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AGENDA

June 21, 2011

OXNARD CITY COUNCIL

OXNARD COMMUNITY DEVELOPMENT COMMISSION

OXNARD FINANCING AUTHORITY

OXNARD HOUSING AUTHORITY

Regular Meetings

City Council Chambers, 305 West Third Street, Oxnard

6:15 P.M. Closed Session (CANCELLED)

7:00 P.M. Regular Meeting

A. ROLL CALL/POSTING OF AGENDA

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 9 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 Commendation to Cabrillo Economic Development Corporation on the Occasion of its 30th Anniversary.

2. SUBJECT: Proclamation Designating June 23-30 as "Oxnard Good for Kids Restaurant Days".

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.

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 Attorney

1. SUBJECT: Ordinance No. 2840, Regarding Administrative Hearings. (001)
RECOMMENDATION: Second reading and adoption.
Legislative Body: CC Contact: Julie Doi Phone: 385- 7483 City Manager

2. SUBJECT: Agreements for City Council Review. (005)
RECOMMENDATION: Pursuant to Ordinance 2835, approve and authorize the City Manager, to execute the attached agreements/contracts and change orders/amendments in amounts more than \$25,000 but less than \$250,000.
Legislative Body: CC Contact: Edmund Sotelo Phone: 385-7950

Document: Staff Report (pdf 60.1 KB)

3. SUBJECT: Blanket Purchase Order for Silvas Oil Company. (007)
RECOMMENDATION: Approve and authorize the Mayor to execute a blanket purchase order for Silvas Oil Company ("Silvas") in the amount of approximately \$2,500,000 annually, for the purchase of unleaded and diesel fuel and the provision of off-site car wash service for City vehicles and equipment, beginning July 1, 2011.
Legislative Body: CC Contact: May Roque Phone: 385-8049

Document: Staff Report (pdf 216 KB)

4. SUBJECT: Victim Impact Statement for the Graffiti Restitution Recovery Program, and Graffiti Certificate of Appreciation. (013)
RECOMMENDATION: 1) Approve the official Victim Impact Statement and the Graffiti Certificate of Appreciation; and 2) Designate Cyndi Hookstra, Graffiti Task Force Administrator, as the person authorized to submit the statement to the Ventura County Courts or Ventura County Probation Agency as part of the City's graffiti restitution recovery program.
Legislative Body: CC Contact: Cyndi Hookstra Phone: 207-1620

Document: Staff Report (pdf 150 KB)

Development Services Department

5. SUBJECT: Ordinance Amending Section 8-2 of the Oxnard City Code Concerning Speed Limits. (017)
RECOMMENDATION: Approve the first reading by title only and the subsequent adoption of the ordinance amending Section 8-2 of the City Code changing the speed limit on Third Street between A Street and Juanita Avenue from 30 mph to 35 mph, Camino Del Sol between Oxnard Boulevard and Rice Avenue from 40 mph to 45 mph, changing Ventura Road between the Union Pacific Railroad crossing and Town Center Drive from

35 mph to 40 mph, changing Rose Avenue between Sanford Street and Fifth Street from 40 mph to 45 mph, adding Victoria Avenue between Fifth Street and the Santa Clara River Bridge as 55 mph, and adding Graves Avenue between Celsius Avenue and Wankel Way as 40 mph.

Legislative Body: CC Contact: Jason Samonte Phone: 385- 7872

Document: Staff Report (pdf 85.2 KB)

ACTION: Approve, Ord. No. 2844.

Finance Department

6. SUBJECT: Special Tax Levy for Community Facilities District No. 1 and No. 2 (Westport at Mandalay Bay). (021)

RECOMMENDATION: 1) Adopt a resolution setting a special tax rate within CFD No. 1 (Westport at Mandalay Bay) for FY 2011 - 2012; and 2) Adopt a resolution setting a special tax rate within CFD No. 2 (Westport at Mandalay Bay) for FY 2011-2012

Legislative Body: CC Contact: Ralph P. Hernandez Phone: 385-7460

Document: Staff Report (pdf 584 KB)

ACTION: Approve, Res. No. 14054 & 14055.

7. SUBJECT: Special Tax Levy for Community Facilities District (CFD) No. 88-1 (Oxnard Town Center). (041)

RECOMMENDATION: Adopt a resolution setting a special tax rate within CFD No. 88-1 (Oxnard Town Center) for Fiscal Year 2011-2012.

Legislative Body: CC Contact: Ralph P. Hernandez Phone: 385-7460

Document: Staff Report (pdf 113 KB)

ACTION: Approve, Res. No. 14056.

8. SUBJECT: Special Tax Levy for Community Facilities District No. 2000-3 (Oxnard Boulevard/Highway 101 Interchange). (045)

RECOMMENDATION: Adopt a resolution setting a special tax rate within CFD No.

2000-3 (Oxnard Boulevard/Highway 101 Interchange) for Fiscal Year 2011-2012.
Legislative Body: CC Contact: Ralph P. Hernandez Phone: 385-7460

Document: Staff Report (pdf 434 KB)

ACTION: Approve, Res. No. 14,057.

9. SUBJECT: Special Tax Levy for Community Facilities District No. 6 (Northshore at Mandalay Bay). (055)
RECOMMENDATION: Adopt a resolution setting a special tax rate within CFD No. 6 (Northshore at Mandalay Bay) for Fiscal Year 2011-2012.
Legislative Body: CC Contact: Ralph P. Hernandez Phone: 385-7460

Document: Staff Report (pdf 117 KB)

ACTION: Approve, Res. No. 14,058.

10. SUBJECT: Special Tax Levy for Community Facilities District (CFD) No. 3 and No. 4 (Seabridge at Mandalay Bay). (061)
RECOMMENDATION: 1) Adopt a resolution setting a special tax rate within CFD No. 3 (Seabridge at Mandalay Bay) for FY 2011-12; and 2) Adopt a resolution setting a special tax rate within CFD No. 4 (Seabridge at Mandalay Bay) for FY 2011-12.
Legislative Body: CC Contact: Ralph P. Hernandez Phone: 385-7460

Document: Staff Report (pdf 734 KB)

ACTION: Approve, Res. No. 14,059 & 14,060.

11. SUBJECT: Special Tax Levy for Community Facilities District No. 5 (Riverpark). (079)
RECOMMENDATION: Adopt a resolution setting a special tax rate within CFD No. 5 (Riverpark) for FY 2011-12.
Legislative Body: CC Contact: Ralph P. Hernandez Phone: 385-7460

Document: Staff Report (pdf 1.05 MB)

Document: Attachment #1 Resolution (pdf 1.01 MB)

ACTION: Approve, Res. No. 14,061.

12. SUBJECT: FY 2011-12 Property Tax Rate for Voter Approved Obligations. (099)
RECOMMENDATION: Adopt a resolution establishing the FY 2011-12 tax rates on property in the City of Oxnard for the payment of voter approved obligations.
Legislative Body: CC Contact: Ralph P. Hernandez Phone: 385-7460

Document: Staff Report (pdf 110 KB)

ACTION: Approve, Res. No. 14,062.

Police Department

13. SUBJECT: Gang Violence Suppression Grant Award Amendment. (103)
RECOMMENDATION: Authorize the City Manager to: 1) Submit a grant award amendment in the amount of \$85,730 to California Emergency Management Agency (CalEMA) to increase the amount of grant funds awarded to the City from \$275,000 to \$360,730; and 2) Appropriate funds in the amount of the grant upon award.
Legislative Body: CC Contact: Jason Benites Phone: 385-7626

Document: Staff Report (pdf 115 KB)

Public Works Department

14. SUBJECT: Fourth Amendment to Agreement with Black & Veatch Corporation for Utilities Rate Studies. (107)
RECOMMENDATION: Approve and authorize the Mayor to execute the Fourth Amendment to the Agreement with Black & Veatch Corporation (4218-07-PW) for the Utilities Rate Studies to increase the amount from \$274,825 by \$74,100 for a total of \$348,925.
Legislative Body: CC Contact: Anthony Emmert Phone: 207-1669

Document: Staff Report (pdf 191 KB)

15. SUBJECT: Second Amendment to Agreement for Contracting Services Between the City of Oxnard and Agromin Organics Recycling (Agromin) for Yard Waste, Wood Material and Street Sweeping Debris and Residuals Processing Services. (115)
RECOMMENDATION: Approve and authorize the Mayor to execute the Second Amendment to the agreement with Agromin (3414-05-PW) for an amount not to exceed \$560,000 for yard waste, wood material, and street sweeping debris and residuals processing services and to extend the term from July 1, 2011 to January 31, 2012.
Legislative Body: CC Contact: Michelle Johnson Phone: 315-6369

Document: Staff Report (pdf 97.5 KB)

ACTION: INFORMATION CONSENT Approve as recommended.

J. TRANSMITTAL OF INFORMATION ONLY ITEMS

K. INFORMATION/CONSENT PUBLIC HEARINGS

City Manager Department

1. SUBJECT: Levy of 2011-2012 Assessments in Mandalay Beach Maintenance District. (119)
RECOMMENDATION: 1) Hold a public hearing to receive public testimony regarding the proposed FY 2011-2012 assessments for the Mandalay Beach Maintenance District; and 2) Adopt a resolution fixing the special assessment tax in the Mandalay Beach Maintenance District for FY 2011-2012.
Legislative Body: CC Contact: Joel Galaviz Phone: 385-8245

Document: Staff Report (pdf 304 KB)

ACTION: Approve, Res. No. 14,063.

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

Finance Department

1. SUBJECT: City of Oxnard Financing Authority Tax Allocation Bonds, Series 2011 (Campus Park Project). (129)
RECOMMENDATION: That City Council: 1) Conduct a joint public hearing with the Community Development Commission concerning the use of tax increment revenues for the purpose of issuing bonded indebtedness to construct the Campus Park Project; and 2) Adopt a resolution making certain determinations and findings pursuant to Health and Safety Code Section 33445 regarding the funding by the Oxnard Community Development Commission of the cost of certain publicly owned facilities, agreeing to administer and expend funds on behalf of the Commission, approving the sale, issuance, and delivery by the Oxnard Community Development Commission of not more than \$19,000,000 in principal amount of Oxnard Community Development Commission Historic Enhancement and Revitalization of Oxnard (HERO) Project Area Tax Allocation Bonds, Series 2011, and making certain determinations relating thereto.

That the Community Development Commission: 1) Conduct a joint public hearing with the City Council concerning the use of tax increment revenues for the purpose of issuing bonded indebtedness to construct the Campus Park Project; 2) Conduct a public hearing for the purpose of considering the proposed issuance and sale by the Commission of its Oxnard Community Development Commission Historic Enhancement and Revitalization of Oxnard (HERO) Project Area Tax Allocation Bonds, Series 2011, in an aggregate principal amount not to exceed \$19,000,000 (the "Bonds"), for the purpose of providing funds to the Commission to finance redevelopment activities within the Historic Enhancement and Revitalization of Oxnard (HERO) Project Area (the "Project Area"); and 3) Adopt a resolution making certain determinations and findings pursuant to Health and Safety Code Section 33445 regarding the funding by the Oxnard Community Development Commission of the cost of certain publicly owned facilities, authorizing the sale, issuance, and delivery of not more than \$19,000,000 in principal amount of Oxnard Community Development Commission Historic Enhancement And Revitalization of Oxnard (HERO) Project Area Tax Allocation Bonds, Series 2011, and approving certain documents and authorizing certain actions in connection therewith.

That the City of Oxnard Financing Authority adopt a resolution authorizing the execution and delivery of a contract of purchase with respect to Oxnard Community Development Commission Historic Enhancement and Revitalization of Oxnard (HERO) Project Area Tax Allocation Bonds, Series 2011, and authorizing certain actions in connection therewith.

Legislative Body: CC/CDC/FA Contact: Mike More Phone: 385-7480 Planning Department

Document: Staff Report (pdf 821 KB)

Document: Attachment #4 Indenture of Trust (pdf 2.66 MB)

Document: Attachment #5 Contract of Purchase (pdf 0.97 MB)

Document: Attachment #6 Preliminary Official Statement (pdf 4.54 MB)

Document: Attachment #7 Projected Taxable Values (pdf 1.45 MB)

ACTION: Approve as recommended, Res. No. 14,064, CDC Res. 148, COFA Res. 41.

2. SUBJECT: Planning and Zoning Permit No. 10-630-02 (Specific Plan Amendment to RiverPark Specific Plan, Regulations Related to Freeway Oriented Signs), Filed by RiverPark Collection, LLC. (151)
RECOMMENDATION: Approve the first reading by title only and subsequent adoption of an ordinance amending Section 5.9.3.3 of the RiverPark Specific Plan to allow three freeway-oriented monument signs up to a maximum height of 20 feet tall, and to allow subsequent consideration of a special use permit to allow changeable electronic display panels on a 60-foot high freeway pylon sign, situated on the southern edge of The Collection shopping center, on the north side of the 101 Freeway, between North Oxnard Boulevard and RiverPark Boulevard.
Legislative Body: CC Contact: Linda Windsor Phone: 385-7849

Document: Staff Report (pdf 1.12 MB)

ACTION: Approve as recommended, Ord. No. 2845.

Development Services Department

3. SUBJECT: The Paseo Nuevo Affordable Housing Project - Planning & Zoning Permit Nos. 11-570-01 (Zone Change), 11-535-01 (Density Bonus), and 11-540-01 (Planned Development) Located at 5637 - 5727 Cypress Road. Filed by McCarthy Companies, Agent for Ramona Property Partners LLC. (175)
RECOMMENDATION: 1) Approve the first reading by title only and subsequent adoption of an ordinance approving a Zone Change (PZ No. 11-570-01) from R-1-PD and RPD to R-2-PD for the Paseo Nuevo affordable housing project, subject to the conditions set forth in Planning Commission Resolution No. 2011-22; 2) Adopt a resolution approving the Density Bonus (PZ No. 11-535-01) for the Paseo Nuevo affordable housing project,

subject to the conditions set forth in Planning Commission Resolution No. 2011-20; and 3) Adopt a resolution upholding the Planning Commission's approval of the Planned Development (PZ No. 11-540-01) for the Paseo Nuevo affordable housing project, subject to the conditions set forth in Planning Commission Resolution No. 2011-21.
Legislative Body: CC Contact: Brian Foote Phone: 385-8312

Document: Staff Report (pdf 317 KB)

Document: Attachment #5 Resolution (pdf 1.08 MB)

Document: Attachment #6 Planning Commission Staff Report (pdf 1.50 MB)

ACTION: Approve as recommended, Ord. No. 2846, Res. No. 14,065 & 14,066.

Community Development Department

4. SUBJECT: Relocation and Replacement Housing Plans for the Las Villas de Paseo Nuevo Project Located in the Cypress Neighborhood Southwest of the Intersection of Cypress Road and Pleasant Valley Road, Ventura County Assessor Parcel Nos. 222-0-070-110, 155, 185 and 190. (185) RECOMMENDATION That the City Council: 1) Receive staff's oral report, open the public hearing, receive and consider public testimony, close the public hearing and approve the Relocation Plan and the Replacement Housing Plan for the Las Villas de Paseo Nuevo Project substantially in the form presented in Attachments #1 and #2, respectively, with such non-substantive changes as may be approved by the City Attorney; and 2) Authorize the City Manager, Community Development Director and Housing Director (or designee), to prepare, revise and sign all documents necessary and appropriate to carry out and implement the Relocation and Replacement Housing Plans, and to administer the City's obligations, responsibilities and duties pursuant to those documents.
Legislative Body: CC/CDC/HA Contact: Kymberly Horner Phone: 385-7853

Document: Staff Report (pdf 204 KB)

Document: Attachment #1 Relocation Plan (pdf 1.94 MB)

Document: Attachment #2 Replacement Housing Plan (pdf 435 KB)

ACTION: Approve as recommended.

O. REPORTS

Housing Department

1. SUBJECT: Affordable Housing Loan Agreements in the Total Sum of \$7 Million and Amendment of Predevelopment Agreement Regarding the Las Villas de Paseo Nuevo Project Located in the Cypress Neighborhood Southwest of the Intersection of Cypress Road and Pleasant Valley Road, Ventura County Assessor Parcel Nos. 222-0-070-110, 155, 185 and 190. (241)
RECOMMENDATION: That the City Council: 1) Approve and Authorize the Mayor to execute an Affordable Housing Loan Agreement (Agreement No. 7407) with Paseo Nuevo Partners, L.P., in the amount of \$5,000,000 from the City's Low and Moderate Income Housing Fund ("LMIHF") for the development of Las Villas de Paseo Nuevo, with such non-substantive changes as may be approved by the City Attorney, and direct the Community Development Director (or designee) to execute a Local Financing Commitment Letter, evidencing the City's approval for benefit of obtaining tax credits, in a form acceptable to the City Attorney; 2) Approve and Authorize the Mayor to execute an Affordable Housing Loan Agreement with Paseo Nuevo Partners, L.P., in the amount of \$2,000,000 from the City's Affordable Housing In-Lieu Fees ("AHILF") for the development of Las Villas de Paseo Nuevo, with such non-substantive changes as may be approved by the City Attorney, and direct the Housing Director (or designee) to execute a Local Financing Commitment Letter, evidencing the City's approval for benefit of obtaining tax credits, in a form acceptable to the City Attorney.; 3) Authorize the City Manager, Community Development Director and Housing Director (or designee), with approval from the City Attorney on behalf of the City, to prepare, revise and sign all documents necessary and appropriate to carry out and implement the Las Villas de Paseo Nuevo Loan Agreements, and to administer the City's obligations, responsibilities and duties pursuant to those documents; and 4) Authorize the Chief Financial Officer to establish necessary accounts and budgets in accordance with these recommendations.

That the Oxnard Housing Authority Board of Commissioners: 1) Approve and authorize the Chairman to execute a First Amendment to Predevelopment Agreement with Pat McCarthy Construction and Ramona Properties, assigning the purchase option to Paseo Nuevo Partners, L.P. in place of the Housing Authority and reducing the option period to exercise the option to purchase the property from 90 to 35 days, with such non-substantive changes as may be approved by Housing Authority General Counsel; and 2) Authorize the Chairman and Housing Director (or designee), with approval from the Housing Authority General Counsel, to prepare, revise and sign all documents necessary and appropriate to carry out and implement the Las Villas de Paseo Nuevo Purchase Agreements, and to

administer the Commission's obligations, responsibilities and duties pursuant to those documents.

Legislative Body: CC/CDC/HA Contact: Larry White Phone: 385-8235

Document: Staff Report (pdf 350 KB)

Document: Attachment #1 Predevelopment and Construction Loan Agreement (pdf 4.79 MB)

Document: Attachment #2 Affordable Housing Loan Agreement (pdf 1.81 MB)

Document: Attachment #3 First Amendment of Predevelopment Agreement (pdf 2.43 MB)

ACTION: Approve as recommended.

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.
Hartman, W.E. and Hartman, Sally J. v. City of Oxnard
Ventura County Superior Court, Case No. 56-2008-00330374-CU-BC-VTA

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.

Housing Department

5. SUBJECT: Issuance of Housing Authority Multifamily Housing Revenue Bonds for Las Villas de Paseo Nuevo, Located at 5637 to 5727 Cypress Road. (189)
RECOMMENDATION: That the City Council: 1) Hold a public hearing regarding the issuance of up to \$16,000,000 of multifamily housing revenue bonds by the Housing Authority of the City of Oxnard ("Housing Authority") to finance the acquisition and construction by Paseo Nuevo Partners, L.P., of Las Villas de Paseo Nuevo; 2) Adopt a resolution approving the issuance of bonds by the Housing Authority for the purpose of financing Las Villas de Paseo Nuevo.

That the Oxnard Housing Authority Board of Commissioners: 1) Adopt a resolution setting forth the Housing Authority's official intent to issue multifamily housing revenue bonds in a principal amount of up to \$16,000,000 to finance the acquisition and construction of Las Villas de Paseo Nuevo, authorizing the Housing Director of the Housing Authority to apply to the California Debt Limit Allocation Committee for an allocation of tax-exempt bond authority for the bonds, and designating the law firm of Quint and Thimmig LLP as bond counsel to the Housing Authority for the bonds.
Legislative Body: CC/HA Contact: Larry White Phone: 385-8235

Document: Staff Report (pdf 256 KB)

ACTION: Approve as recommended, Res. No. 14,067 and HA Res. No. 1251.

Development Services Department

6. SUBJECT: Appeal of the Planning Commission's denials of requests for special use permits to allow Type 20 (Off-Sale Beer & Wine) Alcoholic Beverage Control licenses at two existing Walgreens stores, located at 2303 East Vineyard Avenue and 481 South

Ventura Road. Filed by attorney Jennifer Chavez, on behalf of Walgreens Co. (199)
RECOMMENDATION: Adopts resolutions denying the appeals and upholding the
Planning Commission's denial of Planning and Zoning Permit Nos. 10-510-06 and 10-
510-09.

Legislative Body: CC Contact: Brian Foote Phone: 385-8312

Document: Staff Report (pdf 1.55 MB)

Document: Attachment #7 Notice of Appeal (pdf 1.36 MB)

ACTION: Approve appeals for off-sale of beer & wine.

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/COMMUNITY DEVELOPMENT
COMMISSION BUSINESS/COMMITTEE REPORTS

T. ADJOURNMENT