

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.



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
June 5, 2012
6:15 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 6 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

1. **SUBJECT:** Presentation of Water Conservation Student Art Contest Award Winners
2. **SUBJECT:** Presentation of a Commendation to Linda Windsor for over 18 Years of Exemplary Service to the City of Oxnard

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**

1. **SUBJECT:** Minutes of the Regular Meetings of the City Council for April 24, 2012, and May 1, 8 and 15, 2012; Minutes of the Special Meeting of the City Council for May 9, 2012; and Minutes of the Successor Agency for April 24, 2012, and May 1, 8 and 15, 2012. (001)

RECOMMENDATION: Approve.

Legislative Body: CC/SA

Contact: Daniel Martinez

Phone: 385-7803

City Manager Department

2. **SUBJECT:** Agreements for City Council Review. (035)

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

3. **SUBJECT:** Fourth Amendment to Agreement for On-Call Landscape Architect Services. (041)
RECOMMENDATION: Approve and authorize the Mayor to execute the Fourth Amendment to Agreement for On-Call Landscape Architect Services provided by Jordan, Gilbert & Bain Landscape Architects, Inc. (4734-09-CM).

Legislative Body: CC

Contact: Michael Henderson

Phone: 385-7950

4. **SUBJECT:** Adoption of Resolutions Levying FY 2012-2013 Assessments in Landscape Maintenance District Nos. 27 through 59. (073)

RECOMMENDATION: Adopt resolutions levying FY 2012-2013 assessments for Landscape Maintenance District Nos. 27 through 59 as follows: • Tract No. 5016, District No. 27 (Rose Island); • Tract No. 4268, District No. 28 (Harborside); • APN 202-0-110-175 and 202-0-110-295, District No. 29 (Mercy Charities Housing Project); • Tract No. 5020, District No. 30 (Haas Automation); • Tract No. 4714, District No. 31 (Rancho de la Rosa); • Tract No. 5070, District No. 32 (Oak Park); • Tract No. 5153, District No. 33 (El Paseo); • Tract No. 5136, District No. 34 (Sunrise/Sunset Cove); • Parcel Map No. 97-5-55, District No. 35 (Airport Marina Center); • Tract No. 5135, District No. 36 (Villa Carmel/Villa Santa Cruz); • Tract No. 5137, District No. 37 (Pacific Breeze); • Tract No. 5148, District No. 38 (Aldea Del Mar); • Tract No. 5198-1 and 5198-2, District No. 39 (Promesa/Sueno); • Tract No. 5214, District No. 40 (Cantada);

• Tract No. 5171, District No. 41 (Pacific Cove); • Tract No. 5228, District No. 42 (Cantabria/Coronado); • Parcel Map No. 98-5-117, Tract Nos. 4317, 5293 and 5294, District No. 43 (Parc Rose, Tierra Vista, Sonrisa II and Mayfield Village); • Tract No. 5253, District No. 44 (American Pacific Homes); • Parcel Map No. 00-5-55, District No. 45 (Channel Point); • Tract No. 5276, District No. 46 (Daily Ranch); • Tract No. 5339, District No. 47 (Sycamore Place); • Tract No. 5234, District No. 48 (Victoria Estates); • Tract No. 5296, District No. 49 (Cameron Ranch); • Tract No. 5273, District No. 50 (Pleasant Valley Senior Housing); • Tract No. 5389-1, 2 and 3, District No. 51 (Pfiler); • Tract No. 5340, District No. 52 (Wingfield); • Tract No. 5305, District No. 53 (Huff Court); • Tract No. 5459, District No. 54 (Meadowcrest); • Tract No. 5640, District No. 55 (Wingfield West); • Tract No. 5450, District No. 56 (The Cottages); • APN 144-0-150-085, APN 144-0-150-075, District 57 (Golden State Self Storage); • Tract No. 5441, District No. 58 (Westwind); and • Tract No. 5542, District No. 59 (Orbela).

Legislative Body: CC Contact: Dean Yamamoto Phone: 385-8074

Development Services Department

5. **SUBJECT:** Third Amendment to Agreement with Iteris, Inc. for Engineering Services for the Intelligent Transportation System (ITS) Construction Integration. (179)
RECOMMENDATION: Approve and authorize the Mayor to execute the third amendment to the agreement with Iteris, Inc. (5217-10-DS) to increase the amount by \$364,702 (a total of \$2,490,644) for engineering services for the ITS construction integration.
 Legislative Body: CC Contact: Jason M. Samonte Phone: 385-7872

Housing Department

6. **SUBJECT:** Resolution of Support for Assembly Bill 1938. (183)
RECOMMENDATION: Adopt a resolution expressing support for Assembly Bill 1938.
Legislative Body: CC **Contact:** Karl Lawson **Phone:** 385-8095

Human Resources Department

- 7. SUBJECT:** Contract for Professional Services with Acclamation Insurance Management Services DBA AIMS. (187)
RECOMMENDATION: Approve and authorize the Mayor to execute an agreement with Acclamation Insurance Management Services (A-7495) in the amount of \$1,373,788 to administer the Workers' Compensation Program for the City of Oxnard for fiscal years 2012 through 2017.
- Legislative Body: CC Contact: Loretta Fisher Phone: 385-7459

Public Works Department

- 8. SUBJECT:** Assessment for the City's National Pollutant Discharge Elimination System (NPDES) Storm Water Management Program. (213)
RECOMMENDATION: Adopt a resolution authorizing an assessment for the City's National Pollutant Discharge Elimination System (NPDES) Storm Water Management Program for inclusion in the Ventura County Watershed Protection District's (VCWPD) Benefit Assessment Program (BAP).
Legislative Body: CC Contact: Anthony Emmert Phone: 207-1669

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9. SUBJECT: PW06-93 Tierra Vista Neighborhood Street and Storm Drain Improvement Project. (219)

RECOMMENDATION: Approve Project Specification No. PW06-93 for the improvements of streets sidewalks, curbs, gutters, alleyways and replacing street name signs, and construction of a new storm drain system in the Tierra Vista Neighborhood and authorize staff to solicit bids.

Legislative Body: CC

Contact: Lou Balderrama

Phone: 340-5358

J. TRANSMITTAL OF INFORMATION ONLY ITEMS

K. INFORMATION/CONSENT PUBLIC HEARINGS

L. PUBLIC HEARINGS – 7:15 P.M.

City Manager Department

1. SUBJECT: Levy of 2012-2013 Assessments in Mandalay Beach Maintenance District. (223)

RECOMMENDATION: 1) Hold a Public Hearing to receive public testimony regarding the proposed FY 2012-2013 assessments for the Mandalay Beach Maintenance District; and 2) Adopt a resolution fixing the special assessment tax in the Mandalay Beach Maintenance District for FY 2012-2013.

Legislative Body: CC

Contact: Dean Yamamoto

Phone: 385-8074

Development Services Department

2. SUBJECT: Adopt PZ 02-640-01 (Specific Plan) and 02-570-04 (Zone Change) and Certification of Final EIR No. 06-01 for the Sakioka Farms Specific Plan.

RECOMMENDATION: Continue to June 12, 2012.

Legislative Body: CC

Contact: Chris Williamson

Phone: 385-8156

3. SUBJECT: Amendments to: RiverPark Specific Plan (PZ 09-630-03) and Development Agreement (PZ 11-670-01). Filed by E.D. 2, LLC / KOH 12-17 LLC, 304 South Broadway, Suite 400 Los Angeles, CA 90013. (233)

RECOMMENDATION: That City Council (in accordance with the Planning Commission's recommendation) deny the applicant's requests for: 1) Amendment to the RiverPark Specific Plan (PZ 09-630-03) to increase the maximum number of residential units; and 2) Amendment to the Development Agreement [A-6128 (PZ 11-670-01)], between the City of Oxnard and E.D. 2, LLC / KOH 12-17 LLC.

NOTE: Since the Planning Commission made their recommendation of denial, E.D. 2, LLC/ KOH 12-17 LLC independently has chosen to move forward with a revised amendment request. Alternative actions based upon the revised request are discussed on page 5 of this report and staff recommends approval of this modified amendment request.

Legislative Body: CC

Contact: Juan Martinez

Phone: 385-7556

4. SUBJECT: Recovery of Nuisance Abatement Costs. (271)

Legislative Body: CC

Contact: Rob Silverstein

Phone: 385-8263

5. SUBJECT: Recovery of Civil Citation Fines. (273)

Legislative Body: CC

Contact: Rob Silverstein

Phone: 385-8263

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.

- RECOMMENDATION:** Receive and consider report, including a report on the California State Department of Finance action on the Successor Agency's Recognized Obligation Payment Schedules for January 1, 2012 through June 30, 2012 and July 1, 2012 through December 31, 2012.

Legislative Body: CC/SA

Contact: Karen Burnham

Phone: 385-7430

O. REPORTS

1. SUBJECT: Big League Dreams, \$400,000 License Fee. (285)

Legislative Body: CC

Contact: Alan Holmberg

Phone: 385-7483

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

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

MINUTES

AGENDA ITEM NO.

I-1

OXNARD CITY COUNCIL

Regular Meeting

April 24, 2012

A. ROLL CALL/POSTING OF AGENDA

At 6:30 p.m., the regular meeting of the Oxnard City Council convened in the Council Chambers. Councilmembers Thomas E. Holden, Irene G. Pinkard, Bryan A. MacDonald, Timothy B. Flynn and Carmen Ramirez were present. The City Clerk stated that the agenda was posted on Thursday in the Library and City Clerk's Office. Mayor Holden presided and called the meeting to order. Staff members present were: Daniel Martinez, City Clerk; Karen Burnham, Interim City Manager; Alan Holmberg, City Attorney; and Grace Magistrale Hoffman, Deputy City Manager.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

Comments received from: Torch Rivera and Rhea Voll.

C. CLOSED SESSION

At 6:38 p.m. the City Council recessed to a closed session, pursuant to Government Code section 54957.6, to give instructions to negotiators, Karen Burnham, Interim City Manager, and Michelle Tellez, Human Resources Director, regarding salaries, salary schedules and compensation paid in the form of fringe benefits for employees represented by the Service Employees International Union (SEIU), Local No. 721 and other matters within the scope of representation.

At 7:08 p.m. the City Council reconvened and recessed to the evening session.

D. OPENING CEREMONIES

At 7:11 p.m., the regular meeting of the Oxnard City Council reconvened in the Council Chambers, concurrently with the Community Development Commission Successor Agency. The meeting opened with the pledge of allegiance to the flag of the United States, followed by a moment of silence. Mayor Holden presided. Additional staff members present were: Danielle Navas, City Treasurer; Jeri Williams, Police Chief; Curtis P. Cannon, Community Development Director; Sue Martin, Planning and Environmental Services Manager; and Tammy Gutierrez, Licensing Collector.

E. CEREMONIAL CALENDAR

1. SUBJECT: Presentation of Commendation to The Martin V. and Martha K. Smith Foundation
DISCUSSION: Mayor Holden presented a commendation to Rick Pearson, The Martin V. and Martha K. Smith Foundation, for granting the funding of planting trees.
2. SUBJECT: Presentation of Commendation to Robert Holden for 15 Years of Exemplary Service to the City of Oxnard
DISCUSSION: Robert Holden thanked the City Council and community for the recognition.
3. SUBJECT: Presentation to Andres Fernandez, Downtown Safety Team
DISCUSSION: Mayor Holden stated Andres Fernandez had been recognized as "2011 Security Officer of the Year" from a pool of over 100,000 applicants.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

The following individuals provided comments: Ed Ellis; William Bill Terry; Gloria Roman; Harry Cortez; Stan Hakes & Michelle Perez (McGrath State Beach Park); Edgar Mohorko; Larry Stein; Dean Dale; Steve Nash; Lupe Anguiano; Alice Madrid; and Dave Morse.

G. REVIEW OF INFORMATION/CONSENT AGENDA

Councilmembers Flynn and Ramirez reviewed the information regarding gang suppression activities agreement, goals and time frame (I-2, section 2). The City Treasurer reviewed investment policy (I-3) of the City.

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA**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: Removed from agenda.

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.

City Treasurer Department

3. **SUBJECT:** Quarterly Investment Report for the Third Quarter F/Y 2011-2012. (017)
RECOMMENDATION: Accept the quarterly Investment Report for the Third Quarter F/Y 2011-2012.

Public Works Department

4. **SUBJECT:** Sewer Main Replacement at Driffill School. (025)
RECOMMENDATION: 1) Authorize Public Works staff to develop an agreement with the Oxnard School District for the City to pay the District for replacement of a City of Oxnard sewer main at Driffill Elementary School located at 910 South 'E' Street, such agreement to be brought back to Council for approval at a future date; and 2) Approve a Special Budget Appropriation of \$100,000 from the Wastewater Collection Operating Fund Balance to the Driffill Elementary School Sewer Line Replacement Project.

INFORMATION/CONSENT AGENDA ACTION: Approved as recommended with I-1 removed from the agenda. (Pinkard/Holden) Ayes: Pinkard, MacDonald, Flynn, Ramirez, and Holden.

J. TRANSMITTAL OF INFORMATION ONLY ITEMS**K. INFORMATION/CONSENT PUBLIC HEARINGS**

ACTION: Mayor Holden declared the public hearing open.

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

Development Services Department

1. SUBJECT: Tentative Map No. 5885 – Planning & Zoning Permit No. 10-300-05 (Tentative Subdivision Map) Located at 2600 Challenger Place and 150, 300, 350 & 400 Discovery Drive. Filed by Valerie Draeger, Triliad Development Inc., on behalf of PEGH Investments L.L.C.). (029)

RECOMMENDATION: Adopt **Resolution No. 14,149** approving the Tentative Subdivision Map for Tract No. 5885 (Planning & Zoning Permit No. 10-300-05), subject to the conditions set forth in Planning Commission Resolution No. 2012-03.

DISCUSSION: The Planning and Environmental Services Manager outlined the request to subdivide the property and zoning process.

The Council discussed the zoning of property and future parking concerns.

Comments were received from: Shirley Godwin.

Valerie Draeger, Triliad Development Inc., explained that the request would provide flexibility to the developer.

ACTION: Close the public hearing. (Holden/Ramirez) Approved as recommended. (Holden/MacDonald) Ayes: MacDonald, Flynn, Ramirez, Holden, and Pinkard.

L. PUBLIC HEARINGS

Mayor Holden opened the public hearing. The City Clerk reported on publication and that there were no written communications received.

City Treasurers Department

1. SUBJECT: Resolution Establishing Administrative Fees for Tobacco Retailer Permits. (049)
RECOMMENDATION: Adopt **Resolution No. 14,150** establishing administrative fees for the issuance of tobacco retailer permits by the City of Oxnard Treasury Department/License Division.

DISCUSSION: The Licensing Collector reviewed the proposed resolution regarding administrative fees, notifying vendors and enforcement.

Councilmembers discussed enforcement and notifying vendors.

ACTION: Close the public hearing. (Holden/Pinkard) Approved as recommended. (MacDonald/Pinkard) Ayes: Flynn, Ramirez, Holden, Pinkard, and MacDonald.

Development Services Department

2. SUBJECT: Planning and Zoning Permit Nos. 02-640-01 (Specific Plan), 02-570-04.
RECOMMENDATION: Continue to June 5, 2012.
ACTION: Approved as recommended. (Pinkard/Holden) unanimously.

M. REPORT OF CITY MANAGER

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 stated that the Oversight Board would be meeting on Wednesday, April 25, 2012; commented on downtown development including theater project; and reviewed the proposed schedules to be submitted to the State. The City Attorney reviewed the authority of the Successor Agency and the Oversight Board.

The Council discussed downtown development and the effect of the RiverPark Collections development.

Received comments from William Terry, Pat Brown, Shirley Godwin, Jim Lavery, Dave Morse, Harold Ceja, Bert Perello, Vincent Daly, and Inez Tuttle.

ACTION: Provided comments to staff.

The Interim City Manager announced that the Police Department would be holding a free “no questions asked” medical prescription drop-off event on Saturday, April 28, 2012.

N. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

The City Council commented on: Earth Day events, VCTC unmet transportation needs, Rescue Mission anniversary, Kiwanis Police Officer of the Year, activities of City Corps, the future of local naval bases, DA report (city ethics), and the upcoming Urban Water Management Plan.

R. STUDY SESSIONFinance Department

1. SUBJECT: Requests for Proposal, Qualifications, and Bids (059)
RECOMMENDATION: Receive a presentation on the use of Requests for Proposal (RFP), Qualifications, (RFQ) and Bids (RFB).
ACTION: Removed from agenda.

O. REPORTSCommunity Development Department

1. SUBJECT: Appointment to Oversight Board. (053)

RECOMMENDATION: 1) That the Mayor, with the approval of city council, appoint a member from the recognized employee organization representing the largest number of former Redevelopment Agency employees employed by the Successor Agency to the Oversight Board, pursuant to the provisions of Health and Safety Code section 34179(a)(7).

DISCUSSION: The Community Development Director reviewed the appointment process.

ACTION: Mayor Holden appointed Maria Herrera with the City Council approval.

COMMUNITY DEVELOPMENT SUCCESSOR AGENCY

At 10:05 p.m. the joint meeting with the Community Development Successor Agency concluded.

P. PUBLIC COMMENTS ON REPORTS

Q. APPOINTMENT ITEMS

S. PUBLIC COMMENTS ON STUDY SESSION

At 10:05 p.m., Mayor Holden left the meeting and Mayor Pro Tem Pinkard presided.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Comments received from: Bert Perello; Harold Ceja; Jean Johnsen; Jim Lavery; Jace Martin; and Pat Brown.

At 10:12 p.m., Mayor Holden returned to the meeting and presided.

The following individuals asked the Council for support of the Oxnard College athletic programs: Robert Sweet; Gary Johnson; Jonas Crawford; Jim Gilmar; John Hatcher III; Juan Smith; and Byron K. Ward.

T. ADJOURNMENT

At 10:43 p.m. the City Council concurred to adjourn the meeting in honor of Rabbi John Sherwood.

DANIEL MARTINEZ
City Clerk

DR. THOMAS E. HOLDEN
Mayor

DR. IRENE G. PINKARD
Mayor Pro Tem

MINUTES

OXNARD CITY COUNCIL

Regular Meeting

May 1, 2012

A. ROLL CALL/POSTING OF AGENDA

At 6:03 p.m., the regular meeting of the Oxnard City Council convened in the Council Chambers. Councilmembers Thomas E. Holden, Irene G. Pinkard, Bryan A. MacDonald, Timothy B. Flynn and Carmen Ramirez were present. City Clerk stated that the agenda was posted on Thursday in the Library and City Clerk's Office. Mayor Holden presided and called the meeting to order. Staff members present were: Daniel Martinez, City Clerk; Karen Burnham, Interim City Manager; Alan Holmberg, City Attorney; James Cameron, Chief Financial Officer; and Grace Magistrale Hoffman, Deputy City Manager.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

C. CLOSED SESSION

At 6:04 p.m. the City Council recessed to a closed session, pursuant to Government Code section 54956.9(c) based on existing facts and circumstances, the City Council shall decide whether to initiate litigation in one potential case.

At 6:57 p.m. the City Council reconvened and recessed to the evening session.

D. OPENING CEREMONIES

At 7:07 p.m., the regular meeting of the Oxnard City Council reconvened in the Council Chambers, concurrently with the Community Development Commission Successor Agency. The meeting opened with the pledge of allegiance to the flag of the United States, followed by a moment of silence for Mary Teresa Tappero. Mayor Holden presided. Additional staff members present were: Jeri Williams, Police Chief; William "Bill" Wilkins, Housing Director; Curtis P. Cannon, Community Development Director; Rob Roshanian, Interim Public Works Director; Michael O'Malia, Interim Fire Chief; Matthew Winegar, Development Services Director; Jason Benites, Assistant Police Chief; Michael Henderson, General Services Manager; Sue Martin, Planning and Environmental Services Manager; Martin Erickson, Special Assistant to the City Manager; Clifford Waer, Police Officer; and Karl Lawson, Compliance Services Manager.

E. CEREMONIAL CALENDAR

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).

ACTION: The City Council concurred to continue this item.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

The following individuals provided comments: Inez Tuttle, Joe Avelar, Steve Nash, Dave Morse, Martin Jones, Gloria Roman, Larry Stein, Barbara Macri-Ortiz, Dan Lechlitter, Jim Gilmar, Bert Perello, and Pat Brown.

G. REVIEW OF INFORMATION/CONSENT AGENDA

The Assistant Police Chief reviewed the grant which the department would administrate for several other agencies (I-2, section 2). The Compliance Services Manager commented on affordable home loans and restrictions (I-3). The General Services Manager commented on the services provided by agreement (I-2, section 4). The Interim City Manager commented on the process of the Council reviewing agreement/contracts.

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Comments were received from: Barbara Marci-Ortiz (I-3); Bert Perello (I-2); and Martin Jones (I-2).

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

2. **SUBJECT:** Agreements for City Council Review. (015)

RECOMMENDATION: 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.

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.

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

J. TRANSMITTAL OF INFORMATION ONLY ITEMS

1. **SUBJECT:** Monthly Budget Status Report for the Period Ending March 31, 2012. (021)

RECOMMENDATION: Receive report.

DISCUSSION: The Chief Financial Officer reviewed the report

Comments from Larry Stein and Bert Perello.

ACTION: Received report.

K. INFORMATION/CONSENT PUBLIC HEARINGS**L. PUBLIC HEARINGS**

Mayor Holden opened the public hearing. The City Clerk reported on publication and that there were no written communications received.

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.
DISCUSSION: The Planning and Environmental Services Manager outlined the requested changes to remove an interior wall.

Oscar Gonzalez, attorney for applicant, reviewed past history of the restaurant and the request for interior changes. Mike Sanchez, architect, commented on proposed movable interior wall and noted a parking study had been completed.

Police Officer Waer commented on security requirements, use of alcohol, and Police incidents at the location.

Comments were received from: Larry Stein, Janet Mendez, Saul Medina, Veronica Mendoza, Pat Brown, and Barbara Macri-Ortiz.

The Council commented on: site security, use of the facility, the Police recommendation, local litter, and being a neighbor to the transportation center.

ACTION: Close the public hearing. (Holden/Pinkard) Approved **Resolution No. 14,151** approving appeal with conditions. (MacDonald/ Pinkard) Ayes: MacDonald, Flynn, Ramirez, Holden, and Pinkard.

Mayor Holden opened the public hearing. The City Clerk reported on publication and that there were no written communications received.

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.

DISCUSSION: The Housing Director reviewed the objectives and priorities of the Action Plan. He reviewed the budget and needs of clients.

Comments were received from: Bert Perello and William "Bill" Terry.

ACTION: Close the public hearing (Holden/Pinkard). Approved as recommended. (Holden/Pinkard) Ayes: Flynn, Ramirez, Holden, Pinkard, and MacDonald.

M. REPORT OF CITY MANAGER

SUBJECT: Verbal Report on Oxnard Community Development Commission Successor Agency and Status of Redevelopment Activities.

RECOMMENDATION: Received and consider report.

DISCUSSION: Mayor Holden commented on the first meeting of the Oversight Board meeting.

Comments received from: Pat Brown and Bert Perello.

ACTION: Received report from Mayor Holden.

The Interim City Manager stated the construction of Fire Station 8 would be discussed next week and would include information regarding boundaries of Oxnard College Park.

COMMUNITY DEVELOPMENT SUCCESSOR AGENCY

At 10:18 p.m. the joint meeting with the Community Development Successor Agency Commission concluded.

N. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

The Council requested staff to place a future item on the agenda to discuss a possible partnership with Oxnard College to use athletic facilities.

Councilmember Ramirez commented on her appointment and outlined the duties of the California Commission of State Mandates.

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.

DISCUSSION: Steve Kinney, EDCO, outlined the business improvement zone, reasons to be part, exception to membership, and annual renewal. The Community Development Director reviewed costs of the election for business improvement zone.

Comments were received from: William Bill Terry, Larry Stein, Dave Morse, Barbara Maci-Ortiz, Jim Gilmor, Pat Brown, and Nancy Lindholm.

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

P. PUBLIC COMMENTS ON REPORTS

Q. APPOINTMENT ITEMS

S. PUBLIC COMMENTS ON STUDY SESSION

T. ADJOURNMENT

At 11:28 p.m. the City Council concurred to adjourn the meeting.

DANIEL MARTINEZ
City Clerk

DR. THOMAS E. HOLDEN
Mayor

MINUTES

OXNARD CITY COUNCIL

Regular Meeting

May 8, 2012

A. ROLL CALL/POSTING OF AGENDA

At 5:36 p.m., the regular meeting of the Oxnard City Council convened in the Council Chambers concurrently with the Community Development Commission Successor Agency. Councilmembers Irene G. Pinkard, Bryan A. MacDonald, Timothy B. Flynn and Carmen Ramirez were present. Mayor Thomas E. Holden was absent. The City Clerk stated that the agenda was posted on Thursday in the Library and City Clerk's Office. Mayor Pro Tem Pinkard presided and called the meeting to order. Staff members present were: Daniel Martinez, City Clerk; Karen Burnham, Interim City Manager; Alan Holmberg, City Attorney; and Grace Magistrale Hoffman, Deputy City Manager.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

C. CLOSED SESSION

At 5:37 p.m. the City Council recessed to a closed session, pursuant to Government Code section 54956.9(a) to confer with its attorneys. The title and case number of the litigation being discussed was Senko, Marianne v. City of Oxnard, et al, Ventura County Superior Court Case No. 56-2011-00392819-CU-PO-VTA.

The City Council and Successor Agency also recessed to a closed session, pursuant to Government Code section 54956.9(b)(3)(C). Based on existing facts and circumstances, there was significant exposure to litigation against the City and the Successor Agency in one potential case based upon a receipt of a claim under the Tort Claims Act, filed with the City Clerk.

At 6:58 p.m. the City Council reconvened and recessed to the evening session.

D. OPENING CEREMONIES

At 7:02 p.m., the regular meeting of the Oxnard City Council reconvened in the Council Chambers, concurrently with the Community Development Commission Successor Agency. The meeting opened with the pledge of allegiance to the flag of the United States, followed by a moment of silence. Mayor Pro Tem Pinkard presided. Additional staff members present were: Jeri Williams, Police Chief; Curtis P. Cannon, Community Development Director; James Cameron, Chief Financial Officer; Matthew Winegar, Development Services Director; Martin Erickson, Special Assistant to the City Manager; and Karl Lawson, Compliance Services Manager

E. CEREMONIAL CALENDAR

1. SUBJECT: Presentation of Commendation to Donna Helms for 16 Years of Exemplary Service to the City of Oxnard.
DISCUSSION: Donna Helms thanked the Council, community members, and City staff for past support and the recognition.

2. SUBJECT: Presentation of 29th Annual Strawberry Festival Poster.

DISCUSSION: Daisy Tatum, Strawberry Festival Chairperson and Lisa Carny presented the Strawberry Festival poster to the Council and invited the community to the festival.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

The following individuals provided comments: Armando Vazquez, Larry Stein, Robert Thompson, Jim Hensley, Jan Thompson, Martin Jones, Peggy Rivera, Francine Castanon, Ed Ellis, Bert Perello, Donald Thibeault, Rebecca Ralph, Pat Brown, and Abel Magana.

G. REVIEW OF INFORMATION/CONSENT AGENDA

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

I. INFORMATION/CONSENT AGENDA

City Manager Department

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

RECOMMENDATION: Approve and authorize the Interim City Manager, to execute the attached agreements/contracts and change orders/amendments in amounts more than \$25,000 but less than \$250,000.

Public Works Department

2. SUBJECT: Agreement with Ventura County Railroad for Grade Crossing Improvements. (003)

RECOMMENDATION: Approve and authorize the Mayor to execute an agreement with Ventura County Railroad (VCRR) (A-7477) in the amount of \$580,000 to improve the existing grade crossings at Hueneme Road and the Ventura County Watershed Protection District Flood Control Channel.

INFORMATION/CONSENT AGENDA ACTION: Approved as recommended.
(MacDonald/Pinkard) unanimously Absent: Holden.

J. TRANSMITTAL OF INFORMATION ONLY ITEMS

K. INFORMATION/CONSENT PUBLIC HEARINGS

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

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

Police Department

1. SUBJECT: Edward Byrne Memorial Justice Assistance Grant Formula Program (JAG): FY 2012 Local Solicitation. (009)

RECOMMENDATION: Adopt **Resolution No. 14,152:** 1) Authorizing the City Manager to execute and submit an application for U.S. Department of Justice (DOJ) grant funds in the amount of \$123,162 from the Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program's FY 2012 Local Solicitation; 2) Authorizing the City Manager to execute a Memorandum of Understanding (A-7489) with the County of Ventura and the Cities of San Buenaventura, Thousand Oaks and Simi Valley, designating the City of Oxnard as the lead agency and fiscal agent for the JAG; 3) Authorizing the City Manager or designee to execute grant agreements and appropriate funds upon notification of grant award; 4) Authorizing the Chief Financial Officer or designee to submit financial reports and grant claims and approve special budget appropriations for the use of JAG funds; and 5) Authorizing the Chief of Police or designee to submit all program related progress or status reports.

ACTION: Close the public hearing. (Ramirez/MacDonald) Approved as recommended. (Ramirez/MacDonald) Ayes: MacDonald, Flynn, Ramirez, and Pinkard. Absent: Holden.

L. **PUBLIC HEARINGS**

M. **REPORT OF CITY MANAGER**

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 announced the second meeting of the Oxnard Oversight Committee would be on Wednesday, May 9, 2012.

The Interim City Manager announced community work shops to discuss energy conservation. She also stated the Finance Department was awarded a certificate of achievement for Excellence in Financial Reporting from Government Financial Officers Association.

N. **CITY COUNCIL BUSINESS/COMMITTEE REPORTS**

The Council discussed: the Downtown Assistant Plan; electric car charging stations; neighborhood gardens; the EPA would be touring the former Halaco site; the use of transit funds for streets; Police event honoring fallen officers; and development of Campus Park.

O. **REPORTS**

City Attorney Department

1. **SUBJECT:** Supplemental Post-Retirement Benefit. (037)

RECOMMENDATION: Terminate the \$300 per month Supplemental Post-Retirement Benefit ("SPRB") established pursuant to and contained in the Administrative Manual, at E.28.

DISCUSSION: The City Attorney reviewed the option of terminating the supplement post-retirement benefit.

Received public comments from: Steve Nash, Pat Brown, Bert Perello, Shirley Godwin, and Rebecca Ralph.

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

RECESS

At 8:41 p.m., the City Council recessed when the Community Development Successor Agency held a meeting. At 9:54 p.m., the City Council meeting reconvened.

COMMUNITY DEVELOPMENT SUCCESSOR AGENCY

At 9:54 p.m. the joint meetings with the Community Development Successor Agency Commission concluded.

Fire Department

6. SUBJECT: Fire Station #8 Project Lease Financing Structure. (087)

RECOMMENDATION: Authorize the Fire Chief to negotiate a lease financing structure for the Fire Station #8 Project with Oxnard Fire Station, LLC.

DISCUSSION: The Interim Fire Chief compared the service and staffing of the Oxnard Fire Department to other similar size California Fire Departments. The Chief Financial Officer reviewed possible financing options including possible use of Measure O funds. The Interim City Manager commented on discussions with National Parks Service/California State Parks and Recreation Department regarding the boundaries of property of Oxnard College Park.

The Council discussed the possible financing of the building, staffing, selection process, and following Brown Act requirements.

Received comments from: Larry Stein, Steve Nash, Bert Perello, Shirley Godwin, Martin Jones, Pat Brown, and Rebecca Ralph.

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

P. PUBLIC COMMENTS ON REPORTS

Q. APPOINTMENT ITEMS

R. STUDY SESSION

Finance Department

1. SUBJECT: Requests for Proposal, Qualifications, and Bids. (091)

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).

DISCUSSION: The Chief Financial Officer reviewed the different bid processes, request for qualifications, following State guidelines, and the selection process.

Comments received from Larry Godwin, Bert Perello, and Steven McTosh

The City Council commented on: bid procedures, purchasing policies, and new bidding policies.

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

S. PUBLIC COMMENTS ON STUDY SESSION

T. ADJOURNMENT

At 11:36 p.m. the City Council concurred to adjourn the meeting.

DANIEL MARTINEZ
City Clerk

DR. IRENE G. PINKARD
Mayor Pro Tem

MINUTES

OXNARD CITY COUNCIL

Regular Meeting

May 15, 2012

A. ROLL CALL/POSTING OF AGENDA

At 6:17 p.m., the regular meeting of the Oxnard City Council convened in the Council Chambers. Councilmembers Thomas E. Holden, Irene G. Pinkard, Bryan A. MacDonald, and Carmen Ramirez were present. Councilmember Timothy B. Flynn was absent. The City Clerk stated that the agenda was posted on Thursday in the Library and City Clerk's Office. Mayor Holden presided and called the meeting to order. Staff members present were: Daniel Martinez, City Clerk; Karen Burnham, Interim City Manager; and Alan Holmberg, City Attorney. At 6:19 p.m., Councilmember Flynn was present.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

Comments were received from Torch Rivera, Jim Nelsen, Danny Carrillo and Bert Perello.

C. CLOSED SESSION

At 6:31 p.m. the City Council recessed to a closed session, pursuant to Government Code section 54959 and 54957.6, to give instructions to negotiators, Karen Burnham, Interim City Manager, and Michelle Tellez, Human Resources Director, regarding salaries, salary schedules and compensation paid in the form of fringe benefits for employees represented by the Service Employees International Union (SEIU), Local No. 721 and other matters within the scope of representation.

At 7:12 p.m. the City Council reconvened and recessed to the evening session.

D. OPENING CEREMONIES

At 7:17 p.m., the regular meeting of the Oxnard City Council reconvened in the Council Chambers, concurrently with the Community Development Commission Successor Agency. The meeting opened with the pledge of allegiance to the flag of the United States, followed by a moment of silence. Mayor Holden presided. Additional staff members present were: Jeri Williams, Police Chief; James Cameron, Chief Financial Officer; Rob Roshanian, Interim Public Works Director; Interim Fire Chief; Matt Winegar, Development Service Director; Grace Magistrale Hoffman, Deputy City Manager; Martin Erickson, Special Assistant to the City Manager; Anthony Emmert, Water Resources Manager; and Michael Henderson, General Services Manager.

E. CEREMONIAL CALENDAR

1. SUBJECT: Proclaim the week of May 20 to May 26 "Public Works Week" in the City of Oxnard.

DISCUSSION: Lou Balderrama, City Engineer, reviewed the proclamation and he commented on the services of Public Works.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Comments were received from: Jerald Honaker; Jim Hensley; Frank J. Soto; Larry Stein; Daniel Lechlitter, and Steve Nash.

G. REVIEW OF INFORMATION/CONSENT AGENDA

The Special Assistant to the City Manager briefly reviewed the use of TDA funds for local bus transportation (I-5). Councilman Flynn commented on having an acceptable service for landscape in the districts (I-2). The General Services Manager reviewed the use of gasoline at the golf course and cost savings of using the agreement (I-4).

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Received comments from: Bert Perello (I-2) and Steve Nash (I-4).

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

1. **SUBJECT:** Agreements for City Council Review. (001)
RECOMMENDATION: 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.
2. **SUBJECT:** Scheduling of Public Hearing and Adoption of Resolutions to Declare Intent to Levy FY 2012-2013 Assessments for Landscape Maintenance District Nos. 1 through 3, and 7 through 26. (003)
RECOMMENDATION: 1) Adopt resolutions declaring City Council's intention to levy FY 2012-2013 assessments for Landscape Maintenance Districts Nos. 1 through 3, and 7 through 26 in the following tracts: • **Resolution No. 14,153;** Tract No. 2247, District No. 1 (Summerfield); • **Resolution No. 14,154;** Tract Nos. 4065, 4164, 4355 and 4225, District No. 2 (Channel Islands Business Park); • **Resolution No. 14,155;** Tract No. 3384, District No. 3 (River Ridge); • **Resolution No. 14,156;** Tract Nos. 4183 and 3943, District Nos. 7 and 8 (Northfield/Seagate Business Park); • **Resolution No. 14,157;** Tract Nos. 3051-2, 3051-3, and 4351, District No. 9 (Strawberry Fields); • **Resolution No. 14,158;** Tract No. 4405, District No. 10 (Country Club Estates); • **Resolution No. 14,159;** Tract No. 4376, District No. 11 (St. Tropez); • **Resolution No. 14,160;** Tract No. 4294, District No. 12 (Standard Pacific); • **Resolution No. 14,161;** Tract No. 4424, District No. 13 (Le Village); • **Resolution No. 14,162;** Tract No. 4492, District No. 14 (California Cove); • **Resolution No. 14,163;** Tract No. 4443, District No. 15 (Pelican Pointe); • **Resolution No. 14,164;** Tract No. 4810, District No. 16 (California Lighthouse); • **Resolution No. 14,165;** Tract No. 4702, District No. 17 (Village of San Miguel); • **Resolution No. 14,166;** Parcel Map Nos. 213-0-031-355, 375, 385, 405, 415, 425, District No. 18 (St. John's Regional Medical Center); • **Resolution No. 14,167;** Tract No. 4827, District No. 19 (Shopping at the Rose); • **Resolution No. 14,168;** Parcel Map Nos. 231-0-020-200, 210, 240, District No. 20

(Wallenius Vehicle Preparation Center); • **Resolution No. 14,169**; Tract Nos. 3384-7, 8, District No. 21 (Cypress Pointe); • **Resolution No. 14,170**; Tract No. 4611, District No. 22 (McDonald's Median); • **Resolution No. 14,171**; Tract No. 4529, District No. 23 (Greystone); • **Resolution No. 14,172**; Tract No. 4529, District No. 24 (Vineyards); • **Resolution No. 14,173**; Tract No. 4840, District No. 25 (The Pointe); and • **Resolution No. 14,174**; Parcel Map No. 202-0-010-685, District No. 26 (Albertson's); and 2) Set a public hearing for June 12, 2012, on the levy of the proposed assessments in Landscape Maintenance District Nos. 1 through 3, and 7 through 26.*

3. **SUBJECT:** Fourth Amendment to Agreement with Genuine Parts Company. (145)
RECOMMENDATION: Approve and authorize the Mayor to execute the Fourth Amendment to the Agreement with Genuine Parts Company (A-6801) in the amount of \$1,791,000, for a total contract amount of \$6,851,000 to provide on-site repair parts and tires to City for a final year, until June 30, 2013.
4. **SUBJECT:** Extension of Agreement with General Petroleum Corporation. (149)
RECOMMENDATION: Approve and authorize the Mayor to sign a blanket purchase order (No. 4021) with General Petroleum Corporation ("GP"), extending the agreement for an additional year to June 30, 2013, in an amount not to exceed \$250,000, for a total contract amount of \$500,000, for the bulk delivery of unleaded and diesel fuel to six Oxnard Fire Stations located at 491 South "K" Street, 531 East Pleasant Valley Road, 150 Hill Street, 230 West Vineyard Avenue, 1450 Colonia Road, 2601 Peninsula Road and to River Ridge Golf Course located at 2501 North Ventura Road, and for the bulk delivery of lubricants (oil, grease, and transmission fluid) to Fleet Services shops located at 1060 Pacific Avenue and 111 Del Norte Boulevard.
5. **SUBJECT:** Gold Coast Transit (GCT) FY 2012/13 Capital and Operating Budget. (153)
RECOMMENDATION: Support the GCT Fiscal Year 2012/13 proposed capital and operating budget in an amount not to exceed \$5,362,432 for fixed route service, senior and disabled paratransit service, and the capital program.

Development Services Department

6. **SUBJECT:** Change Order 49 for Security Paving Co. Inc. for Project Specification No. PW03-19 for Rice Ave/Santa Clara Ave Interchange Improvements at Highway 101, and Special Budget Appropriation for "Highway 101—Rice Interchange" (155)
RECOMMENDATION: 1) Approve and authorize the Mayor to execute Change Order 49 for Project Specification No. PW03-19 with Security Paving Co., Inc. to increase the amount by \$314,134 (a total of \$33,540,112.28) for the Rice Avenue/Santa Clara Avenue interchange improvements at U.S. Highway 101 (A-7228); and 2) Approve the appropriation of funds for \$314,134 for Project Specification No. PW03-19 from the Water Operating Fund to the "Highway 101—Rice Avenue" project for the Rice Avenue/Santa Clara Avenue interchange improvements at U.S. Highway 101.

INFORMATION/CONSENT AGENDA ACTION: Approved as recommended. (Pinkard/MacDonald) Ayes: Holden, Pinkard, MacDonald, Flynn, and Ramirez. *Abstain: Pinkard only on District 3 and 16 of I-2.

J. TRANSMITTAL OF INFORMATION ONLY ITEMSK. INFORMATION/CONSENT PUBLIC HEARINGSL. PUBLIC HEARINGSCity Manager Department

1. **SUBJECT:** Levy of 2012-2013 Assessments in Mandalay Beach Maintenance District. (167)
RECOMMENDATION: Continued to June 5, 2012.
ACTION: Concurred to continue.

ACTION: Mayor Holden declared the public hearing open.

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

Public Works Department

2. **SUBJECT:** City of Oxnard 2010 Urban Water Management Plan. (177)
RECOMMENDATION: 1) Hold a Public Hearing regarding the 2010 Urban Water Management Plan; and 2) Adopt a resolution to approve the 2010 Urban Water Management Plan and authorize the Interim City Manager to file the Urban Water Management Plan with the State of California.
DISCUSSION: The Water Resources Manager reviewed the 2010 Urban Water Management Plan including water sources, master plan, water storage, water credits, water demands, costs of water, the GREAT Program, and State water resources.

Councilmembers discussed: water credits, future water supply, water planning, recycled water, possible local water regulations, GREAT Program water use, and State water resources.

Comments were received from: Bert Perello, Pat Brown, Larry Stein and Daniel Lechlitter.

ACTION: Close the public hearing. (Holden/Pinkard) Approved as recommended. (Pinkard/Holden) Ayes: MacDonald, Flynn, Ramirez, Holden, and Pinkard.

Q. APPOINTMENT ITEMSCity Manager Department

1. **SUBJECT:** Measure "O" Half-Cent Sales Tax Review, Project Discussion, and Consideration of Additional Appropriations. (221)
RECOMMENDATION: 1) Receive the Draft Measure O Community Report; 2) Approve Measure O funding for \$4,300,000 for projects identified in the staff report and authorize the City Manager to make the required budget appropriations; and 3) Discuss and provide direction for new Measure O project funding options and authorize the City Manager to establish appropriate budgets for the approved projects and programs.

DISCUSSION: The Special Assistant to the City Manager commented on the challenges and opportunities. He outlined enhancement Measure O funds assigned by the Council which included parks projects, street improvements, and public safety services. The Chief Financial Officer reviewed the financial status, senior projects, youth projects, street repairs, and Fire Department training costs. The Interim City Manager commented on the on-going projects and the annual funding process.

Comments were received from: Juan Smith, George Ortega, Andres Orozco, Larry Stein, Andrea Baltazar, Arturo Reyes, Jim Hensley, and Bert Perello.

The City Council discussed: street improvements; senior services projects; possible Oxnard College assistance; park services; Ormond Beach wetlands/park; Heritage Farm Park; possible swimming program; river levy issue; and applications process for organizations.

ACTION: Approve funding identified projects and provide directions to staff (Holden/Pinkard)
Ayes: Flynn, Ramirez, Holden, Pinkard, and MacDonald.

M. REPORT OF CITY MANAGER

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: Chairperson Holden commented on the actions of a special meeting of the Oversight Board held on May 9, 2012.

Comments were received from: Pat Brown and Bert Perello.

ACTION: Received report.

The Interim City Manager reported that National Park's Service recognized the boundaries of the Oxnard College Park allowing the placement of a fire station at the corner of Channel Islands and Rose Avenue.

COMMUNITY DEVELOPMENT SUCCESSOR AGENCY

At 10:09 p.m. the joint meeting with the Community Development Successor Agency concluded.

N. CITY COUNCIL/BUSINESS/COMMITTEE REPORTS

City Managers Department

1. **SUBJECT:** Draft City Council Procedures Manual. (183)

RECOMMENDATION: 1) Receive a report and draft copy of the City of Oxnard City Council Procedures Manual; 2) Establish a 14-day comment period to receive comments from the public and Councilmembers, and provide direction to staff.

DISCUSSION: The Special Assistant to the City Manager reviewed the proposed City Council Procedures Manual including time period for review/comments of the proposal, communications with the public, interaction with/within Councilmembers and having a bi-annual review by the Council.

Comments were received from: Pat Brown, Steve Nash, Martin Jones, Bert Perello, and Daniel Lechlitter.

The City Council discussed: reference materials to review, ethics classes, and the 14 day comment period.

ACTION: Received the report and establish a 14 day review period. (Holden/Pinkard) Ayes: Ramirez, Holden, Pinkard, MacDonald and Flynn.

N. CITY COUNCIL/BUSINESS/COMMITTEE REPORTS

3. SUBJECT: Verbal Discussion of AB 1778, Local Transportation Funds (Assemblymember Williams) (Mayor Pro Tem Pinkard).

ACTION: Continue to future date.

O. REPORTS

Community Development Department

1. SUBJECT: Approval of Estoppel Certificate Under RiverPark Development Agreement Related to the Admission of New Member, RiverPark CenterCal, LLC, to SOCM I, LLC, the Developer of the Collections at RiverPark, Filed by SOCM I, LLC, Located in the RiverPark Development Which is Adjacent to and North of the Highway 101 Freeway, East of Santa Clara River Drive, and West of Vineyard Avenue. (211)

RECOMMENDATION: Approve and authorize the Mayor to execute the Acknowledgment and Estoppel - Development Agreement ("DA") (A-7496) submitted by SOCM I, LLC pursuant to the RiverPark Development Agreement related to the admission of a new member to SOCM I, LLC, the developer of the Collections at RiverPark.

DISCUSSION: The Development Service Director briefly reviewed the request of the developer to add a new investor.

Comments were received from Bert Perello.

ACTION: Approved as recommended. (Holden/MacDonald). Ayes: Holden, Pinkard, MacDonald, Flynn, and Ramirez.

N. CITY COUNCIL/BUSINESS/COMMITTEE REPORTS

City Managers Department

4. SUBJECT: Preliminary Verbal Discussion of Downtown Assistance Plan (Councilman Flynn).
DISCUSSION: Councilmember Flynn expressed concern regarding Downtown Assistant Plan and requested issues be discussed to the future including the effect of development of the RiverPark theaters.

Mayor Holden stated that staff is waiting for response from State Department of Finance regarding list of assets and liabilities.

Comments received by: William Paterson, Heritage Partners; and Pat Brown.

ACTION: Place on future agenda for discussion.

2. SUBJECT: Verbal Discussion on Ethics Procurement Policies from the City of San Jose (Councilman Flynn).

DISCUSSION: Councilman Flynn commented on ethics policies of other cities, Request for Qualifications (ROQ) procedures; information to be provided by applicants; and need to made changes.

At 11:07 p.m., Mayor Holden left the meeting and Mayor Pro Tem Pinkard presided.

Comments were received by: Pat Brown

The Council discussed: having information available for discussion; the RFP/RFQ process; labor issues; bid process; conflict of interest; and policies of other cities.

ACTION: Provided comments to staff.

The City Council discussed: placing the City Manager's contract on a future close session agenda, RFP for cultural arts grants, and upcoming census work shop at Library, May 30, 2012.

P. PUBLIC COMMENTS ON REPORTS

R. STUDY SESSION

S. PUBLIC COMMENTS ON STUDY SESSION

T. ADJOURNMENT

At 11:15 p.m. the City Council concurred to adjourn the meeting.

DANIEL MARTINEZ
City Clerk

DR. THOMAS E. HOLDEN
Mayor

DR. IRENE G. PINKARD
Mayor Pro Tem

MINUTES

OXNARD CITY COUNCIL

Special Meeting

May 9, 2012

A. ROLL CALL/POSTING OF AGENDA

At 12:16 p.m., the special meeting of the Oxnard City Council at the former Halaco Site, 6200 Perkins Road, Oxnard. Councilmembers Irene G. Pinkard, Bryan A. MacDonald, Timothy B. Flynn and Carmen Ramirez were present. Mayor Thomas E. Holden was absent. The agenda was posted at the Library and City Clerk's Office. Mayor Pro Tem Pinkard presided and called the meeting to order. Staff members present were: Matt Winegar, Development Services Director; Chris Williamson, Senior Planner; Martin R. Erickson, Special Assistant to the City Manager. Also present were Supervisor Kathy Long; Lauren Bianchi-Klemann, Field Representative to Supervisor Long; Rachel Konder, District Representative for Congresswoman Lois Capps; Jim Woolford, Director, Office of Superfund Remediation and Technology Innovation, EPA HQ; Barnes Johnson, Deputy Director, Office of Superfund Remediation and Technology Innovation, EPA HQ; Jeff Heimerman, Acting Director, Superfund Technology Innovation and Field Services Division, EPA HQ; Jared Blumenfeld, Regional Administrator, EPA Region 9; Jane Diamond, Director, Superfund Division, EPA Region 9; Kelly Manheimer, Section Chief, EPA Region 9; and Wayne Praskins, Project Manager, EPA Region 9.

B. PUBLIC COMMENTS

C. CITY COUNCIL BUSINESS

1. SUBJECT: Tour of Halaco Facilities

RECOMMENDATION: Tour the Halaco facilities with Environmental Protection Agency (EPA) officials.

DISCUSSION: Members of the public and press discussed the status of the former Halaco site with EPA officials during the tour.

ACTION: Received a briefing from EPA officials and viewed the site from the outside.

D. ADJOURNMENT

At 12:59 p.m., the City Council concurred to adjourn the meeting.

MARTIN ERICKSON
Special Assistant to the City Manager

IRENE G. PINKARD
Mayor Pro Tem

MINUTES

OXNARD COMMUNITY DEVELOPMENT COMMISSION SUCCESSOR AGENCY

Regular Meeting

April 24, 2012

A. ROLL CALL/POSTING OF AGENDA

At 7:11 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

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)

INFORMATION/CONSENT AGENDA ACTION: Removed from agenda.

J. TRANSMITTAL OF INFORMATION ONLY ITEMSK. INFORMATION/CONSENT PUBLIC HEARINGSL. PUBLIC HEARINGSM. 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 stated that the Oversight Board would be meeting on Wednesday, April 25, 2012; commented on downtown development including theater project; and reviewed the proposed schedules to be submitted to the State. The City Attorney reviewed the authority of the Successor Agency and the Oversight Board.

The Council discussed downtown development and the effect of the RiverPark Collections development.

Received comments from William Terry, Pat Brown, Shirley Godwin, Jim Lavery, Dave Morse, Harold Ceja, Bert Perello, Vincent Daly, and Inez Tuttle.

ACTION: Provided comments to staff.

N. COMMUNITY DEVELOPMENT COMMISSION BUSINESS/COMMITTEE REPORTSO. REPORTSCommunity Development Department

1. SUBJECT: Appointment to Oversight Board. (053)

RECOMMENDATION: That the Community Development Commission Successor Agency ("Successor Agency"), adopt **Resolution No. 2** approving an administrative budget for the period February 1, 2012 through June 30, 2012.

DISCUSSION: The Community Development Director reviewed the action to take place at the Oversight Board Meeting.

ACTION: Approved as recommended. (Holden/MacDonald). Ayes: Ramirez, Holden, Pinkard, MacDonald, and Flynn.

P. PUBLIC COMMENTS ON REPORTSQ. APPOINTMENT ITEMSCITY COUNCIL

At 10:05 p.m. the joint meeting with the City Council concluded.

R. STUDY SESSION

S. PUBLIC COMMENTS ON STUDY SESSION

T. ADJOURNMENT

At 10:05 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

May 1, 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, 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; and Grace Magistrale Hoffman, Deputy Executive Secretary.

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 Mary Teresa Tappero.

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

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)

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

J. TRANSMITTAL OF INFORMATION ONLY ITEMSK. INFORMATION/CONSENT PUBLIC HEARINGSL. PUBLIC HEARINGSM. 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: Chairperson Holden commented on the first meeting of the Oversight Board meeting.

Comments received from: Pat Brown and Bert Perello.

ACTION: Received report from Chairperson Holden.

N. COMMUNITY DEVELOPMENT COMMISSION BUSINESS/COMMITTEE REPORTSO. REPORTSP. PUBLIC COMMENTS ON REPORTSQ. APPOINTMENT ITEMSCITY COUNCIL

At 10:18 p.m. the joint meeting with the City Council concluded.

R. STUDY SESSIONS. PUBLIC COMMENTS ON STUDY SESSIONT. ADJOURNMENT

At 10:18 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

May 8, 2012

A. ROLL CALL/POSTING OF AGENDA

At 5:36 p.m., the regular meeting of the Oxnard Community Development Commission Successor Agency with the City Council convened in the Council Chambers concurrently with the City Council. Commissioners Irene G. Pinkard, Bryan A. MacDonald, Timothy B. Flynn, and Carmen Ramirez were present. Chairperson Thomas E. Holden was absent. The Secretary Designate stated that the agenda was posted on Thursday in the Library and City Clerk's Office. Chairperson Pinkard 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; and Grace Magistrale Hoffman, Deputy Executive Secretary.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

C. CLOSED SESSION

At 5:37 p.m. the Community Development Commission Successor recessed to a closed session, pursuant to Government Code section 54956.9(b)(3)(C). Based on existing facts and circumstances, there was significant exposure to litigation against the City and the Successor Agency in one potential case based upon a receipt of a claim under the Tort Claims Act, filed with the City Clerk.

At 6:58 p.m. the Community Development Commission Successor Agency reconvened and recessed to the evening session.

D. OPENING CEREMONIES

At 7:02 p.m., the regular meeting of the Community Development Commission Successor Agency reconvened in the Council Chambers, concurrently with the City Council. The meeting opened with the pledge of allegiance to the flag of the United States, followed by a moment of silence. Vice-Chairperson Pinkard presided. Additional staff members present were: Jeri Williams, Police Chief; Curtis P. Cannon, Community Development Director; James Cameron, Chief Financial Officer; Matthew Winegar, Development Services Director; Martin Erickson, Special Assistant to the City Manager; and Karl Lawson, Compliance Services Manager.

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 ITEMSK. INFORMATION/CONSENT PUBLIC HEARINGSL. PUBLIC HEARINGSM. 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 Executive Director announced the second meeting of the Oxnard Oversight Committee would be on Wednesday, May 9, 2012.

N. COMMUNITY DEVELOPMENT COMMISSION BUSINESS/COMMITTEE REPORTSO. REPORTSCommunity Development Department

2. SUBJECT: Adoption of Revised Recognized Obligation Payment Schedule ("ROPS") for the Period February 1, 2012, Through June 30, 2012. (039)
RECOMMENDATION: That the Community Development Commission Successor Agency ("Successor Agency"), in accordance with the requirements of ABx1 26, adopt **Resolution No. 3** approving a Revised ROPS, setting forth a schedule of payments for obligations of the Successor Agency, for the period of February 1, 2012, through June 30, 2012.
DISCUSSION: The Community Development Director commented on: minor changes to the schedules, list of memberships (CRA, League of California Cities membership), Oversight Board meeting, formatting changes of schedule, administrative cost adjustments, maintenance of buildings, use of sale of property funds (Ormond Beach), set-a-side housing funds, and reasons to place item(s) on the schedule. (*Discussion was for items O-2, O-3, O- 4 and O-5.)

The Chief Financial Officer stated that the auditor for the downtown theater was solely for annual financial statements and the contract had one year remaining.

The Development Services Director stated the Colonia House property was a tax credit project.

The Compliance Services Manager reviewed the affordable housing issues.

The City Councilmembers commented on: the revised schedule(s), documentation of payments and loans, auditor of the downtown theater, tax credit project (Colonia House property), and affordable housing issues.

The City Attorney reviewed the liability of the Successor Agency and the ROPS schedule(s).

Comments were received from: Larry Stein, Larry Godwin, Steve Nash, Pat Brown, and Bert Perello. *Comments were for items O-2, O-3, O-4, and O-5.

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

3. **SUBJECT:** Successor Agency Amended Administrative Budget for the Period of February 1, 2012, Through June 30, 2012. (059)
RECOMMENDATION: That the Community Development Commission Successor Agency ("Successor Agency"), adopt **Resolution No. 4** approving an amended administrative budget for the period of February 1, 2012, through June 30, 2012.
DISCUSSION: Discussion and comments was the same as O-2.
ACTION: Approved as recommended. (Pinkard/Ramirez). Ayes: Ramirez, Pinkard, MacDonald, and Flynn. Absent: Holden.
4. **SUBJECT:** Adoption of the Recognized Obligation Payment Schedule ("ROPS") for the period July 1, 2012, Through December 31, 2012. (065)
RECOMMENDATION: That the Community Development Commission Successor Agency ("Successor Agency") in accordance with the requirements of ABx1 26, adopt **Resolution No. 5** approving a ROPS, setting forth a schedule of payments for obligations of the Successor Agency, for the period July 1, 2012, through December 31, 2012.
DISCUSSION: Discussion and comments was the same as O-2.
ACTION: Approved as recommended. (Pinkard/Ramirez). Ayes: Ramirez, Pinkard, MacDonald, and Flynn. Absent: Holden.
5. **SUBJECT:** Successor Agency Administrative Budget for the Period of July 1, 2012, Through December 31, 2012. (081)
RECOMMENDATION: That the Community Development Commission Successor Agency ("Successor Agency"), adopt **Resolution No. 6** approving an administrative budget for the period July 1, 2012, through December 31, 2012.
DISCUSSION: Discussion and comments was the same as O-2.
ACTION: Approved as recommended. (Pinkard/Ramirez). Ayes: Ramirez, Pinkard, MacDonald, and Flynn. Absent: Holden.

P. PUBLIC COMMENTS ON REPORTS

Q. APPOINTMENT ITEMS

CITY COUNCIL

At 9:54 p.m. the joint meeting with the City Council concluded.

R. STUDY SESSION

S. PUBLIC COMMENTS ON STUDY SESSION

T. ADJOURNMENT

At 9:54 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

May 15, 2012

A. ROLL CALL/POSTING OF AGENDA

At 7:17 p.m., the regular meeting of the Oxnard Community Development Commission Successor Agency with the City Council 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; and Grace Magistrale Hoffman, Deputy Executive Secretary.

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: Chairperson Holden commented on the actions of a special meeting of the Oversight Board held on May 9, 2012.

Comments were received from: Pat Brown and Bert Perello.

ACTION: Received report.

N. COMMUNITY DEVELOPMENT COMMISSION BUSINESS/COMMITTEE REPORTS

O. REPORTS

P. PUBLIC COMMENTS ON REPORTS

Q. APPOINTMENT ITEMS

CITY COUNCIL

At 10:09 p.m. the joint meeting with the City Council concluded.

R. STUDY SESSION

S. PUBLIC COMMENTS ON STUDY SESSION

T. ADJOURNMENT

At 10:09 p.m., the Community Development Commission Successor Authority concurred to adjourn the meeting.

DANIEL MARTINEZ
Secretary Designate

DR. THOMAS E. HOLDEN
Chairman

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. Burnham, Interim City ManagerAgenda Item No. I-2Reviewed By: City Manager [Signature] City Attorney [Signature] Finance [Signature] Other (Specify) _____**DATE:** May 31, 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 Friday prior to the Council meeting.

Item No.	Type	Department/Contact	Vendor/Agreement No.	Description/Purpose	Amount
1	Amendment	General Services Dean Yamamoto 385-8074	Natural Green Landscape Agreement No. 5384-11-CM	Landscape Maintenance District Services To provide landscape maintenance district services for Daily Ranch, District 46. Second year of a potential three year agreement. Total Contract Amount: \$64,776 Funding Source: Landscape Maintenance Funds	\$32,388
2	Amendment	General Services Dean Yamamoto 385-8074	Natural Green Landscape Agreement No. 5391-11-CM	Landscape Maintenance District Services To provide landscape maintenance district services for Westport Community Facilities District #246668. Second year of potential three year agreement. Total Contract Amount: \$93,336 Funding Source: Landscape Maintenance Funds	\$32,388
3	Amendment	General Services Dean Yamamoto 385-8074	Kaneko Landscaping Agreement No. 5381-11-CM Amendment: \$15,540 Total Contract: \$31,080 District 33 - Rio Del Sol Agreement No. 5387-11-CM Amendment: \$17,940 Total Contract: \$35,080 District 51 - Pfeiler Agreement No. 5088-10-CM Amendment: \$31,140 Total Contract: \$93,420 District 3 - RiverRidge Agreement No. 5089-10-CM Amendment: \$11,700 Total Contract: \$35,100 District 16 California Lighthouse Agreement No. 5090-10-CM Amendment: \$22,200 Total Contract: \$66,640 District 38 - Aldea del Mar	Landscape Maintenance District Services To provide landscape maintenance district services for various landscape districts.	

Item No.	Type	Department/Contact	Vendor/Agreement No.	Description/Purpose	Amount
			Kaneko Landscaping		
			Agreement No. 5091-10-CM		
			Amendment: \$32,200		
			Total Contract: \$96,660		
			District 39 - El Sueno Promesa		
			Agreement No. 5092-10-CM		
			Amendment: \$8,400		
			Total Contract: \$25,200		
			District 55 - Wingfield West		
			Agreement No. 5093-10-CM		
			Amendment: \$27,540		
			Total Contract: \$55,080		
			District 42 - Cantabria/Coronada		
			Agreement No. 5095-10-CM		
			Amendment: \$8,400		
			Total Contract: \$25,200		
			District 58 - Westwind		
				Total Combined Contract Amount: \$175,060	
				Funding Source: Landscape Maintenance	
				Funds	
4	Purchase Order	Police Department Martin Meyer 385-7756	PIPS Technology Purchase Order No. 004036	Automated License Plate Reader, Server and Data Storage	\$35,000
				The City has entered into an Memorandum of Understanding with the Oxnard Harbor District which has a provision for the purchase of an automated license plate reader, server and data storage. The California Port and Maritime Security Program will reimburse the Police Department once the purchase has been made.	
				Total Contract Amount: \$35,000	
				Funding Source: Cost will be reimbursed	

Item No.	Type	Department/Contact	Vendor/Agreement No.	Description/Purpose	Amount
5	Purchase Order	Police Department Keith Brooks	eRacks Storage Purchase Order No. 004014	Computer Storage This purchase is for a data storage device that will allow the Police Department to continue to meet growing digital file storage needs. Total Contract Amount: \$29,630 Funding Source: COPS Technology Grant	\$29,630
6	Original Agreement	Development Services Cynthia Daniels 385-7871	Arrow Sign Company Agreement No. A-7490	Oxnard Transportation Center Sign Replacement Replacement Sign Program will provide new directional, tenant and bi-lingual signs at the Oxnard Transportation Center Total Contract Amount: \$166,656 Funding Source: Air Pollution Buy Down	\$166,656
7	Original Agreement	Public Works Raymond Williams 385-7902	Chaparral Construction Corp. Agreement No. A-7497	Blending Station No. 3 Relocation of existing driveway per agreement with Flag Properties due to encroachment onto the adjacent property. Total Contract Amount: \$78,038 Funding Source: Water Funds	\$78,038
8	Original Agreement	Information Systems Gayle Elkins	Verizon Agreement No. 5815-12-CM	Telephone Service Contract rates for telephone lines, intranet features and intralata toll services for lines other than HIPC VOIP voice lines Total Contract Amount: \$89,000 for three years Funding Source: Internal Services	\$89,000
9	Amendment	Development Services Cynthia Daniels 385-7871	Jensen Design & Survey Agreement No. 5727-12-DS	Rice Ave./Hwy. 101 Interchange Project Expands Scope of Services for additional surveying services for Rice/Hwy. 101 Interchange. Total Contract Amount: \$56,589 Funding Source: Federal Grant Funding	\$6,000

Item No.	Type	Department/Contact	Vendor/Agreement No.	Description/Purpose	Amount
10	Purchase Order	Police Department Keith Brooks 385-7597	Compucom Systems, Inc. Purchase Order No. 004039	Licensing Agreements In 2005 the City approved the acquisition of software licenses under the Microsoft Enterprise Master License Agreement purchased through CompuCom for the County of Riverside. Our piggybacking on the Riverside agreement allows the purchase of software licenses at a reduced rate for the Police Department.	\$61,725
				Total Contract Amount: \$61,725	
				Funding Source: General Fund	
11	Change Order	Public Works Lou Balderrama 340-5358	McCarthy Construction Agreement No. A-7259	Advanced Water Purification Facility (AWPF) Change Order 87 Provides for costs associated with metal angle closure and metal deck/bearing wall closure plates for weather protection that were not in the contract documents.	\$70,097
				Total Contract Amount: \$55,378,231	
				Funding Source: Water Bond and Grant	
				Funding	
12	Change Order	Public Works Lou Balderrama 340-5358	McCarthy Building, Inc. A-7259	AWPF Change Order No. 90 Provides for additional cost associated with the construction of 16KV electrical trenches per coordination with Southern California Edison and CH2M Hill	\$62,541
				Total Contract: \$55,435,342	
				Funding Source: Grants and Water Bond	
				Funds	
13	Original Agreement	Human Resources Michelle Tellez 385-7598	Alliance Resource Consulting, LLC Agreement No. 5749-12-HR	Recruitment Services To provide recruitment services for both the Wastewater and Solid Waste Superintendent positions	\$47,000
				Total Contract Amount: \$47,000 (not to exceed)	Not to exceed
				Funding Source: General Fund	

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

Prepared By: Ralph Alamillo *RA*Agenda Item No. I-3Reviewed By: City Manager *RPB*City Attorney *WV*Finance *AL*

Other (Specify) _____

DATE: May 15, 2012**TO:** City Council**FROM:** Michael Henderson, General Services Superintendent
City Manager's Office *MH***SUBJECT:** Fourth Amendment to Agreement No. 4734-09-CM –On-Call Landscape Architect Services**RECOMMENDATION**

That City Council approve and authorize the Mayor to execute the Fourth Amendment to Agreement No. 4734-09-CM for On-Call Landscape Architect Services provided by Jordan, Gilbert & Bain Landscape Architects, Inc.

DISCUSSION

It was determined that many small projects within the City required the services of a licensed landscape architect to allow a set of plans be approved through the City's plan check process. In 2009 the City General Services Division issued an RFP to select an on-call landscape architect service for the City. The City received and reviewed nineteen firms and Jordan, Gilbert Bain Landscape Architects, Inc. was selected. A multi-year agreement with options to renew and a not to exceed \$220,000 amount was issued to them in February, 2009. The first amendment was issued to revise the original agreement expiration date from June 30, 2010 to June 30, 2011. The second amendment was issued to revise the not to exceed amount from \$220,000 to \$320,000. The third amendment was issued to revise the expiration date from June 30, 2011 to June 30, 2012 and to revise the not to exceed amount from \$320,000 to \$420,000. This fourth amendment is being issued to revise the expiration date from June 30, 2012 to June 30, 2013 and to revise the not to exceed amount from \$420,000 to \$520,000.

FINANCIAL IMPACT

This is a City wide use agreement and funds are allocated by various departments for the services on a project by project basis.

Attachment #1 – Fourth Amendment
 #2 - Third Amendment
 #3- Second Amendment
 #4- First Amendment
 #5 – Original Agreement

Fourth Amendment to Agreement No. 4734-09-CM
On-Call Landscape Architect Services
May 15, 2012
Page 2

FOURTH AMENDMENT TO AGREEMENT FOR PROFESSIONAL SERVICES

This Fourth Amendment ("Fourth Amendment") to the Agreement for Professional Consulting Services ("Agreement") is made and entered into in the County of Ventura, State of California, this 30th day of June, 2012, by and between the City of Oxnard, a municipal corporation ("City"), and Jordan, Gilbert & Bain Landscape Architects, Inc. ("Consultant"). This Fourth Amendment amends the Agreement entered into on February 11, 2009, by City and Consultant. The Agreement previously has been amended on June 30, 2010, by a First Amendment and on November 3, 2010, by a Second Amendment and on June 30, 2011 by a Third Amendment.

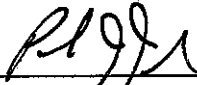
City and Consultant agree as follows:

1. In Section 12 of the Agreement, the term 'will expire on June 30, 2012' is deleted and replaced with 'will expire on June 30, 2013'.
2. In Section 14 of the Agreement, the amount not to exceed "\$420,000.00" is deleted and replaced with "\$520,000.00."
3. As so amended, the Agreement remains in full force and effect.

CITY OF OXNARD

CONSULTANT/CONTRACTOR

Dr. Thomas E. Holden, Mayor



Paul Jordan
Jordan, Gilbert & Bain Landscape Architects

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney

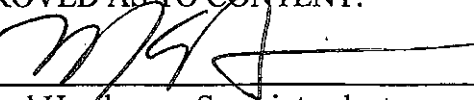
APPROVED AS TO INSURANCE:



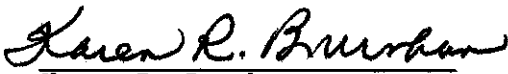
James Cameron, Risk Manager

APPROVED AS TO AMOUNT:

APPROVED AS TO CONTENT:



Michael Henderson, Superintendent
General Services



Karen R. Burnham
Interim City Manager

ATTACHMENT NO. 1

THIRD AMENDMENT TO AGREEMENT FOR PROFESSIONAL SERVICES

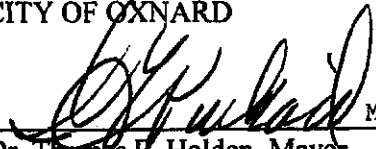
This Third Amendment ("Third Amendment") to the Agreement for Professional Consulting Services ("Agreement") is made and entered into in the County of Ventura, State of California, this 30th day of June, 2011, by and between the City of Oxnard, a municipal corporation ("City"), and Jordan, Gilbert & Bain Landscape Architects, Inc. ("Consultant"). This Third Amendment amends the Agreement entered into on February 11, 2009, by City and Consultant. The Agreement previously has been amended on June 30, 2010, by a First Amendment and on November 3, 2010, by a Second Amendment.

City and Consultant agree as follows:

1. In Section 12 of the Agreement, the term 'will expire on June 30, 2011' is deleted and replaced with 'will expire on June 30, 2012'.
2. In Section 14 of the Agreement, the amount not to exceed "\$320,000.00" is deleted and replaced with "\$420,000.00."
3. As so amended, the Agreement remains in full force and effect.

CITY OF OXNARD

CONSULTANT/CONTRACTOR

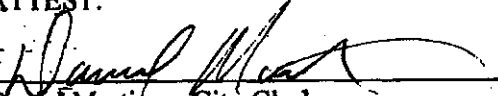


Dr. Thomas E. Holden, Mayor



Paul Jordan
Jordan, Gilbert & Bain Landscape Architects

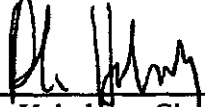
ATTEST:



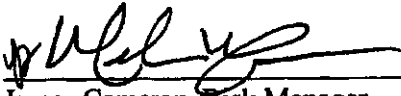
Daniel Martinez, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO INSURANCE:



Alan Holmberg, City Attorney



James Cameron, Risk Manager

APPROVED AS TO CONTENT:

APPROVED AS TO AMOUNT:



Michael Henderson, Superintendent
General Services



Edmund F. Sotelo, City Manager

ATTACHMENT NO. 2

PAGE 1 OF 1

COUNCIL APPROVAL
DATE: 6/14/11 AGENDA # I-12

SECOND AMENDMENT TO AGREEMENT FOR PROFESSIONAL SERVICES

This Second Amendment ("Second Amendment") to the Agreement for Professional Consulting Services ("Agreement") is made and entered into in the County of Ventura, State of California, this 3rd day of November, 2010, by and between the City of Oxnard, a municipal corporation ("City"), and Jordan, Gilbert & Bain Landscape Architects, Inc. ("Consultant"). This Second Amendment amends the Agreement entered into on February 11, 2009, by City and Consultant. The Agreement previously has been amended on June 30, 2010, by a First Amendment.

City and Consultant agree as follows:

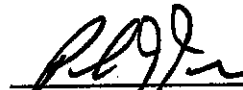
1. In Section 14 of the Agreement, the amount not to exceed "\$220,000.00" is deleted and replaced with "\$320,000.00."
2. As so amended, the Agreement remains in full force and effect.

CITY OF OXNARD



Dr. Thomas E. Holden, Mayor

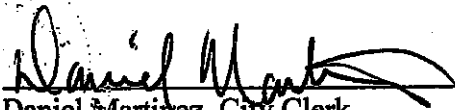
CONSULTANT/CONTRACTOR



Paul Jordan

Jordan, Gilbert & Bain Landscape Architects

ATTEST:



Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney

APPROVED AS TO INSURANCE:



James Cameron, Risk Manager

APPROVED AS TO CONTENT:



Michael Henderson, Superintendent
General Services

ATTACHMENT NO. 3

PAGE 1 OF 1

FIRST AMENDMENT TO AGREEMENT FOR PROFESSIONAL SERVICES

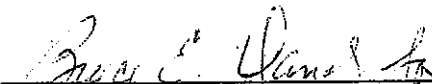
This First Amendment ("First Amendment") to the Agreement for Professional Consulting Services ("Agreement") is made and entered into in the County of Ventura, State of California, this 30th day of June, 2010, by and between the City of Oxnard, a municipal corporation ("City"), and Jordan, Gilbert & Bain Landscape Architects, Inc. ("Consultant"). This First Amendment amends the Agreement entered into on 11th day of February, 2009, by City and Consultant.

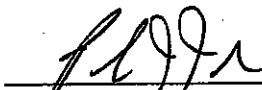
City and Consultant agree as follows:

1. In Section 12 of the Agreement, the date "June 30, 2010" is deleted and replaced with "June 30, 2011."
2. As so amended, the Agreement remains in full force and effect.

CITY OF OXNARD

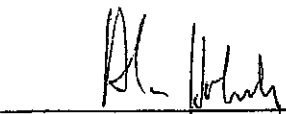
CONSULTANT/CONTRACTOR

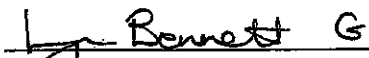

James Cameron, Purchasing Agent


Paul Jordan
Jordan, Gilbert & Bain Landscape Architects

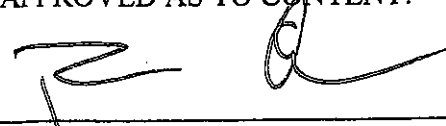
APPROVED AS TO FORM:

APPROVED AS TO INSURANCE:


Alan Holmberg, City Attorney

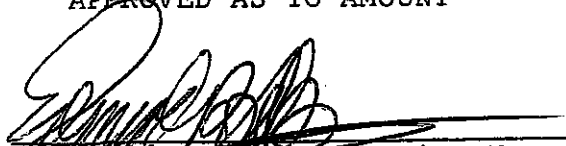

James Cameron, Risk Manager

APPROVED AS TO CONTENT:


Ralph Alamillo, Project Manager


Michael Henderson, Superintendent /
Purchasing Agent, General Services

APPROVED AS TO AMOUNT


Edmund F. Setelo, City Manager

ATTACHMENT NO. 4

PAGE 1 OF 1

AGREEMENT FOR PROFESSIONAL SERVICES

This Agreement for Professional Consulting Services ("Agreement") is made and entered into in the County of Ventura, State of California, this 11th day of February, 2009, by and between the City of Oxnard, a municipal corporation ("City"), and Jordan, Gilbert & Bain Landscape Architects, Inc. ("Consultant").

WHEREAS, City desires to hire Consultant to perform certain professional services specified herein as Landscape Architectural and other supplemental professional design work as set forth in Exhibits A & B.

WHEREAS, Consultant represents that Consultant and/or Consultant's personnel have the qualifications and experience to properly perform such services:

NOW, THEREFORE, City and Consultant hereby agree as follows:

1. Scope of Services

Consultant shall furnish City with professional consulting services for General On-Call Landscape Design, as more particularly the City will request and assign work scopes as per Exhibit A as such work becomes available and each of these assignments are incorporated by this reference in full herein.

2. Method of Performing Services

Subject to the terms and conditions of this Agreement, Consultant may determine the method, details, and means of performing the services described herein, including the use of Subconsultants as per Exhibit B.

3. Standard of Performance

Consultant agrees to undertake and complete these services to conclusion, using that standard of care, skill, and diligence normally provided by a professional person in performance of similar consulting services.

4. Nonexclusive Services

This Agreement shall not be interpreted to prevent or preclude Consultant from rendering any services for Consultant's own account or to any other person or entity as Consultant in its sole discretion shall determine. Consultant agrees that performing such services will not materially interfere with services to be performed for the City.

5. Coordination of Services

All services are to be coordinated with the City Manager or designated Department Director ("Manager") and shall be performed under the general direction of the City Manager or Manager.

6. Place of Work

Consultant shall perform the services provided for in this Agreement at any place or location and at such times as the Consultant shall determine.

7. Correction of Errors

Consultant agrees to correct, at its expense, all errors which may be disclosed during review of Consultant's services. Should Consultant fail to make such correction in a reasonably timely manner, such correction shall be made by City, and the cost thereof shall be paid by Consultant.

8. Time for Performance

All services performed under this Agreement shall be completed pursuant to a schedule provided by the Consultant and approved by the City for each of the assignments. City agrees to amend the performance termination date whenever Consultant is delayed by action or inaction of City and Consultant promptly notifies Manager of such delays.

9. Principal in Charge

Consultant hereby designates Paul Jordan as its principal-in-charge and person responsible for necessary coordination with Manager.

10. Permits, Licenses, Certificates

Consultant, at Consultant's sole expense, shall obtain and maintain during the term of this Agreement, all permits, licenses, and certificates required in connection with the performance of services under this Agreement, including a City business license.

11. City's Responsibility

City shall cooperate with Consultant as may be reasonably necessary for Consultant to perform its services. Manager agrees to provide direction to Consultant as requested regarding particular project requirements.

12. Term of Agreement

This Agreement shall have an initial term beginning on February 17, 2009, and will expire on June 30, 2010. The City may exercise an option to extend the Agreement for three (3) additional one-year terms for this landscape architect on-call service with a final expiration date of June 30, 2014. City may exercise the option by notifying Consultant in writing any time prior to the expiration of the term then in effect.

13. Termination

a. This Agreement may be terminated by City if Manager notifies Consultant, in writing, of Manager's desire to terminate the Agreement. Such termination shall be effective ten calendar days from the date of delivery or mailing of such notice. City agrees to pay Consultant in full for all amounts due Consultant as of the effective date of termination, including any expenditures incurred on City's behalf, whether for the employment of third parties or otherwise.

b. This Agreement may be terminated by Consultant if Consultant notifies Manager, in writing, of Consultant's desire to terminate the Agreement. Such termination shall be effective ten calendar days from the date of delivery or mailing of such notice and only if all assignments accepted by Consultant have been completed prior to the date of termination.

14. Compensation

a. City agrees to pay Consultant for the initial period of the agreement in an amount not to exceed \$ 220,000 for services provided under this Agreement at rates provided in Fee Schedule -Exhibit C attached hereto and incorporated by this reference in full herein.

b. The acceptance by Consultant of the final payment made under this Agreement shall constitute a release of City from all claims and liabilities for compensation to Consultant for anything completed, finished or relating to Consultant's services.

c. Consultant agrees that payment by City shall not constitute nor be deemed a release of the responsibility and liability of Consultant or its employees, subcontractors, agents and subconsultants for the accuracy and competency of the information provided and/or services performed hereunder, nor shall such payment be deemed to be an assumption of responsibility or liability by City for any defect or error in the services performed by Consultant, its employees, subcontractors, agents and subconsultants.

d. Consultant shall provide Manager with a completed Request for Taxpayer Identification Number and Certification, as issued by the Internal Revenue Service.

e. If any sales tax is due for services performed by Consultant or materials or products provided to City by Consultant, Consultant shall pay the sales tax. City shall not reimburse Consultant for sales taxes paid by Consultant.

15. Method of Payment

a. City agrees to pay Consultant monthly upon satisfactory completion of the services and upon submission by Consultant of an invoice delineating the services performed, in a form satisfactory to Manager. The invoice shall identify services by project as specified by Manager.

b. Consultant agrees to maintain current monthly records, books, documents, papers, accounts and other evidence pertaining to the services performed and costs incurred. Such items shall be adequate to reflect the time involved and cost of performing the services. Consultant shall provide Manager with copies of payroll distribution, receipted bills and other documents requested for justification of the invoice.

16. Responsibility for Expenses

Except as otherwise expressly provided in this Agreement, City shall not be responsible for expenses incurred by Consultant in performing services under this Agreement. All expenses incident to the performance of services under this Agreement shall be borne by the Consultant, including, but not limited to rent, vehicle, and travel, entertainment and promotion, general liability and health insurance, workers' compensation insurance, and all compensation and benefits of employees or agents engaged by Consultant. Consultant shall, at its own cost and expense, supply all personal property necessary or appropriate to perform the services provided for under this Agreement, including, but not limited to any personal property used by employees and agents of Consultant in the performance of such services.

17. Non-Appropriation of Funds

Payments to be made to Consultant by City for services performed within the current fiscal year are within the current fiscal budget and within an available, unexhausted and unencumbered appropriation of City. In the event City does not appropriate sufficient funds for payment of Consultant's services beyond the current fiscal year, this Agreement shall cover payment for Consultant's services only up to the conclusion of the last fiscal year in which City appropriates sufficient funds and shall automatically terminate at the conclusion of such fiscal year.

18. Records

a. Consultant agrees that all final computations, exhibits, files, plans, correspondence, reports, drawings, designs, data and photographs expressly required to be prepared by Consultant as part of the scope of services ("documents and materials") shall be the property of City and shall, upon completion of the services or termination of this Agreement, be delivered to Manager.

b. At City's request, City shall be entitled to immediate possession of, and Consultant shall furnish to Manager within ten days, all of the documents and materials. Consultant may retain copies of these documents and materials.

c. Any substantive modification of the documents and materials by City staff or any use of the completed documents and materials for other City projects, or any use of uncompleted documents and materials, without the written consent of Consultant, shall be at City's sole risk and without liability or legal exposure to Consultant. City agrees to hold Consultant harmless from all damages, claims, expenses and losses arising out of any reuse of the documents and materials for purposes other than those described in this Agreement, unless Consultant consents in writing to such reuse.

19. Maintenance and Inspection of Records

Consultant agrees that City or its auditors shall have access to and the right to audit and reproduce any of Consultant's relevant records to ensure that City is receiving all services to which City is entitled under this Agreement or for other purposes relating to the Agreement. Consultant shall maintain and preserve all such records for a period of at least three years after the expiration of this Agreement, or until an audit has been completed and accepted by City. Consultant agrees to maintain all such records in City or to promptly reimburse City for all reasonable costs incurred in conducting the audit at a location other than in City, including but not limited to expenses for personnel, salaries, private auditor, travel, lodging, meals and overhead.

20. Confidentiality of Information

Any documents and materials given to or prepared or assembled by Consultant under this Agreement shall be confidential and shall not be made available to any third person or organization by Consultant without prior written approval of the Manager.

21. Indemnity

Consultant agrees to indemnify, hold harmless and defend City, its City Council, and each member thereof, and every officer, employee, representative or agent of City, from any and all liability, claims, demands, actions, damages (whether in contract or tort, including personal injury, death at any time, or property damage), costs and financial loss, including all costs and expenses and fees of litigation or arbitration, that arise directly or indirectly out of, pertain to, or relate to the negligence, recklessness, or willful misconduct from any acts or omissions of Consultant related to this Agreement as performed by Consultant or its agents, employees, subconsultants, subcontractors, consultants and other persons acting on Consultant's behalf. This agreement to indemnify, hold harmless and defend shall apply whether such acts or omissions are the product of active negligence, or passive negligence.

22. Insurance

a. Consultant shall obtain and maintain during the performance of any services under this Agreement the insurance coverages as specified in Exhibit Ins A, attached hereto and incorporated herein by this reference, issued by a company satisfactory to the Risk Manager, unless the Risk Manager waives, in writing, the requirement that Consultant obtain and maintain such insurance coverages.

b. Consultant shall, prior to performance of any services, file with the Risk Manager evidence of insurance coverage as specified in Exhibit Ins A. Evidence of insurance coverage shall be forwarded to the Risk Manager, addressed as specified in Exhibit Ins A.

c. Maintenance of proper insurance coverages by Consultant is a material element of this Agreement. Consultant's failure to maintain or renew insurance coverages or to provide evidence of renewal may be considered as a material breach of this Agreement.

23. Independent Contractor

a. City and Consultant agree that in the performance of the services, Consultant shall be, and is, an independent contractor, and that Consultant and its employees are not employees of City. Consultant has and shall retain the right to exercise full control over the employment, direction, compensation and discharge of all persons assisting Consultant.

b. Consultant shall be solely responsible for, and shall save City harmless from, all matters relating to the payment of Consultant's employees, agents, subcontractors and subconsultants, including compliance with social security requirements, federal and State income tax withholding and all other regulations governing employer-employee relations.

c. Consultant acknowledges that Consultant and Consultant's employees are not entitled to receive from City any of the benefits or rights afforded employees of City, including but not limited to reserve leave, sick leave, vacation leave, holiday leave, compensatory leave, Public Employees Retirement System benefits, or health, life, dental, long-term disability and workers' compensation insurance benefits.

24. Consultant Not Agent

Except as Manager may specify in writing, Consultant, and its agents, employees, subcontractors and subconsultants shall have no authority, expressed or implied, to act on behalf of City in any capacity, as agents or otherwise, or to bind City to any obligation.

25. Conflict of Interest

Consultant shall promptly inform Manager of any contract, agreement, arrangement, or interest that Consultant may enter into or have during the performance of this Agreement that may conflict with City's interests. This requirement includes contracts, agreements and arrangements with manufacturers, suppliers, contractors or other clients whose interests might be served by the services performed under this Agreement and Consultant's or Consultant's clients' interest in land that might be affected by the services. Consultant shall take such measures as are necessary in the performance of this Agreement to prevent actual or appearances of conflicts of interest.

26. Assignability of Agreement

Consultant agrees that this Agreement contemplates personal performance by Consultant and is based upon a determination of Consultant's personnel's unique competence, experience and specialized personal knowledge. Assignments of any or all rights, duties, or obligations of Consultant under this Agreement will be permitted only with the express written consent of Manager, which consent may be withheld for any reason.

27. Successors and Assigns

Consultant and City agree that this Agreement shall be binding upon and inure to the benefit of the heirs, executors, administrators, successors and assigns of Consultant and City.

28. Fair Employment Practices

a. Consultant agrees that all persons employed by Consultant shall be treated equally by Consultant without regard to or because of race, color, religion, ancestry, national origin, disability, sex, marital status, age, or any other status protected by law, and in compliance with all antidiscrimination laws of the United States of America, the State of California, and City.

b. Consultant agrees that, during the performance of this Agreement, Consultant and any other parties with whom Consultant may subcontract shall adhere to equal opportunity employment practices to assure that applicants and employees are treated equally and are not discriminated against because of their race, color, religion, ancestry, national origin, disability, sex, marital status, age, or any other status protected by law.

c. Consultant agrees to state in all of its solicitations or advertisements for applicants for employment that all qualified applicants shall receive consideration for employment without regard to their race, color, religion, ancestry, national origin, disability, sex, marital status, age, or any other status protected by law.

d. Consultant shall provide City staff with access to and, upon request by Manager, provide copies to Manager of all of Consultant's records pertaining or relating to Consultant's employment practices, to the extent such records are not confidential or privileged under State or federal law.

29. Force Majeure

Consultant and City agree that neither City nor Consultant shall be responsible for delays or failures in performance resulting from acts beyond the control of either party. Such acts shall include, but not be limited to acts of God, strikes, lockouts, riots, acts of war, epidemics, governmental regulations imposed after this Agreement was executed, fire, communication line failures, earthquakes, or other disasters.

30. Time of Essence

Consultant and City agree that time is of the essence in regard to performance of any of the terms and conditions of this Agreement.

31. Covenants and Conditions

Consultant and City agree that each term and each provision of this Agreement to be performed by Consultant shall be construed to be both a covenant and a condition.

32. Governing Law

City and Consultant agree that the construction and interpretation of this Agreement and the rights and duties of City and Consultant hereunder shall be governed by the laws of the State of California.

33. Compliance with Laws

Consultant agrees to comply with all City, State, and federal laws, rules, and regulations, now or hereafter in force, pertaining to the services performed by Consultant pursuant to this Agreement.

34. Severability

City and Consultant agree that the invalidity in whole or in part of any provision of this Agreement shall not void or affect the validity of any other provision.

35. Waiver

City and Consultant agree that no waiver of a breach of any provision of this Agreement by either Consultant or City shall constitute a waiver of any other breach of the same provision or any other provision of this Agreement. Failure of either City or Consultant to enforce at any time, or from time to time, any provision of this Agreement, shall not be construed as a waiver of such provision or breach.

36. Counterparts

City and Consultant agree that this Agreement may be executed in two or more counterparts, each of which shall be deemed an original.

37. Arbitration

Consultant and City agree that in the event of any dispute with regard to the provisions of this Agreement, the services rendered or the amount of Consultant's compensation, the dispute may be submitted to arbitration upon the mutual agreement of the parties, under such procedures as the parties may agree upon, or, if the parties cannot agree, then under the Rules of the American Arbitration Association.

38. Expenses of Enforcement

Consultant and City agree that the prevailing party's reasonable costs, attorneys' fees (including the reasonable value of the services rendered by the City Attorney Office) and expenses, including investigation fees and expert witness fees, shall be paid by the non-prevailing party in any dispute involving the terms and conditions of this Agreement.

39. Authority to Execute

a. City acknowledges that the person executing this Agreement has been duly authorized by the City Council to do so on behalf of City.

b. Consultant acknowledges that the person executing this Agreement has been duly authorized by Consultant to do so on behalf of Consultant.

40. Notices

- a. Any notices to Consultant may be delivered personally or by mail addressed to:
Jordan, Gilbert & Bain Landscape Architects, Inc.
3350 Loma Vista Road
Ventura, CA 93003
Attention: Paul Jordan
- b. Any notices to City may be delivered personally or by mail addressed to:
City of Oxnard, General Services
1060 Pacific Ave., Bldg. 3
Oxnard, California 93030
Attention: Patricia Friend

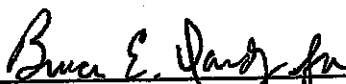
41. Amendment

City and Consultant agree that the terms and conditions of the Agreement may be reviewed or modified at any time. Any modifications to this Agreement, however, shall be effective only when agreed to in writing by both Manager and Consultant.

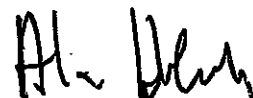
42. Entire Agreement

City and Consultant agree that this Agreement constitutes the entire agreement of the parties regarding the subject matter described herein and supersedes all prior communications, agreements, and promises, either oral or written.

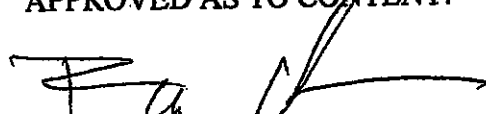
CITY OF OXNARD


James Cameron, Purchasing Agent

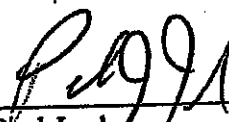
APPROVED AS TO FORM:


Alan Holmberg, Acting City Attorney

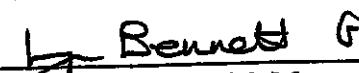
APPROVED AS TO CONTENT:


Ralph Alamillo, Project Manager

CONSULTANT


Paul Jordan
Jordan, Gilbert & Bain Landscape Architects

APPROVED AS TO INSURANCE:


James Cameron, Risk Manager

APPROVED AS TO AMOUNT:

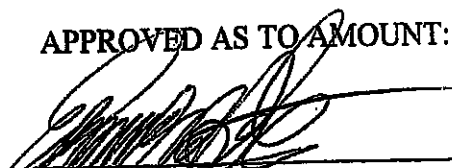

Edmund F. Sotelo, City Manager

EXHIBIT A

1. SCOPE OF SERVICES

The following is a generalized outline of Scope of Work for Landscape Architectural Services. When a specific project is identified, a more specific Scope of Work will be developed. JGB may be called upon to retain other professional design consultants for supplementary work such as architects and / or engineers.

A. INTITAL SCOPE MEETING

Meet with General Services Department to discuss the project areas, budget, design goals and timing.

B. PRELIMINARY ON-SITE REVIEW

A preliminary site analysis, to review the following conditions:

1. Edge Conditions – Review landscape conditions that exist on the perimeter of the site that will influence design decisions.
2. On-Site Conditions – Review existing hardscape conditions, overall drainage and site lighting.
3. Landscape – Review existing trees and shrubs that may impact the work.
4. Irrigation System - Review the general condition of the existing irrigation system.
5. Play Equipment – Review existing Play Equipment as to current playground safety and accessibility standards.
6. If requested, review condition of existing structure that might be included in the Scope of Work, restroom buildings, facility structures.

C. DEVELOP BASE SHEET

Develop a Base Sheet in AutoCAD format utilizing existing as-built information, if available, along with any survey information and/or field information.

D. CONCEPTUAL DESIGN

1. Prepare Conceptual Design showing general landscape layout with any other defined elements that are pertinent to work, such as hardscape, lighting and drainage.
2. Prepare a Preliminary Cost Estimate itemizing the proposed construction cost of the Work.

ATTACHMENT 5

EXHIBIT A

PAGE 10 OF 25

3. Meeting with the General Service Department review design and budget.
4. Meeting with the General Services Department to review Conceptual Design and Cost Estimate.

E. DESIGN DEVELOPMENT PHASE

1. Prepare a more detailed design drawing based upon review comments from the Conceptual Design meeting. Drawing would include planting plans, irrigation plans, hardscape plans, and details and outline specifications.
2. Prepare estimate of probable construction cost based on Design Development Phase.
3. Meetings with General Services Department to review progress.

F. CONSTRUCTION DOCUMENT

1. Prepare final Construction Documents for the work that may include:
 - a. Hardscape Plans showing any construction items such as walks, walls, light fixtures, play equipment layout.
 - b. Preparation of final planting plan illustrating size, species, and location of plant material for landscape areas.
 - c. Preparation of final irrigation plans for all landscaped areas showing heads, valves, controllers, and all pipe sizes.
 - d. Preparation of details and specifications covering planting, irrigation and hardscape portions of the landscape work.
2. Prepare final construction cost estimate for the work based on Construction Drawing Phase.
5. Meeting with the General Services Department to review Construction Documents. Construction Documents will be submitted at 50% completion, 95% completion and 100% completion.

G. BIDDING PHASE

JGB will assist the General Services Department in pre-bid site walks, preparing written responses to questions, preparation of addendums and other items that arise during the bidding process.

ATTACHMENT 5
EXHIBIT A
PAGE 11 OF 25

H. ON-SITE FIELD REVIEW

- a. Site Observation - the Landscape Architect shall visit the project at appropriate intervals during construction to become generally familiar with the progress and quality of the Landscape Contractor's work and to determine if the work is proceeding in general accordance with the Landscape Contract Documents.
- b. The following site visits are recommended:
- Job start meeting.
 - Periodic visits during the construction phase.
 - Irrigation system prior to backfilling, coverage test, and final adjustments.
 - Review plant material at site prior to installation; pre-maintenance and final maintenance inspection.

ATTACHMENT 5

EXHIBIT A

PAGE 12 OF 25

EXHIBIT B

1. SUB-CONSULTANTS

Sub-consultants may be used to perform tasks that are usually not within the Scope of Landscape Architectural Services.

These tasks will be supplemented to the Landscape Architect's project such as, but not limited to, Structural Engineering, Electrical Engineering, Civil Engineering, and Architects. The following list of Sub-Consultants may be utilized when mutually agreed upon by the Landscape Architect and General Services Department. The Sub-Consultant list shall be approved by the General Services Department prior to the start of the work.

ARCHITECTS

Fountainhead Architects
1144 East Meta Street
Ventura, CA 93001
Contact: Brady Roark
805/641-0815 – phone
805/641-9335 – fax
Email: brorakarch@sbcglobal.net

Neal K. Subic & Associates, Inc.
2353 East Main Street
Ventura, CA 93003
Contact: Neal Subic
805/644-7340 - phone
Email: neal@nksubic.com

Coastal Architects
505 'A' Street, 2nd Floor
Oxnard, CA 93030
Contact: Mike Sanchez
805/985-7654 – phone
805/201-3023 – fax
Email: mike@coastalarch.com

CIVIL ENGINEERS

Jensen Design & Survey
1672 Donlon Avenue
Ventura, CA 93003
Contact: Don Jensen
805/654-6977 – phone
805/654-6979 – fax
Email: dj@jds civil.com

RBF Consulting
5051 Verdugo Way, Suite 300
Camarillo, CA 93012
Contact: John Kaufman
805/383-3373 - phone
805/383-3371 - fax
Email: jk@rbf.com

Penfield & Smith Engineers
1327 Del Norte Road, Suite 200
Camarillo, CA 93010
Contact: Glenn Pace
805/981-0706 – phone
805/981-0251 – fax
Email: ghp@penfieldsmith.com

Ramseyer & Associates
1881 Knoll Drive
Ventura, CA 93003
Contact: Randy Toedter
805/654-1088 - phone
805/654-8013 - fax
Email: rtoedter@mainc.net

ATTACHMENT 5
EXHIBIT B
PAGE 13 OF 25

ELECTRICAL ENGINEERS

LDB Lighting, Inc.

15 Studebaker

Irvine, CA 92618

Contact: Don DiDomizio

949/770-0909 – phone

949-770-0910 – fax

Email: Don@ldbinc.com

Lucci & Associates

3251 Corte Malpaso, Suite 511

Camarillo, CA 93012

Contact: Ken Lucci

805/389-6520 – phone

805/389-6519 – fax

Email: ken@lucciland.com

STRUCTURAL ENGINEER

Hauer Engineering

275 South Laurel Street, Suite A

Ventura, CA 93001

Contact: Larry Hauer

805/653-1743 – phone

805/653-1743 – fax

Email: Lrhauer@earthlink.net

ATTACHMENT 5
EXHIBIT B
PAGE 14 OF 25

**JORDAN, GILBERT & BAIN
LANDSCAPE ARCHITECTS
AND
SUB-CONSULTANTS**

EXHIBIT C

RATES UNDER AGREEMENT 4734-09-CM

**MULTI-YEAR AGREEMENT
2ND TERM EXPIRES 6/30/2012**

JORDAN, GILBERT & BAIN LANDSCAPE ARCHITECTS, INC.
3350 Loma Vista Road
Ventura, California 93003
805/ 642-3641

FEE SCHEDULE

PERSONNEL CHARGES

Principal Landscape Architect	\$120.00/hr
Senior Landscape Architect	\$ 95.00/hr.
Project Manager	\$ 75.00/hr.
Staff Designer	\$ 65.00/hr.
Arborist	\$ 55.00/hr.
Certified Arborist	\$ 65.00/hr.
Auto Cad Drafting	\$ 45.00/hr.
Word Processing and Clerical	\$ 35.00/hr.

OTHER DIRECT CHARGES

Subcontracted Services	cost + 15%
Outside Laboratory	cost + 15%
Outside Reproduction	cost + 15%
Travel, subsistence, and expenses	cost

Payments due 30 days from date of invoice.

Tax ID #77-0504489

Effective 01/09

**WILLIAM J. GHORMLEY CONSULTING
CIVIL ENGINEERS, INC.**

NEW FEE SCHEDULE EFFECTIVE 9/1/08

Principal Engineer	\$120.00 per hour
Engineer/Designer	110.00 per hour
Project Manager	110.00 per hour
Inspection	110.00 per hour
Professional Representation	150.00 per hour
Clerical	44jx.00 per hour
Engineering/Surveying Assistant	106.00 per hour
Three Man Survey	280.00 per hour
Two Man Survey	220.00 per hour
One Man Survey	132.00 per hour
One Man Robotic Crew	162.00 per hour
Two Man GPS Field Crew	245.00 per hour
One Man GPS Field Crew	187.00 per hour
Three Man GPS Field Crew	305.00 per hour
Licensed Surveyor	136.00 per hour
Principal Surveyor	160.00 per hour
Designer(Computer)	110.00 per hour
Principal Surveyor	160.00 per hour

ATTACHMENT 5
EXHIBIT C
PAGE 17 OF 25



1672 Donlon Street
Ventura, CA 93003
Local 805 654-6977
Fax 805 654-6979

EXHIBIT C

FEE SCHEDULE AND BILLING TERMS

Fee charges are based on the staff level involved at the following rates¹:

ENGINEERING:

PRINCIPAL ENGINEER	\$ 170.00/hr.
ENGINEERING MANAGER	\$ 160.00/hr.
SENIOR CIVIL ENGINEER II	\$ 150.00/hr.
SENIOR CIVIL ENGINEER I	\$ 135.00/hr.
PROJECT MANAGER	\$ 125.00/hr.
CIVIL ENGINEER	\$ 115.00/hr.
STAFF ENGINEER/DESIGNER	\$ 100.00/hr.
ENGINEERING ASSISTANT IV	\$ 90.00/hr.
ENGINEERING ASSISTANT III	\$ 85.00/hr.
ENGINEERING ASSISTANT II	\$ 80.00/hr.
ENGINEERING ASSISTANT I	\$ 75.00/hr.

PLANNING:

ASSOCIATE	\$ 150.00/hr.
PLANNING MANAGER	\$ 140.00/hr.
PRINCIPAL PLANNER	\$ 125.00/hr.
SENIOR PLANNER	\$ 115.00/hr.
SENIOR ENVIRONMENTAL PLANNER	\$ 115.00/hr.
PLANNING ASSISTANT II	\$ 85.00/hr.
PLANNING ASSISTANT I	\$ 75.00/hr.

LANDSCAPE ARCHITECTURE:

LICENSED LANDSCAPE ARCHITECT	\$ 155.00/hr.
ASSISTANT LANDSCAPE ARCHITECT	\$ 110.00/hr.

SURVEY:

FIELD/OFFICE SURVEY MANAGER	\$ 140.00/hr.
LICENSED LAND SURVEYOR	\$ 140.00/hr.
SURVEY ASSISTANT II	\$ 95.00/hr.
SURVEY ASSISTANT I	\$ 85.00/hr.
1-MAN SURVEY CREW	\$ 110.00/hr.
2-MAN SURVEY CREW	\$ 210.00/hr.
3-MAN SURVEY CREW	\$ 265.00/hr.
GPS 1-MAN SURVEY CREW	\$ 200.00/hr.
GPS 2-MAN SURVEY CREW	\$ 235.00/hr.
1-MAN ROBOTIC	\$ 160.00/hr.

RESEARCH/OFFICE ASSISTANT

\$ 65.00/hr.

1. The hourly rate for work involving actual expenses in court (4-hour minimum), giving depositions or similar expert testimony, will be billed at \$250.00 per hour regardless of job classification.

ATTACHMENT 5

EXHIBIT C (Revised Jan 27, 2009)

PAGE 64 18 OF 25

Lucci & Associates, Inc.
Consulting Electrical Engineers

EXHIBIT C

BASIC FEE SCHEDULE

-Flat Rate-
Effective date 01/01/09

Lucci & Associates, Inc.
Consulting Electrical Engineers Services

<u>Classification</u>	<u>Hourly Rate</u>
Principal	\$160.00
Project Manager	\$135.00
Project Engineer	\$120.00
Design Engineer	\$95.00
Drafter	\$80.00
Word/Data Processing	\$55.00

ATTACHMENT 5
EXHIBIT C
PAGE 19 OF 25

1 of 2

Lucci & Associates, Inc.
Consulting Electrical Engineers

BASIC FEE SCHEDULE

-Flat Rate-
Effective date 01/01/09

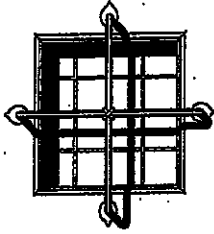
Lucci & Associates, Inc.
Consulting Electrical Engineers Services

<u>Classification</u>	<u>Rate</u>
Reproducibles	\$20.00 per sheet
Bluelines	\$1.75 per sheet
Bond	\$10.00 per sheet
½ Size Bond	\$5.00 per sheet
Mileage	\$0.585 per mile

All other expenses are billed at 1.15 times cost to Lucci & Associates.

ATTACHMENT 5
EXHIBIT C
PAGE 20 OF 25

2 of 2



Subic & Associates, Inc
architecture & planning

2353 E. Main Street
Ventura, CA 93003
Ph: (805) 644-7340
Fax: (805) 644-7341

EXHIBIT C

March 10, 2009

Paul Jordan
Jordan, Gilbert & Bain
3350 Loma Vista Rd.
Ventura, CA 93003

SUBJECT: Subic & Associates' Standard Fee Schedule

Standard rate schedule:

Architect/Principal	\$120.00/hr.
Senior Designer	\$105.00/hr.
Project Manager	\$95.00/hr.
Drafting/Field work	\$65.00/hr.
Administrative/Support	\$45.00/hr.

Reimbursables are items such as plots, prints, mileage, consultant fees, specifically excluded from this agreement, and possibly city plan check fees.

Invoicing:

1. We will invoice twice a month, on the 15th and the end of each month in which the work was performed.
2. Invoices are considered delinquent if not paid in full within 30 days of the invoice date.
3. In the event the scope of work changes significantly, I will notify you of that change and any additional services and fee estimates that will be required as a result.
4. All outside costs, including without limitation, Consultant fees, plotting, printing, blueprinting, reproductions, deliveries, travel, photographs and developing, etc. will be billed through us at our rate of cost plus 10%.
5. Invoices are sent out on the 15th and the end of each month in which the work was performed. Invoices are considered delinquent if not paid in full within 30 days of the invoice date.
6. If payment has not been received within 60 days from the date of the most aged, unpaid invoice, work will be suspended until payment is current.
7. No compensation shall be withheld due to the suspension or abandonment of a project.

Sincerely,

Neal K. Subic
Architect/President
Neal K. Subic & Assoc., Inc.

ATTACHMENT 5

EXHIBIT C

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EXHIBIT A
PENFIELD & SMITH
BILLING RATES EFFECTIVE JANUARY 1, 2009

EXHIBIT C

Engineering

Engineering Technician	\$73
Associate Technician.....	83
Senior Technician.....	93
Designer.....	110
Senior Designer.....	125
Junior Engineer	88
Assistant Engineer.....	110
Associate Engineer.....	130
Senior I Engineer.....	145
Senior II Engineer.....	160
Principal Engineer	180

Geomatics (Surveying & Mapping)

Survey Technician	\$68
Junior Surveyor	85
Assistant Surveyor.....	105
Associate Surveyor.....	120
Senior I Surveyor.....	135
Senior II Surveyor.....	150
Principal Surveyor	172

One-Man Survey Crew	\$155
Prevailing Wage.....	170
Two-Man Survey Crew	200
Prevailing Wage.....	230

Planning

Planning Technician	\$68
Junior Planner	83
Assistant Planner.....	100
Associate Planner.....	115
Senior I Planner.....	130
Senior II Planner.....	145
Principal Planner	160

Construction Management

Construction Technician.....	\$88
Assistant Construction Manager.....	110
Associate Construction Manager.....	125
Senior I Construction Manager.....	140
Senior II Construction Manager.....	155
Principal Construction Manager	180

Construction Inspector	\$83
Prevailing Wage	110
Senior Construction Inspector	98
Prevailing Wage	115
Chief Inspector/Owner's Representative	110
Prevailing Wage	120

Geographic Information Systems (GIS)

GIS Technician	\$85
GIS Analyst	125
GIS Principal.....	165
IT Specialist	165

General

Technical/Clerical Support	\$65
Environmental Specialist.....	175
Senior Program Manager	175
Special Consultant	200
<i>(Principal with specialized skills in engineering, geomatics or planning)</i>	

Rapid Response = Minimum charge of four (4) hours at 1.5 times the regular rate

Expert Witness/Deposition Rate = two (2) times regular rate

Out-of-town Survey Crew Travel = 1/2 times regular rate

Outside Consultant..... Cost + 15%

Reimbursable Expenses Cost + 15%

In-house reimbursable expense rates available upon request.

Note: Adjustments to rates are normally made on January 1st, however, Penfield & Smith reserves the make adjustments at any time.

ATTACHMENT 5
EXHIBIT C
PAGE 22 OF 25

QUALIFICATIONS

Ramseyer and Associates, Inc. is a civil engineering firm whose principals have been practicing in Ventura County since the early 50's and 60's. The sole focus is civil engineering, including surveying, land planning, and related services. Our principals and staff members are registered professional civil engineers, structural engineers, and land surveyors.

Our clients include private land developers and public agencies, generally limited to Ventura County with some work in Santa Barbara, San Luis Obispo, Riverside, San Bernardino, and Los Angeles Counties. We are dedicated to quality, rather than quantity, and consistently provide service on time, within budgets, and cost saving designs beyond the minimum requirements of the client's needs. Our repeat clients are testimony to this dedication. Our new clients are obtained through our reputation, rather than active marketing efforts.

All of our engineers and surveyors are supported by the latest computer hardware and software for accurate results on the following services:

- Civil Engineering
- Planning
- Water and Sewer Systems
- Flood Control and Drainage
- Municipal/Governmental Processing
- Grading
- ALTA Surveys
- Boundary Surveys
- Construction Staking
- Subdivision Maps (Tracts, PM's)
- Topographic Surveys

Rates for Professional Services:

Engineering, Design, Processing, Professional Consultation,
Public Hearings, Computer Calculations \$132/Hour

Field Surveying

Two Man Survey Party \$200/Hour

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ATTACHMENT 5
EXHIBIT C
PAGE 23 OF 25



HOURLY RATE SCHEDULE Effective January 2009 through December 2009

<u>OFFICE PERSONNELS / hr.</u>	<u>2009</u>
Senior Principal	250.00
Principal	230.00
Project Director	210.00
Senior Project Manager	198.00
Project Manager	190.00
Structural Engineer	190.00
Technical Manager	177.00
Senior Engineer	160.00
Senior Planner	160.00
Electrical Engineer	153.00
Landscape Architect	149.00
Senior GIS Analyst	146.00
Project Engineer	144.00
Project Planner	144.00
Environmental Specialist	135.00
Design Engineer/Senior Designer/Mapper	132.00
GIS Analyst	119.00
Designer/Planner	114.00
Graphic Artist	97.00
Environmental Analyst/Staff Planner	97.00
Design Technician	95.00
Assistant Engineer/Planner	91.00
Engineering Aid/Planning Aid	73.00
<u>FIELD PERSONNEL</u>	
2-Person Survey Crew	240.00
1-Person Survey Crew	165.00
Licensed Surveyor	175.00
Field Supervisor	170.00
<u>CONSTRUCTION MANAGEMENT PERSONNEL</u>	
Construction Manager	180.00
Resident Engineer/Project Manager	151.00
Senior Construction Inspector	119.00
Construction Inspector	115.00
Field Office Engineer	109.00
Construction Technician	95.00
<u>OTHER SERVICES AND FEES</u>	
Project Coordinator	108.00
Permit Processor	81.00
Clerical/Word Processing	63.00
Vehicle Mileage	0.60/Mile

Note:
Blueprinting, reproduction, messenger service and other direct expenses will be charged as an additional cost plus 15%. A Sub-consultant Management Fee of fifteen-percent (15%) will be added to the direct cost of all sub-consultant services to provide for the cost of administration, sub-consultant consultation and insurance.

ATTACHMENT 5

EXHIBIT C

PAGE 24 OF 25

MISCELLANEOUS SUB-CONSULTANT FEE SCHEDULES

EXHIBIT C

1. Fountainhead Architects – Licensed Architect
\$115 per hour
2. LDB Incorporated (Electrical Engineers)
 - Principal - \$150 per hour
 - Professional Engineer - \$150 per hour
 - Designer - \$115 per hour
 - CADD Draftsman - \$95 per hour
3. Hauer Engineering (Licensed Structural Engineer)
\$160 per hour

ATTACHMENT 5

EXHIBIT C

PAGE 25 OF 25

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

Prepared By: Dean YamamotoAgenda Item No. I-4Reviewed By: City Manager [Signature] City Attorney [Signature] Finance [Signature] Other _____**DATE:** May 15, 2012**TO:** City Council**FROM:** Michael Henderson, General Services Superintendent
General Services Department [Signature]**SUBJECT:** Adoption of Resolutions Levying FY 2012-2013 Assessments in Landscape Maintenance District Nos. 27 through 59**RECOMMENDATION**

That City Council adopt resolutions levying FY 2012-2013 assessments for Landscape Maintenance District Nos. 27 through 59 as follows:

- Tract No. 5016, District No. 27 (Rose Island);
- Tract No. 4268, District No. 28 (Harborside);
- APN 202-0-110-175 and 202-0-110-295, District No. 29 (Mercy Charities Housing Project);
- Tract No. 5020, District No. 30 (Haas Automation);
- Tract No. 4714, District No. 31 (Rancho de la Rosa);
- Tract No. 5070, District No. 32 (Oak Park);
- Tract No. 5153, District No. 33 (El Paseo);
- Tract No. 5136, District No. 34 (Sunrise/Sunset Cove);
- Parcel Map No. 97-5-55, District No. 35 (Airport Marina Center);
- Tract No. 5135, District No. 36 (Villa Carmel/Villa Santa Cruz);
- Tract No. 5137, District No. 37 (Pacific Breeze);
- Tract No. 5148, District No. 38 (Aldea Del Mar);
- Tract No. 5198-1 and 5198-2, District No. 39 (Promesa/Sueno);
- Tract No. 5214, District No. 40 (Cantada);
- Tract No. 5171, District No. 41 (Pacific Cove);
- Tract No. 5228, District No. 42 (Cantabria/Coronado);
- Parcel Map No. 98-5-117, Tract Nos. 4317, 5293 and 5294, District No. 43 (Parc Rose, Tierra Vista, Sonrisa II and Mayfield Village);
- Tract No. 5253, District No. 44 (American Pacific Homes);
- Parcel Map No. 00-5-55, District No. 45 (Channel Point);
- Tract No. 5276, District No. 46 (Daily Ranch);
- Tract No. 5339, District No. 47 (Sycamore Place);

- Tract No. 5234, District No. 48 (Victoria Estates);
- Tract No. 5296, District No. 49 (Cameron Ranch);
- Tract No. 5273, District No. 50 (Pleasant Valley Senior Housing);
- Tract No. 5389-1, 2 and 3, District No. 51 (Pfiler);
- Tract No. 5340, District No. 52 (Wingfield);
- Tract No. 5305, District No. 53 (Huff Court);
- Tract No. 5459, District No. 54 (Meadowcrest);
- Tract No. 5640, District No. 55 (Wingfield West);
- Tract No. 5450, District No. 56 (The Cottages);
- APN 144-0-150-085, APN 144-0-150-075, District 57 (Golden State Self Storage);
- Tract No. 5441, District No. 58 (Westwind); and
- Tract No. 5542, District No. 59 (Orbela).

DISCUSSION

In prior years, the City Council formed Landscape Maintenance Assessment Districts No. 27 through 59 as set forth above.

These districts were formed pursuant to the Landscape and Lighting Act of 1972 (Streets and Highways Code section 22500 et seq.), in compliance with the procedures required by that Act and also in compliance with the procedures required by Article XIII D of the California Constitution (Proposition 218).

The property owners in District Nos. 27 through 30 approved assessments for 1997-98, and approved a formula by which such assessments will be increased in each subsequent year. The property owners in District No. 31 approved assessments for 1998-99, and also approved a formula by which such assessments will be increased in each subsequent year. The property owners in District No. 32 approved assessments for 1999-2000, and approved a formula by which such assessments will be increased in each subsequent year. Property owners for District Nos. 33 through 37 approved assessments for 2000-2001, and approved a formula by which such assessments will be increased in each subsequent year. The property owners in District Nos. 38 and 39 approved assessments for 2001-2002, and also approved a formula by which such assessments will be increased in each subsequent year. Property owners for District Nos. 40 through 43 approved assessments for 2002-2003, and approved a formula by which such assessments will be increased in each subsequent year. Property owners for District Nos. 44 through 50 approved assessments for 2003-2004, and also approved a formula by which such assessments will be increased in each subsequent year. Property owners of District Nos. 51 through 54 approved assessments for 2005-2006, and also approved a formula by which such assessments will be increased in each subsequent year. Property owners in Districts Nos. 55 through 57 approved assessments for 2006-2007, and also approved a formula by which such assessments will be increased in each subsequent year. The property owners of District Nos. 58 and 59 approved assessments for 2007-2008, and also approved a formula by which such assessments will be increased in each subsequent year.

On July 1, 1997, urgency legislation entitled the "Proposition 218 Omnibus Implementation Act" became effective, adopting and clarifying procedures required to comply with Proposition 218. Subsection (a) of Government Code section 53753 now provides in part:

"The notice, protest, and hearing requirements imposed by this section supersede any statutory provisions applicable to the levy of a new or increased assessment that is in existence on the effective date of this section, whether or not that provision is in conflict with this article. Any agency that complies with the notice, protest, and hearing requirements of this section shall not be required to comply with any other statutory notice, protest, and hearing requirements that would otherwise be applicable to the levy of a new or increased assessment...."

Subsection (a) of Government Code section 53753.5 now provides in part:

"If an agency has complied with the notice, protest, and hearing requirements of Section 53753 ... then those requirements shall not apply in subsequent fiscal years unless the assessment methodology is changed to increase the assessment, or the amount of that assessment is proposed to exceed an assessment formula or range of assessments adopted by an agency in accordance with Article XIII D of the California Constitution or Section 53753."

In other words, section 53753 now provides the exclusive procedure to levy a new or increased assessment that is subject to Article XIII D, and once that procedure has been completed, section 53753.5 waives compliance therewith in subsequent fiscal years, as long as the assessments levied are within the formula or range previously approved. Therefore, in levying annual assessments in these districts, the City need no longer comply with the procedure contained in section 53753 or with the procedure for the levy of annual assessments contained in the Landscape and Lighting Act of 1972.

The proposed assessments for FY 2012-2013 in District Nos. 27 through 59 do not exceed the formula approved on formation of those districts in 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006 and 2007.

The resolutions levying FY 2012-2013 assessments, and associated assessment data, will be delivered to the County Auditor-Controller's Office before July 1, 2012, for inclusion on the tax rolls.

District No. 29 (Mercy Charities Housing Project) is a self-maintained district; that is, the landscaping is maintained without involving the City work force or contract maintenance services. However, the City requires an annual budget for contingencies and inspections by City staff.

District Nos. 28 (Harborside), 30 (Haas Automation), 31 (Rancho de la Rosa), 32 (Oak Park), 33 (El Paseo), 34 (Sunrise/Sunset Cove), 35 (Airport Marina Center), 36 (Villa Carmel/Villa Santa Cruz), 37 (Pacific Breeze), 38 (Aldea Del Mar), 39 (Promesa/Sueno), 40 (Cantada), 41 (Pacific Cove), 42 (Cantabria/Coronado), 43 (Parc Rose/Tierra Vista/Sonrisa II/Mayfield Village), 44 (American Pacific Homes), 45 (Channel Point), 46 (Daily Ranch), 47 (Sycamore Place), 48 (Victoria Estates), 49 (Cameron Ranch), 50 (Pleasant Valley Senior Housing), 51 (Pfiler), 52 (Wingfield), 53 (Huff Court), 54 (Meadowcrest), 55 (Wingfield West), 56 (The Cottages), 57 (Golden State Self Storage), 58 (Westwind), and 59 (Orbela) are contract service districts. City staff will obtain the lowest bid from a private contractor on behalf of the districts.

District No. 27 (Rose Island) is maintained by City work force since the City provides maintenance services at less than the costs charged by contractors.

District No. 46 (Daily Ranch) has an area within the district that is to be fully funded by the City of Oxnard and internally invoiced each year. This area is identified as Area "D" in the engineers report for the district.

FINANCIAL IMPACT

Adoption of the resolutions levying assessments will allow the City to provide landscaping services in District Nos. 27 through 59 at the cost of the property owners therein.

Attachment 1 – Resolution Levying FY 2012-2013 Assessments in Landscape Maintenance District No. 27

Attachment 2 – Resolution Levying FY 2012-2013 Assessments in Landscape Maintenance District No. 28

Attachment 3 – Resolution Levying FY 2012-2013 Assessments in Landscape Maintenance District No. 29

Attachment 4 – Resolution Levying FY 2012-2013 Assessments in Landscape Maintenance District No. 30

Attachment 5 – Resolution Levying FY 2012-2013 Assessments in Landscape Maintenance District No. 31

Attachment 6 – Resolution Levying FY 2012-2013 Assessments in Landscape Maintenance District No. 32

Attachment 7 – Resolution Levying FY 2012-2013 Assessments in Landscape Maintenance District No. 33

Attachment 8 – Resolution Levying FY 2012-2013 Assessments in Landscape Maintenance District No. 34

City Council

Subject: **Adoption of Resolutions Levying FY 2012-2013 Assessments in Landscape Maintenance District Nos. 27 through 59**

May 15, 2012

Page 5

- Attachment 9 – Resolution Levying FY 2012-2013 Assessments in Landscape Maintenance District No. 35
- Attachment 10– Resolution Levying FY 2012-2013 Assessments in Landscape Maintenance District No. 36
- Attachment 11– Resolution Levying FY 2012-2013 Assessments in Landscape Maintenance District No. 37
- Attachment 12– Resolution Levying FY 2012-2013 Assessments in Landscape Maintenance District No. 38
- Attachment 13– Resolution Levying FY 2012-2013 Assessments in Landscape Maintenance District No. 39
- Attachment 14– Resolution Levying FY 2012-2013 Assessments in Landscape Maintenance District No. 40
- Attachment 15– Resolution Levying FY 2012-2013 Assessments in Landscape Maintenance District No. 41
- Attachment 16– Resolution Levying FY 2012-2013 Assessments in Landscape Maintenance District No. 42
- Attachment 17– Resolution Levying FY 2012-2013 Assessments in Landscape Maintenance District No. 43
- Attachment 18– Resolution Levying FY 2012-2013 Assessments in Landscape Maintenance District No. 44
- Attachment 19– Resolution Levying FY 2012-2013 Assessments in Landscape Maintenance District No. 45
- Attachment 20– Resolution Levying FY 2012-2013 Assessments in Landscape Maintenance District No. 46
- Attachment 21– Resolution Levying FY 2012-2013 Assessments in Landscape Maintenance District No. 47
- Attachment 22– Resolution Levying FY 2012-2013 Assessments in Landscape Maintenance District No. 48
- Attachment 23– Resolution Levying FY 2012-2013 Assessments in Landscape Maintenance District No. 49
- Attachment 24– Resolution Levying FY 2012-2013 Assessments in Landscape Maintenance District No. 50
- Attachment 25– Resolution Levying FY 2012-2013 Assessments in Landscape Maintenance District No. 51
- Attachment 26– Resolution Levying FY 2012-2013 Assessments in Landscape Maintenance District No. 52
- Attachment 27– Resolution Levying FY 2012-2013 Assessments in Landscape Maintenance District No. 53
- Attachment 28– Resolution Levying FY 2012-2013 Assessments in Landscape Maintenance District No. 54
- Attachment 29– Resolution Levying FY 2012-2013 Assessments in Landscape Maintenance District No. 55

City Council

Subject: **Adoption of Resolutions Levying FY 2012-2013 Assessments in Landscape Maintenance District Nos. 27 through 59**

May 15, 2012

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Attachment 30– Resolution Levying FY 2012-2013 Assessments in Landscape Maintenance District
No. 56

Attachment 31– Resolution Levying FY 2012-2013 Assessments in Landscape Maintenance District
No. 57

Attachment 32– Resolution Levying FY 2012-2013 Assessments in Landscape Maintenance District
No. 58

Attachment 33– Resolution Levying FY 2012-2013 Assessments in Landscape Maintenance District
No. 59

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD
LEVYING ASSESSMENTS FOR FISCAL YEAR 2012-2013
WITHIN LANDSCAPE MAINTENANCE DISTRICT NO. 27

WHEREAS, on June 24, 1997, the City Council adopted Resolution No. 11,259, forming Landscape Maintenance District No. 27 (Rose Island) ("the District"); and

WHEREAS, the District was formed in compliance with the Landscape and Lighting Act of 1972 (Streets and Highways Code section 22500 et seq.) ("the Act"), and assessments were levied in the District in compliance with the procedural requirements of the Act and also in compliance with the notice, protest and hearing requirements of Government Code section 53753; and

WHEREAS, the property owners in the District approved the levy of assessments in the District for fiscal year 1997-1998 and also approved a formula by which such assessments would be increased in each subsequent fiscal year; and

WHEREAS, assessments in the District have been proposed for fiscal year 2012-2013, calculated in accordance with the formula so approved; and

WHEREAS, Government Code section 53753.5(a) provides that after imposing assessments in compliance with the requirements of Government Code section 53753, such requirements shall not apply in subsequent fiscal years, as long as the proposed assessments do not exceed the assessment formula previously approved; and

WHEREAS, Government Code section 53753(a) provides that the requirements thereof supersede any other statutory provisions applicable to the levy of assessments, and that compliance with the requirements of Government Code section 53753 dispenses with compliance with any other statutory requirements applicable to the levy of assessments, thereby dispensing with compliance with the requirements of the Act with regard to levying the proposed assessments.

NOW, THEREFORE, the City Council of the City of Oxnard resolves:

1. The landscaping to be maintained in the District is all public landscaping installed by the developers of Tract No. 5016 within the District, which is located at Channel Islands Boulevard, east of Dallas Drive in the City.

2. A full and detailed description of the landscaping improvements and the boundaries of the District and any zones therein is contained in the report of the Engineer, dated May 5, 1997, on file with the City Clerk.

Resolution No.

Page 2

3. An assessment in the amount of \$274.60 is imposed on each lot and parcel of land within the District, as shown on the diagram attached hereto, marked Exhibit A and incorporated herein by reference, and such assessments and the diagram are confirmed.

4. The adoption of this resolution shall constitute the levy of assessments for the 2012-2013 fiscal year within Landscape Maintenance District No. 27.

5. The City Clerk shall immediately file the diagram and assessments, or a certified copy thereof, with the Ventura County Auditor.

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

AYES:

NOES:

ABSENT:

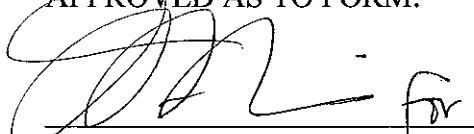
ABSTAIN:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:

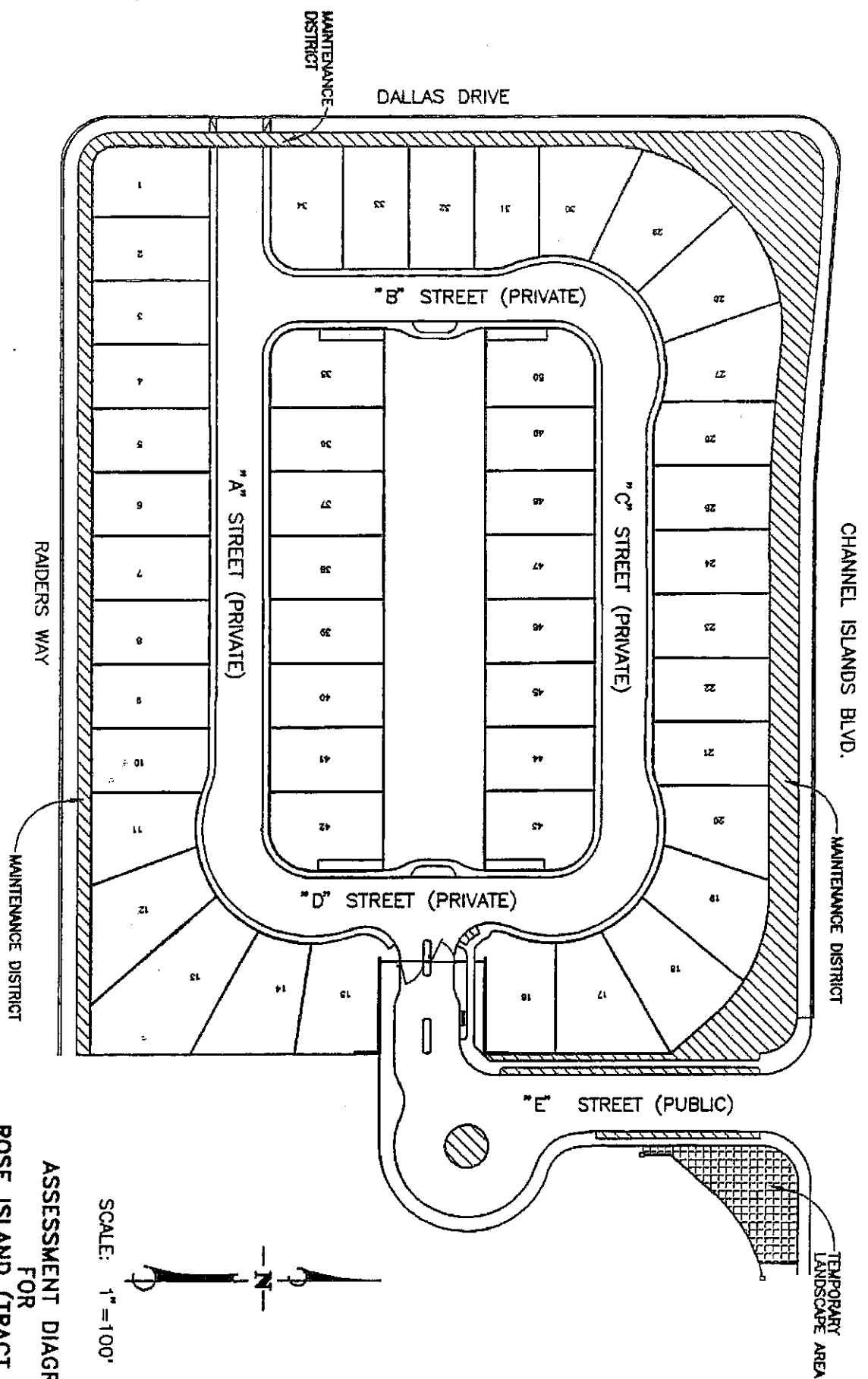


Alan Holmberg, City Attorney
5.24.12

LEGEND:
 CITY MAINTAINED LANDSCAPE
 ASSESSMENT DISTRICT IMPROVEMENTS

NOTE:
 ALL LOT NUMBERS ARE INDICATED IN VENTURA
 COUNTY ASSESSOR'S BOOK 221, PAGE 23.

**ASSESSMENT DIAGRAM
 FOR
 ROSE ISLAND (TRACT 5016)
 LANDSCAPE MAINTENANCE
 ASSESSMENT DISTRICT #27**
 CITY OF OXNARD
 COUNTY OF VENTURA
 STATE OF CALIFORNIA
 APRIL 1997



CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD
LEVYING ASSESSMENTS FOR FISCAL YEAR 2012-2013
WITHIN LANDSCAPE MAINTENANCE DISTRICT NO. 28

WHEREAS, on June 24, 1997, the City Council adopted Resolution No. 11,260, forming Landscape Maintenance District No. 28 (Harborside) ("the District"); and

WHEREAS, the District was formed in compliance with the Landscape and Lighting Act of 1972 (Streets and Highways Code section 22500 et seq.) ("the Act"), and assessments were levied in the District in compliance with the procedural requirements of the Act and also in compliance with the notice, protest and hearing requirements of Government Code section 53753; and

WHEREAS, the property owners in the District approved the levy of assessments in the District for fiscal year 1997-1998 and also approved a formula by which such assessments would be increased in each subsequent fiscal year; and

WHEREAS, assessments in the District have been proposed for fiscal year 2012-2013, calculated in accordance with the formula so approved; and

WHEREAS, Government Code section 53753.5(a) provides that after imposing assessments in compliance with the requirements of Government Code section 53753, such requirements shall not apply in subsequent fiscal years, as long as the proposed assessments do not exceed the assessment formula previously approved; and

WHEREAS, Government Code section 53753(a) provides that the requirements thereof supersede any other statutory provisions applicable to the levy of assessments, and that compliance with the requirements of Government Code section 53753 dispenses with compliance with any other statutory requirements applicable to the levy of assessments, thereby dispensing with compliance with the requirements of the Act with regard to levying the proposed assessments.

NOW, THEREFORE, the City Council of the City of Oxnard resolves:

1. The landscaping to be maintained in the District is all public landscaping installed by the developers of Tract No. 4268 within the District, which is located at Gonzales Road, east of Oxnard Boulevard in the City.

2. A full and detailed description of the landscaping improvements and the boundaries of the District and any zones therein is contained in the report of the Engineer, dated May 5, 1997, on file with the City Clerk.

Resolution No.

Page 2

3. An assessment in the amount of \$175.98 is imposed on each lot and parcel of land within the District, as shown on the diagram attached hereto, marked Exhibit A and incorporated herein by reference, and such assessments and the diagram are confirmed.

4. The adoption of this resolution shall constitute the levy of assessments for the 2012-2013 fiscal year within Landscape Maintenance District No. 28.

5. The City Clerk shall immediately file the diagram and assessments, or a certified copy thereof, with the Ventura County Auditor.

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

AYES:

NOES:

ABSENT:

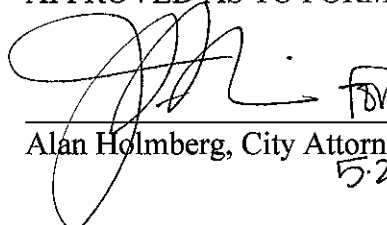
ABSTAIN:

Dr. Thomas E. Holden, Mayor

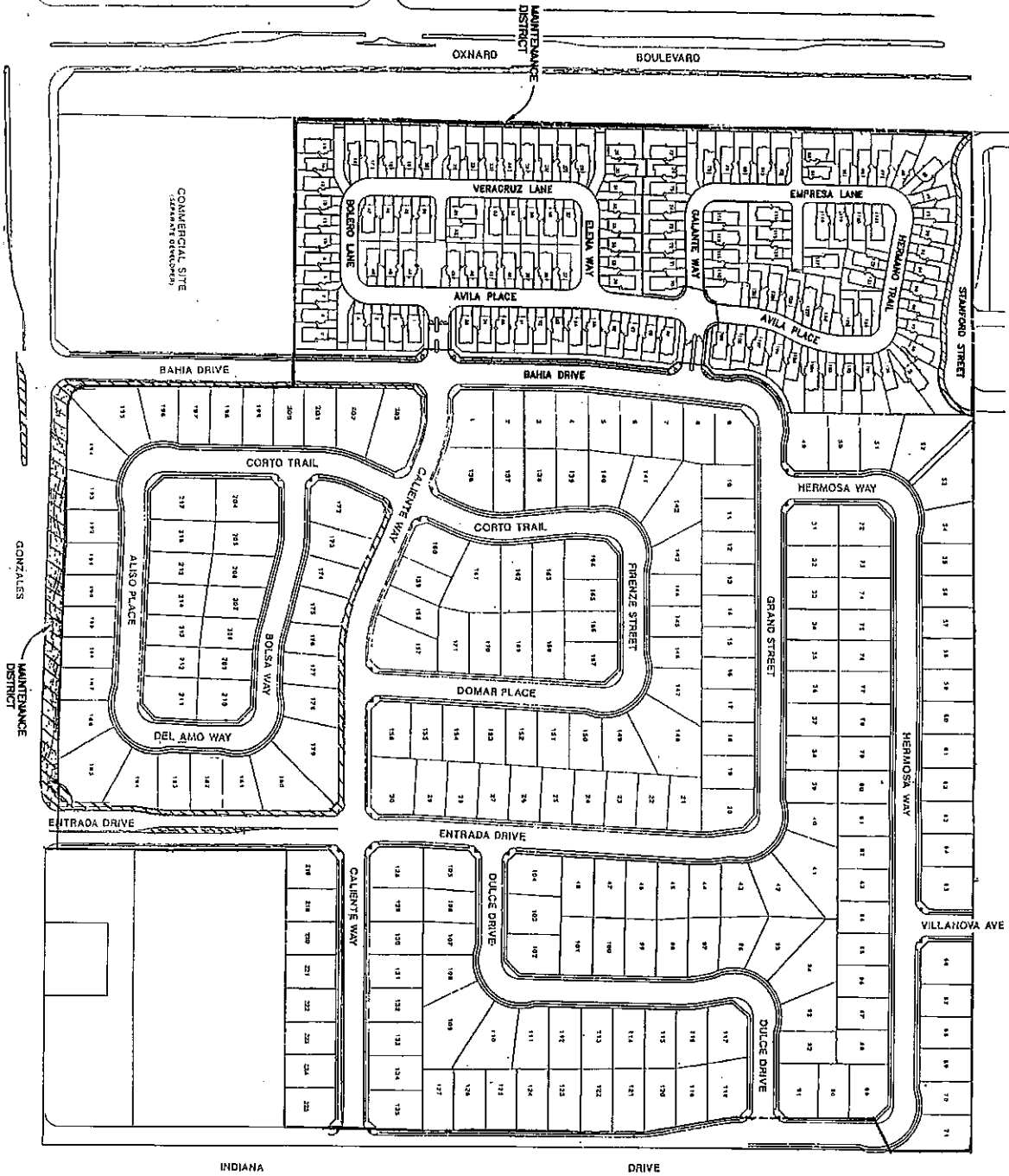
ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:

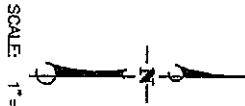


Alan Holmberg, City Attorney
5.24.12



ASSESSMENT DIAGRAM
 FOR
 HARBORSIDE (TRACT 4268)
 LANDSCAPE MAINTENANCE
 ASSESSMENT DISTRICT #28
 CITY OF OXNARD
 COUNTY OF VENTURA
 APRIL 1997

LEGEND:
 [Hatched Box] CITY MAINTAINED LANDSCAPE
 [Solid Box] ASSESSMENT DISTRICT IMPROVEMENTS



CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD
LEVYING ASSESSMENTS FOR FISCAL YEAR 2012-2013
WITHIN LANDSCAPE MAINTENANCE DISTRICT NO. 29

WHEREAS, on July 1, 1997, the City Council adopted Resolution No. 11,264, forming Landscape Maintenance District No. 29 (Mercy Charities Housing Project) ("the District"); and

WHEREAS, the District was formed in compliance with the Landscape and Lighting Act of 1972 (Streets and Highways Code section 22500 et seq.) ("the Act"), and assessments were levied in the District in compliance with the procedural requirements of the Act and also in compliance with the notice, protest and hearing requirements of Government Code section 53753; and

WHEREAS, the property owners in the District approved the levy of assessments in the District for fiscal year 1997-1998 and also approved a formula by which such assessments would be increased in each subsequent fiscal year; and

WHEREAS, assessments in the District have been proposed for fiscal year 2012-2013, calculated in accordance with the formula so approved; and

WHEREAS, Government Code section 53753.5(a) provides that after imposing assessments in compliance with the requirements of Government Code section 53753, such requirements shall not apply in subsequent fiscal years, as long as the proposed assessments do not exceed the assessment formula previously approved; and

WHEREAS, Government Code section 53753(a) provides that the requirements thereof supersede any other statutory provisions applicable to the levy of assessments, and that compliance with the requirements of Government Code section 53753 dispenses with compliance with any other statutory requirements applicable to the levy of assessments, thereby dispensing with compliance with the requirements of the Act with regard to levying the proposed assessments.

NOW, THEREFORE, the City Council of the City of Oxnard resolves:

1. The landscaping to be maintained in the District is all public landscaping installed by the developers of APN 202-0-110-175 and 202-0-110-295 within the District, which is located at Hobson Way, south of Fifth Street in the City.

2. A full and detailed description of the landscaping improvements and the boundaries of the District and any zones therein is contained in the report of the Engineer, dated May 5, 1997, on file with the City Clerk.

3. An assessment in the amount of \$1,407.13 is imposed on the parcel of land within the District, as shown on the diagram attached hereto, marked Exhibit A and incorporated herein by reference, and such assessment and the diagram are confirmed.

4. The adoption of this resolution shall constitute the levy of assessments for the 2012-2013 fiscal year within Landscape Maintenance District No. 29.

5. The City Clerk shall immediately file the diagram and assessments, or a certified copy thereof, with the Ventura County Auditor.

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

AYES:

NOES:

ABSENT:

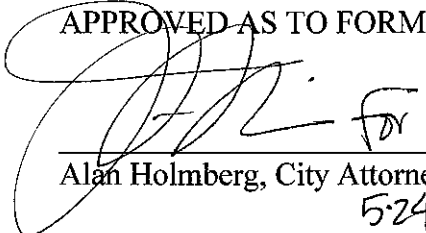
ABSTAIN:

Dr. Thomas E. Holden, Mayor

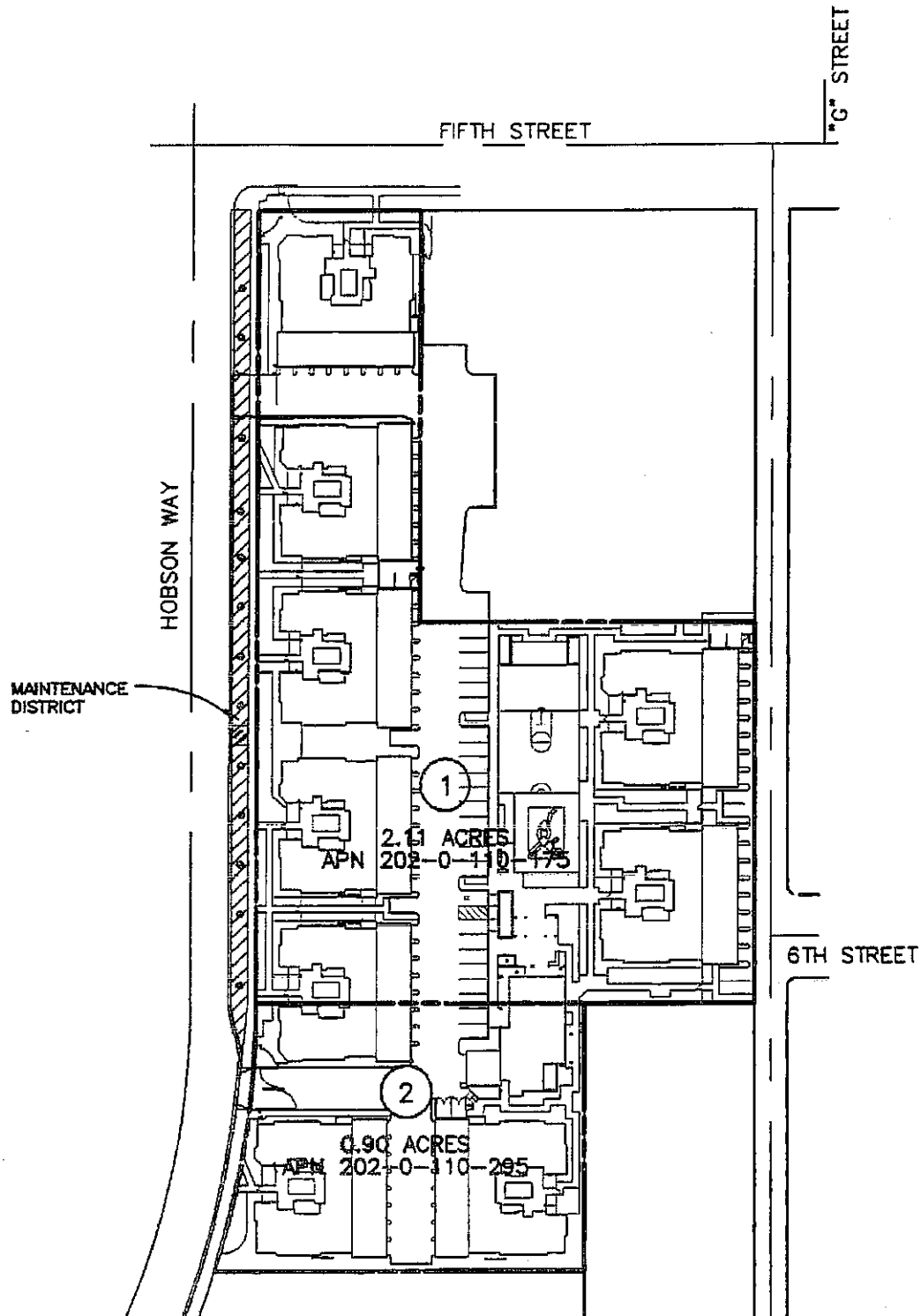
ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney
5-24-12



SCALE: 1"=100'

ATTACHMENT 3
EXHIBIT A
PAGE 3 OF 3

LEGEND:



CITY MAINTAINED LANDSCAPE
ASSESSMENT DISTRICT IMPROVEMENTS

**ASSESSMENT DIAGRAM
FOR
MERCY CHARITIES
LANDSCAPE MAINTENANCE
ASSESSMENT DISTRICT #29**

CITY OF OXNARD
COUNTY OF VENTURA
STATE OF CALIFORNIA

APRIL 1997

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD
LEVYING ASSESSMENTS FOR FISCAL YEAR 2012-2013
WITHIN LANDSCAPE MAINTENANCE DISTRICT NO. 30

WHEREAS, on June 24, 1997, the City Council adopted Resolution No. 11,261, forming Landscape Maintenance District No. 30 (Haas Automation) ("the District"); and

WHEREAS, the District was formed in compliance with the Landscape and Lighting Act of 1972 (Streets and Highways Code section 22500 et seq.) ("the Act"), and assessments were levied in the District in compliance with the procedural requirements of the Act and also in compliance with the notice, protest and hearing requirements of Government Code section 53753; and

WHEREAS, the property owners in the District approved the levy of assessments in the District for fiscal year 1997-1998 and also approved a formula by which such assessments would be increased in each subsequent fiscal year; and

WHEREAS, assessments in the District have been proposed for fiscal year 2012-2013, calculated in accordance with the formula so approved; and

WHEREAS, Government Code section 53753.5(a) provides that after imposing assessments in compliance with the requirements of Government Code section 53753, such requirements shall not apply in subsequent fiscal years, as long as the proposed assessments do not exceed the assessment formula previously approved; and

WHEREAS, Government Code section 53753(a) provides that the requirements thereof supersede any other statutory provisions applicable to the levy of assessments, and that compliance with the requirements of Government Code section 53753 dispenses with compliance with any other statutory requirements applicable to the levy of assessments, thereby dispensing with compliance with the requirements of the Act with regard to levying the proposed assessments.

NOW, THEREFORE, the City Council of the City of Oxnard resolves:

1. The landscaping to be maintained in the District is all public landscaping installed by the developers of Tract No. 5020 within the District, which is located at Sturgis Road, east of Rice Avenue in the City.

2. A full and detailed description of the landscaping improvements and the boundaries of the District and any zones therein is contained in the report of the Engineer, dated May 5, 1997, on file with the City Clerk.

3. The assessment below is imposed on each lot and parcel of land within the District, as shown on the diagram attached hereto, marked Exhibit A and incorporated herein by reference, and such assessments and the diagram are confirmed.

Lot 1=	\$1,770.52
Lot 2=	\$8,201.44
Lot 3=	\$5,388.26
Lot 4=	\$8,189.00
Lot 5=	\$3,164.46
Lot 6=	\$1,033.44
Lot 7=	\$14,990.80

4. The adoption of this resolution shall constitute the levy of assessments for the 2012-2013 fiscal year within Landscape Maintenance District No. 30.

5. The City Clerk shall immediately file the diagram and assessments, or a certified copy thereof, with the Ventura County Auditor.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

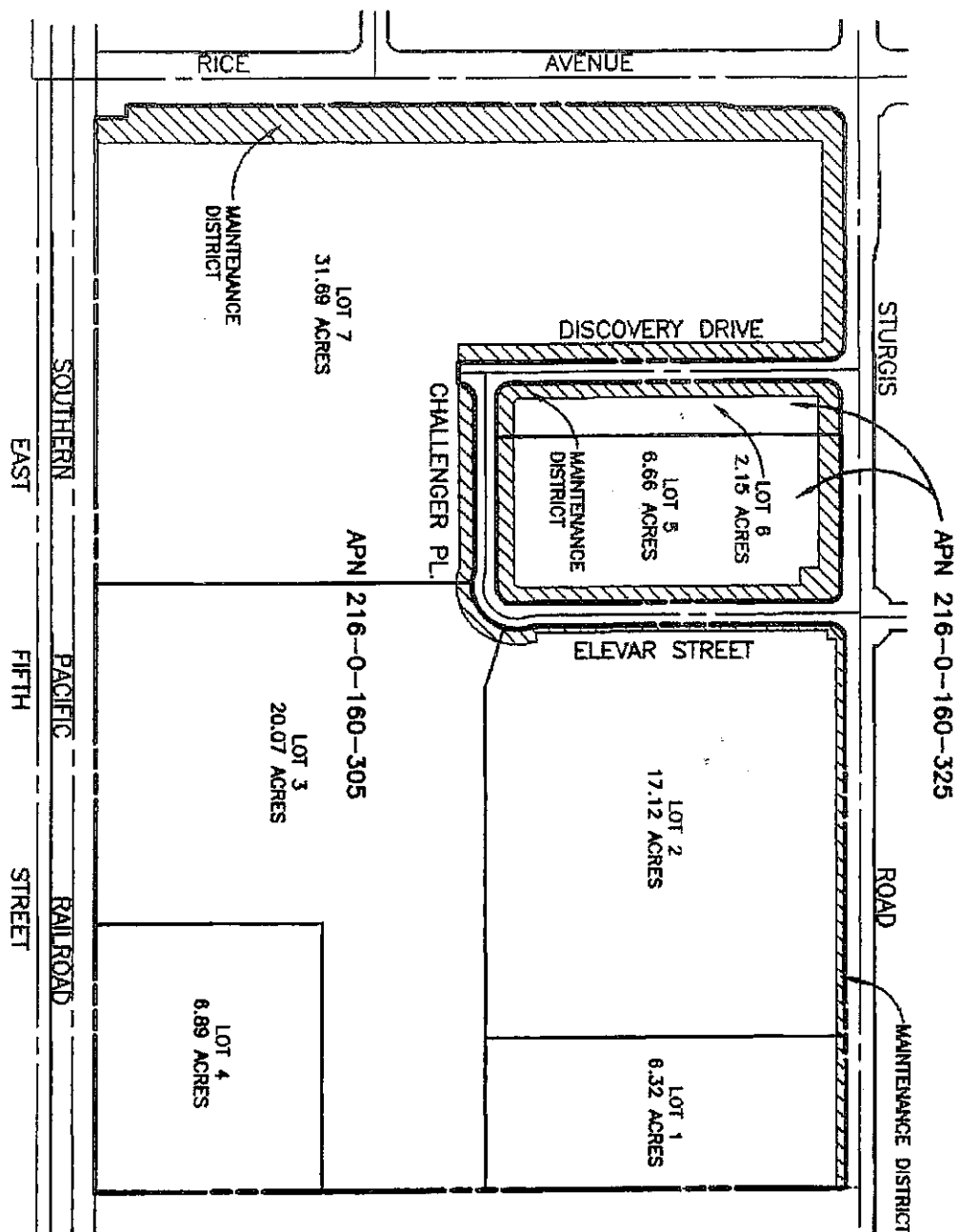
APPROVED AS TO FORM:

Alan Holmberg, City Attorney

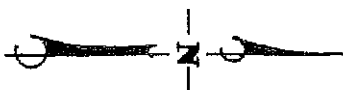
5.24.12

LEGEND:
CITY MAINTAINED LANDSCAPE
ASSESSMENT DISTRICT IMPROVEMENTS

NOTES:
THE PROPOSED LOTS ARE IN TRACT 5020
AND AREA LISTED IN VENTURA COUNTY
ASSESSOR'S BOOK 219, PAGE 16.



SCALE: 1"=400'



ATTACHMENT 4
EXHIBIT A
PAGE 3 OF 3

**ASSESSMENT DIAGRAM
FOR
HAAS AUTOMATION
LANDSCAPE MAINTENANCE
ASSESSMENT DISTRICT #30**

CITY OF OXNARD
COUNTY OF VENTURA
STATE OF CALIFORNIA
APRIL 1997

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD
LEVYING ASSESSMENTS FOR FISCAL YEAR 2012-2013
WITHIN LANDSCAPE MAINTENANCE DISTRICT NO. 31

WHEREAS, on June 23, 1998 the City Council adopted Resolution No. 11,415, forming Landscape Maintenance District No.31 (Rancho de la Rosa) ("the District"); and

WHEREAS, the District was formed in compliance with the Landscape and Lighting Act of 1972 (Streets and Highways Code section 22500 et seq.) ("the Act"), and assessments were levied in the District in compliance with the procedural requirements of the Act and also in compliance with the notice, protest and hearing requirements of Government Code section 53753; and

WHEREAS, the property owners in the District approved the levy of assessments in the District for fiscal year 1998-1999 and also approved a formula by which such assessments would be increased in each subsequent fiscal year; and

WHEREAS, assessments in the District have been proposed for fiscal year 2012-2013, calculated in accordance with the formula so approved; and

WHEREAS, Government Code section 53753.5(a) provides that after imposing assessments in compliance with the requirements of Government Code section 53753, such requirements shall not apply in subsequent fiscal years, as long as the proposed assessments do not exceed the assessment formula previously approved; and

WHEREAS, Government Code section 53753(a) provides that the requirements thereof supersede any other statutory provisions applicable to the levy of assessments, and that compliance with the requirements of Government Code section 53753 dispenses with compliance with any other statutory requirements applicable to the levy of assessments, thereby dispensing with compliance with the requirements of the Act with regard to levying the proposed assessments.

NOW, THEREFORE, the City Council of the City of Oxnard resolves:

1. The landscaping to be maintained in the District is all public landscaping installed by the developers of Tract No. 4714 within the District, which is located at Rose Avenue, north of Camino del Sol in the City.

2. A full and detailed description of the landscaping improvements and the boundaries of the District and any zones therein is contained in the report of the Engineer, dated May 1998, on file with the City Clerk.

3. An assessment in the amount of \$295.25 is imposed on each lot and parcel of land within the District, as shown on the diagram attached hereto, marked Exhibit A and incorporated herein by reference, and such assessments and the diagram are confirmed.

4. The adoption of this resolution shall constitute the levy of assessments for the 2012-2013 fiscal year within Landscape Maintenance District No. 31.

5. The City Clerk shall immediately file the diagram and assessments, or a certified copy thereof, with the Ventura County Auditor.

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

AYES:

NOES:

ABSENT:

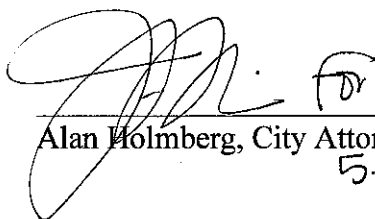
ABSTAIN:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

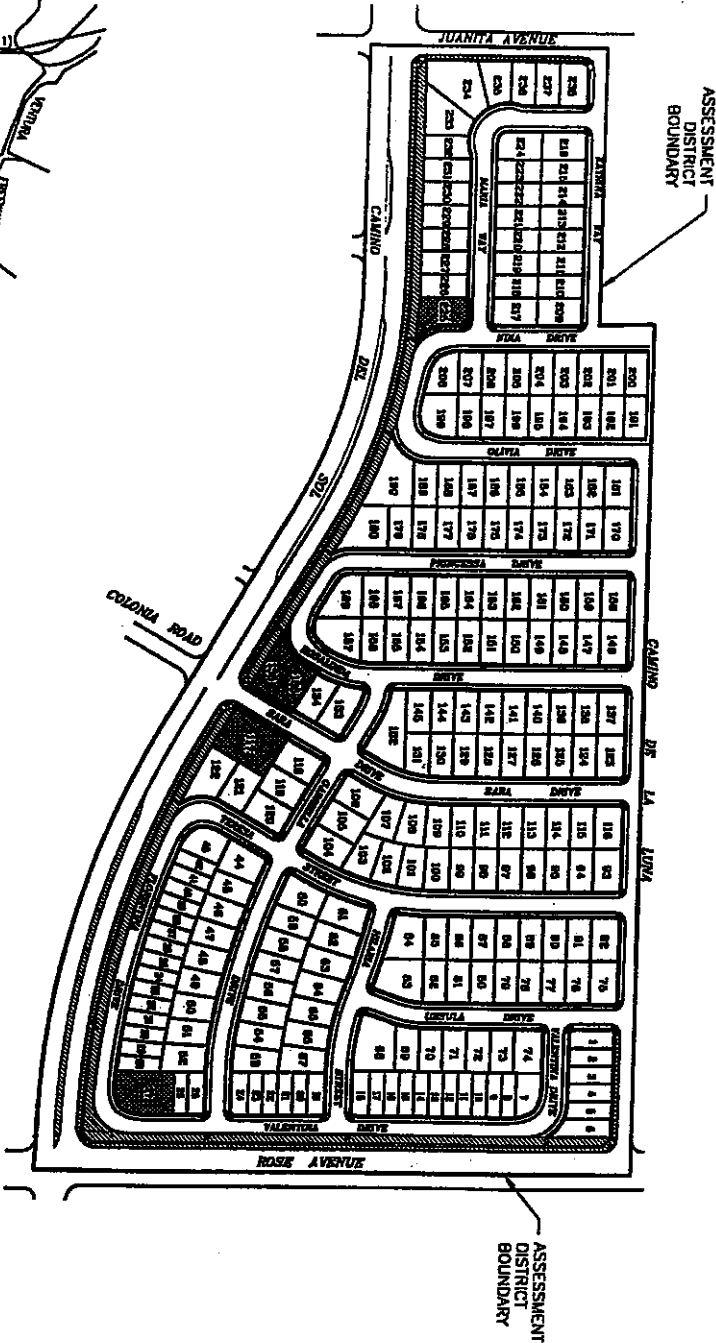
APPROVED AS TO FORM:



Alan Holmberg, City Attorney
5.24.12

Exhibit A ASSESSMENT DIAGRAM FOR CITY OF OXNARD LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT No. 31

THE ASSESSMENT DISTRICT BOUNDARY INCLUDES TRACT 4714-1 AS RECORDED IN BOOK 127, PAGE 76 OF MISCELLANEOUS RECORDS; TRACT 4714-2 AS RECORDED IN BOOK 132, PAGE 46 OF MISCELLANEOUS RECORDS; AND A PORTION OF RANCHO EL RIO DE SANTA CLARA O'LA COLONIA AS RECORDED IN BOOK 1A, PAGE 9 OF MISCELLANEOUS RECORDS, IN THE CITY OF OXNARD COUNTY OF VENTURA, STATE OF CALIFORNIA.



NOTE: THE LINES AND DIMENSIONS OF EACH LOT OR PARCEL OF LAND CONFORMS TO THOSE SHOWN ON THE ASSESSOR'S MAPS, BOOK 615, PAGES 4, 9, AND 10 COUNTY OF VENTURA, WHICH SHALL GOVERN FOR ALL DETAILS CONCERNING SUCH LINES AND DIMENSIONS.

The assessment diagram sets forth (a) the exterior boundaries of the district; (b) the boundaries of any zones within the district; and (c) the lines and dimensions of each lot or parcel of land within the district. The assessment diagram further identifies each lot or parcel by a distinctive number or letter.

LEGEND

- ASSESSMENT DISTRICT BOUNDARY
- 123 ASSESSMENT NUMBER
- AREA TO BE MAINTAINED
- RETENTION BASIN



ATTACHMENT 5
EXHIBIT A
PAGE 3 OF 3

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD
LEVYING ASSESSMENTS FOR FISCAL YEAR 2012-2013
WITHIN LANDSCAPE MAINTENANCE DISTRICT NO. 32

WHEREAS, on February 23, 1999, the City Council adopted Resolution No. 11,505, forming Landscape Maintenance District No. 32 (Oak Park) ("the District"); and

WHEREAS, the District was formed in compliance with the Landscape and Lighting Act of 1972 (Streets and Highways Code section 22500 et seq.) ("the Act"), and assessments were levied in the District in compliance with the procedural requirements of the Act and also in compliance with the notice, protest and hearing requirements of Government Code section 53753; and

WHEREAS, the property owners in the District approved the levy of assessments in the District for fiscal year 1999-2000 and also approved a formula by which such assessments would be increased in each subsequent fiscal year; and

WHEREAS, assessments in the District have been proposed for fiscal year 2012-2013, calculated in accordance with the formula so approved; and

WHEREAS, Government Code section 53753.5(a) provides that after imposing assessments in compliance with the requirements of Government Code section 53753, such requirements shall not apply in subsequent fiscal years, as long as the proposed assessments do not exceed the assessment formula previously approved; and

WHEREAS, Government Code section 53753(a) provides that the requirements thereof supersede any other statutory provisions applicable to the levy of assessments, and that compliance with the requirements of Government Code section 53753 dispenses with compliance with any other statutory requirements applicable to the levy of assessments, thereby dispensing with compliance with the requirements of the Act with regard to levying the proposed assessments.

NOW, THEREFORE, the City Council of the City of Oxnard resolves:

1. The landscaping to be maintained in the District is all public landscaping installed by the developers of Tract No. 5070 within the District, which is located at Entrada Dr. and Roble Lane
2. A full and detailed description of the landscaping improvements and the boundaries of the District and any zones therein is contained in the report of the Engineer, dated November 1998, on file with the City Clerk.

3. An assessment in the amount of \$787.11 is imposed on each lot and parcel of land within the District, as shown on the diagram attached hereto, marked Exhibit A and incorporated herein by reference, and such assessments and the diagram are confirmed.

4. The adoption of this resolution shall constitute the levy of assessments for the 2012-2013 fiscal year within Landscape Maintenance District No. 32.

5. The City Clerk shall immediately file the diagram and assessments, or a certified copy thereof, with the Ventura County Auditor.

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

AYES:

NOES:

ABSENT:

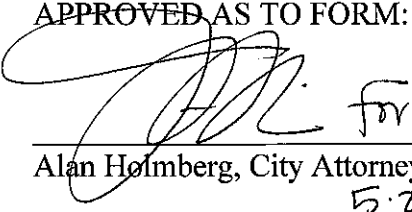
ABSTAIN:

Dr. Thomas E. Holden, Mayor

ATTEST:

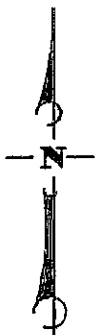
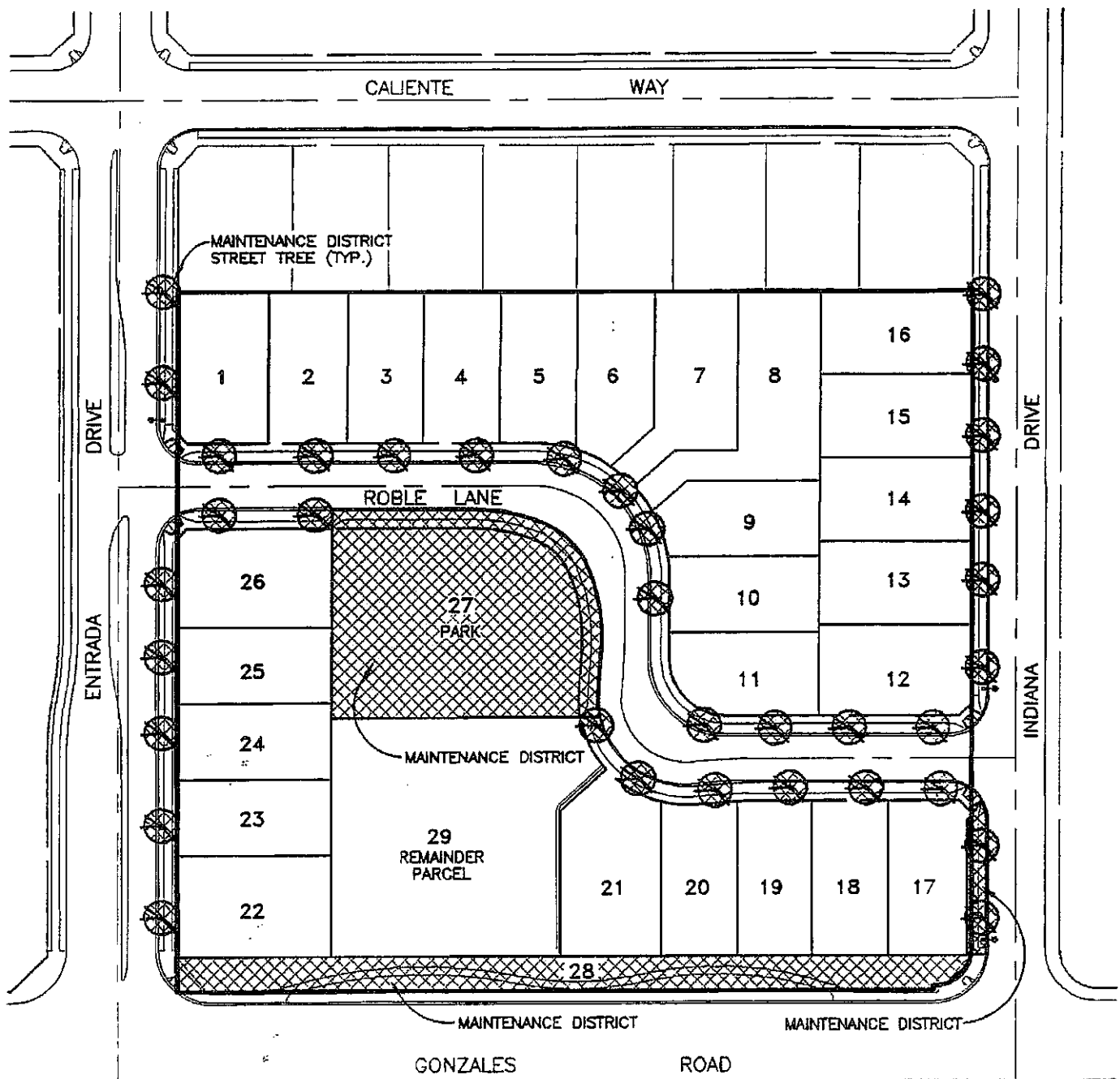
Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney

5.24.12



SCALE: 1" = 100'

Penfield & Smith
ENGINEERS • SURVEYORS
W.D. 13088.01 13088MD1.DWG

LEGEND:



CITY MAINTAINED LANDSCAPE
ASSESSMENT DISTRICT IMPROVEMENTS

ATTACHMENT 6
EXHIBIT A
PAGE 3 OF 3

**ASSESSMENT DIAGRAM
FOR
OAK PARK (TRACT 5070)
LANDSCAPE MAINTENANCE
ASSESSMENT DISTRICT #32**

CITY OF OXNARD
COUNTY OF VENTURA
STATE OF CALIFORNIA

NOVEMBER 1998

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD
LEVYING ASSESSMENTS FOR FISCAL YEAR 2012-2013
WITHIN LANDSCAPE MAINTENANCE DISTRICT NO. 33

WHEREAS, on October 19, 1999 the City Council adopted Resolution No. 11,653, forming Landscape Maintenance District No. 33 (El Paseo) ("the District"); and

WHEREAS, the District was formed in compliance with the Landscape and Lighting Act of 1972 (Streets and Highways Code section 22500 et seq.) ("the Act"), and assessments were levied in the District in compliance with the procedural requirements of the Act and also in compliance with the notice, protest and hearing requirements of Government Code section 53753; and

WHEREAS, the property owners in the District approved the levy of assessments in the District for fiscal year 2000-2001 and also approved a formula by which such assessments would be increased in each subsequent fiscal year; and

WHEREAS, assessments in the District have been proposed for fiscal year 2012-2013, calculated in accordance with the formula so approved; and

WHEREAS, Government Code section 53753.5(a) provides that after imposing assessments in compliance with the requirements of Government Code section 53753, such requirements shall not apply in subsequent fiscal years, as long as the proposed assessments do not exceed the assessment formula previously approved; and

WHEREAS, Government Code section 53753(a) provides that the requirements thereof supersede any other statutory provisions applicable to the levy of assessments, and that compliance with the requirements of Government Code section 53753 dispenses with compliance with any other statutory requirements applicable to the levy of assessments, thereby dispensing with compliance with the requirements of the Act with regard to levying the proposed assessments.

NOW, THEREFORE, the City Council of the City of Oxnard resolves:

1. The landscaping to be maintained in the District is all public landscaping installed by the developers of Tract No. 5153 within the District, which is located at Kohala Street north of Camino del Sol.

2. A full and detailed description of the landscaping improvements and the boundaries of the District and any zones therein is contained in the report of the Engineer, dated July 1999, on file with the City Clerk.

3. An assessment in the amount of \$269.90 is imposed on each lot and parcel of land within the District, as shown on the diagram attached hereto, marked Exhibit A and incorporated herein by reference, and such assessments and the diagram are confirmed.

4. The adoption of this resolution shall constitute the levy of assessments for the 2012-2013 fiscal year within Landscape Maintenance District No. 33.

5. The City Clerk shall immediately file the diagram and assessments, or a certified copy thereof, with the Ventura County Auditor.

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

AYES:

NOES:

ABSENT:

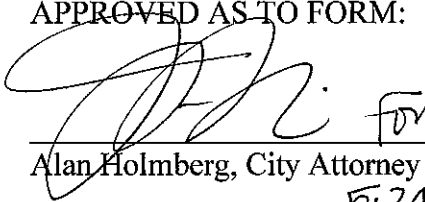
ABSTAIN:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney

5.24.12

MAINTENANCE DISTRICT
STREET TREE, TYP.

MAINTENANCE DISTRICT
STREET TREE, TYP.

MAINTENANCE DISTRICT
STREET TREE, TYP.

MAINTENANCE DISTRICT

MAINTENANCE
DISTRICT
ATTACHMENT 7
EXHIBIT A
PAGE 3 OF 3

LEGEND:

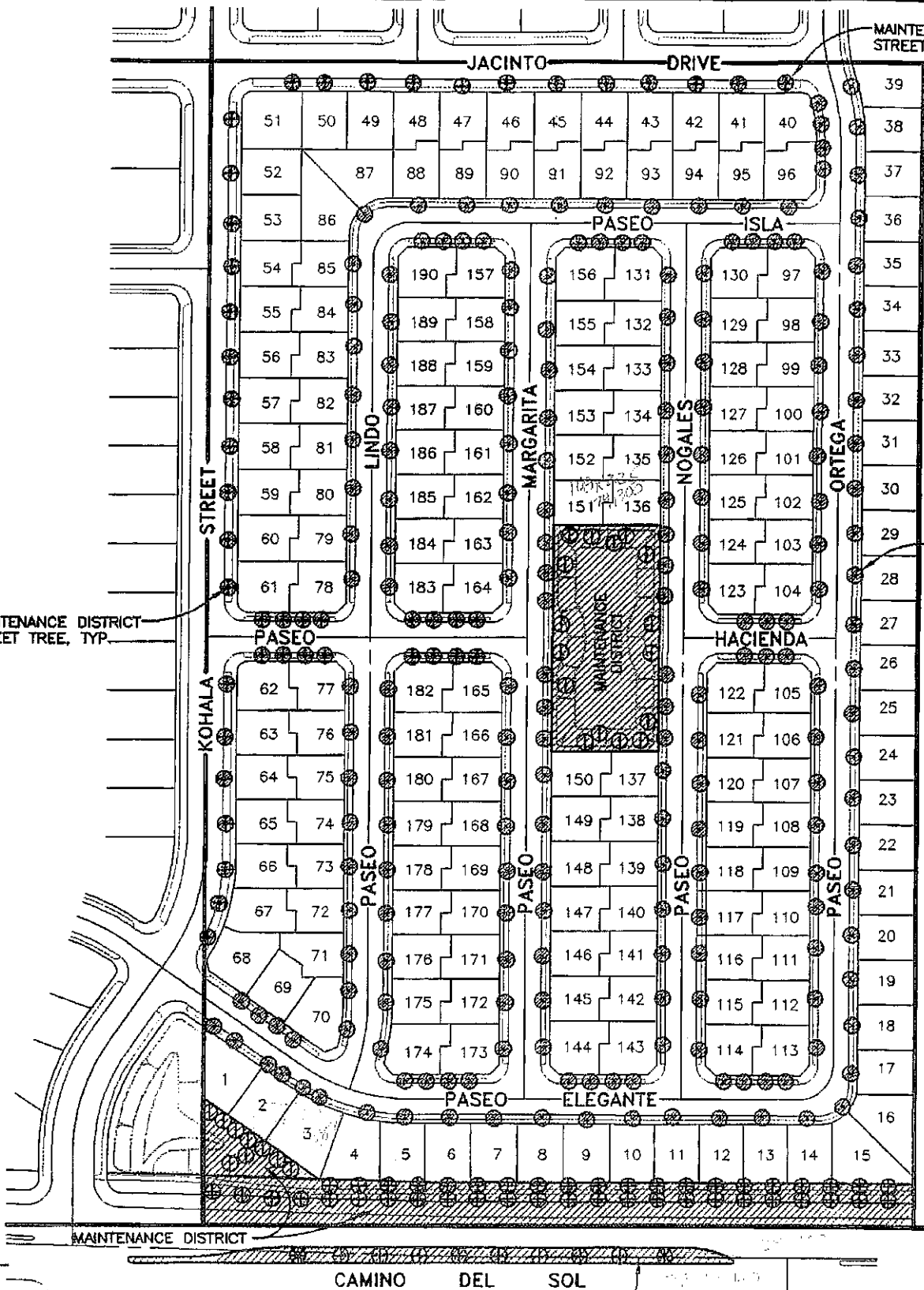
 CITY MAINTAINED LANDSCAPE
ASSESSMENT DISTRICT IMPROVEMENTS

ASSESSMENT DIAGRAM FOR
EL PASEO (TRACT 5153)
LANDSCAPE MAINTENANCE
ASSESSMENT DISTRICT #33

COUNTY OF VENTURA
STATE OF CALIFORNIA

JULY 1999

SHEET 1 OF 1



CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD
LEVYING ASSESSMENTS FOR FISCAL YEAR 2012-2013
WITHIN LANDSCAPE MAINTENANCE DISTRICT NO. 34

WHEREAS, on October 9, 1999, the City Council adopted Resolution No. 11,654, forming Landscape Maintenance District No. 34 (Sunrise/Sunset Cove) ("the District"); and

WHEREAS, the District was formed in compliance with the Landscape and Lighting Act of 1972 (Streets and Highways Code section 22500 et seq.) ("the Act"), and assessments were levied in the District in compliance with the procedural requirements of the Act and also in compliance with the notice, protest and hearing requirements of Government Code section 53753; and

WHEREAS, the property owners in the District approved the levy of assessments in the District for fiscal year 2000-2001 and also approved a formula by which such assessments would be increased in each subsequent fiscal year; and

WHEREAS, assessments in the District have been proposed for fiscal year 2012-2013, calculated in accordance with the formula so approved; and

WHEREAS, Government Code section 53753.5(a) provides that after imposing assessments in compliance with the requirements of Government Code section 53753, such requirements shall not apply in subsequent fiscal years, as long as the proposed assessments do not exceed the assessment formula previously approved; and

WHEREAS, Government Code section 53753(a) provides that the requirements thereof supersede any other statutory provisions applicable to the levy of assessments, and that compliance with the requirements of Government Code section 53753 dispenses with compliance with any other statutory requirements applicable to the levy of assessments, thereby dispensing with compliance with the requirements of the Act with regard to levying the proposed assessments.

NOW, THEREFORE, the City Council of the City of Oxnard resolves:

1. The landscaping to be maintained in the District is all public landscaping installed by the developers of Tract No. 5136 within the District, which is located at Kohala Street and Del Rey Place.

2. A full and detailed description of the landscaping improvements and the boundaries of the District and any zones therein is contained in the report of the Engineer, August 1999, on file with the City Clerk.

3. An assessment in the amount of \$195.14 is imposed on each lot and parcel of land within the District, as shown on the diagram attached hereto, marked Exhibit A and incorporated herein by reference, and such assessments and the diagram are confirmed.

4. The adoption of this resolution shall constitute the levy of assessments for the 2012-2013 fiscal year within Landscape Maintenance District No. 34.

5. The City Clerk shall immediately file the diagram and assessments, or a certified copy thereof, with the Ventura County Auditor.

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

AYES:

NOES:

ABSENT:

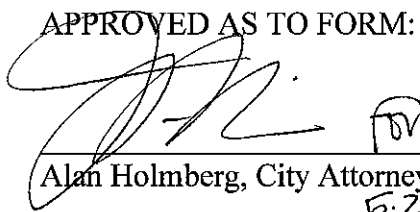
ABSTAIN:

Dr. Thomas E. Holden, Mayor

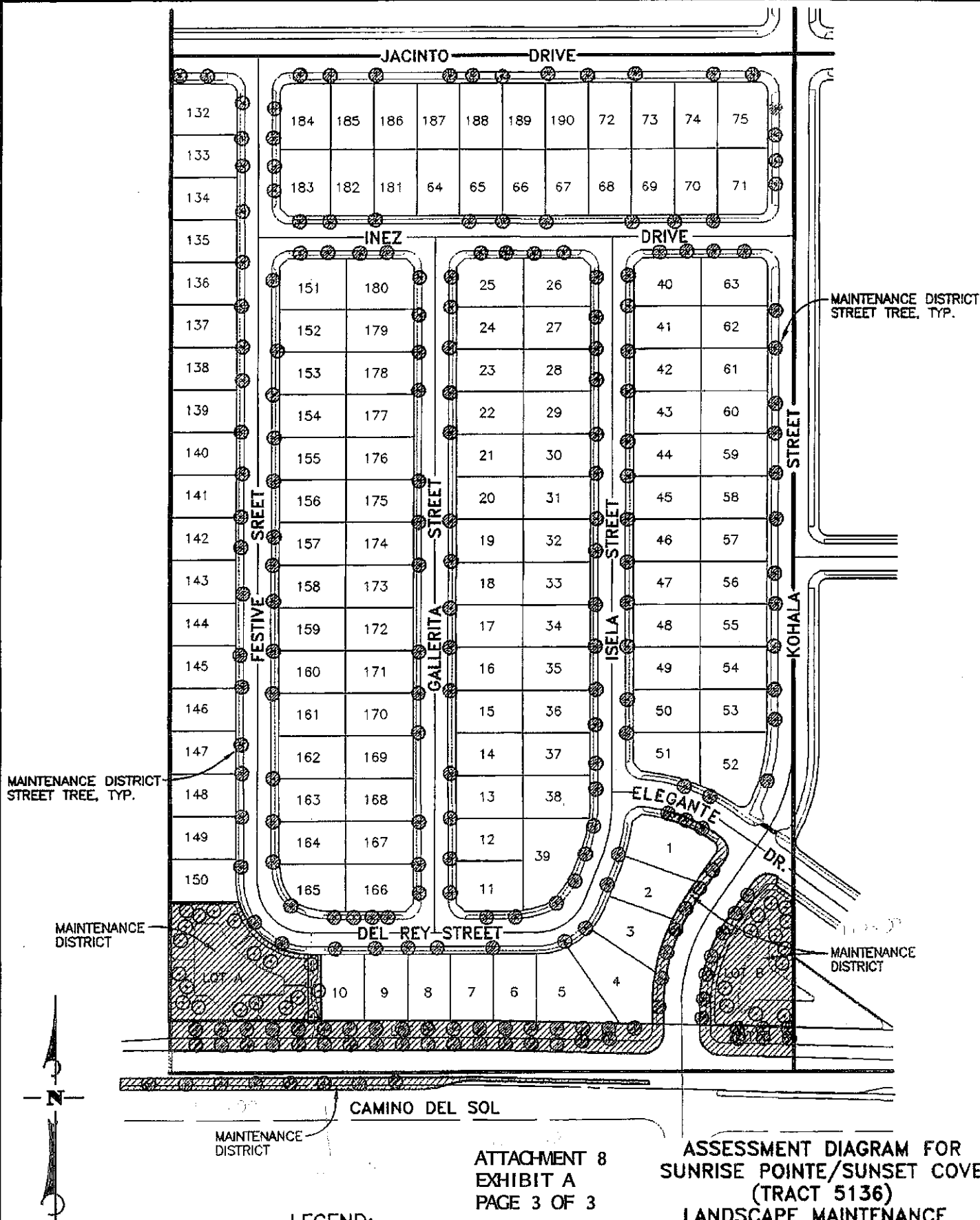
ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney
5.24.12



LEGEND:

CITY MAINTAINED LANDSCAPE ASSESSMENT DISTRICT IMPROVEMENTS

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD
LEVYING ASSESSMENTS FOR FISCAL YEAR 2012-2013
WITHIN LANDSCAPE MAINTENANCE DISTRICT NO. 35

WHEREAS, on March 14, 2000, the City Council adopted Resolution No. 11,706, forming Landscape Maintenance District No. 35 (Airport Marina Center) ("the District"); and

WHEREAS, the District was formed in compliance with the Landscape and Lighting Act of 1972 (Streets and Highways Code section 22500 et seq.) ("the Act"), and assessments were levied in the District in compliance with the procedural requirements of the Act and also in compliance with the notice, protest and hearing requirements of Government Code section 53753; and

WHEREAS, the property owners in the District approved the levy of assessments in the District for fiscal year 2000-2001 and also approved a formula by which such assessments would be increased in each subsequent fiscal year; and

WHEREAS, assessments in the District have been proposed for fiscal year 2012-2013, calculated in accordance with the formula so approved; and

WHEREAS, Government Code section 53753.5(a) provides that after imposing assessments in compliance with the requirements of Government Code section 53753, such requirements shall not apply in subsequent fiscal years, as long as the proposed assessments do not exceed the assessment formula previously approved; and

WHEREAS, Government Code section 53753(a) provides that the requirements thereof supersede any other statutory provisions applicable to the levy of assessments, and that compliance with the requirements of Government Code section 53753 dispenses with compliance with any other statutory requirements applicable to the levy of assessments, thereby dispensing with compliance with the requirements of the Act with regard to levying the proposed assessments.

NOW, THEREFORE, the City Council of the City of Oxnard resolves:

1. The landscaping to be maintained in the District is all public landscaping installed by the developers of Parcel Map No. 97-5-55 within the District, which is located at 5th Street and Victoria Avenue in the City.

2. A full and detailed description of the landscaping improvements and the boundaries of the District and any zones therein is contained in the report of the Engineer, dated January 2000, on file with the City Clerk.

3. The assessment below is imposed on each lot and parcel of land within the District, as shown on the diagram attached hereto, marked Exhibit A and incorporated herein by reference, and such assessments and the diagram are confirmed.

Lot 1= \$1,737.98

Lot 2= \$1,367.58

Lot 3= \$1,429.28

Lot 4= \$8,713.96

Lot 5= \$5,426.62

Lot 6= \$1,012.60

4. The adoption of this resolution shall constitute the levy of assessments for the 2012-2013 fiscal year within Landscape Maintenance District No. 35.

5. The City Clerk shall immediately file the diagram and assessments, or a certified copy thereof, with the Ventura County Auditor.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

Dr. Thomas E. Holden, Mayor

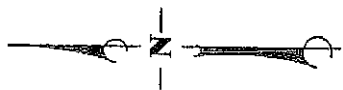
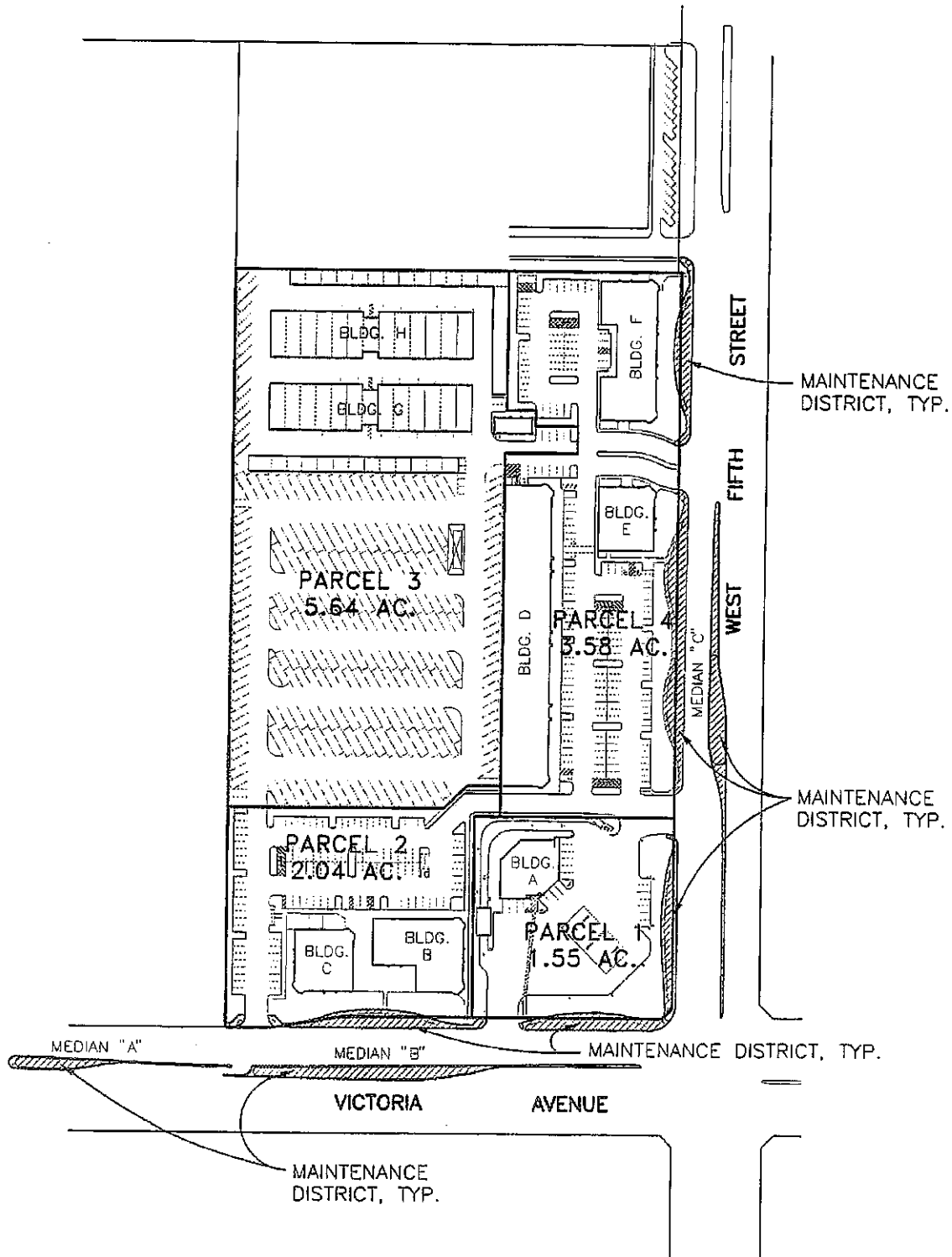
ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:

Alan Holmberg, City Attorney

5.24.12



LEGEND:



CITY MAINTAINED LANDSCAPE
ASSESSMENT DISTRICT IMPROVEMENTS

ATTACHMENT 9
EXHIBIT A
PAGE 3 OF 3

ASSESSMENT DIAGRAM FOR AIRPORT MARINA CENTER LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT #35

COUNTY OF VENTURA
STATE OF CALIFORNIA

DECEMBER 1999

SHEET 1 OF 1

Penfield & Smith
ENGINEERS • SURVEYORS
W.O. 13086.06 08606MD1.DWG

SCALE: 1"=200'

105

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD
LEVYING ASSESSMENTS FOR FISCAL YEAR 2012-2013
WITHIN LANDSCAPE MAINTENANCE DISTRICT NO. 36

WHEREAS, on January 25, 2000, the City Council adopted Resolution No. 11,648, forming Landscape Maintenance District No. 36 (Villa Carmel/Villa Santa Cruz) ("the District"); and

WHEREAS, the District was formed in compliance with the Landscape and Lighting Act of 1972 (Streets and Highways Code section 22500 et seq.) ("the Act"), and assessments were levied in the District in compliance with the procedural requirements of the Act and also in compliance with the notice, protest and hearing requirements of Government Code section 53753; and

WHEREAS, the property owners in the District approved the levy of assessments in the District for fiscal year 2000-2001 and also approved a formula by which such assessments would be increased in each subsequent fiscal year; and

WHEREAS, assessments in the District have been proposed for fiscal year 2012-2013, calculated in accordance with the formula so approved; and

WHEREAS, Government Code section 53753.5(a) provides that after imposing assessments in compliance with the requirements of Government Code section 53753, such requirements shall not apply in subsequent fiscal years, as long as the proposed assessments do not exceed the assessment formula previously approved; and

WHEREAS, Government Code section 53753(a) provides that the requirements thereof supersede any other statutory provisions applicable to the levy of assessments, and that compliance with the requirements of Government Code section 53753 dispenses with compliance with any other statutory requirements applicable to the levy of assessments, thereby dispensing with compliance with the requirements of the Act with regard to levying the proposed assessments.

NOW, THEREFORE, the City Council of the City of Oxnard resolves:

1. The landscaping to be maintained in the District is all public landscaping installed by the developers of Tract No. 5135 within the District, which is located at Camino de la Luna and Rose Avenue, in the City.

2. A full and detailed description of the landscaping improvements and the boundaries of the District and any zones therein is contained in the report of the Engineer, dated November 1999, on file with the City Clerk.

3. An assessment in the amount of \$379.34 is imposed on each lot and parcel of land within the District, as shown on the diagram attached hereto, marked Exhibit A and incorporated herein by reference, and such assessments and the diagram are confirmed.

4. The adoption of this resolution shall constitute the levy of assessments for the 2012-2013 fiscal year within Landscape Maintenance District No. 36.

5. The City Clerk shall immediately file the diagram and assessments, or a certified copy thereof, with the Ventura County Auditor.

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

AYES:

NOES:

ABSENT:

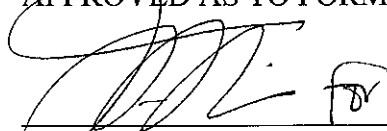
ABSTAIN:

Dr. Thomas E. Holden, Mayor

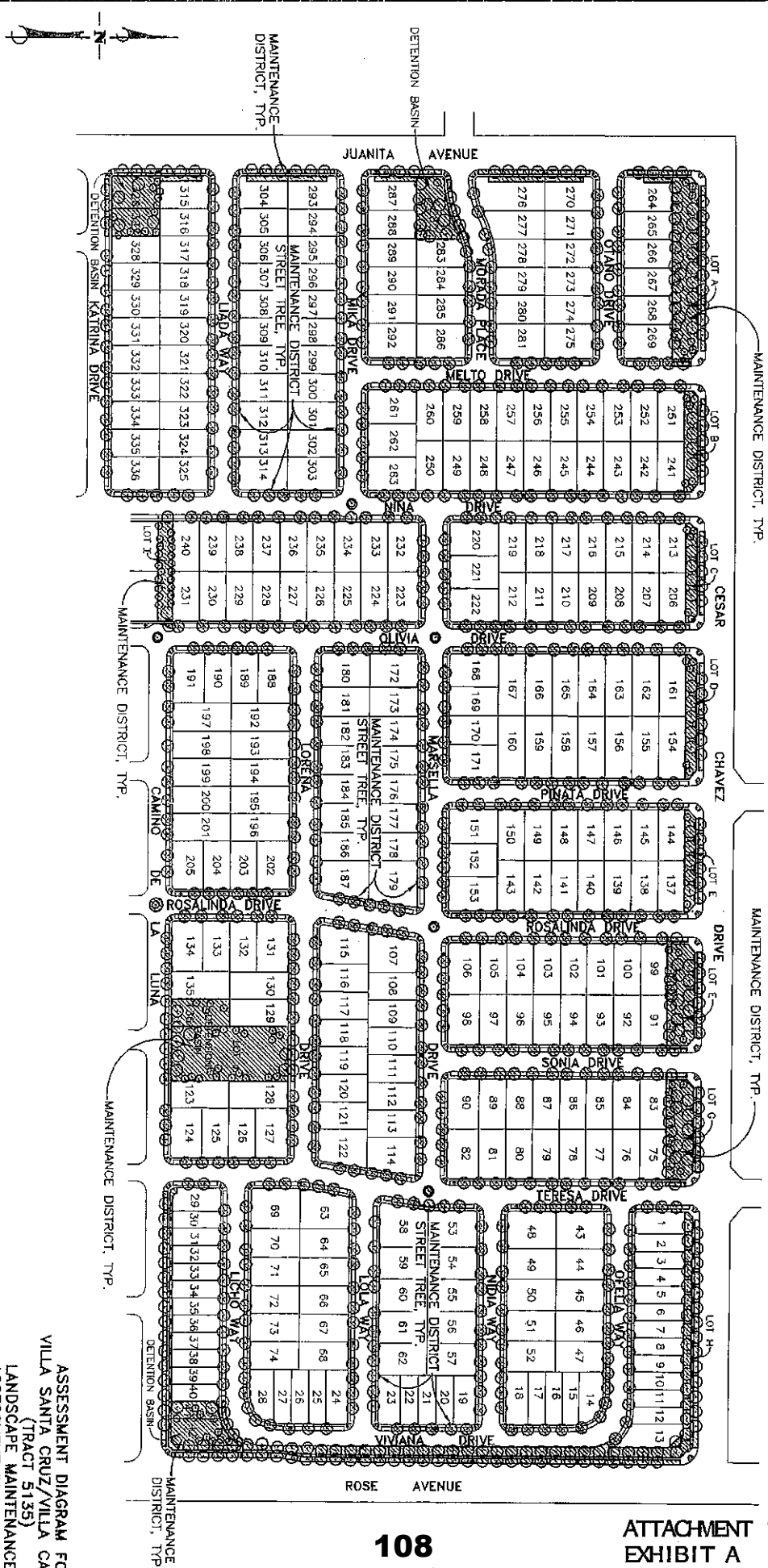
ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney
5.24.12



CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD
LEVYING ASSESSMENTS FOR FISCAL YEAR 2012-2013
WITHIN LANDSCAPE MAINTENANCE DISTRICT NO. 37

WHEREAS, on January 25, 2000, the City Council adopted Resolution No. 11,685, forming Landscape Maintenance District No. 37 (Pacific Breeze) ("the District"); and

WHEREAS, the District was formed in compliance with the Landscape and Lighting Act of 1972 (Streets and Highways Code section 22500 et seq.) ("the Act"), and assessments were levied in the District in compliance with the procedural requirements of the Act and also in compliance with the notice, protest and hearing requirements of Government Code section 53753; and

WHEREAS, the property owners in the District approved the levy of assessments in the District for fiscal year 2000-2001 and also approved a formula by which such assessments would be increased in each subsequent fiscal year; and

WHEREAS, assessments in the District have been proposed for fiscal year 2012-2013, calculated in accordance with the formula so approved; and

WHEREAS, Government Code section 53753.5(a) provides that after imposing assessments in compliance with the requirements of Government Code section 53753, such requirements shall not apply in subsequent fiscal years, as long as the proposed assessments do not exceed the assessment formula previously approved; and

WHEREAS, Government Code section 53753(a) provides that the requirements thereof supersede any other statutory provisions applicable to the levy of assessments, and that compliance with the requirements of Government Code section 53753 dispenses with compliance with any other statutory requirements applicable to the levy of assessments, thereby dispensing with compliance with the requirements of the Act with regard to levying the proposed assessments.

NOW, THEREFORE, the City Council of the City of Oxnard resolves:

1. The landscaping to be maintained in the District is all public landscaping installed by the developers of Tract No. 5137 within the District, which is located at Ventura Road and Seventh Street in the City.
2. A full and detailed description of the landscaping improvements and the boundaries of the District and any zones therein is contained in the report of the Engineer, dated November 1999, on file with the City Clerk.

3. An assessment in the amount of \$238.22 is imposed on each lot and parcel of land within the District, as shown on the diagram attached hereto, marked Exhibit A and incorporated herein by reference, and such assessments and the diagram are confirmed.

4. The adoption of this resolution shall constitute the levy of assessments for the 2012-2013 fiscal year within Landscape Maintenance District No. 37.

5. The City Clerk shall immediately file the diagram and assessments, or a certified copy thereof, with the Ventura County Auditor.

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

AYES:

NOES:

ABSENT:

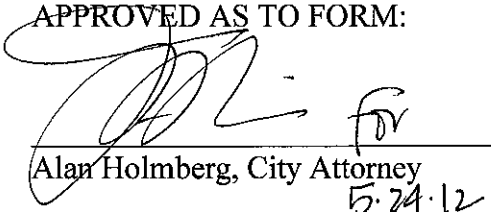
ABSTAIN:

Dr. Thomas E. Holden, Mayor

ATTEST:

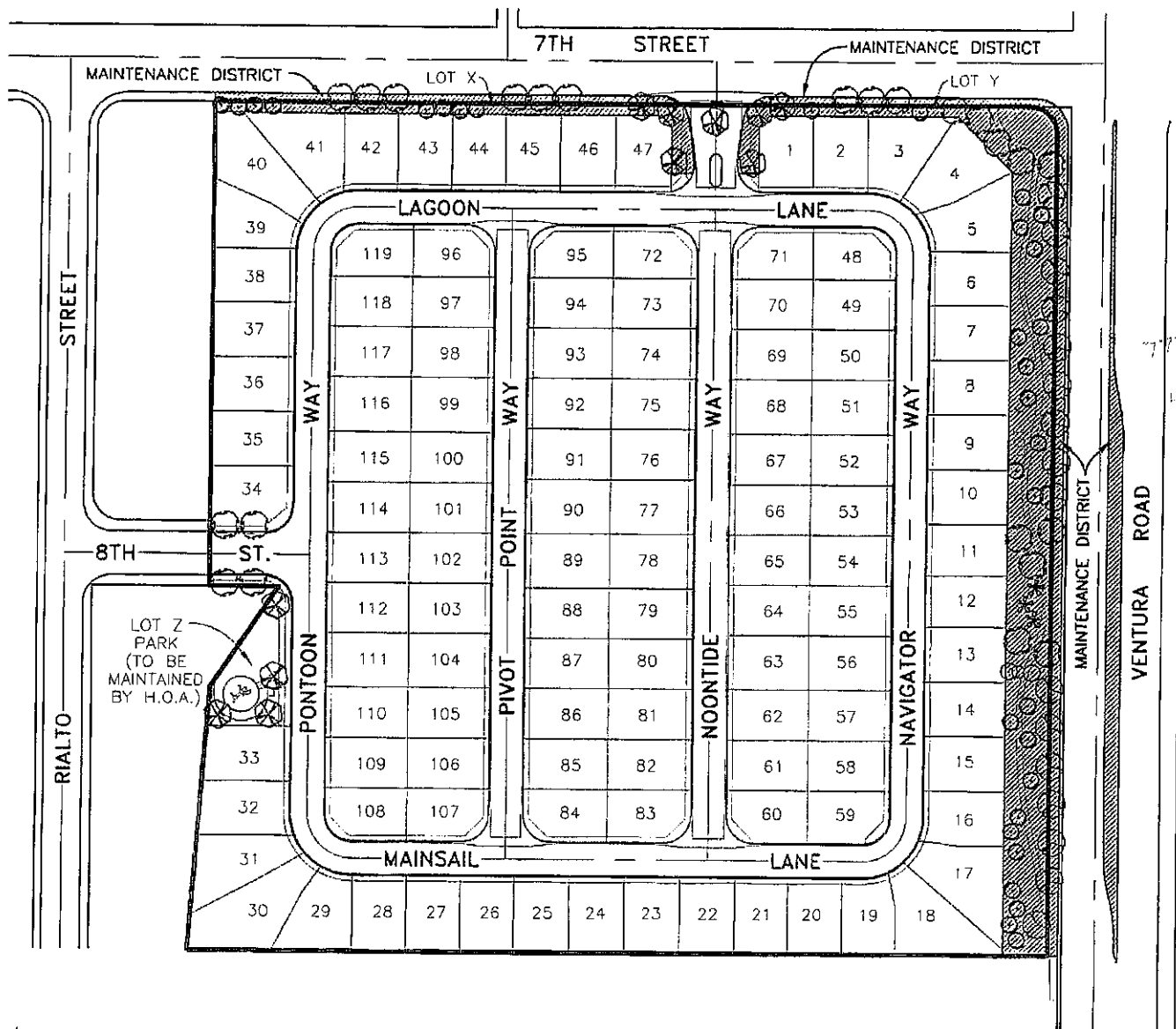
Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney

5.24.12



ATTACHMENT 11
EXHIBIT A
PAGE 3 OF 3

LEGEND:



CITY MAINTAINED LANDSCAPE
ASSESSMENT DISTRICT IMPROVEMENTS

ASSESSMENT DIAGRAM FOR
PACIFIC BREEZE (TRACT 5137)
LANDSCAPE MAINTENANCE
ASSESSMENT DISTRICT #37

COUNTY OF VENTURA
STATE OF CALIFORNIA

NOVEMBER 1999

SHEET 1 OF 1

Penfield & Smith
ENGINEERS • SURVEYORS

W.O. 13086.05

08605M01.DWG

SCALE: 1" = 150'

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD
LEVYING ASSESSMENTS FOR FISCAL YEAR 2012-2013
WITHIN LANDSCAPE MAINTENANCE DISTRICT NO. 38

WHEREAS, on November 28, 2000 the City Council adopted Resolution No. 11,863, forming Landscape Maintenance District No. 38 (Aldea Del Mar) ("the District"); and

WHEREAS, the District was formed in compliance with the Landscape and Lighting Act of 1972 (Streets and Highways Code section 22500 et seq.) ("the Act"), and assessments were levied in the District in compliance with the procedural requirements of the Act and also in compliance with the notice, protest and hearing requirements of Government Code section 53753; and

WHEREAS, the property owners in the District approved the levy of assessments in the District for fiscal year 2001-2002 and also approved a formula by which such assessments would be increased in each subsequent fiscal year; and

WHEREAS, assessments in the District have been proposed for fiscal year 2012-2013, calculated in accordance with the formula so approved; and

WHEREAS, Government Code section 53753.5(a) provides that after imposing assessments in compliance with the requirements of Government Code section 53753, such requirements shall not apply in subsequent fiscal years, as long as the proposed assessments do not exceed the assessment formula previously approved; and

WHEREAS, Government Code section 53753(a) provides that the requirements thereof supersede any other statutory provisions applicable to the levy of assessments, and that compliance with the requirements of Government Code section 53753 dispenses with compliance with any other statutory requirements applicable to the levy of assessments, thereby dispensing with compliance with the requirements of the Act with regard to levying the proposed assessments.

NOW, THEREFORE, the City Council of the City of Oxnard resolves:

1. The landscaping to be maintained in the District is all public landscaping installed by the developers of Tract No. 5148 within the District, which is located at Gonzales Road, and Snow Avenue in the City.
2. A full and detailed description of the landscaping improvements and the boundaries of the District and any zones therein is contained in the report of the Engineer, dated October 2000, on file with the City Clerk.

Resolution No.
Page 2

3. An assessment in the amount of \$327.68 is imposed on each lot and parcel of land within the District, as shown on the diagram attached hereto, marked Exhibit A and incorporated herein by reference, and such assessments and the diagram are confirmed.

4. The adoption of this resolution shall constitute the levy of assessments for the 2012-2013 fiscal year within Landscape Maintenance District No. 38.

5. The City Clerk shall immediately file the diagram and assessments, or a certified copy thereof, with the Ventura County Auditor.

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

AYES:

NOES:

ABSENT:

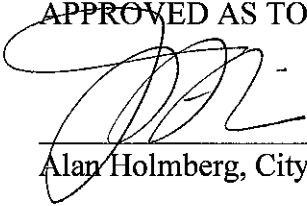
ABSTAIN:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



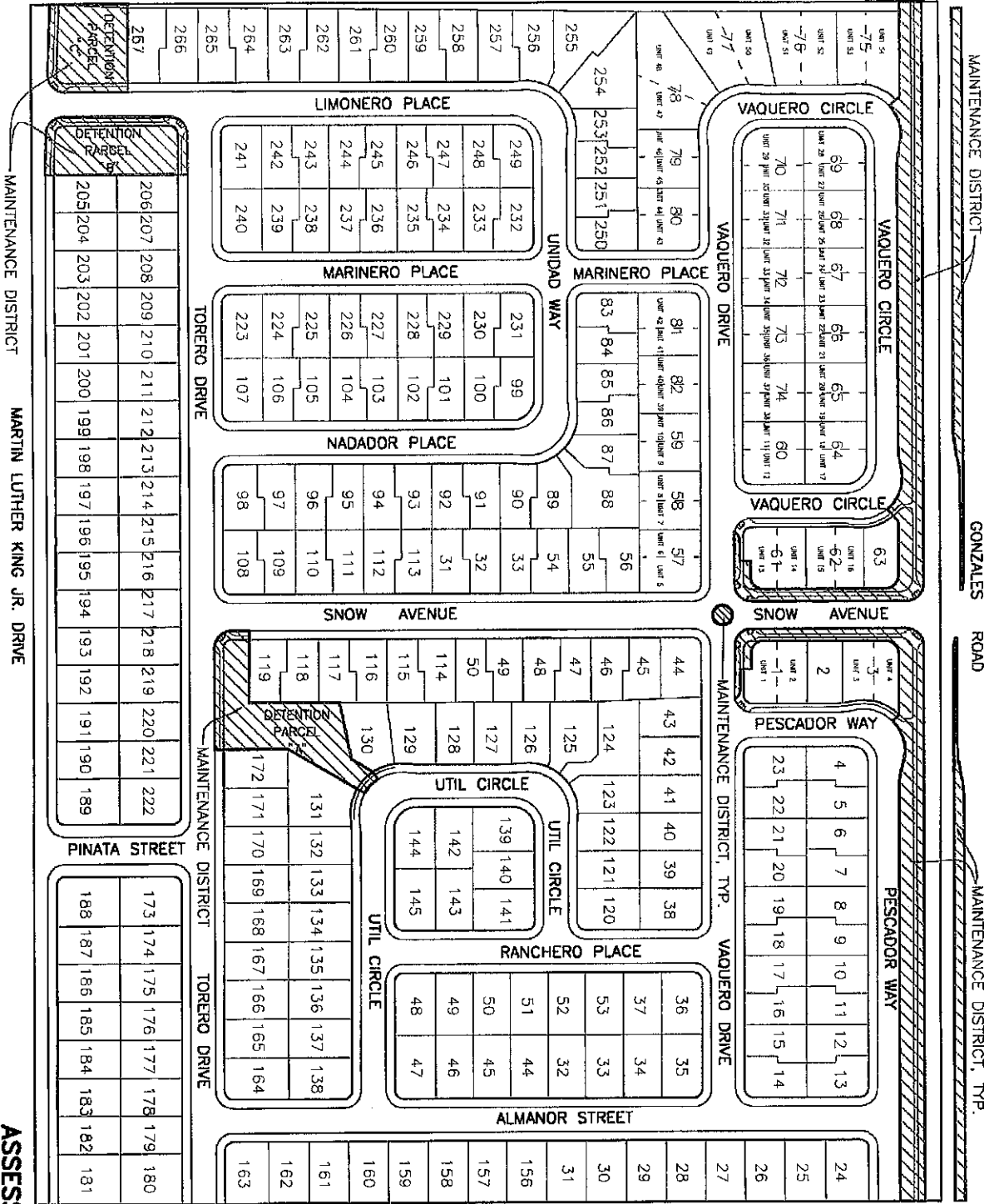
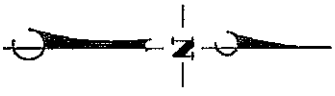
Alan Holmberg, City Attorney

5.24.12

NOT TO SCALE

LEGEND:
CITY MAINTAINED LANDSCAPE
ASSESSMENT DISTRICT IMPROVEMENTS

**ASSESSMENT DIAGRAM FOR
ALDEA DEL MAR (TRACT 5148)
LANDSCAPE MAINTENANCE
ASSESSMENT DISTRICT #38**
COUNTY OF VENTURA
STATE OF CALIFORNIA
OCTOBER 2000
SHEET 1 OF 1



CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD
LEVYING ASSESSMENTS FOR FISCAL YEAR 2012-2013
WITHIN LANDSCAPE MAINTENANCE DISTRICT NO. 39

WHEREAS, on March 6, 2001 the City Council adopted Resolution No. 11,905, forming Landscape Maintenance District No. 39 (Promesa/Sueno) ("the District"); and

WHEREAS, the District was formed in compliance with the Landscape and Lighting Act of 1972 (Streets and Highways Code section 22500 et seq.) ("the Act"), and assessments were levied in the District in compliance with the procedural requirements of the Act and also in compliance with the notice, protest and hearing requirements of Government Code section 53753; and

WHEREAS, the property owners in the District approved the levy of assessments in the District for fiscal year 2001-2002 and also approved a formula by which such assessments would be increased in each subsequent fiscal year; and

WHEREAS, assessments in the District have been proposed for fiscal year 2012-2013, calculated in accordance with the formula so approved; and

WHEREAS, Government Code section 53753.5(a) provides that after imposing assessments in compliance with the requirements of Government Code section 53753, such requirements shall not apply in subsequent fiscal years, as long as the proposed assessments do not exceed the assessment formula previously approved; and

WHEREAS, Government Code section 53753(a) provides that the requirements thereof supersede any other statutory provisions applicable to the levy of assessments, and that compliance with the requirements of Government Code section 53753 dispenses with compliance with any other statutory requirements applicable to the levy of assessments, thereby dispensing with compliance with the requirements of the Act with regard to levying the proposed assessments.

NOW, THEREFORE, the City Council of the City of Oxnard resolves:

1. The landscaping to be maintained in the District is all public landscaping installed by the developers of Tract Nos. 5198-1 and 5198-2 within the District, which is located at Entrada Drive and Morado Place in the City.

2. A full and detailed description of the landscaping improvements and the boundaries of the District and any zones therein is contained in the report of the Engineer, dated January 2001, on file with the City Clerk.

Resolution No.
Page 2

3. An assessment in the amount of \$758.46 is imposed on each lot and parcel of land within Tract No. 5198-1; an assessment of \$718.86 is imposed on each lot and parcel of land within Tract No. 5198-2 within the District, as shown on the diagram attached hereto, marked Exhibit A and incorporated herein by reference, and such assessments and the diagram are confirmed.

4. The adoption of this resolution shall constitute the levy of assessments for the 2012-2013 fiscal year within Landscape Maintenance District No. 39.

5. The City Clerk shall immediately file the diagram and assessments, or a certified copy thereof, with the Ventura County Auditor.

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

AYES:

NOES:

ABSENT:

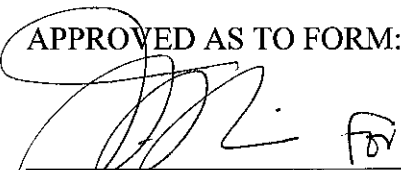
ABSTAIN:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney
5.24.12

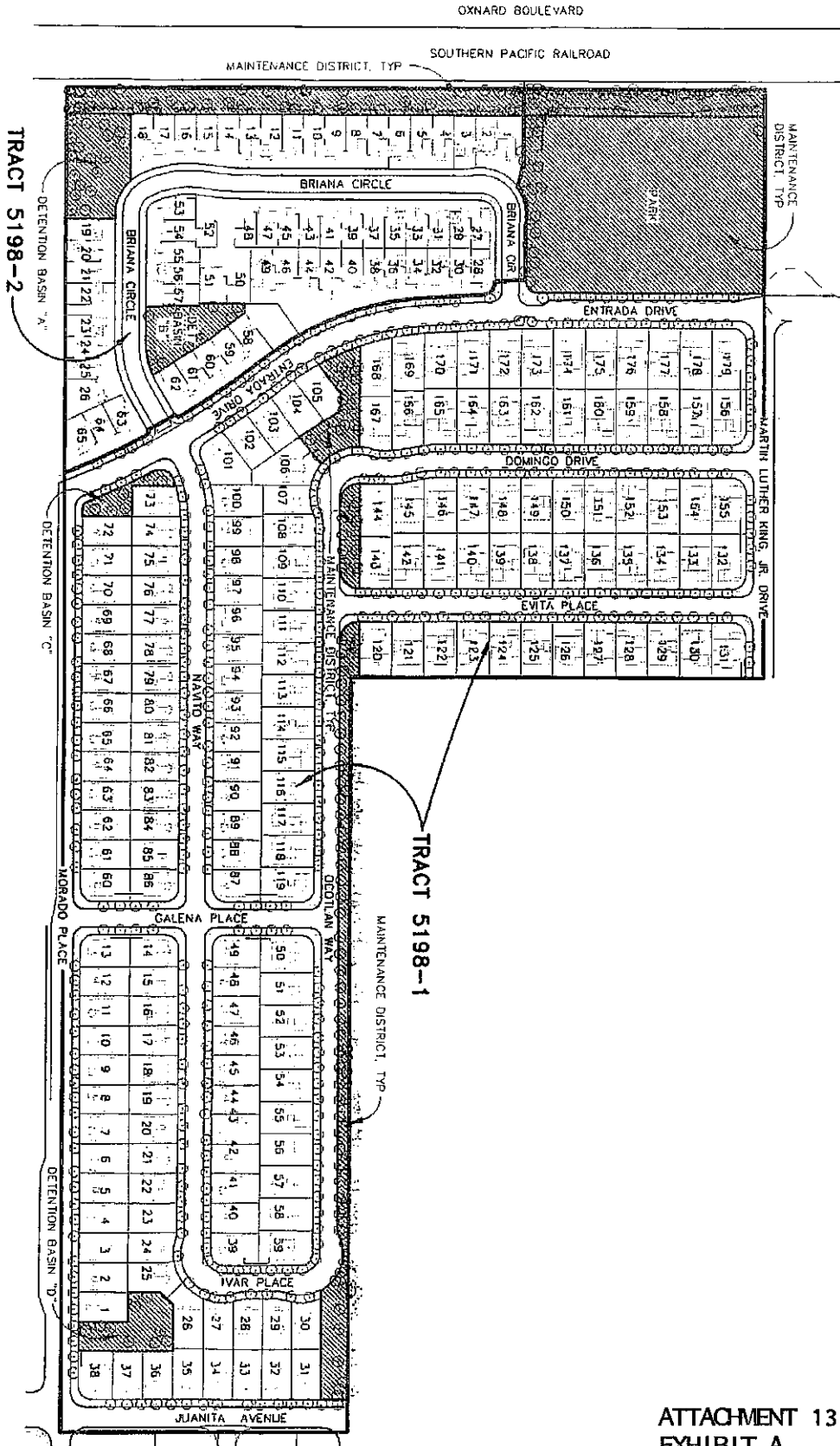
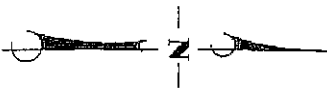
- LEGEND:**
-  CITY MAINTAINED LANDSCAPE
 -  ASSESSMENT DISTRICT IMPROVEMENTS
 -  CITY MAINTAINED STREET TREE

**ASSESSMENT DIAGRAM FOR
PROMESA/SUENO
(TRACT 5198-1 & 5198-2)
LANDSCAPE MAINTENANCE
ASSESSMENT DISTRICT #39**

COUNTY OF VENTURA
STATE OF CALIFORNIA

JANUARY 2001

SHEET 1 OF 1



ATTACHMENT 13
EXHIBIT A
PAGE 3 OF 3

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD
LEVYING ASSESSMENTS FOR FISCAL YEAR 2012-2013
WITHIN LANDSCAPE MAINTENANCE DISTRICT NO. 40

WHEREAS, on January 8, 2002, the City Council adopted Resolution No. 12,078, forming Landscape Maintenance District No. 40 (Cantada) ("the District"); and

WHEREAS, the District was formed in compliance with the Landscape and Lighting Act of 1972 (Streets and Highways Code section 22500 et seq.) ("the Act"), and assessments were levied in the District in compliance with the procedural requirements of the Act and also in compliance with the notice, protest and hearing requirements of Government Code section 53753; and

WHEREAS, the property owners in the District approved the levy of assessments in the District for fiscal year 2002-2003 and also approved a formula by which such assessments would be increased in each subsequent fiscal year; and

WHEREAS, assessments in the District have been proposed for fiscal year 2012-2013, calculated in accordance with the formula so approved; and

WHEREAS, Government Code section 53753.5(a) provides that after imposing assessments in compliance with the requirements of Government Code section 53753, such requirements shall not apply in subsequent fiscal years, as long as the proposed assessments do not exceed the assessment formula previously approved; and

WHEREAS, Government Code section 53753(a) provides that the requirements thereof supersede any other statutory provisions applicable to the levy of assessments, and that compliance with the requirements of Government Code section 53753 dispenses with compliance with any other statutory requirements applicable to the levy of assessments, thereby dispensing with compliance with the requirements of the Act with regard to levying the proposed assessments.

NOW, THEREFORE, the City Council of the City of Oxnard resolves:

1. The landscaping to be maintained in the District is all public landscaping installed by the developers of Tract No. 5214 within the District, which is located at Rose Avenue and Socorro Way, in the City.

2. A full and detailed description of the landscaping improvements and the boundaries of the District and any zones therein is contained in the report of the Engineer, dated October 2001, on file with the City Clerk.

3. An assessment in the amount of \$595.99 is imposed on each lot and parcel of land within the District, as shown on the diagram attached hereto, marked Exhibit A and incorporated herein by reference, and such assessments and the diagram are confirmed.

4. The adoption of this resolution shall constitute the levy of assessments for the 2012-2013 fiscal year within Landscape Maintenance District No. 40.

5. The City Clerk shall immediately file the diagram and assessments, or a certified copy thereof, with the Ventura County Auditor.

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

AYES:

NOES:

ABSENT:

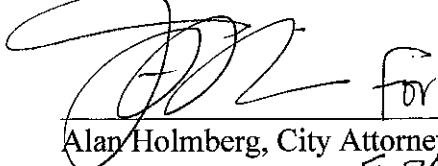
ABSTAIN:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney
5.24.12

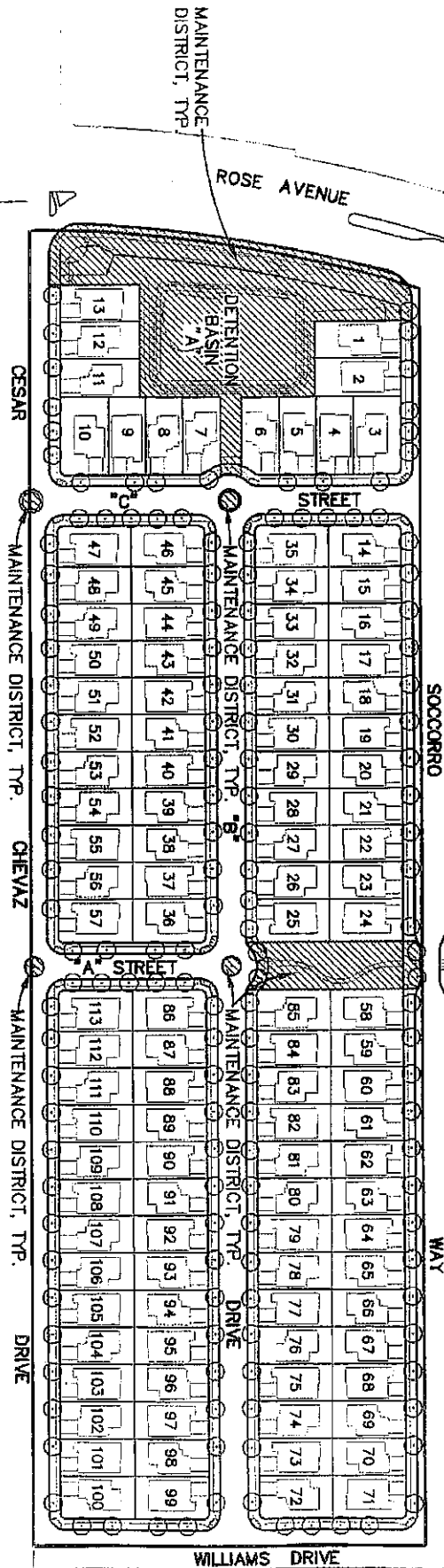
LEGEND:

-  CITY MAINTAINED LANDSCAPE
-  ASSESSMENT DISTRICT IMPROVEMENTS
-  CITY MAINTAINED STREET TREE

ASSESSMENT DIAGRAM FOR
CANTADA (TRACT 5214)
LANDSCAPE MAINTENANCE
ASSESSMENT DISTRICT #40

COUNTY OF VENTURA
STATE OF CALIFORNIA
OCTOBER 2001

SHEET 1 OF 1



CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD
LEVYING ASSESSMENTS FOR FISCAL YEAR 2012-2013
WITHIN LANDSCAPE MAINTENANCE DISTRICT NO. 41

WHEREAS, on January 8, 2002 the City Council adopted Resolution No. 12,079, forming Landscape Maintenance District No.41 (Pacific Cove) ("the District"); and

WHEREAS, the District was formed in compliance with the Landscape and Lighting Act of 1972 (Streets and Highways Code section 22500 et seq.) ("the Act"), and assessments were levied in the District in compliance with the procedural requirements of the Act and also in compliance with the notice, protest and hearing requirements of Government Code section 53753; and

WHEREAS, the property owners in the District approved the levy of assessments in the District for fiscal year 2002-2003 and also approved a formula by which such assessments would be increased in each subsequent fiscal year; and

WHEREAS, assessments in the District have been proposed for fiscal year 2012-2013, calculated in accordance with the formula so approved; and

WHEREAS, Government Code section 53753.5(a) provides that after imposing assessments in compliance with the requirements of Government Code section 53753, such requirements shall not apply in subsequent fiscal years, as long as the proposed assessments do not exceed the assessment formula previously approved; and

WHEREAS, Government Code section 53753(a) provides that the requirements thereof supersede any other statutory provisions applicable to the levy of assessments, and that compliance with the requirements of Government Code section 53753 dispenses with compliance with any other statutory requirements applicable to the levy of assessments, thereby dispensing with compliance with the requirements of the Act with regard to levying the proposed assessments.

NOW, THEREFORE, the City Council of the City of Oxnard resolves:

1. The landscaping to be maintained in the District is all public landscaping installed by the developers of Tract No. 5171 within the District, which is located at Saviers Road and Clara Street in the City.

2. A full and detailed description of the landscaping improvements and the boundaries of the District and any zones therein is contained in the report of the Engineer, dated October 2001, on file with the City Clerk.

Resolution No.

Page 2

3. An assessment in the amount of \$508.96 is imposed on each lot and parcel of land within the District, as shown on the diagram attached hereto, marked Exhibit A and incorporated herein by reference, and such assessments and the diagram are confirmed.

4. The adoption of this resolution shall constitute the levy of assessments for the 2012-2013 fiscal year within Landscape Maintenance District No. 41.

5. The City Clerk shall immediately file the diagram and assessments, or a certified copy thereof, with the Ventura County Auditor.

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

AYES:

NOES:

ABSENT:

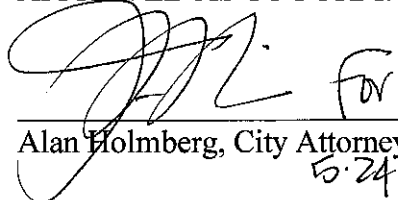
ABSTAIN:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:

 For

Alan Holmberg, City Attorney
5.24.12

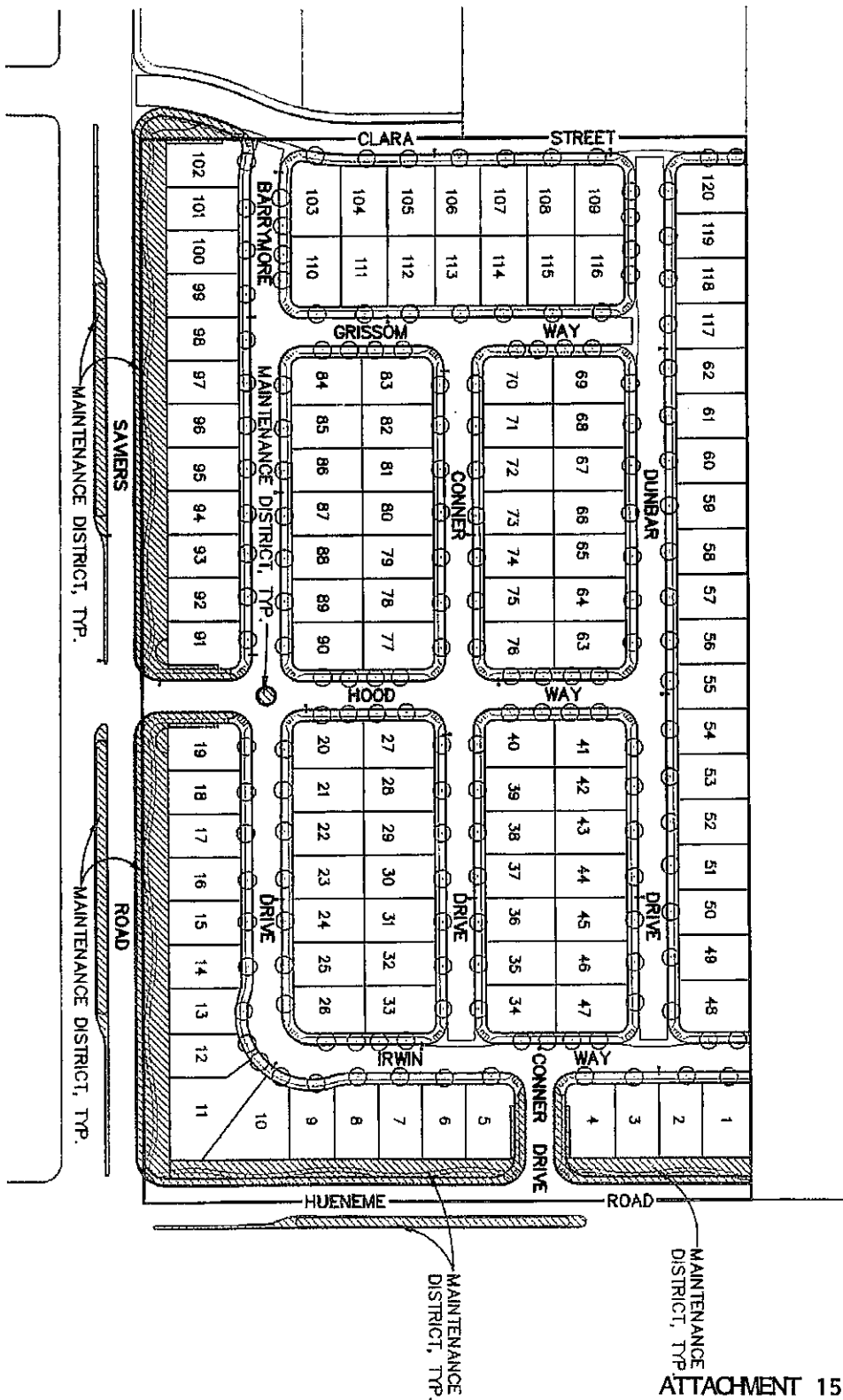
LEGEND:

-  CITY MAINTAINED LANDSCAPE
-  ASSESSMENT DISTRICT IMPROVEMENTS
-  CITY MAINTAINED STREET TREE

**ASSESSMENT DIAGRAM FOR
PACIFIC COVE (TRACT 5171)
LANDSCAPE MAINTENANCE
ASSESSMENT DISTRICT #41**

COUNTY OF VENTURA
STATE OF CALIFORNIA
OCTOBER 2001

SHEET 1 OF 1



CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD
LEVYING ASSESSMENTS FOR FISCAL YEAR 2012-2013
WITHIN LANDSCAPE MAINTENANCE DISTRICT NO. 42

WHEREAS, on May 14, 2002 the City Council adopted Resolution No. 12,144, forming Landscape Maintenance District No. 42 (Cantabria/Coronado) ("the District"); and

WHEREAS, the District was formed in compliance with the Landscape and Lighting Act of 1972 (Streets and Highways Code section 22500 et seq.) ("the Act"), and assessments were levied in the District in compliance with the procedural requirements of the Act and also in compliance with the notice, protest and hearing requirements of Government Code section 53753; and

WHEREAS, the property owners in the District approved the levy of assessments in the District for fiscal year 2002-2003 and also approved a formula by which such assessments would be increased in each subsequent fiscal year; and

WHEREAS, assessments in the District have been proposed for fiscal year 2012-2013, calculated in accordance with the formula so approved; and

WHEREAS, Government Code section 53753.5(a) provides that after imposing assessments in compliance with the requirements of Government Code section 53753, such requirements shall not apply in subsequent fiscal years, as long as the proposed assessments do not exceed the assessment formula previously approved; and

WHEREAS, Government Code section 53753(a) provides that the requirements thereof supersede any other statutory provisions applicable to the levy of assessments, and that compliance with the requirements of Government Code section 53753 dispenses with compliance with any other statutory requirements applicable to the levy of assessments, thereby dispensing with compliance with the requirements of the Act with regard to levying the proposed assessments.

NOW, THEREFORE, the City Council of the City of Oxnard resolves:

1. The landscaping to be maintained in the District is all public landscaping installed by the developers of Tract No. 5228 within the District, which is located at Rose Avenue and Tiesa Lane, in the City.
2. A full and detailed description of the landscaping improvements and the boundaries of the District and any zones therein is contained in the report of the Engineer, dated February 2002, on file with the City Clerk.

3. An assessment in the amount of \$772.71 is imposed on each lot and parcel of land within the District, as shown on the diagram attached hereto, marked Exhibit A and incorporated herein by reference, and such assessments and the diagram are confirmed.

4. The adoption of this resolution shall constitute the levy of assessments for the 2012-2013 fiscal year within Landscape Maintenance District No. 42.

5. The City Clerk shall immediately file the diagram and assessments, or a certified copy thereof, with the Ventura County Auditor.

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

AYES:

NOES:

ABSENT:

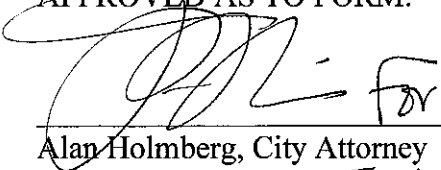
ABSTAIN:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney

5.24.12

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD
LEVYING ASSESSMENTS FOR FISCAL YEAR 2012-2013
WITHIN LANDSCAPE MAINTENANCE DISTRICT NO. 43

WHEREAS, on January 7, 2003 the City Council adopted Resolution No. 12,295, forming Landscape Maintenance District No. 43 (Parc Rose, Tierra Vista, Sonrisa II and Mayfield Village) ("the District"); and

WHEREAS, the District was formed in compliance with the Landscape and Lighting Act of 1972 (Streets and Highways Code section 22500 et seq.) ("the Act"), and assessments were levied in the District in compliance with the procedural requirements of the Act and also in compliance with the notice, protest and hearing requirements of Government Code section 53753; and

WHEREAS, the property owners in the District approved the levy of assessments in the District for fiscal year 2003-2004 and also approved a formula by which such assessments would be increased in each subsequent fiscal year; and

WHEREAS, assessments in the District have been proposed for fiscal year 2012-2013, calculated in accordance with the formula so approved; and

WHEREAS, Government Code section 53753.5(a) provides that after imposing assessments in compliance with the requirements of Government Code section 53753, such requirements shall not apply in subsequent fiscal years, as long as the proposed assessments do not exceed the assessment formula previously approved; and

WHEREAS, Government Code section 53753(a) provides that the requirements thereof supersede any other statutory provisions applicable to the levy of assessments, and that compliance with the requirements of Government Code section 53753 dispenses with compliance with any other statutory requirements applicable to the levy of assessments, thereby dispensing with compliance with the requirements of the Act with regard to levying the proposed assessments.

NOW, THEREFORE, the City Council of the City of Oxnard resolves:

1. The landscaping to be maintained in the District is all public landscaping installed by the developers of Parcel Map No. 98-5-117 (Parc Rose), Tract No. 4317 (Tierra Vista), Tract No. 5293 (Sonrisa II) and Tract No. 5294 (Mayfield Village) within the District, which is located at Williams Drive and Cesar Chavez Drive, in the City.

2. A full and detailed description of the landscaping improvements and the boundaries of the District and any zones therein is contained in the report of the Engineer, dated September, 2002, on file with the City Clerk.

3. An assessment in the amount of \$24,932.10 is imposed on Parcel Map 98-5-117; an assessment in the amount of \$6,870.56 imposed on Parcel Map 213-0-082-085 in Tract 4317; an assessment in the amount of \$19,145.16 is imposed on Parcel Map 213-0-083-165 in Tract 4317; an assessment in the amount of \$19,558.66 is imposed on Tract No. 5293; an assessment in the amount of \$19,793.90 is imposed on Tract No. 5294, within the District, as shown on the diagram attached hereto, marked Exhibit A and incorporated herein by reference, and such assessments and the diagram are confirmed.

4. The adoption of this resolution shall constitute the levy of assessments for the 2012-2013 fiscal year within Landscape Maintenance District No. 43.

5. The City Clerk shall immediately file the diagram and assessments, or a certified copy thereof, with the Ventura County Auditor.

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

AYES:

NOES:

ABSENT:

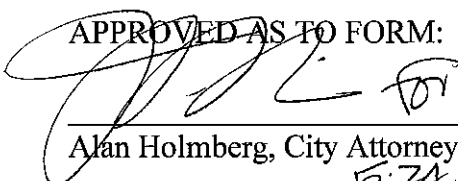
ABSTAIN:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:

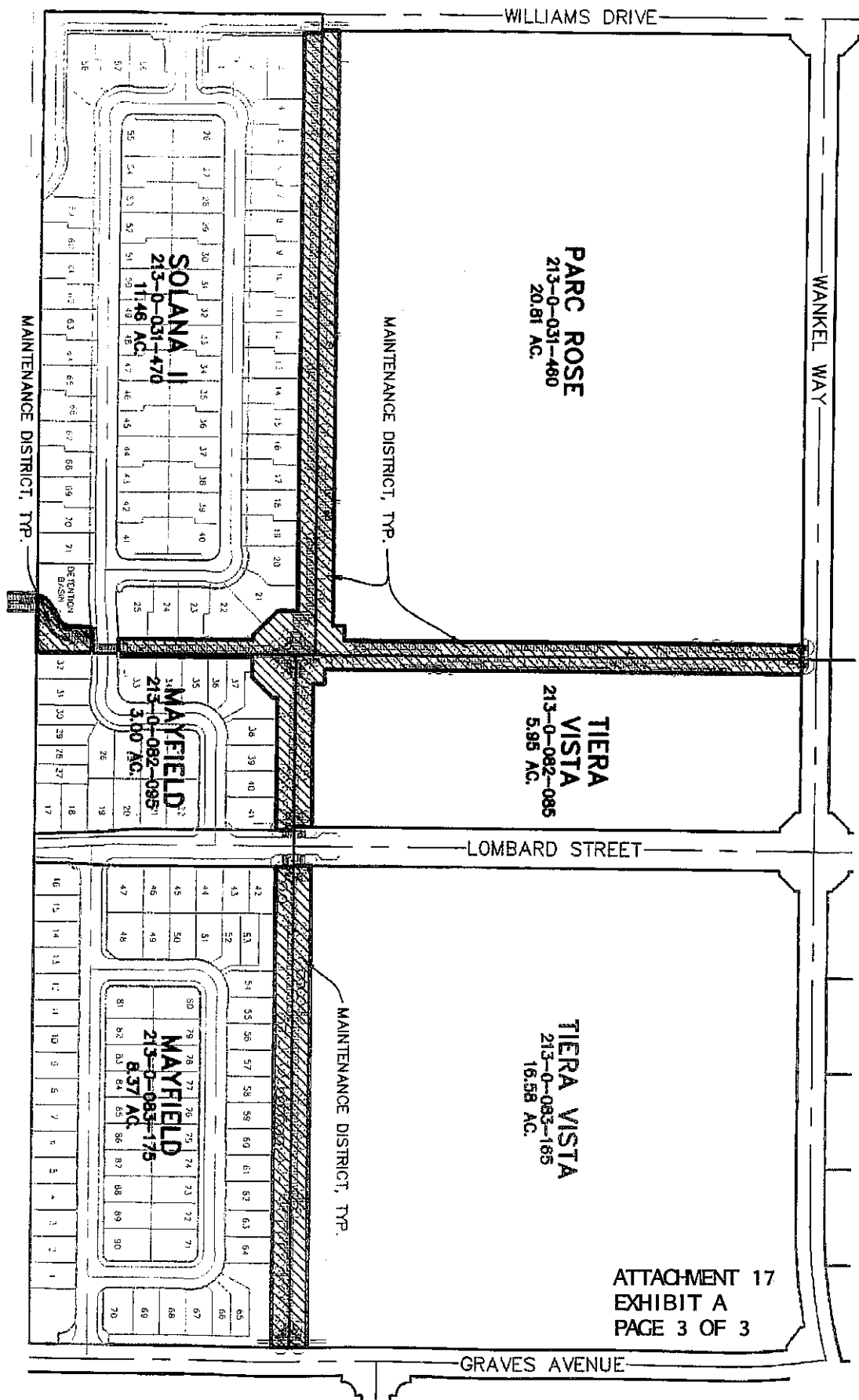


Alan Holmberg, City Attorney
5.24.12

SCALE: 1"=250'

LEGEND:
 CITY MAINTAINED LANDSCAPE
 ASSESSMENT DISTRICT IMPROVEMENTS

**ASSESSMENT DIAGRAM FOR
GREENBELT
LANDSCAPE MAINTENANCE
ASSESSMENT DISTRICT #43**
 COUNTY OF VENTURA
 STATE OF CALIFORNIA
 SEPTEMBER 2002
SHEET 1 OF 1



ATTACHMENT 17
EXHIBIT A
PAGE 3 OF 3

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD
LEVYING ASSESSMENTS FOR FISCAL YEAR 2012-2013
WITHIN LANDSCAPE MAINTENANCE DISTRICT NO. 44

WHEREAS, on January 28, 2003, the City Council adopted Resolution No. 12,307, forming Landscape Maintenance District No. 44 (American Pacific Homes) ("the District"); and

WHEREAS, the District was formed in compliance with the Landscape and Lighting Act of 1972 (Streets and Highways Code section 22500 et seq.) ("the Act"), and assessments were levied in the District in compliance with the procedural requirements of the Act and also in compliance with the notice, protest and hearing requirements of Government Code section 53753; and

WHEREAS, the property owners in the District approved the levy of assessments in the District for fiscal year 2003-2004 and also approved a formula by which such assessments would be increased in each subsequent fiscal year; and

WHEREAS, assessments in the District have been proposed for fiscal year 2012-2013, calculated in accordance with the formula so approved; and

WHEREAS, Government Code section 53753.5(a) provides that after imposing assessments in compliance with the requirements of Government Code section 53753, such requirements shall not apply in subsequent fiscal years, as long as the proposed assessments do not exceed the assessment formula previously approved; and

WHEREAS, Government Code section 53753(a) provides that the requirements thereof supersede any other statutory provisions applicable to the levy of assessments, and that compliance with the requirements of Government Code section 53753 dispenses with compliance with any other statutory requirements applicable to the levy of assessments, thereby dispensing with compliance with the requirements of the Act with regard to levying the proposed assessments.

NOW, THEREFORE, the City Council of the City of Oxnard resolves:

1. The landscaping to be maintained in the District is all public landscaping installed by the developers of Tract No. 5253 within the District, which is located at Channel Island Blvd. and Upton Sinclair Drive.

2. A full and detailed description of the landscaping improvements and the boundaries of the District and any zones therein is contained in the report of the Engineer, September 2002, on file with the City Clerk.

Resolution No.

Page 2

3. An assessment in the amount of \$131.63 is imposed on each lot and parcel of land within the District, as shown on the diagram attached hereto, marked Exhibit A and incorporated herein by reference, and such assessments and the diagram are confirmed.

4. The adoption of this resolution shall constitute the levy of assessments for the 2012-2013 fiscal year within Landscape Maintenance District No. 44.

5. The City Clerk shall immediately file the diagram and assessments, or a certified copy thereof, with the Ventura County Auditor.

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

AYES:

NOES:

ABSENT:

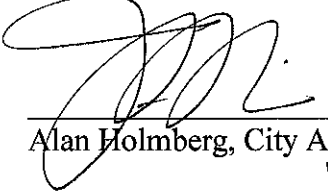
ABSTAIN:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney
5.24.12

SCALE: 1"=200'

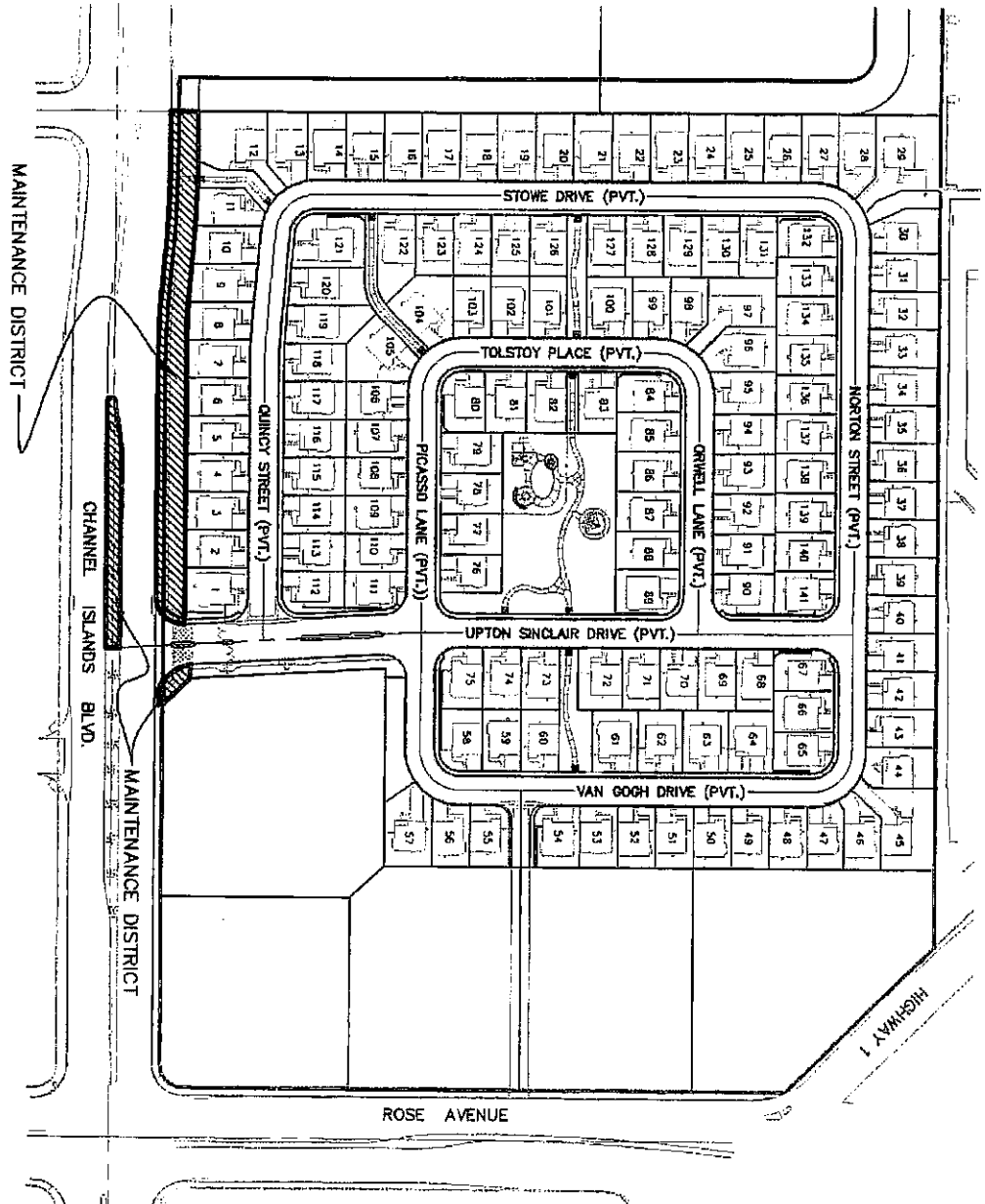
LEGEND:

-  CITY MAINTAINED LANDSCAPE
-  ASSESSMENT DISTRICT IMPROVEMENTS

**ASSESSMENT DIAGRAM FOR
AMERICAN PACIFIC HOMES
CHANNEL POINTE
(TRACT 5253)
LANDSCAPE MAINTENANCE
ASSESSMENT DISTRICT #44**

COUNTY OF VENTURA
STATE OF CALIFORNIA
SEPTEMBER 2002

SHEET 1 OF 1



CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD
LEVYING ASSESSMENTS FOR FISCAL YEAR 2012-2013
WITHIN LANDSCAPE MAINTENANCE DISTRICT NO. 45

WHEREAS, on January 28, 2003 the City Council adopted Resolution No. 12,308, forming Landscape Maintenance District No. 45 (Channel Point) ("the District"); and

WHEREAS, the District was formed in compliance with the Landscape and Lighting Act of 1972 (Streets and Highways Code section 22500 et seq.) ("the Act"), and assessments were levied in the District in compliance with the procedural requirements of the Act and also in compliance with the notice, protest and hearing requirements of Government Code section 53753; and

WHEREAS, the property owners in the District approved the levy of assessments in the District for fiscal year 2003-2004 and also approved a formula by which such assessments would be increased in each subsequent fiscal year; and

WHEREAS, assessments in the District have been proposed for fiscal year 2012-2013, calculated in accordance with the formula so approved; and

WHEREAS, Government Code section 53753.5(a) provides that after imposing assessments in compliance with the requirements of Government Code section 53753, such requirements shall not apply in subsequent fiscal years, as long as the proposed assessments do not exceed the assessment formula previously approved; and

WHEREAS, Government Code section 53753(a) provides that the requirements thereof supersede any other statutory provisions applicable to the levy of assessments, and that compliance with the requirements of Government Code section 53753 dispenses with compliance with any other statutory requirements applicable to the levy of assessments, thereby dispensing with compliance with the requirements of the Act with regard to levying the proposed assessments.

NOW, THEREFORE, the City Council of the City of Oxnard resolves:

1. The landscaping to be maintained in the District is all public landscaping installed by the developers of Parcel Map No. 00-5-55 within the District, which is located at Rose Avenue and Channel Island Blvd., in the City.

2. A full and detailed description of the landscaping improvements and the boundaries of the District and any zones therein is contained in the report of the Engineer, dated October 2002, on file with the City Clerk.

3. An assessment in the amount of \$1,543.36 is imposed on Parcel 1; an assessment in the amount of \$273.50 is imposed on Parcel 2; an assessment in the amount of \$2,109.86 is imposed on Parcel 3; an assessment in the amount of \$840.04 is imposed on Parcel 4; an assessment in the amount of \$1,738.70 is imposed on Parcel 5, within the District, as shown on the diagram attached hereto, marked Exhibit A and incorporated herein by reference, and such assessments and the diagram are confirmed.

4. The adoption of this resolution shall constitute the levy of assessments for the 2012-2013 fiscal year within Landscape Maintenance District No. 45.

5. The City Clerk shall immediately file the diagram and assessments, or a certified copy thereof, with the Ventura County Auditor.

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

AYES:

NOES:

ABSENT:

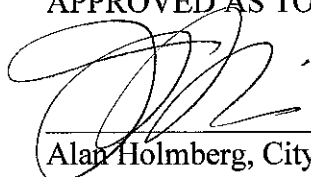
ABSTAIN:

Dr. Thomas E. Holden, Mayor

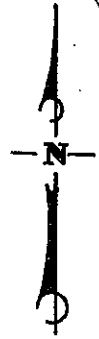
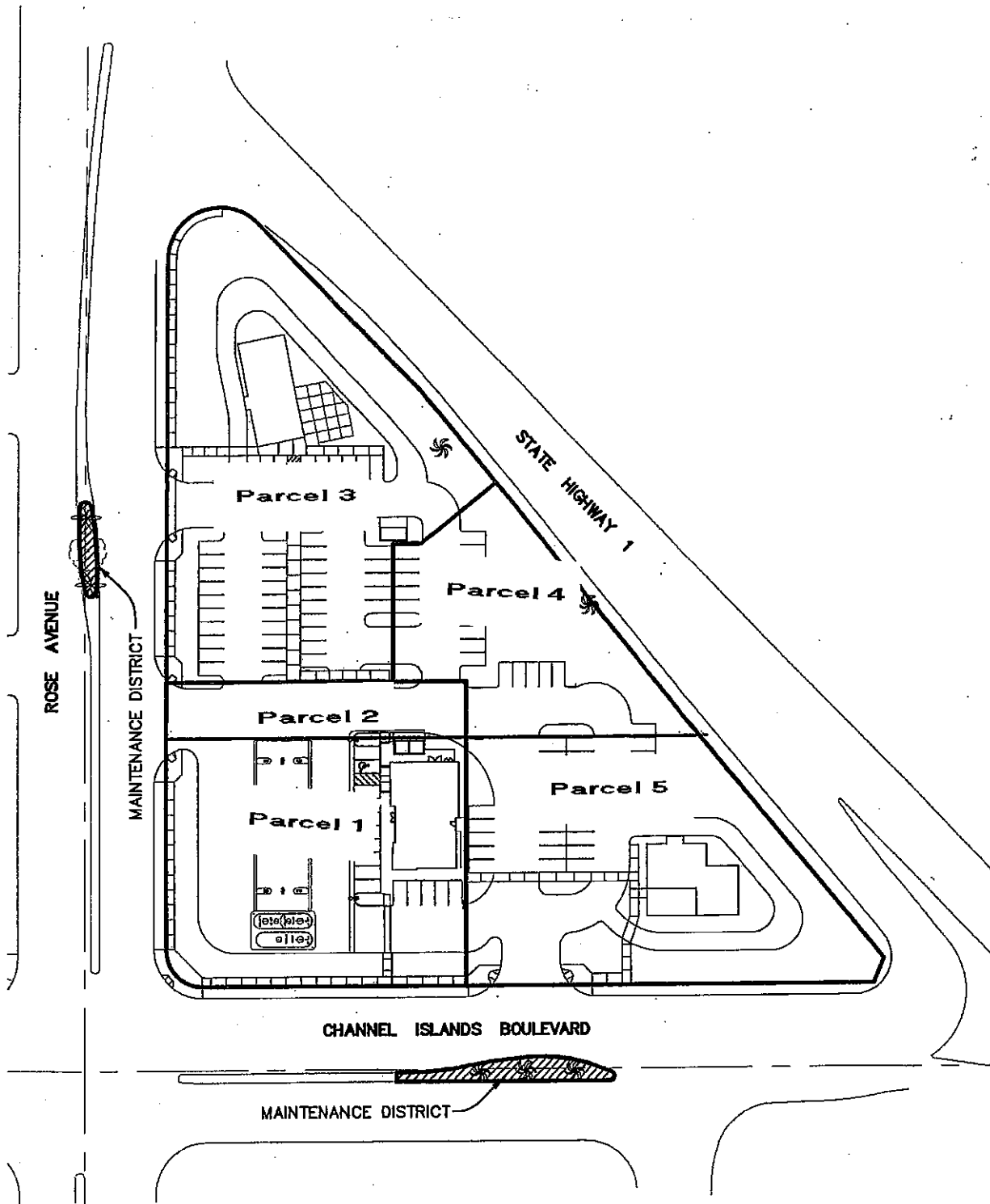
ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney
for
5.24.12



ATTACHMENT 19
EXHIBIT A
PAGE 3 OF 3

LEGEND:

 CITY MAINTAINED LANDSCAPE
ASSESSMENT DISTRICT IMPROVEMENTS

**ASSESSMENT DIAGRAM FOR
CHANNEL POINTE
LANDSCAPE MAINTENANCE
ASSESSMENT DISTRICT #45**

COUNTY OF VENTURA
STATE OF CALIFORNIA

OCTOBER 2002

SHEET 1 OF 1

Penfield & Smith
ENGINEERS • SURVEYORS
W.O. 13086.14 1308614MD1.DWG

SCALE: 1"=100'

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD
LEVYING ASSESSMENTS FOR FISCAL YEAR 2012-2013
WITHIN LANDSCAPE MAINTENANCE DISTRICT NO. 46

WHEREAS, on June 24, 2003, the City Council adopted Resolution No. 12,440, forming Landscape Maintenance District No. 46 (Daily Ranch) ("the District"); and

WHEREAS, the District was formed in compliance with the Landscape and Lighting Act of 1972 (Streets and Highways Code section 22500 et seq.) ("the Act"), and assessments were levied in the District in compliance with the procedural requirements of the Act and also in compliance with the notice, protest and hearing requirements of Government Code section 53753; and

WHEREAS, the property owners in the District approved the levy of assessments in the District for fiscal year 2003-2004 and also approved a formula by which such assessments would be increased in each subsequent fiscal year; and

WHEREAS, assessments in the District have been proposed for fiscal year 2012-2013, calculated in accordance with the formula so approved; and

WHEREAS, Government Code section 53753.5(a) provides that after imposing assessments in compliance with the requirements of Government Code section 53753, such requirements shall not apply in subsequent fiscal years, as long as the proposed assessments do not exceed the assessment formula previously approved; and

WHEREAS, Government Code section 53753(a) provides that the requirements thereof supersede any other statutory provisions applicable to the levy of assessments, and that compliance with the requirements of Government Code section 53753 dispenses with compliance with any other statutory requirements applicable to the levy of assessments, thereby dispensing with compliance with the requirements of the Act with regard to levying the proposed assessments.

NOW, THEREFORE, the City Council of the City of Oxnard resolves:

1. The landscaping to be maintained in the District is all public landscaping installed by the developers of Tract No. 5276 within the District, which is located at Camino de la Luna and Rose Avenue, in the City.

2. A full and detailed description of the landscaping improvements and the boundaries of the District and any zones therein is contained in the report of the Engineer, dated April 2003, on file with the City Clerk.

Resolution No.
Page 2

3. An assessment in the amount of \$675.26 is imposed on each lot and parcel of land in area "A"; an assessment in the amount of \$653.34 is imposed on each lot and parcel of land in area "B"; an assessment in the amount of \$582.64 is imposed on each lot and parcel in area "C", within the District, as shown on the diagram attached hereto, marked Exhibit A and incorporated herein by reference, and such assessments and the diagram are confirmed.

4. The adoption of this resolution shall constitute the levy of assessments for the 2012-2013 fiscal year within Landscape Maintenance District No. 46.

5. The City Clerk shall immediately file the diagram and assessments, or a certified copy thereof, with the Ventura County Auditor.

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

AYES:

NOES:

ABSENT:

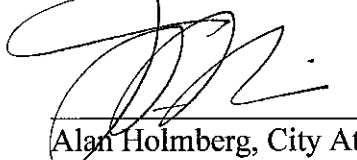
ABSTAIN:

Dr. Thomas E. Holden, Mayor

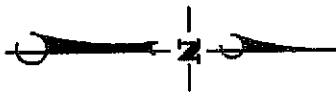
ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney
5.24.12



LEGEND:

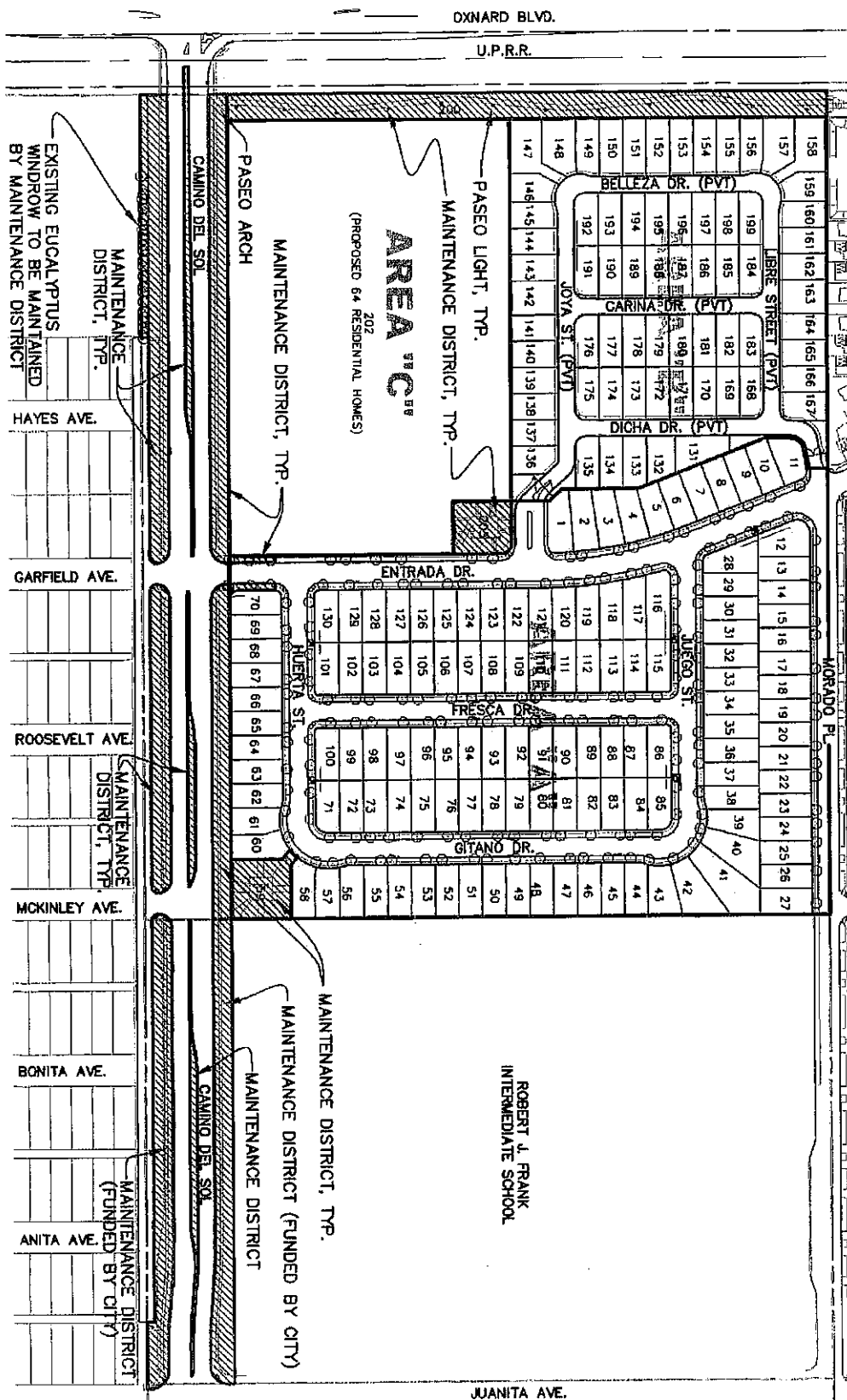
- CITY MAINTAINED LANDSCAPE ASSESSMENT DISTRICT IMPROVEMENTS
- CITY MAINTAINED STREET TREE
- CITY MAINTAINED MAILBOX CLUSTER

**ASSESSMENT DIAGRAM FOR
DAILY RANCH
(TRACT 5276)
LANDSCAPE MAINTENANCE
ASSESSMENT DISTRICT #46**

COUNTY OF VENTURA
STATE OF CALIFORNIA

APRIL 2003

SHEET 1 OF 1



CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD
LEVYING ASSESSMENTS FOR FISCAL YEAR 2012-2013
WITHIN LANDSCAPE MAINTENANCE DISTRICT NO. 47

WHEREAS, on April 22, 2003, the City Council adopted Resolution No. 12,355, forming Landscape Maintenance District No. 47 (Sycamore Place) ("the District"); and

WHEREAS, the District was formed in compliance with the Landscape and Lighting Act of 1972 (Streets and Highways Code section 22500 et seq.) ("the Act"), and assessments were levied in the District in compliance with the procedural requirements of the Act and also in compliance with the notice, protest and hearing requirements of Government Code section 53753; and

WHEREAS, the property owners in the District approved the levy of assessments in the District for fiscal year 2003-2004 and also approved a formula by which such assessments would be increased in each subsequent fiscal year; and

WHEREAS, assessments in the District have been proposed for fiscal year 2012-2013, calculated in accordance with the formula so approved; and

WHEREAS, Government Code section 53753.5(a) provides that after imposing assessments in compliance with the requirements of Government Code section 53753, such requirements shall not apply in subsequent fiscal years, as long as the proposed assessments do not exceed the assessment formula previously approved; and

WHEREAS, Government Code section 53753(a) provides that the requirements thereof supersede any other statutory provisions applicable to the levy of assessments, and that compliance with the requirements of Government Code section 53753 dispenses with compliance with any other statutory requirements applicable to the levy of assessments, thereby dispensing with compliance with the requirements of the Act with regard to levying the proposed assessments.

NOW, THEREFORE, the City Council of the City of Oxnard resolves:

1. The landscaping to be maintained in the District is all public landscaping installed by the developers of Tract No. 5339 within the District, which is located at Gonzales Road and Indiana Drive, in the City.
2. A full and detailed description of the landscaping improvements and the boundaries of the District and any zones therein is contained in the report of the Engineer, dated February 2003, on file with the City Clerk.

3. An assessment in the amount of \$520.08 is imposed on each lot and parcel of land within the District, as shown on the diagram attached hereto, marked Exhibit A and incorporated herein by reference, and such assessments and the diagram are confirmed.

4. The adoption of this resolution shall constitute the levy of assessments for the 2012-2013 fiscal year within Landscape Maintenance District No. 47.

5. The City Clerk shall immediately file the diagram and assessments, or a certified copy thereof, with the Ventura County Auditor.

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

AYES:

NOES:

ABSENT:

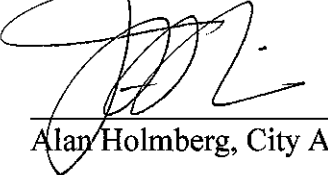
ABSTAIN:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney
524.12

MAINTENANCE DISTRICT, TYP.

CALIENTE WY.

INDIANA DRIVE

ROBLE LN.

ENTRY SIGN TO BE MAINTAINED BY THE MAINTENANCE DISTRICT

JUNTO LANE

CALIENTE WY.

LAGO LANE

LEON DR.

MAINTENANCE DISTRICT, TYP.

AURORA DRIVE

GONZALES ROAD

1/2 OF THE GONZALES ROAD MEDIAN TO BE MAINTAINED BY THE MAINTENANCE DISTRICT

BANCAL WAY

MIRASOL LANE

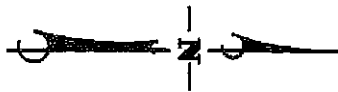
CALIENTE WY.

NARANJA LANE

SNOW AVENUE

SABRINA ST.

EXISTING SYCAMORE TREES TO BE MAINTAINED BY THE MAINTENANCE DISTRICT



LEGEND:

- CITY MAINTAINED LANDSCAPE ASSESSMENT DISTRICT IMPROVEMENTS
- CITY MAINTAINED STREET TREE
- CITY MAINTAINED MAILBOX CLUSTER

ASSESSMENT DIAGRAM FOR SYCAMORE PLACE (TRACT 5339) LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT #47

COUNTY OF VENTURA
STATE OF CALIFORNIA

FEBRUARY 2003

SHEET 1 OF 1

ATTACHMENT 21
EXHIBIT A
PAGE 3 OF 3

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD
LEVYING ASSESSMENTS FOR FISCAL YEAR 2012-2013
WITHIN LANDSCAPE MAINTENANCE DISTRICT NO. 48

WHEREAS, on June 3, 2003, the City Council adopted Resolution No. 12,393, forming Landscape Maintenance District No. 48 (Victoria Estates) ("the District"); and

WHEREAS, the District was formed in compliance with the Landscape and Lighting Act of 1972 (Streets and Highways Code section 22500 et seq.) ("the Act"), and assessments were levied in the District in compliance with the procedural requirements of the Act and also in compliance with the notice, protest and hearing requirements of Government Code section 53753; and

WHEREAS, the property owners in the District approved the levy of assessments in the District for fiscal year 2003-2004 and also approved a formula by which such assessments would be increased in each subsequent fiscal year; and

WHEREAS, assessments in the District have been proposed for fiscal year 2012-2013, calculated in accordance with the formula so approved; and

WHEREAS, Government Code section 53753.5(a) provides that after imposing assessments in compliance with the requirements of Government Code section 53753, such requirements shall not apply in subsequent fiscal years, as long as the proposed assessments do not exceed the assessment formula previously approved; and

WHEREAS, Government Code section 53753(a) provides that the requirements thereof supersede any other statutory provisions applicable to the levy of assessments, and that compliance with the requirements of Government Code section 53753 dispenses with compliance with any other statutory requirements applicable to the levy of assessments, thereby dispensing with compliance with the requirements of the Act with regard to levying the proposed assessments.

NOW, THEREFORE, the City Council of the City of Oxnard resolves:

1. The landscaping to be maintained in the District is all public landscaping installed by the developers of Tract No. 5234 within the District, which is located at Gonzales Road between Patterson Road and Victoria Avenue, in the City.

2. A full and detailed description of the landscaping improvements and the boundaries of the District and any zones therein is contained in the report of the Engineer, dated March 2003, on file with the City Clerk.

3. An assessment in the amount of \$308.22 is imposed on each Lot and parcel of land in the residential area; an assessment in the amount of \$4,207.76 is imposed on Lot No.157 in Tract 5234 within the District, as shown on the diagram attached hereto, marked Exhibit A and incorporated herein by reference, and such assessments and the diagram are confirmed.

4. The adoption of this resolution shall constitute the levy of assessments for the 2012-2013 fiscal year within Landscape Maintenance District No. 48.

5. The City Clerk shall immediately file the diagram and assessments, or a certified copy thereof, with the Ventura County Auditor.

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

AYES:

NOES:

ABSENT:

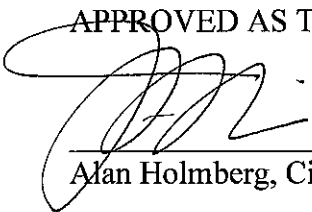
ABSTAIN:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:

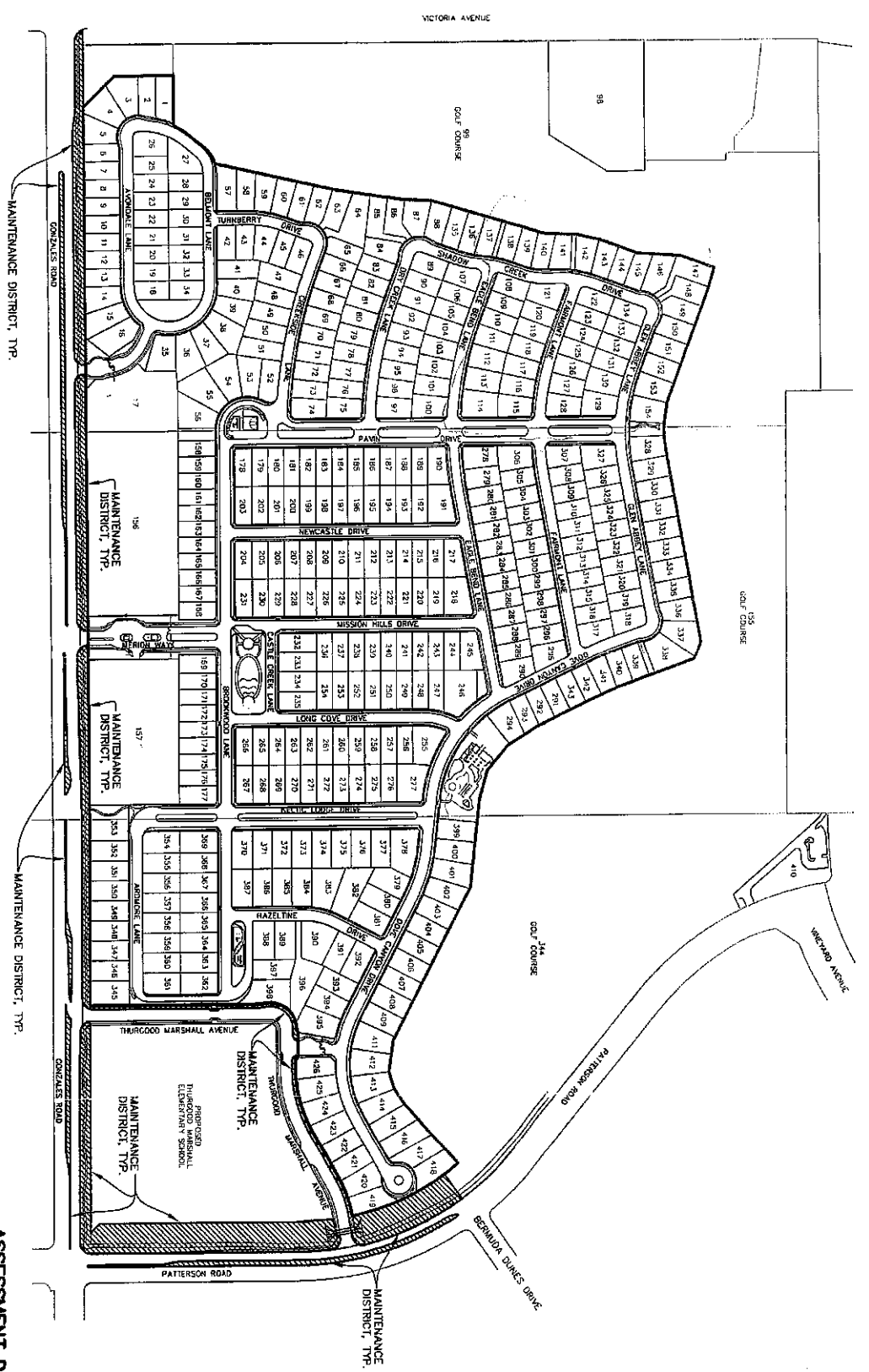


Alan Holmberg, City Attorney

FDV
5.24.12

LEGEND:
CITY MAINTAINED LANDSCAPE
ASSESSMENT DISTRICT IMPROVEMENTS

ASSESSMENT DIAGRAM FOR
VICTORIA ESTATES
(TRACT 5234)
LANDSCAPE MAINTENANCE
ASSESSMENT DISTRICT #48
COUNTY OF VENTURA
STATE OF CALIFORNIA
MARCH 2003
SHEET 1 OF 1



CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD
LEVYING ASSESSMENTS FOR FISCAL YEAR 2012-2013
WITHIN LANDSCAPE MAINTENANCE DISTRICT NO. 49

WHEREAS, on June 3, 2003, the City Council adopted Resolution No. 12,394, forming Landscape Maintenance District No. 49 (Cameron Ranch) ("the District"); and

WHEREAS, the District was formed in compliance with the Landscape and Lighting Act of 1972 (Streets and Highways Code section 22500 et seq.) ("the Act"), and assessments were levied in the District in compliance with the procedural requirements of the Act and also in compliance with the notice, protest and hearing requirements of Government Code section 53753; and

WHEREAS, the property owners in the District approved the levy of assessments in the District for fiscal year 2003-2004 and also approved a formula by which such assessments would be increased in each subsequent fiscal year; and

WHEREAS, assessments in the District have been proposed for fiscal year 2012-2013, calculated in accordance with the formula so approved; and

WHEREAS, Government Code section 53753.5(a) provides that after imposing assessments in compliance with the requirements of Government Code section 53753, such requirements shall not apply in subsequent fiscal years, as long as the proposed assessments do not exceed the assessment formula previously approved; and

WHEREAS, Government Code section 53753(a) provides that the requirements thereof supersede any other statutory provisions applicable to the levy of assessments, and that compliance with the requirements of Government Code section 53753 dispenses with compliance with any other statutory requirements applicable to the levy of assessments, thereby dispensing with compliance with the requirements of the Act with regard to levying the proposed assessments.

NOW, THEREFORE, the City Council of the City of Oxnard resolves:

1. The landscaping to be maintained in the District is all public landscaping installed by the developers of Tract No. 5296 within the District, which is located at Kohala Street and Ocaso Place, within the City.

2. A full and detailed description of the landscaping improvements and the boundaries of the District and any zones therein is contained in the report of the Engineer, dated March 2003, on file with the City Clerk.

Resolution No.

Page 2

3. An assessment in the amount of \$457.57 is imposed on each lot and parcel of land within the District, as shown on the diagram attached hereto, marked Exhibit A and incorporated herein by reference, and such assessments and the diagram are confirmed.

4. The adoption of this resolution shall constitute the levy of assessments for the 2012-2013 fiscal year within Landscape Maintenance District No. 49.

5. The City Clerk shall immediately file the diagram and assessments, or a certified copy thereof, with the Ventura County Auditor.

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

AYES:

NOES:

ABSENT:

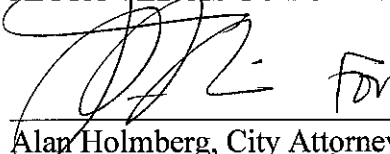
ABSTAIN:

Dr. Thomas E. Holden, Mayor

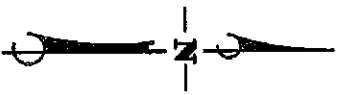
ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:

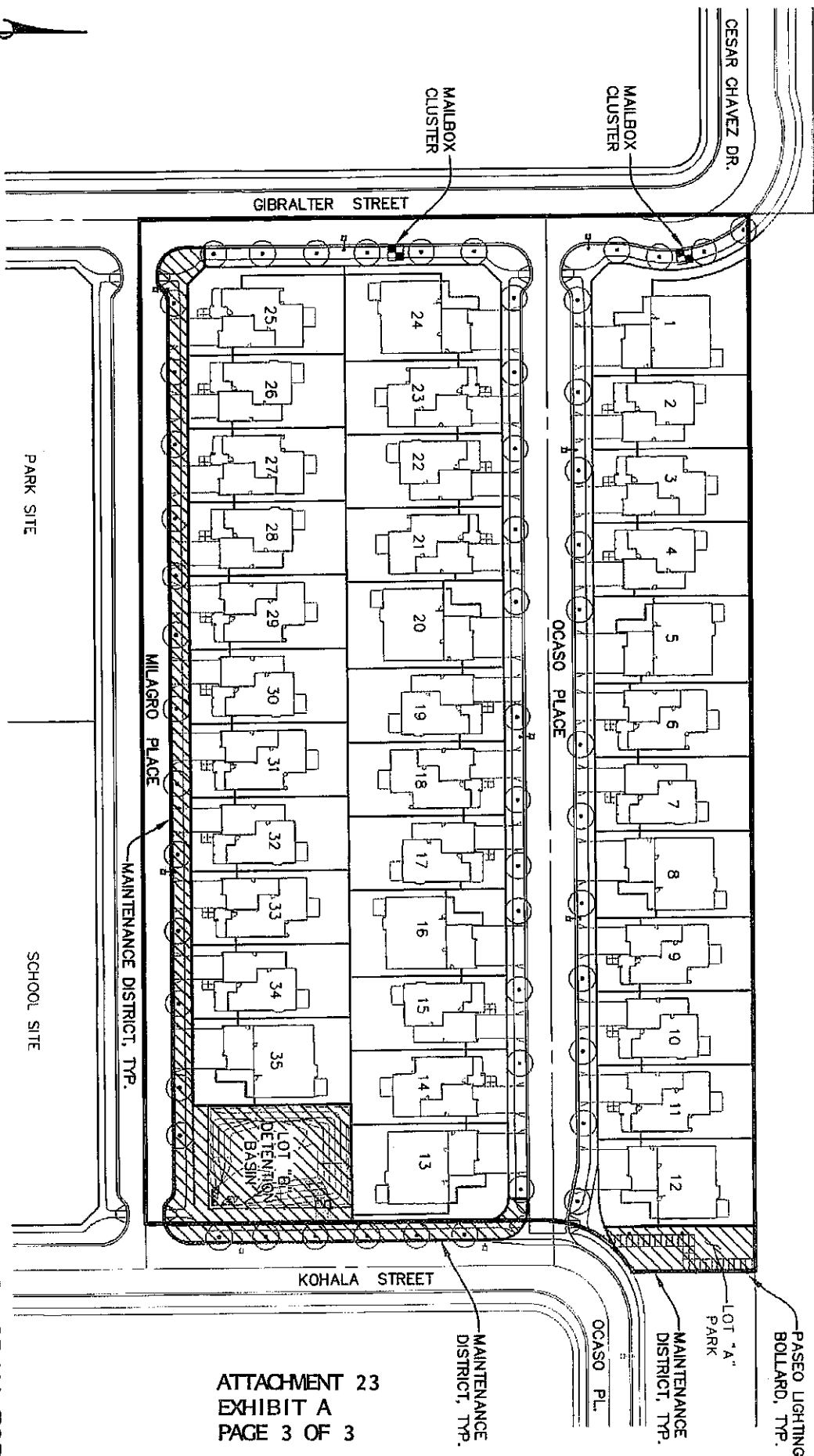


Alan Holmberg, City Attorney
5.24.12



LEGEND:

-  CITY MAINTAINED LANDSCAPE ASSESSMENT DISTRICT IMPROVEMENTS
-  CITY MAINTAINED STREET TREE
-  CITY MAINTAINED MAILBOX CLUSTER



ATTACHMENT 23
EXHIBIT A
PAGE 3 OF 3

**ASSESSMENT DIAGRAM FOR
CAMERON RANCH
(TRACT 5296)
LANDSCAPE MAINTENANCE
ASSESSMENT DISTRICT #49**

COUNTY OF VENTURA
STATE OF CALIFORNIA

MARCH 2003

SHEET 1 OF 1

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD
LEVYING ASSESSMENTS FOR FISCAL YEAR 2012-2013
WITHIN LANDSCAPE MAINTENANCE DISTRICT NO. 50

WHEREAS, on June 10, 2003, the City Council adopted Resolution No. 12,404, forming Landscape Maintenance District No. 50 (Pleasant Valley Senior Housing) ("the District"); and

WHEREAS, the District was formed in compliance with the Landscape and Lighting Act of 1972 (Streets and Highways Code section 22500 et seq.) ("the Act"), and assessments were levied in the District in compliance with the procedural requirements of the Act and also in compliance with the notice, protest and hearing requirements of Government Code section 53753; and

WHEREAS, the property owners in the District approved the levy of assessments in the District for fiscal year 2003-2004 and also approved a formula by which such assessments would be increased in each subsequent fiscal year; and

WHEREAS, assessments in the District have been proposed for fiscal year 2012-2013, calculated in accordance with the formula so approved; and

WHEREAS, Government Code section 53753.5(a) provides that after imposing assessments in compliance with the requirements of Government Code section 53753, such requirements shall not apply in subsequent fiscal years, as long as the proposed assessments do not exceed the assessment formula previously approved; and

WHEREAS, Government Code section 53753(a) provides that the requirements thereof supersede any other statutory provisions applicable to the levy of assessments, and that compliance with the requirements of Government Code section 53753 dispenses with compliance with any other statutory requirements applicable to the levy of assessments, thereby dispensing with compliance with the requirements of the Act with regard to levying the proposed assessments.

NOW, THEREFORE, the City Council of the City of Oxnard resolves:

1. The landscaping to be maintained in the District is all public landscaping installed by the developers of Tract No. 5273 within the District, which is located at Pleasant Valley Road and Butler Road, in the City.

2. A full and detailed description of the landscaping improvements and the boundaries of the District and any zones therein is contained in the report of the Engineer, dated March 2003, on file with the City Clerk.

Resolution No.
Page 2

3. An assessment in the amount of \$334.38 is imposed on each lot and parcel of land within the District, as shown on the diagram attached hereto, marked Exhibit A and incorporated herein by reference, and such assessments and the diagram are confirmed.

4. The adoption of this resolution shall constitute the levy of assessments for the 2012-2013 fiscal year within Landscape Maintenance District No. 50.

5. The City Clerk shall immediately file the diagram and assessments, or a certified copy thereof, with the Ventura County Auditor.

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

AYES:

NOES:

ABSENT:

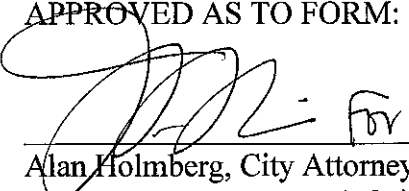
ABSTAIN:

Dr. Thomas E. Holden, Mayor

ATTEST:

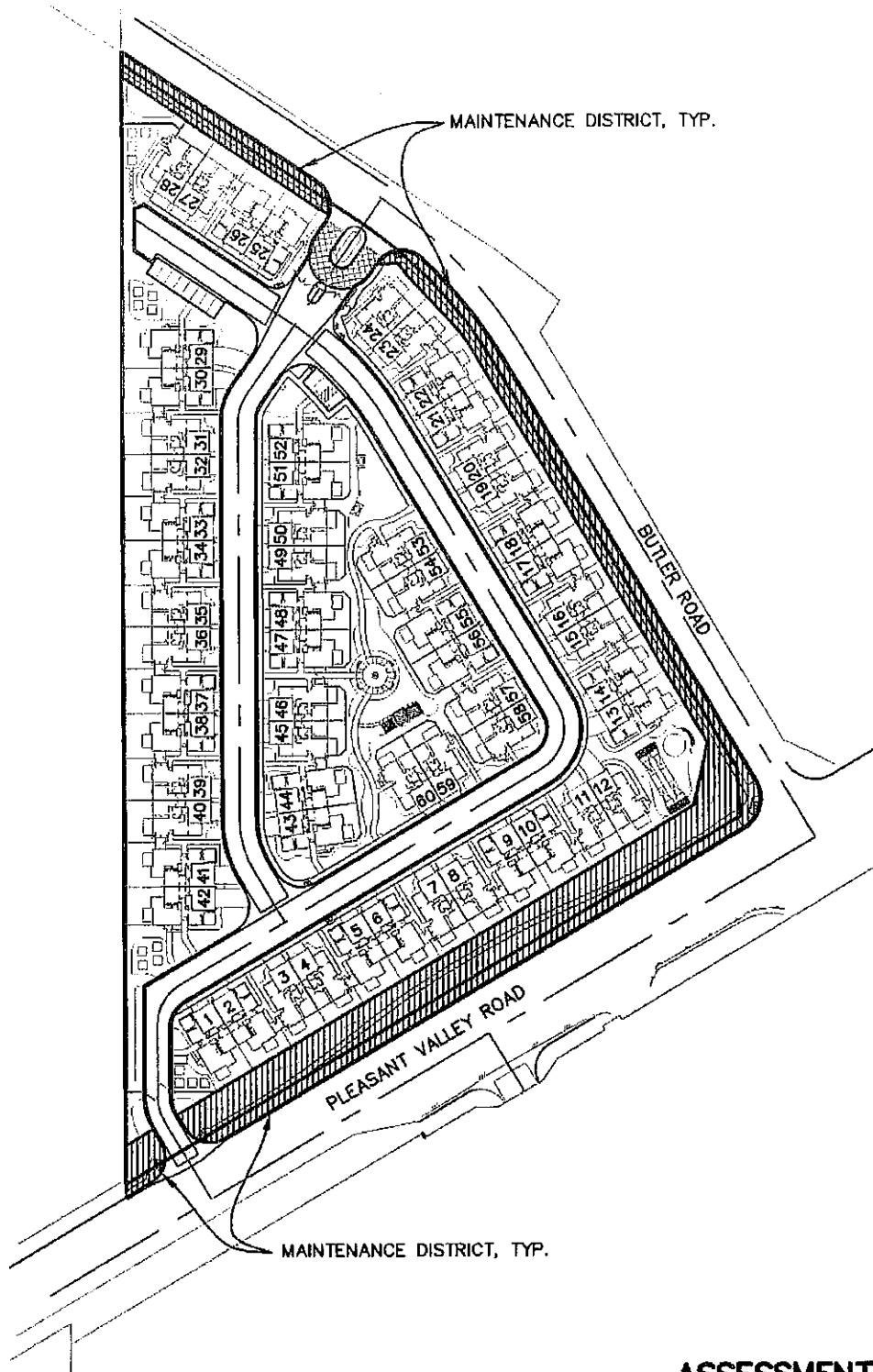
Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney

5.24.12



ATTACHMENT 24
EXHIBIT A
PAGE 3 OF 3

LEGEND:

 CITY MAINTAINED LANDSCAPE
ASSESSMENT DISTRICT IMPROVEMENTS

**ASSESSMENT DIAGRAM FOR
PLEASANT VALLEY
SENIOR HOUSING
(TRACT 5273)
LANDSCAPE MAINTENANCE
ASSESSMENT DISTRICT #50**

COUNTY OF VENTURA
STATE OF CALIFORNIA

MARCH 2003

SHEET 1 OF 1

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD
LEVYING ASSESSMENTS FOR FISCAL YEAR 2012-2013
WITHIN LANDSCAPE MAINTENANCE DISTRICT NO. 51

WHEREAS, on April 19, 2005, the City Council adopted Resolution No. 12,799, forming Landscape Maintenance District No. 51 (Pfiler) ("the District"); and

WHEREAS, the District was formed in compliance with the Landscape and Lighting Act of 1972 (Streets and Highways Code section 22500 et seq.) ("the Act"), and assessments were levied in the District in compliance with the procedural requirements of the Act and also in compliance with the notice, protest and hearing requirements of Government Code section 53753; and

WHEREAS, the property owners in the District approved the levy of assessments in the District for fiscal year 2005-2006 and also approved a formula by which such assessments would be increased in each subsequent fiscal year; and

WHEREAS, assessments in the District have been proposed for fiscal year 2012-2013, calculated in accordance with the formula so approved; and

WHEREAS, Government Code section 53753.5(a) provides that after imposing assessments in compliance with the requirements of Government Code section 53753, such requirements shall not apply in subsequent fiscal years, as long as the proposed assessments do not exceed the assessment formula previously approved; and

WHEREAS, Government Code section 53753(a) provides that the requirements thereof supersede any other statutory provisions applicable to the levy of assessments, and that compliance with the requirements of Government Code section 53753 dispenses with compliance with any other statutory requirements applicable to the levy of assessments, thereby dispensing with compliance with the requirements of the Act with regard to levying the proposed assessments.

NOW, THEREFORE, the City Council of the City of Oxnard resolves:

1. The landscaping to be maintained in the District is all public landscaping installed by the developers of Tract No. 5389-1,2 and 3 within the District, which is located at Northwest corner of Cesar Chavez Drive and Pinata Drive, in the City.

2. A full and detailed description of the landscaping improvements and the boundaries of the District and any zones therein is contained in the report of the Engineer, dated February 2005, on file with the City Clerk.

Resolution No.
Page 2

3. An assessment in the amount of \$536.93 is imposed on each lot and parcel of land within the District, as shown on the diagram attached hereto, marked Exhibit A and incorporated herein by reference, and such assessments and the diagram are confirmed.

4. The adoption of this resolution shall constitute the levy of assessments for the 2012-2013 fiscal year within Landscape Maintenance District No. 51.

5. The City Clerk shall immediately file the diagram and assessments, or a certified copy thereof, with the Ventura County Auditor.

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

AYES:

NOES:

ABSENT:

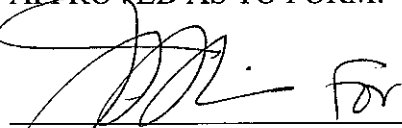
ABSTAIN:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:

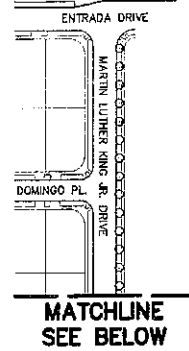
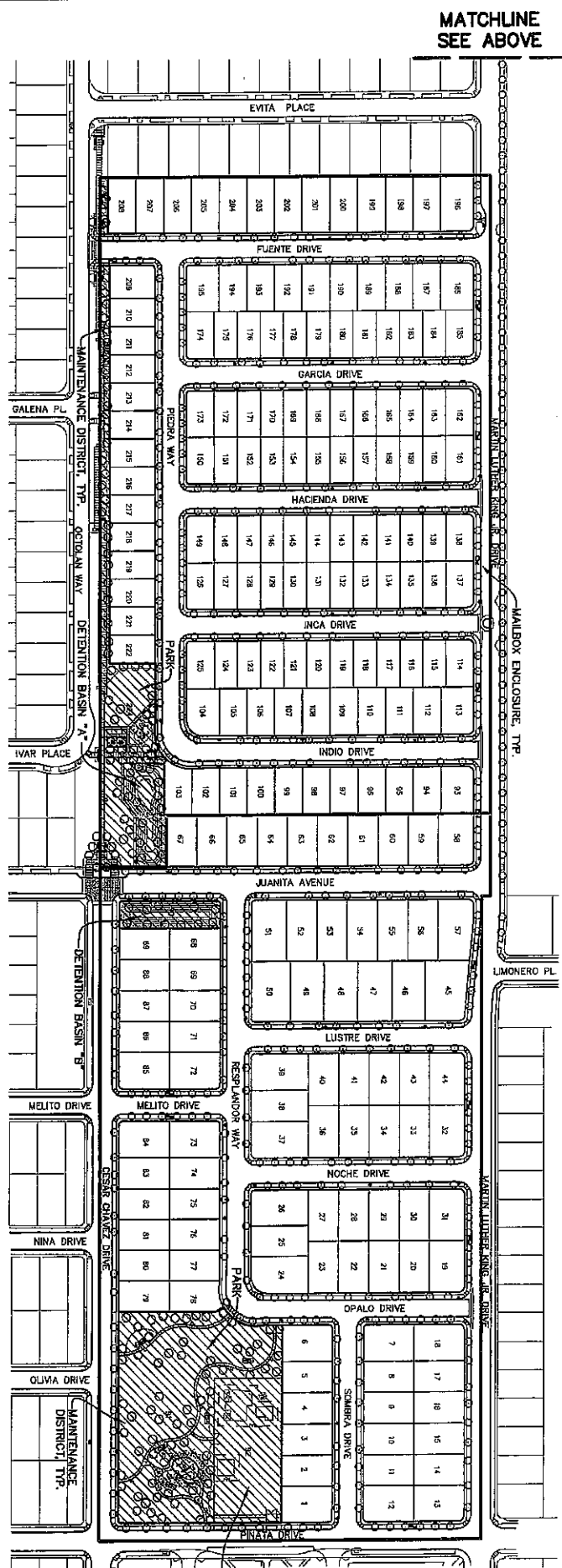


Alan Holmberg, City Attorney

5.24.12

- LEGEND:**
- CITY MAINTAINED LANDSCAPE ASSESSMENT DISTRICT IMPROVEMENTS
 - CITY MAINTAINED STREET TREE
 - MAILBOX ENCLOSURE

ASSESSMENT DIAGRAM FOR
CASA LOMA, CASA DULCE
& CASA BONITA
(TRACT 5389-1, -2 & -3)
LANDSCAPE MAINTENANCE
ASSESSMENT DISTRICT #51
COUNTY OF VENTURA
STATE OF CALIFORNIA
FEBRUARY 2005
SHEET 1 OF 1



CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD
LEVYING ASSESSMENTS FOR FISCAL YEAR 2012-2013
WITHIN LANDSCAPE MAINTENANCE DISTRICT NO. 52

WHEREAS, on February 1, 2005, the City Council adopted Resolution No. 12,768, forming Landscape Maintenance District No. 52 (Wingfield) ("the District"); and

WHEREAS, the District was formed in compliance with the Landscape and Lighting Act of 1972 (Streets and Highways Code section 22500 et seq.) ("the Act"), and assessments were levied in the District in compliance with the procedural requirements of the Act and also in compliance with the notice, protest and hearing requirements of Government Code section 53753; and

WHEREAS, the property owners in the District approved the levy of assessments in the District for fiscal year 2005-2006 and also approved a formula by which such assessments would be increased in each subsequent fiscal year; and

WHEREAS, assessments in the District have been proposed for fiscal year 2012-2013, calculated in accordance with the formula so approved; and

WHEREAS, Government Code section 53753.5(a) provides that after imposing assessments in compliance with the requirements of Government Code section 53753, such requirements shall not apply in subsequent fiscal years, as long as the proposed assessments do not exceed the assessment formula previously approved; and

WHEREAS, Government Code section 53753(a) provides that the requirements thereof supersede any other statutory provisions applicable to the levy of assessments, and that compliance with the requirements of Government Code section 53753 dispenses with compliance with any other statutory requirements applicable to the levy of assessments, thereby dispensing with compliance with the requirements of the Act with regard to levying the proposed assessments.

NOW, THEREFORE, the City Council of the City of Oxnard resolves:

1. The landscaping to be maintained in the District is all public landscaping installed by the developers of Tract No. 5340 within the District, which is located at southwest corner of Fifth Street and Patterson Road.

2. A full and detailed description of the landscaping improvements and the boundaries of the District and any zones therein is contained in the report of the Engineer, dated December 2004, on file with the City Clerk.

3. An assessment in the amount of \$327.72 is imposed on each lot and parcel of land within the District, as shown on the diagram attached hereto, marked Exhibit A and incorporated herein by reference, and such assessments and the diagram are confirmed.

4. The adoption of this resolution shall constitute the levy of assessments for the 2012-2013 fiscal year within Landscape Maintenance District No. 52.

5. The City Clerk shall immediately file the diagram and assessments, or a certified copy thereof, with the Ventura County Auditor.

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

AYES:

NOES:

ABSENT:

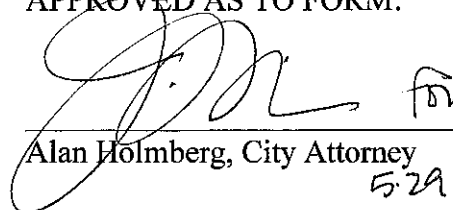
ABSTAIN:

Dr. Thomas E. Holden, Mayor

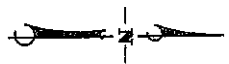
ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:

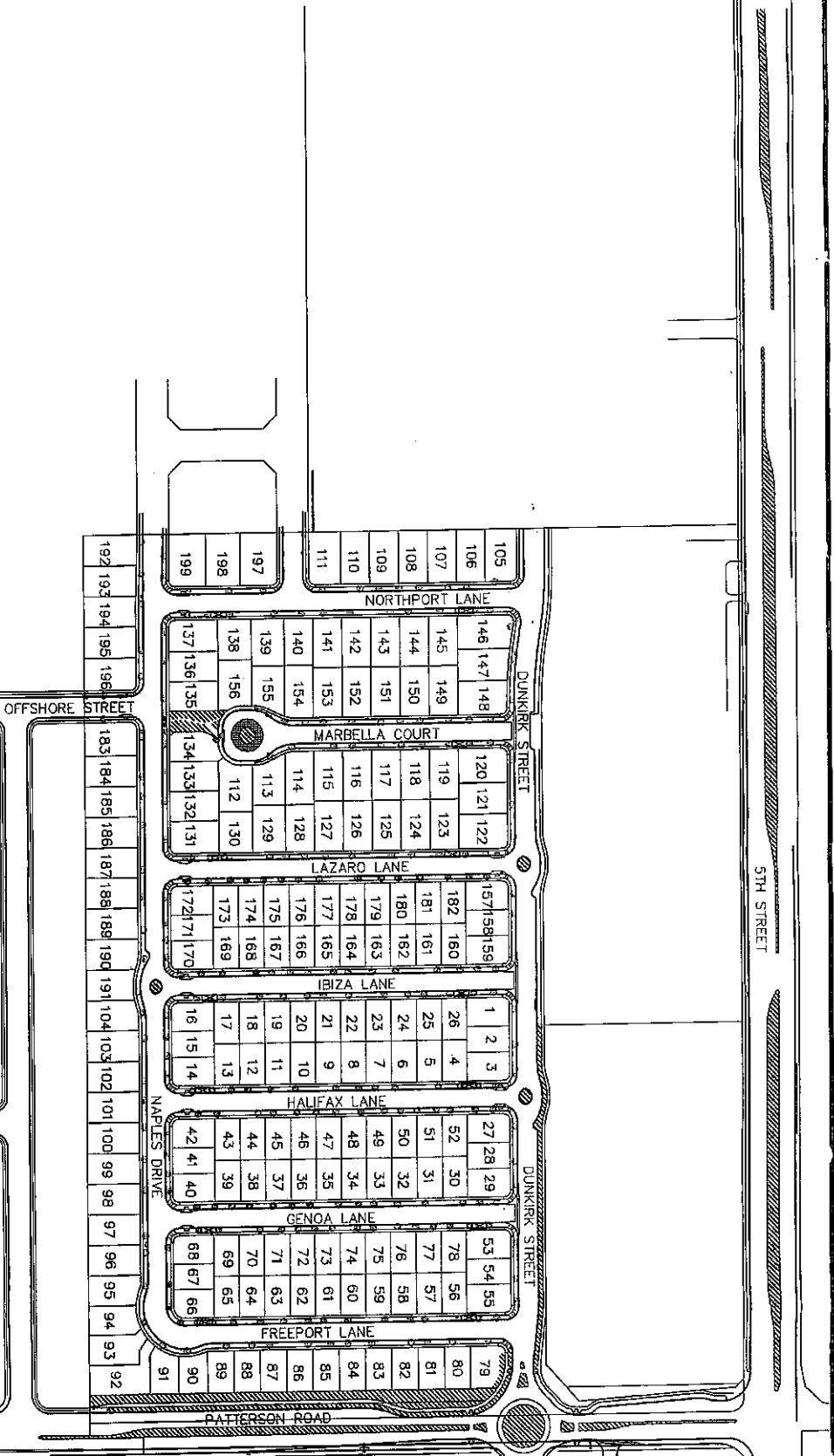


Alan Holmberg, City Attorney
5-29-12



- LEGEND:**
- CITY MAINTAINED LANDSCAPE
 - ASSESSMENT DISTRICT IMPROVEMENTS
 - MAILBOX ENCLOSURE
 - CITY MAINTAINED TREES

ASSESSMENT DIAGRAM FOR
WINGFIELD
(TRACT 5340)
LANDSCAPE MAINTENANCE
ASSESSMENT DISTRICT #52
CITY OF OXNARD
COUNTY OF VENTURA
STATE OF CALIFORNIA
DECEMBER 2004
SHEET 1 OF 1



CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD
LEVYING ASSESSMENTS FOR FISCAL YEAR 2012-2013
WITHIN LANDSCAPE MAINTENANCE DISTRICT NO. 53

WHEREAS, on June 7, 2005, the City Council adopted Resolution No. 12,879, forming Landscape Maintenance District No. 53 (Huff Court) ("the District"); and

WHEREAS, the District was formed in compliance with the Landscape and Lighting Act of 1972 (Streets and Highways Code section 22500 et seq.) ("the Act"), and assessments were levied in the District in compliance with the procedural requirements of the Act and also in compliance with the notice, protest and hearing requirements of Government Code section 53753; and

WHEREAS, the property owners in the District approved the levy of assessments in the District for fiscal year 2005-2006 and also approved a formula by which such assessments would be increased in each subsequent fiscal year; and

WHEREAS, assessments in the District have been proposed for fiscal year 2012-2013, calculated in accordance with the formula so approved; and

WHEREAS, Government Code section 53753.5(a) provides that after imposing assessments in compliance with the requirements of Government Code section 53753, such requirements shall not apply in subsequent fiscal years, as long as the proposed assessments do not exceed the assessment formula previously approved; and

WHEREAS, Government Code section 53753(a) provides that the requirements thereof supersede any other statutory provisions applicable to the levy of assessments, and that compliance with the requirements of Government Code section 53753 dispenses with compliance with any other statutory requirements applicable to the levy of assessments, thereby dispensing with compliance with the requirements of the Act with regard to levying the proposed assessments.

NOW, THEREFORE, the City Council of the City of Oxnard resolves:

1. The landscaping to be maintained in the District is all public landscaping installed by the developers of Tract No. 5305 within the District, which is located at Penny Way between Patricia Street and Gina Drive in the City.
2. A full and detailed description of the landscaping improvements and the boundaries of the District and any zones therein is contained in the report of the Engineer, dated April 2005, on file with the City Clerk.

Resolution No.

Page 2

3. An assessment in the amount of \$390.70 is imposed on each lot and parcel of land within the District, as shown on the diagram attached hereto, marked Exhibit A and incorporated herein by reference, and such assessments and the diagram are confirmed.

4. The adoption of this resolution shall constitute the levy of assessments for the 2012-2013 fiscal year within Landscape Maintenance District No. 53.

5. The City Clerk shall immediately file the diagram and assessments, or a certified copy thereof, with the Ventura County Auditor.

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

AYES:

NOES:

ABSENT:

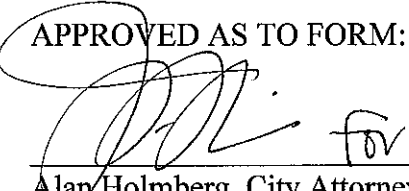
ABSTAIN:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

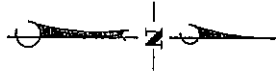
APPROVED AS TO FORM:



Alan Holmberg, City Attorney

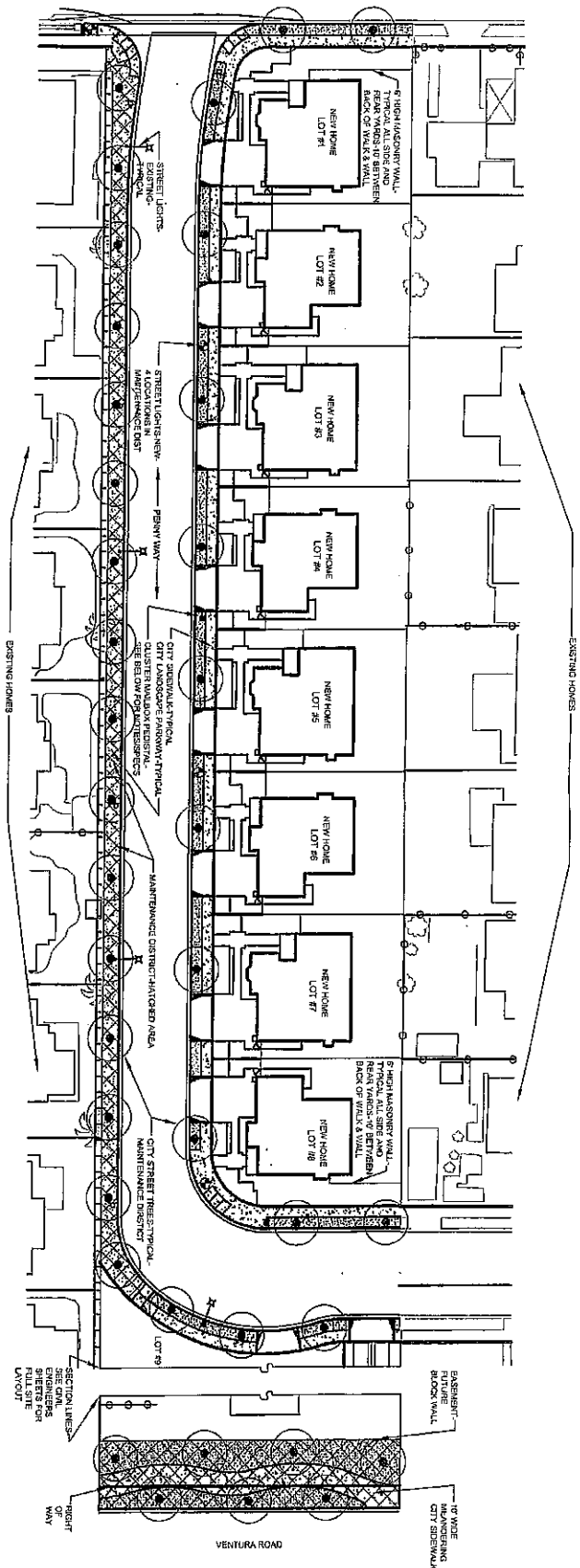
5.24.12

SCALE: 1"=50'



- LEGEND:**
- CITY MAINTAINED LANDSCAPE ASSESSMENT DISTRICT IMPROVEMENTS
 - LAWN AND GROUND COVER BEDS WITH SHRUBS AND TREES
 - CITY MAINTAINED STREET TREE
 - MAILBOX ENCLOSURE

ASSESSMENT DIAGRAM FOR
 HUFF COURT
 (TRACT 5305)
 LANDSCAPE MAINTENANCE
 ASSESSMENT DISTRICT #53
 COUNTY OF VENTURA
 STATE OF CALIFORNIA
 FEBRUARY 2005
 SHEET 1 OF 1



CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD
LEVYING ASSESSMENTS FOR FISCAL YEAR 2012-2013
WITHIN LANDSCAPE MAINTENANCE DISTRICT NO. 54

WHEREAS, on March 28, 2006, the City Council adopted Resolution No. 13,024, forming Landscape Maintenance District No. 54 (Meadowcrest) ("the District"); and

WHEREAS, the District was formed in compliance with the Landscape and Lighting Act of 1972 (Streets and Highways Code section 22500 et seq.) ("the Act"), and assessments were levied in the District in compliance with the procedural requirements of the Act and also in compliance with the notice, protest and hearing requirements of Government Code section 53753; and

WHEREAS, the property owners in the District approved the levy of assessments in the District for fiscal year 2006-2007 and also approved a formula by which such assessments would be increased in each subsequent fiscal year; and

WHEREAS, assessments in the District have been proposed for fiscal year 2012-2013, calculated in accordance with the formula so approved; and

WHEREAS, Government Code section 53753.5(a) provides that after imposing assessments in compliance with the requirements of Government Code section 53753, such requirements shall not apply in subsequent fiscal years, as long as the proposed assessments do not exceed the assessment formula previously approved; and

WHEREAS, Government Code section 53753(a) provides that the requirements thereof supersede any other statutory provisions applicable to the levy of assessments, and that compliance with the requirements of Government Code section 53753 dispenses with compliance with any other statutory requirements applicable to the levy of assessments, thereby dispensing with compliance with the requirements of the Act with regard to levying the proposed assessments.

NOW, THEREFORE, the City Council of the City of Oxnard resolves:

1. The landscaping to be maintained in the District is all public landscaping installed by the developers of Tract No. 5459 within the District, which is located at Oxnard Boulevard and Robert Avenue, in the City.

2. A full and detailed description of the landscaping improvements and the boundaries of the District and any zones therein is contained in the report of the Engineer, dated January 2006, on file with the City Clerk.

Resolution No.

Page 2

3. An assessment in the amount of \$388.72 is imposed on each lot and parcel of land within the District, as shown on the diagram attached hereto, marked Exhibit A and incorporated herein by reference, and such assessments and the diagram are confirmed.

4. The adoption of this resolution shall constitute the levy of assessments for the 2012-2013 fiscal year within Landscape Maintenance District No. 54.

5. The City Clerk shall immediately file the diagram and assessments, or a certified copy thereof, with the Ventura County Auditor.

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

AYES:

NOES:

ABSENT:

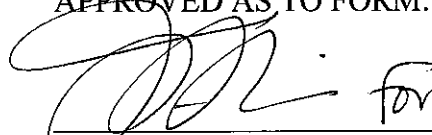
ABSTAIN:

Dr. Thomas E. Holden, Mayor

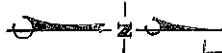
ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:

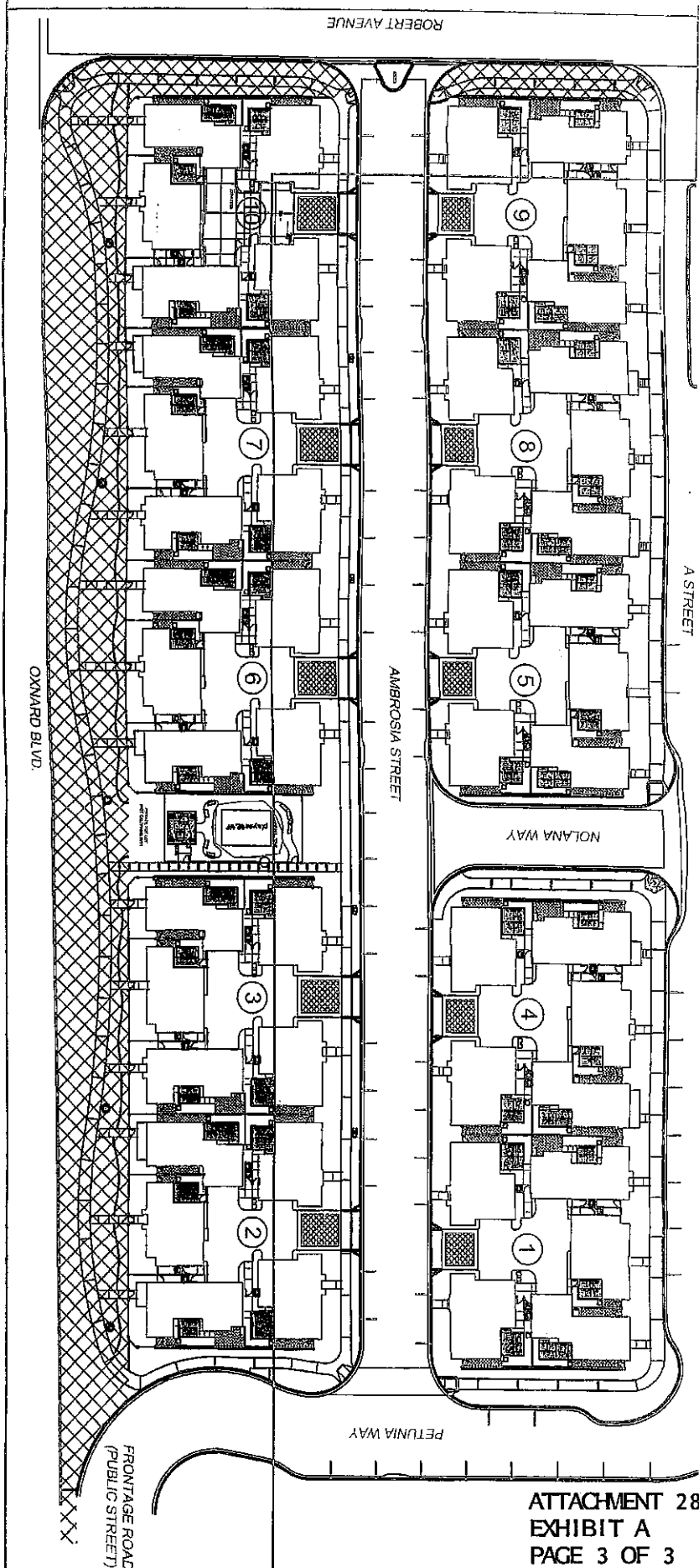
 for

Alan Holmberg, City Attorney
5.24.12



LEGEND:

-  CITY MAINTAINED LANDSCAPE
ASSESSMENT DISTRICT IMPROVEMENTS
-  CITY MAINTAINED STREET LIGHT



CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD
LEVYING ASSESSMENTS FOR FISCAL YEAR 2012-2013
WITHIN LANDSCAPE MAINTENANCE DISTRICT NO. 55

WHEREAS, on March 28, 2006, the City Council adopted Resolution No. 13,025, forming Landscape Maintenance District No. 55 (Wingfield West) ("the District"); and

WHEREAS, the District was formed in compliance with the Landscape and Lighting Act of 1972 (Streets and Highways Code section 22500 et seq.) ("the Act"), and assessments were levied in the District in compliance with the procedural requirements of the Act and also in compliance with the notice, protest and hearing requirements of Government Code section 53753; and

WHEREAS, the property owners in the District approved the levy of assessments in the District for fiscal year 2006-2007 and also approved a formula by which such assessments would be increased in each subsequent fiscal year; and

WHEREAS, assessments in the District have been proposed for fiscal year 2012-2013, calculated in accordance with the formula so approved; and

WHEREAS, Government Code section 53753.5(a) provides that after imposing assessments in compliance with the requirements of Government Code section 53753, such requirements shall not apply in subsequent fiscal years, as long as the proposed assessments do not exceed the assessment formula previously approved; and

WHEREAS, Government Code section 53753(a) provides that the requirements thereof supersede any other statutory provisions applicable to the levy of assessments, and that compliance with the requirements of Government Code section 53753 dispenses with compliance with any other statutory requirements applicable to the levy of assessments, thereby dispensing with compliance with the requirements of the Act with regard to levying the proposed assessments.

NOW, THEREFORE, the City Council of the City of Oxnard resolves:

1. The landscaping to be maintained in the District is all public landscaping installed by the developers of Tract No. 5640 within the District, which is located at Dunkirk Drive between Northport Lane and Rivera Court, in the City.

2. A full and detailed description of the landscaping improvements and the boundaries of the District and any zones therein is contained in the report of the Engineer, dated January 2006, on file with the City Clerk.

3. An assessment in the amount of \$633.99 is imposed on each lot and parcel of land within the District, as shown on the diagram attached hereto, marked Exhibit A and incorporated herein by reference, and such assessments and the diagram are confirmed.

4. The adoption of this resolution shall constitute the levy of assessments for the 2012-2013 fiscal year within Landscape Maintenance District No. 55.

5. The City Clerk shall immediately file the diagram and assessments, or a certified copy thereof, with the Ventura County Auditor.

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

AYES:

NOES:

ABSENT:

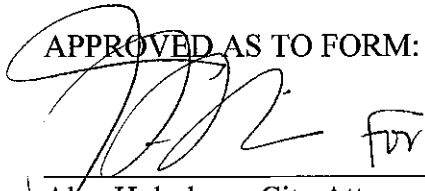
ABSTAIN:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

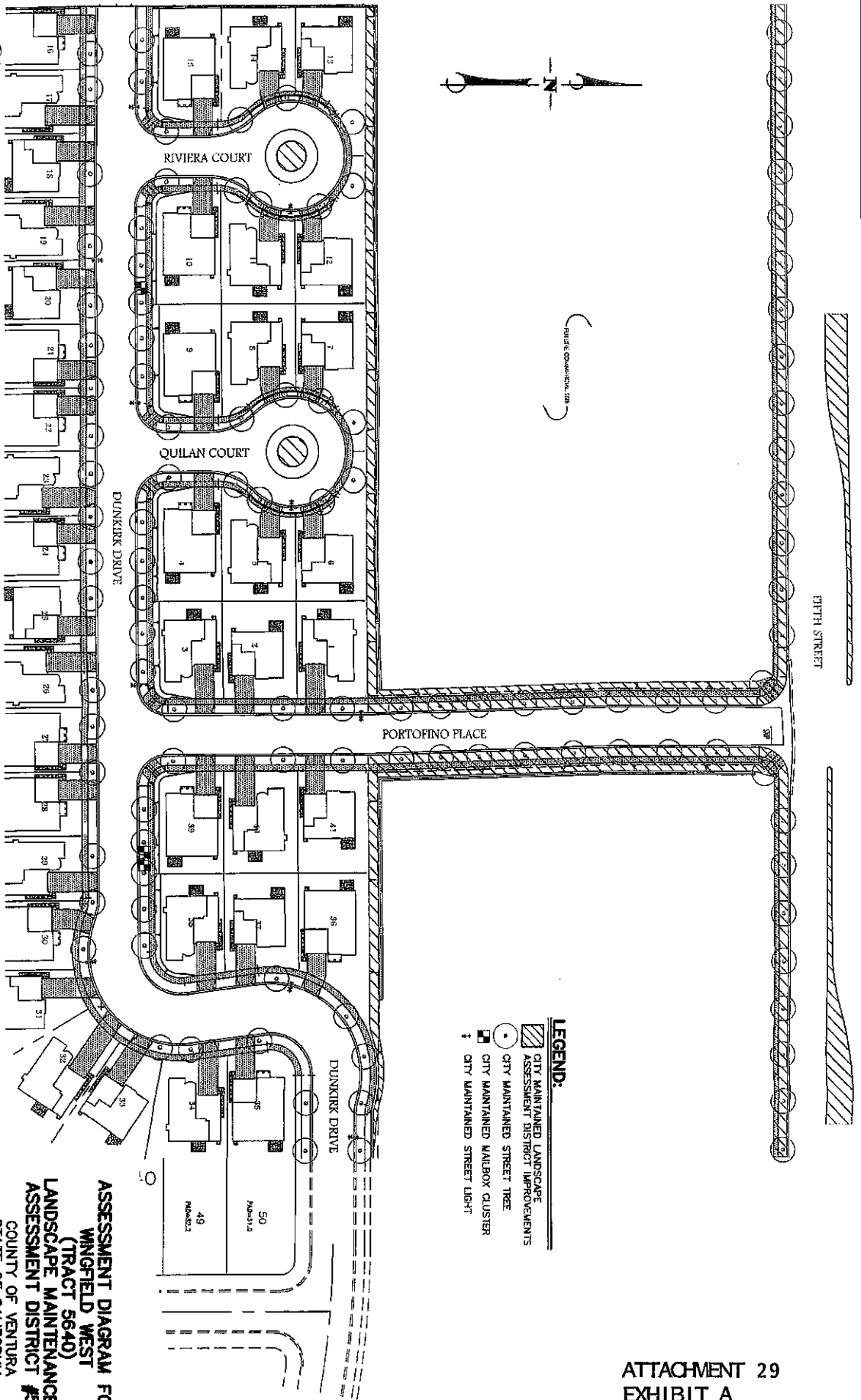
APPROVED AS TO FORM:



Alan Holmberg, City Attorney

5.24.12

SCALE: 1"=80'



**ASSESSMENT DIAGRAM FOR
 WINGFIELD WEST
 (TRACT 5640)
 LANDSCAPE MAINTENANCE
 ASSESSMENT DISTRICT #55
 COUNTY OF VENTURA
 STATE OF CALIFORNIA
 NOVEMBER 2005
 SHEET 1 OF 1**

ATTACHMENT 29
 EXHIBIT A
 PAGE 3 OF 3

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD
LEVYING ASSESSMENTS FOR FISCAL YEAR 2012-2013
WITHIN LANDSCAPE MAINTENANCE DISTRICT NO. 56

WHEREAS, on May 9, 2006, the City Council adopted Resolution No. 13,039, forming Landscape Maintenance District No. 56 (The Cottages) ("the District"); and

WHEREAS, the District was formed in compliance with the Landscape and Lighting Act of 1972 (Streets and Highways Code section 22500 et seq.) ("the Act"), and assessments were levied in the District in compliance with the procedural requirements of the Act and also in compliance with the notice, protest and hearing requirements of Government Code section 53753; and

WHEREAS, the property owners in the District approved the levy of assessments in the District for fiscal year 2006-2007 and also approved a formula by which such assessments would be increased in each subsequent fiscal year; and

WHEREAS, assessments in the District have been proposed for fiscal year 2012-2013, calculated in accordance with the formula so approved; and

WHEREAS, Government Code section 53753.5(a) provides that after imposing assessments in compliance with the requirements of Government Code section 53753, such requirements shall not apply in subsequent fiscal years, as long as the proposed assessments do not exceed the assessment formula previously approved; and

WHEREAS, Government Code section 53753(a) provides that the requirements thereof supersede any other statutory provisions applicable to the levy of assessments, and that compliance with the requirements of Government Code section 53753 dispenses with compliance with any other statutory requirements applicable to the levy of assessments, thereby dispensing with compliance with the requirements of the Act with regard to levying the proposed assessments.

NOW, THEREFORE, the City Council of the City of Oxnard resolves:

1. The landscaping to be maintained in the District is all public landscaping installed by the developers of Tract No. 5450 within the District, which is located at Patterson south of Wooley Road, in the City.

2. A full and detailed description of the landscaping improvements and the boundaries of the District and any zones therein is contained in the report of the Engineer, dated February 2006, on file with the City Clerk.

Resolution No.
Page 2

3. An assessment in the amount of \$83.91 is imposed on each lot and parcel of land within the District, as shown on the diagram attached hereto, marked Exhibit A and incorporated herein by reference, and such assessments and the diagram are confirmed.

4. The adoption of this resolution shall constitute the levy of assessments for the 2012-2013 fiscal year within Landscape Maintenance District No. 56.

5. The City Clerk shall immediately file the diagram and assessments, or a certified copy thereof, with the Ventura County Auditor.

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

AYES:

NOES:

ABSENT:

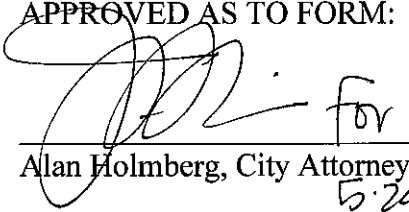
ABSTAIN:

Dr. Thomas E. Holden, Mayor

ATTEST:

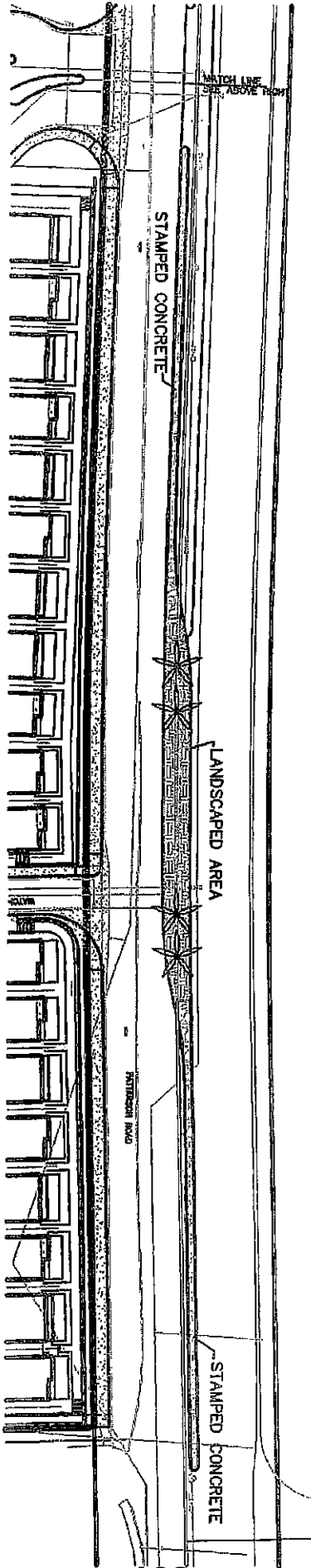
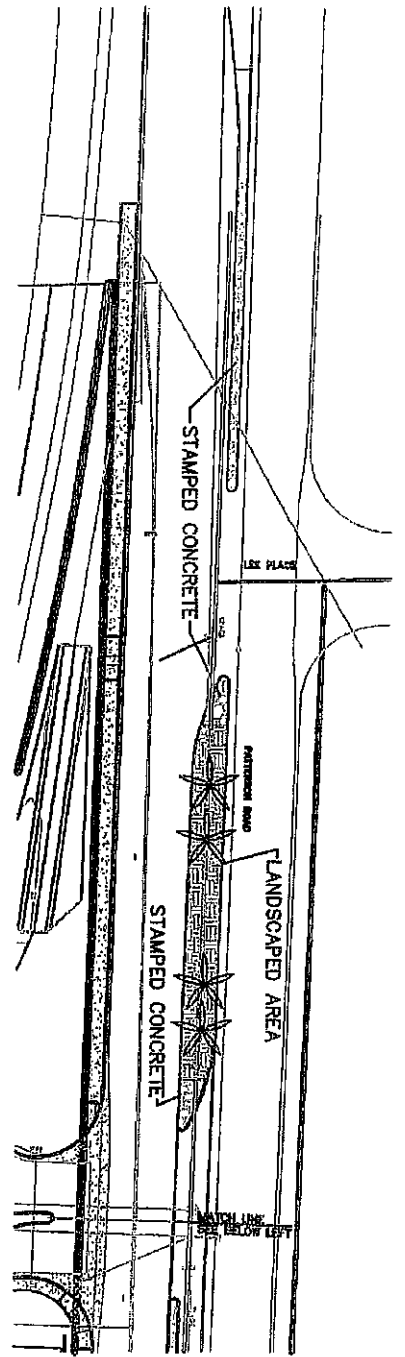
Daniel Martinez, City Clerk

APPROVED AS TO FORM:



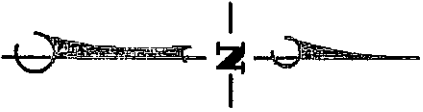
Alan Holmberg, City Attorney

5.24.12



LEGEND:

- MAINTENANCE DISTRICT AREA
(1,807 SQ. FT. STAMPED CONCRETE)
- MAINTENANCE DISTRICT AREA
(4,400 SQ. FT. LANDSCAPE AREA)
- CITY MAINTAINED STREET TREE
(6 PALM TREES)



Penfield & Smith
ENGINEERS - SURVEYORS - PLANNERS
W.O. 13086.25 1308625CX2.DWG

SCALE: 1"=80'

**ASSESSMENT DIAGRAM FOR
THE COTTAGES AT PATTERSON
(TRACT 5450)
LANDSCAPE MAINTENANCE
ASSESSMENT DISTRICT #56**

COUNTY OF VENTURA
STATE OF CALIFORNIA
FEBRUARY 2006
SHEET 1 OF 1

ATTACHMENT 30
EXHIBIT A
PAGE 3 OF 3

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD
LEVYING ASSESSMENTS FOR FISCAL YEAR 2012-2013
WITHIN LANDSCAPE MAINTENANCE DISTRICT NO. 57

WHEREAS, on July 11, 2006, the City Council adopted Resolution No. 13,138, forming Landscape Maintenance District No. 57 (Golden State Self Storage) ("the District"); and

WHEREAS, the District was formed in compliance with the Landscape and Lighting Act of 1972 (Streets and Highways Code section 22500 et seq.) ("the Act"), and assessments were levied in the District in compliance with the procedural requirements of the Act and also in compliance with the notice, protest and hearing requirements of Government Code section 53753; and

WHEREAS, the property owners in the District approved the levy of assessments in the District for fiscal year 2006-2007 and also approved a formula by which such assessments would be increased in each subsequent fiscal year; and

WHEREAS, assessments in the District have been proposed for fiscal year 2012-2013, calculated in accordance with the formula so approved; and

WHEREAS, Government Code section 53753.5(a) provides that after imposing assessments in compliance with the requirements of Government Code section 53753, such requirements shall not apply in subsequent fiscal years, as long as the proposed assessments do not exceed the assessment formula previously approved; and

WHEREAS, Government Code section 53753(a) provides that the requirements thereof supersede any other statutory provisions applicable to the levy of assessments, and that compliance with the requirements of Government Code section 53753 dispenses with compliance with any other statutory requirements applicable to the levy of assessments, thereby dispensing with compliance with the requirements of the Act with regard to levying the proposed assessments.

NOW, THEREFORE, the City Council of the City of Oxnard resolves:

1. The landscaping to be maintained in the District is all public landscaping installed by the developers of APN 144-0-150-085 and APN 144-0-150-075 within the District, which is located at 2100 Auto Center Drive, in the City.

2. A full and detailed description of the landscaping improvements and the boundaries of the District and any zones therein is contained in the report of the Engineer, dated July 2006, on file with the City Clerk.

Resolution No.

Page 2

3. An assessment in the amount of \$7,130.54 is imposed on APN 144-0-150-085; an assessment in the amount of \$3,963.50 is imposed on APN 144-0-150-075 within the District, as shown on the diagram attached hereto, marked Exhibit A and incorporated herein by reference, and such assessments and the diagram are confirmed.

4. The adoption of this resolution shall constitute the levy of assessments for the 2012-2013 fiscal year within Landscape Maintenance District No. 57.

5. The City Clerk shall immediately file the diagram and assessments, or a certified copy thereof, with the Ventura County Auditor.

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

AYES:

NOES:

ABSENT:

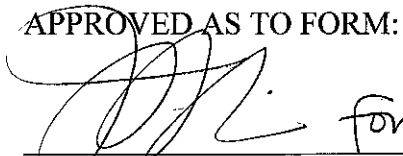
ABSTAIN:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney
5.24.12

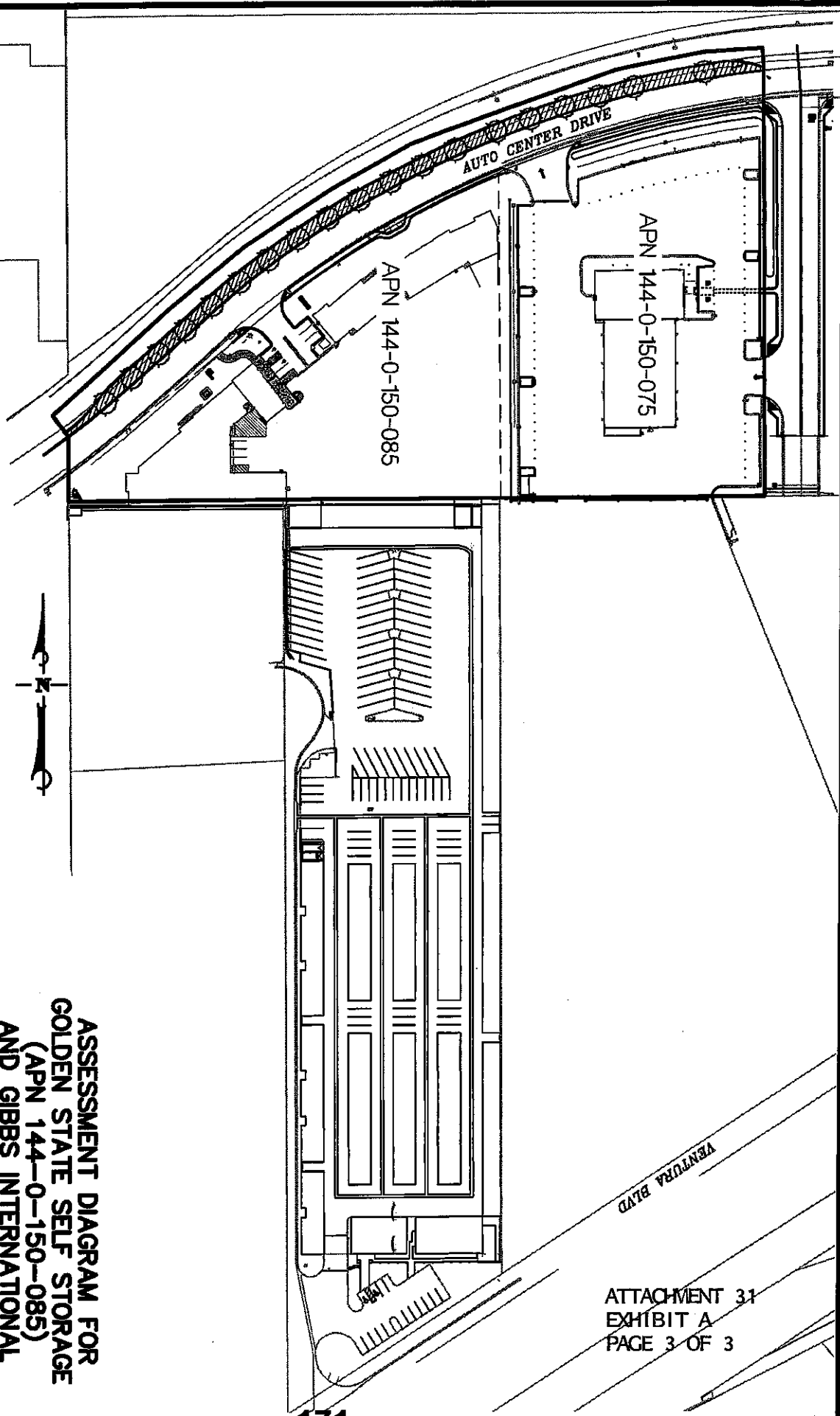
- LEGEND:**
-  CITY MAINTAINED LANDSCAPE ASSESSMENT DISTRICT IMPROVEMENTS
 -  CITY MAINTAINED STREET TREE
 -  DISTRICT BOUNDARY
 -  PARCEL BOUNDARIES

**ASSESSMENT DIAGRAM FOR
GOLDEN STATE SELF STORAGE
(APN 144-0-150-085)
AND GIBBS INTERNATIONAL
(APN 144-0-150-075)
LANDSCAPE MAINTENANCE
ASSESSMENT DISTRICT #57**

COUNTY OF VENTURA
STATE OF CALIFORNIA

JULY 2006

SHEET 1 OF 1



CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD
LEVYING ASSESSMENTS FOR FISCAL YEAR 2012-2013
WITHIN LANDSCAPE MAINTENANCE DISTRICT NO. 58

WHEREAS, on June 6 2006, the City Council adopted Resolution No. 13,069, forming Landscape Maintenance District No. 58 (Westwind) ("the District"); and

WHEREAS, the District was formed in compliance with the Landscape and Lighting Act of 1972 (Streets and Highways Code section 22500 et seq.) ("the Act"), and assessments were levied in the District in compliance with the procedural requirements of the Act and also in compliance with the notice, protest and hearing requirements of Government Code section 53753; and

WHEREAS, the property owners in the District approved the levy of assessments in the District for fiscal year 2007-2008 and also approved a formula by which such assessments would be increased in each subsequent fiscal year; and

WHEREAS, assessments in the District have been proposed for fiscal year 2012-2013, calculated in accordance with the formula so approved; and

WHEREAS, Government Code section 53753.5(a) provides that after imposing assessments in compliance with the requirements of Government Code section 53753, such requirements shall not apply in subsequent fiscal years, as long as the proposed assessments do not exceed the assessment formula previously approved; and

WHEREAS, Government Code section 53753(a) provides that the requirements thereof supersede any other statutory provisions applicable to the levy of assessments, and that compliance with the requirements of Government Code section 53753 dispenses with compliance with any other statutory requirements applicable to the levy of assessments, thereby dispensing with compliance with the requirements of the Act with regard to levying the proposed assessments.

NOW, THEREFORE, the City Council of the City of Oxnard resolves:

1. The landscaping to be maintained in the District is all public landscaping installed by the developers of Tract No. 5441 within the District, which is located at Cypress road near Howell Road, in the City.

2. A full and detailed description of the landscaping improvements and the boundaries of the District and any zones therein is contained in the report of the Engineer, dated April 2006, on file with the City Clerk.

Resolution No.

Page 2

3. An assessment in the amount of \$457.31 is imposed on each lot and parcel of land within the District, as shown on the diagram attached hereto, marked Exhibit A and incorporated herein by reference, and such assessments and the diagram are confirmed.

4. The adoption of this resolution shall constitute the levy of assessments for the 2012-2013 fiscal year within Landscape Maintenance District No. 58.

5. The City Clerk shall immediately file the diagram and assessments, or a certified copy thereof, with the Ventura County Auditor.

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

AYES:

NOES:

ABSENT:

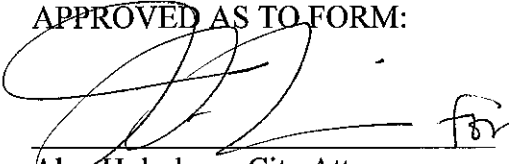
ABSTAIN:

Dr. Thomas E. Holden, Mayor

ATTEST:

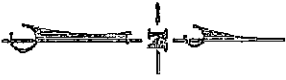
Daniel Martinez, City Clerk

APPROVED AS TO FORM:

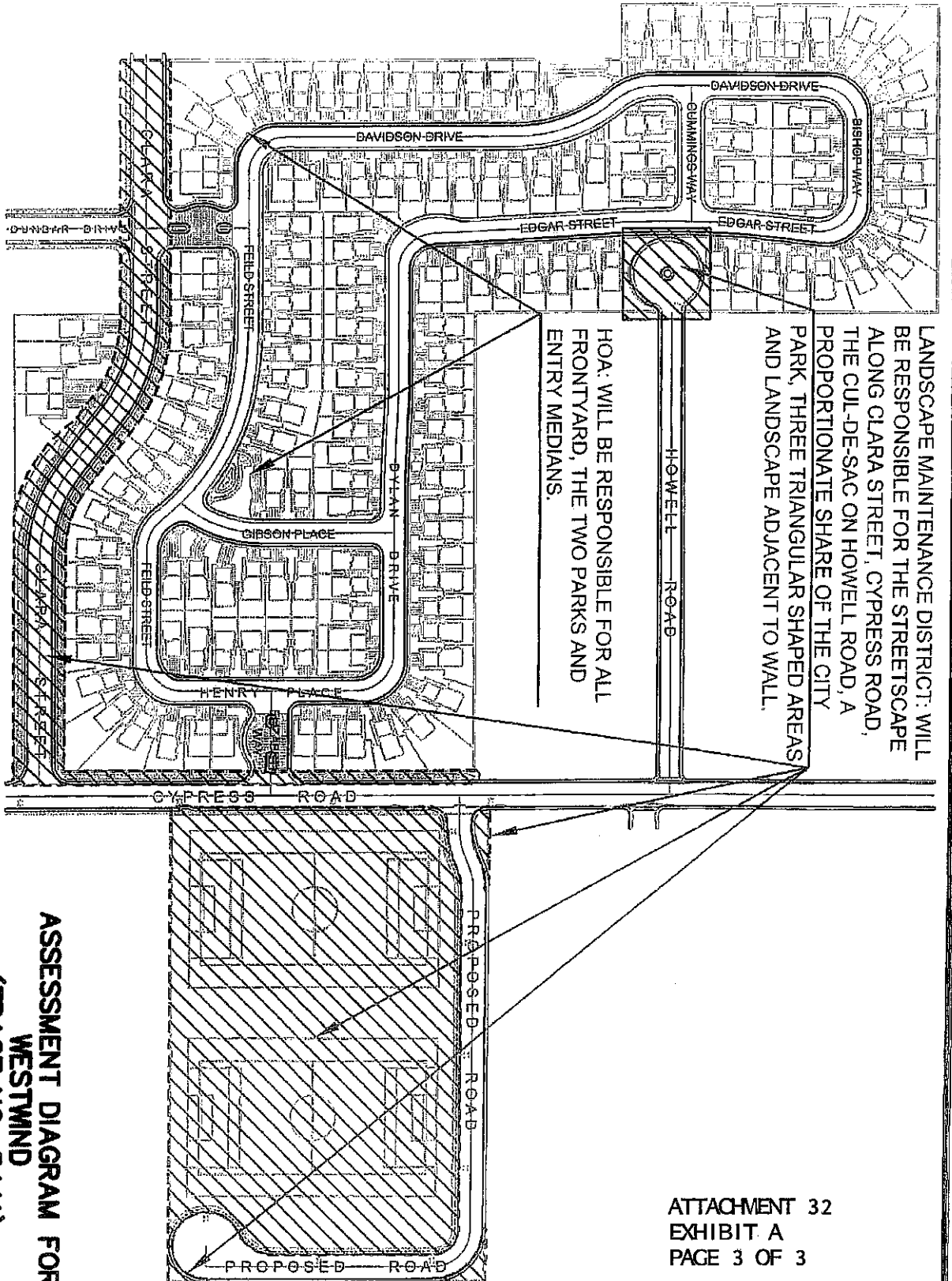


Alan Holmberg, City Attorney

5.29.12



LEGEND:
NTS
[Hatched Box] CITY MAINTAINED LANDSCAPE
[Hatched Box] MAINTENANCE DISTRICT



**ASSESSMENT DIAGRAM FOR
WESTMIND
(TRACT NO. 5441)
LANDSCAPE MAINTENANCE
ASSESSMENT DISTRICT #58**

COUNTY OF VENTURA
STATE OF CALIFORNIA
FEBRUARY 2006
SHEET 1 OF 1

ATTACHMENT 32
EXHIBIT A
PAGE 3 OF 3

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD
LEVYING ASSESSMENTS FOR FISCAL YEAR 2012-2013
WITHIN LANDSCAPE MAINTENANCE DISTRICT NO. 59

WHEREAS, on June 26, 2007, the City Council adopted Resolution No. 13,327, forming Landscape Maintenance District No. 59 (Orbela) ("the District"); and

WHEREAS, the District was formed in compliance with the Landscape and Lighting Act of 1972 (Streets and Highways Code section 22500 et seq.) ("the Act"), and assessments were levied in the District in compliance with the procedural requirements of the Act and also in compliance with the notice, protest and hearing requirements of Government Code section 53753; and

WHEREAS, the property owners in the District approved the levy of assessments in the District for fiscal year 2007-2008 and also approved a formula by which such assessments would be increased in each subsequent fiscal year; and

WHEREAS, assessments in the District have been proposed for fiscal year 2012-2013, calculated in accordance with the formula so approved; and

WHEREAS, Government Code section 53753.5(a) provides that after imposing assessments in compliance with the requirements of Government Code section 53753, such requirements shall not apply in subsequent fiscal years, as long as the proposed assessments do not exceed the assessment formula previously approved; and

WHEREAS, Government Code section 53753(a) provides that the requirements thereof supersede any other statutory provisions applicable to the levy of assessments, and that compliance with the requirements of Government Code section 53753 dispenses with compliance with any other statutory requirements applicable to the levy of assessments, thereby dispensing with compliance with the requirements of the Act with regard to levying the proposed assessments.

NOW, THEREFORE, the City Council of the City of Oxnard resolves:

1. The landscaping to be maintained in the District is all public landscaping installed by the developers of Tract No. 5542 within the District, which is located south of Fifth Street between Northport Lane and Victoria Avenue, in the City.

2. A full and detailed description of the landscaping improvements and the boundaries of the District and any zones therein is contained in the report of the Engineer, dated May 2007, on file with the City Clerk.

Resolution No.

Page 2

3. An assessment in the amount of \$173.43 is imposed on each lot and parcel of land within the District, as shown on the diagram attached hereto, marked Exhibit A and incorporated herein by reference, and such assessments and the diagram are confirmed.

4. The adoption of this resolution shall constitute the levy of assessments for the 2012-2013 fiscal year within Landscape Maintenance District No. 59.

5. The City Clerk shall immediately file the diagram and assessments, or a certified copy thereof, with the Ventura County Auditor.

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

AYES:

NOES:

ABSENT:

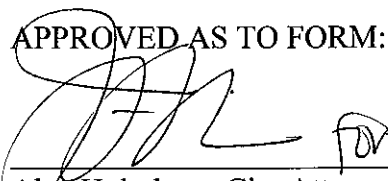
ABSTAIN:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney

10-24-12



Penfield & Smith
Engineers · Surveyors · Planners
· Construction Management ·

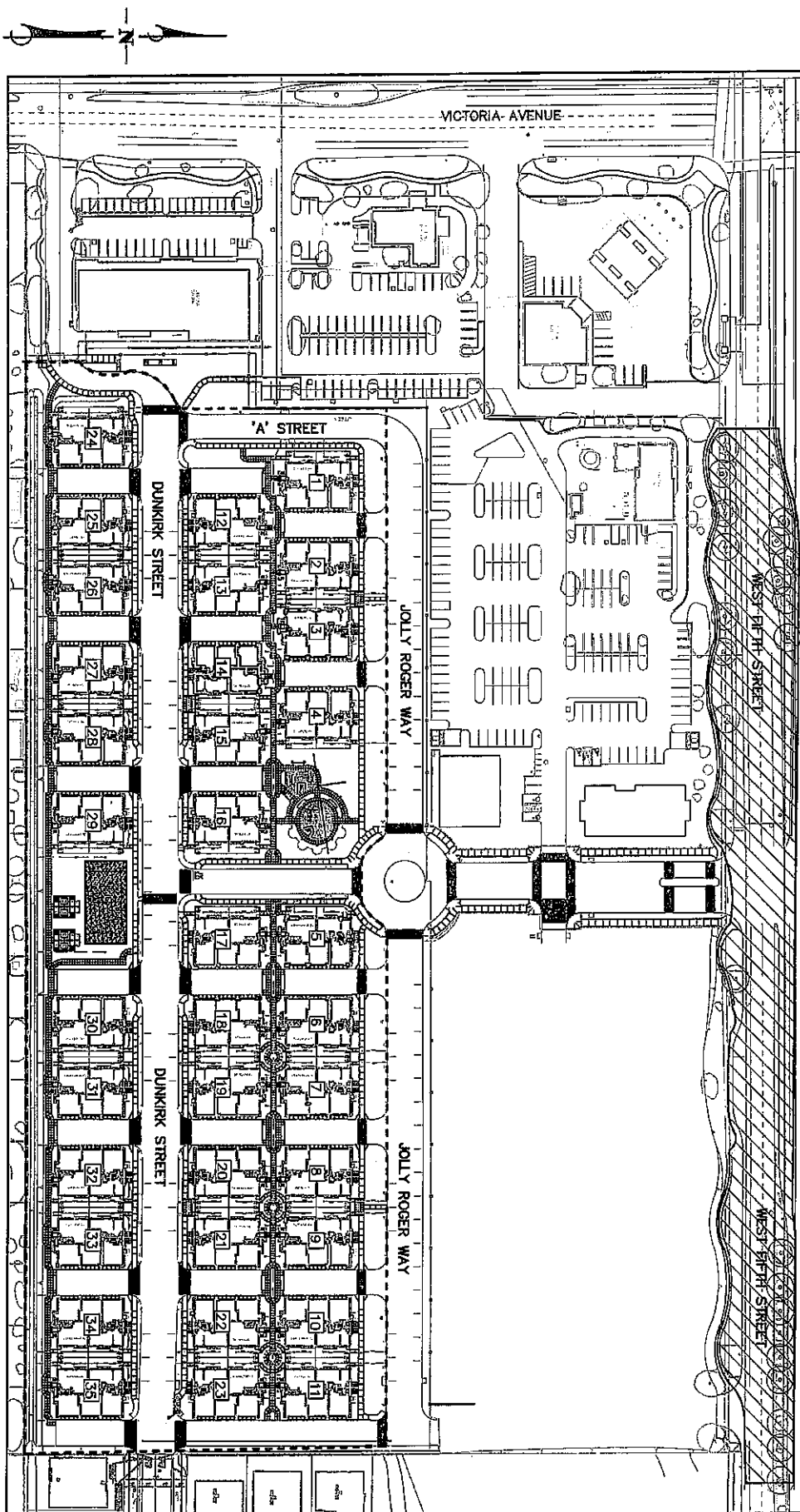
W.O. 13086.28

1308628EX1.DWG

SCALE: 1"=100'

- LEGEND:**
- CITY MAINTAINED LANDSCAPE
 - ASSESSMENT DISTRICT IMPROVEMENTS
 - CITY MAINTAINED STREET TREE
 - BUILDING NUMBER WITH 3 UNITS EACH
 - DISTRICT BOUNDARY

ASSESSMENT DIAGRAM FOR
ORBELA (TRACT-5542)
LANDSCAPE MAINTENANCE
ASSESSMENT DISTRICT #59
COUNTY OF VENTURA
STATE OF CALIFORNIA
APRIL 2007
SHEET 1 OF 1



ATTACHMENT 33
EXHIBIT A
PAGE 3 OF 3



Meeting Date: 06 / 5 / 12

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

Prepared By: Jason M. SamonteAgenda Item No. I-5Reviewed By: City Manager [Signature]City Attorney [Signature]Finance [Signature]Development Services Director [Signature]**DATE:** April 25, 2012**TO:** City Council**FROM:** Jason M. Samonte, Traffic Engineer
Development Services Department**SUBJECT:** Third Amendment to Agreement with Iteris, Inc. for Engineering Services for the Intelligent Transportation System (ITS) Construction Integration.

RECOMMENDATION

That City Council approve and authorize the Mayor to execute the third amendment to the agreement with Iteris, Inc to increase the amount by \$364,702 (a total of \$2,490,644) for engineering services for the ITS construction integration (Agreement No. 5217-10-DS).

DISCUSSION

The City Council approved Agreement No. 5217-10-DS on November 1, 2010, the first amendment on May 31, 2011 and the second amendment on April 17, 2012. The scope of work in the original agreement included both the preparation of engineering plans and construction integration for the ITS. Construction integration includes procurement of equipment, oversight of construction, and integration of equipment. The initial cost included the preparation of engineering plans only because construction integration estimates relied on the final and approved engineering plans. The first amendment extended the term of the agreement to June 30, 2012. The second amendment extended the term to December 1, 2013 and increased the amount to \$2,125,942.

The third amendment will increase the cost to include the construction integration for the City's Information System Division (IS) and the Police Department's Information Technology Division (PD). The second amendment only covered the construction integration for the ITS. The third amendment will cover other facilities including Public Safety. The Traffic Engineering portion of the ITS construction will place the fiber optic cable in the ground and set up the gigabit Ethernet network. The City's IS and PD could then access the network by installing the connections to the fiber optic backbone.

Discussions revealed it would be more cost effective to utilize the same contractor and consultant because both firms are already mobilized.

FINANCIAL IMPACT

The cost of the agreement is increased by \$364,702 for a total of \$2, 490,644. The additional work will be funded by a combination of Measure O and COPS Technology Grant. There are sufficient funds in "ITS Construct Traffic Management Center (TMC) & Sections 1 & 2", Project No. 093108 and \$226,000 is available from FY09 COPS Technology Grant No. 772193 to fund this request.

JMS/jms

Attachment #1 - Third Amendment to Agreement for Consulting Services, No. 5217-10-DS

THIRD AMENDMENT TO AGREEMENT FOR CONSULTING SERVICES

This Third Amendment ("Third Amendment") to the Agreement for Consulting Services ("Agreement") is made and entered into in the County of Ventura, State of California, this 30th day of April, 2012, by and between the City of Oxnard, a municipal corporation ("City"), and Iteris, Inc. ("Consultant"). This Third Amendment amends the Agreement entered into on November 1, 2010, by City and Consultant. The Agreement previously has been amended on May 31, 2011, by a First Amendment, and on March 12, 2012, by a Second Amendment.

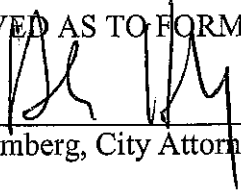
City and Consultant agree as follows:

1. Subsection a of section 14 of the Agreement is amended as follows:
 - a. The figure "2,125,942" is replaced by the figure "2,490,644".
 - b. Exhibit C is supplemented by Exhibit C2, attached hereto and incorporated herein by this reference.
2. As so amended, the Agreement remains in full force and effect.

CITY OF OXNARD:

Dr. Thomas E. Holden, Mayor

APPROVED AS TO FORM:



Alan Holmberg, City Attorney

ATTEST:

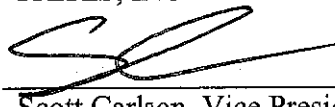
Daniel Martinez, City Clerk

APPROVED AS TO AMOUNT:



Karen R. Burnham
Interim City Manager

ITERIS, INC.



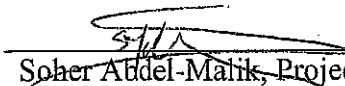
Scott Carlson, Vice President
Western Region

APPROVED AS TO INSURANCE:



James Cameron, Risk Manager

APPROVED AS TO CONTENT:



Soher Abdel-Malik, Project Manager
Associate Traffic Design Engineer

EXHIBIT C2
 COMPENSATION

TASK		STAGE 2 - CONSTRUCTION INTEGRATION										HOURS	COST
		Staff											
		Scott Carlson, P.E. Project Manager	Paul Frislie Design Lead	George Gener Integration Lead	Gabe Murillo Project Engineer	Liency Aquino Project Engineer	Alicia Yang Project Engineer	Braulio Ramirez Project Engineer	Naree Kim Project Engineer	Sai Chundi Project Engineer	Stuart Hunter Project Engineer	Admin Staff	
		\$180.00	\$145.00	\$180.00	\$180.00	\$110.00	\$140.00	\$110.00	\$725.00	\$725.00	\$110.00	\$90.00	
		NOTED IN THIS TASK											
FY11 Rate													
Task 8	IT Hardware												0 \$ 249,549
Task 8.1	Public Services IT Hardware												0 \$ 199,503
Task 8.2	City IT Hardware												0 \$ 19,881
	Shipping and Handling												0 \$10,969
	Sales Tax												0 \$19,196
Task 8	IT Integration	30	0	344	0	337	0	0	0	0	0	0	741 \$104,361
Task 8.0	PM Services	30		50									80 \$14,400
Task 8.1	Public Services Labor			160		180							340 \$48,600
Task 8.2	City IT Labor			40		65							105 \$14,350
Task 8.3	Test Plan			10		10							20 \$2,900
Task 8.4	Acceptance Testing			40		40							80 \$11,600
Task 8.4	Training			20		20							40 \$5,800
Task 8.5	Construction Maanagement			24		22							46 \$6,711
	Total Hours Labor	30	0	344	0	337	0	0	0	0	0	0	741
													Total Labor \$104,361
													Total Hardware and Systems \$249,549
													ODCs (Travel, expenses, etc.) \$10,792
													Total Project Cost \$364,702



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

Prepared By: Karl LawsonAgenda Item No. I-6Reviewed By: City Manager [Signature]City Attorney [Signature]Finance [Signature]

Other (Specify) _____

DATE: May 22, 2012**TO:** City Council**FROM:** Karl Lawson, Acting Director
Housing [Signature]**SUBJECT:** Resolution of Support for Assembly Bill 1938**RECOMMENDATION**

That City Council adopt a resolution expressing support for Assembly Bill 1938.

DISCUSSION

California Assembly Bill 1938 was introduced by Assembly Member Das Williams on February 22, 2012, and is currently awaiting a floor vote by the full Assembly. The bill seeks to amend the state Mobilehome Residency Law (MRL), the statute governing most aspects of the relationship between the owners of mobile home parks and the owners of mobile homes who rent spaces in mobile home parks.

The Golden State Mobile Home Owners League (GSMOL), which represents mobile home owners in California, endorsed AB 1938. The Western Manufactured Housing Communities Association (WMA), which advocates in Sacramento on behalf of mobile home park owners, opposes the bill.

When originally introduced, AB 1938 sought to make several substantive changes to the MRL. Key among these were (1) the institution of a requirement that rental agreements between mobile home park management and mobile homeowners include a written summary specifying all rent, utilities charges, and other charges that a homeowner would be obligation to pay under the agreement; (2) a prohibition from including in the body of any rental agreement any clause denying a mobile homeowner the right to trial by jury, or mandating arbitration of any disputes between the management and the homeowner; (3) a prohibition from including in any rental agreement any provision allowing park management to increase rent or otherwise charge homeowners for certain losses incurred by the owner of the mobile home park arising out of court decisions, fines, or other administrative penalties or damages, or for any losses not compensated fully by insurance; and (4) expanding the circumstances under which a mobile home owner may void a recently-signed lease with the park owner.

In April, the Assembly Committee on Housing and Community Development conducted hearings on AB 1938. The bill was amended in Committee, and again in the full Assembly, where it currently awaits a floor vote.

The amended AB 1938 addresses two of the four matters set forth in the original version of the bill. In its current version, AB 1938 would amend the MRL as follows:

1. Mobile homeowners would have the right to void a rental agreement by notifying management in writing within 72 hours of the homeowner receiving an executed copy of the rental agreement from the park management;
2. Mobile home park owners would be prohibited from charging or imposing upon a homeowner any fee or increase in rent which reflects the cost to the management of certain fines, fees, or damages assessed or awarded by a court against the management for a violation of the Mobilehome Residency Law, or for fines, fees, or damages assessed or awarded by the court or an enforcement agency against the management for a violation of specified laws pertaining to mobile home parks. The bill would also clarify that these provisions do not apply to violations for which the registered owner of the mobile home is initially responsible, as specified.

Oxnard residents who are members of GSMOL have appeared before the Oxnard City Council and requested City support of the legislation.

FINANCIAL IMPACT

None.

KL/kl

Attachment #1 - Resolution Supporting Assembly Bill 1938

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD, CALIFORNIA IN
SUPPORT OF ASSEMBLY BILL 1938

WHEREAS, there are twenty-two mobile home parks in the City of Oxnard; and

WHEREAS, mobile homes constitute an important segment of our City's affordable housing stock, with approximately five percent (5%) of the City's total population living in the 2900 mobile homes in those mobile home parks; and

WHEREAS, the California Mobilehome Residency Law governs most aspects of the legal relationship between owners of mobile home parks and owners of mobile homes who rent spaces in those parks; and

WHEREAS, the California State Assembly is currently considering Assembly Bill 1938, a piece of legislation aimed at strengthening the protections of the Mobilehome Residency Law; and

WHEREAS, mobile home owners in Oxnard have joined with mobile home owners throughout California in support of A. B. 1938, and have requested support for the bill from local legislative bodies;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Oxnard, California, hereby expresses its support for A. B. 1938, and urges the California Legislature to approve the bill.

PASSED AND ADOPTED THIS 5th day of June, 2012, by the following vote:

AYES:

NOES:

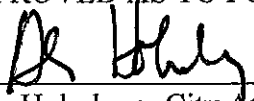
ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney

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

Prepared By: Loretta L. Fisher *LLF*Agenda Item No. I-7Reviewed By: City Manager *LLB*City Attorney *W*Finance *JC*

Other (Specify) _____

DATE: May 17, 2012**TO:** City Council**FROM:** Michelle H. Téllez, Director 
Human Resources Department**SUBJECT:** Contract for Professional Services with Acclamation Insurance Management
Services DBA AIMS**RECOMMENDATION**

That City Council approve and authorize the Mayor to execute an agreement with Acclamation Insurance Management Services (A-7495) in the amount of \$1,373,788 to administer the Workers' Compensation Program for the City of Oxnard for fiscal years 2012 through 2017.

DISCUSSION

A Request for Proposal (RFP) for third party administrator services for the City's Workers' Compensation Program was initiated on January 6, 2012 as notification was received from our present administrator that they were going to retire and would no longer handle the administration of our program.

Notices were sent out to companies that had submitted proposals in the past as well as companies that had notified us they would like to be invited to submit a proposal. Our Request for Proposal was also published on the City's website. Seven proposals were received as a result of the RFP. Each was reviewed to ensure it met all the established criteria as listed in the RFP. From the original responses, six were invited to be interviewed by the selection committee that was comprised of Risk Managers from the City of Santa Barbara and the City of Santa Maria, Loretta Fisher, Workers' Compensation Manager, Celsa Flores, Workers' Compensation Specialist and Michelle Téllez, Director of Human Resources.

Oral interviews were conducted on March 15, 2012. The same series of questions were asked to evaluate the companies regarding their technical skills, customer service delivery, knowledge of the Workers' Compensation Labor Code and their claims management success. Based on the

recommendations from the committee, three of the top candidates were invited back for a final interview. Staff is recommending engaging Acclamation Insurance Management Services (AIMS) due to their over-all program efficiency, cost, customer service philosophy and risk management systems.

As the City's third party administrator, AIMS will be responsible for providing Workers' Compensation benefits to all City employees in a timely fashion as prescribed by the California Labor Code.

The essential function of the program is to provide proactive claims management of individual claims and to promote the overall success of the claims program. This equates to delivering at all times quality service and communication for the City's injured employees.

Key responsibilities are to communicate with our injured workers and medical providers within 24 hours of receipt of a claim, timely delivery of all benefits, to include indemnity for lost time, medical treatment, physical therapy, diagnostic testing and referral to specialists and nurse case managers for complex cases.

Key responsibility to the City is to monitor all medical cost without depriving the injured worker of quality medical treatment. This is accomplished through California Medical Fee schedules, PPO's, Utilization Review, and Managed Care Nurses. Our TPA will also work with the City's Workers' Compensation staff to return employees to their regular jobs or place them in temporary positions until they are released to full duty.

FINANCIAL IMPACT

The lock-in fee (lower than our present provider) for this five (5) year agreement is \$1,373,788. The fee for each fiscal year as is follows:

7/1/12-6/30/13	\$258,759
7/1/13-6/30/14	\$266,522
7/1/14-6/30/15	\$274,518
7/1/15-6/30/16	\$282,753
7/1/16-6/30/17	\$291,236

The fees will be covered out of Workers' Compensation Fund's annual operating budget (Account Number 702-1702-852-8209). Staff anticipates that the budget in fiscal years 2012-2017 will include appropriations sufficient to fund the future expenses. No additional appropriations are requested with this agreement.

LLF:bjm

Attachment #1 - Contract for Consulting Services A-7495

AGREEMENT FOR CONSULTING SERVICES

This Agreement for Consulting Services ("Agreement") is made and entered into in the County of Ventura, State of California, this 1st day of July, 2012, by and between the City of Oxnard, a municipal corporation ("City"), and Acclamation Insurance Management Services ("Consultant").

WHEREAS, City desires to hire Consultant to perform certain consulting services specified herein; and

WHEREAS, Consultant represents that Consultant and/or Consultant's personnel have the qualifications and experience to properly perform such services:

NOW, THEREFORE, City and Consultant hereby agree as follows:

1. Scope of Services

Consultant shall furnish City with professional consulting services as more particularly set forth in Exhibit A attached hereto and incorporated by this reference in full herein.

2. Method of Performing Services

Subject to the terms and conditions of this Agreement, Consultant may determine the method, details, and means of performing the services described herein.

3. Standard of Performance

Consultant agrees to undertake and complete these services to conclusion, using that standard of care, skill, and diligence normally provided by a professional person in performance of similar consulting services.

4. Nonexclusive Services

This Agreement shall not be interpreted to prevent or preclude Consultant from rendering any services for Consultant's own account or to any other person or entity as Consultant in its sole discretion shall determine. Consultant agrees that performing such services will not materially interfere with services to be performed for the City.

5. Coordination of Services

All services are to be coordinated with Workers' Compensation Manager, subject to the direction of the City Manager or Department Manager.

6. Place of Work

Consultant shall perform the services provided for in this Agreement at any place or location and at such times as the Consultant shall determine.

7. Correction of Errors

Consultant agrees to correct, at its expense, all errors which may be disclosed during review of Consultant's services. Should Consultant fail to make such correction in a reasonably timely manner, such correction shall be made by City, and the cost thereof shall be paid by Consultant.

8. Time for Performance

All services performed under this Agreement shall be completed pursuant to the schedule provided in Exhibit B attached hereto and incorporated by this reference in full herein. City agrees to amend the performance termination date whenever Consultant is delayed by action or inaction of City and Consultant promptly notifies Manager of such delays.

9. Principal in Charge

Consultant hereby designates Lynn Cavalcanti as its principal-in-charge and person responsible for necessary coordination with Manager.

10. Permits, Licenses, Certificates

Consultant, at Consultant's sole expense, shall obtain and maintain during the term of this Agreement, all permits, licenses, and certificates required in connection with the performance of services under this Agreement, including a City business tax certificate.

11. City's Responsibility

City shall cooperate with Consultant as may be reasonably necessary for Consultant to perform its services. Manager agrees to provide direction to Consultant as requested regarding particular project requirements.

12. Term of Agreement

This Agreement shall begin on July 1, 2012, and expire on June 30, 2017.

13. Termination

a. This Agreement may be terminated by City if Manager notifies Consultant, in writing, of Manager's desire to terminate the Agreement. Such termination shall be effective forty-five calendar days from the date of delivery or mailing of such notice. City agrees to pay Consultant in full for all amounts due Consultant as of the effective date of termination, including any expenditures incurred on City's behalf, whether for the employment of third parties or otherwise.

b. This Agreement may be terminated by Consultant if Consultant notifies Manager, in writing, of Consultant's desire to terminate the Agreement. Such termination shall be effective forty-five calendar days from the date of delivery or mailing of such notice and only if all assignments accepted by Consultant have been completed prior to the date of termination.

14. Compensation

a. City agrees to pay Consultant in an amount not to exceed \$1,373,788 for services provided under this Agreement at rates provided in Exhibit C attached hereto and incorporated by this reference in full herein.

b. The acceptance by Consultant of the final payment made under this Agreement shall constitute a release of City from all claims and liabilities for compensation to Consultant for anything completed, finished or relating to Consultant's services.

c. Consultant agrees that payment by City shall not constitute nor be deemed a release of the responsibility and liability of Consultant or its employees, subcontractors, agents and subconsultants for the accuracy and competency of the information provided and/or services performed hereunder, nor shall such payment be deemed to be an assumption of responsibility or liability by City for any defect or error in the services performed by Consultant, its employees, subcontractors, agents and subconsultants.

d. Consultant shall provide Manager with a completed Request for Taxpayer Identification Number and Certification, as issued by the Internal Revenue Service.

e. If any sales tax is due for services performed by Consultant or materials or products provided to City by Consultant, Consultant shall pay the sales tax. City shall not reimburse Consultant for sales taxes paid by Consultant.

15. Method of Payment

a. City agrees to pay Consultant monthly upon satisfactory completion of the services and upon submission by Consultant of an invoice delineating the services performed, in a form satisfactory to Manager. The invoice shall identify services by project as specified by Manager.

b. Consultant agrees to maintain current monthly records, books, documents, papers, accounts and other evidence pertaining to the services performed and costs incurred. Such items shall be adequate to reflect the time involved and cost of performing the services. Consultant shall provide Manager with copies of payroll distribution, receipted bills and other documents requested for justification of the invoice.

16. Responsibility for Expenses

Except as otherwise expressly provided in this Agreement, City shall not be responsible for expenses incurred by Consultant in performing services under this Agreement. All expenses incident to the performance of services under this Agreement shall be borne by the

general liability and health insurance, workers' compensation insurance, and all compensation and benefits of employees or agents engaged by Consultant. Consultant shall, at its own cost and expense, supply all personal property necessary or appropriate to perform the services provided for under this Agreement, including, but not limited to any personal property used by employees and agents of Consultant in the performance of such services.

17. Non-Appropriation of Funds

Payments to be made to Consultant by City for services performed within the current fiscal year are within the current fiscal budget and within an available, unexhausted and unencumbered appropriation of City. In the event City does not appropriate sufficient funds for payment of Consultant's services beyond the current fiscal year, this Agreement shall cover payment for Consultant's services only up to the conclusion of the last fiscal year in which City appropriates sufficient funds and shall automatically terminate at the conclusion of such fiscal year.

18. Records

a. Consultant agrees that all final computations, exhibits, files, plans, correspondence, reports, drawings, designs, data and photographs expressly required to be prepared by Consultant as part of the scope of services ("documents and materials") shall be the property of City and shall, upon completion of the services or termination of this Agreement, be delivered to Manager.

b. At City's request, City shall be entitled to immediate possession of, and Consultant shall furnish to Manager within ten days, all of the documents and materials. Consultant may retain copies of these documents and materials.

c. Any substantive modification of the documents and materials by City staff or any use of the completed documents and materials for other City projects, or any use of uncompleted documents and materials, without the written consent of Consultant, shall be at City's sole risk and without liability or legal exposure to Consultant. City agrees to hold Consultant harmless from all damages, claims, expenses and losses arising out of any reuse of the documents and materials for purposes other than those described in this Agreement, unless Consultant consents in writing to such reuse.

19. Maintenance and Inspection of Records

Consultant agrees that City or its auditors shall have access to and the right to audit and reproduce any of Consultant's relevant records to ensure that City is receiving all services to which City is entitled under this Agreement or for other purposes relating to the Agreement. Consultant shall maintain and preserve all such records for a period of at least three years after the expiration of this Agreement, or until an audit has been completed and accepted by City. Consultant agrees to maintain all such records in City or to promptly reimburse City for all reasonable costs incurred in conducting the audit at a location other than in City, including but not limited to expenses for personnel, salaries, private auditor, travel, lodging, meals and overhead.

20. Confidentiality of Information

Any documents and materials given to or prepared or assembled by Consultant under this Agreement shall be confidential and shall not be made available to any third person or organization by Consultant without prior written approval of the Manager.

21. Indemnity

Consultant agrees to indemnify, hold harmless and defend City, its City Council, and each member thereof, and every officer, employee, representative or agent of City, from any and all liability, claims, demands, actions, damages (whether in contract or tort, including personal injury, death at any time, or property damage), costs and financial loss, including all costs and expenses and fees of litigation or arbitration, that arise directly or indirectly from any acts or omissions related to this Agreement performed by Consultant or its agents, employees, subconsultants, subcontractors, consultants and other persons acting on Consultant's behalf. This agreement to indemnify, hold harmless and defend shall apply whether such acts or omissions are the product of active negligence, passive negligence, or acts for which Consultant or its agents, employees, subconsultants, subcontractors, consultants and other persons acting on Consultant's behalf would be held strictly liable.

22. Insurance

a. Consultant shall obtain and maintain during the performance of any services under this Agreement the insurance coverages as specified in Exhibit INS-A, attached hereto and incorporated herein by this reference, issued by a company satisfactory to the Risk Manager, unless the Risk Manager waives, in writing, the requirement that Consultant obtain and maintain such insurance coverages.

b. Consultant shall, prior to performance of any services, file with the Risk Manager evidence of insurance coverage as specified in Exhibit INS-A. Evidence of insurance coverage shall be forwarded to the Risk Manager, addressed as specified in Exhibit INS-A.

c. Maintenance of proper insurance coverages by Consultant is a material element of this Agreement. Consultant's failure to maintain or renew insurance coverages or to provide evidence of renewal may be considered as a material breach of this Agreement.

23. Independent Contractor

a. City and Consultant agree that in the performance of the services, Consultant shall be, and is, an independent contractor, and that Consultant and its employees are not employees of City. Consultant has and shall retain the right to exercise full control over the employment, direction, compensation and discharge of all persons assisting Consultant.

b. Consultant shall be solely responsible for, and shall save City harmless from, all matters relating to the payment of Consultant's employees, agents, subcontractors and subconsultants, including compliance with social security requirements, federal and State income tax withholding and all other regulations governing employer-employee relations.

c. Consultant acknowledges that Consultant and Consultant's employees are not entitled to receive from City any of the benefits or rights afforded employees of City, including but not limited to reserve leave, sick leave, vacation leave, holiday leave, compensatory leave, Public Employees Retirement System benefits, or health, life, dental, long-term disability and workers' compensation insurance benefits.

24. Consultant Not Agent

Except as Manager may specify in writing, Consultant, and its agents, employees, subcontractors and subconsultants shall have no authority, expressed or implied, to act on behalf of City in any capacity, as agents or otherwise, or to bind City to any obligation.

25. Conflict of Interest

If, in performing the services set forth in this Agreement, Consultant makes, or participates in, a "governmental decision" as described in Title 2, section 18701(a)(2) of the California Code of Regulations, or performs the same or substantially all the same duties for City that would otherwise be performed by a City employee holding a position specified in City's conflict of interest code, Consultant shall be subject to City's conflict of interest code, the requirements of which include the filing of one or more statements of economic interests disclosing the relevant financial interests of Consultant's personnel providing the services set forth in this Agreement.

26. Assignability of Agreement

Consultant agrees that this Agreement contemplates personal performance by Consultant and is based upon a determination of Consultant's personnel's unique competence, experience and specialized personal knowledge. Assignments of any or all rights, duties, or obligations of Consultant under this Agreement will be permitted only with the express written consent of Manager, which consent may be withheld for any reason.

27. Successors and Assigns

Consultant and City agree that this Agreement shall be binding upon and inure to the benefit of the heirs, executors, administrators, successors and assigns of Consultant and City.

28. Fair Employment Practices

a. Consultant agrees that all persons employed by Consultant shall be treated equally by Consultant without regard to or because of race, color, religion, ancestry, national origin, disability, sex, marital status, age, or any other status protected by law, and in compliance with all antidiscrimination laws of the United States of America, the State of California, and City.

b. Consultant agrees that, during the performance of this Agreement, Consultant and any other parties with whom Consultant may subcontract shall adhere to equal opportunity employment practices to assure that applicants and employees are treated equally and are not

discriminated against because of their race, color, religion, ancestry, national origin, disability, sex, marital status, age, or any other status protected by law.

c. Consultant agrees to state in all of its solicitations or advertisements for applicants for employment that all qualified applicants shall receive consideration for employment without regard to their race, color, religion, ancestry, national origin, disability, sex, marital status, age, or any other status protected by law.

d. Consultant shall provide City staff with access to and, upon request by Manager, provide copies to Manager of all of Consultant's records pertaining or relating to Consultant's employment practices, to the extent such records are not confidential or privileged under State or federal law.

29. Force Majeure

Consultant and City agree that neither City nor Consultant shall be responsible for delays or failures in performance resulting from acts beyond the control of either party. Such acts shall include, but not be limited to acts of God, strikes, lockouts, riots, acts of war, epidemics, governmental regulations imposed after this Agreement was executed, fire, communication line failures, earthquakes, or other disasters.

30. Time of Essence

Consultant and City agree that time is of the essence in regard to performance of any of the terms and conditions of this Agreement.

31. Covenants and Conditions

Consultant and City agree that each term and each provision of this Agreement to be performed by Consultant shall be construed to be both a covenant and a condition.

32. Governing Law

City and Consultant agree that the construction and interpretation of this Agreement and the rights and duties of City and Consultant hereunder shall be governed by the laws of the State of California.

33. Compliance with Laws

Consultant agrees to comply with all City, State, and federal laws, rules, and regulations, now or hereafter in force, pertaining to the services performed by Consultant pursuant to this Agreement.

34. Severability

City and Consultant agree that the invalidity in whole or in part of any provision of this Agreement shall not void or affect the validity of any other provision.

35. Waiver

City and Consultant agree that no waiver of a breach of any provision of this Agreement by either Consultant or City shall constitute a waiver of any other breach of the same provision or any other provision of this Agreement. Failure of either City or Consultant to enforce at any time, or from time to time, any provision of this Agreement, shall not be construed as a waiver of such provision or breach.

36. Counterparts

City and Consultant agree that this Agreement may be executed in two or more counterparts, each of which shall be deemed an original.

37. Arbitration

Consultant and City agree that in the event of any dispute with regard to the provisions of this Agreement, the services rendered or the amount of Consultant's compensation, the dispute may be submitted to arbitration upon the mutual agreement of the parties, under such procedures as the parties may agree upon, or, if the parties cannot agree, then under the Rules of the American Arbitration Association.

38. Expenses of Enforcement

Consultant and City agree that the prevailing party's reasonable costs, attorneys' fees (including the reasonable value of the services rendered by the City Attorney Office) and expenses, including investigation fees and expert witness fees, shall be paid by the non-prevailing party in any dispute involving the terms and conditions of this Agreement.

39. Authority to Execute

a. City acknowledges that the person executing this Agreement has been duly authorized by the City Council to do so on behalf of City.

b. Consultant acknowledges that the person executing this Agreement has been duly authorized by Consultant to do so on behalf of Consultant.

40. Notices

a. Any notices to Consultant may be delivered personally or by mail addressed to Acclamation Insurance Management Services, 10445 Old Placerville Road, Sacramento, CA 95827, Attention: Dominic L. Russo, President and CEO.

b. Any notices to City may be delivered personally or by mail addressed to City of Oxnard, Human Resources Department, 300 West Third Street, First Floor, Oxnard, California 93030, Attention: Loretta Fisher, Workers' Compensation Manager.

41. Amendment

City and Consultant agree that the terms and conditions of the Agreement may be reviewed or modified at any time. Any modifications to this Agreement, however, shall be effective only when agreed upon to in writing by both the City representative authorized to do so under the City's purchasing policies and Consultant.

42. Entire Agreement

City and Consultant agree that this Agreement constitutes the entire agreement of the parties regarding the subject matter described herein and supersedes all prior communications, agreements, and promises, either oral or written.

CITY OF OXNARD

ACCLAMATION INSURANCE
MANAGEMENT SERVICES

Dr. Thomas E. Holden, Mayor

Dominic L. Russo, President and CEO

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:

Alan Holmberg, City Attorney

APPROVED AS TO INSURANCE:

James Cameron, Risk Manager

APPROVED AS TO CONTENT:

Michelle H. Téllez, Director of Human Resources

APPROVED AS TO CONTENT:

Loretta L. Fisher, Project Manager

APPROVED AS TO AMOUNT:

Karen R. Burnham, Interim City Manager

**INSURANCE REQUIREMENTS FOR CONSULTANTS
(WITH ERRORS AND OMISSIONS REQUIREMENT)**

1. Consultant shall obtain and maintain during the performance of any services under this Agreement the following insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of services hereunder by Consultant, its agents, representatives, employees or subconsultants.

a. Commercial General Liability Insurance, including Contractual Liability, in an amount not less than \$1,000,000 combined single limit for bodily injury and property damage for each claimant for general liability with coverage equivalent to Insurance Services Office Commercial General Liability Coverage (Occurrence Form CG 0001). If a general aggregate limit is used, that limit shall apply separately to the project or shall be twice the occurrence amount;

b. Business automobile liability insurance in an amount not less than \$1,000,000 combined single limit for bodily injury and property damage for each claimant for automobile liability with coverage equivalent to Insurance Services Office automobile liability coverage (Occurrence Form CA0001) covering Code No. 1, "any auto;"

c. Professional liability/errors and omissions insurance appropriate to Consultant's profession to a minimum coverage of \$1,000,000, with neither Consultant nor listed subconsultants having less than \$500,000 individually. The professional liability/errors and omissions insurance must be project specific with at least a one year extended reporting period, or longer upon request.

d. Workers' compensation insurance in compliance with the laws of the State of California, and employer's liability insurance in an amount not less than \$1,000,000 per claimant.

2. Consultant shall, prior to performance of any services, file with the Risk Manager certificates of insurance with original endorsements effecting coverage required by this Exhibit INS-A. The certificates and endorsements for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. The certificates and endorsements are to be on the attached forms or on other forms approved by the Risk Manager. All certificates and endorsements are to be received and approved by the Risk Manager before commencement of services. City reserves the right to require complete certified copies of all required insurance policies at any time. The certificates of insurance and endorsements shall be forwarded to the Risk Manager, addressed as follows:

City of Oxnard
Risk Manager
Reference No. A-7495
300 West Third Street, Suite 302
Oxnard, California 93030

3. Consultant agrees that all insurance coverages shall be provided by a California admitted insurance carrier with an A.M. Best rating of A:VII or better and shall be endorsed to state that coverage may not be suspended, voided, canceled, or reduced in coverage or limits without 30 days' prior written notice to the Risk Manager. The Risk Manager shall not approve or accept any endorsement if the endorsement contains "best effort" modifiers or if the insurer is relieved from the responsibility to give such notice.

4. Consultant agrees that the commercial general liability and business automobile liability insurance policies shall be endorsed to name City, its City Council, officers, employees, agents and volunteers as additional insureds as respects: liability arising out of activities performed by or on behalf of Consultant; products and completed operations of Consultant; premises owned, occupied or used by Consultant; or automobiles owned, leased, hired or borrowed by Consultant. The coverage shall contain no special limitations on the scope of protection afforded to City, its City Council, officers, employees, agents and volunteers. **The General Liability Special Endorsement Form and Automobile Liability Special Endorsement Form attached to this Exhibit INS-A or substitute forms containing the same information and acceptable to the Risk Manager shall be used to provide the endorsements (ISO form CG 2010 11/85 or if not available, CG 2010 with an edition date prior to 01/04 and CG 2037).**

5. The coverages provided to City shall be primary and not contributing to or in excess of any existing City insurance or self-insurance coverages (**this must be endorsed**). Any failure to comply with reporting provisions of the policies shall not affect coverage provided to City, its City Council, officers, employees and volunteers. The insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

6. The insurer shall declare any deductibles or self-insured retentions to and be approved by the Risk Manager. At the option of the Risk Manager, either the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects City, its City Council, officers, employees and volunteers, or the Consultant shall procure a bond guaranteeing payment of losses and related investigations, claim administration and defense expenses.

7. All insurance standards applicable to Consultant shall also be applicable to Consultant's subconsultants. Consultant agrees to maintain appropriate agreements with subconsultants and to provide proper evidence of coverage upon receipt of a written request from the Risk Manager.

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INSTRUCTION FOR SUBMITTING INSURANCE CERTIFICATES AND ENDORSEMENT FORMS

Certificates of Insurance

The sample accord form on the following page is provided to facilitate your preparation and submission of certificates of insurance. You may use this or any industry form that shows coverage as broad as that shown on the attached sample. **Please note the certificate holder address must be as shown on the attached sample accord form with the contract number and insurance exhibit identification information completed.** Improperly addressed certificates may delay the contract start-up date because the City's practice is to return unidentifiable insurance certificates to the insured for clarification as to the contract number. **Cancellation provisions must be endorsed to the policy. Modifying the certificate does not change coverage or obligate the carrier to provide notice of cancellation.**

Endorsement Forms

Original endorsements are required for commercial general liability and business automobile liability insurance policies and must be attached to the applicable certificate of insurance. City preference is that the Consultant/insurer use the endorsement forms which are attached. Substitute forms will be accepted, however, as long as they include provisions comparable to the sample accord form.

INS-A.doc

ACORD CERTIFICATE OF INSURANCE

ISSUE DATE (MM/DD/YY)

PRODUCER

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

CODE SUB-CODE

COMPANIES AFFORDING INSURANCE COVERAGE

INSURED

COMPANY
LETTER A

SPECIFY COMPANY NAMES IN THIS SPACE

COMPANY
LETTER B

COVERAGES

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

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	GENERAL LIABILITY [x] COMMERCIAL GENERAL LIABILITY [] CLAIMS MADE [x] OCCUR. [x] OWNER'S & CONTRACTOR'S PROT.				GENERAL AGGREGATE \$1,000,000 PRODUCTS COMP/OP AGG. \$1,000,000 PERSONAL & ADV. INJURY \$1,000,000 EACH OCCURRENCE \$1,000,000 FIRE DAMAGE (Any one fire) \$ MED. EXPENSE (Any one person) \$
A	AUTOMOBILE LIABILITY [x] ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS HIRED AUTOS NON-OWNED AUTOS GARAGE LIABILITY				COMBINED SINGLE \$1,000,000 LIMIT BODILY INJURY \$ (Per person) BODILY INJURY \$ (Per accident) PROPERTY DAMAGE \$
A	EXCESS LIABILITY UMBRELLA FORM OTHER THAN UMBRELLA FORM				EACH OCCURRENCE \$ AGGREGATE \$
A	WORKERS' COMPENSATION AND EMPLOYERS' LIABILITY				STATUTORY LIMITS EACH ACCIDENT \$1,000,000 DISEASE-POLICY LIMIT \$1,000,000 DISEASE-EACH EMPLOYEE \$1,000,000
A	OTHER Errors and omissions insurance or malpractice insurance available for the insured's profession				Minimum coverage \$1,000,000 Each consultant/ & listed sub-consultant \$500,000

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/RESTRICTIONS/SPECIAL ITEMS

CERTIFICATE HOLDER

City of Oxnard
Attn: Risk Manager
Reference No. _____
300 W. Third Street, Suite 302
Oxnard CA 93030

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

**GENERAL LIABILITY SPECIAL ENDORSEMENT
FOR THE CITY OF OXNARD (the "City")****SUBMIT IN DUPLICATE**

ENDORSEMENT NO. _____

ISSUE DATE (MM/DD/YY) _____

PRODUCER _____

POLICY INFORMATION:

Insurance Company: _____

Policy No.: _____

Policy Period: (from) _____ (to) _____

LOSS ADJUSTMENT EXPENSE ☐ Included in Limits
☐ In Addition to Limits

Telephone: _____

☐ Deductible ☐ Self-Insured Retention (check which) of \$ _____
with an Aggregate of \$ _____ applies to _____
coverage. ☐ Per Occurrence ☐ Per Claim (which)

NAMED INSURED _____

APPLICABILITY. This insurance pertains to the operations, products and/or tenancy of the named insured under all written agreements and permits in force with the City unless checked here ☐ in which case only the following specific agreements and permits with the City are covered

CITY AGREEMENTS/PERMITS _____

TYPE OF INSURANCE**GENERAL LIABILITY**

- ☐
- COMMERCIAL GENERAL LIABILITY
- ☐
- Claims Made
-
- ☐
- COMPREHENSIVE GENERAL LIABILITY Retroactive Date _____
-
- ☐
- OWNERS & CONTRACTORS PROTECTIVE
- ☐
- Occurrence

OTHER PROVISIONS**COVERAGES****LIABILITY LIMITS IN THOUSANDS \$**

EACH OCCURRENCE

AGGREGATE

- ☐
- GENERAL
-
- ☐
- PRODUCTS/COMPLETED OPERATIONS
-
- ☐
- PERSONAL & ADVERTISING INJURY
-
- ☐
- FIRE DAMAGE
-
- ☐
- _____
-
- ☐
- _____

CLAIMS: Underwriter's representative for claims pursuant to this insurance.

Name: _____

Address: _____

Telephone: () _____

In consideration of the premium charged and notwithstanding any inconsistent statement in the policy to which this endorsement is attached or any endorsement now or hereafter attached thereto, insurance company agrees as follows:

1. **INSURED.** The City, its officers, agents, employees and volunteers are included as insureds with regard to liability and defense of suits arising from the operations, products and activities performed by or on behalf of the named insured.

2. **CONTRIBUTION NOT REQUIRED.** As respects: (a) work performed by the named insured for or on behalf of the City; or (b) products sold by the named insured to the City; or (c) premises leased by the named insured from the City, the insurance afforded by this policy shall be primary insurance as respects the City, its officers, agents, employees or volunteers; or stand in an unbroken chain of coverage excess of the named insured's scheduled underlying primary coverage. In either event, any other insurance maintained by the City, its officers, agents, employees or volunteers shall be in excess of this insurance and shall not contribute with it.

3. **SEVERABILITY OF INTEREST.** This insurance applies separately to each insured against whom claim is made or suit is brought except with respect to the company's limits of liability. The inclusion of any person or organization as an insured shall not affect any right which such person or organization would have as a claimant if not so included.

4. **CANCELLATION NOTICE.** With respect to the interests of the City, this insurance shall not be canceled, or materially reduced in coverage or limits except after thirty (30) days prior written notice by receipted delivery has been given to the City.

5. **PROVISIONS REGARDING THE INSURED'S DUTIES.** Any failure to comply with reporting provisions of the policy or breaches or violations of warranties shall not affect coverage provided to the City, its officers, agents, employees or volunteers.

6. **SCOPE OF COVERAGE.** This policy, if primary, affords coverage at least as broad as:

a. Insurance Services Office Commercial General Liability Coverage, "occurrence" form CG0001; or

b. If excess, affords coverage which is at least as broad as the primary insurance form CG0001.

Except as stated above nothing herein shall be held to waive, alter or extend any of the limits, conditions, agreements or exclusions of the policy to which this endorsement is attached.

ENDORSEMENT HOLDER

CITY OF OXNARD

Attn: Risk Manager

Reference No. _____

300 W. Third Street, Suite 302

Oxnard, CA 93030

AUTHORIZED REPRESENTATIVE☐ Broker/Agent ☐ Underwriter ☐ _____

I _____ (print/type name), warrant that I have authority to bind the above-mentioned insurance company and by my signature hereon do so bind this company to this endorsement.

Signature _____

(original signature required)

Telephone: () _____ Date Signed: _____

**AUTOMOBILE LIABILITY SPECIAL ENDORSEMENT
FOR THE CITY OF OXNARD (the "City")****SUBMIT IN DUPLICATE**

ENDORSEMENT NO. _____ ISSUE DATE (MM/DD/YY) _____

PRODUCER

POLICY INFORMATION:Insurance Company: _____
Policy No.: _____
Policy Period: (from) _____ (to) _____
LOSS ADJUSTMENT EXPENSE ☐ Included in Limits
☐ In Addition to Limits

Telephone: _____

☐ Deductible ☐ Self-Insured Retention (check which) of \$ _____
with an Aggregate of \$ _____ applies to
coverage. ☐ Per Occurrence ☐ Per Claim (which)

NAMED INSURED

APPLICABILITY. This insurance pertains to the operations, products and/or tenancy of the named insured under all written agreements and permits in force with the City unless checked here ☐ in which case only the following specific agreements and permits with the City are covered:

CITY AGREEMENTS/PERMITS

TYPE OF INSURANCE

- ☐
- COMMERCIAL AUTO POLICY
-
- ☐
- BUSINESS AUTO POLICY
-
- ☐
- OTHER

OTHER PROVISIONS**LIMIT OF LIABILITY**

\$ _____ per accident, for bodily injury and property damage.

CLAIMS: Underwriter's representative for claims pursuant to this insurance.

Name: _____

Address: _____

Telephone: () _____

In consideration of the premium charged and notwithstanding any inconsistent statement in the policy to which this endorsement is attached or any endorsement now or hereafter attached thereto, insurance company agrees as follows:

1. **INSURED.** The City, its officers, agents, volunteers and employees are included as insureds with regard to liability and defense of suits arising from the operations, products and activities performed by or on behalf of the named insured.
2. **CONTRIBUTION NOT REQUIRED.** As respects: (a) work performed by the named insured for or on behalf of the City; or (b) products sold by the named insured to the City; or (c) premises leased by the named insured from the City, the insurance afforded by this policy shall be primary insurance as respects the City, its officers, agents, employees or volunteers; or stand in an unbroken chain of coverage excess of the named insured's scheduled underlying primary coverage. In either event, any other insurance maintained by the City, its officers, agents, employees or volunteers shall be in excess of this insurance and shall not contribute with it.
3. **SEVERABILITY OF INTEREST.** This insurance applies separately to each insured against whom claim is made or suit is brought except with respect to the company's limits of liability. The inclusion of any person or organization as an insured shall not affect any right which such person or organization would have as a claimant if not so included.
4. **CANCELLATION NOTICE.** With respect to the interests of the City, this insurance shall not be canceled, or materially reduced in coverage or limits except after thirty (30) days prior written notice by receipted delivery has been given to the City.
5. **PROVISIONS REGARDING THE INSURED'S DUTIES.** Any failure to comply with reporting provisions of the policy or breaches or violations of warranties shall not affect coverage provided to the City, its officers, agents, employees or volunteers.
6. **SCOPE OF COVERAGE.** This policy, if primary, affords coverage at least as broad as:
 - a. Insurance Services Office Automobile Liability Coverage, "occurrence" form CA0001, code ("any auto"); or
 - b. If excess, affords coverage which is at least as broad as the primary insurance form referenced in the preceding section (1).

Except as stated above nothing herein shall be held to waive, alter or extend any of the limits, conditions, agreements or exclusions of the policy to which this endorsement is attached.

ENDORSEMENT HOLDER

CITY OF OXNARD

Attn: Risk Manager

Reference No. _____

300 W. Third Street, Suite 302

Oxnard, CA 93030

AUTHORIZED REPRESENTATIVE☐ Broker/Agent ☐ Underwriter ☐ _____

I, _____ (print/type name), warrant that I have authority to bind the above-mentioned insurance company and by my signature hereon do so bind this company to this endorsement.

Signature _____

(original signature required)

Telephone: () _____ Date Signed _____

EXHIBIT A

SCOPE OF SERVICES

1. Consultant shall ensure that all claims are processed in accordance with California law, codes, rules, and regulations as promulgated by the Administrative Director and the Manager of the Department of Self Insurance Plans.
2. Consultant agrees to initiate prompt processing of all claims presented to Consultant upon notification in writing, facsimile transmission, electronically, or by telephone from City.

3. Caseload:

Consultant agrees that each examiner shall have a caseload not to exceed one hundred fifty (150) open indemnity claims, which may include future medical claims. Each junior examiner and claims assistant shall have a caseload not to exceed one hundred fifty (150) open claims. The supervisor shall have a caseload not to exceed thirty (30) open indemnity claims. Indemnity claims are counted as one claim. Future medical claims and medical only claims are counted as two to one indemnity claim.

4. Penalties:

- A. Any penalties assessed by City for delays in benefits that are the direct result of the delay by Consultant shall be the responsibility of Consultant. Conversely, those penalties that are assessed as of the direct result of delay by City shall be the responsibility of City.
- B. Any penalties assessed by the Division of Workers' Compensation, Audit Unit for which Consultant made negligent error as identified by a State auditor shall be the responsibility of Consultant. City shall be responsible for paying penalties for which City has made a negligent error as identified by a State auditor.
- C. Consultant shall be responsible for any and all penalties that are the result of late payments pursuant to the statutory requirements for timely payments. If the penalties are paid from the trust fund as an add-on to a bill or benefit, Consultant shall reimburse City on a quarterly basis. The check and a report outlining all penalties shall be submitted to the City within thirty (30) calendar days after the quarter ends on March 31, June 30, September 30, and December 31.

5. Medicare Set Aside Allocations and SCHIP Reporting

- A. Provide an account manager and designated back-up to timely report to the reporting agent all judgments, settlements, awards above the threshold limits as periodically required by the Medicare, Medicaid, and SCHIP Extension Act of 2001 (MMSEA) for all Medicare-eligible claimants.
- B. Protect Medicare's interest in both conditional liens and future payment of medical expenses for all Medicare-eligible claimants to the extent it is reasonably appropriate because of the exposure, the injuries, and the then-existing and future anticipated medical treatment costs.
- C. Hold harmless, defend and indemnify City for any fines or Medicare reimbursements required to be paid as a result of Consultant's failure to timely report any Medicare-eligible judgments, awards, or settlements, or for any claim that there was a failure on the part of Consultant to adequately protect Medicare's conditional or future medical payment rights of reimbursement.

EXHIBIT B

SPECIAL PROVISIONS

1. Financial Administration: The City will establish a zero-balance trust account from which Consultant shall make all indemnity, medical, and allocated loss expense payments. Payment authorization limits and payment policies will be established by City and reviewed from time to time with Consultant. Consultant's monthly services fee shall not be paid from the trust account.

The City has established a fraud detection service, "Positive Pay" in conjunction with the aforementioned zero-balance trust account. Consultant shall provide a "check issue file" to City and the financial institution with which City maintains the trust account. Such check issue file shall be sent by electronic means in the format required from time to time by the financial institutions and upon issuance of checks for any medical, indemnity, or allocated loss adjustment expenses.

Consultant shall maintain complete and accurate records with respect to costs, expenses, receipts, and other such information required by City that relate to the performance of services under this Agreement. Consultant shall maintain adequate records of services provided in sufficient detail to permit an evaluation of services. All such records shall be maintained in accordance with generally accepted accounting principles and shall be clearly identified and readily accessible.

2. Allocated Expense: It is agreed and understood that all allocated loss expenses are charged to the applicable claim file and are paid by Consultant out of City's trust account.
3. Right to Audit: The City or its designated representative is authorized to visit Consultant's processing and/or storage premises, for purpose of performing a claims audit, and have access to all data, including paper documents microfilm, microfiche, and magnetically stored data which relate to payments or non-payments made by Consultant. Any assistance or service provided in response to a claims audit described above will be rendered at no additional cost to the City.
4. Invalid Payments: No charges to City for payments made on behalf of persons who were not valid employees of City at the date of injury shall be accepted for payment by the City.
5. Personnel: Consultant agrees to assign only competent personnel according to the reasonable and customary standards of training and experience in the relevant field to perform services pursuant to this Agreement. Failure to assign such competent personnel shall constitute grounds for termination of

this Agreement. Each examiner shall have passed the State of California, Department of Industrial Relations, Self Insurance Administrator's Examination; or as a minimum requirement, no more than one (1) examiner in the City's unit shall not have successfully passed the State examination; however, an examiner that has not passed the State examination shall be enrolled in appropriate courses leading to certification within two (2) years.

Consultant shall annually certify to the City that each claims examiner and assistant handling the City's claims is in compliance with all legal and regulatory licensing and continuing educational requirements as may presently, or in the future, be promulgated and required by the State of California. Such certification for the prior year shall be in the form of a letter to be received on later than August 1 of each year.

Consultant shall ensure that other personnel, such as management, clerical, accounting, and data processing, which may be required to satisfactorily provide the services required by this Agreement, shall be provided by Consultant with the agreed fee for services contained in this Agreement. It is understood that the personnel referred to in this paragraph need not be dedicated to the exclusive use of the City.

6. During the period of this Agreement, and for a period of not less than one (1) year thereafter, Consultant agrees not to solicit for employment, or employ any City employee contacted during the performance of the Agreement; and City agrees not to solicit for employment, or employ during the period of this Agreement, and for period of not less than one (1) year thereafter, any AIMS employee contacted during the performance of the Agreement.
7. Claim Reports: Consultant shall, at its expense, provide by the tenth (10th) of the following month a written summary report showing the number of claims reported during the prior month, separated by category (i.e. indemnity or medical only), the number of claims closed during the prior month, and any medical cost savings. This report shall show a comparison of the same information for the same month for the prior year.

New Claims: Consultant shall, at its expense, electronically provide by the fifteenth (15th) of the following month copies of the DWC Form 1, (Employee's Claim Form) and DWC Form 5020 (Employer's Report of Injury) for all new indemnity claims reported during the prior month.

Consultant shall, at its expense, by the tenth (10th) day of the following month in PDF or Excel formats, unless otherwise specified below:

4850 benefits, future liability, total incurred with 4850 benefits, total incurred without 4850 benefits, and vouchers, and any excess insurance or subrogation recoveries;

- ii. as of June 30, September 30, December 31, and March 31, a listing of all open and closed claims with a total incurred value in excess of \$125,000 to be run by fiscal year. The report should include the employee name, claim number, date of injury, paid amount with 4850 benefits, paid amount without 4850 benefits, future liability, total incurred with 4850 benefits, total incurred without 4850 benefits and vouchers, and any excess insurance or subrogation recoveries;
- iii. as of June 30, September 30, December 31, and March 31, a listing of all open and closed claims with a total incurred value in excess of \$250,000 to be run by fiscal year. The report should include the employee name, claim number, date of injury, paid amount with 4850 benefits, paid amount without 4850 benefits, future liability, total incurred with 4850 benefits, total incurred without 4850 benefits, and vouchers, and any excess insurance or subrogation recoveries;
- iv. a listing of any administrative penalties paid during the quarter with the responsible party noted for each penalty paid. Consultant shall issue a check payable to City for reimbursement of any administrative penalties during the quarter which were the responsibility of Consultant. The check and report shall be submitted to City within thirty (30) calendar days of the quarters ending June 30, September 30, December 31, and March 31.

C. provide the following reports to City annually as of June 30, in addition to the regular monthly and quarterly reports:

- i. a listing of subrogation claims showing the employees' name, claim number, date of injury, paid amount with 4850 benefits, paid amount without 4850 benefits, future liability, total incurred with 4850 benefits, total incurred without 4850 benefits, total incurred without 4850 and vouchers, and any excess or subrogation recoveries;

Any corrections requested to the loss runs shall be made within thirty (30) days of a request for correction.

D. provide other special reports required by City including, but not limited to, loss trend reports, claim abstract reports, reports required by actuaries,

excess insurance carriers, etc., provided that such reports do not require data elements that have not previously been collected by Consultant on behalf of City. If new programming is required in order to provide such reports. Consultant will pay, at its own expense, up to \$10,000 per year, for new or special programming costs; if the new data programming exceeds the sum of \$10,000 in any one (1) year, Consultant will request and obtain the approval of City for such programming prior to incurring those costs, and, if that approval is obtained, the City will pay the data programming costs that exceed \$10,000.

8. Online Interface: Consultant shall provide an online interface with its database, accessible from the City's computers for use by City. Such data will be put in a format that will permit City to make print copies of data on its printers. If City, under Consultant's guidance, is not able to maintain an online interface with data maintained by Consultant, Consultant shall be required to provide a copy of all data processed during the past week to City's office each Friday in a disk media format which is transferable and useable with City's computers.
9. Consultant shall develop or otherwise acquire systems for its existing computer system, as necessary and at its expense, in order to report claims in the manner required by the Medicare, Medicaid, and SCHIP Extension Act of 2007 (MMSEA).

EXHIBIT C

COMPENSATION

1. Consultant shall be compensated as follows:

The contract price for the period of July 1, 2012, through June 30, 2013, shall be \$258,759. The contract price shall be adjusted upward at the beginning of each contract year and shall be effective for the twelve-month period beginning in July and ending at the end of the following June. Effective each July 1, the base contract price will be increased by 3%. This contract shall be in effect until June 30, 2017. The fees are broken down as follow:

7/1/12-6/30/13	\$258,759
7/1/13-6/30/14	\$266,522
7/1/14-6/30/15	\$274,518
7/1/15-6/30/16	\$282,753
7/1/16-6/30/17	\$291,236

Services included in the Flat Annual Fee

Claim Administration
Claim Review and other Client meetings/training
Claim System – no per user charges
Data Management
Account Management
Banking
Standard Claim Reporting
Custom AIMS “dashboard”
Web Site Access (on-line) Unlimited
Detailed Stewardship Reports/Presentations
Training Costs
MMSEA Reporting

Data Conversion/Implementation Fee: \$10,000.00*

*One time, at implementation, only fee, direct pass through, “not to exceed”, fee to cover the costs of the implementation and conversion of claims data from a previous administrator. Actual fee may be lower.

During the term of the Agreement, Consultant shall submit a billing for services to City on a monthly basis, which billing shall be one-twelfth (1/12th) of the total contract price for the respective contract year. The City shall pay Consultant monthly, after receipt of Consultant’s billing, for services rendered one-twelfth (1/12th) of the total contract price for the respective contract year.

The contract price shall be adjusted upward at the beginning of each subsequent contract year and shall be effective for the twelve-month period beginning in July and ending at the end of the following June. The increase effective each July 1 shall be 3%.

Consultant shall have the right at any time during the contract to ask City for a increase in the contract price if the caseloads are substantially increased due to government intervention or a sudden catastrophic incident resulting in more the fifty (50) claims filed from such single event.

Medical Cost Containment services associated with this Agreement will be charged an amount as follows:

Bill Review – Fees Guaranteed For The Term Of This Agreement

Standard Official Medical Fee Schedule 6% of savings

Preferred Provider Organization (PPO) 17% of savings below fee schedule
for the following:

- Interplan
- ClarisPointe
- PPO Next

25% of savings below fee schedule
for the following:

- First Health
- Anthem/Blue Cross

Inpatient Hospital Bills 7% of savings, maximum fee
\$2,500

Outpatient Facility Bills 7% of savings, maximum fee
\$2,500

Negotiated Bills 10% of savings, maximum fee
\$2,500

Medical Legal Bills No Charge

Duplicate Bills No Charge

Re-evaluation/Provider Inquiries No Charge

Expert Testimony in Defense of Reviews No Charge

EDI (Electronic Data Interface)

With Claims System No Charge

Mandatory State Reporting No Charge

Utilization Review and Nurse Case Management Services

Utilization Review \$85.00 per UR referral (includes unlimited treatment requests per referral)

Peer Review \$200.00 (or \$250 if UR Nurse not used) per Peer Review (includes unlimited treatment request per referral)

Telephonic Case Management \$85.00 per hour, Early Intervention (per City's direction) - \$200.00 for first 90 days from date of notice of injury

Field Nurse Case Management \$95.00 per hour (plus mileage, tolls and parking)

It is hereby mutually understood by City and Consultant that this Agreement and the fee generated for service stated above is all-inclusive. There will be no additional payments made to Consultant for additional services, supplies, etc., other than as set forth in this Agreement. Telephonic and Field Nurse Case Management referrals require prior approval of City.

2. The above fee arrangement shall include all services included in this Agreement except for payments made by Consultant on City's behalf for medical, disability, or other benefits, and allocated loss expense.

Allocated Loss Expense shall mean all Workers' Compensation Appeals Board or court costs, fees, and expenses; fees for service of process; fees to attorneys; fees of independent adjusters or attorneys for investigation or adjustment of claims for AOE/COE investigations not performed by Consultant's workers' compensation claims personnel; the cost of employing experts for the purpose of preparing maps, photographs, diagrams, chemical or physical questions; the cost of copies of transcripts of testimony of coroner's inquests or private records; the cost of depositions and court reporters or recorded statements; fees for bill review, Utilization Review and Case Management services, and any

similar costs or expenses properly chargeable to the defense of a particular claim or to the protection of the subrogation rights of City; provided, however, that all of the above services performed by claims employees of Consultant shall not be considered allocated loss expenses except in the following circumstance: If City is informed by Consultant that an AOE/COE investigation is necessary, and City requests, in writing, that Consultant perform that investigation, Consultant employees can perform the investigation and the costs of that investigation shall be considered as allocated loss expenses. However, if City does not request the AOE/COE investigation be performed by Consultant's employees, such investigation shall be referred by Consultant to an independent adjuster.



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

Prepared By: Anthony Emmert, Water Resources Manager

Agenda Item No. I-8Reviewed By: City Manager *gbb*City Attorney *pt*Finance *naa*Public Works *for JC***DATE:** May 24, 2012**TO:** City Council
FROM: *SR.*
 Rob Roshanian, Interim Public Works Director
 Public Works

SUBJECT: Assessment for the City's National Pollutant Discharge Elimination System (NPDES) Storm Water Management Program

RECOMMENDATION

That City Council adopt a resolution authorizing an assessment for the City's National Pollutant Discharge Elimination System (NPDES) Storm Water Management Program for inclusion in the Ventura County Watershed Protection District's (VCWPD) Benefit Assessment Program (BAP).

DISCUSSION

Storm water runoff from urban areas, construction sites, and agricultural areas is a widespread cause of water quality impairment of the receiving water bodies, a fact that has been substantiated by the National Urban Runoff Program (NURP) and local monitoring programs measuring land use and receiving water quality.

The 1987 amendments to the Clean Water Act added Section 402(p) to the Federal Water Pollution Control Act, which established a framework for regulating municipal and industrial storm water discharges under the NPDES program. The City of Oxnard was listed in the federal regulations as having a medium separate storm sewer system and required to prepare and submit a permit application by May 1993.

In August 1994, the Countywide NPDES Permit was issued by the Los Angeles Regional Water Quality Control Board to the ten (10) incorporated cities, the County of Ventura and the VCWPD. This Permit was renewed on July 27, 2000, with more stringent requirements than the previous version. The latest permit renewal, adopted on July 8, 2010, contains even more stringent requirements, with a focus on Low Impact Development (LID).

Assessment for the City's National Pollutant Discharge Elimination System (NPDES) Storm Water Management Program

May 24, 2012

Page 2

Assessment for NPDES Storm Water Management Program

On April 14, 1992, as part of the program development, the Ventura County Board of Supervisors approved the concept of a Countywide Storm Water Management Program and the use of the VCWPD's Benefit Assessment Authority (BAA) to finance the program. The VCWPD's Benefit Assessment Program (BAP), as authorized by the Ventura County Flood Control Act and related Government Code Sections, enables the VCWPD to utilize its BAA to finance the operation and maintenance of the primary flood control channels and facilities within Ventura County. On November 9, 2010, the City Council approved a new Implementation Agreement that replaced the 1992 Implementation Agreement. This new Implementation Agreement more accurately reflects the roles and responsibilities of the permittees under the renewed municipal stormwater permit for Ventura County. It also has a revised cost-sharing formula to help fund increased program costs for common program activities.

Utilizing its BAA, the VCWPD has developed a Basic Assessment Unit (BAU) for various land uses within Ventura County. The BAU is based on the amount of storm water runoff generated from parcels of real property. The variations in BAU values are determined by the impervious building and pavement areas developed on each site. The BAP uses a single family dwelling as the BAU standard base.

The current NPDES benefit assessment of \$10.28/BAU is anticipated to generate revenue during FY 2012-2013 of approximately \$585,496.

FINANCIAL IMPACT

The FY 2012-12 Recommended Budget will include \$585,496 of appropriations under Wastewater Collection Operating/Storm Water Quality Management (611-6102).

MP:ls

Attachment #1 - Resolution Authorizing Assessment for the Storm Water Quality Management Program for inclusion in the Benefit Assessment Program of the Ventura County Watershed Protections District

#2 - Estimated Benefit Assessment Table

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD AUTHORIZING AN ASSESSMENT FOR THE CITY NPDES STORM WATER MANAGEMENT PROGRAM FOR INCLUSION IN THE BENEFIT ASSESSMENT PROGRAM OF THE VENTURA COUNTY WATERSHED PROTECTION DISTRICT

WHEREAS, in 1987 Section 402 of the Federal Clean Water Act [33 U.S.C.A. 1342(p)] was amended to require the Environmental Protection Agency (EPA) to promulgate regulations for applications for permits for storm water discharges; and

WHEREAS, such EPA permit regulations control pollutants from storm water discharges by requiring cities, with a population over 100,000 residents, to obtain a National Pollutant Discharge Elimination System (NPDES) Permit (Permit) for the discharge of storm waters into waters of the United States; and

WHEREAS, the City of Oxnard has a population over 100,000 residents and is required to obtain a Permit; and

WHEREAS, on June 23, 1992, the City Council approved an Implementation Agreement with nine other cities, the County of Ventura and the Ventura County Watershed Protection District (VCWPD), to develop a County-wide Storm Water Discharge Management Program with the objective of improving water quality in the Santa Clara River and other Coastal Watersheds; and

WHEREAS, on November 9, 2010, the City Council approved a new Implementation Agreement that replaced the 1992 Implementation Agreement. This new Implementation Agreement more accurately reflects the roles and responsibilities of the permittees under the renewed municipal stormwater permit for Ventura County. It also has a revised cost-sharing formula to help fund increase program costs for common program activities; and

WHEREAS, VCWPD's Benefit Assessment Program is the method by which funds are obtained for the City's NPDES Storm Water Discharge Management Program; and

WHEREAS, a Basic Assessment Unit (BAU) is equivalent to a detached single-family home; and

WHEREAS, the estimated cost for the Storm Water Discharge Management Program to the 56,971 BAUs in the City results in a unit cost of \$10.28 per BAU per year.

NOW, THEREFORE, the City Council of the City of Oxnard authorizes the Ventura County Watershed Protection District to include the following amount in the VCWPD's Benefit Assessment Program for the City of Oxnard:

A unit cost of \$10.28 per BAU in the City of Oxnard.

Resolution No. _____
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PASSED AND ADOPTED THIS 5TH DAY OF JUNE, 2012, with the following vote:

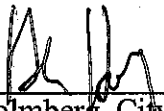
AYES:
NOES:
ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney

Benefit Assessments for Watershed Protection

Benefit Assessment FY2012-2013 ESTIMATES: ALL PARCELS COUNTED									
ZONE	Location	BAUs	ACRES	O&M	VCWPD - NPDES	CoPermittee NPDES	REVENUE: 2012-2013	Parcel Count	Difference in BAUs from FY 2011-2012 Summer Run (positive = more this year)
Zone 1	z1-county	14,887	171,632	\$304,251	\$62,041	\$21,554	\$387,845	10,823	-83
	z1-ojai	4,365	2,472	\$100,856	\$18,183	\$34,121	\$153,161	2,991	-11
	z1-ventura	9,938	3,105	\$227,154	\$41,401	\$58,605	\$327,159	8,169	3
Zone 2	z2-county	27,654	573,498	\$750,213	\$109,448	\$37,561	\$897,221	12,188	83
	z2-fillmore	4,273	1,814	\$119,115	\$16,896	\$17,090	\$153,101	4,354	-10
	z2-oxnard	56,971	13,624	\$1,588,289	\$225,369	\$585,496	\$2,399,154	44,941	178
	z2-santapaula	9,208	2,432	\$249,778	\$36,424	\$61,207	\$347,409	7,757	65
	z2-ventura	32,591	7,918	\$884,019	\$128,923	\$192,194	\$1,205,136	26,382	24
	z2-porthueneme	4,930	2,372	\$137,010	\$19,510	\$14,780	\$171,300	6,524	8
	z2-camarillo	224	197	\$6,063	\$885	\$1,117	\$8,066	153	0
Zone 3	z3-county	22,806	136,022	\$611,366	\$99,155	\$0	\$710,521	11,893	-2
	z3-moorpark	13,039	7,062	\$324,375	\$56,675	\$0	\$381,050	11,034	6
	z3-camarillo	30,450	9,686	\$816,273	\$132,366	\$152,168	\$1,100,807	23,169	-3
	z3-1000oaks	49,853	24,741	\$1,289,515	\$216,689	\$255,081	\$1,761,285	37,750	29
	z3-simivalley	48,018	24,777	\$1,238,620	\$208,727	\$185,660	\$1,633,006	39,308	9
Zone 4	z4-county	7,630	229,525	\$50,789	\$30,507	\$0	\$81,296	9,552	21
	z4-1000 Oaks	8,506	5,549	\$56,646	\$34,836	\$46,487	\$137,969	5,605	2
		345,342	1,216,427	\$8,754,331	\$1,438,035	\$1,663,121	\$11,855,487	262,593	319

Benefit Assessment FY2012-2013 ESTIMATES: ONLY PARCELS YIELDING MORE THAN \$0 COUNTED									
ZONE	Location	BAUs	ACRES	O&M	VCWPD - NPDES	CoPermittee NPDES	REVENUE: 2012-2013	Parcel Count	Difference in BAUs from FY 2011-2012 Summer Run (positive = more this year)
Zone 1	z1-county	14,887	23,679	\$304,251	\$62,041	\$21,554	\$387,845	8,197	-83
	z1-ojai	4,365	1,806	\$100,856	\$18,183	\$34,121	\$153,161	2,891	-11
	z1-ventura	9,938	1,823	\$227,154	\$41,401	\$58,605	\$327,159	7,702	3
Zone 2	z2-county	27,654	81,521	\$750,213	\$109,448	\$37,561	\$897,221	9,001	83
	z2-fillmore	4,273	1,189	\$119,115	\$16,896	\$17,090	\$153,101	3,849	-10
	z2-oxnard	56,971	9,593	\$1,588,289	\$225,369	\$585,496	\$2,399,154	39,209	178
	z2-santapaula	9,208	1,892	\$249,778	\$36,424	\$61,207	\$347,409	6,750	65
	z2-ventura	32,591	5,654	\$884,019	\$128,923	\$192,194	\$1,205,136	24,010	24
	z2-porthueneme	4,930	704	\$137,010	\$19,510	\$14,780	\$171,300	6,331	8
	z2-camarillo	224	29	\$6,063	\$885	\$1,117	\$8,066	13	0
Zone 3	z3-county	22,806	64,695	\$611,366	\$99,155	\$0	\$710,521	10,228	-2
	z3-moorpark	13,039	3,993	\$324,375	\$56,675	\$0	\$381,050	10,395	6
	z3-camarillo	30,450	7,602	\$816,273	\$132,366	\$152,168	\$1,100,807	22,384	-3
	z3-1000oaks	49,853	11,738	\$1,289,515	\$216,689	\$255,081	\$1,761,285	35,572	29
	z3-simivalley	48,018	13,395	\$1,238,620	\$208,727	\$185,660	\$1,633,006	37,311	9
Zone 4	z4-county	7,630	12,213	\$50,789	\$30,507	\$0	\$81,296	8,358	21
	z4-1000 Oaks	8,506	2,515	\$56,646	\$34,836	\$46,487	\$137,969	5,494	2
		345,342	244,040	\$8,754,331	\$1,438,035	\$1,663,121	\$11,855,487	237,695	319



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

Prepared By: L.B. Lou Balderrama, City EngineerAgenda Item No. I-9Reviewed By: City Manager RLB City Attorney JA Finance JC Public Works**DATE:** May 24, 2012**TO:** City Council**FROM:** Rob Roshanian, Interim Public Works Director
Public Works**SUBJECT:** PW06-93 Tierra Vista Neighborhood Street and Storm Drain Improvement Project**RECOMMENDATION**

That City Council approve Project Specification No. PW06-93 for the improvements of streets sidewalks, curbs, gutters, alleyways and replacing street name signs, and construction of a new storm drain system in the Tierra Vista Neighborhood and authorize staff to solicit bids.

DISCUSSION

The Tierra Vista Neighborhood Street and Storm Drain Improvement Project is bounded eastward to Olds Road, westward to Lincoln Court, northward to Etting Road, and southward to Sanford Road as shown in Attachment No. 1. The specific work includes the furnishing of all materials, tools, equipment, and labor required to improve the streets from curb to curb, traffic markings, and installation of new street name signs, and minor work to sidewalks, curbs, gutters, alleyways and other concrete structures. The Project plans and specifications are designed to provide a useful life cycle of approximately 20 years to the streets, and over 20 years to curbs, gutters and sidewalks in the Tierra Vista Neighborhood. The project specifications are in compliance with the Americans with Disabilities Act.

In addition to the street improvements, the project specifications include the construction of a new storm drain system consisting of drain pipes and catch basins along Sanford Street, Olds Road, Reeder Avenue, Syracuse Drive, Tulsa Drive, Webster Drive, Alexander Drive, Peoria Place, Reading Drive, and other streets where no drainage system currently exists.

The new storm drain system is a subsection of the Rice Road Storm Drainage System, which conveys storm water to the ocean from a 5.34 square mile watershed area. This drainage system, when constructed, will mitigate chronic flooding problems within the project area especially at the street intersections. The lack of a proper drain system has caused the street pavement to deteriorate at a faster rate than streets with proper drainage. Street resurfacing of the Tierra Vista Neighborhood can begin once the construction of the storm drain system is completed.

PW06-93 Tierra Vista Neighborhood Street and Storm Drain Improvement Project

May 24, 2012

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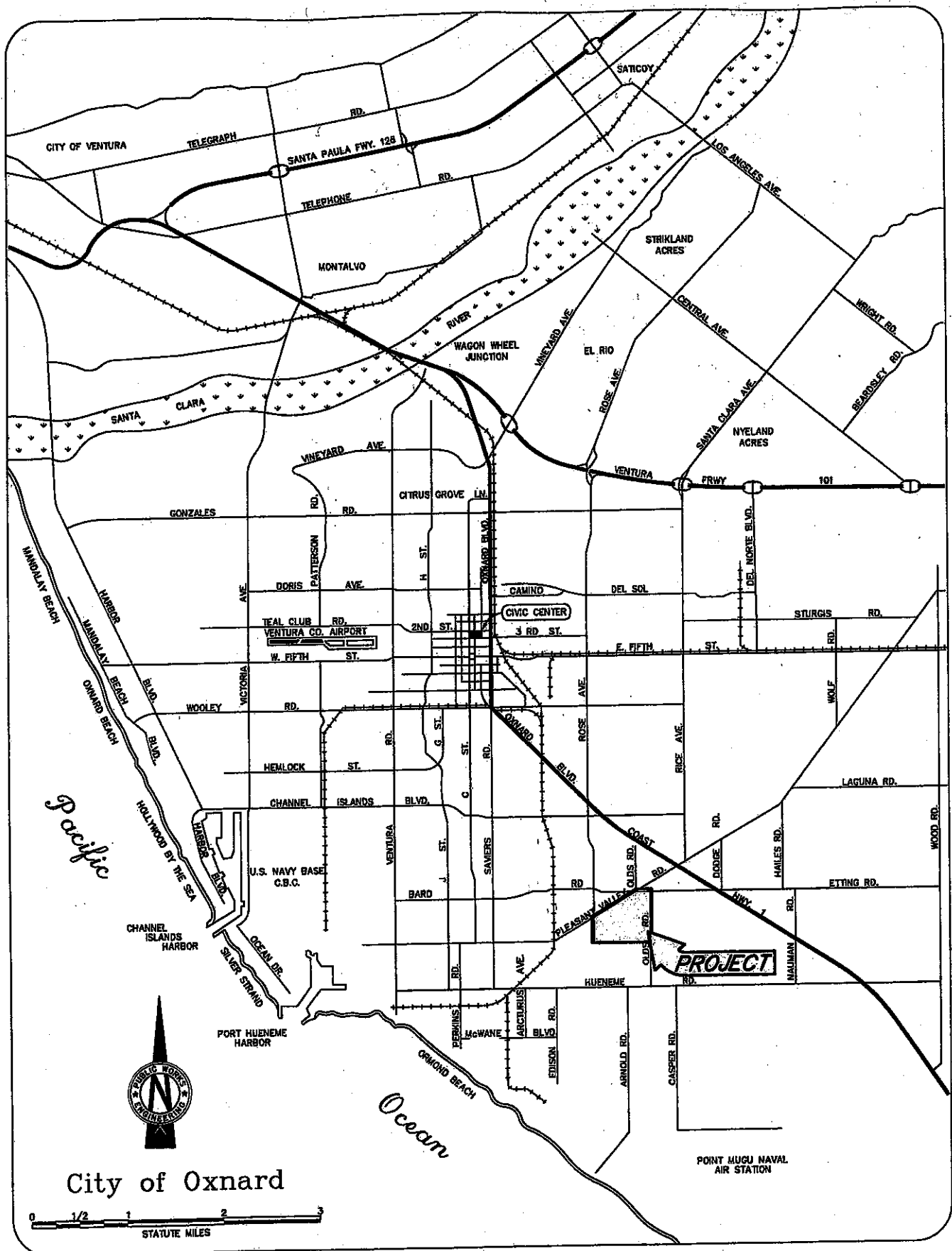
On May 15, 2012, the City Council approved Measure O funding for street resurfacing of the Tierra Vista Neighborhood in conjunction with storm drain improvements funded by the Storm Drain Facilities Fees Fund. State Gas Tax funds will provide supplemental funding for street resurfacing, if needed, pending the results of the project bids. Measure O funding available in FY 2011-12 for ongoing maintenance and repair of alleyways is designated for 2,450 square feet of alleyway along Olds Road and Reeder Avenue and 950 square feet along Sanford Street. The subject alleyways are the only alleyways within the project area of the Tierra Vista Neighborhood.

FINANCIAL IMPACT

Funds for this project will be provided by Measure "O" Half-Cents Sales Tax, State Gas Tax, and Storm Drain Facilities Fees. After the project bids are received and evaluated, staff will return to City Council to recommend approval of the lowest responsible bidder.

Attachment #1 - Project Site Map

Note: Plans and specifications for PW06-93 for the Tierra Vista Neighborhood Street and Storm Drain Improvement Project are available for review at the Capital Improvement Projects Management Office located at the City Hall Building, 305 West Third Street - East Wing, Second Floor after 8:00 a.m. on Monday prior to the City Council meeting.



**TIERRA VISTA NEIGHBORHOOD STORM DRAIN AND
STREET RESURFACING PROJECT LOCATION MAP**



Meeting Date: 6/5/12

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

Prepared By: Dean YamamotoAgenda Item No. L-1Reviewed By: City Manager [Signature]City Attorney [Signature]Finance [Signature]

Other

DATE: May 1, 2012**TO:** City Council**FROM:** Michael Henderson, General Services Superintendent [Signature]**SUBJECT:** Levy of 2012-2013 Assessments in Mandalay Beach Maintenance District**RECOMMENDATION**

That City Council:

1. Hold a public hearing to receive public testimony regarding the proposed FY 2012-2013 assessments for the Mandalay Beach Maintenance District.
2. Adopt a resolution fixing the special assessment tax in the Mandalay Beach Maintenance District for FY 2012-2013.

SUMMARY

The assessment district for the maintenance of the beachfront and landscaping on public rights-of-way within Tract No. 2923, the Mandalay Beach Maintenance District was established in November 1983 by Resolution No. 8586. The proposed resolution fixes the assessments to be collected via tax rolls for FY 2012-2013 for this district. The assessments have not increased over the assessments fixed for FY 2011-2012. After Council adopts the resolution, assessment data will be delivered to the County Auditor-Controller's Office for processing and collection of FY 2012-2013 assessments.

DISCUSSION

On November 22, 1983, an assessment district was formed pursuant to the Improvement Act of 1911 in order to recover the cost of the City's maintenance of a 36-acre beach area, plus landscaping on public rights-of-way within Tract No. 2923, the Mandalay Beach Maintenance District. This district was required as a condition to development imposed by the Coastal Commission and as a provision of a development agreement with the City. The assessments are exempt from Article XIII D of the California

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Constitution by reason of Section 5 thereof. The City's responsibility to maintain the above-mentioned areas became effective on July 1, 1986. On July 5, 1988, City Council adopted Resolution No. 9500, which shifted the bulk of the District's beach maintenance costs from The Colony residents to the Mandalay Beach Resort Hotel. The assessment rate for FY 2012-2013 is computed as follows:

1. LANDSCAPE MAINTENANCE

Parks Division staff has determined that the District will maintain 66,660 square feet of public landscaping. This includes landscape areas along Falkirk Avenue, Harbor Boulevard, Mandalay Beach Road, Costa del Oro, and the bikeway/greenbelt along the southerly property line.

The City's recommended budget for landscaping maintenance costs for fiscal year 2012-2013 for this district is \$21,293, plus the County's collection fee of \$53, for a net fiscal cost of \$21,346. Based on an agreement between the residential developers and the Mandalay Beach Resort Hotel, executed in February 1984, 75.4 percent of the \$21,346 cost is allocated to The Colony (\$16,095), and 24.6 percent to the Hotel (\$5,251).

2. BEACH MAINTENANCE

Prior agreements between the City and the developers, based on the relative length of beach area fronting the Hotel and the public beach park property, call for the District to bear 60 percent of the beach maintenance cost. Of this cost, based on Resolution No. 9500, 75.4 percent is borne by the Hotel and 24.6 percent by The Colony. The remaining 40 percent is borne by the City as part of the total operating cost of Oxnard Beach Park.

The annual beach maintenance cost has been updated as follows:

	<u>District's</u>	<u>City's</u>
Annual Cleaning Costs	\$ 30,092	\$ 30,092
	<u>x 60%</u>	<u>x 40%</u>
FY 2012-2013 District and City Costs	\$ 18,055	<u>\$ 12,037</u>
County Collection Fee	<u>45</u>	
District's Total Beach Maintenance Cost	<u>\$ 18,100</u>	
Hotel's portion (75.4%)	13,647	
Colony's portion (24.6%)	4,453	
District's Total Beach Maintenance Cost	<u>\$ 18,100</u>	

May 1, 2012

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The cost to the District for both landscaping and beach maintenance is \$39,446. A breakdown of individual assessments is provided at the conclusion of this report.

3. CONCLUSION

The Hotel property owner, which occupies assessor's parcel number 191-0-380-105, will be assessed \$18,898 (24.6%, or \$5,251, for landscape maintenance and 75.4%, or \$13,647, for beach maintenance). The Hotel's total costs are equal to the Hotel's costs for FY 2011-2012.

The Colony, whose individual parcel numbers are shown on Attachment No. 2, will be assessed \$20,548 (75.4%, or \$16,095, for landscape maintenance and 24.6%, or \$4,453, for beach maintenance). The 440 individual property owners within The Colony will each be assessed \$46.70 for FY 2012-2013, which is equal to the assessments for FY 2011-2012.

FINANCIAL IMPACT

The City will assess property owners in FY 2012-2013 to pay landscape maintenance costs and 60 percent of beach maintenance costs for the Mandalay Beach Maintenance District. The City's portion of the beach maintenance, 40 percent, will be included in the FY 2012-2013 budget.

Attachment 1 - Resolution Fixing Assessments

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
OXNARD LEVYING A SPECIAL ASSESSMENT TAX FOR
FISCAL YEAR 2012-2013 WITHIN THE MANDALAY BEACH
MAINTENANCE DISTRICT

WHEREAS, by Resolution No. 8586, adopted November 22, 1983, the City Council formed the Mandalay Beach Maintenance District ("the District") pursuant to the maintenance district provisions of the Improvement Act of 1911 (Streets and Highways Code section 5820 et. seq.); and

WHEREAS, formation of the District was required as a condition to development imposed by the California Coastal Commission and also as part of a development agreement between the City and the developer owning all of the parcels subject to assessment at the time assessments were initially imposed; and

WHEREAS, the City Council is required by Streets and Highways Code section 5830 to estimate the cost of maintaining and operating the improvements within the District, to decide whether the cost of such maintenance and operation shall be borne wholly or partially by the District, and to levy a special assessment tax within the District sufficient to raise the money to pay for such cost; and

WHEREAS, the City Council wishes to levy such assessments for FY 2012-2013 in an amount sufficient to cover all of the expense of maintaining the landscaping and to cover 60% of the expense of maintaining the beach area, with the City paying the remaining 40% of the latter expense; and

WHEREAS, assessments existed in the District throughout FY 2011-2012, and such assessments are not proposed to increase in FY 2012-2013; and

WHEREAS, the assessments are imposed exclusively to finance the capital costs and maintenance and operation expenses for sidewalks, streets, water, flood control, drainage systems and vector control, inasmuch as the beach is public right of way that serves much as a street, manages water and is part of the flood control and drainage systems in the District, and the landscaping is located in or adjacent to sidewalks, streets and other public rights of way and maintenance of the landscaping involves irrigation and vector control; and

WHEREAS, for the foregoing reasons, the assessments are exempt from Article XIII D of the California Constitution, by reason of section 5 thereof; and

WHEREAS, a description of the improvements and the proposed special assessment taxes on real property in the district is contained in the agenda report dated May 1, 2012 on file with the City Clerk ("the agenda report").

NOW, THEREFORE, the City Council of the City of Oxnard resolves:

1. The City Council estimates the cost of maintaining and operating the improvements within the District for FY 2012-2013 at \$51,483, with \$39,446 to be paid from assessments and \$12,037 to be paid by the City, as more particularly set out in the agenda report. The \$39,446 is allocated as follows:

100% of landscape maintenance costs	\$21,346
60% of beach maintenance costs	<u>18,100</u>
Total	\$39,446

2. The \$39,446 is apportioned among the property owners within the District, as follows:

24.6% of landscape maintenance costs to hotel parcel (APN #191-0-380-105)
75.4% of landscape maintenance costs to Colony condominium parcels (440 APNs)
24.6% of beach maintenance costs to Colony condominium parcels (440 APNs)
75.4% of beach maintenance costs to hotel parcel (APN #191-0-380-105)

3. The City Council levies a special assessment tax for FY 2012-2013 on the real property in the District as follows and attached herein:

APN #191-0-380-105	\$18,898
\$46.70 on each of 440 Colony APNs	\$20,548

4. In accordance with Government Code section 36936.1, the City Clerk is instructed to cause this resolution to be published one time in a newspaper of general circulation within the City within 15 days after adoption.

5. In accordance with Government Code section 53901, the City Clerk is instructed to immediately file with the Ventura County Auditor a certified copy of this resolution.

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

AYES:

NOES:

ABSENT:

ATTEST:

Daniel Martinez, City Clerk

Dr. Thomas E. Holden, Mayor

APPROVED AS TO FORM:

Alan Holmberg, City Attorney

5.8.12

MANDALAY BEACH ASSESSMENTS

<u>APN</u>	<u>DIST.</u>	<u>ZONE</u>	<u>AMOUNT</u>	<u>APN</u>	<u>DIST.</u>	<u>ZONE</u>	<u>AMOUNT</u>
1910380105	12	49	\$ 18,898.00	1910430165	12	49	\$ 46.70
1910390015	12	49	\$ 46.70	1910430175	12	49	\$ 46.70
1910390025	12	49	\$ 46.70	1910430185	12	49	\$ 46.70
1910390035	12	49	\$ 46.70	1910430195	12	49	\$ 46.70
1910390045	12	49	\$ 46.70	1910430205	12	49	\$ 46.70
1910390055	12	49	\$ 46.70	1910430215	12	49	\$ 46.70
1910390065	12	49	\$ 46.70	1910430225	12	49	\$ 46.70
1910390075	12	49	\$ 46.70	1910430235	12	49	\$ 46.70
1910390085	12	49	\$ 46.70	1910430245	12	49	\$ 46.70
1910390095	12	49	\$ 46.70	1910430255	12	49	\$ 46.70
1910390105	12	49	\$ 46.70	1910430265	12	49	\$ 46.70
1910390115	12	49	\$ 46.70	1910430275	12	49	\$ 46.70
1910390125	12	49	\$ 46.70	1910430285	12	49	\$ 46.70
1910390135	12	49	\$ 46.70	1910430295	12	49	\$ 46.70
1910390145	12	49	\$ 46.70	1910430305	12	49	\$ 46.70
1910390155	12	49	\$ 46.70	1910430315	12	49	\$ 46.70
1910390165	12	49	\$ 46.70	1910430325	12	49	\$ 46.70
1910390175	12	49	\$ 46.70	1910430335	12	49	\$ 46.70
1910390185	12	49	\$ 46.70	1910430345	12	49	\$ 46.70
1910390195	12	49	\$ 46.70	1910430355	12	49	\$ 46.70
1910390205	12	49	\$ 46.70	1910430365	12	49	\$ 46.70
1910390215	12	49	\$ 46.70	1910430375	12	49	\$ 46.70
1910390225	12	49	\$ 46.70	1910430385	12	49	\$ 46.70
1910390235	12	49	\$ 46.70	1910430395	12	49	\$ 46.70
1910390245	12	49	\$ 46.70	1910430405	12	49	\$ 46.70
1910390255	12	49	\$ 46.70	1910430415	12	49	\$ 46.70
1910390265	12	49	\$ 46.70	1910430425	12	49	\$ 46.70
1910390275	12	49	\$ 46.70	1910430435	12	49	\$ 46.70
1910390285	12	49	\$ 46.70	1910430445	12	49	\$ 46.70
1910390295	12	49	\$ 46.70	1910430455	12	49	\$ 46.70
1910390305	12	49	\$ 46.70	1910430465	12	49	\$ 46.70
1910390315	12	49	\$ 46.70	1910430475	12	49	\$ 46.70
1910390325	12	49	\$ 46.70	1910430485	12	49	\$ 46.70
1910390335	12	49	\$ 46.70	1910430495	12	49	\$ 46.70
1910390345	12	49	\$ 46.70	1910430505	12	49	\$ 46.70
1910390355	12	49	\$ 46.70	1910430515	12	49	\$ 46.70
1910390365	12	49	\$ 46.70	1910430525	12	49	\$ 46.70
1910390375	12	49	\$ 46.70	1910430535	12	49	\$ 46.70
1910390385	12	49	\$ 46.70	1910430545	12	49	\$ 46.70
1910390395	12	49	\$ 46.70	1910430555	12	49	\$ 46.70
1910390405	12	49	\$ 46.70	1910430565	12	49	\$ 46.70
1910390415	12	49	\$ 46.70	1910430575	12	49	\$ 46.70
1910390425	12	49	\$ 46.70	1910430585	12	49	\$ 46.70
1910390435	12	49	\$ 46.70	1910430595	12	49	\$ 46.70
1910390445	12	49	\$ 46.70	1910430605	12	49	\$ 46.70
1910390455	12	49	\$ 46.70	1910430615	12	49	\$ 46.70
1910390465	12	49	\$ 46.70	1910430625	12	49	\$ 46.70
1910390475	12	49	\$ 46.70	1910430635	12	49	\$ 46.70
1910390485	12	49	\$ 46.70	1910430645	12	49	\$ 46.70
1910390495	12	49	\$ 46.70	1910430655	12	49	\$ 46.70
1910390505	12	49	\$ 46.70	1910430665	12	49	\$ 46.70
1910390515	12	49	\$ 46.70	1910430675	12	49	\$ 46.70
1910390525	12	49	\$ 46.70	1910430685	12	49	\$ 46.70
1910390535	12	49	\$ 46.70	1910430695	12	49	\$ 46.70
1910390545	12	49	\$ 46.70	1910430705	12	49	\$ 46.70

MANDALAY BEACH ASSESSMENTS

<u>APN</u>	<u>DIST.</u>	<u>ZONE</u>	<u>AMOUNT</u>	<u>APN</u>	<u>DIST.</u>	<u>ZONE</u>	<u>AMOUNT</u>
1910390555	12	49	\$ 46.70	1910430715	12	49	\$ 46.70
1910390565	12	49	\$ 46.70	1910430725	12	49	\$ 46.70
1910390575	12	49	\$ 46.70	1910440015	12	49	\$ 46.70
1910390585	12	49	\$ 46.70	1910440025	12	49	\$ 46.70
1910390595	12	49	\$ 46.70	1910440035	12	49	\$ 46.70
1910390605	12	49	\$ 46.70	1910440045	12	49	\$ 46.70
1910390615	12	49	\$ 46.70	1910440055	12	49	\$ 46.70
1910390625	12	49	\$ 46.70	1910440065	12	49	\$ 46.70
1910390635	12	49	\$ 46.70	1910440075	12	49	\$ 46.70
1910390645	12	49	\$ 46.70	1910440085	12	49	\$ 46.70
1910390655	12	49	\$ 46.70	1910440095	12	49	\$ 46.70
1910390665	12	49	\$ 46.70	1910440105	12	49	\$ 46.70
1910390675	12	49	\$ 46.70	1910440115	12	49	\$ 46.70
1910390685	12	49	\$ 46.70	1910440125	12	49	\$ 46.70
1910390695	12	49	\$ 46.70	1910440135	12	49	\$ 46.70
1910390705	12	49	\$ 46.70	1910440145	12	49	\$ 46.70
1910390715	12	49	\$ 46.70	1910440155	12	49	\$ 46.70
1910390725	12	49	\$ 46.70	1910440165	12	49	\$ 46.70
1910390735	12	49	\$ 46.70	1910440175	12	49	\$ 46.70
1910390745	12	49	\$ 46.70	1910440185	12	49	\$ 46.70
1910390755	12	49	\$ 46.70	1910440195	12	49	\$ 46.70
1910390765	12	49	\$ 46.70	1910440205	12	49	\$ 46.70
1910390775	12	49	\$ 46.70	1910440215	12	49	\$ 46.70
1910390785	12	49	\$ 46.70	1910440225	12	49	\$ 46.70
1910390795	12	49	\$ 46.70	1910440235	12	49	\$ 46.70
1910390805	12	49	\$ 46.70	1910440245	12	49	\$ 46.70
1910390815	12	49	\$ 46.70	1910440255	12	49	\$ 46.70
1910390825	12	49	\$ 46.70	1910440265	12	49	\$ 46.70
1910390835	12	49	\$ 46.70	1910440275	12	49	\$ 46.70
1910390845	12	49	\$ 46.70	1910440285	12	49	\$ 46.70
1910390855	12	49	\$ 46.70	1910440295	12	49	\$ 46.70
1910390865	12	49	\$ 46.70	1910440305	12	49	\$ 46.70
1910390875	12	49	\$ 46.70	1910440315	12	49	\$ 46.70
1910390885	12	49	\$ 46.70	1910440325	12	49	\$ 46.70
1910390895	12	49	\$ 46.70	1910440335	12	49	\$ 46.70
1910390905	12	49	\$ 46.70	1910440345	12	49	\$ 46.70
1910390915	12	49	\$ 46.70	1910440355	12	49	\$ 46.70
1910390925	12	49	\$ 46.70	1910440365	12	49	\$ 46.70
1910390935	12	49	\$ 46.70	1910440375	12	49	\$ 46.70
1910390945	12	49	\$ 46.70	1910440385	12	49	\$ 46.70
1910390955	12	49	\$ 46.70	1910440395	12	49	\$ 46.70
1910390965	12	49	\$ 46.70	1910440405	12	49	\$ 46.70
1910390975	12	49	\$ 46.70	1910440415	12	49	\$ 46.70
1910390985	12	49	\$ 46.70	1910440425	12	49	\$ 46.70
1910400015	12	49	\$ 46.70	1910440435	12	49	\$ 46.70
1910400025	12	49	\$ 46.70	1910440445	12	49	\$ 46.70
1910400035	12	49	\$ 46.70	1910440455	12	49	\$ 46.70
1910400045	12	49	\$ 46.70	1910440465	12	49	\$ 46.70
1910400055	12	49	\$ 46.70	1910440475	12	49	\$ 46.70
1910400065	12	49	\$ 46.70	1910440485	12	49	\$ 46.70
1910400075	12	49	\$ 46.70	1910440495	12	49	\$ 46.70
1910400085	12	49	\$ 46.70	1910440505	12	49	\$ 46.70
1910400095	12	49	\$ 46.70	1910440515	12	49	\$ 46.70
1910400105	12	49	\$ 46.70	1910440525	12	49	\$ 46.70
1910400115	12	49	\$ 46.70	1910440535	12	49	\$ 46.70

MANDALAY BEACH ASSESSMENTS

<u>APN</u>	<u>DIST.</u>	<u>ZONE</u>	<u>AMOUNT</u>	<u>APN</u>	<u>DIST.</u>	<u>ZONE</u>	<u>AMOUNT</u>
1910400125	12	49	\$ 46.70	1910440545	12	49	\$ 46.70
1910400135	12	49	\$ 46.70	1910440555	12	49	\$ 46.70
1910400145	12	49	\$ 46.70	1910440565	12	49	\$ 46.70
1910400155	12	49	\$ 46.70	1910440575	12	49	\$ 46.70
1910400165	12	49	\$ 46.70	1910440585	12	49	\$ 46.70
1910400175	12	49	\$ 46.70	1910440595	12	49	\$ 46.70
1910400185	12	49	\$ 46.70	1910440605	12	49	\$ 46.70
1910400195	12	49	\$ 46.70	1910440615	12	49	\$ 46.70
1910400205	12	49	\$ 46.70	1910440625	12	49	\$ 46.70
1910400215	12	49	\$ 46.70	1910440635	12	49	\$ 46.70
1910400225	12	49	\$ 46.70	1910440645	12	49	\$ 46.70
1910400235	12	49	\$ 46.70	1910440655	12	49	\$ 46.70
1910400245	12	49	\$ 46.70	1910440665	12	49	\$ 46.70
1910400255	12	49	\$ 46.70	1910440675	12	49	\$ 46.70
1910400265	12	49	\$ 46.70	1910440685	12	49	\$ 46.70
1910400275	12	49	\$ 46.70	1910450015	12	49	\$ 46.70
1910400285	12	49	\$ 46.70	1910450025	12	49	\$ 46.70
1910400295	12	49	\$ 46.70	1910450035	12	49	\$ 46.70
1910400305	12	49	\$ 46.70	1910450045	12	49	\$ 46.70
1910400315	12	49	\$ 46.70	1910450055	12	49	\$ 46.70
1910400325	12	49	\$ 46.70	1910450065	12	49	\$ 46.70
1910400335	12	49	\$ 46.70	1910450075	12	49	\$ 46.70
1910400345	12	49	\$ 46.70	1910450085	12	49	\$ 46.70
1910400355	12	49	\$ 46.70	1910450095	12	49	\$ 46.70
1910400365	12	49	\$ 46.70	1910450105	12	49	\$ 46.70
1910400375	12	49	\$ 46.70	1910450115	12	49	\$ 46.70
1910400385	12	49	\$ 46.70	1910450125	12	49	\$ 46.70
1910400395	12	49	\$ 46.70	1910450135	12	49	\$ 46.70
1910400405	12	49	\$ 46.70	1910450145	12	49	\$ 46.70
1910400415	12	49	\$ 46.70	1910450155	12	49	\$ 46.70
1910400425	12	49	\$ 46.70	1910450165	12	49	\$ 46.70
1910400435	12	49	\$ 46.70	1910450175	12	49	\$ 46.70
1910400445	12	49	\$ 46.70	1910450185	12	49	\$ 46.70
1910400455	12	49	\$ 46.70	1910450195	12	49	\$ 46.70
1910400465	12	49	\$ 46.70	1910450205	12	49	\$ 46.70
1910400475	12	49	\$ 46.70	1910460015	12	49	\$ 46.70
1910400485	12	49	\$ 46.70	1910460025	12	49	\$ 46.70
1910400495	12	49	\$ 46.70	1910460035	12	49	\$ 46.70
1910400505	12	49	\$ 46.70	1910460045	12	49	\$ 46.70
1910400515	12	49	\$ 46.70	1910460055	12	49	\$ 46.70
1910400525	12	49	\$ 46.70	1910460065	12	49	\$ 46.70
1910400535	12	49	\$ 46.70	1910460075	12	49	\$ 46.70
1910400545	12	49	\$ 46.70	1910460085	12	49	\$ 46.70
1910400555	12	49	\$ 46.70	1910460095	12	49	\$ 46.70
1910400565	12	49	\$ 46.70	1910460105	12	49	\$ 46.70
1910400575	12	49	\$ 46.70	1910460115	12	49	\$ 46.70
1910400585	12	49	\$ 46.70	1910460125	12	49	\$ 46.70
1910400595	12	49	\$ 46.70	1910460135	12	49	\$ 46.70
1910400605	12	49	\$ 46.70	1910460145	12	49	\$ 46.70
1910400615	12	49	\$ 46.70	1910460155	12	49	\$ 46.70
1910400625	12	49	\$ 46.70	1910460165	12	49	\$ 46.70
1910410015	12	49	\$ 46.70	1910460175	12	49	\$ 46.70
1910410025	12	49	\$ 46.70	1910460185	12	49	\$ 46.70
1910410035	12	49	\$ 46.70	1910460195	12	49	\$ 46.70
1910410045	12	49	\$ 46.70	1910460205	12	49	\$ 46.70
1910410055	12	49	\$ 46.70	1910460215	12	49	\$ 46.70
1910410065	12	49	\$ 46.70	1910460225	12	49	\$ 46.70
1910410075	12	49	\$ 46.70	1910460235	12	49	\$ 46.70
1910410085	12	49	\$ 46.70	1910460245	12	49	\$ 46.70
1910410095	12	49	\$ 46.70	1910460265	12	49	\$ 46.70
1910410105	12	49	\$ 46.70	1910460275	12	49	\$ 46.70
1910410115	12	49	\$ 46.70	1910460285	12	49	\$ 46.70

MANDALAY BEACH ASSESSMENTS

<u>APN</u>	<u>DIST.</u>	<u>ZONE</u>	<u>AMOUNT</u>	<u>APN</u>	<u>DIST.</u>	<u>ZONE</u>	<u>AMOUNT</u>
1910410125	12	49	\$ 46.70	1910460295	12	49	\$ 46.70
1910410135	12	49	\$ 46.70	1910460305	12	49	\$ 46.70
1910410145	12	49	\$ 46.70	1910460315	12	49	\$ 46.70
1910410155	12	49	\$ 46.70	1910460325	12	49	\$ 46.70
1910410165	12	49	\$ 46.70	1910460335	12	49	\$ 46.70
1910410175	12	49	\$ 46.70	1910460345	12	49	\$ 46.70
1910410185	12	49	\$ 46.70	1910460355	12	49	\$ 46.70
1910410195	12	49	\$ 46.70	1910460365	12	49	\$ 46.70
1910410205	12	49	\$ 46.70	1910460375	12	49	\$ 46.70
1910410215	12	49	\$ 46.70	1910460385	12	49	\$ 46.70
1910410225	12	49	\$ 46.70	1910460395	12	49	\$ 46.70
1910410235	12	49	\$ 46.70	1910460405	12	49	\$ 46.70
1910410245	12	49	\$ 46.70	1910460415	12	49	\$ 46.70
1910410255	12	49	\$ 46.70	1910460425	12	49	\$ 46.70
1910410265	12	49	\$ 46.70	1910460435	12	49	\$ 46.70
1910410275	12	49	\$ 46.70	1910460445	12	49	\$ 46.70
1910410285	12	49	\$ 46.70	1910460455	12	49	\$ 46.70
1910410295	12	49	\$ 46.70	1910460465	12	49	\$ 46.70
1910410305	12	49	\$ 46.70	1910460475	12	49	\$ 46.70
1910410315	12	49	\$ 46.70	1910460485	12	49	\$ 46.70
1910410325	12	49	\$ 46.70	1910460495	12	49	\$ 46.70
1910410335	12	49	\$ 46.70	1910460505	12	49	\$ 46.70
1910410345	12	49	\$ 46.70	1910460515	12	49	\$ 46.70
1910410355	12	49	\$ 46.70	1910460525	12	49	\$ 46.70
1910410365	12	49	\$ 46.70	1910460535	12	49	\$ 46.70
1910410375	12	49	\$ 46.70	1910460545	12	49	\$ 46.70
1910410385	12	49	\$ 46.70	1910460555	12	49	\$ 46.70
1910410395	12	49	\$ 46.70	1910460565	12	49	\$ 46.70
1910410405	12	49	\$ 46.70	1910460575	12	49	\$ 46.70
1910410415	12	49	\$ 46.70	1910460585	12	49	\$ 46.70
1910410425	12	49	\$ 46.70	1910460595	12	49	\$ 46.70
1910410435	12	49	\$ 46.70	1910460605	12	49	\$ 46.70
1910410445	12	49	\$ 46.70	1910460615	12	49	\$ 46.70
1910410455	12	49	\$ 46.70	1910460625	12	49	\$ 46.70
1910410465	12	49	\$ 46.70	1910460635	12	49	\$ 46.70
1910410475	12	49	\$ 46.70	1910460645	12	49	\$ 46.70
1910410485	12	49	\$ 46.70	1910460655	12	49	\$ 46.70
1910430015	12	49	\$ 46.70	1910460665	12	49	\$ 46.70
1910430025	12	49	\$ 46.70	1910460675	12	49	\$ 46.70
1910430035	12	49	\$ 46.70	1910460685	12	49	\$ 46.70
1910430045	12	49	\$ 46.70	1910460695	12	49	\$ 46.70
1910430055	12	49	\$ 46.70	1910460705	12	49	\$ 46.70
1910430065	12	49	\$ 46.70	1910460715	12	49	\$ 46.70
1910430075	12	49	\$ 46.70	1910460725	12	49	\$ 46.70
1910430085	12	49	\$ 46.70	1910460735	12	49	\$ 46.70
1910430095	12	49	\$ 46.70				
1910430105	12	49	\$ 46.70				
1910430115	12	49	\$ 46.70				
1910430125	12	49	\$ 46.70				
1910430135	12	49	\$ 46.70				
1910430145	12	49	\$ 46.70				
1910430155	12	49	\$ 46.70				

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

Prepared By: Juan Martinez, Associate Planner *ju*Agenda Item No. L-3Reviewed By: City Manager *SLB*City Attorney *YWA*Finance *JoC*

Other (Specify) _____

DATE: June 5, 2012**TO:** City Council**FROM:** Matthew G. Winegar, AICP, Director
Development Services Department *[Signature]***SUBJECT:** Amendments to: RiverPark Specific Plan (PZ 09-630-03) and Development Agreement (PZ 11-670-01). Filed by E.D. 2, LLC / KOH 12-17 LLC, 304 South Broadway, Suite 400 Los Angeles, CA 90013.**RECOMMENDATION**

That City Council (in accordance with the Planning Commission's recommendation) deny the applicant's requests for:

1. Amendment to the RiverPark Specific Plan (PZ 09-630-03) to increase the maximum number of residential units;
2. Amendment to the Development Agreement [A-6128 (PZ 11-670-01)], between the City of Oxnard and E.D. 2, LLC / KOH 12-17 LLC.

NOTE: Since the Planning Commission made their recommendation of denial, E.D. 2, LLC/ KOH 12-17 LLC independently has chosen to move forward with a revised amendment request. Alternative actions based upon the revised request are discussed in the report associated with this item and staff recommends approval of this modified amendment request.

SUMMARY

The original proposed amendment to the RiverPark Specific Plan requested various actions, the most significant of which was an increase in the maximum number of residences. Additional components of the specific plan amendment related to increases in building height and lot coverage, parking and minor administrative changes. The Planning Commission held a hearing on June 16, 2011 to review the Specific Plan Amendment and Development Agreement Amendment and voted to recommend denial to the City Council.

The amendments to the specific plan and development agreement reviewed by the Planning Commission were originally scheduled for City Council review on June 28, 2011, and the applicant

requested continuance of the hearing from that date several times. Subsequently, the applicant has modified the request to remove all of the items except for an increase in residential unit count by 212 units.

DISCUSSION

Background. In 2002, the City Council approved the RiverPark Specific Plan and the corresponding RiverPark Development Agreement (Agreement No. A-6128; Planning and Zoning Permit Nos. 99-5-159 and 01-5-46, Ordinance Nos. 2604 and 2605). The applicant subsequently applied for the subject specific plan amendment and development agreement amendment.

Two previous amendments to the RiverPark Specific Plan have been approved. The Council approved the first amendment request (PZ 09-630-09) on April 14, 2009, allowing a freeway-oriented pylon sign subject to approval of a Design Development Review permit (DDR) by the Development Services Director. The second amendment (PZ 10-630-02), was approved by the City Council on June 14, 2011, and allows three freeway oriented monument signs subject to approval of a DDR, and an electronic digital display panel for the pylon sign (above), subject to subsequent approval of a Special Use Permit.

The RiverPark Development Agreement (DA) has been amended on three previous occasions. The first, adopted December 14, 2004, incorporated properties located within the RiverPark Specific Plan that were acquired by RiverPark A and RiverPark B after the effective date of the DA, including clarifications of duties and ownership relating to RiverPark and the previous project for part of this site, the Oxnard Town Center development. The second DA amendment, adopted July 16, 2007, related to the ability to locate a multiplex theater in District D of the RiverPark Specific Plan area. On October 5, 2010, the City Council adopted Ordinance No. 2830 approving the third amendment to the development agreement, maintaining development fees at current levels for an extended period of time, based on current market conditions.

Original Request. On June 16, 2011, the Planning Commission voted to recommend that the City Council not approve the amendments to the RiverPark Specific Plan and Development Agreement ("Amendments"). The specific plan and development agreement amendment components reviewed by the Planning Commission are discussed in more detail within the Planning Commission staff report (Attachment 3). In summary, the amendment to the specific plan considered by the Planning Commission consisted of the following items:

- 1) Change in the mix of Commercial and Residential development:

	Adopted Specific Plan	Proposed Amendment	Change
Commercial (building area)	2,485,000 sq ft	2, 078,000 sq ft	407,000 sq ft (reduce)
Residential (# residences)	2805 maximum	3145 maximum	340 (increase)

- 2) Increase in total number of affordable residential units as a percentage of the additional residential units;
- 3) Increase the height for the apartment/multifamily building type from 35 feet to 45 feet within District D and to 60 feet within District A of the specific plan area;
- 4) Increase the lot coverage within District A from 40% to 80% for the apartment/multifamily building type ;
- 5) Require Parking Management Plans for all high density multi-family development;

- 6) "Clean-up" items regarding the following: RiverPark trails; Public Facilities land use designation, a planning district name, and the former bridge landing site from the City of Ventura.

Amendment Issues. Issues raised during public comment on the amendments included the following:

- lack of need for more affordable housing
- concern with adding more apartment units (and more residential units in general)
- parking problems related to the existing and future apartment projects
- increased height of apartment development and density of apartments in RiverPark
- delays in construction of the commercial components of RiverPark
- crime issues related to high density housing
- potential decreased residential property values
- degradation of RiverPark as a community
- disagreement about the environmental findings
- need for more parks
- flood zone issues
- imported soils

In voting for the denial recommendation to the City Council, the Planning Commission's findings determined that the project is "not a logical refinement of the RiverPark Specific Plan; that the proposed amendment does not conform with adopted City standards; is not in conformance with the General Plan; does not constitute good City planning; and that the project will adversely affect or be materially detrimental to adjacent land uses, buildings or structures or to the public health, safety or general welfare." Specific items of concern expressed by Commission members related to changing the land use mix; location of the City's RiverPark maintenance facility; increased traffic; lack of need for more housing and affordable housing in RiverPark; impacts on schools; and the Large Woolsey Basin pedestrian path. Several commissioners expressed that they saw no adequate justification for the specific plan amendment, that the streets were too narrow and that RiverPark should have walkable commercial districts. While the Planning Commission expressed that they understood the value in the requirement for Parking Management Plans for all new apartment developments, some commission members expressed concern that even with the parking management plans, adding more apartments would worsen the parking situation within the specific plan area.

Revised Specific Plan Amendment Request. After the Planning Commission hearing, the applicants held meetings with neighborhood residents who expressed concerns at the Planning Commission meeting and reevaluated the proposed specific plan amendment components based upon these concerns. The specific plan amendment application has been revised to the following:

- 1) Increase the maximum number of residences within Planning District D by 212, for a total maximum of 3043 residences within the RiverPark Specific Plan area.

The scope of the amendment has been revised to request fewer additional residential units than the original application and eliminate the request to increase height and lot coverage, as reviewed by the Planning Commission.

The amendment to the RiverPark Development Agreement has been modified to implement the revised specific plan amendment provisions; including requirements related to; amounts of sewer, recycled water and park-related fees; and payment of a single lump-sum for a City entry sign (as part of the Gateway Sign Program adopted by the City Council). The text of the amendment to the Development Agreement is included as Attachment 2b.

Environmental Review. An environmental consultant, under the supervision of Planning Division staff, had prepared an Addendum to the certified EIR to evaluate potential environmental impacts of the proposed specific plan amendment (see Attachment 4). The addendum evaluated the original application, and includes the following information.

The modified specific plan amendment request and development agreement amendment result in no substantial increase in severity of significant environmental impacts than previously analyzed in the certified EIR and no new significant impacts than the original request. This is primarily a result of fewer residences being added to the project than the original request and less commercial building area being built than in the approved specific plan. In addition, traffic impacts resulting from the modified amendment are less than the impacts of the adopted specific plan, offsetting the modified amendment's reduced increase in the number of residences and decrease in commercial building area. Therefore the environmental determination stated above remains applicable and staff has determined that there is no substantial evidence that the specific plan amendment or the development agreement may have a significant effect on the environment. Accordingly, the addendum remains as the appropriate document for the modified amendments described above and neither a supplement to the EIR nor a subsequent EIR is required. Pursuant to section 15164 of the State CEQA Guidelines, the City Council shall consider the Addendum with the EIR prior to making recommendations on the modified amendments to the Specific Plan and Development Agreement.

ALTERNATIVE FOR COUNCIL CONSIDERATION

Staff has reviewed and analyzed the modifications to the Specific Plan Amendment proposed by the applicant. Staff finds that the modifications substantially address neighborhood concerns and recommends approval of the Specific Plan Amendment and development agreement amendment requests as modified. In addition, an Agreement Containing Covenants pertaining to the affordable units affected by the modified proposal has been prepared for the City Council's consideration.

In the event that the City Council determines that it is appropriate to approve the modified amendments to the specific plan, development agreement and Agreement Containing Covenants, the ordinances with the required findings and the appropriate exhibits (the Agreement Containing Covenants is an exhibit to the development agreement amendment) are included as Attachments 2a, 2b and 2c. The appropriate action in this case would be to approve the first reading by title only and subsequent adoption of the ordinances, and authorize the Mayor to execute the Agreement Containing Covenants.

FINANCIAL IMPACT

None.

Attachment #1a - Resolution denying Planning & Zoning Permit No. 09-630-03 (Specific Plan Amendment)

#1b - Resolution denying Planning & Zoning Permit No. 11-670-01 (Development Agreement Amendment)

#2a - Ordinance approving Amendment to the RiverPark Specific Plan (PZ 09-630-03)

#2b - Ordinance approving the Fourth Amendment to the RiverPark Development Agreement No. A-6128 (PZ 11-670-01)

#3 - Planning Commission Staff Report (including General Plan Map, RiverPark Land Use Plan, RiverPark Lot Location Map)

#4 - Addendum to EIR No. 00-03

#5 - Planning Commission Resolutions (2) recommending denial of Specific Plan Amendment and Development Agreement Amendment

Note: Attachment #2b and #4 have been provided to the City Council. Copies are available for review at the Help Desk in the Library after 6:00 p.m. on the Thursday prior to the Council meeting and at the City Clerk's Office after 8:00 a.m. on Friday prior to the meeting. The Draft and Final EIR for the RiverPark Specific Plan documents are available at the Planning Division offices (214 South C Street, Oxnard) during regular City of Oxnard business hours.

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD DENYING AN AMENDMENT TO THE RIVERPARK SPECIFIC PLAN (PLANNING & ZONING PERMIT NO. 09-630-03). Filed by E.D. 2, LLC / KOH 12-17 LLC, 304 South Broadway, Suite 400 Los Angeles, CA 90013.

WHEREAS, on August 27, 2002, the City Council of the City of Oxnard (the "City") adopted by ordinance the RiverPark Specific Plan (the "Specific Plan") as the comprehensive planning program to regulate the use of land and govern the orderly development of the RiverPark community; and

WHEREAS, on June 16, 2011, the Planning Commission of the City of Oxnard considered a proposed amendment to the text and exhibits within the RiverPark Specific Plan relating to adjustments to commercial square footage, residential unit count maximums, development standards, parking requirements for apartment/multifamily projects, and trail modifications in the specific plan area, and

WHEREAS, the City Council has carefully reviewed the Planning Commission action recommending denial of the specific plan amendment, and the staff report; and

WHEREAS, the proposed amendment is not in conformance with the *2030 General Plan* and other adopted standards of the City of Oxnard; and

WHEREAS, the City Council finds, after due study, deliberation and public hearing, that the amendment is not a logical refinement of the RiverPark Specific Plan; that the proposed specific plan amendment does not conform with adopted City standards and does not constitute good City planning; and that the amendment may adversely affect or be materially detrimental to adjacent land uses, buildings or structures or to the public health, safety or general welfare.

NOW, THEREFORE, the City Council of the City of Oxnard denies said amendment to the RiverPark Specific Plan (Planning and Zoning Permit No. 09-630-03):

PASSED AND ADOPTED this 5th day of June, 2012, by the following vote:

AYES:

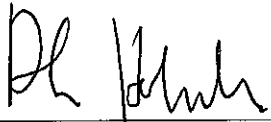
NOES:

ABSENT:

Dr. Thomas E. Holden, Mayor

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD DENYING AN AMENDMENT TO RIVERPARK DEVELOPMENT AGREEMENT NO. A-6128 (PZ 11-670-01). FILED BY E.D. 2, LLC / KOH 12-17 LLC, 304 SOUTH BROADWAY, SUITE 400 LOS ANGELES, CA 90013.

WHEREAS, Government Code Section No. 65864 et seq. authorizes the City Council to adopt development agreements; and

WHEREAS, Government Code Section No. 65868 authorizes the City Council to adopt amendments to development agreements; and

WHEREAS, the City Council and Riverpark A, KOH 12-17, E.D.-KOH, E.D. 2, SCOM I, Riverpark Pointe, Riverpark Landing, Riverpark Hotel, Aldersgate Investments, and AGS Destination/AGS Market Street (collectively "RiverPark Developers") wish to enter into a Fourth Amendment to the RiverPark Development Agreement (No. A-6128, on file with the City Clerk's Office), dated August 27, 2002; and

WHEREAS, the City Council finds, after due study, deliberation and public hearing, that the project is not a logical refinement of the RiverPark Development Agreement and that the proposed Fourth Amendment to the RiverPark Development Agreement is not consistent with the 2030 General Plan; as stated in the record of proceedings for the City this meeting and

WHEREAS, on June 5, 2012, the City Council conducted a public hearing on the fourth amendment to the RiverPark Development Agreement in accordance with the requirements set forth in Section 65867 of the Government Code.

NOW, THEREFORE, the City Council of the City of Oxnard denies said amendment to the RiverPark Specific Plan (Planning and Zoning Permit No. 11-670-01).

PASSED AND ADOPTED this 5th day of June, 2012, by the following vote:

AYES:

NOES:

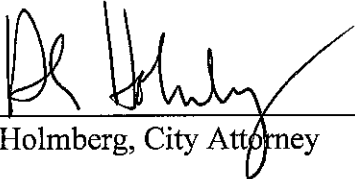
ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney

CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD, CALIFORNIA, AMENDING THE RIVERPARK SPECIFIC PLAN (PZ 09-630-03). FILED BY E.D._2, LLC / KOH 12-17 LLC, 304 SOUTH BROADWAY, SUITE 400 LOS ANGELES, CA 90013.

WHEREAS, on August 27, 2002, the City Council of the City of Oxnard (the "City") adopted by ordinance the RiverPark Specific Plan (the "Specific Plan") as the comprehensive planning program to regulate the use of land and govern the orderly development of the RiverPark community; and

WHEREAS, on June 16, 2011, the Planning Commission of the City of Oxnard considered a proposed amendment to the text and exhibits within the RiverPark Specific Plan relating to adjustments to commercial square footage, residential unit count maximums, development standards, parking requirements for apartment/multifamily projects, and trail modifications in the specific plan area, and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA), a final environmental impact report (EIR No. 00-03) was prepared to analyze potential impacts associated with the approval and the implementation of the Specific Plan and the anticipated build out of the 701-acre specific plan site; and such EIR has been certified for this project, and an addendum thereto has been prepared, and the City Council has considered the final environmental impact report and the addendum before making its decision herein; and

WHEREAS, the City Council has carefully reviewed the Planning Commission action recommending denial of the specific plan amendment, and the staff report; and

WHEREAS, the proposed amendment is in conformance with the *2030 General Plan* and other adopted standards of the City of Oxnard; and

WHEREAS, the City Council finds, after due study, deliberation and public hearing, that the amendment is a logical refinement of the RiverPark Specific Plan; that the proposed specific plan amendment conforms with adopted City standards and constitutes good City planning; and that the amendment will not adversely affect or be materially detrimental to adjacent land uses, buildings or structures or to the public health, safety or general welfare.

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

Part 1: The amendment to the RiverPark Specific Plan (Planning and Zoning Permit No. 09-630-03) as shown in Exhibit A, attached hereto, is hereby approved and shall be incorporated into the Specific Plan.

Part 3. Pursuant to Government Code Section 36933(c)(1), the City Attorney was designated to prepare, and the City Clerk published, a summary of this ordinance, and a certified copy of the ordinance was posted in the office of the City Clerk a minimum of five days before the City Council's adoption of the ordinance.

Part 4. The City Clerk shall certify as to the adoption of this ordinance and shall cause the summary thereof to be published within fifteen calendar (15) days of the adoption and shall post a certified copy of this ordinance, including the vote for and against the same, in the office of the City Clerk, in accordance with Government Code Section 36933. Ordinance No. _____ was first read on June 5, 2012 and finally adopted on _____, 2012, to become effective thirty days thereafter.

PASSED AND ADOPTED this 5th day of June, 2012, by the following vote:

AYES:

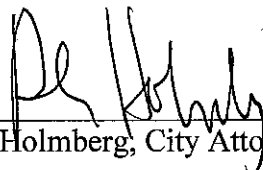
NOES:

ABSENT:

Dr. Thomas E. Holden, Mayor

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney

Exhibit "A" to this Ordinance (Fourth Amendment to the
RiverPark Specific Plan) is bound separately

AMENDMENT to the
RIVER PARK SPECIFIC PLAN

ATTACHMENT

2a

PAGE

4

OR

10

RIVER PARK

245

EXHIBIT

A

INTRODUCTION

1.1	PROJECT SUMMARY
1.2	PURPOSE OF THE SPECIFIC PLAN
1.3	LEGAL ASPECTS
1.4	COMMUNITY SETTING
1.5	PROPOSED LAND USE, OPEN SPACE AND UTILITIES
1.6	ORGANIZATION OF THE SPECIFIC PLAN

1

1.1 PROJECT SUMMARY

RiverPark is a 702-acre new community located at the northeast portion of the intersection of the Ventura Freeway and the Santa Clara River in southern Ventura County, California (Exhibits 1.A and 1.B).

RiverPark development objectives are derived from the physical, demographic and market environment of the Specific Plan Area, identified development needs and potentials, and the provisions of the City of Oxnard's 2020 General Plan. Based on completed market studies, build-out is anticipated in ten to fifteen years.

RiverPark has been carefully planned as a master-planned, mixed-use community with a strong sense of place. It is intended to foster social cohesion, minimize energy use, and encourage pedestrian activity. All aspects of RiverPark are designed to achieve these ends.

- Each of RiverPark's thirteen Planning Districts will have its own character and identity, yet each will contribute to creating RiverPark as a cohesive community.
- The project includes the facilities needed by a complete community: residential neighborhoods, regional and neighborhood retail centers, a hotel, elementary and secondary schools, and a complete system of parks and play fields.
- These facilities are linked by a project-wide open space, pedestrian and vehicle circulation and utility network.
- The site plan and circulation network are designed and coordinated to invite and maximize pedestrian use. This is achieved by providing mixed land uses within walkable distances and linking them with attractive pedestrian corridors and public transit.

- The core of the community, its residential neighborhoods, can incorporate up to ~~3043~~ single-family and multi-family units in a wide variety of detached and attached product types. The variety, character and quality of these neighborhoods will reflect the character and history of Oxnard and fulfill the intentions of the City of Oxnard 2020 General Plan. Affordable housing will be provided per 7.10.3 of this Specific Plan.
- Up to 2,098,000 square feet of retail, hotel/convention and office uses, supported by convenient parking as well as the local and regional commercial markets, will serve RiverPark's neighborhoods.
- Community and publicly-oriented facilities will include three schools, a number of passive and active parks of varying sizes, and sites which can be used by public entities such as religious institutions and recreational centers.
- The landscape will be a rich and attractive open space environment. All of RiverPark's open space areas, including its circulation corridors, are planned as embracing, inviting environments supporting pedestrian use, social interaction, recreation and play.
- The landscape plays a critical environmental role by preserving attractive viewsheds, creating vistas, providing comfortable microclimates, establishing visual identity, buffering noise and unattractive views, and creating privacy. The landscape will also preserve areas of unique visual, historic and natural value on the site.
- A new storm water control system accommodates flows from within and outside the property. The existing sand and gravel pits and related surface facilities will be reclaimed and remediated to ensure protection of surface water and ground water quality.

ATTACHMENT 2a
PAGE 5 OF 10

RIVERPARK SPECIFIC PLAN

April 12, 2005
update through 3/2012
Modified in
SPA 2012



prepared for RiverPark Development, LLC by AC Martin Partners with
RTKL / EDSA / CRAIN AND ASSOCIATES / WILLIAM HEZMALHALCH ARCHITECTS / HUITT-ZOLLARS

LAND USE

Master Plan

2.1	INTRODUCTION
2.2	LAND USE CONCEPT
2.3	PROJECT BOUNDARIES AND PLANNING DISTRICTS
2.4	LAND USES
2.5	DEVELOPMENT CONTROLS

2.1

2.1 INTRODUCTION

The Land Use Master Plan is the basic coordinating master plan of this document and establishes some of the key development requirements.

This Section defines RiverPark's land use concept and Specific Plan Area boundaries. It then defines the boundaries of the thirteen Planning Districts which together comprise the Specific Plan Area. For each of these Planning Districts, Section 2 then defines allowable development in terms of parameters including: Permitted and Specially Permitted land uses, location of land uses, maximum allowable commercial square footage, the maximum number of dwelling units for the Project as a whole, and the allowable range of dwelling units and allowable uses within each Planning District.

2.2 LAND USE CONCEPT

2.2.1 Summary

The RiverPark Project provides a complete and balanced mix of residential, commercial, entertainment and open space uses serving a broad range of local and regional users. Exhibit 2.A, the Illustrative Site Plan, shows a plan view of RiverPark in accordance with the standards of the Specific Plan.

2.2.2 Land Use Concept

2.2.2.1 The Residential Community

Number of Units: Up to ~~3,043~~ residential units will be permitted by the Specific Plan. These units will serve the City of Oxnard and the region as a significant new housing resource for people with a broad range of incomes and lifestyles.

Permitted Residential Land Uses: Three categories of permitted residential land uses are defined in the Land Use Plan, Permitted Uses, Exhibit 2.B:

- ☐ Residential: Low-Medium (densities between 8 and 12 dwelling units per gross acre).

- ☐ Residential: Medium (densities between 12 and 18 dwelling units per gross acre).
- ☐ Residential: High (densities between 18 and 30 dwelling units per gross acre).

The term "gross acre" is defined in Section 8.

Location of Residential Densities: Single-family detached homes in the northern portion of RiverPark (RiverPark "B") transition to multi-unit housing with the greatest density adjacent to the Regional Commercial uses in the southern portion of the Project, RiverPark "A."

Residential Product Types: Within each residential land use category, six product types ranging from single-family detached to multi-family will be allowed, in order to provide a full range of housing opportunities within RiverPark.

Residential Live/Work Units: Optional live/work units are allowed in certain residential product types, permitting small ground floor retail uses or optional live/work units. See Section 4, the Residential Master Plan, for specific requirements. Also refer to the vertical mixed-use Product Type 5-R described in Section 4, which permits residential uses above the ground levels of certain commercial structures.

Residential Neighborhoods: The residential neighborhoods are designed to be walkable, interconnected, mixed-use and transit-supportive.

2.2.2.2 Commercial Uses

Permitted Commercial Land Uses: The Project will incorporate almost 2.1 million square feet of regional and neighborhood-oriented commercial facilities. The four Specific Plan commercial land uses are defined by the Land Use Plan, Permitted Uses, Exhibit 2.B:

- ☐ Commercial: Regional
- ☐ Commercial: Office
- ☐ Commercial: Hotel

ATTACHMENT 2a
PAGE 6 OF 10

RIVERPARK SPECIFIC PLAN

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2.5.2.4 PLANNING DISTRICT D: Town Square Commercial District

Location: The 88.4-acre Planning District D is bordered by Forest Park Boulevard to the north, the Ventura Freeway to the south, Myrtle Street to the east and Oxnard Boulevard to the west. The adjacent Planning Districts are: Planning District A (Mixed-Use/Office District), Planning District C (West Corridor Commercial District), Planning District F (Vineyards Neighborhood District) and Planning District G (Village Square Neighborhood District). For the boundaries and location of the Planning District, refer to Exhibit 2.I.

Permitted Land Use: The Permitted Land Uses are: Commercial: Regional, Vertical Mixed-Use Overlay, Residential: High, Open Space: Green Space, Open Space: Miscellaneous: Dry Swales/Detention Basins, and Open Space: Landscaped Buffer. This Planning District has two major components: the Retail Center and a Residential: High district.

Retail Center: The Retail Center is planned around a Town Square, whose boundaries are defined by two major anchor retail centers and smaller retail and food establishments. Uses will include lifestyle retail, service retail, entertainment and restaurant facilities. The Retail Center extends northward to Forest Park Boulevard through ground floor retail in the residential area of this Planning District.

The central open space in District D, the "Town Square", is similar in scale and character to that of traditional town plazas. On the east side of Oxnard Boulevard will be a dedicated drop-off area for local and tour buses, queuing, tourist information and a newsstand. Pedestrian and vehicular connections will lead directly to the retail and entertainment area beyond.

A public library storefront, police substation and post office are permitted uses within the Commercial District, as are up to 400 optional live/work dwelling units located above the commercial structures.

Residential: High Area: A 15.0 acre residential community of between 220 and 512 high-density units is located on the south side of Forest Park Boulevard. These units serve as a transition between the medium density residential units to the north and the commercial facilities to the south.

Specially Permitted Land Use: Yes

Vertical Mixed-Use Overlay: Yes. See Exhibit 2.C

Optional Live/Work Units: Yes. See Exhibit 2.C

Other Specific Plan Development Controls: Refer to the following sections for additional development controls and implementation information applicable to Planning District D:

- ☐ Section 3: Commercial District Master Plan
- ☐ Section 4: Residential District Master Plan
- ☐ Section 5: Landscape Master Plan
- ☐ Section 6: Infrastructure Master Plan
- ☐ Section 7: Implementation

ATTACHMENT 2a
PAGE 7 OF 10

RIVERPARK SPECIFIC PLAN

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RTKL / EDSA / CRAIN AND ASSOCIATES / WILLIAM HEZMALHALCH ARCHITECTS / HUITT-ZOLLARS

PLANNING DISTRICT **D**: Town Square Commercial District

LAND USE SUMMARY*

<i>Permitted Land Use</i>	<i>Gross Acreage</i>	<i>Max KSF Allowable</i>	<i>Allowed DU Range</i>
COMMERCIAL: REGIONAL	68.2	904.0	na
VERTICAL MIXED-USE OVERLAY			100-150
RESIDENTIAL: HIGH	15.0	0	220-512
OPEN SPACE: GREEN SPACE	3.5	na	na
OPEN SPACE: MISCELLANEOUS	0.8	na	na
Dry Swales/Detention Basins			
OPEN SPACE: LANDSCAPED BUFFER	0.9	na	na
Planning District D Totals		904 KSF	320-662 units

Note:

* See following 'Allowed Uses' table for Specially Permitted uses.

ATTACHMENT 2a
PAGE 8 OF 10

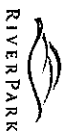
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prepared for RiverPark Development, LLC by AC Martin Partners with
RTKL / EDSA / CRAIN AND ASSOCIATES / WILLIAM HEZMALHALCH ARCHITECTS / HUITT-ZOLLARS

LAND USE SUMMARY BY PLANNING DISTRICT



Developer **RiverPark Legacy LLC**
 SPA TALAMANTE / IMPACT SCIENCES / CRAIN &
 Consultants ASSOCIATES / DI CECCO ARCHITECTURE
 Revised per Errata to include development adjustments through 3/12/2012 and Minor Mod dated 3/13/12 / See notes at bottom of this page

RiverPark SPECIFIC PLAN EXHIBIT 2.J

LAND USE SUMMARY BY PLANNING DISTRICT

Planning District	Land Use	Gross Acreage ¹	Max Commercial KSF Allowable for Each Planning District	Allowable Dwelling Unit Range for Each Planning District
A	Mixed Use/Office District			
	MIXED USE RESIDENTIAL: HIGH ²	21.1	20	317-440
	COMMERCIAL: OFFICE	15.4	221	
	Remaining parcels designated Commercial: Office	9.3	200	
	COMMERCIAL: OFFICE/apl. OPEN SPACE: PARK SPACE	1.3	15	
	OPEN SPACE: MISCELLANEOUS: DRY SWALES / DETENTION BASINS	0.4	NA	
	Subtotals Planning District A ¹⁰	47.5	456	317-440
B	West Peripheral Commercial District			
	COMMERCIAL: REGIONAL	5.5	104	
	Subtotals Planning District B	5.5	104	NA
C	West Corridor Commercial District			
	COMMERCIAL: REGIONAL	24	206	
	COMMERCIAL: CONVENTION/HOTEL ⁹		272	
	OPEN SPACE: PARK SPACE	0.6	NA	
	Subtotals Planning District C	24.6	478	NA
D	Town Square Commercial District			
	COMMERCIAL: REGIONAL (Retail/Entertainment)	69.2	904	
	VERTICAL MIXED USE OVERLAY			100-150
	RESIDENTIAL: HIGH ³	15.0	0	220-512
	OPEN SPACE: PARK SPACE	3.5	NA	
	OPEN SPACE: MISCELLANEOUS: DRY SWALES/ DETENTION BASINS	0.8		
	OPEN SPACE: LANDSCAPE BUFFER	0.9	NA	
	Subtotals Planning District D	89.4	904	320-642
E	East Peripheral Commercial District			
	COMMERCIAL: REGIONAL	7.5	111	
	PUBLIC FACILITIES	1.4		
	Subtotals Planning District E	8.9	111	NA
F	Vineyards Neighborhood District			
	RESIDENTIAL: HIGH ³	12.3	NA	140-310
	RESIDENTIAL: MEDIUM ³	15.5	5 ⁴	150-172
	OPEN SPACE: PARK SPACE	2.1	NA	
	OPEN SPACE: NEIGHBORHOOD PARK	7.4		
	OPEN SPACE: LANDSCAPE BUFFER	0.6		
	Subtotals Planning District F	37.9	5	290-482
G	Village Square Neighborhood District			
	RESIDENTIAL: MEDIUM ³	37.6	15 ⁴	325-425
	OPEN SPACE: PARK SPACE	2.8	NA	
	OPEN SPACE: MISCELLANEOUS: DRY SWALES/ DETENTION BASINS	1.2		
	SCHOOLS / COMMUNITY PARK ^{2,4,5}	11.4	NA	
	Subtotals Planning District G	53.0	15	325-425
H	RiverPark Crescent Neighborhood District			
	RESIDENTIAL: LOW MEDIUM	80.6	NA	450-492
	OPEN SPACE: NEIGHBORHOOD PARKS	3.3		
	Subtotals Planning District H	83.9	0	450-492
I	RiverPark Loop Neighborhood District			
	RESIDENTIAL: MEDIUM ³	43.0	10 ⁴	375-510
	OPEN SPACE: PARK SPACE	6.6	NA	
	OPEN SPACE: NEIGHBORHOOD PARKS	5.9		
	OPEN SPACE: MISCELLANEOUS: WATER FEATURE	1.4		
	Subtotals Planning District I	56.9	10	375-510
J	RiverPark Mews Neighborhood District			
	RESIDENTIAL: MEDIUM ³	21.0	10 ⁴	220-310
	OPEN SPACE: PARK SPACE	1.4	NA	
	OPEN SPACE: NEIGHBORHOOD PARKS	6.1		
	OPEN SPACE: LANDSCAPE BUFFER	2.5		
	SCHOOLS / COMMUNITY PARK ^{2,4,5}	30.4	NA	
	Subtotals Planning District J	61.4	10	220-310
K	Lakeside Neighborhood District			
	RESIDENTIAL: MEDIUM ³	10.5	5 ⁴	70-98
	OPEN SPACE: MISCELLANEOUS: DRY SWALES/ DETENTION BASINS	8.0	NA	
	Subtotals Planning District K	18.5	5	70-98
L	Public Facility District			
	PUBLIC FACILITIES	2.5	NA	
	OPEN SPACE: MISCELLANEOUS: DRY SWALES/ DETENTION BASINS	11.1	NA	
	Subtotals Planning District L	13.6	0	NA
M	Water Storage / Recharge Basins and Storm Water Control District			
	OPEN SPACE: MISCELLANEOUS: WATER STORAGE / RECHARGE BASINS	168.6	NA	
	OPEN SPACE: MISCELLANEOUS: DRY SWALES/ DETENTION BASINS	19.3		
	OPEN SPACE: LANDSCAPE BUFFER	14.0	NA	
	Subtotals Planning District M	201.9	0	NA
TOTALS FOR SPECIFIC PLAN AREA		Total acreage within Specific Plan Area: 701.9 acres Maximum dwelling units allowed within Specific Plan Area: 3,043 du Maximum commercial KSF allowed within Specific Plan Area: 2,098 ksf		

¹ Gross acreage is measured to centerline of bounding streets and / or to the Project Boundary
² Net school site area in Planning District J = 27.3 acres; Net school site area in Planning District G = 10.0 acres
³ Vertical Mixed Uses and / or Use/Work units are permitted in portions of this District as defined in Specific Plan Sections 2, 3, 4 and Exhibit 2.C
⁴ Specially Permitted Uses are allowed in portions of this area as defined in Specific Plan Section 2 (Land Use)
⁵ Specially Permitted Land Uses for sites designated for Schools/Community Park land use can only be applied for after the Rto School District submits a letter indicating that it does not want to purchase or utilize the land.
⁶ Allocation of residential units among Planning Districts is subject to ongoing monitoring by the Master Developer. Total dwelling units cannot exceed 3,043 units
⁷ Density range provides flexibility in allocating residential units within and between Planning Districts. Lower range is a suggested minimum.
⁸ Upper end of range is regulated through monitoring by Master Developer per note 6 to ensure that the total dwelling units within RiverPark does not exceed 3,043
⁹ Ground Level Commercial and/or Use/Work use
¹⁰ Refer to Specific Plan Sections 2, 3, and 4 for detailed descriptions of Permitted and Specially Permitted land uses and development standards. This Land Use Summary (Exhibit 2.J) and Exhibits 2.B and 2.C indicate Permitted (by right) uses only. See Section 2 and Exhibit 2.D for Specially Permitted Uses.
¹¹ Convention Hotel number of rooms is 320 with corresponding 272k of
¹² Subtotals reflect Development Option A, chosen per page 4.5 of the Specific Plan

5b. Final Project Plan: The Builder/Developer prepares construction documents meeting City of Oxnard requirements, while incorporating comments and/or conditions established by the Planning Commission or Development Services Department Director/Planning Manager. The RDAG will review the Final Project Plan to assure that the construction documents incorporate all design comments made to date, and then submit a recommendation to the City.

Phase 6: Building Permit

- **Plan Check and Building Permit:** The Builder/Developer prepares construction documents meeting all Specific Plan and City of Oxnard requirements and submits the plans and other required material to the Oxnard Building Department for the necessary approvals.

7.9.5 Roadway Approval

All Oxnard roadways, including those governed by the Specific Plan, must be approved by the City prior to their implementation. Discussions have been held with the appropriate agencies (e.g. fire, sanitation, traffic and police) concerning the roadway cross sections shown in this document and these roadways will each accommodate the appropriate functions. Any changes from these sections, or any relocation, other treatment or other uses tributary to these sections, will be considered by the City and additional approvals may be required.

7.9.6 Signage Approval

All submittals to the City shall be consistent with the requirements of the Specific Plan and the Signage and Lighting Guidelines document, including requirements for submission exhibits.

7.9.6.1 Preliminary Review

The Preliminary Signage Plan shall be submitted as part of the submission for Phase 4a of the Project Review and Approval Process, as described in Section 7.14.

7.9.6.2 Final Approval

Signage plans which incorporate the design review comments made at the Preliminary Review stage shall be submitted as part of Phase Five of the Project Permitting Process.

7.10 OTHER ISSUES

7.10.1 Effects of a General Plan Amendment on the Specific Plan

Adoption of amendments to the 2020 General Plan or a General Plan Update by the City will not necessarily require amendment of the Specific Plan. But any subsequent discretionary approval or amendment to the Specific Plan must be consistent with the General Plan, as amended and/or updated, except to the extent that such change in the General Plan deals with matters in which the Developer/Applicant shall possess vested rights under the terms of a Development Agreement entered into between the Developer/Applicant and the City.

7.10.2 Environmental Issues

The City of Oxnard has certified the Project Environmental Impact Report in association with approval of the RiverPark Specific Plan.

Mitigations for all identified impacts are defined by the adopted Mitigation Monitoring Program. All mitigations identified will be implemented as required.

7.10.3 Affordable Housing Guidelines

Within the Specific Plan Area, 140 residential units will be affordable to very low income households. Also, 140 residential units will be affordable to low income households, and 112 residential units will be affordable to moderate income households. In addition, the developer of the residential units within Planning District H shall be required to pay the applicable affordable housing in lieu fee for each residential unit constructed. The above numbers may also be increased by the application of a density bonus pursuant to City Ordinance. Any subsequent development that increases residential units above 3,043 through a Specific Plan Amendment must provide a minimum of 15% of those units as affordable.

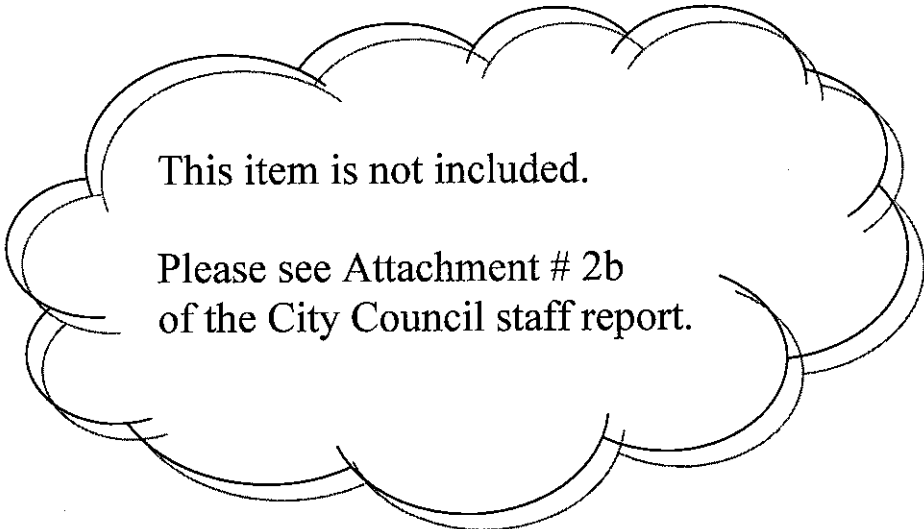
RIVERPARK SPECIFIC PLAN

April 12, 2005
update through 3/2012
Modified in
SPA 2012



prepared for RiverPark Development, LLC by AC Martin Partners with
RTKL / EDSA / CRAIN AND ASSOCIATES / WILLIAM HEZMALHALCH ARCHITECTS

ATTACHMENT 2a



This item is not included.

Please see Attachment # 2b
of the City Council staff report.

ATTACHMENT # 2b



Planning Division

**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission

FROM: Linda Windsor, Associate Planner

DATE: June 16, 2011

SUBJECT: Planning and Zoning Permit Nos. 09-630-03, (Specific Plan Amendment) and Planning and Zoning Permit No. 11-670-01, (Development Agreement Amendment), pertaining to the RiverPark Specific Plan. Located on the north side of the U.S. 101 Freeway between Vineyard Avenue and the Santa Clara River.

- 1) **Recommendation:** That the Planning Commission:
 - a) Adopt a resolution recommending that the City Council approve Planning and Zoning Permit (PZ) No. 09-630-03, an amendment to the RiverPark Specific Plan, subject to certain findings; and
 - b) Adopt a resolution recommending that the City Council approve PZ No. 11-670-01, an amendment to the RiverPark Development Agreement, subject to certain findings.
- 2) **Project Description and Applicant:** Request to amend the *RiverPark Specific Plan* to (i) reduce the maximum commercial square footage allowed within the RiverPark Specific Plan area; (ii) increase the maximum number of residential units; (iii) require a Parking Management Plan for all high density residential projects; and (iv) make other miscellaneous minor changes to the specific plan (described in Item 7 below). The site is the *RiverPark Specific Plan Area*, a portion of which is within the Historic Revitalization and Enhancement of Oxnard (HERO) Redevelopment Area. Filed by RiverPark Legacy, LLC, 1250 Corona Pointe Court, Suite 600, Corona, CA 92879.
- 3) **Existing & Surrounding Land Uses:** The subject site consists of residential, office, commercial, park and school uses within the *RiverPark Specific Plan* area, bounded by: light industrial uses to the north; the US 101 freeway to the south; Vineyard Avenue and the El Rio residential neighborhood to the east; and the Santa Clara River to the west.

Direction	Current	Future	Future
North	County	County	Light industrial development
South (beyond freeway)	C2PD	Commercial: Regional	Esplanade, Wagon Wheel commercial areas
East	R1PD, R2PD, R3PD, C2PD	Residential: Low, Low-Medium; and Medium, Commercial General	Mixed residential (single family, duplexes apartments), Commercial
West	County	County	Santa Clara River

4) General Plan Policies, Specific Plan and Land Use Designation Conformance:

The 2020 *General Plan* land use map designates the subject project area for Commercial Regional, Residential Low Medium, Residential Medium, Residential High, Open Space Park, School and Public/Semi Public uses. The *RiverPark Specific Plan* Land Use Map (Attachment B) locates 13 different land uses within the *RiverPark Specific Plan* area. In adopting the *RiverPark Specific Plan*, the Planning Commission and City Council determined that the Specific Plan is consistent with the 2020 *General Plan*. Design Development Review permits for various projects within the project area have been approved by the Development Services Director in conformance with the policies, land use designations and development standards of the *RiverPark Specific Plan*. The subject Specific Plan Amendment and Amendment to the RiverPark Development Agreement will not change RiverPark's conformance with the General Plan or RiverPark Specific Plan Policies.

- 5) Background:** The *RiverPark Specific Plan* was approved by the City Council on September 10, 2002, together with the general plan amendment, zone change, annexation, development agreement and EIR certification related to the specific plan approval. As currently approved, the specific plan includes the phased development of 2,805 dwelling units (1805 "for-sale" units and 1000 high density rental units), and 2,485,000 square feet of commercial development (including approximately 221,000 square feet of existing office development that was approved and built under the Oxnard Town Center Specific Plan, prior to adoption of the *RiverPark Specific Plan*). The adopted Specific Plan follows the design principles of the New Urbanism and Smart Growth movements, which emphasize the importance of mixed land uses in close proximity to one another; communities scaled for pedestrian walkability; limiting automobile usage; and the importance of physical design in creating communities where people can and want to live, work and shop.

Two previous applications for specific plan amendments to the *RiverPark Specific Plan* have been submitted. On April 14, 2009, the City Council approved Ordinance No. 2808, which was the first amendment request (PZ 09-630-09). That amendment allows a freeway oriented pylon sign subject to approval of a Design Development Review permit (DDR) by the Development Services Director. The second request, PZ 10-630-02, would allow three freeway oriented monument signs subject to approval of a DDR, and an electronic digital display panel for the pylon sign (above), subject to subsequent approval of a Special Use Permit. On February 17, 2011, the Planning Commission reviewed this second amendment to the specific plan and recommended that the City Council approve the request. As of this writing, City Council review of the second amendment is scheduled for June 14, 2011.

On September 10, 2002, the City Council adopted Ordinance No. 2605, approving Planning and Zoning Permit No. 01-5-46 (Development Agreement No. A-6128) between the owners of the RiverPark Project and the City of Oxnard. The RiverPark Development Agreement (DA) has been amended on three previous occasions. The first, adopted December 14, 2004, incorporated properties located within the *RiverPark Specific Plan* that were acquired by RiverPark A and RiverPark B after the effective date of the DA, including clarifications of duties and ownership relating to RiverPark and the previous project for part of this site, the Oxnard Town Center development. The second DA amendment, adopted July 16, 2007,

related to the ability to locate a multiplex theater in District D of the RiverPark Specific Plan area. On October 5, 2010, the City Council adopted Ordinance No. 2830 approving the third amendment to the development agreement, maintaining development fees at current levels for an extended period of time, based on current market conditions.

- 6) **Environmental Determination:** In accordance with the California Environmental Quality Act (CEQA), an environmental impact report (EIR No. 00-03) was prepared to analyze potential environmental impacts associated with the approval and the implementation of the *RiverPark Specific Plan* and the anticipated build out of the 701-acre specific plan site. On July 16, 2002, the City Council adopted Resolution No. 12,209 upholding the Planning Commission's decision certifying the environmental impact report (State Clearinghouse No. 2000051046) and adopting findings of fact, statement of overriding considerations and the mitigation monitoring and reporting program.

An environmental consultant, under the supervision of Planning Division staff, has prepared an Addendum to the certified EIR to evaluate potential environmental impacts of the proposed specific plan amendment (see Attachment C). Evaluation of the proposed decrease in the maximum commercial square footage allowed within RiverPark and increasing the maximum number of residential units, determined that there would be no substantial increase in severity of significant environmental impacts previously analyzed in the certified EIR and no new significant impacts. Per the Addendum, the decrease in traffic, water use and air quality impacts from the decrease in commercial square footage will offset any increases in these impacts resulting from the increase in the maximum number of residential units. Specifically, traffic, air quality, and water use impacts for this land use adjustment are less than for the originally approved specific plan land use mix. The other minor administrative changes (described in Section 7) b) below) included in the specific plan amendment are also consistent with and do not change the land uses or intensity of land uses as evaluated in the certified EIR. The Development Agreement Amendment updates the development agreement to reflect the changes in numerical values for commercial square footage and residential units proposed in the Specific Plan Amendment, along with construction timing milestones and fee adjustments. Therefore, staff has determined that there is no substantial evidence that the specific plan amendment or the development agreement may have a significant effect on the environment. Accordingly, neither a supplement to the EIR nor a subsequent EIR is required. Pursuant to section 15164 of the State CEQA Guidelines, the Commission shall consider the Addendum with the EIR prior to making recommendations on the amendments to the Specific Plan and Development Agreement.

7) Analysis:

- a) **General Discussion:** As the buildout of RiverPark continues, the RiverPark developers requested this change because they determined that the full entitlement of commercial building square footage will not be necessary to meet the goals of the RiverPark Specific Plan commercial components. The developers also determined that to complete the residential high density neighborhoods, additional units could be accommodated while still meeting the goals and objectives of the Specific Plan.

The proposed increase in the maximum number of residences and decrease in commercial building area are shown in the table below:

	Adopted Specific Plan	Proposed Amendment
Commercial (building area)	2,485,000 sq ft	2,078,000 sq ft
Residential (# residences)	2805 maximum	3145 maximum

As stated in the Environmental Determination section above, the decrease in traffic, resource use, air quality impacts and all other impacts analyzed in the EIR from reduced commercial square footage will offset any increases in these impacts resulting from the increase in the maximum number of residential units. In addition, this proposal is consistent with the "New Urbanism" and Smart Growth principles under which RiverPark was originally approved (see **Background** section above). The parcels that will receive the additional residential units have been designated for high density residential development since the original adoption of the Specific Plan. The decreased commercial square footage does not change the parcels from which the square footage was reduced or otherwise adjusted.

The Oxnard Community Development Commission (CDC) inclusionary housing requirements for Redevelopment Areas mandates that 15% of the residences built in Redevelopment Areas be affordable units. The southern portion of the RiverPark Specific Plan is within the Historic Revitalization and Enhancement of Oxnard (HERO) Redevelopment Area. The requirement in the original RiverPark Specific Plan is for 392 affordable for-sale and rental units, plus payment of housing in-lieu housing fees in District H. Fifty-one of the additional 340 units proposed by this specific plan amendment are required to be affordable units. Parking for these units will be evaluated and required for each development according to the specific plan's parking requirements as well as the Parking Management Plans (as included in this specific plan amendment) during the City's approval process.

To complete buildout of Lot 3 within District A as envisioned in the *RiverPark Specific Plan*, it is necessary to amend the design standards for height of the Apartment / Multifamily 6R building type. The current maximum height for this building type is 35 feet and the amendment would allow this building type to be a maximum height of 60 feet (no more than 5 stories). The amended height limit will allow the development of Lot 3 (see Attachment D for location), to absorb some of the additional residential units included in this specific plan amendment within an apartment development adjacent to and in similar scale to the existing high-rise office building to the south. A five-story apartment development on Lot 3 would be a suitable transition between the six-story office building on the south and the three-story apartments to the north.

As the high density residential developments (apartments) are built within the RiverPark Specific Plan area, it has become apparent that greater emphasis must be placed on management of off-street and on-street resident and visitor parking associated with these developments. To accomplish this, a requirement for a Parking Management Plan for

each high density residential development (apartments and for-sale units) is included within the proposed amendment. This requirement is similar to the requirement for a Parking Management Plan for each commercial development within RiverPark. The parking management plan for each development will include a series of specific strategies and parking controls to prevent residents and visitors of this development from creating parking issues that affect surrounding land uses and traffic safety. The intent is to ensure residents use on-site resident parking; not visitor parking or on-street parking allocated to (and required for) adjacent uses. Important components of these plans include limiting the number of cars allowed per apartment unit within each resident's lease, assigning specific parking spaces to residents, and enforcing prohibition of resident parking within designated visitor parking spaces. The parking management plans also emphasize that if the first level strategies are not effective, more strict controls can be required by the City. The City of Oxnard has agreed to be more involved in enforcing on-street parking violators, especially adjacent to the multi-family developments, and in monitoring the Parking Management Plans' effectiveness. As an example, the existing Serenade apartment development has begun implementing a parking management plan. According to the Police Department beat coordinator for RiverPark, the newly implemented on-site parking controls have noticeably reduced the number of parking violations near the Serenade development.

Additional changes are included in this Specific Plan Amendment as "Clean-up Items" to change the specific plan document to reflect previous actions approved administratively and City-initiated changes. One of these items involves the RiverPark Specific Plan's requirement for pedestrian connections and trails throughout the specific plan area. The specific plan also contains access points to a future County-wide regional trail system proposed adjacent to the Santa Clara River. The adopted specific plan shows a portion of the RiverPark pedestrian trail system extending along the western edge of the Large Woolsey Water Storage / Recharge Basin at the northwest boundary of the RiverPark Specific Plan area. This portion of the trail runs parallel and adjacent to the proposed alignment of the Santa Clara River Trail section of the County regional trail system. The proposed amendment eliminates this section of pedestrian trail within the specific plan area since it has been made redundant by the Santa Clara River Trail adjacent to it. The amendment also proposes to adjust the trail around the Brigham / Vickers Water Storage / Recharge Basin to form a more continuous loop around and directly adjacent to the basin.

Another change of this type is the addition of "Public Facilities" to the Permitted Use list for District E. At the time the *RiverPark Specific Plan* was adopted, public facilities were designated to be located on 2.5 acres within District L ("Public Facility District"). Public facilities within District L were to include the city/county fire station, along with the Rio School District's and City of Oxnard maintenance facilities. Because the fire station and school district maintenance facilities occupied more land than was originally expected in District L (not leaving enough vacant property for the City's maintenance facility), and because the sewer lift station for RiverPark was installed within District E, District E was determined to be an appropriate location for the City of Oxnard Parks and Facilities administrative and maintenance facility. The Parks and Facilities Division, the Master

Developer, and the Town Master Planner/Architect recommended that District E be determined to be a suitable location, as allowed by Section 2.5.2.5 of the specific plan which allows approval of similar uses "as determined acceptable by the Director of the Development Services Department." On July 31, 2009, the Development Services Director approved a Design Development Review permit approving the design and location of the City Park Maintenance Facility within District E, adjacent to the existing sewer lift station. This specific plan amendment updates the specific plan to reflect that "Public Facilities" is a specifically permitted use in District E.

Items proposed to be changed within the Development Agreement Amendment consist of adjusting timing milestones and fees to correspond with the change in commercial square footage, number of residential units, and changing economic conditions. The Planning Commission's role in reviewing the Development Agreement Amendment is to determine consistency with the General Plan, zoning regulations, and the RiverPark Specific Plan as related to land use, and provide a recommendation to the City Council regarding this consistency. The City Council will make the final decision on all other "deal points" of the Development Agreement Amendment.

b) Proposed Specific Plan Amendment: In summary, the amended sections of the specific plan include provisions for the following¹:

1. An overall decrease in maximum commercial square footage allowed within the Specific Plan area from 2,485,000 square feet to 2,078,000 square feet.
2. Adjustment in the distribution of commercial building square footage among the Specific Plan Districts, primarily in the commercial Districts A through E, with minor decreases within the residential Districts F, G and K to accommodate the reduction in overall commercial square footage. (see Land Use Table 2J of the RiverPark Specific Plan, included in the Specific Plan Amendment text, Exhibit A of the Planning Commission resolution).
3. An overall increase in the maximum number of residential units within the Specific Plan area from 2,805 units to 3,145 units.
4. Adjustment in the distribution of residential units among Specific Plan Districts, primarily in Districts A and D (as indicated in Land Use Table 2J) to accommodate the increase in residential units. Land Use Table 2J was also adjusted to reflect currently approved and built residential units throughout the Specific Plan area.
5. An increase in the total minimum number of affordable residential units required as part of the increase in overall units from 392 to 440 units.

¹ Proposed changes to the RiverPark Specific Plan document are included as an attachment to the Planning Commission resolution. Changes proposed are highlighted in the document; highlighting will be removed prior to final printing of the document. The date at the bottom of each page is the printing date for the document. After City Council's action on the amendment, this date will be changed to the approval date.

6. An increase in the height limit for the 6R Apartment/Multifamily housing type from a 35-foot average height to a maximum height of 60 feet or five stories.

The following items are not part of the applicant's specific plan amendment request, and are recommended as changes to the specific plan document for other reasons described in this report.

7. A requirement that each multifamily project include a Parking Management Plan to resolve existing and prevent future parking problems associated with high-density residential development in RiverPark.
8. Revision of the pedestrian trail system to eliminate a section along the western edge of the Large Woolsey Water Storage / Recharge Basin made redundant by the future County Regional Trail system along the Santa Clara River Levee and an adjustment to create a continuous loop trail around the Brigham / Vickers Water Storage / Recharge Basin.
9. Change the name of District C from Convention/Hotel District to West Corridor Commercial District to reflect that this district will include regional-type commercial uses in addition to a hotel and hotel-related uses.
10. Clarify that the use of the parcel at the northwest corner of District A for road improvements connecting RiverPark to Ventura, as originally designated in the specific plan is eliminated. A change in the City of Ventura General Plan eliminated the need for this 0.3 acres site as a bridge landing across the Santa Clara River.
11. Add Public Facilities as a Permitted Use in District E to reflect approval of a DDR for the City RiverPark Maintenance Facility as appropriate in this location.

c) Development Agreement Amendment: In summary, the amended sections of the development agreement include provisions for the following items:

- 1) An adjustment to the maximum commercial square footage as indicated in Items b) 1 and 2 above.
- 2) An adjustment to the maximum number of residential units as indicated in Items b) 3 and 4 above.
- 3) An adjustment to the minimum number of affordable residential units required as indicated in Item b) 5 above and the distribution of those units between Very Low Income affordable units, Moderate Low Income affordable units, and in-lieu fees.
- 4) An adjustment of the commercial development time schedule with milestones related to the number of residential units built. As the economy has slowed, the overall buildout of RiverPark has taken longer than was originally expected. The Development Agreement milestones would be extended to allow completion of the project over a longer time period. This adjustment reflects the changes in both commercial square footage and number of residential units.
- 5) An adjustment in the delivery timing of affordable housing units in relation to total residential units constructed to reflect the additional residential units being proposed.

- 6) Acknowledgement that no additional park-related fees will be required for the additional residential units built because RiverPark's ratio of "park acreage to population" exceeds the City's General Plan requirements for parks after the amendment, as it did at the time the original specific plan was adopted.
- 7) An adjustment in Sewer Fees for the additional residential units, based on the change from commercial square footage to residential units.
- 8) An adjustment in Recycled Water Fees for the additional residential units, based on the change from commercial square footage to residential units.
- 9) A lump sum payment to the City of Oxnard for a City Gateway monument sign to be constructed near Vineyard Avenue, as part of the City's Gateway sign program adopted by the City Council.

Although the Specific Plan Amendment and Development Agreement Amendment are not project specific, there are projects under review within the City that will require approval of these amendments to be built (specifically, the increase in the number of residential units). All forthcoming projects allowed by the specific plan that have not yet been approved by the City will be required to meet the design standards, policies, and requirements listed, prescribed by, and illustrated within the *RiverPark Specific Plan*, as amended, and will continue to require approval through the City's Design Development Review process. As noted above, staff finds that the provisions of the amendment are consistent with the general plan, and consistent with the intent and spirit of the specific plan. Staff therefore recommends the Planning Commission recommend approval of the proposed amendments to the Specific Plan and Development Agreement to the City Council.

- 8) **Development Advisory Committee:** Individual members of the Development Advisory Committee (DAC) reviewed this request beginning on August 28, 2009, and continued to provide input during preparation and review of the Specific Plan Amendment, Development Agreement, and EIR addendum. In addition to the DAC members, the Development Services Director, Community Development Director, Finance Director and other staff involved in planning for future development reviewed and recommend approval of the proposed specific plan and development agreement amendments.
- 9) **Community Workshop:** On April 7, 2011, the applicant mailed notices of the Community Workshop to all property owners within the RiverPark Neighborhood. A notice of this meeting was posted on the project site with a brief description and contact information. The Community Workshop was conducted on Monday, April 18, 2011. Seventeen people attended the meeting, of which 16 live in the RiverPark Neighborhood. Of these, 13 identified that they attended the meeting for information related to this specific plan amendment.

Issues raised at the workshop focused on:

- a. Parking problems related to the existing apartment projects
- b. Concerns with additional high density apartments and additional affordable housing in RiverPark

- c. Delays in construction of the shopping center and other commercial uses in RiverPark.
- d. Crime issues related to the existing and proposed apartment projects.
- e. Noise and traffic impacts of extending an existing bus route through RiverPark.

As a result of this meeting, (and concerns expressed to the City at other times before and during processing of this specific plan amendment), the requirement for a Parking Management Plan for all new high density residential developments has been incorporated into the specific plan amendment. In addition, staff has had several meetings with the owners of the existing Serenade apartments in RiverPark to address the existing parking problems. Serenade management has begun implementing stricter controls on their resident and visitor parking, which are scheduled to be fully implemented by December 31, 2011.

In response to the concerns regarding additional apartments in RiverPark, the applicant noted that the apartments (both market-rate and affordable) in RiverPark must be built and maintained to the same standards as the market-rate portions of RiverPark, and verified that the area where the additional units would be allowed has been designated for high density residences since the original specific plan was adopted. As noted in the **Analysis (General Discussion)** portion of this report, provision of affordable housing is a requirement which cannot be waived.

Responding to concerns expressed regarding the shopping center's delays, the developer of the shopping center presented information regarding their difficulties in securing tenants for the shopping center, and announced that the first major tenant (Target) would be opening on July 24, 2011.

In addition, the RiverPark developers hosted two special meetings of the RiverPark Neighborhood Council, the first on March 28, 2011. Approximately 20 people attended. The RiverPark developers provided a presentation on this Specific Plan Amendment and the commercial developers presented new signage proposals for The Collection commercial development within RiverPark. The signage proposals were well-received. The attendees raised concerns about parking related to the existing Serenade apartment project, crime to parked cars as related to the existing apartments, the proposed bus route, and the need for and location of additional affordable housing. A second follow-up meeting was held on May 9, 2011. Approximately 20 people attended, and the majority had not attended the meeting on March 28, 2011. The RiverPark developers provided a presentation which identified and addressed the issues raised at the Community Workshop and the previous RiverPark Neighborhood Council special meeting. In addition, the Police Department's beat coordinator for this area spoke about the types of crime in RiverPark and the success of the Serenade apartment's recent implementation of stricter parking controls. Though the bus route is not a part of the specific plan amendment, a representative from Gold Coast Transit provided a presentation showing the bus route that has been expanded into RiverPark and location of bus stops, explaining the City's role and the process related to establishing bus routes, and that the provision of alternative transportation (specifically bus transportation) has always been a component of the RiverPark Specific Plan, as a mitigation measure to traffic impacts of the

project. The majority of the residents in attendance responded favorably to the information presented.

- 10) **Appeal Procedure:** The Planning Commission's action is a recommendation and the matter will be considered by the City Council at a later date.

Attachments:

- A. Project Maps (general plan, zoning)
- B. RiverPark Adopted Land Use Plan Map
- C. Addendum to RiverPark Specific Plan EIR
- D. RiverPark Lot Location Map
- E. Resolutions recommending approval of:
 - i. Specific Plan Amendment, including as Exhibit A the Text Revisions for the subject Specific Plan Amendment (bound separately; the Exhibit consists only of pages being changed by the amendment)
 - ii. Development Agreement, including Revisions to RiverPark Development Agreement (bound separately)

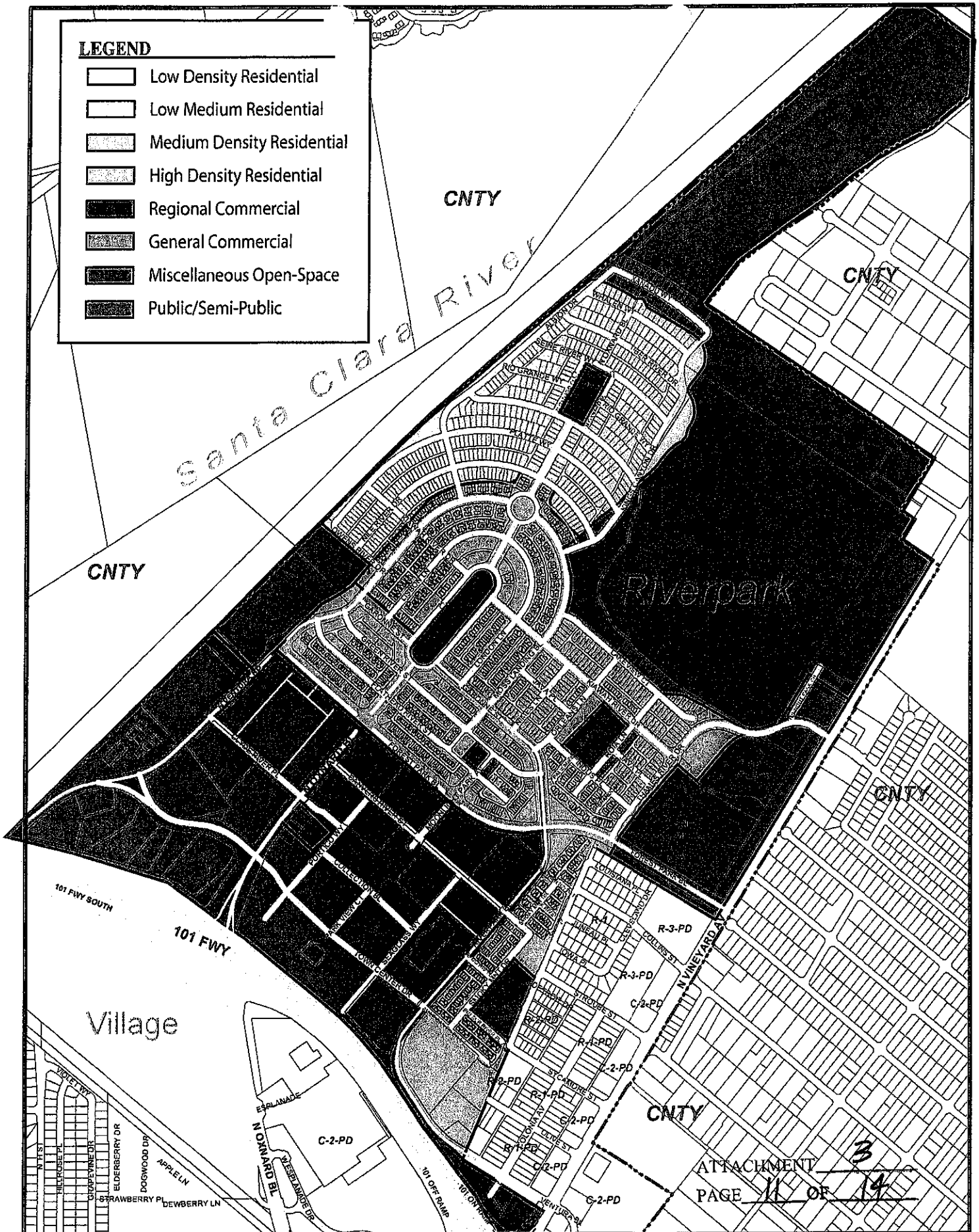
NOTE: The Addendum to the RiverPark Specific Plan EIR, Specific Plan Amendment, and Development Agreement Amendment documents have been provided to the Planning Commission. Copies are available for review at the Help Desk in the Main Library after 6:00 p.m. on the Thursday prior to the Planning Commission meeting and at the Planning Division Office after 8:00 a.m. on Monday June 13, 2011.

Prepared by: <u>LJW</u> LJW
Approved by: <u>SM</u> SM

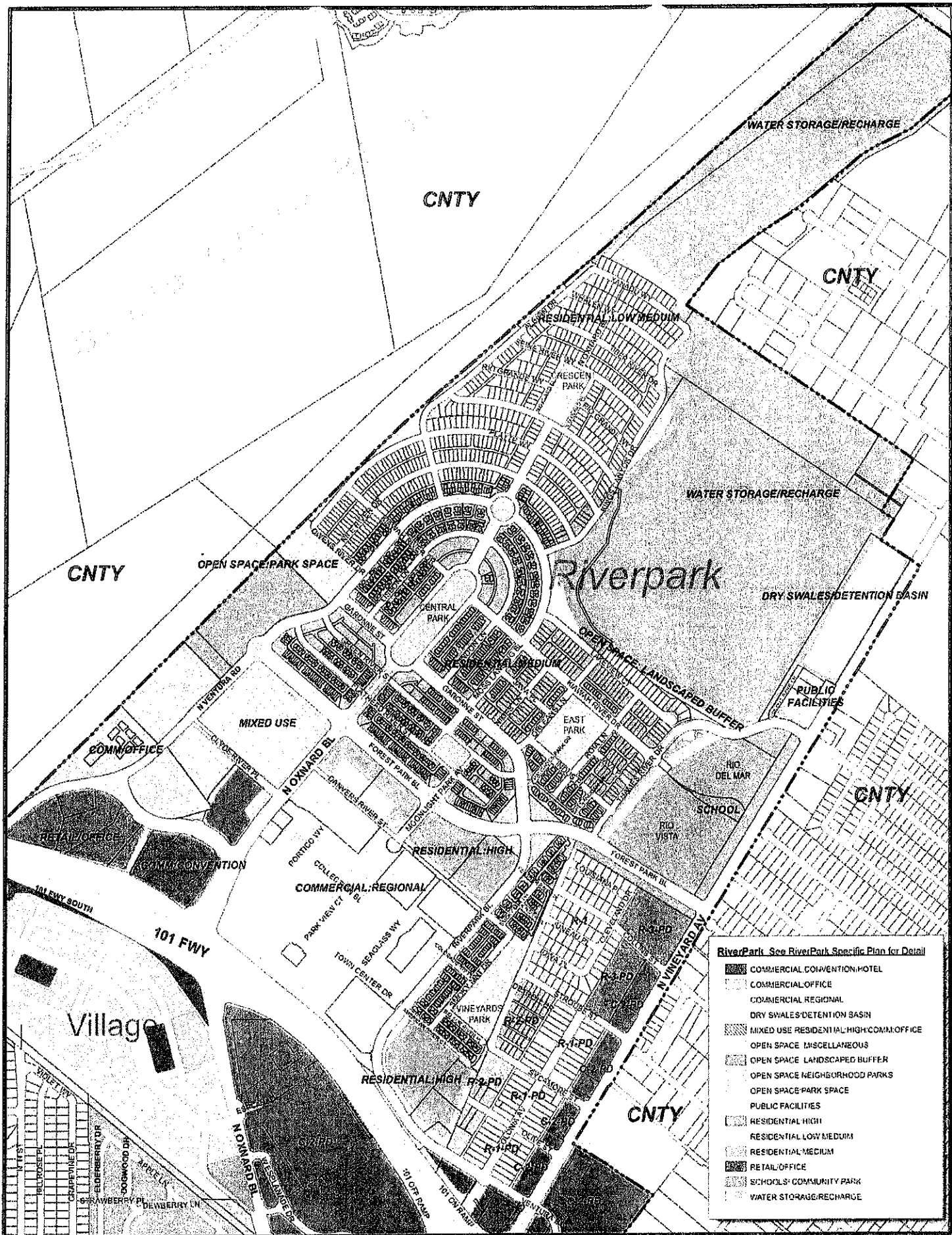
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LEGEND

-  Low Density Residential
-  Low Medium Residential
-  Medium Density Residential
-  High Density Residential
-  Regional Commercial
-  General Commercial
-  Miscellaneous Open-Space
-  Public/Semi-Public



ATTACHMENT 3
PAGE 11 OF 14



Oxnard Planning

Riverpark

264 ELEMENT

3



1:12,500

Map

1

PAGE 12 OF 14

RIVERPARK LAND USE PLAN:
PERMITTED USES
Land Use Plan Date: November 17, 2008

Legend

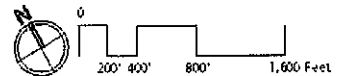
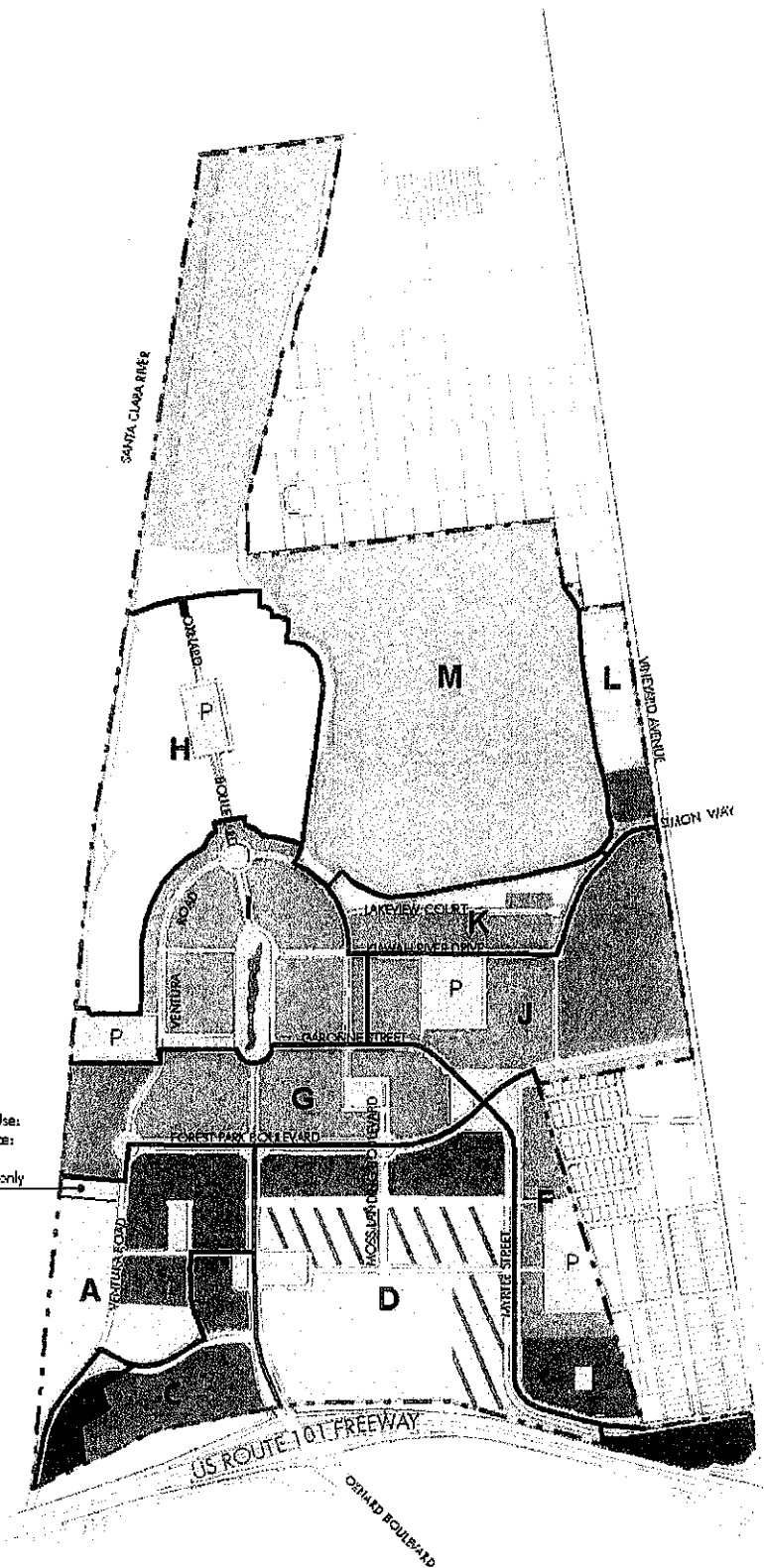
Planning Districts

- A Mixed Use/Office District
- B West Peripheral Commercial District
- C West Corridor Commercial District
- D Town Square Commercial District
- E East Peripheral Commercial District
- F Vineyards Neighborhood District
- G Village Square Neighborhood District
- H RiverPark Crescent Neighborhood District
- I RiverPark Loop Neighborhood District
- J RiverPark Mews Neighborhood District
- K Lakeside Neighborhood District
- L Public Facility District
- M Water Storage/Recharge Basins & Storm Water Control District

Land Use

- Residential: Low Medium (8-12 DU/gross acre)
- Residential: Medium (12-18 DU/gross acre)
- Residential: High (18-30 DU/gross acre)
- Commercial: Regional
- Commercial: Office
- Commercial: Convention/Hotel
- Commercial: Retail/Office
- Mixed Use: Residential: High/Commercial: Office
- Open Space: Park Space
- Open Space: Neighborhood Parks
- Open Space: Landscaped Buffer
- Open Space: Miscellaneous: Dry Swales/ Detention Basins
- Open Space: Miscellaneous: Water Storage/ Recharge Basins
- Open Space: Miscellaneous: Water Feature
- Schools/Community Park
- Public Facilities
- Specific Plan Area
- Planning District Boundary
- Planning District Designation

Optional
Permitted Use:
Open Space:
Park Space
(this parcel only)



LAND USE PLAN: PERMITTED USES

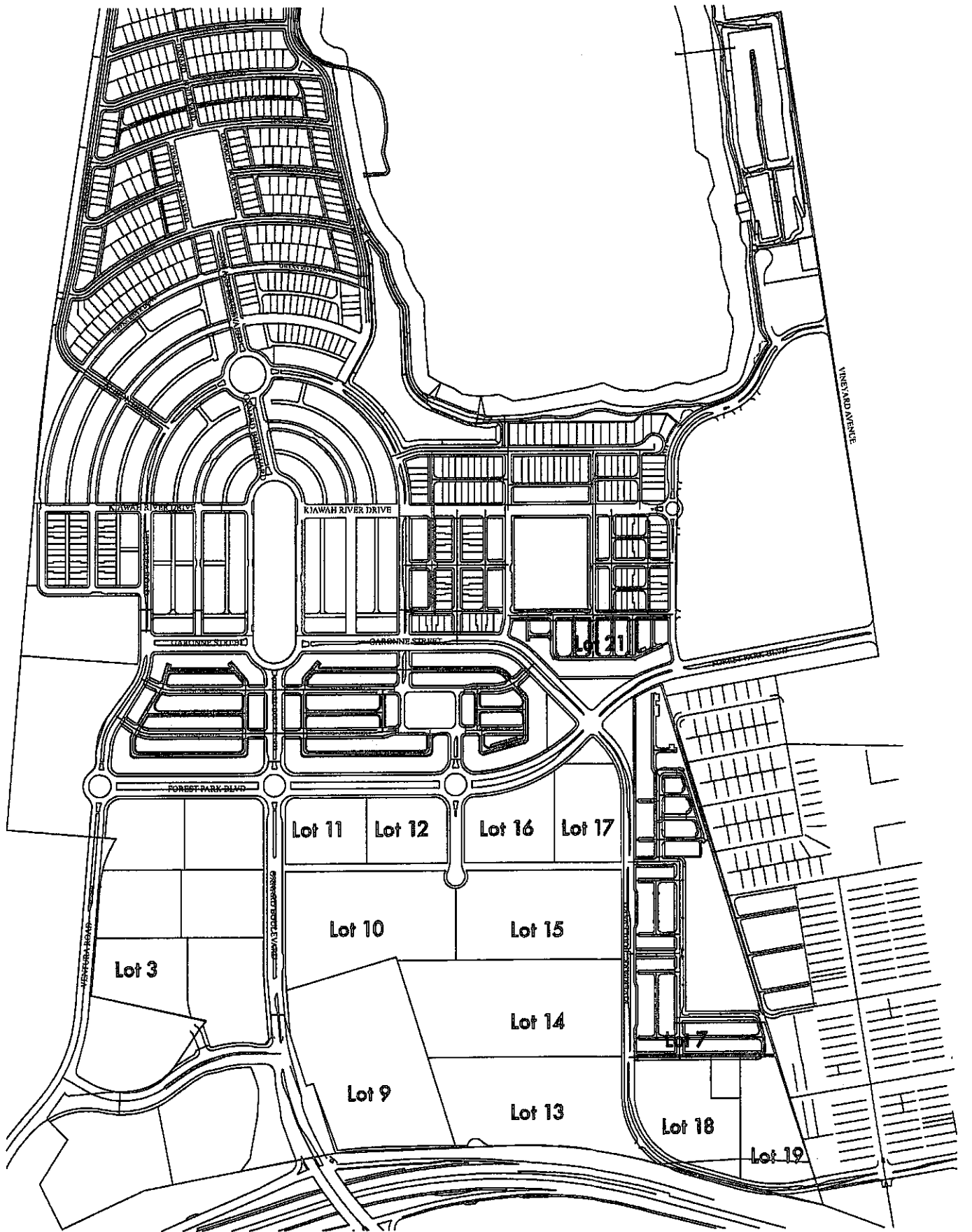
August 27, 2002

prepared for RiverPark Development, LLC by AC Martin Partners with

RTKL / EDSA / CRAIG AND ASSOCIATES / WILLIAM HIEZMALHALCH ARCHITECTS / HUITT-ZOL-

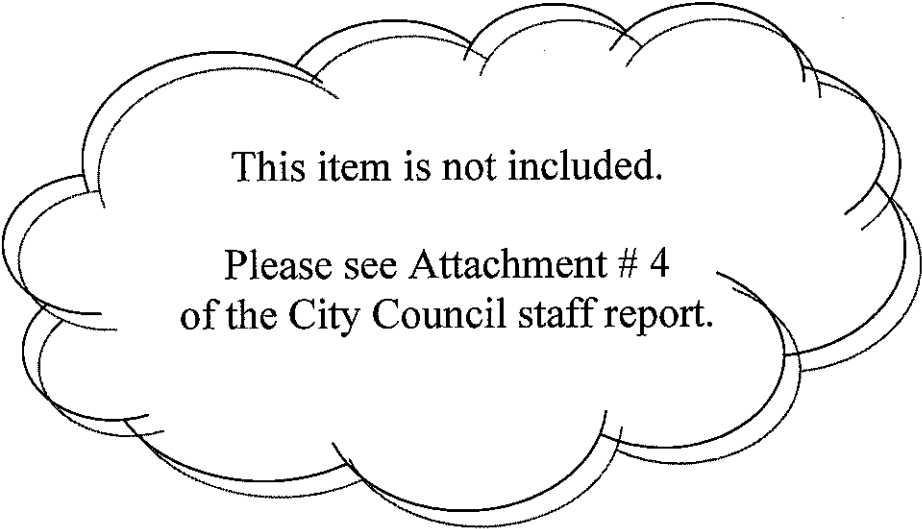
exhibit

B



Tract 5352-1 Lot Numbers

266



This item is not included.

Please see Attachment # 4
of the City Council staff report.

RESOLUTION NO. 2011-26

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING THAT CITY COUNCIL DENY PLANNING AND ZONING PERMIT NO. 09-630-03 (SPECIFIC PLAN AMENDMENT) REVISING THE TEXT AND EXHIBITS OF THE RIVERPARK SPECIFIC PLAN. THE PROJECT IS IN THE RIVERPARK SPECIFIC PLAN AREA, LOCATED NORTH OF THE 101 FREEWAY, EAST OF THE SANTA CLARA RIVER, WEST OF VINEYARD AVENUE AND THE EL RIO NEIGHBORHOOD AND SOUTH OF THE LIGHT INDUSTRIAL DISTRICT. FILED BY RIVERPARK LEGACY, LLC, 1250 CORONA POINTE COURT, SUITE 600, CORONA, CA 92879

WHEREAS, the Planning Commission of the City of Oxnard has considered the proposed amendments to the text and exhibits within the RiverPark Specific Plan relating to adjustments to commercial square footage, residential unit count maximums, development standards, parking requirements for apartment/multifamily projects, and trail modifications in the specific plan area; and

WHEREAS, the Planning Commission finds, after due study, deliberation and public hearing, that the project is not a logical refinement of the RiverPark Specific Plan; that the proposed specific plan amendment does not conform with adopted City standards, is not in conformance with the General Plan, does not constitute good City planning; and that the project will adversely affect or be materially detrimental to adjacent land uses, buildings or structures or to the public health, safety or general welfare.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard recommends to the City Council the denial of Planning and Zoning Permit No. 09-630-03 (Specific Plan Amendment) to amend the RiverPark Specific Plan.

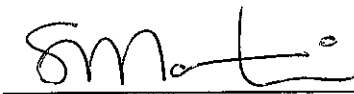
PASSED and ADOPTED by the Planning Commission of the City of Oxnard on this 16th day of June, 2011, by the following vote:

AYES: Commissioners: Guevara, Murguia, Nash, Stewart, Huber, Medina

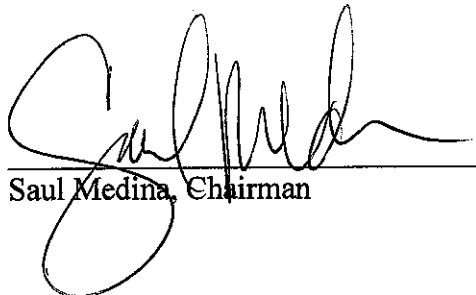
NOES: Commissioners: None

ABSENT: Commissioners: Mullin

ATTEST:



Susan L. Martin, Secretary


Saul Medina, Chairman

RESOLUTION NO. 2011-27

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING THAT CITY COUNCIL DENY PLANNING AND ZONING PERMIT NO. 11-670-01 (FOURTH AMENDMENT TO THE RIVERPARK DEVELOPMENT AGREEMENT) REVISING THE TEXT OF THE DEVELOPMENT AGREEMENT. THE PROJECT IS IN THE RIVERPARK SPECIFIC PLAN AREA, LOCATED NORTH OF THE 101 FREEWAY, EAST OF THE SANTA CLARA RIVER, WEST OF VINEYARD AVENUE AND THE EL RIO NEIGHBORHOOD AND SOUTH OF THE LIGHT INDUSTRIAL DISTRICT. FILED BY RIVERPARK LEGACY, LLC, 1250 CORONA POINTE COURT, SUITE 600, CORONA, CA 92879.

WHEREAS, the Planning Commission of the City of Oxnard held a hearing on June 16, 2011 to consider the proposed amendments to the text and exhibits within the RiverPark Specific Plan Development Agreement relating to adjustments to commercial square footage, residential unit count maximums, affordable housing, development milestones and development fees in the specific plan area; and

WHEREAS, the Planning Commission finds, after due study, deliberation and public hearing, that the project is not a logical refinement of the RiverPark Specific Plan Development Agreement; that the proposed amendment does not conform with adopted City standards, is not in conformance with the General Plan, does not constitute good City planning; and that the project will adversely affect or be materially detrimental to adjacent land uses, buildings or structures or to the public health, safety or general welfare.

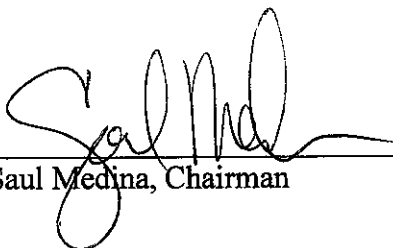
NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard recommends to the City Council the denial of Planning and Zoning Permit No. 11-670-01 (Fourth Amendment to the RiverPark Development Agreement).

PASSED and ADOPTED by the Planning Commission of the City of Oxnard on this 16th day of June, 2011, by the following vote:

AYES: Commissioners: Guevara, Murguia, Nash, Stewart, Huber, Medina

NOES: Commissioners: None

ABSENT: Commissioners: Mullin


Saul Medina, Chairman

ATTEST: 
Susan L. Martin, Secretary

OXNARD

CALIFORNIA

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

Prepared By: Rob SilversteinAgenda Item No. L-4Reviewed By: City Manager [Signature] City Attorney [Signature] Finance [Signature] Other (Specify) _____**DATE:** June 05, 2012**TO:** City Council**FROM:** Jeri Williams, Chief of Police [Signature]
Police Department**SUBJECT:** Recovery of Nuisance Abatement Costs**RECOMMENDATION**

That City Council:

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

DISCUSSION

Oxnard City Code ("OCC") Sections 7-17 and 7-18, inclusive, set forth the procedures for recovering nuisance abatement costs incurred by the City in abating public nuisances. OCC Section 7-13 provides that nuisance abatement costs, including any notice and appeal costs, shall be paid by the person creating, causing, committing or maintaining the nuisance. Furthermore, OCC Section 7-14 provides that nuisance abatement costs shall be a lien against the property on which the nuisance is maintained, as well as a personal obligation of the property owner. Pursuant to OCC Section 7-16, the Cost Report was posted at City Hall, 305 West Third Street, on Tuesday, May 29, 2012.

Pursuant to OCC Section 7-17, the City Council is to consider objections by any property owner whose property is to be assessed with nuisance abatement costs as set forth in the cost report. Appropriate adjustments to the cost report may be made at the City Council's direction.

Upon approval of the cost report, the City Manager shall file a certified copy of the cost report with the Ventura County Auditor-Controller in order to enter the nuisance abatement costs as special assessments on the fiscal year 2012-2013 property tax roll.

NUISANCE ABATEMENT REPORT

The City has abated nuisances on the following properties in accordance with Oxnard City Code Chapter 7.

<u>PROPERTY OWNER</u>	<u>LIEN PARCEL NO.</u>	<u>CLEAN UP DATE</u>	<u>TOTAL DUE</u>
CLARENCE W. HAACK 245 FOUNDRY CAMDEN, TN 38320	231-0-032-165 6200 PERKINS RD. NOTICE DATE:	3/29/11	ABATEMENT COSTS: \$1,193.00 NOTICE COSTS: 50.00 APPEAL COSTS: 0.00 TOTAL COSTS: \$1,243.00
GTS PROPERTY SANTA ANA INC CO/ BIEN GAN OEI 3250 WILSHIRE BLVD., #1106 LOS ANGELES, CA 90010	200-0-291-325 740 DORIS AVE. NOTICE DATE:	04/15/11	ABATEMENT COSTS: \$1,419.00 NOTICE COSTS: 50.00 APPEAL COSTS: 0.00 TOTAL COSTS: \$1,469.00
ROY & ANELYN WIEBELHAUS 501 NE 120 TH ST. LAWTON, OK 73507	221-0-172-015 1500 MONET CT. NOTICE DATE	04/20/11	ABATEMENT COSTS: \$183.00 NOTICE COSTS: 50.00 APPEAL COSTS: 0.00 TOTAL COSTS: \$233.00
MAYOLA H. BLACK FRANCIENE P. BLACK 1161 W. BIRCH ST. OXNARD, CA 93033	203-0-091-290 1161 W. BIRCH ST. NOTICE DATE:	05/25/11	ABATEMENT COSTS: \$488.00 NOTICE COSTS: 50.00 APPEAL COSTS: 0.00 TOTAL COSTS: \$538.00
GREG DE LA CERDA C/O Shawna Nazari Law Ofc 4854 VAN NUYS BLVD #5 SHERMAN OAKS, CA 91403	183-0-342-215 1530 UKIAH ST. NOTICE DATE:	06/30/11	ABATEMENT COSTS: \$533.00 OTICE COSTS: 50.00 APPEAL COSTS: 0.00 TOTAL COSTS: \$583.00
FROILAN & CHERRY COSTALES JR 22817 S. VAN DEERE AVE. TORRENCE, CA 90502	215-0-123-145 1651 LICHOW WY NOTICE DATE:	07/06/11	ABATEMENT COSTS: \$225.50 NOTICE COSTS: 50.00 APPEAL COSTS: 0.00 TOTAL COSTS: \$275.50
ESOLA CAPITAL INVESTS LLC DAN TEPPER 15720 VENTURA VL #400 ENCINO, CA 91436	201-0-213-110 217 E. SIXTH ST. NOTICE DATE:	07/27/11	ABATEMENT COSTS: \$533.00 NOTICE COSTS: 50.00 APPEAL COSTS: 0.00 TOTAL COSTS: \$583.00
GTS PROPERTY SANTA ANA INC CO/ BIEN GAN OEI 3250 WILSHIRE BLVD., #1106 LOS ANGELES, CA 90010	200-0-291-325 740 DORIS AVE. NOTICE DATE	08/31/11	ABATEMENT COSTS: \$623.00 NOTICE COSTS: 50.00 APPEAL COSTS: 0.00 TOTAL COSTS: \$673.00

Attachment 1

PAGE 1 OF 1



Meeting Date: 6/05/12

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

Prepared By: Rob Silverstein

Agenda Item No. L-5

Reviewed By: City Manager [Signature]

City Attorney [Signature]

Finance [Signature]

Other (Specify) _____

DATE: June 5, 2012

TO: City Council

FROM: Jeri Williams, Chief of Police [Signature]
Police Department

SUBJECT: Recovery of Civil Citation Fines

RECOMMENDATION

That City Council:

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

DISCUSSION

Oxnard City Code ("OCC") Sections 7-50 to 7-64, inclusive, set forth the procedures for recovering fines levied by the City in the form of civil citations for City Code violations. OCC Section 7-52 provides that civil citation fines shall be paid by the person who received the citation. Furthermore, OCC Section 7-64 provides that fines shall be a lien against the property of the person who received the citation. Notice has been given to each property owner, pursuant to OCC Section 7-64.

Pursuant to OCC Section 7-64, the City Council is to consider objections by any property owner whose property is to be assessed with civil citation fines as set forth in the cost report. Appropriate adjustments to the cost report may be made at the City Council's direction.

Upon approval of the cost report, the City Manager shall file a certified copy of the cost report with the Ventura County Auditor-Controller in order to enter the civil citation fines as special assessments on the fiscal year 2012-2013 property tax roll.

FINANCIAL IMPACT

The Code Compliance Unit includes revenue from civil citations in its annual budget projections. Approval of the cost report and the placement of the special assessments will reinforce the collection of this revenue.

RS:bkf

Attachment #1 - Civil Citation Cost Report

CIVIL CITATION COST REPORT

The City has levied Civil Penalties in accordance with City Ordinance Chapter 7

PROPERTY OWNER			LIEN PARCEL NO.			TOTAL FINE ON LIEN		
TONY DE LA TORRE 945 CALIENTE WY OXNARD, CA 93036-6260			142-0-301-095 945 CALIENTE WY CITATION NO. 26341		ISSUED DATE: 1/04/11	FINE AMOUNT: \$100.00 LATE FEE: 25.00 TOTAL FINE: \$125.00		
JOSEPH M. & ROSIE GUZMAN PO BOX 2754 OXNARD, CA 93034-2754			204-0-233-155 662 E. POPLAR ST. CITATION NO. 26805		ISSUED DATE: 2/07/11	FINE AMOUNT: \$100.00 LATE FEE: 25.00 TOTAL FINE: \$125.00		
JOSEPH M. & ROSIE GUZMAN PO BOX 2754 OXNARD, CA 93034-2754			204-0-233-155 662 E. POPLAR ST. CITATION NO. 27016		ISSUED DATE: 4/29/11	FINE AMOUNT: \$200.00 LATE FEE: 25.00 TOTAL FINE: \$225.00		
JOSEPH M. & ROSIE GUZMAN PO BOX 2754 OXNARD, CA 93034-2754			204-0-233-155 662 E. POPLAR ST. CITATION NO. 38564		ISSUED DATE: 6/25/11	FINE AMOUNT: \$500.00 LATE FEE: 25.00 TOTAL FINE: \$525.00		
JOSEPH M & ROSIE GUZMAN PO BOX 2754 OXNARD, CA 93034-2754			204-0-233-155 662 E. POPLAR ST. CITATION NO. 39606		ISSUED DATE: 11/23/11	FINE AMOUNT: \$100.00 LATE FEE: 25.00 TOTAL FINE: \$125.00		
JESUS L. LUNA 2005 SAN BENITO ST. OXNARD, CA 93033-4709			220-0-083-145 2005 SAN BENITO CITATION NO. 26503		ISSUED DATE: 1/06/11	FINE AMOUNT: \$600.00 LATE FEE: 25.00 TOTAL FINE: \$625.00		
SILVIA RODRIGUEZ 1205 HILL ST. OXNARD, CA 93033-3033			203-0-021-010 1205 HILL ST. CITATION NO. 26502		ISSUED DATE: 1/06/11	FINE AMOUNT: \$200.00 LATE FEE: 25.00 TOTAL FINE: \$225.00		
SILVIA RODRIGUEZ 4400 HAMILTON AVE. OXNARD, CA 93033-3033			221-0-022-015 4400 HAMILTON AVE CITATION NO. 26505		ISSUED DATE: 1/06/11	FINE AMOUNT: \$400.00 LATE FEE: 25.00 TOTAL FINE: \$425.00		
JUAN M. CERVANTES 765 BORREGO WY OXNARD, CA 93033-6506			219-0-416-215 765 BORREGO WY CITATION NO. 26577		ISSUED DATE: 1/06/11	FINE AMOUNT: \$100.00 LATE FEE: 25.00 TOTAL FINE: \$125.00		
JUAN M. CERVANTES 765 BORREGO WY OXNARD, CA 93033-6506			219-0-416-215 765 BORREGO WY CITATION NO. 27018		ISSUED DATE: 4/29/11	FINE AMOUNT: \$200.00 LATE FEE: 25.00 TOTAL FINE: \$225.00		
JUAN M. CERVANTES 765 BORREGO WY OXNARD, CA 93033-6506			219-0-416-215 765 BORREGO WY CITATION NO. 23442		ISSUED DATE: 5/19/11	FINE AMOUNT: \$200.00 LATE FEE: 25.00 TOTAL FINE: \$225.00		
JUAN M. CERVANTES 765 BORREGO WY OXNARD, CA 93033-6506			219-0-416-215 765 BORREGO WY CITATION NO. 38881		ISSUED DATE: 9/21/11	FINE AMOUNT: \$300.00 LATE FEE: 25.00 TOTAL FINE: \$325.00		
REYES COVARRUBIAS 1900 LA PUERTA AVE. OXNARD, CA 93030-5557			216-0-173-145 1900 LA PUERTA AVE. CITATION NO. 26601		ISSUED DATE: 1/11/11	FINE AMOUNT: \$100.00 LATE FEE: 25.00 TOTAL FINE: \$125.00		
REYES COVARRUBIAS 1900 LA PUERTA AVE. OXNARD, CA 93030-5557			216-0-173-145 1900 LA PUERTA AVE. CITATION NO. 27107		ISSUED DATE: 3/22/11	FINE AMOUNT: \$200.00 LATE FEE: 25.00 TOTAL FINE: \$225.00		
REYES COVARRUBIAS 1900 LA PUERTA AVE. OXNARD, CA 93030-5557			216-0-173-145 1900 LA PUERTA AVE. CITATION NO. 26935		ISSUED DATE: 8/30/11	FINE AMOUNT: \$500.00 LATE FEE: 25.00 TOTAL FINE: \$525.00		
REYES COVARRUBIAS 1900 LA PUERTA AVE. OXNARD, CA 93030-5557			216-0-173-145 1900 LA PUERTA AVE. CITATION NO. 38766		ISSUED DATE: 11/16/11	FINE AMOUNT: \$500.00 LATE FEE: 25.00 TOTAL FINE: \$525.00		
STEVEN HENRY 10285 ALEXANDRIA ST. VENTURA, CA 93004-2447			089-0-141-275 10285 ALEXANDRIA ST. CITATION NO. 25531		ISSUED DATE: 1/12/11	FINE AMOUNT: \$300.00 LATE FEE: 25.00 TOTAL FINE: \$325.00		
JOHANNES H. BRANDS 2310 IRONBARK DR. OXNARD, CA 93036--1546			139-0-372-185 2310 IRONBARK DR. CITATION NO. 26642		ISSUED DATE: 1/12/11	FINE AMOUNT: \$200.00 LATE FEE: 25.00 TOTAL FINE: \$225.00		
ROGELIO M. ROSALES 889 SO. B ST. OXNARD, CA 93030-7188			202-0-360-045 889 SO. B ST. CITATION NO. 26591		ISSUED DATE: 1/13/11	FINE AMOUNT: \$200.00 LATE FEE: 25.00 TOTAL FINE: \$225.00		
ROSA E. MADRID 1239 SO. M ST. OXNARD, CA 93033-1514			203-0-011-450 1239 SO. M ST.. CITATION NO. 25917		ISSUED DATE: 1/13/11	FINE AMOUNT: \$700.00 LATE FEE: 25.00 TOTAL FINE: \$725.00		

CIVIL CITATION COST REPORT

The City has levied Civil Penalties in accordance with City Ordinance Chapter 21

PROPERTY OWNER			LIEN PARCEL NO.		TOTAL DUE ON LIEN		
YOLANDA F. TUCKER 4711 CLOVER DR., #2 OXNARD, CA	93033-7270	222-0-142-115 4711 CLOVER DR. CITATION NO.	26597	ISSUED DATE:	1/14/11	FINE AMOUNT: LATE FEE: TOTAL FINE:	\$100.00 25.00 \$125.00
BLANCA E. VEGA 644 NO. H ST. OXNARD, CA	93030-4425	200-0-186-145 644 N. H ST. CITATION NO.	26566	ISSUED DATE:	1/022/11	FINE AMOUNT: LATE FEE: TOTAL FINE:	\$500.00 25.00 \$525.00
ALBERT RUIZ PO BOX 1507 PORT HUENEME, CA	93041-2501	183-0-250-210 1122 PATTERSON RD. CITATION NO.	26665	ISSUED DATE:	1/24/11	FINE AMOUNT: LATE FEE: TOTAL FINE:	\$200.00 25.00 \$225.00
ALBERT RUIZ PO BOX 1507 PORT HUENEME, CA	93041-2501	183-0-250-210 1122 PATTERSON RD. CITATION NO.	39048	ISSUED DATE:	8/08/11	FINE AMOUNT: LATE FEE: TOTAL FINE:	\$200.00 25.00 \$225.00
MARY E. SMITH 5107 WHITECAP ST. OXNARD, CA	93035-1848	191-0-072-165 5107 WHITECAP ST. CITATION NO.	26671	ISSUED DATE:	1/28/11	FINE AMOUNT: LATE FEE: TOTAL FINE:	\$200.00 25.00 \$225.00
PHILLIP SMITH 1810 CAPSTAN DR. OXNARD, CA	93035-3107	187-0-051-175 1810 CAPSTAN DR. CITATION NO.	25645	ISSUED DATE:	2/04/11	FINE AMOUNT: LATE FEE: TOTAL FINE:	\$700.00 25.00 \$725.00
PHILLIP SMITH 1810 CAPSTAN DR. OXNARD, CA	93035-3107	187-0-051-175 1810 CAPSTAN DR. CITATION NO.	26976	ISSUED DATE:	3/07/11	FINE AMOUNT: LATE FEE: TOTAL FINE:	\$1,400.00 25.00 \$1,425.00
IRMA GONZALEZ 1821 DUNSMUIR CT. OXNARD, CA	93033-3338	183-0-383-255 1821 DUNSMUIR CT. CITATION NO.	26777	ISSUED DATE:	2/02/11	FINE AMOUNT: LATE FEE: TOTAL FINE:	\$600.00 25.00 \$625.00
IRMA GONZALEZ 1821 DUNSMUIR CT. OXNARD, CA	93033-3338	183-0-383-255 1821 DUNSMUIR CT. CITATION NO.	39655	ISSUED DATE:	10/27/11	FINE AMOUNT: LATE FEE: TOTAL FINE:	\$100.00 25.00 \$125.00
RUBEN L. GARCIA 3014 CIRCLE DR. OXNARD, CA	93033-5412	219-0-281-065 3014 CIRCLE DR. CITATION NO.	26913	ISSUED DATE:	2/10/11	FINE AMOUNT: LATE FEE: PARTIAL PAYMENT: TOTAL FINE:	\$800.00 25.00 -\$100.00 \$725.00
DORA L. GARCIA 9681 CHAMBERLAIN ST. VENTURA, CA	93004-3075	201-0-154-120 204 LUPITA ST. CITATION NO.	26811	ISSUED DATE:	2/10/11	FINE AMOUNT: LATE FEE: TOTAL FINE:	\$100.00 25.00 \$125.00
DORA L. GARCIA 9681 CHAMBERLAIN ST. VENTURA, CA	93004-3075	201-0-154-120 204 LUPITA ST. CITATION NO.	27006	ISSUED DATE:	2/26/11	FINE AMOUNT: LATE FEE: TOTAL FINE:	\$100.00 25.00 \$125.00
MIGUEL A. MONTANO 2076 SO. J ST. OXNARD, CA	93033-3419	203-0-261-015 2076 SO. J ST. CITATION NO.	26899	ISSUED DATE:	2/10/11	FINE AMOUNT: LATE FEE: TOTAL FINE:	\$200.00 25.00 \$225.00
FIDEL S. DURAN 2135 MARIN WY OXNARD, CA	93033-4818	220-0-051-135 2135 MARIN WY CITATION NO.	26906	ISSUED DATE:	2/10/11	FINE AMOUNT: LATE FEE: TOTAL FINE:	\$200.00 25.00 \$225.00
JOE J. VILLA 1421 MAGNOLIA AVE. OXNARD, CA	93030-5249	201-0-121-200 632 COOPER RD. CITATION NO.	26819	ISSUED DATE:	2/17/11	FINE AMOUNT: LATE FEE: PARTIAL PAYMENT TOTAL FINE:	\$300.00 25.00 -200.00 \$125.00
MARIA E. MAGANA 2200 BEAUFORT DR. OXNARD, CA	93033-4007	220-0-152-055 2200 BEAUFORT DR. CITATION NO.	26820	ISSUED DATE:	2/17/11	FINE AMOUNT: LATE FEE: TOTAL FINE:	\$1,000.00 25.00 \$1,025.00
STEVEN D. THOMPSON 2101 POSADA DR. OXNARD, CA	93030-0131	213-0-152-105 2101 POSADA DR. CITATION NO.	26696	ISSUED DATE:	2/28/11	FINE AMOUNT: LATE FEE: TOTAL FINE:	\$200.00 25.00 \$225.00
RAY VILLANUEVA 101 SO. G ST. OXNARD, CA	93030-5215	202-0-030-390 101 SO. G ST. CITATION NO.	27051	ISSUED DATE:	3/02/11	FINE AMOUNT: LATE FEE: TOTAL FINE:	\$200.00 25.00 \$225.00
RAY VILLANUEVA 101 SO. G ST. OXNARD, CA	93030-5215	202-0-030-390 101 SO. G ST. CITATION NO.	26729	ISSUED DATE:	3/03/11	FINE AMOUNT: LATE FEE: TOTAL FINE:	\$200.00 25.00 \$225.00

CIVIL CITATION COST REPORT

The City has levied Civil Penalties in accordance with City Ordinance Chapter 7

PROPERTY OWNER	LIEN PARCEL NO.	TOTAL FINE ON LIEN
CRISTIAN R. MARTINEZ 666 DORIS AVE. OXNARD, CA 93030-4637	200-0-301-030 666 DORIS AVE. CITATION NO. 27651	ISSUED DATE: 3/12/11 FINE AMOUNT: \$100.00 LATE FEE: 25.00 TOTAL FINE: \$125.00
ERNESTINA GUTIERREZ 1401 MORRIS ST. OXNARD, CA 93030	201-0-312-225 1401 MORRIS ST. CITATION NO. 26612	ISSUED DATE: 3/15/11 FINE AMOUNT: \$300.00 LATE FEE: 25.00 TOTAL FINE: \$325.00
CLARA M. SALVIO 121 N. GARFIELD AVE. OXNARD, CA 93030-5411	201-0-123-090 121 N. GARFIELD AVE. CITATION NO. 26622	ISSUED DATE: 3/16/11 FINE AMOUNT: \$600.00 LATE FEE: 25.00 TOTAL FINE: \$625.00
CLARA M. SALVIO 121 N. GARFIELD AVE. OXNARD, CA 93030-5411	201-0-123-090 121 N. GARFIELD AVE. CITATION NO. 38756	ISSUED DATE: 8/01/11 FINE AMOUNT: \$1,000.00 LATE FEE: 25.00 TOTAL FINE: \$1,025.00
ISIDRO GARCIA 107 GIBALTAR ST. OXNARD, CA 93030-5115	216-0-094-135 107 GIBALTAR ST. CITATION NO. 26624	ISSUED DATE: 3/16/11 FINE AMOUNT: \$500.00 LATE FEE: 25.00 TOTAL FINE: \$525.00
ISIDRO GARCIA 107 GIBALTAR ST. OXNARD, CA 93030-5115	216-0-094-135 107 GIBALTAR ST. CITATION NO. 27254	ISSUED DATE: 6/23/11 FINE AMOUNT: \$500.00 LATE FEE: 25.00 TOTAL FINE: \$525.00
IRENE DIAZ 1900 LENNOX CT. OXNARD, CA 93030-8707	201-0-324-075 1624 E. SECOND ST. CITATION NO. 27101	ISSUED DATE: 3/16/11 FINE AMOUNT: \$500.00 LATE FEE: 25.00 TOTAL FINE: \$525.00
ESPERANZA CONTRRAS 462 N. GARFIELD AVE. OXNARD, CA 93030-3611	201-0-023-170 462 E. GARFIELD AVE. CITATION NO. 26623	ISSUED DATE: 3/16/11 FINE AMOUNT: \$200.00 LATE FEE: 25.00 TOTAL FINE: \$225.00
ESPERANZA CONTRRAS 462 N. GARFIELD AVE. OXNARD, CA 93030-3611	201-0-023-170 462 E. GARFIELD AVE. CITATION NO. 39551	ISSUED DATE: 10/22/11 FINE AMOUNT: \$700.00 LATE FEE: 25.00 TOTAL FINE: \$725.00
ALICIA T. CAZARES 112 S. MCKINLEY AVE. OXNARD, CA 93030-6026	201-0-141-210 112 S. MCKINLEY AVE. CITATION NO. 27110	ISSUED DATE: 3/22/11 FINE AMOUNT: \$300.00 LATE FEE: 25.00 FINE: \$325.00
ALICIA T. CAZARES 112 S. MCKINLEY AVE. OXNARD, CA 93030-6026	201-0-141-210 112 S. MCKINLEY AVE. CITATION NO. 27233	ISSUED DATE: 5/04/11 FINE AMOUNT: \$600.00 LATE FEE: 25.00 TOTAL FINE: \$625.00
ALICIA T. CAZARES 112 S. MCKINLEY AVE. OXNARD, CA 93030-6026	201-0-141-210 112 S. MCKINLEY AVE. CITATION NO. 39577	ISSUED DATE: 10/22/11 FINE AMOUNT: \$1,500.00 LATE FEE: 25.00 TOTAL FINE: \$1,525.00
TERESA G. BARRIENTOS 508 N. MCKINLEY AVE. OXNARD, CA 93030-3662	201-0-032-210 508 N. MCKINLEY AVE. CITATION NO. 27108	ISSUED DATE: 3/22/11 FINE AMOUNT: \$1,500.00 LATE FEE: 25.00 TOTAL FINE: \$1,525.00
TERESA G. BARRIENTOS 508 N. MCKINLEY AVE. OXNARD, CA 93030-3662	201-0-032-210 508 N. MCKINLEY AVE. CITATION NO. 39578	ISSUED DATE: 10/22/11 FINE AMOUNT: \$1,500.00 LATE FEE: 25.00 TOTAL FINE: \$1,525.00
ALFONSO PULIDO 1201 CESAR CHAVEZ DR. OXNARD, CA 93030-1834	220-0-105-085 1834 MACARTHUR PL. CITATION NO. 27112	ISSUED DATE: 3/23/11 FINE AMOUNT: \$100.00 LATE FEE: 25.00 TOTAL FINE: \$125.00
ALFONSO PULIDO 1201 CESAR CHAVEZ DR. OXNARD, CA 93030-1834	220-0-105-085 1834 MACARTHUR PL. CITATION NO. 38768	ISSUED DATE: 11/28/11 FINE AMOUNT: \$500.00 LATE FEE: 25.00 TOTAL FINE: \$525.00
CAROLA A. LOCKMER PO BOX 3361 ORANGE, CA 92857-0361	222-0-052-100 674 HOWELL RD. CITATION NO. 27152	ISSUED DATE: 3/26/11 FINE AMOUNT: \$900.00 LATE FEE: 25.00 TOTAL FINE: \$925.00
ESOLA CAPITOL INVESTMENT LLC DAN TEPPER 15720 VENTURA BLVD., #400 ENCINO CA 91436-2911	201-0-213-110 235 E. 6 TH ST. CITATION NO. 25534	ISSUED DATE: 3/30/11 FINE AMOUNT: \$200.00 LATE FEE: 25.00 TOTAL FINE: \$225.00
ESOLA CAPITOL INVESTMENT LLC DAN TEPPER 15720 VENTURA BLVD., #400 ENCINO CA 91436-2911	201-0-213-110 235 E. 6 TH ST. CITATION NO. 25540	ISSUED DATE: 6/15/11 FINE AMOUNT: \$400.00 LATE FEE: 25.00 TOTAL FINE: \$425.00

CIVIL CITATION COST REPORT

The City has levied Civil Penalties in accordance with City Ordinance Chapter 21

PROPERTY OWNER	LIEN PARCEL NO.	TOTAL DUE ON LIEN
ESOLA CAPITOL INVESTMENT LLC DAN TEPPER 15720 VENTURA BLVD., #400 ENCINO CA 91436-2911	201-0-213-110 235 E. 6 TH ST. CITATION NO. 25543	ISSUED DATE: 8/01/11 FINE AMOUNT: \$200.00 LATE FEE: 25.00 TOTAL FINE: \$225.00
CLARENCE HAACK 245 FOUNDRY LN OXNARD, CA 38320	231-0-032-165 6200 PERKINS RD. CITATION NO. 27153	ISSUED DATE: 4/07/11 FINE AMOUNT: \$200.00 LATE FEE: 25.00 TOTAL FINE: \$225.00
CLARENCE HAACK 245 FOUNDRY LN OXNARD, CA 38320	231-0-032-165 6200 PERKINS RD. CITATION NO. 27162	ISSUED DATE: 11/22/11 FINE AMOUNT: \$1,000.00 LATE FEE: 25.00 TOTAL FINE: \$1,025.00
CLARENCE HAACK 245 FOUNDRY LN OXNARD, CA 38320	231-0-032-165 6200 PERKINS RD. CITATION NO. 27163	ISSUED DATE: 11/22/11 FINE AMOUNT: \$100.00 LATE FEE: 25.00 TOTAL FINE: \$125.00
HERMAN ISTRIN PO BOX 428 SUN VALLEY, CA 91353-0428	188-0-064-015 2230 JAMESTOWN LN CITATION NO. 26979	ISSUED DATE: 4/07/11 FINE AMOUNT: \$200.00 LATE FEE: 25.00 TOTAL FINE: \$225.00
OLIVIA CORTEZ 1158 SO. H ST. OXNARD, CA 93033-1536	203-0-041-100 1158 SO. H ST. CITATION NO. 26452	ISSUED DATE: 4/07/11 FINE AMOUNT: \$200.00 LATE FEE: 25.00 TOTAL FINE: \$225.00
OLIVIA CORTEZ 1158 SO. H ST. OXNARD, CA 93033-1536	203-0-041-100 1158 SO. H ST. CITATION NO. 26474	ISSUED DATE: 8/14/11 FINE AMOUNT: \$1,000.00 LATE FEE: 25.00 TOTAL FINE: \$1,025.00
JASON DUARTE 4511 FALKIRK BAY OXNARD, CA 93035-3709	188-0-100-115 4511 FALKIRK BAY CITATION NO. 26986	ISSUED DATE: 4/19/11 FINE AMOUNT: \$2,000.00 LATE FEE: 25.00 TOTAL FINE: \$2,025.00
JASON DUARTE 4511 FALKIRK BAY OXNARD, CA 93035-3709	188-0-100-115 4511 FALKIRK BAY CITATION NO. 26998	ISSUED DATE: 7/18/11 FINE AMOUNT: \$2,000.00 LATE FEE: 25.00 TOTAL FINE: \$2,025.00
CORAZON B. USREY 1211 W. ROBERT AVE. OXNARD, CA 93030-4115	200-0-161-185 1211 W. ROBERT AVE. CITATION NO. 26105	ISSUED DATE: 4/21/11 FINE AMOUNT: \$100.00 LATE FEE: 25.00 TOTAL FINE: \$125.00
CORAZON B. USREY 1211 W. ROBERT AVE. OXNARD, CA 93030-4115	200-0-161-185 1211 W. ROBERT AVE. CITATION NO. 26112	ISSUED DATE: 7/06/11 FINE AMOUNT: \$400.00 LATE FEE: 25.00 TOTAL FINE: \$425.00
CORAZON B. USREY 1211 W. ROBERT AVE. OXNARD, CA 93030-4115	200-0-161-185 1211 W. ROBERT AVE. CITATION NO. 26122	ISSUED DATE: 12/01/11 FINE AMOUNT: \$00.00 LATE FEE: 25.00 TOTAL FINE: \$425.00
POLO AVALOS 118 CORDOVA ST. OXNARD, CA 93030-5532	216-0-074-115 118 CORDOVA ST. CITATION NO. 27231	ISSUED DATE: 4/26/11 FINE AMOUNT: \$1,000.00 LATE FEE: 25.00 TOTAL FINE: \$1,025.00
PATRICK C. HUND 5114 LONGFELLOW WY OXNARD, CA 93033-8608	222-0-320-205 5114 LONGFELLOW WY CITATION NO. 22903	ISSUED DATE: 5/11/11 FINE AMOUNT: \$300.00 LATE FEE: 25.00 TOTAL FINE: \$325.00
CENTRO WATT PROPERTY OWNERS LLC PO BOX 131071 CARLSBAD, CA 92013-1071	142-0-010-625 151 W. ESPLANADE DR. CITATION NO. 26768	ISSUED DATE: 5/12/11 FINE AMOUNT: \$100.00 LATE FEE: 25.00 TOTAL FINE: \$125.00
CENTRO WATT PROPERTY OWNERS LLC PO BOX 131071 CARLSBAD, CA 92013-1071	142-0-010-625 151 W. ESPLANADE DR. CITATION NO. 38662	ISSUED DATE: 6/02/11 FINE AMOUNT: \$100.00 LATE FEE: 25.00 TOTAL FINE: \$125.00
LAURIE A. HOPPER SMITH PO BOX 506 ALTON, NH 03809-0506	220-0-085-085 1944 PERICLES CITATION NO. 38552	ISSUED DATE: 5/16/11 FINE AMOUNT: \$1,600.00 LATE FEE: 25.00 TOTAL FINE: \$1,625.00
FLAVIO V. MARTINEZ 315 E. GUAVA ST. OXNARD, CA 93033-3622	204-0-112-280 315 E. GUAVA ST. CITATION NO. 38582	ISSUED DATE: 5/16/11 FINE AMOUNT: \$200.00 LATE FEE: 25.00 TOTAL FINE: \$225.00
RICKY SADSAD 2064 AVILA PL. OXNARD, CA 93030-8256	142-0-240-705 2064 AVILA PL. CITATION NO. 38613	ISSUED DATE: 5/19/11 FINE AMOUNT: \$200.00 LATE FEE: 25.00 TOTAL FINE: \$225.00

CIVIL CITATION COST REPORT

The City has levied Civil Penalties in accordance with City Ordinance Chapter 7

PROPERTY OWNER			LIEN PARCEL NO.			TOTAL FINE ON LIEN		
ALMA R. ALVAREZ 1266 W. IRIS ST. OXNARD, CA	93033-3339		203-0-232-135 1266 W. IRIS ST. CITATION NO.	38591	ISSUED DATE	5/20/11	FINE AMOUNT: LATE FEE: TOTAL FINE:	\$200.00 25.00 \$225.00
JESSIKAH F. CONTRERAS 3047 KELP LN OXNARD, CA	93035-1661		185-0-060-625 3047 KELP LN CITATION NO.	38608	ISSUED DATE:	5/20/11	FINE AMOUNT: LATE FEE: TOTAL FINE:	\$400.00 25.00 \$425.00
REYNALDA M. MONTEZ 131 N. BALSAM ST. OXNARD, CA	93030-5507		216-0-072-105 131 N. BALSAM ST. CITATIO NO.	38611	ISSUED DATE:	5/20/11	FINE AMOUNT: LATE FEE: TOTAL FINE:	\$200.00 25.00 \$225.00
REYNALDA M. MONTEZ 131 N. BALSAM ST. OXNARD, CA	93030-5507		216-0-072-105 131 N. BALSAM ST. CITATIO NO.	38824	ISSUED DATE:	8/04/11	FINE AMOUNT: LATE FEE: TOTAL FINE:	\$200.00 25.00 \$225.00
JULIANA R. ZARATE PO BOX 8252 OXNARD, CA	93031-8252		221-0-011-195 4911 TERRACE AVE. CITATION NO.	22907	ISSUED DATE:	6/03/11	FINE AMOUNT: LATE FEE: TOTAL FINE:	\$100.00 25.00 \$125.00
JUANA CHAVEZ 221 GRISSOM WY OXNARD, CA	93033-0177		222-0-112-015 5214 CHARLES ST. CITATION NO.	22905	ISSUED DATE:	6/02/11	FINE AMOUNT: LATE FEE: TOTAL FINE:	\$200.00 25.00 \$225.00
JUANA CHAVEZ 221 GRISSOM WY OXNARD, CA	93033-0177		222-0-112-015 5214 CHARLES ST. CITATION NO.	24846	ISSUED DATE:	7/15/11	FINE AMOUNT: LATE FEE: TOTAL FINE:	\$500.00 25.00 \$525.00
JUANA CHAVEZ 221 GRISSOM WY OXNARD, CA	93033-0177		222-0-112-205 5220 CHARLES ST. CITATION NO.	22906	ISSUED DATE:	6/02/11	FINE AMOUNT: LATE FEE: TOTAL FINE:	\$200.00 25.00 \$225.00
JUANA CHAVEZ 221 GRISSOM WY OXNARD, CA	93033-0177		222-0-112-205 5220 CHARLES ST. CITATION NO.	24848	ISSUED DATE:	7/15/11	FINE AMOUNT: LATE FEE: TOTAL FINE:	\$500.00 25.00 \$525.00
CARMEN TELLEZ 3042 SO. D ST. OXNARD, CA	93033-5204		205-0-061-205 3042 SO. D ST. CITATION NO.	27280	ISSUED DATE:	6/06/11	FINE AMOUNT: LATE FEE: TOTAL FINE:	\$100.00 25.00 \$125.00
SALVADOR GUTIERREZ 2381 DIAMOND HEAD WY OXNARD, CA	93036-7765		201-0-154-045 231 S. MARQUITA ST. CITATION NO.	27240	ISSUED DATE:	6/08/11	FINE AMOUNT: LATE FEE: TOTAL FINE:	\$1,500.00 25.00 \$1,525.00
ANTHONY F. RODRIGUEZ 1776 VALEROSA WY OXNARD, CA	93030-0119		215-0-221-175 1776 VALEROSA WY CITATION NO.	38641	ISSUED DATE:	6/13/11	FINE AMOUNT: LATE FEE: TOTAL FINE:	\$200.00 25.00 \$225.00
MERCEDES CORONADO PO BOX 51722 OXNARD, CA	93031-1722		142-0-121-055 1932 ISABELLA ST. CITATION NO.	26109	ISSUED DATE:	6/15/11	FINE AMOUNT: LATE FEE: TOTAL FINE:	\$100.00 25.00 \$125.00
CARLOS A. ANAYA PO BOX 1308 OXNARD, CA	93032-1308		201-0-192-155 720 E. 5 TH ST. CITATION NO.	26621	ISSUED DATE:	3/15/11	FINE AMOUNT: LATE FEE: TOTAL FINE:	\$100.00 25.00 \$125.00
CARLOS A. ANAYA PO BOX 1308 OXNARD, CA	93032-1308		201-0-192-155 720 E. 5 TH ST. CITATION NO.	27249	ISSUED DATE:	6/15/11	FINE AMOUNT: LATE FEE: TOTAL FINE:	\$200.00 25.00 \$225.00
CARLOS A. ANAYA PO BOX 1308 OXNARD, CA	93032-1308		201-0-192-155 720 E. 5 TH ST. CITATION NO.	27264	ISSUED DATE:	9/07/11	FINE AMOUNT: LATE FEE: TOTAL FINE:	\$500.00 25.00 \$525.00
CARLOS A. ANAYA PO BOX 1308 OXNARD, CA	93032-1308		201-0-192-155 720 E. 5 TH ST. CITATION NO.	27269	ISSUED DATE:	10/05/11	FINE AMOUNT: LATE FEE: TOTAL FINE:	\$500.00 25.00 \$525.00
CARLOS A. ANAYA PO BOX 1308 OXNARD, CA	93032-1308		201-0-192-155 720 E. 5 TH ST. CITATION NO.	39583	ISSUED DATE:	11/16/11	FINE AMOUNT: LATE FEE: TOTAL FINE:	\$500.00 25.00 \$525.00
CARLOS R. ZIZUMBO PO BOX 1308 OXNARD, CA	93032-1308		201-0-192-155 720 E. 5 TH ST. CITATION NO.	26620	ISSUED DATE:	3/15/11	FINE AMOUNT: LATE FEE: TOTAL FINE:	\$100.00 25.00 \$125.00
CARLOS R. ZIZUMBO PO BOX 1308 OXNARD, CA	93032-1308		201-0-192-155 720 E. 5 TH ST. CITATION NO.	27250	ISSUED DATE:	6/15/11	FINE AMOUNT: LATE FEE: TOTAL FINE:	\$200.00 25.00 \$225.00

CIVIL CITATION COST REPORT

The City has levied Civil Penalties in accordance with City Ordinance Chapter 21

PROPERTY OWNER	LIEN PARCEL NO.	TOTAL DUE ON LIEN
LUIS E. RODRIGUEZ 1511 QINCY ST. OXNARD, CA 93033-3938	203-0-183-140 404 W. ELM ST. CITATION NO. 26461	ISSUED DATE: 6/15/11 FINE AMOJNT: \$200.00 LATE FEE: 25.00 TOTAL FINE: \$225.00
LUIS E. RODRIGUEZ 1511 QINCY ST. OXNARD, CA 93033-3938	200-0-321-110 345 DEODAR AVE. CITATION NO. 25541	ISSUED DATE: 7/12/11 FINE AMOJNT: \$400.00 LATE FEE: 25.00 TOTAL FINE: \$425.00
GRACIELA CORONA 555 N. GARFIELD AVE. OXNARD, CA 93030-3610	201-0-022-360 555 N. GARFIELD AVE. CITATION NO. 27253	ISSUED DATE: 6/23/11 FINE AMOUNT: \$200.00 LATE FEE: 25.00 TOTAL FINE: \$225.00
RIGOBERTO O. BIBIAN ATTM CBT & MARTIN D. GOODMAN 456 MONTGOMERY ST. #1300 SAN FRANCISCO, CA 94104-1246	139-0-420-605 410 DELPHINIUM PL CITATION NO. 38740	ISSUED DATE: 6/30/11 FINE AMOUNT: \$200.00 LATE FEE: 25.00 TOTAL FINE: \$225.00
TRACEY L. FARABEE 528 N. GARFIELD AVE. OXNARD, CA 93030-3611	201-0-023-250 528 N. GARFIELD AVE. CITATION NO. 38747	ISSUED DATE: 6/30/11 FINE AMOUNT: \$400.00 LATE FEE: 25.00 TOTAL FINE: \$425.00
TRACEY L. FARABEE 528 N. GARFIELD AVE. OXNARD, CA 93030-3611	201-0-023-250 528 N. GARFIELD AVE. CITATION NO. 39751	ISSUED DATE: 11/14/11 FINE AMOUNT: \$400.00 LATE FEE: 25.00 TOTAL FINE: \$425.00
GREG DE LA CERDA C/O SHAWNA NAZARI ESQ 11568 APULIA CT. NORTHBRIDGE, CA 91326-4400	183-0-342-215 1530 UKIAH ST. CITATION NO. 26995	ISSUED DATE: 7/01/11 FINE AMOUNT: \$100.00 LATE FEE: 25.00 TOTAL FINE: \$125.00
LUIS V. ELEENES 1045 JURYMAST DR. OXNARD, CA 93030-6705	202-0-263-115 1045 JURY MAST DR. CITATION NO. 26463	ISSUED DATE: 7/14/11 FINE AMOUNT: \$100.00 LATE FEE: 25.00 TOTAL FINE: \$125.00
ALICE TREJO ADMIN C/O OCTAVIO JIMENEZ EST 10627 DUMOND AVE. BLOOMINGTON, CA 92316-2549	216-0-063-035 331 BALSAM ST. CITATION NO. 39002	ISSUED DATE: 7/27/11 FINE AMOUNT: \$1,500.00 LATE FEE: 25.00 TOTAL FINE: \$1,525.00
HUMBERTO DEL RAZO 2336 OTTER CREEK LN OXNARD, CA 93036-6269	140-0-022-215 2336 OTTER CREEK LN CITATION NO. 24959	ISSUE DATE: 7/27/11 FINE AMOUNT: \$100.00 LATE FEE: 25.00 TOTAL FINE: \$125.00
SERGIO BARRIENTOS 2300 ONEIDA PL. OXNARD, CA 93030-4727	181-0-073-115 2300 ONEIDA PL. CITATION NO. 24960	ISSUED DATE: 7/28/11 FINE AMOUNT: \$100.00 LATE FEE: 25.00 TOTAL FINE: \$125.00
HORACIO M. MACIAS 724 E. FIRST ST. OXNARD, CA 93030-6056	201-0-141-020 724 E. FIRST ST. CITATION NO. 38825	ISSUED DATE: 8/04/11 FINE AMOUNT: \$200.00 LATE FEE: 25.00 TOTAL FINE: \$225.00
MALISA P. SANCHEZ 1400 W. DATE ST. OXNARD, CA 93033-3064	203-0-143-185 1400 W. DATE ST. CITATION NO. 39026	ISSUED DATE: 8/04/11 FINE AMOUNT: \$800.00 LATE FEE: 25.00 TOTAL FINE: \$825.00
ADOLFO MONTIEL 241 GIBRALTER ST. OXNARD, CA 93030-5196	216-0-084-075 241 GIBALTAR ST. CITATION NO. 39027	ISSUED DATE: 8/04/11 FINE AMOUNT: \$200.00 LATE FEE: 25.00 TOTAL FINE: \$225.00
MARISA I. MARTINEZ 335 LA CANADA AVE. OXNARD, CA 93033-6236	219-0-341-075 335 LA CANADA AVE. CITATION NO. 39034	ISSUED DATE: 8/04/11 FINE AMOUNT: \$200.00 LATE FEE: 25.00 TOTAL FINE: \$225.00
ANGELICA MAGANA PO BOX 50927 OXNARD, CA 93031	142-0-295-075 1933 SNOW AVE. CIATION NO. 39062	ISSUE DATE: 8/09/11 FINE AMOUNT: \$200.00 LATE FEE: 25.00 TOTAL FINE: \$225.00
MANUEL CASTANEDA JR 915 W. GUAVA ST. OXNARD, CA 93033-3047	203-0-162-055 915 W. GUAVA ST. CITATION NO. 38860	ISSUED DATE: 8/13/11 FINE AMOUNT: \$200.00 LATE FEE: 25.00 TOTAL FINE: \$225.00
MARISELA DIAZ 735 VALENTINA DR. OXNARD, CA 93030-7624	215-0-094-025 735 VALENTINE DR. CITATION NO. 38715	ISSUED DATE: 8/16/11 FINE AMOUNT: \$400.00 LATE FEE: 25.00 TOTAL FINE: \$425.00
LUIS VERDUZCO 3190 PENZANCE AVE. CAMARILLO, CA 93012-7782	203-0-242-335 1170 W. HEMLOCK ST. CITATION NO. 26469	ISSUED DATE: 8/24/11 FINE AMOUNT: \$100.00 LATE FEE: 25.00 TOTAL FINE: \$125.00

CIVIL CITATION COST REPORT

The City has levied Civil Penalties in accordance with City Ordinance Chapter 7

PROPERTY OWNER			LIEN PARCEL NO.			TOTAL FINE ON LIEN		
JEFFREY B. ZOOK 1311 HIBISCUS ST. OXNARD, CA 93036-2266			139-0-112-265 1311 HIBISCUS ST. CITATION NO. 39255		ISSUED DATE: 8/26/11	FINE AMOUNT: \$200.00 LATE FEE: 25.00 TOTAL FINE: \$225.00		
DEMETRIO JUAREZ 4611 SAN JUAN AVE. OXNARD, CA 93033-7233			222-0-232-155 4611 SAN JUAN AVE. CITATION NO. 26340		ISSUED DATE: 8/26/11	FINE AMOUNT: \$100.00 LATE FEE: 25.00 TOTAL FINE: \$125.00		
THOMAS A. PEREZ 1310 ELDER ST. OXNARD, CA 93036-2223			139-0-104-065 1310 ELDER ST. CITATION NO. 39264		ISSUED DATE: 8/29/11	FINE AMOUNT: \$100.00 LATE FEE: 25.00 TOTAL FINE: \$125.00		
MIGUEL A. ARROYO 2241 SAN MARINO ST. OXNARD, CA 93033-3828			204-0-134-070 2241 SAN MARINO ST. CITATION NO. 39265		ISSUED DATE: 8/29/11	FINE AMOUNT: \$100.00 LATE FEE: 25.00 TOTAL FINE: \$125.00		
ELIAS LOPEZ 130 JULIAN ST. OXNARD, CA 93030-5138			216-0-144-015 130 JULIAN ST. CITATION NO. 38776		ISSUED DATE: 8/30/11	FINE AMOUNT: \$100.00 LATE FEE: 25.00 TOTAL FINE: \$125.00		
PIO A. RODRIGUEZ 720 SARA DR. OXNARD, CA 93030-7680			215-0-091-225 720 SARA DR. CITATION NO. 38778		ISSUED DATE: 8/31/11	FINE AMOUNT: \$200.00 LATE FEE: 25.00 TOTAL FINE: \$225.00		
PIO A. RODRIGUEZ 720 SARA DR. OXNARD, CA 93030-7680			215-0-091-225 720 SARA DR. CITATION NO. 39576		ISSUED DATE: 10/19/11	FINE AMOUNT: \$500.00 LATE FEE: 25.00 TOTAL FINE: \$525.00		
ROBERTO MAGANA 1854 GAUCHO WY OXNARD, CA 93030-5518			216-0-174-085 1854 GAUCHO WY CITATION NO. 38779		ISSUED DATE: 8/31/11	FINE AMOUNT: \$100.00 LATE FEE: 25.00 TOTAL FINE: \$125.00		
BRICIO G. ZARAGOZA 409 N. BONITA AVE. OXNARD, CA 93030-3647			201-0-051-070 409 N. BONITA CITATION NO. 27265		ISSUED DATE: 9/07/11	FINE AMOUNT: \$100.00 LATE FEE: 25.00 TOTAL FINE: \$125.00		
ANNETTE TOWN 1740 NATALIE PL. OXNARD, CA 93030-8776			181-0-193-035 1740 NATALIE PL. CITATION NO. 39352		ISSUED DATE: 9/14/11	FINE AMOUNT: \$200.00 LATE FEE: 25.00 TOTAL FINE: \$225.00		
AMANDA C. ZARATE 850 AZALEA ST. OXNARD, CA 93036-2801			139-0-136-125 850 AZALEA ST. CITATION NO. 39359		ISSUED DATE: 9/14/11	FINE AMOUNT: \$200.00 LATE FEE: 25.00 TOTAL FINE: \$225.00		
JUAN TOLENTINO 1231 LOOKOUT DR. OXNARD, CA 93035-2419			187-0-132-075 1231 LOOKOUT DR. CITATION NO. 39010		ISSUED DATE: 9/15/11	FINE AMOUNT: \$100.00 LATE FEE: 25.00 TOTAL FINE: \$125.00		
ROBERTO CERVANTES 200 W. BARD RD. OXNARD, CA 93033-7014			205-0-133-145 200 W. BARD RD. CITATION NO. 39367		ISSUED DATE: 9/19/11	FINE AMOUNT: \$100.00 LATE FEE: 25.00 TOTAL FINE: \$125.00		
GTS PROPERTY SANTA ANA INC BIEN GAN OEI 3250 WILSHIRE BLVD., #1106 LOS ANGELES, CA 90010-1513			200-0-291-325 740 DORIS AVE. CITATION NO. 39302		ISSUED DATE: 9/20/11	FINE AMOUNT: \$100.00 LATE FEE: 25.00 TOTAL FINE: \$125.00		
ANGIE L. CORONADO 3015 NAPA ST. OXNARD, CA 93033-4925			205-0-171-025 3015 NAPA ST. CITATION NO. 22913		ISSUED DATE: 9/29/11	FINE AMOUNT: \$100.00 LATE FEE: 25.00 TOTAL FINE: \$125.00		
MARCOS AVILA 1821 EBONY DR. OXNARD, CA 93036-8424			181-0-207-095 1821 EBONY DR. CITATION NO. 26117		ISSUED DATE: 10/04/11	FINE AMOUNT: \$100.00 LATE FEE: 25.00 TOTAL FINE: \$125.00		
JOSE G. CLARIDAD 728 REDWOOD ST. OXNARD, CA 93033-5223			205-0-052-095 728 REDWOOD ST. CITATION NO. 39404		ISSUED DATE: 10/05/11	FINE AMOUNT: \$200.00 LATE FEE: 25.00 TOTAL FINE: \$225.00		
GINA M. READY 771 GITANO DR. OXNARD, CA 93030-0165			215-0-252-075 771 GITANO DR. CITATION NO. 39436		ISSUED DATE: 10/13/11	FINE AMOUNT: \$200.00 LATE FEE: 25.00 TOTAL FINE: \$225.00		
LISSA M. LUCIO 741 GITANO DR. OXNARD, CA 93030-0165			215-0-252-045 741 GITANO DR. CITATION NO. 39437		ISSUED DATE: 10/13/11	FINE AMOUNT: \$200.00 LATE FEE: 25.00 TOTAL FINE: \$225.00		

CIVIL CITATION COST REPORT

The City has levied Civil Penalties in accordance with City Ordinance Chapter 21

PROPERTY OWNER			LIEN PARCEL NO.		TOTAL DUE ON LIEN		
ALFRED LANGKIDE JR 1821 CARMEN WY OXNARD, CA	93036-1571	179-0-174-325 1821 CARMEN WY CITATION NO.	39439	ISSUED DATE:	10/13/11	FINE AMOUNT: LATE FEE: TOTAL FINE:	\$200.00 25.00 \$225.00
JAMES D. HUDSON 35 W MAIN ST. #B-323 VENTURA, CA	93001-2507	191-0-031-055 5313 DRIFTWOOD ST. CITATION NO.	39098	ISSUED DATE:	10/14/11	FINE AMOUNT: LATE FEE: TOTAL FINE:	\$500.00 25.00 \$525.00
JAMES D. HUDSON 35 W MAIN ST. #B-323 VENTURA, CA	93001-2507	191-0-031-055 5313 DRIFTWOOD ST. CITATION NO.	39480	ISSUED DATE:	12/05/11	FINE AMOUNT: LATE FEE: TOTAL FINE:	\$500.00 25.00 \$525.00
DANIEL A. FORHAN 725 HALIFAX LN OXNARD, CA	93035-1277	185-0-202-125 725 HALIFAX LN CITATION NO.	28313	ISSUED DATE:	10/14/11	FINE AMOUNT: LATE FEE: TOTAL FINE:	\$100.00 25.00 \$125.00
MONICA L. HERNANDEZ 814 CARINA DR. OXNARD, CA	93030-0175	215-0-263-165 814 CARINA DR. CITATION NO.	39378	ISSUED DATE:	10/17/11	FINE AMOUNT: LATE FEE: TOTAL FINE:	\$200.00 25.00 \$225.00
CELINA L. ZACARIAS 2655 NORTHBROOK DR. OXNARD, CA	93036-1545	140-0-045-045 2655 NORTHBROOK DR. CITATION NO.	39380	ISSUED DATE:	10/17/11	FINE AMOUNT: LATE FEE: TOTAL FINE:	\$600.00 25.00 \$625.00
JOHN J. GUERRERO 424 W. ELM ST. OXNARD, CA	93033	201-0-061-110 301 N. MCKINLEY AVE. CITATION NO.	27272	ISSUED DATE:	10/18/11	FINE AMOUNT: LATE FEE: TOTAL FINE:	\$100.00 25.00 \$125.00
ESTELA MATA 124 GIBALTAR ST. OXNARD, CA	93030-5116	216-0-096-025 124 GIBALTAR ST. CITATION NO.	38763	ISSUED DATE:	10/18/11	FINE AMOUNT: LATE FEE: TOTAL FINE:	\$100.00 25.00 \$125.00
MARIA GUTIERREZ 571 GLACIER AVE. OXNARD, CA	93033-6332	205-0-336-015 571 GLACIER AVE. CITATION NO.	39381	ISSUED DATE:	10/17/11	FINE AMOUNT: LATE FEE: TOTAL FINE:	\$200.00 25.00 \$225.00
EVELIA G. LOPEZ 1300 ELKHORN CREEKLN BAKERSFIELD, CA	93311	202-0-083-080 427 W. FOURTH ST. CITATION NO.	39309	ISSUED DATE:	10/26/11	FINE AMOUNT: LATE FEE: TOTAL FINE:	\$400.00 25.00 \$425.00
TODD A. STOKE 2221 ALMANOR ST. OXNARD, CA	93036-2610	142-0-154-085 2221 ALMANOR ST. CITATION NO.	28323	ISSUED DATE:	10/29/11	FINE AMOUNT: LATE FEE: TOTAL FINE:	\$100.00 25.00 \$125.00
GONZALO LORONA 3420 FRANKFORT CT. OXNARD, CA	93033-5529	221-0-052-495 3420 FRANKFORT CT. CITATION NO.	27283	ISSUED DATE:	11/01/11	FINE AMOUNT: LATE FEE: TOTAL FINE:	\$300.00 25.00 \$325.00
IRENE REYES 3130 PAULA ST. OXNARD, CA	93033-5451	219-0-073-115 3130 PAULA ST. CITATION NO.	39507	ISSUED DATE:	11/03/11	FINE AMOUNT: LATE FEE: TOTAL FINE:	\$400.00 25.00 \$425.00
SALOMON DE LA GARZA 4205 SO. C. ST OXNARD, CA	93033-6104	205-0-253-075 4205 SO. C ST. CITATION NO.	27161	ISSUED DATE:	11/04/11	FINE AMOUNT: LATE FEE: TOTAL FINE:	\$200.00 25.00 \$225.00
MARIA S. CARDENAS 4541 FROST DR. OXNARD, CA	93033-7249	222-0-233-085 4541 FROST DR. CITATION NO.	39457	ISSUED DATE:	11/05/11	FINE AMOUNT: LATE FEE: TOTAL FINE:	\$200.00 25.00 \$225.00
JOSE R. PALOMARES 121 NO. C ST. OXNARD, CA	93030-5319	202-0-045-070 121 N. C ST. CITATION NO.	39519	ISSUED DATE:	11/08/11	FINE AMOUNT: LATE FEE: TOTAL FINE:	\$400.00 25.00 \$425.00
FRANCISCO C. RUIZ 2620 BEAUFORT DR. OXNARD, CA	93033-4727	220-0-081-015 2620 BEAUFORT DR. CITATION NO.	39540	ISSUED DATE:	11/09/11	FINE AMOUNT: LATE FEE: TOTAL FINE:	\$200.00 25.00 \$225.00
PAUL E. PIGG PO BOX 8202. OXNARD, CA	93031-8202	142-0-134-125 2014 MONO ST. CITATION NO.	39541	ISSUES DATE:	11/09/11	FINE AMOUNT: LATE FEE: TOTAL FINE:	\$600.00 25.00 \$625.00
LORENA L. GAMBOA 1521 ONTARIO ST. OXNARD, CA	93035-3508	183-0-323-075 1521 ONTARIO ST. CITATION NO.	39547	ISSUED DATE:	11/09/11	FINE AMOJNT: LATE FEE: TOTAL FINE:	\$200.00 25.00 \$225.00
MARIA PILLADO 836 DICHA DR. OXNARD, CA	93030-0173	215-0-264-145 836 DICHA DR. CITATION NO.	39555	ISSUED DATE:	11/22/11	FINE AMOUNT: LATE FEE: TOTAL FINE:	\$200.00 25.00 \$225.00

CIVIL CITATION COST REPORT

The City has levied Civil Penalties in accordance with City Ordinance Chapter 7

PROPERTY OWNER			LIEN PARCEL NO.			TOTAL FINE ON LIEN		
KAREN W. JONES 1621 JOLIET PL. OXNARD, CA	93030-3144		181-0-055-085 1621 JOLIET PL. CITATION NO.	39761	ISSUED DATE: 11/30/11	FINE AMOUNT: LATE FEE: TOTAL FINE:	\$400.00 25.00 \$425.00	
TRAVIS COBOS 131 PLACER AVE. VENTURA, CA	93004		142-0-092-135 276 VANDERBILT DR. CITATION NO.	23694	ISSUED DATE: 12/06/11	FINE AMOUNT: LATE FEE: TOTAL FINE:	\$100.00 25.00 \$125.00	
OXNARD ELKS CLUB ATTN: JESS GONZALES PO BOX 366 OXNARD, CA	93032-0366		202-0-182-020 801 SO A ST.. CITATION NO.	23518	ISSUED DATE: 12/07/11	FINE AMOUNT: LATE FEE: TOTAL FINE:	\$100.00 25.00 \$125.00	
MARK W. HOLT 1711 VISALIA ST. OXNARD, CA	93035-3466		183-0-364-065 1711 VISALIA ST. CITATION NO.	39933	ISSUED DATE: 12/13/11	FINE AMOUNT: LATE FEE: TOTAL FINE:	\$100.00 25.00 \$125.00	
CATHERINE A. STORZ 3070 NET CT. OXNARD, CA	93035-2431		187-0-134-085 3070 NET CT. CITATION NO.	40255	ISSUED DATE: 12/14/11	FINE AMOUNT: LATE FEE: TOTAL FINE:	\$100.00 25.00 \$125.00	
ALLEN J. HAZLIP 4821 OLDS RD. OXNARD, CA	93033-8055		225-0-086-175 4821 OLDS RD. CITATION NO.	40253	ISSUED DATE: 12/14/11	FINE AMOUNT: LATE FEE: TOTAL FINE:	\$400.00 25.00 \$425.00	
RALPH HERRERA JR. 2561 UPPER BAY OXNARD, CA	93036-6208		140-0-041-035 2561 UPPER BAY CITATION NO.	23695	ISSUED DATE: 12/14/11	FINE AMOUNT; LATE FEE: TOTAL FINE:	\$100.00 25.00 \$125.00	
JOSE E. CAMARGO 400 HALCON ST. OXNARD, CA	93030-8000		216-0-124-115 400 HALCON ST. CITATION NO.	39585	ISSUED DATE: 12/14/11	FINE AMOUNT: LATE FEE: TOTAL FINE:	\$100.00 25.00 \$125.00	
MARTA ALCANTAR 200 IOWA PL. OXNARD, CA	93036-1207		132-0-075-165 200 IOWA PL. CITATION NO.	40266	ISSUED DATE: 12/15/11	FINE AMOUNT: LATE FEE: TOTAL FINE:	\$200.00 25.00 \$225.00	
CARLOS R. SORIA PO BOX 8051 OXNARD, CA	93031		200-0-062-125 1301 KINGSWOOD WY CITATION NO.	40279	ISSUED DATE: 12/15/11	FINE AMOUNT: LATE FEE: TOTAL FINE:	\$200.00 25.00 \$225.00	
MARTIN A BECERRA 2335 NO. H ST. OXNARD, CA	93036-1547		139-0-372-285 2335 NO. H ST. CITATION NO.	23696	ISSUED DATE: 12/15/11	FINE AMOUNT: LATE FEE: TOTAL FINE:	\$400.00 25.00 \$425.00	
AMELIA FLORES 3940 SO. B ST. OXNARD, CA	93033-6125		205-0-274-115 3940 SO. B ST. CITATION NO.	27286	ISSUED DATE: 12/28/11	FINE AMOUNT: LATE FEE: TOTAL FINE:	\$200.00 25.00 \$225.00	
PAULA M LA FRANCE 1225 NEW BEDFORD CT. VENTURA, CA	93001-4005		222-0-104-095 310 CANTERBURY WY CITATION NO.	39487	ISSUED DATE: 12/28/11	FINE AMOUNT: LATE FEE: TOTAL FINE:	\$1,800.00 25.00 \$1,825.00	



Meeting Date: 06/05/2012

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

Prepared By: Alan Holmberg

Agenda Item No. 0-1

Reviewed By: City Manager

City Attorney

Finance

Other (Specify)

DATE: May 21, 2012**TO:** City Council**FROM:** Alan Holmberg, City Attorney**SUBJECT:** Big League Dreams, \$400,000 License Fee**RECOMMENDATION**

That City Council receive and file this report concerning the Big League Dreams \$400,000 license fee paid by the City to Big League Dreams USA ("BLD USA").

DISCUSSION

This report provides the reasons for the determination not to pursue at this time claims against Big League Dreams Oxnard LLC ("BLD Oxnard") or BLD USA (collectively "BLD") for return of the \$400,000 license fee paid to BLD USA.

THE AGREEMENTS

On December 21, 2004, the City Council approved and the Mayor executed a license agreement with BLD USA ("License Agreement"). The License Agreement granted to the City a proprietary interest and intellectual property rights in the Big League Dreams concept in the particular area defined in the License Agreement, including a 15-mile radius around the proposed Sports Park and certain specified communities. The fee for the license was \$400,000.

The License Agreement provided that the City could terminate the License Agreement and demand that BLD USA repay the license fee if a maintenance and operations agreement for the operation of a Big League Dreams concept sports park was not entered before June 25, 2005. Although the date of June 25, 2005 expired, the City did not make written demand at that time for refund of the license fee, because negotiations for a maintenance and operations agreement were almost complete.

On July 26, 2005, the City Council approved and the Mayor executed a Maintenance and Operations Agreement (BLD Oxnard Sports Park) ("MOA") by and between the City and BLD Oxnard, with BLD USA also signing the MOA with respect to certain provisions relating to the license.

The MOA provides that the City will construct, at the City's expense, a "Sports Park" (as defined in the MOA) on a 22-acre parcel in College Park. The Sports Park would contain, among other things, five

baseball/softball diamonds, four of which would be constructed with stadium design features inspired by famous professional stadiums. It would also include a pavilion adaptable for soccer use, a playground, batting cages, parkways, walkways, restrooms, and a sports-themed family style stadium club food and beverage concession facility seating for 200 people. The MOA contains detailed provisions concerning the operation of the facility. It contains provisions for accomplishment of maintenance, accomplishment of major repairs, signage requirements, provisions concerning programs to be provided and hours of operation, fees and charges to be collected and so forth.

The MOA provides that the City is to as soon as practicable after the date of the MOA, complete design, financial and environment review of the Sports Park. The environmental review was satisfactorily completed. The MOA provides that if the City determines to construct the Sports Park, the City shall develop the Sports Park by improving the property without undue interruption or delay, with due diligence and in a good, workman-like manner.

Section 4.1(b) of the MOA contains the following provisions concerning eventualities which would entitle the City to terminate the MOA and License Agreement and to obtain a refund of the license fee paid to BLD USA:

“(b) Inability to Obtain Financing Termination Rights. If, on or before eighteen (18) months after the Effective Date, the City, in good faith, despite diligent efforts the City shall undertake to do so, determines that (1) the City cannot secure financing on reasonable terms and conditions for the construction of the Sports Park Improvements, based upon current cost estimates and reasonably foreseeable increases in Sports Park construction costs or (2) the City cannot satisfy itself, BLD Oxnard, and at least one financing source that use restrictions imposed by the County of Ventura and agencies which provided funding for the Property do not prevent construction and operation of the Sports Park, and therefore in good faith determines that it is unable to construct the Sports Park, the City will within forty-five (45) days of such decision, so notify BLD Oxnard. If the City does so notify BLD Oxnard, this MOA, the License Agreement and the Consulting Agreement will terminate thirty (30) days after the date of such notice and the parties (or, as applicable, BLD USA or BLD Consulting) shall thereafter have no further obligation or liability one to the other. Further, if the City does so notify BLD Oxnard within one (1) year from the Effective Date, BLD USA shall be obligated to refund the license fee to the City in its entirety within sixty (60) days thereafter. If the City so notifies BLD Oxnard later than one (1) year but on or prior to eighteen (18) months after the Effective Date, BLD USA shall be obligated to refund one-half of the license fee to the City within sixty (60) days thereafter.”

The time period for the City to extend its termination rights was administratively extended eight times.

Neither the License Agreement nor the MOA create a “refundable deposit.” Rather, they contain provisions allowing termination of the License Agreement and repayment of monies under certain circumstances, specifically, inability to obtain financing and inability to obtain permission from relevant agencies with an interest in the use of College Park.

THE TERMINATION

The City Council, on April 19, 2011, considered an agenda report prepared by the City Manager and

City Attorney with respect to the Big League Dreams project. That report contained alternatives. One alternative was to authorize the City Manager to continue discussions with the State Department of Parks and Recreation and others concerning the acceptability of the MOA. The report sought authorization to execute a Ninth Amendment of the MOA to extend the periods of time for making the determinations required under section 4.2(n) quoted above. The report stated that in the alternative the City Council could instruct the City Manager to cease negotiations.

At the April 19, 2011 City Council meeting, the City Council instructed the City Attorney to send a letter terminating the MOA and License Agreement and requesting a refund of the \$400,000 license fee based upon paragraph 4.1(b) of the MOA. It was noted that a period of over six (6) years had elapsed since the execution of the MOA and permission to build the complex had not been obtained from the State or the National Park Service.

BLD RESPONSE

The City Attorney prepared such a letter dated April 22, 2011. BLD responded with two written responses and met with City staff. BLD's written and verbal responses are summarized in the following paragraphs.

The City did not demonstrate that it satisfied the requirement contained in 4.1(b) of the MOA that the City "in good faith despite diligent efforts,...determine that the City cannot satisfy itself, BLD Oxnard, and at least one financing source that use restrictions imposed by the County of Ventura and agencies which provided funding for the property do not prevent construction and operation of the Sports Park..."

BLD's position in this respect is that although the City had not obtained State and Federal agency consents as of the April 22, 2011 letter, the City's requests had not been denied. In fact, the City and BLD had worked to be able to satisfy a number of requests made by State officials (which officials were the administrators for the National Park Service Program), and were close to satisfying all requirements. BLD pointed out that negotiations had been in an agreed upon hiatus for some period of time because a similar issue (permission for a restaurant facility) was being addressed in Las Vegas, Nevada. In Las Vegas, Nevada, the issue was resolved favorably to the BLD entities and the City of Las Vegas, and the construction of a park there had begun. Accordingly, BLD took the position that the City could, if it had continued dialogue with the State and National Park Service, received the required approvals.

BLD also indicated out that although the letter sent by the Oxnard City Attorney stated that the City had determined that after exercising diligent efforts, the City could not finance the project, there was no evidence to indicate that this was in fact the case.

BLD stated that on the same evening the City Council determined to terminate the License Agreement with BLD, the City Council had discussions concerning projects to use \$200,000,000 of anticipated revenue from Measure "O" and in fact, the City was continuing with the development of College Park. BLD also pointed out that it had on January 28, 2011, communicated with the City concerning BLD's ability to assist with financing any portions of the "gap" between a park constructed to City's usual specifications and a park constructed to BLD's specifications, to the extent that the gap was not

covered by the MOA, and that the City did not explore this option. (Payments to the City under the MOA were provided to address this gap.)

BLD also stated that on February 15, 2011, the matter of the Big League Dreams Sports Park was discussed in a City Council meeting and a majority of Councilmembers, without referring to the criteria in section 4.1(b) of the MOA strongly indicated an inclination to terminate the BLD License Agreement.

BLD's conclusion in this respect was that the reason for the contract termination was the result of a change in the City Council membership and a reversal of the views of Council, based on a change in community support, not a result of being unable to carry out the project.

BLD also pointed out that if the City did not prove that it was entitled to terminate the agreement for the reasons stated in the April 22, 2011 termination letter sent by the City Attorney, the City may be exposed to damages for profits that BLD would have made had the MOA not been terminated, which would amount to millions of dollars, based on the 30-year term of the MOA.

BLD pointed out that it had removed itself from the Ventura County and surrounding area market for a period of over six (6) years while working with the City of Oxnard, and that this also caused harm to the company.

CONCLUSION

While the City Council and the City Attorney do not necessarily agree with these contentions, they all have significant evidentiary support. At the very least, recovery of a \$400,000 license fee paid to BLD would be difficult. At worst, the City, if it pursues action to recover the fee, would expose itself to a counter-suit for millions of dollars of lost profits, based upon an alleged breach of the MOA.

For these reasons, while no claims are being waived, no action is being pursued against BLD at this time.

EL PASO COUNTY

The City Attorney has also received information concerning a transaction which took place in El Paso County, Texas.

In El Paso County, BLD USA and the County entered into a license agreement on April 16, 2007. The El Paso County agreement provided that the parties would negotiate to attempt to come to terms on a subsequent agreement for the maintenance and operation of the El Paso County Sports Park. The El Paso County license agreement is, therefore, similar to the License Agreement entered into by BLD USA and the City of Oxnard on December 21, 2004, which License Agreement also provides that the license fee would be returned if a MOA were not executed.

The difference between the El Paso County situation and the Oxnard situation is that El Paso County did not enter into a MOA. The El Paso County license agreement provided that it could be terminated for any reason prior to the execution of the MOA. In El Paso no MOA was ever executed and the

license agreement was terminated in accordance with its terms.

The facts in the El Paso County case are therefore extremely different from the facts in the City of Oxnard. In El Paso County, there were no hurdles such as the proof of inability to obtain financing or approval from other agencies to terminate the license agreement.

Had the City of Oxnard determined in June or July 2005 (before the MOA was executed) to terminate the License Agreement it would be in a position similar to the position El Paso County was in. The City of Oxnard did not do so. It entered the MOA.

FINANCIAL IMPACT

The City has not recognized the \$400,000 fee paid to BLD USA as owed by BLD USA to the City and has not reflected this amount in the City's financial statements.

AH:rs

