



CITY COUNCIL AGENDA

MONDAY, SEPTEMBER 25, 2023

SPECIAL CLOSED SESSION – 4:00 P.M.

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

Bill Ayub
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=m0458a3a84460015ac2f102c2838a81da>

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: 2556 489 8811

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 – 4:00 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: Deneau v. City of San Buenaventura
VCSC Case No. 56-2020-00544717-CU-WT-VTA
Authority: Government Code Section 54956.9(d)(1)

2. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION

Name of Case: Irallex v. City of San Buenaventura
VCSC Case No. 2022-00572920-CUMC
Authority: Government Code Section 54956.9(d)(1)

3. CONFERENCE WITH LEGAL COUNSEL—EXPOSURE TO LITIGATION

Significant Exposure to Litigation: 2
Authority: Government Code Section 54956.9(d)(2)

4. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION

Name of Case: Southern California Gas Rate Case
Authority: Government Code Section 54956.9(d)(1)

5. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION

Name of Case: Livable Ventura v. City of San Buenaventura, et al.
Case Number: 2023CUWM013832
Authority: Government Code Section 54956.9(d)(1)

6. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION

Name of Case: City of Grants Pass v. Johnson
Case Number: 23-175
Amicus Participation

ADJOURNMENT: *Adjourn to Regular Meeting.*

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

ROLL CALL

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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

- Childhood Cancer Awareness Month

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 Authorizing Access to State and Federal Level Summary Criminal History Information for Background Investigations](#)**

Staff: Andy Heglund, City Attorney

RECOMMENDATION

Adopt a Resolution approving an application for authorization to access state and federal level summary criminal history information for employment including volunteers and contractors, and for licensing or certification purposes.

3. **[Award of Conditional Cardroom Licenses](#)**

Staff: Bill Ayub, City Manager

RECOMMENDATION

- a. Award William Kracht and Kevin Pound the two available cardroom licenses, conditioned on approval of their State of California Gambling Control Commission cardroom license applications by means of Resolution No. 2023-032.
- b. Adopt a Resolution to codify the Council's conditional grant of cardroom licenses to William Kracht and Kevin Pound.

CONSENT ITEMS (CONTINUED)

4. [Final Acceptance of Public Improvements – Tract No. 5961 – The Voelker Project – Developer McCarthy Companies](#)

Staff: Phillip Nelson, Public Works Director

RECOMMENDATION

- a. Accept the public improvements associated with Tract No. 5961.
- b. Release the developer from the “Agreement to Construct Improvements.”
- c. Authorize the City Clerk to release the grading bonds, 90% of the faithful performance bonds, and 100% of the survey monuments bonds.
- d. Authorize the City Clerk to release the labor and materials bonds a minimum of 90 days from the date of final acceptance.

5. [Software as a Service Agreement with Can/Am Technologies, Inc. to provide Software Implementation and Subscription Services Related to the Revenue Cashiering Function for the Deployment of Workday Software](#)

Staff: Greg Morley, Chief Financial Officer

RECOMMENDATION

Approve and authorize the City Manager, or designee, to execute a software as a service (SaaS) agreement with Can/Am Technologies, Inc, to provide cashiering software implementation, training, delivery assurance services, and subscription rights to the Teller Software in the amount of \$387,559 over a five-year term.

6. [Construction Contract with Blois Construction, Inc. for Project 96938, VenturaWaterPure – Ocean Outfall Onshore](#)

Staff: Gina Dorrington, Ventura Water General Manager

RECOMMENDATION

- a. Approve and authorize the City Manager, or designee, to execute a construction contract with Blois Construction, Inc. for the construction of the conveyance pipeline (Ocean Outfall Onshore Project) in the amount of \$7,699,190 with a contract completion date of July 31, 2024.

CONSENT ITEMS (CONTINUED)

- b. Authorize the City Manager, or designee, to execute future amendments to the construction contract up to a maximum contingency of \$769,919 for a total not-to-exceed Agreement amount of \$8,469,109 and a total time extension of 180 calendar days.
- c. Approve and authorize the City Manager, or designee, to execute a contract with Mimiaga Engineering Group Inc. for construction management of the Ocean Outfall Onshore project in the amount of \$745,557 with a contract completion date of July 31, 2024.
- d. Authorize the City Manager, or designee, to execute future amendments to the construction management contract to a maximum contingency of \$74,556 for a total not-to-exceed contract amount of \$820,113 and a total time extension of 180 calendar days.
- e. Approve and authorize the City Manager, or designee, to execute a contract with HDR Engineering, Inc. for design support during construction of the Ocean Outfall Onshore project in the amount of \$311,690 with a contract completion date of July 31, 2024.
- f. Authorize the City Manager, or designee, to execute future amendments to the design support during construction contract to a maximum contingency of \$31,169 for a total not-to-exceed contract amount of \$342,859 and a total time extension of 180 calendar days.
- g. Authorize an increase in appropriations in the Fiscal Year 2024 budget in the Water Capital Fund (Fund 72) project 22072 by \$4,986,866 to cover the water enterprise portion of the costs.
- h. Authorize an increase in CIP appropriations for project 96938 in the Wastewater Capital Fund (Fund 71) by \$9,973,732.

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.*

7. [The facilitation of the Annexation of a 10-acre property into the City and Related Zoning and Comprehensive Plan Changes amending the Local Coastal Program for future use as an Advanced Water Purification Facility in the Coastal Zone Located at the Southeast Corner of Harbor Boulevard and Olivas Park Drive](#)

Staff: Neda Zayer, Interim Community Development Director

RECOMMENDATION

- a. Conduct a public hearing.
- b. Adopt a Resolution of application initiating proceedings to reorganize territory for a 10-acre vacant parcel identified as Assessor Parcel Number 138-0-050-090 within the sphere of influence for the City of San Buenaventura, and which incorporates legal maps and legal descriptions for the proposed reorganization to meet all of the requirements for application to the Local Agency Formation Commission.
- c. Adopt a Resolution approving amendment to the General Plan and Comprehensive Plan to provide development standards and amend maps to add the subject site, a Zone Map Amendment to pre-zone the subject 10-acre property located at the southeast corner of Harbor Boulevard and Olivas Park Drive to the Harbor Commercial (H-C) zone, as part of a Major Amendment to the Local Implementation Plan and Major Amendment to the Land Use Program of the Local Coastal Program.
- d. Introduce and approve the first reading of an Ordinance approving text amendments to the Zoning Ordinance to amend Section 24.238.020, Uses Permitted, Harbor Commercial District, to clarify public service facilities are generally permitted to facilitate the construction of an advanced water purification facility, amending the local implementation plan of the Local Coastal Program. Ordinance titled:

PUBLIC HEARING ITEM (CONTINUED)

“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA APPROVING TEXT AMENDMENTS TO THE ZONING ORDINANCE OF THE CITY OF VENTURA MUNICIPAL CODE TO AMEND SECTION 24.238.020, USES PERMITTED, HARBOR COMMERCIAL DISTRICT, TO CLARIFY PUBLIC SERVICE FACILITIES ARE GENERALLY PERMITTED TO FACILITATE THE CONSTRUCTION OF AN ADVANCED WATER PURIFICATION FACILITY, AND TO AMEND THE LOCAL IMPLEMENTATION PLAN OF THE LOCAL COASTAL PROGRAM”

- e. Set the second reading of the Ordinance for the next regular meeting upon which notice can be provided.
- f. Adopt a Resolution directing staff to submit a major amendment to the City’s Land Use Plan and Implementation Plan of the Local Coastal Program to the California Coastal Commission.
- g. Adopt Addendum #2 to the Certified Environmental Impact Report (EIR-9-19-52130) for the Ventura Water Pure Program.

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.*

- 8. [City Charter Evaluation and Amendment Process](#) (Continued from September 11, 2023)

Staff: Andy Heglund, City Attorney

RECOMMENDATION

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

- 9. [General Plan Update Draft Land Use Designations and Preferred Land Use Map](#) (Continued from September 11, 2023)

Staff: Neda Zayer, Interim Community Development Director

RECOMMENDATION

Endorse the draft Land Use Designations and Preferred Land Use Map for the General Plan Update.

FORMAL ITEMS (CONTINUED)

10. POLICY CONSIDERATION - Thomas Fire Rebuild Overlay Zone

Introduced by: Doug Halter, Councilmember, District 2

RECOMMENDATION

- a. Staff provide the City Council with an update of the Thomas Fire Rebuild at the November 13, 2023, City Council meeting.
- b. Staff prepare a Resolution extending the Thomas Fire Rebuild Overlay Zone for consideration at the November 13, 2023, City Council meeting. The resolution should automatically extend the Thomas Fire Rebuild Overlay Zone until an updated Hillside Management Program is adopted by the City Council.
- c. Staff prepare and present the City Council a draft plan and budget to adopt an update Hillside Management Program before January 1, 2026. The draft plan and budget should be presented at the January 22, 2024, City Council meeting for potential consideration into the 2024/2025 City Council Goals.

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.

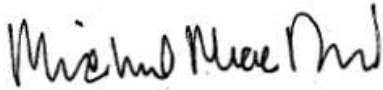
La traducción al español estará disponible en vivo. No es necesario solicitar la traducción al español anticipadamente.

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, September 18, 2023, at 5:45 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