

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 12, 2012
7:00 P.M.

A. ROLL CALL/POSTING OF AGENDA

*** The Oxnard Financing 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

D. OPENING CEREMONIES

Pledge of allegiance to the flag of the United States.

E. CEREMONIAL CALENDAR

1. **SUBJECT:** Presentation of Certification of Commendation to the AFC Soccer Academy u-19 Girls Team
2. **SUBJECT:** Presentation of a Check for \$25,000 by State Farm Insurance to the City Council and Oxnard Fire Department for Water Safety Public Information Campaign

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.

Phone: 385-7430

Development Services Department

4. SUBJECT: Extension of Agreement to Defer Development Fees for St. Paul Baptist Church. (029)
RECOMMENDATION: 1) Approve the first reading by title only and subsequent adoption of an ordinance extending the deferral of the payment of \$139,881.29 in development fees owed for construction of a new building at 1787 Statham Boulevard by St. Paul Baptist Church by one-year to June 26, 2013; and 2) Approve and authorize the Mayor to execute the first amendment and restatement of agreement to pay deferred development fees between the City and St. Paul Baptist Church (A-7021) extending the payment due date to June 26, 2013.
Legislative Body: CC Contact: Matthew Winegar Phone: 385-7877
5. SUBJECT: Ordinance No. 2855 Adopting Amendments to RiverPark Specific Plan (PZ 09-630-03) and Ordinance No. 2856 Approving the Fourth Amendment to the RiverPark Development Agreement No. A-6128 (PZ 11-670-01). (037)
RECOMMENDATION: Second reading and approval.
Legislative Body: CC Contact: Juan Martinez Phone: 385-7556

Housing Department

6. SUBJECT: Authorization to Award Contract for the Replacement of Kitchen Cabinets in Public Housing Units. (049)
RECOMMENDATION: Approve and authorize the Chairman to execute a firm-fixed price contract in the amount of \$403,190 with Bentley Construction Group, Inc. (A-7502), using funds previously appropriated from the 2010 and 2011 Capital Fund grants, for the replacement of the existing kitchen cabinets in 100 public housing units at Felicia Court housing development located at 1201 through 1363 Felicia Court.
Legislative Body: HA Contact: Mehrdad Rahimi Phone: 385-8033

Public Works Department

7. SUBJECT: Approval of Award of Contract for GS11-13 Del Norte Facility Restroom Remodel. (063)
RECOMMENDATION: 1) Approve and authorize the Mayor to execute the Contract with Ardalan Construction Company, Incorporated (A-7493) in the amount of \$163,000 on Project Specification Number GS11-13 for the Del Norte Facility Restroom Remodel Project located at 111 South Del Norte Boulevard; and 2) Approve a Special Budget Appropriation of \$63,000 to the Solid Waste Asset Management Project No. 106801 to provide funding for the remodel of restrooms at the Del Norte Facility.
Legislative Body: CC Contact: Michelle Johnson Phone: 315-6369

J. TRANSMITTAL OF INFORMATION ONLY ITEMS

Finance Department

1. SUBJECT: Monthly Budget Status Report for the Period Ending April 30, 2012. (067)
RECOMMENDATION: Receive Report.
Legislative Body: CC Contact: James Cameron Phone: 385-7416

K. INFORMATION/CONSENT PUBLIC HEARINGS

L. PUBLIC HEARINGS – 7:15 P.M.

City Manager Department

1. **SUBJECT:** Public Hearing and Adoption of Resolutions to Levy FY 2012-2013 Assessments for Landscape Maintenance District Nos. 1 through 3, and 7 through 26. (085)
- RECOMMENDATION:** 1) Hold a public hearing to receive public testimony regarding the proposed FY 2012-2013 assessments for Landscape Maintenance District Nos. 1 through 3, and 7 through 26; and 2) Adopt resolutions for FY 2012-2013 confirming assessments for Landscape Maintenance District Nos. 1 through 3, and 7 through 26 in the following tracts: • Tract No. 2247, District No. 1 (Summerfield); • Tract Nos. 4065, 4164, 4355 and 4225, District No. 2 (Channel Islands Business Park); • Tract No. 3384, District No. 3 (River Ridge); • Tract Nos. 4183 and 3943, District Nos. 7 and 8 (Northfield/Seagate Business Park); • Tract Nos. 3051-2, 3051-3, and 4351, District No. 9 (Strawberry Fields); • Tract No. 4405, District No. 10 (Country Club Estates); • Tract No. 4376, District No. 11 (St. Tropez); • Tract No. 4294, District No. 12 (Standard Pacific); • Tract No. 4424, District No. 13 (Le Village); • Tract No. 4492, District No. 14 (California Cove); • Tract No. 4443, District No. 15 (Pelican Pointe); • Tract No. 4810, District No. 16 (California Lighthouse); • Tract No. 4702, District No. 17 (Village of San Miguel); • Parcel Map Nos. 213-0-031-355, 375, 385, 405, 415 and 425, District No. 18 (St. John's Regional Medical Center); • Tract No. 4827, District No. 19 (Shopping at the Rose); • Parcel Map Nos. 231-0-020-200, 210, 240, District No. 20 (Wallenius Vehicle Preparation Center); • Tract No. 3384-7, 8, District No. 21 (Cypress Pointe); • Tract No. 4611, District No. 22 (McDonald's Median); • Tract No. 4529, District No. 23 (Greystone); • Tract No. 4529, District No. 24 (Vineyards); • Tract No. 4840, District No. 25 (The Pointe); and • Parcel Map No. 202-0-010-685, District No. 26 (Albertson's).

Legislative Body: CC

Contact: Dean Yamamoto

Phone: 385-8074

Development Services Department

2. **SUBJECT:** Planning and Zoning Permit Nos. 02-640-01 (Specific Plan) and 02-570-04 (Zone Change), and Certification of Final Environmental Impact Report (FEIR) No. 06-01 for the Sakioka Farms Business Park Specific Plan, Located at 2190 and 1400 N. Rice Avenue. Filed by Sakioka Farms, 3183-A Airway Avenue, #2, Costa Mesa, California, 92626. (133)
- RECOMMENDATION:** 1) Certify the Final Sakioka Specific Plan Environmental Impact Report (EIR No. 06-01) and adopt Findings of Fact, Statement of Overriding Considerations, and the Adaptive Management Mitigation Monitoring and Reporting Program; 2) Adopt the Sakioka Specific Plan (PZ No. 02-640-01); and 3) Approve the first reading by title only and subsequent adoption of an ordinance (PZ No. 02-570-02) to change the zone designation of an approximately 13-acre area along Del Norte Boulevard from Business Research Park (BRP) to Light Industrial-Planned Development (M1-PD).

Legislative Body: CC

Contact: Chris Williamson

Phone: 385-8156

- Legislative Body: CC

Contact: Chris Williamson

Phone: 385-8156

M. REPORT OF CITY MANAGER/EXECUTIVE DIRECTOR/SECRETARY

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

- RECOMMENDATION:** Receive and consider report.

Legislative Body: CC/SA

Contact: Karen Burnham

Phone: 385-7430

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

City Manager Department

- RECOMMENDATION:** Consider supporting the adopted position of VCTC concerning countywide transit and provide direction to the City Manager.

Legislative Body: CC

Contact: Martin Erickson

Phone: 385-7870

O. REPORTS

City Attorney Department

- RECOMMENDATION:** Receive a report concerning the Big League Dreams \$400,000 license fee paid by the City to Big League Dreams USA (“BLD USA”).

Legislative Body: CC

Contact: Alan Holmberg

Phone: 385-7483

P. PUBLIC COMMENTS ON REPORTS

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

Q. APPOINTMENT ITEMS - 8:00 P.M.

1. SUBJECT: Ventura County Regional Sanitation District Presentation. (Mark Lawler)

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.

T. ADJOURNMENT

MINUTES

AGENDA ITEM NO.

I - 1

OXNARD HOUSING AUTHORITY

Regular Meeting
February 14, 2012

A. ROLL CALL/POSTING OF AGENDA

At 7:05 p.m., the regular meeting of the Oxnard Housing Authority convened in the Council Chambers, concurrently with the City Council and Community Development Commission. Commissioners Thomas E. Holden, Irene G. Pinkard, Bryan A. MacDonald, Timothy B. Flynn, Carmen Ramirez, and Jose Andrade were present. Commissioner Francisco Vega was absent. The Secretary Designate stated that the agenda was posted on Thursday in the Library and City Clerk's Office. Chairperson Holden presided and called the meeting to order.

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. Staff members present were: Daniel Martinez, Secretary Designate; Karen Burnham, Interim Executive Secretary; Alan Holmberg, General Counsel; Grace Magistrale Hoffman, Deputy Executive Secretary; Jeri Williams, Police Chief; James Cameron, Chief Financial Officer; William "Bill" Wilkins, Housing Director; Matthew Winegar, Development Services Director; Rob Roshanian, Interim Public Works Director; Grace Magistrale Hoffman, Deputy City Manager; Martin Erickson, Special Assistant to the City Manager; Christina Aerenlund, Public Information Officer; Cyndi Hookstra, Parks and Facilities Management Analyst; and Kymberly Horner, Redevelopment Project 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

City Clerk Department

2. SUBJECT: Minutes of the Regular Meetings of the Oxnard Housing Authority for December 13, 2011, January 10 and 24, 2012, and February 7, 2012. (015)

RECOMMENDATION: Approve.

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

J. TRANSMITTAL OF INFORMATION ONLY ITEMS

K. INFORMATION/CONSENT PUBLIC HEARINGS

L. PUBLIC HEARINGSM. REPORT OF SECRETARYN. HOUSING AUTHORITY COMMISSION BUSINESS/COMMITTEE REPORTS

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

O. REPORTSP. PUBLIC COMMENTS ON REPORTSQ. APPOINTMENT ITEMSR. STUDY SESSIONS. PUBLIC COMMENTS ON STUDY SESSIONCITY COUNCIL/COMMUNITY DEVELOPMENT COMMISSION/FINANCING AUTHORITY

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

T. ADJOURNMENT

At 9:21 p.m. the Housing Authority concurred to adjourn the meeting.

DANIEL MARTINEZ
Secretary Designate

DR. THOMAS E. HOLDEN
Chairperson

MINUTES

OXNARD HOUSING AUTHORITY

Regular Meeting
February 28, 2012

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

DANIEL MARTINEZ
Secretary Designate

DR. THOMAS E. HOLDEN
Chairman

MINUTES

OXNARD HOUSING AUTHORITY
Regular Meeting
March 6, 2012

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

DANIEL MARTINEZ
Secretary Designate

DR. THOMAS E. HOLDEN
Chairperson

MINUTES

OXNARD HOUSING AUTHORITY

Regular Meeting
March 20, 2012

A. ROLL CALL/POSTING OF AGENDA

At 7:06 p.m., the regular meeting of the Oxnard Housing Authority convened in the Council Chambers, concurrently with the City Council. Commissioners Thomas E. Holden, Irene G. Pinkard, Timothy B. Flynn, Carmen Ramirez, Jose Andrade and Francisco Vega were present. Commissioner Bryan A. MacDonald was absent. The Secretary Designate stated that the agenda was posted on Thursday in the Library and City Clerk's Office. Chairperson Holden presided and called the meeting to order. Staff members present were: Lyn Bennett, Deputy Secretary Designate; Karen Burnham, Executive Secretary; Martin Erickson, Special Assistant to the City Manager; Alan Holmberg, General Counsel; Grace Magistrale Hoffman, Deputy Executive Secretary; Daniel Martinez, Secretary Designate.

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. Mayor Holden presided. Additional staff members present were: Daniel Martinez, City Clerk; Geri Williams, Police Chief; Matthew Winegar, Development Services Director; James Cameron, Chief Financial Officer; Grace Magistrale Hoffman, Deputy City Manager; Mike O'Malia, Interim Fire Captain; Martin Erickson, Special Assistant to the City Manager; William "Bill" Wilkins, Housing Director; Michael Henderson, Maintenance Services Manager; Jason Samonte, Traffic Engineer; Ralph Alamillo, Construction Project Manager; Rob Roshanian, Interim Public Works Director; Yvonne Harper, Circulation Supervisor.

E. CEREMONIAL CALENDAR

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

G. REVIEW OF INFORMATION/CONSENT AGENDA

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Comments received from: Bert Perello.

I. INFORMATION/CONSENT AGENDA**Housing Department**

3. **SUBJECT:** Application for Resident Services Coordinator (RSC) Grant. (027)

RECOMMENDATION: Approve and authorize the City Manager to apply for a Resident Services Coordinator grant through the U.S. Department of Housing and Urban Development (HUD).

DISCUSSION: Housing Director provided comments and would be happy to provide a written presentation to council and staff.

INFORMATION/CONSENT AGENDA ACTION: (Holden/Ramirez) approved as recommended unanimously. Absent – MacDonald.

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

1. **SUBJECT:** Annual Agency Plan and Capital Fund for Low Rent Public Housing.

RECOMMENDATION: Continue to March 27, 2012.

ACTION: Motion to continue (Holden/Ramirez) - unanimously. Absent – MacDonald.

M. REPORT OF EXECUTIVE DIRECTOR/SECRETARY**N. HOUSING AUTHORITY BUSINESS/COMMITTEE REPORTS****O. REPORTS****OXNARD CITY COUNCIL**

At 9:06 p.m. the joint meeting with the Oxnard City Council concluded.

P. PUBLIC COMMENTS ON REPORTS**Q. APPOINTMENT ITEMS****R. STUDY SESSION****S. PUBLIC COMMENTS ON STUDY SESSION**

T. ADJOURNMENT

At 9:06 p.m. the Housing Authority concurred to adjourn the meeting.

LYN S. BENNETT
Secretary Designate

DR. THOMAS E. HOLDEN
Chairperson

DRAFT

MINUTES

OXNARD HOUSING AUTHORITY

Regular Meeting

March 27, 2012

A. ROLL CALL/POSTING OF AGENDA

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

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

C. CLOSED SESSION

D. OPENING CEREMONIES

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

E. CEREMONIAL CALENDAR

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

G. REVIEW OF INFORMATION/CONSENT AGENDA

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

I. INFORMATION/CONSENT AGENDA

FINANCING AUTHORITY

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

J. TRANSMITTAL OF INFORMATION ONLY ITEMS

K. INFORMATION/CONSENT PUBLIC HEARINGS

L. PUBLIC HEARINGS

Chairperson Holden opened the public hearing. The Secretary Designate reported on publication and that there were no written communications received.

Housing Department

1. **SUBJECT:** Five-Year/ Annual Agency Plan and Five-Year Capital Fund for Low Rent Public Housing. (087)

RECOMMENDATION: 1) Hold a public hearing to receive comments concerning the second year of the Five-Year Agency Plan and the 2012 Capital Fund Annual Statement and Five-Year Capital Fund Plan; and 2) Adopt **Resolution No. 1248:** (a) Approving the Five-Year/Annual Agency Plan for the Housing Authority; (b) Authorizing and directing the Chairman to execute the Department of Housing and Urban Development (HUD) Public Housing Agency Certification Compliance Form certifying the Housing Authority's compliance with HUD's policies and procedures (5748-12-HO); (c) Authorizing the Housing Director to execute and submit all reports, documents and all other certifications required to comply with HUD's policies and procedures regarding the Five-Year Agency Plan; (d) Approving the 2012 Capital Fund Annual Statement and Five-Year Capital Fund Plan; and (e) Authorizing the Housing Director to accept and expend the funds as indicated in the revised 2012 Capital Fund Annual Statement and Five-Year Capital Fund Plan.

DISCUSSION: The Housing Director reviewed the Annual Agency Plan, concerns of tenants, and rules of HUD. The Interim Housing Manager commented on rules of lease.

Comments received from Pat Brown and Juan Rangel

ACTION: Close the public hearing. (Holden/Pinkard) Approved as recommended.

(Pinkard/Andrade) Ayes: Pinkard, MacDonald, Flynn, Ramirez, Andrade, Vega, and Holden.

M. REPORT OF SECRETARY

N. HOUSING AUTHORITY COMMISSION BUSINESS/COMMITTEE REPORTS

CITY COUNCIL/COMMUNITY DEVELOPMENT SUCCESSOR AGENCY

At 8:51 p.m. the joint meetings with the City Council and Community Development Successor Agency concluded.

O. REPORTS

P. PUBLIC COMMENTS ON REPORTS

Q. APPOINTMENT ITEMS

R. STUDY SESSION

S. PUBLIC COMMENTS ON STUDY SESSION

T. ADJOURNMENT

At 8:51 p.m. the Housing Authority concurred to adjourn the meeting.

DANIEL MARTINEZ
Secretary Designate

DR. THOMAS E. HOLDEN
Chairperson

MINUTES

OXNARD HOUSING AUTHORITY
Regular Meeting
April 3, 2012

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

DANIEL MARTINEZ
Secretary Designate

DR. THOMAS E. HOLDEN
Chairperson

MINUTES

OXNARD HOUSING AUTHORITY
Regular Meeting
April 10, 2012

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

DANIEL MARTINEZ
Secretary Designate

DR. THOMAS E. HOLDEN
Chairperson

MINUTES

OXNARD HOUSING AUTHORITY
Regular Meeting
April 17, 2012

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

DANIEL MARTINEZ
Secretary Designate

DR. THOMAS E. HOLDEN
Chairperson

MINUTES

OXNARD HOUSING AUTHORITY
Regular Meeting
April 24, 2012

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

DANIEL MARTINEZ
Secretary Designate

DR. THOMAS E. HOLDEN
Chairperson

MINUTES

OXNARD HOUSING AUTHORITY
Regular Meeting
May 1, 2012

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

DANIEL MARTINEZ
Secretary Designate

DR. THOMAS E. HOLDEN
Chairperson

MINUTES

OXNARD HOUSING AUTHORITY

Regular Meeting

May 8, 2012

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

DANIEL MARTINEZ
Secretary Designate

DR. THOMAS E. HOLDEN
Chairperson

MINUTES

OXNARD HOUSING AUTHORITY

Regular Meeting

May 15, 2012

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

DANIEL MARTINEZ
Secretary Designate

DR. THOMAS E. HOLDEN
Chairperson

MINUTES

OXNARD HOUSING AUTHORITY

Regular Meeting

June 5, 2012

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

DANIEL MARTINEZ
Secretary Designate

DR. THOMAS E. HOLDEN
Chairperson



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) to JC**DATE:** June 7, 2012**TO:** City Council**FROM:** Karen R. Burnham, Interim City Manager
City Manager's Office**SUBJECT:** Agreements for City Council Review**RECOMMENDATION**

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

DISCUSSION

On November 16, 2010, the City Council approved changes to the City's Purchasing Procedures reducing the threshold for City agreements/contracts and change orders/amendments requiring City Council approval to \$25,000. The agreements/contract and change orders/amendments described on the attached list involve amounts above \$25,000 and up to \$250,000.

FINANCIAL IMPACT

Funding information is included on the attached list.

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

NOTE: Copies of the agreement/contracts and change orders/amendments on the list are available in the City Clerk's Office after 8:00 a.m. on Monday prior to the Council meeting.

Item No.	Type	Department/Contact	Vendor/Agreement No.	Description/Purpose	Amount
1		General Services	Quezada Landscaping		
		Dean Yamamoto	Agreement No. 5776-12-CM		
		385-8074	Total Contract: \$14,040		
			District 14 - California Cove		
			Agreement No. 5783-12-CM		
			Total Contract: \$21,600		
			District 43 - Greenbelt		
			Agreement No. 5778-12-CM		
			Total Contract: \$10,800		
			District 30 Haas Automation		
			Agreement No. 5777-12-CM		
			Total Contract: \$12,000		
			District 28 - Harborside		
			Agreement No. 5785-12-CM		
			Total Contract: \$24,600		
			District 48 - Victoria Estates		
			Agreement No. 5780-12-CM		
			Total Contract: 25,740		
			District 34 - Sunrise Point/ Sunset Cove		
			Agreement No. 5779-12-CM		
			Total Contract: \$33,600		
			District 31 - Rancho dela Rosa		
			Agreement No. 5774-12-CM		
			Total Contract: \$36,240		
			District - Mandalay Bay		

Item No.	Type	Department/Contact	Vendor/Agreement No.	Description/Purpose	Amount
			McCarthy Building, Inc.	Advanced Water Purification Facility	
			Agreement No. A-7259	Change Order No. 82 - provides costs	
			Amendment: \$14,659	associated with the miscellaneous electrical	
				changes for Buildings 30 and 50 per RFIs 484,	
				584 and 589.	
			McCarthy Building, Inc.	Advanced Water Purification Facility	\$11,719
			Agreement No. A-7259	Change Order No. 85 - to install a trench to	
			Amendment \$11, 719	eliminate water ponding and entering the lobby	
				area at the north side of the Administration	
				Building	
				Total Amendments: \$63,155	
				Total Contract Amount: \$55,289,440	
				Funding Source: Grants and Water Bond	
				Funds	
4	Purchase Order	Finance Department	Alliant Insurance Services	Insurance Premium	\$27,500
		Mike More	Purchase Order No. 004043	Renewal of business premium for FY 2012-13	
		385-7480		Total Contract Amount: \$27,500	
				Funding Source: Mandalay Assessment	
				District Fund	
5	Agreement	Housing	Omega Construction	Rehabilitation Project	\$168,132
		Ruth Hopkins	Agreement No. HO1-A-7494	Contract provides rehabilitation of Neighborhood	
		385-7404		Stabilization Program property at 2051	
				Mariposa Street	
				Total Contract Amount: \$168,132	
				Funding Source: Neighborhood Stabilization	
				Program Funding	

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 Manager Agenda Item No. _____

I-3

Reviewed By: City Manager YRB City Attorney DK Finance xxx Other (Specify) JC**DATE:** June 5, 2012**TO:** City Council**FROM:** Karen R. Burnham, Interim City Manager**SUBJECT:** Approval of Contract for Interim City Manager**RECOMMENDATION**

That City Council approve and authorize the Mayor to execute a contract with Karen R. Burnham for Interim City Manager.

DISCUSSION

On February 7, 2012, the City Council appointed Karen R. Burnham Interim City Manager. The attached contract memorializes this action and sets forth the terms and conditions under which Ms. Burnham has served and will serve as Interim City Manager.

FINANCIAL IMPACT

The attached contract provides for a for a ten (10) percent increase in compensation for serving as Interim City Manager over the compensation Ms. Burnham receives as Assistant City Manager.

Attachment #1 - Contract

**AGREEMENT BETWEEN
CITY OF OXNARD AND
KAREN R. BURNHAM
REGARDING HER INTERIM APPOINTMENT
TO THE POSITION OF
CITY MANAGER**

This agreement is entered into this 12th day of June, 2012, by and between KAREN R. BURNHAM (herein "Karen Burnham") and the CITY OF OXNARD (herein "City").

Recitals

- A. On or about February 7th, 2012, the City Council appointed Karen Burnham to the position of Interim City Manager and Karen Burnham accepted this appointment.
- B. The parties agree to establish conditions of this appointment; specifically, as it applies to the appropriate compensation, benefits, terms and conditions for said appointment.

Agreement

The parties agree as follows:

Section 1. Duties: Exclusive Employment

Karen Burnham has been appointed to the position of Interim City Manager, the purpose of which is to perform the duties and functions of the "City Manager" as specified in the City of Oxnard Municipal Code, applicable City resolutions normally associated with the position of City Manager and within the meaning of California Government Code § 34851-34859. In this capacity, Karen Burnham will perform any other legally permissible and proper duties and functions as the City Council may from time-to-time assign. Karen Burnham shall, at all times during this Agreement, remain in the exclusive employ of the City and, to the best of her ability and experience, she shall devote her time, skills and attention to faithfully exercise and perform all of the duties and obligations required in her role as Interim City Manager

Section 2. Expected Length of Service

This Agreement shall be effective as of February 7th, 2012. Nothing in this agreement prohibits or prevents Karen Burnham from competing for the position of City Manager and nothing in this agreement prohibits or prevents the City Council from appointing Karen Burnham to the position of City Manager. This Agreement shall remain in effect for a period up until such time as a permanent City Manager is appointed and assumes that office. If Karen Burnham is not selected as City Manager, she will automatically return to her former position as Assistant City Manager and her compensation and benefit package will revert to that she had received prior to her appointment as Interim City Manager, including, but not limited to, her original anniversary date for evaluation purposes.

Section 3. Serves at Pleasure of Council

Karen Burnham serves in the capacity of Interim City Manager position in an acting capacity as an "at will" employee, serving solely at the pleasure of the City Council. Nothing in this agreement shall require any cause for the removal of Karen Burnham from the position of Interim City Manager, or prevent, limit or otherwise interfere with the right of the City Council to terminate the services of Karen Burnham as the Interim City Manager at any time. If City Council removes or terminates Karen Burnham as the Interim City Manager, the Council agrees that Karen Burnham will return to her prior position as Assistant City Manager for the City of Oxnard under the same terms and conditions that existed prior to her promotion to the position of Interim City Manager.

In addition, nothing in this agreement shall prevent, limit or otherwise interfere with the right of Karen Burnham to return to her prior position of Assistant City Manager at any time prior to when a City Manager is selected, so long as Karen Burnham provides the City Council fifteen (15) business days advance notice. The City Council agrees that the position of Assistant City Manager will not be filled with a permanent replacement during Karen Burnham's service as the Interim City Manager under this agreement and that at no time will the City Council authorize the removal of the position/classification of Assistant City Manager during the duration of Karen Burnham's Interim City Manager tenure or any time thereafter if she returns to her former capacity as Assistant City Manager.

Section 4. Interim Salary Adjustment.

During Karen Burnham's tenure as Interim City Manager, the City shall pay to Karen Burnham, for all of her employment, work and services rendered to the City, a salary of \$8804.49 per pay period payable in the normal payroll installments at the same time as other Management employees of the City are paid. Said salary increase is retroactive to the 7th of February, 2012. The City Council may increase the salary at any time during the term of this Agreement. Upon the end of her tenure, and if Karen Burnham returns to her former position, the City shall pay to her a salary as Assistant City Manager equal to what she had been earning immediately prior to the entering of this Agreement, as adjusted to include any merit increases beginning February 2012 made for her past performance as Assistant City Manager, and to be payable in the normal payroll installments.

Section 5. Benefits

Karen Burnham shall continue to receive the same executive benefits she received as Assistant City Manager. There shall be no change or alteration in her medical, dental, vision, disability insurance, life insurance, annual leave accrual, retirement, deferred compensation, automobile allowance, or any other benefit to which Karen Burnham has been receiving as Assistant City Manager.

All provisions of the City's rules and regulations relating to retirement and pension system contributions, holidays and other fringe benefits and working conditions as they now

exist or hereafter may be amended, also shall apply to Karen Burnham as they would to other executive management employees of the City.

Section 6. Performance Goals and Expectations.

The City Council and Karen Burnham shall meet to formally develop goals and expectations for her performance as the Interim City Manager within the first thirty (30) days after the adoption of this Agreement.

Section 7. Hours of Work

Karen Burnham will engage in the hours of work that are necessary to fulfill the obligations of a City Manager and she must be reasonably available at all times. Karen Burnham recognizes that proper performance of the duties of Interim City Manager will require the performance of necessary services outside of normal business hours. However, the City intends that reasonable time off be permitted Karen Burnham, such as is customary for exempt employees. During any use of annual leave or during any extended time out of the City for City business, Karen Burnham may, per City Policy and Procedure, designate an Acting City Manager, to oversee operations of the City in her absence.

Section 8. Professional Development

- A. Karen Burnham agrees to actively participate in such state, regional, and local organizations as necessary for the representation of the City and for the effective performance of her duties.
- B. The City hereby agrees to budget for and to pay the travel and the City's normal per diem or subsistence expenses of Karen Burnham for official travel, meetings and occasions reasonably adequate to continue her professional development and to reasonably pursue necessary official and other functions of the City including, but not limited to, the annual conferences of the National League of Cities, the League of California Cities, International City Management Association, and such other national, regional, state and local governmental groups and committees, to which Karen Burnham may serve as a member.
- C. The City agrees to budget and to pay for travel and the City's normal per diem or subsistence expenses for Karen Burnham to attend two to three day courses, institutes and seminars that are necessary for professional development and for the good of the City as determined by Karen Burnham.
- D. The City further agrees to budget and pay professional dues and subscriptions on behalf of Karen Burnham which are reasonably necessary for a City Manager's continued participation in national, regional, state or local associations and organizations necessary for Karen Burnham's continued professional participation, growth and advancement or for the good of the City. Furthermore, the City shall

budget and pay for the professional dues and subscriptions to such additional organizations as approved by the City Council.

Section 9. Indemnification.

The City shall provide Karen Burnham the defenses and indemnities as provided by Government Code Section 825 for those claims or actions arising out of an act or omission occurring within the scope of her employment as the Interim City Manager. This covenant shall survive the termination of this Agreement.

Section 10. Bonding

The City shall bear the full cost of any fidelity or other bonds required of Karen Burnham under any law or ordinance.

Section 11. General Provisions

- A. All of Karen Burnham's writings, reports and other documentation generated as the result of this Agreement are and shall be the property of the City.
- B. This Agreement is for professional and unique services of Karen Burnham, which are personal to the City. This Agreement is not transferable or assignable by Karen Burnham.
- C. The provisions of this Agreement shall be construed as a whole according to its common meaning of purpose of providing a public benefit and not strictly for or against any party. It shall be construed consistent with the provisions hereof, in order to achieve the objectives and purposes of the parties. Wherever required by the context, the singular shall include the plural and vice versa, and the masculine gender shall include the feminine or neutral genders or vice versa.
- D. In all situations arising out of this Agreement, the parties shall attempt to avoid and minimize the damages resulting from the conduct of the other party.
- E. This Agreement and the rights and obligations of the parties shall be governed and interpreted in accordance with the laws of the State of California.
- F. The text herein shall constitute the entire Agreement between the parties and supersedes any other Agreements either oral or in writing, between the parties hereto with respect to the rendering of these services, compensation or benefits. Any modifications of this agreement will be effective only if it is in writing and signed by the party to be charged.
- G. If any provision or any portion thereof, contained in this Agreement is held unconstitutional, invalid or unenforceable by a court of law, the remainder of this Agreement or portion thereof, shall be deemed severable, shall not be affected and shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first set forth above.

CITY OF OXNARD

KAREN R. BURNHAM

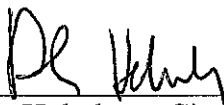
Dr. Thomas E. Holden, Mayor

Karen R. Burnham

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: Matthew G. WinegarAgenda Item No. I-4Reviewed By: City Manager [Signature]City Attorney [Signature]Finance [Signature]Other (Specify) for JC

DATE: May 23, 2012

TO: City Council

FROM: Matthew G. Winegar, Development Services Director
Development Services Department

SUBJECT: Extension of Agreement to Defer Development Fees for St. Paul Baptist Church

RECOMMENDATION

That City Council:

1. Approve the first reading by title only and subsequent adoption of an ordinance extending the deferral of the payment of \$139,881.29 in development fees owed for construction of a new building at 1787 Statham Boulevard by St. Paul Baptist Church by one-year to June 26, 2013.
2. Approve and authorize the Mayor to execute the first amendment and restatement of agreement to pay deferred development fees (A-7021) between the City and St. Paul Baptist Church extending the payment due date to June 26, 2013.

DISCUSSION

In 2008 the City Council approved ordinance 2769 and entered into an agreement (A-7021) with St. Paul Baptist Church for a 4-year deferral of payment of \$139,881.29 in development fees. The deferral agreement includes a provision for the payment of interest at a rate of 5% per annum and a requirement for the Developer to provide security in an amount equal to 125% of the deferred fees. St. Paul Baptist Church was issued a building permit for construction of a building located at 1787 Statham Boulevard on June 26, 2008. Construction of the building was started; however, only foundation related work has been completed. St. Paul Baptist Church is requesting a one-year extension to the payment due date. This first amendment to the agreement extends the payment due date to June 26, 2013. All other provisions of the original agreement including payment of interest and provision of security are retained during the extended agreement period.

FINANCIAL IMPACT

The infrastructure accounts related to the fees identified in Exhibit "A" of the first amendment and

Extension of Agreement to Defer Development Fees for St. Paul Baptist Church

May 23, 2012

Page 2

restatement of agreement would not realize the corresponding revenue for the extended period of the agreement but interest would be paid at 5% per annum which exceeds the rate currently received by the City on its investments in the Local Agency Investment Fund (LAIF).

(MW/pjw)

Attachment #1 - Ordinance Extending Fee Deferral

#2 - First Amendment of agreement to pay deferred fees (A-7021)

CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO. _____

(UNCODIFIED)

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD
CONCERNING DEFERRAL OF PAYMENT OF DEVELOPMENT FEES FOR ST. PAUL
BAPTIST CHURCH

WHEREAS, the first sentence of subsection (b) of section 15-173 of the City Code provides in part: "For development projects for which the city issues a building permit, development fees shall be calculated and collected at the time of issuance of the building permit, based on the development fee schedule then in effect."

WHEREAS, St. Paul Baptist Church ("Developer") has applied to the City for entitlements to construct an approximate 28,250 square foot building; and

WHEREAS, the City Council on March 25, 2008, adopted Ordinance Number 2769 deferring for four years certain development fees that the Developer will owe to the City in connection with construction of the building; and

WHEREAS, although a permit to construct the building referenced in Ordinance No. 2769 issued on June 26, 2008, the building described in Ordinance Number 2769 has not been constructed, and, accordingly, there have been no development impacts; and

WHEREAS, the City Council wishes to extend the fee deferral provided by Ordinance No. 2769; and

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

Part 1. As used in this ordinance, "development fees" shall mean planned drainage facilities fees imposed pursuant to section 15-185 et seq. of the City Code; planned traffic circulation facilities fees imposed pursuant to section 15-215 et seq. of the City Code; growth requirement capital fees imposed pursuant to section 15-225 of the City Code; sewer connection conveyance fees imposed pursuant to Ordinance No. 2260; sewer connection wastewater treatment plant fees imposed pursuant to Ordinance No. 2709; underground utilities fees imposed pursuant to Ordinance No. 2709; water system connection fees imposed pursuant to Ordinance No. 2624, and the Art in Public Places fees imposed pursuant to Resolution No. 12,290. As used in this ordinance, "development fees" shall not include any other fees, including fees collected on behalf of other agencies, fees collected to mitigate environmental impacts, and processing fees.

Part 2. Notwithstanding the first sentence of subsection (b) of section 15-173 of the City Code, the Director of Development Services is directed to allow Developer until June 26, 2013,

the payment of development fees owed to the City in connection with such permit, provided all the conditions met in Ordinance No. 2769 have been met and continue to be met.

Part 3. This Ordinance shall not be included in the City Code.

Part 4. Within fifteen days after passage, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation within the City. Ordinance No. _____ was first read on _____, 2012, and finally adopted on _____, 2012 to become effective thirty days thereafter.

AYES:

NOES:

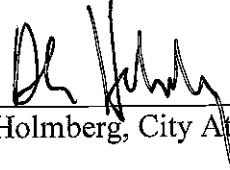
ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney

FIRST AMENDMENT AND RESTATEMENT OF AGREEMENT TO PAY DEFERRED DEVELOPMENT FEES

This First Amendment and Restatement of Agreement to Pay Deferred Development Fees (this "First Amendment") is entered into this ____ day of _____, 2012, by and between the City of Oxnard, a municipal corporation ("City"), and St. Paul Baptist Church ("Developer"). This First Amendment amends the agreement entered into on March 18, 2008, by City and Developer ("Agreement").

City and Developer agree as follows:

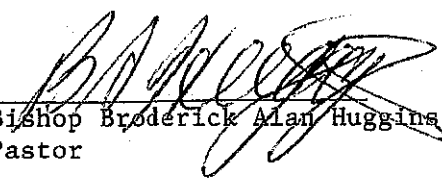
1. Developer applied for and on June 26, 2008, was issued permits to construct an approximately 28,250 square foot building located at 1787 Statham Boulevard; and
2. In March 2008, Developer requested that City defer Developer's payment of certain development fees in the amount of \$139,881.29 as shown on Exhibit A attached hereto and incorporated herein by reference (the "Fees") that City ordinances require be paid prior to issuance of a building permit to construct the Improvements.
3. On March 25, 2008, the City Council adopted Ordinance No. 2769 authorizing deferral with interest to be paid at 5 % per annum for four years of Developer's payment of the Fees, provided that Developer obtain a building permit to construct the Improvements within six months from the date of execution of the Agreement, does not protest the calculation of such fees; pays any fees not deferred; execute the Agreement providing for payment of the Fees; and execute agreements or obtains instruments (such as a letter of credit) providing for security satisfactory to the Development Services Manager and City Attorney for 125% of the amount of fees so deferred.
4. Developer met the conditions described in section 3 above, and now has requested deferral of the Fees for an additional year.
5. On _____, 2012, the City Council adopted an ordinance permitting deferral for an additional year, provided the conditions of section 3 continue to be met.
6. Developer shall pay the deferred fees and interest to City in full on or before the expiration of five years from the date that Developer obtained a building permit to construct the Improvements, which date is June 26, 2013, provided the conditions set forth in section 3 above continue to be met.
7. Time is of the essence of this Agreement.

8. This Amendment shall not go into effect unless and until the ordinance referred to in section 5 of this agreement becomes effective.

CITY OF OXNARD

ST. PAUL BAPTIST CHURCH

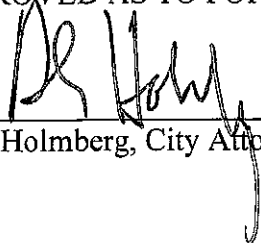
Dr. Thomas E. Holden, Mayor


Bishop Broderick Alan Huggins,
Pastor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney

EXHIBIT "A"

LIST OF DEFERRED DEVELOPMENT FEES

Fees Deferred By Ordinance No. 2769	<u>Fee Amount</u>
Drainage Facilities Fees	\$ 42,444.86
Traffic Circulation Facilities Fees	\$ 44,755.23
Growth Requirement Capital Fees	\$ 16,950.60
Water Resource Development Fee	\$ 8,375.00
Water Capital Facility Connection Fee	\$ 1,023.00
Sewer Treatment Connection Fee	\$ 12,236.40
Sewer Conveyance Connection Fee	\$ 4,374.00
Art in Public Places Fee	<u>\$ 9,722.20</u>
Total:	\$139,881.29

CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO. 2855

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, is on file at the City Clerks office, 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. 2855 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:

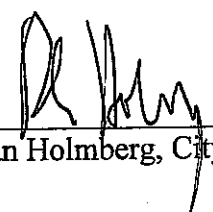
ABSENT:



Dr. Thomas E. Holden, Mayor

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney

An aerial photograph of a city grid, likely San Francisco, showing a river at the bottom. The image is in black and white with a high-contrast, grainy texture. The text is overlaid on the lower portion of the image.

AMENDMENT to the
RIVER PARK SPECIFIC PLAN

INTRODUCTION

1.1	PROJECT SUMMARY	1
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 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.

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

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

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

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

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.

RIVERPARK SPECIFIC PLAN

April 12, 2005
update through 3/2012
Modified in
SPA 2012



RIVERPARK

prepared for RiverPark Development, LLC by AC Martin Partners with

RTKL / EDSA / CRAIN AND ASSOCIATES / WILLIAM HEZMALHALCH ARCHITECTS / HUITT-ZOLLARS

August 27, 2008
 Modified in
 8/9/2012

Prepared for RiverPark Development, LLC by AC Martin, Partners with
 RTKL / EDSA / CRAN AND ASSOCIATES / WILLIAM BEZVALCHER ARCHITECTS / HUNT-ZOLLARS

LAND USE SUMMARY BY PLANNING DISTRICT

Developer: **RiverPark Legacy LLC**
 SPA: TALAMANTE / IMPACT SCIENCES / CRAN &
 Consultants: ASSOCIATES / DI CECIO ARCHITECTURE

RiverPark SPECIFIC PLAN EXHIBIT 2.J

LAND USE SUMMARY BY PLANNING DISTRICT

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

Planning District	Land Use	Gross Acreage ¹	Max Commercial KSF Allowable for Each Planning District	Allowable Dwelling Unit Range For Each Planning District ²
A	Mixed Use/Office District			
	MIXED USE RESIDENTIAL: HIGH ³	21.1	20	317-440
	COMMERCIAL: OFFICE	15.4	221	
	Remaining parcels designated Commercial: Office	9.3	200	
	COMMERCIAL: OFFICE/opt. OPEN SPACE: PARK SPACE	1.3	15	
	OPEN SPACE: MISCELLANEOUS: DRY SWALES / DETENTION BASINS	0.4	NA	
	Subtotals Planning District A ⁴	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 ⁵		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)	68.2	904	
	VERTICAL MIXED USE OVERLAY			100-150
	RESIDENTIAL: HIGH ³	15.0	0	220-312
	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	88.4	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 ⁶	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 ⁶	325-426
	OPEN SPACE: PARK SPACE	2.8	NA	
	OPEN SPACE: MISCELLANEOUS: DRY SWALES/ DETENTION BASINS	1.2		
	SCHOOLS / COMMUNITY PARK ^{7,8,9}	11.4	NA	
	Subtotals Planning District G	53.0	15	325-426
H	RiverPark Crescent Neighborhood District			
	RESIDENTIAL: LOW MEDIUM	60.6	NA	450-492
	OPEN SPACE: NEIGHBORHOOD PARKS	3.3		
	Subtotals Planning District H	63.9	0	450-492
I	RiverPark Loop Neighborhood District			
	RESIDENTIAL: MEDIUM ³	43.0	10 ⁶	375-510
	OPEN SPACE: PARK SPACE	6.6	NA	
	OPEN SPACE: NEIGHBORHOOD PARKS	5.8		
	OPEN SPACE: MISCELLANEOUS: WATER FEATURE	1.4		
	Subtotals Planning District I	56.8	10	375-510
J	RiverPark Mews Neighborhood District			
	RESIDENTIAL: MEDIUM ³	21.0	10 ⁶	220-310
	OPEN SPACE: PARK SPACE	1.4	NA	
	OPEN SPACE: NEIGHBORHOOD PARKS	6.1		
	OPEN SPACE: LANDSCAPE BUFFER	2.5		
	SCHOOLS / COMMUNITY PARK ^{7,8,9}	30.4	NA	
	Subtotals Planning District J	61.4	10	220-310
K	Lakeside Neighborhood District			
	RESIDENTIAL: MEDIUM ³	10.5	5 ⁶	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 Not school site area in Planning District J = 27.3 acres; Not school site area in Planning District G = 10.0 Acres

³ Vertical Mixed Uses and / or Live/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 Rio 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.

Upper end of range is regulated through monitoring by Master Developer per note 6 to assure that the total dwelling units within RiverPark does not exceed 3,043.

⁸ Ground Level Commercial and/or Live/Work use

⁹ Refer to Specific Plan Sections 2, 3, and 4 for detailed descriptions of Permitted and Specially Permitted land use 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.

¹⁰ Convention Hotel number of rooms is 320 with corresponding 272k sf

¹¹ 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 / HUITT-ZOLLARS

CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO. 2856

ORDINANCE OF THE CITY OF OXNARD, CALIFORNIA, APPROVING FOURTH AMENDMENT TO THE RIVERPARK DEVELOPMENT AGREEMENT NO. A-6128 (PZ 11-670-01). FILE 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 E.D.2, LLC / KOH 12-17 LLC (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, 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's June 16, 2011, action recommending denial of the development agreement amendment, and the staff report and the addendum; and has determined that there is no substantial evidence that the development agreement amendment may have a significant effect on the environment because the proposed project is consistent with the EIR, the impacts of the changes contained in this development agreement amendment, as implementation of the specific plan amendment, that was evaluated by the EIR and the addendum, and no additional environmental impacts will be caused by the proposed development agreement amendment and its implementation; and

WHEREAS, the City Council has considered the information contained in such EIR before approving this project; and

WHEREAS, the City Council finds, after due study, deliberation and public hearing, that the project is a logical refinement of the RiverPark Development Agreement and that the proposed Fourth Amendment to the RiverPark Development Agreement is consistent with the 2030 General Plan; and

WHEREAS, the City Council provided notice of its intent to consider the Fourth Amendment to the RiverPark Development Agreement in accordance with the requirements set forth in Section 65867 of the Government Code; 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 does ordain as follows:

Part 1. The "Fourth Amendment to Development Agreement" between the City and RiverPark Developers, is on file at the City Clerks office as Exhibit A, is hereby adopted.

Part 2. The Mayor is authorized to execute on behalf of the City the "Fourth Amendment to the RiverPark Development Agreement" between the City and RiverPark Developers.

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. 2856 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:

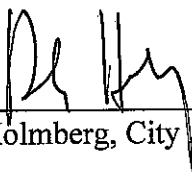
ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney



Meeting Date: 6 /12 / 2012

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

Prepared By: Mehrdad Rahimi *MR* Agenda Item No. I-6

Reviewed By: City Manager *gjb* City Attorney *pk* Finance *q* Other (Specify) _____

DATE: June1, 2012

TO: City of Oxnard Housing Authority Board of Commissioners

FROM: William E. Wilkins, Housing Director
Housing Authority *[Signature]*

SUBJECT: Authorization to Award Contract for the Replacement of Kitchen Cabinets in Public Housing Units.

RECOMMENDATION

That the City of Oxnard Housing Authority Board of Commissioners approve and authorize the Chairman to execute a firm-fixed price contract in the amount of \$403,190 with Bentley Construction Group, Inc. (Agreement number A-7502), using funds previously appropriated from the 2010 and 2011 Capital Fund grants, for the replacement of the existing kitchen cabinets in 100 public housing units at Felicia Court housing development located at 1201 through 1363 Felicia Court.

DISCUSSION

On July 15, 2010 and on August 2, 2011 the City of Oxnard Housing Authority (OHA) received \$1,936,567 and \$1,609,047 Capital Fund grants, respectively, for the modernization and rehabilitation of public housing units. The grants were approved by the Department of Housing and Urban Development (HUD). The 2010 funds must be 100% obligated by July 15, 2012.

On February 02, 2012 the Oxnard Housing Authority Resident Advisory Board during its annual Capital Fund meeting requested that the funds allocated for the replacing of the existing fencing at Felicia Court be used instead to replace the existing old kitchen cabinets in the units. The Housing Authority revised the annual plans accordingly and forwarded them to HUD for their approval. In March 2012, the revised plans which included the kitchen cabinets were approved by HUD.

In April 2012, the OHA solicited bids for the replacement of the kitchen cabinets in 100 housing units at Felicia Court. During the solicitation period eleven companies attended the walk-through, and on May 3, 2012, five bids were received and evaluated. Bentley Construction Group, Inc. was considered to be the lowest responsive and responsible bidder. The purpose of this project is to replace and upgrade the old kitchen cabinets and related accessories which will enhance the health and safety standards, required by HUD, for the residents and will reduce the maintenance operation cost for the Housing Authority.

Subject/ Authorization to Award Contract for the Replacement of Kitchen Cabinets in Public Housing Units.

June 5, 2012

Page 2

FINANCIAL IMPACT

Funding for this contract would come from the Capital Fund Grants authorized by the Department of Housing and Urban Development.

Attachment #1 - Agreement Number A-7502

CITY OF OXNARD HOUSING AUTHORITY
CAPITAL IMPROVEMENT CONTRACT

Date of contract: June 12, 2012

Contract No: A-7502

Name of Contractor: Bentley Construction Group, Inc.

Address: 240 Ford Avenue, Ventura, California 93003

Project description: Kitchen Cabinet Replacement project at (CAL 31-2) Felicia Court Apartments, Oxnard, California for the Oxnard Housing Authority.

This contract is made at Oxnard, California, as of this 12th day of June, 2012 between the Housing Authority of the City of Oxnard, called herein the "Authority", and the above-named contractor for the construction of the capital improvement project described herein. The parties hereto agree as follows:

1. Type of Contract

This contract is a firm-fixed price contract as defined by 24 CFR 85.36(d)(2) and the Department of Housing and Urban Development (HUD) Handbook 7460.8, Rev. 2.

2. Contract Price

Contractor shall perform the work described and the Authority shall pay the contractor, in full payment for said work, the following sum: \$403,190.

The above sum includes all taxes and the costs of any required bonds, and required certificates with the exception of permit fees.

3. Payment Schedule

Payment is required to be made no earlier than 35 calendar days after acceptance of contractor's invoices by the Authority and shall be made no later than 60 calendar days after the certificate of completion has been issued and approved, provided that the Authority may withhold from final payment an amount sufficient to protect the Authority from disputes as well as 1.5 times the amount of any stop notice claims.

4. Scope of Services

Contractor shall furnish all tools, equipment, apparatus, facilities, labor and materials necessary to, and shall perform and complete in a good, safe and workmanlike manner, the work generally described as follows: Kitchen Cabinet Replacement project at (CAL 31-2) Felicia Court Apartments, Oxnard, California.

5. Contract Documents

The complete contract consists of all the following which are specifically incorporated herein by reference:

- a. The notice inviting bids.
- b. This contract.
- c. Addenda numbers: 0
- d. Specifications. (Exhibit A)
- e. Plans.
- f. Contractor's bid proposal and list of subcontractors (if applicable).
- g. Performance and payment bonds as required by the specifications and applicable law. Unless otherwise specified, each such bond shall be 100 percent of the contract price.
- h. Insurance as required by the specifications and applicable law.
- i. All applicable wage determinations, safety and health regulations, non-discrimination provisions, labor standards, and requirements if the contract is federally assisted. This includes but is not limited to such items enumerated in the specifications and addenda thereto.

6. Indemnity

Contractor agrees to indemnify, hold harmless and defend Authority, its Commission, and each member thereof, and every officer, employee, representative or agent of Authority, 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 Contractor or its agents, employees, Subcontractors, Contractors, and other persons acting on Contractor'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, willfulness or acts for which Contractor or its agents, employees, Subcontractors, Contractors and other persons acting on Contractor's behalf would be held strictly liable.

7. Time for Performance

The time limit for the completion of the work is 135 working days after receipt of the Notice to Proceed.

Contractor will not perform any work until the Authority issues a Notice to Proceed. Work will be completed within the time limit specified above and in the Notice to Proceed.

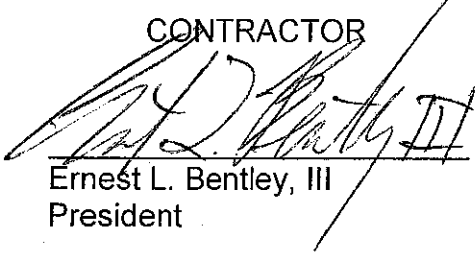
8. Acknowledgement

The contractor by signing hereunder acknowledges that he has reviewed all the foregoing documents and agrees with the requirements, conditions and covenants contained therein.

CITY OF OXNARD

Dr. Thomas E. Holden, Mayor

CONTRACTOR

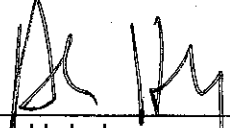


Ernest L. Bentley, III
President

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



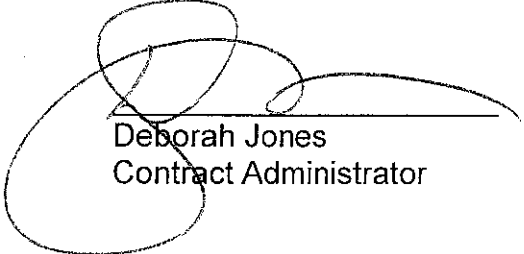
Alan Holmberg
Authority General Counsel

APPROVED AS TO INSURANCE:



Carrie Sabatini
Housing Finance Officer

APPROVED AS TO COMPLIANCE:

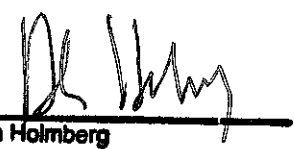


Deborah Jones
Contract Administrator

APPROVED AS TO AMOUNT:

Karen B. Burnham
Interim City Manager

APPROVED AS TO FORM:



Alan Holmberg
City Attorney

EXHIBIT A SCOPE OF WORK

The purpose of the project is to replace the existing kitchen cabinets and countertops in 100 units at Felicia Court Apartments (CAL 31-2). The Oxnard Housing Authority (OHA) may, at its option include the replacement of other kitchen items, dependent upon budgetary limitations.

The contractor will obtain all required permits and inspections in accordance with industry standards and policy of the City of Oxnard. The Contractor shall obtain one permit for each building involved in the project. **The contractor will be reimbursed for the cost of permits after submission of paid invoice to the Housing Authority.**

Contractor shall supply trained, qualified and technically skilled journeymen, directly employed and supervised by the Contractor. All supervision, installed repair parts, consumable materials, equipment, tools, and each and every item of expense necessary for the replacement of the windows, shall hereinafter be called the "Work".

Scope of Work:

Scope of work includes but is not limited to the following.

A: Prepare documentation and apply for permits. Use provided documents and/ or provide additional documentation and information, if needed, until the permits are approved. Pay for and pull all the required permits. One permit will be pulled for each building. There are 16 buildings. (See Drawings)
Call for inspection as required and get a final sign off, from the inspectors, on each permit.

Note: Please do not include the cost of permits in your bid. Contractors will be reimbursed, via a change order, for the cost of permits upon submittal of the invoice paid to the City of Oxnard.

B: Removal and disposal of the existing wall cabinets, base cabinets, and countertops in 100 units. Also removal and salvage of range hoods, kitchen sinks, kitchen faucets, and garbage disposal, etc. in all units and salvage them to be reinstalled in the new cabinets and in the new counter tops as specified in the specification section below.

Note: Replacement of the existing range hoods, kitchen sinks, kitchen faucets, water supply lines and angle stops, etc. with new ones are optional items in the bid schedule pending approval of the budget. (See bid schedule for details)

Lead Based Paint Disclosure: The cabinets will be tested to confirm the existence or absence of lead base paint (LBP) prior to the start of work. If LBP is confirmed, the Housing Authority will handle the removal and disposal of lead based paint containing

items. **SPECIAL NOTE:** All contractors and/or laborers involved in removal of the cabinets are to be lead-safe certified in accordance with EPA regulations and guidelines. Contractor to provide copies of certificates for every person involved in demolition/removal of existing cabinets and countertops prior to the start of work.

C: Supply and fit installation of all cabinets and countertops including fillers and moldings where needed in all units. Please note that contractors are required to provide shop drawings of the new cabinet layouts for approval prior to installation. The drawings must present the best fit possible; that is the most efficient lay out that could possibly be fit in the kitchens.

D: Supply and install a 15" deep 18" High wall cabinet above kitchen sink. Remove the existing recessed light, provide and install an extension ring and a cover plate on the light as needed, provide and install required wiring from the light ran through the cavity on the top and behind the cabinet to power the newly supplied and installed under cabinet light fixture. Cut the top of the new cabinet enough to provide access to the created junction box in the ceiling.

E: Supply in part or in whole and properly install and seal new range hoods, new kitchen sink, new kitchen faucet, new supply lines and angle stops per contract and per specification below or clean, re-install, and seal the salvaged items back in place. In installation or re-installation of these items allow for any modification that may be required to be done on the existing plumbing and ductwork depending on the size and style of the fixtures.

F: Finish the job by installing 1/4" round matching moldings at all exposed corners including wall cabinets exposed sides and tops under the soffits and at the toe boards of the base cabinets to cover the gaps of the existing floor covering in the kitchen. Apply clear silicon on the top of countertops and open joints and anywhere else where needed.

Drawings:

Drawings include, existing site plan, existing kitchen floor plans with existing kitchen cabinets layout for 2, 3, 4, and 5 bedroom units, Typical elevation view of the existing kitchen cabinet in the units. (9 pages).

Note: The dimensions given on the drawings are for bidding purposes only. The actual dimensions may vary by 1-2 inches more or less. Since the project is a retrofit project the contractor is required to accurately measure the existing kitchen walls and areas in each unit and fit them in place. Please allow for vertical and/or horizontal matching fillers in your shop drawings for best fit where needed. (Field verification is required)

***Dimensions must be verified by the contractor; variance between estimated and actual measurements will not form a basis for additional compensation.**

Specifications:

Wall and Base Cabinets (per approved shop drawings)

CONSTRUCTION:

Armstrong Cabinets, Extreme™ Box Series Construction or approved equal.

DIMENSIONS:

Wall cabinets Height: 30" above Fridges 15" above Stoves and Sinks 18"

Wall cabinets Depth: 12" (Except for the additional wall cabinet which shall have 15" depth. (To cover the existing recessed light in the soffit)

Wall cabinets Width: Designed by contractors

Base cabinets Height: 34 ½" Base cabinets Depth: 24" Toe board Height: 4 ½"

(**Please note:** Existing dryer vent runs underneath all base cabinets to the outside.

Contractors to assure there is enough space under the base cabinets to cut through the base sides and run the venting flex pipes under the base cabinets to the outside)

Base cabinets Width: Designed by contractors

DOOR STYLE: Armstrong Cabinets or approved equal. Plantation Hardwood Coronet (059COR), Finish: Honey

FRONT FRAME – ¾" Thick dried solid hardwood. Mortise and tenon or bore and dowel construction frame joinery reinforced with glue and nail. Stiles 1 ½" wide. Mulls 3" wide. Rails 1 ¾" wide. Stiles and top and bottom rails dadoed to receive ends, tops and bottoms.

END PANELS: STANDARD – Nominal ½" thick (12mm), multi-ply Type 1 exterior glue hardwood plywood, dadoed to receive tops and bottoms. Ends are inserted into dado in face frame and recessed 3/16" and rabbeted to receive backs.

TOP/BOTTOM PANELS – Nominal ½" thick (12 mm), multi-ply hardwood plywood. Tops and bottoms let into end panels, front rails and hang rails, glued and stapled. Bottoms are supported at rear of base cabinets by nominal ½" thick multi-ply hardwood plywood.

HANGING RAILS – Wall cabinets: nominal ¾" thick (18 mm) x 3" high multi-ply hardwood plywood, running full cabinet length at the top and bottom. Base cabinets: nominal ¾" thick (18 mm) x 7 ¼" high solid pine at the top. All hang rails are rabbeted to inset in end panels and to receive backs.

BACK PANEL – Nominal ¼" thick (6 mm), hardwood plywood securely glued and stapled to rabbets in end panels and hang rails.

SHELVES – (2 shelves in wall cabinets and 1 shelf in base cabinets where needed) Nominal ½" thick (12 mm), multi-ply hardwood plywood, 10 7/8" deep with hardwood veneer banded front edge. Shelves are fixed into dados in end panels on all cabinets.

TOE BOARD: Toe kick is 4 1/2" min. high and recessed 3 3/8"

STANDARD – Nominal 3/4" thick (18 mm), Alkaline Copper Quaternary pressure treated lumber used for toe board captured between end panels.

BASE CORNER BRACES – Two 3/4" x 1 1/2" solid hardwood or hardwood plywood corner braces running full depth front to back of cabinet. All braces are glued and pinned at top of cabinet to front frame, rear hanging rails and end panels.

DRAWERS – 1 1/16" thick solid pine lumber four sided drawer box. Ends are captured in drawer side dados. Drawer bottoms are nominal 1/4" thick (6 mm) hardwood plywood dadoed into all four drawer box sides. All drawer parts are glued and stapled together. Drawer Upgrades: Dovetail Drawers which includes under-mount drawer guides

DRAWER GUIDES – High quality epoxy coated steel, Extreme grade, side mounted guides, self-adjusting in mounting brackets. Mounting brackets are screwed to solid pine back hanging rails. Built-in stop, self-closing and stay-closed features with a 100 lb. rated load capacity.

HINGES: STANDARD – Heavy duty, high quality steel, concealed 6-way adjustable hinge with self-closing feature.

FINISH: Honey: Furniture quality protective finish system on doors, drawer fronts, front frames and veneer end panels consisting of sanding, stain, catalyzed sealer and catalyzed clear top coats. All interior end, top, bottom and back panels are finished plywood with clear sealer and top coat.

COUNTERTOPS:

CONSTRUCTION: Wilsonart™ Laminate Countertops or approved equal.

Style: Caprice (Countertop with water drip stop and high integral back and side splashes)

Design: Premium Design: Mesa Gold 4580K-07

Build-Up Kit: No miter cut needed, straight cuts only if needed.

End Cap Kit: Supply and install to match in style and design with countertops.

OPTIONAL ITEMS:

Additional Wall Cabinet above Kitchen Sink

Wall cabinets Height: 18"

Wall cabinets Depth: 15" depth. (To cover the existing recessed light in the soffit)

Wall cabinets Width: Designed by contractors

Under-Cabinet Kitchen Light (wired and installed)

Manufacturer: General Electric or approved equal

GE 24" long premium direct wire fluorescent under-cabinet light Model # 16687

Supply and install under cabinet on the top of the kitchen sink and direct wire it to the existing light on the soffit above. Run wires from underneath, behind and top of the cabinet.

Kitchen Range Hood

Manufacturer: Broan Model 423001 or approved equal
White, 30" Wide
7" round duct vent
190 CFM Min. 6.0 Sones, Max.
Rocker-type fan with light switches
Provide and include fluorescent light bulb. **Energy Star** certified fixture is preferred.
Provide and include 7" to 4" galvanized vent adapter with flap damper if needed.

Kitchen Sink

Manufacturer: Moen or approved equal
22212 Camelot 20 Gauge Double Bowl 3 Hole Drop-In Sink, Stainless Steel
Top mount double bowl sink
Overall dimension: 33" x 22"
Faucet mount options: 3 hole
Equal size bowls
Bowl dimensions: 14" x 16" x 8"
20 gauge min. nickel-bearing stainless steel material
Note: 18 gauge is preferred from another manufacturer with equal price
Sound shield sound deadening, inhibits condensation
10 Year Limited Manufacturer Warranty

Kitchen Faucet

Manufacturer: Wolverine Brass 52434 (without spray) or approved equal
Ceramic disc cartridges
Heavy cast brass body with integral shanks and spout housing
Heavy cast brass spout
Triple plated high luster chrome finish
1/2" IPS threaded brass shanks 8" on centers
OPERATION:
Twin large canopy handles
90° turn from full off to full on
2.2 gpm (7.6 l/min) aerator
STANDARDS:
Designed and manufactured to comply with CSA B-125, ASME A112.18.1M and NSF standards.
MOUNTING SURFACE REQUIREMENTS:
Surface thickness 1-1/4" maximum
Three (7/8" min to 1-1/4" max. dia.) holes 4" on centers

Kitchen Sink Water Supply Hoses (2)

Manufacturer: Brass Craft vinyl supply hose or approved equal.
Provide water supply hoses for both hot and cold lines. Verify length before bidding or ordering

Angle Stops (2)

Manufacturer: Brass Craft ¼ turn stop or approved equal.

All new angle stops shall have compression connection for the existing ½" copper pipes. Verify connections before bidding or ordering.

Warranty:

The contractor shall warranty the work for a period of **one (1) year** against defects in workmanship and **five (5) years** by the manufacturer for material defects.

Location of the Project:

The project site is located in Colonia neighborhood. The project addresses are 1201 through 1363 Felicia Court, off of Marquita Street in Oxnard, California. (See Site Plan)

Note: Parking spaces are limited in the area and usually numbered and assigned to the residents. The contractors may park on the parking spaces for the guests (Not numbered) or on Marquita Street, where available, and they will be responsible for their own violations.

Work Hours:

From 7:30 AM to 4:30 PM max.

No work is allowed Saturdays, Sundays and during any official holidays.

Housing Authority is closed every other Fridays. No work is allowed on the off Fridays.

Safety and Security:

The contractor is required to secure the kitchen area during work hours and lunch hours and assure the safety of the residents during construction. We require the contractor to remodel as many kitchens as they can replace each day. This way the units will be secured after complete installation. We require a minimum of **2 kitchens** in **2 units** to be completed each working day.

Project Schedule:

The contractor is expected to complete the job in not to exceed **135 working days** as broken down below or as desired by the contractor.

85 days for pulling the permits, supplying material, receiving, and storing the materials.

50 days (based on 2 units per day) for the actual removal and re-installation work.

This schedule shall take effect right after the notice to proceed is issued.

Tenant Notification:

Based on the above schedule, the contractor is expected to work with the project manager in working out a work schedule. We will notify the residents based on the work schedule to stay out of the kitchen area during construction hours as much as they can. However the contractor is expected to work with the tenants if they decide to stay home and use the refrigerator and/or stove during construction. We will also ask the residents to empty their kitchen cabinets a day before the construction. However if some stuff is

left in the cabinets the contractor is expected to work with the residents to move them out of the way.

Construction Debris:

The contractor shall remove and dispose of construction debris from each unit on a daily basis and shall return the unit back to its original situation before construction. Due to the nature of the job, it is anticipated that a lot of debris will be generated and may require installation of additional trash bins on the street. The old cabinets, old counter tops, etc... shall be moved intact out of the residential units into the trash bin due to possible LBP content and preferably be taken away out of the reach of children and out of the site on a daily basis.

Storage Bin and Trash Bin

The contractor shall provide bins and/or containers for the temporary storage of the cabinets and other related materials at the job site and/or in a nearby warehouse or in their own warehouse and to coordinate delivery of the cabinets and materials to the job sites on as needed basis whichever is more cost effective and works best for them.

Final Walkthrough, and Sign off:

The contractor is required to call for a final walk through with the project manager and/or the Housing Authority staff after completion of each building at the job sites. Upon approval the contractor may partially bill the Housing Authority for that completed building. All the payments will be pending obtaining a final sign off from the City inspector and turning in those permits.

Payment: The contractor may receive Progress Payments under this contract if desired. The amount of contract retention will be 10% of each progress payment invoiced.

EXHIBIT B
SCHEDULE OF PERFORMANCE

1. The contractor shall perform the kitchen cabinet and countertop replacement/retrofit work within 135 working days after receipt of the Notice to Proceed.

SECTION C
SCHEDULE OF RATES

1. The Contractor will receive the sum of \$403,190 in total for completion of the kitchen project.
2. Contractor may request progress payments approximately every 30 days as the work proceeds, on estimates of work accomplished which meets the standards of quality established under the contract, as approved by the Contracting Officer or his/her designee.
3. Before the first progress payment under this contract, the Contractor shall furnish, in detail, a breakdown of the total contract price showing the amount included for each principal category of the work, which shall substantiate the payment amount requested in order to provide a basis for determining progress payments. The breakdown shall be approved by the Contracting Officer. If the contractor covers more than one project site, the Contractor shall furnish a separate breakdown for each.
4. The values and quantities employed in making up the breakdown are for determining the amount of progress payments and shall not be construed as a basis for additions to or deductions from the contract price. The Contractor shall prorate its overhead and profit over the construction period of the contract.



Meeting Date: 06 / 12 / 12

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

Prepared By: Michelle Johnson, Interim Environmental Services Manager

Agenda Item No. **I-7**Reviewed By: City Manager *[Signature]*City Attorney *[Signature]*Finance *[Signature]*Public Works *[Signature]***DATE:** May 31, 2012**TO:** City Council**FROM:** Rob Roshanian, Interim Public Works Director
Public Works Department**SUBJECT:** Approval of Award of Contract No. A-7493 for GS11-13 Del Norte Facility
Restroom Remodel

RECOMMENDATION

That City Council:

1. Approve and authorize the Mayor to execute the Contract No. A-7493 with Ardalan Construction Company, Incorporated in the amount of \$163,000 on Project Specification Number GS11-13 for the Del Norte Facility Restroom Remodel Project located at 111 South Del Norte Boulevard.
2. Approve a Special Budget Appropriation of \$63,000 to the Solid Waste Asset Management Project No. 106801 to provide funding for the remodel of restrooms at the Del Norte Facility.

DISCUSSION

On December 6, 2011, the City Council approved the plans and specifications for GS11-13 Del Norte Facility Restroom Remodel Project and authorized staff to solicit bids for the project. A pre-bid meeting was conducted on April 4, 2012. The bid opening was held on April 18, 2012, and twelve bids were received. The lowest responsible bidder is Ardalan Construction for \$163,000.

The Del Norte women and men restroom facilities are used by both the Republic Services recycling employees and the City of Oxnard refuse truck drivers and handlers. Due to the high occupancy use, condition and the age of the facilities, a remodel is recommended.

This project involves the complete interior demolition and disposal of all existing restroom components. The wall material will be removed to the framing, cleaned, insulated, re-dry walled, and have a protective wainscot installed. Other improvements will include: paint, signage, lighting, keyless entry system, electrical work, lockers, benches, hand dryers, fittings and fixtures, partitions, flooring, new front entrance doors and ventilation. Project specifications are compliant to the required guidelines of the Americans with Disabilities Act (ADA).

Approval of Award of Contract No. A-7493 for GS11-13 Del Norte Facility Restroom Remodel

May 31, 2012

Page 2 of 2

On January 10, 2012, the City Council approved a Short Term Service Agreement (Agreement) with Republic Services for the operation and maintenance of the Del Norte Facility. The Agreement represents a one-year term from February 1, 2012 through January 31, 2013. The Agreement authorizes Republic Services to reduce its annual service fee by \$155,000 of which \$63,000 will be recognized by the City through Fiscal Year 2011-12 with the remaining \$92,000 to be recognized in Fiscal Year 2012-13.

FINANCIAL IMPACT

The \$63,000 recognized in FY 2011-12 original budget from the Solid Waste Operating Material Recovery Reimbursement Account No. 631-6304-614-7737 will be appropriated to the Solid Waste Asset Management Project No. 106801 to provide sufficient funding to cover the cost of this project.

Attachment No. 1 – Contract No. A-7493
No. 2 – Project Site Plan
No. 3 – Special Budget Appropriation

Note: Attachment No. 1 Contract No. A-7493 has 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 Monday.



10000000

REQUEST FOR SPECIAL BUDGET APPROPRIATION

Department: Public Works
Project/Program _____
Manager: Michelle Johnson

Date: June 12, 2012

Phone: 315-6369

Reason for Appropriation:

Approve a Special Budget Appropriation of \$63,000 to the Solid Waste Asset Management Project No. 106801 to provide funding for the remodel of restrooms at the Del Norte Facility

Accounts and Descriptions

AMOUNT

Fund: **Solid Waste Fund No. 631**

Expenditures/Transfers Out

Solid Waste Asset Management Project No. 106801

631-6880-826-8603 Building - Major Repair 63,000

Sub-total Expenditures 63,000

Net Change to Fund Balance (63,000)

Net Appropriation Change (63,000)

Approvals

Department Director



Chief Financial Officer



City Manager



REQUIRES CITY COUNCIL AUTHORIZATION

SBA# (Finance Use Only) _____

BA Doc# (Finance Use Only) _____

Revised : 2/23/2012



INFORMATION ONLY

NO ACTION REQUIRED

DATE: May 23, 2012

TO: City Council

FROM: James Cameron, Chief Financial Officer
Finance Department

A handwritten signature in cursive script, appearing to read "James Cameron", followed by the word "for" in a similar script.

SUBJECT: Monthly Budget Status Report for the Period Ending April 30, 2012

The monthly budget status report for revenues and expenses include both Governmental and Enterprise Funds for the period ending April 30, 2012. Because this report includes year-end accruals for Fiscal Year 2011, there are timing issues on offsetting revenues and expenditures.

JC:MM:tr

Attachment #1: Monthly Budget Status Reports

**City of Oxnard
Monthly Budget Status Report
For the Period Ending April 30, 2012**

TABLE OF CONTENTS

<u>Report Name</u>	<u>Page Number</u>
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Other Governmental Funds	5
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Wastewater Funds	12
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**City of Oxnard
General Fund
Budget Status Report
For the Month Ended April 30, 2012
(Unaudited)**

	<u>Original Budget</u>	<u>Revised Budget</u>	<u>Actual Amounts</u>
OPERATING REVENUES AND EXPENDITURES			
Operating Revenues			
Taxes:			
Property Taxes	\$ 26,246,000	\$ 25,334,000	\$ 23,571,231 a
Property Tax in-lieu of Vehicle License Fee	14,902,000	14,099,000	7,049,303
Sales Tax	22,208,000	23,810,000	15,073,272 b
Other Taxes and Fees	12,253,000	12,862,000	10,576,186 c
Licenses and Permits	1,336,000	1,693,000	1,420,672
Intergovernmental	11,389,000	9,530,000	9,512,961 c
Charges for Services	11,056,000	9,839,900	7,411,697
Fines and Forfeitures	638,000	632,000	402,725 c
Investment Earnings	387,000	196,000	146,018
Miscellaneous	5,621,000	5,561,000	1,367,654
Total Operating Revenues	\$ 106,036,000	\$ 103,556,900	\$ 76,531,719
Operating Expenditures			
General Government	7,085,552	9,615,547	8,068,034
Public Safety	63,438,130	63,154,149	50,714,420
Transportation	2,718,088	2,415,727	2,047,200
Community Development	9,763,403	8,681,831	7,330,093
Culture and Recreation	18,204,444	17,377,463	13,932,819
Total Operating Expenditures	\$ 101,209,617	\$ 101,244,717	\$ 82,092,566
NET REVENUES FROM OPERATIONS	\$ 4,826,383	\$ 2,312,183	\$ (5,560,847)

Notes:

- a Current year receipts reduced for year-end accrual of \$694,354.
- b Current year receipts reduced for year-end accrual of \$3,256,044 to prior year . Includes May collection of \$1,450,500.
- c Actual amounts reflect accrual reversals for receipts recognized in the prior year in the amount of \$1,131,631.

**City of Oxnard
General Fund
Budget Status Report
For the Month Ended April 30, 2012
(Unaudited)**

	<u>Original Budget</u>	<u>Revised Budget</u>	<u>Actual Amounts</u>
NON-OPERATING SOURCES AND USES			
Non-operating Sources			
Payments on CDC loan	\$ 1,030,000	\$ 1,030,000	\$ 1,030,560
Transfers in	-	1,666,700	36,750
Sub-total Non-operating Sources	<u>1,030,000</u>	<u>2,696,700</u>	<u>1,067,310</u>
Non-operating Uses			
Capital outlay	-	22,000	28,101
Loan to CDC	1,030,560	1,030,560	1,030,560
Transfers out	4,825,823	5,003,323	789,842 d
Sub-total Non-operating Uses	<u>5,856,383</u>	<u>6,055,883</u>	<u>1,848,503</u>
NET NON-OPERATING SOURCES AND USES	\$ (4,826,383)	\$ (3,359,183)	\$ (781,193)
USE OF FUND BALANCE			
Use of Reserve for Encumbrances	-	-	-
From Available Fund Balance	-	1,047,000	6,342,040 e
TOTAL USE OF FUND BALANCE	\$ -	\$ 1,047,000	\$ 6,342,040
FISCAL YEAR BALANCE	\$ -	\$ -	\$ -

Notes:

- d Transfers out are internal payments to other funds made at the time obligations are due in the target fund.
e Temporary use of fund balance due to lag in property taxes and recognition of future years.

City of Oxnard
Measure O 1/2 Cent Sales Tax
Budget Status Report
For the Month Ended April 30, 2012
(Unaudited)

	<u>Original Budget</u>	<u>Revised Budget</u>	<u>Actual Amounts</u>
OPERATING REVENUES AND EXPENDITURES			
Operating Revenues			
Taxes	\$ 10,000,000	\$ 10,000,000	\$ 7,108,428 a
Investment Earnings	<u>90,000</u>	<u>90,000</u>	<u>113,019</u>
Total Operating Revenues	\$ 10,090,000	\$ 10,090,000	\$ 7,221,447
Operating Expenditures			
General Government	-	103,200	6,914
Public Safety	3,833,460	3,838,960	1,101,107
Transportation	-	1,163,543	532,152
Community Development	-	361,622	26,072
Culture and Recreation	<u>-</u>	<u>780,690</u>	<u>311,294</u>
Total Operating Expenditures	\$ 3,833,460	\$ 6,248,015	\$ 1,977,539
NET REVENUES FROM OPERATIONS	\$ 6,256,540	\$ 3,841,985	\$ 5,243,908
NON-OPERATING SOURCES AND USES			
Non-operating Sources			
Proceeds from Lease Purchase Agreement	<u>-</u>	<u>-</u>	<u>-</u>
Sub-total Non-operating Sources	-	-	-
Non-operating Uses			
Interest Expense	-	-	-
Payment of Principal	-	-	-
Capital Outlay	<u>519,930</u>	<u>16,360,212</u>	<u>8,094,417</u>
Sub-total Non-operating Uses	519,930	16,360,212	8,094,417
NET NON-OPERATING SOURCES AND USES	\$ (519,930)	\$ (16,360,212)	\$ (8,094,417)
DEBT FINANCING & USE OF FUND BALANCE			
Designated for Authorized Projects & Encumbrances	-	-	-
Appropriated Fund Balance	<u>-</u>	<u>18,254,837</u>	<u>7,574,487</u>
TOTAL USE OF FUND BALANCE	\$ -	\$ 18,254,837	\$ 7,574,487
FISCAL YEAR BALANCE	\$ 5,736,610	\$ 5,736,610	\$ 4,723,978

Notes:

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

City of Oxnard
Grant Funds
Budget Status Report
For the Month Ended April 30, 2012
(Unaudited)

	<u>Original Budget</u>	<u>Revised Budget</u>	<u>Actual Amounts</u>
OPERATING REVENUES AND EXPENDITURES			
Operating Revenues			
Intergovernmental	\$ 6,262,654	\$ 9,027,249	\$ 13,246,094
Fines and forfeitures	-	-	264,199
Investment Earnings	-	-	20,420
Miscellaneous	-	93,267	73,405
Total Operating Revenues	\$ 6,262,654	\$ 9,120,516	\$ 13,604,118
Operating Expenditures			
General Government	-	-	800
Public Safety	271,075	4,391,558	1,745,097
Transportation	-	2,043	4,932
Community Development	4,266,151	11,280,653	5,109,258
Culture and Recreation	198,438	563,282	405,371
Total Operating Expenditures	\$ 4,735,664	\$ 16,237,536	\$ 7,265,458
NET REVENUES FROM OPERATIONS	\$ 1,526,990	\$ (7,117,020)	\$ 6,338,660
NON-OPERATING SOURCES AND USES			
Non-operating Sources			
Transfers in	-	-	-
Sub-total Non-operating Sources	-	-	-
Non-operating Uses			
Capital Outlay	2,679,357	28,605,236	16,313,096
Transfers out	-	-	-
Sub-total Non-operating Uses	2,679,357	28,605,236	16,313,096
NET NON-OPERATING SOURCES AND USES	\$ (2,679,357)	\$ (28,605,236)	\$ (16,313,096)
DEBT FINANCING & USE OF FUND BALANCE			
Designated for Authorized Projects & Encumbrances	-	34,569,889	16,313,096
From Available Fund Balance	1,152,367	1,152,367	(6,338,660)
TOTAL USE OF FUND BALANCE	\$ 1,152,367	\$ 35,722,256	\$ 9,974,436
FISCAL YEAR BALANCE	\$ -	\$ -	\$ -

Notes:

City of Oxnard
Other Governmental Funds
Budget Status Report
For the Month Ended April 30, 2012
(Unaudited)

	<u>Original Budget</u>	<u>Revised Budget</u>	<u>Actual Amounts</u>
OPERATING REVENUES AND EXPENDITURES			
Operating Revenues			
Taxes	\$ 13,516,600	\$ 13,516,600	\$ 12,339,486
Licenses and Permits	730,000	730,000	817,626
Intergovernmental	4,150,941	4,150,941	6,540,205
Growth and Development Fees	1,808,100	1,808,100	4,404,842
Charges for services	94,600	94,600	69,566
Fines and forfeitures	451,700	451,700	234,016
Investment Earnings	718,433	718,433	410,796
Special Assessments	7,965,011	7,965,011	8,051,931
Miscellaneous	828,600	828,600	706,921
Total Operating Revenues	\$ 30,263,985	\$ 30,263,985	\$ 33,575,389
Operating Expenditures			
General Government	260,084	260,084	203,044
Public Safety	18,196,706	18,346,706	13,686,056
Transportation	5,383,402	5,723,261	4,201,647
Community Development	9,400	1,700,980	1,692,704 a
Culture and Recreation	4,824,611	4,898,258	4,110,557
Total Operating Expenditures	\$ 28,674,203	\$ 30,929,289	\$ 23,894,008
NET REVENUES FROM OPERATIONS	\$ 1,589,782	\$ (665,304)	\$ 9,681,381
NON-OPERATING SOURCES AND USES			
Non-operating Sources			
Proceeds from Lease Purchase Agreement	-	3,222,456	2,352,076
Transfers in	4,152,311	4,329,811	3,069,496 b
Sub-total Non-operating Sources	4,152,311	7,552,267	5,421,572
Non-operating Uses			
Interest Expense	4,337,408	4,337,408	2,420,414
Payment of Principal	2,935,825	2,935,825	1,190,699
Capital Outlay	2,080,320	32,900,795	4,743,926
Transfers out	1,781,561	1,781,561	2,214,695 b
Sub-total Non-operating Uses	11,135,114	41,955,589	10,569,734
NET NON-OPERATING SOURCES AND USES	\$ (6,982,803)	\$ (34,403,322)	\$ (5,148,162)

City of Oxnard
Other Governmental Funds
Budget Status Report
For the Month Ended April 30, 2012
(Unaudited)

	<u>Original Budget</u>	<u>Revised Budget</u>	<u>Actual Amounts</u>
DEBT FINANCING & USE OF FUND BALANCE			
Designated for Authorized Projects & Encumbrances	-	22,364,235	3,703,766
Appropriated Fund Balance	-	7,022,042	-
From Available Fund Balance	5,393,021	5,682,349	(8,236,985)
TOTAL USE OF FUND BALANCE	<u>\$ 5,393,021</u>	<u>\$ 35,068,626</u>	<u>\$ (4,533,219)</u>
FISCAL YEAR BALANCE	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>

Notes:

- a Use of Affordable Housing-In Lieu fees.
- b Transfers in/out are internal payments from/to other funds made at the time obligations are due in the target fund.

City of Oxnard
Community Development Commission
Budget Status Report
For the Month Ended April 30, 2012
(Unaudited)

	<u>Original Budget</u>	<u>Revised Budget</u>	<u>Actual Amounts</u>
OPERATING REVENUES AND EXPENDITURES			
Operating Revenues			
Taxes	\$ 18,955,400	\$ 18,955,400	\$ 10,142,522
Rental Income	268,900	268,900	148,270
Miscellaneous and Reimbursements	14,958	14,958	111,312
Total Operating Revenues	\$ 19,239,258	\$ 19,239,258	\$ 10,402,104
Operating Expenditures			
Salaries and Wages	1,446,711	1,446,711	761,281
County Charges	199,230	199,230	41,412
Assessment District Payment	138,915	138,915	69,458
Contracts and Services	3,061,727	3,061,727	95,534
General and Administrative	1,410,938	1,410,938	977,938
Total Operating Expenditures	\$ 6,257,521	\$ 6,257,521	\$ 1,945,623
NET REVENUES FROM OPERATIONS	\$ 12,981,737	\$ 12,981,737	\$ 8,456,481
NON-OPERATING SOURCES AND USES			
Non-operating Sources			
Transfers In	5,734,942	5,734,942	3,175,766 a
Investment Earnings	1,047,700	1,047,700	194,489
Working Capital Transfer from General Fund	1,030,600	1,030,600	1,030,560
Sub-total Non-operating Sources	7,813,242	7,813,242	4,400,815
Non-operating Uses			
Capital Outlay	17,763,027	38,438,789	260,230
Interest Expense	2,853,090	2,671,256	1,026,896
Tax Increment Pass Through	4,131,000	4,131,000	1,759,664
Project Loans	650,000	5,650,000	5,650,000
Transfer per Cooperation Agreement	-	-	3,849,410 b
Transfers out	5,734,942	5,734,942	3,175,766 a
Sub-total Non-operating Uses	31,132,059	56,625,987	15,721,966
NET NON-OPERATING SOURCES AND USES	\$ (23,318,817)	\$ (48,812,745)	\$ (11,321,151)

City of Oxnard
Community Development Commission
Budget Status Report
For the Month Ended April 30, 2012
(Unaudited)

	<u>Original Budget</u>	<u>Revised Budget</u>	<u>Actual Amounts</u>
DEBT FINANCING & USE OF FUND BALANCE			
Payment of Principal	(2,395,560)	(2,395,560)	(2,395,560)
Designated for Authorized Projects & Encumbrances		16,725,764	260,230
Appropriated Fund Balance	-	8,950,000	5,000,000
From/(To) Operating and Capital Reserves	12,732,640	12,550,804	-
TOTAL USE OF FUND BALANCE	<u>\$ 10,337,080</u>	<u>\$ 35,831,008</u>	<u>\$ 2,864,670</u>
FISCAL YEAR BALANCE	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>

Notes:

- a Transfers in/out are internal payments from/to other funds made at the time obligations are due in the target fund.
- b Transfer net tax increment assets per City cooperation agreement.

City of Oxnard
Tax Increment (CDC Cooperation Agreement)
Budget Status Report
For the Month Ended April 30, 2012
(Unaudited)

	<u>Original Budget</u>	<u>Revised Budget</u>	<u>Actual Amounts</u>
OPERATING REVENUES AND EXPENDITURES			
Operating Revenues			
Taxes	\$ -	\$ -	\$ -
Rental Income	-	-	60,448
Miscellaneous and Reimbursements	-	-	112,562
Total Operating Revenues	\$ -	\$ -	\$ 173,010
Operating Expenditures			
General and Administrative	-	-	16,008
Total Operating Expenditures	\$ -	\$ -	\$ 16,008
NET REVENUES FROM OPERATIONS	\$ -	\$ -	\$ 157,002
NON-OPERATING SOURCES AND USES			
Non-operating Sources			
Transfers In	-	-	- a
Transfer per Cooperation Agreement			3,849,410 b
Investment Earnings	-	-	67,002
Sub-total Non-operating Sources	-	-	3,916,412
Non-operating Uses			
Transfers out	-	-	- a
Sub-total Non-operating Uses	-	-	-
NET NON-OPERATING SOURCES AND USES	\$ -	\$ -	\$ 3,916,412
DEBT FINANCING & USE OF FUND BALANCE			
Appropriated Fund Balance	-	-	-
From/(To) Operating and Capital Reserves	-	-	(4,073,414)
TOTAL USE OF FUND BALANCE	\$ -	\$ -	\$ (4,073,414)
FISCAL YEAR BALANCE	\$ -	\$ -	\$ 0

Notes:

- a Transfers in/out are internal payments from/to other funds made at the time obligations are due in the target fund.
- b Transfer net tax increment assets from Community Development Commission funds per City cooperation agreement.

City of Oxnard
Successor Agency to the Community Development Commission
Budget Status Report
For the Month Ended April 30, 2012
(Unaudited)

	<u>Original Budget</u>	<u>Revised Budget</u>	<u>Actual Amounts</u>
OPERATING REVENUES AND EXPENDITURES			
Operating Revenues			
Taxes	\$ -	\$ -	\$ 66,763
Miscellaneous and Reimbursements	-	-	1
Total Operating Revenues	\$ -	\$ -	\$ 66,764
Operating Expenditures			
Salaries and Wages	-	-	244,488
Contracts and Services	-	-	71,252
General and Administrative	-	-	208,046
Total Operating Expenditures	\$ -	\$ -	\$ 523,786
NET REVENUES FROM OPERATIONS	\$ -	\$ -	\$ (457,022)
NON-OPERATING SOURCES AND USES			
Non-operating Sources			
Transfers In	-	-	485,960 a
Investment Earnings	-	-	165
Sub-total Non-operating Sources	-	-	486,125
Non-operating Uses			
Capital Outlay	-	-	30,520
Interest Expense	-	-	1,003,458
Project Loans	-	-	111,300
Transfers out	-	-	485,960 a
Sub-total Non-operating Uses	-	-	1,631,238
NET NON-OPERATING SOURCES AND USES	\$ -	\$ -	\$ (1,145,113)
DEBT FINANCING & USE OF FUND BALANCE			
Designated for Authorized Projects & Encumbrances	-	-	30,520
From/(To) Operating and Capital Reserves	-	-	1,571,615
TOTAL USE OF FUND BALANCE	\$ -	\$ -	\$ 1,602,135
FISCAL YEAR BALANCE	\$ -	\$ -	\$ -

Notes:

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

**City of Oxnard
Water Funds
Budget Status Report
For the Month Ended April 30, 2012
(Unaudited)**

	<u>Original Budget</u>	<u>Revised Budget</u>	<u>Actual Amounts</u>
OPERATING REVENUES AND EXPENDITURES			
Operating Revenues			
Charges for Services	\$ 39,910,000	\$ 39,910,000	\$ 33,860,306
Security/Contamination Prevention Fees	750,000	750,000	211,373
Miscellaneous and Reimbursements	212,750	212,750	573,089
Total Operating Revenues	\$ 40,872,750	\$ 40,872,750	\$ 34,644,768
Operating Expenditures			
Salaries and Wages	4,354,003	4,354,003	3,232,791
Contracts and Services	2,416,046	2,474,854	1,753,029
Operating Supplies	1,020,600	1,020,600	561,000
Water Acquisition	18,784,000	18,784,000	13,693,859
General and Administrative	4,353,977	4,303,977	3,406,074
Total Operating Expenditures	\$ 30,928,626	\$ 30,937,434	\$ 22,646,753
NET REVENUES FROM OPERATIONS	\$ 9,944,124	\$ 9,935,316	\$ 11,998,015
NON-OPERATING SOURCES AND USES			
Non-operating Sources			
Transfers In	1,314,400	1,314,400	- a
Investment Earnings	2,344,000	2,344,000	1,196,580
Connection Fees	460,000	460,000	757,684
Sub-total Non-operating Sources	4,118,400	4,118,400	1,954,264
Non-operating Uses			
Capital Outlay (non-debt financed)	2,785,000	13,209,461	2,606,759
Interest Expense	11,599,998	11,599,998	9,762,680
Sub-total Non-operating Uses	14,384,998	24,809,459	12,369,439
NET NON-OPERATING SOURCES AND USES	\$ (10,266,598)	\$ (20,691,059)	\$ (10,415,175)
DEBT FINANCING & USE OF FUND BALANCE			
Payment of Principal	(3,500,237)	(3,500,237)	(2,250,432)
Designated for Authorized Projects & Encumbrances	-	39,976,759	14,275,450
Use of Bond Principal	-	(29,501,045)	(11,668,691)
From/(To) Capital Reserve	3,822,711	3,780,266	(1,939,167)
NET USE OF BONDS AND OTHER DEBT FINANCING	\$ 322,474	\$ 10,755,743	\$ (1,582,840)
FISCAL YEAR BALANCE	\$ -	\$ -	\$ -

Notes:

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

**City of Oxnard
Wastewater Funds
Budget Status Report
For the Month Ended April 30, 2012
(Unaudited)**

	<u>Original Budget</u>	<u>Revised Budget</u>	<u>Actual Amounts</u>
OPERATING REVENUES AND EXPENDITURES			
Operating Revenues			
Charges for Services	\$ 23,250,000	\$ 23,250,000	\$ 18,505,969
Security/Contamination Prevention Fees	150,000	150,000	-
Miscellaneous and Reimbursements	610,000	610,000	209,388
Total Operating Revenues	\$ 24,010,000	\$ 24,010,000	\$ 18,715,357
Operating Expenditures			
Salaries and Wages	6,108,631	5,815,631	4,593,095
Contracts and Services	5,123,127	5,658,638	4,489,199
Operating Supplies	1,744,200	1,904,770	1,466,303
General and Administrative	3,210,253	3,483,133	2,870,707
Total Operating Expenditures	\$ 16,186,211	\$ 16,862,172	\$ 13,419,304
NET REVENUES FROM OPERATIONS	\$ 7,823,789	\$ 7,147,828	\$ 5,296,053
NON-OPERATING SOURCES AND USES			
Non-operating Sources			
Investment Earnings	30,000	30,000	98,498
Connection Fees	320,000	3,569,086	5,905,813
Sub-total Non-operating Sources	350,000	3,599,086	6,004,311
Non-operating Uses			
Capital Outlay (non-debt financed)	-	2,878,327	401,704
Interest Expense	7,151,939	7,153,939	3,708,016
Sub-total Non-operating Uses	7,151,939	10,032,266	4,109,720
NET NON-OPERATING SOURCES AND USES	\$ (6,801,939)	\$ (6,433,180)	\$ 1,894,591
DEBT FINANCING & USE OF FUND BALANCE			
Payment of Principal	(4,276,021)	(6,649,992)	(32,783)
Designated for Authorized Projects & Encumbrances	-	3,374,589	208,003
Appropriated Fund Balance	-	193,701	193,701
From/(To) Capital Reserve	3,254,171	2,367,054	(7,559,565)
NET USE OF BONDS AND OTHER DEBT FINANCING	\$ (1,021,850)	\$ (714,648)	\$ (7,190,644)
FISCAL YEAR BALANCE	\$ -	\$ -	\$ -

Notes:

City of Oxnard
Environmental Resources
Budget Status Report
For the Month Ended April 30, 2012
(Unaudited)

	<u>Original Budget</u>	<u>Revised Budget</u>	<u>Actual Amounts</u>
OPERATING REVENUES AND EXPENDITURES			
Operating Revenues			
Charges for Services	\$ 42,740,000	\$ 42,740,000	\$ 32,416,495
Security/Contamination Prevention Fees	-	-	78,900
Miscellaneous and Reimbursements	245,000	245,000	235,003
Total Operating Revenues	\$ 42,985,000	\$ 42,985,000	\$ 32,730,398
Operating Expenditures			
Salaries and Wages	6,670,446	6,670,446	5,292,542
Operating Supplies	223,700	400,365	327,369
Contracts and Services	26,946,449	26,915,449	21,442,574
General and Administrative	3,712,981	3,712,981	3,357,662
Total Operating Expenditures	\$ 37,553,576	\$ 37,699,241	\$ 30,420,147
NET REVENUES FROM OPERATIONS	\$ 5,431,424	\$ 5,285,759	\$ 2,310,251
NON-OPERATING SOURCES AND USES			
Non-operating Sources			
Investment Earnings	179,000	179,000	35,733
Connection Fees	-	-	19,209
Sub-total Non-operating Sources	179,000	179,000	54,942
Non-operating Uses			
Capital Outlay (non-debt financed)	300,000	479,394	(35,458) a
Interest Expense	927,746	927,746	636,984
Transfers out	62,129	62,129	36,750 b
Sub-total Non-operating Uses	1,289,875	1,469,269	638,276
NET NON-OPERATING SOURCES AND USES	\$ (1,110,875)	\$ (1,290,269)	\$ (583,334)
DEBT FINANCING & USE OF FUND BALANCE			
Payment of Principal	(3,610,758)	(3,610,758)	(2,545,502)
Designated for Authorized Projects & Encumbrances	-	179,393	57,379
Appropriated Fund Balance	-	145,665	145,665
From/(To) Capital Reserve	(709,791)	(709,790)	615,541
NET USE OF BONDS AND OTHER DEBT FINANCING	\$ (4,320,549)	\$ (3,995,490)	\$ (1,726,917)
FISCAL YEAR BALANCE	\$ -	\$ 0	\$ -

Notes:

a Includes \$92,837 credit from Air-Pollution fees for diesel exhaust retrofits.

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

**City of Oxnard
Golf
Budget Status Report
For the Month Ended April 30, 2012
(Unaudited)**

	<u>Original Budget</u>	<u>Revised Budget</u>	<u>Actual Amounts</u>
OPERATING REVENUES AND EXPENDITURES			
Operating Revenues			
Charges for Services	\$ 4,000,000	\$ 4,000,000	\$ 3,349,733
Miscellaneous and Reimbursements	10,000	10,000	4,777
Total Operating Revenues	<u>\$ 4,010,000</u>	<u>\$ 4,010,000</u>	<u>\$ 3,354,510</u>
Operating Expenditures			
Salaries and Wages	65,880	65,880	52,312
Operating Supplies	-	-	-
Contracts and Services	3,799,261	3,799,261	3,293,408
General and Administrative	184,125	184,125	144,920
Total Operating Expenditures	<u>\$ 4,049,266</u>	<u>\$ 4,049,266</u>	<u>\$ 3,490,640</u>
NET REVENUES FROM OPERATIONS	<u>\$ (39,266)</u>	<u>\$ (39,266)</u>	<u>\$ (136,130)</u>
NON-OPERATING SOURCES AND USES			
Non-operating Sources			
Transfers In	-	-	-
Investment Earnings	-	-	(2,288)
Sub-total Non-operating Sources	<u>-</u>	<u>-</u>	<u>(2,288)</u>
Non-operating Uses			
Capital Outlay (non-debt financed)	49,500	62,304	13,682
Interest Expense	179,956	179,956	89,978
Transfers out	-	-	-
Sub-total Non-operating Uses	<u>229,456</u>	<u>242,260</u>	<u>103,660</u>
NET NON-OPERATING SOURCES AND USES	<u>\$ (229,456)</u>	<u>\$ (242,260)</u>	<u>\$ (105,948)</u>
DEBT FINANCING & USE OF FUND BALANCE			
Payment of Principal	(907,604)	(907,604)	-
Designated for Authorized Projects & Encumbrances	-	12,804	12,804
From/(To) Capital Reserve	1,176,326	1,176,326	229,274
NET USE OF BONDS AND OTHER DEBT FINANCING	<u>\$ 268,722</u>	<u>\$ 281,526</u>	<u>\$ 242,078</u>
FISCAL YEAR BALANCE	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>

Notes:

City of Oxnard
Performing Arts & Convention Center
Budget Status Report
For the Month Ended April 30, 2012
(Unaudited)

	<u>Original Budget</u>	<u>Revised Budget</u>	<u>Actual Amounts</u>
OPERATING REVENUES AND EXPENDITURES			
Operating Revenues			
Charges for Services	\$ 450,200	\$ 450,200	\$ 394,117
Miscellaneous	90,000	90,000	14,436
Total Operating Revenues	\$ 540,200	\$ 540,200	\$ 408,553
Operating Expenditures			
Salaries and Wages	1,057,210	1,057,210	870,255
Operating Supplies	300	300	486
Contracts and Services	252,355	252,355	196,585
General and Administrative	172,511	172,511	170,448
Total Operating Expenditures	\$ 1,482,376	\$ 1,482,376	\$ 1,237,774
NET REVENUES FROM OPERATIONS	\$ (942,176)	\$ (942,176)	\$ (829,221)
NON-OPERATING SOURCES AND USES			
Non-operating Sources			
Transfers In	947,811	947,811	789,842 a
Investment Earnings	-	-	(4,755)
Sub-total Non-operating Sources	947,811	947,811	785,087
Non-operating Uses			
Capital Outlay	-	-	-
Sub-total Non-operating Uses	-	-	-
NET NON-OPERATING SOURCES AND USES	\$ 947,811	\$ 947,811	\$ 785,087
DEBT FINANCING & USE OF FUND BALANCE			
Designated for Authorized Projects & Encumbrances	-	-	-
From/(To) Capital Reserve	(5,635)	(5,635)	44,134
NET USE OF BONDS AND OTHER DEBT FINANCING	\$ (5,635)	\$ (5,635)	\$ 44,134
FISCAL YEAR BALANCE	\$ -	\$ -	\$ -

Notes:

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

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

Prepared By: Dean Yamamoto Agenda Item No. L-1

Reviewed By: City Manager [Signature] City Attorney SMF Finance [Signature] Other for SC

DATE: June 1, 2012

TO: City Council

FROM: Michael Henderson, General Services Superintendent
General Services Department [Signature]

SUBJECT: Public Hearing and Adoption of Resolutions to Levy FY 2012-2013 Assessments for Landscape Maintenance District Nos. 1 through 3, and 7 through 26

RECOMMENDATION

That City Council:

1. Hold a public hearing to receive public testimony regarding the proposed FY 2012-2013 assessments for Landscape Maintenance District Nos. 1 through 3, and 7 through 26.
2. Adopt resolutions for FY 2012-2013 confirming assessments for Landscape Maintenance District Nos. 1 through 3, and 7 through 26 in the following tracts:
 - Tract No. 2247, District No. 1 (Summerfield);
 - Tract Nos. 4065, 4164, 4355 and 4225, District No. 2 (Channel Islands Business Park);
 - Tract No. 3384, District No. 3 (River Ridge);
 - Tract Nos. 4183 and 3943, District Nos. 7 and 8 (Northfield/Seagate Business Park);
 - Tract Nos. 3051-2, 3051-3, and 4351, District No. 9 (Strawberry Fields);
 - Tract No. 4405, District No. 10 (Country Club Estates);
 - Tract No. 4376, District No. 11 (St. Tropez);
 - Tract No. 4294, District No. 12 (Standard Pacific);
 - Tract No. 4424, District No. 13 (Le Village);
 - Tract No. 4492, District No. 14 (California Cove);
 - Tract No. 4443, District No. 15 (Pelican Pointe);
 - Tract No. 4810, District No. 16 (California Lighthouse);
 - Tract No. 4702, District No. 17 (Village of San Miguel);
 - Parcel Map Nos. 213-0-031-355, 375, 385, 405, 415 and 425, District No. 18 (St. John's Regional Medical Center);

June 01, 2012

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- Tract No. 4827, District No. 19 (Shopping at the Rose);
- Parcel Map Nos. 231-0-020-200, 210, 240, District No. 20 (Wallenius Vehicle Preparation Center);
- Tract No. 3384-7, 8, District No. 21 (Cypress Pointe);
- Tract No. 4611, District No. 22 (McDonald's Median);
- Tract No. 4529, District No. 23 (Greystone);
- Tract No. 4529, District No. 24 (Vineyards);
- Tract No. 4840, District No. 25 (The Pointe); and
- Parcel Map No. 202-0-010-685, District No. 26 (Albertson's).

DISCUSSION

The City Council has required that all developments establish landscape maintenance districts as a condition of development. These districts were formed by separate City Council resolutions in prior years. The assessments are exempt from Article XIII D of the California Constitution, by reason of Section 5 thereof.

The Landscape and Lighting Act of 1972, pursuant to which these districts were formed, requires annual City Council action to update the assessments which appear on the Ventura County tax rolls. On May 15, 2012, Council adopted Resolution Nos. 14,153, 14,154, 14,155, 14,156, 14,157, 14,158, 14,159, 14,160, 14,161, 14,162, 14,163, 14,164, 14,165, 14,166, 14,167, 14,168, 14,169, 14,170, 14,171, 14,172, 14,173, 14,174, to declare its intention to levy assessments. The public hearing held today, June 12, 2012, is for Council to receive public testimony and to levy assessments for the next fiscal year.

Staff has calculated costs and assessments for the City's FY 2012-2013 maintenance of public landscaping in Landscape Maintenance District Nos. 1 through 3, and 7 through 26. The resolutions levying assessments state that assessments for FY 2012-2013 are not proposed to increase over the assessments for FY 2011-2012.

Following the City Council's action at the public hearing today, the assessment data will be delivered to the County Auditor-Controller's Office and processed for the collection of assessments in FY 2012-2013. This action must take place prior to July 1, 2012.

SELF-MAINTAINED DISTRICTS

Some districts maintain the landscaping without involving the City work force or contract maintenance services. However, the City requires an annual \$1,080 budget for contingencies and inspections by City staff. Unused amounts remain in the fund balance for the district and are applied against the required 15 percent operating reserve and any additional surplus is used to reduce subsequent assessments. District Nos. 2 (Channel Islands Business District); 19 (Shopping at the Rose); and 21 (Cypress Pointe) are self-maintained districts.

June 01, 2012

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Contract Service Districts

District Nos. 3 (River Ridge); 14 (California Cove); and 16 (California Lighthouse) are contract service districts, which means that the City will obtain the lowest bid from a private contractor on behalf of the districts. The annual assessment will vary from one year to the next. The engineer's report for each indicates the FY 2012-2013 costs.

City Maintained Districts

Staff has determined that the City work force can provide improved landscape maintenance services to some districts equal to or below the costs charged by a contractor. For FY 2012-2013, City staff will provide services to the following tracts:

- Tract No. 2247, District No. 1 (Summerfield);
- Tract Nos. 4183 and 3943, District Nos. 7 and 8 (Northfield/Seagate Business Park);
- Tract Nos. 3051-2, 3051-3, and 4351, District No. 9 (Strawberry Fields);
- Tract No. 4405, District No. 10 (Country Club Estates);
- Tract No. 4376, District No. 11 (St. Tropez);
- Tract No. 4294, District No. 12 (Standard Pacific);
- Tract No. 4424, District No. 13 (Le Village);
- Tract No. 4443, District No. 15 (Pelican Pointe);
- Tract No. 4702, District No. 17 (Village of San Miguel);
- Parcel Map Nos. 213-03-28 and 213-03-29, District No. 18 (St. John's Regional Medical Center);
- Parcel Map Nos. 231-0-020-200, 210, 240, District No. 20 (Wallenius Vehicle Preparation Center);
- Tract No. 4611, District No. 22 (McDonald's Median);
- Tract No. 4529, District No. 24 (Vineyards);
- Tract No. 4840, District No. 25 (The Pointe); and
- Parcel Map No. 94-5-25, District No. 26 (Albertson's).

Districts Not Included in This Report

Assessment District No. 4, the Mandalay Beach and Landscaping Maintenance District, is not included in this action because it was formed pursuant to the Improvement Act of 1911, and, therefore, requires separate treatment. Assessment District Nos. 5 and 6, for the Maulhardt (4021) and Continental Heritage (4169) industrial tracts, are also excluded because they contain no City-maintained landscaping at this time.

FINANCIAL IMPACT

The recommendation will result in the City's ability to provide landscaping services in District Nos. 1 through 3, and 7 through 26 at no cost to the General Fund.

- Attachment
- 1 - Resolution Levying Assessment: District No. 1
 - 2 - Resolution Levying Assessment: District No. 2
 - 3 - Resolution Levying Assessment: District No. 3
 - 4 - Resolution Levying Assessment: District Nos. 7 & 8
 - 5 - Resolution Levying Assessment: District No. 9
 - 6 - Resolution Levying Assessment: District No. 10
 - 7 - Resolution Levying Assessment: District No. 11
 - 8 - Resolution Levying Assessment: District No. 12
 - 9 - Resolution Levying Assessment: District No. 13
 - 10 - Resolution Levying Assessment: District No. 14
 - 11 - Resolution Levying Assessment: District No. 15
 - 12 - Resolution Levying Assessment: District No. 16
 - 13 - Resolution Levying Assessment: District No. 17
 - 14 - Resolution Levying Assessment: District No. 18
 - 15 - Resolution Levying Assessment: District No. 19
 - 16 - Resolution Levying Assessment: District No. 20
 - 17 - Resolution Levying Assessment: District No. 21
 - 18 - Resolution Levying Assessment: District No. 22
 - 19 - Resolution Levying Assessment: District No. 23
 - 20 - Resolution Levying Assessment: District No. 24
 - 21 - Resolution Levying Assessment: District No. 25
 - 22 - Resolution Levying Assessment: District No. 26

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. 1 (SUMMERFIELD) PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972.

WHEREAS, on May 15, 2012, City Council adopted Resolution No. 14,153, declaring its intention to levy and collect assessments for the 2012-2013 fiscal year within Landscape Maintenance District No. 1 (Summerfield) in order to pay the costs of maintaining landscaping therein; and

WHEREAS, a description of the improvements and the proposed assessments upon assessable lots and parcels of land within the District is contained in the report of the Engineer, dated May 2012, on file with the City Clerk; and

WHEREAS, Resolution No. 14,153 set a public hearing for June 12, 2012, on the levy of the proposed assessment, which was held and all interested persons were afforded the opportunity to speak and be heard; and

WHEREAS, City Council has considered the oral statements and all written protests made or filed by any interested person; and

WHEREAS, assessments existed in the District throughout FY 2011-2012, and such assessments are not proposed to increase for FY 2012-2013; and

WHEREAS, the assessments are imposed exclusively to finance the capital costs and maintenance and operation expenses for sidewalks, streets, water and vector control, inasmuch as the landscaping is located in or adjacent to sidewalks and streets and the assessments are used exclusively to maintain such landscaping, including providing water thereto and controlling vectors therein; and

WHEREAS, the District was formed with the consent of the developer owning all of the parcels subject to assessment at the time assessments were initially imposed; and

WHEREAS, for the foregoing reasons, the assessments are exempt from Article XIII D of the California Constitution, by reason of section 5 thereof.

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1. The assessment proposed in the report of the Engineer, and its accompanying diagram, on file with the City Clerk, are confirmed.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:

Alan Holmberg, City Attorney

b.5.12

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. 2 (CHANNEL ISLANDS BUSINESS DISTRICT) PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972.

WHEREAS, on May 15, 2012, City Council adopted Resolution No. 14,154, declaring its intention to levy and collect assessments for the 2012-2013 fiscal year within Landscape Maintenance District No. 2 (Channel Islands Business District) in order to pay the costs of maintaining landscaping therein; and

WHEREAS, a description of the improvements and the proposed assessments upon assessable lots and parcels of land within the District is contained in the report of the Engineer, dated May 2012, on file with the City Clerk; and

WHEREAS, Resolution No. 14,154 set a public hearing for June 12, 2012, on the levy of the proposed assessment, which was held and all interested persons were afforded the opportunity to speak and be heard; and

WHEREAS, City Council has considered the oral statements and all written protests made or filed by any interested person; and

WHEREAS, assessments existed in the District throughout FY 2011-2012, and such assessments are not proposed to increase for FY 2012-2013; and

WHEREAS, the District was formed with the consent of the developer owning all of the parcels subject to assessment at the time assessments were initially imposed; and

WHEREAS, for the foregoing reasons, the assessments are exempt from Article XIII D of the California Constitution, by reason of section 5 thereof.

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

1. The assessment proposed in the report of the Engineer, and its accompanying diagram, on file with the City Clerk, are confirmed.
2. The adoption of this resolution shall constitute the levy of assessments for the 2012-2013 fiscal year within Landscape Maintenance District No. 2.
3. The City Clerk shall immediately file the assessments and diagram, or a certified copy thereof, with the Ventura County Auditor.

PASSED AND ADOPTED this 12th day of June, 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

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. 3 (RIVER RIDGE) PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972.

WHEREAS, on May 15, 2012, City Council adopted Resolution No. 14,155 declaring its intention to levy and collect assessments for the 2012-2013 fiscal year within Landscape Maintenance District No. 3 (River Ridge) in order to pay the costs of maintaining landscaping therein; and

WHEREAS, a description of the improvements and the proposed assessments upon assessable lots and parcels of land within the District is contained in the report of the Engineer, dated May 2012, on file with the City Clerk; and

WHEREAS, Resolution No. 14,155 set a public hearing for June 12, 2012, on the levy of the proposed assessment, which was held and all interested persons were afforded the opportunity to speak and be heard; and

WHEREAS, City Council has considered the oral statements and all written protests made or filed by any interested person; and

WHEREAS, assessments existed in the District throughout FY 2011-2012, and such assessments are not proposed to increase for FY 2012-2013; and

WHEREAS, the assessments are imposed exclusively to finance the capital costs and maintenance and operation expenses for sidewalks, streets, water and vector control, inasmuch as the landscaping is located in or adjacent to sidewalks and streets and the assessments are used exclusively to maintain such landscaping, including providing water thereto and controlling vectors therein; and

WHEREAS, the District was formed with the consent of the developer owning all of the parcels subject to assessment at the time assessments were initially imposed; and

WHEREAS, for the foregoing reasons, the assessments are exempt from Article XIII D of the California Constitution, by reason of section 5 thereof.

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

1. The assessment proposed in the report of the Engineer, and its accompanying diagram, on file with the City Clerk, are confirmed.
2. The adoption of this resolution shall constitute the levy of assessments for the 2012-2013 fiscal year within Landscape Maintenance District No. 3.
3. The City Clerk shall immediately file the assessments and diagram, or a certified copy thereof, with the Ventura County Auditor.

PASSED AND ADOPTED this 12th day of June, 2012, by the following vote:

AYES:

NOES:

ABSENT:

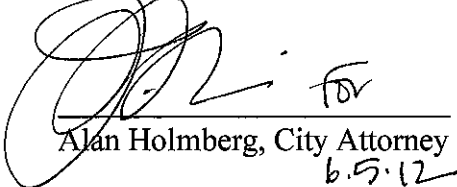
ABSTAIN:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney
6.5.12

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 NOS. 7 and 8 (NORTHFIELD/SEAGATE BUSINESS PARK) PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972.

WHEREAS, on May 15, 2012, City Council adopted Resolution No. 14,156, declaring its intention to levy and collect assessments for the 2012-2013 fiscal year within Landscape Maintenance District Nos. 7 and 8 (Northfield/Seagate Business Park) in order to pay the costs of maintaining landscaping therein; and

WHEREAS, a description of the improvements and the proposed assessments upon assessable lots and parcels of land within the District is contained in the report of the Engineer, dated May 2012, on file with the City Clerk; and

WHEREAS, Resolution No. 14,156 set a public hearing for June 12, 2012, on the levy of the proposed assessment, which was held and all interested persons were afforded the opportunity to speak and be heard; and

WHEREAS, City Council has considered the oral statements and all written protests made or filed by any interested person; and

WHEREAS, assessments existed in the District throughout FY 2011-2012, and such assessments are not proposed to increase for FY 2012-2013; and

WHEREAS, the assessments are imposed exclusively to finance the capital costs and maintenance and operation expenses for sidewalks, streets, water and vector control, inasmuch as the landscaping is located in or adjacent to sidewalks and streets and the assessments are used exclusively to maintain such landscaping, including providing water thereto and controlling vectors therein; and

WHEREAS, the District was formed with the consent of the developer owning all of the parcels subject to assessment at the time assessments were initially imposed; and

WHEREAS, for the foregoing reasons, the assessments are exempt from Article XIII D of the California Constitution, by reason of section 5 thereof.

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

1. The assessment proposed in the report of the Engineer, and its accompanying diagram, on file with the City Clerk, are confirmed
2. The adoption of this resolution shall constitute the levy of assessments for the 2012-2013 fiscal year within Landscape Maintenance District Nos. 7 and 8.
3. The City Clerk shall immediately file the assessments and diagram, or a certified 1 copy thereof, with the Ventura County Auditor.

PASSED AND ADOPTED this 12th day of June, 2012, by the following vote:

AYES:

NOES:

ABSENT:

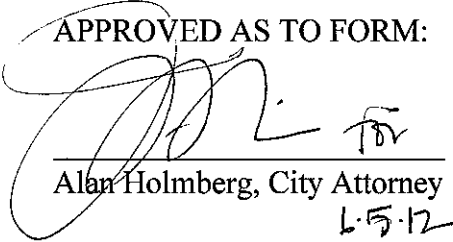
ABSTAIN:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney

6.5.12

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. 9 (STRAWBERRY FIELDS) PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972.

WHEREAS, on May 15, 2012, City Council adopted Resolution No. 14,157, declaring its intention to levy and collect assessments for the 2012-2013 fiscal year within Landscape Maintenance District No. 9 (Strawberry Fields) in order to pay the costs of maintaining landscaping therein; and

WHEREAS, a description of the improvements and the proposed assessments upon assessable lots and parcels of land within the District is contained in the report of the Engineer, dated May 2012, on file with the City Clerk; and

WHEREAS, Resolution No. 14,157 set a public hearing for June 12, 2012, on the levy of the proposed assessment, which was held and all interested persons were afforded the opportunity to speak and be heard; and

WHEREAS, City Council has considered the oral statements and all written protests made or filed by any interested person; and

WHEREAS, assessments existed in the District throughout FY 2011-2012, and such assessments are not proposed to increase for 2012-2013; and

WHEREAS, the assessments are imposed exclusively to finance the capital costs and maintenance and operation expenses for sidewalks, streets, water and vector control, inasmuch as the landscaping is located in or adjacent to sidewalks and streets and the assessments are used exclusively to maintain such landscaping, including providing water thereto and controlling vectors therein; and

WHEREAS, the District was formed with the consent of the developer owning all of the parcels subject to assessment at the time assessments were initially imposed; and

WHEREAS, for the foregoing reasons, the assessments are exempt from Article XIII D of the California Constitution, by reason of section 5 thereof.

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

1. The assessment proposed in the report of the Engineer, and its accompanying diagram, on file with the City Clerk, are confirmed.
2. The adoption of this resolution shall constitute the levy of assessments for the 2012-2013 fiscal year within Landscape Maintenance District No. 9.
3. The City Clerk shall immediately file the assessments and diagram, or a certified copy thereof, with the Ventura County Auditor.

PASSED AND ADOPTED this 12th day of June, 2012, by the following vote:

AYES:

NOES:

ABSENT:

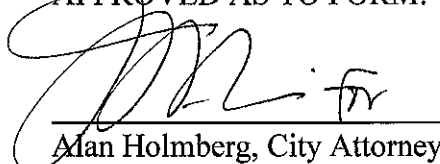
ABSTAIN:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney
6.5.12

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. 10 (COUNTRY CLUB ESTATES) PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972.

WHEREAS, on May 15, 2012, City Council adopted Resolution No. 14,158, declaring its intention to levy and collect assessments for the 2012-2013 fiscal year within Landscape Maintenance District No. 10 (Country Club Estates) in order to pay the costs of maintaining landscaping therein; and

WHEREAS, a description of the improvements and the proposed assessments upon assessable lots and parcels of land within the District is contained in the report of the Engineer, dated May 2012, on file with the City Clerk; and

WHEREAS, Resolution No. 14,158 set a public hearing for June 12, 2012, on the levy of the proposed assessment, which was held and all interested persons were afforded the opportunity to speak and be heard; and

WHEREAS, City Council has considered the oral statements and all written protests made or filed by any interested person; and

WHEREAS, assessments existed in the District throughout FY 2011-2012, and such assessments are not proposed to increase for FY 2012-2013; and

WHEREAS, the assessments are imposed exclusively to finance the capital costs and maintenance and operation expenses for sidewalks, streets, water and vector control, inasmuch as the landscaping is located in or adjacent to sidewalks and streets and the assessments are used exclusively to maintain such landscaping, including providing water thereto and controlling vectors therein; and

WHEREAS, the District was formed with the consent of the developer owning all of the parcels subject to assessment at the time assessments were initially imposed; and

WHEREAS, for the foregoing reasons, the assessments are exempt from Article XIII D of the California Constitution, by reason of section 5 thereof.

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

1. The assessment proposed in the report of the Engineer, and its accompanying diagram, on file with the City Clerk, are confirmed.
2. The adoption of this resolution shall constitute the levy of assessments for the 2012-2013 fiscal year within Landscape Maintenance District No. 10.
3. The City Clerk shall immediately file the assessments and diagram, or a certified copy thereof, with the Ventura County Auditor.

PASSED AND ADOPTED this 12th day of June, 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
6.5.12

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. 11 (ST. TROPEZ) PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972.

WHEREAS, on May 15, 2012, City Council adopted Resolution No. 14,159, declaring its intention to levy and collect assessments for the 2012-2013 fiscal year within Landscape Maintenance District No. 11 (St. Tropez) in order to pay the costs of maintaining landscaping therein; and

WHEREAS, a description of the improvements and the proposed assessments upon assessable lots and parcels of land within the District is contained in the report of the Engineer, dated May 2012, on file with the City Clerk; and

WHEREAS, Resolution No. 14,159 set a public hearing for June 12, 2012, on the levy of the proposed assessment, which was held and all interested persons were afforded the opportunity to speak and be heard; and

WHEREAS, City Council has considered the oral statements and all written protests made or filed by any interested person; and

WHEREAS, assessments existed in the District throughout FY 2011-2012, and such assessments are not proposed to increase for FY 2012-2013; and

WHEREAS, the assessments are imposed exclusively to finance the capital costs and maintenance and operation expenses for sidewalks, streets, water and vector control, inasmuch as the landscaping is located in or adjacent to sidewalks and streets and the assessments are used exclusively to maintain such landscaping, including providing water thereto and controlling vectors therein; and

WHEREAS, the District was formed with the consent of the developer owning all of the parcels subject to assessment at the time assessments were initially imposed; and

WHEREAS, for the foregoing reasons, the assessments are exempt from Article XIII D of the California Constitution, by reason of section 5 thereof.

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

1. The assessment proposed in the report of the Engineer, and its accompanying diagram, on file with the City Clerk, are confirmed.
2. The adoption of this resolution shall constitute the levy of assessments for the 2012-2013 fiscal year within Landscape Maintenance District No. 11.
3. The City Clerk shall immediately file the assessments and diagram, or a certified copy thereof, with the Ventura County Auditor.

PASSED AND ADOPTED this 12th day of June, 2012, by the following vote:

AYES:

NOES:

ABSENT:

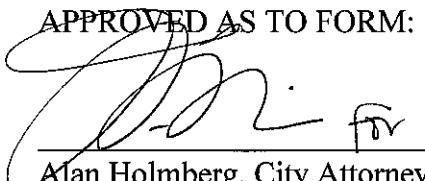
ABSTAIN:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney
6.5.12

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. 12 (STANDARD PACIFIC) PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972.

WHEREAS, on May 15, 2012, City Council adopted Resolution No. 14,160, declaring its intention to levy and collect assessments for the 2012-2013 fiscal year within Landscape Maintenance District No. 12 (Standard Pacific) in order to pay the costs of maintaining landscaping therein; and

WHEREAS, a description of the improvements and the proposed assessments upon assessable lots and parcels of land within the District is contained in the report of the Engineer, dated May 2012, on file with the City Clerk; and

WHEREAS, Resolution No. 14,160 set a public hearing for June 12, 2012, on the levy of the proposed assessment, which was held and all interested persons were afforded the opportunity to speak and be heard; and

WHEREAS, City Council has considered the oral statements and all written protests made or filed by any interested person; and

WHEREAS, assessments existed in the District throughout FY 2011-2012, and such assessments are not proposed to increase for FY 2012-2013; and

WHEREAS, the assessments are imposed exclusively to finance the capital costs and maintenance and operation expenses for sidewalks, streets, water and vector control, inasmuch as the landscaping is located in or adjacent to sidewalks and streets and the assessments are used exclusively to maintain such landscaping, including providing water thereto and controlling vectors therein; and

WHEREAS, the District was formed with the consent of the developer owning all of the parcels subject to assessment at the time assessments were initially imposed; and

WHEREAS, for the foregoing reasons, the assessments are exempt from Article XIII D of the California Constitution, by reason of section 5 thereof.

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

1. The assessment proposed in the report of the Engineer, and its accompanying diagram, on file with the City Clerk, are confirmed.
2. The adoption of this resolution shall constitute the levy of assessments for the 2012-2013 fiscal year within Landscape Maintenance District No. 12.
3. The City Clerk shall immediately file the assessments and diagram, or a certified copy thereof, with the Ventura County Auditor.

PASSED AND ADOPTED this 12th day of June, 2012, by the following vote:

AYES:

NOES:

ABSENT:

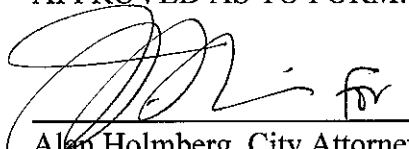
ABSTAIN:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney
6.5.12

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. 13 (LE VILLAGE) PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972.

WHEREAS, on May 15, 2012, City Council adopted Resolution No. 14,161, declaring its intention to levy and collect assessments for the 2012-2013 fiscal year within Landscape Maintenance District No. 13 (Le Village) in order to pay the costs of maintaining landscaping therein; and

WHEREAS, a description of the improvements and the proposed assessments upon assessable lots and parcels of land within the District is contained in the report of the Engineer, dated May 2012, on file with the City Clerk; and

WHEREAS, Resolution No. 14,161 set a public hearing for June 12, 2012, on the levy of the proposed assessment, which was held and all interested persons were afforded the opportunity to speak and be heard; and

WHEREAS, City Council has considered the oral statements and all written protests made or filed by any interested person; and

WHEREAS, assessments existed in the District throughout FY 2011-2012, and such assessments are not proposed to increase for FY 2012-2013; and

WHEREAS, the assessments are imposed exclusively to finance the capital costs and maintenance and operation expenses for sidewalks, streets, water and vector control, inasmuch as the landscaping is located in or adjacent to sidewalks and streets and the assessments are used exclusively to maintain such landscaping, including providing water thereto and controlling vectors therein; and

WHEREAS, the District was formed with the consent of the developer owning all of the parcels subject to assessment at the time assessments were initially imposed; and

WHEREAS, for the foregoing reasons, the assessments are exempt from Article XIII D of the California Constitution, by reason of section 5 thereof.

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

1. The assessment proposed in the report of the Engineer, and its accompanying diagram, on file with the City Clerk, are confirmed.
2. The adoption of this resolution shall constitute the levy of assessments for the 2012-2013 fiscal year within Landscape Maintenance District No. 13.
3. The City Clerk shall immediately file the assessments and diagram, or a certified copy thereof, with the Ventura County Auditor.

PASSED AND ADOPTED this 12th day of June, 2012, by the following vote:

AYES:

NOES:

ABSENT:

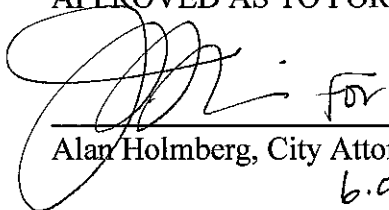
ABSTAIN:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:

 for

Alan Holmberg, City Attorney
6.5.12

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. 14 (CALIFORNIA COVE) PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972.

WHEREAS, on May 15, 2012 City Council adopted Resolution No. 14,162 declaring its intention to levy and collect assessments for the 2012-2013 fiscal year within Landscape Maintenance District No. 14 (California Cove) in order to pay the costs of maintaining landscaping therein; and

WHEREAS, a description of the improvements and the proposed assessments upon assessable lots and parcels of land within the District is contained in the report of the Engineer, dated May 2012, on file with the City Clerk; and

WHEREAS, Resolution No. 14,162 set a public hearing for June 12, 2012, on the levy of the proposed assessment, which was held and all interested persons were afforded the opportunity to speak and be heard; and

WHEREAS, City Council has considered the oral statements and all written protests made or filed by any interested person; and

WHEREAS, assessments existed in the District throughout FY 2011-2012, and such assessments are not proposed to increase for FY 2012-2013; and

WHEREAS, the assessments are imposed exclusively to finance the capital costs and maintenance and operation expenses for sidewalks, streets, water and vector control, inasmuch as the landscaping is located in or adjacent to sidewalks and streets and the assessments are used exclusively to maintain such landscaping, including providing water thereto and controlling vectors therein; and

WHEREAS, the District was formed with the consent of the developer owning all of the parcels subject to assessment at the time assessments were initially imposed; and

WHEREAS, for the foregoing reasons, the assessments are exempt from Article XIII D of the California Constitution, by reason of section 5 thereof.

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

1. The assessment proposed in the report of the Engineer, and its accompanying diagram, on file with the City Clerk, are confirmed.
2. The adoption of this resolution shall constitute the levy of assessments for the 2012-2013 fiscal year within Landscape Maintenance District No. 14.
3. The City Clerk shall immediately file the assessments and diagram, or a certified copy thereof, with the Ventura County Auditor.

PASSED AND ADOPTED this 12th day of June, 2012, by the following vote:

AYES:

NOES:

ABSENT:

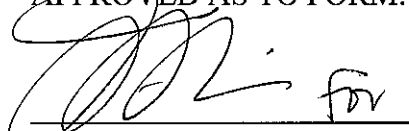
ABSTAIN:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney
6.5.12

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. 15 (PELICAN POINTE) PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972.

WHEREAS, on May 15, 2012, City Council adopted Resolution No. 14,163, declaring its intention to levy and collect assessments for the 2012-2013 fiscal year within Landscape Maintenance District No. 15 (Pelican Pointe) in order to pay the costs of maintaining landscaping therein; and

WHEREAS, a description of the improvements and the proposed assessments upon assessable lots and parcels of land within the District is contained in the report of the Engineer, dated May 2012, on file with the City Clerk; and

WHEREAS, Resolution No. 14,163 set a public hearing for June 12, 2012, on the levy of the proposed assessment, which was held and all interested persons were afforded the opportunity to speak and be heard; and

WHEREAS, City Council has considered the oral statements and all written protests made or filed by any interested person; and

WHEREAS, assessments existed in the District throughout FY 2011-2012, and such assessments are not proposed to increase for FY 2012-2013; and

WHEREAS, the assessments are imposed exclusively to finance the capital costs and maintenance and operation expenses for sidewalks, streets, water and vector control, inasmuch as the landscaping is located in or adjacent to sidewalks and streets and the assessments are used exclusively to maintain such landscaping, including providing water thereto and controlling vectors therein; and

WHEREAS, the District was formed with the consent of the developer owning all of the parcels subject to assessment at the time assessments were initially imposed; and

WHEREAS, for the foregoing reasons, the assessments are exempt from Article XIII D of the California Constitution, by reason of section 5 thereof.

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

1. The assessment proposed in the report of the Engineer, and its accompanying diagram, on file with the City Clerk, are confirmed.
2. The adoption of this resolution shall constitute the levy of assessments for the 2012-2013 fiscal year within Landscape Maintenance District No. 15.
3. The City Clerk shall immediately file the assessments and diagram, or a certified copy thereof, with the Ventura County Auditor.

PASSED AND ADOPTED this 12th day of June, 2012, by the following vote:

AYES:

NOES:

ABSENT:

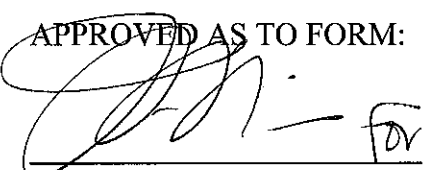
ABSTAIN:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney

6.5.12

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. 16 (CALIFORNIA LIGHTHOUSE) PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972.

WHEREAS, on May 15, 2012, City Council adopted Resolution No. 14,164, declaring its intention to levy and collect assessments for the 2012-2013 fiscal year within Landscape Maintenance District No. 16 (California Lighthouse) in order to pay the costs of maintaining landscaping therein; and

WHEREAS, a description of the improvements and the proposed assessments upon assessable lots and parcels of land within the District is contained in the report of the Engineer, dated May 2012, on file with the City Clerk; and

WHEREAS, Resolution No. 14,164 set a public hearing for June 12, 2012, on the levy of the proposed assessment, which was held and all interested persons were afforded the opportunity to speak and be heard; and

WHEREAS, City Council has considered the oral statements and all written protests made or filed by any interested person; and

WHEREAS, assessments existed in the District throughout FY 2011-2012 and such assessments are not proposed to increase for 2012-2013; and

WHEREAS, the assessments are imposed exclusively to finance the capital costs and maintenance and operation expenses for sidewalks, streets, water and vector control, inasmuch as the landscaping is located in or adjacent to sidewalks and streets and the assessments are used exclusively to maintain such landscaping, including providing water thereto and controlling vectors therein; and

WHEREAS, the District was formed with the consent of the developer owning all of the parcels subject to assessment at the time assessments were initially imposed; and

WHEREAS, for the foregoing reasons, the assessments are exempt from Article XIII D of the California Constitution, by reason of section 5 thereof.

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

1. The assessment proposed in the report of the Engineer, and its accompanying diagram, on file with the City Clerk, are confirmed.
2. The adoption of this resolution shall constitute the levy of assessments for the 2012-2013 fiscal year within Landscape Maintenance District No. 16.
3. The City Clerk shall immediately file the assessments and diagram, or a certified copy thereof, with the Ventura County Auditor.

PASSED AND ADOPTED this 12th day of June, 2012, by the following vote:

AYES:

NOES:

ABSENT:

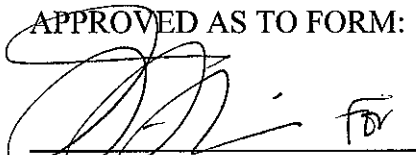
ABSTAIN:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney
6.5.12

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. 17
(VILLAGE OF SAN MIGUEL) PURSUANT TO THE LANDSCAPING
AND LIGHTING ACT OF 1972.

WHEREAS, on May 15, 2012, City Council adopted Resolution No. 14,165, declaring its intention to levy and collect assessments for the 2012-2013 fiscal year within Landscape Maintenance District No. 17 (Village of San Miguel) in order to pay the costs of maintaining landscaping therein; and

WHEREAS, a description of the improvements and the proposed assessments upon assessable lots and parcels of land within the District is contained in the report of the Engineer, dated May 2012, on file with the City Clerk; and

WHEREAS, Resolution No. 14,165 set a public hearing for June 12, 2012, on the levy of the proposed assessment, which was held and all interested persons were afforded the opportunity to speak and be heard; and

WHEREAS, City Council has considered the oral statements and all written protests made or filed by any interested person; and

WHEREAS, assessments existed in the District throughout FY 2011-2012, and such assessments are not proposed to increase for FY 2012-2013; and

WHEREAS, the assessments are imposed exclusively to finance the capital costs and maintenance and operation expenses for sidewalks, streets, water and vector control, inasmuch as the landscaping is located in or adjacent to sidewalks and streets and the assessments are used exclusively to maintain such landscaping, including providing water thereto and controlling vectors therein; and

WHEREAS, the District was formed with the consent of the developer owning all of the parcels subject to assessment at the time assessments were initially imposed; and

WHEREAS, for the foregoing reasons, the assessments are exempt from Article XIII D of the California Constitution, by reason of section 5 thereof.

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

1. The assessment proposed in the report of the Engineer, and its accompanying diagram, on file with the City Clerk, are confirmed.
2. The adoption of this resolution shall constitute the levy of assessments for the 2012-2013 fiscal year within Landscape Maintenance District No. 17.
3. The City Clerk shall immediately file the assessments and diagram, or a certified copy thereof, with the Ventura County Auditor.

PASSED AND ADOPTED this 12th day of June, 2012, by the following vote:

AYES:

NOES:

ABSENT:

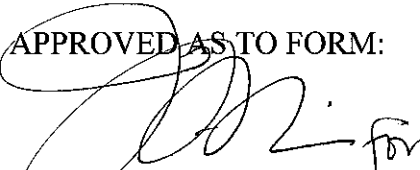
ABSTAIN:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney

6.5.12

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. 18 (ST. JOHN'S REGIONAL MEDICAL CENTER) PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972.

WHEREAS, on May 15, 2012, City Council adopted Resolution No. 14,166, declaring its intention to levy and collect assessments for the 2012-2013 fiscal year within Landscape Maintenance District No. 18 (St. John's Regional Medical Center) in order to pay the costs of maintaining landscaping therein; and

WHEREAS, a description of the improvements and the proposed assessments upon assessable lots and parcels of land within the District is contained in the report of the Engineer, dated May 2012, on file with the City Clerk; and

WHEREAS, Resolution No. 14,166 set a public hearing for June 12, 2012, on the levy of the proposed assessment, which was held and all interested persons were afforded the opportunity to speak and be heard; and

WHEREAS, City Council has considered the oral statements and all written protests made or filed by any interested person; and

WHEREAS, assessments existed in the District throughout FY 2011-2012, and such assessments are not proposed to increase for FY 2012-2013; and

WHEREAS, the assessments are imposed exclusively to finance the capital costs and maintenance and operation expenses for sidewalks, streets, water and vector control, inasmuch as the landscaping is located in or adjacent to sidewalks and streets and the assessments are used exclusively to maintain such landscaping, including providing water thereto and controlling vectors therein; and

WHEREAS, the District was formed with the consent of the developer owning all of the parcels subject to assessment at the time assessments were initially imposed; and

WHEREAS, for the foregoing reasons, the assessments are exempt from Article XIII D of the California Constitution, by reason of section 5 thereof.

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

1. The assessment proposed in the report of the Engineer, and its accompanying diagram, on file with the City Clerk, are confirmed.
2. The adoption of this resolution shall constitute the levy of assessments for the 2012-2013 fiscal year within Landscape Maintenance District No. 18.
3. The City Clerk shall immediately file the assessments and diagram, or a certified copy thereof, with the Ventura County Auditor.

PASSED AND ADOPTED this 12th day of June, 2012, by the following vote:

AYES:

NOES:

ABSENT:

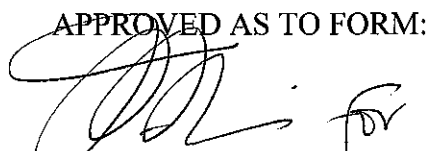
ABSTAIN:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney
6.5.12

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. 19 (SHOPPING AT THE ROSE) PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972.

WHEREAS, on May 15, 2012, City Council adopted Resolution No. 14,167, declaring its intention to levy and collect assessments for the 2012-2013 fiscal year within Landscape Maintenance District No. 19 (Shopping at the Rose) in order to pay the costs of maintaining landscaping therein; and

WHEREAS, a description of the improvements and the proposed assessments upon assessable lots and parcels of land within the District is contained in the report of the Engineer, dated May 2012, on file with the City Clerk; and

WHEREAS, Resolution No. 14,167 set a public hearing for June 12, 2012, on the levy of the proposed assessment, which was held and all interested persons were afforded the opportunity to speak and be heard; and

WHEREAS, City Council has considered the oral statements and all written protests made or filed by any interested person; and

WHEREAS, assessments existed in the District throughout FY 2011-2012, and such assessments are not proposed to increase for FY 2012-2013; and

WHEREAS, the assessments are imposed exclusively to finance the capital costs and maintenance and operation expenses for sidewalks, streets, water and vector control, inasmuch as the landscaping is located in or adjacent to sidewalks and streets and the assessments are used exclusively to maintain such landscaping, including providing water thereto and controlling vectors therein; and

WHEREAS, the District was formed with the consent of the developer owning all of the parcels subject to assessment at the time assessments were initially imposed; and

WHEREAS, for the foregoing reasons, the assessments are exempt from Article XIII D of the California Constitution, by reason of section 5 thereof.

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

1. The assessment proposed in the report of the Engineer, and its accompanying diagram, on file with the City Clerk, are confirmed.
2. The adoption of this resolution shall constitute the levy of assessments for the 2012-2013 fiscal year within Landscape Maintenance District No. 19.
3. The City Clerk shall immediately file the assessments and diagram, or a certified copy thereof, with the Ventura County Auditor.

PASSED AND ADOPTED this 12th day of June, 2012, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:

A handwritten signature in black ink, appearing to be 'AH' with a flourish, followed by the initials 'FDR'.

Alan Holmberg, City Attorney

6.5.12

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. 20 (WALLENIUS VEHICLE PREPARATION CENTER) PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972.

WHEREAS, on May 15, 2012, City Council adopted Resolution No. 14,168, declaring its intention to levy and collect assessments for the 2012-2013 fiscal year within Landscape Maintenance District No. 20 (Wallenius Vehicle Preparation Center) in order to pay the costs of maintaining landscaping therein; and

WHEREAS, a description of the improvements and the proposed assessments upon assessable lots and parcels of land within the District is contained in the report of the Engineer, dated May 2012, on file with the City Clerk; and

WHEREAS, Resolution No. 14,168 set a public hearing for June 12, 2012, on the levy of the proposed assessment, which was held and all interested persons were afforded the opportunity to speak and be heard; and

WHEREAS, City Council has considered the oral statements and all written protests made or filed by any interested person; and

WHEREAS, assessments existed in the District throughout FY 2011-2012, and such assessments are not proposed to increase for FY 2012-2013; and

WHEREAS, the assessments are imposed exclusively to finance the capital costs and maintenance and operation expenses for sidewalks, streets, water and vector control, inasmuch as the landscaping is located in or adjacent to sidewalks and streets and the assessments are used exclusively to maintain such landscaping, including providing water thereto and controlling vectors therein; and

WHEREAS, the District was formed with the consent of the developer owning all of the parcels subject to assessment at the time assessments were initially imposed; and

WHEREAS, for the foregoing reasons, the assessments are exempt from Article XIII D of the California Constitution, by reason of section 5 thereof.

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

1. The assessment proposed in the report of the Engineer, and its accompanying diagram, on file with the City Clerk, are confirmed.
2. The adoption of this resolution shall constitute the levy of assessments for the 2012-2013 fiscal year within Landscape Maintenance District No. 20.
3. The City Clerk shall immediately file the assessments and diagram, or a certified copy thereof, with the Ventura County Auditor.

PASSED AND ADOPTED this 12th day of June, 2012, by the following vote:

AYES:

NOES:

ABSENT:

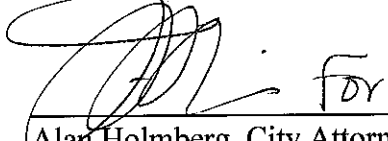
ABSTAIN:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:

 for

Alan Holmberg, City Attorney
6.5.12

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. 21 (CYPRESS POINTE) PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972.

WHEREAS, on May 15, 2012, City Council adopted Resolution No. 14,169, declaring its intention to levy and collect assessments for the 2012-2013 fiscal year within Landscape Maintenance District No. 21 (Cypress Pointe) in order to pay the costs of maintaining landscaping therein; and

WHEREAS, a description of the improvements and the proposed assessments upon assessable lots and parcels of land within the District is contained in the report of the Engineer, dated May 2012, on file with the City Clerk; and

WHEREAS, Resolution No. 14,169 set a public hearing for June 12, 2012, on the levy of the proposed assessment, which was held and all interested persons were afforded the opportunity to speak and be heard; and

WHEREAS, City Council has considered the oral statements and all written protests made or filed by any interested person; and

WHEREAS, assessments existed in the District throughout FY 2011-2012, and such assessments are not proposed to increase for FY 2012-2013; and

WHEREAS, the assessments are imposed exclusively to finance the capital costs and maintenance and operation expenses for sidewalks, streets, water and vector control, inasmuch as the landscaping is located in or adjacent to sidewalks and streets and the assessments are used exclusively to maintain such landscaping, including providing water thereto and controlling vectors therein; and

WHEREAS, the District was formed with the consent of the developer owning all of the parcels subject to assessment at the time assessments were initially imposed; and

WHEREAS, for the foregoing reasons, the assessments are exempt from Article XIII D of the California Constitution, by reason of section 5 thereof.

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

1. The assessment proposed in the report of the Engineer, and its accompanying diagram, on file with the City Clerk, are confirmed.
2. The adoption of this resolution shall constitute the levy of assessments for the 2012-2013 fiscal year within Landscape Maintenance District No. 21.
3. The City Clerk shall immediately file the assessments and diagram, or a certified copy thereof, with the Ventura County Auditor.

PASSED AND ADOPTED this 12th day of June, 2012, by the following vote:

AYES:

NOES:

ABSENT:

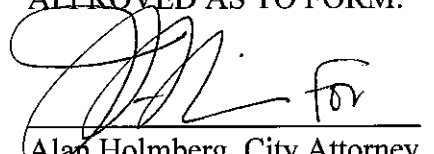
ABSTAIN:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney
6.5.12

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. 22 (MCDONALD'S MEDIAN) PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972.

WHEREAS, on May 15, 2012, City Council adopted Resolution No. 14,170, declaring its intention to levy and collect assessments for the 2012-2013 fiscal year within Landscape Maintenance District No. 22 (McDonald's Median) in order to pay the costs of maintaining landscaping therein; and

WHEREAS, a description of the improvements and the proposed assessments upon assessable lots and parcels of land within the District is contained in the report of the Engineer, dated May 2012, on file with the City Clerk; and

WHEREAS, Resolution No. 14,170 set a public hearing for June 12, 2012, on the levy of the proposed assessment, which was held and all interested persons were afforded the opportunity to speak and be heard; and

WHEREAS, City Council has considered the oral statements and all written protests made or filed by any interested person; and

WHEREAS, assessments existed in the District throughout FY 2011-2012, and such assessments are not proposed to increase for FY 2012-2013; and

WHEREAS, the assessments are imposed exclusively to finance the capital costs and maintenance and operation expenses for sidewalks, streets, water and vector control, inasmuch as the landscaping is located in or adjacent to sidewalks and streets and the assessments are used exclusively to maintain such landscaping, including providing water thereto and controlling vectors therein; and

WHEREAS, the District was formed with the consent of the developer owning all of the parcels subject to assessment at the time assessments were initially imposed; and

WHEREAS, for the foregoing reasons, the assessments are exempt from Article XIII D of the California Constitution, by reason of section 5 thereof.

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

1. The assessment proposed in the report of the Engineer, and its accompanying diagram, on file with the City Clerk, are confirmed.
2. The adoption of this resolution shall constitute the levy of assessments for the 2012-2013 fiscal year within Landscape Maintenance District No. 22.
3. The City Clerk shall immediately file the assessments and diagram, or a certified copy thereof, with the Ventura County Auditor.

PASSED AND ADOPTED this 12th day of June, 2012, by the following vote:

AYES:

NOES:

ABSENT:

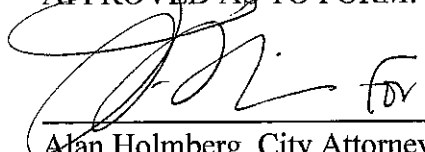
ABSTAIN:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney
6.5.12

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. 23 (GREYSTONE) PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972.

WHEREAS, on May 15, 2012, City Council adopted Resolution No. 14,171, declaring its intention to levy and collect assessments for the 2012-2013 fiscal year within Landscape Maintenance District No. 23 (Greystone) in order to pay the costs of maintaining landscaping therein; and

WHEREAS, a description of the improvements and the proposed assessments upon assessable lots and parcels of land within the District is contained in the report of the Engineer, dated May 2012, on file with the City Clerk; and

WHEREAS, Resolution No. 14,171 set a public hearing for June 12, 2012, on the levy of the proposed assessment, which was held and all interested persons were afforded the opportunity to speak and be heard; and

WHEREAS, City Council has considered the oral statements and all written protests made or filed by any interested person; and

WHEREAS, assessments existed in the District throughout FY 2011-2012, and such assessments are not proposed to increase for FY 2012-2013; and

WHEREAS, the assessments are imposed exclusively to finance the capital costs and maintenance and operation expenses for sidewalks, streets, water and vector control, inasmuch as the landscaping is located in or adjacent to sidewalks and streets and the assessments are used exclusively to maintain such landscaping, including providing water thereto and controlling vectors therein; and

WHEREAS, the District was formed with the consent of the developer owning all of the parcels subject to assessment at the time assessments were initially imposed; and

WHEREAS, for the foregoing reasons, the assessments are exempt from Article XIII D of the California Constitution, by reason of section 5 thereof.

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

1. The assessment proposed in the report of the Engineer, and its accompanying diagram, on file with the City Clerk, are confirmed.
2. The adoption of this resolution shall constitute the levy of assessments for the 2012-2013 fiscal year within Landscape Maintenance District No. 23.
3. The City Clerk shall immediately file the assessments and diagram, or a certified copy thereof, with the Ventura County Auditor.

PASSED AND ADOPTED this 12th day of June, 2012, by the following vote:

AYES:

NOES:

ABSENT:

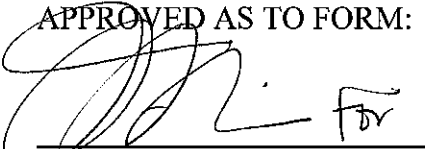
ABSTAIN:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney
6.5.12

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. 24 (VINEYARDS) PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972.

WHEREAS, on May 15, 2012, City Council adopted Resolution No. 14,172, declaring its intention to levy and collect assessments for the 2012-2013 fiscal year within Landscape Maintenance District No. 24 (Vineyards) in order to pay the costs of maintaining landscaping therein; and

WHEREAS, a description of the improvements and the proposed assessments upon assessable lots and parcels of land within the District is contained in the report of the Engineer, dated May 2012, on file with the City Clerk; and

WHEREAS, Resolution No. 14,172 set a public hearing for June 12, 2012, on the levy of the proposed assessment, which was held and all interested persons were afforded the opportunity to speak and be heard; and

WHEREAS, City Council has considered the oral statements and all written protests made or filed by any interested person; and

WHEREAS, assessments existed in the District throughout FY 2011-2012, and such assessments are not proposed to increase for FY 2012-2013; and

WHEREAS, the assessments are imposed exclusively to finance the capital costs and maintenance and operation expenses for sidewalks, streets, water and vector control, inasmuch as the landscaping is located in or adjacent to sidewalks and streets and the assessments are used exclusively to maintain such landscaping, including providing water thereto and controlling vectors therein; and

WHEREAS, the District was formed with the consent of the developer owning all of the parcels subject to assessment at the time assessments were initially imposed; and

WHEREAS, for the foregoing reasons, the assessments are exempt from Article XIII D of the California Constitution, by reason of section 5 thereof.

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

1. The assessment proposed in the report of the Engineer, and its accompanying diagram, on file with the City Clerk, are confirmed.
2. The adoption of this resolution shall constitute the levy of assessments for the 2012-2013 fiscal year within Landscape Maintenance District No. 24.
3. The City Clerk shall immediately file the assessments and diagram, or a certified copy thereof, with the Ventura County Auditor.

PASSED AND ADOPTED this 12th day of June, 2012, by the following vote:

AYES:

NOES:

ABSENT:

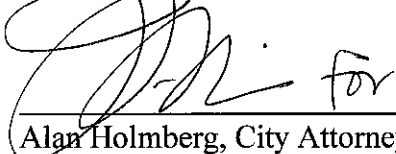
ABSTAIN:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney
6.5.12

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. 25 (THE POINTE) PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972.

WHEREAS, on May 15, 2012, City Council adopted Resolution No. 14,173, declaring its intention to levy and collect assessments for the 2012-2013 fiscal year within Landscape Maintenance District No. 25 (The Pointe) in order to pay the costs of maintaining landscaping therein; and

WHEREAS, a description of the improvements and the proposed assessments upon assessable lots and parcels of land within the District is contained in the report of the Engineer, dated May 2012, on file with the City Clerk; and

WHEREAS, Resolution No. 14,173 set a public hearing for June 12, 2012, on the levy of the proposed assessment, which was held and all interested persons were afforded the opportunity to speak and be heard; and

WHEREAS, City Council has considered the oral statements and all written protests made or filed by any interested person; and

WHEREAS, assessments existed in the District throughout FY 2011-2012, and such assessments are not proposed to increase for FY 2012-2013; and

WHEREAS, the assessments are imposed exclusively to finance the capital costs and maintenance and operation expenses for sidewalks, streets, water and vector control, inasmuch as the landscaping is located in or adjacent to sidewalks and streets and the assessments are used exclusively to maintain such landscaping, including providing water thereto and controlling vectors therein; and

WHEREAS, the District was formed with the consent of the developer owning all of the parcels subject to assessment at the time assessments were initially imposed; and

WHEREAS, for the foregoing reasons, the assessments are exempt from Article XIII D of the California Constitution, by reason of section 5 thereof.

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

1. The assessment proposed in the report of the Engineer, and its accompanying diagram, on file with the City Clerk, are confirmed.
2. The adoption of this resolution shall constitute the levy of assessments for the 2012-2013 fiscal year within Landscape Maintenance District No. 25.
3. The City Clerk shall immediately file the assessments and diagram, or a certified copy thereof, with the Ventura County Auditor.

PASSED AND ADOPTED this 12th day of June, 2012, by the following vote:

AYES:

NOES:

ABSENT:

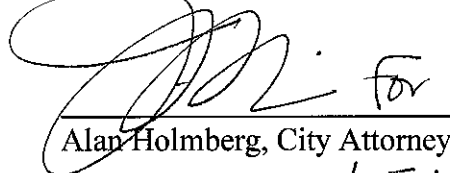
ABSTAIN:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney
6.5.12

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. 26 (ALBERTSON'S) PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972.

WHEREAS, on May 15, 2012, City Council adopted Resolution No. 14,174, declaring its intention to levy and collect assessments for the 2012-2013 fiscal year within Landscape Maintenance District No. 26 (Albertson's) in order to pay the costs of maintaining landscaping therein; and

WHEREAS, a description of the improvements and the proposed assessments upon assessable lots and parcels of land within the District is contained in the report of the Engineer, dated May 2012, on file with the City Clerk; and

WHEREAS, Resolution No. 14,174 set a public hearing for June 12, 2012, on the levy of the proposed assessment, which was held and all interested persons were afforded the opportunity to speak and be heard; and

WHEREAS, City Council has considered the oral statements and all written protests made or filed by any interested person; and

WHEREAS, assessments existed in the District throughout FY 2011-2012, and such assessments are not proposed to increase for FY 2012-2013; and

WHEREAS, the assessments are imposed exclusively to finance the capital costs and maintenance and operation expenses for sidewalks, streets, water and vector control, inasmuch as the landscaping is located in or adjacent to sidewalks and streets and the assessments are used exclusively to maintain such landscaping, including providing water thereto and controlling vectors therein; and

WHEREAS, the District was formed with the consent of the developer owning all of the parcels subject to assessment at the time assessments were initially imposed; and

WHEREAS, for the foregoing reasons, the assessments are exempt from Article XIII D of the California Constitution, by reason of section 5 thereof.

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

1. The assessment proposed in the report of the Engineer, and its accompanying diagram, on file with the City Clerk, are confirmed.
2. The adoption of this resolution shall constitute the levy of assessments for the 2012-2013 fiscal year within Landscape Maintenance District No. 26.
3. The City Clerk shall immediately file the assessments and diagram, or a certified copy thereof, with the Ventura County Auditor.

PASSED AND ADOPTED this 12th day of June, 2012, by the following vote:

AYES:

NOES:

ABSENT:

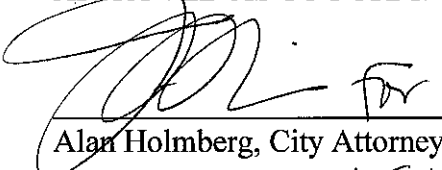
ABSTAIN:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney
6.5.12



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

Prepared By: Christopher Williamson, AICP, Principal Planner *CW* Agenda Item No. L-2

Reviewed By: City Manager *JLB* City Attorney *AA* Finance *JR* Other (Specify) _____

DATE: June 5, 2012

TO: City Council

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

SUBJECT: Planning and Zoning Permit Nos. 02-640-01 (Specific Plan) and 02-570-04 (Zone Change), and Certification of Final Environmental Impact Report (FEIR) No. 06-01 for the Sakioka Farms Business Park Specific Plan, Located at 2190 and 1400 N. Rice Avenue. Filed by Sakioka Farms, 3183-A Airway Avenue, #2, Costa Mesa, California, 92626.

RECOMMENDATION

That the City Council, in accordance with the California Environmental Quality Act (CEQA) Findings of Fact and Statement of Overriding Considerations for the Sakioka Farms Business Park Specific Plan (Sakioka Specific Plan) project:

1. Certify the Final Sakioka Specific Plan Environmental Impact Report (FEIR No. 06-01) and adopt Findings of Fact, Statement of Overriding Considerations, and the Adaptive Management Mitigation Monitoring and Reporting Program; and
2. Adopt the Sakioka Specific Plan (PZ No. 02-640-01); and
3. Approve the first reading by title only and subsequent adoption an ordinance (PZ No. 02-570-02) to change the zone designation of an approximately 13-acre area along Del Norte Boulevard from Business Research Park (BRP) to Light Industrial-Planned Development (M1-PD).

SUMMARY

With approximately 430 acres, the Sakioka Specific Plan is the largest remaining undeveloped area within the City and would, upon build out, generate over 15,500 employment opportunities. The plan's physical design is basically a business research and industrial park within a grid of new streets filling in the area between Rice Avenue and Del Norte Boulevard. Because of the long development period (10 to 20 years) and need to be market-responsive, an adaptive environmental mitigation program was developed and incorporated within the Sakioka Specific Plan to meet CEQA requirements.

With the concurrent adoption of the requested zone change for an approximately 13-acre portion of the project site from Business Research Park (BRP) to Light Industrial (M-1), the proposed Sakioka Specific Plan is consistent with the 2030 General Plan.

DISCUSSION

Background and NIAD

The Sakioka Specific Plan property was annexed into the City in 1968 and later included in the 1,385 acre Northeast Industrial Assessment District (NIAD). The NIAD primarily provided funding for the construction of portions of Del Norte Boulevard, sewer and water lines, and storm drains designed to provide capacity for full development as a business research and industrial park. Sakioka Farms and/or subsequent parties will receive a NIAD credit against certain capital and impact development fees in the total amount of \$2,762,156.86. In 2002, Sakioka Farms and the Power Machinery Center (3450 Camino Avenue) filed a joint application to adopt business park specific plans for their respective properties east of Rice Avenue, south of the 101 Freeway, north of the Proctor and Gamble facility, and east to the city limits. In 2005, Rick Power separated his property from the combined approval process and the Camino Real Business Park Specific Plan was adopted in 2008. With adoption of the Sakioka Specific Plan and the completion of the Rice/101 Freeway interchange, development interest is first expected along the Rice Avenue (west) area while the east area of the Sakioka Farms property along Del Norte Boulevard is likely to remain in agricultural production for the near future.

Sakioka Farms Business Park Specific Plan

The Sakioka Specific Plan provides the framework, guidelines, standards, and regulations for orderly, phased, market-responsive development of up to 8.5 million square feet of business research, office, commercial, and industrial uses. The plan divides the 430-acre site into seven planning areas for phased development that allows for continued agricultural operations on the undeveloped areas. The extension of Gonzales Road from Rice Avenue to Del Norte Boulevard, internal streets, utilities, landscaping, subdivisions, and structures would be developed under appropriate current and future regulations and subsequent environmental review, as applicable. Approximately 1.5 acres near Rice Avenue and the eastward extension of Gonzales Road is reserved for a future fire station. More discussion regarding the fire station is presented below.

The Sakioka Specific Plan includes a 78,582 daily trip estimate at full buildout, which serves as the trip generation cap for all development within the specific plan area. The Sakioka Specific Plan FEIR traffic analysis is consistent with the 2030 General Plan traffic plan in that the same five intersections within the City would operate at below LOS C at full 2030 General Plan and Sakioka Specific Plan buildout and completion of proposed roadway, intersection, and traffic management mitigations. The Sakioka Specific Plan FEIR identified 32 roadway improvements that would be required in tandem with development as the need for the improvements arise. As travel behavior, transit use, and developed uses may change over buildout compared to those described in the Sakioka Specific Plan and used for the FEIR evaluation, the Sakioka Specific Plan FEIR incorporates adaptive traffic mitigations that will periodically revisit and update traffic and related impacts and mitigations.

Stormwater Quality Control Measures

All new development within the County of Ventura must comply with the requirements of the National Pollutant Discharge Elimination System (NPDES) adopted by the Los Angeles Regional Water Quality

Control Board on July 8, 2010 (commonly referred to as the “MS4” Permit). The Ventura Countywide Stormwater Quality Program prepared and published a Technical Guidance Manual for Stormwater Quality Control Measures (TGM) which guides local implementation of the MS4 permit. Discretionary permit projects deemed complete prior to October 11, 2011 (Effective Date) would generally not be subject to the new MS4 requirements. Staff determined that that Sakioka Farms Specific Plan application was complete before the Effective Date and is subject to the 2002 TGM rather than the new MS4 permit TGM. The Los Angeles Regional Water Quality Control Board confirmed this determination in a letter to the City Attorney dated May 10, 2012.

2030 General Plan

The Sakioka Specific Plan is consistent with the 2030 General Plan as documented in the attached consistency analysis (August 18, 2011 Planning Commission staff report, Attachment F). None of the changes made at the Planning Commission’s October 6, 2011 hearing that recommended adoption change the 2030 General Plan consistency findings. The Sakioka Specific Plan area has corresponding BRP and M-1 zone designations except for one 13-acre area along Del Norte Boulevard which would change from BRP to M-1 to match the Sakioka Specific Plan and the 2030 General Plan if adopted as proposed concurrently with the Sakioka Specific Plan.

Environmental Review

In accordance with CEQA Guidelines, the City of Oxnard prepared an EIR (SCH No. 2002071070) based on the anticipated build out of the Sakioka Specific Plan. The Final EIR found five areas where impacts would remain significant after feasible mitigations:

1. Loss of prime agricultural land,
2. Non-attainment of air quality standards for the Ventura County Air Basin,
3. Cumulative greenhouse gas emissions,
4. Cumulative traffic level of service below LOS C at five designated intersections, and
5. Cumulative roadway noise along Gonzales Avenue.

These are the same impacts and below LOS C intersections that the 2030 General Plan Program EIR found significant and unavoidable on a citywide basis. The Adaptive Management Mitigation Monitoring and Reporting Program will be added to the Sakioka Specific Plan as Section 7 to ensure that the adaptive mitigation program is fully integrated with the plan document. CEQA Guidelines require that a public agency make specific findings before a project is approved if the project involves significant and unavoidable environmental impacts. Findings of Fact and a Statement of Overriding Considerations (SOC) are drafted pursuant to the CEQA and are included with the resolution recommending certification of the Final EIR (Attachment 1). Benefits identified with the Sakioka Specific Plan include the following:

1. Estimated employment of 15,500,
2. Improved Oxnard jobs-housing balance,
3. Increased property and sales tax revenue,
4. Extension of Gonzales Road in an early development phase,
5. Reclaimed water infrastructure, and
6. Land reserved for a Fire Station.

Future Fire Station

The issue of the timing, location, and funding of what would become Fire Station No. 10 in the Fire Department's Ten-Year Strategic Plan was raised during the EIR public review, at the several Planning Commission hearings, and within a draft development agreement that could come before the City Council at a later date. The Sakioka Specific Plan has reserved 1.5 acres for a fire station just east of Rice Avenue along what will be the eastward extension of Gonzales Road. The applicant does not propose to dedicate the fire station site nor contribute funding other than payment of capital facilities impact fees. A new fire station at that approximate location was included in 1993 as an EIR mitigation for the Northeast Community Specific Plan (NECSP). As the NECSP was developed, a Supplemental EIR for the Daily Ranch project removed the mitigation with the following explanation:

As the City is currently beginning planning for the new fire station near Rice Avenue and the fire services master plan is under preparation, the mitigation measure from the NECSP EIR calling for the station to be built before 50 percent of the (NECSP) Specific Plan is implemented is no longer considered necessary by the City. (pg. 5.5-16, Daily Ranch SEIR, May 2001)

The Sakioka Specific Plan does include the new fire station and the Fire Department did complete a Ten-Year Strategy Plan. The Fire Department has determined that fire protection is adequate for up to 1.7 million square feet of new development within the Sakioka Specific Plan before a fully operational station is needed at the proposed location for the nature and number of expected fire service calls in industrial parks. Planned preemption of traffic signals from existing stations (including the planned College Park station) and extensive use of fire detection and suppression technology required in new buildings also factor into the Fire Department's decision. While the Fire Department would prefer the proposed fire station be completed earlier, the lack of funding requires the City to accumulate capital facility impact fees from the first 20 percent of Sakioka Specific Plan development. It remains the City's position in development agreement negotiations that Sakioka Farms should dedicate the fire station site and enable completion and operation of the new fire station as early as possible.

Planning Commission Recommendation on Housing

At its meeting of October 6, 2011, the Planning Commission adopted Resolution Nos. 2011-34, 2011-35, and 2011-36 recommending that the City Council adopt the Sakioka Specific Plan, approve the zone change, and certify the Specific Plan Final EIR and adopt related CEQA documents, respectively. The Planning Commission recommended that the Rice Avenue/Gonzales Road intersection be required to achieve LOS C. As Rice Avenue will eventually become a Caltrans Highway (State Route 1) where the Level of Service (LOS) requirement is lower than the City's, the City Council may wish to consider the applicant's request to remove one northbound lane and allow that intersection to operate at LOS D. In addition, the Planning Commission determined that an optional substitution of up to 950 housing units for light industrial uses raised, on the whole, more negative quality of life impacts than environmental benefits, and the housing option was removed from the Sakioka Specific Plan.

FINANCIAL IMPACT

Adoption of the Sakioka Specific Plan and related CEQA documentation do not, in themselves, create a financial impact to the City. Subsequent development will generate impact and related service-reimbursement fees that are intended to cover City expenses. The City may incur expenses for the construction and operation of the proposed fire station should other funding arrangements not be identified prior to the completion of 1.7 million square feet of development.

- Attachments
- 1 - City Council Resolution, Final EIR Certification, Findings of Fact, and Adaptive Mitigation and Monitoring Program
 - 2 - City Council Resolution, Specific Plan Adoption
 - 3 - City Council Ordinance, Zone Change
 - 4 - Planning Commission final resolutions nos. 2011-34/-35/-36
 - 5 - Planning Commission staff reports (distributed separately)
 - 6 - Sakioka Farms Business Park Specific Plan (June 2012) (distributed separately)
 - 7 - Sakioka Farms Business Park Specific Plan Draft EIR (distributed separately)
 - 8 - Sakioka Farms Business Park Specific Plan Final EIR (distributed separately)

Note: Attachments 1 and 5 to 8 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 Monday, June 11, 2012.

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD ADOPTING THE SAKIOKA FARMS BUSINESS PARK SPECIFIC PLAN (PLANNING AND ZONING PERMIT NO. 02-640-01) GENERALLY LOCATED SOUTH OF THE 101 FREEWAY EAST OF RICE AVENUE AND ALONG DEL NORTE BOULEVARD (APN 216-0-030-075; -105; -145; -155). FILED BY SAKIOKA FARMS, 3183-A AIRWAY AVENUE, #2, COSTA MESA, CALIFORNIA 92626.

WHEREAS, on October 11, 2011 the Planning Commission adopted Resolution No. 2011-34 recommending that the City Council adopt the Sakioka Farms Business Park Specific Plan; and

WHEREAS, on June 12, 2012, the City Council certified Final Environmental Impact Report No. 06-02 and adopted related California Environmental Quality Act (CEQA) documents for the Sakioka Farms Business Park Specific Plan and found that the final environmental impact report was completed for this specific plan amendment in compliance with CEQA and reflects the independent judgment of the City; and

WHEREAS, Addendum No. 1 to the FEIR finds the Sakioka Farms Business Park Specific Plan consistent with the 2030 General Plan that was adopted by the City Council on October 11, 2011; and

WHEREAS, the City Council of the City of Oxnard has determined that the Sakioka Farms Business Park Specific Plan was deemed complete for processing prior to the Effective Date of the "New Development and Redevelopment Requirements" contained in Section E of the California Regional Water Quality Control Board – Los Angeles Region Order No. R4-2010-0108, and the City Council has also determined that the same specific plan satisfies the criteria set forth in paragraphs 2 and 3 of the Effective Date provisions of the Ventura County Watershed Protection District's 2011 Technical Guidance Manual for Storm Water Quality Control Measures, and, as a result thereof, the Project shall continue to comply with the performance criteria set forth in the 2002 Technical Guidance Manual for Storm Water Quality Control Measures under Board Order 00-108; and

WHEREAS, the City Council of the City of Oxnard has considered an application for Planning and Zoning Permit No. 02-640-01, filed by Jeffrey Littell, to adopt the Sakioka Farms Business Park Specific Plan for an approximately 430-acre area generally located south of the 101 Freeway, east of Rice Avenue, and along Del Norte Boulevard; and

WHEREAS, the City Council finds after due study and deliberation that the public interest and general welfare require the adoption of the Sakioka Farms Business Park Specific Plan; and

WHEREAS, the documents and other material that constitute the record of proceedings are located in the Planning Division, and the custodian of the record is the Planning Manager; and

WHEREAS, the City Council finds after due study and deliberation and public hearings that the Sakioka Farms Business Park Specific Plan is consistent with the 2030 General Plan; will provide a range of commercial and light industrial business opportunities, infrastructure and arterial roadway improvements, and land reserved for a Fire Station will stimulate balanced growth without impacting undeveloped land outside of the City's City Urban Restriction Boundary or impacting the City's downtown business; will enhance the quality of life for all residents of Oxnard by creating over 15,500 employment opportunities; that the project will not adversely affect or be materially detrimental to adjacent land uses, and that the public interest and general welfare require the adoption of Specific Plan Amendment No. 02-640-01; and

WHEREAS, the Applicant agrees as a condition of approval of this resolution and at its own expense, to indemnify and defend the City of Oxnard and its agents, officers and employees from and against any claims, actions or proceedings to attack, set aside, void or annul the approval of this resolution or any actions or proceedings, acts or determinations taken, done or made before the approval of this resolution that were part of the approval process.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Oxnard adopts the Sakioka Farms Business Park Specific Plan for property generally located south of the 101 Freeway, east of Rice Avenue, and along Del Norte Boulevard as shown in Exhibit A, attached hereto and incorporated herein by reference.

PASSED and ADOPTED by the City Council of the City of Oxnard on this 12th day of June, 2012 by the following vote:

AYES:

NOES:

ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

Resolution No.
Sakioka Farms Specific Plan
Page 3 of 4

APPROVED AS TO FORM:



Alan Holmberg, City Attorney

Resolution No.
Sakioka Farms Specific Plan
Page 4 of 4

EXHIBIT A

Exhibit A, the Sakioka Farms Business Park Specific Plan document (June 2012), is under separate cover.

CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO. ____

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING ZONE CHANGE NO. PZ 02-570-04, FOR THE SOUTHERLY PORTION OF PARCEL 216-0-030-075 FROM BUSINESS RESEARCH PARK (BRP) TO LIGHT INDUSTRIAL PLANNED DEVELOPMENT (M1-PD). FILED BY SAKIOKA FARMS, 3183-A AIRWAY AVENUE, #2, COSTA MESA, CALIFORNIA 92626.

WHEREAS, on October 11, 2011 the Planning Commission adopted Resolution No. 2011-35 recommending that the City Council adopt Zone Change No. 02-570-04; and

WHEREAS, on June 12, 2012, the City Council certified Final Environmental Impact Report No. 06-02 and adopted related California Environmental Quality Act (CEQA) documents for the Sakioka Farms Business Park Specific Plan that includes the present Zone Change No. 02-570-04 and found that the final environmental impact report was completed in compliance with the CEQA and reflects the independent judgment of the City; and

WHEREAS, Addendum No. 1 to the FEIR finds the proposed Sakioka Farms Business Park Specific Plan and the present Zone Change No. 02-570-04 are consistent with the 2030 General Plan that was adopted by the City Council on October 11, 2011; and

WHEREAS, the City Council held a public hearing and received and reviewed written and oral comments related to proposed Zone Change No. 02-570-04; and

WHEREAS, the City Council finds after due study and deliberation that the public interest and general welfare require the adoption of Zone Change No. 02-570-04; and

WHEREAS, the documents and other material that constitute the record of proceedings for Zone Change No., 02-570-04 are located in the Planning Division, and the custodian of the record is the Planning Manager; and

WHEREAS, the City Council of the City of Oxnard has determined that the Sakioka Farms Business Park Specific Plan was deemed complete for processing prior to the Effective Date of the "New Development and Redevelopment Requirements" contained in Section E of the California Regional Water Quality Control Board – Los Angeles Region Order No. R4-2010-0108, and the City Council has also determined that the same specific plan satisfies the criteria set forth in paragraphs 2 and 3 of the Effective Date provisions of the Ventura County Watershed Protection District's 2011 Technical Guidance Manual for Storm Water Quality Control Measures, and, as a result thereof, the Project shall continue to comply with the performance criteria set forth in the 2002 Technical Guidance Manual for Storm Water Quality Control Measures under Board Order 00-108; and

WHEREAS, the Applicant agrees as a condition of approval of this ordinance and at its own expense, to indemnify and defend the City of Oxnard and its agents, officers and employees from and against any claims, actions or proceedings to attack, set aside, void or annul the approval of this ordinance or any actions or proceedings, acts or determinations taken, done or made before the approval of this ordinance that were part of the approval process.

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

Part 1. The zoning governing the property located east of Del Norte Boulevard along the eastern edge of the City of Oxnard and the southerly portion of parcel 216-0-030-075 from Business Research Park (BRP) to Light Industrial Planned Development (M1-PD), as shown in Exhibit "A", attached hereto and incorporated herein by reference.

Part 2. Within 15 days after passage, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation published and circulated in the City. Ordinance No. _____ was first read on June 12, 2012, and finally adopted on _____, to become effective thirty (30) days thereafter.

PASSED AND ADOPTED this 12th day of June, 2012, by the following vote:

AYES:

NOES:

ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

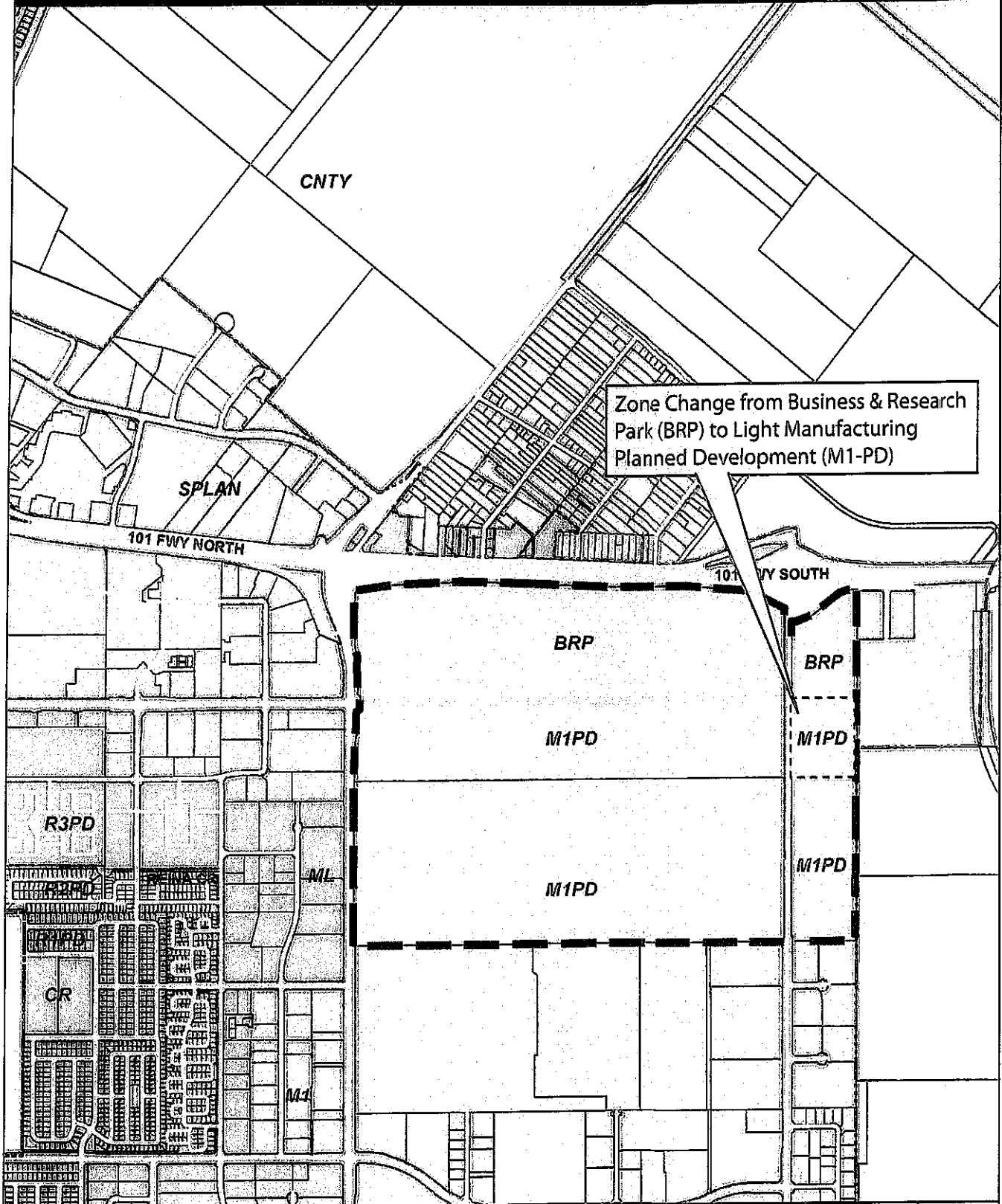
Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney

Zone Change



Zone Change from Business & Research Park (BRP) to Light Manufacturing Planned Development (M1-PD)



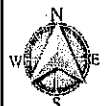
Oxnard Planning
January 27, 2011

PZ 02-640-01, 02-570-04
Location: 2190, 1400 N Rice Av
APN: 216003014, 216003015,
216003007, 216003010
Sakioka

0 250 500 1,000 1,500 2,000 Feet

Zone Change

Exhibit 'A'



1:16,493

RESOLUTION NO. 2011-34

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING CITY COUNCIL ADOPTION OF THE SAKIOKA FARMS BUSINESS PARK SPECIFIC PLAN (PZ 02-640-01) LOCATED AT 1400 AND 2190 NORTH RICE AVENUE (APN 216-0-030-075; -105; -145; -155). FILED BY SAKIOKA FARMS, 3183-A AIRWAY AVENUE, #2, COSTA MESA, CALIFORNIA 92626.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 02-640-01, filed by Jeffrey Littell to adopt the Sakioka Farms Business Park Specific Plan for an approximately 430-acre area generally located south of the 101 Freeway, east of Rice Avenue, and along Del Norte Boulevard; and

WHEREAS, the specific plan adoption is required by the 2020 General Plan prior to development in this area; and

WHEREAS, the Planning Commission of the City of Oxnard has thoroughly reviewed and considered Final Environmental Impact Report No.06-01 (State Clearinghouse No. 2002071070) (FEIR) for the Sakioka Farms Business Park Specific Plan Project which has been prepared in accordance with the California Environmental Quality Act (CEQA) and Resolution No. 10,851, as amended, of the City Council, before making its recommendation herein; and

WHEREAS, the Planning Commission has held a public hearing and received and considered oral and written testimony on the FEIR; and

WHEREAS, the Planning Commission finds that the FEIR was completed for this project in compliance with CEQA and reflects the independent judgment of the City; and

WHEREAS, the Planning Commission has held public hearings and received and reviewed written and oral comments related to proposed Planning and Zoning Permit No. 02-640-01; and

WHEREAS, an addendum to the FEIR finds the proposed specific plan consistent with the Draft 2030 General Plan (July 2011 version) that may be adopted prior to the City Council's consideration of the specific plan; and

WHEREAS, the Planning Commission finds after due study and deliberation and public hearings that the project is consistent with the 2020 General Plan; will provide a range of commercial and light industrial business opportunities, infrastructure and arterial roadway improvements, and land reserved for a Fire Station will stimulate balanced growth without impacting undeveloped land outside of the City's CURB or impacting the City's downtown business; will enhance the quality of life for all residents of Oxnard by creating over 15,000 employment opportunities; that the project will not adversely affect or be materially detrimental to adjacent land uses, and that the public interest and general welfare require the adoption of Specific Plan Amendment No. 02-640-01; and

WHEREAS, the documents and other material that constitute the record of proceedings are located in the Planning Division, and the custodian of the record is the Planning Manager; and

WHEREAS, the Applicant agrees as a condition of approval of this resolution and at its own expense, to indemnify and defend the City of Oxnard and its agents, officers and employees from and against any claims, actions or proceedings to attack, set aside, void or annul the approval of this resolution or any actions or proceedings, acts or determinations taken, done or made before the approval of this resolution that were part of the approval process.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard recommends to the City Council approval of Planning and Zoning Permit No. 02-640-01 adopting the Sakioka Farms Business Park Specific Plan for property generally located south of the 101 Freeway, east of Rice Avenue, and along Del Norte Boulevard as shown in Exhibit A, attached hereto and incorporated herein by reference.

PASSED and ADOPTED by the Planning Commission of the City of Oxnard on this 6th day of October, 2011 by the following vote:

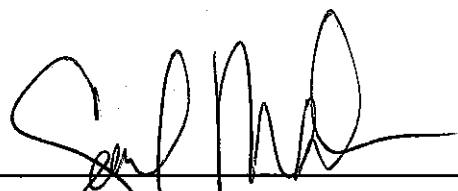
AYES: Commissioners: Huber, Guevara, Nash, Stewart, Medina

NOES: Commissioners: Murguia

ABSENT: Commissioners: Mullin

ATTEST:


Susan L. Martin, Secretary


Saul Medina, Chairperson

RESOLUTION NO. 2011-35

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING TO THE CITY COUNCIL ADOPTION OF A ZONE CHANGE (PZ 02-570-04) TO CHANGE THE LAND USE MAP TO DESIGNATE THE SOUTHERLY PORTION OF PARCEL 216-0-030-075 FROM BUSINESS RESEARCH PARK (BRP) TO LIGHT INDUSTRIAL PLANNED DEVELOPMENT (M1-PD). FILED BY SAKIOKA FARMS, 3183-A AIRWAY AVENUE, #2, COSTA MESA, CALIFORNIA 92626.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 02-570-04, filed by Jeffrey Littell to amend the zoning of the of the above-described property from BRP and M1-PD; and

WHEREAS, the Planning Commission of the City of Oxnard has thoroughly reviewed and considered Final Environmental Impact Report No.06-01 (State Clearinghouse No. 2002071070) (FEIR) for the Sakioka Farms Business Park Specific Plan Project which has been prepared in accordance with the California Environmental Quality Act (CEQA) and Resolution No. 10,851, as amended, of the City Council, before making its recommendation herein; and

WHEREAS, the Planning Commission has held a public hearing and received and considered oral and written testimony on the FEIR; and

WHEREAS, the Planning Commission finds that the FEIR was completed for this project in compliance with CEQA and reflects the independent judgment of the City; and

WHEREAS, an addendum to the FEIR finds the proposed specific plan consistent with the Draft 2030 General Plan (July 2011 version) that may be adopted prior to the City Council's consideration of Planning and Zoning Permit No. 02-570-04; and

WHEREAS, the Planning Commission has held public hearings and received and reviewed written and oral comments related to proposed Planning and Zoning Permit No. 02-570-04; and

WHEREAS, the Planning Commission finds after due study and deliberation that the public interest and general welfare require adoption of Planning and Zoning Permit No. 02-570-04; and

WHEREAS, the proposed zone change implements the Sakioka farms Specific Plan that is required by the 2020 General Plan prior to development in this area; and

WHEREAS, the Applicant agrees as a condition of approval of this resolution and at its own expense, to indemnify and defend the City of Oxnard and its agents, officers and employees from and against any claims, actions or proceedings to attack, set aside, void or annul the approval of this resolution or any actions or proceedings, acts or determinations taken, done or made before the approval of this resolution that were part of the approval process.

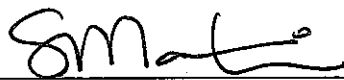
NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby recommends to the City Council adoption of Planning and Zoning Permit No. 02-570-04, amending the City's official Zoning Map to change the zoning designation of the property as shown in Exhibit 'A', attached hereto and incorporated herein by reference.

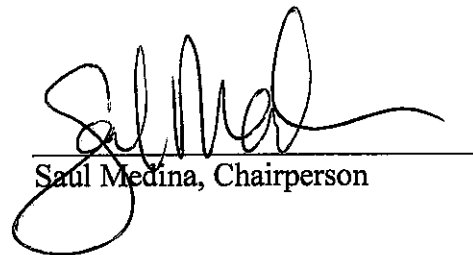
PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 6th day of October, 2011, by the following vote:

AYES: Commissioners: Nash, Guevara, Huber, Stewart, Medina

NOES: Commissioners: Murguia

ABSENT: Commissioners: Mullin

ATTEST: 
Susan L. Martin, Secretary


Saul Medina, Chairperson

ATTACHMENT A

CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO. __

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING ZONE CHANGE NO. PZ 02-570-04, FOR THE SOUTHERLY PORTION OF PARCEL 216-0-030-075 FROM BUSINESS RESEARCH PARK (BRP) TO LIGHT INDUSTRIAL PLANNED DEVELOPMENT (M1-PD). FILED BY SAKIOKA FARMS, 3183-A AIRWAY AVENUE, #2, COSTA MESA, CALIFORNIA 92626.

WHEREAS, on August 18, 2011 the Planning Commission of the City of Oxnard considered an application for Planning & Zoning Permit Nos. 02-640-01 (Specific Plan) and 02-570-04 (Zone Change), filed by Jeffrey Littell, to adopt the Sakioka Farms Specific Plan for an approximately 430-acre area generally located south of the 101 Freeway, east of Rice Avenue, and along Del Norte Boulevard; and

WHEREAS, on August 18, 2011, the Planning Commission recommended certification of Final Environmental Impact Report (FEIR) No. 06-01 for the aforementioned development project, and

WHEREAS, the City Council held a public hearing and received and reviewed written and oral comments related to proposed Zone Change No. 02-570-04; and

WHEREAS, the City Council finds after due study and deliberation that the public interest and general welfare require the adoption of Zone Change No. 02-570-04; and

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

WHEREAS, the Applicant agrees as a condition of approval of this resolution and at its own expense, to indemnify and defend the City of Oxnard and its agents, officers and employees from and against any claims, actions or proceedings to attack, set aside, void or annul the approval of this resolution or any actions or proceedings, acts or determinations taken, done or made before the approval of this resolution that were part of the approval process; and

WHEREAS, the zone change is consistent with the 2020 General Plan; and

WHEREAS, the zone change is consistent with the Draft 2030 General Plan (September 2011 version).

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

Part 1. The zoning governing the property located east of Del Norte Boulevard along the eastern edge of the City of Oxnard and the southerly portion of parcel 216-0-030-075 from Business Research Park (BRP) to Light Industrial Planned Development (M1-PD), as shown in Exhibit "A", attached hereto and incorporated herein by reference.

Part 2. Within 15 days after passage, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation published and circulated in the City. Ordinance No. _____ was first read on ____, 2011, and finally adopted on _____, to become effective thirty (30) days thereafter.

PASSED AND ADOPTED this ____th day of _____ 2011, by the following vote:

AYES:

NOES:

ABSENT:

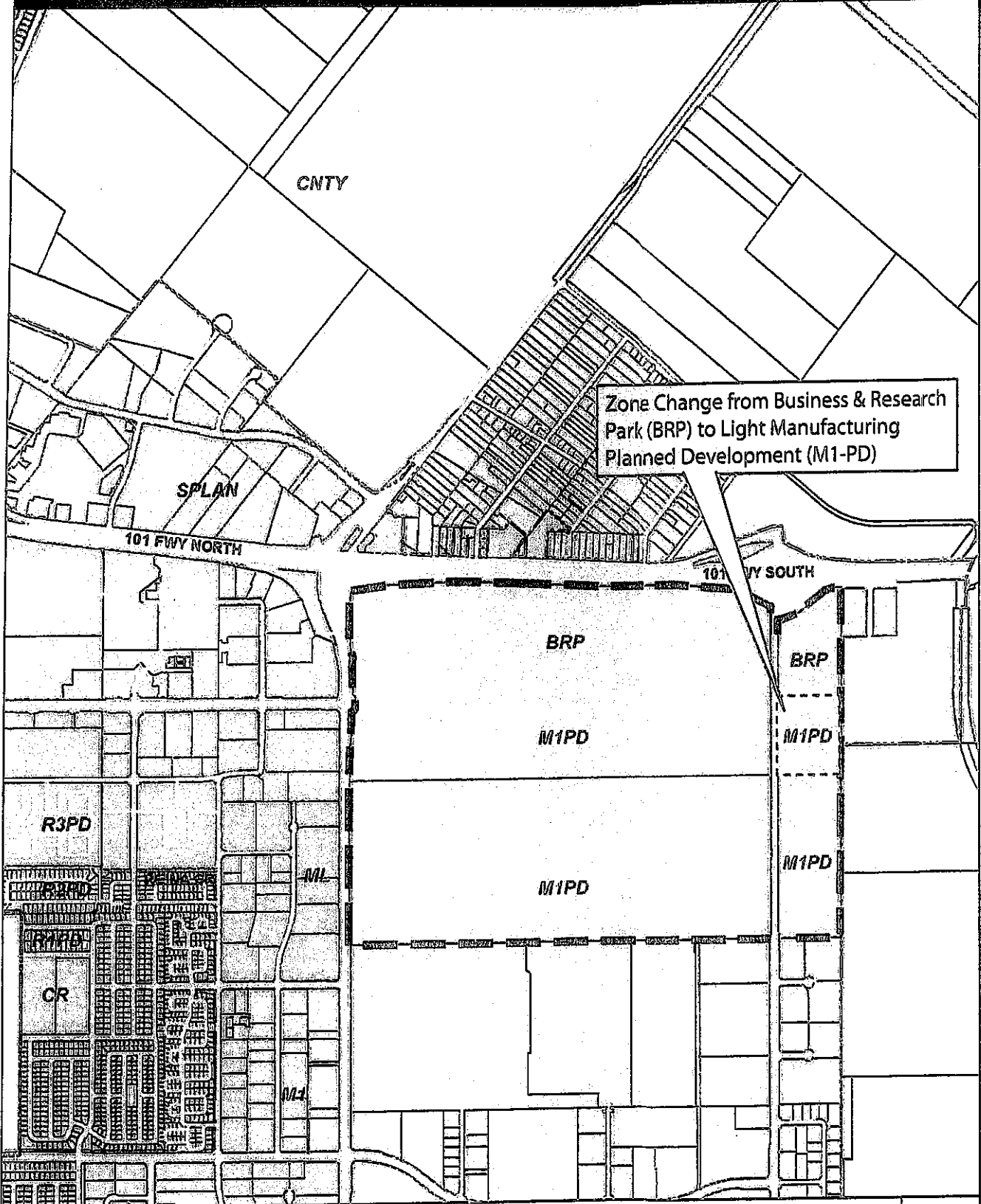
Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:

Alan Holmberg, City Attorney



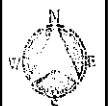
Oxnard Planning
January 27, 2011

PZ 02-640-01, 02-570-04
Location: 2190, 1400 N Rice Av
APN: 216003014, 216003015,
216003007, 216003010
Sakioka

0 250 500 1,000 1,500 2,000 Feet

Zone Change

Exhibit 'A'



1-16 493

RESOLUTION NO. 2011-36

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING CITY COUNCIL CERTIFICATION OF FINAL ENVIRONMENTAL IMPACT REPORT NO. 06-01 AND ADDENDUM NO. 1 (SCH NO. 2002071070) AND ADOPTION OF FINDINGS OF FACT, THE STATEMENT OF OVERRIDING CONSIDERATIONS, AND THE ADAPTIVE MANAGEMENT MITIGATION MONITORING AND REPORTING PROGRAM FOR THE SAKIOKA FARMS BUSINESS PARK SPECIFIC PLAN GENERALLY LOCATED SOUTH OF THE 101 FREEWAY EAST OF RICE AVENUE AND ALONG DEL NORTE BOULEVARD (APN 216-0-030-075; -105; -145; -155). FILED BY SAKIOKA FARMS, 3183-A AIRWAY AVENUE, #2, COSTA MESA, CALIFORNIA 92626.

WHEREAS, the Planning Commission of the City of Oxnard has thoroughly reviewed and considered Final Environmental Impact Report No.06-01 (State Clearinghouse # 2002071070) (FEIR) for the Sakioka Farms Business Park Specific Plan Project, which has been prepared in accordance with the California Environmental Quality Act (CEQA) and Resolution No. 10,851, as amended, of the City Council; and

WHEREAS, Addendum No. 1 to the FEIR was prepared and documents consistency of the Sakioka Farms Specific Plan with the Draft Oxnard 2030 General Plan (July 2011 version) in the event that the 2030 General Plan is adopted and effective before the City Council considers adoption of the Sakioka Farms Specific Plan, as amended; and

WHEREAS, the Planning Commission has held a public hearing and received and considered oral and written testimony on the FEIR; and

WHEREAS, the Findings of Fact is prepared and attached as Exhibit A for each significant environmental impact identified in the FEIR and Addendum No. 1 that include the ultimate conclusion regarding each significant impact, substantial evidence supporting the conclusion, and an explanation of how the substantial evidence supports the conclusion in compliance with CEQA Guidelines §15091; and

WHEREAS, the Statement of Overriding Considerations is prepared and attached as Exhibit B that explains why the City of Oxnard is willing to balance the benefits of the Sakioka Specific Plan against unavoidable significant impacts in compliance with CEQA Guidelines §15092 and §15093; and

WHEREAS, the Adaptive Management Mitigation Monitoring and Reporting Program is prepared and attached as Exhibit C that ensures compliance with mitigation measures during the development of the Sakioka Specific Plan in compliance with CEQA Guidelines §15091(d) and §15097; and

WHEREAS, the comments of the Commissioners, members of the public, and interested groups and agencies have been adequately responded to.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard recommends City Council certification of the FEIR and Addendum No. 1 and City Council adoption of Findings of Fact, the Statement of Overriding Considerations, and the Adaptive Management Mitigation Monitoring And Reporting Program for the Sakioka Farms Specific Plan, and has determined that these five documents were completed in accordance with CEQA and that these five document reflect the City of Oxnard's independent judgment and analysis.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 6th day of October, 2011, by the following vote:

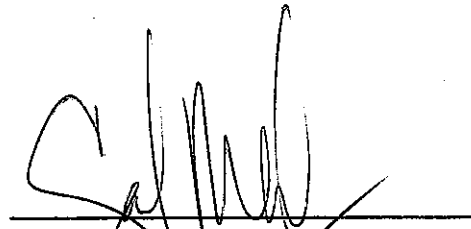
AYES: Commissioners: Huber, Guevara, Nash, Stewart, Medina

NOES: Commissioners: Murguia

ABSENT: Commissioners: Mullin

ATTEST:


Susan L. Martin, Secretary


Saul Medina, Chair



Meeting Date: 06/12/2012

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

Prepared By: Christopher Williamson, AICP, Principal Planner *CW* Agenda Item No. **L-3**Reviewed By: City Manager *[Signature]* City Attorney *SMF* Finance *[Signature]* Other (Specify) *for SC***DATE:** June 4, 2012**TO:** City Council**FROM:** Matthew Winegar, AICP
Development Services Director *[Signature]***SUBJECT:** Adoption of 2006-2014 Housing Element

RECOMMENDATION

That City Council: 1) Hold a public hearing on the 2006-2014 Housing Element; 2) Adopt by Resolution the 2006-2014 Housing Element; and 3) Direct staff to incorporate the 2006-2014 Housing Element into the 2030 General Plan as Chapter 8 and forward the 2006-2014 Housing Element to the Department of Housing and Community Development (HCD) for certification.

SUMMARY

The State-required 2006-2014 Housing Element (Housing Element) identifies and analyzes the current and future housing needs within the City of Oxnard and identifies goals, policies and programs to provide certain services and ensure adequate opportunities for housing of all income levels for the planning period January 1, 2006 to June 30, 2014. Staff and many members of the public have worked for over three years to prepare this current version (May 2012) and identify goals and programs that comply with State Law and HCD review and comments on previous versions. The Planning Commission recommended adoption at its meeting of March 15, 2012.

DISCUSSION

Housing is considered of "vital statewide importance" and the Housing Element is required as part of a city's General Plan. The format and content are largely prescribed by State Law. The State sets the planning periods and generates population and housing projections that are passed down to regional planning agencies which, for Oxnard, is the Southern California Association of Governments. This process is called the Regional Housing Needs Assessment (RHNA) and results in a RHNA allocation of housing units by Extremely Low, Very Low, Low, Moderate, and Above Moderate income classes. Oxnard's allocation was determined in 2008 as 7,093 units, about 25% of the County total which matches the City's share of the County's population, for the planning period 2006 to 2014. In the recently adopted 2030 General Plan in 2008, the Housing Element is designated as Chapter 8.

Development of the Housing Element

Goals and programs in the 1998-2005 Housing Element were largely left in place and Draft No. 1 relied on the identification of possible sites for affordable housing focused on vacant, underutilized, and commercial sites of all sizes; the City's continued success with the affordable housing inclusionary program; and the possibility of developing all-affordable housing projects under the SOAR exemption for development and annexation of up to 20-acres per year for all-affordable housing projects. Draft No. 1 was released in February, 2009 followed by HCD's April 24, 2009 review letter that disallowed small infill sites, reliance on inclusionary zoning, and SOAR-exempt development as not having enough certainty. As a result, staff identified a different approach that relied on an affordable housing 'overlay' that was a program in the 1998-2005 Housing Element that had not been implemented. Draft No. 2 was released in July 2010 and introduced the All-Affordable Housing Overlay Program (AAHOP). Responding to public comments on Draft No. 2 led to Draft No. 3 in January, 2011. In August, 2011, the City retained a consulting firm that specializes in working with HCD to respond to the April 1, 2011 HCD comments on Draft No. 3. The consultant's direct discussions with HCD led to Draft No. 4, dated February 2012, which was also updated to reflect and be consistent with the October 2011 adoption of the 2030 General Plan. Staff and the consultants worked with HCD to arrive at the current version that was deemed in compliance with State Law in an HCD letter of April 12, 2012.

The Planning Commission recommended adoption of the 2006-2014 Housing Element on March 15, 2012 (Minutes and Resolution 2012-04 attached).

Summary of Content and Format

The following is a brief summary of each Housing Element chapter:

A. Review and Revise Previous Policies and Goals: During the previous Housing Element (1998-2005), the City achieved 51 percent of very low income, 95 percent of low income, 11 percent of moderate income, and 295 percent of above moderate income housing targets. This was a good performance compared to many cities. An initial review of policies and programs recommended that all but five programs be continued and/or modified.

B. Existing Housing Needs: Chapter B focuses on the housing needs of current residents in terms of overcrowding and overpayment. Approximately 55 percent of lower income households pay more than 30 percent of their gross income for rent or ownership costs, and 40 percent are in overcrowded households. Oxnard's statistics are somewhat influenced by the relatively high Ventura County median household income (\$79,107 in 2006 compared to California \$64,563 and Oxnard at \$57,907) and the relatively high number of households with young children, which is not the same type of crowding as a household with the same number of adults.

C. Special Housing Needs: This chapter examines the housing needs of persons with disabilities, the elderly, large families, single parent families, farmworker housing, and emergency housing. In general, need exists in all these populations.

D. Projected Housing Needs: The Southern California Association of Governments (SCAG) prepared Regional Housing Needs Assessment (RHNA) employment, population, and housing unit projections that were then allocated to the 16 SCAG subregions, of which Ventura County is its own subregion.

Oxnard's share of very low, low, and moderate income housing was lowered by a small amount in recognition that the City has a disproportionately larger share of low to moderate income housing compared to most other Ventura County jurisdictions. The City's 2006-2014 RHNA targets, representing both current and future need, are shown below.

Table 1	Very-Low	Low	Moderate	Upper	Total
RHNA Allocation	1,491	1,221	1,445	2,936	7,093

E. Constraints: State Law requires the use of the term 'constraints' which generally implies forces or efforts to restrain actions that would otherwise occur. Environmental review, general planning, zoning, SOAR, and related local land use regulations and development standards are all extensions of local government police powers to protect life and property, minimize nuisances, and achieve a desired quality of life as expressed through a participatory democratic process. This section should be interpreted as a review of local development standards and development review procedures to ascertain whether a development standard or procedure or other regulation is no longer needed, has unintended negative consequences, and/or could be improved so as to increase opportunities and the feasibility of developing affordable housing (especially special needs, farmworker, and very low and low income units). The largest constraint, the general economy, state budget, and decline in development activity, will continue to play a major role in affordable housing actually being constructed during the 2006-2014 RHNA period.

F. Achieving the RHNA Allocation: Chapter F is a key section that details components of AAHOP (described below in more detail) that provide development opportunity to achieve the remaining RHNA allocation of 2,070 Very Low and Low income affordable units. The Teal Club Specific Plan and Riverpark Specific Plan both play a role in achieving the remaining RHNA.

G. Goals, Policies and Programs: The final chapter is a listing of five goals and 31 implementing programs that would set the stage for attempting to meet the RHNA goals by mid-2014.

All-Affordable Housing Opportunity Program (AAHOP)

AAHOP is the main new program designed to provide opportunities for affordable housing development with a relatively high degree of certainty on realistic sites of at least an acre in size fully within the City Urban Restriction Boundary (CURB). AAHOP is also consistent with the 2030 General Plan in that many of the AAHOP sites are along major arterials where transit is either available or feasible and mixed-use development would be appropriate. AAHOP is implemented by the creation of a new "Affordable Housing" (AH) additive zone within Division 17 of Article III of Chapter 16 of the Oxnard City Code. The "AH" suffix would be placed on AAHOP-identified affordable housing opportunity sites through the Zone Change process initiated by the City and completed as part of zone changes that implement the 2030 General Plan.

Key AAHOP components are:

1. 24 units/acre used a "default density" per Government Code section 65583.2(c)(3).
2. Creates "-AH" zone suffix (similar to "- PD").
Examples: R3 becomes R3-AH, C2-PD becomes C2-PD-AH.
3. AH is a City density bonus from 18 to 24 units/acre.

4. State 35% density bonus could be added.
5. Only for 100% Very Low and Low income projects.
6. Underlying zoning and allowed uses are not changed.
7. Does not otherwise limit affordable housing projects in other locations.
8. Grants one development standards concession.
9. Commits the City to flexible development review.
10. An AAHOP project is Director approved.
11. Requires one community workshop.
12. AAHOP sites may change as necessary to continue to meet the RHNA target.
13. Supplement II identifies 36 AAHOP sites with opportunity for 2,365 affordable units.

Supplements I and II

The Housing Element includes two supplements. Supplement I is a detailed list of 15 all-affordable housing projects completed since 1995 that documents that a density of 24 units per acre is feasible for all-affordable housing projects. Establishing this “default” density allows the City to count all housing theoretically possible on the AAHOP sites towards meeting the remaining RHNA planning target.

Supplement II is a detailed listing of the 36 AAHOP sites with HCD-required information for each parcel or group of parcels. The 36 sites are classified as A) **Vacant** [5] (never developed, or in agricultural use), B) **Largely Vacant** [14] (minor structures and/or paving to be demolished, small business to be relocated, less than five existing residences), C) **Large Vacant Structure** [4] (possibility of commercial and/or market-rate housing mixed use due to location opportunity and/or need to create financial feasibility to remove a large commercial structure), and D) **Constrained Sites** [13] (sites with unique environmental or urban infill situations). These sites have been reviewed by HCD and are considered feasible for purposes of the Housing Element.

Environmental Review

The recently certified (October 2011) 2030 General Plan Program EIR covers the adoption of the 2006-2014 Housing Element for the following four reasons: 1) the Housing Element does not increase 2030 population or housing projections or the various utilities and services related to that growth, 2) the 2030 General Plan includes policies and programs in place to evaluate and mitigate environmental impacts at a project level, 3) AAHOP projects are subject to subsequent project-level CEQA review, and 4) an AAHOP project with unmitigatable adverse environmental impacts may be denied per GC Section 65589.5.

Community Outreach

Staff has met informally with affordable housing providers and interested persons on many occasions since 2008. On December 19, 2011 a memo was sent to the stakeholders group and the House Farmworkers e-mail list informing them that a revised draft Housing Element was underway as well and that the next draft of the 2006-2014 Housing Element should be available in January for public review. On March 1, 2012, Draft 4 was placed on the City’s website and distributed to the City’s libraries. Two public study sessions were scheduled for March 5, 2012 with the Commission on Homelessness and stakeholders group where staff presented the revised AAHOP and related information.

FINANCIAL IMPACT

Adoption of the Housing Element commits the City to implementing the Programs listed in Chapter G, either as ongoing programs already included in various departmental budgets (Development Services, Housing, etc.) and as new programs that will require staff time over the next several years to prepare and bring forward to appropriate decision makers. Staff does not anticipate requesting additional funding to implement ongoing and new programs; existing staff will be adequate.

CW:cw

Attachment #1 - 2006-2014 Housing Element (separate document previously distributed)
#2 - April 12, 2012 HCD Letter
#3 - Resolution of Adoption
#4 – Minutes of the March 15, 2012 Planning Commission meeting
#5 – Planning Commission Resolution 2012-04

Note: The 2006-2014 Housing Element has 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 Monday.

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

1800 Third Street, Suite 430
P. O. Box 952053
Sacramento, CA 94252-2053
(916) 323-3177 / FAX (916) 327-2643
www.hcd.ca.gov



April 12, 2012

Mr. Matt Winegar, Director
Development Services Department
City of Oxnard
305 West Third Street
Oxnard, CA 93030

RE: Review of the City of Oxnard's Revised Draft Housing Element

Dear Mr. Winegar:

Thank you for submitting Oxnard's revised draft housing element received on February 27, 2012 along with additional revisions on April 2 and 11, 2012. The Department is required to review draft housing elements and report the findings to the locality pursuant to Government Code Section 65585(b).

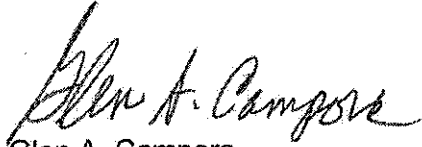
The revised draft addresses the statutory requirements described in the Department's April 1, 2011 review. For example, the element now demonstrates adequate sites to accommodate the regional housing need. The element will comply with State housing element law (Article 10.6 of the Government Code) when the revised draft is adopted and submitted to the Department, pursuant to Government Code Section 65585(g).

Programs 3 (Affordable Opportunity), 5 (Parcel Assembly) and 17 (Incentives) are crucial to demonstrate adequate sites to accommodate the regional housing need and encourage the development of housing affordable to lower-income households. As a result, the City must monitor and report on the status of these Programs through the annual progress report, required pursuant to Government Code Section 65400. If these Programs are not effective in encouraging housing development affordable to lower-income households or making sites available for development with appropriate zoning, the element should be amended to identify alternative strategies and sites. For example, if the Affordable Housing additive zone is not adopted as described, alternative strategies should be adopted to provide sufficient opportunities for development within the planning period.

Mr. Matt Winegar, Director
Page 2

The Department appreciates Oxnard's effort and cooperation throughout the review process. We look forward to receiving Oxnard's adopted housing element. If you have any additional questions, please contact Brett Arriaga, of our staff, at (916) 445-5888.

Sincerely,

A handwritten signature in cursive script, reading "Glen A. Campora".

Glen A. Campora
Assistant Deputy Director

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD
ADOPTING THE 2006-2014 HOUSING ELEMENT AND
INCORPORATING THE 2006-2014 HOUSING ELEMENT AS
CHAPTER 8 OF THE 2030 GENERAL PLAN. FILED BY CITY OF
OXNARD, PLANNING DIVISION, 214 SOUTH C STREET,
OXNARD, CA, 93030.

WHEREAS, Government Code Section 65300 requires each legislative body and planning agency to prepare and adopt a comprehensive, long-term general plan for the physical development of the city and any land outside its boundaries which in the planning agency's judgment bears relation to its planning; and

WHEREAS, the California State Legislature identified the State's major housing goal as the attainment of a decent home and suitable living environment for every Californian and due to the critical role that local planning programs play in achieving this goal, the California State Legislature requires that all jurisdictions prepare and periodically review and update a housing element as they direct; and

WHEREAS, Government Code Section 65583 lists requirements of the housing element wherein each housing element must contain "an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing;" and

WHEREAS, the Housing Element requires review and certification by the State of California, Department of Housing and Community Development (HCD); and

WHEREAS, the City of Oxnard (City) falls within the region covered by the Southern California Association of Governments (SCAG) and for each housing element planning cycle, SCAG is required to determine the share of the regional housing need to be allocated to each city and unincorporated county areas within the SCAG region called the Regional Housing Need Assessment (RHNA); and

WHEREAS, the total RHNA allocation for the 2006-2014 Housing Element was 7,093 housing units for Oxnard intended to accommodate current and projected growth housing need based on population and economic analyses and projections; and

WHEREAS, the 2006-2014 Housing Element is required to be part of the 2030 General Plan and consistent therewith; and

WHEREAS, the City of Oxnard 2030 General Plan was adopted on October 11, 2011 with Chapter 8 reserved for the 2006-2014 Housing Element; and

WHEREAS, beginning in 2008, the City prepared drafts of the 2006-2014 Housing Element that were reviewed by HCD for which HCD prepared extensive comments and directions; and

WHEREAS, the City retained expert consultants to respond to HCD comments and direction resulting in the preparation of the present draft dated May 2012; and

WHEREAS, 2006-2014 Housing Element was presented to the Planning Commission, Commission on Homelessness, and interested parties on several occasions between 2009 and the present; and

WHEREAS, the 2030 General Plan Final Program Environmental Impact Report (PEIR) was presented to the City Council at a public hearing on February 2, 2010, following which the City Council adopted Resolution No.13,770 certifying in accordance with Section 15090 of the State CEQA Guidelines that the Final PEIR was completed in accordance with CEQA, and reflects the independent judgment and analysis of the City; and

WHEREAS, an addendum to the Final PEIR was prepared according to State CEQA Guidelines Section 15164 to document environmental impacts of changes to the 2030 General Plan that occurred after February 2, 2010; and

WHEREAS, at the October 11, 2011 hearing, City Council voted 4-1 to adopt the 2030 General Plan and no challenges to the PEIR occurred; and

WHEREAS, the 2030 General Plan PEIR included the housing, population, traffic, and related projected growth that is reflected in the 2006-2014 Housing Element; and

WHEREAS, the documents and other material that constitute the record of proceedings upon which the 2030 General Plan, 2006-2014 Housing Element, PEIR, and Statement of Overriding Considerations and Findings of Fact are located in the Planning Division, and the custodian of the record is the Planning Manager; and

WHEREAS, the Planning Commission voted at its meeting of March 15, 2012 to recommend that the City Council adopt the 2006-2014 Housing Element; and

WHEREAS, the HCD transmitted a letter to the City dated April 12, 2012 that stated the 2006-2014 Housing Element complies with State housing element law (Article 10.6, of Chapter 3 of Division 1 of Title 7 of the Government Code) and the City Council has the findings stated therein.

NOW, THEREFORE, the City Council of the City of Oxnard resolves to: 1) adopt the 2006-2014 Housing Element, 2) direct staff to incorporate the 2006-2014 Housing Element in its entirety as Chapter 8 of the 2030 General Plan, and 3) direct staff to transmit the adopted 2006-2014 Housing Element to HCD for certification.

PASSED AND ADOPTED this 12th day of June, 2012, by the following vote:

AYES:

NOES:

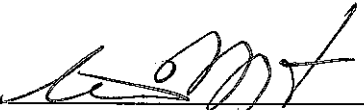
ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM

Alan Holmberg, City Attorney

MINUTES

OXNARD PLANNING COMMISSION REGULAR MEETING March 15, 2012

A. ROLL CALL

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

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

Commissioner Nash led the pledge of allegiance.

C. PUBLIC COMMENTS

D. READING OF AGENDA

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

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

E. CONSENT AGENDA

1. APPROVAL OF MINUTES – February 2, 2012

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

F. CONTINUED PUBLIC HEARINGS

1. PLANNING AND ZONING PERMIT NO. 10-300-05 (Tentative Subdivision Map), a request to subdivide approximately 32 acres into seven parcels varying in size between 2.19 and 10.82 acres each, for future industrial development consistent with the M-1-PD zone. No development is proposed at this time. There is no substantial evidence that the proposed project may have a significant effect on the environment, and a mitigated negative declaration (MND # 11-04) will be adopted. Located at 2600

Challenger Place and 150, 300, 350 & 400 Discovery Drive. Filed by Valerie Draeger, Triliad Development, Inc., on behalf of owner PEGH Investments LLC, 270 Conejo Ridge Ave., Suite 200, Thousand Oaks, CA 91361-4944.

PROJECT PLANNER: Brian Foote

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

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

Chairman Murguia opened the public testimony.

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

Chairman Murguia closed the public testimony.

MOTION Commissioner Nash moved and Commissioner Stewart seconded a motion to adopt a resolution recommending City Council approval of PZ 10-300-05, a Tentative Subdivision Map to allow subdivision of approximately 32 acres on vacant land into six parcels for future industrial development plus one common lot, located at 2600 Challenger Place and 150, 300, 350, and 400 Discovery Drive, subject to certain findings and conditions. The question was called and the motion carried 5-1-1, Commissioner Medina voting no, Commissioner Mullin absent.

G. NEW PUBLIC HEARINGS

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

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

Chairman Murguia opened the public testimony.

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

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

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

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

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

Chairman Murguia closed the public testimony.

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

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

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

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

2. **PLANNING AND ZONING PERMIT NO. 11-500-07 (Special Use Permit) and 11-300-03 (Tentative Parcel Map)**, a request to subdivide an irregular shaped 1.31-acre site into two parcels, a 1.17-acre and a 0.14-acre parcel and construct a 4,729 square foot automated drive thru carwash facility on the proposed 1.14-acre site; construct a 1,500 square foot building for restaurant (speculative) on the proposed 0.18-acre lot. The car wash facility will accommodate 16 vacuum and drying stations, vending machines for self serve cleaning, and detail services. The project site is located at 1811 E. Channel Islands Blvd. The project is exempt from environmental review pursuant to Section 15321 of the California Environmental Quality Act (CEQA) Guidelines. Filed by Bijan Shahmordadi, 8730 Wilshire Boulevard, Suite 202 Beverly Hills, California 90211.
PROJECT PLANNER: Juan Martinez

ITEM G-2 (PZ 11-500-07) CONTINUED ABOVE.

3. **PLANNING AND ZONING PERMIT NO. 08-550-03 (Major Modification to Special Use Permit No. 1255)**, a request to construct and operate a 1,440 square foot automated carwash at an existing automobile fuel station (Chevron), located at 1860 North Ventura Road. The 60-foot long tunnel will be located to the east of the existing 964 square foot food mart, and the project includes dedication of public-right-of-way for the future widening of Gonzales Road and Ventura Road. A 4-foot wide dedication (no improvements) is proposed along Gonzales Road, and a 17-foot wide dedication along Ventura Road will allow future roadway improvements to accommodate a right turn pocket. The project is exempt from

environmental review pursuant to Section 15301 of the CEQA Guidelines. Filed by Leon E. Felus on behalf of Mohammad Taherizadegan, 14000 Palawan Way Suite D, Marina Del Rey, California 90292. PROJECT PLANNER: Juan Martinez

ITEM G-3 (08-550-03) CONTINUED ABOVE.

4. PLANNING AND ZONING PERMIT NO. 10-620-02 (General Plan Amendment) a recommendation to the City Council on adoption of the Oxnard 2006-2014 Housing Element and its designation as Chapter 8 of the 2030 General Plan. This February 2012 version establishes goals, policies and programs to meet current and future housing needs of Oxnard residents. This version responds to comments from the Department of Housing and Community Development (HCD) on the January 2011 version by creating the additive affordable housing zoning designation of "AH" and adding the "AH" suffix to the existing zoning of approximately 120 parcels. The "AH" designation grants a density bonus and selected alternative development standards only for an all-affordable housing development. The cumulative development opportunity of all "AH" parcels allows the City to reach the remaining affordable housing planning target. The "AH" additive zoning does not otherwise change the existing zoning. With guidance from HCD, other programs are added or modified and are expected to meet HCD certification criteria. The previously-certified 2030 General Plan Final Environmental Impact Report examined the potential impacts associated with the proposed action. Filed by Planning Division, 214 South C Street, Oxnard, CA 93030.

PROJECT PLANNER: Chris Williamson

Principal Planner Williamson presented the staff report including housing law in California; planning period is 2006-2017; RHNA numbers; work done in the past three years with Housing and Community Development (HCD); major changes between drafts three and four; five major goals of the Housing Element; creation of AH (affordable housing additive zone designation); overcrowding calculations; analysis of the need; Senate Bill 2 (SB-2); and the schedule for adoption of the Housing Element.

Ms. Cynthia Dean Aviso, PMC, consultant for the City, explained that they work closely with HCD through the entire process; discussed All Affordable Housing Opportunity Program (AAHOP); and have reached out to affordable housing developers in the area to find out their concerns and needs are.

Chairman Murguia opened the public testimony.

Ms. Theodora Davitt-Cornyn, suggested that the focus be on very low income; and concerned about safe places for children to play and do homework.

Ms. Eileen Tracy discussed priority for second units; programs for SRO for extremely low income and homeless; zone text amendment for reasonable accommodation that was recently adopted contained a non-standard definition of family; and referenced letter from Homeless Commission distributed to the Planning Commission regarding placement of emergency shelters.

Ms. Pat Brown stated the high density bonus would be a problem with parking; one workshop is not enough; developers must work together with developers of low income housing, as there's a neighborhood effect; low income housing, should have been sprinkled throughout the development, as they're now having problems; and the low income housing project on Seventh Street was reoriented with the input from the neighborhood.

Ms. Barbara Macri-Ortiz stated that the Housing Element is a road map on how to get it done; the need is growing; money is shrinking; need a cohesive program; time is of the essence; need density bonus straightened out within the 120 days; sites in AAHOP will be a challenge; and City should think about putting shelters near town.

Ms. Karen Flock, Cabrillo Economic Development, stated they are in favor of the adoption of the Housing Element; thanked the City for their support of affordable homes; Camino Gonzales project was finished, so 18 farmworker families will move in later this month, and Paseo de Luz, with 25 special needs apartments is almost finished; and Cabrillo has a commitment to use green standards for energy efficiency.

Ms. Sonia Flores, House Farmworkers, stated that improvement were made to AAHOP, but the programs need a specific month and year when they will be implemented, especially the SB-2 program and density bonus ordinance; it should state that both ordinances will be amended within three months after the Housing Element is adopted; and the need for an appropriate zone for shelters is enormous.

Planning Manager Martin indicated that two comment cards were received regarding the Housing Element from Roman Garcia and Jodie Solario.

Chairman Murguia closed the public testimony.

The Planning Commission discussed the affordable housing designation and process; it's up to the neighborhoods to attend the workshops and give input; an inventory of affordable housing must be created; City must have transitional housing throughout the community with a case manager, to transition to independent, rather than a massive shelter; look at creative solutions to address moderate income due to foreclosures and the economy; should provide dignity and respect to transition from homelessness to independence.

MOTION Commissioner Guevara moved and Commissioner Medina seconded a motion to adopt a resolution recommending City Council approval of PZ 10-620-02, to amend the 2030 General Plan by adopting the 2006-2014 Housing Element and incorporating it as Chapter 8 of the 2030 General Plan. The question was called and the motion carried 6-0-1, Commissioner Mullin absent.

H. REPORTS; STUDY SESSION

1. Proposed 2012 Meeting Schedule

Planning Manager Martin reviewed the proposed 2012 meeting schedule including special meetings may be called during the year, and a proposed meeting calendar for 2013 would be presented in December.

MOTION Commissioner Nash moved and Commissioner Stewart seconded a motion to adopt the 2012 Planning Commission meeting schedule. The question was called and the motion carried 6-0-1, Commissioner Mullin absent.

2. Submittal of proposed revision to Commission Rules and Procedures

Assistant City Attorney Fischer discussed the red-line version of the Rules and Procedures.

MOTION Commissioner Nash moved and Commissioner Guevara seconded a motion to adopt a resolution granting. The question was called and the motion carried 6-0-1, Commissioner Mullin absent.

I. PLANNING COMMISSION BUSINESS

1. Commissioner Nash's e-mail to staff dated January 17, 2012 regarding the 2030 General Plan stating "On pg. 4-5, ICS-1.4, fourth bullet point, it reads 'Required infrastructure needed for future development is self-funded.' The 1-10 Final Draft of the 2030 GP included the following, 'so current residents do not subsidize infrastructure needed for future growth.' This partial deletion was not noted in any memo from Dr. Williamson or the planning staff. Are these sorts of unilateral deletions and/or modifications to the GP allowed without any notification to the Planning Commissioners, public, City officials, et al prior to the final approval? Thanks and still awaiting your response from my previous e-mail concerning our by-laws, et cetera."

Planning Manager Martin's response dated January 30, 2012: "Commissioner Nash, It was necessary to review quite a few documents to verify the information you provided pertaining to the 2030 General Plan. Chris Williamson assisted in this effort and found the language you cited in the Nov. 7, 2008 version of Chapter 4. The text is under what was then number ICS 1.6, 'Require all infrastructure expansion needed for future development to be self-funding so current residents do not subsidize infrastructure needed for future growth. [New Policy]' This was a policy borrowed from another City and placed in the draft document by Matrix Design Group, the consultants. The Planning Commission adopted the version dated Jan. 27, 2009 that moved the text to ICS-1.4, Bullet 4.

The General Plan then went to City Council for adoption in February, 2009. Once items are referred to City Council on recommendation, it is typically up to the Council to refer staff back to the Planning Commission to address any subsequent significant changes. As versions after February, 2009 were not considered significant, nor did the changes affect particular issues raised during the Planning Commission review, staff was not directed back to Planning Commission pertaining to the 2030 General Plan.

The September, 2011 version shows the 'so current residents do not subsidize infrastructure needed for future growth' language crossed out in track changes. Staff's recollection is that staff initiated the change as the 'self funding' text in the same policy was the operative and well-understood direction, the rest of the phrase was redundant and possibly confusing, and that the change was not significant. Such change is considered a minor clean-up that improves the document while maintaining the intent and direction of the document. As such, City Council adopted the cleaned-up version in October, 2011.

As to your questions about the Planning Commission by-laws, I have placed an item on the next agenda so that the Commission can have the opportunity to discuss this topic in the appropriate setting."

Commissioner Nash questioned whether staff could respond to his e-mail, or if it had to be formally agendized.

Assistant City Attorney Fischer explained that the item need not be agendized, as long as the staff response was brief.

2. Commissioner Huber asked for an update on the City's Urban Water Management Plan, such as the GREAT Program.

Planning Manager Martin indicated that staff would follow up.

J. PLANNING MANAGER COMMENTS

1. Planning Commission Interest and Involvement in Special Committees

Planning Manager Martin discussed the memo distributed to the Planning Commission on their involvement in special committees; and indicated that the meeting of April 5, 2012 would probably be cancelled.

Commissioner Guevara indicated his willingness to be involved in committees such as the Housing Element and the Downtown Improvement Task Force.

K. ADJOURNMENT

At 10:37 p.m., the Planning Commission concurred to adjourn.

Anthony R. Murguia, Chairman

ATTEST: _____
Susan L. Martin, Secretary

RESOLUTION NO. 2012-04

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING THAT THE CITY COUNCIL AMEND THE 2030 GENERAL PLAN BY ADOPTING THE 2006-2014 HOUSING ELEMENT AND INCORPORATING IT AS CHAPTER 8 OF THE 2030 GENERAL PLAN. FILED BY CITY OF OXNARD, PLANNING DIVISION, 214 SOUTH C STREET, OXNARD, CA, 93030.

WHEREAS, Government Code Section 65300 requires each legislative body and planning agency to prepare and adopt a comprehensive, long-term general plan for the physical development of the city and any land outside its boundaries which in the planning agency's judgment bears relation to its planning; and

WHEREAS, the California State Legislature identified the State's major housing goal as the attainment of a decent home and suitable living environment for every Californian and due to the critical role that local planning programs play in achieving this goal, the California State Legislature requires that all jurisdictions prepare and periodically review and update a housing element as they direct; and

WHEREAS, Government Code Section 65583 lists requirements of the housing element wherein each housing element must contain "an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled program actions for the preservation, improvement, and development of housing;" and

WHEREAS, the Housing Element requires review and certification by the State of California, Department of Housing and Community Development (HCD); and

WHEREAS, the City of Oxnard (City) falls within the region covered by the Southern California Association of Governments (SCAG) and for each housing element planning cycle, SCAG is required to determine the share of the regional housing need to be allocated to each city and unincorporated county areas within the SCAG region called the Regional Housing Need Assessment (RHNA); and

WHEREAS, the total RHNA allocation for the 2006-2014 Housing Element was 7,093 housing units for Oxnard intended to accommodate current and projected growth housing need based on population and economic analyses and projections; and

WHEREAS, the 2006-2014 Housing Element is required to be part of the 2030 General Plan and consistent therewith; and

WHEREAS, the City of Oxnard 2030 General Plan was adopted on October 11, 2011; and

WHEREAS, the operative documents of the Oxnard 2030 General Plan consist of (1) the Background Report (2006), and (2) the Goals and Policies which includes a placeholder for the 2006-2014 Housing Element as Chapter 8; and

WHEREAS, beginning in 2008, the City prepared drafts of the 2006-2014 Housing Element that were reviewed by the State Department of Housing and Community Development (HCD) for which HCD prepared extensive comments and directions; and

WHEREAS, the City retained expert consultants to respond to HCD comments and direction resulting in the preparation of the present fourth draft dated February 2012; and

WHEREAS, 2006-2014 Housing Element progress reports have been presented to the Planning Commission, Commission on Homelessness, and interested parties on several occasions between 2009 and the present; and

WHEREAS, the February 2012 draft of the 2006-2014 Housing Element was made available to the public on March 1, 2012; and

WHEREAS, the 2030 General Plan Final Program Environmental Impact Report (PEIR) was presented to the City Council at a public hearing on February 2, 2010, following which the City Council adopted Resolution No.13,770 certifying in accordance with Section 15090 of the State CEQA Guidelines that the Final PEIR was completed in accordance with CEQA, and reflects the independent judgment and analysis of the City; and

WHEREAS, an addendum to the Final PEIR was prepared according to State CEQA Guidelines Section 15164 to document environmental impacts of changes to the 2030 General Plan that occurred after February 2, 2010; and

WHEREAS, at the October 11, 2011 hearing, City Council voted 4-1 to adopt the 2030 General Plan and no challenges to the PEIR occurred; and

WHEREAS, the 2030 General Plan PEIR included the housing, population, traffic, and related projected growth that is reflected in the 2006-2014 Housing Element; and

WHEREAS, the documents and other material that constitute the record of proceedings upon which the 2030 General Plan, 2006-2014 Housing Element, PEIR, and Statement of Overriding Considerations and Findings of Fact are located in the Planning Division, and the custodian of the record is the Planning Manager; and

WHEREAS, the Planning Commission finds that the Oxnard 2006-2014 Housing Element identifies and analyzes the current and future housing needs of residents within the City of Oxnard (City) and establishes housing goals, policies, and programs to meet the needs; and

NOW, THEREFORE, the Planning Commission of the City of Oxnard recommends that the City Council adopt the 2006-2014 Housing Element and amend the 2030 General Plan to incorporate the 2006-2014 Housing Element in its entirety as Chapter 8.

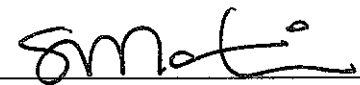
PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 15th day of March, 2012, by the following vote:

AYES: Commissioners: Guevara, Medina, Stewart, Nash, Huber, Murguia

NOES: Commissioners: None

ABSENT: Commissioners: Mullin


Anthony R. Murguia, Chairman

ATTEST: 
Susan L. Martin, Secretary

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

Prepared By: Martin R. EricksonAgenda Item No. N-1Reviewed By: City Manager [Signature]City Attorney [Signature]Finance [Signature]Other (Specify) J.C.**DATE:** June 6, 2012**TO:** City Council**FROM:** Martin R. Erickson, Special Assistant to the City Manager
City Manager's Office[Signature]**SUBJECT:** Consideration of support for the Ventura County Transportation Commission (VCTC's) adopted position on countywide transit and discussion of AB 1778 (Williams).**RECOMMENDATION**

That City Council consider supporting the adopted position of VCTC concerning countywide transit and provide direction to City Manager.

DISCUSSION

In January 2010, SB 716 (Wolk) went into effect. One of SB 716's provisions for Ventura County dictated that by July 1 2014, all Transportation Development Act (TDA) funding would need to be expended on transit. VCTC was encouraged to prepare a countywide transit plan in 2012 to prepare for this. VCTC prepared a regional transit study in cooperation with Ventura County's cities and the County which was adopted by VCTC on April 13, 2012. A key component of the plan was that Gold Coast Transit (GCT) would transition into a west county transit district. Another element of the transit study was to allow flexibility for all cities and the County to use TDA funds for streets and roads purposes if all transit needs were met. From Oxnard City staff's vantage point, although the City has expended all of its TDA funding on transit purposes for the past two years, maintaining flexibility of TDA funds for Article 8 (streets and roads) would be a desirable outcome. VCTC is requesting that each member City of VCTC and the County formally support VCTC's adopted regional transit study.

Assemblymember Das William's bill concerning transit in Ventura County (AB 1778) has passed the Assembly, and is now moving through the Senate (see attachment 1). Assemblymember Williams does not support allowing any continued flexibility in the use of TDA funds. The attached letter from Darren Kettle, Executive Director of VCTC (see attachment 2) outlines potential amendments that VCTC seeks to AB 1778. City staff concurs with these recommendations.

FINANCIAL IMPACT

There is no financial impact at this time as this concerns pending legislation.

Attachment #1 – AB 1778 (Williams) Local transportation funds

Attachment #2 – Letter from VCTC, concerning AB 1778 (Williams) Requested Amendments

AMENDED IN ASSEMBLY MAY 1, 2012
AMENDED IN ASSEMBLY APRIL 17, 2012
AMENDED IN ASSEMBLY MARCH 28, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1778

Introduced by Assembly Member Williams

February 21, 2012

An act to amend Section 99232.3 of the Public Utilities Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1778, as amended, Williams. Local transportation funds.

Existing law requires that revenues from $\frac{1}{4}\%$ of the local sales and use tax rate be transferred to the local transportation fund of each county for allocation, as directed by the transportation planning agency, to various transportation purposes, under what is commonly known as the Transportation Development Act. Existing law specifies the allowable uses for local transportation funds, and generally requires, after certain deductions, that the funds attributed to the area of apportionment of each transit operator be used solely for transit purposes in counties with a population of 500,000 or more as of the 1970 census. However, in counties with a population under 500,000 as of the 1970 census and in certain other counties, these funds may also be used for local streets and roads, if the transportation planning agency finds that there are no unmet transit needs or no unmet transit needs that are reasonable to meet, and for other specified purposes. Existing law, effective July 1, 2014, generally requires a county with a population under 500,000 as of the 1970 census that has a population of 500,000 or more as of the

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ATTACHMENT 1
PAGE 1 OF 3

2000 census or a future census to use funds attributable to the urbanized area of the county solely for transit purposes, except that a city with a population of 100,000 or fewer in an urbanized area in that county would not be so restricted. Existing law provides that the July 1, 2014, requirements and exemptions do not apply to Ventura County, and instead generally requires all local transportation funds in that county to be used for transit purposes as of that date unless a specified report is submitted by the Ventura County Transportation Commission to the transportation committees of the Legislature by December 31, 2011, and a recommended legislative proposal in that report relative to reorganization of transit services and expenditure of these funds is enacted by the end of the 2011–12 legislative session.

This bill would provide that local transportation funds in Ventura County shall be available solely for transit purposes beginning July 1, 2014, as specified. The bill would also provide that any of those funds that remain unencumbered for more than one year, or unexpended for more than 2 years, be returned to the Ventura County Transportation Commission for reapportionment to other transit operators or transit service in proportional amounts based on population, contingent upon specified criteria.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 99232.3 of the Public Utilities Code is
- 2 amended to read:
- 3 99232.3. Sections 99232.1 and 99232.2 shall not apply to
- 4 Ventura County.
- 5 (a) Revenues deposited in the local transportation fund in
- 6 Ventura County shall be available for the fiscal year beginning on
- 7 July 1, 2014, and each fiscal year thereafter, solely for claims for
- 8 Article 4 (commencing with Section 99260) and Article 4.5
- 9 (commencing with Section 99275) purposes.
- 10 (b) Funds apportioned pursuant to this section that remain
- 11 unencumbered for more than one year or unexpended for more
- 12 than two years shall be returned to the Ventura County
- 13 Transportation Commission for reapportionment to transit operators
- 14 or consolidated transportation service in proportional amounts
- 15 based on population, if both of the following conditions are met:

- 1 (1) The transit operator or consolidated transportation service
2 is eligible to receive funding ~~in proportional amounts based on~~
3 ~~population~~ *under Article 4 (commencing with Section 99260) and*
4 *Article 4.5 (commencing with Section 99275).*
5 (2) The transit operator or consolidated transportation service
6 did not have any funds returned to the commission under this
7 subdivision in the previous year.

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ATTACHMENT 1
PAGE 3 OF 3



Ventura County Transportation Commission

April 20, 2012

The Honorable Das G. Williams
Assemblymember
California State Assembly
State Capitol
10 & L Streets
Sacramento, California 95814

RE: AB 1778 Requested Amendments

Dear Assemblymember Williams:

As was communicated in our letter dated March 5, 2012, the Ventura County Transportation Commission (VCTC) at its March 2, 2012 meeting thoroughly reviewed Assembly Bill 1778 and after a lengthy discussion adopted an "Oppose – Unless Amended" position on your measure. The amended version of your bill to be heard on April 23, 2012 in the Assembly Transportation Committee does not address the concerns of the Commission therefore the position of the Commission on AB 1778 will remain unchanged.

As was conveyed in my prior correspondence, the Commission, VCTC staff and consultants have been working diligently since September, 2010 on a comprehensive Regional Transit Study to review various options to potentially reorganize public transportation services in Ventura County. The Commission did adopt a final report for submittal to the Legislature at the Commission meeting of April 13, 2012. This report is the culmination of a nearly two-year study of options for organizing public transportation services for Ventura County and the direction and actions adopted by the Ventura County Transportation Commission pursuant to it. The direction for the study came from two sources: A 2009 Commission workshop on the future of VCTC's own VISTA service and legislative provisions arising out of SB 716 (Wolk), which went into effect January 1, 2010. The Commission believes the proposal adopted by VCTC and being submitted to both the Senate Housing and Transportation Committee and Assembly Transportation Committee best addresses Ventura County public transportation needs at this time.

The Commission respectfully request that you consider amending your legislation to address the priorities identified in the Commission's adopted report to the Legislature. The Report accompanies this letter for your reference. Many of the elements of the Commission's study can be implemented without legislative change however two items do require legislative action and the Commission requests that you consider these as amendments to AB 1778. First, current law requires that as of July 1, 2014 that all Transportation Development Act (TDA) Local Transportation Funds be used for public transit (Article 4 and 4.5 purposes). The Commission requests that you consider amending current law to allow for greater flexibility of TDA funds to meet local transportation priorities including Article 8 street and road claims. Second, while the Commission will not be the sponsor of the amendment, the Report adopted by the Commission does call for supporting legislation establishing a Gold Coast Transit District that would like

consist of members of the existing Gold Coast Transit Joint Powers Authority and potentially other local jurisdictions on a voluntary basis.

Thank you for your consideration. Should you have any questions please do not hesitate to contact me at (805) 642-1591 x 123.

Sincerely,

A handwritten signature in dark ink, appearing to read "D. M. Kettle", written over a horizontal line.

Darren M. Kettle
Executive Director

cc: Capital Representation Group, Inc.

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

