

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, AUGUST 5, 2019

COUNCIL CHAMBERS, 501 POLI STREET, VENTURA

CLOSED SESSION – 4:30 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 – 4:30 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 – ANTICIPATED LITIGATION**
Significant Exposure to Litigation: One Case
Authority: Government Code Section 54956.9(d)(2)
2. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
Garner v. Morgan, et al.
Ventura County Superior Court case no. 56-2018-00520073-CU-PA-VTA
Authority: Government Code Section 54956.9(d)(1)
3. **CONFERENCE WITH LEGAL COUNSEL – INITIATE LITIGATION**
Initiation of Litigation: One Case
Authority: Government Code Section 54956.9(d)(4)
4. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**
Title: City Attorney
Authority: Government Code 54957

CS5. ADJOURNMENT

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

2. **ROLL CALL**

3. PLEDGE OF ALLEGIANCE

4. SPECIAL PRESENTATIONS AND ANNOUNCEMENTS

MADD (Mothers Against Drunk Driving) – Presentation

Proclamation – to Frank Maxim for 30 Years of Service with the City of Ventura

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. [Request for Authorization to Extend Outside Counsel Services – Nossaman, LLP](#)

Staff: Gregory G. Diaz, City Attorney

RECOMMENDATION

Authorize the City Attorney to enter into an extended legal services agreement with Nossaman, LLP for legal services regarding compliance with the Consent Decrees and obtaining regulatory permits, including National Pollutant Discharge Elimination System permit in an amount not-to-exceed an additional \$300,000 to continue representation of the City.

8. CONSENT ITEMS (continued)

8C. [Request for Authorization to Extend Outside Counsel Services — Colantuono, Highsmith & Whatley PC](#)

Staff: Gregory G. Diaz, City Attorney

RECOMMENDATION

Authorize the City Attorney to enter into an extended legal services agreement with the law firm of Colantuono, Highsmith & Whatley, PC in an amount not-to-exceed an additional \$50,000 to continue representation of the City litigation matter City of San Buenaventura v. United Water Conservation District and related matters.

8D. [2019/2020 Legislative Platform](#)

Staff: Barry Fisher, Deputy City Manager

RECOMMENDATION

Approve the 2019/2020 Legislative Platform.

8E. [Designation of Voting Delegate and Alternate for 2019 League of California Cities Annual Conference](#)

Introduced by: Mayor Matt LaVere

RECOMMENDATION

It is recommended that City Council confirm the Mayor's appointment of Councilmember Brown as the City's Voting Delegate and Mayor LaVere as the Alternate Voting Delegate for the League of California Cities 2019 Annual Conference.

8F. [Grand Jury Response – Drugs and Sharps Disposal](#)

Staff: Ken Corney, Police Chief

RECOMMENDATION

Approve the response to the Grand Jury Report titled Drugs and Sharps Disposal.

8. CONSENT ITEMS (continued)

8G. [Grand Jury Response – Youth Sports and Public Liability](#)

Staff: Nancy O'Connor, Parks, Recreation and Community Partnerships

RECOMMENDATION

Approve the response to the Grand Jury Report titled Youth Sports and Public Liability.

8H. [Hall Canyon Channel Drainage Improvements – Authorization to Advertise](#)

Staff: Phillip Nelson, Public Works Director

RECOMMENDATION

Approve the contract plans and specifications for Hall Canyon Channel Drainage Improvements, Specification No. 2019-034, and authorize the advertisement for bids to be received on August 29, 2019, no later than 2:00 p.m., in the City Clerk's Office.

8I. [Ventura Water Reclamation Facility Digester Improvement Project – Amendment to Informal Professional Services Agreement C16-2788](#)

Staff: Phillip Nelson, Public Works Director

RECOMMENDATION

Approve and authorize the City Manager, or designee, to execute the First Amendment to the Professional Services Agreement No. C16-2788, with MSO Technologies, Inc., for additional work required on the Ventura Water Reclamation Facility–Digester Improvement Project and the addition of construction support and equipment control programming services in the amount of \$70,000 plus an additional \$7,000 in contingency funds. This results in a new total contract amount not-to-exceed \$113,230, plus a new total of \$11,300 in contingency funds.

8. CONSENT ITEMS (continued)

8J. [Memorandum of Understanding with BikeVentura – Bicycle Education Equipment Use and Maintenance](#)

Staff: Phillip Nelson, Public Works Director

RECOMMENDATION

- a. Authorize the City Manager or designee to execute the Memorandum of Understanding for Bicycle Education Equipment Use and Maintenance with BikeVentura.
- b. Authorize the City Manager to designate signing authority for future years to the Public Works Director absent substantial changes to agreement.

8K. [54-70 South Oak Street Easement Exchange](#)

Staff: Phillip Nelson, Public Works Director

RECOMMENDATION

- a. Approve a Grant of Easement (APN 073-0-035-190) to Southern California Edison Company and authorize the City Manager to execute the easement document.
- b. Approve an Easement Deed (APN 073-0-035-180) granting an easement to the City for access to City owned public parking lot lighting and the associated electrical system over private property.

8L. [Purchase of Portable Emergency Generators for Ventura Water](#)

Staff: Phillip Nelson, Public Works Director
Susan Rungren, Ventura Water General Manager

RECOMMENDATION

- a. Approve and authorize the Mayor to execute a purchase order not-to-exceed \$334,310, to Quinn Power Systems, for the purchase of three (3) portable emergency generators for Ventura Water.
- b. Authorize the Mayor to execute an amendment or change order to Quinn Power Systems for this contract pursuant to Section 4.600.200 of the Municipal Code with an aggregate contract amount not-to-exceed \$370,000.

8. CONSENT ITEMS (continued)

- c. Authorize Finance and Technology to adjust appropriations in the proper fund, project, and accounts in the Fiscal Year 2019-2020 budgets.

8M. Purchase of Closed-Circuit Television Sewer Inspection Truck for Ventura Water

Staff: Phillip Nelson, Public Works Director and Susan Rungren, Ventura Water General Manager

RECOMMENDATION

- a. Approve and authorize the Mayor to execute a purchase order not-to-exceed \$306,000, to Plumbers Depot, Inc., for the purchase of a closed-circuit television sewer inspection truck for Ventura Water.
- b. Authorize the Mayor to execute an amendment or change order to Plumbers Depot, Inc., for this contract pursuant to Section 4.600.200 of the Municipal Code with an aggregate contract not-to-exceed \$336,600.

8N. Professional Services Agreement with WaterWise Consulting, Inc. for the Instant Hot Water Recirculating Systems Program

Staff: Susan Rungren, Ventura Water General Manager

RECOMMENDATION

Authorize the Mayor to execute a Professional Services Agreement with WaterWise Consulting, Inc. for administration of the Instant Hot Water Recirculating Systems Program in the amount of \$120,000 and contingency funding of \$6,000 for a total not-to-exceed amount of \$126,000.

8O. Ordinance for Second Reading – Amending Chapter 2.415, ‘Planning Commission,’ to have Planning Commissioners Appointed by Individual City Councilmembers and for other Purposes

Staff: Antoinette M. Mann, City Clerk

RECOMMENDATION

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA, AMENDING CHAPTER 2.415, ‘PLANNING COMMISSION,’ TO HAVE PLANNING COMMISSIONERS APPOINTED BY INDIVIDUAL CITY COUNCILMEMBERS AND FOR OTHER PURPOSES (VOTE: 7-YES; 0-NO; 0-ABSENT)

ORDINANCE NO. 2019-____

8. **CONSENT ITEMS (continued)**

8P. [Ordinance for Second Reading – Zone Change from Two Family Residential \(R-2\) to Residential Planned Development \(RPD-6U\) for a Developed Property located at 8324 Telegraph Road \(APN 088-0-281-040\), Case No. Z-3-15-27378](#)

Staff: Antoinette M. Mann, City Clerk

RECOMMENDATION

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA, APPROVING A ZONE CHANGE FROM TWO FAMILY RESIDENTIAL (R-2) TO RESIDENTIAL PLANNED DEVELOPMENT - SIX UNITS (RPD-6U) FOR THE PROPERTY LOCATED AT 8324 TELEGRAPH ROAD (VOTE: 7-YES; 0-NO; 0-ABSENT)

ORDINANCE NO. 2019-____

9. **APPOINTMENTS TO COUNCIL ADVISORY GROUPS**

9A. [Appointment Recommendations – Parks and Recreation Commission, Water Commission \(Professional and Non-Professional Categories\), Downtown Parking Advisory Committee and Ventura County Area Agency on Aging Advisory Council](#)

Introduced By: Councilmember Weir

RECOMMENDATION

Approve the following appointments:

- a. Parks and Recreation Commission:
 - Kathy Bremer (Reappointment), Term: 8/5/2019 - 6/30/2023
 - Spencer Noren, Term: 8/5/2019 - 6/30/2023

- b. Water Commission:

Professional Category

 - Susan Mulligan, Term: 8/5/2019 - 6/30/2020
 - Martin Feeney (Reappointment), Term: 8/5/2019 - 6/30/2020
 - Grant Burton (Reappointment), Term: 8/5/2019 - 6/30/2021
 - Gerhardt Hubner (Reappointment), Term: 8/5/2019 - 6/30/2021

9. APPOINTMENTS TO COUNCIL ADVISORY GROUPS (continued)

Water Commission:

Non-Professional Category

- Nova Clite, Term: 8/5/2019 - 6/30/3020
- Robert McCord (Reappointment), Term: 8/5/2019 - 6/30/2021
- Suzanne McCombs (Reappointment), Term: 8/5/2019 - 6/30/2023

c. Downtown Parking Advisory Commission:

- Barbara Evans (Reappointment), Term: 8/5/2019 - 6/30/2023

d. Ventura County Area Agency on Aging Advisory Council:

- Lori Harasta (Reappointment), Term: 8/5/2019 - 6/30/2021
- Suz Montgomery (Reappointment), Term: 8/5/2019 - 6/30/2021

11. PUBLIC HEARING ITEM

11A. [Abandonment of a Portion of the Easement for Road, Pipeline, and Public Utility Purposes Located South of Foothill Road and East of Fairfax Avenue](#)

Staff: Phillip Nelson, Public Works Director

RECOMMENDATION

- a. Conduct a Public Hearing.
- b. Adopt a Resolution summarily vacating and abandoning a portion of the easement located south of Foothill Road and east of Fairfax Avenue.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA, ORDERING THE VACATION AND ABANDONMENT OF A PORTION OF AN EASEMENT FOR ROAD, PIPELINE, AND PUBLIC UTILITY PURPOSES LOCATED SOUTH OF FOOTHILL ROAD AND EAST OF FAIRFAX AVENUE

RESOLUTION NO. 2019-___

12. FORMAL ITEMS

12A. [General Plan and Housing Element Update Strategy](#)

Staff: Peter Gilli, Community Development Director

RECOMMENDATION

- a. Endorse the General Plan and Housing Element update strategy.
- b. Appoint two City Councilmembers to participate in the General Plan and Housing Element update consultant interview.
- c. Authorize the Mayor to appoint two Planning Commissioners to participate in the General Plan and Housing Element update consultant interview.
- d. Authorize the City Manager to make the final selection of the lead consultant for the General Plan and Housing Element update that has the best qualifications, experience, track record, and demonstrates the best fit with the culture of the community and the organization.

12B. [State Water International Project Final Environmental Impact Report Certification and Project Approval](#)

Staff: Susan Rungren, Ventura Water General Manager

RECOMMENDATION

As two separate motions:

- a. Adopt a resolution certifying that the City Council has reviewed and considered the information contained in the Final Environmental Impact Report for the proposed State Water Interconnection Project, making mitigation findings pursuant to Section 15091 of the California Environmental Quality Act guidelines, and adopting a Mitigation, Monitoring, and Reporting Program.

12. FORMAL ITEMS (continued)

If recommendation A is approved, then City Council is asked to:

- b. Approve the State Water Interconnection Project and direct staff to prepare and file a Notice of Determination with the County Clerk's Office and proceed with the process of selecting a consultant for final design.

If recommendation A fails, no additional City Council action is required.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA, CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT, ADOPTING FINDINGS, AND ADOPTING A MITIGATION, MONITORING, AND REPORTING PROGRAM FOR THE STATE WATER INTERCONNECTION PROJECT RESOLUTION NO. 2019-___

14. PUBLIC NOTICES

[Public Works Department – Approval of Final Map for Tract No. 5646 by the City Engineer per Ordinance 2001-011](#)

Location: 1570 East Thompson Boulevard
Developer: Ventura29, LLC

Description of Subdivision: A mixed-use development consisting of twenty- nine residential condominiums and one commercial condominium.

7. PUBLIC COMMUNICATIONS

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, July 31, 2019, at 5:30 p.m. in the City Clerk's Office, on the City Hall Public Notices Board and on the internet.