

Written materials relating to an item on this agenda that are distributed to the legislative bodies within 72 hours before the item is to be considered at its regularly scheduled meeting will be made available for public inspection at the Library, 251 South "A" Street and the City Clerk's Office, 305 West Third Street during customary business hours. The agenda reports are on the City of Oxnard web site at www.ci.oxnard.ca.us.



AGENDA
OXNARD CITY COUNCIL
OXNARD COMMUNITY DEVELOPMENT COMMISSION SUCCESSOR AGENCY
***OXNARD FINANCING AUTHORITY**
***OXNARD HOUSING AUTHORITY**
Regular Meetings
City Council Chambers, 305 West Third Street, Oxnard
January 15, 2013
6:00 P.M.

A. ROLL CALL/POSTING OF AGENDA

*** The Oxnard Financing Authority and the Oxnard Housing Authority will not meet because there are no items requiring consideration on this date.**

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

At this time, a person may address the legislative body only on matters appearing on the closed session agenda. The presiding officer shall limit public comments to three minutes.

C. CLOSED SESSION - (Please see page 4 for a description of closed session items)

D. OPENING CEREMONIES – 7:00 P.M.

Pledge of allegiance to the flag of the United States.

E. CEREMONIAL CALENDAR

1. **SUBJECT:** Presentation of Proclamation Designating January 2013 as "Mentoring Month"

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

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

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

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

G. REVIEW OF INFORMATION/CONSENT AGENDA

The members of the legislative body will consider whether to remove Information/Consent Agenda items for discussion later during the meeting.

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

At this time, a person may address the legislative body only on matters appearing on the information/consent agenda. The presiding officer shall limit public comments to three minutes.

I. INFORMATION/CONSENT AGENDA

City Clerk Department

1. SUBJECT: Minutes of the Regular Meeting of the Oxnard City Council for November 27, 2012. (001)

RECOMMENDATION: Approve.

Legislative Body: CC

Contact: Daniel Martinez

Phone: 385-7805

City Manager Department

2. SUBJECT: Agreements for City Council Review. (007)

RECOMMENDATION: Pursuant to Ordinance 2835 and Resolution 13,932, approve and authorize the Interim City Manager, to execute the attached agreements/contracts and change orders/amendments in amounts more than \$25,000 but less than \$250,000.

Legislative Body: CC

Contact: Karen Burnham

Phone: 385-7430

Development Services Department

3. SUBJECT: Special Budget Appropriation for Landscaping Improvements at Rice Avenue/Santa Clara Avenue Interchange at the 101 Freeway. (009)

RECOMMENDATION: 1) Recognize federal grant revenue and appropriate \$70,000 to "Rice-Highway 101 Landscaping"; and 2) Approve the special budget appropriation to transfer \$18,000 from "Highway 101—Rice Interchange" to "Rice-Highway 101 Landscaping" to complete the landscaping for the Rice Avenue/Santa Clara Avenue interchange improvements at the 101 Freeway.

Legislative Body: CC

Contact: Cynthia Daniels

Phone: 385-7871

4. SUBJECT: Second Amendment to Agreement with Kathleen Mallory for Planning Services and Energy Consulting Project Management Services. (013)

RECOMMENDATION: Approve and authorize the Mayor to execute the Second Amendment to the agreement with Kathleen Mallory, Planning and Entitlement Services, (4950-09-DS) to increase the amount by \$100,000 (for a total of \$350,000) for planning services and energy consulting project management services.

Legislative Body: CC

Contact: Sue Martin

Phone: 385-8207

J. TRANSMITTAL OF INFORMATION ONLY ITEMSCity Attorney Department

1. SUBJECT: Augmentation of January 8, 2013, closed session announcement concerning Closed Session Item No. 1, "PUBLIC EMPLOYMENT: Position City Manager".
RECOMMENDATION: That the City Council and public receive the following information from the City Attorney: the decision announced at the open session following closed session on the above referenced item was by a vote of 4-0.
Legislative Body: CC Contact: Alan Holmberg Phone: 385-8156

K. INFORMATION/CONSENT PUBLIC HEARINGSL. PUBLIC HEARINGS – 7:15 P.M.Development Services Department

1. SUBJECT: Certification of East Village Phase III Annexation Final Environmental Impact Report (FEIR) No. 11-01; Approval of Planning and Zoning Permit (PZ) No. 11-610-01 (Annexation) and PZ No. 11-560-01 (Prezoning) for the 107-Acre Parcel Located at 1853 Camino del Sol (APN 214-0-020-595); and PZ No. 12-610-01 (Annexation) of four Right-of-Way (ROW) Segments and/or Parcels on the North Side of the 101/Santa Clara Avenue Interchange. Filed by Maulhardt RF-JW Trust et al c/o Richard Maulhardt, Jr., 1853 Camino del Sol, Oxnard; and City of Oxnard, 300 West Third Street, Oxnard, CA 93030.
RECOMMENDATION: Continue to February 5, 2013.
Legislative Body: CC Contact: Chris Williamson Phone: 385-8156

M. REPORT OF CITY MANAGER/EXECUTIVE DIRECTOR/SECRETARY

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

N. CITY COUNCIL/HOUSING AUTHORITY/SUCCESSOR AGENCY/FINANCING AUTHORITY
BUSINESS/COMMITTEE REPORTSO. REPORTSCity Manager Department

1. SUBJECT: Consideration of Draft State Legislation Creating a Gold Coast Transit District. (025)
RECOMMENDATION: Consider draft legislation concerning the transition of Gold Coast Transit (GCT) from a joint powers agency to a transit district.
Legislative Body: CC Contact: Martin Erickson Phone: 385-7870

P. PUBLIC COMMENTS ON REPORTS

At this time, a person may address the legislative body only on matters appearing on the reports. The presiding officer shall permit a person to address the legislative body after the staff presentation on the report and before the consideration of the report by the legislative body. The presiding officer shall limit public comments to three minutes.

Q. APPOINTMENT ITEMS**R. STUDY SESSION****S. PUBLIC COMMENTS ON STUDY SESSION**

At this time, a person may address the legislative body only on matters appearing on the study session agenda. The presiding officer shall permit a person to address the legislative body after the staff presentation on the item and before the consideration of the item by the legislative body. The presiding officer shall limit public comments to three minutes.

C. CLOSED SESSION - (Continued from page 1)**1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION.**

CC/SA SOCMI, LLC, et al. v. City of Oxnard, et al.

Ventura County Superior Court Case No. 56-2012-00427637-CU-WM-VTA

The Interim City Manager and the City Attorney requested that this item be discussed in closed session under the Brown Act exception of Conference with Legal Counsel – Existing Litigation. The purpose of the closed session is to report to City Council on the status of the litigation.

2. CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION.

CC/SA On the advice of the City Attorney, pursuant to Government Code section 54956.9(b)(3)(C), based on existing facts and circumstances, there is significant exposure to litigation against the City and Successor Agency in one potential case based upon Government Code claims for damages filed by Strand Cinemas LLC and Oxnard Theater Group LLC on file in the Office of the City Clerk and available for inspection during normal business hours.

The Interim City Manager and the City Attorney requested that this item be discussed in closed session under the Brown Act exception of Conference with Legal Counsel – Potential Litigation.

T. ADJOURNMENT

MINUTES

OXNARD CITY COUNCIL

Regular Meeting

November 27, 2012

A. ROLL CALL/POSTING OF AGENDA

At 6:03 p.m., the regular meeting of the Oxnard City Council convened in the Council Chambers. Councilmembers Irene G. Pinkard, Timothy B. Flynn and Carmen Ramirez were present. Councilmembers Thomas E. Holden and Bryan A. MacDonald were absent. The City Clerk stated that the agenda was posted on Wednesday in the Library and City Clerk's Office. Mayor Pro Tem Pinkard presided and called the meeting to order. Staff members present were: Daniel Martinez, City Clerk; Karen Burnham, Interim City Manager; Alan Holmberg, City Attorney; and Grace Magistrale Hoffman, Deputy City Manager.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

C. CLOSED SESSION

At 6:04 p.m. the City Council recessed 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.

The City Council also recessed to a closed session, pursuant to Government Code section 54956.9(b)(3)(c), based on existing facts and circumstances, there is significant exposure to litigation against the City in one potential case based upon a claim for damages number 155 on file with the City Clerk, which is available for inspection at the City Clerk's office during normal business hours.

At 6:47 p.m., Mayor Holden was present.

At 7:01 p.m., the City Council reconvened and recessed to the evening session. At 7:03 p.m., the City Attorney announced that the City Council had unanimously agreed to initiate litigation in one case, and that the name of the defendant(s) and particulars of the lawsuit would be provided upon request upon the initiation of the litigation.

D. OPENING CEREMONIES

At 7:03 p.m., the regular meeting of the Oxnard City Council reconvened in the Council Chambers, concurrently with the Housing Authority, Industrial Development Financing Authority, Finance Authority, and Parking Authority. The meeting opened with the pledge of allegiance to the flag of the United States by Michael Meade, Boy Scout Troop 487, followed by a moment of silence. Mayor Holden presided. Additional staff members present were: Matthew Winegar, Development Services Director; William "Bill" Wilkins, Housing Director; James Cameron, Chief Financial Officer; Rob Roshanian, Interim Public Works Director; Scott Whitney, Assistant Police Chief; Jason M. Samonte, Traffic Engineer; Grant Dunne, Administration Assistant; Michael Henderson, General Services Manager; Martin Erickson, Special Assistant to the City Manager; and Sue Martin, Planning and Environmental Services Manager.

E. CEREMONIAL CALENDAR

Michael Meade, Boy Scout Troop 487, provided a brief report on his Eagle project at Ormond Beach including placing plants, tables and benches at the site.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

The following individuals provided comments: Inez Tuttle; Gary Blum; Abel Magana; Jim Hensley; Martin Jones; Larry Stein; Richard Brown; Woodrow Thomas; Steve Nash; Nancy Petersen; Miguel Espinosa; and Daniel Lechlitter.

G. REVIEW OF INFORMATION/CONSENT AGENDA

Comments were received from: Assistant Police Chief (I-3, item E); Planning and Environmental Services Manager (I-8); Housing Director (I-11); Traffic Engineer (I-3, item I); Administration Assistant (I-3 H); Interim Public Works Director and General Services Manager (I-4); and Special Assistant to the City Manager (I-10).

H. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

The following individuals provided comments: Abel Magana (I-9); Steve Nash (I-8); Maria Barajas (I-11); Raquel Munzo (I-11); Georgina Manzo (I-11); Cindy Valencia (I-11); Bert Perello (I-2, I-4, I-8, I-10); Barbara Macri-Ortiz (I-11); Pat Brown (I-9); and Eileen Tracy (I-11).

I. INFORMATION/CONSENT AGENDA**City Attorney Department**

1. **SUBJECT:** Agency Report of Public Official Appointments (FPPC Form 806). (001)
RECOMMENDATION: Adopt the Form 806 listing the City's Official Appointments and designate the City Clerk to verify the Form 806 and post it on the City website.

City Clerk Department

2. **SUBJECT:** Minutes of the Regular Meeting of the Oxnard City Council for October 16 and 23, 2012, and November 6, 2012. (009)
RECOMMENDATION: Approve.

City Manager Department

3. **SUBJECT:** Agreements for City Council Review. (045)
RECOMMENDATION: Approve and authorize the Interim City Manager, to execute the attached agreements/contracts and change orders/amendments in amounts more than \$25,000 but less than \$250,000.*
4. **SUBJECT:** Second Amendment to Agreement for On-Call Engineering Services. (051)
RECOMMENDATION: Approve and authorize the Mayor to execute the Second Amendment to Agreement for On-Call Engineering Services provided by Penfield & Smith Engineering (A-7425) and authorize the increase of the agreement total from \$500,000 to \$750,000.

5. SUBJECT: Agreement with Oxnard Airport Shell/MacValley Oil Company for Fuel and Car Wash Service. (069)
RECOMMENDATION: Approve and authorize the Mayor to sign a blanket purchase order (No. 4275) with Oxnard Airport Shell/MacValley Oil Company for the period from December 1, 2012, to June 30, 2013, in an amount not to exceed \$2,000,000, for unleaded gasoline and diesel fuel from vendors' pumps and for off-site car wash service for City vehicles and equipment through a fuel card system.
6. SUBJECT: City Easement to Southern California Edison for Underground Utility District No. 19, Future Campus Park, 937 W. 5th Street. (075)
RECOMMENDATION: Approve and authorize the Mayor to execute a Grant of Easement to Southern California Edison ("Edison") for the Underground Utility District No. 19 along Fifth Street and K Street so that Edison may adhere to City Resolution No. 13,961.

City Treasurer Department

7. SUBJECT: Quarterly Investment Report for the First Quarter F/Y 2012-2013. (087)
RECOMMENDATION: Accept the quarterly Investment Report for the First Quarter F/Y 2012-2013.

Development Services Department

8. SUBJECT: Second Amendment to Agreement with Kathleen Mallory for Planning Services and Energy Consulting Project Management Services. (095)
RECOMMENDATION: Removed from agenda.*
9. SUBJECT: Relinquishment Agreement with Caltrans for State Routes (SR) 1, 34 & 232. (103)
RECOMMENDATION: Approve and authorize the Mayor to approve the cooperative agreement (A-7542) with Caltrans that will result in the City taking ownership of State Routes 1 (Oxnard Boulevard), 34 (East Fifth Street) and 232 (Vineyard Avenue) within the City limits, and give authority to the City Manager to approve minor agreement modifications.
10. SUBJECT: Oxnard School Area Safety Project. (119)
RECOMMENDATION: 1) Adopt Project Specification No. DS 12-12 for the installation of a sidewalk on the east side of Vineyard Avenue between Rio School Lane and Collins Street, sidewalk extension (Bulb-out) at various locations, and bike lanes and crosswalk lighting on C Street between Channel Islands Boulevard and Pleasant Valley Road; and 2) Approve the special budget appropriation adjusting the Federal grant funding from \$518,000 to \$610,990, appropriating \$73,053 of Transportation Development Act (TDA) Fund, and transferring existing appropriations of Circulation System Improvement Funds in the amount of \$2,575 from project 113101 Traffic Signal at the intersection of Saviers Road and Hill Street and in the amount of \$26,756 from project 113104 Traffic Signal at the intersection of Forest Park Boulevard and Thames River Street to Safe Route to School Project 113001.

Housing Department

11. SUBJECT: Affordable Housing Loan Agreement in the Total Sum of \$3.3 Million and Agreement of Limited Partnership of Terraza de Las Cortes, L.P. Project Located within the Las Brisas Specific Plan. (123) *

RECOMMENDATION: Approve and authorize the Mayor to execute an Affordable Housing Predevelopment and Construction Loan Agreement (A-7538) with Terraza de Las Cortes, L.P. in the amount of \$3,300,000 from the City's Affordable Housing In-Lieu Fees ("AHILF") and the City's Affordable Housing In-Lieu Fee Housing Trust Fund ("AHILFHTF") for the development of Terraza de Las Cortes.

12. **SUBJECT:** Amendment of Affordable Housing Loan Agreement Previously Approved by the City Council June 21, 2011, and Amended on December 13, 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. (185)

RECOMMENDATION: Approve and authorize the Mayor to execute a Second Amendment to the Affordable Housing Pre-Development and Construction Loan Agreement eliminating the payment in-lieu of taxes (PILOT) from the agreement.

Library Department

14. **SUBJECT:** Ordinance No. 2862 Concerning Terms of Office and Powers and Duties of the Library Board. (209)

RECOMMENDATION: Second reading and adoption.

Recreation and Community Services Department

15. **SUBJECT:** Allocation of Youth Enrichment Program Grant Awards Utilizing Community Development Block Grant (CDBG) and Measure "O" Funding for FY 12-13. (211)

RECOMMENDATION: 1) Approve the allocation of \$35,020 in CDBG Youth Enrichment Program (YEP) funds and \$150,000 in Measure "O" funds for a total amount of \$185,020 to the following local community based organizations: Big Brothers Big Sisters of Ventura County for \$34,273, Boys and Girls Club for \$40,000, City Impact Inc. for \$21,572, El Centrito Family Learning Centers for \$37,223, Lesson One Foundation for \$24,931 and Palmer Drug Abuse Program for \$27,021; and 2) Authorize the Interim City Manager or her designee to execute CDBG subrecipient agreements requiring such groups to provide direct support services that target Oxnard youth from extremely low to low-income households.

16. **SUBJECT:** Senior Services Contribution Awards to Agencies. (215)

RECOMMENDATION: 1) Approve the Senior Services Commission's (SSC) recommended distribution of \$44,600 from general fund for Senior Services Contribution Awards to twelve agencies providing services to seniors; 2) Direct the Interim Recreation Supervisor to notify recipients of Senior Services Contribution Awards; 3) Authorize the Interim Recreation Supervisor to execute a letter of agreement for each recipient in the format set forth in the 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 I-8. (Holden/Pinkard) Ayes: Pinkard, Flynn, Ramirez and Holden. Absent: MacDonald. Noes: Flynn I-3 item B, G, I & L and Ramirez I-3 E and I-11.

Q. APPOINTMENT ITEMS

City Manager Department

1. **SUBJECT:** Oxnard Convention and Visitors Bureau (OCVB) Annual Report and Dallas Cowboys Economic Impact.
RECOMMENDATION: Receive verbal report and provide comments.
ACTION: Continue to future date.

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.

At 8:44 p.m., Councilmember Ramirez left the meeting.

City Manager Department

1. **SUBJECT:** Public Hearing and Adoption of Resolution to Form and to Levy FY2012-2013 Assessments in Landscape Maintenance District No. 60. (241)
RECOMMENDATION: 1) Hold a public hearing concerning the formation of Landscape Maintenance District No. 60, consisting of Lot Merger No. 08-310-04 (The Artisan), located on Gonzales Road between Williams Drive and Lombard Street and determine whether a majority protest against formation exists; 2) If a majority protest against formation does not exist, continue with the public hearing to consider all protests against the proposed assessment in the District; tabulate the ballots; and determine whether a majority protest exists as to the assessment; and 3) If a majority protest does not exist as to the assessment, adopt **Resolution No. 14,284** to form and levy FY 2012-2013 assessments in the District.
ACTION: Close the public hearing. (Holden/Pinkard) Adopt **Resolution No 14,284** to form and levy assessments District. (Holden/ Pinkard) Ayes: Flynn, Holden, and Pinkard. Absent: MacDonald and Ramirez.

At 8:46 p.m., Councilmember Ramirez returned to the meeting.

L. PUBLIC HEARINGS

Development Services Department

1. **SUBJECT:** Certification of East Village Phase III Annexation Final Environmental Impact Report (FEIR) No. 11-01; Approval of Planning and Zoning Permit (PZ) No. 11-610-01 (Annexation) and PZ No. 11-560-01 (Rezoning) for the 107-Acre Parcel Located at 1853 Camino del Sol (APN 214-0-020-595); and PZ No. 12-610-01 (Annexation) of four Right-of-Way (ROW) Segments on the North Side of the 101/Santa Clara Avenue Interchange. Filed by Maulhardt RF-JW Trust et al c/o Richard Maulhardt, Jr. 1853 Camino del Sol, Oxnard; and City of Oxnard, 300 West Third Street, Oxnard, CA 93030.
RECOMMENDATION: Continue item to a future date.

M. REPORT OF CITY MANAGER

The Interim City Manager reported on the “Spark of Love” toy collection by the Fire Department to be held Saturday, December 1, 2012.

N. CITY COUNCIL BUSINESS/COMMITTEE REPORTS

Comments regarding November 6 municipal elections (counting of votes and absentee ballot requests), and Ventura County community transportation needs. Mayor Pro Tem Pinkard reported on the Oxnard Convention and Visitors Bureau and the “Graffiti Task Force” meeting.

J. TRANSMITTAL OF INFORMATION ONLY ITEMS**Finance Department**

1. **SUBJECT:** Monthly Budget Status Report for the Period Ending October 31, 2012 (Fiscal Year 2012-2013). (223)

RECOMMENDATION: Receive report.

DISCUSSION: Comments were received from: Bert Perello and Larry Stein.

The Chief Financial Officer reviewed use of funds including the capital reserve fund.

ACTION: Received and filed.

O. REPORTS**P. PUBLIC COMMENTS ON REPORTS****R. STUDY SESSION****S. PUBLIC COMMENTS ON STUDY SESSION****HOUSING AUTHORITY/ FINANCING AUTHORITY /PARKING AUTHORITY/INDUSTRIAL FINANCING AUTHORITY**

At 9:17 p.m. the joint meetings with the Housing Authority, Financing Authority, Parking Authority and Industrial Financing Authority concluded.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

The following individuals provided comments: Bert Perello and Pat Brown.

T. ADJOURNMENT

At 9:23 p.m. the City Council concurred to adjourn the meeting.

DANIEL MARTINEZ
City Clerk

DR. THOMAS E. HOLDEN
Mayor



Meeting Date: 1/15/2013

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

Prepared By: Karen R. Burnham, Interim City ManagerAgenda Item No. I-2Reviewed By: City Manager mmhCity Attorney DAFinance Blaug

Other (Specify) _____

DATE: January 9, 2013**TO:** City Council**FROM:** Karen R. Burnham, Interim City Manager
City Manager's Office**SUBJECT:** Agreements for City Council Review**RECOMMENDATION**

That City Council, pursuant to Ordinance 2835, and Resolution No. 13,932, approve and authorize the City Manager, to execute the agreements/contracts and change orders/amendments in amounts more than \$25,000 but no more than \$250,000, which are described on the attached list.

DISCUSSION

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

FINANCIAL IMPACT

Funding information is included on the attached list.

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

NOTE: Copies of the agreement/contracts and change orders/amendments on the list are available in the City Clerk's Office after 10:00 a.m. on Thursday prior to the Council meeting.

City Manager Contract List for 01/15/2013

Item	Type	Department/Contact	Vendor/Agreement Number	Description/Purpose	Amount
A	Original Agreement	Housing - Affordable Housing Assistance Mary Chappell 385-7402	Marie Gandara Agreement No. 6190-12-HO	Mobilehome Replacement Loan Assumption Agreement Mobilehome Loan Assumption Agreement, Promissory Note, Security Agreement and Loan Agreement for Marie Gandara to assume loan after companion had passed away 3/23/2012. Ms. Gandara had previously shared occupancy with borrower in the mobilehome. The loan agreement now reflects the current requirements to make monthly payments as well as the other program requirements. Total Contract Amount: \$85,000 FundingSource: CDBG in 2006	\$85,000
B	Amendment	City Attorney Alan Holmberg 385-7483	Pioneer Law Group Agreement No. 6031-12-CA Amendment 1	Attorney Services Agreement for Surface Mining Pit Reclamation Issues This agreement is for legal services in connection with surface mining pit reclamation issues at Riverpark. The first amendment increases the total compensation to a not to exceed \$75,000 amount. This increase is to provide the firm funds to employ expert consultants, prepare for and appear at hearings before the State Mining and Geology Board and represent the City in possible legal actions arising from the Board's decision. The original agreement was pursuant to a qualification based selection process. Total Contract Amount: \$75,000 FundingSource: Water Operating Fund	\$50,000
C	Task Order	Public Works Lou Balderrama 340-5358	BTC Verical V Agreement No. 4919-09-CM Task Order 21	On-Call Soils and Material Testing Services Hueneme Road Recycled Water Project. This service includes inspection of the asphalt plant process and materials compliance with terms of the specifications as well as soils sampling and testing for proper street structural section compaction. As a result of a Request for Proposal process, the City entered into an "as needed" agreement with BTC Verical V to provide these types of services. Total Contract Amount: \$500,000 FundingSource: Water CIP Funds	\$55,922

ATTACHMENT # 1
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Meeting Date: 1/15/2013

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

Prepared By: Cynthia Daniels *ld*Agenda Item No. *I-3*Reviewed By: City Manager *mmh*City Attorney *SMF*Finance *JC*Other *Winegar* *AW***DATE:** January 2, 2013**TO:** City Council**FROM:** Cynthia Daniels, Project Manager
Development Services Department *Cynthia Daniels***SUBJECT:** Special Budget Appropriation for Landscaping Improvements at Rice Avenue/Santa Clara Avenue Interchange at the 101 Freeway**RECOMMENDATION**

That City Council:

1. Recognize federal grant revenue and appropriate \$70,000 to "Rice-Highway 101 Landscaping."
2. Approve the special budget appropriation to transfer \$18,000 from "Highway 101—Rice Interchange" to "Rice-Highway 101 Landscaping" to complete the landscaping for the Rice Avenue/Santa Clara Avenue interchange improvements at the 101 Freeway.

DISCUSSION

Background. City Council approved the Project Specification PW03-19 on June 2, 2009 to construct the Rice/101 interchange. The project is expected to be completed in winter 2013. Some of the landscaping was deleted from the project because it was outside the city boundary. The City is prohibited from providing water outside the boundary of the Calleguas Municipal Water District, which is identical to the city boundary. The City received federal funding as an earmark (from the Transportation Community & System & Preservation Pilot Program) for the Rice/Highway 101 project after the construction phase started. By federal law, the City was unable to apply the newest earmark to the interchange construction project. The earmark for \$660,000 may be used for other work related to the interchange, such as the landscaping and irrigation. The excluded landscaping area is included in a pending annexation request, which will resolve the issue of providing water to the new project area.

Project Budget. The request establishes the project budget for environmental review, preliminary engineering, and design revisions for the landscaping and irrigation at Auto Center Drive (north side), Santa Clara Avenue, and Ventura Boulevard. Federal earmarks require a 20 percent local match, which is a total of \$18,000. The local match would be transferred from the Rice/101 project budget to the landscaping project budget. The federal funds must be obligated by September 2013 or they will lapse

and no longer be available for the work.

FINANCIAL IMPACT

The special budget appropriation in the amount of \$88,000 includes a new appropriation of federal funds for \$70,000 and a transfer of \$18,000 of State Gas Tax funds from the Highway 101—Rice Interchange project.

CD

Attachment #1—Special Budget Appropriation

REQUEST FOR SPECIAL BUDGET APPROPRIATION

Department: Development Services
Project/Program
Manager: Cynthia Daniels

Date: January 15, 2013
Phone: 385-7871

Reason for Appropriation:

Recognize federal grant award TCSPL 5129 (077) in amount of \$70,000 to "Rice-Highway 101 Landscaping" and transfer available Gas Tax Fund of Rice Hwy 101 Project 873114 as local matching funds.

Accounts and Descriptions

AMOUNT

Fund: **FEDERAL TRANSPORTATION MULTI-YEAR GRANT (275)**

Revenues/Transfers In

RICE HWY 101 LANDSCAPING (Project 133112)

275-9718-531.72-01 FEDERAL GRANT REVENUES 70,000

Sub-total Revenues 70,000

Expenditures/Transfers Out

RICE HWY 101 LANDSCAPING (Project 133112)

275-9718-826.82-04 SVCS-ARCHITECTURE/ENGR'G 59,500

275-9718-826.84-51 SERVICES FROM OTHER PROGRAMS 10,500

Sub-total Expenditures 70,000

Net Change to Fund Balance 0

Fund: **STATE GAS TAX (181)**

Expenditures/Transfers Out

HWY 101-RICE INTERCHANGE (Project 873114)

181-9718-826.86-04 IMPROVEMENTS NOT BLDG-NEW -18,000

RICE HWY 101 LANDSCAPING (Project 133112)

181-9718-826.82-04 SVCS-ARCHITECTURE/ENGR'G 15,300

181-9718-826.84-51 SERVICES FROM OTHER PROGRAMS 2,700

Net Change to Fund Balance 0

Net Appropriation Change 0

Approvals

Department Director

Chief Financial Officer

City Manager

ATTACHMENT
PAGE 1 OF 1



Meeting Date: 1 / 15 / 2013

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

Prepared By: Susan L. Martin, AICP, Planning Manager *SLM* Agenda Item No. I-4Reviewed By: City Manager *mmh* City Attorney *SMF* Finance *JCC* Other _____

DATE: January 9, 2013

TO: City Council

FROM: Matthew G. Winegar, AICP, Director
Development Services Department *hows*SUBJECT: Second Amendment to Agreement with Kathleen Mallory for Planning Services
and Energy Consulting Project Management Services.**RECOMMENDATION**

That the City Council approve and authorize the Mayor to execute the second amendment to the agreement with Kathleen Mallory, Planning and Entitlement Services, to increase the amount by \$100,000 (for a total of \$350,000) for planning services and energy consulting project management services (Agreement No. 4950-09-DS).

DISCUSSION

Agreement No. 4950-09-DS was approved in December 2009 with Kathleen Mallory in the amount of \$250,000, to assist both the Planning Division and the Public Works Department with processing of discretionary development projects, environmental analysis, and project management services for energy efficiency grant programs, studies, and capital improvement projects. The first amendment extended the term of the agreement to December 31, 2012.

Staff is now recommending that a second amendment be approved which will increase the agreement by \$100,000 and extend the term of the agreement for one year to December 31, 2013. Within the scope of services and for the term of the agreement, the primary focus is Ms. Mallory's role will be as the City's Project Manager for the Southern California Edison (SCE), Flight 5.6 (Pepma I and II) energy work and completion of the energy efficiency improvement projects, which are part of the City's plan for the Energy Resource Alternatives Program under the Department of Energy's Energy Efficiency and Conservation Block Grant (EECBG) Program, as approved by City Council on June 16, 2009. Additionally, she will handle the permit processing related to the Village (Wagon Wheel) and Casden projects. The extension of time will allow staff to evaluate the feasibility of creating an energy and sustainability coordinator or manager position which would be supported by ongoing energy savings and additional grant programs related to energy savings as well as other sustainability and mobility grant programs.

projects are funded by developer deposits and planning fees.

FINANCIAL IMPACT

The cost of the agreement is increased by \$100,000 for a total of \$350,000. The additional work will be funded by a combination of developer deposits and fees, and energy grant programs.

MGW/sm

Attachment #1 - Second Amendment to Agreement No. 4950-09-DS

SECOND AMENDMENT TO AGREEMENT FOR CONSULTING SERVICES

This Second Amendment ("Second Amendment") to the Agreement for Consulting Services ("Agreement") is made and entered into in the County of Ventura, State of California, this ____ day of _____, by and between the City of Oxnard, a municipal corporation ("City"), and Kathleen M. Mallory, Planning and Environmental Services ("Consultant"). This Second Amendment amends the Agreement entered into on December 8, 2009, by City and Consultant. The Agreement previously has been amended on December 12, 2011, by a First Amendment.

City and Consultant agree as follows:

1. As of _____, 20____, Section 1 of the Agreement, Scope of Services, is amended to include the services set forth in Exhibit A1, attached hereto and incorporated in full herein by this reference.
2. In Section 12 of the Agreement, the date "December 31, 2012" shall be deleted and replaced with the date "December 31, 2013".
3. Subsection a of section 14 of the Agreement is amended as follows:
 - a. The figure "\$250,000.00" is replaced by the figure "\$350,000.00".
 - b. As of _____, 20____, Exhibit C1, attached hereto and incorporated herein by this reference, is substituted for Exhibit C.
4. As so amended, the Agreement remains in full force and effect.

CITY OF OXNARD

CONSULTANT

Tim Flynn, Mayor

Kathleen M. Mallory, AICP

ATTEST:

APPROVED AS TO INSURANCE:

Daniel Martinez, City Clerk

James Cameron, Risk Manager

APPROVED AS TO FORM:

APPROVED AS TO AMOUNT:

Alan Holmberg, City Attorney

Karen R. Burnham
Interim City Manager

APPROVED AS TO CONTENT:

A handwritten signature in black ink, appearing to read 'Matthew Winegar', is written over a horizontal line.

Matthew Winegar
Development Services Director

EXHIBIT A1

Scope of Services

Consultant, Kathleen Mallory, as the Project Manager, shall assist the City of Oxnard on the following tasks:

Planning Services:

- Processing of discretionary and ministerial development projects, including but not limited to: General Plan Amendments, Local Coastal Program Amendments, Specific Plans and Amendments, Zone Changes, Zone Text and Map Amendments, Special Use Permits, and Coastal Development Permits.
- Analysis and updating of City ordinances.
- Environmental analysis and assignments, including but not limited to: Initial Studies and Mitigated Negative Declarations; and management of consultant's selected to prepare Environmental Impact Reports (EIR's) and/or Environmental Impact Statements (EIS's).
- Function as the project manager or staff planner on development projects.
- Prepare Planning Commission, City Council, Development Advisory Committee, and Development Design Review reports.
- Preparation of grants and grant management.
- Project manager for energy related planning studies and analysis.
- Perform other services as assigned and directed by the Planning Manager and/or Development Services Director related to other City activities or departments.

Energy Consulting Project Management Services:

- Project Manager for Southern California Edison (SCE) Flight 5.6 Strategic Planning Grant.
 - Management of the City and Community Energy Action Plan, via the Planning Division;
 - Management of the Utility Management Software system, via the Planning Division; and
 - Related tasks to support these work efforts
- Energy Project Manager to:
 - Determine building energy efficiency;
 - Develop and assist in the implementation of programs to enhance

- City and community energy efficiency;
 - Research concerning incentives available to support City and community energy efficiency;
 - Project management providing research, analysis, and completion of applications for funding opportunities pertaining to City and community energy reduction; and
- Project Manager for the Energy Efficiency Conservation Block Grant (EECBG) project;
 - Waste-to-energy research and project management;
 - Project Manager for Power Purchase Agreement (PPA) for energy contracting associated with installation of photovoltaic equipment on city facilities and properties;
 - Energy efficiency, project management, and coordination for the City's Wastewater Treatment Facility;
 - Preparation of grants and grant management;
 - Project Manager for energy efficiency studies and analysis;
 - Perform other services as assigned and directed by the Planning Manager and/or Development Services Director related to other City activities or departments.

EXHIBIT C1
Rates

Consultant, Kathleen Mallory (Project Manager) and associated sub-consultants shall perform professional planning and grant management services for the City of Oxnard Planning Division at the following hourly rates, on an as needed basis:

Project Manager/Principal Planner	\$82.00
Project Manager/Principal Planner – grant funded projects as stipulated in the grant contract	\$105.00 or
Associate Planner	\$78.00



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

10/09/2012

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Phone: (805) 681-0505 Fax: (805) 681-0054
HOLMES & HOLMES INSURANCE AGENCY, INC.
299 N. FAIRVIEW AVE. 2ND FLOOR
GOLETA CA 93117

CONTACT NAME: **HOLMES & HOLMES INSURANCE AGENCY, INC.**
PHONE (A/C, No, Ext): **(805) 681-0505** FAX (A/C, No): **(805) 681-0054**
E-MAIL:
ADDRESS:
PRODUCER
CUSTOMER ID: **2525**

Agency Lic#: OC17316

INSURED
MALLORY, KATHLEEN
651 VIA VISTA
NEWBURY PARK CA 91320

INSURER(S) AFFORDING COVERAGE

NAIC #

INSURER A : **Sequoia Insurance Company**

INSURER B :

INSURER C :

INSURER D :

INSURER E :

INSURER F :

COVERAGES

CERTIFICATE NUMBER: 19273

REVISION NUMBER:

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.

INSR LTR	TYPE OF INSURANCE	ADD'L INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY			SBP214320	06/16/12	06/16/13	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED. EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
	☒ COMMERCIAL GENERAL LIABILITY						
	☐ CLAIMS-MADE ☒ OCCUR						
	GEN'L AGGREGATE LIMIT APPLIES PER:						
	☐ POLICY ☐ PRO-JECT ☐ LOC						
A	AUTOMOBILE LIABILITY			SBP214320	06/16/12	06/16/13	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	☐ ANY AUTO						
	☐ ALL OWNED AUTOS						
	☐ SCHEDULED AUTOS						
	☒ HIRED AUTOS						
	☒ NON-OWNED AUTOS						
	UMBRELLA LIAB						EACH OCCURRENCE \$
	EXCESS LIAB						AGGREGATE \$
	DEDUCTIBLE						\$
	RETENTION \$						\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						WC STATUTORY LIMITS \$ OTH ER \$
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	☐ Y/N	N/A				E.L. EACH ACCIDENT \$ E.L. DISEASE-EA EMPLOYEE \$ E.L. DISEASE-POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

City of Oxnard, its City Council, officers, employees, agents and volunteers are named as an additional insured as respects: liability arising out of activities performed by or on behalf of Consultant; products and completed operations of Consultant; premises owned, occupied or used by Consultant; or automobiles hired or borrowed by Consultant. (Additional Insured Endorsement from Carrier supersedes any Acord Certificate.)

CERTIFICATE HOLDER

CANCELLATION

City of Oxnard
Risk Manager
Reference No. 4950-09-DS
300 West Third Street, Suite 302
Oxnard, CA 93030

Attention:

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Kay A Holmes
Kay A. Holmes

Sequoia Insurance Company
P.O. Box 1510, Monterey, CA 93942

Policy Number: SBP214320-4
Kathleen Mallory

ENTERPRISE INSURANCE POLICY

Effective 06/16/2012

Declaration Number 001

Policy Effective from 06/16/2012 to 06/16/2013 at 12:01 AM Local Time

Mail To:

City Of Oxnard
*** See Name Addendum ***
300 West Third Street, Suite 302
Oxnard, CA 93030

Insured:

Kathleen Mallory
651 Via Vista
Thousand Oaks, CA 91320

Additional Insured Policy Declaration

You are listed as an Additional Insured under this policy as per the attached.

Agent:

Holmes & Holmes Insurance Agency
299 North Fairview Avenue
2nd Floor
Goleta, CA 93117
(805) 681-0505

NOTE: In the event of CANCELLATION of this policy for non-payment of premium, a written notice will be given to the Additional Insured ten (10) days prior to the effective date of cancellation. If this policy is cancelled for any other reason, a written notice will be given to the Additional Insured thirty (30) days prior to the effective date of cancellation.

In the event of NON-RENEWAL of this policy, a written notice will be given to the Additional Insured sixty (60) days prior to the expiration date of the policy.

Any loss is payable to the Named Insured and the Additional Insured, as their interest appears on this policy.

Declaration Number: 001
Effective Date: 06/16/2012

Policy Number: SBP214320-4
Kathleen Mallory

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LIABILITY DECLARATIONS

Coverage

	Limit
Liability and Medical Payment Limit - per occurrence	\$ 1,000,000
General Aggregate Limit	\$ 2,000,000
Products/Completed Operations Aggregate Limit	\$ 2,000,000
Personal & Advertising Injury - any one person or organization	Included
Damage to Premises Rented to You Limit - any one fire	\$ 300,000
Medical Expense Limit - any one person	\$ 10,000
Bodily Injury and Property Damage Deductible	Not Applicable
Hired Auto & Non-Owned Auto	Included

Business Liability Classifications

Location: 1 651 Via Vista, Thousand Oaks, CA 91320
Risk: 1 Consulting Office

Class: Engineering Services
Code: 5413300
Exposure: \$ 16,800 Contents Limit

Business Liability Coverages

Location: 1 651 Via Vista, Thousand Oaks, CA 91320
Risk: 1 Consulting Office

Form Number and Coverage:
BP 0003 Business Liability

Location: All Locations
Risk: All Risks

Form Number and Coverage:
BP 0404 Hired/Non-Owned Auto

Referenced Descriptions and Schedules

Exclusion - Designated Professional Services (SEQ 0561)
Excluded Designated Professional Services:
Consulting

Declaration Number: 001
Effective Date: 06/16/2012

Policy Number: SBP214320-4
Kathleen Mallory

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ADDITIONAL INSURED NAME ADDENDUM

Additional Insured Name:

Loan Number:

City of Oxnard, its City Council, officers, employees, agents and volunteers are named as an additional insured as respects: liability arising out of activities performed by or on behalf of Consultant; products and completed operations of Consultant; premises owned, occupied or used by Consultant; or automobiles owned, leased, hired or borrowed by Consultant Risk Manager Reference No. 4950-09-DS

Declaration Number: 001
Effective Date: 06/16/2012

Policy Number: SBP214320-4
Kathleen Mallory

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THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – OWNERS, LESSEES OR CONTRACTORS

This endorsement modifies insurance provided under the following:

BUSINESSOWNERS COVERAGE FORM

SCHEDULE *

Name of Person or Organization:

* Information required to complete this Schedule, if not shown on this endorsement, will be shown in the Declarations.

The following is added to Paragraph C. Who is an Insured in Section II – Liability:

4. Any person or organization shown in the Schedule is also an insured, but only with respect to liability arising out of your ongoing operations performed for that insured.

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

Prepared By: Martin R. EricksonAgenda Item No. 0-1Reviewed By: City Manager [Signature]City Attorney [Signature]Finance [Signature]

Other (Specify) _____

DATE: January 3, 2013**TO:** City Council**FROM:** Martin R. Erickson, Special Assistant to the City Manager
City Manager's Office[Signature]**SUBJECT:** Consideration of Draft State Legislation Creating a Gold Coast Transit District.**RECOMMENDATION**

That City Council consider draft legislation concerning the transition of Gold Coast Transit (GCT) from a joint powers agency to a transit district.

DISCUSSION

GCT is the public transit provider for western Ventura County. GCT is a Joint Powers Agency (JPA) with five members: City of Oxnard, City of Ventura, City of Ojai, City of Port Hueneme and the County of Ventura. Councilman MacDonald is Oxnard's representative on GCT, and the current Chair. Mayor Pro Tem Ramirez is the alternate.

In January 2010, SB 716 (Wolk) went into effect. One of SB 716's provisions for Ventura County dictated that by July 1 2014, all Transportation Development Act (TDA) funding would need to be expended on transit. VCTC was encouraged to prepare a countywide transit plan in 2012 to prepare for this. VCTC prepared a regional transit study in cooperation with Ventura County's cities and the County which was adopted by VCTC on April 13, 2012. A key component of the plan was that Gold Coast Transit (GCT) would transition into a west county transit district, Gold Coast Transit District (GCTD). On July 31, 2012 the City Council unanimously supported VCTC's adopted regional transit study.

One of the provisions of the adopted study stated that Oxnard "provide for member agency TDA to be subvented to GCTD as of July 1, 2014, net of funding for transit stations, stops, and facilities." Therefore, Oxnard would still obtain its TDA transit funding for transit center operations and bus stop maintenance (at a current cost of \$500,000 per year, which would need to continue).

On September 25, 2012 City Council held a study session to discuss the transition of GCT from a joint powers agency to a transit district. After discussion, City Council conceptually approved the concept, so long as the City could still retain its TDA transit funding for OTC operations and bus stop

maintenance. Additionally, one of the City Council's strategic initiatives from February, 2012 was supporting the transition of GCT to a district.

FINANCIAL IMPACT

There is no financial impact at this time.

Attachment #1 – Draft Legislation for Creation of a Gold Coast Transit District

Bill No. ____

GOLD COAST TRANSIT DISTRICT

The people of the State of California do enact as follows:

SECTION 1. Part 18 (commencing with Section 107000) is added to Division 10 of the Public Utilities Code, to read:

PART 18 GOLD COAST TRANSIT DISTRICT

CHAPTER 1: GENERAL PROVISIONS

107000. Short Title

This part shall be known and may be cited as the Gold Coast Transit District Act.

107001. Definitions

As used in this part, the following terms have the following meanings:

- (a) "Agency" means the Gold Coast Transit, a joint powers agency created pursuant to Government Code section 6500 *et seq.*
- (b) "Board of Directors" or "Board" means the Board of Directors of the Gold Coast Transit District.
- (c) "Board of Supervisors" means the Ventura County Board of Supervisors.
- (d) "County" means the County of Ventura.
- (e) "District" means the Gold Coast Transit District created by Section 107001 *et seq.*
- (f) "Member" means the County of Ventura, the cities of cities of Oxnard, San Buenaventura (Ventura), Port Hueneme, and Ojai, and any other city within the County of Ventura who joins as a member as set forth in this Act.

- (g) "Transit" means the transportation of passengers and their incidental baggage.
- (h) "Transit facilities" means any and all real and personal property, easements, licenses, equipment, facilities, rights, title, or interests owned or acquired by the District for transit services and operation thereof.
- (i) "Voter" means any elector who is registered under the Elections Code.

CHAPTER 2: FORMATION OF DISTRICT

107002. There is hereby created the Gold Coast Transit District. The jurisdiction of the District includes the cities of Oxnard, San Buenaventura (Ventura), Port Hueneme and Ojai and the unincorporated areas of the County of Ventura and other cities that subsequently qualify as members pursuant to the requirements set forth in Section 107005.

107003. On and after July 1, 2014, the Agency is dissolved and the District succeeds to, and is vested with, all of the rights, powers, duties, and obligations of the Agency. The District is the successor to the Agency's assets, interests in any property, its rights and obligations under any contract, any outstanding indebtedness of the Agency, and its rights under any grants, without the necessity of any further action.

107004. The District shall assume the duties of public transit provider performed by the Agency. On and after July 1, 2014, the cities of Oxnard, San Buenaventura (Ventura), Port Hueneme, Ojai, the County of Ventura, and other jurisdictions that subsequently qualify as members pursuant to the requirements set forth in Section 107007 are included within the District.

107005. Any other city within the County of Ventura may join as a member of the District upon approval by its City Council of a Resolution approving the City's joining as a member and a Resolution of the District's Board approving the joining of the new member.

107006 If any portion of the unincorporated area of the County is annexed to a member city, that City shall assume the obligation of the County for that area. If any portion of the unincorporated area of the County becomes incorporated, that City shall assume the obligations of the County for that area.

107007. Upon dissolution of the Agency, employees of the agency shall be deemed to be employees of the District without any break in service or any loss or reduction of compensation or benefits, except as may be imposed by express action of the Board.

107008 Notwithstanding section 99231(a) of the California Public Utilities Code, all members of the District may also claim funds available in the local transportation fund

apportioned to the District for transit services, including the operation of locally supported transit service and maintenance of the transit facilities not provided by the District that the member funds and/or operates.

CHAPTER 3: GOVERNMENT OF DISTRICT

107009. Board of Directors

(a) The District shall be governed by a Board composed of a minimum of five (5) Boardmembers, which may be expanded with the addition of new member cities but shall not exceed eleven (11) Boardmembers. One Boardmember shall be appointed by the governing body of each member. Each Boardmember shall serve at the pleasure of the Boardmember's appointing authority. Boardmembers appointed pursuant to the joint powers agreement, which is superseded by formation of the District shall continue to serve at the pleasure of the Boardmember's appointing authority. Each Boardmember shall at all time during the Boardmember's term be a member of the governing body of the member, which appointed the Boardmember.

(b) The governing body of each member shall also appoint an alternate Boardmember, who shall serve on the Board during the absence or disability of the member's regular Boardmember. The alternate Boardmember shall meet the same qualifications and shall serve upon the same conditions and for the same term as the regular Boardmember. Whenever the Boardmember serves on the Board, the alternate Boardmember shall have all the powers of a regular Boardmember.

(c) The Board may designate one or more ex-officio and/or at-large member(s) based on District adopted procedures.

(d) All actions of the Board shall be by majority vote on a one Boardmember, one vote formula with the exception of votes on the Annual Budget, Mid-Year Budget Changes and Amendments, and Capital Expenditures of \$5,000,000 or more. The vote for these specific issues shall be weighted, as set forth in subsection (e).

(e) A member shall be given the value and effect equal to a 1.0 vote to each member, whose population is under 100,000 and a 2.0 vote to each member, whose population is 100,000 or more. The annual California Department of Finance population (DOF) estimates shall be used with an updated formula presented to the Board annually at the first Board meeting after release of the DOF figures. The weighted vote of any single Boardmember shall not, of itself, be given the value or effect of a majority vote. A weighted vote may not be split by any Boardmember.

(f) The Board shall adopt bylaws for its proceedings consistent with the laws of the state.

FOURTH DRAFT DECEMBER 18, 2012

- (g) The Board shall do all of the following:
- (1) Adopt an annual budget.
 - (2) Adopt an administrative code, by ordinance, which prescribes the powers and duties of the District officers, the method of appointment of the District employees, and the methods, procedures, and systems of operation and management of the District.
 - (3) Make determination of policy for the District.
 - (4) Adopt a Conflict of Interest Code.
 - (5) Cause a post-audit of the financial transactions and records of the District to be made at least annually by a certified public accountant.
 - (6) Make contracts and enter into stipulations of any nature whatsoever and do all acts necessary and convenient for the full exercise of the powers granted in this Act for the operation of the District and transit services.
 - (7) Create and administer funds of the District.
 - (8) The Board shall adopt priorities reflecting the District's goals.
 - (9) Do any and all things necessary to carry out the purposes of this Act.

CHAPTER 4: MEETINGS

1070010. The Board, at its first meeting, and thereafter annually at the meeting designated by the Board, shall elect a Chair, who shall preside at all meetings, and a Vice Chair, who shall preside in the absence of the Chair. In the event of Chair's or Vice- Chair's absence or inability to act, the members present provided a quorum exists, by an order entered into the minutes, shall select one of their members to act as Chair pro tempore, who, while so acting, shall have all the authority of the Chair.

107011. All meetings of the Board and any standing committees shall be conducted in a manner prescribed by the Ralph M. Brown Act, pursuant to Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code, provided State Mandated reimbursement is available..

107012. A majority of the Board or standing committee entitled to vote constitutes a quorum for the transaction of business. All official acts of the Board or standing subcommittee of the Board require the affirmative vote of a majority of the Board or committee members present.

107013. The acts of the Board shall be expressed by motion, resolution, or ordinance.

CHAPTER 5: POWERS OF THE DISTRICT

107014. Powers

The District shall have the power to own, operate, manage and maintain a public transit system and associated facilities; and, in the exercise of the power under this Act, District is authorized in its own name to:

- (a) Adopt a seal and alter it at its pleasure;
- (b) Enact ordinances, resolutions, policies, and guidelines;
- (c) Employ agents and employees and contract for professional services;
- (d) Make and enter into contracts and enter into stipulations of any nature whatsoever and do all acts necessary and convenient for the full exercise of the powers granted in this Act for the operation of the District and transit services and facilities;
- (e) Acquire, convey, construct, manage, maintain and operate buildings and improvements, equipment and assets of the District;
- (f) Acquire, convey and dispose of real and personal property, easements, and licenses;
- (g) Adopt a Conflict of Interest Code;
- (h) Lease and sublease real and personal property, equipment and facilities;
- (i) Create and administer funds and the distribution of such funds;
- (j) Create and enact taxes, fees, fares and penalties, as permitted by law;
- (k) Advocate on behalf of the District;
- (l) Develop and pursue ballot measures;
- (m) Enforce criminally and/or civilly any and all ordinances, resolutions and policies, as permitted by law.
- (n) Create standing and ad hoc committees, as deemed necessary;

FOURTH DRAFT DECEMBER 18, 2012

(o) Incur and encumber debts, obligations and liabilities, including but not limited to bonds, notes, warrants, and others forms of indebtedness; provided, however, the debts, obligations and liabilities incurred by the District shall not be, nor shall they be deemed to be, debts, encumbrances, obligations or liabilities of any member;

(p) Invest money in the District treasury that is not needed for immediate necessities, as the Board determines advisable, in the same manner and upon the same conditions as other local entities in accordance with Section 53601 of the Government Code;

(q) Pursue collection of obligations owed to the District;

(r) Sue and be sued, except as otherwise provided by law in all actions and proceedings, in all courts and tribunals of competent jurisdiction;

(s) Exercise the right and power of eminent domain to take any property necessary or convenient to the exercise of the powers granted in this Act;

(t) Provide transportation services and/or facilities outside the District's jurisdictional boundaries provided a finding is made by the Board that such transportation services and/or facilities benefit the citizens or users of the transportation service or facilities, and

(u) Do and undertake any and all other acts reasonable and necessary to carry out the purpose of this Act.

107015. Transit Service

(a) The District shall provide, operate, manage and maintain a public transportation service serving and connecting the territories of the members. Within District's capabilities, as determined by the Board, service may also be provided to points outside the territories of the members, with the prior approval of the public entity having jurisdiction of the territory to be served. Within District's capabilities, expanded transportation services, routes and facilities may also be provided.

(b) District shall provide a standardized system of fares and a uniform system of transfers; provided, however, changes in fares and changes in routes shall be made only following a public hearing on the proposed change, with detailed notice to the governing bodies of the members and the public at least thirty (30) days prior to the proposed public hearing.

(1) Provided, however, that implementation of minor changes in routes and times, may be made without notice and hearing by the Board. Such minor changes may be implemented by the General Manager, without notice and hearing, under guidelines established by the Board.

(2) Provided, further, that in both cases, District has the equipment to make the minor changes in services without reduction of its existing services

elsewhere and the changes do not result in additional costs to District or the members.

- (3) In the performance of its function District shall seek out and make maximum use of all available programs of assistance, may apply for and receive public and private grants that promote the operation of the District, and shall establish and maintain close liaison with federal, state and regional agencies.
- (4) District may either operate the transit system itself or a part thereof or it may contract with any other public or private agency or corporation to operate all or part of the transit system for the District or it may contract with any public or private agency or corporation for the improvement in transit services, facilities, equipment or operations being operated and conducted by said agency or corporation in, and, or, out of, the District.

107016. Budget and Audit

In the performance of its functions District shall:

- (a) Keep and maintain records and books of accounts in accordance with the Uniform System of Accounts and Records adopted by the State Controller pursuant to Section 99243 of the Public Utilities Code.
- (b) Provide for and submit to an annual independent audit of its total operations; a copy of each audit report shall be filed with the finance officer of each of the member agencies not later than 120 days following the close of each fiscal year.
- (c) Consider and, following a public hearing thereon, adopt an annual operating and capital expenditure budget and a five (5)-year capital expenditure program, which complies with the requirements of local, state, and federal laws.
- (d) Provide for insurance coverage of liability, operations and assets;
- (e) Provide for District employees retirement benefits under the program administered by the California Public Employees' Retirement System or other system permitted by law.
- (f) The District fiscal year shall be July 1 through June 30.
- (g) Notice of the time and place of a public hearing on the adoption of the annual budget shall be published pursuant to Section 6061 of the Government Code not less than fifteen (15) days prior to the day of the hearing. The proposed annual budget shall be available for public inspection at least fifteen (15) days prior to the hearing. Copies of the proposed annual

budget and the capital expenditure program shall be submitted to the governing bodies of the member agencies for review and comment at least thirty (30) days prior to the date scheduled for public hearing and final adoption.

107017. Financing

(a) The District may, with the concurrence of a majority of the members cause to be submitted to voters of the District a ballot measure for the imposition of taxes.

(b) If approved as required by law, the District may impose and administer fees and other funding sources secured for transportation system operation, maintenance, and improvement.

(c) The Board may set fares for public transit service by resolution.

(d) As an alternative procedure for the raising of funds, District may issue bonds, payable from revenues of any facility or enterprise to be acquired or constructed by the District, in the manner provided by the Revenue Bond Law of 1941 (Chapter 6 [commencing with Section 54300] of Part 1 of Division 2 of Title 5 of the Government Code), all of the provisions of which are applicable to the District.

(e) The District is a local agency within the meaning of the Revenue Bond Law of 1941 (Chapter 6 [commencing with Section 54300] of Part 1 of Division 2 of Title 5 of the Government Code). The term "enterprise" as used in the Revenue Bond Law of 1941 shall, for all purposes of this part, includes transit facilities and any and all parts thereof and all additions, extensions, and improvements thereto and all other facilities authorized to be acquired, constructed, or completed by a District or, in the alternative, may issue revenue bonds under the Revenue Bond Law of 1941, for the acquisition, construction, and completion of any one of those facilities. Nothing in this article shall prevent the District from availing itself of, or making use of, any procedure provided in this part for the issuance of bonds of any type or character for any of the facilities or works authorized under this part, and all proceedings may be carried on simultaneously or in the alternative, as the directors may determine.

(f) The District may advocate on and act on behalf of all District members with their concurrence to further District's transit interests, funding, projects, and priorities.

(g) The District may promulgate a plan for funding transit projects and/or operations within its jurisdiction or as permitted in section 107014 (t).

107018. Compliance with Federal Standards

In the performance of its functions, the District shall comply with Title VI of the Civil Rights Act of 1964 (Public Law 88352) and all requirements imposed by the Federal Transit Administration. District's function shall be performed in accordance with Title VI of that act to

the end that no person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under District's operations.

107019. Personnel

(a) The District may hire an independent staff of its own or contract with any department or agency of the United States or with any public or private agency to implement this part.

(b) This District may contract with public or private entities in conformance with applicable procurement procedures for the procurement of engineering, project management, and contract management services.

(c) The Board shall fix the compensation of the District's officers and employees.

(d) The District may employ such employees and agents as the Board may deem necessary to carry out its powers and duties, including but not limited to a General Manager/Executive Officer and Legal Counsel. The General Manager and Legal Counsel shall be selected by, and shall serve at the pleasure of and upon the terms prescribed by, the Board.

107020. Bond Requirements

The General Manager, and every officer or person under the direction of the General Manager who handles, has access to, or has charge of any property of the District, shall provide and file with the General Manager of GCT, an official fidelity bond or insurance policy assuring to the District that person's performance. The Board shall determine and establish the penal sum of each official bond. Premiums charged for each bond required shall be paid by the District.

107021. Member Liability

The members, whether individually or collectively, do not assume, nor shall they be deemed to assume, liability for:

(a) Performing any and all things necessary to carry out the purposes of this Act. Any act of the District or for any act of District's agents or employees;

(b) The payment of wages, benefits or other compensation to officers, agents or employees of District; or

(c) The payment of workers' compensation or indemnity to agents or employees of District for injury or illness arising out of performance of this Agreement.

CHAPTER 6. CLAIMS

107022. Claims for money or damages

- (a) All claims for money or damages against the District are governed by Division 3.6 (commencing with Section 810) Title 1 of the Government Code, except as provided therein or by other statutes or regulations expressly applicable thereto.
- (b) Form and Procedure. No claim for money or damages shall be considered by the Board unless said claim conforms to the provision of section 910 *et seq.* of the Government Code and unless said claim is filed with the Clerk of the Board not less than five (5) days prior to the time of the meeting of the Board at which it is to be considered.
- (c) Special claims. Pursuant to section 935 of the Government Code, all claims against the District for money or damages which are excepted by section 905 of the Government Code from the provisions of Division 3.6 of the Government Code (section 810, *et seq.*), and which are not governed by any other statute or regulations expressly relating thereto, shall be governed by the procedures prescribed in this section.
 - (1) A signed written claim shall be presented to the District by mailing or delivering it to the Clerk of the Board by the claimant or by person acting on behalf of the Clerk of the Board. The claim shall conform to the requirements of section 910 of the Government Code or of a form provided by the District if such form is provided.
 - (2) Unless otherwise provided in this section the procedures of presentation, consideration and action upon all claims filed pursuant to this section shall be the same as the procedures provided and required by sections 910 through 915.2 of the Government Code, and any amendment thereto as enacted, which provisions and section are hereby adopted as the requirements of this section. The presentation and action on claims provided herein shall be a prerequisite to suit thereon, and such suit shall be subject to the provisions of section 945.5 and 945.6 of the Government Code.

CHAPTER 7. DETACHMENT

107023.

- (a) Territory within the District may be detached from the District by a supermajority being 80% of the non-weighted vote of the existing Board.
- (b) The detachment of territory from the District shall become effective upon giving of the notice required in Section 57204 of the Government Code, provided that the detached territory shall not be relieved from liability for taxation for the payment of any bonded indebtedness existing at the time of detachment.

(c) Notice of the detachment of territory from the district shall be given to each assessor whose roll is used for the tax levy made pursuant to this part and with the State Board of Equalization pursuant to Government Code Sections 54900 et seq.

CHAPTER 8. DISSOLUTION

107024. The District may be dissolved upon a supermajority being 80% of the non-weighted vote of the Board. However, the winding up of the District shall be conducted by the Board and the General Manager. The district shall not be fully dissolved and terminated until all debts, financial obligations and liabilities shall be paid in full and any and all remaining assets after payment of all debts, financial obligations and liabilities, shall be distributed to the members.

(a) If the members cannot agree as to the valuation of the property or to the manner of asset distribution, the distribution or valuation shall be made by three (3) arbitrators appointed as set forth below.

(b) One arbitrator each shall be appointed by the governing bodies of the Oxnard and San Buenaventura and one arbitrator by County of Ventura, Port Hueneme and Ojai and one arbitrator shall be selected by the other members. If no other members exist, the third arbitrator shall be selected by Presiding Judge of the Ventura County Superior Court.

(c) The arbitration shall be binding and shall be conducted pursuant to the Code of Civil Procedure section 1280 *et seq.* Any hearings shall be held within Ventura County, California. All notices, including noticed under Code of Civil Procedure section 1290.4 shall be given to the governing body of each member.