



Meeting Date: 06/06/06

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
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____

Prepared By: Maureen Hooper, Redevelopment Project Manager *BDP (AM)* Agenda Item No. I-3

Reviewed By: City Manager *[Signature]* City Attorney *[Signature]* Finance *[Signature]* Wastewater Other

DATE: May 25, 2006

TO: City Council

FROM: Curtis P. Cannon, Community Development Director
Community Development Department

Mark Norris, Wastewater Superintendent
Public Works Department

Curtis P. Cannon

[Signature]

SUBJECT: License Agreement for Grease Interceptor on City Property Adjacent to Las Palmas Restaurant – 529 South “A” Street

RECOMMENDATION

That City Council approve and authorize the Mayor to execute an Agreement (A-6660) with Las Palmas Restaurant for the installation of a grease interceptor on City property adjacent to Las Palmas Restaurant, 529 South “A” Street.

DISCUSSION

Las Palmas Restaurant was established in Downtown Oxnard approximately 20 years ago, but has been inactive for approximately the past ten years. In 2004, its current owner, Gonzalo Fernandez, purchased the restaurant. Mr. Fernandez would like to expand and reopen the restaurant. Because the restaurant has been inactive for an extended period of time, and because Mr. Fernandez intends to expand the size of the restaurant, Mr. Fernandez must provide for a method of separating the used cooking oil from wastewater. The method preferred by the Wastewater Division is a 750- to 1500-gallon grease interceptor.

The first option considered by Mr. Fernandez was to construct the grease interceptor on the restaurant property. However, this would not provide for the 45-degree slope required by County of Ventura Environmental Health Department. Mr. Fernandez then requested a license to encroach onto either the City-owned alley or CDC-owned pedestrian walkway (“breezeway”) adjacent to the restaurant, which would provide the slope required by the County of Ventura. Meetings were held with Mr. Fernandez and his commercial kitchen designer, Joe Yniguez, and City staff from the City Attorney’s Office, Wastewater Division, Development Services Division and CDC to discuss the options available to Mr.

May 25, 2006

Page 2

Fernandez and the requirements of a license agreement with the City, should that be the recommendation.

The proposed license agreement was prepared by the City Attorney’s Office and is attached to this staff report. In summary, the highlights of the requirements included in the agreement as recommended by City staff are as follows:

- Indemnification – The City must be indemnified.
- Insurance – Mr. Fernandez must provide and maintain General Liability insurance coverage in the amount of \$1,000,000, and must list the City as Additional Insured (Certificate of Insurance is attached to this report).
- Maintenance standards – The interceptor must be maintained by the City’s Wastewater Division at an estimated cost of \$200 per occurrence, to be paid by Mr. Fernandez.
- Interceptor servicing - The interceptor must be serviced in accordance with Chapter 19 of the Oxnard City Code.
- Sale of Business – Should the owner sell Las Palmas Restaurant, the agreement must be re-negotiated with the new owner.
 - Location of interceptor - Based on the preference of Oxnard’s Wastewater Division, the grease interceptor shall be located below the alley (not the breezeway) to decrease the likelihood of “slip and fall” accidents.

FINANCIAL IMPACT

There are no City costs associated with this recommendation. The City will obtain a \$1,000 payment from Mr. Fernandez for granting the easement rights. The cost of proper maintenance as required under City Code will be the responsibility of Mr. Fernandez.

MH

ATTACHMENTS

Attachment 1 – License to Encroach on City Property Agreement

NOTE: Attachment No. 1 has been provided to the City Council. Copies are available for review at the Circulation Desk in the Library after 6:00 p.m. on the Thursday prior to the Council meeting and at the City Clerk’s Office after 8:00 a.m. on Monday.

000032