



Meeting Date: 4/25/2006

ACTION	TYPE OF ITEM
<input type="checkbox"/> Approved Recommendation	<input checked="" type="checkbox"/> Info/Consent
<input type="checkbox"/> Ord. No(s). _____	<input type="checkbox"/> Report
<input type="checkbox"/> Res. No(s). _____	<input type="checkbox"/> Public Hearing (Info/consent)
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____

Prepared By: Cynthia Daniels, AICP

Agenda Item No. I-2

Reviewed By: City Manager [Signature]

City Attorney [Signature]

Finance [Signature]

Other NA

DATE: March 30, 2006

TO: City Council

FROM: Lou Balderrama
City Engineer

**SUBJECT: Refund of Inspection Fee to California Department of Transportation (Caltrans)
Collected for Encroachment Permit No. 1119-A for Etting Road Drain**

RECOMMENDATION

That City Council adopt a resolution approving a request from Caltrans to refund the \$6,000 inspection fee accompanying an encroachment permit for work within Pleasant Valley Road and Etting Road.

DISCUSSION

Caltrans requests the refund of the inspection fee charged for their work on the Etting Road drain construction underway by Caltrans as part of the delayed work for the Pleasant Valley Road interchange on Highway 1. Caltrans received Encroachment Permit No. 1119-A on February 27, 2006. City Code Section 19-220 (A) (2) authorizes the City to collect an inspection fee from the applicant for an encroachment permit. City Council Resolution No. 12,905 establishes the fees for inspection. The Engineering Services Division discussed the requirements for an inspection fee with Caltrans, and concluded the appropriate amount would be \$6,000.

City Council Resolution No. 12,915 (adopted July 26, 2005) establishes financial management policies. The staff is not permitted to grant development and permit fee waivers. Staff is treating the Caltrans request for a refund as similar to the categories identified in the Resolution No. 12,915, which discusses a request for a fee waiver or debt forgiveness. Resolution No. 12,915 states all requests for fee waivers and debt forgiveness will be approved or disapproved by the City Council on a case-by-case basis. The resolution states each request will be considered and the City Council action will be by resolution.

The refund is proposed by staff in support of the on-going efforts to promote good relations between Caltrans and the City.

FINANCIAL IMPACT

The refund of \$6,000 would be disbursed from the revenue account where it was originally deposited (Account No. 101-3201-5510-7316). There are sufficient funds for this request.

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD AUTHORIZING REFUND OF A \$6,000 INSPECTION FEE PAID BY THE CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) AS PART OF ENCROACHMENT PERMIT NO. 1119-A FOR CALTRANS WORK WITHIN THE CITY RIGHT OF WAY AT PLEASANT VALLEY ROAD AND ETTING ROAD

WHEREAS, Caltrans requested a refund of the inspection fee paid as part of Encroachment Permit No. 1119-A on March 1, 2006; and

WHEREAS, City Council Resolution No. 12,915 (adopted July 26, 2005) establishes financial management policies prohibiting staff from granting development and permit fee waivers; and

WHEREAS, City Council Resolution No. 12,915 declares all requests for fee waivers and debt forgiveness will be approved or disapproved by the City Council on a case-by-case basis, the City Council action will be by resolution, and City Council considers the refund request to be similar to a request for a fee waiver or debt forgiveness within the intent of Resolution No. 12,915; and

WHEREAS, City staff will continue to provide inspection services within the City's right of way according to the Encroachment Permit No. 1119-A without charge to Caltrans; and

WHEREAS, City wishes to foster continuing good intergovernmental relations with Caltrans, and Caltrans will have its own staff provide some inspection services for the construction work within the City's right of way.

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

Caltrans' request for refund of the \$6,000 inspection fee for Encroachment Permit No. 1119-A and to direct the Public Works Director to refund the \$6,000 inspection fee to Caltrans within 60 days of adoption of this resolution.

PASSED AND ADOPTED THIS _____ day of _____, 2006, by the following vote:

AYES:

NOES:

ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:

Gary L. Gillig 04-18-06

Gary L. Gillig, City Attorney

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