



CITY COUNCIL AGENDA

MONDAY, JULY 10, 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

Donald Penman
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=mfb1e05d9095dd0be628d17a233d0b370>

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: 2554 486 3348

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.

July 10, 2023

Ventura City Council Agenda
www.cityofventura.ca.gov

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: Responsible and Compliant Retail Ventura, LLC, TAT Ventura, LLC, and ZASA, LLC v. City of San Buenaventura

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

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

- X Games Update

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

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.*

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. **Approve Appointment Recommendations – Arts & Culture Commission, Housing Authority Board, and Parks & Recreation Commission**

Introduced by: Councilmember Bill McReynolds, Chair

RECOMMENDATION

Approve the Appointments Recommendation Committee appointments.

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 \$600,000 to continue representation of the City in transactional legal services related to the VenturaWaterPure Program.

4. **Ordinance for Second Reading – An Ordinance of the City Council of the City of San Buenaventura, California, Revising Municipal Code Section 4.600.140 - Contracting Authority - City Council Delegating Signature Authority to the City Manager, or their Designee, on Agreements Approved by City Council**

Staff: Michael MacDonald, City Clerk

RECOMMENDATION

Waive the second reading in full and adopt the Ordinance of the City Council of the City of San Buenaventura, California, Revising Municipal Code Section 4.600.140 - Contracting Authority - City Council Delegating Signature Authority to the City Manager, or their Designee, on Agreements Approved by City Council.

CONSENT ITEMS (CONTINUED)

5. [Approve Appointment Recommendation – Ventura County Area Agency on Aging Advisory Council](#)

Staff: Michael MacDonald, City Clerk

RECOMMENDATION

Approve the reappointment of Ventura resident William Nelson to the Ventura County Area Agency on Aging Advisory Council; Term of Office – July 1, 2023 – June 30, 2025.

6. [City Council Quarterly Travel Report](#)

Staff: Donald Penman, Interim City Manager

RECOMMENDATION

Receive and file the Travel Report for Quarter 4 of Fiscal Year 2022/23.

7. [Professional Services Agreement 2023-029 First Amendment with Bridgette McNally d/b/a Disaster Cost Recovery Services to Maximize the Reimbursement of City Expenses Incurred Because of Declared Disasters](#)

Staff: Greg Morley, Chief Financial Officer

RECOMMENDATION

Approve and authorize the Mayor to execute the first amendment to Professional Services Agreement 2023-029 Bridgette McNally d/b/a Disaster Cost Recovery Services for a new not to exceed amount of \$119,040.

8. [Memoranda of Understanding Between the City and Ventura City Firefighters' Association, and Ventura Fire Management Association; and Adopt Revised Salary Resolutions for Fire and Fire Management Unit Employees](#)

Staff: Danielle Keys, Human Resources Director

RECOMMENDATION

- a. Approve and authorize the City Manager to execute on behalf of the City the Memorandum of Understanding between the City and the Ventura City Firefighters' Association.

CONSENT ITEMS (CONTINUED)

- b. Approve and authorize the City Manager to execute on behalf of the City the Memorandum of Understanding between the City and the Ventura Fire Management Association.
- c. Adopt a revised Resolution Providing for a Systematic Classification of Positions and a Standardization of Salaries for Fire Unit Employees for the City (Salary Resolution) to reflect salary increases proposed herein for the Ventura City Firefighters' Association effective July 8, 2023. Resolution titled:

“A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN BUENAVENTURA PROVIDING FOR A SYSTEMATIC CLASSIFICATION OF POSITIONS AND A STANDARDIZATION OF SALARIES OF FIRE UNIT EMPLOYEES OF THE CITY OF SAN BUENAVENTURA AS OF JULY 8, 2023”

- d. Adopt a revised Resolution Providing for a Systematic Classification of Positions and a Standardization of Salaries for Fire Management Employees for the City (Salary Resolution) to reflect salary increases proposed herein for the Ventura Fire Management Association effective July 8, 2023. Resolution titled:

“A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN BUENAVENTURA PROVIDING FOR A SYSTEMATIC CLASSIFICATION OF POSITIONS AND A STANDARDIZATION OF SALARIES OF FIRE MANAGEMENT UNIT EMPLOYEES OF THE CITY OF SAN BUENAVENTURA AS OF JULY 8, 2023”

9. [Approval of Construction Contract Agreement PW24-1117 with Toro Enterprises, Inc., and Agreement No. PW23-1107 First Amendment with Michael K. Nunley & Associates, Inc., on Project 99003: 588 Pressure Zone Expansion in Ventura Hills](#)

Staff: Phillip Nelson, Public Works Director

RECOMMENDATION

- a. Approve the 588 Pressure Zone Expansion in Ventura Hills project and determine that it is categorically exempt from the California Environmental Quality Act (CEQA) as defined in Article 19 Section 15302 Class 2 (c) of the CEQA guidelines because it is considered replacement of existing utility systems and/or facilities involving no expansion of capacity.

CONSENT ITEMS (CONTINUED)

- b. Relieve Lyles Utility Construction LLC from its bid submitted on June 22, 2023 due to bid error pursuant to Public Contract Code sections 5101 and 5103 and award construction contract to second lowest bidder.
- c. Waive all minor bid irregularities, approve and authorize the Mayor to execute subject agreement with Toro Enterprises, Inc. in the amount of \$761,349 with a contract completion date of sixty calendar days following the Notice to Proceed.
- d. Authorize the Public Works Director or designee to execute future amendments to subject Agreement up to a total maximum contingency of \$76,135 for a total not-to-exceed Agreement amount of \$837,484.
- e. Approve and authorize the Mayor to execute Amendment No. 1 to Agreement No. PW23-1107 with Michael K. Nunley & Associates, Inc. in the amount of \$13,318, for a revised total Agreement amount of \$73,060, and a revised contract completion date of November 30, 2023.
- f. Amend the Fiscal Year 2024-2028 Capital Improvement Program Workplan to add Project 99003 – 588 Pressure Zone Expansion in Ventura Hills.

10. [Approval of Construction Contract Agreement No. PW24-1118 with Toro Enterprises, Inc. on Project 97923 – Well – Mound Well No. 2 – Transmission Line](#)

Staff: Phillip Nelson, Public Works Director

RECOMMENDATION

- a. Approve the Mound Well 2 project and determine that it is categorically exempt from the California Environmental Quality Act (CEQA) as defined in Article 19 Section 15302 Class 2 (c) of the CEQA guidelines because it is considered the replacement of existing utility systems located on the same site, having the same purpose and capacity as the existing utility.
- b. Waive all minor bid irregularities, approve and authorize the Mayor to execute subject Agreement with Toro Enterprises, Inc. in the amount of \$610,201 with a contract completion date of November 30, 2023.
- c. Authorize the Public Works Director or designee to execute future amendments to subject Agreement up to a total maximum contingency of \$61,020 for a total not-to-exceed Agreement amount of \$671,221.

CONSENT ITEMS (CONTINUED)

11. [GapVax Wet/Dry Hydro Excavator Purchase for Water Distribution](#)

Staff: Gina Dorrington, Ventura Water General Manager

RECOMMENDATION

Approve and authorize the Mayor to execute the purchase of the Hydro Excavator for a total not to exceed \$697,817 which includes a 10% contingency of \$63,438.

12. [General Services Agreement P2020-017 Fourth Amendment for InfoSend, Inc. for Utility Bill Printing, Processing, and Delivery Services](#)

Staff: Gina Dorrington, Ventura Water General Manager

RECOMMENDATION

Approve and authorize the Mayor to execute the fourth amendment to General Service Agreement No. P2020-017 with InfoSend, Inc., for an additional \$340,000, resulting in a total not-to-exceed amount of \$865,000, pursuant to Section 4.600.200 of the Municipal Code, and extending the term to June 30, 2024.

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.*

13. [Proposed Zoning Text Amendments and Zoning Map Amendments to Amend the Mixed-Use Zone District, Establish the Residential and Mixed-Use Overlay Development Code, and Rezone Eight Properties in the City](#)

Staff: Neda Zayer, Interim Community Development Director

RECOMMENDATION

Introduce and approve the first reading of the following three Ordinances:

- a. An Ordinance that adopts a Zoning Text Amendment to Chapter 24.244, M-X-D (Mixed Use Zone) of the San Buenaventura Municipal Code.

PUBLIC HEARING ITEM (CONTINUED)

- b. An Ordinance that adopts a Zoning Text Amendment to establish Subpart 24F Residential and Mixed-Use Overlay Development Code (LM and MU overlays) to Chapter 24 of the San Buenaventura Municipal Code.
- c. An Ordinance that adopts Zoning Map Amendments to:
 - 1. Rezone 4300 Telegraph Road, 16 Baylor Drive (APN: 079-0-303-075) from R-1-7 (Single Family Zone) to R-3-3 (Multiple Family Zone) District with MU-3 Overlay Zone.
 - 2. Rezone 2825 Johnson Drive (APN: 132-0-080-285), 2855 Johnson Drive (APN: 132-0-080-295), 2975 Johnson Drive (APN: 132-0-080-245), 2950 Johnson Drive (APN: 132-0-080-225), 3041 Johnson Drive (APN: 132-0-090-035), 3067 Johnson Drive (APN: 132-0-090-125), and APN 132-0-090-045 (directly southwest adjacent to 3041 Johnson Drive) from C-P-D (Commercial Planned Development) to M-X-D (Mixed Use Zone) District with MU4 Overlay Zone).

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.*

14. Endorsement of the Climate Action and Resilience Plan

Staff: Neda Zayer, Interim Community Development Director

RECOMMENDATION

Endorse the Climate Action and Resilience Plan.

15. General Plan Update Progress Report

Staff: Neda Zayer, Interim Community Development Director

RECOMMENDATION

Provide feedback on the upcoming General Plan Update activities and project schedule.

FORMAL ITEMS (CONTINUED)

16. City Charter Evaluation and Amendment Process

Staff: Andy Heglund, City Attorney

RECOMMENDATION

Receive this report and a presentation on the City Charter evaluation and amendment process, and direct staff to schedule a workshop for the Council to consider and propose specific limited amendments or a wholesale City Charter update.

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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.

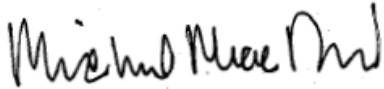
La traducción al español estará disponible en vivo. No es necesario solicitar la traducción al español anticipadamente.

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, July 3, 2023, at 5:30 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