



Meeting Date: 07 / 22 / 08

ACTION	TYPE OF ITEM
<input type="checkbox"/> Approved Recommendation	<input checked="" type="checkbox"/> Info/Consent
<input type="checkbox"/> Ord. No(s). _____	<input type="checkbox"/> Report
<input type="checkbox"/> Res. No(s). _____	<input type="checkbox"/> Public Hearing (Info/consent)
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____

Prepared By: Raymond Williams, Project Manager Agenda Item No. I-15

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

DATE: July 14, 2008

TO: City Council
Community Development Commission

FROM: Curtis P. Cannon, Director
Community Development Department [Signature]

Lou Balderrama, City Engineer
Public Works Department [Signature]

SUBJECT: PW06-14 Ormond Beach Resurfacing Project, Located in the Ormond Beach Project Area

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.

(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)."

DISCUSSION

The specific work includes the furnishing of all materials, tools, equipment, and labor required to make necessary repairs to sidewalk, curbs, gutters and other concrete structures, pavement resurfacing, traffic markings, and install new street name signs.

In November 2006, the City and Commission authorized the sale, issuance, and delivery of Oxnard Community Development Commission Ormond Beach Project Area Tax Allocation Bonds, Series 2006 ("Bonds"). Pursuant to Section 33445 of the California Community Redevelopment Law (Health and Safety Code Section 33000 *et seq.*), the Commission may, with the consent of the City Council of the City of Oxnard, pay all or part of the value of the land for and the cost of the installation and construction of any facility, structure, or other improvement which is publicly owned either within or outside a project area, if the City Council makes certain determinations. The Commission desires to use some or all of the proceeds of the Bonds and other funds of the Commission as may be necessary for the installation and construction of certain public streets and roadways within the Ormond Beach Redevelopment Project Area. Due to expertise of City staff, the Commission desires for the City to administer and expend, on behalf of the Commission, the Commission's funds in connection with the installation and construction of the street improvements.

FINANCIAL IMPACT

The engineer's estimated cost for the project, which includes design, material testing, construction inspection, project management, administration, construction engineering, and construction, is \$1,311,625. There are sufficient funds in the Ormond Beach Resurfacing Project No. 078501 for the estimated cost of this project.

- Attachment #1 - PW06-14 Ormond Beach Resurfacing Project
#2 - Project Site Map
#3 - City Council 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)."
#4 - Commission 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)."

Note: Plans and specifications for PW06-14 Ormond Beach Neighborhood Resurfacing Project available for review at the Capital Improvement Projects Management Office located at 1060 Pacific Avenue, Building #2 after 8:00 a.m. on Friday prior to the City Council meeting.

**CITY OF OXNARD
CAPITAL IMPROVEMENT PROJECT ESTIMATE**

Project Title: Ormond Beach Resurfacing Project Specification No: PW 06-14

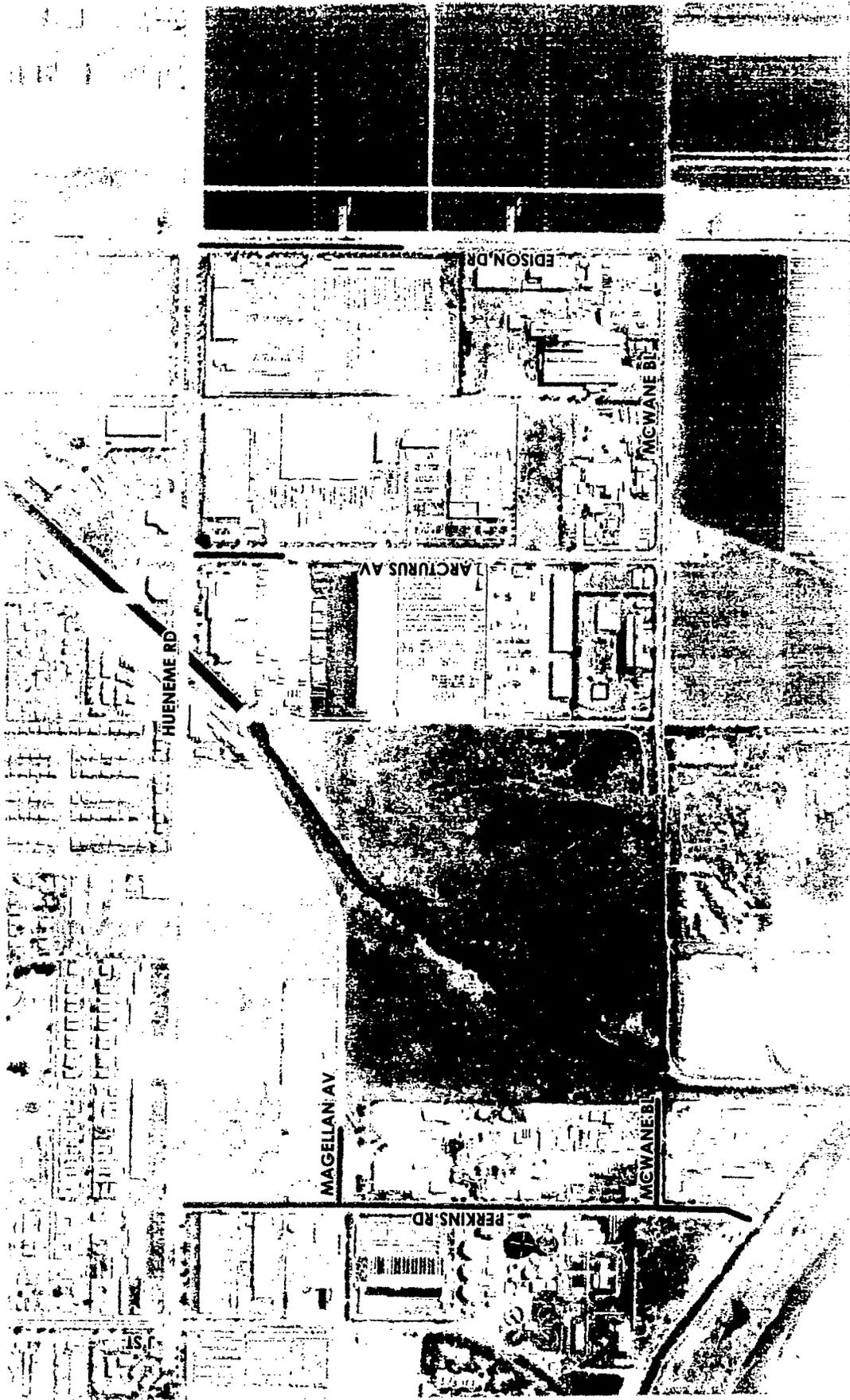
Account No: _____ Project No. _____ Project Manager: Raymond Williams

	Original Estimate Amount	Revised Estimate Amount	Actual Cost
I. EXTERNAL SERVICES			
A. Architectural/ Engineering (8201)	\$57,896		
1. Preliminary Feasibility			
2. Design or Construction			
3. Specification/Cost Estimate			
B. Planning/EIR Services (8206)			
C. Real Estate Services (8207)			
D. Construction Services (8208)			
1. Surveys			
2. Soils Analysis	\$10,000		
3. Inspection			
4. Testing	\$10,000		
5. Atlas Fees			
6. Plans and Records			
7. Misc. (postage, reproductions, etc.)			
<i>Total External Services</i>	\$77,896		
II. INTERNAL SERVICES			
A. Design Engineering (8451)	\$2,000		
B. Inspection (8451)	\$21,178		
C. Survey (8451)	\$10,000		
D. Contract Administration (8451)	\$10,589		
E. Contract Procurement (8451)*	\$4,000	4,000	4,000
<i>Total Internal Services</i>	\$47,767	\$ 4,000	\$ 4,000
III. CONSTRUCTION/ACQUISITION			
<i>Funding for items in this section must be in place before contract is awarded</i>			
A. Land, Easements and Rights-of-Way (8601)			
B. Buildings:			
8602-New			
8603-Major Repair			
C. Improvements other than Buildings			
8604-New			
8605-Major Repair	\$1,058,895		
D. Machinery/Equipment (8606/8607)			
<i>Total Construction/Acquisition</i>	\$1,058,895		
IV. OTHER PROJECT COSTS:			
A. Project Contingencies (8802)	\$105,890		
B. CIP Indirect Cost (2.23% of total construction costs)	\$21,178		
<i>Total Other Costs</i>	\$127,067		
Project Total	\$1,311,625	\$ 4,000	\$ 4,000
Total Appropriation	\$1,308,720		
Less: Encumbrances & Expenditures	\$77,896		
Balance Available	\$1,230,833		

***NOTICE**
Approval of this estimate authorizes the transfer of the amount shown in item II-E from the project listed above to Public Works Contract Procurement Account No. 101-3201-553-7337, when bid solicitation services begin.

Prepared by: Raymond Williams RW
Date: 6/24/08
Approved by: [Signature]
Date: _____

Ormond Beach Neighborhood Resurfacing



Legend		Slurry Seal		Sello de Slurry
		Cape Seal		Capa de asfalto
		Overlay		Revestimiento
		Reconstruction		Reconstrucción

CITY OF OXNARD, CALIFORNIA

RESOLUTION NO. _____

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)

WHEREAS, the Oxnard Community Development Commission ("Commission") is engaged in activities necessary to implement the Redevelopment Plan ("Redevelopment Plan") for the Ormond Beach Redevelopment Project area (the "Project Area"); and

WHEREAS, the Commission has adopted a Five Year Implementation Plan for the Project Area, as amended, in accordance with Section 33490 of the California Community Redevelopment Law (Health and Safety Code Section 33000 *et seq.*) ("CRL") (the "Implementation Plan"); and

WHEREAS, in November 2006, the City Council and Commission authorized the sale, issuance, and delivery of the Oxnard Community Development Commission Ormond Beach Project Area Tax Allocation Bonds, Series 2006 ("Bonds"); and

WHEREAS, pursuant to Section 33445 of the CRL, the Commission may, with the consent of the City Council ("City Council") of the City of Oxnard ("City"), pay all or part of the value of the land for and the cost of the installation and construction of any facility, structure, or other improvement which is publicly owned either within or outside a project area, if the City Council makes certain determinations; and

WHEREAS, the Commission desires to use some or all of the proceeds of the Bonds and other funds of the Commission as may be necessary for the installation and construction of certain public streets and roadways within the Project Area (collectively, the "Public Improvements"). Attached hereto as Exhibit A and incorporated herein by reference is a spreadsheet showing street improvements which are anticipated to be part of the Public Improvements. The Public Improvements may include some or all of the street improvements listed on Exhibit A or other nearby or adjacent street improvements as determined by the Executive Director or designee; and

WHEREAS, due to expertise of City staff, the Commission desires for the City to administer and expend, on behalf of the Commission, the Commission's funds in connection with the installation and construction of the Public Improvements; and

WHEREAS, the City Council agrees to administer and expend, on behalf of the Commission, the Commission's funds in connection with the installation and construction of the Public Improvements; and

WHEREAS, it is in the best interests of the City and for the common benefit of residents, employees, business tenants and property owners within the Project Area and the City as a whole for the Public Improvements to be installed and constructed; and

WHEREAS, because there are no other reasonable means available to the City to fully finance the Public Improvements, the Commission proposes to pay or reimburse all of the value of the land for and the cost of the installation and construction of the Public Improvements, as more particularly set forth in this Resolution; and

WHEREAS, the Public Improvements are of benefit to the Project Area and the immediate neighborhood in which the Public Improvements are located; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, the City Council of the City of Oxnard, California hereby resolves as follows:

1. The City Council hereby finds and determines that all recitals set forth in this Resolution are true and correct and incorporated herein in full by this reference.

2. Based on substantial evidence in the record, the City Council hereby finds and determines that:

a. The Public Improvements are of benefit to the Project Area and the immediate neighborhood in which the Public Improvements are located. This finding is based, in part, on the fact that five major goals of the City contained in the Implementation Plan include: (1) development of underdeveloped or poorly developed areas; (2) elimination and prevention of the spread of blight and deterioration; (3) strengthening the economic base of the Project Areas by installation of needed improvements; (4) elimination or mitigation certain environmental deficiencies such as insufficient off-street and on-street parking and other similar public improvements, facilities and utility deficiencies that adversely affect the Project Area; and (5) promotion of private sector investment within the Project Area. The installation and construction of the Public Improvements assist in obtaining these goals. Moreover, two of the programs undertaken pursuant to the Implementation Plan to facilitate the achievement of these goals is a Public Facilities Program which includes urban design improvements, public utilities, and street construction and the Business Revitalization Program which includes business retention/attraction. As described in the Implementation Plan, activities grouped under the Public Facilities Program are designed to enhance the physical image of public spaces and rectify public improvement deficiencies and commercial revitalization activities provide for recruitment of new businesses. The relationship between specific activities and blight elimination in the Project Area is summarized in Table 11 of the Implementation Plan. The Public Improvements

assist in obtaining the goals listed in the Implementation Plan, is consistent with the Implementation Plan and will assist in the elimination of one or more blighting conditions in the Project Area.

b. No other reasonable means of financing the Public Improvements are available to the City. This finding is based, in part, on the fact that the City is not in a position to fully finance the installation and construction of the Public Improvements. Without the assistance of tax increment funding from the Project Area, capital improvements in other parts of the City would have to be deferred or eliminated. Given the constraints on financing sources which are under the direction of the City, all anticipated and needed public capital improvements cannot be completed using only City funds. There must be a combination of tax increment and non-tax increment funding.

c. The payment of funds by the Commission for costs related to the Public Improvements will assist in the elimination of one or more blighting conditions within the Project Area and is consistent with the Implementation Plan for the Project Area. This finding is based, in part, on the fact that as discussed above in Section 2.a., the Public Improvements assist in obtaining the goals listed in the Implementation Plan, are consistent with the Implementation Plan and will assist in the elimination of one or more blighting conditions in the Project Area.

d. The provision of the Public Improvements and the Commission's agreement to pay or reimburse all of the value of the land for and the costs of the installation and construction of the Public Improvements are necessary for carrying out in the Project Area the Redevelopment Plan and is necessary to effectuate the purposes of such Redevelopment Plan.

3. The City Council hereby consents to the Commission's payment or reimbursement of all of the value of the land for and the costs of the installation and construction of the Public Improvements in accordance with procedures acceptable to the Executive Director of the Commission, the Community Development Director, or either of their respective designees.

4. The City Council hereby agrees to administer and expend, on behalf of the Commission, the Commission's funds (including proceeds of the Bonds or other funds of the Commission) in connection with the installation and construction of the Public Improvements.

5. The City Council hereby authorizes the Mayor, the City Manager, the Community Development Director, the City Engineer, or any of their respective designees, on behalf of the City, to sign all documents and negotiate and enter into any agreements necessary and appropriate to carry out and implement this Resolution, and to administer the City's obligations, responsibilities and duties to be performed hereunder.

6. In contemplation of the provisions of California Government Code section 895.2 imposing certain tort liability jointly upon public entities solely by reason of such entities being parties to an agreement as defined by Government Code section 895, the City and Commission, as between themselves, pursuant to the authorization contained in Government Code sections 895.4 and 895.6, shall each assume the full liability imposed upon it, or any of its officers, agents

or employees, by law for injury caused by negligent or wrongful acts or omissions occurring in the performance of this Resolution to the same extent that such liability would be imposed in the absence of Government Code section 895.2. To achieve the above-stated purpose, the City agrees to indemnify, defend and hold harmless the Commission for any liability, loss, cost or expense that may be incurred by the Commission solely by reason of Government Code Section 895.2.

7. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2008, BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSENT:
ABSTAIN:

CITY OF OXNARD

Dr. Thomas E. Holden
Mayor

ATTEST:

Daniel Martinez
City Clerk

APPROVED AS TO FORM:

 07-15-08

Gary L. Gittig
City Attorney

EXHIBIT A

Proposed Ormond Beach Roadway Reconstruction Project (PW 06-14)

Estimated Project Costs - 5 October 2005
 Project Manager: Brad Starr
 Streets and Waterways Division
 1060 Pacific Ave., Bldg. #2
 Ph: (805) 385-8083
 Debt Service Estimate = \$380,000.00 / yr

Name	From	To	Lanes	Length	Width	Area	Units	SURFACE	Work Description	Useful Life
ARCTURUS AV	HUENEME RD	MCWANE BL	2	1,535.00	62	95170	SqFt	AC	Reconstruction	30 Years
ARCTURUS AV	NORTH END	HUENEME RD	2	2,030.00	55	111650	SqFt	AC	Reconstruction	30 Years
CYPRESS RD	RR TRACKS	ARCTURUS AV	2	515	33	16995	SqFt	AC	Reconstruction	30 Years
EDISON DR	HUENEME RD	MCWAYNE BL	2	2,685.00	53	142305	SqFt	AC	Reconstruction	30 Years
HUENEME RD E/B	J ST	SAVIERS RD	2	2,600.00	34	88400	SqFt	AC	Reconstruction	30 Years
MAGELLAN AV	PERKINS RD	E END	2	405	37	14985	SqFt	AC	Reconstruction	30 Years
MCWANE BL	ARCTURUS WY	EDISON DR	2	1,650.00	38	62700	SqFt	AC	Reconstruction	30 Years
MCWANE BL	PERKINS RD	E END	2	320	60	19200	SqFt	AC	Reconstruction	30 Years
MCWANE BL	W END	ARCTURUS WY	2	1,330.00	61	81130	SqFt	AC	Reconstruction	30 Years
PERKINS RD	MCWAYNE BL	S END	2	540	38	20520	SqFt	AC	Reconstruction	30 Years
PERKINS RD	RR TRACKS	MCWAYNE BL	2	1,780.00	64	98120	SqFt	AC	Reconstruction	30 Years
Concrete C/G				22,245.00			LF		Reconstruction	30 Years
Concrete Sidewalk				22,245.00			SqFt		Reconstruction	30 Years
Install ADA HC Ramp						30	EA		Reconstruction	30 Years

Contract Design @ 7%
 Contract Admin @ 7%
 PW Inspection @ 7%

OXNARD COMMUNITY DEVELOPMENT COMMISSION

RESOLUTION NO. _____

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)

WHEREAS, the Oxnard Community Development Commission ("Commission") is engaged in activities necessary to implement the Redevelopment Plan ("Redevelopment Plan") for the Ormond Beach Redevelopment Project area (the "Project Area"); and

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WHEREAS, in November 2006, the City Council and Commission authorized the sale, issuance, and delivery of the Oxnard Community Development Commission Ormond Beach Project Area Tax Allocation Bonds, Series 2006 ("Bonds"); and

WHEREAS, pursuant to Section 33445 of the CRL, the Commission may, with the consent of the City Council ("City Council") of the City of Oxnard ("City"), pay all or part of the value of the land for and the cost of the installation and construction of any facility, structure, or other improvement which is publicly owned either within or outside a project area, if the City Council makes certain determinations; and

WHEREAS, the Commission desires to use some or all of the proceeds of the Bonds and other funds of the Commission as may be necessary for the installation and construction of certain public streets and roadways within the Project Area (collectively, the "Public Improvements"). Attached hereto as Exhibit A and incorporated herein by reference is a spreadsheet showing street improvements which are anticipated to be part of the Public Improvements. The Public Improvements may include some or all of the street improvements listed on Exhibit A or other nearby or adjacent street improvements as determined by the Executive Director or designee; and

WHEREAS, due to expertise of City staff, the Commission desires for the City Council to administer and expend, on behalf of the Commission, the Commission's funds in connection with the installation and construction of the Public Improvements; and

WHEREAS, the City is agreeable to administering and expending, on behalf of the Commission, the Commission's funds in connection with the installation and construction of the Public Improvements;

WHEREAS, it is in the best interests of the City and for the common benefit of residents, employees, business tenants and property owners within the Project Area and the City as a whole for the Public Improvements to be installed and constructed;

WHEREAS, since there are no other reasonable means available to the City to fully finance the Public Improvements, the Commission proposes to pay or reimburse all of the value of the land for and the cost of the installation and construction of the Public Improvements, as more particularly set forth in this Resolution;

WHEREAS, the Public Improvements are of benefit to the Project Area and the immediate neighborhood in which the Public Improvements are located; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, the Oxnard Community Development Commission hereby resolves as follows:

1. The Commission hereby finds and determines that all recitals set forth in this Resolution are true and correct and incorporated herein in full by this reference.

2. Based on substantial evidence in the record, the Commission hereby finds and determines that:

a. The Public Improvements are of benefit to the Project Area and the immediate neighborhood in which the Public Improvements are located. This finding is based, in part, on the fact that five major goals of the City contained in the Implementation Plan include: (1) development of underdeveloped or poorly developed areas; (2) elimination and prevention of the spread of blight and deterioration; (3) strengthening the economic base of the Project Areas by installation of needed improvements; (4) elimination or mitigation certain environmental deficiencies such as insufficient off-street and on-street parking and other similar public improvements, facilities and utility deficiencies that adversely affect the Project Area; and (5) promotion of private sector investment within the Project Area. The installation and construction of the Public Improvements assist in obtaining these goals. Moreover, two of the programs undertaken pursuant to the Implementation Plan to facilitate the achievement of these goals is a Public Facilities program which includes urban design improvements, public utilities, and street construction and the Business Revitalization program which includes business retention/attraction. As described in the Implementation Plan, activities grouped under the Public Facilities program are designed to enhance the physical image of public spaces and rectify public improvement deficiencies and commercial revitalization activities provide for recruitment of new businesses. The relationship between specific activities and blight elimination in the Project Area is summarized in Table 11 of the Implementation Plan. The Public Improvements assist in obtaining the goals listed in the Implementation Plan, is consistent with the

Implementation Plan and will assist in the elimination of one or more blighting conditions in the Project Area.

b. No other reasonable means of financing the Public Improvements are available to the City. This finding is based, in part, on the fact that the City is not in a position to fully finance the installation and construction of the Public Improvements. Without the assistance of tax increment funding from the Project Area, capital improvements in other parts of the City would have to be deferred or eliminated. Given the constraints on financing sources which are under the direction of the City, all anticipated and needed public capital improvements cannot be completed using only City funds. There must be a combination of tax increment and non-tax increment funding.

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d. The provision of the Public Improvements and the Commission's agreement to pay or reimburse all of the value of the land for and the costs of the installation and construction of the Public Improvements are necessary for carrying out in the Project Area the Redevelopment Plan and is necessary to effectuate the purposes of such Redevelopment Plan.

3. The Commission hereby agrees to pay or reimburse all of the value of the land for and the costs of the installation and construction of the Public Improvements in accordance with procedures acceptable to the Executive Director of the Commission, the Community Development Director, or either of their respective designees.

4. The Commission hereby agrees that the City may administer and expend, on behalf of the Commission, the Commission's funds (including proceeds of the Bonds or other funds of the Commission) in connection with the installation and construction of the Public Improvements.

5. The Commission hereby authorizes the Chairman of the Commission, the Executive Director of the Commission, the Community Development Director, the City Engineer, or any of their respective designees, on behalf of the Commission, to sign all documents and negotiate and enter into any agreements necessary and appropriate to carry out and implement this Resolution, and to administer the Commission's obligations, responsibilities and duties to be performed hereunder.

6. In contemplation of the provisions of California Government Code section 895.2 imposing certain tort liability jointly upon public entities solely by reason of such entities being parties to an agreement as defined by Government Code section 895, the City and Commission, as between themselves, pursuant to the authorization contained in Government Code sections 895.4 and 895.6, shall each assume the full liability imposed upon it, or any of its officers, agents

or employees, by law for injury caused by negligent or wrongful acts or omissions occurring in the performance of this Resolution to the same extent that such liability would be imposed in the absence of Government Code section 895.2. To achieve the above-stated purpose, the Commission agrees to indemnify, defend and hold harmless the City for any liability, loss, cost or expense that may be incurred by the City solely by reason of Government Code section 895.2.

7. The Commission's obligation under this Resolution shall constitute an indebtedness of the Commission for the purpose of carrying out the redevelopment project for the Project Area.

8. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2008, BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSENT:
ABSTAIN:

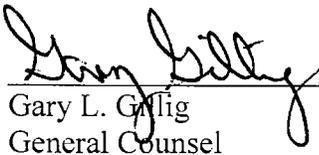
OXNARD COMMUNITY DEVELOPMENT
COMMISSION

Dr. Thomas E. Holden
Chairman

ATTEST:

Daniel Martinez
Secretary

APPROVED AS TO FORM:

 07-15-08

Gary L. Gellig
General Counsel

EXHIBIT A

Proposed Ormond Beach Roadway Reconstruction Project (PW 06-14)

Estimated Project Costs - 5 October 2005

Project Manager: Brad Starr
 Streets and Waterways Division
 1060 Pacific Ave., Bldg. #2
 Ph: (805) 385-8063

Debt Service Estimate = \$390,000.00 / yr

Name	From	To	Lanes	Length	Width	Area	Units	SURFACE	Work Description	Useful Life
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 Contract Admin @ 7%
 PW Inspection @ 7%