

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
April 23, 2013
5:30 P.M.

A. ROLL CALL/POSTING OF AGENDA

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

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

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

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

D. OPENING CEREMONIES – 7:00 P.M.

Pledge of allegiance to the flag of the United States.

E. CEREMONIAL CALENDAR

1. **SUBJECT:** Presentation of Proclamation Designating April 25, 2013 as "Arbor Day"
2. **SUBJECT:** Presentation of Proclamation Designating April as "Parkinson Awareness Month"

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.

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.

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 Attorney Department**

1. **SUBJECT:** First Amendment to Attorney Services Agreement with Hunt, Ortmann, Palffy, Nieves, Lubka, Darling & Mah, Inc., for Litigation against Malcolm Pirnie, Inc., Los Angeles Superior Court Case No. B469176. (001)
RECOMMENDATION: 1) Approve and authorize the Mayor to execute a First Amendment to Attorney Services Agreement with Hunt, Ortmann, Palffy, Nieves, Lubka, Darling & Mah, Inc., ("Hunt Ortmann") (A-7839) in a sum not to exceed \$275,000, for legal fees in litigation against Malcolm Pirnie, Inc., ("Malcolm Pirnie") for a total agreement amount not to exceed \$725,000; and 2) Approve a Special Budget Appropriation (SBA) in the amount of \$275,000 from Wastewater Fund Balance.
Legislative Body: CC Contact: Alan Holmberg Phone: 385-7427

City Clerk Department

2. **SUBJECT:** Minutes of Regular Meeting of the Oxnard City Council for March 5, 19, and 26, 2013. (023)
RECOMMENDATION: Approve.
Legislative Body: CC Contact: Daniel Martinez Phone: 385-7803

City Manager Department

3. **SUBJECT:** Agreements for City Council Review. (037)
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

Development Services Department

4. SUBJECT: Second Reading of Ordinance No. 2864, Amending Chapter 16 (Zoning) of the City Code to Address Emergency Shelters, Transitional Housing, Supportive Housing and Farmworker Housing Pursuant to Senate Bill No. 2. (041)
RECOMMENDATION: Second reading and adoption.
Legislative Body: CC Contact: Sue Martin Phone: 385-7858
5. SUBJECT: Request for Annexation to and Consent for Parcel Charge or Standby Charge from Calleguas Municipal Water District (Calleguas) and Metropolitan Water District of Southern California (MWD). (049)
RECOMMENDATION: Adopt a resolution authorizing the Mayor to execute a landowner's request to annex to Calleguas and MWD, and consent for a parcel charge or standby charge for future water use for city-owned property not dedicated as public streets at Ventura Boulevard east of Santa Clara Avenue, Auto Center Drive west of Santa Clara Avenue, and Santa Clara Avenue north of Auto Center Drive..
Legislative Body: CC Contact: Cynthia Daniels Phone: 385- 7871
6. SUBJECT: Agreement with the County of Ventura for Technical Surveyor Review Services. (079)
RECOMMENDATION: Approve and authorize the Mayor to execute an agreement for the County of Ventura (A-7585) to provide technical review of tentative maps, final maps, parcel maps, lot line adjustments, parcel map waivers, and certificates of compliance along with review and/or preparation of legal descriptions and similar surveying review services.
Legislative Body: CC Contact: Paul Wendt Phone: 385- 7894

Police Department

7. SUBJECT: Ordinance to Amend Vending Provisions of Oxnard City Code Relating to Vending Near Schools and Day-Care Centers. (087)
RECOMMENDATION: Approve the first reading by title only and subsequent adoption of an ordinance revising Section 8-47(A)(5) of the Oxnard City Code related to the placement of time and place restrictions on vending from vehicles, wagons and pushcarts near schools and day-care centers.
Legislative Body: CC Contact: Rob Silverstein Phone: 385- 8263

J. TRANSMITTAL OF INFORMATION ONLY ITEMS

Finance Department

1. SUBJECT: Monthly Budget Status Report for the Period Ending March 31, 2013 (Fiscal Year 2012-13). (101)
RECOMMENDATION: Receive Report.
Legislative Body: CC Contact: James Cameron Phone: 385-7461

K. INFORMATION/CONSENT PUBLIC HEARINGS**Development Services Department**

1. **SUBJECT:** Appeal of the Planning Commission's recommendation for denial of Planning & Zoning Permit No. 11-570-02 (Zone Change) to change the zone designation to General Commercial Planned Development (C-2-PD). Located at 1001 and 1051 East Channel Islands Blvd. Filed by designated agent Brian Corbell on behalf of property owner Channel Islands Inn L.P., 225 Arizona Venue, Suite 300, Santa Monica, CA 90401. (117)
RECOMMENDATION: Approve the first reading by title only and subsequent adoption of an ordinance approving a Zone Change (Planning & Zoning Permit No. 11-570-02) from Commercial & Light Manufacturing Planned Development (C-M-PD) to General Commercial Planned Development (C-2-PD) for the properties located at 1001 and 1051 East Channel Islands Boulevard.
Legislative Body: CC Contact: Brian Foote Phone: 385-8312

L. PUBLIC HEARINGS – 7:15 P.M.**Development Services Department**

1. **SUBJECT:** Revision of Existing Fees and Adoption of New Fees Related to Development and Construction Permits and Services, Geographic Information Systems, and Library Services. (189)
RECOMMENDATION: 1) Resume a public hearing to receive public testimony regarding proposed new fees and revision to existing fees related to Development and Construction permits and services, Geographic Information Systems, and Library services; and 2) Adopt a resolution revising existing fees and adopting new fees related to Development and Construction permits and services, Geographic Information Systems, and Library services.
Legislative Body: CC Contact: Matthew Winegar Phone: 385-7877
2. **SUBJECT:** Certification of East Village Phase III Annexation Final EIR No. 11-01; Approval of PZ 11-610-01 (Annexation) and PZ 11-560-01 (Rezoning) for 107-acre Parcel Located at 1853 Camino del Sol (APN 214-0-020-595). Filed by Maulhardt RF-JW Trust et al c/o Richard Maulhardt, Jr.
RECOMMENDATION: **Continue to May 7, 2013.**
Legislative Body: CC Contact: Chris Williamson Phone: 385-8156

M. REPORT OF CITY MANAGER/EXECUTIVE DIRECTOR/SECRETARY

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

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

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

1. SUBJECT: City Manager Recruitment Status.
RECOMMENDATION: Discuss recruitment of City Manager
2. SUBJECT: City Council Meeting Start and End Time.
RECOMMENDATION: Discuss possible change in the start time of City Council meetings, including closed session items, possible re-ordering of agenda and timeframe for discussion of new items and conclusion of meeting.

O. REPORTS

Housing Department

1. SUBJECT: Consideration of Goals and Objectives for FY 2013-2018 Consolidated Plan and FY 2013-2014 Annual Action Plan. (269)
RECOMMENDATION: Review and approve staff recommended priorities.
Legislative Body: CC Contact: William E. Wilkins Phone: 385-8094

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.

Finance Department

1. SUBJECT: Budget Study Session – Discussion of Golf and PACC Funds and other City Funded Organizations. (277)
RECOMMENDATION: Receive information regarding funding of the Golf and the Performing Arts and Convention Center (PACC) enterprise funds as well as other City funded organizations, and provide guidance to staff for the Fiscal Years 2013-14 2014-15 Two-year Budget.
Legislative Body: CC Contact: James Cameron Phone: 385-7461
2. SUBJECT: Community Facilities District No. 3 (Seabridge) Bond Refunding. (281)
RECOMMENDATION: Receive a presentation on the potential refunding of bonds associated with Community Facilities District No. 3 (Seabridge).
Legislative Body: CC Contact: Michael More Phone: 385-7480

R. STUDY SESSION.

City Manager Department

1. SUBJECT: Future City Park Development.

RECOMMENDATION: Receive a verbal report and provide direction to staff regarding future park development.

Legislative Body: CC

Contact: Michael Henderson

Phone: 385-7951

S. PUBLIC COMMENTS ON STUDY SESSION

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

C. CLOSED SESSION - (Continued from page 1)

1. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION.**

CC City of Oxnard et al. v. Malcolm Pirnie, Inc., et al.
Los Angeles Superior Court, Case No. BC469176

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

2. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION.**

CC State Mining and Geology Board, Financial Assurance Appeal, RiverPark B, LLC. (Operator) El Rio Mining Site and El Rio Plant Site (CA Mine ID # 91-56-0007 and 91-56-0026), City of Oxnard.

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

3. **CONFERENCE WITH LABOR NEGOTIATOR.**

CC Instructions to negotiators, Karen Burnham, Interim City Manager, and Michelle Tellez, Human Resources Director, regarding salaries, salary schedules and compensation paid in the form of fringe benefits for employees represented by the Service Employees International Union (SEIU), Local No. 721 and other matters within the scope of representation.

The Interim City Manager and the Human Resources Director requested that these items be discussed in closed session under the Brown Act exception of Conference with Labor Negotiator. The purpose of the closed session is for the City Council to review the status of negotiations and to provide instructions to negotiators.

T. ADJOURNMENT



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

Prepared By: Alan Holmberg, City AttorneyAgenda Item No. **I-1**Reviewed By: City Manager [Signature] City Attorney [Signature] Finance [Signature] Other (Specify) _____**DATE:** April 11, 2013**TO:** City Council**FROM:** Alan Holmberg, City Attorney [Signature]
City Attorney**SUBJECT:** First Amendment to Attorney Services Agreement with Hunt, Ortmann, Palffy, Nieves, Lubka, Darling & Mah, Inc., for Litigation against Malcolm Pirnie, Inc., Los Angeles Superior Court Case No. B469176**RECOMMENDATION**

That City Council:

1. Approve and authorize the Mayor to execute a First Amendment to Attorney Services Agreement with Hunt, Ortmann, Palffy, Nieves, Lubka, Darling & Mah, Inc., ("Hunt Ortmann") (Agreement No. A-7839) in a sum not to exceed \$275,000, for legal fees in litigation against Malcolm Pirnie, Inc., ("Malcolm Pirnie") for a total agreement amount not to exceed \$725,000.
2. Approve a Special Budget Appropriation (SBA) in the amount of \$275,000 from Wastewater Fund Balance.

DISCUSSION

On January 11, 2011, the City Council authorized the Agreement with Hunt Ortmann to pursue claims in the approximate amount of \$5.6 million against Malcolm Pirnie for design defects in connection with the construction of the City's Headworks Project. The case has been in litigation for over two years. The original Agreement was in the not to exceed sum of \$450,000, with fees billed at an hourly rate and costs of suit and expenses of experts to be paid through the Agreement. The attorneys' fees and costs to date have exceeded \$450,000. The City has renegotiated the terms of the Agreement with Hunt Ortmann. The new terms of the Agreement, as amended, are that from and after April 1, 2013, Hunt Ortmann will bill the City for all attorneys at the rate of \$140 per hour. This is a reduction of approximately 50% from the normal billing rates for the firm's attorneys to the City. In exchange for this reduction of rate, Hunt Ortmann will, as set forth in the First Amendment, receive 20% of any recovery obtained prior to thirty days before trial, after deducting from that recovery, the fees paid up to April 1, 2013, which are agreed to be \$410,000. If the case proceeds to trial or is settled less than thirty days before trial, the contingent recovery will be 30%. The City will be responsible for all expert witness fees and expenses, which will be paid through Hunt Ortmann. Hunt Ortmann has retained and

will continue to retain and compensate the experts and will continue to bill the City through their contract. It is expected that the total expert costs will be approximately \$200,000 if the case proceeds to trial.

FINANCIAL IMPACT

This First Amendment reduces the cash, which would be required to prosecute the case through trial by approximately \$90,000 based on current litigation cost estimates. This is due to the reduction of the hourly rate to \$140 per hour. The City will pay to the firm a portion of any recovery as stated above. The attached SBA appropriates Wastewater Fund balance for this purpose.

Attachment #1 – First Amendment to Agreement for Attorney Services

Attachment #2 – Agreement for Attorney Services

Attachment #3 – Request for Special Budget Appropriation

FIRST AMENDMENT TO ATTORNEY SERVICES AGREEMENT

This First Amendment ("First Amendment") to the Attorney Services Agreement No. A-7839 ("Agreement") is made and entered into in the County of Ventura, State of California, this 9th day of April 2013, by and between the City of Oxnard, a municipal corporation ("City"), and Hunt Ortmann Palffy Nieves Darling & Mah, Inc. ("Special Counsel"). This First Amendment amends the Agreement entered into on January 11, 2011, by City and Special Counsel.

City and Special Counsel agree as follows:

1. This First Amendment modifies the Agreement commenced, January 11, 2011, as provided below.
2. The fee agreement provisions of the Agreement are amended as provided in paragraphs 3 through 8, herein below.
3. From and after April 1, 2013, all attorneys in the firm will bill at a reduced hourly rate of \$140 per hour. For billings which have been generated prior to April 1, 2013, no refund will be made, however, a credit for the amount that has been paid for attorney's fees under this Agreement from January 11, 2011 up to April 1, 2013 ("Credit"), shall be applied in the following manner: upon a settlement which provides for money to be paid to the City, a Credit will be deducted from the total gross settlement amount, after which the applicable contingency percentage will be applied. It is agreed that the total Credit amount is \$410,955.20.
4. In addition to the hourly compensation referenced above, for any settlement or judgment which occurs thirty days or more before trial, after subtracting Credit defined in paragraph 3, Special Counsel will receive twenty percent of the gross recovery, whether by settlement or judgment. For any settlement after thirty days before trial, Special Counsel will receive thirty percent of such recovery, whether by settlement or judgment.
5. The City of Oxnard will be responsible for payment of all experts, witness fees and costs of suit, regardless of the outcome of the case. Such experts will be retained upon consultation with the City Attorney, however, they will be retained by Special Counsel and expert fees and costs will be billed through Special Counsel.
6. The contingent fee agreement referenced in paragraph 4 does not include the cost of any appeals relating to the City's action, whether by any of the defendants or by the City; fees for any appeal will be agreed upon at the time of appeal.
7. It is anticipated that expert witness costs through the date of trial will not be in excess of \$200,000.
8. Recognizing the need to pay expert witness costs as well as the partial contingency arrangement referenced herein, the maximum compensation set for this Agreement is \$725,000, exclusive of the contingent fee recoveries as set forth in paragraphs hereinabove.

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

10. The term of the Agreement is extended to a date not to exceed 5 months after final resolution of the case, but no later than January 1, 2015.

CITY OF OXNARD

SPECIAL COUNSEL

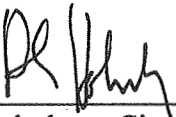
Tim Flynn, Mayor

Richard Mah, Esq.

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM & CONTENT:



Alan Holmberg, City Attorney

APPROVED AS TO INSURANCE:



James Cameron, Risk Manager

APPROVED AS TO AMOUNT:

Karen R. Burnham, Interim City Manager

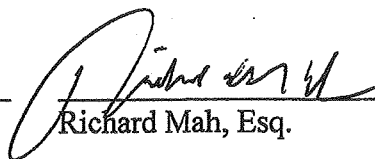
9. As so amended, the Agreement remains in full force and effect.

10. The term of the Agreement is extended to a date not to exceed 5 months after final resolution of the case, but no later than January 1, 2015.

CITY OF OXNARD

SPECIAL COUNSEL

Tim Flynn, Mayor



Richard Mah, Esq.

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM & CONTENT:

APPROVED AS TO INSURANCE:

Alan Holmberg, City Attorney

James Cameron, Risk Manager

APPROVED AS TO AMOUNT:

Karen R. Burnham, Interim City Manager

ATTORNEY SERVICES AGREEMENT

This Attorney Services Agreement ("Agreement") is made and entered into in the County of Ventura, State of California, by and between the City of Oxnard, a municipal corporation ("City"), and Hunt Ortmann Palffy Nieves Lubka Darling & Mah, Inc., engaged in the practice of law in the County of Ventura, California, ("Special Counsel").

WHEREAS, City desires to engage Special Counsel to represent City's interests and to provide legal advice and services to City in a variety of legal matters as determined by the City Attorney; and

WHEREAS, Special Counsel represents that Special Counsel's personnel possess the skills, qualifications and experience necessary to properly perform such services.

NOW, THEREFORE, City and Special Counsel hereby agree as follows:

1. Scope of Services

a. Special Counsel is hereby retained as special counsel for City to perform such legal services described as in Exhibit A attached hereto and incorporated herein by this reference.

b. In litigation matters, the City Attorney is responsible for the ultimate resolution, amounts of damage awards, if any, and defense fees and costs of all cases. Special Counsel shall inform the City Attorney or designee of the status of each case prior to arbitrations, voluntary settlement conferences, mandatory settlement conferences, motions for summary judgment, trial, settlement negotiations and of any significant developments during discovery.

c. Special Counsel shall regularly and reasonably discuss and review with the City Attorney or designee investigation issues, discovery, and case tactics and strategy.

d. Special Counsel shall send case evaluations, correspondence and status reports to the City Attorney.

e. Special Counsel shall inform the City Attorney of the legal staff assigned to cases and matters and promptly advise the City Attorney of any significant change in assignments. Upon request Special Counsel shall provide the City Attorney with resumes of legal staff.

f. If settlement authority is required from City Council, upon request, Special Counsel shall timely prepare and submit to the City Attorney a Confidential Briefing Report for City Council review.

g. Special Counsel agrees to use the expertise of City staff in lieu of outside experts whenever feasible and practical.

COUNCIL APPROVAL
DATE: 2-15-11 AGENDA # I-1

ATTACHMENT NO. 2
PAGE 1 OF 14

h. Special Counsel agrees to handle all significant aspects of the litigation or matter. If Special Counsel intends to assign other special counsels to assist the primary Special Counsel, Special Counsel shall notify the City Attorney in advance. Only those special counsels assigned and approved in advance by the City Attorney may work on cases or matters.

2. Special Counsel Representative

Special Counsel agrees that Richard Mah shall be Special Counsel's representative and shall be personally responsible for the performance and/or coordination of legal services under this Agreement.

3. Nonexclusive Services

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

4. Direction and Coordination

Special Counsel understands that the City Attorney or designee is responsible for providing management and direction to Special Counsel. Special Counsel agrees to coordinate the services to be provided with the City Attorney to the extent required by the City Attorney, and such services shall be performed to the satisfaction of the City Attorney.

5. Place of Work

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

6. Permits, Licenses, Certificates

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

7. City's Responsibilities

City, through the City Attorney, will cooperate with Special Counsel and will furnish any required information and materials as expeditiously as necessary for the orderly progress of the services. The City Attorney is authorized to examine documents submitted by Special Counsel and to render decisions pertaining thereto promptly to avoid unreasonable delay in the progress of Special Counsel's services.

8. Term of Agreement

The term of this Agreement shall commence on January 11, 2011, and expire on January 11, 2013.

9. Termination of Agreement and Legal Services

This Agreement may be terminated at any time by written notice from either party to the other with or without cause. In such event, all finished or unfinished documents, data and reports in Special Counsel's possession shall immediately be turned over to the City Attorney. In the event of such termination, Special Counsel shall be paid for all satisfactory services and costs unless such termination is made for cause, in which event compensation, if any, shall be adjusted in light of the particular facts and circumstances involved in such termination.

10. Compensation and Reimbursement

a. Compensation

(1) City agrees to pay Special Counsel in an amount not to exceed \$450,000 for services provided under this Agreement. In addition, City shall reimburse Special Counsel for fees paid to expert consultants not to exceed \$100,000 as provided below.

(2) City agrees to pay for all services provided by attorneys under this Agreement at the following hourly rates:

Richard Mah	\$288.00
Dale Ortmann	\$337.50
Ronald Helmuth	\$261.00
Paralegal	\$135.00

(3) Special Counsel agrees that the above hourly rate includes reimbursement to Special Counsel of the expenses of any electronic research, postage, overnight express mail, ordinary and usual in-house copying costs, court fees, courier service, fax charges, telephone usage, general overhead or support services such as typing, word processing, secretarial time of any nature (normal, overflow or overtime), clerical work, equipment rental, calendaring, setting up files, and updating files.

(4) The above hourly rate may be altered by amendments of this Agreement signed and approved by the City Attorney.

b. Reimbursement

In addition to the compensation provided above, the City shall reimburse Special Counsel as follows:

(1) Actual Cost to Special Counsel:

Air travel - coach
Consultant fees, not to exceed \$100,000
Copying and printing services fees
Court reporting services fees
Expert fees
Extraordinary in-house copying costs

Service of process fees

(2) Items with Maximums:

Lodging - \$125.00 per night

Witness fees - State court \$35.00 + statutory mileage

Federal court \$40.00 + statutory mileage

- (3) Special Counsel shall consult with and obtain consent from the City Attorney prior to entering any agreement with a Consultant or assigning any task to a Consultant with a cost at more than \$5,000.

11. Method of Payment

a. Special Counsel agrees to submit monthly a statement of account which clearly sets forth by dates the designated items of services and respective time for each item for which the statement is submitted and the identity of the attorney performing the services in a form similar to Exhibit B, attached hereto and incorporated in full herein by this reference.

b. Special Counsel shall mail the invoice for payment to City of Oxnard, Office of the City Attorney, 300 West Third Street, Suite 300, Oxnard, California 93030, Attention: Alan Holmberg.

c. City shall timely pay Special Counsel for services rendered and costs incurred at the rates and in the amounts provided on a monthly basis in accordance with the statements as approved by the City Attorney.

12. Responsibility for Expenses

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

13. Non-Appropriation of Funds

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

fiscal year.

14. Approved Attorneys

a. Special Counsel agrees that the following attorneys shall be the only attorneys assigned to perform services for City:

Richard Mah
Dale Ortmann
R. n Roger Helmuth

b. This list of approved attorneys may be altered by written permission of the City Attorney.

15. Engagement of Other Counsel, Specialists or Experts

Special Counsel agrees not to engage or otherwise incur an obligation to pay other legal counsel, specialists or experts for services in connection with this Agreement without the prior approval of the City Attorney. City shall not pay a mark-up for outside services obtained by Special Counsel.

16. Confidentiality of Information

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

17. Indemnity

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

18. Insurance

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

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

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

19. Independent Contractor

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

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

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

20. Special Counsel Not Agent

Except as provided for in this Agreement, Special Counsel shall have no authority, expressed or implied, to act on behalf of City Attorney in any capacity whatsoever as agents or otherwise. Special Counsel shall have no authority, expressed or implied, unless pursuant to this Agreement to bind the City to any obligation whatsoever.

21. Conflict of Interest

Special Counsel agrees to scrupulously avoid performing services for any party or entering into any contractual or other relationship with any party which might create a conflict with the rendering of services under this Agreement. Special counsel shall immediately inform the City Attorney of any conflict of interest or potential conflict of interest which may arise during the term of this Agreement by virtue of any past, present, or prospective act or omission of Special Counsel.

22. Assignability of Agreement

This Agreement contemplates personal performance by Special Counsel's personnel and is based upon a determination of the unique competence and experience of Special Counsel's personnel and upon the specialized personal knowledge of Special Counsel's personnel.

Assignment of any or all rights, duties or obligations of Special Counsel under this Agreement shall be permitted only with the express written consent of the City Attorney.

23. Fair Employment Practices

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

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

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

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

e. Special Counsel agrees to recruit vigorously from protected classes and to encourage businesses owned by persons in a protected class to bid subcontracts.

24. Time of Essence

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

25. Covenants and Conditions

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

26. Governing Law

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

27. Compliance with Law

Special Counsel agrees to comply with all federal, state and local laws, rules, and

regulations, now or hereafter in force, pertaining to the services performed pursuant to this Agreement.

28. Severability

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

29. Waiver

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

30. Counterparts

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

31. Arbitration

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

32. Authority to Execute

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

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

33. Notices

a. Any notices to Special Counsel may be delivered personally or by mail addressed to Hunt Ortmann Palffy Nieves Lubka Darling & Mah, Inc., 301 North Lake Avenue, 7th Floor, Pasadena, California 91101-1807, Attention: Richard Mah.

b. Any notices to City may be delivered personally or by mail addressed to City of Oxnard, City Attorney Office, 300 W. Third Street, Suite 300, Oxnard, California 93030, Attention: Alan Holmberg.

34. Amendment

This Agreement may be amended at any time, in writing, by the City Attorney and Special Counsel.

35. Entire Agreement

The City Attorney and Special Counsel agree that this Agreement constitutes the entire Agreement of the parties with respect to the subject matter described herein and supersedes all prior communications, agreements and promises, either oral or written.

CITY OF OXNARD

SPECIAL COUNSEL



Dr. Thomas E. Holden, Mayor



Richard Mah, Esq.

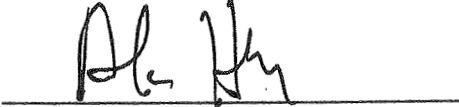
ATTEST:



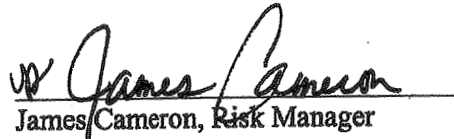
Daniel Martinez, City Clerk

APPROVED AS TO FORM & CONTENT

APPROVED AS TO INSURANCE

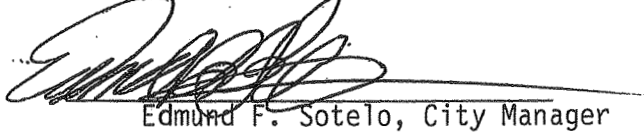


Alan Holmberg, City Attorney



James Cameron, Risk Manager

APPROVED AS TO CONTENT



Edmund F. Sotelo, City Manager

EXHIBIT A
SCOPE OF SERVICES

1. Represent the City in litigation against Malcolm Pirnie and other defendants regarding the Headworks Project.

[LAW FIRM]
[Address]
[Telephone Number]
[Date]

Alan Hölmborg
Acting City Attorney
300 W. Third Street, Suite 300
Oxnard, CA 93030

Case Title:
Case No:
City Attorney File No:

STATEMENT OF LEGAL SERVICES
Summary of Fees and Costs

Fees

<u>Date of Service</u>	<u>Person Performing Service</u>	<u>Description of Service</u>	<u>Time Spent in 6 Minute Increments</u>	<u>Amount of Fees</u>
------------------------	----------------------------------	-------------------------------	--	-----------------------

Costs

<u>Date Cost Incurred</u>	<u>Description of Cost Item</u>	<u>Amount of Cost</u>
---------------------------	---------------------------------	-----------------------

Additional Information

FY to Date Fees (7/1/0__ to 6/30/__)
FY to Date Costs (7/1/0__ to 6/30/__)
Case to Date Fees
Case to Date Costs

\$ _____
\$ _____
\$ _____
\$ _____

EXHIBIT B

ATTACHMENT NO. 2
PAGE 11 OF 14

**INSURANCE REQUIREMENTS FOR CONSULTANTS
(WITH ERRORS AND OMISSIONS REQUIREMENT)**

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

a. Commercial General Liability Insurance, including Contractual Liability, in an amount not less than \$1,000,000 combined single limit for bodily injury and property damage for each claimant for general liability with coverage equivalent to Insurance Services Office Commercial General Liability Coverage (Occurrence Form CG 0001). If a general aggregate limit is used, that limit shall apply separately to the project or shall be twice the occurrence amount;

b. Business automobile liability insurance in an amount not less than \$1,000,000 combined single limit for bodily injury and property damage for each claimant for automobile liability with coverage equivalent to Insurance Services Office automobile liability coverage (Occurrence Form CA0001) covering Code No. 1, "any auto;"

c. Professional liability/errors and omissions insurance appropriate to Consultant's profession to a minimum coverage of \$1,000,000, with neither Consultant nor listed subconsultants having less than \$500,000 individually. The professional liability/errors and omissions insurance must be project specific with at least a one year extended reporting period, or longer upon request.

d. Workers' compensation insurance in compliance with the laws of the State of California, and employer's liability insurance in an amount not less than \$1,000,000 per claimant.

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

City of Oxnard
Risk Manager
Reference No. A-7839
300 West Third Street, Suite 302
Oxnard, California 93030

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

4. Consultant agrees that the commercial general liability and business automobile liability insurance policies shall be endorsed to name City, its City Council, officers, employees, agents and volunteers as additional insureds as respects: liability arising out of activities performed by or on behalf of Consultant; products and completed operations of Consultant; premises owned, occupied or used by Consultant; or automobiles owned, leased, hired or borrowed by Consultant. The coverage shall contain no special limitations on the scope of protection afforded to City, its City Council, officers, employees, agents and volunteers. The General Liability Special Endorsement Form and Automobile Liability Special Endorsement Form attached to this Exhibit INS-A or substitute forms containing the same information and acceptable to the Risk Manager shall be used to provide the endorsements (ISO form CG 2010 11/85 or if not available, CG 2010 with an edition date prior to 01/04 and CG 2037).

5. The coverages provided to City shall be primary and not contributing to or in excess of any existing City insurance or self-insurance coverages (this must be endorsed). Any failure to comply with reporting provisions of the policies shall not affect coverage provided to City, its City Council, officers, employees and volunteers. The insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

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

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

1/11

ATTACHMENT NO. 2
PAGE 12 OF 16

INSTRUCTION FOR SUBMITTING INSURANCE CERTIFICATES AND ENDORSEMENT FORMS

Certificates of Insurance

The sample accord form on the following page is provided to facilitate your preparation and submission of certificates of insurance. You may use this or any industry form that shows coverage as broad as that shown on the attached sample. Please note the certificate holder address must be as shown on the attached sample accord form with the contract number and insurance exhibit identification information completed. Improperly addressed certificates may delay the contract start-up date because the City's practice is to return unidentifiable insurance certificates to the insured for clarification as to the contract number. Cancellation provisions must be endorsed to the policy. Modifying the certificate does not change coverage or obligate the carrier to provide notice of cancellation.

Endorsement Forms

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

INS-A.doc

ATTACHMENT NO. 2
PAGE 13 OF 16

ACORD CERTIFICATE OF INSURANCE

ISSUE DATE (MM/DD/YY)

PRODUCER

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

CODE**SUB-CODE****COMPANIES AFFORDING INSURANCE COVERAGE****INSURED**COMPANY
LETTER A

SPECIFY COMPANY NAMES IN THIS SPACE

COMPANY
LETTER B**COVERAGES**

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

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	GENERAL LIABILITY [x] COMMERCIAL GENERAL LIABILITY [] CLAIMS MADE [x] OCCUR. [x] OWNER'S & CONTRACTOR'S PROT.				GENERAL AGGREGATE \$1,000,000 PRODUCTS COMP/OP AGG. \$1,000,000 PERSONAL & ADV. INJURY \$1,000,000 EACH OCCURRENCE \$1,000,000 FIRE DAMAGE (Any one fire) \$ MED. EXPENSE (Any one person) \$
A	AUTOMOBILE LIABILITY [x] ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS HIRED AUTOS NON-OWNED AUTOS GARAGE LIABILITY				COMBINED SINGLE \$1,000,000 LIMIT BODILY INJURY \$ (Per person) BODILY INJURY \$ (Per accident) PROPERTY DAMAGE \$
A	EXCESS LIABILITY UMBRELLA FORM OTHER THAN UMBRELLA FORM				EACH OCCURRENCE \$ AGGREGATE \$
A	WORKERS' COMPENSATION AND EMPLOYERS' LIABILITY				STATUTORY LIMITS EACH ACCIDENT \$1,000,000 DISEASE-POLICY LIMIT \$1,000,000 DISEASE-EACH EMPLOYEE \$1,000,000
A	OTHER Errors and omissions insurance or malpractice insurance available for the insured's profession				Minimum coverage \$1,000,000 Each consultant/ & listed sub-consultant \$500,000

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/RESTRICTIONS/SPECIAL ITEMS**CERTIFICATE HOLDER**

City of Oxnard

Attn: Risk Manager

Reference No. A-7839

300 W. Third Street, Suite 302
Oxnard CA 93030**CANCELLATION**

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

ATTACHMENT NO. 2
PAGE 14 OF 14

GENERAL LIABILITY SPECIAL ENDORSEMENT FOR THE CITY OF OXNARD (the "City")		SUBMIT IN DUPLICATE							
PRODUCER		ENDORSEMENT NO.	ISSUE DATE (MM/DD/YY)						
Telephone: _____ NAMED INSURED	POLICY INFORMATION: Insurance Company: _____ Policy No.: _____ Policy Period: (from) _____ (to) _____ LOSS ADJUSTMENT EXPENSE ☐ Included in Limits ☐ In Addition to Limits ☐ Deductible ☐ Self-Insured Retention (check which) of \$ _____ with an Aggregate of \$ _____ applies to _____ coverage. ☐ Per Occurrence ☐ Per Claim (which) _____ APPLICABILITY. This insurance pertains to the operations, products and/or tenancy of the named insured under all written agreements and permits in force with the City unless checked here ☐ in which case only the following specific agreements and permits with the City are covered CITY AGREEMENTS/PERMITS _____								
TYPE OF INSURANCE		OTHER PROVISIONS							
GENERAL LIABILITY ☐ COMMERCIAL GENERAL LIABILITY ☐ Claims Made ☐ COMPREHENSIVE GENERAL LIABILITY Retroactive Date _____ ☐ OWNERS & CONTRACTORS PROTECTIVE ☐ Occurrence									
COVERAGES	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="text-align: center;">LIABILITY LIMITS IN THOUSANDS \$</th> </tr> <tr> <th style="width: 50%;">EACH OCCURRENCE</th> <th style="width: 50%;">AGGREGATE</th> </tr> </thead> <tbody> <tr> <td style="padding: 5px;"> ☐ GENERAL ☐ PRODUCTS/COMPLETED OPERATIONS ☐ PERSONAL & ADVERTISING INJURY ☐ FIRE DAMAGE ☐ _____ ☐ _____ </td> <td style="padding: 5px;"></td> </tr> </tbody> </table>			LIABILITY LIMITS IN THOUSANDS \$		EACH OCCURRENCE	AGGREGATE	☐ GENERAL ☐ PRODUCTS/COMPLETED OPERATIONS ☐ PERSONAL & ADVERTISING INJURY ☐ FIRE DAMAGE ☐ _____ ☐ _____	
LIABILITY LIMITS IN THOUSANDS \$									
EACH OCCURRENCE	AGGREGATE								
☐ GENERAL ☐ PRODUCTS/COMPLETED OPERATIONS ☐ PERSONAL & ADVERTISING INJURY ☐ FIRE DAMAGE ☐ _____ ☐ _____									
		CLAIMS: Underwriter's representative for claims pursuant to this insurance. Name: _____ Address: _____ Telephone: () _____							
consideration of the premium charged and notwithstanding any inconsistent statement in the policy to which this endorsement is attached or any endorsement now or hereafter attached thereto, insurance company agrees as follows:									
1. INSURED. The City, its officers, agents, employees and volunteers are included as insureds with regard to liability and defense of suits arising from the operations, products and activities performed by or on behalf of the named insured. 2. CONTRIBUTION NOT REQUIRED. As respects: (a) work performed by the named insured for or on behalf of the City; or (b) products sold by the named insured to the City; or (c) premises leased by the named insured from the City, the insurance afforded by this policy shall be primary insurance as respects the City, its officers, agents, employees or volunteers; or stand in an unbroken chain of coverage excess of the named insured's scheduled underlying primary coverage. In either event, any other insurance maintained by the City, its officers, agents, employees or volunteers shall be in excess of this insurance and shall not contribute with it. 3. SEVERABILITY OF INTEREST. This insurance applies separately to each insured against whom claim is made or suit is brought except with respect to the company's limits of liability. The inclusion of any person or organization as an insured shall not affect any right which such person or organization would have as a claimant if not so included. 4. CANCELLATION NOTICE. With respect to the interests of the City, this insurance shall not be canceled, or materially reduced in coverage or limits except after thirty (30) days prior written notice by receipted delivery has been given to the City. 5. PROVISIONS REGARDING THE INSURED'S DUTIES. Any failure to comply with reporting provisions of the policy or breaches or violations of warranties shall not affect coverage provided to the City, its officers, agents, employees or volunteers. 6. SCOPE OF COVERAGE. This policy, if primary, affords coverage at least as broad as: a. Insurance Services Office Commercial General Liability Coverage, "occurrence" form CG0001; or b. If excess, affords coverage which is at least as broad as the primary insurance form CG0001. Except as stated above nothing herein shall be held to waive, alter or extend any of the limits, conditions, agreements or exclusions of the policy to which this endorsement is attached.									
ENDORSEMENT HOLDER									
CITY OF OXNARD Attn: Risk Manager Reference No. A-7839 300 W. Third Street, Suite 302 Oxnard, CA 93030		AUTHORIZED REPRESENTATIVE ☐ Broker/Agent ☐ Underwriter ☐ _____ I _____ (print/type name), warrant that I have authority to bind the above-mentioned insurance company and by my signature hereon do so bind this company to this endorsement. Signature _____ (original signature required) Telephone: () _____ Date Signed: _____							

AUTOMOBILE LIABILITY SPECIAL ENDORSEMENT FOR THE CITY OF OXNARD (the "City")						SUBMIT IN DUPLICATE	
						ENDORSEMENT NO.	ISSUE DATE (MM/DD/YY)
PRODUCER				POLICY INFORMATION:			
Telephone:				Insurance Company:			
				Policy No.:			
NAMED INSURED				Policy Period: (from) _____ (to) _____			
				LOSS ADJUSTMENT EXPENSE ☐ Included in Limits ☐ In Addition to Limits			
				☐ Deductible ☐ Self-Insured Retention (check which) of \$ _____ with an Aggregate of \$ _____ applies to .			
				coverage. ☐ Per Occurrence ☐ Per Claim (which)			
				APPLICABILITY. This insurance pertains to the operations, products and/or tenancy of the named insured under all written agreements and permits in force with the City unless checked here ☐ in which case only the following specific agreements and permits with the City are covered:			
				CITY AGREEMENTS/PERMITS			
TYPE OF INSURANCE						OTHER PROVISIONS	
☐ COMMERCIAL AUTO POLICY							
☐ BUSINESS AUTO POLICY							
☐ OTHER							
LIMIT OF LIABILITY						CLAIMS: Underwriter's representative for claims pursuant to this insurance.	
\$ _____ per accident, for bodily injury and property damage.						Name: _____	
						Address: _____	
						Telephone: () _____	
In consideration of the premium charged and notwithstanding any inconsistent statement in the policy to which this endorsement is attached or any endorsement now or hereafter attached thereto, insurance company agrees as follows:							
1. INSURED. The City, its officers, agents, volunteers and employees are included as insureds with regard to liability and defense of suits arising from the operations, products and activities performed by or on behalf of the named insured.							
2. CONTRIBUTION NOT REQUIRED. As respects: (a) work performed by the named insured for or on behalf of the City; or (b) products sold by the named insured to the City; or (c) premises leased by the named insured from the City, the insurance afforded by this policy shall be primary insurance as respects the City, its officers, agents, employees or volunteers; or stand in an unbroken chain of coverage excess of the named insured's scheduled underlying primary coverage. In either event, any other insurance maintained by the City, its officers, agents, employees or volunteers shall be in excess of this insurance and shall not contribute with it.							
3. SEVERABILITY OF INTEREST. This insurance applies separately to each insured against whom claim is made or suit is brought except with respect to the company's limits of liability. The inclusion of any person or organization as an insured shall not affect any right which such person or organization would have as a claimant if not so included.							
4. CANCELLATION NOTICE. With respect to the interests of the City, this insurance shall not be canceled, or materially reduced in coverage or limits except after thirty (30) days prior written notice by receipted delivery has been given to the City.							
5. PROVISIONS REGARDING THE INSURED'S DUTIES. Any failure to comply with reporting provisions of the policy or breaches or violations of warranties shall not affect coverage provided to the City, its officers, agents, employees or volunteers.							
6. SCOPE OF COVERAGE. This policy, if primary, affords coverage at least as broad as: a. Insurance Services Office Automobile Liability Coverage, "occurrence" form CA0001, code ("any auto"); or b. If excess, affords coverage which is at least as broad as the primary insurance form referenced in the preceding section (1).							
Except as stated above nothing herein shall be held to waive, alter or extend any of the limits, conditions, agreements or exclusions of the policy to which this endorsement is attached.							
ENDORSEMENT HOLDER						AUTHORIZED REPRESENTATIVE	
CITY OF OXNARD Attention: Risk Manager Reference No. A-7839 100 W. Third Street, Suite 302 Oxnard, CA 93030						☐ Broker/Agent ☐ Underwriter ☐ _____	
						I _____ (print/type name), warrant that I have authority to bind the above-mentioned insurance company and by my signature hereon do so bind this company to this endorsement.	
						Signature _____ (original signature required)	
						Telephone: () _____ Date Signed _____	

REQUEST FOR SPECIAL BUDGET APPROPRIATION

Department: Public Works
Project/Program
Manager: Rob Roshanian

Date: April 23, 2013

Phone: _____

Reason for Appropriation:

Attorney Services Agreement A-7839 with Hunt Ortmann for Litigation against Malcolm Pirnie related to Headworks Project Design.

Accounts and Descriptions

AMOUNT

Fund: **W/W TREATMENT CONNECT FEE (623)**

Expenditures/Transfers Out

RESERVES AND TRANSFERS (6208)

623-6208-842.82-04 CONTRACTUAL SERVICES / SERVICES-LEGAL COUNSEL 275,000

Sub-total Expenditures 275,000

Net Change to Fund Balance (275,000)

Net Appropriation Change 275,000

Approvals

Department Director _____

Chief Financial Officer _____

City Manager _____

ATTACHMENT NO. 3
PAGE 1 OF 1

OXNARD CITY COUNCIL

Regular Meeting

March 5, 2013

A. ROLL CALL/POSTING OF AGENDA

At 5:47 p.m., the regular meeting of the Oxnard City Council convened in the Council Chambers. Councilmembers Tim Flynn, Carmen Ramirez, Bryan A. MacDonald and Dorina Padilla. The City Clerk stated that the agenda was posted on Thursday in the Library and City Clerk's Office. Mayor Flynn presided and called the meeting to order. Staff members present were: Daniel Martinez, City Clerk; Karen Burnham, Interim City Manager; Alan Holmberg, City Attorney; James Cameron, Chief Financial Officer; Rob Roshanian, Interim Public Works Director; Grace Magistrale Hoffman, Deputy City Manager; and Martin Erickson, Special Assistant to the City Manager.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS**C. CLOSED SESSION**

At 5:35 p.m., the City Council recessed to a closed session, pursuant to Government Code section 54956.9(a), to confer with its attorneys. The title and case number of the litigation being discussed City of Oxnard et al. v. Malcolm Pirnie, Inc., et al. Los Angeles Superior Court, Case No. BC469176 and City of Oxnard et al. v. Kennedy Jenks Consultants, et al. Los Angeles Superior Court, Case No. BC493631.

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

D. OPENING CEREMONIES

At 7:02 p.m., the regular meeting of the Oxnard City Council reconvened in the Council Chambers. The meeting opened with the pledge of allegiance to the flag of the United States, followed by a moment of silence. Mayor Flynn presided. Additional staff members present were: Jeri Williams, Police Chief; Matthew Winegar, Development Services Director; Barbara Murray, Library Director; Rob Roshanian, Interim Public Works Director; Michelle Tellez, Human Resources Director; Michael O'Malia, Assistant Fire Chief; Curtis P. Cannon, Community Development Director; Michael Henderson, General Services Manager; Efren Gorre Recreation Supervisor; and Grant Dunne, Environmental Resources Management Analyst.

E. CEREMONIAL CALENDAR

1. SUBJECT: Presentation of a Commendation Designating March, 2013 as "Brain Injury Awareness Month".

ACTION: Continued to future date.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

The following individuals provided comments: Larry Stein; Nancy Pedersen; and Abel Magana. The following individuals provided comments regarding soccer fields: Baltazar Garcia; Eric Rios; Jorge A. Espino; George Tapia; Javier Juarez; Alberto Cervantez; Ruben Chavez; Ryan Chavez; Denis O'Leary; Karina Zamarripa; David Cruz; Juan Delgado; Nadia Herrera; and Ramon Ortiz.

G. REVIEW OF INFORMATION/CONSENT AGENDA

The Recreation Supervisor provided comments (I-5).

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

I. INFORMATION/CONSENT AGENDA

City Clerk Department

1. SUBJECT: Minutes of the Special Meeting of the Oxnard City Council for January 29, 2013; and Minutes of the Regular Meetings of the Oxnard City Council for February 5 and 12, 2013. (001)
RECOMMENDATION: Approve.

City Manager Department

2. SUBJECT: Agreements for City Council Review. (017)
RECOMMENDATION: Approve and authorize the Interim City Manager, to execute the attached agreements/contracts and change orders/amendments in amounts more than \$25,000 but less than \$250,000.

Development Services Department

3. SUBJECT: Dedication of Ventura Boulevard East of Santa Clara Avenue and West of Nyeland Avenue for Public Right of Way. (021)
RECOMMENDATION: Adopt **Resolution No. 14,306** authorizing the Mayor to execute the deed dedicating as public right of way and accepting into the City street system Ventura Boulevard east of Santa Clara Avenue and West of Nyeland Avenue.

Police Department

4. SUBJECT: Federal Asset Forfeiture Funds. (035)
RECOMMENDATION: Approve a special budget appropriation in the amount of \$225,889 for the use of Federal Asset Forfeiture funds allocated to the City of Oxnard Police Department.

Recreation Department

5. SUBJECT: Grant Procurement for Employment Training. (037)
RECOMMENDATION: Adopt **Resolution No. 14,307** ratifying the City Manager's submission of an application for \$750,000 to Ventura County Workforce Investment (WIB), for a year round youth job training and employment program under the federal Workforce Investment Act (WIA).

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

J. TRANSMITTAL OF INFORMATION ONLY ITEMS

K. INFORMATION/CONSENT PUBLIC HEARINGS

L. PUBLIC HEARINGS

M. REPORT OF CITY MANAGER

The Interim City Manager presented a video on Measure "O" projects and introduced Todd Housley as the new Environmental Resources Manager.

N. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

The City Council commented on: grant provided to McGrath State Beach Park; possible life line program and other programs; and having the Council strategic summit on April 2, 2013.

O. REPORTS**Public Works Department**

2. **SUBJECT:** Release of Request for Proposal for the Management and Operation of the Del Norte Regional Recycling and Transfer Station. (043)
RECOMMENDATION: Approve the release of a Request for Proposal (RFP) for the management and operation of the Del Norte Regional Recycling and Transfer Station (Del Norte Facility).
DISCUSSION: The Environmental Resources Management Analyst introduced Bob Hilton who reviewed the RFP including objectives, being transparent; services to be provided; private/public option(s); and employment skills needed.

Comments were received from: Lupe Anguiano; Gerard Kapuscik; and Francine Castanon.

The City Council commented on the need to communicate; value received by rate payer; selection of committee members; use of waste materials; private/public option(s); possible bio-digester system; RFP time schedule; and selection of review panel.

ACTION: Moved to extend the RFP process from 90 days to 120 days and direct staff to investigate the process of the City submitting a public bid. (Ramirez/Flynn). Ayes: Padilla, Flynn, and Ramirez. Noes: MacDonald.

N. CITY COUNCIL BUSINESS/COMMITTEE REPORTS**City Attorney Department**

1. **SUBJECT:** Removal of Commissioner from the Senior Services Commission. (039)
RECOMMENDATION: Consider, pursuant to Oxnard City Code section 2-35, the removal of Preston Davis from the Senior Services Commission.
DISCUSSION: The Council briefly discussed the removal of Mr. Davis.
ACTION: Approved as recommended. (Ramirez/MacDonald). Ayes: Padilla, Flynn, Ramirez and MacDonald.

O. REPORTS**City Manager Department**

1. **SUBJECT:** Approval of Agreement with TKC Enterprises, Inc. (041)

RECOMMENDATION: Approve and authorize the Interim City Manager to execute an agreement with TKC Enterprises, Inc.(6030-12-CM) in the amount of \$50,000 to provide consulting services for the planning, coordination, implementation, permit inspections and security services related to the NFL training camps to be held in Oxnard.

DISCUSSION: The General Services Manager reviewed the services of TKC Enterprises including setting-up & closing of Cowboy camp; coordination of military base facilities, working with local vendors and non-profit organizations.

The City Council discussed the RFP process and having a bid for this contract next year.

Comments received by Francine Castanon, Jim Lavery and Bert Perello.

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

P. PUBLIC COMMENTS ON REPORTS

Q. APPOINTMENT ITEMS

R. STUDY SESSION

Finance Department

1. **SUBJECT:** Budget Study Session – Salary and Benefits Discussion. (179)

RECOMMENDATION: Receive information regarding salaries and benefits and provide guidance to staff for the Fiscal Years 2013-14 2014-15 Two-year Budget and future study sessions.

DISCUSSION: The Chief Financial Officer reviewed new retirement benefit program for new employees; schedule to review the budget; and medical benefits costs. The Human Resources Director reported on labor negotiation process with City unions and pension costs.

Comments received from: Bert Perello

City Council discussed: PERS contributions, salary and benefit costs, labor negotiation process, and pension benefits.

ACTION: Receive report and provided comments.

S. PUBLIC COMMENTS ON STUDY SESSION

T. ADJOURNMENT

At 11:35 p.m., the City Council concurred to adjourn the meeting.

DANIEL MARTINEZ
City Clerk

TIM FLYNN
Mayor

MINUTES

OXNARD CITY COUNCIL Regular Meetings March 19, 2013

A. ROLL CALL/POSTING OF AGENDA

At 6:16 p.m., the regular meeting of the Oxnard City Council convened in the Council Chambers. Councilmembers Tim Flynn, Carmen Ramirez, and Dorina Padilla were present. Councilman Bryan A. MacDonald was absent. The Deputy City Clerk stated that the agenda was posted on Thursday in the Library and City Clerk's Office. Mayor Flynn presided and called the meeting to order. Staff members present were: Lyn Bennett, Deputy City Clerk; Daniel Martinez, City Clerk; Karen Burnham, Interim City Manager; Grace Magistrale Hoffman, Deputy City Manager; Alan Holmberg, City Attorney; Martin Erickson, Legislative Affairs Manager; James Cameron, Chief Financial Officer; Curtis Cannon, Community Development Director; and James Williams, Fire Chief.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

C. CLOSED SESSION

At 6:19 p.m., the City Council recessed to a closed session, pursuant to Government Code section 54956.9(b)(3)(C), based on existing facts and circumstances, there is significant exposure to litigation against the City in one potential case based upon a claim for damages (City Clerk's login # 155), which is available for inspection at the City Clerk's office during normal business hours.

At 7:20 p.m. the City Council reconvened and recessed to the evening session.

D. OPENING CEREMONIES.

At 7:23 p.m. the regular meeting of the Oxnard City council reconvened in the Council Chambers concurrent with Community Development Commission Successor Agency. The meeting opened with the pledge of allegiance to the flag of the United States, followed by a moment of silence for Deloris "Dee" Roger Carn. Mayor Flynn presided. Additional staff members present were: Efren Gorre, Youth Development Manager; Karl Lawson, Compliance Services Manager; Anthony Emmert., Water Resources Manager; Curtis Cannon, Community Development Director; Sue Martin, Planning Manager; and Michael Henderson, Maintenance Services Manager.

E. CEREMONIAL CALENDAR

1. SUBJECT: Presentation of Commendation to Knights of Columbus on its 110th Anniversary
DISCUSSION: Moved to a future date.

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

The following individuals provided comments: Martin Jones; Harvey Kallen; Rick Spears; Kyle Brantner; Mario Quintana; Harold Ceja; Ed Ellis; Nancy Pederson; Kristen Fiss; Cesar Hernandez; Vincent Gasca; Anallely Marcial; Steve Nash; Javier Calveron; Jim Lavery; David Oros; Pat Brown; Patrick Barrios; Larry Stein; and Abel Magana.

G. REVIEW OF INFORMATION/CONSENT AGENDA

The following staff members provided comments: Compliance Services Manager (I-4), Maintenance Services Manager (I-2(d)) and Planning Manager (I-2(b)).

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

The following individuals provided comments: William "Bill" Terry (I-3), Bert Perello (I-3), Pat Brown (I-2), and Larry Stein (I-2).

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

1. **SUBJECT:** Minutes of the Regular Meeting of the Oxnard City Council for February 26, 2013; and Minutes of the Regular Meetings of the Oxnard Community Development Commission Successor Agency for February, 5, 12 and 26, and March 5, 2013. (001)
RECOMMENDATION: Approve.

City Manager Department

2. **SUBJECT:** Agreements for City Council Review. (013)
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.
3. **SUBJECT:** YouthBuild Grant Application. (017)
RECOMMENDATION: Adopt resolution No. 14,308 authorizing the City Manager to submit an application for up to \$1.1 million in U.S. Department of Labor (DOL) YouthBuild Grant funds to be used for expanding youth training efforts through work-based education programs.

Housing Department

4. **SUBJECT:** Cal-Home Mortgage Assistance Program Funding Application. (021)
RECOMMENDATION: Adopt resolution No. 14,309 authorizing the City Manager to: 1) Execute and submit an application to the California Department of Housing and Community Development (HCD) for \$1,000,000 under the CalHome Program; 2) If the application is granted, execute the Standard Agreement, and all other documents required by HCD for participation in the CalHome Program, as well as any amendments thereto as necessary and appropriate to pursue the funding application and obtain funding; 3) Appropriate the required funds upon award of the grant; and 4) Authorize the appropriation of \$10,000 annually from the General Fund to support ongoing costs of this program.

Public Works Department

5. **SUBJECT:** Agreement with G4S Secure Solutions (USA) Inc. to Provide Security Services at Water Resources Division Facilities. (025)
RECOMMENDATION: Approve and authorize the Mayor to execute a three-year agreement with G4S Secure Solutions (USA) Inc., (A-7571) in an amount not to exceed \$750,000, to provide security services at the Water Campus, Water Blending Stations and Advanced Water Purification Facility.

6. SUBJECT: Second Amendment to the Consulting Agreement with Carollo Engineers, Inc. for the Hueneme Road Recycled Water Pipeline Project Phase I. (045)
RECOMMENDATION: Ratify the Second Amendment to the Consulting Services Agreement with Carollo Engineers, Inc. (A-7338) to increase the total by \$582,155 for a total of \$4,496,028 and extend the expiration date to July 31, 2014.

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

J. TRANSMITTAL OF INFORMATION ONLY ITEMS

K. INFORMATION/CONSENT PUBLIC HEARINGS

L. PUBLIC HEARINGS

Housing Department

1. SUBJECT: Goals, Priorities, Strategies and Objectives Consideration for the FY 2013-2018 Consolidated Plan and FY 2013-2014 Annual Action Plan.
RECOMMENDATION: Continue to March 26, 2013
ACTION: Move to continue (Ramirez/Padilla) Ayes: Padilla, Flynn, Ramirez. Absent MacDonald

M. REPORT OF CITY MANAGER/EXECUTIVE DIRECTOR/SECRETARY

The Interim City Manager introduced the New Fire Chief, James Williams.

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

Bert Perello provided comments on next Oversight Board Meeting March 21, 2013.

N. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

Mayor Pro Temp Ramirez discussed her attendance at the National League of Cities conference in Washington. Other discussion by council members regarding: Funding sources for Ormond Beach; Strategic Summit at Water Treatment Yard, Tuesday April 2nd; Future store openings at The Collection (Riverpark).

The Community Development Director provided information on future store openings and prospective tenants at The Collection (Riverpark).

O. REPORTSCity Manager Department

1. SUBJECT: Approval of Fifth Amendment to Agreement to Testing Engineers Vertical V, Inc. dba BTC Labs-Vertical V for On-Call Soils and Materials Testing Services. (051)
RECOMMENDATION: Approve and authorize the Mayor to execute the Fifth Amendment to Agreement to increase the amount by \$250,000 for a total of \$750,000 for on-call soils and materials testing services provided by Testing Engineers Vertical V, Inc. dba BTC Labs-Vertical V (4919-09-CM).
DISCUSSION: Look at public works projects regarding the hiring of consultants.
ACTION: Approved as recommended (Ramirez/Padilla) Ayes: Padilla, Flynn, Ramirez.
Absent MacDonald

P. PUBLIC COMMENTS ON REPORTS

At 9:14 p.m. the City Council concurred to adjourn the joint meeting with the Oxnard Community Development Successor Agency.

Q. APPOINTMENT ITEMSR. STUDY SESSIONS. PUBLIC COMMENTS ON STUDY SESSIONT. ADJOURNMENT

At 10:00 p.m. the City Council concurred to adjourn the meeting.

LYN BENNETT
Deputy City Clerk

TIM FLYNN
Mayor

MINUTES

OXNARD CITY COUNCIL Regular Meeting March 26, 2013

A. ROLL CALL/POSTING OF AGENDA

At 5:30 p.m., the regular meeting of the Oxnard City Council convened in the Council Chambers. Councilmembers Tim Flynn, Carmen Ramirez, Bryan A. MacDonald, and Dorina Padilla were present. The City Clerk stated that the agenda was posted on Thursday in the Library and City Clerk's Office. Mayor Flynn presided and called the meeting to order. Staff members present were: Daniel Martinez, City Clerk; Karen Burnham, Interim City Manager; Alan Holmberg, City Attorney; James Cameron, Chief Financial Officer; and Grace Magistrale Hoffman, Deputy City Manager.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

C. CLOSED SESSION

At 6:04 p.m. the City Council recessed to a closed session, pursuant to Government Code section 54956.9(a) to confer with its attorneys. The title and case numbers of the litigation being discussed were City of Oxnard et al. v. Malcolm Pirnie, Inc., et al., Los Angeles Superior Court, Case No. BC469176; City of Oxnard et al. v. Kennedy Jenks Consultants, et al., Los Angeles Superior Court, Case No. BC493631; City of Oxnard v. Procter & Gamble, et al. Ventura County Superior Court Case No. 56-2012-00428233-CU-BC-VTA.

At 6:35 p.m., the City Council reconvened from the closed session and recessed to the evening session.

D. OPENING CEREMONIES

At 7:04 p.m., the regular meeting of the Oxnard City Council reconvened in the Council Chambers, concurrently with the Community Development Commission Successor Agency, Housing Authority and Finance Authority. The meeting opened with the pledge of allegiance to the flag of the United States by Soleil Jones, followed by a moment of silence. Mayor Flynn presided. Additional staff members present were: Jeri Williams, Police Chief; James Williams, Fire Chief; Barbara Murray, Library Director; William "Bill" Wilkins, Housing Director; Martin Erickson, Special Assistant to the City Manager; Michael More, Financial Resources Manager; Brad Windsor, Assistant Fire Chief; Chris Williamson, Principal Planner; and Cynthia Daniels, Project Manager.

E. CEREMONIAL CALENDAR

2. SUBJECT: Presentation of Commendation to Soleil Jones, Winner of The Ventura County Spelling Bee

ACTION: The City Council recognized Soleil Jones of Juan Soria School who will be representing Oxnard Elementary School District.

1. SUBJECT: Oxnard's Earth Day Festival, Saturday, April 6, 2013

ACTION: Trish Honigsberg, Outreach & Education Specialist, invited the public and City Council to come the Earth Day Festival.

3. SUBJECT: Swearing in of the New Fire Chief James Williams.
ACTION: The City Clerk swore-in the new Fire Chief.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

The following individuals provided comments: Andres Orozco; Priscilla Cisneros; Peter Turley; Jennifer Vasquez; Jasmine Sanchez; Jacqueline Vasquez; Karen Sanchez; Lydia Rivera; Bert Perello; Steve Nash; and Larry Stein.

G. REVIEW OF INFORMATION/CONSENT AGENDA

The following individuals provided comments: Principal Planner (I-2); Project Manager (I-5); Chief Financial Officer, Assistant Fire Chief and Financial Resources Manager (I-6); and Library Director (I-7).

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

The following individuals provided comments: Larry Stein (I-6); Ellen Tracy (I-1); William "Bill" Terry (I-2); Steve Nash (I-2); and Rebecca Ralph (I-6).

I. INFORMATION/CONSENT AGENDA

City Manager Department

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

Development Services Department

2. SUBJECT: Submittal of Application to CalTrans for Oxnard Corridor Community Transportation Improvement Plan (OCCTIP) Planning Grant. (005)
RECOMMENDATION: Adopt **Resolution No. 14,310** authorizing the City Manager to submit an application for up to \$300,000 in Community-Based Transportation Planning grant funds, to be used for development of the Oxnard Corridor Community Transportation Improvement Plan.
3. SUBJECT: Approval of Award of Contract for Oxnard School Area Safety –Safe Route to School Project DS12-12. (009)
RECOMMENDATION: Approve and authorize the Mayor to execute Contract with Granite Construction Company (A-7570) in the amount of \$550,826 for the installation of sidewalk on the east side of Vineyard Avenue between Rio School Lane and Collins Street, sidewalk extension at various locations, bike lanes and crosswalk lighting on C Street between Channel Islands Boulevard and Pleasant Valley Road.
4. SUBJECT: Dedication of a Strip of Land on the Northwest Corner of Santa Clara Avenue and Auto Center Drive for Public Right of Way. (011)
RECOMMENDATION: Adopt **Resolution No. 14,311** authorizing the Mayor to execute the deed dedicating as public right of way and accepting into the City street system Santa Clara Avenue extending north of Auto Center Drive by approximately 147 feet, and Auto Center Drive extending northwest of Santa Clara Avenue by approximately 477 feet.

5. SUBJECT: Appropriate Funds for the "Victoria Route Transit Stops" Project. (025)
RECOMMENDATION: Appropriate funds in the amount of \$264,700 from the Transportation Development Act Capital Improvement Project Fund to "Victoria Route Transit Stops" Project No. 133108 for transit stops for the three-year demonstration bus route on Victoria Avenue and Channel Islands Boulevard operated by Gold Coast Transit.

Fire Department

6. SUBJECT: Authorization for the Lease-Purchase of an Aerial Ladder Truck. (029)
RECOMMENDATION: 1) Approve a lease purchase in the amount of \$1,099,999 under the Master Equipment Lease Purchase Agreement (A-7211) with the Bank of America for the acquisition of a fire ladder truck from Pierce Manufacturing, Inc.; 2) Approve a special budget appropriation transferring the capacity for the acquisition of a new aerial ladder truck from Measure "O" to the Lease Purchase Fund; and 3) Approve future appropriations of approximately \$170,000 over a 7 year period from Measure "O".

Library Department

7. SUBJECT: Approval of Agreement with Ingram Library Services Inc. as Library Materials Vendor to the Oxnard Public Library for Fiscal Years 2013 Through 2018. (043)
RECOMMENDATION: Approve and authorize the Mayor to execute agreement with Ingram Library Services, Inc. (6111-13-LI) in the amount of \$1,396,000 from General Funds to provide library materials for the Oxnard Public Library for fiscal years 2013 through 2018.

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

J. TRANSMITTAL OF INFORMATION ONLY ITEMS

Finance Department

1. SUBJECT: Monthly Budget Status Report for the Period Ending February 28, 2013. (073)
RECOMMENDATION: Receive Report.
ACTION: Received and filed.

K. INFORMATION/CONSENT PUBLIC HEARINGS

L. PUBLIC HEARINGS

Development Services Department

1. SUBJECT: Revision of Existing Fees and Adoption of New Fees Related to Development and Construction Permits and Services, Geographic Information Systems, and Library Services.
RECOMMENDATION: Continue to April 23, 2013
ACTION: Approved as recommended. (MacDonald/Ramirez) Ayes: Flynn, Ramirez, MacDonald and Padilla.

2. SUBJECT: SB-2 Ordinance Amendment (PZ 10-580-01), Pertaining to Emergency Shelters, Transitional Housing, Supportive Housing and Farmworker Housing.
RECOMMENDATION: Continue to April 9, 2013.
ACTION: Approved as recommended. (Ramirez/MacDonald) Ayes: Flynn, Ramirez, MacDonald and Padilla.

Q. APPOINTMENT ITEMS

1. SUBJECT: RDP-21 the Regional Defense Partnership. Supervisor Kathy Long and Mr. Gene Fisher will be providing the City Council with an update of their activities.
DISCUSSION: Ventura County Supervisor Long briefly outlined the RDP-21 accomplishments of the partnership and communications between the military, business and the community.
ACTION: Received report and provided comments.

N. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

1. SUBJECT: Presentation of the 2013 State of the Region Report Presented by David Maron and Sandy Smith of the Civic Alliance
DISCUSSION: David Maron and Sandy Smith presented the regional report to the City Council representing several aspects of Ventura County including education, economy, land use, public safety, public health, environmental quality and transportation.
ACTION: Received report and provided comments.

At 8:06 p.m., the City Council recessed while the Housing Authority held a public hearing and at 9:37 p.m., the City Council reconvened.

L. PUBLIC HEARINGS

ACTION: Mayor Flynn declared the public hearing open.

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

4. SUBJECT: Goals and Objectives for FY 2013-2018 Consolidated Plan and FY 2013-2014 Annual Action Plan. (109)
RECOMMENDATION: Conduct a second public hearing to consider a report and public testimony and to provide direction to the Housing Director regarding the specific priorities and measurable objectives to be addressed in the multi-year Consolidated Plan and Annual Action Plan.
DISCUSSION: The Housing Director commented on the posting schedule for required public hearings and public outreach efforts. He outlined past grant funding which included funding of community activities and infrastructure (street improvements, code compliance, afterschool programs); funding of homelessness shelter program; homelessness prevention; housing set-a-side programs; and housing for programs veterans.

Comments were received from: Leticia Sandoval, Eileen Tracy, Karen Flock, and Bert Perello.

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

DISCUSSION: The Council discussed staff's schedule of finalizing the Annual Action Plan and a year-round homeless program.

ACTION: Provided comments to staff.

N. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

City Manager Department

2. SUBJECT: Cancellation of the Regular Meetings Scheduled for April 16, 2013. (123)
RECOMMENDATION: Cancel their regular meetings scheduled for April 16, 2013.
ACTION: Approved as recommended. (Ramirez/MacDonald) Ayes: Flynn, Ramirez, MacDonald and Padilla.

COMMUNITY DEVELOPMENT COMMISSION SUCCESSOR AGENCY/HOUSING AUTHORITY/FINANCE AUTHORITY

At 10:19 p.m. the concurrent meetings with the Community Development Commission Successor Agency, Housing Authority and Finance Authority concluded.

M. REPORT OF CITY MANAGER

The City Manager reported that the "State of the City" would be airing on the Government Channel and presented a video on programs funded by Measure "O".

N. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

The City Council commented on: future water needs; new fire chief; pay of mid- management and confidential employees; establishment of a "youth commission" and upcoming Council strategic planning meeting at the Advanced Water Purification Facility.

O. REPORTS

P. PUBLIC COMMENTS ON REPORTS

R. STUDY SESSION

S. PUBLIC COMMENTS ON STUDY SESSION

T. ADJOURNMENT

At 10:31 p.m. the City Council concurred to adjourn the meeting.

DANIEL MARTINEZ
City Clerk

TIM FLYNN
Mayor

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

Prepared By: Karen R. Burnham, Interim City Manager Agenda Item No. **I-3**

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

DATE: April 3, 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 04/23/2013

Item	Type	Department/Contact	Vendor/Agreement Number	Description/Purpose	Amount
A	Original Agreement	General Services	Kaneko Landscaping, Inc.	Landscape Maintenance Services	\$33,360
		Sergio Cervantes	Agreement No. 6174-13-CM	Landscape maintenance services for RiverRidge, District #3. General Services issued a Request for Bid (RFB) to five vendors. Kaneko was the lowest bidder.	
		385-8245		Total Contract Amount: \$33,360 FundingSource: Landscape Maintenance District	
B	Original Agreement	General Services - Parks and Public Grounds	Natural Green Landscape, Inc.	Landscape Maintenance Services	\$34,800
		Sergio Cervantes	Agreement No. 6178-13-CM	Provide Landscape maintenance services for El Sueno/Promesa, District #39. An RFB was issued February 5, 2013. Lowest bid of three vendors selected for work.	
		385-8245		Total Contract Amount: \$34,800 FundingSource: Landscape Maintenance District	
C	Amendment	General Services	Natural Green Landscape	Landscape Maintenance Services	\$21,600
		Sergio Cervantes	Agreement No. 5929-12-CM	Landscape maintenance services for Greenbelt, District #43. This is the second year of a three year contract. Vendor was originally selected through RFB process.	
		385-8245	Amendment 1	Total Contract Amount: \$39,600 FundingSource: Landscape Maintenance Districts	
D	Amendment	General Services	Natural Green Landscape	Landscape Maintenance Services	\$32,388
		Sergio Cervantes	Agreement No. 5384-11-CM	Landscape maintenance services for Daily Ranch, District #46. This is the third year of a three year contract. Vendor was originally selected through RFB process.	
		385-8245	Amendment 2	Total Contract Amount: \$97,164 FundingSource: Landscape Maintenance Districts	
E	Amendment	General Services	Kaneko Landscaping, Inc.	Landscape Maintenance Services	\$46,668
		Sergio Cervantes	Agreement No. 6145-13-CM	Landscape maintenance services for Westport Community Facilities District #2. This is the second year of a three year contract. Vendor was originally selected through an RFB process.	
		385-8245	Amendment 1	Total Contract Amount: \$62,224 FundingSource: Community Facilities District	

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ATTACHMENT
PAGE 1 OF 2

City Manager Contract List for 04/23/2013

Item	Type	Department/Contact	Vendor/Agreement Number	Description/Purpose	Amount
F	Change Order	Development Services - Traffic Eng. & Operations Cynthia Daniels 385-7871	Security Paving Agreement No. A-7228 Change Order 65	Change Order 65 for Rice Avenue/101 Interchange Project Change Order No. 65 will remove the existing sidewalk at 2371 E. Ventura Blvd. and replace it with a retaining wall, sidewalk and chain link fence to provide adequate parking space at the Valley Trailer Villa. Asphalt paving will cover the slope along the property frontage. The Rice/101 Interchange project design reduced the surface area of the parking lot and the change order will correct the problem. Total Contract Amount: \$34,476,126 FundingSource: Gas Tax and CIP Funds	\$45,000
G	Task Order	Public Works/Water A-7326 340-5358	Sam Hill & Sons Agreement No. A-7326 Task Order 32	Emergency Repairs to Water Infrastructure and Appurtenances Replace steel pipeline on the side of the Channel Islands Blvd. bridge east span, between Victoria Ave. and Peninsula Road and replace with 12" ductile iron pipeline. Public Bid PW10-08 for emergency work opened 6/16/10 with three (3) contractors responding. Sam Hill was the low bidder in the sum of \$1,800,000. Total Contract Amount: \$1,800,000 FundingSource: Water Operating Fund	\$49,232

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ATTACHMENT
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CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO. 2864

ORDINANCE OF THE CITY OF OXNARD, CALIFORNIA, AMENDING CHAPTER 16 (ZONING) OF THE CITY CODE TO ADDRESS EMERGENCY SHELTERS, TRANSITIONAL HOUSING, SUPPORTIVE HOUSING AND FARMWORKER HOUSING PURSUANT TO SENATE BILL NO. 2.

(PZ 10-580-01).

WHEREAS, the City Council seeks to carry out the provisions of Senate Bill No. 2 and related housing element legislation ("the housing element statutes") to locate zone districts where emergency shelters, housing for low- and very low income and disabled households including farmworker housing are permitted by right; and

WHEREAS, the housing element statutes require the City's zoning regulations to permit supportive and transitional housing as residential uses subject only to restrictions applicable to other residential dwellings of the same type in the same zone; and

WHEREAS, the City has inventoried potential sites for emergency shelters and has found the most suitable locations for such facilities are in the City's "C-2," "C-M" and "M-L" zones because properties with these zoning designations are generally located near the City center, allow for these structures with minimal setbacks, consist of vacant lots and buildings with adequate space for emergency shelter operations, and are accessible to public transportation, medical and commercial services with the "M-L" zone as appropriate for permanent emergency shelters to be allowed by right; and

WHEREAS, this ordinance defines emergency shelters, supportive, transitional and farmworker housing consistent with Senate Bill No.2 and provides zones for location of these housing types; and

WHEREAS, in enacting this ordinance, the City Council seeks to preserve the residential characteristics of residential neighborhoods from the impacts of housing-related businesses while providing housing opportunities for persons considered disabled under State and federal law, and to ensure that these housing opportunities provide an environment which addresses support and/or recovery for disabled persons; and

WHEREAS, the City Council has determined that the California Environmental Quality Act (CEQA) does not apply to zone text amendment PZ 10-580-01 pursuant to Government Code 65583(a)(4)(B) and the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment, under Section 15061(b)(3); and

WHEREAS, the City Council finds that the zone text amendment PZ 10-580-01 is consistent with the 2030 General Plan and the 2006 to 2014 Housing Element; and

WHEREAS, on October 20, 2011 and June 21, 2012 the Planning Commission conducted noticed public hearings on zone text amendment PZ 10-580-01, accepted comments and recommended approval to the City Council; and

WHEREAS, the City Council conducted noticed public hearings on zone text amendment PZ 10-580-01 at which comments were accepted on July 17, 2012, September 25, 2012, and April 9, 2013.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OXNARD DOES ORDAIN AS FOLLOWS:

Part 1. Subsection (A) of section 16-10 of the City Code is hereby amended by deleting definition (19) ("BOARDINGHOUSE").

Part 2. Subsection (A) of section 16-10 of the City Code is hereby amended by adding the following definitions, which subsection shall be reordered alphabetically and renumbered accordingly:

"EMERGENCY SHELTER FOR FAMILIES – A permanent facility consisting of a building or group of buildings with overnight sleeping accommodations providing temporary housing for six months or less to homeless families with children under the age of 18, or 21 if they are full-time students or disabled, pursuant to standards set forth in Article V, Division 18. Such accommodations shall include basic supportive services such as meals, restroom, bathing and laundry facilities. No family shall be denied emergency shelter because of an inability to pay. For purposes of this definition, "disabled" means persons with special needs, including mental disabilities, developmental disabilities, AIDS, substance abuse or chronic health conditions."

"EMERGENCY SHELTER, PERMANENT – A permanent facility consisting of a building or group of buildings with overnight sleeping accommodations providing temporary housing for six months or less to homeless persons pursuant to standards set forth in Article V, Division 18. Such accommodations shall include basic supportive services such as meals, restroom, bathing and laundry facilities. No individual or household shall be denied emergency shelter because of an inability to pay."

"EMERGENCY SHELTER, TEMPORARY – A temporary facility consisting of a building or group of buildings with overnight sleeping accommodations providing housing to homeless persons for winter warming or similar short-term, temporary operation not to exceed four months within a twelve-month period. No individual or household shall be denied emergency shelter because of an inability to pay."

"FAMILY – A group of residents whose members jointly occupy a dwelling unit as a single housekeeping unit; have joint use of and responsibility for common areas; share household activities such as meals, chores, maintenance and expenses; but not including residents of commercial group living such as hotels, dormitories and fraternities."

“FARMWORKER – An employee, also known as an agricultural worker, engaged in agricultural work/farming and any practices performed on a farm in conjunction with farming including cultivating and tillage of soil, the raising of animals and the preparation of agricultural products for market and or to carriers for transportation to market.”

“FARMWORKER HOUSING – Deed-restricted housing for agricultural workers that is available to and occupied only by low and very low income farmworker households, and that is subject to standards that apply to other residential dwellings of the same type and in the same zone.”

“SUPPORTIVE HOUSING – Housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Such housing shall be considered a residential use of the property and shall be subject only to those restrictions that apply to other residential dwellings of the same type and in the same zone.”

“TRANSITIONAL HOUSING – Five or more dwelling unit(s) used as rental housing but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient. Supportive services are provided to facilitate the movement of homeless individuals and their families to permanent housing. An eligible person(s) may live in the dwelling for up to two years, pursuant to Cal. Health and Safety Code sections 50675.2(h) and 50801(i). Some units may be designated for transition in place, where person(s) may stay in the unit for more than two years. Such housing shall be considered a residential use of the property and shall be subject only to those restrictions that apply to other residential dwellings of the same type and in the same zone.”

Part 3. Subsection (B) of section 16-21 of the City Code is amended by adding the following subsections and reordering the subsections alphabetically:

“Farmworker housing;”

“Supportive housing;”

Part 4. Subsection (B)(1) of section 16-21 of the City Code is amended by deleting the following text from item (B)(1):

“ Boardinghouses are not permitted.”

Part 5. Section 16-40 of the City Code is hereby amended to read as follows:

“This zone shall provide a district of low density multi-family dwellings as well as emergency shelters for families and supportive housing pursuant to statutory requirements that maintain a residential character suitable for locations abutting single-family dwellings.”

Part 6. Section 16-42 is hereby amended by adding the following subsection and reordering the section alphabetically:

“Emergency shelters for families;”

Part 7. Section 16-55 of the City Code is hereby amended to read as follows:

“This zone shall provide a district of moderate density multiple-family dwellings as well as emergency shelters for families, transitional housing and supportive housing pursuant to statutory requirements, suitable for locations abutting commercial centers and in other locations where moderate density is warranted.”

Part 8. Section 16-56 of the City Code is hereby amended by adding the following subsection and reordering the section alphabetically:

“Transitional housing;”

Part 9 Section 16-64 of the City Code shall be deleted.

Part 10. Section 16-70 of the City Code is hereby amended to read as follows:

“This zone shall provide a district for high density, high rise multi-family dwellings, emergency shelters for families, transitional housing and supportive housing pursuant to statutory requirements, and other uses suitable for location within the city core and in other selected areas.”

Part 11. Section 16-85 of the City Code is hereby amended to read as follows:

“This zone shall provide a district for the development of mobile home parks and to permit mobile home use for single-family, farmworker housing, small, licensed residential care facilities, as well as supportive housing pursuant to statutory requirements.”

Part 12. Subsection (B) of section 16-86 of the City Code is hereby amended by adding the following subsections and reordering subsection (B) alphabetically:

“Farmworker housing;”

“Supportive housing;”

Part. 13. Subsection (A) of section 16-135 of the City Code is hereby amended by adding the following subsections and renumbering subsection (A):

“Emergency shelters for families, except that such facilities shall not be permitted in the airport hazard overlay zone;”

“Emergency shelters, temporary, except that such facilities shall not be permitted in the airport hazard overlay zone;”

Part 14. Subsection (A) of section 16-136 of the City Code is hereby amended by adding the following subsections and renumbering subsection (A):

“Emergency shelters, permanent, except that such facilities shall not be permitted in the airport hazard overlay zone;”

“Farmworker housing, except that such facilities shall not be permitted in the airport hazard overlay zone;”

“Supportive housing, except that such facilities shall not be permitted in the airport hazard overlay zone;”

“Transitional housing, except that such facilities shall not be permitted in the airport hazard overlay zone;”

Part 15. Section 16-143 of the City Code is hereby deleted.

Part 16. Subsection (I) of section 16-149 of the City Code is hereby amended to read:

“Social services (including soup kitchens, charitable food distribution centers, drug/alcohol treatment and rehab centers that serve more than six persons) and emergency shelters;”

Part 17. Subsection (F) of section 16-149 of the City Code is hereby deleted and the section is reordered alphabetically.

Part 18. Section 16-160 of the City Code is hereby amended to read as follows:

“The purpose of this division is to provide a zone for selected commercial retail sales and services, for light manufacturing, including warehousing, distributing, storage and wholesale activities, with development standards suitable for commercial and industrial districts, as well as permanent and temporary emergency shelters and emergency shelters for families, supportive and transitional housing and farmworker housing pursuant to statutory requirements.”

Part 19. Subsection (B) of section 16-162 of the City Code is hereby amended by adding the following subsections and reordering subsection (B) alphabetically:

“Emergency shelters for families;”

“Emergency shelters, temporary;”

Part 20. Section 16-163 of the City Code is hereby amended by adding the following subsections and reordering the section alphabetically:

“Emergency shelters, permanent;”

“Farmworker housing;”

“Supportive housing;”

“Transitional housing;”

Part 21. Subsection (A) of section 16-164 of the City Code is hereby amended to read as follows:

“(A) Residential uses, except as permitted in sections 16-162 and 16-163. Existing residential uses shall be considered to be nonconforming uses;”

Part 22. Subsection (A) of section 16-185 of the City Code is hereby amended to read as follows:

“(A) The M-L Limited Manufacturing zone is intended to provide areas suitable for adult businesses, permanent and temporary emergency shelters and emergency shelters for families to provide housing pursuant to statutory requirements, and for the development and protection of restricted manufacturing uses and activities involving a high level of performance and site development. Uses may include adult businesses, unobtrusive administrative, wholesaling, warehousing and manufacturing activities and scientific research offices and laboratories, including certain accessory facilities necessary to serve the employees of such uses located in the zone. The development and performance standards of this division will enhance views from major transportation routes and assure a high-quality environment compatible with surrounding and abutting residential zones.”

Part 23. Subsection (B) of section 16-188 of the City Code is hereby amended by adding the following subsection after subsection (B)(3) and reordering the subsection numerically:

“Emergency shelters, permanent and temporary, and emergency shelters for families, except that no special use permit otherwise required by section 16-186 shall be required for such emergency shelter uses;”

Part 24. Section 16-245 of the City Code is hereby amended by deleting subsection (BB) and reordering the subsequent subsections alphabetically.

Part 25. Subsection (Q) of Section 16-257 of the City Code is hereby amended to read as follows:

“Farmworker housing;”

Part 26. Division 18 of Article V of Chapter 16 of the City Code is hereby adopted to read as follows:

“DIVISION 18. EMERGENCY SHELTERS”

“SEC. 16-504. EMERGENCY SHELTER DEVELOPMENT AND OPERATION STANDARDS.

(A) Permanent emergency shelters and emergency shelters for families shall meet the following standards:

- (1) No shelter patron shall be re-admitted to the same emergency shelter within five days of being discharged after a stay of six months.
- (2) If site characteristics permit, an enclosed or screened waiting area shall be provided between the on-site intake area for shelter patrons and the public right-of-way in order to prevent queuing within any public right-of-way.
- (3) Each shelter shall establish hours of operation for patron intake and discharge, patron rules of conduct and procedures for notifying patrons of such hours and rules of conduct.
- (4) On-site manager/shelter personnel shall be provided during all hours of operation when patrons are present. A designated area for on-site personnel shall be located near the main entry to the shelter for the purpose of controlling admittance and providing security.
- (5) The emergency shelter operator shall conduct a background check on all prospective patrons using Megan’s Law database and restrict patron intake in accordance with State and local registered sex offender residency restrictions.
- (6) Patrons shall not possess or consume alcoholic beverages or illegal drugs while in the shelter, nor shall the possess weapons of any kind while in the shelter.
- (7) Space shall be allocated for each patron consisting of a bed and storage area.
- (8) At least two toilets, one shower and one sink shall be provided for every twenty patrons.
- (9) A shelter shall be limited to serving no more than the number of patrons allowed by fire or building code occupancy.
- (10) Off-street parking shall be provided for the on-site manager.
- (11) Each emergency shelter shall be equipped with exterior security lighting in accordance with section 16-320 of the zone code. Lighting shall be shielded from all adjacent residential areas.

(12) The emergency shelter operator shall maintain an on-site security plan and emergency preparedness plan.

(13) All items stored outdoors shall be screened from the view of all public rights-of-way.

(14) Should an emergency shelter be proposed within 300 feet of a school, the Development Services Director or designee may request that the developer/sponsor coordinate with the school district to address potential concerns.”

Part 27. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Part 28. Pursuant to Government Code Section 36933(c)(1), the City Attorney was designated to prepare, and the City Clerk published, a summary of this ordinance, and a certified copy of the ordinance was posted in the Office of the City Clerk a minimum of five days before the City Council’s adoption of the ordinance.

Part 29. The City Clerk shall certify as to the adoption of this ordinance and shall cause the summary thereof to be published within fifteen calendar (15) days of the adoption and shall post a certified copy of this ordinance, including the vote for and against the same, in the office of the City Clerk, in accordance with Government Code Section 36933. Ordinance No. 2864 was first read on April 9, 2013, and finally adopted on _____, 2013, to become effective thirty days thereafter.

AYES:

NOES:

ABSTAIN:

ABSENT:

Tim Flynn, Mayor

ATTEST:

APPROVED AS TO FORM:

Daniel Martinez, City Clerk

Alan Holmberg, City Attorney



Meeting Date: 4/23/2013

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

Prepared By: Cynthia Daniels *CD*Agenda Item No. **I-5**Reviewed By: City Manager *gpb*City Attorney *BT*Finance *OK*Other *Winegar* *IKW***DATE:** April 10, 2013**TO:** City Council**FROM:** Cynthia Daniels, Project Manager
Development Services Department *Cynthia Daniels***SUBJECT:** Request for Annexation to and Consent for Parcel Charge or Standby Charge from Calleguas Municipal Water District (Calleguas) and Metropolitan Water District of Southern California (MWD)**RECOMMENDATION**

That City Council adopt a resolution authorizing the Mayor to execute a landowner's request to annex to Calleguas and MWD, and consent for a parcel charge or standby charge for future water use for city-owned property not dedicated as public streets at Ventura Boulevard east of Santa Clara Avenue, Auto Center Drive west of Santa Clara Avenue, and Santa Clara Avenue north of Auto Center Drive.

DISCUSSION

Starting in 2002, the City acquired the property to realign Ventura Boulevard, and widen Santa Clara Avenue and Auto Center Drive for the Rice Avenue/Santa Clara Avenue interchange improvements at the 101 Ventura Freeway. The City Council approved the application for an annexation of this area on February 5, 2013 in Resolution No. 14,297. The City Council subsequently dedicated Ventura Boulevard, Auto Center Drive, and Santa Clara Avenue as public streets. The Ventura Boulevard street dedication created several small parcels of city-owned land. Two of these parcels would be subject to a small parcel charge or water standby charge from Calleguas and MWD for future water use. The board of directors in each district sets the rates. The amount of land affected by the charges is 0.72 acres. The estimated annual charge is \$17 per parcel, a total of \$34. Calleguas Resolution No. 1712 exempts from its water standby charges any property owned by a local government. The city staff could file a request for exemption from the \$5 per parcel water standby charge if the annexation is approved. Calleguas reports that the Ventura County Assessor's Office is unlikely to issue a tax bill to the city for the charges as long as the property is in city ownership. Calleguas and MWD do not collect the charges directly from the property owners.

FINANCIAL IMPACT

The action may increase the property taxes for two city-owned parcels by \$34 per year unless the exemption from Calleguas is approved. With the exemption, the total cost increase would be \$24 per

Calleguas/MWD Consent for Charges
April 10, 2013
Page 2

year. The property taxes are paid from the project budget until the project is completed, and then the property taxes are paid from the general fund. Staff would request cancelation of all property taxes on city-owned land annexed to the city.

CD

Attachment #1 - City Council Resolution
#2 - Assessor's Parcel Maps for Santa Clara Ave., Auto Center Drive, and Ventura Blvd.

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD AUTHORIZING THE MAYOR TO SIGN THE LANDOWNER'S REQUEST TO ANNEX AND APPROVAL OF PARCEL CHARGE TO CALLEGUAS MUNICIPAL WATER DISTRICT (CALLEGUAS) AND METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA (MWD)

WHEREAS, City Council Resolution No. 14,297 proposed the reorganization of boundaries for city-owned property at Ventura Boulevard, Auto Center Drive, and Santa Clara Avenue acquired for the Rice Avenue/Santa Clara Avenue interchange improvements at U.S. Highway 101; and

WHEREAS, Calleguas and MWD require the landowner's written consent to annexation and approval of parcel charges or stand by charges for future water use; and

WHEREAS, the City Council has dedicated Ventura Boulevard, Auto Center Drive, and a portion of the parcel at Santa Clara Avenue for public right of way and public utility purposes.

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

1. The City Council requests the annexation of properties identified in Resolution 14,297 to Calleguas and MWD.
2. The City Council hereby authorizes the Mayor to sign the Landowner's Request to Annex and Approval of Parcel Charge attached hereto as Exhibit A.
3. The City Council authorizes the city manager, or designee, to execute documents required to file the application for annexation to Calleguas and MWD.

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

AYES:

NOES:

ABSENT:

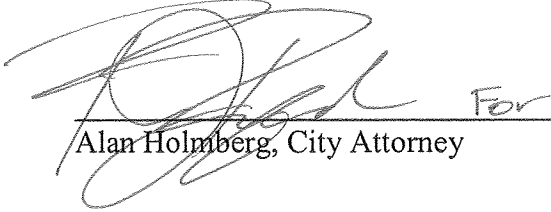
ABSTAIN:

Tim Flynn, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:

 For

Alan Holmberg, City Attorney

EXHIBIT A

**RECORDING REQUESTED BY AND
WHEN RECORDED, RETURN TO:**

Calleguas Municipal Water District
2100 Olsen Road
Thousand Oaks, CA 91360-6800

This space for Recorder's use only.

**LANDOWNER'S REQUEST TO ANNEX
AND APPROVAL OF PARCEL CHARGE**

APN: 144-0-150-015, 149-0-091-08, 149-0-091-28, 149-0-100-35, 149-0-100-43, 149-0-100-47,
149-0-100-49, 149-0-100-51 por.

The City of Oxnard, a municipal corporation, (City), owns the land particularly described in Exhibit "A," attached. The City specifically requests annexation of this property to Calleguas Municipal Water District and The Metropolitan Water District of Southern California pursuant to the terms and conditions to be set by the respective Districts and the Ventura County Local Agency Formation Commission. The majority of the land in question has been dedicated to public right-of-way and will remain so. Future use of remainder parcels is unknown.

The City acknowledges the fact that Calleguas Municipal Water District and The Metropolitan Water District of Southern California have in place a Standby Charge or Parcel Charge levied pursuant to the California Government Code. The City gives its consent to the District to levy Standby Charges on those portions of the annexed lands that are not dedicated to public streets at the rates and formulae adopted for Fiscal year 2012-2013 and any subsequent years in which either or both Boards of Directors may vote to approve and adopt said Standby Charges. Furthermore, this consent shall remain as a covenant with the land annexed into the Districts and recorded as such in the appropriate form and manner.

PROPERTY OWNER:

THE CITY OF OXNARD

Tim Flynn, Mayor

Date: _____

ATTEST:

Daniel Martinez, City Clerk

ACKNOWLEDGMENT

State of California
County of _____)

On _____ before me, _____
(insert name and title of the officer)

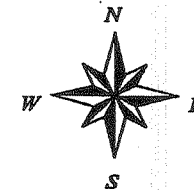
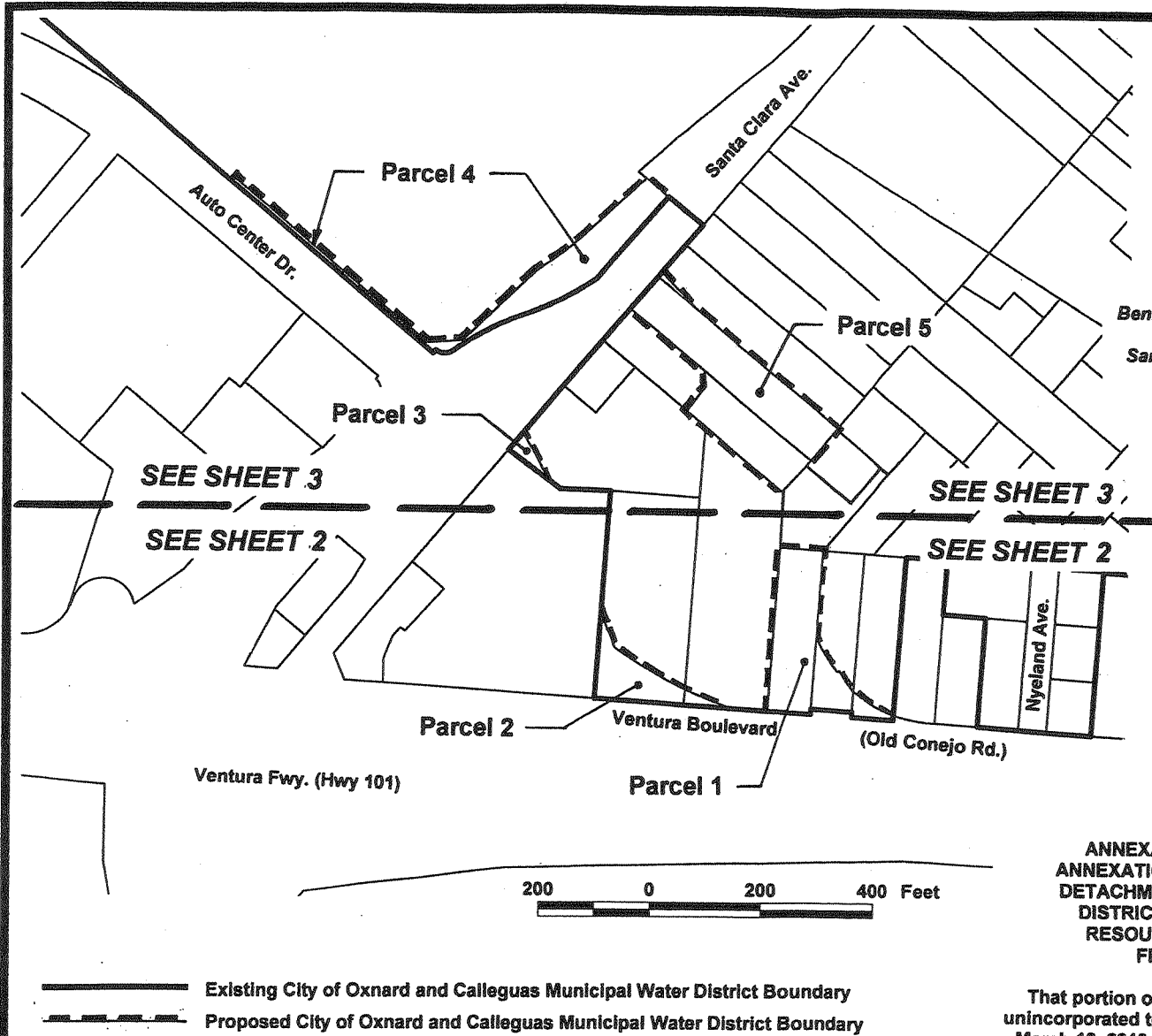
personally appeared _____,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on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

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

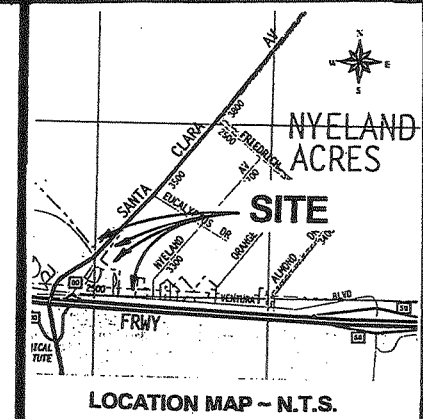
WITNESS my hand and official seal.

Signature _____ (Seal)

EXHIBIT A



Prepared By
Benner & Carpenter, Inc.
506 E. Main St.
Santa Paula, CA 93060
(805) 525-3396



Larry J. Frager
Larry J. Frager P.L.S. 7998

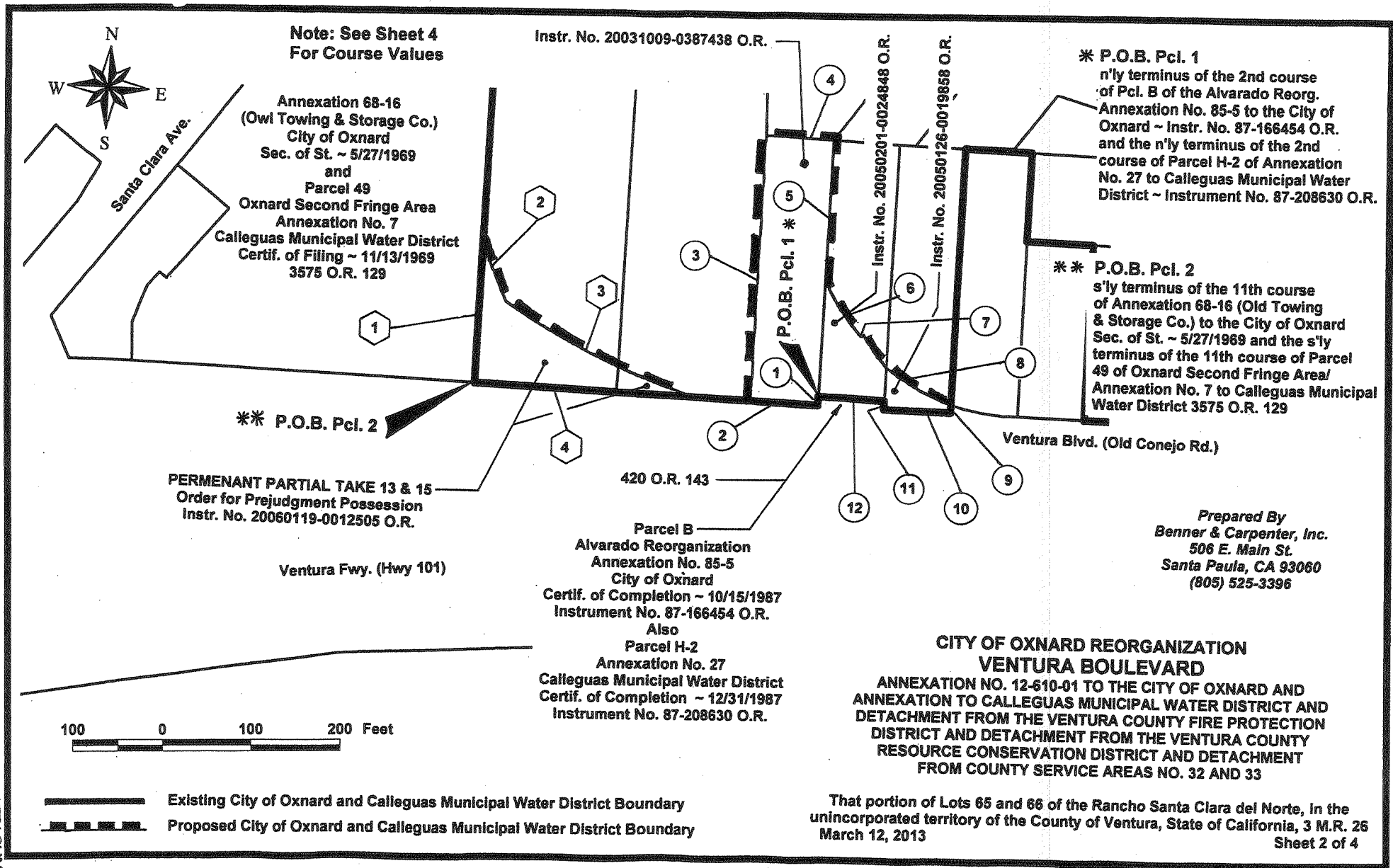
3/28/13
Date

CITY OF OXNARD REORGANIZATION VENTURA BOULEVARD

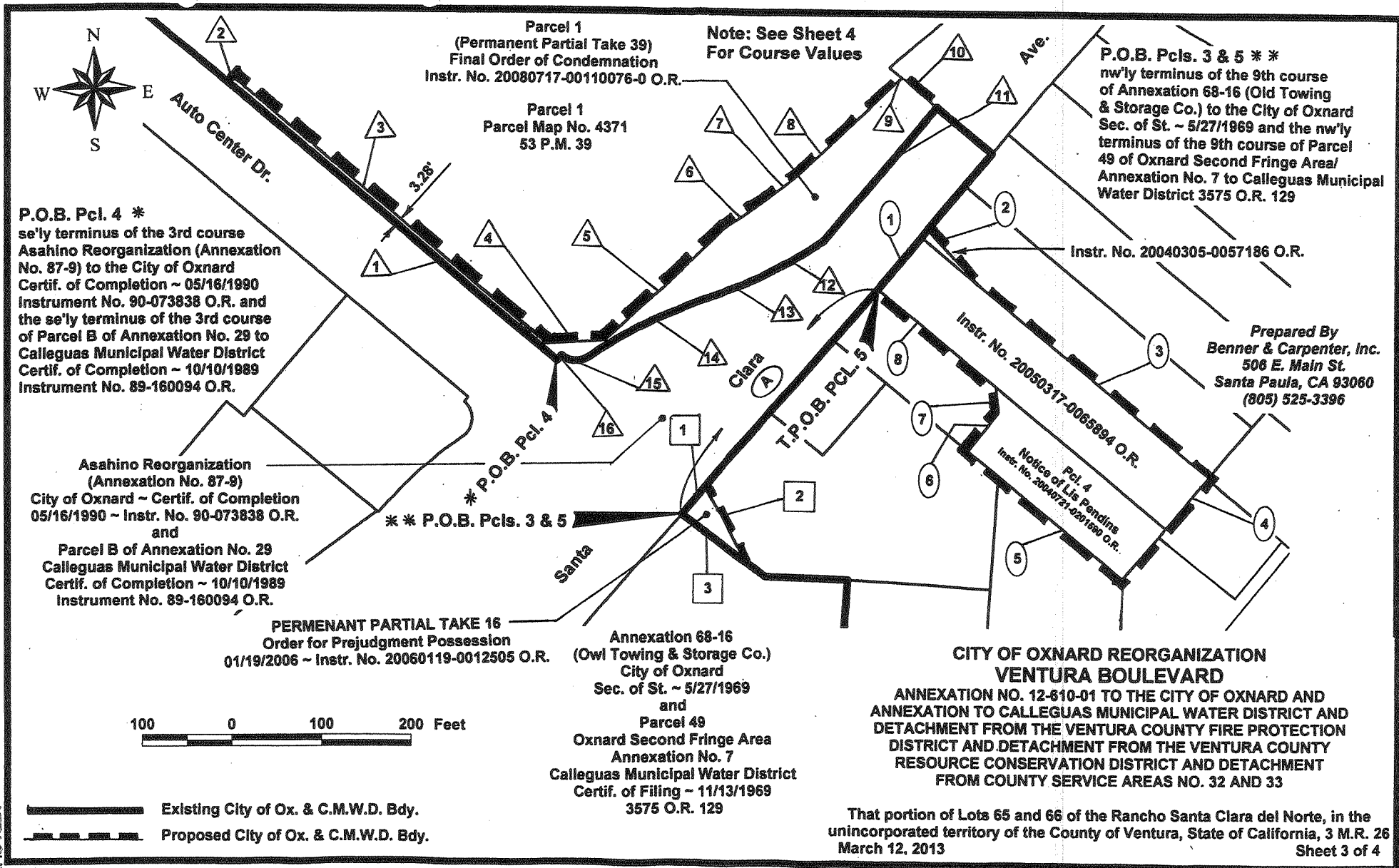
ANNEXATION NO. 12-610-01 TO THE CITY OF OXNARD AND
ANNEXATION TO CALLEGUAS MUNICIPAL WATER DISTRICT AND
DETACHMENT FROM THE VENTURA COUNTY FIRE PROTECTION
DISTRICT AND DETACHMENT FROM THE VENTURA COUNTY
RESOURCE CONSERVATION DISTRICT AND DETACHMENT
FROM COUNTY SERVICE AREAS NO. 32 AND 33

That portion of Lots 65 and 66 of the Rancho Santa Clara del Norte, in the
unincorporated territory of the County of Ventura, State of California, 3 M.R. 26
March 12, 2013
Sheet 1 of 4

FOR ASSESSMENT PURPOSES ONLY. THIS MAP IS NOT A MAP AS DEFINED IN THE SUBDIVISION MAP
ACT AND MAY NOT BE USED AS THE BASIS FOR AN OFFER FOR SALE OF THE LAND SHOWN.



FOR ASSESSMENT PURPOSES ONLY. THIS MAP IS NOT A MAP AS DEFINED IN THE SUBDIVISION
MAP ACT AND MAY NOT BE USED FOR AN OFFER FOR SALE OF THE LAND SHOWN ON THE MAP



FOR ASSESSMENT PURPOSES ONLY. THIS MAP IS NOT A MAP AS DEFINED IN THE SUBDIVISION
MAP ACT AND MAY NOT BE USED FOR AN OFFER FOR SALE OF THE LAND SHOWN ON THE MAP

PARCEL 1

13th: S 4°03'58" W 10.00'
 14th: N 85°56'02" W 75.00'
 15th: N 4°03'58" E 300.00'
 16th: S 85°56'02" E 75.00'
 17th: S 4°03'58" W 169.58'
 18th: R = 241.47'; L = 73.83'; D = 17°31'03";
 Radial Bearing = S 87°45'03" W
 19th: N 50°14'02" E 4.00'
 20th: R = 237.47'; L = 124.00'; D = 29°55'07";
 Radial Bearing = S 50°14'02" W
 21st: S 4°03'58" W 9.48'
 22nd: N 85°56'02" W 75.00'
 23rd: N 4°03'58" E 10.00'
 24th: N 85°56'02" W 75.00'

0.68 Gross Acres

-0.44 Road Acres

0.24 Net Acres

PARCEL 2

1st: N 4°03'58" E 155.95'
 2nd: S 21°03'40" E 68.03'
 3rd: Radius = 830.05'; L = 233.64'; D = 16°07'40";
 Radial Bearing = S 36°02'04" W
 4th: N 85°56'02" W 241.79'

0.28 Gross Acres

-0.28 Road Acres

0.00 Net Acres

PARCEL 3

1st: N 40°14'47" E 39.60'
 2nd: Radius = 661.74'; L = 94.64'; D = 8°11'38";
 Radial Bearing = N 65°31'35" E
 3rd: N 53°16'43" W 88.33'

0.04 Gross Acres

-0.04 Road Acres

0.00 Net Acres

PARCEL 4

1st: N 49°45'58" W 477.05'
 2nd: N 40°14'02" E 3.28'
 3rd: S 49°45'58" E 442.91'
 4th: N 87°11'55" E 70.43'
 5th: N 46°48'37" E 180.45'
 6th: N 55°20'28" E 59.71'
 7th: N 51°05'58" E 39.48'
 8th: N 46°48'37" E 149.54'
 9th: N 46°46'10" E 9.93'
 10th: S 49°45'17" E 56.88'
 11th: S 40°14'47" W 194.09'
 12th: Radius = 509.00'; L = 140.87'; D = 15°51'24";
 Radial Bearing = S 34°53'42" E
 13th: S 70°57'42" W 0.25'
 14th: Radius = 540.00'; L = 148.23'; D = 15°43'40"
 15th: Radius = 25.00'; L = 32.73'; D = 75°00'00"
 16th: S 40°14'02" W 7.00'

0.67 Gross Acres

-0.67 Road Acres

0.00 Net Acres

PARCEL 5

P.O.B.

A: N 40°14'47" E 333.67

T.P.O.B.

9th: N 40°14'47" E 85.03'
 10th: S 43°11'23" E 87.75 feet
 11th: S 49°45'13" E 330.45 feet
 12th: S 40°14'47" W 150.00 feet
 13th: N 49°45'13" W 227.34 feet
 14th: N 40°14'47" E 55.77 feet
 15th: N 6°27'33" W 28.04 feet
 16th: N 49°45'13" W 169.88'

1.13 Gross Acres

-0.65 Road Acres

0.48 Net Acres

Gross Acres Rd. Acres

Pcl. 1	0.68 Ac	0.44 Ac
Pcl. 2	0.28 Ac	0.28 Ac
Pcl. 3	0.04 Ac	0.04 Ac
Pcl. 4	0.67 Ac	0.67 Ac
Pcl. 5	+1.13 Ac	+0.65 Ac
Total	2.80 Ac	2.08 Ac

2.80 Ac - Gross Acres

-2.08 Ac - Road Acres

0.72 Ac - Net Acres

Prepared By
 Benner & Carpenter, Inc.
 506 E. Main St.
 Santa Paula, CA 93060
 (805) 525-3396

Course Values for Sheets 2 & 3**CITY OF OXNARD REORGANIZATION
VENTURA BOULEVARD**

ANNEXATION NO. 12-610-01 TO THE CITY OF OXNARD AND
 ANNEXATION TO CALLEGUAS MUNICIPAL WATER DISTRICT AND
 DETACHMENT FROM THE VENTURA COUNTY FIRE PROTECTION
 DISTRICT AND DETACHMENT FROM THE VENTURA COUNTY
 RESOURCE CONSERVATION DISTRICT AND DETACHMENT
 FROM COUNTY SERVICE AREAS NO. 32 AND 33

That portion of Lots 65 and 66 of the Rancho Santa Clara del Norte, in the
 unincorporated territory of the County of Ventura, State of California, 3 M.R. 26
 March 12, 2013
 Sheet 4 of 4

FOR ASSESSMENT PURPOSES ONLY. THIS MAP IS NOT A MAP AS DEFINED IN THE SUBDIVISION
 MAP ACT AND MAY NOT BE USED FOR AN OFFER FOR SALE OF THE LAND SHOWN ON THE MAP

**CITY OF OXNARD REORGANIZATION
VENTURA BOULEVARD
ANNEXATION NO. PZ 12-610-01 TO THE CITY OF OXNARD AND
ANNEXATION TO CALLEGUAS MUNICIPAL WATER DISTRICT AND
DETACHMENT FROM THE VENTURA COUNTY FIRE PROTECTION
DISTRICT AND DETACHMENT FROM THE VENTURA COUNTY
RESOURCE CONSERVATION DISTRICT AND DETACHMENT
FROM COUNTY SERVICE AREAS NO. 32 AND NO. 33**

PARCEL 1

That portion of Lot 65 of the Rancho Santa Clara del Norte, in the unincorporated territory of the County of Ventura, State of California, as shown on the map recorded in Book 3, Page 26 of Miscellaneous Records (Maps) in the office of the County Recorder of Ventura County, State of California, described as follows:

Beginning at the northwesterly corner of the parcel of land described in the Deed recorded on August 16, 1934, in Book 420, Page 143 of Official Records, in the office of the County Recorder of said County, said corner also being the northerly terminus of the 2nd course of Parcel B of the Alvarado Reorganization, Annexation No. 85-5 to the City of Oxnard, as shown and described in the Certificate of Completion recorded on October 15, 1987 as Instrument No. 87-166454 of said Official Records, said corner also being the northerly terminus of the 2nd course of Parcel H-2 of Annexation No. 27 to Calleguas Municipal Water District as shown and described in the Certificate of Completion recorded on December 31, 1987 as Instrument No. 87-208630 of said Official Records, said northerly terminus also being in the northerly line of Ventura Boulevard (Old Conejo Road); thence, along the west line of said Deed and along the existing City of Oxnard and Calleguas Municipal Water District Boundary and said northerly line by the following two courses:

- 1st: South 4°03'58" West 10.00 feet; thence,
- 2nd: North 85°56'02" West 75.00 feet to the southwesterly corner of the parcel of land described in the Grant Deed recorded October 9, 2003, as Instrument No.

20031009-0387438 of said Official Records; thence, along the boundary of said parcel of land of said Grant Deed by the following three courses:

3rd: North 4°03'58" East 300.00 feet; thence,

4th: South 85°56'02" East 75.00 feet; thence,

5th: South 4°03'58" West 169.58 feet to the most northerly corner of the parcel of land described in the Grant Deed recorded February 1, 2005, as Instrument No.

20050201-0024848 of said Official Records, said northerly corner being the beginning of a non-tangent curve, concave northeasterly, having a radius of 241.47 feet (73.600 meters) and radial bearing to said curve that bears South 67°45'03" West; thence, along the boundary of said parcel of land by the following three courses:

6th: Southeasterly along said curve an arc distance of 73.83 feet (22.503 meters) through a central angle of 17°31'01" to the intersection with a line, radial to said curve and having a bearing of South 50°14'02" West; thence along said radial line,

7th: North 50°14'02" East 4.00 feet (1.22 meters) to the beginning of a non-tangent curve, concave northeasterly and having a radius of 237.47 feet (72.380 meters) and radial bearing to said curve that bears South 50°14'02" West; thence, along said curve continuing along the boundary of said parcel of land described in said Grant Deed recorded February 1, 2005, as Instrument No. 20050201-0024848 of said Official Records, to and along the northeasterly boundary of the parcel of land described in the Grant Deed recorded January 26, 2005, as Instrument No. 20050126-0019858 of said Official Records,

8th: Southeasterly along said curve an arc distance of 124.00 feet (37.796 meters) through a central angle of 29°55'07" to the intersection with the easterly line of said parcel of land described in said Grant Deed recorded January 26, 2005, as Instrument No. 20050126-0019858 of said Official Records, said easterly line also being the existing boundary of said City of Oxnard and Calleguas Municipal Water District; thence, along the boundary of said parcel of land by the following three courses and along said city and district boundary by the following four courses:

9th: South 4°03'58" West 9.48 feet (2.891 meters) to the intersection with said northerly line of said Ventura Boulevard (Old Conejo Road); thence, along said northerly line by the following three courses:

10th: North 85°56'02" West 75.00 feet to the southeasterly corner of said parcel of land described in said Deed recorded August 16, 1934, in Book 420, Page 143 of said Official Records; thence, along the boundary of said Deed by the following two courses:

11th: North 4°03'58" East 10.00 feet; thence,

12th: North 85°56'02" West 75.00 feet to the Point of Beginning and containing 0.68 acres.

0.68 Gross Acres - 0.44 Road Acres = 0.24 Net Acres

PARCEL 2

That portion of Lot 65 of the Rancho Santa Clara del Norte, in the unincorporated territory of the County of Ventura, State of California, as shown on the map recorded in Book 3, Page 26 of Miscellaneous Records (Maps) in the office of the County Recorder of Ventura County, State of California, described as follows:

Beginning at a point in the northerly line Ventura Boulevard (Old Conejo Road), said point being the southwesterly corner of the parcel entitled "*PORTION OF ASSESSOR'S PARCEL NO. 149-0-100-125, PERMENANT PARTIAL TAKE 15*" in the Order for Prejudgment Possession recorded January 19, 2006, as Instrument No. 20060119-0012505 of Official Records, in the office of the County Recorder of Ventura County, said southwesterly corner also being the southerly terminus of the 11th course of Annexation 68-16 (Owl Towing & Storage Company) to the City of Oxnard as filed with the Secretary of State on May 27, 1969, said southwesterly corner also being the southerly terminus of the 11th course of Parcel 49 of Oxnard Second Fringe Area/Annexation No. 7 to Calleguas Municipal Water District as shown and described in

the Certificate of Filing recorded on November 13, 1969 in Book 3575, Page 129 of said Official Records; thence, along said city and district boundary by the following course and along the boundary of said "PORTION OF ASSESSOR'S PARCEL NO. 149-0-100-125, PERMENANT PARTIAL TAKE 15" to and along the boundary of the parcel entitled "PORTION OF ASSESSOR'S PARCEL NO. 149-0-100-115, PERMENANT PARTIAL TAKE 13" in said Order for Prejudgment Possession by the following four courses:

- 1st: North 4°03'58" East 155.95 feet (47.535 meters); thence,
- 2nd: South 21°03'40" East 68.03 feet (20.735 meters) to the beginning of a non tangent curve concave to the northeasterly, having a Radius of 830.05 feet (253 meters) and a radial bearing to said beginning of curve that bears South 36°02'04" West, thence, along said curve,
- 3rd: Southeasterly along said curve an arc distance of 233.64 feet (71.215 meters) through a central angle of 16°07'40" to the northerly line said Ventura Boulevard (Old Conejo Road), said northerly line also being the existing boundary of said City of Oxnard and Calleguas Municipal Water District; thence, along said northerly line and said existing city and district boundary,
- 4th: North 85°56'02" West 241.79 feet (73.697 meters) to the Point of Beginning and containing 0.28 acre.

0.28 Gross Acres - 0.28 Road Acres = 0.00 Net Acres

PARCEL 3

That portion of Lot 65 of the Rancho Santa Clara del Norte, in the unincorporated territory of the County of Ventura, State of California, as shown on the map recorded in Book 3, Page 26 of Miscellaneous Records (Maps) in the office of the County Recorder of Ventura County, State of California, described as follows:

Beginning at the most westerly corner of the parcel entitled "*PORTION OF ASSESSOR'S PARCEL NO. 149-0-100-155, PERMENANT PARTIAL TAKE 16*" in the Order for Prejudgment Possession recorded January 19, 2006, as Instrument No. 20060119-0012505 of Official Records in the office of County Recorder of Ventura County, said westerly corner also being the northwesterly terminus of the 9th course of Annexation 68-16 (Owl Towing & Storage Company) to the City of Oxnard as filed with the Secretary of State of California on May 27, 1969, said westerly corner also being the northwesterly terminus of the 9th course of Parcel 49 of Oxnard Second Fringe Area/Annexation No. 7 to Calleguas Municipal Water District as shown and described in the Certificate of Filing recorded on November 13, 1969 in Book 3575, Page 129 of said Official Records; thence, along the existing boundary of said City of Oxnard and Calleguas Municipal Water District by the following course and along the boundary of said parcel titled "*PORTION OF ASSESSOR'S PARCEL NO. 149-0-100-155, PERMENANT PARTIAL TAKE 16*" by the following three courses:

- 1st: North 40°14'47" East 39.60 feet (12.070 meters) to the beginning of a non tangent curve concave southwesterly, having a radius of 661.74 feet (201.700 meters) and having a radial bearing that bears North 65°31'35 East; thence, along said curve,
- 2nd: Southeasterly an arc distance of 94.64 feet (28.846 meters) through a central angle of 8°11'38" to a point in the existing boundary of said City of Oxnard and Calleguas Municipal Water District; thence, along said city and district boundary,
- 3rd: North 53°16'43" West 88.33 feet (26.924 meters) to the Point of Beginning and containing 0.04 acre.

0.04 Gross Acres - 0.04 Road Acres = 0.00 Net Acres

PARCEL 4

That portion of Parcel 1 of Parcel Map No. 4371, a portion of Lot 66 of the Rancho Santa Clara del Norte, in the unincorporated territory of the County of Ventura, State of California, as shown on the map recorded in Book 53, Page 39 of Parcel Maps, in the office of the County Recorder of Ventura County, State of California, described as follows:

Beginning at the most southerly corner of said Parcel 1 of Parcel Map No. 4371, said southerly corner also being the southeasterly terminus of the 3rd course of the Asahino Reorganization (Annexation No. 87-9) to the City of Oxnard as described and shown on the Certificate of Completion recorded May 16, 1990, as Instrument No. 90-073838 of Official Records in the office of the said County Recorder, said southerly corner also being the southeasterly terminus of the 3rd course of Parcel B of Annexation No. 29 to Calleguas Municipal Water District as shown and described in the Certificate of Completion recorded October 10, 1989 as Instrument No. 89-160094 of said Official Records, the southwesterly line of said Parcel 1 and said third course also being the existing boundary of said City of Oxnard and Calleguas Municipal Water District; thence, along said city and district boundary along said southwesterly line of said Parcel 1 and said third course,

1st: North 49°45'58" West 477.05 feet (145.407 meters) to the most westerly corner of Parcel 1 (Permanent Partial Take 39) of the Final Order of Condemnation (Assessor's Parcel No. 144-0-150-015) recorded July 17, 2008 as Instrument No. 20080717-00110076-0 of said Official Records; thence, leaving said city and district boundary along the boundary of said Parcel 1 (Permanent Partial Take 39) by the following eight courses:

2nd: North 40°14'02" East 3.28 feet (1.000 meters) to the intersection with a line, parallel with and 3.28 feet (1.000 meters) northeasterly of, measured at right angles, said northeasterly line of Auto Center Drive; thence, along said parallel line,

- 3rd: South 49°45'58" East 442.91 feet (135.000 meters); thence,
4th: North 87°11'55" East 70.43 feet (21.467 meters); thence,
5th: North 46°48'37" East 180.45 feet (55.000 meters); thence,
6th: North 55°20'28" East 59.71 feet (18.201 meters); thence,
7th: North 51°05'58" East 39.48 feet (12.034 meters); thence,
8th: North 46°48'37" East 149.54 feet (45.578 meters); thence,
9th: North 46°46'10" East 9.93 feet (3.027 meters); thence,
10th: South 49°45'17" East 56.88 feet to the northeasterly terminus of the line described in the eighteenth course of said Parcel 1 (Permanent Partial Take 39) said terminus also being the existing boundary of said City of Oxnard and Calleguas Municipal Water District; thence, along the boundary of said Parcel 1 (Permanent Partial Take 39) and said existing city and district boundary by the following six courses:
11th: South 40°14'47" West 194.09 feet (59.159 meters) to the beginning of a non-tangent curve, concave northwesterly and having a radius of 509.00 feet (155.144 meters), a radial to said beginning of curve bears South 34°53'42" East; thence,
12th: Southwesterly along said curve an arc distance of 140.87 feet (42.936 meters) through a central angle of 15°51'24"; thence, tangent to said curve,
13th: South 70°57'42" West 0.25 feet (0.076 meters) to the beginning of a tangent curve, concave southeasterly and having a radius of 540.00 feet (164.592 meters); thence,
14th: Southwesterly along said curve an arc distance of 148.23 feet (45.181 meters) through a central angle of 15°43'40" to the beginning of a tangent reverse curve, concave northerly and having a radius of 25.00 feet (7.620 meters); thence,
15th: Southwesterly along said curve an arc distance of 32.73 feet (9.975 meters) through a central angle of 75°00'00" to the intersection with a line, radial to said curve and passing through the point of beginning of this description; thence, along said radial line,
16th: South 40°14'02" West 7.00 feet (2.134 meters) to the point of beginning and containing 0.67 acre.

0.67 Gross Acres - 0.67 Road Acres = 0.00 Net Acres

PARCEL 5

That portion of Lot 65 of the Rancho Santa Clara del Norte, in the unincorporated territory of the County of Ventura, State of California, as shown on the map recorded in Book 3, Page 26 of Miscellaneous Records (Maps) in the office of the County Recorder of Ventura County, State of California, described as follows:

Beginning at a point in the southeasterly line of Santa Clara Avenue, said point also being the northwesterly terminus of the 9th course of Annexation 68-16 (Owl Towing & Storage Company) to the City of Oxnard as filed with the Secretary of State of California on May 27, 1969, said point also being the northwesterly terminus of the 9th course of Parcel 49 of Oxnard Second Fringe Area/Annexation No. 7 to Calleguas Municipal Water District as shown and described in the Certificate of Filing recorded on November 13, 1969 in Book 3575, Page 129 of said Official Records; thence, North 40°14'47" East 333.67 feet along said southeasterly line of said Santa Clara Avenue and the existing boundary of said City of Oxnard and Calleguas Municipal Water District to the most westerly corner of the parcel of land described in the Grant Deed recorded March 17, 2005, as Instrument No. 20050317-0065894 of said Official Records, said corner being the True Point of Beginning; thence, continuing along said southeasterly line of said Santa Clara Avenue and the existing boundary of said City of Oxnard and Calleguas Municipal Water District by the following course and the northwesterly line of said Grant Deed,

- 1st: North 40°14'47" East 85.03 feet to the intersection with the northeasterly line of the parcel of land described in the Grant Deed recorded March 05, 2004, as Instrument No. 20040305-0057186 of said Official Records; thence, leaving said city and district boundary along said northeasterly line,
- 2nd: South 43°11'23" East 87.75 feet to the intersection with the northeasterly line of said parcel of land described in said Grant Deed recorded March 17, 2005, as

Instrument No. 20050317-0065894 of said Official Records; thence, along said northeasterly line,

3rd: South 49°45'13" East 330.45 feet to the most easterly corner said parcel of land described in said Grant Deed recorded March 17, 2005, as Instrument No. 20050317-0065894 of said Official Records; thence, along the southeasterly line of said parcel to and along the southeasterly line of Parcel 4 described in the Notice of Lis Pendens recorded July 21, 2004, as Instrument No. 20040721-0201590 of said Official Records,

4th: South 40°14'47" West 150.00 feet to the most southerly corner said Parcel 4 of said Notice of Lis Pendens recorded July 21, 2004, as Instrument No. 20040721-0201590 of said Official Records; thence, along the boundary of said Parcel 4 by the following three courses:

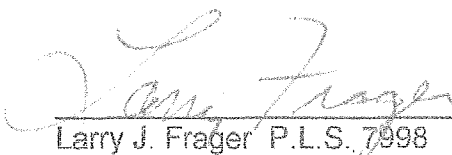
5th: North 49°45'13" West 227.34 feet (69.292 meters); thence,

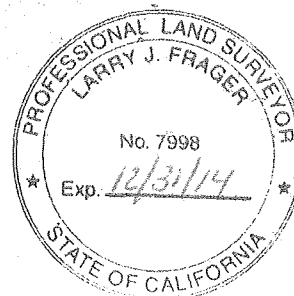
6th: North 40°14'47" East 55.77 feet (17.000 meters); thence,

7th: North 6°27'33" West 28.04 feet (8.546 meters) to the southwesterly line of the said parcel of land described in said Grant Deed recorded March 17, 2005, as Instrument No. 20050317-0065894 of said Official Records; thence, along said southwesterly line,

8th: North 49°45'13" West 169.88 feet to the True Point of Beginning and containing 1.125 acres.

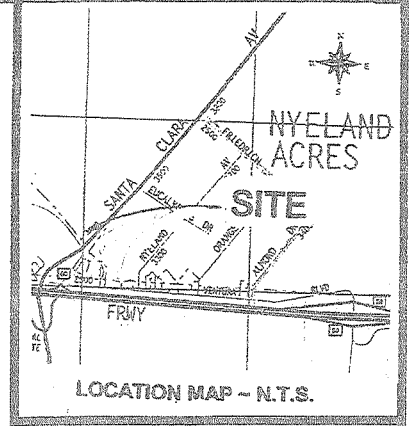
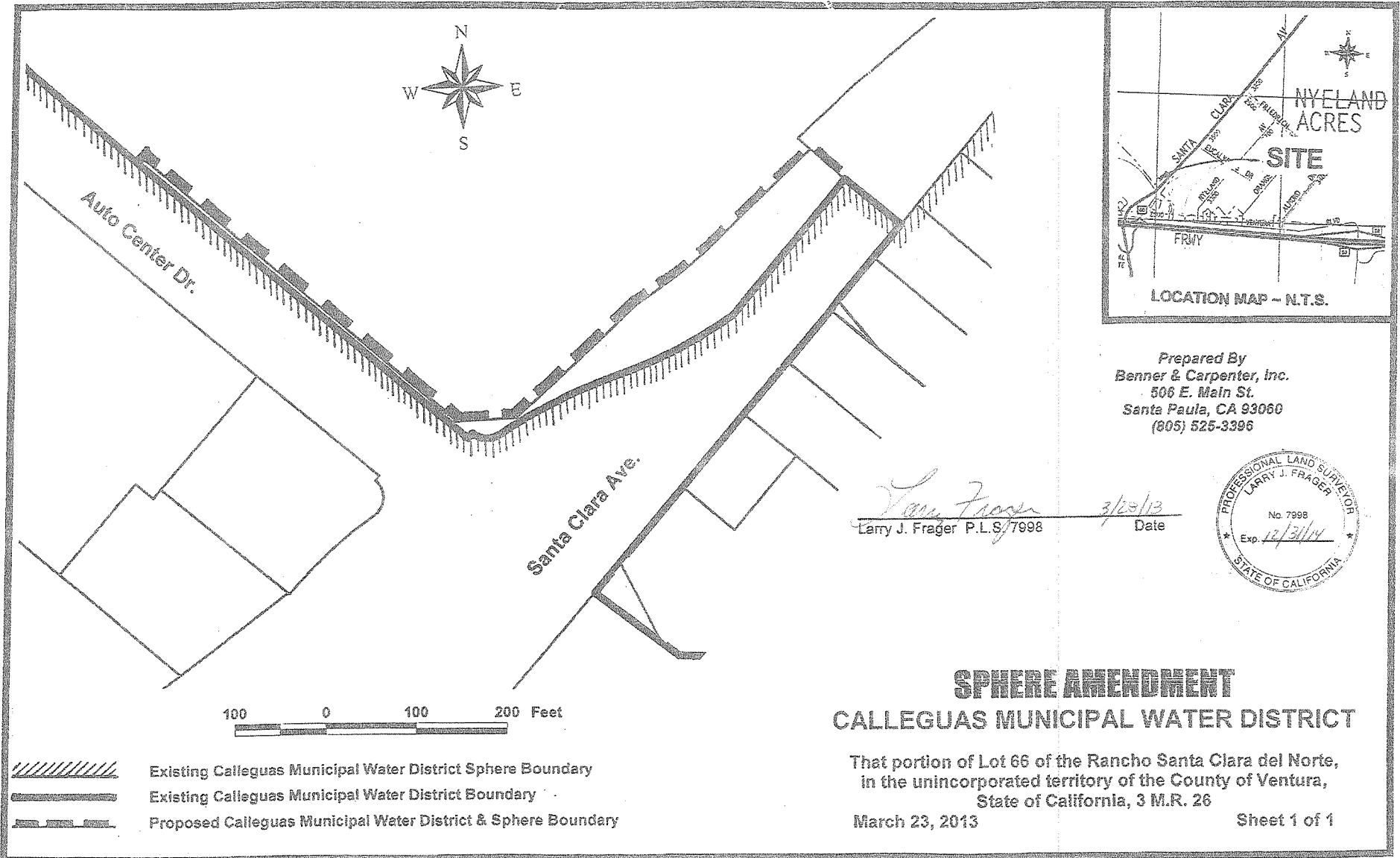
1.13 Gross Acres - 0.65 Road Acres = 0.48 Net Acres


Larry J. Frager P.L.S. 7998 3/23/13
Date



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

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(805) 525-3396

Larry J. Frager
Larry J. Frager P.L.S./7998
3/23/13
Date

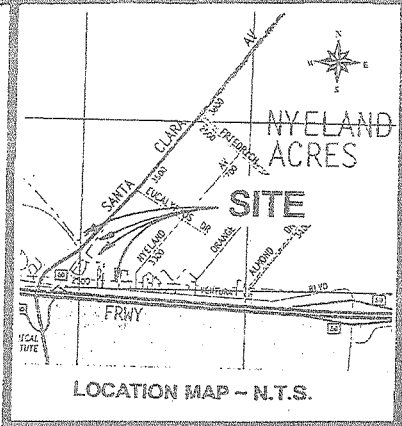
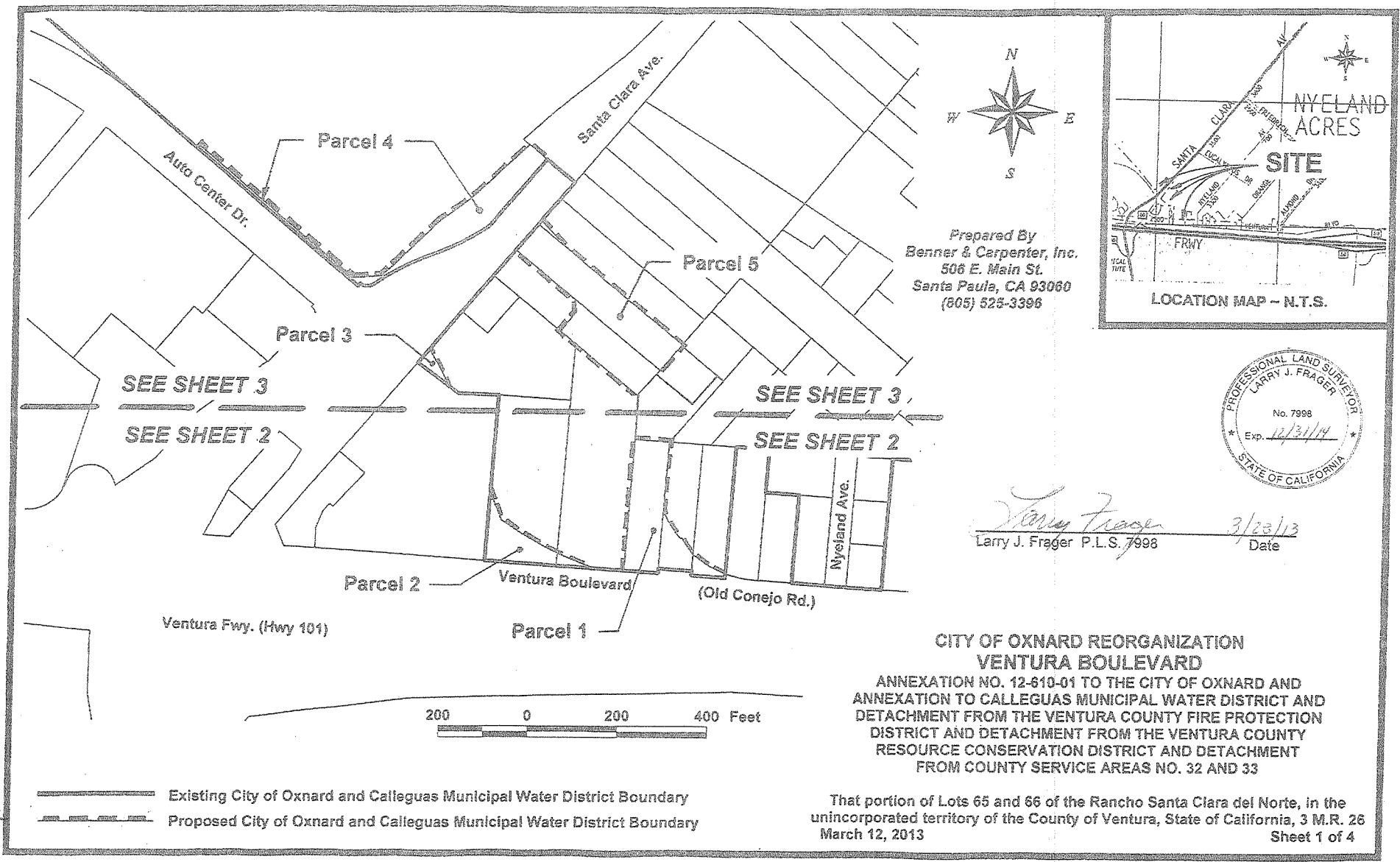


SPHERE AMENDMENT CALLEGUAS MUNICIPAL WATER DISTRICT

That portion of Lot 66 of the Rancho Santa Clara del Norte,
in the unincorporated territory of the County of Ventura,
State of California, 3 M.R. 26
March 23, 2013
Sheet 1 of 1

FOR ASSESSMENT PURPOSES ONLY. THIS MAP IS NOT A MAP AS DEFINED IN THE SUBDIVISION MAP ACT AND MAY NOT BE USED AS THE BASIS FOR AN OFFER FOR SALE OF THE LAND SHOWN.

ATTACHMENT
PAGE 21 OF 24



FOR ASSESSMENT PURPOSES ONLY. THIS MAP IS NOT A MAP AS DEFINED IN THE SUBDIVISION MAP ACT AND MAY NOT BE USED AS THE BASIS FOR AN OFFER FOR SALE OF THE LAND SHOWN.

Note: See Sheet 4
For Course Values

Instr. No. 20031009-0387438 O.R.

Annexation 68-16
(Owl Towing & Storage Co.)
City of Oxnard
Sec. of St. ~ 5/27/1969
and
Parcel 49
Oxnard Second Fringe Area
Annexation No. 7
Calleguas Municipal Water District
Certif. of Filing ~ 11/13/1969
3575 O.R. 129

* P.O.B. Pcl. 1
n'y terminus of the 2nd course
of Pcl. B of the Alvarado Reorg.
Annexation No. 85-5 to the City of
Oxnard ~ Instr. No. 87-166454 O.R.
and the n'y terminus of the 2nd
course of Parcel H-2 of Annexation
No. 27 to Calleguas Municipal Water
District ~ Instrument No. 87-208630 O.R.

** P.O.B. Pcl. 2
s'y terminus of the 11th course
of Annexation 68-16 (Old Towing
& Storage Co.) to the City of Oxnard
Sec. of St. ~ 5/27/1969 and the s'y
terminus of the 11th course of Parcel
49 of Oxnard Second Fringe Area/
Annexation No. 7 to Calleguas Municipal
Water District 3575 O.R. 129

** P.O.B. Pcl. 2

PERMANENT PARTIAL TAKE 13 & 15
Order for Prejudgment Possession
Instr. No. 20060119-0012505 O.R.

Ventura Fwy. (Hwy 101)

420 O.R. 143

Parcel B
Alvarado Reorganization
Annexation No. 85-5
City of Oxnard
Certif. of Completion ~ 10/15/1987
Instrument No. 87-166454 O.R.

Also
Parcel H-2
Annexation No. 27
Calleguas Municipal Water District
Certif. of Completion ~ 12/31/1987
Instrument No. 87-208630 O.R.

Ventura Blvd. (Old Conejo Rd.)

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CITY OF OXNARD REORGANIZATION VENTURA BOULEVARD

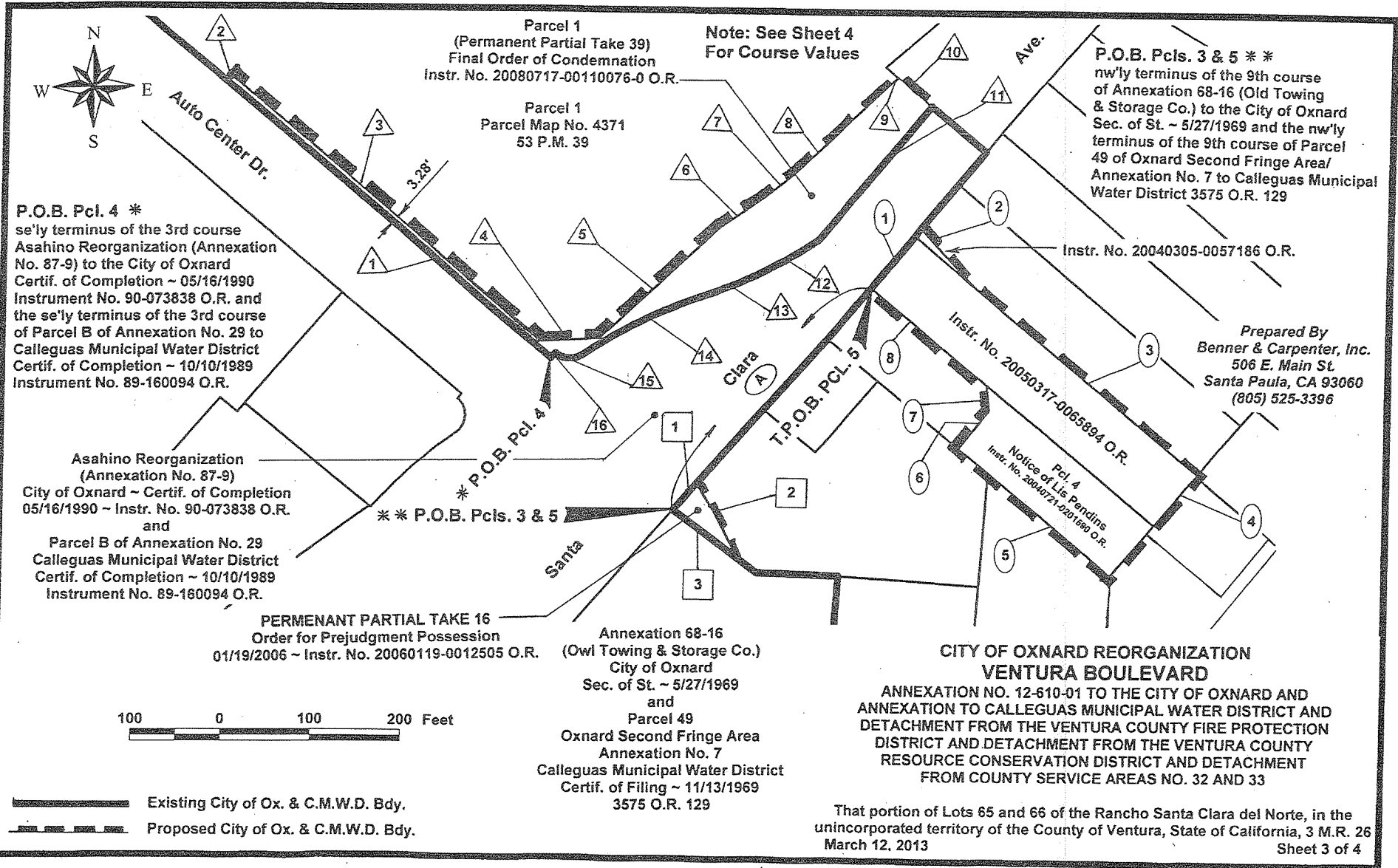
ANNEXATION NO. 12-610-01 TO THE CITY OF OXNARD AND
ANNEXATION TO CALLEGUAS MUNICIPAL WATER DISTRICT AND
DETACHMENT FROM THE VENTURA COUNTY FIRE PROTECTION
DISTRICT AND DETACHMENT FROM THE VENTURA COUNTY
RESOURCE CONSERVATION DISTRICT AND DETACHMENT
FROM COUNTY SERVICE AREAS NO. 32 AND 33

That portion of Lots 65 and 66 of the Rancho Santa Clara del Norte, in the
unincorporated territory of the County of Ventura, State of California, 3 M.R. 26
March 12, 2013
Sheet 2 of 4

100 0 100 200 Feet

Existing City of Oxnard and Calleguas Municipal Water District Boundary
Proposed City of Oxnard and Calleguas Municipal Water District Boundary

FOR ASSESSMENT PURPOSES ONLY. THIS MAP IS NOT A MAP AS DEFINED IN THE SUBDIVISION
MAP ACT AND MAY NOT BE USED FOR AN OFFER FOR SALE OF THE LAND SHOWN ON THE MAP



FOR ASSESSMENT PURPOSES ONLY. THIS MAP IS NOT A MAP AS DEFINED IN THE SUBDIVISION
MAP ACT AND MAY NOT BE USED FOR AN OFFER FOR SALE OF THE LAND SHOWN ON THE MAP

PARCEL 1

13th: S 4°03'58" W 10.00'
 14th: N 85°56'02" W 75.00'
 15th: N 4°03'58" E 300.00'
 16th: S 85°56'02" E 75.00'
 17th: S 4°03'58" W 169.58'
 18th: R = 241.47'; L = 73.83'; D = 17°31'03";
 Radial Bearing = S 67°45'03" W
 19th: N 50°14'02" E 4.00'
 20th: R = 237.47'; L = 124.00'; D = 29°55'07";
 Radial Bearing = S 50°14'02" W
 21st: S 4°03'58" W 9.48'
 22nd: N 85°56'02" W 75.00'
 23rd: N 4°03'58" E 10.00'
 24th: N 85°56'02" W 75.00'

0.68 Gross Acres

-0.44 Road Acres

0.24 Net Acres

PARCEL 2

1st: N 4°03'58" E 155.95'
 2nd: S 21°03'40" E 68.03'
 3rd: Radius = 830.05'; L = 233.64'; D = 16°07'40";
 Radial Bearing = S 36°02'04" W
 4th: N 85°56'02" W 241.79'

0.28 Gross Acres

-0.28 Road Acres

0.00 Net Acres

PARCEL 3

1st: N 40°14'47" E 39.60'
 2nd: Radius = 661.74'; L = 94.64'; D = 8°11'38";
 Radial Bearing = N 65°31'35 E
 3rd: N 53°16'43" W 88.33'
 0.04 Gross Acres

-0.04 Road Acres

0.00 Net Acres

PARCEL 4

1st: N 49°45'58" W 477.05'
 2nd: N 40°14'02" E 3.28'
 3rd: S 49°45'58" E 442.91'
 4th: N 87°11'55" E 70.43'
 5th: N 46°48'37" E 180.45'
 6th: N 55°20'28" E 59.71'
 7th: N 51°05'58" E 39.48'
 8th: N 46°48'37" E 149.54'
 9th: N 46°46'10" E 9.93'
 10th: S 49°45'17" E 56.88'
 11th: S 40°14'47" W 194.09'
 12th: Radius = 509.00'; L = 140.87'; D = 15°51'24";
 Radial Bearing = S 34°53'42" E
 13th: S 70°57'42" W 0.25'
 14th: Radius = 540.00'; L = 148.23'; D = 15°43'40"
 15th: Radius = 25.00'; L = 32.73'; D = 75°00'00"
 16th: S 40°14'02" W 7.00'

0.67 Gross Acres

-0.67 Road Acres

0.00 Net Acres

PARCEL 5

P.O.B.

A: N 40°14'47" E 333.67

T.P.O.B.

9th: N 40°14'47" E 85.03'
 10th: S 43°11'23" E 87.75 feet
 11th: S 49°45'13" E 330.45 feet
 12th: S 40°14'47" W 150.00 feet
 13th: N 49°45'13" W 227.34 feet
 14th: N 40°14'47" E 55.77 feet
 15th: N 6°27'33" W 28.04 feet
 16th: N 49°45'13" W 169.88'

1.13 Gross Acres

-0.65 Road Acres

0.48 Net Acres

Gross Acres Rd. Acres

Pcl. 1	0.68 Ac	0.44 Ac
Pcl. 2	0.28 Ac	0.28 Ac
Pcl. 3	0.04 Ac	0.04 Ac
Pcl. 4	0.67 Ac	0.67 Ac
Pcl. 5	+1.13 Ac	+0.65 Ac.
Total	2.80 Ac	2.08 Ac

2.80 Ac - Gross Acres

-2.08 Ac - Road Acres

0.72 Ac - Net Acres

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Course Values for Sheets 2 & 3**CITY OF OXNARD REORGANIZATION
VENTURA BOULEVARD**

ANNEXATION NO. 12-610-01 TO THE CITY OF OXNARD AND
 ANNEXATION TO CALLEGUAS MUNICIPAL WATER DISTRICT AND
 DETACHMENT FROM THE VENTURA COUNTY FIRE PROTECTION
 DISTRICT AND DETACHMENT FROM THE VENTURA COUNTY
 RESOURCE CONSERVATION DISTRICT AND DETACHMENT
 FROM COUNTY SERVICE AREAS NO. 32 AND 33

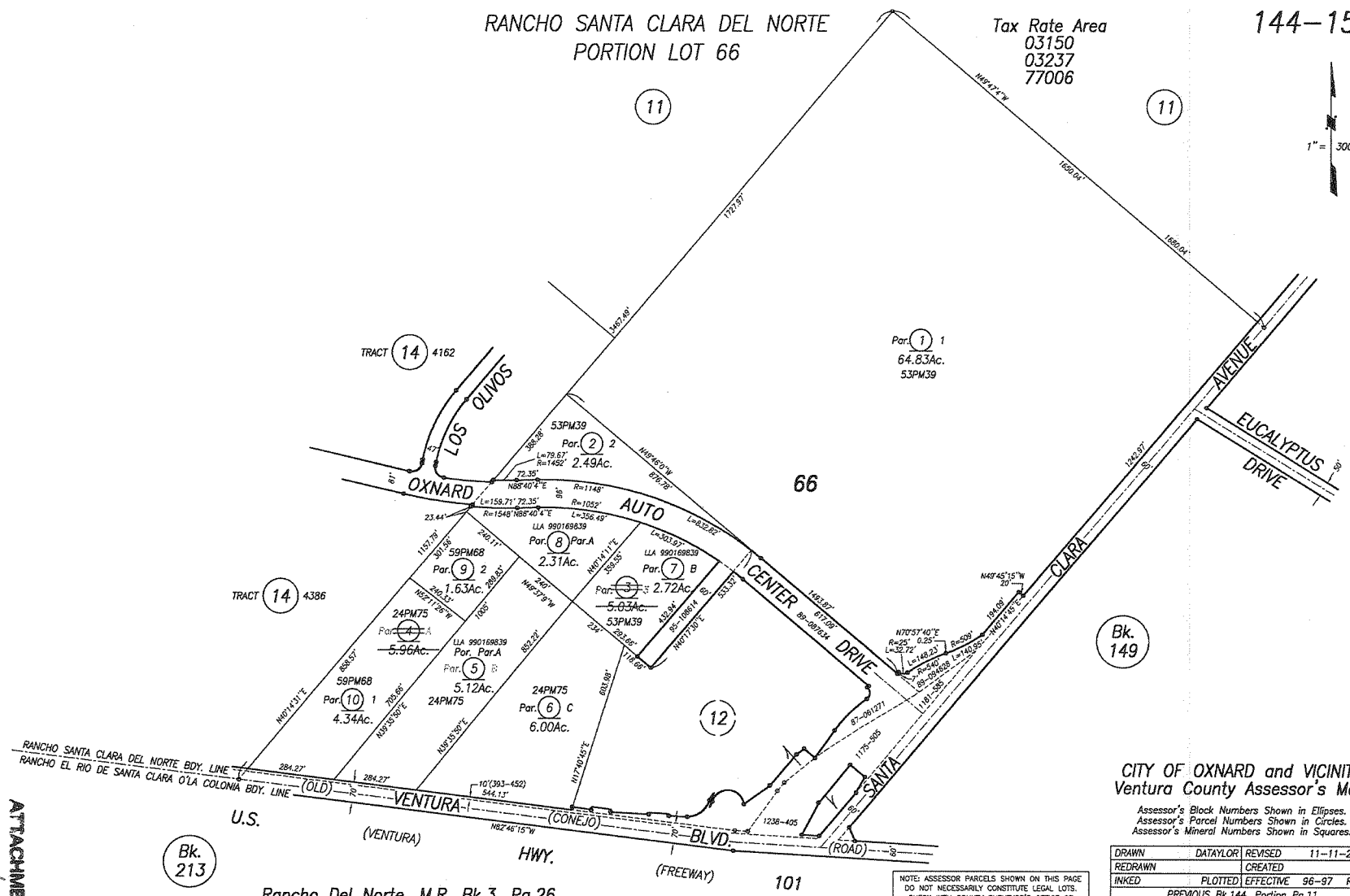
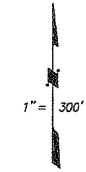
That portion of Lots 65 and 66 of the Rancho Santa Clara del Norte, in the
 unincorporated territory of the County of Ventura, State of California, 3 M.R. 26
 March 12, 2013
 Sheet 4 of 4

FOR ASSESSMENT PURPOSES ONLY. THIS MAP IS NOT A MAP AS DEFINED IN THE SUBDIVISION
 MAP ACT AND MAY NOT BE USED FOR AN OFFER FOR SALE OF THE LAND SHOWN ON THE MAP

RANCHO SANTA CLARA DEL NORTE
PORTION LOT 66

Tax Rate Area
03150
03237
77006

144-15



Rancho Del Norte, M.R. Bk.3, Pg.26.

CITY OF OXNARD and VICINITY
Ventura County Assessor's Map.

Assessor's Block Numbers Shown in Ellipses.
Assessor's Parcel Numbers Shown in Circles.
Assessor's Mineral Numbers Shown in Squares.

DRAWN	DATA/TOR	REVISED	11-11-2004
REDRAWN		CREATED	
INKED	PLOTTED	EFFECTIVE	96-97 ROLL
PREVIOUS Bk.144, Portion Pg.11			
Compiled By Ventura County Assessor's Office			

NOTE: ASSESSOR PARCELS SHOWN ON THIS PAGE
DO NOT NECESSARILY CONSTITUTE LEGAL LOTS.
CHECK WITH COUNTY SURVEYOR'S OFFICE OR
PLANNING DIVISION TO VERIFY.

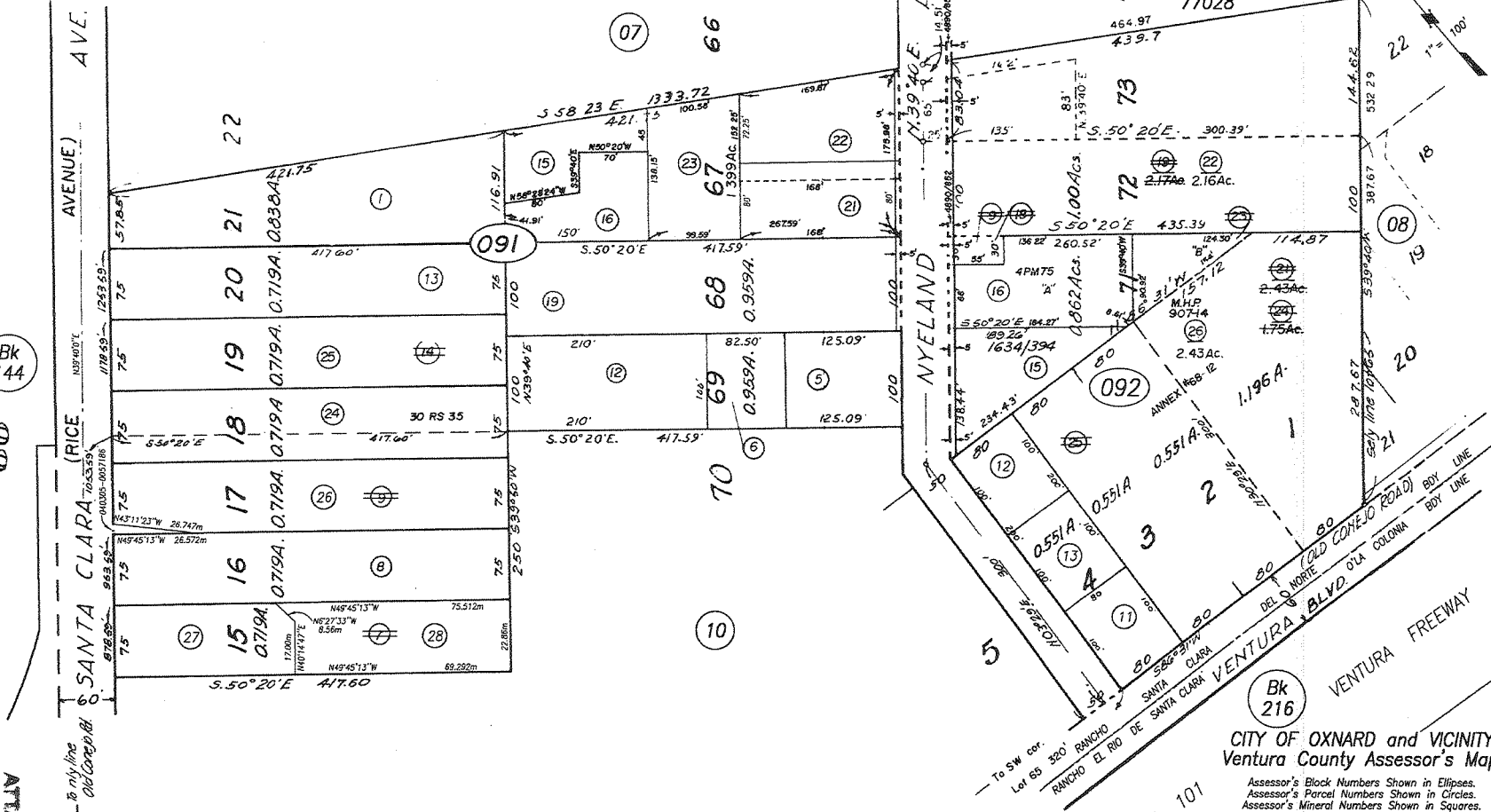
Roll-Year	05-06	Bk. 144, Pg. 15	REVISION LOC	VOID	NEW
DATE	REFERENCE DOC	Code	EXPLANATION	DESCRIPTION	AP.N.(s)
12/1/2004			UPDATE	WHEEL	9 SANTA CLARA

ATTACHMENT
PAGE 1 OF 2

RANCHO SANTA CLARA DEL NORTE
PORTION LOT 65

Tax Rate Area
03091
~~77001~~
77013
77028

149-09



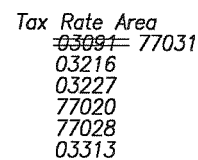
Portion Nyeland Acres (Unrecorded Map)
Rancho Santa Clara del Norte, M.R. Bk.3, Pg.26

NOTE: ASSESSOR PARCELS SHOWN ON THIS PAGE
DO NOT NECESSARILY CONSTITUTE LEGAL LOTS.
CHECK WITH COUNTY SURVEYOR'S OFFICE OR
PLANNING DIVISION TO VERIFY.

CITY OF OXNARD and VICINITY
Ventura County Assessor's Map.

DRAWN	REVISED	2-2-2005
REDRAWN	CREATED	
INKED	PLOTTED	ROLL
Compiled By Ventura County Assessor's Office		

Roll-Year	05-06	BK. 149	Pg. 09	REVISION LOG		
DATE	REFERENCE DOC.	Code	EXPLANATION	VOID APN(s)	RESIDUAL APN(s)	NEW APN(s)
1/10/2004	00035-0057186	SPRT TO ROAD	PER GRANT DEED	149-0-081-000	149-0-081-260	439 50.71 TO RD.
2/2/2005	00031/2/104-52	SPLIT	PER PREJUDICE. PROSSION	149-0-081-025	149-0-081-275	149-0-081-285
2/2/2005	00031/2/104-52	CORRECT LOT LINES	ADJUST SOUT, BLOCK 081 PAR. 21 & 22	NO APN CHANGE		



149-10



Roll-Year 08-09		BK 149 , PG. 10 REVISION LOG				
DATE	REFERENCE DOC.	EXPLANATION		VOID APRIL (g)	RESIDUAL APRIL (g)	NEW APRIL (g)
		Code	Description			
2/27/2006	680119-0012505	SPUT	PER PRECISEMENT PROFESSION	149.0-100-110	149.0-100-440	
				149.0-100-125	149.0-100-465	149.0-100-435
				149.0-100-155	149.0-100-485	149.0-100-475
5/9/2006	050201-0024848	MISSED SPUT	PER GRANT REED	149.0-100-360	149.0-100-500	149.0-100-495

CITY OF OXNARD & VICINITY
Ventura County Assessor's Map.

Assessor's Block Numbers Shown in Ellipses.
Assessor's Parcel Numbers Shown in Circles.
Assessor's Mineral Numbers Shown in Squares

DRAWN		REVISED	4-8-2008
REDRAWN	B.W.	CREATED	10-10-1995
INKED	PLOTTED	EFFECTIVE	ROLL

Compiled By Ventura County Assessor's Office

Rancho Santa Clara Del Norte, M.R. Bk.3, Pg.26

NOTE: ASSESSOR PARCELS SHOWN ON THIS PAGE
DO NOT NECESSARILY CONSTITUTE LEGAL LOTS.
CHECK WITH COUNTY SURVEYOR'S OFFICE OR
PLANNING DIVISION TO VERIFY.

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

Prepared By: Paul J. Wendt

Agenda Item No. **I-6**Reviewed By: City Manager *[Signature]*City Attorney *[Signature]*Finance *[Signature]*Other (Specify) *[Signature]***DATE:** April 11, 2013**TO:** City Council**FROM:** Paul J. Wendt, Supervising Civil Engineer
Development Services *[Signature]***SUBJECT:** Agreement (A-7585) with the County of Ventura for Technical Surveyor Review Services.**RECOMMENDATION**

That City Council approve and authorize the Mayor to execute an agreement (A-7585) for the County of Ventura to provide technical review of tentative maps, final maps, parcel maps, lot line adjustments, parcel map waivers, and certificates of compliance along with review and/or preparation of legal descriptions and similar surveying review services.

DISCUSSION

The City Surveyor position is currently unfilled and no current City employee is licensed to perform these duties. Public Works is currently in the process of recruiting someone to fill the position however ongoing private projects within the City require surveying services during the recruitment period. Maps, easements, and similar documents processed by Development Services for private developments within the City must be reviewed for technical completeness and correctness.

Government Code section 66431 provides that "Upon mutual agreement of their respective legislative bodies, the county surveyor may perform any or all of the duties assigned to the City Engineer, including required certifications or statements ..." This agreement (A-7585) contracts with the County of Ventura Surveyor to provide technical review of subdivision maps, lot line adjustments, certificates of compliance and similar services. This agreement will provide a backup source for survey plan review services in those circumstances when the City's current contract for engineering services is unable to provide such services. One such circumstance is when the documents are prepared by the City's engineering consultant and must be reviewed by a third party. The City Attorney's Office has determined that this agreement does not have to follow the standard City procurement process. The County Surveyor will provide these services either with County employees or by consultants currently under County contract.

Agreement with the County of Ventura for Technical Surveyor Review Services
April 16, 2013
Page 2

This agreement will be used exclusively for projects that are started during the period when the City Surveyor position is unfilled.

FINANCIAL IMPACT

Flat rate fees for map review and similar surveyor technical review services are set by City resolution and are collected at the time of document submittal. Development Services collects these fees and deposits them into a Public Works account. The fees would continue to be collected and are expected to offset the costs associated with the agreement.

PJW/

Attachment #1 - Agreement to Provide Surveyor Services

AGREEMENT TO PROVIDE SURVEYOR SERVICES

This agreement ("Agreement") is entered into between the County of Ventura ("County") and the City of Oxnard ("City"; collectively "Parties").

RECITALS

- A. The Subdivision Map Act (Government Code sections 66410-66499.58) mandates that city engineers, as that term is defined in Government Code section 66416.5, perform certain surveying and mapping duties with respect to subdivision maps within City jurisdiction ("City Surveying Responsibilities").
- B. Government Code section 66431 provides: "Upon mutual agreement of their respective legislative bodies, the county surveyor may perform any or all of the duties assigned to the city engineer, including required certifications or statements. . ."
- C. City desires to have the county surveyor, as that term is defined in Government Code section 66417 ("County Surveyor"), perform certain City Surveying Responsibilities upon request including, without limitation: (a) technical review of tentative maps, final maps, parcel maps, lot line adjustments, parcel map waivers, and certificates of compliance; (b) review and/or preparation of legal descriptions; and (c) monument inspection and field surveying services ("Services").

TERMS

1. City Request for Services from County Surveyor. When the City desires the County Surveyor to perform City Surveying Responsibilities, the City must make a specific written request to the County Surveyor's office enumerating the specific Services it wishes the County Surveyor to perform ("Request for Services" or "Requested Services"). Requests for Services may be made on a project-by-project basis. Each Request for Services shall also state the date that the City desires the County to complete the Requested Services. The City shall provide the County Surveyor copies of or access to all applicable City ordinances and regulations pertaining to the Request for Services.
2. County Surveyor Services. Upon receipt of a written Request for Services from the City, the County Surveyor shall perform the Requested Services subject to paragraph 3. The Requested Services shall be performed by the County Surveyor during regular County hours of operation and when convenient and compatible with the County Surveyor's other responsibilities. However, in no event shall performance extend beyond a reasonable time.
3. Rejection of Request for Services. The County Surveyor may reject the City's written Request for Services by providing the City written notice of the rejection within two business

days after receipt of the written Request for Services. The County Surveyor need not state a reason for the rejection.

4. Cost and Payment for County Surveyor Services.

- a. Cost of Services. The County shall charge the City for Services performed in accordance with the Board of Supervisors adopted fee resolution. A copy of the most recently adopted fee service rates applicable to this Agreement is attached as Exhibit A. The City may request from the County, and upon receipt of that request, the County shall provide the City a copy of the most recent Board adopted fee resolution. Work performed by consultants will be charged at cost, without added overhead, at the rate specified in the consultant's contract with County.
- b. Billing. The County shall prepare and send to the City monthly invoices within 15 days of the month end. The invoices shall state the project name, the number of hours worked on the project, by whom, the hourly rate, and the Services performed ("Invoice").
- c. Payment. The City shall pay the County the full amount of the Invoice within 30 days of the date of the Invoice. If the City disputes any charge in the Invoice, it must notify the County Surveyor within 15 business days of the date of the Invoice of the disputed charge, or if the City fails to notify the County Surveyor of any dispute within that time, any challenge to the Invoice is waived by the City.

5. Term. This Agreement shall go into effect upon execution by the Parties. Unless otherwise provided by law, this Agreement shall remain in effect until a Party terminates the Agreement in accordance with paragraph 8.

6. Addresses for Notice and Payment. Any notice or payment to be given or made pursuant to this Agreement, including a change in the address to which notices are to be sent, shall be given by personal delivery to the other party or by mail addressed as follows:

County of Ventura
Ventura County Surveyor
Public Works Agency, L/C 1601
800 S. Victoria Ave.
Ventura, CA 93009

City of Oxnard
Development Services Dept.
Attn: City Engineer
214 S. C Street
Oxnard, CA 93030

7. Amendment of Agreement. This Agreement may only be amended in writing upon mutual consent of the Parties.

8. Termination of Agreement. This Agreement may be terminated by either Party for any reason by providing 30 days written notice of termination to the other Party ("Notice of Termination"). If any Requested Services have not been completed as of the date of the Notice of Termination, the County Surveyor shall complete the Requested Services unless the City directs the County Surveyor in writing to not complete the Requested Services. In

any event, the City shall pay the County for all Requested Services performed even if partially complete.

9. Hold Harmless, Defense and Indemnification. The City shall hold harmless, defend, and indemnify the County, its boards, officers, agents, and employees, from and against all suits and causes of actions, claims, damages, losses and expenses, arising out of the performance of this Agreement to the extent caused by any negligent act or omission of the City, its boards, officers, agents, and employees.

The County shall hold harmless, defend, and indemnify the City, its boards, officers, agents, and employees, from and against all suits and causes of actions, claims, damages, losses and expenses, arising out of the performance of this Agreement caused in whole or in part by any negligent act or omission of County, its boards, officers, agents, and employees.

10. Records. The parties agree to retain and preserve all relevant records pertaining to the services under this Agreement required by law and in accordance with the Party's applicable policy for record retention. Each party shall allow the other party to inspect and copy any such records upon reasonable request.

CITY OF OXNARD

APPROVED AS TO FORM:

Tim Flynn, Mayor

Date

Alan Holmberg, City Attorney

APPROVED AS TO INSURANCE:

James Cameron, Risk Manager

APPROVED AS TO CONTENT:

Matthew Winegar, Development Svcs. Director

APPROVED AS TO CONTENT:

Paul J. Wendt, Project Manager

ATTEST:

Daniel Martinez, City Clerk

COUNTY OF VENTURA

BY _____

Chairman, Board of Supervisors Date

ATTEST: _____

Clerk of the Board

EXHIBIT "A"

PUBLIC WOKS ISF FUND 3000 - ORG 6522
FY 2013 SERVICE RATES BY CLASSIFICATION

CLASSIFICATION	CLASS CODE	AVERAGE SALARY	2012 TOTAL SERVICE RATE	2013 PROPOSED TOTAL SERVICE RATE	LABOR RATE	BENEFIT RATE	DEPT OVHD RATE	COUNTY OVHD RATE	AGENCY OVHD RATE	\$ VAR	% VAR
BUDGET UNIT #6522- SURVEY											
SURVEYOR II	00313	74,310	95.94	100.55	41.28	27.04	27.13	1.60	3.49	4.61	4.8%
SURVEYOR III	00314	81,714	106.52	110.57	45.40	29.73	29.84	1.76	3.84	4.05	3.8%
SURVEYOR IV	00315	95,796	128.17	129.63	53.22	34.86	34.98	2.07	4.50	1.46	1.1%
ENGINEER MGR I	00359	102,705	138.15	138.97	57.06	37.37	37.50	2.22	4.82	0.82	0.6%
ENGINEER MGR III	00361	107,286	163.25	145.17	59.60	39.04	39.18	2.32	5.04	(18.07)	-11.1%
OFFICE ASST II	01345	29,569		40.01	16.43	10.76	10.80	0.64	1.39		
SURVEY TECH I	01924		50.58	0.00	0.00	0.00	0.00	0.00	0.00	(50.58)	
SURVEY TECH IV	01927	65,146	87.63	88.15	36.19	23.70	23.79	1.41	3.06	0.52	0.6%
Based on Eng/Survey combination		79,504		753.06	FY13	65.50%	65.73%	3.89%	8.46%		-0.02%
					FY12	61.63%	67.52%	2.80%	9.51%		
					VAR	6.27%	-2.66%	38.80%	-11.13%		
XHELP	00655	N/A	46.50	46.15	23.77	3.83	15.62	0.92	2.01	(0.35)	-0.7%
STUDENT AIDE-X HELP	00237		19.07	18.93	9.75	1.57	6.41	0.38	0.82	(0.14)	-0.7%
					FY13	16.13%	65.73%	3.89%	8.46%		

0.679471439 0.30457653 0.015952029



Meeting Date: 04/23/2013

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

Prepared By: Rob Silverstein Agenda Item No. I-7Reviewed By: City Manager [Signature] City Attorney [Signature] Finance [Signature] Other (Specify) _____

TO: City Council

FROM: Jeri Williams, Chief [Signature]
Police Department**SUBJECT: Ordinance to Amend Vending Provisions of Oxnard City Code Relating to Vending Near Schools and Day-Care Centers****RECOMMENDATION**

That City Council approve the first reading by title only and subsequent adoption of an ordinance revising Section 8-47(A)(5) of the Oxnard City Code related to the placement of time and place restrictions on vending from vehicles, wagons and pushcarts near schools and day-care centers.

DISCUSSION

State law authorizes the City of Oxnard to regulate the time, place, and manner of vending from vehicles upon any City street.

Section 8-47(A)(5) of the Oxnard City Code currently prohibits vendors from standing or parking their vehicles or containers within 900 feet of any school or day-care center between the hours of 7:00 a.m. and 4:00 p.m. A plain reading of this section suggests that the prohibition applies every day of the week, even when a school or day-care center is not in session.

However, when the City Council adopted Section 8-47(A)(5) in 1998 (Ordinance No. 2448) it explained that vending vehicles, wagons and pushcarts frequently advertise their presence by playing music, ringing bells or making other noise and that such noise when made in close proximity to schools may distract students from their studies and children from their day-care activities. Since it appears that the purpose of Section 8-47(A)(5) is meant to eliminate distracting noises while students are attending school and children are engaging in day-care activities, it does not appear appropriate that the Section 8-47(A)(5) prohibition apply when school or day-care centers are not in session (i.e., Saturday and Sunday).

Accordingly, staff is recommending a textual amendment to Section 8-47(A)(5) of the Oxnard City Code to prohibit vendors from standing or parking their vehicles or containers within 900 feet of any school or day-care center between the hours of 7:00 a.m. and 4:00 p.m., Monday through Friday.

Ordinance to Amend Vending Provisions of OCC
April 9, 2013
Page 2

FINANCIAL IMPACT

There is no financial impact.

/RS

Attachment #1 - Ordinance No. 2448

#2 – Proposed Ordinance to Amend Vending Provisions of Oxnard City Code Relating to
Vending Near Schools and Day-Care Centers

CITY COUNCIL OF THE CITY OF OXNARD

Ordinance No. 2448

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD, CALIFORNIA,
AMENDING CHAPTER 18 OF THE CITY CODE
AND IMPOSING CERTAIN RESTRICTIONS ON PEDDLING

WHEREAS, children do not always exercise sufficient caution with regard to traffic, and may dart into public streets without first making sure that it is safe to do so; and

WHEREAS, vehicles and non-motorized containers, such as wagons or pushcarts, from which food and other items are sold on public streets or sidewalks attract children, who may run into or across the street in order to reach such vehicles or containers; and

WHEREAS, the danger to children from street traffic is greatest in the early morning and in the evening and at night, when the visibility of children running into the street and vehicles driving on the street is reduced; and

WHEREAS, children are likely to be at home in residential areas after sunset and before sunrise, when school is not in session; and

WHEREAS, children are likely to be in school or day care between 7:00 a.m. and 4:00 p.m.; and

WHEREAS, such vehicles and non-motorized containers frequently advertise their presence by playing music, ringing bells or making other noise that is more intrusive in residential areas in the early morning, in the evening and at night, when residents may have retired or are sleeping or wish to be undisturbed, than during the day, and such noise made within 500 feet of schools or day care centers may distract students from their studies and children from their day care activities; and

WHEREAS, in all areas of the City and at all times of the day, noise made by such vehicles and non-motorized containers to advertise their presence becomes annoying when prolonged, as by parking or standing in the same location; and

WHEREAS, for the foregoing reasons, the adoption of subsections (A)(5), (A)(6) and (A)(7) of section 18-72 of this ordinance would be conducive to the public safety and welfare.

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

Part 1. Articles II and III of Chapter 18 of the City Code are amended to read as shown in Exhibit A, attached hereto and incorporated herein by this reference.

ATTACHMENT NO. 1
PAGE 1 OF 10

Ordinance No. 2448
Page 2

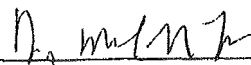
Part 2. Article V of Chapter 18 of the City Code is repealed. Article V is reserved for future use.

Part 3. Within fifteen days after passage, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation within the City. Ordinance No. 2448 was first read on January 6, 1998, and was finally adopted on January 13, 1998, to become effective thirty days thereafter.

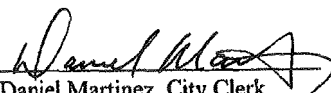
AYES: Councilmembers: Holden, Lopez, Maulhardt, Pinkard, and Zaragoza.

NOES: None.

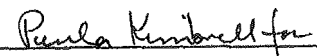
ABSENT: None.


Dr. Manuel M. Lopez, Mayor

ATTEST:


Daniel Martinez, City Clerk

APPROVED AS TO FORM:


Gary L. Gillig, City Attorney

ATTACHMENT NO. 1
PAGE 2 OF 10

CHAPTER 18: TRAFFIC AND PARKING REGULATIONS**ARTICLE II. DUTIES OF POLICE OFFICERS AND TRAFFIC ENGINEER****Sec. 18-41. Traffic duties of police officers.**

City police officers shall enforce the street traffic regulations of this chapter and State laws applicable to street traffic in the city; make arrests for traffic violations; investigate traffic accidents; cooperate with the traffic engineer and other city officers and employees in administering traffic laws and improving traffic conditions; and carry out duties imposed on police officers by this chapter.

Sec. 18-42. Traffic accident report system.

Police officers shall maintain a system of filing traffic accident reports and make the reports available to the traffic engineer.

Sec. 18-43. Annual traffic accident report summary.

Police officers shall annually prepare a traffic accident report summary for the city and file the report with the city manager.

Sec. 18-44. Appointment of traffic engineer.

The city traffic engineer shall be appointed by the city manager.

Sec. 18-45. Duties of traffic engineer.

The traffic engineer shall determine the installation and proper timing and maintenance of traffic control devices and signals; conduct engineering analyses of traffic accidents and devise remedial measures; conduct engineering investigations of traffic conditions and cooperate with other city officers and employees to improve traffic conditions; and exercise the powers and duties provided in this chapter and in other city traffic regulations.

Sec. 18-46. Required traffic control devices.

The traffic engineer shall place and maintain traffic control devices required by the Vehicle Code or this chapter or any other ordinance or resolution of the city council.

Sec. 18-47. Additional traffic control devices.

The traffic engineer shall place and maintain additional traffic control devices as necessary to regulate, guide or warn traffic or to effectuate any provision of the Vehicle Code or this chapter or any other ordinance or resolution of the city council. The traffic engineer shall make such determination on the basis of traffic engineering principles and traffic investigations and in accordance with State and city standards.

Sec. 18-48. Removal of traffic control devices.

The traffic engineer may remove, relocate or discontinue the operation of any traffic control device not required by State law or this chapter or any other ordinance or resolution of the city council whenever the traffic engineer determines that the device is no longer necessary to maintain public safety and welfare.

Sec. 18-49. Hours and days of operation.

If the hours and days of operation of a traffic control device are not specified in this chapter or any other ordinance or resolution of the city council, the traffic engineer shall determine such hours and days of operation.

Sec. 18-50. Lane markers.

(A) The traffic engineer may mark center lines and lane lines on the surface of roadways to indicate the course to be traveled by vehicles.

(B) The traffic engineer may place signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of the roadway.

Sec. 18-51. Turns.

As necessary to establish and maintain the orderly flow of traffic, the traffic engineer may.

(A) Designate intersections at which drivers of vehicles shall not make right turns, left turns or U-turns.

(B) Place markers, buttons or signs between, within or adjacent to intersections, indicating the course to be traveled by vehicles turning at such intersections.

(C) Allocate and indicate more than one lane of traffic from which drivers may make right or left-hand turns.

Sec. 18-52. Crosswalks.

The traffic engineer may establish crosswalks at and between intersections as necessary to minimize hazards to pedestrians crossing the streets.

Sec. 18-53. Parking.

The traffic engineer may place and maintain traffic control devices, such as signs and street markings, to designate areas where parking is prohibited, restricted or subject to limitations, including, but not limited to, the following situations:

(A) Parking on only one side of a one-way street, when the traffic engineer determines that

insufficient room exists for parking on both sides of the street.

(B) Parking on an angle, where the traffic engineer determines that insufficient room exists to provide an adequate amount of parallel parking.

(C) Parking where street sweeping is scheduled to occur, where the traffic engineer determines that parked vehicles will prevent or interfere with street sweeping.

(D) Parking on property owned or leased by the city, where the traffic engineer determines that unrestricted public parking will not allow sufficient parking for vehicles used in the conduct of city business or the business of persons leasing the property from the city.

(E) Parking on the street for disabled persons whose vehicles display a special identification license plate or a distinguishing placard issued pursuant to the Vehicle Code, where the traffic engineer determines a need therefor.

(F) Parking on the side of a street adjacent to school property, where the traffic engineer determines that parking would interfere with traffic or create a hazard.

(G) Parking on streets that are no more than 30 feet wide.

(H) Parking of vehicles six feet or more in height (including any load) within 100 feet of an intersection, where the traffic engineer determines that so parking such vehicles will limit the area of vision of approaching traffic and thereby create a hazard.

(I) Parking in any other location where the traffic engineer determines that time limits on parking or a prohibition on parking are necessary to prevent congestion, allow more equitable access to parking spaces, alleviate or avoid a hazard, preserve life or property, or for any other reason.

Sec. 18-54. Traffic signals.

The traffic engineer shall place and maintain traffic signals at those intersections and other places where traffic conditions require that the flow of traffic be alternately interrupted and released in order to prevent or relieve traffic congestion or to protect life or property from exceptional hazard. In determining the need for traffic signals, the traffic engineer shall consult the California Department of Transportation *Traffic Manual*.

Sections 18-55 through 18-59 reserved.

ARTICLE III. PARKING

DIVISION 1. IN GENERAL

Sec. 18-60. Definitions.

For purposes of this article, "vehicle," "commercial vehicle" and "manufacturer's gross vehicle weight rating" shall have the meanings ascribed to such words and terms in the Vehicle Code.

Sec. 18-61. Public vehicles.

The provisions of this article regulating the parking or standing of vehicles shall not apply to any vehicle belonging to the city or a public utility while being used for construction or repair work, or any vehicle owned by the United States while being used for the collection, transportation or delivery of United States Mail.

Sec. 18-62. Duration of parking.

(A) No person shall park a vehicle on any street, alley or public parking lot for a period of more than 72 consecutive hours. This section is violated if:

(1) At the end of the 72 hour period, the vehicle is parked in the same place as at the beginning of the period, and physical marking or other facts indicate that the vehicle has not been moved; or

(2) At the end of the 72 hour period, the vehicle is parked on the street within 1,056 feet of where it was parked at the beginning of the period, unless the owner or custodian establishes that the vehicle has been moved more than 1,056 feet; or

(3) During the period, the vehicle has not been removed from its parking place to a location off the public street or more than 1,056 feet away.

(B) If a vehicle is parked or left standing on a street, alley or public parking lot longer than the period of 72 consecutive hours, any police program employee authorized by the chief of police may remove the vehicle from the street in the manner and subject to the requirements of sections 18-63, 18-64 and 18-65 of this article.

Sec. 18-63. Notice of tow away; request for hearing.

(A) At the time of the initial marking of a vehicle, which begins the 72-hour time period for possible violation of section 18-62 of this article, the police program employee shall place on the vehicle a warning notice that the vehicle is subject to tow away if not moved within 72 hours.

(B) If the vehicle is not moved within 72 hours after the warning is placed on the vehicle, any police program employee authorized by the chief of police may issue a citation for violation of section 18-62 and may remove the vehicle.

(C) In compliance with section 22852 of the Vehicle Code, a police program employee shall, within 48 hours of towing, send a written notice to the vehicle's registered and legal owners or their agents, if ascertainable, informing them of the name, address and telephone number to call regarding the vehicle, a description of the vehicle (including, if available, the name or make, the manufacturer, the license plate number and the mileage), the location of the vehicle, the towing and storage charges, the nature of the violation and purpose for removal, and a statement that, in order to receive a poststorage hearing, the owners or their agents must request a hearing in person, in writing or by telephone request, to the city manager, within ten days of the date appearing on the notice

Sec. 18-64. Hearing.

(A) If a written, personal or telephonic request for a hearing is made to the city manager by a registered or legal owner of the vehicle, or an agent for such person, the city manager or designee shall hold an administrative hearing within 48 hours of the date the request was received by the city manager, excluding weekends and holidays, to determine whether there was sufficient factual and legal basis for removing the vehicle and for charging towing and storage fees.

(B) At the hearing, a police program employee shall first present evidence to establish a sufficient factual and legal basis for removing and storing the vehicle. Thereafter, the person requesting the hearing may present evidence as to insufficient factual or legal basis for removing and storing the vehicle. The sole issues before the hearing officer shall be whether there was probable cause to remove and store the vehicle and the proper amount of storage and towing charges.

(C) The hearing officer shall conduct the hearing in an informal fashion and shall not be bound by the technical rules of evidence.

(D) If the hearing officer determines that there was no probable cause for removal, a police program employee shall forthwith cause the garage having custody of the vehicle to release the vehicle to its registered or legal owner or agent without any charge to the owner or agent.

Sec. 18-65. Garage keeper's lien.

Whenever a vehicle has been removed to a garage under the provisions of this chapter and there has been no hearing requested within the ten day period, or the requesting party fails to appear at the scheduled hearing, or there was a hearing and a determination of probable cause, the keeper of the garage shall have a lien dependent on possession for his or her compensation for towing and for storage for and keeping safe the vehicle, as set out in section 22851 of the Vehicle Code.

Sec. 18-66. Parking commercial vehicles in residential areas.

(A) No person shall park a commercial vehicle having a manufacturer's gross vehicle weight rating of 10,000 pounds or more on any street in any residential district, which is defined for the purpose of this section as all areas within the city zoned for single-family or multiple-family residential use and the entire portion of any street or highway adjacent to any property zoned for single-family or multiple-family residential use.

(B) Subsection (A) shall not apply to the parking of such commercial vehicles in such residential areas while making pickups or deliveries of goods, wares and merchandise from or to any building or structure located in such residential areas or while delivering materials to be used in the actual and bona fide repair, alteration, remodeling or construction of any building or structure located in such residential areas for which a building permit has previously been obtained from the city.

Sec. 18-67. Parking for washing or repair.

(A) No person shall park a vehicle on any street for the principal purpose of washing, greasing

or repairing the vehicle, except for repairs necessitated by an emergency.

(B) Except in an emergency, no person shall park a vehicle on any street when the vehicle cannot be operated.

Sec. 18-68. Double parking.

No person shall stop, park or leave standing any vehicle, whether attended or unattended, on the roadway side of any vehicle stopped, parked or standing at the curb or edge of a street.

Sec. 18-69. Parking non-motorized vehicles.

(A) No person shall park or leave standing on any street, alley or public property a non-motorized vehicle that is detached from a motor vehicle.

(B) A non-motorized vehicle is detached from a motor vehicle if the hitch, coupling device, connections, brakes, light connections, safety chains, or other devices required by law for the safe and legal operation of the non-motorized vehicle on a public highway are not connected to a motor vehicle.

(C) This section shall not apply to:

(1) A non-motorized vehicle with a commercial license registration while the non-motorized vehicle is being loaded with or unloaded of any goods, wares or merchandise from property adjacent to the non-motorized vehicle.

(2) A non-motorized vehicle required for any lawfully authorized construction, maintenance or repair to property adjacent to the non-motorized vehicle for no more than the time reasonably required for the use of the non-motorized vehicle in carrying out the construction, maintenance or repair.

Sec. 18-70. Leaving ignition key in unattended vehicle.

(A) No person driving or in charge of a motor vehicle, except a commercial vehicle, shall permit the vehicle to stand unattended in any public place, used or new vehicle lot, or parking lot without first stopping the engine, locking the ignition and removing the ignition key from the vehicle.

(B) Whenever any police officer finds a motor vehicle standing unattended with the ignition key in the vehicle, in violation of this section, the police officer is authorized to remove the key from the vehicle and deliver the key to the police officer in charge of the nearest police station.

Sec. 18-71. Parking without permission of property owner.

No person shall park or stand a vehicle on private property or on publicly owned property without the permission, express or implied, of the owner or person in lawful possession of such

property, or in a different manner or a longer time than that for which permission was given.

Sec. 18-72. Time and place restrictions on vending from vehicles, wagons and pushcarts.

(A) Except as provided in this section, no person shall stand or park any vehicle or any non-motorized wheeled container, such as a wagon or pushcart, from which merchandise, food or other items are sold or displayed or offered for sale, barter or exchange, on any portion of any street, alley, sidewalk or public property within the city.

(1) Such vehicles or containers may stand or park only at the request of a bona fide purchaser for a period of time not to exceed 10 minutes at any one place; provided, however, that such containers may not stand or park at all in a place described in subsection (A)(3) of this section.

(2) The new place of operation required by subsection (A)(1) of this section shall be a minimum distance of 500 feet from the prior stopping place;

(3) No person shall stand, park or operate such containers within or from the public right-of-way on Gonzales Road, Vineyard Avenue, C Street, Ventura Road, Channel Islands Boulevard, Oxnard Boulevard or Saviers Road; or the public right-of-way within 100 feet of any intersection.

(4) Every person operating such vehicles or containers shall have in his or her possession a valid business license to peddle issued by the city.

(5) No person shall stand or park any such vehicle or container within 500 feet of any school or day-care center between 7:00 a.m. and 4:00 p.m.

(6) In residential areas, as shown on a map on file with the license collector, no person shall stand or park any such vehicle or container on any day before 9:00 a.m. or sunrise, whichever is later, or after 7:00 p.m. or sunset, whichever is earlier.

(7) When standing or parking at the request of a bona fide purchaser, as permitted by subsection (A)(1) of this section, the person operating such vehicle or container shall stop playing music, ringing bells or making other noise that advertises such person's presence or wares.

(B) The provisions of this section shall not apply to any persons delivering items on order of, or by agreement with, a customer from a store or other fixed place of business or distribution, nor shall this section apply to any person who has obtained a temporary use permit for operation of such a vehicle or container on specific public property.

Sec. 18-73. Temporary parking regulation.

(A) Whenever the chief of police determines that any public or private event is likely to cause substantial traffic or congestion that can be alleviated if the parking or operation of vehicles is regulated or prohibited, he or she may order that temporary signs be posted along affected streets or alleys or in public parking areas indicating the nature and duration of the regulation or prohibition.

(B) After such signs have been posted for at least 24 hours, the chief of police may remove vehicles violating such signs.

(C) The chief of police shall remove such signs promptly after the need for them has ended.

Sec. 18-74. Loading permits required.

The traffic engineer may issue a permit allowing a vehicle to back to a curb in order to load or unload merchandise or materials, subject to terms and conditions stated in the permit. The permit may be issued to the owner or lessee of the real property where the merchandise or materials will be loaded or unloaded or to the owner of the vehicle.

Sec. 18-75. Parking in alleys.

No person shall stop, stand or park a vehicle in an alley for any purpose other than the loading or unloading of persons or materials.

Sec. 18-76. Loading and unloading in yellow zones.

Between 7:00 a.m. and 6:00 p.m. of any day except Sundays and holidays, no person shall stop a vehicle in a yellow zone except to load or unload passengers or freight. The loading and unloading of passengers shall not consume more than three minutes, and the loading and unloading of freight shall not consume more than 20 minutes.

Sec. 18-77. Stopping in white zones.

No person shall stop a vehicle in a white zone for more than three minutes except to load and unload passengers or deposit mail in an adjacent mailbox.

Sec. 18-78. Parking in green zones.

Between 9:00 a.m. and 6:00 p.m. of any day except Sundays and holidays, no person shall stop, stand or park a vehicle in a green zone for longer than 15 minutes.

Section 18-79 reserved.

DIVISION 2. VIOLATION

Sec. 18-80. Violation.

(A) No person shall stop, park, stand or operate a vehicle, nonmotorized vehicle or nonmotorized wheeled container contrary to the provisions of this article.

(B) No person shall stop, park, stand or operate a vehicle, nonmotorized vehicle or nonmotorized wheeled container contrary to or in a manner prohibited by traffic signs, signals or markings placed by the traffic engineer.

ORDINANCE OF THE CITY OF OXNARD

ORDINANCE NO. ____

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD REVISING
SECTION 8-47(A)(5) OF THE OXNARD CITY CODE RELATED TO THE
PLACEMENT OF TIME AND PLACE RESTRICTIONS ON VENDING FROM
VEHICLES, WAGONS AND PUSHCARTS

.....

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

Part 1. Section 8-47(A)(5) of the Oxnard City Code is hereby amended to read as follows:

“No person shall stand or park any such vehicle or
container within 900 feet of any school or day-care center
between 7:00 a.m. and 4:00 p.m., Monday through Friday.”

Part 2. Within 15 days after passage, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation within the city. Ordinance No. _____ was first read on _____, 2013 and finally adopted on _____, 2013 to become effective thirty days thereafter.

ATTACHMENT NO. 2

PAGE 1 OF 2

AYES:

NOES:

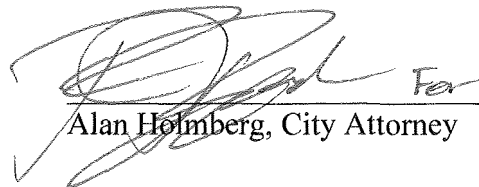
ABSENT:

Tim Flynn, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:

 For

Alan Holmberg, City Attorney

ATTACHMENT NO. 2
PAGE 2 OF 2

Item # J-1

INFORMATION ONLY

NO ACTION REQUIRED

2013

DATE: April 9, 2013**TO:** City Council**FROM:** James Cameron, Chief Financial Officer
Finance Department

A handwritten signature in cursive script that reads "James Cameron".

**SUBJECT: Monthly Budget Status Report for the Period Ending March 31, 2013
(Fiscal Year 2012-13)**

The monthly budget status report for revenues and expenses include both Governmental and Enterprise Funds for the period ending March 31, 2013. Because this report includes year-end accruals for Fiscal Year 2011-12, there are timing issues on offsetting revenues and expenditures.

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

2013

JC:MM:tr

Attachment #1: Monthly Budget Status Reports

2013

**City of Oxnard
Monthly Budget Status Report
For the Period Ending March 31, 2013**

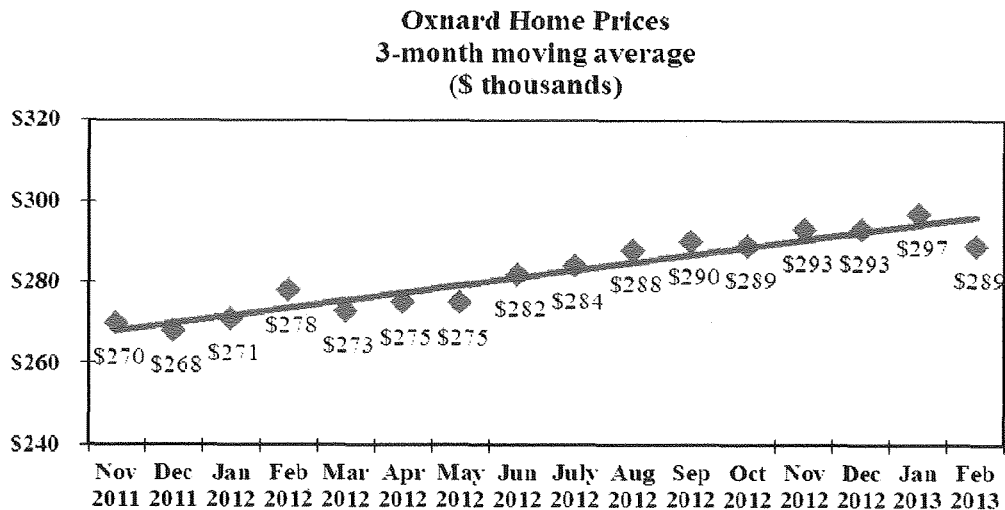
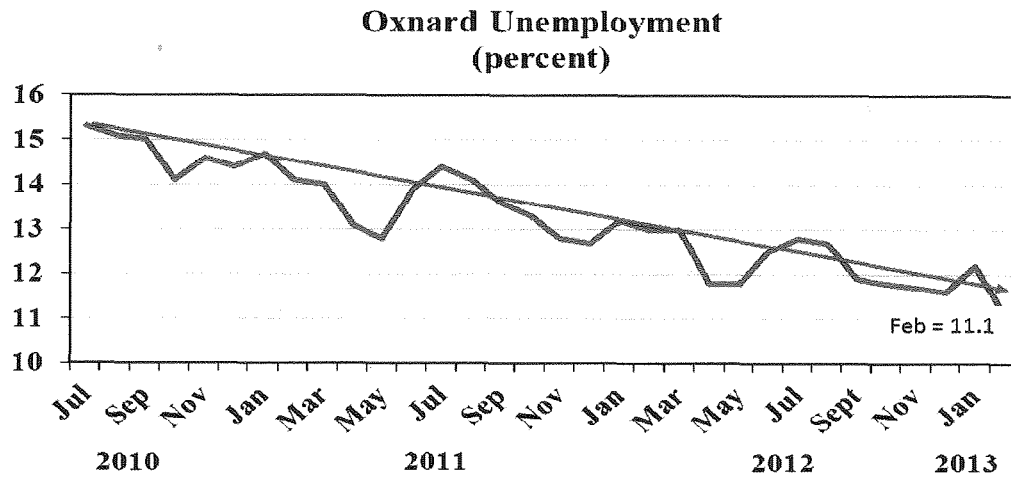
TABLE OF CONTENTS

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Measure "O" ½ Cent Sales Tax	5
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Successor Agency to the Community Development Commission	15

Economic & Budget Trends

The economic trends for the first quarter of the calendar year had been relatively strong except for recent retail sales reporting and consumer confidence. This appears to be driven by the change in payroll taxes beginning to have an impact. On the positive side, employment data continues to be positive as does housing.

On the local level, unemployment and housing trends are consistent with the national trends. February unemployment in Oxnard has fallen to 11.1%.



The three month moving average is used for housing due to the higher volatility. Even so, the February data was somewhat lower than expected.

**City of Oxnard
General Fund
Budget Status Report
For the Month Ended March 31, 2013
(Unaudited)**

	<u>Original Budget</u>	<u>Revised Budget</u>	<u>Actual Amounts</u>
OPERATING REVENUES AND EXPENDITURES			
Operating Revenues			
Taxes:			
Property Taxes	\$ 25,888,000	\$ 25,888,000	\$ 14,855,331 a
Property Tax in-lieu of Vehicle License Fee	14,310,000	14,310,000	7,162,851
Sales Tax	25,245,000	25,245,000	13,481,240 b
Other Taxes and Fees	12,469,000	12,469,000	7,838,128 c
Licenses and Permits	1,984,000	1,984,000	1,314,077
Intergovernmental	12,956,140	12,956,140	8,214,423 c
Charges for Services	11,023,518	11,023,518	5,954,298
Fines and Forfeitures	653,000	653,000	290,227 c
Investment Earnings	216,000	216,000	50,550
Miscellaneous	<u>3,956,000</u>	<u>3,956,000</u>	<u>2,370,658</u>
Total Operating Revenues	\$ 108,700,658	\$ 108,700,658	\$ 61,531,783
Operating Expenditures			
General Government	10,546,550	10,595,950	7,018,174
Public Safety	63,681,364	63,660,364	44,498,676
Transportation	3,745,333	3,715,333	2,468,806
Community Development	9,543,962	9,492,562	6,785,653
Culture and Recreation	<u>15,716,274</u>	<u>15,778,274</u>	<u>11,233,713</u>
Total Operating Expenditures	\$ 103,233,483	\$ 103,242,483	\$ 72,005,022
NET REVENUES FROM OPERATIONS	\$ 5,467,175	\$ 5,458,175	\$ (10,473,239)

Notes:

- a Current year receipts reduced for year-end accrual of \$1,330,649.
- b Current year receipts reduced for year-end accrual of \$4,582,486 to prior year.
- c Actual amounts reflect accrual reversals for receipts recognized in the prior year in the amount of \$745,340.

**City of Oxnard
General Fund
Budget Status Report
For the Month Ended March 31, 2013
(Unaudited)**

	<u>Original Budget</u>	<u>Revised Budget</u>	<u>Actual Amounts</u>
NON-OPERATING SOURCES AND USES			
Non-operating Sources			
Transfers in	\$ 37,000	\$ 37,000	\$ 37,000
Sub-total Non-operating Sources	<u>37,000</u>	<u>37,000</u>	<u>37,000</u>
Non-operating Uses			
Capital outlay	75,000	96,000	59,055
Transfers out	<u>5,429,175</u>	<u>5,429,175</u>	<u>678,870</u> d
Sub-total Non-operating Uses	<u>5,504,175</u>	<u>5,525,175</u>	<u>737,925</u>
NET NON-OPERATING SOURCES AND USES	\$ (5,467,175)	\$ (5,488,175)	\$ (700,925)
USE OF FUND BALANCE			
Use of Reserve for Encumbrances	-	-	-
From Available Fund Balance	<u>-</u>	<u>30,000</u>	<u>11,174,164</u> e
TOTAL USE OF FUND BALANCE	\$ -	\$ 30,000	\$ 11,174,164
FISCAL YEAR BALANCE	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>

Notes:

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

City of Oxnard
Measure O 1/2 Cent Sales Tax
Budget Status Report
For the Month Ended March 31, 2013
(Unaudited)

	<u>Original Budget</u>	<u>Revised Budget</u>	<u>Actual Amounts</u>
OPERATING REVENUES AND EXPENDITURES			
Operating Revenues			
Taxes	\$ 11,000,000	\$ 11,000,000	\$ 5,838,945 a
Investment Earnings	90,000	90,000	63,913
Total Operating Revenues	\$ 11,090,000	\$ 11,090,000	\$ 5,902,858
Operating Expenditures			
General Government	-	173,222	13,497
Public Safety	2,833,460	5,362,759	2,909,889
Transportation	900,000	1,263,924	605,321
Community Development	350,000	694,273	158,130
Culture and Recreation	1,295,000	1,442,626	596,332
Total Operating Expenditures	\$ 5,378,460	\$ 8,936,804	\$ 4,283,169
NET REVENUES FROM OPERATIONS	\$ 5,711,540	\$ 2,153,196	\$ 1,619,689
NON-OPERATING SOURCES AND USES			
Non-operating Sources			
Proceeds from Lease Purchase Agreement	-	-	-
Sub-total Non-operating Sources	-	-	-
Non-operating Uses			
Interest Expense	-	-	-
Payment of Principal	-	-	-
Capital Outlay	700,000	12,174,781	4,256,942
Sub-total Non-operating Uses	700,000	12,174,781	4,256,942
NET NON-OPERATING SOURCES AND USES	\$ (700,000)	\$ (12,174,781)	\$ (4,256,942)
DEBT FINANCING & USE OF FUND BALANCE			
Designated for Authorized Projects & Encumbrances	-	14,043,125	3,570,439 b
Appropriated Fund Balance	-	990,000	(933,186)
TOTAL USE OF FUND BALANCE	\$ -	\$ 15,033,125	\$ 2,637,253
FISCAL YEAR BALANCE	\$ 5,011,540	\$ 5,011,540	\$ -

Notes:

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

b Carryover of prior year project balances.

**City of Oxnard
Grant Funds
Budget Status Report
For the Month Ended March 31, 2013
(Unaudited)**

	<u>Original Budget</u>	<u>Revised Budget</u>	<u>Actual Amounts</u>
OPERATING REVENUES AND EXPENDITURES			
Operating Revenues			
Intergovernmental	\$ 5,465,141	\$ 16,114,840	\$ 8,868,562
Fines and forfeitures	-	-	184,231
Investment Earnings	-	-	8,934
Miscellaneous	-	100,731	216,435
Total Operating Revenues	\$ 5,465,141	\$ 16,215,571	\$ 9,278,162
Operating Expenditures			
General Government	-	-	-
Public Safety	200,000	7,266,161	2,063,170
Transportation	-	250,000	-
Community Development	3,604,704	9,068,743	4,193,614
Culture and Recreation	186,103	334,000	189,689
Total Operating Expenditures	\$ 3,990,807	\$ 16,918,904	\$ 6,446,473
NET REVENUES FROM OPERATIONS	\$ 1,474,334	\$ (703,333)	\$ 2,831,689
NON-OPERATING SOURCES AND USES			
Non-operating Sources			
Transfers in	-	-	-
Sub-total Non-operating Sources	-	-	-
Non-operating Uses			
Capital Outlay	1,477,414	13,890,256	3,565,499
Transfers out	-	-	-
Sub-total Non-operating Uses	1,477,414	13,890,256	3,565,499
NET NON-OPERATING SOURCES AND USES	\$ (1,477,414)	\$ (13,890,256)	\$ (3,565,499)
DEBT FINANCING & USE OF FUND BALANCE			
Designated for Authorized Projects & Encumbrances	-	14,258,769	3,186,261
From/(to) Available Fund Balance	3,080	709,820	(2,452,451) a
TOTAL USE OF FUND BALANCE	\$ 3,080	\$ 14,968,589	\$ 733,810
FISCAL YEAR BALANCE	\$ -	\$ 375,000	\$ -

Notes:

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

City of Oxnard
Other Governmental Funds
Budget Status Report
For the Month Ended March 31, 2013
(Unaudited)

	<u>Original Budget</u>	<u>Revised Budget</u>	<u>Actual Amounts</u>
OPERATING REVENUES AND EXPENDITURES			
Operating Revenues			
Taxes	\$ 13,516,600	\$ 13,516,600	\$ 6,819,887
Licenses and Permits	755,314	755,314	790,459
Intergovernmental	5,921,041	5,919,116	4,047,907
Growth and Development Fees	1,808,100	1,808,100	1,170,585
Charges for services	55,300	55,300	70,712
Fines and forfeitures	400,000	400,000	160,889
Investment Earnings	690,716	690,716	206,854
Special Assessments	8,046,810	8,046,810	4,357,516
Miscellaneous	793,600	793,600	567,165
Total Operating Revenues	\$ 31,987,481	\$ 31,985,556	\$ 18,191,974
Operating Expenditures			
General Government	260,084	260,084	211,350
Public Safety	19,211,930	19,478,661	14,144,271
Transportation	5,914,422	5,959,514	4,006,154
Community Development	9,400	9,400	122
Culture and Recreation	4,779,556	4,840,376	3,629,691
Total Operating Expenditures	\$ 30,175,392	\$ 30,548,035	\$ 21,991,588
NET REVENUES FROM OPERATIONS	\$ 1,812,089	\$ 1,437,521	\$ (3,799,614)
NON-OPERATING SOURCES AND USES			
Non-operating Sources			
Transfers in	\$ 6,335,798	\$ 6,335,798	\$ 1,813,831 a
Bond Proceeds	\$ -	\$ 1,099,999	\$ -
Sub-total Non-operating Sources	6,335,798	7,435,797	1,813,831
Non-operating Uses			
Interest Expense	3,030,074	4,128,419	1,211,991
Payment of Principal	3,575,684	3,800,684	878,462
Capital Outlay	3,207,162	30,545,270	8,052,561
Affordable housing projects	-	3,300,000	3,300,000 b
Transfers out	1,788,471	1,788,471	1,788,471 a
Sub-total Non-operating Uses	11,601,391	43,562,844	15,231,485
NET NON-OPERATING SOURCES AND USES	\$ (5,265,593)	\$ (36,127,047)	\$ (13,417,654)

City of Oxnard
Other Governmental Funds
Budget Status Report
For the Month Ended March 31, 2013
(Unaudited)

	<u>Original Budget</u>	<u>Revised Budget</u>	<u>Actual Amounts</u>
DEBT FINANCING & USE OF FUND BALANCE			
Designated for Authorized Projects & Encumbrances	-	22,738,629	7,247,305
Appropriated Fund Balance	-	8,196,094	4,947,071
From Available Fund Balance	<u>3,453,504</u>	<u>3,754,803</u>	<u>5,022,892</u>
TOTAL USE OF FUND BALANCE	<u>\$ 3,453,504</u>	<u>\$ 34,689,526</u>	<u>\$ 17,217,268</u>
FISCAL YEAR BALANCE	<u><u>\$ -</u></u>	<u><u>\$ -</u></u>	<u><u>\$ -</u></u>

Notes:

- a Transfers in/out are internal payments from/to other funds made at the time obligations are due in the target fund.
- b Use of affordable housing in-lieu fees.

**City of Oxnard
Water Funds
Budget Status Report
For the Month Ended March 31, 2013
(Unaudited)**

	<u>Original Budget</u>	<u>Revised Budget</u>	<u>Actual Amounts</u>
OPERATING REVENUES AND EXPENDITURES			
Operating Revenues			
Charges for Services	\$ 43,810,000	\$ 43,810,000	\$ 31,842,645
Security/Contamination Prevention Fees	770,000	770,000	192,471
Miscellaneous and Reimbursements	5,000	141,000	152,525
Total Operating Revenues	\$ 44,585,000	\$ 44,721,000	\$ 32,187,641
Operating Expenditures			
Salaries and Wages	5,014,491	5,014,491	3,134,488
Contracts and Services	2,236,046	2,456,212	982,255
Operating Supplies	1,060,600	1,210,600	2,945,073
Water Acquisition	18,784,000	18,784,000	13,331,209
General and Administrative	4,285,132	4,292,966	2,845,394
Total Operating Expenditures	\$ 31,380,269	\$ 31,758,269	\$ 23,238,419
NET REVENUES FROM OPERATIONS	\$ 13,204,731	\$ 12,962,731	\$ 8,949,222
NON-OPERATING SOURCES AND USES			
Non-operating Sources			
Transfers In	2,067,900	2,067,900	- a
Investment Earnings	2,294,000	2,294,000	1,459,644
Connection Fees	460,000	460,000	917,270
Sub-total Non-operating Sources	4,821,900	4,821,900	2,376,914
Non-operating Uses			
Capital Outlay (non-debt financed)	3,900,000	12,048,769	751,179
Interest Expense	11,414,089	11,414,089	8,765,782
Transfers Out	1,348,277	1,348,277	- b
Sub-total Non-operating Uses	16,662,366	24,811,135	9,516,961
NET NON-OPERATING SOURCES AND USES	\$ (11,840,466)	\$ (19,989,235)	\$ (7,140,047)
DEBT FINANCING & USE OF FUND BALANCE			
Payment of Principal	(3,701,940)	(3,701,940)	(1,487,482)
Designated for Authorized Projects & Encumbrances	-	23,359,835	4,378,716
Use of Bond Principal	-	(15,153,719)	(3,702,655)
From/(To) Capital Reserve	2,337,675	2,522,328	(997,754)
NET USE OF BONDS AND OTHER DEBT FINANCING	\$ (1,364,265)	\$ 7,026,504	\$ (1,809,175)
FISCAL YEAR BALANCE	\$ -	\$ -	\$ -

Notes:

- a Transfers in are internal payments from other funds made at the time obligations are due in the target fund.
b Loan to Golf Fund

**City of Oxnard
Wastewater Funds
Budget Status Report
For the Month Ended March 31, 2013
(Unaudited)**

	<u>Original Budget</u>	<u>Revised Budget</u>	<u>Actual Amounts</u>
OPERATING REVENUES AND EXPENDITURES			
Operating Revenues			
Charges for Services	\$ 24,380,000	\$ 24,380,000	\$ 19,772,843
Security/Contamination Prevention Fees	150,000	150,000	-
Miscellaneous and Reimbursements	485,000	485,000	187,558 ^a
Total Operating Revenues	<u>\$ 25,015,000</u>	<u>\$ 25,015,000</u>	<u>\$ 19,960,401</u>
Operating Expenditures			
Salaries and Wages	6,579,505	6,108,505	4,346,204
Contracts and Services	4,997,327	5,397,327	3,610,117
Operating Supplies	1,761,200	1,796,200	1,282,036
General and Administrative	3,551,920	3,551,920	2,606,768
Total Operating Expenditures	<u>\$ 16,889,952</u>	<u>\$ 16,853,952</u>	<u>\$ 11,845,125</u>
NET REVENUES FROM OPERATIONS	<u>\$ 8,125,048</u>	<u>\$ 8,161,048</u>	<u>\$ 8,115,276</u>
NON-OPERATING SOURCES AND USES			
Non-operating Sources			
Investment Earnings	30,000	30,000	70,098
Connection Fees	380,000	380,000	190,694
Sub-total Non-operating Sources	<u>410,000</u>	<u>410,000</u>	<u>260,792</u>
Non-operating Uses			
Capital Outlay (non-debt financed)	4,275,000	4,914,487	88,312
Interest Expense	6,940,157	6,940,157	3,699,116
Sub-total Non-operating Uses	<u>11,215,157</u>	<u>11,854,644</u>	<u>3,787,428</u>
NET NON-OPERATING SOURCES AND USES	<u>\$ (10,805,157)</u>	<u>\$ (11,444,644)</u>	<u>\$ (3,526,636)</u>
DEBT FINANCING & USE OF FUND BALANCE			
Payment of Principal	(4,487,939)	(4,523,939)	(54,555)
Designated for Authorized Projects & Encumbrances	-	3,059,487	-
Appropriated Fund Balance	-	280,000	-
From/(To) Capital Reserve	7,168,048	4,468,048	(4,534,085)
NET USE OF BONDS AND OTHER DEBT FINANCING	<u>\$ 2,680,109</u>	<u>\$ 3,283,596</u>	<u>\$ (4,588,640)</u>
FISCAL YEAR BALANCE	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>

Notes:

a Prior period adjustment.

City of Oxnard
Environmental Resources
Budget Status Report
For the Month Ended March 31, 2013
(Unaudited)

	<u>Original Budget</u>	<u>Revised Budget</u>	<u>Actual Amounts</u>
OPERATING REVENUES AND EXPENDITURES			
Operating Revenues			
Charges for Services	\$ 44,510,000	\$ 42,410,000	\$ 27,751,191 a
Security/Contamination Prevention Fees	79,000	79,000	93
Miscellaneous and Reimbursements	255,000	307,129	168,166
Total Operating Revenues	\$ 44,844,000	\$ 42,796,129	\$ 27,919,450
Operating Expenditures			
Salaries and Wages	7,062,747	6,967,747	4,800,254
Operating Supplies	613,700	637,700	233,875
Contracts and Services	26,779,699	26,887,565	16,740,824
General and Administrative	3,764,040	3,806,040	2,789,977
Total Operating Expenditures	\$ 38,220,186	\$ 38,299,052	\$ 24,564,930
NET REVENUES FROM OPERATIONS	\$ 6,623,814	\$ 4,497,077	\$ 3,354,520
NON-OPERATING SOURCES AND USES			
Non-operating Sources			
Investment Earnings	170,400	170,400	22,238
Connection Fees	35,340	35,340	34,551
Sub-total Non-operating Sources	205,740	205,740	56,789
Non-operating Uses			
Capital Outlay (non-debt financed)	280,500	604,684	280,157
Interest Expense	771,452	771,452	516,917
Transfers out	62,110	62,110	62,360 b
Sub-total Non-operating Uses	1,114,062	1,438,246	859,434
NET NON-OPERATING SOURCES AND USES	\$ (908,322)	\$ (1,232,506)	\$ (802,645)
DEBT FINANCING & USE OF FUND BALANCE			
Payment of Principal	(3,728,756)	(3,728,756)	(379,226)
Designated for Authorized Projects & Encumbrances	-	182,055	150,198
Appropriated Fund Balance	-	2,268,866	-
From/(To) Capital Reserve	(1,986,736)	(1,986,736)	(2,322,847)
NET USE OF BONDS AND OTHER DEBT FINANCING	\$ (5,715,492)	\$ (3,264,571)	\$ (2,551,875)
FISCAL YEAR BALANCE	\$ -	\$ -	\$ -

Notes:

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

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

**City of Oxnard
Golf
Budget Status Report
For the Month Ended March 31, 2013
(Unaudited)**

	<u>Original Budget</u>	<u>Revised Budget</u>	<u>Actual Amounts</u>
OPERATING REVENUES AND EXPENDITURES			
Operating Revenues			
Charges for Services	\$ 4,021,591	\$ 4,021,591	\$ 3,113,765
Miscellaneous and Reimbursements	<u>10,000</u>	<u>10,000</u>	<u>-</u>
Total Operating Revenues	<u>\$ 4,031,591</u>	<u>\$ 4,031,591</u>	<u>\$ 3,113,765</u>
Operating Expenditures			
Salaries and Wages	66,068	66,068	46,835
Operating Supplies	-	-	-
Contracts and Services	3,938,573	3,938,573	2,965,208
General and Administrative	<u>205,716</u>	<u>205,716</u>	<u>148,675</u>
Total Operating Expenditures	<u>\$ 4,210,357</u>	<u>\$ 4,210,357</u>	<u>\$ 3,160,718</u>
NET REVENUES FROM OPERATIONS	\$ (178,766)	\$ (178,766)	\$ (46,953)
NON-OPERATING SOURCES AND USES			
Non-operating Sources			
Transfers In	1,348,277	1,348,277	-
Investment Earnings	<u>-</u>	<u>-</u>	<u>(7,618)</u>
Sub-total Non-operating Sources	<u>1,348,277</u>	<u>1,348,277</u>	<u>(7,618)</u>
Non-operating Uses			
Capital Outlay (non-debt financed)	80,500	80,500	-
Interest Expense	149,097	149,097	82,095
Transfers out	<u>-</u>	<u>-</u>	<u>-</u>
Sub-total Non-operating Uses	<u>229,597</u>	<u>229,597</u>	<u>82,095</u>
NET NON-OPERATING SOURCES AND USES	\$ 1,118,680	\$ 1,118,680	\$ (89,713)
DEBT FINANCING & USE OF FUND BALANCE			
Payment of Principal	(939,914)	(939,914)	-
Designated for Authorized Projects & Encumbrances	-	-	-
From/(To) Capital Reserve	<u>-</u>	<u>-</u>	<u>-</u>
NET USE OF BONDS AND OTHER DEBT FINANCING	<u>\$ (939,914)</u>	<u>\$ (939,914)</u>	<u>\$ -</u>
FISCAL YEAR BALANCE	<u><u>\$ -</u></u>	<u><u>\$ -</u></u>	<u><u>\$ (136,666)</u></u>

Notes:

City of Oxnard
Performing Arts & Convention Center
Budget Status Report
For the Month Ended March 31, 2013
(Unaudited)

	<u>Original Budget</u>	<u>Revised Budget</u>	<u>Actual Amounts</u>
OPERATING REVENUES AND EXPENDITURES			
Operating Revenues			
Charges for Services	\$ 450,200	\$ 450,200	\$ 323,296
Miscellaneous	20,000	20,000	16,001
Total Operating Revenues	\$ 470,200	\$ 470,200	\$ 339,297
Operating Expenditures			
Salaries and Wages	950,194	950,194	722,004
Operating Supplies	300	300	-
Contracts and Services	252,355	252,355	180,687
General and Administrative	172,511	172,511	127,887
Total Operating Expenditures	\$ 1,375,360	\$ 1,375,360	\$ 1,030,578
NET REVENUES FROM OPERATIONS	\$ (905,160)	\$ (905,160)	\$ (691,281)
NON-OPERATING SOURCES AND USES			
Non-operating Sources			
Transfers In	905,160	905,160	678,870 a
Investment Earnings	-	-	(6,290)
Sub-total Non-operating Sources	905,160	905,160	672,580
Non-operating Uses			
Capital Outlay	-	-	-
Sub-total Non-operating Uses	-	-	-
NET NON-OPERATING SOURCES AND USES	\$ 905,160	\$ 905,160	\$ 672,580
DEBT FINANCING & USE OF FUND BALANCE			
Designated for Authorized Projects & Encumbrances	-	-	-
From/(To) Capital Reserve	-	-	-
NET USE OF BONDS AND OTHER DEBT FINANCING	\$ -	\$ -	\$ -
FISCAL YEAR BALANCE	\$ -	\$ -	\$ (18,701)

Notes:

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

City of Oxnard
Housing Set-aside Successor Agency Fund
Budget Status Report
For the Month Ended March 31, 2013
(Unaudited)

	<u>Original Budget</u>	<u>Revised Budget</u>	<u>Actual Amounts</u>
OPERATING REVENUES AND EXPENDITURES			
Operating Revenues			
Taxes	\$ -	\$ -	\$ 27,050
Rental Income	-	-	-
Miscellaneous and Reimbursements	-	-	105,864 a
Total Operating Revenues	\$ -	\$ -	\$ 132,914
Operating Expenditures			
Salaries and Wages	-	-	51,959
Contracts and Services	-	-	23,711
General and Administrative	-	-	51,186
Total Operating Expenditures	\$ -	\$ -	\$ 126,856
NET REVENUES FROM OPERATIONS	\$ -	\$ -	\$ 6,058
NON-OPERATING SOURCES AND USES			
Non-operating Sources			
Transfers In	-	-	-
Investment Earnings	-	-	-
Sub-total Non-operating Sources	-	-	-
Non-operating Uses			
Capital Outlay	-	-	45,262
Payment to Ventura County	-	-	4,333,522 b
Transfers out	-	-	-
Sub-total Non-operating Uses	-	-	4,378,784
NET NON-OPERATING SOURCES AND USES	\$ -	\$ -	\$ (4,378,784)
DEBT FINANCING & USE OF FUND BALANCE			
Payment of principal	-	-	-
Designated for Authorized Projects & Encumbrances	-	-	4,333,522
From/(To) Operating and Capital Reserves	-	-	39,204
TOTAL USE OF FUND BALANCE	\$ -	\$ -	\$ 4,372,726
FISCAL YEAR BALANCE	\$ -	\$ -	\$ -

Notes:

a Housing set-aside deposit.

b Payment to Ventura County of unobligated cash as required by the California Department of Finance.

City of Oxnard
Successor Agency to the Community Development Commission
Budget Status Report
For the Month Ended March 31, 2013
(Unaudited)

	<u>Original Budget</u>	<u>Revised Budget</u>	<u>Actual Amounts</u>
OPERATING REVENUES AND EXPENDITURES			
Operating Revenues			
Taxes	\$ 10,478,775	\$ 24,778,775	\$ 10,563,061 a
Rental Income	-	-	47,248
Miscellaneous and Reimbursements	-	-	201,391
Total Operating Revenues	\$ 10,478,775	\$ 24,778,775	\$ 10,811,700
Operating Expenditures			
Salaries and Wages	-	-	49,278
Contracts and Services	-	-	211,614
General and Administrative	305,207	305,207	243,206
Total Operating Expenditures	\$ 305,207	\$ 305,207	\$ 504,098
NET REVENUES FROM OPERATIONS	\$ 10,173,568	\$ 24,473,568	\$ 10,307,602
NON-OPERATING SOURCES AND USES			
Non-operating Sources			
Transfers In	-	-	-
Investment Earnings	-	-	56,739
Sub-total Non-operating Sources	-	-	56,739
Non-operating Uses			
Capital Outlay	-	-	-
Interest Expense	-	-	1,981,766
Project Costs	10,173,568	24,473,568	14,943,088 b
Transfers out	-	-	-
Sub-total Non-operating Uses	10,173,568	24,473,568	16,924,854
NET NON-OPERATING SOURCES AND USES	\$ (10,173,568)	\$ (24,473,568)	\$ (16,868,115)
DEBT FINANCING & USE OF FUND BALANCE			
Payment of principal	-	-	(1,410,000)
Designated for Authorized Projects & Encumbrances	-	-	-
From/(To) Operating and Capital Reserves	-	-	7,970,513
TOTAL USE OF FUND BALANCE	\$ -	\$ -	\$ 6,560,513
FISCAL YEAR BALANCE	\$ -	\$ -	\$ -

Notes:

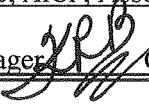
- a Revenues received from the County for expenditures approved in the Recognized Obligation Payment Schedule for January 2013 to June 2013.
- b Amounts approved by the California Department of Finance (DOF) and judgement regarding Wagon Wheel project of \$14.3 million.



Meeting Date: 04 / 23 / 2013

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

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

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

DATE: April 23, 2013

TO: City Council

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

SUBJECT: Appeal of the Planning Commission's recommendation for denial of Planning & Zoning Permit No. 11-570-02 (Zone Change) to change the zone designation to General Commercial Planned Development (C-2-PD). Located at 1001 and 1051 East Channel Islands Blvd. Filed by designated agent Brian Corbell on behalf of property owner Channel Islands Inn L.P., 225 Arizona Venue, Suite 300, Santa Monica, CA 90401.

RECOMMENDATION

That City Council approve the first reading by title only and subsequent adoption of an ordinance approving a Zone Change (Planning & Zoning Permit No. 11-570-02) from Commercial & Light Manufacturing Planned Development (C-M-PD) to General Commercial Planned Development (C-2-PD) for the properties located at 1001 and 1051 East Channel Islands Boulevard.

SUMMARY

On May 17, 2012, the Planning Commission adopted resolutions approving a major modification for a restaurant addition and a special use permit for a Type 41 alcoholic beverage control license for the restaurant use (see Attachments 2 – 6). In addition to the approval actions, the Commission denied a second special use permit for a Type 20 alcoholic beverage control license for a proposed 7-Eleven convenience store, and recommended denial for the zone change request to General Commercial (C-2-PD) (see Attachment 7). The applicant sought the major modification and special use permits to convert a closed former IHOP restaurant into three tenant suites for retail and restaurant uses, with on-sale of alcohol at the restaurant and off-sale of alcohol at the proposed convenience store. No further action is required in order to allow the applicant to proceed with the addition and interior tenant improvements, and obtain an alcoholic beverage control license for a future restaurant. On June 1, 2012, the applicant filed the Notice of Appeal on permits related to the convenience store (see Attachment 8). On November 15, 2012, the applicant withdrew their appeal of the special use permit for off-site alcohol sales. The requested zone change to C-2-PD is consistent with the current General Plan designation as General Commercial (CG), and therefore, the attached Ordinance (Attachment 13) recommends approval.

DISCUSSION

On July 10, 2012, the City Council considered the appeal application (see Attachments 9 & 10). The Council members focused their discussion on the desirability of a 7-Eleven store as an anchor retail tenant, ability of a 7-Eleven store to attract additional high-quality tenants, desire by City residents to have a quality restaurant at the location, ability of C-2-PD zoning to allow a variety of retail uses other than convenience stores, and if a specific restaurant tenant could be identified prior to approval. The Council directed the applicant to ascertain a specific restaurant tenant to accompany the proposed 7-Eleven store, and return to Council for further consideration when a specific restaurant tenant has been identified. The Council continued the item to September 18, 2012, to allow the applicant additional time to address these concerns.

On September 18, 2012, the City Council considered the applicant's efforts and heard public testimony (see Attachments 11 & 12). A total of eleven speakers were opposed to the 7-Eleven store, and seven spoke in favor of a 7-Eleven. The Council deliberated on the applicant's efforts to find a restaurant for the site, and also the possibility of having an empty building if the applicant cannot obtain any tenants. The Council continued the item off-calendar to allow the applicant additional time to find a prospective restaurant tenant.

On November 15, 2012, the applicant withdrew their appeal of the special use permit (Planning & Zoning Permit No. 11-510-09) for the alcoholic beverage control license for the proposed 7-Eleven store. Since then, the applicant has stated that they have met with all stakeholders, as well as the Saviers Road Design Team on March 11, 2013. It is the applicant's belief that there is support for the request now before the Council. The applicant requests approval of the zone change only, in order to facilitate marketing the property and attract desirable tenants with uses that are realistic and permitted by right. The applicant believes that a restaurant use on the site would be enhanced by the requested rezoning.

The City's 2030 General Plan land use designation for the subject site is General Commercial (CG), which allows retail centers and free-standing commercial uses along major corridors, and the proposed zone change to C-2-PD is consistent with the current General Plan designation. The proposed C-2-PD designation will be consistent with surrounding properties to the east, including Amar Ranch market. The C-2-PD zone permits the following uses by right: restaurants, retail stores, professional and business offices, banks, personal services such as barber/beauty shops, convenience stores without alcohol sales, pharmacies, and trade schools, among others. The C-2-PD zone permits the following uses with a special use permit: hotels/motels, sales of alcoholic beverages (e.g., convenience stores, restaurants, markets, etc.), drive-through restaurants, vehicle sales, service stations, and churches, among others. The primary difference between the C-2-PD and C-M-PD zones is that the former allows a greater variety of retail uses and services, and omits the light manufacturing and warehouse uses of the latter. Therefore, the attached Ordinance (Attachment 13) recommends approval.

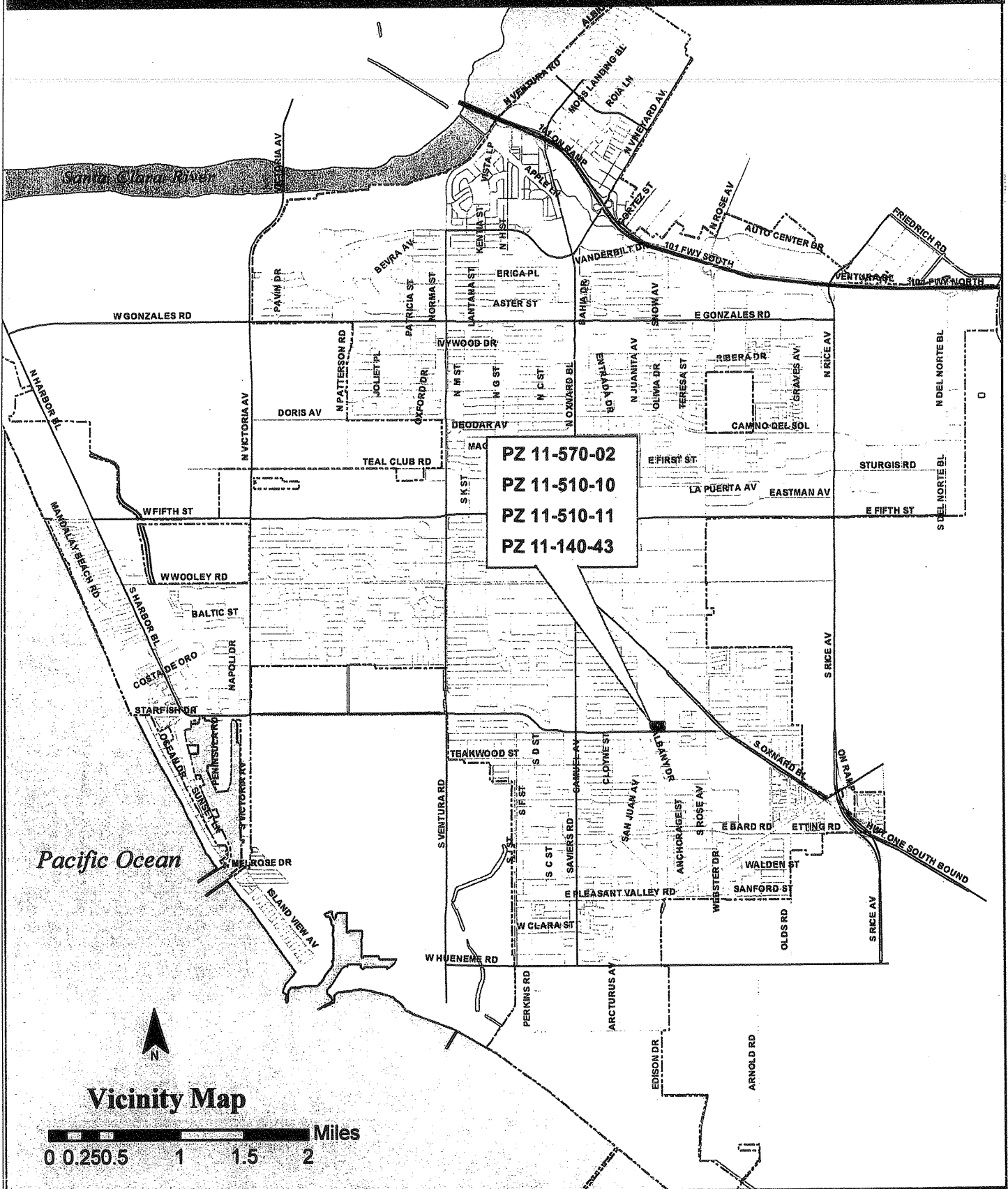
FINANCIAL IMPACT

The appellant paid the applicable filing fee. If approved, future retail/commercial businesses operating at the site may result in a modest financial benefit to the City, including additional sales tax revenue.

Attachments #1 – Vicinity Map

- #2 – Planning Commission Staff Report w/o attachments
- #3 – Planning Commission meeting minutes
- #4 – Planning Commission Resolution No. 2012-10 (Major Modification approval)
- #5 – Planning Commission Resolution No. 2012-11 (Special Use Permit approval)
- #6 – Approved Floor Plan
- #7 – Planning Commission Resolution No. 2012-12 (Zone Change denial)
- #8 – Notice of Appeal
- #9 – City Council Staff Report of July 10, 2012, w/o attachments
- #10 – City Council meeting minutes of July 10, 2012
- #11 – City Council Staff Report of September 18, 2012, w/o attachments
- #12 – City Council meeting minutes of September 18, 2012
- #13 – Zone Change Ordinance (Zone Change approval)

Vicinity Map



Vicinity Map

0 0.250.5 1 1.5 2 Miles



Oxnard Planning
November 22, 2011

PZ 11-570-02, 11-510-10, 11-510-11, 11-140-43
Location: 1051 E. Channel Is. Bl.
APN: 220022013, 220022012
Cadence Capital

ATTACHMENT 1
PAGE 1 OF 1

PLANNING COMMISSION STAFF REPORT

TO: Planning Commission

FROM: Brian Foote, AICP, Associate Planner

DATE: May 17, 2012

SUBJECT: Planning & Zoning Permit Nos. 12-550-01 (Major Modification), 11-570-02 (Zone Change), and 11-510-09 & 11-510-10 (Special Use Permit – Alcohol).

- 1) **Recommendation:** That the Planning Commission adopt resolutions for the following actions:
 - a) Approve Planning & Zoning Permit Nos. 11-510-09 and 11-510-10 for special use permits, subject to certain findings and conditions; and
 - b) Approve Planning & Zoning Permit No. 12-550-01 for a major modification, subject to certain findings and conditions; and
 - c) Recommend approval of Planning & Zoning Permit No. 11-570-02 for a zone change.
- 2) **Project Description and Applicant:** A request for approval of: a major modification to construct a 1,200 square-foot addition if needed to accommodate a future retail or restaurant tenant (to be determined); a zone change to General Commercial (C-2-PD) in order to allow a convenience store and sales of alcoholic beverages; and special use permits to sell beer and wine for off-site consumption for a future convenience store (7-Eleven), and sell beer and wine for on-site consumption for a future restaurant. The project site is located at 1051 East Channel Islands Boulevard (see Attachment A). Filed by Terri Dickerhoff, Cadence Capital Investments LLC, 1120 Manzanita Street, Los Angeles, CA 90029.
- 3) **Existing & Surrounding Land Uses:** The site is developed with an existing commercial building for one tenant, formerly an International House of Pancakes restaurant.

LOCATION	ZONING	GENERAL PLAN	EXISTING LAND USE
Project Site	C-M-PD	Commercial: General (CG)	Former IHOP Restaurant (currently vacant)
North	M-L	Industrial Light (ILGT)	Maple Leaf Bakery (across Albany Drive)
South	R-3-PD	Residential High (RH)	Channel Island Park Apartments (across Channel Islands Blvd.)
East	C-2-PD	Commercial: General (CG)	Amar Ranch Food Warehouse (across Statham Blvd.)
West	C-M-PD	Commercial: Neighborhood (CN)	Channel Islands Inn & Suites

4) Background Information: On July 21, 1981, the City Council adopted Ordinance No. 1867 repealing the Light Manufacturing (M-1) zone and creating the Limited Manufacturing (M-L) zone, effectively changing the zoning of the subject property from M-1 to M-L. On May 16, 1985, the Planning Commission adopted Resolution No. 6763 approving a use permit (U-1091) to construct a 91-unit hotel and 4,250-sq.ft. restaurant on the subject property. On August 2, 1988, the City Council adopted Ordinance No. 2172 changing the zoning of the subject property from M-L to Commercial Manufacturing (C-M-PD). A minor modification was approved in 1989 (PZ No. 89-600-64) to add office and storage rooms to the IHOP restaurant.

5) Environmental Determination: In accordance with Section 15301 of the State CEQA Guidelines, projects involving "Existing Facilities" may be found to be exempt from the requirements of the California Environmental Quality Act (CEQA). Section 15301 exempts projects involving minor alterations to existing facilities, as well as additions not exceeding 10,000-sq.ft. Therefore, staff has determined that there is no substantial evidence that the project may have a potentially significant effect on the environment, and recommends that the Planning Commission adopt the Notice of Exemption (Attachment C).

6) Analysis:

a) General Discussion: The multiple applications are required for different elements of the proposal: the zone change request in order to allow the convenience store, as well as the sale of alcoholic beverages; the major modification in order to create multiple suites within the existing structure (Phase I or "Option A"); a potential Phase II 1,200-sq.ft. addition to the restaurant and modifications to the parking lot (Phase II or "Option B"); and the special use permits for future license issuance by the Department of Alcoholic Beverage Control. This proposal includes two phases: 1) remodel the existing structure without an addition; and a potential Phase II construction of a 1,200-sq.ft. addition if needed, within three years of the approval date. Phase I does not include any addition to the structure nor modifications to the parking lot; Phase I only creates multiple suites within the existing building shell.

The building is proposed to be divided into two separate uses. Suite 1 is proposed to be a 2,500-sq.ft. convenience store for 7-Eleven with sales of alcohol for off-site consumption, and Suite 2 is to be a non-fast-food restaurant (tenant yet to be determined) with sales of alcohol for on-site consumption. The tenant space proposed to be occupied by 7-Eleven is located on the front side of the building, with frontage on Channel Islands Boulevard. The proposed restaurant space would occupy the remainder (rear) of the structure, with frontage toward Statham Blvd., with the potential for a Phase II addition totaling 1,200-sq.ft.

According to the applicant, alcohol accounts for only 14% of total sales in 7-Eleven, but generates 30-40% of the incidental sales (i.e. customers purchasing other items concurrently with alcohol). 7-Eleven stores offer fresh fruit, fresh bakery and dairy products, pre-packaged and ready-to-eat foods, as well as sundry and grocery items. The applicant states that alcohol sales are critical to the business plan because it promotes "one-stop shopping" for the convenience of their customers. The store is proposed to operate 24 hours, 7 days per week;

Police condition #31 prohibits the sale of alcoholic beverages between the hours of 12:00 midnight to 6:00 a.m., and Police condition #43 requires the coolers with alcohol to be locked during those hours.

For the zone change request, the two subject properties located at 1051 E. Channel Islands Blvd. (project site) and 1001 E. Channel Islands Blvd. (Channel Islands Inn & Suites) have the same property owner, and the applicant has requested that both parcels be zoned General Commercial Planned Development (C-2-PD) for consistency.

- b) General Plan Consistency:** The City's 2030 General Plan land use designation for the subject site is for General Commercial (CG) uses which allows retail centers and free-standing commercial uses along major corridors. The proposed uses are retail commercial, and the project will be consistent. Approval of these requests for zone change, major modification, and alcohol special use permits have 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 a Proposed Project or Program.
- II. Related or Indirect Applicability to the Proposed Project or Program.
- III. No or Distant Applicability to the Proposed Project or Program (all policies not listed as Level I and II are assumed to be consistent).

POLICY	LEVEL	POLICY OR TITLE	EXPLANATION
CD 18.1	I	Identify and attract a range of commercial, retail and industrial businesses that are compatible with the community's business climate and not detrimental to the existing economy and environment.	The proposed project will facilitate attracting new retail and restaurant businesses to the city.
CD-18.10	II	Support, stimulate, and foster increased activity of existing businesses within the community.	The proposed project will support the existing hotel business on the adjacent property.
All others	III	All policies not listed above	No or Distant Applicability to the Proposed Project

- c) Conformance with Zoning Development Standards:** If the zone change request is approved, the proposed development will be within the General Commercial (C-2-PD) zone district. In accordance with the City Code, the proposed alcohol licenses for the 7-Eleven and restaurant may be permitted with an approved special use permit. Applicable development standards of the C-2-PD zone have been compared with the proposed Phase II portion of the project (addition and parking lot modifications), as follows:

DEVELOPMENT STANDARD	REQUIREMENT	PROPOSED	COMPLIES
Building Height (§16-137)	2 stories or 35 feet maximum.	1 story (E)	Yes
Front Yard Setback (16-139)	10 feet from property line;	85'0" (E)	Yes
Side Yard Setback (§16-140)	5 feet. Zero feet when property abuts another C-2 zoned lot.	10'2" (E)	Yes
Rear Yard Setback (§16-141)	None if less than 16'0" in height; 15 feet if more than 16'0" height.	105'1"	Yes
Off-Street Parking (§16-622)	Retail: 1 per 300 SF = 8 Restaurant: 1 per 75 SF = 56 <i>Minimum = 64</i> • Handicap-accessible • Motorcycle (§16-624) • Bicycle (§16-623, 16-637) • Loading (§16-644)	83 (Phase I) 72 (Phase II) 3 4 10 1	Yes Yes Yes Yes Yes Yes
Parking space size/design • Standard (16-636,16-638) • Driveway depth (16-636) • Loading (16-644)	• 9'0" wide & 19'0" long • 40' long minimum • 12'wide, 40'long, 14'high •	9'0" x 19'0" 40'0" min. 12'0" x 40'0"	Yes Yes Yes
Parking lot landscape (§16-641) • Along streets/alleys • Parking/vehicle area • Landscape fingers	• Min. 10' wide strip. • Min. 5' wide in parking areas. • 9'W x 20'L - every 10 spaces.	10'0" min.(E) 5'0" min. Every 8 spaces	Yes Yes, with conditions Yes
Trash Enclosure	To be screened at installation.	Landscape screening	Yes
Rooftop Equipment	May not protrude above parapet.	Screened	Yes

d) **Circulation and Parking:** For the proposed Phase II build-out of the site with the 1,200-sq.ft. addition, modifications to the northerly parking lot would required in order to accommodate the addition. Adequate parking is available on-site to accommodate the addition and exceeds Zoning Code requirements (64 spaces required, and 72 would be provided). Traffic Engineering and Fire Department staff has reviewed the proposal, and the project has been conditioned so that the Phase II site plan can accommodate the required truck-turn radius through the drive aisles (e.g. refuse truck and fire truck).

- e) **Building Design:** The proposed Phase I changes to the structure include a new storefront system for 7-Eleven. Double doorways and windows would be installed on the south side (facing Channel Islands Blvd.) and the easterly side (at the southeast corner of the building, facing Statham Blvd.). Sections of the existing metal railing along the walkway would be removed in front of the doorways.

The proposed architecture of the Phase II addition would match the existing architectural style in terms of massing, articulation, finish materials and colors, and windows. For the Phase II addition, the easterly façade would be modified to accommodate another storefront entrance (i.e. one for 7-Eleven; one for the restaurant; and one for the third suite with a restaurant or retail tenant). Minimal parking lot modifications would be necessary for Phase II only, and existing utilities and infrastructure are adjacent and can serve the project site.

- f) **Request for Sale of Alcoholic Beverages for On-site Consumption:** The future tenants will need to file applications with the California Department of Alcoholic Beverage Control (ABC) for a Type 20 license (Off-Sale Beer & Wine), as well as a Type 41 license (On-Sale Beer & Wine for Bona Fide Public Eating Place). The ABC licensing procedure requires the City of Oxnard's approval prior to issuance, therefore the applicant is requesting special use permits pursuant to City Code §16-136(A).

- g) **Police Department Review:** The Police Department reviewed the proposed alcohol uses as required by City Council Resolution No. 11,896 for sale of alcoholic beverages. A separate Police report was generated for each application (see Attachment F) in order to provide information regarding the number of incidents of police response, and whether there is a presumption of undue concentration of establishments selling alcoholic beverages that is likely to significantly aggravate policing problems.

- i) **Concentration of Alcohol Sales:** For the Type 20 (Off-Sale Beer & Wine) license, there is one similar Off-Sale alcohol outlet within 350 feet of the site (Amar Ranch Market) and one more within 1000 feet (Fresh & Easy Market). For the Type 41 (On-Sale Beer & Wine) license, there are no similar On-Sale alcohol outlets within 350 or 1000 feet of the site.

- ii) **Crime Statistics Review:** For comparison purposes, the Police Department calculates the average number of Part I and II crimes that occur per reporting district (grid) during a selected 12-month period. The average city-wide, per grid base number of Part I and II crimes is currently 117.

The average number of Part I and II crimes in the *applicant's* reporting district and all other districts within 1000 feet of the applicant is 131 during the same 12-month time period. This is 12% higher than the average crime rate citywide which is generally not considered to be significant. The nature and types of calls are consistent with citywide trends and those that list alcohol as a contributing factor are below citywide averages.

There are currently seven 7-Eleven stores in Oxnard, none of which are considered to be problem or nuisance establishments. The average number of disturbances at each store is 11 per year and the average number of thefts is five. Contrast that to another convenience store chain that has several outlets in Oxnard where the annual number of disturbances was 22 and the average number of thefts was 36. The Police Department only points this out to give perspective to the numbers and types of calls that are typical of similar stores and to demonstrate that other stores operating under the Applicant's corporate policies seem to be effective at minimizing problems.

- iii) *Additional Police Input:* The primary concern of the Police Department is the site's close proximity to Channel Islands High School. The school is approximately 600 feet southeast of the proposed site and the business is likely to be a popular destination for students as they commute to and from school. Numerous studies have shown that youth exposure to alcohol significantly impacts underage consumption. Increased access and exposure to alcoholic beverages are directly related to incidences of youth consumption and should be carefully considered when determining appropriate locations for new outlets. There are now many preventative conditions that can help to minimize exposure to young people and to also reduce the access to alcohol. Prohibiting alcohol advertisements, limiting the types and sizes of alcoholic beverages and positioning the alcohol displays to be separate from other, non-alcoholic products and placed where they can be easily monitored by employees should minimize the likelihood for conflicts.

Also, the Police Department's experience with other alcohol outlets in Oxnard that are near middle schools or high schools is that there is often a heavy influx of students during the commuting hours that can often overwhelm the employees. A few businesses have had to develop preventative policies such as limiting the number of students that can be present inside the store at any one time. Not allowing them to bring in backpacks or other large storage bags is another effective strategy to reduce the likelihood for theft related problems.

The Police Department has visited the proposed site several times to monitor the after school commuting patterns of Channel Islands High School students. Generally, our observations were that there are approximately 200 students who consistently walk westbound on Channel Islands past Statham and that all but a handful remains on the south side of the street. The groups of students tended to pass by the site in waves of 20 people or less with most groups being much smaller. This is in contrast to the large groups that overwhelm the shopping centers to the north of the school and crowd businesses such as Fresh & Easy and Walgreens. That being said, neither of these businesses have had any significant problems with students other than crowding and Fresh & Easy has not had any alcohol/student related problems.

There are a few other locations in Oxnard where there are alcohol outlets near schools, including two that are in very close proximity to high schools where the students are at the highest risk of exposure and access to alcohol. One of those is the Fresh & Easy Market which is literally across the street from Channel Islands High. This posed some very unique challenges when determining what the most appropriate and effective operating conditions should be to minimize the potential for conflicts. Fortunately, the preventative conditions we included with each of these sites appears to have been effective at preventing problems as there have been no alcohol/student related incidents at any one of the four businesses considered to be in close proximity to the high schools.

It is the conclusion of the Police Department that, while cautious and mindful of the potential for conflict with students, that the concerns can be effectively mitigated with the addition of comprehensive operating conditions and close oversight of the activity at both proposed businesses. For the proposed 7-Eleven store, prohibiting the sale of single servings of alcohol and limiting certain types of sweetened malt beverages or alcoholic energy drinks that are popular with young drinkers are some of the recommended conditions included in the proposed resolution. Other preventative measures for 7-Eleven include installing security cameras with feedback monitors that would give school staff the ability to review the recordings and help identify problem students should it be necessary.

- iv) *Conclusion:* The statistical analysis shows the area to have a crime rate that is slightly above the citywide average but the area is not generally considered to be a policing problem. The Police Department's experience is that the proposed license types, when properly regulated through conditions imposed by the Planning Commission, do not normally aggravate policing issues, as long as the establishments comply with these regulations and operate responsibly. The Police Department's recommended operating conditions are included in the Planning Commission resolution (Attachment D).

Type 20 ABC license (Off-Sale Beer & Wine)

There is one similar alcohol outlet within 350 feet of the site so there is a local presumption of undue concentration. The presumption of undue concentration can be rebutted by a preponderance of evidence that determines the use will not aggravate policing issues and may be appropriate for the area. The site's close proximity to Channel Islands High School is of some concern but can be effectively mitigated by including preventative operating conditions with the resolution.

Type 41 ABC license (On-Sale Beer & Wine for Bona Fide Public Eating Place)

There are no similar alcohol outlets within 350 feet of the site so there is no local presumption of undue concentration. The site's close proximity to Channel Islands High School is of some concern but can be effectively mitigated by including preventative operating conditions with the Planning Commission resolutions.

- 7) Development Advisory Committee:** The Development Advisory Committee (DAC), as a group, did not review this project. However, the members representing Development Services, Fire Department, Traffic Engineering, Landscape, and Police Department individually reviewed the project, and the attached resolutions include the recommended conditions of approval.
- 8) Community Workshop:** The Community Workshop was conducted on December 19, 2011. On December 6, 2011, the applicant mailed notices of the Community Workshop meeting to all property owners with properties in the Cal Gisler, Blackstock North, and College Estates neighborhoods. A notice of this meeting was posted on the project site with a brief description and contact information. None of the attendees from the public signed in for this project.
- 9) Appeal Procedure:** In accordance with Section 16-545 of the City Code, the Planning Commission's action 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 action on the zone change and request is a recommendation and the matter 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
- E. Police Department Reports

Prepared by:	
	BF
Approved by:	
	SM

MINUTES

OXNARD PLANNING COMMISSION REGULAR MEETING May 17, 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, Jason Samonte, Traffic Engineer; Stephen Fischer, Assistant City Attorney; Cliff Waer, Senior Police Officer; Michael O'Malia, Interim Fire Chief, Juan Martinez, Associate Planner; Brian Foote, Associate Planner, and Lori Maxfield, Recording Secretary.

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

Commissioner Mullin led the pledge of allegiance.

C. PUBLIC COMMENTS

D. READING OF AGENDA

Planning Manager Martin reviewed the agenda including that Interim Fire Chief O'Malia will make a verbal presentation on their strategic plan and operations.

E. CONSENT AGENDA

1. APPROVAL OF MINUTES – May 3, 2012

MOTION Commissioner Nash moved and Commissioner Stewart seconded a motion to approve the minutes of May 3, 2012 as presented. The question was called and the motion carried 6-0-0-1, Commissioner Medina abstaining.

F. REPORTS; STUDY SESSION

Interim Fire Chief O'Malia gave an overview of the 2005 Strategic Plan; operations; existing and proposed stations; response activity and times; five divisions and staffing; turnout time; funding for new stations, staff, and equipment; joint station with the County of Ventura at RiverPark; Station 8 to be funded through Measure O; mutual aid agreements with partner agencies; demand for service; current equipment and replacement plan.

G. CONTINUED PUBLIC HEARINGS

MAY 17, 2012

OXNARD PLANNING COMMISSION

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RECESS

Chairman Murguia called a recess at 8:33 p.m. The meeting reconvened at 8:40 p.m. with all Commissioners present.

H. NEW PUBLIC HEARINGS

1. PLANNING AND ZONING PERMIT NO. 12-550-1 (Major Modification), 11-510-09 & 11-510-10 (Special Use Permit – Alcohol), and 11-570-2 (Zone Change) – A request for approval of: a major modification to construct a 1,200 square-foot addition if needed to accommodate a future retail or restaurant tenant (to be determined); a zone change to General Commercial (C-2-PD) in order to allow a convenience store and sales of alcoholic beverages; and special use permits to sell beer and wine for off-site consumption for a future convenience store (7-Eleven), and sell beer and wine for on-site consumption for a future restaurant. The project site is located at 1051 East Channel Islands Boulevard. The project is exempt from environmental review pursuant to Section 15301 of the California Environmental Quality Act (CEQA) Guidelines. Filed by Terri Dickerhoff, Cadence Capital Investments LLC, 1120 Manzanita Street, Los Angeles CA 90029.
PROJECT PLANNER: Brian Foote

Associate Planner Foote presented the staff report including surrounding uses; rezoning is for consistency; Police reports for both the 7-Eleven and the restaurant; crime rate was 12 percent higher than citywide average; not considered a policing problem; close proximity to Channel Islands High School; undue concentration; single serving bottles prohibited; hotel has their own alcohol license for hotel guests only and banquets. He also displayed site photo; aerial, location, General Plan, and zoning maps; existing and proposed site plans; floor plans; elevations; and aerial depicting the proximity to schools.

Senior Officer Waer stated that the previous restaurants didn't serve alcohol; the conditions would be the same as Fresh & Easy; Police did not consider it a problem; Fresh & Easy hasn't had any alcohol related issues; there haven't been any problems with any of the 7-Elevens in the City; the new model 7-Elevens have a safe, clean environment; and explained the process for determining saturation.

Chairman Murguia opened the public testimony.

Ms. Lucy Dineen, representing the applicant, gave a brief presentation including background on why they chose this location; retail development is their focus; building in phases; want to take existing building and adapt it; willing to work with nearby schools to minimize any potential issues; have made themselves available to the neighborhood; possibility and benefits of expansion; reuse; 7-Eleven security; and no alcohol sales between midnight and six (6:00 a.m.).

Mr. Scott Swenson spoke in opposition, referencing his 30 years experience with the Oxnard Police Department with half his career including the area of the project site; spoke with both superintendents of Oxnard and Hueneme School Districts who have concerns with the request; stated that 7-Eleven would be a magnet for children, which will increase calls for service; and expressed his concern with having a hotel adjacent to a market.

Ms. Shirley Godwin spoke in opposition to the request for a 7-Eleven indicating that the Saviers Design Group discussed the project at their recent meeting; Community Workshop was not attended

as it was held just before Christmas; signs didn't indicate that the request included a 7-Eleven; and stated that the restaurant was a good idea, but not to include a convenience store next to the hotel.

Mr. Dennis Holloway expressed concern about increased pedestrian traffic that would be created; and asked if the City contracts to have red light cameras at the two intersections near the project.

Ms. Pat Brown indicated that the Radisson in San Francisco at Fisherman's Wharf had a 7-Eleven just around the corner that was convenient and worked well.

Mr. Larry Godwin stated that the previous restaurant failed because it was poorly run; concerned that the Planning Commission is being asked to approve a Type 20 alcohol permit without having a site plan; and indicated that there was currently an adult male alcohol/drug facility within approximately 500 feet of the site.

Chairman Murguia closed the public testimony.

Planning Commission discussed that it's the only hotel in the City with adjacent parking for big trucks; busy intersection; no four way pedestrian crossing; wrong location due to the close proximity to schools; the close proximity of similar existing off-site alcohol licenses, such as Amar Ranch, Fresh & Easy, and ARCO convenience store; lighting concerns; want to see a site plan; and the restaurant expansion is a good idea, but not the 7-Eleven.

MOTION Commissioner Huber moved and Commissioner Mullin seconded a motion to adopt a resolution recommending City Council approval of PZ 11-570-02, a Zone Change to change the zone district to General Commercial Planned Development, located at 1051 East Channel Islands Boulevard, subject to certain findings and conditions. The question was called and the motion failed 3-4, Commissioners Guevara, Stewart, Medina, and Murguia voting no.

MOTION Commissioner Medina moved and Commissioner Mullin seconded a motion to adopt a resolution granting PZ 12-550-01, a Major Modification to Special Use Permit 1091 to allow a 1,200 square foot addition to an existing restaurant, and creation of up to three suites for retail and restaurant uses consistent with the C-2-PD zone, located at 1051 East channel Islands Boulevard, subject to certain findings and conditions. The question was called and the motion carried 4-3, Commissioners Guevara, Medina, and Stewart voting no.

MOTION Commissioner Nash moved and Commissioner Mullin seconded a motion to adopt a resolution granting PZ 11-510-10, a Special Use Permit to allow a Type 41 alcoholic beverage control license for a proposed non-fast food restaurant, located at 1051 East Channel Islands Boulevard, subject to certain findings and conditions. The question was called and the motion carried 6-1, Commissioner Medina voting no.

MOTION Commissioner Huber moved and Commissioner Nash seconded a motion to adopt a resolution granting PZ 11-510-09, a Special Use Permit to allow a Type 20 alcoholic beverage control license for a proposed convenience store, located at 1051 East Channel Islands Boulevard, subject to certain findings and conditions. The question was called and the motion failed 2-5, Commissioners Nash, Guevara, Stewart, Medina, Murguia voting no.

Commissioner Mullin stated for the record: Many of you indicated that you were troubled regarding the high school students traveling down there, and having a convenience store next to a hotel. I have to say I certainly would have supported the program, one because of the environmental impact of making this area a much better place on that corner, probably even challenge the Amar Ranch store to be a little bit more beautiful and active there. 7-Eleven did a lot of work and with their marketing research, they would not have considered this had they not thought it was a viable position, and that's why I would certainly support them. I also support it because of Officer Waer's comments regarding what they've done at the Gonzales Road and Oxnard Boulevard store with the prerequisites that they're living by including the way they've set up their store to the Police and Alcohol Beverage concerns that makes it a safe area. I'm sure the kids are going there, probably more than not. There was a statement by someone who said there was \$1,000 paid to Channel Islands High School. Of course that does not effect the Planning Commission's decision. I never knew that when I voted on it. So, I think that's a mute point. The thing that gets me is the store has a major alcohol beverage sale item with the wine and spirits, and I didn't hear it was any problem, from the Police report. I'm trying to weigh that. The kids are still going passed that store, and they're crossing the street, and these things just don't make sense to me.

I. PLANNING COMMISSION BUSINESS

Commissioner Nash requested that the Planning Commission continue receiving the subscription to the Planning Commissioners Journal.

Commissioner Huber asked if the Water Division would be making a presentation before the Planning Commission.

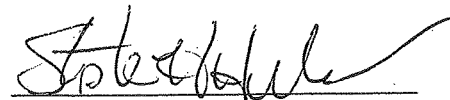
Commissioner Murguia stated that the annual Strawberry Festival would be held on Saturday, May 19, and Sunday, May 20, 2012.

J. PLANNING MANAGER COMMENTS

Planning Manager Martin updated the Planning Commission on recent actions, as well as upcoming items of the City Council. She also previewed the upcoming items tentatively scheduled for the next meeting on June 7, 2012.

K. ADJOURNMENT

At 10:48 p.m., the Planning Commission concurred to adjourn.


Stephen H. Huber, Chairman

ATTEST: 
Susan L. Martin, Secretary

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OXNARD PLANNING COMMISSION

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MINUTES

OXNARD PLANNING COMMISSION REGULAR MEETING June 7, 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, Gilbert Guevara, Saul Medina, Vincent Stewart, and Steven Nash were present. Vice-Chairman Huber presided and called the meeting to order. Staff members present were: Susan Martin, Planning Manager, Jason Samonte, Traffic Engineer; Stephen Fischer, Assistant City Attorney; Stephanie Diaz, Contract Planner; Anthony Emmert, Water Resources Manager, 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

Ms. Pat Brown discussed her concerns over adequate parking related to the RiverPark Specific Plan Amendment project heard before the City Council.

D. READING OF AGENDA

Contract Planner Diaz reviewed the agenda including that Water Resources Manager Emmert would make a verbal presentation on the water supply outlook and an update on the GREAT Program.

E. CONSENT AGENDA

1. APPROVAL OF MINUTES – May 17, 2012

MOTION Commissioner Nash moved and Commissioner Medina seconded a motion to approve the minutes of May 17, 2012 with corrections. The question was called and the motion carried unanimously.

2. Adoption of a resolution documenting the denial of a Zone Change (PZ 11-570-02) for a request to change the zone district to General Commercial Planned Development (C-2-PD) and to allow a Type 20 alcoholic beverage control license (PZ 11-510-09) for 1001 and 1051 East Channel Islands Boulevard. Filed by Cadence Capital Investments, LLC, 1120 Manzanita Street, Los Angeles, CA 90029.

PROJECT PLANNER: Brian Foote

Assistant City Attorney Fischer explained why the resolution was on the agenda.

Chairman Huber opened the public testimony.

Ms. Pat Brown spoke in favor of the Planning Commission's decision at the previous meeting.

Chairman Huber closed the public testimony.

MOTION Commissioner Mullin moved and Commissioner Stewart seconded a motion to adopt a resolution recommending City Council denial of PZ 11-570-02 (Zone Change), and denying PZ 11-510-09 (Special Use Permit) for a request to change the zone district to General Commercial Planned Development (C-2-PD) and to allow a Type 20 alcoholic beverage control license for 1001 and 1051 East Channel Islands Boulevard. The question was called and the motion carried 6-0-1, Commissioner Murguia absent.

F. REPORTS; STUDY SESSION

1. Verbal presentation by Public Works/Water Resources Division: Water Supply Outlook and GREAT Program Update.

Water Resources Manager Emmert gave an update on the water supply, the Urban Water Management Plan, and the GREAT Program. He discussed the purpose of the Urban Water Management Plan that is updated every five years; how demands are met; how gaps are addressed; water demand projections; water sources; new demand management requirements; and schedule for approval of the plan by the California Department of Water Resources (CDWR). He explained the water outlook including 40 percent imported water from Calleguas Municipal Water District, the other 60 percent is locally produced by United Water Conservation District, and self produced by the City; water supply sustainability challenges; City responses to challenges; improve water efficiency; stabilize existing water and supplies; improve regional storage; and develop new sources. He discussed the City's desalter including utilizing Oxnard's aquifer groundwater; removes dissolved minerals; expandable to meet future needs; and environmental design elements. He discussed the advanced water purification facility; recycled water distribution system; and an update on the GREAT Program. He also indicated that he could arrange tours of the facilities.

Chairman Huber opened the public testimony.

Mr. Bert Perello discussed adjudication of wells in Oxnard; who are the potential buyers of the generated water; for the water rate increases, why will the residential users be charged a 49 percent premium over the commercial and multi-family users; and questioned the MTBE plume at Ventura Road and Santa Clara Avenue including how it effects the well for producing domestic water for the City located in the Solar Drive area, how is the plume going, how is the mitigation, and what's the remediation, because the City did lose a water well at Rice Avenue and Gonzales Road.

Water Resources Manager Emmert responded to Mr. Perello's questions indicating that the City was in negotiations with buyers for the recycled water; the City has a steep tiered water rate structure for water conservation that was set up in 2002, with no major changes; and the contamination spot is being monitored, was referred to the board, monitoring wells were installed, it's sampled quarterly, and the City lost an entire well field ten years ago due to a gas leak.

RESOLUTION NO. 2012 – 10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING A MAJOR MODIFICATION TO A SPECIAL USE PERMIT (U-1091) TO ALLOW A 1,200 SQUARE-FOOT ADDITION TO AN EXISTING RESTAURANT, AND CREATION OF UP TO THREE SUITES FOR RETAIL AND RESTAURANT USES CONSISTENT WITH THE C-2-PD ZONE. THE SUBJECT PROPERTY IS LOCATED AT 1051 EAST CHANNEL ISLANDS BOULEVARD (APN: 220-0-220-135). FILED BY CADENCE CAPITAL INVESTMENTS L.L.C., 1120 MANZANITA STREET, LOS ANGELES CA 90029.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for PZ No. 12-550-01 (Major Modification) filed by Terri Dickerhoff of Cadence Capital Investments LLC on behalf of property owner Channel Islands Inn LP, in accordance with Section 16-561 of the Oxnard City Code; and

WHEREAS, CEQA provides a statutory exemption from the Environmental Quality Act (CEQA) pursuant to CEQA section 15301 for existing facilities, and all findings for this exemption can be made; and

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

1. The proposed major modification is in conformance with the Findings of Fact previously adopted by Planning Commission Resolution No. 6763.
2. The proposed major modification is permitted by Section 16-561 of the Oxnard City Code.

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 Planning & Zoning Permit No. 12-550-01 (Major Modification) subject to the following conditions. Except as modified by this Resolution, the conditions of approval imposed on Use Permit No. 1091 shall remain in full force and effect. The decision of the Planning Commission is final unless appealed in accordance with the provisions of Section 16-545 of the Oxnard City Code.

STANDARD CONDITIONS OF APPROVAL FOR LAND USE PERMITS

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

DEPARTMENTS AND DIVISIONS			
CA	City Attorney	PL	Planning Division
DS	Dev Services/Eng Dev/Inspectors	TR	Traffic Division
PD	Police Department	B	Building Plan Checker
SC	Source Control	FD	Fire Department
PK	Public Works, 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 April 23, 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. Developer's commencement of construction or operations pursuant to the resolution shall be deemed to be an acceptance of all conditions thereof. (CA, G-6)
7. 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)
8. 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)
9. Developer shall obtain a building permit for any new construction or modifications to structures, including interior modifications, authorized by this permit. (B, G-11)
10. Developer shall not permit any combustible refuse or other flammable materials to be burned on the project property. (FD, G-12)
11. 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)
12. 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)
13. Prior to issuance of building permits, Developer shall correct all violations of the City Code existing on the project property. (PL, G-15).

PLANNING DIVISION STANDARD CONDITIONS

14. Any application for a minor modification to the project shall be accompanied by four copies of plans reflecting the requested modification, together with applicable processing fees. (PL, *PL-2*)
15. 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*)
16. Developer may not modify any use approved by this permit unless the Planning Division Manager determines that Developer has provided the parking required by the City Code for the modified use. (PL, *PL-7*)
17. 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*).

PLANNING DIVISION SPECIAL CONDITIONS

18. Developer shall submit an application for building permits for Phase II (or "Option B") of the project no later than 36 months after the date of adoption of this resolution. If Developer does not submit such application by such time, Developer shall be required to obtain a major modification to the approved special use permit to construct the additional structures on the subject property. (PL)
19. All conditions adopted with Planning Commission Resolution No. 6763 (for Use Permit No. 1091) shall remain applicable to the project, except as modified with this approval.(PL)
20. Hours for receiving deliveries for the businesses (loading zone adjacent to the hotel) shall be limited to between the hours of 7:00 a.m. and 7:00 p.m. daily, with no parking or idling on the subject property or on adjacent streets outside of these specified hours. (PL)
21. Developer shall install all roof and building drainpipes and downspouts inside building elements. These items shall not be visible on any exterior building elevations. (Option "B") (PL, *PL-42*)
22. For any exterior utility meter panels, Developer shall paint such panels to match the structure upon which it is located. Such panels shall be located to take advantage of screening (e.g. landscaping or other building elements) from public right-of-ways, to the maximum extent feasible. (PL, *PL-43*)

23. Prior to issuance of a certificate of occupancy, Developer shall remove all construction materials and vehicles from the subject property. (PL/B, *PL-47*)
24. Developer shall install toilets that have automatic flush sensors in all public restrooms. Such toilets shall be included on the plans submitted for a building permit and shall be maintained and in working order at all times. (PL)
25. Developer shall install individual mirrors above each sink in a public restroom to the satisfaction of the Planning Division Manager. The details of such mirrors shall be approved prior to issuance of a building permit. Developer shall remove graffiti from the mirrors or replace the mirrors within 24 hours of graffiti appearance. (PL)
26. Developer shall remove any and all graffiti from the project premises, including but not limited to graffiti within the building, such as in restrooms or fitting rooms, within 24 hours of its appearance. The surface of such affected areas shall be matched to blend in with the underlying colors and/or design, and shall not look like a paint patch. (PL)

FIRE DEPARTMENT STANDARD CONDITIONS

All listed items shall be included on the plan check notes detailing Fire Department requirements. Listed items applicable to Option “B” only shall have (Option “B”) noted immediately afterwards.

27. Developer shall construct all vehicle access driveways on the project property to be at least 26 feet wide. Developer shall mark curbs adjacent to designated fire lanes in parking lots to prohibit stopping and parking in the fire lanes. Developer shall mark all designated fire lanes in accordance with the California Vehicle Code. (FD/B, *F-1*)
28. 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*)
29. Before the City issues building permits, Developer shall obtain the Fire Chief’s approval of a plan to ensure fire equipment access and the availability of water for fire combat operations to all areas of the project property. The Fire Chief shall determine whether or not the plan provides adequate fire protection. (FD/DS, *F-3*)
30. 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*)
31. The project shall meet the minimum requirements of the “Fire Protection Planning Guide” published by the Fire Department. (FD, *F-6*)

32. Developer shall identify all hydrants and fire protection equipment on the project property as required by the Fire Chief. (FD, F-8)
33. Developer shall provide central station monitoring of the fire sprinkler system and all control valves. (Option “B”) (FD)
34. The turning radius of all project property driveways and turnaround areas used for emergency access shall be approved by the City Traffic Engineering Department. (FD, F-11)
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. (Option “B”) (FD)
36. Developer shall install in each structure in the project an alarm system with a central station monitor that will automatically notify the Fire Department in the event of a fire in the structure. The alarm system shall include a UL or State Fire Marshal approved device, which shall not exceed design specifications, that reports the location of the fire and allows the central station monitor to inform the Fire Department. (Option “B”) (FD)
37. Developer shall comply with Certified Unified Program Agency (CUPA) requirements regarding the storage, handling and generation of hazardous materials or waste. Prior to the issuance of building permits, Developer shall contact the CUPA division of the Fire Department to ensure that such requirements are followed. (FD, F-16)

FIRE DEPARTMENT SPECIAL CONDITIONS

38. Before the city issues a certificate of occupancy, the developer shall install a Knox key vault at a location to be determined by the Fire Department. (FD)
39. Developer shall ensure Fire Department access through man-gates, either by Knox lock devices or other Fire Department approved means. (FD)

LANDSCAPE STANDARD CONDITIONS

40. Before the City issues building permits or the proposed use is initiated, 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)
41. Before the City issues a certificate of occupancy, Developer shall install landscape and automatic irrigation systems that have been approved by Parks and Facilities Superintendent. (PK, PK-3)

42. Developer shall 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 will result in the revocation of this permit and initiation of legal proceedings against Developer. (PK, PK-4)
43. Before the City issues a certificate of occupancy, Developer shall provide a watering schedule to the building owner or manager and to the Parks and Facilities Superintendent. 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)
44. All trees planted or placed on the project property by Developer shall be at least 24-inch-box size. All shrubs and vines shall be at least five-gallon size, except as otherwise specified by this permit. (PK, PK-6)
45. Developer shall install an irrigation system that includes a water sensor shut off device as a water conservation measure. (PK, PK-22)

LANDSCAPE SPECIAL CONDITIONS

46. 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)
47. All landscaping and irrigation shall comply with Ordinance No. 2822, which adopted the City of Oxnard Landscape Water Conservation Standards. (PK)

The following Special Conditions apply to Phase 1 (option "A") of the plans:

48. The new proposed pedestrian ramp from Statham Blvd. appears to be in conflict with an existing tree location (based on aerial photographs). If the pedestrian ramp cannot be relocated, then an Arborist's Tree Report is required for the removal of any trees. The Arborist's Tree Report is required for the health and economic appraisal value of any existing trees to be removed or displaced from the site due to construction. City staff will have final review approval on selection of an arborist. The Arborist's Tree Report shall be prepared by a certified arborist and shall follow the format as outlined in *Valuation of Landscape Trees, Shrubs, and Other Plants: A Guide to the Methods and Procedures for Appraising Amenity Plants.*, latest edition as published by the International Society of Arboriculture. The Tree Report shall include text, photos and a site plan that clearly labels all trees to be saved, removed or transplanted. The methodology for the tree appraisal value shall be based on the "Trunk Formula" method, with calculation work sheets included. The economic appraisal value of the trees removed shall be put back into new tree sizes for the project and shall be in addition to meeting the City's minimum tree size of 24" box.

49. The proposed landscape finger planter northeast of the existing building removes a portion of the existing landscape finger planter and an existing tree. An Arborist's Tree Report is required for the health and economic appraisal value of any existing trees to be removed or displaced from the site due to construction. City staff will have final review approval on selection of an arborist. The Arborist's Tree Report shall be prepared by a certified arborist and shall follow the format as outlined in *Valuation of Landscape Trees, Shrubs, and Other Plants: A Guide to the Methods and Procedures for Appraising Amenity Plants.*, latest edition as published by the International Society of Arboriculture. The Tree Report shall include text, photos and a site plan that clearly labels all trees to be saved, removed or transplanted. The methodology for the tree appraisal value shall be based on the "Trunk Formula" method, with calculation work sheets included. The economic appraisal value of the trees removed shall be put back into new tree sizes for the project and shall be in addition to meeting the City's minimum tree size of 24" box.
50. The proposed bicycle pad and rack located in the landscape finger planter at the southeast corner of the existing building may be encroaching into the existing mature tree root system. If the bicycle pad and rack cannot be reconfigured or relocated to avoid the tree, then an Arborist's Tree Report is required for the removal of the tree root system. An Arborist's Tree Report is required for the health and economic appraisal value of any existing trees to be removed or displaced from the site due to construction. City staff will have final review approval on selection of an arborist. The Arborist's Tree Report shall be prepared by a certified arborist and shall follow the format as outlined in *Valuation of Landscape Trees, Shrubs, and Other Plants: A Guide to the Methods and Procedures for Appraising Amenity Plants.*, latest edition as published by the International Society of Arboriculture. The Tree Report shall include text, photos and a site plan that clearly labels all trees to be saved, removed or transplanted. The methodology for the tree appraisal value shall be based on the "Trunk Formula" method, with calculation work sheets included. The economic appraisal value of the trees removed shall be put back into new tree sizes for the project and shall be in addition to meeting the City's minimum tree size of 24" box.
51. If trees are anticipated to be removed from the site, then at the time of Plan Check submittal, the landscape plans shall contain an exhibit titled "Tree Tabulation Chart". The Tree Tabulation Chart shall contain a listing of all existing trees on site and shall refer to them by number as identified in the Arborist's Report. The Tree Tabulation Chart shall clearly list all trees to remain, be removed or transplanted. The Chart shall contain the Arborist's economic appraisal value of each tree(s) removed as well as computations and calculations showing how the value of the removed tree(s) was put back into new tree sizes for the project that are in addition to meeting the City's minimum tree size of 24" box.
52. Much of the required existing 36" high parking lot visual shrub screen plant material is missing from Statham Blvd. and Channel Islands Blvd. Uniformly replace all the missing 36" high shrub screen plant materials with new.

The following Special Conditions apply to Phase 2 (option "B") of the plans:

53. All Special Conditions outlined in Phase 1 (option "A") are incorporated into Special Conditions for Phase 2 (option "B").
54. Numerous site modifications will impact the existing trees on the site. An Arborist's Tree Report is required for the health and economic appraisal value of any existing trees to be removed or displaced from the site due to construction. City staff will have final review approval on selection of an arborist. The Arborist's Tree Report shall be prepared by a certified arborist and shall follow the format as outlined in *Valuation of Landscape Trees, Shrubs, and Other Plants: A Guide to the Methods and Procedures for Appraising Amenity Plants.*, latest edition as published by the International Society of Arboriculture. The Tree Report shall include text, photos and a site plan that clearly labels all trees to be saved, removed or transplanted. The methodology for the tree appraisal value shall be based on the "Trunk Formula" method, with calculation work sheets included. The economic appraisal value of the trees removed shall be put back into new tree sizes for the project and shall be in addition to meeting the City's minimum tree size of 24" box.
55. If trees are anticipated to be removed from the site, then at the time of Plan Check submittal, the landscape plans shall contain an exhibit titled "Tree Tabulation Chart". The Tree Tabulation Chart shall contain a listing of all existing trees on site and shall refer to them by number as identified in the Arborist's Report. The Tree Tabulation Chart shall clearly list all trees to remain, be removed or transplanted. The Chart shall contain the Arborist's economic appraisal value of each tree(s) removed as well as computations and calculations showing how the value of the removed tree(s) was put back into new tree sizes for the project that are in addition to meeting the City's minimum tree size of 24" box.
56. The new parking lot landscape finger planters shall be landscaped per the City's Landscape Standards.
57. The trash enclosure shall have evergreen self clinging vines (minimum 5-gallon size) attached to exterior walls.
58. Any existing landscaping which is dead, failing, or missing shall be replaced with new.

DEVELOPMENT SERVICES STANDARD CONDITIONS

The following Standard Conditions apply to Phase 2 (option "B") of the plans:

59. 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)

60. Developer's Engineer shall design parking lot structural sections based on an analysis of the soils R-value and a traffic index (T.I.) approved by the City Engineer. The minimum structural section for parking lots is two inches of asphalt on four inches of base material. Developer shall show the proposed structural section on the site improvement plans. (DS-2)
61. 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)
62. 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)
63. Developer shall protect building pads from inundation during a 100-year storm. (DS-5)
64. Developer shall remove and replace all improvements that are damaged during construction. (DS-6)
65. Where a separate loop or terminal line is required for water mains, fire hydrants or fire sprinkler systems, Developer's site improvement plans shall include an on-site water plan. (DS-11)
66. 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)
67. 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)
68. 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)

69. 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)
70. 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)
71. Developer shall pay the cost of all inspections of on-site and off-site improvements. (DS-22)
72. Developer shall be responsible for all project-related actions of Developer's employees, contractors, subcontractors, and agents until City accepts the improvements. (DS-23)
73. 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)
74. "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)
75. 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)

76. 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)
77. Each lot shall drain into a street, alley, or approved drain so that there will be no undrained depressions. (DS-35)
78. 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)
79. 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)
80. 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)
81. Developer shall install City approved backflow prevention devices for water connections if so ordered by the City Engineer. (DS-45)
82. 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)
83. Developer shall provide adequate vehicle sight distance as specified by CalTrans specifications at all driveways and intersections. (TR-71)
84. Developer shall install bike racks in accordance with City standards at locations approved by City Traffic Engineer. (TR-73)
85. Developer shall design parking lot and other drive areas to minimize degradation of stormwater quality. Using Best Management Practices (BMPs), such as oil and water separators, sand filters, landscaped areas for infiltration, basins or approved equals, Developer shall intercept and effectively prevent pollutants from discharging to the storm drain system. The stormwater quality system design shall be approved by the City Engineer prior to the issuance of a site improvement permit. (DS-81)
86. Using forms provided by the Development Services Division, Developer shall submit a stormwater quality control measures maintenance program ("the Program") for this project.

If the BMPs implemented with this project include proprietary products that require regular replacement and/or cleaning, Developer shall provide proof of a contract with an entity qualified to provide such periodic maintenance. The property owner is responsible for the long-term maintenance and operation of all BMPs included in the project design. Upon request by City, property owner shall provide written proof of ongoing BMP maintenance operations. No grading or building permit shall be issued until the Development Services Manager approves the Program and Developer provides an executed copy for recordation. (DS-82)

87. Developer shall maintain parking lots free of litter and debris. Developer shall sweep sidewalks, drive aisles, and parking lots regularly to prevent the accumulation of litter and debris. When swept or cleaned, debris must be trapped and collected to prevent entry into the storm drain system. Developer may not discharge any cleaning agent into the storm drain system. (DS-84)
88. Prior to issuance of a certificate of occupancy, on-site storm drain inlets shall be labeled "Don't Dump - Drains to Ocean" in accordance with City standards. Before City issues a site improvement permit, the requirement to label storm drain inlets shall be shown on the civil engineering plans. (DS-85)
89. Prior to issuance of a grading permit or commencement of any clearing, grading or excavation, Developer shall prepare a Stormwater Pollution Control Plan ("SWPCP") on the form provided by City. The SWPCP shall be developed and implemented in accordance with requirements of the Ventura Countywide Stormwater Quality Management Program, National Pollutant Discharge Elimination System Permit. The SWPCP shall identify potential pollutant sources that may affect the quality of discharges to stormwater and shall include the design and placement of recommended Best Management Practices (BMPs) to effectively prohibit pollutants from the construction site entering the storm drain system. The SWPCP shall be reviewed and approved by the City Engineer prior to issuance of a site improvement/grading permit. Developer shall keep the SWPCP updated to reflect current site conditions at all times and shall keep a copy of the SWPCP on the site and make it available for City or designated representative to review upon request. (DS-87)

DEVELOPMENT SERVICES SPECIAL CONDITIONS

The following Special Conditions apply to Phase 1 (option "A") of the plans:

90. Developer shall provide an ADA compliant pedestrian path from the public sidewalk to the main entrance of the building. (DS)
91. Restaurant uses are required to have a separate water service (meter) from other tenants in accordance with City Code. (DS)

The following Special Conditions apply to Phase 2 (option "B") of the plans:

92. Developer shall provide an ADA compliant pedestrian path from the public sidewalk to the main entrance of the building. (DS)
93. Developer shall construct a concrete apron along the length of the trash enclosure opening that extends a minimum of 15 feet from the face of the enclosure. (DS)
94. Developer shall provide a written analysis to determine if this project meets the definition of "Redevelopment" as defined in the current MS4 permit and associated 2011 Technical Guidance Manual for Stormwater Quality Control Measures ("2011 TGM"). If it is determined by the Development Services Manager that the project meets the definition of "Redevelopment", Developer shall provide stormwater mitigations (including stormwater infiltration) as required by the MS4 permit and 2011 TGM. (DS)
95. Developer shall provide site specific analysis and recommendations from a geotechnical engineer, and if applicable, a landscape architect for design and implementation of stormwater infiltration devices. Geotechnical Engineering analysis and recommendations shall include, but not be limited to, determination of site soil infiltration rates, depth to permeable soil layers, methods to reach permeable soil layers, appropriate compaction rates, recommendations to enhance infiltration, methods (e.g. Pre-treatment) to minimize long-term occlusion of soil porosity, and other requirements of the 2011 TGM. Landscape architectural recommendations shall include, but not be limited to, suggestions regarding appropriate vegetation and soil amendments for vegetated infiltration devices. Design plans shall implement approved design recommendations. Grading plans shall implement temporary fencing or other similar barriers to prevent compaction of the soil in the infiltration devices during construction. (DS)
96. Developer shall shorten proposed new or significantly altered parking stalls to 17 feet deep where shortening results in an additional 2 feet of pervious landscaping. Final determination shall be made by the Development Services Manager. (DS)
97. Developer shall provide and maintain an area within the tenant space of any restaurant or food preparation tenant for the washing/steam cleaning of equipment, floor mats and accessories. This area shall be self-contained and connected to the project grease interceptor. (DS)
98. Developer shall construct double-bin trash enclosure (one bin for recycle use) with a solid non-combustible roof (8-foot minimum clearance) that prevents stormwater from entering the refuse bins. Developer shall provide a traffic rated drain centered in the enclosure to catch all wash water from the trash enclosure. This drain shall connect to the sanitary sewer system via a grease interceptor. Developer shall construct all other components of the trash enclosure in accordance with the approved City Standard Plan on file with the

Development Services Division. Developer shall finish the trash enclosure to match the major design elements of the main structure. The finish and roof appearance shall be indicated on the building plans and are subject to approval by the Planning Division. The location and configuration of trash enclosures shall be reviewed and approved by the Environmental Resources Division. All refuse bins on the site shall be stored in an approved trash enclosure. No objects other than refuse bins may be stored in the trash enclosure without the written permission of the Environmental Resources Division. (DS-80)

99. Restaurant uses are required to have a separate water service (meter) from other tenants in accordance with City Code. (DS)

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 17th day of May, 2012, by the following vote:

AYES: Commissioners: Huber, Nash, Mullin, Murguia

NOES: Commissioners: Guevara, Medina, Stewart

ABSENT: Commissioners: None



Anthony R. Murguia, Chair

ATTEST: 

Susan L. Martin, Secretary

RESOLUTION NO. 2012 – 11

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING A SPECIAL USE PERMIT (PLANNING & ZONING PERMIT NO. 11-510-10) TO ALLOW A TYPE 41 (ON-SALE BEER & WINE FOR BONA FIDE PUBLIC EATING PLACE) ALCOHOLIC BEVERAGE CONTROL LICENSE FOR A PROPOSED NON-FAST-FOOD RESTAURANT. THE SUBJECT PROPERTY IS LOCATED AT 1051 EAST CHANNEL ISLANDS BOULEVARD (APN: 220-0-220-135). FILED BY CADENCE CAPITAL INVESTMENTS L.L.C., 1120 MANZANITA STREET, LOS ANGELES CA 90029.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for PZ No. 11-510-10 (Special Use Permit – Alcohol) filed by Terri Dickerhoff of Cadence Capital Investments LLC on behalf of property owner Channel Islands Inn LP, in accordance with Sections 16-530 through 16-553 of the Oxnard City Code; and

WHEREAS, CEQA provides a statutory exemption from the Environmental Quality Act (CEQA) pursuant to CEQA section 15301 for existing facilities, and all findings for this exemption can be made; and

WHEREAS, on May 17, 2012, the Planning Commission conducted a public hearing, and received and reviewed written and oral comments related to proposed Special Use Permit No. 11-510-10; 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. The presumption of undue concentration has been refuted by a preponderance of evidence in the record, which shows that the establishment will not result in an undue concentration of retail alcohol outlets.
7. The proposed use is not likely to create or significantly aggravate police problems within 1,000 feet of the location for which the special use permit is applied.

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 Planning & Zoning Permit No. 11-510-10 (Special Use Permit – Alcohol) subject to the following conditions. Except as modified by this Resolution, the conditions of approval imposed on Use Permit No. 1091 shall remain in full force and effect. The decision of the Planning Commission is final unless appealed in accordance with the provisions of Section 16-545 of the Oxnard City Code.

STANDARD CONDITIONS OF APPROVAL FOR LAND USE PERMITS

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

DEPARTMENTS AND DIVISIONS			
CA	City Attorney	PL	Planning Division
DS	Dev Services/Eng Dev/Inspectors	TR	Traffic Division
PD	Police Department	B	Building Plan Checker
SC	Source Control	FD	Fire Department
PK	Public Works, 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 April 23, 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 24 months from the date of its issuance, unless Developer has diligently developed the proposed project, as shown by the issuance of a grading, foundation, or building permit and the construction of substantial improvements. (PL, G-3)
4. All required off-site and on-site improvements for the project, including structures, paving, and landscaping, shall be completed prior to occupancy unless the Development Services Manager allows Developer to provide security or an executed agreement approved by the City Attorney to ensure completion of such improvements. (DS, G-4)
5. By commencing any activity related to the project or using any structure authorized by this permit, Developer accepts all of the conditions and obligations imposed by this permit and waives any challenge to the validity of the conditions and obligations stated therein. (CA, G-5)
6. Developer agrees, as a condition of adoption of this resolution, at Developer’s own expense, to indemnify, defend and hold harmless the City and its agents, officers and employees from and against any claim, action or proceeding to attack, review, set aside, void or annul the approval of the resolution or any condition attached thereto or any proceedings, acts or determinations taken, done or made prior to the approval of such resolution that were part of the approval process. Developer’s commencement of construction or operations pursuant to the resolution shall be deemed to be an acceptance of all conditions thereof. (CA, G-6)
7. 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)

8. 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)
9. Prior to issuance of building permits, Developer shall correct all violations of the City Code existing on the project property. (PL, G-15).

PLANNING DIVISION STANDARD CONDITIONS

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

PLANNING DIVISION SPECIAL CONDITIONS

11. All conditions adopted with Planning Commission Resolution No. 6763 (Use Permit No. 1091) shall remain applicable to the project, except as modified with this approval. (PL)

POLICE DEPARTMENT STANDARD CONDITIONS

12. Permittee and all sellers or servers shall complete a course in Responsible Beverage Service (RBS) within sixty days of license granting and/or date of employment. Applicant can contact the Alcohol Compliance Officer at the Oxnard Police Department to make arrangements (PL/PD)
13. Permittee and all general managers, managers or policy makers shall complete a course in the Responsible Alcohol Policy Program (available through the Oxnard Police Department) within 12 months of license granting and/or date of employment. (PD)
14. Sales of alcoholic beverages shall be incidental to the sale of food. It shall not be considered a violation of this condition if customers are served alcoholic beverages in any lounge, bar or staging area and who are waiting to be seated for the service of food. Employees shall make a good faith effort to ensure that all customers being served alcoholic beverages are also on the premises for the purpose of consuming food items. (PD)
15. When security personnel are present or required per Oxnard City Code, Permittee shall maintain accurate records of all security personnel on the premise at any given time and make those available to the police upon demand. These records shall, at a minimum, provide the name, date of birth, copies of security guard credentials or license and any other permits or certifications related to security work. This would include copies of permits for weapons or other tools the guard may be authorized to carry. Security personnel shall remain in compliance with updated training related to their work as set forth by any existing or future state and/or local regulations. (PD)

16. The Police Chief or designee may immediately suspend operation of the uses approved by this permit pending a hearing on the revocation of this permit if the Chief finds that there have been significant violations of the use permit conditions and/or ABC permit, or there is a single serious violent crime or single significant incident to which multiple police units or multiple police jurisdictions respond associated with the operation of this use, which the Chief determines is detrimental to the public safety or health. The Chief shall immediately inform the Planning and Environmental Services Manager of the suspension and the manager shall schedule a hearing on the revocation of the permit by the Planning Commission to be held no more than 30 days after the suspension begins. (PD)
17. The premises shall be equipped with an adequate number of seats to accommodate all customers. There shall be no service area that is designed or used as a standing area only or as a combined standing and seating area. (PD)
18. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. Permittee shall at all times maintain records which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the Police Department upon demand. (PL/PD)
19. Permittee shall comply with the provisions of Section 23038 of the Business and Professions Code and acknowledges that incidental, sporadic, or infrequent sales of meals or a mere offering of meals without actual sales shall not be deemed sufficient to consider the premises in compliance with the aforementioned section.(PL/PD)
20. The premises shall be equipped and maintained in good faith as a bonafide restaurant and shall possess, in operative condition, such conveniences for cooking and storage of foods such as stoves, ovens, broilers, refrigeration or other devices, as well as pots, pans or containers which can be used for cooking or heating foods on the type heating device employed. (PL/PD)
21. The premises shall possess the necessary utensils, table service, and the condiment dispensers with which to serve meals to the public.(PL/PD)
22. The use of any amplifying system or device shall not be audible outside the premise nor shall it be disruptive to neighboring uses. (PD)
23. There shall be no advertising of alcoholic beverages visible from the outside of the establishment, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. (PL/PD)
24. The sale of alcoholic beverages for consumption off the premises is strictly prohibited. (PD)

25. Sales of alcohol shall not occur between the hours of 12:00 midnight and 6:00 a.m. (PL/PD)
26. Alcoholic beverages shall not be offered at significantly reduced prices (typically more than 25% reduction) that are meant to encourage greater consumption of alcohol such as during “happy hour” type promotions. Permittee shall not develop any other promotional activity that is designed to encourage excessive drinking of alcoholic beverages. *Promoting a “happy hour” or other event that offers reduced prices on food or other items shall not be considered a violation of this condition and are actually encouraged.* (PD)
27. Alcoholic beverages shall be served in standard sizes that are consistent with the industry and shall not be served by the pitcher, “bucket” or similar high capacity amounts exceeding 36oz total. (PD)
28. In the areas surrounding the business, not otherwise licensed by the Department of Alcoholic Beverage Control allowing the service of alcohol, Permittee shall post prominent, permanent signs indicating that loitering, open containers and the consumption of alcoholic beverages is prohibited. This includes the parking lot, walkways and other adjacent areas under Permittee’s reasonable control. (PD)
29. Prominent signs shall be posted stating, in effect, “No persons under 21 will be served alcoholic beverages” and “Valid ID is required to purchase alcoholic beverages”. (PD)
30. Employees involved in the sale or service of alcoholic beverages shall not be allowed to consume alcoholic beverages at any time during their shift. Employees shall not report to work with evidence of having consumed any intoxicants such as alcohol, illegal drugs or controlled substances. (PD)
31. Permittee shall not create any bar, lounge or other area in which the exclusive use would be the service of alcoholic beverages. Food shall be made available in all areas where customers are seated. An area designated for customers who are waiting to be seated at a food service table shall not be considered a violation of this condition as long as the area is not used primarily for the service of alcohol. Condition number 3, above, shall be adhered to regardless of where customers are seated. (PD)
32. The subject Alcoholic Beverage Control License shall not be exchanged for any other type of Alcoholic Beverage Control License without review and approval by the Police Chief or his designee, Planning Commission or City Council. (PD)
33. Upon any individual transfer (person-to-person) of the subject Alcoholic Beverage Control License, or if the business is ever deemed a nuisance as defined in the Oxnard City Code, Police Department may initiate Planning Commission review the existing SUP and apply or remove conditions as appropriate to mitigate existing or potential problems. (PD)

34. Any graffiti painted or marked upon the premises or on any adjacent area under the control of Permittee shall be removed or painted over within twenty-four (24) hours of being applied. (PL/PD)
35. Permittee shall be responsible for maintaining free of litter the area adjacent to the premises over which Permittee has reasonable control. (PL/PD)
36. The area surrounding premises under the reasonable control of Permittee (including the rear of the business) shall be equipped with lighting of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons in or about the area. (PL/PD)
37. No pay phone on the exterior of the premises shall be allowed within 100 feet of the front or rear doors and any pay phones installed inside shall be blocked from incoming calls. (PL/PD)
38. Permittee shall regularly police the area under Permittee's control and shall not permit the loitering of persons about the premises. (PL/PD)
39. Any rear door of the premises shall be equipped on the inside with an automatic locking device, shall be closed at all times, and shall not be used as a means of access by patrons to and from the licensed premises. Temporary use of these doors for delivery of supplies does not constitute a violation. (PD)
40. Permittee shall establish cash handling procedures to reduce the likelihood of robberies and thefts. (PD)
41. Permittee shall install a video surveillance system that shall be maintained at a reasonable industry standard and shall, at a minimum, monitor the entrances and exits, any centralized point of sale and areas immediately surrounding the exterior of the business. (PD)
42. Permittee shall install an electronic intrusion detection system that detects portal openings, glass break, and interior motion. (PD)
43. Permittee shall bolt down or otherwise secure all cash registers to service counters in order to prevent the entire device from being stolen during a burglary or robbery. (PD)
44. A copy of these conditions must be maintained on the premises and made available upon the demand of any peace officer at all times. (PL/PD)

POLICE DEPARTMENT SPECIAL CONDITIONS

45. If alcoholic beverages are to be sold and consumed in any patio area, the patio must be properly licensed by the City of Oxnard Planning Division and Department of Alcoholic Beverage Control. The entire patio shall be adequately enclosed to the satisfaction of the Chief of Police or his designee. Low or excessively wide spaced fencing will not be considered sufficient. (PD)
46. Customer access to and from the patio shall be made through the interior of the business only. (PD)
47. Any exits on the patios shall not be used as a means of access or egress by patrons to and from the licensed premises and, other than during emergencies or for handicapped access per ADA guidelines, shall be kept closed at all times. The exit doors shall close automatically and be equipped with an audible sounding device to alert employees when it has been opened. Adequate signs shall be posted near the gate stating it is an emergency exit or handicapped access only and that an alarm will sound if opened. (PD)
48. There shall not be any outdoor or patio bar (portable or otherwise) where alcoholic beverages are stored or served. (PD)
49. There shall be no live entertainment or amplified sound permitted in outdoor areas (including any patio dining area). Recorded music or acoustic performances for the purposes of creating ambience that is appropriate for the proposed use is permitted but shall be subdued and at no time be disruptive to neighboring uses. (PD)

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 17th day of May, 2012, by the following vote:

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

NOES: Commissioners: Medina

ABSENT: Commissioners: None



Anthony R. Murguia, Chair

ATTEST:



Susan L. Martin, Secretary

ATTACHMENT 5
PAGE 8 OF 8

RESOLUTION NO. 2012 – 12

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING DENIAL OF PLANNING AND ZONING PERMIT NO. 11-570-02 (ZONE CHANGE), AND DENYING PLANNING AND ZONING PERMIT NO. 11-510-09 (SPECIAL USE PERMIT) PURSUANT TO PLANNING COMMISSION BYLAWS SECTION III(B) CONCERNING MOTIONS TO APPROVE THAT FAIL TO RECEIVE THE REQUIRED NUMBER OF AFFIRMATIVE VOTES TO PASS, FOR A REQUEST TO CHANGE THE ZONE DISTRICT TO GENERAL COMMERCIAL PLANNED DEVELOPMENT (C-2-PD) AND TO ALLOW A TYPE 20 ALCOHOLIC BEVERAGE CONTROL LICENSE FOR 1001 AND 1051 EAST CHANNEL ISLANDS BOULEVARD (A.P.N.'S 220-0-220-125 AND 220-0-220-135). FILED BY CADENCE CAPITAL INVESTMENTS L.L.C., 1120 MANZANITA STREET, LOS ANGELES, CA 90029.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 11-570-02, filed by Terri Dickerhoff of Cadence Capital Investments LLC on behalf of property owner Channel Islands Inn LP, to amend the zoning of 1001 and 1051 East Channel Islands Boulevard (APN's 220-0-220-125 and 220-0-220-135) from Commercial and Light Manufacturing Planned Development (C-M-PD) to General Commercial Planned Development (C-2-PD); and

WHEREAS, the Planning Commission conducted a public hearing on May 17, 2012, and received and reviewed written and oral comments related to proposed Planning and Zoning Permit No. 11-570-02; and

WHEREAS, during the public hearing conducted on May 17, 2012, the Commissioners discussed and deliberated the following:

1. The relationship between the Zone Change and the proposed convenience store, insofar as the zoning change to General Commercial (C-2-PD) is required for a convenience store use at the subject property.
2. The amount of exterior advertising and in-store displays for alcoholic beverages and tobacco products in the proposed convenience store.
3. The numbers of students and minors walking on Channel Islands Boulevard in the afternoon, and pedestrian traffic patterns to existing off-sale alcohol retailers in the vicinity.
4. The proximity of off-site alcohol licenses similar to the requested Type 20 (Off-Sale Beer and Wine) that exist in the vicinity, specifically the Amar Ranch Market, Fresh & Easy Market, and the ARCO convenience store.
5. The past and current management practices of existing 7-Eleven stores in the City of Oxnard, the experience of the Police Department in terms of nuisances and calls for

service at the 7-Eleven stores, and the record of compliance with Police conditions of approval.

6. The potential for collisions between motor vehicles and minors crossing Channel Islands Boulevard, and the absence of a crosswalk immediately in front of the proposed 7-Eleven store.
7. The proximity of the proposed 7-Eleven store to the high school, elementary school, and nearby residences.
8. The potential for crime to occur in the vicinity of a convenience store with an off-sale beer and wine retail alcohol license.
9. The relationship between the Zone Change and the proposed alcohol licenses, insofar as the zoning change to General Commercial (C-2-PD) is required for any alcohol-related use at the subject property.
10. The extent to which the proposed zone change to General Commercial (C-2-PD) would be consistent with the existing retail uses on the subject property, and would make the property consistent with the existing General Plan designation of Commercial General (CG).
11. The extent to which the proposed zone change to General Commercial (C-2-PD) would allow a greater variety of land uses that could be permitted on the subject property.

WHEREAS, the Planning Commission approved PZ No. 12-550-01 (Major Modification), and approved PZ No. 11-510-10 (Special Use Permit – Alcohol) for a Type 41 ABC license for On-Sale Beer and Wine for Bona Fide Eating Place.

WHEREAS, the Planning Commission denied PZ No. 11-510-09 (Special Use Permit – Alcohol) for a Type 20 ABC license for Off-Sale Beer and Wine.

WHEREAS, after due study, deliberation and public hearing, Commissioner Huber made a motion to approve Planning and Zoning Permit No. 11-570-02, and Commissioner Mullin seconded the motion.

WHEREAS, Commissioners Huber, Mullin, and Nash voted in favor of approval; and Commissioners Guevara, Medina, Murguia, and Stewart voted against approval.

WHEREAS, the Planning Commission during the public hearing on May 17, 2012, voted 4 noes and 3 ayes on a motion to approve Planning and Zoning Permit No. 11-570-02, and pursuant to Section III(B) of the Planning Commission bylaws, such failure to approve the motion constitutes a recommendation for denial to the City Council.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard recommended denial of Planning and Zoning Permit No. 11-570-02, a request to amend the City's official Zoning Map to change the zoning designation of said parcels as shown in Exhibit "A", attached hereto and incorporated herein by reference and denied Planning and Zoning Permit No. 11-510-09, a request for a special use permit to allow the issuance of a Type 20 ABC license for Off-Sale Beer and Wine.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 7th day of June, 2011, by the following vote:

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

NOES: Commissioners: None

ABSENT: Commissioners: Murguia



Stephen H. Huber, Chair

ATTEST: 
Susan L. Martin, Secretary

EXHIBIT A

All that certain real property situated in the County of Ventura, State of California, described as follows:

Assessor's Parcel No. 220-0-220-125

All of Parcel 1, in the City of Oxnard, County of Ventura, State of California, as shown on a map recorded in Book 68, Page 9 of Parcel Maps, in the Office of the County Recorder of said Ventura County.

Except all oil, gas or other hydrocarbon substances in or under said land but without any right to use the surface of said land nor the subsurface thereof for a depth vertically of 500 feet from the surface, in any manner or for any purposes connected with the exploration for, drilling for or production of oil, gas or other hydrocarbon substances, as reserved by Paul Donlon, et al, in deed recorded October 2, 1957 in Book 1554, Page 205 of Official Records.

Assessor's Parcel No. 220-0-220-135

All of Parcel 2, in the City of Oxnard, County of Ventura, State of California, as shown on a map recorded in Book 68, Page 9 of Parcel Maps, in the Office of the County Recorder of said Ventura County.

Except all oil, gas or other hydrocarbon substances in or under said land but without any right to use the surface of said land nor the subsurface thereof for a depth vertically of 500 feet from the surface, in any manner or for any purposes connected with the exploration for, drilling for or production of oil, gas or other hydrocarbon substances, as reserved by Paul Donlon, et al, in deed recorded October 2, 1957 in Book 1554, Page 205 of Official Records.

End of Exhibit A

2012 JUN -11 A 10:09
PLEASE PROVIDE AN ORIGINAL AND 2 COPIES
A \$525 FEE MUST ACCOMPANY THIS APPEAL

TO: Oxnard City Clerk

NOTICE OF APPEAL
(from member of the public)

I, Brian Corbell, on behalf of Channel Islands Inn L.P. and Lucy Dinneen on behalf of Channel Islands Inn L.P. and 7-Eleven, am aggrieved or directly affected by and appeal the May 17, 2012 decision from the Planning Commission regarding Project No. 11-510-09 and 11-570-2, more particularly described as follows:

Planning Commission denying 7-Eleven's Special Use Permit application for off-site beer and wine sales at a new convenience store to be located in part of 1051 E. Channel Blvd and Planning Commission's recommendation to deny the rezoning of 1051 E. Channel Blvd. and 1001 East Channel from Commercial Manufacturing (C-M-PD) to General Commercial (C-2-PD).

The grounds for appeal are:

The Planning Commission decision was arbitrary and capricious and not supported by substantial evidence. In addition, the denial of the rezone was contradictory to the approval by the Planning Commission of Planning and Zoning Permit No. 11-510-10 approving the Special Use Permit for Type 41 license. Substantial evidence supported the proposed Resolution of approval prepared by City Staff and attached to the Planning Commission Staff Report for this case, a copy of which is attached hereto. Additional materials in support of this appeal will be submitted prior to the City Council Hearing.

I request the following relief:

1. Reverse the Planning Commissions May 17, 2012 decision and issue a Special Use Permit authorizing 7-eleven to sell beer and wine at the store it would open at 1051 E. Channel Blvd. subject to all the conditions presented by the Police and Oxnard Staff in their recommendations.
2. City Council to disagree with the Planning Commission's May 17, 2012 recommendation to deny the rezone and for the City Council to find in favor of the rezoning of 1051 E. Channel Blvd. and 1001 E. Channel from Commercial Manufacturing (C-M-PD) to General Commercial (C-2-PD)


(signature) Brian Corbell, Chairman, Channel Islands Corporation, the General Partner of Channel Islands Inn. L.P.

225 Arizona Avenue, Suite 300

Santa Monica California 90401
(address)


(signature) Lucy Dinneen

Date: 6-1-12

ATTACHMENT

PAGE 1 OF 12

8480 E. Orchard Rd., Suite 2400

Greenwood Village, CO 80111
(address)

cc: City Attorney
Project Planner
Development Services Department

ATTACHMENT 8
PAGE 2 OF 12

CADENCE DEVELOPMENT LLC

May 30, 2012

VIA E-MAIL & US Mail

Oxnard City Council
c/o City Clerk
City of Oxnard
305 West Third Street
First Floor-West Wing
Oxnard, CA 93030

Re: Appeal of Planning and Zoning Permit No. 11-570-02 for a Zone Change for 1051 East Channel Blvd and 1001 E Channel Blvd.

Dear Mayor Holden and City Council:

This letter is submitted in support of our appeal of the May 17, 2012 Planning Commission's decision to recommend the denial of the proposed rezone of the above properties. A separate letter is being issued to also appeal the denial by the Planning Commission for permit number 11-510-09 regarding a special use permit to allow a type 20 license for a new 7-Eleven planned for 1051 East Channel Blvd. The re-zoning of the property is appropriate for this specific site as it is consistent with the General Plan, meets all of the conditions required and would encourage more robust commercial activity on that corner of Channel Blvd. In addition, a rezone is necessary to make the earlier approval by Planning Commission of permit Number 12-510-10 valid.

The proposed rezoning to C-2-PD would allow the closed IHOP restaurant to be redeveloped and attract a broader range of retail commercial uses that include convenience markets and allow restaurants to serve alcohol, subject to special use permits. The rezone has the support of both the Planning Staff and Police which recommended approval as we will reflect further in the letter.

Despite Staff's and the Police's findings and recommendation for approval, as well as no clear community concerns or opposition to the rezoning, Planning Commission voted to recommend the denial of this application. This recommendation was not only capricious and seemed to be based on confusion, it was completely inconsistent with the Planning Commission's earlier approval of the Type 41 license for a restaurant. The rezoning was required in order to make the Type 41 special use permit an allowed use. Therefore, the Applicant is asking the City Council to ignore the Planning Commission's recommendation and approve the requested rezoning.

1. Introduction

The properties we are discussing - 1051 E Channel Blvd and 1001 E. Channel Blvd - were built in 1985. They have been operated responsibly over the last twenty five years as a hotel and, up until 2010, as an IHOP restaurant. The hotel is called Comfort Inn and serves tourists and business travelers as well as groups which come in for sports activities such as the Oxnard Police Activity League Boxing. The property is well-managed and clean. The current owners own

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multiple hotel properties and are experienced and professional. The IHOP did not renew its lease on the Restaurant as it found that it was unable to sustain a restaurant business in such a large space. As owner of the hotel and restaurant, we recognized we needed to reposition this property in order to keep the property competitive and commercially successful. In order to accomplish this, we required a change in the zoning to broaden the commercial uses to a wider array of retail options consistent with its location along a major commercial corridor. We were told that the C-2-PD designation was consistent with the General Plan and also consistent with our neighbor, the Amar market, and would make sense for this property.

As part of our effort to redevelop and revive this corner, the application that was presented to City Staff proposed:

- a) a rezoning of the property to C-2-PD to expand our universe of uses;
- b) an immediate re-tenanting of the 4200 square foot restaurant space to adapt it into a smaller restaurant and a small convenience market;
- c) two special use permits to enable the restaurant to offer some limited on site alcohol sales and the convenience market to offer a limited selection of site beer and wine for off-site consumption; and
- d) to allow a future 1200 square foot expansion of the building to take advantage of the excess land on the site and enhance the commercial activity at the corner as the market allowed.

The applicant has worked with City Staff to make this redevelopment attractive and respectful. The convenience market tenant was identified as a 7-Eleven, a national operator considered one of the leaders in this market and who has been aggressively upgrading their market stores with fresh food options, quality groceries and clean, well lit spaces with state-of-the-art security training and facilities. Without this rezone, the applicant is facing a limited set of options to re-tenant the large restaurant. *The previous IHOP building has been shuttered and closed for a year and a half. Upgrades to the property based on uses within the Commercial Manufacturing designation are not economical and the corner is at a serious risk of increasing a sense of blight to this area of town.* We do not believe any upgrade of the older Amar Market is in the works. Approval of the rezone would encourage new growth to this area of the city, increasing sales and providing new jobs.

II. The Planning Commissions Findings

In spite of Planning Staff's and Police support, the Planning Commission voted to not recommend approval of the rezone. The Planning Commission did not discuss or consider the following findings by City Staff:

A) The proposed rezone is consistent with the city's General Plan and the property's land use designation;

B) The measure of consistency was defined by three classification levels as outlined in the Staff report. Staff concluded the proposed rezone met all three classifications and would encourage positive retail commercial activity in this area;

C) The site would be in full conformance with Zoning development standards - In fact the chart presented by Staff made it evident and clear that the site met all and, in many cases, EXCEEDED these development standards;

D) The site has adequate utilities, parking and loading areas to accommodate this rezone and all the off-site road systems are adequate to accommodate the road and pedestrian traffic;

As indicated in the City Staffs findings, there is substantial evidence to support the rezone. Instead, the Planning commission justified a negative recommendation based on the arguments below in bold. The following discusses each of those findings and describes why the City Council should ignore the Planning Commission's recommendation and approve the Rezone.

1. Planning Commission indicated in the discussions that they should not approve the rezoning without a specific site plan submittal.

With all due respect, a site plan was submitted. This line of thinking was non-sensical as the Planning Commission at that juncture had already approved the special use permit for a type 41 license allowing on site beer and wine sales and they approved a major modification permit number 12-555-01, allowing for a 1200 square foot expansion of the building clearly tied to a specific site plan proposal. The sale of alcohol is a use only allowed if the rezone to C-2-PD was approved so the vote to deny the rezone was inconsistent and illogical.

We believe the Planning Commission did not really evaluate the substantial evidence supporting the rezone or fully consider Staff's findings. We believe City Council should evaluate the substantial evidence in favor of this rezone, including the significant positive effect it will have on the properties' ability to compete at this corner as a commercial retail property and find in favor of the rezone.

2. The Planning Commission appeared to vote against the rezone primarily to preclude a convenience store use. Some of the Planning Commission had concerns allowing a convenience store as a use on this corner because they felt that the pedestrian safety of the children at this corner would be compromised. The Planning Commission speculated that children would change their current walking patterns and find ways to cross the busy street outside of crosswalks. Questions were asked about the adequacy of the cross walks and controls. The traffic engineer did not have the information readily available so speculation by the Commission occurred that the infrastructure was inadequate. The Commission appeared to rely on their review of an aerial photo to reach this conclusion and did not refer back to the Staff's findings.

It is important to note that the application had been thoroughly reviewed by the Police and by Traffic and the findings and there was no substantial evidence to indicate that pedestrian safety was a concern. This was a discussion that arose in response to one public speaker who simply

asked the question to the Commission as to whether pedestrian safety was in place and were cameras installed.

The facts did not emerge at the hearing but are as follows: the findings of City Staff and Police indicated pedestrian safety was adequate. In addition, Officer Waer clearly indicated from his observations that even with the Amar Marketplace on the north side of the street today, the vast majority of school traffic stayed on the south side of the street as is consistent with where the residential neighborhoods are located. He indicated that some pedestrian traffic would increase because of the new convenience store but he did not believe this to be unmanageable.

Also, while Planning Commission speculated about the absence of crosswalks, the facts are that the site currently has a clear existing crosswalk system complete with pedestrian control buttons. Clearly marked crosswalks are located on Channel Blvd leading from the south side of Channel Blvd to the Amar Market side of Statham Blvd and there is another crosswalk going across Statham to the Hotel Property. All of these have pedestrian crosswalk lights. There is also a full crosswalk located to the west of 1001 East Channel Blvd leading to Albany Drive and the hotel. (photos are attached). There is no evidence that this intersection presents any current traffic or pedestrian crossing problems and there is no evidence that a change in use of the 4200 square foot restaurant to a blend of retail and restaurant, even with a convenience store use, would change this. The infrastructure is adequate. The findings of the Police and City Staff found no reason to believe that a small 2500 square foot convenience market would cause it to be a problem intersection.

The conclusions reached by the Planning Commission were based on a series of discussions based on imagined scenarios and not on the facts presented or on what could be confirmed about the facts of the site.

3. The Planning Commission had concerns about the proximity of a convenience store to the public high school that was 1400 feet away and a private elementary school roughly 600 feet to the southwest. Also, one Commissioner raised some concerns regarding the location of multi-family homes across the Channel Island Blvd and the effect of lighting on them.

The Planning Commission ignored both the written report and testimony of the Police that indicated they supported a convenience store in part because the Fresh and Easy located much closer to the high school has had no problems and has not reported any incidents to date. Also a new 7-11 convenience store that opened near a another high school also has had no incidents. The Police felt that the conditions they required for approval and outlined in their report were sufficient to manage these concerns.

The City Staff also addressed the issue of lighting near residential, indicating that the hotel property and redeveloped retail would meet all code that relates to lighting next to residential. It was emphasized that the basic layout of the current development was not being altered.

The Planning Commission asked who we had talked to at the school. For clarification, the applicant spoke to the fact that it had held a neighborhood meeting with 2500 notices sent and that there were no concerns noted at that meeting. In addition, we volunteered that through its local consultant, Sandy Smith, we had reached out to Principal Hernandez of the High School to meet but the school chose not to meet with us. We then reached out to the superintendent, Mr.

Soumakian, who set up a meeting with Randal Winton, the Assistant Superintendent. At that meeting we described the proposed development, opened ourselves up for any further discussions and followed up with a letter. Clearly, the high school and the school district were made aware of this project. No one from this school or school district attended the neighborhood meeting or the Planning Commission hearing.

The evidence and the findings all reinforce that while a convenience store will attract some of the high school kids, similar to the Fresh and Easy on the even busier Oxnard and Channel Blvd intersection, that the conditions put in place would be adequate to manage it.

4. The Planning Commission spoke at length about a concern that the existence of a convenience market adjacent to a hotel would result in the hotel becoming a location in which vice would become the norm. They were concerned that a retail building that housed a convenience market next to a hotel was not compatible and may cause the hotel to “deteriorate”. Chairman Murguia pursued a course of discussion about his own experiences regarding one hotel from the ‘70s and ‘80s” as his one point of reference.

In the course of this discussion, the Planning Commission ignored the Police Findings that none of the seven 7-Elevens in Oxnard are considered to be nuisance or problem establishments. The Police Report indicated that the crime statistics in this specific area show that general incident levels were 12% above average but that this level and the nature of the crimes, were such that the Police believed that this level of crime was not a concern and that any negative impacts of a convenience store could be mitigated through the conditions outlined in their report.

The applicant is an experienced hotel operator with many hotels under management. 7-Eleven is a national operator which was identified by Oxnard’s police department as a very good operator without any stores identified as problems. The experiences presented to the Commission by the applicant were of positive synergies between hotels and convenience markets. Even Commissioner Mullin, who indicated he had experience in hotel operations through Marriott, spoke to the complimentary nature of this use. The idea that the convenience store caused or contributed to the deterioration of a hotel property was speculative and not based on any evidence whatsoever. It was a concern fueled by references to a highly dissimilar poorly operated hotel property from thirty years earlier out by the port in Hueneme. The Planning Commission continued to focus on this image versus the evidence presented by the hotel owner, the applicant representing 7-Eleven, the contrary view held by Commissioner Mullin who is in the hotel industry as a profession and by the Police report and findings.

While, the applicant understands that there are a variety of hotel types across many commercial areas and that one bad example of a poorly run hotel or poorly run convenience store could be taken out of context to prove “causality” (i.e. the convenience store led to the hotel becoming a problem hotel), the vast array of evidence indicates that the location of a convenience market near hotels provides a valued amenity for its customers. The applicant used as an example, a recent 7-Eleven they had just opened next to a new 5-star resort and indicated that the nearby hotel guests, nearby businesses and neighborhood residents are all valued customers. It is the

owner and applicant's perspective as a long standing hotel owner and operator that the hotel is more of risk of vice by having a dark closed building on its corner and being associated with blight than having a vital and robust commercial retail property next to it.

One of the speakers from the public even came up and spoke to her experience as a hotel guest in San Francisco and how valuable convenience markets are to buy a cup of coffee in the morning with a paper, or to grab a few toiletries one has forgotten. We believe the line of reasoning that influenced the Planning Commission was wholly arbitrary and capricious and ignored the state of the hotel on 1001 E Channel Blvd, its operational history and reputation with the Police Department and the experience of experts at the hearing.

5. Public Comment at the Planning Commission Hearing consisted of 5 speakers. Two of the speakers Mr. and Mrs. Goodwin spoke to wanting this to remain a restaurant and felt the only reason the restaurant closed was it was mismanaged. Mrs. Brown did not live in the neighborhood but was active with the police department in a citizen advisory role around alcohol issues and she believed that the conditions recommended by the Police had adequately addressed the alcohol concerns and she also spoke out to acknowledge that a convenient store near a hotel was a good amenity. Mr. Holloway spoke. He was from the nearby neighborhood and just asked the question of the Planning Commission if the crosswalk was adequate and if there were red light cameras as this was a concern. He did not speak for or against but rather simply inquired about the above question. The last speaker, Mr. Swanson, said he was from the Larson school district outside the noticed area. He had driven by the posted sign that morning and came to communicate his concern that he believed a 7-Eleven would attract school kids to hang out. He was the person who introduced the idea that in the 70s and 80s he knew of a seedy hotel with a convenience/liquor store that cause the police many problems.

The public concerns as indicated above, are something we respect and take seriously. However, as indicated in the Police report and the Staff findings and as thoroughly described above, we believe these concerns were addressed and could be adequately mitigated through the conditions outlined in Planning Staff's recommended approval.

We strongly encourage City Council find in favor of the re-zone. In addition to the findings by City Staff and the Police that support approval, a re-zone is consistent with the General Plan and goals of the City of Oxnard to encourage successful commercial enterprise on major commercial corridors. A rezone simply puts this property in the same general commercial zone as its neighboring property, the Amar Market, and will enable the redevelopment of what is now an obsolete restaurant space. The redevelopment of the corner building to a mixed retail building will engage the corner, providing goods and services to the neighborhood, the hotel guests and

the businesses along Statham Blvd. As City Staff and the Police pointed out in their findings, negative impacts will be mitigated through the conditions outlined in the approval while this successful redevelopment will contribute valued sales revenue and jobs to the community.

Sincerely,



Lucy Dinneen

Applicant



Brian Corbell

~~FOR THE~~
Owner

CADENCE DEVELOPMENT LLC

May 30, 2012

VIA E-MAIL & US Mail

Oxnard City Council
c/o City Clerk
City of Oxnard
305 West Third Street
First Floor-West Wing
Oxnard, CA 93030

Re: appeal of the denial of the permit Number 11-510-09 for a Special Use Permit for a Type 20 license for beer and wine for a new 7-Eleven Convenience Market

Dear Mayor Holden and City Council:

This letter is submitted in support of our appeal of the May 17, 2012 Planning Commission's decision to deny the special use permit for a type 20 license to a proposed 7-Eleven at 1051 E Channel Blvd.

As part of this letter we would ask that the City Council also refer to our letter addressing the appeal of the rezone as it addresses many of the related concerns regarding convenience stores.

I. Introduction

The owner of the closed 4200 square foot IHOP, which also owns the adjoining Comfort Inn hotel, would like to re-tenant the building into a smaller restaurant use and a 2500 square foot 7-Eleven. 7-Eleven would invest in upgrading the space to its newest concept of a neighborhood market. This concept includes an offering of an array of groceries, coffee, freshly made sandwiches and fruit and other incidental items like aspirin and toothbrushes. More than 2200 individual items are carried in this new 7-Eleven neighborhood market for the convenience of their customers.

As part of this product offering, 7-Eleven offers its customers a full array of their convenience items, including a limited selection of beer and wine. This enables their customers to get all of their convenience items in one place. At 1051 E Channel Blvd, where 7-Eleven would like to open a new store, they have agreed to all the conditions presented by the Oxnard City Police related to alcohol sales which include limiting the hours of alcohol sales from 6 am to midnight, eliminating any sale of singles, limiting advertising and following all the security procedures outlined by the police.

It was significant that at the hearing, Officer Waer indicated that at a new 7-Eleven recently opened near a high school in Oxnard and there have been no incidents or problems. He indicated that 7-Eleven was an exceptional operator and worked cooperatively with the police and fully honored the special use permitted conditions.

The Amar Marketplace is across the street from the site and it sells beer and wine. Because it is within 350 feet of this property, per Oxnard guidelines, the area is considered over-concentrated. However, the area is not considered over-concentrated by ABC measures.

The 7-Eleven neighborhood market would offer this area along Channel Blvd and Statham Blvd a convenience option that is not the same as Amar Market. The extended hours of a 7-Eleven and the ability to get in and out of the store quickly would provide an amenity to the residents, the hotel guests and the business population concentrated within a half a mile (7-Elevens market area when they do not serve gasoline). Many people work later in the evening or at night, or they leave early for a job and rely on the convenience of a 7-Eleven market to get their goods quickly and at odd hours. The existence of a convenience store near a large scale grocery is often complimentary as they serve different customer needs.

The ability to offer limited beer and wine is critical to the overall strategy of the 7-Eleven neighborhood market concept. Any negative impacts can be managed through the adopted conditions as indicated in the Police report findings. The 7-Eleven would provide a valuable amenity to the area. For these reasons we encourage the City Council to vote in favor of the special use permit.

II. Planning Commissions Findings

In spite of the City Staff and Police findings, the Planning Commission voted to deny the special use permit for a type 20. The Planning Commission did not discuss nor consider the following findings:

- A) Staffs findings that led them to conclude the building and site were adequate to handle this use;
- B) the Police report that indicated that negative impacts could be managed adequately through adopting specific conditions;
- C) the Police report on the specific experiences with this operator within the City of Oxnard - of seven existing 7-Elevens, "none are considered nuisances or problems"
- D) The neighborhood meeting in which 2500 people were noticed and no concerns were raised;
- E) The amenity of convenience this new retail would provide to this area, especially for people who do not own cars or for people who work or go to school at off hours;
- F) The substantial complementary benefit it would have to the existing hotel development and nearby businesses on Statham.

1. **The Planning Commission spoke at length about their concern that the existence of a convenience market with alcohol adjacent to a hotel would result in the hotel and the hotel guests becoming a location in which vice would become the norm. The Planning Commission ignored the Police Findings and instead pursued a course of discussion about their own experience with a certain hotel they recalled from the 70s and 80s**

2. The applicant's experience with this issue was discussed at length in the rezone letter. However, in addition to this, no discussion was made as to the fact that the Amar Market,

directly across the street, also offers alcohol and with many fewer conditions applied than the 7-Eleven would have. There is no evidence that this market with much more substantial alcohol offerings available contributes to vice or indecency at the hotel currently. No alcohol would be sold after midnight. No singles would be sold. The operator, 7-Eleven, has a clear track record with the city of responsible management and training.

Because the greater part of the Planning Commission's discussion related to convenience stores in general rather than the sale of alcohol specifically there was little to no discussion regarding the school children and alcohol. Thus this was not really discussed by the Planning Commission. Because of the importance of this, however, we wanted to emphasize again the Police findings:

At the Fresh and Easy which is much closer to the high school, there have been no alcohol related incidents. The new 7-Eleven on Gonzales which opened near a high school, has had no alcohol related incidents. The Police findings believe that the conditions they outline in their report adequately mitigate this concern.

The applicant appeals to City Council to review this based on the findings of its staff and the basis of evidence and to find in favor of the special use permit.

Sincerely,



Lucy Dinneen

Applicant



Brian Corbell
FOR THE
Owner



Meeting Date: 07/10/12

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

Prepared By: Brian Foote, AICP, Associate Planner  Agenda Item No. L-1Reviewed By: City Manager  City Attorney SMT Finance  Other (Specify) _____

DATE: June 12, 2012

TO: City Council

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

SUBJECT: Planning & Zoning Permit No. 11-570-02 Requesting a Zone Change to General Commercial Planned Development (C-2-PD), and Appeal of Planning Commission's Denial of Planning & Zoning Permit No. 11-510-09 Requesting a Type 20 ABC License for a Proposed 7-Eleven Store. Located at 1001 and 1051 East Channel Islands Blvd. Filed by Designated Agent Lucy Dinneen, Cadence Capital Investments LLC, on Behalf of Property Owner Channel Islands Inn LP.

RECOMMENDATION

That City Council adopt a resolution denying Planning & Zoning Permit No. 11-570-02 and denying the appeal and upholding the Planning Commission's denial of Planning & Zoning Permit No. 11-510-09.

DISCUSSION

On May 17, 2012, the Planning Commission considered an application for a special use permit requesting a Type 20 (Off-Sale Beer & Wine) Alcoholic Beverage Control license for a proposed 7-Eleven convenience store. The Commission followed standard protocol by opening and closing a public hearing, heard testimony, and considered the facts and circumstances of the proposed project. A motion to approve the request failed to pass with voting results being 3 ayes and 4 nays; therefore, pursuant to Commission bylaws, this failure constitutes denial or recommendation for denial of the application. As a result of the vote, no findings were made and no resolution was adopted.

Similarly, the motion before the Planning Commission to recommend City Council approval of the request to change the zone of the subject property from C-M-PD to C-2-PD failed. Under the Commission's bylaws, the failed motion resulted in a recommendation of denial. At its meeting of June 7, 2012, the Planning Commission adopted a resolution documenting the failed motions and the resulting denial of the special use permit and recommendation for denial of the zone change (Attachment #5).

ATTACHMENT 9
PAGE 1 OF 3

The Planning Commission approved two other permits requested by the applicant: 1) a major modification (PZ No. 12-550-01) to allow the existing restaurant building to be enlarged and divided into up to three suites (see Attachment #6); and 2) a special use permit (PZ No. 11-510-10) to allow the sale of alcohol for on-site consumption in conjunction with the restaurant use, upon issuance of a Type 41 ABC license for On-Sale Beer & Wine for a Bona Fide Eating Place (see Attachment #7).

On June 1, 2012, the City Clerk received timely notice appealing the Commission's action. The appellant's consultant, Lucy Dinneen of Cadence Capital Investments LLC, prepared a letter (Attachment #8) that states that the Commission's action was arbitrary and capricious, contradicted the evidence, and was inconsistent with the Commission's approval of the Type 41 (On-Sale Beer & Wine) ABC license for the restaurant use. Pursuant to section 16-548 of the City Code, the Council's review of an appeal from a Commission decision may be heard de novo, and the Council is not restricted to considering the grounds specified in the notice of appeal.

The appellant requests approval of PZ No. 11-510-09 allowing the Type 20 ABC license in conjunction with a 7-Eleven convenience store. The appellant also requests approval of PZ No. 11-570-02 (Zone Change) to General Commercial Planned Development (C-2-PD) in order to permit the convenience store. The current zoning of Commercial & Light Manufacturing (C-M-PD) does not permit convenience stores; therefore, the zone change to C-2-PD is necessary in order to permit a 7-Eleven store to operate and sell beer and wine to its customers.

The record of proceedings indicates that the Commission considered and deliberated substantial evidence, and the decision was not arbitrary and capricious. The record shows that the evidence included the following: the Planning Commission staff report; Police Department report; testimony from the applicant and Police staff provided during the public hearing; five public speakers; and the Commissioner's observations from site visits. Public speakers discussed pedestrian crosswalks, proximity to schools, the Type 20 off-sale license and need for a convenience store. One member of the public spoke in favor of the convenience store. The Commission reviewed a substantial amount of evidence prior to voting, and asked several questions of the applicant and Police staff.

In summary, the Commission's deliberation and action was consistent with the provisions of City Code Section 16-531 (Requirements for Granting). The Commission deliberated, based on substantial evidence, and exercised independent judgment prior to making a decision. The motion to approve the project was made and seconded, and subsequently failed to receive the required number of votes to pass. Consistent with the established rules and procedures pertaining to conduct of the Planning Commission, staff recommends that Council uphold the Planning Commission's action and deny the appeal.

FINANCIAL IMPACT

None. The appellant paid the applicable filing fee.

Attachment #1 – Vicinity Map

#2 – City Council Resolution

#3 – Planning Commission Staff Report

#4 – Planning Commission Meeting Minutes

#5 – Planning Commission Resolution No. 2012-12

#6 – Planning Commission Resolution No. 2012-10

#7 – Planning Commission Resolution No. 2012-11

#8 – Notice of Appeal

#9 – Floor Plan

MINUTES

OXNARD CITY COUNCIL

Regular Meeting

July 10, 2012

A. ROLL CALL/POSTING OF AGENDA

At 5:34 p.m., the regular meeting of the Oxnard City Council convened in the Council Chambers. Councilmembers Thomas E. Holden, Irene G. Pinkard, Bryan A. MacDonald, Timothy B. Flynn and Carmen Ramirez were present. The City Clerk stated that the agenda was posted on Thursday in the Library and City Clerk's Office. Mayor Holden presided and called the meeting to order. Staff members present were: Daniel Martinez, City Clerk; Karen Burnham, Interim City Manager; Alan Holmberg, City Attorney; James Cameron, Chief Financial Officer; Jeri Williams, Police Chief; Michael O'Malia, Interim Fire Chief; Rob Roshanian, Interim Public Works Director; Grace Magistrale Hoffman, Deputy City Manager; Julie Doi, Deputy City Attorney; and Martin Erickson, Special Assistant to the City Manager.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

Public comments were provided by: Larry Stein and Bert Perello.

C. CLOSED SESSION

At 5:39 p.m. the City Council recessed to a closed session, pursuant to Government Code section 54956.9(a) to confer with its attorneys. The title and case number of the litigation being discussed was Morillo v. Oxnard Police Dept. et al., U.S. District Court, Case No. CV11-8930-PA (PCAx).

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

At 6:08 p.m. the City Council reconvened.

O. REPORTS

Finance Department

1. SUBJECT: Fiscal Year 2012-13 Budget Balancing Discussion. (001)

RECOMMENDATION: 1) Receive Departmental presentations by Fire, Recreation and Community Services, Public Works, and General Services; and 2) Consider options for balancing the Fiscal Year 2012-13 General Fund Budget and provide direction to staff.

DISCUSSION: The Interim Public Works Director reviewed: current and future street maintenance projects; concurrent construction of infrastructure at the same time; Measure "O" projects; alleyway repair; and possible other compared to other cities streets.

The Interim Fire Chief reviewed: personnel staffing issues; responses to emergencies; inspections; and public education issues.

The Council commented on: funding of street maintenance; effects of truck use on streets; and Fire Department response to emergencies.

Public comments were provided by: Larry Stein; Jim Lavery; Bert Perello; and Harold Ceja.

ACTION: Received budget presentations.

D. OPENING CEREMONIES

At 7:16 p.m., the regular meeting of the Oxnard City Council reconvened in the Council Chambers, concurrently with the Community Development Commission Successor Agency. The meeting opened with the pledge of allegiance to the flag of the United States, followed by a moment of silence for Pinkard. Mayor Holden presided. Additional staff members present were: William "Bill" Wilkins, Housing Director; Matthew Winegar, Development Services Director; Curtis P. Cannon, Community Development Director; Michael Henderson, General Services Manager; Sue Martin, Planning and Environmental Services Manager; and Richard Arias, Recreation Program Supervisor; and Sofia Balderrama, Special Projects Manager.

E. CEREMONIAL CALENDAR

1. SUBJECT: Presentation of Commendation to Dr. Fahmy Fahmy for His Volunteer Services
DISCUSSION: Mayor Holden presented a commendation to Dr. Fahmy who thanked his family and staff

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments received from: Tim Harthcock; William "Bill" Terry; Ed Ellis; Steve Nash; Dolores Perea; Ellen Butler; Margaret Johnson; Irma Medina; Dr. Don Thibeault; Savanna Stanley; Preston Davis; Larry Stein, Danna Aten; and Harold Ceja.

L. PUBLIC HEARINGS

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

Development Services Department

1. SUBJECT: Planning & Zoning Permit No. 11-570-02 Requesting a Zone Change to General Commercial Planned Development (C-2-PD), and Appeal of Planning Commission's Denial of Planning & Zoning Permit No. 11-510-09 Requesting a Type 20 ABC License for a Proposed 7-Eleven Store. Located at 1001 and 1051 East Channel Islands Blvd. Filed by Designated Agent Lucy Dinneen, Cadence Capital Investments LLC, on Behalf of Property Owner Channel Islands Inn LP. (137)
RECOMMENDATION: Adopt a resolution denying Planning & Zoning Permit No. 11-570-02 and denying the appeal and upholding the Planning Commission's denial of Planning & Zoning Permit No. 11-510-09.
DISCUSSION: The Planning and Environmental Services Manager reviewed the proposed project including zoning change and property use permit.

Brian Corbell, Channel Islands Inn, and Lucy Dinneen, Cadence Capital Investments, outlined the request for changes to C-2 zoning for a convenience store (7-11 Store with off-site alcohol sales license); the location of the restaurant business; benefits of the project; neighborhood meetings; and City's staff findings including Police report.

At 8:49 p.m. Mayor Holden left the meeting and Mayor Pro Tem Pinkard presided.

Public comments were received from: Larry Stein; William "Bill" Terry; Bert Perello; Nancy Ron; Shirley Godwin; Larry Godwin; Pat Brown; Rebecca Ralph; and Gloria Roman.

At 8:54 p.m. Mayor Holden returned to the meeting and presided.

ACTION: Close the public hearing (Holden/MacDonald).

The Council discussed: conditions to be placed on a proposed 7-Eleven Store including sale of alcohol hours; the requested zone change; and other uses at the site.

ACTION: Moved to as recommended (Flynn/Ramirez) Ayes: Flynn and Ramirez. Noes: MacDonald, Holden, and Pinkard. The City Council provided comments to staff and concurred to continue this item to September 18, 2012.

RECESS

At 10:05 p.m., the City Council recessed and at 10:15 p.m., the City Council reconvened.

G. REVIEW OF INFORMATION/CONSENT AGENDA

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Public comments were received from: Pat Brown (I-5); Bert Perello (I-2, I-6); Larry Stein (I-6); and Steve Nash (I-2, E).

I. INFORMATION/CONSENT AGENDA

City Clerk Department

1. SUBJECT: Minutes of the Regular Meeting of the Oxnard City Council for June 5, 12, 19 and 26, 2012. (003)
RECOMMENDATION: Approve.

City Manager Department

2. SUBJECT: Agreements for City Council Review. (037)
RECOMMENDATION: Pursuant to Ordinance 2835, approve and authorize the Interim City Manager, to execute the attached agreements/contracts and change orders/amendments in amounts more than \$25,000 but less than \$250,000.

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

Prepared By: Brian Foote, AICP, Associate Planner *BF*

Agenda Item No. L-1

Reviewed By: City Manager *[Signature]*

City Attorney *[Signature]*

Finance *[Signature]*

Other (Specify) _____

DATE: September 13, 2012

TO: City Council

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

SUBJECT: Appeal of the Planning Commission's Denial of Planning & Zoning Permit No. 11-570-02 (Zone Change) Requesting a Zone Change to General Commercial Planned Development (C-2-PD), and Planning & Zoning Permit No. 11-510-09 (Special Use Permit – Alcohol) Requesting a Type 20 ABC License for a Proposed 7-Eleven Store. Located at 1001 and 1051 East Channel Islands Blvd. Filed by Designated Agent Lucy Dinneen, Cadence Capital Investments LLC, on Behalf of Property Owner Channel Islands Inn LP.

RECOMMENDATION

That City Council adopt a resolution denying the appeal and:

- Deny Planning & Zoning Permit No. 11-570-02 (Zone Change); and,
- Uphold the Planning Commission's denial of Planning & Zoning Permit No. 11-510-09 (Special Use Permit – Alcohol).

DISCUSSION

On May 17, 2012, the Planning Commission adopted resolutions approving a major modification for a restaurant addition and a special use permit for a Type 41 alcoholic beverage control license for the restaurant use (see Attachments 2 – 6). No further action is required in order to allow the applicant to proceed with the addition project and issuance of an alcoholic beverage control license for the restaurant. In addition to the approval actions, the Commission denied a zone change request to General Commercial (C-2-PD) and denied a second special use permit for a Type 20 alcoholic beverage control license for the proposed 7-Eleven convenience store (see Attachment 7). On June 1, 2012, the applicant filed the Notice of Appeal (Attachment 8).

On July 10, 2012, the City Council previously considered the above-referenced appeal application (see Attachment 9). The Councilmembers focused their discussion on the desirability of a 7-Eleven store as an anchor retail tenant, ability of a 7-Eleven store to attract additional high-quality tenants, desire by City residents to have a quality restaurant at the location, ability of C-2-PD zoning to allow a variety of retail uses other than convenience stores, and if a specific restaurant tenant could be identified prior to

approval. The Council directed the applicant to ascertain a specific restaurant tenant to accompany the proposed 7-Eleven store, and return to Council for further consideration when the restaurant tenant has been identified. The Council continued the item to September 18, 2012, to allow the applicant additional time to address these concerns.

The applicant, thus far, has not been able to identify a specific restaurant tenant or execute a lease. According to the applicant, the property owner has contacted a number of restaurant companies to ascertain interest. However, they have not received any commitments to date. The applicant has provided a summary of their outreach efforts since the July 10, 2012, hearing (see Attachment 10).

Staff's original recommendation to deny the appeal was consistent with the Planning Commission's action (see Attachment 7). Since the council hearing on July 10, 2012, the applicant has not been able to fulfill Council's request to identify a specific restaurant tenant. Therefore, staff recommends that Council uphold the Planning Commission's action and adopt a resolution (Attachment 11) denying the appeal.

Should the Council decide that the applicant's effort warrants approval of the proposed use, Attachments 12 and 13 include the ordinance and resolution approving the zone change and special use permit, respectively. The proposed conditions of approval are the same as those presented to the Planning Commission, with the addition of one Planning special condition (Attachment 13, condition 11) requiring a restaurant tenant in accordance with the direction that Council provided on July 10, 2012. The applicant has agreed to the condition stipulating that a food service tenant shall be included in the project to accompany the 7-Eleven store.

FINANCIAL IMPACT

None. The appellant paid the applicable filing fee.

- Attachment #1 – Vicinity Map
#2 – Planning Commission Staff Report w/o attachments
#3 – Planning Commission Meeting Minutes
#4 – Planning Commission Resolution No. 2012-10 (Major Modification approval)
#5 – Planning Commission Resolution No. 2012-11 (Special Use Permit approval)
#6 – Approved Floor Plan
#7 – Planning Commission Resolution No. 2012-12 (Zone Change denial)
#8 – Notice of Appeal
#9 – City Council Staff Report (July 10, 2012) w/o attachments
#10 – Applicant's Summary
#11 – City Council Resolution (Appeal denial)
#12 – Zone Change Ordinance (Zone Change approval)
#13 – City Council Resolution (Special Use Permit approval)

MINUTES

OXNARD CITY COUNCIL Regular Meeting September 18, 2012

A. ROLL CALL/POSTING OF AGENDA

At 5:31 p.m., the regular meeting of the Oxnard City Council convened in the Council Chambers concurrently with the Community Development Successor Agency. Councilmembers Thomas E. Holden, Irene G. Pinkard, Bryan A. MacDonald, Timothy B. Flynn and Carmen Ramirez were present. The City Clerk stated that the agenda was posted on Thursday in the Library and City Clerk's Office. Mayor Holden presided and called the meeting to order. Staff members present were: Daniel Martinez, City Clerk; Karen Burnham, Interim City Manager; Alan Holmberg, City Attorney; and Curtis P. Cannon, Community Development Director.

~~B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS~~

~~C. CLOSED SESSION~~

At 5:32 p.m. the City Council and Successor Agency recessed to a closed session, pursuant to Government Code section 54956.9(c) based on existing facts and circumstances, the City Council shall decide whether to initiate litigation in two potential cases, and discuss litigation which the City has decided to file in the Superior Court of the State of California in Sacramento, City of Bellflower, et al. v. Ana Matasantos, et al. case not yet filed.

At 6:59 p.m. the City Council reconvened and recessed to the evening session.

D. OPENING CEREMONIES

At 7:05 p.m., the regular meeting of the Oxnard City Council reconvened in the Council Chambers, concurrently with the Housing Authority. The meeting opened with the pledge of allegiance to the flag of the United States, followed by a moment of silence. Mayor Holden presided. Additional staff members present were: Jeri Williams, Police Chief; James Cameron, Chief Financial Officer; William Wilkins, Housing Director; Rob Roshanian, Interim Public Works Director; Grace Magistrale Hoffman, Deputy City Manager; Sue Martin, Planning and Environmental Services Manager; and Grant Dunne, Environmental Resources Management Analyst.

E. CEREMONIAL CALENDAR

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

The following individuals provided comments: Martin Jones; Ed Ellis; Charles Dennis; Larry Stein; Ernest Winnerholm; Robert Sanchez; Orlando Dozier; Daniel Lechlitter; Inez Tuttle; Dolores Ochoa; and Jesus Rocha.

G. REVIEW OF INFORMATION/CONSENT AGENDA

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

L. PUBLIC HEARINGS

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

Development Services Department

1. **SUBJECT:** Appeal of the Planning Commission's Denial of Planning & Zoning Permit No. 11-570-02 (Zone Change) Requesting a Zone Change to General Commercial Planned Development (C-2-PD), and Planning & Zoning Permit No. 11-510-09 (Special Use Permit – Alcohol) Requesting a Type 20 ABC License for a Proposed 7-Eleven Store. Located at 1001 and 1051 East Channel Islands Blvd. Filed by Designated Agent Lucy Dinneen, Cadence Capital Investments LLC, on Behalf of Property Owner Channel Islands Inn LP. (115)

RECOMMENDATION: Adopt a resolution denying the appeal and: a) Deny Planning & Zoning Permit No. 11-570-02 (Zone Change); and b) Uphold the Planning Commission's denial of Planning & Zoning Permit No. 11-510-09 (Special Use Permit – Alcohol).

DISCUSSION: The Planning and Environmental Services Manager reviewed the actions of the Planning Commission, proposal of developer and proposed floor layout.

Mr. Brian Corbell, Channel Islands Inn LP., reviewed efforts to find a restaurant to locate at the site and has belief that placing a 7-11 store would be very successful (with good signage).

The following individuals opposed placing a 7-11 at the site: Ed Ellis; William Terry; Nancy Perderson; Larry Stein; Lucy Cartagena; Linda Calderon; Pat Brown; Larry Godwin; Shirley Godwin; Rebecca Ralph; and Inez Tuttle.

The following individuals supported placing a 7-11 at the site: David Corrubias; Jerry Luque; Lesly Elenes; Margarita Morales; Rosalia Madrigal; Marina Madrigal; and Broderick Huggins.

The City Council commented on: efforts to find a restaurant for the site; having an empty building.

ACTION: Close the public hearing. (Holden/Pinkard) Mayor Holden moved approve the appeal (died due to lack of second). Moved to continue this item. (Pinkard/ Ramirez) Ayes: MacDonald, Flynn, Ramirez, Holden and Pinkard.

COMMUNITY DEVELOPMENT COMMISSION SUCCESSOR AGENCY

At 9:47 p.m. the joint meeting with the Community Development Successor Agency concluded.

M. REPORT OF CITY MANAGER

The Interim City Manager stated that next week the Spanish language agreement would be presented to the City Council.

N. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

1. **SUBJECT:** Verbal Report – Status of Request for Proposal for Operator of the Del Norte Regional Recycling and Transfer Station.

RECOMMENDATION: Receive the Report.

CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO.

ORDINANCE OF THE CITY OF OXNARD APPROVING PLANNING & ZONING PERMIT NO. 11-570-02 (ZONE CHANGE) FOR PROPERTIES LOCATED AT 1001 AND 1051 EAST CHANNEL ISLANDS BOULEVARD, CHANGING THE ZONING DESIGNATION FROM COMMERCIAL & LIGHT MANUFACTURING PLANNED DEVELOPMENT (C-M-PD) TO GENERAL COMMERCIAL PLANNED DEVELOPMENT (C-2-PD) SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY PROPERTY OWNER CHANNEL ISLANDS INN L.P., 225 ARIZONA AVENUE, SANTA MONICA, CALIFORNIA 90401.

WHEREAS, the application for Planning & Zoning Permit No. 11-510-09 (Special Use Permit – Alcohol) and 11-570-02 (Zone Change), filed by designated agent Brian Corbell on behalf of property owner Channel Islands Inn L.P., failed to receive the number of votes required for approval by the Planning Commission, thereby resulting in a recommendation for denial of the Zone Change application pursuant to subsection III.D of the Planning Commission Rules and Procedures; and

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

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

WHEREAS, on July 10, 2012, September 18, 2012, and April 23, 2013, the City Council conducted public hearings and received evidence in favor of and opposed to the application for a zone change requesting the General Commercial Planned Development (C-2-PD) zone designation for the properties located at 1001 and 1051 East Channel Islands Boulevard; and

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

WHEREAS, the City Council finds after due study and deliberation that the proposed zone designation as General Commercial Planned Development (C-2-PD) will be consistent with the current 2030 General Plan designation as Commercial General (CG); and

WHEREAS, the City Council finds after due study and deliberation that the public interest and general welfare require the adoption of Planning & Zoning Permit No. 11-570-02; and

WHEREAS, Applicant agrees, as a condition of adoption of this ordinance, at Applicant's own expense, to indemnify, defend, and hold harmless City and its agents, officers, and employees from and against any claim, action or proceeding to attack, review, set aside, void, or annul the approval of this ordinance or any proceedings, acts, or determination taken, done, or made prior thereto that were part of the approval process.

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

- Part 1. The zoning governing the properties located at 1001 and 1051 East Channel Islands Boulevard (APN's 220-0-220-125 and 220-0-220-135), as shown on the map on file with the City Clerk, and shown in Exhibit "A" attached hereto and incorporated herein by reference, is changed from Commercial & Light Manufacturing Planned Development (C-M-PD) to General Commercial Planned Development (C-2-PD).
- Part 2. Pursuant to Government Code Section 65863.5, the City Clerk shall mail a copy of this ordinance to the Assessor of Ventura County within thirty (30) days from the adoption of this ordinance.
- Part 3. Within fifteen (15) days after passage, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation, published and circulated in the City. Ordinance No. _____ was first read on April 23, 2013, and finally adopted on _____, 2013, to become effective thirty (30) days thereafter.

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

AYES:

NOES:

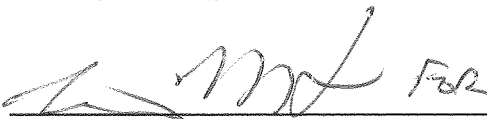
ABSENT:

Tim Flynn, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney

ATTACHMENT 13
PAGE 2 OF 3

EXHIBIT A

All that certain real property situated in the County of Ventura, State of California, described as follows:

Assessor's Parcel No. 220-0-220-125

All of Parcel 1, in the City of Oxnard, County of Ventura, State of California, as shown on a map recorded in Book 68, Page 9 of Parcel Maps, in the Office of the County Recorder of said Ventura County.

Except all oil, gas or other hydrocarbon substances in or under said land but without any right to use the surface of said land nor the subsurface thereof for a depth vertically of 500 feet from the surface, in any manner or for any purposes connected with the exploration for, drilling for or production of oil, gas or other hydrocarbon substances, as reserved by Paul Donlon, et al, in deed recorded October 2, 1957 in Book 1554, Page 205 of Official Records.

Assessor's Parcel No. 220-0-220-135

All of Parcel 2, in the City of Oxnard, County of Ventura, State of California, as shown on a map recorded in Book 68, Page 9 of Parcel Maps, in the Office of the County Recorder of said Ventura County.

Except all oil, gas or other hydrocarbon substances in or under said land but without any right to use the surface of said land nor the subsurface thereof for a depth vertically of 500 feet from the surface, in any manner or for any purposes connected with the exploration for, drilling for or production of oil, gas or other hydrocarbon substances, as reserved by Paul Donlon, et al, in deed recorded October 2, 1957 in Book 1554, Page 205 of Official Records.

End of Exhibit A

ATTACHMENT 13
PAGE 3 OF 3

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

Prepared By: Sabrina Rodriguez *SR* Agenda Item No. L-1Reviewed By: City Manager *SRB* City Attorney *SMF* Finance *VC* Other (Specify) _____**DATE:** April 2, 2013**TO:** City Council**FROM:** Matthew G. Winegar, Director
Development Services Department *Winegar***SUBJECT:** Revision of Existing Fees and Adoption of New Fees Related to Development and Construction Permits and Services, Geographic Information Systems, and Library Services**RECOMMENDATION**

That City Council:

1. Resume the public hearing continued from February 26, 2013 to receive further public testimony regarding proposed new fees and revision to existing fees related to Development and Construction permits and services, Geographic Information Systems, and Library services.
2. Adopt a resolution revising existing fees and adopting new fees related to Development and Construction permits and services, Geographic Information Systems, and Library services.

DISCUSSION

The City Council established financial management policies with the adoption of the FY 1997-98 budget, which are updated and adopted annually. The policies established with the adoption of the FY 2012-13 budget per Resolution No. 14,270, Section III, subsection B, User Fees and Rates, state that the City Council will attempt to recover the costs of services providing a private benefit to users through the imposition of user fees and charges and will establish all user fees and charges at a level related to the direct and indirect costs of providing services and the degree of public versus private benefit.

Overall cost recovery for the Development Services Department's budget was approximately 65% for FY 2012 and since FY 2008, has averaged 63% cost recovery (see Attachment #3 for full summary). These percentages do not include administrative overhead, which are costs for the central administrative functions of the City, such as City Attorney, Finance, Human Resources, etc., and does not include debt service obligations for the Service Center building. In order to ensure that fees are maintained at a level compatible with operational costs in the Development Services Department and to bring the Department budget closer to full cost recovery, staff has reviewed all current fees, rates, and

charges, and recommends revising and adopting new fees for the Planning and Building & Engineering Divisions. The recommended fees represent the estimated cost of providing the service and are based on the level of effort required of staff and in some cases, the equipment and other resources used in providing the services.

Geographic Information Systems (GIS) has reviewed and revised their fees for various GIS mapping services. GIS related fees were first adopted on June 25, 2002 and have not been adjusted since July 2004. The proposed fees reflect current costs for labor and materials.

All proposed Library services fees have been reviewed and approved by the Library Board of Trustees. Many Library fees are based on and comparable to those charged by other Ventura County public libraries. The fees for lost and/or damaged materials cover the costs for materials and labor. Passport services fees are set by the U.S. Department of the State. The Library's meeting room rates are considerably less than other local facilities and remain very affordable.

In an effort to solicit stakeholder input, meetings were held in December 2012 and March 2013 with staff and representatives of the business and development community, including the Chamber of Commerce and the Building Industry Association, to discuss the recommended Building & Engineering and Planning services fee adjustments. A discussion of the methodology used in determining the recommended fees and other relevant analysis was provided by staff. The draft fee schedules were provided to the stakeholders prior to the meeting for review and comment and requests for additional information and clarification was provided by staff.

To address building industry concerns about the timing of the implementation, the recommended Development Services' fees will go into effect 120 days after adoption. The recommended Library and GIS fees will go into effect immediately.

Staff recommends that Development Services, GIS, and Library fees be adjusted annually effective July 1 of each year, based on the March annual increase in CPI (All Urban Consumers for the Los Angeles-Riverside-Orange Counties), for the next three years. A comprehensive fee review will be done in year four to ensure that fees remain in line with costs for services.

FINANCIAL IMPACT

City Council financial policies require full cost recovery for City services that are provided for private benefit. Adjustments required to achieve City Council objectives are included in the recommended fee adjustments. To the extent the fees do not cover the City's cost of providing services, the balance will be paid from the general fund. The Development Services fee adjustments will generate annual revenue of approximately \$190,000. The increase in GIS and Library revenues will be minor.

MGW/sr

Attachment #1 - Resolution Establishing and Adjusting Fees for Services

Attachment #2 - Fee Worksheets for Planning, Building & Engineering, GIS, and the Library

Attachment #3 - Development Services Historical Revenues & Expenditures Summary

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD ESTABLISHING AND ADJUSTING FEES FOR SERVICES PROVIDED BY DEVELOPMENT SERVICES DEPARTMENT, GEOGRAPHIC INFORMATION SYSTEMS AND THE LIBRARY, RELATED TO PLANNING AND BUILDING PERMIT PROCESSING, SUBDIVISION MAP PROCESSING, GIS AND LIBRARY SERVICE, AND OTHER RELATED SERVICE FEES, AND PROVIDING FOR INFLATIONARY ADJUSTMENT OF SAID FEES.

WHEREAS, on July 31, 2012, the City Council adopted financial management policies ("the policies") to be followed in the development and implementation of the City budget; and

WHEREAS, subsection B of section III of the policies requires annual review of activities supported by user fees and charges to determine costs and effect adjustments sufficient to recover actual costs, including the impact of inflation; and

WHEREAS, such review has been performed to establish new fees and adjust current fees; and

WHEREAS, the new fees and adjustments to current fees for Planning Division, Building and Engineering Services, Geographic Information Systems services, and Library services, attached hereto as Exhibits A, B, C and D respectively and incorporated herein by reference do not exceed the estimated reasonable costs of providing the services for which the fees are charged; and

WHEREAS, the adoption of this resolution is exempt from the California Environmental Quality Act (CEQA) pursuant to the Section 15273 of the State CEQA Guidelines as the establishment of fees for the purpose of meeting operating expenses, including employee wages and fringe benefits, as shown in the fee worksheets on file with the City Clerk; and

WHEREAS, notice was given of the proposed adoption of this resolution and a public hearing was held thereon as required by law.

NOW, THEREFORE, the City Council of the City of Oxnard finds that the fees adopted by this resolution as set forth in the fee schedules provided in Exhibits A, B, C and D are for the purpose of meeting operating expenses, including employee wages and fringe benefits.

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ATTACHMENT 1
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NOW THEREFORE, the City Council of the City of Oxnard resolves:

The proposed fees set forth in Exhibits A and B are adopted and shall become effective 120 days following the date of adoption, and the proposed fees set forth in Exhibits C and D are adopted and shall take effect immediately. The fees adopted by this resolution shall be automatically adjusted each July 1, beginning July 1, 2014, based upon the annual percentage increase in the Consumer Price Index for All Urban Consumers for the Los Angeles-Riverside-Orange County as of March of that year. With the exception of those fees specifically listed in Exhibits A, B, C and D, all fees established by previous resolution remain in effect.

PASSED AND ADOPTED THIS 23rd day of April, 2013 by the following vote:

AYES:

NOES:

ABSENT:

ATTEST:

Tim Flynn, Mayor

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney

ATTACHMENT 1
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EXHIBIT A

CITY OF OXNARD

SCHEDULE OF PLANNING FEES

Service		Fee	Unit
FIXED PERMIT FEES			
1	Art Proposal Review	\$1,084	each
2	CBD Design Review - Major	\$1,775	each
3	CBD Design Review - Minor	\$480	each
4	CBD Sign (OTC) Review	\$140	each
5	Certificate of Compliance	\$962	each
6	Coastal Administrative Modification	\$1,439	each
7	Coastal Development Review	\$5,635	each
8	Coastal Emergency Permit	\$1,142	each
9	Coastal Exemption Determination	\$882	each
10	Coastal Variance	\$2,148	each
11	Cultural Heritage Review - Certificate of Appropriateness	\$199	each
12	Density Bonus	\$3,631	each
13	Development Agreement - Authorization	\$2,606	each
14	Development Design Review	\$5,635	each
15	Development Design Review - SFD	\$2,479	each
16	Final Map	\$2,523	each
17	Home Occupation Permit	\$100	each
18	Large Family Day Care	\$399	each
19	Lot Line Adjustment	\$1,952	each

EXHIBIT A

CITY OF OXNARD

SCHEDULE OF PLANNING FEES

	Service	Fee	Unit
20	Lot Merger	\$1,952	each
21	Mills Act Agreement	\$701	each
22	Mills Act Annual Inspection	\$195	each
23	Minor Modification	\$1,439	each
24	Mobile Home Review	\$841	each
25	Parcel Map Waiver	\$2,656	each
26	Pre-Application Review	\$2,684	each
27	Pre-Zoning	\$3,281	each
28	Residential Care Facility	\$1,159	each
29	Second Unit Review	\$1,520	each
30	Special Use Permit - Alcohol	\$1,919	each
31	Special Use Permit - Wireless	\$7,200	each
32	Street Naming/Renaming	\$2,656	each
33	Street Vacation	\$2,005	each
34	Temporary Use Permit - Tier 1	\$100	each
35	Temporary Use Permit - Tier 2	\$240	each
36	Temporary Use Permit - Security Deposit	\$400	each
37	Time Extension (Administrative)	\$430	each
38	Variance	\$2,818	each
39	Wireless Administrative Permit	\$4,593	each

EXHIBIT A

CITY OF OXNARD

SCHEDULE OF PLANNING FEES

Service		Fee	Unit
40	Zone Clearance	\$140	each
NON-FIXED PERMIT FEES			
41	Annexation	Actual Cost; \$8,177 Deposit	each
42	Coastal Development Permit	Actual Cost; \$7,373 Deposit	each
43	Coastal Plan Amendment	Actual Cost; \$14,038 Deposit	each
44	Coastal Plan Consistency	Actual Cost; \$2,038 Deposit	each
45	Cultural Heritage Review - Public Hearing	Actual Cost; \$2,166 Deposit	each
46	Development Agreement	Actual Cost; \$10,000 Deposit	each
47	Development Agreement - Amendment	Actual Cost; \$5,000 Deposit	each
48	Development Plan	Actual Cost; \$5,958 Deposit	each
49	General Plan Amendment	Actual Cost; \$14,038 Deposit	each
50	General Plan Consistency	Actual Cost; \$2,038 Deposit	each
51	Major Modification	Actual Cost; \$4,754 Deposit	each
52	Planned Development Permit	Actual Cost; \$7,373 Deposit	each
53	Special Use Permit	Actual Cost; \$7,373 Deposit	each
54	Special Use Permit - Minor	Actual Cost; \$3,141 Deposit	each
55	Specific Plan Amendment	Actual Cost; \$5,518 Deposit	each
56	Specific Plan Review	Actual Cost; \$7,473 Deposit	each
57	Temporary Use Permit - Tier 3	Actual Cost; \$579 Deposit	each
58	Tentative Map	Actual Cost; \$7,100 Deposit	each

EXHIBIT A

CITY OF OXNARD

SCHEDULE OF PLANNING FEES

	Service	Fee	Unit
59	Vesting Tentative Map	Actual Cost; \$8,276 Deposit	each
60	Zone Change	Actual Cost; \$4,494 Deposit	each
61	Zone Text Amendment	Actual Cost; \$8,177 Deposit	each
OTHER REVIEW AND SERVICE FEES			
62	Architectural Review	Cost of Service + 15%	each
63	Landscape Review	Cost of Service + 15%	each
64	Other Third-Party Services	Cost of Service + 15%	each
65	Deposit - City Attorney's Office, upon request	\$10,000	upon request
66	Deposit - All Other Departments, upon request	\$5,000	upon request
67	Pre-Submittal DAC Review	\$980	each
ENVIRONMENTAL SERVICES			
68	CEQA Exemption	\$230	each
69	Initial Study/Negative Declaration	\$4,394	each
70	Mitigated Negative Declaration & Monitoring	\$8,303	each
APPEAL FEES			
71	Appeal of Administrative Wireless Permit	\$1,725	each
72	Appeal of Planning Commission Wireless Decision	50% of Permit fees	each
73	Appeal - All Others	\$650	each
MISCELLANEOUS FEES			
74	Additional Screen Check Review	25% of all Permit Fees submitted	each
75	Data on Compact Disc	\$15	each

EXHIBIT A

CITY OF OXNARD

SCHEDULE OF PLANNING FEES

Service		Fee	Unit
76	General Plan Maintenance Fee	.0024 of Building Permit Valuation	per Building Permit
77	Newspaper/Media Advertising	Cost of Service + 15%	each
78	On-Site Posting (Per Sign)	Cost of Service + 15%	each
79	Planning Staff, Hourly Rate	\$130	per hour
80	Planning Staff, Overtime Rate	\$195	per hour
81	Project Revision Fee	50% of all Permit Fees submitted	each
82	Recorded Documents	\$33	each
83	Standard Form Letter	\$125	each
CONSTRUCTION PLAN CHECK FEES			
84	Minor Alteration	\$100	each
85	Minor Alteration - PD	\$200	each
86	Major Alteration	\$324	each
87	Commercial/Industrial Structure	\$1,067	each
88	Residential Subdivision	\$1,589	each
89	Grading Plans	\$220	each
90	Legalization of Work Without Permits	double fees	each

**EXHIBIT B
BUILDING AND ENGINEERING
FEE SCHEDULE**

I. PUBLIC / SITE IMPROVEMENT PLAN CHECK AND PROCESSING FEES

A. Public Improvement/Site Improvement Plan Check Fees

1. Improvement plan processing fee shall be based on the City Engineer's estimate of the cost of the improvements according to the following table:

Cost of Improvements	Fee
\$0 - \$2,250	\$600
\$2,251 - \$75,000	\$600 + 2.75% of valuation over \$2,250
\$75,001 - \$450,000	\$2,600 + 2.25% of valuation over \$75,000
\$450,001 - \$12,000,000	\$11,037 + 1.15% of valuation over \$450,000
\$12,000,000 +	\$143,862 + 1.00% of valuation over \$12,000,000

2. A Development Services "Improvement Plan Cost Estimate" Form estimating the cost of improvements for a project shall accompany such improvement plan at the time it is submitted by a developer. Each cost estimate shall include a separate item for contingencies equivalent to 10 percent of the estimate of improvement costs. The City Engineer shall determine the estimate cost for the improvements of the proposed project, using the estimate submitted by the developer to the extent that the City Engineer accepts such estimate as correct and reasonable.
3. The Fee for processing a permit to install or abandon a monitoring well or boring in the right of way is \$114.
4. The fee for review or processing of plans, permits, documents, or other items not covered above and for plan reviews beyond the third review shall be charged at an hourly rate of \$114.

B. Building and Engineering Planning Permit Processing Fees

The fee for Development Services' review of applications for coastal development permits, special use permits, planned development permits, development design review (DDR) permits, and administrative permits made under Chapter 34 of the Oxnard City Code shall be as follows:

1. For Industrial-Commercial Development

Traffic Model Update	\$310.00
Engineering Plan Review	\$1,140.00
Traffic Plan Review	\$780.00

2. For Residential Development

Traffic Model Update	\$310.00
Engineering Plan Review	\$800.00
Traffic Plan Review	\$490.00

3. For Commercial/Industrial and Residential Development:

- a. If there is an EIR Traffic Review, applicant shall deposit \$6,000 against which the City will charge actual costs of modeling and review. The Development Services

Manager shall approve, in advance, any charges in excess of deposit. Such approval shall require an additional deposit by applicant equal to the City Engineer's estimate of the remaining costs to process the review.

- b. If there is a Traffic Study Review, applicant shall deposit \$4,000 against which the City will charge actual costs of modeling and review. The Development Services Manager shall approve, in advance, any charges in excess of the deposit. Such approval shall require an additional deposit by applicant equal to the City Engineer's estimate of the remaining costs to process the review.

A Traffic Study Review shall be required if the project meets one or more of the following criteria:

- (1) Residential developments of 90 dwelling units or more;
 - (2) Commercial office projects of 45,000 square feet or more;
 - (3) Other commercial projects of 25,000 square feet or more;
 - (4) Fast food restaurant projects;
 - (5) Manufacturing projects of 60,000 square feet or more; or
 - (6) Any other project which the Traffic Engineer determines to need a traffic study to allow adequate review.
- c. \$915 for engineering review of EIR, Specific Plan, or Infrastructure Study;
 - d. For a major modification (coastal or inland), 25% of full fee;
 - e. For a minor modification (coastal or inland), 15% of full fee;
 - f. For a pre-application, 25% of full fee with full credit towards full Application.
 - g. For a Pre-Development Advisory Committee engineering review, \$114.00
 - h. For a Pre-Development Advisory Committee traffic review, \$98.00.

C. Building and Engineering's Tract and Parcel Map Checking Fees

- 1. The fee for tentative maps and tentative parcel maps submitted pursuant to Chapter 27 of the Oxnard City Code is \$1,350 per map, plus \$25.50 per lot. If an approved tentative map is resubmitted for approval, the subdivider shall pay all fees applicable to a new tentative map.
- 2. The fee for engineering review of an Infrastructure Study is \$915.
- 3. The map checking fees for final maps and final parcel maps is \$2,120 per map, plus \$52.00 per lot. This fee covers the first three (3) checks only. For the fourth and each subsequent check an additional amount of 10% of the total map check fee shall be paid.
- 4. The fee for a waiver of parcel map submitted under Chapter 27 of the City Code is \$570.00.
- 5. The fee for review of an application for merger of contiguous parcels under common ownership submitted pursuant to Chapter 27 of the City Code is \$2615 per application, plus \$24 per original parcel being merged. This fee covers the first three (3) checks only. For the fourth and each subsequent check, an additional amount of 10% of the total fee shall be paid.
- 6. The fee for review of an application for a lot line adjustment submitted pursuant to Chapter 27 of the City Code is \$2,615 per application, plus \$49 per lot being adjusted. This fee covers the first three (3) checks only. For the fourth and each subsequent check, an additional amount of 10% of the total fee shall be paid.

D. Building and Engineering's Grading Plan Checking Fees.

Grading plan checking fees shall be as follows:

50 cubic yards or less	\$57.00
51 - 100 cubic yards	\$85.00
101 - 200 cubic yards	\$126.00
201 - 300 cubic yards	\$167.00
301 - 400 cubic yards	\$207.00
401 - 500 cubic yards	\$246.00
501 - 600 cubic yards	\$285.00
601 - 700 cubic yards	\$328.00
701 - 800 cubic yards	\$370.00
801 - 900 cubic yards	\$410.00
901 - 10,000 cubic yards	\$433.00

\$433.00 for the first 10,000 cubic yards, plus \$30.00 for each additional 10,000 cubic yards or fraction thereof.

\$704 for the first 100,000 cubic yards, plus \$16.00 for each additional 10,000 cubic yards or fraction thereof.

\$864.00 for the first 200,000 cubic yards, plus \$7.00 for each additional 10,000 cubic yards or fraction thereof.

E. Building and Engineering's Special Services Fees

The fee for special services shall be paid based on an estimate of hours at the time of the request as follows:

1. Address Change.....	\$43.50
2. Flood Hazard Letter.....	\$43.50
3. Sewer and Water Availability Letter	\$43.50
4. Traffic Review of Detour Plans Prepared by Civil Engineer, Traffic Engineer, or Barricade Company.....	\$73.00
5. Traffic Review of Detour Plans Prepared by Others.....	\$120.00
6. All other service requests – Non Engineering - (research for building records, engineering records, engineering drawing originals, etc.), ¼ hour minimum or \$87.00 per hour, whichever is larger	\$21.75
7. All other service requests – Engineering – (1/4 hr minimum Or \$114.00 per hour, whichever is larger).....	\$28.50

II. PUBLIC IMPROVEMENT/SITE INSPECTION FEES

A. Public Improvement/Site Inspection Fees

Prior to the signing of the engineer's certificate by the City Engineer, the subdivider shall pay a construction inspection fee to the City. The fee shall be based on the City Engineer's estimate of the cost of improvements, excluding work for which a grading permit is required, and shall be the equivalent of:

Cost of Improvements	Fees
\$0 to \$35,000	5.3% of estimated cost of improvement
\$35,000 to \$150,000	\$1,855 plus 3.8% of estimated cost of improvement over \$35,000
Over \$150,000	\$6225 plus 2.7% of estimated cost of improvement over \$150,000

ATTACHMENT

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B. Building and Engineering's Grading Inspection Fees

Grading inspection fees shall be as follows:

100 cubic yards or less	\$126.00
101 to 1,000 cubic yards	\$126.00 for the first 100 cubic yards, plus \$36 for each additional 100 cubic yards or fraction thereof.
1,001 to 10,000 cubic yards	\$450.00 for the first 1,000 cubic yards, plus \$30.00 for each additional 1,000 cubic yards or fraction thereof.
10,001 to 100,000 cubic yards	\$720.00 for the first 10,000 cubic yards, plus \$136.00 for each additional 10,000 cubic yards or fraction thereof.
100,000 cubic yards or more	\$1,944.00 for the first 100,000 cubic yards, plus \$76.00 for each additional 10,000 cubic yards or fraction thereof.

III. ENCROACHMENT PERMIT FEES

NOTE: Ordinance No. 1966 requires payment of a special review fee equal to the amount of the permit and inspection fee for work already commenced prior to obtaining a valid encroachment permit.

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| A. General Single Encroachment and Site Improvement Permit | \$62.50 |
| B. Annual Multiple Encroachment Permit | \$325.00 |

Multiple permit fees apply if excavations do not exceed 100 square feet in area; a lateral with a maximum of 2 feet in width and the length of the roadway width dug at right angles to road centerline, and for all power and telephone poles, placing and replacing (locations shall be provided where practicable). In addition to the annual multiple permit, the following additional fees shall apply:

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|--|---------|
| 1. Each excavation under multiple permit | \$46.50 |
| 2. Each pole installation, removal or relocation | \$46.50 |
| 3. Each 7 days of tree trimming | \$60.50 |

NOTE: In lieu of the above additional fees to the annual multiple permit, any franchise/public utility company will be billed on a quarterly basis for reimbursing the City all costs of actual inspection, administration, and related services performed by the City occasioned by or arising out of the franchise/public utility's encroachments in public right-of-way for construction and maintenance purposes.

IV. PUBLIC IMPROVEMENT/SITE INSPECTION FEES

Minor encroachment or minor site improvement inspection fees are in addition to the general encroachment and site improvement permit fee; not applicable to annual permits.

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|---|----------|
| A. Construction material in right-of-way (each 5 days of portion) | \$90.00 |
| B. Construction of commercial driveway (each opening) | \$510.00 |
| C. Construction of residential driveway (each opening) | \$280.00 |
| D. Dock pilings (first pile) | \$140.00 |

E. Dock pilings (each additional pile)	\$90.00
F. Excavations-each location (100 square feet or less of excavated surface area-earthwork only)	\$280.00
G. Excavations-additional (trenching over 100 square feet/per square foot)	\$1.40/sf
H. Fire flow test (each) (Ord. 2819)	\$90.00
I. Fire flow test (additional same location, each)	\$46.50
J. Fire hydrant installation (no hot tap)	\$280.00
K. Fireline back flow (no hot tap)	\$325.00
L. Handicap access ramp (each)	\$233.00
M. Monitoring wells/borings in the right-of-way (traffic review of detour plans required on all thoroughfares)	\$90.00
N. Monitoring wells/borings in the right-of-way – additional (each additional well/boring at same site)	\$23.00
O. Paving repair (100 square feet or less of excavated surface area)	\$280.00
P. Paving repair-additional (paving over 100 square feet/per square foot)	\$1.40/sf
Q. Sewer tie-in (existing lateral, each)	\$280.00
R. Sewer tie-in (new connection to main if less than 5' deep, each)	\$700.00
S. Sewer tie-in (new connection to main if more than 5' deep, each)	\$880.00
T. Traffic detour inspection	\$90.00
U. Tree trimming and/or stump removal per location (first day)	\$185.00
V. Tree trimming and/or stump removal per location (each additional day)	\$90.00
W. Utility potholing (each)	\$185.00
X. Water main hot tap (each)	\$465.00
Y. Water service installation 2" or smaller/each service, plus additional fee based on paving repair required	\$465.00
Z. Water service Installation 3" or larger/each service, plus additional fee based on paving repair required	\$600.00
** Inspections not listed (per hour)	\$90.00

V. STREET CUT FEE

Contractors making excavations within the City's paved right-of-way shall pay the City Street Cut Fee of \$5.00 per square yard of trench area. The Street Cut Fee shall be waived for those public utilities granted franchises by State statute or by a franchise agreement with the City, obligating the franchisee to make all repairs to City streets necessitated by the operations of the franchisee. For calculations the City will use \$0.555556 per square foot.

VI. OVERSIZE LOAD TRUCK PERMIT

Encroachment Permit Fees to apply for authorization to transport oversize loaded trucks within the City of Oxnard shall be as follows:

A. Single Trip Encroachment Permit	\$15 ¹
B. Annual Multiple Trip Encroachment Permit (where the same route and identically sized vehicle load is used)	\$75 ¹
C. Inspections (as needed) Billed at Cost	

In no case will vehicles with extra-legal weights be allowed permits without a route inspection before and after the trip, nor will annual permits be granted for excess vehicle weights.

¹ The amount of these fees is limited by State regulations.

VII. REFUNDS

The Development Services Manager may provide a refund of fees paid for services not provided. The City shall withhold from the refund an amount of \$60 for processing costs.

VIII. MODEL BUILDING CODE SUBORDINATE

If the fees established by this resolution are different from fees adopted as part of the model building code, the fees established by this resolution will prevail.

IX. PLAN CHECKING, INSPECTION, AND OTHER BUILDING PERMIT PROCESSING SERVICE FEES

The following fee schedule is adopted for Development Services plan checking, inspection, permit processing, and other services. As used herein, the word "Code" refers to Chapter 9, Articles I-X of the Code of the City of Oxnard. Hourly fees are based on one Building Inspector's time. When more than one Building Inspector is required, the fee shall be the total hourly cost to the City of Oxnard for each Building Inspector for each hour, or fraction of an hour, involved. Such cost includes employee salaries and benefits, equipment usage, and other operational costs, and administrative overhead. Inspections conducted outside normal business hours will be charged at one and one-half times the hourly rate.

A. Model Code Fees

1. Permit Fees. The fee for each permit shall be as set forth in the attached Tables 1 through 4. The total permit fee for each project shall not be less than an amount equal to ½ hour of an inspection time. The determination of value or valuation shall be made by the Building Official. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems, and any other permanent equipment.
2. Plan Review Fees. When a plan or other documents or data are required to be submitted for review by the Development Services Department, a plan review fee shall be paid at the time of submitting plans and specifications for review. The plan review fee for buildings or structures shall be 73 percent of the building permit fee, as shown in Table 1. This fee covers the first three submittals only. For the fourth and each subsequent submittal, an additional amount will be charged hourly, amount noted below, unless the fourth and subsequent submittals are verifications of corrections that are minor in nature and can be verified over-the-counter. A plan review fee for electrical, mechanical, and plumbing submittals for commercial and industrial projects including tenant improvements shall be equal to 50 percent of the total permit fee as set forth in Tables 2,3 and 4. The plan review fees specified in this resolution are separated from and in addition to the permit fees specified herein.
Incomplete plans, plan changes, alterations to scope work, engineering time not covered by items or revisions to approved plan so as to require additional plan review shall be charged an additional plan review fee on an hourly basis.
The hourly plan review shall be at a rate of \$114/hr, with a minimum charge of ½ hr (1/4 hour for revisions.)
3. Prototype Plan Fee. When a single plan is submitted as a prototype for multiple structures in a single tract, the plan check fee for the prototype shall be the full fee as specified in Section 2 above. The plan check fee for succeeding identical structures shall be 50 percent of the plan check fee of the prototype structure. Any deviation from the prototype plan will require a full plan check fee.

4. Investigation/Enforcement Fees

- a. **Investigation Fee.** Whenever any work for which a permit is required by the Code has been commenced without first obtaining a permit, a special investigation shall be made before a permit may be issued for such work. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be at a rate shown in Section A2 above for plan check staff time and A14 below for inspection staff time and other associated costs, or equivalent to the amount of the permit fee (whichever is greater), as set forth in Tables 1 through 4. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of the Code and other laws of the City which may apply, or from any penalty prescribed by law.
- b. **Enforcement Fee.** An enforcement fee shall be required whenever enforced compliance of any violation of the Code requires more than the initial notice to comply. Additional enforcement efforts on the part of City staff, including notification letters, research, inspection time, administrative review, preparation of court documentation, microfilming of plans, copies of correction notices, or court time of Building Inspectors or Code Enforcement Inspectors, will all be calculated based upon the hourly fee rates contained in this resolution. Payment of such enforcement fee shall be made at the time permits are obtained or before further inspections will be made. The payment of such enforcement fee shall not exempt any person from compliance with all other provisions of the Code and other laws of the City which may apply, or from any penalty prescribed by law.
- c. **Reinspection Fee.** A reinspection fee may be assessed for each reinspection made when a portion of work for which the inspection is called is not complete, or when corrections called for are not made. Reinspection fees may also be assessed when the permit card is not properly posted on the work site, the approved plans are not readily available to the Building Inspector, for failure to provide access on the date for which inspection is requested, or for deviation from plans requiring the approval of the Building Official. To obtain a reinspection, the applicant, upon notification by the Development Services Department, shall pay the reinspection fee in accordance with the hourly rates indicated in Tables 1 through 4. In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.
5. **Certificate of Occupancy Fee.** No building structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure, or portion thereof, shall be made until an application for a Certificate of Occupancy has been made and an inspection fee is paid to the Development Services Department for a compliance inspection of the building, or portion thereof, and a Certificate of Occupancy is granted by the Development Services Department. The amount of the inspection fee shall be as follows:

Occupancy Floor Area	Fee
Under 5,000 sq. ft.	\$90.00
5,001 to 10,000 sq. ft.	\$125.00
10,001 to 50,000 sq. ft.	\$140.00
50,001 to 100,000 sq. ft.	\$175.00
Each additional 5,000 sq. ft., or fraction thereof	\$30.50

6. **Report of Building Records Fee.** Upon application by the owner or his authorized agent, the following fee shall be paid to the Development Services Department for research and reporting of building permit records and other building data (e.g., height, area, type of construction, occupancy, etc.) for each building involved. For each address or building, a flat fee of \$36.00 shall be assessed, or the total hourly cost to the City, at a rate of \$72.00/hour, whichever is greater. This cost includes salaries and benefits of the employees involved, equipment usage and other operational costs, and indirect administrative costs.

7. **Imaging Fee.** For each set of plans, specifications, calculation, and support documents submitted for commercial, industrial, or residential buildings for which a permit is issued, an imaging fee of \$1.35 for each 11" x 17" sheet or smaller, and for each sheet larger than 11" x 17" a fee of \$1.65 shall be paid to the Development Services Department at the time the permit is issued. Imaging fees shall be limited to documents directly related to structural, fire, and life safety items.
8. **Document Copy Fee.** Upon application for copies of plans, specifications, and support documents, a fee shall be paid to the Development Services Department as follows:

Cost	Fee
Microfilm printer, first copy	\$7.10
Each additional copy	\$3.55
Microfiche printer, first copy	\$4.10
Each additional copy	\$2.35

9. **Moving of Building Permit Fee.** Before a moving of building permit is issued, the applicant shall pay the Development Services Department a moving of building permit fee equivalent to one percent of the estimated value of the building after relocation and rehabilitation.
10. **Pre-move Inspection Fee.** In addition to and before a moving of building permit is issued, a pre-move inspection fee shall be paid to the Development Services Department. The inspection fees referred to in Section 9-18 of the Code shall be based on the total square footage of the covered floor area of the building to be moved, as determined by the Building Inspector, and are as follows:

Building Use	Fee per Square Foot of Covered Floor Area
Residential	\$0.093
Garage, Attached or Detached	\$0.061
Commercial/Industrial	\$0.093

11. **Energy Conservation Fee.** In addition to other fees specified herein, the fee for plan review and inspection of energy conservation systems in buildings, subject to State energy conservation standards, shall be as follows:

Building Use	Fee per Square Foot of Heated or Conditioned Area
Residential	\$0.06
Nonresidential	\$0.09

12. **Appeals Hearing Fee.** For each application for a hearing before a Building Code Appeals Board, established pursuant to provisions of the Code, a \$208.00 fee shall be charged for staff time involved in processing the application, attendance at Appeals Board hearings, and associated follow-up work.
13. **Demolition Permit Fee.** For the inspection of building demolition projects where a sewer cap, electrical disconnects, structural stability, public protection barriers, lot cleanup, or similar work is required, a \$95.00 fee shall be charged. For any accessory structures, block walls, interior walls, swimming pools, signs, or any structure that does not provide development credits, a \$56.00 fee shall be charged. The plan review fee for demolished buildings or structures shall be 73 percent of building permit fee as stated above.

14. Other Inspections Fees

a. Reinspection Fees – A reinspection fee, of \$93.00, (1 hr) may be assessed for each inspection or reinspection when:

- such portion of work for which inspection is called is not complete or when corrections called for are not made;
- the inspection record card is not posted or otherwise available on the work site;
- the approved plans are not readily available to the inspector;
- failure to provide access on the date for which inspection is requested; or
- for deviating from the approved building plans without approval.

This section is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection. In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

- b. Inspections of other work or for which no fee is specifically provided shall be assessed at a minimum of \$93/hr with the minimum charge ½ hour.
- c. Inspections outside of normal business hours. Minimum charge 2 hours at \$144/hr.

15. Permit Issuance Fee. For the issuance of each permit or revision, a \$30.50 fee, shall be charged. For the issuance of each supplemental permit for the same project on the same visit, a \$9.80 fee shall be collected.

16. Photovoltaic Systems Permit Fees.

a. Building permit fee for the installation of a photovoltaic systems shall be calculated based on the construction valuation of the project not including the cost of the electrical components of the photovoltaic system.

b. Electrical Permit fee for the installation of a Photovoltaic system on for a commercial/industrial/multi-family dwellings buildings shall be charged as follows:

System Rating	Electrical Permit fee
0-100 kW	\$400.00
100-500 kW	\$400.00 plus \$1.25 for each kW above 100 kW
Greater than 500 kW	\$900.00 plus \$1.00 for each kW above 500 kW
	\$1,700 maximum

c. Electrical permit fee for a Photovoltaic system for single family dwellings residential structure shall be \$93.00

B. Fee Refunds

1. The Building Official may authorize refunding of any fee paid hereunder which was erroneously paid or collected.
2. The Building Official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with the Code. The City shall withhold from the original fee paid not less than \$60 to cover processing costs.
3. The Building Official may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done. The City shall withhold from the original fee paid not less than \$60 to cover processing costs.
4. The Building Official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the day of fee payment.

C. BUILDING PERMIT FEES Table 1

Table 1

Total Building Valuation	Fee (not inclusive of permit issuance fee)
\$1 to \$750	\$30.50
\$751 to \$3,000	\$30.50 plus 2.95% of valuation over \$750
\$3,001 to \$37,500	\$96.88 plus 1.240% of valuation over \$3000
\$37,501 to \$75,000	\$524.68 plus 0.880% of valuation over \$37,500
\$75,001 to \$150,000	\$854.68 plus 0.650% of valuation over \$75,000
\$150,001 to \$750,000	\$1,342.18 plus 0.470% of valuation over \$150,000
\$750,001 to \$1,500,000	\$4162.18 plus 0.410% of valuation over \$750,000
\$1,500,001 and up	\$7,237.18 plus 0.295% of valuation over \$1,500,000

Table 2

ELECTRICAL PERMIT FEES

System Fee Schedule

New Residential Buildings

The following fees shall include all wiring and electrical equipment in or on each building or other electrical equipment on the same premises constructed at the same time.

	Fee (not inclusive of permit issuance fee)
For new multi-family residential buildings, apartments, condominiums and townhouses, having three or more living units, not including the area of garages, carports, and other noncommercial automobile storage areas constructed at the same time, per square foot	\$0.060
For new single- and two-family residential buildings, not including the area of garages, carports, and other minor accessory buildings constructed at the same time, per square foot.....	\$0.075
For residential property garages and carports, and attached or detached, per square foot	\$0.030
For other types of residential occupancies and alterations, additions, and modifications to existing residential buildings, use the Unit Fee Schedule contained in this table.	

Private Swimming Pools

For new, private, residential, in-ground swimming pools for single-family and multi-family occupancies, including a complete system of necessary branch circuit wiring, bonding, grounding, under water lighting, water pumping, and other similar electrical equipment directly related to the operation of a swimming pool, each unit	\$61.50
For other types of swimming pools, therapeutic whirlpools, spas, and alterations to existing swimming pools, use the Unit Fee Schedule contained in this table.	

Carnivals and Circuses

Carnivals and circuses or other traveling shows or exhibitions utilizing transportable-type rides, booths, displays, and attractions	
For electrical generators and electrically driven rides, each unit	\$30.50
For mechanical driven rides and walk-through attractions or displays having electric lighting, each unit.....	\$10.00
For a system of area and booth lighting, each unit.....	\$10.00
For permanently installed rides, booths, displays, and attractions, use the Unit Fee Schedule contained in this table.	

Temporary Power Service

	Fee (not inclusive of permit issuance fee)
For a temporary service power pole or pedestal, including all pole or pedestal-mounted receptacle outlets and appurtenances, each unit	\$30.50
For a temporary distribution system and temporary lighting and receptacle outlets for construction sites, decorative lights, and Christmas tree sale lots, each unit	\$15.80

Unit Fee Schedule

Receptacle, Switch, and Lighting Outlets

For receptacle, switch, lighting, or other outlets at which current is used or controlled, except services, feeders, and meters:

First 20, each unit	\$1.55
Additional outlets, each unit	\$0.95

Note: For multi-outlet assemblies, each five feet, or fraction thereof, shall be considered an outlet.

Lighting Fixtures

For lighting fixtures, sockets, or other lamp-holding devices:

First 20, each unit	\$1.55
Additional fixtures, each unit	\$0.95
For pole or platform-mounted lighting fixtures, each unit	\$1.55
For theatrical-type lighting fixtures or assemblies, each unit	\$1.55

Residential Appliances

For fixed residential appliances or receptacle outlets for same, including wall-mounted electric ovens; counter-mounted cooking tops; electric ranges; self-contained room, console, or through-wall air conditioners; space heaters; food waste grinders; dishwashers; washing machines; water heaters; clothes dryers; or other motor-operated appliances not exceeding one horsepower (HP) in rating, each unit	\$6.15
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Note: For other types of air conditioners and other motor-driven appliances having larger electrical ratings, see section on Power Apparatus.

Nonresidential Appliances

For nonresidential appliances and self-contained factory-wired appliances not exceeding one horsepower (HP), one kilowatt (kW), or one kilovolt ampere (kva) in rating, including medical and dental devices, or food, beverage, and ice cream cabinets; illuminated showcases; drinking fountains; vending machines; laundry machines; or other similar types of equipment, each unit ..	\$6.15
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Fee (not
inclusive of
permit
issuance
fee)

Note: For other types of air conditioners and motor-driven appliances having larger electrical ratings, see Section on Power Apparatus.

Power Apparatus

For motors, generators, transformers, rectifiers, synchronous converters, capacitors, industrial heaters, air conditioners and heat pumps, cooking or baking equipment and other apparatus, as follows:

Ratings in horsepower (HP), kilowatts (kW), kilovolt amperes (kva), or kilovolt amperes reactive (kvar): up to and including one, each unit	\$6.15
Over one, but not over 10, each unit.....	\$15.50
Over 10, but not over 50, each unit.....	\$30.50
Over 50, but not over 100, each unit.....	\$60.00
Over 100, each unit	\$94.00

Note:

1. For equipment or appliances having more than one motor, transformer, etc., the sum of the combined ratings may be used.
2. These fees include all switches, circuit breakers, contractors, thermostats, relays, and other directly related control equipment.

Busways

For trolley and plug-in type busways, each 100 feet	\$9.75
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Note: Additional fees will be required for lighting fixtures, motors, and other appliances that are connected to trolley and plug-in type busways. No fee is required for portable tools.

Signs, Outline Lighting, and Marquees

For signs, outline lighting systems, or marquees, supplied from one branch circuit, each unit.....	\$30.50
For each additional branch circuit within the same sign, outline lighting system, or marquee, each unit.....	\$6.15

Services

For services of 600 volts or less and not over 200 amperes in rating, each unit ..	\$38.00
For services of 600 volts or less and over 200 amperes to 1,000 amperes in rating, each unit.....	\$78.00
For services over 600 volts or over 1,000 amperes in rating, each unit.....	\$155.00

Fee (not
inclusive of
permit
issuance
fee)

Miscellaneous Apparatus, Conduits, and Conductors

For electrical apparatus, conduits, and conductors for which a permit is
required, but for which no fee is herein set forth \$23.00

Note: This fee is not applicable when a fee is paid for one or more services, outlets, fixtures,
appliances, power apparatus, busways, signs, or other equipment.

Table 3

MECHANICAL PERMIT FEES

Unit Fee Schedule	Fee (not inclusive of permit issuance fee)
For the installation or relocation of each forced-air or gravity-type furnace or burner, including ducts and vents attached to such appliance, up to and including 100,000 BTU/h	\$18.50
1. For the installation or relocation of each forced-air or gravity-type furnace or burner, including ducts and vents attached to such appliance, over 100,000 BTU/h	\$23.00
2. For the installation or relocation of each floor furnace, including vent.....	\$18.50
3. For the installation or relocation of each suspended heater, recessed wall heater, or floor-mounted unit heater, including vents.....	\$18.50
4. For the installation, relocation, or replacement of each appliance duct or vent system installed and not included in an appliance permit	\$9.50
5. For the repair of, alteration of, or addition to, each heating appliance, refrigeration unit, cooling unit, absorption unit, or each heating, cooling, absorption, or evaporative cooling system, including installation of controls regulated by the Code	\$18.50
6. For the installation or relocation of each boiler or compressor up to and including three HP, or each absorption system up to and including 100,000 BTU/h	\$18.50
7. For the installation or relocation of each boiler or compressor over three HP, up to and including 15 HP, or each absorption system over 100,000 BTU/h, up to and including 500,000 BTU/h	\$34.50
8. For the installation or relocation of each boiler or compressor over 15 HP, up to and including 30 HP, or each absorption system over 500,000 BTU/h, up to and including 1,000,000 BTU/h	\$45.00
9. For the installation or relocation of each boiler or compressor over 30 HP, up to and including 50 HP, or for each absorption system over 1,000,000 BTU/h, up to and including 1,750,000 BTU/h	\$69.00
10. For the installation or relocation of each boiler or refrigeration compressor over 50 HP, or each absorption system over 1,750,000 BTU/h.....	\$115.00
11. For each air-handling unit, up to and including 10,000 cubic feet per minute, including attached ducts.....	\$13.50
Note: This fee shall not apply to an air-handling unit which is a portion of a factory-assembled appliance, cooling unit, evaporative cooler, or absorption unit, for which a permit is required elsewhere in the Code of the City of Oxnard.	
12. For each air-handling unit over 10,000 cfm	\$23.00
13. For each evaporative cooler other than a portable type.....	\$13.50
14. For each ventilation fan connected to a single duct	\$9.75
15. For each ventilation system which is not a portion of any heating or air conditioning system authorized by a permit.....	\$13.50

Unit Fee Schedule

Fee (not
inclusive
of permit
issuance fee)

- | | |
|--|---------|
| 16. For the installation of each hood which is served by mechanical exhaust, including the ducts for such hood | \$13.50 |
| 17. For the installation or relocation of each commercial or industrial-type incinerator . | \$94.00 |
| 18. For each appliance or piece of equipment regulated by the Code, but not classed in other appliance categories, or for which no other fee is listed | \$13.50 |
| 19. When Chapter 22 of the Uniform Mechanical Code (UMC) is applicable, permit fees for fuel/gas piping shall be as follows: | |
| a. For each gas piping system, up to and including four outlets | \$5.35 |
| b. For each gas piping system of five or more outlet, each outlet..... | \$1.35 |
| 20. When Chapter 24 of the UMC is applicable, permits for process piping shall be as follows: | |
| a. For each Hazardous Process Piping (HPP) system, up to and including four outlets..... | \$8.75 |
| b. For each piping system of five or more outlets, each outlet..... | \$1.80 |
| c. For each Nonhazardous Process Piping (NPP) system, up to and including four outlets..... | \$3.50 |
| d. For each piping system of five or more outlets, each outlet..... | \$0.90 |

Table 4

PLUMBING PERMIT FEES

Unit Fee Schedule	Fee (not inclusive of permit issuance fee)
1. For each plumbing fixture, trap, or set of fixtures on one trap (including water, drainage piping, and backflow protection therefore)	\$12.00
2. For each building sewer and each trailer park sewer	\$30.50
3. Rainwater systems per drain (inside buildings)	\$12.00
4. For each industrial waste sample well.....	\$24.50
5. For each private sewage disposal system.....	\$94.00
6. For each water heater and/or vent	\$15.50
7. For each industrial waste pretreatment interceptor, including its trap and vent, excluding kitchen-type grease interceptors functioning as a fixture	\$24.50
8. For installation, alteration, or repair of water piping and/or water treating equipment, each unit	\$6.10
9. For repair or alteration of drainage or vent	\$6.10
10. For each lawn sprinkler system on any one meter, including backflow protection devices therefore	\$18.50
11. For atmospheric-type vacuum breakers not included in Item 12 below:	
a. 1 to 5 units	\$15.50
b. Over 5, each unit.....	\$3.50
12. For each backflow protective device, other than atmospheric-type vacuum breakers:	
a. 2 inches or smaller	\$15.50
b. Over 2 inches.....	\$30.50
13. For each gas piping system, up to and including four outlets	\$6.10
14. For each gas piping system of five or more outlets, each outlet	\$1.55

Swimming Pool, Spa, and Hot Tub

Permit Issuance	Fee
Public pool.....	\$61.50
Private pool	\$41.00
Pool filling system, including backflow prevention, each unit	\$15.50

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Each water heater and/or vent.....	\$15.50
Gas piping system, each unit.....	\$6.10
Replacing of piping.....	\$6.10
Miscellaneous replacements.....	\$6.10
Backwash receptor.....	\$6.10

EXHIBIT C

CITY OF OXNARD

SCHEDULE OF GEOGRAPHIC INFORMATION SYSTEMS (GIS) FEES

	Fee	Unit
1 Map 8.5"x11" or 11"x17" Plain paper (Map Size A or B)	\$2	each
2 Map 17"x22" or 22"x34" Glossy paper (Map Size C or D)	\$26	each
3 Map 17"x22" or 22"x34" Plain paper (Map Size C or D)	\$17	each
4 Map 34"x44" Glossy paper (Map Size E)	\$40	each
5 Map 34"x44" Plain paper (Map Size E)	\$27	each
6 Map 42"x54" Glossy paper (Oversize)	\$54	each
7 Map 42"x54" Bond paper (Oversize)	\$37	each
8 Custom Maps & GIS Services	\$68	per hour
9 Electronic Data - Area of 4 square miles or less	\$208	for first 3 hours (\$68 for each additional hour)
10 Electronic Data - Area of 4 square miles or more	\$412	for first 6 hours (\$68 for each additional hour)
11 Mail List Generation (Mail List on CD or DVD)	\$140	for first 2 hours (\$68 for each additional hour)

EXHIBIT D

CITY OF OXNARD

SCHEDULE OF LIBRARY FEES

	Fee	Unit
COMMUNITY OUTREACH		
MEETING ROOM RENTAL RATES		
Meeting Room A - Non-Profit Hourly Rate	\$5	per hour
Meeting Room A - For Profit Hourly Rate	\$15	per hour
Meeting Room B - Non-Profit Hourly Rate	\$10	per hour
Meeting Room B - For Profit Hourly Rate	\$25	per hour
MEETING ROOM FEES		
Cleaning deposit (Refundable if left in same condition)	\$50	each
Stove/Oven use	\$5	each
12-cup Coffeemaker use	\$5	each
55-cup Coffeemaker use	\$20	each
PC Projector use	\$25	each
Repair or replacement of damaged furniture or equipment	Actual Cost	each
INFORMATION - REFERENCE		
LOCAL HISTORY		
To copy an image onto a CD:		
Personal Use	\$5	each
Commercial Use	\$15	each
Recovery fee	\$25	image
To use an image in a publication	\$100	each
Non-profit/educational use of an image	\$50	each
To use an image in a DVD, Media or Website	\$100	each
To use an image in motion pictures or TV	\$150	each
PUBLIC COMPUTERS/EQUIPMENT		
Main Library (6)	\$2	per hour
South Oxnard Branch (32)	\$2	per hour
Black and white computer prints	.10	each
Black and white photocopies	.10	each
Microfilm/microfiche copies	.10	each
Test Proctoring (2-hour minimum)	\$25	per hour

EXHIBIT D

CITY OF OXNARD

SCHEDULE OF LIBRARY FEES

	Fee	Unit
CIRCULATION		
<u>OVERDUE MATERIALS (PER ITEM, PER DAY)</u>		
Adult fiction & nonfiction books, magazines, ABs, CDs, CTs, LPs, Books on CD	.20	each
Children's fiction & nonfiction books, magazines, ABs, CDs, CTs, Books on CD	.20	each
Videos, DVDs, "MEDIA" (Adult and Children)	\$1	each
CD-Roms (Adult and Children)	\$1	each
Interlibrary Loans	\$3	each
Maximum fine per overdue adult item	\$10	each
Maximum fine per overdue children's item	\$5	each
<u>LOST MATERIALS</u>		
Replacement cost of lost material plus Non-Refundable Processing fee	Replacement cost plus \$7.50 processing fee	each
<u>DAMAGED MATERIALS</u>		
Not in circulating condition:		
Replacement cost of damaged material plus Non-Refundable Processing Fee	Replacement cost plus \$7.50 processing fee	
Missing parts:		
Book returned missing cover	\$5	each
Book returned missing labels	\$5	each
Book returned missing barcode	\$1	each
Magazine returned missing cover	\$1	each
Damaged audio book case (holds 1-3 cassettes)	\$6	each
Damaged audio book case (holds 4-8 cassettes)	\$7	each
Damaged audio book case (holds 9+ cassettes)	\$8	each
Damaged audio book, "book on CD" case cover (inside case)	\$5	each
Missing tape(s) or CD	\$6 or more	each
Damaged "book on CD" case (1-12)	\$9	each
Damaged "book on CD" case (13-23)	\$10	each
Damaged "book on CD" case (24-35)	\$11	each

EXHIBIT D

CITY OF OXNARD

SCHEDULE OF LIBRARY FEES

	Fee	Unit
CIRCULATION		
Damaged "book on CD" case (36-47)	\$12	each
Damaged "book on CD" case (48+)	\$13	each
CD-ROM disc returned by itself	varies	each
CD-ROM missing information sheet	varies	each
Damaged/missing CD-ROM bag	\$1	each
Missing CD-ROM installation sheet	\$1	each
Compact Disc missing cover information	\$4	each
Compact Disc case missing/damaged	\$1	each
Compact Disc returned missing/damaged out of set	varies	each
Music cassette returned missing cover information	\$1	each
Music cassette case missing/damaged	\$1	each
Juvenile cassette/CD bag damaged/missing	\$1	each
Juvenile cassette/CD case damaged/missing	\$1	each
Video/DVD returned without cover information	\$3	each
Video/DVD case damaged/missing	\$2	each
Video/DVD missing 3-D glasses	\$2	each
Security strip/tag damaged/missing	\$1	each
LOST LIBRARY CARD		
Replacement card	\$2	each
HOLDS		
Item not picked up	.25	each
INTERLIBRARY LOAN (ILL)		
To request an ILL (Refundable if item not available)	\$1	per item
Overdue	\$3	per item per day
U.S. PASSPORTS		
Execution Fee (Set by U.S. Department of State)	\$25	each
Passport Photo	\$10	each

ATTACHMENT #2

FEE WORKSHEETS PLANNING SERVICES

ATTACHMENT 2
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Planning Division Fee Worksheet

FEE DESCRIPTION	DATE LAST MODIFIED	UNIT	QUANTITY	RATE/FEE	PROPOSED NEW FEE	CURRENT FEE	DOLLAR CHANGE	PERCENT CHANGE	AVERAGE ANNUAL %CHANGE
FIXED PERMIT FEES									
Art Proposal Review	July 2004								
Assistant Planner		Hour	1.00	\$99.73	\$99.73				
Associate Planner		Hour	6.00	\$130.31	\$781.86				
Principal Planner		Hour	1.25	\$161.54	\$201.93				
					\$1,083.52	\$1,020.60	\$62.92	6.16%	0.68%
CBD Design Review - Major	Nov. 1999								
Assistant Planner		Hour	0.50	\$99.73	\$49.87				
Associate Planner		Hour	12.00	\$130.31	\$1,563.72				
Principal Planner		Hour	1.00	\$161.54	\$161.54				
					\$1,775.13	\$1,344.00	\$431.13	32.08%	2.29%
CBD Design Review - Minor	July 2001								
Assistant Planner		Hour	4.00	\$99.73	\$398.92				
Principal Planner		Hour	0.50	\$161.54	\$80.77				
					\$479.69	\$387.45	\$92.24	23.81%	1.98%
CBD Sign (OTC) Review	Feb. 2002								
Assistant Planner		Hour	1.00	\$99.73	\$99.73				
Principal Planner		Hour	0.25	\$161.54	\$40.39				
					\$140.12	\$84.00	\$56.12	66.80%	6.07%
Certificate of Compliance	Nov. 1999								
Assistant Planner		Hour	1.00	\$99.73	\$99.73				
Associate Planner		Hour	6.00	\$130.31	\$781.86				
Principal Planner		Hour	0.50	\$161.54	\$80.77				
					\$962.36	\$672.20	\$290.16	43.17%	3.08%
Coastal Administrative Modification	Nov. 1999								
Assistant Planner		Hour	12.00	\$99.73	\$1,196.76				
Principal Planner		Hour	1.50	\$161.54	\$242.31				
					\$1,439.07	\$705.60	\$733.47	103.95%	7.42%

Planning Division Fee Worksheet

FEE DESCRIPTION	DATE LAST MODIFIED	UNIT	QUANTITY	RATE/FEE	PROPOSED NEW FEE	CURRENT FEE	DOLLAR CHANGE	PERCENT CHANGE	AVERAGE ANNUAL %CHANGE
Coastal Development Review	Nov. 1999								
Assistant Planner		Hour	1.00	\$99.73	\$99.73				
Associate Planner		Hour	40.00	\$130.31	\$5,212.40				
Principal Planner		Hour	2.00	\$161.54	\$323.08				
					\$5,635.21	\$3,888.15	\$1,747.06	44.93%	3.21%
Coastal Emergency Permit	Nov. 1999								
Assistant Planner		Hour	1.00	\$99.73	\$99.73				
Associate Planner		Hour	8.00	\$130.31	\$1,042.48				
					\$1,142.21	\$969.15	\$173.06	17.86%	1.28%
Coastal Exemption Determination	July 2004								
Assistant Planner		Hour	1.00	\$99.73	\$99.73				
Associate Planner		Hour	6.00	\$130.31	\$781.86				
					\$881.59	\$679.35	\$202.24	29.77%	3.31%
Coastal Variance	Nov. 1999								
Assistant Planner		Hour	1.00	\$99.73	\$99.73				
Associate Planner		Hour	12.00	\$130.31	\$1,563.72				
Principal Planner		Hour	3.00	\$161.54	\$484.62				
					\$2,148.07	\$1,556.10	\$591.97	38.04%	2.72%
Cultural Heritage Review - Certificate of Appropriateness	June 2003								
<i>This service is currently provided by the Oxnard Cultural Heritage Board staff. Fees for such services are passed through to the applicant.</i>									
Assistant Planner		Hour	2.00	\$99.73	\$199.46				
					\$199.46	\$131.25	\$68.21	51.97%	5.20%
Density Bonus	July 2005								
Assistant Planner		Hour	0.50	\$99.73	\$49.87				
Associate Planner		Hour	25.00	\$130.31	\$3,257.75				
Principal Planner		Hour	2.00	\$161.54	\$323.08				
					\$3,630.70	\$2,888.55	\$742.15	25.69%	3.21%

Planning Division Fee Worksheet

FEE DESCRIPTION	DATE LAST MODIFIED	UNIT	QUANTITY	RATE/FEE	PROPOSED NEW FEE	CURRENT FEE	DOLLAR CHANGE	PERCENT CHANGE	AVERAGE ANNUAL %CHANGE
Development Agreement - Authorization	Nov. 1999								
Associate Planner		Hour	20.00	\$130.31	\$2,606.20				
					\$2,606.20	\$2,209.20	\$397.00	17.97%	1.28%
Development Design Review	Nov. 1999								
Assistant Planner		Hour	1.00	\$99.73	\$99.73				
Associate Planner		Hour	40.00	\$130.31	\$5,212.40				
Principal Planner		Hour	2.00	\$161.54	\$323.08				
					\$5,635.21	\$4,250.40	\$1,384.81	32.58%	2.33%
Development Design Review - SFD	NEW								
Assistant Planner		Hour	20.00	\$99.73	\$1,994.60				
Principal Planner		Hour	3.00	\$161.54	\$484.62				
					\$2,479.22	\$0.00	\$2,479.22	100.00%	N/A
Final Map	Nov. 1999								
<i>Each Phase of a Final Map is processed as follow-up to an approved Tentative Map Permit.</i>									
Assistant Planner		Hour	1.00	\$99.73	\$99.73				
Principal Planner		Hour	15.00	\$161.54	\$2,423.10				
					\$2,522.83	\$2,201.33	\$321.50	14.60%	1.04%
Home Occupation Permit	Nov. 1999								
Assistant Planner		Hour	1.00	\$99.73	\$99.73				
					\$99.73	\$63.00	\$36.73	58.30%	4.16%
Large Family Day Care	July 2005								
Assistant Planner		Hour	4.00	\$99.73	\$398.92				
					\$398.92	\$364.35	\$34.57	9.49%	1.19%
Lot Line Adjustment	Nov. 1999								
Assistant Planner		Hour	1.00	\$99.73	\$99.73				
Associate Planner		Hour	5.00	\$130.31	\$651.55				
Principal Planner		Hour	0.50	\$161.54	\$80.77				
City Surveyor		Hour	10.00	\$112.00	\$1,120.00				
					\$1,952.05	\$1,875.30	\$76.75	4.09%	0.29%

Planning Division Fee Worksheet

FEE DESCRIPTION	DATE LAST MODIFIED	UNIT	QUANTITY	RATE/FEE	PROPOSED NEW FEE	CURRENT FEE	DOLLAR CHANGE	PERCENT CHANGE	AVERAGE ANNUAL %CHANGE
Lot Merger	Nov. 1999								
Assistant Planner		Hour	1.00	\$99.73	\$99.73				
Associate Planner		Hour	5.00	\$130.31	\$651.55				
Principal Planner		Hour	0.50	\$161.54	\$80.77				
City Surveyor		Hour	10.00	\$112.00	\$1,120.00				
					\$1,952.05	\$2,127.30	-\$175.25	-8.24%	-0.59%
Mills Act Agreement	Apr. 2007								
Assistant Planner		Hour	0.50	\$99.73	\$49.87				
Associate Planner		Hour	5.00	\$130.31	\$651.55				
					\$701.42	\$666.12	\$35.30	5.30%	0.88%
Mills Act Annual Inspection	Apr. 2007								
<i>This service is currently provided by the Oxnard Cultural Heritage Board staff. Fees for such services are passed through to the applicant.</i>									
Associate Planner		Hour	1.50	\$130.31	\$195.47				
					\$195.47	\$111.02	\$84.45	76.06%	12.68%
Minor Modification	Nov. 1999								
<i>Minor Modification is considered after approval of a planning permit. The adjustments must comply with all policies and regulations, and may not exceed 10% of the approved criteria. All others will be considered by Major Modification, or new planning entitlement(s).</i>									
Assistant Planner		Hour	12.00	\$99.73	\$1,196.76				
Principal Planner		Hour	1.50	\$161.54	\$242.31				
					\$1,439.07	\$789.60	\$649.47	82.25%	5.88%
Mobile Home Review	Nov. 1999								
Assistant Planner		Hour	6.00	\$99.73	\$598.38				
Principal Planner		Hour	1.50	\$161.54	\$242.31				
					\$840.69	\$621.60	\$219.09	35.25%	2.52%
Parcel Map Waiver	Nov. 1999								
<i>Parcel Map Waiver is processed as a follow-up to an approved Tentative Map Permit.</i>									
Assistant Planner		Hour	0.50	\$99.73	\$49.87				
Associate Planner		Hour	20.00	\$130.31	\$2,606.20				
					\$2,656.07	\$1,875.30	\$780.77	41.63%	2.97%

Planning Division Fee Worksheet

FEE DESCRIPTION	DATE LAST MODIFIED	UNIT	QUANTITY	RATE/FEE	PROPOSED NEW FEE	CURRENT FEE	DOLLAR CHANGE	PERCENT CHANGE	AVERAGE ANNUAL %CHANGE
Pre-Application Review	Nov. 1999								
Assistant Planner		Hour	1.00	\$99.73	\$99.73				
Principal Planner		Hour	16.00	\$161.54	\$2,584.64				
					\$2,684.37	\$1,999.20	\$685.17	34.27%	2.45%
Pre-Zoning	July 2001								
Assistant Planner		Hour	0.50	\$99.73	\$49.87				
Principal Planner		Hour	20.00	\$161.54	\$3,230.80				
					\$3,280.67	\$2,944.20	\$336.47	11.43%	0.95%
Residential Care Facility	Nov. 1999								
Assistant Planner		Hour	10.00	\$99.73	\$997.30				
Principal Planner		Hour	1.00	\$161.54	\$161.54				
					\$1,158.84	\$621.60	\$537.24	86.43%	6.17%
Second Unit Review	Nov. 1999								
<i>Subsequent annual monitoring costs will be billed on an hourly basis, at the current rate for that year.</i>									
Assistant Planner		Hour	12.00	\$99.73	\$1,196.76				
Principal Planner		Hour	2.00	\$161.54	\$323.08				
					\$1,519.84	\$621.60	\$898.24	144.50%	10.32%
Special Use Permit - Alcohol	July 2001								
Assistant Planner		Hour	16.00	\$99.73	\$1,595.68				
Principal Planner		Hour	2.00	\$161.54	\$323.08				
					\$1,918.76	\$1,391.25	\$527.51	37.92%	3.16%
Special Use Permit - Wireless	Feb 1998								
Assistant Planner		Hour	2.00	\$99.73	\$199.46				
Associate Planner		Hour	50.00	\$130.31	\$6,515.50				
Principal Planner		Hour	3.00	\$161.54	\$484.62				
					\$7,199.58	\$5,525.10	\$1,674.48	30.31%	2.02%
Street Naming/Renaming	July 2004								
Assistant Planner		Hour	0.50	\$99.73	\$49.87				
Associate Planner		Hour	20.00	\$130.31	\$2,606.20				
					\$2,656.07	\$1,992.90	\$663.17	33.28%	3.70%

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Planning Division Fee Worksheet

FEE DESCRIPTION	DATE LAST MODIFIED	UNIT	QUANTITY	RATE/FEE	PROPOSED NEW FEE	CURRENT FEE	DOLLAR CHANGE	PERCENT CHANGE	AVERAGE ANNUAL %CHANGE
Street Vacation	July 2004								
Assistant Planner		Hour	0.50	\$99.73	\$49.87				
Associate Planner		Hour	15.00	\$130.31	\$1,954.65				
					\$2,004.52	\$1,615.95	\$388.57	24.05%	2.67%
Temporary Use Permit - Tier 1	Nov. 1999								
<i>Previously "Temporary Use Permit". Tier 1 includes relatively simple requests such as construction and subdivision signs, construction yards and offices, temporary offices, residential sales offices, model homes, youth projects, seasonal sales (Christmas trees or Halloween pumpkins), grand opening signs, auctions, mechanical amusement rides, and outdoor sales at a primary commercial retail site. Note: A typical Tier 1 event may be moved to Tier 2 or 3, as determined by the Planning Manager, based on past performance concerns or specifics of the request.</i>									
Assistant Planner		Hour	1.00	\$99.73	\$99.73				
					\$99.73	\$67.20	\$32.53	48.41%	3.46%
Temporary Use Permit - Tier 2	NEW								
<i>Tier 2 includes more complex issues, such as carnivals, circuses, rodeos, concerts, itinerant shows, religious revival meetings, and other such unspecified temporary uses. Note: A typical Tier 2 event may be moved to Tier 3, as determined by the Planning Manager, based on past performance concerns or specifics of the request.</i>									
Assistant Planner		Hour	2.00	\$99.73	\$199.46				
Principal Planner		Hour	0.25	\$161.54	\$40.39				
					\$239.85	\$0.00	\$239.85	100.00%	N/A
Temporary Use Permit - Security Deposit	July 2001	Each	1.00	\$400.00	\$400.00	\$300.00	\$100.00	33.33%	2.78%
<i>TUP Security Deposit intended to cover inspection verification of site clean-up. Typical inspection cost is shown for reference only. Actual refund on Deposit will vary.</i>									
Code Compliance Officer		Hour	0.75	\$100.00	\$75.00				
					\$75.00				
Time Extension (Administrative)	July 2001								
<i>Previously "Time Extensions for Administrative Planning Permits or Minor Modifications". This Fee is typically considered for the first extension request of an approved project. Subsequent requests for non-administrative permits are processed as Major Modifications.</i>									
Assistant Planner		Hour	3.50	\$99.73	\$349.06				
Principal Planner		Hour	0.50	\$161.54	\$80.77				
					\$429.83	\$375.90	\$53.93	14.35%	1.20%

Planning Division Fee Worksheet

FEE DESCRIPTION	DATE LAST MODIFIED	UNIT	QUANTITY	RATE/FEE	PROPOSED NEW FEE	CURRENT FEE	DOLLAR CHANGE	PERCENT CHANGE	AVERAGE ANNUAL %CHANGE
Variance	Nov. 1999								
Assistant Planner		Hour	0.50	\$99.73	\$49.87				
Associate Planner		Hour	20.00	\$130.31	\$2,606.20				
Principal Planner		Hour	1.00	\$161.54	\$161.54				
					\$2,817.61	\$1,875.30	\$942.31	50.25%	3.59%
Wireless Administrative Permit	Feb 1998								
Assistant Planner		Hour	1.00	\$99.73	\$99.73				
Associate Planner		Hour	32.00	\$130.31	\$4,169.92				
Principal Planner		Hour	2.00	\$161.54	\$323.08				
					\$4,592.73	\$3,345.30	\$1,247.43	37.29%	2.49%
Zone Clearance	Nov. 1999								
Assistant Planner		Hour	1.00	\$99.73	\$99.73				
Principal Planner		Hour	0.25	\$161.54	\$40.39				
					\$140.12	\$67.20	\$72.92	108.50%	7.75%
NON-FIXED PERMIT FEES									
<i>Initial filing deposit represents average anticipated cost to process the requested permit. The actual charge may vary, depending on actual time required. The total charge may not exceed the initial filing deposit without previous approval by the Planning Manager. If the Manager determines that additional costs beyond the deposit amount are justified, Planning staff will request applicant for additional funds to cover the estimated additional costs. As appropriate, additional funding may be requested when balance reaches 20% or below of original filing deposit. Planning Division will process refunds to the applicant if the actual costs are less than the original deposit or any additional amount deposited by the applicant.</i>									
Annexation	July 2001								
Assistant Planner		Hour	1.00	\$99.73	\$99.73				
Principal Planner		Hour	50.00	\$161.54	\$8,077.00				
					\$8,176.73	\$4,767.00	\$3,409.73	71.53%	5.96%
Coastal Development Permit	Nov. 1999								
Assistant Planner		Hour	0.50	\$99.73	\$49.87				
Associate Planner		Hour	50.00	\$130.31	\$6,515.50				
Principal Planner		Hour	5.00	\$161.54	\$807.70				
					\$7,373.07	\$4,216.80	\$3,156.27	74.85%	5.35%

Planning Division Fee Worksheet

FEE DESCRIPTION	DATE LAST MODIFIED	UNIT	QUANTITY	RATE/FEE	PROPOSED NEW FEE	CURRENT FEE	DOLLAR CHANGE	PERCENT CHANGE	AVERAGE ANNUAL %CHANGE
Coastal Plan Amendment	Nov. 1999								
Assistant Planner		Hour	2.00	\$99.73	\$199.46				
Associate Planner		Hour	100.00	\$130.31	\$13,031.00				
Principal Planner		Hour	5.00	\$161.54	\$807.70				
					\$14,038.16	\$9,807.00	\$4,231.16	43.14%	3.08%
Coastal Plan Consistency	Nov. 1999								
Assistant Planner		Hour	1.00	\$99.73	\$99.73				
Principal Planner		Hour	12.00	\$161.54	\$1,938.48				
					\$2,038.21	\$1,505.70	\$532.51	35.37%	2.53%
Cultural Heritage Review - Public Hearing	June 2003								
Assistant Planner		Hour	0.50	\$99.73	\$49.87				
Associate Planner		Hour	15.00	\$130.31	\$1,954.65				
Principal Planner		Hour	1.00	\$161.54	\$161.54				
					\$2,166.06	\$576.45	\$1,589.61	275.76%	27.58%
Development Agreement	NEW				\$10,000.00	\$0.00	\$10,000.00	100.00%	N/A
<i>Time spent by city employees, from any Department, will be charged against the Project Number.</i>									
Development Agreement - Amendment	July 2005				\$5,000.00	\$799.05	\$4,200.95	525.74%	65.72%
<i>Time spent by city employees, from any Department, will be charged against the Project Number.</i>									
Development Plan	Nov. 1999								
Assistant Planner		Hour	1.00	\$99.73	\$99.73				
Associate Planner		Hour	40.00	\$130.31	\$5,212.40				
Principal Planner		Hour	4.00	\$161.54	\$646.16				
					\$5,958.29	\$4,126.50	\$1,831.79	44.39%	3.17%
General Plan Amendment	Nov. 1999								
Assistant Planner		Hour	2.00	\$99.73	\$199.46				
Associate Planner		Hour	100.00	\$130.31	\$13,031.00				
Principal Planner		Hour	5.00	\$161.54	\$807.70				
					\$14,038.16	\$10,167.15	\$3,871.01	38.07%	2.72%

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Planning Division Fee Worksheet

FEE DESCRIPTION	DATE LAST MODIFIED	UNIT	QUANTITY	RATE/FEE	PROPOSED NEW FEE	CURRENT FEE	DOLLAR CHANGE	PERCENT CHANGE	AVERAGE ANNUAL %CHANGE
General Plan Consistency	Nov. 1999								
Assistant Planner		Hour	1.00	\$99.73	\$99.73				
Principal Planner		Hour	12.00	\$161.54	\$1,938.48				
					\$2,038.21	\$1,707.30	\$330.91	19.38%	1.38%
Major Modification	Nov. 1999								
Assistant Planner		Hour	1.00	\$99.73	\$99.73				
Associate Planner		Hour	32.00	\$130.31	\$4,169.92				
Principal Planner		Hour	3.00	\$161.54	\$484.62				
					\$4,754.27	\$3,303.30	\$1,450.97	43.92%	3.14%
Planned Development Permit	Nov. 1999								
Assistant Planner		Hour	0.50	\$99.73	\$49.87				
Associate Planner		Hour	50.00	\$130.31	\$6,515.50				
Principal Planner		Hour	5.00	\$161.54	\$807.70				
					\$7,373.07	\$5,302.50	\$2,070.57	39.05%	2.79%
Special Use Permit	Nov. 1999								
Assistant Planner		Hour	0.50	\$99.73	\$49.87				
Associate Planner		Hour	50.00	\$130.31	\$6,515.50				
Principal Planner		Hour	5.00	\$161.54	\$807.70				
					\$7,373.07	\$5,067.30	\$2,305.77	45.50%	3.25%
Special Use Permit - Minor	Nov. 1999								
Assistant Planner		Hour	0.50	\$99.73	\$49.87				
Associate Planner		Hour	20.00	\$130.31	\$2,606.20				
Principal Planner		Hour	3.00	\$161.54	\$484.62				
					\$3,140.69	\$2,317.35	\$823.34	35.53%	2.54%
Specific Plan Amendment	July 2001								
Assistant Planner		Hour	1.50	\$99.73	\$149.60				
Associate Planner		Hour	35.00	\$130.31	\$4,560.85				
Principal Planner		Hour	5.00	\$161.54	\$807.70				
					\$5,518.15	\$5,149.20	\$368.95	7.17%	0.60%

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Planning Division Fee Worksheet

FEE DESCRIPTION	DATE LAST MODIFIED	UNIT	QUANTITY	RATE/FEE	PROPOSED NEW FEE	CURRENT FEE	DOLLAR CHANGE	PERCENT CHANGE	AVERAGE ANNUAL %CHANGE
Specific Plan Review	Nov. 1999								
Assistant Planner		Hour	1.50	\$99.73	\$149.60				
Associate Planner		Hour	50.00	\$130.31	\$6,515.50				
Principal Planner		Hour	5.00	\$161.54	\$807.70				
					\$7,472.80	\$6,075.30	\$1,397.50	23.00%	1.64%
Temporary Use Permit - Tier 3	NEW								
<i>Tier 3 is for complex uses, typically which will necessitate additional coordination prior to, and possible post-event. Such events may include festivals, street fairs, parades, races, use of public parks or closure of streets/rights-of-way.</i>									
Assistant Planner		Hour	5.00	\$99.73	\$498.65				
Principal Planner		Hour	0.50	\$161.54	\$80.77				
					\$579.42	\$0.00	\$579.42	100.00%	N/A
Tentative Map	Nov. 1999								
<i>Tentative Map is processed concurrently with Street Naming request if new roadways are proposed.</i>									
<i>Tentative Map approval is followed with either Final Maps (each phase) or a Parcel Map Waiver.</i>									
Assistant Planner		Hour	1.00	\$99.73	\$99.73				
Associate Planner		Hour	50.00	\$130.31	\$6,515.50				
Principal Planner		Hour	3.00	\$161.54	\$484.62				
					\$7,099.85	\$5,882.10	\$1,217.75	20.70%	1.48%
Vesting Tentative Map	Nov. 1999								
<i>Vesting Tentative Map is processed concurrently with Street Naming request if new roadways are proposed. Vesting Tentative Map approval is followed with either Final Maps (each phase) or a Parcel Map Waiver.</i>									
Assistant Planner		Hour	2.00	\$99.73	\$199.46				
Principal Planner		Hour	50.00	\$161.54	\$8,077.00				
					\$8,276.46	\$4,987.50	\$3,288.96	65.94%	4.71%
Zone Change	Nov. 1999								
Assistant Planner		Hour	1.00	\$99.73	\$99.73				
Associate Planner		Hour	30.00	\$130.31	\$3,909.30				
Principal Planner		Hour	3.00	\$161.54	\$484.62				
					\$4,493.65	\$3,091.20	\$1,402.45	45.37%	3.24%

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Planning Division Fee Worksheet

FEE DESCRIPTION	DATE LAST MODIFIED	UNIT	QUANTITY	RATE/FEE	PROPOSED NEW FEE	CURRENT FEE	DOLLAR CHANGE	PERCENT CHANGE	AVERAGE ANNUAL %CHANGE
Zone Text Amendment	July 2001								
Assistant Planner		Hour	1.00	\$99.73	\$99.73				
Principal Planner		Hour	50.00	\$161.54	\$8,077.00				
					\$8,176.73	\$5,789.70	\$2,387.03	41.23%	2.94%

OTHER REVIEW AND SERVICE FEES

Architectural Review	July 2005	Each	1.00		cost + 15%	\$141.75	varies	varies	N/A
<i>Costs for such services are passed through to the applicant with 15% administration fee.</i>									
Landscape Review	July 2005	Each	1.00		cost + 15%	\$273.00	varies	varies	N/A
<i>Costs for such services are passed through to the applicant with 15% administration fee.</i>									
Other Third-Party Services	July 2001	Each	1.00		cost + 15%	cost + 15%	varies	varies	N/A
<i>This Fee includes additional contracted reviews and services, such as Oxnard Cultural Heritage Board reviews and translation services. Costs for such services are passed through to the applicant with 15% administration fee.</i>									
Deposit - City Attorney's Office	July 2001	Each	1.00		\$10,000.00	\$10,500.00	-\$500.00	-4.76%	-0.32%
Deposit - All Other Departments	NEW	Each	1.00		\$5,000.00	\$0.00	\$5,000.00	100.00%	N/A
Pre-Submittal DAC Review	NEW								
Traffic Engineer		Hour	1.00	\$98.00	\$98.00				
Civil Engineer		Hour	1.00	\$152.00	\$152.00				
Fire Marshal		Hour	1.00	\$84.00	\$84.00				
Principal Planner		Hour	4.00	\$161.54	\$646.16				
					\$980.16	\$0.00	\$980.16	100.00%	N/A

ENVIRONMENTAL SERVICES

CEQA Exemption	July 2001								
Assistant Planner		Hour	1.50	\$99.73	\$149.60				
Principal Planner		Hour	0.50	\$161.54	\$80.77				
					\$230.37	\$127.05	\$103.32	81.32%	6.78%

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Planning Division Fee Worksheet

FEE DESCRIPTION	DATE LAST MODIFIED	UNIT	QUANTITY	RATE/FEE	PROPOSED NEW FEE	CURRENT FEE	DOLLAR CHANGE	PERCENT CHANGE	AVERAGE ANNUAL %CHANGE
Initial Study/Negative Declaration	July 2004								
Associate Planner		Hour	30.00	\$130.31	\$3,909.30				
Principal Planner		Hour	3.00	\$161.54	\$484.62				
					\$4,393.92	\$2,718.45	\$1,675.47	61.63%	6.85%

Mitigated Negative Declaration & Monitoring

July 2004

Additional monitoring costs, typically after project approval, will be funded through a developer deposit account.

Associate Planner		Hour	60.00	\$130.31	\$7,818.60				
Principal Planner		Hour	3.00	\$161.54	\$484.62				
					\$8,303.22	\$5,416.95	\$2,886.27	53.28%	5.92%

APPEAL FEES

Appeal of Administrative Wireless Decision

Feb 1998

Associate Planner		Hour	12.00	\$130.31	\$1,563.72				
Principal Planner		Hour	1.00	\$161.54	\$161.54				
					\$1,725.26	\$1,321.00	\$404.26	30.60%	2.04%

Appeal of Planning Commission Wireless Decision

Feb 1998

Each

1.00

50% of permit fees

50% of permit fees

\$0.00

0.00%

0.00%

Appeal - All Others

Nov. 1999

Each

1.00

\$650.00

\$525.00

\$125.00

23.81%

1.59%

While City Council supports subsidizing this Fee, the proposed Fee provides approximately 25% cost recovery.

Calculation for typical Appeal Fee shown for reference only.

Associate Planner		Hour	20.00	\$130.31	\$2,606.20				
					\$2,606.20				

MISCELLANEOUS FEES

Additional Screen Check Review	NEW	Each	1.00	25% of all permit fees submitted	\$0.00	varies	varies	N/A
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The original permit submittal assumes 2 screenings each for Project Completeness Review, Development Advisory Committee, and environmental peer-reviews. For applicants that do not address concerns fully, each 3rd review for any of the steps identified here will trigger this Fee.

Planning Division Fee Worksheet

FEE DESCRIPTION	DATE LAST MODIFIED	UNIT	QUANTITY	RATE/FEE	PROPOSED NEW FEE	CURRENT FEE	DOLLAR CHANGE	PERCENT CHANGE	AVERAGE ANNUAL %CHANGE
Data on Compact Disc	July 2005								
<i>This Fee is per CD, and replaces fees for various printed publications.</i>									
Office Assistant I/II		Hour	0.25	\$45.00	\$11.25				
Compact Disc		Each	1.00		\$4.00				
					\$15.25	\$12.60	\$2.65	21.03%	1.50%
					.0024 of Building Permit Valuation				
General Plan Maintenance Fee	NEW	Each	1.00			\$0.00	varies	varies	N/A
<i>Estimated calculation methodology provided for reference:</i>									
0.5 FTE Principal Planner		Hour	1040.00	\$161.54	\$168,001.60				
Estimated Consultant & Direct Costs		Each	1.00		\$115,000.00				
					\$283,001.60				
General Plan Maintenance Fee Recovery Approach:		Surcharge on building permit valuation							
Estimated valuation of building permits through 2012 (in thousands):		\$114,115,100.00							
					\$278,280 / \$114,115 = \$2.4386 per \$1000				
					Proposed Fee = 0.0024 of Building Permit Valuation				
Newspaper/Media Advertising	NEW	Each	1.00		cost + 15%	\$0.00	cost + 15%	100.00%	N/A
<i>Costs for such services are passed through to the applicant with 15% administration fee.</i>									
On-Site Posting (Per Sign)	NEW	Each	1.00		cost + 15%	\$0.00	cost + 15%	100.00%	N/A
<i>Costs for such services are passed through to the applicant with 15% administration fee.</i>									
Planning Staff, Hourly Rate	Nov. 1999	Hour	1.00	\$130.00	\$130.00	\$84.00	\$46.00	54.76%	3.91%
<i>This Fee is established to address any work where a specific Fee has not been identified, such as enforcement, inspections or special projects.</i>									
Planning Staff, Overtime Rate	Nov. 1999	Hour	1.00	\$195.00	\$195.00	\$115.50	\$79.50	68.83%	4.92%
<i>This Fee is established to address any work where a specific Fee has not been identified, such as enforcement, inspections or special projects.</i>									
					50% of all permit fees submitted				
Project Revision Fee	NEW	Each	1.00			\$0.00	varies	varies	N/A
<i>This Fee applies to applicant-initiated project revisions, after the initial application submittal has been accepted as "complete" for processing.</i>									

Planning Division Fee Worksheet

FEE DESCRIPTION	DATE LAST MODIFIED	UNIT	QUANTITY	RATE/FEE	PROPOSED NEW FEE	CURRENT FEE	DOLLAR CHANGE	PERCENT CHANGE	AVERAGE ANNUAL %CHANGE
Recorded Documents	Nov. 1999								
Associate Planner		Hour	0.25	\$130.31	\$32.58				
					\$32.58	\$20.00	\$12.58	62.89%	4.49%
Standard Form Letter	Nov. 1999								
Assistant Planner		Hour	1.25	\$99.73	\$124.66				
					\$124.66	\$106.05	\$18.61	17.55%	1.25%
CONSTRUCTION PLAN CHECK FEES									
<i>The following Fees assume 3 reviews for each original submittal. Beginning with the 4th submittal, work will be charged on an hourly basis. Revisions to approved constuction plans will be assessed new Fees.</i>									
Minor Alteration	Nov. 1999	Each	1.00						
<i>This Fee is for minor construction work only. For example, signs, walls, minor tenant improvements, equipment installations, landscaping, additions to single-family homes.</i>									
Assistant Planner		Hour	1.00	\$99.73	\$99.73				
					\$99.73	\$60.00	\$39.73	66.22%	4.73%
Minor Alteration - PD	NEW								
<i>This Fee is for minor construction work proposed in a Planned Development zone district.</i>									
Assistant Planner		Hour	2.00	\$99.73	\$199.46				
					\$199.46	\$120.00	\$79.46	66.22%	4.73%
Major Alteration	Nov. 1999								
<i>This Fee is for additions and improvements that are not considered minor. For example, major tenant improvement work, large equipment installations, new single-family homes or duplex units, reconfiguration of parking lots, and other site improvements.</i>									
Assistant Planner		Hour	3.25	\$99.73	\$324.12				
					\$324.12	\$160.00	\$164.12	102.58%	7.33%
Commercial/Industrial Structure	Nov. 1999								
<i>This Fee is for new commercial or industrial construction, per building or structure.</i>									
Assistant Planner		Hour	0.25	\$99.73	\$24.93				
Associate Planner		Hour	8.00	\$130.31	\$1,042.48				
					\$1,067.41	\$640.00	\$427.41	66.78%	4.77%

Planning Division Fee Worksheet

FEE DESCRIPTION	DATE LAST MODIFIED	UNIT	QUANTITY	RATE/FEE	PROPOSED NEW FEE	CURRENT FEE	DOLLAR CHANGE	PERCENT CHANGE	AVERAGE ANNUAL %CHANGE
Residential Subdivision	Nov. 1999								
<i>This Fee is for each separate build-out phase, fine grade plan, or group of model homes.</i>									
Assistant Planner		Hour	0.25	\$99.73	\$24.93				
Associate Planner		Hour	12.00	\$130.31	\$1,563.72				
					\$1,588.65	\$960.00	\$628.65	65.48%	4.68%
Grading Plans	Nov. 1999								
<i>Previously "Phasing Review". This Fee is generally for review of rough grading plans.</i>									
Assistant Planner		Hour	0.25	\$99.73	\$24.93				
Associate Planner		Hour	1.50	\$130.31	\$195.47				
					\$220.40	\$160.00	\$60.40	37.75%	2.70%
Legalization of Work Without Permits	NEW	Each	1.00		double fees	double fees	varies	varies	N/A
<i>For after-the-fact permitting of construction projects will be assessed double the above-noted Construction Plan Check Fees. In such cases, any documented time spent – before, during, or after plan check submittal – will also be assessed toward the legalization efforts. Documented time shall be assessed at the approved hourly rates.</i>									

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ATTACHMENT #2

FEE WORKSHEETS BUILDING AND ENGINEERING

ATTACHMENT 2
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Building and Engineering Analysis of Fee Adjustments

Fee Description/Basis for Fee	Last Reso.	Reso. Passed	Staff	Unit	Qty	Rate/Fee	Proposed New Fee	Current Fee	Change	Annual Change	Foot- note
I. Plan Check and Processing Fee											
A. Development Improvement Pan Check Fees											
1. Improvement plan process fee - See Attached Table	10889	Jul-95	PCE	Valuation	N/A	See Table			50%	2.88%	16
2. Development Services "Improvement Plan Cost Estimate - No Change	10889	-	-	-	-	-	-	-	-	-	1
3. Monitoring Wells/Borings in the Public Right of Way	-	-	PCE	Hr.	1	\$114.33	\$114.00				3,9
4. Hourly Plan Review Fee for other Services	-	-	PCE	Hr.	1	\$114.33	\$114.00				10
B. Development Services' Planning Processing Fees											
1. For Industrial-Commercial Development - Traffic Model Update	10889	Jul-95	ATE	Hr.	3.25	\$318.83	\$310.00	\$208.00	49%	2.82%	
1. For Industrial-Commercial Development - Engineering Plan Review	10889	Jul-95	PCE	Hr.	10	\$1,143.30	\$1,140.00	\$535.00	113%	6.51%	2
1. For Industrial-Commercial Development - Traffic Plan Review	-		ATE	Hr.	8	\$784.80	\$780.00				3,11
2. For Residential Development - Traffic Model Update	10889	Jul-95	ATE	Hr.	3.25	\$318.83	\$310.00	\$208.00	49%	2.82%	
2. For Residential Development - Engineering Plan Review	10889	Jul-95	PCE	Hr.	7	\$800.31	\$800.00	\$334.00	140%	8.03%	2
2. For Residential Development - Traffic Plan Review	-		ATE	Hr.	5	\$490.50	\$490.00				3,11
3. For Commercial/Industrial and Residential Development											
a. EIR Traffic Review - No Change	10889	Jul-95	-	-	-	-	-	-	-	-	1
b. Traffic Study Review - No Change	10889	Jul-95	-	-	-	-	-	-	-	-	1
c. Engineering review of EIR, Specific Plan, or Infrastructure Study	10889	Jul-95	PCE	Hr.	8	\$914.64	\$915.00	\$610.00	50%	2.88%	2
d. For a major modification - No Change in percentage	10889	Jul-95	-	-	-	-	-	-	-	-	1
e. For a minor modification - No Change in percentage	10889	Jul-95	-	-	-	-	-	-	-	-	1
f. For a pre-application, 25% of full fee	10889	Jul-95	-	-	-	-	-	-	-	-	1
g. For a Pre-Development Advisory Committee - engineering review	-	-	PCE	Hr.	1	\$114.33	\$114.00	-	-	-	3,13
h. For a Pre-Development Advisory Committee - traffic review	-	-	ATE	Hr.	1	\$98.10	\$98.00	-	-	-	3,13
C. Development Services' Tract and Parcel Map Checking Fees											
1. Tentative maps and tentative parcel maps	10889	Jul-95	PCE	Hr.	12	\$1,371.96	\$1,350.00	\$794.00	70%	4.03%	2
plus _____ per lot	10889	Jul-95	PCE	Ea. Add. Lot	1	-	\$25.50	\$17.00	50%	2.88%	
2. fee for engineering review of Infrastructure Study	10889	Jul-95	PCE	Hr.	8	\$914.64	\$915.00	\$610.00	50%	2.88%	
3. map checking fee for final and final parcel maps	10889	Jul-95	PCE	Hr.	19	\$2,172.27	\$2,120.00	\$1,410.00	50%	2.90%	
plus _____ per lot	10889	Jul-95	PCE	Ea. Add. Lot	1	-	\$52.00	\$35.00	49%	2.80%	
4. fee for a waiver of parcel maps	10889	Jul-95	PCE	Hr.	5	\$571.65	\$570.00	\$353.00	61%	3.54%	
5. review of an application for merger of parcels	10889	Jul-95	PCE	Hr.	23	\$2,629.59	\$2,615.00	\$1,740.00	50%	2.90%	
plus _____ per lot	10889	Jul-95	PCE	Ea. Add. Lot	1	-	\$24.00	\$16.00	50%	2.88%	
6. review of an application for lot line adjustment	10889	Jul-95	PCE	Hr	23	\$2,629.59	\$2,615.00	\$1,740.00	50%	2.90%	

Building and Engineering Analysis of Fee Adjustments

Fee Description/Basis for Fee	Last Reso.	Reso. Passed	Staff	Unit	Qty	Rate/Fee	Proposed New Fee	Current Fee	Change	Annual Change	Foot-note
plus _____ per lot being adjusted.	10889	Jul-95	PCE	Ea. Add. Lot	1	-	\$49.00	\$33.00	48%	2.79%	
D. Development Services Grading Plan Checking Fees - See Attached Table	10889	Jul-95	PCE	Valuation	N/A	See Table			50%	2.88%	16
E. Development Services' Special Services											
1. Address Change	11660	Nov-99	PEII	Hr.	1/2 hr min	\$43.50	\$43.50	\$31.00	40%	3.09%	
2. Flood Hazard Letter	11660	Nov-99	PEII	Hr.	1/2 hr min	\$43.50	\$43.50	\$31.00	40%	3.09%	
3. Sewer and Water Availability Letter	11660	Nov-99	PEII	Hr.	1/2 hr min	\$43.50	\$43.50	\$31.00	40%	3.09%	
4. Traffic Review of Detour Plans Prepared by Civil Engineer, Traffic Engineer, or Barricade Company	11660	Nov-99	ATE	Hr.	0.75	\$73.58	\$73.00	\$22.00	232%	17.79%	12
5. Traffic Review of Detour Plans Prepared by Others	11660	Nov-99	ATE	Hr.	1.25	\$122.63	\$120.00	\$88.00	36%	2.79%	12
6. All other services request - Non Engineering - (research for building records, engineering records, engineering drawing originals, etc..) minimum 1/4 hour)	11660	Nov-99	PEII	Hr.	1/4 hr min	\$21.75	\$21.75	\$18.00	21%	1.60%	
7. All other services request - Engineering - minimum 1/4 hour)	-	-	PCE	Hr.	1/4 hr min	\$28.50	\$28.50	\$0.00	N/A	N/A	10
II. Development Services' Inspection Fees Plan Check and Processing Fee											
A. Public Improvement Inspection Fees - See Attached Table	10889	Jul-95	PCE	Valuation	N/A	See Table			50%	2.88%	16
B. Grading Inspection Fees - See Attached Table	10889	Jul-95	PCE	Valuation	N/A	See Table			50%	2.88%	16
III. Encroachment Permit Fees											
A. General Single Encroachment and Site Improvement Permit	11660	Nov-99	BCI	Min	40.00	\$62.33	\$62.50	\$41.00	52%	4.02%	
B. Annual Multiple Encroachment Permit	11660	Nov-99	BCI	Hr.	3.50	\$327.25	\$325.00	\$192.00	69%	5.32%	
1. Each excavation under multiple permit	11660	Nov-99	BCI	Hr.	0.50	\$46.75	\$46.50	\$31.00	50%	3.84%	
2. Each pole installation, removal or relocation	11660	Nov-99	BCI	Hr.	0.50	\$46.75	\$46.50	\$31.00	50%	3.84%	
3. Each 7 days of tree trimming	11660	Nov-99	BCI	Hr.	0.65	\$60.78	\$60.50	\$40.00	51%	3.93%	
IV. Inspection Fees											
A. Construction material in right-of-way (each 5 days or portion thereof)	12905	Jul-05	BCI	Hr.	1.00	\$93.50	\$90.00	\$70.00	29%	3.88%	
B. Construction of commercial driveway (each opening)	12685	Jul-04	BCI	Hr.	5.50	\$514.25	\$510.00	\$385.00	32%	3.88%	
C. Construction of residential driveway (each opening)	12685	Jul-04	BCI	Hr.	3.00	\$280.50	\$280.00	\$210.00	33%	3.98%	
D. Dock pilings (first pile)	12685	Jul-04	BCI	Hr.	1.50	\$140.25	\$140.00	\$105.00	33%	3.98%	
E. Dock pilings (each additional pile)	12685	Jul-04	BCI	Hr.	1.00	\$93.50	\$90.00	\$70.00	29%	3.41%	
F. Excavations-each location (100 square feet or less of excavated surface area earthwork only)	12685	Jul-04	BCI	Hr.	3.00	\$280.50	\$280.00	\$210.00	33%	3.98%	
G. Excavations-additional (trenching over 100 square feet/per square foot)	12905	Jul-05	BCI	Sq.Ft.	0.015	\$1.40	\$1.40	\$1.05	33%	4.52%	
H. Fire flow test (each) (Ord. 2819)	12685	Jul-04	BCI	Hr.	1.00	\$93.50	\$90.00	\$70.00	29%	3.41%	
I. Fire flow test (additional same location, each)	12685	Jul-04	BCI	Hr.	0.50	\$46.75	\$46.50	\$35.00	33%	3.93%	

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Building and Engineering Analysis of Fee Adjustments

Fee Description/Basis for Fee	Last Reso.	Reso. Passed	Staff	Unit	Qty	Rate/Fee	Proposed New Fee	Current Fee	Change	Annual Change	Foot-note
J. Fire hydrant installation (no hot tap)	12685	Jul-04	BCI	Hr.	3.00	\$280.50	\$280.00	\$210.00	33%	3.98%	
K. Fire line back flow (no hot tap)	12685	Jul-04	BCI	Hr.	3.50	\$327.25	\$325.00	\$245.00	33%	3.90%	
L. Accessibility ramp (each)	12685	Jul-04	BCI	Hr.	2.50	\$233.75	\$233.00	\$175.00	33%	3.96%	
M. Monitoring wells/borings in the right-of-way (traffic review of detour plans required on all thoroughfares)	12905	Jul-05	BCI	Hr.	1.00	\$93.50	\$90.00	\$70.00	29%	3.88%	
N. Monitoring wells/borings in the right-of-way – additional (each additional well/boring at same site)	12905	Jul-05	BCI	Hr.	0.25	\$23.38	\$23.00	\$17.50	31%	4.27%	
O. Paving repair (100 square feet or less of excavated surface area)	12905	Jul-05	BCI	Hr.	3.00	\$280.50	\$280.00	\$210.00	33%	4.52%	
P. Paving repair-additional (paving over 100 square feet/per square foot)	12905	Jul-05	BCI	Sq.Ft.	0.015	\$1.40	\$1.40	\$1.05	33%	4.52%	
Q. Sewer tie-in (existing lateral, each)	12685	Jul-04	BCI	Hr.	3.00	\$280.50	\$280.00	\$210.00	33%	3.98%	
R. Sewer tie-in (new connection to main if less than 5' deep, each)	12685	Jul-04	BCI	Hr.	7.50	\$701.25	\$700.00	\$525.00	33%	3.98%	
S. Sewer tie-in (new connection to main if more than 5' deep, each)	12685	Jul-04	BCI	Hr.	9.50	\$888.25	\$880.00	\$665.00	32%	3.86%	
T. Traffic detour inspection	12685	Jul-04	BCI	Hr.	1.00	\$93.50	\$90.00	\$70.00	29%	3.41%	
U. Tree trimming and/or stump removal per location (first day)	12685	Jul-04	BCI	Hr.	2.00	\$187.00	\$185.00	\$140.00	32%	3.84%	
V. Tree trimming and/or stump removal per location (each additional day)	12685	Jul-04	BCI	Hr.	1.00	\$93.50	\$90.00	\$70.00	29%	3.41%	
W. Utility potholing (each)	12685	Jul-04	BCI	Hr.	2.00	\$187.00	\$185.00	\$140.00	32%	3.84%	
X. Water main hot tap (each)	12685	Jul-04	BCI	Hr.	5.00	\$467.50	\$465.00	\$350.00	33%	3.93%	
Y. Water service installation 2" or smaller/each service, plus additional fee based on paving repair required	12685	Jul-04	BCI	Hr.	5.00	\$467.50	\$465.00	\$350.00	33%	3.93%	
Z. Water service Installation 3" or larger/each service, plus additional fee based on paving repair required	12685	Jul-04	BCI	Hr.	6.50	\$607.75	\$600.00	\$455.00	32%	3.81%	
AA. Inspections Not Listed (per hour)	12685	Jul-04	BCI	Hr.	1.00	\$93.50	\$90.00	\$70.00	29%	3.41%	
V. Street Cut Fee - No Change											
VI. Oversize Load Truck Permit - No Change											4
VII. Refunds - Withholding											
VIII. Plan Checking, Inspections, and other Building Permit Processing Service Fees											
A. Model Code Fees											
1. Permit Fees - See tables attached	10890	Jul-95	PCE	-	-	-					16
2. Plan Review Fees - No changes from percentages previously noted	12906	Jul-05	PCE	-	-	-					6
Hourly Plan review fee - incomplete plans, revisions, no other fee, etc..	12906	Jul-05	BCI	Hr.	1	\$114.00	\$114.00	\$103.00	11%	1.45%	
3. Prototype Plan Fee - No changes from percentages previously noted	10890	Jul-95	PCE	-	-	-					
4. Investigation/Enforcement Fees											
a. Investigation Fee - Change to current Staffing Cost	10890	Jul-95			-	-	Varies	\$48.50	Varies	Varies	5
b Enforcement Fee - No Changes	10890	Jul-95	PCE	-	-	-					

Building and Engineering Analysis of Fee Adjustments

Fee Description/Basis for Fee	Last Reso.	Reso. Passed	Staff	Unit	Qty	Rate/Fee	Proposed New Fee	Current Fee	Change	Annual Change	Foot-note
c. Reinspection Fee - No Changes	10890	Jul-95	PCE	-	-	-					
5. Certificate of Occupancy Fee											
Under 5000 sq. ft.	10890	Jul-95	BCI	Hr.	1	\$93.50	\$90.00	\$60.50	49%	2.81%	
greater than 5,000 to 10,000 sq. ft.	10890	Jul-95	BCI	Hr.	1.25	\$116.88	\$125.00	\$84.00	49%	2.81%	
greater than 10,000 to 50,000 sq. ft.	10890	Jul-95	BCI	Hr.	1.25	\$116.88	\$145.00	\$98.50	47%	2.72%	
greater than 50,000 to 100,000 sq. ft.	10890	Jul-95	BCI	Hr.	1.91	\$178.59	\$175.00	\$117.00	50%	2.85%	
Each additional 5,000 sq.ft. or fraction thereof	10890	Jul-95	BCI	Min	20	\$31.17	\$30.50	\$20.50	49%	2.81%	
6. Report of Building Records Fee	12200	Jul-02									
7. Imaging Fee - No Change	10890	Jul-95		-	-	-					
8. Document Copy Fee - No Change	10890	Jul-95		-	-	-					
9. Moving of Building Permit Fee - No Change	10890	Jul-95		-	-	-					
10. Pre-move Inspection Fee											
Residential	10890	Jul-95	BCI	Sq.Ft.	1	-	\$0.09	\$0.06	50%	2.88%	
Garage, Attached or Detached	10890	Jul-95	BCI	Sq.Ft.	1	-	\$0.06	\$0.04	49%	2.81%	
Commercial/Industrial	10890	Jul-95	BCI	Sq.Ft.	1	-	\$0.09	\$0.06	50%	2.88%	
11. Energy Conservation Fee											
Residential Buildings	10890	Jul-95	BCI	Sq.Ft.	1	-	\$0.06	\$0.04	50%	2.88%	
Nonresidential Buildings	10890	Jul-95	BCI	Sq.Ft.	1	-	\$0.09	\$0.06	50%	2.88%	
12. Appeals Hearing Fee	10890	Jul-95	PCE	Hr.	1.83	\$209.22	\$208.00	\$138.50	50%	2.89%	
13. Demolition Permit Fee											
Inspection Fee - Buildings and Structures with Floor Area	12906	Jul-05	BCI	Ea.	1	\$93.50	\$95.00	\$85.00	12%	1.60%	
Inspection Fee - Structures without Floor Area or development credits	12906	Jul-05	BCI	Min	36	\$56.10	\$56.00	\$48.00	17%	2.26%	
Plan Review Fee 73% No Change	12906	Jul-05	BCI	Ea.	1	-					
14. Other Inspection and Plan Check Fees											
a. Reinspection fees assessed	12906	Jul-05	BCI	Hr.	1	\$93.50	\$93.00	\$85.00	9%	1.28%	6
b. Inspections for which no fee is specifically provided.	12906	Jul-05	BCI	Hr.	1	\$93.50	\$93.00	\$85.00	9%	1.28%	6
c. Inspections outside of normal business hours	12906	Jul-05	BCI	Hr.	1	\$144.00	\$144.00	\$129.00	12%	1.58%	6
15. Permit Issuance Fee											
For the issuance of each permit or revision during the same visit	10890	Jul-95	PT	Min	20	\$31.17	\$30.50	\$20.50	49%	2.81%	7
For the issuance of each supplemental permit for the same project	10890	Jul-95	PT	Min	7	\$10.91	\$9.80	\$6.50	51%	2.92%	7
16. Photovoltaic System Permit Fees											
a. Building Permit Fee Basis	-	-	BCI	-	1	-	-	-	-	-	3, 14
b. Electrical Permit Fee for Comm., Indust. and Multi-Family Buildings	-	-	BCI	Ea.	1	-	-	-	-	-	3, 14
c. Electrical Permit Fee for Single Family Dwellings	-	-	BCI	Hr	1	\$93.62	\$93.00	-	-	-	3, 14

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Building and Engineering Analysis of Fee Adjustments

Fee Description/Basis for Fee	Last Reso.	Reso. Passed	Staff	Unit	Qty	Rate/Fee	Proposed New Fee	Current Fee	Change	Annual Change	Foot-note
B. Fee Refunds - minimum withholding	-	-	-	Ea.	1		\$60.00	-	-	-	17
C. Building Permit Fees											
See Table 1 Attached	10890	Jul-95	BCI			-			50%	2.88%	
D. Electrical Permit Fees											
1. New Residential Buildings											
New Multi Family Dwellings	10890	Jul-95	BCI	Sq.Ft.	1	-	\$0.06	\$0.04	50%	2.88%	
New Single and Two Family Dwellings	10890	Jul-95	BCI	Sq.Ft.	1	-	\$0.08	\$0.05	50%	2.88%	
Associated Garages and Carports	10890	Jul-95	BCI	Sq.Ft.	1	-	\$0.03	\$0.02	50%	2.88%	
2. Private Swimming Pools	10890	Jul-95	BCI	Min	40	\$62.33	\$61.50	\$41.00	50%	2.88%	
3. Carnivals and Circuses											
Electrical generators	10890	Jul-95	BCI	Min	20	\$31.17	\$30.50	\$20.50	49%	2.81%	
Mechanical driven rides and attractions with electrical lighting	10890	Jul-95	BCI	Min	7	\$10.91	\$10.00	\$6.50	54%	3.10%	
System or area and booth lighting, each unit	10890	Jul-95	BCI	Min	7	\$10.91	\$10.00	\$6.50	54%	3.10%	
4. Temporary Power Service											
Temp Power Pole	10890	Jul-95	BCI	Min	20	\$31.17	\$30.50	\$20.50	49%	2.81%	
Temp distribution system	10890	Jul-95	BCI	Min	10	\$15.58	\$15.80	\$10.50	50%	2.91%	
5. Receptacle, Switch, and Lighting Outlets											
First 20, each unit	10890	Jul-95	BCI	Min	1	\$1.56	\$1.55	\$1.05	48%	2.74%	
Additional outlets, each unit	10890	Jul-95	BCI	Min	0.6	\$0.94	\$0.95	\$0.65	46%	2.66%	
6. Lighting Fixtures											
First 20, each unit	10890	Jul-95	BCI	Min	1	\$1.56	\$1.55	\$1.05	48%	2.74%	
Additional fixtures, each unit	10890	Jul-95	BCI	Min	0.6	\$0.94	\$0.95	\$0.65	46%	2.66%	
For pole or platform-mounted lighting fixtures, each unit	10890	Jul-95	BCI	Min	1	\$1.56	\$1.55	\$1.05	48%	2.74%	
For theatrical-type lighting fixtures or assemblies, each unit	10890	Jul-95	BCI	Min	1	\$1.56	\$1.55	\$1.05	48%	2.74%	
7. Residential Appliances	10890	Jul-95	BCI	Min	4	\$6.23	\$6.15	\$4.10	50%	2.88%	
8. Nonresidential Appliances	10890	Jul-95	BCI	Min	4	\$6.23	\$6.15	\$4.10	50%	2.88%	
9. Power Apparatus - Motors, generators, transformers, rectifiers, etc...											
First unit, each	10890	Jul-95	BCI	Min	4	\$6.23	\$6.15	\$4.10	50%	2.88%	8
Over one, but not over 10, each unit	10890	Jul-95	BCI	Min	10	\$15.58	\$15.50	\$10.50	48%	2.74%	8
Over 10, but not over 50, each unit	10890	Jul-95	BCI	Min	20	\$31.17	\$30.50	\$20.50	49%	2.81%	8
Over 50, but not over 100, each unit	10890	Jul-95	BCI	Min	40	\$62.33	\$60.00	\$41.00	46%	2.67%	8
Over 100, each unit	10890	Jul-95	BCI	Hr.	1	\$93.50	\$94.00	\$62.50	50%	2.90%	8
10. Busways - for trolley and plug-in type busways, each 100 feet	10890	Jul-95	BCI	As Noted	1	-	\$9.75	\$6.50	50%	2.88%	
11. Signs, Outline Lighting, and Marquees											

Building and Engineering Analysis of Fee Adjustments

Fee Description/Basis for Fee	Last Reso.	Reso. Passed	Staff	Unit	Qty	Rate/Fee	Proposed New Fee	Current Fee	Change	Annual Change	Foot-note
Signs, outline lighting systems, or marquees, supplied from one branch circuit, each unit	10890	Jul-95	BCI	Min	20	\$31.17	\$30.50	\$20.50	49%	2.81%	
For each additional branch circuit within the same sign, outline lighting system, or marquee, each unit.	10890	Jul-95	BCI	Min	4	\$6.23	\$6.15	\$4.10	50%	2.88%	
12. Services											
For services of 600 volts or less and											
not over 200 amperes in rating each unit.	10890	Jul-95	BCI	Min	25	\$38.96	\$38.00	\$25.50	49%	2.82%	
over 200 amperes to 1,000 amperes in rating, each unit	10890	Jul-95	BCI	Min	50	\$77.92	\$78.00	\$52.00	50%	2.88%	
For services over 600 volts or over 1,000 amperes in rating, each unit	10890	Jul-95	BCI	Hr.	1.66	\$155.21	\$155.00	\$103.50	50%	2.86%	
13. Miscellaneous Apparatus, Conduits, and Conductors	10890	Jul-95	BCI	Min	4	\$6.23	\$23.00	\$15.50	48%	2.79%	
E. Mechanical Permit Fees											
1. Each forced-air or gravity-type furnace up to 100,000 BTU/h	10890	Jul-95	BCI	Min	12	\$18.70	\$18.50	\$12.50	48%	2.76%	
2. Each forced-air or gravity-type furnace over 100,000 BTU/h	10890	Jul-95	BCI	Min	15	\$23.38	\$23.00	\$15.50	48%	2.79%	
3. Floor furnace	10890	Jul-95	BCI	Min	12	\$18.70	\$18.50	\$12.50	48%	2.76%	
4. Suspended heater, recessed wall heater or floor-mounted unit heater	10890	Jul-95	BCI	Min	12	\$18.70	\$18.50	\$12.50	48%	2.76%	
5. Each appliance duct or vent system installed	10890	Jul-95	BCI	Min	6	\$9.35	\$9.50	\$6.50	46%	2.66%	
6. Each heating appliance, refrigeration unit, cooling unit, absorption unit, or each heating, cooling, absorption, or evaporative cooling system	10890	Jul-95	BCI	Min	12	\$18.70	\$18.50	\$12.50	48%	2.76%	
7. Each boiler or compressor up to and including three HP, or each absorption system up to and including 100,000 BTU/h	10890	Jul-95	BCI	Min	12	\$18.70	\$18.50	\$12.50	48%	2.76%	
8. Each boiler or compressor over three HP, up to and including 15 HP, or each absorption system over 100,000 BTU/h, up to and including 500,000 BTU/h	10890	Jul-95	BCI	Min	22	\$34.28	\$34.50	\$23.00	50%	2.88%	
9. Each boiler or compressor over 15 HP, up to and including 30 HP, or each absorption system over 500,000 BTU/h, up to and including 1,000,000 BTU/h	10890	Jul-95	BCI	Min	30	\$46.75	\$45.00	\$30.50	48%	2.74%	
10. Each boiler or compressor over 30 HP, up to and including 50 HP, or for each absorption system over 1,000,000 BTU/h, up to and including 1,750,000 BTU/h	10890	Jul-95	BCI	Min	45	\$70.13	\$69.00	\$46.50	48%	2.79%	
11. Each boiler or refrigeration compressor over 50 HP, or each absorption system over 1,750,000 BTU/h	10890	Jul-95	BCI	Hr.	1	\$93.50	\$115.00	\$77.00	49%	2.84%	
12. For each air-handling unit, up to and including 10,000 cubic feet per minute, including attached ducts	10890	Jul-95	BCI	Min	9	\$14.03	\$13.50	\$9.00	50%	2.88%	
13. For each air-handling unit over 10,000 cfm	10890	Jul-95	BCI	Min	15	\$23.38	\$23.00	\$15.50	48%	2.79%	
14. Fore each evaporative cooler other than a portable type	10890	Jul-95	BCI	Min	9	\$14.03	\$13.50	\$9.00	50%	2.88%	

Building and Engineering Analysis of Fee Adjustments

Fee Description/Basis for Fee	Last Reso.	Reso. Passed	Staff	Unit	Qty	Rate/Fee	Proposed New Fee	Current Fee	Change	Annual Change	Foot-note
15. For each ventilation fan connected to a single duct	10890	Jul-95	BCI	Min	7	\$10.91	\$9.75	\$6.50	50%	2.88%	
16. For each ventilation system which is not a portion of any heating or air conditioning system authorized by a permit	10890	Jul-95	BCI	Min	9	\$14.03	\$13.50	\$9.00	50%	2.88%	
17. For the installation of each hood which is served by mechanical exhaust, including the ducts for such hood.	10890	Jul-95	BCI	Min	9	\$14.03	\$13.50	\$9.00	50%	2.88%	
18. For the installation or relocation of each commercial or industrial type incinerator.	10890	Jul-95	BCI	Hr.	1	\$93.50	\$94.00	\$62.50	50%	2.90%	
19. each appliance or piece of equipment regulated by the coded	10890	Jul-95	BCI	Min	9	\$14.03	\$13.50	\$9.00	50%	2.88%	
20. Fuel/Gas piping											
a. For each gas piping system up to and including four outlets	10890	Jul-95	BCI	Min	4	\$6.23	\$5.35	\$3.55	51%	2.92%	
b. Fore each gas piping system of five or more outlets, ea outlet	10890	Jul-95	BCI	Min	1	\$1.56	\$1.35	\$0.90	50%	2.88%	
21. Process Piping											
a. For each hazardous process piping (HPP) system up to and including four outlets	10890	Jul-95	BCI	Min	6	\$9.35	\$8.75	\$5.90	48%	2.78%	
b. For each piping system of fire or more outlets, each outlet	10890	Jul-95	BCI	Min	2	\$3.12	\$1.80	\$1.20	50%	2.88%	
c. For each non-hazardous process piping (NPP) system, up to and including four outlets	10890	Jul-95	BCI	Min	3	\$4.68	\$3.50	\$2.35	49%	2.82%	
d. For each piping system of fire or more outlets, each outlet	10890	Jul-95	BCI	Ea	1	-	\$0.90	\$0.60	50%	2.88%	
F. Plumbing Permit Fees											
1. For each plumbing fixture, trap or set of fixtures on one trap	10890	Jul-95	BCI	Min	8	\$12.47	\$12.00	\$8.20	46%	2.67%	
2. For each building sewer and each trailer park sewer	10890	Jul-95	BCI	Min	8	\$12.47	\$30.50	\$20.50	49%	2.81%	
3. Rainwater systems per drain (inside buildings)	10890	Jul-95	BCI	Min	8	\$12.47	\$12.00	\$8.20	46%	2.67%	
4. For each industrial waste sample well	10890	Jul-95	BCI	Min	16	\$24.93	\$24.50	\$16.50	48%	2.79%	
5. Fore each private sewage disposal system	10890	Jul-95	BCI	Hr.	1	\$93.50	\$94.00	\$62.50	50%	2.90%	
6. For each water heater and/or vent	10890	Jul-95	BCI	Min	10	\$15.58	\$15.50	\$10.50	48%	2.74%	
7. For each industrial waste pretreatment interceptor, including its trap and vent, excluding kitchen-type grease interceptors functioning as a fixture.	10890	Jul-95	BCI	Min	16	\$24.93	\$24.50	\$16.50	48%	2.79%	
8. For installation, alteration, ore repair of water piping and/or water treating equipment, each unit.	10890	Jul-95	BCI	Min	4	\$6.23	\$6.10	\$4.10	49%	2.81%	
9. For repair or alteration of drainage or vent	10890	Jul-95	BCI	Min	4	\$6.23	\$6.10	\$4.10	49%	2.81%	
10. Fore each lawn sprinkler system on any one meter, including backflow protection devices thereof	10890	Jul-95	BCI	Min	12	\$18.70	\$18.50	\$12.50	48%	2.76%	
11. For atmospheric-type vacuum breakers not included in item 12 below											
a. 1 to 5 units	10890	Jul-95	BCI	Min	10	\$15.58	\$15.50	\$10.50	48%	2.74%	

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Building and Engineering Analysis of Fee Adjustments

Fee Description/Basis for Fee	Last Reso.	Reso. Passed	Staff	Unit	Qty	Rate/Fee	Proposed New Fee	Current Fee	Change	Annual Change	Foot- note
b. Over 5, each unit	10890	Jul-95	BCI	Min	3	\$4.68	\$3.50	\$2.35	49%	2.82%	
12. For each backflow protective device, other than atmospheric-type vacuum breakers											
a. 2 inches or smaller	10890	Jul-95	BCI	Min	10	\$15.58	\$15.50	\$10.50	48%	2.74%	
b. Over 2 inches	10890	Jul-95	BCI	Min	20	\$31.17	\$30.50	\$20.50	49%	2.81%	
13. For each gas piping system, up to and including four outlets	10890	Jul-95	BCI	Min	4	\$6.23	\$6.10	\$4.10	49%	2.81%	
14. Fore each gas piping system of fire or more outlets, each outlet	10890	Jul-95	BCI	Min	1	\$1.56	\$1.55	\$1.05	48%	2.74%	
15. Swimming Pool, Spa, and Hot Tub - Plumbing Permits											
1. Public pool	10890	Jul-95	BCI	Ea	1	-	\$61.50	\$41.00	50%	2.88%	
2. Private Pool	10890	Jul-95	BCI	Ea	1	-	\$41.00	\$27.50	49%	2.83%	
3. Pool filling system	10890	Jul-95	BCI	Min	10	\$15.58	\$15.50	\$10.50	48%	2.74%	
4. Each water heater and or vent	10890	Jul-95	BCI	Min	10	\$15.58	\$15.50	\$10.50	48%	2.74%	
5. Gas piping system, each unit	10890	Jul-95	BCI	Min	4	\$6.23	\$6.10	\$4.10	49%	2.81%	
6. Replacing of piping	10890	Jul-95	BCI	Min	4	\$6.23	\$6.10	\$4.10	49%	2.81%	
7. Miscellaneous replacements	10890	Jul-95	BCI	Min	4	\$6.23	\$6.10	\$4.10	49%	2.81%	
8. Backwash receptor	10890	Jul-95	BCI	Min	4	\$6.23	\$6.10	\$4.10	49%	2.81%	

Footnotes to Fee Adjustments

1. No Change to Fee is necessary.
2. Fee has been increased due to NPDES requirements extending the time it takes to review a project. Added 2 hours of Plan Check Engineer's time.
3. New Fee
4. State Regulated Fees – No Changes.
5. Method of Charge changed from only inspection staff back in 1995 to current staff charges shown in Tables 1 thru 4. This changes makes it consistent with all other Investigation/Enforcement Fees.
6. Additional plan review and Inspection fees moved from tables 1, 2, 3, and 4 into these sections.
7. Issuance fees have been moved from tables 1, 2, 3, and 4 into this section. Clarification has been provided that revisions also are charged an issuance fee, and that the full issuance fee is not to be charged for different permits on the same visit.
8. Fee is for each device with rating in horsepower (HP), kilowatts (kW), Kilovolt amperes (kva), or kilovolt amperes reactive (kvar), that is rated as noted.
9. Added Monitoring Wells/Boring Plan Review to recover cost associated with review of these project documents.
10. Hourly plan check fee in engineering, moved from Building section for clarity.
11. Adding traffic review for industrial-commercial and residential developments.
12. Adjusted time of review to account for review time required to complete task.

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13. Pre-Development Advisory Committee is an optional path available to developers so that they can obtain preliminary direction while working
14. Added fees for photovoltaic systems.
15. Staff Abrivations
 - BCI Building/Construction Inspector/Supervisor
 - PCE Senior Plan Check Engineer/Dep Bldg Official/Plan Check Engineer/Jr Civil Engineer
 - IOT Building/Construction Inspector/Supervisor OT
 - PEII Plans Examiner II
 - ATE Assistant Traffic Engineer
 - PT Permit Tech
16. See following tables for the revisions to this fee.
17. Added minimum amount to withhold to pay for staff for processing the paper work from submittal to refund.

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Building and Engineering Fee Tables- Analysis of Changes
Scheduled Effective date 3/13

I.A.1 Improvement plan process fee	Passed	Increase	Annual Change
Resolution 10,889 - Passed July 1995	Jul-95	149.73%	2.80%

Ranges have been increased by 1.5 and base plan review fees has been increased by 1.5

New Table

Cost of Improvements	Fee
\$0 - \$2,250	\$600
\$2,251 - \$75,000	\$600 + 2.75% of valuation over \$2,250
\$75,001 - \$450,000	\$2,600 + 2.25% of valuation over \$75,000
\$450,001 - \$12,000,000	\$11,037 + 1.15% of valuation over \$450,000
\$12,000,000 +	\$143,862 + 1.00% of valuation over \$12,000,000

Old Table

Cost of Improvements	Fee
\$0 - \$1,500	\$400
\$1,501 - \$50,000	\$400 + 2.75% of valuation over \$1,500
\$50,001 - \$300,000	\$1,775 + 2.25% of valuation over \$50,000
\$300,001 - \$8,000,000	\$7,400 + 1.15% of valuation over \$300,000
\$8,000,000 +	\$95,950 + 1.00% of valuation over \$8,000,000

Examples

Old	Value		Fee		Increase
	Old	New	Old	New	
	\$1,000	\$1,500	\$400.00	\$600.00	150.00%
	\$25,000	\$37,500	\$1,087.50	\$1,631.25	150.00%
	\$100,000	\$150,000	\$6,275.00	\$9,350.00	149.00%
	\$400,000	\$600,000	\$94,800.00	\$142,137.00	149.93%

D. Development Services' Grading Plan Checking Fees	Year	Increase	Annual Change
Grading Plan Check Fees Table	Jul-95	50.00%	2.82%
Resolution 10,889 - Passed July 1995			

Grading plan checking fees shall be as follows:

	New Fee	Old Fee	% increase	Annual Change
50 cubic yards or less	\$57.00	\$38.00	150.00%	2.82%
51 - 100 cubic yards	\$85.00	\$57.00	149.12%	2.77%
101 - 200 cubic yards	\$126.00	\$84.00	150.00%	2.82%
201 - 300 cubic yards	\$167.00	\$111.00	150.45%	2.84%
301 - 400 cubic yards	\$207.00	\$138.00	150.00%	2.82%
401 - 500 cubic yards	\$246.00	\$164.00	150.00%	2.82%
501 - 600 cubic yards	\$285.00	\$190.00	150.00%	2.82%
601 - 700 cubic yards	\$328.00	\$218.00	150.46%	2.84%
701 - 800 cubic yards	\$370.00	\$246.00	150.41%	2.84%
801 - 900 cubic yards	\$410.00	\$273.00	150.18%	2.83%
901 - 10,000 cubic yards	\$433.00	\$288.00	150.35%	2.84%
for the first 10,000 cubic yards	\$433.00	\$288.00	150.35%	2.84%
plus ____ for each additional 10,000 cubic yards or fraction thereof.	\$30.00	\$20.00	150.00%	2.82%
for the first 100,000 cubic yards,	\$704.00	\$468.00	150.43%	2.84%
plus ____ for each additional 10,000 cubic yards or fraction thereof.	\$16.00	\$11.00	145.45%	2.56%
200,000	\$864.00	\$578.00	149.48%	2.79%
plus ____ for each additional 10,000 cubic yards or fraction thereof.	\$7.00	\$5.00	140.00%	2.25%

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		Ave	
II. Development Services Inspection Fees	Year	Increase	Annual Change
A. Public Improvement Inspection Fees	Jul-95	49.00%	2.87%
Resolution 10,889 - Passed July 1995			

New Table

Cost of Improvements	Fee
\$0 - \$35,000	5.3% of estimated cost of improvement
\$35,001 - \$150,000	\$1855 + 3.8% of estimated cost of improvement over \$35,000
Over \$150,000	\$6,225 + 2.7% of estimated cost of improvement over \$150,000

Old Table

Cost of Improvements	Fee
\$0 - \$25,000	5.3% of estimated cost of improvement
\$25,001 - \$100,000	\$1,325 + 3.8% of estimated cost of improvement over \$25,000
Over \$100,000	\$4,175 + 2.7% of estimated cost of improvement over \$100,000

Examples

Value		Fee		Increase
Old	New	Old	New	Percentage
\$25,000	\$37,500	\$1,325.00	\$1,953.80	147.46%
\$50,000	\$75,000	\$2,275.00	\$3,382.60	148.69%
\$150,000	\$225,000	\$5,525.00	\$8,266.20	149.61%

II. Development Services Inspection Fees

Year Ave Inc. Annual Change

B. Development Services' Grading Inspection Fees

Jul-95 149.84% 2.81%

Resolution 10,889 - Passed July 1995

New Table

Grading inspection fees shall be as follows

	Fee
100 cubic yards or less	\$126.00
101 to 1000 cubic yards	\$126 for the first 100 cubic yards, plus \$36 for each additional 100 cubic yards or fraction thereof.
1001 to 10,000 cubic yards	\$450 for the first 1,000 cubic yards, plus \$30 for each additional 1,000 cubic yards or fraction thereof.
10,001 to 100,000 cubic yards	\$720 for the first 10,000 cubic yards, plus \$136 for each additional 10,000 cubic yards or fraction thereof.
100,000 cubic yards or more	\$1944 for the first 100,000 cubic yards, plus \$76 for each additional 10,000 cubic yards or fraction thereof.

Old Table

Grading inspection fees shall be as follows

	Fee
100 cubic yards or less	\$84.00
101 to 1000 cubic yards	\$84 for the first 100 cubic yards, plus \$24 for each additional 100 cubic yards or fraction thereof.
1001 to 10,000 cubic yards	\$300 for the first 1,000 cubic yards, plus \$20 for each additional 1,000 cubic yards or fraction thereof.
10,001 to 100,000 cubic yards	\$480 for the first 10,000 cubic yards, plus \$91 for each additional 10,000 cubic yards or fraction thereof.
100,000 cubic yards or more	\$1299 for the first 100,000 cubic yards, plus \$51 for each additional 10,000 cubic yards or fraction thereof.

Examples

Grading Cu.Yds.	Old	Fee New	Increase Percentage
100	\$84.00	\$126.00	150.00%
500	\$180.00	\$270.00	150.00%
5000	\$380.00	\$570.00	150.00%
50000	\$844.00	\$1,264.00	149.76%
150000	\$2,013.00	\$3,008.00	149.43%

Table 1 Building Permit Fees Total Building Valuation
Resolution 10,890 - Passed July 1995

Year Ave Inc. Annual Change
Jul-95 149.78% 2.80%

New Table

Total Building Valuation	Fee (not inclusive of permit issuance fee)
\$1 to \$750	\$30.50
\$751 to \$3,000	\$30.50 plus 2.95% of valuation over \$750
\$3,001 to \$37,500	\$96.88 plus 1.240% of valuation over \$3000
\$37,501 to \$75,000	\$524.68 plus 0.880% of valuation over \$37,500
\$75,001 to \$150,000	\$854.68 plus 0.650% of valuation over \$75,000
\$150,001 to \$750,000	\$1,342.18 plus 0.470% of valuation over \$150,000
\$750,001 to \$1,500,000	\$4162.18 plus 0.410% of valuation over \$750,000
\$1,500,001 and up	\$7,237.18 plus 0.295% of valuation over \$1,500,000

Old Fees

Total Building Valuation	Fee (not inclusive of permit issuance fee)
\$1 to \$500	\$20.50
\$501 to \$2,000	\$20.50 plus 2.95% of valuation over \$500
\$2,001 to \$25,000	\$64.75 plus 1.240% of valuation over \$2000
\$25,001 to \$50,000	\$349.95 plus 0.880% of valuation over \$25,000
\$50,001 to \$100,000	\$569.95 plus 0.650% of valuation over \$50,000
\$100,001 to \$500,000	\$894.94 plus 0.470% of valuation over \$100,000
\$500,001 to \$1,000,000	\$2,774.95 plus 0.410% of valuation over \$500,000
\$1,000,001 and up	\$4,824.95 plus 0.295% of valuation over \$1,000,000

Examples

Value		Fee		
Old	New	Old	New	
\$500	\$750	\$20.50	\$30.50	148.78%
\$2,000	\$3,000	\$64.75	\$96.88	149.62%
\$25,000	\$37,500	\$349.95	\$524.68	149.93%
\$50,000	\$75,000	\$569.95	\$854.68	149.96%
\$100,000	\$150,000	\$894.94	\$1,342.18	149.97%
\$500,000	\$750,000	\$2,774.95	\$4,162.18	149.99%
\$1,000,000	\$1,500,000	\$4,824.95	\$7,237.18	149.99%
\$2,000,000	\$3,000,000	\$7,774.95	\$11,662.18	150.00%

Building and Engineering Fee Tables- Analysis of Changes

Scheduled Effective date

3/13

I.A.1 Improvement plan process fee	Passed	Increase	Annual Change
Resolution 10,889 - Passed July 1995	Jul-95	149.73%	2.80%

Ranges have been increased by 1.5 and base plan review fees has been increased by 1.5

New Table

Cost of Improvements

Fee

\$0 - \$2,250	\$600
\$2,251 - \$75,000	\$600 + 2.75% of valuation over \$2,250
\$75,001 - \$450,000	\$2,600 + 2.25% of valuation over \$75,000
\$450,001 - \$12,000,000	\$11,037 + 1.15% of valuation over \$450,000
\$12,000,000 +	\$143,862 + 1.00% of valuation over \$12,000,000

Old Table

Cost of Improvements

Fee

\$0 - \$1,500	\$400
\$1,501 - \$50,000	\$400 + 2.75% of valuation over \$1,500
\$50,001 - \$300,000	\$1,775 + 2.25% of valuation over \$50,000
\$300,001 - \$8,000,000	\$7,400 + 1.15% of valuation over \$300,000
\$8,000,000 +	\$95,950 + 1.00% of valuation over \$8,000,000

Examples

Old	Value		Fee		Increase
	Old	New	Old	New	
	\$1,000	\$1,500	\$400.00	\$600.00	150.00%
	\$25,000	\$37,500	\$1,087.50	\$1,631.25	150.00%
	\$100,000	\$150,000	\$6,275.00	\$9,350.00	149.00%
	\$400,000	\$600,000	\$94,800.00	\$142,137.00	149.93%

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D. Development Services' Grading Plan Checking Fees	Year	Increase	Annual Change
Grading Plan Check Fees Table	Jul-95	50.00%	2.82%
Resolution 10,889 - Passed July 1995			

Grading plan checking fees shall be as follows:

	New Fee	Old Fee	% increase	Annual Change
50 cubic yards or less	\$57.00	\$38.00	150.00%	2.82%
51 - 100 cubic yards	\$85.00	\$57.00	149.12%	2.77%
101 - 200 cubic yards	\$126.00	\$84.00	150.00%	2.82%
201 - 300 cubic yards	\$167.00	\$111.00	150.45%	2.84%
301 - 400 cubic yards	\$207.00	\$138.00	150.00%	2.82%
401 - 500 cubic yards	\$246.00	\$164.00	150.00%	2.82%
501 - 600 cubic yards	\$285.00	\$190.00	150.00%	2.82%
601 - 700 cubic yards	\$328.00	\$218.00	150.46%	2.84%
701 - 800 cubic yards	\$370.00	\$246.00	150.41%	2.84%
801 - 900 cubic yards	\$410.00	\$273.00	150.18%	2.83%
901 - 10,000 cubic yards	\$433.00	\$288.00	150.35%	2.84%
for the first 10,000 cubic yards	\$433.00	\$288.00	150.35%	2.84%
plus _____ for each additional 10,000 cubic yards or fraction thereof.	\$30.00	\$20.00	150.00%	2.82%
for the first 100,000 cubic yards,	\$704.00	\$468.00	150.43%	2.84%
plus _____ for each additional 10,000 cubic yards or fraction thereof.	\$16.00	\$11.00	145.45%	2.56%
200,000	\$864.00	\$578.00	149.48%	2.79%
plus _____ for each additional 10,000 cubic yards or fraction thereof.	\$7.00	\$5.00	140.00%	2.25%

	Year	Ave Increase	Annual Change
II. Development Services Inspection Fees	Jul-95	49.00%	2.87%
A. Public Improvement Inspection Fees			
Resolution 10,889 - Passed July 1995			

New Table

Cost of Improvements	Fee
\$0 - \$35,000	5.3% of estimated cost of improvement
\$35,001 - \$150,000	\$1855 + 3.8% of estimated cost of improvement over \$35,000
Over \$150,000	\$6,225 + 2.7% of estimated cost of improvement over \$150,000

Old Table

Cost of Improvements	Fee
\$0 - \$25,000	5.3% of estimated cost of improvement
\$25,001 - \$100,000	\$1,325 + 3.8% of estimated cost of improvement over \$25,000
Over \$100,000	\$4,175 + 2.7% of estimated cost of improvement over \$100,000

Examples

Value		Fee		Increase
Old	New	Old	New	Percentage
\$25,000	\$37,500	\$1,325.00	\$1,953.80	147.46%
\$50,000	\$75,000	\$2,275.00	\$3,382.60	148.69%
\$150,000	\$225,000	\$5,525.00	\$8,266.20	149.61%

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II. Development Services Inspection Fees	Year	Ave Inc.	Annual Change
B. Development Services' Grading Inspection Fees	Jul-95	149.84%	2.81%
Resolution 10,889 - Passed July 1995			

New Table

Grading inspection fees shall be as follows

	Fee
100 cubic yards or less	\$126.00
101 to 1000 cubic yards	\$126 for the first 100 cubic yards, plus \$36 for each additional 100 cubic yards or fraction thereof.
1001 to 10,000 cubic yards	\$450 for the first 1,000 cubic yards, plus \$30 for each additional 1,000 cubic yards or fraction thereof.
10,001 to 100,000 cubic yards	\$720 for the first 10,000 cubic yards, plus \$136 for each additional 10,000 cubic yards or fraction thereof.
100,000 cubic yards or more	\$1944 for the first 100,000 cubic yards, plus \$76 for each additional 10,000 cubic yards or fraction thereof.

Old Table

Grading inspection fees shall be as follows

	Fee
100 cubic yards or less	\$84.00
101 to 1000 cubic yards	\$84 for the first 100 cubic yards, plus \$24 for each additional 100 cubic yards or fraction thereof.
1001 to 10,000 cubic yards	\$300 for the first 1,000 cubic yards, plus \$20 for each additional 1,000 cubic yards or fraction thereof.
10,001 to 100,000 cubic yards	\$480 for the first 10,000 cubic yards, plus \$91 for each additional 10,000 cubic yards or fraction thereof.
100,000 cubic yards or more	\$1299 for the first 100,000 cubic yards, plus \$51 for each additional 10,000 cubic yards or fraction thereof.

Examples

Grading Cu.Yds.	Old	Fee New	Increase Percentage
100	\$84.00	\$126.00	150.00%
500	\$180.00	\$270.00	150.00%
5000	\$380.00	\$570.00	150.00%
50000	\$844.00	\$1,264.00	149.76%
150000	\$2,013.00	\$3,008.00	149.43%

Table 1 Building Permit Fees Total Building Valuation
Resolution 10,890 - Passed July 1995

Year Ave Inc. Annual Change
Jul-95 149.78% 2.80%

New Table

Total Building Valuation	Fee (not inclusive of permit issuance fee)
\$1 to \$750	\$30.50
\$751 to \$3,000	\$30.50 plus 2.95% of valuation over \$750
\$3,001 to \$37,500	\$96.88 plus 1.240% of valuation over \$3000
\$37,501 to \$75,000	\$524.68 plus 0.880% of valuation over \$37,500
\$75,001 to \$150,000	\$854.68 plus 0.650% of valuation over \$75,000
\$150,001 to \$750,000	\$1,342.18 plus 0.470% of valuation over \$150,000
\$750,001 to \$1,500,000	\$4162.18 plus 0.410% of valuation over \$750,000
\$1,500,001 and up	\$7,237.18 plus 0.295% of valuation over \$1,500,000

Old Fees

Total Building Valuation	Fee (not inclusive of permit issuance fee)
\$1 to \$500	\$20.50
\$501 to \$2,000	\$20.50 plus 2.95% of valuation over \$500
\$2,001 to \$25,000	\$64.75 plus 1.240% of valuation over \$2000
\$25,001 to \$50,000	\$349.95 plus 0.880% of valuation over \$25,000
\$50,001 to \$100,000	\$569.95 plus 0.650% of valuation over \$50,000
\$100,001 to \$500,000	\$894.94 plus 0.470% of valuation over \$100,000
\$500,001 to \$1,000,000	\$2,774.95 plus 0.410% of valuation over \$500,000
\$1,000,001 and up	\$4,824.95 plus 0.295% of valuation over \$1,000,000

Examples

Value		Fee		
Old	New	Old	New	
\$500	\$750	\$20.50	\$30.50	148.78%
\$2,000	\$3,000	\$64.75	\$96.88	149.62%
\$25,000	\$37,500	\$349.95	\$524.68	149.93%
\$50,000	\$75,000	\$569.95	\$854.68	149.96%
\$100,000	\$150,000	\$894.94	\$1,342.18	149.97%
\$500,000	\$750,000	\$2,774.95	\$4,162.18	149.99%
\$1,000,000	\$1,500,000	\$4,824.95	\$7,237.18	149.99%
\$2,000,000	\$3,000,000	\$7,774.95	\$11,662.18	150.00%

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Comparison of Oxnard's Proposed Building Permit Fee
To Current Building Permit Fees and Building Permit
Fees of other Ventura County Jurisdictions

Value of Work	Oxnard Fee	Simi Valley		Ventura County		Thousand Oaks	
		BP	Difference	BP	Difference	BP	Difference
\$750	\$31	\$43	41%	\$34	11%	\$36	16%
\$3,000	\$97	\$76	-22%	\$324	234%	\$125	29%
\$37,500	\$525	\$617	18%	\$800	52%	\$777	48%
\$75,000	\$855	\$958	12%	\$1,245	46%	\$1,230	44%
\$150,000	\$1,342	\$1,477	10%	\$1,935	44%	\$1,813	35%
\$750,000	\$4,162	\$5,041	21%	\$6,710	61%	\$4,842	16%
\$1,500,000	\$7,237	\$8,219	14%	\$11,010	52%	\$6,922	-4%

Ventura County adds an additional 8% for California Energy Code inspection to Building Permit.

Thousand Oaks adds an additional 10% for inspection of Title 24 Accessibility Requirements.

Plan Check Fees as Percentage of Building Permit

City Of Oxnard	73% *No Change is proposed
County of Ventura	85%
	10% Additional for Accessibility Review
	8% Additional for Green Building Code
	8% Additional for Energy Review
	5% Additional High Fire Hazard Area
Up to	116% of Building Permit Fee
City of Simi Valley	65%
	Review of Hardship Exemptions Extra
	Review of Alternate Material Extra
City of Thousand Oaks	85%
	10% Additional for ADA Review
	5% Additional for Green Building Code
Up to	100% of Building Permit Fee

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Fee Comparison of Commercial/Industrial and Residential Buildings

Valuation	Industrial Building		Single Family Dwelling w/ Attached Garage	
	Approx. 15,000 Sqft		Approx. 2700 Sqft	
	\$1,160,901		\$285,390	
	Current	Proposed	Current	Proposed
	Fee	Fee	Fee	Fee
<u>Impact Fees</u>				
Water Meter	\$710	\$710	\$1,600	\$1,600
Water Resource Fee	\$8,375	\$8,375	\$2,792	\$2,792
Water Capitol Facility Charge	\$1,023	\$1,023	\$341	\$341
Growth Development	\$9,459	\$9,459	\$3,132	\$3,132
Art in Public Places	\$2,964	\$2,964	\$540	\$540
Traffic	\$117,063	\$117,063	\$8,030	\$8,030
Sewer WWTP	\$12,236	\$12,236	\$3,798	\$3,798
Sewer Conn	\$4,374	\$4,374	\$1,458	\$1,458
Flood Control			\$600	\$600
Refuse			\$250	\$250
Undergrounding			\$466	\$466
Storm Drain			\$1,383	\$1,383
Offsite Air Quality	\$56,912	\$56,912		
<u>Plan Check and Inspection</u>				
Building Permit	\$5,300	\$5,850	\$1,769	\$1,979
Bldg Plan Check	\$3,869	\$4,270	\$1,291	\$1,291
Electrical Permit	\$551	\$825	\$143	\$215
Electrical Plan Check	\$275	\$413		
Mechanical Permit	\$401	\$601	\$39	\$59
Mechanical Plan Check	\$200	\$300		
Plumbing Permit	\$191	\$285	\$162	\$243
Plumbing Plan Check	\$95	\$142		
Fire Sprinkler Permit	\$397	\$397	\$369	\$369
Fire Sprinkler Plan Check	\$214	\$214		
Fire Permit	\$689	\$689	\$199	\$199
Fire Plan Check	\$372	\$372		
Parks Inspection	\$272	\$272		
Parks Plan Check	\$272	\$272		
Planning Plan Review	\$640	\$851	\$160	\$244
Fire Issuance	\$82	\$82	\$41	\$41
Fire Plan Review	\$84	\$84	\$81	\$81
Energy Plan Check	\$375	\$563	\$38	\$57
Energy Inspection	\$514	\$771	\$52	\$78
<u>State Fees</u>				
State Green Bldg Fee	\$47	\$47	\$12	\$12
State Seismic Ins Fee	\$244	\$244	\$29	\$29
<u>Misc</u>				
Imaging Documents Bldg	\$1,692	\$1,692	\$58	\$58
Issuance Fee	\$103	\$151	\$82	\$123
Permit Center Surcharge	\$785	\$888	\$220	\$245
Total Fee at Building Permit	\$230,780	\$233,391	\$29,135	\$29,712
Percent Change		1.13%		1.98%

U.S. Department of Labor Bureau of Labor Statistic CPI

Date	Reso	National ¹			LA - Riverside - Orange - San Bernardino - Ventura Co. ²			difference between indexes		Inspector Rate Change ³
		CPI	June	Oct	CPI	June	Oct	June	Oct	
Dec-91	PW Fees Book	137.9	166%	168%	143.1	165%	168%	-1.47%	-0.02%	
Jul-95	Res 10,889 and 10,890	152.5	150%	152%	154.5	153%	155%	2.29%	3.67%	155%
Feb-98		161.9	142%	143%	161.1	147%	149%	4.77%	6.11%	
Nov-99	Res 11,660	168.3	136%	137%	167.1	141%	144%	4.90%	6.20%	145%
Jul-01		177.5	129%	130%	178.3	132%	135%	3.09%	4.30%	
Feb-02		177.8	129%	130%	180.1	131%	133%	1.99%	3.17%	
Jul-02	Res 12,200	180.1	127%	128%	182.2	130%	132%	2.12%	3.30%	127%
Jun-03		183.7	125%	126%	186.3	127%	129%	1.77%	2.91%	
Jul-04	Res 12,685	189.4	121%	122%	193.4	122%	124%	0.88%	1.97%	
Jul-05	Res 12,905 and 12,906	195.4	117%	118%	201.4	117%	119%	-0.25%	0.79%	109%
Apr-07		188	122%	123%	217.845	108%	110%	-13.72%	-12.87%	
June		229.48			236.025					
Oct		231.41			240.111					

1. Source <http://www.usinflationcalculator.com/inflation/consumer-price-index-and-annual-percent-changes-from-1913-to-2008/>
2. Source <http://data.bls.gov/pdq/SurveyOutputServlet>
3. Resolutions

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ATTACHMENT #2

FEE WORKSHEETS GEOGRAPHIC INFORMATION SYSTEMS (GIS)

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PROPOSED GIS FEES

	DESCRIPTION	Last Reso	Fee Effective	Current Fee	Proposed Fee	Dollar Difference	Percent Change	Comment
GIS	Map 8.5"x11" or 11"x17" Plain	12,685	July 2004	\$2.00	\$2.00	\$0.00	0.00%	
GIS	Map 17"x22" or 22"x34" Glossy	12,685	July 2004	\$25.00	\$26.00	\$1.00	4.00%	
GIS	Map 17"x22" or 22"x34" Plain	12,685	July 2004	\$14.00	\$17.00	\$3.00	21.43%	
GIS	Map 34"x44" Glossy	12,685	July 2004	\$38.00	\$40.00	\$2.00	5.26%	
GIS	Map 34"x44" Plain	12,685	July 2004	\$23.00	\$27.00	\$4.00	17.39%	
GIS	Map 42"x54" Glossy				\$54.00			NEW
GIS	Map 42"x54" Plain				\$37.00			NEW
GIS	Custom Maps & GIS Services	12,685	July 2004	\$56.00	\$68.00	\$12.00	21.43%	
GIS	Elect Data - Area 4 sq mi or less	12,685	July 2004	\$172.00	\$208.00	\$36.00	20.93%	
GIS	Elect Data - Area 4 sq mi or more	12,685	July 2004	\$340.00	\$412.00	\$72.00	21.18%	
GIS	Mail List on CD or DVD	12,685	July 2004	\$116.00	\$140.00	\$24.00	20.69%	

Proposed GIS Fees Worksheet

FEE NAME	LAST DATE	UNIT	QTY	RATE/FEE	PROP FEE	TOTAL PREV	DOL DIF	PCT CHG
Map Prints								
Map 8.5"x11"or 11"x17" (Map size A or B) 7/13/2004								
Plain Paper								
GIS Technician		HR	0.028	\$68.00	\$1.90	\$1.57	\$0.34	21.43%
Laser Jet Paper 24#		EA	1	\$0.24	\$0.24	\$0.50	-\$0.26	-52.00%
					\$2.00	\$2.00	0.00%	0.00%
Map 17"x22"or 22"x34" (Map size C or D) 7/13/2004								
Glossy Paper								
GIS Technician		HR	0.34	\$68.00	\$23.12	\$19.04	\$4.08	21.43%
Glossy Paper		EA	1	\$3.20	\$3.20	\$6.00	-\$2.80	-46.67%
					\$26.00	\$25.00	\$1.00	4.00%
Map 17"x22"or 22"x34" (Map size C or D) 7/13/2004								
Plain Paper								
GIS Technician		HR	0.22	\$68.00	\$14.96	\$12.32	\$2.64	21.43%
Plain Paper		EA	1	\$2.00	\$2.00	\$2.00	\$0.00	0.00%
					\$17.00	\$14.00	\$3.00	21.43%
Map 34"x44" (Map size E) 7/13/2004								
Glossy Paper								
GIS Technician		HR	0.5	\$68.00	\$34.00	\$28.00	\$6.00	21.43%
Glossy Paper		EA	1	\$6.40	\$6.40	\$10.00	-\$3.60	-36.00%
					\$40.00	\$38.00	\$2.00	5.26%
Map 34"x44" (Map size E) 7/13/2004								
Plain Paper								
GIS Technician		HR	0.34	\$68.00	\$23.12	\$19.04	\$4.08	21.43%
Plain Paper		EA	1	\$4.00	\$4.00	\$4.00	\$0.00	0.00%
					\$27.00	\$23.00	\$4.00	17.39%
Map 42"x54" (Oversize) NEW								
Glossy Paper								
GIS Technician		HR	0.66	\$68.00	\$44.88			
Glossy Paper		EA	1	\$9.00	\$9.00			
					\$54.00			N/A

Map 42"x54" (Oversize)*NEW***Plain Paper**

GIS Technician	HR	0.46	\$68.00	\$31.28				
Plain Paper	EA	1	\$6.00	\$6.00				
				\$37.00				N/A

Custom Maps & GIS Services*7/13/2004*

GIS Technician per hour	HR	1	\$68.00	\$68.00	\$56.00	\$12.00	21.43%
			\$68.00	\$68.00	\$56.00	\$12.00	21.43%

Electronic Data of Project Area*7/13/2004***4 Square Miles or Less**

GIS Technician	HR	3	\$68.00	\$204.00	\$168.00	\$36.00	21.43%
Compact Disk or Diskette	EA	1	\$4.00	\$4.00	\$4.00	\$0.00	0.00%
Note: If more than 3 hours required, \$68. for each additional hour.				\$208.00	\$172.00	\$36.00	20.93%

Electronic Data of Project Area*7/13/2004***More Than 4 Square Miles**

GIS Technician	HR	6	\$68.00	\$408.00	\$336.00	\$72.00	21.43%
Compact Disk or Diskette	EA	1	\$4.00	\$4.00	\$4.00	\$0.00	0.00%
Note: If more than 6 hours required, \$68. for each additional hour.				\$412.00	\$340.00	\$72.00	21.18%

Mail List Generation**Mail List on Compact Disk or CD***7/13/2004*

GIS Technician	HR	2	\$68.00	\$136.00	\$112.00	\$24.00	21.43%
Compact Disk or Diskette	EA	1	\$4.00	\$4.00	\$4.00	\$0.00	0.00%
Note: If more than 2 hours required, \$68. for each additional hour.				\$140.00	\$116.00	\$24.00	20.69%

Bond paper cost based on \$0.60 per linear foot (\$0.40 per linear foot paper and \$0.20 per square foot ink for ink/printheads)

Glossy paper cost based on \$1.20 per linear foot (\$1.00 per linear foot paper and \$0.20 per square foot ink for ink/printheads)

Labor based on total GIS program cost divided by hours of GIS staff time - (\$843,676/(2080x6) = \$67.61 rounded to \$68.

New printing costs to due use of more economical printers and better cost information

Revised 2/8/2013 DJE

HP Z6100 Ink and Printhead Costs
As of 11/29/12

Printer	MI per sq ft	Ink cartridge cost	Ink Qnty per cartridge	Ink cost /ml	Ink cost per sq ft	Printhead longevity in ml	Printhead cost per sq ft	Printhead cost	Printhead cost per sq ft	Ink & printhead cost pre sq ft
z6100	0.55	\$240.17	775	\$0.31	\$0.17	2325	0.00024	\$136.07	\$0.03	\$0.20

HP Z6100 Paper Costs
As of 11/29/12

Paper type	Cost	Size width in inches	Size length in ft	Cost per linear ft
Bond	\$60.00	42	150	\$0.40
Glossy	\$100.00	42	100	\$1.00

HP Z6100 Overall Mat'l Costs
As of 11/29/12

Estimated mat't costs	Ink/Printhead	Paper	Mat'l Costs	
A/B size bond	\$1.20	\$0.80	\$2.00	(Based on 6 sq ft for ink & 2 linear for paper)
A/B size glossy	\$1.20	\$2.00	\$3.20	(Based on 6 sq ft for ink & 2 linear for paper)
C/D size bond	\$2.40	\$1.60	\$4.00	(Based on 12 sq ft for ink & 4 linear for paper)
C/D size glossy	\$2.40	\$4.00	\$6.40	(Based on 12 sq ft for ink & 4 linear for paper)
E/Over bond	\$4.00	\$2.00	\$6.00	(Based on 20 sq ft for ink & 5 linear for paper)
E/Over glossy	\$4.00	\$5.00	\$9.00	(Based on 20 sq ft for ink & 5 linear for paper)

ATTACHMENT #2

FEE WORKSHEETS LIBRARY SERVICES

ATTACHMENT 2
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LIBRARY FEES

COMMUNITY OUTREACH

MEETING ROOM RENTAL RATES	CURRENT	PROPOSED
Meeting Room A Non-Profit Hourly Rate	\$5.00	\$5.00
Meeting Room A For Profit Hourly Rate	\$10.00	\$15.00
Meeting Room B Non-Profit Hourly Rate	\$10.00	\$10.00
Meeting Room B For Profit Hourly Rate	\$20.00	\$25.00

MEETING ROOM FEES

\$50 refundable cleaning deposit (Room must be left in same condition, if not, partial refund will be given)

\$5 to use stove/oven

\$5 to use 12-cup coffee maker

\$20 to use 55-cup coffee maker

\$25 to use PC Projector

Customers will be charged the actual cost to repair or replace damaged furniture or equipment.

INFORMATION – REFERENCE

LOCAL HISTORY	CURRENT	PROPOSED
To copy an image onto a CD:		
Personal use	No charge	\$5.00
Commercial use	\$10.00	\$15.00
Recovery fee	\$45.00	\$25.00
To use an image in a publication:		
1 – 1,000 copies	\$100.00	\$100.00
1,001 – 5,000 copies	\$200.00	\$100.00
More than 5,000	\$400.00	\$100.00
Non-profit/educational use of an image	\$0.00	\$50.00
To use an image in a DVD, Media or Website	\$0.00	\$100.00
To use an image in motion pictures or TV	\$0.00	\$150.00

PUBLIC COMPUTERS/EQUIPMENT	CURRENT	PROPOSED
Main Library (6)	\$3 hour	\$2 hour
South Oxnard Branch (32)	\$1 hour	\$2 hour
Computer prints	.10 copy	.10 copy
Photocopies	.10 copy	.10 copy
Microfilm/microfiche copies	.25 copy	.10 copy
Test Proctoring (2-hour minimum)	\$25 hour	\$25 hour

CIRCULATION**A. Fines for Overdue Materials – Per Item, Per Day**

	CURRENT	PROPOSED
1. Adult fiction & nonfiction books, magazines, ABs, CDs, CTs, LPs, Books on CD	\$.20	\$.20
2. Children's fiction & nonfiction books, magazines, ABs, CDs, CTs, Books on CD	\$.10	\$.20
3. Videos, DVDs, "MEDIA" (Adult and Children)	\$.50	\$ 1.00
4. CD-ROMS (Adult and Children)	\$ 1.00	\$ 1.00
5. Interlibrary Loans	\$ 1.00	\$ 3.00
6. Maximum fine per overdue adult item	\$ 10.00	\$ 10.00
7. Maximum fine per overdue children's item:	\$ 5.00	\$ 5.00

B. Lost Materials

Replacement cost plus Non-Refundable processing fee	Cost + \$5.00 fee	Cost + \$7.50 fee
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C. Damaged Materials

1. Not in circulating condition: Replacement cost plus Non-Refundable processing fee	Cost + \$5.00 fee	Cost + \$7.50 fee
2. Missing parts		
a. Book returned missing cover	\$ 5.00	\$ 5.00
b. Book returned missing labels	\$ 5.00	\$ 5.00
c. Book returned missing barcode	\$ 1.00	\$ 1.00
d. Magazine returned missing cover	\$ 1.00	\$ 1.00
e. Damaged audio book case (holds 1-3 cassettes)	\$ 6.00	\$ 6.00
f. Damaged audio book case (holds 4-8 cassettes)	\$ 7.00	\$ 7.00
g. Damaged audio book case (holds 9 or more cassettes)	\$ 8.00	\$ 8.00
h. Damaged audio book, "book on CD" case cover (inside case)	\$ 5.00	\$ 5.00
i. Missing tape(s) or CD	\$ 6.00 or more	\$ 6.00 or more
j. Damaged "book on CD" case (12 discs or less)	\$ 9.00	\$ 9.00
k. Books on CD case 13 – 23	\$ 10.00	\$ 10.00
l. Books on CD case 24 – 35	\$ 10.00	\$ 11.00
m. Books on CD case 36 – 47	\$ 10.00	\$ 12.00
n. Books on CD case 48 +	\$ 10.00	\$ 13.00
o. CD-ROM disc returned by itself	\$ varies	\$ varies
p. CD-ROM missing information sheet	\$ varies	\$ varies
q. Damaged/missing CD-ROM bag	\$ 1.00	\$ 1.00
r. Missing CD-ROM installation sheet	\$ 1.00	\$ 1.00
s. Compact Disc missing cover information	\$ 4.00	\$ 4.00
t. Compact Disc case missing/damaged	\$ 1.00	\$ 1.00
u. Compact Disc returned missing/or damaged out of set	\$ varies	\$ varies
v. (Music) cassette returned missing cover information	\$ 1.00	\$ 1.00
w. (Music) cassette case missing/damaged	\$ 1.00	\$ 1.00
x. Juvenile cassette/CD bag damaged/missing	\$ 1.00	\$ 1.00
y. Juvenile cassette/CD case damaged/missing	\$ 1.00	\$ 1.00
z. Video/DVD returned without cover information	\$ 3.00	\$ 3.00
aa. Video/DVD case damaged/missing	\$ 2.00	\$ 2.00
bb. Video/DVD missing 3-D glasses	\$ 2.00	\$ 2.00
cc. RFID tag damaged/missing	\$ 1.00	\$ 1.00

D. Lost Library Card

Replacement card	\$ 2.00	\$ 2.00
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E. Holds

Item not picked up	\$ 0.00	\$.25 per item
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F. Interlibrary Loans (ILL)

To request an ILL per item (*refundable if item is not available)	\$ 0.00	\$ 1.00 *
Overdue	\$ 1.00	\$3.00 per day

G. U.S. Passports

1. Execution Fee (Set by U.S. Department of State)	\$ 25.00	\$25.00
2. Passport Photo	\$ 10.00	\$10.00

ATTACHMENT 2
PAGE 47 OF 47

Development Services
Historical Revenues & Expenditures
Summary
FYs 2008 to 2012

	Average	FY2012	FY2011	FY2010	FY2009	FY2008
Development Services - Planning						
Revenues	657,675.71	484,588.19	504,047.13	673,123.02	458,163.98	1,168,456.25
Expenditures	1,729,936.07	1,426,051.84	1,536,028.23	1,882,507.24	1,886,883.36	1,918,209.66
Net	(1,072,260.35)	(941,463.65)	(1,031,981.10)	(1,209,384.22)	(1,428,719.38)	(749,753.41)
Percent Cost Recovery	38%	34%	33%	36%	24%	61%

Development Services - Building & Engineering						
Revenues	3,206,188.24	2,934,587.87	2,979,055.29	2,583,942.02	2,661,548.39	4,871,807.64
Expenditures	3,967,679.11	3,422,261.38	3,708,707.14	4,055,187.10	4,273,252.50	4,378,987.45
Net	(761,490.87)	(487,673.51)	(729,651.85)	(1,471,245.08)	(1,611,704.11)	492,820.19
Percent Cost Recovery	81%	86%	80%	64%	62%	111%

Development Services - Support (Administration)						
Revenues	199.08	80.00	235.86	459.55	200.00	20.00
Expenditures	440,983.05	406,343.33	425,959.40	405,107.46	508,849.31	458,655.76
Net	(440,783.97)	(406,263.33)	(425,723.54)	(404,647.91)	(508,649.31)	(458,635.76)
Percent Cost Recovery	0%	0%	0%	0%	0%	0%

Combined						
Revenues	3,864,063.04	3,419,256.06	3,483,338.28	3,257,524.59	3,119,912.37	6,040,283.89
Expenditures	6,138,598.23	5,254,656.55	5,670,694.77	6,342,801.80	6,668,985.17	6,755,852.87
Net	(2,274,535.19)	(1,835,400.49)	(2,187,356.49)	(3,085,277.21)	(3,549,072.80)	(715,568.98)
Percent Cost Recovery	63%	65%	61%	51%	47%	89%

Not included:						
Administrative Overhead	245,543.93	210,186.26	226,827.79	253,712.07	266,759.41	270,234.11
Share of Building Financing	560,689.00	560,689.00	560,689.00	560,689.00	560,689.00	560,689.00



Meeting Date: 04/23/13

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

Prepared By: Juliette Dang JD Agenda Item No. 0-1
Reviewed By: City Manager LEB City Attorney WA Finance JC Other (Specify) _____

DATE: March 28, 2013

TO: City Council

FROM: William E. Wilkins, Housing Director

SUBJECT: Consideration of Goals and Objectives for FY 2013-2018 Consolidated Plan and FY 2013-2014 Annual Action Plan

RECOMMENDATION

That the City Council review and approve staff recommended priorities.

DISCUSSION

Background

On January 8, 2013, City Council held the first public hearing on the multi-year FY 2013-2018 Consolidated Plan (Plan) and FY 2013-2014 Annual Action Plan (AAP). The purpose of the hearing was to obtain public input on unmet needs of extremely low to low-income persons for housing, regarding community development and homelessness, which are not currently being addressed by the City or local agencies and organizations.

On March 19, 2013 City Council held the second public hearing on the multi-year FY 2013-2018 Plan and FY 2013-2014 AAP to obtain public input as the final needs assessment process and to designate the priorities and specify the measurable objectives that will be addressed in the multi-year and annual plan documents. At the closing of the public hearing, City Council required Housing staff to submit a list of recommended priorities for approval, in April 2013.

Approach to Identifying Priorities

With the background noted above and the framework described on Attachment No. 1, staff has developed the following guidelines for City Council's consideration of the priorities:

- The priorities must meet one of the three national objectives: (1) Benefit to low-income persons; or (2) Aid in the prevention and elimination of slum and blight; or, (3) Meet other

community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community.

- The Annual Action Plan activities must benefit at least 70% of low- and moderate-income persons. The activities benefiting the L/M income persons can be based on the area benefit (Low and Moderate-income Area); or provide service to a limited clientele (Low- and Moderate –income Clientele) such as elderly persons, youth, disabled persons; or involve housing (Low- and Moderate-income Housing); or involve employment (Low- and Moderate-income Jobs).

The recommended priorities on Attachment No. 4 will also address the three established goals of the FY 2013-2018 Plan as follows:

- Develop, preserve, provide and maintain affordable housing,
- Revitalize the low- and moderate income neighborhoods with various infrastructure improvements, public facilities rehabilitation, and code enforcement, and
- Provide assistance to various public services, including homeless, youth and senior programs.

FINANCIAL IMPACT

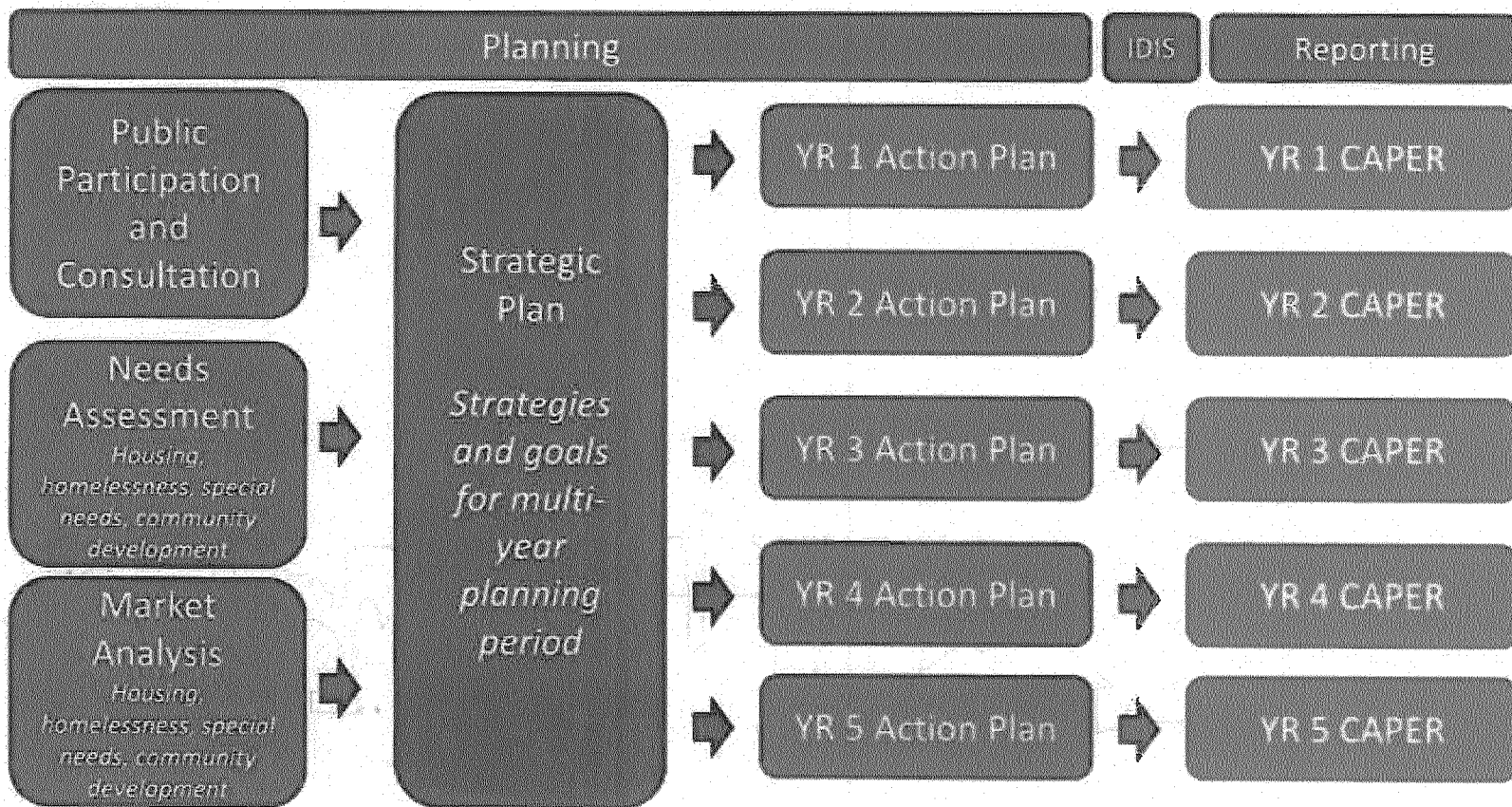
None

- Attachment 1 – Consolidated Plan Regulatory Framework
 2 – List of Participating Agencies, Groups, Organizations and Others
 3 – List of Identified Needs
 4 – List of Recommended Priorities

Consolidated Plan Regulatory Framework

24 CFR Part 91

- **Established by regulation in 1995 to create common planning requirements for CDBG, HOME, ESG, HOPWA**
- **Allows for plan to be submitted in a "form prescribed by HUD"**
- **By design, planning, should inform funding decisions that get help where it is needed**



**2013-2018 CONSOLIDATED PLAN DEVELOPMENT
CONSULTATIONS AND CITIZEN PARTICIPATION**

Revision Date: 4/02/2013

Note : This document will continue to be updated during the consultation/citizen participation process.

Name	Location	PR-10 Consultation Organization Type	PR-15 Mode of outreach and Form of Participatio	Meeting Date
Oxnard City Coucil	Council Chambers	Housing Department	Public Hearing to identify Unmet needs for LMI persons	January 8, 2013
Housing Right Center of Los Angeles	Main Libraey Room B	Fair Housing	Provide fair housing training to City and Oxnard Housing Authority staffs	January 9, 2013
Inter-Neighborhood Council Forum – Executive Board	Council Chambers	Residents	Public Comments About Consolidated Plan Development and Formulation and Community Survey	January 9, 2013
Oxnard Housing Authority Staff	Housing Department	Grants Management	Admistrative meeting re: Consolidated Plan Preparation	January 14, 2013
Senior Services Commission	Wilson Senior Center	Services- Seniors	Public Comments About Consolidated Plan Development and Formulation and Community Survey	January 15, 2013
Planning Commission	Council Chambers	Other Government-Local	Public Comments About Consolidated Plan Development and Formulation and Community Survey	January 17, 2013
Parks and Recreation Commission	Council Chambers	Other Government-Local	Public Comments About Consolidated Plan Development and Formulation and Community Survey	January 23, 2013
First 5 of Ventura County Commission	Council Chambers	Other Government-Local	Public Comments About Consolidated Plan Development and Formulation and Community Survey	January 24, 2013
Point In Time Count	1500 Colonia Rd./Del Sol Park	Homeless Assistance	Homeless Count and Community Survey Available for Participation	January 29, 2013
Inter-Neighborhood Council Forum	Council Chambers	Residents	PowerPoint Presentation related to the Consolidated Plan & Annual Action Plan preparation and the regulation requirement for the 3 grants	February 6, 2013
Consultation with Homeless Program staff	Housing Department	Grants Management	Admistrative meeting re: Consolidated Plan Preparation	February 11, 2013
Senior Services Commission	Wilson Senior Center	Other Government-Local	PowerPoint Presentation related to the Consolidated Plan & Annual Action Plan preparation and the regulation requirement for the 3 grants	February 12, 2013
Affordable Housing Division staff	Housing Department	Grants Management	Admistrative meeting re: Consolidated Plan Preparation	February 13, 2013

**2013-2018 CONSOLIDATED PLAN DEVELOPMENT
CONSULTATIONS AND CITIZEN PARTICIPATION**

Revision Date: 4/02/2013

Note : This document will continue to be updated during the consultation/citizen participation process.

Name	Location	PR-10 Consultation Organization Type	PR-15 Mode of outreach and Form of Participatio	Meeting Date
OHA Staff	Housing Department	Grants Management	Administrative meeting re: Consolidated Plan Preparation	February 14, 2013
City Staff	Oxnard Main Library	Grants Management	PowerPoint Presentation related to the Consolidated Plan & Annual Action Plan preparation and the regulation requirement for the 3 grants	February 21, 2013
Community Relations Commission	Council Chambers	Other Government-Local	PowerPoint presentation/televised	February 25, 2013
Administrative meeting with Social Services agencies	Family Investment Center-1500 Camino del Sol, #21	Social Services Agencies-local	No show from invited guests	February 27, 2013
Parks and Recreation Commission	Council Chambers	Other Government-Local	PowerPoint Presentation related to the Consolidated Plan & Annual Action Plan preparation and the regulation requirement for the 3 grants	February 27, 2013
Existing Service Providers & Social Service Agencies	Oxnard Main Library	Existing Services Providers	PowerPoint Presentation related to the Consolidated Plan & Annual Action Plan preparation and the regulation requirement for the 3 grants	March 4, 2012
Questionnaire and Answer for Consolidated Plan	U.S. Mail	Grants Management	Mailed out to Service Providers, Commissioners on Homelessness, CHDO	March 7, 2013
Homelessness Commission	Human Resources Activity Room	Other Government-Local	Rescheduled to March 18, 2013	March 8, 2013 rescheduled to March 18, 2013
Homelessness Commission	Human Resources Activity Room	Other Government-Local	PowerPoint Presentation related to the Consolidated Plan & Annual Action Plan preparation and the regulation requirement for the 3 grants	March 18, 2013
Homeless Service Providers	Housing Department	Social Services Agencies-local	Collaborating Meeting between Housing Department and service providers to Identify Needs and Priorities & Set up goals and objectives for Consolidated Plan & Annual Action Plan	March 25, 2013
Oxnard City Council	Council Chambers	Housing Department	Public Hearing to identify Unmet needs for LMI persons and to Consider Goals and Objectives for FY 2013-2018 Consolidated Plan and FY 2013-2014 Annual Action Plan	March 26, 2013

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CITY OF OXNARD
FY 2013-2018 Consolidated Plan
Identified Needs

Housing Needs

- Lack of rental affordable housing units for extremely and very low income households
 - 8,455 households are classified as extremely low income people (31% of LMI households)
 - 8,060 households are classified as very low income people (30% of LMI households)
 - Total LMI households is \$26,920
- Housing Cost Burden for extremely and very low income people
 - 24,505 extremely low income persons from various racial or ethnic group (50% of LMI persons)
 - 13,040 very low income persons from various racial or ethnic group (26% of LMI persons)
 - Total LMI persons is 49,310
- Housing Problems - The four housing problems identified by HUD are:
 - Lacks complete kitchen facilities
 - Lacks complete plumbing facilities
 - More than one person per room
 - Cost burden greater than 30% of the income

Homeless Needs

- Supportive Services
 - Essential Services
 - Case Management
 - Health Care
 - Mental Care Services
- Housing Services
 - Transitional Housing
 - Permanent Supportive Housing
 - Rapid Re-Housing
 - Shelter Services: Single fathers; Single mothers; In-tact families and Transition Aged Youth
- Job Placement and Training
 - Job Development
 - Job Locators

CITY OF OXNARD
FY 2013-2018 Consolidated Plan
Identified Needs

Non-Homeless Special Needs

- Housing and supportive services for the elderly and frail elderly persons
- Housing and supportive services for mentally ill persons
- Housing and supportive services for substance abused persons
- Housing and supportive services for disabled persons

Non-Housing Community Development

- Supportive services for transitional age youth
- Recreational services for at-risk youth
- Job training and placement for at-risk youth
- Homeless prevention and rapid re-housing services to at-risk of becoming homeless persons
- Public Facilities and improvements

Note: Low- and Moderate-income (LMI) will cover income limit category from extremely low to low income

- Extremely low income is =<30% of Area Median Income (AMI)
- Very low income is between 31-50% of Area Median Income (AMI)
- Low income is between 51-80% of Area Median Income (AMI)

CITY OF OXNARD
Consolidated Plan
FY 2013-2018 Priority Needs

The following priorities have been established as solutions to the needs identified and determined through the citizen participation process: previous consultations and discussions with various organizations and staff. Some of the priorities are reinforced by census data provided by HUD as well as comments from the public and the Community Survey results:

Housing Needs

- Facilitate the construction of rental housing units for Low-Moderate income (LMI) persons.
- Facilitate the acquisition and/or rehabilitation of rental housing units for LMI persons.
- Rehabilitate the City's owner occupied single family and mobilehome housing units.
- Provide down payment assistance to first time homebuyer residents.
- Preserve and increase the affordable housing stock in the Public Housing and Section 8 programs.
- Assist homeless persons and families with emergency shelter.
- Assist homeless persons and families moving from emergency shelter to housing.
- Assist at-risk persons and families to become homeless to housing stabilization.

Homeless Needs

- Provide supportive services for the homeless persons and families.
- Provide housing services for the homeless persons and families.
- Provide job development and job locators for the homeless persons.

Non-Homeless Special Needs

- Provide housing and supportive services to the special needs population (elderly, disabled persons, persons with mental health problems, persons with AIDS/HIV) and youth at risk.

Non-Housing Community Development

- Provide homeless prevention and rapid re-housing services to at-risk to become homeless persons and families (Non Housing Community Development)
- Improve suitable living through improved infrastructure and/or rehabilitation of public facilities (Non-Housing Community Development).
- Provide job training and opportunities to the homeless persons and youth at-risk (Non Housing Community Development).

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

Prepared By: James Cameron

Agenda Item No. **Q-1**

Reviewed By: City Manager

City Attorney

Finance

Other (Specify)

DATE: March 26, 2013**TO:** City Council**FROM:** James Cameron

Chief Financial Officer

SUBJECT: Budget Study Session – Discussion of Golf and PACC Funds and other City Funded Organizations**RECOMMENDATION**

That City Council receive information regarding funding of the Golf and the Performing Arts and Convention Center (PACC) enterprise funds as well as other City funded organizations, and provide guidance to staff for the Fiscal Years 2013-14 2014-15 Two-year Budget.

DISCUSSIONGolf and PACC Funds

The River Ridge Golf Course (RRGC) and the PACC were established as enterprise funds; however, both require financial assistance to meet ongoing operational and debt service costs. Because revenues are market driven to a greater extent than other enterprise funds, changing economic and market conditions have a significant impact. As a result, the PACC has accumulated a \$1.5 million shortfall and receives an annual subsidy from the General Fund of just under \$1 million. The Golf fund, which includes a \$1.1 million annual debt payment, has accumulated a \$1.7 million shortfall and will require about \$1.3 million annually over the next 3 years.

The RRGC, which was first constructed in 1986 as an 18 hole course and expanded to 36 holes in 2008, generally covers operating costs from revenues. However, revenues are not adequate to fully cover capital costs and debt service on outstanding bonds. Historically, the general fund provided a limited annual subsidy and more recently accumulated fund balances were adequate to meet debt service requirements. In the past two years, fund balances had been drawn down and revenues were not adequate to fully fund capital and debt service costs. As a result a \$1.7 million shortfall has accumulated and for the Fiscal Year (FY) 2012-13 budget the Council authorized a \$1.3 million loan from the Water fund. Although the demand has increased moderately with the end of the recession and rates have been adjusted to improve revenues, an annual subsidy of up to \$1.3 million is anticipated until the original bonds are paid off. This does not include the debt service on the more recent issuance when the City was forced to repurchase the Casden Property. The attached Golf Course Fund Summary

provides historical financial data.

The PACC, which is operated by the Oxnard Performing Arts Center Corporation (OPACC), is subsidized by the General Fund. The City entered into an agreement with the OPACC in 2000 for a ten year term. Although the PACC is reported in the City's Comprehensive Annual Financial Report as an enterprise fund with an independent board, a separate banking and payroll, the significant contribution of City funds relative to revenues generated from events calls into question the appropriateness of the current structure. The agreement with the OPACC has not been renewed. While the General Fund has contributed close to \$1 million annually for many years, the recession and evolving market for event space has negatively impacted revenues, resulting in a \$1.5 million fund shortfall. The City continues to own the land and buildings. The attached PACC Fund Summary provides historical financial data.

Other City Funded Organizations

The City also subsidizes several other agencies at a cost of more than \$1.2 million from the General Fund, including the Oxnard Convention and Visitors Bureau (OCVB), Economic Development Corporation of Oxnard (EDCO), and the Carnegie Museum. Annual contributions to these organizations are as follows (FY 2012-13):

OCVB	\$705,000
EDCO	\$151,000
Carnegie	\$409,000

In addition to City funding, EDCO receives \$104,000 from the Community Development Commission Successor Agency (CDCSA). EDCO, which is in its final year of a three year contract, receives additional funding from non-public sources. Funding from the CDCSA must be approved by the California State Department of Finance every six months and has not always been approved.

The City entered into a ten year agreement with the Carnegie Art Museum Cornerstones in 2010 in order to expand its ability to seek additional funding. Previously the Carnegie was part of the Library Department. As with the PACC, the City continues to own the building.

OCVB, established in 2002 as a marketing function of the City to promote leisure and business travel to the City, is 100% publicly funded from the City's General Fund. Prior to the current structure, a similar bureau established in 1974 was discontinued in 1991 due to budget difficulties. Because of falling tourism revenues, the Greater Oxnard and Harbors Tourism Bureau was established in 1994 with about 20% funding from other sources, subsequently becoming the OCVB. The agreement between the City and the OCVB is automatically renewed annually subject to City Council appropriation of funding.

FINANCIAL IMPACT

Because this item is for discussion purposes only, there is no financial impact.

Attachment 1: Golf Fund Cash Flow Analysis

Attachment 2: PACC Cash Flow Analysis

Golf Fund
Cash flow Analysis
Excluding Year-end Cash Balance Transfer*
(\$ thousands)

	Fiscal Year (ending June 30)				
	2008	2009	2010	2011	2012
Cash & Cash Equivalents July 1	13,114	3,979	1,764	19,754	(232)
Revenues	3,360	4,251	4,202	4,221	4,063
Payments					
To Suppliers	(4,116)	(4,222)	(4,184)	(3,778)	(4,246)
To employees	(47)	(47)	(47)	(47)	(66)
Net Cash from Operations	(803)	(18)	(29)	396	(249)
Non-Operating Sources and Uses					
Interest on Investments	339	79	17	-	-
Proceeds from Notes/Bonds**	-	-	40,778	21,323	-
Net Transfers From/(To) other Funds	(6,133)	2,815	-	1,679	1,299
Purchases of Capital Assets	(1,425)	(1,034)	(812)	(347)	(207)
Purchase of Land	-	(3,000)	(20,648)	-	-
Debt Service on Bonds	(1,113)	(1,057)	(1,090)	(1,089)	(2,349)
Payment on Notes/Other**			(226)	(41,948)	-
Net Cash Non-Operating	(8,332)	(2,197)	18,019	(20,382)	(1,257)
Net Increase/(Decrease) in Cash	(9,135)	(2,215)	17,990	(19,986)	(1,506)
Cash & Cash Equivalents June 30	3,979	1,764	19,754	(232)	(1,738)

* Year-end cash balance transfers are recorded as "Due to other funds" or "Due from other funds" required to cover cash shortfalls.

** In fiscal year 2010, short-term notes were issued for the repurchase of the Casden property. At the end of the fiscal year the notes were "rolled-over" resulting in a doubling of the proceeds with payment falling in 2011. In 2011, bonds were sold to pay off the notes.

Performing Arts and Convention Center Fund
Cash flow Analysis
Excluding Year-end Cash Balance Transfer*
(\$ thousands)

	Fiscal Year (ending June 30)				
	2008	2009	2010	2011	2012
Cash & Cash Equivalents July 1	-	-	(1,032)	(1,183)	(1,422)
Revenues	486	485	513	439	546
Payments					
To Suppliers	(491)	(1,219)	(412)	(503)	(490)
To employees	(1,297)	(1,272)	(1,200)	(1,123)	(1,094)
Net Cash from Operations	(1,302)	(2,006)	(1,099)	(1,187)	(1,038)
Non-Operating Sources and Uses					
Interest on Investments	-	-	-	-	(7)
Net Transfers From/(To) other Funds	1,302	982	948	948	948
Purchases of Capital Assets	-	(8)	-	-	-
Net Cash Non-Operating	1,302	974	948	948	941
Net Increase/(Decrease) in Cash	-	(1,032)	(151)	(239)	(97)
Cash & Cash Equivalents June 30	-	(1,032)	(1,183)	(1,422)	(1,519)

* Year-end cash balance transfers are recorded as "Due to other funds" or "Due from other funds" required to cover cash shortfalls.



Meeting Date: 04/23/2013

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

Prepared By: Michael More *MM*Agenda Item No. **Q-2**Reviewed By: City Manager *SPB*City Attorney *MT*Finance *JC*

Other (Specify) _____

DATE: March 26, 2013**TO:** City Council**FROM:** James Cameron, Chief Financial Officer
Finance Department *James Cameron***SUBJECT:** Community Facilities District No. 3 (Seabridge) Bond Refunding**RECOMMENDATION**

That City Council receive a presentation on the potential refunding of bonds associated with Community Facilities District No. 3 (Seabridge).

DISCUSSION

On November 15, 2005, the City issued \$32,275,000 in Community Facilities District No. 3 (Seabridge) Special Tax Bonds (the "Bonds"). The Bonds were issued to pay for infrastructure associated with the Seabridge development. At the present time, there exists an opportunity to refinance the Bonds, which will result in measurable savings to property owners, estimated at approximately 7% on a net present value basis.

Through the City's financial advisor, staff issued a Request for Proposals to eight investment banking firms qualified in the City's investment banking pool to provide proposals to refinance the Bonds. The City received proposals from four firms and staff has determined that Piper Jaffray & Co. best meets the requirements of this particular refunding. When the City is ready to close on the bonds, staff will return to City Council for formal approval of the underwriter and bond documents associated with the refunding of the Bonds.

FINANCIAL IMPACT

There is no financial impact associated with this action.

MM