Written materials relating to an item on this agenda that are distributed to the legislative bodies within 72 hours before the item is to be considered at its regularly scheduled meeting will be made available for public inspection at the Library, 251 South "A" Street and the City Clerk's Office, 305 West Third Street during customary business hours. The agenda reports are on the City of Oxnard web site at www.ci.oxnard.ca.us.

CITY OF OXNARD CALIFORNIA

AGENDA

OXNARD CITY COUNCIL
OXNARD COMMUNITY DEVELOPMENT COMMISSION SUCCESSOR AGENCY
*OXNARD FINANCING AUTHORITY
OXNARD HOUSING AUTHORITY
Regular Meetings
City Council Chambers, 305 West Third Street, Oxnard
February 5, 2013
5:30 P.M.

A. ROLL CALL/POSTING OF AGENDA

*** The Oxnard Financing Authority and the Oxnard Housing Authority will not meet because there are no items requiring consideration on this date.**

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

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

C. CLOSED SESSION - (Please see page 6 for a description of closed session items)

D. OPENING CEREMONIES – 7:00 P.M.

Pledge of allegiance to the flag of the United States

E. CEREMONIAL CALENDAR

1. SUBJECT: Presentation of Employee of the Year.

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

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

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

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

G. REVIEW OF INFORMATION/CONSENT AGENDA

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

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

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

I. INFORMATION/CONSENT AGENDA

City Clerk Department

1. SUBJECT: Minutes of the Special Meeting of the Oxnard City Council for December 4, 2012. Minutes of the Regular Meeting of the Oxnard City Council for December 4 and 11, 2012, January 8 and 15, 2013; and Minutes of the Special Meeting of the Oxnard Community Development Successor Agency for December 4, 2012; and Minutes of the Regular Meeting of the Oxnard Community Development Successor Agency for October 16 and 23, November 6 and 27, December 4 and 11, 2012; and January 8 and 15, 2013. (001)
RECOMMENDATION: Approve.
Legislative Body: CC/SA Contact: Daniel Martinez Phone: 385-7803

City Manager Department

2. SUBJECT: Agreements for City Council Review. (035)
RECOMMENDATION: Pursuant to Ordinance 2835 and Resolution 13,932, approve and authorize the Interim City Manager, to execute the attached agreements/contracts and change orders/amendments in amounts more than $25,000 but less than $250,000.
Legislative Body: CC Contact: Karen Burnham Phone: 385-7430

3. SUBJECT: Purchase Order for Computers and Peripheral Equipment. (039)
RECOMMENDATION: Approve and authorize the Mayor to execute an amendment to the terms of the Blanket Purchase Order/Change Order (No. 003978) with Compuwave for purchases of computers and peripheral equipment, extending the end date by one year and adding $325,000, for a total contract amount not to exceed $550,000.
Legislative Body: CC Contact: Tom Clock Phone: 385-7558

4. SUBJECT: Approval of Award of Contract for Specification No. GS12-04-Durley Park Building Renovation – Concession Area, Restrooms, Activity Areas & ADA Compliance Renovations-Concession Area, Restrooms, Activity Areas and ADA Compliance. (043)
RECOMMENDATION: 1) Approve the award of Contract to Hansons & Son Construction, Inc. (A-7558) in the amount of $584,000.00 for GS12-04 for Durley Park Concession Building Renovation located at 850 West Hill Street; and 2) Authorize the Mayor to execute the contract upon receipt of all supporting contract documents.
Legislative Body: CC Contact: Ralph Alamillo Phone: 385-8341

Development Services Department

5. SUBJECT: Median and Traffic Signal modifications at the intersection of Ventura Road and Devonshire Drive. (073)
RECOMMENDATION: 1) Adopt Project Specification No DS 12-18 for the modification of the existing median and traffic signal at the intersection of Ventura Road and Devonshire Drive; and 2)Approve the special budget appropriation recognizing the Federal grant funding of $151,560 from the Highway Safety Improvement Program (HSIP), and transferring existing appropriations of Circulation System Improvement Funds in the amount of $2,083 from project 113101 Traffic Signal at the intersection of Saviers Road and Hill Street to Median and Traffic Signal Modifications project 113107.
Legislative Body: CC Contact: Soher Abdelmalik Phone: 385-7873

6. SUBJECT: Special Budget Appropriation for City-wide Sidewalk Survey. (075)
RECOMMENDATION: Recognize federal grant revenue and appropriate $177,000 to the project budget for "Citywide Sidewalk Survey."
Legislative Body: CC Contact: Cynthia Daniels Phone: 385-7871

7. SUBJECT: Reject Award of Contract to Low Bidder, Del Norte Construction, and Approve Intent to Award Contract to Second Low Bidder, Malibu Pacific Tennis Courts, Inc. for Project Specification No. DS13-09–Victoria Avenue Transit Route Stops Project. (077)
RECOMMENDATION: 1) Determine that Del Norte Construction is not a responsible bidder and reject its bid in the amount of $228,300 for Project Specification No. DS13-09 Victoria Avenue Transit Route Stops; and 2) Authorize the purchasing agent to process and bring to the City Council the proposed award to the second low bidder, Malibu Pacific Tennis Courts, Inc. in the amount of $232,417 for Project Specification No. DS13-09 Victoria Avenue Transit Route Stops.
Legislative Body: CC Contact: Cynthia Daniels Phone: 385-7871

Fire Department

8. SUBJECT: State Homeland Security Grant. (093)
RECOMMENDATION: 1) Approve the City's receipt of $41,677 in grant revenue from the State Homeland Security Grant (SHSG) and authorize the Interim City Manager to execute the 2012 Grant Assurances on the City's behalf; and 2) Approve a special budget appropriation in the amount of $41,677 for Urban Search and Rescue training and equipment.
Legislative Body: CC Contact: Brad Windsor Phone: 385-7708

Police Department

9. SUBJECT: First Amendment to Agreement for Gang Intervention Street Outreach. (097)
RECOMMENDATION: Approve and ratify the Mayor's execution of the First Amendment to the Agreement for Gang Intervention Street Outreach with City Impact (5508-11-PO) to extend the term two years to December 31, 2014 and amend the not to exceed amount by $180,000 for a total agreement value of $339,503.
Legislative Body: CC Contact: Eric S. Sonstegard Phone: 385-8290

Public Works Department

10. SUBJECT: Fourth Amendment to Agreement for Solid Waste Disposal Services between the City of Oxnard and Waste Management Incorporated, Simi Valley Landfill. (105)
RECOMMENDATION: Approve and authorize the Mayor to execute the Fourth Amendment to the Agreement for Solid Waste Disposal Services with Waste Management of California, Incorporated (A-5997) to extend the contract expiration date to July 31, 2013.
Legislative Body: CC Contact: Grant Dunne Phone: 385-7956

11. SUBJECT: Resolution for Re-designation of the Ventura County Recycling Market Development Zone. (111)
RECOMMENDATION: Adopt a resolution authorizing the City of Oxnard to remain in the Ventura County Recycling Market Development Zone after the Zone's re-designation by the California Department of Resources Recycling and Recovery (CalRecycle).
Legislative Body: CC Contact: Jay Duncan Phone: 385-8059

J. TRANSMITTAL OF INFORMATION ONLY ITEMS

Finance Department

1. SUBJECT: Monthly Budget Status Report for the Period Ending December 31, 2012 (Fiscal Year 2012-13). (115)
RECOMMENDATION: Receive Report.
Legislative Body: CC Contact: James Cameron Phone: 385-7475

K. INFORMATION/CONSENT PUBLIC HEARINGS

L. PUBLIC HEARINGS – 7:15 P.M.

Development Services Department

1. SUBJECT: Certification of East Village Phase III Annexation Final Environmental Impact Report (FEIR) No. 11-01; Approval of Planning and Zoning Permit (PZ) No. 11-610-01 (Annexation) and PZ No. 11-560-01 (Prezoning) for the 107-Acre Parcel Located at 1853 Camino del Sol (APN 214-0-020-595); and PZ No. 12-610-01 (Annexation) of four Right-of-Way (ROW) Segments and/or Parcels on the North Side of the 101/Santa Clara Avenue Interchange. Filed by Maulhardt RF-JW Trust et al c/o Richard Maulhardt, Jr., 1853 Camino del Sol, Oxnard; and City of Oxnard, 300 West Third Street, Oxnard, CA 93030. (131)
RECOMMENDATION: 1) Adopt a resolution certifying the East Village Phase III Annexation FEIR No. 11-01; 2) Adopt a resolution of annexation application (PZ 11-610-01) to the Ventura County Local Agency Formation Commission (LAFCo) for reorganization of boundaries for the East Village Phase III property; 3) Approve the first reading by title only and subsequent adoption of an ordinance amending the City zone map (PZ No. 11-560-01) for prezoning the East Village Phase III Annexation area; and 4) Adopt a resolution of annexation application (PZ 12-610-01) to LAFCo for reorganization of boundaries for four ROW segments and/or parcels on the north side of the 101/Santa Clara interchange.
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.

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

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

City Clerk Department

1. SUBJECT: Appointments of Citizen Advisory Groups. (251)
RECOMMENDATION: 1) That the Mayor, with approval of the City Council, appoint: (a) eleven members to the Commission on Homelessness; (b) five members to the Library Board; (c) seven members to the Parks and Recreation Commission; (d) three members to the Planning Commission; and (e) nine members to the Senior Services Commission; and 2) That the City Council appoint: (a) seven members to the Community Relations Commission; and (b) two members to the Housing Authority Board of Commissioners.
Legislative Body: CC Contact: Daniel Martinez Phone: 385- 7803

City Manager Department

2. SUBJECT: Measure O Citizen Oversight Committee Appointments. (259)
RECOMMENDATION: Appoint nine members of the Measure O Citizen Oversight Committee (COC).
Legislative Body: CC Contact: Martin R. Erickson Phone: 385-7870

O. REPORTS

Public Works Department

1. SUBJECT: Receive a verbal report from HFH Consulting Services, Inc. (HFH) regarding the Del Norte Regional Recycling and Transfer Station (Del Norte Facility).
RECOMMENDATION: Receive and provide direction on a presentation from HFH on the feasibility of the City operating the Del Norte Facility and the status of the Request for Proposals (RFP) process.
Legislative Body: CC Contact: Grant Dunne Phone: 385-7956

P. PUBLIC COMMENTS ON REPORTS

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

Q. APPOINTMENT ITEMS

R. STUDY SESSION

S. PUBLIC COMMENTS ON STUDY SESSION

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

C. CLOSED SESSION - (Continued from page 1)

1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION.

CC/SA SOCM I, LLC, et al. v. City of Oxnard, et al.
Ventura County Superior Court Case No. 56-2012-00427637-CU-WM-VTA

The Interim City Manager and the City Attorney requested that this item be discussed in closed session under the Brown Act exception of Conference with Legal Counsel – Existing Litigation. The purpose of the closed session is to report to City Council and Successor Agency on the status of the litigation.

2. CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION.

CC/SA On the advice of the City Attorney, pursuant to Government Code section 54956.9(b)(3)(C), based on existing facts and circumstances, there is significant exposure to litigation against the City and Successor Agency in one potential case based upon Government Code claims for damages filed by Strand Cinemas LLC and Oxnard Theater Group LLC on file in the Office of the City Clerk and available for inspection during normal business hours.

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

3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION.

CC/SA CRFL Family Apartments, LP v. Ana J. Matasantos, et al.
Sacramento Superior Court Case No. 34-2012-80001354

The Interim City Manager and the City Attorney requested that this item be discussed in closed session under the Brown Act exception of Conference with Legal Counsel – Existing Litigation. The purpose of the closed session is to report to City Council and Successor Agency on the status of the litigation.

T. ADJOURNMENT

MINUTES

AGENDA ITEM NO.
I-1

OXNARD CITY COUNCIL
Special Meeting
December 4, 2013

A. ROLL CALL/POSTING OF AGENDA

At 7:03 p.m., the special meeting of the Oxnard City Council convened in the Oxnard Public Library, 251 South "A" Street concurrently with the Community Development Commission Successor Agency, Housing Authority, and Finance Authority. Councilmembers Thomas E. Holden, Irene G. Pinkard, Bryan A. MacDonald, Timothy B. Flynn and Carmen Ramirez were present. The City Clerk stated that the agenda was posted on Thursday in the Library and City Clerk's Office. Mayor Holden presided and called the meeting to order. Staff members present were: Daniel Martinez, City Clerk; Karen Burnham, Interim City Manager; Alan Holmberg, City Attorney; James Cameron, Chief Financial Officer; and Grace Magistrale Hoffman, Deputy City Manager.

B. OPENING CEREMONIES

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

C. INSTALLATION OF NEWLY ELECTED CITY OFFICIALS

1. SUBJECT: Motion That the Regular Order of Business be suspended until after the Installation of Newly Elected City Officials.
ACTION: Motion to suspend regular order (Ramirez/MacDonald) unanimously.

2. SUBJECT: Results of the Canvass of Returns of the General Municipal Election Held on November 6, 2012. (001).
RECOMMENDATION: Adopt **Resolution No. 14,285** stating the results of the canvass of the returns of the general municipal election held on November 6, 2012.
DISCUSSION: The City Clerk reported on the results of the November 6, 2012 election.
ACTION: Approve as recommended (Holden/MacDonald) Ayes: Holden, Pinkard, MacDonald, Flynn and Ramirez.

3. SUBJECT: Presentation of a Resolution to Dr. Thomas E. Holden, Mayor.
RECOMMENDATION: Adopt **Resolution No. 14, 286.**
ACTION: Approve as recommended (/Pinkard/Ramirez) unanimously.

4. SUBJECT: Presentation of a Resolution to Dr. Irene G. Pinkard, Mayor Pro Tem.
RECOMMENDATION: Adopt **Resolution No. 14, 287.**
ACTION: Approve as recommended (Holden/MacDonald) unanimously.

5. SUBJECT: Special Presentations to Dr. Thomas E. Holden, Mayor and Dr. Irene G. Pinkard, Mayor Pro Tem.
DISCUSSION: Special presentations were received by Dr. Thomas E. Holden and Dr. Irene G. Pinkard from: the Office of House of Representatives Elton Gallegly (24 District); Dr. Manuel M. Lopez, Port Hueneme Harbor District; John Crombach, Ventura County Sheriff Department; Jeri Williams, Oxnard Police Chief; Michael O'Malia, Interim Fire Chief; and Adela Lambert, Oxnard Sister City President.

6. SUBJECT: City Clerk Administers Oath of Office to Timothy B. Flynn, Mayor; Bryan MacDonald, Councilman and Dorina Padilla, Councilmember; and Danielle Navas, City Treasurer.
ACTION: The City Clerk administered oath of office.

7. SUBJECT: Deputy City Clerk Administers Oath of Office to Daniel Martinez, City Clerk.
ACTION: The Deputy City Clerk administered oath of office.

8. SUBJECT: Mayor, Councilmembers, City Treasurer and City Clerk are installed. Remarks by Mayor, Councilmembers, City Treasurer and City Clerk.
DISCUSSION: Comments were provided by the newly elected officials to the community.

9. SUBJECT: Selection by Mayor Flynn of Mayor Pro Tem.
ACTION: Mayor Flynn selected Councilmember Ramirez as Mayor Pro Tem

10. SUBJECT: Opportunity for Comments on the Installation of City Officials by Members of the Public. Comments shall be limited to three minutes per person.
DISCUSSION: The following individuals provided comments: Nina Duarte; Inez Tuttle; Jim Hensley; Richard Casas; Juan Smith; Jim Lavery; Inez Tuttle; Mario Quintana; and Rudy Salvio.

D. PUBLIC COMMENTS

Comments received from Larry Stein.

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

City Manager Department

1. SUBJECT: 2013 Meeting Schedule for Legislative Bodies. (009)
RECOMMENDATION: That City Council, Community Development Commission Successor Agency, Oxnard Financing Authority and Oxnard Housing Authority meet on the following dates during the calendar year 2013: January 8 and 15; February 5, 12 and 26; March 5, 19 and 26; April 9, 16 and 23; May 7, 14 and 21; June 4, 11, 18 and 25; July 2, 9, 16 and 23; August NO MEETINGS; September 10, 17 and 24; October 1, 8, 15 and 22; November 5 and 19; and December 3, 10 and 17.
DISCUSSION: Discussed the length of meetings and use of special meetings.
ACTION: Moved to approve (Flynn/MacDonald) unanimously.

HOUSING AUTHORITY/COMMUNITY DEVELOPMENT SUCCESSOR AGENCY/FINANCING AUTHORITY

At 8:44 p.m. the joint meeting with the Housing Authority, Financing Authority and Community Development Commission Successor Agency concluded.

2. SUBJECT: Appointment to the Ventura County Transportation Commission (VCTC).
RECOMMENDATION: That the Mayor, with the approval of City Council, appoint a council member to VCTC.
ACTION: Mayor Flynn selected Councilman MacDonald with Council approval.

F. ADJOURNMENT

At 8:48 p.m. the City Council concurred to adjourn the meeting.

DANIEL MARTINEZ
City Clerk

TIM FLYNN
Mayor

MINUTES

OXNARD CITY COUNCIL
Regular Meeting
December 4, 2012

On this date, there was no regular meeting due to the special meeting for the installation of the Council at the Main Oxnard Library.

DANIEL MARTINEZ
City Clerk

TIM FLYNN
Mayor

DRAFT

MINUTES

OXNARD CITY COUNCIL
Regular Meeting
December 11, 2012

A. ROLL CALL/POSTING OF AGENDA

At 7:02 p.m., the regular meeting of the Oxnard City Council convened in the Council Chambers concurrent with Community Development Commission Successor Agency. Councilmembers Tim Flynn; Carmen Ramirez; Bryan A. MacDonald and Dorina Padilla were present. The City Clerk stated that the agenda was posted on Thursday in the Library and City Clerk's Office. Mayor Flynn presided and called the meeting to order.

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. Staff members present were: Daniel Martinez, City Clerk; Karen Burnham, Interim Assistant City Manager; Alan Holmberg, City Attorney; Jeri Williams, Police Chief; James Cameron, Chief Financial Officer; Grace Magistrale Hoffman, Deputy City Manager; ; Rob Roshanian, Interim Public Works Department; William "Bill" Wilkins, Housing Director; Matthew Winegar, Development Services Director; Martin Erickson, Special Assistant to the City Manager; Kymberly Horner, Interim Redevelopment Services Manager; Marty Meyers, Police Commander; Scott Hebert, Police Commander; Anthony Emmert, Water Resources Manager; Cynthia Daniels, Project Manager; Jason M. Samonte, Traffic Engineer; Michael More, Financial Services Manager; Michael Henderson, General Services Manager; and Sue Martin, Planning and Environmental Services Manager.

E. CEREMONIAL CALENDAR

1. SUBJECT: "A Special Visitor from the North Pole"
   DISCUSSION: Santa Claus presented milk and cookies to the Council and City staff wishing the City of Oxnard happy holidays.

2. SUBJECT: Commendation of the City Council of the City of Oxnard Commending Gerald R. Dawley for Over 17 Years of Service to the City of Oxnard.
   DISCUSSION: Mayor Flynn presented a commendation to Gerald R. Dawley for his service to the City of Oxnard.

3. SUBJECT: Presentation of a Resolution to Melissa Mendez for Over 32 Years of Service to the City of Oxnard. (001)
   RECOMMENDATION: Adopt **Resolution No. 14,285**.
   ACTION: Approve as recommended. (Ramirez/MacDonald) unanimously.

4. SUBJECT: Employee of the Fourth Quarter 2012.
   ACTION: Continue to January 8, 2013.

City's transit services program to receive $500,000 of Article 8c LTF funding for its operations and $534,204 for its capital program.• Ventura Intercity Transit Authority (VISTA) to receive $92,864 of the City's Article 4 LTF allocation for FY 2012/13; and 2) Authorize the City Manager to make the necessary budget allocations consistent with the resolution.

Community Development Department

5. SUBJECT: Administrative Services Agreement for Advance Reimbursement of Administrative, Overhead and Other Expenses. (027)
RECOMMENDATION: Approve and authorize the Mayor to sign the Administrative Services Agreement (A-7556) for Advance and Reimbursement of Administrative, Overhead and Other Expenses between the City and Oxnard Community Development Commission Successor Agency ("Successor Agency").
DISCUSSION: Timeline information to be provided from staff.

Police Department

6. SUBJECT: First Amendment to Agreement for Security Services in the Central Business District Core Area and Oxnard Downtown Management District. (035)
RECOMMENDATION: Approve and authorize the Mayor to execute the First Amendment to the Agreement for Trade Services with Securitas Security Services USA, Inc. (A-7362) to extend the term one year to December 31, 2013, and increase the not-to-exceed amount by $260,000 for a total of $950,000.

7. SUBJECT: Third Amendment to Agreement for Sintra Group and City of Oxnard. (051)
RECOMMENDATION: Approve and authorize the Mayor to execute the Third Amendment to the Agreement for Trade Services with Sintra Group (4924-09-PO) to extend the term one year to November 30, 2013, and increase the not-to-exceed amount by $80,000 for a total agreement value of $320,000.

Public Works Department

8. SUBJECT: Metropolitan Water District of Southern California Member Agency Funded Water Conservation Programs. (055)
RECOMMENDATION: 1) Adopt **Resolution No. 14,287** authorizing the City Manager or his designee to execute agreements, amendments and documents necessary to secure reimbursements from Metropolitan Water District of Southern California for the following two water conservation programs: (a) High Efficiency Toilet Exchange Program for commercial water customers; and (b) High Efficiency Sprinkler Nozzle Distribution program for both residential and commercial water customers; and 2) Approve a Special Budget Appropriation in the amount of $228,000 consisting of $136,000 reimbursable funds and $92,000 from Water Fund Balance.

9. SUBJECT: Project Specification PW12-14 East Ventura Boulevard Improvement Project. (061)
RECOMMENDATION: Approve Project Specification No. PW12-14 for the design and construction of sidewalk, curb, gutter, drainage, landscaping and the reconstruction of the street along East Ventura Boulevard from Nyeland Avenue to Almond Drive and authorize staff to solicit bids.

The City Council discussed the proposed development including the proposed gas station, bike path, 8 feet wide sidewalks, and employment of local residents.

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

COMMUNITY DEVELOPMENT COMMISSION SUCCESSOR AGENCY

At 10:05 p.m. the concurrent meetings with the Community Development Commission Successor Agency concluded.

M. REPORT OF CITY MANAGER

N. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

The City Council discussed activation of the Youth Council and the Permit Center process.

1. SUBJECT: Appointments of Councilmembers to Various Boards, Commissions, and Committees. (205)
RECOMMENDATION: 1) That the Mayor, with the approval of the City Council, appoint members and alternates from the City Council to varies Committees, Boards and Commissions; 2) That the City Council, as a whole, appoint two Councilmembers to the Oxnard Airport Authority and one Councilmember as an alternate; and 3) That the City Council, as a whole, dissolve the following committee for several reasons including completion of objectives and not meeting Census 2010.

ACTION: 1) Mayor Flynn made the following appointments:
Councilmember Padilla: Beach Erosion Authority for Control of Operation & Nourishment - (Alternate); Joint Oxnard/Ventura Santa Clara Bridge Committee; Oxnard Convention & Visitors Bureau; Oxnard Downtown Management; Performing Arts Center Corporation; Point Mugu Regional Airport Authority - (Alternate); Ventura Council of Governments - (Alternate); Ventura County Animal Regulation Commission - (Alternate); Ventura Regional Sanitation District - (Alternate); City Wide Enhancement Program; Cultural Arts Committee; Downtown Improvement Task Force; Graffiti Task Force; Homeless Plan Working Group; and Policy and Procedures City Council Business;

Councilman MacDonald: Association of Water Agencies for Ventura County; Economic Development Corporation; Gold Coast Area Transit; Intercity Transit (subcommittee of Ventura County Transportation Commission); Las Cortes Housing Development Corporation; Regional Defense Partnership for the 21st Century; Ventura County Transportation Commission (appointed 12/04/2012); Downtown Improvement Task Force; Fiscal Policy Task Force; and Utilities Task Force;

Mayor Pro Tem Ramirez: Association of Water Agencies for Ventura County - (Alternate); Beach Erosion Authority for Control of Operation & Nourishment; Economic Development Corporation – Ventura County; Gold Coast Area Transit (Alternate); Las Cortes Housing Development Corporation; Ormond Beach Property Oversight Ad Hoc Committee; Oxnard Plain/RiverPark

Comments were received from: Bert Perello.

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

P. PUBLIC COMMENTS ON REPORTS

Q. APPOINTMENT ITEMS

R. STUDY SESSION

S. PUBLIC COMMENTS ON STUDY SESSION

T. ADJOURNMENT

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

DANIEL MARTINEZ
City Clerk

TIM FLYNN
Mayor

DRAFT

MINUTES

OXNARD CITY COUNCIL
Regular Meeting
January 8, 2013

A. ROLL CALL/POSTING OF AGENDA

At 5:32 p.m., the regular meeting of the Oxnard City Council convened in the Council Chambers Councilmembers Tim Flynn, Bryan A. MacDonald, and Dorina Padilla were present. Mayor Pro Tem Carmen Ramirez was absent. The City Clerk stated that the agenda was posted on Thursday in the Library and City Clerk's Office. Mayor Flynn presided and called the meeting to order. Staff members present were: Daniel Martinez, City Clerk; Karen Burnham, Interim City Manager; Alan Holmberg, City Attorney; Grace Magistrale Hoffman, Deputy City Manager; and James Cameron, Chief Financial Officer.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

C. CLOSED SESSION

At 5:33 p.m. the City Council recessed to a closed session, pursuant to Government Code section 54957(b)(1), to discuss action to be taken with respect to the position of the City Manager due to the expiration of the City Manager Edmund F. Sotelo's contract on February 28, 2013.

At 5:45 p.m., Mayor Pro Tem Ramirez was present.

The City Council also recessed to a closed session, pursuant to Government Code section 54956.9(a), to confer with its attorneys. The title and case number of the litigation discussed is James Blanchard v. Edmund Sotelo, Oxnard Fire Department, Chief Randy Milligan [sic], et al. Ventura County Superior Court Case No. 56-2011-00403332-CU-WM-VTA

The City Council also recessed to a closed session, pursuant to Government Code section 54956.9(b)(3)(c), based on existing facts and circumstances, there is significant exposure to litigation against the City in one potential case based upon a claim for damages number 155 on file with the City Clerk, which is available for inspection at the City

D. OPENING CEREMONIES

At 7:07p.m., the regular meeting of the Oxnard City Council reconvened in the Council Chambers, concurrently with the Community Development Commission Successor Agency. The meeting opened with the pledge of allegiance to the flag of the United States, followed by a moment of silence. Mayor Flynn presided. Additional staff members present were: Jeri Williams, Police Chief; Rob Roshanian, Interim Public Works Director; William "Bill" Wilkins, Housing Director; Eric Sonstegard, Police Commander; Lou Balderrama, City Engineer; Grant Dunne, Environmental Resources Management Analyst; Anthony Emmert, Water Resources Manager; Sue Martin, Planning and Environmental Services Manager; and Kymberly Horner, Interim Redevelopment Services Manager.

E. CEREMONIAL CALENDAR

1. SUBJECT: Presentation of Employee of the Fourth Quarter 2012
   ACTION: Mayor Flynn presented a plaque and check to Barbara Wulf

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

The following individuals provided comments: Inez Tuttle; Martin Jones; Saul Medina; Pedro Vazquez; William Terry; Sergio Lagunas; Dick Jaquez; Harold Ceja; Morey Navarro; Mario Quintana; Dan Pinedo; Lizette Cuevas; Rudy Salvio; Jaime Melgoza; and Pat Brown.

G. REVIEW OF INFORMATION/CONSENT AGENDA

Comments were received from Interim City Manager and City Attorney (L-1); Police Commander (I-G, H, I); Interim Public Works Director and Environmental Resources Management Analyst (I-2, & I-3); City Engineer (I-4); and Water Resources Manager (I-5 & I-6).

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

The following individuals provided comments: William Terry (I-2, I-6); Steve Nash (I-1, I-2, I-3, I-4, I-5, I-6); Inez Tuttle (I-4); Jeanne Benitez (I-2, I-3); Orlando Dozier (I-2 & I-4); Patty Brown (I-2); Bert Perello (I-6); Pat Brown (I-4 & I-6); and Gerard Kapusck (I-2 & I-3).

I. INFORMATION/CONSENT AGENDA

City Manager Department

1. SUBJECT: Agreements for City Council Review. (001)
   RECOMMENDATION: Approve and authorize the Interim City Manager, to execute the attached agreements/contracts and change orders/amendments in amounts more than $25,000 but less than $250,000.

Public Works Department

2. SUBJECT: Second Amendment to Agreement for the Management and Operation of the Del Norte Regional Recycling and Transfer Station (Del Norte Facility) between the City of Oxnard and Republic Services of Oxnard, Inc. (005)
   RECOMMENDATION: Approve and authorize the Mayor to execute the Second Amendment to the Agreement for the management and operation of the Del Norte Facility with Republic Services of Oxnard, Inc. (A-7465) to extend the contract expiration date to January 31, 2014.

3. SUBJECT: First Amendment to Agreement for Yard Trimmings and Wood Waste Processing Services between the City of Oxnard and Republic Services of Oxnard, Inc. (009)
   RECOMMENDATION: Approve and authorize the Mayor to execute the First Amendment to the Agreement for Yard Trimmings and Wood Waste with Republic Services of Oxnard, Inc., (A-7517) to extend the contract expiration date to January 31, 2014.

4. SUBJECT: Approval of Award to All American Asphalt for PW 10-05 Wooley Road Arterial Resurfacing Project. (013)
   RECOMMENDATION: 1) Approve and authorize the Mayor to execute Contract with All American Asphalt (A-7555) in the amount of $3,920,000 for Project Specification Number 10-05 for pavement resurfacing, sidewalk, curb and gutter repair, replacing street name signs and improvement to railroad crossings on Wooley Road from Victoria Avenue to Rose Avenue; and 2) Approve a Special Budget Appropriation recognizing Caltrans for Surface Transportation Act (STA) federal aid grant funding in amount of $3,488,834.

5. SUBJECT: Agreement with Layne Christensen Co. for Well Nos. 22, 32, & 33 Repair and Maintenance. (041)
   RECOMMENDATION: Approve and authorize the Mayor to execute Contract with Layne Christensen Co. (A-7553) in the amount of $489,041 for Project Specification Number 12-16 for Well Nos. 22, 32 and 33-Repair and Maintenance.

6. SUBJECT: First Amendment to Water Supply Agreement between the City of Oxnard and Procter & Gamble Paper Products Company. (081)
   RECOMMENDATION: Approve and authorize the Mayor to execute the First Amendment to the Water Supply Agreement between the City of Oxnard and Procter & Gamble Paper Products Company (A-6168) to extend the expiration date to December 31, 2014.

INFORMATION/CONSENT AGENDA ACTION: Approved as recommended with I-2 and I-3 being six month agreements. (MacDonald/Ramirez) Ayes: Ramirez, MacDonald, Padilla, and Flynn.

J. TRANSMITTAL OF INFORMATION ONLY ITEMS

Finance Department

1. SUBJECT: Monthly Budget Status Report for the Period Ending November 30, 2012. (085)
   RECOMMENDATION: Receive Report.
   DISCUSSION:
   ACTION: Received and filed.

K. INFORMATION/CONSENT PUBLIC HEARINGS

L. PUBLIC HEARINGS

Development Services Department

1. SUBJECT: Planning and Zoning Permit No. 12-580-01 (Zone Code Text Amendment), Regulations Concerning Operation of Mobile Food Facilities, Citywide.
   RECOMMENDATION: Continue to February 26, 2013.
   DISCUSSION: The Planning and Environmental Services Manager review the process of contacting the community including restaurants, mobile truck operators and neighborhoods.

   Comments were received from: Steve Nash; Abel Magana; Bert Perello; Morey Narvarro; Saul Medina; and Alejandro Rivera.

   The Council discussed the option to send issue back to the Planning Commission, information needed to make a discussion, and the need for County involvement.

   ACTION: The Council concurred to return to Planning Commission.

ACTION: Mayor Flynn declared the public hearing open.
DISCUSSION: The City Clerk reported on posting, publication and no written communications were received.

DRAFT

Housing Department

2. SUBJECT: Extremely Low- to Low-Income Needs Assessment – FY 2013-2018 Consolidated Plan and FY 2013-2014 Annual Action Plan. (103)
RECOMMENDATION: Conduct a public hearing to receive comments and provide direction to staff concerning unmet needs of extremely low to low-income persons for housing, community development, and homelessness.
DISCUSSION: The Housing Director reviewed the Annual Action Plan including the goals, available funds, use of resources and public outreach programs.

Comments were received from: Ron Mulvihill; Karen Flock; Peggy Rivera; Monica De La Haya; and Eileen Tracy.

Councilmembers discussed several issues including property zoning, density issues, individuals with mental health issues, homeless individual(s)/families and the need to work with other public agencies.

ACTION: Close the public hearing. (MacDonald/Ramirez). The City Council conducted a public hearing to receive comments and provide directions to staff.

M. REPORT OF CITY MANAGER

1. SUBJECT: Verbal Report on Oxnard Community Development Commission Successor Agency and Status of Redevelopment Activities in the City of Oxnard.
RECOMMENDATION: Receive and consider report.
DISCUSSION: The Interim Redevelopment Services Manager updated the status of Wagon Wheel project, housing funds, and other ROPS items being reviewed by the State. She commended on Successor Agency staffing, administration costs, project costs and impact of past redevelopment transactions.

Comments were received from: Bert Perello; Jim Lavery; Eileen Tracy; and Steve Nash.

The Council discussed staffing, administration costs, audit report and impact to community.

ACTION: Received verbal report.

COMMUNITY DEVELOPMENT COMMISSION SUCCESSOR AGENCY

At 11:27 p.m., the concurrent meetings with the Community Development Commission Successor Agency concluded.

N. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

City Clerk Department

1. SUBJECT: Filling a City Council Vacancy. (109)
RECOMMENDATION: 1) Adopt **Resolution No. 14,292** appointing a person to fill the City Council vacancy; or 2) Adopt a resolution calling for a special election for the position of City Council member to be held on June 4, 2013; and 3) Adopt **Resolution No. 14,293** establishing rules to govern submission by candidates of candidate statements calling for a special election to be held on June 4, 2013.

DISCUSSION: The City Clerk and City Attorney commented briefly on the options of appointing or electing a Councilmember.

Councilmembers discussed the importance of having an election rather than an appointment of a Councilmember.

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

City Council

2. SUBJECT: Mayor's Letter on Fiscal Management for City Council Consideration - Mayor Flynn (117)
DISCUSSION: Councilmembers provided comments regarding the Mayor's letter.

Comments received from: Bert Perello.

ACTION: The selection of January 29, 2013 and February 19, 2013 as strategic workshop dates (Flynn/Ramirez) Ayes: Ramirez, MacDonald, Padilla and Flynn.

O. REPORTS

City Manager Department

1. SUBJECT: Update on 2012 City Council Strategic Planning Workshop Initiatives. (119)
RECOMMENDATION: Receive a report and provide comments on the tactical plans, implementation and status of the strategic initiatives identified by the Members of the City Council during the City Council Strategic Planning Workshop held on February 28-29, 2012.
ACTION: Continue to future date.

Finance Department

2. SUBJECT: Annual Report for Development, Connection and Improvement Fees for the Year Ended June 30, 2012. (157)
RECOMMENDATION: Receive and file the Annual Report for Development, Connection and Improvement Fees for the year ended June 30, 2012 in accordance with Government Code Section 66006.
DISCUSSION: The Chief Financial Officer reviewed fees report regarding parks, storm drains, traffic impact, capital growth (residential/non-residential), water system, and waste water.

ACTION: Received, filed and provided comments.

P. PUBLIC COMMENTS ON REPORTS

Q. APPOINTMENT ITEMS

1. SUBJECT: Oxnard Convention and Visitors Bureau (OCVB) Annual Report and Dallas Cowboys Economic Impact.
RECOMMENDATION: Receive verbal report and provide comments.
ACTION: Continue to future date.

N. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

The Council requested future information regarding: a possible "gun buy-back" program, Lifeline program, procedure for recruitment of a City Manager and changing the start time of Council meetings.

R. STUDY SESSION

S. PUBLIC COMMENTS ON STUDY SESSION

T. ADJOURNMENT

At 12:32 a.m. the City Council concurred to adjourn the meeting.

DANIEL MARTINEZ
City Clerk

TIM FLYNN
Mayor

DRAFT

MINUTES

OXNARD CITY COUNCIL
Regular Meeting
January 15, 2013

A. ROLL CALL/POSTING OF AGENDA

At 6:00 p.m., the regular meeting of the Oxnard City Council convened in the Council Chambers concurrent with Community Development Commission Successor Agency. Councilmembers Tim Flynn, Carmen Ramirez, Bryan A. MacDonald and Dorina Padilla were present. The Deputy City Clerk stated that the agenda was posted on Thursday in the Library and City Clerk's Office. Mayor Flynn presided and called the meeting to order. Staff members present were: Lyn Bennett, Deputy City Clerk; Daniel Martinez, City Clerk; Karen Burnham, Interim City Manager; Grace Magistrale Hoffman, Deputy City Manager; Alan Holmberg, City Attorney; Martin Erickson, Legislative Affairs Manager; James Cameron, Chief Financial Officer; Curtis Cannon, Community Development Director; Kymberly Horner, Redevelopment Services Manager.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

The following individual provided comments: Martin Jones.

C. CLOSED SESSION

At 6:07 pm the City Council and the Successor Agency recessed to a closed session, pursuant to Government Code section 54956.9(a), to confer with its attorneys. The title and case numbers of the litigations being discussed are SOCM I, LLC, et al. v. City of Oxnard, et al.
Ventura County Superior Court Case No. 56-2012-00427637-CU-WM-VTA .

The City Council and Successor Agency will also recess to a closed session pursuant to Government Code section 54956.9(b)(3)(C), based on existing facts and circumstances, there is significant exposure to litigation against the City and Successor Agency in one potential case based upon Government Code claims for damages filed by Strand Cinemas LLC and Oxnard Theater Group LLC on file in the Office of the City Clerk and available for inspection during normal business hours.

D. OPENING CEREMONIES

At 7:11 p.m., the regular meeting of the Oxnard City Council reconvened in the Council Chambers, concurrently with the Community Development Successor Agency. The meeting opened with the pledge of allegiance to the flag of the United States, followed by a moment of silence for Donald Van Riper. Mayor Flynn presided. Councilmember Dorina Padilla was absent. Additional staff members present were: Jeri Williams, Police Chief; William "Bill" Wilkins, Housing Director; Matthew Winegar, Development Services Director; Sue Martin, Planning Manager; Cynthia Daniels, Project Manager; Karl Lawson, Compliance Services Manager.

E. CEREMONIAL CALENDAR

1. SUBJECT: Presentation of Proclamation Designating January 2013 as "Mentoring Month" to Pedro Chavez, Director of Education & Public Affairs, Big Brothers Big Sisters of Ventura County.
DISCUSSION: Council discussed the importance of mentoring programs.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Comments received from: Daniel Lechliter; Inez Tuttle; William "Bill" Terry; Steve Giboney; Jim Millard; Rhea Voll; Eva Magana; Dan Pinedo; Agustin Mora Aguilar; Jane Semones (Channel Islands Harbor); Martin Jones; Justin Beranich; Bert Perello; Larry Stein; and Pat Brown.

G. REVIEW OF INFORMATION/CONSENT AGENDA

The following staff members provided comments: Housing Director (I-2(A); Development Services Director and Planning Manager (I-4).

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

The following individuals provided comments: Bert Perello (I-2)(I-4); Larry Stein (I-5); and Pat Brown (I-4).

I. INFORMATION/CONSENT AGENDA

City Clerk Department

1. SUBJECT: Minutes of the Regular Meeting of the Oxnard City Council for November 27, 2012. (001)
RECOMMENDATION: Approve.

City Manager Department

2. SUBJECT: Agreements for City Council Review. (007)
RECOMMENDATION: Approve and authorize the Interim City Manager, to execute the attached agreements/contracts and change orders/amendments in amounts more than $25,000 but less than $250,000.

Development Services Department

3. SUBJECT: Special Budget Appropriation for Landscaping Improvements at Rice Avenue/Santa Clara Avenue Interchange at the 101 Freeway. (009)
RECOMMENDATION: 1) Recognize federal grant revenue and appropriate $70,000 to "Rice-Highway 101 Landscaping"; and 2) Approve the special budget appropriation to transfer $18,000 from "Highway 101—Rice Interchange" to "Rice-Highway 101 Landscaping" to complete the landscaping for the Rice Avenue/Santa Clara Avenue interchange improvements at the 101 Freeway.

4. SUBJECT: Second Amendment to Agreement with Kathleen Mallory for Planning Services and Energy Consulting Project Management Services. (013)
RECOMMENDATION: Approve and authorize the Mayor to execute the Second Amendment to the agreement with Kathleen Mallory, Planning and Entitlement Services, (4950-09-DS) to increase the amount by $100,000 (for a total of $350,000) for planning services and energy consulting project management services.

City Clerk Department

5. SUBJECT: Resolutions Concerning June 4, 2013, Special Election (39)
RECOMMENDATION: Adopt **Resolutions No. 14, 293** Repealing 14,292 Calling for Special Election of June 4, 2013 **and 14,294** Repealing 14,293 Establishing of Rules for Special Election of June 4, 2013

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

J. TRANSMITTAL OF INFORMATION ONLY ITEMS

Comments received from: Pat Brown

K. INFORMATION/CONSENT PUBLIC HEARINGS

L. PUBLIC HEARINGS

Development Services Department

1. SUBJECT: Certification of East Village Phase III Annexation Final Environmental Impact Report (FEIR) No. 11-01; Approval of Planning and Zoning Permit (PZ) No. 11-610-01 (Annexation) and PZ No. 11-560-01 (Prezoning) for the 107-Acre Parcel Located at 1853 Camino del Sol (APN 214-0-020-595); and PZ No. 12-610-01 (Annexation) of four Right-of-Way (ROW) Segments and/or Parcels on the North Side of the 101/Santa Clara Avenue Interchange. Filed by Maulhardt RF-JW Trust et al c/o Richard Maulhardt, Jr., 1853 Camino del Sol, Oxnard; and City of Oxnard, 300 West Third Street, Oxnard, CA 93030.
RECOMMENDATION: Continue to February 5, 2013.
ACTION: Approved as recommended. (MacDonald/Ramirez) unanimously.

M. REPORT OF CITY MANAGER/EXECUTIVE DIRECTOR/SECRETARY

N. CITY COUNCIL COMMITTEE REPORTS

O. REPORTS

1. SUBJECT: Consideration of Draft State Legislation Creating a Gold Coast Transit District. Presentation by Mr. Steve Brown, Gold Coast Transit.
ACTION: Received the report and Councilmembers provided comments on the need to improve the transit system within Ventura County.

P. PUBLIC COMMENTS ON REPORTS

Q. APPOINTMENT ITEMS

R. STUDY SESSION

S. PUBLIC COMMENTS ON STUDY SESSION

T. ADJOURNMENT

At 8:55 p.m. the City Council concurred to adjourn the joint meeting with the Oxnard Community Development Successor Agency.

LYN BENNETT
Deputy City Clerk

TIM FLYNN
Mayor

MINUTES

OXNARD COMMUNITY DEVELOPMENT COMMISSION SUCCESSOR AGENCY
Special Meeting
December 4, 2012

A. ROLL CALL/POSTING OF AGENDA

At 7:03 p.m., the special meeting of the Oxnard City Council convened in the Oxnard Public Library, 251 South "A" Street concurrently with the Community Development Commission Successor Agency, Housing Authority, and Finance Authority. Commissioners Thomas E. Holden, Irene G. Pinkard, Bryan A. MacDonald, Timothy B. Flynn and Carmen Ramirez were present. The Secretary Designate stated that the agenda was posted on Thursday in the Library and City Clerk's Office. Chairperson Holden presided and called the meeting to order. Staff members present were: Daniel Martinez, City Clerk; Karen Burnham, Interim City Manager; Alan Holmberg, City Attorney; James Cameron, Chief Financial Officer; and Grace Magistrale Hoffman, Deputy City Manager.

A. OPENING CEREMONIES

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

B. INSTALLATION OF NEWLY ELECTED CITY OFFICIALS

1. SUBJECT: Motion That the Regular Order of Business be suspended until after the Installation of Newly Elected City Officials.
   ACTION: Motion to suspend regular order (Ramirez/MacDonald) unanimously.

C. PUBLIC COMMENTS

D. PUBLIC COMMENTS

E. COMMUNITY DEVELOPMENT SUCCESSOR AGENCY

City Manager Department

1. SUBJECT: 2013 Meeting Schedule for Legislative Bodies. (009)
   RECOMMENDATION: That Community Development Commission Successor Agency meet on the following dates during the calendar year 2013: January 8 and 15; February 5, 12 and 26; March 5, 19 and 26; April 9, 16 and 23; May 7, 14 and 21; June 4, 11, 18 and 25; July 2, 9, 16 and 23; August **NO MEETINGS**; September 10, 17 and 24; October 1, 8, 15 and 22; November 5 and 19; and December 3, 10 and 17.
   DISCUSSION: Discussed the length of meetings and use of special meetings.
   ACTION: Moved to approve (Flynn/MacDonald) unanimously.

CITY COUNCIL/HOUSING AUTHORITY/COMMUNITY DEVELOPMENT SUCCESSOR AGENCY/FINANCING AUTHORITY

At 8:44 p.m. the joint meeting with the City Council, Housing Authority, and Financing Authority and concluded.

DRAFT

F. ADJOURNMENT

At 8:44 p.m. the Community Development Commission Successor Agency concurred to adjourn the meeting.

DANIEL MARTINEZ
Secretary Designate

TIM FLYNN
CHAIRPERSON

DRAFT

MINUTES

OXNARD COMMUNITY DEVELOPMENT COMMISSION SUCCESSOR AGENCY
Regular Meeting
October 16, 2012

A. ROLL CALL/POSTING OF AGENDA

At 5:36 p.m., the regular meeting of the Community Development Successor Agency convened in the Council Chambers concurrently with the Oxnard City Council. Commissioners Thomas E. Holden, Bryan A. MacDonald, Timothy B. Flynn and Carmen Ramirez were present. Vice-Chairperson Irene G. Pinkard was absent. The City Clerk 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, City Clerk; Karen Burnham, Interim Executive Director; Alan Holmberg, General Counsel; and Curtis P. Cannon, Community Development Director.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

C. CLOSED SESSION

At 5:39 p.m. the Community Development Successor Agency recessed to a closed session, pursuant to Government Code section 54956.9(b)(3)(C), based on existing and circumstances, there is significant exposure to litigation against the City and Successor Agency in one potential case based upon a written threat of litigation which is available for inspection at the City Clerk's Office during normal business hours.

The Community Development Successor Agency also recessed to a closed session, pursuant to Government Code section 54956.9(c), based on existing and circumstances, the City Council and Successor Agency shall decide whether to initiate litigation in two potential cases.

The Community Development Successor Agency also recessed to a closed session, pursuant to Government Code section 54956.9(b)(3)(C), based on existing and circumstances, there is significant exposure to litigation against the City and Successor Agency in one potential case based upon a claim for damages, number 155 on file with the City Clerk, which is available for inspection at the City Clerk's office during normal business hours.

At 5:46 p.m., Vice-Chairperson Irene G. Pinkard was present. At 7:14 p.m. the Community Development Successor Agency reconvened and recessed to the evening session.

D. OPENING CEREMONIES

At 7:20 p.m., the regular meeting of the Community Development Successor Agency reconvened in the Council Chambers. The meeting opened with the pledge of allegiance to the flag of the United States, followed by a moment of silence. Chairperson Holden presided. Additional staff members present were: James Cameron, Chief Financial Officer; Matt Winegar, Development Services Director; Rob Roshanian, Interim Public Works Director; and Grace Magistrale Hoffman, Deputy City Manager.

DRAFT

E. CEREMONIAL CALENDAR

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

G. REVIEW OF INFORMATION/CONSENT AGENDA

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

I. INFORMATION/CONSENT AGENDA

City Clerk Department

1. SUBJECT: Minutes of the Oxnard Community Development Commission Successor Agency for July 10, 17 and 24, September 11, 18 and 25, October 2 and 9, 2012; and Minutes of the Special Meeting of the Oxnard Community Development Commission Successor Agency for July 31, 2012. (001)
   RECOMMENDATION: Approve.

J. TRANSMITTAL OF INFORMATION ONLY ITEMS

K. INFORMATION/CONSENT PUBLIC HEARINGS

L. PUBLIC HEARINGS

M. REPORT OF CITY MANAGER/EXECUTIVE DIRECTOR/SECRETARY

N. SUCCESSOR AGENCY BUSINESS/COMMITTEE REPORTS

CITY COUNCIL

At 8:45 p.m., the joint meeting with the City Council concluded.

O. REPORTS

Q. APPOINTMENT

R. STUDY SESSION

S. PUBLIC COMMENTS ON STUDY SESSION

T. ADJOURNMENT

At 8:45 p.m., the City Council concurred to adjourn the meeting.

DANIEL MARTINEZ
Secretary Designate

DR. THOMAS E. HOLDEN
Chairman

DRAFT

MINUTES

OXNARD COMMUNITY DEVELOPMENT COMMISSION SUCCESSOR AGENCY
Regular Meeting
October 23, 2012

A. ROLL CALL/POSTING OF AGENDA

At 6:17 p.m., the regular meeting of the Oxnard Community Development Commission Successor Agency convened in the Council Chambers concurrently with the City Council. Commissioners Irene G. Pinkard, Bryan A. MacDonald, Timothy B. Flynn, and Carmen Ramirez were present. Chairperson Thomas E. Holden was absent. The Secretary Designate stated that the agenda was posted on Thursday in the Library and City Clerk's Office. Vice-Chairperson Pinkard presided and called the meeting to order. Staff members present were: Daniel Martinez, Secretary Designate; Karen Burnham, Interim Executive Director; Alan Holmberg, General Counsel; and Grace Magistrale Hoffman, Deputy Executive Secretary.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

C. CLOSED SESSION

At 6:18 p.m. the City Council and Successor Agency recessed to a closed session, pursuant to Government Code section 54956.9(c), based on existing facts and circumstances, the City Council and Successor Agency shall decide whether to initiate litigation in two potential cases.

At 6:57 p.m. the City Council and Successor Agency reconvened and recessed to the evening session. No announcements were made.

D. OPENING CEREMONIES

At 7:07 p.m., the regular meeting of the Community Development Commission Successor Agency reconvened in the Council Chambers, concurrently with the City Council and Housing Authority. The meeting opened with the pledge of allegiance to the flag of the United States, followed by a moment of silence. Vice-Chairperson Pinkard presided. Additional staff members present were: Curtis P. Cannon, Community Development Director; Jeri Williams, Police Chief; Michael O'Malia, Interim Fire Chief; Barbara Murray, Library Director; William "Bill" Wilkins, Housing Director; Matthew Winegar, Development Services Director; James Cameron, Chief Financial Officer; Rob Roshanian, Interim Public Works Director; Michael Henderson, General Services Manager; Anthony Emmert, Water Resources Manager; Cyndi Hookstra, Parks and Facilities Management Analyst; Kymberly Horner, Redevelopment Project Manager; Jason M. Samonte, Traffic Engineer; and Tom Clock, Systems Administrator.

E. CEREMONIAL CALENDAR

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

G. REVIEW OF INFORMATION/CONSENT AGENDA

DRAFT

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

I. INFORMATION/CONSENT AGENDA

J. TRANSMITTAL OF INFORMATION ONLY ITEMS

K. INFORMATION/CONSENT PUBLIC HEARINGS

L. PUBLIC HEARINGS

M. REPORT OF SECRETARY

1. SUBJECT: Verbal report on the status of the State Department of Finance's ("DOF") review and determination of enforceable obligations on the Oxnard Community Development Commission Successor Agency's Recognized Obligation Payment Schedule ("ROPS") III, summary of allowable administrative expenses; and summary of Staff's "Meet and Confer" request to the DOF.
RECOMMENDATION: Receive and consider report.
DISCUSSION: The Community Development Director and Redevelopment Project Manager reviewed response from the State regarding several line items of the ROPS report, next steps of process, and supporting documents that were submitted. The Chief Financial Officer reviewed the obligations of City Council and Community Development Successor Agency.

   The following individuals provided comments: Barbara Macri-Ortiz and Bert Perello.

   The Commissioners discussed the process of State Finance Department and the transfer of assets.

   ACTION: Received the report.

N. COMMUNITY DEVELOPMENT COMMISSION BUSINESS/COMMITTEE REPORTS

O. REPORTS

P. PUBLIC COMMENTS ON REPORTS

Q. APPOINTMENT ITEMS

CITY COUNCIL/HOUSING AUTHORITY

At 10:27 p.m. the joint meetings with the City Council and Housing Authority concluded.

R. STUDY SESSION

S. PUBLIC COMMENTS ON STUDY SESSION

T. ADJOURNMENT

At 10:27 p.m., the Community Development Commission Successor Authority concurred to adjourn the meeting.

DANIEL MARTINEZ
Secretary Designate

DR. IRENE G. PINKARD
Vice-Chairman

DRAFT

MINUTES

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

The regular scheduled meeting was cancelled by the Commissioners on June 26, 2012.

DANIEL MARTINEZ
Secretary Designate

DR. THOMAS E. HOLDEN
Chairman

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MINUTES

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

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

DANIEL MARTINEZ
Secretary Designate

DR. THOMAS E. HOLDEN
Chairman

DRAFT

MINUTES

OXNARD COMMUNITY DEVELOPMENT COMMISSION SUCCESSOR AGENCY
Regular Meeting
December 4, 2012

On this date, there was no regular meeting due to the special meeting for the installation of the Council at the Main Oxnard Library.

DANIEL MARTINEZ
Secretary Designate

TIM FLYNN
Chairperson

DRAFT

MINUTES

OXNARD COMMUNITY DEVELOPMENT COMMISSION SUCCESSOR AGENCY
Regular Meeting
December 11, 2012

A. ROLL CALL/POSTING OF AGENDA

At 7:02 p.m., the regular meeting of the Oxnard Community Development Commission Successor Agency convened in the Council Chambers concurrently with the City Council. Commissioners Timothy B. Flynn, Carmen Ramirez, Bryan A. MacDonald, and Dorina Padilla were present. The Secretary Designate stated that the agenda was posted on Thursday in the Library and City Clerk's Office. Chairperson Flynn presided and called the meeting to order. Staff members present were: Daniel Martinez, Secretary Designate; Karen Burnham, Interim Executive Director; Alan Holmberg, General Counsel; Curtis Cannon, Community Development Director; and Grace Magistrale Hoffman, Deputy Executive Secretary.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

C. CLOSED SESSION

D. OPENING CEREMONIES

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

E. CEREMONIAL CALENDAR

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

G. REVIEW OF INFORMATION/CONSENT AGENDA

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

I. INFORMATION/CONSENT AGENDA

Community Development Department

5. SUBJECT: Administrative Services Agreement for Advance Reimbursement of Administrative, Overhead and Other Expenses. (027)
RECOMMENDATION: Approve and authorize the Chairman to sign the Administrative Services Agreement for Advance and Reimbursement of Administrative, Overhead and Other Expenses between the City and Successor Agency.
DISCUSSION: Timeline information to be provided from staff.

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

DRAFT

J. TRANSMITTAL OF INFORMATION ONLY ITEMS

K. INFORMATION/CONSENT PUBLIC HEARINGS

L. PUBLIC HEARINGS

M. REPORT OF SECRETARY

N. COMMUNITY DEVELOPMENT COMMISSION BUSINESS/COMMITTEE REPORTS

COMMUNITY DEVELOPMENT COMMISSION SUCCESSOR AGENCY

At 10:05 p.m., the concurrent meetings with the Community Development Commission 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 10:05 p.m., the Community Development Commission Successor Authority concurred to adjourn the meeting.

DANIEL MARTINEZ
Secretary Designate

TIM FLYNN
Chairman

RAF

MINUTES

OXNARD COMMUNITY DEVELOPMENT COMMISSION SUCCESSOR AGENCY
Regular Meeting
January 8, 2013

A. ROLL CALL/POSTING OF AGENDA

At 7:07 p.m., the regular meeting of the Oxnard Community Development Commission Successor Agency convened in the Council Chambers concurrently with the City Council. Commissioners Tim Flynn, Carmen Ramirez Bryan A. MacDonald and Dorina Padilla were present. The Secretary Designate stated that the agenda was posted on Thursday in the Library and City Clerk's Office. Chairperson Flynn 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, City Clerk; Karen Burnham, Interim City Manager; Alan Holmberg, City Attorney; Grace Magistrale Hoffman, Deputy City Manager; James Cameron, Chief Financial Officer; and Kymberly Horner, Interim Redevelopment Services Manager.

E. CEREMONIAL CALENDAR

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

G. REVIEW OF INFORMATION/CONSENT AGENDA

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

I. INFORMATION/CONSENT AGENDA

J. TRANSMITTAL OF INFORMATION ONLY ITEMS

K. INFORMATION/CONSENT PUBLIC HEARINGS

L. PUBLIC HEARINGS

N. COMMUNITY DEVELOPMENT COMMISSION BUSINESS/COMMITTEE REPORTS

M. REPORT OF SECRETARY

1. SUBJECT: Verbal Report on Oxnard Community Development Commission Successor Agency and Status of Redevelopment Activities in the City of Oxnard.
RECOMMENDATION: Receive and consider report.

DISCUSSION: The Interim Redevelopment Services Manager updated the status of Wagon Wheel project, housing funds, and other ROPS items being reviewed by the State. She commended on Successor Agency staffing, administration costs, project costs and impact of past redevelopment transactions.

Comments were received from: Bert Perello; Jim Lavery; Eileen Tracy; and Steve Nash.

The Commissioners discussed staffing, administration costs, audit report and impact to community.

ACTION: Received verbal report and provided comments.

CITY COUNCIL

At 11:27 p.m. the joint meeting with the City Council concluded.

O. REPORTS

P. PUBLIC COMMENTS ON REPORTS

Q. APPOINTMENT ITEMS

R. STUDY SESSION

S. PUBLIC COMMENTS ON STUDY SESSION

T. ADJOURNMENT

At 11:27 p.m., the Community Development Commission Successor Authority concurred to adjourn the meeting.

DANIEL MARTINEZ
Secretary Designate

TIM FLYNN
Chairman

MINUTES

OXNARD COMMUNITY DEVELOPMENT SUCCESSOR AGENCY
Regular Meeting
January 15, 2013

A. ROLL CALL/POSTING OF AGENDA

At 6:00 p.m., the regular meeting of the Oxnard Community Development Commission Successor Agency convened in the Council Chambers concurrently with the City Council. Commissioners Tim Flynn, Carmen Ramirez, Bryan A. MacDonald and Dorina Padilla were present. The Deputy Secretary Designate stated that the agenda was posted on Thursday in the Library and City Clerk's Office. Chairperson Tim Flynn presided and called the meeting to order. Staff members present were: Daniel Martinez, Secretary Designate; Lyn Bennett, Deputy Secretary Designate; Alan Holmberg, General Counsel; Grace Magistrale Hoffman, Deputy Executive Secretary; Martin Erickson, Legislative Affairs Manager; James Cameron, Chief Financial Officer; Curtis Cannon, Community Development Director; Kymberly Horner, Redevelopment Services Manager.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

The following individual provided comments: Martin Jones.

C. CLOSED SESSION

At 6:07 pm the Successor Agency recessed to a closed session, pursuant to Government Code section 54956.9(a), to confer with its attorneys. The title and case numbers of the litigations being discussed are SOCM I, LLC, et al. v. City of Oxnard, et al.
Ventura County Superior Court Case No. 56-2012-00427637-CU-WM-VTA.

The Successor Agency will also recess to a closed session pursuant to Government Code section 54956.9(b)(3)(C), based on existing facts and circumstances, there is significant exposure to litigation against the City and Successor Agency in one potential case based upon Government Code claims for damages filed by Strand Cinemas LLC and Oxnard Theater Group LLC on file in the Office of the City Clerk and available for inspection during normal business hours.

At 7:11 p.m. the Community Development Successor Agency reconvened and recessed to the evening session.

D. OPENING CEREMONIES

At 7:11 p.m., the regular meeting of the Community Development Successor Agency reconvened in the Council Chambers. The meeting opened with the pledge of allegiance to the flag of the United States, followed by a moment of silence for Donald Van Riper. Chairperson Flynn presided. Commissioner Dorina Padilla was absent.

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

I. INFORMATION/CONSENT AGENDA

J. TRANSMITTAL OF INFORMATION ONLY ITEMS

K. INFORMATION/CONSENT PUBLIC HEARINGS

L. PUBLIC HEARINGS

M. REPORT OF CITY MANAGER/EXECUTIVE DIRECTOR/SECRETARY

N. SUCCESSOR AGENCY COMMITTEE REPORTS

At 8:35 p.m. the joint meeting with the City Council concluded.

O. REPORTS

P. PUBLIC COMMENTS ON REPORTS

Q. APPOINTMENT ITEMS

R. STUDY SESSION

S. PUBLIC COMMENTS ON STUDY SESSION

T. ADJOURNMENT

At 8:35 p.m., the Community Development Commission Successor Authority concurred to adjourn the meeting.

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LYN BENNETT
Secretary Designate

TIM FLYNN
Chairman

CITY OF OXNARD CALIFORNIA

Meeting Date: 02//05/13

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-2

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

DATE: January 2, 2013

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

DISCUSSION

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

FINANCIAL IMPACT

Funding information is included on the attached list.

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

NOTE: Copies of the agreement/contracts and change orders/amendments on the list are available in the City Clerk's Office after 10:00 a.m. on Thursday prior to the Council meeting.

City Manager Contract List for 02/05/2013

Item	Type	Department/Contact	Vendor/Agreement Number	Description/Purpose	Amount
A	Original Agreement	**Library - Library Branch Services**	**Bibliotheca ITG, LLC**	**Support & Maintenance of a Radio Frequency Identification System for the Library**	**$29,790**
		Barbara Murray	Agreement No. 6052-12-LI	Bibliotheca ITG LLC installed the original technological equipment for the Radio Frequency Identification System (RFID) at the South Oxnard Branch Library. This agreement will allow the replacement of two self checkout units, provide support & maintenance of two self checkout units for six years, and provide support & maintenenace of RFID computer system at South Oxnard Branch Library for one year. This is a sole source agreement based on vendor having the knowledge and ability to provide support and maintenance of the RFID computer system.	
		385-7522		**Total Contract Amount: $29,790**	
				FundingSource: General Fund	
B	Original Agreement	**Library - Library Branch Services**	**Zaun Glass Company, Inc.**	**Replace Broken Windows at the South Oxnard Branch Library**	**$33,132**
		Barbara Murray	Agreement No. 5990-12-CM	Replace broken windows at the South Oxnard Branch Library. This action is to ratify emergency approval of contract due to potential liability, safety, and community concerns. A Request for Bids was issued and the contract was awarded to the lowest bidder.	
		385-7522		**Total Contract Amount: $33,132**	
				FundingSource: Public Liability Fund	
C	Original Agreement	**Public Works Utilities Services - Treatment Plant Operations**	**UniFirst Corporation**	**Uniform Rental and Laundry Service for Wastewater Treatment Plant**	**$150,000**
		Anthony Emmert	Agreement No. 6093-12-PW	This agreement is for uniform rental and laundry services for the Wastewater staff for a three year term. Uniforms are provided to ensure that soiled or contaiminated uniforms exposed to wastewater are thoroughly cleaned and sanitized in order to eliminate exposure of harmful pathogens. A Request for Bids was sent out via the City's website, Vida Newspaper and Ventura County Reporter, as well as to twelve vendors. Of the two firms who responded with proposals, UniFirst is the lowest bid.	
		207-1669		**Total Contract Amount: $150,000**	
				FundingSource: Wastewater Collection and Wastewater Treatment Funds	

ATTACHMENT
PAGE 1 OF 3

City Manager Contract List for 02/05/2013

Item	Type	Department/Contact	Vendor/Agreement Number	Description/Purpose	Amount
D	Amendment	**Community Development - Special Projects/CDC Operations**	**HdL Coren & Cone**	**Property Tax Services**	**$20,000**
		Curtis Cannon	Agreement No. 5650-11-CD	Assist with fiscal management and provide oversight of tax increment revenues received by Community Development from the County of Ventura and assist staff with the "wind down" process of Community Development's enforceable obligations under extisting law AB1X26 and 1484. The State Department of Finance has approved funding for this contract.	
		385-7850	Amendment 1	**Total Contract Amount: $40,000**	
				FundingSource: Redevelopment Property Tax Trust Fund	
E	Amendment	**Public Works Utilities Services - Water Security & Contamination Prevention**	**G4S Secure Solution, Inc.**	**Security Services for Water Resources**	**$25,000**
		Anthony Emmert	Agreement No. A-7237	This Fourth Amendment to the Agreement for Security Services at the Water Resources Division facilities will increase the contract an additional $25,000 and extend the expiration date to February 28, 2013 to provide time for the current Request for Qualifications process to be finalized. The bid closing date is January 30, 2013. G4S (formerly The Wackenhut Corporation) was the lowest bidder out of a field of 44 firms who received the bid request and the 20 firms who responded with a proposal.	
		207-1669	Amendment 4	**Total Contract Amount: $772,000**	
				FundingSource: Water Security and Contamination Protection Fund	
F	Purchase Order	**Fire - Fire Suppression & Other Emergency Services**	**Fisher Scientific**	**Protective Equipment - Turnouts**	**$35,763**
		Darwin Base	Purchase Order No. 4333	This is a sole source contract based on a Cooperative Agreement between Fisher Scientific and the County of Los Angeles for turnouts protective equipment. The County of Los Angeles conducted a competitive bid process for personal protective equipment and Fisher Scientific was the lowest bidder.	
		385-7702		**Total Contract Amount: $35,763**	
				FundingSource: Measure O Funds	
G	Purchase Order	**Fire - Fire Suppression & Other Emergency Services**	**Galls/Long Beach Uniform**	**Replace Protective Equipment - Body Armor**	**$37,474**
		Darwin Base	Purchase Order No. Req 1015	This purchase is to replace personal protective equipment body armor which is 14 years old. The Fire Department obtained three bids and Galls/Long Beach Uniform was the lowest bidder.	
		385-7702		**Total Contract Amount: $37,474**	
				FundingSource: General Fund	

ATTACHMENT 1
PAGE 2 OF 3

City Manager Contract List for 02/05/2013

Item	Type	Department/Contact	Vendor/Agreement Number	Description/Purpose	Amount
H	Purchase Order	**Public Works Utilities Services**	**JCI Jones Chemical, Inc.**	**Chemical Deliveries**	**$194,370**
		Anthony Emmert	Purchase Order No. 4336	This purchase is for the supply and delivery of Sodium Hydroxide to the Wastewater Treatment Plant and Water Campus. The City issued Request for Bid PW13-1 for this chemical delivery. This purchase order is with the second lowest bidder, after the lowest bidder refused to honor its bid.	
		207-1669		**Total Contract Amount: $194,370**	
				FundingSource: Utility Funds	

ATTACHMENT 1
PAGE 3 OF 3

Meeting Date: 02 /05 / 2013

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

Prepared By: Tom Clock TC Agenda Item No. I-3

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

DATE: February 5, 2013

TO: City Council

FROM: Tom Clock, Systems Administrator
Information Systems Department

SUBJECT: **Purchase Order for Computers and Peripheral Equipment**

RECOMMENDATION

Approve and authorize the Mayor to execute an amendment to the terms of the Blanket Purchase Order/Change Order (No. 003978) with Compuwave for purchases of computers and peripheral equipment, extending the end date by one year and adding $325,000, for a total contract amount not to exceed $550,000.

DISCUSSION

The City participates in cooperative purchasing agreements with other agencies to obtain the best pricing for supplies and equipment. For a number of years, computers and peripheral equipment have been purchased from Compuwave using a cooperative purchasing agreement between Compuwave and the County of Ventura. Information Systems (IS) coordinates these purchases on behalf of IS and other City departments. Staff recommends amending the Purchase Order as follows:

1. Replace the end date of "June 30, 2013" with "June 30, 2014",
2. Replace the current amount of "not to exceed $225,000" with "not to exceed $550,000".

Purchases are coordinated through IS to ensure that new equipment meets City standards and allows for tracking the equipment IS supports within City departments.

FINANCIAL IMPACT

Funds are available in the IS Internal Services Fund for most purchases. Purchases specifically requested by a department would require department to provide funding out of department's available budget.
TMC

Attachment No. 1 - Purchase Order/Change Order #003978

BLANKET ORDER

CITY OF OXNARD
300 WEST 3RD STREET
OXNARD, CA 93030

PURCHASE ORDER NO. 003978

DATE: 12/24/2012

VENDOR #: 1214
VENDOR ADDRESS: COMPUWAVE
1839 KNOLL DRIVE
VENTURA, CA 93003

SHIP TO: INFORMATION SYSTEMS
300 W. THIRD ST, #200
OXNARD, CA 93030

Our P.O. # MUST Appear on ALL Invoices, Packages and Correspondence

DELIVER BY	REQUISITION #	REQUISITION DATE	CONFIRMED BY
06/30/2013		09/10/2012	BOB LANDMAN, GENERAL MANA
FOB	**ACCOUNT NUMBER**		**AUTHORIZED BY**
	-		HEATHER MOONEY

ITEM #	QUANTITY/ UNIT	DESCRIPTION ARTICLE OR SERVICE	UNIT COST	EXTENDED COST

CHANGE ORDER
COMPUTER HARDWARE & RELATED SERVICES
Effective date: 01/02/2012
Expiration date: 06/30/2014
Not to exceed: 550,000.00

PER COUNTY OF VENTURA CONTRACT#6500 INCLUDING ALL SPECIFICATIONS, TERMS AND CONDITIONS.
BY ACCEPTING THIS PURCHASE ORDER YOU ARE ACCEPTING THE CITY OF OXNARDS TERMS AND CONDITIONS.
CHANGE ORDER TO EXTEND EXPIRATION DATE FROM JUNE 30, 2013 TO JUNE 30, 2014 AND ADD AN ADDITIONAL $325,000.00 TO THE AMOUNT OF THE BLANKET PURCHASE ORDER.
THIS AGREEMENT AUTHORIZES VENDOR TO PROVIDE AND DELIVER PERSONAL COMPUTERS,PERIPHERALS, AND OTHER RELATED SERVICES AS REQUIRED BY THE CITY OF OXNARD IN ACCORDANCE WITH COUNTY OF VENTURA CONTRACT#6500
A CURRENT CITY OF OXANRD BUSINESS LICENSE AND REQUIRED INSURANCE, WITH THE CITY AS ADDITIONAL INSURED ARE REQUIRED TO BE ON FILE THE TERM OF THIS AGREEMENT. ALL REQUESTS FOR PRODUCTS OR SERVICES SHALL BE PROVIDED UPON RECEIPT OF CITY OF OXNARD DEPARTMENT PURCHASE ORDER ("DPO") OR CITY OF OXNARD FIELD PURCHASE ORDER ('FPO").
INVOICES FOR PAYMENT SHALL BE SUBMITTED TO THE

ATTACHMENT #1
PAGE 1 OF 2

BLANKET ORDER

CITY OF OXNARD
300 WEST 3RD STREET
OXNARD, CA 93030

PURCHASE ORDER NO. 003978

DATE: 12/24/2012

VENDOR #: 1214
VENDOR ADDRESS: COMPUWAVE
1839 KNOLL DRIVE
VENTURA, CA 93003

SHIP TO: INFORMATION SYSTEMS
300 W. THIRD ST, #200
OXNARD, CA 93030

Our P.O. # MUST Appear on ALL Invoices, Packages and Correspondence

DELIVER BY	REQUISITION #	REQUISITION DATE	CONFIRMED BY
06/30/2013		09/10/2012	BOB LANDMAN, GENERAL MANA
FOB	**ACCOUNT NUMBER**		**AUTHORIZED BY**
	-		HEATHER MOONEY

ITEM #	QUANTITY/ UNIT	DESCRIPTION ARTICLE OR SERVICE	UNIT COST	EXTENDED COST

REQUESTOR AND SHALL INCLUDE THE FOLLOWING
INFORMATION:
(A) DATE OF ORDER
(B) NAME OF ORDER
(C) QUANTITY, DESCRIPTION, AND PRICE OF MATERIALS,
SUPPLIES OR SERVICES PERFORMED
(D) THE NUMBER OF THE DPO OR FPO
(E) THE NUMBER OF THIS AGREEMENT
THIS AGREEMENT EXPIRES JUNE 30, 2014, AND SHALL
NOT EXCEED $550,000.00.

TOTAL PURCHASE AMOUNT **$0.00**

Send Original and One Copy of Invoice to:
PURCHASING
300 W. THIRD ST, #202
OXNARD, CA 93030

AUTHORIZED SIGNATURE _____

ATTACHMENT #1
PAGE 2 OF 2

CITY OF OXNARD CALIFORNIA

Meeting Date: 02 / 05 / 13

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

Prepared By: Ralph Alamillo RA Agenda Item No. I-4

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

DATE: December 17, 2012

TO: City Council

FROM: Michael Henderson, General Services Superintendent MH
City Manager Department

SUBJECT: **Approval of Award of Contract A-7558 for Specification No. GS12-04-Durley Park Renovations-Concession Area, Restrooms, Activity Areas and ADA Compliance**

RECOMMENDATION

That City Council:

1. Approve the award of Contract A-7558 to Hansons & Son Construction, Inc. in the amount of $584,000.00 for GS12-04 for Durley Park Concession Building Renovation located at 850 West Hill Street.

2. Authorize the Mayor to execute the contract upon receipt of all supporting contract documents.

DISCUSSION

The City Council authorized a public bid process be conducted for the Durley Park Renovations Project located at 850 West Hill Street. The City received ten (10) bids ranging from the low bid of $584,000.00 to a high bid of $913,000.00. The low bid is being awarded the contract. The project scope consists of renovations to the existing building and surroundings. The renovations include enhancements and equipment upgrades to the existing non-compliant concession stand in order to meet the current Ventura County Health Department codes. Currently, the Health Department does not permit the use of the facility in its present condition. Without this facility the nonprofit little league is missing out on their major revenue source to operate the league.

Additional improvements will be made to the building activity areas, such as the arts and craft rooms, the league's meeting room, and the restrooms which will be updated to meet the Americans with Disabilities Act (ADA) and building code upgrades. In addition, there will be improvements to the hardscape and landscape, improved Fire Department access, the addition of a new batting cage in the center of the playing field, and the demolition of an adjacent abandoned building.

FINANCIAL IMPACT

There is sufficient funding available in Project No. 12570, Durley Park Renovations, from Measure O funds for this project.

MH/pcf

Attachment 1 – Contract A-7558
2 – Bid Documents

CITY OF OXNARD
PUBLIC WORK CONTRACT

DATE OF CONTRACT:	February 5, 2013
SPECIFICATION NUMBER:	GS12-04
NAME OF CONTRACTOR:	Hansons and Son Construction, Inc.
ADDRESS:	4708 E. Vineyard Ave., Suite D Oxnard, CA 93036 Phone: 805-647-0786 Fax: 805-647-0683

PROJECT DESCRIPTION: **Durley Park Concession Building Renovation** –The project consists of the demo work; renovations to concession building, restrooms, adjacent recreation rooms, site parking lot, landscaping and adding a batting cage and electrical. Park is located at 850 West Hill Street.

This is a contract for Public Work, as defined in Chapter 1 of Part 7 of Division 2 of the Labor Code, to which Labor Code Section 1771 applies. In providing services under this Contract, Contractor shall comply with all applicable laws, ordinances and regulations, including the laws contained in Sections 1720 through 1861 of the California Labor Code. Contractor shall pay prevailing wages to all workers employed to provide services under this Contract.

This contract is made at Oxnard, California, as of this 5th day of February, 2013, between the City of Oxnard, called herein the "City", and the above-named Contractor for the construction of the Capital Improvement Project described herein. The parties hereto agree as follows:

1. CONTRACT PRICE

Contractor shall perform the work described and the City shall pay the Contractor, in full payment for said work, the following sums for the following items:

See attached proposal bid schedule, which is made a part of this contract.

Total: $584,000.00

The above sums include all taxes and the costs of any required bonds.

2. PAYMENT SCHEDULE

The City will pay the Contractor the contract price in accordance with Section 9.3 of the Standard Specifications for Public Works Construction or in accordance with the following schedule if specified.

The Contractor may replace any payments retained by the City with securities in the same amount and the Contractor shall be the beneficial owner of said securities and interest earned (See Public Contract Code, Section 22300).

City shall make the final payment to Contractor by releasing amounts retained from progress payments made to Contractor. Such payment need not be made earlier than 35 days, and will be made no later than 60 days, after the project completion date indicated on the Notice of Completion for the Project. City shall withhold from such payment 125% of amounts claimed in stop notices filed in connection with the Project and 150% of amounts in dispute between City and Contractor.

3. THE WORK

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:

Project work consists of demolition and removal work prior to renovation and upgrades to the Durley Park Concession Building located at 850 West Hill Street. These include removal and disposal of asbestos & lead-based paint from specified locations; demo existing kitchen, walls, restroom fixtures, masonry partitions, and separate small abandoned building on site; renovations are to make concession area meet current health department codes and include work on mechanical and electrical systems and install new kitchen equipment, including a grease interceptor; upgrade restrooms to meet ADA standards; Upgrade adjacent recreation rooms within the building to meet current building codes; Upgrades to site include concrete curb and gutter; new trash receptacle; repairs to parking lot areas and ADA signage; also sanitary sewer improvements; landscape upgrades and addition of a batting cage and electrical work.

4. 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 - Number A-7558
(C) Addenda – Numbers None
(D) Specification Number GS12-04
(E) Plans or Drawing Number GS12-04
(F) Contractor's Bid Proposal and List of Subcontractors
(G) Performance and Payment Bonds as required by the specifications and applicable law. Unless otherwise specified, each such bond shall be 100 percent (100%) 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 and labor standards, including, but not limited to, such items enumerated in the specifications and addenda thereto. If this Contract is federally assisted, attached HUD Form 4010 shall apply.

CITY OF OXNARD
PUBLIC WORK CONTRACT

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

5. NOTICE OF THIRD PARTY CLAIM

Within five days of the date that the Contractor receives any third-party claim relating to this contract, the Contractor shall provide written notice thereof and a copy of the claim to the City's Public Works Director.

6. TIME OF COMPLETION

The time limit for the completion of the work is 100 calendar days beginning 7 days after the Notice to Proceed is mailed or otherwise given to the Contractor.

CITY OF OXNARD

TIM FLYNN, MAYOR

CONTRACTOR: HANSONS & SON CONSTRUCTION, INC.

JON HANSON, CEO/PRESIDENT

ATTEST

DANIEL MARTINEZ, CITY CLERK

APPROVED AS TO FORM:

ALAN HOLMBERG
CITY ATTORNEY

APPROVED AS TO INSURANCE:

JAMES CAMERON
RISK MANAGER

DEPARTMENTAL APPROVAL AS TO CONTENT AND AMOUNT:

MICHAEL HENDERSON, SUPERINTENDENT
CM GENERAL SERVICES

KAREN BURNHAM,
INTERIM CITY MANAGER

ATTACHMENT #1
PAGE 3 OF 3

CITY OF OXNARD
SPECIFICATION NUMBER GS12-04

BID DOCUMENTS (BLUE SHEETS)
FOR

PROJECT TITLE: – GS12-04-Durley Park Concession Building Renovation

BRIEF DESCRIPTION OF PROJECT: Project work consists of demo and removal of asbestos and lead-based paint; demo existing kitchen, walls, restroom fixtures, masonry partitions and small abandoned building on site; renovations will include the concession building, restrooms, adjacent recreation rooms, site parking lot, landscaping and adding a batting cage and electrical. Project is located at the City's Durley Park, 850 West Hill Street.

Specification Number GS12-04 includes 13 pages of bid documents. Drawing No. GS12-04 includes 33 sheets of plans.

Work must begin within 7 calendar days after the Notice to Proceed is issued. Work is to be complete in 100 calendar days. Liquidated damages will be assessed at $2,500.00 per calendar day.

Payment shall be in accordance with the provisions of Section 9-3 of the Standard Specifications for Public Works Construction.

CONTRACTOR'S FAILURE TO COMPLETE THIS SECTION MAY CAUSE REJECTION OF THE BID

Name HANSONS AND SON CONSTRUCTION INC

Physical Address 4708 E. VINEYARD AVE., SUITE D

Mailing Address 4708 E. VINEYARD AVE, SUITE D

City OXNARD State CA Zip Code 93036

Telephone No. 805 647-0786 Fax No. 805 647-0683

Bidder's Failure to Complete All Items Contained On This Page May Cause Rejection of Your Bid

CITY OF OXNARD
SPECIFICATION NUMBER GS12-04

BID SCHEDULE OF WORK AND PRICES

BIDDER'S NAME HANSONS AND SON CONSTRUCTION INC

ITEM NO.	DESCRIPTION	PAYMENT REF.	UNIT OF MEASURE	EVALUATION. QTY*	UNIT COST	TOTAL
1	Mobilization and Demobilization	1001	LS	1	N/A	$ 25,000 00
2	Demo, Removal and Disposal Work-Including all Hazardous Materials- Complete per Plans and Specifications	N/A	LS	1	N/A	60,000 00
3	Renovation - Upgrades to Concession Building; Restrooms; Recreation Rooms and Park Site – Complete per Plans and Specifications	N/A	LS	1	N/A	434,000 00
	TOTAL LUMP SUM BID LINE ITEMS #1 - #3				$	519,000 OK
	ALTERNATE BID ITEM					
4	Removal of Old Roof and Installation of New Sheet Metal Roof – Complete per Plans and Specifications	N/A	LS	1	N/A	65,000 00
	TOTAL LUMP SUM ALTERNATE BID ITEM				$	65,000 00
	GRAND TOTAL LUMP SUM				$	~~584,000~~ OK JW 584,000 OK

Bidder's Failure to Complete All Items Contained On This Page May Cause Rejection of Your Bid

CITY OF OXNARD
SPECIFICATION NUMBER GS12-04

BID SCHEDULE OF WORK AND PRICES

TOTAL LUMP SUM BID LINE ITEMS #1 - #3 - $ 519,060 09

TOTAL LUMP SUM ALTERNATE BID ITEM -$ 65,000 00

GRAND TOTAL LUMP SUM SUBMITTED - $ 584,000 00

The Lump Sum Grand Total submitted is subject to verification. If any discrepancy is found, the Lump Sum Grand Total as verified will be the basis of award.

Bidder must fill in number and date of ***all*** addenda or enter the word ***"none"*** *if* appropriate.

The following addenda are acknowledged and attached:

NO.	DATED	NO.	DATED
NONE			

I make the above bid and certify or declare under penalty of perjury that the statements made in this bid, and below my signature, are true and correct.

DATED NOVEMBER 28, 2012 AT OXNARD, CA

COMPANY NAME HANSONS AND SON CONSTRUCTION INC

SIGNATURE Jon Hanson TITLE CEO / President
(Sole Owner, Partner, Corporate Officer)*

*Person signing must be listed on records of Contractors State License Board.

Bidder's Failure to Complete
All Items Contained On This Page
May Cause Rejection of Your Bid

SUBCONTRACTORS INFORMATION

BIDDER'S NAME HANSONS AND SON CONSTRUCTION INC

Pursuant to the Subletting and Subcontracting Fair Practices Act, Public Contract Code Sections 4104 et seq., each bidder submitting bids for the construction of any public work or improvement shall set forth:

A. The name and location of the place of business of each subcontractor who will perform work or labor or render service to the prime contractor in or about the construction of the work or improvement, in an amount in excess of one-half of one percent (1/2 of 1%) of the prime contractor's total bid or, in the case of bids for the construction of streets or highways, including bridges, in excess of one-half of one percent (1 /2 of 1%) of the prime contractor's total bid or ten thousand dollars ($10,000), whichever is greater.

B. The portion of the work which will be done by each such subcontractor. The prime contractor shall list only one subcontractor for each such portion as is defined by the prime contractor in his or her bid.

The information requested below must be filled out completely.			This information must *be provided* now or via *fax (805 385-8360)* within 24 hours *of bid opening*-	
			STATE LICENSE	
NAME OF SUBCONTRACTOR	COMPLETE ADDRESS	DESCRIPTION OFWORK	NUMBER	CLASS
1. Mid Land Sheet Metal, Inc	125 E Fesler Santa Maria CA 93454	Metal Roof Alternate Bid Item #4	553885	C 39
2. Du Fau Landscape	P.O. Box 7105 Oxnard, CA 93031	Landscaping	823698	C 27
3. Stumbaugh & Associates	3303 N. San Fernando Burbank, CA 91504	Toilet Partitions & Accessories	288724	D-24
Super Seal & Stripe	P.O. Box 755 Filmore, CA 93016	Parking lot striping	396627	

Bidder's Failure to Complete All Items Contained On This Page May Cause Rejection of Your Bid

ATTACHMENT NO. 2
PAGE 4 OF 24

CITY OF OXNARD
SPECIFICATION NUMBER GS12-04

SUBCONTRACTORS INFORMATION

BIDDER'S NAME HANSONS AND SON CONSTRUCTION INC

The information requested below must be filled out completely.			This information must *be provided now or via fax (805 385-8360)* within *24 hours of bid opening.*	
			STATE LICENSE	
NAME OF SUBCONTRACTOR	COMPLETE ADDRESS	DESCRIPTION OF WORK	NUMBER	CLASS
4. Zenco Engineering	438 Calle San Pablo #D Camarillo, CA	Hazadarous Material Abatement	549518	
5. Wright Sawing & Breaking	P. O. Box 7715 Ventura, CA 93006	Demolition	823507	
6. Price Plumbing	663 Montgomery Ave Ventura, CA 93004	Plumbing	944294	
7. JPL Electric	P. O. Box 24125 Ventura, CA 93002	Electrical	732623	C10
8. C&G Painting	1301 Ivywood Dr Oxnard, CA 93030	Painting	966934	
9. Southwest Design and Supply Co.	3729 E. Wier Ave Phoenix, AZ 85040	Kitchen Equipment	606315	
TT Commercial Inc	1311 Lawrence Dr Newbury Park, CA	Ceramic Tile & Quarry Tile	92738	
Kaiser HUAC	600 PACIFIC AVE OXNARD	HUAC	407980	

Bidder's Failure to Complete All Items Contained On This Page May Cause Rejection of Your Bid

ATTACHMENT NO. 2
PAGE 5 OF 24

CITY OF OXNARD
SPECIFICATION NUMBER GS12-04

BIDDER'S AFFIDAVIT

PROJECT GS12-04 Dudley Park Concession Building Renovation

I depose and say that I am Jon Hanson CEO / President
(Print or type name and title)

of HANSONS AND SON CONSTRUCTION INC
(Name of Company)

4708 E VINEYARD AVE, STE D, OXNARD, CA 93036
(Address) (City) (State) (Zip Code)

Contractor's Employer Identification Number: 93-1054142

A VALID CURRENT CALIFORNIA STATE CONTRACTOR'S LICENSE REQUIRED TO BID:

Contractor's License No. 617918 FED TAX I.D. # 93-1054142

Classification: B & A

Contractor's License Expiration Date: 4/30/2013

City of Oxnard Business License Number(Not Required to Bid): _____

Data Universal Numbering System (D-U-N-S #): 07-725-2526

Whoever submits this bid to the City of Oxnard declares:

1. That the bidder has read these specifications, will abide by and agrees to the conditions herein, has carefully examined the project plans and does hereby agree to furnish all materials and do all the work required to complete the work in accordance with the plans and specifications for the unit prices or lump sums stated in the schedule of work and prices.

2. That this bid is genuine, and not sham or collusive, nor made in the interest or in behalf of any person not herein named, and that the bidder has not directly or indirectly induced or solicited any other bidder to put in a sham bid, or any other person, firm, or corporation to refrain from bidding, and that the bidder has not in any manner sought by collusion to secure an advantage over any other bidder.

3. That the addenda listed on Page B-4 of these bid documents are acknowledged and attached.

4. That the bidder, as principal, acknowledges being bound by the following bid bond when completed by the surety.

Dated November 28, 2012 at Oxnard, California.

I certify or declare under penalty of perjury that the foregoing is true and correct.

(CORPORATE SEAL)

Jon Hanson
SIGNATURE

Bidder's Failure to Complete All Items Contained On This Page May Cause Rejection of Your Bid

Subcontractor List:

1) Midland Sheet Metal, Inc. 125 E. Fesler St. Santa Maria, CA 93454	License: 553885 C20, C43, C39	Metal Roof (Alt. Bid)
2) Dufau Landscape, Inc. P.O. Box 7105 Oxnard, CA 93031	License: 823698 C27	Landscaping
3) Stumbaugh & Assoc., Inc. 3303 No. San Fernando Blvd. Burbank, CA 91504	License: 288724 D24	Toilet Partitions & Accessories
4) Super Seal & Stripe P. O. Box 755 Fillmore, CA 93016-0755	License: 396627 C32	Parking Lot Striping
5) Zenco Engineering, Inc. 438 Calle San Pablo #D Camarillo, CA 93012	License: 549518 A / B, HAZ, ASB	Haz. Material Abatement
6) Wright Sawing & Breaking P. O. Box 7715 Ventura, CA 93006	License: 823507 D06, C21	Demolition
7) Price Plumbing Co. 663 Montgomery Ave. Ventura, CA 93004	License: 944294 C36	Plumbing
8) J P L Electric P. O. Box 4981 Ventura, CA 93007	License: 732623 C10, A, B	Electrical
9) G&G Painting, Inc. 1301 Ivywood Dr. Oxnard, CA 93030	License: 966934 C33	Painting
10) Southwest Design & Supply 3729 E. Wier Ave. Phoenix, AZ 85040	License: 606315 D34	Kitchen Eq.
11) Kaiser AC & Sheet Metal 600 Pacific Ave. Oxnard, CA 93030	License: 407980 C20, C43	HVAC
12) T T Commercial, Inc. 1311 Lawrence Dr. Newbury Park, CA	License: 927388	Ceramic & Quarry Tile

ATTACHMENT NO. 2
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CITY OF OXNARD
SPECIFICATION NUMBER GS12-04
BIDDER'S QUESTIONNAIRE

All Bidders **MUST** complete this form and it **MUST** be submitted with the Bid. The answers to these questions will be used to determine whether the Bidder is responsible. "Related Company," as used in this questionnaire, is any organization of which the responsible managing officer of the Bidder has been a responsible managing officer (as the term responsible managing officer is used for State of California licensing purposes) within the past 5 years and/or in which any equity holder (e.g. shareholder, partner, member) of the bidder holds or has held more than a 10% interest within the past 5 years; or has had an active role in the management of projects performed by Company. "Contact Information" means the name, address and telephone number of a person or entity. For all Yes answers please provide complete explanations on extra-attached sheets and identify by number the question to which the information pertains

EVALUATION ELEMENTS			
	Standard Bidder Questions (applies to all bids)	**Yes**	**No**
1	Is Bidder currently licensed and does Bidder meet the licensing requirements stated on Page F-0?	X	
2	Has Bidder or a Related Company within the past 5 years been assessed Liquidated Damages (LD's) on a public project of a government agency? If so, give project description, date of assessment, amount of assessment, name of entity, and contact information for each incident of LD assessment.		X
3	Has the Bidder's insurance or a Related Company's insurance, within the past 5 years, been cancelled during a project? If so, give the dates of all cancellations and the contact information for all insurance companies that cancelled coverage. Insurance includes all insurance coverages of any kind, including commercial, general liability, fire and casualty, and workers' compensation.		X
4	Has Bidder's surety or a Related Company's surety within the past 5 years paid any claims arising from any project performed by Bidder or a Related Company? If so, provide the contact information and state the date and amount of each claim paid.		X
5	Has Bidder or a Related Company within the past 5 years been investigated by the Division of Labor Standards Enforcement (DLSE)? If so, provide the date(s) of investigations and the contact information for the DLSE.		X
6	Has Bidder or a Related Company been found to have violated any prevailing wage requirement on any public agency project by any government agency or by any court of law? If so, describe each violation and provide the contact information for the agency and the jurisdiction, date and case number for each court case.		X
7	Within the past 5 years, have stop notices been filed with any government agency on any project performed by Bidder or any Related Company? If so, please provide the following information for each stop notice: contact information for each claimant, amount of the claim, amount, if any, paid to settle the claim, date of the claim and the date of payment of the claim.		X
8	Has Bidder or any Related Company within the past 5 years been named as a defendant in a lawsuit alleging non-payment of subcontractors, vendors or suppliers? If so, give the date, case name and case number of the suit(s), the amount of the claim, and the disposition of the case.		X
9	Has Bidder or a Related Company ever filed a claim against a government agency that has resulted in a lawsuit? If so, describe the claim, circumstances and disposition of the lawsuit. Please provide the contact information for the agency.		X
10	Has Bidder or any Related Company ever been debarred? If so, provide the date and name of each and explain the circumstances.		X
11	Provide the name, date, contact information and approximate amount of contract and a description of work performed for each job performed by Bidder in the last 3 years involving work of the type for which this contract is being let.		

See B-7

Contractor Officer's Signature: Jon Hanson

President / CEO
Title

November 28, 2012
Date

Bidder's Failure to Complete All Items Contained On This Page May Cause Rejection of Your Bid

GS12-04- Durley Park Concession Building Renovation								
Owner: City of Oxnard								
Bid Opening: 11/28/12		* marks an allowance			Hansons And Son Construction Inc 4708 E Vineyad Ave Ste D Oxnard, CA 93036 US Bidder Status: Valid		Ardalan Construction Company Inc. 8 Gainsborough Road Thousand Oaks, CA 91360 Bidder Status: Valid	
GS12-04-Durley Park Concession Bldg. Renovation								
Item #	Item Code	Item Description	Quantity	Unit of Measure	Unit Price	Item Total	Unit Price	Item
1	1001	MOBILIZATION AND DEMOBILIZATION	1	LS	$25,000.00	$25,000.00	$5,000.00	$5,000
2	0	DEMO, REMOVAL AND DISPOSAL WORK–INCLUDING ALL HAZARDOUS MATERIALS - COMPLETE PER PLANS AND SPECIFICATIONS	1	LS	$60,000.00	$60,000.00	$20,000.00	$20,000
3	0	RENOVATION -UPGRADES TO CONCESSION BUILDING; RESTROOMS; RECREATION ROOMS AND PARK SITE – COMPLETE PER PLANS AND SPECIFICATIONS	1	LS	$434,000.00	$434,000.00	$550,000.00	$550,000
		TOTAL LUMP SUM BID LINES #1 - #3				**$519,000.00**		**$575,000**
		ALTERNATE BID ITEM						
4	0	ALTERNATE BID ITEM -REMOVAL OF OLD ROOF AND INSTALLATION OF NEW SHEET METAL ROOF – COMPLETE PER PLANS & SPECIFICATIONS	1	LS	$65,000.00	$65,000.00	$55,000.00	$55,000
		TOTAL LUMP SUM ALTERNATE BID				**$65,000.00**		**$55,000**
Bid List Total						**$584,000.00**		**$630,000**
				GRAND TOTAL Bid Amount		**$584,000.00**		**$630,000**
Listed Subs					SEE ATTACHED LIST		SEE ATTACHED LIST	

ATTACHMENT NO. 2
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GS12-04- Durley Park Concession Building Renovation					GRD Construction 2340 Palma Dr #200 Ventura, CA 93003 US Bidder Status: Valid		G 2 K Construction 28348 Roadside Dr Suite 205 Agoura Hills, CA 9 US Bidder Status: Val
GS12-04-Durley Park Concession Bldg. Renovation							
Item #	*Item Code*	*Item Description*	*Quantity*	*Unit of Measure*	*Unit Price*	*Item Total*	*Unit Price*
1	1001	MOBILIZATION AND DEMOBILIZATION	1	LS	$900.00	$900.00	$34,000.00
2	0	DEMO, REMOVAL AND DISPOSAL WORK–INCLUDING ALL HAZARDOUS MATERIALS - COMPLETE PER PLANS AND SPECIFICATIONS	1	LS	$42,419.00	$42,419.00	$45,000.00
3	0	RENOVATION -UPGRADES TO CONCESSION BUILDING; RESTROOMS; RECREATION ROOMS AND PARK SITE – COMPLETE PER PLANS AND SPECIFICATIONS	1	LS	$566,854.00	$566,854.00	$570,500.00
		TOTAL LUMP SUM BID LINES #1 - #3				**$610,173.00**	
		ALTERNATE BID ITEM					
4	0	REMOVAL OF OLD ROOF AND INSTALLATION OF NEW SHEET METAL ROOF – COMPLETE PER PLANS & SPECIFICATIONS	1	LS	$56,235.00	$56,235.00	$38,000.00
		TOTAL LUMP SUM ALTERNATE BID				**$56,235.00**	
						$666,408.00	
				GRAND TOTAL Bid Amount		**$666,408.00**	
					SEE ATTACHED LIST		SEE ATTACHED LIS

ATTACHMENT NO. 2
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GS12-04- Durley Park Concession Building Renovation					Fast Track Construction 5857 Uplander Wy Culver City, CA 90230 US Bidder Status: Valid		Orian Construct Inc. 20841 Ventura E Suite 380 Woodland Hills, US Bidder Status: V
GS12-04-Durley Park Concession Bldg. Renovation							
Item #	*Item Code*	*Item Description*	*Quantity*	*Unit of Measure*	*Unit Price*	*Item Total*	*Unit Price*
1	1001	MOBILIZATION AND DEMOBILIZATION	1	LS	$118,820.00	$118,820.00	$0.00
2	0	DEMO, REMOVAL AND DISPOSAL WORK--INCLUDING ALL HAZARDOUS MATERIALS - COMPLETE PER PLANS AND SPECIFICATIONS	1	LS	$48,340.00	$48,340.00	$65,000.00
3	0	RENOVATION -UPGRADES TO CONCESSION BUILDING; RESTROOMS; RECREATION ROOMS AND PARK SITE -- COMPLETE PER PLANS AND SPECIFICATIONS	1	LS	$612,940.00	$612,940.00	$781,888.75
		TOTAL LUMP SUM BID LINES #1 - #3				**$780,100.00**	
4	0	REMOVAL OF OLD ROOF AND INSTALLATION OF NEW SHEET METAL ROOF -- COMPLETE PER PLANS & SPECIFICATIONS	1	LS	$58,500.00	$58,500.00	$45,000.00
		TOTAL LUMP SUM ALTERNATE BID				**$58,500.00**	
						$838,600.00	
				GRAND TOTAL Bid Amount		**$838,600.00**	
					SEE ATTACHED LIST		SEE ATTACHED

ATTACHMENT NO. 2
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GS12-04- DURLEY PARK CONCESSON BUILDING RENOVATION

SUBCONTRACTOR LISTING

Bids Opened 11/28/2012

Hansons & Son Construction
MidLand Sheet Metal, Inc.
DuFau Landscape
Stumbaugh & Assoc.
Super Seal & Stripe
Zenco Engineering
Wright Sawing & Breaking
Price Plumbing
JPL Electric
G&G Painting
Southwest Design & Supply
TT Commercial, Inc.
Kaiser HVAC

Ardalan Construction Co., Inc.
Eagle Contracting
Senel Construct Eng.
Dunn Wright
Total Fence Solutions
John Pence & Co.
Pyramid Design & Const.
Reliable Flooring
Stumbaugh & Assoc.
Kamran & Co.
Green Plumbing
S&A Mechanital
RA Electric
Kaiser HVAC

G2K Construction, Inc.
3 Pinos, Inc.
David NC
CA Striping & Paving
NST Plumbing & Fire
Waterproofing Expert
Kakcher Env.
E Coast Const.
Estrada Hardware Co.
True West
Crown Fence

GRD Construction
Benner & Carpenter
Zenco
Wright Sawing
Damar
BC Rincon
Hughs
United Fence
Advanced Landscape
GT Alderman
MD Insulation
Channel Islands Roofing
Merit GRO
Center Glass

Woodward Acou
Stone Rock Tile
Hoover Co.
G&G Painting
Stumbaugh
Signs of Success
Price Plumbing
Kaiser
Scott & Sons
Southwest Desig
JTAP

GS12-04- DURLEY PARK CONCESSON BUILDING RENOVATION

SUBCONTRACTOR LISTING

Bids Opened 11/28/2012

EJS Construction, Inc.
Advance Landscape
BC Rincon
Coutis Carpet
Southwest Design
Stumbaugh
Price Plumbing
Reed
Elite Tile
RA Electric
Center Glass
Zenco
Midland Roof
Magnum Fencing

Monet Construction, Inc.
GEG Painting
Southwest Equipment
Kaiser HVAC/Roof
Venco Electrical
Allied Paving
ATS Plumbing
Stoneware Tile
T-3 Contractor
Advance Landscape
Crown Fence

M.E. Avila Construction Corp.
Kaiser HVAC
Advanced Landscape
Visual Glass
BC Rincon
United Fence
G&G Painting
Stoneware Tile
John Pence
AYA Plumbing
Senel Construction
Venco Electric
KitCor

Fast-Track Construction Corp.
Amcon Development
Eagle Conracting
Kaiser HVAC
John Pence
Visual Glass
Stone Rock Tile
G&G Painting
Preferred Construction
Southwest Design
United Fence
Advanced Landscaping
RT Contractor

Orian Construc
Builtall Constru
Arik Plumbing
Crown Fence
In-Line Sheet M
Karcher Enviror
California Cool
Southwest Desi
Western Group
Visual Glass
John Pence

K-Son Construction
Ace Environmental
J.R. Barto HVAC
Venco Electric
AAR AM Co. Plumbing
Advanced Landscape
Channel Islands Roofing
Stone Ware Tile
South West Design
United Fence
Arrow Construct

ATTACHMENT NO. 2
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Bond No: SSB373743

Premium: Included

CITY OF OXNARD
SPECIFICATION NUMBER GS12-04

PAYMENT BOND
ONE HUNDRED PERCENT (100%) OF CONTRACT PRICE

The City of Oxnard, on Januaury 15, 2013 awarded to Hansons and Son Construction, Inc. ("Principal"), the contract of which a copy is attached hereto and made a part hereof for the work described as follows: Spec. No: GS12-04, Durley Park Concession Building Renovation

Now, therefore, Principal and RLI Insurance Company ("Surety") agree to be bound to the City of Oxnard in the sum of Five Hundred Eighty Four Thousand & No/100's Dollars ($ 584,000.00), or such greater sum as the contract may be amended to provide as payment to Principal, for the payment of which Principal and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally.

This payment bond ("bond") is such that if Principal or its subcontractors shall fail to pay any of the persons named in Section 3181 of the Civil Code, or amounts due under the Unemployment Insurance Code with respect to work or labor performed by any such claimant under the contract, or for any amount required to be deducted, withheld, and paid over to the Employment Development Department from the wages of employees of Principal or its subcontractors pursuant to Section 13020 of the Unemployment Insurance Code, with respect to such work and labor, then Surety will pay for the same, in or to an amount not exceeding the amount hereinabove set forth, and also will pay to the City of Oxnard, in case suit is brought against the City of Oxnard upon this bond or upon Principal's failure to pay such amounts, costs of suit and such reasonable attorneys' fees, if any, as are fixed by the court.

Further, this bond inures to the benefit of any persons named in Section 3181 of the Civil Code so as to give a right of action to such persons or their assigns in any suit brought upon this bond.

Further, Surety, for value received, hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the contract, the amount to be paid to Principal, the work to be performed thereunder, or to the plans or specifications accompanying the same shall in any wise affect Surety's obligations on this bond, and Surety does hereby waive notice of any such change, extension of time, alteration or addition.

CITY OF OXNARD
SPECIFICATION NUMBER GS12-04

PAYMENT BOND
ONE HUNDRED PERCENT (100%) OF CONTRACT PRICE

Further, the final payment pursuant to the contract between the City of Oxnard and Principal shall not abridge the right of any beneficiary hereunder whose claim may be unsatisfied.

Further, this bond shall remain in full force and effect for six months following the applicable period for filing stop notices as set forth in Section 3184 of the Civil Code.

In witness whereof, principal and surety have executed this document this 17th day of December, ~~2013~~ 2012

Hansons and Son Construction, INc.
PRINCIPAL

BY _____ (SEAL)

RLI Insurance Company
SURETY

BY _____ (SEAL)
Shirley Littell - Attorney in Fact

ATTACHMENT NO. 2
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CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

State of California

County of Ventura

On 12/17/2012 (Date) before me, Judith A. Benites, Notary Public (Here Insert Name and Title of the Officer),

personally appeared Shirley Littell (Name(s) of Signer(s)),

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

JUDITH A. BENITES
Commission # 1871651
Notary Public - California
Ventura County
My Comm. Expires Nov 20, 2013

Signature: _____ (Signature of Notary Public)

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Payment Bond

Document Date: December 17, 2012 Number of Pages: 2

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____	Signer's Name: _____
☐ Corporate Officer — Title(s): _____	☐ Corporate Officer — Title(s): _____
☐ Individual	☐ Individual
☐ Partner — ☐ Limited ☐ General	☐ Partner — ☐ Limited ☐ General
X☒ Attorney in Fact	☐ Attorney in Fact
☐ Trustee	☐ Trustee
☐ Guardian or Conservator	☐ Guardian or Conservator
☐ Other: _____	☐ Other: _____
Signer Is Representing: RLI Insurance Company	Signer Is Representing: _____
RIGHT THUMBPRINT OF SIGNER — Top of thumb here	RIGHT THUMBPRINT OF SIGNER — Top of thumb here

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Item #5907

ATTACHMENT NO. 2
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RLI Surety
P.O. Box 3967 | Peoria, IL 61612-3967
Phone: (800)645-2402 | Fax: (309)689-2036
www.rlicorp.com

POWER OF ATTORNEY
RLI Insurance Company

Know All Men by These Presents:

That this Power of Attorney is not valid or in effect unless attached to the bond which it authorizes executed, but may be detached by the approving officer if desired.

That **RLI Insurance Company**, a(n) Illinois corporation, does hereby make, constitute and appoint:
Shirley Littell

in the City of Oxnard, State of California its true and lawful Agent and Attorney in Fact, with full power and authority hereby conferred, to sign, execute, acknowledge and deliver for and on its behalf as Surety, the following described bond.

Any and all bonds, undertakings, and recognizances in an amount not to exceed Ten Million Dollars ($10,000,000) for any single obligation.

The acknowledgment and execution of such bond by the said Attorney in Fact shall be as binding upon this Company as if such bond had been executed and acknowledged by the regularly elected officers of this Company.

The **RLI Insurance Company** further certifies that the following is a true and exact copy of the Resolution adopted by the Board of Directors of **RLI Insurance Company**, and now in force to-wit:

"All bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or Agents who shall have authority to issue bonds, policies or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile."

IN WITNESS WHEREOF, the **RLI Insurance Company** has caused these presents to be executed by its Vice President with its corporate seal affixed this 22nd day of June, 2012.

RLI INSURANCE COMPANY CORPORATE SEAL ILLINOIS

RLI Insurance Company

Roy C. Die — Vice President

State of Illinois }
County of Peoria } SS

On this 22nd day of June, 2012, before me, a Notary Public, personally appeared Roy C. Die, who being by me duly sworn, acknowledged that he signed the above Power of Attorney as the aforesaid officer of the **RLI Insurance Company** and acknowledged said instrument to be the voluntary act and deed of said corporation.

Jacqueline M. Bockler — Notary Public

"OFFICIAL SEAL"
JACQUELINE M. BOCKLER
NOTARY PUBLIC STATE OF ILLINOIS
COMMISSION EXPIRES 03/01/14

CERTIFICATE

I, the undersigned officer of **RLI Insurance Company**, a stock corporation of the State of Illinois, do hereby certify that the attached Power of Attorney is in full force and effect and is irrevocable; and furthermore, that the Resolution of the Company as set forth in the Power of Attorney, is now in force. In testimony whereof, I have hereunto set my hand and the seal of the **RLI Insurance Company** this 17th day of Dec., 2012.

RLI Insurance Company

Roy C. Die — Vice President

0448150020212

A0059411

ATTACHMENT NO. 2
PAGE 16 OF 24

Bond No: SSB373743

Premium: $11,508.00

CITY OF OXNARD
SPECIFICATION NUMBER GS12-04

PERFORMANCE BOND
ONE HUNDRED PERCENT (100%) OF CONTRACT PRICE

Hansons and Son Construction, INc. ("Contractor"), as Principal, and RLI Insurance Company ("Surety") hereby agree to be bound to the City of Oxnard ("City"), in the sum of Five Hundred Eighty Four Thousand Dollars ($584,900.00), or such greater sum as the attached contract may be amended to provide as payment to Contractor, for the payment of which Contractor and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally.

This performance bond ("bond") is required because Contractor has been awarded and is about to enter into the attached contract with City for the construction of: Spec. No: GS12-04, Durley Park Concession Building Renovation and is required by City to give this bond in connection with the execution of the contract.

If Contractor satisfactorily performs all the covenants and obligations of the contract on Contractor's part to be done and performed at the times and in the manner specified therein, then this bond shall be null and void one year after final acceptance of the Contractor's performance by City; otherwise this bond shall be and remain in full force and effect.

Further, no extension of time, change or addition to the terms of the contract, alteration in the work to be done, the amount to be paid to Contractor or the materials to be furnished, or change to the plans and specifications accompanying the contract, shall in any way release or change the obligations of either Contractor or Surety on this bond, and notice of such alterations, changes, additions or extensions is hereby waived by Surety.

In witness whereof, Contractor and Surety have executed this document this 17th day of December ~~2013~~ 2012.

Hansons and Son Construction, Inc.	RLI Insurance Company
PRINCIPAL	SURETY
BY Jon Hanson (SEAL)	BY (SEAL)
	Shirley Littell - Attorney in Fact

ATTACHMENT NO. 2

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CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

State of California

County of Ventura

On 12/17/2012 (Date) before me, Judith A. Benites, Notary Public (Here Insert Name and Title of the Officer),

personally appeared Shirley Littell (Name(s) of Signer(s)),

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

JUDITH A. BENITES
Commission # 1871651
Notary Public - California
Ventura County
My Comm. Expires Nov 20, 2013

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: Judith A. Benites (Signature of Notary Public)

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Performance Bond

Document Date: December 17, 2012 Number of Pages: 2

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____	Signer's Name: _____
☐ Corporate Officer — Title(s): _____	☐ Corporate Officer — Title(s): _____
☐ Individual	☐ Individual
☐ Partner — ☐ Limited ☐ General	☐ Partner — ☐ Limited ☐ General
X ☒ Attorney in Fact	☐ Attorney in Fact
☐ Trustee	☐ Trustee
☐ Guardian or Conservator	☐ Guardian or Conservator
☐ Other: _____	☐ Other: _____
Signer Is Representing: RLI Insurance Company	Signer Is Representing: _____
RIGHT THUMBPRINT OF SIGNER — Top of thumb here	RIGHT THUMBPRINT OF SIGNER — Top of thumb here

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Item #5907

ATTACHMENT NO. 2
PAGE 18 OF 24

RLI Surety
P.O. Box 3967 | Peoria, IL 61612-3967
Phone: (800)645-2402 | Fax: (309)689-2036
www.rlicorp.com

POWER OF ATTORNEY
RLI Insurance Company

Know All Men by These Presents:

That this Power of Attorney is not valid or in effect unless attached to the bond which it authorizes executed, but may be detached by the approving officer if desired.

That **RLI Insurance Company**, a(n) Illinois corporation, does hereby make, constitute and appoint:
Shirley Littell

in the City of Oxnard, State of California its true and lawful Agent and Attorney in Fact, with full power and authority hereby conferred, to sign, execute, acknowledge and deliver for and on its behalf as Surety, the following described bond.

Any and all bonds, undertakings, and recognizances in an amount not to exceed Ten Million Dollars ($10,000,000) for any single obligation.

The acknowledgment and execution of such bond by the said Attorney in Fact shall be as binding upon this Company as if such bond had been executed and acknowledged by the regularly elected officers of this Company.

The **RLI Insurance Company** further certifies that the following is a true and exact copy of the Resolution adopted by the Board of Directors of **RLI Insurance Company**, and now in force to-wit:

"All bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or Agents who shall have authority to issue bonds, policies or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile."

IN WITNESS WHEREOF, the **RLI Insurance Company** has caused these presents to be executed by its Vice President with its corporate seal affixed this 22nd day of June, 2012.

RLI INSURANCE COMPANY CORPORATE SEAL ILLINOIS

RLI Insurance Company

Roy C. Die — Vice President

State of Illinois }
County of Peoria } SS

On this 22nd day of June, 2012, before me, a Notary Public, personally appeared Roy C. Die, who being by me duly sworn, acknowledged that he signed the above Power of Attorney as the aforesaid officer of the **RLI Insurance Company** and acknowledged said instrument to be the voluntary act and deed of said corporation.

Jacqueline M. Bockler — Notary Public

"OFFICIAL SEAL"
JACQUELINE M. BOCKLER
NOTARY PUBLIC STATE OF ILLINOIS
COMMISSION EXPIRES 03/01/14

CERTIFICATE

I, the undersigned officer of **RLI Insurance Company**, a stock corporation of the State of Illinois, do hereby certify that the attached Power of Attorney is in full force and effect and is irrevocable; and furthermore, that the Resolution of the Company as set forth in the Power of Attorney, is now in force. In testimony whereof, I have hereunto set my hand and the seal of the **RLI Insurance Company** this 17th day of Dec., 2012.

RLI Insurance Company

Roy C. Die — Vice President

0448150020212

A0059411

ATTACHMENT NO. 2
PAGE 19 OF 24

INSURANCE REQUIREMENTS FOR CONSTRUCTION PROJECTS
(WITH BUILDER'S RISK REQUIREMENT)

1. Contractor shall obtain and maintain during the performance of any services under this Contract the following insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of services hereunder by Contractor, its agents, representatives, employees or subcontractors.

a. Commercial General Liability Insurance, including a Contractual Liability Endorsement, in an amount not less than $2,000,000 combined single limit for bodily injury and property damage for each claimant for general liability with coverage equivalent to Insurance Services Office Commercial General Liability Coverage (Occurrence Form CG0001ED, November 1988). If a general aggregate limit is used, that limit shall apply separately to the project location or shall be twice the occurrence amount;

b. Business Automobile Liability Insurance in an amount not less than $1,000,000 combined single limit for bodily injury and property damage for each claimant for automobile liability with coverage equivalent to Insurance Services Office Automobile Liability Coverage (Occurrence Form CA000T, ED June 1992) covering Code No. 1, "any auto;"

c. If architectural, engineering, or electrical work will be performed under the Contract, Professional Liability/Errors and Omissions Insurance appropriate to the work being done in an amount not less than $1,000,000, with neither Contractor nor listed subcontractors having less than $500,000 individually. The Professional Liability/Errors and Omissions Insurance must be project specific with at least a one-year extended reporting period, or longer upon request.

d. Course of Construction Insurance providing coverage for "all risks" of loss in an amount not less than the completed value of the project, with City named as Owner and Insured.

e. Workers' Compensation Insurance in compliance with the laws of the State of California, and Employer's Liability Insurance in an amount not less than $1,000,000 per claimant.

2. Contractor shall, prior to performance of any services, file with the Risk Manager certificates of insurance with original endorsements effecting coverage required by this Exhibit INS-E. The certificates and endorsements for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. The certificates and endorsements are to be on the attached forms or on other forms approved by the Risk Manager. All certificates and endorsements are to be received and approved by the Risk Manager before work commences. City reserves the right to require complete certified copies of all required insurance policies at any time. The certificates of insurance and endorsements shall be forwarded to the Risk Manager, addressed as follows:

City of Oxnard
Risk Manager
Reference No. A-7558
300 West Third Street, Suite 302
Oxnard, California 93030

3. Contractor agrees that all insurance coverages shall be provided by a California admitted insurance carrier with an A.M. Best rating of A:VII or better and shall be endorsed to state that coverage may not be suspended, voided, canceled by either party, or reduced in coverage or limits without 30 days' prior written notice to the Risk Manager. The Risk Manager shall not approve or accept any endorsement if the endorsement contains "best effort" modifiers or if the insurer is relieved from the responsibility to give such notice.

4. Contractor agrees that the Commercial General Liability and Business Automobile Liability Insurance policies shall be endorsed to name City, its City Council, officers, employees and volunteers as additional insureds as respects: liability arising out of activities performed by or on behalf of Contractor; products and completed operations of Contractor; premises owned, occupied or used by Contractor; or automobiles owned, leased, hired or borrowed by Contractor. The coverage shall contain no special limitations on the scope of protection afforded to City, its City Council, officers, employees and volunteers. **The General Liability Special Endorsement Form and Automobile Liability Special Endorsement Form attached to this Exhibit INS-E or substitute forms containing the same information and acceptable to the Risk Manager shall be used to provide the endorsements.**

5. The coverages provided to City shall be primary and not contributing to or in excess of any existing City insurance or self-insurance coverages. Additionally, the workers' compensation policy shall include a waiver of all rights of subrogation which the insurer may have against the City. Any failure to comply with reporting provisions of the policies shall not affect coverage provided to City, its City Council, officers, employees and volunteers. The insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

6. Any deductibles or self-insured retentions must be declared to and approved by the Risk Manager. At the option of the Risk Manager, either the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects City, its City Council, officers, employees and volunteers, or the Contractor shall procure a bond guaranteeing payment of losses and related investigations, claim administration and defense expenses.

7. All insurance standards applicable to Contractor shall also be applicable to Contractor's subcontractors. Contractor agrees to maintain appropriate agreements with subcontractors and to provide proper evidence of coverage upon receipt of a written request from the Risk Manager.

12/12

INSTRUCTION FOR SUBMITTING INSURANCE CERTIFICATES AND ENDORSEMENT FORMS

Certificates of Insurance

The sample accord form on the following page is provided to facilitate your preparation and submission of certificates of insurance. You may use this or any industry form that shows coverage as broad as that shown on the attached sample. **Please note the certificate holder address must be as shown on the attached sample accord form with the contract number and insurance exhibit identification information completed.** Improperly addressed certificates may delay the contract start-up date because the City's practice is to return unidentifiable insurance certificates to the insured for clarification as to the contract number.

Endorsement Forms

Original endorsements are required for general liability and automobile liability insurance policies and must be attached to the applicable certificate of insurance. City preference is that you use the endorsement forms which are attached. Substitute forms will be accepted, however, as long as they include provisions comparable to the sample accord form.

INS-E-2M Limit-Use.doc

ATTACHMENT NO. 2

PAGE 21 OF 24

OP ID: ZCB

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 06/29/12

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

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

PRODUCER Leavitt Insurance Services LA License #0769447 21650 Oxnard Street, Ste #1825 Woodland Hills, CA 91367 Kenneth Blaich 818-593-7001 818-593-7007	CONTACT NAME: PHONE (A/C, No, Ext): FAX (A/C, No): E-MAIL ADDRESS: PRODUCER CUSTOMER ID #: HANSO-1
INSURED Hansons & Son Construction, Inc. 4708 E. Vineyard Ave., Ste. D Oxnard, CA 93036	INSURER(S) AFFORDING COVERAGE — NAIC # INSURER A: Colony Insurance Company — 39993 INSURER B: Evanston Insurance Company — 35378 INSURER C: Golden Eagle Insurance Corp. — 10836 INSURER D: INSURER E: INSURER F:

COVERAGES — CERTIFICATE NUMBER: — REVISION NUMBER:

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

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	GENERAL LIABILITY X COMMERCIAL GENERAL LIABILITY CLAIMS-MADE X OCCUR GEN'L AGGREGATE LIMIT APPLIES PER POLICY PRO-JECT LOC			GL962256	02/25/12	02/25/13	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG Emp Ben.	$ 1,000,000 $ 50,000 $ 5,000 $ 1,000,000 $ 2,000,000 $ 2,000,000 $ NONE
C	AUTOMOBILE LIABILITY X ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS HIRED AUTOS NON-OWNED AUTOS			02CE217079-2	07/16/11	07/16/13	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	$ 1,000,000 $ $ $
B	UMBRELLA LIAB X OCCUR X EXCESS LIAB CLAIMS-MADE DEDUCTIBLE X RETENTION $			X0AZ266212	06/29/12	02/25/13	EACH OCCURRENCE AGGREGATE	$ 2,000,000 $ 2,000,000
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y/N (N/A) (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	N/A					WC STATU-TORY LIMITS / OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	$ $ $

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
Re: Renovation of park concession building
Certificate holder is named additional insured as per attached U462-0310

CERTIFICATE HOLDER	CANCELLATION
City of Oxnard Attn: Risk Manager Ref #A7558 300 W 3rd Street, Suite 300 Oxnard, CA 93030	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE Cassandra Brigham

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ATTACHMENT NO. 2
PAGE 22 OF 24

HANSAND-01 ACCY

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 12/10/2012

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

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

PRODUCER (805) 965-0071 Brown & Brown Insurance License # 0D04053 P.O. Box 61010 Santa Barbara, CA 93160-1010	CONTACT NAME: Cynthia Acosta PHONE (A/C, No, Ext): 805-690-2634 FAX (A/C, No): 805-690-2734 E-MAIL ADDRESS: cacosta@bbofcal.com
	INSURER(S) AFFORDING COVERAGE — NAIC #
	INSURER A : State Compensation Insurance Fund
INSURED Hansons and Son Construction Inc. 4708 Vineyard Ave Oxnard, CA 93030-	INSURER B :
	INSURER C :
	INSURER D :
	INSURER E :
	INSURER F :

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

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

NSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
	GENERAL LIABILITY						EACH OCCURRENCE	$
	☐ COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Ea occurrence)	$
	☐ CLAIMS-MADE ☐ OCCUR						MED EXP (Any one person)	$
							PERSONAL & ADV INJURY	$
							GENERAL AGGREGATE	$
	GEN'L AGGREGATE LIMIT APPLIES PER:						PRODUCTS - COMP/OP AGG	$
	☐ POLICY ☐ PRO-JECT ☐ LOC							$
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	$
	☐ ANY AUTO						BODILY INJURY (Per person)	$
	☐ ALL OWNED AUTOS ☐ SCHEDULED AUTOS						BODILY INJURY (Per accident)	$
	☐ HIRED AUTOS ☐ NON-OWNED AUTOS						PROPERTY DAMAGE (Per accident)	$
								$
	☐ UMBRELLA LIAB ☐ OCCUR						EACH OCCURRENCE	$
	☐ EXCESS LIAB ☐ CLAIMS-MADE						AGGREGATE	$
	☐ DED ☐ RETENTION $							$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) Y/N ☐ N/A If yes, describe under DESCRIPTION OF OPERATIONS below			586000011911	2/1/2012	2/1/2013	X WC STATU-TORY LIMITS ☐ OTH-ER	
							E.L. EACH ACCIDENT	$ 1,000,000
							E.L. DISEASE - EA EMPLOYEE	$ 1,000,000
							E.L. DISEASE - POLICY LIMIT	$ 1,000,000

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

CERTIFICATE HOLDER	CANCELLATION
City of Oxnard Attention: Risk Manager ref #A7558 300 W. Third St, Ste. 302 Oxnard, CA 93030-	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE Cynthia Acosta

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THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – OWNERS, LESSEES OR CONTRACTORS – SCHEDULED PERSON OR ORGANIZATION – COMPLETED OPERATIONS & ONGOING OPERATIONS AS SCHEDULED

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s):	Location And Description Of Operations
ALL PERSONS OR ORGANIZATIONS AS REQUIRED BY WRITTEN CONTRACT WITH THE NAMED INSURED	AS DESIGNATED IN WRITTEN CONTRACT WITH THE NAMED INSURED

A. **Section II – Who Is An Insured** is amended to include the person(s) or organization(s) shown in the Schedule (called additional insured), but only with respect to:

(1) Liability for "bodily injury" or "property damage" caused, in whole or in part, resulting from "your work" at the location designated and described in the schedule of this endorsement performed for that additional insured and included in the "products-completed operations hazard" when you and such person(s) or organization(s) have agreed in writing in a contract or agreement that such person(s) or organization(s) be named as an additional insured on your policy.

(2) Liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by resulting from:

(a) Your acts or omissions; or

(b) The acts or omissions of those acting on your behalf;

in the performance of your ongoing operations for the additional insured(s) at the location(s) designated above.

B. **Section IV – Commercial General Liability Conditions, 4. Other Insurance** is amended and the following added:

If you are required by written contract to provide primary insurance, the insurance afforded by this Coverage Part for the additional insured shown in the Schedule is primary insurance and we will not seek contribution from any other insurance available to that additional insured.

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CITY OF
OXNARD
CALIFORNIA

Meeting Date: 02/05/2013

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

Prepared By Soher Abdelmalik, Traffic Engineering S. Agenda Item No. I-5

Reviewed By: City Manager [signature] City Attorney RT Finance [signature] Public Works

DATE: January 15, 2013

TO: City Council

FROM: Matthew Winegar, AICP, Director
Development Services Department [signature]

SUBJECT: **Median and Traffic Signal Modifications at the Intersection of Ventura Road and Devonshire Drive**

RECOMMENDATION

That City Council:

1. Adopt Project Specification No. DS 12-18 for the modification of the existing median and traffic signal at the intersection of Ventura Road and Devonshire Drive.

2. Approve the special budget appropriation recognizing the Federal grant funding of $151,560 from the Highway Safety Improvement Program (HSIP).

DISCUSSION

In 2010, the City applied for and received Federal Grant Funds in the amount of $151,560 from the Highway Safety Improvement Program (HSIP) for the modification of the existing median and the traffic signal at the intersection of Ventura Road and Devonshire Drive. The project, when completed, will modify the median that separates the service road from Ventura Road to prohibit southbound traffic on the service road from exiting onto Devonshire Drive. The modifications will eliminate right of way conflict between traffic on the service road headed for Ventura Road and traffic on Devonshire Drive. The project will also provide protected left turn phasing for north and southbound traffic on Ventura Road.

FINANCIAL IMPACT

The total estimated cost of this project is $183,667, which includes $151,560 of Federal grant funding, and previously appropriated amount of $32,107.

MGW/sa

Attachment No. 1 – Special Budget Appropriation

REQUEST FOR SPECIAL BUDGET APPROPRIATION

Department: Development Services **Date:** February 5, 2013
Project/Program Manager: Soher Abdel-Malik **Phone:** 385-7873

Reason for Appropriation:

To recognize Federal grant revenue and appropriation of Caltrans Project No. HSIPL-5129(065).

Accounts and Descriptions		AMOUNT
Fund: FEDERAL TRANSPORTATION MULTI-YEAR GRANT (275)		
Revenues/Transfers In		
TRAFFIC SIG VENT RD/DEVON		
275-9740-531.72-01	FEDERAL GRANT REVENUES	151,560
	Sub-total Revenues	151,560
Expenditures/Transfers Out		
TRAFFIC SIG VENT RD/DEVON (Project 113107)		
275-9740-826.84-51	SERVICES FROM OTHER PROGRAMS	13,500
275-9740-826.86-04	IMPROVEMENTS NOT BLDG-NEW	138,060
	Sub-total Expenditures	151,560
	Net Change to Fund Balance	**0**
	Net Appropriation Change	**151,560**

Approvals

Department Director

Chief Financial Officer

City Manager

ATTACHMENT 1
PAGE 1 OF 1

REQUIRES CITY COUNCIL AUTHORIZATION

SBA# (Finance Use Only)_____
BA Doc# (Finance Use Only)_____
Revised : 2/23/2012

CITY OF OXNARD CALIFORNIA

Meeting Date: 2/5/2013

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

Prepared By: Cynthia Daniels CD Agenda Item No. I-6

Reviewed By: City Manager SRP City Attorney MT Finance JC Other *Winegar* DW

DATE: January 23, 2013

TO: City Council

FROM: Cynthia Daniels, Project Manager Cynthia Daniels
Development Services Department

SUBJECT: **Special Budget Appropriation for City-wide Sidewalk Survey**

RECOMMENDATION

That City Council recognize federal grant revenue and appropriate $177,000 to the project budget for "Citywide Sidewalk Survey."

DISCUSSION

Background. The City competed for and won a federal grant for a citywide sidewalk survey in April 2012 from the Ventura County Transportation Commission during the mini-call for projects. The grant is for a citywide survey of the conditions of the City's sidewalks. The adopted Bicycle and Pedestrian Facilities Master Plan identified the sidewalk survey as a priority for pedestrians.

Project Budget. The request establishes the federal funds in the project budget for environmental review and implementation of the sidewalk survey recommended in the Bicycle and Pedestrian Facilities Master Plan. The grant requires an 11.47 percent match, which is $22,940. The match was appropriated from Air Pollution Buydown Fund 118 as part of the fiscal year 2012-13 Budget.

FINANCIAL IMPACT

Federal funds in the amount of $177,000 are recommended for appropriation to the Citywide Sidewalk Survey Project no. 133104.

CD

Attachment #1–Special Budget Appropriation

REQUEST FOR SPECIAL BUDGET APPROPRIATION

Department: Development Services **Date:** February 5, 2013

Project/Program Manager: Cynthia Daniels **Phone:** 385-7871

Reason for Appropriation:

To recognize federal grant award CML 5129 (081) in amount of $177,000 to Preliminary Engineering of "Citywide Sidewalk Survey" Project.

Accounts and Descriptions		AMOUNT
Fund: FEDERAL TRANSPORTATION MULTI-YEAR GRANT (275)		
Revenues/Transfers In		
CITYWIDE SIDEWALK SURVEY (Project 133104)		
275-3125-531.72-01	FEDERAL GRANT REVENUES	177,000
	Sub-total Revenues	177,000
Expenditures/Transfers Out		
CITYWIDE SIDEWALK SURVEY (Project 133104)		
275-3125-826.82-09	SVCS-OTHER PROF/CONTRACT	141,600
275-3125-826.84-51	SERVICES FROM OTHER PROG	35,400
	Sub-total Expenditures	177,000
	Net Change to Fund Balance	**0**
	Net Appropriation Change	**177,000**

Approvals

Department Director _____

Chief Financial Officer _____

City Manager _____

ATTACHMENT 1
PAGE 1 OF 1

SBA# (Finance Use Only)_____
BA Doc# (Finance Use Only)_____

REQUIRES CITY COUNCIL AUTHORIZATION

Revised : 2/23/2012

CITY OF OXNARD CALIFORNIA

Meeting Date: 2/5/13

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

Prepared By: Cynthia Daniels Agenda Item No. I-7

Reviewed By: City Manager City Attorney Finance Other *Winegar*

DATE: January 23, 2013

TO: City Council

FROM: Cynthia Daniels, Project Manager
Development Services Department

SUBJECT: **Reject Award of Contract to Low Bidder, Del Norte Construction, and Approve Intent to Award Contract to Second Low Bidder, Malibu Pacific Tennis Courts, Inc. for Project Specification No. DS13-09 –Victoria Avenue Transit Route Stops Project**

RECOMMENDATION

That City Council:

1. Determine that Del Norte Construction is not a responsible bidder and reject its bid in the amount of $228,300 for Project Specification No. DS13-09 Victoria Avenue Transit Route Stops.

2. Authorize the purchasing agent to process and bring to the City Council the proposed award to the second low bidder, Malibu Pacific Tennis Courts, Inc. in the amount of $232,417 for Project Specification No. DS13-09 Victoria Avenue Transit Route Stops.

DISCUSSION

Background. On October 23, 2012, the City Council authorized public bidding for the Victoria Avenue Route Transit Stops project. The project would install 13 bus stops; two stops are along Channel Islands Boulevard and eleven stops are along Victoria Avenue for the new Victoria Bus Route provided by Gold Coast Transit. Eleven bids were opened publicly on December 5, 2012. Bids ranged from the low bid of $228,300.00 to a high bid of $594,048.79. A notice of intent to award a contract was issued to the low bidder, Del Norte Construction, on December 12, 2012. The City has a commitment to Gold Coast Transit to install the bus stops as quickly as possible. Del Norte Construction returned the signed contract along with the required bonds and insurance for the project. References checks were conducted after the notice of intent to award was issued because the project was on a fast track to install the bus stops as soon as possible since the bus route was starting on February 11, 2013.

Del Norte Construction. Award of a public works contract is determined by City Council Ordinance No. 2835, which follows public construction contract law of the State of California. The ordinance states the City Council shall award any contract to the lowest responsible and responsive bidder. Staff requests that the City Council reject the award to Del Norte Construction. Staff has determined the low bidder, Del Norte Construction, is not "responsible" as defined by State law. Under applicable State

law, the concept of "responsibility" includes an attribute of trustworthiness. Responsibility also refers to the experience, quality, fitness, and capacity of the low bidder to satisfactorily perform the proposed work. The contract must be awarded to the lowest bidder, unless the awarding body finds that the lowest bidder is not qualified to do the particular work under consideration. This is not a comparative exercise. In other words, one does not compare one contractor to another to determine which is superior.

In this particular matter, staff believes that the fact that the contractor grossly misstated contract amounts on its references demonstrates a lack of trustworthiness. Staff reached this conclusion after checking the references listed by Del Norte Construction in the bid documents. The information provided by Del Norte Construction was found to contain inaccurate project dollar amounts for completed work. Del Norte Construction listed inflated project amounts for the reference projects. None of the representatives for the referenced projects agreed with the dollar amounts stated on the reference sheet. The representatives provided responses that were not favorable to the contractor in regards to work performance and timeliness of completion. Staff allowed the low bidder to provide additional references, which were provided on January 22, 2013. The information gathered from the references leads the staff to conclude the contractor may not be fit to provide the quality of work required, and the contractor may not have the capacity to provide the required work. The specifications demand the contractor perform work at several locations concurrently to accelerate delivery of the required bus stops. The contractor does not provide evidence of experience doing work in the price range of this job ($228,300) since none of the referenced projects approach the value of work for this job. This project is over two times the value of the work mentioned in the references.

All bidders sign a bidder's affidavit stating that all the information contained in the documentation is true and accurate. Staff consulted with the City Attorney to determine if the low bidder should not be awarded a contract due to the poor performance described by the representatives for the referenced projects, and the inaccurate dollar amounts listed on the reference sheet. Attachment 1 summarizes the errors on the reference sheet and the statements from the representatives of the reference projects concerning the quality of work by Del Norte Construction.

Malibu Pacific Tennis Courts. The second low bidder, Malibu Pacific Tennis Courts, Inc., is ready and willing to perform the work for the bid price of $232,417. The additional cost of $4,117 between the bids from Del Norte and Malibu Pacific is two percent above the low bid. Staff would return at a later date with the recommendation for award of the project to Malibu Pacific Tennis Courts, Inc.

FINANCIAL IMPACT

There is sufficient funding available in Project No. 133108, Victoria Avenue Transit Route Stops from Air Pollution Buy Down Fund and the Federal Transportation Grant.

CD & PCF

Attachment 1 Summary of Information from References
Attachment 2 Del Norte Construction References Page from Project Specification No. DS13-09
Attachment 3 Response from Del Norte Construction About Reference Checks

Summary of Information from Reference Checks for Del Norte Construction

1. Rancho Simi Recreation and Park District

   Del Norte Construction listed the project at 1676 Sycamore Dr., Simi Valley (Medea Creek Restoration Project in Oak Park) for $89,000. The representative mentioned in the reference is Tom Evans. Staff contacted Mr. Evans by email and telephone. The work involved grading and excavating to repair the erosion at the creek and adjacent bicycle trail. The contractor filled the creek's sinkhole up to grade to maintain the bike trail. The work was performed between October and November 2011. Mr. Evans indicated the contract for Medea Creek Restoration was $55,466.34. The base contract was $49,500 with one change order of $5,966.34. He indicated there was no delay on the completion of the contract, no liquidated damages, and the work performed was sufficient. However, during telephone conversations with Ralph Alamillo, Interim Parks Manager, Mr. Evans indicated the work was substandard and they were not satisfied. During the project, Mr. Evans had difficulty coordinating and scheduling work with the contractor's field personnel and found it difficult to make contact with the owner of the company.

2. Casitas Water (a.k.a. Casitas Municipal Water District)

   Del Norte Construction listed the project at 99 Ventura Avenue in Oakview for $142,000. The representative mentioned in the reference is Mr. Todd Evans. Staff contacted Mr. Evans by email and telephone. Mr. Evans stated the actual construction cost was $32,798. The work involved changes to an existing building. The work was conducted in 2011. Mr. Evans indicated that he would not recommend them due to job performance overall and the length the project overran. Scheduling and coordinating work was a problem. During a follow-up conversation, however, Mr. Evans indicated he was generally happy with the work, and there were no issues with certified payroll except the contractor was slow to deliver the required paperwork. He indicated a change order gave the contractor more time to complete the work on schedule. He indicated to city staff that he "needed to be careful," implying he needed to be careful about what he said about Del Norte Construction.

3. Oxnard High School (a.k.a. Oxnard Union High School District)

   Del Norte Construction listed the project at Camarillo High School for $184,000. The representative mentioned in the reference is Steve McFarland. Staff contacted Mr. McFarland by email and telephone. Mr. McFarland stated the actual construction cost was $85,000, with two change orders that increased the total contract to $107,875.46. The work was expected to occur during the summer of 2011 when Camarillo High School was not in session, for a total of about 8 weeks. The work was to replace about 100 door thresholds to meet the Americans with Disabilities Act (ADA) standards. Work involved demolition and removal of concrete at each doorway, re-pouring concrete to the correct slope and grade, and installing new thresholds. Mr. McFarland stated Del Norte Construction's original bid was significantly less expensive than the next lowest bidder (city staff identified it was lower by 50% in fact). It was so low that the school district was concerned about the contractor's understanding of and ability to perform the work. Mr. McFarland met with the

ATTACHMENT 1
PAGE 1 OF 3

contractor to discuss the level of effort, and was satisfied the contractor understood the school district's requirements. Mr. McFarland stated the contractor's work was inadequate, unprofessional, and took significantly longer to finish than the scheduled period. The contractor did not finish for six months. The problems included workers who were unable to shoot grades for the concrete, finished work could not meet the standards for the slopes, contractor provided unacceptable materials, inadequate certified payroll information, and erratic staffing and coordination with the district's inspector. The school district would work with the owner and for a while the work would improve, but after some time it would fall back to an inadequate level. Mr. McFarland concluded the contractor's methodology and construction techniques were woefully inadequate for a public works project. Performance, paperwork, and timelines were inadequate. He indicated he would not recommend them. Nevertheless, he stated that the finished work was well below the cost of the next lowest bidder (which was $127,892).

4. City of Oxnard (Not listed in the bid document, but provided later as another reference)

The Housing Authority hired Del Norte Construction as the low bidder for $72,000 to rehabilitate public housing units. The work occurred between October and December 2012. Although the contract was for three months, they finished in two months. The work was to upgrade the plumbing waste lines for the laundry room and kitchen in 12 buildings, which could affect up to 24 units. Some of the units did not require new plumbing when a unit was part of a duplex and one unit's repair fixed the plumbing for the duplex. The majority of units were occupied; the Housing Authority did not want to relocate tenants. The work involved coordination between more than one contractor. The Housing Authority allotted five days for each unit's rehabilitation work. Del Norte's work was scheduled to occur on Days 2-5 of each unit's rehabilitation work. Del Norte's scope of work was to replace two-inch cast iron pipes with new two-inch ABS pipe from the laundry to bathroom where they could get to the three-inch existing pipes, then finish the repairs including new concrete slab, flooring, paint, drywall, cabinets, and tiling to restore the units.

The significant problem with Del Norte's work was poor coordination between tasks and with its subcontractor. Residents complained the contractor did not finish work within the allotted four days (Days 2-5), and some tenants did not have their units repaired for two weeks. Del Norte would start work in one unit and not finish it, leaving the tenants unsatisfied and inconvenienced. The Housing Authority staff had constructed a prototype repair and determined the five-day schedule was doable. There was a lack of consistent supervision by the contractor. The Housing Authority staff identified issues with the contractor's payroll. The contractor paid employees inconsistent wages. The wage rates did not match the prevailing wage (also known as the wage decision) published in the bid document. When the Housing Authority discussed the problem with Del Norte, the wages were corrected. The contractor was uncooperative during the review of the wage rates. There were problems with the tiling subcontractor finishing the work adequately. The contractor's check to Building and Engineering Services for payment of the permit fees was returned unpaid because of insufficient funds. The contractor then paid for the permit fees in cash. The contractor's federal taxpayer identification number provided in the bid documents was not correct. The contractor was asked to explain the discrepancy. A letter from the Internal Revenue Service finally verified the taxpayer identification number. It was the contract administrator's opinion the contractor created

more of a mess than he should have for a knowledgeable contractor. Michael Julian represented that he was a co-owner of Del Norte Construction. Trinidad Canales listed himself as the owner on the bid documents. It was the contract administrator's opinion it was difficult working with them, getting paperwork from them, and getting them to comply with the requirements.

5. Somis Market Septic System (Not listed in the bid document, but provided later as another reference)
   3319 Somis Road
   Somis, CA
   Attn: Eliseo Mendez
   805-482-1744
   $60,000.00

   The reference confirmed Del Norte Construction did work and the work was adequate. The reference could not confirm the dollar amount of the work. This is not a public works contract.

6. East Warner Septic System (Not listed in the bid document, but provided later as another reference)
   92 East Warner Street
   Ventura, CA
   Attn: Eric Medina
   805-947-9965
   $40,000.00

   The reference confirmed Del Norte Construction did work and the work was adequate. The reference could not confirm the dollar amount of the work. This is not a public works contract.

ATTACHMENT 1
PAGE 3 OF 3

REFERENCES

BIDDER'S NAME Del Norte Construction

Bidders are required to list at least three references for similar work as described in these specifications. This information will enable the City to evaluate the bidder's responsibility, experience, skill and business and financial position.

Project Description		
Storm erosion repairs. Regraded creek, compacted, lime treatment, concrete and placed riprap		
Owner: Rancho Simi Recreation & Park	Project Location: 1676 Sycamore Dr, Simi Valley, CA - 91362	
Project Cost: $89,000	Project Manager: Tom Evans	Telephone: 805-584-4424

Project Description		
Bullet Proof renovations of Ticket Booth, Hand rails, ramps, Concrete		
Owner: Casitas Water	Project Location: 99 ventura ave, Oakview, CA, 93022	
Project Cost: $142,000	Project Manager: Mr. Evans	Telephone: 805-649-9043

Project Description		
Concrete ADA ramps		
Owner: Oxnard High School	Project Location: Camarillo High School, 4660 Mission Oaks Blvd, Cam, CA 93012	
Project Cost: $184,000	Project Manager: Steve McFarland	Telephone: 805-385-2500

Fenton M. Cook
SIGNATURE OF BIDDER

Bidder's Failure to Complete All Items Contained On This Page May Cause Rejection of Your Bid

ATTACHMENT 2
PAGE 1 OF 1

DNC- Del Norte Construction

State Contractors License # 945724

2390 Las Posas Road #450
Camarillo, CA 93010

City of Oxnard

Public Works

1060 Pacific Ave., Bldg 2

Oxnard, CA 93030

VIA EMAIL and FAX

To: Patricia Friend

Dear Mr. Alamillo and Ms. Daniels,

This letter will serve as a respectful request to accept the following contents as an explanation to your expressed and implied concerns regarding Del Norte Construction during our open speaker conference call on 1/29/2013.

Furthermore, we appreciate the opportunity to share our "side of the story" and anticipate an amicable resolution, along with your courtesy, unbiased and open-minded consideration to recommend Del Norte for the award of the Victoria Bus Transit Route project. It is our understanding that City of Oxnard has Four (4) areas of concerns regarding the project;

1) **Communication**- As we stated Mr. Salcido will be the full time project manager with offices just 2 miles from the project site, a Lap top computer and I-pad with Data Communication capabilities, in addition he has a cellular phone. Also, you will be provided with emergency Contact information for our office manager, job foreman and superintendent. Mr. Canales lives on Wooley Road between Victoria and Ventura Road. In the past, as per our e-mails, our firm was advised to communicate through written and tractable communication to avoid any miscommunications. However at all times, our firm was in constant communication with Mrs. Friend as per over 22 E-mails. Our firm opened a specific Email address for this project only. At all times, Mr. Canales has knowledge and visits the sites regularly. Just

ATTACHMENT 3
PAGE 1 OF 9

As often or more so than other owners of such firms like, Toro, Chaparral, Security Paving, Berry General Engineering-- as you are well aware, these firms utilize staff to procure their projects. Thus, Mr. Canales has assembled a staff to complete this project.

2) **References** – Your remarks regarding these references and their comments are very discerning and will be addressed for each specific project. Please note the following facts which would dictate any and all concerns regarding past performances. We are in the strong opinion because of our follow-up conversations with the references or previously reference listing that just like any good attorney, the caller can lead a conversation into a negative or positive direction. Also, any opinions by those references must be personal personality clashes between our Project manager. In either case, please view the following facts fir each project that can be substantiated through E-Mails and the mere facts of successful project closure.

a. **Camarillo thresholds project/ Mr. Stephan McFarland**,

-Original Contract Amount	$85,000.00
-Undisputed Change Orders	$38,000.00
-Disputed Change Orders/Claims	NONE
-Liquidated Damages	NONE
-Stop Notices	NONE
-Bond Claims	NONE
-Labor Claims	NONE
-Public Works Payroll Reporting and Prevailing wage Violations	NONE
-Back charges/Off-sets/Work completed by others	NONE
-Did Del Norte finish all its obligations	YES
-Did Del Norte get paid in full for contract and Change orders	YES
-Was a notice of completion filed	YES?

ATTACHMENT 3
PAGE 2 OF 9

This job entailed the removal and installation of 80 ADA ramps at each doorway at the Camarillo High School which ranged from 6'x 6' to 9'x 9' to accommodate the proper slope. Of these 80 ramps, 12 of them had met the slope requirements and did not require any work. Eight of these eighty required major changes and new plans, the ramps became 30' long by 7'wide with Handrails and curbs. Our firm completed all the ramps that were available for completion by the time school started. We did not receive change order plans until late August, so the work required was after school hours, weekends and vacation days. Again, this work was completed in full and with full compensation. As per the above, you can see that the school district had no issues with our firm. But there were issues that we had that can be substantiated with e-mails.

1) The DSA/Project Management team was independent from the School District and only the owner worked for that Company for inspections. So our firm would have to wait for days at a time for inspections.
2) Our firm received 3 Punch lists at different times, he would add items that were already addressed or not part of our contract or existed at the time of the other punchlist generation.
3) There were several ramps that had substandard designs and not corrected, so our project manager put out legal disclaimers making this point clear, which created some animosity between them.
4) The billings took over 60 days to pay because, First the Inspector had to sign off on them which took 7-8 working days, then it would be forwarded to the School district which would then mail them to the architect in Los Angeles for signature and return. This normally took another 2-3 weeks.
5) Our firm was told by the teachers and principal to halt work because of the noise, although Mr. McFarland told us "do not listen to them". But at the end Mr. McFarland would be trumped by his hierarchies. This created additional expense to our firm.

Again, all the above can be substantiated through E-mails and if need be, we would be willing to have a conference call with Mr. McFarland or have our Attorney subpoena the Oxnard's School Districts files. In the end, no negative actions were commenced or instituted against Del Norte Construction. So how can there be any negative issues?

b. Rancho Simi Recreation and Park District/ Tom Evans

-Original Contract Amount	$58,000.00
-Undisputed Change Orders	$ 5,000.00
-Disputed Change Orders/Claims	NONE
-Liquidated Damages	NONE

-Stop Notices/ Contech for a disputed amount of $1,789.45, our firm paid them the total amount, including the disputed amount. There was no joint checks, payments by others, it was a payment directly from our Firm.

Bond Claims	NONE
-Labor Claims	NONE
-Public Works Payroll Reporting and Prevailing wage Violations	NONE
-Back charges/Off-sets/Work completed by others	NONE
-Did Del Norte finish all its obligations	YES
-Did Del Norte get paid in full for contract and Change orders	YES
-Was a notice of completion filed	YES?

Mr. Evans has previously given us a good reference, as a matter of fact; we asked him if we could list him again, where he replied no problem. We had a concern about his reference because your City indicated it was negative. So they had a job bidding this week and figured they would not allow us to bid. This was not the case; we were welcomed to bid the project and did so. Again, I have no idea where the negative aspects occur. Again, except for a disputed invoice which our firm ultimately took care of directly, all the other items that would render a company non-responsible do not exist.

C. **Lake Casitas/ Todd Evans**

-Original Contract Amount	$32,000.00
-Undisputed Change Orders	$ 4,000.00
-Disputed Change Orders/Claims	NONE
-Liquidated Damages	NONE
-Stop Notices	NONE
-Bond Claims	NONE
-Labor Claims	NONE
-Public Works Payroll Reporting and Prevailing wage Violations	NONE
-Back charges/Off-sets/Work completed by others	NONE
-Did Del Norte finish all its obligations	YES
-Did Del Norte get paid in full for contract and Change orders	YES
-Was a notice of completion filed	YES?

Again, this project was successfully completed within the contract times. Our firm was invited to the Grand Opening of the water park. Again, any facts that would render our firm non-responsible do not exist as per the above. Mr. Evans even completed some engineered water diversion plans for a riverbed project after this project was completed. Why would he engage in this activity if there were issues at his job site? Again, we used him as a reference in the past with very positive remarks.

D. City of Oxnard/ HUD – Merhdad Ramini

-Original Contract Amount	$72,000.00
-Undisputed Change Orders	$ 1,573.89
-Disputed Change Orders/Claims	NONE
-Liquidated Damages	NONE
-Stop Notices	NONE
-Bond Claims	NONE
-Labor Claims	NONE
-Public Works Payroll Reporting and Prevailing wage Violations	NONE
-Back charges/Off-sets/Work completed by others	NONE
-Did Del Norte finish all its obligations	YES
-Did Del Norte get paid in full for contract and Change orders	YES
-Was a notice of completion filed- 12-18-2012	YES

This project was completed two months ahead of schedule. Again, just the day before, Manny spoke with Merhdad regarding the close out of project. He indicated that everything went well. And with the above facts, it shows that there were no issues created by our firm. However, our firm did have some issues, but did not file a claim because it was understood that this was a very difficult project dealing with residents.

- Our firm was told to pay and pull the permit which was part of the specifications, but to our dismay, Merhdad has failed to apply for a permit and did not have any Plans submitted. So our firm put the plans together and spent over 30 hours doing the job of HUD.

- The requirement by HUD was to complete each unit within 3 days, however, they had no as-built or knowledge of existing conditions. In addition, their asbestos company did not clearance on the same day, so our firm was forced to spend an Extra day to complete project.

- Hud assumed that the Building Department inspectors would be there promptly every day at 3:00 PM to give us inspection. This was not the case and even the City of Oxnard Building inspectors complained about HUD.

- And the residents hate the HUD Staff, so they made it difficult as well. However, I attribute the success to my project manager, he knew everyone at the City and they allow him to get the permits and plans approved over the counter. In addition, the inspector agreed to a set inspection every day. So, if any other contractor would have been involved, the HUD Department would have Change order claims of at least $12,000.00

In closing, conversations with Merhdad indicated that he was very satisfied and again all the elements of a successful completion are shown above.

3. Federal / State Requirements

In regards to all the pertinent documentation and requirements instituted for State and Federal projects. Mr. Chris Salcido was hired specifically for this project and has successfully operated Integrity –Staffing for twenty years. Thes core of this business is specifically for this field. Our firm and its affiliates are experts in completing and obeying to these requirements which are as followed, but not limited to,

- Employee Background Checks
- I-9 Filings
- W-4 Filings
- Drug Testing
- Safety Meeting
- Tailgate Meeting
- Apprenticeship Compliance- DAS 140 and DAS 143 Forms
- Equal Opportunity Employment
- Local Contractor By-laws
- Monitoring and implementation of Current wage Determinations for State and Federal
- Prevailing wage Report forms and certification
- Classification clearing

As mentioned, our firm utilizes Paychex to complete all our payroll checks and Tax burden payments. In addition to the payroll reporting forms and certifications, our firm will provide copies of checks from the bank showing the front and back of checks. In addition, all time cards are reviewed and approved by field personnel to confirm their accuracy. All reports will be submitted 10 days after each pay period. Our firm holds in a week, payment is completed on Friday and reports delivered that Monday. Our firm has an attorney on retainer to deal with any harassment from the unions and will be our advocate in verifying complete compliance with any of these independent contract compliance centers or Joint Apprenticeship committees.

4. Project Procurement

There was a concern regarding manpower and properly providing adequate work forces. First of all, if there are various teams of staff as suggested by a reference, our firm utilizes those specific individuals that best fit the specific task. However in this case, your project basically is comprised of 13 small individual projects because each one pretty much entails the same tasks for almost identical elements of work. So we will have a Demolition and Grading team of 4 individuals completing these tasks ahead of the Forming and concrete pouring teams. All our crews will remain the same so that there is no learning curve with any new individuals. Again, once each team completes one location, the ones to follow are the same.

Our field Personnel is very knowledge in production and employee efficiency. So for the best result, all the employees will retain the same duty for each task for the duration of this project, i.e., a specific individual will always have the same duty of putting up traffic control, etc... There will always be an individual present which we call the "overseer" or Public Relations" individual. He will be looking at the entire operation at all times, public safety, OSHA implementation, employee safety, quality control.

Our firm is very well funded to efficiency purchase products and maintain as much manpower as required to complete this project. Del Norte has good standing vendor accounts and great credit. To wit, a $44,000 purchase order has been approved for the manufacturing of the bus shelter, benches, racks and trash containers.

In closing, I appreciate your concerns and you have also eased my concerns because I would not like to commence a project where we are going to be condemned from the start and not given the opportunity to prove ourselves. With that said, we feel strongly that the above explanation has provided you with information that will allow for your recommendation to award the project. I have always lived my life with the motto "live and let live" and really disappointed in the personal attacks and professional jealously of so many individuals and other firms.

Obviously our firm has expended a lot of money, efforts and time to obtain this contract. I also acknowledge that the City of Oxnard has also expended a lot of resources as well. I am in this business for the long run and remain a resident of Oxnard. It is my future and that our many individuals I have hired and that of my Family. I expect to be successful and will not fail.

It is my very honest and truthful statement that you have nothing to worry about. To date, I have submitted and complied with every request. If there were even a remote truth to many of the accepted conclusions about my firm, we would not even be at the point of bus shelter manufacturing and ordering.

This letter is not intended to go beyond any issue in case the decision to award is unfavorable and hopefully that subject will never have to be addressed. I believe in people and the right decision and I truly anticipate a favorable decision.

Respectfully submitted,

Chris Salcido

Project Manager

CC: Mr. Trinidad Canales

Patricia Friend

CITY OF OXNARD CALIFORNIA

Meeting Date: 02/05/2013

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

Prepared By: Brad Windsor, Assistant Fire Chief BW Agenda Item No. I-8

Reviewed By: City Manager [signature] City Attorney [signature] Finance [signature] Police Chief

DATE: January 24, 2013

TO: City Council

FROM: Michael O'Malia, Interim Fire Chief [signature]
Fire Department

SUBJECT: **State Homeland Security Grant**

RECOMMENDATION

That City Council:

1. Approve the City's receipt of $41,677 in grant revenue from the State Homeland Security Grant (SHSG) and authorize the Interim City Manager to execute the 2012 Grant Assurances on the City's behalf.

2. Approve a special budget appropriation in the amount of $41,677 for Urban Search and Rescue training and equipment.

DISCUSSION

The County of Ventura applied for and received a grant of $679,497 from the State Homeland Security Grant Program. The City of Oxnard has been awarded a sub-grant from the SHSG approving body in the amount of $41,677. The grant funds are for Urban Search and Rescue training and equipment.

FINANCIAL IMPACT

Approval of this recommendation will have no impact on the General Fund Operating Reserve. All expenditures will be reimbursed through the SHSG. Grant revenue in the amount of $41,677 will be recognized in Project #772228. No matching funds are required.

Attachment #1 - Sub-Grantee Award
#2 -Special Budget Appropriation

VENTURA COUNTY SHERIFF'S OFFICE

- GEOFF DEAN
  Sheriff
- GARY PENTIS
  Assistant Sheriff
- JOHN CROMBACH
  Assistant Sheriff

800 SOUTH VICTORIA AVENUE, VENTURA, CA 93009 PHONE (805) 654-2380 FAX (805) 645-1391

November 5, 2012

Brad Windsor, Assistant Chief
Oxnard Fire Department
360 West 2nd Street
Oxnard, CA 93030

SUBJECT: **NOTIFICATION OF SUB-GRANT AWARD**
FY2012 State Homeland Security Grant Program
Grant #: 2012-SS-00123, CFDA#: 97-067
Performance Period: October 12, 2012 to December 31, 2013

Dear Chief Windsor:

The Office of Homeland Security has approved the County of Ventura's FY 2012 State Homeland Security Grant Program application in the amount of $679,497. Your agency has been allocated $41,667 for Urban Search and Rescue Team training and equipment.

Please be advised that all training must receive a training approval number from the State prior to spending money, and only equipment on the Authorized Equipment List is allowed. Since this is a reimbursement grant, funds must be expended and a reimbursement form with the appropriate supporting documentation must be submitted to the Sheriff's Office of Emergency Services before grant funds will be received by your agency.

In addition, we will need your Authorized Agent to review and sign the 2012 Grant Assurances and return it to our office. This document will be e-mailed to you.

If you have questions or need assistance with any of the above, please call me at 477-1589 in the Sheriff's Office of Emergency Services.

Sincerely,

Susan Duenas
Homeland Security Grant Program Administrator

cc: Mike O'Mallia, Chief

REQUEST FOR SPECIAL BUDGET APPROPRIATION

Department: Fire **Date:** February 5, 2013

Project/Program Manager: Michael O'Malia **Phone:** ext. 7364

Reason for Appropriation:

To recognize federal grant revenue for the State Homeland Security Grant FY12, which is subgranted through the County of Ventura

Accounts and Descriptions		AMOUNT
Fund: HOMELAND SECURITY GRANT (238)		
Revenues/Transfers In		
HOMELAND SECURITY STATE12 (Project 772228)		
238-2221-531.72-31	FEDERAL & STATE SOURCES/STATE GRANT REVENUES	41,667
	Sub-total Revenues	41,667
Expenditures/Transfers Out		
HOMELAND SECURITY STATE12 (Project 772228)		
238-2221-802.80-03	PERSONNEL SERVICES/OVERTIME	10,000
238-2221-802.81-34	MINOR EQP-SHOP/FIELD	26,667
238-2221-802.83-43	TRAINING/WORKSHOP/MTNGS	5,000
	Sub-total Expenditures	41,667
	Net Change to Fund Balance	**0**
	Net Appropriation Change	**41,667**

Approvals

Department Director Michael O'Malia

Chief Financial Officer James Cameron

City Manager

REQUIRES CITY COUNCIL AUTHORIZATION

SBA# (Finance Use Only)_____

BA Doc# (Finance Use Only)_____

Attachment #2 Revised : 2/23/2012

Meeting Date: 02/05/13

CITY OF OXNARD CALIFORNIA

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

Prepared By: Commander Eric S. Sonstegard Agenda Item No. I-9

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

DATE: January 28, 2013

TO: City Council

FROM: Jeri Williams, Chief of Police
Oxnard Police Department

SUBJECT: **First Amendment to Agreement for Gang Intervention Street Outreach**

RECOMMENDATION

That City Council approve and ratify the Mayor's execution of the First Amendment to the Agreement for Gang Intervention Street Outreach with City Impact (Agreement No. 5508-11-PO) to extend the term two years to December 31, 2014 and amend the not to exceed amount by $180,000 for a total agreement value of $339,503.

DISCUSSION

The City of Oxnard was awarded $500,000 of state funds from the Board of State and Community Corrections (BSCC) on November 14, 2012. City Council Adopted Resolution No. 14,279 authorizing the grant application on September 25, 2012. The amendment to the agreement with City Impact is one of the components of this Cal GRIP grant.

FINANCIAL IMPACT

This agreement is funded by the Cal Grip grant.

Attachment #1 – First Amendment to Agreement with City Impact

FIRST AMENDMENT TO AGREEMENT FOR GANG INTERVENTION STREET OUTREACH

This First Amendment ("First Amendment") to the Agreement for Gang Intervention Street Outreach ("Agreement") is made and entered into in the County of Ventura, State of California, effective as of December 31, 2012, by and between the City of Oxnard, a municipal corporation ("City"), and City Impact ("Consultant"). This First Amendment amends the Agreement entered into on August 1, 2011, by City and Consultant.

City and Consultant agree as follows:

1. In Paragraph 12 of the Agreement, the date "December 31, 2012" is deleted and replaced with the date "December 31, 2014".

2. In Paragraph 14a. of the Agreement the amount of "$159,503" is deleted and replaced with the amount "$339,503".

3. In section V. Outcome Goals, point "b" of Exhibit A of the Agreement, "Grant-related performance measures" points "i to iv" are deleted and replaced with "i. In each of the two years, the Street Impact Team (SIT) will contact 2,000 target youth, 500 parents, and 150 businesses. ii. In each of the two years SIT will follow-up with 500 target youth. iii. In each of the two years, SIT will refer 650 youth to services. iv. Consultant will establish working relationships with all target area middle and high schools."

4. In section VI. Staffing, point "a" of Exhibit "A" of the Agreement, "The consultant will provide a minimum of 75 hours per week of Street Outreach Specialist time for a contract minimum total of 7,800 hours" is deleted and replaced with "The consultant will provide a minimum of 3,900 annual hours for the years 2013 and 2014."

5. In Exhibit "B" of the Agreement, bullet point III, the date "December 31, 2012" is deleted and replaced with the date "December 31, 2014".

6. In Exhibit "B" of the Agreement, bullet point III, the date "April 1, 2012" is deleted and replaced with the date "December 31, 2013".

7. In Exhibit "B" of the Agreement, bullet point III, points "a, b, c, and d" are deleted and replaced with "a. In each of the two years, the Street Impact Team (SIT) will contact 2,000 target youth, 500 parents, and 150 businesses. b. In each of the two years SIT will follow-up with 500 target youth. c. In each of the two years, SIT will refer 650 youth to services. d. Consultant will establish working relationships with all target area middle and high schools."

8. As so amended, the Agreement remains in full force and effect.

CITY OF OXNARD

Tim Flynn, Mayor

CONSULTANT

for Betty Alvarez-Ham, President

ATTEST:

1/3/2013

Daniel Martinez, City Clerk

APPROVED AS TO FORM:

Alan Holmberg, City Attorney

APPROVED AS TO INSURANCE:

James Cameron, Risk Manager

APPROVED AS TO CONTENT:

Jeri Williams, Chief of Police

APPROVED AS TO CONTENT:

for ES

Eric Sonstegard, Project Manager

APPROVED AS TO AMOUNT:

for Karen R. Burnham, Interim City Manager

ATTACHMENT NO. 1
PAGE 2 OF 60

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 01/17/2013

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

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

PRODUCER LIC #0B29370 1-925-244-7700 Edgewood Partners Insurance Centers (EPIC) [Irvine Branch] P.O. Box 5003 San Ramon, CA 94583	CONTACT NAME: Edgewood Partners Insurance Center PHONE (A/C, No, Ext): (925) 244-7700 FAX (A/C, No): (925) 901-0671 E-MAIL ADDRESS: EPICcerts@edgewoodins.com
INSURED City Impact Inc. P.O. Box 5678 Oxnard, CA 93031	INSURER(S) AFFORDING COVERAGE — NAIC # INSURER A: ALLIANCE OF NONPROFITS FOR INS RRG — 10023 INSURER B: OAK RIVER INS CO — 34630 INSURER C: INSURER D: INSURER E: INSURER F:

COVERAGES **CERTIFICATE NUMBER:** 31628922 **REVISION NUMBER:**

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

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	GENERAL LIABILITY [X] COMMERCIAL GENERAL LIABILITY [ ] CLAIMS-MADE [X] OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: [ ] POLICY [ ] PRO-JECT [X] LOC			201005416	01/01/13	01/01/14	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG	$ 1,000,000 $ 500,000 $ 20,000 $ 1,000,000 $ 3,000,000 $ 3,000,000
	AUTOMOBILE LIABILITY [ ] ANY AUTO [ ] ALL OWNED AUTOS [ ] SCHEDULED AUTOS [ ] HIRED AUTOS [ ] NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	$ $ $ $
	[ ] UMBRELLA LIAB [ ] OCCUR [ ] EXCESS LIAB [ ] CLAIMS-MADE [ ] DED [ ] RETENTION $						EACH OCCURRENCE AGGREGATE	$ $
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y/N [ ] (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	N/A		2200007446112	04/08/12	04/08/13	[X] WC STATU-TORY LIMITS [ ] OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	 $ 1,000,000 $ 1,000,000 $ 1,000,000
A	Professional Liability			201005416	01/01/13	01/01/14	$1,000,000 Per Occ	3,000,000Ag

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

City of Oxnard, its City Council, officers, employees, agents and volunteers are add as additional insured as required by written contract.

CERTIFICATE HOLDER

City of Oxnard

300 West Third Street, Suite 302

Oxnard, CA 93030

USA

CANCELLATION

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

AUTHORIZED REPRESENTATIVE

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THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – OWNERS, LESSEES OR CONTRACTORS – SCHEDULED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s):	Location(s) Of Covered Operations
WHERE REQUIRED BY WRITTEN CONTRACT	WHERE REQUIRED BY WRITTEN CONTRACT
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.	

A. **Section II – Who Is An Insured** is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by:

1. Your acts or omissions; or
2. The acts or omissions of those acting on your behalf;

in the performance of your ongoing operations for the additional insured(s) at the location(s) designated above.

B. With respect to the insurance afforded to these additional insureds, the following additional exclusions apply:

This insurance does not apply to "bodily injury" or "property damage" occurring after:

1. All work, including materials, parts or equipment furnished in connection with such work, on the project (other than service, maintenance or repairs) to be performed by or on behalf of the additional insured(s) at the location that the covered operations has been completed; or
2. That portion of "your work" out of which the injury or damage arises has been put to its intended use by any person or organization other than another contractor or subcontractor engaged in performing operations for a principal as a part of the same project

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POLICY NUMBER: 201005416 COMMERCIAL GENERAL LIABILITY

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – OWNERS, LESSEES OR CONTRACTORS – (FORM B)

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART.

SCHEDULE

Name of Person or Organization:

BLANKET AS REQUIRED BY WRITTEN CONTRACT

(If no entry appears above, information required to complete this endorsement will be shown in the Declarations as applicable to this endorsement.)

WHO IS AN INSURED (Section II) is amended to include as an insured the person or organization shown in the Schedule, but only with respect to liability arising out of "your work" for that insured by or for you.

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ATTACHMENT 1
PAGE 5 OF 12

POLICY NUMBER: 201005416

COMMERCIAL GENERAL LIABILITY
CG 20 33 07 04

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – OWNERS, LESSEES OR CONTRACTORS – AUTOMATIC STATUS WHEN REQUIRED IN CONSTRUCTION AGREEMENT WITH YOU

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

A. **Section II – Who Is An Insured** is amended to include as an additional insured any person or organization for whom you are performing operations when you and such person or organization have agreed in writing in a contract or agreement that such person or organization be added as an additional insured on your policy. Such person or organization is an additional insured only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by:

1. Your acts or omissions; or
2. The acts or omissions of those acting on your behalf;

in the performance of your ongoing operations for the additional insured.

A person's or organization's status as an additional insured under this endorsement ends when your operations for that additional insured are completed.

B. With respect to the insurance afforded to these additional insureds, the following additional exclusions apply:

This insurance does not apply to:

1. "Bodily injury", "property damage" or "personal and advertising injury" arising out of the rendering of, or the failure to render, any professional architectural, engineering or surveying services, including:
   a. The preparing, approving, or failing to prepare or approve, maps, shop drawings, opinions, reports, surveys, field orders, change orders or drawings and specifications; or
   b. Supervisory, inspection, architectural or engineering activities.
2. "Bodily injury" or "property damage" occurring after:
   a. All work, including materials, parts or equipment furnished in connection with such work, on the project (other than service, maintenance or repairs) to be performed by or on behalf of the additional insured(s) at the location of the covered operations has been completed; or
   b. That portion of "your work" out of which the injury or damage arises has been put to its intended use by any person or organization other than another contractor or subcontractor engaged in performing operations for a principal as a part of the same project.

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ATTACHMENT 1
PAGE 10 OF 10

CITY OF OXNARD CALIFORNIA

Meeting Date: 02/05/2013

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

Prepared By: Grant Dunne, Management Analyst III Agenda Item No. I-10

Reviewed By: City Manager City Attorney Finance Public Works

DATE: January 23, 2013

TO: City Council

FROM: Rob Roshanian, Interim Public Works Director
Public Works Department

SUBJECT: **Fourth Amendment to Agreement No. A-5997 for Solid Waste Disposal Services between the City of Oxnard and Waste Management Incorporated, Simi Valley Landfill**

RECOMMENDATION

That City Council approve and authorize the Mayor to execute the Fourth Amendment to the Agreement for Solid Waste Disposal Services with Waste Management of California, Incorporated to extend the contract expiration date to July 31, 2013 (Agreement No. A-5997).

DISCUSSION

The Simi Valley Landfill is owned and operated by Waste Management of California, Incorporated (WMC) and is located at 2801 Madera Road in Simi Valley. It has been in operation as a landfill since 1970. In 1972, the site began operations under the Ventura Regional County Sanitation District (now Ventura Regional Sanitation District, VRSD). In 1981, Waste Management of California, Inc (WMC) purchased the landfill and received approval to expand the permitted operating life of the facility. The landfill is permitted to operate through 2054.

The Fourth Amendment (Attachment No. 1) extends the initial term of the Agreement that expires February 1, 2013 to July 31, 2013. The Fourth Amendment maintains all other terms and conditions in the existing agreement. This term extension is co-terminus with the Short Term Service Agreement with Republic Services for the operation of the Del Norte Facility. The extension time allows staff to further research the City's landfill disposal options while continuing its effort to negotiate a long term disposal service agreement with WMC in conjunction with the City or a future firm operating the Del Norte Facility.

The current disposal fee is $27.07 per ton. The average public posted rate in the combined counties of Santa Barbara, Ventura and Los Angeles for landfill tipping fees of similar waste is $54.47 per ton. The City delivers approximately 16,800 tons or 82% of its waste to the Simi Valley Landfill on a monthly basis.

The Toland Road Landfill is the only other landfill operated within Ventura County. The City has an agreement with the Ventura Regional Sanitation District, owner and operator of the Toland Road Landfill, which does not expire until November 14, 2020. The City delivers approximately 3,600 tons or 18% of its waste to the Toland Road Landfill per month for a disposal fee of $31.00 per ton. The Toland Road Landfill cannot accommodate receiving all of the City's remaining waste tonnage because tonnage commitments made to other waste haulers has limited the landfill's available capacity.

Based on annual disposal and landfill tipping fee, the estimated value over the term of this Fourth Amendment is approximately $2,700,000. Existing solid waste system user fees and charges provide cost recovery for disposal service at the Simi Valley Landfill.

FINANCIAL IMPACT

There are sufficient funds appropriated in the Processing and Disposal function of the Solid Waste Enterprise Fund 631-6304 for disposal costs at the Simi Valley Landfill.

Attachment #1 – Fourth Amendment to Agreement No. A-5997

Agreement No. A-5997

FOURTH AMENDMENT TO AGREEMENT FOR SOLID WASTE DISPOSAL SERVICES BETWEEN THE CITY OF OXNARD AND WASTE MANAGEMENT OF CALIFORNIA, INC.

THIS AGREEMENT is made this 5th day of February, 2013 by and between the City of Oxnard, a California municipal corporation ("City") and Waste Management of California, Inc., a California corporation ("Owner"). This Agreement amends the "First Amendment to Agreement For Solid Waste Disposal Services Between the City of Oxnard and Waste Management of California," dated September 25, 2006 ("First Amendment") and the "Second Amendment to Agreement For Solid Waste Disposal Services Between the City of Oxnard and Waste Management of California," dated September 20, 2011 ("Second Amendment") and the "Third Amendment to Agreement For Solid Waste Disposal Services Between the City of Oxnard and Waste Management of California," dated February 7, 2012 ("Third Amendment")

RECITALS

WHEREAS, Owner is the owner and operator of the Simi Valley Recycling and Disposal Facility (the "Facility") and City desires to dispose of Residual Solid Waste at the Facility on the terms and subject to the conditions set forth in the First Amendment and Second Amendment and Third Amendment, as modified herein; and

WHEREAS, Owner agrees to grant such right to dispose of Residual Solid Waste at the Facility on the terms and subject to the conditions set forth in the First Amendment and Second Amendment and Third Amendment, as modified herein.

NOW, THEREFORE, in consideration of the mutual promises, covenants, and conditions contained in this Agreement and for other good and valuable consideration, the parties agree as follows.

1. Section 2.1 of the Agreement, as modified by the First, Second and Third Amendment, is deleted in its entirety and amended to state:

    2.1 Term. The initial Term of this Agreement shall begin as of the Effective Date and shall continue until the close of business on July 31, 2013 (the "Initial Term"). Thereafter, this Agreement may be extended beyond the Initial Term for one or more additional terms (the "Successive Term"), for a time period to be determined by the parties, upon mutual written agreement of the parties made not less than sixty (60) days prior to the end of the Initial Term or any Successive Term.

2. Except as provided herein, all other terms and conditions of the First Amendment and Second Amendment and Third Amendment remain in full force and effect.

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IN WITNESS WHEREOF, City and Owner have executed this Agreement as of the date and year first above written.

CITY OF OXNARD

Tim Flynn, Mayor

WASTE MANAGEMENT OF CALIFORNIA, INC.

By: Mike Smith

Name: Mike Smith
Mike Smith
Vice President, Market Area
General Manager

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO INSURANCE:

James Cameron, Chief Financial Officer

APPROVED AS TO FORM:

Alan Holmberg, City Attorney

APPROVED AS TO AMOUNT:

Karen R. Burnham, Interim City Manager

APPROVED AS TO CONTENT:

Rob Roshanian, Interim Public Works Director

Grant Dunne, Project Manager

CITY OF OXNARD CALIFORNIA

Meeting Date: 02/05/13

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

Prepared By: Jay Duncan, Recycling Manager Jay Duncan Agenda Item No. I-11

Reviewed By: City Manager MLL City Attorney SmF Finance JC Public Works

DATE: January 23, 2013

TO: City Council

FROM: Rob Roshanian, Interim Public Works Director SR.
Public Works Department

SUBJECT: **Resolution for Re-designation of the Ventura County Recycling Market Development Zone**

RECOMMENDATION

That City Council adopt a resolution authorizing the City of Oxnard to remain in the Ventura County Recycling Market Development Zone after the Zone's re-designation by the California Department of Resources Recycling and Recovery (CalRecycle).

DISCUSSION

In 1990, the Governor and Legislature of California adopted SB 2310 (Chapter 1543, Statutes of 1990) authored by Senator Marian Bergeson (R-Newport Beach) establishing the California Market Development Zone program. The purpose of the act was to stimulate the recycling of waste materials generated in California.

Under the program, local communities, separately or in partnership, apply for a designation as a Recycling Market Development Zone. The Recycling Market Development Zone (RMDZ) is an economic and technical assistance program consisting of state-funded low-interest loans, technical assistance, siting and permitting assistance, and assistance with obtaining recycled feedstock. It is available primarily to manufacturers who use discarded material to make new products. It is also available for "source reduction," such as assistance to companies that facilitate reuse, alter manufacturing processes to use less material, or make products recyclable.

Loans are made with State funds, and are available only to companies located in one of the 35 Recycling Market Development Zones in California. The interest rate is currently 4%. That fixed rate is available for up to 15 years, in amounts up to $2 million per loan.

In March 1992, the cities of Camarillo, Oxnard and Simi Valley joined the County of Ventura in forming the Ventura County Recycling Market Development Zone. One year later (in March 1993), all jurisdictions in Ventura County, including each of the 10 city councils and the Board of Supervisors, representing the unincorporated areas, submitted a revised application for designation. In April 1993,

the California Integrated Waste Management Board established the Ventura County Recycling Market Development Zone.

There are over 24 examples of market-development assistance to Oxnard businesses in the RMDZ program's history. Additional accomplishments in the other 10 jurisdictions of Ventura County have also benefited Oxnard. Development of recycling-based businesses and promotion of recycled products creates markets for the City's recyclables and contributes to the local economy.

The Ventura County Integrated Waste Management Division has completed the process for compliance with the California Environmental Quality Act (CEQA). The Board of Supervisors, on January 15, 2013, authorized the filing of a Notice of Exemption. Renewal of the County's designation as an RMDZ does not require or ensure any future facilities. Therefore, during a prior review for the filing of a Negative Declaration in 2003, no reviewing agencies nor any member of the public found any evidence to indicate that zone renewal will result in any direct activities or measures that impact the environment or other services included in CEQA consideration. In the event that Ventura County's status as an RMDZ increases the likelihood that companies will be recruited to or expanded in Ventura County, those companies' facilities will be subject to permit processes and individual review as to location and impacts under local jurisdictions' regulations.

FINANCIAL IMPACT

There are no additional personnel or matching funds required for this designation.

Attachment #1 - Resolution

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD SUPPORTING RENEWAL OF THE VENTURA COUNTY RECYCLING MARKET DEVELOPMENT ZONE.

WHEREAS, the California Public Resources Code Section 42010 provides for the establishment of the Recycling Market Development Zone (RMDZ) program throughout the State to provide incentives to stimulate development of post-consumer and secondary materials markets for recyclables; and

WHEREAS, the Ventura County Recycling Market Development Zone (VCRMDZ) currently includes unincorporated Ventura County and the cities of Camarillo, Fillmore, Moorpark, Ojai, Oxnard, Port Hueneme, San Buenaventura, Santa Paula, Simi Valley and Thousand Oaks; and

WHEREAS, cities and counties must meet diversion rates mandated by the California Integrated Waste Management Act; and

WHEREAS, the VCRMDZ is dedicated to establishing, sustaining and expanding recycling-based manufacturing businesses, which are essential for market development and for assisting local jurisdictions in meeting the established landfill reduction goals; and

WHEREAS, the VCRMDZ designation will expire in April 2013 unless re-designated by CalRecycle; and

WHEREAS, the City of Oxnard still desires existing and new recycling-based manufacturing businesses locating within the region to be eligible for the technical and financial incentives associated with the RMDZ program; and

WHEREAS, the renewal of the VCRMDZ is still necessary to facilitate local and regional planning, coordination, support of existing recycling-based manufacturing businesses, and attraction of private sector recycling business investments to the region; and

WHEREAS, current and proposed waste management practices and conditions are favorable to the development of post-consumer and secondary waste materials markets; and

WHEREAS, the Ventura County Board of Supervisors authorized the filing of a Notice of Exemption for the Renewal of Ventura County's status as an RMDZ during their January 15, 2013, regular meeting; and

WHEREAS, the California Legislature has defined environmental justice as "the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies" [Government Code section 65040.12(e)], and has directed the California Environmental Protection Agency to conduct its programs, policies, and activities that substantially affect human health or the environment in a manner that ensures the fair treatment of people of all races, cultures, and income levels, including minority populations and low-income populations of the state [Public Resources Code section 71110(a)]; and

WHEREAS, CalRecycle, in its Strategic Plan, has adopted a goal to continuously integrate environmental justice concerns into all of CalRecycle's programs and activities.

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

1. The City Council approves the submittal of an RMDZ renewal application which may include any or all of the following jurisdictions: unincorporated Ventura County, and the cities of Camarillo, Fillmore, Moorpark, Ojai, Oxnard, Port Hueneme, San Buenaventura, Santa Paula, Simi Valley and Thousand Oaks; and

2. The City Council agrees to work with the County of Ventura to help administer the RMDZ program in a manner that seeks to ensure the fair treatment of people of all races, cultures and incomes, including but not limited to soliciting public participation in all communities within the RMDZ.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Oxnard held on February 5, 2013, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Tim Flynn, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:

Alan Holmberg, City Attorney

Item # J-1

CITY OF OXNARD CALIFORNIA

INFORMATION ONLY

NO ACTION REQUIRED

DATE: January 16, 2013

TO: City Council

FROM: James Cameron, Chief Financial Officer
Finance Department

SUBJECT: **Monthly Budget Status Report for the Period Ending December 31, 2012 (Fiscal Year 2012-13)**

The monthly budget status report for revenues and expenses include both Governmental and Enterprise Funds for the period ending December 31, 2012. Because this report includes year-end accruals for Fiscal Year 2011-12, there are timing issues on offsetting revenues and expenditures.

Included in the report is a discussion of recent economic trends and significant variances from anticipated revenues and expenditures for the fiscal year.

JC:MM:tr

Attachment #1: Monthly Budget Status Reports

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

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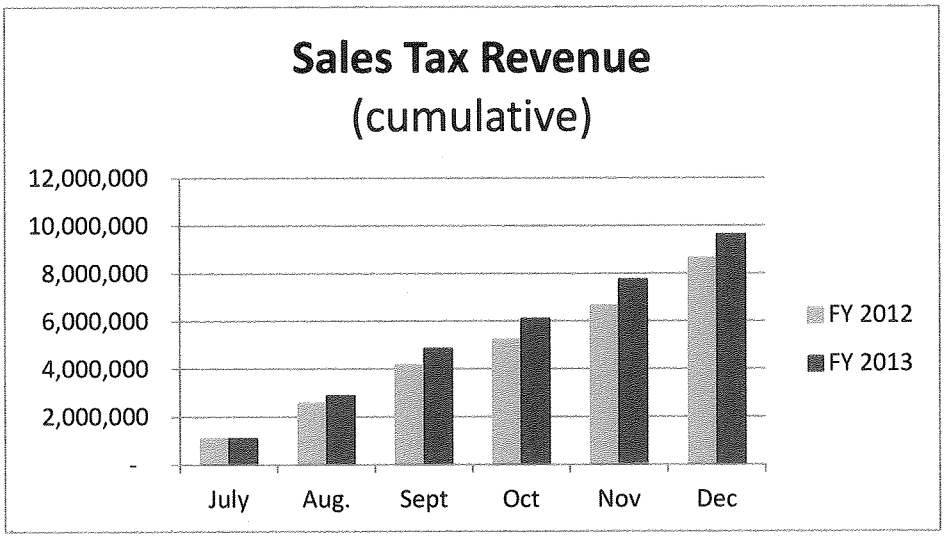
Other Governmental Funds	7
Water Funds	9
Wastewater Funds	10
Environmental Resource Funds	11
Golf	12
Performing Arts & Convention Center	13
Housing Set-Aside Successor Agency Fund	14
Successor Agency to the Community Development Commission	15

Economic & Budget Trends

At the national level, the good news is the "Fiscal Cliff" was avoided albeit at the last minute, the bad news it has to be revisited in March. In addition, the debt limit was suspended by the House of Representatives (as of January 24) until May and the Senate and President have indicated they will approve this action as well. There is still a significant amount of work to be done at the Federal level to address long-term deficits.

The uncertainty during the 4th quarter regarding the "Fiscal Cliff" apparently did have an impact on the economy. The advanced GDP estimate for the 4th quarter was a negative 0.1%. This was driven in part by lower government spending at both the federal and state and local levels. Other economic indicators continued to be positive overall. The most recent Leading Economic Indicators increased by 0.5%. The housing sector continues to strengthen with positive readings on residential construction as well as sales and prices.

While the latest GDP reading creates concerns regarding local revenues, sales tax growth has been strong. The following chart compares cumulative sales tax revenues for FYs 2012 and 2013. During the first 6 months, sales taxes were about $1 million higher than last year, an increase of 11%. Next month's report will provide an analysis of other general fund revenue and expenditure trends.



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

	Original Budget	Revised Budget	Actual Amounts	
OPERATING REVENUES AND EXPENDITURES				
Operating Revenues				
Taxes:				
Property Taxes	$ 25,888,000	$ 25,888,000	$ 13,158,173	a
Property Tax in-lieu of Vehicle License Fee	14,310,000	14,310,000	-	
Sales Tax	25,245,000	25,245,000	6,775,261	b
Other Taxes and Fees	12,469,000	12,469,000	5,567,519	c
Licenses and Permits	1,984,000	1,984,000	975,215	
Intergovernmental	12,956,140	12,956,140	5,435,600	c
Charges for Services	11,023,518	11,023,518	3,715,179	
Fines and Forfeitures	653,000	653,000	175,928	c
Investment Earnings	216,000	216,000	30,121	
Miscellaneous	3,956,000	3,956,000	623,262	
Total Operating Revenues	**$ 108,700,658**	**$ 108,700,658**	**$ 36,456,258**	
Operating Expenditures				
General Government	10,546,550	10,595,950	4,765,989	
Public Safety	63,681,364	63,660,364	29,806,025	
Transportation	3,745,333	3,715,333	1,479,607	
Community Development	9,543,962	9,492,562	4,472,245	
Culture and Recreation	15,716,274	15,778,274	7,532,390	
Total Operating Expenditures	**$ 103,233,483**	**$ 103,242,483**	**$ 48,056,256**	
NET REVENUES FROM OPERATIONS	**$ 5,467,175**	**$ 5,458,175**	**$ (11,599,998)**	

Notes:

a Current year receipts reduced for year-end accrual of $1,330,649.

b Current year receipts reduced for year-end accrual of $4,582,486 to prior year.

c Actual amounts reflect accrual reversals for receipts recognized in the prior year in the amount of $745,340.

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

	Original Budget	Revised Budget	Actual Amounts	
NON-OPERATING SOURCES AND USES				
Non-operating Sources				
Transfers in	$ 37,000	$ 37,000	$ -	
Sub-total Non-operating Sources	37,000	37,000	-	
Non-operating Uses				
Capital outlay	75,000	96,000	46,100	
Transfers out	5,429,175	5,429,175	452,580	d
Sub-total Non-operating Uses	5,504,175	5,525,175	498,680	
NET NON-OPERATING SOURCES AND USES	**$ (5,467,175)**	**$ (5,488,175)**	**$ (498,680)**	
USE OF FUND BALANCE				
Use of Reserve for Encumbrances	-	-	-	
From Available Fund Balance	-	30,000	12,098,678	e
TOTAL USE OF FUND BALANCE	**$ -**	**$ 30,000**	**$ 12,098,678**	
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 December 31, 2012
(Unaudited)

	Original Budget	Revised Budget	Actual Amounts	
OPERATING REVENUES AND EXPENDITURES				
Operating Revenues				
Taxes	$ 11,000,000	$ 11,000,000	$ 2,322,300	a
Investment Earnings	90,000	90,000	43,110	
Total Operating Revenues	**$ 11,090,000**	**$ 11,090,000**	**$ 2,365,410**	
Operating Expenditures				
General Government	-	173,222	4,231	
Public Safety	2,833,460	5,362,759	1,890,377	
Transportation	900,000	1,263,924	387,188	
Community Development	350,000	694,273	84,091	
Culture and Recreation	1,295,000	1,442,626	270,085	
Total Operating Expenditures	**$ 5,378,460**	**$ 8,936,804**	**$ 2,635,972**	
NET REVENUES FROM OPERATIONS	**$ 5,711,540**	**$ 2,153,196**	**$ (270,562)**	
NON-OPERATING SOURCES AND USES				
Non-operating Sources				
Proceeds from Lease Purchase Agreement	-	-	-	
Sub-total Non-operating Sources	-	-	-	
Non-operating Uses				
Interest Expense	-	-	-	
Payment of Principal	-	-	-	
Capital Outlay	700,000	13,274,781	2,387,279	
Sub-total Non-operating Uses	700,000	13,274,781	2,387,279	
NET NON-OPERATING SOURCES AND USES	**$ (700,000)**	**$ (13,274,781)**	**$ (2,387,279)**	
DEBT FINANCING & USE OF FUND BALANCE				
Designated for Authorized Projects & Encumbrances	-	14,043,125	2,657,841	b
Appropriated Fund Balance	-	2,090,000	-	
TOTAL USE OF FUND BALANCE	**$ -**	**$ 16,133,125**	**$ 2,657,841**	
FISCAL YEAR BALANCE	**$ 5,011,540**	**$ 5,011,540**	**$ -**	

Notes:

a Current year receipts reduced for year-end accrual of $3,022,800 to prior year.

b Carryover of prior year project balances.

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

	Original Budget	Revised Budget	Actual Amounts
OPERATING REVENUES AND EXPENDITURES			
Operating Revenues			
Intergovernmental	$ 5,465,141	$ 11,229,443	$ 5,447,705
Fines and forfeitures	-	-	22,326
Investment Earnings	-	-	5,886
Miscellaneous	-	100,731	163,209
Total Operating Revenues	**$ 5,465,141**	**$ 11,330,174**	**$ 5,639,126**
Operating Expenditures			
General Government	-	-	-
Public Safety	200,000	6,266,028	947,442
Transportation	-	250,000	-
Community Development	3,604,704	9,061,281	3,018,691
Culture and Recreation	186,103	334,000	118,496
Total Operating Expenditures	**$ 3,990,807**	**$ 15,911,309**	**$ 4,084,629**
NET REVENUES FROM OPERATIONS	**$ 1,474,334**	**$ (4,581,135)**	**$ 1,554,497**
NON-OPERATING SOURCES AND USES			
Non-operating Sources			
Transfers in	-	-	-
Sub-total Non-operating Sources	-	-	-
Non-operating Uses			
Capital Outlay	1,477,414	10,327,747	2,248,204
Transfers out	-	-	-
Sub-total Non-operating Uses	1,477,414	10,327,747	2,248,204
NET NON-OPERATING SOURCES AND USES	**$ (1,477,414)**	**$ (10,327,747)**	**$ (2,248,204)**
DEBT FINANCING & USE OF FUND BALANCE			
Designated for Authorized Projects & Encumbrances	-	14,258,769	1,926,592
From Available Fund Balance	3,080	650,113	(1,232,885) a
TOTAL USE OF FUND BALANCE	**$ 3,080**	**$ 14,908,882**	**$ 693,707**
FISCAL YEAR BALANCE	**$ -**	**$ -**	**$ -**

Notes:

a Grants are typically on a reimbursement basis resulting in a revenue lag.

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

	Original Budget	Revised Budget	Actual Amounts	
OPERATING REVENUES AND EXPENDITURES				
Operating Revenues				
Taxes	$ 13,516,600	$ 13,516,600	$ 6,625,749	
Licenses and Permits	755,314	755,314	766,247	
Intergovernmental	5,921,041	5,919,116	2,132,396	
Growth and Development Fees	1,808,100	1,808,100	799,900	
Charges for services	55,300	55,300	32,108	
Fines and forfeitures	400,000	400,000	80,531	
Investment Earnings	690,716	690,716	141,098	
Special Assessments	8,046,810	8,046,810	4,256,752	
Miscellaneous	793,600	793,600	338,600	
Total Operating Revenues	**$ 31,987,481**	**$ 31,985,556**	**$ 15,173,381**	
Operating Expenditures				
General Government	260,084	260,084	162,774	
Public Safety	19,211,930	19,478,661	8,599,367	
Transportation	5,914,422	5,959,514	2,806,596	
Community Development	9,400	9,400	47	
Culture and Recreation	4,779,556	4,840,376	2,289,308	
Total Operating Expenditures	**$ 30,175,392**	**$ 30,548,035**	**$ 13,858,092**	
NET REVENUES FROM OPERATIONS	**$ 1,812,089**	**$ 1,437,521**	**$ 1,315,289**	
NON-OPERATING SOURCES AND USES				
Non-operating Sources				
Transfers in	$ 6,335,798	$ 6,335,798	$ -	a
Sub-total Non-operating Sources	6,335,798	6,335,798	-	
Non-operating Uses				
Interest Expense	3,030,074	4,128,419	840,706	
Payment of Principal	3,575,684	3,800,684	487,945	
Capital Outlay	3,207,162	29,180,571	4,365,609	
Affordable housing projects	-	3,300,000	-	b
Transfers out	1,788,471	1,788,471	-	a
Sub-total Non-operating Uses	11,601,391	42,198,145	5,694,260	
NET NON-OPERATING SOURCES AND USES	**$ (5,265,593)**	**$ (35,862,347)**	**$ (5,694,260)**	

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

	Original Budget	Revised Budget	Actual Amounts
DEBT FINANCING & USE OF FUND BALANCE			
Designated for Authorized Projects & Encumbrances	-	22,738,629	3,929,048
Appropriated Fund Balance	-	8,196,094	915,039
From Available Fund Balance	3,453,504	3,490,103	(465,116)
TOTAL USE OF FUND BALANCE	**$ 3,453,504**	**$ 34,424,826**	**$ 4,378,971**
FISCAL YEAR BALANCE	$ -	$ -	$ -

Notes:

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

b Use of affordable housing in-lieu fees.

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

	Original Budget	Revised Budget	Actual Amounts	
OPERATING REVENUES AND EXPENDITURES				
Operating Revenues				
Charges for Services	$ 43,810,000	$ 43,810,000	$ 21,661,798	
Security/Contamination Prevention Fees	770,000	770,000	129,218	
Miscellaneous and Reimbursements	5,000	141,000	151,917	
Total Operating Revenues	**$ 44,585,000**	**$ 44,721,000**	**$ 21,942,933**	
Operating Expenditures				
Salaries and Wages	5,014,491	5,014,491	2,041,338	
Contracts and Services	2,236,046	2,416,212	609,210	
Operating Supplies	1,060,600	1,210,600	117,405	
Water Acquisition	18,784,000	18,784,000	8,476,815	
General and Administrative	4,285,132	4,332,966	1,644,658	
Total Operating Expenditures	**$ 31,380,269**	**$ 31,758,269**	**$ 12,889,426**	
NET REVENUES FROM OPERATIONS	**$ 13,204,731**	**$ 12,962,731**	**$ 9,053,507**	
NON-OPERATING SOURCES AND USES				
Non-operating Sources				
Transfers In	2,067,900	2,067,900	-	a
Investment Earnings	2,294,000	2,294,000	1,089,766	
Connection Fees	460,000	460,000	683,076	
Sub-total Non-operating Sources	4,821,900	4,821,900	1,772,842	
Non-operating Uses				
Capital Outlay (non-debt financed)	3,900,000	12,048,769	449,231	
Interest Expense	11,414,089	11,414,089	6,424,702	
Transfers Out	1,348,277	1,348,277	-	b
Sub-total Non-operating Uses	16,662,366	24,811,135	6,873,933	
NET NON-OPERATING SOURCES AND USES	**$ (11,840,466)**	**$ (19,989,235)**	**$ (5,101,091)**	
DEBT FINANCING & USE OF FUND BALANCE				
Payment of Principal	(3,701,940)	(3,701,940)	(995,200)	
Designated for Authorized Projects & Encumbrances	-	23,359,835	1,108,114	
Use of Bond Principal	-	(15,153,719)	(1,108,114)	
From/(To) Capital Reserve	2,337,675	2,522,328	(2,957,216)	
NET USE OF BONDS AND OTHER DEBT FINANCING	**$ (1,364,265)**	**$ 7,026,504**	**$ (3,952,416)**	
FISCAL YEAR BALANCE	**$ -**	**$ -**	**$ -**	

Notes:

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

b Loan to Golf Fund

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

	Original Budget	Revised Budget	Actual Amounts
OPERATING REVENUES AND EXPENDITURES			
Operating Revenues			
Charges for Services	$ 24,380,000	$ 24,380,000	$ 11,598,248
Security/Contamination Prevention Fees	150,000	150,000	-
Miscellaneous and Reimbursements	485,000	485,000	107,319 a
Total Operating Revenues	**$ 25,015,000**	**$ 25,015,000**	**$ 11,705,567**
Operating Expenditures			
Salaries and Wages	6,579,505	6,579,505	2,838,555
Contracts and Services	4,997,327	4,997,327	2,255,237
Operating Supplies	1,761,200	1,761,200	735,445
General and Administrative	3,551,920	3,551,920	1,614,931
Total Operating Expenditures	**$ 16,889,952**	**$ 16,889,952**	**$ 7,444,168**
NET REVENUES FROM OPERATIONS	**$ 8,125,048**	**$ 8,125,048**	**$ 4,261,399**
NON-OPERATING SOURCES AND USES			
Non-operating Sources			
Investment Earnings	30,000	30,000	44,542
Connection Fees	380,000	380,000	121,239
Sub-total Non-operating Sources	410,000	410,000	165,781
Non-operating Uses			
Capital Outlay (non-debt financed)	4,275,000	4,914,487	26,479
Interest Expense	6,940,157	6,940,157	3,413,353
Sub-total Non-operating Uses	11,215,157	11,854,644	3,439,832
NET NON-OPERATING SOURCES AND USES	**$ (10,805,157)**	**$ (11,444,644)**	**$ (3,274,051)**
DEBT FINANCING & USE OF FUND BALANCE			
Payment of Principal	(4,487,939)	(4,487,939)	(16,701)
Designated for Authorized Projects & Encumbrances	-	3,059,487	-
Appropriated Fund Balance	-	280,000	-
From/(To) Capital Reserve	7,168,048	4,468,048	(970,647)
NET USE OF BONDS AND OTHER DEBT FINANCING	**$ 2,680,109**	**$ 3,319,596**	**$ (987,348)**
FISCAL YEAR BALANCE	**$ -**	**$ -**	**$ -**

Notes:

a Prior period adjustment.

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

	Original Budget	Revised Budget	Actual Amounts	
OPERATING REVENUES AND EXPENDITURES				
Operating Revenues				
Charges for Services	$ 44,510,000	$ 44,510,000	$ 16,766,994	a
Security/Contamination Prevention Fees	79,000	79,000	36	
Miscellaneous and Reimbursements	255,000	255,000	104,435	
Total Operating Revenues	**$ 44,844,000**	**$ 44,844,000**	**$ 16,871,465**	
Operating Expenditures				
Salaries and Wages	7,062,747	7,062,747	3,183,164	
Operating Supplies	613,700	672,700	111,253	
Contracts and Services	26,779,699	26,917,565	11,473,310	
General and Administrative	3,764,040	3,736,040	1,412,894	
Total Operating Expenditures	**$ 38,220,186**	**$ 38,389,052**	**$ 16,180,621**	
NET REVENUES FROM OPERATIONS	**$ 6,623,814**	**$ 6,454,948**	**$ 690,844**	
NON-OPERATING SOURCES AND USES				
Non-operating Sources				
Investment Earnings	170,400	170,400	13,073	
Connection Fees	35,340	35,340	29,970	
Sub-total Non-operating Sources	205,740	205,740	43,043	
Non-operating Uses				
Capital Outlay (non-debt financed)	280,500	462,555	191,138	
Interest Expense	771,452	771,452	261,114	
Transfers out	62,110	62,110	-	b
Sub-total Non-operating Uses	1,114,062	1,296,117	452,252	
NET NON-OPERATING SOURCES AND USES	**$ (908,322)**	**$ (1,090,377)**	**$ (409,209)**	
DEBT FINANCING & USE OF FUND BALANCE				
Payment of Principal	(3,728,756)	(3,728,756)	(350,911)	
Designated for Authorized Projects & Encumbrances	-	182,055	75,229	
Appropriated Fund Balance	-	168,866	-	
From/(To) Capital Reserve	(1,986,736)	(1,986,736)	(5,953)	
NET USE OF BONDS AND OTHER DEBT FINANCING	**$ (5,715,492)**	**$ (5,364,571)**	**$ (281,635)**	
FISCAL YEAR BALANCE	**$ -**	**$ -**	**$ -**	

Notes:

a Current year revenues reduced by $2,358,000 accrual to FY 2012

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 December 31, 2012
(Unaudited)

	Original Budget	Revised Budget	Actual Amounts
OPERATING REVENUES AND EXPENDITURES			
Operating Revenues			
Charges for Services	$ 4,021,591	$ 4,021,591	$ 1,404,304
Miscellaneous and Reimbursements	10,000	10,000	-
Total Operating Revenues	**$ 4,031,591**	**$ 4,031,591**	**$ 1,404,304**
Operating Expenditures			
Salaries and Wages	66,068	66,068	31,587
Operating Supplies	-	-	-
Contracts and Services	3,938,573	3,938,573	1,212,438
General and Administrative	205,716	205,716	106,298
Total Operating Expenditures	**$ 4,210,357**	**$ 4,210,357**	**$ 1,350,323**
NET REVENUES FROM OPERATIONS	**$ (178,766)**	**$ (178,766)**	**$ 53,981**
NON-OPERATING SOURCES AND USES			
Non-operating Sources			
Transfers In	1,348,277	1,348,277	-
Investment Earnings	-	-	(4,841)
Sub-total Non-operating Sources	1,348,277	1,348,277	(4,841)
Non-operating Uses			
Capital Outlay (non-debt financed)	80,500	80,500	-
Interest Expense	149,097	149,097	82,095
Transfers out	-	-	-
Sub-total Non-operating Uses	229,597	229,597	82,095
NET NON-OPERATING SOURCES AND USES	**$ 1,118,680**	**$ 1,118,680**	**$ (86,936)**
DEBT FINANCING & USE OF FUND BALANCE			
Payment of Principal	(939,914)	(939,914)	-
Designated for Authorized Projects & Encumbrances	-	-	-
From/(To) Capital Reserve	-	-	-
NET USE OF BONDS AND OTHER DEBT FINANCING	**$ (939,914)**	**$ (939,914)**	**$ -**
FISCAL YEAR BALANCE	**$ -**	**$ -**	**$ (32,955)**

Notes:

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

	Original Budget	Revised Budget	Actual Amounts
OPERATING REVENUES AND EXPENDITURES			
Operating Revenues			
Charges for Services	$ 450,200	$ 450,200	$ 201,296
Miscellaneous	20,000	20,000	13,662
Total Operating Revenues	**$ 470,200**	**$ 470,200**	**$ 214,958**
Operating Expenditures			
Salaries and Wages	950,194	950,194	484,441
Operating Supplies	300	300	-
Contracts and Services	252,355	252,355	126,188
General and Administrative	172,511	172,511	84,107
Total Operating Expenditures	**$ 1,375,360**	**$ 1,375,360**	**$ 694,736**
NET REVENUES FROM OPERATIONS	**$ (905,160)**	**$ (905,160)**	**$ (479,778)**
NON-OPERATING SOURCES AND USES			
Non-operating Sources			
Transfers In	905,160	905,160	452,580 a
Investment Earnings	-	-	(4,080)
Sub-total Non-operating Sources	905,160	905,160	448,500
Non-operating Uses			
Capital Outlay	-	-	-
Sub-total Non-operating Uses	-	-	-
NET NON-OPERATING SOURCES AND USES	**$ 905,160**	**$ 905,160**	**$ 448,500**
DEBT FINANCING & USE OF FUND BALANCE			
Designated for Authorized Projects & Encumbrances	-	-	-
From/(To) Capital Reserve	-	-	-
NET USE OF BONDS AND OTHER DEBT FINANCING	**$ -**	**$ -**	**$ -**
FISCAL YEAR BALANCE	**$ -**	**$ -**	**$ (31,278)**

Notes:

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

City of Oxnard
Housing Set-aside Successor Agency Fund
Budget Status Report
For the Month Ended December 31, 2012
(Unaudited)

	Original Budget	Revised Budget	Actual Amounts
OPERATING REVENUES AND EXPENDITURES			
Operating Revenues			
Taxes	$ -	$ -	$ 19,061
Rental Income	-	-	-
Miscellaneous and Reimbursements	-	-	103,650 a
Total Operating Revenues	**$ -**	**$ -**	**$ 122,711**
Operating Expenditures			
Salaries and Wages	-	-	20,527
Contracts and Services	-	-	75
General and Administrative	-	-	-
Total Operating Expenditures	**$ -**	**$ -**	**$ 20,602**
NET REVENUES FROM OPERATIONS	**$ -**	**$ -**	**$ 102,109**
NON-OPERATING SOURCES AND USES			
Non-operating Sources			
Transfers In	-	-	-
Investment Earnings	-	-	-
Sub-total Non-operating Sources	-	-	-
Non-operating Uses			
Capital Outlay	-	-	45,262
Interest Expense	-	-	-
Transfers out	-	-	-
Sub-total Non-operating Uses	-	-	45,262
NET NON-OPERATING SOURCES AND USES	**$ -**	**$ -**	**$ (45,262)**
DEBT FINANCING & USE OF FUND BALANCE			
Payment of principal	-	-	-
Designated for Authorized Projects & Encumbrances	-	-	-
From/(To) Operating and Capital Reserves	-	-	(56,847)
TOTAL USE OF FUND BALANCE	**$ -**	**$ -**	**$ (56,847)**
FISCAL YEAR BALANCE	**$ -**	**$ -**	**$ -**

Notes:

a Housing set-aside deposit.

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

	Original Budget	Revised Budget	Actual Amounts	
OPERATING REVENUES AND EXPENDITURES				
Operating Revenues				
Taxes	$ 10,478,775	$ 10,478,775	$ -	a
Rental Income	-	-	39,254	
Miscellaneous and Reimbursements	-	-	110,943	
Total Operating Revenues	**$ 10,478,775**	**$ 10,478,775**	**$ 150,197**	
Operating Expenditures				
Salaries and Wages	-	-	45,170	
Contracts and Services	-	-	170,094	
General and Administrative	305,207	305,207	152,300	
Total Operating Expenditures	**$ 305,207**	**$ 305,207**	**$ 367,564**	
NET REVENUES FROM OPERATIONS	**$ 10,173,568**	**$ 10,173,568**	**$ (217,367)**	
NON-OPERATING SOURCES AND USES				
Non-operating Sources				
Transfers In	-	-	-	
Investment Earnings	-	-	39,628	
Sub-total Non-operating Sources	-	-	39,628	
Non-operating Uses				
Capital Outlay	-	-	396,347	
Interest Expense	-	-	1,003,458	
Project Costs	10,173,568	10,173,568	-	a
Transfers out	-	-	-	
Sub-total Non-operating Uses	10,173,568	10,173,568	1,399,805	
NET NON-OPERATING SOURCES AND USES	**$ (10,173,568)**	**$ (10,173,568)**	**$ (1,360,177)**	
DEBT FINANCING & USE OF FUND BALANCE				
Payment of principal	-	-	(1,410,000)	
Designated for Authorized Projects & Encumbrances	-	-	-	
From/(To) Operating and Capital Reserves	-	-	2,987,544	b
TOTAL USE OF FUND BALANCE	**$ -**	**$ -**	**$ 1,577,544**	
FISCAL YEAR BALANCE	**$ -**	**$ -**	**$ -**	

Notes:

a Amounts approved by the California Department of Finance (DOF). AB 1484 allows for successor agencies to request a meet and confer session to discuss the findings of the DOF.

b Revenues were received from the County in June 2012 for expenditures approved in the Recognized Obligation Payment Schedule for July 2012 to December 2013.

CITY OF OXNARD CALIFORNIA

Meeting Date: 2/5/2013

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 Planning CW Agenda Item No. L-1

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

DATE: February 5, 2013

TO: City Council

FROM: Matthew Winegar, AICP, Development Services Director
Development Services Department

SUBJECT: **Certification of East Village Phase III Annexation Final Environmental Impact Report (FEIR) No. 11-01; Approval of Planning and Zoning Permit (PZ) No. 11-610-01 (Annexation) and PZ No. 11-560-01 (Prezoning) for the 107-Acre Parcel Located at 1853 Camino del Sol (APN 214-0-020-595); and PZ No. 12-610-01 (Annexation) of four Right-of-Way (ROW) Segments and/or Parcels on the North Side of the 101/Santa Clara Avenue Interchange. Filed by Maulhardt RF-JW Trust et al c/o Richard Maulhardt, Jr. 1853 Camino del Sol, Oxnard; and City of Oxnard, 300 West Third Street, Oxnard, CA 93030.**

RECOMMENDATION

That City Council:

1. Adopt a resolution certifying the East Village Phase III Annexation FEIR No. 11-01.
2. Adopt a resolution of annexation application (PZ 11-610-01) to the Ventura County Local Agency Formation Commission (LAFCo) for reorganization of boundaries for the East Village Phase III property.
3. Approve the first reading by title only and subsequent adoption of an ordinance amending the City zone map (PZ No. 11-560-01) for prezoning the East Village Phase III Annexation area.
4. Adopt a resolution of annexation application (PZ 12-610-01) to LAFCo for reorganization of boundaries for four ROW segments and/or parcels on the north side of the 101/Santa Clara interchange.

DISCUSSION

The East Village Phase III Annexation would bring within the City boundaries the entirety of the 107-acre agricultural parcel on the northeast corner of Camino del Sol and Rose Avenue (Attachment 1). The property includes a residence, orchard, and related farm and outbuildings. The parcel is the last undeveloped tract remaining to be annexed within the 20-year old Northeast Community Specific Plan (NECSP), and the applicant is seeking only annexation at this time under the NECSP land use

designations. Prezonings that correspond to the NECSP land use designations are proposed for adoption by ordinance, subject to LAFCo's approval of the annexation application (Attachment 2).

The applicant's and City's objectives are: 1) annexation to the City of Oxnard, 2) continued agricultural cultivation until a development plan and NECSP amendment is reviewed and approved by the City, 3) completion of the NECSP and its objectives, and 4) incorporation of innovative, feasible, and flexible features that assist the City in implementing the 2030 General Plan and Housing Element.

In compliance with the California Environmental Quality Act (CEQA), an Environmental Impact Report (EIR) was prepared based on the annexation parcel's NECSP land use designations that equate to 402 single-family housing units on 89.5 acres, six acres of neighborhood commercial, and 11 acres for parks and public streets. The Final EIR finds that development under this NECSP scenario would result in two significant project-level significant impacts: 1) loss of some or all of the windrow along Rose Avenue due to street widening, and 2) loss of prime and statewide important agricultural land. At the citywide cumulative level, the EIR found the same loss of agricultural land, significant traffic, air quality and greenhouse gas emissions, traffic, and noise impacts as those described in the 2030 General Plan Final Program EIR, which is incorporated by reference by the East Village Phase III Annexation Final EIR. The East Village Phase III Annexation Final EIR incorporates the findings and overriding considerations of the 2030 General Plan Program EIR for these cumulative significant impacts. The Planning Commission recommended approval of the East Village Phase III EIR certification, annexation, and prezoning at its meeting of September 20, 2012.

With the concurrence and direction of LAFCo staff, the City will include with the East Village Phase III Annexation four ROW areas totaling 3.15 acres on the north side of the Highway 101/Santa Clara Avenue interchange that are part of the interchange reconstruction and relocation of a portion of Ventura Boulevard. The four segments and/or parcels are shown in Attachment 3. Three parcels that the City acquired for the relocation of Ventura Boulevard may be split at a later date and remainder areas declared surplus City property and offered to the adjoining property owners. The annexation of small areas with existing public improvements is exempt from CEQA under CEQA Guidelines Section 15319.

City Council approval is required to initiate the LAFCo application for reorganization of boundaries for the East Village Phase III Annexation and four ROW properties as follows:

a) Annexation to the City of Oxnard,
b) Annexation to the Calleguas Municipal Water District,
c) Annexation to the Metropolitan Water District of Southern California,
d) Detachment from the Ventura County Resource Conservation District,
e) Detachment from the Ventura County Fire Protection District, and
f) Detachment from Ventura County Service Areas No. 32 and No. 33.

In addition to LAFCo approval, the Calleguas Municipal Water District and Metropolitan Water District of Southern California must approve the annexations into their respective jurisdictions.

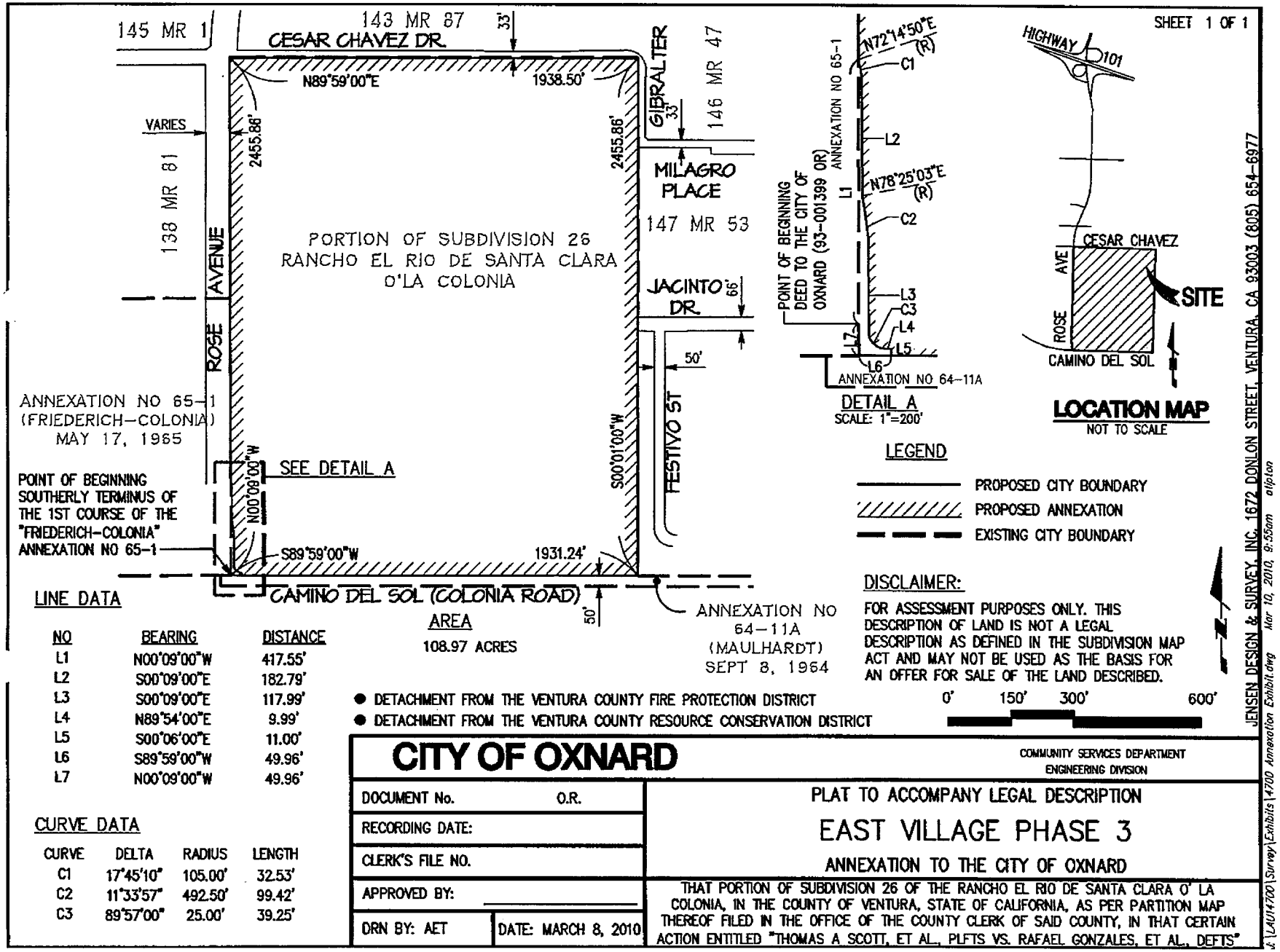
FINANCIAL IMPACT

Upon LAFCo's approval of the East Village Phase III annexation and necessary steps within the County tax assessor's office, the City would receive 18 percent of the annual property tax. In 2012, the property tax was $28,472 and 18 percent was $5,125. Upon LAFCo's approval of annexation of the four ROW areas and/or parcels, the City could sell surplus remainder parcels for an unknown sum. The City would also cease paying a total of $4,670.48 in property taxes (tax year 2012/13) on the four ROW annexation areas. If the ROW remainder areas remain as City property, there would be a one-time cost to install landscaping and irrigation and ongoing maintenance and irrigation costs.

Attachment #1 – Map and Legal Description of the East Village Phase III Annexation Parcel
#2 – Proposed PreZoning for the East Village Phase III Annexation Parcel
#3 – Map and List of Four Right-of-Way Annexations
#4 – Resolution of Final EIR Certification, Findings of Fact, & Overriding Considerations
#5 - Resolution of Application for Annexation for the East Village Phase III Parcel
#6 – Ordinance Prezoning the East Village Phase III Parcel
#7 - Resolution of Application for Annexation of Four ROW Areas
#8 - Notice of CEQA Exemption for Annexation of Four ROW Areas
#9 - Planning Commission Staff Report for September 20, 2012
#10 -Planning Commission Minutes for September 20, 2012
#11- Planning Commission Resolution 2012-23
#12- Planning Commission Resolution 2012-24
#13- East Village Phase III Annexation Draft EIR
#14- East Village Phase III Annexation Final EIR

CW/SM

Note: Attachments 4, 9, 11, 12, 13 and 14 have been provided to City Council under separate cover. Copies for review are available at the Help Desk in the Library after 10:00 a.m. on Thursday prior to the Council meeting and in the City Clerk's Office after 10:00 a.m. on Thursday prior to the Council meeting of February 5, 2013.



LINE DATA

NO	BEARING	DISTANCE
L1	N00°09'00"W	417.55'
L2	S00°09'00"E	182.79'
L3	S00°09'00"E	117.99'
L4	N89°54'00"E	9.99'
L5	S00°06'00"E	11.00'
L6	S89°59'00"W	49.96'
L7	N00°09'00"W	49.96'

CURVE DATA

CURVE	DELTA	RADIUS	LENGTH
C1	17°45'10"	105.00'	32.53'
C2	11°33'57"	492.50'	99.42'
C3	89°57'00"	25.00'	39.25'

- DETACHMENT FROM THE VENTURA COUNTY FIRE PROTECTION DISTRICT
- DETACHMENT FROM THE VENTURA COUNTY RESOURCE CONSERVATION DISTRICT

CITY OF OXNARD

COMMUNITY SERVICES DEPARTMENT
ENGINEERING DIVISION

DOCUMENT No. O.R.	PLAT TO ACCOMPANY LEGAL DESCRIPTION
RECORDING DATE:	EAST VILLAGE PHASE 3
CLERK'S FILE NO.	ANNEXATION TO THE CITY OF OXNARD
APPROVED BY:	THAT PORTION OF SUBDIVISION 26 OF THE RANCHO EL RIO DE SANTA CLARA O' LA COLONIA, IN THE COUNTY OF VENTURA, STATE OF CALIFORNIA, AS PER PARTITION MAP THEREOF FILED IN THE OFFICE OF THE COUNTY CLERK OF SAID COUNTY, IN THAT CERTAIN ACTION ENTITLED "THOMAS A SCOTT, ET AL., PLFTS VS. RAFAEL GONZALES, ET AL., DEFTS"
DRN BY: AET / DATE: MARCH 8, 2010	

J:\LAU\4700\Survey\Exhibits\4700 Annexation Exhibit.dwg Mar 10, 2010, 9:55am alipton

ATTACHMENT 1
PAGE 1 OF 2

ANNEXATION TO THE CITY OF OXNARD
DETACHMENT FROM THE VENTURA COUNTY FIRE PROTECTION DISTRICT AND THE VENTURA COUNTY RESOURSE CONSERVATION DISTRICT

That portion of Subdivision 26 Rancho El Rio De Santa Clara O' La Colonia in the County of Ventura, State of California as per Partition Map thereof filed in the office of the County Clerk of said County, in that certain action entitled "Thomas A. Scott, et al., Plfts. VS. Rafael Gonzales, et al., Defts" particularly described as follows:

Beginning at a point at the intersection of the east line of Rose Avenue 50 feet wide, with the north line of Colonia Road, 50 feet wide, said point being the southerly terminus of the 1st course of the "FRIEDRICH-COLONIA", ANNEXATION NO 65-1, to the City of Oxnard described in the document recorded May 17, 1965 in the Office of the Secretary of State of California, thence along said 1st course and its prolongation thereof,

1st North 00°09'00" West, a distance of 2455.86 feet to the westerly prolongation of the southerly line of Tract No. 5214 recorded in Book 143 at Page 87 of Miscellaneous Records, (Maps) of said county; thence along said southerly line,

2nd North 89°59'06" East, a distance of 1938.50 feet to the northwest corner of Tract No. 5293 recorded in Book 146 at Page 47 of Miscellaneous Records, (Maps) of said county; thence along the westerly line of said Tract No. 5293 and the southerly prolongation thereof,

3rd South 00°01'00" West, a distance of 2455.86 feet to a point on the north line of Colonia Road, 50 feet wide, also being the north line of "MAULHARDT", ANNEXATION NO 64-11A, to the City of Oxnard, described in the document recorded September 8, 1964 in the Office of the Secretary of State of California; thence along said north line,

4th South 89°59'00" West, a distance of 1931.24 feet to the **Point of Beginning.**

EXCEPT that portion of land described in the deed to the City of Oxnard recorded January 6, 1993 per Document No. 93-001399 of Official Records of said county.

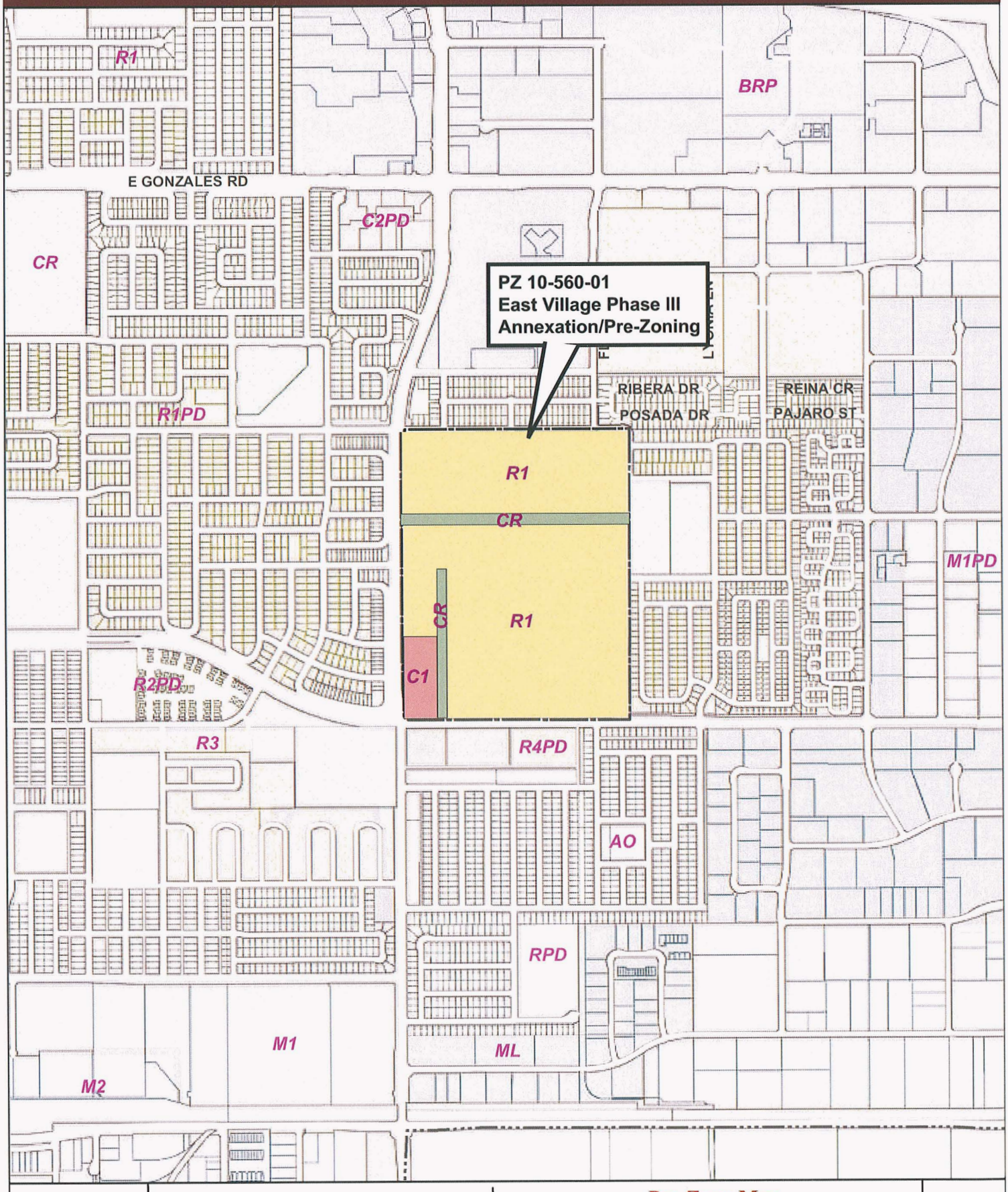
Contains: 108.97 acres, more or less.

Disclaimer: For assessment purposes only. This description of land is not a legal description as defined in the Subdivision Map Act and may not be used as the basis for an offer for the sale of the land described.

The above described parcel of land is delineated on the attached Plat to Accompany Legal Description" ANNEXATION TO THE CITY OF OXNARD"

March 8, 2010
K:\LAU14700\Survey\Exhibits\4700 Ex A Annexation Exhibit.doc

Pre- Zone Map

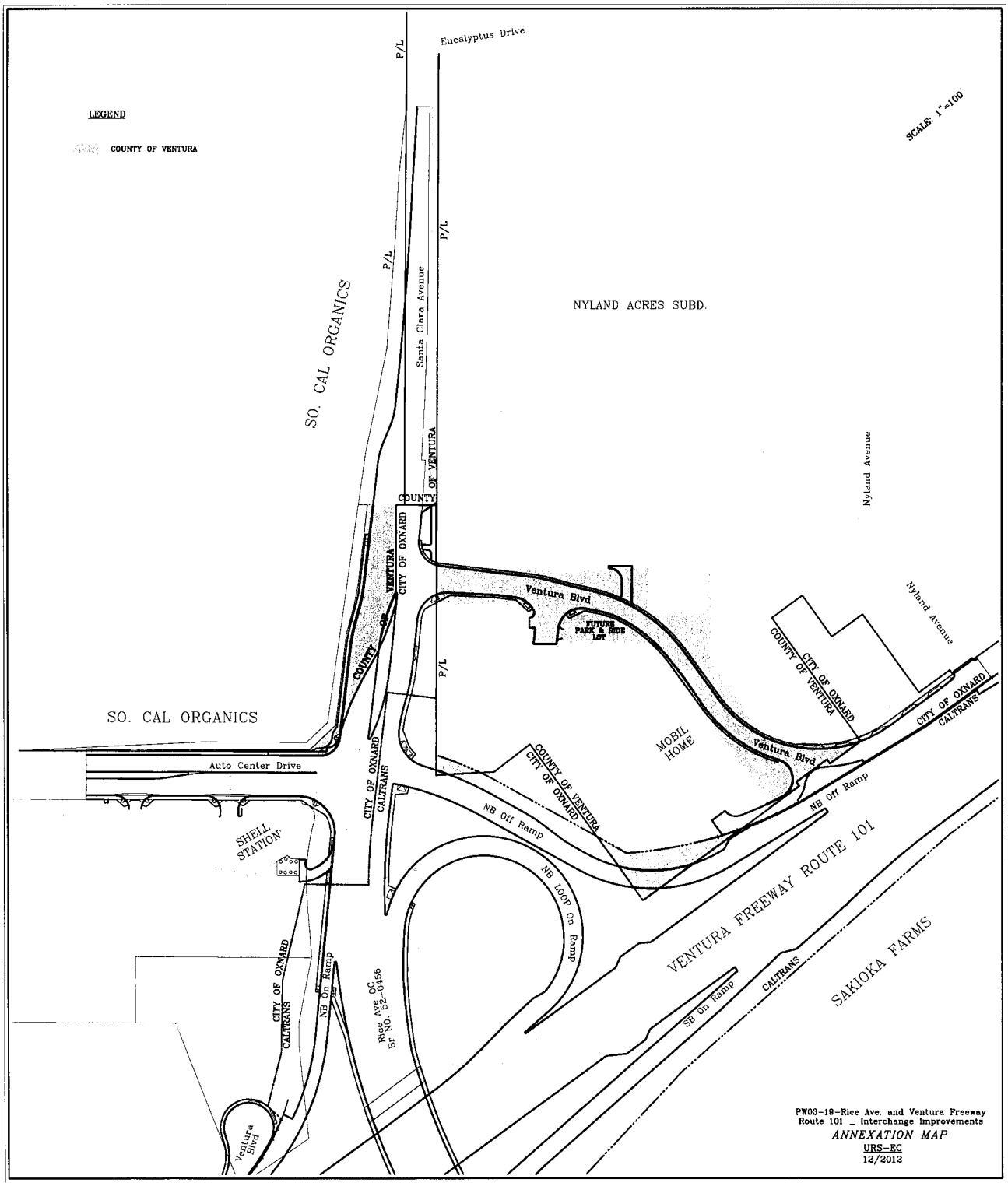


Oxnard Planning

PZ 10-560-01
Maulhardt Annexation

Feet

Pre-Zone Map
ATTACHMENT 2
PAGE 1 OF 1



ATTACHMENT 3
PAGE 1 OF 2

Four Segments
Right of Way Annexations
Santa Clara Avenue
Auto Center Drive
Ventura Boulevard

APN	How Acquired?	Court Case Name or Property Owner Name	Notes:	Unique Parcel Number for Legal Description
			No APN assigned by Assessor, road right of way purposes.	
144-15	Condemnaton	Southern California Organics	Annexing part of parcel.	39
149-0-091-08	Condemnaton	Nunez, Moraga	Full Take	N/A
149-0-091-09	Condemnaton	Andrade	Part Take.	20
149-0-091-28	Condemnaton	Case: Schaltinat, Property Owner: Wait	Part Take.	"Permanent Partial Take 18"
149-0-100-28	Purchase	Kubesh (property owner)	Full Take. Purchased in 2002	N/A
149-0-100-35	Purchase	Tom Harvey	Full Take. Purchased in 2003	N/A
149-0-100-43	Purchase	Wayne Harvey	Purchased in 2003	11
149-0-100-45	Condemnaton	Sandwall	Part Take.	13
149-0-100-47	Condemnaton	Sandwall	Part Take.	15
149-0-100-49	Condemnaton	Sandwall	Part Take.	16
149-0-100-51	Purchase	Plascencia	Purchased in 2005	1

ATTACHMENT 3
PAGE 2 OF 2

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD CERTIFYING FINAL ENVIRONMENTAL IMPACT REPORT NO. 11-01 (SCH NO. 2011031024) AND APPROVING THE FINDINGS OF FACT, STATEMENT OF OVERRIDING CONSIDERATIONS, AND THE MITIGATION MONITORING AND REPORTING PROGRAM FOR THE EAST VILLAGE PHASE III ANNEXATION LOCATED AT 1853 CAMINO DEL SOL (APN 214-0-020-595). FILED BY MAULHARDT RF-JW TRUST ET AL, 1853 CAMINO DEL SOL, OXNARD, CA, 93030

WHEREAS, the City of Oxnard Development Services Department, Planning Division, received an application of annexation for the property located at 1853 Camino del Sol (APN 214-0-020-595) filed by the Maulhardt RF-JW Trust et al; and

WHEREAS, the City of Oxnard Development Services Department, Planning Division assumed the role of Lead Agency in accordance with the California Environmental Quality Act (CEQA) and determined that an Environmental Impact Report (EIR) should be prepared; and

WHEREAS, the Notice of Preparation of Draft EIR No. 11-01 (State Clearinghouse No. 2011031024) for the East Village Phase III Annexation was circulated between March 7, 2011 and April 7, 2011; the Draft EIR was completed and circulated for public comment between March 9, 2012 and May 3, 2012; and the Final EIR (FEIR) was provided to commenting agencies ten days prior to the September 20, 2012 Planning Commission hearing; and

WHEREAS, on September 20, 2012 the Planning Commission adopted Resolution No. 2012-24 recommending that the City Council certify the FEIR 11-01 for the East Village Phase III Annexation which has been prepared in accordance with the CEQA and Resolution No. 10,851, as amended, of the City Council; and

WHEREAS, the City Council of the City of Oxnard has thoroughly reviewed and considered the FEIR; and

WHEREAS, the City Council held a public hearing on the FEIR on February 5, 2013 and received and considered oral and written testimony on the FEIR; and

WHEREAS, the Findings of Fact, attached as Exhibit A, have been prepared for each significant environmental impact identified in the FEIR, and 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 State CEQA Guidelines §15091; and

WHEREAS, the Statement of Overriding Considerations, attached as Exhibit B, has been prepared and explains why the City Council is willing to balance the benefits of the East Village Phase III Annexation against unavoidable significant impacts in compliance with State CEQA Guidelines §15092 and §15093; and

WHEREAS, the Mitigation Monitoring and Reporting Program, which is Exhibit A within the FEIR and is incorporated herein by reference, ensures compliance with mitigation measures during the development of the East Village Phase III Annexation in compliance with State CEQA Guidelines §15091(d) and §15097; and

WHEREAS, the FEIR incorporates by reference the 2030 General Plan Program EIR and associated Statement of Overriding Considerations for cumulative significant adverse impacts; and

WHEREAS, the documents and other material that constitute the record of proceedings upon which the Statement of Overriding Consideration and Findings of Fact are based are located in the Planning Division, and the custodian of the record is the Planning Manager; and

WHEREAS, the City Council concurs that the FEIR was completed in compliance with CEQA, reflects the independent judgment of the City, was presented to the City Council, and that the City Council reviewed and considered the information contained in the FEIR before approving the project.

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

1.) The City Council hereby certifies in accordance with State CEQA Guideline §15090 that FEIR No. 11-01 for the East Village Phase III Annexation was completed in compliance with CEQA, was presented to the City Council, which reviewed and considered the information contained in the FEIR and comments received outside the formal EIR comment periods prior to taking final action on the project, and the FEIR reflects the independent judgment and analysis of the City.

2.) The Findings of Fact statement attached hereto as Exhibit A is hereby adopted in satisfaction of State CEQA Guideline §15091.

3.) A Statement of Overriding Consideration attached hereto as Exhibit B is hereby adopted in satisfaction of State CEQA Guideline §15092.

4.) The Mitigation Monitoring and Reporting Program contained within the FEIR as Section IV and incorporated herein by reference is hereby adopted in satisfaction of State CEQA Guideline §15091(d).

PASSED and ADOPTED by the City Council of the City of Oxnard on this 5th day of February, 2013 by the following vote:

AYES:

NOES:

ABSENT:

Tim Flynn, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:

Alan Holm
City Attorney

ATTACHMENT 4
PAGE 3 OF 39

EXHIBIT A

Findings of Fact

SECTION I: INTRODUCTION

The following findings are based in part on the information contained in the Final Environmental Impact Report (EIR) for the East Village Phase III Annexation project (EIR 11-01) as well as additional facts found in the complete record of proceedings.

As defined by Section 15050 of the Guidelines for Implementation of the California Environmental Quality Act (CEQA Guidelines), the City is serving as "Lead Agency," responsible for preparing the EIR for the proposed East Village Phase III Annexation project.

In accordance with the requirements of the CEQA, the City of Oxnard (City) prepared an Initial Study on the proposed application for annexation of East Village Phase III project site to the City. A Notice of Intent to Adopt a Mitigated Negative Declaration (MND 10-03) along with the Initial Study was circulated for public review from November 5, 2010 to November 29, 2010. Based on the comment letters received, the City determined that an EIR would be prepared.

Comments from identified responsible as well as interested parties on the scope of the EIR were solicited through a Notice of Preparation (NOP) process. The NOP for the EIR was circulated for a 30-day review period starting on March 7, 2011 and ending on April 7, 2011. All NOP comments relating to the EIR were reviewed and the issues raised in those comments, as well as the issues raised in comment letters submitted on the MND, were addressed in the Draft EIR.

In accordance with Section 15152 and 15168 of the CEQA Guidelines and Public Resources Code Section 21094, the environmental analysis for the proposed annexation project was tiered from three previously approved environmental documents:

1) City of Oxnard 2030 General Plan Program EIR;
2) Groundwater Recovery Enhancement and Treatment (GREAT) Program EIR; and
3) Northeast Community Specific Plan (NECSP) EIR.

Compared to the analysis contained in the previously circulated Initial Study/MND, the Draft EIR determined that the Project would: 1) have the potential to result in two project-level significant unmitigated impacts (aesthetic/visual and agricultural resources), 2) not have the potential to result in more significant off-site impacts and cumulative impacts, and 3) not have substantial new information which was not known at the time the 2030 General Plan Program or the GREAT Program EIRs were certified and is now determined to have greater adverse impacts than analyzed in the 2030 General Plan or the GREAT Program EIRs for the following eight issues:

1. Agricultural Resources[1]
2. Air Quality[2]
3. Cultural Resources

ATTACHMENT 4
PAGE 4 OF 39

1 The Oxnard 2030 General Plan Program EIR found a significant unavoidable adverse impact for which a statement of overriding considerations was prepared.

2 The Oxnard 2030 General Plan Program EIR found a significant unavoidable adverse impact for which a statement of overriding considerations was prepared.

4. Geology and Soils and Seismicity

5. Hydrology and Water Quality

6. Noise[3]

7. Mineral Resources

8. Population and Housing (Socioeconomics in the NECSP EIR)

These eight issues were not examined in the Draft EIR after the presentation in Section IV.A of a summary of their impacts and mitigations contained in the NECSP EIR, the certified 2030 General Plan Program EIR and the GREAT Program. The respective mitigations of all these documents remain in place and enforceable.

Based on a review of environmental issues by the Lead Agency, the MND, and the responses to the NOP the Draft EIR presented and updated analyses for the following environmental issues in the context of an EIR:

1. Aesthetics

2. Land Use and Planning

3. Traffic and Circulation[4]

4. Public Services and Utilities (and Schools)

5. Biological Resources

6. Greenhouse Gases[5]

7. Hazards and Hazardous Materials

The Final EIR evaluated the environmental impacts of the proposed East Village Phase III Annexation project, which consists of a series of related discretionary actions requested of the City including the following entitlements from the City and, separately, by Responsible Agencies:

City of Oxnard (Lead Agency):
- PZ 10-610-01: Annexation to the City
- PZ 10-576-01: Adoption of City pre-zoning designations

Calleguas Municipal Water District and MWD (Responsible Agency)
- Annexation to the Calleguas Municipal Water District

Ventura County Local Agency Formation Commission (Responsible Agency)
- Detachment from the Ventura County Fire Protection District
- Detachment from the Ventura County Resource Conservation District
- Detachment from County Service Area No. 32

3 The Oxnard 2030 General Plan Program EIR found a significant unavoidable adverse impact for which a statement of overriding considerations was prepared.

4 The Oxnard 2030 General Plan Program EIR found a significant unavoidable adverse impact for which a statement of overriding considerations was prepared.

5 The Oxnard 2030 General Plan Program EIR found a significant unavoidable adverse impact for which a statement of overriding considerations was prepared.

Subsequent to the City's approval, the City will apply to the Ventura County Local Agency Formation Commission (LAFCO) for annexation of the Project into the City and detachment from the County of Ventura. Several unrelated annexations and detachments may be bundled with this action.

For purposes of CEQA and the findings set forth herein, the record of proceedings for the City Council's decision on the East Village Phase III Annexation project consists of the following:

- All reports, studies, maps, plans, and correspondence received from the applicant in connection with the proposed project;
- The Notice of Intent to Adopt a Mitigated Negative Declaration (MND 10-03) along with the Initial Study, which was circulated for public review from November 5, 2010 to November 29, 2010;
- The project NOP, which was circulated for a 30-day review period starting on March 7, 2011 and ending on April 7, 2011;
- All written comments received in response to the MND and the NOP;
- The East Village Phase III Annexation Draft EIR (dated February 2012), including all of its appendices, which was circulated for public review from March 9, 2012 to May 3, 2012;
- Copies of all letters received by the City during the public review period for the East Village Phase III Annexation Draft EIR;
- The meeting minutes from the April 19, 2012 public hearing held by the Oxnard Planning Commission to receive comments on the Draft EIR[6];
- Responses to significant environmental points raised in the letters concerning the Draft EIR and the comments made at the April 19, 2012 Oxnard Planning Commission public hearing;
- The East Village Phase III Annexation Final EIR (dated August 2012), including all of its appendices;
- The meeting minutes from the September 20, 2012 public hearing held by the Oxnard Planning Commission to receive comments on the Final EIR and to consider the project[7]; and
- The Mitigation Monitoring and Reporting Program (i.e., Section IV of the Final EIR).

The Final EIR and all documents identified above are hereby incorporated by reference and are available for review at the City Development Services Department, 305 West Third Street, Oxnard, California.

SECTION II: FINDINGS OF FACT

The following findings are made in order to approve and certify the Final EIR:

1. The EIR contains all of the mandatory contents of Environmental Impact Reports, as contained in Sections 21000-21177 of the California Public Resources Code. In addition, all of the procedures for preparation and review of Environmental Impact Reports required by Article 7 of the CEQA Guidelines have been complied with.

---

6 *Edited to include only that testimony which was relevant to the East Village Phase III Annexation Project.*

7 *Edited to include only that testimony which was relevant to the East Village Phase III Annexation Project.*

Finding No. 1:

The City Council hereby finds that the EIR for the East Village Phase III Annexation project has been prepared in compliance with CEQA. City staff reviewed the document for accuracy, consistency, and completeness prior to its release for public review. Therefore, it is found that the EIR document reflects the independent judgment of the City.

2. Pursuant to Section 15091 of the CEQA Guidelines:

"No public agency shall approve or carry out a project for which an Environmental Impact Report has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

1) Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the final EIR."

The following environmental impact findings on specific environmental issues are made in order to approve the project:

A. <u>Agricultural Resources</u>

Conversion of Farmland of Statewide Importance

The proposed conversion of the existing agricultural land at the annexation site would be considered significant under the California Agricultural Land Evaluation and Site Assessment (LESA) system scoring thresholds.

1) Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

The Final EIR includes the following mitigation measure to reduce the impact associated with the loss of the site from agricultural production:

Mitigation Measure AG1:

The project developer shall offer at cost the top 12 inches of the Prime Farmland (approximately 100 acres) soils for relocation to a farm site or farm sites that have lower quality soils. The cost will include the suitable replacement soil, if needed for site improvements. This offer may occur in phases in tandem with actual phased development.

The mitigation measure would allow that no agricultural soils are lost as a result of the project, but cannot guarantee that outcome. The project would result in the permanent conversion of a quality agricultural site to non-agricultural uses. This would be an unavoidable significant impact even with the implementation of the mitigation measure and with recognition that the project site has been planned for conversion to urban use since 1993. Alternatives to the proposed project, were, therefore considered.

Analysis of the project alternatives included consideration of a No Project Alternative, a 2030 General Plan Alternative, and an Urban Village Alternative. The EIR identified that only the No Project Alternative would reduce the impact associated with the loss of the site from agricultural production. However, this alternative would not satisfy any of the identified project objectives. This alternative also would not implement any of the beneficial mitigation measures that would otherwise be implemented by the project. The EIR also concludes that it is unreasonable to assume that the majority of the project site would continue to be used for agricultural resources throughout the foreseeable future. The project site has been designated for urban uses since 1993. Any agricultural productivity at the project site should be considered to be a short-term condition and that other land use plans for the site would be proposed if the proposed project were to be denied by the City.

A **Statement of Overriding Considerations** has been prepared and adopted for the unavoidable and significant impact associated with the loss of the site from agricultural production.

Other changes in the existing environment which could result in conversion of farmland to non-agricultural use

The proposed project would be constructed on a site to be annexed by the City that has been planned for conversion from agriculture to urban uses. Further, the project site is not adjacent to any other agricultural uses, but rather is surrounded by urban development on all four sides. Therefore, there would be no unanticipated actions that could cause other land in the vicinity of the project site to convert from agriculture to non-agriculture uses.

Finding No. 2:

Based on the above facts:

The City Council hereby finds that all feasible and reasonable mitigation measures for impacts relating to agricultural resources and land use have been identified in the EIR and are included in the Mitigation Monitoring and Reporting. The project alternative identified in the Final EIR capable of reducing the loss of the site from agricultural production to a less than significant level is infeasible for the applicant due to specific economic and legal justifications pursuant to Section 15091(a)(3) of the CEQA Guidelines.

B. Air Quality

Construction–related activities are generally short-term in duration and the Ventura County Air Pollution Control District (VCAPCD) does not recommend any thresholds of significance for construction-related emissions. Instead, the VCAPCD bases the determination of significance on a consideration of the control measures to be implemented. If all appropriate emissions control measures recommended by the Ventura County Air Quality Assessment Guidelines relating to construction activities are implemented for a project, then construction emissions are not considered significant.

The completed project would likely have significant adverse impacts for both ROG and NOx. Mitigation measures are routine conditions of approval that would reduce these impacts and, if the post-mitigation emissions are still above the threshold, allow for a "buy-down" of the remaining project-level operational impacts.

1) Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

The Final EIR includes the following mitigation measures to reduce the potential emissions associated with construction and operational activities to the maximum extent feasible:

Mitigation Measure AQ1:
Apply sufficient water to all major soil disturbance areas to maintain a soil moisture of 4% in the upper 6" soil stratum. Other equally effective dust palliatives shall be used if drought conditions limit water availability.

Mitigation Measure AQ2:
Perform daily street sweeping at the conclusion of each workday up to a distance of 250 feet in either direction of any construction site access entrance until all on-site paving is completed.

Mitigation Measure AQ3:
Wash off any trucks leaving the site and wet down or tarp any trucks hauling away from the site.

Mitigation Measure AQ4:
Double sandbag all site perimeters adjoining traveled roads from November to April to prevent dirt from washing off the site and being pulverized by passing vehicles.

Mitigation Measure AQ5:
Establish landscaping within 90 days of the completion of grading, or hydroseed with a native plan mix as an interim ground cover to minimize wind erosion. Irrigate as necessary to sustain ground cover.

Mitigation Measure AQ6:
Terminate all grading, excavation and travel on unpaved surfaces when hourly average wind speeds exceed 30 mph. The contractor shall maintain contact with the APCD meteorologist for current average wind speeds.

Mitigation Measure AQ7:
Apply nonhazardous chemical stabilizers to all inactive portions of the construction site. When appropriate, see exposed surfaces with a fast-growing, soil binding plant to reduce wind erosion and its contribution to local particulate levels.

Mitigation Measure AQ8:
Provide rideshare incentives for all workers on the site.

Mitigation Measure AQ9:
Provide construction personnel parking off arterial roadways to minimize traffic interference.

Mitigation Measure AQ10:
Schedule receipt of concrete, asphalt, steel, and other materials from 9 a.m. to 3 p.m. as much as practically possible.

Mitigation Measure AQ11:
Restrict any lane closures of public roadways to the hours of 9 a.m. to 3 p.m.

Mitigation Measure AQ12:
Complete all street sweeping/washing of adjacent roadways by 4 p.m.

Mitigation Measure AQ13:
Developer funding for lower emission or electric vehicle purchase for City use.

Mitigation Measure AQ14:
Plans for bus transit within the Specific Plan area shall be coordinated with the Oxnard Traffic and Transportation Manager.

Mitigation Measure AQ15:
Developer funding of traffic signal synchronization for computers, telemetry and other hardware improvements.

Mitigation Measure AQ16:
Use of air-conditioned cabs in heavy construction and grading equipment where possible.

Mitigation Measure AQ17:
Use of chemical dust palliatives that stabilize soil and reduce fugitive dust.

The MND included nine mitigations (C-1 to C-9). Some of these duplicate or overlap with the 17 EIR mitigation measures listed above, in which case the MND mitigation shall prevail.

Mitigation Measure C-1:
The developer shall prepare and submit an Air Emissions Mitigation Plan for Dust Control. This Plan shall be included as part of the construction contract and submitted to the City for review and

approval prior to the issuance of grading permits. This plan shall include the following elements:

- *Fugitive dust throughout the construction site shall be controlled by the use of a watering truck or equivalent means, generally at least three times a day (except during and immediately after rainfall). Water shall be applied to all unpaved roads, unpaved parking areas or staging areas, and active portions of the construction site. Environmentally-safe dust control agents may be used in lieu of watering.*
- *Revegetate or apply APCD-approved chemical soil stabilizers to all inactive portions of the construction site that are inactive for four or more days.*
- *Suspend or curtail all excavation, earth moving, and grading operations during episodes of high winds (i.e. wind speed sufficient to cause fugitive dust to impact adjacent properties) to prevent fugitive dust from being a nuisance or hazard.*
- *Material transported in trucks off site shall comply with State Vehicle Code Section 23114, with special attention to Sections 23114(b)(F), (e)(2), and (e)(4) as amended. Material transported on site shall be sufficiently watered or secured to prevent fugitive dust.*
- *Inform all employees involved in grading operations on the project to wear face masks during dry periods to reduce inhalation of dust.*
- *Signs shall be posted on-site requiring traffic speeds to not exceed 15 miles per hour.*
- *Sweep streets at the end of the day if visible soil material is carried over to adjacent streets and roads.*
- *At all times during construction activities, Developer shall minimize the area disturbed by clearing, grading, earth moving, or excavation operations to prevent excessive amounts of dust.*

Mitigation Measure C-2:
Maintain equipment engines in good condition and in proper tune as per manufacturer's specifications. Minimize idling time. Prohibit the use of on-site electric generators, and connect to utility lines adjacent to the project site.

Mitigation Measure C-3:
If feasible, use alternatively fueled construction equipment, such as compressed natural gas (CNG), liquefied natural gas (LNG), or electric.

Mitigation Measure C-4:
During construction, contractors shall water the area to be graded or excavated prior to commencement of grading or excavation operations. Such application of water shall penetrate sufficiently to minimize fugitive dust during grading activities.

Mitigation Measure C-5:
A temporary fence around the project site shall include an opaque visual barrier up to 6 feet high. The fence shall include signs identifying the name, telephone number, and emergency contact information for the contractor(s) responsible for the site, construction activities, and rectifying any nuisance conditions.

Mitigation Measure C-6:
Prior to grading permit approval, Developer shall include on the grading plans a reproduction of all conditions of this permit pertaining to dust control requirements.

Mitigation Measure C-7:
As stated in the VCAPCD Guidelines, applicants are required to mitigate environmental impacts associated with their projects to the greatest extent feasible. The following are those measures that could be feasibly implemented to mitigate operational phase air quality impacts of the proposed project:

- *Lighting for public streets, parking areas, and recreational areas shall utilize energy-efficient*

mechanical, computerized, or photo cell switching devices to reduce energy usage.

- *Energy-efficient, automated controls for air conditioners shall be installed into proposed buildings to reduce energy consumption and emissions.*
- *Automatic lighting on/off controls and energy-efficient lighting shall be installed into proposed buildings to reduce electricity consumption and associated emissions.*
- *Light-colored roofing materials as opposed to dark roofing materials shall be used on proposed buildings. Light colored materials reflect sunlight and minimize heat gains in buildings. This measure would lessen the overall demand for mechanical air conditioning systems.*
- *Wall and attic insulation shall be provided in proposed buildings beyond the requirements of Title 24, California Code of Regulations.*
- *Built-in energy-efficient appliances shall be installed into proposed buildings.*
- *Special sunlight filtering window coatings or double-paned windows shall be installed into proposed buildings to reduce thermal gain in hot weather and loss in the cold weather, thus reducing emissions associated with heaters and air conditioners.*

Mitigation Measure C-8:
All project construction and site preparation operations shall be conducted in compliance with all applicable Ventura County APCD Rules and Regulations with emphasis on Rule 50 (Opacity), Rule 51 (Nuisance), Rule 55 (Fugitive dust), and Rule 10 (Permits Required).

Mitigation Measure C-9:
After final project plans have been reanalyzed with CalEEMod assuming the implementation of all other applicable and feasible mitigation measures, the project developer shall contribute an amount determined by the VCAPCD cumulative "buy-down" mitigation formula to a TDM fund paid to and managed by the City as individual building are developed. The TDM fee is allocated based on each development's share of average daily trips (ADT) for the project buildout. The ADT shall be recalculated annually by the City Traffic Engineer

Finding No. 3:

Based on the above facts:

The City Council hereby finds that all feasible and reasonable mitigation measures for project impacts relating to air quality have been identified in the EIR and are included in the Mitigation Monitoring and Reporting Program for the project. The mitigation measures will reduce project impacts relating to air quality to a less than significant level pursuant to Section 15091(a)(1) of the CEQA Guidelines.

Cumulative Air Quality Impacts

Cumulative development impacts for the northeast area of Oxnard are addressed in the Oxnard 2030 General Plan Final Program Environmental Impact Report (Final EIR) that was certified by the Oxnard City Council on October 11, 2011 and incorporated by reference. Both the 2020 and 2030 General Plans anticipate annexation and subsequent development of the project site and the 2030 General Plan Final EIR found that the Regional Air-Quality Non-Attainment (Impact 5.7-2), and Exposure of Sensitive Receptors of Substantial Pollutant Concentrations (Impact 5.7-4) are significant and unavoidable

cumulative impacts for which overriding considerations were made.

In the context of the Final EIR, none of the conditions for a new environmental analysis were met for this topic and no additional analysis was required.

A **Statement of Overriding Considerations** was prepared and adopted in October 2011 by the City Council for the unavoidable and significant cumulative impact associated with air quality due to Basin non-attainment and the exposure of sensitive receptors to substantial pollutant concentrations.

Finding No. 4:

Based on the above facts:

The City Council hereby finds, per Public Resources Code section 21081(b), that that specific overriding economic, legal, social, technological, or other benefits outweigh the unavoidable adverse environmental effects of the cumulative effects to air quality of the project as anticipated and analyzed in the City 2030 General Plan Program Environmental Impact Report .

C. Cultural Resources

Section 5.6 (pages 5-115 to 5-121) of the NECSP EIR contains a description of the regional cultural resources setting, the findings of the 1990 Cultural Resources Survey and Impact Assessment (Singer and Atwood) completed for the entire NECSP area, an archaeological/historical records check completed within a one-mail radius of the entire NECSP site, and a finding that there are no unavoidable adverse impacts. Previous CEQA documentation for the project site (2020 General Plan EIR, NECSP EIR, and 2030 General Plan Program EIR) did not identify any historical structures or archaeological resources. Historical structures in the City are generally located within the Cultural Heritage District and Heritage Square in the downtown area. No impact is expected to historical resources as a result of the project as the project site has not significantly changed since the NECSP Final EIR was certified in terms of cultural resources.

Regarding paleontological resources, the 2030 General Plan Program EIR (page 5-24) indicates that because the Planning Area consists of relatively flat, alluvial plains, the probabilities for prehistoric sites would likely be low in the area south, including the project site, of the Santa Clara River (due to extensive erosion and sedimentation). Therefore, paleontological resources are not expected to occur on the project site. No impact is expected to paleontological resources, and no mitigation measures are necessary

The previously circulated MND described how the Development Services Department standard condition of approval No. 144 would be placed on subsequent physical development requiring a grading and/or building permit to contract with a qualified archaeologist to conduct a Phase I cultural resources survey of a development site prior to issuance of any grading permits. Standard condition of approval

No. 144 requires a Native American monitor to be present during all subsurface grading, trenching or construction activities.

A comment letter received on the Draft EIR from the County of Ventura, Cultural Heritage Board staff (Letter No. Doner) states that there is evidence that there is potential historical or architectural significance to the existing buildings on the project site and recommends that a Historic Resources Survey of the subject property be performed. To comply with this request, Mitigation Measure CR2 was added the Final EIR.

1) Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

The Final EIR includes the following mitigation measures to reduce the impact associated with archeological and historic resources:

Mitigation Measure CR1:

In the event that archaeological resources are uncovered during construction, work in the vicinity of the find should be temporarily suspended until a qualified archaeologist can evaluate the find. Once the find has been examined, evaluated, and an appropriate mitigation plan for significant resources has been developed, construction or excavation work in the area may be continued.

Mitigation Measure CR2:

Prior to the alteration, relocation or demolition of any structures or resources on the site for a proposed development project that could impact the existing on-site structures, the applicant shall retain a qualified architectural historian to prepare a Historic Resources Survey of the subject property. The survey shall identify and document all buildings, structures, and resources at least fifty years of age within the survey boundaries and determine their significance at the National and State Register level and at the local level. If any buildings, structures, or resources are determined to be historically significant, an architectural historian shall develop a full mitigation plan for review and approval by the City Planning Division.

Finding No. 5:

Based on the above facts:

The City Council hereby finds that all feasible and reasonable mitigation measures for impacts relating to cultural resources have been identified in the EIR and are included in the Mitigation Monitoring and Reporting Program for the project. The mitigation measures will reduce impacts relating to cultural resources to a less than significant level pursuant to Section 15091(a)(1) of the CEQA Guidelines.

D. Geology and Soils and Seismicity

Section 5.2 (pages 5-30 to 5-38) of the NECSP EIR contains a description of the regional geology and soils setting, location and list of abandoned oil wells, and a finding that there are no unavoidable adverse impacts.

Previous CEQA documentation for the project site (2030 General Plan Program EIR) include the project site as being within an area that has a high potential for seismic ground shaking from fault systems located in the vicinity of the City although there are no known active faults within City limits. There is no potential for landslides on or near the project site due to the level topography. Impacts will be less than significant. Required building codes anticipate and compensate for seismic and related geologic conditions. When actual site-specific development is proposed, required engineering studies will establish the appropriate type and level of construction for the type of subsurface soil conditions and ground water status. Therefore, there is no adverse impact related to geology and soils.

1) Changes or alterations have been required in, or incorporated into the project which avoid or further lessen the less than significant environmental effect as identified in the Final EIR.

The Final EIR includes the following mitigation measure to further reduce the potential geology and soils and seismicity impacts of the project:

Mitigation Measure GS1:

All grading and construction shall be accomplished in accordance with the applicable ordinances of the City.

Mitigation Measure GS2:

All future construction associated with the NECSP will confirm to the seismic requirements of the applicable Uniform Building Code.

Mitigation Measure GS3:

Site specific geotechnical studies will be required for future construction associated with the Specific Plan in order to determine appropriate site preparation and construction design recommendations.

Finding No. 6:

Based on the above facts:

The City Council hereby finds that all feasible and reasonable mitigation measures for impacts relating to geology and soils and seismicity have been identified in the EIR and are included in the Mitigation Monitoring and Reporting Program for the project. The mitigation measures will reduce impacts relating to geology and soils and seismicity to a less than significant level pursuant to Section 15091(a)(1) of the CEQA Guidelines.

E. Hydrology and Water Quality

Section 5.3 (pages 5-39 to 5-48) of the NECSP EIR contains a description of the regional hydrology setting, a discussion of groundwater overdraft, aquifers, water quality, agricultural wells, flooding, drainage, and a finding that there are no unavoidable adverse impacts.

The current project is fully consistent with the NECSP. The project site has not significantly changed since the NECSP Final EIR was certified in terms of hydrology and water quality resources. The current project is fully consistent with the NECSP and this statement and these mitigations continue forward as a part of the EIR for the East Village Phase III Annexation. Water quality impacts associated with the proposed uses would primarily be those from motor vehicles and landscape maintenance. The primary source of contaminants would be oil, grease, and particulates emitted by motor vehicles that are transported by runoff drainage. Under the new National Pollutant Discharge Elimination System (NPDES) stormwater quality requirements (Ventura County MS4 permit), large single lot developments will be able to accommodate the requirements either on each individual lot or by devoting a small basin to this use similar to the detention basins that can be found elsewhere in the NECSP. These basins may be able to do "double duty" in some circumstances. The project will incorporate best practices grassy bioswales and detention basins in order to filter the runoff and allow recharge of the groundwater.

The City is working cooperatively with local groundwater managers on local groundwater management programs. Continued implementation of existing groundwater management programs and the City's planned water recycling effort through it's GREAT and Augmented M&I Supplemental Water Programs will help to ensure that the City will be able to meet long term water demands and ensure sufficient groundwater recharge. The proposed project will also implement the policies regarding continued adherence to the Ventura County Regional Water Quality (VCRWQ) Board Planning Program to ensure the sustainability of groundwater in the project area.

There are no surface water bodies or wetlands within the vicinity of the project site; however, existing absorption rates, drainage patterns, and runoff rates of the project site would be affected by an increase in impervious surfaces on-site. The proposed project will be required to comply with the NPDES program, which will result in cleaner water being directed into the City's storm drain system. This project will be required to prepare a Storm Water Pollution Prevention Plan (SWPPP) once the site is engineered for streets, etc. The SWPPP will be subject to review and approval by the City in order to verify compliance with applicable MS4 and NPDES requirements. Impacts are expected to be less than significant.

The project site is located outside of the 100-year and 500-year flood plain, is not in levee or flood risk area, and is not in a seiche, tsunami, or mudflow risk area (Figure 6-1 in the 2030 General Plan Program EIR).

These NECSP FEIR mitigations are now referred to as 'adaptive management' and the impacts are expected to be less than significant.

1) Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

The Final EIR includes the following mitigation measure to reduce the impact associated with land use:

Mitigation Measure H1:

The project site will annex into the Calleguas Municipal Water District and the Metropolitan Water District of Southern California.

Mitigation Measure H2:

Well abandonment will be conducted in accordance with the City Water Well permit standards.

Mitigation Measure H3:

To mitigate impacts associated with urban pollutants, drainage facilities to accommodate future development within the NECSP will be designed in accordance with the Oxnard Master Plan of Drainage and applicable regulations.

Mitigation Measure H4:

Prior to grading areas greater than five acres in size, developers will be required to obtain a California Regional Water Quality Control Board National Pollutant Discharge Elimination System (NPDES) permit and implement the requirements of the permit.

Finding No. 7:

Based on the above facts:

The City Council hereby finds that all feasible and reasonable mitigation measures for impacts relating to hydrology and water quality have been identified in the EIR and are included in the Mitigation Monitoring and Reporting Program for the project. The mitigation measures will reduce impacts relating to hydrology and water quality to a less than significant level pursuant to Section 15091(a)(1) of the CEQA Guidelines.

F. Noise

Operational Noise

The City has established noise guidelines in the 2030 General Plan Program EIR that state noise levels that have an increase of 3 to 5 dBA are usually considered potentially significant for sensitive land uses. Operational noises from the project after completion will be typical for residential and commercial development (e.g. doors and windows opening/closing, electrical devices, motors, ventilation, etc.) and is not expected to increase by 3 to 5 dBA CNEL. The project will be affected by noise from traffic along Rose Avenue and Camino del Sol. The 2030 General Plan Program EIR included a noise analysis based on 2030 traffic volumes that found significant impacts along eight roadway segments, none of which was Rose Avenue or Camino del Sol. All project structures will be constructed according to current California Building Code standards and City Code, including noise reduction in building materials. Therefore, project-level noise impacts will be less than significant, and mitigation is not

required. It should be noted that the Draft EIR included mitigation measure N2 which required noises walls and/or setbacks along Gonzales Avenue. A comment letter received on the Draft EIR from the attorney for the project Applicant (Letter No. Kahn) stated that this mitigation measure was outside the intent and control of CEQA. As it was determined in the Final EIR that compliance with current California Building Code standards and City Code, including the Noise Insulation Standards of Title 24 of the California Code of Regulations, would help ensure an acceptable interior noise environment to project residents, mitigation measure N2 was deleted from the Final EIR.

Construction Noise

Construction of the project could generate noise impacts to adjacent residential and school uses. The City limits the hours of construction activities to Monday through Saturday from 7:00 a.m. to 6:00 p.m., and the City's noise ordinance regulates the volume and intensity of noise. Based on typical construction operations, it is expected that during the clearing and grading activities the equipment will include a scraper, dozer, blade, loader, and water truck. The average noise level is not anticipated to exceed 65 dB CNEL in outdoor areas near residential land uses. Because of the short-term duration of grading and construction activities, plus the City's existing noise ordinance, the potential noise impacts to adjacent residences are less than significant. However, a comment letter received on the Draft EIR from the Rio School District (Letter No. Krueger) requested an additional noise mitigation measure due to the proximity of Rio Rosales Elementary School to the project site to prevent the potential disruption of classroom activities. To comply with this request, Mitigation Measure N3 was added the Final EIR.

1) Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

The Final EIR includes the following mitigation measures to reduce the impact associated with construction noise:

Mitigation Measure N1:

Construction activities should be limited to weekdays, between the hours of 7 a.m. and 7 p.m.

Mitigation Measure N3:

In order to avoid disrupting nearby school operations, construction activities involving the use of heavy equipment, i.e., bulldozers, etc., should be limited to the summer months or when Rio Rosales Elementary School is not in session to the maximum extent feasible. Should construction activities take place during a period when school is in session, the project developer and/or the general contractor for the project shall communicate with the Principal of the adjacent Rio Rosales Elementary School regarding expected construction activity so that the school and contractor may work out a schedule where construction noise will not unduly interfere with classroom operations.

Based on the above facts:

The City Council hereby finds that all feasible and reasonable mitigation measures for impacts relating to project-level construction noise have been identified in the EIR and are included in the Mitigation Monitoring and Reporting Program for the project. The mitigation measures will reduce impacts relating to project-level construction noise to a less than significant level pursuant to Section 15091(a)(1) of the CEQA Guidelines.

Cumulative Noise Impacts

The Oxnard 2030 General Plan Program EIR serves as the cumulative description and impact discussion for this topic, just as the 2020 General Plan served as the cumulative description and impact discussion for the NECSP EIR. The Oxnard 2030 General Plan Program EIR did find traffic noise at 2030 buildout on selected road segments was a significant unavoidable adverse impact. That cumulative impact finding and overriding statement are incorporated into this EIR.

In the context of this EIR, none of the conditions for a new environmental analysis were met for this topic and no additional analysis was required.

A **Statement of Overriding Considerations** was prepared and adopted in October 2011 by the City Council for the unavoidable and significant cumulative impact associated with cumulative roadway noise

Finding No. 9:

Based on the above facts:

The City Council hereby finds, per Public Resources Code section 21081(b), that that specific overriding economic, legal, social, technological, or other benefits outweigh the unavoidable adverse environmental effects of the cumulative effects of roadway noise of the project as anticipated and analyzed in the City 2030 General Plan Program Environmental Impact Report (PEIR).

G. Aesthetics

Visual Character and Quality

Section 5.10 (pages 5-154 to 5-158) of the NECSP EIR contains a description of the regional aesthetic setting, the NECSP area setting related to windrows and views, the conversion of the entire NECSP project site to urban uses, a cumulative 2020 General Plan buildout impact discussion, two mitigations (A1 and A2), and a finding that the loss of the mature windrow trees is an unavoidable adverse impact.

The western edge of the project site has mature windrows along the northbound lane of Rose Avenue.

The City has a standard tree mitigation that recovers the value of removed mature trees in new landscaping and the City would require incorporation of existing mature healthy trees along Rose Avenue into the design of a widened Rose Avenue, to the maximum extent feasible. It is possible, however, that most or all of the windrow along Rose Avenue will be removed due to their health and/or infeasibility of widening Rose Avenue around the windrows. In this likely situation, despite the implementation of mitigation measure A2, there would be a significant unmitigated adverse project-level impact for loss of the windrow. The proposed project is anticipated to be a neo-traditional subdivision, resulting in a visual character that would be attractively designed, and which would be more consistent with the surroundings than active farming activities. Thus the proposed project would not further impact the existing visual character or quality of the project site.

Light and Glare

Existing uses in the vicinity of the project site are primarily residential uses and a school use, both of which are sensitive receptors. However, these land uses themselves contribute to the existing ambient nighttime light environment. Specific guidelines would limit or avoid excessive light spillage onto adjacent properties and to prevent the use of highly reflective building materials which cause glare the use of non- or low-reflective building materials to minimize glare. Thus, impacts from light and glare would be less than significant.

1) Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

The Final EIR includes the following mitigation measures to reduce the impact associated with aesthetics:

Mitigation Measure A1:

The Specific Plan incorporates Design Guidelines to assure visual resource protection and development coordination based on planning, architectural, landscape, and engineering standards and guidelines.

Mitigation Measure A2:

Removal of windrow trees shall be subject to the following requirements:

- *A certified arborist report shall be required, which contains a description of the health of each tree.*
- *A tree valuation report shall be provided for each trees (as prepared by a certified arborist) based upon, Valuation of Landscape Trees, Shrubs, and Other Plants (an official publication by the International Society of Arborists).*
- *Tree rows authorized for removal shall be replaced and/or additional landscape enhancement shall be provided to the same dollar value as the trees designated to be removed. This is in addition to the minimum landscaping required per the City's Landscape Standards. The species to be replanted shall be approved by the Oxnard Parks Division.*

A **Statement of Overriding Considerations** has been prepared and adopted for the unavoidable and significant impact associated with the loss of the windrow trees.

Finding No. 10:

Based on the above facts:

The City Council hereby finds that all feasible and reasonable mitigation measures for impacts relating to aesthetics (visual character and quality, and Light and glare) have been identified in the EIR and are included in the Mitigation Monitoring and Reporting Program for the project. The project alternative identified in the Final EIR capable of reducing the loss of the existing windrow trees to a less than significant level is infeasible for the applicant due to specific economic and legal justifications pursuant to Section 15091(a)(3) of the CEQA Guidelines.

H. Transportation/Traffic

Project Traffic Generation

Using the trip generation rates from the Oxnard Traffic Model consistent with the 2030 General Plan Program EIR, the completed project would generate an estimated 8,566 daily trips (3,856 from 402 housing units at 9.57 trips per unit and 4,710 trips from 78.5 thousand square feet of commercial space at 60 trips per 1,000 square feet). This estimate does not account for reductions likely to come from the neighborhood shopping center being within walking and bicycling distance of the project's 402 homes as well as other neighborhoods. This number of trips has been incorporated in the 2030 General Plan Oxnard Traffic Model and the results, as depicted in the 2030 General Plan Program EIR are that all intersections east of the Union Pacific Railroad (i.e. northeast portion of the City) will operate at LOS C or better at peak periods with the exception of Rose Avenue and Gonzales Road which will operate at LOS D in the morning peak period. This intersection was excepted by the City Council to operate a below LOS C and the certified 2030 General Plan Program EIR includes a Statement of Overriding Consideration for that excepted intersection.

The proposed project is consistent with the NECSP, 2030 General Plan, and the Oxnard Traffic Mitigation Plan adopted in 2008. Rose Avenue north of Camino del Sol would be widened to six lanes, three in each direction, by adding project-dedicated land along the western edge of the project site (see mitigation measure C-1 and C-2, below). The design of the widened Rose Avenue may include a wide median and/or eastward curve in order to preserve some number of mature windrow trees currently along the western edge of the project site and adjacent to the east shoulder of Rose Avenue, if feasible and the trees (windrow) are found to be healthy and worth saving. The design of Rose Avenue cannot be completed until the specific locations of streets are proposed by a subsequent project-level application. All streets within the project site and any changes to adjoining streets would be engineered by a California-registered Traffic Engineer and reviewed and approved by the City's Traffic Engineer and Fire and Police Departments for safety and emergency access.

Construction of the project will result in increased vehicle trips on County roads to be identified in conjunction with the County as part of the project-level traffic study once detailed street information is

available. The City and Ventura County have executed a "Reciprocal Traffic Mitigation Agreement" wherein the City and County have agreed that a pro-rata share of the cost of mitigations will be collected by each agency for traffic impacts in the other jurisdiction. The project would be consistent with the Ventura County General Plan by complying with the terms of the "Reciprocal Traffic Mitigation Agreement" adopted on February 2, 1993. By paying the mandatory County/City Traffic Impact Fee, the developer will mitigate the project's impacts on local roads and intersections. With payment of the fee, any impacts will be less than significant.

Furthermore, the project will require a traffic study prior to any development when the actual locations of streets are engineered, which is not known with certainty at this time. The traffic study will identify right-of-way dedications and off-site improvements to Rose Avenue, Camino del Sol, and possibly other streets as warranted to maintain LOS C. The project will be conditioned to complete the traffic improvements, dedicate land, and/or pay traffic impact fees per the required mitigation measures that are then used by the City for permanent traffic network improvements. With payment of traffic impact fees, dedications, and routine conditions of approval for on-site and directly-attributable off-site traffic networks improvements, traffic impacts will be less than significant.

Freeway and Roadway Capacity

The project will require a traffic study prior to any development when the actual locations of streets are engineered, which is not known with certainty at this time. The Traffic Study shall also include a capacity analysis of the Ventura Freeway because of its close proximity to the project site and the number of project trips that would access it.

1) Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

The Final EIR includes the following mitigation measures to reduce the transportation/traffic impacts of the project:

Mitigation Measure D-1:

Developer shall dedicate to the City the required Right-of-Way along Rose Avenue associated with the City's Rose Avenue road widening at the first recordation of a Final Subdivision Tract Map.

Mitigation Measure D-2:

Developer shall modify the traffic signals at Rose Avenue and Camino del Sol associated with the proposed Rose Avenue widening. The signal modification shall include provision of a traffic signal battery back-up system, new service equipment enclosure and emergency vehicle detection system designed by the City Traffic Engineer.

Mitigation Measure D-3:

Developer shall place existing overhead utility lines underground in accordance with City ordinance. Before issuance of a site improvement permit or recordation of a final map, Developer shall post

security satisfactory to the Finance Director guaranteeing utility relocation.

Mitigation Measure D-4:

Developer shall pay the applicable County/City Traffic Impact Fee(s) prior to issuance of a building permit per City Ordinances 10,418 and 10,453.

Mitigation Measure D-5:

The project shall have a Homeowners Association responsible for the maintenance of private streets, project-oriented public areas, front yards of individual homes, and enforcement of parking and related rules and regulations that is customary to a residential community.

Finding No. 11:

Based on the above facts:

The City Council hereby finds that all feasible and reasonable mitigation measures for impacts relating to transportation/traffic have been identified in the EIR and are included in the Mitigation Monitoring and Reporting Program for the project. The mitigation measures will reduce impacts relating to transportation/traffic to a less than significant level pursuant to Section 15091(a)(1) of the CEQA Guidelines.

Cumulative Traffic/Transportation Impacts

Cumulative development through 2030 has been planned for in the Oxnard Traffic Model. The 2030 General Plan anticipates eventual development of the project site and within the Oxnard City Urban Restriction Boundary (CURB) and the Final EIR found that mitigated project-level traffic and related impacts were below the threshold of significance. Therefore, no additional adverse unmitigated traffic and related project impacts will occur.

With regard to cumulative impacts, the County of Ventura has adopted a Traffic Fee Mitigation Ordinance. The County of Ventura allows for participation in the Traffic Fee Program as a way to comply with its Traffic Fee Mitigation Ordinance. By paying the mandatory County/City Traffic Impact Fee, the developer will mitigate the project's potential cumulative impacts on County roadways.

In the context of the Final EIR, none of the conditions for a new environmental analysis were met for this topic and no additional analysis was required.

A **Statement of Overriding Considerations** was prepared and adopted in October 2011 by the City Council for the unavoidable and significant cumulative traffic impacts at five intersections below Level of Service 'C' after 2030 General Plan mitigations are completed.

Finding No. 12:

Based on the above facts:

The City Council hereby finds, per Public Resources Code section 21081(b), that that specific overriding economic, legal, social, technological, or other benefits outweigh the unavoidable adverse environmental

effects of the cumulative effects to traffic of the project as anticipated and analyzed in the City 2030 General Plan Program Environmental Impact Report (PEIR).

I. Public Services - Fire

Construction

Construction activities at the project site would increase the potential for accidental on-site fires from such sources as the operation of mechanical equipment, use of flammable construction materials, and discarded cigarettes. In most cases, the implementation of "good housekeeping" procedures by the construction contractors and the work crews would minimize these hazards. Good housekeeping procedures that would be implemented during construction of the proposed project include: the maintenance of mechanical equipment in good operating condition; careful storage of flammable materials in appropriate containers; and the immediate and complete cleanup of spills of flammable materials when they occur.

Construction activities also have the potential to affect fire protection services, such as emergency vehicle response times, by adding construction traffic to the street network and by partial lane closures during street improvements and utility installations. These impacts, while potentially adverse, are considered to be less than significant for the following reasons:

1. Construction impacts are temporary in nature and do not cause lasting effects; and

2. Partial lane closures would not greatly affect emergency vehicles, the drivers of which normally have a variety of options for avoiding traffic, such as using their sirens to clear a path of travel or driving in the lanes of opposing traffic. Additionally, if there are partial closures to streets surrounding the project site, flagmen would be used to facilitate the traffic flow until construction is complete.

Project construction would not be expected to tax fire fighting and emergency services to the extent that there would be a need for new or expanded fire facilities, in order to maintain acceptable service ratios, response times, or other performance objectives of the OFD. Therefore, construction-related impacts to fire protection services would be less than significant.

Operation

The proposed project would be subject to the following standards for fire protection:

- The proposed uses must comply with all applicable State and local codes and ordinances.
- Fire lane width shall not be less than 20 feet. When a fire lane must accommodate the operation of Fire Department aerial ladder apparatus or where fire hydrants are installed, those portions shall not be less than 28 feet in width.
- No building or portion of a building shall be constructed more than 300 feet from an

approved fire hydrant.

- No building or portion of a building shall be constructed more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.
- Access for Fire Department apparatus and personnel to and into all structures, including the subterranean parking structures, shall be required.

Despite the aforementioned standards, to ensure adequate OFD capacity to serve the project and its residents, mitigation measure E-1 is required.

1) Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

The Final EIR includes the following mitigation measure to reduce any potential impacts to fire services by the project:

Mitigation Measure E.1-1:

Prior to completion and operational status of Fire Station No. 8 at College Park or completion and operational status of Fire Station No. 10 within the Sakioka Farms Business Park Specific Plan, no more than 100 housing units and/or 40,000 sf of commercial uses shall be completed and occupied within the commercially zoned area on the northeast corner of Camino del Sol and Rose Avenue (zoning will be C-2, which allows R-3 residential and mixed use).

Finding No. 13:

Based on the above facts:

The City Council hereby finds that all feasible and reasonable mitigation measures for impacts relating to fire services have been identified in the EIR and are included in the Mitigation Monitoring and Reporting Program for the project. The mitigation measure will reduce impacts relating to fire services to a less than significant level pursuant to Section 15091(a)(1) of the CEQA Guidelines.

J. <u>Public Services - Police</u>

Construction

Construction sites can be sources of attractive nuisances, and invite theft and vandalism. Developers typically take precautions to prevent trespassing through construction sites. These impacts will be mitigated by requiring that temporary fencing be installed around the construction site to keep out trespassers and discourage theft and damage.

Although minor traffic delays may occur during construction, particularly during the construction of

utilities and street improvements, impacts to police response times would be minimal and temporary. Therefore, the construction-related impacts of the proposed project to police protection services would be less than significant.

Operation

The proposed project would introduce new employees and residents to the project area. Thus, an increase in the demand for police protection services is anticipated. While there is not a directly proportional relationship between increases in development and land use activity and increases in demand for police protection services, the number of request for assistance calls for police response to retail burglaries, residential burglaries, vehicle burglaries, damage to vehicles, traffic-related incidents, and crimes against persons would be anticipated to increase with the buildout and occupancy of the project. Based on OPD's experience with similar developments, anticipated problems in the project area do not represent unusual law enforcement issues.

1) Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

The Final EIR includes the following mitigation measure to reduce any potential impacts to police services by the project:

Mitigation Measure E.2-1:

During all construction activities, the project or subsequent developer shall ensure that all onsite areas of active development, material and equipment storage, and vehicle staging, be secured with temporary fences to prevent trespass.

Mitigation Measure E.2-2:

The building and site design of the proposed project shall include crime deterrence and prevention features, building security systems, architectural design modifications, surveillance systems, and secure parking facilities.

Finding No. 14:

Based on the above facts:

The City Council hereby finds that all feasible and reasonable mitigation measures for impacts relating to police services have been identified in the EIR and are included in the Mitigation Monitoring and Reporting Program for the project. The mitigation measures will reduce impacts relating to police services to a less than significant level pursuant to Section 15091(a)(1) of the CEQA Guidelines.

K. Public Services - Schools

At build-out (i.e., 402 new dwelling units) the project could generate approximately 95 elementary school students, 37 middle school students, and 53 high school students for a total of 185 students.

1) Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

The Final EIR includes the following mitigation measure to reduce any potential impacts to schools by the project:

Mitigation Measure E.3-1:

The subsequent developer(s) under the specific plan would be required to pay all applicable school fees to offset the impact of additional student enrollment at schools.

Finding No. 15:

Based on the above facts:

The City Council hereby finds that all feasible and reasonable mitigation measures for impacts relating to schools have been identified in the EIR and are included in the Mitigation Monitoring and Reporting Program for the project. The mitigation measures will reduce impacts relating to schools to a less than significant level pursuant to Section 15091(a)(1) of the CEQA Guidelines.

L. Public Services - Libraries

The project site is within the City Planning Area and Sphere of Influence. The project site land use plan was considered and analyzed as part of the City's 2030 General Plan and Program EIR. The East Village Phase III is part of the NECSP and the land use plan for the site has not changed. Consequently, the political change in jurisdiction from County of Ventura to the City through the act of annexation would not have a physical effect in terms of library services in the project area. If the project includes 402 housing units, it would increase the demand for library services, with the addition of approximately 1,568 residents. The proposed project would also possibly include 78,400 square feet of commercial uses, which introduce new employees to the project site. However, in general, employees of commercial uses are not likely to patronize libraries during working hours, as they are more likely to use libraries near their homes during non-work hours.

Based on the ALA standard of 1.0 square foot of library space per person, the proposed project with housing would generate need for 1,568 square feet of library space.

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According to the Oxnard Public Library (OPL), the Colonia Branch does not currently meet the needs for library service in the area. It serves a population of approximately 23,649 in a 580 square foot room. The recommended size for this location should be 23,649 square feet. With the additional recommended 1,568 square feet, the branch should be approximately 25,217 square feet in size. The OPL staff has recommended building new facilities to serve this area of the City.

Therefore, the impacts of the project with residential uses would be considered potentially significant. Payment of the Growth Development Fee would be put toward building the new recommended facilities to reduce the potentially significant impact to less than significant levels.

1) Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

The Final EIR includes the following mitigation measure to reduce any potential impacts to schools by the project:

Mitigation Measure E.5-1:

The subsequent developer(s) would be required to pay the Payment of the Growth Development Fee to offset library impacts.

Finding No. 16:

Based on the above facts:

The City Council hereby finds that all feasible and reasonable mitigation measures for impacts relating to libraries have been identified in the EIR and are included in the Mitigation Monitoring and Reporting Program for the project. The mitigation measures will reduce impacts relating to libraries to a less than significant level pursuant to Section 15091(a)(1) of the CEQA Guidelines.

M. <u>Utilities and Service Systems - Water</u>

The project would consume approximately 72 acre feet of water per year (net increase above the existing site agricultural uses). Development of the project site is part of the overall planned water demand increase for Oxnard. Water supplies as identified in the Draft EIR from CMWD, UWCD, and the City are considered as firm for the period 2010 to 2030. Furthermore, during the period 2010 to 2014, the City may draw on a portion of its groundwater credit bank of approximately 37,000 AF as an interim supply until the GREAT AWPF is completed as planned. Under extended dry and multiple dry year conditions, it is possible that during the years 2010 to 2014, the cumulative draw on the groundwater credits could exceed the City's available credits and the City would have to pay higher rates for additional water. However, the City has developed this credit bank for use during these types of extended drought or water supply restricted conditions. Once the GREAT AWPF is in full production,

the City will gradually restore its groundwater credit bank as a buffer against future supply constraints. The GREAT Program continues to be an important element in providing water supply to the project site, along with other proposed or anticipated development. It is anticipated that reasonably projected water supplies available during normal, single dry, and multiple dry water years during a 20-year projection are sufficient to meet the water demand associated with the project, in addition to the City's existing and planned future uses. Furthermore, the City imposes a variety of development impact fees based on land use, size, and service impact area. The Water Fees would be paid upon issuance of a building permit. Thus, the proposed project's impacts on water supply and facilities would be less than significant. The mitigation measures included in the Final EIR would further minimize the potable water demand of the proposed project.

1) Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

The Final EIR includes the following mitigation measures to reduce the water demand of the project:

Mitigation Measure E.6-1:

The on-site domestic water system shall include the following:

- *A public pipeline systems which feed into separate water meters for each ownership. In addition, there shall be separate water meters for each multi-family unit townhouses, but not apartment units. The high-rise residential towers may be master-metered.*
- *A separate water meter (1) for the common landscape areas that would be connected to the future recycled water system.*
- *All domestic water pipelines shall adhere to Division of Occupational Health and Safety (DOHS) requirements for separation between water and recycled water/wastewater pipelines.*
- *The developer shall be responsible for payment of capital improvement/connection fees, including all related "installation fees."*
- *Developer shall provide the City any approvals necessary to dedicate to the City all FCGMA allocation associated with the Project site, whether such allocation is associated with the conversion of agricultural to urban uses, or otherwise.*

Mitigation Measure E.6-2:

The developer shall provide a recycled water system that serves all practical irrigated areas and which is: (1) separated from the domestic water system, (2) constructed per the City's Recycled Water Construction Standards (being developed), (3) irrigated at night, and (4) properly signed once the system is fully operational.

- *The portion of the irrigation intended for the future recycled water system shall be separately metered from that portion of the system that will not be connected to the future recycled water system, if any.*
- *Until the recycled water system is operational, the common area irrigation system shall be connected to the domestic system. Once recycled water is available, and connection to the*

recycled water system is made, the developer shall remove the connection to the domestic water system. No domestic water back-up is needed, since the City will provide such back-up including an appropriate air gap facility as part of the City's system.

- *Prior to the availability of recycled water, the developer shall be responsible for payment of the Recycled Water Connection Fee or the water connection fee, whichever is greater for facilities constructed.*
- *At such time as recycled water is available, the developer shall be responsible for all costs involved with the re-connection of the applicable portions of the irrigation system to the public recycled water system, including appropriate signage. Credits for connection fees shall be given by the City based on the size of the meter(s). Under no circumstance will there be a refund of water connection fees already paid.*
- *The developer shall be responsible for appropriate Covenants, Conditions and Restrictions (CC&Rs) covering the use of recycled water and for proper disclosures.*
- *Prior to submittal of subdivision improvement plans, the developer shall review with the City the potential for dual plumbing, whereby toilet facilities would be served by the recycled water system. No determination has yet been made regarding whether the City will desire to proceed with this plan. However, should the City decide that it is desired, all costs associated with the dual plumbing shall be borne by the developer.*

Mitigation Measure E.6-3:

The developer shall incorporate exterior water conservation features, as recommended by the State Department of Water Resources, into the project. These shall include, but are not limited to:

- *Landscaping of common areas with low water-using plants,*
- *Minimizing the use of turf by limiting it to lawn dependent uses, and*
- *Wherever turf is used, installing warm season grasses.*

Mitigation Measure E.6-4:

The developer shall, to the extent feasible, use reclaimed water for irrigation of landscaping and other uses if or when such water is available at the project site.

Mitigation Measure E.6-5:

The developer shall predominantly use vegetation that requires minimal irrigation (i.e., drought tolerant plant species) in all site landscaping where feasible for new plantings.

Mitigation Measure E.6-6:

The project developer shall ensure that the landscape irrigation system be designed, installed, and tested to provide uniform irrigation coverage. Sprinkler head patterns shall be adjusted to minimize over spray onto walkways and streets.

Mitigation Measure E.6-7:

The project developer shall install a "smart sprinkler" system to provide irrigation for the landscaped areas. Irrigation run times for all zones shall be adjusted seasonally, reducing water times and frequency in the cooler months (fall, winter, spring). Sprinkler timer run times shall be automatically adjusted by a state-of-the-art system that relies on local weather forecasts.

Mitigation Measure E.6-8:

The project developer shall install low-flush water toilets in all new construction at the project site. Low-flow faucet aerators shall be installed on all new sink faucets.

Finding No. 17:

Based on the above facts:

The City Council hereby finds that all feasible and reasonable mitigation measures for impacts relating to water supply have been identified in the EIR and are included in the Mitigation Monitoring and Reporting Program for the project. The mitigation measures will reduce impacts relating to water supply to a less than significant level pursuant to Section 15091(a)(1) of the CEQA Guidelines.

N. Biological Resources

The project site is within the City Planning Area and Sphere of Influence. The project site land use plan was considered and analyzed as part of the City's 2030 General Plan and Program EIR. The East Village Phase III is part of the NECSP and the land use plan for the site has not changed. Consequently, the political change in jurisdiction from County of Ventura to the City through the act of annexation would not have a physical effect in terms of biological resources in the project area.

Implementation of the proposed project could result in impacts to biological resources on-site, including:

- Temporary impacts during grading and construction activities, noise, vibration, dust, and increased human presence from construction crews;
- Permanent impacts from removal of vegetation, construction of buildings and roads; and
- Permanent impacts from post-construction, operational activities including increased noise and disturbance levels from the new development, increased wildlife mortality from additional traffic, and increased lighting associated with new development and roads.

The Final EIR provided mitigation measures for avoiding, minimizing, or compensating potentially significant impacts, as appropriate.

1) Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

The Final EIR includes the following mitigation measures to reduce the biological resources impacts of the project:

Mitigation Measure F-1:

Prior to the final approval of the first Site Improvement Plan, the project site and adjacent open space

areas shall be surveyed by a qualified biologist for the presence of nesting birds prior to removal of vegetation. The developer shall be required to submit a report documenting the findings of the site survey to the Planning Division for review and approval. The site survey shall be conducted within 30 days of the beginning of any grubbing/grading activity. If any active nests are detected, then a 300-foot buffer (or as otherwise deemed appropriate by the biological monitor in consultation with the City and CDFG) shall be placed around the nest site until the nestlings have successfully fledged. Conduct vegetation clearing and grubbing, grading, and other construction activities associated with the proposed project during the non-breeding season (in general, September 1st through January 31st).

Finding No. 18:

Based on the above facts:

The City Council hereby finds that all feasible and reasonable mitigation measures for impacts relating to biological resources have been identified in the EIR and are included in the Mitigation Monitoring and Reporting Program for the project. The mitigation measures will reduce impacts relating to biological resources to a less than significant level pursuant to Section 15091(a)(1) of the CEQA Guidelines.

M. Hazards and Hazardous Materials

Construction

Construction of the proposed project would involve the use of those hazardous materials that are typically necessary for construction of residential development (i.e., paints, building materials, cleaners, fuel for construction equipment, etc.). Therefore, construction of the proposed project would involve routine transport, use, and disposal of these types of hazardous materials throughout the duration of construction activities. Furthermore, the transport, use, and disposal of construction-related hazardous materials would occur in conformance with all applicable local, State, and federal regulations governing such activities. For example, the proposed project would be required to implement standard best management practices (BMPs) set forth by the City and the Ventura County Regional Water Quality (VCRWQ) which would ensure that wastes generated during the construction process are disposed of properly. Furthermore, due to the fact that the majority of the project site has been used for agricultural purposes for several decades, a combination of several commonly used pesticides which are now banned may have been used throughout the project site. While there is no requirement that agricultural soil be tested prior to development, the historical use of agricultural pesticides on the project site may have resulted in pesticide residues of certain, persistent in soil concentrations that are considered to be hazardous according to established Federal regulatory levels and impacts would be potentially significant. Therefore, it is recommended that soil sampling should occur throughout the project site. The sampling would determine if pesticide concentrations exceed established regulatory requirements and would identify proper handling procedures that may be required. Therefore, with mitigation, the proposed project would not create a significant impact related to routine transport, use, or disposal of hazardous materials during construction.

Operation

The proposed project consists of the development of residential uses, which would include the use of

hazardous materials for routine cleaning, maintenance, and landscaping in small quantities. All potentially hazardous materials would be contained, stored, and used in accordance with the manufacturers' instructions and handled in compliance with the applicable standards and regulations, such as those administered by the Oxnard Fire Department, OSHA, and CalOSHA. Through adherence to these regulatory guidelines, construction activities would not create a significant hazard to the public or environment through the disturbance, removal, storage, or disposal of hazardous materials. As such, impacts associated with hazardous materials used during operation of the proposed project would be less than significant.

Asbestos-Containing Materials (ACMs)

Due to the age of the existing on-site structures it is very likely that ACMs are present on the project site. The Applicant has suggested that the main house remain on the project site and be remodeled as a community complex or as part of the commercial area. The Applicant has also suggested that the main barn remain on the project site and be remodeled as a commercial structure as part of the commercial area. Nevertheless, the worst case scenario would be that the structures would be demolished and ACMs would be present in the structures and impacts would be potentially significant. However, implementation of mitigation measure H-2 and mandatory compliance with applicable federal and state standards and procedures would reduce risks associated with ACMs to acceptable levels. Therefore, significant impacts associated with an exposure to ACMs during construction would be less than significant.

Lead-Based Paint (LBP)

Due to the age of the existing on-site structures it is very likely that LBP is present on the project site. The Applicant has suggested that the main house remain on the project site and be remodeled as a community complex or as part of the commercial area. The Applicant has also suggested that the main barn remain on the project site and be remodeled as a commercial structure as part of the commercial area. Nevertheless, the worst case scenario would be that the structures would be demolished and LBPs would be present in the structures and impacts would be potentially significant. However, implementation of mitigation measure H-2 and mandatory compliance with applicable federal and state standards and procedures would, therefore, reduce risks associated with LBP to acceptable levels. Therefore, significant impacts associated with an exposure to LBP during construction would be less than significant.

Underground Storage Tanks (USTs) and Above Ground Storage Tanks (ASTs)

There are no known USTs located within the vicinity of the project site. Furthermore, no USTs are known to be located within the project site.8 However, there is one AST located on the project site. At this time no detailed information could be found about the AST. Removal of the AST would be essential in terms of implementation of the Specific Plan land use plan for the project site and impacts with respect to ASTs would be potentially significant.

Polychlorinated Biphenyls (PCBs)

Polychlorinated biphenyls are a mixture of chlorinated compounds, which were used as coolants and lubricants in transformers and other electrical equipment. When released to the environment polychlorinated biphenyls can impact soil and groundwater. Polychlorinated biphenyls are likely carcinogens and the manufacture of polychlorinated biphenyls was banned in the United States in 1979. Because the existing structures on the project site were constructed prior to the 1979 federal ban on the

8 State Water Resources Control Board, GeoTracker, website: http://geotracker.waterboards.ca.gov/, November 21, 2011.

manufacture of polychlorinated biphenyls, it is possible that PCBs are located on the project site. Therefore, in accordance with mitigation measure IV.G-4, the suspected oils would be sampled, handled, and disposed of in accordance with state and federal laws during future demolition activities.

1) Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

The Final EIR includes the following mitigation measures to reduce the impact associated with hazards and hazardous materials:

Mitigation Measure H-1:

Soil sampling shall occur throughout the project site. The sampling will determine if pesticide concentrations exceed established regulatory requirements and will identify proper handling procedures that may be required.

Mitigation Measure H-2:

The Applicant shall conduct ACM and LBP surveys on all buildings and associated infrastructure scheduled for demolition. If asbestos and/or lead-based paint are detected, they shall be abated and removed in accordance with all applicable federal, state, and local regulations and in accordance with SCAQMD regulations.

Mitigation Measure H-3:

A comprehensive Phase I Environmental Site Assessment (ESA) shall be completed for the project site prior to any development. If environmental conditions exceeding regulatory requirements are identified, remediation shall be accomplished to the satisfaction of the appropriate regulatory agency(ies) and further, shall be completed before earth-disturbing activities may take place on the project site.

Mitigation Measure H-4:

Prior to demolition, potentially polychlorinated biphenyl-containing oils shall be sampled and analyzed for polychlorinated biphenyls and the known polychlorinated biphenyl-containing transformers and any other polychlorinated biphenyl-containing oils would be handled and disposed of in accordance with state and federal laws during future demolition activities.

Finding No. 19:

Based on the above facts:

The City Council hereby finds that all feasible and reasonable mitigation measures for impacts relating to hazards and hazardous materials have been identified in the EIR and are included in the Mitigation Monitoring and Reporting Program for the project. The mitigation measure will reduce impacts relating to hazards and hazardous materials to a less than significant level pursuant to Section 15091(a)(1) of the CEQA Guidelines.

N. <u>Alternatives to the Proposed Project</u>

The Draft EIR considers a range of alternatives to the proposed project to provide informed decision-

making in accordance with Section 151216(f) of the CEQA Guidelines. The three alternatives are described as follows:

Alternative 1: No Project Alternative. Under the No Project Alternative, the proposed project site would remain as an unincorporated area under the County of Ventura control and no annexation to the City would occur. Under the No Project Alternative, the project site would continue in its current state of agricultural use with cultivated row crops. The residential units and farm structures would remain. The 2030 General Plan land use designations would remain in place, allowing for a future annexation and subsequent development.

Alternative 2: 2030 General Plan. Under the 2030 General Plan alternative, the proposed project would be reconfigured to be compliant with the 2030 General Plan Land Use Map. The 2030 General Plan alternative would include the same uses as the proposed project, which consists of 402 residential units, 78,400 square feet of commercial uses, and park uses. However, unlike the proposed Project's two linear parks totaling 11 acres, the park uses would be expanded to 30 acres and would located in one area on the northern portion of the project site. The commercial uses would be located in the same area with the remainder of the project site developed with 402 residential units in a traditional small-lot subdivision layout, albeit at a higher density then the proposed project (i.e., 7-12 units per acre). Under the 2030 General Plan alternative, the project site would undergo a change in jurisdiction through the act of annexation to the City from the County of Ventura.

Alternative 3: Urban Village. The Oxnard 2030 General Plan was adopted on October 11, 2011 and included as one of its major themes the establishment of Urban Villages. The 2030 General Plan defines Urban Village as "...mixed use areas designed to encourage persons to live near their place of employment and/or support services. Urban Villages should occur in the designated areas but may be proposed in other areas as a General, Specific, Coastal, or County Public Works Plan Amendment. The integration of complementary land uses is intended to promote a pedestrian orientation to reduce trips and vehicle miles traveled and reduce greenhouse gas emissions. Urban Villages are implemented with a specific plan, a strategic plan similar to the Central Business District Strategic Plan, or by the Ventura County Harbor Public Works Plan." (pg. 3-17).

Policy CD-7.1, "Establishment of Urban Villages," designates six areas of the City as Urban Village, including the Project area. Urban Villages are envisioned as characterized by:

- Infill and/or development of formerly agricultural land;
- Reinvestment in the existing community;
- Mixture of land uses;
- Mix of residential densities and housing types;
- Providing a minimum of 15 percent affordable housing;
- Location along or near corridors, downtown, and transit nodes; and
- Transit, pedestrian, and bicycle circulation given high priority.

More detailed Urban Village guidelines may be subsequently adopted by the City Council. The 2030 General Plan further states that, "For purposes of annexation, the NECSP land use designations for this

area as of July 2011 are deemed consistent with this 2030 General Plan." (p. 3-27)

The Urban Village alternative is an attempt at describing an alternative project within the intent of the Urban Village Policy CD-7.1 with acknowledgement that Urban Village Guidelines have not been formulated in detail or adopted and that this alternative does not commit the developers nor the City to this description as future adopted Urban Village Guidelines may lead to a different project description.

The Urban Village alternative would focus on a transit-oriented mixed use development (TOD) on the northeast corner of Camino del Sol and Rose Avenue. The TOD would create a unique sense of place by having a "town square" feel with a central public space bounded by first-floor retail uses with two and three stories of apartments above them. A bus transit station would be integrated into the public area close to retail shops, public restrooms, and bicycle storage and repair facilities. Open space, providing active recreation and passive storm water retention and treatment, would be integrated throughout the project so that the project would meet MS4 permit requirements. Pedestrian and bicycle paths and walkways would have precedence over streets but not inhibit emergency access. Parking may be consolidated in some areas to allow for overhead solar power generation and electric vehicle recharge stations. The variety of housing styles and affordability would include live/work and seniors housing. One or more areas could be set aside for a new City library, community theater, and/or church. The total number of housing units may increase over that allowed by the NECSP so long as the number of vehicle trips is equal to or less than the Project trip generation projected after accounting for transit and alternative travel modes.

The **No Project alternative** would not satisfy the project objectives and would not implement any of the beneficial mitigation measures that would otherwise be implemented by the project. It is also unreasonable to assume that the majority of the project site would continue to be used for agricultural resources throughout the foreseeable future. The project site has been designated for urban uses since 1993. Any agricultural productivity at the project site should be considered to be a short-term condition.

The **2030 General Plan** alternative is physically feasible; although the same unavoidable significant project impacts to agricultural resources, aesthetics (visual quality and character), as well as cumulative air quality, greenhouse gas emissions and roadway noise would occur. Further, it would result in the same project-level mitigable impacts to air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, public services (i.e., fire protection, police protection, schools, and libraries), traffic/transportation and utilities (i.e., water supply) as the proposed project. Therefore implementation of the 2030 General Plan alternative in lieu of the proposed Project is not considered advantageous from an environmental perspective.

The **Urban Village** alternative is physically feasible; although the same unavoidable significant project impacts to agricultural resources and aesthetics (visual quality and character), as well as cumulative air quality, greenhouse gas emissions and roadway noise would occur. Further, it would result in the same project-level mitigable impacts to air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, public services (i.e., fire protection, police protection, schools, and libraries), traffic/transportation and utilities (i.e., water supply) as the

proposed project. Therefore implementation of the 2030 General Plan alternative in lieu of the proposed Project is not considered advantageous from an environmental perspective.

Finding No. 20:

Based on the above facts:

The City Council finds that all feasible and reasonable mitigation measures for impacts associated with the Project have been identified in the Final EIR and are included in the Mitigation Monitoring and Reporting Program for the project. The Project alternative identified in the Final EIR capable of reducing the unavoidable impacts associated with agricultural resources and cumulative impacts to air quality, greenhouse gas emissions and roadway noise to less than significant levels is infeasible for the applicant due to specific economic and legal justifications pursuant to Section 15091(a)(3) of the CEQA Guidelines.

3. Miscellaneous Findings

Revisions to the Draft EIR were made as a result of the comments submitted on the Draft EIR as well as City staff directed changes. These revisions (incorporated into the Final EIR) only clarify, amplify, or make insignificant modifications to the Draft EIR. None of these revisions represent significant new information that would result in the identification of a new significant impact or an increase in severity of such an impact, from either the project or from a new mitigation measure proposed for implementation as part of the project. Nor do these revisions include a new mitigation measure to reduce a significant impact that has been declined by the project applicant.

Finding No. 21:

Based on the above facts:

The City Council of the City finds that Section 15088.5 of the CEQA Guidelines did not require recirculation of the Draft EIR, as the revisions made to the Draft EIR merely clarified or amplified information found in that document.

EXHIBIT B

Statement of Overriding Considerations

The California Environmental Quality Act (CEQA) requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a project against its unavoidable risks when determining whether to approve a project. If the specific economic, legal, social, technological or other benefits of the project outweigh the unavoidable adverse environmental effects, those effects may be considered acceptable (CEQA Guidelines Section 15093(a)).

In accordance with the requirements of CEQA and the state CEQA Guidelines, the City Council finds that the mitigation measures identified in the East Village Phase III Annexation Final EIR (final EIR), and the Mitigation Monitoring and Reporting Program, when implemented, avoid or substantially lessen virtually all of the significant effects identified in the Final EIR. However, the conversion of a quality agricultural site to an urban use and the loss of the mature windrow trees would remain significant and unavoidable project-level impacts despite consideration of mitigation measures. In addition, as per the 2030 General Plan Program EIR, cumulative impacts are significant for loss of agricultural land, air quality in the regional air basin, and greenhouse gas emissions would be cumulatively significant. Further, no mitigation measures are feasible to reduce the cumulative roadway noise impacts along Gonzales Road between Rice Avenue and Rose Avenue. The project contributes to these cumulative impacts.

The City has balanced the benefits of the East Village Phase III Annexation project against the unavoidable significant project-level and cumulative adverse impacts identified above in determining whether to approve the project and has determined that the benefits of the project outweigh the project-specific unavoidable agricultural resources, aesthetic (visual quality and character) impacts and cumulative agricultural resources, air quality, greenhouse gas emissions, traffic, and traffic-related noise impacts of the project. The benefits set forth below constitute overriding considerations warranting approval of the project:

1) The project will provide 402 single-family homes, up to 78,400 square feet of neighborhood commercial development and approximately 10 acres of parkland along with two new street right of ways; generating increased residential, recreational, business and employment opportunities the City of Oxnard. Development of the site with residential, commercial and recreational uses has been envisioned since the City of Oxnard prepared and approved the Northeast Community Specific Plan in 1993.
2) The project represents the continuation of a logical development pattern occurring in the surrounding area.
3) With the implementation of the 26 recommended mitigation measures the impacts of the project on air quality would be reduced to a less than significant level.
4) With the implementation of the two recommended mitigation measures the impacts of the project on cultural resources would be reduced to a less than significant level.
5) With the implementation of the three recommended mitigation measures the impacts of the project on geology, soils and seismicity would be reduced to a less than significant level.
6) With the implementation of the four recommended mitigation measures the impacts of the project on hydrology and water quality would be reduced to a less than significant level.
7) With the implementation of the two recommended mitigation measures the impacts of the project on noise would be reduced to a less than significant level.

8) With the implementation of the six recommended mitigation measures the impacts of the project on transportation and traffic would be reduced to a less than significant level. The developer would be required to either fully implement or pay a fair share contribution to the planned transportation improvements, which brings the improvements one step closer to implementation.

9) With the implementation of the recommended mitigation measure the impacts of the project on fire protection would be reduced to a less than significant level.

10) With the implementation of the two recommended mitigation measures the impacts of the project on police protection would be reduced to a less than significant level.

11) With the implementation of the recommended mitigation measure the impacts of the project on schools would be reduced to a less than significant level.

12) With the implementation of the recommended mitigation measure the impacts of the project on libraries would be reduced to a less than significant level.

13) With the implementation of the eight recommended mitigation measures the impacts of the project on water supply would be reduced to a less than significant level. These mitigation measures provide for numerous improvements to be developed in synchronization with project development. The developer would be required to pay a fair share contribution to the planned water supply improvements (both recycled and potable), which brings the improvements one step closer to implementation.

14) With the implementation of the recommended mitigation measure the impacts of the project on biological resources would be reduced to a less than significant level.

15) With the implementation of the four recommended mitigation measures the impacts of the project on hazards and hazardous materials would be reduced to a less than significant level.

Based on the above facts:

The City Council finds that the benefits of the project outweigh the significant and unavoidable project impacts related to agricultural resources and aesthetic (visual quality and character) resources, and cumulative impacts to air quality, greenhouse gas emissions and roadway noise, which are deemed acceptable, consistent with Section 15093 of the CEQA Guidelines.

SUBSTANTIAL EVIDENCE

The City Council finds and declares that substantial evidence for each and every finding made herein is contained in the Draft EIR, Final EIR, and other related materials, each of which is incorporated herein by this reference, and in the record of proceedings in the matter. Moreover, the City Council finds that where more than one reason exists for any finding, the City Council finds that each reason independently supports such finding, and that any reason in support of a given finding individually constitutes a sufficient basis for that finding.

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. ____

RESOLUTION OF APPLICATION OF THE CITY COUNCIL OF THE CITY OF OXNARD TO THE VENTURA COUNTY LOCAL AGENCY FORMATION COMMISSION FOR A REORGANIZATION OF BOUNDARIES FOR PROPERTY LOCATED AT 1853 CAMINO DEL SOL (APN 214-0-020-595), HEREIN ANNEXATION NO. PZ 11-610-01, SUBJECT TO CERTAIN CONDITIONS. FILED BY MAULHARDT RF-JW TRUST ET AL C/O RICHARD MAULHARDT, JR. 1853 CAMINO DEL SOL, OXNARD; AND CITY OF OXNARD, 300 WEST THIRD STREET, OXNARD, CA 93030.

WHEREAS, the City Council desires to propose to the Ventura County Local Agency Formation Commission (LAFCo) a reorganization of the boundaries of the territory described herein;

WHEREAS, on February 5, 2013, the City Council certified Final Environmental Impact Report (FEIR) No. 11-01 (SCH #2011031024) for the East Village Phase III Annexation; and

WHEREAS, City Council has carefully reviewed the application filed as PZ 11-610-01 for annexation to the City of Oxnard and reorganization of boundaries for the property located at 1853 Camino del Sol (APN 214-0-020-595), filed by Maulhardt RF-JW Trust et al c/o Richard Maulhardt, Jr; and

WHEREAS, City Council desires to initiate a proceeding for the reorganization of boundaries as specified herein and shown as Exhibit A and B; 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, THE CITY COUNCIL OF THE CITY OF OXNARD DOES HEREBY RESOLVE AS FOLLOWS:

1. The City Council proposes this reorganization and requests that the Ventura County Local Agency Formation Commission (LAFCO) take proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, commencing with Government Code Section 56000.

2. This proposal is a reorganization and consists of the following, but is not limited to in

the event LAFCo determines additional reorganizations are required, changes of organization as follows:

a. Annexation to the City of Oxnard
b. Annexation to the Calleguas Municipal Water District
c. Annexation to the Metropolitan Water District of Southern California
d. Detachment from the Ventura County Resource Conservation District
e. Detachment from the Ventura County Fire Protection District
f. Detachment from Ventura County Service Area No. 32
g. Detachment from Ventura County Service Area No. 33

3. A description and map of the affected territory are set forth in Exhibits A and B, attached hereto and by reference incorporated herein.

4. The City Council proposes that the reorganization of the territory described in Exhibits A and B be subject to the following terms and conditions:

   a. The territory shall be liable for any existing indebtedness of the City.
   b. The territory shall be liable for payment of any existing or authorized taxes, assessments, fees and charges comparable to those imposed on property within the City.

5. The reasons for the proposal are to provide municipal services and control to the territory described in Exhibits A and B, adjust affected special district and service area boundaries, implement the Guidelines for Orderly Development and promote orderly government boundaries.

6. The proposal is consistent with the spheres of influence of the affected agencies.

7. The City Council hereby directs and authorizes the City Manager, or designee, to file the application with LAFCO for the reorganization described herein on behalf of the City Council.

8. The City Council hereby directs and authorizes the City Clerk to forward a certified copy of this Resolution with applicable fees and other information as required by Section 56383 of the Government Code to the Executive Officer of LAFCO.

9. The City Council hereby consents to LAFCO's waiver of further conducting authority proceedings, if provided for pursuant to Government Code Section 56663.

10. Approve an appropriation of funds of up to $20,000 from the General Fund or other accounts deemed appropriate by the City Manager for the City's proportional share of

LAFCo, Calleguas Municipal Water District, and related annexation application fees and expenses.

PASSED AND ADOPTED this 5th day of February, 2013 by the following vote:

AYES:

NOES:

ABSENT:

Tim Flynn
Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:

Alan Holmberg, City Attorney

ATTACHMENT 5
PAGE 3 OF 5

EXHIBIT 'A'

LEGAL DESCRIPTION

ANNEXATION TO THE CITY OF OXNARD
DETACHMENT FROM THE VENTURA COUNTY FIRE PROTECTION DISTRICT AND THE VENTURA COUNTY RESOURSE CONSERVATION DISTRICT

That portion of Subdivision 26 Rancho El Rio De Santa Clara O' La Colonia in the County of Ventura, State of California as per Partition Map thereof filed in the office of the County Clerk of said County, in that certain action entitled "Thomas A. Scott, et al., Plfts. VS. Rafuel Gonzales, et al., Defts" particularly described as follows:

Beginning at a point at the intersection of the east line of Rose Avenue 50 feet wide, with the north line of Colonia Road, 50 feet wide, said point being the southerly terminus of the 1st course of the "FRIEDRICH-COLONIA", ANNEXATION NO 65-1, to the City of Oxnard described in the document recorded May 17, 1965 in the Office of the Secretary of State of California, thence along said 1st course and its prolongation thereof,

1st North 00°09'00" West, a distance of 2455.86 feet to the westerly prolongation of the southerly line of Tract No. 5214 recorded in Book 143 at Page 87 of Miscellaneous Records, (Maps) of said county; thence along said southerly line,

2nd North 89°59'06" East, a distance of 1938.50 feet to the northwest corner of Tract No. 5293 recorded in Book 146 at Page 47 of Miscellaneous Records, (Maps) of said county; thence along the westerly line of said Tract No. 5293 and the southerly prolongation thereof,

3rd South 00°01'00" West, a distance of 2455.86 feet to a point on the north line of Colonia Road, 50 feet wide, also being the north line of "MAULHARDT", ANNEXATION NO 64-11A, to the City of Oxnard, described in the document recorded September 8, 1964 in the Office of the Secretary of State of California; thence along said north line,

4th South 89°59'00" West, a distance of 1931.24 feet to the **Point of Beginning.**

EXCEPT that portion of land described in the deed to the City of Oxnard recorded January 6, 1993 per Document No. 93-001399 of Official Records of said county.

Contains: 108.97 acres, more or less.

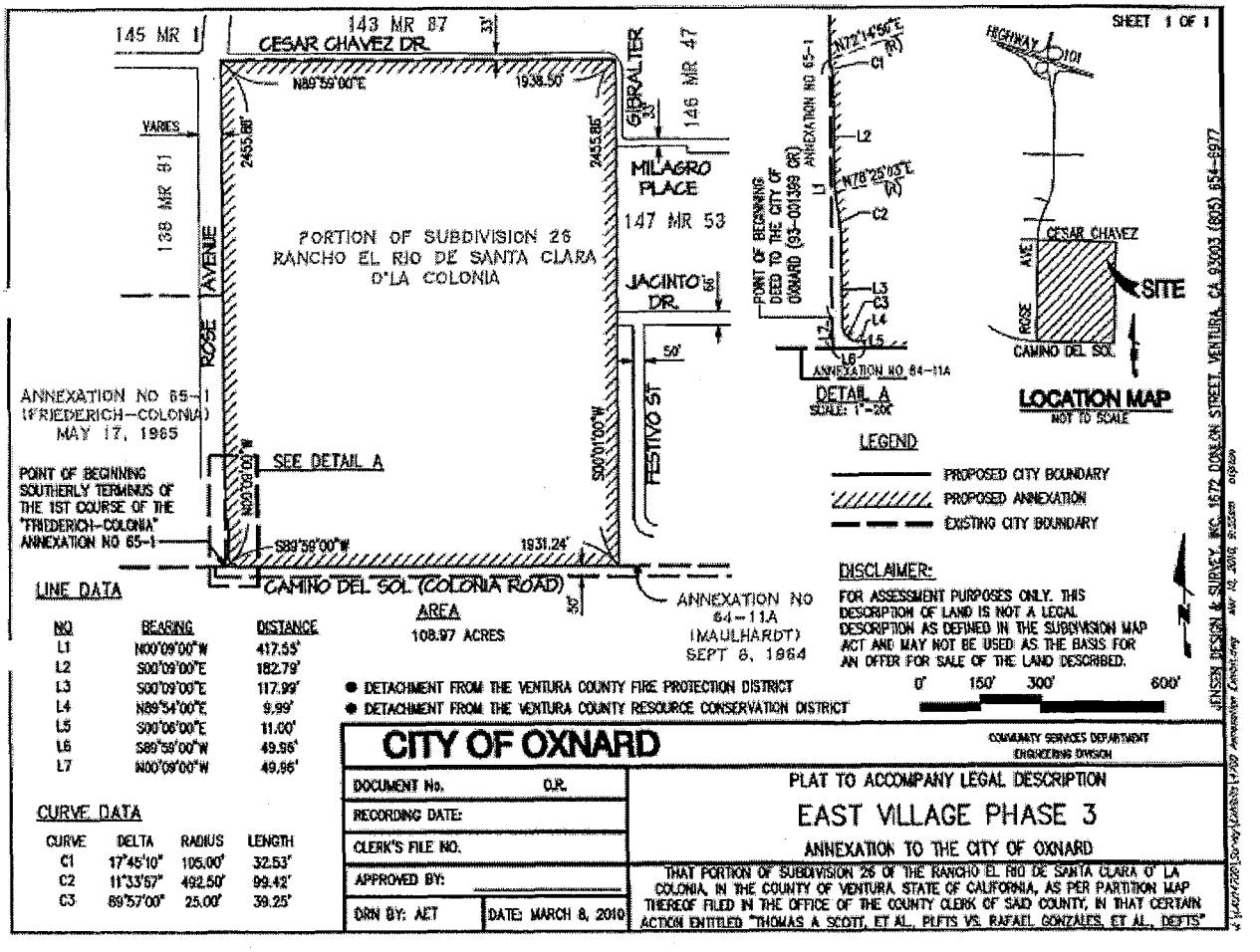
Disclaimer: For assessment purposes only. This description of land is not a legal description as defined in the Subdivision Map Act and may not be used as the basis for an offer for the sale of the land described.

The above described parcel of land is delineated on the attached Plat to Accompany Legal Description" ANNEXATION TO THE CITY OF OXNARD"

March 8, 2010
K:\LAU\14700\Survey\Exhibits\4700 Ex A Annexation Exhibit.doc

EXHIBIT 'B'

PLAT TO ACCOMPANY LEGAL DESCRIPTION



ATTACHMENT 5

PAGE 5 OF 5

CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING PZ 11-560-01, TO PREZONE PROPERTY LOCATED AT 1853 CAMINO DEL SOL (APN) 214-0-020-595 TO SINGLE FAMILY RESIDENTIAL (R-1-PD), NEIGHBORHOOD SHOPPING CENTER (C-1), AND COMMUNITY RESERVE (C-R), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY MAULHARDT RF-JW TRUST ET AL, 1853 CAMINO DEL SOL, OXNARD, CA, 93030.

WHEREAS, the owners of the 107-acre unincorporated parcel located at 1853 Camino Del Sol and entirely within the boundaries of the City of Oxnard have filed Annexation Request No. PZ 11-610-01 to be annexed to the City of Oxnard (City); and

WHEREAS, the subject parcel is located within the Northeast Community Specific Plan (NECSP), which is the City adopted specific plan that directs land uses and development on the subject parcel upon annexation to the City; and

WHEREAS, the owners have requested a concurrent pre-zoning of the property to R-1-PD (Single Family Planned Development), C-1 (Neighborhood Shopping Center), and C-R (Community Reserve) as shown on Exhibit A in compliance with and consistent with the NECSP; and

WHEREAS, on February 5, 2013, the City Council certified Final Environmental Impact Report (FEIR) No. 11-01 (SCH #2011031024) for the East Village Phase III Annexation and prezoning; and

WHEREAS, City Council has carefully reviewed the application filed as PZ 11-560-01 for prezoning for the property located at 1853 Camino del Sol (APN 214-0-020-595), filed by Maulhardt RF-JW Trust et al c/o Richard Maulhardt, Jr; and

WHEREAS, the pre-zoning is found to be consistent with the 2030 General Plan; and

WHEREAS, the City Council has carefully reviewed Planning Commission Resolution No. 2012-23 recommending approval of a prezoning for the subject property; and

WHEREAS, the City Council has held a public hearing and received and reviewed written and oral comments related to the proposed prezoning PZ No. 11-560-01; and

WHEREAS, the City Council finds after due study and deliberation that the public interest and general welfare require the adoption of PZ No. 11-560-01 and the prezoning to R-1-PD, C-1, and C-R as shown on Exhibit A; and

WHEREAS, Applicants agree, as a condition of adoption of this ordinance at each Applicant's own expense, to indemnify, defend, and hold harmless City and its agents, officers, and employees from and against any claim, action or proceeding to attack, review, set aside, void, or annul the approval of this ordinance or any proceedings, acts, or determination taken, done, or made prior thereto that were part of the approval process.

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

Part 1. Zone Change No. 11-560-01 (Prezoning) is approved, as shown on the map attached hereto as Exhibit A and incorporated herein by reference.

Part 2. Within fifteen 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 February 5, 2013, and finally adopted on _____, to become effective thirty days thereafter.

PASSED AND ADOPTED this 5th day of February, 2013 by the following vote:

AYES:

NOES:

ABSENT:

_____
Tim Flynn, Mayor

ATTEST:

_____
Daniel Martinez, City Clerk

APPROVED AS TO FORM:

_____ FOR
Alan Holmberg, City Attorney

ATTACHMENT 6
PAGE 2 OF 3

EXHIBIT A

ATTACHMENT 6
PAGE 3 OF 3

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. ____

RESOLUTION OF APPLICATION OF THE CITY COUNCIL OF THE CITY OF OXNARD TO THE VENTURA COUNTY LOCAL AGENCY FORMATION COMMISSION FOR A REORGANIZATION OF BOUNDARIES FOR FOUR PUBLIC RIGHT-OF-WAY (ROW) AREAS TOTALING APPROXIMATELY THREE ACRES LOCATED ON THE NORTH SIDE OF THE RECONSTRUCTED HIGHWAY 101/SANTA CLARA AVENUE INTERSECTION, HEREIN ANNEXATION NO. PZ 12-610-01, FILED BY THE CITY OF OXNARD, 300 WEST THIRD STREET, OXNARD, CA 93030.

WHEREAS, the City Council of the City of Oxnard (City) desires to propose to the Ventura County Local Agency Formation Commission (LAFCo) a reorganization of the boundaries of the four City-owned street ROW areas herein; and

WHEREAS, Section 15319 of Title 14 of the California Code of Regulations exempts the project from the requirement for the preparation of environmental documents imposed by the California Environmental Quality Act; and

WHEREAS, City Council has carefully reviewed the application filed as PZ 12-610-01 for annexation to the City of Oxnard and reorganization of boundaries for four public ROW areas totaling approximately three acres located on the north side of the reconstructed Highway 101/Santa Clara Avenue, filed by the City of Oxnard, 300 West Third Street, Oxnard, CA, 93030; and

WHEREAS, City Council desires to initiate a proceeding for the reorganization of boundaries as specified herein and shown as Exhibit A; and

WHEREAS, the Development Services Department will prepare appropriate legal descriptions for the subsequent LAFCo reorganization application; and

WHEREAS, the City may, at a later date, subdivide the three whole parcels that straddle the reconstructed portion of Ventura Boulevard east of Santa Clara Avenue to create remainder areas on the north side of Ventura Boulevard that could eventually be declared surplus City property and offered for sale to adjoining property owners; and

WHEREAS, should the City retain ownership of the three whole parcels noted above, the unpaved areas would be programmed for landscaping, irrigation, and maintenance under the City's capital improvements and maintenance programs; and

WHEREAS, the City is continuing to confer with LAFCo and the County of Ventura to determine whether the three whole parcels noted above could be subdivided prior to application for annexation and the remainder areas excluded from annexation as the City's preference; 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

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OXNARD DOES HEREBY RESOLVE AS FOLLOWS:

1. The City Council proposes this reorganization and requests that the Ventura County Local Agency Formation Commission (LAFCO) take proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, commencing with Government Code Section 56000.

2. This proposal is a reorganization and consists of the following, but is not limited to in the event LAFCo determines additional reorganizations are required, changes of organization as follows:

    a. Annexation to the City of Oxnard
    b. Annexation to the Calleguas Municipal Water District
    c. Annexation to the Metropolitan Water District of Southern California
    d. Detachment from the Ventura County Resource Conservation District
    e. Detachment from the Ventura County Fire Protection District
    f. Detachment from Ventura County Service Area No. 32
    g. Detachment from Ventura County Service Area No. 33

3. A description and map of the affected territory are set forth in Exhibits A, attached hereto and by reference incorporated herein.

4. The reasons for the proposal are to provide public safety and maintenance functions consistent with a City of Oxnard-owned public street ROW.

5. The proposal is consistent with the spheres of influence of the affected agencies.

6. The City Council hereby directs and authorizes the City Manager, or designee, to file the application with LAFCo for the reorganization described herein on behalf of the City Council.

7. The City Council hereby directs and authorizes the City Clerk to forward a certified copy of this Resolution with applicable fees and other information as required by Section 56383 of the Government Code to the Executive Officer of LAFCo.

8. The City Council hereby consents to LAFCo's waiver of further conducting authority proceedings, if provided for pursuant to Government Code Section 56663.

9. Approve an appropriation of funds of up to $20,000 from the General Fund or other accounts deemed appropriate by the City Manager for the City's proportional share of LAFCo, Calleguas Municipal Water District, and related annexation application fees and expenses.

PASSED AND ADOPTED this 5th day of February, 2013, by the following vote:

AYES:

NOES:

ABSENT:

_____
Tim Flynn, Mayor

ATTEST:

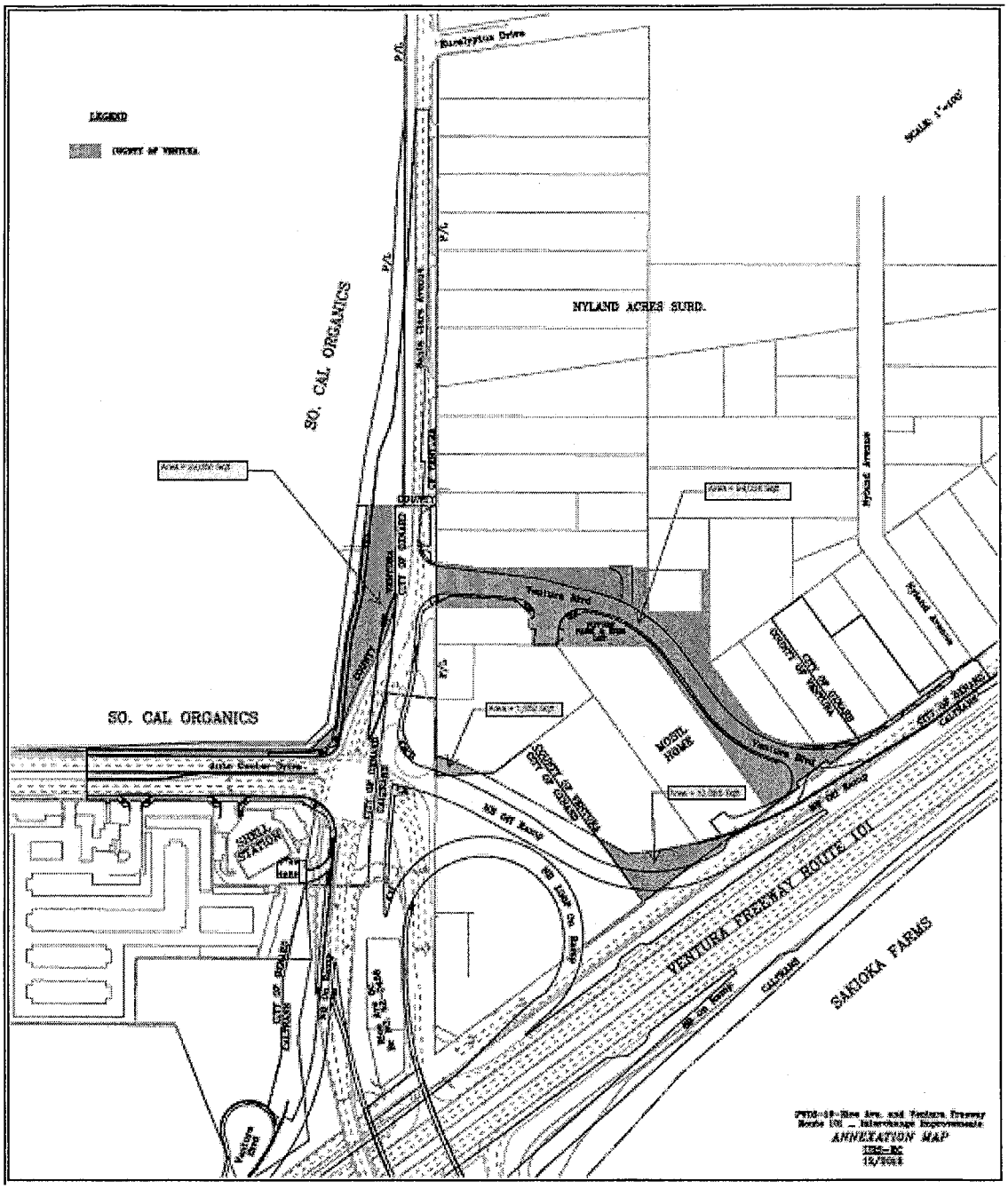
_____
Daniel Martinez, City Clerk

APPROVED AS TO FORM:

_____ FOR
Alan Holmberg, City Attorney

ATTACHMENT 7
PAGE 3 OF 4

EXHIBIT 'A'



ATTACHMENT 7
PAGE 4 OF 4

OXNARD PLANNING DIVISION
214 SOUTH C STREET
OXNARD, CALIFORNIA 93030

CITY OF OXNARD CALIFORNIA

NOTICE OF EXEMPTION

Project Description:

PZ No. 12-610-01 (Annexation) of four public street right-of-way (ROW) areas and/or parcels totaling approximately 3.15 acres on the north side of the reconstructed Highway 101/Santa Clara Avenue intersection.

Finding:

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

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

Supporting Reasons: In accordance with the California Environmental Quality Act Guidelines and Section 15319 of the California Code of Regulations, projects involving annexation to a city of areas containing existing public structures may be found to be exempt from the requirements of CEQA. The proposed project consists of four areas and/or parcels developed with widened and relocated streets and landscaping required by and developed as part of the completed Highway 101/Santa Clara Interchange reconstruction project. Therefore, staff has determined that there is no substantial evidence that the project may have a significant effect on the environment.

(Date)

Susan L. Martin, AICP
Planning Division Manager

ATTACHMENT 8
PAGE 1 OF 1

CITY OF OXNARD CALIFORNIA

PLANNING COMMISSION
STAFF REPORT

TO: Planning Commission

FROM: Christopher Williamson, AICP, Principal Planner

DATE: September 20, 2012

SUBJECT: Planning and Zoning Permit No. 10-610-01 (Annexation) and 10-560-01 (Pre-zone) for annexation and subsequent zoning of the 107-acre parcel located at 1853 Camino del Sol (APN No. 214-0-020-595) and certification of Final Environmental Impact Report (EIR) No. 11-01

1) **Recommendation:** That the Planning Commission:
   - **a)** Adopt a resolution recommending that the City Council certify final EIR No. 11-01.
   - **b)** Adopt a resolution recommending that the City Council approve Planning and Zoning Permit No. 10-610-01 to annex the 107-acre parcel located at 1853 Camino del Sol to the City of Oxnard.
   - **c)** Adopt a resolution recommending that the City Council approve Planning and Zoning Permit No. 10-560-01 to pre-zone the 107-acre parcel located at 1853 Camino del Sol consistent with the Northeast Community Specific Plan.

2) **Project Description and Applicant:** Annexation of the 107-acre rectangular parcel located at 1853 Camino del Sol; pre-zoning for 402 single-family housing units on 89.5 acres, six acres of neighborhood commercial, and 11 acres for parks and streets; and certification of EIR No. 11-01. No actual development is proposed with these permits. The applicant is the Maulhardt RF-JW Trust et al c/o Richard Maulhardt, Jr., 1853 Camino del Sol, Oxnard.

3) **Existing & Surrounding Land Uses:** The project site is used for row-crop agriculture and contains a small orchard and the Maulhardt family home and related buildings. The Maulhardt family has farmed in the Oxnard area for nearly 150 years. The farmstead buildings may have local and/or regional historic significance to be determined by a cultural resource evaluation prior to any subsequent development approvals.

LOCATION	ZONING	2030 GENERAL PLAN	EXISTING LAND USE
Project Site	Ventura County (Agriculture) Pre-zone to CR (Park), C2, and R2-PD	Park, Residential Low Medium, Commercial General	Main residence and several support buildings, about 100 acres of row crops.
North	R-2-PD	Residential Low Medium	Single family housing

ATTACHMENT 9
PAGE 1 OF 14

LOCATION	ZONING	2030 GENERAL PLAN	EXISTING LAND USE
East	R-1-PD CR (school and park)	Residential Low	Single family housing and Rio Rosales Elementary School
South	C-2-PD R-4-PD, R-PD	Residential Medium High	Multifamily housing, vacant parcel approved for a church
West	R-1-PD, R-2-PD	Residential Low	Single family housing

4) **Background Information:** The NECSP is largely developed with the exception of this 107-acre unincorporated island parcel which is the third and final NECSP annexation. Project objectives are: 1) annexation to the City of Oxnard, 2) continued agricultural cultivation until a development plan is reviewed and approved by the City, 3) NECSP objectives, and 4) innovative, feasible, and flexible features that assist the City in implementing the 2030 General Plan and the 2006-2014 Housing Element.

5) **Environmental Determination:** The proposed development is subject to review in accordance with the California Environmental Quality Act (CEQA). A program-level EIR was prepared for the adoption of the NECSP in 1992, followed by project-level CEQA analyses for each NECSP phase. Build out of NECSP land uses is defined as the project for purposes of environmental review only. The CEQA analysis was initiated in 2009 as a Mitigated Negative Declaration (MND) and then changed to an Environmental Impact Report (EIR) as potential impacts and their mitigations were investigated. The Draft EIR was circulated for public review between March 9, 2012 and May 3, 2012. Nineteen public and agency comments were received including comments made during the Planning Commission Draft EIR hearing on April 19, 2012 and on the previously circulated MND. The Final EIR was made available to the public on August 8, 2012. The Final EIR includes several corrections to the Draft EIR and the Mitigation Monitoring and Reporting Program (MMRP).

Project Level Significant Impacts

The Draft EIR identifies two significant adverse environmental impacts that cannot be feasibly mitigated at the project level, based on the NECSP land uses and development standards:

*1. **Aesthetic: Loss of some or all of the mature windrow trees on the east side of Rose Avenue between Camino del Sol and Cesar Chavez Drive.*** The widening of Rose Avenue to three lanes in each direction, consistent with the 2030 General Plan, cannot be designed to preserve the trees without creating a very wide median area and alignment of the northbound lanes that would create problematic intersections at Camino del Sol and Cesar Chavez Drive. Mitigation measure A2 requires the Applicant to determine the health and value of each lost mature tree and reinvest that value into new landscaping.

*2. **Agricultural Resources: Loss of 90 acres of Prime Agricultural farmland and 10 acres of Farmland of Statewide Importance.*** Mitigation measure AG1 requires the Applicant to offer the top twelve inches of topsoil for relocation and possible exchange

for fill soil of lower agricultural value. Even with this mitigation, there is a loss of about 100 agricultural acres.

Cumulative Significant Impacts

Cumulative impacts are those that result from development of the Project (as defined by the NECSP) added to impacts from the theoretical buildout of the 2030 General Plan. As the Project is consistent with and incorporated within the 2030 General Plan, the five significant unmitigated cumulative impacts are the same as identified in the 2030 General Plan Program EIR. The East Village Phase III Annexation Final EIR incorporates the findings and overriding considerations of the 2030 General Plan Program EIR for these cumulative impacts. The cumulative significant impacts are:

1. ***Cumulative Air Quality.*** *(Regional Air Quality Non-Attainment, Exposure of Sensitive Receptors to Substantial Pollution Concentrations).*
2. ***Cumulative Greenhouse Gases.*** *(Potential Conflict with Implementation of State Goals for Reducing Greenhouse Gases).*
3. ***Cumulative Noise.*** *(traffic noise on selected road segments).*
4. ***Cumulative Traffic.*** *(five intersections would operate at below Level of Service C after all mitigations are completed).*
5. ***Cumulative Loss of Agricultural Farmland.*** *(within the City Urban Restriction Boundary).*

All other impacts identified in the East Village Phase III Annexation Final EIR are either less than significant or mitigated to a level below a significance threshold. Three alternatives are included in the EIR: 1) No Project, 2) 2030 General Plan, and 3) Urban Village. The 2030 General Plan alternative designates a 30-acre Community Park and maintains the same amount of development as the project on the remaining 77 acres. The Urban Village alternative introduces a wider variety of housing products and apartments into the commercial area. The Urban Village is selected as environmentally superior to the project based on the NECSP. Future development entitlements will be in accordance with the NECSP, and with commensurate CEQA review, as necessary.

6) Analysis:

a) ***General Discussion:*** An annexation requires approval by the Ventura County Local Agency Formation Commission (LAFCo). LAFCo requires that the CEQA annexation review be based on the theoretical buildout of the adopted NECSP for the annexation area which is 402 single-family homes and a small neighborhood shopping center. The applicant, or subsequent owners, may not seek to change the NECSP for the project area by amending the NECSP and completing commensurate CEQA review for at least two years after LAFCo's approval. As there are no detailed engineering, landscape, or architectural plans the analysis assumes compliance with the NECSP and City codes and development standards.

b) ***General Plan Consistency:*** The City's 2030 General Plan land use designations for the subject site are Park, Residential Low Medium, and Commercial. The 2030 General Plan designates about one-third of the annexation area for a community park by increasing housing density by one level to accommodate the housing that was located in the Park area under the NECSP. A 2030 General Plan consistency analysis is presented in the Draft EIR between pages IV.C-19 to IV.C-38 wherein the annexation is found consistent with 63 specific policies. Subsequent to the preparation of the Draft EIR, the 2010 Urban Water Management Plan and 2006-2014 Housing Element (Chapter 8 of the 2030 General Plan) were adopted by the City Council and the 2006-2014 Housing Element certified by the California Department of Housing and Community Development.

c) ***Conformance with Zoning Development Standards:*** The request is for annexation and pre-zoning and does not propose actual development. For purposes of the environmental review only, the Draft and Final EIR analyzes housing and commercial development consistent with the NECSP and pre-zoning for possible environmental impacts. Development is assumed to meet applicable NECSP development standards and regulations; R-1-PD, C-1, and CR development standards; and State and City codes.

d) ***Site Design:*** For purposes of the environmental review only, the NECSP site design would follow the historic pattern of a detached single-family site plan with individual lots for each housing unit similar to previously-developed NECSP single family neighborhoods. The commercial development area is assumed to consist of a single structure with in-line stores facing a parking lot with access from Camino del Sol and Rose Avenue.

e) ***Circulation and Parking:*** For purposes of the environmental review only, the Draft and Final EIR proposed a housing and commercial development site plan consistent with the NECSP. In the NECSP, Gibraltar Street would be extended from Camino del Sol to Milagro Place and Camino del Luna would be extended to connect to the extended Gibraltar Street. The remaining circulation network would consist of residential collector streets, bike paths, and linear parks and pedestrian connections to the neighborhood shopping center consistent with the NECSP streetscape design guidelines.

f) ***Building Design:*** The project would consist of 402 single-family homes on individual parcels consistent with the NECSP design, theme, and architectural guidelines that incorporate features and elements of California Craftsman, bungalow, and colonial styles. Homes would have front porches, varied materials, articulated elevations, and a variety of floor plans and compatible color schemes. The neighborhood shopping center would have a variety of storefront designs, sidewalk activities, and fully landscaped parking areas.

g) ***Landscaping and Open Space:*** Landscape and open space areas would be

developed consistent with the NECSP streetscape and open space guidelines. Parkways and medians would be similar to previously developed areas within the NECSP.

h) ***Affordable Housing:*** For purposes of the environmental review only, the Draft and Final EIR proposed a housing and commercial development site plan consistent with the NECSP. The NECSP does not have an affordable housing requirement nor is the project site identified in the 2006-2014 Housing Element as an All-Affordable Housing Opportunity Site. City Ordinance 2721 requires a future housing project on this site to provide ten percent affordable housing. Annexation approval does not prevent the City from seeking an affordable housing requirement greater than ten percent. The All-Affordable Housing Opportunity Program (AAHOP) may designate a portion of the project area as an AAHOP site in order to achieve the affordable housing targets assigned to the City in the 2014-2021 Housing Element due to be adopted by the end of 2013.

7) **Development Advisory Committee:** The Development Advisory Committee (DAC) did not formally review this project as no actual development is proposed and the project is assumed to be fully consistent with the NECSP and other applicable regulations and codes. Individual DAC members were contacted in the course of preparing the Draft EIR and responding to Draft EIR comments. The DAC would review subsequent NECSP amendments, subdivision maps, and/or project proposals under their regular review procedures.

8) **Appeal Procedure:** The Planning Commission's action is a recommendation and the matter will be considered by the City Council at a later date.

Attachments:

A. Maps (Vicinity, General Plan, Zoning)
B. Draft East Village Annexation EIR (previously distributed)
C. Final East Village Annexation EIR (previously distributed)
D. EIR Certification Resolution, Findings of Fact, and Statement of Overriding Considerations
E. Annexation Resolution and Pre-Zoning Ordinance Exhibit 'A'

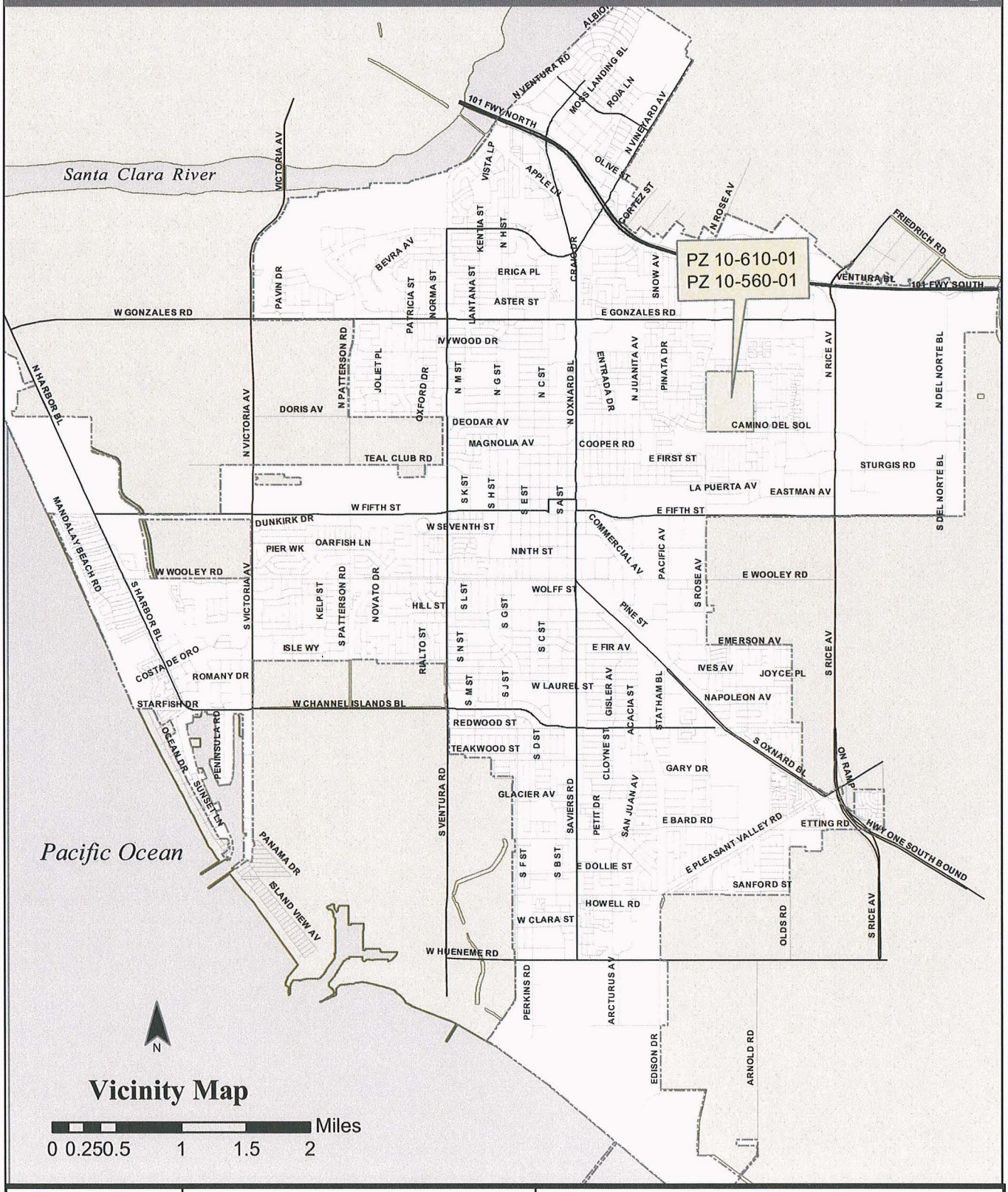
Prepared by: CW

Approved by: SM

Attachment

A. Maps (Vicinity, General Plan, Zoning)

Vicinity Map



CITY OF OXNARD CALIFORNIA

Oxnard Planning
August 15, 2012

PZ 10-610-01, 10-560-01
Location: 1853 Camino Del Sol
APN: 214002059
Maulhardt

ATTACHMENT 9
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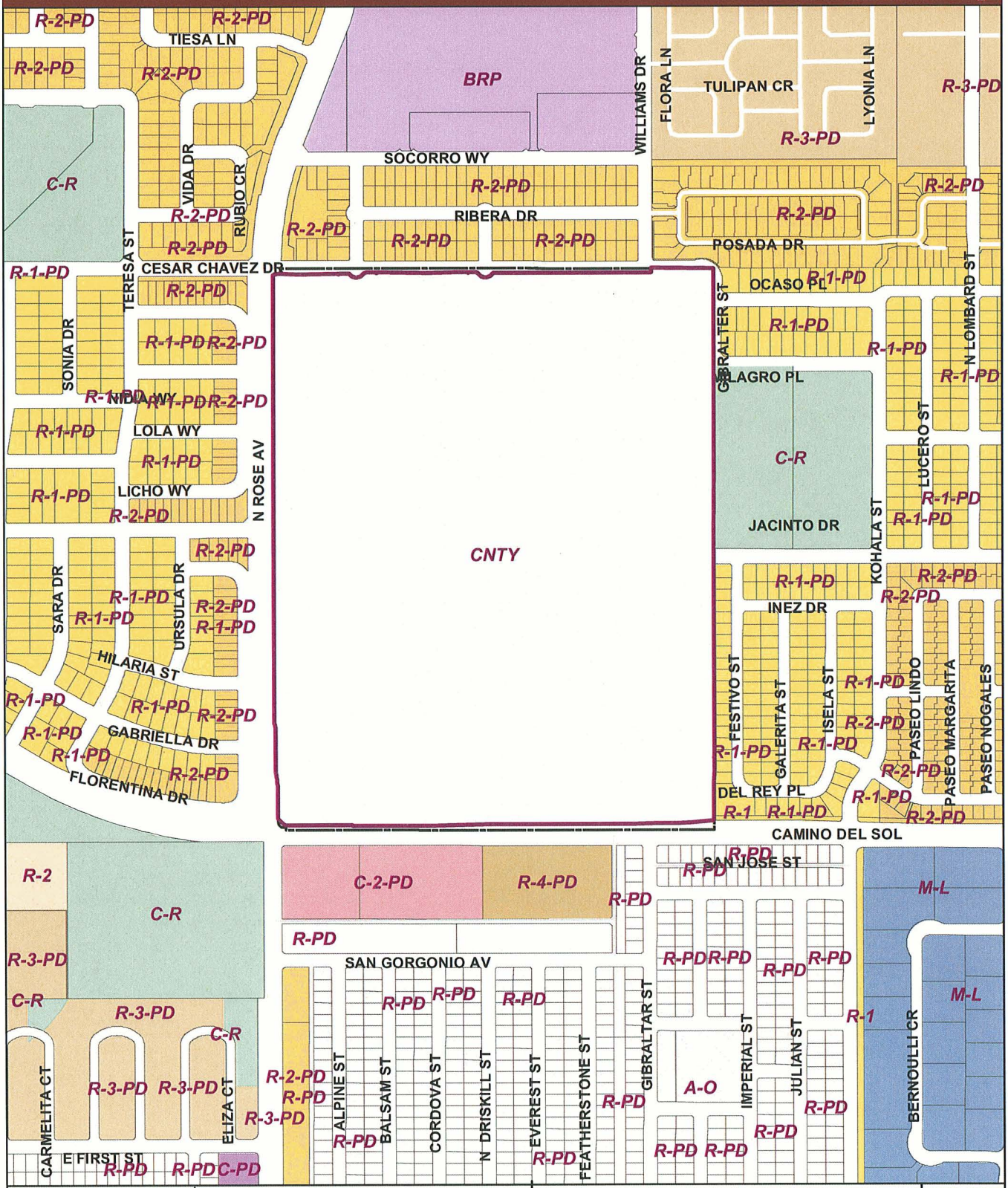
Zone Map



CITY OF OXNARD CALIFORNIA

Oxnard Planning

August 15, 2012

PZ 10-610-01, 10-560-01
Location: 1853 Camino Del Sol
APN: 214002059
Maulhardt

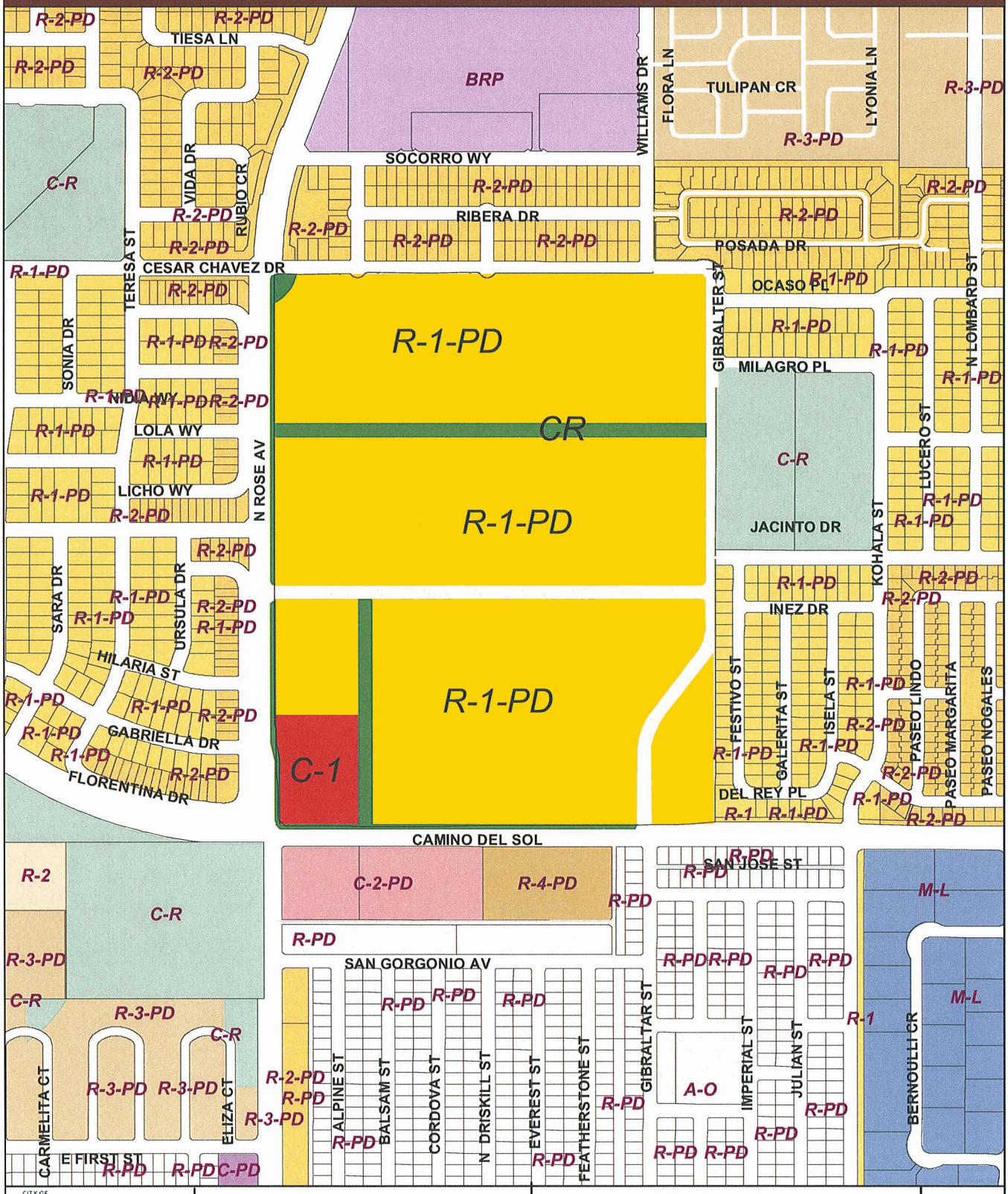
0 135 270 540 810 1,080 Feet

Zone Map

ATTACHMENT 9
PAGE 8 OF 14

1:7,000

Pre-Zone Map



CITY OF OXNARD CALIFORNIA

Oxnard Planning

August 15, 2012

PZ 10-610-01, 10-560-01
Location: 1853 Camino Del Sol
APN: 214002059
Maulhardt

0 135 270 540 810 1,080 Feet

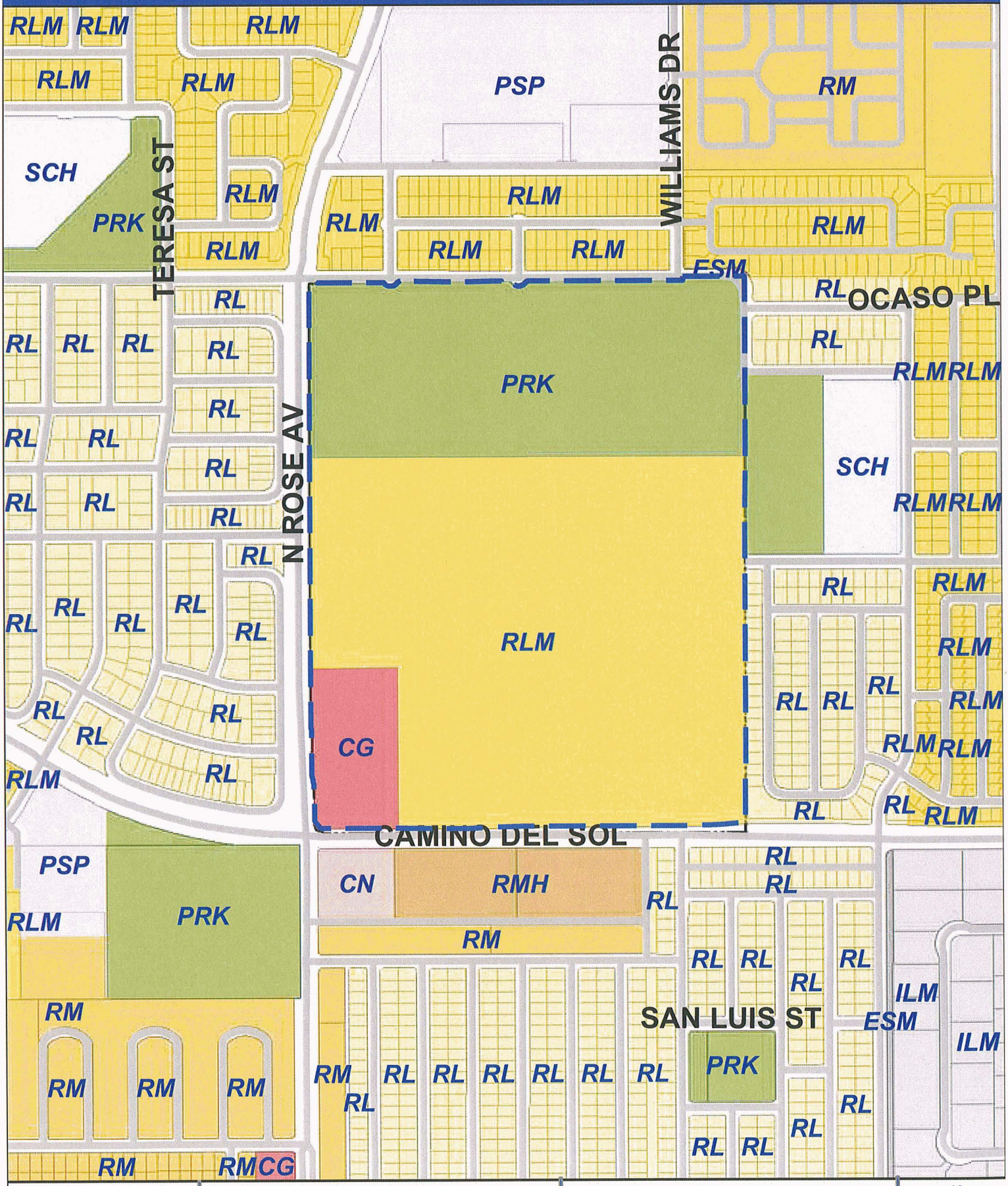
199

Pre-Zone Map

ATTACHMENT 9
PAGE 9 OF 14

1:7,000

2030 General Plan Land Use Map



PZ 10-610-01, 10-560-01
Location: 1853 Camino Del Sol
APN: 214002059
Maulhardt

200

2030 General Plan Land Use Map
ATTACHMENT 9
PAGE 10 OF 14

Attachment

B. Draft East Village Annexation EIR (previously distributed)

Attachment

C. Final East Village Annexation EIR (previously distributed)

Attachment

D. EIR Certification Resolution,Findings of Fact, and Statement of Overriding Considerations.

Attachment

E. Annexation Resolution and Pre-Zoning Ordinance Exhibit 'A'

MINUTES

OXNARD PLANNING COMMISSION
REGULAR MEETING
September 20, 2012

A. ROLL CALL

At 7:00 p.m., the regular meeting of the Oxnard Planning Commission convened in the Council Chambers. Commissioners Patrick Mullin, Anthony Murguia, Gilbert Guevara, Saul Medina, 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; Earnel Bihis, Assistant Traffic Engineer; Stephen Fischer, Assistant City Attorney; Chris Williamson, Principal Planner, Brian Foote, Associate Planner; Elias Valencia, Assistant Planner, and Lori Maxfield, Recording Secretary.

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

Commissioner Mullin led the pledge of allegiance.

C. PUBLIC COMMENTS

Mr. Larry Stein concerned about the overburdening on the infrastructure; three major parks haven't been built yet; and numerous locations are running at a Level of Service C or below.

D. READING OF AGENDA

Planning Manager Martin reviewed the agenda.

E. CONSENT AGENDA

1. APPROVAL OF MINUTES – August 16, 2012

2. PLANNING AND ZONING PERMIT NO. 12-550-02 (Major Modification to Special Use Permit No. 05-500-10) a request for a three-year time extension for an approved, but not yet built, 8,431 square foot commercial building for a veterinary hospital and general office use. The project is located at 5587 Saviers Road and is currently vacant. The Planning Commission originally approved the project in 2006, and prior time extensions have been granted in 2008 and 2009. The project is exempt from environmental review under Section 15061(b)(3) of the CEQA Guidelines. Filed by Dragonfly Development, LLC, c/o Dr. Marti Armington, 701 E. Hueneme Road, Port Hueneme, CA 93041.
PROJECT PLANNER: Elias Valencia

MOTION Commissioner Nash moved and Commissioner Medina seconded a motion to approve the minutes of August 16, 2012 with correction; and to adopt a resolution granting PZ 12-550-02, a Major Modification to PZ 05-500-10, to allow a three year time extension of a

previously approved Special Use Permit, located at 5587 Saviers Road, subject to certain findings and conditions. The question was called and the motion carried 3-0-2-2, Commissioners Murguia and Guevara abstaining on Item E-1; and the motion carried 5-0-2 on Item E-2, Commissioners Huber and Stewart absent.

F. CONTINUED PUBLIC HEARINGS

G. NEW PUBLIC HEARINGS

1. PLANNING AND ZONING PERMIT NO. 12-520-3 (Minor Special Use Permit) – A request for approval to establish a commercial recreation facility with video game consoles for small groups in an existing 4,586 square-foot suite within a multi-tenant industrial building. The project site is located at 961 N. Rice Avenue, Suite 4. The project is exempt from environmental review pursuant to Section 15301 of the California Environmental Quality Act (CEQA) Guidelines. Filed by Matthew Steinorth, 961 N. Rice Avenue, Suite 4, Oxnard, CA 93030.
PROJECT PLANNER: Brian Foote

Associate Planner Foote presented the staff report including hours of operation and parking requirements. He also displayed the location, General Plan, and zoning maps; aerial, site, and interior photos; and site and floor plans.

Mr. Greg Aragon, applicant, gave a brief presentation, including the hours of operation would be evenings and weekends, to off-set potential parking issues from the other businesses in the center; and customers would typically be dropped off

Chairman Murguia opened the public testimony. No comments were received, and the public testimony was closed.

MOTION Commissioner Nash moved and Commissioner Medina seconded a motion to adopt a resolution granting PZ 12-520-03, a Minor Special Use Permit to allow an indoor commercial recreation facility for video game consoles with small groups utilizing each console, located at 961 North Rice Avenue, Suite 4, subject to certain findings and conditions. The question was called and the motion carried 5-0-2, Commissioners Huber and Stewart absent.

2. PLANNING AND ZONING PERMIT NO. 10-610-01 (Annexation), 10-560-01 (Pre-Zoning), and Certification of Final Environmental Impact Report (EIR) 11-01. Annexation of a 107-acre property addressed at 1853 Camino del Sol (APN 214-0-020-595). The subject site is located at the northeast corner of Rose Avenue and Camino del Sol and is currently in agricultural use. The request includes pre-zoning for 402 single-family homes on 89.5 acres, six acres of neighborhood commercial, and 11 acres for parks and streets; and certification of EIR No. 11-01. No physical development is proposed at this time. Filed by the Maulhardt Family Trust c/o Richard Maulhardt, Jr., 1853 Camino del Sol, Oxnard, CA 93036.
PROJECT PLANNER: Chris Williamson

Principal Planner Williamson presented the staff report including review of Planning Commission hearing on April 19, 2012; property is currently in agricultural production, and will remain for

several years; located within the Northeast Community Specific Plan; request for annexation only, as no actual development is proposed; Williamson Act has expired; has been in communication with the Rio School District; Rose Avenue will eventually be widened; water issues; the purpose of the environmental review, additions and corrections in final EIR; EIR cumulative significant impacts and alternatives. He also displayed site photos.

Planning Commission discussed water availability; traffic and circulation; soil testing; impacts on fire safety; and impacts on existing trees.

Assistant Traffic Engineer Bihis discussed the levels of service and traffic counts.

Chairman Murguia opened the public testimony.

Mr. Mitch Kahn, attorney for the applicant, discussed traffic mitigation; traffic circulation; widening of Rose Avenue; annexation will give City control of the property; impacts on existing trees; fire safety; regulations on soil testing; and taxes that would go to the City with the annexation.

Mr. Larry Stein spoke in opposition to the project and discussed taxes going to the City; Campus Park; building a new fire station at College Park and the Gables; and all mitigation measures should be met before moving forward with the annexation.

Ms. Pat Brown discussed trees on the property; widening of Rose Avenue; traffic; and suggested a park to reduce noise.

Ms. Rebecca Ralph spoke in opposition to the project and discussed heavy traffic in the area; water issues; and due to the drought in the Midwest, there's more of a dependency on farmland.

Chairman Murguia closed the public testimony.

Planning Commission discussed the outdated traffic study, and concerns with getting to the hospital due to traffic; Measure O was to be used to create parks; no immediate need for annexation, as traffic, parks, and schools must be addressed first.

MOTION Commissioner Mullin moved and Commissioner Guevara seconded a motion to adopt a resolution recommending City Council proceed with the annexation of the 107 acre parcel located at 1853 Camino Del Sol, and recommending approval of Pre-Zoning application No. PZ 11-560-01 of the same parcel to single family residential (R-1-PD), Neighborhood Commercial (CN), and Community Reserve (CR). The question was called and the motion carried 3-2-2, Commissioners Medina and Nash voting no, and Commissioners Huber and Stewart absent.

H. REPORTS; STUDY SESSION

I. PLANNING COMMISSION BUSINESS

Commissioner Murguia requested that discussion on parking requirements be placed on a future agenda.

Commissioner Medina requested a presentation on the future connection of Camino del Sol to Oxnard Boulevard.

J. PLANNING MANAGER COMMENTS

Planning Manager Martin indicated the meeting of October 4, 2012 would be cancelled due to a lack of agenda items; previewed the upcoming items tentatively scheduled for the meeting on October 18, 2012; discussed the events scheduled for the National Community Planning Month in October, and asked the Planning Commission if they would be available to participate; and indicated that the City Council continued the public hearing on the appeal of the convenience store on Channel Islands Boulevard off calendar.

K. ADJOURNMENT

At 9:07 p.m., the Planning Commission concurred to adjourn.

Anthony R. Murguia, Chairman

ATTEST: _____
Susan L. Martin, Secretary

RESOLUTION NO. 2012-23

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING THAT THE CITY COUNCIL PROCEED WITH THE ANNEXATION OF THE 107-ACRE PARCEL LOCATED AT 1853 CAMINO DEL SOL (APN 214-0-020-595) AND RECOMMENDING APPROVAL OF PRE-ZONING APPLICATION NO. 11-560-01 OF THE SAME PARCEL TO SINGLE FAMILY RESIDENTIAL (R-1-PD), NEIGHBORHOOD COMMERCIAL (CN), AND COMMUNITY RESERVE (CR). FILED BY MAULHARDT RF-JW TRUST ET AL, 1853 CAMINO DEL SOL, OXNARD, CA, 93030

WHEREAS, the owners of the 107-acre unincorporated parcel located at 1853 Camino Del Sol and entirely within the boundaries of the City of Oxnard have filed Annexation Request No. PZ 10-610-01 to annex the parcel to the City of Oxnard (City); and

WHEREAS, Annexation Request No. PZ 10-610-01 states in detail the reasons for requesting annexation and describing the property and attaching a map thereof; and

WHEREAS, the subject parcel is located within the Northeast Community Specific Plan (NECSP) that is the City adopted plan that directs land uses and development on the subject parcel upon annexation to the City; and

WHEREAS, Annexation Request No. PZ 10-610-01 is titled the East Village Phase III Annexation consistent with the NECSP and its development history; and

WHEREAS, the owners have requested a concurrent pre-zoning of the property to R-1-PD (Single Family Planned Development), C-1 (Neighborhood Shopping Center), and C-R (Community Reserve) in compliance with and consistent with the NECSP; and

WHEREAS, the annexation and pre-zoning are found to be consistent with the 2030 General Plan; and

WHEREAS, the Planning Commission recommended that the City Council certify that Final Environmental Impact Report 11-01 as completed for this project in compliance with the California Environmental Quality Act (CEQA) and reflects the independent judgment of the City; and

WHEREAS, the Planning Commission of the City of Oxnard having held a public hearing, reviewed the request and map, and having studied the land use of the area, finds that:

1. The location and topography of the proposed annexation is within the natural area of development of the City of Oxnard.

2. The proposed annexation conforms in extent and purpose to the 2030 General Plan and the Northeast Community Specific Plan of the City of Oxnard.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby recommends that the City Council proceed with Annexation No. PZ 10-610-01 and pre-zoning PZ 10-560-01 for the land comprising said annexation be established as R-1-PD, C-1, and C-R as shown on "Exhibit A," attached hereto.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 20th day of September, 2012, by the following vote:

AYES: Commissioners: Mullin, Guevara, Murguia

NOES: Commissioners: Nash, Medina

ABSENT: Commissioners: Stewart, Huber

Anthony R. Murguia, Chairman

ATTEST:
Susan L. Martin, Secretary

ATTACHMENT 11
PAGE 2 OF 4

EXHIBIT A

CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING PZ 10-560-01, TO PREZONE PROPERTY LOCATED AT 1853 CAMINO DEL SOL (APN) 214-0-020-595 TO SINGLE FAMILY RESIDENTIAL (R-1-PD), NEIGHBORHOOD COMMERCIAL (CN), AND COMMUNITY RESERVE (CR), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY MAULHARDT RF-JW TRUST ET AL, 1853 CAMINO DEL SOL, OXNARD, CA, 93030.

WHEREAS, the owners of the 107-acre unincorporated parcel located at 1853 Camino Del Sol and entirely within the boundaries of the City of Oxnard have filed Annexation Request No. PZ 10-610-01 to be annexed to the City of Oxnard (City); and

WHEREAS, the subject parcel is located within the Northeast Community Specific Plan (NECSP) that is the City adopted plan that directs land uses and development on the subject parcel upon annexation to the City; and

WHEREAS, Annexation Request No. PZ 10-610-01 is titled the East Village Phase III Annexation consistent with the NECSP and its development history; and

WHEREAS, the owners have requested a concurrent pre-zoning of the property to R-1-PD (Single Family Planned Development), C-1 (Neighborhood Shopping Center), and C-R (Community Reserve) as shown on Exhibit A in compliance with and consistent with the NECSP; and

WHEREAS, the annexation and pre-zoning are found to be consistent with the 2030 General Plan; and

WHEREAS, the City Council has carefully reviewed Planning Commission Resolution No. 2012-23 recommending approval of a prezoning for the subject property; and

WHEREAS, the City Council has held a public hearing and received and reviewed written and oral comments related to the proposed prezoning PZ No. 10-560-01; and

WHEREAS, the City Council finds after due study and deliberation that the public interest and general welfare require the adoption of PZ No. 10-560-01 and the prezoning to R-1-PD, C-1, and C-R as shown on Exhibit A; and

WHEREAS, the City Council finds that the prezoning is consistent with the 2030 General Plan and the NECSP; and

WHEREAS, the City Council certifies Final Environmental Impact Report 11-01 as completed for this project in compliance with the California Environmental Quality Act (CEQA) and reflects the independent judgment of the City; and

WHEREAS, Applicants agree, as a condition of adoption of this resolution at each Applicant's own expense, to indemnify, defend, and hold harmless City and its agents, officers, and employees from and against any claim, action or proceeding to attack, review, set aside, void, or annul the approval of this resolution or any proceedings, acts, or determination taken, done, or made prior thereto that were part of the approval process.

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

Part 3. Zone Change No. 10-560-01 (Prezoning) is approved, as shown on the map attached hereto as Exhibit A and incorporated herein by reference.

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, published and circulated in the City. Ordinance No. was first read on , and finally adopted on , to become effective thirty days thereafter.

PASSED AND ADOPTED this __ day of _____, 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

RESOLUTION NO. 2012-24

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY RECOMMENDING CITY COUNCIL CERTIFICATION OF FINAL ENVIRONMENTAL IMPACT REPORT NO. 11-01 AND APPROVAL OF THE FINDINGS OF FACT, STATEMENT OF OVERRIDING CONSIDERATIONS, AND THE MITIGATION MONITORING AND REPORTING PROGRAM FOR THE EAST VILLAGE PHASE III ANNEXATION LOCATED AT 1853 CAMINO DEL SOL (APN 214-0-020-595). FILED BY MAULHARDT RF-JW TRUST ET AL, 1853 CAMINO DEL SOL, OXNARD, CA, 93030

WHEREAS, the Planning Commission of the City has thoroughly reviewed and considered Final Environmental Impact Report No.11-01 (SCH # 2011031024) (FEIR) for the East Village Phase III Annexation, 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, the Planning Commission held a public hearing on the Draft EIR on April 19, 2012 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 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 is willing to balance the benefits of the East Village Phase III Annexation against unavoidable significant impacts in compliance with CEQA Guidelines §15092 and §15093; and

WHEREAS, the Mitigation Monitoring and Reporting Program is prepared and incorporated by reference (Exhibit A within the Final EIR) that ensures compliance with mitigation measures during the development of the East Village Phase III Annexation in compliance with CEQA Guidelines §15091(d) and §15097; and

WHEREAS, the FEIR incorporates by reference the 2030 General Plan Program EIR and associated Statement of Overriding Considerations for cumulative significant adverse impacts; and

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City recommends City Council certification of the FEIR and City Council adoption of Findings of Fact, the Statement of Overriding Considerations, and the Mitigation Monitoring And Reporting

Program, and has determined that these documents were completed in accordance with CEQA and that these document reflect the City's independent judgment and analysis.

PASSED AND ADOPTED by the Planning Commission of the City on this 20th day of September, 2012, by the following vote:

AYES: Commissioners: Mullin, Guevara, Murguia

NOES: Commissioners: Nash, Medina

ABSENT: Commissioners: Stewart, Huber

Anthony R. Murguia, Chair

ATTEST: _____
Susan L. Martin, Secretary

ATTACHMENT 12
PAGE 2 OF 37

EXHIBIT A

Findings of Fact

SECTION I: INTRODUCTION

The following findings are based in part on the information contained in the Final Environmental Impact Report (EIR) for the East Village Phase III Annexation project (EIR 11-01) as well as additional facts found in the complete record of proceedings.

As defined by Section 15050 of the Guidelines for Implementation of the California Environmental Quality Act (CEQA Guidelines), the City is serving as "Lead Agency," responsible for preparing the EIR for the proposed East Village Phase III Annexation project.

In accordance with the requirements of the CEQA, the City of Oxnard (City) prepared an Initial Study on the proposed application for annexation of East Village Phase III project site to the City. A Notice of Intent to Adopt a Mitigated Negative Declaration (MND 10-03) along with the Initial Study was circulated for public review from November 5, 2010 to November 29, 2010. Based on the comment letters received, the City determined that an EIR would be prepared.

Comments from identified responsible as well as interested parties on the scope of the EIR were solicited through a Notice of Preparation (NOP) process. The NOP for the EIR was circulated for a 30-day review period starting on March 7, 2011 and ending on April 7, 2011. All NOP comments relating to the EIR were reviewed and the issues raised in those comments, as well as the issues raised in comment letters submitted on the MND, were addressed in the Draft EIR.

In accordance with Section 15152 and 15168 of the CEQA Guidelines and Public Resources Code Section 21094, the environmental analysis for the proposed annexation project was tiered from three previously approved environmental documents:

1) City of Oxnard 2030 General Plan Program EIR;
2) Groundwater Recovery Enhancement and Treatment (GREAT) Program EIR; and
3) Northeast Community Specific Plan (NECSP) EIR.

Compared to the analysis contained in the previously circulated Initial Study/MND, the Draft EIR determined that the Project would: 1) have the potential to result in two project-level significant unmitigated impacts (aesthetic/visual and agricultural resources), 2) not have the potential to result in more significant off-site impacts and cumulative impacts, and 3) not have substantial new information which was not known at the time the 2030 General Plan Program or the GREAT Program EIRs were certified and is now determined to have greater adverse impacts than analyzed in the 2030 General Plan or the GREAT Program EIRs for the following eight issues:

1. Agricultural Resources[1]
2. Air Quality[2]
3. Cultural Resources

---

1 The Oxnard 2030 General Plan Program EIR found a significant unavoidable adverse impact for which a statement of overriding considerations was prepared.

2 The Oxnard 2030 General Plan Program EIR found a significant unavoidable adverse impact for which a statement of overriding considerations was prepared.

4. Geology and Soils and Seismicity

5. Hydrology and Water Quality

6. Noise[3]

7. Mineral Resources

8. Population and Housing (Socioeconomics in the NECSP EIR)

These eight issues were not examined in the Draft EIR after the presentation in Section IV.A of a summary of their impacts and mitigations contained in the NECSP EIR, the certified 2030 General Plan Program EIR and the GREAT Program. The respective mitigations of all these documents remain in place and enforceable.

Based on a review of environmental issues by the Lead Agency, the MND, and the responses to the NOP the Draft EIR presented and updated analyses for the following environmental issues in the context of an EIR:

1. Aesthetics

2. Land Use and Planning

3. Traffic and Circulation[4]

4. Public Services and Utilities (and Schools)

5. Biological Resources

6. Greenhouse Gases[5]

7. Hazards and Hazardous Materials

The Final EIR evaluated the environmental impacts of the proposed East Village Phase III Annexation project, which consists of a series of related discretionary actions requested of the City including the following entitlements from the City and, separately, by Responsible Agencies:

City of Oxnard (Lead Agency):
- PZ 10-610-01: Annexation to the City
- PZ 10-576-01: Adoption of City pre-zoning designations

Calleguas Municipal Water District and MWD (Responsible Agency)
- Annexation to the Calleguas Municipal Water District

Ventura County Local Agency Formation Commission (Responsible Agency)
- Detachment from the Ventura County Fire Protection District
- Detachment from the Ventura County Resource Conservation District
- Detachment from County Service Area No. 32

Subsequent to the City's approval, the City will apply to the Ventura County Local Agency Formation Commission (LAFCO) for annexation of the Project into the City and detachment from the County of Ventura. Several unrelated

3 The Oxnard 2030 General Plan Program EIR found a significant unavoidable adverse impact for which a statement of overriding considerations was prepared.

4 The Oxnard 2030 General Plan Program EIR found a significant unavoidable adverse impact for which a statement of overriding considerations was prepared.

5 The Oxnard 2030 General Plan Program EIR found a significant unavoidable adverse impact for which a statement of overriding considerations was prepared.

annexations and detachments may be bundled with this action.

For purposes of CEQA and the findings set forth herein, the record of proceedings for the City Council's decision on the East Village Phase III Annexation project consists of the following:

- All reports, studies, maps, plans, and correspondence received from the applicant in connection with the proposed project;
- The Notice of Intent to Adopt a Mitigated Negative Declaration (MND 10-03) along with the Initial Study, which was circulated for public review from November 5, 2010 to November 29, 2010;
- The project NOP, which was circulated for a 30-day review period starting on March 7, 2011 and ending on April 7, 2011;
- All written comments received in response to the MND and the NOP;
- The East Village Phase III Annexation Draft EIR (dated February 2012), including all of its appendices, which was circulated for public review from March 9, 2012 to May 3, 2012;
- Copies of all letters received by the City during the public review period for the East Village Phase III Annexation Draft EIR;
- The meeting minutes from the April 19, 2012 public hearing held by the Oxnard Planning Commission to receive comments on the Draft EIR[6];
- Responses to significant environmental points raised in the letters concerning the Draft EIR and the comments made at the April 19, 2012 Oxnard Planning Commission public hearing;
- The East Village Phase III Annexation Final EIR (dated August 2012), including all of its appendices;
- The meeting minutes from the September 20, 2012 public hearing held by the Oxnard Planning Commission to receive comments on the Final EIR and to consider the project[7]; and
- The Mitigation Monitoring and Reporting Program (i.e., Section IV of the Final EIR).

The Final EIR and all documents identified above are hereby incorporated by reference and are available for review at the City Development Services Department, 305 West Third Street, Oxnard, California.

SECTION II: FINDINGS OF FACT

The following findings are made in order to approve and certify the Final EIR:

1. The EIR contains all of the mandatory contents of Environmental Impact Reports, as contained in Sections 21000-21177 of the California Public Resources Code. In addition, all of the procedures for preparation and review of Environmental Impact Reports required by Article 7 of the CEQA Guidelines have been complied with.

Finding No. 1:

6 *Edited to include only that testimony which was relevant to the East Village Phase III Annexation Project.*

7 *Edited to include only that testimony which was relevant to the East Village Phase III Annexation Project.*

The City Council hereby finds that the EIR for the East Village Phase III Annexation project has been prepared in compliance with CEQA. City staff reviewed the document for accuracy, consistency, and completeness prior to its release for public review. Therefore, it is found that the EIR document reflects the independent judgment of the City.

2. Pursuant to Section 15091 of the CEQA Guidelines:

"No public agency shall approve or carry out a project for which an Environmental Impact Report has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

1) Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the final EIR."

The following environmental impact findings on specific environmental issues are made in order to approve the project:

A. <u>Agricultural Resources</u>

Conversion of Farmland of Statewide Importance

The proposed conversion of the existing agricultural land at the annexation site would be considered significant under the California Agricultural Land Evaluation and Site Assessment (LESA) system scoring thresholds.

1) Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

The Final EIR includes the following mitigation measure to reduce the impact associated with the loss of the site from agricultural production:

Mitigation Measure AG1:

The project developer shall offer at cost the top 12 inches of the Prime Farmland (approximately 100 acres) soils for relocation to a farm site or farm sites that have lower quality soils. The cost will include the suitable replacement soil, if needed for site improvements. This offer may occur in phases in tandem with actual phased development.

The mitigation measure would allow that no agricultural soils are lost as a result of the project, but cannot guarantee that outcome. The project would result in the permanent conversion of a quality agricultural site to non-agricultural uses. This would be an unavoidable significant impact even with the implementation of the mitigation measure and with recognition that the project site has been planned for conversion to urban use since 1993. Alternatives to the proposed project, were, therefore considered.

Analysis of the project alternatives included consideration of a No Project Alternative, a 2030 General Plan Alternative, and an Urban Village Alternative. The EIR identified that only the No Project Alternative would reduce the impact associated with the loss of the site from agricultural production. However, this alternative would not satisfy any of the identified project objectives. This alternative also would not implement any of the beneficial mitigation measures that would otherwise be implemented by the project. The EIR also concludes that it is unreasonable to assume that the majority of the project site would continue to be used for agricultural resources throughout the foreseeable future. The project site has been designated for urban uses since 1993. Any agricultural productivity at the project site should be considered to be a short-term condition and that other land use plans for the site would be proposed if the proposed project were to be denied by the City.

A **Statement of Overriding Considerations** has been prepared and adopted for the unavoidable and significant impact associated with the loss of the site from agricultural production.

Other changes in the existing environment which could result in conversion of farmland to non-agricultural use

The proposed project would be constructed on a site to be annexed by the City that has been planned for conversion from agriculture to urban uses. Further, the project site is not adjacent to any other agricultural uses, but rather is surrounded by urban development on all four sides. Therefore, there would be no unanticipated actions that could cause other land in the vicinity of the project site to convert from agriculture to non-agriculture uses.

Finding No. 2:

Based on the above facts:

The City Council hereby finds that all feasible and reasonable mitigation measures for impacts relating to agricultural resources and land use have been identified in the EIR and are included in the Mitigation Monitoring and Reporting. The project alternative identified in the Final EIR capable of reducing the loss of the site from agricultural production to a less than significant level is infeasible for the applicant due to specific economic and legal justifications pursuant to Section 15091(a)(3) of the CEQA Guidelines.

B. Air Quality

Construction–related activities are generally short-term in duration and the Ventura County Air Pollution Control District (VCAPCD) does not recommend any thresholds of significance for construction-related emissions. Instead, the VCAPCD bases the determination of significance on a consideration of the control measures to be implemented. If all appropriate emissions control measures recommended by the Ventura County Air Quality Assessment Guidelines relating to construction activities are implemented for a project, then construction emissions are not considered significant.

The completed project would likely have significant adverse impacts for both ROG and NOx. Mitigation measures are routine conditions of approval that would reduce these impacts and, if the post-mitigation emissions are still above the threshold, allow for a "buy-down" of the remaining project-level operational impacts.

1) Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

The Final EIR includes the following mitigation measures to reduce the potential emissions associated with construction and operational activities to the maximum extent feasible:

Mitigation Measure AQ1:
Apply sufficient water to all major soil disturbance areas to maintain a soil moisture of 4% in the upper 6" soil stratum. Other equally effective dust palliatives shall be used if drought conditions limit water availability.

Mitigation Measure AQ2:
Perform daily street sweeping at the conclusion of each workday up to a distance of 250 feet in either direction of any construction site access entrance until all on-site paving is completed.

Mitigation Measure AQ3:
Wash off any trucks leaving the site and wet down or tarp any trucks hauling away from the site.

Mitigation Measure AQ4:
Double sandbag all site perimeters adjoining traveled roads from November to April to prevent dirt from washing off the site and being pulverized by passing vehicles.

Mitigation Measure AQ5:
Establish landscaping within 90 days of the completion of grading, or hydroseed with a native plan mix as an interim ground cover to minimize wind erosion. Irrigate as necessary to sustain ground cover.

Mitigation Measure AQ6:
Terminate all grading, excavation and travel on unpaved surfaces when hourly average wind speeds exceed 30 mph. The contractor shall maintain contact with the APCD meteorologist for current average wind speeds.

Mitigation Measure AQ7:
Apply nonhazardous chemical stabilizers to all inactive portions of the construction site. When appropriate, see exposed surfaces with a fast-growing, soil binding plant to reduce wind erosion and its contribution to local particulate levels.

Mitigation Measure AQ8:
Provide rideshare incentives for all workers on the site.

Mitigation Measure AQ9:
Provide construction personnel parking off arterial roadways to minimize traffic interference.

Mitigation Measure AQ10:
Schedule receipt of concrete, asphalt, steel, and other materials from 9 a.m. to 3 p.m. as much as practically possible.

Mitigation Measure AQ11:
Restrict any lane closures of public roadways to the hours of 9 a.m. to 3 p.m.

Mitigation Measure AQ12:
Complete all street sweeping/washing of adjacent roadways by 4 p.m.

Mitigation Measure AQ13:
Developer funding for lower emission or electric vehicle purchase for City use.

Mitigation Measure AQ14:
Plans for bus transit within the Specific Plan area shall be coordinated with the Oxnard Traffic and Transportation Manager.

Mitigation Measure AQ15:
Developer funding of traffic signal synchronization for computers, telemetry and other hardware improvements.

Mitigation Measure AQ16:
Use of air-conditioned cabs in heavy construction and grading equipment where possible.

Mitigation Measure AQ17:
Use of chemical dust palliatives that stabilize soil and reduce fugitive dust.

The MND included nine mitigations (C-1 to C-9). Some of these duplicate or overlap with the 17 EIR mitigation measures listed above, in which case the MND mitigation shall prevail.

Mitigation Measure C-1:
The developer shall prepare and submit an Air Emissions Mitigation Plan for Dust Control. This Plan shall be included as part of the construction contract and submitted to the City for review and approval prior to the issuance of grading permits. This plan shall include the following elements:

- *Fugitive dust throughout the construction site shall be controlled by the use of a watering truck or equivalent means, generally at least three times a day (except during and immediately after rainfall). Water shall be applied to all unpaved roads, unpaved parking areas or staging areas, and active portions of the construction site. Environmentally-safe dust control agents may be used in lieu of watering.*
- *Revegetate or apply APCD-approved chemical soil stabilizers to all inactive portions of the construction site that are inactive for four or more days.*
- *Suspend or curtail all excavation, earth moving, and grading operations during episodes of high winds (i.e. wind speed sufficient to cause fugitive dust to impact adjacent properties) to prevent fugitive dust from being a nuisance or hazard.*
- *Material transported in trucks off site shall comply with State Vehicle Code Section 23114, with*

special attention to Sections 23114(b)(F), (e)(2), and (e)(4) as amended. Material transported on site shall be sufficiently watered or secured to prevent fugitive dust.

- *Inform all employees involved in grading operations on the project to wear face masks during dry periods to reduce inhalation of dust.*
- *Signs shall be posted on-site requiring traffic speeds to not exceed 15 miles per hour.*
- *Sweep streets at the end of the day if visible soil material is carried over to adjacent streets and roads.*
- *At all times during construction activities, Developer shall minimize the area disturbed by clearing, grading, earth moving, or excavation operations to prevent excessive amounts of dust.*

Mitigation Measure C-2:
Maintain equipment engines in good condition and in proper tune as per manufacturer's specifications. Minimize idling time. Prohibit the use of on-site electric generators, and connect to utility lines adjacent to the project site.

Mitigation Measure C-3:
If feasible, use alternatively fueled construction equipment, such as compressed natural gas (CNG), liquefied natural gas (LNG), or electric.

Mitigation Measure C-4:
During construction, contractors shall water the area to be graded or excavated prior to commencement of grading or excavation operations. Such application of water shall penetrate sufficiently to minimize fugitive dust during grading activities.

Mitigation Measure C-5:
A temporary fence around the project site shall include an opaque visual barrier up to 6 feet high. The fence shall include signs identifying the name, telephone number, and emergency contact information for the contractor(s) responsible for the site, construction activities, and rectifying any nuisance conditions.

Mitigation Measure C-6:
Prior to grading permit approval, Developer shall include on the grading plans a reproduction of all conditions of this permit pertaining to dust control requirements.

Mitigation Measure C-7:
As stated in the VCAPCD Guidelines, applicants are required to mitigate environmental impacts associated with their projects to the greatest extent feasible. The following are those measures that could be feasibly implemented to mitigate operational phase air quality impacts of the proposed project:

- *Lighting for public streets, parking areas, and recreational areas shall utilize energy-efficient mechanical, computerized, or photo cell switching devices to reduce energy usage.*
- *Energy-efficient, automated controls for air conditioners shall be installed into proposed buildings to reduce energy consumption and emissions.*
- *Automatic lighting on/off controls and energy-efficient lighting shall be installed into proposed buildings to reduce electricity consumption and associated emissions.*
- *Light-colored roofing materials as opposed to dark roofing materials shall be used on proposed buildings. Light colored materials reflect sunlight and minimize heat gains in buildings. This measure would lessen the overall demand for mechanical air conditioning systems.*
- *Wall and attic insulation shall be provided in proposed buildings beyond the requirements of Title 24, California Code of Regulations.*
- *Built-in energy-efficient appliances shall be installed into proposed buildings.*
- *Special sunlight filtering window coatings or double-paned windows shall be installed into proposed buildings to reduce thermal gain in hot weather and loss in the cold weather, thus reducing emissions associated with heaters and air conditioners.*

Mitigation Measure C-8:
All project construction and site preparation operations shall be conducted in compliance with all applicable Ventura County APCD Rules and Regulations with emphasis on Rule 50 (Opacity), Rule 51 (Nuisance), Rule 55 (Fugitive dust), and Rule 10 (Permits Required).

Mitigation Measure C-9:
After final project plans have been reanalyzed with CalEEMod assuming the implementation of all other applicable and feasible mitigation measures, the project developer shall contribute an amount determined by the VCAPCD cumulative "buy-down" mitigation formula to a TDM fund paid to and managed by the City as individual building are developed. The TDM fee is allocated based on each development's share of average daily trips (ADT) for the project buildout. The ADT shall be recalculated annually by the City Traffic Engineer

Finding No. 3:

Based on the above facts:

The City Council hereby finds that all feasible and reasonable mitigation measures for project impacts relating to air quality have been identified in the EIR and are included in the Mitigation Monitoring and Reporting Program for the project. The mitigation measures will reduce project impacts relating to air quality to a less than significant level pursuant to Section 15091(a)(1) of the CEQA Guidelines.

Cumulative Air Quality Impacts

Cumulative development impacts for the northeast area of Oxnard are addressed in the Oxnard 2030 General Plan Final Program Environmental Impact Report (Final EIR) that was certified by the Oxnard City Council on October 11, 2011 and incorporated by reference. Both the 2020 and 2030 General Plans anticipate annexation and subsequent development of the project site and the 2030 General Plan Final EIR found that the Regional Air-Quality Non-Attainment (Impact 5.7-2), and Exposure of Sensitive Receptors of Substantial Pollutant Concentrations (Impact 5.7-4) are significant and unavoidable cumulative impacts for which overriding considerations were made.

In the context of the Final EIR, none of the conditions for a new environmental analysis were met for this topic and no additional analysis was required.

A **Statement of Overriding Considerations** was prepared and adopted in October 2011 by the City Council for the unavoidable and significant cumulative impact associated with air quality due to Basin non-attainment and the exposure of sensitive receptors to substantial pollutant concentrations.

Finding No. 4:

Based on the above facts:

The City Council hereby finds, per Public Resources Code section 21081(b), that that specific overriding economic, legal, social, technological, or other benefits outweigh the unavoidable adverse environmental

effects of the cumulative effects to air quality of the project as anticipated and analyzed in the City 2030 General Plan Program Environmental Impact Report .

C. Cultural Resources

Section 5.6 (pages 5-115 to 5-121) of the NECSP EIR contains a description of the regional cultural resources setting, the findings of the 1990 Cultural Resources Survey and Impact Assessment (Singer and Atwood) completed for the entire NECSP area, an archaeological/historical records check completed within a one-mail radius of the entire NECSP site, and a finding that there are no unavoidable adverse impacts. Previous CEQA documentation for the project site (2020 General Plan EIR, NECSP EIR, and 2030 General Plan Program EIR) did not identify any historical structures or archaeological resources. Historical structures in the City are generally located within the Cultural Heritage District and Heritage Square in the downtown area. No impact is expected to historical resources as a result of the project as the project site has not significantly changed since the NECSP Final EIR was certified in terms of cultural resources.

Regarding paleontological resources, the 2030 General Plan Program EIR (page 5-24) indicates that because the Planning Area consists of relatively flat, alluvial plains, the probabilities for prehistoric sites would likely be low in the area south, including the project site, of the Santa Clara River (due to extensive erosion and sedimentation). Therefore, paleontological resources are not expected to occur on the project site. No impact is expected to paleontological resources, and no mitigation measures are necessary

The previously circulated MND described how the Development Services Department standard condition of approval No. 144 would be placed on subsequent physical development requiring a grading and/or building permit to contract with a qualified archaeologist to conduct a Phase I cultural resources survey of a development site prior to issuance of any grading permits. Standard condition of approval No. 144 requires a Native American monitor to be present during all subsurface grading, trenching or construction activities.

A comment letter received on the Draft EIR from the County of Ventura, Cultural Heritage Board staff (Letter No. Doner) states that there is evidence that there is potential historical or architectural significance to the existing buildings on the project site and recommends that a Historic Resources Survey of the subject property be performed. To comply with this request, Mitigation Measure CR2 was added the Final EIR.

1) Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

The Final EIR includes the following mitigation measures to reduce the impact associated with archeological and historic resources:

Mitigation Measure CR1:

In the event that archaeological resources are uncovered during construction, work in the vicinity of the find should be temporarily suspended until a qualified archaeologist can evaluate the find. Once the find has been examined, evaluated, and an appropriate mitigation plan for significant resources has been developed, construction or excavation work in the area may be continued.

Mitigation Measure CR2:

Prior to the alteration, relocation or demolition of any structures or resources on the site for a proposed development project that could impact the existing on-site structures, the applicant shall retain a qualified architectural historian to prepare a Historic Resources Survey of the subject property. The survey shall identify and document all buildings, structures, and resources at least fifty years of age within the survey boundaries and determine their significance at the National and State Register level and at the local level. If any buildings, structures, or resources are determined to be historically significant, an architectural historian shall develop a full mitigation plan for review and approval by the City Planning Division.

Finding No. 5:

Based on the above facts:

The City Council hereby finds that all feasible and reasonable mitigation measures for impacts relating to cultural resources have been identified in the EIR and are included in the Mitigation Monitoring and Reporting Program for the project. The mitigation measures will reduce impacts relating to cultural resources to a less than significant level pursuant to Section 15091(a)(1) of the CEQA Guidelines.

D. Geology and Soils and Seismicity

Section 5.2 (pages 5-30 to 5-38) of the NECSP EIR contains a description of the regional geology and soils setting, location and list of abandoned oil wells, and a finding that there are no unavoidable adverse impacts.

Previous CEQA documentation for the project site (2030 General Plan Program EIR) include the project site as being within an area that has a high potential for seismic ground shaking from fault systems located in the vicinity of the City although there are no known active faults within City limits. There is no potential for landslides on or near the project site due to the level topography. Impacts will be less than significant. Required building codes anticipate and compensate for seismic and related geologic conditions. When actual site-specific development is proposed, required engineering studies will establish the appropriate type and level of construction for the type of subsurface soil conditions and ground water status. Therefore, there is no adverse impact related to geology and soils.

1) Changes or alterations have been required in, or incorporated into the project which avoid or further lessen the less than significant environmental effect as identified in the Final EIR.

The Final EIR includes the following mitigation measure to further reduce the potential geology and soils and seismicity impacts of the project:

Mitigation Measure GS1:

All grading and construction shall be accomplished in accordance with the applicable ordinances of the City.

Mitigation Measure GS2:

All future construction associated with the NECSP will confirm to the seismic requirements of the applicable Uniform Building Code.

Mitigation Measure GS3:

Site specific geotechnical studies will be required for future construction associated with the Specific Plan in order to determine appropriate site preparation and construction design recommendations.

Finding No. 6:

Based on the above facts:

The City Council hereby finds that all feasible and reasonable mitigation measures for impacts relating to geology and soils and seismicity have been identified in the EIR and are included in the Mitigation Monitoring and Reporting Program for the project. The mitigation measures will reduce impacts relating to geology and soils and seismicity to a less than significant level pursuant to Section 15091(a)(1) of the CEQA Guidelines.

E. Hydrology and Water Quality

Section 5.3 (pages 5-39 to 5-48) of the NECSP EIR contains a description of the regional hydrology setting, a discussion of groundwater overdraft, aquifers, water quality, agricultural wells, flooding, drainage, and a finding that there are no unavoidable adverse impacts.

The current project is fully consistent with the NECSP. The project site has not significantly changed since the NECSP Final EIR was certified in terms of hydrology and water quality resources. The current project is fully consistent with the NECSP and this statement and these mitigations continue forward as a part of the EIR for the East Village Phase III Annexation. Water quality impacts associated with the proposed uses would primarily be those from motor vehicles and landscape maintenance. The primary source of contaminants would be oil, grease, and particulates emitted by motor vehicles that are transported by runoff drainage. Under the new National Pollutant Discharge Elimination System (NPDES) stormwater quality requirements (Ventura County MS4 permit), large single lot developments will be able to accommodate the requirements either on each individual lot or by devoting a small basin to this use similar to the detention basins that can be found elsewhere in the NECSP. These basins may be able to do "double duty" in some circumstances. The project will incorporate best practices grassy bioswales and detention basins in order to filter the runoff and allow recharge of the groundwater.

The City is working cooperatively with local groundwater managers on local groundwater management programs. Continued implementation of existing groundwater management programs and the City's planned water recycling effort through it's GREAT and Augmented M&I Supplemental Water Programs

will help to ensure that the City will be able to meet long term water demands and ensure sufficient groundwater recharge. The proposed project will also implement the policies regarding continued adherence to the Ventura County Regional Water Quality (VCRWQ) Board Planning Program to ensure the sustainability of groundwater in the project area.

There are no surface water bodies or wetlands within the vicinity of the project site; however, existing absorption rates, drainage patterns, and runoff rates of the project site would be affected by an increase in impervious surfaces on-site. The proposed project will be required to comply with the NPDES program, which will result in cleaner water being directed into the City's storm drain system. This project will be required to prepare a Storm Water Pollution Prevention Plan (SWPPP) once the site is engineered for streets, etc. The SWPPP will be subject to review and approval by the City in order to verify compliance with applicable MS4 and NPDES requirements. Impacts are expected to be less than significant.

The project site is located outside of the 100-year and 500-year flood plain, is not in levee or flood risk area, and is not in a seiche, tsunami, or mudflow risk area (Figure 6-1 in the 2030 General Plan Program EIR).

These NECSP FEIR mitigations are now referred to as 'adaptive management' and the impacts are expected to be less than significant.

1) Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

The Final EIR includes the following mitigation measure to reduce the impact associated with land use:

Mitigation Measure H1:

The project site will annex into the Calleguas Municipal Water District and the Metropolitan Water District of Southern California.

Mitigation Measure H2:

Well abandonment will be conducted in accordance with the City Water Well permit standards.

Mitigation Measure H3:

To mitigate impacts associated with urban pollutants, drainage facilities to accommodate future development within the NECSP will be designed in accordance with the Oxnard Master Plan of Drainage and applicable regulations.

Mitigation Measure H4:

Prior to grading areas greater than five acres in size, developers will be required to obtain a California Regional Water Quality Control Board National Pollutant Discharge Elimination System (NPDES) permit and implement the requirements of the permit.

Finding No. 7:

Based on the above facts:

The City Council hereby finds that all feasible and reasonable mitigation measures for impacts relating to hydrology and water quality have been identified in the EIR and are included in the Mitigation Monitoring and Reporting Program for the project. The mitigation measures will reduce impacts relating to hydrology and water quality to a less than significant level pursuant to Section 15091(a)(1) of the CEQA Guidelines.

F. Noise

Operational Noise

The City has established noise guidelines in the 2030 General Plan Program EIR that state noise levels that have an increase of 3 to 5 dBA are usually considered potentially significant for sensitive land uses. Operational noises from the project after completion will be typical for residential and commercial development (e.g. doors and windows opening/closing, electrical devices, motors, ventilation, etc.) and is not expected to increase by 3 to 5 dBA CNEL. The project will be affected by noise from traffic along Rose Avenue and Camino del Sol. The 2030 General Plan Program EIR included a noise analysis based on 2030 traffic volumes that found significant impacts along eight roadway segments, none of which was Rose Avenue or Camino del Sol. All project structures will be constructed according to current California Building Code standards and City Code, including noise reduction in building materials. Therefore, project-level noise impacts will be less than significant, and mitigation is not required. It should be noted that the Draft EIR included mitigation measure N2 which required noises walls and/or setbacks along Gonzales Avenue. A comment letter received on the Draft EIR from the attorney for the project Applicant (Letter No. Kahn) stated that this mitigation measure was outside the intent and control of CEQA. As it was determined in the Final EIR that compliance with current California Building Code standards and City Code, including the Noise Insulation Standards of Title 24 of the California Code of Regulations, would help ensure an acceptable interior noise environment to project residents, mitigation measure N2 was deleted from the Final EIR.

Construction Noise

Construction of the project could generate noise impacts to adjacent residential and school uses. The City limits the hours of construction activities to Monday through Saturday from 7:00 a.m. to 6:00 p.m., and the City's noise ordinance regulates the volume and intensity of noise. Based on typical construction operations, it is expected that during the clearing and grading activities the equipment will include a scraper, dozer, blade, loader, and water truck. The average noise level is not anticipated to exceed 65 dB CNEL in outdoor areas near residential land uses. Because of the short-term duration of grading and construction activities, plus the City's existing noise ordinance, the potential noise impacts to adjacent residences are less than significant. However, a comment letter received on the Draft EIR from the Rio School District (Letter No. Krueger) requested an additional noise mitigation measure due to the proximity of Rio Rosales Elementary School to the project site to prevent the potential disruption of classroom activities. To comply with this request, Mitigation Measure N3 was added the Final EIR.

1) Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

The Final EIR includes the following mitigation measures to reduce the impact associated with construction noise:

Mitigation Measure N1:

Construction activities should be limited to weekdays, between the hours of 7 a.m. and 7 p.m.

Mitigation Measure N3:

In order to avoid disrupting nearby school operations, construction activities involving the use of heavy equipment, i.e., bulldozers, etc., should be limited to the summer months or when Rio Rosales Elementary School is not in session to the maximum extent feasible. Should construction activities take place during a period when school is in session, the project developer and/or the general contractor for the project shall communicate with the Principal of the adjacent Rio Rosales Elementary School regarding expected construction activity so that the school and contractor may work out a schedule where construction noise will not unduly interfere with classroom operations.

Finding No. 8:

Based on the above facts:

The City Council hereby finds that all feasible and reasonable mitigation measures for impacts relating to project-level construction noise have been identified in the EIR and are included in the Mitigation Monitoring and Reporting Program for the project. The mitigation measures will reduce impacts relating to project-level construction noise to a less than significant level pursuant to Section 15091(a)(1) of the CEQA Guidelines.

Cumulative Noise Impacts

The Oxnard 2030 General Plan Program EIR serves as the cumulative description and impact discussion for this topic, just as the 2020 General Plan served as the cumulative description and impact discussion for the NECSP EIR. The Oxnard 2030 General Plan Program EIR did find traffic noise at 2030 buildout on selected road segments was a significant unavoidable adverse impact. That cumulative impact finding and overriding statement are incorporated into this EIR.

In the context of this EIR, none of the conditions for a new environmental analysis were met for this topic and no additional analysis was required.

A **Statement of Overriding Considerations** was prepared and adopted in October 2011 by the City Council for the unavoidable and significant cumulative impact associated with cumulative roadway noise

Finding No. 9:

Based on the above facts:

The City Council hereby finds, per Public Resources Code section 21081(b), that that specific overriding economic, legal, social, technological, or other benefits outweigh the unavoidable adverse environmental effects of the cumulative effects of roadway noise of the project as anticipated and analyzed in the City 2030 General Plan Program Environmental Impact Report (PEIR).

G. Aesthetics

Visual Character and Quality

Section 5.10 (pages 5-154 to 5-158) of the NECSP EIR contains a description of the regional aesthetic setting, the NECSP area setting related to windrows and views, the conversion of the entire NECSP project site to urban uses, a cumulative 2020 General Plan buildout impact discussion, two mitigations (A1 and A2), and a finding that the loss of the mature windrow trees is an unavoidable adverse impact.

The western edge of the project site has mature windrows along the northbound lane of Rose Avenue. The City has a standard tree mitigation that recovers the value of removed mature trees in new landscaping and the City would require incorporation of existing mature healthy trees along Rose Avenue into the design of a widened Rose Avenue, to the maximum extent feasible. It is possible, however, that most or all of the windrow along Rose Avenue will be removed due to their health and/or infeasibility of widening Rose Avenue around the windrows. In this likely situation, despite the implementation of mitigation measure A2, there would be a significant unmitigated adverse project-level impact for loss of the windrow. The proposed project is anticipated to be a neo-traditional subdivision, resulting in a visual character that would be attractively designed, and which would be more consistent with the surroundings than active farming activities. Thus the proposed project would not further impact the existing visual character or quality of the project site.

Light and Glare

Existing uses in the vicinity of the project site are primarily residential uses and a school use, both of which are sensitive receptors. However, these land uses themselves contribute to the existing ambient nighttime light environment. Specific guidelines would limit or avoid excessive light spillage onto adjacent properties and to prevent the use of highly reflective building materials which cause glare the use of non- or low-reflective building materials to minimize glare. Thus, impacts from light and glare would be less than significant.

1) Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

The Final EIR includes the following mitigation measures to reduce the impact associated with aesthetics:

Mitigation Measure A1:

The Specific Plan incorporates Design Guidelines to assure visual resource protection and development

coordination based on planning, architectural, landscape, and engineering standards and guidelines.

Mitigation Measure A2:

Removal of windrow trees shall be subject to the following requirements:

- *A certified arborist report shall be required, which contains a description of the health of each tree.*
- *A tree valuation report shall be provided for each trees (as prepared by a certified arborist) based upon, Valuation of Landscape Trees, Shrubs, and Other Plants (an official publication by the International Society of Arborists).*
- *Tree rows authorized for removal shall be replaced and/or additional landscape enhancement shall be provided to the same dollar value as the trees designated to be removed. This is in addition to the minimum landscaping required per the City's Landscape Standards. The species to be replanted shall be approved by the Oxnard Parks Division.*

A **Statement of Overriding Considerations** has been prepared and adopted for the unavoidable and significant impact associated with the loss of the windrow trees.

Finding No. 10:

Based on the above facts:

The City Council hereby finds that all feasible and reasonable mitigation measures for impacts relating to aesthetics (visual character and quality, and Light and glare) have been identified in the EIR and are included in the Mitigation Monitoring and Reporting Program for the project. The project alternative identified in the Final EIR capable of reducing the loss of the existing windrow trees to a less than significant level is infeasible for the applicant due to specific economic and legal justifications pursuant to Section 15091(a)(3) of the CEQA Guidelines.

H. Transportation/Traffic

Project Traffic Generation

Using the trip generation rates from the Oxnard Traffic Model consistent with the 2030 General Plan Program EIR, the completed project would generate an estimated 8,566 daily trips (3,856 from 402 housing units at 9.57 trips per unit and 4,710 trips from 78.5 thousand square feet of commercial space at 60 trips per 1,000 square feet). This estimate does not account for reductions likely to come from the neighborhood shopping center being within walking and bicycling distance of the project's 402 homes as well as other neighborhoods. This number of trips has been incorporated in the 2030 General Plan Oxnard Traffic Model and the results, as depicted in the 2030 General Plan Program EIR are that all intersections east of the Union Pacific Railroad (i.e. northeast portion of the City) will operate at LOS C or better at peak periods with the exception of Rose Avenue and Gonzales Road which will operate at LOS D in the morning peak period. This intersection was excepted by the City Council to operate a below LOS C and the certified 2030 General Plan Program EIR includes a Statement of Overriding Consideration for that excepted intersection.

The proposed project is consistent with the NECSP, 2030 General Plan, and the Oxnard Traffic Mitigation Plan adopted in 2008. Rose Avenue north of Camino del Sol would be widened to six lanes,

three in each direction, by adding project-dedicated land along the western edge of the project site (see mitigation measure C-1 and C-2, below). The design of the widened Rose Avenue may include a wide median and/or eastward curve in order to preserve some number of mature windrow trees currently along the western edge of the project site and adjacent to the east shoulder of Rose Avenue, if feasible and the trees (windrow) are found to be healthy and worth saving. The design of Rose Avenue cannot be completed until the specific locations of streets are proposed by a subsequent project-level application. All streets within the project site and any changes to adjoining streets would be engineered by a California-registered Traffic Engineer and reviewed and approved by the City's Traffic Engineer and Fire and Police Departments for safety and emergency access.

Construction of the project will result in increased vehicle trips on County roads to be identified in conjunction with the County as part of the project-level traffic study once detailed street information is available. The City and Ventura County have executed a "Reciprocal Traffic Mitigation Agreement" wherein the City and County have agreed that a pro-rata share of the cost of mitigations will be collected by each agency for traffic impacts in the other jurisdiction. The project would be consistent with the Ventura County General Plan by complying with the terms of the "Reciprocal Traffic Mitigation Agreement" adopted on February 2, 1993. By paying the mandatory County/City Traffic Impact Fee, the developer will mitigate the project's impacts on local roads and intersections. With payment of the fee, any impacts will be less than significant.

Furthermore, the project will require a traffic study prior to any development when the actual locations of streets are engineered, which is not known with certainty at this time. The traffic study will identify right-of-way dedications and off-site improvements to Rose Avenue, Camino del Sol, and possibly other streets as warranted to maintain LOS C. The project will be conditioned to complete the traffic improvements, dedicate land, and/or pay traffic impact fees per the required mitigation measures that are then used by the City for permanent traffic network improvements. With payment of traffic impact fees, dedications, and routine conditions of approval for on-site and directly-attributable off-site traffic networks improvements, traffic impacts will be less than significant.

Freeway and Roadway Capacity

The project will require a traffic study prior to any development when the actual locations of streets are engineered, which is not known with certainty at this time. The Traffic Study shall also include a capacity analysis of the Ventura Freeway because of its close proximity to the project site and the number of project trips that would access it.

1) Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

The Final EIR includes the following mitigation measures to reduce the transportation/traffic impacts of the project:

Mitigation Measure D-1:

Developer shall dedicate to the City the required Right-of-Way along Rose Avenue associated with the City's Rose Avenue road widening at the first recordation of a Final Subdivision Tract Map.

Mitigation Measure D-2:

Developer shall modify the traffic signals at Rose Avenue and Camino del Sol associated with the proposed Rose Avenue widening. The signal modification shall include provision of a traffic signal battery back-up system, new service equipment enclosure and emergency vehicle detection system designed by the City Traffic Engineer.

Mitigation Measure D-3:

Developer shall place existing overhead utility lines underground in accordance with City ordinance. Before issuance of a site improvement permit or recordation of a final map, Developer shall post security satisfactory to the Finance Director guaranteeing utility relocation.

Mitigation Measure D-4:

Developer shall pay the applicable County/City Traffic Impact Fee(s) prior to issuance of a building permit per City Ordinances 10,418 and 10,453.

Mitigation Measure D-5:

The project shall have a Homeowners Association responsible for the maintenance of private streets, project-oriented public areas, front yards of individual homes, and enforcement of parking and related rules and regulations that is customary to a residential community.

Finding No. 11:

Based on the above facts:

The City Council hereby finds that all feasible and reasonable mitigation measures for impacts relating to transportation/traffic have been identified in the EIR and are included in the Mitigation Monitoring and Reporting Program for the project. The mitigation measures will reduce impacts relating to transportation/traffic to a less than significant level pursuant to Section 15091(a)(1) of the CEQA Guidelines.

Cumulative Traffic/Transportation Impacts

Cumulative development through 2030 has been planned for in the Oxnard Traffic Model. The 2030 General Plan anticipates eventual development of the project site and within the Oxnard City Urban Restriction Boundary (CURB) and the Final EIR found that mitigated project-level traffic and related impacts were below the threshold of significance. Therefore, no additional adverse unmitigated traffic and related project impacts will occur.

With regard to cumulative impacts, the County of Ventura has adopted a Traffic Fee Mitigation Ordinance. The County of Ventura allows for participation in the Traffic Fee Program as a way to comply with its Traffic Fee Mitigation Ordinance. By paying the mandatory County/City Traffic Impact Fee, the developer will mitigate the project's potential cumulative impacts on County roadways.

In the context of the Final EIR, none of the conditions for a new environmental analysis were met for this topic and no additional analysis was required.

A **Statement of Overriding Considerations** was prepared and adopted in October 2011 by the City Council for the unavoidable and significant cumulative traffic impacts at five intersections below Level of

Service 'C' after 2030 General Plan mitigations are completed.

Finding No. 12:

Based on the above facts:

The City Council hereby finds, per Public Resources Code section 21081(b), that that specific overriding economic, legal, social, technological, or other benefits outweigh the unavoidable adverse environmental effects of the cumulative effects to traffic of the project as anticipated and analyzed in the City 2030 General Plan Program Environmental Impact Report (PEIR).

I. Public Services - Fire

Construction

Construction activities at the project site would increase the potential for accidental on-site fires from such sources as the operation of mechanical equipment, use of flammable construction materials, and discarded cigarettes. In most cases, the implementation of "good housekeeping" procedures by the construction contractors and the work crews would minimize these hazards. Good housekeeping procedures that would be implemented during construction of the proposed project include: the maintenance of mechanical equipment in good operating condition; careful storage of flammable materials in appropriate containers; and the immediate and complete cleanup of spills of flammable materials when they occur.

Construction activities also have the potential to affect fire protection services, such as emergency vehicle response times, by adding construction traffic to the street network and by partial lane closures during street improvements and utility installations. These impacts, while potentially adverse, are considered to be less than significant for the following reasons:

1. Construction impacts are temporary in nature and do not cause lasting effects; and

2. Partial lane closures would not greatly affect emergency vehicles, the drivers of which normally have a variety of options for avoiding traffic, such as using their sirens to clear a path of travel or driving in the lanes of opposing traffic. Additionally, if there are partial closures to streets surrounding the project site, flagmen would be used to facilitate the traffic flow until construction is complete.

Project construction would not be expected to tax fire fighting and emergency services to the extent that there would be a need for new or expanded fire facilities, in order to maintain acceptable service ratios, response times, or other performance objectives of the OFD. Therefore, construction-related impacts to fire protection services would be less than significant.

Operation

The proposed project would be subject to the following standards for fire protection:

- The proposed uses must comply with all applicable State and local codes and ordinances.
- Fire lane width shall not be less than 20 feet. When a fire lane must accommodate the operation of Fire Department aerial ladder apparatus or where fire hydrants are installed, those portions shall not be less than 28 feet in width.
- No building or portion of a building shall be constructed more than 300 feet from an approved fire hydrant.
- No building or portion of a building shall be constructed more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.
- Access for Fire Department apparatus and personnel to and into all structures, including the subterranean parking structures, shall be required.

Despite the aforementioned standards, to ensure adequate OFD capacity to serve the project and its residents, mitigation measure E-1 is required.

1) Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

The Final EIR includes the following mitigation measure to reduce any potential impacts to fire services by the project:

Mitigation Measure E.1-1:

Prior to completion and operational status of Fire Station No. 8 at College Park or completion and operational status of Fire Station No. 10 within the Sakioka Farms Business Park Specific Plan, no more than 100 housing units and/or 40,000 sf of commercial uses shall be completed and occupied within the commercially zoned area on the northeast corner of Camino del Sol and Rose Avenue (zoning will be C-2, which allows R-3 residential and mixed use).

Finding No. 13:

Based on the above facts:

The City Council hereby finds that all feasible and reasonable mitigation measures for impacts relating to fire services have been identified in the EIR and are included in the Mitigation Monitoring and Reporting Program for the project. The mitigation measure will reduce impacts relating to fire services to a less than significant level pursuant to Section 15091(a)(1) of the CEQA Guidelines.

J. Public Services - Police

Construction

Construction sites can be sources of attractive nuisances, and invite theft and vandalism. Developers typically take precautions to prevent trespassing through construction sites. These impacts will be

mitigated by requiring that temporary fencing be installed around the construction site to keep out trespassers and discourage theft and damage.

Although minor traffic delays may occur during construction, particularly during the construction of utilities and street improvements, impacts to police response times would be minimal and temporary. Therefore, the construction-related impacts of the proposed project to police protection services would be less than significant.

Operation

The proposed project would introduce new employees and residents to the project area. Thus, an increase in the demand for police protection services is anticipated. While there is not a directly proportional relationship between increases in development and land use activity and increases in demand for police protection services, the number of request for assistance calls for police response to retail burglaries, residential burglaries, vehicle burglaries, damage to vehicles, traffic-related incidents, and crimes against persons would be anticipated to increase with the buildout and occupancy of the project. Based on OPD's experience with similar developments, anticipated problems in the project area do not represent unusual law enforcement issues.

1) Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

The Final EIR includes the following mitigation measure to reduce any potential impacts to police services by the project:

Mitigation Measure E.2-1:

During all construction activities, the project or subsequent developer shall ensure that all onsite areas of active development, material and equipment storage, and vehicle staging, be secured with temporary fences to prevent trespass.

Mitigation Measure E.2-2:

The building and site design of the proposed project shall include crime deterrence and prevention features, building security systems, architectural design modifications, surveillance systems, and secure parking facilities.

Finding No. 14:

Based on the above facts:

The City Council hereby finds that all feasible and reasonable mitigation measures for impacts relating to police services have been identified in the EIR and are included in the Mitigation Monitoring and Reporting Program for the project. The mitigation measures will reduce impacts relating to police services to a less

than significant level pursuant to Section 15091(a)(1) of the CEQA Guidelines.

K. Public Services - Schools

At build-out (i.e., 402 new dwelling units) the project could generate approximately ~~40~~ 95 elementary school students, ~~20~~ 37 middle school students, and 53 high school students for a total of ~~113~~ 185 students.

1) Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

The Final EIR includes the following mitigation measure to reduce any potential impacts to schools by the project:

Mitigation Measure E.3-1:

The subsequent developer(s) under the specific plan would be required to pay all applicable school fees to offset the impact of additional student enrollment at schools.

Finding No. 15:

Based on the above facts:

The City Council hereby finds that all feasible and reasonable mitigation measures for impacts relating to schools have been identified in the EIR and are included in the Mitigation Monitoring and Reporting Program for the project. The mitigation measures will reduce impacts relating to schools to a less than significant level pursuant to Section 15091(a)(1) of the CEQA Guidelines.

L. Public Services - Libraries

The project site is within the City Planning Area and Sphere of Influence. The project site land use plan was considered and analyzed as part of the City's 2030 General Plan and Program EIR. The East Village Phase III is part of the NECSP and the land use plan for the site has not changed. Consequently, the political change in jurisdiction from County of Ventura to the City through the act of annexation would not have a physical effect in terms of library services in the project area. If the project includes 402 housing units, it would increase the demand for library services, with the addition of approximately 1,568 residents. The proposed project would also possibly include 78,400 square feet of commercial uses, which introduce new employees to the project site. However, in general, employees of commercial uses are not likely to patronize libraries during working hours, as they are more likely to use libraries near their homes during non-work hours.

Based on the ALA standard of 1.0 square foot of library space per person, the proposed project with housing would generate need for 1,568 square feet of library space.

According to the Oxnard Public Library (OPL), the Colonia Branch does not currently meet the needs for library service in the area. It serves a population of approximately 23,649 in a 580 square foot room. The recommended size for this location should be 23,649 square feet. With the additional recommended 1,568 square feet, the branch should be approximately 25,217 square feet in size. The OPL staff has recommended building new facilities to serve this area of the City.

Therefore, the impacts of the project with residential uses would be considered potentially significant. Payment of the Growth Development Fee would be put toward building the new recommended facilities to reduce the potentially significant impact to less than significant levels.

1) Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

The Final EIR includes the following mitigation measure to reduce any potential impacts to schools by the project:

Mitigation Measure E.5-1:

The subsequent developer(s) would be required to pay the Payment of the Growth Development Fee to offset library impacts.

Finding No. 16:

Based on the above facts:

The City Council hereby finds that all feasible and reasonable mitigation measures for impacts relating to libraries have been identified in the EIR and are included in the Mitigation Monitoring and Reporting Program for the project. The mitigation measures will reduce impacts relating to libraries to a less than significant level pursuant to Section 15091(a)(1) of the CEQA Guidelines.

M. <u>Utilities and Service Systems - Water</u>

The project would consume approximately 72 acre feet of water per year (net increase above the existing site agricultural uses). Development of the project site is part of the overall planned water demand increase for Oxnard. Water supplies as identified in the Draft EIR from CMWD, UWCD, and the City are considered as firm for the period 2010 to 2030. Furthermore, during the period 2010 to 2014, the City may draw on a portion of its groundwater credit bank of approximately 37,000 AF as an interim supply until the GREAT AWPF is completed as planned. Under extended dry and multiple dry year conditions, it is possible that during the years 2010 to 2014, the cumulative draw on the groundwater credits could exceed the City's available credits and the City would have to pay higher rates for additional water. However, the City has developed this credit bank for use during these types of extended drought or water supply restricted conditions. Once the GREAT AWPF is in full production, the City will gradually restore its groundwater credit bank as a buffer against future supply constraints. The GREAT Program continues to be an important element in providing water supply to the project site,

along with other proposed or anticipated development. It is anticipated that reasonably projected water supplies available during normal, single dry, and multiple dry water years during a 20-year projection are sufficient to meet the water demand associated with the project, in addition to the City's existing and planned future uses. Furthermore, the City imposes a variety of development impact fees based on land use, size, and service impact area. The Water Fees would be paid upon issuance of a building permit. Thus, the proposed project's impacts on water supply and facilities would be less than significant. The mitigation measures included in the Final EIR would further minimize the potable water demand of the proposed project.

1) Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

The Final EIR includes the following mitigation measures to reduce the water demand of the project:

Mitigation Measure E.6-1:

The on-site domestic water system shall include the following:

- *A public pipeline systems which feed into separate water meters for each ownership. In addition, there shall be separate water meters for each multi-family unit townhouses, but not apartment units. The high-rise residential towers may be master-metered.*
- *A separate water meter (1) for the common landscape areas that would be connected to the future recycled water system.*
- *All domestic water pipelines shall adhere to Division of Occupational Health and Safety (DOHS) requirements for separation between water and recycled water/wastewater pipelines.*
- *The developer shall be responsible for payment of capital improvement/connection fees, including all related "installation fees."*
- *Developer shall provide the City any approvals necessary to dedicate to the City all FCGMA allocation associated with the Project site, whether such allocation is associated with the conversion of agricultural to urban uses, or otherwise.*

Mitigation Measure E.6-2:

The developer shall provide a recycled water system that serves all practical irrigated areas and which is: (1) separated from the domestic water system, (2) constructed per the City's Recycled Water Construction Standards (being developed), (3) irrigated at night, and (4) properly signed once the system is fully operational.

- *The portion of the irrigation intended for the future recycled water system shall be separately metered from that portion of the system that will not be connected to the future recycled water system, if any.*
- *Until the recycled water system is operational, the common area irrigation system shall be connected to the domestic system. Once recycled water is available, and connection to the recycled water system is made, the developer shall remove the connection to the domestic water system. No domestic water back-up is needed, since the City will provide such back-up including an appropriate air gap facility as part of the City's system.*
- *Prior to the availability of recycled water, the developer shall be responsible for payment of the Recycled Water Connection Fee or the water connection fee, whichever is greater for facilities*

constructed.

- *At such time as recycled water is available, the developer shall be responsible for all costs involved with the re-connection of the applicable portions of the irrigation system to the public recycled water system, including appropriate signage. Credits for connection fees shall be given by the City based on the size of the meter(s). Under no circumstance will there be a refund of water connection fees already paid.*
- *The developer shall be responsible for appropriate Covenants, Conditions and Restrictions (CC&Rs) covering the use of recycled water and for proper disclosures.*
- *Prior to submittal of subdivision improvement plans, the developer shall review with the City the potential for dual plumbing, whereby toilet facilities would be served by the recycled water system. No determination has yet been made regarding whether the City will desire to proceed with this plan. However, should the City decide that it is desired, all costs associated with the dual plumbing shall be borne by the developer.*

Mitigation Measure E.6-3:

The developer shall incorporate exterior water conservation features, as recommended by the State Department of Water Resources, into the project. These shall include, but are not limited to:

- *Landscaping of common areas with low water-using plants,*
- *Minimizing the use of turf by limiting it to lawn dependent uses, and*
- *Wherever turf is used, installing warm season grasses.*

Mitigation Measure E.6-4:

The developer shall, to the extent feasible, use reclaimed water for irrigation of landscaping and other uses if or when such water is available at the project site.

Mitigation Measure E.6-5:

The developer shall predominantly use vegetation that requires minimal irrigation (i.e., drought tolerant plant species) in all site landscaping where feasible for new plantings.

Mitigation Measure E.6-6:

The project developer shall ensure that the landscape irrigation system be designed, installed, and tested to provide uniform irrigation coverage. Sprinkler head patterns shall be adjusted to minimize over spray onto walkways and streets.

Mitigation Measure E.6-7:

The project developer shall install a "smart sprinkler" system to provide irrigation for the landscaped areas. Irrigation run times for all zones shall be adjusted seasonally, reducing water times and frequency in the cooler months (fall, winter, spring). Sprinkler timer run times shall be automatically adjusted by a state-of-the-art system that relies on local weather forecasts.

Mitigation Measure E.6-8:

The project developer shall install low-flush water toilets in all new construction at the project site. Low-flow faucet aerators shall be installed on all new sink faucets.

Finding No. 17:

Based on the above facts:

The City Council hereby finds that all feasible and reasonable mitigation measures for impacts relating to water supply have been identified in the EIR and are included in the Mitigation Monitoring and Reporting Program for the project. The mitigation measures will reduce impacts relating to water supply to a less than significant level pursuant to Section 15091(a)(1) of the CEQA Guidelines.

N. Biological Resources

The project site is within the City Planning Area and Sphere of Influence. The project site land use plan was considered and analyzed as part of the City's 2030 General Plan and Program EIR. The East Village Phase III is part of the NECSP and the land use plan for the site has not changed. Consequently, the political change in jurisdiction from County of Ventura to the City through the act of annexation would not have a physical effect in terms of biological resources in the project area.

Implementation of the proposed project could result in impacts to biological resources on-site, including:

- Temporary impacts during grading and construction activities, noise, vibration, dust, and increased human presence from construction crews;
- Permanent impacts from removal of vegetation, construction of buildings and roads; and
- Permanent impacts from post-construction, operational activities including increased noise and disturbance levels from the new development, increased wildlife mortality from additional traffic, and increased lighting associated with new development and roads.

The Final EIR provided mitigation measures for avoiding, minimizing, or compensating potentially significant impacts, as appropriate.

1) Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

The Final EIR includes the following mitigation measures to reduce the biological resources impacts of the project:

Mitigation Measure F-1:

Prior to the final approval of the first Site Improvement Plan, the project site and adjacent open space areas shall be surveyed by a qualified biologist for the presence of nesting birds prior to removal of vegetation. The developer shall be required to submit a report documenting the findings of the site survey to the Planning Division for review and approval. The site survey shall be conducted within 30 days of the beginning of any grubbing/grading activity. If any active nests are detected, then a 300-foot buffer (or as otherwise deemed appropriate by the biological monitor in consultation with the City and CDFG) shall be placed around the nest site until the nestlings have successfully fledged. Conduct vegetation clearing and grubbing, grading, and other construction activities associated with the proposed project during the non-breeding season (in general, September 1st through January 31st).

Based on the above facts:

The City Council hereby finds that all feasible and reasonable mitigation measures for impacts relating to biological resources have been identified in the EIR and are included in the Mitigation Monitoring and Reporting Program for the project. The mitigation measures will reduce impacts relating to biological resources to a less than significant level pursuant to Section 15091(a)(1) of the CEQA Guidelines.

M. Hazards and Hazardous Materials

Construction

Construction of the proposed project would involve the use of those hazardous materials that are typically necessary for construction of residential development (i.e., paints, building materials, cleaners, fuel for construction equipment, etc.). Therefore, construction of the proposed project would involve routine transport, use, and disposal of these types of hazardous materials throughout the duration of construction activities. Furthermore, the transport, use, and disposal of construction-related hazardous materials would occur in conformance with all applicable local, State, and federal regulations governing such activities. For example, the proposed project would be required to implement standard best management practices (BMPs) set forth by the City and the Ventura County Regional Water Quality (VCRWQ) which would ensure that wastes generated during the construction process are disposed of properly. Furthermore, due to the fact that the majority of the project site has been used for agricultural purposes for several decades, a combination of several commonly used pesticides which are now banned may have been used throughout the project site. While there is no requirement that agricultural soil be tested prior to development, the historical use of agricultural pesticides on the project site may have resulted in pesticide residues of certain, persistent in soil concentrations that are considered to be hazardous according to established Federal regulatory levels and impacts would be potentially significant. Therefore, it is recommended that soil sampling should occur throughout the project site. The sampling would determine if pesticide concentrations exceed established regulatory requirements and would identify proper handling procedures that may be required. Therefore, with mitigation, the proposed project would not create a significant impact related to routine transport, use, or disposal of hazardous materials during construction.

Operation

The proposed project consists of the development of residential uses, which would include the use of hazardous materials for routine cleaning, maintenance, and landscaping in small quantities. All potentially hazardous materials would be contained, stored, and used in accordance with the manufacturers' instructions and handled in compliance with the applicable standards and regulations, such as those administered by the Oxnard Fire Department, OSHA, and CalOSHA. Through adherence to these regulatory guidelines, construction activities would not create a significant hazard to the public or environment through the disturbance, removal, storage, or disposal of hazardous materials. As such, impacts associated with hazardous materials used during operation of the proposed project would be less than significant.

Asbestos-Containing Materials (ACMs)

Due to the age of the existing on-site structures it is very likely that ACMs are present on the project site. The Applicant has suggested that the main house remain on the project site and be remodeled as a community complex or as part of the commercial area. The Applicant has also suggested that the main barn remain on the project site and be remodeled as a commercial structure as part of the commercial area. Nevertheless, the worst case scenario would be that the structures would be demolished and

ACMs would be present in the structures and impacts would be potentially significant. However, implementation of mitigation measure H-2 and mandatory compliance with applicable federal and state standards and procedures would reduce risks associated with ACMs to acceptable levels. Therefore, significant impacts associated with an exposure to ACMs during construction would be less than significant.

Lead-Based Paint (LBP)

Due to the age of the existing on-site structures it is very likely that LBP is present on the project site. The Applicant has suggested that the main house remain on the project site and be remodeled as a community complex or as part of the commercial area. The Applicant has also suggested that the main barn remain on the project site and be remodeled as a commercial structure as part of the commercial area. Nevertheless, the worst case scenario would be that the structures would be demolished and LBPs would be present in the structures and impacts would be potentially significant. However, implementation of mitigation measure H-2 and mandatory compliance with applicable federal and state standards and procedures would, therefore, reduce risks associated with LBP to acceptable levels. Therefore, significant impacts associated with an exposure to LBP during construction would be less than significant.

Underground Storage Tanks (USTs) and Above Ground Storage Tanks (ASTs)

There are no known USTs located within the vicinity of the project site. Furthermore, no USTs are known to be located within the project site.8 However, there is one AST located on the project site. At this time no detailed information could be found about the AST. Removal of the AST would be essential in terms of implementation of the Specific Plan land use plan for the project site and impacts with respect to ASTs would be potentially significant.

Polychlorinated Biphenyls (PCBs)

Polychlorinated biphenyls are a mixture of chlorinated compounds, which were used as coolants and lubricants in transformers and other electrical equipment. When released to the environment polychlorinated biphenyls can impact soil and groundwater. Polychlorinated biphenyls are likely carcinogens and the manufacture of polychlorinated biphenyls was banned in the United States in 1979. Because the existing structures on the project site were constructed prior to the 1979 federal ban on the manufacture of polychlorinated biphenyls, it is possible that PCBs are located on the project site. Therefore, in accordance with mitigation measure IV.G-4, the suspected oils would be sampled, handled, and disposed of in accordance with state and federal laws during future demolition activities.

1) Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

The Final EIR includes the following mitigation measures to reduce the impact associated with hazards and hazardous materials:

Mitigation Measure H-1:

Soil sampling shall occur throughout the project site. The sampling will determine if pesticide concentrations exceed established regulatory requirements and will identify proper handling procedures that may be required.

Mitigation Measure H-2:

8 State Water Resources Control Board, GeoTracker, website: http://geotracker.waterboards.ca.gov/, November 21, 2011.

The Applicant shall conduct ACM and LBP surveys on all buildings and associated infrastructure scheduled for demolition. If asbestos and/or lead-based paint are detected, they shall be abated and removed in accordance with all applicable federal, state, and local regulations and in accordance with SCAQMD regulations.

Mitigation Measure H-3:

A comprehensive Phase I Environmental Site Assessment (ESA) shall be completed for the project site prior to any development. If environmental conditions exceeding regulatory requirements are identified, remediation shall be accomplished to the satisfaction of the appropriate regulatory agency(ies) and further, shall be completed before earth-disturbing activities may take place on the project site.

Mitigation Measure H-4:

Prior to demolition, potentially polychlorinated biphenyl-containing oils shall be sampled and analyzed for polychlorinated biphenyls and the known polychlorinated biphenyl-containing transformers and any other polychlorinated biphenyl-containing oils would be handled and disposed of in accordance with state and federal laws during future demolition activities.

Finding No. 19:

Based on the above facts:

The City Council hereby finds that all feasible and reasonable mitigation measures for impacts relating to hazards and hazardous materials have been identified in the EIR and are included in the Mitigation Monitoring and Reporting Program for the project. The mitigation measure will reduce impacts relating to hazards and hazardous materials to a less than significant level pursuant to Section 15091(a)(1) of the CEQA Guidelines.

N. <u>Alternatives to the Proposed Project</u>

The Draft EIR considers a range of alternatives to the proposed project to provide informed decision-making in accordance with Section 151216(f) of the CEQA Guidelines. The three alternatives are described as follows:

Alternative 1: No Project Alternative. Under the No Project Alternative, the proposed project site would remain as an unincorporated area under the County of Ventura control and no annexation to the City would occur. Under the No Project Alternative, the project site would continue in its current state of agricultural use with cultivated row crops. The residential units and farm structures would remain. The 2030 General Plan land use designations would remain in place, allowing for a future annexation and subsequent development.

Alternative 2: 2030 General Plan. Under the 2030 General Plan alternative, the proposed project would be reconfigured to be compliant with the 2030 General Plan Land Use Map. The 2030 General Plan alternative would include the same uses as the proposed project, which consists of 402 residential units, 78,400 square feet of commercial uses, and park uses. However, unlike the proposed Project's two linear parks totaling 11 acres, the park uses would be expanded to 30 acres and would located in one area on the northern portion of the project site. The commercial uses would be located in the same

area with the remainder of the project site developed with 402 residential units in a traditional small-lot subdivision layout, albeit at a higher density then the proposed project (i.e., 7-12 units per acre). Under the 2030 General Plan alternative, the project site would undergo a change in jurisdiction through the act of annexation to the City from the County of Ventura.

Alternative 3: Urban Village. The Oxnard 2030 General Plan was adopted on October 11, 2011 and included as one of its major themes the establishment of Urban Villages. The 2030 General Plan defines Urban Village as "...mixed use areas designed to encourage persons to live near their place of employment and/or support services. Urban Villages should occur in the designated areas but may be proposed in other areas as a General, Specific, Coastal, or County Public Works Plan Amendment. The integration of complementary land uses is intended to promote a pedestrian orientation to reduce trips and vehicle miles traveled and reduce greenhouse gas emissions. Urban Villages are implemented with a specific plan, a strategic plan similar to the Central Business District Strategic Plan, or by the Ventura County Harbor Public Works Plan." (pg. 3-17).

Policy CD-7.1, "Establishment of Urban Villages," designates six areas of the City as Urban Village, including the Project area. Urban Villages are envisioned as characterized by:

- Infill and/or development of formerly agricultural land;
- Reinvestment in the existing community;
- Mixture of land uses;
- Mix of residential densities and housing types;
- Providing a minimum of 15 percent affordable housing;
- Location along or near corridors, downtown, and transit nodes; and
- Transit, pedestrian, and bicycle circulation given high priority.

More detailed Urban Village guidelines may be subsequently adopted by the City Council. The 2030 General Plan further states that, "For purposes of annexation, the NECSP land use designations for this area as of July 2011 are deemed consistent with this 2030 General Plan." (p. 3-27)

The Urban Village alternative is an attempt at describing an alternative project within the intent of the Urban Village Policy CD-7.1 with acknowledgement that Urban Village Guidelines have not been formulated in detail or adopted and that this alternative does not commit the developers nor the City to this description as future adopted Urban Village Guidelines may lead to a different project description.

The Urban Village alternative would focus on a transit-oriented mixed use development (TOD) on the northeast corner of Camino del Sol and Rose Avenue. The TOD would create a unique sense of place by having a "town square" feel with a central public space bounded by first-floor retail uses with two and three stories of apartments above them. A bus transit station would be integrated into the public area close to retail shops, public restrooms, and bicycle storage and repair facilities. Open space, providing active recreation and passive storm water retention and treatment, would be integrated throughout the project so that the project would meet MS4 permit requirements. Pedestrian and bicycle paths and walkways would have precedence over streets but not inhibit emergency access. Parking may be consolidated in some areas to allow for overhead solar power generation and electric vehicle recharge stations. The variety of housing styles and affordability would include live/work and seniors housing. One or more areas could be set aside for a new City library, community theater, and/or church. The total number of housing units may increase over that allowed by the NECSP so long as the number of

vehicle trips is equal to or less than the Project trip generation projected after accounting for transit and alternative travel modes.

The **No Project alternative** would not satisfy the project objectives and would not implement any of the beneficial mitigation measures that would otherwise be implemented by the project. It is also unreasonable to assume that the majority of the project site would continue to be used for agricultural resources throughout the foreseeable future. The project site has been designated for urban uses since 1993. Any agricultural productivity at the project site should be considered to be a short-term condition.

The **2030 General Plan** alternative is physically feasible; although the same unavoidable significant project impacts to agricultural resources, aesthetics (visual quality and character), as well as cumulative air quality, greenhouse gas emissions and roadway noise would occur. Further, it would result in the same project-level mitigable impacts to air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, public services (i.e., fire protection, police protection, schools, and libraries), traffic/transportation and utilities (i.e., water supply) as the proposed project. Therefore implementation of the 2030 General Plan alternative in lieu of the proposed Project is not considered advantageous from an environmental perspective.

The **Urban Village** alternative is physically feasible; although the same unavoidable significant project impacts to agricultural resources and aesthetics (visual quality and character), as well as cumulative air quality, greenhouse gas emissions and roadway noise would occur. Further, it would result in the same project-level mitigable impacts to air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, public services (i.e., fire protection, police protection, schools, and libraries), traffic/transportation and utilities (i.e., water supply) as the proposed project. Therefore implementation of the 2030 General Plan alternative in lieu of the proposed Project is not considered advantageous from an environmental perspective.

Finding No. 20:

Based on the above facts:

The City Council finds that all feasible and reasonable mitigation measures for impacts associated with the Project have been identified in the Final EIR and are included in the Mitigation Monitoring and Reporting Program for the project. The Project alternative identified in the Final EIR capable of reducing the unavoidable impacts associated with agricultural resources and cumulative impacts to air quality, greenhouse gas emissions and roadway noise to less than significant levels is infeasible for the applicant due to specific economic and legal justifications pursuant to Section 15091(a)(3) of the CEQA Guidelines.

3. Miscellaneous Findings

Revisions to the Draft EIR were made as a result of the comments submitted on the Draft EIR as well as City staff directed changes. These revisions (incorporated into the Final EIR) only clarify, amplify, or make insignificant modifications to the Draft EIR. None of these revisions represent significant new information that would result in the identification of a new significant impact or an increase in severity of such an impact, from either the project or from a new mitigation measure proposed for implementation as part of the project. Nor do these revisions include a new mitigation measure to reduce a significant impact that has been declined by the project applicant.

Finding No. 21:

Based on the above facts:

The City Council of the City finds that Section 15088.5 of the CEQA Guidelines did not require recirculation of the Draft EIR, as the revisions made to the Draft EIR merely clarified or amplified information found in that document.

EXHIBIT B

Statement of Overriding Considerations

The California Environmental Quality Act (CEQA) requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a project against its unavoidable risks when determining whether to approve a project. If the specific economic, legal, social, technological or other benefits of the project outweigh the unavoidable adverse environmental effects, those effects may be considered acceptable (CEQA Guidelines Section 15093(a)).

In accordance with the requirements of CEQA and the state CEQA Guidelines, the City Council finds that the mitigation measures identified in the East Village Phase III Annexation Final EIR (final EIR), and the Mitigation Monitoring and Reporting Program, when implemented, avoid or substantially lessen virtually all of the significant effects identified in the Final EIR. However, the conversion of a quality agricultural site to an urban use and the loss of the mature windrow trees would remain significant and unavoidable project-level impacts despite consideration of mitigation measures. In addition, as per the 2030 General Plan Program EIR, cumulative impacts are significant for loss of agricultural land, air quality in the regional air basin, and greenhouse gas emissions would be cumulatively significant. Further, no mitigation measures are feasible to reduce the cumulative roadway noise impacts along Gonzales Road between Rice Avenue and Rose Avenue. The project contributes to these cumulative impacts.

The City has balanced the benefits of the East Village Phase III Annexation project against the unavoidable significant project-level and cumulative adverse impacts identified above in determining whether to approve the project and has determined that the benefits of the project outweigh the project-specific unavoidable agricultural resources, aesthetic (visual quality and character) impacts and cumulative agricultural resources, air quality, greenhouse gas emissions, traffic, and traffic-related noise impacts of the project. The benefits set forth below constitute overriding considerations warranting approval of the project:

1) The project will provide 402 single-family homes, up to 78,400 square feet of neighborhood commercial development and approximately 10 acres of parkland along with two new street right of ways; generating increased residential, recreational, business and employment opportunities the City of Oxnard. Development of the site with residential, commercial and recreational uses has been envisioned since the City of Oxnard prepared and approved the Northeast Community Specific Plan in 1993.
2) The project represents the continuation of a logical development pattern occurring in the surrounding area.
3) With the implementation of the 26 recommended mitigation measures the impacts of the project on air quality would be reduced to a less than significant level.
4) With the implementation of the two recommended mitigation measures the impacts of the project on cultural resources would be reduced to a less than significant level.
5) With the implementation of the three recommended mitigation measures the impacts of the project on geology, soils and seismicity would be reduced to a less than significant level.
6) With the implementation of the four recommended mitigation measures the impacts of the project on hydrology and water quality would be reduced to a less than significant level.
7) With the implementation of the two recommended mitigation measures the impacts of the project on noise would be reduced to a less than significant level.
8) With the implementation of the six recommended mitigation measures the impacts of the project on transportation and traffic would be reduced to a less than significant level. The developer would be required to either fully implement or pay a fair share contribution to the planned transportation improvements, which

brings the improvements one step closer to implementation.

9) With the implementation of the recommended mitigation measure the impacts of the project on fire protection would be reduced to a less than significant level.

10) With the implementation of the two recommended mitigation measures the impacts of the project on police protection would be reduced to a less than significant level.

11) With the implementation of the recommended mitigation measure the impacts of the project on schools would be reduced to a less than significant level.

12) With the implementation of the recommended mitigation measure the impacts of the project on libraries would be reduced to a less than significant level.

13) With the implementation of the eight recommended mitigation measures the impacts of the project on water supply would be reduced to a less than significant level. These mitigation measures provide for numerous improvements to be developed in synchronization with project development. The developer would be required to pay a fair share contribution to the planned water supply improvements (both recycled and potable), which brings the improvements one step closer to implementation.

14) With the implementation of the recommended mitigation measure the impacts of the project on biological resources would be reduced to a less than significant level.

15) With the implementation of the four recommended mitigation measures the impacts of the project on hazards and hazardous materials would be reduced to a less than significant level.

Based on the above facts:

The City Council finds that the benefits of the project outweigh the significant and unavoidable project impacts related to agricultural resources and aesthetic (visual quality and character) resources, and cumulative impacts to air quality, greenhouse gas emissions and roadway noise, which are deemed acceptable, consistent with Section 15093 of the CEQA Guidelines.

SUBSTANTIAL EVIDENCE

The City Council finds and declares that substantial evidence for each and every finding made herein is contained in the Draft EIR, Final EIR, and other related materials, each of which is incorporated herein by this reference, and in the record of proceedings in the matter. Moreover, the City Council finds that where more than one reason exists for any finding, the City Council finds that each reason independently supports such finding, and that any reason in support of a given finding individually constitutes a sufficient basis for that finding.

CITY OF OXNARD CALIFORNIA

Meeting Date: 02/05/2013

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

Prepared By: Daniel Martines, City Clerk Agenda Item No. N-1

Reviewed By: City Manager City Attorney Finance Other N/A

DATE: January 23, 2013

TO: City Council

FROM: Daniel Martinez, City Clerk

SUBJECT: **Appointment of Citizen Advisory Groups**

RECOMMENDATION

1. That the Mayor, with approval of the City Council, appoint:
   a. Eleven members to the Commission on Homelessness;
   b. Five members to the Library Board;
   c. Seven members to the Parks and Recreation Commission;
   d. Three members to the Planning Commission;
   e. Nine members to the Senior Services Commission; and,

2. That the City Council appoint:
   a. Seven members to the Community Relations Commission; and,
   b. Two members to the Housing Authority Board of Commissioners.

DISCUSSION

Appointments to these various boards, commissions and committees are to be made following a general election involving the office of Mayor. Therefore, staff recommends that the Mayor, with approval of the City Council, appoint: eleven members to the Commission on Homelessness; five members to the Library Board; seven members to the Parks and Recreation Commission; three members to the Planning Commission and nine members to the Senior Services Commission.

Staff recommends that the City Council, as a whole, appoint: seven members to the Community Relations Commission; and two members to the Housing Authority Board of Commissioners. The City Council will be polled as to their selection for each commission.

FINANCIAL IMPACT

None.

Attachment 1 – Vacancy Lists

VACANCY LIST
COMMISSION ON HOMELESSNESS
11 members with 2-year terms
Need to Fill 11 Positions to Expire 12/31/14

INCUMBENTS SERVING CURRENT TERMS	TERM NUMBER	EXPIRATION DATE
1. Castanon, Francine	1	12/31/12
2. Couey, Clarice	1	12/31/12
3. Courtland, David	1	12/31/12
4. Gomez, Jennifer	2	12/31/12
5. Gonzales, Salvador	1	12/31/12
6. Jones, Al	2	12/31/12
7. Perez, Frank	1	12/31/12
8. Rivera, Peggy	3	12/31/12
9. Stern, Rose "Leslye"	1	12/31/12
10. Tracy, Eileen	1	12/31/12
11. VACANT	N/A	12/31/12

APPLICANTS:

1. Altobano, Manuel (2)
2. Castanon, Francine*
3. Couey, Clarice*
4. Courtland, David*
5. Flores, Felipe (1)
6. Garcia, John A. (1)
7. Jones, Al *
8. MacIntosh, Stephen (1)
9. McLean, Michael (1)
10. Miller, Darlene (1)
11. Nero, Dwight E. (1)
12. Perez, Frank*
13. Powers, William F. (2)
14. Rivera, Peggy*
15. Stern, Rose "Leslye"*
16. Tougas, Ken (1)
17. Wolfel, Elizabeth E. (1)

Note: Members appointed by the Mayor, with approval of the City Council, per R-13,013, adopted on 03/07/06.
* Incumbent; (1) represents first choice; (2) second choice; (3) third choice

VACANCY LIST

LIBRARY BOARD

5 Members with 2-Year Terms
Need to Fill 5 Positions to Expire 12/31/14

INCUMBENTS SERVING CURRENT TERMS	TERM NUMBER	EXPIRATION DATE
1. Chaparro, Lorraine	12	12/31/12
2. Gentry, Jean	4	12/31/12
3. Stein, Yvette	3	12/31/12
4. Tejeda, Louie W	5	12/31/12
5. Van Riper, Norma	9	12/31/12

APPLICANTS:

1. Gentry, Jean*
2. Harris, David (2)
3. Kupperman, Mark D. (1)
4. Mitchell, Radell (1)
5. Ragan, John (1)
6. Stein, Yvette*
7. Uridel, Ruth (3)
8. Wolfel, Elizabeth E. (3)

(Appointed by Mayor -- O-2322 Part 1(A) on 12/14/93)
MUST FILE STATEMENT OF ECONOMIC INTERESTS FORM 700
* Incumbent; (1) represents first choice; (2) second choice; (3) third choice

VACANCY LIST
PARKS & RECREATION COMMISSION
7 Members with 2-Year Terms
Need to Fill 7 Positions to Expire 12/31/14

INCUMBENTS SERVING CURRENT TERMS	TERM NUMBER	EXPIRATION DATE
1. Barber, Johnnie	7	12/31/12
2. Cobb, Edgar Leroy	4	12/31/12
3. Garcia, Armando	9	12/31/12
4. Lemos, Paul	3	12/31/12
5. Pinkard, Bedford	3	12/31/12
6. Postel, Gloria	8	12/31/12
7. Sumersille, Dale	1	12/31/12

APPLICANTS:

1. Altobano, Manuel (1)
2. Barber, Johnnie*
3. Batistic, Charlotte E. (2)
4. Brainard, Kay (2)
5. Cobb, Edgar Leroy*
6. Dominy, Russell (2)
7. Donlon, Sean (2)
8. Frost, Daniel (1)
9. Garcia, Armando*
10. Garcia, David (3)
11. Graham, Paul (2)
12. Guttman, Ray (1)
13. Lemos, Paul*
14. Pinkard, Bedford*
15. Postel, Gloria M.*
16. Quintana, Mario (2)
17. Ragan, John (2)
18. Rahn, Nancy (1)
19. Sumersille, Dale*
20. Torres, Jose A. (1)
21. Tougas, Ken (3)

Note: Members appointed by Mayor, with approval by City Council, per O-2467, Article XII, adopted on 5/19/98.
* Incumbent; (1) represents first choice; (2) second choice; (3) third choice

VACANCY LIST
PLANNING COMMISSION
7 Members with 4-Year Terms
Need to Fill 3 Positions to Expire 12/01/16

INCUMBENTS SERVING CURRENT TERMS	TERM NUMBER	EXPIRATION DATE
1. Guevara, Gilbert	1	12/01/14
2. Huber, Stephen	1	12/01/14
3. Murguia, Anthony	1	12/01/14
4. Stewart, Vincent	1	12/01/14
5. Medina, Saul	2	12/01/12
6. Mullin, Patrick	1	12/01/12
7. Nash, Steven	1	12/01/12

APPLICANTS:

1. Dominy, Russell (1)
2. Donlon, Sean (1)
3. Dozier, Orlando (1)
4. Durante, Philip (1)
5. Flores, Felipe (3)
6. Garcia, Miguel (1)
7. Guttman, Ray (2)
8. Harris, David (1)
9. Mullin, Patrick*
10. Nash, Steven*
11. Nichols, Mina (1)
12. Okada, Sonny (1)
13. Powers, William (1)
14. Quintana, Mario (1)
15. Rowberg, Kenneth G. (1)

Note: Members appointed by the City Council, per O-2445 limits to two continuous terms, adopted on 10/28/1997.

* Incumbent; (1) represents first choice; (2) second choice; (3) third choice

VACANCY LIST
SENIOR SERVICES COMMISSION
9 Members with 2-year terms
Need to Fill 9 Positions to Expire 12/31/14

INCUMBENTS SERVING CURRENT TERMS		TERM NUMBER	EXPIRATION DATE
1.	Davis, Preston	1	12/31/12
2.	Esparza, Adamelia	4	12/31/12
3.	Fischer, Ron	1	12/31/12
4.	Ford, Deshay	1	12/31/12
5.	Kobashigawa, Nancy	1	12/31/12
6.	Rowe, Nancy	2	12/31/12
7.	Thibeault, Donald	3	12/31/12
8.	Sweetland, Alice	1	12/31/12
9.	Yu, Lourdes Villareal	1	12/31/12

APPLICANTS:

1. Batistic, Charlotte E. (3)
2. Brainard, Kay (3)
3. Davis, Preston*
4. Digneo, Joann T. (1)
5. Esparza, Adamelia *
6. Fischer, Ron *
7. Harris, David (3)
8. Kelly, Travis (2)
9. Kobashigawa, Nancy *
10. Madrid, Alice P. (1)
11. Nichols, Mina (2)
12. Pinkard, Joyce J. (1)
13. Rowe, Nancy*
14. Sweetland, Alice*
15. Tougas, Ken (2)
16. Uridel, Ruth Marie (1)
17. Yu, Lourdes Villareal*

Note: Members appointed by the Mayor, with approval of the City Council, per O-2467, adopted on 05/19/98.
* Incumbent; (1) represents first choice; (2) second choice; (3) third choice

VACANCY LIST
COMMUNITY RELATIONS COMMISSION
7 members with 2-year terms
Need to Fill 7 Positions to Expire 12/31/14

INCUMBENTS SERVING CURRENT TERMS	TERM NUMBER	EXPIRATION DATE
1. Baxter, Mike	8	12/31/12
2. Castaneda, Joseph	1	12/31/12
3. Lopez, Tiffany	3	12/31/12
4. Mitchell, Bruce	4	12/31/12
5. Reyes, Margaret	4	12/31/12
6. Robinson, Kenneth	7	12/31/12
7. Stein, Ernest	1	12/31/12

APPLICANTS:

1. Batistic, Charlotte E. (1)
2. Baxter, Mike*
3. Castaneda, Joseph*
4. Dozier, Orlando (2)
5. Garcia, David (1)
6. Garcia, Miguel (2)
7. Graham, Paul (1)
8. Guttman, Ray (3)
9. Kelly, Travis (1)
10. Mitchell, Bruce M.*
11. Quintana, Mario (3)
12. Robinson, Kenneth*
13. Stein, Ernest*
14. Torres, Jose A. (2)
15. Wolfel, Elizabeth E. (2)

Note: Members appointed by the City Council, per O-2322, adopted on 12/14/93.
* Incumbent; (1) represents first choice; (2) second choice; (3) third choice

VACANCY LIST
HOUSING AUTHORITY
2 members with 2-year terms
Need to Fill 2 Positions to Expire 11/30/14

INCUMBENTS SERVING CURRENT TERMS	TERM NUMBER	EXPIRATION DATE
1. Andrade, Jose	2	11/30/12
2. Vega, Francisco	2	11/30/12

APPLICANTS:

1. Andrade, Jose *
2. Vega, Francisco *

Appointed by City Council, Creation Date: 4-03-45; R-514
MUST FILE STATMENT OF ECONOMIC INTERESTS FORM 700
* Incumbent

CITY OF
OXNARD
CALIFORNIA

Meeting Date: 2 / 05 / 13

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

Prepared By: Martin R. Erickson MRE Agenda Item No. N-2

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

DATE: January 24, 2013

TO: City Council

FROM: Karen R. Burnham
Interim City Manager

SUBJECT: **Measure O Citizen Oversight Committee Appointments**

RECOMMENDATION

That City Council appoint nine members of the Measure O Citizen Oversight Committee (COC).

DISCUSSION

On November 4, 2008 Measure O was approved by Oxnard voters by 65.10% (although it only required a 50% plus one as a general purpose sales tax). The basis for the COC is contained in the Measure O enabling Ordinance and "citizen oversight" was also listed as a provision in the ballot language, listed below:

> "City of Oxnard Vital Services Measure: To protect, maintain, and enhance vital services including police, fire, emergency response, increasing street paving/pothole repair to improve traffic flow, expanding youth recreation, after school and anti-gang prevention programs, acquiring property for parks/open space preservation, upgrading stormwater drains, improving senior services, increasing code compliance, and other general services -- shall the sales tax be increased by one half percent for twenty years only, with citizen oversight and independent financial audits?"

The nine-member composition of the COC is as follows:

- One (1) member representing and/or active in a business organization representing the business community located in the City of Oxnard
- One (1) member representing and/or active in a senior citizen organization providing senior services in the City of Oxnard.
- One (1) member representing and/or active in a Neighborhood Council, or Neighborhood Association located in the City of Oxnard.
- One (1) member representing and/or active in a City youth organization providing services to youth between the ages of 5 and 18 years of age in the City of Oxnard.
- Five (5) at-large members of the public, one appointed by each member of the City Council.

The current committee consists of the following individuals:

1. Nancy Lindholm (business community member) REAPPLYING
2. Don Thibeault (senior organization member) REAPPLYING
3. Steve Cripps (Neighborhood Council member) REAPPLYING
4. Chuck Hookstra (Youth organization member) REAPPLYING
5. Joseph Munoz (at-large member) REAPPLYING
6. Gloria M. Postel (at-large member) REAPPLYING
7. Kimberley Gibas (at-large member) REAPPLYING
8. Kenisha Amar (at-large member) NOT REAPPLYING
9. Vacant (at-large member)

The COC has reviewed Measure O expenditures approved by the City Council. Additionally, the COC has received presentations from the Oxnard Police Department, Oxnard Fire Department and Public Works Department on various Measure O funded projects, from enhanced police services to street repairs. The COC also played a role in providing input for the Measure O Community Report, which was mailed to Oxnard residents in the utility bill and detailed Measure O expenditures. The COC also reviewed and approved the independent audit of Measure O funding.

While the scope of the COC is clearly defined to review Measure O expenditures, and not set policy or determine how funds are expended, some COC committee members have expressed a desire to explore how their oversight role might be expanded, perhaps by the creation of sub-committees, to examine specific issues that have arisen concerning the Measure O expenditures. Staff will work with the COC to place these issues on the agenda for the next meeting, which will be scheduled for March, 2013.

FINANCIAL IMPACT

There is no financial impact at this time.

Attachment #1 COC committee applicants by category (including incumbents and new applicants)

MEASURE O CITIZEN OVERSIGHT COMMITTEE

INCUMBENT SERVING CURRENT TERMS	EXPIRATION DATE
1. Amar, Kenisha	12-31-12
2. Cripps, R.S.	12-31-12
3. Gibas, Kimberley	12-31-12
4. Hookstra, Charles	12-31-12
5. Lindholm, Nancy	12-31-12
6. Munoz, Joseph M.	12-31-12
7. Postel, Gloria M.	12-31-12
8. Thibeault, Dr. Donald W.	12-31-12
9. Vacant	12-31-12

APPLICATIONS:

Business Organization (1)
Lindholm, Nancy*

Neighborhood Council/Association (1)
Cripps, R. Steven*

Senior Citizen Organization (1)
Thibeault, Dr. Donald W.*

Youth Organization (1)

Member at-large (1)
Brainard, Kay
Garcia, David H.
Gibas, Kimberley A.*
Franco, Marcela
Munoz, Joseph M.*
Postel, Gloria, M.*

Note:
*Incumbent re-applying

ATTACHMENT 1
PAGE 1 OF 1