

## MINUTES

OXNARD CITY COUNCIL  
Regular Meeting  
December 6, 2011A. ROLL CALL/POSTING OF AGENDA

At 5:32 p.m., the regular meeting of the Oxnard City Council convened in the Council Chambers. Councilmembers Thomas E. Holden, Irene G. Pinkard, Bryan A. MacDonald, Timothy B. Flynn and Carmen Ramirez were present. The City Clerk stated that the agenda was posted on Thursday in the Library and City Clerk's Office. Mayor Holden presided and called the meeting to order. Staff members present were: Daniel Martinez, City Clerk; Edmund Sotelo, City Manager; Karen Burnham, Assistant City Manager; and Alan Holmberg, City Attorney.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

Comments were received by: Martin Jones, Larry Stein and Bert Perello.

C. CLOSED SESSION

At 5:39 p.m. the City Council recessed to a closed session, pursuant to Government Code section 54956.9(b)(3)(C) to conduct the Employee Performance Evaluation of the City Manager.

At 7:08 p.m. the City Council reconvened and recessed to the evening session.

D. OPENING CEREMONIES

At 7:10 p.m., the regular meeting of the Oxnard City Council reconvened in the Council Chambers. The meeting opened with the pledge of allegiance to the flag of the United States, followed by a moment of silence. Mayor Holden presided. Additional staff members present were: Jeri Williams, Police Chief; Curtis P. Cannon, Community Development Director; William "Bill" Wilkins, Housing Director; Matthew Winegar, Development Services Director; James Cameron, Chief Financial Officer; Grace Magistrale Hoffman, Deputy City Manager; Michael Henderson, General Services Manager; Rob Roshanian, Interim Public Works Director; Christina Aerenlund, Public Information Officer; Martin Erickson, Special Assistant to the City Manager; Tom Clock, Systems Administrator; Grant Dunne, Management Analyst; and Norma Owens, Grants Manager.

E. CEREMONIAL CALENDAR2. SUBJECT: "Special Visitor from the Northpole"

DISCUSSION: Santa wished happy holidays to everyone in the City and provided cookies and milk to the Council, staff and public.

1. SUBJECT: Presentation and Unveiling of the New City Logo.

DISCUSSION: The City Council unveiled the new City logo as part of the Branding Oxnard campaign.

3. SUBJECT: 4H Presentation.

DISCUSSION: William Baker, GenOn Energy, presented a \$7,000 check to Dayle Morris and Savanna Stanley, to improve the Ormond Beach site.

**F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA**

Comments were received from: Martin Jones; Robert Vera; Martin Glatt; Dale Dean; Larry Stein; Steve Fleischer; Steven Nash; Bert Perello; Harold Ceja; Jim Lavery; and Pat Brown.

**G. REVIEW OF INFORMATION/CONSENT AGENDA**

The following individuals provided comments: Robert Thomson (I-3); William "Bill" Terry (I-9); Janet Thompson (I-3); Donald Thibeault (I-1); Larry Stein (I-3, I-7); Pat Brown (I-6) and Steve Nash ((I-2 and I-4).

**H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA**

The following staff provided comments to the Council: City Clerk (I-1); Community Development Director (I-2, part 3); Development Director (I-2, item 4, I-7); Systems Administrator (I-2, item 5); Interim Public Works Director (I-10); and Management Analyst (I-11).

**I. INFORMATION/CONSENT AGENDA****City Clerk**

1. **SUBJECT:** Minutes of the Regular Meeting of the City Council for October 11, 18 and 25, 2011; and for November 1, 8 and 15, 2011. (001)  
**RECOMMENDATION:** Approve.  
**ACTION:** Approved with the removal of October 11 and November 8 meetings\*.

**City Manager**

2. **SUBJECT:** Agreements for City Council Review. (027)  
**RECOMMENDATION:** Pursuant to Ordinance 2835, approve and authorize the City Manager, to execute the attached agreements/contracts and change orders/amendments in amounts more than \$25,000 but less than \$250,000.
3. **SUBJECT:** Approval of Award of Contract for GS10-22-Lemonwood Park and Walking Trail Improvement Project. (031)  
**RECOMMENDATION:** 1) Approve the award of Contract to ARC Accucon Construction, Inc. (A-7448) in the amount of \$564,400 for the Lemonwood Park and Walking Trail Improvement Project located at 2055 East San Mateo Place; and 2) Authorize the Mayor to execute the contract upon receipt of all supporting contract documents.
4. **SUBJECT:** Approval of Award of Contract for Community Center Park West Concession Stand Expansion and Reconstruction Project GS10-20. (033)  
**RECOMMENDATION:** 1) Approve the award of contract to U.S. Dash Construction, Inc. (A-7441) in the amount of \$324,000 for the Community Center Park West concession stand reconstruction and expansion project GS10-20 located at 801 Hobson Way; and 2) Authorize the Mayor to execute the contract documents.

City Treasurer

5. SUBJECT: Quarterly Investment Report for the First Quarter F/Y 2011-2012. (041)  
RECOMMENDATION: Accept the Quarterly Investment Report for the First Quarter F/Y 2011-2012.
6. SUBJECT: Amendments to Ordinance Regulating Massage Professionals and Massage Businesses or Establishments. (049)  
RECOMMENDATION: Approve the first reading by title only and subsequent adoption of **Ordinance No. 2851** amending the title of Article IV of Chapter 11, Sections 11-140, 11-141, 11-241, and 11-247, subdivision (B) of Section 11-157, and subdivision (G) of Section 11-232 of the Oxnard City Code ("OCC"), repealing and readopting Sections 11-143, 11-233, and 11-234 and subdivision (I) of Section 11-242 of the OCC, and repealing Sections 11-235 and 11-236, subdivisions (C) and (D) of Section 11-234 and the last sentence of subdivision (A) of Section 11-246 of the OCC regarding the regulation of massage professionals and massage businesses or establishments.

Development Services Department

7. SUBJECT: Transmittal of Adopted 2030 General Plan Goals and Policies Document. (057)  
RECOMMENDATION: Receive and file the 2030 General Plan.\*\*
8. SUBJECT: Fifth Amendment to Agreement with URS Energy & Construction Inc. (URS) for Engineering Services for the Rice Avenue/Santa Clara Avenue Interchange Improvement Project at U.S. Highway 101. (059)  
RECOMMENDATION: Approve and authorize the Mayor to execute the fifth amendment to the agreement with URS (A-7240) to revise the budget within the contract (a total of \$1,473,908) to provide engineering services for the Rice Avenue/Santa Clara Avenue interchange improvement project at U.S. Highway 101.
9. SUBJECT: Disbanding of Art in Public Places Committee & Revisions to Public Art Program. (065)  
RECOMMENDATION: Adopt **Resolution No. 14,124** disbanding the Art in Public Places Committee and revising the Public Art Program.

Public Works Department

10. SUBJECT: Del Norte Facility Restroom Improvement Project. (083)  
RECOMMENDATION: Approve Project Specification GS11-13 and authorize staff to solicit bids for the restroom improvement project located at the Del Norte Regional Recycling and Transfer Station, 111 South Del Norte Boulevard.
11. SUBJECT: First Amendment to Agreement for Trade Services with Ecology Auto Parts, Inc. for Supplemental Waste Transfer Hauling Services. (085)  
RECOMMENDATION: Approve and authorize the Mayor to execute the First Amendment to the Agreement with Ecology Auto Parts, Incorporated (A-7380) to increase the amount by \$150,000 from an agreement value of \$1,500,000 to \$1,650,000 and to extend the expiration date from February 15, 2012 to February 15, 2014, for supplemental waste transfer hauling.

12. SUBJECT: Rubberized Asphalt Grant Program for Street Resurfacing. (087)

RECOMMENDATION: Approve the appropriation of funds in the amount of \$109,946.30 to various street resurfacing projects from the Rubberized Asphalt Grant Program to the following: 1) Bartolo Square North Neighborhood Resurfacing Project located between the boundaries of eastward to J Street, westward to Ventura Road, northward to Wooley Road and southward to Hemlock Road in the amount of \$58,029.13; 2) Bartolo Square South Neighborhood Resurfacing Project located between the boundaries of eastward to J Street, westward to Ventura Road, northward to Hemlock Road and southward to Channel Islands Boulevard in the amount of \$43,033.18; 3) Gonzales Road Resurfacing Project located between the boundaries of Oxnard Boulevard and Rice Avenue in the amount of \$3,426.37; 4) Rose Park Neighborhood Resurfacing Project located between the boundaries of westward to Rose Avenue and northward to Camino del Sol in the amount of \$3,001.51; 5) Ormond Beach Neighborhood Resurfacing Project located between the boundaries of westward to Perkins Road, eastward to Edison Drive, northward to Hueneme Road and southward to Mc Wane Boulevard in the amount of \$2,456.11.

Recreation and Community Services Department

13. SUBJECT: Senior Services Grant Awards. (091)

RECOMMENDATION: 1) Approve the Senior Services Commission's (SSC) recommended distribution of \$44,600 in Senior Services Grant Awards to thirteen agencies providing services to seniors; 2) Direct the Community Services Manager to notify recipients of Senior Services Grant Awards; 3) Authorize the Community Services Manager to execute a letter of agreement for each recipient in the format set forth in attachment #2; and 4) Authorize the Chief Financial Officer to make disbursements in accordance with the letter agreements.

INFORMATION/CONSENT AGENDA ACTION: Approved as recommended with the removal of October 11 and November 8 meetings of I-1.\* (Holden/Pinkard) Ayes: Pinkard, MacDonald, Flynn, and Ramirez, Holden. Noes: Flynn only I-7.\*\*

N. CITY COUNCIL BUSINESS COMMITTEE REPORTS

1. SUBJECT: Proposed Cuts to Oxnard College Programs. (163)

RECOMMENDATION: Consider sending the attached letter to the Chancellor of the Ventura County Community College District (VCCCD).

DISCUSSION: Andres Orozco asked that a letter be presented to the Ventura County College District by next Tuesday, December 13, 2011.

ACTION: Council directed staff to strengthen the letter to be sent to the Ventura County College District (Holden/MacDonald) unanimously.

3. SUBJECT: Presentation by Superintendent, Dr. Gabe Soumakian, from the Oxnard Union High School District on the District's "Blueprint for Greatness"

DISCUSSION: Dr. Soumakian outlined the District's "Blueprint for Greatness" plan and future plans to build two new high schools.

ACTION: Received the presentation.

2. **SUBJECT:** Operation of the Oxnard Public Access Channel. (167)

**RECOMMENDATION:** 1) Authorize the City Manager to execute a Memorandum of Understanding for Operation of the Oxnard Public Access Channel with Fuerza Latina Health Association; and 2) Require that the operator return to City Council in six months to provide a status report on Channel 25 operations and the policies and procedures manual as defined in the MOU.

**DISCUSSION:** The Public Information Officer reviewed past operations of local public access systems. She commented on the guidelines, the selection process and requirements of the selected operator.

Comments were received from: Jim Hensley; David Cruz; Andres Orozco; George Ortega; Carlos Licea de Varona; Steve Salinas; Lupe Anguiano; Bert Perello; Pat Brown; Gene Valentino and Ramon Ortiz.

The Council commented on: the need for public access channel, possibility of working with Oxnard College and involving students in the public access channel.

**ACTION:** Moved to approve as recommended (Holden/Ramirez) Ayes: MacDonald, Flynn, Ramirez, Holden and Pinkard.

J. **TRANSMITTAL OF INFORMATION ONLY ITEMS**

1. **SUBJECT:** Monthly Budget Status Report for the Period Ending October 31, 2011. (103)

**RECOMMENDATION:** Receive Report.

**DISCUSSION:** Comments were received from Bert Perello and Martin Glatt.

**ACTION:** Received and filed.

K. **INFORMATION/CONSENT PUBLIC HEARINGS**

**ACTION:** Mayor Holden declared the public hearing open.

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

**Housing Department**

1. **SUBJECT:** Eighth Amendment to FY 2008-2013 Consolidated Plan and the FY 2008-2009 Annual Action Plan (The Plan) for the Homelessness Prevention and Rapid Re-Housing Program (HPRP). (117)

**RECOMMENDATION:** 1) Conduct a public hearing to approve the Eighth Amendment to The Plan; 2) Approve the budget revision of the funds awarded to County of Ventura Human Services Agency (CVHSA); 3) Authorize the Housing Department Director to submit the Eighth Amendment of The Plan to the U.S. Department of Housing and Urban Development for approval; 4) Authorize the City Manager to submit the Substantial Amendment of the Plan to the U.S. Department of Housing and Urban Development for approval; and 5) Authorize the Mayor to execute the modification of Appendix A "Scope of Services."

**DISCUSSION:** The Grants Manager reviewed the time schedule and types of notices provided to the public for comments.

**ACTION:** Close the public hearing. (Holden/MacDonald) Approved as recommended. (MacDonald/Holden) Ayes: Flynn, Ramirez, Holden, Pinkard, and MacDonald.

**M. REPORT OF CITY MANAGER**

The City Manager announced that the Oxnard College Foundation had increased their contribution to Oxnard College from \$100,000 to \$200,000; 2011 Ventura County Emergency Planning Council selected City of Oxnard for the Tsunami Signage Program and a community preparedness information campaign; and the temporary closure of 101 Freeway due to bridge construction.

**N. CITY COUNCIL BUSINESS COMMITTEE REPORTS**

Councilmember Ramirez requested that the "Federal Clean Air Act" be placed on future agenda for discussion.

**O. REPORTS****City Attorney Department****1. SUBJECT: Preferences for Small Local Businesses. (197)**

**RECOMMENDATION**: Approve the first reading by title only and subsequent adoption of **Ordinance No. 2852** providing certain monetary preferences for small local businesses in connection with trade service and public works contracts.

**DISCUSSION**: The City Attorney reviewed the proposed ordinance including amount of contact to fall under this preference, employment of local residents, and regulations to be established by City Manager and Purchasing Authority.

The City Council discussed the amount of preferences, penalty time period, and appeal process.

Comments were received from: Pat Brown.

**ACTION**: Approved as recommended with changes to penalty time period. (Holden/Ramirez).

Ayes: Ramirez, Holden, Pinkard, MacDonald, and Flynn.

**P. PUBLIC COMMENTS ON REPORTS****Q. APPOINTMENT ITEMS****R. STUDY SESSION****S. PUBLIC COMMENTS ON STUDY SESSION****T. ADJOURNMENT**

At 10:19 p.m. the City Council concurred to adjourn the meeting.

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DANIEL MARTINEZ  
City Clerk

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DR. THOMAS E. HOLDEN  
Mayor

## MINUTES

### OXNARD CITY COUNCIL

Regular Meeting  
December 13, 2011

#### A. ROLL CALL/POSTING OF AGENDA

At 5:34 p.m., the regular meeting of the Oxnard City Council convened in the Council Chambers concurrently with the Community Development Commission. Councilmembers Thomas E. Holden, Bryan A. MacDonald, Timothy B. Flynn and Carmen Ramirez were present. Mayor Pro Tem Irene G. Pinkard was absent. The City Clerk stated that the agenda was posted on Thursday in the Library and City Clerk's Office. Mayor Holden presided and called the meeting to order. Staff members present were: Edmund Sotelo, City Manager; Karen Burnham, Assistant City Manager; Alan Holmberg, City Attorney; and Lyn Bennett, Deputy City Clerk.

#### B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

Comments received from Larry Stein.

#### C. CLOSED SESSION

At 5:37 p.m. the City Council and Community Development Commission recessed to a closed session pursuant to Government Code section 54956.9(b)(3)(C). There is significant exposure to litigation in one potential case based upon a written threat of litigation which is available for inspection at the City Clerk's office during normal business hours.

The City Manager will also recess to a closed session pursuant to Government Code section 54956.9 (c), based on existing facts and circumstances, the City Council shall decide whether to initiate litigation in one potential case.

At 7:13 p.m. the City Council reconvened and recessed to the evening session.

#### D. OPENING CEREMONIES

At 7:14 p.m., the regular meeting of the Oxnard City Council reconvened in the Council Chambers, concurrently with the Community Development Commission and Housing Authority. The meeting opened with the pledge of allegiance to the flag of the United States, followed by a moment of silence. Mayor Holden presided. Additional staff members present were: Danielle Navas, City Treasurer; Curtis P. Cannon, Community Development Director; Jeri Williams, Police Chief; Michael O'Malia, Interim Fire Chief; Barbara Murray, Library Director; William "Bill" Wilkins, Housing Director; Matthew Winegar, Development Services Director; Michelle Tellez, Human Resources Director; James Cameron, Chief Financial Officer; Grace Magistrale Hoffman, Deputy City Manager; Michael Henderson, General Services Manager; Sue Martin, Planning and Environmental Services Manager; Rob Roshanian, Interim Public Works Director; Christina Aerenlund, Public Information Officer; and Martin Erickson, Special Assistant to the City Manager.

E. CEREMONIAL CALENDAR

1. SUBJECT: Employee of the Fourth Quarter.  
DISCUSSION: Christina Aerenlund introduced Martha Guillen as the Employee of the Forth Quarter and commented on her work at the City Manager's Office.
2. SUBJECT: Presentation to City Council of the 2011 Emergency Planning Council Award for Best Emergency Preparedness Implementation.  
DISCUSSION: The Interim Fire Chief presented 2011 Emergency Planning Award to the City Council for the Tsunami signage program.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

The following individuals provided comments: Ernest Stein; Larry Stein; Eileen Tracy; Mike Barber; Margaret Cortese; Franz Lopez; Sofia Rivera; Cheryl Roberson; Natalia Rodriguez; Carolyn Starney; Danna Aten; Pat Brown; and Martin Jones.

G. REVIEW OF INFORMATION/CONSENT AGENDA

Staff comments were received from City Treasurer (I-5); Police Chief (I-13); Interim Fire Chief (I-12); Deputy City Manager (I-3, #5); General Services Manager (I-3,#1); Interim Public Works Director (I-9, I-11 & I-13); Planning and Environmental Services Manager (I-9, & I-11); and Special Assistant to the City Manager (I-4).

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Public comments were received from Pat Brown (I-7); Bert Perello (I-9 & I-11); Steve Nash (I-15) and Jim Lavery (I-3).

I. INFORMATION/CONSENT AGENDACity Attorney Department

1. SUBJECT: **Ordinance No. 2852** Regarding Preferences for Small Local Businesses. (001)  
RECOMMENDATION: Second reading and adoption.

City Manager Department

3. SUBJECT: Agreements for City Council Review. (013)  
RECOMMENDATION: Pursuant to Ordinance 2835, approve and authorize the City Manager, to execute the attached agreements/contracts and change orders/amendments in amounts more than \$25,000 but less than \$250,000.  
ACTION: Removed only agreement item five from the group.
4. SUBJECT: Transportation Development Act (TDA) Local Transportation Fund (LTF) Allocations for FY 2011/12. (015)  
RECOMMENDATION: Adopt **Resolution No. 14,125** approving the submittal of a claim with the Ventura County Transportation Commission (VCTC) for allocation of TDA funds as follows:
  - 1) Gold Coast Transit (GCT) to receive \$4,981,910 of the City's Article 4 LTF allocation for FY

2011/12 to support and develop the public transportation system in Ventura County; 2) The City's transit services program to receive \$500,000 of Article 8c LTF funding for its operations and \$681,275 for its capital program ; and 3) Ventura Intercity Transit Authority (VISTA) to receive \$88,354 of the City's Article 4 LTF allocation for FY 2011/12.

City Treasurer Department

5. SUBJECT: **Ordinance No. 2851** Regulating Massage Professionals and Massage Businesses. (019)  
RECOMMENDATION: Second reading and adoption.

Community Development Department

6. SUBJECT: FY 2010-2011 Annual Report for the Community Development Commission. (025)  
RECOMMENDATION: Approve the FY 2010-2011 CDC Annual Report and direct the Community Development Director to submit the Annual Report to the State Controller's Office.  
ACTION: Removed from agenda.
7. SUBJECT: Second Amendment to Agreement with the Oxnard Downtown Management District Inc. for Downtown Services. (027)  
RECOMMENDATION: Approve and authorize the Mayor to execute a Second Amendment to Agreement (4192-07-CD) ("Agreement") between the City of Oxnard ("City") and the Oxnard Downtown Management District Inc. ("ODMD"), to extend the Agreement to December 31, 2014.
8. SUBJECT: Extension of Plan Effectiveness Deadlines and the Tax Increment Receipt Deadline for the Redevelopment Plan for the Downtown Renewal (R-108) Project Area Pursuant to California Health and Safety Code Sections 33331.5 concerning Supplemental Educational Revenue Augmentation Fund ("SERAF") Payments. (065)  
RECOMMENDATION: 1) Approve the first reading by title only and subsequent adoption of an Ordinance to amend the Redevelopment Plan for the Downtown Renewal Project Area ("R-108"), to extend certain time limits in accordance with California Health and Safety Code Section 33331.5; and 2) Adopt a resolution to amend the Redevelopment Plan for the Downtown Renewal Project Area (R-108), to extend certain time limits in accordance with California Health and Safety Code Section 33331.5.  
ACTION: Removed from agenda.

Development Services Department

9. SUBJECT: Planning and Zoning Permit No. 06-300-19 (Final Map for Phase 3A of Tract No. 5644), Within the RiverPark Specific Plan Area Filed by Shea Homes. (073)  
RECOMMENDATION: Adopt **Resolution No. 14,126** approving Planning and Zoning Permit No. 06-300-19 (Final Map) for Phase 3A of Tract No. 5644, located north of Tiber River Way and east of the Santa Clara River within District H of the RiverPark Specific Plan area.\*
10. SUBJECT: Planning and Zoning Permit No. 10-300-06 (Parcel Map) to Subdivide an Approximately 21.9-acre Parcel Located at 2000/2001 Lockwood Street Into Four Separate Parcels. Filed by Mike Penrod, McGaelic Group c/o Parkstone Companies, 860 Hampshire Road, Suite U, Westlake Village, CA 91361. (081)

**RECOMMENDATION:** Adopt **Resolution No. 14,127** approving Planning and Zoning Permit No. 10-300-06 (Parcel Map), for the subdivision located at 2000/2001 Lockwood Street.

11. **SUBJECT:** Planning and Zoning Permit No. 07-300-20 (Final Map for Tract No. 5781). Filed by Ernie Mansi, Aldersgate Investment, LLC 300 East Esplanade Drive, Suite 430, Oxnard, CA 93036. (093)

**RECOMMENDATION:** Adopt **Resolution No. 14,128** approving Planning and Zoning Permit No. 07-300-20 (Final Map for Tract No. 5781), dividing one parcel into two lots for development of a 156 unit affordable housing condominium project and public park space, located at the southeast corner of RiverPark Boulevard and American River Court.\*

#### Fire Department

12. **SUBJECT:** Authorization to Submit an Application for Federal Emergency Management Agency Assistance to Firefighters Grant in the Amount of \$3,354,067.04. (109)

**RECOMMENDATION:** Adopt **Resolution No. 14,129** authorizing the City Manager to submit an application for \$3,354,067.04 in Federal Emergency Management Agency Assistance (FEMA) grant funds, to be used to increase the number of firefighting personnel.

#### Police Department

13. **SUBJECT:** Amendment to Agreement with Coastal Occupational Medical Group. (113)

**RECOMMENDATION:** Approve and authorize the Mayor to execute an amendment to the agreement with Coastal Occupational Medical Group, (5243-10-PO), in the amount of \$142,500 for an additional two years for a total contract amount of \$285,000.

#### Public Works Department

14. **SUBJECT:** First Amendment to Agreement with AECOM for Construction Management Services for the GREAT Program Phase I AWPf and Phase I RWBS. (117)

**RECOMMENDATION:** Approve, and authorize the Mayor to execute the first amendment to the agreement with AECOM (A-7230) to increase the amount by \$102,732 for the total of \$6,618,417 for the construction management services of the GREAT Program Phase I Advanced Water Purification Facility (AWPF) and the Phase I Recycled Water Backbone System (RWBS).

15. **SUBJECT:** Fourth Amendment to Agreement with Hopkins Groundwater Consultants, Inc. for Hydrogeologic Design, Technical Review, and Consulting Support Services. (125)

**RECOMMENDATION:** 1) Approve and authorize the Mayor to execute the Fourth Amendment to the Agreement with Hopkins Groundwater Consultants, Inc. ("Hopkins Groundwater") (A-7115) to increase the amount by \$200,000 for a total of \$587,200 for the siting and design of Aquifer Storage and Recovery (ASR) wells, assistance with wells permitting, and associated post-design services, preparation of specifications for the rehabilitation of Wells Numbers 22, 32 and 33 and associated post-design services, and technical support regarding ongoing groundwater regulatory requirements; and 2) Approve a special budget appropriation to transfer funds in the amount of \$80,000 from the Recycled Water Distribution Project No. 116504 to the GREAT ASR Wells Project No. 116505.

16. **SUBJECT:** Agreement with KEH and Associates for Design and Post Design Services for the Effluent Sampling Facility Project. (131)

**RECOMMENDATION:** 1) Approve, and authorize the Mayor to execute the agreement with KEH and Associates (5639-11-PW) in the amount of \$218,527 for the design and post design services for the Effluent Sampling Facility Project; and 2) Approve a special budget appropriation to transfer funds in the amount of \$218,527 from the GREAT – Advanced Water Purification Facility Project (No. 066010) to the Advanced Water Purification Facility Sampling Station Project.

17. **SUBJECT:** Project Specification PW10-05 Wooley Road Utilities Improvement Project. (155)  
**RECOMMENDATION:** 1) Approve Project Specification No. PW10-05 for utility infrastructure improvements to include the installation of a recycled water pipeline on Wooley Road from Victoria Avenue to Rose Avenue and on C Street from Channel Islands Road to Wooley Road, and authorize staff to solicit bids for the project; and 2) Approve a Special Budget Appropriation of: (a) \$4,000,000 from the Recycled Water CIP (project 116503) and Recycled Distribution (project 106503) projects to the Wooley Road Utilities Improvement Project No. 083125 for the installation of the recycled water line, and (b) \$3,940,849 to recognized funding from the New Surface Transportation Authorization Act for street resurfacing improvements to the Wooley Road Utilities Improvement Project No. 083125.

**ACTION:** Removed from agenda.

18. **SUBJECT:** Project Specification PW10-12 Rose Avenue Improvement Project). (159)  
**RECOMMENDATION:** 1) Approve Project Specification No. PW10-12 to include the construction and installation of a recycled water pipeline on the northbound corridor along Rose Avenue from Wooley Road to Camino del Sol and authorize staff to solicit bids for the project; and 2) Approve a Special Budget Appropriation of \$4,250,000 from the Recycled Water CIP (project 116503), Recycled Distribution (project 106503) and Recycled Backbone (project 096002) projects to Rose Avenue Improvement Project for the installation of the recycled water line.

**ACTION:** Removed from agenda.

19. **SUBJECT:** Project Specification No. PW12-07 Camino del Sol Recycled Water Line Project. (163)

**RECOMMENDATION:** 1) Approve Project Specification No. PW12-07 to include the construction and installation of a recycled water pipeline along Camino del Sol from Rose Avenue to Elevar Street and authorize staff to solicit bids for the project; and 2) Approve a Special Budget Appropriation of \$4,250,000 from the Recycled Water CIP (project 116503), Recycled Distribution (project 106503) and Recycled Backbone (project 096002) projects to the Camino del Sol Improvement Project for the installation of the water recycled line.

**ACTION:** Removed from agenda.

**INFORMATION/CONSENT AGENDA ACTION:** Approved as recommended with the removal of agreement 5 of I-3, I-6, I-8, I-17, I-18, I-19. (Holden/Ramirez) Ayes: MacDonald, Flynn, Ramirez and Holden. Absent: Pinkard. Noes: Flynn only I-9 & I-11.\*

J. TRANSMITTAL OF INFORMATION ONLY ITEMS

K. INFORMATION/CONSENT PUBLIC HEARINGS

COMMUNITY DEVELOPMENT

At 9:02 p.m. the joint meeting with the Community Development Commission concluded.

L. PUBLIC HEARINGSDevelopment Services Department

1. SUBJECT: Request to rename a portion of Laurel Street to Coach C Lane (PZ No. 10-650-1).  
Filed by Morey Navarro.  
RECOMMENDATION: Continue to January 10, 2012.  
ACTION: Approved as recommended. (Holden/Ramirez) unanimously.
2. SUBJECT: Planning and Zoning Permit Nos. 02-640-01 (Specific Plan), 02-570-04.  
RECOMMENDATION: Continue to January 24, 2012.  
ACTION: Approved as recommended. (Holden/Ramirez) unanimously.

M. REPORT OF CITY MANAGER

1. SUBJECT: Pars Supplemental Retirement Benefit Plan. (167)  
RECOMMENDATION: Receive and file a report on the City's PARS Supplemental Retirement Benefit Plan.  
ACTION: Continue to future meeting.

The City Manager presented update on 101 Freeway/Rice Interchange bridge work and the schedule for Christmas tree collection.

N. CITY COUNCIL BUSINESS REPORTS

1. SUBJECT: Discussion of Resolution Supporting the Federal Clean Air Act. (Councilmember Carmen Ramirez)  
ACTION: Continue to future meeting.

O. REPORTSFinance Department

1. SUBJECT: Annual Report for Development, Connection and Improvement Fees for the Year Ended June 30, 2011. (263)  
RECOMMENDATION: Receive and file the Annual Report for Development, Connection, and Improvement Fees for the year ending June 30, 2011 in accordance with Government Code Section 66006.  
ACTION: Approved as recommended. (Holden/Ramirez) unanimously.
2. SUBJECT: Comprehensive Annual Financial Report (CAFR) for Fiscal Year 2010-11 and Fiscal Year 2011-12 Financial Update. (273)

**RECOMMENDATION:** 1) Receive and file the City of Oxnard Comprehensive Annual Financial Report (CAFR) for Fiscal Year 2010-11; and 2) Receive an update of the Fiscal Year 2011-12 financial status.

**ACTION:** Removed from agenda.

### Housing Department

3. **SUBJECT:** Amendments of Affordable Housing Loan Agreements Previously Approved by the City Council on June 21, 2011, Regarding the Las Villas de Paseo Nuevo Project Located in the Cypress Neighborhood Southwest of the Intersection of Cypress Road and Pleasant Valley Road. (277)

**RECOMMENDATION:** 1) Approve and authorize the Mayor to execute a First Amendment to the Affordable Housing Pre-Development and Construction Loan Agreement changing the priority payment in-lieu of taxes (PILOT), and making certain other changes described in this report; and 2) Approve and authorize the Mayor to execute a First Amendment to the Affordable Housing Loan Agreement amending the definition of "Operating Expense" and deleting the references to the PILOT Promissory Note consistent with the amendments to the Affordable Housing Pre-Development and Construction Loan Agreement.

**DISCUSSION:** Mark Manning, Special Counsel, reviewed the need for this amendment which include legal and agreement structure issues.

**ACTION:** Approve as recommended (Holden/MacDonald) Ayes: Ramirez, Holden, MacDonald and Flynn. Absent: Pinkard.

### RECESS

At 9:39 p.m., the City Council recessed while the Housing Authority held a meeting. At 9:44 p.m., the City Council reconvened.

### HOUSING AUTHORITY

At 9:44 p.m. the joint meetings with the Housing Authority concluded.

### P. PUBLIC COMMENTS ON REPORTS

### Q. APPOINTMENT ITEMS

### R. STUDY SESSION

### S. PUBLIC COMMENTS ON STUDY SESSION

### T. ADJOURNMENT

At 9:44 p.m. the City Council concurred to adjourn the meeting.

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DANIEL MARTINEZ  
City Clerk

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DR. THOMAS E. HOLDEN  
Mayor





Meeting Date: 2/07/12

ACTION	TYPE OF ITEM
<input type="checkbox"/> Approved Recommendation	<input 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 checked="" type="checkbox"/> Other Council Business

Prepared By: Karen R. Bunham, Acting City Manager

Agenda Item No. **I-2**

Reviewed By: City Manager *KRB*

City Attorney *WJ*

Finance *AC*

Other (Specify) \_\_\_\_\_

**DATE:** February 1, 2012

**TO:** City Council

**FROM:** Karen R. Burnham, Acting City Manager  
City Manager's Office

**SUBJECT:** Agreements for City Council Review

**RECOMMENDATION**

That City Council, pursuant to Ordinance 2835, approve and authorize the City Manager, to execute the agreements/contracts and change orders/amendments in amounts more than \$25,000 but no more than \$250,000, which are described on the attached list.

**DISCUSSION**

On November 16, 2010, the City Council approved changes to the City's Purchasing Procedures reducing the threshold for City agreements/contracts and change orders/amendments requiring City Council approval to \$25,000. The agreements/contract and change orders/amendments described on the attached list involve amounts above \$25,000 and up to \$250,000.

**FINANCIAL IMPACT**

Funding information is included on the attached list.

Attachment - #1 -- List of Agreements/Contracts and/or Change Orders/Amendments

NOTE: Copies of the agreement/contracts and change orders/amendments on the list are available in the City Clerk's Office after 8:00 a.m. on Monday prior to the Council meeting.





Meeting Date: 2/7/2012

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 *CD*

Agenda Item No. **I-3**

Reviewed By: City Manager *JLB* City Attorney *JD* Finance *JC* Other (Winegar) *W*

**DATE:** January 30, 2012

**TO:** City Council

**FROM:** Cynthia Daniels, Project Manager *Cynthia Daniels*  
Development Services Department

**SUBJECT:** Project Specification No. DS12-05 for Oxnard Transportation Center (OTC) Sign Replacement Project

**RECOMMENDATION**

That City Council adopt plans, specifications, and working details for Project Specification No. DS12-05 to replace signs at the OTC at 201 E. Fourth Street and free-standing signs for the OTC at 198 E. Fourth Street (a public parking lot).

**DISCUSSION**

The OTC was built for the Redevelopment Agency in 1986 to provide a central and convenient point of access between the various public transportation providers serving the City. Currently, service is available from Gold Coast Transit, VISTA (bus service), Greyhound, Amtrak Thru-way buses, Amtrak train service, Metrolink, Harbor & Beaches Dial A Ride (bus service), and Veterans Administration shuttle bus service. Taxis are available at curbside. Free parking surrounds the OTC. The OTC Master Plan was adopted by City Council Resolution 12,541 on December 16, 2003. The Plan recommends improved signage, including development of a uniform graphic design and signage master plan. The OTC Master Plan acknowledges many transit patrons may benefit from bilingual signage.

In February 2006, the Ventura County Transportation Commission (VCTC) awarded \$13,330 in federal funding to implement the recommendation of the OTC Master Plan to install bilingual signs as part of a master sign program. Hunt Design prepared the recommendations for the master sign program. The master sign program has been reviewed by the City Council's Transportation Policy Committee. The Committee's recommendations are incorporated in the plans, specifications, and working details.

The master sign program provides improved visibility to the OTC with enhanced directional signage for buses, automobiles, and pedestrians. The sign program incorporates icons for buses and trains on

the signs inside and outside the building to aid non-English speakers and non-literate visitors. The name of the center will be changed to Oxnard Transit Center to better reflect the variety of transportation alternatives at the center. The demolition of the old signs and installation of the new signs is estimated to cost between \$190,000 and \$210,000.

### **FINANCIAL IMPACT**

The OTC Bilingual Sign Project (No. 073109) is funded with Air Pollution Buy-down Funds. After the project bids are received and evaluated, staff will return to City Council to recommend award to the lowest responsive and responsible bidder.

CD

Note: Copies of Project Specification No. DS12-05 are available for review at the Contract Procurement Office, 1060 Pacific Avenue, Bldg. 2, Oxnard after 8:00 a.m. on Monday, February 6.



Meeting Date: 02/07/2012

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: Christopher Williamson, AICP, Principal Planner <sup>CW</sup> Agenda Item No. **I-4**

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

**DATE:** February 7, 2012

**TO:** City Council

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

**SUBJECT:** Approval to Prepare a Proposition 84 Sustainable Communities Planning Grant Application

**RECOMMENDATION**

1. Adopt a resolution authorizing the City Manager to submit a Proposition 84 grant application for a Local Coastal Plan Update in the amount of \$300,000.

**DISCUSSION**

The Department of Conservation (DOC), Division of Land Resource Protection, Planning Grant and Incentive Program has released the Round Two Sustainable Communities Planning Grant Request for Proposals (RFP) funded through the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Act of 2006 (Prop 84). DOC has allocated approximately \$18 million of Proposition 84 funds for this round. Jurisdictions are eligible for a minimum planning grant of \$100,000 and jurisdictions with Economically Disadvantaged Communities (EDC) are allowed to submit a second grant focused on the EDC areas. In 2010, the City applied for both a planning grant and an EDC grant to prepare a citywide Climate Action Plan and EDC neighborhood strategies but was not awarded either grant.

The 2011 adoption of the 2030 General Plan includes CD-21 that calls for an update of the Local Coastal Plan to include removal of references to LNG uses (Policy CD-21.1), modification of the Coastal Energy Use designation (Policy CD-21.2), examination of the long-term future of the City's three coastal power plants (Policy CD 21.3), and changing Local Coastal Program (LCP) land use designations to match the 2030 General Plan designations as the new land use changes are not effective until the Local Coastal Program (LCP) is updated and certified by the California Coastal Commission (CCC). Other coastal issues include sea level rise awareness and planning (Goal SC-2), robust port and harbor activity (Goal CD-20), and restoration of the Ormond Beach Wetlands and remediation of

the Halaco Superfund site (Goal CD-22). The LCP Update is required to begin within a year of adoption of the 2030 General Plan, reflecting the importance and urgency placed on these issues by the City Council and to organizations such as the Oxnard Chamber of Commerce, Ormond Beach Task Force, The Nature Conservancy, County of Ventura, and the U.S. Department of Defense (Naval Base Ventura County).

A LCP Update is an eligible task under Prop 84 Focus Area #1 and at least 20 percent of Focus Area #1 funds are set aside for economically disadvantaged communities. Oxnard, citywide, does not qualify as an EDC community under the Prop 84 Guidelines as the citywide 2010 median household income is not 20 percent lower than the 2010 California median household income. However, as most of the LCP Update changes and issues are in the Ormond Beach area adjacent to several South Oxnard neighborhoods that do qualify as EDC based on 2010 median household income, the grant application will contend that the LCP Update should be considered as EDC-qualified grant application, a decision that is within the discretion of the Strategic Growth Council overseeing the awards.

The Oxnard LCP was effectively certified in 1982, coastal zoning was certified in 1985, and all issues were resolved by 1988. The City assumed permit-issuing authority on April 18, 1985. There have been 16 amendments of which one was denied by the Coastal Commission. Many policies regarding subsequently developed areas are now moot as are references to LNG facilities and industrial uses in the Ormond Beach area that is designated for major wetlands restoration by the Coastal Conservancy. The LCP is woefully outdated and a hindrance to effective and timely management of Oxnard's five-mile coastline that includes wetlands, a multi-purpose harbor, waterfront and beachfront homes, environmentally sensitive habitat areas (ESHA), agriculture, two "once-through" coastal power generation plants, and a third non-coastal dependent power plant that is under construction due largely to out-dated LCP policies and coastal zoning text.

The LCP Update scope of work would follow the Coastal Commission's 2007 LCP Update Guide with emphases on the following 12 topics:

1. In close cooperation with the Coastal Conservancy, incorporate the Ormond Beach Wetlands Restoration Plan into the LCP.
2. In close cooperation with the U.S. Department of Defense, evaluate and identify compatible land uses as identified by the Joint Land Use Study for Naval Base Ventura County that includes the southern portion of the Oxnard Coastal Zone (Ormond Beach).
3. Update and evaluate public access facilities, usage, demand, impediments, policies, and programs including beach management and compatible uses with the several locations of endangered species nest sites and wetlands within the Oxnard Coastal Zone.
4. Update and evaluate recreation and visitor serving facilities with attention to the Channel Island Harbor, McGrath State Beach, City and County beaches, and planning and development of Ormond Beach Wetlands "eco-tourism" public and supporting private visitor serving uses.
5. Update water quality protection maps, watershed uses, pollutant sources, and runoff management best practices and regulations with special attention to the watershed that drains into the Ormond Beach wetlands and Mugu Lagoon.
6. Update ESHA areas and related development guidelines, mitigations, and monitoring.

7. Update agricultural protection policies by incorporating the Oxnard SOAR and greenbelt programs into the LCP where appropriate.
8. Review and revise development standards for remaining infill areas with special attention to the two back dunes habitat areas along Harbor Boulevard.
9. Review and revise coastal scenic resources and the feasibility of decommissioning and removal of three coastal power plants that obstruct views of the Pacific Ocean from scenic highways.
10. Review and revise coastal hazard management policies and programs including Tsunami evacuation, storm surge and flooding, and gradual sea-level rise.
11. Review and update shoreline erosion and protective structures with special attention to the City's water treatment plant and other critical infrastructure.
12. Review and revise coastal energy and industrial uses and policies related to non-coastal dependent energy generation, renewable energy facilities, and harbor-related industrial uses.

An LCP Update will take several years to draft, review, and finalize. Significant public input will be included and many Federal and State agencies are involved. Sea level rise will be a difficult subject to analyze but analytical resources are being developed by The Nature Conservancy in conjunction with the County of Ventura. Prop 84 grants are to be completed within three years. The amount requested, \$300,000, is based on an average annual effort of \$100,000 for three years that can be realistically managed by City staff.

## **FINANCIAL IMPACT**

The grant proposal is \$300,000. While the grant scoring gives credit for City contributions such as in-kind administrative support, there is no matching requirement.

Attachment #1 - Resolution Approving Grant Proposal

CBW:cbw

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. \_\_\_\_\_

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

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 Development Services Department has requested that City Council approve the submittal of an application to the California Strategic Growth Council for \$300,000 in the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84) grant program, to be used for an update of the Oxnard Local Coastal Program.

NOW, THEREFORE, the City Council of the City of Oxnard resolves to approve the submittal of a grant application by the City Manager for an update to the Oxnard Local Coastal Program. 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 the grant funds; and the Development Services Director or designee is authorized to submit non-financial reports.

PASSED AND ADOPTED THIS 7<sup>TH</sup> DAY OF FEBRUARY, 2012, with the following vote:

AYES:

NOES:

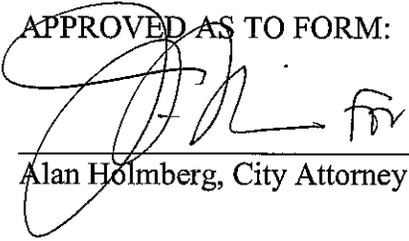
ABSENT:

\_\_\_\_\_  
Dr. Thomas E. Holden, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Daniel Martinez, City Clerk

  
\_\_\_\_\_  
Alan Holmberg, City Attorney 2.1.12



Meeting Date: 02/07/12

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: Lou Balderrama, City Engineer

Agenda Item No. **I-5**

Reviewed By: City Manager

City Attorney

Finance

Public Works

DATE: January 13, 2012

TO: City Council

FROM: Rob Roshanian, Interim Public Works Director  
Public Works Department

SUBJECT: **First Amendment to the Agreement with TranSystems Corporation for the Evaluation and Work Plan for Repairs and Replacement of Seawalls at the Inland Waterway of the Mandalay Bay District (Agreement No. A-7390)**

**RECOMMENDATION**

That City Council:

1. Approve and authorize the Mayor to execute the First Amendment to the Agreement with TranSystems Corporation to increase the amount by \$355,000 from an agreement value of \$287,568 to \$642,568 and to extend the expiration date from February 8, 2012 to February 8, 2013, to assess the condition and develop a work plan for the repair and replacement of seawalls located at the inland waterway of the Mandalay Bay District (Agreement No. A-7390).
2. Approve a Special Budget Appropriation of \$277,500 including \$177,500 from the City's General Fund Balance to the Waterway Assessment District Fund and \$100,000 from the Waterway Assessment District Fund Balance for Phase (B) Investigation of marine engineering services to assess the condition and develop a long term work plan for maintenance and repair of the seawalls.

**DISCUSSION**

On February 22, 2010, the City issued a Request for Proposal (RFP) for professional engineering services for the inland waterways of the Mandalay Assessment District, Westport Community Facilities District (CFD) No. 2, and Seabridge CFD No. 4 waterway communities. The RFP also requested that firms make a proposal to assess the condition and develop a work plan for the capital repairs and replacement of the seawalls located in the Mandalay Assessment District. The RFP was distributed to five regional consulting firms with a closing date of April 1, 2010.

All five consulting firms submitted proposals and met the minimum level of qualifications. An oral panel consisting of Public Works/Capital Projects Management (CPM) staff and members of the Mandalay Home Owners Association reviewed the submitted proposals and interviewed the five firms. The panel determined that TranSystems was the most qualified candidate to perform the services.

**Agreement for Marine Engineering Services between the City of Oxnard and TranSystems Corporation for the Evaluation and Work Plan for Repairs and Replacement of Seawalls at the Inland Waterway of the Mandalay Bay District (Agreement No. A-7390).**

**January 13, 2012**

**Page 2 of 3**

The Mandalay Bay District is a residential waterfront development including properties adjacent to navigable waterways connected to the Channel Islands Harbor. The developed lots are protected from the water by means of reinforced concrete seawalls constructed in the late 1960s and early 1970s.

The City has regularly retained a consultant to monitor and evaluate the condition of the more than 32,000 lineal feet of precast and cast-in-place concrete seawalls. Professional underwater divers have performed underwater surveys and investigations of the entire Mandalay Bay seawalls foundations and slope protection areas, most recently in April 2009.

**Phase “A” Findings:**

The recent Phase A investigation conducted by TranSystems Corporation resulted in a technical evaluation, interpretation of complex test results and a better understanding of the current condition of the walls. This information facilitated the development of an innovative repair technique to extend the usable life of the structures well beyond their current useful life. The inspections utilized visual and non-invasive, non-destructive techniques (impact echo, long wave penetrating radar) that provided valuable data on the condition of the internal steel reinforcement, an assessment of the concrete deterioration, crack depth and corrosion of key structural joints. These evaluations were done on a reasonably small statistical sample of specific structures. As expected the survey showed large variations of reduced structural integrity between the walls. Phase A determined that the walls could be salvaged. The steel reinforcement in the walls had less corrosion than anticipated, but can degrade quickly if the concrete protecting it continues to deteriorate. This information coupled with the individual wall locations/orientation in the bay, and other pertinent data, provided a scaled evaluation of different wall sections allowing for a remediation plan designed to the specific wall-segment needs rather than a generic "one-size-fits-all" approach.

**Phase “B” Strategic Investigation**

The Phase “B” strategic investigation is an engineering approach of sampling which collects adequate sampling for the engineering assessment of all seawall exposure segments but does not include evaluation of each individual property.

The scope of work includes:

- Visual and physical sampling of selected seawall exposure segments for rating conditions and identifying the highest priority segments for the first repair phase.
- Geotechnical investigation sampling the site and provide soils and seismic loading criteria.
- Wall stability analysis to determine the safety factor of each seawall exposure wall segment by comparison of the Demand load to the Capacity of the walls in their current condition.
- “Risk” and “timing” assessment.
- Comprehensive characterization of the walls and an engineered remediation plan will be developed after the proposed Phase B investigations are performed and analysis of the data is completed.

**Agreement for Marine Engineering Services between the City of Oxnard and TranSystems Corporation for the Evaluation and Work Plan for Repairs and Replacement of Seawalls at the Inland Waterway of the Mandalay Bay District (Agreement No. A-7390).**

**January 13, 2012**

**Page 2 of 3**

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The City has regularly retained a consultant to monitor and evaluate the condition of the more than 32,000 lineal feet of precast and cast-in-place concrete seawalls. Professional underwater divers have performed underwater surveys and investigations of the entire Mandalay Bay seawalls foundations and slope protection areas, most recently in April 2009.

**Phase “A” Findings:**

The recent Phase A investigation conducted by TranSystems Corporation resulted in a technical evaluation, interpretation of complex test results and a better understanding of the current condition of the walls. This information facilitated the development of an innovative repair technique to extend the usable life of the structures well beyond their current useful life. The inspections utilized visual and non-invasive, non-destructive techniques (impact echo, long wave penetrating radar) that provided valuable data on the condition of the internal steel reinforcement, an assessment of the concrete deterioration, crack depth and corrosion of key structural joints. These evaluations were done on a reasonably small statistical sample of specific structures. As expected the survey showed large variations of reduced structural integrity between the walls. Phase A determined that the walls could be salvaged. The steel reinforcement in the walls had less corrosion than anticipated, but can degrade quickly if the concrete protecting it continues to deteriorate. This information coupled with the individual wall locations/orientation in the bay, and other pertinent data, provided a scaled evaluation of different wall sections allowing for a remediation plan designed to the specific wall-segment needs rather than a generic "one-size-fits-all" approach.

All of the walls inspected had a reduction of structural integrity to a certain degree. There is evidence that a few of the wall sections may need immediate attention to preclude potential failure.

**Phase “B” Strategic Investigation**

The Phase “B” strategic investigation is an engineering approach of sampling which collects adequate sampling for the engineering assessment of all seawall exposure segments but does not include evaluation of each individual property.

The scope of work includes:

- Visual and physical sampling of selected seawall exposure segments for rating conditions and identifying the highest priority segments for the first repair phase.
- Geotechnical investigation sampling the site and provide soils and seismic loading criteria.
- Wall stability analysis to determine the safety factor of each seawall exposure wall segment by comparison of the Demand load to the Capacity of the walls in their current condition.
- “Risk” and “timing” assessment.

**Agreement for Marine Engineering Services between the City of Oxnard and TranSystems Corporation for the Evaluation and Work Plan for Repairs and Replacement of Seawalls at the Inland Waterway of the Mandalay Bay District (Agreement No. A-7390).**

**January 13, 2012**

**Page 3 of 3**

- Comprehensive characterization of the walls and an engineered remediation plan will be developed after the proposed Phase B investigations are performed and analysis of the data is completed.

The Utilities Task Force, at its November 17, 2011 meeting, recommended staff bring to Council the Phase B investigations in order to identify the walls requiring immediate attention. This approach will allow the City to develop the CIP plan, determine the costs and financing required to implement over the planned time period. This First Amendment is for the Phase B Strategic Investigation only and does not obligate the City's General Fund to fund any of the seawall repairs recommended by TranSystems Corporation.

### **FINANCIAL IMPACT**

The cost for Phase "B" services performed under this First Amendment is not to exceed \$355,000 through the extended one-year term ending February 8, 2013. Fifty percent (50%) or \$177,500 is proposed from available funds of \$77,500 in the Waterway Assessment District Fund Account Number 121-3108-803-8210 and \$100,000 from Waterway Assessment District Fund Balance. The remaining \$177,500 is proposed to be funded from the general fund for the Phase B Strategic Investigation only. The attached Special Budget Appropriation includes an allocation of \$177,500 from the City's General Fund Operating Reserve and \$100,000 from the Waterway Assessment District Fund Balance. The Waterway Assessment District Fund available fund balance is \$917,000. Attachment No. 3 provides a summary of the General Fund Operating Reserve.

Attachment #1 - First Amendment to Agreement No. A-7390

#2 - Special Budget Appropriation

#3 - General Fund Operating Reserve

**FIRST AMENDMENT TO AGREEMENT FOR PROFESSIONAL SERVICES**

This First Amendment ("First Amendment") to the Agreement for Professional Services ("Agreement") is made and entered into in the County of Ventura, State of California, this 24th day of January, 2012, by and between the City of Oxnard, a municipal corporation ("City"), and TranSystems Corporation ("Consultant"). This First Amendment amends the Agreement entered into on February 8, 2011, by City and Consultant.

City and Consultant agree as follows:

1. Pursuant to Section 12 of the Agreement, the parties hereby agree that the Agreement shall be extended an additional one-year period. Accordingly, the expiration date set forth in Section 12 of "February 8, 2012" is deleted and replaced with the date "February 8, 2013."
2. Exhibit A of the Agreement is supplemented by Exhibit A-1, attached hereto and incorporated herein by reference.
3. Section 14 a. is supplemented with the following, "During the period from February 9, 2012 through February 8, 2013, City agrees to pay Consultant an additional \$355,000 for services provided in the attached Exhibit A-1."
4. As so amended, the Agreement remains in full force and effect.

CITY OF OXNARD

CONSULTANT

\_\_\_\_\_  
Dr. Thomas E. Holden, Mayor

  
\_\_\_\_\_  
Tony Rahiminan, PE, Senior Vice President  
TranSystems Corporation

ATTEST:

APPROVED AS TO INSURANCE:

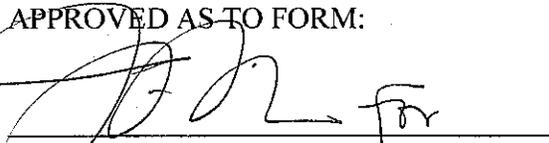
\_\_\_\_\_  
Daniel Martinez, City Clerk

  
\_\_\_\_\_  
James Cameron, Risk Manager

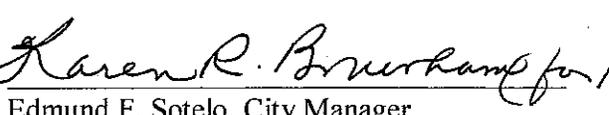
APPROVED AS TO CONTENT:

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Rob Roshanian, Interim Public Works Director

  
\_\_\_\_\_  
Alan Holmberg, City Attorney 1-13-12  
APPROVED AS TO AMOUNT:

  
\_\_\_\_\_  
Lou Balderrama, Project Manager

  
\_\_\_\_\_  
Edmund F. Sotelo, City Manager

**EXHIBIT A-1  
CITY OF OXNARD  
MANDALAY SEAWALL ASSESSMENT AND CAPITAL IMPROVEMENT PROGRAM  
(PHASE B – STRATEGIC INVESTIGATION)**

**SCOPE OF WORK**

**PHASE “B” – STRATEGIC INVESTIGATION (Total Fixed Fee \$355,000)**

**Strategic Investigation** - An engineering approach of sampling which collects adequate sampling for the engineering assessment of all seawall exposure segments but does not include evaluation of each individual property. The Waterfront Engineering Team will acquire as much information as possible by tactically selecting inspection locations relative to the changing seawall segment environmental exposure conditions and practical points to start and stop construction repair phases. By visual and physical sampling each of these segments the team will rate their condition and identify the highest priority segments for the first repair phase. Concept repair details and a budgetary cost estimate are included for this first phase of repair work. The team will continue to collect data in support of the overall Capital Improvement Project (CIP) program, as practical. Geotechnical Engineering Services will sample the site and provide soils and seismic loading criteria. A Stability Analysis is included to determine the safety factor of each seawall exposure wall segment by comparison of the Demand Load to the Capacity of the walls in their current condition. This risk will be indicated by a Factor of Safety, where 1.00 represents the point where Demand = Capacity.

**A) Underwater Condition Survey: - \$89,000**

TranSystems' Engineer/Divers will perform a rapid “Level I Swim-By” inspection of the entire seawall below the mean tide line and record data for each seawall exposure segment to match the Above Water Visual Inspection. Locations with structural concern will be recorded but not property by property. Based upon the findings of the Phase A inspection, the crew will focus on the following areas:

- Check for major damage to the seawall and foundation system below water which may allow soil loss or affect wall stability.
- Identify areas where existing slope protection is absent and appear critical to future performance. The adjacent seafloor elevation and slope are a key component of wall stability and protection of the timber support piling from marine borer attack. TranSystems' will estimate the mudline slope of the seafloor adjacent to the seawall at areas where more than 16” on the Boise wall footing is exposed and more than 24” of the Zurn cut-off wall is exposed. Areas with existing Sheet Piling Repair are considered “okay” and will not be documented.
- Check and map undermined foundations which allow marine borer access to the timber support piling. Measure the size of voids to estimate repair volumes for use in the CIP program.

- Rate the concrete deterioration occurring below water at each seawall exposure segment for use in prioritizing repairs.
- Measure the depth of the commonly occurring gap between the Zurn seawall footing and cut-off wall which has the potential to allow marine borers access to the timber piling.
- Underwater photographs will be provided of typical conditions whenever water clarity is fair at the time of inspection. If conditions do not allow photography, one additional attempt at photography will be made near the end of the job.

### **B) Above Water Condition Survey:**

WDP Engineers will lead this inspection effort with the assistance of TranSystems for development of the wall rating system.

#### **B.1 Rapid Visual Inspection - \$46,000**

At a Minimum of 325 Engineer Selected Wall Locations: Sample to include the worst condition wall out of an approximate 160' sample spacing for the Zurn walls and 90' sample spacing for the Boise Walls + the 2<sup>nd</sup> exposure face of all corner lots since this is a transition of exposure condition and potential termination of a work area + all street ends which commonly are transitions of exposure and represent potential termination points of work. Using Microsoft EXCEL spreadsheets, record the following for each location:

- Visually rate the structural condition of the wall face on a relative scale of 1 to 5 for the portion exposed by the tide at the time of inspection. Inspection work shall be coordinated with the tides such that, at a minimum, the wall above mean tide elevation can be rated and combined with the notes of the Underwater Inspection Team to formulate an overall rating.
- Visually estimate/quantify the deterioration (% of visual spalling across wall length, band elevation of damage, worst spall depth, largest spall size). This is confirmation of the visual rating.
- Note occurrence of major structural damage such as open joints, broken panels, wide cracks and large corrosion concrete spalls. No mapping for repair will occur at this time. Minor defects and damage, such as shrinkage cracks and impact nicks, which do not warrant repair, will not be recorded.
- Wall rotation, where observed by an offset between two sides of a construction joints, will be measured with a digital "Smart Level" and tape measure to record the wall position on each side of the joint.
- 1 photograph of each location.

#### **B.2 Physical Testing (Drill Inspection) – \$16,000**

At approx 140 Wall Exposure Segments: Drill 3 holes per wall exposure segment, approximately 1 inch diameter, at elevation of worst visual deterioration and 1 foot above and below. Stop drilling when sound (hard) concrete is encountered. Testing locations shall coincide with Rapid Visual Inspection Locations. Using Microsoft EXCEL spreadsheets, record

the following for each location:

- Elevation of test location above footing
- Depth to sound concrete
- Quantify or rate the ease of drilling. Ex: record the drilling time to reach that max depth

### **B.3 Non-Destructive Testing (NDT) – \$36,000**

At approximately 140 Wall Exposure Segments: **Impact Echo Testing:** 15 data points at worst visual damage location per segment. **Resistivity Testing** - 20 data points at worst visual damage location per segment.

Record the following for each location:

- impact echo: qualitative notes based on testing observations
- resistivity: tabulated data

### **B.4 Core Sampling and Petrography – \$16,000**

At 10 locations: cores will be selected by the Engineer from previous NDT inspection locations. They will reflect the range from Good to Poor of observed deterioration conditions occurring in the community as a whole. Cores will allow visual observation of the interior concrete and provide calibration of the Drill Inspection observations. Four cores will be sent for Petrographic Analysis for further insight into the concrete deterioration mechanisms.

Record the following for each location:

- Location & elevation above footing
- Photograph of each core prior and after sample is taken
- Observation notes of concrete core and hole conditions.

### **B.5 Invasive Probing of Base of Zurn Walls – \$21,000**

At 8 Engineer Selected Locations: observe reinforcement at base of wall near construction joint to investigate presence of microcell corrosion, which cannot be determined using non-destructive testing. Each location will involve the following:

- removing concrete at the base of the Zurn Wall from the waterside (Demo by TranSystems Contractor Team Member)
- expose at least 1 vertical reinforcing bar
- document condition of bar, including cross-section loss
- patch concrete within 48 hours (Patch by TranSystems Contractor Team Member)

Record and provide the following for each location:

- location
- photographs
- field notes

**C) Project Planning, Coordination & Meetings: - \$22,000**

**C.1 Project Planning** – Schedule the staff, and make arrangements for their equipment and housing needs. Plan scaffolding & site access for the Geotechnical Engineer and Demolition Contractor to access vacant lots for their work. Arrange boat mooring and equipment storage needs while on-site. Develop electronic spreadsheets for data collection which can then directly populate a weighted factor spreadsheet for ranking each seawall segment. TranSystems and WDP will collaborate on the data collection categories and their relative weighting. Review the site as a whole to select the limits of each seawall exposure segment for sequential numbering critical for cohesive data collection. Coordination of the Above Water, Under Water, Geotechnical Borings and Demolition Contractor whom need to work the site and tidal windows in concert.

**C.2 Coordination meetings** - The project is anticipated to have active work for 3 months. There will be direct interaction with hundreds of homeowners because we will be working in very close proximity to their private docks, boats and decks, and we believe City Staff and the Community will have questions and concerns which will need to be addressed. City Staff will need to stay abreast of our activities to effectively respond to the resident's questions and concerns. The TranSystems Team proposes to attend the monthly meetings held between the City and the HOA which occur the month prior and during our active period of field work. The Project Manager will review the schedule and discuss a "look-ahead" of activities with each of the sub-consultants prior to such meetings. The senior on-site staff member of TranSystems or WDP will attend such meetings to present this information. These meetings will allow the City and the HOA to ask questions, raise concerns, gain project updates and discuss the schedule for the upcoming month. We anticipate this to be (4) 2 hour meetings.

**C.3 Kick-off and Presentation of Findings Meetings.** Prior to the start of field work the TranSystems Project Manager will attend in person, and the head of each subcontractor inspection team by teleconference, a Kick-off Meeting with the City and the HOA. At the conclusion of the Phase B field work, the Project Manager and Team Leader from WDP will attend a Presentation of Findings meeting with the City and the HOA to review, discuss or present our findings and steps to move forward with the Capital Improvement Program and/or repairs. An open discussion of prioritization, reasoning and timing of the repairs will occur and this information can then be used by the City and the HOA to determine the appropriate next steps.

**D) Condition Report & Deliverables: - \$54,000**

A maximum of four (4) hard copies and (2) electronic PDF copies on CD of the following will be provided and include the following information:

**D.1 Executive Summary and Executive Cost Estimate Summary.**

**D.2 Condition Descriptions** – with photographs of typical conditions above and below water.

**D.3 Structural Stability Calculations** - of seawall conditions with and without seismic loads.

**D.4 Discussion** – of the inspection findings relating to the structural significance of the various damage types and ranked level of deterioration.

**D.5 Recommendations for Repair and Strengthening** – Repair concept descriptions and sketches.

**D.6 Budgetary Cost Estimate** – estimate repair quantities for each Concept Repair. Use these quantities to estimate the cost of the Total Repair Program and the Cost of the first Phase 1 (Highest Priority) of that program.

**D.7 Site Plans** – Colored site plan displaying repair ranking for each seawall segment. Tabular Format of rankings. Site Plan showing proposed repair area for first repair, Phase 1 (Highest Priority) work.

**D.8 Field Data** – Above and Underwater Inspection Notes – as an Appendix.

**D.9 Geotechnical Report** –as an Appendix.

**E) Geotechnical Investigation & Wall Stability Analysis:**

**E.1. Subsurface Evaluations – \$28,500.** Terra Costa Consulting is the TranSystems Team Geotechnical consultant for this project. We propose a series of Cone Penetration Test (CPT) soundings to investigate the subsurface soil conditions. This testing is suitable for generalizing the subsurface conditions as needed to model the wall for various loading conditions. From this cumulative information, TerraCosta can formulate earth passive and active pressures for use in the seawall stability calculations. Terra Costa will also provide seismic earth pressures and appropriate levels of safety for consideration of wall stability during a seismic event. The new (8) CPT soundings will be taken at representative locations spread throughout the site, typically in vacant lots to minimize disruption. The combined geotechnical database of prior date and new CPT data will provide the necessary criteria to support the wall stability analysis and support the development of design concepts for wall replacement in the Capital Improvement Program. We do not believe new Waterside Borings will yield significant additional insights to justify their considerable additional expense to the City. The dominant issue requiring quantification on the waterside is to determine the amount of material which has been removed by tidal current, vessel and wind wave action, thus exposing the base of the footing. This can be determined by the dive crew during the underwater survey and reported to the geotechnical engineer.

**E.2 Evaluate Wall Stability – \$17,500,** TranSystems with the assistance of TerraCosta and WDP will evaluate the static and seismic stability of the existing seawalls using the earth, surcharge and seismic pressures provided by TerraCosta. The Structural Engineers of TranSystems and WDP will model various levels of deterioration based upon the finding from their field work. Damaged wall sections will be evaluated for their stability to resist static earth pressure and seismic forces. The findings from this analysis will identify the walls most prone to failure and as-such this information will be a valuable factor in prioritization of repairs as the CIP Program is developed. Analysis work will include both Zurn and Boise wall types.

**E.3 Liquefaction Potential – \$9,000.** This site is prone to liquefaction damage, as are all similar developments using hydraulically placed fills within close proximity to groundwater. The Geotechnical Report shall comment on the sites' liquefaction potential and potential for damage to the two types of seawall construction.

# CITY OF OXNARD

## REQUEST FOR SPECIAL BUDGET APPROPRIATION

To the City Manager:

February 7, 2012

Request is hereby made for an appropriation of total . . . . .

\$ 277,500

**Reason for appropriation:** To provide funding for marine engineering services with TranSystems Corporation (TranSystems) to assess the condition and develop a work plan for the repair and replacement of seawalls located at the inland waterway of the Mandalay Bay District. Phase "B" - Strategic Investigation.

<u>FUND</u>	<u>DESCRIPTION/ACCOUNT</u>	<u>AMOUNT</u>
General Fund (101)	RESERVES AND TRANSFERS 101-1002 808.87-14 TRANSFERS-OUT / TSFR TO ASSESSMENT DISTRICT	177,500
	<b>Net Effect on General Fund - Fund Balance</b>	<u><u>(177,500)</u></u>

<u>FUND</u>	<u>DESCRIPTION/ACCOUNT</u>	<u>AMOUNT</u>
WATERWAYS ASSESSMENT DIST (121)	INLAND WATERWAYS 121-3108 711.79-01 OPERATING TRANSFERS IN / TRANSFERS FR. GENERAL FUND 803.82-10 OTHER SERVICES / WATERWAY SERVICES	177,500 277,500
	<b>Net Effect on Waterways Assessment District - Fund Balance</b>	<u><u>(100,000)</u></u>

  
\_\_\_\_\_  
Manager

REQUIRES CITY COUNCIL APPROVAL

CHIEF FINANCIAL OFFICER

  
\_\_\_\_\_

Disposition

Transfer by Journal Voucher \_\_\_\_\_

\_\_\_\_\_  
City Manager

**General Fund Operating Reserve  
Fiscal Year 2011-12**

<b>Operating Reserve as of June 30, 2011</b>		<b>\$ 15,648,084</b>
<b>Appropriated Operating Reserve</b>		
McGrath State Beach	\$ 50,000	
<b>Total Appropriated Operating Reserve</b>	<b>\$ 50,000</b>	
<b>Unappropriated Operating Reserve</b>		<b>\$ 15,598,084</b>
<b>Required Operating Reserve to meet 18% Goal</b>		<b>\$ 19,271,880</b>



Meeting Date: 02/07/2012

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: Anthony Emmert, Water Resources Manager Agenda Item No. **I-6**

Reviewed By: City Manager [Signature] City Attorney [Signature] Finance [Signature] Public Works \_\_\_\_\_

DATE: January 27, 2012  
TO: City Council  
FROM: Rob Roshanian, Interim Public Works Director  
Public Works

SUBJECT: Agreement for Trade Services with Ashland Hercules Water Technologies for Supply and Delivery of Praestol K144L Polymer to the Wastewater Treatment Plant

**RECOMMENDATION**

That City Council approve and authorize the Mayor to execute the Agreement with Ashland Hercules Water Technologies for supply and delivery of Praestol K144L Polymer to the Wastewater Treatment Plant (Agreement No. A-7456) for one year at a cost not to exceed \$275,000, with an option to extend up to two additional one-year terms for a total not to exceed amount of \$825,000.

**DISCUSSION**

Approximately 50 million gallons of biosolids are processed annually at the Wastewater Treatment Plant (WWTP). Liquid emulsion polymers, such as Praestol K144L, are an essential element in this treatment process, and are used to dewater and solidify the treated biosolids for disposal in compliance with regulatory requirements. Removal of biosolids from the treated effluent is necessary to ensure that wastewater discharged to the ocean is free of contaminants.

On August 24, 2011, the City issued a competitive Request for Bid for supply and delivery of polymer to the WWTP. The bid process included three phases: 1) bench testing of the proposed polymers to verify performance, 2) full-scale testing of the pre-qualified polymers to determine annual consumption, and 3) receipt of bids from the pre-qualified bidders. Ashland Hercules Water Technologies was the only bidder to submit a bid by the closing date of November 10, 2011.

The City and Ashland Hercules Water Technologies subsequently negotiated an agreement for one year of supply and delivery of Praestol K144L Polymer at a cost not to exceed \$275,000, with an option to extend up to two additional one-year terms for a total cost not to exceed \$825,000.

**FINANCIAL IMPACT**

Funds are available in the Wastewater Operating Treatment Services Fund (621-6202) to cover the cost of these services.

**AGREEMENT FOR TRADE SERVICES**  
**(Includes Living Wage Requirements Effective from 7/1/11)**  
**Contract No. A-7456**

This Agreement for Trade Services ("this Agreement") is entered into in Ventura County, California, this 7<sup>th</sup> day of February, 2012, by and between the City of Oxnard ("City") and Ashland Hercules Water Technologies ("Vendor"), subject to the following terms and conditions:

1. Vendor shall provide to City the following services: Supply and delivery of Praestol K144L Polymer to the City of Oxnard Wastewater Treatment Plant as set forth in Exhibit A, attached hereto and incorporated herein by this reference.

2. Vendor shall provide such services on an on-call basis according to the specifications and requirements shown in Exhibit A. Vendor shall be excused for delays resulting from causes beyond the control of Vendor.

3. This Agreement shall begin on February 7, 2012, and shall end on February 7, 2013. City may terminate this Agreement at any time, with or without cause, by giving written notice to Vendor, specifying the effective date of termination. Unless City asserts that Vendor has breached the Agreement, City agrees to pay Vendor in full for all services satisfactorily performed as of the effective date of termination, including any expenditures incurred on City's behalf, whether for the employment of third parties or otherwise. If City pays for any materials, City shall be entitled to the title and possession of such materials.

4. City shall pay Vendor for the services performed under this Agreement at rates provided in Exhibit A, attached hereto and incorporated herein by this reference. Agreement is not to exceed \$275,000 per year. The City shall have the option of renewing for up to two (2) additional one (1) year terms and a total amount not to exceed \$825,000. City shall pay vendor within 30 days of receipt of invoice from Vendor and approval of services performed to the satisfaction of City's Wastewater Treatment Plant Operations Manager. The invoice shall identify date, description and location of services performed, and the number of this Agreement.

5. a. Vendor shall compensate any employee of Vendor who provides services under this Agreement in accordance with the Living Wage Policy, attached hereto and incorporated herein by reference as Exhibit 1. While this Agreement is in effect, Vendor shall pay such employee no less than \$14.15 per hour for each hour that such employee provides services under this Agreement. This hourly rate shall be adjusted on July 1, 2012, and each July 1 thereafter, according to the percentage change in the Consumer Price Index, all items, prepared by the Bureau of Labor Statistics for the Los Angeles, Riverside, Orange County area relating to all urban consumers (CPI-U), index base 1967 + 100, comparing May of the previous year to May of the current year. In addition, while this Agreement is in effect, Vendor shall provide to such employee no less than 96 hours of paid leave per calendar year.

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

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

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

6. a. Vendor agrees to indemnify, hold harmless and defend City, its City Council, and each member thereof, and every officer, employee, representative or agency of City, from any and all liability, claims, demands, actions, damages (whether in contract or tort, including personal injury, death at any time, or property damage), costs and financial loss, including all costs and expenses and fees of litigation or arbitration, that arise directly or indirectly from any acts or omissions related to this Agreement performed by Vendor or Vendor's agents, employees, subconsultants, subcontractors, or other persons acting on Vendor's behalf. This agreement to indemnify, hold harmless and defend shall apply whether such acts or omissions are the product of active negligence, passive negligence, or acts for which Vendor or Vendor's agents, employees, subconsultants, subcontractors, or other persons acting on Vendor's behalf would be held strictly liable.

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

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

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

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

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

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

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

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

12. Any notices to Vendor may be delivered personally or by mail addressed to: Ashland Hercules Water Technologies, Attn: Kristin Dugan, 1313 N. Market Street, Wilmington, Delaware 19894. Any notices to City may be delivered personally or by mail addressed to: Mark S. Moise, City of Oxnard Wastewater Section, 6001 S. Perkins Road, Oxnard, CA 93033.

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

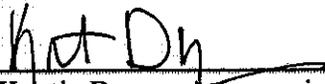
#### 14. Maintenance and Inspection of Records

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

CITY OF OXNARD

VENDOR

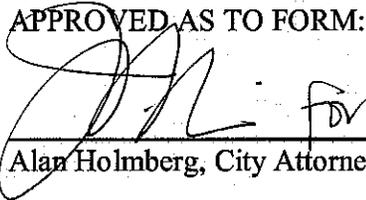
\_\_\_\_\_  
Dr. Thomas E. Holden, Mayor

  
\_\_\_\_\_  
Kristin Dugan, Attorney-in-Fact  
Ashland Hercules Water Technologies

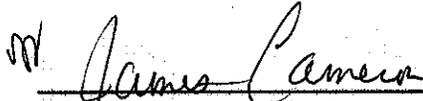
ATTEST:

\_\_\_\_\_  
Daniel Martinez, City Clerk

APPROVED AS TO FORM:

  
Alan Holmberg, City Attorney 1-30-12

APPROVED AS TO INSURANCE:

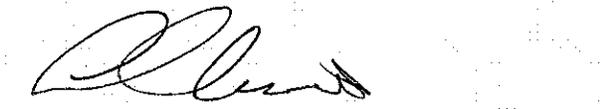
  
James Cameron, Risk Manager

APPROVED AS TO CONTENT:

  
Rob Roshanian, Interim Public Works Director

APPROVED AS TO AMOUNT:

  
Edmund F. Sotelo, City Manager

  
Anthony Emmert, Water Resources Manager

## **LIVING WAGE POLICY**

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

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

**EXHIBIT 1**  
**Page 1 of 4**

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

**EXHIBIT 1**  
**Page 2 of 4**

## EXHIBIT A

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

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

**EXHIBIT 1**  
**Page 3 of 4**

**CITY OF OXNARD LIVING WAGE REQUIREMENTS  
EFFECTIVE JULY 1, 2011**

5. a. Vendor shall compensate any employee of Vendor who provides services under this Agreement in accordance with the Living Wage Policy, attached hereto and incorporated herein by reference as Exhibit 1. While this Agreement is in effect, Vendor shall pay such employee no less than **\$14.15 per hour** for each hour that such employee provides services under this Agreement. **This hourly rate shall be adjusted on July 1, 2012, and each July 1 thereafter, according to the percentage change in the Consumer Price Index**, all items, prepared by the Bureau of Labor Statistics for the Los Angeles, Riverside, Orange County area relating to all urban consumers (CPI-U), index base 1967 + 100, comparing May of the previous year to May of the current year. In addition, while this Agreement is in effect, Vendor shall provide to such employee no less than 96 hours of paid leave per calendar year.

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

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

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

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

**EXHIBIT 1  
Page 4 of 4**

**EXHIBIT A**

CITY OF OXNARD  
CONTRACT NO. A-7456

SUPPLY & DELIVERY OF POLYMER

CHEMICAL DESCRIPTION & PRICE

<u>Polymer Type</u>	<u>Price per lbs.</u>
PRAESTOL K144L	\$1.40/lb.

Note: Polymer to be delivered in bulk shipment.

**INSURANCE REQUIREMENTS FOR VENDORS  
(WHO DELIVER, INSTALL OR MAINTAIN PRODUCTS)**

1. Vendor shall obtain and maintain during the performance of any services under this Agreement the following insurance against claims for injuries to persons or damages to property which may arise from or in connection with the sale and delivery, installation or maintenance of products by vendor, its agents, representatives, or employees.

a. Commercial General Liability Insurance, including Contractual Liability, in an amount not less than \$1,000,000 combined single limit for bodily injury and property damage for each claimant for general liability with coverage equivalent to Insurance Services Office Commercial General Liability Coverage (Occurrence Form CG 0001). If a general aggregate limit is used, that limit shall apply separately to the project or shall be twice the occurrence amount;

b. Business Automobile Liability Insurance in an amount not less than \$1,000,000 combined single limit for bodily injury and property damage for each claimant for automobile liability with coverage equivalent to Insurance Services Office Automobile Liability Coverage (Occurrence Form CA0001) covering Code No. 1, "any auto;"

c. Workers' Compensation Insurance in compliance with the laws of the State of California, and Employer's Liability Insurance in an amount not less than \$1,000,000 per claimant.

2. Vendor shall, prior to performance of any services, file with the Risk Manager certificates of insurance with original endorsements effecting coverage required by this Exhibit INS-I. The certificates and endorsements for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. The certificates and endorsements are to be on the attached forms or on other forms approved by the Risk Manager. All certificates and endorsements are to be received and approved by the Risk Manager before work commences. City reserves the right to require complete certified copies of all required insurance policies at any time. The certificates of insurance and endorsements shall be forwarded to the Risk Manager, addressed as follows:

City of Oxnard  
Risk Manager  
Reference No. A-7456  
300 West Third Street, Suite 302  
Oxnard, California 93030

3. Vendor agrees that all insurance coverages shall be provided by a California admitted insurance carrier with an A.M. Best rating of A:VII or better and shall be endorsed to state that coverage may not be suspended, voided, canceled by either party, or reduced in coverage or limits without 30 days' prior written notice to the Risk Manager. The Risk Manager shall not approve or accept any endorsement if the endorsement contains "best effort" modifiers or if the insurer is relieved from the responsibility to give such notice.

4. Vendor agrees that the Commercial General Liability and Business Automobile Liability Insurance policies shall be endorsed to name City, its City Council, officers, employees and volunteers as additional insureds as respects: liability arising out of activities performed by or on behalf of vendor; products and completed operations of vendor; premises owned, occupied or used by vendor; or automobiles owned, leased, hired or borrowed by vendor. The coverage shall contain no special limitations on the scope of protection afforded to City, its City Council, officers, employees and volunteers. **The General Liability Special Endorsement Form and Automobile Liability Special Endorsement Form attached to this Exhibit INS-I or substitute forms containing the same information and acceptable to the Risk Manager shall be used to provide the endorsements (ISO form CG 2010 11/85 or if not available, CG 2010 with an edition date prior to 01/04 and CG 2037).**

5. The coverages provided to City shall be primary and not contributing to or in excess of any existing City insurance coverages (**this must be endorsed**). Any failure to comply with reporting provisions of the policies shall not affect coverage provided to City, its City Council, officers, employees and volunteers. The insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

6. Any deductibles or self-insured retentions must be declared to and approved by the Risk Manager. At the option of the Risk Manager, either the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects City, its City Council, officers, employees and volunteers, or the vendor shall procure a bond guaranteeing payment of losses and related investigations, claim administration and defense expenses.

## INSTRUCTION FOR SUBMITTING INSURANCE CERTIFICATES AND ENDORSEMENT FORMS

### *Certificates of Insurance*

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

### *Endorsement Forms*

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

INS-I.doc

# ACORD CERTIFICATE OF INSURANCE

ISSUE DATE (MM/DD/YY)

**PRODUCER**

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

CODE SUB-CODE

## COMPANIES AFFORDING INSURANCE COVERAGE

INSURED

COMPANY LETTER A SPECIFY COMPANY NAMES IN THIS SPACE

COMPANY LETTER B

## COVERAGES

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

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input checked="" type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR. <input checked="" type="checkbox"/> OWNER'S & CONTRACTOR'S PROT.				GENERAL AGGREGATE \$1,000,000 PRODUCTS COMP/OP AGG. \$1,000,000 PERSONAL & ADV. INJURY \$1,000,000 EACH OCCURRENCE \$1,000,000 FIRE DAMAGE (Any one fire) \$ MED. EXPENSE (Any one person) \$
A	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS HIRED AUTOS NON-OWNED AUTOS GARAGE LIABILITY				COMBINED SINGLE LIMIT \$1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE \$
A	EXCESS LIABILITY UMBRELLA FORM OTHER THAN UMBRELLA FORM				EACH OCCURRENCE \$ AGGREGATE \$
A	WORKERS' COMPENSATION AND EMPLOYERS' LIABILITY				STATUTORY LIMITS EACH ACCIDENT \$1,000,000 DISEASE-POLICY LIMIT \$1,000,000 DISEASE-EACH EMPLOYEE \$1,000,000
A	OTHER				

SAMPLE

### DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/RESTRICTIONS/SPECIAL ITEMS

CERTIFICATE HOLDER  
City of Oxnard  
Attn: Risk Manager  
Reference No. A-7456  
300 W. Third Street, Suite 302  
Oxnard CA 93030

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

AUTHORIZED REPRESENTATIVE









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: Grant Dunne, Management Analyst III *GD* Agenda Item No. **I-7**

Reviewed By: City Manager *GD* City Attorney *YMS* Finance *JC* Public Works

**DATE:** January 27, 2012

**TO:** City Council

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

**SUBJECT:** **Third Amendment to Agreement No. A-5997 for Solid Waste Disposal Services Between the City of Oxnard and Waste Management Incorporated, Simi Valley Landfill**

**RECOMMENDATION**

That City Council approve and authorize the Mayor to execute the Third Amendment to the Agreement for Solid Waste Disposal Services with Waste Management of California, Incorporated to extend the contract expiration date to January 31, 2013 (Agreement No. A-5997).

**BACKGROUND**

The Simi Valley Landfill is owned and operated by Waste Management of California, Incorporated (WMC) and is located at 2801 Madera Road. It has been in operation as a landfill since 1970. In 1972, the site began operations under the Ventura Regional County Sanitation District (now Ventura Regional Sanitation District, VRSD). In 1981, Waste Management of California, Inc (WMC) purchased the landfill and received approval to expand the permitted operating life of the facility. The landfill is permitted to operate through 2054.

**DISCUSSION**

The Third Amendment (Attachment No. 1) extends the initial term of the Agreement that expires February 25, 2012 to January 31, 2013. The Third Amendment allows WMC to charge the City an additional \$4.00 per ton fee for waste delivered by the City to the Simi Valley Landfill originating from outside the County of Ventura (County) as outlined in the Addendum Agreement for Sustainability Fee at the Simi Valley Landfill and Recycling Center between WMC and the County. This fee was implemented to preserve in-county landfill capacity. Waste delivered from the City to the Simi Valley Landfill that originates out-of-county represents an average of 1% or 250 tons from the overall waste volume of 17,500 tons per month that is typically delivered from the City. The out-of-county waste handled by the City primarily derives from the residual of out-of-county recyclable material processed at the Del Norte Facility. The estimated cost value associated with handling out-of-county tons pertaining to the \$4.00 per ton fee is \$1,000 per month (250 tons @ \$4.00/ton). The net estimated

**Third Amendment to Agreement No. A-5997 for Solid Waste Disposal Services Between the City of Oxnard and Waste Management Incorporated, Simi Valley Landfill**

**January 27, 2012**

**Page 2 of 2**

revenues the City receives generated from the sale of this processed recyclable material ranges from \$25,000 to \$50,000 per month depending on market conditions. The Third Amendment maintains all other terms and conditions in the existing agreement.

The Second Amendment, approved by City Council on September 20, 2011, expires on February 25, 2012. The Third Amendment will extend the term from February 26, 2012 through January 31, 2013 coinciding with the term of the Short Term Service Agreement with Republic Services for the operation and maintenance of the Del Norte Facility. The extension time will allow staff to further research the City's landfill disposal options while continuing its effort to negotiate a long term disposal service agreement with WMC in conjunction with the future firm operating the Del Norte Facility.

The current disposal fee is \$26.26 per ton. The average public posted rate in the combined counties of Santa Barbara, Ventura and Los Angeles for landfill tipping fees of similar waste is \$52.63 per ton. The City delivers approximately 17,500 tons or 81% of its waste to the Simi Valley Landfill on a monthly basis.

The Toland Road Landfill is the only other landfill operated within Ventura County. The City has an agreement with the Ventura Regional Sanitation District, owner and operator of the Toland Road Landfill, which does not expire until November 14, 2020. The City delivers approximately 4,100 tons or 19% of its waste to the Toland Road Landfill per month for a disposal fee of \$31.00 per ton. The Toland Road Landfill cannot accommodate receiving all of the City's remaining waste tonnage because tonnage commitments made to other waste haulers has limited their landfill's available capacity.

Based on annual disposal and landfill tipping fee, the estimated value over the term of this Third Amendment is approximately \$5,300,000. Existing solid waste system user fees and charges provide cost recovery for disposal service at the Simi Valley Landfill.

**FINANCIAL IMPACT**

There are sufficient funds appropriated in Solid Waste Enterprise Fund Account Number 631-6304-844-8268 (Solid Waste/Processing & Disposal/Utilities/Refuse & Disposal) in the Fiscal Year 2011-12 budget for the expense of disposal fees at the Simi Valley Landfill.

Attachment #1 – Third Amendment to Agreement No. A-5997

**THIRD AMENDMENT TO  
AGREEMENT FOR SOLID WASTE DISPOSAL SERVICES  
BETWEEN  
THE CITY OF OXNARD AND  
WASTE MANAGEMENT OF CALIFORNIA, INC.**

THIS AGREEMENT is made this 7th day of February, 2012 by and between the City of Oxnard, a California municipal corporation ("City") and Waste Management of California, Inc., a California corporation ("Owner"). This Agreement amends the "First Amendment to Agreement For Solid Waste Disposal Services Between the City of Oxnard and Waste Management of California," dated September 25, 2006 ("First Amendment") and the "Second Amendment to Agreement For Solid Waste Disposal Services Between the City of Oxnard and Waste Management of California," dated September 20, 2011 ("Second Amendment").

RECITALS

WHEREAS, Owner is the owner and operator of the Simi Valley Recycling and Disposal Facility (the "Facility") and City desires to dispose of Residual Solid Waste at the Facility on the terms and subject to the conditions set forth in the First Amendment and Second Amendment, as modified herein; and

WHEREAS, Owner agrees to grant such right to dispose of Residual Solid Waste at the Facility on the terms and subject to the conditions set forth in the First Amendment and Second Amendment, as modified herein.

NOW, THEREFORE, in consideration of the mutual promises, covenants, and conditions contained in this Agreement and for other good and valuable consideration, the parties agree as follows.

1. Section 2.1 of the First Agreement, as modified by the Second Agreement, is deleted in its entirety and amended to state:

2.1 Term. The initial Term of this Agreement shall begin as of the Effective Date and shall continue until the close of business on January 31, 2013 (the "Initial Term"). Thereafter, this Agreement may be extended beyond the Initial Term for one or more additional terms (the "Successive Term"), for a time period to be determined by the parties, upon mutual written agreement of the parties made not less than sixty (60) days prior to the end of the Initial Term or any Successive Term.

2. Section 5.1 of the First Agreement is deleted in its entirety and amended to state:

5.1 Disposal Fee.

5.1.1 Residual Solid Waste Originating in Ventura County or Outside the State of California. For Residual Solid Waste delivered to the Facility and accepted by Owner originating within Ventura County or from outside the State of California, City shall pay a Disposal Fee of twenty-six dollars and twenty-six cents (\$26.26) per ton, which shall include all fees and charges in effect as of the date of this Agreement except for the Countywide Integrated Waste Management Plan (CIWMP) disposal fee. City shall in addition pay Owner the applicable CIWMP disposal fee, to the extent such fee is or becomes imposed on or payable by the Facility.

5.1.2 Residual Solid Waste Originating Outside Ventura County but Within the State of California. For Residual Solid Waste delivered to the Facility and accepted by Owner originating

from outside Ventura County but within the State of California, in addition to the amounts set forth in Section 5.1.1, City shall pay the amount of the Sustainability Fee as set forth in that certain agreement between Owner and County entitled "Addendum Agreement for a Sustainability Fee at the Simi Valley Landfill and Recycling Center," dated July 19, 2011. Currently, the Sustainability Fee is four dollars (\$4.00) per ton.

5.1.3 The Sustainability Fee will be charged based on the disposal reporting information submitted by City to Owner and County, which is due no later than 75 days following the end of the previous quarter, as required by 14 CCR sections 18809.1-11. Owner will invoice City for any Sustainability Fee amounts within 15 days from receipt of report, with payment in accordance with Section 5.8.

3. Except as provided herein, all other terms and conditions of the First Amendment and Second remain in full force and effect.

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(intentionally left blank)

IN WITNESS WHEREOF, City and Owner have executed this Agreement as of the date and year first above written.

**CITY OF OXNARD**

**WASTE MANAGEMENT OF CALIFORNIA, INC.**

\_\_\_\_\_  
Dr. Thomas E. Holden, Mayor

By: MIKE SMITH

Name: [Signature]  
Mike Smith  
Vice President, Market Area  
General Manager

**ATTEST:**

**APPROVED AS TO INSURANCE:**

\_\_\_\_\_  
Daniel Martinez, City Clerk

[Signature]  
James Cameron, Chief Financial Officer

**APPROVED AS TO FORM:**

**APPROVED AS TO AMOUNT:**

[Signature]  
Alan Holmberg, City Attorney

[Signature]  
Edmund F. Sotelo, City Manager

**APPROVED AS TO CONTENT:**

[Signature]  
Rob Roshanian, Interim Public Works Director

[Signature]  
Grant Dunne, Project Manager



ACTION	TYPE OF ITEM
<input type="checkbox"/> Approved Recommendation	<input 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 checked="" type="checkbox"/> Other Council Business

Prepared By: Daniel Martinez *DM* Agenda Item No. N-1  
 Reviewed By: City Manager *SLB* City Attorney *SMT* Finance *JC* Other Housing

**DATE:** January 24, 2012

**TO:** City Council

**FROM:** Daniel Martinez, *Daniel Martinez* City Clerk

**SUBJECT:** Appointments to Citizen Advisory Groups

**RECOMMENDATION**

That the Mayor, with approval of the City Council, appoint four members to the Commission on Homelessness.

**DISCUSSION**

Appointments to these various boards, commissions and committees are usually made following a general election involving the office of Mayor. These proposed appointments are due to vacancies and a need to have enough commissioners for a required quorum.

Staff recommends that the Mayor, with approval of the City Council, appoint members to the Commission on Homelessness.

**FINANCIAL IMPACT**

None.

VACANCY LIST  
**COMMISSION ON HOMELESSNESS**  
 11 members with 2-year terms  
 Need to Fill 4 Positions to Expire 12/31/12

<u>INCUMBENTS SERVING CURRENT TERMS</u>	<u>TERM NUMBER</u>	<u>EXPIRATION DATE</u>
1. Collier, Maria Elena	2	12/31/12
2. Gomez, Jennifer	2	12/31/12
3. Gonzalez, Salvador	1	12/31/12
4. Jones, Al	1	12/31/12
5. Perez, Frank	1	12/31/12
6. Rivera, Peggy A.	3	12/31/12
7. Stern, Leslye Rose	1	12/31/12
8. VACANT	N/A	12/31/12
9. VACANT	N/A	12/31/12
10. VACANT	N/A	12/31/12
11. VACANT	N/A	12/31/12

APPLICANTS:

1. Castanon, Francine
2. Couey, Clarice M.
3. Courtland, David
4. Dennis, Larry Leon
5. MacIntosh, Stephen
6. Morgan, Loren
7. Tracy, Eileen

Note: Members appointed by the Mayor, with approval of the City Council, per R-13,013, adopted on 03/07/06.

\* Incumbent



Meeting Date: 2 / 07 / 12

ACTION	TYPE OF ITEM
<input type="checkbox"/> Approved Recommendation	<input 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: Ashley Golden, Principal Planner *AG* Agenda Item No. 0-1

Reviewed By: City Manager *JEB* City Attorney *SMF* Finance *JC* Other (Specify) \_\_\_\_\_

**DATE:** January 30, 2012

**TO:** City Council

**FROM:** Susan L. Martin, Planning Manager *SM*  
Development Services, Planning Division

**SUBJECT:** Adoption of the City of Oxnard Bicycle and Pedestrian Facilities Master Plan (PZ 09-700-01) and Adoption of Negative Declaration No. 11-02. Filed by City of Oxnard.

**RECOMMENDATION**

That the City Council adopt a resolution adopting the City of Oxnard Bicycle & Pedestrian Facilities Master Plan and Negative Declaration No. 11-02.

**DISCUSSION**

In 2002 the City Council adopted the Bicycle and Pedestrian Facilities Master Plan (Master Plan), which recommended \$37 million worth of bicycle and pedestrian improvements Citywide. To maintain eligibility for certain funding sources the Master Plan needs to be updated every five years. As such, the City Council appropriated funds in 2008 to update the Master Plan, and the City entered into a contract with Alta Planning + Design to complete the Master Plan in December 2008. The Planning Commission held a public workshop on August 6, 2009 to solicit input on the direction of the subject Master Plan. The Planning Commission recommended adoption of the Master Plan and negative declaration on December 1, 2011.

The Master Plan describes policies, goals, and objectives for developing a safe, convenient, and effective city-wide system that promotes bicycling and walking as safe and viable transportation and recreation opportunities.

In general, the Master Plan includes bicycle facility recommendations that target gaps in the existing networks, physical barriers, and new development. The Master Plan bicycle facility recommendations are summarized in the table below.

Bicycle Facility Type	Quantity	Project Cost
Bicycle Path (along flood control channel or rail corridor) (Class I)	15.4 miles	\$40,040,000
Bicycle Path (in park, short connector no crossings) (Class I)	15.1 miles	\$7,550,000
Bicycle Lanes (may include signage, striping, and pavement markings) (Class II)	39.6 miles*	\$2,574,000*
Bicycle Route (signage only) (Class III)	13.9 miles	\$69,500
Bicycle Boulevard (Class III)	38.1 miles	\$1,143,000
Grade Separated Crossing (Flood Control Channel)(Class I)	2 crossings	\$1,000,000
<b>TOTAL</b>	<b>122.1 miles</b>	<b>\$52,376,500*</b>

\*These numbers will change with the addition of proposed facilities. See further discussion below.

The grade separated crossings are proposed at Gary Drive over the flood channel and at Fifth Street over the channel. In addition to the improvements noted above, the Master Plan recommends \$4.2 million dollars worth of improvements to existing bicycle facilities.

The plan considered by the Planning Commission inadvertently omitted existing and proposed bicycle lanes on West Esplanade Drive. In also omitted proposed bike lanes on Ventura Boulevard between Santa Clara Ave/Rice Ave and Del Norte Blvd. The bike lanes on Ventura Blvd are planned as part of the Rice 101 and Ventura Blvd roadway improvement projects. Staff recommends inclusion of these existing and proposed facilities, which would be incorporated into the adopted Master Plan. These additions would cause minor changes to the following pages of the subject Master Plan:

- Table 3-3: Existing Bicycle Facilities
- Map 3-1: Oxnard Existing Bicycle Facilities
- Map 5-1: Oxnard Existing and Proposed Bicycle Facilities
- Table 5-2: Proposed Bicycle Lanes
- Map 5-3, Existing Bike Lane Enhancement Corridors
- Table 6-8: Proposed Bicycle Facility Cost Estimates
- Map 6-1: Oxnard Prioritized Bicycle Projects
- Table 6-4: Bicycle Project Prioritization
- Cost estimate for improvements to existing lanes(page 88), if applicable
- Appendix C, Safety Review

Staff recommends that these changes be included in the City Council Master Plan approval. If so approved, staff will incorporate the changes into the final Master Plan document.

The Pedestrian aspect of the Master Plan includes sidewalks, signal re-timing, crosswalks, a pedestrian bridge, and traffic calming measures. The proposed pedestrian bridge provides connectivity over the Union Pacific railroad between the Village Specific Plan (Wagon Wheel) area’s transit center and the South Bank Neighborhood. The Master Plan pedestrian facility recommendations are summarized in the table below.

Pedestrian Facilities Classification	Quantity	Project Cost
Corridor Improvements	5.43 miles	\$2,746,300
Intersection Improvements	8 intersections	\$5,457,100
Pedestrian Bridge	1 bridge	\$2,000,000
<b>TOTAL</b>		<b>\$10,203,400</b>

The Master Plan includes a prioritization list of the proposed bicycle and pedestrian facilities (Section 6.2), recommended policies and programs to promote bicycling and walking throughout Oxnard (Section 5.4), and funding sources (Chapter 7). The Master Plan provides the elements required to comply with the State of California Streets and Highway Code. Meeting these code requirements provides the City with a defined plan of action for implementation and an opportunity to pursue funding from multiple sources.

## **ENVIRONMENTAL REVIEW**

The proposed project is subject to review in accordance with the State California Environmental Quality Act (CEQA). An initial study was prepared to analyze potentially significant adverse environmental effects of the proposed project. No areas of concern were identified as potentially being affected. Therefore, staff prepared a Negative Declaration (ND), the public review and comment period for which closed on October 21, 2011. The addition of the proposed and existing bike lanes noted in the previous section do not change potential environmental impacts or necessitate changes to the ND. Three comments were received on the ND, but the comments did not require changes to the ND. Staff recommends that the City Council adopt ND 11-02.

## **FINANCIAL IMPACT**

The cost of all recommended improvements is \$66,779,900. This cost will be slightly higher with the additions of the bike lanes discussed in this report. The Master Plan will serve as the planning document for future capital improvement programs and future dedications of bicycle and pedestrian facilities required for new developments. No action to construct the recommended facilities is being recommended at this time. Many improvements will be made in conjunction with development projects. Staff will pursue grant opportunities for other projects.

### **Attachments:**

1. Planning Commission Staff Report (without attachments)
2. Planning Commission Resolution
3. Negative Declaration #11-02, with Comments
4. Bicycle and Pedestrian Facilities Master Plan & Appendices
5. City Council Resolution

**Note:** Attachments 3 & 4 have been provided to the City Council. Copies are available for review at the Help 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.



*Planning Division*

## PLANNING COMMISSION STAFF REPORT

**TO:** Planning Commission  
**FROM:** Ashley Golden, Principal Planner  
**DATE:** December 1, 2011  
**SUBJECT:** Planning and Zoning Permit No. 09-700-1, City of Oxnard Bicycle and Pedestrian Facilities Master Plan.

- 1) **Recommendation:** That the Planning Commission adopt a resolution recommending that the City Council:
  - a) Adopt the City of Oxnard Bicycle & Pedestrian Facilities Master Plan.
  - b) Approve ND 11-02.
  
- 2) **Project Description and Applicant:** The City of Oxnard Bicycle and Pedestrian Facilities Master Plan (Master Plan) describes policies, goals, and objectives for developing a safe, convenient, and effective city-wide system that promotes bicycling and walking as safe and viable transportation and recreation opportunities. Filed by City of Oxnard, Planning Division, 214 S. C Street, Oxnard, CA 93030.
  
- 3) **Background Information:** Circulation Element Objective No. 9 of the 2020 General Plan (page VI-24) stated "Provide a Citywide system of safe, efficient and attractive bicycle routes for commuter, school and recreational use." To fulfill that objective, on September 24, 2002, the City Council of the City of Oxnard adopted the Bicycle and Pedestrian Facilities Master Plan. The 2002 Master Plan recommended: nine (9) new off-street (Class I) multi-use facility segments, at an estimated cost of approximately \$22 million; 30 new on-street (Class II) bicycle facility segments, at an estimated cost of approximately \$15 million; and five (5) new signage-only (Class III) bicycle facility segments, at an estimated cost of approximately \$9,000. The total cost of all the recommended 2002 Master Plan facilities was approximately \$37 million. From 2001 – 2012 the City of Oxnard spent \$1,379,315 on bicycle and pedestrian projects; however additional facilities were constructed through development projects at the developers' expense. Although Figure 4 of the 2002 Master Plan shows the existing facilities, it did not quantify the miles of facilities. In 2010 the City of Oxnard contain approximately 65 miles of designated bicycle facilities.

- 4) Environmental Determination:** The proposed development is subject to review in accordance with the California Environmental Quality Act (CEQA). An initial study was prepared to analyze potentially significant adverse environmental effects of the proposed project. No areas of concern were identified as potentially being affected. Therefore, staff has prepared a Negative Declaration (ND) for the Planning Commission consideration.

The draft document consisting of the initial study and Master Plan (ND 11-02) were made available for the requisite public review and comment period, from September 22, 2011 through October 21, 2011.

Comments on the draft environmental document were submitted by Ventura County Watershed Protection District, Ventura County Air Pollution Control District, and the Ventura County Public Works Agency Transportation Department. These comment letters are included with the environmental document. The comments did not require responses or changes to the ND, but clarifying text was added to the Master Plan to reflect responses to the letters as needed. As such, no significant adverse affects are expected to result from the proposed Master Plan, and staff recommends that Planning Commission recommend the City Council adopt ND 11-02 (see Attachment A).

- 5) General Plan Consistency:** Chapter 3 of the Master Plan addresses the Plan's consistency with the 2030 General Plan (General Plan). The General Plan, Infrastructure and Community Services (ICS) Goal 8 seeks to provide "Safe bicycle and pedestrian circulation throughout the City." The General Plan identifies 14 policies (ICS 8.1 – ICS 8.14) to achieve this goal which is addressed throughout the Master Plan. In addition, this plan is consistent with General Plan ICS Goal 7, which addresses transportation, demand management. The policies within that Goal direct the City to promote development patterns that encourage pedestrian and bicycle travel in order to reduce vehicle trips, meet air quality goals, and minimize congestion. Lastly, the General Plan identifies six Urban Villages intended for transit-oriented mixed-use incorporating commercial and employment uses with residential. These core areas are intended to allow people to live near their place of employment with support and transit services. As further described in the Analysis section below, the Master Plan provides the framework for implementing a bicycle and pedestrian circulation system consistent with ICS Goals 7 and 8 and their policies. The Master Plan implements the goals and land uses identified in the General Plan.

**6) Analysis:**

- a) General Discussion:** The Master Plan will facilitate bicycle and pedestrian uses for recreation, community, and physical health in the City of Oxnard by establishing clear objectives to enhance safety, providing guidance for investments in facilities, and providing a concise inventory of existing and needed networks. The Master Plan includes;

- Goal and Objectives
- Existing Conditions
- Needs Analysis (Demand Model)

- Recommended Improvements
- Prioritization Strategy, includes costs and project sheets
- Funding
- Monitoring and Maintenance

The Master Plan also includes Design Guidelines, Trip and Emissions Reduction Estimates, Safety Review and the Bicycle Transportation Account Checklist. These Master Plan elements will satisfy requirements set forth in California Streets and Highways Code Sections 891.2 and 894.7 to enable the City of Oxnard to compete for Bicycle Transportation Account funds. Once approved by the City Council, the Master Plan will be submitted to the California Department of Transportation, Office of Bicycle Planning, to qualify the City for future grants that would fund bicycle facilities.

**b) Proposed Bicycle Facilities:** The bicycle network would include a one-half mile grid of facilities targeting gaps, barriers, and new developments. Bicycle Facilities consist of Multi-Use Paths (Class 1), Bicycle Lanes (Class II), Bicycle Routes (Class III), and Bicycle Boulevards (Class III). The plan includes \$4.2 million dollars worth of improvements to existing facilities. The Master Plan proposes 30.5 miles of new Class I facilities, 39.6 miles of Class II facilities, and 52 miles of Class III facilities (includes 13.9 miles of routes and 38.1 miles of bicycle boulevards).

Facility Type	Quantity	Project Cost
Bicycle Path (along flood control channel or rail corridor)	15.4	\$40,040,000
Bicycle Path (in park, short connector no crossings)	15.1 mi	\$7,550,000
Bicycle Lanes (may include signage, striping, and pavement markings)	39.6 mi	\$2,574,000
Bicycle Route (signage only)	13.9	\$69,500
Bicycle Boulevard	38.1	\$1,143,000
Grade Separated Crossing (Flood Control Channel)*	2 ea	\$1,000,000
<b>TOTAL</b>	<b>122.1</b>	<b>\$52,376,500</b>

\* see description in section c) *Proposed Pedestrian Facilities*.

**c) Proposed Pedestrian Facilities:** The Master Plan identifies intersections and road segments that require a variety of pedestrian improvements such as installation of sidewalks, signal re-timing or crosswalk implementation, pedestrian bridges or traffic calming measures. These improvements would enhance mobility, aid the city in compliance with the American Disability Act (ADA), and provide access across barriers such as flood control channels and railroads.

Facilities Classification	Mileage/Number	Cost
Corridor Improvements	5.43 Miles	\$2,746,300
Intersection Improvements	8	\$5,457,100
Pedestrian Bridge	1	\$2,000,000
<b>TOTAL</b>		<b>\$10,203,400</b>

Three grade separate crossings/bridges would improve direct connections for neighborhood residents to key destinations such as schools, parks, and shopping. The bridges would accommodate all non-motorized transportation modes, diverting them from busy arterials and providing safe and convenient connections. The grade separate crossings are proposed at Gary Drive over the flood channel and at Fifth Street over the channel. A pedestrian bridge is proposed at South Bank Neighborhood over the railroad to the future Village Specific Plan Area's transit center.

**d) Prioritization:** Chapter 6 of the Master Plan contains a prioritization of each of the proposed facilities. The prioritization provides the City a foundation for implementing the project. The ranking of the projects was based on: connectivity to existing facilities/filling gaps, the attractor model results, the generators model results, and the detractors model results. For the pedestrian project list, the City provided input based on project readiness and synergy of development in the vicinity.

**e) Recommended Policies and Programs:** A number of enforcement, education, and encouragement policies and programs are identified in the Master Plan to promote bicycling and walking throughout the Oxnard Community. Enforcement policies and programs would be conducted at strategic locations where the public will become aware of bicycle/pedestrian laws and their penalties. Enforcement programs may include speed radar trailers and bicycle patrol units. Education policies and programs ensure bicyclists, pedestrians and motorists know how to travel safely and understand the regulations that govern these modes of transportation. Share the Road Campaigns, Safe Routes to School programs, and safety handbooks are examples of Education programs. Encouragement programs include business incentive programs and bike-to-health campaigns. These types of programs increase public awareness and support of bicycling and walking through fun and creative opportunities for people to try these activities.

**7) Community Input:** The Master Plan was discussed at two public meetings: Planning Commission on August 6, 2009 and at the Transportation Policy Committee (TPC) on June 23, 2011. The Master Plan and subject negative declaration were released for public comments from September 22, 2011 through October 21, 2011. Seven comments relating to the Master Plan were received. Changes resulting from the comment letters and staff changes include:

- A new objective and section 8.2.5 to address the importance of improving bicycle and pedestrian access to public transportation and the City's continued coordination with Gold Coast Transit.
- Updated references related to the 2030 General Plan.
- Added Section 3.1.2.5 to address The Board of Supervisors 2006 Bicycle Vision.
- Added further discussion and programs into the Recommended Policies and Programs (section 5.4).

- Updated the maps to show connectivity to facilities outside the city limits.
- Administrative edits addressing errors (costs, mileage, etc) have also been made.

In response to a comment received about not using the 2010 census data, the 2010 census data was released after the City began the Master Plan process. The consultant team looked at the 2010 census data and determined that the increased population (mainly in RiverPark) would not have drastically altered the demand model and therefore not have altered the prioritization tables. However, the Master Plan now includes clarification that projects may be done out of sequence when appropriate.

Also, concern was raised over combining pedestrian and bicycle needs and projects in one document. The City and consultant team have verified that combining bicycle and pedestrian in one document is fairly common. Although it is agreed that the users have different needs, the document does analyze, budget, and prioritize the projects separately. In addition the Class I facilities are meant to serve both users.

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

**Attachments:**

- A. Negative Declaration #11-02, with Comments
- B. City of Oxnard Bicycle and Pedestrian Facilities Master Plan & Appendices (under separate cover)
- C. Resolution

Prepared by: _____ AG
Approved by: _____ SM

RESOLUTION NO. 2011-42

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING THAT CITY COUNCIL APPROVE THE CITY OF OXNARD BICYCLE AND PEDESTRIAN FACILITIES MASTER PLAN. FILED BY CITY OF OXNARD PLANNING DIVISION, 214 SOUTH C STREET, OXNARD, CA 93030.

WHEREAS, the City's Bicycle Facilities Master Plan adopted in 2002 has served the City in identifying improvements for bicyclists traveling within the City; and

WHEREAS, many of the recommendations of the 2002 Bicycle Facilities Master Plan have been implemented, and

WHEREAS, it is time to update the City's plans to include facilities for pedestrians and bicyclists so as to encourage more people to enjoy the benefits of walking and bicycling both to work and as a healthy and safe form of recreation for individuals and families; and

WHEREAS, the Planning Commission of the City of Oxnard hosted a public workshop on the new Bicycle and Pedestrian Facilities Master Plan on August 6, 2009; and

WHEREAS, the Planning Commission of the City of Oxnard has considered the new Bicycle and Pedestrian Facilities Master Plan; and

WHEREAS, in accordance with the State California Environmental Quality Act, the Planning Division Manager provided public notice of the intent of the City to adopt a negative declaration for this project, and the Planning Commission has considered the proposed negative declaration before making its recommendation herein; and

WHEREAS, the Planning Commission finds, after due study, deliberation and public hearing, that the following circumstances exist:

- A. That the proposed Master Plan is in conformance with the *2030 General Plan* and other adopted standards of the City of Oxnard.
- B. That the proposed Master Plan will not adversely affect or be materially detrimental to the public health, safety or general welfare.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby recommends to the City Council the adoption of a negative declaration and the approval of the new Bicycle and Pedestrian Facilities Master Plan.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 1<sup>st</sup> day of December, 2011, by the following vote:

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

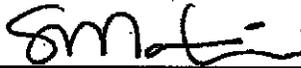
NOES: Commissioners: None

ABSENT: Commissioners: Medina



Patrick Mullin, Chairman

ATTEST:



Susan L. Martin, Secretary

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING THE CITY OF OXNARD BICYCLE AND PEDESTRIAN FACILITIES MASTER PLAN. FILED BY CITY OF OXNARD PLANNING DIVISION, 214 SOUTH C STREET, OXNARD, CA 93030.

WHEREAS, the City's Bicycle Facilities Master Plan adopted in 2002 has served the City in identifying improvements for bicyclists traveling within the City; and

WHEREAS, many of the recommendations of the 2002 Bicycle Facilities Master Plan have been implemented; and

WHEREAS, it is time to update the City's plans to include facilities for pedestrians and bicyclists so as to encourage more people to enjoy the benefits of walking and bicycling both to work and as a healthy and safe form of recreation for individuals and families; and

WHEREAS, the Planning Commission of the City of Oxnard hosted a public workshop on the new Bicycle and Pedestrian Facilities Master Plan on August 6, 2009; and

WHEREAS, the Planning Commission of the City of Oxnard recommended adoption of the new Bicycle and Pedestrian Facilities Master Plan on December 1, 2011; and

WHEREAS, in accordance with the California Environmental Quality Act, the Planning Division Manager provided public notice of the intent of the City to adopt a negative declaration for this project, and the City Council, which considered the proposed negative declaration together with any comments received during the public review process, finds on the basis of the whole record before it (including the initial study and any comments received) that there is no substantial evidence that the project will have a significant effect on the environment, and further finds that the negative declaration reflects the independent judgment and analysis of the City; and

WHEREAS, the documents and other materials that constitute the record of proceedings upon which the decision to adopt the negative declaration is based is located in the Planning Division of the City of Oxnard, and the custodian of the record is the Planning Division Manager; and

WHEREAS, the City Council finds, after due study, deliberation and public review, that the following circumstances exist:

- A. The proposed Master Plan is in conformance with the *2030 General Plan* and other adopted standards of the City of Oxnard.
- B. The proposed Master Plan will not adversely affect or be materially detrimental to the public health, safety, or general welfare.

NOW, THEREFORE, the City Council of the City of Oxnard resolves to adopt Negative Declaration No. 11-02 and approve the Bicycle and Pedestrian Facilities Master Plan on file with the Planning Division Manager, with the following changes thereto:

Page:88, if applicable  
Maps: 3-1, 5-1, 5-3, 6-1  
Tables: 3-3, 5-2, 6-4, 6-8  
Appendix C, Safety Review

PASSED AND ADOPTED this \_\_\_\_ th day of \_\_\_\_\_, 2012, by the following vote:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
Dr. Thomas E. Holden, Mayor

ATTEST:

\_\_\_\_\_  
Daniel Martinez, City Clerk

APPROVED AS TO FORM:



\_\_\_\_\_  
Alan Holmberg, City Attorney



Meeting Date: 2/07/12

ACTION	TYPE OF ITEM
<input type="checkbox"/> Approved Recommendation	<input type="checkbox"/> Info/Consent
<input type="checkbox"/> Ord. No(s). _____	<input checked="" 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: Ashley Golden, Principal Planner *AG*

Agenda Item No. **0-2**

Reviewed By: City Manager *JOB* City Attorney *SMF* Finance *AL* Other (Specify) \_\_\_\_\_

**DATE:** January 30, 2012

**TO:** City Council

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

**SUBJECT:** Adoption of the Santa Clara River Trail Master Plan (PZ 09-700-02), Adoption of Mitigated Negative Declaration No. 11-03, and Authorization to commence negotiations with the County of Ventura (Watershed Protection District) and the Ventura Regional Sanitation District for Joint Use Agreements. Filed by City of Oxnard.

**RECOMMENDATION**

That the City Council:

1. Adopt a resolution adopting the City of Oxnard Santa Clara River Trail Master Plan and Mitigated Negative Declaration No. 11-03.
2. Authorize staff to commence negotiations with the County of Ventura (Watershed Protection District) and the Ventura Regional Sanitation District for Joint Use Agreements (JUAs) for use of certain flood control areas and land within their jurisdictions/ownership for bicycle and pedestrian facilities in accordance with the Master Plan.

**DISCUSSION**

In 1991, the Ventura County Watershed Protection District (VCWPD) and the California State Coastal Conservancy (SCC) initiated a management plan for the Santa Clara River and its resources (Santa Clara River Enhancement & Management Plan (SREMP)). In excess of \$1 million in funding and in-kind services was spent developing the SREMP. One of the recommendations of the SREMP was for the enhancement of recreational, education, and public access opportunities.

In 2000, the SCC proposed the establishment of the Santa Clara River Parkway. The Santa Clara River Parkway Project focuses on habitat, flood protection, and facilitation of public access via a trail along the length of the Santa Clara River.

The 2020 General Plan (Page VI-17 & Figure VI-4), many policies of the 2030 General Plan, the 2002 Bicycle and Pedestrian Facilities Master Plan (BPFMP) and pending 2012 Bicycle and Pedestrian Facilities Master Plan identify the Santa Clara River Trail (SCRT) in this location.

City Council appropriated funding in 2008 for the Santa Clara River Trail Master Plan (Master Plan). The City entered into a contract with Alta Planning + Design (consultants) in April 2009. A 17 person SCRT Stakeholder Committee and 12 Person SCRT Technical Advisory Committee provided input and guidance to the City and the consultants during the master plan process. The Planning Division held a public workshop on June 14, 2010 to present the proposed alignment and opportunities and constraints of the trail. The Planning Commission recommended adoption of the Master Plan and mitigated negative declaration on December 1, 2011.

The overall plan objective is to develop a prototypical Class I trail design for county-wide implementation (Harbor Blvd to Highway 101 and a connection from the Santa Clara Valley Heritage Trail between Ventura and Santa Clarita). This master plan evaluates a 4.87 mile Class I multi-use trail along the southern bank of the Santa Clara River (SCR) and a connection trail from the SCR at Victoria Ave to Gonzales Road. The flood control levee built along the SCR provides a unique opportunity to connect the communities, recreational areas, and commercial uses in North Oxnard via a bicycle and pedestrian path. A trail along the levee also provides public access to one of the region's most eminent environmental resources without causing undue disturbance to the natural habitat found in the riverbed.

The trail component in the City of Oxnard extends from Victoria Avenue to Central Avenue. The Master Plan also includes a Class I connection on the east side of Victoria Avenue from the SCR to Gonzales Road. The proposed 4.87 mile trail is divided into four (4) segments:

- **Segment 1:** The western segment of the project site extends approximately 1.5 miles east from N. Victoria Avenue to approximately 2,000 feet west of Highway 101 at a flood control access gate off of N. Ventura Road.
- **Segment 2:** The middle segment extends from the flood control access gate at the junction of Southbank Road with N. Ventura Road to the east side of Highway 101.
- **Segment 3:** The eastern segment extends east of Highway 101 for almost 2 miles to Central Avenue.
- **Segment 4:** The southern segment parallels N. Victoria Avenue from the levee south to W. Gonzales Road

In general the proposed design for the trail includes a 12'-wide concrete surface with 2' graded earth shoulders. Other trail amenities are proposed such as lighting, benches, trash receptacles, drinking fountains, bicycle parking, and signs. Where appropriate gateways with entry features are proposed at 3 locations, and 9 trail access or wayfinding signage locations are proposed. The Master Plan includes a review of existing settings and conditions, an analysis of gaps and geographic impediments, public outreach, the entitlement process, design guidelines, benefit cost analysis, a phasing plan, and funding sources

## **Environmental Review**

Adoption of the Master Plan is a project subject to review in accordance with the State California Environmental Quality Act (CEQA). An initial study was prepared to analyze potentially significant

adverse environmental effects of the proposed project. Six areas of concern were identified as potentially being affected:

- Aesthetics
- Air Quality
- Biological Resources
- Hydrology/Water Quality
- Public Services
- Transportation/Traffic

Standard mitigation measures apply to all the areas identified as potentially affected. However, special mitigation measures and discussion focused on the potential impacts on biological resources including the least Bell's vireo (*Vireo bellii pusillus*), California endangered western yellow-billed cuckoo (*Coccyzus americanus occidentalis*), and special status species such as the silvery legless lizard (*Anniella pulchra* Gray), Townsend's big-eared bat (*Corynorhinus townsendii*), and coast horned lizard (*Phrynosoma coronatum*) which are also known to occur in the vicinity. Biological mitigation measures including surveys and construction outside of nesting times are included to protect the Least Bell's Vireo, southeastern willow flycatcher, western yellow-billed cuckoo, and Burrowing owl. In addition the project must replant native riparian habitat to compensate for any losses of wetlands (if any) and sensitive riparian habitat (e.g., southern riparian or mulefat scrub) and the City shall enhance, restore, or preserve certain areas of similar habitat within the Santa Clara River to ensure that no net loss of these communities occurs. The Department of Fish and Game supported the proposed mitigation measures.

The public review and comment period for Mitigated Negative Declaration (MND) closed on October 25, 2011. Five comments were received on the MND. Based on the comments received additional mitigation was added to measures D-1 & D-3, the determination of no impact to potential water run off in section I (Hydrology and Water) was clarified, and additional discussion was added in section O (Transportation/Traffic) to clarify the traffic distribution resulting from the trail. Because the changes resulted in equal or more effective mitigation measures, project revisions did not create new avoidable effects, and information was added to merely clarify the project, re-circulation of the MND was not necessary (State CEQA Guidelines Section 15073.5). As such, no significant adverse affects are expected to result from the proposed development as mitigated, and staff recommends that the City Council adopt MND 11-03 (see Attachment 3).

### **Joint Use Agreements (JUAs)**

The subject trail is within the City of Oxnard and the County of Ventura. Much of the Santa Clara River falls within the jurisdiction of the Ventura County Watershed Protection District (VCWPD), which operates and maintains the levee and flood control maintenance. The Ventura Regional Sanitation District also owns a portion of the land within the proposed alignment. As such, staff is seeking authorization to proceed with negotiating JUAs with the above agency focusing on the roles and responsibilities of each party with respect to funding, staffing, operation and management of the trail. Once negotiated, the JUA's would be brought to the City Council for review and approval.

Moving forward with a JUA would implement 1991 Santa Clara River Enhancement & Management Plan (SCREMP). The SCREMP specifically encouraged the City of Oxnard to develop Joint Agreements with VCWPD to allow joint use of flood control maintenance roads with hiking and biking opportunities on existing flood control levees (Riverwide Program 3 of the SCREMP).

**FINANCIAL IMPACT**

The total estimated cost for the preferred alignment of the Santa Clara River Trail is just over \$7.1 million in 2011 dollars. The total estimated annual maintenance for the Santa Clara River Trail is approximately \$36,500, based on the estimated length of just under 5 miles.

At this time there is no money budgeted for the construction of the project. No action to construct the proposed facilities is being recommended at this time. Staff intends to pursue grant opportunities to fund all or a part of the SCRT project.

**Attachments:**

1. Planning Commission Staff Report (without attachments)
2. Planning Commission Resolution
3. Mitigated Negative Declaration #11-03, with Comments
4. Santa Clara River Trail Master Plan & Appendices
5. City Council Resolution

**Note:** Attachments 3 & 4 have been provided to the City Council. Copies are available for review at the Help 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.



**Planning Division**

## PLANNING COMMISSION STAFF REPORT

**TO:** Planning Commission  
**FROM:** Ashley Golden, Principal Planner  
**DATE:** December 1, 2011  
**SUBJECT:** Planning and Zoning Permit No. 09-700-2, City of Oxnard Santa Clara River Trail Master Plan.

- 1) **Recommendation:** That the Planning Commission adopt a resolution recommending that the City Council:
  - a) Adopt the City of Oxnard Santa Clara River Trail Master Plan
  - b) Approve MND 11-03.
  
- 2) **Project Description and Applicant:** This is a segment of a regional Class I multi-use trail system along the southern bank of the Santa Clara River (SCR). The component in the City of Oxnard extends from Victoria Avenue to Central Avenue. The Master Plan also includes a Class I connection on the east side of Victoria Avenue from the SCR to Gonzales Road. The proposed trail is 4.87 miles long and divided into four (4) segments:
  - **Segment 1:** The western segment of the project site extends approximately 1.5 miles east from N. Victoria Avenue to approximately 2,000 feet west of Highway 101 at a flood control access gate off of N. Ventura Road.
  - **Segment 2:** The middle segment extends from the flood control access gate at the junction of Southbank Road with N. Ventura Road to the east side of Highway 101.
  - **Segment 3:** The eastern segment extends east of Highway 101 for almost 2 miles to Central Avenue.
  - **Segment 4:** The southern segment parallels N. Victoria Avenue from the levee to W. Gonzales Road

Filed by City of Oxnard, Planning Division, 214 South C Street, Oxnard, CA 93030.

- 3) **Existing & Surrounding Land Uses:** The project site is located both within and outside the city boundaries. Those portions within the City are zoned Community Reserve or Residential (R-1, R-3, R-3-PD) with General Plan Designations of Park, Residential Low or Residential Medium. Those portions of this trail located within the County of Ventura are zoned open space

with a general plan designation of open space. The project boundaries are surrounded by a range of land uses. For the segments along the Santa Clara River, to the north are undeveloped lands and riparian habitats within the River's broad channel; to the south a mix of residential and commercial uses as well as the River Ridge Golf Course (RRGC). Segment 4 along Victoria Avenue is adjacent to the RRGC and pockets of residential use, while Victoria Avenue and undeveloped agricultural land lies beyond, to the west.

- 4) Background Information:** In 1991, the Ventura County Watershed Protection District (VCWPD) and the California State Coastal Conservancy (SCC) initiated a management plan for the Santa Clara River and its resources (Santa Clara River Enhancement & Management Plan). In excess of \$1 million in funding and in-kind services was spent developing the Santa Clara River Enhancement & Management Plan (SCREMP). One of the recommendations of the SCREMP was for the enhancement of recreational, education, and public access opportunities. Furthermore the SCREMP specifically encouraged the City of Oxnard to develop Joint Agreements with VCWPD to allow joint use of flood control maintenance roads with hiking and biking opportunities on existing flood control levees (*Riverwide Program 3 of the SCREMP*).

In 2000, the SCC proposed the establishment of the Santa Clara River Parkway. There are three goals of the Santa Clara River Parkway Project:

1. to create and maintain habitat for endangered and threatened species,
2. to provide enhanced flood protection for adjacent private land and public facilities, and
3. to facilitate public access and environmental education, including the creation of a continuous public trail system along the length of the Parkway.

The 2020 General Plan (Page VI-17 & Figure VI-4) and 2002 Bicycle and Pedestrian Facilities Master Plan (BPFMP) identified the Santa Clara River Trail (SCRT). The proposed 2011 City of Oxnard Bicycle and Pedestrian Facilities Master Plan also identifies a trail in this location.

- 5) Environmental Determination:** The proposed development is subject to review in accordance with the State California Environmental Quality Act (CEQA). An initial study was prepared to analyze potentially significant adverse environmental effects of the proposed project. Six areas of concern were identified as potentially being affected:

- |                        |                           |
|------------------------|---------------------------|
| ▪ Aesthetics           | ▪ Hydrology/Water Quality |
| ▪ Air Quality          | ▪ Public Services         |
| ▪ Biological Resources | ▪ Transportation/Traffic  |

Standard mitigation measures apply to all the areas identified as potentially affected. However, special mitigation measures and discussion focused on the potential impacts on biological resources. This dense growth of native riparian trees, shrubs, and associated vegetation provide habitat for a variety of birds and small animals. The southern riparian scrub and open channel habitats adjacent to the project site are known to support the southern California steelhead trout (*Oncorhynchus mykiss*), a federally endangered species. In addition, the Federal and California endangered least Bell's vireo (*Vireo bellii pusillus*), and California endangered western yellow-billed cuckoo (*Coccyzus americanus accidentalis*) have been recorded in the project vicinity near the US Hwy 101 bridge (California Department of Fish and Game 2009). Further, special status species such as the silvery legless lizard (*Anniella pulchra*

Gray), Townsend's big-eared bat (*Corynorhinus townsendii*), and coast horned lizard (*Phrynosoma coronatum*) are also known to occur in the vicinity. Additional species of concern that could occur due to the presence of potentially suitable habitat and range include the southwestern willow flycatcher (*Empidonax traillii extimus*), arroyo toad (*Bufo californicus*), and California red-legged frog (*Rana aurora draytonii*). However, these species have not been recorded in the project vicinity. The density of plant growth in combination with the linear reach of the River make the riverbed an important wildlife corridor for larger species as well, including coyotes and deer. Biological mitigation measures including surveys and construction outside of nesting times are included to protect the Least Bell's Vireo, southeastern willow flycatcher, western yellow-billed cuckoo, and Burrowing owl. In addition the project must replant native riparian habitat to compensate for any losses of wetlands (if any) and sensitive riparian habitat (e.g., southern riparian or mulefat scrub) and the City shall enhance, restore, or preserve certain areas of similar habitat within the Santa Clara River to ensure that no net loss of these communities occurs.

The draft environmental document consisting of the initial study and recommended mitigation measures (MND 11-03) were made available for the requisite public review and comment period, from September 26, 2011 through October 25, 2011.

Comments on the draft environmental document were submitted by Air Pollution Control District, County of Ventura Public Works Transportation Department, Ventura County Watershed Protection District (VCWPD), Department of Fish and Game (CDFG), and the Ventura Regional Sanitation District (VRSD). These comment letters are included with the environmental document.

Based on the comments received additional mitigation was added to measures D-1 & D-3, clarification of no impact to potential water run off in section I (Hydrology and Water), and additional discussion in section O (Transportation/Traffic) to clarify the traffic distribution resulting from the trail. Because the changes resulted in equal or more effective mitigation measures, project revisions did not create new avoidable effects, and information was added to merely clarify the project, re-circulation of the MND was not necessary (State CEQA Guidelines Sections 15703(a-c)). As such, no significant adverse affects are expected to result from the proposed development as mitigated, and staff recommends that Planning Commission recommends City Council adoption of MND 11-03 (see Attachment A).

**6) 2030 General Plan Consistency:**

POLICY	DISCUSSION
<i>ICS-8.1 Improved Bicycle and Pedestrian Safety.</i> Promote safety by minimizing conflicts between automobiles, bicycles, and pedestrians with special attention to lighting resources on commercial corridors.	The SCRT is completely separate from automobiles.
<i>ICS-8.2 Bicycle Route Plan.</i> Plan a citywide system of safe, efficient, and attractive bicycle routes for commuter, school, and recreational use. Maintain a bicycle route map in the office of the City Traffic Engineer that is widely available for public use.	The SCRT provides safer system completely separate from cars, provides a connection to many schools, and is an attractive unique recreational and educational amenity.
<i>ICS-8.3 Completing Bicycle and Sidewalk Network.</i>	The SCRT would connect neighborhoods at

POLICY	DISCUSSION
<p>Prioritize plans for bicycle and pedestrian facilities that provide continuity, and close gaps in the city's existing bike path and sidewalk network.</p>	<p>the far north west end of the city to various north-south connections in the City (Oxnard Blvd, Ventura Road, Victoria Ave), and will lay the groundwork for countywide trail system to connect from the Pacific Ocean to Los Angeles County.</p>
<p><i>ICS-8.6 Americans with Disability Act (ADA) Handicap Requirements.</i> Require installation of ADA compliant handicapped ramp curb-cuts and other ADA access with all new roadway construction and significant reconstruction of existing roadways, parking lots, plazas and pedestrian area, and parks.</p>	<p>The SCRT will be fully ADA compliant.</p>
<p><i>ICS-8.14 Connecting Facilities</i> Create a physical link for pedestrian and bicycle traffic between parks and recreation facilities as specified in the Bike and Pedestrian Master Plan.</p>	<p>The SCRT will connect to existing and proposed facilities on Victoria Avenue, Gonzales Road, Ventura Road, and throughout the RiverPark area.</p>
<p><i>ICS 13.5 FEMA-Certified Levees.</i> Work expeditiously with County, State, and Federal agencies and the private sector to achieve full certification of Santa Clara River Levees that impact Oxnard and the Planning Area</p>	<p>The master plan was in collaboration with the VCWPD and will not preclude the necessary levee improvements. In some ways the Master Plan may facilitate additional funding sources.</p>
<p><i>ICS 23.5 Resident Access to Scenic Areas and Ormond Beach.</i> Work with appropriate organizations and agencies to provide Oxnard residents with access and possibly interpretive and/or visitor centers to natural/scenic areas such as the Santa Clara River Greenbelt, Ormond Beach, and Oxnard Dunes consistent with resource protection objectives.</p>	<p>The master plan includes interpretive signage to enrich the trail user experience, focusing attention on the unique attributes of the local community, and providing educational opportunities.</p>
<p><i>ER3.1 Preservation of Riparian Habitat</i> Require the preservation and enhancement of the riparian habitat along the Santa Clara River, Edison Canal, the McGrath Lake vicinity, and within the Ormond Beach wetlands.</p>	<p>Mitigation measures require preservation of the habitat.</p>
<p><i>CD 7.3 Urban Village Trail and Open Space Connections.</i> Include trails (pedestrian and bicycle) and open space areas, where feasible within urban village areas. These facilities shall create a network that links urban villages and other neighborhoods to each other.</p>	<p>The SCR connects to the North Oxnard Transit Enhancement District (NOTED) identified in the 2030 General Plan via connections to existing and proposed bicycle facilities in the Village and RiverPark communities.</p>

**7) Master Plan:**

- a) **General Discussion:** The Master Plan evaluates a 4.87 mile Class I multi-use trail along the southern bank of the Santa Clara River (SCR) and a connection from the SCR at Victoria Ave to Gonzales Road. The flood control levee built along the SCR provides a unique opportunity to

connect the communities, recreational areas, and commercial uses in North Oxnard via a bicycle and pedestrian path. A trail along the levee also provides public access to one of the region's most eminent environmental resources without causing undue disturbance to the natural habitat found in the riverbed. The plan objective is to develop a prototypical trail for county-wide implementation (Harbor Blvd to Highway 101 and a connection from the Santa Clara Valley Heritage Trail between Santa Paula and Santa Clarita). To implement this objective the following goals were established:

- Provide a safe, scenic & inclusive experience
- Create a low maintenance trail that provides maintenance and emergency vehicle access
- Connect to trails, schools, parks, & key destinations
- Provide education opportunities for trail users
- Respect the functional role of the river, the ecosystems, and adjacent property owners.

The Master Plan includes a review of existing settings and conditions, an analysis of gaps and geographic impediments, public outreach, the entitlement process, design guidelines, benefit cost analysis, a phasing plan, and funding sources.

**b) Trail Design:** In most locations the trail will be on top of stream bank protection (SBP) or a levee. Guidelines have been established for the typical trail cross section, surfacing options, access controls (bollards & fencing), trail amenities and signs. The recommended width for the SCRT is a 12' paved trail with 2' graded earth shoulders. An 8' vertical clearance free from vegetation is required by the VCWPD along areas of levee and flood protection. The master plan analyzed a variety of pavement options and determined that concrete was the best option. Other trail amenities are proposed such as lighting, benches, trash receptacles, drinking fountains, bicycle parking, and signs. Gateways with entry features are proposed at 3 location, and 9 trail access or wayfinding signage locations are proposed.

**c) Opportunities and Constraints:** Each segment is characterized by different land uses, levee/SBP conditions, circulation patterns and aesthetics. Below is a discussion of each segments opportunities and constraints.

- **Segment 1 Opportunities and Constraints:**

1. The (SBP) is wide in this area providing ample width for the trail
2. Mature trees will provide shade along this segment
3. The trail would connect to existing Class II bike lanes at both Victoria Avenue and Ventura Road
4. Methane gas extraction wells (related to the previous landfill use of the RRG) limit width of trail and may require extra protection
5. The trail is secluded in some area requiring safety considerations
6. Trail construction is outside the city limits and will require VCWPD and VRSD approval

- **Segment 2 Opportunities and Constraints**

1. Connections to existing Class I and Class II facilities to downtown, residential neighborhoods, and shopping areas
2. Final design is contingent on VCWPD pending levee improvements
3. The railroad piers create a narrow point for the trail

4. Highway 101 under crossing doesn't allow for trail users to stay on top of the levee
5. Areas of potential biological impacts

▪ **Segment 3 Opportunities and Constraints**

1. The SBP is wide in this area providing ample width for the trail
2. Great views to the mountains and river
3. Connections to existing and proposed bicycle facilities, residential neighborhoods, schools, parks and shopping
4. Trail construction will need to follow necessary levee improvements
5. Not many trees to provide shade along this segment

▪ **Segment 4 Opportunities and Constraints**

1. The City of Oxnard owns the property, but it is outside the city limit.
2. Removal of trees may be required

- d) **Cost & Phasing:** The construction costs for the Santa Clara River Trail will depend on a number of factors, most specifically, the final alignment and design of the trail segments. Preliminary estimates for construction are based on unit costs and estimates needed for grading and paving a 12-foot-wide concrete trail and the recommended trail amenities. The total estimated cost for the preferred alignment of the Santa Clara River Trail is just over \$7.1 million in 2011 dollars. The total estimated annual maintenance for the Santa Clara River Trail is approximately \$36,500, based on the estimated length of just under 5 miles.

The \$7.1 million project is divided into four phases to be built over ten years. The phasing ensures a logical sequence of implementation. Furthermore, grant amounts have typically been in the \$1 million to \$3 million range and often require minimum local matches. Therefore, breaking the project into 4 smaller projects with costs between \$875,000 and \$2.6 million allows the City to actively pursue grant opportunities. At this time there is no money budget for the construction of the project.

- 8) **Community Input:** A 17 person SCRT Stakeholder Committee and a 12 person SCRT Technical Advisory Committee provided input and guidance to the City of Oxnard and consultants during the master planning process. In addition a public workshop was held on June 14, 2010 and a Transportation Policy Committee meeting was held on October 27, 2011 to gather input on the Master Plan. Appendix B of the Master Plan includes the meeting notes.

The Master Plan and MND 11-03 were made available for public review September 26, 2011 through October 25, 2011. During that time the City received comments on the MND as noted in section 5 of this report. Changes to the Master Plan to merely clarify the project did not include a trail through the RRGC, that Victoria Ave is not within the City limits, and members of the TAC, Stakeholders, and Partners, including technical and grammatical edits were also made throughout the document.

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

**Attachments:**

- A. Mitigated Negative Declaration #11-03, with Comments
- B. City of Oxnard Santa Clara River Trail Master Plan (provided under separate cover)
- C. Resolution

Prepared by: _____ AG
Approved by: _____ SM

RESOLUTION NO. 2011-43

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING THAT CITY COUNCIL APPROVE THE CITY OF OXNARD SANTA CLARA RIVER TRAIL MASTER PLAN. FILED BY CITY OF OXNARD PLANNING DIVISION, 214 SOUTH C STREET, OXNARD, CA 93030.

WHEREAS, the Bicycle Facilities Master Plan adopted in 2002 (and pending 2011/2012 Bicycle and Pedestrian Facilities Master Plan) and the 2020 and 2030 General Plans identify the Santa Clara River Trail (SCRT) to improve bicycling, walking, and recreational opportunities within the City; and

WHEREAS, the SCRT provides a facility for pedestrians and bicyclists to enjoy the benefits of walking and bicycling both to work and school and as a healthy and safe form of recreation for individuals and families; and

WHEREAS, the Planning Commission of the City of Oxnard hosted a public workshop on the new Santa Clara River Trail Master Plan on June 10, 2010; and

WHEREAS, the Planning Commission of the City of Oxnard has considered the Santa Clara River Trail Master Plan; and

WHEREAS, in accordance with the California Environmental Quality Act, the Planning Division Manager provided public notice of the intent of the City to adopt a mitigated negative declaration (MND 11-03) for this project, and the Planning Commission has considered the proposed mitigated negative declaration before making its recommendation herein; and

WHEREAS, the Planning Commission finds, after due study, deliberation and public hearing, that the following circumstances exist:

- A. That the proposed Master Plan is in conformance with the *2030 General Plan* and other adopted standards of the City of Oxnard.
- B. That the proposed Master Plan will not adversely affect or be materially detrimental to the public health, safety or general welfare.

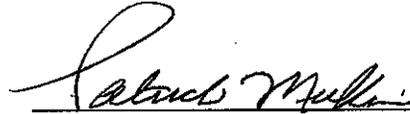
NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby recommends to the City Council the adoption of MND 11-03 and the approval of the Santa Clara River Trail Master Plan.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 1<sup>st</sup> day of December, 2011, by the following vote:

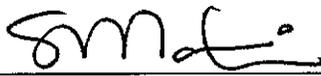
AYES: Commissioners: Huber, Guevara, Stewart, Murguia, Nash, Mullin

NOES: Commissioners: None

ABSENT: Commissioners: Medina



Patrick Mullin, Chairman

ATTEST: 

Susan L. Martin, Secretary

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING THE CITY OF OXNARD SANTA CLARA RIVER TRAIL MASTER PLAN. FILED BY CITY OF OXNARD PLANNING DIVISION, 214 SOUTH C STREET, OXNARD, CA 93030.

WHEREAS, the City's Bicycle Facilities Master Plan adopted in 2002 (and pending 2011/2012 Bicycle Pedestrian Facilities Master Plan) and the 2020 and 2030 General Plans identify the Santa Clara River Trail (SCRT) to improve bicycling, walking, and recreational opportunities within the City; and

WHEREAS, the SCRT would provide a facility for pedestrians and bicyclists to enjoy the benefits of walking and bicycling to work and school, and a healthy and safe form of recreation;

WHEREAS, the City hosted a public workshop on the SCRT Master Plan June 10, 2010; and

WHEREAS, the Planning Commission of the City of Oxnard recommended adoption of the SCRT Master Plan on December 1, 2011; and

WHEREAS, in accordance with the California Environmental Quality Act, the Planning Division Manager provided public notice of the intent of the City to adopt a mitigated negative declaration for this project, and the City Council, which considered the proposed mitigated negative declaration together with any comments received during the public review process, finds on the basis of the whole record before it (including the initial study and any comments received) that with the imposition of mitigation measures as conditions of approval there is no substantial evidence that the project will have a significant effect on the environment, and further finds that the mitigated negative declaration reflects the independent judgment and analysis of the City; and

WHEREAS, the documents and other materials that constitute the record of proceedings upon which the decision to adopt the mitigated negative declaration is based is located in the Planning Division of the City of Oxnard, and the custodian of the record is the Planning Division Manager; and

WHEREAS, the City Council finds, after due study, deliberation and public review, that the following circumstances exist:

- A. The proposed SCRT Master Plan is in conformance with the *2030 General Plan* and other adopted standards of the City of Oxnard.
- B. The proposed SCRT Master Plan will not adversely affect or be materially detrimental to the public health, safety, or general welfare.

NOW, THEREFORE, the City Council of the City of Oxnard resolves to adopt Mitigated Negative Declaration No. 11-03 and approve the Santa Clara River Trail Master Plan on file with the Planning Division Manager.

PASSED AND ADOPTED this \_\_\_\_ th day of \_\_\_\_\_, 2012, by the following vote:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
Dr. Thomas E. Holden, Mayor

ATTEST:

\_\_\_\_\_  
Daniel Martinez, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Alan Holmberg, City Attorney