

CITY OF VENTURA
CITY COUNCIL AGENDA

Matt LaVere
Mayor

Lorrie Brown
Councilmember District 6

Jim Friedman
Councilmember District 5

Cheryl Heitmann
Councilmember At-Large

Erik Nasarenko
Councilmember District 4

Sofia Rubalcava, Deputy Mayor
Councilmember District 1

Christy Weir
Councilmember At-Large

Alex D. McIntyre, City Manager
Gregory G. Diaz, City Attorney
Antoinette M. Mann, City Clerk

REGULAR MEETING

MONDAY, JUNE 3, 2019

COUNCIL CHAMBERS, 501 POLI STREET, VENTURA

CLOSED SESSION – 5:00 P.M.

REGULAR MEETING – 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.

The public has the opportunity to address the City Council on any item appearing on the agenda. Persons wishing to address the City Council are limited to three minutes on any agenda item with a cumulative total of five minutes for all agenda items, except if there are one or more Successor Agency and Public Facilities Financing Authority items on the agenda, members of the public shall have an additional total of three minutes on any agenda item with a cumulative total of five minutes for all agenda items to address all Successor Agency and Public Facilities Financing Authority matters.

At the first regular meeting of the month, City Council has allocated a total of 30 minutes for members of the public to address City Council on items of City business other than scheduled agenda items near the beginning of the agenda and will continue speakers beyond the 30 minutes until the end of the agenda under the heading of "Public Communications". Individuals may not acquire additional time from other speakers during Public Communications but may do so on formal agenda items per City Council Protocols. City Council cannot take action on any items not on the agenda. These items may be referred to staff or scheduled on a future agenda.

Persons wishing to address City Council should complete and submit a green "Speaker Form." If a member of the public wishes to comment on an item, complete a pink "Comment Form." Both forms are on a table inside the meeting room.

Administrative Reports relating to this agenda are available in the City Clerk's Office, 501 Poli Street, Room 204, Ventura, during normal business hours as well as on the City's website – <https://www.cityofventura.ca.gov/AgendaCenter>.

Public Hearing Notices and any materials related to an agenda item submitted to the City Council after distribution of the agenda packet are available for public review at the City Clerk's Office as well as on the City's website – <https://www.cityofventura.ca.gov/1236/9455/City-Council-Public-Hearing-NoticesSuppl>.

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.

CS1. CALL TO ORDER – CLOSED SESSION – 5:00 p.m.

CS2. ROLL CALL

CS3. PUBLIC COMMUNICATIONS: Public comments on Closed Session Items only.

CS4. CLOSED SESSION – City Council Conference Room

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Name of Case: *Mele v. Aloha Steakhouse, et al.*

Ventura Superior Court Case No.: 56-2019-00526933-CU-PO-VTA

Authority: Government Code Section 54956.9(d)(1)

2. CONFERENCE WITH LEGAL COUNSEL

Significant Exposure to Litigation: One Case

Authority: Government Code Section 54956.9(d)(2)

3. CONFERENCE WITH LABOR NEGOTIATORS

City Negotiators: Councilmember Erik Nasarenko and Mayor Matt LaVere

Unrepresented Employee: City Manager

Authority: Government Code Section 54957.6

CS5. ADJOURNMENT

1. CALL TO ORDER – REGULAR SESSION – 6:00 p.m.

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. SPECIAL PRESENTATIONS AND ANNOUNCEMENTS

- City Church Donation for Arroyo Verde Park
- Proclamation - Pride Recognition Month

5. CLOSED SESSION REPORT

6. 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 his or her own activities.

7. PUBLIC COMMUNICATIONS

8. CONSENT ITEMS

Matters appearing on the Consent Calendar are expected to be non-controversial and will be acted upon by City Council at one time without discussion unless a Councilmember, the Administration, or a member of the public requests an opportunity to address any given 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 the Administration is approved along with the terms and conditions described in the Administrative Report.

8A. Move all resolutions and ordinances presented tonight be deemed read by title only and all further reading be waived.

8B. Consideration of Third Amendment to Legal Services Agreement with the Law Firm of Best, Best & Krieger Regarding the Lawsuit of Scott Howard and Juli Scott v City of San Buenaventura for a Not-to-Exceed Total of \$682,500

Staff: Gregory G. Diaz, City Attorney

RECOMMENDATION

- a. Authorize the approval of the Third Amendment to Legal Services Agreement No. 100004417 between the City of San Buenaventura and the Law Firm of Best, Best & Krieger regarding the lawsuit of Scott Howard and Juli Scot v City of San Buenaventura.
- b. Authorize City Manager and the Interim Director of Finance and Technology to take necessary budgetary actions to carry out this action.

8C. Consideration of Request to Extend Outside Counsel Services (Law Firm of Best, Best & Krieger) to Assist with Land Use Planning Law Services on an Interim Basis

Staff: Gregory G. Diaz, City Attorney

RECOMMENDATION

Authorize the City Attorney to execute a Second Amendment to the Agreement with the law firm of Best, Best and Krieger, LLP in an amount not-to-exceed an additional \$56,680 to continue to provide Land Use Planning Law Services on an interim basis.

8. CONSENT ITEMS (continued)

8D. Participation in the Ventura County 2020 Census Complete Count Committee and Fund

Staff: Barry Fisher, Interim Assistant City Manager

RECOMMENDATION

- a. Authorize the City's participation on the 2020 Census Complete Count Committee and authorize the City Manager, or designee, to be the City of Ventura representative.
- b. Authorize the City Manager, or designee, to sign agreements as necessary to participate in the 2020 Census Complete Count Committee and Fund.

8E. Third Amendment to Professional Services Agreement between the City of Ventura and CIO Solutions

Staff: Mary Eckman, Interim Finance and Technology Director

RECOMMENDATION

Authorize the Mayor to execute Amendment No. 3 to Professional Services Agreement No. 2017-021 with CIO Solutions extending the period of maintenance and support for one year (July 31, 2019 to July 31, 2020) and adding \$30,000.00 for a new not-to-exceed amount of \$98,429.00.

8F. Fifth Amendment to Professional Services Agreement between the City of Ventura and eENABLE LLC

Staff: Mary Eckman, Interim Finance and Technology Director

RECOMMENDATION

Authorize the Mayor to execute Amendment No. 5 to Professional Services Agreement No. 2013-048 with eENABLE LLC extending the agreement for one year (June 30, 2019 to June 30, 2020) for on-call professional technology services, as required.

8. CONSENT ITEMS (continued)

8G. Seventh Amendment to Professional Service Agreement – Unit4 Business Software

Staff: Mary Eckman, Interim Finance and Technology Director

RECOMMENDATION

Authorize the Mayor to execute Amendment No. 7 to Professional Services Agreement No. 2010-055 with Unit4 Business Software in order to extend the period of maintenance and support for one year (June 30, 2019 to June 30, 2020), and increase the value of the agreement by \$145,480.35 for professional services related to maintenance and support of Agresso for a new not-to-exceed amount of \$825,960.70.

8H. Arroyo Verde Park Inclusive Playground Rebuild (Thomas Fire) Project

Staff: Nancy O'Connor, Parks Recreation & Community Partnerships Director

RECOMMENDATION

- a. Approve the conceptual design and authorize the Mayor to execute a Professional Services Agreement with Pacific Coast Land Design to provide for the design and construction of the Inclusive Playground at Arroyo Verde Park, not-to-exceed \$1,001,847; and authorize contingency funds in the amount of \$93,187, for a total not-to-exceed amount of \$1,095,034
- b. Authorize the City Manager or designee to accept all donations received for AV Playground project.
- c. Authorize Finance and Technology Department to increase and assign appropriations of \$1,095,034 to the proper fund(s), projects and accounts for this CIP project (72063).

8I. Operating Lease Contract for Buenaventura and Olivas Links - Golf Carts and Utility Vehicles and Fee Increase

Staff: Nancy O'Connor, Parks Recreation & Community Partnerships Director

RECOMMENDATION

- a. Authorize the City of San Buenaventura to enter into a four-year operating lease agreement with Yamaha for the lease of seventy (70) electric golf carts for the Buenaventura Golf Course, eighty (80) electric golf carts for the Olivas Links Golf Course, five utility vehicles and two refreshment carts for the total amount not-to-exceed \$575,488.32.
- b. Authorize the City Manager or designee to implement an increase of \$1 per green fees and \$1 for golf cart fees.

8. CONSENT ITEMS (continued)

8J. Agreement for Lifeguard Services with the State of California Department of Parks and Recreation

Staff: Nancy O'Connor, Parks Recreation & Community Partnerships Director

RECOMMENDATION

- a. Authorize the Mayor to execute a one-year agreement that begins July 1, 2019 and concludes June 30, 2020 with the State of California for lifeguard services at the Ventura Pier City Beach and adjacent to Marina Park for a total amount of \$119,000, with a one-year extension option.
- b. Authorize the Mayor to execute an amendment in an amount not to exceed \$119,000 for a one-year extension to the term of the original agreement, if the City elects to exercise that option.

8K. Fiscal Year 2019-2020 Parks Security Ambassador General Services Agreement

Staff: Nancy O'Connor, Parks Recreation & Community Partnerships Director

RECOMMENDATION

Authorize the Mayor to execute a General Services Agreement with Downtown Ventura Partners to provide Parks Security Ambassador services, term July 1, 2019 – June 30, 2020; for an amount not-to-exceed \$446,519, contingent on the City Council's approval of the Fiscal Year 2019-2020 Adopted Budget.

8L. Sale of the Four Lots of the Preble-Valmore Subdivision

Staff: Mary Joyce Ivers, Interim Public Works Director

RECOMMENDATION

- a. Approve the sale to the highest qualified bid from Mr. Doug Michie in the amount of \$804,000 for the four lots of the Preble-Valmore Subdivision (APN 075-0-262-216).
- b. Adopt a Resolution authorizing the Public Works Director to prepare, execute, and record escrow documents to finalize the property sale.

8. CONSENT ITEMS (continued)

- c. Authorize Finance and Technology Department to adjust appropriations to the proper fund(s), projects and accounts for this sale.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA, AUTHORIZING THE PUBLIC WORKS DIRECTOR TO PREPARE, EXECUTE, AND RECORD ESCROW DOCUMENTS FOR THE SALE OF THE FOUR LOTS OF THE PREBLE-VALMORE SUBDIVISION, VENTURA, CALIFORNIA, IN CONFORMANCE WITH SAN BUENAVENTURA MUNICIPAL CODE SECTION 56.2
RESOLUTION NO. 2019-____

8M. First Amendment of License Agreement for the Southern California Gas Company's Continued Use of a Portion of Property Located at 901 South Kimball Road, Community Park

Staff: Mary Joyce Ivers, Interim Public Works Director

RECOMMENDATION

Authorize the City Manager to execute the First Amendment of License Agreement with Southern California Gas Company for the continued use of a portion of the Community Park through March 31, 2020.

8N. Ordinance For Second Reading - San Buenaventura Municipal Code- Commissions, Boards and Committees; Amending Chapter 2.410 "City Commissions, Boards and Committees Generally"; Chapter 2.455 "Downtown Parking Advisory Committee"; and Chapter 2.460 "Water Commission"- Ordinance Introductions

Staff: Antoinette M. Mann, City Clerk

RECOMMENDATION

Waive the second reading in full and adopt Ordinances, titled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA, AMENDING CHAPTER 2.410, "CITY COMMISSIONS, BOARDS, AND COMMITTEES GENERALLY," OF THE SAN BUENAVENTURA MUNICIPAL CODE TO ESTABLISH TERM LIMITS, ANNUAL WORK PLANS AND REPORTS, AND TO REQUIRE CITY COUNCIL APPROVAL FOR NEW PROCESSES OR PROCEDURES DEVELOPED BY CITY BOARDS, COMMISSIONS, AND COMMITTEES
ORDINANCE NO. 2019-____

8. CONSENT ITEMS (continued)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA, AMENDING CHAPTER 2.455, "DOWNTOWN PARKING ADVISORY COMMITTEE," OF THE SAN BUENAVENTURA MUNICIPAL CODE TO ADJUST COMMITTEE MEMBERSHIP CATEGORY DESIGNATIONS

ORDINANCE NO. 2019-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA, AMENDING CHAPTER 2.460, "WATER COMMISSION," OF DIVISION 2 OF THE SAN BUENAVENTURA MUNICIPAL CODE TO ELIMINATE COMMISSION ALTERNATES AND STAGGER WATER COMMISSIONER TERMS

ORDINANCE NO. 2019-____

8O. Pierpont Nuisance Sand Removal Project – Contract Amendment

Staff: Mary Joyce Ivers, Interim Public Works Director

RECOMMENDATION

- a. Authorize the encumbrance of an additional \$108,534 to Engineering Contract No. C19-3078 for a total not-to-exceed amount of \$216,975.
- b. Authorize the Finance and Technology Department to adjust the expenditure and revenue appropriations within the existing Fiscal Year 2018-2019 General Fund budget to the proper programs and accounts.

CITY COUNCIL/SUCCESSOR AGENCY CONSENT ITEM

8P. Downtown Property-Based Business Improvement District Renewal for 2019-2029 and Ballot Signature Request

Staff: Peter Lyons, Interim Community Development Director

RECOMMENDATION

- a. Adopt the Preliminary Report of the City Clerk stating more than fifty percent threshold was achieved through the assessment petitions and approve:

8. CITY COUNCIL/SUCCESSOR AGENCY CONSENT ITEMS (continued)

1. Management District Plan, which details the improvements and activities to be provided and serves as the framing document for the Downtown Ventura Property-Based Business Improvement District.
 2. A detailed Engineer's Report, prepared by a registered professional Engineer certified by the State of California, which supports the assessment contained in the Management District Plan.
- b. Adopt a Resolution of Intention to Renew the Downtown Ventura Property-Based Business Improvement District for a ten-year period, January 1, 2020 to December 31, 2029.
 - c. Set a Public Hearing for July 22, 2019 on Establishment of the Downtown Ventura Property-Based Business Improvement District and direct the City Clerk to conduct all necessary proceedings for the establishment of the Downtown Ventura Property-Based Business Improvement District as prescribed in Proposition 218.
 - d. Authorize the City Manager, representing the City of Ventura, to sign and cast a positive ballot for the Downtown Ventura Property-Based Business Improvement District for City-owned properties when received.
 - e. Authorize the City Manager, as Executive Director to represent the Successor Agency to the former Redevelopment Agency of the City of San Buenaventura, to sign and cast a positive ballot for Successor Agency-owned properties when received.
 - f. Authorize Finance and Technology to make changes to the FY 2019-2020 budget plan appropriating \$164,656.35 from the City's General Fund for City-owned properties and \$3,492.35 from the City's General Fund, Asset Management Program, for the Successor Agency-owned properties contained within the Community Redevelopment Property Trust Fund.
 - g. Authorize the continued appropriation of the above stated amounts increased by the annual CPI adjustments to the budget plans through FY 2029-2030.

8. CITY COUNCIL/SUCCESSOR AGENCY CONSENT ITEMS (continued)

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN BUENAVENTURA EXPRESSING ITS INTENTION TO RENEW THE DOWNTOWN VENTURA PROPERTY BASED IMPROVEMENT DISTRICT AND TO LEVY ASSESSMENTS PURSUANT TO THE PROPERTY AND BUSINESS IMPROVEMENT DISTRICT LAW OF 1994

RESOLUTION NO. 2019-____

11. PUBLIC HEARING ITEMS

11A. 2019 Property Lien Assessments

Staff: Peter Lyons, Interim Community Development Director

RECOMMENDATION

Conduct a public hearing and adopt a resolution entitled “Assessment to be Levied Against Properties that are the Subject of Delinquent Civil Penalties,” allowing a parcel lien assessment for delinquent civil penalties.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA, ORDERING AN ASSESSMENT TO BE LEVIED AGAINST PROPERTIES THAT ARE THE SUBJECT OF DELINQUENT CIVIL PENALTIES

RESOLUTION NO. 2019-____

11B. Ordinance Amendment - Division 24 of the San Buenaventura Municipal Code to Amend “Alcoholic Beverage Establishments Use Permits” (PROJ-13286)

Staff: Peter Lyons, Interim Community Development Director

RECOMMENDATION

- a. Conduct a public hearing and receive public testimony.
- b. Introduce and approve the first reading of an Ordinance title as follows:

“AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA, AMENDING CHAPTER 24.460, ALCOHOLIC BEVERAGE ESTABLISHMENTS USE PERMITS, AMENDING SECTION 24.505.020 ENTITLED APPLICABILITY WITHIN CHAPTER 24.505 - DIRECTOR'S PERMIT PROCEDURE, AND DELETING SECTION 24.520.095 ENTITLED ADMINISTRATIVE ALCOHOLIC BEVERAGE USE PERMITS WITHIN CHAPTER 24.520 -THE USE PERMIT PROCEDURES”

8. PUBLIC HEARING ITEMS (continued)

- c. Set the ordinance for a second reading and adoption at the City Council meeting of June 10, 2019.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA, AMENDING CHAPTER 24.460, ALCOHOLIC BEVERAGE ESTABLISHMENTS USE PERMITS, AMENDING SECTION 24.505.020 ENTITLED APPLICABILITY WITHIN CHAPTER 24.505 - DIRECTOR'S PERMIT PROCEDURE, AND DELETING SECTION 24.520.095 ENTITLED ADMINISTRATIVE ALCOHOLIC BEVERAGE USE PERMITS WITHIN CHAPTER 24.520 -THE USE PERMIT PROCEDURES

ORDINANCE NO. 2019-____

12. FORMAL ITEMS

12A. Year-Round Homeless Shelter Agreements

Staff: Barry Fisher, Interim Assistant City Manager

RECOMMENDATION

- a. Authorize the Mayor to sign a lease agreement with the County of Ventura for use of the first floor of 2323 Knoll Drive, 93003, Ventura, California.
- b. Authorize the City Manager to sign an agreement, in substantially the form submitted, with the County of Ventura to share in the cost of the operations of the Year-Round Homeless Shelter.
- c. Authorize the City Manager to enter into a license and professional services agreement with Mercy House Living Centers, LLC. to operate the Year-Round Homeless Shelter at 2323 Knoll Drive, 93003, Ventura, California and modify as necessary to enhance services or achieve cost savings.

7. PUBLIC COMMUNICATIONS

14. PUBLIC NOTICES

Items listed under Public Notices are a matter of public record only. These items do not require City Council action.

[Recent Decisions of the Design Review Committee](#)

[Design Review May 15, 2019 Actions: Approved PROJ-12413 – DRC-4-18-44866 and MC-8-18-46528](#)

Target Façade/Parking Lot Modification, and Signage Variance: Formal Design Review for a façade modification to an existing 139,423 square foot 1-story, commercial building (including the garden center) by modifying entries, materials and colors, and modifications to the parking lot and landscaping changes and a Sign Variance to exceed the directional sign requirements for total square footage (4 square feet) and maximum height of 4 feet for an “Order Pick-up” beacon sign for the drive-up shopping program and to acknowledge that the sign square footage will be reduced from the approved 342.25 square feet to 307.83 square feet (257.63 square foot total for Building Signs and 50.2 square foot 2-sided Monument Sign). The project site consists of a 10.5-acre lot located at 4200 East Main Street in the Commercial Planned Development (CPD) zone district; Ryan Chapman, applicant.

15. CITY COUNCIL COMMUNICATIONS/REPORTS – REGIONAL BOARDS/COMMISSIONS/COMMITTEES

Per Governmental 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 his or her own activities. Councilmembers serving on regional boards, commissions, or committees to present a verbal report to the full City Council on the activities of the respective boards, commission, or committees upon which they serve.

16. CITY MANAGER COMMUNICATIONS

17. ADJOURNMENT

This agenda was posted on Wednesday, May 29, 2019, at 5:30 p.m. in the City Clerk’s Office, on the City Hall Public Notices Board and on the internet.