

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

May 7, 2013

5:30 P.M.

A. ROLL CALL/POSTING OF AGENDA

*** The Oxnard Community Development Commission Successor Agency, 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 Resolution to Mike O'Malia for over Forty-Four Years of Outstanding Service to the City of Oxnard. (001)
RECOMMENDATION: Approve Resolution.
2. SUBJECT: Presentation of Resolution to Saul Medina for Service on the Planning Commission. (003)
RECOMMENDATION: Approve Resolution.
3. SUBJECT: Presentation of 30th Annual Strawberry Festival Poster.

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 Manager Department

1. SUBJECT: Agreements for City Council Review. (005)
RECOMMENDATION: Pursuant to Ordinance 2835 and Resolution 13,932, approve and authorize the Interim City Manager, to execute the attached agreements/contracts and change orders/amendments in amounts more than \$25,000 but less than \$250,000.
Legislative Body: CC Contact: Karen Burnham Phone: 385-7430

City Treasurer Department

2. SUBJECT: Quarterly Investment Report for the Third Quarter F/Y 2012-2013. (009)
RECOMMENDATION: Accept the Quarterly Investment Report for the Third Quarter F/Y 2012-2013.
Legislative Body: CC Contact: Danielle Navas Phone: 385-7810

Development Services Department

3. SUBJECT: Relinquishment Agreement with Caltrans for Wagon Wheel Road. (017)
RECOMMENDATION: Approve and authorize the Mayor to approve the Relinquishment Agreement with Caltrans that will result in the City taking ownership of Wagon Wheel Road and give authority to the City Manager to approve minor agreement modifications.
Legislative Body: CC Contact: Jason Samonte Phone: 385-7872

4. SUBJECT: Second Reading of Ordinance No. 2866 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. (025)
RECOMMENDATION: Second reading and adoption.
Legislative Body: CC Contact: Brian Foote Phone: 385-8312

Housing Department

5. SUBJECT: US Department of Housing and Urban Development Continuum of Care Grant Awards. (029)
RECOMMENDATION: 1) Authorize the Interim City Manager to execute any agreements necessary to accept the grant award; and 2) Authorize the Interim City Manager to appropriate funds upon award.
Legislative Body: CC Contact: Will Reed Phone: 385-8044

Police Department

6. SUBJECT: Second Reading of Ordinance No. 2865 to Amend Vending Provisions of Oxnard City Code Relating to Vending Near Schools and Day-Care Centers. (039)
RECOMMENDATION: Second reading and adoption.
Legislative Body: CC Contact: Rob Silverstein Phone: 385-8263

Public Works Department

7. SUBJECT: Third and Fourth Amendments to Agreement with AECOM Technical Services, Inc. (A-7230) for Grant Management and Construction Management Services for the Effluent Sampling Facilities Project. (041)
 RECOMMENDATION: Ratify the Third Amendment and approve and authorize the Mayor to execute the Fourth Amendment to the agreement with AECOM Technical Services, Inc. (A-7230) to increase the amount by \$316,882 from a total of \$6,800,021 to \$7,116,903 for continued grant management and construction management services for the Effluent Sampling Facilities Project and to extend the Agreement term from April 30, 2013 to August 31, 2014.
Legislative Body: CC Contact: Lou Balderrama Phone: 340-5358
8. SUBJECT: Agreement with Weck Laboratories, Inc. for Laboratory Chemical Testing and Sampling for the Water Resources Division. (053)
 RECOMMENDATION: Approve and authorize the Mayor to execute an agreement with Weck Laboratories, Inc. (A-7583) for an amount not exceed \$900,000 for three (3) years for laboratory chemical testing and sampling for the Water Resources Division.
Legislative Body: CC Contact: Anthony Emmert Phone: 207-1669

- Legislative Body: CC

Contact: Grant Dunne

Phone: 340-8365

Legislative Body: CC

Contact: Sue Martin

Phone: 385-7858

Legislative Body: CC

Contact: William E. Wilkins

Phone: 385-8094

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.

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

O. REPORTS

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.

City Manager Department

1. **SUBJECT:** Study Session for 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

R. STUDY SESSION

Recreation and Community Services Department

1. **SUBJECT:** “Aquatics/Learn to Swim” Program Discussion. (193)
RECOMMENDATION: Receive information regarding “Aquatics/Learn to Swim” Program and provide guidance to staff.
Legislative Body: CC **Contact:** Sofia Balderrama **Phone:** 385-7993

Fire Department

2. SUBJECT: Study Session on Ocean Lifeguard Services. (197)
RECOMMENDATION: Conduct a study session on Ocean Lifeguard Services.
 Legislative Body: CC Contact: Brad Windsor Phone: 385-7708

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.

May 7, 2013

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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 - ANTICIPATED LITIGATION.

- CC On the advice of the City Attorney, based on existing facts and circumstances, the City Council shall decide whether to initiate litigation in one potential case, pursuant to Government Code section 54956.9(c).

The 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 – Anticipated 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

CITY COUNCIL OF THE CITY OF OXNARD

AGENDA ITEM NO.

E-1

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD
COMMENDING MICHAEL O'MALIA FOR FORTY-FOUR YEARS OF
OUTSTANDING SERVICE TO THE CITY OF OXNARD

WHEREAS, Michael O'Malia has faithfully served the residents and businesses of the Oxnard community as a Firefighter from 1968 to 1973, developing many new training programs for the fire department; and

WHEREAS, Michael O'Malia has distinguished himself as a Fire Captain from 1973 to 1998 who consistently brought a high level of dedication and commitment to his position, and who responded to over 15,000 to 20,000 emergencies to assist the residents of Oxnard and developed and implemented the Fire Department's first Hazardous Materials Response training program, and;

WHEREAS, Michael O'Malia served as a Fire Battalion Chief from 1998 to 2011, and who participated in many regional committees to improve the emergency response capabilities for all fire departments within Ventura County, oversaw the Oxnard Fire Department's Water Rescue Program, Dive Team, Emergency Communications and Hazardous Materials Response Program, and;

WHEREAS, Michael O'Malia served as interim Fire Chief from 2011 to 2013, providing leadership and direction to the 104 members of the Oxnard Fire Department while providing representation of the Oxnard Fire Department to City Council and Community meetings, and ;

WHEREAS, Michael O'Malia has also participated in numerous professional organizations and community boards including: Ventura County Fire Chiefs Association, Oxnard College Fire Advisory Board, State Homeland Security Grant Approving Board, and;

NOW, THEREFORE, the City Council of the City of Oxnard does hereby resolve to commend, recognize and extend its gratitude to Michael O'Malia for forty-four years of dedicated public service.

PASSED AND ADOPTED THIS 7th day of May 2013, by the following vote:

AYES:

NOES:

ABSENT:

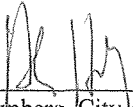
ABSTAIN:

Tim Flynn, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD
HONORING SAUL MEDINA FOR OVER EIGHT YEARS OF SERVICE AS A
PLANNING COMMISSIONER FOR THE CITY OF OXNARD.

WHEREAS, Saul Medina served as a Planning Commissioner for the City of Oxnard from January, 2005 to February, 2013; and

WHEREAS, Mr. Medina also served as the vice-chair of the Planning Commission; and

WHEREAS, Mr. Medina consistently reviewed all materials submitted for Planning Commission consideration and carefully weighed the viewpoints of all who testified and appeared before the Planning Commission; and

WHEREAS, as vice-chair of the Planning Commission, Mr. Medina insured that the opinions of all commissioners were carefully considered and respected; and

WHEREAS, during his tenure as a Planning Commissioner, Mr. Medina participated in deliberations and decisions on many significant projects that have affected the Oxnard community, including: adoption of Las Brisas, Camino Real Business Park, Oxnard Village, and Sakioka Farms Business Park Specific Plans; several components of the GREAT Program; certification of the College Park Master Plan Environmental Impact Report; progress toward adoption of the 2030 General Plan and Housing Element; adoption of the Center Point Mall Master Plan; Expansion of the Guadalupe Church; Reasonable Accommodations; Carriage Square; Rose Ranch; South Shore; Campus Park, CarMax; Vallarta Market, Food 4 Less Grocery Store; as well as numerous other significant residential, commercial, and industrial projects.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OXNARD DOES HEREBY recognize and extend its gratitude to Mr. Saul Medina for over eight years of dedicated service as a Planning Commissioner for the City of Oxnard and offer best wishes for much luck and success in all future endeavors.

PASSED AND ADOPTED this 7th day of May, 2013, by the following vote:

AYES:

NOES:

ABSENT:

ATTEST:

Daniel Martinez, City Clerk

Tim Flynn, Mayor

APPROVED AS TO FORM:

Alan Holmberg, City Attorney



Meeting Date: 5/07/2013

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

Prepared By: Karen R. Burnham, Interim City Manager

Agenda Item No. I-1

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

DATE: April 30, 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 05/07/2013

Item	Type	Department/Contact	Vendor/Agreement Number	Description/Purpose	Amount
A	Original Agreement	Police - Police Support Services Scott Hebert 385-7616	Channel Islands Polygraph and Investigations, Inc. Agreement No. 6198-13-PO	Polygraph Services Contract The City posted an RFP for polygraph services. The services will be for background and criminal polygraph investigations for the police department. The RFP was sent to seven potential vendors, and only one responded with a proposal. The one response was from Channel Islands Polygraph and Investigations, Inc.. The principal of this firm is a retired police commander who conducted background and criminal polygraph investigations as a part of his regular duties. The Police Department recommends selecting Channel Islands Polygraph and Investigations, Inc. as the vendor, and that the term of the contract be for one year, with two possible one year extensions. Total Contract Amount: \$60,000 FundingSource: General Fund	\$60,000
B	Original Agreement	General Services Sergio Cervantes 385-8245	Natural Green Landscape, Inc. Agreement No. 6192-13-CM	Landscape Maintenance Agreement Provide landscape maintenance services for Aldea del Mar, District 38. A Request for Bid was issued to five vendors. Bid was awarded to the lowest bidder. Agreement allows for 2 one year amendments. Total Contract Amount: \$25,800 FundingSource: Street Landscaping Funds	\$25,800
C	Original Agreement	Police Paul Cummings 732-9112	Ventura County Probation Agency Agreement No. A-7562	Operational Agreement for Post Release Offender (PRO) Supervision City to provide a full-time police officer and equipment working directly with Ventura County Probation Agency to ensure the success of the Post Release Offender Teams. The position is funded by the Public Safety Realignment Act 2011. The teams are a collaborative endeavor that will be responsible for case management and supervision of offenders, and to gather, share, and track information in a comprehensive and cohesive manner to facilitate the successful release for the offenders. The objectives of the PRO Team is to enhance public safety, decrease recidivism, and increase the number of offenders that will successfully reintegrate into the communities of Ventura County. Total Contract Amount: \$200,934 FundingSource: Public Safety ReAlignment Funds/Reimbursement to General Fund	\$200,934

ATTACHMENT
PAGE 1 OF 2

City Manager Contract List for 05/07/2013

Item	Type	Department/Contact	Vendor/Agreement Number	Description/Purpose	Amount
D	Amendment	General Services - Street Landscaping Leo Ovalle 385-7590	West Coast Arborist Agreement No. 4911-09-CM Amendment 1	Tree Maintenance Services Trade Services Agreement for tree maintenance services to the City. Additional funds are required to cover cost of services of agreement and to extend to 2015. A 1st and 2nd Amendment were issued in 2010 & 2012. Original agreement entered into in 2009 as a piggy back onto the City of Santa Barbara bid and agreement with West Coast Arborists. To maintain the current fee structure the Vendor is requesting an extension of the agreement to 2015. Total Contract Amount: \$200,000 FundingSource: General Fund	\$100,000
E	Amendment	Public Works/ER Todd Housley 890-3153	E-Recycling of California Agreement No. A-7474 Amendment 1	Electronics Recycling Services To extend the expiration date to April 17, 2014. E-Recycling provides electronics recycling services for the community and pays monthly rebates to the City for the electronic waste collected. The anticipated revenue is approximately \$25,000, depending on the amount of recyclables received. The City issued an RFP in January 2012 with E-Recycling having the highest reimbursement rate and was awarded the contract. This is the first of two (2) additional one year terms allowed in the original agreement. Total Contract Amount: \$75,000 FundingSource: E-Recycling Revenue	\$25,000
F	Purchase Order	Fire - Certified Unified Program Agency (CUPA) Miguel Trujillo 385-7702	Penske Mercedes Benz of West Covina Purchase Order No. 4441	CUPA Van Replacement Staff posted a Request for Bid and three bids were received. Selected vendor provided the most complete and responsible bid for replacement of a CUPA van. Total Contract Amount: \$72,864 FundingSource: State CUPA Grant	\$72,864

ATTACHMENT
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#1



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

Prepared By: Danielle M. Navas

Agenda Item No. I-2

Reviewed By: City Manager

City Attorney

Finance

Other (Specify)

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

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

DISCUSSION

The City Treasurer will continue to provide this quarterly report to keep you informed of the status of the investment portfolio, however, it is no longer required by state law. This is one of many previously reimbursable state mandated items not required due to lack of state funding. The Investment Policy was presented to City Council with the Annual Report of Investment Policy on September 25, 2012. The City of Oxnard Treasurer's Office Market Report as of March 31, 2013 is provided as Attachment 1. The source of the market values is Sungard, the vendor of the City's investment reporting system. Investments in the City's portfolio meet the requirements of the City of Oxnard's adopted investment policy. Detailed information regarding individual investments is maintained in the City Treasurer's Office.

The following statistics provide a summary on the status of the portfolio as of March 31, 2013:

Original cost of investments	\$ 96,003,795	Book Value
Total to be received at maturity	\$ 96,000,000	Par Value
If sold on March 31, 2013	\$ 96,497,940	Market Value
Gain/ (Loss) if sold on March 31, 2013	\$ 494,145*	

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

Total earnings (3rd quarter)	\$ 232,065	
Average yield (3rd quarter)	.92%	(for the month .93%)
Average days to maturity (3rd quarter)	790	(for the month 883 days)

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

April 15, 2013

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The quarterly average yield on the portfolio was .92 percent compared with the Local Agency Investment Fund (LAIF) yield of .29 percent for the same period. The LAIF portfolio is comprised of public funds invested on a short-term basis with priority of safety first followed by need for liquidity and yield, the priorities of the City Treasurer's Investment Policy.

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

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

FINANCIAL IMPACT

None at this time.

Attachment #1 –Investment Inventory as of March 31, 2013

Attachment #2 – Benchmark Rate Comparison

Inventory by Market Value

As Of Date: 03/31/2013

Date Basis: Settlement

City of Oxnard - Treasurer's Office

Inv. No.	Description	CUSIP	Purchase Maturity	Coupon YTM TR	Current Par /Share Current Book	Market Value Market Price	Curr Accr Int Price Source
Inv Type: 12 FEDERAL HOME LOAN BANK BONDS							
16849	FHLB	313370KU1	08/16/2010	1.500000	2,000,000.00	2,040,340.00	10,250.00
			11/28/2014	1.500000	2,000,000.00	102.017000	SUNGARD
16862	FHLB	313370ZX9	09/20/2010	1.125000	2,000,000.00	2,014,340.00	687.50
			12/30/2013	1.125000	2,000,000.00	100.717000	SUNGARD
16878	FHLB	313372QK3	02/17/2011	2.600000	2,000,000.00	2,108,880.00	8,955.56
			01/29/2016	2.600000	2,000,000.00	105.444000	SUNGARD
16897	FHLB	313374T42	07/29/2011	1.500000	2,000,000.00	2,007,540.00	5,166.67
			07/29/2015	1.500000	2,000,000.00	100.377000	SUNGARD
16913	FHLB	313378CB5	02/17/2012	.600000	2,000,000.00	2,010,340.00	2,033.33
			07/30/2015	.600000	2,000,000.00	100.517000	SUNGARD
16921	FHLB	313379B65	05/15/2012	.600000	2,000,000.00	2,000,080.00	4,533.33
			05/15/2015	.600000	2,000,000.00	100.004000	SUNGARD
16924	FHLB	313379J34	06/06/2012	1.150000	2,000,000.00	2,010,280.00	7,347.22
			06/06/2017	1.160322	1,999,100.77	100.514000	SUNGARD
16937	FHLB	313381AD7	11/21/2012	.700000	2,000,000.00	2,001,520.00	5,055.56
			11/21/2016	.700000	2,000,000.00	100.076000	SUNGARD
16938	FHLB	313381RE7	01/30/2013	1.000000	2,000,000.00	1,997,280.00	3,388.89
			01/30/2018	1.000000	2,000,000.00	99.864000	SUNGARD
Subtotal				1.197225	18,000,000.00	18,190,600.00	47,418.06
				1.198371	17,999,100.77	101.058889	
Inv Type: 13 FEDERAL NATIONAL MORTGAGE ASSN							
16854	FNMA	31398A3G5	09/08/2010	1.500000	2,000,000.00	2,031,520.00	1,916.67
			09/08/2014	1.500000	2,000,000.00	101.576000	SUNGARD
16858	FNMA	3136FPEW3	09/16/2010	1.500000	2,000,000.00	2,039,740.00	8,750.00
			12/16/2014	1.500000	2,000,000.00	101.987000	SUNGARD
16860	FNMA	3136FPEX1	09/17/2010	1.125000	2,000,000.00	2,013,680.00	6,500.00
			12/17/2013	1.125000	2,000,000.00	100.684000	SUNGARD
16919	FNMA	3135G0JQ7	04/04/2012	1.090000	2,000,000.00	2,000,100.00	10,718.33
			04/04/2016	1.090000	2,000,000.00	100.005000	SUNGARD
16923	FNMA	3136G0KQ3	05/25/2012	1.200000	2,000,000.00	2,017,200.00	8,533.33
			05/23/2017	1.200000	2,000,000.00	100.860000	SUNGARD
16931	FNMA	3136G0ZG9	08/28/2012	1.150000	2,000,000.00	2,007,260.00	2,108.33
			08/28/2017	1.150000	2,000,000.00	100.363000	SUNGARD
16935	FNMA	3136G02U4	11/14/2012	.625000	2,000,000.00	2,000,180.00	4,756.94
			11/14/2016	.625000	2,000,000.00	100.009000	SUNGARD
16936	FNMA	3136G04S7	11/21/2012	.750000	2,000,000.00	2,003,440.00	1,666.67
			02/21/2017	.750000	2,000,000.00	100.172000	SUNGARD



Inventory by Market Value

As Of Date: 03/31/2013

Date Basis: Settlement

City of Oxnard - Treasurer's Office

16939	FNMA	3135G0TV5	01/30/2013	1.030000	2,000,000.00	1,999,880.00	3,490.56
			01/30/2018	1.030000	2,000,000.00	99.994000	SUNGARD
16942	FNMA	3136G1BK4	02/05/2013	1.000000	2,000,000.00	2,000,160.00	3,111.11
			02/05/2018	1.000000	2,000,000.00	100.008000	SUNGARD
Subtotal				1.097000	20,000,000.00	20,113,160.00	51,551.94
				1.097000	20,000,000.00	100.565800	

Inv Type: 17 FEDERAL FARM CREDIT BANK BONDS

16918	FFCB	3133EAJW9	04/02/2012	.740000	2,000,000.00	2,000,100.00	7,358.89
			04/02/2015	.740000	2,000,000.00	100.005000	SUNGARD
16920	FFCB	3133EAPB8	05/02/2012	1.230000	2,000,000.00	2,002,180.00	10,181.67
			05/02/2017	1.230000	2,000,000.00	100.109000	SUNGARD
16928	FFCB	3133EAP28	08/22/2012	1.100000	2,000,000.00	2,006,920.00	2,383.33
			08/22/2017	1.100000	2,000,000.00	100.346000	SUNGARD
16929	FFCB	3133EAP28	08/22/2012	1.100000	2,000,000.00	2,006,920.00	2,383.33
			08/22/2017	1.100000	2,000,000.00	100.346000	SUNGARD
16933	FFCB	3133EA3J5	10/10/2012	.900000	2,000,000.00	1,998,020.00	8,550.00
			10/10/2017	.900000	2,000,000.00	99.901000	SUNGARD
16934	FFCB	333EA4H84	10/11/2012	.820000	2,000,000.00	2,000,000.00	3,644.44
			07/11/2017	.820000	2,000,000.00	100.000000	BOOK
16940	FFCB	3133ECEQ3	02/06/2013	1.100000	2,000,000.00	2,005,480.00	3,361.11
			02/06/2018	1.100000	2,000,000.00	100.274000	SUNGARD
16941	FFCB	3133ECEQ3	02/06/2013	1.100000	2,000,000.00	2,005,480.00	3,361.11
			02/06/2018	1.100000	2,000,000.00	100.274000	SUNGARD
Subtotal				1.011250	16,000,000.00	16,025,100.00	41,223.88
				1.011250	16,000,000.00	100.156875	

Inv Type: 23 OTHER GOVERNMENT AGENCIES

16915	FHLMC	3134G3PE4	02/24/2012	.850000	2,000,000.00	2,000,000.00	1,747.22
			02/24/2016	.850000	2,000,000.00	100.000000	UPRICE
16922	FHLMC	3134G3UQ1	05/15/2012	1.150000	2,000,000.00	2,015,900.00	8,688.89
			05/15/2017	1.150000	2,000,000.00	100.795000	SUNGARD
16927	FHLMC	3134G3ZR4	08/07/2012	1.000000	2,000,000.00	1,990,960.00	3,000.00
			08/07/2017	1.000000	2,000,000.00	99.548000	SUNGARD
Subtotal				1.000000	6,000,000.00	6,006,860.00	13,436.11
				1.000000	6,000,000.00	100.114333	

Inv Type: 81 MUNICIPAL BONDS

16873	MUNI	544587US5	11/23/2010	3.185000	1,000,000.00	1,000,000.00	13,270.83
			11/01/2013	3.185000	1,000,000.00	100.000000	BOOK
Subtotal				3.185000	1,000,000.00	1,000,000.00	13,270.83
				3.185000	1,000,000.00	100.000000	

Inv Type: 85 DEPOSIT NOTES



Inventory by Market Value

As Of Date: 03/31/2013

Date Basis: Settlement

City of Oxnard - Treasurer's Office

16844	MTN	36962G4L5	07/08/2010	3.500000	2,000,000.00	2,115,620.00	17,888.89
			06/29/2015	3.500000	2,000,000.00	105.781000	SUNGARD
16868	MTN	931142CX9	10/25/2010	1.500000	2,000,000.00	2,051,560.00	13,000.00
			10/25/2015	1.510420	1,999,400.88	102.578000	SUNGARD
16943	MTN	25468PCV6	03/05/2013	1.100000	2,000,000.00	1,998,640.00	7,394.45
			12/01/2017	1.100000	2,005,805.56	99.932000	SUNGARD
Subtotal				2.032484	6,000,000.00	6,165,820.00	38,283.34
				2.035954	6,005,206.44	102.763667	
Inv Type: 86 DEPOSIT NOTES QUARTERLY							
16932	MTN	36962G5Y6	06/07/2012	1.500000	2,000,000.00	1,996,400.00	2,666.67
			05/30/2017	1.506253	1,999,488.12	99.820000	SUNGARD
Subtotal				1.500000	2,000,000.00	1,996,400.00	2,666.67
				1.506253	1,999,488.12	99.820000	
Inv Type: 99 PASSBOOK INTEREST							
16434	LOCAL AGENCY INVEST		07/01/2002	.310000	27,000,000.00	27,000,000.00	30,319.74
			04/01/2013	.310000	27,000,000.00	100.000000	BOOK
Subtotal				.310000	27,000,000.00	27,000,000.00	30,319.74
				.310000	27,000,000.00	100.000000	
Grand Total				Count 36	.962761	96,000,000.00	96,497,940.00
					.963323	96,003,795.33	100.518688

*Includes Accrued Discount: \$589.77

Earned Interest Yield This Period: 0.93%

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

ATTACHMENT 1
PAGE 3 OF 4

Inventory by Market Value

As Of Date: 03/31/2013

Date Basis: Settlement

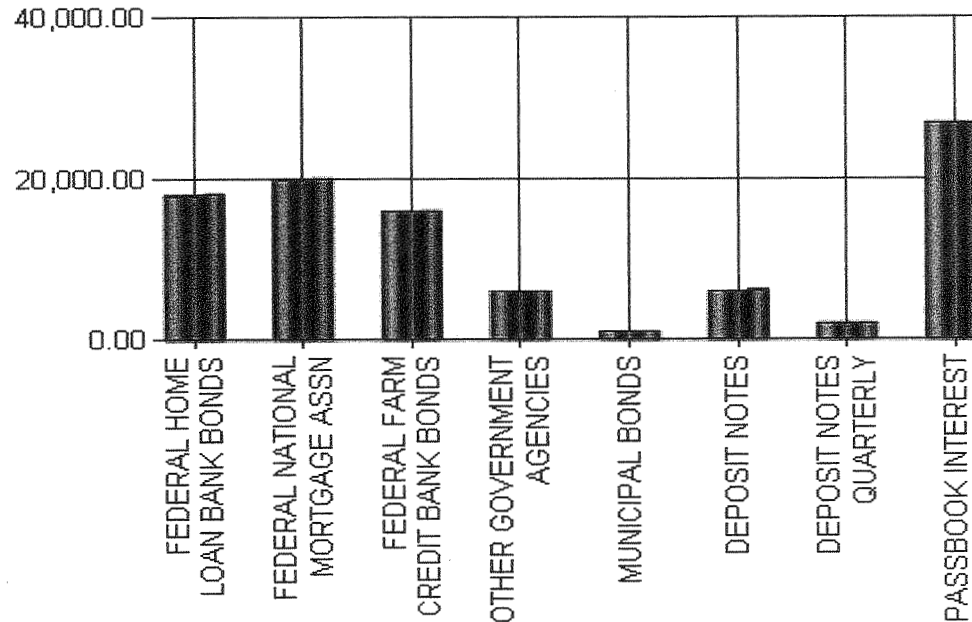
City of Oxnard - Treasurer's Office

Assets	Current Par	Current Book	Market	MKT/Book	Yield
FEDERAL HOME LOAN BANK BONDS	18,000,000.00	17,999,100.77	181,906,000.00	101.06%	1.20%
FEDERAL NATIONAL MORTGAGE ASSN	20,000,000.00	20,000,000.00	20,113,160.00	100.57%	1.10%
FEDERAL FARM CREDIT BANK BONDS	16,000,000.00	16,000,000.00	16,025,100.00	100.16%	1.01%
OTHER GOVERNMENT AGENCIES	6,000,000.00	6,000,000.00	6,006,860.00	100.11%	1.00%
MUNICIPAL BONDS	1,000,000.00	1,000,000.00	1,000,000.00	100.00%	3.19%
DEPOSIT NOTES	6,000,000.00	6,005,206.44	6,165,820.00	102.67%	2.04%
DEPOSIT NOTES QUARTERLY	2,000,000.00	1,999,488.12	1,996,400.00	99.85%	1.51%
PASSBOOK INTEREST	27,000,000.00	27,000,000.00	27,000,000.00	100.00%	0.31%
Totals	96,000,000.00	96,003,795.33	96,497,940.00	100.51%	0.96%

Asset Allocation

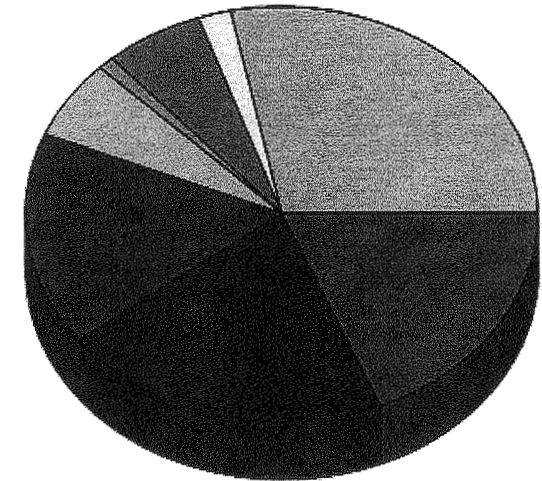
14

(\$,000)



■ Par ■ Book ■ Market

CURRENT PAR%



■ FEDERAL HOME LOAN BANK BONDS - 19%
 ■ FEDERAL NATIONAL MORTGAGE ASSN - 21%
 ■ FEDERAL FARM CREDIT BANK BONDS - 17%
 ■ OTHER GOVERNMENT AGENCIES - 6%
 ■ MUNICIPAL BONDS - 1%
 ■ DEPOSIT NOTES - 6%
 ■ DEPOSIT NOTES QUARTERLY - 2%
 ■ PASSBOOK INTEREST - 28%

**CITY OF OXNARD BENCHMARK COMPARISON
VS. LAIF AND 2-YR TREASURIES
as of March 31, 2013**

<u>FISCAL YEAR</u>		<u>CITY</u>	<u>LAIF</u>	<u>2 YR TREASURY</u>
2005/06	12 mo avg	3.70	3.84	4.46
2006/07	12 mo avg	4.24	5.11	4.81
2007/08	12 mo avg	4.68	3.11	3.08
2008/09	12 mo avg	3.79	2.16	1.51
2009/10	12 mo avg	2.34	0.65	0.86
2010/11	12 mo avg	2.02	0.49	0.55
2011/12	12 mo avg	1.34	0.38	0.28
SUBTOTAL - 7 Years		22.11	15.74	15.55
Annual Average (7 years)		3.16	2.25	2.22
<u>Quarterly Average FY 2012-13</u>		<u>CITY</u>	<u>LAIF</u>	<u>2 YR TREAS</u>
	<i>First Quarter</i>	0.92	0.36	0.41
	<i>Second Quarter</i>	0.89	0.33	0.27
	<i>Third Quarter</i>	0.92	0.29	0.26
	<i>Fourth Quarter</i>			
		<u>0.91</u>	<u>0.33</u>	<u>0.31</u>
CITY = CITY OF OXNARD				
LAIF = STATE LOCAL AGENCY INVESTMENT FUND				
2 YR TREASURY = U S GOVERNMENT TREASURY BILLS - 2 YR MATURITY				



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

Prepared By: Jason M. SamonteAgenda Item No. I-3
 Reviewed By: City Manager [Signature] City Attorney [Signature] Finance [Signature] Development Services Director [Signature]
DATE: April 24, 2013**TO:** City Council
FROM: Jason M. Samonte, Traffic Engineer
 Development Services Department [Signature]
SUBJECT: Relinquishment Agreement with Caltrans for Wagon Wheel Road**RECOMMENDATION**

That City Council approve and authorize the Mayor to approve the Relinquishment Agreement with Caltrans that will result in the City taking ownership of Wagon Wheel Road and give authority to the City Manager to approve minor agreement modifications.

DISCUSSION

As part of the redevelopment of the Wagon Wheel area it is desired that the City have ownership of Wagon Wheel Road. The execution of this agreement will allow the City to assume permit authority over the streets, sidewalks, driveways and medians. The transfer will also facilitate the development of the Village at Wagon Wheel Project.

Caltrans is working towards the relinquishment of Wagon Wheel Road to the City. The Roadway is not a State Route and it does not connect State facilities. City Council Adoption of the Relinquishment Agreement is necessary for it to be considered at the May California Transportation Commission Meeting in Los Angeles.

FINANCIAL IMPACT

There is no cost for this Relinquishment Agreement.

JMS/jms

Attachment #1 – Relinquishment Agreement with Caltrans for Wagon Wheel Road

07-VEN-1-PM 21.0/VEN-101-PM 23.0
Wagon Wheel Road
From Route 1 to Ventura Road
EA 3P7801
District Agreement No. 07-4962

RELINQUISHMENT AGREEMENT

This Agreement, entered into effective on _____, is between the STATE OF CALIFORNIA, acting by and through its Department of Transportation, referred to herein as "CALTRANS", and the

CITY OF OXNARD, a body politic and a municipal corporation of the State of California, referred to herein as "CITY".

RECITALS

1. CALTRANS and CITY, pursuant to Streets and Highways Code section 73, are authorized to enter into a Cooperative Agreement in order to relinquish to CITY a portion of a State Highway within CITY's jurisdiction.
2. CALTRANS intends to relinquish to CITY the collateral facility of State Route 1 (SR 1) and United States Route 101 (US 101), between Spur Drive and Ventura Road along Wagon Wheel Road, as shown in Exhibit A, attached to and made a part of this Agreement, referred to hereinafter as "RELINQUISHED FACILITIES". This relinquishment is based on collateral facilities. CITY is willing to accept said RELINQUISHED FACILITIES upon approval by the California Transportation Commission (CTC) of a Resolution of Relinquishment and CALTRANS's recording of said Resolution in the County Recorder's Office at no cost to CALTRANS.
3. CALTRANS and CITY agree that RELINQUISHED FACILITIES are currently in a state of good repair.
4. The parties hereto intend to define herein the terms and conditions under which RELINQUISHED FACILITIES is to be accomplished.

SECTION I

CITY AGREES:

1. Execution of this Agreement constitutes CITY's waiver of CALTRANS's obligation to provide ninety (90) days prior notice of CALTRANS's "Intention to Relinquish" as set forth in Streets and Highways Code section 73.
2. To accept ownership, including all of CALTRANS's current obligations, rights, title and interest in RELINQUISHED FACILITIES upon recordation of the CTC's Resolution of Relinquishment in the County Recorder's Office and to thereafter operate, maintain, and be liable for RELINQUISHED FACILITIES at no additional cost to CALTRANS.
3. To accept RELINQUISHED FACILITIES in their current environmental condition and setting, including, but not limited to, the presence of hazardous materials as described in the revised Initial Site Assessment (ISA) dated February 8, 2013. CITY has received and reviewed a copy of the above-referenced ISA. Upon recordation of the CTC's Resolution of Relinquishment in the County Recorder's Office, CALTRANS will not be responsible for any present or future remediation of said hazardous materials.
4. To provide Encroachment Permits to CALTRANS, its contractors, consultants and agents for work within CITY's right of way at no cost.

5. Any future development planned by CITY or its developer shall include access to the drainage culvert that traverses underneath the RELINQUISHED FACILITIES and the CALTRANS Maintenance Vehicle Pullout area located at approximately 940 feet north of Spur Drive. Public streets shall be provided to connect the existing southbound US 101 off-ramp to the City streets in the neighborhood areas. The final site plan including street layouts of any future development in the RELINQUISHED FACILITIES shall be reviewed and approved by CALTRANS.

SECTION II

CALTRANS AGREES:

1. To relinquish, upon the approval of the CTC's Resolution of Relinquishment, the RELINQUISHED FACILITIES.
2. To submit the CTC Resolution of Relinquishment to the County Recorder's Office for recording.
3. To transfer to CITY, within sixty (60) days of the recordation of the CTC's Resolution of Relinquishment, copies of all available CALTRANS records and files for RELINQUISHED FACILITIES, including, but not limited to, plans, survey data and right of way information.

SECTION III

IT IS MUTUALLY AGREED:

1. All obligations of CALTRANS under the terms of this Agreement are subject to the appropriation of resources by the Legislature, State Budget Act authority, and the allocation of any funds by the CTC.
2. CALTRANS reserves the right to enter, at no cost to CALTRANS, RELINQUISHED FACILITIES, to modify or maintain the drainage culvert that traverses underneath the RELINQUISHED FACILITIES, and other improvements necessary for State Highway operations. CITY agrees to allow CALTRANS access to operate, maintain, add, remove, or modify CALTRANS's facilities retained in those collateral facilities.
3. CITY shall fully defend, indemnify and save harmless CALTRANS and all its officers and employees from all claims, suits or actions related to environmental theories or assertions of liability, including, but not limited to, claims or lawsuits related to the presence of hazardous materials as described in the ISA, provided that the actions, events, injuries, damages, or losses giving rise to any claims, suits or actions occurred on or arise after the date of the recordation of the CTC's Resolution of Relinquishment.

4. CALTRANS shall fully defend, indemnify and save harmless CITY and all its officers and employees from all claims, suits or actions related to environmental theories or assertions of liability, including, but not limited to, claims or lawsuits related to the presence of hazardous materials as described in the ISA, provided that the actions, events, injuries, damages, or losses giving rise to any claims, suits or actions occurred or arose before the date of recordation of the CTC's Resolution of Relinquishment.
5. Neither CALTRANS nor any officer or employee thereof is responsible for any injury, damage or liability occurring by reason of anything done or omitted to be done by CITY and/or its agents under or in connection with any work, authority or jurisdiction conferred upon CITY under this Agreement. It is understood and agreed that CITY, to the extent permitted by law, will defend, indemnify and save harmless CALTRANS and all its officers and employees from all claims, suits or actions of every name, kind and description brought forth under, but not limited to, tortious, contractual, inverse condemnation or other theories or assertions of liability occurring by reason of anything done or omitted to be done by CITY and/or its agents under this Agreement.
6. Neither CITY nor any officer or employee thereof is responsible for any injury, damage or liability occurring by reason of anything done or omitted to be done by CALTRANS and/or its agents under or in connection with any work, authority or jurisdiction conferred upon CALTRANS under this Agreement. It is understood and agreed that CALTRANS, to the extent permitted by law, will defend, indemnify and save harmless CITY and all its officers and employees from all claims, suits or actions of every name, kind and description brought forth under, but not limited to, tortious, contractual, inverse condemnation or other theories or assertions of liability occurring by reason of anything done or omitted to be done by CALTRANS and/or its agents under this Agreement.
7. No alteration of the terms of this Agreement shall be valid unless made in writing and signed by the parties hereto and no oral understanding or agreement not incorporated herein shall be binding on any of the parties hereto.
8. This Agreement shall terminate upon recordation of the CTC's Resolution of Relinquishment for RELINQUISHED FACILITIES in the County Recorder's Office, except for those provisions which relate to indemnification, and ownership, which shall remain in effect until terminated or modified in writing by mutual agreement.

SIGNATURES

PARTIES declare that:

1. Each PARTY is an authorized legal entity under California state law.
2. Each PARTY has the authority to enter into this agreement.
3. The people signing this agreement have the authority to do so on behalf of their public agencies.

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

CITY OF OXNARD

By: _____
Timothy B. Flynn
Mayor

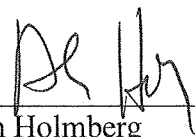
By: _____
Michael Miles
District Director

Attest: _____
Daniel Martinez
City Clerk

APPROVED AS TO FORM AND
PROCEDURE:

APPROVED AS TO FORM AND
PROCEDURE:

By: _____
Attorney
Department of Transportation

By:  _____
Alan Holmberg
City Attorney

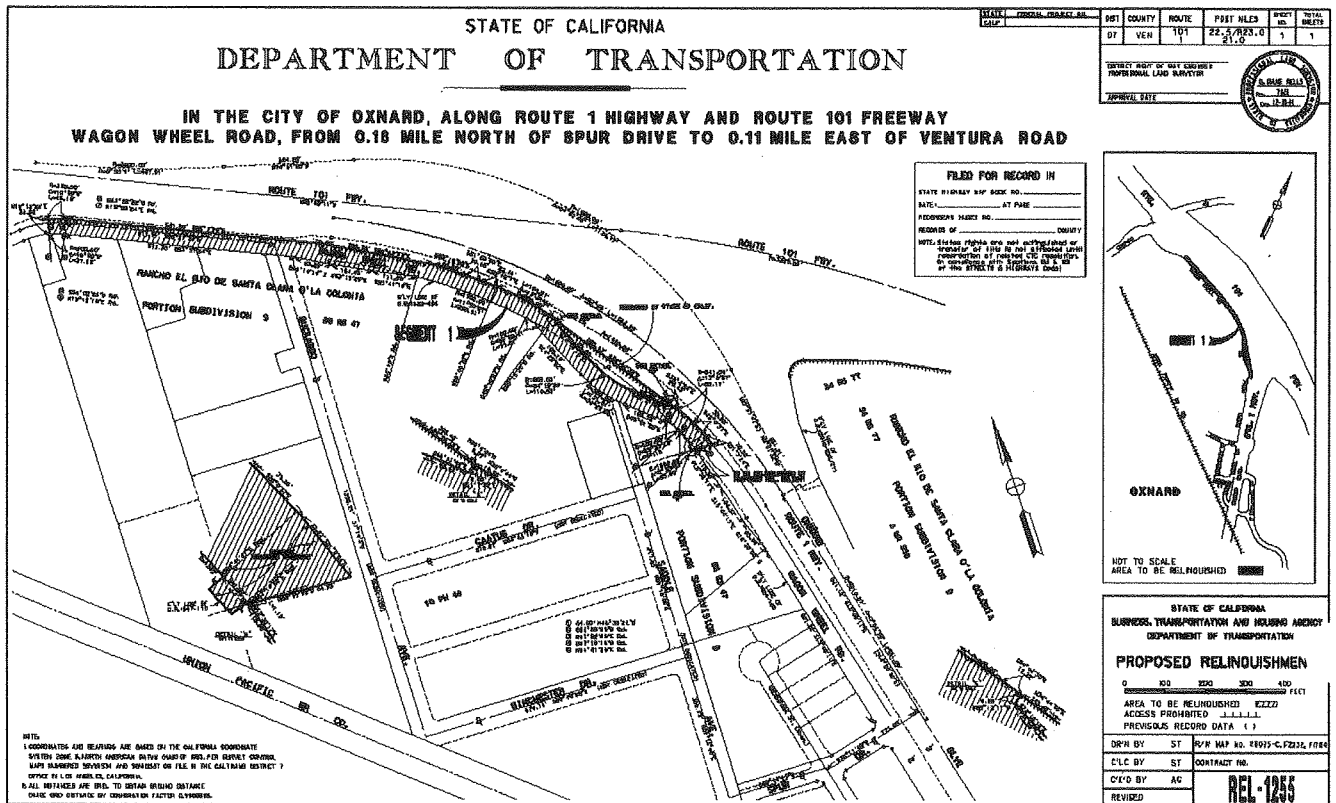
CERTIFIED AS TO FUNDS

By: _____
Paul Kwong
District Budget Manager

CERTIFIED AS TO FINANCIAL TERMS
AND POLICIES:

By: _____
Accounting Administrator

EXHIBIT "A" – Relinquishment Map



CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO. 2866

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" on file with the City Clerk 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. 2866 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

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



Meeting Date: 05/07 /2013

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

Prepared By: Will Reed

Agenda Item No. I-5Reviewed By: City Manager KEB City Attorney RA Finance QC Other (Specify) _____**DATE:** April 16, 2013**TO:** City Council**FROM:** William E. Wilkins, Housing Director
Housing Department**SUBJECT:** 2012 US Department of Housing and Urban Development Continuum of Care Grant Awards**RECOMMENDATION**

That City Council:

1. Authorize the Interim City Manager to execute any agreements necessary to accept the grant award.
2. Authorize the Interim City Manager to appropriate funds upon award.

SUMMARY**Background**

On November 26, 2012, the U.S. Department of Housing and Urban Development issued its Notice of Funding Availability (NOFA) for the Continuum of Care Grant Supportive Housing Programs (CoC, SHP), in which the City has competitively participated for more than ten (10) years. The City completed and submitted the application prior to the established deadline date of January 18, 2013. The City's Homeless Services Division completed and submitted an application in the total amount of \$1,013,894 for project renewals, Homeless Management Information Systems (HMIS) Expansion, the Continuum of Care Planning Grant, and one new project.

In order to be in compliance with HUD regulations and the City's procurement process, the Housing Department released a Request for Proposals (RFP) on November 13, 2012. In addition to the release of the RFP, the Housing Department, in coordination with Ventura County Chief Executive Officer's office (the new CoC Lead Agency for Ventura County), hosted a CoC application workshop for all renewing and new/interested applicants on December 3, 2012.

The application also required a Tier process, which had to be completed and entered into the electronic application system by December 18, 2012. This change in the process mandated the establishment of a minimum of two tiers and a minimum set aside of three percent (3%) of the total renewal dollar amount to be placed into Tier 2, along with any new projects. In addition, the new procedures mandated the first priority in Tier 1 to be the CoC HMIS. The Review Committee was made up of two (2) seated members of The Commission on Homelessness, one (1) City Staff person, and two (2) members of the public. The Tier review process was conducted on December 17, 2012. On January 7, 2013, the results of the Tier recommendations were presented to the Commission on Homelessness for consideration, and were accepted as presented.

On March 12, 2013, HUD announced the 2012 CoC Renewal Project awards. The City's CoC was awarded \$744,836 for renewal projects. Of the total amount awarded for renewals, the City will contract with three local agencies: Community Action of Ventura County for \$125,814; Khepera House Transitional Housing Program for \$53,165; and Kingdom Center at 1450 South Rose Avenue for \$13,747; for a total of \$192,726. The balance of \$552,110 will be awarded directly to homeless service providers which make up the City's Homeless Continuum of Care.

There has been no set date by HUD on the awarding of Tier 2 projects. The total amount of the Tier 2 project request is \$261,279. In the event the City is awarded the Tier 2 projects, the City will receive additional funding for the CoC Planning Grant and a new Rapid Re-Housing Grant for \$16,528 and \$131,991 respectively, for a total of \$148,519. The Planning Grant has been established by HUD to provide additional financial support to CoCs for mandatory activities such as project monitoring, the application process, and conducting the Point In Time Count of Homeless Persons. The balance of the Tier 2 awards is a HMIS Expansion Grant in the amount of \$80,922.

The City anticipates receiving the HUD contracts within (60) days, and will then enter into local contracts with local service providers as outlined in the Application. At that time, the City will need to encumber funds for a certain number of awardees to be determined upon award notification(s). Under the Grant Agreement between the City and HUD, the City will be required to administer the grant funds to its sub-grantees through a reimbursement method. The sub-grantee is expected to expend funds from its general fund and request reimbursement from HUD through the City.

FINANCIAL IMPACT

The reimbursable grant funding will be recognized in Account 258-5138. There is no cost to the General Fund to administer the program.

WR

Attachment #1 – 2012 CoC Funding Request Final

Before Starting the CoC Project Listings

Collaborative Applicants must rank or reject all Project Applications submitted through e-snaps prior to submitting the CoC Project Listings. Detailed instructions can be found in the left-hand menu bar.

Additional training resources are available online on the CoC Training page of the HUD HRE.

Things to Remember

- All new and renewal projects must be ranked or rejected by the Collaborative Applicant. Ranking numbers can only be used once among the four project listings.
- Collaborative Applicants are strongly encouraged to list all project applications on a spreadsheet in rank order to ensure a ranking number is used only once. The rank order spreadsheet will assist the Collaborative Applicant during the ranking process among the four Project Listings.
- Any project applications rejected by the Collaborative Applicant must have a reason listed. Additionally, Collaborative Applicants are required to notify any project applicants that are rejected of the reason for rejection no later than 15 days prior to the submission of the CoC Consolidated Application to HUD.
- If the Collaborative Applicant needs to amend a project for any reason after ranking has been completed, the ranking of other projects will not be affected; however, the Collaborative Applicant must rank the amended project once it is returned to the Project Listing.
- Only 1 CoC Planning project can be ranked on the CoC Planning Project Listing.

Beginning with this FY2012 application process, the Collaborative Applicant MUST submit both this Project Listing AND the CoC Consolidated Application by the HUD submission deadline. Collaborative Applicants must ensure both parts of this application have been submitted.

ATTACHMENT NO. 1
PAGE 1 OF 7

Project Priority List	Page 1	01/15/2013
-----------------------	--------	------------

1A. Continuum of Care (CoC) Identification

Instructions:

The fields on this screen are read only and reference the information entered during the CoC Registration process. Updates cannot be made at this time. If the information on this screen is not correct, contact the HUD Virtual Help Desk at www.hudhre.info.

Collaborative Applicant Name: City of Oxnard

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Continuum of Care (CoC) New Project Listing

Instructions:

IMPORTANT: Prior to starting the CoC New Project Listing, Collaborative Applicants should carefully review the "CoC Project Listing Instructions" and the "CoC Project Listing" training module, both of which are available at www.hudhre.info/esnaps.

To upload all New project applications that have been submitted to this CoC Consolidated Application, click on the "Update List" button. This process may take a few minutes based upon the number of new projects that need to be located in the e-snaps system. The Collaborative Applicant should continue to the next Project Listing to update or it can log out of e-snaps and come back later to view the updated list. To review a project, click on the magnifying glass next to each project to view project details. To view the actual project application, click on the orange folder.

Project Name	Date Submitted	Grant Term	Applicant Name	Budget Amount	Rank	Comp Type
Oxnard Rapid Re-H...	2012-12-15 18:35:...	1 Year	City of Oxnard	\$131,991	B24	PH
City of Oxnard HM...	2012-12-14 18:28:...	1 Year	County of Ventura...	\$80,922	P23	HMIS

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Continuum of Care (CoC) Renewal Project Listing

Instructions:

IMPORTANT: Prior to starting the CoC Renewal Project Listing, Collaborative Applicants should carefully review the "CoC Project Listing Instructions" and the "CoC Project Listing" training module, both of which are available at www.hudhre.info/esnaps.

To upload all Renewal project applications that have been submitted to this CoC Consolidated Application, click on the "Update List" button. This process may take a few minutes based upon the number of renewal projects that need to be located in the e-snaps system. The Collaborative Applicant should continue to the next Project Listing to update or it can log out of e-snaps and come back later to view the updated list. To review a project, click on the magnifying glass next to each project to view project details. To view the actual project application, click on the orange folder.

Project Name	Date Submitted	Grant Term	Applicant Name	Budget Amount	Rank	Comp Type
RAIN Project Tran...	2012-12-28 17:05:...	1 Year	County of Ventura...	\$167,071	W13	TH
Kingdom Center 20...	2013-01-02 16:40:...	1 Year	Kingdom Center	\$13,760	W17	TH
CA-VC 2012 One Stop	2013-01-02 13:54:...	1 Year	Community Action ...	\$132,105	W19	SSO
City of Oxnard HM...	2012-12-28 17:04:...	1 Year	County of Ventura...	\$45,432	W11	HMIS
Oxnard Homeless O...	2012-12-28 17:04:...	1 Year	County of Ventura...	\$31,838	W21	SSO
Transition House ...	2013-01-04 00:00:...	1 Year	Project Understan...	\$53,642	W16	TH
Khepera House 2012	2013-01-09 16:29:...	1 Year	Khepera House	\$56,492	W15	TH
Wooley House Tran...	2013-01-09 21:22:...	1 Year	Turning Point Fou...	\$31,988	W14	TH
Wooley House Perm...	2013-01-09 21:18:...	1 Year	Turning Point Fou...	\$36,118	W18	PH
S+C City of Oxnard	2013-01-10 15:15:...	1 Year	Ventura County Be...	\$216,007	W12	PH

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Continuum of Care (CoC) Planning Project Listing

Instructions:

To upload all CoC Planning Costs project applications that have been submitted to this CoC Consolidated Application, click on the "Update List" button. This process may take a few minutes based upon the number of renewal projects that need to be located in the e-snaps system. The Collaborative Applicant should continue to the next Project Listing to update or it can log out of e-snaps and come back later to view the updated list. To review a project, click on the magnifying glass next to each project to view project details. To view the actual project application, click on the orange folder.

As a reminder, the Collaborative Applicant can submit only 1 CoC Planning Costs Project.

Project Name	Date Submitted	Grant Term	Applicant Name	Budget Amount	Rank	Comp Type
Oxnard 2012 Plann...	2012-12-21 22:58:...	1 Year	City of Oxnard Pl...	\$16,528	C22	CoC Planning Proj...

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Funding Summary

Instructions

This page contains the total budget summaries for each of the project listings. The Collaborative Applicant should review this page to ensure the totals for each of the categories is accurate. The "Total CoC Request" indicates the total funding amount for the CoC that will be submitted to HUD for funding consideration. Remember only 1 UFA Financial Project and only 1 CoC Planning Costs can be submitted.

For additional information, please review the "CoC Project Listing Detailed Instructions" located on the left-menu and the "CoC Project Listing" training module located on the HUD HRE.

Title	Total Amount
Renewal Amount	\$784,453
New Amount	\$80,922
Permanent Housing Bonus Amount	\$131,991
Reallocated Amount	\$0
CoC Planning Amount	\$16,528
Rejected Amount	\$0
TOTAL CoC REQUEST	\$1,013,894

Maximum CoC project planning amount:\$16,528

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PAGE 6 OF 7

Submission Summary

Page	Last Updated
Before Starting	No Input Required
1A. Identification	12/18/2012
2A. CoC New Project Listing	12/18/2012
2B. CoC Renewal Project Listing	01/15/2013
3A. CoC Planning Project Listing	12/21/2012
Submission Summary	No Input Required

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ORDINANCE OF THE CITY OF OXNARD

ORDINANCE NO. 2865

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. 2865 was first read on April 23, 2013 and finally adopted on _____, 2013 to become effective thirty days thereafter.

AYES:

NOES:

ABSENT:

Tim Flynn, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:

Alan Holmberg, City Attorney



Meeting Date: 05/07/13

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

Prepared By: Lou Balderrama, City EngineerAgenda Item No. I-7Reviewed By: City Manager [Signature] City Attorney SME Finance [Signature] Public Works**DATE:** April 24, 2013**TO:** City Council**FROM:** Rob Roshanian, Interim Public Works Director
Public Works Department**SUBJECT:** Third and Fourth Amendment to Agreement with AECOM Technical Services, Inc. for Grant Management and Construction Management Services for the Effluent Sampling Facilities Project (Agreement A-7230)

RECOMMENDATION

That City Council ratify the Third Amendment and approve and authorize the Mayor to execute the Fourth Amendment to the agreement with AECOM Technical Services, Inc. (Agreement No. A-7230) to increase the amount by \$316,882 from a total of \$6,800,021 to \$7,116,903 for continued grant management and construction management services for the Effluent Sampling Facilities Project and to extend the Agreement term from April 30, 2013 to August 31, 2014.

DISCUSSION

On April 22, 2009, the City's Purchasing Division and Capital Projects Management (CPM) Division sent out a competitive Request for Proposal (RFP) for construction management services for the GREAT Program Phase I Advanced Water Purification Facility (AWPF) and Phase I Recycled Water Backbone System (RWBS). Eight firms responded with proposals.

Based on the qualifications stated in the proposals, four firms were invited to interview. Selection criteria for the interviews included schedule, team & related experience, technical approach, partnering philosophy, documentation control, and top 3 project challenges. Based on these criteria, City staff determined AECOM Technical Services, Inc. (AECOM) to be the most qualified firm for the services to be performed.

On December 13, 2011, the City Council approved the First Amendment increasing the contract amount by \$102,732 for AECOM to continue assisting City staff in construction management through the critical start-up phase of the AWPF. On June 19, 2012, the City Council approved the Second Amendment increasing the contract amount by \$181,604 for continued assistance in construction management for the AWPF and the Recycled Water Backbone System Project. The Agreement was also amended to extend the term from June 30, 2012 to April 30, 2013.

Third and Fourth Amendment to Agreement with AECOM Technical Services, Inc. for Grant Management and Construction Management Services for the GREAT Program Phase I AWPf and the Effluent Sampling Facility (Agreement A-7230)

April 24, 2013

Page: 2 of 2

The Third Amendment, in the sum of \$3,300, retains AECOM to continue grant services for the United States Bureau of Reclamation (USBR) grant for the Phase I Groundwater Recovery Enhancement and Treatment (GREAT) Program recycled water pipeline construction for the report due April 30, 2013. The Third Amendment was issued on an emergency basis because of the impending deadline. The Fourth Amendment retains AECOM to continue grant reporting services, labor compliance and construction management services for the Effluent Sampling Facility. The State Water Regulatory Board changed its sampling requirements after the City awarded the AWPf construction contract to McCarthy Construction. The State Water Board's action necessitates a more complex system to collect and sample the combined effluent; as the original sampling method was no longer acceptable and had to be redesigned. The Effluent Sampling Facility is an integral part of the AWPf and retaining AECOM ensures continuity of construction management services and permit approval by the State Water Board to operate the facility. The State has given the City a temporary permit to operate the AWPf and the Effluent Sampling Facility through December 31, 2013. AECOM will enhance its efforts to make sure the City's project is completed and fully permitted to operate both the AWPf and the Effluent Sampling Facility before the temporary permit expires.

AECOM has performed and provided excellent services for the AWPf and staff recommends extending the contract term through August 31, 2014 to allow AECOM to complete the crucial operational permit related work.

FINANCIAL IMPACT

The AWPf is a planned component of the City's GREAT Program. The \$316,882 amendments include \$53,773 for continued grant services and \$263,109 for construction management services. The cost of the third and fourth amendments are funded by the 2010 Series Water Revenue Bonds and by a Federal Grant from the Bureau of Reclamation Title XVI.

Attachment #1 - Third Amendment to Agreement No. A-7230

Attachment #2 - Fourth Amendment to Agreement No. A-7230

THIRD AMENDMENT TO AGREEMENT FOR PROFESSIONAL SERVICES

This Third Amendment ("Third Amendment") to the Agreement for Professional Services ("Agreement") is made and entered into in the County of Ventura, State of California, this 25th day of April, 2013, by and between the City of Oxnard, a municipal corporation ("City"), and AECOM Technical Services, Inc., ("Consultant"). This Third Amendment amends the Agreement entered into on November 3, 2009, by City and Consultant. The Agreement previously has been amended on December 14, 2011, by a First Amendment, and on June 19, 2012 by a Second Amendment.

City and Consultant agree as follows:

1. The Consultant's correct corporate name is AECOM Technical Services, Inc. The Agreement and all amendments are by and between the City and AECOM Technical Services, Inc.
2. In Section 13a of the Agreement, the figure "\$6,800,021" is deleted and replaced with figure "\$6,803,321."
3. In Section 11 of the Agreement, the expiration date of "April 30, 2013" is deleted and replaced with the date "August 31, 2014."
4. Exhibits A, A1 and A2 of the Agreement are supplemented by Exhibit A3, attached hereto and incorporated herein by reference.
5. This Amendment is being processed under the expedited Agreement approval procedures provided for in the City Council Resolution 13,932 and is subject to later ratification at the Council's next regular meeting, as part of a Fourth Amendment which will be considered at the Council meeting. Should the Fourth Amendment not be approved by City Council, work under this Amendment shall be immediately terminated.
6. As so amended, the Agreement remains in full force and effect.

CITY OF OXNARD

 4/25/13

Tim Flynn, Mayor

CONSULTANT



Glen Hille, PE, Vice President
AECOM Technical Services, Inc.

APPROVED AS TO FORM:



Alan Holmberg, City Attorney

APPROVED AS TO INSURANCE:



James Cameron, Risk Manager

APPROVED AS TO CONTENT:



Rob Roshanian, Interim Public Works Director

APPROVED AS TO AMOUNT:



Karen R. Burnham, Interim City Manager



Lou Balderrama, City Engineer

RATIFIED

CITY OF OXNARD:

ATTEST:

Tim Flynn, Mayor

Daniel Martinez, City Clerk

EXHIBIT A3

SCOPE OF SERVICES

ADVANCED WATER PURIFICATION FACILITY (AWPF) – United States Bureau of Reclamation (USBR) Grant MANAGEMENT

Consultant shall provide continuing grant services for the United States Bureau of Reclamation (USBR) grant for the Phase I Groundwater Recovery Enhancement and Treatment (GREAT) Program recycled water pipeline construction for the report due April 30, 2013.

FOURTH AMENDMENT TO AGREEMENT FOR PROFESSIONAL SERVICES

This Fourth Amendment ("Third Amendment") to the Agreement for Professional Services ("Agreement") is made and entered into in the County of Ventura, State of California, this 7th day of May, 2013, by and between the City of Oxnard, a municipal corporation ("City"), and AECOM Technical Services, Inc., ("Consultant"). This Fourth Amendment amends the Agreement entered into on November 3, 2009, by City and Consultant. The Agreement previously has been amended on December 14, 2011, by a First Amendment, on June 19, 2012 by a Second Amendment, and on April 25, 2013 by a Third Amendment.

City and Consultant agree as follows:

1. In Section 13a of the Agreement, the figure "\$6,803,321" is deleted and replaced with figure "\$7,116,903."
2. Exhibits A, A1 A2, and A3 of the Agreement are supplemented by Exhibit A4, attached hereto and incorporated herein by reference.
3. As so amended, the Agreement remains in full force and effect.

CITY OF OXNARD

CONSULTANT

Tim Flynn, Mayor

Glen Hille, PE, Vice President
AECOM Technical Services, Inc.

ATTEST:

APPROVED AS TO INSURANCE:

Daniel Martinez, City Clerk

James Cameron, Risk Manager

APPROVED AS TO FORM:

APPROVED AS TO AMOUNT:

Alan Holmberg, City Attorney

Karen R. Burnham, Interim City Manager

APPROVED AS TO CONTENT:

Rob Roshanian, Interim Public Works Director

Lou Balderrama, City Engineer

EXHIBIT A4

SCOPE OF SERVICES

ADVANCED WATER PURIFICATION FACILITY (AWPF) – United States Bureau of Reclamation (USBR) Grant MANAGEMENT

Consultant shall provide continuing construction phase services for the Phase I Advanced Water Purification Facility (AWPF) and grant services for the United States Bureau of Reclamation (USBR) grant for the Phase I Groundwater Recovery Enhancement and Treatment (GREAT) Program recycled water pipeline construction from April 30, 2013 to October 31, 2013. The Scope of Services shall be as follows:

Task 1 – Project Management – (\$8,308)

Consultant's Project Manager shall provide project management including the following:

- Coordination with sub consultants.
- Prepare invoices to the City in accordance with City requirements and conduct frequent regular meetings to inform and involve City staff.

Task 2 - Grant Reporting for the USBR Grant – (\$24,970)

Consultant shall attend coordination meetings with City and the USBR related to grant management. Consultant shall provide continuing grant services for the USBR Grant for the Phase I Groundwater Recovery Enhancement and Treatment (GREAT) Program recycled water pipeline construction from April 30, 2013 to October 31, 2013.

Consultant shall be responsible for all aspects of grant reporting for the duration of the project including American Recovery and Reinvestment Act (ARRA) jobs/progress reports, quarterly financial reports, Excluded Parties List System (EPLS) check, requests for USBR reimbursement, assisting with grant amendments, buy American compliance, and maintaining an audit-ready grant file. Consultant shall review grant matching fund proportionality and make suggestions to the City. Consultant shall complete a final review and closeout of grant finances. Consultant shall provide support services during the grant audit.

Task 3 – Labor Compliance – (\$17,195)

Consultant's State-Certified consultant, Golden State LLC, shall provide a Labor Compliance Program to monitor the Contractor's labor compliance, which includes the following:

- Monthly Audit of Contractor Certified Payroll. Review certified payrolls submitted by the Contractor and his subcontractors to verify compliance with the requirements of prevailing wage. Monitor that Apprenticeship requirements are being met.
- Monthly On-Site Interview. Conduct random on-site Contractor employee interviews on a monthly basis as required by the Labor Compliance Program.
- Violation Enforcement and Recommendations. Communicate potential violations to City and provide recommended actions.
- Annual Reporting to the Department of Industrial Relations (DIR). Compile and submit a summary report to the DIR. The report shall be submitted annually during construction and at the conclusion of the project.

EFFLUENT SAMPLING FACILITIES – CONSTRUCTION PHASE SERVICES

Consultant shall provide construction phase services for the Effluent Sampling Facilities April 1, 2013 to December 31, 2013. The Scope of Services shall be as follows:

Task 1 – Update of Construction Procedures Manual – (\$5,699)

Update the Construction Procedures Manual (previously compiled for the AWPf and Recycled Water Backbone System (RWBS)), to address the Effluent Sampling Facilities project. Two (2) copies of the draft manual shall be submitted to the City. Upon receipt and addressing of comments, five (5) manuals shall be provided to the City. The manuals shall consist of approximately 25 pages of text, figures and tables.

Task 2 – Preconstruction Conference - (\$3,604)

Conduct a pre-construction conference with the City, the City's consultants, involved agencies, utilities, and the Contractor's team as they prepare to mobilize for the project. The Consultant's resident engineer (RE) shall review plans and specifications with the Contractor in an effort to facilitate the Contractor's understanding of the project. The RE shall review the Contractor's construction schedule for the project. The RE shall review appropriate protocols and procedures detailed in the construction documentation. Consultant shall prepare meeting minutes for the pre-construction meeting.

Task 3 – Bi-Weekly Progress Meetings – (\$27,800)

Conduct bi-weekly progress meetings at the City's project site with the Contractor, permit agencies (if applicable), and the design representatives when/as needed. The principal purpose of the project coordination meetings will be to discuss the following:

- Review progress and work planned for the next week.
- Review progress of critical path schedule items (e.g., status of long lead time items).
- Notify the attendees of any construction deficiencies.
- Discuss labor, material, and equipment related to upcoming work.
- Address team coordination matters.

Consultant shall plan for these meetings, chair these meetings, and conduct each meeting according to a published agenda. Consultant shall prepare and distribute meeting summaries which include action items, summary of discussions, and identify the time and date of the next meeting.

Task 4 – Scheduling – (\$9,765)

Review the Contractor's schedule on a monthly basis to verify that the project is being executed in general accordance with the requirements of the contract documents. Monitor the Contractor's compliance with the agreed-upon scheduling requirements.

Consultant's major tasks associated with the overall schedule requirements shall be to perform the following:

- Review the Contractor's schedule to determine that the milestones dates meet the overall schedule, and that no major conflicts exist.

- Review progress attained against the approved schedule to adequately record work-in-place, and detect potential delays
- When appropriate, review the Contractor's plan for implementation of remedial measures to recover or maintain progress.
- If changes are made to the critical path items, review changes in assumptions and logic.
- In conjunction with the City, negotiate schedule adjustments with the Contractor, which may be required due to weather, change orders, or other impacts requiring schedule adjustments

Task 5 – Construction Administration – (\$19,202)

Process contractor's correspondence and maintain a set of contract files per contract documents and City standards. Issues requiring technical input shall be forwarded to the City and their design consultant.

Task 6 – Monthly Progress Payments and Reports – (\$8,480)

Review Contractor's monthly progress payment requests, construction contract records, and reports specified to be submitted for compliance with contract documents. Compile recommendations and forward to the City each month. Maintain a current estimate of overall construction cost.

Task 7 – Change Orders – (\$32,978)

Investigate proposed change orders submitted by the Contractor or requested by the City and/or its consultants. Change order submittals shall include supporting records. Consultant's investigation shall include an opinion as to the impacts on the project schedule and budget, and shall include a recommendation for action.

Consultant shall perform the following tasks:

- Assemble documentation to include such items as inspection reports, test reports, drawings, sketches, photographs, and other materials as required.
- Assess the impacts of the proposed change on the Contractor's schedule and operations.
- Prepare a written report summarizing the impact of the proposed change in terms of extra cost, cost savings, schedule, and effect on Contractor's obligations.
- Evaluate the Contractor's price proposals for reasonableness and accuracy of construction quantities, rates and unit prices, and time and schedule impacts.
- Maintain a change order log as a means of tracking change order proposals through the review and approval process.
- Establish files for potential change orders or claims such as to accumulate documentation should the issues result in a change order or claim.

Task 8 – Request for Information (RFI) - (\$24,725)

Review, coordinate with the City's design engineers and respond to (up to 50) Contractor's Requests for Information (RFI). When appropriate, recommendations, suggestions and alternatives shall be provided to the Contractor and/or the City.

Task 9 – Submittals – (\$11,015)

Receive from Contractor the required sets of specified submittals. Coordinate the review of the submittals with the City design engineers. Consultant shall maintain a log to manage shop drawings. The submittal review process shall determine the following:

- All short-term look-ahead schedules containing critical submittal dates reflect the same dates in the logs.
- Submittals are reviewed in a timely fashion and returned to the Contractor to minimize lost production time.
- Logs are updated on a regular basis.
- Shop drawings have been reviewed and returned before associated work has begun.
- A copy of all submittals is maintained in the file.

After completion of the review, Consultant shall return submittal to the Contractor and forward a copy to the City.

It is anticipated that the City or City's design consultant will review submittals related to worker safety protection, excavation plans, traffic control, dewatering, facilities shutdown / start up and tie-in plans prepared by the Contractor.

Task 10 – Utilities Coordination – (\$3,956)

Act as a liaison between the City and representatives of utility agencies. Assist the City with coordination of utility agencies during construction. All utility fees are to be paid by Contractor and/or City. The Contractor has the primary responsibility for coordinating the work with the utility agencies.

Task 11 – Field Observation – (\$40,688)

Implement observation guidelines for monitoring the Contractor's work. Conduct part time / limited field observations and prepare documentation (daily reports) of construction tasks for general compliance with the Contract documents.

Upon witnessing (and discussing with City) materials, erection or installation process, or levels of quality that do not meet the requirements of the construction contract documents, issue a Non-Conformance Report notifying the Contractor of such deviation and inquire about the Contractor's proposed corrective action. Copies shall be forwarded to the City.

The Contractor has sole responsibility for compliance with safety requirements on the construction contract. Consultant's staff shall monitor the Contractor's general compliance with its safety program and advise the City of observed deficiencies.

Maintain a photographic log of construction activities and provide the City copies of significant photographs.

Task 12 – Punch List – (\$7,207)

Punch lists shall be developed to permit City acceptance of each segment of work to occur after the Contractor attains substantial completion. Conduct a final project review with the City and the City's design consultant. Submit a recommendation for project acceptance after receiving the design engineer's concurrence.

Task 13 – Record Drawings – (\$6,510)

Consultant shall review the contractor's as-built drawings periodically to verify that changes are being documented. Consultant shall collect as-built drawings from the contractor at contract close-out and submit to the City's design engineer for processing.

Task 14 – Project Management – (\$15,771)

Consultant's Project Manager shall provide project management including the following:

- Monitor and review with City staff the overall progress of the construction.
- Coordinate with the City staff project management team relative to City's concerns, City's input, project status, schedule, cost, and scope of work.
- Oversee the risk management program including claims avoidance and claim management.
- Prepare invoices to the City in accordance with City requirements and conduct frequent regular meetings to inform and involve City staff.
- Prepare monthly status reports.

Task 15 – Materials Testing Services and Specialty Inspections – (\$15,675)

Consultant shall coordinate special inspection and testing with its materials inspection and testing. Consultant shall schedule, coordinate and monitor the compliance with the specified tests and frequency. Consultant shall review the results of all materials testing inspections and make recommendations for acceptance of work or notify the Contractor of deficiencies. If deficiencies are discovered, Consultant shall coordinate with the required project participants to determine an appropriate method for remediation and monitor actions taken to correct the deficient work. Consultant's sub consultant shall provide the following:

- Soil, compaction and laboratory testing.
- Concrete testing and special inspection.
- Asphalt testing.

Task 16 – Labor Compliance – (\$13,200)

Consultant's State-certified sub consultant, Golden State LLC, shall provide a Labor Compliance Program to monitor the Contractor's labor compliance, which includes the following:

- Pre-Job Conference. Conduct a pre-job conference with the Contractor and subcontractors listed in the bid before commencement of the work. Labor compliance requirements shall be discussed and copies of the suggested reporting forms furnished. Records of the conferences shall be kept on file.
- Monthly Audit of Contractor Certified Payroll. Review certified payrolls submitted by the Contractor and his subcontractors to verify compliance with the requirements of prevailing wage. Monitor that Apprenticeship requirements are being met.
- Monthly On-Site Interview. Conduct random on-site Contractor employee interviews on a monthly basis as required by the Labor Compliance Program.
- Violation Enforcement and Recommendations. Communicate potential violations to the City and provide recommended action.

Annual Reporting to the Department of Industrial Relations (DIR). Compile and submit a summary report to the DIR. The report shall be submitted annually during construction and at the conclusion of the project.

Task 17 – Final Project Review – (\$9,190)

Conduct final project review with the City and submit a recommendation for project acceptance after design engineer's concurrence.

Task 18 – Final Report – (\$3,948)

Prepare final report of testing records and submit to the City.

Task 19 – Final Submittal Package – (\$3,696)

Compile a final submittal package (field records) and submit to the City.

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

Prepared By: Anthony Emmert, Water Resources Manager *AE* Agenda Item No. I-8
 Reviewed By: City Manager _____ City Attorney *SMT* Finance *AC* Public Works _____

DATE: April 24, 2013

TO: City Council

FROM: Rob Roshanian, Interim Public Works Director *R.R.*
Public Works

SUBJECT: Agreement with Weck Laboratories, Inc. for Laboratory Chemical Testing and Sampling for the Water Resources Division

RECOMMENDATION

That City Council approve and authorize the Mayor to execute an agreement with Weck Laboratories, Inc. (Agreement No. A-7583) for an amount not exceed \$900,000 for three (3) years for laboratory chemical testing and sampling for the Water Resources Division.

DISCUSSION

On December 14, 2012, the City Manager authorized the Water Resources Division to solicit a Request for Bid (RFB) for laboratory chemical testing and sampling for an amount not to exceed \$300,000 per year for a three (3) year term.

On January 23, 2013, a Request for Bid (RFB) package for Trade Services for the Laboratory Chemical Testing and Sampling for the Water Resources Division was distributed to seven (7) vendors, posted on the City website, and advertised in three (3) local papers. The closing date was February 7, 2013. Four (4) out of the seven (7) firms responded to the RFB. Weck Laboratories, Inc. was the lowest bidder.

The City's Water System Permit with the California Department of Public Health (CDPH), its National Pollutant Discharge Elimination System (NPDES) permit with the California Regional Water Quality Control Board (CRWQCB), and its pending recycled water permits require regular analyses of water samples and submittal of the results. The City's own laboratory performs many of the required analyses. The City utilizes contract laboratories to perform the analyses that need specialized equipment or are needed infrequently.

Agreement with Weck Laboratories, Inc. for Laboratory Chemical Testing and Sampling for the Water Resources Division

April 24, 2013

Page 2

FINANCIAL IMPACT

The estimated cost for services is not to exceed \$900,000 for the three year term. There are sufficient operating budgets in the Wastewater Collection Enterprise (Fund 611), Wastewater Treatment Enterprise (Fund 621), and Water Enterprise Fund (Fund 601 and 608) to cover annual costs of agreement.

AAE/cjs

Attachment #1 - Agreement No. A-7583

AGREEMENT FOR TRADE SERVICES
(Includes Living Wage Requirements Effective from 7/1/12)
Contract No. A-7583

This Agreement for Trade Services ("this Agreement") is entered into in Ventura County, California, this 7th day of May, 2013, by and between the City of Oxnard ("City") and Weck Laboratories, Inc. ("Vendor"), subject to the following terms and conditions:

1. Vendor shall provide to City the following services: Laboratory Chemical Testing and Sampling.

Vendor shall provide required State Regulatory Compliance Water, Wastewater, and Recycled Water sampling on an as needed basis and in accordance with Exhibit A hereto and incorporated by this reference in full herein. Exact quantities may vary from the estimates given, and may be increased or decreased to meet agency's requirements. No minimum is guaranteed. Supplier shall bring apparent error or omissions to City's attention. Vendor shall be excused for delays resulting from causes beyond the control of Vendor.

2. Vendor shall provide such services according to the following schedule set forth in Exhibit B hereto and incorporated by this reference in full herein. Vendor shall be excused for delays resulting from causes beyond the control of Vendor.

3. This Agreement shall begin on May 7, 2013, and shall end on May 7, 2016. City may terminate this Agreement at any time, with or without cause, by giving written notice to Vendor, specifying the effective date of termination. Unless City asserts that Vendor has breached the Agreement, City agrees to pay Vendor in full for all services satisfactorily performed as of the effective date of termination, including any expenditures incurred on City's behalf, whether for the employment of third parties or otherwise. If City pays for any materials, City shall be entitled to the title and possession of such materials.

4. City shall pay Vendor for the services requested under this Agreement at rates provided in Exhibit C attached hereto and incorporated by this reference. Agreement is not to exceed \$300,000 per year for a total amount not to exceed of \$900,000. City shall pay vendor within thirty (30) days of receipt of an invoice from Vendor during contract period. Separate invoices for Water, Wastewater, and Recycled Water services shall be provided when samples are submitted on separate chain-of-custody forms.

5. a. Vendor shall compensate any employee of Vendor who provides services under this Agreement in accordance with the Living Wage Policy, attached hereto and incorporated herein by reference as Exhibit 1. While this Agreement is in effect, Vendor shall pay such employee no less than \$14.37 per hour for each hour that such employee provides services under this Agreement. This hourly rate shall be adjusted on July 1, 2013, and each July 1 thereafter, according to the percentage change in the Consumer Price Index, all items, prepared by the Bureau of Labor Statistics for the Los Angeles, Riverside, Orange County area relating to all urban consumers (CPI-U), index base 1967 + 100, comparing May of the previous year to May of the current year. In addition, while this Agreement is in effect, Vendor shall provide to such employee no less than 96 hours of paid leave per calendar year.

b. Vendor agrees to post, at a location readily accessible to those employees providing services to the City, a copy of the Living Wage Policy adopted by the Oxnard City Council on July 9, 2002 and effective October 1, 2002.

c. If Vendor fails to compensate such employee pursuant to the Living Wage Policy, the City Manager or designee shall terminate this Agreement on written notice to Vendor, effective immediately.

d. In addition, if Vendor fails to comply with the Living Wage Policy in any manner, Vendor shall pay to City a fine of \$500 and shall pay to any employee providing services under this Agreement a penalty of three times the amount or value of the compensation owed to such employee under the Living Wage Policy. Vendor shall pay such fine and penalty within 15 days after the City Manager or designee provides written notice to Vendor of the amount owed.

6. a. Vendor agrees to indemnify, hold harmless and defend City, its City Council, and each member thereof, and every officer, employee, representative or agency 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 Vendor or Vendor's agents, employees, subconsultants, subcontractors, or other persons acting on Vendor'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 Vendor or Vendor's agents, employees, subconsultants, subcontractors, or other persons acting on Vendor's behalf would be held strictly liable.

b. Vendor shall continuously maintain adequate protection of all Vendor's work from damage and shall protect the City's property from any and all injury or loss arising in connection with this Agreement. Vendor shall take all necessary precaution for the safety of employees on the job and shall comply with all applicable provisions of federal, state and municipal safety laws and building codes to prevent accidents or injury to persons on, about or adjacent to any premises where the work is being performed.

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

b. Vendor shall, prior to performance of any services, file with the Risk Manager evidence of insurance coverage as specified in Exhibit INS-A.

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

8. In performing services under this Agreement, Vendor is an independent contractor. Vendor and Vendor's agents, employees, subcontractors and other persons acting on Vendor's behalf are not officers or employees of City.

9. Vendor shall not, without the written consent of City's Purchasing Officer, assign this Agreement, or any interest therein, or any money due thereunder.

10. In providing services under this Agreement, Vendor shall comply with all applicable laws, ordinances and regulations. Before providing services under this Agreement, Vendor shall obtain all required licenses and permits, including a City business tax certificate.

11. This Agreement may be amended only by a written document signed by both City and Vendor.

12. Any notices to Vendor may be delivered personally or by mail addressed to:

Weck Laboratories, Inc.
Leo Raab, Director of Marketing
14859 E. Clark Avenue
City of Industry, CA 91745

Any notices to City may be delivered personally or by mail addressed to:

City of Oxnard
Water Resources Division
Water Section
251 South Hayes Avenue
Oxnard, CA 93030

Attn: Water Regulatory Compliance Coordinator

City of Oxnard
Water Resources Division
Wastewater Section
6001 South Perkins Road
Oxnard, CA 93033
Attn: Laboratory Supervisor

13. This Agreement constitutes the entire agreement of City and Vendor regarding the subject matter described herein and supersedes all prior communications, agreements and promises, either oral or written.

14. Maintenance and Inspection of Records

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

CITY OF OXNARD

VENDOR

Tim Flynn, Mayor



Alfredo Pierri, President
Weck Laboratories, Inc.

ATTEST:

APPROVED AS TO INSURANCE:

Daniel Martinez, City Clerk



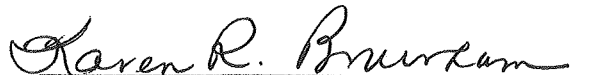
James Cameron, Risk Manager

APPROVED AS TO FORM:

APPROVED AS TO AMOUNT:



Alan Holmberg, City Attorney



Karen R. Burnham, Interim City Manager

APPROVED AS TO CONTENT:



Rob Roshanian, Interim Public Works Director



Anthony Emmert, Water Resources Manager

LIVING WAGE POLICY

The Living Wage Policy of the City of Oxnard is hereby adopted by the City Council on July 9, 2002 to be effective October 1, 2002.

1. Pursuant to this Living Wage Policy, a service contractor shall pay those employees who provide services to the City under contract:
 - (a) Effective October 1, 2002, at least \$9.00 an hour for the time during which the employee is providing services to the City;
 - (b) Effective July 1, 2003, at least \$9.25 an hour for the time during which the employee is providing services to the City and 32 hours of paid leave per every calendar year in which an employee provides services to the City;
 - (c) Effective July 1, 2004, at least \$10.59 an hour for the time during which the employee is providing services to the City and 64 hours of paid leave per every calendar year in which an employee provides services to the City; and
 - (d) Effective July 1, 2005, at least \$12.22 an hour for the time during which the employee is providing services to the City and 96 hours of paid leave per every calendar year in which an employee provides services to the City.
2. The hourly rates established in Section 1 shall be adjusted July 1, 2006 and, each July 1 thereafter, according to the percentage change since July 1, 2005 in the Consumer Price Index prepared by the Bureau of Labor Statistics for the Los Angeles, Anaheim, Riverside area relating to all urban consumers.
3. A service contractor executing a service contract with the City for which the City will pay the contractor \$25,000 or more during the contract term shall be subject to the Living Wage Policy.
4. A service contractor executing more than one service contract with the City, and the combined monetary total of the payments by the City pursuant to such contracts is \$25,000 or more for the combined contract terms shall be subject to the Living Wage Policy.
5. This Living Wage Policy shall not govern the following types of contracts for: (a) the purchase, rental or lease of goods, products, equipment, supplies or other personal property; (b) public works projects as defined in State or local law; and (c) professional services.
6. This Living Wage Policy shall not govern the following service contractors: (a) nonprofit entities organized under IRS Code section 501(c)(3); (b) public entities such as cities, counties, special districts, states and the federal government; and (c) businesses employing fewer than five persons.

EXHIBIT 1
Page 1 of 4

7. The City Attorney is directed to include in all standard trade services contracts and all contracts involving unique trade services, the language set forth in Exhibit A attached hereto and incorporated herein by this reference.
8. If a service contractor fails to comply with this Living Wage Policy, the City Manager is directed to terminate the subject service contract immediately and to impose appropriate fines and penalties as set forth in the service contract.
9. The City Manager and the City Attorney are responsible for the administration and enforcement, respectively, of the Living Wage Policy. If an employee of a service contractor governed by the Living Wage Policy concludes that he/she has been retaliated against for the exercise of rights under the Living Wage Policy, the employee should contact the City Manager at 385-7430.
10. The City Manager shall reasonably cooperate with representatives of the Ventura County Living Wage Coalition to ensure the effective administration and enforcement of the Living Wage Policy.
11. This Living Wage Policy may be changed only by City Council and only after a duly noticed public hearing.
12. The City Manager is directed to ensure that the City Council will review the Living Wage Policy as part of the FY 2003-2004/05 budget process.

EXHIBIT 1
Page 2 of 4

EXHIBIT A

Pursuant to the Living Wage Policy adopted July 9, 2002 by the City Council and effective October 1, 2002, the City Manager and City Attorney are directed to include the following language in all standard trade services contracts and all unique trade services contracts governed by the Living Wage Policy.

- A. (Contractor or Vendor) shall compensate any employee of (Contractor or Vendor) who provides services under this Agreement in accordance with the Living Wage Policy, attached hereto and incorporated herein by reference as Exhibit _____. While this Agreement is in effect, (Contractor or Vendor) shall pay such employee no less than \$_____ per hour for each hour that such employee provides services under this Agreement. In addition, while this Agreement is in effect, (Contractor or Vendor) shall provide to such employee no less than _____ hours of paid leave per calendar year.
- B. (Contractor or Vendor) agrees to post, at a location readily accessible to those employees providing services to the City, a copy of the Living Wage Policy adopted by City Council on July 9, 2002 and effective October 1, 2002.
- C. If (Contractor or Vendor) fails to compensate such employee pursuant to the Living Wage Policy, the City Manager or designee shall terminate this Agreement on written notice to (Contractor or Vendor), effective immediately.
- D. In addition, if (Contractor or Vendor) fails to comply with the Living Wage Policy in any manner, (Contractor or Vendor) shall pay to City a fine of \$500 and shall pay to any employee providing services under this Agreement a penalty of three times the amount or value of the compensation owed to such employee under the Living Wage Policy. (Contractor or Vendor) shall pay such fine and penalty within 15 days after the City Manager or designee provides written notice to (Contractor or Vendor) of the amount owed.

EXHIBIT 1
Page 3 of 4

**CITY OF OXNARD LIVING WAGE REQUIREMENTS
EFFECTIVE JULY 1, 2012**

5. a. Vendor shall compensate any employee of Vendor who provides services under this Agreement in accordance with the Living Wage Policy, attached hereto and incorporated herein by reference as Exhibit 1. While this Agreement is in effect, Vendor shall pay such employee no less than **\$14.37 per hour** for each hour that such employee provides services under this Agreement. **This hourly rate shall be adjusted on July 1, 2013, and each July 1 thereafter, according to the percentage change in the Consumer Price Index**, all items, prepared by the Bureau of Labor Statistics for the Los Angeles, Riverside, Orange County area relating to all urban consumers (CPI-U), index base 1967 + 100, comparing May of the previous year to May of the current year. In addition, while this Agreement is in effect, Vendor shall provide to such employee no less than 96 hours of paid leave per calendar year.

b. Vendor agrees to post, at a location readily accessible to those employees providing services to the City, a copy of the Living Wage Policy adopted by the Oxnard City Council on July 9, 2002 and effective October 1, 2002.

c. If Vendor fails to compensate such employee pursuant to the Living Wage Policy, the City Manager or designee shall terminate this Agreement on written notice to Vendor, effective immediately.

d. In addition, if Vendor fails to comply with the Living Wage Policy in any manner, Vendor shall pay to City a fine of \$500 and shall pay to any employee providing services under this Agreement a penalty of three times the amount or value of the compensation owed to such employee under the Living Wage Policy. Vendor shall pay such fine and penalty within 15 days after the City Manager or designee provides written notice to Vendor of the amount owed.

e. The foregoing requirements are restated on page 1 and 2 of the Agreement for Trade Services.

**EXHIBIT 1
Page 4 of 4**

EXHIBIT A
SCOPE OF SERVICES AND VENDOR RESPONSIBILITIES

General Requirements:

- 1) Supplier shall bring apparent error or omissions to City's attention.
- 2) Sample courier and containers will be at no additional cost if bottle orders are placed one week in advance of need and courier is scheduled at least one full workday in advance.
- 3) Full QC (Blank, LCS, duplicate or MS + MSD) is required for all analyses without surcharge. The City's sample is to be spiked for MS and MSD. The city will designate on the chain-of custody which sample is for this purpose and will provide adequate sample volume. Duplicate will only be supplied where MS and MSD is not practical.
- 4) When test results are questioned by the City, the laboratory will take extra steps to investigate the data starting with rechecks of calculations, re-injections/re-runs of extracts/digestates. If re-analysis of the original sample is not viable due to limited sample volume or expired holding time, re-sampling will be done and no additional costs will be invoiced for the re-analysis. If re-sampling indicates error, no additional costs will be invoiced, otherwise additional work is billable.
- 5) The City will impose a penalty of 10% per test for the first week the reports are submitted late and 5% for every week after. Certain unforeseen events that could delay release of the reports should be discussed with the City's Project Manager before the due date.

Scope:

- 1) Vendor shall provide state regulatory compliance water, wastewater, and recycled water sampling.
 - a) All samples must be run undiluted to obtain the lowest detection limits and if dilution is necessary, the lowest should be used to avoid over-inflated detection limits.
 - b) Testing outside the general scope may be requested on an as needed basis by the Project Manager.

**EXHIBIT B
SCHEDULE**

Matrix	Parameters	Method	TAT (workdays)
Water	1,2,3-Trichloropropane (TCP) - GCMS-SIM	SRL 524M-TCP	10
Water	1,4-Dioxane - GCMS	EPA 8270M	10
Water	Aggressive index	AWWA	10
Water	Biochemical Oxygen Demand - SM5210B	SM 5210B	10
Water	Boron - EPA 200.8	EPA 200.8	10
Water	Bromate - EPA 300.1	EPA 300.1	10
Water	Chlorate - EPA 300.1	EPA 300.1	10
Water	Chlorite - EPA 300.1	EPA 300.1	10
Water	Chromium, Hexavalent - EPA 218.6	EPA 218.6	10
Water	EPA 504.1 - Fumigants (EDB, DBCP)	EPA 504.1	10
Water	EPA 508 - Organochlorine Pesticides & PCBs	EPA 508	10
Water	EPA 515.3 - Chlorinated Acid Herbicides	EPA 515.3	10
Water	EPA 524.2 - MTBE	EPA 524.2	10
Water	EPA 524.2 - TBA	EPA 524.2	10
Water	EPA 524.2 - TTHM	EPA 524.2	10
Water	EPA 524.2 - Volatile Organic Compounds	EPA 524.2	10
Water	EPA 525.2 - Regulated 3 compounds	EPA 525.2	10
Water	EPA 525.2 - Semivolatile Organics - extended	EPA 525.2	10
Water	EPA 525.2 Mod - OPP low-level	EPA 525.2M	10
Water	EPA 531.1 - Carbamates	EPA 531.1	10
Water	EPA 547 - Glyphosate	EPA 547	10
Water	EPA 548.1 - Endothall	EPA 548.1	10
Water	EPA 549.2 - Diquat	EPA 549.2	10
Water	EPA 552.2 - Haloacetic Acids (HAA5)	EPA 552.2	10
Water	EPA 556 - Formaldehyde only	EPA 556	10
Water	EPA 608 - Organochlorine Pesticides & PCBs CTR	EPA 608	10
Water	EPA 624 - Volatile Organic Compounds	EPA 624	10
Water	EPA 625 - Semivolatile Organic Compounds	EPA 625	10
Water	EPA 8015B - Glycol	EPA 8015B	10
Water	General Minerals & Inorganic Chemicals	Varies	10
Water	General Physical (Title 22)	Varies	10
Water	Gross Alpha - EPA 900.0	EPA 900.0	10
Water	Gross Beta - EPA 900.0	EPA 900.0	10
Water	Langelier index - SM 2330B	SM 2330B	10
Water	Manganese - EPA 200.7	EPA 200.7	10
Water	Metals, Title 22 Inorganics - EPA 200.8	EPA 200.8	10
Water	Nitrate-N - EPA 353.2	EPA 353.2	10
Water	Nitrite-N - EPA 353.2	EPA 353.2	10
Water	Nitrosoamines low-level - EPA 1625M	EPA 1625M	10
Water	Oil and Grease - EPA 1664A	EPA 1664A	10

Water	Perchlorate - EPA 314.0	EPA 314.0	10
Water	pH - SM 4500 H B	SM 4500H+-B	10
Water	Settleable Solids - SM2540F	SM 2540F	10
Water	Specific Conductance (EC) - SM 2510B	SM 2510B	10
Water	Total Coliform and E. Coli by P/A Colilert	SM 9223B	10
Water	Total Dissolved Solids - SM 2540C	SM 2540C	10
Water	Turbidity - EPA 180.1	EPA 180.1	10
Water	Uranium (pCi/L) - EPA 200.8	EPA 200.8	10
Water	Vanadium - EPA 200.8	EPA 200.8	10
Solid	EPA 8081A - Organochlorine Pesticides	EPA 8081A	10
Solid	EPA 8081A/8082 - Pesticides and PCBs	Varies	10
Solid	EPA 8082 - Polychlorinated Biphenyls	EPA 8082	10
Solid	EPA 8260B - Volatile Organic Compounds	EPA 8260B	10
Solid	EPA 8270C - Semivolatile Organics BNA	EPA 8270C	10
Water	Alkyl Phenols by GCMS D7065	ASTM D7065	10-15
Water	Asbestos, water - TEM	EPA 100.2	10-15
Water	Bioassay EPA-821-R-02-012 Acute (fresh or marine)	EPA-821-R-02-012	10-15
Water	Dioxin 2378TCDD - EPA 1613B-ATP	EPA 1613B	10-15
Water	EPA 8141A - Organophosphorus Pesticides	EPA 8141A	10-15
Water	EPA 8330A - Explosives	EPA 8330A	10-15
Water	PCB Congener (56) by GCMS SIM	GC/MS/MS	10-15
Water	PFCs in water by LC/MS	EPA 537M	10-15
Water	Polybrominated Diphenyl Ethers (PBDEs) - EPA 1614M	GC/MS SIM	10-15
Water	PPCP - Hormones by LCMSMS-APCI+	EPA 1694M-APCI	10-15
Water	PPCP - Morphine by LCMSMS-ESI+	EPA 1694M-ESI+	10-15
Water	PPCP - Pharmaceuticals by LCMSMS-ESI-	EPA 1694M-ESI-	10-15
Water	PPCP - Pharmaceuticals by LCMSMS-ESI+	EPA 1694M-ESI+	10-15
Water	Pyrethroid Pesticides by GC/MS SIM	GC/MS NCI-SIM	10-15
Water	Tributyltin - GC/MS	GC/MS	10-15
Water	Dioxins/Furans - EPA 1613B	EPA 8290A	15-20
Water	EPA 200.8 - UCMR3 Metals	EPA 200.8	15-20
Water	EPA 218.7 - UCMR3 Hexavalent Chromium	EPA 218.7	15-20
Water	EPA 300.1 - UCMR3 Chlorate	EPA 300.1	15-20
Water	EPA 522 - UCMR3 1,4-Dioxane	EPA 522	15-20
Water	EPA 524.3 - UCMR3 Volatile Organics	EPA 524.3	15-20
Water	EPA 537 - UCMR3 Perfluorinated Compounds	EPA 537	15-20
Water	EPA 539 - UCMR3 Hormones	EPA 539	15-20
Water	Radium-226 by Rn emanation - sub	EPA 903.1	15-20
Water	Radium-228 - sub	EPA Ra-05	15-20
Water	Strontium-90 - sub	EPA 905.0	15-20
Water	Tritium - sub	EPA 906.0	15-20
Solid	Dioxins/Furans - EPA 8290	EPA 8290A	15-20

**EXHIBIT C
FEE SCHEDULE**

WATER CAMPUS 251 SOUTH HAYES AVENUE

Prices will be held firm for the full length of the contract.

Frequency	Approx Qty.	Item Description	Method	Unit Price	Extended Price
monthly	10	Methyl Tertiary Butyl Ether	EPA 524.2	\$35	\$4,200
weekly	7	Nitrate	EPA 300.0	\$10	\$3,640
monthly	10	Nitrate	EPA 300.0	\$10	\$1,200
weekly	7	TDS	SM 2540	\$10	\$3,640
quarterly	8	Trihalomethanes	EPA 524.2	\$35	\$1,200
quarterly	8	Haloacetic Acids	EPA 552.2	\$50	\$1,600
annual	10	Volatile Organics Compounds	EPA 524.2	\$70	\$700
annual	10	General Minerals	Various	\$90	\$900
annual	10	General Physicals	Various	\$15	\$150
annual	10	Inorganics	Various	\$90	\$900
weekly	4	Manganese	EPA 200.7	\$5	\$1040
annual	10	Synthetic Organics Compounds EPA 525.2 only	EPA 500	\$100	\$1,000
annual	7	Gross Alpha Radioactivity	EPA 900.0	\$25	\$175
annual	7	Gross Beta Radioactivity	EPA 900.0	\$10	\$70
annual	7	Radium 226	EPA 903.0	\$110	\$770
annual	7	Radium 228	EPA 904.0	\$160	\$1,120
weekly	4	pH, Conductivity		\$10	\$2,080
weekly	1	Langelier Index		\$15	\$780
quarterly	3	Uranium		\$15	\$180
quarterly	3	EPA 200.8		\$85	\$1020
annual	1	Strontium 90	EPA 905.0	\$110	\$110
annual	1	Tritium	EPA 906.0	\$60	\$60

Frequency	Approx Qty.	Item Description	Method	Unit Price	Extended Price
If needed	5	Turbidity (National Pollutant Discharge Elimination System Permit)	EPA 180.1	\$5	\$0
If needed	5	BOD5 (National Pollutant Discharge Elimination System Permit)	SM 5210B	\$25	\$0
If needed	5	Settleable Solids (National Pollutant Discharge Elimination System Permit)	SM 2540	\$5	\$0
If needed	1	Acute Toxicity (National Pollutant Discharge Elimination System Permit)	96 hours	\$250	\$0
2014	3 Entry Point 1 Maximum Residence	List 1 UCMR3-7 VOC	EPA 524.3	\$70	\$840
2014	3 Entry Point 1 Maximum Residence	List 1 UCMR3-1 SOC	EPA 522	\$75	\$900
2014	3 Entry Point 1 Maximum Residence	List 1 UCMR3-6 Metals	EPA 200.8 Rev 5.4	\$80	\$1,280
2014	3 Entry Point 1 Maximum Residence	List 1 UCMR3-1 Oxyhalide Anion	EPA 300.1	\$25	\$400
2014	3 Entry Point 1 Maximum Residence	List 1 UCMR3-6 Perflourinated Compounds	EPA 537 Rev 1.1	\$180	\$2,160
2014	3 Entry Point	List 2 UCMR3-7 Hormones	EPA 539	\$200	\$2,400
annual	11	Asbestos		\$130	\$1,430
annual	11	Aggressive Index		\$10	\$110
annual	10	Perchlorate	EPA 314, 314.1, 331.0 or 332.0	\$25	\$250
weekly	43	Coliforms	SM 9223 P/A	\$8	\$17,880
Total Annual Estimated Cost for the Water Campus:				\$2,208	\$54,113

WASTEWATER TREATMENT FACILITY 6001 SOUTH PERKINS ROAD

Prices will be held firm for the full length of the contract.

Frequency	Approx Qty.	Item Description	Method	Unit Price	Extended Price
monthly	1	Dioxins- EPA 8290 High Resolution- Solid	EPA 8290	\$475	\$5,700
monthly	1	PCB's Solid	EPA 8082	\$60	\$720
monthly	1	PCB Congener (56) by GC/MS SIM- Water	EPA 625	\$225	\$2,700
monthly	1	PCB- Water	EPA 608	Included with 608	
monthly	1	Chlorinated Pesticides-By-products+Mirex	EPA 608	\$80	\$960
quarterly	2	Dioxins- EPA 8290 High Resolution- Water	EPA 8290	\$500	\$4,000
quarterly	1	Chlorinated Pesticides including Mirex- Solid	EPA 8081A	\$80	\$320
quarterly	1	PCBs- Solid	EPA 8082A	Included with 8081A	
quarterly	1	Semivolatile Organics Full List- Solid	EPA 8270	\$150	\$600
quarterly	1	Volatile Organics Full List including Acrylon, Acrylonitrile and 2-Chloroethyl Vinyl Ether- Solid	EPA 8260	\$80	\$320
quarterly	2	Semivolatile Organics Full List- Water	EPA 625	\$150	\$1,200
semiannually	2	Volatile Organics - Water	EPA 624	\$80	\$320
semiannually	1	Hexavalent Chromium (Cr6+) Water	EPA 218.6	\$25	\$50
semiannually	1	Organophosphorus Pesticides including Malathion- Water	EPA 8141	\$120	\$240
semiannually	1	Gross Alpha and Beta Water	EPA 9310	\$35	\$70
semiannually	1	Tributyltin - Water	GC/FPD	\$180	\$360
Total Annual Estimated Cost for the Wastewater Treatment Facility:				\$2,240	\$17,560

**ADVANCED WATER PURIFICATION FACILITY.
5700 SOUTH PERKINS ROAD- NON-POTABLE WATER SAMPLE**

Prices will be held firm for the full length of the contract.

Frequency	Approx Qty.	Item Description	Method	Unit Price	Extended Price
quarterly	1	General Minerals & Inorganic Chemicals	Varies	\$180	\$720
quarterly	1	General Physical (Title 22)	Varies	\$15	\$60
quarterly	1	1,4-Dioxane - GCMS	EPA 8270M	\$75	\$300
quarterly	1	1,2,3-Trichloropropane (TCP) - GCMS-SIM	SRL 524M-TCP	\$60	\$240
quarterly	1	EPA 625 - Semivolatile Organic Compounds	EPA 625	\$150	\$600
semiannually	1	EPA 556 - Formaldehyde only	EPA 556	\$120	\$240
semiannually	1	Bromate - EPA 300.1	EPA 300.1	\$20	\$40
semiannually	1	Chlorate - EPA 300.1	EPA 300.1	\$20	\$40
semiannually	1	Chlorite - EPA 300.1	EPA 300.1	\$20	\$40
semiannually	1	EPA 531.1 - Carbamates	EPA 531.1	\$70	\$140
semiannually	1	EPA 508 - Organochlorine Pesticides & PCBs	EPA 508	\$80	\$160
semiannually	1	EPA 515.3 - Chlorinated Acid Herbicides	EPA 515.3	\$80	\$160
semiannually	1	Oil and Grease - EPA 1664A	EPA 1664A	\$20	\$40
semiannually	1	EPA 549.2 - Diquat	EPA 549.2	\$80	\$160
semiannually	1	EPA 548.1 - Endothall	EPA 548.1	\$80	\$160
semiannually	1	EPA 8330A - Explosives	EPA 8330A	\$180	\$360
semiannually	1	EPA 504.1 - Fumigants (EDB, DBCP)	EPA 504.1	\$40	\$80
semiannually	1	EPA 547 - Glyphosate	EPA 547	\$70	\$140
semiannually	1	EPA 8015B - Glycol	EPA 8015B	\$80	\$160
semiannually	1	EPA 552.2 - Haloacetic Acids (HAA5)	EPA 552.2	\$50	\$100
semiannually	1	Boron - EPA 200.8	EPA 200.8	\$5	\$10
semiannually	1	Vanadium - EPA 200.8	EPA 200.8	\$5	\$10
semiannually	1	Nitrosoamines low-level - EPA 1625M	EPA 1625M	\$140	\$280
semiannually	1	Perchlorate - EPA 314.0	EPA 314.0	\$25	\$50

Frequency	Approx Qty.	Item Description	Method	Unit Price	Extended Price
semiannually	1	PFCs in water by LC/MS	EPA 537M	\$180	\$360
semiannually	1	Polybrominated Diphenyl Ethers (PBDEs) - EPA 1614M	GC/MS SIM	\$150	\$300
semiannually	1	PPCP - Morphine by LCMSMS-ESI+	EPA 1694M-ESI+	\$150	\$300
semiannually	1	PPCP - Pharmaceuticals by LCMSMS-ESI+	EPA 1694M-ESI+	\$150	\$300
semiannually	1	PPCP - Pharmaceuticals by LCMSMS-ESI-	EPA 1694M-ESI-	\$150	\$300
semiannually	1	PPCP - Hormones by LCMSMS-APCI+	EPA 1694M-APCI	\$150	\$300
semiannually	1	Alkyl Phenols by GCMS D7065	ASTM D7065	\$150	\$300
semiannually	1	Pyrethroid Pesticides by GC/MS SIM	GC/MS NCI-SIM	\$175	\$350
semiannually	1	Gross Alpha - EPA 900.0	EPA 900.0	\$25	\$50
semiannually	1	Gross Beta - EPA 900.0	EPA 900.0	\$10	\$20
semiannually	1	Uranium (pCi/L) - EPA 200.8	EPA 200.8	\$15	\$30
semiannually	1	EPA 525.2 - Semivolatile Organics - extended	EPA 525.2	\$175	\$350
semiannually	1	EPA 525.2 Mod - OPP low-level	EPA 525.2M	\$175	\$350
semiannually	1	Dioxin 2378TCDD - EPA 1613B-ATP	EPA 1613B	\$220	\$440
semiannually	1	Asbestos, water - TEM	EPA 100.2	\$130	\$260
semiannually	1	Radium-226 by Rn emanation - sub	EPA 903.1	\$110	\$220
semiannually	1	Radium-228	EPA Ra-05	\$160	\$320
semiannually	1	Strontium-90	EPA 905.0	\$110	\$220
semiannually	1	Tritium	EPA 906.0	\$60	\$120
semiannually	1	EPA 524.2 - TBA	EPA 524.2	\$35	\$70
semiannually	1	EPA 524.2 - Volatile Organic Compounds	EPA 524.2	\$70	\$140
semiannually	1	EPA 624 - Volatile Organic Compounds	EPA 624	\$80	\$160
Total Annual Estimated Cost for the Advanced Water Purification Facility:				\$4,295	\$9,550

**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-7583
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.

INSTRUCTION FOR SUBMITTING INSURANCE CERTIFICATES AND ENDORSEMENT FORMS

Certificates of Insurance

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

Endorsement Forms

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

INS-A.doc

ACORD CERTIFICATE OF INSURANCE

ISSUE DATE (MM/DD/YY)

PRODUCER

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

CODE SUB-CODE

COMPANIES AFFORDING INSURANCE COVERAGE

INSURED

COMPANY LETTER A SPECIFY COMPANY NAMES IN THIS SPACE

COMPANY LETTER B

COVERAGES

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

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	GENERAL LIABILITY [x] COMMERCIAL GENERAL LIABILITY [] CLAIMS MADE [x] OCCUR. [x] OWNER'S & CONTRACTOR'S PROT.				GENERAL AGGREGATE \$1,000,000 PRODUCTS COMP/OP AGG. \$1,000,000 PERSONAL & ADV. INJURY \$1,000,000 EACH OCCURRENCE \$1,000,000 FIRE DAMAGE (Any one fire) \$ MED. EXPENSE (Any one person) \$
A	AUTOMOBILE LIABILITY [x] ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS HIRED AUTOS NON-OWNED AUTOS GARAGE LIABILITY				COMBINED SINGLE LIMIT \$1,000,000 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-7583
300 W. Third Street, Suite 302
Oxnard CA 93030

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

AUTHORIZED REPRESENTATIVE

**GENERAL LIABILITY SPECIAL ENDORSEMENT
FOR THE CITY OF OXNARD (the "City")**

SUBMIT IN DUPLICATE

ENDORSEMENT NO.

ISSUE DATE (MM/DD/YY)

PRODUCER

POLICY INFORMATION:

Insurance Company:

Policy No.:

Policy Period: (from) (to)

LOSS ADJUSTMENT EXPENSE ☐ Included in Limits
☐ In Addition to Limits

Telephone:

☐ Deductible ☐ Self-Insured Retention (check which) of \$ _____
with an Aggregate of \$ _____ applies to _____
coverage. ☐ Per Occurrence ☐ Per Claim (which)

NAMED INSURED

APPLICABILITY. This insurance pertains to the operations, products and/or tenancy of the named insured under all written agreements and permits in force with the City unless checked here ☐ in which case only the following specific agreements and permits with the City are covered

CITY AGREEMENTS/PERMITS

TYPE OF INSURANCE

GENERAL LIABILITY

☐ COMMERCIAL GENERAL LIABILITY

☐ COMPREHENSIVE GENERAL LIABILITY

☐ OWNERS & CONTRACTORS PROTECTIVE

☐ Claims Made

Retroactive Date _____

☐ Occurrence

OTHER PROVISIONS

COVERAGES

LIABILITY LIMITS IN THOUSANDS \$

EACH OCCURRENCE

AGGREGATE

☐ GENERAL

☐ PRODUCTS/COMPLETED OPERATIONS

☐ PERSONAL & ADVERTISING INJURY

☐ FIRE DAMAGE

☐ _____

☐ _____

CLAIMS: Underwriter's representative for claims pursuant to this insurance.

Name: _____

Address: _____

Telephone: () _____

In consideration of the premium charged and notwithstanding any inconsistent statement in the policy to which this endorsement is attached or any endorsement now or hereafter attached thereto, insurance company agrees as follows:

1. **INSURED.** The City, its officers, agents, employees and volunteers are included as insureds with regard to liability and defense of suits arising from the operations, products and activities performed by or on behalf of the named insured.

2. **CONTRIBUTION NOT REQUIRED.** As respects: (a) work performed by the named insured for or on behalf of the City; or (b) products sold by the named insured to the City; or (c) premises leased by the named insured from the City, the insurance afforded by this policy shall be primary insurance as respects the City, its officers, agents, employees or volunteers; or stand in an unbroken chain of coverage excess of the named insured's scheduled underlying primary coverage. In either event, any other insurance maintained by the City, its officers, agents, employees or volunteers shall be in excess of this insurance and shall not contribute with it.

3. **SEVERABILITY OF INTEREST.** This insurance applies separately to each insured against whom claim is made or suit is brought except with respect to the company's limits of liability. The inclusion of any person or organization as an insured shall not affect any right which such person or organization would have as a claimant if not so included.

4. **CANCELLATION NOTICE.** With respect to the interests of the City, this insurance shall not be canceled, or materially reduced in coverage or limits except after thirty (30) days prior written notice by receipted delivery has been given to the City.

5. **PROVISIONS REGARDING THE INSURED'S DUTIES.** Any failure to comply with reporting provisions of the policy or breaches or violations of warranties shall not affect coverage provided to the City, its officers, agents, employees or volunteers.

6. **SCOPE OF COVERAGE.** This policy, if primary, affords coverage at least as broad as:

a. Insurance Services Office Commercial General Liability Coverage, "occurrence" form CG0001; or

b. If excess, affords coverage which is at least as broad as the primary insurance form CG0001.

Except as stated above nothing herein shall be held to waive, alter or extend any of the limits, conditions, agreements or exclusions of the policy to which this endorsement is attached.

ENDORSEMENT HOLDER

CITY OF OXNARD

Attn: Risk Manager

Reference No. A-7583

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: _____

ENDORSEMENT NO.	ISSUE DATE (MM/DD/YY)
-----------------	-----------------------

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)

CITY AGREEMENTS/PERMITS

Name: _____
Address: _____
Telephone: () _____

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

Prepared By: Grant Dunne, Management Analyst III *GD*Agenda Item No. I-9Reviewed By: City Manager *GP* City Attorney *ET* Finance *J.C.* Public Works**DATE:** April 24, 2013**TO:** City Council**FROM:** Rob Roshanian, Interim Public Works Director *W.R.*
Public Works Department**SUBJECT:** Rubberized Asphalt Grant Program for Street Resurfacing**RECOMMENDATION**

That the City Council approve the appropriation of funds in the amount of \$250,000 to include \$139,747.25 to the Blackstock South Neighborhood Street Reconstruction Project and \$110,252.75 to the Ventura Road Utility Improvement Project from the Rubberized Asphalt Grant Program.

DISCUSSION

On April 22, 2008, the City Council approved Resolution No. 13,402 authorizing the City Manager to submit grant applications to the California Department of Resources Recycling and Recovery (CalRecycle) under the Rubberized Asphalt Grant Program through April 22, 2013. The Rubberized Asphalt Grant Program is sponsored by CalRecycle to encourage public agencies to ground recycled tire (crumb) rubber into the hot asphalt mix when resurfacing roadways. The Ventura Road Utility Improvement Project was completed in March, 2012 and applied 5,723 tons of rubberized asphalt. The Blackstock South Neighborhood Street Reconstruction Project was completed in November, 2012 and applied 7,254 tons of rubberized asphalt.

In addition to being environmentally friendly, rubberized asphalt has many other advantages versus conventional asphalt. Rubberized asphalt is durable pavement that resists reflective cracking and can extend the life of a street by 10 years. Rubberized asphalt maintains long-lasting color for striping and markings, is highly skid-resistant and quieter when driven upon. Application of rubberized asphalt has been tested and approved by Caltrans and the Federal Highway Administration.

FINANCIAL IMPACT

A Special Budget Appropriation appropriates \$250,000 received from CalRecycle's Rubberized Asphalt Grant Program to reimburse the City for the cost of utilizing rubberized asphalt in the amount of \$139,747.25 to the Blackstock South Neighborhood Street Reconstruction Project and \$110,252.75 to the Ventura Road Utility Improvement Project. From previous awards, the City has received \$439,902 through the Rubberized Asphalt Grant Program.

REQUEST FOR SPECIAL BUDGET APPROPRIATION

Department: Public Works
Project/Program
Manager: Rob Roshanian

Date: May 7, 2013
Phone: 385-7682

Reason for Appropriation:

To recognize and appropriate the FY 2010-11 Rubberized Asphalt Concrete (RAC) Grant No. TRI32-10-35 to the projects of the Blackstock South Neighborhood Street Reconstruction Project and the Ventura Road Utility project for reimbursement of the cost to utilizing rubberized asphalt.

Accounts and Descriptions

AMOUNT

Fund: STATE/LOCAL - MULTI-YEAR GRANT FUND 219

Revenues / Transfers In

BLACKSTOCK SOUTH STREET RECONST

219-9674-532-7231 State/Local Sources/ State Grant Revenues 139,747.25

VENTURA ROAD UTILITY IMPROVEMENT

219-6555-532-7231 State/Local Sources/ State Grant Revenues 110,252.75

Expenditures/Transfers In

BLACKSTOCK SOUTH PROJECT NO. 123101

219-9674-826-8605 Capital Outlay/Improvement - Not Building 139,747.00

VENTURA ROAD UTILITY PROJ. NO. 106503

219-6555-826-8605 Capital Outlay/Improvement - Not Building 110,252.75

Net Change to Fund Balance	<u>0</u>
Net Appropriation Change	<u>0</u>

Approvals

Department Director

Chief Financial Officer

City Manager

REQUIRES CITY COUNCIL AUTHORIZATION

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

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

Prepared By: Susan L. Martin, AICP, Planning Manager

Agenda Item No. L-1

Reviewed By: City Manager [Signature] City Attorney SMT Finance [Signature] Other (Specify) for Jim Cameron

DATE: April 24, 2013

TO: City Council

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

SUBJECT: Planning and Zoning Permit No. 12-580-01 (Zone Code Text Amendment),
Regulations Concerning Operation of Mobile Food Facilities, Citywide.

RECOMMENDATION

That City Council approve the first reading by title only and subsequent adoption of an ordinance amending Chapters 8 and 16 of the City Code concerning operation of mobile food facilities citywide.

DISCUSSION

The proposed changes to the City Code primarily address operation of a mobile food facility (MFF) on private property in certain areas of the city, subject to an approved temporary use permit (TUP). Although the ordinance would allow MFF uses on private property in nearly all commercial and industrial properties throughout the city, distance and buffer restrictions will limit, but not completely eliminate, the availability of such sites for MFF operations. Exceptions to the allowed zone districts are the C-1 (Neighborhood Shopping Center) and the C-O (Commercial Office) zone districts, both of which typically abut residential neighborhoods. As part of the proposed ordinance amendment, operation of traditional lunch/catering trucks servicing industrial and construction sites are clarified, but not otherwise affected, nor are peddlers, pushcarts, or other shorter-term mobile vending (e.g. ice cream truck) operating on the public rights-of-way. The Planning Commission originally considered this item in June and August of 2012, and made a recommendation of approval to the City Council.

The ordinance also would amend the regulations for vending from vehicles in the public rights of way. Those regulations have been discussed in the previous staff reports (see attachments) and were not modified when this ordinance was reconsidered by the Planning Commission. The remainder of this report addresses the zoning codes amendments regarding MFFs.

At the City Council hearing on January 8, 2013, a number of speakers indicated restaurant stakeholder group had not had an adequate opportunity to participate in the development of this ordinance. The Council briefly considered the matter, indicating that the final decision should be beneficial for all interested parties - specifically restaurant owners, mobile food truck operators, and residents of the affected communities - and referred the item back to the Planning Commission.

Public Outreach

In addition to the aforementioned public hearings before the Planning Commission and City Council (notice of which was published in local newspapers), staff presented the draft MFF ordinance to various stakeholders on several other occasions. It is important to note that the number of interested individuals/groups and outreach by staff has increased continuously throughout this process. A brief summary of the outreach efforts is described below:

Date	Meeting Group
May 8, 2012	<u>Known stakeholders at that time:</u> Invitees included about 20 MFF operators and their representative attorney, Oxnard Downtown Merchants District, Ventura County Environmental Health Division, and key staff members. Invitees also included Oxnard Chamber of Commerce, Oxnard Visitor and Conventions Bureau, Ventura County Harbor District, but representatives declined to attend.
May 10, 2012	<u>City Wide Enhancement Program:</u> Regular attendees include interested community members and staff representatives from various City Departments.
December 4, 2012	<u>Restaurant Stakeholders:</u> Over 300 invitations were sent to each restaurant operating in the City.
February 4, 2013	<u>Inter-Neighborhood Council Forum:</u> The INCF represents residential neighborhoods throughout the City.

Additional details of the stakeholder meetings are provided in the previous staff reports (see attachments). At the conclusion of each meeting, public and stakeholder input and comments provided to staff were taken into consideration and described to the decision-makers. Many of the adjustments to the originally proposed ordinance resulted from the input received throughout the process.

Adjustments to the Proposed Ordinance

The zoning code amendments, as currently proposed, have seen several modifications along the way based on direction of the Planning Commission and stakeholder input. Staff originally proposed the following key points for consideration:

Time Limit: 45-day TUP for each location, up to 2 TUP locations per MFF at any one time.

Operation: 6 hours daily, up to 6 days each week.

Hours: 7:00 a.m. to 10:00 p.m.

Restroom Distance: 200 ft.

Distance from residential use or zone: 500 ft.

Distance from school, daycare, public park: 900 ft.

Distance from other uses: No minimum.

For brevity, only the key concerns are summarized herein. Adjustments, which occurred from staff's original proposal, and from meeting to meeting, are shown in highlighted text for ease of understanding, in the following summary of key concerns:

Date	Hearing Body	Recommended Adjustments
June 21, 2012	Planning Commission	Time Limit: 180-day TUP for each location, up to 2 TUP locations per MMF at any one time. Operation: 6 hours daily, up to 6 days each week. Hours: 7:00 a.m. to 11:00 p.m., Sun-Thur; to 12:00 a.m. Fri/Sat Restroom Distance: 200 ft. Distance from residential use or zone: 500 ft. Distance from school, daycare, public park: 900 ft. Distance from other MFF operators: 500 ft
August 16, 2012	Planning Commission	Time Limit: 365-day TUP for each location, up to 2 TUP locations per MMF at any one time, with no 30-day rest period. Operation: 6 hours daily, up to 6 days each week. Hours: 6:00 to 11:00 p.m., Sun-Thur; to 12:00 a.m. Fri/Sat Restroom Distance: 200 ft. Distance from residential use or zone: 500 ft. Distance from school, daycare, public park: 900 ft. Distance from other MFF operators or restaurants, during that establishment's operating hours: 500 ft.
January 8, 2013 (continued from October 9, 2012)	City Council	No changes recommended at this time. City Council acknowledged growing interest in this item, and referred proposed ordinance back to Planning Commission for reconsideration, with additional opportunities for stakeholder input.
March 21, 2013	Planning Commission	Time Limit: 180-day TUP for each location, up to 2 TUP locations per MMF at any one time. Operation: 6 hours daily, up to 6 days each week. Hours: 6:00 to 11:00 p.m., Sun-Thur; to 12:00 a.m. Fri/Sat Restroom Distance: 100 ft. for customers. Distance from residential zone only: 500 ft. Distance from school, daycare, public park: 900 ft. on school days only, between 7:00 a.m. and 4:00 p.m. Distance from other MFF operators or restaurants, during that establishment's operating hours: 900 ft. Restroom facilities must be permanent (not portable unit). Approved TUP must be prominently displayed.

At the March 21st hearing, the Planning Commission's recommendation included a 900-foot distance buffer between operating restaurants and MFF uses. With over 300 restaurants, currently in operation, such site specifics will need to be considered on a case-by-case basis. However, for illustrative purposes in this report, it is noted that restaurants and eateries not serving alcohol are permitted by right in the C-2 (General Commercial) zone district. As such, the restaurant buffer in Attachment 7 is from the boundaries of the C-2 zone. All final adjustments, as recommended by the Planning Commission, are included in the draft ordinance (see Attachment #9).

2030 General Plan Conformance

As described previously, this ordinance primarily focuses on MFFs operating on private property. The proposed ordinance limits MFF operations conducted pursuant to a TUP on private property to certain commercial and manufacturing zone districts, and requires such operations be situated at least 500 feet from any residential zone districts. As such, the proposal conforms to policies protecting residential neighborhoods. Furthermore, allowing MFF operations on private property promotes entrepreneurial and small business opportunities throughout the city.

FINANCIAL IMPACT

No financial impact to the City's budget or reserves is anticipated as a result of this ordinance amendment. Approval of the proposed ordinance would allow mobile food facilities, subject to the approval of a temporary use permit. Fees would be collected for the processing of each such permit.

/sm

- Attachment #1 - Planning Commission Staff Report, June 21, 2012 (without attachments)
#2 - Planning Commission Staff Report, August 16, 2012 (without attachments)
#3 - City Council Staff Report, dated September 19, 2012 (without attachments)
#4 - Planning Commission Staff Report, March 21, 2013 (without attachments)
#5 - Planning Commission Meeting Minutes, March 21, 2013
#6 - Proposed City Code Text Changes, With Markups (dated March 22, 2013)
#7 - Maps Illustrating Buffer Restrictions
#8 - Planning Commission, Approved Resolution
#9 - Draft City Council Ordinance

**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission

FROM: Susan L. Martin, AICP, Planning Manager

DATE: June 21, 2012

SUBJECT: Planning and Zoning Permit No. 12-580-01, (Zone Code Text Amendment), Regulations Concerning Operation of Mobile Food Facilities, Citywide.

- 1) Recommendation:** That the Planning Commission adopt a resolution recommending that the City Council approve Planning and Zoning Permit No. 12-580-01 for a zone code text amendment, subject to certain findings.
- 2) Project Description and Applicant:** A proposal to amend portions of the Oxnard City Code to address the operation of mobile food facilities within the city limits. The amendment would be effective throughout the city, and include changes to Chapter 8 (Vehicles and Traffic) and Chapter 16 (Zoning). The Planning Commission's action on this matter is a recommendation to the City Council. Filed by the City of Oxnard, Planning Division, 214 South C Street, Oxnard, CA 93030.
- 3) Background Information:** Since 2007, there has been a growing interest by vendors in establishing mobile food facilities (MFF) as a permanent business prospect in the City of Oxnard. As the MFFs vendors began establishing their operations, there were complexities with the Oxnard City Code in supporting these businesses. The requirements for a peddlers permit is addressed in Chapter 11 (Permits) of the City Code, while Chapter 8 (Vehicles and Traffic) places restrictions as to time and place for vending from vehicles, wagons, and pushcarts. These Code requirements are suitable for ice cream trucks and lunch wagons, as these operators do not stand or park their vehicles for extended time periods.

Operation of a MFF is different from the ice cream trucks and lunch wagons. The MFF operators who have approached the City indicated a need to locate their facility at specified locations for periods that exceed the Chapter 8 allowance of ten minutes. In addition, while these operators want to establish themselves permanently at certain locations, Chapter 16 (Zoning) of the City Code is arranged to address land uses conducted from permanent structures. Early on, staff encouraged some of the MFF operators to apply to modify underlying land use approvals for the locations they were interested in. A modification to a special use permit approved by the Planning Commission would allow the MFF long-term rights on that particular property, in that such approval runs with the land. Alternatively, staff encouraged the MFF operators to consider pooling their resources and proposing an amendment to the City Code to adequately address their proposed type of use. The MFF

operators made no such application, and Code Compliance officers continued to provide warnings, then citations to the MFF operators for continuing to conduct their business contrary to the City Code.

The Oxnard City Code adequately regulates peddlers, pushcarts, and lunch wagons, and such operation in public areas. Therefore, the discussions herein are primarily focused on the need to provide standards for the operation of MFF uses on private property.

- 4) Environmental Determination:** In accordance with Sections 15304 and 15305 of the State CEQA Guidelines, projects involving "minor temporary use of land having negligible or no permanent effects on the environment" and those involving "minor alterations in land use limitations in areas...which do not result in any changes in land use or density" may be found to be exempt from the requirements of the California Environmental Quality Act (CEQA). This proposal minimally expands the list of allowed uses considered temporary, and does not propose to extend the timeframe for such similar uses, nor would the proposal result in any changes to existing land uses or density. Therefore, staff has determined that there is no substantial evidence that the project may have a significant effect on the environment and recommends that Planning Commission accept the Notice of Exemption (see Attachment C).

5) Analysis:

- a) General Discussion:** Different dining choices should be recognized, as they provide alternative business opportunities in the city, especially during tough economic times. As estimated by the MFF vendors, a new food vending wagon costs \$55,000 and monthly costs for operating such facilities are approximately \$2,500. By comparison, start-up costs to establish a modest 2,000 square foot fixed restaurant facility are roughly estimated at \$190,000, with monthly operating costs at \$3,300. (Note that these costs do not include staff wages, benefits, workers' comp, etc.) While MFFs represent a relatively low-cost way to start up new food service uses, restaurant owners and City business leaders have stressed the importance of not undercutting Oxnard's existing commercial and restaurant industry. That segment of the public suggests that to allow MFFs without controls may be considered unfair competition by established traditional brick-and-mortar restaurants, who have already invested heavily in the community. However, with the rising interest in establishing MFFs, this food evolution is taken seriously, as the MFFs offer a popular alternative method by which the Oxnard community and visitors can purchase prepared foods.

The amendment proposed herein serves as a starting point for the Planning Commission, and ultimately, the City Council, to determine the degree of flexibility for this alternative food business they are willing to support. Staff reviewed ordinances from cities that directly regulates MFFs through zoning ordinance, or have had success in establishing such guidelines. The proposed ordinance addresses the need for MFFs to locate in appropriate areas, while allowing ample opportunities throughout the city for MFFs to start up these services.

b) Summary of Other Cities' Requirements: Although popular, the food truck evolution is no longer a new phenomenon. Some jurisdictions have already made adjustments to their ordinances and permit procedures to accommodate this type of use – others have not yet delved into this matter, or are still considering the available options. There are a number of similarities amongst the cities studied by staff, but guidelines for regulating MFFs differ considerably.

While one city specifically prohibits MFFs in commercial zones, most municipalities embrace such uses in commercial and industrial zones. MFFs are consistently excluded from residential areas in the communities staff reviewed.

All cities reviewed require compliance with the County Environmental Health agencies and require a valid city business license or registration for operation of a MFF. Most of the communities surveyed require encroachment permits from their Public Works Department for operation of MFFs on public streets. However, there are significant differences in permitting requirements for operation of MFFs on private property. Some require permits issued by the Police Department, while others require permits issued by the Planning Department. Even those permits issued by the Planning Departments differ, as some require a Temporary Use Permit while some require an Administrative Permit and others require a Special Use Permit (used interchangeably with Conditional Use Permit).

Of the jurisdictions surveyed, the permit fees, due to the dissimilar processes involved, for MFFs range from \$25 to more than \$3,000. The extent of these differences makes it impossible to do a side-by-side comparison of the various standards and permitting requirements of these jurisdictions. However, for those interested, staff has included a summary of the other cities studied in Attachment B of this staff report.

Staff determined that existing sections of the City Code could be efficiently amended to address operation of MFFs in Oxnard. Minor changes to Chapter 8 (Vehicles and Traffic) would be sufficient to manage those MFFs located in public streets. The intent of Chapter 16 (Zoning) generally supports land uses conducted from enclosed buildings. Typically, special use permits are approved pursuant to Section 16-530 et. seq., and such approvals run with the land, which means subsequent property owners or successors would be entitled to the privileges allowed by a special use permit. However, MFFs operating on private property seemed appropriate under Division 15 of Chapter 16 (Temporary Uses). Specifically, Section 16-475 clarifies that "A 'temporary use' is one which occupies a parcel of land for a period of more than one hour within 24-hour period, but less than the maximum time limits set forth herein; [and] does not utilize any permanent structures..."

As proposed, the amendment expands on the standards for MFFs that are consistent among the other cities, and includes particular requirements that support the City of Oxnard's values as identified in the recently adopted 2030 General Plan.

- c) Synopsis of Proposed Amendment:** The amendment proposes clarifications to Chapters 8 and 16 of the Oxnard City Code. In Chapter 8, the amendment would modify existing regulations for on-street parking. As MFFs are operational vehicles, they may park on the street, in accordance with the Vehicle Code. As such, section 8-47 updates the list of major arterial streets, and revises time, place and manner public safety restrictions consistent with the Vehicle Code.

In Chapter 16, the amendment would allow MFFs to operate on private property in particular zone districts pursuant to a TUP or as an accessory use (depending on the zone) in accordance with specified operating standards. A definition for mobile food facility was added to section 16-10. MFFs were added as new accessory uses to the M-L and M-1 zone. Operating standards are provided in section 16-442, a new Code section. The Temporary Use Permit (TUP) section (Division 15) was updated to include MFFs. Staff also took the opportunity to include some additional clean-up language in the TUP section to clarify existing application of the TUP process (see Attachment A).

- d) General Plan Consistency:** The proposed ordinance amendment has been determined to be consistent with the General Plan. 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 (full text of the policy and an explanation).
- II. Related or Indirect Applicability to the Proposed Project or Program (policy title and an explanation for each or groups of related or indirectly related policies).
- 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-3.1	II	Neighborhood Preservation: protect residential neighborhoods.	As proposed, the placement and operation of MFFs would occur in appropriate areas, consistent with other commercial and food service uses. Such facilities would maintain the integrity of existing commercial environments while preserving residential areas from encroachment of incompatible land uses.
CD-18.1		Attract New Businesses: encourage uses compatible with the community and not detrimental to the existing economy.	
CD-19.2		Complementary Development: complimentary role for continued economic success.	
CD-15.1	II	Quality of Life: maintain and enhance quality of life through better business opportunities.	The proposed amendment provides opportunities for MFFs to become a viable alternative food service models, supporting the entrepreneurial spirit of the operators as small business owners.
CD-16.7		Flexibility in Regulation Implementation: allow updates to regulations to adequately respond to market conditions.	
CD-18.2		Small Business: promote entrepreneurial and small business expansion.	
All others	III	All policies not listed above	Distant or No Applicability to the Proposed Amendment to the Oxnard City Code

6) Planning Commission Considerations:

- a) **Heritage Square Food Truck Event:** Since September 2011, the Oxnard Downtown Management District (ODMD) has sponsored a food truck event on the First Thursday of each month. The monthly event takes place in the Heritage Square parking lot, located on the north side of Eighth Street, between A and B Streets. As the first such event in the City, a Temporary Use Permit (TUP) was issued. Although the TUP allows up to 18 food trucks, typically there have been 10-12 onsite for each event. The MFF vendors advertise gourmet menu offerings, and rotate so as to comply with the requirements of the Ventura County Environmental Health Division. Recently, the event moved to the Elks Lodge, across the street from Heritage Square, on a one-time TUP to clarify some of those regulations enforced by the County. The Heritage Square Food Truck event has been successful in bringing new patrons to Downtown Oxnard, and has been well-received by the community.
- b) **Addition of C-1 Zone as MFF Venue:** There are several MFFs currently operating in the community. They are scattered throughout the city, and almost all offer tacos as their food specialty. These operators indicate the need to be in closer proximity to their customers (i.e. residents) and request the C-1 zone district be considered as an allowable venue. While the C-1 zone is intended to provide convenience shopping and personal services primarily to serve neighborhoods, specialty retail food establishments are permitted, but "drive-in or take-out café or restaurant" uses are specifically prohibited under section 16-124(C). As an outdoor operation, staff has excluded C-1 from the list of allowable zone districts in the proposed amendment, as MFF operations would be contrary to the intent of the Oxnard City Code.
- c) **Timeframe for MFF as Temporary Operation:** The vendors currently operating MFFs in the city have claimed the proposed timeframe of 45 days at one location limits their earning potential - that the requirement to relocate after 45 days would negatively affect their business at their established locations. Related to this is the limitation on the number of TUPs which can be issued for any one location and the requirement for a 30-day rest period between TUPs. The preference of the MFF vendors is for a one year timeframe, which could then be renewed for subsequent years without a 30-day waiting period in-between. Also, they request consideration of an operational period up to 12:00 a.m. (midnight) in order to meet their customers' needs.

The nature of a temporary use is that it is intended to be temporary. As such, the TUP ordinance establishes a 30-day rest period between any TUPs on a particular site. The next higher timeframe established in the City Code for TUPs is 180 days, which is specific to youth, charitable or nonprofit organization projects, or agricultural stands for produce grown on-site. These uses did not seem to be in the same commercial category as the MFF operations, and staff felt the 45-day period was most appropriate for this type of outdoor use.

Although the 45-day limit would require the MFF to find another location, the proposed ordinance would allow each MFF operator to have two valid TUPs at any one time. It is possible for each operator to conduct business year-round. This could be accomplished by moving the MFF every 45 days from one location to another, amongst three separate sites. The restriction would be on the property owner, who could have no more than three such outdoor events in any calendar year. This limitation also safeguards the property from too many outdoor events, which could negatively affect the integrity of the neighborhood.

- 7) Stakeholder Workshop:** On May 8, 2012, Planning Division staff conducted a meeting with several community groups, as well as a number of the MFFs currently operating within the City boundaries. The meeting was well attended, including representatives from various City departments, Ventura County Environmental Health Division, Oxnard Downtown Merchants District, and about 20 MFF operators and their legal representative.

There were a few points that the MFF operators concurred with the proposed amendment. Some limitations on operational standards were acceptable to the operators who attended the workshop meeting. Specifically, this included the restriction on chairs and seating, entertainment, and any requirement consistent with that of the Ventura County Environmental Health Division.

The MFF operators had several concerns with the proposed amendment, as well. The MFF operators indicated the need to be closer to their customers - especially residents - and requested the C1 zone district be considered as an allowable venue. They felt the maximum allotment of 45 days at one location was limiting - they preferred a one year timeframe, which could then be renewed for subsequent years. Also, they did not want to move from their already established locations. As to their operational period, they indicated a need to operate as late as midnight for their customers. For the reasons described in this report, staff was not comfortable making such adjustments to the proposed ordinance.

As originally drafted, the trucks were limited to operating four hours daily for five days. The operators indicated they would need at least five to six hours onsite if the timeframe included set-up and clean-up. They also indicated the five day limitation does not afford an adequate opportunity to conduct the business; their preference was to be allowed to operate seven days a week for more flexibility, so they can choose which days to operate. As a result of the stakeholders meeting, the draft as presented has been adjusted to allow a maximum six hour timeframe, and the number of operational days in a seven-day period has been increased to six.

Staff also presented the proposed MFF ordinance to the City Wide Enhancement Program on May 10, 2012. There were some clarifying questions at this meeting, but no particular requests for further adjustments to the proposed language.

8) Appeal Procedure: The Planning Commission's action is a recommendation and the matter will be considered by the City Council at a later date.

Attachments:

- A. Proposed Text Changes to Oxnard City Code in Strike-Through and Underline
- B. Summary of Other Cities Researched
- C. Notice of Exemption
- D. Resolution

**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission

FROM: Susan L. Martin, AICP, Planning Manager

DATE: August 16, 2012

SUBJECT: Planning and Zoning Permit No. 12-580-01, (Zone Code Text Amendment),
Regulations Concerning Operation of Mobile Food Facilities, Citywide.
[ITEM CONTINUED FROM JUNE 21, 2012 MEETING]

- 1) **Recommendation:** That the Planning Commission adopt a resolution recommending that the City Council approve Planning and Zoning Permit No. 12-580-01 for a zone code text amendment, subject to certain findings.
- 2) **Project Description and Applicant:** A proposal to amend portions of the Oxnard City Code to address the operation of mobile food facilities within the city limits. The amendment would be effective throughout the city, and include changes to Chapter 8 (Vehicles and Traffic) and Chapter 16 (Zoning). The Planning Commission's action on this matter is a recommendation to the City Council. Filed by the City of Oxnard, Planning Division, 214 South C Street, Oxnard, CA 93030.
- 3) **Summary of Previous Meeting:** On June 21, 2012, the Planning Commission considered a draft ordinance for the above-referenced subject at a duly noticed public hearing. While some of the text amendment distinguishes traditional lunch trucks and clarifies operations on public rights-of-way, the amendment primarily addresses operation of mobile food facility (MFF) uses on private property. As MFFs are considered temporary outdoor uses, staff presented amendments to the City Code which would allow such MFFs to conduct business with written consent of the property owner, with an approved temporary use permit for a period of 45-days at each approved site, and in compliance with requirements pertaining to location/distance and operational standards.

At that meeting, some food truck operators indicated their general support for the ordinance. However, they requested the Commission consider allowing operation of MFFs between 6:00 p.m. and 12:00 a.m. (midnight) in order to avoid conflicts with existing restaurant operations. The operators also requested consideration for an annual permit, that the proposed 45-day limitation was too restrictive on their earning potential. They also requested closer proximity to residential areas to better serve their customers. It was also suggested the City allow a maximum number of MFF permits so as not to oversaturate the demand for such services.

Members of the public indicated concern with the safety of the food and/or food handlers, with placement of such facilities near residential uses and schools during school hours, and were opposed to allowing such trucks to park in the same location day after day. The Commission was also asked to consider allowing multiple MFFs in special situations, such as school events, and minimize potential conflicts with existing restaurants, and maintain equitability with restaurant operators.

During their deliberations, the Commission concurred with many comments received and directed staff to provide clarification, conduct further investigation, and make additional adjustments to the draft ordinance.

- 4) **Clarifications:** At the previous meeting, the Planning Commission inquired about some related functions at Oxnard College, and requested a more detailed comparison of the MFFs and permanent (brick and mortar) restaurants.

- a) **Oxnard College Activities:** As an educational institution, Oxnard College has an obligation to provide meals for its student and faculty population. Traditionally, a cafeteria would serve this function, but now commercial fast food establishments and food trucks are more typical. As such, MFFs located on the school campus, if not part of a fund-raising event, are considered part of the educational mission of the college.

Similar inquiries were raised about food service at the Oxnard College Community Market. In 2001, the City issued a special use permit (SUP) for Oxnard College to conduct the outdoor swap meet use for up to 350 vendors, with hours of operation limited between 8:00 a.m. and 3:00 p.m. on Saturday and Sunday only. With respect to food sales, the SUP allows food sales, but prohibits sale of any material or food from pushcarts.

- b) **Cost of Doing Business:** Previously, staff acknowledged MFFs as a recognized dining alternative. It was also noted that while MFFs represent a relatively low-cost way to start up new food service uses, restaurant owners and City business leaders have stressed the importance of not undercutting Oxnard's existing commercial and restaurant industry. Allowing MFF uses without controls may be considered unfair competition by established traditional brick-and-mortar restaurants. While there are unknown factors that will affect the estimates provided, staff worked with representatives of the existing Oxnard MFFs, the Oxnard Downtown Management District (ODMD), and consulted with other staff members to complete the following cost comparison data:

Factors	Restaurant (estimate 2,000 SF floor area)			Mobile Food Facility		
	One-Time	Annual	Monthly	One-Time	Annual	Monthly
Location/Lease			40,000			2,050
Improvements	325,000			55,000		
Land Use	2,500			135		

Factors	Restaurant (estimate 2,000 SF floor area)			Mobile Food Facility		
	One-Time	Annual	Monthly	One-Time	Annual	Monthly
Approvals						
EHD Permit-to-Operate		700			470	
Business Tax Certificate	70	350		70	95	
Insurance		1,800			4,800	
Utilities			335			
TOTALS	\$327,570	\$2,850	\$40,335	\$55,205	\$5,365	\$2,050

Leasing of restaurant space in Oxnard varies greatly depending on location and condition of the tenant space, with the general range from \$12 to \$35 per square foot of floor area. For this purpose, staff used the average rate (\$20) to determine a minimum monthly lease rate for a 2,000 square foot restaurant. The MFF cost includes the commissary rental and the rate for leasing the private property on which the MFF is located.

Building & Engineering staff's estimate for restaurant improvements includes equipment, furnishing, and construction permits for build-out of a typical (not high-end) café or restaurant space. The cost of a new food service truck is included in the MFF category. For comparison purposes, these are both included as one-time fees.

A special use permit would only be required if a café or restaurant wanted to serve alcohol at the establishment. Therefore, this is an optional item only. For MFFs, the temporary use permit fee is presently proposed as the appropriate land use permitting process. The fee shown is for two such permits per site.

County Environmental Health Permit fees are provided by representatives of ODMD and the MFF operators.

It is important to note that the City business tax rate varies, based on the reported gross income, but is the same calculation for both restaurants and MFFs. The figures shown are provided by representatives of ODMD and the MFFs. The restaurant amount is for a business grossing about \$270,000 annually. As a cash-only operation, there is some concern that the MFFs may be underreporting their income, and therefore pays less to satisfy their business tax certificate. Additional city taxes would result for restaurants that offer other activities such as entertainment.

Insurance for a restaurant consists primarily of property liability, while a MFF is considered a vehicle. Therefore, the MFF cost is higher in this category.

Brick-and-mortar restaurants will have monthly electricity, gas, water/sewer/trash, wastewater fees. The MFFs will not have these concerns, as they carry generators onboard the vehicles and are self-sufficient in this regard.

5) Further Investigation: The Commissioners requested additional information on the following issues and concerns raised at the previous meeting:

- a) Proximity to Restaurant Uses:** Staff had previously, but internally, identified possible concerns with proximity to existing restaurant uses. However, with no stakeholder input received highlighting such concerns, and at that time, no examples of such limitations identified from other agency regulations, staff did not propose a minimum distance requirement in the previously proposed ordinance.

With Planning Commission's interest and direction to staff, subsequent outreach and evaluations of MFF regulations in other California cities has been conducted. Staff contacted EDCO for assistance in organizing a coordinated effort with area restaurants. As of the printing of the staff report, staff has not received input on any additional restaurant concerns. In an updated summary of MFF regulations by some California cities, staff notes that a few cities have included a minimum proximity to other dining establishments. These vary greatly, from 200 feet (Emeryville) to 1000 feet (Lemore) to "determination by the Community Development Director" (Oakley).

Under the previously proposed ordinance, Planning Commission supported the proposal that MFFs be located at least 500 feet from another MFF. As such, staff recommends that MFFs operating on private property maintain a minimum proximity of 500 feet from any other eating establishment during that establishment's operating hours.

- b) Accident Rates:** To date, there are no statistics specific to accident rates associated with parked MFFs, either on public rights-of-way or on private property.
- c) Limit Number of MFF Permits:** There are significant restrictions proposed which would essentially limit the number of MFFs operating in the city. As proposed, MFFs on private property may not be situated so as to impede line-of-sight, and must maintain the following minimum distance requirements:
- 500 feet from residential use/zone
 - 900 feet from school, day care, or public park
 - 500 feet from any other food serving establishment
 - 500 feet from any other MFF

With MFFs allowed on private property only in certain commercial and industrial zone districts, along with the various location requirements itemized above, staff feels there are adequate rules in place to limit the number of MFFs operating in the city without being overly rigid.

6) Adjustments to Draft Ordinance: Based on input provided by Commissioners and comments received since the meeting on June 21st, the previously proposed ordinance has been adjusted as follows:

- a) **Extend Hours of Operation:** There was general consensus among the Commissioners to extend the permissible hours of MFFs to 11:00 p.m., and until midnight (12:00 a.m.) on Fridays and Saturdays. This adjustment is shown in proposed ordinance section 16-442(B)(6).
 - b) **Proximity to Restaurant Uses:** As stated above, staff recommends that MFFs parked on private property maintain a minimum proximity of 500 feet from any other eating establishment during that establishment's operating hours. This adjustment is shown in proposed ordinance section 16-442(B)(9)(d).
 - c) **Extend TUP Timeframe:** At the Planning Commission's direction, the TUP timeframe for MFFs has been increased, from 45 days to 180 days. The Commission, at the previous meeting, discussed equitability of MFFs and brick-and-mortar restaurants. MFFs are mobile operations, not permanently located business establishments. While MFFs are a popular alternative method by which the Oxnard community and visitors can purchase food items, it should not be at the detriment of permanent food establishments, which have contributed significantly in setting up their business operations. It would be unfair to restaurants to allow MFFs as a long-term solution. The adjustment to 180 days is shown in proposed ordinance section 16-479(A)(5)(c).
 - d) **Remove Fee Waiver:** A comment received on the draft ordinance identifies section 16-478, which states "the nonrefundable [temporary use permit] fee may be waived at the written request of the applicant and upon the approval of the city manager for charitable, youth or nonprofit organization projects." It has been brought to staff's attention that only the City Council has the authority to waive established fees, that this language is contrary to the authority allowed staff. As such, this is considered a clean-up issue.
- 7) **Appeal Procedure:** The Planning Commission's action is a recommendation and the matter will be considered by the City Council at a later date.

Attachments:

- A. June 21, 2012 Planning Commission Staff Report w/o Attachments
- B. Proposed Text Changes to Oxnard City Code
- C. Notice of Exemption
- D. Resolution



Meeting Date: 10 / 9 / 2012

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

Prepared By: Susan L. Martin, AICP, Planning Manager *SM* Agenda Item No. L-1Reviewed By: City Manager *ABD* City Attorney *SMF* Finance *J.C.* Other (Specify) _____

DATE: September 19, 2012

TO: City Council

FROM: Susan L. Martin, AICP, Planning Manager *SM*
Development Services DepartmentSUBJECT: Planning and Zoning Permit No. 12-580-01 (Zone Code Text Amendment),
Regulations Concerning Operation of Mobile Food Facilities, Citywide.**RECOMMENDATION**

That City Council approve the first reading by title only and subsequent adoption of an ordinance establishing regulations concerning operation of mobile food facilities citywide.

DISCUSSION

On June 21, 2012, staff presented a draft ordinance to the Planning Commission to allow mobile food facility (MFF) operations in certain areas of the city subject to an approved temporary use permit. That ordinance amendment also included minor changes to Chapter 8 (Vehicles and Traffic) of the City Code to update the list of arterial streets and address the operation of MFFs in public rights-of-way. MFF operators have requested that the zoning code be amended so they can operate their MFFs on private property for extended periods of time. To address these requests, staff supported the temporary use permit process as appropriate for periodic placement of these mobile businesses on private property. The operating standards for MFFs in the proposed zoning provisions of the ordinance are specific to MFFs operating on private property. MFFs operating on public streets must comply with the requirements of Chapter 8. The Commission received public comments - mostly directed to MFFs on private property - and deliberated on the matter, then directed staff to provide additional information and minor adjustments to the proposed ordinance.

Staff returned to Planning Commission on August 16, 2012, with additional information as requested by the Commissioners. Most importantly, the ordinance presented at that meeting accommodated changes to operating standards specific to MFFs operating on private property pursuant to a temporary use permit (TUP), as follows:

- Extend the allowable hours of operation, from 10:00 pm to 11:00 pm;
- Addition of a 500-foot minimum distance from any other eating establishment;
- Extend the TUP period, from 45 days to 180 days;

At the conclusion of the hearing on August 16th, the Planning Commission recommended the draft ordinance be adopted by City Council, with one final change - to allow MFFs to operate for a period of 365 consecutive days without a 30-day waiting period for a new TUP at the same location. The 30-day downtime is currently required of TUPs issued for each temporary use of property to discourage continuous ongoing disruptions to the neighborhood and community. The draft ordinance (attached) includes all adjustments and changes, as recommended by the Planning Commission.

It should be noted that invitees to the stakeholder meetings in May 2012 included about 20 MFF operators as well as their representative attorney, Oxnard Downtown Merchants District, Oxnard Chamber, Oxnard Visitor and Conventions Bureau, Ventura County Harbor District, Ventura County Environmental Health Division, and key City staff members. In addition, staff followed up directly with one or two restaurant owners whose information was provided by attendees of the meetings.

After the first Planning Commission hearing, where there was low attendance by restaurant representatives, staff contacted the Economic Development Corporation of Oxnard (EDCO) for assistance in further outreach efforts. According to EDCO, several restaurants were contacted directly and informed of the pending ordinance proposal. Staff also reached out to the Ventura County Restaurant Association about the proposed ordinance, but no response has been received to date.

Three speakers representing five or six restaurants attended the Planning Commission meeting on August 18th, indicating that they were concerned that a broad allowance of the MFFs would have significant impacts on their businesses. Staff also provided contact information to these restaurant representatives at that meeting, but there has been no contact since.

2030 General Plan Conformance

As described previously, this ordinance is primarily focused on MFFs operating on private property. The proposed ordinance limits MFF operations conducted pursuant to a TUP on private property to certain commercial and manufacturing zone districts, and requires such operations be situated at least 500 feet from any property used for residential purposes and/or residential zone districts. As such, the proposal conforms to policies protecting residential neighborhoods. Furthermore, allowing MFF operations on private property promotes entrepreneurial and small business opportunities throughout the city.

FINANCIAL IMPACT

No financial impact. Approval of the proposed ordinance would allow mobile food facilities, subject to the approval of a temporary use permit. Fees would be collected for such permits.

/sm

- Attachment #1 - Planning Commission Staff Report, June 21, 2012 (without attachments)
#2 - Planning Commission Staff Report, August 16, 2012 (with attachment B only)
#3 - Draft Ordinance

**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission

FROM: Susan L. Martin, AICP, Planning Manager *SLM*

DATE: March 21, 2013

SUBJECT: Planning and Zoning Permit No. 12-580-01, (Zone Code Text Amendment), Regulations Concerning Operation of Mobile Food Facilities, Citywide.

- 1) **Recommendation:** That the Planning Commission adopt a resolution recommending that the City Council approve Planning and Zoning Permit No. 12-580-01 for a zone code text amendment, subject to certain findings.
- 2) **Project Description and Applicant:** A request to consider an ordinance amendment, which would be effective citywide, and include changes to Chapters 8 and 16 of the City Code regarding vending from vehicles, including mobile food facilities (MFFs), and temporary use permits (TUPs). The proposed ordinance would amend regulations of vending from vehicles in the public right-of-way by expanding the list of arterial streets from which vending is prohibited, deleting the time limit on vending, and limiting vending near driveways or other vending vehicles. The ordinance would also amend the zoning ordinance to permit MFFs to operate on private property in specified zones as accessory uses, or in specified zones subject to a TUP and in accordance with operating standards. The ordinance would amend TUP fee waivers, TUP time limits, and the procedures for processing TUPs and appealing the denial or revocation of TUPs. The proposed ordinance amendment is exempt from environmental review under Section 15305 (Minor Alterations in Land Use Limitations) of the CEQA Guidelines. The Planning Commission's action on this matter is a recommendation to the City Council. Filed by the City of Oxnard, Planning Division, 214 South C Street, Oxnard, CA 93030.
- 3) **Background Information:** Since 2007, there has been a growing interest by vendors in establishing mobile food facilities (MFF) as a permanent business prospect in the City of Oxnard. As the MFF vendors began establishing their operations, there were complexities with the Oxnard City Code in supporting these businesses. The requirements for a peddlers permit is addressed in Chapter 11 (Permits) of the City Code, while Chapter 8 (Vehicles and Traffic) places restrictions as to time and place for vending from vehicles, wagons, and pushcarts. These Code requirements are suitable for ice cream trucks and lunch wagons, as these operators do not stand or park their vehicles for extended time periods.

The Oxnard City Code adequately regulates peddlers, pushcarts, and lunch wagons, and such operation in public areas. Operation of a MFF is different from the ice cream trucks and

lunch wagons. Therefore, the discussions herein are primarily focused on the need to provide standards for the operation of MFF uses on private property.

The MFF operators who have approached the City indicated a need to locate their facility at specified locations for periods that exceed the Chapter 8 allowance of ten minutes. In addition, while these operators want to establish themselves permanently at certain locations, Chapter 16 (Zoning) of the City Code is arranged to address land uses conducted from permanent structures. Early on, staff encouraged some of the MFF operators to apply to modify underlying land use approvals for the locations they were interested in. The MFF operators made no such application, and Code Compliance officers continued to provide warnings, then citations to the MFF operators for continuing to conduct their business contrary to the City Code.

Previous Planning Commission Consideration

On June 21, 2012, staff presented the first draft ordinance to the Planning Commission to allow MFF operations in certain areas of the city subject to an approved TUP. Due to the nature of these operations, staff supported the TUP process as appropriate for periodic placement of these mobile businesses on private property. At that meeting, the Commission received public comments and deliberated on the matter, then directed staff to provide additional information and minor adjustments to the proposed ordinance.

Staff returned to Planning Commission on August 16, 2012, with additional information as requested. Most importantly, the draft ordinance included the following changes to the proposed MFF operating standards:

- Extend the allowable hours of operation, from 10:00 pm to 11:00 pm;
- Addition of a 500-foot minimum distance from any other eating establishment;
- Extend the TUP period, from 45 days to 180 days.

At the conclusion of the hearing on August 16th, the Planning Commission recommended the draft ordinance be adopted by City Council, with one final change - to allow operation of MFFs pursuant to a TUP for a period of 365 consecutive days without the requisite 30-day waiting period. The 30-day downtime is currently required of all TUPs issued for each location to discourage continuous ongoing disruptions to the neighborhood and community. It should be noted that despite staff's efforts for outreach, representation by restaurant stakeholders during previous Planning Commission hearings were minimal and almost non-existent.

City Council Consideration and Direction

The recommended ordinance was scheduled for City Council consideration at a meeting on October 9, 2012, but was continued to the first meeting in January. During the interim time period, the newly formed Oxnard Business & Restaurant Alliance (OBRA) affirmed its concerns with the draft ordinance, as recommended by the Planning Commission. On January 8, 2013, the City Council received public comments, and referred the matter back to Planning

Commission to ensure the Commission's action was representative of all community stakeholders. For reference, previous staff reports are included as attachments.

4) Environmental Determination: In accordance with Sections 15304 and 15305 of the State CEQA Guidelines, projects involving "minor temporary use of land having negligible or no permanent effects on the environment" and those involving "minor alterations in land use limitations in areas...which do not result in any changes in land use or density" may be found to be exempt from the requirements of the California Environmental Quality Act (CEQA). This proposal minimally expands the list of allowed uses considered temporary, and does not propose to extend the timeframe for such similar uses, nor would the proposal result in any changes to existing land uses or density. Therefore, staff has determined that there is no substantial evidence that the project may have a significant effect on the environment and recommends that Planning Commission accept the Notice of Exemption (see Attachment C).

5) General Plan Consistency: The proposed ordinance amendment has been determined to be consistent with the General Plan. 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 (full text of the policy and an explanation).
- II. Related or Indirect Applicability to the Proposed Project or Program (policy title and an explanation for each or groups of related or indirectly related policies).
- 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-3.1	II	Neighborhood Preservation: protect residential neighborhoods.	As proposed, the placement and operation of MFFs would occur in appropriate areas, consistent with other commercial and food service uses. Such facilities would maintain the integrity of existing commercial environments while preserving residential areas from encroachment of incompatible land uses.
CD-18.1		Attract New Businesses: encourage uses compatible with the community and not detrimental to the existing economy.	
CD-19.2		Complementary Development: complimentary role for continued economic success.	
CD-15.1	II	Quality of Life: maintain and enhance quality of life through better business opportunities.	The proposed amendment provides opportunities for MFFs to become viable alternative food service models, supporting the entrepreneurial spirit of the operators as small business owners.
CD-16.7		Flexibility in Regulation Implementation: allow updates to regulations to adequately respond to market conditions.	
CD-18.2		Small Business: promote entrepreneurial and small business expansion.	
All others	III	All policies not listed above	Distant or No Applicability to the Proposed Amendment to the Oxnard City Code

6) Planning Commission Consideration: Due to lack of a formal organized group, staff's previous outreach efforts garnered minimal response from the restaurant community. As such, the Planning Commission's previous action had been based primarily on input from the MFF operators currently operating throughout the city. Since then, a group of about 30 business and restaurant operators have organized themselves as the Oxnard Business and Restaurant Alliance (OBRA). In response to this new interest group coming forward, the City Council directed staff to bring the proposed ordinance back to the Planning Commission for re-consideration to address the remaining community concerns.

a) Restaurant Stakeholder Concerns: In November 2012, staff invited the owner and/or general manager of every restaurant in Oxnard to an informational workshop to learn about the proposed MFF ordinance. Over 300 invitations were sent, and about 35 people attended the meeting on December 4, 2012.

At the workshop, staff provided copies of the proposed ordinance and discussed each of these changes. Of particular interest to the attendees were the proposed operating standards for MFFs and the TUP time frame allowed for such uses. Comments and concerns raised by the attendees are summarized here:

1. The TUP should be posted in a visible location.
2. Would restroom use be allowed at a vacant site?
3. Use of portable toilets to comply with the restroom requirement is a concern.
4. What are the number of parking spaces required for MFF use?
5. The proposed TUP time frame of 365 days is too long and does not coincide with Environmental Health Department requirements.
6. At 365 days, the MFF is no longer a temporary use, it is year-round.
7. The proposed 500-foot distance to residential use is too close, and a greater distance (1000 to 1500 feet) is preferred.
8. Can the MFF locate at a liquor store? If so, there are additional concerns that need to be addressed.
9. Revocation guidelines specific to MFF uses were requested.
10. Signage for MFFs were identified as a concern.

At the meeting in December, the newly formed OBRA submitted a letter to staff (see Attachment E). While OBRA points out their support to have an ordinance in place, they have some specific suggestions to further improve the proposed ordinance, which would better balance the needs of the business and restaurant community:

- Standardize distances between facilities, near residential zoning, and existing restaurants to match that of schools and daycare facilities: 900 feet instead of 500 feet.
- Reduce the distance requirement for restroom facilities: 100 feet instead of 200 feet.
- Reduce the TUP time frame for MFF uses: 90 days instead of 365 days.

- Reduce the weekly operational period: 5 days a week instead of 6.
- Reduce the daily operational period: 4 hours instead of 6.

b) Meeting with Residential Stakeholders: On February 4, 2013, staff presented the proposed MFF ordinance to the general membership of the Inter-Neighborhood Council Forum (INCF). At this meeting, staff provided a general overview of the need for the ordinance, and focused on the proposed location and operating requirements. The group raised the following comments and concerns at the meeting:

1. Concerned with oversaturation of MFFs in the city, and suggest method to limit number, such as a ratio: number of restaurants to MFFs.
2. Concerned there is no night-time enforcement.
3. Do all restaurants have restroom facilities?
4. The TUP should be posted for visibility.
5. Concern that portable toilets would be utilized to satisfy restroom requirement.
6. Request minimum distance of 1000 feet from residential use or zone.

7) Appeal Procedure: The Planning Commission's action is a recommendation and the matter will be considered by the City Council at a later date.

Attachments:

- A. Proposed Text Changes to Oxnard City Code in Strike-Through and Underline, as of January 8, 2013
- B. Planning Commission Staff Report, June 21, 2012 (without attachments)
- C. Planning Commission Staff Report, August 16, 2012 (without attachments)
- D. City Council Staff Report, January 8, 2013 (without exhibits)
- E. Letter from OBRA, dated December 4, 2012
- F. Notice of Exemption
- G. Resolution

MINUTES

OXNARD PLANNING COMMISSION REGULAR MEETING March 21, 2013

A. ROLL CALL

At 7:01 p.m., the regular meeting of the Oxnard Planning Commission convened in the Council Chambers. Commissioners Stephen Huber, Patrick Mullin, Anthony Murguia, Gilbert Guevara, Sonny Okada, Vincent Stewart, and Steven Nash were present. 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; Brian Foote, Associate Planner; Senior Officer Daniel Shrubbs, Police Department, and Lori Maxfield, Recording Secretary.

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

Commissioner Stewart led the pledge of allegiance.

C. PUBLIC COMMENTS

D. READING OF AGENDA

Planning Manager Martin reviewed the agenda.

E. CONSENT AGENDA

1. APPROVAL OF MINUTES – March 7, 2013

MOTION Commissioner Nash moved and Commissioner Guevara seconded a motion to approve the minutes of March 7, 2013 with correction. The question was called and the motion carried 6-0-1, Commissioner Mullin abstaining.

F. CONTINUED PUBLIC HEARINGS

G. NEW PUBLIC HEARINGS

1. PLANNING AND ZONING PERMIT NO. 12-510-06 (Special Use Permit – Alcohol) – A request for a Type 47 (On-Sale General – Eating Place) Alcoholic Beverage Control license to permit the sale of beer, wine, and distilled spirits for consumption on the premises with food service. The existing restaurant is 2,932-sq.ft. in size, with hours of operation from 11:00 a.m. to 10:00 p.m. daily, and proposes to include alcohol service from 11:00 a.m. to 10:00 p.m. daily. The project site is the Chipotle Mexican Grill located at 369 W. Esplanade Drive. The proposal is exempt from environmental review pursuant to Section 15301 of the California Environmental Quality Act (CEQA) Guidelines. Filed by Valerie Sacks, Liquor License Specialists, 12304 Santa Monica Blvd., Suite 100, Los Angeles, CA 90025.
PROJECT PLANNER: Brian Foote

Associate Planner Foote presented the staff report including sales of alcohol was a component of the business model; store hours of operation and occupancy; Police report stated that there were no other similar alcohol establishments nearby; wouldn't aggravate policing problems; signs to be posted inside that no alcohol service is permitted outside on the patio; prior ABC license was returned, as the restaurant had closed; Walmart has applied for a Type 21 license to sell, but the status is still pending; both Chipotle stores in Ventura hold Type 47 licenses. He displayed the location, General Plan, and zoning maps; aerial photos of the site; site and interior photos; and floor plan. He also indicated that should the Planning Commission wish to add the provision to allow the applicant to apply for a Minor Modification to permit alcohol sales in an enclosed patio, Senior Officer Waer had provided additional draft conditions, which the applicant would have to review.

Ms. Valerie Sacks, applicant, and Ms. Shayla Graham, store manager, gave a brief presentation including agreeing to all conditions; alcohol is sold with food; operating hours will remain the same; surrounding uses; they had no intention of selling alcohol on the patio; employee training with alcohol sales; no interest in adding entertainment; and video surveillance is required for security.

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

MOTION Commissioner Murguia moved and Commissioner Stewart seconded a motion to adopt a resolution granting PZ 12-510-06, a Special Use Permit to allow a Type 47 alcoholic beverage control license for Chipotle Mexican Grill, located at 369 West Esplanade Drive, subject to certain findings and conditions. The question was called and the motion carried unanimously.

2. **PLANNING AND ZONING PERMIT NO. 12-580-01 (zone text amendment)** a request to consider an ordinance amendment, which would be effective citywide, and include changes to Chapters 8 and 16 of the City Code regarding vending from vehicles, including mobile food facilities (MFFs), and temporary use permits (TUPs). The proposed ordinance would amend regulations of vending from vehicles in the public right-of-way by expanding the list of arterial streets from which vending is prohibited, deleting the time limit on vending, and limiting vending near driveways or other vending vehicles. The ordinance would also amend the zoning ordinance to permit MFFs to operate on private property in specified zones as accessory uses, or in specified zones subject to a TUP and in accordance with operating standards. The ordinance would amend TUP fee waivers, TUP time limits, and the procedures for processing TUPs and appealing the denial or revocation of TUPs. The proposed ordinance amendment is exempt from environmental review under Section 15305 (Minor Alterations in Land Use Limitations) of the CEQA Guidelines. The Planning Commission's action on this matter is a recommendation to the City Council. Filed by the City of Oxnard, Planning Division, 214 South C Street, Oxnard, CA 93030.
PROJECT PLANNER: Sue Martin

Ms. Lourdes Campbell, interpreter, announced that headsets were available, as she would be translating this item.

Planning Manager Martin presented the staff report including the motivation for the Zone Text Amendment; proposed changes to Chapters 8 (Vehicles and Traffic) and 16 (Zoning); General Plan analysis consistency; outreach and public opportunities; restaurant stakeholders comments; INCF comments; operating standards; summarized temporary uses in certain zones; and discussed the

Planning Commission's considerations based on meetings with stakeholders. She also displayed maps depicting the parks and schools buffer, residential buffer, and combined buffer.

Traffic Engineer Samonte discussed line of sight; and width and length of streets in the City.

Assistant City Attorney Fischer explained that the mobile food trucks were required to return their vehicles to a commissary at the end of each day where they are cleaned out and restocked; fluids are disposed of; and vehicle is stored overnight.

Ms. Elizabeth Huff, Manager, Ventura County Environmental Health, explained the process that was required of the mobile food trucks to obtain a permit to operate, including an annual permitting inspection, and would be subject to field inspections; there are currently 18 inspectors for the County; approximately 400 mobile food facilities of all different types are permitted within the County; State law requires an approved restroom for the operator within 200 feet if parked in a location for more than an hour; new State law entitled California Food Handler's Law; and discussed some of the violations with past mobile food trucks.

Code Compliance Inspector Steven Boychuck discussed Code's regular work hours, as well as going out on complaints during off hours.

Planning Commission discussed noise; lighting; aesthetics; smells; utilities; taxes; insurance; impact on the restaurants; limiting the number of mobile food trucks; and restrooms.

RECESS Chairman Huber called a recess at 9:35 p.m. The meeting reconvened at 9:45 p.m. with all Commissioners present.

Chairman Huber opened the public testimony.

Mr. Martin Jones stated that the issue of mobile facilities was discussed by the INCF several years ago; and recommended establishing enforceable regulations.

Mr. Morey Navarro stated that schools become parks after school hours; and questioned if a property is granted a Special Use Permit, and the use changes, shouldn't they be required to obtain another permit; and recommended regulations on the mobile facilities.

Ms. Pat Brown discussed the code changes; stated that it was a health and safety issue if food was not stored and/or prepared properly; concerned about the restaurants losing business; can a non-profit organization contact the mobile food vendors to request that they come to an event; trucks should be rated on the quality of the food; and mobile food trucks and restaurants should be subject to the same inspections and regulations.

Mr. Robert Melgoza requested a 900 foot buffer from restaurants, rather than 500 feet.

Ms. Wendy Aguilera recommended that restrooms be within 100 feet of the mobile food trucks, rather than 200 feet; and mobile food trucks and restaurants should be subject to the same inspections and regulations.

Ms. Lilia Chavez stated that because the mobile food trucks were parking so close to her restaurant, it was affecting her business; the truck parked at the Just Tires property on Saviers Road came from another City, and was taking business away from Oxnard; and suggested that the number of food trucks be regulated.

Mr. Javier Aguilera recommended that the mobile food trucks be regulated, as the restaurants were losing money.

Mr. Jose Luis Chavez recommended that the location of the mobile food trucks be regulated.

Mr. Juan Carlos Samaniego stated that a mobile food truck was using the gas station at Ventura and Gonzales Roads including their electricity, but don't have restrooms; the trucks don't pay taxes; and should be regulated.

Mr. Haatoa Tuitama Vainuku discussed the numerous food trucks parked on Saviers Road, and compared it to a ghetto; and stated that the mobile food trucks were taking business away from established restaurants.

Ms. Lizette Cuevas stated that the mobile food trucks were not paying insurance and property taxes that the restaurants were paying; they were only inspected when complaints were received; they operate after Code Compliance has left for the day; they park on private property where liquor is being sold; and the City should be aware of the number of trucks.

Mr. Ruben Chavez stated that the mobile food trucks should have the same regulations as the restaurants; trucks are often open longer hours than the restaurants; and if the trucks are going to have tables and chairs, they should be charged for them, just like the restaurants.

Mr. Saul Medina referred to photos he submitted regarding the lack of cleanliness at El ChavOcho restaurant, and food trucks parked behind the restaurant; El Sabor loads and unloads grills from trucks behind the restaurant, as well as parking lunch trucks behind the restaurants; referred to a submitted list of food establishments that had recently been closed; and referenced staff's report of September 19, 2012 indicating that there was no financial impact to giving the mobile food trucks their permits, but has now changed due to perception.

Mr. Alejandro Rivera discussed the Oxnard Business and Restaurant Alliance (OBRA); stated that the mobile food facilities need enforcement and regulations; suggested a permanent mobile food park; buffer should be 900 feet; TUP's should be limited to 90 days; Health Department should go out and do inspections; trucks are undercutting the businesses; and manual should be prepared and distributed when a TUP is issued, detailing all the rules and regulations.

Mr. Etzahel Rodriguez stated that the food trucks were hurting the restaurant businesses; and suggested putting the trucks in one location, so they pay the proper taxes, and compete with each other, rather than the restaurants.

Mr. Marcos Solorio stated that he first applied for a license for his trailer in 2007, and paid several thousand dollars in fines during the first two years; and suggested that if the City was opposed to the mobile food trucks working at night due to the Health Department being closed and unable to conduct inspections, allow them to work during the day.

Mr. Jose Garay stated that the mobile food trucks have the same requirements as the restaurants; cooking is done in front of the customers; they pay the commissary; and indicated that the customers come back because of the food and service.

Mr. Leopoldo Rojas indicated the taxes and lease payments he paid each month for his restaurant; it's not fair that the mobile food trucks are parked in front of his restaurant, as they're affecting his retirement; and stated that a truck and trailer had been parked every Wednesday at the Just Tires property on Saviers Road and Channel Islands Boulevard at 3:00 p.m. selling meat and vegetables, and would stay until 1:00 a.m.

Mr. Hector Rosales stated that the mobile food trucks were not trying to harm the restaurants; the Health Department only comes when there's a complaint; they're not taking customers from the restaurants; they are also customers of the restaurants; they're looking for an honest solution where everyone will be happy; they comply with the Health Department regulations, and would be happy to comply with a schedule.

Mr. Al Velasquez stated his concerns that the mobile food trucks were detrimental to the restaurants; they don't enhance the community; they are not regulated; and there's no maximum on how many can apply.

Mr. Juvenal Correa, owner of Sabor, stated that he didn't oppose the taco trailers, but has at least six surrounding his restaurant, causing his business to go down after 5:00 p.m., so he opened a hot and cold truck in order to supplement his business; and his trailer is only a utility trailer used to transport the equipment.

Mr. Etzahel Rodriguez stated that a man came into his business asking to use his employees at the mobile food trucks owned by he and his brothers.

Mr. Saul Medina suggested the TUP's be limited to 6 hours a day, for 180 days.

Mr. Jose Garay stated that the map provided indicates that the mobile food trucks would be prohibited everywhere except in the fields, and they can't comply with the restroom requirement; they need a way to operate per the requirements; and requested that they be treated fairly.

Mr. Alejandro Rivera stated that this is a food safety, economic, quality of life, and land use issue; the fact that the mobile food trucks have been unregulated since 2007 is not the fault of the restaurants; buffer from restaurants should be 100 feet; and the TUP should be limited to 90 days, with five days a week of operation.

Chairman Huber closed the public testimony.

Planning Commission concurred on the following revisions: restroom must be a permanent facility within 200 feet for employees, 100 feet for customers; TUP must be posted visibly at all times;

residential buffer to be 500 feet from the residential zone; parks buffer to be 900 feet, only between the hours of 7:00 a.m. to 4:00 p.m. on school days; TUP to be limited to 180 days, with a 30 day down time, and only two active at any one time; limited to six hours a day, to 11:00 p.m. on Sunday through Thursday, and 12:00 a.m. on Friday and Saturday; 900 foot buffer from restaurants; and no distance requirement between other mobile food facilities.

MOTION Commissioner Huber moved and Commissioner Mullin seconded a motion to adopt a resolution recommending City Council approval of PZ 12-580-01, a Zone Text Amendment to Chapters 8 and 16 of the City Code to address the operation of mobile food facilities within the City limits and amending various temporary use permit regulations, including permit appeals. The question was called and the motion carried 6-1, Commissioner Nash voting no.

H. REPORTS; STUDY SESSION

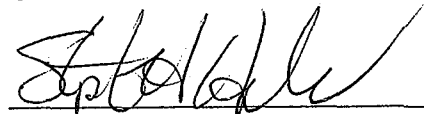
I. PLANNING COMMISSION BUSINESS

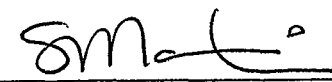
J. PLANNING MANAGER COMMENTS

Planning Manager Martin stated that the SB-2 ordinance has been continued to the City Council meeting on April 9, 2013; and discussed the forecast for the next Planning Commission meeting.

K. ADJOURNMENT

At 11:58 p.m., the Planning Commission concurred to adjourn.


Stephen H. Huber, Chairman

ATTEST: 
Susan L. Martin, Secretary

Staff recommends the following changes to the existing City Code. Text changes as originally proposed to the Planning Commission on 6/21/2012 are shown in underline and strike-through. Subsequent text changes after 6/21/2012 are shown in double underline and ~~double strikethrough~~. Final adjustments as recommended by Planning Commission on 3/21/2013 are further identified as **highlighted text**.

SEC. 8-47. 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 ten 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;

~~(1)(3)~~ No person shall stand, park or operate such vehicle or containers within or from the following locations:

(a) The public right-of-way on C Street, Channel Islands Boulevard, Camino Del Sol, Del Norte Boulevard, Fifth Street, Gonzales Road, Harbor Boulevard, Hueneme Road, Oxnard Boulevard, Pleasant Valley Road, Rice Avenue, Rose Avenue, Saviers Road, Ventura Road, Victoria Avenue, Vineyard Avenue, E Street, Ventura Road, Channel Islands Boulevard, Oxnard Boulevard or Saviers Wooley Road;

(b) ~~or~~ The public right-of-way within 100 feet of any intersection, or within 50 feet of any driveway or of another such vehicle or container standing or parked on the public right-of-way.

~~(2)(4)~~ Every person operating such vehicles or containers shall have in his or her possession a valid business license tax certificate to peddle issued by the city.

~~(3)(5)~~ 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.

~~(4)(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.

~~(5)(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:

(a) Stop playing music, ringing bells or making other noise that advertises such person's presence or wares; and

(b) Provide a visible trash receptacle for use by bona fide purchasers.

(B) The provisions of this section shall not apply to:

(1) A person delivering items from a store or other fixed place of business or distribution to a customer pursuant to an order of, or by agreement with, such customer;

(2) A person who has obtained a temporary use permit to stand or park such a vehicle on specific public property; or

(3) A person who has a written license agreement with the city to stand or park such vehicle on specific public property.

SEC. 16-10. DEFINITIONS.

(A) For the purposes of this chapter, the following words shall have the following meanings:

(75) MOBILE FOOD FACILITY – Any vehicle used in conjunction with a commissary or other permanent food facility, as those terms are defined in the California Retail Food Code (Cal. Health and Safety Code sections 113700 et seq.), upon which food is sold or distributed at retail.

DIVISION 13. M-L LIMITED MANUFACTURING ZONE

SEC. 16-190. ACCESSORY USES PERMITTED.

The following accessory uses are permitted in the M-L zone:

(A) Administrative, executive and/or corporate offices which are a part of a predominantly industrial operation, including governmental offices and facilities;

(B) Cafeterias and mobile food facilities operated in conjunction with permitted uses for the convenience of persons employed on the premises;

DIVISION 14. M-1 LIGHT MANUFACTURING ZONE

SEC. 16-225. ACCESSORY USES PERMITTED.

The following are accessory uses permitted in the light manufacturing zone:

(A) Dwelling units, limited to one per establishment, for security or maintenance personnel and their families, when located on the premises where such personnel are employed in such capacity. No other residential use shall be permitted;

(B) Employees' recreation facilities and play areas;

(C) Cafeterias; and mobile food facilities ~~when~~ operated in conjunction with permitted uses; for the convenience of persons employed on the premises;

DIVISION 1. GENERAL REQUIREMENTS

16-319.5. MOBILE FOOD FACILITY AS ACCESSORY USE DURING DEVELOPMENT

Mobile food facilities shall be allowed as an accessory use only in conjunction with development of uses permitted by the applicable zone for the convenience of persons employed in construction of the development. Such accessory use shall be located on or immediately adjacent to the site of the development.

~~DIVISION 10. OIL DRILLING DISTRICTS.~~ MOBILE FOOD FACILITIES

~~[RESERVED]~~

16-442. MOBILE FOOD FACILITY PERMIT AND OPERATING STANDARDS.

(A) The requirements of this section shall not apply to a mobile food facility operating pursuant to a written agreement with the city authorizing that mobile food facility's operations on a particular street or public property.

(B) Unless otherwise permitted by the city code, and except to the extent local regulation is preempted by the California Retail Food Code or California Vehicle Code, mobile food facilities shall adhere to the following permit and operating standards:

(1) A valid temporary use permit, issued in accordance with division 15 of article V of this chapter, is required for each mobile food facility to operate at a particular location.

(2) A mobile food facility operated on city-owned property shall maintain insurance as specified in the temporary use permit.

(3) Prior to approval of a temporary use permit for operation of a mobile food facility at a particular location, the applicant shall submit proof of compliance with all applicable state, federal, and County Environmental Health Division regulations and certifications, and shall maintain compliance with such regulations and certifications for the duration of the temporary use permit authorization period.

(4) Only one mobile food facility may be approved for operation at a particular location at a time. Each mobile food facility may have no more than two approved active

temporary use permit locations. Written permission of the property owner stating the terms of use shall be submitted with the temporary use permit application.

(5) The location of the commissary serving the mobile food facility in accordance with the California Retail Food Code shall be designated in the temporary use permit application.

(6) Mobile food facilities shall ~~only operate~~ be allowed to remain at permitted locations between the hours of 7:00 a.m. and ~~10:00~~ 11:00 p.m., Sunday through Thursday, and on Friday and Saturday, between the hours of 7:00 a.m. and 12:00 a.m. Parking of a mobile food facility at any location (inclusive of set-up and clean-up times) shall be limited to 6 hours daily for 6 days within any seven-day period. The hours and days of operation shall be stated on the temporary use permit application and may only be modified by the director's approval of a new application setting forth the proposed operating hours.

(7) Liquid waste originating from a mobile food facility shall be disposed of in compliance with all federal, state and local laws, including the provisions of any NPDES permit issued by the State. In no case shall any such waste be discharged or disposed of onsite.

(8) Each mobile food facility shall have the following supporting provisions visibly available and accessible, for the duration of the approved hours of operation:

(a) Adequate number of trash and recycling receptacles, but in no case less than two, to contain the amount of anticipated trash during the authorized operational period. The receptacles shall be set up and removed by the operator, at the beginning and closing of each such period. In-truck hatch receptacles are not sufficient. The operator shall not dispose of or allow disposal of any refuse or waste in any public or private trash receptacle other than a trash receptacle owned, operated, or otherwise provided by and under the control of such operator.

(b) Permanent restroom facilities in clean working order available for operator and customer use, including operational toilets and hand-washing facilities with hot water, soap, and paper towels. Such restroom shall be available for customer use, located no further than 2100 feet from the parked mobile food facility, and shall be available during the mobile food facility hours of operation. If such restroom facilities are not owned, operated, or otherwise provided by the operator, a written agreement by the owner of such facilities, stating the terms of availability of the facilities, shall be a part of the TUP application and approval.

(c) On-site parking for operations conducted on private property. Placement of the mobile food facility on private property shall not reduce the number of parking spaces below that which is required for the existing on-site uses during business hours of the on-site uses.

(d) Adequate lighting to ensure customer safety. Such lighting may be provided on the vehicle, or at the location of the mobile food facility, and shall be provided in accordance with section 16-320 of this code through the authorized operational periods. No such lighting shall be of a type or in a location that constitutes a hazard to vehicular traffic, either on private property or on public right-of-way, and must be shielded or otherwise deflected away from adjoining properties.

(e) The mobile food facility shall be entirely self-sufficient in regards to gas, electricity, water, and telecommunications. Should any utility hookups or connections to on-site utilities be required, the operator shall obtain appropriate permits prior to such connections being made and prior to initiation of such use.

(9) A mobile food facilities shall comply with the following location requirements:

(a) Neither the mobile food facility nor any of the required support items, described in subsection (B)(8) of this section, shall obstruct or interfere with the free flow of pedestrian or vehicular traffic, including to or from any business, public building, or residence;

(b) A mobile food facility shall not be located ~~within 500 feet of any property used for residential purposes or~~ within 500 feet of any residential zone district;

(c) ~~On any school day,~~ a mobile food facility shall not be located within 900 feet of the property line of any school, day care facility, or public park, ~~between the hours of 7:00 a.m. and 4:00 p.m.;~~

(d) A mobile food facility shall not be located within ~~500~~ 900 feet of the property line of any other food serving establishment during ~~that establishment's~~ operating hours. A food serving establishment is one whose principal use is the preparation of food and/or beverages, including but not limited to a restaurant, fast food restaurant, or café.

(e) A mobile food facility shall not be located within 500 feet of a site for which a TUP has been issued for any other mobile food facility.

(f) A pathway to the vending window must be provided that complies with state and federal requirements for access to public accommodations by persons with disabilities.

(g) A mobile food facility shall be located so that no line-of-sight issues result from such placement and so that all public rights-of-way are not otherwise affected.

(10) No mobile food facility shall use, play or employ any sound, outcry, amplifier, loudspeaker or any other instrument or device for the production of sound where said sound exceeds the exterior sound standards specified in section 7-185 of this code.

(11) No televisions, radios, or other device intended for amusement or entertainment purposes shall be operated in conjunction with a mobile food facility.

(12) No tables, chairs, furniture or other devices to provide patron seating shall be allowed, unless specified in the temporary use permit.

(13) Signs for a mobile food facility shall be limited to those on the vehicle only, and shall otherwise comply with article IX of this code.

DIVISION 15. TEMPORARY USES

SEC. 16-476. PERMITTED.

(A) No uses listed in this section shall be conducted unless a temporary use permit authorizing such a use has been approved. No temporary use shall be permitted to occur within or on public street rights-of-way or public property, including sidewalks, parks and parking lots, unless a temporary use permit has been granted for such uses.

(B) The following temporary uses may be permitted subject to the granting of a temporary use permit in accordance with the provisions of this division:

(3) C-2, CBD and C-P-D zones -

(d) Mobile food facilities in accordance with section 16-442;

(4) C-M, M-L, M-1, M-2, M-P-D and BRP zones -

(d) Mobile food facilities in accordance with section 16-442;

SEC. 16-477. PERMIT REQUIRED; PERMIT APPLICATION; ISSUANCE OF PERMIT.

(A) A temporary use permit shall be approved at least seven days prior to the commencement of ~~any~~ the temporary use. The approved temporary use permit shall be prominently displayed onsite in a location openly visible to the public throughout the approved permit period, including set-up and clean-up times. An application for a temporary use permit shall be ~~made~~ submitted on an application form secured from the director. ~~Such~~ The application shall ~~require~~ provide the information necessary for review of the application by appropriate city departments, and shall include ~~ing~~ the name, address, telephone number and signature of both the applicant and property owner, and the project location.

SEC. 16-478. FEE.

A nonrefundable fee in the amount set by city council resolution shall be paid upon the filing of an application for a temporary use permit. ~~The nonrefundable fee may be waived at the written request of the applicant and upon the approval of the city manager for charitable, youth or nonprofit organization projects.~~ Temporary uses may be subject to additional fees or taxes imposed pursuant to this code or other applicable regulations.

SEC. 16-479. TIME LIMITS.

(A) The director in conjunction with other affected city departments shall determine the time limitations of temporary uses, which shall not exceed the following maximum time limits for the following uses:

(4) Forty-five consecutive days:

(a) Christmas tree lots or Halloween pumpkin sales.

~~(6) Three hundred sixty-five consecutive days.~~

(5) One hundred eighty consecutive days, with thirty day extension for climatic hardships:

(c) Mobile food facilities in accordance with section 16-442.

(B) For each time limit category set forth in subsections A(1), A(2) and A(4), not include A(3) and A(5), nNo more than three outdoor events sales shall occur on the same site or at the same facility during a calendar year.

(C) With the exception of mobile food facilities, nNo new temporary use permit shall be issued within 30 days from the expiration date of a similar temporary use permit for the same site of facility property, or from removal of material or structures associated with the use, whichever occurs later.

SEC. 16-480. EXPIRATION OF USE; REMOVAL OF MATERIALS; BOND REQUIRED.

(A) All uses permitted by a temporary use permit shall be terminated on or before the expiration date stated upon the permit. All materials or products used in connection with or resulting from the temporary use shall be removed within five days after such expiration date. A bond, cash or other acceptable security in the amount specified by City Council resolution of \$250 to insure removal of all materials, personal property, and structures shall be filed with the director at the time of application for each of the following uses:

(5) Christmas tree lots or Halloween pumpkin sales.

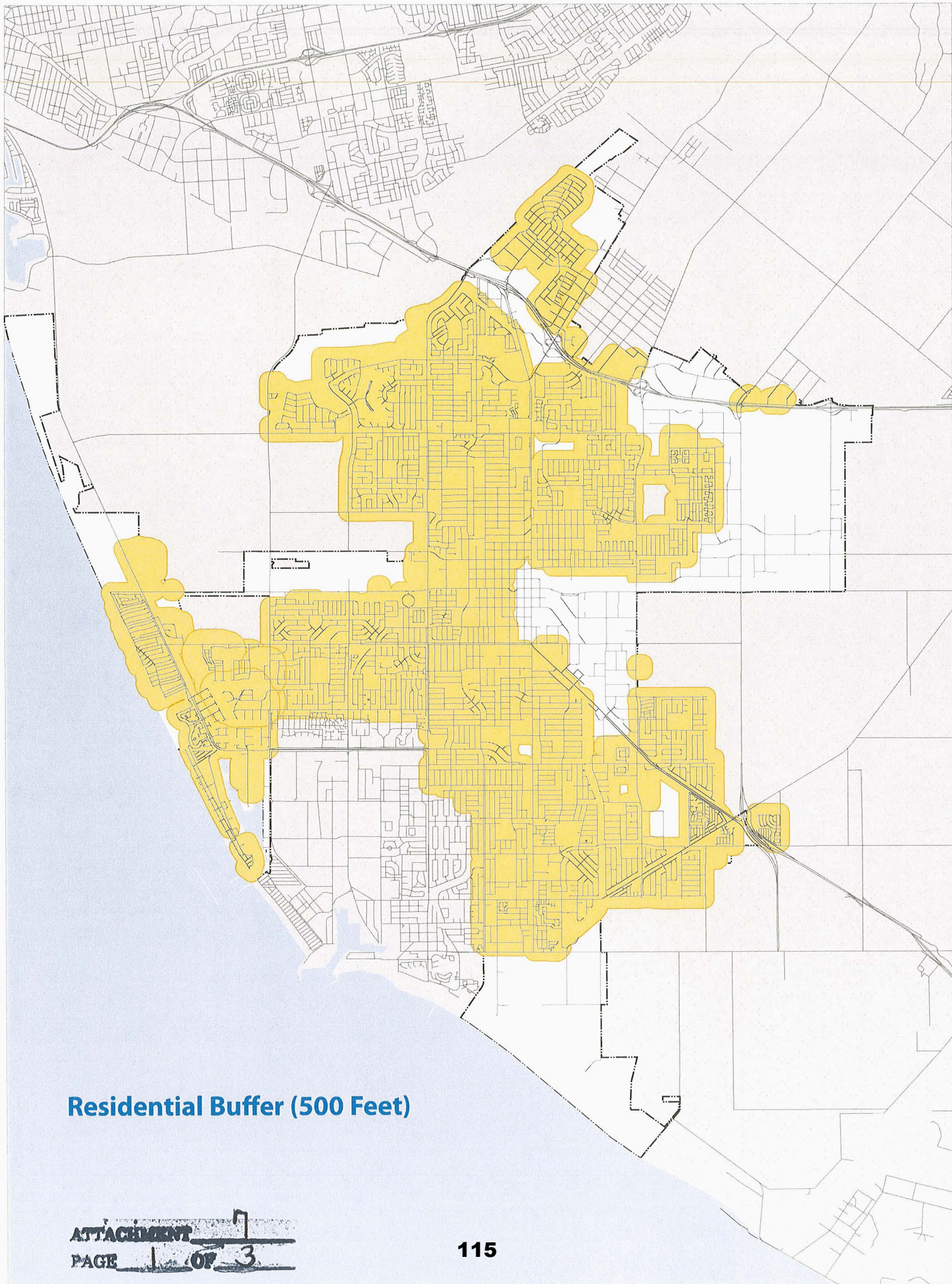
(6) Concerts, carnivals, revivals, mechanical rides, and rodeos.

(7) Any other temporary use which the director determines necessary.

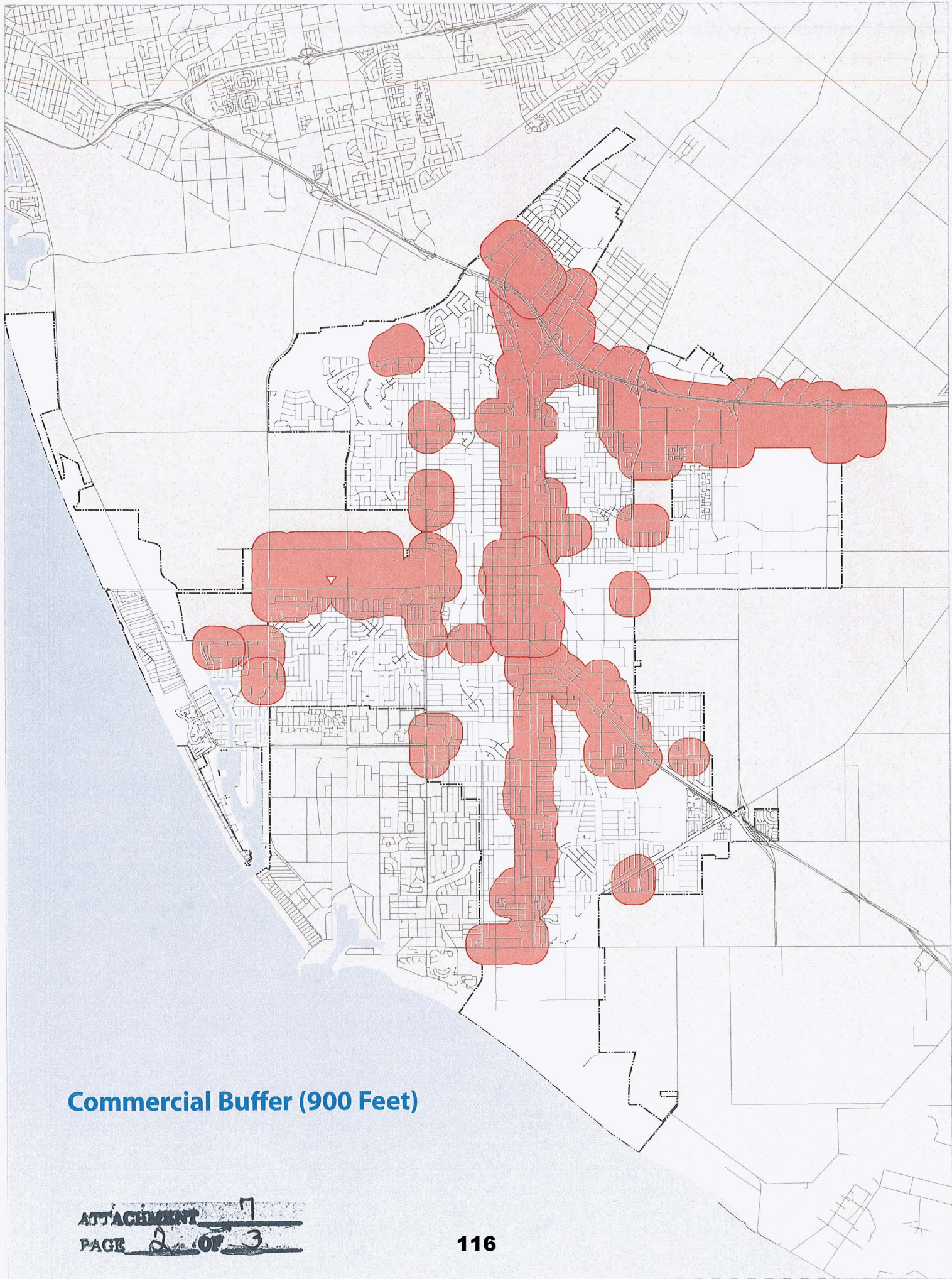
(C) Upon the removal by the applicant of all materials associated with the approved temporary use, the applicant shall, within 24 hours after the TUP clean-up date and time request an inspection by the enforcement division which shall make a recommendation to the director regarding the release or other disposition of the bond, cash or other security deposit.

SEC. 16-481. DENIAL OR REVOCATION PERMIT; APPEAL.

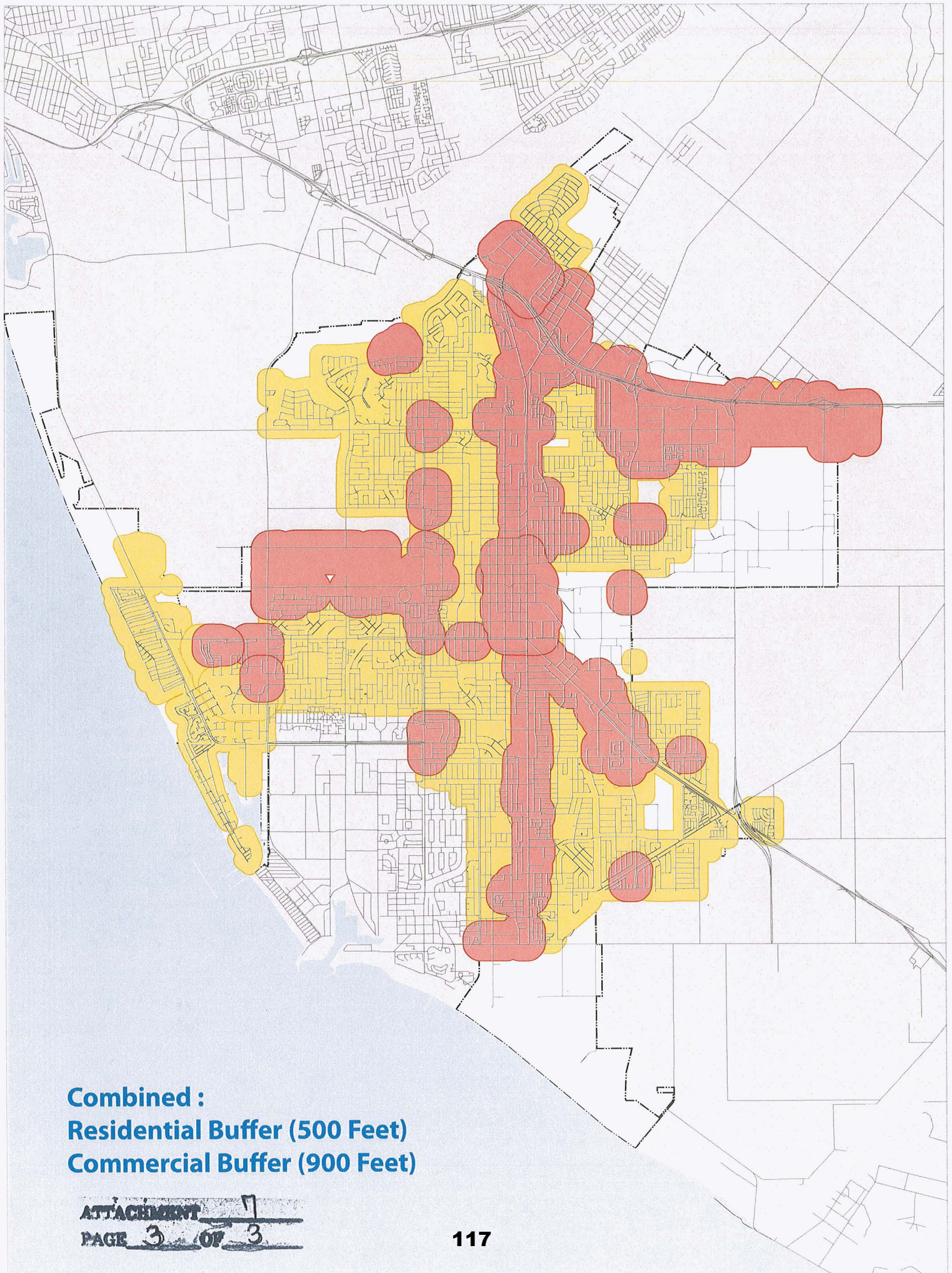
If, in the opinion of the director and other affected city departments, a proposed temporary use will be detrimental to the public health, safety and welfare, and the adverse impacts cannot be mitigated, the director shall deny or revoke the permit. The applicant may appeal the ~~denial~~ director's decision in writing. The appeal shall state the grounds for appeal and shall be filed with the city clerk, together with the specified appeal fee, within ten days after the date of the director's decision. Said appeal shall be considered by the Hearing Officer, and the decision of the Hearing Officer shall be final. to the commission as provided in sections 16-530 through 16-533. Said appeal shall be final with the commission. Before an appeal is scheduled for hearing, the applicant shall pay a fee as provided by resolution of the city council.



Residential Buffer (500 Feet)



Commercial Buffer (900 Feet)



**Combined :
Residential Buffer (500 Feet)
Commercial Buffer (900 Feet)**

RESOLUTION NO. 2013-10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING TO THE CITY COUNCIL THE ADOPTION OF A ZONE TEXT AMENDMENT (PLANNING AND ZONING PERMIT NO. 12-580-01) TO CHAPTERS 8 AND 16 OF THE CITY CODE TO ADDRESS THE OPERATION OF MOBILE FOOD FACILITIES WITHIN THE CITY LIMITS AND AMENDING VARIOUS TEMPORARY USE PERMIT REGULATIONS, INCLUDING PERMIT APPEALS. FILED BY THE CITY OF OXNARD, 305 W. THIRD STREET, OXNARD, CA 93030.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 12-580-01, filed by the City of Oxnard, to amend Chapters 8 and 16 of the City Code; and

WHEREAS, the Planning Commission has held public hearings and received and reviewed written and oral comments related to the proposed amendment; and

WHEREAS, the Planning Commission finds after due study and deliberation that the public interest and general welfare requires the adoption of such amendment; and

WHEREAS, Sections 15304 and 15305 of Title 14 of the California Code of Regulations exempt the project from the requirement for the preparation of environmental documents imposed by the California Environmental Quality Act; and

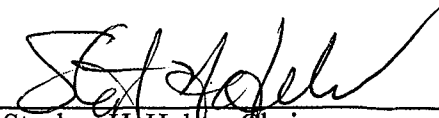
NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby recommends to the City Council adoption of the Zone Text Amendment (PZ No. 12-580-01), as shown in Exhibit "A" amending Chapters 8 and 16 of the City Code to address the operation of mobile food facilities, attached hereto and incorporated herein by reference.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 21st day of March 2013 by the following vote:

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

NOES: Commissioners: Nash

ABSENT: Commissioners: None


Stephen H. Huber, Chairman

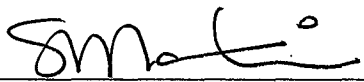
ATTEST: 
Susan L. Martin, Secretary

EXHIBIT "A"

CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO. _____

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING AMENDMENTS TO CHAPTERS 8 AND 16 OF THE CITY CODE TO ADDRESS THE OPERATION OF MOBILE FOOD FACILITIES WITHIN THE CITY LIMITS AND AMENDING VARIOUS TEMPORARY USE PERMIT REGULATIONS, INCLUDING PERMIT APPEALS. FILED BY THE CITY OF OXNARD, 305 W. THIRD STREET, OXNARD, CA 93030.

WHEREAS, the Oxnard City Code does not currently include provisions for mobile food facilities as a land use; and

WHEREAS, the California Retail Food Code (Cal. Health and Safety Code §§113700 et seq.) establishes local regulatory authority over mobile food facilities and requires mobile food facilities to operate in accordance with the City's zoning ordinance (Cal. Health and Safety Code §113715); and

WHEREAS, section 22455 of the California Vehicle Code authorizes the City to regulate the time, place, and manner of vending from mobile food facilities to protect public safety in the public right-of-way; and

WHEREAS, the City Council acknowledges an increasing interest to establish mobile food facility uses, recognizing that the transitory nature of such uses is unique; and

WHEREAS, the City Council seeks to enact regulations to support placement of mobile food facilities in certain commercial zone districts while maintaining existing quality of life characteristics throughout the City; and

WHEREAS, the mobile food facility regulations protect the public health, safety, welfare, and interests of the residential and business community alike; and

WHEREAS, the City Council supports mobile food facilities as a transitory use that is not intended to operate in a particular location on a permanent basis; and

WHEREAS, mobile food facilities present potential safety hazards in that their size, when parked near intersections and driveways, can obstruct the vision of drivers operating vehicles on, or pedestrians using, the public rights-of-way adjacent to such intersections and driveways, which safety hazards may be reduced by requiring mobile food facilities to park an appropriate distance from intersections or driveways; and

WHEREAS, mobile food facilities present potential safety hazards when parked near intersections and driveways in that their customers queue in the parkway and sidewalk areas of the public right-of-way in a manner that may interfere with the safe operation of such intersections or driveways, which safety hazards may be reduced by requiring mobile food facilities to park an appropriate distance from intersections or driveways; and

WHEREAS, customers of mobile food facilities parked in the public rights-of-way typically queue in the pedestrian right-of-way while waiting to order food and waiting to receive food orders, and often remain standing in the pedestrian right-of-way to eat food obtained from mobile food facilities, and such congregation of customers interferes with the use of the pedestrian right-of-way for its primary purpose as a pedestrian walkway. The parking of multiple mobile food facilities in close proximity to one another in the public rights-of-way exacerbates such interference and increases the likelihood that pedestrians will not be able to safely travel along the public sidewalk and may be forced to leave the public sidewalk and use a path of travel neither intended, nor safe for pedestrian use. This risk to pedestrian safety can be reduced by requiring mobile food facilities to park an appropriate distance from one another, thereby dispersing customers on the public sidewalk; and

WHEREAS, Sections 15304 and 15305 of the California Code of Regulations exempt the project from the requirement for the preparation of environmental documents imposed by the California Environmental Quality Act; and

WHEREAS, on June 21, 2012, the Planning Commission conducted a duly noticed public hearing on the zone text amendment and accepted comments on the matter; and

WHEREAS, on August 16, 2012, the Planning Commission conducted a duly noticed public hearing on the zone text amendment set forth herein, accepted comments and recommended approval to the City Council; and

WHEREAS, on January 8, 2013, the City Council conducted a duly noticed public hearing on the zone text amendment and accepted comments on the matter, and referred the matter back to Planning Commission for re-consideration; and

WHEREAS, on March 21, 2013, the Planning Commission conducted a duly noticed public hearing on the zone text amendment set forth herein, re-considered the matter as directed by the City Council, accepted comments and recommended approval to the City Council; and

WHEREAS, the City Council carefully reviewed Planning Commission Resolution No. 2013-10 recommending approval of Planning and Zoning Permit No. 12-580-01; and

WHEREAS, the City Council finds that the proposed zone text amendment is consistent with the goals and policies of the General Plan; and

WHEREAS, on May 7, 2013, the City Council conducted a duly noticed public hearing and received comments and testimony related to the proposed zone text amendments; and

WHEREAS, the City Council finds after due study and deliberation that the public interest and general welfare require the adoption of Planning and Zoning Permit No. 12-580-01.

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

Part 1. Subsection (A)(3) of section 8-47 of the City Code is hereby amended to read as follows:

“(3) No person shall stand, park or operate such vehicle or container within or from the following locations:

(a) The public right-of-way on C Street, Channel Islands Boulevard, Camino Del Sol, Del Norte Boulevard, Fifth Street, Gonzales Road, Harbor Boulevard, Hueneme Road, Oxnard Boulevard, Pleasant Valley Road, Rice Avenue, Rose Avenue, Saviers Road, Ventura Road, Victoria Avenue, Vineyard Avenue, or Wooley Road;

(b) The public right-of-way within 100 feet of any intersection, or within 50 feet of any driveway or of another vehicle or container standing or parked on the public right-of-way.”

Part 2. Subsection (A)(4) of section 8-47 of the City Code is hereby amended to read as follows:

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

Part 3. Subsection (A)(7) of section 8-47 of the City Code is hereby amended to read as follows:

“(7) When standing or parking, the person operating such vehicle or container shall:”

Part 4. Subsections (A)(1) and (A)(2) of section 8-47 of the City Code are hereby deleted and the remaining subsections shall be renumbered accordingly.

Part 5. Subsection (A) of section 16-10 of the City Code is hereby amended by adding the following definition, which subsection shall be reordered alphabetically and renumbered accordingly:

"MOBILE FOOD FACILITY – Any vehicle used in conjunction with a commissary or other permanent food facility, as those terms are defined in the California Retail Food Code (Cal. Health and Safety Code sections 113700 et seq.), upon which food is sold or distributed at retail."

Part 6. Subsection (B) of section 16-190 of the City Code is hereby amended to read as follows:

"(B) Cafeterias and mobile food facilities operated in conjunction with permitted uses for the convenience of persons employed on the premises;"

Part 7. Subsection (C) of section 16-225 of the City Code is hereby amended to read as follows:

"(C) Cafeterias and mobile food facilities operated in conjunction with permitted uses for the convenience of persons employed on the premises;"

Part 8. Section 16-319.5 is hereby added to the City Code to read as follows:

"16-319.5. MOBILE FOOD FACILITY AS ACCESSORY USE DURING DEVELOPMENT

Mobile food facilities shall be allowed as an accessory use only in conjunction with development of uses permitted by the applicable zone for the convenience of persons employed in construction of the development. Such accessory use shall be located on or immediately adjacent to the site of the development."

Part 9. The heading of Division 10 of Article V of Chapter 16 of the City Code is hereby amended to read as follows:

"DIVISION 10. MOBILE FOOD FACILITIES"

Part 10. Section 16-442 of the City Code is hereby added under Division 10 of Article V of Chapter 16 to read as follows:

"16-442. MOBILE FOOD FACILITY PERMIT AND OPERATING STANDARDS.

(A) The requirements of this section shall not apply to a mobile food facility operating pursuant to a written agreement with the city authorizing that mobile food facility's operations on a particular street or public property.

(B) Unless otherwise permitted by the city code, and except to the extent local regulation is preempted by the California Retail Food Code or California Vehicle Code, mobile food facilities shall adhere to the following permit and operating standards:

(1) A valid temporary use permit, issued in accordance with division 15 of article V of this chapter, is required for each mobile food facility to operate at a particular location.

(2) A mobile food facility operated on city-owned property shall maintain insurance as specified in the temporary use permit.

(3) Prior to approval of a temporary use permit for operation of a mobile food facility at a particular location, the applicant shall submit proof of compliance with all applicable state, federal, and County Environmental Health Division regulations and certifications, and shall maintain compliance with such regulations and certifications for the duration of the temporary use permit authorization period.

(4) Only one mobile food facility may be approved for operation at a particular location at a time. Each mobile food facility may have no more than two approved active temporary use permit locations. Written permission of the property owner stating the terms of use shall be submitted with the temporary use permit application.

(5) The location of the commissary serving the mobile food facility in accordance with the California Retail Food Code shall be designated in the temporary use permit application.

(6) Mobile food facilities shall be allowed to remain at permitted locations between the hours of 7:00 a.m. and 11:00 p.m., Sunday through Thursday, and on Friday and Saturday, between the hours of 7:00 a.m. and 12:00 a.m. Parking of a mobile food facility at any location (inclusive of set-up and clean-up times) shall be limited to 6 hours daily for 6 days within any seven-day period. The hours and days of operation shall be stated on the temporary use permit application and may only be modified by the director's approval of a new application setting forth the proposed operating hours.

(7) Liquid waste originating from a mobile food facility shall be disposed of in compliance with all federal, state and local laws, including the provisions of any NPDES permit issued by the State. In no case shall any such waste be discharged or disposed of onsite.

(8) Each mobile food facility shall have the following supporting provisions visibly available and accessible, for the duration of the approved hours of operation:

(a) Adequate number of trash and recycling receptacles, but in no case less than two, to contain the amount of anticipated trash during the authorized operational period. The receptacles shall be set up and removed by the operator, at the beginning and closing of each such period. In-truck hatch receptacles are not sufficient. The operator shall not dispose of or allow disposal of any refuse or waste in any public or private trash receptacle other than a trash receptacle owned, operated, or otherwise provided by and under the control of such operator.

(b) Permanent restroom facilities in clean working order available for operator and customer use, including operational toilets and hand-washing facilities with hot water, soap, and paper towels. Such restroom shall be available for customer use, located no further than 100 feet from the parked mobile food facility, and shall be available during the mobile food facility hours of operation. If such restroom facilities are not owned, operated, or otherwise provided by the operator, a written agreement by the owner of such facilities, stating the terms of availability of the facilities, shall be a part of the temporary use permit application and approval.

(c) On-site parking for operations conducted on private property. Placement of the mobile food facility on private property shall not reduce the number of parking spaces below that which is required for the existing on-site uses during business hours of the on-site uses.

(d) Adequate lighting to ensure customer safety. Such lighting may be provided on the vehicle, or at the location of the mobile food facility, and shall be provided in accordance with section 16-320 of this code through the authorized operational periods. No such lighting shall be of a type or in a location that constitutes a hazard to vehicular traffic, either on private property or on public right-of-way, and must be shielded or otherwise deflected away from adjoining properties.

(e) The mobile food facility shall be entirely self-sufficient in regards to gas, electricity, water, and telecommunications. Should any utility hookups or connections to on-site utilities be required, the operator shall obtain appropriate permits prior to such connections being made and prior to initiation of such use.

(9) A mobile food facilities shall comply with the following location requirements:

(a) Neither the mobile food facility nor any of the required support items, described in subsection (B)(8) of this section, shall obstruct or interfere with the free flow of pedestrian or vehicular traffic, including to or from any business, public building, or residence;

(b) A mobile food facility shall not be located within 500 feet of any residential zone districts;

(c) On any school day, a mobile food facility shall not be located within 900 feet of the property line of any school, day care facility, or public park, between the hours of 7:00 a.m. and 4:00 p.m.;

(d) A mobile food facility shall not be located within 500 feet of the property line of any other food serving establishment during that establishment's operating hours. A food serving establishment is one whose principal use is the preparation of food and/or beverages, including but not limited to a restaurant, fast food restaurant, or café.

(e) A mobile food facility shall not be located within 500 feet of a site for which a temporary use permit has been issued for any other mobile food facility.

(f) A pathway to the vending window must be provided that complies with state and federal requirements for access to public accommodations by persons with disabilities.

(g) A mobile food facility shall be located so that no line-of-sight issues result from such placement and so that all public rights-of-way are not otherwise affected.

(10) No mobile food facility shall use, play or employ any sound, outcry, amplifier, loudspeaker or any other instrument or device for the production of sound where said sound exceeds the exterior sound standards specified in section 7-185 of this code.

(11) No televisions, radios, or other device intended for amusement or entertainment purposes shall be operated in conjunction with a mobile food facility.

(12) No tables, chairs, furniture or other devices to provide patron seating shall be allowed, unless specified in the temporary use permit.

(13) Signs for a mobile food facility shall be limited to those on the vehicle only, and shall otherwise comply with article IX of this code."

Part 11. Subsection (B)(3) of section 16-476 of the City Code is hereby amended by adding the following subsection and reordering the subsections alphabetically:

"(d) Mobile food facilities in accordance with section 16-442;"

Part 12. Subsection (B)(4) of section 16-476 of the City Code is hereby amended by adding the following subsection and reordering the subsections alphabetically:

"(d) Mobile food facilities in accordance with section 16-442;"

Part 13. Subsection (A) of section 16-477 of the City Code is hereby amended to read as follows:

"(A) A temporary use permit shall be approved at least seven days prior to the commencement of the temporary use. The approved temporary use permit shall be prominently displayed onsite in a location openly visible to the public throughout the approved permit period, including set-up and clean-up times. An application for a temporary use permit shall be submitted on an application form secured from the director. The application shall provide the information necessary for review of the application by appropriate city departments, and shall include the name, address, telephone number and signature of both the applicant and property owner, and the project location."

Part 14. Section 16-478 of the City Code is hereby amended to read as follows:

"SEC. 16-478. FEE.

A nonrefundable fee in the amount set by city council resolution shall be paid upon the filing of an application for a temporary use permit. Temporary uses may be subject to additional fees or taxes imposed pursuant to this code or other applicable regulations."

Part 15. Subsection (A)(4) of section 16-479 of the City Code is hereby amended to read as follows:

"(4) Forty-five consecutive days:

(a) Christmas tree lots or Halloween pumpkin sales."

Part 16. Subsection (A)(5) of section 16-479 of the City Code is hereby amended by adding the following subsection, as follows:

"(c) Mobile food facilities in accordance with section 16-442."

Part 17. Subsections (B) and (C) of section 16-479 of the City Code are hereby amended to read as follows:

"(B) For each time limit category set forth in subsections A(1), A(2) and A(4), no more than three outdoor events shall occur on the same site or at the same facility during a calendar year.

(C) No new temporary use permit shall be issued within 30 days from the expiration date of a similar temporary use permit for the same site or facility."

Part 18. Subsection (A) of section 16-480 of the City Code is hereby amended to read as follows:

"(A) All uses permitted by a temporary use permit shall be terminated on or before the expiration date stated upon the permit. All materials or products used in connection with or resulting from the temporary use shall be removed within five days after such expiration date. A bond, cash or other acceptable security in the amount specified by City Council resolution to insure removal of all materials, personal property, and structures shall be filed with the director at the time of application for each of the following uses:"

Part 19. Subsection (A)(5) of section 16-480 of the City Code is hereby amended to read as follows:

"(5) Christmas tree lots or Halloween pumpkin sales."

Part 20. Subsection (A)(6) of section 16-480 of the City Code is hereby added to read as follows:

"(6) Concerts, carnivals, revivals, mechanical rides, and rodeos."

Part 21. Subsection (A)(7) of section 16-480 of the City Code is hereby added to read as follows:

"(7) Any other temporary use which the director determines necessary."

Part 22. Subsection (C) of section 16-480 of the City Code is hereby amended to read as follows:

(C) Upon the removal by the applicant of all materials associated with the approved temporary use, the applicant shall, within 24 hours after the temporary use permit clean-up date and time, request an inspection by the enforcement division which shall make a recommendation to the director regarding the release or other disposition of the bond, cash or other security deposit."

Part 23. Section 16-481 of the City Code is hereby amended to read as follows:

"SEC. 16-481. DENIAL OR REVOCATION; APPEAL.

If, in the opinion of the director and other affected city departments, a proposed or ongoing temporary use will be detrimental to the public health, safety and welfare, and the adverse impacts cannot be mitigated, the director shall deny or revoke the permit. The applicant may appeal the director's decision in writing. The appeal shall state the grounds for appeal and shall be filed with the city clerk, together with the specified appeal fee, within ten days after the date of the director's decision. Said appeal shall be considered by the Hearing Officer, and the decision of the Hearing Officer shall be final."

Part 24. 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 25. 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 26. The City Clerk shall certify as to the adoption of this ordinance and shall cause the summary thereof to be published within fifteen calendar (15) days of the adoption and shall post a certified copy of this ordinance, including the vote for and against the same, in the office of the City Clerk, in accordance with Government Code Section 36933. Ordinance No. ____ was first read on May 7, 2013, and finally adopted on _____, 2013, to become effective thirty days thereafter.

Ordinance No. ____
Page 10

AYES:

NOES:

ABSTAIN:

ABSENT:

Tim Flynn, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:

Alan Holmberg, City Attorney

CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO. _____

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING AMENDMENTS TO CHAPTERS 8 AND 16 OF THE CITY CODE TO ADDRESS THE OPERATION OF MOBILE FOOD FACILITIES WITHIN THE CITY LIMITS AND AMENDING VARIOUS TEMPORARY USE PERMIT REGULATIONS, INCLUDING PERMIT APPEALS. FILED BY THE CITY OF OXNARD, 305 W. THIRD STREET, OXNARD, CA 93030.

WHEREAS, the Oxnard City Code does not currently include provisions for mobile food facilities as a land use; and

WHEREAS, the California Retail Food Code (Cal. Health and Safety Code §§113700 et seq.) establishes local regulatory authority over mobile food facilities and requires mobile food facilities to operate in accordance with the City's zoning ordinance (Cal. Health and Safety Code §113715); and

WHEREAS, section 22455 of the California Vehicle Code authorizes the City to regulate the time, place, and manner of vending from mobile food facilities to protect public safety in the public right-of-way; and

WHEREAS, the City Council acknowledges an increasing interest to establish mobile food facility uses, recognizing that the transitory nature of such uses is unique; and

WHEREAS, the City Council seeks to enact regulations to support placement of mobile food facilities in certain commercial zone districts while maintaining existing quality of life characteristics throughout the City; and

WHEREAS, the mobile food facility regulations protect the public health, safety, welfare, and interests of the residential and business community alike; and

WHEREAS, the City Council supports mobile food facilities as a transitory use that is not intended to operate in a particular location on a permanent basis; and

WHEREAS, mobile food facilities present potential safety hazards in that their size, when parked near intersections and driveways, can obstruct the vision of drivers operating vehicles on, or pedestrians using, the public rights-of-way adjacent to such intersections and driveways, which safety hazards may be reduced by requiring mobile food facilities to park an appropriate distance from intersections or driveways; and

WHEREAS, mobile food facilities present potential safety hazards when parked near intersections and driveways in that their customers queue in the parkway and sidewalk areas of the public right-of-way in a manner that may interfere with the safe operation of such intersections or

driveways, which safety hazards may be reduced by requiring mobile food facilities to park an appropriate distance from intersections or driveways; and

WHEREAS, customers of mobile food facilities parked in the public rights-of-way typically queue in the pedestrian right-of-way while waiting to order food and waiting to receive food orders, and often remain standing in the pedestrian right-of-way to eat food obtained from mobile food facilities, and such congregation of customers interferes with the use of the pedestrian right-of-way for its primary purpose as a pedestrian walkway. The parking of multiple mobile food facilities in close proximity to one another in the public rights-of-way exacerbates such interference and increases the likelihood that pedestrians will not be able to safely travel along the public sidewalk and may be forced to leave the public sidewalk and use a path of travel neither intended, nor safe for pedestrian use. This risk to pedestrian safety can be reduced by requiring mobile food facilities to park an appropriate distance from one another, thereby dispersing customers on the public sidewalk; and

WHEREAS, Sections 15304 and 15305 of the California Code of Regulations exempt the project from the requirement for the preparation of environmental documents imposed by the California Environmental Quality Act; and

WHEREAS, on June 21, 2012, the Planning Commission conducted a duly noticed public hearing on the zone text amendment and accepted comments on the matter; and

WHEREAS, on August 16, 2012, the Planning Commission conducted a duly noticed public hearing on the zone text amendment set forth herein, accepted comments and recommended approval to the City Council; and

WHEREAS, on January 8, 2013, the City Council conducted a duly noticed public hearing on the zone text amendment and accepted comments on the matter, and referred the matter back to Planning Commission for re-consideration; and

WHEREAS, on March 21, 2013, the Planning Commission conducted a duly noticed public hearing on the zone text amendment set forth herein, re-considered the matter as directed by the City Council, accepted comments and recommended approval to the City Council; and

WHEREAS, the City Council carefully reviewed Planning Commission Resolution No. 2013-10 recommending approval of Planning and Zoning Permit No. 12-580-01; and

WHEREAS, the City Council finds that the proposed zone text amendment is consistent with the goals and policies of the General Plan; and

WHEREAS, on May 7, 2013, the City Council conducted a duly noticed public hearing and received comments and testimony related to the proposed zone text amendments; and

WHEREAS, the City Council finds after due study and deliberation that the public interest and general welfare require the adoption of Planning and Zoning Permit No. 12-580-01.

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

Part 1. Subsection (A)(3) of section 8-47 of the City Code is hereby amended to read as follows:

“(3) No person shall stand, park or operate such vehicle or container within or from the following locations:

(a) The public right-of-way on C Street, Channel Islands Boulevard, Camino Del Sol, Del Norte Boulevard, Fifth Street, Gonzales Road, Harbor Boulevard, Hueneme Road, Oxnard Boulevard, Pleasant Valley Road, Rice Avenue, Rose Avenue, Saviers Road, Ventura Road, Victoria Avenue, Vineyard Avenue, or Wooley Road;

(b) The public right-of-way within 100 feet of any intersection, or within 50 feet of any driveway or of another vehicle or container standing or parked on the public right-of-way.”

Part 2. Subsection (A)(4) of section 8-47 of the City Code is hereby amended to read as follows:

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

Part 3. Subsection (A)(7) of section 8-47 of the City Code is hereby amended to read as follows:

“(7) When standing or parking, the person operating such vehicle or container shall:”

Part 4. Subsections (A)(1) and (A)(2) of section 8-47 of the City Code are hereby deleted and the remaining subsections shall be renumbered accordingly.

Part 5. Subsection (A) of section 16-10 of the City Code is hereby amended by adding the following definition, which subsection shall be reordered alphabetically and renumbered accordingly:

"MOBILE FOOD FACILITY – Any vehicle used in conjunction with a commissary or other permanent food facility, as those terms are defined in the California Retail Food Code (Cal. Health and Safety Code sections 113700 et seq.), upon which food is sold or distributed at retail."

Part 6. Subsection (B) of section 16-190 of the City Code is hereby amended to read as follows:

"(B) Cafeterias and mobile food facilities operated in conjunction with permitted uses for the convenience of persons employed on the premises;"

Part 7. Subsection (C) of section 16-225 of the City Code is hereby amended to read as follows:

"(C) Cafeterias and mobile food facilities operated in conjunction with permitted uses for the convenience of persons employed on the premises;"

Part 8. Section 16-319.5 is hereby added to the City Code to read as follows:

"16-319.5. MOBILE FOOD FACILITY AS ACCESSORY USE DURING DEVELOPMENT

Mobile food facilities shall be allowed as an accessory use only in conjunction with development of uses permitted by the applicable zone for the convenience of persons employed in construction of the development. Such accessory use shall be located on or immediately adjacent to the site of the development."

Part 9. The heading of Division 10 of Article V of Chapter 16 of the City Code is hereby amended to read as follows:

"DIVISION 10. MOBILE FOOD FACILITIES"

Part 10. Section 16-442 of the City Code is hereby added under Division 10 of Article V of Chapter 16 to read as follows:

"16-442. MOBILE FOOD FACILITY PERMIT AND OPERATING STANDARDS.

(A) The requirements of this section shall not apply to a mobile food facility operating pursuant to a written agreement with the city authorizing that mobile food facility's operations on a particular street or public property.

(B) Unless otherwise permitted by the city code, and except to the extent local regulation is preempted by the California Retail Food Code or California Vehicle Code, mobile food facilities shall adhere to the following permit and operating standards:

(1) A valid temporary use permit, issued in accordance with division 15 of article V of this chapter, is required for each mobile food facility to operate at a particular location.

(2) A mobile food facility operated on city-owned property shall maintain insurance as specified in the temporary use permit.

(3) Prior to approval of a temporary use permit for operation of a mobile food facility at a particular location, the applicant shall submit proof of compliance with all applicable state, federal, and County Environmental Health Division regulations and certifications, and shall maintain compliance with such regulations and certifications for the duration of the temporary use permit authorization period.

(4) Only one mobile food facility may be approved for operation at a particular location at a time. Each mobile food facility may have no more than two approved active temporary use permit locations. Written permission of the property owner stating the terms of use shall be submitted with the temporary use permit application.

(5) The location of the commissary serving the mobile food facility in accordance with the California Retail Food Code shall be designated in the temporary use permit application.

(6) Mobile food facilities shall be allowed to remain at permitted locations between the hours of 7:00 a.m. and 11:00 p.m., Sunday through Thursday, and on Friday and Saturday, between the hours of 7:00 a.m. and 12:00 a.m. Parking of a mobile food facility at any location (inclusive of set-up and clean-up times) shall be limited to 6 hours daily for 6 days within any seven-day period. The hours and days of operation shall be stated on the temporary use permit application and may only be modified by the director's approval of a new application setting forth the proposed operating hours.

(7) Liquid waste originating from a mobile food facility shall be disposed of in compliance with all federal, state and local laws, including the provisions of any NPDES permit issued by the State. In no case shall any such waste be discharged or disposed of onsite.

(8) Each mobile food facility shall have the following supporting provisions visibly available and accessible, for the duration of the approved hours of operation:

(a) Adequate number of trash and recycling receptacles, but in no case less than two, to contain the amount of anticipated trash during the authorized operational period. The receptacles shall be set up and removed by the operator, at the beginning and closing of each such period. In-truck hatch receptacles are not sufficient. The operator shall not dispose of or allow disposal of any refuse or waste in any public or private trash receptacle other than a trash receptacle owned, operated, or otherwise provided by and under the control of such operator.

(b) Permanent restroom facilities in clean working order available for operator and customer use, including operational toilets and hand-washing facilities with hot water, soap, and paper towels. Such restroom shall be available for customer use, located no further than 100 feet from the parked mobile food facility, and shall be available during the mobile food facility hours of operation. If such restroom facilities are not owned, operated, or otherwise provided by the operator, a written agreement by the owner of such facilities, stating the terms of availability of the facilities, shall be a part of the temporary use permit application and approval.

(c) On-site parking for operations conducted on private property. Placement of the mobile food facility on private property shall not reduce the number of parking spaces below that which is required for the existing on-site uses during business hours of the on-site uses.

(d) Adequate lighting to ensure customer safety. Such lighting may be provided on the vehicle, or at the location of the mobile food facility, and shall be provided in accordance with section 16-320 of this code through the authorized operational periods. No such lighting shall be of a type or in a location that constitutes a hazard to vehicular traffic, either on private property or on public right-of-way, and must be shielded or otherwise deflected away from adjoining properties.

(e) The mobile food facility shall be entirely self-sufficient in regards to gas, electricity, water, and telecommunications. Should any utility hookups or connections to on-site utilities be required, the operator shall obtain appropriate permits prior to such connections being made and prior to initiation of such use.

(9) A mobile food facilities shall comply with the following location requirements:

(a) Neither the mobile food facility nor any of the required support items, described in subsection (B)(8) of this section, shall obstruct or interfere with the free flow of pedestrian or vehicular traffic, including to or from any business, public building, or residence;

(b) A mobile food facility shall not be located within 500 feet of any residential zone district;

(c) On any school day, a mobile food facility shall not be located within 900 feet of the property line of any school, day care facility, or public park, between the hours of 7:00 a.m. and 4:00 p.m.;

(d) A mobile food facility shall not be located within 900 feet of the property line of any other food serving establishment during that establishment's operating hours. A food serving establishment is one whose principal use is the preparation of food and/or beverages, including but not limited to a restaurant, fast food restaurant, or café.

(e) A mobile food facility shall not be located within 500 feet of a site for which a temporary use permit has been issued for any other mobile food facility.

(f) A pathway to the vending window must be provided that complies with state and federal requirements for access to public accommodations by persons with disabilities.

(g) A mobile food facility shall be located so that no line-of-sight issues result from such placement and so that all public rights-of-way are not otherwise affected.

(10) No mobile food facility shall use, play or employ any sound, outcry, amplifier, loudspeaker or any other instrument or device for the production of sound where said sound exceeds the exterior sound standards specified in section 7-185 of this code.

(11) No televisions, radios, or other device intended for amusement or entertainment purposes shall be operated in conjunction with a mobile food facility.

(12) No tables, chairs, furniture or other devices to provide patron seating shall be allowed, unless specified in the temporary use permit.

(13) Signs for a mobile food facility shall be limited to those on the vehicle only, and shall otherwise comply with article IX of this code."

Part 11. Subsection (B)(3) of section 16-476 of the City Code is hereby amended by adding the following subsection and reordering the subsections alphabetically:

"(d) Mobile food facilities in accordance with section 16-442;"

Part 12. Subsection (B)(4) of section 16-476 of the City Code is hereby amended by adding the following subsection and reordering the subsections alphabetically:

"(d) Mobile food facilities in accordance with section 16-442;"

Part 13. Subsection (A) of section 16-477 of the City Code is hereby amended to read as follows:

"(A) A temporary use permit shall be approved at least seven days prior to the commencement of the temporary use. The approved temporary use permit shall be prominently displayed onsite in a location openly visible to the public throughout the approved permit period, including set-up and clean-up times. An application for a temporary use permit shall be submitted on an application form secured from the director. The application shall provide the information necessary for review of the application by appropriate city departments, and shall include the name, address, telephone number and signature of both the applicant and property owner, and the project location."

Part 14. Section 16-478 of the City Code is hereby amended to read as follows:

"SEC. 16-478. FEE.

A nonrefundable fee in the amount set by city council resolution shall be paid upon the filing of an application for a temporary use permit. Temporary uses may be subject to additional fees or taxes imposed pursuant to this code or other applicable regulations."

Part 15. Subsection (A)(4) of section 16-479 of the City Code is hereby amended to read as follows:

"(4) Forty-five consecutive days:

(a) Christmas tree lots or Halloween pumpkin sales."

Part 16. Subsection (A)(5) of section 16-479 of the City Code is hereby amended by adding the following subsection, as follows:

"(c) Mobile food facilities in accordance with section 16-442."

Part 17. Subsections (B) and (C) of section 16-479 of the City Code are hereby amended to read as follows:

"(B) For each time limit category set forth in subsections A(1), A(2) and A(4), no more than three outdoor events shall occur on the same site or at the same facility during a calendar year.

(C) No new temporary use permit shall be issued within 30 days from the expiration date of a similar temporary use permit for the same site or facility."

Part 18. Subsection (A) of section 16-480 of the City Code is hereby amended to read as follows:

"(A) All uses permitted by a temporary use permit shall be terminated on or before the expiration date stated upon the permit. All materials or products used in connection with or resulting from the temporary use shall be removed within five days after such expiration date. A bond, cash or other acceptable security in the amount specified by City Council resolution to insure removal of all materials, personal property, and structures shall be filed with the director at the time of application for each of the following uses:"

Part 19. Subsection (A)(5) of section 16-480 of the City Code is hereby amended to read as follows:

"(5) Christmas tree lots or Halloween pumpkin sales."

Part 20. Subsection (A)(6) of section 16-480 of the City Code is hereby added to read as follows:

"(6) Concerts, carnivals, revivals, mechanical rides, and rodeos."

Part 21. Subsection (A)(7) of section 16-480 of the City Code is hereby added to read as follows:

"(7) Any other temporary use which the director determines necessary."

Part 22. Subsection (C) of section 16-480 of the City Code is hereby amended to read as follows:

(C) Upon the removal by the applicant of all materials associated with the approved temporary use, the applicant shall, within 24 hours after the temporary use permit clean-up date and time, request an inspection by the enforcement division which shall make a recommendation to the director regarding the release or other disposition of the bond, cash or other security deposit."

Part 23. Section 16-481 of the City Code is hereby amended to read as follows:

"SEC. 16-481. DENIAL OR REVOCATION; APPEAL.

If, in the opinion of the director and other affected city departments, a proposed or ongoing temporary use will be detrimental to the public health, safety and welfare, and the adverse impacts cannot be mitigated, the director shall deny or revoke the permit. The applicant may appeal the director's decision in writing. The appeal shall state the grounds for appeal and shall be filed with the city clerk, together with the specified appeal fee, within ten days after the date of the director's decision. Said appeal shall be considered by the Hearing Officer, and the decision of the Hearing Officer shall be final."

Part 24. 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 25. 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 26. The City Clerk shall certify as to the adoption of this ordinance and shall cause the summary thereof to be published within fifteen calendar (15) days of the adoption and shall post a certified copy of this ordinance, including the vote for and against the same, in the office of the City Clerk, in accordance with Government Code Section 36933. Ordinance No. ____ was first read on May 7, 2013, and finally adopted on _____, 2013, to become effective thirty days thereafter.

Ordinance No. ____
Page 10

AYES:

NOES:

ABSTAIN:

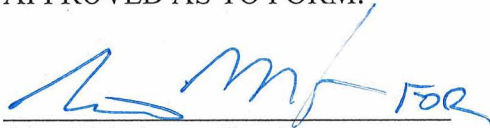
ABSENT:

Tim Flynn, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



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
☐ Other _____	☐ Other _____

Prepared By: Christopher Williamson, AICP, Principal Planner *CW*

Agenda Item No. L-2

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

DATE: April 23, 2013

TO: City Council

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

SUBJECT: Certification of East Village Phase III Annexation Final Environmental Impact Report (FEIR) No. 11-01; Approval of Planning and Zoning Permit (PZ) No. 11-610-01 (Annexation) and PZ No. 11-560-01 (Prezoning) for the 107-Acre Parcel Located at 1853 Camino del Sol (APN 214-0-020-595). Filed by Maulhardt RF-JW Trust et al c/o Richard Maulhardt, Jr. 1853 Camino del Sol, Oxnard, 93030.

RECOMMENDATION

That City Council:

1. Adopt a resolution certifying the East Village Phase III Annexation FEIR No. 11-01.
2. Adopt a resolution of annexation application (PZ 11-610-01) to the Ventura County Local Agency Formation Commission (LAFCo) for reorganization of boundaries for the East Village Phase III property.
3. Approve the first reading by title only and subsequent adoption of an ordinance amending the City zone map (PZ No. 11-560-01) for prezoning the East Village Phase III Annexation area.

DISCUSSION

This item is a requested follow-up from the February 5, 2013 hearing at which the City Council requested that the applicant submit a concept plan that reflects the applicant's vision of the likely future development of the project site were the proposed annexation approved. Attachment 1 was submitted by the applicant showing areas of residential, commercial, and park development and a street network. The concept plan retains the Maulhardt homestead and portions of the Rose Avenue windrow. Staff has not evaluated the concept plan for consistency with the 2030 General Plan, the NECSP, and related City development codes and policies; but the concept does appear to represent a realistic potential development concept, subject to further evaluation.

Approval of the East Village Phase III Annexation would bring the entirety of the 107-acre agricultural parcel on the northeast corner of Camino del Sol and Rose Avenue within the City boundaries. The applicant is seeking only annexation and prezoning under the 1990 NECSP land use designations (Attachments 2 and 3).

In compliance with the California Environmental Quality Act (CEQA), an Environmental Impact Report (EIR) was prepared based on the annexation parcel's 1990 NECSP land use designations that determined that development under this NECSP scenario would result in two significant project-level significant impacts and, at the citywide cumulative level, the same cumulative impacts found in the 2030 General Plan Final Program EIR. The Planning Commission recommended approval of the East Village Phase III EIR certification, annexation, and rezoning at its meeting of September 20, 2012.

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

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

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

FINANCIAL IMPACT

Upon LAFCo's approval of the East Village Phase III annexation and necessary steps within the County tax assessor's office, the City would receive 18 percent of the annual property tax. In 2012, the property tax was \$28,472 and 18 percent was \$5,125.

Attachment #1 - Applicant Site Concept Sketch

#2 - Map and Legal Description of the East Village Phase III Annexation Parcel

#3 - Proposed PreZoning for the East Village Phase III Annexation Parcel

#4 - Resolution of Final EIR Certification, Findings of Fact, & Overriding Considerations

#5 - Resolution of Application for Annexation for the East Village Phase III Parcel

#6 - Ordinance Rezoning the East Village Phase III Parcel

Previously distributed for the February 5, 2013 meeting:

Staff Report for February 5, 2013

Planning Commission Staff Report for September 20, 2012

Planning Commission Minutes for September 20, 2012

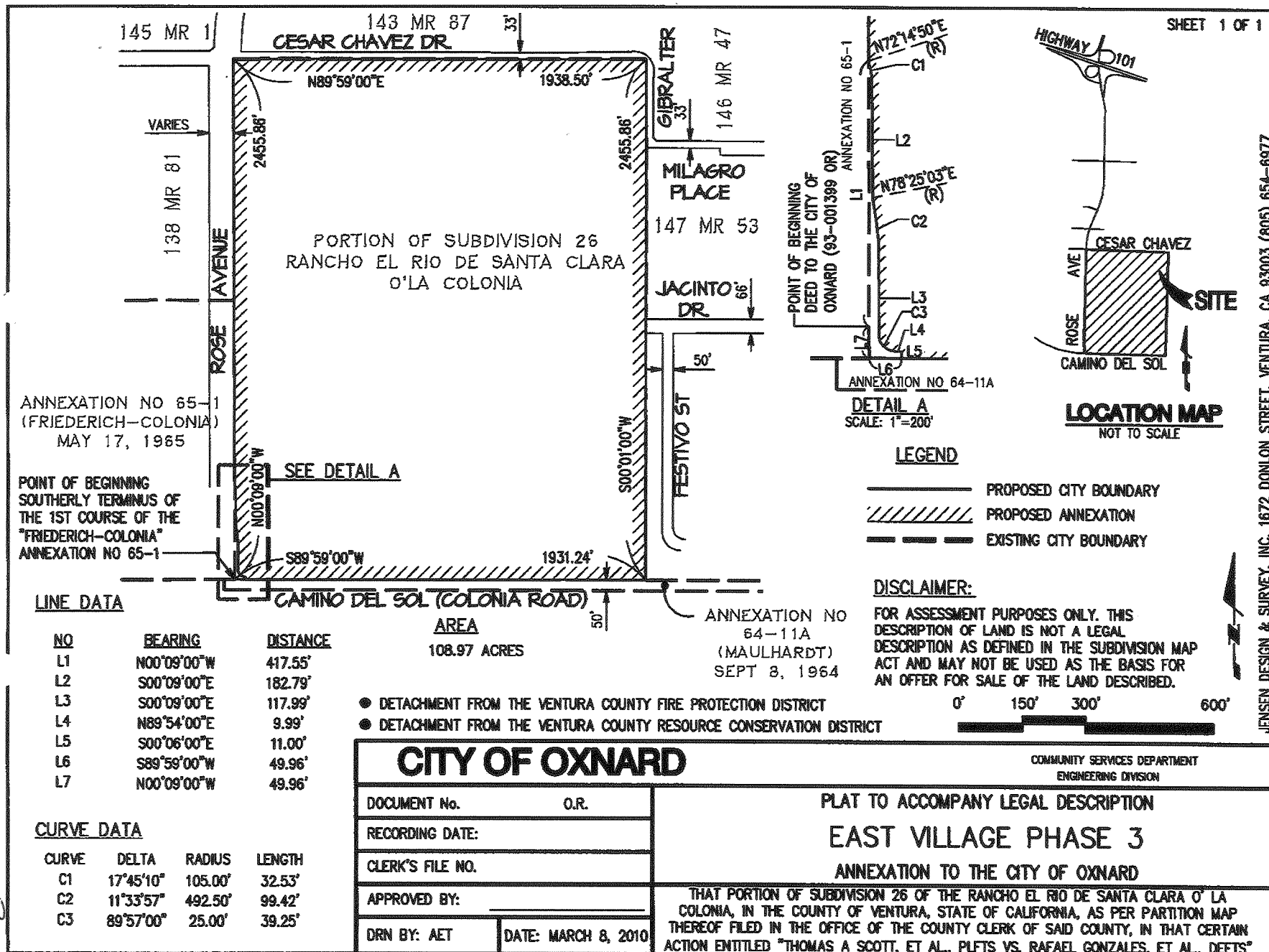
Planning Commission Resolution 2012-23

Planning Commission Resolution 2012-24

East Village Phase III Annexation Draft EIR

East Village Phase III Annexation Final EIR

CW/SM



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

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

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

- 1st North 00°09'00" West, a distance of 2455.86 feet to the westerly prolongation of the southerly line of Tract No. 5214 recorded in Book 143 at Page 87 of Miscellaneous Records, (Maps) of said county; thence along said southerly line,
- 2nd North 89°59'06" East, a distance of 1938.50 feet to the northwest corner of Tract No. 5293 recorded in Book 146 at Page 47 of Miscellaneous Records, (Maps) of said county; thence along the westerly line of said Tract No. 5293 and the southerly prolongation thereof,
- 3rd South 00°01'00" West, a distance of 2455.86 feet to a point on the north line of Colonia Road, 50 feet wide, also being the north line of "MAULHARDT", ANNEXATION NO 64-11A, to the City of Oxnard, described in the document recorded September 8, 1964 in the Office of the Secretary of State of California; thence along said north line,
- 4th South 89°59'00" West, a distance of 1931.24 feet to the **Point of Beginning**.

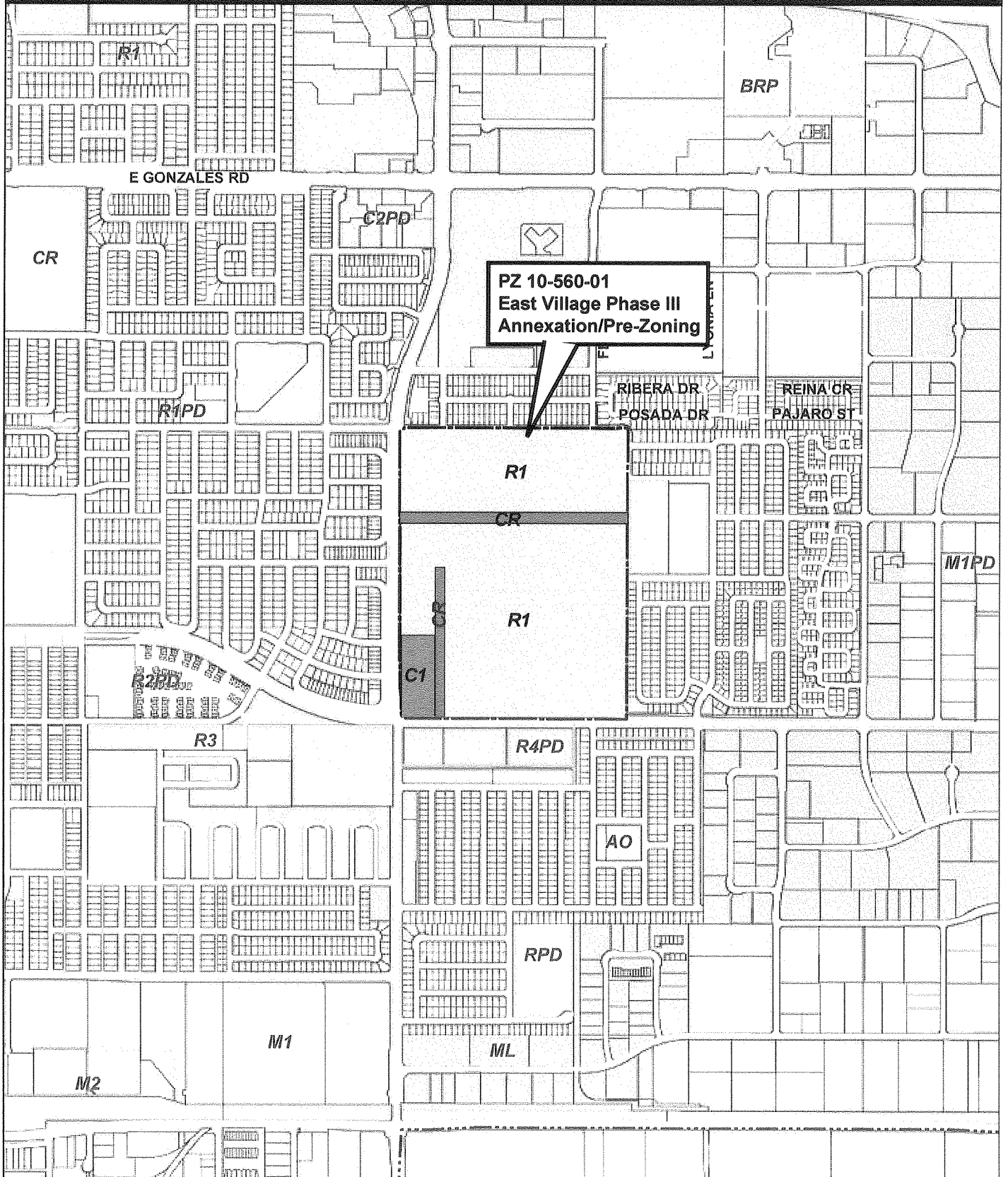
EXCEPT that portion of land described in the deed to the City of Oxnard recorded January 6, 1993 per Document No. 93-001399 of Official Records of said county.

Contains: 108.97 acres, more or less.

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

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

Pre- Zone Map

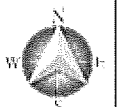


Oxnard Planning
January 19, 2012

PZ 10-560-01
Maulhardt Annexation

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

Pre- Zone Map



1:13,502

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

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

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

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

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

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

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

WHEREAS, the City Council held public hearings on the FEIR on February 5, 2013 and April 23, 2013 and received and considered oral and written testimony on the FEIR; and

WHEREAS, the Findings of Fact, attached as Exhibit A, have been prepared for each significant environmental impact identified in the FEIR, and include the ultimate conclusion regarding each significant impact, substantial evidence supporting the conclusion, and an explanation of how the substantial evidence supports the conclusion in compliance with State CEQA Guidelines §15091; and

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

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

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

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

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

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

- 1.) The City Council hereby certifies in accordance with State CEQA Guideline §15090 that FEIR No. 11-01 for the East Village Phase III Annexation was completed in compliance with CEQA, was presented to the City Council, which reviewed and considered the information contained in the FEIR and comments received outside the formal EIR comment periods prior to taking final action on the project, and the FEIR reflects the independent judgment and analysis of the City.
- 2.) The Findings of Fact statement attached hereto as Exhibit A is hereby adopted in satisfaction of State CEQA Guideline §15091.
- 3.) A Statement of Overriding Consideration attached hereto as Exhibit B is hereby adopted in satisfaction of State CEQA Guideline §15092.
- 4.) The Mitigation Monitoring and Reporting Program contained within the FEIR as Section IV and incorporated herein by reference is hereby adopted in satisfaction of State CEQA Guideline §15091(d).

PASSED and ADOPTED by the City Council of the City of Oxnard on this 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

EXHIBIT A

Findings of Fact

SECTION I: INTRODUCTION

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

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

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

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

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

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

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

1. Agricultural Resources¹
2. Air Quality²
3. Cultural Resources

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

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

4. Geology and Soils and Seismicity
5. Hydrology and Water Quality
6. Noise³
7. Mineral Resources
8. Population and Housing (Socioeconomics in the NECSP EIR)

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

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

1. Aesthetics
2. Land Use and Planning
3. Traffic and Circulation⁴
4. Public Services and Utilities (and Schools)
5. Biological Resources
6. Greenhouse Gases⁵
7. Hazards and Hazardous Materials

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

City of Oxnard (Lead Agency):

- PZ 10-610-01: Annexation to the City
- PZ 10-576-01: Adoption of City pre-zoning designations

Calleguas Municipal Water District and MWD (Responsible Agency)

- Annexation to the Calleguas Municipal Water District

Ventura County Local Agency Formation Commission (Responsible Agency)

- Detachment from the Ventura County Fire Protection District
- Detachment from the Ventura County Resource Conservation District
- Detachment from County Service Area No. 32

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

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

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

- All reports, studies, maps, plans, and correspondence received from the applicant in connection with the proposed project;
- The Notice of Intent to Adopt a Mitigated Negative Declaration (MND 10-03) along with the Initial Study, which was circulated for public review from November 5, 2010 to November 29, 2010;
- The project NOP, which was circulated for a 30-day review period starting on March 7, 2011 and ending on April 7, 2011;
- All written comments received in response to the MND and the NOP;
- The East Village Phase III Annexation Draft EIR (dated February 2012), including all of its appendices, which was circulated for public review from March 9, 2012 to May 3, 2012;
- Copies of all letters received by the City during the public review period for the East Village Phase III Annexation Draft EIR;
- The meeting minutes from the April 19, 2012 public hearing held by the Oxnard Planning Commission to receive comments on the Draft EIR⁶;
- Responses to significant environmental points raised in the letters concerning the Draft EIR and the comments made at the April 19, 2012 Oxnard Planning Commission public hearing;
- The East Village Phase III Annexation Final EIR (dated August 2012), including all of its appendices;
- The meeting minutes from the September 20, 2012 public hearing held by the Oxnard Planning Commission to receive comments on the Final EIR and to consider the project⁷; and
- The Mitigation Monitoring and Reporting Program (i.e., Section IV of the Final EIR).

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

SECTION II: FINDINGS OF FACT

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

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

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

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

Finding No. 1:

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

2. Pursuant to Section 15091 of the CEQA Guidelines:

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

- 1) Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.*
- 2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*
- 3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the final EIR."*

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

A. Agricultural Resources

Conversion of Farmland of Statewide Importance

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

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

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

Mitigation Measure AG1:

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

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

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

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

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

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

Finding No. 2:

Based on the above facts:

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

B. Air Quality

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

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

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

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

Mitigation Measure AQ1:

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

Mitigation Measure AQ2:

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

Mitigation Measure AQ3:

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

Mitigation Measure AQ4:

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

Mitigation Measure AQ5:

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

Mitigation Measure AQ6:

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

Mitigation Measure AQ7:

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

Mitigation Measure AQ8:

Provide rideshare incentives for all workers on the site.

Mitigation Measure AQ9:

Provide construction personnel parking off arterial roadways to minimize traffic interference.

Mitigation Measure AQ10:

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

Mitigation Measure AQ11:

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

Mitigation Measure AQ12:

Complete all street sweeping/washing of adjacent roadways by 4 p.m.

Mitigation Measure AQ13:

Developer funding for lower emission or electric vehicle purchase for City use.

Mitigation Measure AQ14:

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

Mitigation Measure AQ15:

Developer funding of traffic signal synchronization for computers, telemetry and other hardware improvements.

Mitigation Measure AQ16:

Use of air-conditioned cabs in heavy construction and grading equipment where possible.

Mitigation Measure AQ17:

Use of chemical dust palliatives that stabilize soil and reduce fugitive dust.

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

Mitigation Measure C-1:

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

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

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

Mitigation Measure C-2:

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

Mitigation Measure C-3:

If feasible, use alternatively fueled construction equipment, such as compressed natural gas (CNG), liquefied natural gas (LNG), or electric.

Mitigation Measure C-4:

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

Mitigation Measure C-5:

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

Mitigation Measure C-6:

Prior to grading permit approval, Developer shall include on the grading plans a reproduction of all conditions of this permit pertaining to dust control requirements.

Mitigation Measure C-7:

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

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

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

Mitigation Measure C-8:

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

Mitigation Measure C-9:

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

Finding No. 3:

Based on the above facts:

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

Cumulative Air Quality Impacts

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

cumulative impacts for which overriding considerations were made.

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

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

Finding No. 4:

Based on the above facts:

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

C. Cultural Resources

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

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

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

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

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

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

The Final EIR includes the following mitigation measures to reduce the impact associated with archeological and historic resources:

Mitigation Measure CR1:

In the event that archaeological resources are uncovered during construction, work in the vicinity of the find should be temporarily suspended until a qualified archaeologist can evaluate the find. Once the find has been examined, evaluated, and an appropriate mitigation plan for significant resources has been developed, construction or excavation work in the area may be continued.

Mitigation Measure CR2:

Prior to the alteration, relocation or demolition of any structures or resources on the site for a proposed development project that could impact the existing on-site structures, the applicant shall retain a qualified architectural historian to prepare a Historic Resources Survey of the subject property. The survey shall identify and document all buildings, structures, and resources at least fifty years of age within the survey boundaries and determine their significance at the National and State Register level and at the local level. If any buildings, structures, or resources are determined to be historically significant, an architectural historian shall develop a full mitigation plan for review and approval by the City Planning Division.

Finding No. 5:

Based on the above facts:

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

D. Geology and Soils and Seismicity

Section 5.2 (pages 5-30 to 5-38) of the NECSP EIR contains a description of the regional geology and soils setting, location and list of abandoned oil wells, and a finding that there are no unavoidable adverse impacts.

Previous CEQA documentation for the project site (2030 General Plan Program EIR) include the project site as being within an area that has a high potential for seismic ground shaking from fault systems located in the vicinity of the City although there are no known active faults within City limits. There is no potential for landslides on or near the project site due to the level topography. Impacts will be less than significant. Required building codes anticipate and compensate for seismic and related geologic conditions. When actual site-specific development is proposed, required engineering studies will establish the appropriate type and level of construction for the type of subsurface soil conditions and ground water status. Therefore, there is no adverse impact related to geology and soils.

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

The Final EIR includes the following mitigation measure to further reduce the potential geology and soils and seismicity impacts of the project:

Mitigation Measure GS1:

All grading and construction shall be accomplished in accordance with the applicable ordinances of the City.

Mitigation Measure GS2:

All future construction associated with the NECSP will confirm to the seismic requirements of the applicable Uniform Building Code.

Mitigation Measure GS3:

Site specific geotechnical studies will be required for future construction associated with the Specific Plan in order to determine appropriate site preparation and construction design recommendations.

Finding No. 6:

Based on the above facts:

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

E. Hydrology and Water Quality

Section 5.3 (pages 5-39 to 5-48) of the NECSP EIR contains a description of the regional hydrology setting, a discussion of groundwater overdraft, aquifers, water quality, agricultural wells, flooding, drainage, and a finding that there are no unavoidable adverse impacts.

The current project is fully consistent with the NECSP. The project site has not significantly changed since the NECSP Final EIR was certified in terms of hydrology and water quality resources. The current project is fully consistent with the NECSP and this statement and these mitigations continue forward as a part of the EIR for the East Village Phase III Annexation. Water quality impacts associated with the proposed uses would primarily be those from motor vehicles and landscape maintenance. The primary source of contaminants would be oil, grease, and particulates emitted by motor vehicles that are transported by runoff drainage. Under the new National Pollutant Discharge Elimination System (NPDES) stormwater quality requirements (Ventura County MS4 permit), large single lot developments will be able to accommodate the requirements either on each individual lot or by devoting a small basin to this use similar to the detention basins that can be found elsewhere in the NECSP. These basins may be able to do "double duty" in some circumstances. The project will incorporate best practices grassy bioswales and detention basins in order to filter the runoff and allow recharge of the groundwater.

The City is working cooperatively with local groundwater managers on local groundwater management programs. Continued implementation of existing groundwater management programs and the City's planned water recycling effort through its GREAT and Augmented M&I Supplemental Water Programs will help to ensure that the City will be able to meet long term water demands and ensure sufficient groundwater recharge. The proposed project will also implement the policies regarding continued adherence to the Ventura County Regional Water Quality (VCRWQ) Board Planning Program to ensure the sustainability of groundwater in the project area.

There are no surface water bodies or wetlands within the vicinity of the project site; however, existing absorption rates, drainage patterns, and runoff rates of the project site would be affected by an increase in impervious surfaces on-site. The proposed project will be required to comply with the NPDES program, which will result in cleaner water being directed into the City's storm drain system. This project will be required to prepare a Storm Water Pollution Prevention Plan (SWPPP) once the site is engineered for streets, etc. The SWPPP will be subject to review and approval by the City in order to verify compliance with applicable MS4 and NPDES requirements. Impacts are expected to be less than significant.

The project site is located outside of the 100-year and 500-year flood plain, is not in levee or flood risk area, and is not in a seiche, tsunami, or mudflow risk area (Figure 6-1 in the 2030 General Plan Program EIR).

These NECSP FEIR mitigations are now referred to as 'adaptive management' and the impacts are expected to be less than significant.

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

The Final EIR includes the following mitigation measure to reduce the impact associated with land use:

Mitigation Measure H1:

The project site will annex into the Calleguas Municipal Water District and the Metropolitan Water District of Southern California.

Mitigation Measure H2:

Well abandonment will be conducted in accordance with the City Water Well permit standards.

Mitigation Measure H3:

To mitigate impacts associated with urban pollutants, drainage facilities to accommodate future development within the NECSP will be designed in accordance with the Oxnard Master Plan of Drainage and applicable regulations.

Mitigation Measure H4:

Prior to grading areas greater than five acres in size, developers will be required to obtain a California Regional Water Quality Control Board National Pollutant Discharge Elimination System (NPDES) permit and implement the requirements of the permit.

Finding No. 7:

Based on the above facts:

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

F. Noise

Operational Noise

The City has established noise guidelines in the 2030 General Plan Program EIR that state noise levels that have an increase of 3 to 5 dBA are usually considered potentially significant for sensitive land uses.

Operational noises from the project after completion will be typical for residential and commercial development (e.g. doors and windows opening/closing, electrical devices, motors, ventilation, etc.) and is not expected to increase by 3 to 5 dBA CNEL. The project will be affected by noise from traffic along Rose Avenue and Camino del Sol. The 2030 General Plan Program EIR included a noise analysis based on 2030 traffic volumes that found significant impacts along eight roadway segments, none of which was Rose Avenue or Camino del Sol. All project structures will be constructed according to current California Building Code standards and City Code, including noise reduction in building materials. Therefore, project-level noise impacts will be less than significant, and mitigation is not

required. It should be noted that the Draft EIR included mitigation measure N2 which required noises walls and/or setbacks along Gonzales Avenue. A comment letter received on the Draft EIR from the attorney for the project Applicant (Letter No. Kahn) stated that this mitigation measure was outside the intent and control of CEQA. As it was determined in the Final EIR that compliance with current California Building Code standards and City Code, including the Noise Insulation Standards of Title 24 of the California Code of Regulations, would help ensure an acceptable interior noise environment to project residents, mitigation measure N2 was deleted from the Final EIR.

Construction Noise

Construction of the project could generate noise impacts to adjacent residential and school uses. The City limits the hours of construction activities to Monday through Saturday from 7:00 a.m. to 6:00 p.m., and the City's noise ordinance regulates the volume and intensity of noise. Based on typical construction operations, it is expected that during the clearing and grading activities the equipment will include a scraper, dozer, blade, loader, and water truck. The average noise level is not anticipated to exceed 65 dB CNEL in outdoor areas near residential land uses. Because of the short-term duration of grading and construction activities, plus the City's existing noise ordinance, the potential noise impacts to adjacent residences are less than significant. However, a comment letter received on the Draft EIR from the Rio School District (Letter No. Krueger) requested an additional noise mitigation measure due to the proximity of Rio Rosales Elementary School to the project site to prevent the potential disruption of classroom activities. To comply with this request, Mitigation Measure N3 was added the Final EIR.

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

The Final EIR includes the following mitigation measures to reduce the impact associated with construction noise:

Mitigation Measure N1:

Construction activities should be limited to weekdays, between the hours of 7 a.m. and 7 p.m.

Mitigation Measure N3:

In order to avoid disrupting nearby school operations, construction activities involving the use of heavy equipment, i.e., bulldozers, etc., should be limited to the summer months or when Rio Rosales Elementary School is not in session to the maximum extent feasible. Should construction activities take place during a period when school is in session, the project developer and/or the general contractor for the project shall communicate with the Principal of the adjacent Rio Rosales Elementary School regarding expected construction activity so that the school and contractor may work out a schedule where construction noise will not unduly interfere with classroom operations.

Based on the above facts:

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

Cumulative Noise Impacts

The Oxnard 2030 General Plan Program EIR serves as the cumulative description and impact discussion for this topic, just as the 2020 General Plan served as the cumulative description and impact discussion for the NECSP EIR. The Oxnard 2030 General Plan Program EIR did find traffic noise at 2030 buildout on selected road segments was a significant unavoidable adverse impact. That cumulative impact finding and overriding statement are incorporated into this EIR.

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

A **Statement of Overriding Considerations** was prepared and adopted in October 2011 by the City Council for the unavoidable and significant cumulative impact associated with cumulative roadway noise

Finding No. 9:

Based on the above facts:

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

G. Aesthetics

Visual Character and Quality

Section 5.10 (pages 5-154 to 5-158) of the NECSP EIR contains a description of the regional aesthetic setting, the NECSP area setting related to windrows and views, the conversion of the entire NECSP project site to urban uses, a cumulative 2020 General Plan buildout impact discussion, two mitigations (A1 and A2), and a finding that the loss of the mature windrow trees is an unavoidable adverse impact.

The western edge of the project site has mature windrows along the northbound lane of Rose Avenue.

The City has a standard tree mitigation that recovers the value of removed mature trees in new landscaping and the City would require incorporation of existing mature healthy trees along Rose Avenue into the design of a widened Rose Avenue, to the maximum extent feasible. It is possible, however, that most or all of the windrow along Rose Avenue will be removed due to their health and/or infeasibility of widening Rose Avenue around the windrows. In this likely situation, despite the implementation of mitigation measure A2, there would be a significant unmitigated adverse project-level impact for loss of the windrow. The proposed project is anticipated to be a neo-traditional subdivision, resulting in a visual character that would be attractively designed, and which would be more consistent with the surroundings than active farming activities. Thus the proposed project would not further impact the existing visual character or quality of the project site.

Light and Glare

Existing uses in the vicinity of the project site are primarily residential uses and a school use, both of which are sensitive receptors. However, these land uses themselves contribute to the existing ambient nighttime light environment. Specific guidelines would limit or avoid excessive light spillage onto adjacent properties and to prevent the use of highly reflective building materials which cause glare the use of non- or low-reflective building materials to minimize glare. Thus, impacts from light and glare would be less than significant.

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

The Final EIR includes the following mitigation measures to reduce the impact associated with aesthetics:

Mitigation Measure A1:

The Specific Plan incorporates Design Guidelines to assure visual resource protection and development coordination based on planning, architectural, landscape, and engineering standards and guidelines.

Mitigation Measure A2:

Removal of windrow trees shall be subject to the following requirements:

- *A certified arborist report shall be required, which contains a description of the health of each tree.*
- *A tree valuation report shall be provided for each trees (as prepared by a certified arborist) based upon, Valuation of Landscape Trees, Shrubs, and Other Plants (an official publication by the International Society of Arborists).*
- *Tree rows authorized for removal shall be replaced and/or additional landscape enhancement shall be provided to the same dollar value as the trees designated to be removed. This is in addition to the minimum landscaping required per the City's Landscape Standards. The species to be replanted shall be approved by the Oxnard Parks Division.*

A **Statement of Overriding Considerations** has been prepared and adopted for the unavoidable and significant impact associated with the loss of the windrow trees.

Finding No. 10:

Based on the above facts:

The City Council hereby finds that all feasible and reasonable mitigation measures for impacts relating to aesthetics (visual character and quality, and Light and glare) have been identified in the EIR and are included in the Mitigation Monitoring and Reporting Program for the project. The project alternative identified in the Final EIR capable of reducing the loss of the existing windrow trees to a less than significant level is infeasible for the applicant due to specific economic and legal justifications pursuant to Section 15091(a)(3) of the CEQA Guidelines.

H. Transportation/Traffic

Project Traffic Generation

Using the trip generation rates from the Oxnard Traffic Model consistent with the 2030 General Plan Program EIR, the completed project would generate an estimated 8,566 daily trips (3,856 from 402 housing units at 9.57 trips per unit and 4,710 trips from 78.5 thousand square feet of commercial space at 60 trips per 1,000 square feet). This estimate does not account for reductions likely to come from the neighborhood shopping center being within walking and bicycling distance of the project's 402 homes as well as other neighborhoods. This number of trips has been incorporated in the 2030 General Plan Oxnard Traffic Model and the results, as depicted in the 2030 General Plan Program EIR are that all intersections east of the Union Pacific Railroad (i.e. northeast portion of the City) will operate at LOS C or better at peak periods with the exception of Rose Avenue and Gonzales Road which will operate at LOS D in the morning peak period. This intersection was excepted by the City Council to operate at below LOS C and the certified 2030 General Plan Program EIR includes a Statement of Overriding Consideration for that excepted intersection.

The proposed project is consistent with the NECSP, 2030 General Plan, and the Oxnard Traffic Mitigation Plan adopted in 2008. Rose Avenue north of Camino del Sol would be widened to six lanes, three in each direction, by adding project-dedicated land along the western edge of the project site (see mitigation measure C-1 and C-2, below). The design of the widened Rose Avenue may include a wide median and/or eastward curve in order to preserve some number of mature windrow trees currently along the western edge of the project site and adjacent to the east shoulder of Rose Avenue, if feasible and the trees (windrow) are found to be healthy and worth saving. The design of Rose Avenue cannot be completed until the specific locations of streets are proposed by a subsequent project-level application. All streets within the project site and any changes to adjoining streets would be engineered by a California-registered Traffic Engineer and reviewed and approved by the City's Traffic Engineer and Fire and Police Departments for safety and emergency access.

Construction of the project will result in increased vehicle trips on County roads to be identified in conjunction with the County as part of the project-level traffic study once detailed street information is

available. The City and Ventura County have executed a "Reciprocal Traffic Mitigation Agreement" wherein the City and County have agreed that a pro-rata share of the cost of mitigations will be collected by each agency for traffic impacts in the other jurisdiction. The project would be consistent with the Ventura County General Plan by complying with the terms of the "Reciprocal Traffic Mitigation Agreement" adopted on February 2, 1993. By paying the mandatory County/City Traffic Impact Fee, the developer will mitigate the project's impacts on local roads and intersections. With payment of the fee, any impacts will be less than significant.

Furthermore, the project will require a traffic study prior to any development when the actual locations of streets are engineered, which is not known with certainty at this time. The traffic study will identify right-of-way dedications and off-site improvements to Rose Avenue, Camino del Sol, and possibly other streets as warranted to maintain LOS C. The project will be conditioned to complete the traffic improvements, dedicate land, and/or pay traffic impact fees per the required mitigation measures that are then used by the City for permanent traffic network improvements. With payment of traffic impact fees, dedications, and routine conditions of approval for on-site and directly-attributable off-site traffic networks improvements, traffic impacts will be less than significant.

Freeway and Roadway Capacity

The project will require a traffic study prior to any development when the actual locations of streets are engineered, which is not known with certainty at this time. The Traffic Study shall also include a capacity analysis of the Ventura Freeway because of its close proximity to the project site and the number of project trips that would access it.

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

The Final EIR includes the following mitigation measures to reduce the transportation/traffic impacts of the project:

Mitigation Measure D-1:

Developer shall dedicate to the City the required Right-of-Way along Rose Avenue associated with the City's Rose Avenue road widening at the first recordation of a Final Subdivision Tract Map.

Mitigation Measure D-2:

Developer shall modify the traffic signals at Rose Avenue and Camino del Sol associated with the proposed Rose Avenue widening. The signal modification shall include provision of a traffic signal battery back-up system, new service equipment enclosure and emergency vehicle detection system designed by the City Traffic Engineer.

Mitigation Measure D-3:

Developer shall place existing overhead utility lines underground in accordance with City ordinance. Before issuance of a site improvement permit or recordation of a final map, Developer shall post

security satisfactory to the Finance Director guaranteeing utility relocation.

Mitigation Measure D-4:

Developer shall pay the applicable County/City Traffic Impact Fee(s) prior to issuance of a building permit per City Ordinances 10,418 and 10,453.

Mitigation Measure D-5:

The project shall have a Homeowners Association responsible for the maintenance of private streets, project-oriented public areas, front yards of individual homes, and enforcement of parking and related rules and regulations that is customary to a residential community.

Finding No. 11:

Based on the above facts:

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

Cumulative Traffic/Transportation Impacts

Cumulative development through 2030 has been planned for in the Oxnard Traffic Model. The 2030 General Plan anticipates eventual development of the project site and within the Oxnard City Urban Restriction Boundary (CURB) and the Final EIR found that mitigated project-level traffic and related impacts were below the threshold of significance. Therefore, no additional adverse unmitigated traffic and related project impacts will occur.

With regard to cumulative impacts, the County of Ventura has adopted a Traffic Fee Mitigation Ordinance. The County of Ventura allows for participation in the Traffic Fee Program as a way to comply with its Traffic Fee Mitigation Ordinance. By paying the mandatory County/City Traffic Impact Fee, the developer will mitigate the project's potential cumulative impacts on County roadways.

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

A **Statement of Overriding Considerations** was prepared and adopted in October 2011 by the City Council for the unavoidable and significant cumulative traffic impacts at five intersections below Level of Service 'C' after 2030 General Plan mitigations are completed.

Finding No. 12:

Based on the above facts:

The City Council hereby finds, per Public Resources Code section 21081(b), that that specific overriding economic, legal, social, technological, or other benefits outweigh the unavoidable adverse environmental

effects of the cumulative effects to traffic of the project as anticipated and analyzed in the City 2030 General Plan Program Environmental Impact Report (PEIR).

I. Public Services - Fire

Construction

Construction activities at the project site would increase the potential for accidental on-site fires from such sources as the operation of mechanical equipment, use of flammable construction materials, and discarded cigarettes. In most cases, the implementation of "good housekeeping" procedures by the construction contractors and the work crews would minimize these hazards. Good housekeeping procedures that would be implemented during construction of the proposed project include: the maintenance of mechanical equipment in good operating condition; careful storage of flammable materials in appropriate containers; and the immediate and complete cleanup of spills of flammable materials when they occur.

Construction activities also have the potential to affect fire protection services, such as emergency vehicle response times, by adding construction traffic to the street network and by partial lane closures during street improvements and utility installations. These impacts, while potentially adverse, are considered to be less than significant for the following reasons:

1. Construction impacts are temporary in nature and do not cause lasting effects; and
2. Partial lane closures would not greatly affect emergency vehicles, the drivers of which normally have a variety of options for avoiding traffic, such as using their sirens to clear a path of travel or driving in the lanes of opposing traffic. Additionally, if there are partial closures to streets surrounding the project site, flagmen would be used to facilitate the traffic flow until construction is complete.

Project construction would not be expected to tax fire fighting and emergency services to the extent that there would be a need for new or expanded fire facilities, in order to maintain acceptable service ratios, response times, or other performance objectives of the OFD. Therefore, construction-related impacts to fire protection services would be less than significant.

Operation

The proposed project would be subject to the following standards for fire protection:

- The proposed uses must comply with all applicable State and local codes and ordinances.
- Fire lane width shall not be less than 20 feet. When a fire lane must accommodate the operation of Fire Department aerial ladder apparatus or where fire hydrants are installed, those portions shall not be less than 28 feet in width.
- No building or portion of a building shall be constructed more than 300 feet from an

approved fire hydrant.

- No building or portion of a building shall be constructed more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.
- Access for Fire Department apparatus and personnel to and into all structures, including the subterranean parking structures, shall be required.

Despite the aforementioned standards, to ensure adequate OFD capacity to serve the project and its residents, mitigation measure E-1 is required.

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

The Final EIR includes the following mitigation measure to reduce any potential impacts to fire services by the project:

Mitigation Measure E.1-1:

Prior to completion and operational status of Fire Station No. 8 at College Park or completion and operational status of Fire Station No. 10 within the Sakioka Farms Business Park Specific Plan, no more than 100 housing units and/or 40,000 sf of commercial uses shall be completed and occupied within the commercially zoned area on the northeast corner of Camino del Sol and Rose Avenue (zoning will be C-2, which allows R-3 residential and mixed use).

Finding No. 13:

Based on the above facts:

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

J. Public Services - Police

Construction

Construction sites can be sources of attractive nuisances, and invite theft and vandalism. Developers typically take precautions to prevent trespassing through construction sites. These impacts will be mitigated by requiring that temporary fencing be installed around the construction site to keep out trespassers and discourage theft and damage.

Although minor traffic delays may occur during construction, particularly during the construction of

utilities and street improvements, impacts to police response times would be minimal and temporary. Therefore, the construction-related impacts of the proposed project to police protection services would be less than significant.

Operation

The proposed project would introduce new employees and residents to the project area. Thus, an increase in the demand for police protection services is anticipated. While there is not a directly proportional relationship between increases in development and land use activity and increases in demand for police protection services, the number of request for assistance calls for police response to retail burglaries, residential burglaries, vehicle burglaries, damage to vehicles, traffic-related incidents, and crimes against persons would be anticipated to increase with the buildout and occupancy of the project. Based on OPD's experience with similar developments, anticipated problems in the project area do not represent unusual law enforcement issues.

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

The Final EIR includes the following mitigation measure to reduce any potential impacts to police services by the project:

Mitigation Measure E.2-1:

During all construction activities, the project or subsequent developer shall ensure that all onsite areas of active development, material and equipment storage, and vehicle staging, be secured with temporary fences to prevent trespass.

Mitigation Measure E.2-2:

The building and site design of the proposed project shall include crime deterrence and prevention features, building security systems, architectural design modifications, surveillance systems, and secure parking facilities.

Finding No. 14:

Based on the above facts:

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

K. Public Services - Schools

At build-out (i.e., 402 new dwelling units) the project could generate approximately 95 elementary school students, 37 middle school students, and 53 high school students for a total of 185 students.

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

The Final EIR includes the following mitigation measure to reduce any potential impacts to schools by the project:

Mitigation Measure E.3-1:

The subsequent developer(s) under the specific plan would be required to pay all applicable school fees to offset the impact of additional student enrollment at schools.

Finding No. 15:

Based on the above facts:

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

L. Public Services - Libraries

The project site is within the City Planning Area and Sphere of Influence. The project site land use plan was considered and analyzed as part of the City's 2030 General Plan and Program EIR. The East Village Phase III is part of the NECSP and the land use plan for the site has not changed. Consequently, the political change in jurisdiction from County of Ventura to the City through the act of annexation would not have a physical effect in terms of library services in the project area. If the project includes 402 housing units, it would increase the demand for library services, with the addition of approximately 1,568 residents. The proposed project would also possibly include 78,400 square feet of commercial uses, which introduce new employees to the project site. However, in general, employees of commercial uses are not likely to patronize libraries during working hours, as they are more likely to use libraries near their homes during non-work hours.

Based on the ALA standard of 1.0 square foot of library space per person, the proposed project with housing would generate need for 1,568 square feet of library space.

According to the Oxnard Public Library (OPL), the Colonia Branch does not currently meet the needs for library service in the area. It serves a population of approximately 23,649 in a 580 square foot room. The recommended size for this location should be 23,649 square feet. With the additional recommended 1,568 square feet, the branch should be approximately 25,217 square feet in size. The OPL staff has recommended building new facilities to serve this area of the City.

Therefore, the impacts of the project with residential uses would be considered potentially significant. Payment of the Growth Development Fee would be put toward building the new recommended facilities to reduce the potentially significant impact to less than significant levels.

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

The Final EIR includes the following mitigation measure to reduce any potential impacts to schools by the project:

Mitigation Measure E.5-1:

The subsequent developer(s) would be required to pay the Payment of the Growth Development Fee to offset library impacts.

Finding No. 16:

Based on the above facts:

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

M. Utilities and Service Systems - Water

The project would consume approximately 72 acre feet of water per year (net increase above the existing site agricultural uses). Development of the project site is part of the overall planned water demand increase for Oxnard. Water supplies as identified in the Draft EIR from CMWD, UWCD, and the City are considered as firm for the period 2010 to 2030. Furthermore, during the period 2010 to 2014, the City may draw on a portion of its groundwater credit bank of approximately 37,000 AF as an interim supply until the GREAT AWPf is completed as planned. Under extended dry and multiple dry year conditions, it is possible that during the years 2010 to 2014, the cumulative draw on the groundwater credits could exceed the City's available credits and the City would have to pay higher rates for additional water. However, the City has developed this credit bank for use during these types of extended drought or water supply restricted conditions. Once the GREAT AWPf is in full production,

the City will gradually restore its groundwater credit bank as a buffer against future supply constraints. The GREAT Program continues to be an important element in providing water supply to the project site, along with other proposed or anticipated development. It is anticipated that reasonably projected water supplies available during normal, single dry, and multiple dry water years during a 20-year projection are sufficient to meet the water demand associated with the project, in addition to the City's existing and planned future uses. Furthermore, the City imposes a variety of development impact fees based on land use, size, and service impact area. The Water Fees would be paid upon issuance of a building permit. Thus, the proposed project's impacts on water supply and facilities would be less than significant. The mitigation measures included in the Final EIR would further minimize the potable water demand of the proposed project.

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

The Final EIR includes the following mitigation measures to reduce the water demand of the project:

Mitigation Measure E.6-1:

The on-site domestic water system shall include the following:

- *A public pipeline systems which feed into separate water meters for each ownership. In addition, there shall be separate water meters for each multi-family unit townhouses, but not apartment units. The high-rise residential towers may be master-metered.*
- *A separate water meter (1) for the common landscape areas that would be connected to the future recycled water system.*
- *All domestic water pipelines shall adhere to Division of Occupational Health and Safety (DOHS) requirements for separation between water and recycled water/wastewater pipelines.*
- *The developer shall be responsible for payment of capital improvement/connection fees, including all related "installation fees."*
- *Developer shall provide the City any approvals necessary to dedicate to the City all FCGMA allocation associated with the Project site, whether such allocation is associated with the conversion of agricultural to urban uses, or otherwise.*

Mitigation Measure E.6-2:

The developer shall provide a recycled water system that serves all practical irrigated areas and which is: (1) separated from the domestic water system, (2) constructed per the City's Recycled Water Construction Standards (being developed), (3) irrigated at night, and (4) properly signed once the system is fully operational.

- *The portion of the irrigation intended for the future recycled water system shall be separately metered from that portion of the system that will not be connected to the future recycled water system, if any.*
- *Until the recycled water system is operational, the common area irrigation system shall be connected to the domestic system. Once recycled water is available, and connection to the*

recycled water system is made, the developer shall remove the connection to the domestic water system. No domestic water back-up is needed, since the City will provide such back-up including an appropriate air gap facility as part of the City's system.

- Prior to the availability of recycled water, the developer shall be responsible for payment of the Recycled Water Connection Fee or the water connection fee, whichever is greater for facilities constructed.
- At such time as recycled water is available, the developer shall be responsible for all costs involved with the re-connection of the applicable portions of the irrigation system to the public recycled water system, including appropriate signage. Credits for connection fees shall be given by the City based on the size of the meter(s). Under no circumstance will there be a refund of water connection fees already paid.
- The developer shall be responsible for appropriate Covenants, Conditions and Restrictions (CC&Rs) covering the use of recycled water and for proper disclosures.
- Prior to submittal of subdivision improvement plans, the developer shall review with the City the potential for dual plumbing, whereby toilet facilities would be served by the recycled water system. No determination has yet been made regarding whether the City will desire to proceed with this plan. However, should the City decide that it is desired, all costs associated with the dual plumbing shall be borne by the developer.

Mitigation Measure E.6-3:

The developer shall incorporate exterior water conservation features, as recommended by the State Department of Water Resources, into the project. These shall include, but are not limited to:

- Landscaping of common areas with low water-using plants,
- Minimizing the use of turf by limiting it to lawn dependent uses, and
- Wherever turf is used, installing warm season grasses.

Mitigation Measure E.6-4:

The developer shall, to the extent feasible, use reclaimed water for irrigation of landscaping and other uses if or when such water is available at the project site.

Mitigation Measure E.6-5:

The developer shall predominantly use vegetation that requires minimal irrigation (i.e., drought tolerant plant species) in all site landscaping where feasible for new plantings.

Mitigation Measure E.6-6:

The project developer shall ensure that the landscape irrigation system be designed, installed, and tested to provide uniform irrigation coverage. Sprinkler head patterns shall be adjusted to minimize over spray onto walkways and streets.

Mitigation Measure E.6-7:

The project developer shall install a "smart sprinkler" system to provide irrigation for the landscaped areas. Irrigation run times for all zones shall be adjusted seasonally, reducing water times and frequency in the cooler months (fall, winter, spring). Sprinkler timer run times shall be automatically adjusted by a state-of-the-art system that relies on local weather forecasts.

Mitigation Measure E.6-8:

The project developer shall install low-flush water toilets in all new construction at the project site. Low-flow faucet aerators shall be installed on all new sink faucets.

Finding No. 17:

Based on the above facts:

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

N. Biological Resources

The project site is within the City Planning Area and Sphere of Influence. The project site land use plan was considered and analyzed as part of the City's 2030 General Plan and Program EIR. The East Village Phase III is part of the NECSP and the land use plan for the site has not changed. Consequently, the political change in jurisdiction from County of Ventura to the City through the act of annexation would not have a physical effect in terms of biological resources in the project area.

Implementation of the proposed project could result in impacts to biological resources on-site, including:

- Temporary impacts during grading and construction activities, noise, vibration, dust, and increased human presence from construction crews;
- Permanent impacts from removal of vegetation, construction of buildings and roads; and
- Permanent impacts from post-construction, operational activities including increased noise and disturbance levels from the new development, increased wildlife mortality from additional traffic, and increased lighting associated with new development and roads.

The Final EIR provided mitigation measures for avoiding, minimizing, or compensating potentially significant impacts, as appropriate.

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

The Final EIR includes the following mitigation measures to reduce the biological resources impacts of the project:

Mitigation Measure F-1:

Prior to the final approval of the first Site Improvement Plan, the project site and adjacent open space

areas shall be surveyed by a qualified biologist for the presence of nesting birds prior to removal of vegetation. The developer shall be required to submit a report documenting the findings of the site survey to the Planning Division for review and approval. The site survey shall be conducted within 30 days of the beginning of any grubbing/grading activity. If any active nests are detected, then a 300-foot buffer (or as otherwise deemed appropriate by the biological monitor in consultation with the City and CDFG) shall be placed around the nest site until the nestlings have successfully fledged. Conduct vegetation clearing and grubbing, grading, and other construction activities associated with the proposed project during the non-breeding season (in general, September 1st through January 31st).

Finding No. 18:

Based on the above facts:

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

M. Hazards and Hazardous Materials

Construction

Construction of the proposed project would involve the use of those hazardous materials that are typically necessary for construction of residential development (i.e., paints, building materials, cleaners, fuel for construction equipment, etc.). Therefore, construction of the proposed project would involve routine transport, use, and disposal of these types of hazardous materials throughout the duration of construction activities. Furthermore, the transport, use, and disposal of construction-related hazardous materials would occur in conformance with all applicable local, State, and federal regulations governing such activities. For example, the proposed project would be required to implement standard best management practices (BMPs) set forth by the City and the Ventura County Regional Water Quality (VCRWQ) which would ensure that wastes generated during the construction process are disposed of properly. Furthermore, due to the fact that the majority of the project site has been used for agricultural purposes for several decades, a combination of several commonly used pesticides which are now banned may have been used throughout the project site. While there is no requirement that agricultural soil be tested prior to development, the historical use of agricultural pesticides on the project site may have resulted in pesticide residues of certain, persistent in soil concentrations that are considered to be hazardous according to established Federal regulatory levels and impacts would be potentially significant. Therefore, it is recommended that soil sampling should occur throughout the project site. The sampling would determine if pesticide concentrations exceed established regulatory requirements and would identify proper handling procedures that may be required. Therefore, with mitigation, the proposed project would not create a significant impact related to routine transport, use, or disposal of hazardous materials during construction.

Operation

The proposed project consists of the development of residential uses, which would include the use of

hazardous materials for routine cleaning, maintenance, and landscaping in small quantities. All potentially hazardous materials would be contained, stored, and used in accordance with the manufacturers' instructions and handled in compliance with the applicable standards and regulations, such as those administered by the Oxnard Fire Department, OSHA, and CalOSHA. Through adherence to these regulatory guidelines, construction activities would not create a significant hazard to the public or environment through the disturbance, removal, storage, or disposal of hazardous materials. As such, impacts associated with hazardous materials used during operation of the proposed project would be less than significant.

Asbestos-Containing Materials (ACMs)

Due to the age of the existing on-site structures it is very likely that ACMs are present on the project site. The Applicant has suggested that the main house remain on the project site and be remodeled as a community complex or as part of the commercial area. The Applicant has also suggested that the main barn remain on the project site and be remodeled as a commercial structure as part of the commercial area. Nevertheless, the worst case scenario would be that the structures would be demolished and ACMs would be present in the structures and impacts would be potentially significant. However, implementation of mitigation measure H-2 and mandatory compliance with applicable federal and state standards and procedures would reduce risks associated with ACMs to acceptable levels. Therefore, significant impacts associated with an exposure to ACMs during construction would be less than significant.

Lead-Based Paint (LBP)

Due to the age of the existing on-site structures it is very likely that LBP is present on the project site. The Applicant has suggested that the main house remain on the project site and be remodeled as a community complex or as part of the commercial area. The Applicant has also suggested that the main barn remain on the project site and be remodeled as a commercial structure as part of the commercial area. Nevertheless, the worst case scenario would be that the structures would be demolished and LBPs would be present in the structures and impacts would be potentially significant. However, implementation of mitigation measure H-2 and mandatory compliance with applicable federal and state standards and procedures would, therefore, reduce risks associated with LBP to acceptable levels. Therefore, significant impacts associated with an exposure to LBP during construction would be less than significant.

Underground Storage Tanks (USTs) and Above Ground Storage Tanks (ASTs)

There are no known USTs located within the vicinity of the project site. Furthermore, no USTs are known to be located within the project site.⁸ However, there is one AST located on the project site. At this time no detailed information could be found about the AST. Removal of the AST would be essential in terms of implementation of the Specific Plan land use plan for the project site and impacts with respect to ASTs would be potentially significant.

Polychlorinated Biphenyls (PCBs)

Polychlorinated biphenyls are a mixture of chlorinated compounds, which were used as coolants and lubricants in transformers and other electrical equipment. When released to the environment polychlorinated biphenyls can impact soil and groundwater. Polychlorinated biphenyls are likely carcinogens and the manufacture of polychlorinated biphenyls was banned in the United States in 1979. Because the existing structures on the project site were constructed prior to the 1979 federal ban on the

⁸ State Water Resources Control Board, GeoTracker, website: <http://geotracker.waterboards.ca.gov/>, November 21, 2011.

manufacture of polychlorinated biphenyls, it is possible that PCBs are located on the project site. Therefore, in accordance with mitigation measure IV.G-4, the suspected oils would be sampled, handled, and disposed of in accordance with state and federal laws during future demolition activities.

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

The Final EIR includes the following mitigation measures to reduce the impact associated with hazards and hazardous materials:

Mitigation Measure H-1:

Soil sampling shall occur throughout the project site. The sampling will determine if pesticide concentrations exceed established regulatory requirements and will identify proper handling procedures that may be required.

Mitigation Measure H-2:

The Applicant shall conduct ACM and LBP surveys on all buildings and associated infrastructure scheduled for demolition. If asbestos and/or lead-based paint are detected, they shall be abated and removed in accordance with all applicable federal, state, and local regulations and in accordance with SCAQMD regulations.

Mitigation Measure H-3:

A comprehensive Phase I Environmental Site Assessment (ESA) shall be completed for the project site prior to any development. If environmental conditions exceeding regulatory requirements are identified, remediation shall be accomplished to the satisfaction of the appropriate regulatory agency(ies) and further, shall be completed before earth-disturbing activities may take place on the project site.

Mitigation Measure H-4:

Prior to demolition, potentially polychlorinated biphenyl-containing oils shall be sampled and analyzed for polychlorinated biphenyls and the known polychlorinated biphenyl-containing transformers and any other polychlorinated biphenyl-containing oils would be handled and disposed of in accordance with state and federal laws during future demolition activities.

Finding No. 19:

Based on the above facts:

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

N. Alternatives to the Proposed Project

The Draft EIR considers a range of alternatives to the proposed project to provide informed decision-

making in accordance with Section 151216(f) of the CEQA Guidelines. The three alternatives are described as follows:

Alternative 1: No Project Alternative. Under the No Project Alternative, the proposed project site would remain as an unincorporated area under the County of Ventura control and no annexation to the City would occur. Under the No Project Alternative, the project site would continue in its current state of agricultural use with cultivated row crops. The residential units and farm structures would remain. The 2030 General Plan land use designations would remain in place, allowing for a future annexation and subsequent development.

Alternative 2: 2030 General Plan. Under the 2030 General Plan alternative, the proposed project would be reconfigured to be compliant with the 2030 General Plan Land Use Map. The 2030 General Plan alternative would include the same uses as the proposed project, which consists of 402 residential units, 78,400 square feet of commercial uses, and park uses. However, unlike the proposed Project's two linear parks totaling 11 acres, the park uses would be expanded to 30 acres and would be located in one area on the northern portion of the project site. The commercial uses would be located in the same area with the remainder of the project site developed with 402 residential units in a traditional small-lot subdivision layout, albeit at a higher density than the proposed project (i.e., 7-12 units per acre). Under the 2030 General Plan alternative, the project site would undergo a change in jurisdiction through the act of annexation to the City from the County of Ventura.

Alternative 3: Urban Village. The Oxnard 2030 General Plan was adopted on October 11, 2011 and included as one of its major themes the establishment of Urban Villages. The 2030 General Plan defines Urban Village as "...mixed use areas designed to encourage persons to live near their place of employment and/or support services. Urban Villages should occur in the designated areas but may be proposed in other areas as a General, Specific, Coastal, or County Public Works Plan Amendment. The integration of complementary land uses is intended to promote a pedestrian orientation to reduce trips and vehicle miles traveled and reduce greenhouse gas emissions. Urban Villages are implemented with a specific plan, a strategic plan similar to the Central Business District Strategic Plan, or by the Ventura County Harbor Public Works Plan." (pg. 3-17).

Policy CD-7.1, "Establishment of Urban Villages," designates six areas of the City as Urban Village, including the Project area. Urban Villages are envisioned as characterized by:

- Infill and/or development of formerly agricultural land;
- Reinvestment in the existing community;
- Mixture of land uses;
- Mix of residential densities and housing types;
- Providing a minimum of 15 percent affordable housing;
- Location along or near corridors, downtown, and transit nodes; and
- Transit, pedestrian, and bicycle circulation given high priority.

More detailed Urban Village guidelines may be subsequently adopted by the City Council. The 2030 General Plan further states that, "For purposes of annexation, the NECSP land use designations for this

area as of July 2011 are deemed consistent with this 2030 General Plan." (p. 3-27)

The Urban Village alternative is an attempt at describing an alternative project within the intent of the Urban Village Policy CD-7.1 with acknowledgement that Urban Village Guidelines have not been formulated in detail or adopted and that this alternative does not commit the developers nor the City to this description as future adopted Urban Village Guidelines may lead to a different project description.

The Urban Village alternative would focus on a transit-oriented mixed use development (TOD) on the northeast corner of Camino del Sol and Rose Avenue. The TOD would create a unique sense of place by having a "town square" feel with a central public space bounded by first-floor retail uses with two and three stories of apartments above them. A bus transit station would be integrated into the public area close to retail shops, public restrooms, and bicycle storage and repair facilities. Open space, providing active recreation and passive storm water retention and treatment, would be integrated throughout the project so that the project would meet MS4 permit requirements. Pedestrian and bicycle paths and walkways would have precedence over streets but not inhibit emergency access. Parking may be consolidated in some areas to allow for overhead solar power generation and electric vehicle recharge stations. The variety of housing styles and affordability would include live/work and seniors housing. One or more areas could be set aside for a new City library, community theater, and/or church. The total number of housing units may increase over that allowed by the NECSP so long as the number of vehicle trips is equal to or less than the Project trip generation projected after accounting for transit and alternative travel modes.

The **No Project alternative** would not satisfy the project objectives and would not implement any of the beneficial mitigation measures that would otherwise be implemented by the project. It is also unreasonable to assume that the majority of the project site would continue to be used for agricultural resources throughout the foreseeable future. The project site has been designated for urban uses since 1993. Any agricultural productivity at the project site should be considered to be a short-term condition.

The **2030 General Plan alternative** is physically feasible; although the same unavoidable significant project impacts to agricultural resources, aesthetics (visual quality and character), as well as cumulative air quality, greenhouse gas emissions and roadway noise would occur. Further, it would result in the same project-level mitigable impacts to air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, public services (i.e., fire protection, police protection, schools, and libraries), traffic/transportation and utilities (i.e., water supply) as the proposed project. Therefore implementation of the 2030 General Plan alternative in lieu of the proposed Project is not considered advantageous from an environmental perspective.

The **Urban Village alternative** is physically feasible; although the same unavoidable significant project impacts to agricultural resources and aesthetics (visual quality and character), as well as cumulative air quality, greenhouse gas emissions and roadway noise would occur. Further, it would result in the same project-level mitigable impacts to air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, public services (i.e., fire protection, police protection, schools, and libraries), traffic/transportation and utilities (i.e., water supply) as the

proposed project. Therefore implementation of the 2030 General Plan alternative in lieu of the proposed Project is not considered advantageous from an environmental perspective.

Finding No. 20:

Based on the above facts:

The City Council finds that all feasible and reasonable mitigation measures for impacts associated with the Project have been identified in the Final EIR and are included in the Mitigation Monitoring and Reporting Program for the project. The Project alternative identified in the Final EIR capable of reducing the unavoidable impacts associated with agricultural resources and cumulative impacts to air quality, greenhouse gas emissions and roadway noise to less than significant levels is infeasible for the applicant due to specific economic and legal justifications pursuant to Section 15091(a)(3) of the CEQA Guidelines.

3. Miscellaneous Findings

Revisions to the Draft EIR were made as a result of the comments submitted on the Draft EIR as well as City staff directed changes. These revisions (incorporated into the Final EIR) only clarify, amplify, or make insignificant modifications to the Draft EIR. None of these revisions represent significant new information that would result in the identification of a new significant impact or an increase in severity of such an impact, from either the project or from a new mitigation measure proposed for implementation as part of the project. Nor do these revisions include a new mitigation measure to reduce a significant impact that has been declined by the project applicant.

Finding No. 21:

Based on the above facts:

The City Council of the City finds that Section 15088.5 of the CEQA Guidelines did not require recirculation of the Draft EIR, as the revisions made to the Draft EIR merely clarified or amplified information found in that document.

EXHIBIT B

Statement of Overriding Considerations

The California Environmental Quality Act (CEQA) requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a project against its unavoidable risks when determining whether to approve a project. If the specific economic, legal, social, technological or other benefits of the project outweigh the unavoidable adverse environmental effects, those effects may be considered acceptable (CEQA Guidelines Section 15093(a)).

In accordance with the requirements of CEQA and the state CEQA Guidelines, the City Council finds that the mitigation measures identified in the East Village Phase III Annexation Final EIR (final EIR), and the Mitigation Monitoring and Reporting Program, when implemented, avoid or substantially lessen virtually all of the significant effects identified in the Final EIR. However, the conversion of a quality agricultural site to an urban use and the loss of the mature windrow trees would remain significant and unavoidable project-level impacts despite consideration of mitigation measures. In addition, as per the 2030 General Plan Program EIR, cumulative impacts are significant for loss of agricultural land, air quality in the regional air basin, and greenhouse gas emissions would be cumulatively significant. Further, no mitigation measures are feasible to reduce the cumulative roadway noise impacts along Gonzales Road between Rice Avenue and Rose Avenue. The project contributes to these cumulative impacts.

The City has balanced the benefits of the East Village Phase III Annexation project against the unavoidable significant project-level and cumulative adverse impacts identified above in determining whether to approve the project and has determined that the benefits of the project outweigh the project-specific unavoidable agricultural resources, aesthetic (visual quality and character) impacts and cumulative agricultural resources, air quality, greenhouse gas emissions, traffic, and traffic-related noise impacts of the project. The benefits set forth below constitute overriding considerations warranting approval of the project:

- 1) The project will provide 402 single-family homes, up to 78,400 square feet of neighborhood commercial development and approximately 10 acres of parkland along with two new street right of ways; generating increased residential, recreational, business and employment opportunities the City of Oxnard. Development of the site with residential, commercial and recreational uses has been envisioned since the City of Oxnard prepared and approved the Northeast Community Specific Plan in 1993.
- 2) The project represents the continuation of a logical development pattern occurring in the surrounding area.
- 3) With the implementation of the 26 recommended mitigation measures the impacts of the project on air quality would be reduced to a less than significant level.
- 4) With the implementation of the two recommended mitigation measures the impacts of the project on cultural resources would be reduced to a less than significant level.
- 5) With the implementation of the three recommended mitigation measures the impacts of the project on geology, soils and seismicity would be reduced to a less than significant level.
- 6) With the implementation of the four recommended mitigation measures the impacts of the project on hydrology and water quality would be reduced to a less than significant level.
- 7) With the implementation of the two recommended mitigation measures the impacts of the project on noise would be reduced to a less than significant level.

- 8) With the implementation of the six recommended mitigation measures the impacts of the project on transportation and traffic would be reduced to a less than significant level. The developer would be required to either fully implement or pay a fair share contribution to the planned transportation improvements, which brings the improvements one step closer to implementation.
- 9) With the implementation of the recommended mitigation measure the impacts of the project on fire protection would be reduced to a less than significant level.
- 10) With the implementation of the two recommended mitigation measures the impacts of the project on police protection would be reduced to a less than significant level.
- 11) With the implementation of the recommended mitigation measure the impacts of the project on schools would be reduced to a less than significant level.
- 12) With the implementation of the recommended mitigation measure the impacts of the project on libraries would be reduced to a less than significant level.
- 13) With the implementation of the eight recommended mitigation measures the impacts of the project on water supply would be reduced to a less than significant level. These mitigation measures provide for numerous improvements to be developed in synchronization with project development. The developer would be required to pay a fair share contribution to the planned water supply improvements (both recycled and potable), which brings the improvements one step closer to implementation.
- 14) With the implementation of the recommended mitigation measure the impacts of the project on biological resources would be reduced to a less than significant level.
- 15) With the implementation of the four recommended mitigation measures the impacts of the project on hazards and hazardous materials would be reduced to a less than significant level.

Based on the above facts:

The City Council finds that the benefits of the project outweigh the significant and unavoidable project impacts related to agricultural resources and aesthetic (visual quality and character) resources, and cumulative impacts to air quality, greenhouse gas emissions and roadway noise, which are deemed acceptable, consistent with Section 15093 of the CEQA Guidelines.

SUBSTANTIAL EVIDENCE

The City Council finds and declares that substantial evidence for each and every finding made herein is contained in the Draft EIR, Final EIR, and other related materials, each of which is incorporated herein by this reference, and in the record of proceedings in the matter. Moreover, the City Council finds that where more than one reason exists for any finding, the City Council finds that each reason independently supports such finding, and that any reason in support of a given finding individually constitutes a sufficient basis for that finding.

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. ____

RESOLUTION OF APPLICATION OF THE CITY COUNCIL OF THE CITY OF OXNARD TO THE VENTURA COUNTY LOCAL AGENCY FORMATION COMMISSION FOR A REORGANIZATION OF BOUNDARIES FOR PROPERTY LOCATED AT 1853 CAMINO DEL SOL (APN 214-0-020-595), HEREIN ANNEXATION NO. PZ 11-610-01, SUBJECT TO CERTAIN CONDITIONS. FILED BY MAULHARDT RF-JW TRUST ET AL C/O RICHARD MAULHARDT, JR. 1853 CAMINO DEL SOL, OXNARD; AND CITY OF OXNARD, 300 WEST THIRD STREET, OXNARD, CA 93030.

WHEREAS, the City Council desires to propose to the Ventura County Local Agency Formation Commission (LAFCo) a reorganization of the boundaries of the territory described herein; and

WHEREAS, on April 23, 2013, the City Council certified Final Environmental Impact Report (FEIR) No. 11-01 (SCH #2011031024) for the East Village Phase III Annexation; and

WHEREAS, City Council has carefully reviewed the application filed as PZ 11-610-01 for annexation to the City of Oxnard and reorganization of boundaries for the property located at 1853 Camino del Sol (APN 214-0-020-595), filed by Maulhardt RF-JW Trust et al c/o Richard Maulhardt, Jr; and

WHEREAS, City Council desires to initiate a proceeding for the reorganization of boundaries as specified herein and shown as Exhibit A and B; and

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

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

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

1. The City Council proposes this reorganization and requests that the Ventura County Local Agency Formation Commission (LAFCO) take proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, commencing with Government Code Section 56000.
2. This proposal is a reorganization and consists of the following, but is not limited to in

the event LAFCo determines additional reorganizations are required, changes of organization as follows:

- a. Annexation to the City of Oxnard
 - b. Annexation to the Calleguas Municipal Water District
 - c. Annexation to the Metropolitan Water District of Southern California
 - d. Detachment from the Ventura County Resource Conservation District
 - e. Detachment from the Ventura County Fire Protection District
 - f. Detachment from Ventura County Service Area No. 32
 - g. Detachment from Ventura County Service Area No. 33
3. A description and map of the affected territory are set forth in Exhibits A and B, attached hereto and by reference incorporated herein.
4. The City Council proposes that the reorganization of the territory described in Exhibits A and B be subject to the following terms and conditions:
 - a. The territory shall be liable for any existing indebtedness of the City.
 - b. The territory shall be liable for payment of any existing or authorized taxes, assessments, fees and charges comparable to those imposed on property within the City.
5. The reasons for the proposal are to provide municipal services and control to the territory described in Exhibits A and B, adjust affected special district and service area boundaries, implement the Guidelines for Orderly Development and promote orderly government boundaries.
6. The proposal is consistent with the spheres of influence of the affected agencies.
7. The City Council hereby directs and authorizes the City Manager, or designee, to file the application with LAFCO for the reorganization described herein on behalf of the City Council.
8. The City Council hereby directs and authorizes the City Clerk to forward a certified copy of this Resolution with applicable fees and other information as required by Section 56383 of the Government Code to the Executive Officer of LAFCO.
9. The City Council hereby consents to LAFCO's waiver of further conducting authority proceedings, if provided for pursuant to Government Code Section 56663.

Resolution No. _____
Annexation No. PZ 11-610-01
Page 3

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

AYES:

NOES:

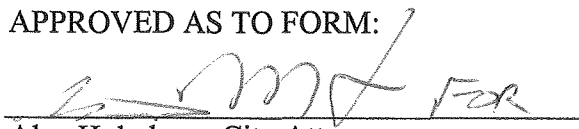
ABSENT:

Tim Flynn
Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney

EXHIBIT 'A'

LEGAL DESCRIPTION

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

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

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

- 1st North 00°09'00" West, a distance of 2455.86 feet to the westerly prolongation of the southerly line of Tract No. 5214 recorded in Book 143 at Page 87 of Miscellaneous Records, (Maps) of said county; thence along said southerly line,
- 2nd North 89°59'06" East, a distance of 1938.50 feet to the northwest corner of Tract No. 5293 recorded in Book 146 at Page 47 of Miscellaneous Records, (Maps) of said county; thence along the westerly line of said Tract No. 5293 and the southerly prolongation thereof,
- 3rd South 00°01'00" West, a distance of 2455.86 feet to a point on the north line of Colonia Road, 50 feet wide, also being the north line of "MAULHARDT", ANNEXATION NO 64-11A, to the City of Oxnard, described in the document recorded September 8, 1964 in the Office of the Secretary of State of California; thence along said north line,
- 4th South 89°59'00" West, a distance of 1931.24 feet to the Point of Beginning.

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

Contains: 108.97 acres, more or less.

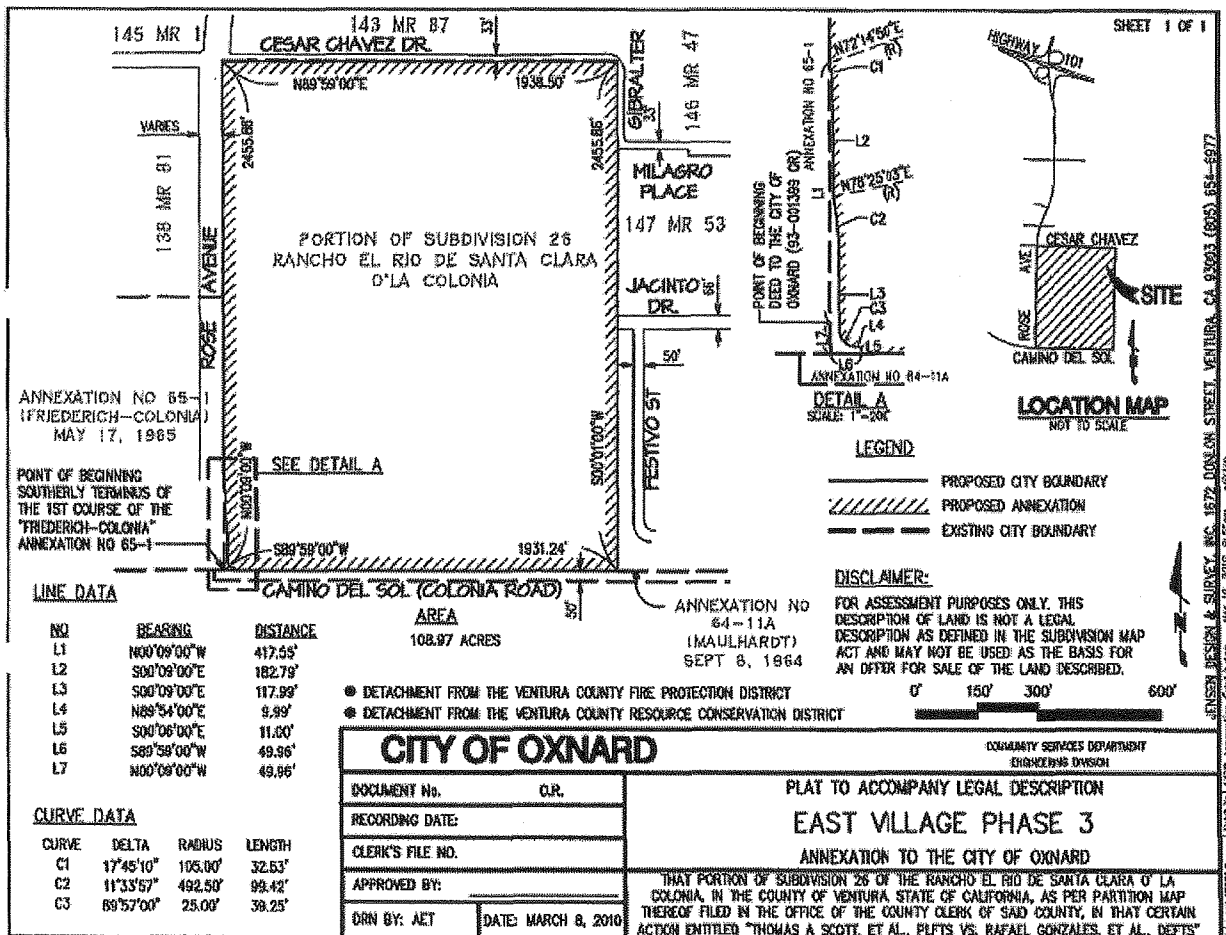
Disclaimer: For assessment purposes only. This description of land is not a legal description as defined in the Subdivision Map Act and may not be used as the basis for an offer for the sale of the land described.

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

March 3, 2010
K:\LAU147005\Survey\ExhibitA\700 Ex A Annexation Exhibit.doc

EXHIBIT 'B'

PLAT TO ACCOMPANY LEGAL DESCRIPTION



CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING PZ 11-560-01, TO PREZONE PROPERTY LOCATED AT 1853 CAMINO DEL SOL (APN) 214-0-020-595 TO SINGLE FAMILY RESIDENTIAL (R-1-PD), NEIGHBORHOOD SHOPPING CENTER (C-1), AND COMMUNITY RESERVE (C-R), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY MAULHARDT RF-JW TRUST ET AL, 1853 CAMINO DEL SOL, OXNARD, CA, 93030.

WHEREAS, the owners of the 107-acre unincorporated parcel located at 1853 Camino Del Sol and entirely within the boundaries of the City of Oxnard have filed Annexation Request No. PZ 11-610-01 to be annexed to the City of Oxnard (City); and

WHEREAS, the subject parcel is located within the Northeast Community Specific Plan (NECSP), which is the City adopted specific plan that directs land uses and development on the subject parcel upon annexation to the City; and

WHEREAS, the owners have requested a concurrent pre-zoning of the property to R-1-PD (Single Family Planned Development), C-1 (Neighborhood Shopping Center), and C-R (Community Reserve) as shown on Exhibit A in compliance with and consistent with the NECSP; and

WHEREAS, on April 23, 2013, the City Council certified Final Environmental Impact Report (FEIR) No. 11-01 (SCH #20110 31024) for the East Village Phase III Annexation and prezoning; and

WHEREAS, City Council has carefully reviewed the application filed as PZ 11-560-01 for prezoning for the property located at 1853 Camino del Sol (APN 214-0-020-595), filed by Maulhardt RF-JW Trust et al c/o Richard Maulhardt, Jr; and

WHEREAS, the pre-zoning is found to be consistent with the 2030 General Plan; and

WHEREAS, the City Council has carefully reviewed Planning Commission Resolution No. 2012-23 recommending approval of a prezoning for the subject property; and

WHEREAS, the City Council has held a public hearing and received and reviewed written and oral comments related to the proposed prezoning PZ No. 11-560-01; and

WHEREAS, the City Council finds after due study and deliberation that the public interest and general welfare require the adoption of PZ No. 11-560-01 and the prezoning to R-1-PD, C-1, and C-R as shown on Exhibit A; and

WHEREAS, Applicants agree, as a condition of adoption of this ordinance at each Applicant's own expense, to indemnify, defend, and hold harmless City and its agents, officers, and employees from and against any claim, action or proceeding to attack, review, set aside, void, or annul the approval of this ordinance or any proceedings, acts, or determination taken, done, or made prior thereto that were part of the approval process.

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

- Part 1. Zone Change No. 11-560-01 (Prezoning) is approved, as shown on the map attached hereto as Exhibit A and incorporated herein by reference.
- Part 2. Within fifteen days after passage, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation, published and circulated in the City. Ordinance No. _____ was first read on April 23, 2013, and finally adopted on _____, to become effective thirty 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:

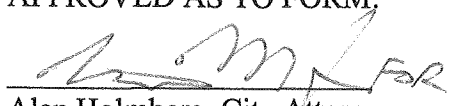

Alan Holmberg, City Attorney

EXHIBIT A





Meeting Date: 05/07 / 13

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

Prepared By: Sofia Balderrama

Agenda Item No. R-1Reviewed By: City Manager [Signature]City Attorney [Signature]Finance [Signature]

Other (Specify) _____

DATE: March 13, 2013**TO:** City Council**FROM:** Sofia Balderrama, Management Analyst III
Recreation and Community Services**SUBJECT:** Aquatics/ Learn to Swim Program Discussion**RECOMMENDATION**

That City Council receive information regarding Aquatics/Learn to Swim Program and provide guidance to staff.

DISCUSSION**Background****Current Summer Learn to Swim Program at the Colonia Pool**

For 8 to 12 weeks during the summer months, the Colonia Pool offers residents access to a neighborhood heated pool, 25 feet wide by 65 feet long with a portable lift. Swimming programs include youth swimming lessons, open swim, mommy and me classes, adaptive swim, and adult swimming lessons. In addition, on a weekly basis, the pool is used by City programs such as City Corps, City Summer Camps, Senior Services and the Preschool to You Program. Approximately 250 to 300 participants use the pool daily. With the American Red Cross Certification, the Colonia Pool Lifeguards and Water Safety Instructors are trained to teach swimming lessons and water safety skills to the Colonia pool users.

Over the course of several years now, City Council and staff have heard from various individuals, organizations and other concern citizen's about the importance of youth drowning prevention by providing additional swimming lessons and water safety skills. In response to this need, City staff researched available resources and partners. As a result, the City staff reached out to its long standing partner, the Oxnard Union High School District Educational Services Interscholastic Athletics for cooperation. In October 2012, the City met with the District to discuss ideas and opportunities to expand the existing City aquatics program. Subsequently, the District agreed to work with the City and provide access to two pool facilities for a fee.

Aquatics/Learn to Swim Program at the Rio Mesa High School Pool and the Oxnard High School Pool

For a daily facility usage fee of \$45, the Oxnard Union High School District Educational Services Interscholastic Athletics agreed to allow the City to use the Rio Mesa Pool for 8 weeks during the summer months, three hours a day, Monday thru Saturday. In addition, the district agreed to allow the City to have limited access of the Oxnard High School Pool for ten Saturdays during the summer months.

Access to the two pool facilities during the summer months gives over 384 youth, identified as non-swimmers, an opportunity to learn how to swim and learn water safety skills through the City's Aquatics/Learn to Swim Program. The Program is a comprehensive American Red Cross based swim program for youth ages 5 to 15 years old that incorporates the development of basic swim techniques, vital water safety skills and most importantly how to have fun in an aquatic environment.

The goal is to create a water safe community through partnerships, education and awareness.

Update on Use of Pool Facilities

During the week of March 11, 2013, City staff called and left a message with the District staff to confirm agreement. On Wednesday, March 13, 2013, City staff received a call back and was informed the pools were not available anymore. The District staff explained that it was related to the federal budget cuts that included the temporary closing of the Ventura County Naval Base pool which was used for team practices by the Channel Islands High and Hueneme High School Aquatics Program. These two schools must now shift their practices to the remaining pools at Oxnard and Rio Mesa High Schools. This new arrangement has made these pools unavailable to Recreation or any other potential Aquatics/Learn to Swim Programs.

Moving forward, staff will continue to work with the district and partners to seek other opportunities to teach youth how to swim using the following budget estimates:

Item	Description	Total Budget
RIO MESA HIGH SCHOOL POOL:		
Total Personnel	Certified lifeguards, water safety instructors, water safety instructor aides and drivers	\$ 42,705
Total Operations	(Fee for facility, supplies, fuel for vans)	\$ 2,730
	<i>TOTAL AQUATICS/LEARN TO SWIM PROGRAM</i>	<i>\$ 45,435</i>
OXNARD HIGH SCHOOL POOL:		
Total Personnel	Certified lifeguards, water safety instructors, water safety instructor aides and drivers	\$ 18,132

Total Operations	(Fee for facility, supplies, fuel for vans)	\$ 950
	<i>TOTAL AQUATICS/LEARN TO SWIM PROGRAM</i>	<i>\$ 19,082</i>
	TOTAL BUDGET	\$ 64,517

FINANCIAL IMPACT

Since this item is for discussion purposes only, there is no financial impact.



Meeting Date: 05/7/13

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

Prepared By: Brad Windsor, Assistant Fire Chief *BW*Agenda Item No. *R-2*Reviewed By: City Manager *JLP*City Attorney *JA*Finance *BV for Jim Cameron*

Other (Specify) _____

DATE: April 23, 2013**TO:** City Council**FROM:** James A. Williams, Fire Chief
Fire Department *James A. Williams***SUBJECT:** Study Session on Ocean Lifeguard Services**RECOMMENDATION**

That City Council conduct a study session on Ocean Lifeguard Services.

DISCUSSION

The City Council requested the Fire Department and the Recreation and Community Services Department work together to provide information to the City Council for water safety programs. The Fire Department has prepared a report on Ocean Lifeguard Services.

The report details the components and costs of providing an Ocean Lifeguard program through the Fire Department as a new Marine Safety Division.

The Marine Safety Division proposal would provide ocean lifeguard services from 9 lifeguard towers for a 110 day period from Memorial Day to Labor Day. The proposed area of coverage is approximately two miles of beaches from Sunset Lane to Fifth Street.

The Marine Safety Division staffing would require one Marine Safety Officer (1 FTE) and 39 seasonal lifeguards. The Marine Safety Division would also provide a Junior Lifeguard Program.

FINANCIAL IMPACT

This proposal would require \$811,063 for initial costs (including capital equipment items) for the first year and annual funding of \$403,917.

Attachment - Ocean Lifeguard Service Proposal

Oxnard Fire Department

Ocean Lifeguard Service Proposal



Executive Summary

The Fire Department was charged with the task of developing a plan to provide Ocean Lifeguard Services on the beaches of Oxnard.

This plan is for an Oxnard Fire Department operated Ocean Lifeguard program. These Ocean Lifeguard Services will be provided under the Fire Department proposed Marine Safety Division. A Marine Safety Officer (MSO) will oversee the program on an annual basis. The MSO will manage both the daily operations of the Ocean Lifeguard Program as well as the Junior Lifeguard Program. The Junior Lifeguard program compliments the efforts of the Recreation and Community Services goal of developing a water safe community. Nine towers will be utilized to provide coverage of approximately two miles of beachfront. Tower coverage will begin at the North end of Sunset Lane and end at Fifth Street to the North. Distribution will focus on areas with the highest level of beach patron usage, including Oxnard Beach Park, Embassy Suites, Neptune's Square and Fifth Street. Staffing of Lifeguard Towers will be provided for the 110 day summer season, Memorial Day to Labor Day, 10:00am-6:00pm.

With support of Council and City Staff, implementation of the program is feasible in a 10-12 month time period.

- A. Capital Outlay & Operating Cost Year One: \$811,063
 - 1. Initial Capital expenditures plus annual operating costs.
- B. Annual Operating Costs: \$403,917
- C. Junior Lifeguard Costs:
 - 1. Variable dependent upon student enrollment.
 - 2. See Appendix C

Cost estimates for contracting Ocean Lifeguard services were solicited from the County of Ventura and the California State Lifeguards. The agencies requested a formal Request for Proposal to provide the cost information. A Request for Proposal can be prepared, if desired.

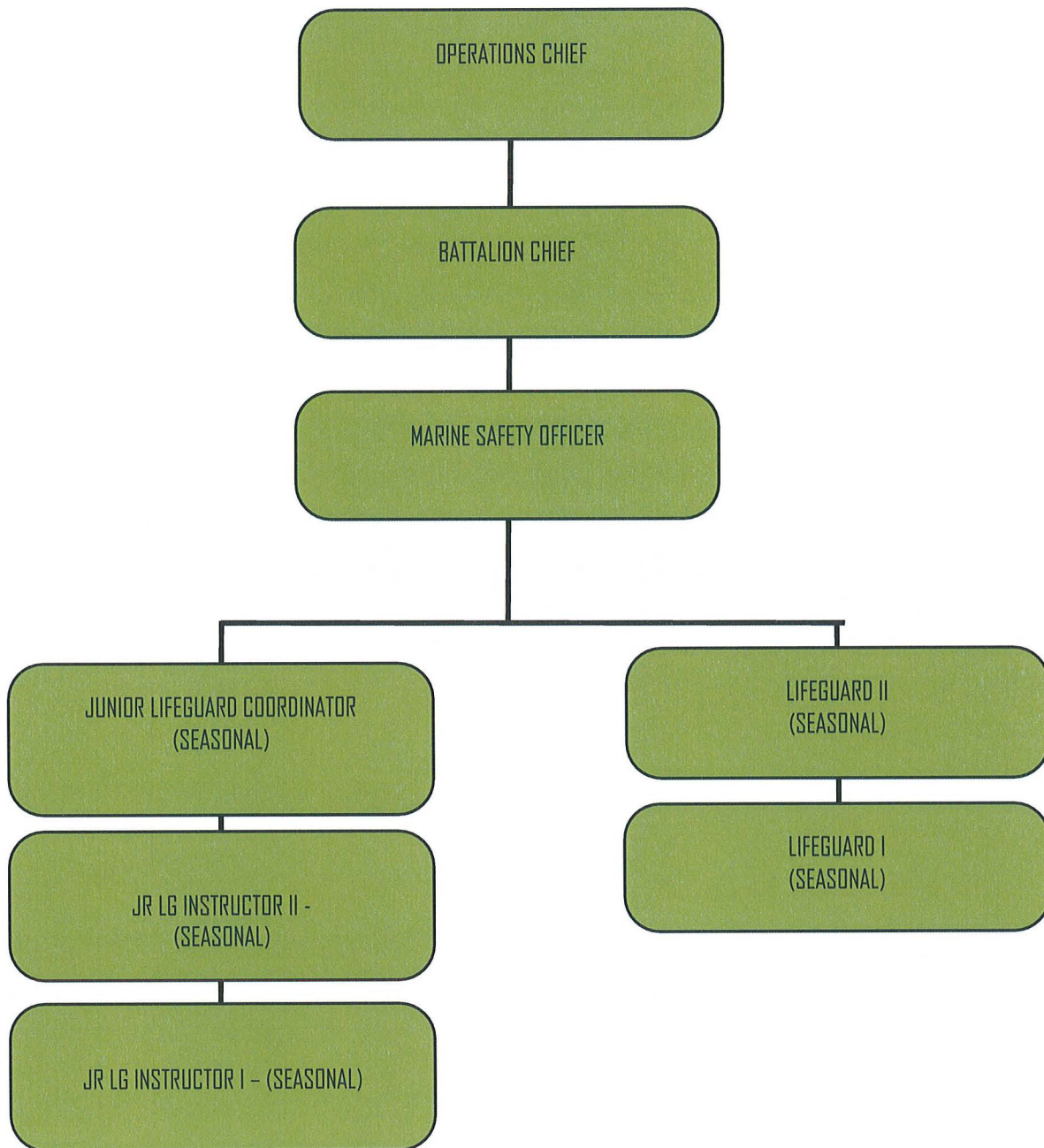
Introduction

The City of Oxnard sits on one of the most valuable and beautiful stretches of coastline in the nation. Enhancing this characteristic to its fullest is a positive economic enhancement opportunity for the city. Providing Ocean Lifeguards on our beaches is only one facet of embracing our coastline and making it a more desirable location.

Our beaches are not without the inherent risks consistent with every other beach in the area. However, these dangers can be protected against with the presence of professionally trained Ocean Lifeguards. Such service can enhance the beach going experience for our residents, and potentially increase tourist activity.

As the current provider of beach and ocean rescue, the Oxnard Fire Department offers this proposal for the city to provide life guard services. In the past ten years, the Oxnard Fire Department responded to approximately 170 water related incidents, with 8 fatalities from ocean incidents.

Organizational Structure



Area of Service

Ocean Lifeguard services will extend from 5th street to the north, to Mandalay Beach Road to the east, to Sunset Beach Lane / Channel Islands Blvd to the south. Nine guard towers will be utilized to provide for optimal beach coverage. This layout will also enable customary cross-coverage of neighboring towers for instances of multiple or simultaneous rescues. Lifeguard patrol vehicles will support the area of service and be available to offer assistance to the area north of 5th street to the McGrath State Beach border when needed.

Beach areas with high concentration of use such as 5th street, Neptune's Square, and the Embassy Suites Beach will be staffed with two towers in close proximity to accommodate the increased risk.

Tower placement is based on maximizing beach and water coverage with the available resources. The strategic locations shown in this proposal will allow for the necessary overlap of adjacent tower service areas while preserving and protecting the ocean views of property owners along the beach.



Tower Locations



Tower Placement

Tower Locations	Tower Number	Spacing
5 th St	T1	
Channel Way	T2	T1 - T2 330 yards
Reef Way	T3	T2 - T3 200 yards
Breakers Way	T4	T3 - T4 500 yards
Neptune's Square	T5	T4 - T5 400 yards
Beach Way	T6	T5 - T6 540 yards
Falkirk	T7	T6 - T7 260 yards
Embassy Suites	T8	T7 - T8 280 yards
Sunset Lane	T9	T8 - T9 250 yards
Lifeguard Coverage Provided	≈ 2 Miles	Average 350 yards between towers

Comparative Tower Spacing by Neighboring Agencies

	Spacing	Number of Towers	Note
Oxnard City	350 yards	9 Towers	2 Miles
Silver Strand Beach	300 yards	4 Towers	1 Miles
Hollywood Beach	365 yards	4 Towers	1.25 Miles
Port Hueneme Beach	250 yards	5 Towers	1 Miles
Ventura St LG's	325 yards	6 Towers	1 Miles
Zuma Beach	225 yards	20 Towers	2.75 Miles
Carpinteria City	150 yards	4 Towers	.25 Miles

Duration of Service

Oxnard City Ocean Lifeguard services will coincide with all surrounding agencies and be provided "Memorial Day to Labor Day". On average this will provide 110 days of beach protection per year. This has proven to be the most cost effective and efficient time range in an effort to provide the highest level of service based on demand.

Lifeguard towers are typically open and in service from 10:00 am to 6:00 pm. The MSO can use discretion and scale up or down hours of service and the number of Ocean Lifeguards to meet the demands of the public. For example, in inclement weather it may be prudent to reduce staff and hours of operation. On the contrary, on a busy summer day, extra Lifeguards can be called back to bolster beach staffing as necessary and/or keep the tower open until dusk if crowds warrant.

The MSO will be a full time year round position within the Fire Suppression Division. During the lifeguard "season", the MSO will oversee daily operations of the Oxnard Ocean Lifeguards during the summer season. The MSO will not patrol the beach on a regular basis in the off season. The MSO's off season will be utilized to coordinate Ocean Lifeguard, Junior Lifeguard, public education, and other job related duties. The MSO position will additionally act as a liaison between the Ocean Lifeguard agency and the Fire Department, specifically assisting with administration of the Water Rescue program training and regional ocean safety meetings.

Appendix A – Cost Projections for Lifeguard Services

Start up Costs		Annual Costs	
Staffing	\$360,504	Staffing	\$360,504
USLA Academy	\$50,575	USLA Academy	\$27,420
Equipment & uniforms	\$389,510	Uniforms	\$5,520
Equipment Maintenance	\$10,473	Equipment Maintenance	\$10,473
Total	\$811,063	Total	\$403,917

Appendix B - Lifeguard Service Plan Comparison

Agency Comparison	Oxnard Fire Lifeguards	Ventura State Lifeguards	Port Hueneme Lifeguards	Ventura County Lifeguards
Number of Towers	9	9	9	9
Annual Per Tower Cost	\$44,879	\$ 42,778	\$ 45,906	\$ 27,778
Annual Cost Estimate to Lifeguard Oxnard Beaches	\$ 403,917	\$ 385,000	\$ 413,150	\$ 250,000
NOTE:				incomplete estimate
Start Up Costs	\$ 389,510	Unknown	Unknown	Unknown
Jr Lifeguard Programs	Yes	No	No	No
Peace Officers	Yes (OPD)	Yes	No	No
Support Vehicles	Yes	Yes	No	No
Lifeguard Towers	Yes	No	No	No
Communications Infrastructure	Yes	Yes	No	No

Appendix C - Junior Lifeguard Budget Estimates

Junior Lifeguard Income		
20 children per session	40 children per session	80 children per session
3 sessions	3 sessions	3 sessions
Total children 60	Total children 120	Total children 240
Tuition costs per child \$300	Tuition costs per child \$300	Tuition costs per child \$300
Total income \$18,000	Total income \$36,000	Total income \$72,000

Expenses		
Operating costs \$3,000	Operating costs \$6,000	Operating costs \$12,000
Labor costs \$21,600	Labor costs \$26,460	Labor costs \$42,480
Equipment costs \$3,870	Equipment costs \$3,870	Equipment costs \$3,870
Total expenses \$28,470	Total expenses \$36,330	Total expenses \$58,350
Net (\$10,170)	Net \$270	Net \$14,850