



CITY COUNCIL AGENDA
REVISED AGENDA ADDED CLOSED SESSION ITEM 3

MONDAY, MAY 22, 2023
REVISED ON MAY 18, 2023

CLOSED SESSION – 5:00 P.M.
REGULAR MEETING – 6:00 P.M.

CITY COUNCIL CHAMBERS – CITY HALL - 501 POLI STREET, VENTURA, CA 93001

JOE SCHROEDER, MAYOR
Councilmembers:

DISTRICT 1 – LIZ CAMPOS
DISTRICT 2 – DOUG HALTER
DISTRICT 3 – MIKE JOHNSON

DISTRICT 6 – JIM DURAN
DISTRICT 5 – BILL MCREYNOLDS
DISTRICT 4 – DR. JEANNETTE SANCHEZ-
PALACIOS, DEPUTY MAYOR

Akbar Alikhan
Interim City Manager

Andrew Heglund
City Attorney

Michael B. MacDonald
City Clerk

PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED IN A HYBRID MODEL WITH BOTH IN-PERSON ATTENDANCE AND VIRTUAL PARTICIPATION.

Live broadcasts of City Council meetings are available on Cable TV (Channel 15) and via internet accessible video stream at <https://www.cityofventura.ca.gov/718/Videos> or on YouTube at <https://www.YouTube.com/cityofventura/live>.

To access the meeting remotely: Join the WebEx meeting live at:
<https://cityofventura.webex.com/cityofventura/j.php?MTID=m09a692e39208401268c6ced4d6de9810>

To request to speak on an item, use the chat function to notify the City Clerk by including the Item Agenda Number in your comment. The City Clerk will announce public speakers and promote them to a panelist, which will allow the use of camera and microphone. To join with audio only, call (213) 306-3065 and use access code: 2557 923 9028

Please be mindful that the meeting will be recorded, and all rules of procedure and decorum apply for in-person attendees and those participating virtually.

To submit written comments (up to 1,000 characters) for the City Council's consideration and inclusion in the public records, email cityclerk@cityofventura.ca.gov by 4:00 p.m. on the meeting date, or by using the public comment form at www.cityofventura.ca.gov/publicinput. Please include the Agenda Item Number in the subject

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Michael B. MacDonald, City Clerk, (805) 654-4787. The City Council may take action related to any subject listed on the Agenda. Meetings will adjourn at 11:00 p.m. Any items outstanding at that time will be deferred until the next regularly scheduled meeting.

CALL TO ORDER – CLOSED SESSION – 5:00 p.m.

ROLL CALL

PUBLIC COMMUNICATIONS: *Public comments on Closed Session Items only.*

CLOSED SESSION: *Teleconference/Video Conference Meeting. The Public may not participate in the Closed Session, other than for Public Comments.*

1. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
Name of Case: Las Posas Valley Water Rights Coalition, et al., v. Fox Canyon Groundwater Management Agency, et al., Santa Barbara County Superior Court Case No. VENC100509700
Authority: Government Code Section 54956.9(d)(1)
2. **CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION**
Two Cases
Authority: Government Code Section 54956.9(d)(2)
3. **PUBLIC EMPLOYMENT APPOINTMENT**
Title: Interim City Manager
Authority: Government Code Section 54957

ADJOURNMENT: *Adjourn to Regular Meeting.*

CALL TO ORDER – REGULAR SESSION – 6:00 p.m.: *The regular meetings of the San Buenaventura (Ventura) City Council also serve as regular meetings of the Successor Agency and Public Facilities Financing Authority when Successor Agency and Public Facilities Financing Authority items are listed on the agenda.*

ROLL CALL

PLEDGE OF ALLEGIANCE

SPECIAL PRESENTATIONS AND ANNOUNCEMENTS

- Interface Children & Family Services – 211 Overview
- National EMS Week
- American Public Works Association Project of the Year Award and National Public Works Week

CLOSED SESSION REPORT

CITY COUNCIL COMMUNICATIONS: *Per Government Code Section 54954.2(a)(2), the Council Communications section of the agenda provides City Council the opportunity to ask a question for clarification, make a brief announcement, or make a brief report on their own activities.*

CITY MANAGER COMMUNICATIONS

CONSENT ITEMS: *Matters appearing on the Consent Items are expected to be non-controversial and will be acted upon by City Council at one time without discussion unless a Councilmember, City Staff, or a member of the public requests an opportunity to address an item. Items removed from the Consent Calendar will be discussed at the beginning of the Formal Items. Approval by the City Council of Consent Items means the recommendation of Staff is approved along with the terms and conditions described in the Administrative Report.*

1. **Move all Resolutions and Ordinances presented tonight be deemed read by title only and all further reading be waived.**
2. **[Request for Authorization to Amend Outside Counsel Services – Best, Best & Krieger for the Los Posas Groundwater Litigation Services](#)**

Staff: Andy Heglund, City Attorney

RECOMMENDATION

Authorize the City Attorney to enter into an amended legal services agreement with the law firm of Best, Best and Krieger, LLP in an amount not to exceed an additional \$75,000 to continue representation of the City in the litigation matter of Las Posas Valley Water Rights Coalition, et al. v. Fox Canyon Groundwater Management Agency, et al. (Super. Ct. Santa Barbara County, 2018, No. VENCI00509700).

3. **[Request for Authorization to Amend Outside Counsel Services – Nossaman LLP for the VenturaWaterPure Program](#)**

Staff: Andy Heglund, City Attorney

RECOMMENDATION

Authorize the City Attorney to enter into an amended legal services agreement with the law firm of Nossaman, LLP in an amount not to exceed an additional \$300,000 to continue representation of the City in transactional legal services related to the VenturaWaterPure Program.

CONSENT ITEMS (CONTINUED)

4. [Request for Authorization to Amend Outside Counsel Services – Lozano Smith for Cannabis Business Permit Application Appeals](#)

Staff: Andy Heglund, City Attorney

RECOMMENDATION

Authorize the City Attorney to amend the legal services agreement with Lozano Smith, LLP to increase the compensation to an amount not to exceed \$200,000 (increase of \$140,000).

5. [Resolution to Expand the Number of Card Tables Authorized to Operate within the City, Plans for Initiating Selection Process for New Card Room Licensees](#)

Staff: Andy Heglund, City Attorney

RECOMMENDATION

- a. Adopt a Resolution to expand the number of card tables authorized to operate within the City by 100. Resolution titled:

“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA, EXPANDING THE NUMBER OF CARD TABLES AUTHORIZED TO OPERATE IN ITS JURISDICTION BY 100, PURSUANT TO SAN BUENAVENTURA MUNICIPAL CODE SECTION 10.750.430(A)”

- b. Direct staff to begin letters of interest from prospective new card room licensees.

6. [Approval of City Council Minutes – Regular Meetings held on April 10, 2023 and April 24, 2023 and Special Closed Session Meeting on April 10, 2023](#)

Staff: Michael MacDonald, City Clerk

RECOMMENDATION

Approve City Council Minutes for Regular Meetings held on April 10, 2023 and April 24, 2023 and Special Closed Session Meeting on April 10, 2023.

CONSENT ITEMS (CONTINUED)

7. [Amendments to Consultant and Legal Agreements for Ventura Veterans Home Project \(Ventura Springs\)](#)

Staff: Neda Zayer, Interim Community Development Director

RECOMMENDATION

- a. Receive an update on the Deferred Impact Fee Loan Agreement for the Ventura Springs Veterans Housing Project for an updated reduced amount of \$1,939,414.
- b. Authorize the Finance Department to prepare the necessary documents and assign the appropriation and revenue changes to the proper programs and accounts as specified in this report.

As the Successor Housing Agency:

- c. Authorize the Interim City Manager to amend the existing contract with Dyer Sheehan Group by \$40,000 to a Not-to-Exceed amount of \$392,500 to assist with the remainder of the project.
- d. Authorize the City Attorney to amend the existing contract with Best Best & Krieger by \$20,000 to a Not-to-Exceed amount of \$73,500 to complete the documents required to finish out the remainder of the project.
- e. Approve Successor Housing Agency Fiscal Year 2022-2023 funding up to \$60,000 to cover additional costs for the consultant and legal services as detailed in this report.
- f. Authorize an increase and allow Finance to assign an increased appropriations and revenues to the proper projects and accounts.

8. [Adopt Updated Resolutions Authorizing the Investment of Funds in the State's Local Agency Investment Fund](#)

Staff: Greg Morley, Interim Chief Financial Officer

RECOMMENDATION

- a. Acting as the City Council adopt a Resolution to update the list of authorized persons who have the authority to transfer funds to and from the City's Local Agency Investment Fund accounts with the resolution titled:

CONSENT ITEMS (CONTINUED)

“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA, AUTHORIZING INVESTMENT OF MONIES IN THE LOCAL AGENCY INVESTMENT FUND AND RESCINDING RESOLUTION NO. 2009-049”

As the Public Facilities Financing Authority:

- b. Acting as the Public Facilities Financing Authority adopt a Resolution to update the list of authorized persons who have the authority to transfer funds to and from the City’s Local Agency Investment Fund account with the resolution titled:

“A RESOLUTION OF THE CITY OF SAN BUENAVENTURA PUBLIC FACILITIES FINANCING AUTHORITY AUTHORIZING INVESTMENT OF MONIES IN THE LOCAL AGENCY INVESTMENT FUND AND RESCINDING RESOLUTION NO. PF2009-001”

9. [Approval of General Services Agreement for Temporary Staffing Services with AppleOne Employment Services](#)

Staff: Danielle Keys, Human Resources Director

RECOMMENDATION

- a. Approve and authorize the City Manager to execute a General Services Agreement with AppleOne Employment Services from July 1, 2023 through June 30, 2025 to provide City-wide temporary staffing services to all City departments.
- b. Authorize the City Manager or designee the authority to extend the Agreement for up to three, one-year terms following a review of services and fees.

10. [Land and Water Conservation Fund Grant Application and Resolution](#)

Staff: Nancy O'Connor, Parks and Recreation Director

RECOMMENDATION

- a. Adopt a Resolution authorizing the City to submit an application to the Land and Water Conservation Fund requesting \$7.9 million dollars for replacement of tennis court surface, tennis court lights, and fencing at Camino Real Park and add up to 12 pickleball courts at an adjacent site at Camino Real Park. Resolution titled:

CONSENT ITEMS (CONTINUED)

“RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA, APPROVING THE APPLICATION FOR LAND AND WATER CONSERVATION GRANT FUNDS”

- b. Authorize the Parks and Recreation Director, by title, to act as the agent for the City to conduct all negotiations and execute and submit all documents, including, but not limited to, applications, contracts, amendments, payment requests, and compliance with all applicable current state and federal laws which may be necessary for the completion of the aforementioned.
- c. Authorize the Finance Department to assign increased appropriations and revenues to the proper programs and accounts for their use as provided in the grant in the event the grant is awarded.

11. [Five Year License Agreement between the City of San Buenaventura and American Tower Corporation for Communications Services at Hall Canyon and Willis Peak](#)

Staff: Darin Schindler, Chief of Police

RECOMMENDATION

- a. Approve the property license agreement between the City of San Buenaventura and American Tower Corporation for the continued use of operating 911 (Emergency) radio communications equipment and existing antenna structures at Hall Canyon (Tower 89321) in the amount of \$49,905.96 for FY 2023 and \$215,052 for FY 2024 through FY 2027.
- b. Approve the property license agreement between the City of San Buenaventura and American Tower Corporation for the continued use of operating 911 (Emergency) radio communications equipment and existing antenna structures at Willis Peak (Tower 8029) in the amount of \$33,263.88 for FY 2023 and \$176,603 for FY 2024 through FY 2027.
- c. Authorize the City Manager or designee as agent for the City to conduct all negotiations and execute all documents, including without limitation applications, agreements, modifications, and billing statements, with American Tower Corporation relative to the two licenses.

CONSENT ITEMS (CONTINUED)

12. [Professional Services Agreement PW23-1104 with Noble Consultants, Inc. for Design Services for Leo Robbins Sailing Center Dock Replacement](#)

Staff: Phillip Nelson, Public Works Director

RECOMMENDATION

- a. Approve and authorize the City Manager to execute subject Agreement with Noble Consultants Inc., in the amount of \$54,396.
- b. Authorize the Public Works Director or designee to execute future amendments to subject Agreement up to a total maximum contingency of \$5,500 for a total not to exceed Agreement amount of \$59,896 and a total time extension of 180 calendar days.

13. [Fiscal Year 2023-2024 State Road Repair and Accountability Act of 2017 Project List \(SB1\)](#)

Staff: Phillip Nelson, Public Works Director

RECOMMENDATION

- a. Approve the FY 2023-2024 Road Repair and Accountability Act of 2017 Project List
- b. Adopt a Resolution for the FY 2024 Project List to add the Telegraph Road Resurfacing Project and the Navigator Drive, Spinnaker Drive/Anchors Way Resurfacing Project to the Road Repair and Accountability Act of 2017 Project List. Resolution titled:

“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA, ADOPTING THE FISCAL YEAR 2023-2024 LIST OF PROJECTS FUNDED BY SB 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT”

14. [Application for a Low Interest Loan from the California Energy Commission](#)

Staff: Phillip Nelson, Public Works Director

RECOMMENDATION

- a. Adopt a Resolution authorizing the City Manager, or designee to apply for and accept a \$507,896 California Energy Commission Low Interest Loan for the purpose of implementing energy conservation measures at various City facilities.

CONSENT ITEMS (CONTINUED)

- b. Authorize the City Manager, or designee, to act as agent for the City to conduct all negotiations and execute and submit all documents, including, without limitation, applications, agreements, amendments, resolutions, and billing statements that may be necessary to accept incentives from Southern California Regional Energy Network and the Department of Energy, and the low interest loan from the California Energy Commission for this energy efficiency lighting upgrade project.
 - c. Upon receipt of loan award, authorize the Finance Department to increase Facilities fund appropriations and revenues in the amount of \$507,896 in the appropriate fiscal year(s), project(s), and account(s) for use as provided in the loan.
 - d. Direct staff to continue working with the Southern California Regional Energy Network and the Department of Energy to pursue rebates or grants which will improve payback and offset costs.
15. [Professional Services Agreement PW2021-051 Fourth Amendment with Kennedy Jenks Consultants, Inc. for Engineering Services During Construction on Project 97955 – Waterline – Midtown to Westside Interconnect](#)

Staff: Phillip Nelson, Public Works Director

RECOMMENDATION

Approve and authorize the Mayor to execute the fourth amendment to Professional Services Agreement PW2021-051 with Kennedy Jenks Consultants, Inc. in the amount of \$96,522 for a new contract total of \$1,404,455 and a new contract completion date of December 31, 2024.

16. [Professional Services Agreement PW23-1103 with Noble Consultants, Inc. for Design Services for Ventura Pier Repair](#)

Staff: Phillip Nelson, Public Works Director

RECOMMENDATION

- a. Approve and authorize the City Manager to execute subject Agreement with Noble Consultants, Inc. in the amount of \$74,124 with a contract completion date of August 31, 2024.
- b. Authorize the Public Works Director or designee to execute future amendments to subject Agreement up to a total maximum contingency of \$7,500 for a total not to exceed Agreement amount of \$81,624 and a total time extension of 180 calendar days.

CONSENT ITEMS (CONTINUED)

17. [Adopt a Resolution Expanding the Resident-Initiated Safe Sidewalks Program to Include Curbs and Gutters and Rescind Resolution 2021-007](#)

Staff: Phillip Nelson, Public Works Director

RECOMMENDATION

Adopt a Resolution expanding the Resident-Initiated Sidewalk Repairs Reimbursement Program Resolution to include repairs to curbs and gutters in addition to sidewalks.

18. [Final 2023 Comprehensive Water Resources Report and Water Shortage Event Update](#)

Staff: Gina Dorrington, Ventura Water General Manager

RECOMMENDATION

- a. Receive the Final 2023 Comprehensive Water Resources Report.
- b. Confirm that a water shortage stage is not triggered based on current supply and demand projections referenced in the Final 2023 Comprehensive Water Resources Report and triggers as described in the 2020 Water Shortage Event Contingency Plan.

19. [Construction Contract with Toro Enterprises, Inc. for Project 96938, Lot 19A Temporary Improvements Project](#)

Staff: Gina Dorrington, Ventura Water General Manager

RECOMMENDATION

- a. Approve and authorize the Mayor to execute subject Agreement with Toro Enterprises, Inc. for Project 96938, Lot 19A Temporary Improvements Project in the amount of \$599,000 with a contract completion date of July 31, 2023.
- b. Authorize the Public Works Director or designee to execute future amendments to subject Agreement up to a maximum contingency of \$60,000 for a total not-to-exceed Agreement amount of \$659,000 and a total time extension of 20 working days.

CONSENT ITEMS (CONTINUED)

20. [Purchase Order with Core and Main LP to Prepurchase Pipe for the VenturaWaterPure Ocean Outfall Offshore Project](#)

Staff: Gina Dorrington, Ventura Water General Manager

RECOMMENDATION

Approve and authorize the Mayor to execute a Purchase Order with Core and Main LP to provide High-Density Polyethylene (HDPE) Pipe for the VenturaWaterPure Outfall Project in the amount of \$1,034,642, in accordance with Invitation to Bid No. B130000727.

PUBLIC HEARING ITEM: *Staff shall introduce the public hearing item and present their report to Council. Councilmembers may ask questions of staff if they desire. Any member of the public may speak or present evidence, after submitting a speaker card and being recognized by the Mayor. All rules of decorum apply during Public Hearings. Each member of the Council shall verbally disclose all ex parte communications concerning the subject of the hearing.*

21. [Historic Landmark Designation Request for the “Brown/Busch House” at 10807 Telegraph Road \(PROJ-15099\)](#)

Staff: Neda Zayer, Interim Community Development Director

RECOMMENDATION

- a. Conduct a Public Hearing.
- b. Adopt a Resolution, titled as follows:

“A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN BUENAVENTURA DESIGNATING THE BROWN/BUSCH RESIDENCE LOCATED AT 10807 TELEGRAPH ROAD A HISTORIC LANDMARK”

FORMAL ITEMS: *The public may comment on each item listed on the agenda for Formal Items as the item is taken up. Formal Items may be reordered at the discretion of the Chair. The public may speak up to three (3) minutes on each agenda item.*

22. [Adoption of Revised Salary Resolution for Unrepresented Employees](#)

Staff: Danielle Keys, Human Resources Director

RECOMMENDATION

Adopt a revised Resolution providing for a Systematic Classification of Positions and a Standardization of Salaries of Certain Paid Officers and Employees of the City (Salary Resolution) as of May 22, 2023. Resolution titled:

FORMAL ITEMS (CONTINUED)

“A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN BUENAVENTURA PROVIDING FOR A SYSTEMATIC CLASSIFICATION OF POSITIONS AND A STANDARDIZATION OF SALARIES FOR CERTAIN PAID OFFICERS AND EMPLOYEES OF THE CITY OF SAN BUENAVENTURA AS OF MAY 22, 2023”

23. [Amendment of the Compensation and Terms of the City Attorney’s Employment Agreement](#)

Introduced by: Joe Schroeder, Mayor

RECOMMENDATION

Adopt a Resolution amending the compensation and terms of the City Attorney’s Employment Agreement No. 2022-019, and approve Amendment the second amendment to said Agreement, providing a five percent merit increase in accordance with the City Attorney’s Employment Agreement, Section 4.4.

24. [Olivas Park Drive Roadway Extension and Levee Notice of Bid Advertisement](#)

Staff: Phillip Nelson, Public Works Director

RECOMMENDATION

Receive and file this report.

25. [Term Sheet with KB Home for 2325 Vista Del Mar \(APN: 080-0-020-275\)](#)

Staff: Neda Zayer, Interim Community Development Director

RECOMMENDATION

Deny the request for a Local Coastal Program Amendment, unless KB Home agrees to a Development Agreement, funded by the applicant, that:

- a. Includes the agreed-upon terms, as outlined in the staff report;
- b. Uses the Interim Inclusionary Housing Ordinance requirement of 20% moderate-income units for the for-sale units; and
- c. Requires the City to initiate the Local Coastal Program Amendment process within 30 days of executing the Development Agreement.

PUBLIC COMMUNICATIONS: *In compliance with Government Code Section 54954.3, Public Communications is that portion of Council meetings set aside for members of the public to address City Council on items of any City business other than scheduled agenda items. Comments are limited to items within the subject matter jurisdiction of the City and are limited to no more than three (3) minutes. Per the City Council Protocols, speakers may not cede their time to another speaker. If there are more than ten (10) Public Communications speakers, each speaker's time shall be reduced from three (3) minutes so that all speakers have an equal time to speak. City Council cannot act on any items not on the agenda.*

ADJOURNMENT

Communications to the City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service to the City Clerk's Office at 501 Poli Street, Room 204, Ventura, CA 93001. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk Department for further information.

In compliance with the Americans with Disabilities Act, if you need assistance to participate in this meeting, please contact the City Clerk's Office at (805) 658-4787 or the California Relay Service at (866) 735-2929. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Live Spanish interpretation will be available. No advanced request for interpretation services required.

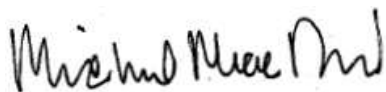
La traducción al español estará disponible en vivo. No es necesario solicitar la traducción al español anticipadamente.

Administrative Reports relating to this agenda are available on the City's website – <https://www.cityofventura.ca.gov/AgendaCenter>.

Resource Items for the Public:

- [City Council Protocols](#) which includes Rules of Decorum for the Public
- [City Council Goals](#)
- [Budget Principles](#)
- [City Charter](#)

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This agenda was posted on Monday, May 22, 2023, at 6:00 p.m. in the City Clerk's Office, on the City Hall Public Notices Board and on the internet.



Michael B. MacDonald, CMC  
City Clerk