

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



AGENDA
OXNARD CITY COUNCIL
OXNARD COMMUNITY DEVELOPMENT COMMISSION SUCCESSOR AGENCY
***OXNARD FINANCING AUTHORITY**
OXNARD HOUSING AUTHORITY
Regular Meetings
City Council Chambers, 305 West Third Street, Oxnard
February 12, 2013
7:00 P.M.

A. ROLL CALL/POSTING OF AGENDA

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

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

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

C. CLOSED SESSION

D. OPENING CEREMONIES – 7:00 P.M.

Pledge of allegiance to the flag of the United States.

E. CEREMONIAL CALENDAR

1. SUBJECT: Recognition of the Senior Services "Bone Builder" Program

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

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

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

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

G. REVIEW OF INFORMATION/CONSENT AGENDA

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

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

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

I. INFORMATION/CONSENT AGENDA

City Clerk Department

1. SUBJECT: Minutes of the Regular Meeting of the Oxnard Housing Authority for November 27, December 4 and 11, 2012, January 8 and 15, and February 5, 2013. Minutes of the Special Meeting of the Oxnard Housing Authority for December 4, 2012. (001)

RECOMMENDATION: Approve.

Legislative Body: HA

Contact: Daniel Martinez

Phone: 385-7805

City Manager Department

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

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

City Treasurer Department

3. SUBJECT: Quarterly Investment Report for the Second Quarter F/Y 2012-2013. (013)

RECOMMENDATION: Accept the quarterly Investment Report for the Second Quarter F/Y 2012-2013.

Legislative Body: CC

Contact: Danielle M. Navas

Phone: 385-7810

Fire Department

4. SUBJECT: Formal Adoption of 2010 Ventura County Hazard Mitigation Plan (HMP) 5 Year Update. (021)

RECOMMENDATION: Approve a resolution adopting the 2010 Ventura County Hazard Mitigation Plan (HMP) 5 Year Update.

Legislative Body: CC

Contact: Deborah O'Malia

Phone: 385-7717

5. SUBJECT: State Homeland Security Grant. (025)

RECOMMENDATION: 1) Approve the City's receipt of \$60,000 in grant revenue from the State Homeland Security Grant (SHSG) and authorize the Interim City Manager to execute the 2011 Grant Assurances on the City's behalf; and 2) Approve a special budget appropriation in the amount of \$60,000 for Hazardous Materials Response training and equipment.

Legislative Body: CC

Contact: Brad Windsor

Phone: 385-7709

1. **SUBJECT:** Planning and Zoning Permit Nos. 12-500-03 (Special Use Permit) and 12-300-02 (Tentative Parcel Map), Southeast of the Intersection of West Pleasant Valley Road and Charles Street. (051)
- RECOMMENDATION:** 1) Adopt a resolution upholding the Planning Commission's approval of Special Use Permit No. 12-500-03 to develop four single-family residences on property zoned General Commercial Planned Development (C-2-PD), subject to the findings and conditions set forth in Resolution No. 2012-27; and 2) Adopt a resolution approving Tentative Parcel Map No. 12-300-02 to divide two parcels into four, subject to the findings and conditions set forth in Resolution No. 2012-28.
- Legislative Body: CC Contact: Douglas J. Spondello Phone: 385-3919

2. 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. (123)

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

Finance Department

3. SUBJECT: Comprehensive Annual Financial Report for Fiscal Year 2011-12. (209)

RECOMMENDATION: Receive and file the City of Oxnard Comprehensive Annual Financial Report (CAFR) for Fiscal Year (FY) 2011-12.

Legislative Body: CC

Contact: James Cameron

Phone: 385-7461

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 - 7:30 P.M.

1. SUBJECT: Oxnard Convention and Visitors Bureau (OCVB) Annual Report and Dallas Cowboys Economic Impact.

RECOMMENDATION: Receive verbal report and provide comments.

Legislative Body: CC

Contact: Grace Magistrale Hoffman

Phone: 385-7445

R. STUDY SESSION

Public Works Department

1. SUBJECT: Utility Rates Assistance Program Options. (211)

RECOMMENDATION: Receive a report on options for a potential program to provide financial assistance on City utility bills to extremely low income senior citizens and provide direction to staff.

Legislative Body: CC

Contact: Anthony Emmert

Phone: 207-1669

S. PUBLIC COMMENTS ON STUDY SESSION

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

T. ADJOURNMENT

MINUTES
OXNARD HOUSING AUTHORITY
Regular Meeting
November 27, 2012

AGENDA ITEM NO.

I-1

E. ROLL CALL/POSTING OF AGENDA

At 7:03 p.m., the regular meeting of the Oxnard Housing Authority convened in the Council Chambers, concurrently with City Council, Industrial Development Financing Authority, Finance Authority, and Parking Authority. Commissioners Thomas E. Holden, Irene G. Pinkard, Timothy B. Flynn, Carmen Ramirez, Jose Andrade and Francisco Vega were present. Commissioner Bryan A. MacDonald was absent. The Secretary Designate stated that the agenda was posted on Thursday in the Library and City Clerk's Office. Chairperson Holden presided and called the meeting to order. Staff members present were: Daniel Martinez, Secretary Designate; Karen Burnham, Assistant Executive Secretary; Alan Holmberg, General Counsel; William "Bill" Wilkins, Housing Director; Grace Magistrale Hoffman, Deputy Executive Secretary; and Martin Erickson, Special Assistant to the City Manager.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

C. CLOSED SESSION

D. OPENING CEREMONIES

The meeting opened with the pledge of allegiance to the flag of the United States by Michael Meade, Boy Scout Troop 487, followed by a moment of silence.

E. CEREMONIAL CALENDAR

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

G. REVIEW OF INFORMATION/CONSENT AGENDA

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

I. INFORMATION/CONSENT AGENDA

City Clerk Department

2. SUBJECT: Minutes of the Oxnard Housing Authority for October 23, 2012 and November 6, 2012. (009)
RECOMMENDATION: Approve.

Housing Department

11. SUBJECT: Affordable Housing Loan Agreement in the Total Sum of \$3.3 Million and Agreement of Limited Partnership of Terraza de Las Cortes, L.P. Project Located within the Las Brisas Specific Plan. (123)

RECOMMENDATION: That the Oxnard Housing Authority Board of Commissioners approve the agreement of Limited Partnership of Terraza de Las Cortes and authorize the Housing Director to execute the agreement (A-7537).*

12. SUBJECT: Amendment of Affordable Housing Loan Agreement Previously Approved by the City Council June 21, 2011, and Amended on December 13, 2011, Regarding the Las Villas de Paseo Nuevo Project Located in the Cypress Neighborhood Southwest of the Intersection of Cypress Road and Pleasant Valley Road. (185)

RECOMMENDATION: Approve and authorize the Mayor to execute a Second Amendment to the Affordable Housing Pre-Development and Construction Loan Agreement eliminating the payment in-lieu of taxes (PILOT) from the agreement.

13. SUBJECT: Low Rent Public Housing Budget Revision for Fiscal Year 2013. (205)

RECOMMENDATION: 1) Adopt a resolution approving and adopting a revision to the Low Rent Public Housing program ("LRPH") budget for fiscal year 2013; and 2) Approve and authorize the use of \$232,680 of operational reserves to fund the additional work items in the LRPH program.

INFORMATION/CONSENT AGENDA ACTION: Approved as recommended. (Andrade/Vega)
Ayes: Pinkard, Flynn, Ramirez, Andrade and Vega and Holden. Absent: MacDonald. * Noes:
Ramirez I-11 only.

J. TRANSMITTAL OF INFORMATION ONLY ITEMS

K. INFORMATION/CONSENT PUBLIC HEARINGS

L. PUBLIC HEARINGS

M. REPORT OF SECRETARY

N. HOUSING AUTHORITY COMMISSION BUSINESS/COMMITTEE REPORTS

CITY COUNCIL/ FINANCING AUTHORITY /PARKING AUTHORITY/INDUSTRIAL
DEVELOPMENT FINANCING AUTHORITY

At 9:17 p.m. the joint meetings with the City Council, Financing Authority, Parking Authority and Industrial Development Financing Authority concluded.

O. REPORTS

P. PUBLIC COMMENTS ON REPORTS

Q. APPOINTMENT ITEMS

R. STUDY SESSION

S. PUBLIC COMMENTS ON STUDY SESSION

T. ADJOURNMENT

At 9:17 p.m. the Housing Authority concurred to adjourn the meeting.

DANIEL MARTINEZ
Secretary Designate

DR. THOMAS E. HOLDEN
Chairperson

DRAFT

MINUTES

OXNARD HOUSING AUTHORITY

Regular Meeting
December 4, 2012

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

DANIEL MARTINEZ
Secretary Designate

TIM FLYNN
Chairperson

MINUTES

OXNARD HOUSING AUTHORITY

Regular Meeting
December 11, 2012

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

DANIEL MARTINEZ
Secretary Designate

TIM FLYNN
Chairperson

MINUTES

OXNARD HOUSING AUTHORITY

Regular Meeting

January 8, 2013

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

DANIEL MARTINEZ
Secretary Designate

TIM FLYNN
Chairperson

MINUTES

OXNARD HOUSING AUTHORITY

Regular Meeting

January 15, 2013

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

DANIEL MARTINEZ
Secretary Designate

TIM FLYNN
Chairperson

MINUTES

OXNARD HOUSING AUTHORITY

Regular Meeting

February 5, 2013

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

DANIEL MARTINEZ
Secretary Designate

TIM FLYNN
Chairperson

MINUTES

OXNARD HOUSING AUTHORITY

Special Meeting
December 4, 2012

A. ROLL CALL/POSTING OF AGENDA

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

B. OPENING CEREMONIES

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

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.

A. PUBLIC COMMENTS

B. PUBLIC COMMENTS

E. HOUSING AUTHORITY

City Manager Department

1. SUBJECT: 2013 Meeting Schedule for Legislative Bodies. (009)
RECOMMENDATION: That 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/Vega) unanimously.

CITY COUNCIL/COMMUNITY DEVELOPMENT SUCCESSOR AGENCY/FINANCING
AUTHORITY

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

F. ADJOURNMENT

At 8:44 p.m. the Housing Authority concurred to adjourn the meeting.

DANIEL MARTINEZ
Secretary Designate

TIM FLYNN
Chairperson



Meeting Date: 2/12/2013

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 mmh City Attorney WJ Finance AC Other (Specify) _____

DATE: February 6, 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 02/12/2013

Item	Type	Department/Contact	Vendor/Agreement Number	Description/Purpose	Amount
A	Original Agreement	City Attorney Alan Holmberg 385-7483	Colantuono & Levin, PC Agreement No. 6097-12-CA	Attorney Services Agreement re Litigation Against Sempra Energy Co. Attorney Services Agreement to retain special legal counsel for the City to initiate and pursue litigation against Sempra Energy Co. and others concerning utility relocation costs in connection with construction of the Rice/101 Highway Interchange. Firm chosen based on project experience. Agreement is a not to exceed amount of \$240,000. Total Contract Amount: \$240,000 FundingSource: Federal Grant/Gas Tax	\$240,000
B	Original Agreement	City Attorney Alan Holmberg 385-7483	Price Postel & Parma LLP Agreement No. 6135-13-CA	Attorney Services Agreement Attorney Services Agreement for litigation filed against Successor Agency regarding Resale Restriction Agreements. Firm chosen based upon experience. Agreement is a not to exceed amount of \$75,000. Total Contract Amount: \$75,000 FundingSource: Redevelopment Property Tax Trust Fund	\$75,000

ATTACHMENT
PAGE 1 OF 1

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

Prepared By: Danielle M. Navas

Agenda Item No. I-3Reviewed By: City Manager [Signature]City Attorney [Signature]Finance [Signature]

Other (Specify) _____

DATE: January 15, 2013**TO:** City Council**FROM:** Danielle M. Navas, City Treasurer[Signature: Danielle M. Navas]**SUBJECT:** Quarterly Investment Report for the Second Quarter F/Y 2012-2013**RECOMMENDATION**

That City Council accept the quarterly Investment Report for the Second Quarter F/Y 2012-2013.

DISCUSSION

The City Treasurer will continue to provide this quarterly report to keep you informed of the status of the investment portfolio, however, it is no longer required by state law. This is one of many previously reimbursable state mandated items not required due to lack of state funding. The Investment Policy was presented to City Council with the Annual Report of Investment Policy on September 25, 2012. The City of Oxnard Treasurer's Office Market Report as of December 31, 2012 is provided as Attachment 1. The source of the market values is Sungard, the vendor of the City's investment reporting system. Investments in the City's portfolio meet the requirements of the City of Oxnard's adopted investment policy. Detailed information regarding individual investments is maintained in the City Treasurer's Office.

The following statistics provide a summary on the status of the portfolio as of December 31, 2012:

Original cost of investments	\$ 92,997,960	Book Value
Total to be received at maturity	\$ 93,000,000	Par Value
If sold on December 31, 2012	\$ 93,570,660	Market Value
Gain/ (Loss) if sold on December 31, 2012	\$ 572,700*	

*All investments purchased are held to maturity. Sufficient liquidity is maintained for unexpected needs so that sale of an investment is not necessary. Any gain or loss related to changing market value is only a "paper" gain or loss, not an increase or decrease in the funds of the City.

Total earnings (2nd quarter)	\$ 243,250	
Average yield (2nd quarter)	.89%	(for the month .93%)
Average days to maturity (2nd quarter)	749	(for the month 828 days)

Subject: Quarterly Investment Report for the Second Quarter F/Y 2012-2013

January 15, 2013

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The quarterly average yield on the portfolio was .89 percent compared with the Local Agency Investment Fund (LAIF) yield of .33 percent for the same period. The LAIF portfolio is comprised of public funds invested on a short-term basis with priority of safety first followed by need for liquidity and yield, the priorities of the City Treasurer's Investment Policy.

The federal funds rate remains unchanged at .00 to .25 percent.

In compliance with California Government Code section 53646, I hereby certify that sufficient investment liquidity and anticipated revenues are available to meet the City's budgeted and anticipated expenditure requirements for the next six months.

FINANCIAL IMPACT

None at this time.

Attachment #1 –Investment Inventory as of December 31, 2012

Attachment #2 – Benchmark Rate Comparison

Inventory by Market Value

As Of Date: 12/31/2012

Date Basis: Settlement

City of Oxnard-Treasurer's Office

Inv. No.	Description	CUSIP	Purchase Maturity	Coupon YTM TR	Current Par /Share Current Book	Market Value Market Price	Curr Accr Int Price Source
Inv Type: 12 FEDERAL HOME LOAN BANK BONDS							
16849	FHLB	313370KU1	08/16/2010	1.500000	2,000,000.00	2,045,600.00	2,750.00
			11/28/2014	1.500000	2,000,000.00	102.280000	SUNGARD
16862	FHLB	313370ZX9	09/20/2010	1.125000	2,000,000.00	2,018,760.00	6,312.50
			12/30/2013	1.125000	2,000,000.00	100.938000	SUNGARD
16878	FHLB	313372QK3	02/17/2011	2.600000	2,000,000.00	2,118,100.00	21,955.56
			01/29/2016	2.600000	2,000,000.00	105.905000	SUNGARD
16897	FHLB	313374T42	07/29/2011	1.500000	2,000,000.00	2,012,860.00	12,666.67
			07/29/2015	1.500000	2,000,000.00	100.643000	SUNGARD
16913	FHLB	313378CB5	02/17/2012	.600000	2,000,000.00	2,011,920.00	5,033.33
			07/30/2015	.600000	2,000,000.00	100.596000	SUNGARD
16921	FHLB	313379B65	05/15/2012	.600000	2,000,000.00	2,000,080.00	1,533.33
			05/15/2015	.600000	2,000,000.00	100.004000	SUNGARD
16924	FHLB	313379J34	06/06/2012	1.150000	2,000,000.00	2,012,380.00	1,597.22
			06/06/2017	1.160322	1,999,100.77	100.619000	SUNGARD
16937	FHLB	313381AD7	11/21/2012	.700000	2,000,000.00	2,003,540.00	1,555.56
			11/21/2016	.700000	2,000,000.00	100.177000	SUNGARD
Subtotal				1.221879	16,000,000.00	16,223,240.00	53,404.17
				1.223169	15,999,100.77	101.395250	
Inv Type: 13 FEDERAL NATIONAL MORTGAGE ASSN							
16854	FNMA	31398A3G5	09/08/2010	1.500000	2,000,000.00	2,036,240.00	9,416.67
			09/08/2014	1.500000	2,000,000.00	101.812000	SUNGARD
16858	FNMA	3136FPEW3	09/16/2010	1.500000	2,000,000.00	2,044,960.00	1,250.00
			12/16/2014	1.500000	2,000,000.00	102.248000	SUNGARD
16860	FNMA	3136FPEX1	09/17/2010	1.125000	2,000,000.00	2,005,040.00	875.00
			12/17/2013	1.125000	2,000,000.00	100.252000	SUNGARD
16914	FNMA	3136FTL98	02/22/2012	1.200000	2,000,000.00	2,002,280.00	8,600.00
			02/22/2017	1.200000	2,000,000.00	100.114000	SUNGARD
16919	FNMA	3135G0JQ7	04/04/2012	1.090000	2,000,000.00	2,004,640.00	5,268.33
			04/04/2016	1.090000	2,000,000.00	100.232000	SUNGARD
16923	FNMA	3136G0KQ3	05/25/2012	1.200000	2,000,000.00	2,017,960.00	2,533.33
			05/23/2017	1.200000	2,000,000.00	100.898000	SUNGARD
16931	FNMA	3136G0ZG9	08/28/2012	1.150000	2,000,000.00	2,010,160.00	7,858.33
			08/28/2017	1.150000	2,000,000.00	100.508000	SUNGARD
16935	FNMA	3136G02U4	11/14/2012	.625000	2,000,000.00	1,997,080.00	1,631.94
			11/14/2016	.625000	2,000,000.00	99.854000	SUNGARD
16936	FNMA	3136G04S7	11/21/2012	.750000	2,000,000.00	2,001,020.00	1,666.67
			02/21/2017	.750000	2,000,000.00	100.051000	SUNGARD



Inventory by Market Value

As Of Date: 12/31/2012

Date Basis: Settlement

City of Oxnard-Treasurer's Office

Inv. No.	Description	CUSIP	Purchase Maturity	Coupon YTM TR	Current Par /Share Current Book	Market Value Market Price	Curr Accr Int Price Source
Subtotal				1.126667	18,000,000.00	18,119,380.00	39,100.27
				1.126667	18,000,000.00	100.663222	
Inv Type: 17 FEDERAL FARM CREDIT BANK BONDS							
16911	FFCB	31331K5T3	01/11/2012	1.020000	2,000,000.00	2,000,440.00	9,633.33
			01/11/2016	1.020000	2,000,000.00	100.022000	SUNGARD
16918	FFCB	3133EAJW9	04/02/2012	.740000	2,000,000.00	2,003,160.00	3,658.89
			04/02/2015	.740000	2,000,000.00	100.158000	SUNGARD
16920	FFCB	3133EAPB8	05/02/2012	1.230000	2,000,000.00	2,006,540.00	4,031.67
			05/02/2017	1.230000	2,000,000.00	100.327000	SUNGARD
16928	FFCB	3133EAP28	08/22/2012	1.100000	2,000,000.00	2,009,740.00	7,883.33
			08/22/2017	1.100000	2,000,000.00	100.487000	SUNGARD
16929	FFCB	3133EAP28	08/22/2012	1.100000	2,000,000.00	2,009,740.00	7,883.33
			08/22/2017	1.100000	2,000,000.00	100.487000	SUNGARD
16933	FFCB	3133EA3J5	10/10/2012	.900000	2,000,000.00	1,997,820.00	4,050.00
			10/10/2017	.900000	2,000,000.00	99.891000	SUNGARD
16934	FFCB	333EA4H84	10/11/2012	.820000	2,000,000.00	2,000,000.00	3,644.44
			07/11/2017	.820000	2,000,000.00	100.000000	BOOK
Subtotal				.987143	14,000,000.00	14,027,440.00	40,784.99
				.987143	14,000,000.00	100.196000	
Inv Type: 23 OTHER GOVERNMENT AGENCIES							
16912	FHLMC	3134G3GP9	01/11/2012	1.250000	2,000,000.00	2,000,540.00	11,805.56
			01/11/2017	1.250000	2,000,000.00	100.027000	SUNGARD
16915	FHLMC	3134G3PE4	02/24/2012	.850000	2,000,000.00	2,000,000.00	5,997.22
			02/24/2016	.850000	2,000,000.00	100.000000	UPRICE
16922	FHLMC	3134G3UQ1	05/15/2012	1.150000	2,000,000.00	2,018,400.00	2,938.89
			05/15/2017	1.150000	2,000,000.00	100.920000	SUNGARD
16927	FHLMC	3134G3ZR4	08/07/2012	1.000000	2,000,000.00	1,993,020.00	8,000.00
			08/07/2017	1.000000	2,000,000.00	99.651000	SUNGARD
Subtotal				1.062500	8,000,000.00	8,011,960.00	28,741.67
				1.062500	8,000,000.00	100.149500	
Inv Type: 81 MUNICIPAL BONDS							
16873	MUNI	544587U55	11/23/2010	3.185000	1,000,000.00	1,000,000.00	5,308.33
			11/01/2013	3.185000	1,000,000.00	100.000000	BOOK
Subtotal				3.185000	1,000,000.00	1,000,000.00	5,308.33
				3.185000	1,000,000.00	100.000000	
Inv Type: 85 DEPOSIT NOTES							
16844	MTN	36962G4L5	07/08/2010	3.500000	2,000,000.00	2,125,240.00	388.89
			06/29/2015	3.500000	2,000,000.00	106.262000	SUNGARD

Inventory by Market Value

As Of Date: 12/31/2012

Date Basis: Settlement

City of Oxnard-Treasurer's Office

Inv. No.	Description	CUSIP	Purchase Maturity	Coupon YTM TR	Current Par /Share Current Book	Market Value Market Price	Curr Accr Int Price Source
16868	MTN	931142CX9	10/25/2010	1.500000	2,000,000.00	2,058,540.00	5,500.00
			10/25/2015	1.510420	1,999,400.88	102.927000	SUNGARD
			Subtotal	2.500150	4,000,000.00	4,183,780.00	5,888.89
				2.505359	3,999,400.88	104.594500	
Inv Type: 86 DEPOSIT NOTES QUARTERLY							
16932	MTN	36962G5Y6	06/07/2012	1.500000	2,000,000.00	2,004,860.00	2,583.33
			05/30/2017	1.506253	1,999,458.42	100.243000	SUNGARD
			Subtotal	1.500000	2,000,000.00	2,004,860.00	2,583.33
				1.506253	1,999,458.42	100.243000	
Inv Type: 99 PASSBOOK INTEREST							
16434	LOCAL AGENCY INVEST		07/01/2002	.327502	30,000,000.00	30,000,000.00	36,753.02
			01/01/2013	.327502	30,000,000.00	100.000000	BOOK
			Subtotal	.327502	30,000,000.00	30,000,000.00	36,753.02
				.327502	30,000,000.00	100.000000	
Grand Total			Count 33	.947949	93,000,000.00	93,570,660.00	212,564.67
				.948529	92,997,960.07	100.613613	

*Includes Accrued Discount: **\$560.07**
 Earned Interest Yield This Period: **0.93%**

"Per Government Requirements, there are adequate funds available to meet budgeted and actual expenses for the next thirty days"

Inventory by Market Value

As Of Date: 12/31/2012

Date Basis: Settlement

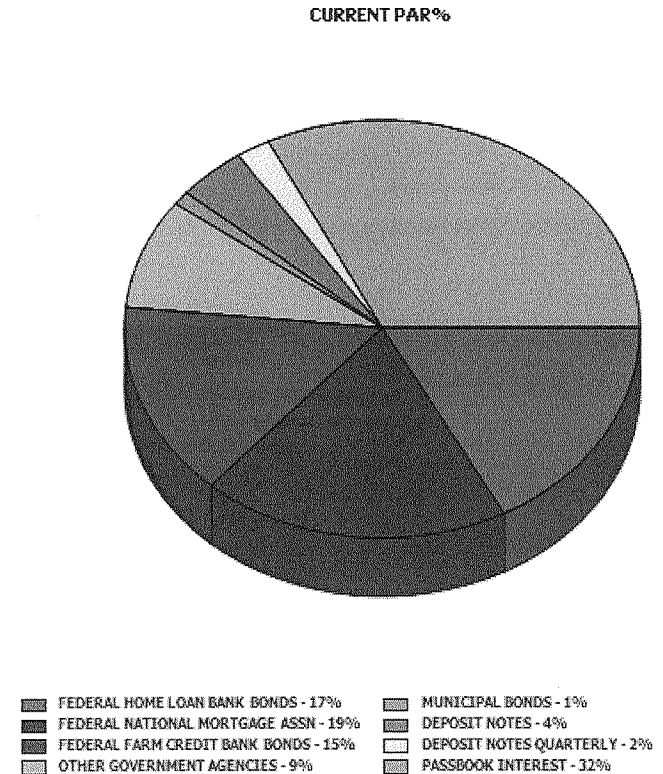
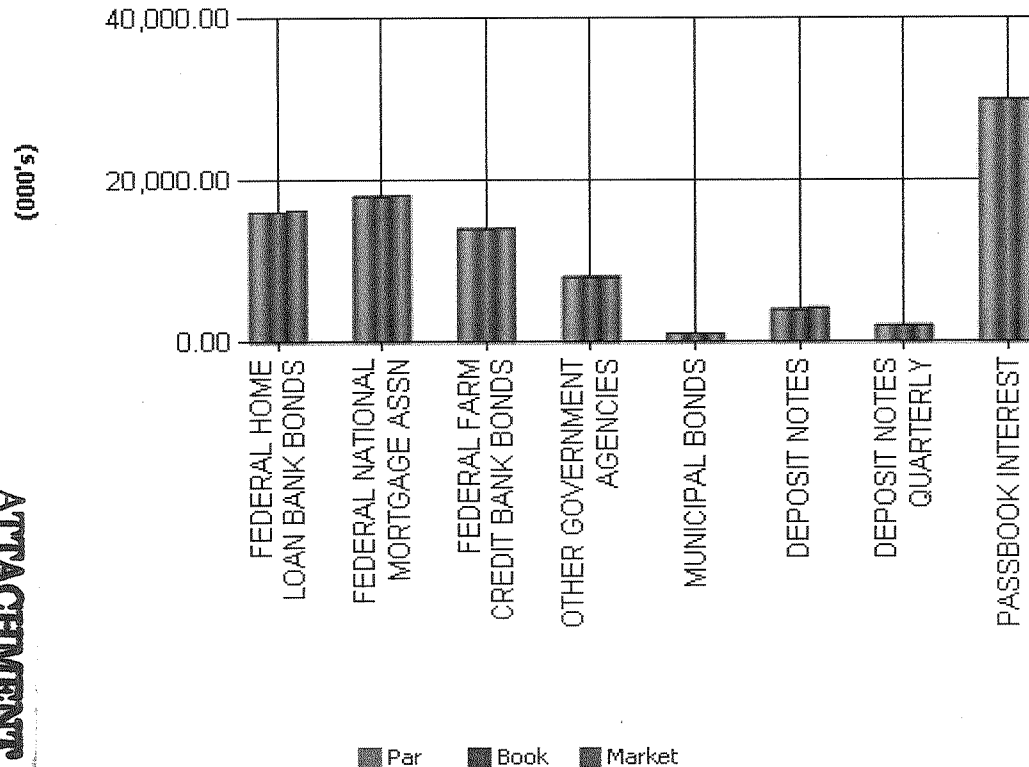
Run: 01/03/2013 10:05:39 AM

Reporting Currency: Local

City of Oxnard-Treasurer's Office

Assets (000's)	Current Par	Current Book	Market	MKT/Book	Yield
FEDERAL HOME LOAN BANK BONDS	16,000,000.00	15,999,100.77	16,223,240.00	101.40%	1.22%
FEDERAL NATIONAL MORTGAGE ASSN	18,000,000.00	18,000,000.00	18,119,380.00	100.66%	1.13%
FEDERAL FARM CREDIT BANK BONDS	14,000,000.00	14,000,000.00	14,027,440.00	100.20%	0.99%
OTHER GOVERNMENT AGENCIES	8,000,000.00	8,000,000.00	8,011,960.00	100.15%	1.06%
MUNICIPAL BONDS	1,000,000.00	1,000,000.00	1,000,000.00	100.00%	3.19%
DEPOSIT NOTES	4,000,000.00	3,999,400.88	4,183,780.00	104.61%	2.51%
DEPOSIT NOTES QUARTERLY	2,000,000.00	1,999,458.42	2,004,860.00	100.27%	1.51%
PASSBOOK INTEREST	30,000,000.00	30,000,000.00	30,000,000.00	100.00%	0.33%
Totals(000's)	93,000,000.00	92,997,960.07	93,570,660.00	100.62%	0.95%

Asset Allocation



**CITY OF OXNARD BENCHMARK COMPARISON
VS. LAIF AND 2-YR TREASURIES
as of December 31, 2012**

<u>FISCAL YEAR</u>		<u>CITY</u>	<u>LAIF</u>	<u>2 YR TREASURY</u>
2005/06	12 mo avg	3.70	3.84	4.46
2006/07	12 mo avg	4.24	5.11	4.81
2007/08	12 mo avg	4.68	3.11	3.08
2008/09	12 mo avg	3.79	2.16	1.51
2009/10	12 mo avg	2.34	0.65	0.86
2010/11	12 mo avg	2.02	0.49	0.55
2011/12	12 mo avg	1.34	0.38	0.28
SUBTOTAL - 7 Years		22.11	15.74	15.55
Annual Average (7 years)		3.16	2.25	2.22
<u>Quarterly Average FY 2012-13</u>		<u>CITY</u>	<u>LAIF</u>	<u>2 YR TREAS</u>
First Quarter		0.92	0.36	0.41
Second Quarter		0.89	0.33	0.27
Third Quarter				
Fourth Quarter				
		<u>0.91</u>	<u>0.35</u>	<u>0.34</u>
CITY = CITY OF OXNARD				
LAIF = STATE LOCAL AGENCY INVESTMENT FUND				
2 YR TREASURY = U S GOVERNMENT TREASURY BILLS - 2 YR MATURITY				

ACTION

- ☐ Approved Recommendation
☐ Ord. No(s). _____
☐ Res. No(s). _____
☐ Other _____

TYPE OF ITEM

- ☒ Info/Consent
☐ Report
☐ Public Hearing (Info/consent)
☐ Other _____

Prepared By: Deborah O'Malia, Disaster Preparedness Coordinator Agenda Item No. I-4

Reviewed By: City Manager [Signature] City Attorney [Signature] Finance [Signature] Other (Specify) _____

DATE: January 29, 2013

TO: City Council

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

SUBJECT: Formal Adoption of 2010 Ventura County Hazard Mitigation Plan (HMP) 5 Year Update

RECOMMENDATION

That City Council approve a resolution adopting the 2010 Ventura County Hazard Mitigation Plan (HMP) 5 Year Update.

DISCUSSION

The City of Oxnard, along with the County of Ventura and 38 other communities and special districts, actively participated in the preparation of the 2010 Ventura County Hazard Mitigation Plan (HMP) 5 Year Update. The HMP was approved and adopted by the Ventura County Board of Supervisors in December of 2010 and was subsequently approved by the Federal Emergency Management Agency (FEMA) on February 17, 2011.

In mid-January, 2013, participants of the HMP 5 Year Update process were informed that, to date, only three of the forty participants have formally adopted this plan and/or provided formal documentation of same to FEMA .

The HMP plan needs to be formally adopted by each entity's governing body prior to February 17, 2013. Failure to meet this deadline would jeopardize each agency's ability to apply for pre- and post-disaster hazard mitigation funding.

This mitigation plan provides a decision tool for management, strengthens local policies for hazard mitigation capabilities, provides inter-jurisdictional coordination of mitigation-related programming, and achieves regulatory compliance.

This plan has been updated to meet FEMA's requirements of the Disaster Mitigation Act (DMA) of 2000 (Public Law 106-390) and the Interim Final Rule, which establishes the minimum hazard mitigation planning requirements for states, tribes, and local entities. The plan meets the requirements

of Section 409 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988 and Section 322 of the DMA 2000, which requires that such a plan be prepared as a pre-requisite for receiving certain forms of disaster assistance.

The HMP is consistent with the State of California Hazard Mitigation Plan and will be reviewed and revised regularly as outlined in the document to ensure that it remains relevant and effective.

FINANCIAL IMPACT

An adopted HMP allows the City to continue to apply for pre- and post- disaster hazard mitigation funding. Failure to meet the February 17, 2013, deadline would jeopardize the City's ability to do so.

DO/do

Attachment #1 - Resolution

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD
ADOPTING THE 2010 VENTURA COUNTY HAZARD MITIGATION PLAN
5 YEAR UPDATE

WHEREAS, the City of Oxnard, along with the County of Ventura and 40 other communities and special districts, actively participated in the preparation of the 2010 Ventura County Hazard Mitigation Plan (HMP) 5 Year Update; and

WHEREAS, the HMP was approved and adopted by the Ventura County Board of Supervisors in December of 2010 and was subsequently approved by the Federal Emergency Management Agency (FEMA) on February 17, 2011; and

WHEREAS, the HMP needs to be formally adopted by each entity's governing body prior to February 17, 2013, and

WHEREAS, failure to meet this deadline would jeopardize each agency's ability to apply for pre- and post- disaster hazard mitigation funding; and

WHEREAS, the HMP provides a decision tool for management, strengthens local policies for hazard mitigation capabilities, provides, inter-jurisdictional coordination of mitigation-related programming, and achieves regulatory compliance; and

WHEREAS, the HMP has been updated to meet FEMA's requirements of the Disaster Mitigation Act (DMA) of 2000 (Public Law 106-390) and the Interim Final Rule, which establishes the minimum hazard mitigation planning requirements for states, tribes, and local entities; and

WHEREAS, the HMP meets the requirements of Section 409 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988 and Section 322 of the DMA 2000, which requires that such a plan be prepared as a pre-requisite for receiving certain forms of disaster assistance; and

WHEREAS, the HMP is consistent with the State of California Hazard Mitigation Plan and will be reviewed and revised regularly as outlined in the document to ensure that it remains relevant and effective; and

WHEREAS, an adopted HMP allows the City to continue to apply for pre- and post disaster hazard mitigation funding.

NOW, THEREFORE, the City Council of the City of Oxnard resolves to adopt the 2010 Ventura County Hazard Mitigation Plan (HMP) 5 Year Update.

PASSED AND ADOPTED this 12th day of February, 2013, by the following vote:

AYES:

NOES:

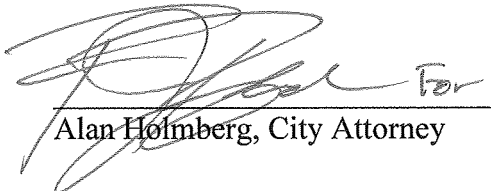
ABSENT:

Tim Flynn, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney

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 *BSW*Agenda Item No. I-5Reviewed By: City Manager *JPB* City Attorney *AT* Finance *JC* Police Chief

DATE: January 31, 2013

TO: City Council

FROM: Michael O'Malia, Interim Fire Chief
Fire Department *Michael O'Malia*

SUBJECT: State Homeland Security Grant

RECOMMENDATION

That City Council:

1. Approve the City's receipt of \$60,000 in grant revenue from the State Homeland Security Grant (SHSG) and authorize the Interim City Manager to execute the 2011 Grant Assurances on the City's behalf.
2. Approve a special budget appropriation in the amount of \$60,000 for Hazardous Materials Response training and equipment.

DISCUSSION

The County of Ventura applied for and received a grant 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 \$60,000. The grant funds are for Hazardous Materials Response training and equipment.

FINANCIAL IMPACT

Approval of this recommendation will have no impact on the General Fund. All expenditures will be reimbursed through the SHSG. Grant revenue in the amount of \$60,000 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

January 18, 2013

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

SUBJECT: NOTIFICATION OF SUB-GRANT AWARD
FY2011 State Homeland Security Grant Program
Grant #: 2011-SS-0077, CFDA#: 97-067
Performance Period: November 18, 2011 to December 31, 2013

Dear Chief:

Your agency has been identified to receive FY2011 State Homeland Security Grant Program funds in the following amount for the following project:

\$60,000 — To improve Hazardous Materials response capabilities

Please contact me as soon as possible to let me know who the primary point of contact will be for this project, as well as specifics of how you plan to spend these funds.

IMPORTANT: A State/FEMA approved Environmental and Historical Preservation Screening Form (EHP) is required for all training or exercises that involve any field activity, as well as any equipment that will be installed or mounted. This must be done **prior** to spending your allocated funds for that project. Please contact Gil Zavlodaver at gil.zavlodaver@ventura.org or 477-7148 to complete this requirement if it applies to your project.

This is a reimbursement grant. Therefore, 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.

If you have questions, please call me at 477-1589 in the Sheriff's Office of Emergency Services.

Sincerely,

Susan Duenas
Interim Assistant Director, OES

☐ **SPECIAL SERVICES**
6401 Telephone Road, Suite 200
Ventura, CA 93003
(805) 477-7011 FAX (805) 477-7010

☐ **PATROL SERVICES**
2101 East Olsen Road
Thousand Oaks, CA 91362
(805) 494-8261 FAX (805) 494-8295

☐ **DETENTION SERVICES**
800 South Victoria Avenue
Ventura, CA 93009
(805) 654-2305 FAX (805) 654-3500

☐ **SUPPORT SERVICES**
800 South Victoria Avenue
Ventura, CA 93009
(805) 654-3926 FAX (805) 654-2109

REQUEST FOR SPECIAL BUDGET APPROPRIATION

Department: Fire
Project/Program _____
Manager: Michael O'Malia

Date: February 12, 2013
Phone: ext. 7364

Reason for Appropriation:

To recognize federal grant revenue for the State Homeland Security Grant FY11, which is subgranted through the County of Ventura

Accounts and Descriptions

AMOUNT

Fund: **HOMELAND SECURITY GRANT (238)**

Revenues/Transfers In

HOMELAND SECURITY STATE11 (Project 772229)

238-2221-531.72-31	FEDERAL & STATE SOURCES/STATE GRANT REVENUES	<u>60,000</u>
	Sub-total Revenues	<u>60,000</u>

Expenditures/Transfers Out

HOMELAND SECURITY STATE11 (Project 772229)

238-2221-802.80-03	PERSONNEL SERVICES/OVERTIME	7,500
238-2221-802.81-04	SUPPLIES-SHOP & FIELD	5,000
238-2221-802.81-34	MINOR EQP-SHOP/FIELD	42,500
238-2221-802.83-43	TRAINING/WORKSHOP/MTNGS	<u>5,000</u>
	Sub-total Expenditures	<u>60,000</u>

Net Change to Fund Balance	<u><u>0</u></u>
Net Appropriation Change	<u><u>60,000</u></u>

Approvals

Department Director

Michael O'Malia

Chief Financial Officer

James Cameron

City Manager

REQUIRES CITY COUNCIL AUTHORIZATION

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SBA# (Finance Use Only) _____

BA Doc# (Finance Use Only) _____

Revised : 2/23/2012

Attachment #2
Page 1 of 1



Meeting Date: Feb. 12, 2013

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 Sonstegard

Agenda Item No. I-6

Reviewed By: City Manager [Signature] City Attorney [Signature] Finance [Signature] Other (Specify) _____

DATE: January 29, 2013

TO: City Council

FROM: Jeri Williams, Chief of Police [Signature]

SUBJECT: Gang Violence Suppression Grant Award Amendment

RECOMMENDATION

That City Council authorize the City Manager to:

1. Recognize \$566,640 in grant revenue from California Emergency Management Agency (CalEMA) for the Gang Violence Suppression (GVS) grant.
2. Authorize a Special Budget Appropriation in the amount of \$566,640 for personnel, equipment, training and contracted services.
3. Authorize the City Manager or designee to appropriate additional funds if needed.

DISCUSSION

The City of Oxnard is one of four cities in California that receives State funding under a Gang Violence Suppression (GVS) Project grant. This is a result of a competitive application process in 2005. The purpose of the GVS Project is to reduce gang violence in communities and to divert potentially dangerous gang activity into more positive and constructive behavior. The Oxnard Police Department is the lead agency for the City's GVS Project, which also includes the Ventura County District Attorney's Office, the Ventura County Probation Agency, and City Impact. The Oxnard GVS Project has developed a comprehensive model with a multi-component approach that addresses the gang problem through prevention, intervention, and suppression efforts.

The Oxnard Police Department has been notified of additional funding. Although there was not an official award letter, a representative from the California Emergency Management Agency confirmed the allocation.

FINANCIAL IMPACT

Approval of this recommendation will not impact the General Fund Operating Reserve. Grant Revenue in the amount of \$566,640 will be recognized in Project #662119. No matching funds are required.

Attachment #1 – Special Budget Appropriation

REQUEST FOR SPECIAL BUDGET APPROPRIATION

Department: Police
Project/Program _____
Manager: Jeri Williams

Date: February 5, 2013
Phone: ext. 8290

Reason for Appropriation:

To recognize federal grant revenue for the Gang Violence Suppression Grant via CalEMA

Accounts and Descriptions

AMOUNT

Fund: GANG VIOLENCE SUPPRESSION GRANT (218)

Revenues/Transfers In

GANG VIOLENCE SUPP 11-12 (Project 662119)

218-2029-532.72-31	FEDERAL & STATE SOURCES/STATE GRANT REVENUES	<u>566,640</u>
	Sub-total Revenues	<u>566,640</u>

Expenditures/Transfers Out

GANG VIOLENCE SUPP 11-12 (Project 662119)

218-2029-802.80-01	PERSONNEL SERVICES / DIRECT LABOR-REGULAR	142,370
218-2029-802.80-03	PERSONNEL SERVICES / OVERTIME	65,000
218-2029-802.81-32	MINOR EQUIPMENT OFFICE	15,770
218-2029-802.82-09	SVCS-OTHER PROF/CONTRACT	328,000
218-2029-802.83-43	TRAINING/WORKSHOP/MTNGS	<u>15,500</u>
	Sub-total Expenditures	<u>566,640</u>

Net Change to Fund Balance	<u><u>0</u></u>
Net Appropriation Change	<u><u>566,640</u></u>

Approvals

Department Director

Chief Financial Officer

City Manager

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REQUIRES CITY COUNCIL AUTHORIZATION

SBA# (Finance Use Only)

BA Doc# (Finance Use Only)

PAGE

Revised: 2/23/2012

OF



Meeting Date: 02/12/13

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

Prepared By: Mary Diamond *MD* Agenda Item No. I-7Reviewed By: City Manager *JPD* City Attorney *RT* Finance *JL* Police Chief**DATE:** February 4, 2013**TO:** City Council**FROM:** Jeri Williams, Chief of Police *JW*
Police Department**SUBJECT:** Supplemental Law Enforcement Services Fund**RECOMMENDATION**

That City Council:

1. Recognize \$322,234 in grant revenue from the State Supplemental Law Enforcement Services Fund (SLESF) for Citizens Option for Public Safety (COPS) Program.
2. Approve a special budget appropriation (SBA) in the amount of \$322,234 for the grant funds.

DISCUSSION

The County of Ventura will receive an allocation of \$1,664,055 from the State Department of Finance. The City of Oxnard's portion is \$322,234. The funds are required to be used for personnel and equipment. No matching funds are required.

FINANCIAL IMPACT

Approval of this recommendation will have no impact on the General Fund. All expenditures will be reimbursed through the SLESF COPS Program. Grant revenue in the amount of \$322,234 will be recognized in Project 66212X.

Attachment #1 - COPS 2012-13 Ventura County Allocation
#2 - Special Budget Appropriation

**2012-13 Enhancing Law Enforcement Activities Subaccount
Citizens' Option for Public Safety
Front-line Law Enforcement Allocation for 2012-13**

City/County	City/County Population Estimates 1/1/2012	Projected Allocations by City/County	Percent of Allocation by City/County
ALAMEDA	1,532,137	2,755,774	3.24086171%
ALAMEDA	74,640	120,024	0.14114212%
ALBANY	18,488	100,000	0.11759532%
BERKELEY	114,821	184,636	0.21712324%
DUBLIN	46,785	100,000	0.11759532%
EMERYVILLE	10,200	100,000	0.11759532%
FREMONT	217,700	350,069	0.41166450%
HAYWARD	147,113	236,563	0.27818650%
LIVERMORE	82,400	132,502	0.15581605%
NEWARK	43,041	100,000	0.11759532%
OAKLAND	395,341	635,721	0.74757858%
PIEDMONT	10,807	100,000	0.11759532%
PLEASANTON	71,269	114,603	0.13476765%
SAN LEANDRO	86,053	138,376	0.16272377%
UNION CITY	70,646	113,601	0.13358958%
UNINCORPORATED	142,833	229,680	0.27009314%
ALPINE	1,097	100,000	0.11759532%
UNINCORPORATED	1,097	100,000	0.11759532%
AMADOR	37,120	600,000	0.70557190%
AMADOR	182	100,000	0.11759532%
IONE	7,259	100,000	0.11759532%
JACKSON	4,800	100,000	0.11759532%
PLYMOUTH	991	100,000	0.11759532%
SUTTER CREEK	2,478	100,000	0.11759532%
UNINCORPORATED	21,610	100,000	0.11759532%
BUTTE	221,273	675,442	0.79428767%
BIGGS	1,696	100,000	0.11759532%
CHICO	87,500	140,703	0.16546001%
GRIDLEY	6,576	100,000	0.11759532%
OROVILLE	15,563	100,000	0.11759532%
PARADISE	26,147	100,000	0.11759532%
UNINCORPORATED	83,791	134,739	0.15844640%
CALAVERAS	44,840	200,000	0.23519063%
ANGELS CAMP	3,752	100,000	0.11759532%
UNINCORPORATED	41,088	100,000	0.11759532%
COLUSA	21,690	300,000	0.35278595%
COLUSA	6,050	100,000	0.11759532%
WILLIAMS	5,245	100,000	0.11759532%
UNINCORPORATED	10,395	100,000	0.11759532%
CONTRA COSTA	1,065,117	2,524,108	2.96823322%
ANTIOCH	103,833	166,967	0.19634525%
BRENTWOOD	52,575	100,000	0.11759532%
CLAYTON	10,996	100,000	0.11759532%

TURLOCK	69,370	111,549	0.13117670%
WATERFORD	8,533	100,000	0.11759532%
UNINCORPORATED	111,227	178,857	0.21032709%
SUTTER	95,065	305,005	0.35867122%
LIVE OAK	8,247	100,000	0.11759532%
YUBA CITY	65,300	105,005	0.12348044%
UNINCORPORATED	21,518	100,000	0.11759532%
TEHAMA	63,177	400,000	0.47038127%
CORNING	7,586	100,000	0.11759532%
RED BLUFF	14,032	100,000	0.11759532%
TEHAMA	416	100,000	0.11759532%
UNINCORPORATED	41,143	100,000	0.11759532%
TRINITY	13,722	100,000	0.11759532%
UNINCORPORATED	13,722	100,000	0.11759532%
TULARE	450,840	1,136,753	1.33676832%
DINUBA	22,614	100,000	0.11759532%
EXETER	10,422	100,000	0.11759532%
FARMERSVILLE	10,824	100,000	0.11759532%
LINDSAY	12,262	100,000	0.11759532%
PORTERVILLE	55,107	100,000	0.11759532%
TULARE	60,627	100,000	0.11759532%
VISALIA	126,864	204,002	0.23989621%
WOODLAKE	7,377	100,000	0.11759532%
UNINCORPORATED	144,743	232,752	0.27370489%
TUOLUMNE	53,834	200,000	0.23519063%
SONORA	4,788	100,000	0.11759532%
UNINCORPORATED	49,046	100,000	0.11759532%
VENTURA	832,970	1,664,055	1.95685088%
CAMARILLO	66,407	106,785	0.12557375%
FILLMORE	15,145	100,000	0.11759532%
MOORPARK	34,826	100,000	0.11759532%
OJAI	7,535	100,000	0.11759532%
OXNARD	200,390	322,234	0.37893179%
PORT HUENEME	21,682	100,000	0.11759532%
SAN BUENAVENTURA	107,166	172,326	0.20264786%
SANTA PAULA	29,882	100,000	0.11759532%
SIMI VALLEY	125,317	201,514	0.23697088%
THOUSAND OAKS	128,031	205,873	0.24210298%
UNINCORPORATED	96,589	155,318	0.18264705%
YOLO	202,133	504,606	0.59339275%
DAVIS	65,052	104,606	0.12301148%
WEST SACRAMENTO	49,292	100,000	0.11759532%
WINTERS	6,839	100,000	0.11759532%
WOODLAND	55,646	100,000	0.11759532%
UNINCORPORATED	25,304	100,000	0.11759532%
YUBA	72,615	300,000	0.35278595%
MARYSVILLE	12,104	100,000	0.11759532%
WHEATLAND	3,469	100,000	0.11759532%
UNINCORPORATED	57,042	100,000	0.11759532%
CALIFORNIA TOTAL	37,678,563	85,037,400	100.00000000%
CALIFORNIA CITY TOTAL	31,424,008	73,402,803	86.31825933%

REQUEST FOR SPECIAL BUDGET APPROPRIATION

Department: Police
Project/Program _____
Manager: Jeri Williams

Date: February 12, 2013
Phone: ext. 7612

Reason for Appropriation:

To recognize State grant revenue for the Supplemental Law Enforcement Services Fund FY12-13, which is subgranted through the County of Ventura

Accounts and Descriptions

AMOUNT

Fund: STATE COPS GRANT (195)

Revenues/Transfers In

COPS Program FY12-13 (SLESF) (Project 66212x)

195-2030-532-7231 FEDERAL & STATE SOURCES/STATE GRANT REVENUES 322,234

Sub-total Revenues 322,234

Expenditures/Transfers Out

COPS Program FY12-13 (SLESF) (Project 66212x)

195-2030-802-8001 PERSONNEL SERVICES - DIRECT LABOR - REGULAR 230,000

195-2030-802-8606 CAPITAL OUTLAY / MACHINERY AND EQUIP NEW 92,234

Sub-total Expenditures 322,234

Net Change to Fund Balance 0

Approvals

Department Director _____

Chief Financial Officer _____

City Manager _____

REQUIRES CITY COUNCIL AUTHORIZATION

SBA# (Finance Use Only) _____

BA Doc# (Finance Use Only) _____

Revised : 2/23/2012

ATTACHMENT NO 2
PAGE 1 OF 1



Meeting Date: 02 / 12 / 2013

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

Prepared By: Sofia BalderramaAgenda Item No. I-8Reviewed By: City Manager [Signature]City Attorney [Signature]Finance [Signature]

Other (Specify) _____

DATE: January 22, 2013**TO:** City Council**FROM:** Sofia Balderrama, Management Analyst III
Recreation and Community Services [Signature]**SUBJECT:** Changing of Name of the Parks & Recreation Commission and Amending Bylaws**RECOMMENDATION**

That City Council:

1. Approve the first reading by title only and subsequent adoption of an ordinance amending the Oxnard City Code concerning the power and duties and the name of the Parks and Recreation Commission.
2. Adopt a resolution approving the Parks and Recreation Commission Bylaws as amended in Article I Organization, Article II Powers and duties, Article III Membership, Article IV Officers and Article V Meetings/Quorum.

DISCUSSION

The Parks and Recreation Commission was established by Ordinance No. 267 on July 25, 1944. It meets on the fourth Wednesday of each month at 5:30 p.m. in the Council Chambers. At a special meeting on October 23, 2011, the commissioners reviewed and discussed changes to the bylaws. At a special meeting on November 16, 2011, commissioners approved the revisions to the Parks and Recreation Commission bylaws as described in Attachment #2. The City Council last approved a revision to the bylaws through adoption of Resolution No. 11,663 dated November 30, 1999.

The proposed revisions to the Parks and Recreation Commission Bylaws will require amendment to the Oxnard City Code concerning the power and duties and the name of the Parks and Recreation Commission. A proposed ordinance to amend Division 6 of Article II of Chapter 2 of the Oxnard City Code is attached.

FINANCIAL IMPACT

There is no financial impact.

/sb

Attachment #1 - Minutes of November 16, 2011 Parks and Recreation Commission
#2 - Current Parks and Recreation Commission Bylaws with proposed changes
#3 - Resolution Approving Bylaws for the Parks and Recreation Commission
#4 - Ordinance Amending the power and duties and the name of the Parks and Recreation
Commission

MINUTES
CITY OF OXNARD
PARKS AND RECREATION COMMISSION MEETING
Special Meeting
November 16, 2011

A. ROLL CALL/POSTING OF AGENDA

At 5:51 p.m. the special meeting of the Oxnard Parks and Recreation Commission convened in the Council Chambers. Vice Chair Lemos and Commissioners Garcia, Barber and Pinkard were present. Chair Cobb and Commissioners Postel and Sumersille were excused. The Recording Secretary stated that the agenda was posted on Wednesday at 5:00 p.m. The meeting opened with the pledge of allegiance to the flag of the United States. Vice Chair Lemos presided and called the meeting to order. Staff members present were: Efren Gorre, Community Services Manager; Richard Arias, Recreation Supervisor and Hidania Novoa, Recording Secretary.

B. APPROVAL OF MINUTES

1. SUBJECT: Approval of minutes – Special & Regular Meetings of October 28, 2011.
ACTION: Approved. (Pinkard/Garcia)

C. PUBLIC COMMENTS

Moment of silence for the passing of Petina Cole, mother of Ryle Lynch-Cole, Recreation Leader. Steve Nash, provided a handout to be considered for discussion under commission business.

D. CEREMONIAL CALENDAR

1. SUBJECT: Recognize Oxnard Police Explorers for their participation at the New Orleans Saints Camp. (R. Arias)
ACTION: Item was continued to a future commission meeting.

E. REPORTS

1. SUBJECT: Review changes made to the bylaws and approve meeting dates.
ACTION: Approved recommended changes to bylaws as presented and meeting dates for 2012. (Barber/Garcia)

F. PARK MANAGER/SUPERINTENDENTS' REPORTS

1. SUBJECT: Report of the Parks Manager.
 - a. Update on Martin V. Smith tree planting project from Leo Ovalle; presented pictures.
2. SUBJECT: Report of the Recreation Superintendent.
 - a. Holiday Update from Yolanda Piña; slide show was presented.
 - b. Update on City Corps projects from Efren Gorre; presented a slide show.

G. COMMISSION BUSINESS

Commissioner Barber requested process clarification on the status of the proposed revisions made to the Parks and Recreation Commission bylaws. Efren Gorre stated that it was recommended on a previous meeting to agendize item in the joint meeting agenda with City Council. Commission agreed.

Commissioner Garcia thanked staff and wished everyone happy holidays.

Vice Chair Lemos wished everyone happy holidays.

H. ADJOURNMENT

At 7:02 p.m. the Parks and Recreation Commission concurred to adjourn the meeting.

Next regular meeting scheduled for January 25, 2012 at 5:30 p.m.

Paul Lemos, Vice Chairman

Note: These "action minutes" and brevity is desirable. Details regarding issues contained herein are available on the tape recording covering these minutes

**BY-LAWS
FOR THE
PARKS AND RECREATION AND COMMUNITY SERVICES COMMISSION**

Article I
Organization

The name of this legislative body shall be the Parks and Recreation and Community Services Commission, as set forth in Oxnard City Code Section 2-80 ("Commission").

Article II
Powers and Duties

The powers and duties of the Commission shall be as follows:

- A. Advise the City Council on all matters pertaining to parks and recreation and community services activities in the City.*
- B. Serve as a liaison between the City Council and the community in matters related to parks and recreation and community services activities.*

Commission recommended inserting new wording as "C" and moving original "C" as "D."

- C. To provide advice in preparation of the parks and recreation and community services programs, to report on activities of those programs. To evaluate the community parks and recreational and community services programs, to receive suggestions on general policy issues and to make recommendations to City Council.*
- D. Prepare and submit an annual report of activities to the City Council and make such other reports and recommendations to the City Council from time to time as the Commission may determine necessary to improve parks and recreation activities in the City.*

Article III
Membership

- A. The Commission shall consist of seven members appointed by the Mayor with the approval of the City Council.*
- B. The term of office for Board members shall be two years and shall begin in January. Oxnard City Code Section 2-81.*
- C. In the event of a vacancy, the Mayor, with approval of City Council, shall appoint a replacement to complete the term of the member creating the vacancy.*

Article IV
Officers

- A. The officers of the Commission shall be a Chairperson and Vice-Chairperson and a staff secretary designated by City Manager.*
- B. At the annual meeting, the officers shall be elected by a majority of Commission members present. These officers shall serve a one year term. The annual meeting shall be scheduled in January of each year.*
- C. The duties of the officers shall be as follows:*
 - 1. Chairperson – (a) To preside at all meetings; (b) To call special meetings as may be necessary; and (c) To prepare agendas, with the assistance of City staff.*
 - 2. Vice-Chairperson – To perform the duties of the Chairperson in the event of his/her absence, resignation or inability to perform the duties of office.*

D. Secretary.

1. Pursuant to the Oxnard City Code the Commission shall have a staff secretary designated by City Manager.

Commission recommended converting number "2" to sub code "a."

- a. The Secretary shall have the following duties: (a) Keep minutes of all meetings; (b) Provide advance and proper notice of all meetings; (c) Assist the Chairperson to prepare agendas; and (d) Attend all meetings of the Commission.

Article V

Meetings/Quorum

- ~~A. The Commission shall conduct regular meetings at least once in each month. The exact dates, time and location of the meetings shall be determined by resolution of the Commission at the annual meeting.~~

Commission recommended deleting "A" and replacing it with the following wording: "The Commission shall conduct regular meetings at least once a month. The Commission shall meet on the 4th Wednesday of each month at 5:30 pm in the City Council Chambers."

- B. Special meetings may be called by the Chairperson or upon the request of at least four members.
- C. Meetings shall be public and shall be conducted in a publicly owned building with adequate space for members of the public to attend the meetings.
- D. Four members of the Commission shall constitute a quorum for the transaction of business.
- E. The Commission requests that representation for each to be present from Parks, Recreation and Community Services or designee attend all meetings.
- F. The Chairperson shall ask the City Council annually to schedule a joint City Council and Commission meeting.

Article VI

Absences

- A. Should any member be absent without good cause for more than three consecutive meetings, the Secretary shall immediately inform the City Clerk of such fact. Effective on the date of receipt of such notice by the City Clerk, such member shall be deemed to have resigned from the Commission.
- B. The Chairperson shall determine whether a member's absence is with good cause. An absence due to illness shall be considered an absence with good cause; provided, that notice of such absence is given to the Chairperson as much in advance as possible.

Article VII

Coordination with City Council

The Chairperson shall as soon as possible inform the City Council, through the City Manager, of policy recommendations made by the Commission. A copy of the minutes of meetings and resolutions of the Commission shall be delivered to the City Manager by the Secretary following each meeting.

Article VIII

Rules of Order

Except as otherwise provided herein, or by vote of two-thirds of the members present, Robert's Rules of Order (Revised) shall constitute the parliamentary authority for the meetings.

Article IX
Amendments

These by-laws may be amended upon presentation to City Council for approval.

Article X
Effective Date

These by-laws shall go into effect upon approval by City Council.

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD
APPROVING THE BYLAWS FOR THE PARKS AND RECREATION
COMMISSION

WHEREAS, City Council Resolution No. 11,663 establishes some semblance of uniformity among the citizen advisory groups with respect to procedures, officers, elections, quorum requirements and rules of order; and

WHEREAS, the City Council finds that in order for each citizen advisory group to successfully fulfill its objectives, the citizen advisory group may propose revisions to its bylaws; and

WHEREAS, the City Council has reviewed the proposed changes to the Parks and Recreation Commission Bylaws.

NOW, THEREFORE, the City Council of the City of Oxnard resolves to adopt the revised bylaws attached hereto as Exhibit A to be effective upon the effective date of the ordinance amending Division 6 Article II of Chapter 2 of the Oxnard City Code to modify the name of the Parks and Recreation Commission and its duties in conformity with the provisions of the newly adopted ordinance.

[SIGNATURES ON FOLLOWING PAGE]

PASSED AND ADOPTED THIS _____ day of _____, 2013, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Tim Flynn, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:

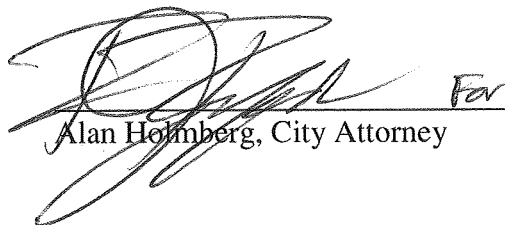
_____
Alan Holmberg, City Attorney

EXHIBIT A

BY-LAWS FOR THE PARKS AND RECREATION AND COMMUNITY SERVICES COMMISSION

Article I Organization

The name of this legislative body shall be the Parks and Recreation and Community Services Commission, as set forth in Oxnard City Code Section 2-80 ("Commission").

Article II Powers and Duties

The powers and duties of the Commission shall be as follows:

- E. Advise the City Council on all matters pertaining to parks and recreation and community services activities in the City.
- F. Serve as a liaison between the City Council and the community in matters related to parks and recreation and community services activities.
- G. To provide advice in preparation of the parks and recreation and community services programs, to report on activities of those programs. To evaluate the community parks and recreational and community services programs, to receive suggestions on general policy issues and to make recommendations to City Council.
- H. Prepare and submit an annual report of activities to the City Council and make such other reports and recommendations to the City Council from time to time as the Commission may determine necessary to improve parks and recreation activities in the City.

Article III Membership

- D. The Commission shall consist of seven members appointed by the Mayor with the approval of the City Council.
- E. The term of office for Board members shall be two years and shall begin in January. Oxnard City Code Section 2-81.
- F. In the event of a vacancy, the Mayor, with approval of City Council, shall appoint a replacement to complete the term of the member creating the vacancy.

Article IV Officers

- E. The officers of the Commission shall be a Chairperson and Vice-Chairperson and a staff secretary designated by City Manager.
- F. At the annual meeting, the officers shall be elected by a majority of Commission members present. These officers shall serve a one year term. The annual meeting shall be scheduled in January of each year.
- G. The duties of the officers shall be as follows:
 - 1. Chairperson – (a) To preside at all meetings; (b) To call special meetings as may be necessary; and (c) To prepare agendas, with the assistance of City staff.
 - 2. Vice-Chairperson – To perform the duties of the Chairperson in the event of his/her absence, resignation or inability to perform the duties of office.

H. Secretary.

2. Pursuant to the Oxnard City Code the Commission shall have a staff secretary designated by City Manager.

- a. The Secretary shall have the following duties: (a) Keep minutes of all meetings; (b) Provide advance and proper notice of all meetings; (c) Assist the Chairperson to prepare agendas; and (d) Attend all meetings of the Commission.

Article V

Meetings/Quorum

- G. The Commission shall conduct regular meetings at least once a month. The Commission shall meet on the 4th Wednesday of each month at 5:30 pm in the City Council Chambers.
- H. Special meetings may be called by the Chairperson or upon the request of at least four members.
- I. Meetings shall be public and shall be conducted in a publicly owned building with adequate space for members of the public to attend the meetings.
- J. Four members of the Commission shall constitute a quorum for the transaction of business.
- K. The Commission requests that representation for each to be present from Parks, Recreation and Community Services or designee attend all meetings.
- L. The Chairperson shall ask the City Council annually to schedule a joint City Council and Commission meeting.

Article VI

Absences

- C. Should any member be absent without good cause for more than three consecutive meetings, the Secretary shall immediately inform the City Clerk of such fact. Effective on the date of receipt of such notice by the City Clerk, such member shall be deemed to have resigned from the Commission.
- D. The Chairperson shall determine whether a member's absence is with good cause. An absence due to illness shall be considered an absence with good cause; provided, that notice of such absence is given to the Chairperson as much in advance as possible.

Article VII

Coordination with City Council

The Chairperson shall as soon as possible inform the City Council, through the City Manager, of policy recommendations made by the Commission. A copy of the minutes of meetings and resolutions of the Commission shall be delivered to the City Manager by the Secretary following each meeting.

Article VIII

Rules of Order

Except as otherwise provided herein, or by vote of two-thirds of the members present, Robert's Rules of Order (Revised) shall constitute the parliamentary authority for the meetings.

Article IX

Amendments

These by-laws may be amended upon presentation to City Council for approval.

Article X

Effective Date

These by-laws shall go into effect upon approval by City Council.

CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD AMENDING
PORTIONS OF DIVISION 6 OF ARTICLE II OF CHAPTER 2 OF THE OXNARD
CITY CODE CONCERNING THE NAME OF THE PARKS AND RECREATION
COMMISSION AND ITS POWERS AND DUTIES

Now, therefore, the City Council of the City of Oxnard does ordain as follows:

Part 1. The title of Division 6 of Article II of Chapter 2 of the Oxnard City Code is hereby amended to read as follows:

**“DIVISION 6. PARKS AND RECREATION AND COMMUNITY SERVICES
COMMISSION”**

Part 2. Subsection (A) of Section 2-80 of the Oxnard City Code is hereby amended to read as follows:

“(A) There is hereby established a parks and recreation and community services commission composed of seven members.”

Part 3. Subsections (A)(1) and (B) of Section 2-81 of the Oxnard City Code are hereby amended to read as follows:

“(A)(1) The mayor, with the approval of the city council, shall appoint the members of the parks and recreation and community services commission.

(B) The term of office of a member of the parks and recreation and community services commission shall be two years and shall begin in January.”

Part 4. Section 2-82 of the Oxnard City Code is hereby amended to read as follows:

“The city manager shall designate a city staff member to serve as a nonvoting secretary to the parks and recreation and community services commission.”

Part 5. Section 2-83 of the Oxnard City Code is hereby amended to read as follows:

“(A) The parks and recreation and community services commission shall follow rules of procedure approved by the city council.

(B) Four members shall constitute a quorum for the transaction of business by the parks and recreation and community services commission.”

Part 6. Section 2-84 of the Oxnard City Code is hereby amended to read as follows:

“The powers and duties of the parks and recreation and community services commission shall be as follows:

(A) Advise the city council on all matters pertaining to the parks and recreation and community services activities in the city;

(B) Serve as a liaison between the city council and the community in matters related to parks and recreation and community services activities;

(C) Advise city staff on future parks and recreation and community services programs;

(D) Receive suggestions on general community parks and recreational and community services policy issues and make recommendations to the city council; and

(E) Prepare and submit an annual report of activities to the city council and make such other reports and recommendations to the city council from time to time as the parks and recreation and community services commission may determine necessary to improve parks and recreation and community services activities in the city.”

Part 7. Within 15 days after passage, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation within the City. Ordinance No. _____ was first read on _____, 2013, and finally adopted on _____, 2013, to become effective thirty days thereafter.

[SIGNATURES ON FOLLOWING PAGE]

AYES:

NOES:

ABSENT:

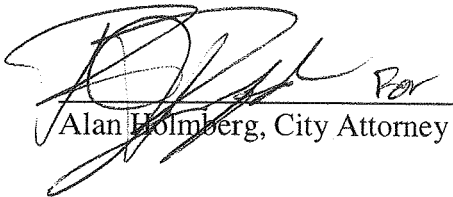
ABSTAIN:

Tim Flynn, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney



Meeting Date: 2/12/2013

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

Prepared By: Douglas J. Spondello, Associate Planner *DS*Agenda Item No. K-1Reviewed By: City Manager *gjb*City Attorney *SMF*Finance *JL*

Other (Specify) _____

DATE: January 30, 2013**TO:** City Council**FROM:** Susan L. Martin, AICP, Planning Manager
Development Services Department *SLM***SUBJECT:** Planning and Zoning Permit Nos. 12-500-03 (Special Use Permit) and 12-300-02 (Tentative Parcel Map), Southeast of the Intersection of West Pleasant Valley Road and Charles Street.**RECOMMENDATION**

That City Council:

- Adopt a resolution upholding the Planning Commission's approval of Special Use Permit No. 12-500-03 to develop four single-family residences on property zoned General Commercial Planned Development (C-2-PD), subject to the findings and conditions set forth in Resolution No. 2012-27.
- Adopt a resolution approving Tentative Parcel Map No. 12-300-02 to divide two parcels into four, subject to the findings and conditions set forth in Resolution No. 2012-28.

SUMMARY

The subject site consists of two vacant lots totaling .3 acres and located approximately 100 feet southeast of the intersection of West Pleasant Valley Road and Charles Street. The applicant requests to create four lots and develop four single-family residences on property zoned C-2-PD. The proposal will conform to the development standards on the subject property, with the exception of specified reductions to the rear yard setback and interior yard space requirements (see Attachments 4 and 5). Charles Street primarily consists of multi-family residential homes. Staff feels the proposed residences are appropriate at this location.

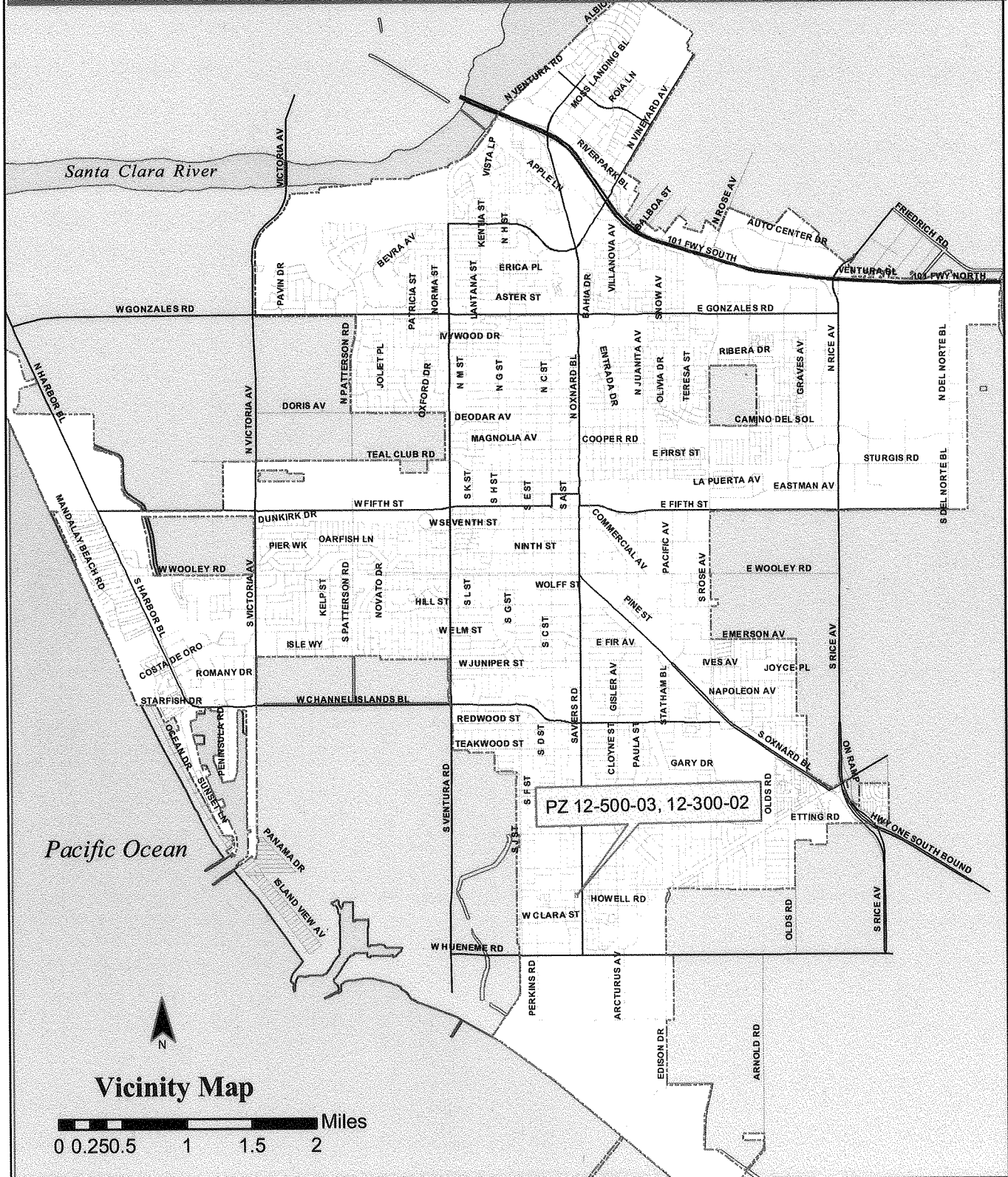
On November 15, 2012, the Planning Commission voted unanimously to adopt Resolution Nos. 2012-27 and 2012-28, approving Special Use Permit No. 12-500-03 and recommending Council approve Tentative Parcel Map No. 12-300-02.

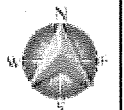
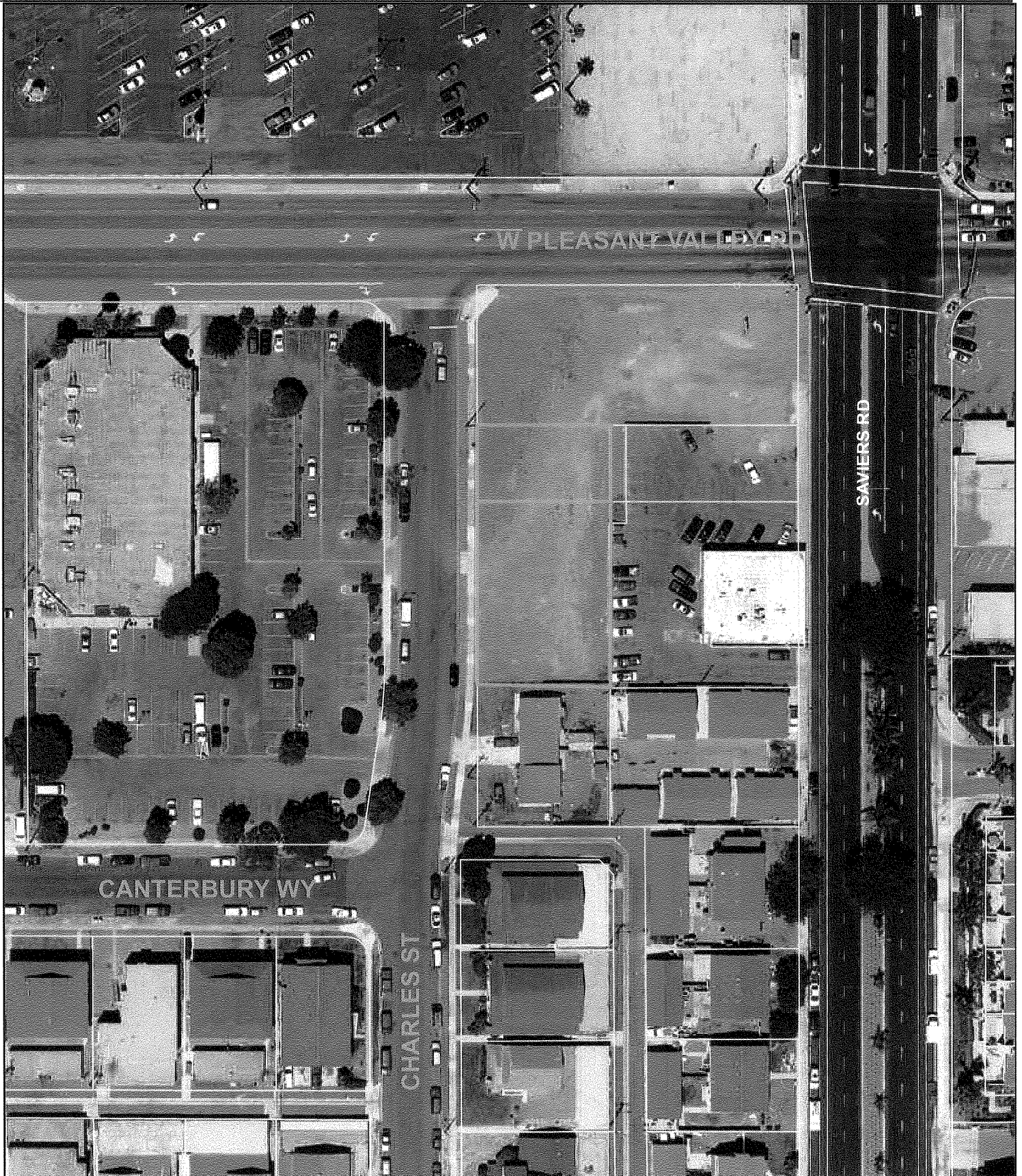
FINANCIAL IMPACT

Traffic impact fees will be paid to off-set impacts on local roads and Public Art Program fees will also be paid. This project will result in various financial benefits to the City, including additional property taxes.

- Attachment #1 - Vicinity and Aerial Maps
#2 - City Council Resolution, Tentative Parcel Map (PZ 12-300-02)
#3 - City Council Resolution, Special Use Permit (PZ 12-500-03)
#4 - Planning Commission Resolutions
#5 - Planning Commission Staff Report (without attachments)
#6 - Planning Commission Meeting Minutes (November 15, 2012)
#7 - Reduced Project Plans

Vicinity Map





CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 12-300-02 (TENTATIVE PARCEL MAP) FOR PROPERTY LOCATED APPROXIMATELY 100 FEET SOUTHEAST OF THE INTERSECTION OF CHARLES STREET AND WEST PLEASANT VALLEY ROAD (ASSESSOR'S PARCEL NOS. 222-0-102-240 AND 222-0-102-260), SUBJECT TO CERTAIN CONDITIONS. FILED BY DESIGNATED AGENT JACOB LUKIEWSKI

WHEREAS, the City Council has reviewed Planning & Zoning Permit No. 12-300-02 for property located approximately 100 feet southeast of the intersection of Charles Street and West Pleasant Valley Road, filed by Designated Agent Jacob Lukiewski on behalf of the property owners in accordance with Chapter 15 of the Oxnard City Code; and

WHEREAS, the City Council has conducted a hearing and received evidence in favor of and opposed to the application for a tentative parcel map; and

WHEREAS, the City Council has carefully reviewed Planning Commission Resolution No. 2012-28, recommending approval of the Tentative Map, subject to certain conditions; and

WHEREAS, the City Council finds that the Tentative Map complies with all requirements of the Subdivision Map Act and the Oxnard City Code; and

WHEREAS, the City Council finds that the Tentative Map and the design and improvement of the proposed development is consistent with the General Plan; and

WHEREAS, the City Council finds that the proposed site is suitable for the type and density of development requested and the development will not cause substantial environmental damage, serious public health problems or conflict with any public utility or service easements; and

WHEREAS, said Tentative Map was referred to various public utility companies, City departments and the Development Advisory Committee for recommendations; and

WHEREAS, Sections 15315 and 15332 of Title 14 of the California Code of Regulations exempt the project from the requirement for the preparation of environmental documents imposed by the California Environmental Quality Act; and

WHEREAS, the City Council finds that the applicant agrees with the necessity of and accepts all elements, requirements, and conditions of this resolution as being a reasonable manner of

preserving, protecting, providing for, and fostering the health, safety, and welfare of the citizenry in general and the persons who work, visit or live in this subdivision in particular.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OXNARD RESOLVES:

Planning & Zoning Permit No. 12-300-02 (Tentative Parcel Map) is hereby approved, subject to the findings and conditions set forth in Planning Commission Resolution No. 2012-28, on file in the Planning Division and incorporated herein by reference.

PASSED AND ADOPTED this 12th 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

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD UPHOLDING THE PLANNING COMMISSION'S APPROVAL OF SPECIAL USE PERMIT NO. 12-500-03 TO DEVELOP FOUR SINGLE-FAMILY RESIDENCES ON PROPERTY ZONED GENERAL COMMERCIAL PLANNED DEVELOPMENT (C-2-PD) LOCATED APPROXIMATELY 100 FEET SOUTHEAST OF THE INTERSECTION OF CHARLES STREET AND WEST PLEASANT VALLEY ROAD (ASSESSOR'S PARCEL NOS. 222-0-102-240 AND 222-0-102-260), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY DESIGNATED AGENT JACOB LUKIEWSKI.

WHEREAS, on November 15, 2012, the Planning Commission adopted Resolution No. 2012-27 approving Special Use Permit No 12-500-03; and

WHEREAS, the City Council has considered the appeal of the Planning Commission's decision filed by the Planning Division to coordinate with the proposed tentative parcel map and carefully reviewed the decision of the Planning Commission; and

WHEREAS, the City Council has conducted a hearing and received evidence in favor of and opposed to the application for a special use permit; and

WHEREAS, Sections 15315 and 15332 of Title 14 of the California Code of Regulations exempt the project from the requirement for the preparation of environmental documents imposed by the California Environmental Quality Act.

NOW, THEREFORE, the City Council of the City of Oxnard resolves that the Planning Commission's approval of Special Use Permit No. 12-500-03 is upheld, subject to the findings and conditions set forth in Planning Commission Resolution No. 2012-27 on file in the Planning Division and incorporated herein by reference.

PASSED AND ADOPTED this 12th day of February, 2013, by the following vote:

AYES:

NOES:

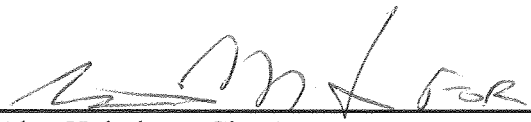
ABSENT:

Tim Flynn, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney

RESOLUTION NO. 2012-28

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING APPROVAL OF A TENTATIVE PARCEL MAP (PLANNING AND ZONING PERMIT NO. 12-300-02), FOR PROPERTY LOCATED APPROXIMATELY 100 FEET SOUTHEAST OF THE INTERSECTION OF CHARLES STREET AND WEST PLEASANT VALLEY ROAD (ASSESSOR'S PARCEL NOS. 222-0-102-240 and 222-0-102-260), SUBJECT TO CERTAIN CONDITIONS. FILED BY DESIGNATED AGENT JACOB LUKIEWSKI.

WHEREAS, the Planning Commission of the City of Oxnard has considered the tentative parcel map (Planning and Zoning Permit No. 12-300-02), filed by Designated Agent Jacob Lukiewski, on behalf of the property owners in accordance with Chapter 15 of the Oxnard City Code; and

WHEREAS, said tentative map was referred to various public utility companies, City departments and the Development Advisory Committee for recommendations; and

WHEREAS, the Planning Commission finds the tentative map conforms to the City's General Plan and elements thereof; and

WHEREAS, Sections 15315 and 15332 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, the Planning Commission finds that the applicant agrees with the necessity of and accepts all elements, requirements, and conditions of this resolution as being a reasonable manner of preserving, protecting, providing for, and fostering the health, safety, and welfare of the citizenry in general and the persons who work, visit or live in this subdivision in particular.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby recommends to the City Council the approval of the tentative parcel map, subject to the following conditions:

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

PLANNING DIVISION SPECIAL CONDITIONS

1. An approved tentative map shall expire thirty-six (36) months after its approval, unless an extension is applied for and approved by the City Council pursuant to Section 15-46 of the City Code. (PL)

DEVELOPMENT SERVICES STANDARD CONDITIONS

2. Developer shall pay plan check and processing fees in effect at the time of construction plan submittal and shall pay development fees, encroachment permit fees, and other applicable fees in effect at the time the City issues building permits. (DS-1)
3. Developer shall enter into an agreement, approved as to form by the City Attorney, to install and construct all public improvements required by this permit and by the City Code and shall post security satisfactory to the Finance Director, guaranteeing the installation and construction of all required improvements within the time period specified in the agreement or any approved time extension. (DS-14)
4. Prior to issuance of a site improvement permit, Developer shall provide to the Development Services Division a compact Disc (CD) containing digital copies of the final subdivision map, address map, and civil improvements drawings in DWG format. Prior to improvement bond release, Developer shall provide an updated CD containing all changes that occur during construction. (DS-16)
5. Developer agrees, as a condition of approval of this resolution, to indemnify, defend and hold harmless, at Developer's expense, City and its agents, officers and employees from and against any claim, action or proceeding commenced within the time period provided for in Government Code Section 66499.37, to attack, review, set aside, void or annul the approval of this resolution or to determine the reasonableness, legality or validity of any condition attached thereto. City shall promptly notify Developer of any such claim, action or proceeding of which City receives notice, and City will cooperate fully with Developer in the defense thereof. Developer shall reimburse City for any court costs and attorney's fees that City may be required to pay as a result of any such claim, action or proceeding. City may, in its sole discretion, participate in the defense of any such claim, action or proceeding, but such participation shall not relieve Developer of the obligations of this condition. Developer's acceptance of this resolution or commencement of construction or operations under this resolution shall be deemed to be acceptance of all conditions thereof. (DS-18)
6. Prior to approval of the final map or parcel map, Developer shall provide the City Engineer with written evidence from the Ventura County Clerk's Office that Developer has executed and filed with the Clerk all certificates, statements and securities required by Government Code Sections 66492 and 66493. (DS-26)

7. Each lot shall drain into a street, alley, or approved drain so that there will be no undrained depressions. (DS-35)
8. By title sheet dedication at the time of filing the subdivision map, Developer shall dedicate all water rights for the project property to City. (DS-39)
9. Prior to release of the final map or parcel map for recordation, Developer shall provide the City Engineer with a 100-scale base map for addressing purposes. The map shall be drawn on 18-inch by 24-inch mylar and shall show the standard address map title block, north arrow, street names, tract number, phase boundary and lot numbers. The City will assign all addresses. (DS-56)
10. Prior to release of the final map or parcel map for recordation, Developer shall post a bond or other security satisfactory to the City Attorney, guaranteeing that all monuments will be set as required by the Government Code and the City Code. (DS-57)

DEVELOPMENT SERVICES SPECIAL CONDITIONS

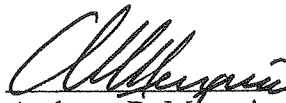
11. Developer shall process the improvement plans for Planning and Zoning Permit No. 12-500-03 concurrent with the processing of this parcel map. (DS)

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

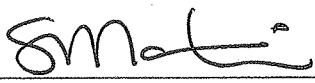
AYES: Commissioners: Medina, Stewart, Nash, Guevara, Mullin, Huber, and Murguia

NOES: Commissioners: None

ABSENT: Commissioners: None



Anthony R. Murguia, Chairman

ATTEST: 

Susan L. Martin, Secretary

RESOLUTION NO. 2012-27

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 12-500-03 (SPECIAL USE PERMIT), TO ALLOW CONSTRUCTION OF FOUR SINGLE-FAMILY RESIDENCES ON PROPERTY ZONED GENERAL COMMERCIAL PLANNED DEVELOPMENT (C-2-PD) LOCATED AT ASSESSOR'S PARCEL NOS. 222-0-102-240 and 222-0-102-260, SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY DESIGNATED AGENT JACOB LUKIEWSKI, ON BEHALF OF THE PROPERTY OWNER.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 12-500-03, filed by Designated Agent Jacob Lukiewski on behalf of the property owners, in accordance with Section 16-530 through 16-553 of the Oxnard City Code; and

WHEREAS, Sections 15315 and 15332 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, the Planning Commission finds, after due study, deliberation and public hearing, that the following circumstances exist:

1. The proposed use is in conformance with the General Plan and other adopted policies of the City of Oxnard.
2. The proposed use will not adversely affect or be materially detrimental to the adjacent uses, buildings or structures or to the public health, safety or general welfare.
3. The site for the proposed use is adequate in size and shape to accommodate the setbacks, parking, landscaping, and other City standards except as may be specifically excepted by the special findings and conditions of this resolution.
4. The site for the proposed use will be served by streets and highways adequate in width and structure to carry the kind and quantity of traffic such use will generate.
5. The site for the proposed use will be provided with adequate sewerage, water, fire protection and storm drainage facilities.
6. Granting the following modifications is within the 25% limit imposed by Section 16-271 of the City Code, will not adversely affect community welfare, is justified as a substantial use of the land will be thereby effected, and there will not be any detrimental effect upon the surrounding area:
 - a. Reduction of the rear yard setback of the residences from 25 feet to 19 feet;

- b. Reduction of the rear yard setback of future patio cover additions with roofing material that is at least 50% open from 15 feet to 11 feet, three inches; and
- c. Reduction to the required interior yard space from a minimum of 30% of the lot area to a minimum of 27.2% of the lot area.

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby approves this permit subject to the following conditions. The decision of the Planning Commission is final unless appealed in accordance with the provisions of Section 16-545 of the Oxnard City Code.

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

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

GENERAL PROJECT CONDITIONS

1. This permit is granted for the property described in the application on file with the Planning Division, and may not be transferred from one property to another. (PL, *G-1*).
2. This permit is granted for the plans dated July 30, 2012, ("the plans") on file with the Planning Division. The project shall conform to the plans, except as otherwise specified in these conditions, or unless a minor modification to the plans is approved by the Planning and Environmental Services Manager ("Planning Manager") or a major modification to the plans is approved by the Planning Commission. A minor modification may be granted for minimal changes or increases in the extent of use or size of structures or of the design, materials or colors of structures or masonry walls. A major modification shall be required for substantial changes or increases in such items. (PL, *G-2*)

3. This permit shall automatically become null and void 36 months from the date of its issuance, unless Developer has diligently developed the proposed project, as shown by the issuance of a grading, foundation, or building permit and the construction of substantial improvements. (PL, G-3)
4. All required off-site and on-site improvements for the project, including structures, paving, and landscaping, shall be completed prior to occupancy unless the Development Services Manager allows Developer to provide security or an executed agreement approved by the City Attorney to ensure completion of such improvements. (DS, G-4)
5. By commencing any activity related to the project or using any structure authorized by this permit, Developer accepts all of the conditions and obligations imposed by this permit and waives any challenge to the validity of the conditions and obligations stated therein. (CA, G-5)
6. Developer agrees, as a condition of adoption of this resolution, at Developer's own expense, to indemnify, defend and hold harmless the City and its agents, officers and employees from and against any claim, action or proceeding to attack, review, set aside, void or annul the approval of the resolution or any condition attached thereto or any proceedings, acts or determinations taken, done or made prior to the approval of such resolution that were part of the approval process. (CA, G-6)
7. Any covenants, conditions, and restrictions (CC&Rs) applicable to the project property shall be consistent with the terms of this permit and the City Code. If there is a conflict between the CC&Rs and the City Code or this permit, the City Code or this permit shall prevail. (CA, G-7)
8. Developer shall complete the "Notice of Land Use Restrictions and Conditions" form, using the form provided by the City, for recording with the Ventura County Recorder. Before the City issues building permits, Developer shall submit the original completed, signed and notarized document, together with the required fees to the Planning Manager. (PL, G-8)
9. Developer shall provide off-street parking for the project, including the number of spaces, stall size, paving, striping, location, and access, as required by the City Code. (PL/B, G-9)
10. Before placing or constructing any signs on the project property, Developer shall obtain a sign permit from the City. Except as provided in the sign permit, Developer may not change any signs on the project property. (PL/B, G-10)
11. Developer shall obtain a building permit for any new construction or modifications to structures, including interior modifications, authorized by this permit. (B, G-11)
12. Developer shall not permit any combustible refuse or other flammable materials to be burned on the project property. (FD, G-12)
13. Developer shall not permit any materials classified as flammable, combustible, radioactive, carcinogenic or otherwise potentially hazardous to human health to be handled, stored or used on the project property, except as provided in a permit issued by the Fire Chief. (FD, G-13)

14. If Developer, owner or tenant fails to comply with any of the conditions of this permit, the Developer, owner or tenant shall be subject to a civil fine pursuant to the City Code. (CA, G-14)
15. Prior to issuance of building permits, Developer shall correct all violations of the City Code existing on the project property for which the Code Compliance Division has open cases. (PL, G-15).

LANDSCAPE STANDARD CONDITIONS

16. Developer shall install an irrigation system that includes a water sensor shut off device as a water conservation measure. (PK, PK-22)
17. At time of submittal to the Building and Engineering Division for plan check, Developer's Landscape Architect or Architect shall provide the City with written confirmation that they have reviewed the civil engineering construction drawings and that the NPDES requirements are not in conflict with meeting the City's landscape requirements. (PK, PK-23)
18. Developer shall include a note on the Landscape Plans submitted to the Building and Engineering Division for a building permit that "All landscaping and irrigation comply with Ordinance No. 2822", which adopted the City of Oxnard Landscape Water Conservation Standards. (PK, PK-24)
19. Developer shall submit four sets of median and parkway landscape and irrigation plans with the first submittal of public improvement plans. The City shall approve median and parkway landscape and irrigation plans when the City approves public improvement plans. Before the City issues a building permit, the irrigation plans must be approved for proper meter size, backflow prevention device, and cross connection control by the Water Production Supervisor or designee. (DS/ PK, PK-14)
20. Before the City accepts medians and parkways from Developer, the landscaping thereon must complete a plant establishment period of 90 days or such other time as specified in this permit. (PK/DS, PK-15)
21. Developer shall install sod in the lawn areas of all front yards and street side yards. (PK, PK-13)
22. At the close of escrow or at the time of occupancy of each dwelling unit, Developer shall review with and provide instructions to each buyer concerning the irrigation controller operation and the watering schedules. (PK, PK-12)
23. Developer shall provide an automatic irrigation controller and a written seasonal watering schedule for all front yard and street side yard landscaping. The watering schedule shall include variations for seasonal changes, sun and shade exposure of plants, type of plants, duration and frequency of irrigation, and suggestions as to how to conserve water. As part of

the landscape plan check submittal process, the Parks and Facilities Superintendent shall review the sufficiency of instructions for the operation of the irrigation controller and the watering schedule cycles. (PK, *PK-11*)

24. Within sixty days after a house is occupied, Developer shall install front yard and street side yard landscaping for that house. Developer shall provide proof of financial responsibility approved by the City Attorney to ensure faithful performance of this condition within the specified time. (PK/ PL, *PK-10*)
25. Developer's landscape plans for houses shall show, where appropriate, a typical landscape and irrigation treatment for north, south, east or west site orientation, for corner lots as well as internal lots. (PK, *PK-9*)
26. Developer shall offer a low water-use front yard landscape option to buyers at no extra cost. Developer shall also provide low water-use landscape literature to each buyer. (PK, *PK-8*)
27. Prior to submittal of landscape and irrigation plans, Developer shall obtain approval of the Planning Manager or designee of a plan showing on the project property all existing trees and identifying the trees to be saved, transplanted or removed. (PK, *PK-1*)
28. Prior to issuance of building permits or the proposed use is initiated, whichever comes first, Developer shall submit two copies of landscape and irrigation plans, along with the appropriate permit application and fees, to the Development Services Division and obtain approval of such plans. (PK/DS, *PK-2*)
29. Prior to issuance of a certificate of occupancy, Developer shall install landscape and automatic irrigation systems that have been approved by Parks and Facilities Superintendent. (PK, *PK-3*)
30. Developer shall properly maintain landscape planting and all irrigation systems as required by the City Code and as specified by this permit. Failure of Developer to do so may result in the revocation of this permit and initiation of legal proceedings against Developer to ensue compliance (PK, *PK-4*)
31. Prior to the issuance of City issues a certificate of occupancy, Developer shall provide a watering schedule to the building owner or manager and to Planning Division or designee. The irrigation system shall include automatic rain shut-off devices, or instructions on how to override the irrigation system during rainy periods. (PK, *PK-5*)
32. At the time of planting, Developer shall provide at least 24-inch box size for all new trees planted on the subject property by. All shrubs and vines planted under the subject permit by the Developer shall be at least five-gallon size, except as otherwise specified by this permit. (PK, *PK-6*)

LANDSCAPE SPECIAL CONDITIONS

33. Developer's Landscape Architect or Architect shall provide the City with written confirmation that they have reviewed the civil engineering construction drawings and that the NPDES requirements are not in conflict with meeting the City's landscape requirements prior to the issuance of building permits. (PL/PK)
34. All landscaping and irrigation shall comply with Ordinance No. 2822, which adopted the City of Oxnard Landscape Water Conservation Standards. (PL/PK)

FIRE DEPARTMENT STANDARD CONDITIONS

35. Developer shall provide automatic fire sprinklers as required by the City Code and shall contact the Fire Chief to ascertain the location of all connections. (FD, F-12)
36. The project shall meet the minimum requirements of the "Fire Protection Planning Guide" published by the Fire Department. (FD, F-6)
37. All structures on the project property shall conform to the minimum standards prescribed in Title 19 of the California Code of Regulations. (FD, F-5)
38. All roof covering materials on the project property shall be of non-combustible or fire retardant materials approved by the Fire Chief and in compliance with the City Code. (FD, F-2)

DEVELOPMENT SERVICES DEPARTMENT STANDARD CONDITIONS

39. Developer shall pay plan check and processing fees in effect at the time of construction plan submittal and shall pay development fees, encroachment permit fees, and other applicable fees in effect at the time the City issues building permits. (DS-1)
40. Developer shall have the site improvement plans prepared on standard Development Services Division mylars by a civil engineer licensed in the State of California. The plans shall incorporate recommendations from soil engineering and geology reports. Prior to issuance of a grading permit, improvement plans must be approved by the City Engineer and the original ink-on-mylar plans filed with the Development Services Division. (DS-3)
41. Developer shall submit improvement plans and drainage calculations that demonstrate that storm drainage from the project property and all upstream areas will be safely conveyed to an approved drainage facility. The design and conveyance route shall be compatible with the City's Master Plan of Drainage and shall be approved by the City Engineer prior to approval of improvement plans. (DS-4)
42. Developer shall protect building pads from inundation during a 100-year storm. (DS-5)
43. Developer shall remove and replace all improvements that are damaged during construction. (DS-6)

44. Each structure shall be served by separate sewer and water services. There shall be no interconnections between structures. (DS-8)
45. Curb cut widths and design shall conform to City ordinances, standards, and policies in effect at the time City issues an encroachment permit. (DS-9)
46. Developer shall install on-site and off-site utility services underground in accordance with City ordinances in effect at the time City issues the building permit. Services shall be installed underground to the nearest suitable riser pole as determined by the appropriate utility service provider. (DS-12)
47. Developer shall enter into an agreement, approved as to form by the City Attorney, to install and construct all public improvements required by this permit and by the City Code and shall post security satisfactory to the Finance Director, guaranteeing the installation and construction of all required improvements within the time period specified in the agreement or any approved time extension. (DS-14)
48. A civil engineer licensed in the State of California shall prepare the public improvement plans and documents for this project in accordance with City standards and shall submit all such plans to the City Engineer. Such plans and documents shall include, but not be limited to, grading, street, drainage, sewer, water and other appurtenant improvement plans; a master utility plan showing the layout and location of all on-site and off-site utility improvements that serve the project; construction cost estimates, soils reports, and all pertinent engineering design calculations. City will not accept an application for the final map or parcel map for the project or issue a grading, site improvement or building permit until the City Engineer has approved all improvement plans. (DS-15)
49. Prior to issuance of a site improvement permit, Developer shall provide to the Development Services Division a compact disc (CD) containing digital copies of the subdivision map, address map, and civil improvements drawings in DWG format. Prior to improvement bond release, Developer shall provide an updated CD containing all changes that occur during construction. (DS-16)
50. Developer shall provide all necessary easements for streets, highways, alleys, sidewalks, breezeways, parkways, landscaping, utilities, drainage facilities, and other improvements as required by City. If such easements cannot be obtained from the property owner by negotiation, City may acquire them at the expense of Developer by exercise of the power of eminent domain. Developer shall bear all costs of eminent domain proceedings, including appraisal, acquisition, attorney's fees, and court costs. Before City issues a site improvement permit, Developer shall dedicate all required easements to City. (DS-19)
51. Developer shall remove graffiti from the project, including graffiti on offsite public infrastructure under construction by Developer, within 24 hours of its appearance. If Developer fails to remove graffiti in accordance with this condition, the City may at the

- discretion of the Development Services Manager issue a stop work order until such time as the graffiti is removed. (DS-20)
52. The conditions of this resolution shall prevail over all omissions, conflicting notations, specifications, dimensions, typical sections, and the like, that may or may not be shown on the improvement plans. (DS-21)
53. Developer shall pay the cost of all inspections of on-site and off-site improvements. (DS-22)
54. Developer shall be responsible for all project-related actions of Developer's employees, contractors, subcontractors, and agents until City accepts the improvements. (DS-23)
55. Prior to beginning construction, Developer shall designate in writing an authorized agent who shall have complete authority to represent and to act for Developer. The authorized agent shall be present at the work site whenever work is in progress. Developer or the authorized agent shall make arrangements acceptable to City for any emergency work. When City gives orders to the authorized agent to do work required for the convenience and safety of the general public because of inclement weather or any other cause, and the orders are not immediately acted upon by the authorized agent, City may do or have such work done by others at Developer's expense. (DS-24)
56. "Standard Specifications for Public Works Construction," latest edition, and any modifications thereto by City, and City of Oxnard Standard Land Development Specifications and all applicable City Standard Plans, shall be the project specifications, except as noted otherwise on the approved improvement plans. City reserves the right to upgrade, add to, or revise these specifications and plans and all other City ordinances, policies, and standards. If the improvements required of this project are not completed within 12 months from the date of City's approval of the improvement plans, Developer shall comply with and conform to any and all upgraded, additional or revised specifications, plans, ordinances, policies and standards. (DS-27)
57. Developer shall retain a Civil Engineer licensed in the State of California to ensure that the construction work conforms to the approved improvement plans and specifications and to provide certified "as-built" plans after project completion. Developer's submittal of the certified "as-built" plans is a condition of City's final acceptance of the project. (DS-29)
58. All grading shall conform to City's grading ordinance and any recommendations of Developer's soils engineer that have been approved by the City Engineer. Developer shall conform to all applicable notes specified on the site improvement/grading plan cover sheet and grading permit. (DS-30)
59. Storm drain, sewer and water facilities shall conform to applicable City Master Plans. Developer shall prepare plans for these facilities in accordance with City's engineering design criteria in effect at the time of improvement plan submittal. Developer shall submit plans with

pertinent engineering analyses and design calculations for review and approval by the City Engineer prior to issuance of a site improvement permit. (DS-34)

60. Each lot shall drain into a street, alley, or approved drain so that there will be no undrained depressions. (DS-35)
61. Prior to issuance of a site improvement permit, Developer shall provide to the City Engineer easements or written consents from all affected landowners for any diversion of historical flows or change in drainage conditions caused by the project, as evidence that such landowners accept any additional water flowing over their property. (DS-36)
62. Developer shall dispose of sewage and solid waste from the project by City's wastewater and solid waste systems in a manner approved by the City Engineer. (DS-38)
63. Developer shall install water mains, fire hydrants and water services in conformance with City Standard Plans and specifications as directed by the City Engineer. (DS-41)
64. Developer shall install adequately sized water services and meters to each lot or unit in accordance with City standards in effect at the time City issues building permits. There shall be no interconnections between structures. (DS-42)
65. Prior to issuance of building permits, Developer shall present to the City Engineer a "Proof of Payment - Authorization for Building Permits" form issued by the Calleguas Municipal Water District. (DS-44)
66. Developer shall install City approved backflow prevention devices for water connections if so ordered by the City Engineer. (DS-45)
67. Developer shall dedicate and improve to City standards all sidewalks, parkways, streets, alleys, and street appurtenances. City will name all streets in accordance with adopted City guidelines. (DS-49)
68. Developer shall provide soils reports, "R" value tests, and compaction tests for all streets. Determination of the actual structural sections shall be based on City's design procedure, applying the appropriate traffic index specified in City standards. (DS-53)
69. Prior to release of the final map or parcel map for recordation, Developer shall provide the City Engineer with a 100-scale base map for addressing purposes. The map shall be drawn on 18-inch by 24-inch mylar and shall show the standard address map title block, north arrow, street names, tract number, phase boundary and lot numbers. The City will assign all addresses. (DS-56)
70. Developer shall submit a landscape irrigation plan prepared by a licensed professional, showing proper water meter size, backflow prevention devices, and cross-connection control. (DS-59)

71. Developer shall be responsible for and bear the cost of replacement of all existing survey monumentation (e.g., property corners) disturbed or destroyed during construction, and shall file appropriate records with the Ventura County Surveyor's Office. (DS-64)
72. Developer shall provide three City refuse containers for each lot or unit. An alternative number of containers may be approved by the Environmental Resources Division. (DS-67)
73. Developer shall provide adequate vehicle sight distance as specified by CalTrans specifications at all driveways and intersections. (TR-71)

DEVELOPMENT SERVICES DEPARTMENT SPECIAL CONDITIONS

74. Developer shall provide a written evaluation determining whether this project is subject to the requirements of the Los Angeles Regional Water Quality Control Board's municipal separate storm sewer system ("MS4") permit (Order R4-2010-0108 and any revisions) for new development and redevelopment projects to minimize degradation of stormwater quality. If development is determined to be subject to these regulations, Developer shall submit stormwater quality calculations and associated construction plans demonstrating compliance with the MS4 permit. If project is determined to be exempt from these regulations, Developer shall design the site to promote infiltration as directed by the Development Services Manager. (DS)
75. Rear and side yard area drains may be used only if they are part of a system that conveys rainwater to appropriately sized infiltration trenches, infiltration basins, dry-wells, or similar infiltration device. Infiltration systems shall be designed with emergency overflow provisions. Area drain pipes shall not discharge via a curb core but may include an overflow grate or outlet. Developer shall provide site specific soil infiltration tests demonstrating that site soil infiltration rates exceed 0.5 inches per hour. All infiltration based devices shall be designed in accordance with the 2011 Technical Guidance Manual except for the infiltration volume. Infiltration volume shall be a minimum of 200 gallons per lot. (DS)
76. Developer shall redesign the lot drainage system to eliminate proposed curb cores. System may be designed to provide secondary overflow from drywells by inclusion of a grate (or similar outlet) to provide for surface conveyance over sidewalk and parkway when drywell infiltration rate is exceeded. (DS)
77. Prior to issuance of a grading permit or commencement of any clearing, grading or excavation, Developer shall prepare an Erosion Control Plan that complies with the Development Construction Program requirements of Part 4, Section F of the Los Angeles Regional Water Quality Control Board's municipal separate storm sewer system (MS4) permit for Ventura County. The Plan shall be reviewed by the City Engineer prior to issuance of a site improvement/grading permit. Developer shall keep the Plan updated to reflect current site conditions at all times and shall keep a copy of the Plan on the site and make it available for City or designated representative to review upon request. (DS)

78. Developer shall construct main line sewer in Charles Street of PVC instead of VCP unless directed otherwise by the Development Services Manager. (DS)
79. Developer shall remove and replace the existing sidewalk along the entire Charles Street frontage of the project. (DS)
80. Developer shall repair and/or replace any existing broken or damaged curb, gutter, or asphalt paving adjacent to property as directed by the Construction Services Inspector. (DS)
81. Developer repair all street cuts in public streets in accordance with City requirements for streets less than 10 years old as described on City standard plate 602. This shall include, but not necessarily limited to, a 0.13 foot deep grind and overlay of the full width (gutter to gutter) of Charles Street along the length of the proposed sewer line. Developer shall also fog seal Charles Street from the cross-gutter at Pleasant Valley to the southerly extent of the grind and overlay. Construction shall include restriping of Charles Street as directed by the City Traffic Engineer. (DS)
82. Developer shall construct a level concrete pad (36" x 72" min) for storage of three refuse containers out of view of the public street (behind a gate or fence). The storage location shall not be within the garage. Developer shall provide a paved path from the storage location to the street curb that does not require entering the garage. All gates or doors along the path shall be constructed with a minimum of 36 inches of clear space to allow passage of the City issued containers. Storage location and path shall be shown on the fine grading plans. (DS)
83. Developer shall process tentative parcel map 12-300-02 concurrently with the improvement plans for this project. (DS)
84. Developer shall provide written permission from adjacent property owners for any construction (including demolition) that encroaches on or negatively affects a neighboring property. (DS)

PLANNING DIVISION STANDARD CONDITIONS

85. Plans submitted by Developer with building permit applications shall show on the building elevation sheets all exterior building materials and colors, including product and finish manufacturer name, color name and number, and surface finish type (such as: stucco with sand finish, plaster with smooth finish) to be used in construction. (PL/B, PL-1)
86. Before the City issues building permits, Developer shall include a reproduction of all conditions of this permit as adopted by resolution of the Planning Commission and/or the City Council in all sets of construction documents and specifications for the project. (PL, PL-3)
87. Developer acknowledges that because of population limitations placed on the City by the Air Quality Management Program, approval of this permit does not guarantee that the City will

issue building permits. The City's issuance of building permits may be delayed as a result of implementation of an air quality plan. (PL, *PL-5*)

88. Developer shall provide for dust control at all times during project property preparation and construction activities. (B/DS, *PL-13*)
89. Prior to issuance of building permits, Developer shall pay a document imaging fee for the planning files in an amount calculated by planning staff at the time of building permit review based on fees then in effect. (PL/B, *PL-16*).
90. Developer shall participate in the City's Public Art Program by paying the Public Art fee prior to issuance of building permits, in accordance with City Council Resolution No. 14,124. (PL, *PL-50*)
91. Developer shall provide automatic garage door openers for all garages. (PL/B, *PL-20*)
92. Garages closer than 23 feet to the front property line shall have sectional roll-up garage doors. (PL/B, *PL-21*)
93. Prior to issuance of fine grading plans, Developer shall provide at least two types of driveway finishes or decorative designs. The details of the driveways shall be to the satisfaction of the Planning Division Manager. (PL, *PL-22*)
94. Railings and enclosures for patios and balconies shall provide at least 50 percent enclosure for screening and privacy. Developer shall include details of the railings and enclosures on the construction documents. (PL/B, *PL-24*)
95. Prior to the close of escrow for each dwelling unit, Developer shall provide the buyer with a written guarantee that the exterior finishes of the dwelling unit will remain in good condition for at least five (5) years from the final building permit inspection and sign off. Developer shall provide a copy of the guarantee to Planning staff prior to final Planning Division inspection and sign off. (PL, *PL-29*)
96. Developer shall provide masonry walls on street side yards and along project perimeter property lines. Developer shall install interior lot line fences, to be constructed of wood or other material, subject to the approval of the Planning Division Manager. (PL/B, *PL-31*)
97. Developer shall construct each dwelling unit with separate utility systems and meters. Developer shall paint utility meter panels to match structures upon which it is located. Such panels shall be located to take advantage of screening (e.g. landscaping or other building elements) from public right-of-ways, to the maximum extent feasible. (DS/B, *PL-34*)
98. Developer shall install all roof and building rain gutters and downspouts to integrate as closely as possible with building design elements, including matching adjacent building colors as

closely as possible. Developer shall submit a plan and scheme for approval by the Planning Division Manager prior to issuance of building permits. (PL, *PL-18*)

99. Developer shall include in all deeds for the project and in the Conditions Covenants & Restrictions a prohibition against parking recreational vehicles over 20 feet long in the project. (CE/PL, *PL-35*)

PLANNING DIVISION SPECIAL CONDITIONS

100. This permit is granted subject to the City's approval of a tentative map, parcel map, and recordation of the parcel map. The City shall issue building permits only after such recordation, unless otherwise approved by both the Planning Division Manager and the Development Services Manager. Before occupying any structures or initiating any use approved by this permit, Developer shall comply with all conditions of the tentative and parcel map. (PL/DS)
101. The window shutter details depicted at west elevation of Plan 2 shall be included on the south, north, and east elevations, to the satisfaction of the Planning Manager.
102. All structures constructed under this permit shall maintain a setback of at least five feet from the side property lines.
103. The four residences shall maintain a 19-foot setback to the rear property line.
104. Future patio covers with roofing material that is at least 50% open shall maintain a setback of 11 feet, three inches to the rear property line.

ENVIRONMENTAL RESOURCES DIVISION STANDARD CONDITIONS

105. To ensure that solid waste generated by the project is diverted from the landfill and reduced, reused or recycled, Developer shall complete and submit a "City of Oxnard C&D Environmental Resources Management & Recycling Plan" ("Plan") to the City for review and approval. The Plan shall provide that at least 50% of the waste generated on the project be diverted from the landfill. The Plan shall include the entire project area, even if tenants are pursuing or will pursue independent programs. The Plan shall be submitted to and approved by the Environmental Resources Division prior to issuance of a building permit. The Plan shall include the following information: material type to be recycled, reused, salvaged or disposed; estimated quantities to be processed; management method used; destination of material including the hauler name and facility location. Developer shall use the Plan form.
106. Developer shall follow the approved "City of Oxnard C&D Environmental Resources Management & Recycling Plan" and provide for the collection, recycling, and/or reuse of materials (i.e., concrete, wood, metal, cardboard, green waste, etc.) and document results during construction and/or demolition of the proposed project. After completion of demolition and/or construction, Developer shall complete and submit the "City of Oxnard C&D

Environmental Resources Management & Recycling Report For Work Completed” (“Work Completed Report”) and provide legible copies of weight tickets, receipts, or invoices for materials sent to disposal or reuse/recycling facilities. For other discarded or salvaged materials, Developer shall provide documentation, on the disposal facility’s letterhead, identifying where the materials were taken, type of materials, and tons or cubic yards disposed, recycled or reused, and the project generating the discarded materials. Developer shall submit and obtain approval of the Work Completed Report prior to issuance of a certificate of occupancy.

107. Developer shall arrange for materials collection during construction, demolition, and occupancy with the City's Environmental Resources Division or Developer shall arrange for self-hauling to an authorized facility.
108. Developer shall dispose of sewage and solid waste from the project by City’s wastewater and solid waste systems in a manner approved by the City Engineer.

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

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

NOES: Commissioners: None

ABSENT: Commissioners: None



Anthony R. Murguia, Chairman

ATTEST: 
Susan L. Martin, Secretary

**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission

FROM: Douglas Spondello, Associate Planner

DATE: November 15, 2012

SUBJECT: Planning and Zoning Permit Nos. 12-500-03, (Special Use Permit) and 12-300-02 (Tentative Parcel Map), Southeast intersection of West Pleasant Valley Road and Charles Street.

- 1) **Recommendation:** That the Planning Commission:
 - a) Approve Planning and Zoning Permit No. 12-500-03 for a special use permit, subject to certain findings and conditions; and
 - b) Adopt a resolution recommending that the City Council approve Planning and Zoning Permit No. 12-300-02 for a tentative parcel map, subject to certain findings and conditions.
- 2) **Project Description and Applicant:** A request to subdivide two lots (Assessor's Parcel Nos. 222-0-102-240 and 222-0-102-260) located approximately 100 feet southeast of the intersection of West Pleasant Valley Road and Charles Street into four and construct four single-family residences on .3 acres of vacant property, zoned General Commercial Planned Development (C-2-PD). The request also includes reductions to the rear yard setback and interior yard space requirements. Filed by Designated Agent Jacob Lukiewski, M3 Civil, Inc., 400 Rosewood Avenue, Suite 201, Camarillo, CA 93010, on behalf of the property owner.
- 3) **Existing & Surrounding Land Uses:** The 14,868 square foot project site is vacant and unimproved. A dirt parkway, five-foot concrete sidewalk, and single curb cut are installed along Charles Street.

LOCATION	ZONING	GENERAL PLAN	EXISTING LAND USE
Project Site	General Commercial Planned Development (C-2-PD)	Commercial General (CG)	Vacant
North	C-2-PD	CG	Vacant
South	C-2-PD	CG	Multi-Family Residential
East	C-2-PD	CG	Best Breakfast Restaurant
West	C-2-PD	CG/Residential Medium	Victory Outreach Church

- 4) **Background Information:** Several proposals have been submitted in the past to develop the property for residential and mixed uses. None have been pursued and there are no standing planning entitlements issued to the property.
- 5) **Environmental Determination:** In accordance with Section 15315 of the State CEQA Guidelines, projects involving "minor land divisions" of property into four or fewer parcels within urbanized areas may be found to be exempt from the requirements of the California Environmental Quality Act (CEQA). The proposed tentative map involves dividing two parcels into four within a developed urban area. Furthermore, Section 15332 of the State CEQA Guidelines, projects involving "in-fill development" may be found to be exempt from the requirements of CEQA. This project is located within a developed urban area. In light of these findings, Staff has determined that there is no substantial evidence that the project may have a significant effect on the environment and recommends that Planning Commission accept the Notice of Exemption (see Attachment C).
- 6) **Analysis:**

- a) **General Discussion:** The floor space, lot placement, and building envelope of the four homes are identical. The two-story residences are 2,745 square feet and feature an oversized two-car garage with laundry facilities, three bedrooms, three bathrooms, a kitchen, dining and living rooms, and a 207 square foot deck.

The Applicant intends to sell the proposed residences at market-rate. The development is not subject to Quimby Fees as the Quimby ordinance applies to projects of five or more units. Similarly the project is not subject to the Affordable Housing Requirements as that ordinance applies to proposals of ten or more dwelling units. Finally, the project is subject to Public Art fees which will be due prior to the issuance of a building permit.

- b) **General Plan Consistency:** The City's 2030 General Plan land use designation for the subject site is for Commercial General which allows for residential uses at a maximum of 18 dwelling units per acre. The project has been determined to be consistent with the General Plan and the property's land use designation.

Consistency with the 2030 General Plan is defined by the relationship between 2030 General Plan policies and the proposed project. The three consistency classification levels are:

- I. Direct Applicability to Proposed Project
- II. Related or Indirect Applicability to the Proposed Project
- III. No/Distant Applicability to the Proposed Project

POLICY	LEVEL	POLICY OR TITLE	EXPLANATION
CD 1.5	I	Housing Variety: Promote the development of a variety of housing types	The subject property is adjacent to a residential community and the addition of four single-family homes would be compatible with these existing uses. The project seeks reductions to the required interior yard space area and rear yard setbacks under the planned development provisions of the code. The project would develop an existing dirt lot into homes with landscaped yards. In addition, adequate parking is provided to support the residential use.
CD 3.1		Neighborhood Preservation: Protect existing residential neighborhoods	
CD 3.2		Encourage Planned Development Code Provisions for Revitalization: PD provisions within the Zone Code to provide flexibility	
ICS 9.2		Development Has Adequate Parking	
CD 14.1	II	Design Review Process	The project was reviewed by the DAC and complies with all applicable City design policies, plans and guidelines. The DAC includes representatives from the Police and Fire Departments.
CD 14.2		Development Advisory Committee (DAC) Function	
ICS 14.3		New Development Requirements	
ICS 19.2		Police Review of Development Projects	
ICS 20.8		Development Review (Fire Protection)	
ICS 11.10		Water Supply Findings for Smaller Projects	
All others	III	All policies not listed above	No or distant applicability to the project.

c) Conformance with Zoning Development Standards: The project is located in the General Commercial Planned Development (C-2-PD) zone district. City Code Section 16-142 requires that buildings used exclusively for dwelling purposes comply with the setbacks of the R-3 zone. The proposed project is generally consistent with applicable development standards. Under the Planned Development additive zone, the applicant has requested variations to certain numerical standards by up to 25%, pursuant to Code Section 16-271. Specifically, a 24% reduction to the required rear yard setback to the home, a 25% reduction to the rear yard setback to future attached patio covers and a 9.4% reduction to the required interior yard space area. These are shown in *italics* in the following table:

DEVELOPMENT STANDARD	REQUIREMENT	PROPOSED	COMPLIES?
Max. building height 16-137	2 stories or 35 feet.	2 stories, 23 feet	Yes
Lot Area (residential uses) 16-138	600 sq.ft. per dwelling unit	Minimum of 3,669 sq. ft.	Yes
Front yard setback* 16-60	20 feet	20 feet	Yes
Side yard setback* 16-61	5 feet lot.	5 feet	Yes
Rear yard setback* 16-62	25 feet 15 feet for an attached patio cover	<i>19 feet (24% less than required)</i> <i>Future patio covers with roof that is at least 50% open would be allowed at 11 feet 3 inches (25% less than required)</i>	<i>Yes, with PD modification</i>
Interior Yard Space* 16-63	30% of lot area, minimum dimensions of 15' x 15'. May not include vehicle parking or circulation areas. 25% of required IYS may be provided by deck space if min. 10' x 10' and 200 sq. ft. Area must be open from ground to sky (see exceptions in Sec. 16-304 and 16-307)	<i>Deck and rear yard IYS provided:</i> <i>Lot 1: 1,015 (9.4% less than required)</i> <i>Lot 2: 1,009 (9.3% less than required)</i> <i>Lot 3: 1,009 (9.1% less than required)</i> <i>Lot 4: 1,047 (7.7% less than required)</i>	<i>Yes, with PD modifications</i>

DEVELOPMENT STANDARD	REQUIREMENT	PROPOSED	COMPLIES?
	Lot 1: 3,733 sq.ft./1,120 required Lot 2: 3,705 sq.ft./1,112 required Lot 3: 3,699 sq.ft./1,110 required Lot 4: 3,779 sq.ft./1,134 required		
Commercial General: Residential Density General Plan Page 3-15	18 dwelling units per acre Max of 6 units on 14,916 square foot project site	Four units	Yes
Parking spaces, Resident 16-622	Two spaces in a garage for each unit with 2-5 bedrooms.	Lot 1: 3 bedrooms/two-car garage Lot 2: 3 bedrooms/two-car garage Lot 3: 3 bedrooms/two car garage Lot 4: 3 bedrooms/two car garage	Yes
Fence 16-310	- Cannot be located in the FY setback area - No chain link in FY 7' max height	6' high CMU block along project perimeter/ 6' high wooden fence between proposed homes Not in front yard	Yes

* Indicates R-3 development standard is applicable per Code Section 16-142.

d) **Site Design:** Each of the four residences is located on a separate parcel. The homes will be oriented to Charles Street.

- e) **Circulation and Parking:** Vehicular access to two-car garages will be provided via driveways off Charles Street. The driveways themselves can accommodate an additional two vehicles and there are four on-street parking spaces adjacent to the project.
- f) **Building Design:** Two architectural treatments are provided for some variety of color and materials. Plan 1 is proposed on lots Lots 1 and 3 and will feature stucco painted beige (Botique Beige) with a dark iron (Iron Fixture) and Milk Glass contrasting colors for fascia, columns, window trim, and doors. Roofing material will be timberline shingles (Nantucket Morning). The style features banded stucco accent columns and paneled stucco guardrail enclosing the upstairs deck.

Plan 2 (Lots 2 and 4) features beige stucco (Terracotta Sand) and a sage (Meadowwood) accent color on doors and decorative window shutters. Columns, roof fascia and the guardrails will be painted white (Swiss Coffee). Roofing material will be timberline shingles (Adobe Sunset). The applicant is only showing shutters on the elevation facing Charles Street. In order to ensure the building design elements are consistent on all sides, Condition of Approval No. 101 of the special use permit requires that shutters are added to the north, south, and east elevations.

- g) **Landscaping and Open Space:** The parkways in front of each home will be planted with sod and a 24 inch box size street tree (Pryus Kawakamii). Each front yard will also feature a 24 inch box size tree (Cassia Leptophylla), sod and a variety of shrubs. Rear yards will be planted with sod and shrubs.

Crawling vines (Ficus Pumila) will be installed to discourage graffiti on the 6-foot high block wall, adjacent to the vacant parcel directly north of the project.

- 7) **Development Advisory Committee:** The Development Advisory Committee (DAC) reviewed this project on June 13, 2012. Recommendations of the DAC have been incorporated into the plans and are included in the attached resolution.
- 8) **Community Workshop:** On August 6, 2012, the applicant mailed notices of the Community Workshop meeting to all property owners within the Southwinds Neighborhood. A notice of this meeting was posted on the project site with a brief description and contact information. The Community Workshop was conducted on August 20, 2012. Eight people attended the meeting but no comments were provided for this project.

Planning staff was contacted in September by a resident who expressed concerns about a lack of parking in the neighborhood to the south of the project site. The proposed homes each feature a two-car garage and adequate driveway space to accommodate two additional spaces for off-street parking. As a result, staff does not anticipate the project will contribute to a lack of on-street parking.

9) Appeal Procedure: In accordance with Section 16-545 of the City Code, the Planning Commission's action on the special use permit may be appealed to the City Council within 18 days after the decision date. Appeal forms may be obtained from the City Clerk and must be submitted with the appropriate fees before the end of the appeal period. The Planning Commission's recommendation on the tentative map request will be considered by the City Council in a noticed public hearing at a later date.

Attachments:

- A. Maps (Vicinity, General Plan, Zoning)
- B. Reduced Project Plans
- C. Notice of Exemption
- D. Resolutions

Prepared by:	<u>DS</u> DS
Approved by:	<u>SM</u> SM

MINUTES

OXNARD PLANNING COMMISSION REGULAR MEETING November 15, 2012

A. ROLL CALL

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

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

Commissioner Medina led the pledge of allegiance.

C. PUBLIC COMMENTS

D. READING OF AGENDA

Planning Manager Martin review the agenda including applicant's request for continuance of Item G-1 (PZ 12-520-06) to December 6, 2012.

E. CONSENT AGENDA

1. APPROVAL OF MINUTES – September 20, 2012

2. PLANNING AND ZONING PERMIT NO. 11-300-04 (Tentative Parcel Map) and 11-500-11 (Special Use Permit), a request for subdivision of a 12.64 acre parcel into three parcels: Parcel 1 (7.47 acres) retains an occupied 94,607 square foot industrial building and associated parking; Parcel 2 (3.79 acres) retains a vacant 66,019 square foot industrial building, and removes two vacant office buildings totaling 14,468 square feet; and Parcel 3 (1.38 acres) removes a 32,836 square foot office building that straddles Parcels 2 and 3. The subject property is located at 1950 Williams Drive, and is exempt from CEQA in accordance with Guidelines Sections 15302 and 15315. Filed by RIF III Williams, LLC c/o Rexford Industrial, 11620 Wilshire Blvd., Suite 300, Los Angeles, CA 90025. PROJECT PLANNER: Chris Williamson

Chairman Murguia opened the public testimony. No comments were received, and the public testimony was closed.

MOTION Commissioner Stewart moved and Commissioner Mullin seconded a motion to approve the minutes of September 20, 2012 as presented; to adopt a resolution recommending City

Council approval of PZ 11-300-04, a Tentative Parcel Map to create three parcels; and to adopt a resolution to approve PZ 11-500-11, a Special Use Permit to subdivide a 12.64 acre property located at 1950 Williams Drive, subject to certain findings and conditions. The question was called and the motion carried 6-0-0-1, Commissioner Huber abstaining on Item E-1; and the motion carried 7-0 on Item E-2.

F. CONTINUED PUBLIC HEARINGS

G. NEW PUBLIC HEARINGS

1. PLANNING AND ZONING PERMIT NO. 12-520-06 (Minor Special Use Permit), a request to expand the existing Thursday morning farmer's market located in Plaza Park. The proposal includes one additional hour to operate until 2:00 p.m. on Thursday every week, additional activities such as live entertainment, children's activities, non-food vendors, and temporary banners and signs. The subject property is Plaza Park located at 500 South C Street. The project is exempt from the California Environmental Quality Act (CEQA) in accordance with Sections 15301 and 15311 for the permitting of existing facilities and placement of temporary use items in generally the same locations from time to time in publicly owned parks. Filed by the Oxnard Downtown Management District, on behalf of Coastal Pacific LLC, 444 South A Street, Oxnard CA 93030.
PROJECT PLANNER: Brian Foote

MOTION Commissioner Nash moved and Commissioner Stewart seconded a motion to continue Item G-1 (PZ 12-520-06) to December 6, 2012. The question was called and the motion carried unanimously.

2. PLANNING AND ZONING PERMIT NO. 12-500-03 (Special Use Permit) and 12-300-02 (Tentative Parcel Map), a request to subdivide two lots located southeast of the intersection of West Pleasant Valley Road and Charles Street into four lots and construct four single-family residences on .3 acres of vacant property, zoned General Commercial Planned Development (C-2-PD). The request also includes reductions to the rear yard setback and interior yard space requirements. The project is exempt from environmental review under Sections 15315 and 15332 of the State CEQA Guidelines. Filed by Designated Agent Jacob Lukiewski, M3 Civil, Inc., 400 Rosewood Avenue, Suite 201, Camarillo, CA 93010, on behalf of the property owner.
PROJECT PLANNER: Doug Spondello

Associate Planner Spondello presented the staff report including reduction in the interior yard space, rear yard setbacks, and patio covers; Community Workshop; surrounding uses; landscaping and fencing; and parking. He also displayed an aerial photo of the site; General Plan and zoning maps; elevations; and site plan.

Senior Civil Engineer Wendt explained what a drywell was, in relation to the infiltration of the site; and indicated that there were no capacity issues with the sewer lines for the project site.

Traffic Engineer Samonte discussed the possibility of having parking permits on the site.

Chairman Murguia opened the public testimony.

Mr. Jacob Lukiewski and Mr. Victor Rodriguez, agents representing the owner, gave a brief presentation including that they had never witnessed a parking issue in the area, and they anticipated starting the project as soon as possible.

Mr. Bert Perello discussed the parking issue at the site; patio covers; and community outreach.

Chairman Murguia closed the public testimony.

Planning Commission discussed parking issues at the site, and the possibility of conditioning the project to require parking permits.

MOTION Commissioner Medina moved and Commissioner Stewart seconded a motion to adopt a resolution granting PZ 12-500-03, a Special Use Permit to allow construction of four single-family residences; and recommending City Council approval of PZ 12-300-02, a Tentative Parcel Map for property located approximately 100 feet southeast of the intersection of Charles Street and West Pleasant Valley Road, subject to certain findings and conditions. The question was called and the motion carried 7-0.

3. PLANNING AND ZONING PERMIT NOS. 12-540-01 (Planned Development Permit); 12-500-1 (Special Use Permit); 12-510-1 (Special Use Permit for Alcohol), 12-300-1 (Tentative Map), a request for a planned development permit to redevelop the Food 4 Less/Target site at the corner of Vineyard Avenue and West Esplanade Drive. The subject site is also bounded by Wagon Wheel Road (bridge) and Oxnard Boulevard to the north and the railroad right-of-way to the west. The former Target building (117,534 square feet) would be demolished and the site will be redeveloped with construction of a 159,954 square foot shopping center, associated parking, landscaping and circulation improvements. The project includes a new Food 4 Less grocery store with alcohol sales for off-site consumption, a 14- pump gas station, two new retail buildings, and the rehabilitation of two existing buildings (former 24 Hour Fitness building and current Food 4 Less building). A tentative parcel map would divide the three existing lots into six lots. A master sign program, changes to the landscape configuration, addition of transit enhancements, land dedications for roadway improvements, and a future multi-use trail are also proposed. The 14.47-acre site is addressed at 130, 150, 250, & 300 W. Esplanade Drive. There is no substantial evidence that the proposed project may have a significant effect on the environment, and a mitigated negative declaration (MND 12-01) will be adopted. The Planning Commission's action on this request is a recommendation to the City Council. Filed by The Kroger Company, Greg Peters, 1100 West Artesia Blvd, Compton, CA 90220.

PROJECT PLANNER: Ashley Golden

Principal Planner Golden presented the staff report including demolition of the former Target building; rehabilitation of the former 24 hour Fitness Center and existing Food 4 Less building; construct a 14 pump service station; existing and proposed land uses; proposed entitlements; new bus stops; access points; pedestrian access; future multi-use trail dedication; letter received from Cal-Trans in favor of the project; levels of service; parking; loading zones and deliveries; sign program; alcohol license only for the grocery store, but the applicant would be allowed to apply for a Special Use Permit to sell beer and wine at the new gas station ; crime rate; roadway improvements; comments received on mitigated negative declaration; and project is consistent with the 2007 Air Quality Management Plan. She also displayed the General Plan and zoning maps; site photos and

surrounding sites; site plan; circulation; trip generation comparison; elevations; building designs; entry feature; and landscape and tree plans.

Senior Civil Engineer Wendt discussed the stormwater design and drainage system.

Senior Officer Waer discussed the transfer of the alcohol license to the new site, crime rate; and indicated that he didn't anticipate any policing problems.

Chairman Murguia opened the public testimony.

Mr. Greg Peters, representing the applicant, discussed the proposed gas station.

Mr. Bert Perello questioned plans for road improvement; requirements for solar; and discussed crime rate; water liability issue; trees; and funding for public improvements.

Mr. Kurt Keller, landscape architect for the applicant, discussed the tree plan for the site.

Chairman Murguia closed the public testimony.

MOTION Commissioner Mullin moved and Commissioner Stewart seconded a motion to adopt a resolution recommending City Council approval of PZ 12-300-1, a Tentative Parcel Map; adopt a resolution granting PZ 12-500-1, a Special Use Permit to allow a 14 pump service station as part of the redevelopment of the Food 4 Less/Target Site, associated parking, landscaping, and circulation improvements; adopt a resolution granting PZ 12-510-1, a Special Use Permit for Alcohol to allow Food 4 Less Grocery Store to sell alcohol for off-site consumption; and adopt a resolution granting PZ 12-540-1, a Planned Development Permit to redevelop the Food 4 Less/Target site including demolition of the former Target building and construction of a 159,954 square foot shopping center, associated parking, landscaping, and circulation improvements, located at the corner of Vineyard Avenue and West Esplanade Drive, subject to certain findings and conditions. The question was called and the motion carried 7-0.

RECESS Chairman Murguia called a recess at 8:45 p.m. The meeting reconvened at 8:55 p.m. with all Commissioners present.

H. REPORTS; STUDY SESSION

1. Oxnard Boulevard and Camino Del Sol Intersection Update

Traffic Engineer Samonte discussed the update of the Camino Del Sol/Oxnard Boulevard at grade intersection.

Chairman Murguia opened the public testimony.

Mr. Bert Perello discussed the closure of Olds Road; flyover at Rice Avenue; and suggested that the neighborhoods would benefit for seeing the presentation.

Chairman Murguia closed the public testimony.

I. PLANNING COMMISSION BUSINESS

Commissioner Nash discussed the possibility of acquiring tablets for the Planning Commission, as a cost saving measure. Commissioners Nash, Huber, and Guevara requested that the Planning Commission receive only ledger sized plans, not full sized plans with their packets.

Commissioner Huber commended the staff for the Community Planning Month in October; spoke favorably about the RiverPark electronic sign, and asked if staff monitored the illumination of the Auto Center Sign; indicated that he would be absent for the December meeting; and commended Commission Medina for his work.

Commissioner Medina suggested that the Planning Commission and staff wear holiday sweaters for the December meeting; and thanked the Planning Commission and staff for their work during his tenure as a Planning Commissioner; and congratulated Mayor elect Flynn.

J. PLANNING MANAGER COMMENTS

Planning Manager Martin reminded the public that applications for openings on a variety of CAG's was available in the City Clerk's office through December 14, 2012; indicated that the proposed meeting schedule for 2013 would be brought back to the Planning Commission in December; and previewed the upcoming items tentatively scheduled for the next meeting on January 3, 2013.

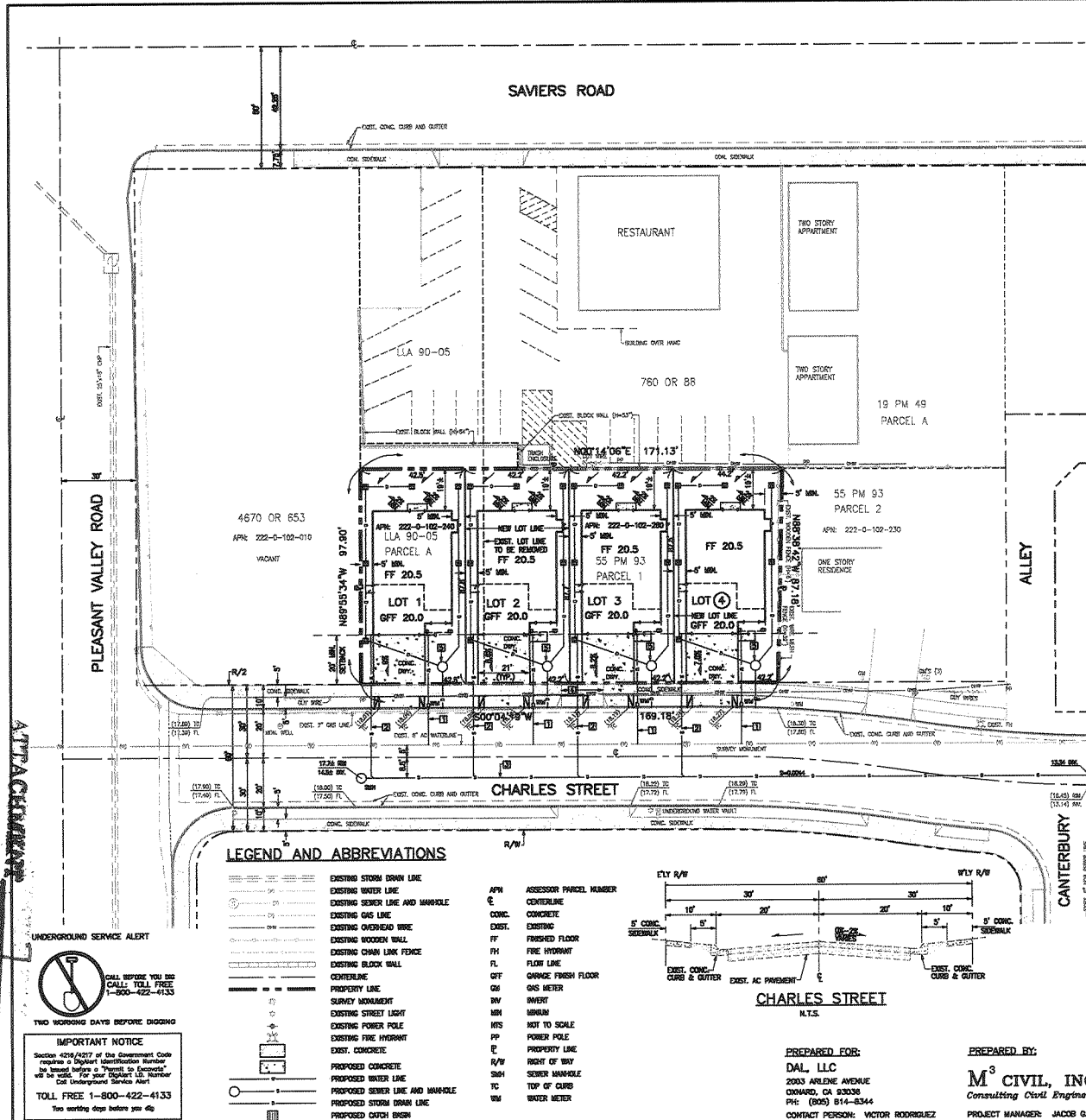
K. ADJOURNMENT

At 9:37 p.m., the Planning Commission concurred to adjourn.

Anthony R. Murguia, Chairman

ATTEST: _____


Susan L. Martin, Secretary



UTILITIES

WATER -	CITY OF OXNARD 254 S. HAYES AVENUE OXNARD, CA 93030 PH: (805) 305-8136	GAS -	SOUTHERN CALIFORNIA GAS 1850 MOUNTAIN VIEW OXNARD, CA 93030 PH: (805) 305-4636
SEWER -	CITY OF OXNARD 6001 S. PERSONS ROAD OXNARD, CA 93033 PH: (805) 405-3517	ELECTRICITY -	SOUTHERN CALIFORNIA EDISON 10080 TELEGRAPH ROAD VENTURA, CA 93003 PH: (805) 654-7476
TELEPHONE -	VERISON 201 FLYNN ROAD CAMARILLO, CA 91012 PH: (805) 385-2220	CABLE -	TIME-WARNER CABLE 721 MULHART AVENUE OXNARD, CA 91302-2219 PH: (805) 375-7125

ZONING/LOT-AREA SUMMARY:

ASSESSOR'S PARCEL NOS.: 222-0-102-240, AND 222-0-102-250

PRESENT ZONING: C-2-PD
PROPOSED ZONING: C-2-PD
SITE ADDRESS: CHARLES STREET
MINI. FRONT YARD SETBACK: 20'
MINI. SIDE YARD SETBACK: 5'
MINI. REAR YARD SETBACK: 15'
TOTAL PARCEL ACREAGE: 0.34 AC.
FLOOD ZONE FROM FIRMA: ZONE X, PANEL 918 OF 1275
MAP NO. 08111 CORRIE

PROPOSED LOT AREAS:

LOT NO.	AREA
1	3,733 SF 0.09 AC.
2	3,705 SF 0.08 AC.
3	3,808 SF 0.08 AC.
4	3,779 SF 0.08 AC.

EXISTING LOT AREAS:

PARCEL NO.	ASSESSOR NO.	AREA
A (LA 90-05)	222-0-102-240	4,391 SF (0.10 AC.)
1 (95 PM 93)	222-0-102-250	10,529 SF (0.24 AC.)

EARTHWORK QUANTITIES:

RAW CUT:	90 CY
RAW FILL:	0 CY
IMPORT:	0 CY

CONSTRUCTION NOTES

- PROPOSED 1" WATER LATERAL.
- PROPOSED 4" SEWER LATERAL @ 2% MINIMUM.
- PROPOSED 5" VCP SEWER MAIN @ 5-0.0044 MINIMUM.
- REMOVED AND DISPOSE OF EXISTING DRIVEWAY.
- PROPOSED 4" DRY WELL.

LEGEND AND ABBREVIATIONS

EXISTING STORM DRAIN LINE	APN	ASSESSOR'S PARCEL NUMBER
EXISTING WATER LINE	C	CENTERLINE
EXISTING SEWER LINE AND MANHOLE	CONC.	CONCRETE
EXISTING GAS LINE	EXIST.	EXISTING
EXISTING OVERHEAD WIRE	FF	FINISHED FLOOR
EXISTING WOODEN WALL	FL	FLOOR LINE
EXISTING CHAIN LINK FENCE	GFF	GRASS FINISH FLOOR
EXISTING BLOCK WALL	GW	GAS METER
EXISTING BLOCK WALL	INV	INVERT
EXISTING BLOCK WALL	MH	MANHOLE
EXISTING STREET LIGHT	N/S	NOT TO SCALE
EXISTING POWER POLE	PP	POWER POLE
EXISTING FIRE HYDRANT	P	PROPERTY LINE
EXIST. CONCRETE	R/W	RIGHT OF WAY
PROPOSED CONCRETE	SMH	SEWER MANHOLE
PROPOSED WATER LINE	TC	TOP OF CURB
PROPOSED SEWER LINE AND MANHOLE	WM	WATER METER
PROPOSED STORM DRAIN LINE		
PROPOSED CATCH BASIN		

CHARLES STREET

N.T.S.

PREPARED FOR:

DAL, LLC
2003 ARLENE AVENUE
OXNARD, CA 93036
PH: (805) 814-8344
CONTACT PERSON: VICTOR RODRIGUEZ

PREPARED BY:

M³ CIVIL, INC.
400 Rosewood Avenue, Suite 201
Corinthia, CA 93010
(805) 445-4404
Consulting Civil Engineers FAX (805) 445-4401

PROJECT MANAGER: JACOB & LUKENSKI, RCE 71534

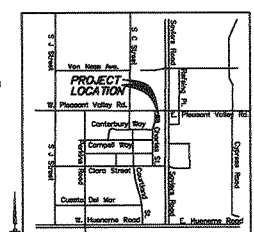
I.D. #11,1228
TPM.DWG
400 Rosewood Avenue, Suite 201
Corinthia, CA 93010
(805) 445-4404

TENTATIVE PARCEL MAP NO. 12-300-02

BEING A PART OF SUBDIVISION 83 OF RANCHO EL RIO DE SANTA CLARA O'LA COLONIA (6 D&S 161), IN THE CITY OF OXNARD, COUNTY OF VENTURA, STATE OF CALIFORNIA

JULY, 2012

SHEET 1 OF 1 SHEETS



LEGAL DESCRIPTION:

PARCEL 1:
THOSE PORTIONS OF LOT 28 AND OF AN UNNUMBERED PARCEL LYING SOUTHERLY OF SAID LOT 28 OF THE GRANTER TRACT, IN THE CITY OF OXNARD, COUNTY OF VENTURA, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 13, PAGE 7 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS WHOLE AS FOLLOWS:
BEGINNING AT THE INTERSECTION OF THE NORTHERLY PROLONGATION OF A LINE PARALLEL WITH AND DISTANT WESTERLY 25 FEET, MEASURED AT RIGHT ANGLES FROM THE EASTERLY LINE OF SAID UNNUMBERED PARCEL WITH THE NORTHERLY LINE OF SAID LOT 28; THENCE, ALONG SAID NORTHERLY LINE
1ST: WESTERLY 210 FEET MORE OR LESS, TO THE NORTHWESTERLY CORNER OF SAID LOT 28; THENCE, ALONG THE WESTERLY LINE OF SAID LOT 28 AND SAID UNNUMBERED PARCEL
2ND: SOUTH 0°02'00" WEST 91.25 FEET TO THE INTERSECTION WITH THE WESTERLY PROLONGATION OF THE NORTHERLY LINE OF THE LAND DESCRIBED IN THE DEED TO L. C. BARNARD AND WIFE, RECORDED MARCH 11, 1952 IN BOOK 1003, PAGE 589 OF OFFICIAL RECORDS; THENCE, ALONG SAID WESTERLY PROLONGATION
3RD: SOUTH 89°56'00" EAST 97.85 FEET TO THE INTERSECTION WITH THE WESTERLY LINE OF THE LAND DESCRIBED IN THE DEED TO L. C. BARNARD AND WIFE, RECORDED MARCH 11, 1952 IN BOOK 1003, PAGE 589 OF OFFICIAL RECORDS; THENCE, ALONG SAID WESTERLY LINE
4TH: SOUTH 0°02'00" WEST 50.00 FEET; THENCE, PARALLEL WITH THE NORTHERLY LINE AND PROLONGATION THEREOF OF SAID LAND DESCRIBED IN THE DEED TO L. C. BARNARD AND WIFE, RECORDED MARCH 11, 1952 IN BOOK 1003, PAGE 589 OF OFFICIAL RECORDS
5TH: SOUTH 89°56'00" EAST 112.85 FEET TO THE INTERSECTION WITH SAID LINE, PARALLEL WITH AND DISTANT WESTERLY 25 FEET, MEASURED AT RIGHT ANGLES FROM THE EASTERLY LINE OF SAID UNNUMBERED PARCEL; THENCE, ALONG SAID PARALLEL LINE AND NORTHERLY PROLONGATION THEREOF
6TH: NORTH 0°02'00" EAST 141.35 FEET TO THE POINT OF BEGINNING
EXCEPT THAT PORTION LYING WITHIN PARCEL 2A OF THAT CERTAIN LOT LINE ADJUSTMENT NO. 90-117852 OF OFFICIAL RECORDS
ALSO EXCEPT THEREFROM FROM A PORTION, AN UNDIVIDED ONE-HALF INTEREST IN ALL OIL, GAS, MINERALS AND OTHER HYDROCARBON SUBSTANCES AND MINERALS IN AND UNDER SAID LAND, BUT WITHOUT THE RIGHT TO ENTER UPON THE SURFACE THEREOF FOR THE PURPOSE OF EXPLORING FOR OR EXTRACTING SUCH OIL, GAS OR OTHER HYDROCARBON SUBSTANCES AND MINERALS.

PARCEL 3:
THAT PORTION OF SUBDIVISION 83 OF THE RANCHO EL RIO DE SANTA CLARA O'LA COLONIA, IN THE CITY OF OXNARD, COUNTY OF VENTURA, STATE OF CALIFORNIA, ACCORDING TO THE PARTITION MAP THEREOF, FILED IN THE OFFICE OF THE COUNTY CLERK OF SAID COUNTY, IN THAT CERTAIN ACTION ENTITLED "THOMAS A. SCOTT, ET AL., PLAINTIFFS, VS. RAFAEL GONZALEZ, ET AL., DEFENDERS," SHOWN AS PARCEL 3A ON THAT CERTAIN LOT LINE ADJUSTMENT NO. 90-05, RECORDED AUGUST 8, 1990 AS INSTRUMENT NO. 90-117852 OF OFFICIAL RECORDS.

PARCEL 4:
PARCEL 1, IN THE CITY OF OXNARD, COUNTY OF VENTURA, STATE OF CALIFORNIA, AS PER PARCEL MAP FILED IN BOOK PAGE 62 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

DIONISIO RODRIGUEZ

TRE
CA

EDAL, LLC
2003 ARLENE AVENUE
OXNARD, CA 93036
PH: (805) 814-8344

SHEET NO. 2 OF 1



WATER - CITY OF OGDARD
251 S. HAYES AVENUE
OGDARD, CA 93000
PH: (805) 385-9136

SEWER - CITY OF OGDARD
6001 S. HAYES ROAD
OGDARD, CA 93003
PH: (805) 488-3517

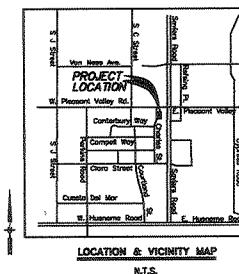
TELEPHONE - VERSION
201 FLYNN ROAD
CAMARILLO, CA 93012
PH: (805) 388-2220

GAS - SOUTHERN CALIFORNIA
1850 MOUNTAIN VIEW
OGDARD, CA 93003
PH: (805) 383-4836

ELECTRICITY - SOUTHERN CALIFORNIA
10080 TELEGRAPH ROAD
VENTURA, CA 93001
PH: (805) 804-7476

CABLE - TIME-WARNER CABLE
721 MULHART ROAD
OGDARD, CA 93022
PH: (805) 375-7129

TELEVISION - TIME-WARNER CABLE
721 MULHART ROAD
OGDARD, CA 93022
PH: (805) 375-7129



ZONING/LOT-AREA SUMMARY:

ASSESSOR'S PARCEL NOS.: 222--0--102--240, AND
222--0--102--280

PRESENT ZONING: C-2-PD

PROPOSED ZONING: C-2-F

SITE ADDRESS: CHARLES S.

MIN. FRONT YARD SETBACK:

MINI SIDE YARD SETBACK:

MINI BEAR YARD SETBACK:

TOTAL PARCEL ACREAGE: 0

FLOOD ZONE FROM FIRM: _____

FLOOD ZONE FROM 17/04/02

PROPOSED LOT AREAS:

LOT NO.	AREA	
1	3,733 SF	0.09 AC.
2	3,705 SF	0.09 AC.
3	3,899 SF	0.08 AC.
④	3,779 SF	0.08 AC.

EXISTING LOT AREAS:

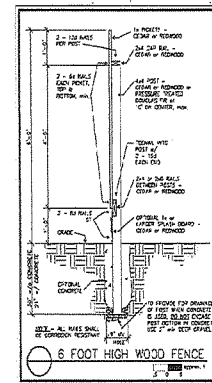
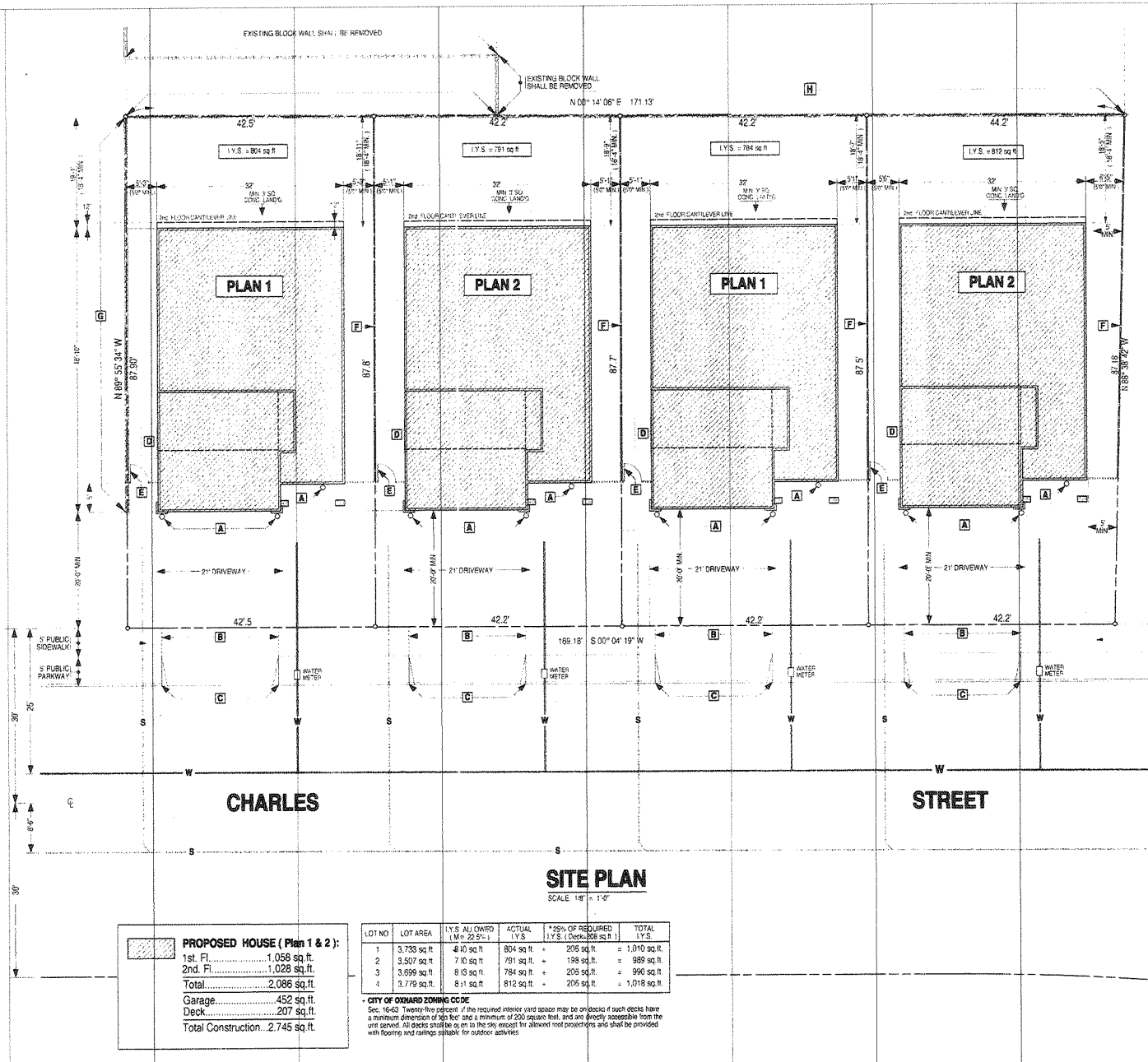
PARCEL NO.	ASSESSOR NO.	AREA
A (LLA 90-08)	222-0-102-240	4,391 SF (0.10 AC)
1 (55 PM 83)	222-0-102-280	10,525 SF (0.24 AC)

EARTHWORK QUANTITIES:

RAW CUT:	50	CY
RAW FILL:	50	CY
IMPORT:	0	CY

CONSTRUCTION NOTES

- 1] PROPOSED 1" WATER LATERAL.
- 2] PROPOSED 4" SEWER LATERAL @ 2% MINIMUM.
- 3] PROPOSED 8" VCP SEWER MAIN @ 5=0.0044 MINIMUM.
- 4] REMOVE AND DISPOSE OF EXISTING DRIVEWAY.
- 5] PROPOSED 4" DRY WELL.
- 6] REFUSE CONTAINER STORAGE, 32"x72" (TYP.).

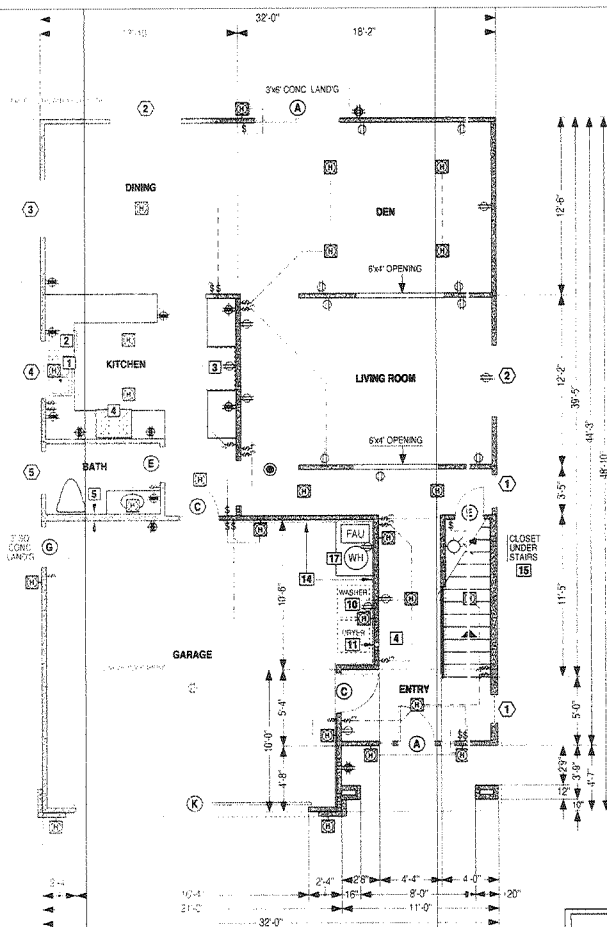


- NOTES:**
- A** Provide outdoor lighting fixtures at front of garage and front door. Lighting shall comply with Title 24, Part 6, of the California Code of Regulations.
 - B** Remove existing sidewalk at curb and replace with thicker sidewalk section. Per City of Oxnard, Public Works Standard Plates 115
 - C** New curb cut & driveway shall be installed per City of Oxnard, Public Works Standard Plates 115 & 117
 - D** Level paved storage location for three refuse containers (36"x72")
 - E** 6' high wood fence with 36" clear opening at gate.
 - F** 6' high wooden fence at side property lines, color = natural wood, see detail fence.
 - G** 6' high block wall with 5 gallon Ficus Pumila Vines at 10' o.c. with irrigation.
 - H** Remove existing block wall (H=52") and install new 6' high CMU block wall.
 - I** New 6' high CMU block wall.
- NOTE: (Sprinkler System)**
- Buildings shall be equipped with an Automatic Fire Sprinkler System. Separate Permits and Plans are required. (Per City of Oxnard Code, Sec. 13-5 (b)(2))
 - An Automatic Fire Extinguishing System shall be install in dwellings. (U.S.C. Standard 9-3)

REVISIONS: _____ DATE: _____
 DRAWN: _____
 CAD FILE: _____

SITE DIMENSION PLAN - TPM 12-300-02
DIONISIO RODRIGUEZ
 CHARLES STREET
 OXNARD, CA

PREPARED FOR:
 DAL, LLC
 2603 ARLINE AVENUE
 OXNARD, CA 93038
 PH: (805) 814-8944
 CONTACT PERSON: VICTOR RODRIGUEZ



1st. FLOOR PLAN
SCALE: 1/4" = 1'-0"

PLAN 1

PLAN 1	
1 st. Floor.....	1058 sq.ft.
2 nd. Floor.....	1028 sq.ft.
Total.....	2086 sq.ft.
Garage.....	452 sq.ft.
Deck.....	207 sq.ft.
Total Construction....	2745 sq.ft.

EMERGENCY EGRESS NOTE :
 PROVIDE EMERGENCY EXIT DOOR OR WINDOW. MINIMUM CLEARANCE TO TOP OF DOOR, MIN CLEAR WINDOW OPENING AREA SHALL BE NOT LESS THAN 3' 6" x 8' 0" MIN. MIN. NET WINDOW HEIGHT DIMENSION = 2' CLEAR MIN. NET OPENING DIMENSION = 2' CLEAR FINISHED SILL HEIGHT MAX 44" ABOVE FINISHED FLOOR. SEE 210.41

WINDOW SCHEDULE			
SYM	SIZE	DESCRIPTION	REMARKS
1	20 x 40	DBL Hung / Vinyl Frame	150' x 150' x 150'
2	50 x 40	Sig / Vinyl Frame	
3	40 x 40	Sig / Vinyl Frame	
4	40 x 30	Sig / Vinyl Frame	
5	30 x 20	DBL Hung / Vinyl Frame	
6	50 x 30	Sig / Vinyl Frame	
7	30 x 40	Sig / Vinyl Frame	
8	50 x 40	Tempered For Glass	
9	40 x 20	Tempered For Glass	

DOOR SCHEDULE			
SYM.	SIZE	DISCRIPTION	REMARKS
A	3' x 6'	Sliding Door	1st-2nd Fls. 3' x 6' Slide
B	6' x 6'	Slg. Vinyl Frame	1st-2nd Fls. 6' x 6'
C	3' x 6'	1.3/8" Solid Oak	1st-2nd Fls. Solid Oak
D	3' x 6'	Hollow Core	
E	3' x 6'	Hollow Core	
F	3' x 6'	Hollow Core	
G	3' x 6'	Hollow Core	
H	3' x 6'	Hollow Core	
I	3' x 6'	Hollow Core	
J	3' x 6'	Hollow Core	

☐ FLOOR PLAN NOTES:

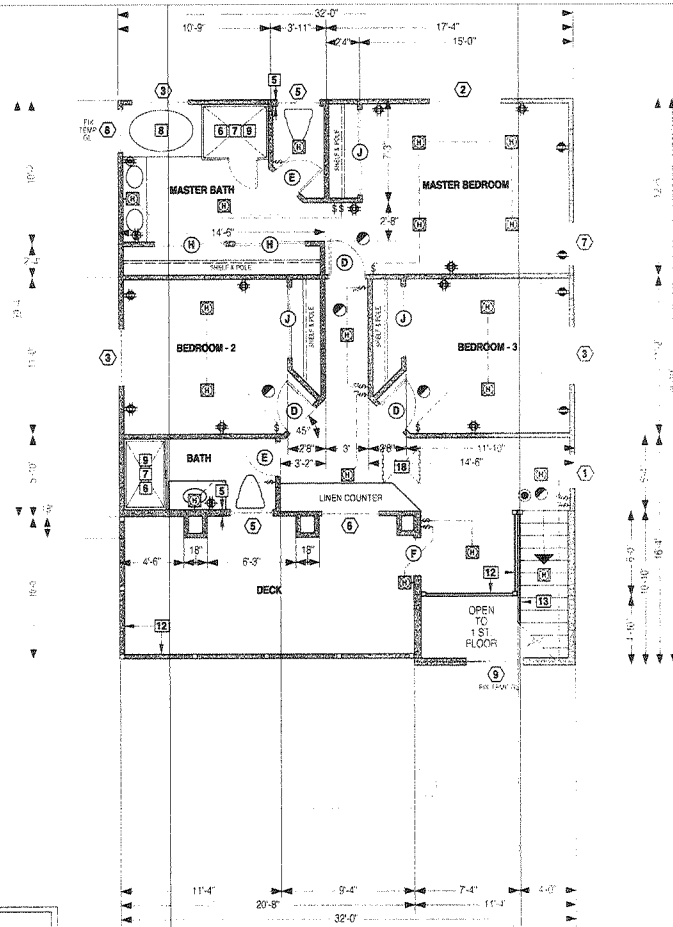
- 1) "PVT" double rate warehouse discount
- 2) Disposition order: first disposition must be a disposition
- 3) 3rd order must be a disposition for a disposition
- 4) Case item: first disposition must be a disposition
- 5) 1st disposition order
- 6) Warehouse order: warehouse
- 7) Warehouse order: warehouse
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- 100) Warehouse order: warehouse

ELECTRICAL LEGEND

- | | | |
|---|-------------------------------------|--|
|  | 120V RECEPTACLES | SAFETY: 20 AMP 120V FOR 15 AMP CONSTRUCTION SHALL NOT EXCEED 15 AMP. GROUND FROM THE BUILDING CIRCUIT SHALL BE CONNECTED WITH A SAFETY SCHEMATIC AND NOT BE CONNECTED WITH A SAFETY SCHEMATIC AND NOT BE CONNECTED WITH A SAFETY SCHEMATIC |
|  | 120V GFI PROTECT | SAFETY: 20 AMP 120V FOR 15 AMP CONSTRUCTION SHALL NOT EXCEED 15 AMP. GROUND FROM THE BUILDING CIRCUIT SHALL BE CONNECTED WITH A SAFETY SCHEMATIC AND NOT BE CONNECTED WITH A SAFETY SCHEMATIC |
|  | ARC-FAULT CIRCUIT INTERRUPTER | SAFETY: 20 AMP 120V FOR 15 AMP CONSTRUCTION SHALL NOT EXCEED 15 AMP. GROUND FROM THE BUILDING CIRCUIT SHALL BE CONNECTED WITH A SAFETY SCHEMATIC AND NOT BE CONNECTED WITH A SAFETY SCHEMATIC |
|  | 120V SINGLE POLE SWITCH | SAFETY: 20 AMP 120V FOR 15 AMP CONSTRUCTION SHALL NOT EXCEED 15 AMP. GROUND FROM THE BUILDING CIRCUIT SHALL BE CONNECTED WITH A SAFETY SCHEMATIC AND NOT BE CONNECTED WITH A SAFETY SCHEMATIC |
|  | RECESSED CEILING MOUNT LIGHT OUTLET | SAFETY: 20 AMP 120V FOR 15 AMP CONSTRUCTION SHALL NOT EXCEED 15 AMP. GROUND FROM THE BUILDING CIRCUIT SHALL BE CONNECTED WITH A SAFETY SCHEMATIC AND NOT BE CONNECTED WITH A SAFETY SCHEMATIC |
|  | WALL MOUNT LIGHT OUTLET | SAFETY: 20 AMP 120V FOR 15 AMP CONSTRUCTION SHALL NOT EXCEED 15 AMP. GROUND FROM THE BUILDING CIRCUIT SHALL BE CONNECTED WITH A SAFETY SCHEMATIC AND NOT BE CONNECTED WITH A SAFETY SCHEMATIC |

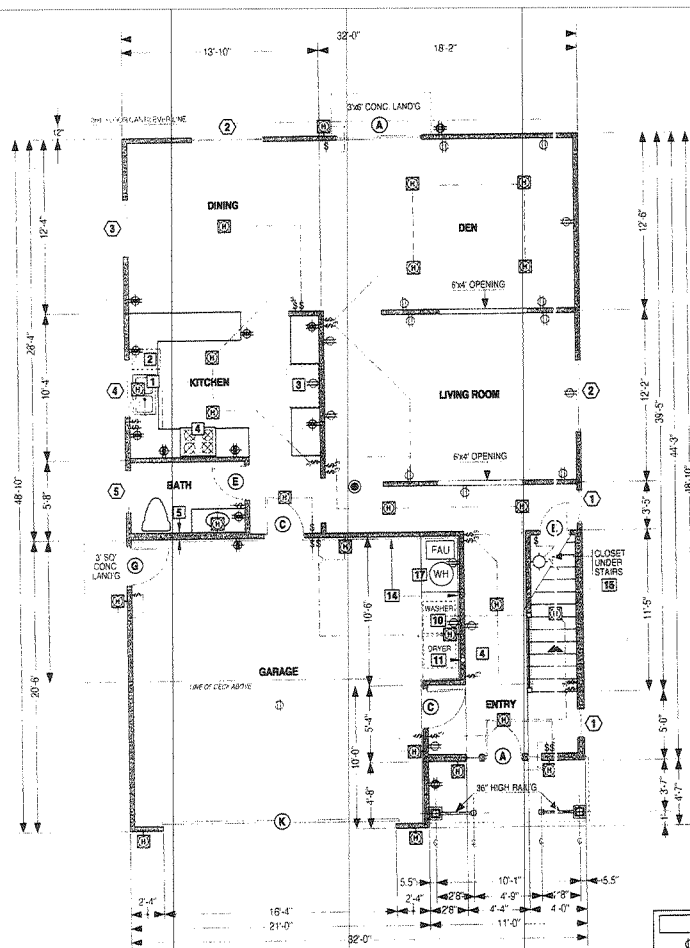
2006 Tide 24 Lighting Requirements

ROOM		LIGHTING REQUIREMENTS
Kitchen		High efficacy of Up to 90 lm/W All the total luminaires must be 3m efficacy All high efficacy and low wattage luminaires must be controlled separately
Bathrooms, Garages, Laundry Recess and Jamb Lights		High efficacy of Minimum 80 lm/W, 3m efficacy, dimmer
All other interior rooms e.g. living room, dining room, bedrooms, etc		High efficacy of Minimum 80 lm/W, 3m efficacy or dimmer
Outdoor lighting attached to building		High efficacy, or Combination by motion sensor and photo sensor
DEFINITIONS		
High efficacy luminaires	These lighting fixtures are designed and built to operate only on energy efficient light sources, such as fluorescent, T5 lamps, compact fluorescent lamps (CFL) and high intensity discharge (HID) lamps	
Source	Occupancy sensors, photocell sensors, motion sensors, and all other sensors that detect the presence of people and the levels of occupancy in order to turn the lighting on or off	
Dimmers	Dimmers which are always connected in main electric distribution, allows the room occupants to vary the room lighting, and can usually control 100% down to 10%	



2nd. FLOOR PLAN
SCALE : 1/4" = 1'-0"

PLAN 1



1st FLOOR PLAN
SCALE: 1/4" = 1'-0"

PLAN 2

PLAN 2	
1st Floor.....	1058 sq.ft.
2nd Floor.....	1028 sq.ft.
Total.....	2086 sq.ft.
Garage.....	452 sq.ft.
Deck.....	207 sq.ft.
Total Construction.....	2745 sq.ft.

EMERGENCY EGRESS NOTE:
PROVIDE EMERGENCY EXIT DOOR OR WINDOW FROM ALL SLEEPING ROOMS. NET CLEAR WINDOW OPENING AREA SHALL BE NOT LESS THAN 5.7 SF (821 sq.in.). MIN. NET WINDOW HEIGHT DIMENSION = 24" CLEAR. MIN. NET OPENING DIMENSION = 20" CLEAR FINISHED SILL HEIGHT MAX 44" ABOVE FLOOR. (C.B.C. Sec. 310.4)

WINDOW SCHEDULE		
SYM.	SIZE	REMARKS
1	24 x 40	Dist. Hung Vinyl Frame
2	50 x 40	Stg. Vinyl Frame
3	40 x 40	Stg. Vinyl Frame
4	40 x 30	Stg. Vinyl Frame
5	30 x 30	Dist. Hung Vinyl Frame
6	40 x 30	Stg. Vinyl Frame
7	30 x 40	Stg. Vinyl Frame
8	30 x 40	Tempered Pk Glass
9	40 x 30	Tempered Pk Glass

DOOR SCHEDULE		
SYM.	SIZE	REMARKS
A	30 x 60	Solid Core
B	40 x 60	Stg. Vinyl Frame
C	28 x 60	1-3/8" Solid Core
D	24 x 60	Hollow Core
E	24 x 60	Hollow Core
F	24 x 60	Solid Core
G	24 x 60	Hollow Core
H	50 x 60	Wardrobe
J	60 x 60	Wardrobe
K	16 x 70	Garage Door

FLOOR PLAN NOTES:

- 32"x21" double sink w/garbage disposal.
- Dehumidifier provides outdoor moist air and is required.
- 3/4" clear ref. space, plumb for water supply.
- Gas stove w/ metal hood, light & fan (vent to outside air).
- 2x6 plumbing wall.
- Tempered glass shower enclosure.
- Shower and shower-tub combination shall be provided with individual control valves of the pressure balance or thermostatic mixing type.
- A non-slip-paint trap shall be used in place of a bathtub trap access.
- Showers shall be finished to a height of 70 inches above the main unit and shall have a smooth, hard, nonabsorbent surface. Materials other than structural elements used in such walls shall be of a type that is not adversely affected by moisture.
- Provide water & waste for washer.
- Dryer Vent & clothes dryer moisture exhaust ducts will terminate outside the building & have a back draft damper. Exhaust duct is limited to 14" with two elbows. This shall be reduced 1/2" for every elbow in excess of two. Metal duct shall be a minimum of 4" diameter (C.M.C.).
- 42" high guardrail per C.B.C. 509 (Detail H, sh. 8).
- 34" 38" high handrail above railing (U.B.C.).
- Fire separation between house & garage to be 5/8" type "X" gyp. bd. w/old copper nails at 7" o.c. 1" top 10" walls & ceiling.
- Walls and ceilings of the enclosed space under stairway shall be protected on the enclosed side with 5/8" type "X" gyp. bd. w/old copper nails at 7" o.c.
- Magnetic Gas Fireplace (Model no. JAVISTRO-ER-507).
- Provide 18" high wood platform for water heater. vent to outside. Temperature & pressure relief valve shall be plumbed to building exterior drain pipe to terminate a min. of 6 inches above finish grade with unobstructed fitting, provide safety pan. (C.P.C.)

ELECTRICAL LEGEND

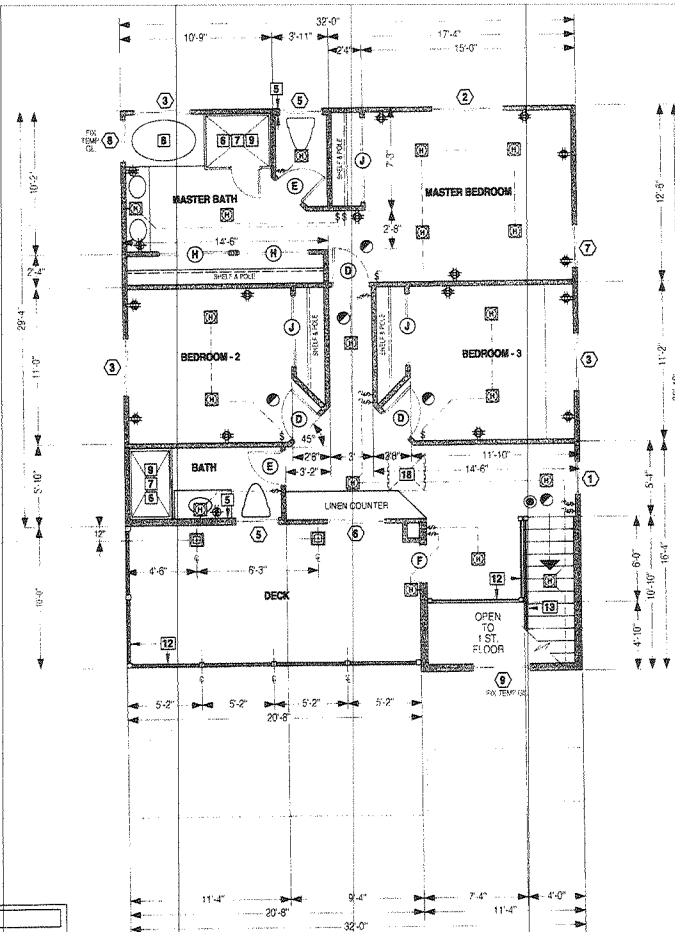
- (N) RECEPTACLES
- 120V GFI PROTECTED
- ARC-FAULT CIRCUIT INTERRUPTER
- (N) SINGLE POLE SWITCH
- (N) CEILING MOUNT LIGHT OUTLET
- (N) WALL MOUNT LIGHT OUTLET
- SMOKE DETECTOR (in new construction shall receive their primary power from the building wiring and shall be equipped with a battery backup in existing existing rooms smoke detectors may be solely battery operated (C.B.C. Sec. 907.10))
- FAN & LIGHT
- PROVIDE CARBON MONOXIDE ALARM

2008 Title 24 Lighting Requirements

ROOM	LIGHTING REQUIREMENTS
Kitchen	High efficacy or Up to 50% of the total wattage can be low efficacy. All high efficacy and low efficacy lighting must be controlled separately.
Bathrooms, Garage, Laundry Rooms and Utility Room	High efficacy or Manual-on occupancy sensor
All other interior rooms (e.g., living room, dining room, hallway) except closets less than 70 sq. ft.	High efficacy or Manual-on occupancy sensor or Dimmer
Outdoor Lighting attached to building	High efficacy or Controlled by motion sensor and photocell

DEFINITIONS

- High efficacy luminaires** These lighting fixtures are designed and built to operate only energy efficient light sources, such as fluorescent T8 lamps, compact fluorescent lamps (CFLs), and high intensity discharge (HID) lamps.
- Sensors** Occupancy detector, vacancy sensors, motion sensors, and daylight sensors are all devices that automatically turn off the lights in response to conditions that they "sense" or "see".
- Dimmers** Dimmers, which are already common in many residential applications, allow the room occupants to lower the room lighting and thus the power used, as desired.



2nd FLOOR PLAN
SCALE: 1/4" = 1'-0"

PLAN 2

REVISIONS	DATE

DATE: 7/30/12
DRAWING: 7/30/12
CAD FILE:

PLAN 2 FLOOR PLAN - TPM 12-300-02

DIONISIO RODRIGUEZ
CHARLES STREET
ONNARD, CA

PREPARED FOR:
DAL, LLC
2003 ARLEN AVENUE
ONNARD, CA 93330
PH: (660) 816-0344
CONTACT PERSON: VICTOR RODRIGUEZ

A5

SHEET NO. 5 OF 8

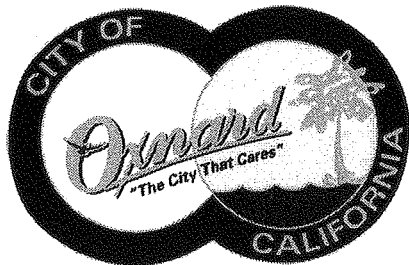
PLAN 1

PLAN 1

PLAN 1

PLAN 1

- A** ATTIC VENTS ARE REQUIRED TO BE PROTECTED BY 1/4" (6.35mm) CORPUSCULE RESISTANT MATERIAL (ICC ESR-1506 1503).
- NOTE:** THE NET FREE VENTILATION AREA SHALL NOT BE LESS THAN 1/100TH OF THE AREA OF THE SPACE VENTED.
- B** **ROOF VALLEY FLASHING NOTE:**
ROOF VALLEY FLASHING SHALL BE PROVIDED OF NOT LESS THAN NO. 30 GALV. ZINCATED SHEET METAL. THE FLASHING SHALL BE EXTENDED AT LEAST 18" (457mm) ON EACH SIDE OF THE VALLEY LINE. EACH WAY SECTIONS OF FLASHING SHALL HAVE AN END LAP OF NOT LESS THAN 6" (152mm) AND THE SEAMS OF THE VALLEY LINE SHALL BE COMPOSED OF HOTTER ASPHALT SHOVES OR SEAMANTHANE ACCORDANCE WITH MANUFACTURER'S PRINTED INSTRUCTIONS (ICC ESR-1000).
- C** **ROOFING MATERIAL**
GUMPS SHINGLES (ICC ESR-1411, ICC ESR-1412). Roofing Materials Should Be Class "C" and Shingles Should Be Class "B".
- D** **EXTERIOR MATERIAL**
SHOULD BE UNIFORMS OF GRADE "C" PAPER BETWEEN POLYISOCYANURATE FOAM AND ROOFING MATERIAL.
- E** **DOOR & WINDOW THRESH**
DOOR/Window Thresholds Shall Be 3/4" (19mm).



Meeting Date: 02 / 12 /2013

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

Prepared By: Larry S. White

Agenda Item No. L-1

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

DATE: January 28, 2013

TO: City Council
Oxnard Housing Authority Board of Commissioners

FROM: William E. Wilkins, Housing Director

SUBJECT: Issuance of Housing Authority Multifamily Housing Revenue Bonds for Terraza de Las Cortes Project.

RECOMMENDATION

That the City Council:

1. Hold a public hearing regarding the issuance of up to \$12,000,000 of multifamily housing revenue bonds by the Housing Authority to finance the construction and development by Terraza De Las Cortes, L.P., of the Terraza De Las Cortes Project.
2. Adopt a resolution approving the issuance of bonds by the Housing Authority for the purpose of financing the Terraza De Las Cortes Project.

That the Oxnard Housing Authority Board of Commissioners:

1. Adopt a resolution setting forth the Housing Authority's official intent to issue multifamily housing revenue bonds in a principal amount of up to \$12,000,000 to finance the construction and development of the Terraza de Las Cortes Project, authorizing the Housing Director of the Housing Authority to apply to the California Debt Limit Allocation Committee for an allocation of tax-exempt bond authority for the bonds, and designating the law firm of Orrick, Herrington & Sutcliffe LLP as bond counsel to the Housing Authority for the bonds.

DISCUSSION

Terraza De Las Cortes Project will be a 64 unit affordable housing project located in the Colonia neighborhood. The project is being developed by Terraza De Las Cortes, L.P., a California limited partnership ("Partnership") consisting of the Oxnard Housing Authority and the City's non-profit Las Cortes, Inc.. Both entities will serve as general partners in Partnership, and a yet to be determined equity investor will be the limited partner.

It is expected that the primary source of funds to finance the construction and development by the Partnership of the project will be the proceeds of tax-exempt multifamily housing revenue bonds ("Bonds") proposed to be issued by the Housing Authority. The Bonds would be payable solely from revenues derived from the project, and the City would have no responsibility with respect to the issuance or repayment of the Bonds.

Section 147(f) of the Internal Revenue Code of 1986 ("Tax Code") requires that, in order for the interest on a private activity bond to be excluded from the gross income of the owner of the bond (i.e., tax-exempt), an "applicable elected representative" of the governmental unit issuing the bond must approve the issuance of the bond after a public hearing following reasonable public notice. The proposed Bond issue by the Housing Authority is classified as a private activity bonds for purposes of the Tax Code. The Tax Code provides that a governmental unit with elected representatives and jurisdiction over the area in which the project to be financed is located, in this case the City Council, is an "applicable elected representative" with respect to the bond issue.

The City Council is requested to hold a public hearing regarding the financing of the project with proceeds of the Bonds, and to adopt a resolution approving the issuance of the Bonds by the Housing Authority. Notice of the public hearing was published in the Ventura County Star on or before January 29, 2013, as required by the Tax Code. Bond Counsel has advised that the City will incur no obligation whatsoever by reason of its holding of the public hearing and approval of the issuance of the Bonds by the Housing Authority.

In order to be able to use proceeds of the Bonds to be issued to pay project costs incurred prior to the issuance of the Bonds, the Tax Code requires that the Housing Authority adopt a resolution indicating its official intent to issue the Bonds. Also, in order to issue the Bonds as tax-exempt bonds, it is necessary for the Housing Authority to obtain an allocation of tax-exempt bonding authority for the Bonds from the California Debt Limit Advisory Commission ("CDLAC").

It is recommended that the Housing Authority adopt a resolution indicating its intent to issue the Bonds for the Project, authorizing the Housing Director of the Housing Authority to apply to CDLAC for an allocation of tax-exempt bond authority for the Bonds, and designating the firm of Orrick, Herrington & Sutcliffe LLP to serve as bond counsel for the Bonds. The adoption of the resolution will not obligate the Housing Authority to issue the Bonds, and the issuance of the Bonds will require future action by the Board of Commissioners approving the documents providing for the terms of the Bonds.

FINANCIAL IMPACT

There is no financial impact to the City in connection with the conduct of the public hearing and the City Council's adoption of a resolution approving the issuance of the Bonds by the Housing Authority. There will be no financial impact on the Housing Authority as a result of the issuance of the Bonds, as the Bonds will be payable from revenues of the Project, and not from any other funds of the Housing Authority.

Attachment #1 – City Council of the City of Oxnard Resolution
Attachment #2 – Housing Authority Resolution
Attachment #3 – Notice of Public Hearing

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD
APPROVING THE ISSUANCE BY THE OXNARD HOUSING
AUTHORITY OF MULTIFAMILY HOUSING REVENUE BONDS FOR
TERRAZA DE LAS CORTES PROJECT**

WHEREAS, the the Oxnard Housing Authority (the "Authority") is authorized and empowered by Chapter 1 of Part 2 of Division 24 of the Health and Safety Code of the State of California, as amended (the "Act") to issue revenue bonds for the purpose of financing the acquisition, construction, rehabilitation, improvement and equipping of multifamily rental housing projects; and

WHEREAS, Terraza de Las Cortes, L.P., a California limited partnership ("Borrower"), or related entities, has requested that the Authority adopt a plan of financing providing for the issuance of multifamily housing revenue bonds (the "Bonds") in one or more series issued from time to time, including bonds issued to refund such revenue bonds in one or more series from time to time, and at no time to exceed \$12,000,000 in outstanding aggregate principal amount, to finance the acquisition, construction and development of a 64-unit multifamily rental housing project located North of Carmelita Court and East of Felicia Court (APN 201-0-090-115), Oxnard, California, generally known as Terraza de Las Cortes Project (the "Project") and operated by an entity to be selected by Borrower; and

WHEREAS, the Bonds or a portion thereof will be "private activity bonds" for purposes of the Internal Revenue Code of 1986 (the "Code"); and

WHEREAS, pursuant to Section 147(f) of the Code, prior to their issuance, private activity bonds are required to be approved by the "applicable elected representative" of the governmental units on whose behalf such bonds are expected to be issued and by a governmental unit having jurisdiction over the entire area in which any facility financed by such bonds is to be located, after a public hearing held following reasonable public notice; and

WHEREAS, the members of this City Council (this "City Council") are the applicable elected representatives of the City on whose behalf the bonds will be issued by the Authority and the Project is located entirely within the City; and

WHEREAS, there has been published, at least 14 days prior to the date hereof, in a newspaper of general circulation within the City, a notice that a public hearing regarding the Bonds would be held on a date specified in such notice; and

WHEREAS, such public hearing was conducted on such date, at which time an opportunity was provided to interested parties to present arguments both for and against the issuance of the Bonds; and

WHEREAS, it is intended that this resolution shall constitute the approval of the issuance of the Bonds required by Section 147(f) of the Code;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OXNARD AS FOLLOWS:

Section 1. The above recitals are true and correct.

Section 2. The City Council hereby approves the issuance of the Bonds by the Authority. It is the purpose and intent of the City Council that this resolution constitute approval of the Bonds for the purposes of (a) Section 147(f) of the Code.

Section 3. The officers of the City are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents that they deem necessary or advisable in order to carry out, give effect to and comply with the terms and intent of this resolution and the financing approved hereby.

Section 4. The City Clerk shall forward a certified copy of this Resolution and a copy of the affidavit of publication of the hearing notice to:

Justin Cooper, Esq.
Orrick, Herrington & Sutcliffe LLP
405 Howard Street
San Francisco, California 94105

Section 5. This resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED by the City Council of the City of Oxnard this 12th
day of February, 2013, by the following vote:

AYES:

NOS:

ABSENT:

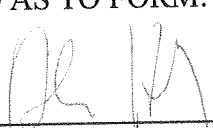
ABSTAIN:

Tim Flynn, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney

HOUSING AUTHORITY OF THE CITY OF OXNARD

RESOLUTION NO. _____

**A RESOLUTION OF THE OXNARD HOUSING AUTHORITY
AUTHORITY SETTING FORTH THE AUTHORITY'S
OFFICIAL INTENT TO ISSUE REVENUE BONDS**

WHEREAS, the Oxnard Housing Authority (the "Authority") is authorized and empowered by Chapter 1 of Part 2 of Division 24 of the Health and Safety Code of the State of California, as amended (the "Act") to issue revenue bonds for the purpose of financing the acquisition, construction, rehabilitation, improvement and equipping of multifamily rental housing projects; and

WHEREAS, Terraza de Las Cortes, L.P., a California limited partnership (the "Borrower") has requested that the Authority consider the issuance and sale of tax-exempt revenue bonds (the "Bonds") pursuant to the Act for the purpose of lending the proceeds thereof to the Borrower to finance the acquisition, construction, improvement and equipping of a 64-unit multifamily rental housing project, to be located in the City of Oxnard, California, and to be owned and/or operated by the Borrower (or an affiliate) (the "Project"); and

WHEREAS, the Borrower has requested an expression of this Board's willingness to authorize the issuance of the Bonds at a future date after the documentation relating to the financing has been prepared and completed, and the Authority's requirements for the issuance of such Bonds have been satisfied; and

WHEREAS, the Authority wishes to declare its intention to authorize the issuance of the Bonds, provided certain conditions are met, for the purpose of financing costs of the Project, in an aggregate principal amount not to exceed \$12,000,000;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Authority as follows:

Section 1. The Board hereby finds and determines that the above recitals are true and correct.

Section 2. The Board finds and hereby determines that it is necessary and desirable to provide financing for the Project and hereby expresses its official intent, at one time or from time to time, to issue and sell the Bonds pursuant to the Act, subject to the conditions set forth herein. This resolution does not bind the Authority to make any expenditure, incur any indebtedness, or proceed with the financing of the Project, and is not approval of the Project for planning and land use purposes.

Section 3. This resolution is a Declaration of Official Intent under U.S. Treasury Regulations for purposes of Sections 103 and 141 to 150 of the Internal Revenue Code of 1986, as amended (the "Code"). Based upon the representations of the Borrower, the Authority reasonably expects that certain of the costs of the Project will be reimbursed with the proceeds of the Bonds. The expected maximum principal amount of the bonds is \$12,000,000.

Section 4. Orrick, Herrington & Sutcliffe LLP hereby designated as bond counsel to the Housing Authority for the Bonds.

Section 5. The officers of and financial advisors to the Authority are hereby authorized and directed to take any and all actions as may be necessary or appropriate in connection with (a) an application to the California Debt Limit Allocation Committee for an allocation of the State's private activity bond volume cap under Section 146 of the Code and Section 8869.85 of the Government Code, if determined to be necessary, and (b) compliance with the requirements of Section 147(f) of the Code relating to public approval of the Bonds. Any such actions heretofore taken by such officers and financial advisors with respect thereto are hereby ratified, approved and confirmed.

Section 6. This Resolution shall take effect immediately upon its passage and shall remain in force thereafter.

PASSED AND ADOPTED by the Oxnard Housing Authority this 12th day of February, 2013, by the following vote:

AYES:

NOS:

ABSENT:

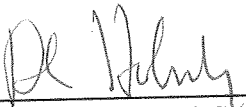
ABSTAIN:

Tim Flynn, Chairperson

ATTEST:

Daniel Martinez, Secretary Designate

APPROVED AS TO FORM:



Alan Holmberg, General Counsel

NOTICE OF PUBLIC HEARING
REGARDING ISSUANCE OF
MULTIFAMILY HOUSING REVENUE BONDS FOR
TERRAZA DE LAS CORTES PROJECT

NOTICE IS HEREBY GIVEN that, at 7:00 p.m., or as soon thereafter as the matter can be heard, on Tuesday, February 12, 2013, in Council Chambers, 305 West 3rd St., Oxnard, California, the City Council of the City of Oxnard (the "City") will conduct a public hearing as required by Section 147(f) of the Internal Revenue Code of 1986, at which it will hear and consider information concerning a proposed plan of financing providing for the issuance by the Oxnard Housing Authority of multifamily housing revenue bonds in one or more series issued from time to time, including bonds issued to refund such revenue bonds in one or more series from time to time, and at no time to exceed \$12,000,000 in outstanding aggregate principal amount, to finance the acquisition, construction and development of a 64-unit multifamily rental housing project located North of Carmelita Court and East of Felicia Court (APN 201-0-090-115), Oxnard, California. The facilities are to be owned by Terraza de Las Cortes, L.P., a California limited partnership (the "Borrower"), initially operated by an entity to be selected by Borrower, and are generally known as Terraza de Las Cortes Project (the "Project").

Those wishing to comment on the proposed financing and the nature and location of the Project may either appear in person at the public hearing or submit written comments, which must be received by the City prior to the hearing. Written comments must be sent to City of Oxnard, 305 West 3rd St., First Floor - West Wing, Oxnard, California, 93030, Attention: City Clerk. If you plan to attend the hearing, staff suggests that you contact the City Clerk's Office at (805) 385-7803 the Thursday prior to the scheduled date to confirm that the hearing has not been rescheduled.

If you challenge this matter in court, you may be limited to raising only those issues that were raised at this public hearing or in written correspondence delivered to the City Clerk at or before the hearing.

Beginning at 7:00 p.m., Channel 10 will televise and broadcast the meeting at which the public hearing will be conducted. For further information, contact Ashley Golden with the Planning Division, 214 South C Street, Oxnard, at (805) 385-7882.

CITY CLERK
CITY OF OXNARD

Dated: January 29, 2013

Certificate of Publication

Ad #323603

In Matter of Publication of:

Public Notice

State of California)

))§

County of Ventura)

I, **Maria Rodriguez**, hereby certify that the **Ventura County Star Newspaper** has been adjudged a newspaper of general circulation by the Superior Court of California, County of Ventura within the provisions of the Government Code of the State of California, printed in the City of Camarillo, for circulation in the County of Ventura, State of California; that I am a clerk of the printer of said paper; that the annexed clipping is a true printed copy and publishing in said newspaper on the following dates to wit:

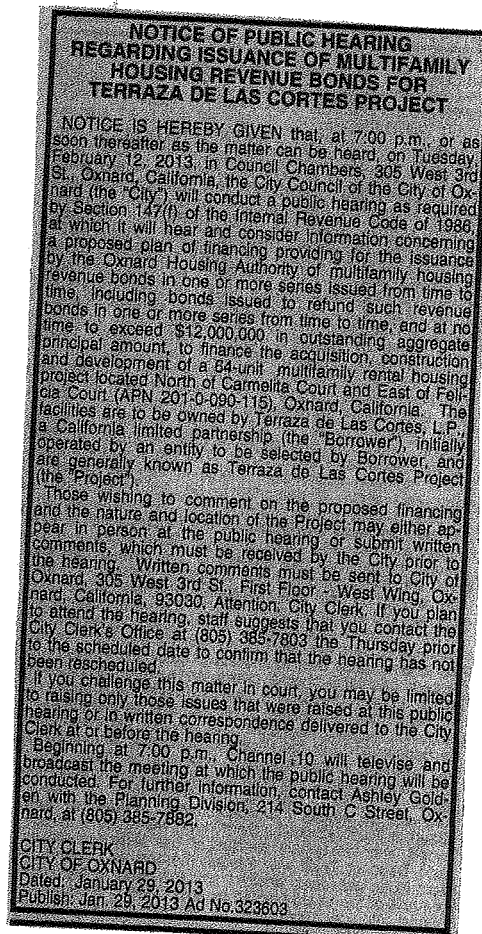
Jan. 29, 2013

I, **Maria Rodriguez** certify under penalty of perjury, that the foregoing is true and correct.

Dated this Jan. 29, 2013, in Camarillo, California, County of Ventura.



Maria Rodriguez
(Signature)





Meeting Date: 02/12/13

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

Prepared By: Kymerly Horner, Interim Redevelopment Services Manager ^{KH} Agenda Item No. 0-1Reviewed By: City Manager [Signature] City Attorney [Signature] Finance [Signature] Other N/A

DATE: January 25, 2013

TO: Community Development Commission Successor Agency

FROM: Curtis P. Cannon, Director
Community Development Commission Successor Agency *Curtis P. Cannon*SUBJECT: Adoption of the Recognized Obligation Payment Schedule ("ROPS") for the Period
July 1, 2013 – December 31, 2013**RECOMMENDATION**

That the Community Development Commission Successor Agency (Successor Agency) adopt a Resolution approving the Fourth Recognized Obligation Payment Schedule (ROPS 13-14A) covering the period of July 1, 2013 – December 31, 2013.

DISCUSSION**ROPS 13-14A**

In accordance with Health and Safety Code section 34177, a Recognized Obligation Payment Schedule ("ROPS") is prepared by the successor agency for the enforceable obligations of the former redevelopment agency. The ROPS shall list all outstanding obligations, the contract or agreement the agency entered into, the payee, a description of the project, the total outstanding debt, the total due in a specified fiscal year and the funding source. The funding sources range from bond proceeds, reserve balances, administrative allowances and redevelopment property tax trust funds ("RPTTF") formerly known as tax increment.

Health and Safety Code section 34177 (m) requires the State Department of Finance ("DOF") to provide successor agency's with the ROPS template and instructions for the period July 1, 2013 – December 31, 2013. This time period is commonly referred to as the ROPS IV, however the DOF also refers to the ROPS for this period as the ROPS 13-14A. The new naming convention represents the ROPS for the Fiscal Year 2013-2014 and "A" representing the first half of the fiscal. **From this point forward, staff will refer to the July 1, 2013 – December 31, 2013 ROPS, as the ROPS 13-14A.**

Upon approval of the ROPS 13-14A, by the Successor Agency, the document is submitted to the Oversight Board. It is also concurrently submitted to the County Administrative Officer, the county

auditor-controller, and the DOF for approval. Additionally, the Successor Agency is required to post a copy of the document to its website.

The ROPS is always forward looking to the next six months. ROPS I covered the period February 1, 2012- June 30, 2012. ROPS II covered the period July 1, 2012 – December 31, 2012 and the current ROPS period, the ROPS III covers the period January 1, 2013 – June 30, 2103.

Successor agencies are required to submit an oversight board-approved ROPS to the DOF and to the County Auditor-Controller no fewer than 90 days before the date of property tax distribution. The ROPS 13-14A is required to be submitted to the DOF by March 1, 2013.

The DOF has 45 days after the ROPS is submitted to make its determination of the enforceable obligations and the amounts and funding sources of the enforceable obligations.

Within five business days of the DOF's determination, a successor agency may request additional review by the department and an opportunity to meet and confer on disputed items. In December of 2012, Successor Agency staff met with the DOF over disputed items on the ROPS III. Verbal updates on this matter have been presented to the Successor Agency and the Oversight Board at their regular meetings.

California Environmental Quality Act (CEQA)

The actions set forth in the recommended accompanying resolution, as summarized above, are exempt under the Guideline 15378 (b)(4) of the CEQA in that the actions do not constitute a "project," but instead are required to continue a governmental funding mechanism for enforceable obligations of the former Community Development Commission and to perform the statutorily mandated unwinding of the assets, liabilities and functions of the former Community Development Commission pursuant to the Dissolution Act.

Conclusions:

AB 1484 greatly expands the review period and authority of the DOF and significantly changes the ROPS review and approval process. Furthermore, amendments to section 34179(H) of the Health and Safety Code, give the DOF the authority to eliminate or modify any item on the ROPS being reviewed under Section 34179 prior to the DOF approval.

If a Successor Agency does not timely submit a ROPS pursuant to the deadlines set forth in AB 1484, the Sponsoring Community may be subject to a \$10,000 per day civil penalty for each day the ROPS is delinquent. In addition, failure of a Successor Agency to submit a ROPS within 10 days of the deadline may result in a 25% reduction of a Successor Agency's maximum administrative cost allowance for the period covered by the delinquent ROPS (per Health and Safety Code section 434177 (m)(2)).

The ROPS 13-14A covering the period of July 1, 2013 – December 31, 2013 period must be approved by the Oversight Board by March 1, 2013. The Successor Agency's ROPS 13-14A is scheduled to be considered by the Oversight Board at their February 21, 2013.

After its adoption, the ROPS is required to be posted on the City website and provided to the County Auditor-Controller, the California State Controller and the DOF. The ROPS must then be certified by the Ventura County Auditor-Controller and approved by the Oversight Board and by the DOF. The attached resolution authorizes Staff to administratively amend the ROPS in order to remove therefrom line items which are subsequently disapproved by the Oversight Board and/or the California Department of Finance. The Successor Agency reserves all rights of the Successor Agency to challenge the validity and/or application of any or all provisions of ABx1 26 and AB 1484, in any administrative or judicial proceeding, without prejudice to the Successor Agency's right to list any such removed item on this or a future ROPS. The Successor Agency reserves the right to pursue any and all appeals and any available legal or equitable remedy provided or available by law to obtain the correction of any erroneous decision regarding the ROPS.

FINANCIAL IMPACT

Approval of the ROPS 13-14A will facilitate the ability of the Successor Agency to continue payment of the enforceable obligations of the former Community Development Commission and is among the reasonable measures required to be taken to avoid triggering an event of default under any enforceable obligations. Failure to approve and submit the ROPS 13-14A by the deadlines required by AB 1484 will result in \$10,000 per day civil penalties

Attachment 1 – Resolution

OXNARD COMMUNITY DEVELOPMENT COMMISSION SUCCESSOR AGENCY

RESOLUTION NO. _____

RESOLUTION OF THE OXNARD COMMUNITY DEVELOPMENT COMMISSION
SUCCESSOR AGENCY ADOPTING A FOURTH RECOGNIZED OBLIGATION PAYMENT
SCHEDULE (ROPS 13-14A) FOR JULY 1, 2013 – DECEMBER 31, 2013

THE OXNARD COMMUNITY DEVELOPMENT COMMISSION SUCCESSOR
AGENCY HEREBY FINDS, DETERMINES, RESOLVES AND ORDERS AS FOLLOWS:

WHEREAS, Assembly Bill x1 26 ("AB 26") and AB x1 27 ("AB 27") were passed by the State Legislature on June 15, 2011 and signed by the Governor on June 28, 2011; and

WHEREAS, among other things, AB 26 amends Sections 33500, 33501, 33607.5 and 33607.7 of the California Health and Safety Code and adds Part 1.8 and Part 1.85 to the California Health and Safety Code; and

WHEREAS, by enactment of Part 1.85 of Division 24 of the Health and Safety Code, subject to all reservations herein stated, the Community Development Commission is dissolved as of February 1, 2012 such that the Community Development Commission shall be deemed as a former redevelopment agency under Health and Safety Code section 34173(a); and

WHEREAS, Health and Safety Code section 34173(a) designates successor agencies as successor entities to former redevelopment agencies; and

WHEREAS, on January 10, 2012, by Resolution 14,135, the City Council of the City of Oxnard declared itself as the successor agency upon the dissolution of the Community Development Commission, subject to all reservations stated in such resolution;

WHEREAS, the California Supreme Court in California Redevelopment Association v. Matosantos, Case No. S194861 upheld the constitutionality of ABx1 26 and established May 1, 2012 as the date by which the draft Recognized Obligation Payment Schedule ("ROPS") must be prepared; and

WHEREAS, California Health and Safety Code Section 34169(h) provides that a successor agency must prepare a ROPS every six months after the initial ROPS period.

WHEREAS, on April 24, 2012 the Successor Agency adopted a Draft ROPS; and

WHEREAS, on April 25, 2012 the Oversight Board to the Oxnard Community Development Commission Successor Agency directed Successor Agency Staff to amend the ROPS to incorporate the State Department of Finance's revised ROPS' format; and

WHEREAS, on May 8, 2012 a revised Amended ROPS I was adopted by the Successor Agency and identified enforceable obligations for the period of February 1, 2012 through June 30, 2012; and

ATTACHMENT 1
PAGE 1 OF 11

WHEREAS, on May 8, 2012 a ROPS II was adopted by the Successor Agency and identified enforceable obligations for the period of July 1, 2012 through December 31, 2012; and

WHEREAS, on July 22, 2012 a ROPS III was adopted by the Successor Agency and identified enforceable obligations for the period of January 1, 2013 through June 30, 2013; and

WHEREAS, the Proposed Fourth ROPS (13-14A) identifies each enforceable obligation on which payments will be required during the period of July 1, 2013 through December 31, 2013;

NOW, THEREFORE, Oxnard Community Development Commission Successor Agency resolves:

Section 1. The Oxnard Community Development Commission Successor Agency hereby finds and determines that the foregoing recitals are true and correct.

Section 2. All legal prerequisites to the adoption of this Resolution have occurred.

Section 3. Successor Agency staff is hereby authorized to administratively amend the ROPS in order to remove line items which are subsequently disapproved by the Oversight Board, the County Auditor-Controller, and/or the California Department of Finance and to format the ROPS to conform with State Department of Finance requirements not yet published, and to take all necessary and appropriate actions to prepare and submit the ROPS, provided, however, that neither such authorization nor such removal shall be deemed to be, nor are they intended as, an acknowledgment of the validity of ABx1 26 and AB 1484 or such action by the Oversight Board and/or the California Department of Finance. The Successor Agency reserves all rights of the Successor Agency to challenge the validity and/or application of any or all provisions of ABx1 26 and AB 1484 in any administrative or judicial proceeding, without prejudice to the Successor Agency's right to list any such removed item on this or a future ROPS. The Successor Agency reserves the right to pursue any and all appeals and any available legal or equitable remedy provided or available by law to obtain the correction of any erroneous decision regarding the ROPS.

Section 4. Successor Agency staff is authorized to include on the ROPS any items which were approved on ROPS I, ROPS II and ROPS III but not fully expended.

Section 5. The attached Proposed ROPS is hereby adopted.

Section 6. This Resolution shall take effect immediately upon its adoption.

Section 7. The Successor Agency's Secretary Designate shall certify as to the adoption of this resolution.

PASSED, APPROVED and ADOPTED this ____ day of _____, 2013, by the following vote:

AYES:

NOES:

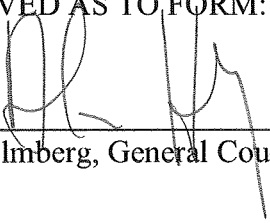
ABSENT:

Tim Flynn, Chairman

ATTEST:

Daniel Martinez, Secretary Designate

APPROVED AS TO FORM:



Alan Holmberg, General Counsel

000000SUCCESSOR AGENCY CONTACT INFORMATION

Successor Agency

ID: 389
County: Ventura
Successor Agency: Oxnard

Primary Contact

Honorific (Ms, Mr, Mrs)

First Name

Last Name

Title

Address

City

State

Zip

Phone Number

Email Address

Kymberly
Horner
Interim Redevelopment Services Mgr.
214 South C Street
Oxnard
CA
93030
805-385-7853
kymberly.horner@ci.oxnard.ca.us

Secondary Contact

Honorific (Ms, Mr, Mrs)

First Name

Last Name

Title

Phone Number

Email Address

SUMMARY OF RECOGNIZED OBLIGATION PAYMENT SCHEDULE

Filed for the July 1, 2013 to December 31, 2013 Period

Name of Successor Agency: **OXNARD (VENTURA)**

Outstanding Debt or Obligation	Total
Total Outstanding Debt or Obligation	\$135,053,792

Current Period Outstanding Debt or Obligation	Six-Month Total
A Available Revenues Other Than Anticipated RPTTF Funding	\$325,299
B Enforceable Obligations Funded with RPTTF	\$17,566,632
C Administrative Allowance Funded with RPTTF	\$527,000
D Total RPTTF Funded (B + C = D)	\$18,093,632
E Total Current Period Outstanding Debt or Obligation (A + B + C = E) <i>Should be same amount as ROPS form six-month total</i>	\$18,418,931
F Enter Total Six-Month Anticipated RPTTF Funding	\$0
G Variance (F - D = G) <i>Maximum RPTTF Allowable should not exceed Total Anticipated RPTTF Funding</i>	(\$18,093,632)

Prior Period (July 1, 2012 through December 31, 2012) Estimated vs. Actual Payments (as required in HSC section 34186 (a))

H Enter Estimated Obligations Funded by RPTTF <i>(lesser of Finance's approved RPTTF amount including admin allowance or the actual amount distributed)</i>	\$0
I Enter Actual Obligations Paid with RPTTF	\$0
J Enter Actual Administrative Expenses Paid with RPTTF	\$0
K Adjustment to Redevelopment Obligation Retirement Fund (H - (I + J) = K)	\$0
L Adjustment to RPTTF (D - K = L)	\$18,093,632

Certification of Oversight Board Chairman:

Pursuant to Section 34177(m) of the Health and Safety code,
I hereby certify that the above is a true and accurate Recognized
Obligation Payment Schedule for the above named agency.

Name	Title
/s/	
Signature	Date

PAGE 5 OF 11
ATTACHMENT 1

OXNARD (VENTURA)
RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS 13-14A)
July 1, 2013 through December 31, 2013

Oversight Board Approval Date: _____

Item #	Project Name / Debt Obligation	Contract/Agreement Execution Date	Contract/Agreement Termination Date	Payee	Description/Project Scope	Project Area	Total Outstanding Debt or Obligation	Total Due During Fiscal Year 2013-14	Funding Source					
									Bond Proceeds	Reserve Balance	Admin Allowance	RPTTF	Other	Six-Month Total
							\$135,053,792	\$30,084,447	\$325,290	\$0	\$527,000	\$17,566,632	\$9	\$18,418,932
1	CCRP Tax Allocation Refunding Bond 2004	4/1/2004		Wells Fargo/Finance	Downtown Infrastructure, Capital Improvement Projects and Façade Program; including debt management costs	CCRP	18,433,708	1,391,178	0	0	0	1,093,854	0	1,093,854
2	CCRP Assessment District Payment	7/1/2006	6/30/2011	Ox, Downtown Mgmt District	Property Based Improvement District Payment	CCRP	282,274	141,137	0	0	0	70,568	0	70,568
3	Downtown Buildings (3)	8/27/2008	7/31/2012	Alert Property Mgmt. Co.	Property Management	CCRP	14,400	14,400	0	0	0	7,200	0	7,200
4	Downtown Buildings (3)	8/27/2008	7/31/2012	Alert Property Mgmt. Co.	Property Maintenance	CCRP	48,000	48,000	0	0	0	24,000	0	24,000
5	Heritage Square HOA Dues	12/13/1990		Monthly Association Dues	Per HSPGA Agreement	CCRP	24,000	24,000	0	0	0	12,000	0	12,000
6	CCRP Homeowner Property Dues	7/29/2008	6/30/2012	Heritage Square HSPGA	Heritage Square Annual Maintenance Subsidy Homeowner Dues Heritage Square	CCRP	43,000	43,000	0	0	0	43,000	0	43,000
7	Façade and Paint Improvement Program	1/30/2012	1/30/2017	Downtown Façade - approved project Golden Chicken Inn	Capital Improvement Project	CCRP	30,907	30,907	0	0	0	30,907	0	30,907
8	Contracts and Services		3/10/2014	Economic Development Collaborative Ventura County	Real Estate	CCRP	0	0	0	0	0	0	0	0
9	Contracts and Services			TBD	Real Estate Services	CCRP	30,000	30,000	0	0	0	30,000	0	30,000
10	Project Management			City Community Development	Property management, project management and inspection	CCRP	55,120	55,120	0	0	0	27,540	0	27,540
12	McGrath Wheel Chair Lift			Contractor/City	New Wheel Chair Lift for CDC owned Property	DT	0	0	0	0	0	0	9	9
13	Heritage Square Facility Rental Program			Verizon California Office Depot Mehle Printing Yellowpages Local Directory Alliance Fire Protection Ventura County Reporter 1 Print on Demand	Heritage Square Reimbursement	DT	9,489	9,489	0	0	0	4,745	0	4,745
14	Contracts and Services	6/1/2004	12/31/2006	Mayer, Hoffman, McCann P.C.	Theater Analysis	DT	10,000	10,000	0	0	0	10,000	0	10,000
15	Project Management			City Community Development	Property management, project management and inspection	DT	59,350	59,350	0	0	0	29,675	0	29,675
17	HERO Tax Alloc Bond 2006		9/1/2035	Wells Fargo/Finance	Street Reconstruction Projects; including debt management costs	HERO	19,566,006	812,309	0	0	0	795,809	0	795,809
18	HERO Tax Alloc Bond 2008		9/1/2028	Wells Fargo/Finance	RiverPark Parking Structure Infrastructure; including debt management costs	HERO	20,913,622	749,038	0	0	0	732,538	0	732,538
19	HERO RiverPark OPA		6/12/2014	RiverPark A/Shea Homes	Infrastructure Improvements New Develop	HERO	0	0	0	0	0	0	0	0
20	HERO Wagon Wheel "The Village" Housing	3/23/2010	3/31/2015	Oxnard CRFL Partners, LLC, OVFA, DVI	Wagon Wheel Affordable Housing Loan	HERO	8,700,000	8,700,000	0	0	0	8,700,000	0	8,700,000
21	HERO Colonial House	4/26/2011	3/22/2046	Oxnard Pacific Associates/Pacific West Communities	Colonial House Affordable Housing Project	HERO	0	0	0	0	0	0	0	0
22	HERO EDKOH Affordable Housing	4/26/2011		Sonata At RiverPark Partners, LP/ED KOH	Affordable Housing Loan	HERO	3,000,000	1,650,000	0	0	0	1,650,000	0	1,650,000
23	HERO Home Buyer	7/20/2010	7/1/2015	Aldersgate	Funds for Aldersgate Project	HERO	500,000	500,000	0	0	0	500,000	0	500,000
24	HERO RiverPark	5/18/2010		RiverPark A Manag Member/ RiverPark Legacy, LLC	Affordable Housing	HERO	3,402,647	316,985	0	0	0	316,985	0	316,985
25	Affordable Housing Reimbursement Agreement	9/30/2010	9/30/2017	Francisco De Asis Campos & Rosa Linda Campos	RiverPark Mortgage Reimbursement Agreement	HERO	9,600	2,400	0	0	0	1,200	0	1,200
26	Affordable Housing Reimbursement Agreement	9/30/2010	9/30/2017	Emmanuel John Cervantes & Jonathan Castaneda	RiverPark Mortgage Reimbursement Agreement	HERO	9,600	2,400	0	0	0	1,200	0	1,200
27	Affordable Housing Reimbursement Agreement	9/30/2010	9/30/2017	Pedro Dimas & Thuylinh Nguyen Dimas	RiverPark Mortgage Reimbursement Agreement	HERO	9,600	2,400	0	0	0	1,200	0	1,200
28	Affordable Housing Reimbursement Agreement	9/30/2010	9/30/2017	Everardo G. Dominguez & Imelda Dominguez	RiverPark Mortgage Reimbursement Agreement	HERO	9,600	2,400	0	0	0	1,200	0	1,200
29	Affordable Housing Reimbursement Agreement	9/30/2010	9/30/2017	Felipe Dominguez & Yanira Montejano Dominguez	RiverPark Mortgage Reimbursement Agreement	HERO	9,600	2,400	0	0	0	1,200	0	1,200
30	Affordable Housing Reimbursement Agreement	9/30/2010	12/28/2017	Vairo Garcia & Alejandra Garcia	RiverPark Mortgage Reimbursement Agreement	HERO	9,600	2,400	0	0	0	1,200	0	1,200

OXNARD (VENTURA)
 RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS 13-14A)
 July 1, 2013 through December 31, 2013

Oversight Board Approval Date: _____

Item #	Project Name / Debt Obligation	Contract/Agreement Execution Date	Contract/Agreement Termination Date	Payee	Description/Project Scope	Project Area	Total Outstanding Debt or Obligation	Total Due During Fiscal Year 2013-14	Funding Source					
									Bond Proceeds	Reserve Balance	Admin Allowance	RPTTF	Other	Six-Month Total
31	Affordable Housing Reimbursement Agreement	9/30/2010	9/30/2017	Juan J. Leyva & Rocio Llamas-Leyva	RiverPark Mortgage Reimbursement Agreement	HERO	9,600	2,400	0	0	0	1,200	0	1,200
32	Affordable Housing Reimbursement Agreement	9/30/2010	9/30/2017	Jose Luis Menchaca & Maria Lourdes Zamora	RiverPark Mortgage Reimbursement Agreement	HERO	9,600	2,400	0	0	0	1,200	0	1,200
33	Affordable Housing Reimbursement Agreement	9/30/2010	9/30/2012	Salvador De Jesus Munoz & Ofelia Munoz	RiverPark Mortgage Reimbursement Agreement	HERO	9,600	2,400	0	0	0	1,200	0	1,200
34	Affordable Housing Reimbursement Agreement	9/30/2010	9/30/2017	Sean Toan Nguyen & Phuong Dung Thi Ho	RiverPark Mortgage Reimbursement Agreement	HERO	9,600	2,400	0	0	0	1,200	0	1,200
35	Affordable Housing Reimbursement Agreement	9/30/2010	9/30/2017	Christina M. Therrien	RiverPark Mortgage Reimbursement Agreement	HERO	9,600	2,400	0	0	0	1,200	0	1,200
36	Affordable Housing Reimbursement Agreement	9/30/2010	9/30/2017	Salvador Torres & Maria Guadalupe Torres	RiverPark Mortgage Reimbursement Agreement	HERO	9,600	2,400	0	0	0	1,200	0	1,200
37	Cuesta Del Mar Housing Project	7/21/2009	7/1/2036	Housing Authority	Affordable Housing Project	HERO	0	0	0	0	0	0	0	0
38	Contracts and services	12/12/2011	12/31/2012	HDL Coren and Cone	Property Tax and Tax Increment Preparation	HERO	40,000	20,000	0	0	0	10,000	0	10,000
39	Contracts and services	7/11/2001	6/30/2013	HROD, Inc	Legal Advocacy, Federal	HERO	15,042	15,042	0	0	0	7,521	0	7,521
40	HERO RiverPark MOU to OPA	9/26/2010	7/27/2035	RiverPark A	Infrastructure reimbursement payments per MOU to OPA	HERO	8,228,004	794,584	0	0	0	794,584	0	794,584
42	South Oxnard Library	1/13/2011	1/13/2013	Gibbs, Giden, Locher, Turner & Senet/ Contractor	Capital Improvement Project and Legal Fees	Southwinds	330,000	200,000	0	0	0	100,000	0	100,000
43	ICSC			ICSC and various vendors	Retail Real Estate Convention	HERO	15,000	0	0	0	0	0	0	0
44	Project Management			City Employees	Property management, project management and inspection	HERO	211,540	211,540	0	0	0	105,780	0	105,780
45	HERO Facade Program	1/30/2012		Dominick's Italian Restaurant (Brian Hengeller)	Capital Improvement Project	HERO	0	0	0	0	0	0	0	0
46	HERO Facade Program	1/30/2012		Bobbi Center (James Suk Man Lee)	Capital Improvement Project	HERO	0	0	0	0	0	0	0	0
47	HERO Facade Program	1/31/2012		Video Liquidators (James Suk Man Lee)	Capital Improvement Project	HERO	0	0	0	0	0	0	0	0
48	Ormond Beach Tax Alloc Bond 2006		9/1/2035	Wells Fargo	Street Reconstruction Project	Ormond Beach	8,153,031	355,031	0	0	0	352,031	0	352,031
49	Project Management			City Employees	Property management, project management and inspection	Ormond Beach	12,090	12,090	0	0	0	6,045	0	6,045
50	Southwinds Tax Allocation Bond 2006	6/28/2005	9/1/2035	Wells Fargo	Street Reconstruction Bond	Southwinds	4,888,544	207,530	0	0	0	203,930	0	203,930
51	Project Management			City Employees	Property management, project management and inspection	Southwinds	10,850	10,850	0	0	0	5,430	0	5,430
52	Downtown Lease Guarantee Pmt 50%	11/26/2003	11/26/2009	Oxnard Theater Group	*Downtown Theater lease guarantee payment	CCRP/OT	22,705,200	1,335,600	0	0	0	667,800	0	667,800
53	Laundromat Project			Van Merill	Site location assistance & Building Improvement Per approval in connection to acquisition of 318 W 5th Street	CCRP & HERO	0	0	0	0	0	0	0	0
54	Bond Counsel	4/1/2007	5/31/2008	Goodwin and Proctor	Legal Counsel for CDC Bonds	All	10,000	10,000	0	0	0	5,000	0	5,000
55	Contracts and Services	1/1/2003	8/30/2014	Kane, Ballmer, and Berkman	Agency Legal Counsel	All & Housing	150,000	150,000	0	0	0	75,000	0	75,000
56	Contracts and Services	7/1/2005	6/30/2015	EDCO	Economic Development Functions	All	104,000	104,000	0	0	0	52,000	0	52,000
57	Contracts and Services	11/10/2010	12/31/2011	Tom Figg	Project Development and : Review of appraisals, cost assumptions, capital budgets, operating statements, marketing data and funding commitments	All & Housing	90,000	90,000	0	0	0	45,000	0	45,000
58	Contracts and Services	2/1/2009	1/31/2013	R.A. Altmore & Sons	Weed Abatement	CCRP/OT/OB	50,000	50,000	0	0	0	25,000	0	25,000
59	Contracts and Services	8/1/2009	2/1/2011	National Development Council	Affordable Housing*Advising on equity sources and structuring	All & Housing	90,000	90,000	0	0	0	45,000	0	45,000
60	Contracts and Services	12/12/2011	12/31/2012	Hdl Coren & Cone	Property Tax and Tax Increment Prep.	All & Housing	0	0	0	0	0	0	0	0
61	Contracts and Services	7/1/2011	6/30/2013	Michael J. Arnold & Associates	Legal Advocacy - State	HERO/Ormond	24,500	24,500	0	0	0	12,500	0	12,500
62	Contracts and Services			tdb	Legal counsel for Oversight Board	All	0	0	0	0	0	0	0	0
63	Trustee Services			Wells Fargo Bank	Debt service administration for bond issues	CCRP/HERO/SW/Ormond	0	0	0	0	0	0	0	0
64	Arbitrage compliance			City Finance Department	Arbitrage compliance for bond issues	CCRP/HERO/SW/Ormond	0	0	0	0	0	0	0	0
65	Affordable Housing Compliance Rental & Sales			Affordable Housing Compliance Consultant	Affordable Housing Compliance Functions	All	0	0	0	0	0	0	0	0
66	ERIP			City Employee	Retirement Benefit	All	185,000	62,000	0	0	0	62,000	0	62,000
67	Housing Asset List Compliance review			TBD	Compliance Review of Affordable Housing Assets	All	40,000	40,000	0	0	0	20,000	0	20,000
68	Legal Counsel			Colantuono & Levine	AB 1484 Matters	All	50,000	25,000	0	0	0	25,000	0	25,000

Oversight Board Approval Date: _____

ATTACHMENT 1
PAGE 8 OF 11

OXNARD (VENTURA)
Pursuant to Health and Safety Code section 34186 (a)
PRIOR PERIOD ESTIMATED OBLIGATIONS vs. ACTUAL PAYMENTS
RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS II)
July 1, 2012 through December 31, 2012

Item #	Project Name / Debt Obligation	Payee	Description/Project Scope	Project Area	LMIHF		Bond Proceeds		Reserve Balance		Admin Allowance		RPTIF		Other	
					Estimate	Actual	Estimate	Actual	Estimate	Actual	Estimate	Actual	Estimate	Actual	Estimate	Actual
					\$0	\$157,718	\$0	\$0	\$0	\$0	\$0	\$114,152	\$0	\$2,862,793	\$0	\$0
1	CCRP Tax Allocation Refunding Bond 2004	Wells Fargo	Downtown Infrastructure, Capital Improvement Projects and Façade Program	CCRP										1,068,068		
2	CCRP County Property Tax	Ventura County Auditor-Controller	Taxes on Heritage Square Property	CCRP										5,366		
3	Social Security Building	Alert Property Mgmt. Co.	Property Maintenance	CCRP										6,400		
4	Social Security Building	Alert Property Mgmt. Co.	Property Maintenance	CCRP										14,441		
5	Heritage Square HOA Dues	Monthly Association Dues	Per HSPOA Agreement	CCRP										10,753		
7	Façade and Paint Improvement Program	Steve Greene Const/Sta Maria Neon/Daniels Const. El Teatro	Capital Improvement Project	CCRP										7,927		
3	Heritage Square Facility Rental Program	Verizon California Office Depot Mehle Printing Yellopages Local Directory Alliance Fire Protection Ventura County Reporter I Print on Demand	Heritage Square Reimbursement	DT										3,910		
1	HERO Tax Alloc Bond 2006	Wells Fargo	Street Reconstruction Project	HERO										520,117		
2	HERO Tax Alloc Bond 2008	Wells Fargo	RiverPark Parking Structure Infrastructure	HERO										450,819		
3	HERO DDA Esplanade Re-use Project	Home Depot Development of Maryland IC	Tax Increment Tax Sharing Payments	HERO										150		
14	HWY 101 Rice Interchange	Contractor	Road/freeway interchange improvements	HERO										71,861		
3	Downtown Lease Guarantee Pmt. 50%	Oxnard Theater Group	Downtown Theater lease guarantee payment	Multi Project										253,900		
13	Contracts and Services	R.A. Almoro & Sons	Weed Abatement	Multi Project										1,818		
1	Ormond Beach Tax Alloc Bond 2006	Wells Fargo	Street Reconstruction Project	OB										240,928		
1	Southwinds Tax Allocation Bond 2006	Wells Fargo	Street Reconstruction Project	SW										135,528		
3	South Oxnard Library	Gibbs, Giden, Locher, Turner & Senet/Contractor	Capital Improvement Project and Legal Fees	SW										70,807		
14	Affordable Housing Reimbursement Agreement	Fracisco De Asis Campos & Rosa Linda Campos	RiverPark Mortgage Reimbursement Agreement	HERO		1,200										
15	Affordable Housing Reimbursement Agreement	Emmanuel John Cervantes & Jonathan Castañeda	RiverPark Mortgage Reimbursement Agreement	HERO		1,200										
16	Affordable Housing Reimbursement Agreement	Pedro Dimas & Thailinh Nguyen Dimas	RiverPark Mortgage Reimbursement Agreement	HERO		1,200										
17	Affordable Housing Reimbursement Agreement	Evarardo G. Dominguez & Imelda Dominguez	RiverPark Mortgage Reimbursement Agreement	HERO		1,200										
18	Affordable Housing Reimbursement Agreement	Felipe Dominguez & Yanira-Montejo Dominguez	RiverPark Mortgage Reimbursement Agreement	HERO		1,200										
19	Affordable Housing Reimbursement Agreement	Valro Garcia & Alejandra Garcia	RiverPark Mortgage Reimbursement Agreement	HERO		1,200										
20	Affordable Housing Reimbursement Agreement	Juan J. Leyva & Rocio Llamas-Leyva	RiverPark Mortgage Reimbursement Agreement	HERO		1,200										
21	Affordable Housing Reimbursement Agreement	Jose Luis Menchaca & Maria Lourdes Zamora	RiverPark Mortgage Reimbursement Agreement	HERO		1,200										
22	Affordable Housing Reimbursement Agreement	Salvador De Jesus Munoz & Ofelia Munoz	RiverPark Mortgage Reimbursement Agreement	HERO		1,200										
23	Affordable Housing Reimbursement Agreement	Sean Toan Nguyen & Phuong Dung Thi Ho	RiverPark Mortgage Reimbursement Agreement	HERO		1,200										
24	Affordable Housing Reimbursement Agreement	Christina M. Therrien	RiverPark Mortgage Reimbursement Agreement	HERO		1,200										
25	Affordable Housing Reimbursement Agreement	Salvador Torres & maria Guadalupe Torres	RiverPark Mortgage Reimbursement Agreement	HERO		1,200										
30	Cuesta Del Mar Housing Project	Housing Authority	Affordable Housing Project	SW		16,462										

OXNARD (VENTURA)
 RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS 13-14A) -- Notes (Optional)
 July 1, 2013 through December 31, 2013

Item #	Project Name / Debt Obligation	Notes/Comments
1	CCRP Tax Allocation Refunding Bond 2004	September Payment + fees
2	CCRP Assessment District Payment	
3	Downtown Buildings (3)	
4	Downtown Buildings (3)	
5	Heritage Square HOA Dues	
6	CCRP Homeowner Property Dues	
7	Façade and Paint Improvement Program	
8	Contracts and Services	
9	Contracts and Services	
10	Project Management	
12	McGrath Wheel Chair Lift	
13	Heritage Square Facility Rental Program	
14	Contracts and Services	
15	Project Management	
17	HERO Tax Alloc Bond 2006	September Payment + fees
18	HERO Tax Alloc Bond 2008	September Payment + fees
19	HERO RiverPark OPA	
20	HERO Wagon Wheel "The Village" Housing	\$15.3 million less \$6.6 million February payment
21	HERO Colonial House	
22	HERO EDKOH Affordable Housing	
23	HERO Home Buyer	
24	HERO RiverPark	
25	Affordable Housing Reimbursement Agreement	
26	Affordable Housing Reimbursement Agreement	
27	Affordable Housing Reimbursement Agreement	
28	Affordable Housing Reimbursement Agreement	
29	Affordable Housing Reimbursement Agreement	
30	Affordable Housing Reimbursement Agreement	
31	Affordable Housing Reimbursement Agreement	
32	Affordable Housing Reimbursement Agreement	
33	Affordable Housing Reimbursement Agreement	
34	Affordable Housing Reimbursement Agreement	
35	Affordable Housing Reimbursement Agreement	
36	Affordable Housing Reimbursement Agreement	
37	Cuesta Del Mar Housing Project	
38	Contracts and services	
39	Contracts and services	
40	HERO RiverPark MOU to OPA	
42	South Oxnard Library	
43	ICSC	
44	Project Management	
45	HERO Façade Program	
46	HERO Façade Program	
47	HERO Façade Program	
48	Ormond Beach Tax Alloc Bond 2006	September Payment + fees
49	Project Management	
50	Southwinds Tax Allocation Bond 2006	September Payment + fees
51	Project Management	
52	Downtown Lease Guarantee Pmt 50%	
53	Laundromat Project	
54	Bond Counsel	
55	Contracts and Services	
56	Contracts and Services	
57	Contracts and Services	

ACTION

- ☐ Approved Recommendation
☐ Ord. No(s). _____
☐ Res. No(s). _____
☐ Other _____

TYPE OF ITEM

- ☐ Info/Consent
☒ Report
☐ Public Hearing (Info/consent)
☐ Other _____

Prepared By: Cynthia Daniels

Agenda Item No. 0-2

Reviewed By: City Manager

City Attorney

Finance

Other

Winegar

DATE: February 6, 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

Staff Review of Materials From Del Norte Construction. On February 5, 2013 the City Council heard and received information from Del Norte Construction (DNC) in support of their request to be awarded the contract for the Victoria Avenue Transit Route Stops. City Council directed staff to return in one week with a response to the written materials, particularly the letters from DNC that were distributed during the City Council meeting on February 5. Staff reviewed the DNC materials and offers the following, which is not exhaustive but rather addresses the main issues.

DNC stated during their presentation that the City's employee, Pete Martinez, would provide a positive reference for DNC. In Attachment 2, Mr. Martinez states he has not worked with DNC, has not spoken with DNC about serving as a reference, and would not provide a reference because he has no knowledge about DNC working for the City.

DNC provides a lengthy explanation to demonstrate they have not had any negative actions against the firm, such as disputes, stop notices, bond claims, labor claims, prevailing wage violations, back

charges/offsets/work completed by others, and as further evidence has received full payment from the owner or agency mentioned in their references. Staff was told by representatives for Rancho Simi and the Oxnard Union High School District that stop notices were filed and resolved before each project was completed. It is staff's opinion that while the lack of formal actions might be true, it is also apparent that the agencies working with DNC had to spend unusual time and effort to obtain DNC's compliance with the requirements and specifications to complete the projects. Secondly, all of the DNC reference projects are much smaller than the Victoria Avenue Transit Route Stops. The lack of formal adverse actions is not evidence of DNC's ability, capacity, experience, or fitness to perform the work of this magnitude.

Tom Evans from the Rancho Simi Recreation and Park District indicates he did not say the work by DNC was substandard, however, our staff believes this information was conveyed. Nevertheless, staff revised the reference in Attachment 6 to remove that particular statement. Mr. Evans asked that his comments be kept off the record. Staff feels it is important at this time to reveal that in fact Mr. Evans stated in an email that he would not recommend DNC based on his experiences on the referenced project. His email is Attachment 5.

DNC stated they told city staff several weeks before the February 5 City Council meeting that DNC had made errors on the dollar amounts for the reference sheet, and that city staff informed DNC that the information could be corrected and was not a problem. Staff has no evidence or recollection of this conversation. Staff did not receive any request from DNC to correct the amounts for the reference projects. Staff raised the issue with DNC during a conference call on January 29 when staff reported to DNC that the representatives of the reference projects said the dollar values were substantially less than DNC reported. DNC did not explain until the conference call that they might have made mistakes on the dollar amounts. In written communications after January 29, DNC uses the lower dollar amounts when they describe the work for the reference projects.

DNC submitted a bid protest of an award to the second low bidder in the information to the City Council on February 5. The bid protest is outside the scope of this recommendation and will be addressed according to the bid specifications, state law, and city regulations.

DNC claims if the City Council finds the company is not a responsible bidder, then DNC will be disbarred or prevented from competing for other public works projects. The City has no list of disbarred contractors and does not have a procedure for disbaring a contractor.

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. DNC 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 DNC. Staff has determined the low bidder, DNC, 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 perform the proposed work satisfactorily. 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 DNC in the bid documents. The information provided by DNC was found to contain inaccurate project dollar amounts for completed work. DNC 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 6 summarizes the errors on the reference sheet and the statements from the representatives of the reference projects concerning the quality of work by DNC.

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 DNC 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

Reject Award to Del Norte Construction for DS13-09
February 6, 2013
Page 4

Air Pollution Buy Down Fund and the Federal Transportation Grant.

CD & PCF

Attachment 1	Del Norte Construction Materials Provided to City Council on 2/5/2013
Attachment 2	Email from Pete Martinez, City of Oxnard, 2/4/2013
Attachment 3	DNC-Del Norte Construction Letter to Public Works Dept. 1/31/13 Signed by Chris Salcido
Attachment 4	DNC-Del Norte Construction Letter to City Attorney and City Council Members 2/1/2013
Attachment 5	Email from Tom Evans, Rancho Simi to Ralph Alamillo,
Attachment 6	Summary of Information from References
Attachment 7	Del Norte Construction References Page from Project Specification No. DS13-09
Attachment 8	DNC-Del Norte Construction Letter to Public Works Dept. undated and not signed by but acknowledged to be from Chris Salcido

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1. City Council Presentation Letter- 10 Pages
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A.Introduction

Dear Honorable Member,

Before I continue with our rebuttal and specifics reasons that you should award the contract to Del Norte Construction, in our opinion the following three points should be kept in mind throughout this presentation.

1. **Del Norte Construction is here on several tiers and asks that you observe this status and please take note through an unbiased mind set.**

A. Taxpayer

B. Resident of Oxnard- Born and Raised, Children attend local schools, Involved with Oxnard park District Sports, Family attends church in Oxnard and spends its money for meals, groceries, Rents and entertainment In the City of Oxnard

C. "Local" Contractor as defined under your new ordinance and /or law.

D. Licensed, Bonded and Insured General Engineering Contractor.

E. Employer of 12 individuals , 5 of those are from the City of Oxnard and Currently unemployed.

Hearing Request

Our firm has requested a due process hearing which the law requires of a public entity when the public entity rejects the contractors bid on the basis of non-responsibility. This request was rejected per the attached E-mails

And we were told that coming to this meeting was our only recourse. Thus we would like to be put on record that we have not waived any of our rights

to appeal, have a hearing by attending this meeting. But Mr. Holmberg indicated there is no other means to be heard.

City Staff Misleading and malicious actions

The "Integrity , truthfully and validity" of the Staff report must be reviewed and in our opinion voided. The reason for this is that our

firm submitted Rebuttal letter to the Staff prior to receiving the City Council report in response to a conference call. As we suspected, the statements made by Cynthia Daniels during the conversation regarding negative responses by references did not make sense. It turns out that the statements placed on

a. The Staff report and submitted to the City council were false. The Rancho simi reference wrote the attached letter stating that the staff report was inaccurate. This is a serious offense and it continues with others.

b. Cynthia Daniels told us not to call our reference during the open-speaker conference

1. Our firm is being forced to possibly ruin our reputation, be disbarred from Contracting public works and losing a livelihood because Ms. Daniels presented per attached E-mails two options;

- I. Withdraw you bid and there will be no public record of this action.
- II. Go to the City Council meeting and if they reject your bid, then it will become

public record.

So we have decided to be here to present our case and utilize our rights, however, we further

Request that you take into consideration our "dammed if you do and dammed if you don't" situation by I and II above.

Now, the reason we are here, as you are aware, your City of Oxnard staff is recommending that you reject our bid for the Victoria Avenue Transit Bus route and award the project to the Second low bidder Malibu Pacific Tennis Court Company.

The recommendation stems from the determination that Del Norte Construction has been deemed non-responsible which is a subjective (gut-feeling) judgment and defined as;

"trustworthiness, as well as quality, fitness, capacity and experience to satisfactorily perform the public works contract"

And the factors or criteria used by the majority of City and State agencies to establish this determination is the following;

1. Has there been Liquidated damages against Del Norte Construction?

Liquidated damages are used when a contractor is late completing the project or meeting any of the specified deadlines.

Of the four (4) Public works projects submitted as reference, Del Norte has never been assessed any Liquidated damages.

2. Has Del Norte submitted any claims against a Public Agency? NO

3. Has Del Norte submitted any disputed Change Orders? NO

4. Has there been any bond claims against Del Norte Construction? NO

5. Has there been any Labor Claims or disputes filed by Employees of Del Norte?

NO

6. Has there been any Public works payroll reporting or prevailing wage violations again Del Norte by the Department of Labor relations ? NO

7. Has there been any backcharges/off-sets or work completed by others on Del Norte Projects? NO

8. Has Del Norte ever failed to fulfill any of its contract obligations? NO

9. Has Del Norte received payment in full for original contract work and Change Orders?

YES

10. Was a notice of completion filed on these projects? YES

11. Has Del Norte received any non-compliance notice on any of these projects? NO

12. Has there been any stop notice placed on a project? Our firm had one stop notice

From Contech on the Rancho Simi project in the amount of \$8,345.00- The invoice

Was disputed and corrected. Within days of the correction, our firm paid it in full.

With all our projects, including private, our firm has paid vendors over \$500,000 and

this was the only dispute and issue ever with vendors.

13. Has Del Norte been requested to return and complete any corrective work warranty work? NO

As per the above, our firm performs Quality, is fit, has the capacity and experience to perform the public work satisfactorily as defined in public contract code section 1103.

And trustworthiness is incorporated into all the above aspects and beyond.

So why are will showing that our firm has no issues with past work?

Because

1. Our references returned negative remarks about our firm.

It was very discerning to hear this and dumbfounded as well since our firm had previously received positive marks, bid others projects for them and mostly, there were no issues whatsoever as per the above 1 through 13. Thus, although we were told by Cynthia not to call them, which just put up a red flag, our firm send the staff report to the references and asked for a reply.

The first reply came from the two Private References, Eric and Eliseo and I can get declarations from Eliseo who have both confirmed that the caller

was not interested in the Good and sensed he made a determination already not to award job. As you can see on the Staff report, since there was no negative, there was a minimum placed on the good of the company. Because he could not solicit any negative.

The next reference was Pete Martinez (a city employee) that concluded the same. He stated all positive, but yet it did not appear at all on the report.

The next reference which I deem as very important in several aspects;

- 1) It confirms our opinion that the City Staff has lied, misled and attempted

To deceive the City Council, Mayor and the Citizens of Oxnard by placing conflicting and inaccurate information on an official staff report and submitted as a City Council agenda. Please read the letter from Tom Evans of the Rancho Simi Recreation and Park District. It is our belief that the same leading of questioning or misrepresentation occurred on the other references. Or at minimum none of the positive was stated.

So even if we play devils advocate and extend the benefit of the doubt to your City staff that our firm is horrid and exists in accord with the stated staff report,

Then those references must have been dirilect in their duties or liars. Why? Because there were none of the 13 factors above existent nor were there any

Negative actions instituted. But in my opinion, I believe the actions by City of Oxnard were misleading, malicious, unethical and possibly illegal. Could this

Be Bid Manipultion to award the contract to a preferred contractor?

What's to stop this from happening in the future?

Insofar as this first aspect rendering Del Norte non-responsible, it has clearly been shown that our firm has not violated or been involved with any issues

Or problems with successfully completing the listed projects or any for that matter.

II. Contractor overstated the value of contract references

1. Our firm does not deny this mistake and provided an explanation to that error early on. As you are aware, our firm bid this project 2 months ago . Please see attached email explaining what happened. In reply, the City staff indicated that there is no problem and just get in all the insurance and other items required to award contract. However, our firm again asked to the City how we can correct this besides acknowledging mistake, we further indicated we did not want to start on a negative note and be doubted throughout the project. Again, "there is no problem", Just provide some other references (this was a month later, from the first asking). So we provided other references and continued to comply with the specifications and other requests made by City to assure timeliness in project delivery. Our firm has spent over \$65,000 in our staff costs, bonds, insurances and purchase order issuance. As a result, our firm would have the only long lead items that would tardy the project deliverable ahead of schedule, approximately February 20, 2013 per the attached E-mail.

So it was very apparent that the City of Oxnard was going to move forward and that the issue of contract amount stated was not an issue and should not be allowed now to be an issue. And if it was an issue, the City of Oxnard misrepresented, deceived and defrauded our firm by way of allowing to Procure, secure and incur expenses for this project for seven (7) weeks, through January 17, 2013.

Therefore, if this inadvertent misstatement on the bid submission was not an issue in the last seven (7), then it should not be an issue now and the City Staff pretty much cancelled out and accepted an alternative method to accept this inadvertent mistake by the mere fact of asking for additional references and having us believe that we were going to be awarded the job through various e-mails.

So, it is our request that you reject the recommendation deeming our firm non-responsible because;

Reject Del Norte

- 1) The staff report was written with mis-leading information and negative comments that were not told to your staff. Basically, there were misrepresentation to have our firm deemed non-responsible. Whatever the motive were, maybe, bid manipulation, personal reasons or intentional malicious actions—The letters and testimony of the 4 of 6 shows that our firm is not non-responsible. Furthermore, the criteria that would deem a contractor non-responsible does not exist with our firm.
- 2) Wrong information on bid submission- This does not render our firm untrustworthy, our firm explained the mistake and the City offered a corrective measure and continued to support the award up until January 24, 2013. Thus it was not an issue then and should not be one now.

Award to Malibu Pacific

1. This should not occur because our firm is not non responsible by way of definition or previous contract completions.
2. Secondly, our firm submitted a protest on the basis of Malibu ;
 - a. Not listing a specialty striping contractor to place thermoplastic
As required for this project.
 - b. In addition, they did not meet the DBE (disadvantaged Business enterprise) participation goal of 4%. See attached letter

And the rejection of our bid is not simply us not getting a job, it has grave consequences that will cause Trinidad to lose the following:

1. This would become public record and other agencies could use this information to reject our bids.
2. Our firm can be debarred from even submitting bids to other agency.
3. Our bonding would be terminated. (Ralph Alamillo called our bonding agent to complain about our communication, he claimed the numbers he called were disconnected, this is another lie, the CSLB

website has the right number and all search engine do as well) and we can prove that these have never been disconnected.

4. Our firm has debt attributed directly to this project of \$65,000.00 in purchase order commitments, bonds, insurances and staff wages.
5. During this last two months, I have lost other bidding opportunities in anticipating this award.
6. It will cost me \$110,000 in gross profits.
7. It will cause twelve (12) to lose their jobs and taint my reputation because I cannot honor my word to them regarding employment.
8. Taxpayers will pay an extra \$4000 to the 2nd low bidder which could buy a lot
Of books or a teachers aid.
9. I have invested over \$100,000 in building my company around the public works sector which will be lost when I cannot bid any longer.
10. I will be put out of business.

In closing, you have two other letter from our firm that we would appreciate for them to be incorporated with this letter and utilized for very specifics on the issues above.

As far as our firm completing this specific project,

1. Our firm has over 200 years of combined experience.
2. Three of our concrete finishers worked on 22 Playground installation for the City of Oxnard and on the City of Oxnard Skate park .
3. Our firm has employed a project Manager, Job Foreman and Job Superintendent and office manager specifically for this project.
4. We issued a purchase order for the manufacturing of the only long lead items for this project, bus shelters, bike racks, trash cans.
However, Ralph Alamillo rejected the shop drawing and submittal for the City chosen manufacturer. The
Manufacturer was upset since the City had previously accepted and approved the same submitted package for the previous projects. Our
firm in good faith
Complied with all the pre-award items.
5. Del Norte has a funding source or line of credit for \$250,000.00

6. Del Norte has good standing credit accounts and vendor that will provide services to this project.
7. Although this project is \$228,000--- It can literally be viewed has 12 separate little projects that are worth \$18,000 to \$25,000 each. Each has 90% of the same components so there is no learning curve for each site.
8. Our firm has provided Performance Bonds that guarantee the completion of the project.
9. Our firm has provided Payment bonds the guarantee payment to any suppliers or labor on the projects.
10. Our firm has provided General Liability and Commercial Liability Insurance in the limits of \$2,000,000
11. Our firm has provided Workers compensation insurance
12. Our firm has an "A" General engineering license issued by the State of California.
13. We have no complaints against our license . There has been no insurance Claims whatsoever. I have had no employee injuries or accidents.
14. I utilize Paychex to complete all my payroll on a weekly basis. They pay the IRS and State taxes every week and provide with reports for the mandated Reporting by public agencies.

Our firm has been preparing, meeting and ready to implement our forces for the successful completion of this project for months.

Please keep in mind that I have written e-mails, open speaker witnesses and testimony that will support everything that has been mentioned above and in previous letters.

I pray that you award our firm this project or allow for a hearing prior to any decisions.

Attachments:

E:Mails

Letters to Ralph Alamillo and Cynthia Daniels

Letter to City Council

Protest letter to Alan Holmberg against Malibu Pacific

DNC- Del Norte Construction

State Contractors License # 945723

2390 Las Posas Road #450
Camarillo, CA 93010

February 4, 2013

City of Oxnard

VIA EMAIL and FAX

City Attorney and City Council Members

Carmen4oxnard@gmail.com

300 West Third Street

bryan.macdonald@ci.oxnard.ca.us

Oxnard, Ca 93030

timbflynn@gmail.com

Alan. Holmberg@ci.oxnard.ca.us

Dear City Council and Mr. Holmberg,

This will serve as a formal request to reject the recommendation of Project Managers Cynthia Daniels and /or Ralph Alamillo due to the attached letter from Rancho Simi Park District, Mr. Tom Evans.

As you are aware, our firm has rebutted the allegations instituted to reject our bid and award the same to Malibu Pacific for several reasons.

One of the main reasons is that the report shows that our firm's references gave us

Negative remarks which we rebutted with many facts, such as the City of Oxnard misrepresenting the true facts. This morning, our firm received the attached letter

Proving that the City has misrepresents the facts of the reference to the City Council, which I deem a very serious issues. And I expect the same from the other references.

Please find the attached letter.

Respectfully submitted,

Dictated and submitted on behalf of Trinidad Canales

Chris Salcido



RANCHO SIMI RECREATION AND PARK DISTRICT

1692 Sycamore Drive, Simi Valley, California 93085 • (805) 584-4400 • FAX (805) 526-7025
Web Page: www.rsdpd.org

February 1, 2013

Ms. Cynthia Daniels, Project Manager
Development Services Department
City of Oxnard
1060 Pacific Ave
Oxnard, CA 93030

Re: Reject Award of Contract to Del Norte Construction for DS13-09
Subject: Clarification and Corrections to City Counsel Staff Report

Dear Ms. Daniels:

In my review of the City of Oxnard's staff report to "Reject Award of Contract to Del Norte Construction for DS13-09" calendared for City Counsel approval on February 5, 2013, it appears that clarification is required from me in regards to the contractors reference provided by the Rancho Simi Recreation and Park District. This reference is provided on Page 3, Item 1 of your staff report.

I previously submitted to the City of Oxnard my written comments regarding Del Norte Construction dated January 18, 2013, copy enclosed for your reference.

Del Norte Construction was the General Contractor for the Medea Creek Construction Project. The original contracted value for the project was \$ 49,500.00 with one change order in the amount of \$ 5,966.34. There was no delay on the completion of the contract, no liquidated damages, and the work performed was sufficient.

The oral communications between myself and Ralph Alamillo described in the staff report are not an accurate account of our conversation. I did not state the work was substandard. I also do not recall stating that I experienced difficulty coordinating and scheduling work. I did state that I withheld a payment to Del Norte Construction due to an unpaid invoice. I had received a stop notice which was subsequently released. Upon receipt of the release notice I initiated steps to make the payment.

During construction I communicated with Del Norte Construction by email and telephone using the contact information originally provided to me at the start of construction. At the time of the unpaid invoice referenced above I received an email from the owner of the company. I noticed it was from a different email address than I had been using in my correspondence with the company. The owner also made telephone contact with me to make certain the vendor would be paid. The sound of the owner's voice was different

than the sound of the voice I had previously been talking to at Del Norte Construction during construction. This caused me to wonder whether or not I had been in communication with the same person during the course of construction.

Sincerely,



Tom Evans
Landscape Designer

Cc: Del Norte Construction

DNC- Del Norte Construction

State Contractors License # 945723

2390 Las Posas Road #450
Camarillo, CA 93010

February 4, 2013

City of Oxnard

VIA EMAIL and FAX

City Attorney and City Council Members

Carmen4oxnard@gmail.com

300 West Third Street

bryan.macdonald@ci.oxnard.ca.us

Oxnard, Ca 93030

timbflynn@gmail.com

RE: PROTEST OF MALIBU PACIFIC Alan. Holmberg@ci.oxnard.ca.us

Dear stated addresses (can someone forward this to Ms. Dorina Padilla)

This letter will serve as a protest to award contract to Malibu Pacific, the 2nd apparent low bidder for the Victoria Avenue Transit Route Stops project for the following reasons.

As you are aware, the notification of possible award to this firm was just disclosed on January 31, 2013 and our firm just received their bid documents. Thus this is a timely Protest since its only been 2 business days that this occurred.

Our protests consists of two issues which should prevent award:

- 1) Malibu Pacific Listed SM Sales as the supplier of Concrete and Base under B-6A. However, the quotation from SM Sales only shows Base and Fill sand, If you take the quantity of Base from the bid schedule, this only adds up to \$2,800.00. The fill sand quantity as part of the concrete installation is another \$2200.00—This only comprises 2.2 % of DBE participation.
- 2) Malibu Pacific failed to list a striping firm that is a specialty trade that must Be used for the installation of 6" detail 39 striping in paid.

In closing, there is no quote for Concrete delivery by SM Sales . In addition, SM sales would simply hire a local concrete company such as Vulcan, state or many other to deliver the concrete. SM Sales would broker out the delivery and place a broker fee, in

that case, only 50% or less can be used toward the total percentage of DBE participation. However, there was no quote for concrete.

Respectfully submitted,

Chris Salcido

CC: Trinidad Canales.

ATTACHMENT 1
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NETZERO Message Center

From: "delnorte@netzero.net" <delnorte@netzero.net>
To: djones@oxnardhousing.org, mrahimi@oxnardhousing.org
Sent: Thu, Jan 31, 2013 01:44 PM
Subject: City of oxnard reference WRONG statements
DNC-VictoriaHUDr... (1006KB)

Dear Deborah and Merhdad,

This will serve as a response to your attached reference notes to the City of Oxnard,

And the following can and will be substantiated through e-mails and witness accounts.

First of all, the problem with residents is that they hated your department because you treat them poorly and do not respect them. Remember, two of the residents were parents of some of our workers, so they will not be lying.

1. Your prototype was vacant and with the smallest unit- 12 LF. 8 of the units we completed were over 90 LF.
2. The City Building inspector imposed additional specification that your substandard plans did not show, such as , placing sand. This caused an extra day of work and you expected he inspector to be at your beckoned call daily. As you are aware, he showed up at his time lines which lost us days sometime.
3. Because of the lack of respect you tenants have for you, they would not open the doors or comply with your notices.
4. You did not allow for any unforeseen conditions which were found.
5. You provide the wrong type of leveling floating materials which took a day to cure.
6. You did not have plans ready at the city for the permit.
7. your estimate of plan fees was under a thousand , instead \$1590 which has not been paid yet.
8. Your city screwed up with the NSF check, they were provided with a credit card
9. Did you explain that we overpaid all workers by \$3.00 per hour for every hour paid. You indicated to keep it at this so no flags would be raised. Why would they be raised with overpayment. This was the only "uncooperation". Why should we overpay.
10. The only underpayment which was remedied the same hour, was because you did not have this classification in the specs nor had any ideal on how to classify the tile helper.
11. You had the right federal ID # and it was just dirlect of your staff. Because when we submitted the IRS form, it was the same number you tried to use and did not work.
12. Michael Julian never represented himself as co-owner. You sat in the meeting where Manny the owner gave permission via e-mail to authorize him. Plus allthe permits show him as a representative. Trust me, if he was an owner, you should have been hit with at list \$6000 in change order claims for the substandard plans and methology instituted.
13. I will be gathering resident testimonies as well.
14. The contract admistrator hasn't even been able to send us the signed contract since November. Who's the problem.

So please confirm these statements as true per the City of Oxnard.

Please provide the "the other side of the story" and please indicate if any derogatory comments were made by the call from the city of oxnard.

I assume Merhdad was questioned by Ralph Alamillo. Please confirm whos statments these are from

Chris

CC: Julian

ATTACHMENT 1

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NETZERO Message Center

From: Todd Evans <tevans@casitaswater.com>
To: "delnorte@netzero.net" <delnorte@netzero.net>
Sent: Tue, Feb 05, 2013 12:28 PM
Subject: Re: Fw: RSRPD Letter

Standby.

I have prepared a letter which I will be forwarding to Cynthia Daniels to clarify my comments in her report. It is currently being reviewed. Upon its approval, I send it and make sure to include a copy to you.

Hopeful this will help.

On Mon, Feb 4, 2013 at 11:56 AM, delnorte@netzero.net <delnorte@netzero.net> wrote:

What about helping us out like rancho with the truth. I know what was stated by them can't be true or maybe exaggerated. We go to city council tomorrow.

Please help us with the truth. We need to avoid legal fees and subpoenas. all that bs. We're under advise by counsel, but trying to do it ourselves, since the truth will prevail

Julian
551-5211

Please note: forwarded message attached

From: "Tom Evans" <tom@rsrpd.us>
To: <cynthia.daniels@ci.oxnard.ca.us>
Cc: <delnorte@netzero.net>, "Ralph Alamillo" <ralphalamillo@ci.oxnard.ca.us>
Subject: RSRPD Letter
Date: Mon, 4 Feb 2013 09:21:56 -0800

Tom Evans

Landscape Designer/Planning Department

Rancho Simi Recreation and Park District

1692 Sycamore Drive. Simi Valley, CA. 93065

Tel: (805) 584-4422 Fax: (805) 526-7648

tom@rsrpd.us www.rsrpd.org

Woman is 57 But Looks 27

57-Year-Old Mom has a simple facelift trick that angered doctors...
consumerlifestyletrends.com

Todd Evans
Assistant Engineer
Casitas Municipal Water
1055 Ventura Ave
Oak View, Ca 93022

ATTACHMENT 1
PAGE 18 OF 52

NETZERO Message Center

From: "Cynthia Daniels" <Cynthia.Daniels@ci.oxnard.ca.us>

To: "dncvictoria@netzero.net"<dncvictoria@netzero.net>

Sent: Thu, Jan 31, 2013 10:30 AM

Subject: Staff Recommendation for Victoria Route Transit Stops Award

PDF B&W --0131201... (3.0MB)

Hi Manny & Chris,

The staff has made its recommendation to the city council to not award the construction contract to Del Norte Construction. The reasons for the recommendation are in the attachments. The city council will consider our recommendation at their meeting on February 5, 2013. The meeting starts at 7:00 p.m. in the city council chambers at 305 W. Third Street in Oxnard. The agenda and staff report will be posted any minute now on the city's website: http://oxnard.granicus.com/ViewPublisher.php?view_id=46

The information was made public at 10:00 a.m. today, so I wanted to notify you as soon as possible. Feel free to call me if you have any questions. Of course, I encourage you to attend the meeting and I'm sure the city council would like to hear your side as well. Your recent letter is attached to the staff report.

You could also withdraw your bid.

Cynthia Daniels
Project Manager

Cynthia Daniels
Project Manager
City of Oxnard
Transportation Planning
214 South C Street, Room 307
Oxnard, CA 93030
(805) 385-7871
Cell phone (805) 469-4269
Fax (805) 385-3954

ATTACHMENT 1
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NETZERO Message Center

From: "dncvictoria@netzero.net" <dncvictoria@netzero.net>

To: Cynthia.Daniels@ci.oxnard.ca.us

Sent: Thu, Jan 31, 2013 11:40 AM

Subject: Re: City Council Meeting for Victoria Transit Route Stops #DS13-09

Yes, we will be attending the meeting.

Thanks

----- Original Message -----

From: "Cynthia Daniels" <Cynthia.Daniels@ci.oxnard.ca.us>

To: <dncvictoria@netzero.com>

Subject: City Council Meeting for Victoria Transit Route Stops #DS13-09

Date: Thu, 31 Jan 2013 11:10:57 -0800

Hi Manny and Chris,

If you plan to attend the city council meeting on Feb. 5 and would like to speak to the city council, let me know and we will ask the city council to remove the item from the information consent agenda. That will allow more time for discussion at the meeting.

Cynthia

Cynthia Daniels
Project Manager
City of Oxnard
Transportation Planning
214 South C Street, Room 307
Oxnard, CA 93030
(805) 385-7871
Cell phone (805) 469-4269
Fax (805) 385-3954

ATTACHMENT 1

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NETZERO Message Center

From: "Cynthia Daniels" <Cynthia.Daniels@ci.oxnard.ca.us>

To: "Patricia Friend" <patriciafriend@ci.oxnard.ca.us>, "Ralph Alamillo" <ralphalamillo@ci.oxnard.ca.us>, <dncvictoria@netzero.com>, "dncvictoria@netzero.net" <dncvictoria@netzero.net>

Sent: Wed, Jan 30, 2013 08:29 AM

Subject: Re: Conference call confirmation

Chris,

Thanks again for talking to us yesterday. We look forward to your letter.

Cynthia

Cynthia Daniels
Project Manager
City of Oxnard
Transportation Planning
214 South C Street, Room 307
Oxnard, CA 93030
(805) 385-7871
Cell phone (805) 469-4269
Fax (805) 385-3954

>>> "dncvictoria@netzero.net" <dncvictoria@netzero.net> 1/30/2013 6:53 AM >>>
Dear team,

Manny and I have authored a letter to recap yesterdays conference call and to clarify and elaborate on some of our responses.

Please anticipate our written response sometime before lunch

Thanks, chris

Woman is 53 But Looks 25
Mom reveals 1 simple wrinkle trick that has angered doctors...
<http://thirdpartyoffers.netzero.net/TGL3231/5109342f64c0d342f6a97st01duc>

ATTACHMENT 1
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NETZERO Message Center

From: "Cynthia Daniels" <Cynthia.Daniels@ci.oxnard.ca.us>

To: "dncvictoria@netzero.net" <dncvictoria@netzero.net>

Sent: Thu, Jan 31, 2013 12:28 PM

Subject: Re: City Council Meeting for Victoria Transit Route Stops #DS13-09

Chris,

I've asked the city attorney to tell me what the requirements are. I know there are different requirements that depend on the situation. I'll let you know as soon as I know.

Cynthia

Cynthia Daniels
Project Manager
City of Oxnard
Transportation Planning
214 South C Street, Room 307
Oxnard, CA 93030
(805) 385-7871
Cell phone (805) 469-4269
Fax (805) 385-3954

>>> "dncvictoria@netzero.net" <dncvictoria@netzero.net> 1/31/2013 12:20 PM >>>
Can you please find out if we received the legal and ample time to respond?
Thanks

----- Original Message -----

From: "Cynthia Daniels" <Cynthia.Daniels@ci.oxnard.ca.us>

To: "dncvictoria@netzero.net" <dncvictoria@netzero.net>

Subject: Re: City Council Meeting for Victoria Transit Route Stops #DS13-09

Date: Thu, 31 Jan 2013 12:14:32 -0800

Chris,

I'd say we would be open to discussing the issue. I don't know how much money is involved, and of course I would need to talk to the department director and city attorney about it once we had more details.

Cynthia

Cynthia Daniels
Project Manager
City of Oxnard
Transportation Planning
214 South C Street, Room 307
Oxnard, CA 93030
(805) 385-7871
Cell phone (805) 469-4269
Fax (805) 385-3954

>>> "dncvictoria@netzero.net" <dncvictoria@netzero.net> 1/31/2013 12:07 PM >>>
what about the money spent on insurances specifically for insurances?

ATTACHMENT 1
PAGE 22 OF 52

Thanks, Chris

----- Original Message -----

From: "Cynthia Daniels" <Cynthia.Daniels@ci.oxnard.ca.us>
To: "dncvictoria@netzero.net" <dncvictoria@netzero.net>
Subject: Re: City Council Meeting for Victoria Transit Route Stops #DS13-09
Date: Thu, 31 Jan 2013 12:04:48 -0800

Okay mystery writer, who is writing? Is it Chris, Manny or both? Not that it matters for my answer, but I have no idea who I am talking to. Would you like to talk on the phone for more of a conversation rather than only a one way communication?

Here are my thoughts about withdrawing the bid, and they are only my thoughts. By withdrawing the bid before the city council takes an action that may find Del Norte is not the responsible bidder, then there is no public record of Del Norte being found as non-responsible. I could see an advantage from your perspective in not having the city council take such an action.

I'm not aware of what other steps might be needed if you withdraw your bid, for example the bid bond etc. Those are not areas I'm familiar with but other people are familiar with it in the city and we could ask them. We have a second low bidder, so it wouldn't be an issue of the city being unable to award a contract if you withdrew the bid.

Cynthia

Cynthia Daniels
Project Manager
City of Oxnard
Transportation Planning
214 South C Street, Room 307
Oxnard, CA 93030
(805) 385-7871
Cell phone (805) 469-4269
Fax (805) 385-3954

>>> "dncvictoria@netzero.net" <dncvictoria@netzero.net> 1/31/2013 11:55 AM >>>
Dear Cynthia,

Just read about withdrawing bid. How does that help in your opinion?

----- Original Message -----

From: "Cynthia Daniels" <Cynthia.Daniels@ci.oxnard.ca.us>
To: <dncvictoria@netzero.com>
Subject: City Council Meeting for Victoria Transit Route Stops #DS13-09
Date: Thu, 31 Jan 2013 11:10:57 -0800

Hi Manny and Chris,

If you plan to attend the city council meeting on Feb. 5 and would like to speak to the city council, let me know and we will ask the city council to remove the item from the information consent agenda. That will allow more time for discussion at the meeting.

Cynthia

Cynthia Daniels
Project Manager
City of Oxnard
Transportation Planning

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NETZERO Message Center

From: "Cynthia Daniels" <Cynthia.Daniels@ci.oxnard.ca.us>

To: <dncvictoria@netzero.com>

Sent: Thu, Jan 31, 2013 01:51 PM

Subject: Time Frames, Costs for Bidding

Hi Chris,

I got some information from our city attorney. First of all, we recognize that Del Norte has had legitimate costs in presenting the bid documents to the city. I think we could pay the verified cost to obtain insurance and even bonds and forgive the bid bond, i.e. not call for forfeiture, if Del Norte withdrew its bid, preferably before the city council meeting on Tuesday.

About the requirement to give Del Norte more time, we have no set procedure, nor are we required to have one. This is not a formal hearing. The contractor may appear and be heard. According to our city attorney, this was established in an old California Supreme court case involving the City of Inglewood and has remained the law. Del Norte may ask for a continuance, but we will not recommend granting one, simply because of the time frames involved. As you know, we've made commitments to Gold Coast Transit to install the bus stops ASAP.

Now that you've seen our recommendation, Del Norte can make a presentation to the city council. We think it would be a good idea to do a presentation. Del Norte may be better off withdrawing its bid and we reimburse it for verified costs for insurance and bonds. Let me know what you and Manny think about this.

Cynthia

Cynthia Daniels
Project Manager
City of Oxnard
Transportation Planning
214 South C Street, Room 307
Oxnard, CA 93030
(805) 385-7871
Cell phone (805) 469-4269
Fax (805) 385-3954

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requirement for putting a contract in place and is and can be done by any or all of Risk Management group, Attorneyâ€™s, the project management, or procurement.

I still need to speak to the company owner and be able to ensure everyone involved that the basic requirements of this project, to get the material in the needed time frame; and for which submittals were required immediately following the intent to award process and have not been received to date; and a work schedule to complete the project can be and will not be an issue.

In addition, the information regarding the referenced projects not accurate by the information provide from the person(s) listed, as submitted as part of the bid.

I look forward to quickly speaking with and meeting you to get these matters settled in a forthright and timely manner. Again, once the contract is completed and approved by all necessary, a Pre-Con meeting can then take place to do the rest of the start-up procedures.

Respectfully,

Ralph Alamillo
Project Manager
General Services
Procurement & Project Management
Office # (805) 385-8341
Cell # (805) 754-7155

NOTICE: This communication may contain privileged or other confidential information. If you are not the intended recipient of this communication, or an employee or agent responsible for delivering this communication to the intended recipient, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

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NETZERO Message Center

From: "Ralph Alamillo" <ralphalamillo@ci.oxnard.ca.us>

To: <delnorteconstruction@gmail.com>

Cc: "Patricia Friend" <patriciafriend@ci.oxnard.ca.us>, "Ricardo Gomez" <Ricardo.Gomez@ci.oxnard.ca.us>, "Julian Contreras" <heathcotegeo1@netzero.net>

Sent: Thu, Jan 10, 2013 01:44 PM

Subject: Re: DS13-09-Victoria Ave. Transit Route Stops â€" Bid Award / Contract A-7559

Mr. Canales,

The reason for my involvement in this project process to date was to ensure that the tight project schedule and delivery of materials were met. With that in mind and based on the project specifications, an early meeting with the low bidder to be awarded the project contract was felt to be needed to discuss these objectives and their importance to completing the project in a timely manner.

Immediately following the bid opening, there was a bid protest from one of the bidders and their basis was felt by the City to have no merit and was dismissed. However, the protesting contractor did contact the City Attorney, the City Attorney then contacted Procurement wanting to know if Julian Contreras was the owner or involved in the Del Norte Construction company as was claimed by the protesting contractor. Procurement informed the City Attorney that there was nothing in the paperwork that indicated Mr. Contreras was a part of Del Norte Construction. I then tried to make contact with Del Norte Construction directly to talk to the listed owner using the phone number listed on the submitted bid documents. The phone was answered with an answering machine that in fact had the voice of Mr. Contreras.

Further phone contact tries let to a phone number listed on the State Contractorâ€™s License site that was not a working phone number and a check of the Del Norte Construction web site phone number was not a working number. All of this effort was only to make contact to the listed owner of the firm, Mr. Trinidad M. (Manny) Canales personally.

In the meantime the contract paperwork was being processed working toward award of contract to Del Norte Construction, as the successful low bidder. Once the package was sent and forwarded to Risk Management, it was held up due to insurance issues. As Ms. Friend was on vacation until Jan. 7th, the delay on insurance issues was not known until her return. Risk Management had made no progress getting the needed information directly from the Insurance Agent. The process to get the required insurance in place â€" Auto Ins. Endorsement Certificate and Builders Risk Insurance has been ongoing since it became known to be an issue by her, Del Norte and insurance agent.

Your conversations with Ms. Friend involved a possible tentative date for a Pre-Con meeting that would be based on the completion of and approval of contract documents and nothing to do with any meeting I was trying to establish to meet with the company owner and discuss the time for material delivery and time scope for working the project to complete in the needed manner.

This rather simple effort was complicated by the fact that there seemed to be a phone number issue for contact, something that could very easily been handled by just being given a cell number that I could call and make contact with the Owner of the firm via the many e-mails exchanged.

Also, contacting and verifying References and Bond information is a

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NETZERO Message Center

From: manny canales <delnorteconstruction@gmail.com>

To: "heathcotegeo1@netzero.net" <heathcotegeo1@netzero.net>

Sent: Thu, Jan 10, 2013 06:30 PM

Subject: Re: Fw: Explanation

Was this sent to Ralph through a heathcote email address!??

Manny

On Jan 10, 2013 6:26 PM, "heathcotegeo1@netzero.net" <heathcotegeo1@netzero.net> wrote:

Here is an explanation for stated info on bid docs. As mentioned, you should not be the "buck stops here". So your covered. I've got your back.

----- Forwarded Message -----

Cc: patriciafriend@ci.oxnard.ca.us

Subject: Explanation

Date: Thu, 10 Jan 2013 16:32:38 -0800

Hi Ralph,

I ½

I just wanted to better explain what we as the contractor typically experiences during the bid process to better clarify the reference issue.

I ½

I ½

On the ½ actual day ½ that the bid is due, I ½ in an attempt ½ to minimize us "shopping" their rates to competitors, I ½ the subcontractors ½ we utilize typically wait until the last minute to provide ½ us their bid amounts.

I ½

I ½ then I ½ go to the bid site and wait for the information from the ½ City Clerks office. I ½ In this case, I ½ while sitting in the parking lot at the City of Oxnard, I had to ½ feverishly change the bid amounts ½ because at the last minute we received a call from one of our subcontractors providing us lower prices (which saved City of Oxnard over \$13,000) as well as the subcontractor changing the full and proper names they wanted used for this project; I ½ all within 5 minutes of the bid deadline.

I ½

So as mentioned before and prior to receiving contract docs, our firm completed all the information to the best of ½ our knowledge and there was no intentional ½ inaccurate ½ information provided ½ and any errors ½ stated were ½ done so inadvertently due to the last minute element of bidding, I ½ as well as I ½ me being new to the company...

Just wanted to clarify and I ½ apologize for any confusion.

I ½

Warmest regards,

I ½

I ½

Chris Salcido

Project Manager

Del Norte Construction

I ½

Woman is 53 But Looks 25

Mom reveals 1 simple wrinkle trick that has angered doctors...

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NETZERO Message Center

From: "Patricia Friend" <patriciafriend@ci.oxnard.ca.us>

To: <chris@integrity-staffing.com>, <delnorte@netzero.com>, "delnorte@netzero.net" <delnorte@netzero.net>

Sent: Wed, Dec 12, 2012 12:22 PM

Subject: Re: IRS Form with Fed I.D. #

Hello,

Thank you very much and this is very helpful information to have in the project file for reference.

Want to make sure the records are complete.

Thank you again,
Pat Friend

Patricia C. Friend,
Construction Project Coordinator
General Services
Procurement & Project Management
Maintenance Service Yard,
1060 Pacific Ave., Bldg. 2
Oxnard, CA 93030
(805) 385-7821 /Cell - (805) 797-6187
FAX (805) 385-8360
Patricia.Friend@ci.oxnard.ca.us

>>> "delnorte@netzero.net" <delnorte@netzero.net> 12/12/2012 12:13 PM >>>

Dear Ms.Friend,

Please find a copy of our FED ID # directly from IRS.

Thanks,

Manny Canales

CC: Chris Salcido, Project Manager

Woman is 57 But Looks 27

Mom publishes simple facelift trick that angered doctors...

ConsumerLifestyles.net

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NETZERO Message Center

From: "Patricia Friend" <patriciafriend@ci.oxnard.ca.us>

To: "delnorte@netzero.net" <delnorte@netzero.net>

Sent: Mon, Dec 17, 2012 01:17 PM

Subject: Re: Documents

Hello,

Yes, they were on my desk when I returned this a.m.

I have put the package together and started it around for the City signatures.

Thanks

Pat

>>> "delnorte@netzero.net" <delnorte@netzero.net> 12/17/2012 12:33 PM >>>

Did you receive the documents? I was told that someone by the name of Ralph Alamallo received it.

Thanks, Manny

Woman is 53 But Looks 25

Mom reveals 1 simple wrinkle trick that has angered doctors...

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NETZERO Message Center

From: "Ralph Alamillo" <ralphalamillo@ci.oxnard.ca.us>

To: "delnorte@netzero.net" <delnorte@netzero.net>

Cc: "Patricia Friend" <patriciafriend@ci.oxnard.ca.us>

Sent: Mon, Dec 17, 2012 04:48 PM

Subject: Re: Bus pads

Manny,

Please call me I would like to have a meeting ASAP . the contract is moving forward.

Respectfully,

Ralph Alamillo
Project Manager
General Services
Procurement & Project Management
Office # (805) 385-8341
Cell # (805) 754-7155

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>>> "delnorte@netzero.net" <delnorte@netzero.net> 12/17/2012
4:30 PM >>>

Dear Sir, I was just notified by Julian M. Contreras that you are not moving forward on the bus project because I know him. I am a sole owner and have accomplished my contractor status on my own merits. So I'm not sure how someone that I have never personally ever seen can shut down a project. I have been in constant and almost daily contact via e-mail with Ms. Friend. I have worked diligently in returning all of the contract documents. My authorized representative that can conduct any and all meetings. Address any concerns or issues has been disclosed to you as Mr. Chris Salcido 805-573-7327 or leave a message at 805-844-7851. For the record, this project has over \$80,000 in profits and thus would cause me at least this much damage along with affecting my reputation as a contractor. I don't really know what is going on, but I am very excited in the success of this project. I am a Oxnard Residence and taxpayer and a local contractor. So does your Notice of Intent to award contract means what? Best regards and I anticipate a successful project. Really don't want to be involved in what sounds like personal issues on Company time. Happy Holidays Manny

Woman is 53 But Looks 25

Mom reveals 1 simple wrinkle trick that has angered doctors...

<http://thirdpartyoffers.netzero.net/TGL3231/50cfb97ac0a28397a7ec5st01vuc>

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seen can shut down a project. I have been in constant and almost daily contact via e-mail with Ms. Friend. I have worked diligently in returning all of the contract documents. My authorized representative that can conduct any and all meetings. Address any concerns or issues has been disclosed to you as Mr. Chris Salcido 805-573-7327 or leave a message at 805-844-7851. For the record, this project has over \$80,000 in profits and thus would cause me at least this much damage along with affecting my reputation as a contractor. I don't really know what is going on, but I am very excited in the success of this project. I am a Oxnard Residence and taxpayer and a local contractor. So does your Notice of Intent to award contract means what? Best regards and I anticipate a successful project. Really don't want to be involved in what sounds like personal issues on Company time. Happy Holidays Manny

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Mom reveals 1 simple wrinkle trick that has angered doctors...

<http://thirdpartyoffers.netzero.net/TGL3231/50cfb97ac0a28397a7ec5st01vuc>

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NETZERO Message Center

From: "Ralph Alamillo" <ralphalamillo@ci.oxnard.ca.us>

To: <delnorte@netzero.net>

Cc: "Patricia Friend" <patriciafriend@ci.oxnard.ca.us>

Sent: Mon, Dec 17, 2012 05:58 PM

Subject: Re: Bus pads

Manny,

I'm requesting a meeting to discuss project specifics only, and for you to be present at the pre-construction meeting.

Respectfully,

-----Original Message-----

From: "delnorte@netzero.net" <delnorte@netzero.net>

To: Ralph Alamillo <Ralph.Alamillo@ci.oxnard.ca.us>

Sent: 12/17/2012 5:26:08 PM

Subject: Re: Bus pads

I work full time from 5 am and get back to the yard at 7 pm
I will be available upon. Completion of job around 5th of jan or next heavy rain day
Like so many companies that is why I have Chris under my payroll to conduct the project management

In addition I will not discuss Julian or any issues other than the project. And according to my consultant at this should be discussed at a precon meeting

So what is the meeting about

----- Original Message -----

From: "Ralph Alamillo" <ralphalamillo@ci.oxnard.ca.us>

To: "delnorte@netzero.net" <delnorte@netzero.net>

Cc: "Patricia Friend" <patriciafriend@ci.oxnard.ca.us>

Subject: Re: Bus pads

Date: Mon, 17 Dec 2012 16:47:50 -0 800

Manny,

Please call me I would like to have a meeting ASAP . the contract is moving forward.

Respectfully,

Ralph Alamillo

Project Manager

General Services

Procurement & Project Management

Office # (805) 385-8341

Cell # (805) 754-7155

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>>> "delnorte@netzero.net" <delnorte@netzero.net> 12/17/2012

4:30 PM >>>

Dear Sir, I was just notified by Julian M. Contreras that you are not moving forward on the bus project because I know him. I am a sole owner and have accomplished my contractor status on my own merits. So I'm not sure how someone that I have never personally ever

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(805) 385-7821 /Cell - (805) 797-6187
FAX (805) 385-8360
Patricia.Friend@ci.oxnard.ca.us

>>> "delnorte@netzero.net" <delnorte@netzero.net> 12/20/2012 11:47 AM >>>
Dear Ms. Friend,

I know this is a little pre-mature, how are things moving along for the Jan. 15, 2012 award?

I was 2nd low on a bid yesterday and just offered the project because the low bidder opted out.

But I do not want to take on another project if this one is being awarded in Jan. , figuring it might start by late Jan/ early feb.

Thanks, Manny

Have a super holiday season.

Woman is 53 But Looks 25

Mom reveals 1 simple wrinkle trick that has angered doctors...
ConsumerLifestyleMag.com

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 NETZERO Message Center

From: "Patricia Friend" <patriciafriend@ci.oxnard.ca.us>

To: "delnorte@netzero.net" <delnorte@netzero.net>

Cc: "Cynthia Daniels" <Cynthia.Daniels@ci.oxnard.ca.us>, "Ralph Alamillo" <ralphalamillo@ci.oxnard.ca.us>

Sent: Thu, Dec 20, 2012 02:11 PM

Subject: Re: Status DS13-09-Victoria Ave. Transit Stops

Hello,

Yes, this project is moving along toward going to Council for the Jan. 15th meeting. I would expect, if there are no issues with that process, I would be setting up a Pre-Con by about the end of Jan. with a work start date then the 1st or 2nd week of Feb.

I do not know of any reason at this time why the project will not move along as planned.

I do know that it was rather important to meet with the low bidder, and that is your company, Del Norte Construction, once the award process started so that the material ordering could be started for the bus benches. It would be good if this preliminary meeting could be done even before the final sign-off on the contract to ensure that this process is something that can get going. The need to make sure this project moves along as quickly as possible is very important, as the City needs to work to accommodate Gold Coast Transit and this new route.

I am out of the office starting the end of today and will not be back until Mon. Jan. 7th and I also know that Cynthia Daniels, one of the project managers, is also out of the office for this same window but the start up for ordering materials really needs to be addressed. Perhaps a meeting can take place between yourself, Cynthia, Ralph and myself very soon after the Mon. Jan. 7th date. We can not do a Pre-Con until such time as we are prepared with a signed approved contract to issue the Notice to Proceed but again to get going on the material order where possible is a desire of the City's. This was part of the specification as a matter of fact.

I hope this information is helpful for you and if you would let me know a time/date for a prelim. meeting to discuss the materials order for the project, that would be appreciated.

Thanks you so much.

You have a wonderful and happy holiday season as well.

Pat

Patricia C. Friend,
Construction Project Coordinator
General Services
Procurement & Project Management
Maintenance Service Yard,
1060 Pacific Ave., Bldg. 2
Oxnard, CA 93030

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NETZERO Message Center

From: "Patricia Friend" <patriciafriend@ci.oxnard.ca.us>

To: <Lori@buildersadvantageins.com>, "delnorte@netzero.net" <delnorte@netzero.net>

Sent: Mon, Jan 07, 2013 07:36 AM

Subject: Re: additional insurance

Hello,

I have been on vacation since 12/21 and just returned today, so am trying to catch up. Did someone from City's Risk Management make contact regarding additional insurance requirements?

The contract still appears to be making signature rounds within the City, as I have not had it returned to me.

I have no info. regarding any insurance issues.

Regards,
Pat

Patricia C. Friend,
Construction Project Coordinator
General Services
Procurement & Project Management
Maintenance Service Yard,
1060 Pacific Ave., Bldg. 2
Oxnard, CA 93030
(805) 385-7821 /Cell - (805) 797-6187
FAX (805) 385-8360
Patricia.Friend@ci.oxnard.ca.us

>>> "delnorte@netzero.net" <delnorte@netzero.net> 1/3/2013 5:39 PM >>>

Hi Lori,

Hope you had nice holidays. Has the City of Oxnard contacted you regarding additional insurance requirements?

Chris

Woman is 53 But Looks 25

Mom reveals 1 simple wrinkle trick that has angered doctors...

ConsumerLifestyleMag.com

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NETZERO Message Center

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From: "Patricia Friend" <patriciafriend@ci.oxnard.ca.us>
To: <Lori@buildersadvantageins.com>, "delnorte@netzero.net" <delnorte@netzero.net>
Sent: Tue, Jan 08, 2013 06:07 AM
Subject: Re: City of Oxnard

Hello,

I went back and checked and do see the form in the insurance documents and there is a page for Titan Ins. that seems to cover the Auto Ins. issue. This package was what was sent to Risk Management but I will resend it and double check why this is noted as still missing endorsement cert. for Auto Ins.

As to the Builders Risk, the specifications did call for this and therefore me must have that form of insurance as well.

I will let you know if there is a further issue with the endorsement cert. for auto insurance.

Please provide the Builders Risk at your earliest convenience so that this project contract can be completed.

Thank you.

Patricia C. Friend,
Construction Project Coordinator
General Services
Procurement & Project Management
Maintenance Service Yard,
1060 Pacific Ave., Bldg. 2
Oxnard, CA 93030
(805) 385-7821 /Cell - (805) 797-6187
FAX (805) 385-8360
Patricia.Friend@ci.oxnard.ca.us

>>> "delnorte@netzero.net" <delnorte@netzero.net> 1/7/2013 4:00 PM >>>
Ms. Friend, please find e-mail from agent. Are they on the right track?

----- Original Message -----

From: Lori Rivas <Lori@buildersadvantageins.com>
To: "delnorte@netzero.net" <delnorte@netzero.net>
Subject: City of Oxnard
Date: Mon, 7 Jan 2013 11:40:32 -0800

I had no idea they needed a builders risk policy, I have forwarded this information to Monica so she can start quoting this policy for you. In reference the business auto

ATTACHMENT 1

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additional insured please see attached for the certificate naming City of Oxnard, this was issue back on 12/14/12 and was previously sent over the City the same day. Thank you

Have a great day!

Great News!! We have great rates for your homeowners and personal auto. We also specialize in workers comp., commercial auto and all your bond needs. Give us a call today for a free quote!

Click here for an Instant Contractors License Bond Quote:
www.buildersadvantageins.com/bais_bond_quote.html

Thank you,

Lori Rivas, Licensed Customer Service Agent

Builders Advantage Insurance Services, Inc.
107 Main Street
Roseville, CA 95678
Phone: 866-208-5599; Ext 102
Fax: 916-784-9799
lori@buildersadv.com

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NETZERO Message Center

From: "Cynthia Daniels" <Cynthia.Daniels@ci.oxnard.ca.us>

To: "dncvictoria@netzero.net" <dncvictoria@netzero.net>

Sent: Thu, Jan 31, 2013 10:30 AM

Subject: Staff Recommendation for Victoria Route Transit Stops Award

PDF B&W --0131201... (3.0MB)

Hi Manny & Chris,

The staff has made its recommendation to the city council to not award the construction contract to Del Norte Construction. The reasons for the recommendation are in the attachments. The city council will consider our recommendation at their meeting on February 5, 2013. The meeting starts at 7:00 p.m. in the city council chambers at 305 W. Third Street in Oxnard. The agenda and staff report will be posted any minute now on the city's website: http://oxnard.granicus.com/ViewPublisher.php?view_id=46

The information was made public at 10:00 a.m. today, so I wanted to notify you as soon as possible. Feel free to call me if you have any questions. Of course, I encourage you to attend the meeting and I'm sure the city council would like to hear your side as well. Your recent letter is attached to the staff report.

You could also withdraw your bid.

Cynthia Daniels
Project Manager

Cynthia Daniels
Project Manager
City of Oxnard
Transportation Planning
214 South C Street, Room 307
Oxnard, CA 93030
(805) 385-7871
Cell phone (805) 469-4269
Fax (805) 385-3954

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NETZERO Message Center

From: "Patricia Friend" <patriciafriend@ci.oxnard.ca.us>

To: "dncvictoria@netzero.net" <dncvictoria@netzero.net>

Cc: "Alan Holmberg" <Alan.Holmberg@ci.oxnard.ca.us>, "Cynthia Daniels" <Cynthia.Daniels@ci.oxnard.ca.us>, "Ralph Alamillo" <ralphalamillo@ci.oxnard.ca.us>

Sent: Wed, Jan 23, 2013 08:55 AM

Subject: Re: DS13-09-Victoria Ave. Transit Stop-Request for References

This is to confirm that the City did receive the references provided.

Please suspend orders of materials, there have been no APPROVED submittals.
Status of award will be forthcoming from the City project management.

Thank you.

Sincerely,

Patricia C. Friend,
Construction Project Coordinator
General Services
Procurement & Project Management
Maintenance Service Yard,
1060 Pacific Ave., Bldg. 2
Oxnard, CA 93030
(805) 385-7821 /Cell - (805) 797-6187
FAX (805) 385-8360
Patricia.Friend@ci.oxnard.ca.us

>>> "dncvictoria@netzero.net" <dncvictoria@netzero.net> 1/23/2013 8:36 AM >>>
Please confirm receipt of references and status of award. As you are aware, the shelters,
benches, trash receptacles and bike racks have been order and ready for production.
I need to cancel this asap if the project is not moving forward.
Please advise

Chris Salcido

----- Original Message -----

From: "Patricia Friend" <patriciafriend@ci.oxnard.ca.us>

To: <dncvictoria@netzero.net>

Cc: "Alan Holmberg" <Alan.Holmberg@ci.oxnard.ca.us>, "Cynthia Daniels"
<Cynthia.Daniels@ci.oxnard.ca.us>, "Ralph Alamillo" <ralphalamillo@ci.oxnard.ca.us>

Subject: DS13-09-Victoria Ave. Transit Stop-Request for References

Date: Thu, 17 Jan 2013 14:15:35 -0800

Mr. Canales,

ATTACHMENT
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The City is making a formal request to you that you provide for Del Norte Construction additional written references. These can be for any body of work for which a contract was issued and work performed under the Del Norte Construction license. Such references need to include the project name, location, contact person name and phone number for that person and a dollar amount of the contract.

Your timely written response to this request by providing the requested information is appreciated and must be received in the Procurement office by end of business Tuesday, 01/22/2013.

Thank you,

Patricia C. Friend,
Construction Project Coordinator
General Services
Procurement & Project Management
Maintenance Service Yard,
1060 Pacific Ave., Bldg. 2
Oxnard, CA 93030
(805) 385-7821 /Cell - (805) 797-6187
FAX (805) 385-8360
Patricia.Friend@ci.oxnard.ca.us

Woman is 53 But Looks 25

Mom reveals 1 simple wrinkle trick that has angered doctors...
ConsumerLifestyleMag.com

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NETZERO Message Center

From: "Patricia Friend" <patriciafriend@ci.oxnard.ca.us>

To: <dncvictoria@netzero.net>

Cc: "Alan Holmberg" <Alan.Holmberg@ci.oxnard.ca.us>, "Cynthia Daniels" <Cynthia.Daniels@ci.oxnard.ca.us>, "Ralph Alamillo" <ralphalamillo@ci.oxnard.ca.us>

Sent: Thu, Jan 17, 2013 02:15 PM

Subject: DS13-09-Victoria Ave. Transit Stop-Request for References

Mr. Canales,

The City is making a formal request to you that you provide for Del Norte Construction additional written references. These can be for any body of work for which a contract was issued and work performed under the Del Norte Construction license. Such references need to include the project name, location, contact person name and phone number for that person and a dollar amount of the contract.

Your timely written response to this request by providing the requested information is appreciated and must be received in the Procurement office by end of business Tuesday, 01/22/2013.

Thank you,

Patricia C. Friend,
Construction Project Coordinator
General Services
Procurement & Project Management
Maintenance Service Yard,
1060 Pacific Ave., Bldg. 2
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(805) 385-7821 /Cell - (805) 797-6187
FAX (805) 385-8360
Patricia.Friend@ci.oxnard.ca.us

ATTACHMENT 1
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NETZERO Message Center

From: "Patricia Friend" <patriciafriend@ci.oxnard.ca.us>

To: <delnorteconstruction@gmail.com>, <chris@integrity-staffing.com>, <dncvictoria@netzero.net>

Cc: "Cynthia Daniels" <Cynthia.Daniels@ci.oxnard.ca.us>, "Earnel Bihis" <Earnel.Bihis@ci.oxnard.ca.us>, "Ralph Alamillo" <ralphalamillo@ci.oxnard.ca.us>, "Ricardo Gomez" <Ricardo.Gomez@ci.oxnard.ca.us>

Sent: Thu, Jan 17, 2013 08:14 AM

Subject: DS13-09-Victoria Transit Stops Project

Hello Mr. Canales,

Your e-mail sent for the project to indicate a new e-mail address was sent into the City's spam bucket and not retrieved until at the end of the work day when these items come into mailboxes. It was very nearly not received at all, as there was no indication that the subject was this project.

Please note that all correspondence to the City for the project should contain in the Subject Line reference to DS13-09-Victoria Transit Stops, this way items that may inadvertently go into spam can be easily identified and retrieved.

The meeting for 1/16 @ 5:00 was held by City staff, that included the client project manager from transportation planning, the traffic design engineer, the construction project management and procurement. These types of meetings are not uncommon with contractors who have pending contract work with the City that may have a critical time line, material issues, federal funding, or other items that can not wait until the official Pre-Con and may help the Contractor better prepare for that meeting.

The items that were discussed and that were to have been discussed with Del Norte Construction were:

1) Submittal for materials for the Bus Shelters - RESUBMITTAL IS REQUIRED from Del Norte that provides the latest current Tolar specifications and current Engineer's calcs. The Design Traffic Engineer came to the meeting with some information regarding this. (Please note that a City APPROVED submittal must be issued to a Contractor prior to the City acceptance of materials and any orders placed for which the City is responsible.)

2) Schedule -Discuss items of impact on a work schedule as regards the need to work multiple locations, time frames of work scope to allow the City to meet Gold Coast Transit needs and other items that would be of value for the Contractor to know and to prepare their work schedule that is required and due at Pre-Con or before.

3) Federal Funding - Discuss related requirements for reporting by Contractor and City and 3rd party monitoring requirements.

4) References - Allow Del Norte Construction to provide additional references to counter the fact that the references included with bid documents had incorrect work dollar amounts per information received directly from the references provided and also to counter negative reports from these same references. There have been no further references provided to the City other than the ones submitted with the bid documents. Additional ones would be welcome.

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5) Also, this meeting was to provide opportunity for a 'meet the team players' involved in the project, both Contractor and City so everyone knows the players and responsibilities; and to address the previously outlined concerns. Time is of the essence and your immediate response is requested to please provide another date and time to reschedule another meeting that you feel you can attend.

Thanks you so much.

Sincerely,

Patricia C. Friend,
Construction Project Coordinator
General Services
Procurement & Project Management
Maintenance Service Yard,
1060 Pacific Ave., Bldg. 2
Oxnard, CA 93030
(805) 385-7821 /Cell - (805) 797-6187
FAX (805) 385-8360
Patricia.Friend@ci.oxnard.ca.us

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NETZERO Message Center

From: "Cynthia Daniels" <Cynthia.Daniels@ci.oxnard.ca.us>

To: "dncvictoria@netzero.net" <dncvictoria@netzero.net>

Cc: "Patricia Friend" <patriciafriend@ci.oxnard.ca.us>

Sent: Thu, Jan 31, 2013 12:11 PM

Subject: Re: City Council Meeting for Victoria Transit Route Stops #DS13-09

Chris,

Our records are public and there should be no issue with your seeing what we got as a protest from Malibu Pacific. I know the city attorney found there were no grounds for the protest by Malibu, and we told Malibu there were no grounds. Please ask Pat to give you copies of the protest and any correspondence to Malibu about the decision/determination by the city attorney.

As I mentioned in the staff report, Del Norte did correct the wages once the issue was raised and the documentation was straightened out.

Cynthia

Cynthia Daniels
Project Manager
City of Oxnard
Transportation Planning
214 South C Street, Room 307
Oxnard, CA 93030
(805) 385-7871
Cell phone (805) 469-4269
Fax (805) 385-3954

>>> "dncvictoria@netzero.net" <dncvictoria@netzero.net> 1/31/2013 12:00 PM >>>

Thanks, if so, they were corrected and I know that corrected wage reports are submitted as supplementals all day long at your city and others.

Anyway, its pretty distressing seeing all the negatives, but I have emails showing positives. So we'll see where it will go. To be honest with

you, we are meeting with our attorney who is talking about filing an injuction to stop the award, supeoning of the reference for a disposition under oath

regarding all the comments per your notes, but I really don't know what to do. The other question is where is the protest letter from Malibu Pacific that we should have been able to see and respond too.

Chris

----- Original Message -----

From: "Cynthia Daniels" <Cynthia.Daniels@ci.oxnard.ca.us>

To: "dncvictoria@netzero.net" <dncvictoria@netzero.net>

Subject: Re: City Council Meeting for Victoria Transit Route Stops #DS13-09

Date: Thu, 31 Jan 2013 11:54:54 -0800

Manny & Chris,

ATTACHMENT ¹
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Thanks for letting me know. I talked to the contract administrator at the city's housing department, and she mentioned the paid wage rates were sometimes above and sometimes below the "wage decision." That's why I wrote "inconsistent wages" in the explanation on p. 4 of the staff report.

By the way, since the email is from "dncvictoria" I don't know who is writing to me, and conversely, who I'm responding to. Could you let me know who is writing the emails, preferably by using your name at the end of the mail? It feels weird to be responding when I don't know who I'm answering. Thanks.

Cynthia

Cynthia Daniels
Project Manager
City of Oxnard
Transportation Planning
214 South C Street, Room 307
Oxnard, CA 93030
(805) 385-7871
Cell phone (805) 469-4269
Fax (805) 385-3954

>>> "dncvictoria@netzero.net" <dncvictoria@netzero.net> 1/31/2013 11:43 AM >>>
yes, definitely we are attending. For instance, the HUD problem with the wage report. I guess they failed to state that the amount we paid was over the required amount. Lots of these references are going to have their foot in thier mouth with all the emails we have. Plus we are calling them as we speak to explain these misrepresentations to your caller.

----- Original Message -----

From: "Cynthia Daniels" <Cynthia.Daniels@ci.oxnard.ca.us>
To: <dncvictoria@netzero.com>
Subject: City Council Meeting for Victoria Transit Route Stops #DS13-09
Date: Thu, 31 Jan 2013 11:10:57 -0800

Hi Manny and Chris,

If you plan to attend the city council meeting on Feb. 5 and would like to speak to the city council, let me know and we will ask the city council to remove the item from the information consent agenda. That will allow more time for discussion at the meeting.

Cynthia

Cynthia Daniels
Project Manager
City of Oxnard
Transportation Planning
214 South C Street, Room 307
Oxnard, CA 93030
(805) 385-7871
Cell phone (805) 469-4269
Fax (805) 385-3954

Woman is 53 But Looks 25

Mom reveals 1 simple wrinkle trick that has angered doctors...
ConsumerLifestyleMag.com

ATTACHMENT

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Daniel Martinez - Fw: RSRPD Letter/City of oxnard misrepresented fact on staff report

From: "dncvictoria@netzero.net" <dncvictoria@netzero.net>
To: <daniel.martinez@ci.oxnard.ca.us>
Date: 2/4/2013 5:01:14 PM
Subject: Fw: RSRPD Letter/City of oxnard misrepresented fact on staff report

Please note: forwarded message attached

From: "dncvictoria@netzero.net" <dncvictoria@netzero.net>
To: karen.burnham@ci.oxnard.ca.us, daniel.martinez@ci.oxnard.oxnard.ca.us
Subject: Fw: RSRPD Letter/City of oxnard misrepresented fact on staff report
Date: Tue, 5 Feb 2013 00:55:50 GMT

Please note: forwarded message attached

From: "dncvictoria@netzero.net" <dncvictoria@netzero.net>
To: delnorteconstruction@gmail.com, chris@integrity-staffing.com
Subject: Fw: RSRPD Letter/City of oxnard misrepresented fact on staff report
Date: Mon, 4 Feb 2013 19:29:48 GMT

Please note: forwarded message attached

From: "dncvictoria@netzero.net" <dncvictoria@netzero.net>
To: Carmen4oxnard@gmail.com, alan.holmberg@ci.oxnard.ca.us, timbflynn@gmail.com,
bryan.macdonald@ci.oxnard.ca.us, Patriciafriend@ci.oxnard.ca.us
Subject: Fw: RSRPD Letter/City of oxnard misrepresented fact on staff report
Date: Mon, 4 Feb 2013 19:14:23 GMT

Dear Mr. Holmberg and City Council Members,

Please find the letter from one of the references showing that your City Project manager mistated and misrepresented the true reference comments on the Staff report submitted to City Council as per our rebuttal. And what we would expect from the other references.

Please note: forwarded message attached

From: "delnorte@netzero.net" <delnorte@netzero.net>
To: dncvictoria@netzero.com
Subject: Fw: RSRPD Letter
Date: Mon, 4 Feb 2013 18:13:28 GMT

ATTACHMENT 1
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ase note: forwarded message attached

From: "Tom Evans" <tom@rsrpd.us>
To: <cynthia.daniels@ci.oxnard.ca.us>
Cc: <delnorte@netzero.net>, "Ralph Alamillo" <ralphalamillo@ci.oxnard.ca.us>
Subject: RSRPD Letter
Date: Mon, 4 Feb 2013 09:21:56 -0800

Tom Evans

Landscape Designer/Planning Department

Rancho Simi Recreation and Park District

1692 Sycamore Drive. Simi Valley, CA. 93065

Tel: (805) 584-4422 Fax: (805) 526-7648

tom@rsrpd.us www.rsrpd.org

Woman is 55, But Looks 27

2013's No. 1 Cream. Mom is Wrinkle Free Thanks to Doctor's Secret!

ConsumerLifestyles.net

ATTACHMENT 1
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DNC- Del Norte Construction

State Contractors License # 945723

2390 Las Posas Road #450
Camarillo, CA 93010

February 4, 2013

City of Oxnard

VIA EMAIL and FAX

City Attorney and City Council Members

Carmen4oxnard@gmail.com

300 West Third Street

bryan.macdonald@ci.oxnard.ca.us

Oxnard, Ca 93030

timbflynn@gmail.com

Alan. Holmberg@ci.oxnard.ca.us

Dear City Council and Mr. Holmberg,

This will serve as a formal request to reject the recommendation of Project Managers Cynthia Daniels and /or Ralph Alamillo due to the attached letter from Rancho Simi Park District, Mr. Tom Evans.

As you are aware, our firm has rebutted the allegations instituted to reject our bid and award the same to Malibu Pacific for several reasons.

One of the main reasons is that the report shows that our firm's references gave us

Negative remarks which we rebutted with many facts, such as the City of Oxnard misrepresenting the true facts. This morning, our firm received the attached letter

Proving that the City has misrepresents the facts of the reference to the City Council, which I deem a very serious issues. And I expect the same from the other references.

Please find the attached letter.

Respectfully submitted,

Dictated and submitted on behalf of Trinidad Canales

Chris Salcido



RANCHO SIMI RECREATION AND PARK DISTRICT

1692 Sycamore Drive, Simi Valley, California 93065 • (805) 584-4400 • FAX (805) 526-7025
Web Page: www.rsrpd.org

February 1, 2013

Ms. Cynthia Daniels, Project Manager
Development Services Department
City of Oxnard
1060 Pacific Ave
Oxnard, CA 93030

Re: Reject Award of Contract to Del Norte Construction for DS13-09
Subject: Clarification and Corrections to City Counsel Staff Report

Dear Ms. Daniels:

In my review of the City of Oxnard's staff report to "Reject Award of Contract to Del Norte Construction for DS13-09" calendared for City Counsel approval on February 5, 2013, it appears that clarification is required from me in regards to the contractors reference provided by the Rancho Simi Recreation and Park District. This reference is provided on Page 3, Item 1 of your staff report.

I previously submitted to the City of Oxnard my written comments regarding Del Norte Construction dated January 18, 2013, copy enclosed for your reference.

Del Norte Construction was the General Contractor for the Medea Creek Construction Project. The original contracted value for the project was \$ 49,500.00 with one change order in the amount of \$ 5,966.34. There was no delay on the completion of the contract, no liquidated damages, and the work performed was sufficient.

The oral communications between myself and Ralph Alamillo described in the staff report are not an accurate account of our conversation. I did not state the work was substandard. I also do not recall stating that I experienced difficulty coordinating and scheduling work. I did state that I withheld a payment to Del Norte Construction due to an unpaid invoice. I had received a stop notice which was subsequently released. Upon receipt of the release notice I initiated steps to make the payment.

During construction I communicated with Del Norte Construction by email and telephone using the contact information originally provided to me at the start of construction. At the time of the unpaid invoice referenced above I received an email from the owner of the company. I noticed it was from a different email address than I had been using in my correspondence with the company. The owner also made telephone contact with me to make certain the vendor would be paid. The sound of the owner's voice was different

than the sound of the voice I had previously been talking to at Del Norte Construction during construction. This caused me to wonder whether or not I had been in communication with the same person during the course of construction.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tom Evans', with a long horizontal flourish extending to the right.

Tom Evans
Landscape Designer

Cc: Del Norte Construction

From: Pete Martinez
To: Alamillo, Ralph; Daniels, Cynthia; Friend, Patricia
CC: Holmberg, Alan
Date: 2/4/2013 2:05 PM
Subject: Pat,

Pat,

As a follow up to the meeting we had this morning with Alan Holmberg, Ralph Alamillo and yourself I would just like to clarify that I have had no experience ever working with Del Norte Construction and the statements made in their letter addressed to Alan Holmberg, City Attorney and City Council involving myself were absolutely inaccurate. Del Norte Construction has never asked permission to use myself (Pete Martinez) as a professional reference nor was there ever a conversation involving me (Pete Martinez) to testify on behalf of Del Norte Construction before City Council. Additionally, in Ralph Alamillo's defense all conversations we have had regarding this project were always in the best interest of Del Norte Construction. This letter is very disturbing to me both personally and professionally and I would be glad to meet with all parties involved if necessary.

Thank you,

Pete Martinez

Pete Martinez
Water Resources Division
Wastewater Collections Supervisor
Office: (805) 271-2214
Fax: (805) 986-3564
Cell: (805) 797-7601

DNC- Del Norte Construction

State Contractors License # 945724

2390 Las Posas Road #450
Camarillo, CA 93010

1/31/13

City of Oxnard

Public Works Department

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 impromptu open speaker conference call on 1/29/2012.

Furthermore, we appreciate the opportunity to share our "side of the story" and anticipate an amicable resolution. We remain committed and ready to commence this project quickly and are hopeful in your recommending Del Norte for the award of the Victoria Bus Transit Route project. During our phone conversation I attempted to take notes as best as possible. It is our understanding the City of Oxnard has four (4) Primary concerns regarding the project;

- 1) **Communication**- As I stated, I 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, as well as a cellular phone. Also, you will be provided with emergency Contact information for our office manager, job foreman and superintendent. In the past, as per our e-mails, our firm has advised The City of Oxnard to communicate through written communication to avoid any miscommunications. At all times, our firm was in constant communication with Mrs. Friend, with over 20 E-mails to date. Our firm even created a specific Email address dedicated exclusively for this project . At all times, Mr. Canales has full knowledge of the projects and visits the sites regularly. Mr. Canales has assembled a staff that will be deployed quickly to complete this project.

ATTACHMENT 3
PAGE 1 OF 10

2) **References** – Your remarks regarding these references and their comments are very concerning to us and will be addressed below for each specific project. Please note the following facts which would address any and all concerns regarding past performances. Our follow-up conversations with the references listed have reported to us that they references provided to the City of Oxnard were positive references. Each reference did mention to us that the line of questioning was very different than what they typically are asked for in a reference call and most felt unprepared to answer specifics of ,long past projects. Therefore, any negative comments by those references could only be personal personality issues between our Project manager as the facts shown below will demonstrate Del Norte's success with these projects. Please view the following facts of each project below which can be substantiated through E-Mails and the mere fact 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

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 met the slope requirements and did not require any work. 8 of these 80 (10%) required major changes and new plans. The ramps arrived to us measuring 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 has no issues with our firm. But there were a few issues, outlined below, 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.
- 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 the First 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 in the end Mr. McFarland was overridden by internal 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.

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 and consistently given us a very positive reference. As a matter of fact, we very recently asked him if we could list him again as a professional reference again, where he replied "Absolutely, no problem!". Also, we attended a job bidding this week for Rancho Simi with Mr. Evans leading that meeting. Based upon you reporting a negative reference from Mr. Evans, we thought Rancho Simi/Mr. Evans would not allow us to bid. This was not the case; we were welcomed to bid the project and did so and are awaiting the results. Again, I have no idea where the reported 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 additional engineered water diversion plans for a riverbed project after this project was completed. Why would he engage Del Norte 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 the project. Merhdad indicated that everything went well. And with the above facts, it shows that there were no issues created by our firm. However, although our firm did have some issues, we did not file a claim because it was understood that this was a very difficult project dealing with onsite residents.

- Our firm was told to pay and pull the permit which was part of the specifications, but to our dismay, Merhdad had failed to apply for a permit and did not have any Plans submitted. Therefore, at our own expense, Del Norte put the plans together and spent over 30 hours doing this job, which was the responsibility 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. Additionally, their asbestos company did not provide 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.

- Additionally, some of the residents reported to us their dislike of the HUD Staff, so the residents created additional challenges for us as well. However, we attribute the success to our project manager, as he knew everyone at the City and they allowed 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. del Norte did not charge HUD for these expenses

In closing, conversations with Merhdad he 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. I was hired specifically for this project and have successfully operated Integrity Staffing Professionals, Inc. for over 25 twenty years. The core of this business is specifically for this field and involves heavy project management and multi tasking skills and experience. Our firm and its affiliates are experts in completing and obeying these requirements which include, but are 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 now utilizes Paychex to manage, control and complete all our payroll checks, Tax burden payments and all necessary reports in a prompt fashion. 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. Payment is completed on Friday and reports delivered that Monday. Our firm has an employment attorney on retainer to deal with any potential 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 voiced 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 basically 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 knowledgeable, highly productive and efficient. So for optimal results, 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, Traffic Control, OSHA implementation, employee safety, quality control.

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

I appreciate your honesty in communicating your concerns as we would like to commence this project with clear and open communications. We trust that the above explanation has provided you with information that will allow for your recommendation to award the project.

In closing, I can appreciate your due diligence in securing a successful Construction firm. As mentioned yesterday, we have intentionally not bid on several other projects so as to insure our availability and responsiveness for this project.

This letter is not intended to go beyond any issue in case the decision to award is unfavorable and we do not waive any rights whatsoever. We can produce any necessary documents needed and are willing to depose any individuals who have provided a false "negative" reference.

We stand poised to fully engage and look forward to partnering with you on this exciting project.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Chris Salcido', with a long horizontal line extending to the right.

Chris Salcido

Project Manager

CC: Mr. Trinidad Canales

DNC- Del Norte Construction

State Contractors License # 945723

2390 Las Posas Road #450
Camarillo, CA 93010

February 1, 2013

City of Oxnard

VIA EMAIL and FAX

City Attorney and City Council Members

Carmen4oxnard@gmail.com

300 West Third Street

bryan.macdonald@ci.oxnard.ca.us

Oxnard, Ca 93030

timbflynn@gmail.com

Alan. Holmberg@ci.oxnard.ca.us

Dear stated addresses (can someone forward this to Ms. Dorina Padilla)

This letter will serve as notification letting you know that our firm requested a Hearing on a proposed recommendation scheduled for the City Council Meeting on February 5, 2013. Our concern is that we have asked your City Attorney to verify that there are no set notification requirements to rebut the decision of Mr. Ralph Alamillo and Cynthia Daniels to reject our bid for the project known as Victoria Avenue transit route.

Our firm does not want to waive its right of any administrative rights to a hearing; Mr. Holmberg response was simply attend the City Council meeting. As far as I am concerned, it's almost too late at this point. So can you confer that Mr. Holmberg is correct that there is no other remedy, but to attend the meeting?

In addition, I received an E-mail from Ms. Daniels whereby she indicated that she would remove our agenda from the consent, so that we can speak at the meeting. At this point, I have over 20 supporters and 6 independent witnesses that can testify on my behalf to prove that this adverse action is wrong, deliberate and against my constitutional rights.

As a way of introduction, I am a local contractor as to the meaning of your new bylaws to hire "locals" and more importantly by way of the fact that I was born and raised in Oxnard. I spend money locally on meals, entertainment and housing. As a contractor, I take pride in my work and would produce nothing less than superior quality and build a great reputation. As a taxpayer, I am very interested that our money is properly spent, without favoritism, to help the local economy and the citizens of Oxnard.

Unfortunately , in my opinion I do not feel that one of your City employees shares the same sentiment and it is very discerning to have this thought, especially in light of all the negative publicity our City has been subjected too.

So I would like to know if our firm can take witnesses to the meeting to substantiate my position as to why you should award Del Norte the Contract and to rebut the intended action. Please understand that this opinion is also generated by e-mails that suggest a malicious action has been recommended. My witnesses and professionals from the community, in excess of twenty individuals are prepared to testify on my behalf. In particular, Pete Martinez (City employee), Elseo (Reference) and Eric (reference), these individuals have a common consensus that Ralph Alamillo had no interest in finding out the truth or awarding us the contract;

- 1) "It was more a witch hunt, looking for dirty laundry and the involvement of a Del Norte employee that Mr. Alamillo has a personal problem with.
- 2) That he had already made up his mind to reject my bid and not interested in any of the positive input these references attempted to provide.
- 3) His line of questioning was not professional and more of a personal vendetta against one of my employees and which Mr. Alamillo continually slanders during City time.
- 4) That he preferred to use the 2nd low bidder that has completed lots of projects with the City of Oxnard.
- 5) Any pertinent questions to qualify me were minimal.

And it was not limited just to these five points; the conversations went on for 45 minutes with about 5 minutes of questions regarding the project and qualifications.

As you are aware, my opinion is that Mr. Ralph Alamillo led these references in the negative tone. We have sent over the reports by the City staff to the references, in an effort to seek the truth, to deny or confer the City notes. Whatever the case or outcome, there is no factors that exist which would deem my company non-responsible. If these references were led or words were put in their mouth, and even if Mr. Alamillo misquoted or mis-stated their statements, the bottom line is the following facts in each case and every project, there is not one single criteria that was violated to deem me non-responsible for the following reasons;

1. There were no Liquidated damages (thus jobs were delivered in time or justified Additional time)
2. There was no corrective work required (thus quality and good workmanship was delivered).
3. There were no warranty call backs.
4. There were no wage violations or complaint of wage issues.
5. All change order were undisputed and granted. We delivered in every case under budget.
6. Extensions were also granted for change orders. (So any delays, if any were justified by additional work)
7. There were no bond claims
8. There were no Insurance claims
9. There were no workers compensation claims
10. There were no employee wage claims
11. Our firm received payment in full for all the work completed, none was held for Compliance issues, because there were no issues.
12. These references previously gave good referrals.
13. We have submitted bids to these agencies after the original job.
14. Out of 30 vendors used on these projects, I only had one disputed stop payment Which I took care of within 5 days of resolving dispute without a bond or owner Involvement.
15. No other contractors were called in to finish work.
16. We never received one single notice of non-compliance or termination.

Therefore, regardless of the verbal input interpreted by the City of Oxnard staff and placed on paper. There is no reason for non-responsibility. In my opinion, such discretionary power allocated to project manager is wrong, for in this case, that person could not and did not want to accept the truth and apply an unbiased, objective and open-minded recommendation.

Our firm will sustain the following damage and the City will be liable for this action, my constitution rights of liberty, freedom and livelihood afforded by the 4th and 15th amendment will be violated. My reputation will be damaged and possibly not ever allowed to be awarded a public works project because I would be branded as a disqualified company. And with Malibu Pacific and Ralph Alamillo having this information, I would not put it past them to notify every agency.

As it appears, this actions and information has been placed on public record without any due process. Just a two (2) Business day notice to fight it. And no notice of this being posted for public viewing. The following events have occurred which shows that our firm was deceived, defrauded and possible bid manipulation by the City to force me out and get the 2nd low bid that was preferred by Ralph Alamillo. Anyway, the following

events occurred that caused our firm extensive spending, time, money and loss of potential income, not to mention the mental anguish caused ;

1. Our firm bid project on December 4, 2012.
2. City called and completed their due diligence- checking contents of bid between December 5, 2012 and December 11, 2012.
3. City sends me a "letter of intent" to award the project and outlines the entire requirement for award.
4. Our firms gets the \$228,000 performance bonds.
5. Our firm buys insurance specifically to meet the City of Oxnard Requirements for approximately \$3,200.00
6. Ralph Alamillo calls our employee and asks if he is working on this job. He was not on board at the time (I believe that anyone has the right to work). But indicated that it would take years to award if he was involved.
7. The City of Oxnard has continued to ask me for items, such as, submittals, meeting, insurances up through January 24, 2013, which at that point, we had fulfilled the requirement for award.
8. A meeting was called to meet and discuss project, but none of my staff would be allowed per Ralph Alamillo.
9. I put together a crew of 12 individuals specifically for this project, 2 office staff member and a full time project manager. Again, Local people that will lose a job opportunity to make upwards of \$61.00 per hour.
10. I have spent in excess of \$65,000.00 in staff hours, bonds, insurances, wage advances and purchase orders to date. All in good faith with all the emails from Patricia Friend that suggests there is no problems with award.

In addition to these, I will be further damages and have been if this action is taken by the following:

1. Loss of bidding opportunities with profits of over \$200,000. I stopped bidding projects because we have been led to believe we were being awarded this job and I wanted to focus on this one only.
2. I will lose \$110,000 in profits on this job alone.
3. 12 individuals will lose their job.
4. Taxpayers will pay an extra \$4000 for the 2nd low bidder and money to Address my formal complaint fillings if this action occurs.
5. You will damage my reputation

6. I will be tainted as a disqualified company which other cities will not view favorably and not award me the contract.
7. You will put me out of business.
8. I will lose my bonding.

All because of a personal vendetta with someone that has nothing to do with my company ownership. It is apparent that Mr. Alamillo is trying to cover these allegations by bringing Cynthia on board to at the last minute. She called me the other day to ask the some questions that I have previously addressed.

In closing, I have 3 kids attending local schools, involved with the City of Oxnard sponsored sporting events. I have over 17 years' experience in this industry and I am asking for your assistance to avoid this travesty against a local minority firm.

I am very disappointed because the City misled me to believe this award would take place for over 45 days and I basically put my business life on hold. If I do not get this project I will lose all of the above and much more, my faith in the City of Oxnard political powers and it would just lead me to believe all the bad publicity is true.

As far as the inadvertent information on the bid submission regarding the value of work, this was explained by Mr. Salcido in early December per the attached e-mail. Basically, as you are aware, most contractors wait at the bidding site for subcontract prices. Most subcontractors do not want to put out prices hours prior in fear of other getting that information. So Mr. Salcido waited at the site for my phone call on prices (you can see the different print on the bid submissions), so within 5 minutes of time, he had to change over 12 bid amounts, add subcontractors, etc. He inadvertently placed the wrong figures. However, this was disclosed early on, through e-mails we were told it's no big deal, just send an explanation and provide new references.

In closing, I pray that you please consider awarding me the contract and utilize the facts and criteria that make up the definition of non-responsibility. In the construction industry, even in a perfect world, would still have its issues. I have reviewed other projects with your City and they are not without problems, even with standout and great companies. So I ask you for an opportunity to complete this job. Although the dollar amount is greater than any of my projects, it is comprised of 15 smaller projects because each job location almost has the exact scope of work. I worked hard all my life to gain the experience and knowledge. I obtained my own general engineering license that qualifies me to complete this work, I have proven myself financially fit by the mere fact that I have a bonding company guaranteeing my work and that all bills will be paid.

Again, please take the above into consideration and please confirm that attending the City Council meeting is my only recourse and that I will be afforded at least 60 minutes and allowed to bring witnesses.

I pray that your decision is to award the contract to our firm or at minimum reject all bids and put it out to bid again. The staff cites the urgency; however, they are going on two months to award the job. As a matter of fact, the long lead items of bus shelters were fast tracked by our firm and delivery was stated for February 15, 2013 because we immediately issued Purchase orders and instructed to manufacture. Again, this was sabotaged by the staff although they requested this movement on the specifications. Mr. Alamillo rejected the shop drawing and specification and never provided information regarding the names for the logos on the bus shelters. The manufacture replied "the City has over 10 of the same submittals that have previously been provided" what is their problem.

My other concern is that we have been told by your staff that we can withdraw our bid and that would prevent any other bad public notices. But we strongly feel that we need to present our case, but now feel coerced and in a catch 22 situation. So if there wrong decision is made to disqualify us, we request the option of withdrawing our bid, instead of court intervention, Please advice.

Respectfully Submitted,

Trinidad Manuel Canales

Sole Owner

Attachments: 9 page clarifying issues discussed on an open-speaker conference call between Chris Salcido, myself, ralph Alamillo and Cynthia Daniels

CC: Cynthia.Daniels@ci.oxnard.ca.us

Ralph.Alamillo@ci.oxnard.ca.us

Patricia.Friend@ci.oxnard.ca.us

From: "Tom Evans" <tom@rsrpd.us>
To: "Ralph Alamillo" <ralphalamillo@ci.oxnard.ca.us>
Date: 1/18/2013 4:32 PM
Subject: RE: Del Norte information

Off the record...no

Tom Evans
Landscape Designer/Planning Department
Rancho Simi Recreation and Park District

-----Original Message-----

From: Ralph Alamillo [mailto:ralphalamillo@ci.oxnard.ca.us]
Sent: Friday, January 18, 2013 3:01 PM
To: tom@rsrpd.us
Subject: Re: Del Norte information

Tom,

Would you recommend him on a project based on the contractors experience?

Thank you!

-----Original Message-----

From: "Tom Evans" <tom@rsrpd.us>
To: Ralph Alamillo <Ralph.Alamillo@ci.oxnard.ca.us>

Sent: 1/18/2013 2:20:45 PM
Subject: RE: Del Norte information

Hello Ralph,

I will address your questions as best as possible listed below.

1. The contract amount for the Medea Creek Restoration Project in Oak Park, CA with Del Norte Construction was a total of \$55,466.34. Base Contract of \$49,500 with one C.O. of \$5,966.34.
2. There was no delay on the completion of the project. No Liquidated Damages were issued.
3. Work performed was sufficient.

Tom Evans
Landscape Designer/Planning Department
Rancho Simi Recreation and Park District

-----Original Message-----

From: Ralph Alamillo [mailto:ralphalamillo@ci.oxnard.ca.us]
Sent: Friday, January 18, 2013 12:19 PM
To: Tom Evans
Cc: Cynthia Daniels; Patricia Friend
Subject: Re: Del Norte information
Importance: High

** High Priority **

Tom,

Thank you for the information we over the phone and e-mail. I left a voice message and asked if you would e-mail me all of the general items that Del Norte Construction did not meet with your project. I mentioned to you that they listed your job @ \$89,000 but in reality you had indicated that the contract was \$55,000, also how late was the project?, were there any LD's assessed ?, was the work substandard? how was the personnel dealing with?. Also you indicated that you would be concern and not recommended them, please confirm.

Thank you for you help.

Ralph Alamillo
Project Manager
General Services
Procurement & Project Management
Office # (805) 385-8341
Cell # (805) 754-7155

NOTICE: This communication may contain privileged or other confidential information. If you are not the intended recipient of this communication, or an employee or agent responsible for delivering this communication to the intended recipient, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

>>> "Tom Evans" <tom@rsrpd.us> 1/10/2013 11:38 AM >>>
Hi Ralph,

Got your phone message.

Here is the latest (Feb 2012) email and phone number I have for Manuel Canales of Del Norte.

delnorteconstruction@gmail.com

805-415-1284

Hope this helps.

Sincerely,

Tom Evans

Landscape Designer/Planning Department

Rancho Simi Recreation and Park District

1692 Sycamore Drive. Simi Valley, CA. 93065

Tel: (805) 584-4422 Fax: (805) 526-7648

<mailto:tom@rsrpd.us> tom@rsrpd.us <http://www.rsrpd.org/> www.rsrpd.org

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. 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 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.

**CITY OF OXNARD
SPECIFICATION NUMBER DS13-09**

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 <u>Storm erosion repairs. Regraded creek, compacted, lime treatment, concrete and placed rip rap</u>		
Owner <u>Rancho Simi Recreation + Park</u>	Project Location <u>1676 Sunnyside Dr, Simi Valley, CA 91362</u>	
Project Cost <u>\$89,000</u>	Project Manager <u>Tom Evans</u>	Telephone <u>805-584-4424</u>

Project Description <u>Bulletproof renovations of Ticket Booth, handi ramps, concrete</u>		
Owner <u>Castas Water</u>	Project Location <u>99 Ventura Ave, Oak View, CA 93022</u>	
Project Cost <u>\$142,000</u>	Project Manager <u>Mr. Evans</u>	Telephone <u>805-649-9043</u>

Project Description <u>Concrete ADA ramps</u>		
Owner <u>Oxnard High School</u>	Project Location <u>Comacillo High School, 4660 Mission Oaks Blvd, Cami, CA 93012</u>	
Project Cost <u>\$184,000</u>	Project Manager <u>Steve McFarland</u>	Telephone <u>805-385-2500</u>



SIGNATURE OF BIDDER

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

B-7

DNC- Del Norte Construction

State Contractors License # 945724

2390 Las Posas Road #450
Camarillo, CA 93010

City of Oxnard

VIA EMAIL and FAX

Public Works

TO: PATRICIA FRIEND

1060 Pacific Ave., Bldg 2

Oxnard, CA 93030

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

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?

ONLY 14 EMBROIDERED T-SHIRT
10-0000000

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 jealousy 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 of 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

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

Prepared By: James Cameron

Agenda Item No. 0-3

Reviewed By: City Manager *JRB*City Attorney *mt*Finance *Vol*

Other (Specify)

DATE: January 31, 2013

TO: City Council

FROM: James Cameron, Chief Financial Officer
Finance Department

SUBJECT: Comprehensive Annual Financial Report for Fiscal Year 2011-12

RECOMMENDATION

That City Council receive and file the City of Oxnard Comprehensive Annual Financial Report (CAFR) for Fiscal Year (FY) 2011-12.

DISCUSSION

The CAFR contains basic financial statements audited by the independent certified public accounting firm Mayer Hoffman McCann P.C. The purpose of the audit is to ensure that the financial statements present fairly, in all material respects, the financial position and the results of operations of the City. The data is presented in a manner to ensure understanding of the City's financial activities and operations.

The Highlights of the FY 2011-12 CAFR are as follows:

- State of California legislation requiring the dissolution of redevelopment agencies resulted in the transfer of assets and liabilities to a separate fiduciary fund for the Community Development Commission Successor Agency (CDC-SA). The successor agency for housing set aside funds continues to be reported in the City's financial statements.
- At July 1, 2011, the City's capital assets and related balances were restated to correct errors in the classification of completed construction in projects as construction in progress. Depreciation expenses related to prior years, in the amount of \$13.6 million, were recorded as a reduction of net assets.
- The assets of the City exceeded its liabilities by \$1.8 billion (net assets) at the close of the fiscal year. In the previous year, the net asset of the City was \$1.85 billion including \$60 million in the former Community Development Commission (CDC) and related funds.

- The City's net assets decreased by \$57 million, including the prior year adjustments for depreciation. In addition, the reduction in CDC funds was partially offset by increases in business activities.
- As of the close of the fiscal year, the City's governmental activities reported a net asset of \$1.46 billion, a decrease of \$62 million from the prior year. This decrease was the result of the prior year depreciation adjustment and FY 2012 adjustments related to the CDC.
- At the end of the fiscal year, the unassigned fund balance of the General Fund was \$15.7 million, which is 14% of the general fund's operating expenditures.

FINANCIAL IMPACT

The recommended actions to receive and file the FY 2011-12 CAFR and receive the FY 2011-12 financial update have no financial impact.

Attachment #1: FY 2011-12 Comprehensive Annual Financial Report

Note: Attachment #1 has been provided to City Council under separate cover. Copies for review are available on the City website address below and at the Help Desk in the Library after 12 p.m. on the Saturday prior to the Council meeting and in the City Clerk's Office after 10:00 a.m. on the Monday prior to the Council meeting.

<http://finance.cityofoxnard.org/Uploads/GeneralAccounting/City%20of%20Oxnard%20CAFR%202012.pdf>



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

Prepared By: Anthony Emmert, Water Resources Manager

Agenda Item No. R-1Reviewed By: City Manager *mmh*City Attorney *SMF*Finance *g.c.*Treasurer *mmh***DATE:** January 23, 2013**TO:** City Council**FROM:** Rob Roshanian, Interim Public Works Director
Public Works *S.R.***SUBJECT:** Utility Rates Assistance Program Options**RECOMMENDATION**

That City Council receive a report on options for a potential program to provide financial assistance on City utility bills to extremely low income senior residents and provide direction to staff.

DISCUSSION**Background**

In order to provide high-quality utilities services to the City's residents and businesses, to ensure the reliability of the City's water and wastewater systems, and to comply with federal, state and local regulatory requirements, the City Council has approved a series of rate increases for its water, wastewater and environmental resources (solid waste and recycling) enterprises. While necessary, rate increases are difficult for low income households, many of which are led by senior residents on fixed incomes. Because of this, the City Council requested staff to research options for a rate relief program and report back to the Council in a study session. An ad hoc committee, with representation from the City Manager's Office, the City Treasurer's Office, City Attorney's Office, Development Services Department, and Public Works Department, for the past several months, researched programs available in California and across the nation, as well as applicable laws and regulations.

The California Public Utilities Commission (CPUC) has approved several programs that provide financial benefit to ratepayers of utilities that it regulates, including the California Alternative Rates for Energy (CARE) Program for electricity and natural gas customers, the LifeLine Program for telephone service, and various smaller programs for private water companies. Locally, the Cities of Camarillo and Port Hueneme also have programs. The CARE Program provides up to a 20% discount off energy bills for low income households, and is funded by CPUC-approved rate cases with Southern California Edison Company and Southern California Gas Company in Oxnard. The LifeLine Program provides an approximately \$6 per month discount off basic land line telephone service, and is funded by CPUC-approved rate cases with Verizon in Oxnard. The Water Utility Low Income Assistance Program provides a flat per-month discount for private water company customers, and is funded by CPUC—

Utility Rates Assistance Program Options

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approved rate cases with Golden State Water, in Ventura County. Golden State Water's Ojai-area eligible customers receive a \$12 per month discount, and its Simi Valley-area eligible customers receive an \$8 per month discount. The City of Camarillo provides qualifying low income senior residents with a 71% discount off its wastewater charges and waives the variable portion of the water charges, as long as water usage does not exceed 10 hundred cubic feet (HCF) per month. This program is funded by a voter-approved special tax. The City of Port Hueneme provides qualifying low income customers with a 15% discount on its water, wastewater & solid waste charges.

Unlike utilities regulated by the CPUC, Cities, such as Oxnard, are prohibited by state law (Propositions 218 & 26) from funding their financial relief programs with charges to their customers. Cities must fund their programs with discretionary funds, voter-approved special taxes, or donations from residents and businesses.

Current utility billing data show that the City has 33,142 single family residential customers. 2010 Census data indicates that there may be up to 6,628 single family households in Oxnard meeting the U.S. Housing and Urban Development (USHUD) "Extremely Low Income" criteria. Census data also indicates that up to 663 single family residential units may be led by persons over 65 years old. Utility billing data shows the average single family residential customer uses approximately 12 hundred cubic feet (HCF) of water per month. The average single family residential combined City utility bill (water, wastewater, solid waste) was \$114.91, as of January, 2013.

Proposed Program

The ad hoc committee recommends the Council consider a modest program that would provide significant rate relief to single family residential households led by extremely low income senior residents. The criteria for inclusion in the proposed program are the following:

- Ratepayer-Occupied Residential Unit (Typically Single Family Residential); and
- Extremely Low Income (USHUD Definition); and
- Head of Household Over 65 Years Old or Older; and
- Using no More Than 12 HCF of Water per Month.

The Committee recommends a flat \$25 discount off the monthly combined City utility bill for qualifying households. As of October 2012, that would be an approximate 22% discount for the average single family residential customer. A flat discount has two advantages: it is easier to administer, and is complimentary to the City's conservation (tiered) rate structure that rewards customers who use less water with significantly lower charges. A percentage discount would conflict with the conservation rate structure, as its amount would increase with greater water consumption. The City Council could adjust the flat rate periodically to make sure that it stays in line with the average utility bill.

Assuming that 100% of the 663 extremely low income single family residential households led by persons over 65 years old participated in the proposed program (\$25 per month, or \$300 per year discount), the estimated cost of the subsidy would be approximately \$200,000. The Committee anticipates that some additional staffing may be needed to establish and administer the program.

Utility Rates Assistance Program Options

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Finally, custom computer programming might also be necessary to the City's utility billing system, and may require an up-front expenditure.

FINANCIAL IMPACT

The cost of the proposed Utility Rates Assistance Program subsidy is estimated to be approximately \$200,000 per year, plus some anticipated staffing and computer programming costs that need to be more fully defined. Potential funding sources would be Measure O Fund or voluntary contributions by residents and businesses.