

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. Any materials to be presented at this meeting will be made available electronically 24 hours prior to the meeting. 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

July 1, 2014

4:30 P.M. Closed Session

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 4 for a description of closed session items)

D. OPENING CEREMONIES – 6:00 P.M.

Pledge of allegiance to the flag of the United States.

E. CEREMONIAL CALENDAR

1. SUBJECT: Presentation of Employee of the Second Quarter of 2014

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

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

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

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

July 1, 2014

PAGE 2

G. TRANSMITTAL OF INFORMATION ONLY ITEMSH. INFORMATION/CONSENT PUBLIC HEARINGSI. PUBLIC HEARINGSJ. APPOINTMENT ITEMSK. REPORTSDevelopment Services Department

1. SUBJECT: Interim Urgency Ordinance Prohibiting the Expansion of Existing, or Development of New, Electrical Generating Facilities Integrated with the Independent System Operator Grid and with Generating Capacity above 25 MW within the Coastal Zone Until the Oxnard Local Coastal Program Update is Completed. (001)

RECOMMENDATION: Adopt an interim urgency ordinance prohibiting the expansion of existing, or development of new, electrical generating facilities integrated with the Independent System Operator grid and with generating capacity above 25 MW within the Oxnard Coastal Zone pending studies and changes in the Local Coastal Program (LCP), land use plan and implementing zoning ordinance, and other applicable regulations.

Legislative Body: CC

Contact: Chris Williamson/
Steve FischerPhone: 385-8156
385-7483L. REPORT OF CITY MANAGER/EXECUTIVE DIRECTOR/SECRETARY

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

M. CITY COUNCIL/HOUSING AUTHORITY/SUCCESSOR AGENCY/FINANCING AUTHORITY
BUSINESS/COMMITTEE REPORTSN. 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.

O. 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.

P. STUDY SESSION

July 1, 2014

PAGE 3

Q. 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.

R. 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.

S. INFORMATION/CONSENT AGENDA

City Clerk Department

1. SUBJECT: Minutes of the Regular Meetings of the Oxnard City Council May 20, 2014. (011)
RECOMMENDATION: Approve.
Legislative Body: CC Contact: Daniel Martinez Phone: 385-7803

City Manager Department

2. SUBJECT: Agreements for City Council Review. (017)
RECOMMENDATION: Pursuant to Ordinance 2835 and Resolution 13,932, approve and authorize the City Manager, to execute the attached 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.
Legislative Body: CC Contact: Greg Nyhoff Phone: 385-7430

Housing Department

3. SUBJECT: Second Amendment to Resale Restriction Agreement with Peter A. Cortez. (021)
RECOMMENDATION: Approve and authorize the Mayor to execute the Second Amendment to the Resale Restriction Agreement with Peter A. Cortez (A-7479) for his residence at 2804 Riverpark Boulevard, allowing the Cortez family to lease the residence to a low-income household through June 30, 2015.
Legislative Body: CC Contact: Karl Lawson Phone: 385- 8095

Police Department

4. SUBJECT: Authorization to apply for FY 2014 Port Security Grant Program. (029)
RECOMMENDATION: Adopt a resolution: 1) The Chief of Police to submit an application to the Department of Homeland Security in the amount of \$50,000; 2) The City Manager to execute the grant agreement if grant funds are awarded to the City; 3) The Chief Financial Officer to appropriate the funds and perform all other required financial actions; and 4) The Chief of Police or designee to submit non-financial reports.
Legislative Body: CC Contact: Martin Meyer Phone: 207-7078

July 1, 2014

PAGE 4

Public Works Department

5. SUBJECT: Blanket Purchase Orders with Granite Construction, Incorporated and Vulcan Materials Company. (033)

RECOMMENDATION: Approve and authorize the Mayor to execute a Blanket Purchase Order with Granite Construction, Incorporated (Granite) and a Blanket Purchase Order with Vulcan Materials Company (Vulcan), for a not-to-exceed amount of \$1,000,000 each for the purchase of hot mix asphalt and class 2 road base for street pavement repair and for the processing and recycling of concrete and asphalt demolition debris throughout the 2014-2015 fiscal year.

Legislative Body: CC

Contact: Phillip Gregoire

Phone: 797-8219

C. CLOSED SESSION - Continued from Page 1.

1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION.

CC (Government Code section 54956.9 (d)(1))

Name of case: City of Oxnard et al. v. Kennedy Jenks Consultants, et al.
Orange County Superior Court, Case No. 30-2013-00655651

The Interim 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 LABOR NEGOTIATORS.

CC Agency designated representatives: Michelle Téllez, Director of Human Resources; Jeffrey C. Freedman, City's labor attorney.

Employee organization: Oxnard Mid-Managers' Association

The Director of Human Resources requested that this item be discussed in closed session pursuant to Government Code section 54957.6. The purpose of the closed session is for the City Council to review the status of negotiations and to provide instructions to the City's negotiators regarding salaries, salary schedules and compensation paid in the form of fringe benefits for employees represented by the employee organization identified above and other matters within the scope of representation.

T. ADJOURNMENT



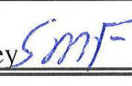
Meeting Date: 7 / 1 / 2014

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

Prepared By: Christopher Williamson, AICP

Agenda Item No. K-1

Reviewed By: City Manager 

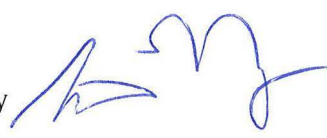
City Attorney 

Finance 

Other (Specify) _____

DATE: June 25, 2014

TO: City Council

FROM: Stephen M. Fischer, Interim City Attorney
City Attorney 

SUBJECT: Interim Urgency Ordinance Prohibiting the Expansion of Existing, or Development of New, Electrical Generating Facilities Integrated with the Independent System Operator Grid and with Generating Capacity above 25 MW within the Coastal Zone Until the Oxnard Local Coastal Program Update is Completed

RECOMMENDATION

That City Council adopt an interim urgency ordinance prohibiting the expansion of existing, or development of new, electrical generating facilities integrated with the Independent System Operator grid and with generating capacity above 25 MW within the Oxnard Coastal Zone pending studies and changes in the Local Coastal Program (LCP), land use plan and implementing zoning ordinance, and other applicable regulations.

DISCUSSION

Development Moratorium Process -- Government Code Section 65858 authorizes the City Council to "adopt as an urgency measure an interim ordinance prohibiting any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the legislative body, planning commission or the planning department is considering or studying or intends to study within a reasonable time." The primary purpose of such a development moratorium is to defer decisions on certain pending or future project applications while the City studies related issues and/or complies with Federal or State mandates, evaluates possible regulatory options, and considers the adoption of new permanent regulations. The Government Code provides that a development moratorium shall not be adopted unless the ordinance contains legislative findings that there is a current and immediate threat to the public health, safety or welfare, and that the approval of additional subdivisions, use permits, variances, building permits, or any other applicable entitlement for use that is required in order to comply with a zoning ordinance would result in that threat to public health, safety, or welfare.

An urgency ordinance is initially effective for 45 days from its adoption and requires a four-fifths vote of the City Council. Upon subsequent notice and public hearing, the urgency ordinance may be extended for up to 10 1/2 additional months, and may thereafter be extended for another subsequent year, for a total period of two years. An urgency ordinance cannot be extended beyond this two-year

period. While a moratorium operates to preclude approval of a development application, a moratorium does not allow the City to refuse to accept or to process applications where the Legislature has established a comprehensive procedure for processing development applications. If the City Council determines that there is an immediate threat to the public health, safety or welfare and that modification of the City's Coastal Zone regulations are necessary, staff believes that, based on the time devoted to previous LCP updates and amendments, the scale and complexity of this issue, the prescriptive State mandate to update LCP's, the likely need for several steps necessary to complete the LCP amendment process (including public outreach, workshops, CEQA compliance, Planning Commission review, City Council review and adoption, and Coastal Commission review and approval), the LCP Update could take up to two years to complete.

Electrical Generating Facilities in the Coastal Zone -- NRG California South LP (NRG), a Fortune 500 and S&P 500 publically held company and the largest energy company in the United States, owns and operates the Mandalay Beach Generating Station (373 N. Harbor Boulevard) and Ormond Beach Generating Station (6635 Edison Drive). Both NRG facilities are natural-gas fuel plants that supply peak-period electrical power to the Southern California Edison (SCE) Big Creek/Moorpark Sub-Area grid that extends from Simi Valley to Goleta. The Mandalay station has a peaking capacity of 510 MW. The Ormond Beach Generating Station is a two-unit plant with a combined capacity of 1,500 MW. Both facilities are Once-Through Cooling (OTC) facilities that use ocean water for cooling, were originally built by SCE, and pre-exist the California Coastal Act and the Oxnard LCP. Each facility is an allowed use within the Oxnard LCP Energy Coastal (EC) subzone as a "coastal dependent energy facility." On May 4, 2010, the State Water Resources Control Board established standards to implement the Clean Water Act and reduce OTC ocean water intake by 93 percent, or cease operations. The compliance date for both plants is December 31, 2020. Both plants operate under expired NPDS discharge permits that are being considered for renewal by the Region IV office of the State Water Resources Control Board (Los Angeles). Additionally, SCE constructed a 45MW peaker plant at 251 N. Harbor Blvd. and owns additional vacant land that could be used to expand that facility. SCE's peaker plant is not an OTC facility.

With the expected decommissioning of the NRG's two OTC power plants, the California Public Utilities Commission (CPUC) completed a local capacity review in 2013 and determined that 215 to 290 MW of new power generation is needed in the Big Creek/Moorpark Sub-Area. SCE issued a Request for Offer (RFO) in late 2013 that led to several energy companies preparing proposals for development of new power generation facilities, generally in the West Ventura County area. SCE anticipates selecting a proposal at the end of July, 2014. Power plants over 50 MW are directly permitted by the California Energy Commission (CEC) and do not first need permits from a local jurisdiction, including proposed sites within a coastal zone. The CEC will consult with a local jurisdiction during the CEC's siting process "Discovery Phase" and the local jurisdiction would be an "intervenor" (http://www.energy.ca.gov/public_adviser/six_phases.html).

NRG notified the City that NRG submitted a proposal to SCE to construct a new (third) power generation plant immediately adjacent to and north of the Mandalay Beach facility. If NRG is selected, NRG may submit an application to the CEC for a new power plant as early as August, 2014. It is possible that NRG will propose improvements, subject to the City's permitting process, to the Ormond and/or Mandalay facilities at any time to one or both plants that would allow one or both to

continue to operate past December 31, 2020. The possibility exists, then, that the SCE peaker plant and up to three NRG power plants (Ormond, Mandalay, and a new facility) could be operating indefinitely in the Oxnard Coastal Zone. Each of these energy facilities is, by definition a peaker plant dispatched by the Independent System Operator (ISO) that provides electrical power generation during periods of peak demand to prevent grid failures, a critical infrastructure that, should it fail due to storm surge, wave run-up, erosion, or Tsunami inundation, could result in an immediate threat to the public health, safety or welfare.

State-Mandated Update of Local Coastal Program and Implementing Regulations -- The State of California is directing local governments to take more proactive steps to address sea-level rise (SLR) due to the significant impacts SLR may have on the economy, natural systems, the built environment, and human health. In October, 2013, the California Coastal Commission issued a SLR Policy Guidance (Guidance) document that provides a step-by-step guidance on how to address SLR rise in new and updated LCPs and Coastal Development Permits. The City has committed \$133,000, and is applying for a \$150,000 grant, to update the Oxnard LCP. The update will start with SLR mapping (Guidance, Step 1) followed by assessing potential risks to critical infrastructure "...such as electricity and other energy transmission infrastructure" (Guidance, pg. 43). Step 4.9 (Guidance, pg. 62) directs the City to "... Update land uses as needed based on sea-level rise impacts and compatible uses" and "Include policies to require industrial and energy facility expansion plans and proposals to include sea-level rise." The outcome of the LCP Update process would be a list of adaptation measures, new or revised policies, and/or ordinances that protect energy infrastructure from expected impacts of SLR or prohibit critical energy infrastructure in areas or situations where SLR adaptation measures are not available. Until the SLR analysis and LCP Update are completed, the City cannot adequately review an application for new or upgraded coastal energy facilities with best-available SLR science and feasible adaptation measures per the State's Guidance directions.

2030 General Plan Goals and Policies – When adopted in 2011, the Oxnard 2030 General Plan established the City's commitment to updating the Oxnard LCP with consideration of climate change. Goal CD-21 (pg. 3-39) states "Update the Oxnard Local Coastal Program...consideration of climate change issues." Two implementing policies directly address existing and potential coastal energy facilities:

CD-21.2 *Modify non-Coastal Dependent Energy Uses*

When the LCP is being updated, clarify that non Coastal-dependent energy facilities are not allowed in the Energy Coastal zone with exceptions for renewable energy installations such as solar panels and wind turbines under certain conditions and consistent with the Coastal Act.

CD-21.3 *Future Use of Coastal Power Plants*

Initiate an update to the Oxnard LCP that has the intent and effect of eventual decommissioning of the SCE Peaker Plant, Mandalay and Ormond Beach power generation facilities by: 1) land use designation change, 2) amortization, 3) revised development standards, 4) transferable development rights and/or other methods. After adoption and Coastal Commission certification of an updated Local Coastal Plan, initiate and implement policy and regulatory actions, and support actions of other relevant agencies that implement the LCP with regard to the future use of the SCE Peaker Plant, Mandalay and Ormond Beach power plants.

LCP Update Process -- City staff expects to begin the SLR mapping analysis within three months and complete Guidance Step 4 within about 18 months. In addition, energy facilities in the Coastal Zone have aesthetic, environmental justice, wetland restoration, and other issues that will also be studied as part of the LCP Update process.

CEQA Applicability -- Adoption of the proposed urgency ordinance would not be considered a project within the meaning of Public Resources Code Section 21065 and Section 15378 of the State CEQA Guidelines because it does not have the potential to result in a direct or reasonably foreseeable indirect physical change in the environment. Rather the urgency ordinance would only temporarily prevent certain physical changes in the environment pending completion of the City's review and possible amendment of the regulations applicable to applications for development of electrical generating facilities in the Coastal Zone in response to SCE's RFO.

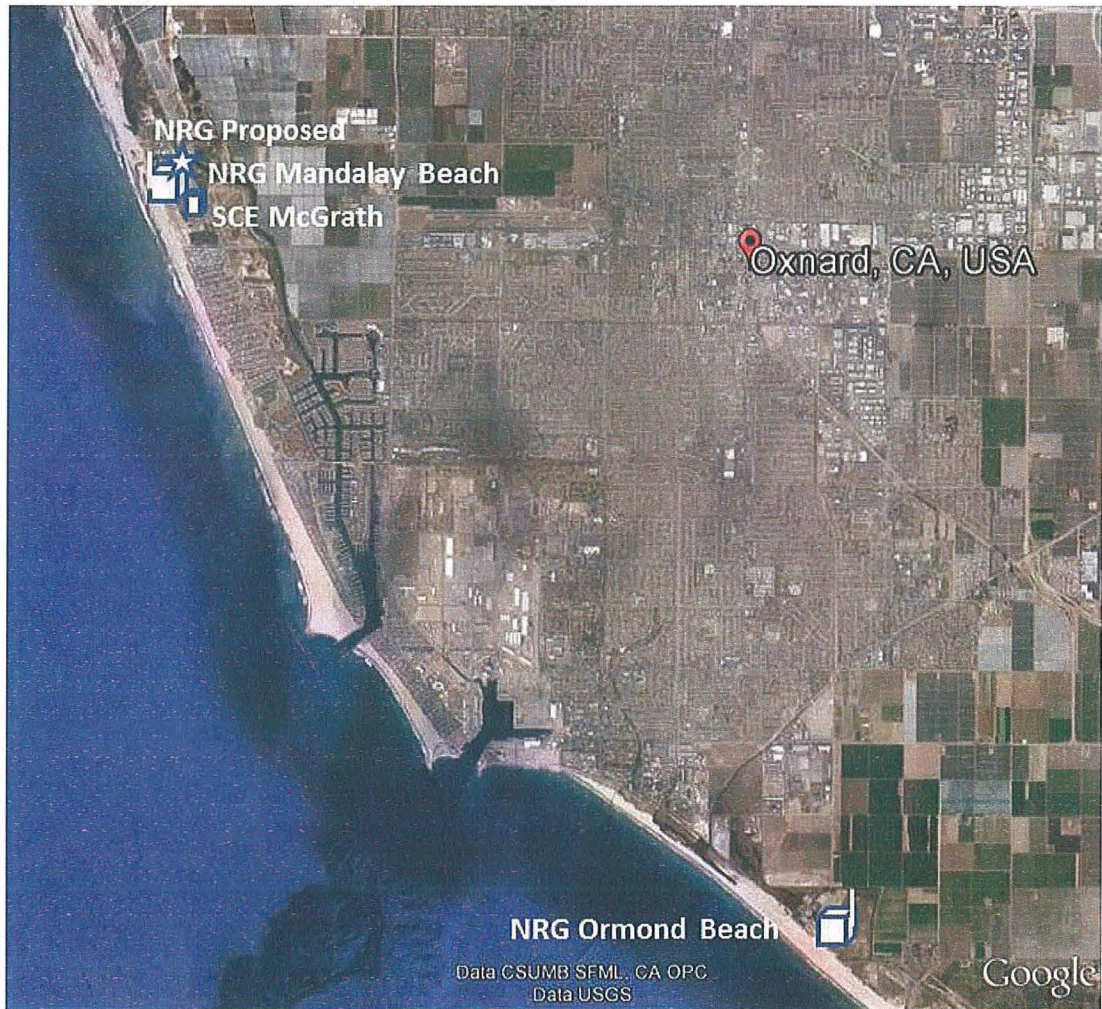
FINANCIAL IMPACT

There is no financial impact from adopting the urgency ordinance.

CW/SMF

Attachment #1 - Location of NRG and SCE coastal power plants
#2 - Urgency Ordinance

EXISTING AND PROPOSED
NRG AND SCE ELECTRICAL GENERATING FACILITIES
IN OXNARD, CA



CITY COUNCIL OF THE CITY OF OXNARD

UNCODIFIED ORDINANCE NO.

ORDINANCE OF THE CITY OF OXNARD, CALIFORNIA, ADOPTING AN INTERIM URGENCY ORDINANCE PROHIBITING THE EXPANSION OF EXISTING, OR DEVELOPMENT OF NEW, ELECTRICAL GENERATING FACILITIES WITHIN THE COASTAL ZONE PURSUANT TO THE SOUTHERN CALIFORNIA EDISON REQUEST FOR OFFER PROCESS PENDING STUDIES AND CHANGES IN THE LOCAL COASTAL PROGRAM AND ZONING ORDINANCES AND OTHER LAND USE REGULATIONS.

THE CITY COUNCIL OF THE CITY OF OXNARD DOES HEREBY FIND AS FOLLOWS:

WHEREAS, the California Coastal Act ("Coastal Act") was enacted to protect and preserve the California Coastal Zone as an environmental, recreational and economic resource for the benefit of all Californians; and

WHEREAS, Section 30001.5(d) of the Coastal Act states the Legislature's finding that one of the basic goals of the State for the coastal zone is to "[a]ssure priority for coastal-dependent and coastal-related development over other development on the coast"; and

WHEREAS, Section 30004(a) of the Coastal Act states the Legislature's finding that "[t]o achieve maximum responsiveness to local conditions, accountability, and public accessibility, it is necessary to rely heavily on local government and local land use planning procedures and enforcement"; and

WHEREAS, Section 30006 of the Coastal Act states the Legislature's finding that "the public has a right to fully participate in decisions affecting coastal planning, conservation, and development; that achievement of sound coastal conservation and development is dependent upon public understanding and support; and that the continuing planning and implementation of programs for coastal conservation and development should include the widest opportunity for public participation"; and

WHEREAS, Section 30006.5 of the Coastal Act states the Legislature's finding that "sound and timely scientific recommendations are necessary for many coastal planning, conservation, and development decisions"; and

WHEREAS, three electrical generating facilities (Power Plants) are currently located in the City's coastal zone, two of which are once-through cooling (OTC) facilities that use ocean water for cooling and were originally built by Southern California Edison (SCE) prior to enactment of the Coastal Act and certification of the Oxnard Local Coastal Program (LCP); and

WHEREAS, on May 4, 2010 the State Water Resources Control Board adopted Resolution No. 2010-0020, generally requiring that the use of existing power plant cooling systems that rely on natural ocean waters be terminated throughout the State of California by 2020; and

WHEREAS, the expansion, alteration or addition of any Power Plant that does not require OTC would not be a coastal dependent facility within the meaning of the Coastal Act, and would therefore be inconsistent with the development policies and priorities of the Coastal Act; and

WHEREAS, the Oxnard 2030 General Plan established the City's commitment to updating the LCP with consideration of climate change, particularly to clarify that "non Coastal-dependent energy facilities are not allowed in the Energy Coastal zone with exceptions for renewable energy installations such as solar panels and wind turbines under certain conditions and consistent with the Coastal Act" (CD-21.2) and that the LCP update "has the intent and effect of eventual decommissioning of the [Power Plants] by: 1) land use designation change, 2) amortization, 3) revised development standards, 4) transferable development rights and/or other methods (CD-21.3)"; and

WHEREAS, the City has appropriated funds for, and applied for additional grant funds for, conducting a comprehensive study of the potential impacts of sea level rise (SLR) on the coastal zone, and expects to begin the SLR mapping analysis within three months and complete an update to land uses as needed based on SLR impacts and compatible uses within approximately 18 months; and

WHEREAS, based on the SLR study, the City will seek to amend its LCP and other City planning policies and land use regulations to include adaptation measures, new or revised policies, and/or ordinances that protect energy infrastructure from expected impacts of SLR or prohibit critical energy infrastructure in areas or situations where SLR adaptation measures are not available; and

WHEREAS, SCE is soliciting proposals through a Request for Offer process (RFO) for electrical generating facility projects, and the operator of the existing OTC Power Plants has indicated it will submit a proposal for a project on its property within the City's coastal zone; and

WHEREAS, in order to protect the public health, safety and welfare, it is now necessary for the City to undertake action to review and revise applicable provisions of the City's LCP and other City planning policies and land use regulations so that applications submitted pursuant to SCE's RFO process for electrical generating facilities in the City's coastal zone may be properly analyzed consistent with the policies of the Coastal Act and the Oxnard 2030 General Plan; and

WHEREAS, it is anticipated that electrical generating facility proposals submitted through the RFO process will have generating capacity above 25 MW, and that installation of other types of electrical generating facilities, such as solar panels, would have a lower generating capacity and, thus, would not be proposed through the RFO process; and

WHEREAS, an application for approval of any new electrical generating facility or alterations to any existing electrical generating facility in the City's coastal zone poses an immediate threat to the public health, safety, and welfare, in that approval of such application would result in potential placement of a critical infrastructure facility that would be subject to failure due to storm surge, wave run-up, erosion, or Tsunami inundation; and

WHEREAS, Government Code § 65858 provides that a city council may adopt by a four fifths vote as an urgency measure an interim ordinance prohibiting any uses that may be in conflict with a general plan or zoning measures that the city is considering or studying or intends to study within a reasonable time; and

WHEREAS, this urgency interim ordinance is not a project within the meaning of Public Resources Code Section 21065 and CEQA Guidelines Section 15378 because it has no potential for resulting in physical change to the environment, either directly or indirectly.

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

Part 1. There is hereby imposed a moratorium on the approval of any special use permit, coastal development permit or any other discretionary City permit or approval for the construction, expansion, replacement, modification or alteration of any facilities for the on-site generation of electricity on any property located within the coastal zone, as designated by the California Coastal Act, within the City of Oxnard.

Part 2. It is the intent of the City Council that any proposal for new or modified non-coastal dependent electrical generating facilities within the City's coastal zone during the period of the moratorium shall be considered inconsistent with this Ordinance and with the City's land use policies and zoning regulations for all purposes, and by all agencies charged with reviewing any application for such use.

Part 3. On or before 45 days following the adoption of this ordinance, the City Council shall hold a public hearing to consider extending this ordinance for 10 months and 15 days pursuant to Government Code section 65858(a). The City Clerk is directed to notice the hearings as required by Government Code section 65090.

Part 4. The City Council hereby finds that the above recitals are true and correct and incorporates the recitals herein by reference as if set forth in full.

Part 5. This ordinance is hereby declared to be an interim urgency measure to protect the public health, safety and welfare and shall take effect immediately upon its adoption. The findings constituting the urgency are set forth above in the recitals to this ordinance and represent a current and immediate threat to the public health, safety or welfare in that approval of additional development or expansion of energy generating facilities within the Coastal Zone while the City's LCP update is pending would result in potential placement of a critical infrastructure facility that would be subject to failure due to storm surge, wave run-up, erosion, or Tsunami inundation.

Part 6. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that anyone or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

Part 7. This ordinance shall be effective immediately upon passage and shall be of no further force and effect after 45 days of the date of its adoption unless extended by the City Council pursuant to Part 3.

Part 8. At least ten days prior to the expiration of this interim ordinance, the City Council shall issue a written report describing the measures it has taken to alleviate the conditions which led to the adoption of this ordinance.

Part 9. 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.

AYES:

NOES:

ABSENT:

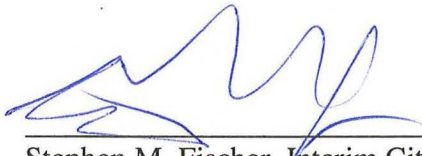
ABSTAIN:

Tim Flynn, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Stephen M. Fischer, Interim City Attorney

MINUTES

OXNARD CITY COUNCIL

Regular Meeting

May 20, 2014

A. ROLL CALL/POSTING OF AGENDA

At 4:33 p.m., the regular meeting of the Oxnard City Council convened in the Council Chambers concurrently with the Housing Authority. Councilmembers Tim Flynn, Carmen Ramirez, Bryan A. MacDonald, Dorina Padilla and Bert Perello were present. The City Clerk stated that the agenda was posted on Thursday in the City Clerk's Office. Mayor Flynn presided and called the meeting to order. Staff members present were: Daniel Martinez, City Clerk; Karen Burnham, Interim City Manager; Stephen Fischer, Interim City Attorney; William "Bill" Wilkins, Housing Director; James Cameron, Chief Financial Officer; Grace Magistrale Hoffman, Deputy City Manager; Rahsaan Tilford, Deputy City Attorney.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

C. CLOSED SESSION

At 4:42 p.m. the City Council recessed while the Housing Authority held a closed session. At 5:17 p.m., the City Council reconvened and recessed to a closed session, pursuant to Government Code section 54956.8, to give instructions to negotiators, Karen Burnham, Interim City Manager, and Matthew Winegar, Development Services Director, concerning negotiations with Ravello Holdings, Inc., Brighton Management LLC, Ventura County Fusion Soccer Academy and Cerberus California, LLC, regarding the price and terms of payment for the possible purchase and/or sale of (a) 4.53 acres of land located immediately east of the River Ridge Golf Club and west of Ventura Road, commonly referred to as River Ridge Fields, (b) 20 acres of land west of Ventura Road and North of Vineyard Avenue and (c) 9.54 acres of land located east of the River Ridge Golf Club, west of Ventura Road and south of the Santa Clara River.

At 6:12 p.m. the City Council reconvened and recessed to the evening session.

D. OPENING CEREMONIES

At 6:13 p.m., the regular meeting of the Oxnard City Council reconvened in the Council Chambers, concurrently with the Community Development Commission Successor Agency and Housing Authority. The meeting opened with the pledge of allegiance to the flag of the United States by Ed Ellis, followed by a moment of silence. Mayor Flynn presided. Additional staff members present were: Jeri Williams, Police Chief; James Williams, Fire Chief; Matthew Winegar, Development Services Director; Michelle Tellez, Human Resources Director; Michael Henderson, General Services Manager; Rob Roshanian, Interim Public Works Director; Martin Erickson, Deputy City Manager; Christina Aerenlund, Public Information Officer; Karl Lawson, Compliance Services Manager; Kymberly Horner, Interim Redevelopment Services Manager, and Carrie Sabatini, Management Accountant/Auditor.

E. CEREMONIAL CALENDAR

1. **SUBJECT:** Presentation of Commendation to the Water Conservation Art Contest Winners
DISCUSSION: The Council recognized the following "Art Contest Winners": Kalissa Miranda, Jonathan Hernandez, Ashley Vitela, Kieran Ross, Jayden Melton, Christina Valadez, Stephanie Garcia, Nathalie Maciel, Ashley Lehnhardt, Clio Wagner, Bryana Soto, Ilianna Tapia, Lizet Raya and Christopher Martinez.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from: Romero Garcia; Ed Ellis; Dr. Gabe Soumakian; Christina Aerenlund; Joseph Contaoi; Gerard Kapuscik; Martin Jones; Rebecca Ralph; Francine Castanon; Greg Runyon; Larry Stein; Peggy Rivera and Juan Delgado.

G. TRANSMITTAL OF INFORMATION ONLY ITEMS**Q. REVIEW OF INFORMATION/CONSENT AGENDA**

Comments were received from: Compliance Services Manager (S-7); Human Resources Director, Interim City Attorney and Police Chief (S-8).

R. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Public comments were received from: Eileen Tracy and Joseph Contaoi.

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

1. **SUBJECT:** Minutes of the Regular Meetings of the Oxnard City Council for April 8, 15, and 22, 2014. (101)
RECOMMENDATION: Approve.

City Manager Department

2. **SUBJECT:** Agreements for City Council Review. (117)
RECOMMENDATION: Approve and authorize the Interim City Manager, to execute the attached agreements/contracts and change orders/amendments in amounts more than \$25,000 but no more than \$250,000, which are described on the attached list.
3. **SUBJECT:** Quimby Reserve Fund Developer Payments. (119)
RECOMMENDATION: 1) Recognize Quimby Fee revenue and authorize the appropriation of \$121,208 to the Oxnard Beach Park Project for park improvements; and 2) Recognize Quimby Fee revenue and authorize the appropriation of \$423,853 to the Carriage Square Park Project for park improvements.* Abstain: Ramirez.

Fire Department

4. SUBJECT: Memorandum of Agreement with Oxnard Firefighters Foundation, Inc., and Acceptance of Grant in the Amount of \$45,000. (123)
RECOMMENDATION: 1) Adopt **Resolution No. 14,595** accepting a donation of grant funds to purchase certain equipment; and 2) Authorize the Mayor to execute a Memorandum of Agreement with the Oxnard Firefighters Foundation, Inc., relating to the City's use of certain equipment.
7. SUBJECT: Affordable Housing and Rehabilitation Division Loan Program Policies. (145)
RECOMMENDATION: Approve revisions to the Affordable Housing and Rehabilitation Division loan program policies.

Human Resources Department

8. SUBJECT: Inclusion of new classification - Public Safety Communications Manager - into City's Classification Plan. (149)
RECOMMENDATION: Ratify and approve the inclusion of the Public Safety Communications Manager into the City's classification plan. ** Noes: Perello and Flynn.

Public Works Department

9. SUBJECT: Agreement with Carollo Engineers, Inc. for Public Works Integrated Master Planning Including Condition Assessment, Operations, Maintenance & Performance Optimization. (155)
RECOMMENDATION: Approve and authorize the Mayor to execute an agreement with Carollo Engineers, Inc. (A-7668) in the amount not-to-exceed \$2,847,501 for Public Works Integrated Master Planning including Condition Assessment, Operations, Maintenance & Performance Optimization for a two-year term May 21, 2014 through June 30, 2016.

Recreation and Community Services Department

10. SUBJECT: Recognize Revenue and Appropriate Funds for the Retired and Senior Volunteer Program (RSVP), Fiscal Year 2014/2015. (205)
RECOMMENDATION: 1) Authorize the City Manager or designee to execute grant agreements; and 2) Authorize the Chief Financial Officer or designee to submit financial reports and grant claims and appropriate grant funds and the City matching funds as required by the grant.

INFORMATION/CONSENT AGENDA ACTION: Approved as recommended. (MacDonald/Ramirez) Ayes: Ramirez, MacDonald, Padilla, Perello and Flynn. *Abstain: Ramirez only (S-3). **Noes: Perello (commenting on the hard work of all City personnel) and Flynn (stating the need for a reclassification study) only S-8.

J. APPOINTMENT ITEMS

Finance Department

1. SUBJECT: Monthly Budget Status Report for the Period Ending March 31, 2014. (055)
RECOMMENDATION: Receive Report.
DISCUSSION: The Chief Financial Officer reviewed monthly budget ending March 31, 2014.

Public comment received from: Larry Stein.

ACTION: Received report.

2. SUBJECT: Fiscal Year 2014-15 Recommended Budget. (075)
RECOMMENDATION: 1) Receive the recommended budget for Fiscal Year (FY) 2014-15; 2) Provided direction on priority services; and 3) Approve the budget review and adoption calendar.
DISCUSSION: The Chief Financial Officer discussed: General Fund, Utilities (water, refuse & wastewater), Golf course impact, OPAC impact, capital expenses and debt service. He reviewed a possible schedule to review and approve the budget.

Public comments received from: Steve Nash; George Miller and Dick Jacquez.

The Council discussed several issues: the need to prioritize the hiring of personnel and review staffing; management and debt service of golf course; PACC issues; projected saving of MRF (transfer/recycling) facility; future water costs; and schedule to approve budget.

ACTION: Received report and schedule approving proposed budget on June 17, 2014.
(MacDonald/Ramirez) Ayes: MacDonald, Padilla, Perello, Flynn and Ramirez.

COMMUNITY DEVELOPMENT SUCCESSOR AGENCY AND HOUSING AUTHORITY

At 10:09 p.m. the joint meetings with the Community Development Successor Agency Commission and Housing Authority concluded.

H. INFORMATION/CONSENT PUBLIC HEARINGS

ACTION: Mayor Flynn declared the public hearing open.

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

Development Services Department

1. SUBJECT: Planning and Zoning Permit No. 11-300-02 (Tentative Parcel Map), Las Palmas Residences. Filed by Jose Garcia with JG Holding Inc. (001)
RECOMMENDATION: Adopt **Resolution No. 14,592** approving Planning and Zoning Permit No. 11-300-02 (Tentative Parcel Map), subject to certain findings and conditions.
DISCUSSION: Les Everard and Eddie Alvarado described the proposed project, including parking and required permits.

The Council discussed parking issues and picking-up trash cans.

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

2. SUBJECT: Planning & Zoning Permit Nos. 13-550-01 (Major Modification to Special Use Permit 10-500-07) and 13-300-02 (Tentative Subdivision Map Tract No. 5877), Rancho Victoria Plaza at 3600 through 3700 West Fifth Street. Filed by agent Richard Ridgway for Investec Real Estate, 200 E. Carrillo Street, Suite 200, Santa Barbara CA 93101. (045)

RECOMMENDATION: 1) Adopt **Resolution No. 14,593** upholding the Planning Commission's approval of Planning and Zoning Permit No. 13-550-01 (Major Modification to Special Use Permit 10-500-07), subject to the conditions set forth in Planning Commission Resolution No. 2014-04; and 2) Adopt **Resolution No. 14,594** approving Planning and Zoning Permit No. 13-300-02 (Tentative Subdivision Map for Tract No. 5877), subject to the conditions set forth in Planning Commission Resolution No. 2014-05.

DISCUSSION: The Development Services Director commented on requests for modification regarding property lines and structure changes by the applicant.

Mark Petit, Lachbacker & Associates, provided revision of approved development including change of building configuration, landscaping, parking and energy use.

The Council discussed square footage of proposed development and having green restrictions.

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

I. PUBLIC HEARINGS

K. REPORTS

City Manager Department

1. SUBJECT: Consideration of Resolution Revising City Council and Housing Authority Procedures and of a Proposal from the Procedures Committee to form an Ethics Advisory Committee. (089)

RECOMMENDATION: Continue to future date.

ACTION: Continue to future date.

L. REPORT OF CITY MANAGER/EXECUTIVE DIRECTOR/SECRETARY

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

RECOMMENDATION: Receive and consider report.

ACTION: Continue to future date.

M. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

1. SUBJECT: Verbal Update on Gang Injunction Statistics. (Mayor Flynn) (097)
ACTION: Continue to future date.
2. SUBJECT: Update on Project Managers Positions and Interim PACC Manager Position. (Mayor Flynn)
ACTION: Continue to future date.

The Council discussed: upcoming Cultural Arts meetings, possible school use of OPAC facility, Police Memorial ceremony, community bike ride to honor individuals hurt riding bicycles, Zero waste workshop, reforming of the golf commission and creation of a “water” commission.

Mayor Pro Tem Ramirez reported on attending the Beach Erosion Authority for Control of Operation & Nourishment meeting. Councilmember Perello commented on selection process of a contract by the Airport Authority, and Ventura Regional Sanitation District meetings.

N. PUBLIC COMMENTS ON REPORTSO. PUBLIC COMMENTS ON STUDY SESSIONP. STUDY SESSIONT. ADJOURNMENT

At 10:37 p.m. the City Council concurred to adjourn the meeting.

DANIEL MARTINEZ
City Clerk

TIM FLYNN
Mayor



Meeting Date: 07/01/2014

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

Prepared By: Greg Nyhoff, City Manager

Agenda Item No. S-2

Reviewed By: City Manager M

City Attorney JDB

Finance A.C

Other (Specify) _____

DATE: June 10, 2014

TO: City Council

FROM: Greg Nyhoff, 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 prior to the Council meeting.

City Manager Contract List for 07/01/2014

Item	Type	Department/Contact	Vendor/Agreement Number	Description/Purpose	Amount
A	Original Agreement	Fire Kevin Schroepfer 385-7709	Sintra Group Agreement No. A-6674	Fire Department Employment Background Investigations On March 10, 2014, A Request for Proposal process was conducted to identify a vendor for background investigations. The proposal closed on April 3, 2014. Seven (7) vendors submitted proposals. Sintra Group was selected based on its experience conducting investigations for fire departments. The term of the contract is for one (1) year at a not to exceed amount of \$50,000 with the option of two (2) additional one (1) year extensions. Total Contract Amount: \$150,000 FundingSource: General Fund	\$150,000
B	Amendment	Police Andrew Salinas 7847	Universal Protection Security Services Agreement No. 6260-13-PO Amendment 1	Security Services for Dallas Cowboys Training Camp Per the Licensing Agreement entered on November 7, 2011 between the City and the Dallas Cowboys, the City will provide security for the Dallas Cowboys Training Camp. The Oxnard Police Department issued an RFP on April 10, 2013 for uniformed security services and received 8 responses. Universal Protection Security Services received the highest score and was the vendor of choice. The original contract was \$24,670 as this amendment adds an additional year and increases the total amount not to exceed \$50,000. The funding source is the General Fund with a 60% reimbursement back to the City by the Dallas Cowboys. Total Contract Amount: \$49,537 FundingSource: General Fund/Reimbursement 60% Dallas Cowboys	\$24,867
C	Amendment	General Services Michael Henderson	El Campanario Janitorial Agreement No. 6380-13-LI Amendment 2	Custodial Services at Library Facilities Amendment is to extend an additional six months and an increase of \$49,422. To provide custodial services for the Oxnard Public Library located at 251 South A Street and the South Oxnard Branch Library located at 4300 Saviers Road. Original agreement was approved on October 15, 2013. This amendment is necessary to allow time for the recruitment and hiring of in-house custodians. Total Contract Amount: \$115,390 FundingSource: Facilities Maintenance	\$49,422

ATTACHMENT
PAGE 1 OF 2

City Manager Contract List for 07/01/2014

Item	Type	Department/Contact	Vendor/Agreement Number	Description/Purpose	Amount
D	Change Order	Development Services Cynthia Daniels 385-7871	Landscape Support Services Inc Agreement No. A-7653 Change Order 4	Project Specification DS 13-03 Landscaping & Irrigation for Rice/Santa Clara Interchange Adds maintenance for nine (9) months for two additional areas of landscaping located at Auto Center Drive and Ventura Blvd. Contractor was low bidder on Public Works Contract awarded February 2014. Total Contract Amount: \$201,739 FundingSource: Federal aid highway funds, Air Pollution Buy-down Fund	\$26,411
E	Amendment	City Treasurer Eden Alomeri 385-7811	Custom Mailing Solutions Agreement No. A-5874 Amendment 1	Data Processing, Printing & Mailing of Business Tax Certificate Renewals Data processing, printing & mailing of business tax certificate renewals and business tax certificate delinquent notices. The amount of this amendment also includes postage costs. This is the second year of a three year contract. Total Contract Amount: \$42,500 FundingSource: General Fund	\$25,000

ATTACHMENT
PAGE 12 OF 12



Meeting Date: 07 /01/2014

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

Prepared By: Karl Lawson

Agenda Item No.

S-3

Reviewed By: City Manager

City Attorney

Finance

Other (Specify)

DATE: June 16, 2014

TO: City Council

FROM: William E. Wilkins, Director
Housing Department

SUBJECT: Second Amendment to Resale Restriction Agreement with Peter A. Cortez

RECOMMENDATION

That City Council approve and authorize the Mayor to execute the Second Amendment to the Resale Restriction Agreement (Number A7479) with Peter A. Cortez for his residence at 2804 Riverpark Boulevard., allowing the Cortez family to lease the residence to a low-income household through June 30, 2015.

DISCUSSION

In December of 2006, Mr. Peter Cortez purchased an affordable home in the Destination housing development in Riverpark. Mr. Cortez applied for and received down-payment assistance for the purchase of his unit. Purchasers of homes designated as affordable were subject to income limits, and certain restrictions which require purchasers to reside in the unit.

Section 3 of the "Resale Restriction Agreement" executed at the time of purchase stipulates that the purchaser "shall not lease or assign the right to occupy the home" during the 45-year term of the Agreement. Owners are thus required to live in the home, as a condition of receiving the subsidy which made it possible for them to purchase the unit at an affordable sales price. Sales prices for homeowner who elect to sell their homes are limited by certain "Restriction on Resale Price" provisions set forth in the Agreement.

Mr. Cortez is a civilian employee of the United States Navy. In 2012, Mr. Cortez submitted a letter to the City requesting permission to lease the home based on circumstances related to the fact that he was currently on assignment with the Navy overseas. At the City Council meeting of March 27, 2012, Council approved an Amendment to the Resale Restriction Agreement (Attachment No. 1), which authorized Mr. Cortez to lease his unit through April of 2014. The waiver was granted with the requirement that the home be leased to an income-qualified family, in order to preserve the affordability of the housing unit. Mr. Cortez subsequently began participating in the Oxnard Housing

Authority's Section 8 program, and rented the unit to a qualifying low-income voucher-holding family.

Last month Mr. Cortez (who is currently stationed with Naval Facilities Engineering Command in Italy) submitted the following request to extend that authorization for another year:

"In 2012, we had worked together to lift the rental restrictions on my place as my overseas tour with the Navy had been extended to 2014. Since then, my condo has been rented through the Section 8 program and all has been well.

"I'm e-mailing you again to ask for a 12-month extension to the rental restriction exemption. In FY 2013 and 2014, the Department of Defense went through a complete hiring freeze. As a result, all overseas tours were extended one year, which puts my return date now at April 30, 2015."

The City has received documentation, signed by Mr. Cortez' Commanding Officer and Activity Head, confirming his assignment extension through April 2015, and stating in pertinent part that the current hiring freeze prevents command from finding a replacement for Mr. Cortez. Staff has also contacted Housing Authority staff and confirmed that both Mr. Cortez and the tenant family are in compliance with applicable Section 8 regulations and lease terms.

The City has a continuing interest in maintaining Mr. Cortez' unit as part of Oxnard's affordable housing stock. Staff recommends that Council approve a Second Amendment granting Mr. Cortez permission to lease the unit through April 2015, maintaining the proviso that it be leased to an income-qualified family and that the rent not exceed an affordable rent for a low-income family (as set forth in regulations of the California Department of Housing and Community Development) or as determined by the Section 8 Housing Choice Voucher rent program (if continuing to rent to a Section 8 participant family).

Approval of the Second Amendment to Resale Restriction Agreement (Attachment Number 2) would accomplish these ends, allowing Mr. Cortez to continue to lease the home through June 30, 2015.

FINANCIAL IMPACT

There is no financial impact.

Attachment #1 - Amendment to Resale Restriction Agreement dated March 27, 2012
#2 - Draft Second Amendment to Resale Restriction Agreement

**AMENDMENT TO RESALE RESTRICTION AGREEMENT
(LOW-INCOME FAMILY/CORTEZ)**

This "Amendment to Resale Restriction Agreement, Low-Income Family" (hereinfter "Amendment") amends that certain "Resale Restriction Agreement, Low-Income Family" ("Agreement") entered into as of December 13, 2006, by and between the City of Oxnard ("City") and Pedro A. Cortez ("Owner").

RECITALS

This Agreement restricts Owner's right to transfer the residence (the "Property") which is the subject of the Agreement. The Agreement provides in Paragraph 3.(B) that "The Owner shall not lease or assign the right to occupy the Home during the term of this agreement."

In February 22, 2012, the Owner requested that the provisions of the Agreement be temporarily waived based on a claim of hardship. Specifically, Owner requests permission to lease the property to another family until April of 2014, when Owner's overseas assignment as a civilian employee of the United States Navy will end. The City has examined the particular facts and circumstances and agrees to grant Owner's request with certain conditions, as set forth hereinbelow.

AGREEMENT

Owner and the City agree as follows:

1. Notwithstanding the terms of the Agreement, Owner may lease the Property to a low-income family. Under no circumstance will Owner rent to a family that does not fall under the U. S. Housing and Urban Development Department's definition of low-income.
2. The monthly rental cost shall not exceed an amount that is affordable to a low-income family under applicable law, based on 80% of the Median Income for Ventura County, adjusted for family size. If the Owner opts to participate in the Oxnard Housing Authority's Section 8 Housing Choice Voucher program, the maximum rent shall not exceed the Fair Market Rent for the home, in accordance with standard procedures as established by the Oxnard Housing Authority
3. The term of this Amendment shall be from March 27, 2012, through April 30, 2014.

COUNCIL APPROVAL

DATE: 3-27-12 AGENDA # I-6

Attachment No. 1

Page 1 of 3

4. Except as amended by this Amendment, the Agreement remains in full force and effect. Following termination of this Amendment, Owner shall be bound by all terms and conditions of the Agreement of December 13, 2006.

BY:



Dr. Thomas E. Holden, Mayor
City of Oxnard



Pedro A. Cortez, Owner
PSC 817 Box 51
Armed Forces Europe 09622

ATTEST:

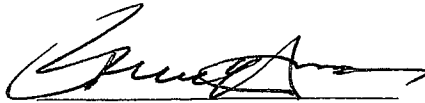
Daniel Martínez, City Clerk

APPROVED AS TO FORM:

Alan Holmberg, City Attorney

4. Except as amended by this Amendment, the Agreement remains in full force and effect. Following termination of this Amendment, Owner shall be bound by all terms and conditions of the Agreement of December 13, 2006.

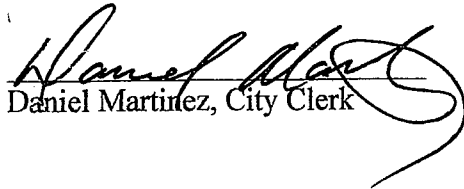
BY:



Dr. Thomas E. Holden, Mayor
City of Oxnard

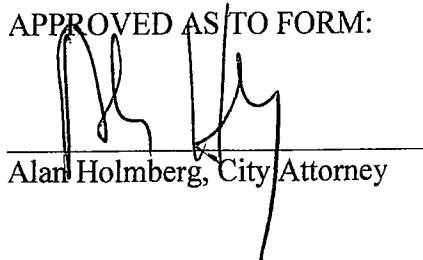
Pedro A. Cortez, Owner
PSC 817 Box 51
Armed Forces Europe 09662

ATTEST:



Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney

**SECOND AMENDMENT TO RESALE RESTRICTION AGREEMENT
(LOW INCOME)**

THIS SECOND AMENDMENT TO RESALE RESTRICTION AGREEMENT ("Second Amendment") is made and entered into as of July 1, 2014 and amends that certain Resale Restriction Agreement, Low Income entered into December 13, 2006 ("Agreement"), by and between the CITY OF OXNARD COMMUNITY DEVELOPMENT COMMISSION, a public body corporate and politic ("CDC"), and PEDRO A. CORTEZ ("Owner").

RECITALS

A. WHEREAS, the City of Oxnard ("Successor Housing Entity") has assumed all the housing assets, rights, powers, duties, obligations, liabilities and functions previously performed by the City of Oxnard Community Development Commission, including the enforcement of affordability covenants and performance of related activities pursuant to California Health and Safety Code section 34176 and Resolution No. 14,136.

B. WHEREAS, Successor Housing Entity, as the entity assuming the housing functions of the former CDC, now wishes to enforce its rights and Owner's obligations under the Agreement.

C. WHEREAS, the Agreement restricts Owner's right to transfer that certain real property located in the City of Oxnard, County of Ventura, State of California (the "Home"), as more particularly described in Exhibit A of the Agreement.

D. WHEREAS, Owner previously requested on February 12, 2012 that the Successor Housing Entity temporarily waive certain provisions of the Agreement that restrict the transfer of the Home since Owner was on an overseas assignment as a civilian employee of the United States Navy.

E. WHEREAS, Owner and Successor Housing Entity entered into that certain Amendment to Resale Restriction Agreement with a term commencing on March 27, 2012 and ending on April 30, 2014, which waived the transfer restriction and allowed Owner to lease the Home to a low-income household (as that term is defined by the United States Department of Housing and Urban Development) with the monthly rental cost not exceeding an amount that is affordable to a low-income household under applicable law.

F. WHEREAS, Owner subsequently entered into a lease agreement with a qualified low-income household participating in the Oxnard Housing Authority's Section 8 Housing Choice Voucher Program, and a qualified low-income household began renting the Home.

G. WHEREAS, Owner has made a formal request on April 1, 2014 to extend the transfer restriction waiver for an additional year based on the extension of his tour of duty until April 2015.

H. WHEREAS, Successor Housing Entity has examined the particular facts and circumstances and determines that a one year extension of the transfer restriction waiver is in the best interests of the Successor Housing Entity since a waiver promotes the maintenance and preservation of affordable housing within the City of Oxnard.

NOW THEREFORE, in consideration of the recitals specified above and the mutual covenants hereinafter contained and for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Notwithstanding Section 3(b) of the Agreement, Owner may lease the Home to a low-income household. "Low- Income Household" means persons and families whose income does not exceed eighty percent (80%) of the area median income, adjusted for family size in accordance with adjustment factors adopted by the United States Department of Housing and Urban Development in establishing income limits for lower income families. "Area Median Income" means the area median income for Ventura County, California, adjusted for family size, as annually estimated by the United States Department of Housing and Urban Development pursuant to Section 8 of the United States Housing Act of 1937. Under no circumstance shall Owner lease the Home to any person(s) not meeting the definition of low- income household.
2. The monthly rental cost under any lease shall not exceed: (i) the affordable rent limits set forth in Section 6922 of title 25 of the California Code of Regulations, as amended; or (ii) the reasonable rent for the location as determined by the Oxnard Housing Authority pursuant to 24 CFR 982.507 and in accordance with the procedures set forth in the Oxnard Housing Authority Section 8 Administrative Plan, when the Home or household is receiving assistance pursuant to the Section 8 program.
3. The term of this Second Amendment shall commence on May 1, 2014 and expire on June 30, 2015.
4. Except as amended by this Second Amendment, the Agreement remains in full force and effect. Following the expiration of this Second Amendment, Owner shall be bound by all terms, conditions and obligations of the Agreement and this Second Amendment shall have no further effect on the terms, conditions or obligations of the Agreement.

[SIGNATURES ON FOLLOWING PAGE]

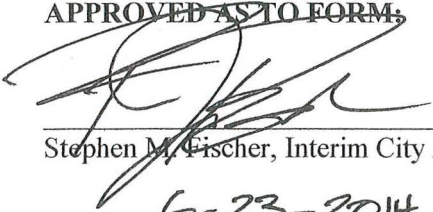
SUCCESSOR HOUSING ENTITY

City of Oxnard, a municipal corporation (as the entity assuming the housing functions of the former Oxnard Community Development Commission pursuant to California Health and Safety Code Section 34176 and Resolution No. 14,136)

Tim Flynn, Mayor

Date:

APPROVED AS TO FORM:

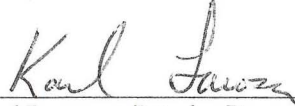


Stephen M. Fischer, Interim City Attorney

6-23-2014

Date:

APPROVED AS TO CONTENT:



Karl Lawson, Interim Program Manager

6-23-2014

Date:

OWNER

Pedro A. Cortez

Date:



Meeting Date: 07 /01 / 14

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

Prepared By: Commander Martin Meyer

Agenda Item No. S-4

Reviewed By: City Manager

City Attorney

Finance

Other (Specify)

DATE: June 19, 2014

TO: City Council

FROM: Jeri Williams, Chief of Police
Police Department

SUBJECT: Authorization to apply for FY 2014 Port Security Grant Program

RECOMMENDATION

That City Council adopt a resolution:

1. The Chief of Police to submit an application to the Department of Homeland Security in the amount of \$50,000;
2. The City Manager to execute the grant agreement if grant funds are awarded to the City;
3. The Chief Financial Officer to appropriate the funds and perform all other required financial actions;
4. The Chief of Police or designee to submit non-financial reports.

DISCUSSION

The Oxnard Police Department provides the Oxnard Harbor District with immediate response in an emergency as well as a surveillance and security capability during times of non-emergency. A critical tool used for surveillance and security is the Automatic License Plate Reader (ALPR).

ALPR is an established patrol and security technology that uses cameras to film vehicle license plates. Cameras are mounted in a number of configurations allowing license plates to be read as vehicles pass the camera, whether or not the camera is fixed or mobile. Once filmed the license plate information is sent to a computer that compares that license plate against known data bases, stolen vehicles for example. If the license plate is on an existing list there is an alert allowing law enforcement to take appropriate action. The Harbor and local law enforcement deploys fixed and mobile ALPR as part of the port security plan.

The Oxnard Police Department has three ALPR devices. Of these, two have become outdated

technologically and require replacement. Funds received from the FY2014 Port Security Grant Program would be used to replace the two outdated ALPR devices.

FINANCIAL IMPACT

If awarded, \$37,500 in funding would be provided by the Department of Homeland Security. The grant requires a twenty-five percent (25%) matching contribution from the City in the amount of \$12,500. Matching funds will be from Police General Fund FY2015 101-2101-802.86-06. The total cost will be \$50,000.

MM

Attachment #1 - Resolution Approving Submittal of Application

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING
SUBMITTAL OF GRANT APPLICATION

WHEREAS, City Council Resolution No. 12,053 sets out the procedure by which City staff may submit grant applications, following approval by resolution of the City Council; and

WHEREAS, the Police Department has requested that City Council approve the submittal of a grant application to the Department of Homeland Security for \$50,000 in Port Security Grant Program funds to enhance their ability to protect the public.

NOW, THEREFORE, the City Council of the City of Oxnard resolves to approve the submittal of a grant application by the City Manager for two replacement Automatic License Plate Readers. The City Council further resolves that the City Manager or designee is authorized to execute grant agreements; the Finance Director or designee is authorized to submit financial reports and grant claims and approve special budget appropriations for the use of grant funds; and the Police Chief or designee is authorized to submit non-financial reports.

PASSED AND ADOPTED THIS 1st day of July, 2014, by the following vote:

AYES:

NOES:

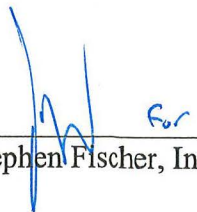
ABSENTS:

Timothy Flynn, Mayor

ATTEST:

APPROVED AS TO FORM:

Daniel Martinez, City Clerk



Stephen Fischer, Interim City Attorney



Meeting Date: 07/01/14

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

Prepared By Phillip Gregoire, Streets Manager *BAL*

Agenda Item No. S-5

Reviewed By: City Manager *JM* City Attorney *SMF* Finance *JC* Public Works

DATE: June 11, 2014

TO: City Council

FROM: Rob Roshanian, Interim Public Works Director *RR*
Public Works

SUBJECT: Blanket Purchase Orders with Granite Construction, Incorporated and Vulcan Materials Company

RECOMMENDATION

That City Council approve and authorize the Mayor to execute a Blanket Purchase Order with Granite Construction, Incorporated (Granite) and a Blanket Purchase Order with Vulcan Materials Company (Vulcan), for a not-to-exceed amount of \$1,000,000 each for the purchase of hot mix asphalt and class 2 road base for street pavement repair and for the processing and recycling of concrete and asphalt demolition debris throughout the 2014-2015 fiscal year.

DISCUSSION

Hot mix asphalt is produced by heating asphalt binder to decrease its viscosity, drying the aggregate to remove moisture, and then mixing the two components. The material is used for street repairs throughout the City of Oxnard. The working life of hot mix asphalt is limited because paving and compaction must be performed while the asphalt is sufficiently hot. This makes the importation of this material from outside the County impractical.

Granite and Vulcan are the only two companies that produce hot mix asphalt in Ventura County. Periodically, hot-mix asphalt can become unavailable to the City at either Granite or Vulcan, due to their commitment to supply material to large-scale resurfacing projects in the region, leaving no material for smaller projects, such as those performed by the City. Having blanket purchase orders with both Granite and Vulcan helps to ensure an alternative source from which to purchase hot-mix asphalt for City maintenance projects. If both companies have supply available, the Streets Division will purchase from the company providing the lowest price.

Granite and Vulcan recycle concrete and asphalt debris from construction and demolition projects by converting the debris into reusable pavement material. This provides an opportunity for the Environmental Resources Division to deliver collected concrete and asphalt debris to either company. Diverting this material from the landfill complies with waste diversion requirements of State Assembly Bill 939.

FINANCIAL IMPACT

The recommended budget for FY 2014-15 provides sufficient funding to cover the estimated cost under the Blanket Purchase Orders in the Street Maintenance and Repairs Division from the Measure O 1/2 Cent Sales Tax, State Gas Tax, Water Operating Fund, and Solid Waste Operating Fund.

Attachment #1 - Blanket Purchase Order for Granite Construction Company and
Vulcan Materials Company



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

**PURCHASE
ORDER NO.
004913**

DATE: 6/24/2014

VENDOR PHONE: (831)768-4002

VENDOR FAX: () -

VENDOR #: 2111

VENDOR ADDRESS: GRANITE CONSTRUCTION CO.
P.O. BOX 742478
LOS ANGELES, CA 90074-2478

SHIP TO: VARIOUS LOCATIONS
VARIOUS LOCATIONS
SEE DESCRIPTION
OXNARD, CA 93030

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

DELIVER BY		REQUISITION #	REQUISITION DATE	CONFIRMED BY	
06/30/2015				R C ALLBRITTON-VICE PRES	
FOB		ACCOUNT NUMBER		AUTHORIZED BY	
				MIKE MORE	
ITEM #	QUANTITY/ UNIT	DESCRIPTION ARTICLE OR SERVICE		UNIT COST	EXTENDED COST

ROAD CONSTRUCTION MATERIAL FOR STREET MAINTENANCE

Effective date: 06/04/2014

Expiration date: 06/30/2015

Not to exceed: 1,000,000.00

ROAD CONSTRUCTION MATERIALS

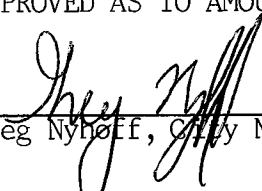
TOTAL PURCHASE AMOUNT

\$0.00

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

AUTHORIZED SIGNATURE. _____

APPROVED AS TO AMOUNT:



Greg Nyhoff, City Manager

By acceptance of this purchase order, you agree to the attached terms and conditions of the City of Oxnard

PURCHASE ORDERS
TERMS AND CONDITIONS

The City Purchasing Officer and the Vendor agree as follows:

1. Vendor shall furnish to City the labor, materials, equipment, supplies and/or services described in the Purchase Order preceding this page.
2. City shall pay to Vendor the price, or prices, specified in the Purchase Order upon delivery of the labor, materials, equipment, supplies and/or services, and acceptance thereof by the City Purchasing Officer, or upon the completion of the services to be performed and acceptance thereof.
3. If the Purchase Order is continuing in nature, City shall pay to Vendor the amount due Vendor for labor, materials, equipment or supplies furnished, or services completed and accepted.
4. Vendor shall deliver the labor, materials, equipment or supplies, or cause the services to be performed, within the time and in the manner specified in the Purchase Order. Vendor shall be excused in performance for delays resulting from causes beyond the control of Vendor.
5. If services are performed or labor furnished to City under the Purchase Order, Vendor agrees to indemnify, hold harmless and defend City, its City Council, and each member thereof, and every officer, employee, representative or agent of City, from any and all liability claims, demands, actions, damages (whether in contract or tort, including personal injury, death at any time, or property damage), costs and financial loss, including all costs and expenses and fees of litigation or arbitration, that arise directly or indirectly from any acts or omissions related to this Agreement performed by Vendor or its agents, employees, subcontractors, consultants and 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, willfulness or acts for which Vendor or its agents, employees, subcontractors, consultants and other persons acting on Vendor's behalf would be held strictly liable. Vendor's obligation to defend shall arise when a claim, demand or action is made or filed, whether or not such claim, demand or action results in a determination of liability or damages as to which Vendor is obligated to indemnify and hold harmless.
6. Insurance
 - a) Vendor shall obtain and maintain during the performance of any services under this Agreement the following insurance coverage 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 coverage.
 - i. Commercial general liability insurance, including a contractual liability endorsement, 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 CG0001ED, November 1988);
 - ii. 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 Auto Liability Insurance Services Office coverage (Occurrence Form CA000TED, June 1992) covering Code No. 1, "any auto";
 - iii. Workers' compensation insurance in compliance with the laws of the State of California, including employer's liability insurance in an amount not less than \$1,000,000 per claimant.
7. Vendor, in the performance of any services or the furnishing of any labor under this Purchase Order, shall be considered an independent contractor, and Vendor and Vendor's agents and employees shall not be considered officers or employees of the City.
8. Vendor, without the written consent of the City Purchasing Officer, shall not:
 - a) Assign the Purchase Order, or any interest therein, or any money due thereunder; or
 - b) Make any changes, alterations or variations in the terms of the Purchase Order.
9. The cost of inspection on deliveries, or offers to make deliveries that do not meet specifications, will be paid by Vendor or deducted by City from amounts due Vendor.
10. Vendor shall indemnify and hold harmless City, its officers and employees, from liability, claims, loss or expense of any kind or nature on account of any copyrighted or uncopyrighted composition, patented or unpatented process or invention, article or appliance furnished or used under this Purchase Order.
11. Vendor shall comply with all applicable federal, state and local ordinance, laws and regulations and shall obtain and pay for all required licenses and permits, including a City of Oxnard business license.
12. Return or exchange of materials, equipment or supplies will not be permitted without written approval by the City Purchasing Officer.
13. All materials, supplies and equipment furnished under the Purchase Order shall, where applicable, be in full compliance with the Safety Orders and Regulations of the Division of Industrial Safety of the State of California and the Williams-Steiger Federal Occupational Health and Safety Act of 1970.
14. City may terminate this Purchase Order at any time by giving written notice of termination to Vendor. If termination is for cause, termination shall become effective on the date of the notice or at a later date, specified in the notice. If termination is without cause, termination shall become effective five days after the date of the notice or at a later date specified in the notice.
15. Vendor shall comply with all applicable equal employment opportunity requirements of the California Department of Fair Employment and Housing in performing or contracting for any services under this Purchase Order.
16. For public projects, Vendor shall pay prevailing wages in accordance with Labor Code Sections 1720 et seq.

ADDITIONAL REQUIREMENTS FOR GRANT-FUNDED PROJECTS

17. The following requirements apply to any Purchase Order funded in whole or in part by federal grant funds.
 - a) Upon expiration of the time specified on the reverse side, this Purchase Order shall terminate unless City and Vendor have mutually agreed in writing to an extension of time.
 - b) If legal action is brought by either party because the other has failed to comply with terms or conditions of this Purchase Order, the prevailing party shall be awarded its attorney's fees and costs in addition to its damages and/or equitable relief.
 - c) Vendor shall comply with all applicable requirements of Executive Order 11246 as amended by Executive Order 11375 and the regulations adopted pursuant thereto (41 CFR Chapter 60), which provide that no person shall be discriminated against on the basis of race, color, religion, sex or national origin.
 - d) Vendor shall insure that the grantee (City), the Federal Grantor Agency, the Comptroller General of the United States, or any duly authorized representative, shall have access to any books, records, documents and papers, specifically relating to this Purchase Order, for the purpose of making audit, examination, excerpts and transcriptions for not less than three years after completion of the project and/or until the completion of the final project audit as required by the Federal Grants Agency.



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

PURCHASE
ORDER NO.
004912

DATE: 6/24/2014

VENDOR PHONE: (805)647-2212
VENDOR FAX: (805)647-6780
VENDOR #: 8184
VENDOR ADDRESS: VULCAN MATERIALS COMPANY SHIP TO: VARIOUS LOCATIONS
6029 VINEYARD AVENUE VARIOUS LOCATIONS
OXNARD, CA 93030 SEE DESCRIPTION
OXNARD, CA 93030

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

DELIVER BY		REQUISITION #	REQUISITION DATE	CONFIRMED BY	
06/30/2015					
FOB		ACCOUNT NUMBER		AUTHORIZED BY	
				MIKE MORE	
ITEM #	QUANTITY/ UNIT	DESCRIPTION ARTICLE OR SERVICE		UNIT COST	EXTENDED COST

ROAD CONSTRUCTION MATERIAL & CONCRETE DISPOSAL

Effective date: 06/04/2014
Expiration date: 06/30/2015
Not to exceed: 1,000,000.00

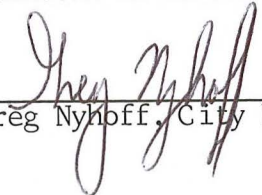
ROAD CONSTRUCTION MATERIALS

TOTAL PURCHASE AMOUNT **\$0.00**

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

AUTHORIZED SIGNATURE. _____

APPROVED AS TO AMOUNT:



Greg Nyhoff, City Manager

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