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AGENDA
July 22, 2008
OXNARD CITY COUNCIL
OXNARD COMMUNITY DEVELOPMENT COMMISSION
*OXNARD HOUSING AUTHORITY
OXNARD FINANCING AUTHORITY
City Council Chambers, 305 West Third Street, Oxnard
6:00 P.M. Closed Session
7:00 P.M. Regular Meetings

- A. ROLL CALL/POSTING OF AGENDA
RECOMMENDATION: *The Oxnard Housing Authority will not meet because there are no items requiring consideration on this date.

- B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS
RECOMMENDATION: 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 (See Page 9 for description of closed session items)

- D. OPENING CEREMONIES 7:00 P.M.
RECOMMENDATION: Pledge of allegiance to the flag of the United States.

- E. CEREMONIAL CALENDAR

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

G. REVIEW OF INFORMATION/CONSENT AGENDA

RECOMMENDATION: 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

RECOMMENDATION: 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

ACTION: Information/Consent Agenda approved.

City Attorney Department

1. SUBJECT: Execution of an Easement Agreement for the Waterway Commonly Known as the Edison Canal. (001) RECOMMENDATION: Authorize the Mayor to execute an easement agreement with Centerpoint Energy MRT Services and Trimark Pacific-Mandalay Bay, LLC (4250-08-CA) Legislative Body: CC Contact: James Rupp Phone: 385-7483

Document: [View Item \(pdf 51 KB\)](#)

2. SUBJECT: Correction of Declaration of Covenants, Conditions, Easements and Restrictions Governing the Seabridge Project Located Southwesterly of the Intersection of Wooley Road and Victoria Avenue. (003) RECOMMENDATION: Authorize the Mayor to execute the corrected documents. Legislative Body: CC Contact: James Rupp Phone: 385-7483

Document: View Item (pdf 631 KB)

City Clerk Department

3. SUBJECT: Minutes of the Regular Meetings of City of Oxnard Financing Authority for April 22, 2008. (019); RECOMMENDATION: Approve. Legislative Body: COFA
Contact: Daniel Martinez Phone: 385-7803

Document: View Item (pdf 132 KB)

City Manager Department

4. SUBJECT: Amendment to Chapter 23, Article IV of the City Code Establishing Video Franchise Fees, Penalties, and Other Related Matters for State Video Franchise Agreements. (023) RECOMMENDATION: Approve the first reading by title only and subsequent adoption of an ordinance adding Section 23-44 to the City Code, establishing video franchise fees, PEG fees, penalties and other related matters for state video franchise agreements. Legislative Body: CC Contact: Martin R. Erickson Phone: 385-7870

Document: View Item (pdf 305 KB)

ACTION: Approved, O-2782, first reading only.

5. SUBJECT: College Park Phase 1B Project. (029) RECOMMENDATION: Approve Project Specification GS08-11 for the College Park Phase 1B Project consisting of construction of two dog parks, two volleyball courts, two parking lots, and a perimeter road, irrigation and landscaping, located at 3250 South Rose Avenue. Legislative Body: CC Contact: Michael Henderson Phone: 385-7950

Document: View Item (pdf 177 KB)

Community Development Department

6. SUBJECT: Resolution Approving and Supporting Gateway Monument signs in Caltrans Right-Of-Way on the 101 Freeway at the Southbound Vineyard Avenue and the

Northbound Del Norte Boulevard Off-Ramps. (033) RECOMMENDATION: Adopt a resolution approving and supporting Gateway Monument signs in Caltrans right-of-way on the 101 Freeway at the southbound Vineyard Avenue and the northbound Del Norte Boulevard off-ramps. Legislative Body: CC Contact: Richard Bryan Phone: 385-7407

Document: [View Item \(pdf 294 KB\)](#)

ACTION: Approved, R-13,538.

7. SUBJECT: Financing for the RiverPark Project Retail Component Located Adjacent to and North of the 101 Freeway, East of the Santa Clara River and West Of Vineyard Avenue. (041) RECOMMENDATION: That City Council (1) For the assignment of the RiverPark Project Development Agreement (A-6128), approve as to form the Assignment and Assumption Agreements from Shea Properties II, LLC to the Collections, LLC, Landing, LLC and Pointe, LLC and authorize the Mayor to execute the consent forms for the Assignment and Assumption Agreements; and (2) Approve and authorize the Mayor to execute the construction financing Consent Estoppel for the Collections, LLC and Keybank National Association conditioned on the review and approval by the City Attorney and Special Counsel of the final form of the loan documents.
That Community Development Commission (CDC) (1) For the assignment of the RiverPark Project Owner Participation Agreement (A-5965), approve as to form the Assignment and Assumption Agreements from Shea Properties II, LLC to the Collections, LLC, Landing, LLC and Pointe, LLC and authorize the Chairman to execute the consent forms for the Assignment and Assumption Agreements; and (2) Approve and authorize the Chairman to execute the construction financing Consent Estoppel for the Collections, LLC and Keybank National Association conditioned on the review and approval by the General Counsel and Special Counsel of the final form of the loan documents. Legislative Body: CC/CDC Contact: Richard R. Bryan Phone: 385-7407

Document: [View Item \(pdf 251 KB\)](#)

Development Services Department

8. SUBJECT: Ordinance No. 2781 Regarding PZ 07-570-8 (Zone Change) for 934 and 936 West Fifth Street and 501 Hobson Way to Commercial Office. Filed by Grace Bible Church and Synergy Development Services (on Behalf of T-Mobile). (045) RECOMMENDATION: Second reading and adoption. Legislative Body: CC Contact: Chris Williamson Phone: 385-8156

Document: [View Item \(pdf 130 KB\)](#)

9. SUBJECT: Authorization for Mayor to Execute Program-Supplements and Other Documents to Master Agreement for Federal-Aid Projects with California Department of Transportation (Caltrans). (049) RECOMMENDATION: Adopt a resolution authorizing the Mayor to execute all program supplements and other documents required under revised Master Agreement administering Agency-State Agreement for Federal-Aid Projects No. 07-5129R (A-6986). Legislative Body: CC Contact: Cynthia Daniels Phone: 385-7871

Document: [View Item \(pdf 86 KB\)](#)

ACTION: Approved, R-13,539.

10. SUBJECT: Agreement with Southern California Gas Co. for Rice Avenue/Santa Clara Avenue Interchange Improvements on Highway 101. (051) RECOMMENDATION: Approve and authorize the Mayor to execute an agreement with Southern California Gas Co. (A-6844) in the amount of \$1,586,260 for relocation of a 30-inch high pressure gas line at the Rice Avenue/Santa Clara Avenue interchange improvements on Highway 101. Legislative Body: CC Contact: Cynthia Daniels Phone: 385-7871

Document: [View Item \(pdf 69 KB\)](#)

11. SUBJECT: Amendments to Chapter 18 (Floodplain Management) of the Oxnard City Code. (053) RECOMMENDATION: Approve the first reading by title only and subsequent adoption of an ordinance amending various sections of Chapter 18 (Floodplain Management) of the Oxnard City Code to comply with the current California Model Floodplain Management Ordinance. Legislative Body: CC Contact: Paul J. Wendt Phone: 385-7894

Document: [View Item \(pdf 238 KB\)](#)

ACTION: Approved, O-2783, first reading only.

12. SUBJECT: Approval of a Development Agreement Negotiating Team for (1) the Las Cortes Project Located North of First Street, West of Rose Avenue, South of Del Sol Park and East of Marquita Street, filed by the Oxnard Housing Authority and Steadfast Properties LLC; and (2) a mixed use development project located at 711 N. Oxnard

Boulevard filed by Aldersgate Investment, LLC. (059) RECOMMENDATION: (1) Direct the City Manager to appoint a negotiating team to negotiate a development agreement with the Housing Authority and Steadfast Properties for the Las Cortes Project; and (2) Direct the City Manager to appoint a negotiating team to negotiate a development agreement with Aldersgate Investment, LLC for a mixed used development project. Legislative Body: CC Contact: Matthew Winegar Phone: 385-7483

Document: [View Item \(pdf 205 KB\)](#)

Finance Department

13. SUBJECT: Sale of Vacant Land Located at 4201 West Hemlock Street. (063) RECOMMENDATION: Approve the sale of property located at 4201 West Hemlock Street, Oxnard, CA (the "Property") to Robert Stein ("Buyer") (A-7086), authorize the Mayor to execute a Grant Deed in connection therewith, and ratify the execution by the City Manager of the attached Vacant Land Purchase Agreement, Counter Offer No. 1, and related documents. Legislative Body: CC Contact: Mike More Phone: 385-7480

Document: [View Item \(pdf 73 KB\)](#)

Police Department

14. SUBJECT: Ordinance No. 2780 Concerning Regulating Time and Place Restrictions on Vending from Vehicles, Wagons, and Pushcarts. (065) RECOMMENDATION: Second reading and adoption. Legislative Body: CC Contact: Dirk Voss Phone: 385-8173

Document: [View Item \(pdf 48 KB\)](#)

Public Works Department

15. SUBJECT: PW06-14 Ormond Beach Resurfacing Project, Located in the Ormond Beach Project Area. (067) RECOMMENDATION: That City Council (1) Approve Project Specification No. PW06-14 (Ormond Beach Resurfacing Project) for pavement resurfacing, sidewalk, curb and gutter repair, and replace street name signs throughout the Ormond Beach area bound by Perkins Road, Mc Wane Boulevard, Edison Drive, and Hueneme Road; and (2) Approve and adopt the attached Resolution entitled "A Resolution

of the City Council of the City of Oxnard, California, Consenting to the Payment or Reimbursement by the Oxnard Community Development Commission of All Costs Related to Certain Public Improvements in the Ormond Beach Redevelopment Project Area, Agreeing to Administer and Expend Funds on Behalf of the Commission and Making Certain Determinations and Findings (Roadway Reconstruction Project)." That Community Development Commission ("Commission") Approve and adopt the attached Resolution entitled "A Resolution of the Oxnard Community Development Commission Agreeing to Pay or Reimburse All Costs Related to Certain Public Improvements in the Ormond Beach Redevelopment Project Area, Authorizing the City to Administer and Expend Funds on Behalf of the Commission, and Making Certain Determinations and Findings (Roadway Reconstruction Project)." Legislative Body: CC/CDC Contact: Raymond Williams Phone: 385-7869

Document: [View Item \(pdf 757 KB\)](#)

ACTION: Approved, R-13,540; CDC R-128.

16. SUBJECT: PW06-15 Rose Park Neighborhood Resurfacing Project, Located in the Historic Enhancement and Revitalization Project Area ("HERO").
(081) RECOMMENDATION: That City Council (1) Approve Project Specification No. PW06-15 (Rose Park Neighborhood Resurfacing Project) for pavement resurfacing, sidewalk, curb and gutter repair, and replace street name signs throughout the Rose Park Neighborhood bounded by Rose Avenue and Camino Del Sol; (2) Approve and adopt the attached Resolution entitled "A Resolution of the City Council of the City of Oxnard, California, Consenting to the Payment or Reimbursement by the Oxnard Community Development Commission of All Costs Related to Certain Public Improvements in the HERO Project Area, Agreeing to Administer and Expend Funds on Behalf of the Commission and Making Certain Determinations and Findings (Roadway Reconstruction Project)"; and (3) Approve a special budget appropriation of \$1,581,159 from the HERO Streets Projects No. 078701 to the HERO Rose Park Neighborhood Resurfacing Project No. 063111.
That Community Development Commission ("Commission") approve and adopt the attached Resolution entitled "A Resolution of the Oxnard Community Development Commission Agreeing to Pay or Reimburse All Costs Related to Certain Public Improvements in the HERO Project Area, Authorizing the City to Administer and Expend Funds on Behalf of the Commission, and Making Certain Determinations and Findings (Roadway Reconstruction Project)." Legislative Body: CC/CDC Contact: Raymond Williams Phone: 385-7869

Document: [View Item \(pdf .97 MB\)](#)

ACTION: Approved, R-13,541; CDC R-129.

17. SUBJECT: PW07-22 Southwinds Neighborhood Resurfacing Project, Located in the Southwinds Project Area. (101) RECOMMENDATION: That City Council (1) Approve Project Specification No. PW07-22 (Southwinds Neighborhood Resurfacing Project) for pavement resurfacing, alley reconstruction, sidewalk, curb and gutter repair, and replace street name signs throughout the Southwinds Neighborhood bounded by Saviers Road, Hueneme Road, Pleasant Valley Road, and J Street; and (2) Approve and adopt the attached Resolution entitled "A Resolution of the City Council of the City of Oxnard, California, Consenting to the Payment or Reimbursement by the Oxnard Community Development Commission of All Costs Related to Certain Public Improvements in the Southwinds Redevelopment Project Area, Agreeing to Administer and Expend Funds on Behalf of the Commission and Making Certain Determinations and Findings (Roadway Reconstruction Project)."
- That Community Development Commission ("Commission") approve and adopt the attached Resolution entitled "A Resolution of the Oxnard Community Development Commission Agreeing to Pay or Reimburse All Costs Related to Certain Public Improvements in the Southwinds Redevelopment Project Area, Authorizing the City to Administer and Expend Funds on Behalf of the Commission, and Making Certain Determinations and Findings (Roadway Reconstruction Project)." Legislative Body: CC/CDC Contact: Raymond Williams Phone: 385-7869

Document: [View Item](#) (pdf 704 KB)

ACTION: Approved, R-13,542; CDC R-130.

18. SUBJECT: PW08-20 Mandalay Bay Guardrail Replacement Project Phase III. (115) RECOMMENDATION: Approve Project Specification No. PW08-20 Mandalay Bay Guardrail Replacement Project Phase III for the removal and replacement of the channel guardrails at 20 locations from Jamestown Court to Gateshead Bay in the Mandalay Bay community, located north of Channel Islands Boulevard, east of Harbor Boulevard, south of Hemlock Street, and west of Victoria Avenue. Legislative Body: CC Contact: Raymond Williams Phone: 385-7869

Document: [View Item](#) (pdf 118 KB)

19. SUBJECT: Purchase Order (PO) for Purchase of Equipment from Paso Robles Truck Center. (119) RECOMMENDATION: (1) Approve and authorize the Mayor to execute a purchase order for the purchase of two refuse collection trucks as described on PO No. 3166 in the amount of \$523,923; (2) Approve the appropriation of funds in the amount of

\$523,923 for the purchase of two refuse collection trucks from the Solid Waste Operation Fund and the Solid Waste Developer Fee Fund. Legislative Body: CC Contact: Dennis Scala Phone: 385-7957

Document: [View Item \(pdf 289 KB\)](#)

20. SUBJECT: First Amendment to Agreement with Kennedy/Jenks Consultants for Blending Station No. 3 Desalter Project. (125) RECOMMENDATION: Approve and authorize the Mayor to execute the first amendment to the agreement with Kennedy/Jenks Consultants ("Kennedy/Jenks") (A-6924) to increase the amount by \$124,000 for a total of \$498,000 for the preliminary design and construction administration of the Blending Station No. 3 Desalter Project located at 1700 Solar Drive and extend the agreement expiration date to December 31, 2009. Legislative Body: CC Contact: Anthony Emmert Phone: 385-8111

Document: [View Item \(pdf 292 KB\)](#)

21. SUBJECT: Ventura Regional Sanitation District Painting and Coating Agreement. (131) RECOMMENDATION: Approve and authorize the Mayor to execute an agreement with Ventura Regional Sanitation District (VRSD) (A-7074) for painting and coating services. Legislative Body: CC Contact: Anthony Emmert Phone: 271-2216

Document: [View Item \(pdf 76 KB\)](#)

22. SUBJECT: Special Budget Appropriation for Gas Tax Bond Street Improvement for Cabrillo Neighborhood Resurfacing Project. (133) RECOMMENDATION: Approve a special budget appropriation in the amount of \$152,373 from available bond proceeds in the State Gas Tax Fund for the Cabrillo Neighborhood Resurfacing Project funded by the Gas Tax Revenue Certificates of Participation. Legislative Body: CC Contact: Grant Dunne Phone: 385-7956

Document: [View Item \(pdf 71 KB\)](#)

J. TRANSMITTAL OF INFORMATION ONLY ITEMS

1. SUBJECT: Monthly Budget Status Reports for the Period Ending June 30, 2008.
(135) Legislative Body: CC Contact: James Cameron Phone: 385-7475

Document: View Item (pdf 25 KB)

Document: View Status Reports (PDF 306 KB)

K. INFORMATION/CONSENT PUBLIC HEARINGS

L. PUBLIC HEARINGS - 7:15 P.M.

Development Services Department

1. SUBJECT: Appeal of Planning Commission's Action on PZ Nos. 06-500-14 (Special Use Permit for a Planned Residential Group); 06-300-12 (Tentative Subdivision Map for Tract No. 5580 for Condominium Purposes); 06-620-05 (General Plan Amendment); and 06-570-09 (Zone Change) for the Construction of Residential Condominium Units to be Located on the Northeast Corner of South Victoria Avenue and Hemlock Street. Filed by Courtyard at Mandalay Bay, LLC. RECOMMENDATION: CONTINUE TO SEPTEMBER 9, 2008. Legislative Body: CC Contact: Kathleen Mallory Phone: 385-8370

ACTION: Approved.

M. REPORT OF CITY MANAGER/EXECUTIVE DIRECTOR/SECRETARY

RECOMMENDATION: 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.

1. SUBJECT: Update on Swimming Pool at Old Oxnard High School Located at 350 South "K" Street. RECOMMENDATION: Consider a verbal report by General Services Superintendent regarding the former swimming pool at the former Oxnard High School and provide direction to the City Manager. Legislative Body: CC Contact: Edmund F. Sotelo Phone: 385-7430

ACTION: Provided direction to demolish the facility.

N. CITY COUNCIL/HOUSING AUTHORITY/COMMUNITY DEVELOPMENT
COMMISSION BUSINESS/COMMITTEE REPORTS

O. REPORTS

Finance Department

1. SUBJECT: Substitution of Liquidity Providers and Remarketing of Variable Rate Bonds. (137) RECOMMENDATION: That City Council (1) Adopt a resolution authorizing the provision of a substitute liquidity facility for the City Of Oxnard Financing Authority's outstanding Variable Rate Demand Lease Revenue Bonds, 2003 Series B, the remarketing of such bonds in connection therewith, and the amendment of certain documents in connection therewith, and approving certain documents and authorizing certain actions in connection therewith; (2) Adopt a resolution authorizing the provision of a substitute liquidity facility for the City of Oxnard Financing Authority's outstanding Variable Rate Demand Lease Revenue Bonds (Civic Center Phase 2 Project), Series 2006, the remarketing of such bonds in connection therewith, and the amendment of certain documents in connection therewith, and approving certain documents and authorizing certain actions in connection therewith; and (3) Adopt a resolution authorizing the provision of a substitute liquidity facility for the City of Oxnard Financing Authority's outstanding Variable Rate Demand Wastewater Revenue Bonds (Headworks and Septic System Conversion Projects), 2004 Series B, the remarketing of such bonds in connection therewith, and the amendment of certain documents in connection therewith, and approving certain documents and authorizing certain actions in connection therewith. That the City of Oxnard Financing Authority (1) Adopt a resolution authorizing the provision of a substitute liquidity facility for its outstanding Variable Rate Demand Lease Revenue Bonds, 2003 Series B, the remarketing of such bonds in connection therewith, and the amendment of certain documents in connection therewith, and approving certain documents and authorizing certain actions in connection therewith; (2) Adopt a resolution authorizing the provision of a substitute liquidity facility for its outstanding Variable Rate Demand Lease Revenue Bonds (Civic Center Phase 2 Project), Series 2006, the remarketing of such bonds in connection therewith, and the amendment of certain documents in connection therewith, and approving certain documents and authorizing certain actions in connection therewith; and (3) Adopt a resolution authorizing the provision of a substitute liquidity facility for its outstanding Variable Rate Demand Wastewater Revenue Bonds (Headworks and Septic System Conversion Projects), 2004 Series B, the remarketing of such bonds in connection therewith, and the amendment of certain documents in connection therewith, and approving certain documents and authorizing certain actions in connection therewith. Legislative Body: CC/COFA Contact: Mike More Phone: 385-7480

Document: View Item (pdf 1.60 MB)

ACTION: Approved, R-13,543, 13,544, 13,545; COFA R-33, 34, 35.

P. PUBLIC COMMENTS ON REPORTS

RECOMMENDATION: 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

RECOMMENDATION: 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 (Cont'd)

1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION.

RECOMMENDATION: Affholder, Inc. v. City of Oxnard
United States District Court Case No. CV 07-06562 RGK (CWx) Legislative Body: CC
The 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 - ANTICIPATED LITIGATION.

RECOMMENDATION: On the advice of the City Attorney, based on existing facts and

circumstances, the City Council shall decide whether to initiate litigation in seven potential cases. Legislative Body: CC

The 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 - Anticipated Litigation.

T. ADJOURNMENT

Document: Minutes (pdf 291KB)