



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: Matthew G. Winegar

Agenda Item No. I-4

Reviewed By: City Manager [Signature]

City Attorney [Signature]

Finance [Signature]

(Other (Specify) [Signature])

DATE: May 23, 2012

TO: City Council

FROM: Matthew G. Winegar, Development Services Director
Development Services Department

SUBJECT: Extension of Agreement to Defer Development Fees for St. Paul Baptist Church

RECOMMENDATION

That City Council:

1. Approve the first reading by title only and subsequent adoption of an ordinance extending the deferral of the payment of \$139,881.29 in development fees owed for construction of a new building at 1787 Statham Boulevard by St. Paul Baptist Church by one-year to June 26, 2013.
2. Approve and authorize the Mayor to execute the first amendment and restatement of agreement to pay deferred development fees (A-7021) between the City and St. Paul Baptist Church extending the payment due date to June 26, 2013.

DISCUSSION

In 2008 the City Council approved ordinance 2769 and entered into an agreement (A-7021) with St. Paul Baptist Church for a 4-year deferral of payment of \$139,881.29 in development fees. The deferral agreement includes a provision for the payment of interest at a rate of 5% per annum and a requirement for the Developer to provide security in an amount equal to 125% of the deferred fees. St. Paul Baptist Church was issued a building permit for construction of a building located at 1787 Statham Boulevard on June 26, 2008. Construction of the building was started; however, only foundation related work has been completed. St. Paul Baptist Church is requesting a one-year extension to the payment due date. This first amendment to the agreement extends the payment due date to June 26, 2013. All other provisions of the original agreement including payment of interest and provision of security are retained during the extended agreement period.

FINANCIAL IMPACT

The infrastructure accounts related to the fees identified in Exhibit "A" of the first amendment and

Extension of Agreement to Defer Development Fees for St. Paul Baptist Church

May 23, 2012

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restatement of agreement would not realize the corresponding revenue for the extended period of the agreement but interest would be paid at 5% per annum which exceeds the rate currently received by the City on its investments in the Local Agency Investment Fund (LAIF).

(MW/pjw)

Attachment #1 - Ordinance Extending Fee Deferral

#2 - First Amendment of agreement to pay deferred fees (A-7021)

CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO. _____

(UNCODIFIED)

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD
CONCERNING DEFERRAL OF PAYMENT OF DEVELOPMENT FEES FOR ST. PAUL
BAPTIST CHURCH

WHEREAS, the first sentence of subsection (b) of section 15-173 of the City Code provides in part: "For development projects for which the city issues a building permit, development fees shall be calculated and collected at the time of issuance of the building permit, based on the development fee schedule then in effect."

WHEREAS, St. Paul Baptist Church ("Developer") has applied to the City for entitlements to construct an approximate 28,250 square foot building; and

WHEREAS, the City Council on March 25, 2008, adopted Ordinance Number 2769 deferring for four years certain development fees that the Developer will owe to the City in connection with construction of the building; and

WHEREAS, although a permit to construct the building referenced in Ordinance No. 2769 issued on June 26, 2008, the building described in Ordinance Number 2769 has not been constructed, and, accordingly, there have been no development impacts; and

WHEREAS, the City Council wishes to extend the fee deferral provided by Ordinance No. 2769; and

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

Part 1. As used in this ordinance, "development fees" shall mean planned drainage facilities fees imposed pursuant to section 15-185 et seq. of the City Code; planned traffic circulation facilities fees imposed pursuant to section 15-215 et seq. of the City Code; growth requirement capital fees imposed pursuant to section 15-225 of the City Code; sewer connection conveyance fees imposed pursuant to Ordinance No. 2260; sewer connection wastewater treatment plant fees imposed pursuant to Ordinance No. 2709; underground utilities fees imposed pursuant to Ordinance No. 2709; water system connection fees imposed pursuant to Ordinance No. 2624, and the Art in Public Places fees imposed pursuant to Resolution No. 12,290. As used in this ordinance, "development fees" shall not include any other fees, including fees collected on behalf of other agencies, fees collected to mitigate environmental impacts, and processing fees.

Part 2. Notwithstanding the first sentence of subsection (b) of section 15-173 of the City Code, the Director of Development Services is directed to allow Developer until June 26, 2013,

the payment of development fees owed to the City in connection with such permit, provided all the conditions met in Ordinance No. 2769 have been met and continue to be met.

Part 3. This Ordinance shall not be included in the City Code.

Part 4. Within fifteen days after passage, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation within the City. Ordinance No. ____ was first read on _____, 2012, and finally adopted on _____, 2012 to become effective thirty days thereafter.

AYES:

NOES:

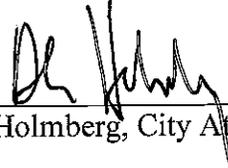
ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney

FIRST AMENDMENT AND RESTATEMENT OF AGREEMENT TO PAY DEFERRED DEVELOPMENT FEES

This First Amendment and Restatement of Agreement to Pay Deferred Development Fees (this "First Amendment") is entered into this ___ day of _____, 2012, by and between the City of Oxnard, a municipal corporation ("City"), and St. Paul Baptist Church ("Developer"). This First Amendment amends the agreement entered into on March 18, 2008, by City and Developer ("Agreement").

City and Developer agree as follows:

1. Developer applied for and on June 26, 2008, was issued permits to construct an approximately 28,250 square foot building located at 1787 Statham Boulevard; and
2. In March 2008, Developer requested that City defer Developer's payment of certain development fees in the amount of \$139,881.29 as shown on Exhibit A attached hereto and incorporated herein by reference (the "Fees") that City ordinances require be paid prior to issuance of a building permit to construct the Improvements.
3. On March 25, 2008, the City Council adopted Ordinance No. 2769 authorizing deferral with interest to be paid at 5 % per annum for four years of Developer's payment of the Fees, provided that Developer obtain a building permit to construct the Improvements within six months from the date of execution of the Agreement, does not protest the calculation of such fees; pays any fees not deferred; execute the Agreement providing for payment of the Fees; and execute agreements or obtains instruments (such as a letter of credit) providing for security satisfactory to the Development Services Manager and City Attorney for 125% of the amount of fees so deferred.
4. Developer met the conditions described in section 3 above, and now has requested deferral of the Fees for an additional year.
5. On _____, 2012, the City Council adopted an ordinance permitting deferral for an additional year, provided the conditions of section 3 continue to be met.
6. Developer shall pay the deferred fees and interest to City in full on or before the expiration of five years from the date that Developer obtained a building permit to construct the Improvements, which date is June 26, 2013, provided the conditions set forth in section 3 above continue to be met.
7. Time is of the essence of this Agreement.

EXHIBIT "A"

LIST OF DEFERRED DEVELOPMENT FEES

Fees Deferred By Ordinance No. 2769	<u>Fee Amount</u>
Drainage Facilities Fees	\$ 42,444.86
Traffic Circulation Facilities Fees	\$ 44,755.23
Growth Requirement Capital Fees	\$ 16,950.60
Water Resource Development Fee	\$ 8,375.00
Water Capital Facility Connection Fee	\$ 1,023.00
Sewer Treatment Connection Fee	\$ 12,236.40
Sewer Conveyance Connection Fee	\$ 4,374.00
Art in Public Places Fee	<u>\$ 9,722.20</u>
Total:	\$139,881.29

