. Holden, Irene G. Pinkard, Bryan A. MacDonald, Timothy B. Flynn, and Carmen Ramirez were present. The Secretary Designate stated that the agenda was posted on Thursday in the Library and City Clerk's Office. Chairman Holden presided and called the meeting to order. Staff members present were: Daniel Martinez, Secretary Designate; Karen Burnham, Interim Executive Director; Alan Holmberg, General Counsel; Curtis Cannon, Community Development Director; Grace Magistrale Hoffman, Deputy Executive Secretary; and Kymberly Horner, Redevelopment Project Manager.

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

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

G. REVIEW OF INFORMATION/CONSENT AGENDA

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

I. INFORMATION/CONSENT AGENDA

J. TRANSMITTAL OF INFORMATION ONLY ITEMS

K. INFORMATION/CONSENT PUBLIC HEARINGS

L. PUBLIC HEARINGS

M. REPORT OF SECRETARY

1. SUBJECT: Verbal Report on Oxnard Community Development Commission Successor Agency and Status of Redevelopment Activities in the City of Oxnard.
RECOMMENDATION: Receive and consider report.
DISCUSSION: The Interim City Manager reported that the Oversight Board would be meeting on April 25, 2012.
ACTION: Received the report and provided comments.

CITY COUNCIL

At 8:31 p.m. the joint meeting with the City Council concluded.

N. COMMUNITY DEVELOPMENT COMMISSION BUSINESS/COMMITTEE REPORTS

O. REPORTS

P. PUBLIC COMMENTS ON REPORTS

Q. APPOINTMENT ITEMS

R. STUDY SESSION

S. PUBLIC COMMENTS ON STUDY SESSION

T. ADJOURNMENT

At 8:31 p.m., the Community Development Commission Successor Authority concurred to adjourn the meeting.

DANIEL MARTINEZ
Secretary Designate

DR. THOMAS E. HOLDEN
Chairman

CITY OF
OXNARD
CALIFORNIA

Meeting Date: 5/01/2012

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

Prepared By: Karen R. Bunham, Interim City Manager, Agenda Item No. I-2

Reviewed By: City Manager KRB City Attorney AH Finance JC Other *(Specify)*

DATE: April 26, 2012

TO: City Council

FROM: Karen R. Burnham, Interim City Manager
City Manager's Office

SUBJECT: **Agreements for City Council Review**

RECOMMENDATION

That City Council, pursuant to Ordinance 2835, 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 after 8:00 a.m. on Monday prior to the Council meeting.

Item No.	Type	Department/Contact	Vendor/Agreement No.	Description/Purpose	Amount		
1	**Change Order**	**Development Services** Cynthia Daniels 385-7871	**Security Paving Co., Inc.** Agreement No. A-7228	**Rice/101 Avenue Interchange Construction** **Change Order No. 48** Change Order No. 48 will modify the Santa Clara Avenue roadway approach to the driveway for the Shell Gas Station on the northwest corner of Santa Clara Avenue and Auto Center Drive to conform to the design requirement of the Rose-Santa Clara Corridor Specific Plan. **Total Amount of Contrat: $44,225,978** **Funding Source: Federal Grant, Circulation System Improvement Fees**	**$31,680**		
2	**Original Agreement**	**Police Department** Jason Benites 385-8290	**Interlocal Agreement - Edward Byrne Memorial Justice Assistance Grant**	**Justice Assistance Grant (JAG)** Oxnard manages grant funds for various jurisdictions including County of Ventura, the cities of Ventura, Simi Valley and Thousand Oaks. The City's portion of this grant is approximately 58,270 **Total Amount of Contract: $123,162** **Funding Source: Grant Funds**	**$123,162**		
3	**Change Order**	**Development Services** Cynthia Daniels 385-7871	**Security Paving Co., Inc.** Agreement No. A-7228	**Rice/101 Interchange Construction Project** Raftify action of Change Order No. 46 for the drainage system re-design to avoid boring into the abutment. This action resulted in drainage system having to cross the embankment of the northbound ramp. **Total Contract Amount: $33,157,814** **Funding Source: Circulation System**	**$36,483**		
4	**Amendment**	**General Services** Cyndi Hookstra 385-7950	**High Tide and Green Grass** Agreement No. 4928-09-CM	**Ongoing Maintenance of River Ridge Fields** Extension of contract with the addition of $36,000 as listed in Exhibit B-1 which covers increased maintenance and preparation for the use of the fields by the Dallas Cowboys. **Total Contract Amount: $89,000** **Funding Source: Golf Fund**	**$36,000**		

ATTACHMENT #1
PAGE 1 OF 1

CITY OF
OXNARD
CALIFORNIA

Meeting Date: 05 / 01 / 2012

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

Prepared By: Ruth Johnson Hopkins ______ Agenda Item No. I-3

Reviewed By: City Manager ______ City Attorney ______ Finance ______ Other *(Specify)* ______

DATE: April 23, 2012

TO: City Council

FROM: William E. Wilkins, Director
Housing

SUBJECT: **Affordable Housing and Rehabilitation Division Loan Policies**

RECOMMENDATION

That City Council approve revisions to the Affordable Housing and Rehabilitation Division loan program policies.

DISCUSSION

In 1994, the City first instituted a program to assist qualified buyers to purchase their first home, adopting guidelines for that program on June 7, 1994. Over the years, various other loan programs have been instituted, including programs for purchasers of mobilehomes, and loans for rehabilitation of homes and mobilehomes. The City receives funding from the federal HOME program for the specific purpose of providing loans to first-time homebuyers and funding for rehabilitation of homes. In order to qualify for funding under these programs, applicants must be Oxnard residents who fall within the federal standards as low-income households. Nearly 700 Oxnard families have received assistance as first-time homebuyers under this program, while many more families have received loans for property rehabilitation. The current program policies were adopted by Council on April 8, 2011.

City staff has prepared a revision to the guidelines for the program policies. Those revisions are set forth in the document identified as Attachment No. 1 hereto. The proposed revisions are designed to streamline loan policies among the various programs, ensure that policies are in accordance with the latest federal regulations, and allocate available in order to maximize availability of affordable housing resources for Oxnard residents.

The proposed revisions include five notable elements:

1. Clarify that homebuyer loan programs are designed to provide "gap" financing, rather than a guarantee of a fixed subsidy amount;

2. Implement requirement that rehabilitation loan applicants seek funding from non-governmental lending institutions first;
3. Clarify that first-time homebuyer loans shall be in the form of "silent second" mortgages;
4. For loans with small monthly payments, institute a minimum monthly loan payment of $25.00;
5. Institute a $50.00 fee for processing of loan subordination requests.

The following shall provide detail on each of these proposed policy modifications.

The first two items are related. Currently, the Citywide Homebuyer Loan program assists qualified buyers to purchase their first home with a three-to-one matching loan of up to $30,000. Staff recommends revising the guideline to clarify that such assistance shall be provided as "gap" financing, rather than a guarantee of a fixed dollar amount. Gap financing is defined as the difference between the purchase price of a home and the sum of the maximum loan amount for which the buyer qualifies from a non-governmental lending institution plus the buyer's down payment contribution.

Staff also proposes to institute a requirement that prior to receiving a rehabilitation loan from the city, applicants must first seek the maximum loan for which they are eligible from such non-governmental lending institution. Upon submission of documentation of either a denial or the dollar amount of financing received from such institution, the applicant may apply for a city loan in an amount sufficient to finance the necessary rehabilitation.

Adoption of these first two provisions will ensure that applicants are provided with only the needed funding required to make homeownership attainable, or to finance necessary rehabilitation, and will thus allow the programs to assist more families.

The third proposed change involves protecting the city's investment in the property. In past years, the City has in certain developments provided assistance to qualified homebuyers via provision of a "silent second" mortgage. These silent seconds become due and payable upon any sale, lease unauthorized refinancing, assignment or conveyance, or any interest in the property (whether voluntary or involuntary). Such loans are secured by a Promissory Note and a Deed of Trust recorded on the property as a lien. Staff proposes to utilize silent second mortgages as the preferred financing mechanism, in order to move more buyers into a position to qualify for home purchase, while retaining the City's security interest in the property.

The last two changes arise from the Affordable Housing Division's recent experiences, and reflect staff's effort to reduce at least a portion of the administrative costs associated with loan servicing. There have been several instances where recipients of rehabilitation loans (for repairs to homes or mobilehomes) qualify for a loan which requires a relatively small monthly payment (as low as ten dollars or less). The proposed modification calls for minimum monthly payments of $25.00, with the loan period reduced commensurately. Said increase will assist in recovering part of the administrative cost of loan servicing, while not disqualifying or creating an undue hardship for any potential loan applicants.

Finally, Affordable Housing staff receives approximately sixty (60) subordination requests annually. Requests for subordinations are received from homeowners that are seeking to refinance their home loans and currently have an outstanding debt with the City. Refinancing must be for purposes of lowering monthly payments and interest rate, with no increase in the combined principal loan amount and no cash out. Subordination requests are granted dependent upon whether refinancing is permissible in their Promissory Note and/or Deed of Trust. Each request requires dedication of staff time for research and processing. A new minimal fee of $50.00 is proposed, to help offset the administrative costs. Staff notes that commercial lenders charge fees that range from $50 to $100 per request.

FINANCIAL IMPACT

Account No. 295-5163-804-8364 has HOME funds appropriated by Council for the various loan programs administered by Affordable Housing. The proposed changes are not projected to increase program costs. The two changes related to loan servicing (the institution of the minimum $25.00 payment for small loans, and the $50.00 fee for subordination request processing) are projected to reduce administrative costs slightly and increase program revenue by approximately $3000.00 annually, respectively.

RJH/kl

Attachment #1 - Proposed Revisions to Affordable Housing Loan Policies

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

Item # J-1

INFORMATION ONLY

NO ACTION REQUIRED

DATE: April 25, 2012

TO: City Council

FROM: James Cameron, Chief Financial Officer
Finance Department

James Cameron

SUBJECT: **Monthly Budget Status Report for the Period Ending March 31, 2012**

The monthly budget status report for revenues and expenses include both Governmental and Enterprise Funds for the period ending March 31, 2012. Because this report includes year-end accruals for Fiscal Year 2011, there are timing issues on offsetting revenues and expenditures.

JC:MM:tr

Attachment #1: Monthly Budget Status Reports

City of Oxnard
Monthly Budget Status Report
For the Period Ending March 31, 2012

TABLE OF CONTENTS

City of Oxnard
General Fund
Budget Status Report
For the Month Ended March 31, 2012
(Unaudited)

	Original Budget	Revised Budget	Actual Amounts	
OPERATING REVENUES AND EXPENDITURES				
Operating Revenues				
Taxes:				
Property Taxes	$ 26,246,000	$ 24,531,000	$ 13,747,217	a
Property Tax in-lieu of Vehicle License Fee	14,902,000	14,902,000	7,049,303	
Sales Tax	22,208,000	23,810,000	13,622,772	b
Other Taxes and Fees	12,253,000	12,862,000	8,581,037	c
Licenses and Permits	1,336,000	1,693,000	1,299,842	
Intergovernmental	11,389,000	9,530,000	8,595,881	c
Charges for Services	11,056,000	9,839,900	6,693,660	
Fines and Forfeitures	638,000	632,000	325,700	c
Investment Earnings	387,000	196,000	122,776	
Miscellaneous	5,621,000	5,561,000	1,284,028	
Total Operating Revenues	**$ 106,036,000**	**$ 103,556,900**	**$ 61,322,216**	
Operating Expenditures				
General Government	7,085,552	9,615,547	7,017,071	
Public Safety	63,438,130	63,154,149	46,086,725	
Transportation	2,718,088	2,415,727	1,861,840	
Community Development	9,763,403	8,681,831	6,746,744	
Culture and Recreation	18,204,444	17,377,463	12,607,951	
Total Operating Expenditures	**$ 101,209,617**	**$ 101,244,717**	**$ 74,320,331**	
NET REVENUES FROM OPERATIONS	**$ 4,826,383**	**$ 2,312,183**	**$ (12,998,115)**	

Notes:

a Current year receipts reduced for year-end accrual of $694,354.

b Current year receipts reduced for year-end accrual of $3,256,044 to prior year . Includes February collection of $1,087,900.

c Actual amounts reflect accrual reversals for receipts recognized in the prior year in the amount of $1,131,631.

City of Oxnard
General Fund
Budget Status Report
For the Month Ended March 31, 2012
(Unaudited)

	Original Budget	Revised Budget	Actual Amounts	
NON-OPERATING SOURCES AND USES				
Non-operating Sources				
Payments on CDC loan	$ 1,030,000	$ 1,030,000	$ 1,030,560	
Transfers in	-	1,666,700	36,750	
Sub-total Non-operating Sources	1,030,000	2,696,700	1,067,310	
Non-operating Uses				
Capital outlay	-	22,000	28,101	
Loan to CDC	1,030,560	1,030,560	1,030,560	
Transfers out	4,825,823	5,003,323	710,858	d
Sub-total Non-operating Uses	5,856,383	6,055,883	1,769,519	
NET NON-OPERATING SOURCES AND USES	**$ (4,826,383)**	**$ (3,359,183)**	**$ (702,209)**	
USE OF FUND BALANCE				
Use of Reserve for Encumbrances	-	-	-	
From Available Fund Balance	-	1,047,000	13,700,324	e
TOTAL USE OF FUND BALANCE	**$ -**	**$ 1,047,000**	**$ 13,700,324**	
FISCAL YEAR BALANCE	**$ -**	**$ -**	**$ -**	

Notes:

d Transfers out are internal payments to other funds made at the time obligations are due in the target fund.

e Temporary use of fund balance due to lag in property taxes and recognition of future years.

City of Oxnard
Measure O 1/2 Cent Sales Tax
Budget Status Report
For the Month Ended March 31, 2012
(Unaudited)

	Original Budget	Revised Budget	Actual Amounts	
OPERATING REVENUES AND EXPENDITURES				
Operating Revenues				
Taxes	$ 10,000,000	$ 10,000,000	$ 6,388,928	a
Investment Earnings	90,000	90,000	92,414	
Total Operating Revenues	**$ 10,090,000**	**$ 10,090,000**	**$ 6,481,342**	
Operating Expenditures				
General Government	-	103,200	1,467	
Public Safety	3,833,460	3,838,960	967,077	
Transportation	-	1,163,543	467,985	
Community Development	-	361,622	21,950	
Culture and Recreation	-	580,690	258,193	
Total Operating Expenditures	**$ 3,833,460**	**$ 6,048,015**	**$ 1,716,672**	
NET REVENUES FROM OPERATIONS	**$ 6,256,540**	**$ 4,041,985**	**$ 4,764,670**	
NON-OPERATING SOURCES AND USES				
Non-operating Sources				
Proceeds from Lease Purchase Agreement	-	-	-	
Sub-total Non-operating Sources	-	-	-	
Non-operating Uses				
Interest Expense	-	-	-	
Payment of Principal	-	-	-	
Capital Outlay	519,930	16,460,212	7,586,950	
Sub-total Non-operating Uses	519,930	16,460,212	7,586,950	
NET NON-OPERATING SOURCES AND USES	**$ (519,930)**	**$ (16,460,212)**	**$ (7,586,950)**	
DEBT FINANCING & USE OF FUND BALANCE				
Designated for Authorized Projects & Encumbrances	-	-	-	
Appropriated Fund Balance	-	16,109,837	7,837,179	
TOTAL USE OF FUND BALANCE	**$ -**	**$ 16,109,837**	**$ 7,837,179**	
FISCAL YEAR BALANCE	**$ 5,736,610**	**$ 3,691,610**	**$ 5,014,899**	

Notes:

a Of $4,325,115 collected, $711,000 was accrued to prior year.

City of Oxnard
Grant Funds
Budget Status Report
For the Month Ended March 31, 2012
(Unaudited)

	Original Budget	Revised Budget	Actual Amounts
OPERATING REVENUES AND EXPENDITURES			
Operating Revenues			
Intergovernmental	$ 6,262,654	$ 9,027,249	$ 12,533,816
Fines and forfeitures	-	-	243,470
Investment Earnings	-	-	16,869
Miscellaneous	-	93,267	63,071
Total Operating Revenues	**$ 6,262,654**	**$ 9,120,516**	**$ 12,857,226**
Operating Expenditures			
General Government	-	-	800
Public Safety	271,075	4,391,558	1,647,645
Transportation	-	2,043	2,172
Community Development	4,266,151	11,280,653	4,684,370
Culture and Recreation	198,438	538,282	310,426
Total Operating Expenditures	**$ 4,735,664**	**$ 16,212,536**	**$ 6,645,413**
NET REVENUES FROM OPERATIONS	**$ 1,526,990**	**$ (7,092,020)**	**$ 6,211,813**
NON-OPERATING SOURCES AND USES			
Non-operating Sources			
Transfers in	-	-	-
Sub-total Non-operating Sources	-	-	-
Non-operating Uses			
Capital Outlay	2,679,357	28,630,236	15,339,435
Transfers out	-	-	-
Sub-total Non-operating Uses	2,679,357	28,630,236	15,339,435
NET NON-OPERATING SOURCES AND USES	**$ (2,679,357)**	**$ (28,630,236)**	**$ (15,339,435)**
DEBT FINANCING & USE OF FUND BALANCE			
Designated for Authorized Projects & Encumbrances	-	34,569,889	15,339,435
From Available Fund Balance	1,152,367	1,152,367	(6,211,813)
TOTAL USE OF FUND BALANCE	**$ 1,152,367**	**$ 35,722,256**	**$ 9,127,622**
FISCAL YEAR BALANCE	**$ -**	**$ -**	**$ -**

Notes:

City of Oxnard
Other Governmental Funds
Budget Status Report
For the Month Ended March 31, 2012
(Unaudited)

	Original Budget	Revised Budget	Actual Amounts
OPERATING REVENUES AND EXPENDITURES			
Operating Revenues			
Taxes	$ 13,516,600	$ 13,516,600	$ 7,567,918
Licenses and Permits	730,000	730,000	810,025
Intergovernmental	4,150,941	4,150,941	6,065,769
Growth and Development Fees	1,808,100	1,808,100	4,383,889
Charges for services	94,600	94,600	60,679
Fines and forfeitures	451,700	451,700	200,805
Investment Earnings	718,433	718,433	330,756
Special Assessments	7,965,011	7,965,011	4,470,118
Miscellaneous	828,600	828,600	686,807
Total Operating Revenues	**$ 30,263,985**	**$ 30,263,985**	**$ 24,576,766**
Operating Expenditures			
General Government	260,084	260,084	180,056
Public Safety	18,196,706	18,346,706	12,254,495
Transportation	5,383,402	5,723,261	3,721,604
Community Development	9,400	1,700,980	1,692,704
Culture and Recreation	4,824,611	4,898,258	3,780,068
Total Operating Expenditures	**$ 28,674,203**	**$ 30,929,289**	**$ 21,628,927**
NET REVENUES FROM OPERATIONS	**$ 1,589,782**	**$ (665,304)**	**$ 2,947,839**
NON-OPERATING SOURCES AND USES			
Non-operating Sources			
Proceeds from Lease Purchase Agreement	-	-	2,352,076
Transfers in	4,152,311	4,329,811	3,069,496 a
Sub-total Non-operating Sources	4,152,311	4,329,811	5,421,572
Non-operating Uses			
Interest Expense	4,337,408	4,337,408	2,379,660
Payment of Principal	2,935,825	2,935,825	1,073,874
Capital Outlay	2,080,320	32,900,795	4,340,479
Transfers out	1,781,561	1,781,561	2,214,695 a
Sub-total Non-operating Uses	11,135,114	41,955,589	10,008,708
NET NON-OPERATING SOURCES AND USES	**$ (6,982,803)**	**$ (37,625,778)**	**$ (4,587,136)**
DEBT FINANCING & USE OF FUND BALANCE			
Designated for Authorized Projects & Encumbrances	-	25,586,691	4,340,479
Appropriated Fund Balance	-	7,022,042	-
From Available Fund Balance	5,393,021	5,682,349	(2,701,182)
TOTAL USE OF FUND BALANCE	**$ 5,393,021**	**$ 38,291,082**	**$ 1,639,297**
FISCAL YEAR BALANCE	**$ -**	**$ -**	**$ -**

Notes:

a Transfers in/out are internal payments from/to other funds made at the time obligations are due in the target fund.

City of Oxnard
Community Development Commission
Budget Status Report
For the Month Ended March 31, 2012
(Unaudited)

	Original Budget	Revised Budget	Actual Amounts	
OPERATING REVENUES AND EXPENDITURES				
Operating Revenues				
Taxes	$ 18,955,400	$ 18,955,400	$ 10,142,522	
Rental Income	268,900	268,900	148,270	
Miscellaneous and Reimbursements	14,958	14,958	111,312	
Total Operating Revenues	**$ 19,239,258**	**$ 19,239,258**	**$ 10,402,104**	
Operating Expenditures				
Salaries and Wages	1,446,711	1,446,711	761,281	
County Charges	199,230	199,230	41,412	
Assessment District Payment	138,915	138,915	69,458	
Contracts and Services	3,061,727	3,061,727	95,534	
General and Administrative	1,410,938	1,410,938	985,725	
Total Operating Expenditures	**$ 6,257,521**	**$ 6,257,521**	**$ 1,953,410**	
NET REVENUES FROM OPERATIONS	**$ 12,981,737**	**$ 12,981,737**	**$ 8,448,694**	
NON-OPERATING SOURCES AND USES				
Non-operating Sources				
Transfers In	5,734,942	5,734,942	3,175,766	a
Investment Earnings	1,047,700	1,047,700	194,489	
Working Capital Transfer from General Fund	1,030,600	1,030,600	1,030,560	
Sub-total Non-operating Sources	7,813,242	7,813,242	4,400,815	
Non-operating Uses				
Capital Outlay	17,763,027	38,438,789	267,430	
Interest Expense	2,853,090	2,671,256	1,026,896	
Tax Increment Pass Through	4,131,000	4,131,000	1,759,664	
Project Loans	650,000	5,650,000	5,650,000	
Transfer per Cooperation Agreement	-	-	3,841,623	b
Transfers out	5,734,942	5,734,942	3,175,766	a
Sub-total Non-operating Uses	31,132,059	56,625,987	15,721,379	
NET NON-OPERATING SOURCES AND USES	**$ (23,318,817)**	**$ (48,812,745)**	**$ (11,320,564)**	
DEBT FINANCING & USE OF FUND BALANCE				
Payment of Principal	(2,395,560)	(2,395,560)	(2,395,560)	
Designated for Authorized Projects & Encumbrances		16,725,764	267,430	
Appropriated Fund Balance	-	8,950,000	5,000,000	
From/(To) Operating and Capital Reserves	12,732,640	12,550,804	-	
TOTAL USE OF FUND BALANCE	**$ 10,337,080**	**$ 35,831,008**	**$ 2,871,870**	
FISCAL YEAR BALANCE	**$ -**	**$ -**	**$ -**	

Notes:

a Transfers in/out are internal payments from/to other funds made at the time obligations are due in the target fund.

b Transfer net tax increment assets per City cooperation agreement.

City of Oxnard
Tax Increment (CDC Cooperation Agreement)
Budget Status Report
For the Month Ended March 31, 2012
(Unaudited)

	Original Budget	Revised Budget	Actual Amounts	
OPERATING REVENUES AND EXPENDITURES				
Operating Revenues				
Taxes	$ -	$ -	$ -	
Rental Income	-	-	60,448	
Miscellaneous and Reimbursements	-	-	111,114	
Total Operating Revenues	**$ -**	**$ -**	**$ 171,562**	
Operating Expenditures				
Salaries and Wages	-	-	-	
County Charges	-	-	-	
Assessment District Payment	-	-	-	
Contracts and Services	-	-	-	
General and Administrative	-	-	6,012	
Total Operating Expenditures	**$ -**	**$ -**	**$ 6,012**	
NET REVENUES FROM OPERATIONS	**$ -**	**$ -**	**$ 165,550**	
NON-OPERATING SOURCES AND USES				
Non-operating Sources				
Transfers In	-	-	-	a
Transfer per Cooperation Agreement			3,841,623	b
Investment Earnings	-	-	16,719	
Sub-total Non-operating Sources	-	-	3,858,342	
Non-operating Uses				
Capital Outlay	-	-	-	
Interest Expense	-	-	-	
Project Loans	-	-	-	
Transfers out	-	-	-	a
Sub-total Non-operating Uses	-	-	-	
NET NON-OPERATING SOURCES AND USES	**$ -**	**$ -**	**$ 3,858,342**	
DEBT FINANCING & USE OF FUND BALANCE				
Designated for Authorized Projects & Encumbrances		-	-	
Appropriated Fund Balance	-	-	-	
From/(To) Operating and Capital Reserves	-	-	(4,023,892)	
TOTAL USE OF FUND BALANCE	**$ -**	**$ -**	**$ (4,023,892)**	
FISCAL YEAR BALANCE	**$ -**	**$ -**	**$ -**	

Notes:

a Transfers in/out are internal payments from/to other funds made at the time obligations are due in the target fund.

b Transfer net tax increment assets from Community Development Commission funds per City cooperation agreement.

City of Oxnard
Successor Agency to the Community Development Commission
Budget Status Report
For the Month Ended March 31, 2012
(Unaudited)

	Original Budget	Revised Budget	Actual Amounts
OPERATING REVENUES AND EXPENDITURES			
Operating Revenues			
Taxes	$ -	$ -	$ 66,763
Rental Income	-	-	-
Miscellaneous and Reimbursements	-	-	-
Total Operating Revenues	**$ -**	**$ -**	**$ 66,763**
Operating Expenditures			
Salaries and Wages	-	-	149,817
County Charges	-	-	-
Assessment District Payment	-	-	-
Contracts and Services	-	-	39,143
General and Administrative	-	-	116,561
Total Operating Expenditures	**$ -**	**$ -**	**$ 305,521**
NET REVENUES FROM OPERATIONS	**$ -**	**$ -**	**$ (238,758)**
NON-OPERATING SOURCES AND USES			
Non-operating Sources			
Transfers In	-	-	323,974 a
Investment Earnings	-	-	165
Sub-total Non-operating Sources	-	-	324,139
Non-operating Uses			
Capital Outlay	-	-	29,340
Interest Expense	-	-	1,003,458
Project Loans	-	-	111,300
Transfers out	-	-	323,974 a
Sub-total Non-operating Uses	-	-	1,468,072
NET NON-OPERATING SOURCES AND USES	**$ -**	**$ -**	**$ (1,143,933)**
DEBT FINANCING & USE OF FUND BALANCE			
Designated for Authorized Projects & Encumbrances		-	29,340
Appropriated Fund Balance	-	-	-
From/(To) Operating and Capital Reserves	-	-	1,353,351
TOTAL USE OF FUND BALANCE	**$ -**	**$ -**	**$ 1,382,691**
FISCAL YEAR BALANCE	**$ -**	**$ -**	**$ 0**

Notes:

a Transfers in/out are internal payments from/to other funds made at the time obligations are due in the target fund.

City of Oxnard
Water Funds
Budget Status Report
For the Month Ended March 31, 2012
(Unaudited)

	Original Budget	Revised Budget	Actual Amounts	
OPERATING REVENUES AND EXPENDITURES				
Operating Revenues				
Charges for Services	$ 39,910,000	$ 39,910,000	$ 30,512,279	
Security/Contamination Prevention Fees	750,000	750,000	192,504	
Miscellaneous and Reimbursements	212,750	212,750	598,203	
Total Operating Revenues	**$ 40,872,750**	**$ 40,872,750**	**$ 31,302,986**	
Operating Expenditures				
Salaries and Wages	4,354,003	4,354,003	2,926,108	
Contracts and Services	2,416,046	2,474,854	1,582,296	
Operating Supplies	1,020,600	1,020,600	383,189	
Water Acquisition	18,784,000	18,784,000	12,092,790	
General and Administrative	4,353,977	4,303,977	2,929,272	
Total Operating Expenditures	**$ 30,928,626**	**$ 30,937,434**	**$ 19,913,655**	
NET REVENUES FROM OPERATIONS	**$ 9,944,124**	**$ 9,935,316**	**$ 11,389,331**	
NON-OPERATING SOURCES AND USES				
Non-operating Sources				
Transfers In	1,314,400	1,314,400	-	a
Investment Earnings	2,344,000	2,344,000	1,159,819	
Line of credit	-	-	-	
Connection Fees	460,000	460,000	757,684	
Sub-total Non-operating Sources	4,118,400	4,118,400	1,917,503	
Non-operating Uses				
Capital Outlay (non-debt financed)	2,785,000	13,251,906	1,855,584	
Interest Expense	11,599,998	11,599,998	8,964,900	v
Transfers out	-	-	-	
Sub-total Non-operating Uses	14,384,998	24,851,904	10,820,484	
NET NON-OPERATING SOURCES AND USES	**$ (10,266,598)**	**$ (20,733,504)**	**$ (8,902,981)**	
DEBT FINANCING & USE OF FUND BALANCE				
Payment of Principal	(3,500,237)	(3,500,237)	(2,049,182)	
Designated for Authorized Projects & Encumbrances	-	39,976,759	13,418,175	
Use of Bond Principal	-	(29,501,045)	(11,668,691)	
From/(To) Capital Reserve	3,822,711	3,822,711	(2,186,652)	
NET USE OF BONDS AND OTHER DEBT FINANCING	**$ 322,474**	**$ 10,798,188**	**$ (2,486,350)**	
FISCAL YEAR BALANCE	**$ -**	**$ -**	**$ -**	

Notes:

a Transfers in are internal payments from other funds made at the time obligations are due in the target fund.

City of Oxnard
Wastewater Funds
Budget Status Report
For the Month Ended March 31, 2012
(Unaudited)

	Original Budget	Revised Budget	Actual Amounts
OPERATING REVENUES AND EXPENDITURES			
Operating Revenues			
Charges for Services	$ 23,250,000	$ 23,250,000	$ 16,680,047
Security/Contamination Prevention Fees	150,000	150,000	-
Miscellaneous and Reimbursements	610,000	2,971,971	185,291
Total Operating Revenues	**$ 24,010,000**	**$ 26,371,971**	**$ 16,865,338**
Operating Expenditures			
Salaries and Wages	6,108,631	5,815,631	4,144,658
Contracts and Services	5,123,127	5,658,638	4,072,631
Operating Supplies	1,744,200	1,904,770	1,247,805
General and Administrative	3,210,253	3,483,133	2,617,908
Total Operating Expenditures	**$ 16,186,211**	**$ 16,862,172**	**$ 12,083,002**
NET REVENUES FROM OPERATIONS	**$ 7,823,789**	**$ 9,509,799**	**$ 4,782,336**
NON-OPERATING SOURCES AND USES			
Non-operating Sources			
Investment Earnings	30,000	30,000	78,941
Connection Fees	320,000	1,207,115	5,879,672
Sub-total Non-operating Sources	350,000	1,237,115	5,958,613
Non-operating Uses			
Capital Outlay (non-debt financed)	-	2,778,327	398,474
Interest Expense	7,151,939	8,041,054	3,708,016
Sub-total Non-operating Uses	7,151,939	10,819,381	4,106,490
NET NON-OPERATING SOURCES AND USES	**$ (6,801,939)**	**$ (9,582,266)**	**$ 1,852,123**
DEBT FINANCING & USE OF FUND BALANCE			
Payment of Principal	(4,276,021)	(6,649,992)	(32,783) v
Designated for Authorized Projects & Encumbrances	-	3,374,589	304,773
Capital Outlay (debt financed)	-	-	-
Appropriated Fund Balance	-	93,701	93,701
From/(To) Capital Reserve	3,254,171	3,254,169	(7,000,150)
NET USE OF BONDS AND OTHER DEBT FINANCING	**$ (1,021,850)**	**$ 72,467**	**$ (6,634,459)**
FISCAL YEAR BALANCE	**$ -**	**$ -**	**$ -**

Notes:

City of Oxnard
Environmental Resources
Budget Status Report
For the Month Ended March 31, 2012
(Unaudited)

	Original Budget	Revised Budget	Actual Amounts
OPERATING REVENUES AND EXPENDITURES			
Operating Revenues			
Charges for Services	$ 42,740,000	$ 42,740,000	$ 29,519,162
Security/Contamination Prevention Fees	-	-	78,900
Miscellaneous and Reimbursements	245,000	245,000	213,760
Total Operating Revenues	**$ 42,985,000**	**$ 42,985,000**	**$ 29,811,822**
Operating Expenditures			
Salaries and Wages	6,670,446	6,670,446	4,764,378
Operating Supplies	223,700	400,365	313,034
Contracts and Services	26,946,449	26,915,449	19,411,175
General and Administrative	3,712,981	3,712,981	3,029,415
Total Operating Expenditures	**$ 37,553,576**	**$ 37,699,241**	**$ 27,518,002**
NET REVENUES FROM OPERATIONS	**$ 5,431,424**	**$ 5,285,759**	**$ 2,293,820**
NON-OPERATING SOURCES AND USES			
Non-operating Sources			
Investment Earnings	179,000	179,000	27,995
Line of credit	-	-	-
Connection Fees	-	-	19,209
Sub-total Non-operating Sources	179,000	179,000	47,204
Non-operating Uses			
Capital Outlay (non-debt financed)	300,000	479,394	53,245
Interest Expense	927,746	927,746	327,764
Transfers out	62,129	62,129	36,750 a
Sub-total Non-operating Uses	1,289,875	1,469,269	417,759
NET NON-OPERATING SOURCES AND USES	**$ (1,110,875)**	**$ (1,290,269)**	**$ (370,555)**
DEBT FINANCING & USE OF FUND BALANCE			
Payment of Principal	(3,610,758)	(3,610,758)	(318,376)
Designated for Authorized Projects & Encumbrances	-	179,393	45,295
Appropriated Fund Balance	-	145,665	145,665
From/(To) Capital Reserve	(709,791)	(709,790)	(1,795,849)
NET USE OF BONDS AND OTHER DEBT FINANCING	**$ (4,320,549)**	**$ (3,995,490)**	**$ (1,923,265)**
FISCAL YEAR BALANCE	**$ -**	**$ 0**	**$ -**

Notes:

a Transfers out are internal payments to other funds made at the time obligations are due in the target fund.

City of Oxnard
Golf
Budget Status Report
For the Month Ended March 31, 2012
(Unaudited)

	Original Budget	Revised Budget	Actual Amounts
OPERATING REVENUES AND EXPENDITURES			
Operating Revenues			
Charges for Services	$ 4,000,000	$ 4,000,000	$ 2,765,201
Miscellaneous and Reimbursements	10,000	10,000	4,777
Total Operating Revenues	**$ 4,010,000**	**$ 4,010,000**	**$ 2,769,978**
Operating Expenditures			
Salaries and Wages	65,880	65,880	47,225
Operating Supplies	-	-	-
Contracts and Services	3,799,261	3,799,261	2,691,525
General and Administrative	184,125	184,125	130,428
Total Operating Expenditures	**$ 4,049,266**	**$ 4,049,266**	**$ 2,869,178**
NET REVENUES FROM OPERATIONS	**$ (39,266)**	**$ (39,266)**	**$ (99,200)**
NON-OPERATING SOURCES AND USES			
Non-operating Sources			
Transfers In	-	-	-
Investment Earnings	-	-	(1,171)
Sub-total Non-operating Sources	-	-	(1,171)
Non-operating Uses			
Capital Outlay (non-debt financed)	49,500	62,304	13,682
Interest Expense	179,956	179,956	89,978
Transfers out	-	-	-
Sub-total Non-operating Uses	229,456	242,260	103,660
NET NON-OPERATING SOURCES AND USES	**$ (229,456)**	**$ (242,260)**	**$ (104,831)**
DEBT FINANCING & USE OF FUND BALANCE			
Payment of Principal	(907,604)	(907,604)	-
Designated for Authorized Projects & Encumbrances	-	12,804	12,804
From/(To) Capital Reserve	1,176,326	1,176,326	191,227
NET USE OF BONDS AND OTHER DEBT FINANCING	**$ 268,722**	**$ 281,526**	**$ 204,031**
FISCAL YEAR BALANCE	**$ -**	**$ -**	**$ -**

Notes:

City of Oxnard
Performing Arts & Convention Center
Budget Status Report
For the Month Ended March 31, 2012
(Unaudited)

	Original Budget	Revised Budget	Actual Amounts
OPERATING REVENUES AND EXPENDITURES			
Operating Revenues			
Charges for Services	$ 450,200	$ 450,200	$ 349,542
Miscellaneous	90,000	90,000	14,112
Total Operating Revenues	**$ 540,200**	**$ 540,200**	**$ 363,654**
Operating Expenditures			
Salaries and Wages	1,057,210	1,057,210	775,453
Operating Supplies	300	300	486
Contracts and Services	252,355	252,355	176,678
General and Administrative	172,511	172,511	156,047
Total Operating Expenditures	**$ 1,482,376**	**$ 1,482,376**	**$ 1,108,664**
NET REVENUES FROM OPERATIONS	**$ (942,176)**	**$ (942,176)**	**$ (745,010)**
NON-OPERATING SOURCES AND USES			
Non-operating Sources			
Transfers In	947,811	947,811	710,858 a
Investment Earnings	-	-	(2,525)
Sub-total Non-operating Sources	947,811	947,811	708,333
Non-operating Uses			
Capital Outlay	-	-	-
Sub-total Non-operating Uses	-	-	-
NET NON-OPERATING SOURCES AND USES	**$ 947,811**	**$ 947,811**	**$ 708,333**
DEBT FINANCING & USE OF FUND BALANCE			
Designated for Authorized Projects & Encumbrances	-	-	-
From/(To) Capital Reserve	(5,635)	(5,635)	36,677
NET USE OF BONDS AND OTHER DEBT FINANCING	**$ (5,635)**	**$ (5,635)**	**$ 36,677**
FISCAL YEAR BALANCE	**$ -**	**$ -**	**$ -**

Notes:

a Transfers in are internal payments from other funds made at the time obligations are due.

CITY OF
OXNARD
CALIFORNIA

Meeting Date: 05 / 01 / 2012

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

Prepared By: Brian Foote, AICP, Associate Planner ______ Agenda Item No. L-1

Reviewed By: City Manager ______ City Attorney ______ Finance ______ Other *(Specify)*

DATE: April 17, 2012

TO: City Council

FROM: Susan L. Martin, AICP, Planning Manager
Development Services Department

SUBJECT: **Appeal of the Planning Commission's denial of Planning & Zoning Permit No. 11-550-01 for Ruby's Café. Located at 348 and 350 South Oxnard Boulevard. Filed by designated agent David Mora Plascencia, Mora Entertainment Enterprises, Inc.**

RECOMMENDATION

That City Council adopt a resolution denying the appeal and upholding the Planning Commission's denial of Planning and Zoning Permit No. 11-550-01.

DISCUSSION

On March 15, 2012, the Planning Commission considered an application for a major modification to Special Use Permit No. 04-500-28 to allow removal of one interior wall between suites and relocate one existing bar within Ruby's Café to facilitate expansion of the dining and dance floor area by combining suites 348 and 350. The Commission followed standard protocol by opening and closing a public hearing, heard testimony, and considered the facts and circumstances of the proposed project. A motion to approve the request failed to pass with voting results being 3 ayes and 3 nays; therefore, pursuant to Commission bylaws, this failure constitutes denial or recommendation for denial of the application. As a result of the tie vote, no findings were made and no resolution was adopted.

On April 2, 2012, the City Clerk received timely notice appealing the Commission's action. The appellant's attorney, Oscar C. Gonzalez, Esq., prepared Attachment A to the appeal that questions the evidence (or lack thereof) upon which the Commission's deliberation was based. Pursuant to section 16-548 of the City Code, the Council's review of an appeal from a Commission decision may be heard de novo, and the Council is not restricted to considering the grounds specified in the notice of appeal.

The grounds for appeal, as stated on the Notice of Appeal (Attachment 6), indicates that "The Commissioners who voted against the permit cited fire concerns (the project will be up to Code), questioned whether a 'bona fide' restaurant was being operated, expressed concerns about binge drinking, and the impact of removing the interior wall on Police resources. No evidence of the sort that responsible persons are accustomed to rely upon in the conduct of serious affairs was submitted to the

Planning Commission to serve as the basis for any of these concerns."

The record of proceedings indicates that the Commission considered and deliberated substantial evidence, and the decision was not arbitrary and capricious. The record shows that the evidence included the following: the Police Department report; Planning Commission staff reports dated December 2, 2004, and March 15, 2012; Planning Commission Resolution No. 2004-84 (approving the original special use permit in 2004); testimony from the applicant and Police staff provided during the public hearing; and the Commissioner's observations from site visits. One member of the public spoke favorably about the item, and one additional speaker discussed the project. The Commission reviewed a substantial amount of evidence prior to voting, and asked several questions of the applicant's representatives and Police staff. The Commission deliberated in depth regarding the expansion of the nightclub use during the late evening hours, and the nightclub activity was the context for which the Commissioners cited fire concerns, questioned whether a 'bona fide' restaurant was being operated, expressed concerns about binge drinking, and the potential for impacts on Police resources.

In summary, the Commission's deliberation and action was consistent with the provisions of City Code Section 16-561 (Major Modifications). The Commission deliberated, based on substantial evidence, and exercised independent judgment prior to making a decision. The motion to approve the project was made and seconded, and subsequently failed to receive the required number of votes to pass. Consistent with the established rules and procedures pertaining to conduct of the Planning Commission, staff recommends that Council uphold the Planning Commission's action and deny the appeal.

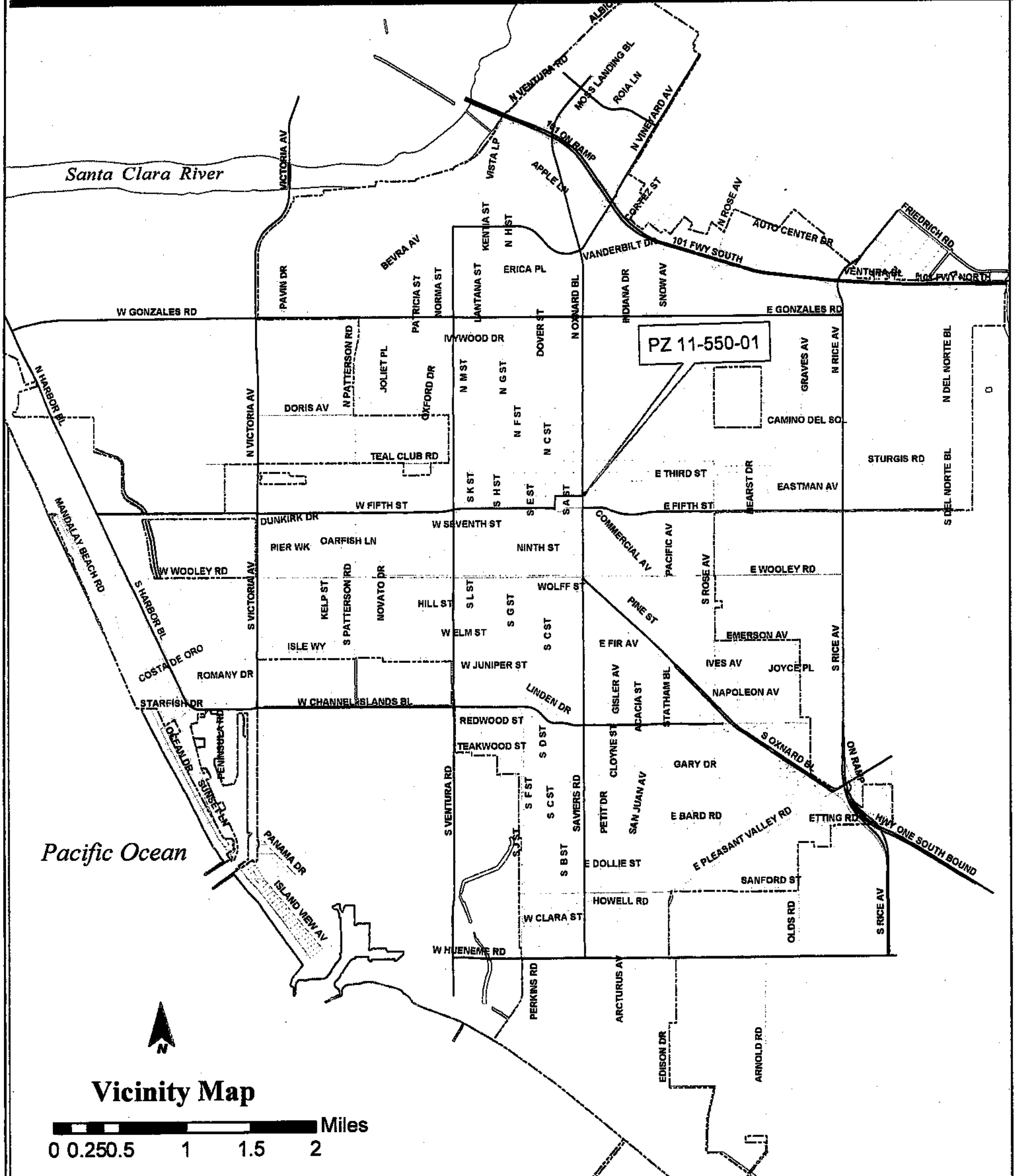
FINANCIAL IMPACT

None. The appellant paid the applicable filing fee.

Attachment #1 – Vicinity Map
#2 – City Council Resolution
#3 – Planning Commission Staff Report
#4 – Planning Commission Meeting Minutes
#5 – Planning Commission Resolution No. 2004-84
#6 – Notice of Appeal

Note: Attachment 3 has been provided to the City Council under separate cover. Copies are available for review at the Circulation Desk in the Library after 9:00 a.m. on Saturday prior to the Council meeting, and at the City Clerk's Office after 8:00 a.m. on the Monday prior.

Vicinity Map



Oxnard Planning
March 9, 2011

PZ 11-550-01
Location: 348 S Oxnard Bl
APN: 201016026
Mike Sanchez

ATTACHMENT 1

PAGE 1 OF 1

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD DENYING THE APPEAL AND UPHOLDING THE PLANNING COMMISSION'S DENIAL OF PLANNING AND ZONING PERMIT NO. 11-550-01 (MAJOR MODIFICATION TO SPECIAL USE PERMIT NO. 04-500-28) TO ALLOW REMOVAL OF ONE INTERIOR WALL BETWEEN SUITES 348 & 350, AND RELOCATION OF ONE BAR IN SUITE 350, TO FACILITATE COMBINING SUITES 348 AND 350 WITHIN RUBY'S CAFÉ. THE SUBJECT PROPERTY IS LOCATED AT 348 & 350 SOUTH OXNARD BOULEVARD. FILED BY DESIGNATED AGENT DAVID MORA PLASCENCIA, 348 SOUTH OXNARD BOULEVARD, OXNARD, CALIFORNIA 93030.

WHEREAS, the application for a Major Modification (PZ No. 11-550-01), filed by Mike Sanchez of Coastal Architects on behalf of property owner Guadalupe Martinez, failed to receive the number of votes required for approval by the Planning Commission, thereby resulting in a denial of said application pursuant to subsection III.D of the Planning Commission Rules and Procedures; and

WHEREAS, the Planning Commission's action was appealed to the City Council; and

WHEREAS, the City Council has carefully reviewed the application, staff report, minutes of testimony, and record of proceedings at the Planning Commission public hearing; and

WHEREAS, on April 24, 2012, the City Council conducted a public hearing and received evidence in favor of and opposed to the application for a major modification to a special use permit at the property located at 348 and 350 South Oxnard Boulevard; and

WHEREAS, Sections 15270 and 15301 of Title 14 of the California Code of Regulations exempts the project from the requirement for the preparation of environmental documents imposed by the California Environmental Quality Act; and

WHEREAS, after due study, deliberation and public hearing, and based on the record of proceedings in this matter, the City Council finds that the following circumstances exist:

1. The denial of the proposed modification to the special use permit will not affect the preservation and enjoyment of substantial property rights of the applicant.

2. The proposed modification to the special use permit would adversely affect and be materially detrimental to adjacent uses and to the public health, safety and general welfare in that it would likely create or significantly aggravate police problems within 1000 feet of the subject property.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Oxnard hereby denies the appeal and upholds the Planning Commission's action on Planning and Zoning Permit No. 11-550-01, based on the findings set forth herein.

PASSED AND ADOPTED this day of , 2012, by the following vote:

AYES:

NOES:

ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:

Alan Holmberg, City Attorney

MINUTES

OXNARD PLANNING COMMISSION
REGULAR MEETING
March 15, 2012

A. ROLL CALL

At 7:00 p.m., the regular meeting of the Oxnard Planning Commission convened in the Council Chambers. Commissioners Stephen Huber, Anthony Murguia, Gilbert Guevara, Saul Medina, Vincent Stewart, and Steven Nash were present. Chairman Murguia presided and called the meeting to order. Staff members present were: Susan Martin, Planning Manager, Paul Wendt, Senior Civil Engineer; Jason Samonte, Traffic Engineer; Stephen Fischer, Assistant City Attorney; Chris Williamson, Principal Planner, Brian Foote, Associate Planner; Senior Officer Cliff Waer, Police; and Lori Maxfield, Recording Secretary.

B. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES

Commissioner Nash led the pledge of allegiance.

C. PUBLIC COMMENTS

D. READING OF AGENDA

Planning Manager Martin reviewed the agenda including staff's recommendation to continue Item G-2 (PZ 11-500-07) off calendar; and continue Item G-3 (PZ 08-550-03) to April 5, 2012.

MOTION Commissioner Nash moved and Commissioner Guevara seconded a motion to continue Item G-2 (PZ 11-500-07) off calendar; and continue Item G-3 (PZ 08-550-03) to April 5, 2012. The question was called and the motion carried 6-0-1, Commissioner Mullin absent.

E. CONSENT AGENDA

1. APPROVAL OF MINUTES – February 2, 2012

MOTION Commissioner Nash moved and Commissioner Huber seconded a motion to approve the minutes of February 2, 2012 as presented. The question was called and the motion carried 6-0-1, Commissioner Mullin absent.

F. CONTINUED PUBLIC HEARINGS

1. PLANNING AND ZONING PERMIT NO. [illegible] (Tentative Subdivision Map), a request to subdivide approximately 32 acres into seven parcels varying in size between 2.19 and 10.82 acres each, for future industrial development consistent with the [illegible] PD zone. No development is

proposed at this time. There is no substantial evidence that the proposed project may have a significant effect on the environment, and a mitigated negative declaration (MND # 11-04) will be adopted. Located at 2600 Challenger Place and 150, 300, 350 & 400 Discovery Drive. Filed by Valerie Draeger, Triliad Development, Inc., on behalf of owner PEGH Investments LLC, 270 Conejo Ridge Ave., Suite 200, Thousand Oaks, CA 91361-4944.
PROJECT PLANNER: Brian Foote

Associate Planner Foote presented the staff report including the surrounding uses; no development is currently proposed; and Mitigated Negative Declaration 11-04 with traffic study, archaeological survey, air quality, hydrology and drainage, and geotechnical engineering report. He also displayed the location, vicinity, General Plan, zoning; and tentative maps.

Traffic Engineer Samonte explained the basis for the increase in traffic.

Chairman Murguia opened the public testimony.

Ms. Valerie Draeger, Triliad Development, gave a brief presentation.

Chairman Murguia closed the public testimony.

MOTION Commissioner Nash moved and Commissioner Stewart seconded a motion to adopt a resolution recommending City Council approval of PZ 10-300-[illegible], a Tentative Subdivision Map to allow subdivision of approximately 32 acres on vacant land into six parcels for future industrial development plus one common lot, located at 2600 Challenger Place and 150, 300, 350, and 400 Discovery Drive, subject to certain findings and conditions. The question was called and the motion carried 5-1-1, Commissioner Medina voting no, Commissioner Mullin absent.

G. NEW PUBLIC HEARINGS

1. PLANNING AND ZONING PERMIT NO. 11-550-1 (Major Modification), a request for approval of a major modification to Special Use Permit No. 04-500-28, to remove one interior wall between dining rooms and relocate one existing bar in Ruby's Café. The project site is located at 348 and 350 South Oxnard Boulevard. The project is exempt from environmental review pursuant to Sections 15301 of the California Environmental Quality Act (CEQA) Guidelines. Filed by Coastal Architects, on behalf of property owner Guadalupe Martinez, 505 South A Street, Suite #200, Oxnard, CA 93030.
PROJECT PLANNER: Brian Foote

Associate Planner Foote presented the staff report including surrounding uses; parking study; access/exit doors; occupancy limits; Police Department not opposed to the project; and Condition No. 50 to be deleted. He also displayed the location, General Plan, and zoning maps; aerial and site photos; aerial photo of parking facilities; existing and proposed floor plans; interior photos;

Chairman Murguia opened the public testimony.

Mr. Mike Sanchez, Coastal Architects, representing the property owner, gave a brief presentation.

Senior Officer Waer indicated that RAPAC was not contacted on this proposal, but was included in original request; discussed calls for service; new owner cooperating with Police; and not currently a nuisance establishment with the cooperation of the owner to improve existing problems.

Mr. Oscar Gonzales, legal counsel for Mora Enterprises (tenant), discussed business purchased in September, 2010; primarily a restaurant, nightclub 20 hours per week; restaurant 80 hours per week; all proposed conditions are currently in effect; tenant has lost opportunities for banquets in excess of 180 people; owner has their own security, including the parking lot; would bring people downtown; and agreed to all conditions.

Ms. Jannet Mendez and Ms. Barbara Macri-Ortiz spoke in favor of the project.

Ms. Pat Brown, Five Points Neighborhood Chair, discussed the proposed project.

Chairman Murguia closed the public testimony.

MOTION Commissioner Medina moved to adopt a resolution denying PZ 11-550-1. The motion failed due to a lack of a second.

MOTION Commissioner Nash moved and Commissioner Stewart seconded a motion to adopt a resolution granting PZ 04-500-28, a Major Modification to Special Use Permit PZ 04-500-28, to allow removal of one interior wall dividing suites 348 and 350, relocation of one bar in suite 350, and other interior improvements as may be necessary to comply with all applicable requirements of the California Building code, located at 348 and 350 South Oxnard Boulevard. The question was called and the motion failed 3-3, Commissioners Guevara, Medina, and Murguia voting no, Commissioner Mullin absent.

Assistant City Attorney Fischer explained the applicant's appeal rights when a motion fails to be approved due to a tie vote.

RECESS Chairman Murguia called a recess at 8:52 p.m. The meeting reconvened at 9:00 p.m. with all Commissioners present, except Commissioner Mullin.

2. PLANNING AND ZONING PERMIT NO. 11-500-07 (Special Use Permit) and 11-300-03 (Tentative Parcel Map), a request to subdivide an irregular shaped 1.31-acre site into two parcels, a 1.17-acre and a [illegible]-acre parcel and construct a 4,729 square foot automated drive thru carwash facility on the proposed 1.14-acre site; construct a 1,500 square foot building for restaurant (speculative) on the proposed [illegible]-acre lot. The car wash facility will accommodate 16 vacuum and drying stations, vending machines, self serve cleaning, and detail services. The project site is located at 1811 E. Channel Islands Blvd. The project is exempt from environmental review pursuant to Section 15321 of the California Environmental Quality Act (CEQA) Guidelines. Filed by Bijan Shahmordadi, 8730 Wilshire Boulevard, Suite 202 Beverly Hills, California 90211.
PROJECT PLANNER: Juan Martinez

RESOLUTION NO. 2004-84

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING SPECIAL USE PERMIT PZ 04-500-28 FOR SALE OF ALCOHOLIC BEVERAGES FOR ON-SITE CONSUMPTION IN CONJUNCTION WITH A RESTAURANT, FOR A NIGHTCLUB ON THURSDAY THROUGH SUNDAY NIGHTS, FOR SHARED PARKING AND FOR USE OF 112 ON-STREET PARKING SPACES FOR RUBY'S CAFE OF OXNARD LOCATED AT 348 & 350 SOUTH OXNARD STREET IN THE CENTRAL BUSINESS DISTRICT (201-0-160-15 & -16). APPLIED FOR BY SHERRY & ASSOCIATES, ARCHITECTS, 629 STATE STREET, NO. 216, SANTA BARBARA, CA 93101.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Special Use Permit PZ 04-500-28, filed by the Sherry & Associates, Architects; and

WHEREAS, the project is in conformance with the description of projects listed in Article 19, Section 15302 of Division 6 of Title 14 of the California Code of Regulations as categorically exempt from the requirement for the preparation of environmental documents imposed by the California Environmental Quality Act; and

WHEREAS, after due study, deliberation and public hearing, the Planning Commission finds pursuant to Section 34-147 of the City Code, that the following circumstances exist:

1. That the proposed use is in conformance with the *2020 General Plan* and other adopted policies of the City of Oxnard.

2. That 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.

3. That 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.

4. That 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.

5. That the site for the proposed use will be provided with adequate sewerage, water fire protection and storm drainage facilities.

WHEREAS, the Planning Commission has reviewed the parking study submitted by the applicant in support of the application to use 112 on-street parking spaces to meet the parking requirement for the project, as authorized by section 34-105.6(g)(2) of the City Code and an application for administrative relief from parking requirements through a shared parking agreement for a minimum of 7 off-street parking spaces, as authorized by section 36-7.1.31 (B)(1) of the City Code; and

WHEREAS, the Planning Commission has reviewed the Police Department report prepared for this application and finds as follows, in accordance with City Council Resolution No. 11,896:

1. Because the establishment will be located less than 350 feet from one other establishment of the same type selling alcoholic beverages at retail, a presumption arises of an undue concentration of such establishments. However, the presumption is rebutted by a preponderance of the evidence in that the area in which the establishment will be located (the Central Business District) will benefit from the development of restaurants selling alcoholic beverages and providing entertainment in the evening, thereby facilitating redevelopment and economic enhancement of the area.

2. The establishment is not likely to create or significantly aggravate police problems within 1000 feet of the subject location because the conditions of approval contained in this resolution will prevent or mitigate such problems.

WHEREAS, the Planning Commission finds that the applicant agrees with the necessity of and accepts all elements, requirements, and conditions of this resolution as being a reasonable manner of preserving, protecting, providing for, and fostering the health, safety, and welfare of the citizenry in general and the persons who work or visit this establishment in particular.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby approves Special Use Permit PZ 04-500-28 with the conditions of approval attached, permitting the use of 112 on-street parking spaces and shared parking for a minimum of 7 parking spaces, permitting the sale of alcoholic beverages for on-site consumption in the on-site restaurant and permitting the operation of a nightclub with music and public dancing on Thursday, Friday, Saturday, and Sunday nights.

The decision of the Planning Commission is final unless appealed in accordance with the provisions of Section 34-155 of the Oxnard City Code.

STANDARD CONDITIONS OF APPROVAL FOR LAND USE PERMITS

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

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

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 September 16, 2004, ("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 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 24 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, or the beginning of the proposed use. (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. Developer's commencement of construction or operations pursuant to the resolution shall be deemed to be an acceptance of all conditions thereof. (CA, *G-6*)

7. Any covenants, conditions, and restrictions (CC&R's) applicable to the project property shall be consistent with the terms of this permit and the City Code. If there is a conflict between the CC&R's and the City Code or this permit, the City Code or this permit shall prevail. (CA, *G-7*)

8. Developer shall record with the Ventura County Recorder a "Notice of Land Use Restrictions and Conditions" in a form acceptable to the City Attorney. Before the City issues building permits or allows Developer to occupy the project, Developer shall submit a copy of the recorded document to the Planning and Environmental Services Manager. (PL, *G-8*)

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. (PL, *G-15*).

PARKS CONDITIONS

15. All trees planted or placed on the project property by Developer shall be at least 24-inch-box size. All shrubs and vines shall be at least five-gallon size, except as otherwise specified by this permit. (PK, *PK-6*)

16. Developer must maintain the proposed ceramic pots and planted material at all times.

PLANNING STANDARD CONDITIONS

17. The final building plans submitted by Developer with the building permit application shall depict all building materials and colors to be used in construction. (PL/B, *PL-1*)

18. Any application for a minor modification to the project shall be accompanied by three copies of plans reflecting the requested modification, together with applicable processing fees. (PL, *PL-2*)

19. 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*)

20. Before the City issues building permits, Developer shall provide to the Planning and Environmental Services 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*)

21. 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*)

22. Before the City issues building permits, Developer shall provide to the Planning and Environmental Services Manager a disk in DWG format of a 100-foot scale site plan of the project as approved. (PL, *PL-6*)

23. This permit shall automatically be null and void 12 months from the date of issuance, unless Developer has received from the State Department of Alcoholic Beverage Control a license to sell alcoholic beverages on the project property. (PL, *PL-8*)

24. Developer may not modify any use approved by this permit unless the Planning and Environmental Services Manager determines that Developer has provided the parking required by the City Code for the modified use. (PL, *PL-13*)

25. Developer shall recess or screen roof heating and cooling systems and other exterior mechanical equipment from adjoining property and public streets, as required by this permit. Plumbing vents, ducts and other appurtenances protruding from the roof of structures shall be placed so that they will not be visible from the front of the property or other major public vantage points. Developer shall include a note on the construction plumbing drawings of exterior elevations to indicate to contractors that roof features shall be grouped and located in the described manner. Roof vents shall be shown on construction drawings and painted to match roof material color. (PL/B, *PL-15*)

26. For any exterior utility meter panels, Developer shall paint such panels to match the structure upon which it is located. Such panels shall be located to take advantage of screening (e.g. landscaping or other building elements) from public right-of-ways, to the maximum extent feasible. (PL, *PL-16*)

27. 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 and Environmental Services Manager. (PL/B, *PL-17*)

28. 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-18*)

29. Developer shall provide for dust control at all times during project property preparation and construction activities. (B/DS, *PL-19*)

30. Before the City issues building permits, Developer shall submit and obtain approval from the Downtown Design Review Committee or comply with the requirements of "Over the Counter Downtown Design Review Permits" approved by City Council Resolution 12,097 on February 26th, 2002 for a master sign program for the project, which shall indicate on the site plan the elevations, the size, placement, materials, and color of all proposed free-standing and building signs. The square footage of all signs shall be calculated in accordance with the City Code. (PL/ B, *PL-20*)

31. 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-24*)

32. 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-25*)

33. 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-26*).

PLANNING SPECIAL CONDITIONS

34. Prior to issuance of a Certificate of Occupancy and as required by section 36-7.1.31 of the City Code Developer shall enter into a shared parking agreement with the City, in the form on file with the City Clerk, to use a minimum of 7 stalls in the Oxnard Transportation Center Parking lot. The agreement is subject to approval as to form by the City Attorney. (PL)

35. Prior to issuance of building permits Developer shall either merge the two subject parcels or record with the County of Ventura a Covenant and Agreement regarding the maintenance of off-site parking spaces requiring that the parking provided on APN 201-0-160-15 be maintained with six parking stalls for sole use of APN 201-0-160-16 (Ruby's Café). (PL)

36. Prior to issuance of building permits Developer shall obtain Planning Manager approval of the applicant's Downtown Design Review Committee submittal for all exterior architectural changes to the building.

POLICE CONDITIONS

37. Permittee and all sellers or servers shall complete a course in Responsible Beverage Sales and Service (RBS) within sixty days of license granting and/or date of employment. Training can be arranged through the Oxnard Police Department. (PL/PD)

38. Permittee and all general managers, managers or policy makers shall complete a course in the Responsible Alcohol Policy Program (available through the Oxnard Police Department) within 12 months of license granting and/or date of employment. This training course is in addition to the RBS class listed above and is specifically intended for the owners and managers or for any other persons responsible for establishing internal operational policies. (PD)

39. The Police Chief or designee may immediately suspend operation of the uses approved by this permit pending a hearing on the revocation of this permit if the Chief finds that there have been violations of the use permit conditions and/or ABC permit, or there is a single significant violent crime or single significant incident to which multiple police units or multiple police jurisdictions respond associated with the operation of this use, which the Chief determines is detrimental to the public safety or health. (PD)

40. When the Permittee hosts an event that includes public or private dancing, live entertainment or amplified music, security guards are required and must be present 30 minutes before and after the event. Permittee shall provide one guard for 25-50 persons and one guard for each additional 50 people up to eight guards. During such events, there shall be at least one additional security guard present to monitor the area immediately surrounding the exterior of the premises that is under the reasonable control of the Permittee. Security and other staff must not permit people to loiter outside or otherwise disrupt or annoy any nearby residents or businesses. Security guards are defined as any person licensed by the State of California pursuant to Chapter 11.5 (commencing with section 7580) of Division 3 of the Business and Professions Code, or who is employed by such a licensed person as a security guard, and who wears a uniform with a badge identifying the person as a security guard, and who has no duties in the premises except duties related to security. (PD)

41. Permittee shall maintain accurate records of all security personnel on the premises at any given time and make those available to the police upon demand. These records shall, at a minimum, provide the name, date of birth, copies of security guard credentials or license and any other permits or certifications related to security work. This would include copies of permits for weapons or other tools the guard may be authorized to carry. Security personnel shall remain in compliance with updated training related to their work as set forth by any existing or future state and/or local regulations.

42. Dancing, live entertainment and/or amplified music are considered incidental to the primary use of the business which is a restaurant. During times that Permittee provides alcoholic beverages for sale at the same time that there is public dancing, amplified or live music, there shall be no persons under the age of 21 allowed within the premises. The only exception is when the premises are being used exclusively by a private party and are not open to the public.

43. Permittee has submitted a design plan which allows the premises to be divided into two separate sections. When a section is used by a private party, persons in the private party under the age of 21 years shall not enter the area designated for public dancing.

44. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. The licensee shall at all times maintain records which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the Police Department upon demand. (PL/PD)

45. Permittee shall comply with the provisions of Section 23038 of the Business and Professions Code and acknowledges that incidental, sporadic, or infrequent sales of meals or a mere offering of meals without actual sales shall not be deemed sufficient to consider the premises in compliance with the aforementioned section.(PL/PD)

46. The premises shall be equipped and maintained in good faith as a bonafide restaurant and shall possess, in operative condition, such conveniences for cooking and storage of foods such as stoves, ovens, broilers, refrigeration or other devices, as well as pots, pans or containers which can be used for cooking or heating foods on the type heating device employed. (PL/PD)

47. The premises shall possess the necessary utensils, table service, and the condiment dispensers with which to serve meals to the public. (PL/PD)

48. Permittee shall offer an assortment of food items to customers at all times. After 9:30 p.m. or during the times that the premises is hosting a public dance and/or live or amplified entertainment, Permittee may modify the standard menu or reduce the number of menu items offered to the customers but shall continue to make available a reasonable assortment of food items.

49. High-capacity beverage containers, such as pitchers, shall be made of plastic.

50. Alcoholic beverages shall not be offered at significantly reduced prices that are meant to encourage greater consumption of alcohol such as during "happy hour" type promotions. Permittee shall not develop any other promotional activity that is designed to encourage excessive drinking of alcoholic beverages. Promoting a "happy hour" or other event that offers reduced prices on food or other items shall not be considered a violation of this condition and are actually encouraged. (PD)

51. The use of any amplifying system or device shall not be audible outside the premises nor shall it be disruptive to neighboring businesses. (PD)

52. The premises shall be equipped with a sufficient number of seats to adequately accommodate customers. There shall be no service area that is designed or used as a standing area only. (PD)

53. There shall be no advertising of alcoholic beverages visible from the outside of the establishment, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. (PL/PD)

54. The sale of alcoholic beverages shall not occur after 1:30 a.m. or before 8:00 am (PD)

55. The subject Alcoholic Beverage Control License shall not be exchanged for any other type of Alcoholic Beverage Control License without Planning Commission or City Council approval.

56. Upon any individual transfer (person-to-person) of the subject Alcoholic Beverage Control License, the City reserves the right to review the SUP and apply or remove conditions as appropriate to mitigate existing or potential problems.

57. In the areas surrounding the business, not otherwise licensed by the Department of Alcoholic Beverage Control allowing the service of alcohol, Permittee shall post prominent, permanent signs indicating that loitering, open containers and the consumption of alcoholic beverages is prohibited. This includes the parking lot and other adjacent areas under Permittee's reasonable control. (PD)

58. Prominent signs shall be posted stating, in effect, "No persons under 21 will be served alcoholic beverages" and "Valid ID is required to purchase alcoholic beverages". These signs shall, at minimum, be posted at all stationary points of sale. (PD)

59. The sale of alcoholic beverages for consumption off the premises is strictly prohibited. (PD)

60. Any graffiti painted or marked upon the premises or on any adjacent area under the control of Permittee shall be removed or painted over within forty-eight (48) hours of being applied. (PL/PD)

61. Permittee shall be responsible for maintaining free of litter the area adjacent to the premises over which they have reasonable control. (PL/PD)

62. The parking lot and adjacent areas of the premises under the reasonable control of Permittee (including the rear of the business) shall be equipped with lighting of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons on or about the area. (PL/PD)

63. No pay phone on the exterior of the premises shall be allowed and any pay phones installed inside shall be blocked from incoming calls. (PL/PD)

64. Permittee shall regularly police the area under Permittee's control in an effort to prevent the loitering of persons about the premises. (PL/PD)

65. Any rear door or patio entrance of the premises shall be equipped on the inside with an automatic locking device and shall be closed at all times, and shall not be used as a means of access by patrons to and from the licensed premises. Temporary use of these doors for delivery of supplies does not constitute a violation. (PD)

66. Permittee shall establish cash handling procedures to reduce the likelihood of robberies and thefts. (PD)

67. Permittee shall install a video surveillance system that shall, at a minimum, monitor the entrances and exits, any centralized point of sale and areas immediately surrounding the exterior of the business. (PD)

68. Permittee shall install height gauges at all exit doors prior to final inspection. (PD)

69. Prior to issuance of a Certificate of Occupancy, Permittee shall install an electronic intrusion detection system that detects portal openings, glass break, and interior motion. (PD)

70. Permittee shall bolt down all cash registers to service counters in order to prevent the entire device from being stolen during a burglary or robbery. (PD)

71. Permittee shall have drop-safes installed to allow employees to deposit daily receipts throughout the day as the amounts exceed allowable levels in the register (typically $50). (PD)

72. Permittee shall install time lock safes if there is a need for accessing change throughout the business day. (PD)

73. Permittee shall install signage which indicates that employees do not possess keys to safes and that minimal levels of cash are available in register. (PD)

74. A copy of these conditions must be maintained on the premises and made available upon the demand of any peace officer at all times. (PL/PD)

75. Developer shall install obtain an encroachment permit from CalTrans to install a 42" railing in front of subject properties along Oxnard Boulevard as a pedestrian safety device to prevent people from wandering into Oxnard Boulevard. If after a documented effort a permit cannot be obtained from CalTrans, Developer shall obtain an encroachment permit from City and install a 42" railing after Oxnard Boulevard and the sidewalks are owned by City. The railing shall be at least 50 percent open and approved by the Planning Division. (PD/PL)

76. Developer shall submit a security and lighting plan to the Police Department for approval prior to occupancy. (PL)

SOLID WASTE MANAGEMENT STANDARD CONDITIONS

77. To ensure that solid waste generated by the project is diverted from the landfill and reduced, reused or recycled, Developer shall submit a "Solid Waste Management & Recycling Plan" to the City for review and approval. The plan shall provide for at least 50% of the waste generated on the project be diverted from the landfill. Plans shall include the entire project area, even if tenants are pursuing or will pursue independent programs. The plan shall be submitted to Planning & Environmental Services and Solid Waste Divisions and approved by the Solid Waste 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 attached Solid Waste Management & Recycling Plan form or a similar format.

78. Developer shall follow the 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 the Solid Waste Management & Recycling 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 Solid Waste Management & Recycling C&D Report form prior to issuance of a certificate of occupancy.

79. Developer shall arrange for materials collection during construction, demolition, and occupancy with either the City Solid Waste Reduction & Disposal Division or other City permitted hauling companies, or Developer shall arrange for self-hauling to an authorized facility.

80. If the project will generate waste on an ongoing basis during occupancy, Developer shall make provisions to divert at least 50% of the material through source reduction, recycling, reuse, and/or green waste programs. Developer shall submit an Occupancy Recycling Plan which shall include the following information: estimated quantities and materials to be generated, management method to be used to reduce landfill disposal; quantity, size and location of recycling and trash bins, destination of material including the names of haulers and facility locations. The Occupancy Plan form must be submitted and approved prior to issuance of a certificate of occupancy.

    In addition, Developer shall submit an Occupancy Recycling Report annually to the Solid Waste Division on the anniversary date of the certificate of occupancy. The Report shall include the following information: material type recycled, reused, salvaged or disposed; quantities, management method, destination of material including hauler names and facility locations. Documentation must be included such as weight tickets or receipts regarding the above.

DEVELOPMENT SERVICES STANDARD CONDITIONS

81. Developer shall provide adequate vehicle sight distance as specified by CalTrans specifications at all driveways and intersections. (TR-71)

82. Prior to issuance of a building permit, 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)

83. Prior to issuance of an encroachment permit, Developer's shall obtain City's approval of a contractor qualified to install pavement markings and signs. (TR-76)

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 2nd day of December 2004, by the following vote:

AYES: Commissioners: Dean, Okada, Clarke, Duff, Fischer, Burdullis

NOES: Commissioners: None

ABSENT: Commissioners: Lopez

Joseph E. Burdullis, Chairman

ATTEST: SMatin for
Marilyn Miller, Secretary

CITY OF OXNARD
CITY CLERK

PLEASE PROVIDE AN ORIGINAL AND 2 COPIES
A $525 FEE MUST ACCOMPANY THIS APPEAL

2012 APR -2 P 12: 47

TO: Oxnard City Clerk

NOTICE OF APPEAL
(from member of the public)

I, David Mora, am aggrieved or directly affected by
(name of person filing appeal)

and appeal the March 15, 2012 decision from the Planning Commission regarding Planning and
(date of PC meeting)

Zoning Permit No. 11-550-1, more particularly described as follows: Request for Approval of a Major Modification to Special Use Permit No. 04-500-28, to remove one interior wall between dining rooms and relocate one existing bar in Ruby's Cafe.

The grounds for appeal are:

SEE ATTACHMENT "A".

I request the following relief:

The Oxnard City Council approve the Planning and Zoning Permit No.11-550-1, as amended, to modify Special Use Permit No. 04-500-28 to remove one interior wall between dining rooms and relocate one existing bar in Ruby's Cafe.

David Mora President

(signature)

Date April , 2012

David Mora, President, Mora Entertainment Enterprises, Inc.

348 South Oxnard, California

(address)

cc: City Attorney
Project Planner
Development Services Department
Applicant

g:\appeal\appealpublic
02/2011

ATTACHMENT 6
1 OF 4

ATTACHMENT "A"

Grounds for Appeal of Planning Commission's March 15, 2011 Decision.

By way of background, David Mora is the President of Mora Entertainment Enterprises, Inc., a corporation he formed to purchase the restaurant known as "Ruby's Café" operating at 348-350 South Oxnard Boulevard (the "Premises"). The Corporation purchased the restaurant and took possession of the Premises on September 1, 2010 pursuant to a 5 year lease it entered in to with the Owner of the Premises, Guadalupe Martinez. Mora Entertainment Enterprises, Inc. holds two five-year options to extend the lease of the Premises through 2025. The City of Oxnard Community Development Department holds the First Deed of Trust which encumbers the Premises. The Phillip F. Condon & Jeanette C. Condon Revocable Trust holds the Second Deed of Trust which encumbers the Premises. At the time of the sale of the restaurant business, Guadalupe Martinez was in default on the obligations secured by the First and Second Deeds of Trust. The proceeds from the transaction were used to cure the defaults; the rental payments keep Guadalupe Martinez current on his obligations to the holders of the First and Second Deeds of Trust.

When Mora Entertainment Enterprises, Inc. took possession of the Premises, Ruby's Café had closed its doors. Mora Enterprises Entertainment, Inc. has spent a substantial amount of money re-opening the restaurant, making improvements to the Premises, and hiring management and chefs to operate a quality restaurant. The restaurant is currently open every day but Monday, in operation 86 hours a week, with food available at all times. Banquets are a large and important component of the restaurant's business. As presently configured, the Premises can seat 180 individuals for a banquet. A nightclub is operated on the Premises 20 hours a week; as many as 14 private security personnel are on the Premises during nightclub hours. The business operated on the Premises is primarily a restaurant: the majority of cash flow derives from the restaurant operations and the majority of expenses are incurred by the restaurant operations. The need to remove the interior wall on the Premises is driven by the need to expand the restaurant's banquet services by increasing the number of patrons that can be seated for a banquet from 180 patrons to over 300 patrons. It is noted that there is no large banquet halls in Downtown Oxnard; a large banquet hall will bring numerous events (private and public) to Downtown Oxnard.

On March 15, 2012, Planning and Zoning Permit No. 11-550-1 was before the Oxnard Planning Commission. The Planning and Zoning Permit seeks to modify Special Use Permit No. 04-500-28 to remove an interior wall in the Premises and to relocate one existing bar. Before the hearing the Standard and Special Conditions set forth in the Proposed Resolution were amended to omit Condition No. 50 (which forbids the service of any beverages in bottles during the operation of the nightclub). After a lengthy hearing before Commissioners Murgia, Huber, Cuevas, Medina, Nash and Stewart, the Commission dead-locked on a 3 to 3 vote on whether to approve Permit No. 11-550-1 (Ayes: Commissioners Huber, Nash & Stewart; Noes: Commissioners Murgia, Cuevas, and Medina).

During the hearing the Planning Commission was provided with competent evidence that the proposed modification of Special Use Permit No. 04-500-28 conformed with the Findings of Fact previously adopted by Planning Commission Resolution No. 2004-84, specifically:

"1. That the proposed use is in conformance with the 2020 *General Plan* and other adopted policies of the City of Oxnard.

2. That 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.

3. That the site for the proposed use is adequate in size and shape to accommodate the setbacks, parking, landscaping, and other City standards.

4. That 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.

5. That the site for the proposed use will be provided with adequate sewerage, water fire protection and storm drainage facilities."

The Oxnard Police Department was not opposed to the proposal to modify the interior of the business. Police staff believed that the Standard and Special Conditions recommend, as amended (with Condition No. 50 omitted) would suffice to adequately mitigate concerns by providing multiple enforcement options if problems do arise. Senior Office Cliff Waer testified that the new tenant had been "cooperative" to date, and that the operation "did not constitute a nuisance".

The Commissioners who voted against the permit cited fire concerns (the project will be up to Code), questioned whether a "bona fide' restaurant" was being operated, expressed concerns about binge drinking, and the impact of removing the interior wall on Police resources. No evidence of the sort that responsible persons are accustomed to rely upon in the conduct of serious affairs was submitted to the Planning Commission to serve as the basis for any of these concerns. The Planning Commission was provided with competent evidence that the proposed modifications of Special Use Permit No. 04-500-28 conformed with the Findings of Fact previously adopted by Planning Commission Resolution No. 2004-84.

CITY OF
OXNARD
CALIFORNIA

Meeting Date: 5 / 01 / 2012

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

Prepared By: Juliette Dang JD Agenda Item No. L-2

Reviewed By: City Manager City Attorney Finance Other *(Specify)*

DATE: April 11, 2012

TO: City Council

FROM: William E. Wilkins, Housing Director
Housing Department

SUBJECT: Public Hearing to Consider Oxnard's Fiscal Year 2012-2013 Annual Action Plan Component of Fiscal Years 2008-2013 Consolidated Plan, Including Applications to the U.S. Department of Housing and Urban Development (HUD) and Projected Use of Community Development Block Grant (CDBG), HOME Investment Partnerships Act (HOME) and Emergency Solutions Grant (ESG) Funds.

RECOMMENDATION

That City Council:

1. Conduct a public hearing to receive comments and provide direction to the Housing Director regarding any changes to the Annual Plan.
2. Authorize the City Manager to make changes to the Annual Plan as directed by City Council.
3. Approve the Annual Plan and the recommended proposed use of funds.
4. Authorize the City Manager to execute the required applications, certifications, and other pertinent documents and submit the Annual Plan to HUD.
5. Authorize the City Manager to execute any agreements and other documents necessary to implement the Annual Plan after approval by HUD.

SUMMARY

In 1994, HUD required entitlement jurisdictions to complete a three to five year plan which consolidated the CDBG, HOME, and ESG formula grant programs into one application and implementation strategy process. For each year of the Consolidated Plan's existence, the City must submit an Annual Action Plan, which is the annual application for these three grants. On June 24, 2008, the City Council approved the FY 2008-2013 Consolidated Plan. This current item covers the fifth year of the FY 2008-2013 Consolidated Plan and includes the grant applications for FY 2012-2013.

The Annual Plan represents the culmination of a lengthy process that included consultation, collaboration, and involvement of residents and public and private agencies. The Annual Plan is also the result of a well-coordinated effort by a City employee team representing various City Departments.

Prior to submitting the Annual Plan for City Council's consideration, the City must afford the public the opportunity to review and comment on the priorities and strategies in the Annual Plan and the annual uses of the federal funds. An initial public hearing was held on January 10, 2012, to solicit comments from residents, public agencies and other parties interested in housing and community development unmet needs.

On April 1, 2012 a notice of the second public hearing was publicized in the Ventura County Star Newspaper scheduling a public hearing on May 1, 2012. The purpose of this hearing is to receive public comments on the proposed activities for the CDBG, ESG and HOME programs, for FY 2012-2013. A public comment period of 30 days on the Draft of the Annual Action Plan (Attachment No. 1) began on April 2, 2012, and copies of the document were made available in the Main Oxnard Library, the Office of the City Clerk, and the Housing Department. In addition, the City will also submit the Plan to the State and the Southern California Association of Governments for area-wide clearinghouse compliance. A summary of all public hearing testimonies and written materials received will be included in the Annual Plan.

DISCUSSION

<u>Annual Action Plan FY 2012-2013 Funding</u>

Effective July 1, 2012, the City is expected to receive a total of $2,944,506, representing a decrease of $727,998 from the FY 2011-2012 HUD allocations, as follows:

FUND	FY 2011-2012	FY 2012-2013	CHANGE
CDBG	2,472,356	2,063,138	<409,218>
HOME	1,012,662	667,268	<345,394>
ESG	187,486	214,100	26,614
TOTALS	**3,672,504**	**2,944,506**	**<727,998>**

The following table summarizes FY 2012-2013 available funding from the various sources:

GRANT TYPE	FY 2012-13 HUD ALLOCATIONS	REPROGRAMMED FUNDS	ESTIMATED FY 2012-13 PROGRAM INCOME	TOTALS
CDBG	2,063,138	170,566	50,335	2,284,039
HOME	667,268	120,000	0	787,268
ESG	214,100	0	0	214,100
TOTALS	**2,944,506**	**290,566**	**50,335**	**3,285,407**

Proposed Projects and Activities

The proposed eligible activities and distribution mandates for all of the available funds are summarized in Attachment No.1. More detailed information on these proposed projects and activities contained in the Plan are in the section entitled Proposed Projects and Activities. The projects and activities are recommendations and may be amended by Council's direction at the close of this Public Hearing or at any time to include changes, additions or deletion of activities during the year, in accordance with the City's Citizen Participation Plan. The allowable uses of the three grants are outlined in Attachment No. 2.

Attachment No. 3 summarizes the priorities and objectives of the proposed eligible activities for the fiscal year 2012-2013. Briefly, administrative activities for the three entitlements are budgeted to the maximum threshold allowable by HUD, as follows:

	ADMINISTRATIVE AMOUNT	ENTITLEMENT AMOUNT
CDBG	442,695	2,063,138
HOME	66,727	667,268
ESG	16,058	214,100
TOTALS	**525,480**	**2,944,506**

Regarding the CDBG Public Services activities, the maximum eligible amount budgeted equals to $309,471, representing 15 percent of the total allocation. And the City's Recreation and Community Services Department will continue to administer the youth projects using the CDBG Public Services category. And $1,551,874 is allocated among the direct benefit projects.

Matching Requirements

The HOME Program requires a 25% match for projects activities. The match has been submitted to the Community Development Commission's Successor Agency for review and consideration on the Recognized Obligation Payment Schedule (ROPS), and is pending approval by the Oversight Committee.

The ESG Program requires a 100% match for the grant amount. The match will be provided from the general fund, the CDBG administration portion related to the salaries of the Homeless Coordinator and the administrative expenses as well as the match amount provided by the services providers.

The CDBG Program does not require any match.

FINANCIAL IMPACT

With HUD approval of the Plan, the City will be able to fund $3,285,407 in eligible programs and projects using the three entitlement grants, including $2,944,506 HUD allocations $290,566 reprogrammed funds from completed projects and $50,335 estimated program income.

Attachments #1- Draft of the Annual Action Plan
#2- Program Funding Eligibility
#3- FY 2012-2013 Strategic Plan Goal Summaries
#4- Summaries of Projects for FY 2011-2012 and FY 2012-2013
#5- Resolution for CDBG application
#6- Resolution for HOME application
#7- Resolution for ESG application

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 Monday prior to the Council meeting.

PROGRAM FUNDING ELIGIBILITY

Community Development Block Grant (CDBG):

The primary purpose of CDBG funds is to assist communities with providing decent housing, a suitable living environment, and expanded economic development opportunities for persons with low incomes.

CDBG funds may be used for public facilities and improvements, urban infrastructure, housing programs, economic development programs, public services (up to 15% as defined by the Federal regulations) and program planning and administrative costs (up to 20% as defined by Federal regulations).

In addition, HUD requires that each year, 70 percent of the entitlement be used for activities benefiting low- and moderate-income persons. The City has historically met this requirement by only using CDBG for projects and activities which are located in low- and moderate-income areas and/or are directed at eligible persons or households.

HOME Partnership Investment Act (HOME):

The primary purpose of HOME funds is to increase the supply of affordable housing for low- and moderate-income persons. HOME funds can be utilized for construction of new housing units, rehabilitation/reconstruction of existing housing units, demotion prior to new construction of housing, homebuyer programs, land acquisition for new housing construction and development fees and rental assistance.

Emergency Solutions Grant (ESG):

Under the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (HEARTH Act), the Emergency Solutions Grants (ESG) revises substantially and replaces Emergency Shelter Grants of the McKinney-Vento Homeless Assistance Act. The ESG funds may be used for administrative activities and five program components: street outreach, emergency shelter, homeless prevention, rapid re-housing assistance, and Homeless Management Information System (HMIS).

The primary purpose of ESG funds is to assist homeless individuals and families with essential services and skills' development for independent living. ESG funds can be used for improvements to structures used or to be used for emergency shelters for the homeless, operation costs of emergency shelters, and provision of services to the homeless.

ONE-YEAR STRATEGIC PLAN GOAL SUMMARY

FY 2012-2013

1. HOUSING NEEDS

Priority: **REHABILITATION**

Goal: Rehabilitate the City's owner-occupied and mobilehome units through the City's home repair program.

Objectives: Provide $195,000 to rehabilitate 15 owner-occupied housing units.

Provide $100,000 to rehabilitate ten mobilehomes.

Provide $100,000 to replace two mobilehomes.

Priority: **HOMEBUYERS ASSISTANCE**

Goal: Increase the rate of the citywide homeownership by developing programs to assist developers, non-profit corporations, and public housing tenants with financing through a first-time homebuyer program.

Objectives: Provide $200,000 to assist 10 units through a first-time homebuyers program.

Priority: **NEW CONSTRUCTION**

Goal: Construct new housing units for senior citizens, multi-families, and single families.

Objectives: Reserve $125,541 funding as CHDO Set-Asides to fulfill HUD requirements.

2. HOMELESS NEEDS

Priority: **HOMELESS PERSONS AND FAMILIES/SUPPORT FACILITIES**

Goal: Support non-profit agencies providing assisted housing, services and/or shelter to assist homeless persons/families or those at-risk of becoming homeless.

Objectives: Assist service provider to provide essential services to homeless individuals and families.

Assist service providers to offer emergency shelter to homeless people and mentally ill adults.

The total available funding is $198,042 in ESG program.

3. COMMUNITY DEVELOPMENT NEEDS

Priority: **SUITABLE LIVING ENVIRONMENT**

Goal: Enhance suitable living environment through new or improved public facility, infrastructure, and Code Compliance.

Objectives: Provide $281,000 additional funding to reconstruct curbs, sidewalks and streets in Blackstock South Neighborhood including compliance with ADA Standards.

Provide $400,000 additional funding to rehabilitate the North and East Wings of Campus Park Bannister Gym, located at 350 South K Street.

Provide $170,873 funding to install a new security fence on east side of the Lemonwood Park, located at 2055 East San Mateo Place.

Provide $200,000 funding to Code Compliance Division to pay for salaries and payroll expenses of officers that will be assigned to the targeted areas. The projected accomplishment number is 1,000 housing units.

Provide $100,000 to finish the reconstruction of Colonia Road Alley-Phase 2.

Priority: **OTHER SPECIAL NEEDS**

Goal: Provide supportive services and housing for persons with special needs.

Objectives: Provide $309,471 funding to assist 4,000 youth in diversified areas of support services.

Priority: **ECONOMIC DEVELOPMENT**

Goal: Retain and expand the City's economic opportunities and provide a suitable living environment for businesses and persons, especially low-income persons, through job creation and retention, stabilization and business expansion opportunities.

Objectives: No funding is available for economic development due to the reduction of CDBG funding.

4. ADMINISTRATION

Provide $311,863 in CDBG funds for Grants Administration and Support.

Provide $38,400 in CDBG funds for Fair Housing Program Administration.

Provide $72,432 in CDBG funds for Homeless Program Administration.

Provide $400,000 in CDBG funds for Housing Rehabilitation Administration.

Provide $16,058 in ESG funds for Program Administration.

Provide $66,727 in HOME funds for Program Administration.

PROPOSED PROJECTS FOR FISCAL YEAR 2012-2013

WITH APPROVED PROJECTS FOR FISCAL YEAR 2011-2012

TITLE	FY 2011-12 ACTION PLAN	2012-13 PROPOSED ACTION PLAN
CDBG		
Grants Administration and Support	$366,920	$311,863
Fair Housing Program Administration	48,000	$38,400
Homeless Program Administration	90,540	$72,432
Administration Subtotal	**$505,460**	**$422,695**
After School Program	$105,000	$105,000
PAL	141,130	$80,771
Colonia Boxing Center	17,020	$17,020
Youth Enrichment Program	35,019	$35,020
Colonia Memorial Park Veteran's Gym	50,740	$50,740
City Corps	20,920	$20,920
Public Services Subtotal	**$369,829**	**$309,471**
Code compliance	220,000	200,000
Business Technical Assistance	50,000	-
Street Improvement-Colonia	-	100,000
Street Improvement-Black stock	1,156,909	281,000
Housing Rehabilitation Admin	465,000	400,000
Campus Park Rehabilitation III	480,600	400,000
Lemonwood Park Rehabilitation	375,000	170,873
Direct Benefit Subtotal	**$2,747,509**	**$1,551,873**
CDBG TOTAL	**$3,622,798**	**$2,284,039**
ESG		
Program Administration	$14,061.00	$16,058
Homeless Prevention Program	73,425	85,640
Homeless Shelter Program	100,000	100,000
Homeless Management Information System Program (HMIS)	-	12,402
ESG TOTAL	**$187,486.00**	**$214,100**
HOME		
Program Administration	$101,266	$66,727
CHDO Development	$151,900	$125,541
First Time Homebuyer	$300,000	$200,000
MH Repalcement	$289,496	$100,000
Housing Rehabilitation – MH	$210,000	$100,000
Housing Rehabilitation – SF	$150,000	$195,000
HOME TOTAL	**$1,202,662**	**$787,268**
GRAND TOTAL	**$5,012,946**	**$3,285,407**

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD, CALIFORNIA, APPROVING SUBMITTAL OF GRANT APPLICATION

WHEREAS, City Council Resolution No 12,053 sets out the procedure by which City staff may submit grant application, following approval by resolution of the City Council; and

WHEREAS, the Housing Department-Grants Management Division has requested that City Council approve the submittal of an application to the U.S. Department of Housing and Urban Development (HUD) for $2,063,138 in Community Development Block Grant (CDBG) entitlement and $50,335 in CDBG program income grant funds, to be used for community development projects which will provide a decent housing , a suitable living environment, and an expended economic opportunities serving the extremely-low to low-income residents

NOW, THEREFORE, the City Council of the City of Oxnard resolves to approve the submittal of a grant application by the City Manager for CDBG projects. The City Council further resolves that the City Manager or designee is authorized to execute grant agreements; the Housing Director or designee is authorized to submit financial reports and grant claims and approve special budget appropriations for the use of grant funds, and non-financial reports.

PASSED AND ADOPTED this 1st day of May, 2012, by the following vote:

AYES:

NOES:

ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:

for

Alan Holmberg, City Attorney

4·25·12

Attachment No. 5

Page 1 of 1

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD, CALIFORNIA, APPROVING SUBMITTAL OF GRANT APPLICATION

WHEREAS, City Council Resolution No 12,053 sets out the procedure by which City staff may submit grant application, following approval by resolution of the City Council; and,

WHEREAS, the Housing Department-Grants Management Division has requested that City Council approve the submittal of an application to the U.S. Department of Housing and Urban Development (HUD) for $667,268 in HOME Investment Partnerships Act (HOME) entitlement grant funds, to be used for housing projects which will assist, create and develop affordable homeownership and rental units for the extremely-low to low-income residents through the City's affordable housing projects.

NOW, THEREFORE, the City Council of the City of Oxnard resolves to approve the submittal of a grant application by the City Manager for HOME projects. The City Council further resolves that the City Manager or designee is authorized to execute grant agreements; the Housing Director or designee is authorized to submit financial reports and grant claims and approve special budget appropriations for the use of grant funds, and non-financial reports.

PASSED AND ADOPTED this 1st day of May, 2012, by the following vote:

AYES:

NOES:

ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:

for

Alan Holmberg, City Attorney

4-25-12

Attachment No. 6
1 of 1

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD, CALIFORNIA, APPROVING SUBMITTAL OF GRANT APPLICATION

WHEREAS, City Council Resolution No 12,053 sets out the procedure by which City staff may submit grant application, following approval by resolution of the City Council; and

WHEREAS, the Housing Department-Grants Management Division has requested that City Council approve the submittal of an application to the U.S. Department of Housing and Urban Development (HUD) for $214,100 Emergency Solutions Grant (ESG) grant funds, to be used to assist and serve homeless individuals and families through services provided by non-profit organizations.

NOW, THEREFORE, the City Council of the City of Oxnard resolves to approve the submittal of a grant application by the City Manager for ESG projects. The City Council further resolves that the City Manager or designee is authorized to execute grant agreements; the Housing Director or designee is authorized to submit financial reports and grant claims and approve special budget appropriations for the use of grant funds, and non-financial reports.

PASSED AND ADOPTED this 1st day of May, 2012, by the following vote:

AYES:

NOES:

ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:

for

Alan Holmberg, City Attorney

4-25-12

Attachment No. 7
Page 1 of 1

CITY OF
OXNARD
CALIFORNIA

Meeting Date: 05/01/2012

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

Prepared By: Steven L. Kinney, EDCO President SLK Agenda Item No. O-1

Reviewed By: City Manager City Attorney SMF Finance Other *(Specify)*

DATE: April 4, 2012

TO: City Council

FROM: Curtis P. Cannon, Director Curtis P. Cannon
Community Development Department

SUBJECT: Oxnard Business Improvement Zone (OBIZ)

RECOMMENDATION

That City Council:

1. set the date of May 15, 2012 at 7:15 p.m. for a Public Meeting on the proposed OBIZ;
2. set the date of June 19, 2012 at 7:15 p.m. for a Public Hearing on the proposed OBIZ;
3. direct staff to mail notice of the meetings and dates to all registered businesses in Oxnard.

DISCUSSION

The Economic Development Corporation of Oxnard (EDCO) proposes the creation of a city-wide business improvement district, a form of a benefit assessment district, as a funding mechanism to replace the City funding which has supported the provision of services to local businesses. Funds collected through this district, called the Oxnard Business Improvement Zone or OBIZ, would pay for local business support services which would be available to any non-exempted business. Examples of such services are:

- Permit processing for City, County, State, and Federal permits.
- Problem resolution with City, County, State, and Federal agencies.
- Site / facility selection assistance.
- Financing assistance.
- Training reimbursement assistance.
- Business research and demographic reports.
- State & Federal incentives assistance.

All businesses in Oxnard would be included in the Zone, except for churches and other non-profit organizations, government agencies, new businesses, and those businesses located within the Downtown Management District.

Each business would be assessed an annual fee, graduated according to building size, as follows:

Bldg. Size Range	Assess. Amount	Estimated # of Businesses
0 - 2,499 sq.ft.	$45	1,707
2,500 - 9,999 sq.ft.	$90	2,049
10,000 - 39,999 sq.ft.	$180	887
40,000 - 99,999 sq.ft.	$360	243
100,000- 499,999 sq.ft.	$720	50
500,000+ sq.ft.	$1,440	3
	TOTAL:	**4,939**

The OBIZ, to come into existence, will need the approval of the City Council, following an informational Public Meeting and a formal Public Hearing. These events will be held on separate occasions, and notice of them will be mailed directly to every affected business. The target time for City approval is June 2012; it would have to be renewed every year by the City Council.

FINANCIAL IMPACT

There is no cost to the City associated with the creation or operation of the OBIZ.

CPC/el

CITY OF
OXNARD
CALIFORNIA

Meeting Date: 5/1/2012

ACTION	TYPE OF ITEM
☐ Approved Recommendation	☐ Info/Consent
☐ Ord. No(s). ______	☐ Report
☐ Res. No(s). ______	☐ Public Hearing (Info/consent)
☐ Other ______	■ Study Session

Prepared By: James Cameron ______ Agenda Item No. R-1

Reviewed By: City Manager JRB City Attorney ______ Finance ______ Other *(Specify)* ______

DATE: April 12, 2012

TO: City Council

FROM: James Cameron
Chief Financial Officer

SUBJECT: **Requests for Proposal, Qualifications, and Bids**

RECOMMENDATION

That City Council receive a presentation on the use of Requests for Proposal (RFP), Qualifications (RFQ), and Bids (RFB).

DISCUSSION

Council has asked staff to prepare a presentation on the use of Requests for Proposal (RFP), Qualifications (RFQ), and Bids (RFB). The attached matrix provides a summary of these contracting processes.

FINANCIAL IMPACT

None.

JC:tr

Attachment - Matrix of RFPs, RFQs and RFBs

Matrix of RFP, RFQ, and RFB

	Purpose/Use	Selection Basis
Request for Proposals (RFP)	- Contracting for professional and other services and certain equipment - Price is negotiated	Qualifications of proposer and quality of proposal in meeting requirements
Request for Qualifications (RFQ)	- Similar to RFP - Used to gather vendor information to generate a pool of prospects meeting technical criteria - Final selection through RFP, but may lead to direct negotiations	Short list based on technical criteria
Request for Bids (RFB)	- Contracting for equipment, supplies, trade services, and public projects (construction) - Bids based on defined product specifications or plans and specifications for construction	Lowest price of responsible responsive bidders