



CITY COUNCIL AGENDA

MONDAY, JULY 24, 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=me5d60d34d5cb41c468888b656a119341>

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 866 3925

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. **PUBLIC EMPLOYMENT APPOINTMENT**
Title: City Manager
Authority: Government Code Section 54957
2. **CONFERENCE WITH LABOR NEGOTIATORS**
City Negotiators: Joe Schroeder and Jeannette Sanchez-Palacios
Unrepresented Employee: City Manager
Authority: Government Code Section 54957.6
3. **CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION**
One Case
Authority: Government Code Section 54956.9(d)(2)
4. **PUBLIC EMPLOYMENT PERFORMANCE EVALUATION**
Title: City Attorney
Authority: Government Code Section 54957
5. **CONFERENCE WITH LABOR NEGOTIATORS**
City Negotiators: Joe Schroeder and Jeannette Sanchez-Palacios
Unrepresented Employee: City Attorney
Authority: Government Code Section 54957.6

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

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. **[Resolution Increasing the Number of Commercial Cannabis Businesses to be Permitted to Operate in the City](#)**

Staff: Andy Heglund, City Attorney

RECOMMENDATION

Rescind Resolution No. 2021-009 and replace it with a Resolution increasing the maximum number of cannabis retail businesses that may be permitted to operate in the City from five to six.

3. **[Approval of City Council Minutes – Regular Meetings held on June 12, 2023, and June 26, 2023, and Special Meeting held on June 5, 2023](#)**

Staff: Michael MacDonald, City Clerk

RECOMMENDATION

Approve City Council Minutes for Regular Meetings held on June 12, 2023 and June 26, 2023, and for Special Meeting held on June 5, 2023.

4. **[Ordinances for Second Reading – Zoning Text Amendments and Zoning Map Amendments to Amend the Mid-Use Zone District, Establish the Residential and Mixed-Use Overlay Development Code, and Rezone Eight Properties](#)**

Staff: Michael MacDonald, City Clerk

RECOMMENDATION

Waive the second readings in full and adopt:

CONSENT ITEMS (CONTINUED)

- a. Ordinance adopting a Zoning Text Amendment to Chapter 24.244, M-X-D (Mixed Use Zone) of the San Buenaventura Municipal Code.
 - b. Ordinance adopting a Zoning Text Amendment to establish Chapter 24.305 Residential and Mixed-Use Overlay Development Code (LM and MU Overlays) to Title 24 of the San Buenaventura Municipal Code.
 - c. Ordinance adopting 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).
5. [Professional Services Agreement 2022-034 Second Amendment with NV5, Inc. for On-Call City Wide Plan Review Services and Professional Services Agreement 2022-032](#)

Staff: Neda Zayer, Interim Community Development Director

RECOMMENDATION

- a. Approve and authorize the City Manager to execute the Second Amendment to Professional Services Agreement number 2022-034 with NV5, Inc., revising the “Scope of Services” and “Schedule of Compensation” exhibits, and extending the term of the agreement to June 30, 2024, adding an additional \$146,988 for a new not-to-exceed amount of \$646,988.
- b. Approve and authorize the City Manager to execute the First Amendment to Professional Services Agreement number 2022-032 with Shums Coda Associates, Inc., revising the “Scope of Services” and “Schedule of Compensation” exhibits, and extending the term of the agreement to June 30, 2024, adding an additional \$146,988 for a new not-to-exceed amount of \$646,988.

CONSENT ITEMS (CONTINUED)

6. [Professional Services Agreement Work Orders with WSP USA Environment & Infrastructure Inc. to Prepare an Environmental Impact Report for the Arrive Ventura Mixed-Use Project \(PROJ 22-0156\) and Michael Baker International, Inc. to Prepare a Sustainable Communities Environmental Assessment Environmental Document for a Maple Courts Mixed-Use Project \(PROJ 22-0327\)](#)

Staff: Neda Zayer, Interim Community Development Director

RECOMMENDATION

- a. Authorize the Community Development Director to issue a Work Order under Professional Services Agreement No. 2019-009 with WSP USA Environment & Infrastructure Inc. to prepare an environmental document in compliance with CEQA requirements for PROJ-22-0156 in an amount not to exceed \$219,618 including the deposit of \$20,000 per the FY 2022-2023 Master Fee Schedule, to be paid by FPA Ventura Olivas LLC.
- b. Authorize the Community Development Director to issue a Work Order under Professional Services Agreement No. 2022-052 with Michael Baker International, Inc. to prepare an environmental document in compliance with CEQA requirements for PROJ 22-0327 in an amount not to exceed \$234,470 including the deposit of \$20,000 per the FY 2022-2023 Master Fee Schedule, to be paid by Skya Ventures.
- c. Upon receipt of the payment from the applicant, authorize the Finance Department to increase revenue and expenditure appropriations as necessary for the execution of this Professional Services Agreement Work Order.

7. [Inclusionary Housing Program In-Lieu Fee Approval](#)

Staff: Neda Zayer, Interim Community Development Director

RECOMMENDATION

- a. Adopt a Resolution adopting a schedule of Inclusionary Housing Program In-Lieu Fee amounts for Fiscal Year 2023-2024, and authorizing Staff to adjust the in-lieu fee schedule annually pursuant to the formulae incorporated into Title 25 of the Municipal Code.
- b. Authorize the Finance Department to adjust revenue and expenditure appropriations as necessary to account for the income received from the In-Lieu Fee, as well as create reserve accounts for collecting and tracking In Lieu Fee revenue received.

CONSENT ITEMS (CONTINUED)

8. [Fire Department SB1205 Mandated Inspections Report](#)

Staff: David Endaya, Fire Chief

RECOMMENDATION

Receive and file the state-mandated inspections report for calendar year 2022 for the City of Ventura as required by Senate Bill No. 1205.

9. [Professional Services Agreement 2023-017 First Amendment with ERS Industrial Services, Inc. for Bailey Conditioning Plant Filter Rehabilitation](#)

Staff: Gina Dorrington, Ventura Water General Manager

RECOMMENDATION

Approve and authorize the Mayor to execute the first amendment for Professional Services Agreement No. 2023-017 with ERS Industrial Services, Inc. increasing the total agreement amount by \$6,936 for a new not-to-exceed amount of \$191,890 and extending the term through December 31, 2023.

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.*

10. [Energy Services Agreements for Solar Services](#)

Staff: Phillip Nelson, Public Works Director

RECOMMENDATION

- a. Conduct a public hearing on the proposed Energy Services Agreement and General Terms and Conditions with FFP BTM Solar, LLC.
- b. Upon conclusion of the hearing, adopt a Resolution approving Energy Services Agreements between the City of Ventura and FFP BTM Solar, LLC, for solar services at City Hall, the Community Park, and Police/Fire Headquarters.
- c. Approve the Power Purchase Agreement with FFP BTM Solar, LLC for the City Hall solar project.

PUBLIC HEARING ITEM (CONTINUED)

- d. Approve the Power Purchase Agreement with FFP BTM Solar, LLC for the Community Park solar project.
- e. Approve the Power Purchase Agreement with FFP BTM Solar, LLC for the Police/Fire Headquarters solar project.
- f. Authorize the Finance Department to adjust budget appropriation as necessary.

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.*

11. [Endorsement of the Climate Action and Resilience Plan](#) *(Continued from July 10, 2023, for Council deliberation only)*

Staff: Neda Zayer, Interim Community Development Director

RECOMMENDATION

Endorse the Climate Action and Resilience Plan.

12. [General Plan Update Progress Report](#) *(Continued from July 10, 2023)*

Staff: Neda Zayer, Interim Community Development Director

RECOMMENDATION

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

13. [Contract Award with PCL Construction, Inc. for the Preconstruction Phase of the Construction Management at Risk Contract for the Membrane Bioreactor and Ultraviolet Light Disinfection Project](#)

Staff: Gina Dorrington, Ventura Water General Manager

RECOMMENDATION

- a. Approve and authorize the Mayor to execute a contract with PCL Construction, Inc. for design support during construction of the Membrane Bioreactor and Ultraviolet Light Disinfection Project in the amount of \$1,500,000 with a contract completion date of September 30, 2024.

FORMAL ITEMS (CONTINUED)

- b. Authorize the Public Works Director or designee to execute future amendments to the contract to a maximum contingency of \$150,000 for a total not-to-exceed contract amount of \$1,650,000 and a total time extension of 60 working days.
- c. Authorize the Finance Department to adjust CIP Appropriations in the Wastewater Capital Improvement Fund 71 Project No. 96972 by \$6,467,463.

14. **POLICY CONSIDERATION – Consequences for Harassment of City Employees by City Council Members** *(Reviewed by the Appointments Recommendation Committee)*

Introduced by: Bill McReynolds, Council Member, District 5
Dr. Jeannette Sanchez-Palacios, Deputy Mayor, District 4
Jim Duran, Council Member, District 6

CITY COUNCIL RECOMMENDATION MADE ON JUNE 26, 2023

We recommend that a policy be created to hold City Council Members accountable for their behavior towards City Employees. To that end it is recommended that the Appointments and Recommendation Committee (ARC) be tasked with creating a policy in cooperation with the Human Resources Department, City Attorney's and City Clerk's Offices to hold City Council Members accountable for their behavior when there has been accusations and findings of a Council Member's harassing behavior towards a City Employee. This new policy should be brought back for formal consideration and approval by the Monday, July 24, 2023 City Council meeting.

**APPOINTMENTS AND RECOMMENDATION COMMITTEE
RECOMMENDATION MADE ON JULY 17, 2023**

The ARC Committee met on July 6, 2023 and July 17, 2023 and made the following recommendation: Review and update the full City Council protocols as the Protocols state they should be reviewed annually by either the ARC or a Brown Act ad-hoc committee, comprised of three Councilmembers including the Mayor with the additional two being approved by Council. Additionally, the selected subcommittee should report back to Council with recommended changes by the first meeting in January 2024. Vote: All Ayes

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.

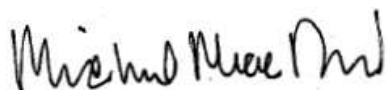
La traducción al español estará disponible en vivo. No es necesario solicitar la traducción al español anticipadamente.

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 Tuesday, July 18, 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