



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
<input type="checkbox"/> Other _____	(Info/consent)
	<input type="checkbox"/> Other _____

Prepared By: Ralph Alamillo and Richard R. Bryan Agenda Item No. I-6

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

DATE: February 18, 2009

TO: City Council
Community Development Commission

FROM: Michael Henderson, General Services Superintendent
City Manager's Office
Curtis P. Cannon, Community Development Director [Signature]

SUBJECT: South Oxnard Median Improvements Project, Saviers Road Groups 6, 7, and 8

RECOMMENDATION

That City Council:

1. Approve Project Specifications PW 04-26 (Group 6), PW 04-27 (Group 7), and PW04-28 (Group 8) for the South Oxnard Median Improvements Project. The improvements will consist of completing the remaining medians along Saviers Road from Wooley Road to Bard 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 costs related to certain public improvements in the Historic Enhancement And Revitalization Of Oxnard (HERO) project area, Ormond Beach Redevelopment project area, and Southwinds Redevelopment project area, agreeing to administer and expend funds on behalf of the Commission, and making certain determinations and findings (South Oxnard Median Improvements Project)"

That Community Development Commission:

1. Approve and adopt the attached Resolution entitled, "A Resolution Of The Oxnard Community Development Commission agreeing to pay or reimburse costs related to certain public improvements in the Historic Enhancement And Revitalization Of Oxnard (HERO) project area, Ormond Beach Redevelopment project area, and Southwinds Redevelopment project area, authorizing the city to administer and expend funds on behalf of the Commission, and making certain determinations and findings (South Oxnard Median Improvements Project)"

DISCUSSION

The South Oxnard Median Improvement Project (Project) is an approved multi-year Capital Improvement Program (CIP) project for median improvements aimed at alleviating blight and providing aesthetic improvements in the South Oxnard Area. The Project has been divided into eight different groups of median improvements in Saviers, Pleasant Valley, and Hueneme Roads. Median Groups 1-5 have been completed and improving Groups 6- 8 will finish the Project. The eight groups of median improvements are located within the HERO, Ormond Beach and Southwinds Redevelopment Areas.

Pursuant to Section 33445 of the California Community Redevelopment Law (Health and Safety Code Section 33000 *et seq.*), the Community Development Commission (CDC) may, with the consent of the City Council, 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 CDC has paid and desires to continue to pay for some or all of the installation and construction of the median improvements. Due to expertise of City staff, the CDC desires for the City to continue to administer and expend, on behalf of the CDC, the CDC's funds in connection with the installation and construction of the median improvements.

FINANCIAL IMPACT

To date the financing for the Project has been provided by CDBG funds and tax increment funds from the respective project areas in which the median improvements have been made. The total estimated cost for this portion of the Project is \$863,235. When this last phase of the Project was started there were available funds in the amount of \$917,937 in the HERO project area account #405-8726 (Project 098703) and in account #405-9909 (Project 018702).

Attachments: #1 Project Estimate
#2 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 Costs Related To Certain Public Improvements In The Historic Enhancement And Revitalization Of Oxnard (HERO) Project Area, Ormond Beach Redevelopment Project Area, And Southwinds Redevelopment Project Area, Agreeing To Administer And Expend Funds On Behalf Of The Commission, And Making Certain Determinations And Findings (South Oxnard Median Improvements Project)"
#3 Commission Resolution entitled, "A Resolution Of The Oxnard Community Development Commission Agreeing To Pay Or Reimburse Costs Related To Certain Public Improvements In The Historic Enhancement And Revitalization Of Oxnard (HERO) Project Area, Ormond Beach Redevelopment Project Area, And Southwinds Redevelopment Project Area Authorizing The City To Administer And Expend Funds On Behalf Of The Commission, And Making Certain Determinations And Findings (South Oxnard Median Improvements Project)"

**CITY OF OXNARD
CAPITAL IMPROVEMENT PROJECT ESTIMATE**

Project Title: PW 04-26 - South Median Improvements Project, Saviers Road Group 6, 7, and 8

Specification No: PW 04-26

Account No: 405-8726-827.86-05, 301-5760-826-09, 405-9909-827.86-04

Project No. 098703, 025703, 018702

Project Manager: Ralph Alamillo

	Original Estimate Amount	Revised Estimate Amount	Actual Cost
I. EXTERNAL SERVICES			
A. Architectural/ Engineering (8201)			
1. Preliminary Feasibility			
2. Design or Construction	15,000		
3. Specification/Cost Estimate			
B. Planning/EIR Services (8206)			
C. Real Estate Services (8207)			
D. Construction Services (8208)			
1. Surveys	10,000		
2. Soils Analysis	2,000		
3. Inspection			
4. Testing			
5. Atlas Fees			
6. Plans and Records	1,500		
7. Misc. (postage, reproductions, etc.)			
<i>Total External Services</i>	\$ 28,500		
II. INTERNAL SERVICES			
A. Design Engineering (8451)	5,000		
B. Inspection (8451)	25,000		
C. Survey (8451)	3,000		
D. Contract Administration (8451)	70,000		
E. Contract Procurement (8451)*	4,000	4,000	4,000
<i>Total Internal Services</i>	\$ 107,000	\$ 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	648,432		
8605-Major Repair			
D. Machinery/Equipment (8606/8607)			
<i>Total Construction/Acquisition</i>	\$ 648,432		
IV. OTHER PROJECT COSTS:			
A. Project Contingencies (8802)	64,843		
B. CIP Indirect Cost (2.23% of total construction costs)	14,460		
<i>Total Other Costs</i>	\$ 79,303		
Project Total	\$ 863,235	\$ 4,000	\$ 4,000
Total Appropriation			
Less: Encumbrances & Expenditures			
Balance Available			

***NOTICE**

Approval of this estimate authorizes the transfer of the amount shown in item II-E from the project listed above to Contract Procurement Account No. 401-3201-563-7337 when bid solicitation services begin.

Prepared by: RA
 Date: February 18, 2009
 Approved by: _____
 Date: _____

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 COSTS RELATED TO CERTAIN PUBLIC IMPROVEMENTS IN THE HISTORIC ENHANCEMENT AND REVITALIZATION OF OXNARD (HERO) PROJECT AREA, ORMOND BEACH REDEVELOPMENT PROJECT AREA, AND SOUTHWINDS REDEVELOPMENT PROJECT AREA, AGREEING TO ADMINISTER AND EXPEND FUNDS ON BEHALF OF THE COMMISSION, AND MAKING CERTAIN DETERMINATIONS AND FINDINGS (SOUTH OXNARD MEDIAN IMPROVEMENTS PROJECT)

WHEREAS, the Oxnard Community Development Commission ("Commission") is engaged in activities necessary to implement the Redevelopment Plans (collectively, the "Redevelopment Plans") for the HERO Project area, Ormond Beach Redevelopment Project area, and Southwinds Redevelopment Project area (collectively, the "Project Areas");

WHEREAS, the Commission has adopted a Five Year Implementation Plan for the Project Areas, 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");

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;

WHEREAS, the City is engaged in a multi-year capital improvement program (CIP) Project for median improvements in the South Oxnard area (collectively, the "Public Improvements"). The Public Improvements are divided into eight different groups, seven between Wooley Road and Hueneme Road along Saviers Road and one on Hueneme Road, all within the Project Areas. Median groups 1-5 have been completed, remaining are 6, 7, and 8;

WHEREAS, the Public Improvements are part of a multi-year capital program aimed at alleviating blight and providing aesthetic improvements along the medians in South Oxnard;

WHEREAS, the Commission has paid and desires to continue to pay some or all of the costs for the installation and construction of the Public Improvements;

WHEREAS, due to expertise of City staff, the Commission desires for the City to

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

WHEREAS, the City is agreeable to continuing to administer and expend, 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 respective Project Areas 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 some or all of 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 respective Project Areas and the immediate neighborhoods 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 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 hereby finds and determines that:

a. The Public Improvements are of benefit to the respective Project Areas and the immediate neighborhoods in which the Public Improvements are located. This finding is based, in part, on the fact that five major goals 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 Areas; and (5) promotion of private sector investment within the Project Areas. 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 Areas 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 respective Project Areas.

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 itself 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 respective Project Areas, 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, it is clear that 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 respective Project Areas and is consistent with the Implementation Plan for the Project Areas. 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 respective Project Areas.

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

3. The City hereby consents to the Commission's past and continued payment or reimbursement of some or all of 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 hereby agrees to continue to administer and expend, on behalf of the Commission, the Commission's funds in connection with the installation and construction of the Public Improvements.

5. The City 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. The City hereby ratifies any prior action taken by the Chairman of the Commission, the Mayor, the Executive Director of the Commission, the City Manager, the Community Development Director, the City Engineer, or any of their respective designees consistent with this Resolution.

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 _____, 2009, BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSENT:
ABSTAIN:

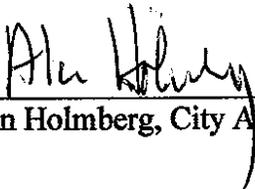
CITY OF OXNARD

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney

COMMUNITY DEVELOPMENT COMMISSION

RESOLUTION NO. _____

A RESOLUTION OF THE OXNARD COMMUNITY DEVELOPMENT COMMISSION AGREEING TO PAY OR REIMBURSE COSTS RELATED TO CERTAIN PUBLIC IMPROVEMENTS IN THE HISTORIC ENHANCEMENT AND REVITALIZATION OF OXNARD (HERO) PROJECT AREA, ORMOND BEACH REDEVELOPMENT PROJECT AREA, AND SOUTHWINDS REDEVELOPMENT PROJECT AREA AUTHORIZING THE CITY TO ADMINISTER AND EXPEND FUNDS ON BEHALF OF THE COMMISSION, AND MAKING CERTAIN DETERMINATIONS AND FINDINGS (SOUTH OXNARD MEDIAN IMPROVEMENTS PROJECT)

WHEREAS, the Oxnard Community Development Commission ("Commission") is engaged in activities necessary to implement the Redevelopment Plans (collectively, the "Redevelopment Plans") for the HERO Project area, Ormond Beach Redevelopment Project area, and Southwinds Redevelopment Project area (collectively, the "Project Areas");

WHEREAS, the Commission has adopted a Five Year Implementation Plan for the Project Areas, 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");

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;

WHEREAS, the City is engaged in a multi-year capital improvement program (CIP) Project for median improvements in the South Oxnard area (collectively, the "Public Improvements"). The Public Improvements are divided into eight different groups, seven between Wooley Road and Hueneme Road along Saviers Road and one on Hueneme Road, all within the Project Areas. Median groups 1-5 have been completed, remaining are 6, 7, and 8;

WHEREAS, the Public Improvements are part of a multi-year capital program aimed at alleviating blight and providing aesthetic improvements along the medians in South Oxnard;

WHEREAS, the Commission has paid and desires to continue to pay some or all of the costs for the installation and construction of the Public Improvements;

WHEREAS, due to expertise of City staff, the Commission desires for the City to continue to administer and expend, on behalf of the Commission, the Commission's funds in

connection with the installation and construction of the Public Improvements;

WHEREAS, the City is agreeable to continuing to administer and expend, 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 respective Project Areas 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 some or all of 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 respective Project Areas and the immediate neighborhoods 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 respective Project Areas and the immediate neighborhoods in which the Public Improvements are located. This finding is based, in part, on the fact that five major goals 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 Areas; and (5) promotion of private sector investment within the Project Areas. 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 Areas 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 respective Project Areas.

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 itself 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 respective Project Areas, 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, it is clear that 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 respective Project Areas and is consistent with the Implementation Plan for the Project Areas. 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 respective Project Areas.

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

3. The Commission hereby agrees to continue to pay or reimburse some or all of 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 continue to administer and expend, on behalf of the Commission, the Commission's funds 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. The Commission hereby ratifies any prior action taken by the Chairman of the Commission, the Mayor, the Executive Director of the Commission, the

City Manager, the Community Development Director, the City Engineer, or any of their respective designees consistent with this Resolution.

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 respective Project Areas.

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

PASSED AND ADOPTED THIS _____ DAY OF _____, 2009, 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:



Alan Holmberg, General Counsel